

STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/16239 (TP514/2023)

Our File Reference Number: Erf 6232, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION IN TERMS OF SECTION 15(2)(b) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2023 FOR A DEPARTURE & THE ADMINISTRATORS CONSENT IN TERMS OF THE TITLE DEED CONDITION B (7), AS CONTAINED IN TITLE DEED NR T016520/2023 ON ERF 6232, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 **Administrator's consent** to relax the restrictive title deed condition, Clause B(7), as contained in Title Deed **T016520/2023** (attached as **Annexure C**), to relax the restrictive title deed building lines, of the street and the common building lines from 6.1m to 4.5m and from 3.5m to 2m (adjacent to Erf 6233) respectively for the proposed additions in the form of an outbuilding which entails a single garage as well a guest bedroom, on Erf 6232, Onder-papegaaiberg, Stellenbosch. **Annexure C. BE GRANTED.**
 - 2.2 That the application in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning Bylaw 2023, for a departure relax the common building line from 2.5m to 2m (adjacent to Erf 6233) for the proposed additions in the form of an outbuilding that entails a single garage as well as a guest bedroom on Erf 6232, Onder-papegaaiberg, Stellenbosch.

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

- 2.3 The approval is subject to the following conditions imposed in terms of Section 66 of said Bylaw:

2.3.1 The approval only applies to the administrators consent and departure under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws Regulations that may be applicable.

2.3.2 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.

2.3.3 The approval granted shall not be contradictory to any other legislation which has a bearing on the use of the property and that should any other legislation be applicable and be more restrictive then the most restrictive conditions will apply.

2.3.4 Building plans must be generally in accordance with the site plan and floor layout plan as referenced as indicated in Drawing No. 01374-de korte-stb6232-20230626, Drawn by Exact Plan Architectural Draughting, Dated 2023-06-30, See **Annexure C**.

2.4 The reasons for the above decision are as follows:

2.4.1 The proposed are intended for residential purposes, which is in line with the existing use of the property and the additions will have no detrimental impact on any neighbouring property.

3. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

4. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:

4.1 The personal particulars of the Appellant, including:

- a) First names and surname
- b) ID number
- c) Company of Legal person's name (if applicable)
- d) Physical Address
- e) Contact details, including a Cell number and E-Mail address

5. Reference to this correspondence and the relevant property details on which the appeal is submitted.

5.1 The grounds of the appeal which may include the following grounds:

- a) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
- b) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.

5.2 Whether the appeal is lodged against the whole decision or a part of the decision.

5.3 If the appeal is lodged against a part of the decision, a description of the part.

5.4 If the appeal is lodged against a condition of approval, a description of the condition.

5.5 The factual or legal findings that the appellant relies on.

5.6 The relief sought by the appellant.

5.7 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.

5.8 That the appeal includes the following declaration by the Appellant:

- a) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
- b) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.

6. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of e-mail at the following address: landuse.appeals@stellenbosch.gov.za

7. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.

8. The approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at landuse.appeals@stellenbosch.gov.za

9. An applicant who lodges an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:

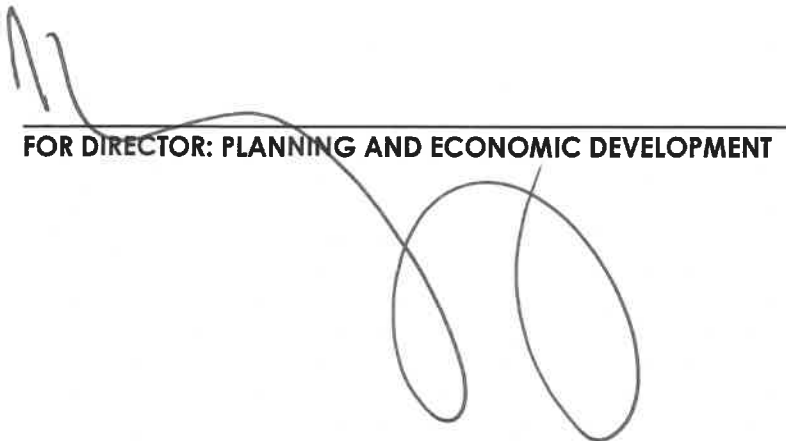
- (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
- (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.

- (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
- (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.

10. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

11. Kindly note the above decision in the case of any approval, is suspended, and may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully



A handwritten signature in black ink, consisting of a series of loops and curves, is written over a horizontal line. Below the line, the text "FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT" is printed in a bold, sans-serif font.

28/2/2024.
DATE

285

Jooste Heswick Incorporated
12 Papegaaï Street
Stellenbosch
7600

Prepared by me

CONVEYANCER

MICHELLE LEATITIA HESWICK (86350)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 3 200 000,00	R. 2 014,00
Reason for exemption	Category Exemption.....	Exemption i.o. Sec/Reg..... Act/Proc.....

DATA / CAPTURE
15-05-2023
ATHI DAMOYI

T000016520 / 2023

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

JACOBUS PETRUS VAN ZYL (79800)

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him/her by

KRISTOFF SMIT
Identity Number 800718 5017 08 1
Unmarried

which said Power of Attorney was signed at STELLENBOSCH on 20 MARCH 2023

DATA / VERIFY
15-05-2023
VUYELWA LAMANI
Lexis® Convey 18.2.7.7

And the appearer declared that his/her said principal had, on 16 February 2023, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

EQUITY EDGE PROPERTIES PROPRIETARY LIMITED
Registration Number 2023/587588/07

or its Successors in Title or assigns, in full and free property

ERF 6232 STELLENBOSCH
IN THE STELLENBOSCH MUNICIPALITY
DIVISION STELLENBOSCH
PROVINCE OF THE WESTERN CAPE

IN EXTENT 892 (EIGHT HUNDRED AND NINETY TWO) Square metres

FIRST TRANSFERRED by Deed of Transfer Number T33140/1977 with General Plan Number TP 9288 relating thereto and held by Deed of Transfer Number T14874/2021 and T1841/2023.

- A. **SUBJECT to the conditions contained in Deed of Transfer Number T2740/1914.**
- B. **SUBJECT FURTHER to the following conditions contained in Deed of Transfer Number T33140/1977, imposed by the Administrator of the Cape of Good Hope by virtue of Ordinance Number 33 of 1934, when approving the establishment of Onder-Papegaaiberg Township Extension Number 2, namely:**
1. **Any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them by the regulations published under Provincial Notice No. 623 dated 14th August 1970.**
 2. **In the event of a Town Planning Scheme or any portion thereof applying or being made applicable to this erf, any provisions thereof which are more restrictive than any conditions of title applicable to this erf shall take precedence. Furthermore, nothing in these conditions shall be construed as overriding the provisions of Section 146 of Ordinance No 15 of 1952, as amended.**
 3. **No building on this erf shall be used or converted to use for any purpose other than permitted in terms of these conditions.**
 4. **The owner of this erf shall without compensation, be obliged to allow electricity, telephone and television cables and/or wires and main and/or other water pipes and the sewage and drainage, including stormwater of any other erf or erven inside or outside this township to be conveyed across this erf, if deemed necessary by the local authority or any other statutory authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.**

5. The owner of this erf shall be obligated, without compensation, to receive the material or permit excavation of the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the Local Authority.
6. This erf shall be used solely for the purpose of erecting thereon one dwelling or other building for such purpose as the Administrator may from time to time after reference to the Township Board and the Local Authority, approve, provide and if the erf is included within the area of a Town Planning Scheme, the Local Authority may permit such other buildings as are permitted by the Scheme subject to the conditions and restrictions stipulated by the scheme.
7. No buildings or structure or any portion thereof, except boundary walls and fences shall except with the consent of the Administrator, be erected nearer than 6,1 metres to the street line which forms a boundary with this erf, nor within 3,5 metres of the lateral boundary common to any adjoining erf.
8. On consolidation of this erf or any portion thereof with any abutting erf which is subject to the same conditions as herein set forth these conditions shall apply to the consolidated holding as if it was one erf.
9. In the event of this erf being subdivided each subdivided portion, other than any proportion deducted for road or similar purposes, shall be subject to the conditions herein set forth as it were the original erf.

WHEREFORE the said Appearer, renouncing all rights and title which the said
KRISTOFF SMIT, Unmarried

heretofore had to the premises, did in consequence also acknowledge him to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

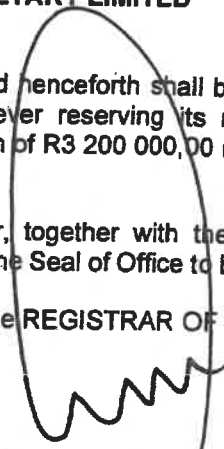
EQUITY EDGE PROPERTIES PROPRIETARY LIMITED
Registration Number 2023/587588/07

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R3 200 000,00 (THREE MILLION TWO HUNDRED THOUSAND RAND).

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on

03 MAY 2023



a/q.

In my presence



REGISTRAR OF DEEDS

LOCAL AUTHORITY APPROVAL:

APPROVAL:
 architect
 draughtsperson
 draftsman

SPECIFICATIONS:

GENERAL NOTES:
 1. All work shall be in accordance with the current / latest editions of the relevant standards and codes of practice.
 2. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.
 3. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.
 4. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.

CONCRETE:

1. All concrete shall be cast in accordance with the relevant standards and codes of practice.
 2. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.

ROOFING:

1. All roofing shall be installed in accordance with the relevant standards and codes of practice.
 2. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.

PAINTS:

1. All paints shall be applied in accordance with the relevant standards and codes of practice.
 2. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.

GLAZING:

1. All glazing shall be installed in accordance with the relevant standards and codes of practice.
 2. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.

MECHANICAL:

1. All mechanical work shall be installed in accordance with the relevant standards and codes of practice.
 2. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.

ELECTRICAL:

1. All electrical work shall be installed in accordance with the relevant standards and codes of practice.
 2. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.

PLUMBING:

1. All plumbing work shall be installed in accordance with the relevant standards and codes of practice.
 2. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.

HEATING:

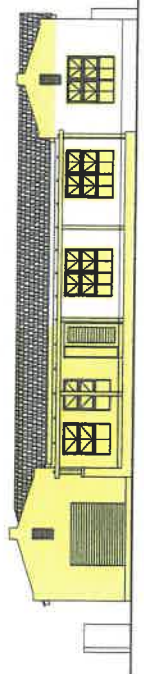
1. All heating work shall be installed in accordance with the relevant standards and codes of practice.
 2. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.

CARPENTRY:

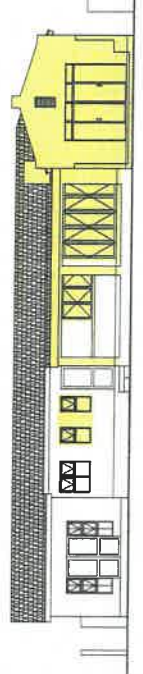
1. All carpentry work shall be installed in accordance with the relevant standards and codes of practice.
 2. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.

LANDSCAPE:

1. All landscape work shall be installed in accordance with the relevant standards and codes of practice.
 2. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.



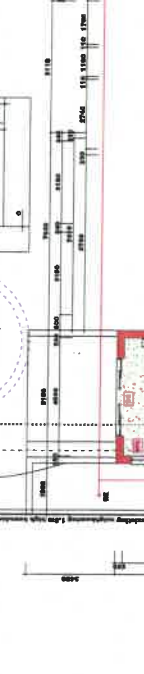
NORTH WEST ELEVATION
 SCALE 1:100



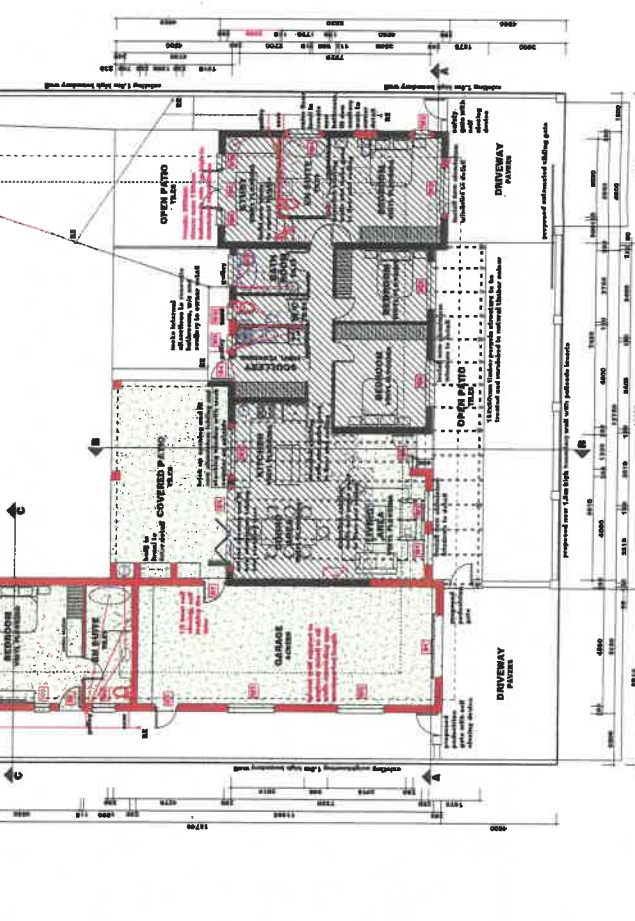
SOUTH WEST ELEVATION
 SCALE 1:100



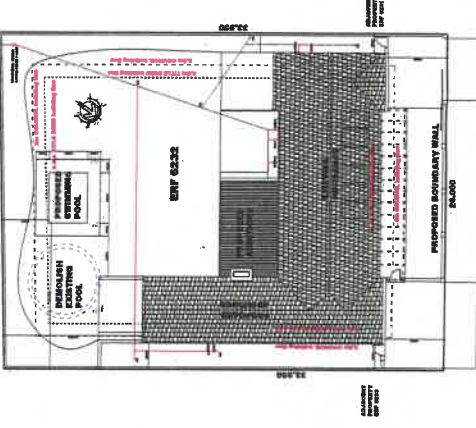
SOUTH EAST ELEVATION
 SCALE 1:100



NORTH EAST ELEVATION
 SCALE 1:100



FLOOR PLAN
 SCALE 1:100



SITE PLAN
 SCALE 1:200

PARAMETERS:

EXISTING TOTAL	144.00m ²
PROPOSED TOTAL	124.00m ²
NET TOTAL	144.00m ²
TOTAL AREA	144.00m ²
TOTAL FOOTPRINT	144.00m ²
SPR AREA	144.00m ²
COVERAGES ALL AREAS	144.00m ²
COVERAGES ACTUAL	144.00m ²

PLEASE NOTE:
 THESE ARE APPROXIMATE DIMENSIONS ONLY AND MAY NOT BE USED IN ANY PROCEEDINGS WITHOUT THE SIGNATURE OF THE ARCHITECT/ENGINEER. THE CONTRACTOR IS TO OBTAIN AND SUPPLY ALL DIMENSIONS AND LEVELS FROM THE SETTING OUT OF ANY SUBSEQUENT WORK.

HOUSE DE KORTE

CLIENT: MR R DE KORTE
PROPERTY: ERF 6232 STELLENBOSCH
ADDRESS: 45 ALSTERWALDE ROAD STELLENBOSCH
DRAWING: COUNCIL SUBMISSION

REVISIONS:

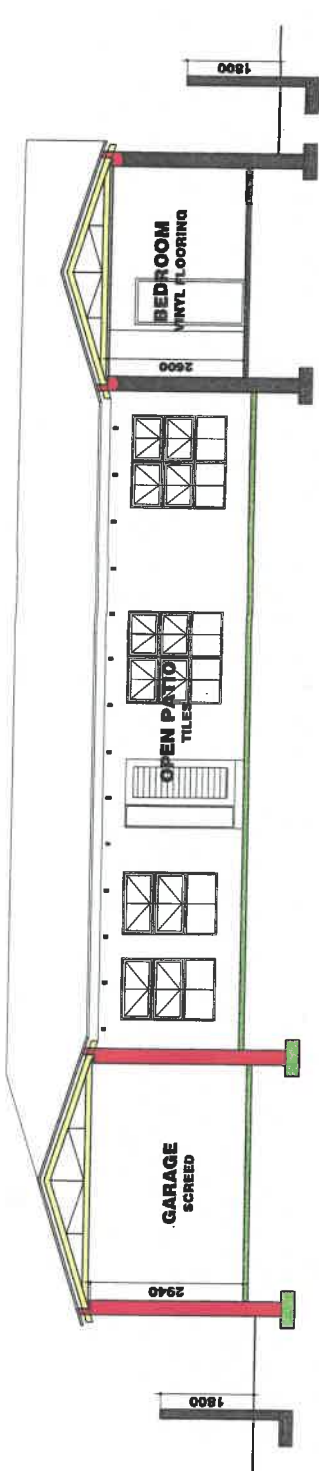
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B	change done	person
C	change done	person
D	change done	person

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SCALE: as shown
PAGE: 1 of 2
DATE: 2022-04-30



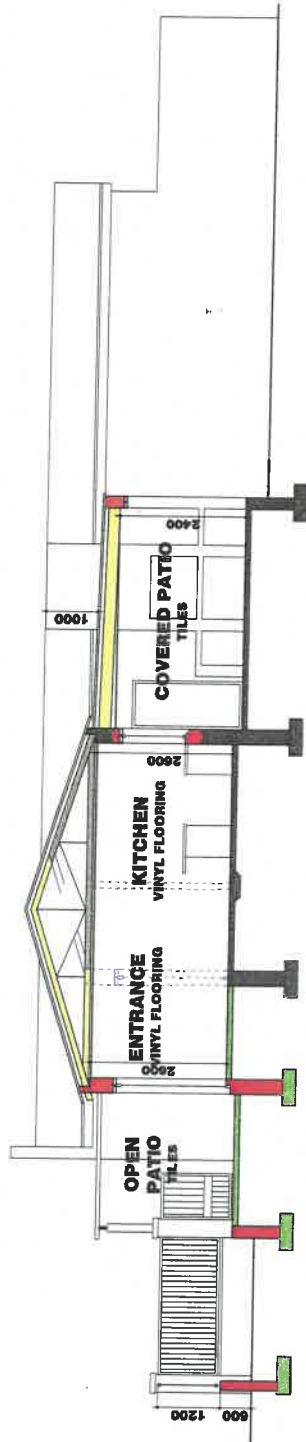
APPROVAL:

checked
date:
draughtsperson:
date:



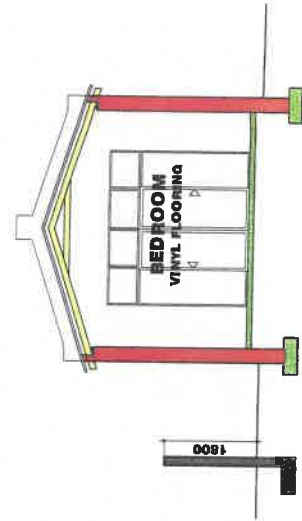
SECTION A-A

SCALE 1:150



SECTION B-B

SCALE 1:150



SECTION C-C

SCALE 1:150

PARAMETERS:

EXISTING: 134.00m²
TOTAL: 1258.00m²

PROPOSED: 134.00m²
TOTAL: 1392.00m²

TOTAL AREA TO BUILT FOOTPRINT: 1392.00m²

STAIRS: 152.00m²

STORAGE: 87.00m²

RELOOM: 82.00m²

COVERABLE ALLOWED: 34.30m²

COVERABLE ACTUAL: 34.30m²

THESE NOTES:
THESE DIMENSIONS, REQUIREMENTS ONLY AND MAY NOT BE USED AS CONSTRUCTION DIMENSIONS.
THESE DIMENSIONS ARE TO BE USED FOR THE CONSTRUCTION OF THE PROPOSED STRUCTURE AND NOT FOR THE CONSTRUCTION OF THE EXISTING STRUCTURE.
ATTENTION MUST BE GIVEN TO THE DIMENSIONS AND LEVELS SPECIFIED IN THE DRAWINGS AND TO THE DIMENSIONS AND LEVELS SPECIFIED IN THE CONDITIONS OF SALE DOCUMENTS.

HOUSE DE KORTE

CLIENT: MR H DE KORTE

PROPERTY: ERF 6222 STELLENBOSCH

ADDRESS: 12 KLERVALLE ROAD STELLENBOSCH

DRAWING: COUNCIL SUBMISSION

REVISIONS:

	date	person
A	change done	person
B	change done	person
C	change done	person
D	change done	person

DRAWING NUMBER:

013174-06-1406-140333-00220205

SCALE: as shown

PAGE: 2 of 2

DATE: 2023-05-30

E, ACT PLAN



