



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13360

Our File Reference Number: Erf 6242, 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

APPLICATION FOR ADMINISTRATOR'S PERMISSION IN TERMS OF THE TITLE DEED CONDITION: ERF 6242, FISANT STREET, ONDERPAPEGAAIBERG, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:

2.1 The Administrator's consent required in terms of the restrictive title deed condition(s) contained in Title Deed No. T. 10919/2021, Clause B.7. in order to exceed the title deed side and rear building line from 3,5m to 2,5m (adjacent to Erf 6241 & 6237) in order to accommodate the proposed bedroom extension and new dressing room on Erf 6242, Stellenbosch as indicated on drawing no.100, dated 27 August 2021

BE GRANTED

2.2 The approval is subject to the following conditions:

- 2.2.1 The approval only applies to the application 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 or Regulations that may be applicable.
- 2.2.2 The development must be undertaken generally in accordance with the site plan as referenced (drawing no.100 dated 27 August 2021) and attached as Annexure B.

2.2.3 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.

2.2.4 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.

2.2.5 Building plans must be generally in accordance with the site plan / floor layout plan as referenced (drawing no.100 dated 27 August 2021) and attached as **Annexure B**.

2.3 The reasons for the above decision are as follows:

2.3.1 The proposal is in line with the existing land use of the property and will not have a negative impact on the character of the surrounding area.

2.3.2 The proposal is in line with the prescriptions of the Stellenbosch Municipality Zoning Scheme By-Law, 2019.

3. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, 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:

(a) The personal particulars of the Appellant, including:

- (I) First names and surname;
- (II) ID number;
- (III) Company of Legal person's name (if applicable)
- (IV) Physical Address;
- (V) Contact details, including a Cell number and E-Mail address;

(b) Reference to this correspondence and the relevant property details on which the appeal is submitted.

- (c) The grounds of the appeal which may include the following grounds:
 - (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
 - (ii) 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.
- (d) whether the appeal is lodged against the whole decision or a part of the decision;
- (e) if the appeal is lodged against a part of the decision, a description of the part;
- (f) if the appeal is lodged against a condition of approval, a description of the condition;
- (g) the factual or legal findings that the appellant relies on;
- (h) the relief sought by the appellant; and
- (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;
- (j) That the appeal includes the following declaration by the Appellant:
 - (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
 - (ii) 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.

5. 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

6. 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.

7. The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).
8. An applicant who lodge 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.
9. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
10. Kindly note the above decision is suspended, and in the case of any approval, 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


FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

18/2/2022.
DATE:



STELLENBOSCH

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ANNEXURE B

**(ADMINISTRATOR'S PERMISSION TO RELAX THE RESTRICTIVE TITLE DEED CONDITION ON
ERF 6242, STELLENBOSCH)**

SITE & FLOOR PLAN

GENERAL NOTES

ALL WORK TO COMPLY WITH MUNICIPAL REGULATIONS AND ORDINANCES TO BE THOUGH AND PREPARED TO SCALE AND DRAWING.

ALL RELEVANT DETAILS, LEVELS, DIMENSIONS TO BE PROVIDED ON DRAWING TO BE CHECKED OUT TO ARCHITECT IMMEDIATELY.

ALUMINUM

RAINWATER GOODS

ALUMINUM GUTTERS TO ALL NEW ROOFS WHERE SPECIFIED BY ARCHITECT.

NOTE:

1. Contractor will be responsible to check all levels and dimensions to be reported to the Architect immediately.

2. Prepared elevations to be shown in perspective to match drawings.

3. All work to be done in accordance with the building codes and regulations of the Municipality of Matigahai and Local Authorities concerned. To be advised.

4. All glass shall be safety glass.

5. All glass shall be fixed from the inside of the glass.

6. All window frames shall be made of aluminium.

7. All window frames shall be made of aluminium.

PROPOSED

EXTENSIONS TO EXISTING DWELLING HOUSE

ERF 6242 FISANT STR.

ONDER PAPEGAANBERG

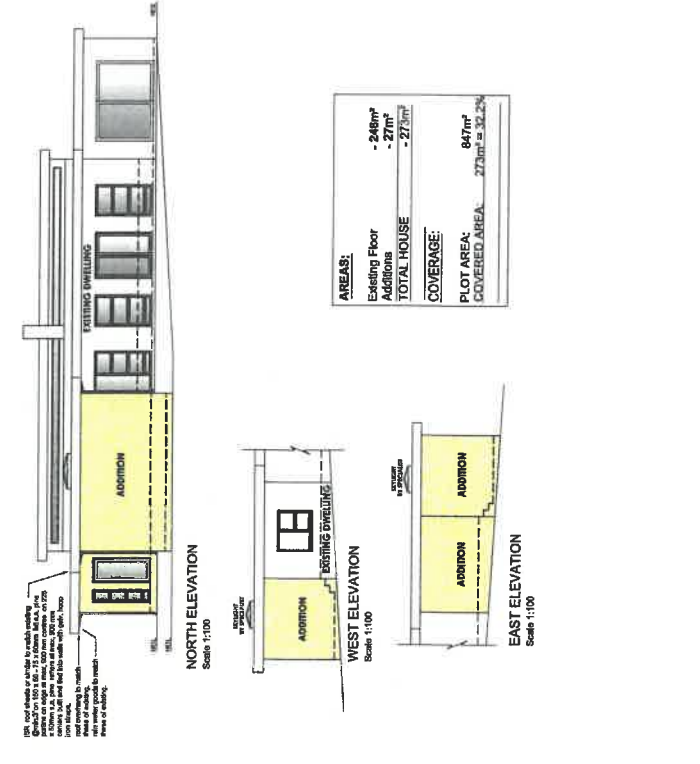
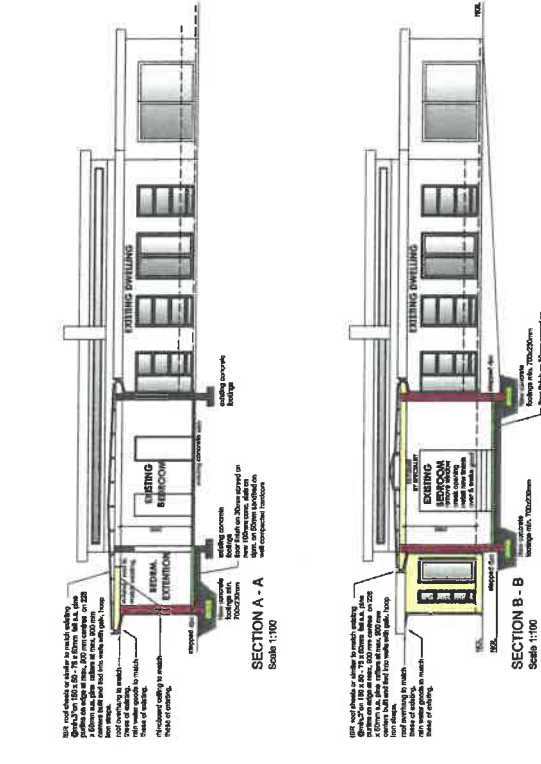
HOUSE JAFTA & ELMORICH

RDC Designs cc
Architectural Technologist

FLOOR PLANS

FOR COUNCIL APPROVAL

PROJECT No.	AP 1321	SCALE	1:100
DATE	27/08/2021		
RDC No.	00		RDC



SITE & FLOOR PLAN
1:100



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ANNEXURE C

**(ADMINISTRATOR'S PERMISSION TO RELAX THE RESTRICTIVE TITLE DEED CONDITION ON
ERF 6242, STELLENBOSCH)**

COPY OF TITLE DEED

200

Hartzenberg-Mabeya Attorneys
11 Pollsmoor Road
Kirstenhof
7945

Prepared by me

CONVEYANCER
ALIDA PETRONELLA HARTZENBERG
LPCM 90834

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R 172 000	R 1720
Reason for exemption	Category Exemption	Exemption (i.e. Sec/Reg Act/Prot)

DATA / VERIFY
15 06 2021
NOLUJC MATIYAMBA

T 00001:919 021

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

ALIDA PETRONELLA HARTZENBERG LPCM 90834

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

JONATHAN NEAVE MILLS

Married out of Community of Property

which said Power of Attorney was signed at STELLENBOSCH on 11th February 2021

And the appearer declared that his/her said principal had, on 4 February 2021, 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:

RACHEL CATHARINA CORNELIA JAFTA

Unmarried

her Heirs, Executors, Administrators or Assigns, in full and free property

ERF 6242 STELLENBOSCH
SITUATE IN THE STELLENBOSCH MUNICIPALITY AREA,
REGISTRATION DIVISION OF STELLENBOSCH RD,
PROVINCE OF WESTERN CAPE

IN EXTENT 845 (EIGHT HUNDRED AND FORTY FIVE) Square metres

FIRST TRANSFERRED by Deed of Transfer Number T 39635/1975 with
General Plan No.TP 9288 relating thereto and held by Deed of Transfer
Number T12014/1997

SUBJECT

- A. To the conditions referred to in Deed of Transfer No. T 2740/1914
- B. To the following conditions contained in said Deed of Transfer No T 39635/1975 imposed by the Administrator of the Cape of Good Hope when approving of the establishment of Onder-Papegaaiberg Township Extension No 2, namely
 1. Any words or 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 14 August 1970.

ant

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 waterpipes 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 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 obliged, without compensation, to receive such material or permit such excavation on the erf as may be required to allow use of the full width of the street and provide a safe and proper slope of its bank owing to the 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 buildings for such purposes as the Administrator may, from time to time after reference to the Townships Board and the local authority, approve, provided that 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 building 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 (six comma one) metres to the street line which forms a boundary of this erf, nor within 3,5 (three comma five) metres of the rear or 3,5 (three comma five) metres of the lateral boundary common to any adjoining erf

AWA

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 portion deducted for road or similar purposes, shall be subject to the conditions herein set forth as if it were the original erf.

WHEREFORE the said Appearer, renouncing all rights and title which the said

JONATHAN NEAVE MILLS, married as aforesaid

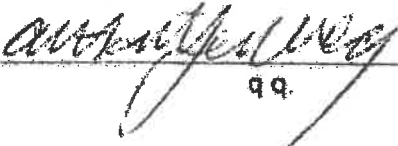
heretofore had to the premises, did in consequence also acknowledge him to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

RACHEL CATHARINA CORNELIA JAFTA, Unmarried

her Heirs, Executors, Administrators 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 R2 950 000,00 (TWO MILLION NINE HUNDRED AND FIFTY 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 14th APRIL 2021



R.R.

In my presence



REGISTRAR OF DEEDS

