



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/12073

Our File Reference Number: Erven 6572 & 13831, Stellenbosch

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSOLIDATION: ERVEN 6572 AND 13831, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October Erven 6575 and 13831, Stellenbosch, namely:
 - 2.1.1 **Removal of restrictive title deed conditions** in terms of Section 15(2)(f) of the said Bylaw of Clause 2 (1-4) as contained in Deed of Transfer No. T20025/2020 pertaining to Erf 6572 and Clause 2A (1-4) as contained in the Deed of Transfer No. T39312/2013 pertaining to Erf 13831, Stellenbosch. The restrictions to be removed read as follows:

Paragraph 2: Subject further to the following special conditions contained in Deed of Transfer Number T99827/1999 imposed for the benefit of the owners of the above mentioned immovable property and for premises J S transferred to JJ Strasheim on 13 January 1933 Number 63 and for all the subdivisions of premises 255 to 265 which is located immediately to the east of the said premises J S the said conditions are imposed due to a servitude endorsement dated 13 January 1933 on the said Deed of Transfer Number 5171 dated 5 June 1918, namely:

Paragraph 2(1) "...Dat alleenlik een woonhuis op gesegde perseel opgerig word wat 'n enkel en nie semi-detached woonhuis sal wees nie en ten minste 9,45m van die aanliggende straat";

Paragraph 2(2) "...Dat geen woonhuis op gesegde perseel gebou sal word van minder waarde dan die perseel onder verdeel nie";

Paragraph 2(3) "...Dat die transportontvanger en sy opvolgers in titel nie die reg sal hê om die gesegde perseel onder te verdeel nie";

Paragraph 2(4) "...Dat geen varke op die grond gehou mag word nie".

2.1.2 **Consolidation** in terms of Section 15(2)(e) of the said bylaw of Erf 6572 and Erf 13831, Stellenbosch to form a land unit of $\pm 1\ 838\text{m}^2$ in extent.

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

3. **Conditions of approval:**

- 3.1 The approval only applies to the consolidation and removal of restrictive title deed conditions under consideration, as indicated on the consolidation diagram attached as **ANNEXURE C** 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.
- 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.
- 3.3 The Surveyor General approved diagrams of the newly created unit must be submitted to this Local Authority (Stellenbosch Municipality) for clearance and record purposes.
- 3.4 The conditions imposed by the **Director: Engineering Services** as contained in their memo dated 10 August 2021, as stipulated below, be complied with (see **ANNEXURE H**)
 - (a) Water
 - i) The new consolidated erf must only have one (1) water connection.
 - (b) Sewer Connection
 - i) The new consolidated erf must only have one (1) sewer connection.

(c) Solid Waste

- i) *Solid waste must be removed from the site to a lawful solid waste disposal site in accordance with the requirements of section 26 of the National Environmental Management Waste Act 2008 (Act 59 of 2008).*

(d) Clearance Certificates

- i) *The Municipality reserves the right to withhold any clearance certificates until such time as the applicant has complied with the above-mentioned conditions.*

(e) Municipal Infrastructure (Civil Engineering Services)

- i) *Any changes to existing municipal infrastructure due to this application will be for the account of the owner.*

3.5 The conditions imposed by the **Manager: Electrical Services** as contained in their memo dated 04 August 2021, as stipulated below, be complied with (see **ANNEXURE G**).

- a) *The new consolidated erf must only have one supply point and second point need to be decommissioned.*
- b) *Appropriate caution shall be taken during construction to prevent damage to existing service cables and electrical equipment in the vicinity. Should damage occur, the applicant will be liable for the cost involved repairing damages.*
- c) *If the current electricity supply is not adequate an application for an increase in electricity supply must be submitted to Stellenbosch Municipality: Electrical Engineering Services.*

3.6 The applicant, after publication of a notice in the Provincial Gazette to apply to the Registrar of Deeds to make appropriate entries in, and endorsements on, any relevant register or title deed to reflect the removal, suspension or amendment of the restrictive conditions.

4. **The reasons for the above decision are as follows:**

4.1 The proposed consolidation will not give the owner any additional land use rights.

4.2 The proposal will not have any negative impact on the rights currently enjoyed by the owners and surrounding property owners.

4.3 The proposal will not have a negative impact on the surrounding properties as it is in keeping with the character of the area.

4.4 The proposed removal of the restrictive title condition applicable to the abovementioned property is supported as it will not have a negative impact on the residential character of the area.

5. 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.

6. 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.

7. 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
8. 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.
9. 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>).
10. 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.

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

12. 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

26/7/2022

DATE:

ANNEXURE B

**APPLICATION FOR THE REMOVAL OF THE
RESTRICTIVE TITLE DEED CONDITIONS AND
CONSOLIDATION: ERVEN 6572 AND 13831,
STELLENBOSCH**

COPY OF TITLE DEED

329

CTN 1107
LUCILLE GELDENHUYS ATTORNEYS,
NOTARIES AND CONVEYANCERS
1 ST FLOOR, MERLOT HOUSE
BRANDWACHT OFFICE PARK
TRUMALI STREET, STELLENBOSCH, 7600
TEL NO: 021 887 9149

Prepared by me


CONVEYANCER
LUCILLE GELDENHUYS

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 7 300 000,00	R. 244 2,00
Reason for exemption	Category Exemption.....	Exemption: i t o. Sec/Reg..... Act/Proc.....

DATA / CAPTURE
17-09-2020
LITHA VUYO MADAMA

T 000020025 / 2020

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

LYNNE BOTHA

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

WESSEL JOHANNES PIENAAR
Identity Number 500709 5019 08 9
and
HESTER ISABEL PIENAAR
Identity Number 530408 0093 08 2
Married in community of property to each other

DATA / VERIFY
23-09-2020
NOLUVOMTYATYAMBA

which said Power of Attorney was signed at STELLENBOSCH on 12 JUNE 2020

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

WESSEL JOHANNES PIENAAR and HESTER ISABEL PIENAAR, Married as aforesaid

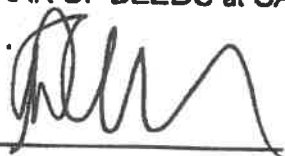
heretofore had to the premises, did in consequence also acknowledge them to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

HENDRIK ALBERTUS JACOBUS LOURENS, Married as aforesaid

his 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 R7 300 000,00 (SEVEN MILLION THREE 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

17 August 2020. 

q.q.

In my presence



REGISTRAR OF DEEDS

329

CTN 1107
LUCILLE GELDENHUYS ATTORNEYS,
NOTARIES AND CONVEYANCERS
1ST FLOOR, MERLOT HOUSE
BRANDWACHT OFFICE PARK
TRUMALI STREET, STELLENBOSCH, 7600
TEL NO: 021 887 9149

Prepared by me


CONVEYANCER
LUCILLE GELDENHUYS

POWER OF ATTORNEY TO PASS TRANSFER

We, the undersigned

WESSEL JOHANNES PIENAAR
Identity Number 500709 5019 089
and
HESTER ISABEL PIENAAR
Identity Number 530408 0093 082
Married in community of property to each other

do hereby nominate and appoint LYNNE BOTHA and/or HELENE MEYER and/or
LUCILLE GELDENHUYS and/or ARNO WATSON

with power of substitution to be our true and lawful Attorney and Agent in our name,
place and stead to appear at the Office of the REGISTRAR OF DEEDS at CAPE
TOWN or any other competent official in the Republic of South Africa and then and
there to act as our Attorney and Agent and to pass transfer to:

HENDRIK ALBERTUS JACOBUS LOURENS
Identity Number 660107 5026 087
Married out of community of property

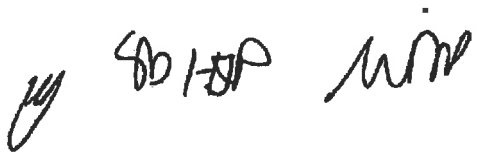
the property described as:

**REMAINDER ERF 6572 STELLENBOSCH
IN DIE MUNICIPALITY AND DIVISION STELLENBOSCH
PROVINCE OF THE WESTERN CAPE**

IN EXTENT 918 (NINE HUNDRED AND EIGHTEEN) Square metres

HELD BY Deed of Transfer Number T66659/2008

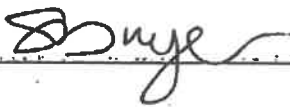
the said property having been sold by us on 9 June 2020, to the said transferee/s
for the sum of R7 300 000,00 (Seven Million Three Hundred Thousand Rand);





and further cede and transfer the said property in full and free property to the said Transferee; to renounce all right, title and interest which the Transferor here tofore had in and to the said property, and generally, for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, to all intents and purposes, as the Transferor might or could do, if personally present and acting therein; hereby ratifying, allowing and confirming all and whatsoever the said Agents shall lawfully do or cause to be done in the premises by virtue of these presents.

Signed at STELLENBOSCH on 12 June 2020
in the presence of the undersigned witnesses.

AS WITNESSES:

1. 


WESSEL JOHANNES PIENAAR

2. 


HESTER ISABEL PIENAAR

130

WEAVIND & WEAVIND
POSBUS 34
PRETORIA

Opgestel deur my

Repossessionment		
Purchase price / value	Amount	Office fee
R. 1 000 000.00	R. 1500.00	
Mortgage capital: Amount		R. 0.00
Reason for exemption		Exempt i.e. 0

TRANSPORTBESORGER
YOLANDA MVIERS

VERBIND MORTGAGED
VIR FOR R. 1 000 000.00

000027767/2013

2013-10-17

REGISTRATEUR/REGISTRAR

DATA VERIF TY
23 AUG 2013
TAL JAARD DEBRA

000039312 / 2013

TRANSPORTAKTE

HIERBY WORD BEKEND GEMAAK DAT

DATA / CAPTURE
20 AUG 2013
CAN. TLWENDY

MELANIE SARA LEWIS

voor my verskyn het, REGISTRATEUR VAN AKTES te Kaapstad, sy die genoemde komparant, synde behoorlik daartoe gemagtig deur 'n Volmag aan haar verleen deur

6 THIBAUT STREET STELLENBOSCH PROPERTY INVESTMENT CC
Registrasienommer 1997/002125/23

geteken te PRETORIA op: 24 Mei 2013

En genoemde Komparaat het verklaar dat haar prinsipaal, op 21 April 2013, wettlik en wettiglik verkoop by Privaat ooreenkoms, en dat sy, in haar voorgenoemde hoedanigheid hierby, sêdeer, en transporteer aan en ten gunste van

HENDRIK ALBERTUS JACOBUS LOURENS
Identiteitsnommer 660107 5026 087
Getroud buite gemeenskap van goed

sy Eienname, Eksekuteurs, Administrateurs of Regverkrygendes, in volkome en vrye eiendom

ERF 13831, STELLENBOSCH
IN DIE MUNISIPALITEIT EN AFDELING VAN STELLENBOSCH
PROVINSIE VAN DIE WES-KAAP

GROOT: 920 (NE GEHONDERD EN TWINTIG) Vierkante meter

AANVANKLIK OORGEDRA EN STEEDS GEHOÛK RAISTENS AKTE VAN
TRANSPORT T66152/2000 MET KAART L.G.NOMIMER 1898/2000 WAT
DAAROP BETREKKING HET

1. ONDERHEWIG aan die voorwaardes soos, vervat in Sertifikaat van Verenigde Titel Nommer T3488/1978
2. A. ONDERHEWIG VERDER aan die volgende Spesiale Voorwaardes soos vervat om Transportakte Nommer T99827/1999 neergelê vir die voordeel van die eienaars van die voorgenoemde vaste eiendom en vir perseel J S getranspoteer aan J.J Strassheim op 13 Januarie 1933 Nommer 63, en vir al die onderverdelings van persele 255 tot 265 wat geleë is onmiddellik ten ooste van gesegde perseel J S (die gemelde voorwaardes is opgelê ten gevolge van 'n servituut endossement gedateer 13 Januarie 1933 op gemelde transportakte Nommer 5171 gedateer 5 Junie 1918, naamlik:
 1. Dat alleenlik een woonhuis op gesegde perseel opgerig sal word wat 'n enkel en nie "semi-detacheid" woonhuis sal wees nie en ten minste 9,45 meter van die aanliggende straat
 2. Dat geen woonhuis op gesegde perseel gebou sal word van minder waarde dan die perseel onder verdeenies.
 3. Dat die transportontvanger en sy opvolgers in titel nie die reg sal hê nie om die gesegde perseel onder te verdeel nie.
 4. Dat geen varke op die grond gehou mag word nie.

WESHALWE die komp arantafstand doen van al die regte en titel wat

6 THIBAULT STREET STELLENBOSCH PROPERTY INVESTMENT CC
Registrasiënómmer 1997/002125/23

voorheen op genoemde eiendom gehad het, en gevolglik ook erken het dat dit geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie en dat, kragtens hierdie akte, bogenoemde

HENDRIK ALBERTUS JACOBUS LOURENS, Getroud soos vermeld

sy Erfname, Eksekuteurs, Administrateurs of Regverkrygendes, tans, en voortaan, daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat en ten slotte erken hy dat die verkoopprijs die bedrag van R4 500 000,00 (Vier Miljoen Vyf Honderd Duisend Rand) beloop.

TEN BEWYSE WAARVAN ek, genoemde Registrator, tesame met die Komparant, hierdie Akte onderteken en dit met die amps eerbekragtig het.

ALDUS GEDOEN EN VERLY op die Kantoor van die REGISTRATEUR VAN AKTES te Kaapstad op 12 Augustus 2013

In my teenwoordigheid.

REGISTRATEUR VAN AKTES

M. J. J. J.

99.

1

ANNEXURE C

**APPLICATION FOR THE REMOVAL OF THE
RESTRICTIVE TITLE DEED CONDITIONS AND
CONSOLIDATION: ERVEN 6572 AND 13831,
STELLENBOSCH**

CONSOLIDATION DIAGRAM

Components:

1. The figure ABfe represents Remainder Erf 6572 Stellenbosch, vide Diagram No. 713/1978, C.C.T. 1978- -3488
2. The figure efCD represents Erf 13831 Stellenbosch, vide Diagram No. 1898/2000, D/T 2000- -66150

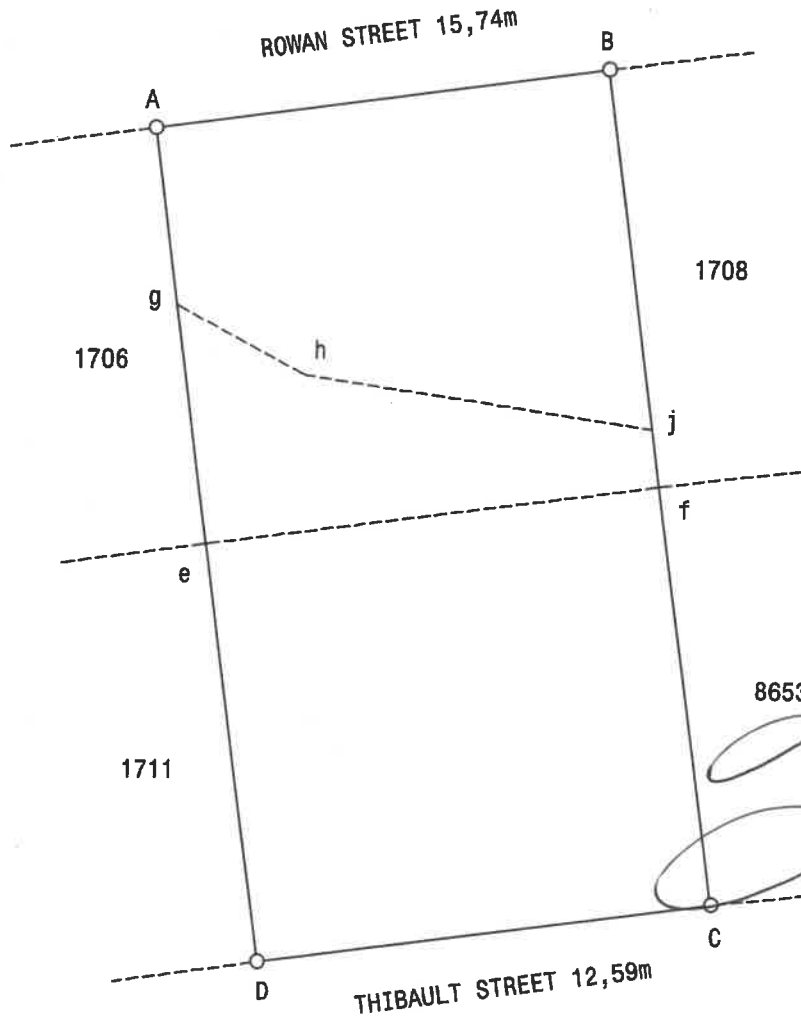
S.G. No.

Approved.

for

Surveyor - General

Date :



STELLENBOSCH MUNICIPALITY

THIS SUBDIVISION / CONSOLIDATION HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE CONDITIONS AS PER ATTACHED LETTER DATED

AUTHORISED EMPLOYEE/MP/PT

21/7/2022

SCALE 1 : 500

The figure ABCD represents 1838 square metres of land, being

ERF 17673 STELLENBOSCH and comprises 1. and 2. as above

Situate in the Stellenbosch Municipality
 Administrative District of Stellenbosch
 Compiled in July 2022
 by me

Province of Western Cape

D Burger

PLS 0080 D P Burger Pr Land Surveyor

This diagram is annexed to No.
 Dated
 i.f.o.

The original diagrams are as quoted above

File No.
 S.R. No. Compiled
 Comp. BHSZ-1461 (M2775)

Registrar of Deeds

LPI C0670022

Erf 17673 Stellenbosch

ANNEXURE H

**APPLICATION FOR THE REMOVAL OF THE
RESTRICTIVE TITLE DEED CONDITIONS AND
CONSOLIDATION: ERVEN 6572 AND 13831,
STELLENBOSCH**

**COMMENT FROM THE
DIRECTOR: ENGINEERING
SERVICES**



STELLENBOSCH MUNICIPALITY

STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INGENIEURSDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag N Petersen
From ▫ Van: Colin Taylor (Development)
Date ▫ Datum: 10/08/2021
Our Ref ▫ Ons Verw: Civil Lu 2105
Your Ref: LU/12073
Re ▫ Insake: Erven 6572 & 13831 Stellenbosch: Consolidation and Removal of restrictive title deed conditions

The application is for the following items:

- i. Consolidation (section 15(2)(e)) of Erf 6572 and Erf 13831, Stellenbosch to form a land unit of $\pm 1\ 838\text{m}^2$ in extent.
- ii. Removal of restrictive title deed conditions (section 15(2)(f)) Clause 2 (1-4) as contained in Deed of Transfer No. T20025/202 pertaining to Erf 6572 and Clause 2A (1-4) as contained in the Deed of Transfer No. T39312/2013 pertaining to Erf 13831, Stellenbosch. The conditions read as follows:

The application is recommended for approval, **subject to the following conditions:**

- 1. Water**
 - 1.1 The new consolidated erf must only have one (1) water connection.
- 2. Sewer Connections**
 - 2.1 The new consolidated erf must only have one (1) sewer connection.
- 3. Solid Waste**
 - 3.1 Please note: Solid waste must be removed from the site to a lawful solid waste disposal site in accordance with the requirements of section 26 of the National Environmental Management Waste Act 2008 (Act 59 of 2008).
- 4. Clearance Certificates**
 - 4.1 The Municipality reserves the right to withhold any clearance certificates until such time as the applicant has complied with the above-mentioned conditions.
- 5. Municipal Infrastructure (Civil Engineering Services)**
 - 5.1 Any changes to existing municipal infrastructure due to this application will be for the account of the owner.

6. Electrical Engineering

6.1 Refer to Annexure: Electrical



COLIN TAYLOR PR TECH ENG

PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

V:\2.0 DEVELOPMENT\00 Developments\2105 (CT) Erf 6572 Stellenbosch (LU-12073)\Application\2105 - Erf 6572 Stellenbosch (Consolidation).doc

ANNEXURE G

**APPLICATION FOR THE REMOVAL OF THE
RESTRICTIVE TITLE DEED CONDITIONS AND
CONSOLIDATION: ERVEN 6572 AND 13831,
STELLENBOSCH**

**COMMENT FROM THE
MANAGER: ELECTRICAL
SERVICES**

Erf 6572 Stellenbosch (LU-12073).

1. No Objection

CONDITIONS:

2. New consolidated erf must only have one supply point and second point need to be decommissioned.
3. Appropriate caution shall be taken during construction, to prevent damage to existing service cables and electrical equipment in the vicinity. Should damage occur, the applicant will be liable for the cost involved repairing damages?
4. If the current electricity supply is not adequate, an application for an increase in electricity supply must be submitted to Stellenbosch Municipality: Electrical Engineering Services.

Bradley Williams

Date.....4/08/2021.....

Signature 