



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14816 (TP145/2022)

Our File Reference Number: Erf 847, 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 SECTIONS 15(2)(B) AND 15(2)(F) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW, 2015 FOR PERMANENT DEPARTURES AND REMOVAL OF RESTRICTIVE TITLE DEED CONDITION ON ERF 847, 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 applications in terms of Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated October 2015, on Erf 847, Stellenbosch, namely:
 - 2.1.1 Permanent departure in terms of Section 15(2)(b) of the said By-Law to allow a street building line on Koch Street of 1.2m in lieu of 4.5m to accommodate the proposed extension to the existing building;
 - 2.1.2 Permanent departure in terms of Section 15(2)(b) to allow for a street building line on Suidwal Street of 0m in lieu of 4.5m to accommodate the proposed roofed pedestrian entrance;
 - 2.1.3 Permanent departure in terms of Section 15(2)(b) to allow for less than the prescribed open space requirement of 14% in lieu of 20%;
 - 2.1.4 Removal of restrictive title deed condition in terms of Section 15(2)(f) of the said By-Law to remove title deed condition Clause C(c), page 2 from Deed of Transfer No. 33769/2022 which restricts coverage;

BE APPROVED in terms of Section 60 of the said By-Law and subject to conditions of approval.

3. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said By-Law:

3.1 The approval only applies to the application under consideration, as indicated on the Site Development Plans with Layout IDs and Names SDP 01.2 (1100 Floor Plans), SDP 01.3 (1200 Elevations), SDP 01.4 (1201 Elevations), SDP 01.5 (1300 Sections), SDP 01.6 (1400 Unit Layouts), SDP 01.7 (1500 Street Views), drawn by OL Architects and Planners and dated 26/09/2022 (attached as **Annexure B**), and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or By-Laws or Regulations that may be applicable.

3.2 The development be undertaken generally in accordance with the Site Development Plans with Layout IDs and Names SDP 01.2 (1100 Floor Plans), SDP 01.3 (1200 Elevations), SDP 01.4 (1201 Elevations), SDP 01.5 (1300 Sections), SDP 01.6 (1400 Unit Layouts), SDP 01.7 (1500 Street Views), drawn by OL Architects and Planners and dated 26/09/2022 (attached as **Annexure B**).

3.3 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.

3.4 Building plans must be generally in accordance with the Site Development Plans with Layout IDs and Names SDP 01.2 (1100 Floor Plans), SDP 01.3 (1200 Elevations), SDP 01.4 (1201 Elevations), SDP 01.5 (1300 Sections), SDP 01.6 (1400 Unit Layouts), SDP 01.7 (1500 Street Views), drawn by OL Architects and Planners and dated 26/09/2022 (attached as **Annexure B**).

3.5 The conditions imposed by the Directorate: Infrastructure Services as contained in their memo dated 31/01/2023 (attached as **Annexure G**), be complied with.

4. The reason for the above decision is as follows:

4.1 The proposed encroachment of the street building line will not obstruct views, affect privacy, or pose any threat to the safety of vehicle traffic or pedestrians.

4.2 The removal of the restrictive title deed condition will not have a negative impact on the surrounding property owners or result in a significant change in the 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;

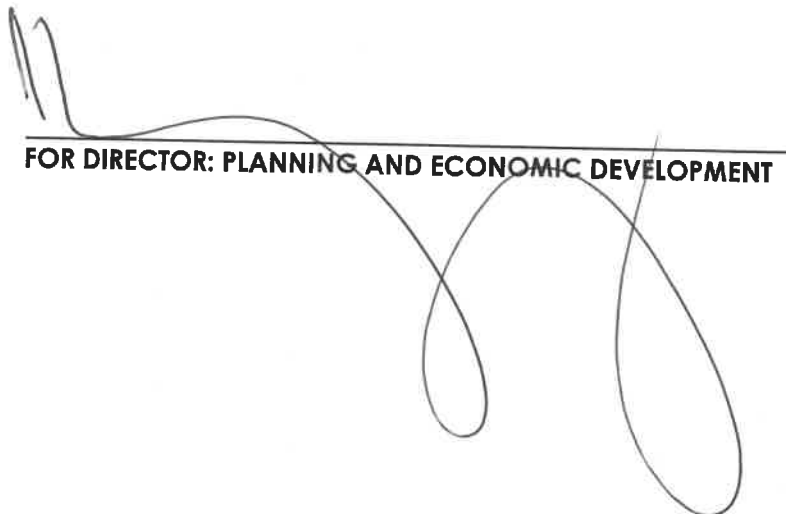
- (h) the relief sought by the appellant; and
 - (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;
 - (j) That the appeal includes the following declaration by the Appellant:
 - (i) The Appellant confirms that the information contained in the subject appeal 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



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned over the printed text 'FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT'.

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

2/8/2023
DATE:



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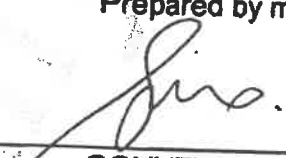
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ANNEXURE C

TITLE DEED

Pohl & Stuhlinger
12th Floor Reserve Bank Building
St Georges Mall
Cape Town
8001

Prepared by me,


CONVEYANCER
SOPHIA WESSELS
LPCM NO: 12335

Fee endorsement	
Purchase price/Value	Amount
R. 1550 00,00	Office fee 3209,00
Mortgage Capital Amount	R.
Reason for exemption	Exempt i.1.0
Cat.	section. Act.

T 033769/22

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN:

THAT SOPHIA WESSELS

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, she, the said Appearer, being duly authorised thereto by a Power of Attorney dated 6 May 2022 and signed at Cape Town and granted to her by

SUIDWAL PROPRIETARY LIMITED
Registration Number 2000/026892/07

DATA / VERIFY
23 -07- 2022
VUYELWA LAMANI

DATA / CAPTURE
22 -07- 2022
JENNY VAN WYK

AND the said Appearer declared that her principal had on **1 April 2022** truly and legally sold by Private Treaty and that she, the said Appearer in her capacity aforesaid, did, by these presents cede and transfer to and on behalf of:

MOTHER LODE PROPERTIES PROPRIETARY LIMITED

Registration Number 2014/008810/07

its successors in title or assigns in full and free property:

ERF 847 STELLENBOSCH,
in the Municipality and Division of Stellenbosch,
Western Cape Province.

IN EXTENT: 945 (nine hundred and forty five) square metres

FIRST TRANSFERRED by Deed of Transfer No T 3011/1948 with Diagram No 3591/47 relating thereto and held by Deed of Transfer No T 48365/1982.

- A. SUBJECT to such conditions as are referred to in said Deed of Transfer No. 3011 dated 16th February 1948.
- B.
- C. SUBJECT FURTHER to the conditions contained in the said Deed of Transfer No. 3011 dated 16th February 1948 imposed by the Administrator in terms of Ordinance No. 33 of 1934:

As being in favour of the local authority and the registered owner of any erf in the Township:

- (a) This erf shall be used for residential purposes only.
- (b) Only one dwelling or a building designed for use as residential flats, together with such outbuildings as are ordinarily required to be used therewith, shall be erected on this erf.
- (c) Not more than one-third of the area of this erf shall be built upon.

(d) No building or structure or any portion thereof, except boundary walls and fences shall be erected within 3,15 metres of the lateral or rear boundary common to any adjoining erf; no building, however, to exceed two storeys in height.

(e) The owner of this erf shall without compensation, be obliged to allow the sewerage and drainage, including storm water of any other erf or erven to be conveyed across this erf, if deemed necessary by the local 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 in order to construct, maintain, alter, remove or inspect any sewer, manhole, channel, conduit or other works pertaining thereto.

As being in favour of the Administrator.

(f) This erf shall not be subdivided except with the consent in writing of the Administrator.

D. SUBJECT FURTHER to the conditions contained in the said Deed of Transfer No. 3011 dated 16th February 1948 imposed by W.A. Krige, as owner of the remainder of Krigeville Subdivided Estate, for his benefit and for the benefit of erfholders of the said Township:

"(g) ...

(h) No building shall be erected on this erf costing less or having a valuation of less than R3 000.00.

(i) All buildings including outbuildings erected on this erf shall comply with the building regulations of the Municipality of Stellenbosch in force at the time of erection and shall comply with the policy of the Council regarding the design, construction and elevation of buildings.

(j) No corrugated iron fences of any kind may be erected on this erf.

(k) Plans of all boundary walls to be erected on this erf must be submitted to the Municipality of Stellenbosch for approval.

(l) The roofs of all buildings on this erf must be uniform in regard to material and style. Flat roofs for outbuildings, garages, etc, will only be permitted if the main building also has a flat roof.

(m) The owner of this erf shall carry on no activity likely for the reason that it creates a noise or for any other reason, to be a nuisance to other owners of erven in this Township. He shall not saw or chop wood for profit or for gain on this erf nor allow that this be done, nor shall he allow any material to be stored on this erf which he requires in connection with any activity which he pursues outside this erf."

E. SUBJECT FURTHER to the conditions referred to in the endorsement dated 29th May 1956 on Deed of Transfer No. 11902 dated 29th July 1954, reading:

"In terms of a minute dated 28th December 1955 issued by the Provincial Secretary Condition C para (d) herein is amplified as follows:

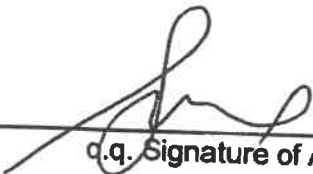
In addition to the two storeys mentioned herein a basement garage to be used only for parking of motor vehicles may be provided below the ground floor, on condition that such basement garage shall not extend more than 1,22 metres above mean ground level."

As will more fully appear on reference to Application filed with Deed of Transfer No. 11902/1954.

WHEREFORE the Appearer, renouncing all the right, title and interest which the said **SUIDWAL PROPRIETARY LIMITED** 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 **MOTHER LODGE PROPERTIES PROPRIETARY LIMITED**, 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 of the property hereby transferred to be the sum of **R9 550 000,00 (NINE MILLION FIVE HUNDRED AND FIFTY THOUSAND RAND)**.

IN WITNESS WHEREOF I, the said Registrar of Deeds 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 *15 July 2022*


d.q. Signature of Appearer

In my presence:


Registrar of Deeds

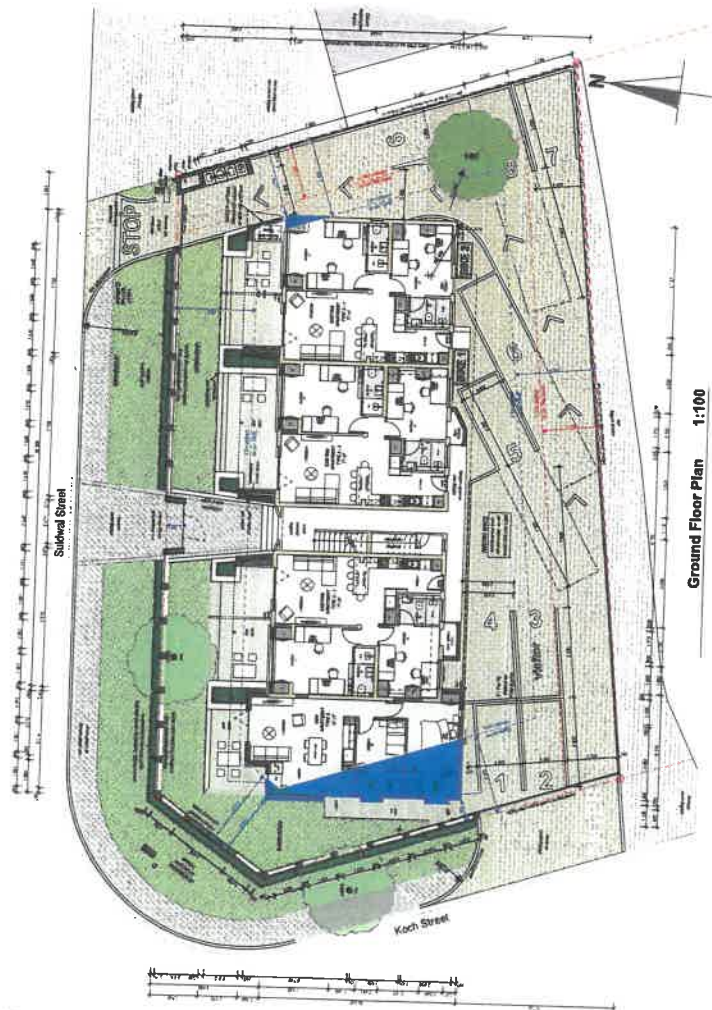
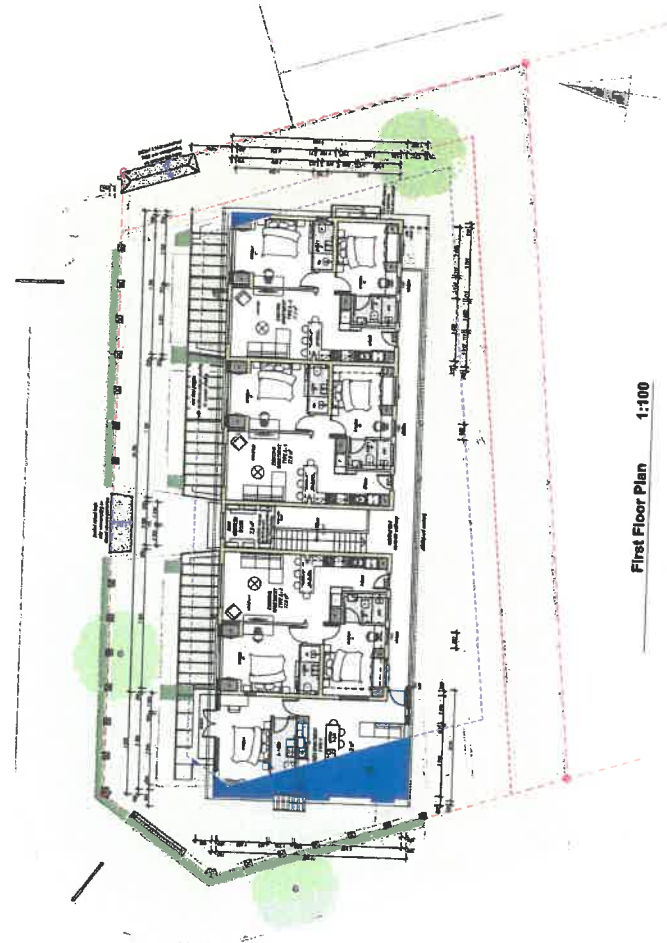
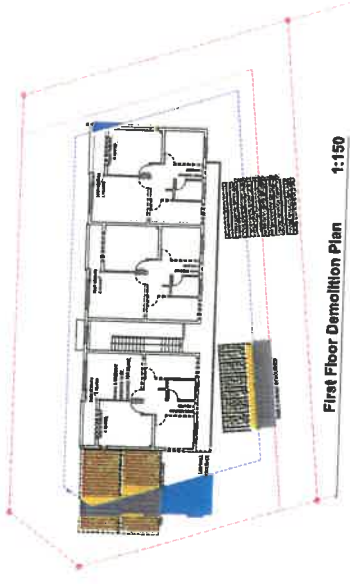
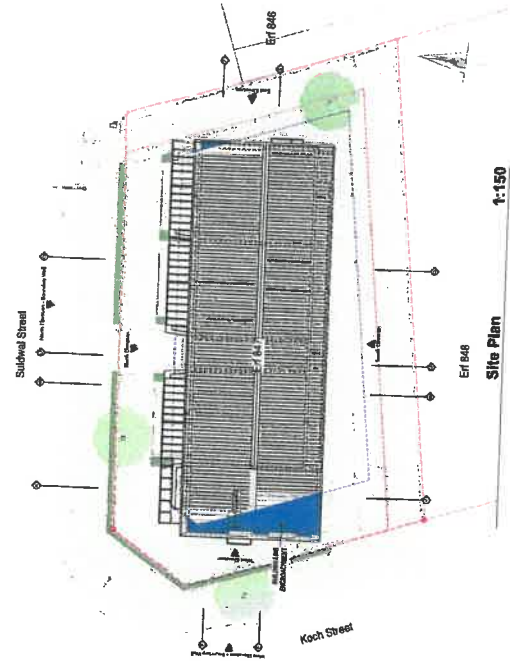


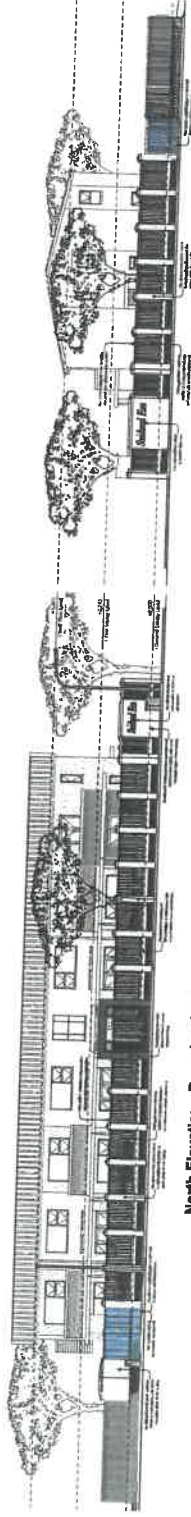
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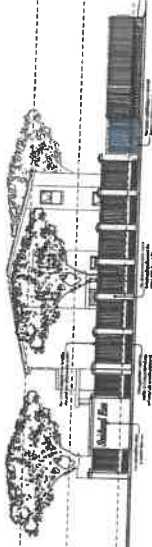
ANNEXURE B

SITE DEVELOPMENT PLAN

[illegible]



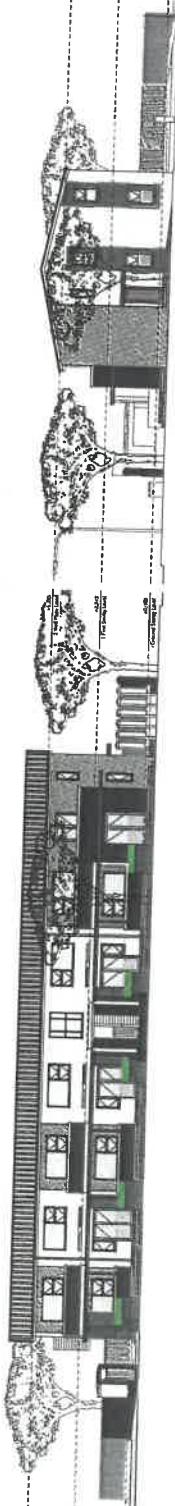
North Elevation - Boundary Wall 1:100



West Elevation - Boundary Wall 1:100



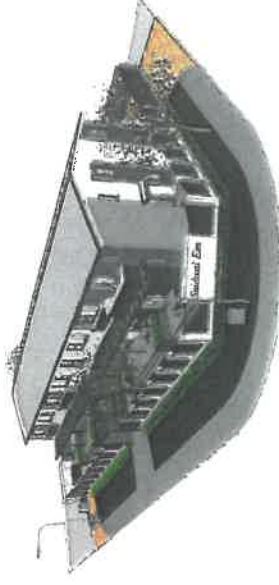
North West Street Level Perspective



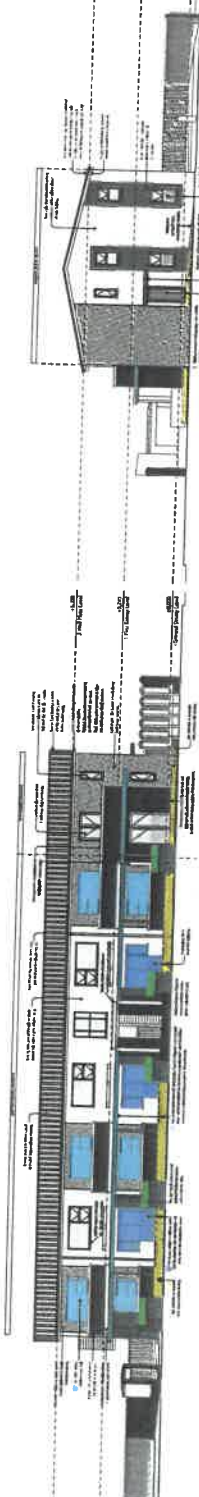
North Elevation - Proposed 1:100



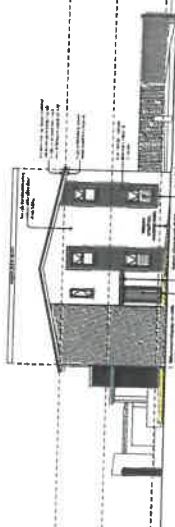
West Elevation - Proposed 1:100



North West Aerial Perspective



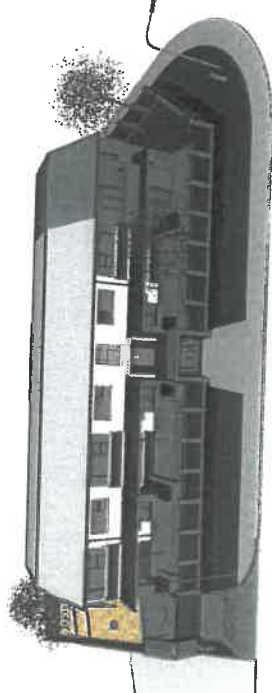
North Elevation - Annotated 1:100



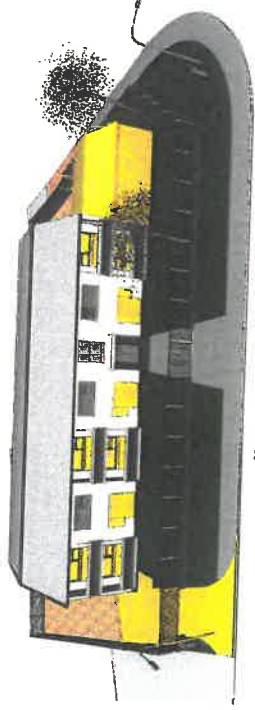
West Elevation - Annotated 1:100



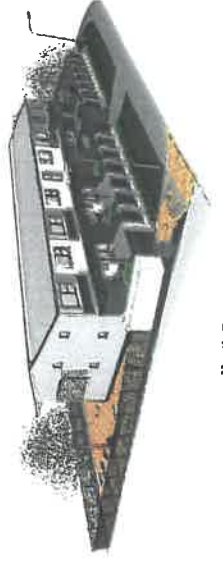
North East Street Level Perspective



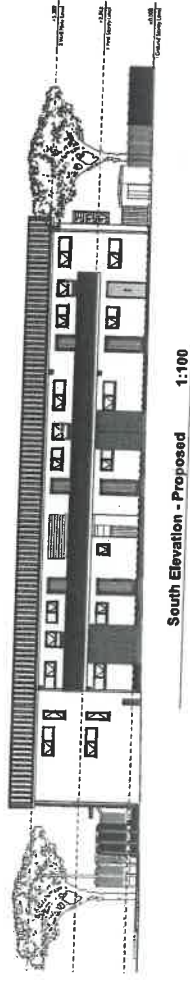
North - New Works Perspective



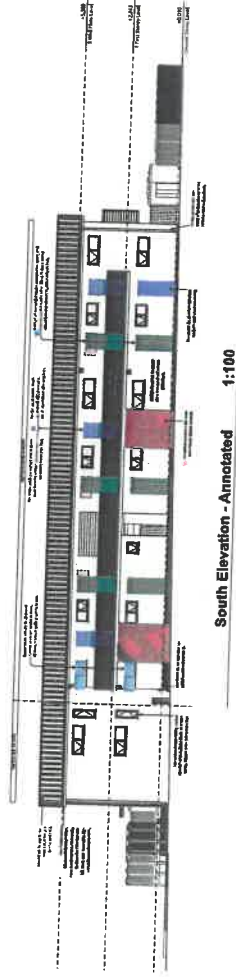
North - Demolition Perspective



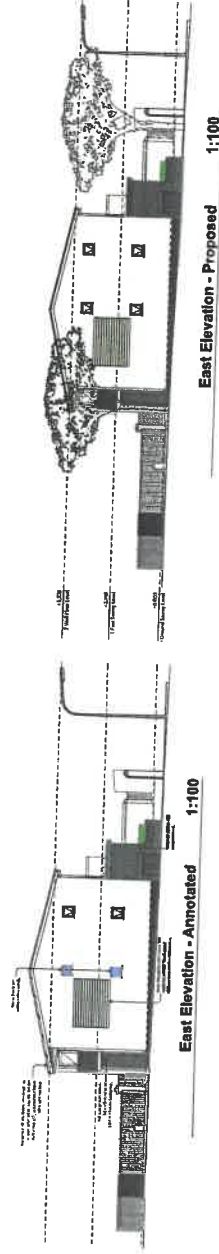
North East Aerial Perspective



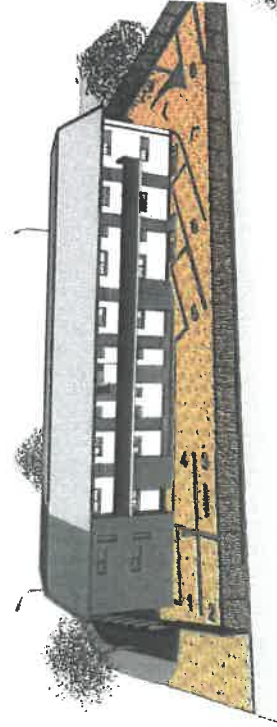
South Elevation - Proposed 1:100



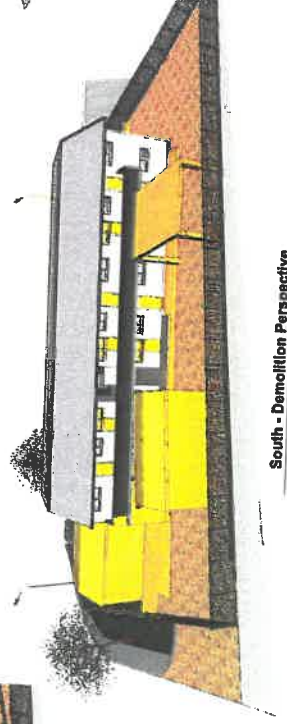
South Elevation - Annotated 1:100



East Elevation - Annotated 1:100



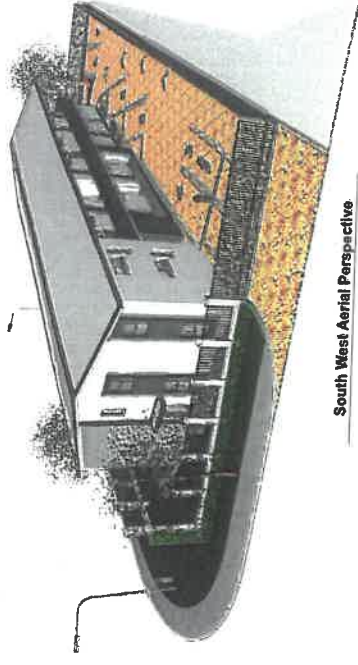
South - New Works Perspective



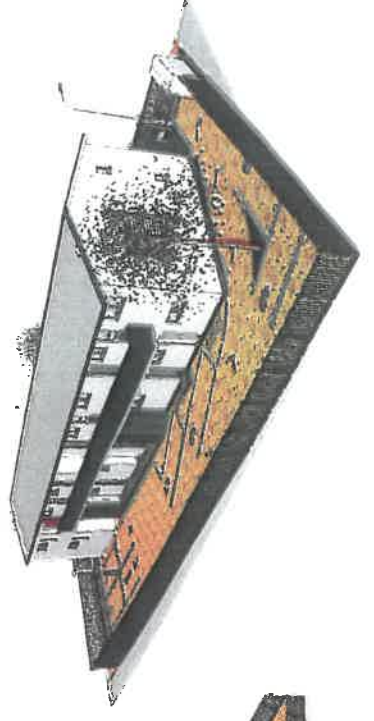
South - Demolition Perspective



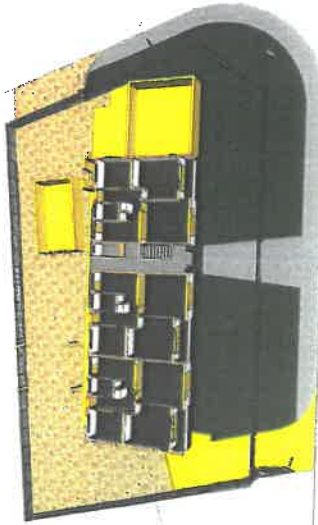
South West Street Level Perspective



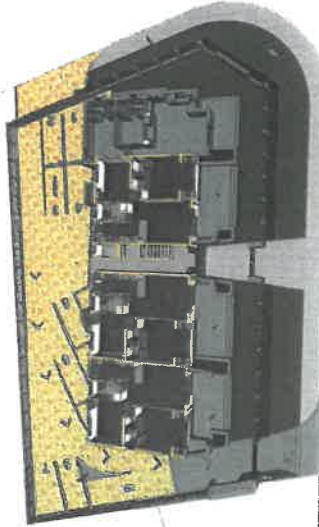
South West Aerial Perspective



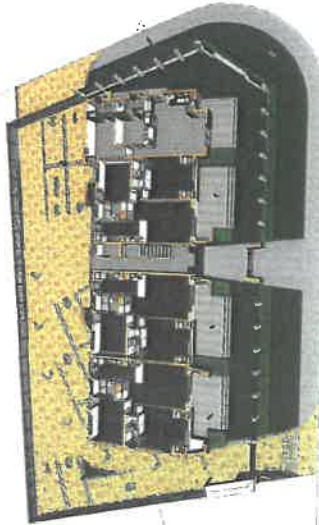
South East Aerial Perspective



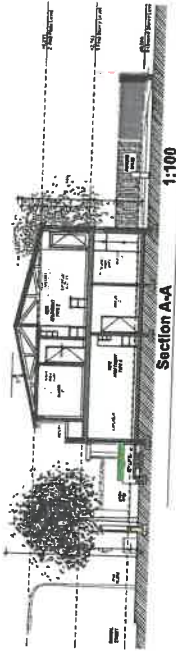
Ground Floor - Demolition Perspective



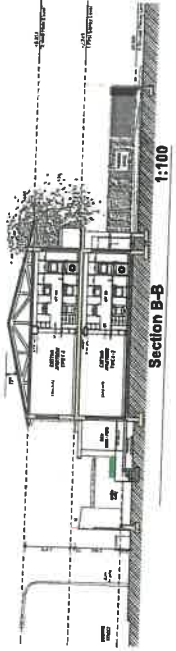
Ground Floor - New Works Perspective



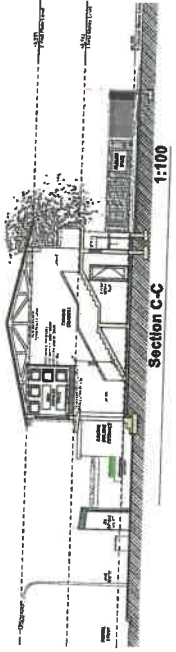
Ground Floor - Cut Plan Perspective



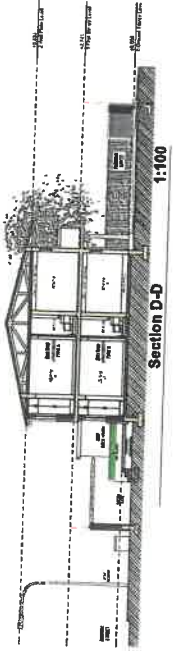
Section A-A



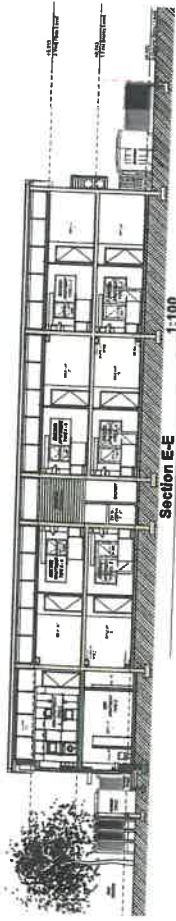
Section B-B



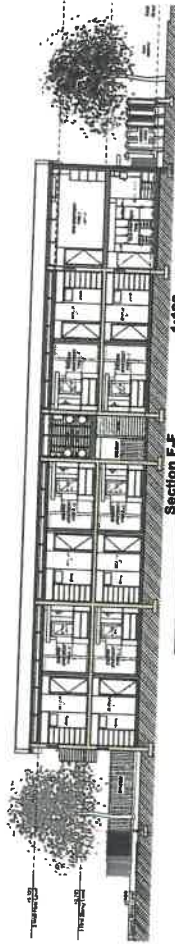
Section C-C



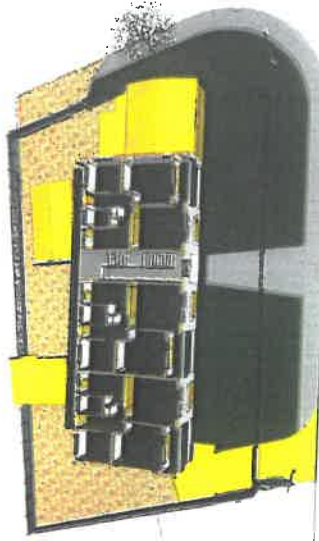
Section D-D



Section E-E



Section F-F



First Floor - Demolition Perspective



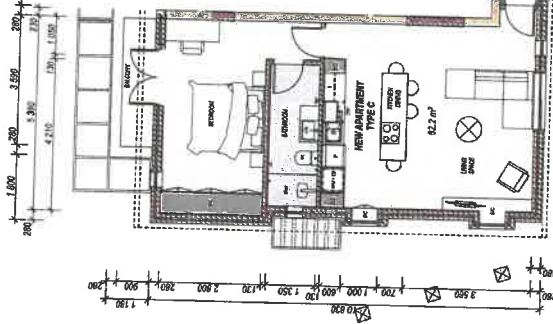
First Floor - New Works Perspective



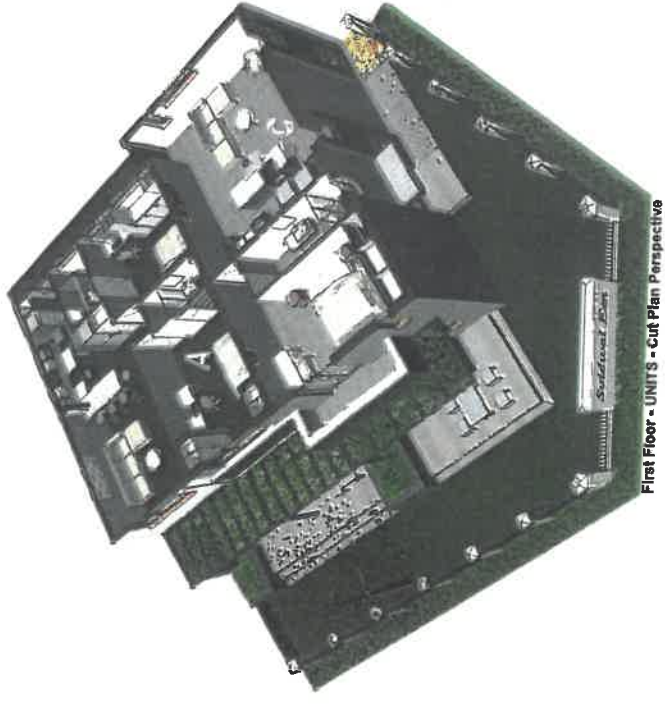
First Floor - Cut Plan Perspective



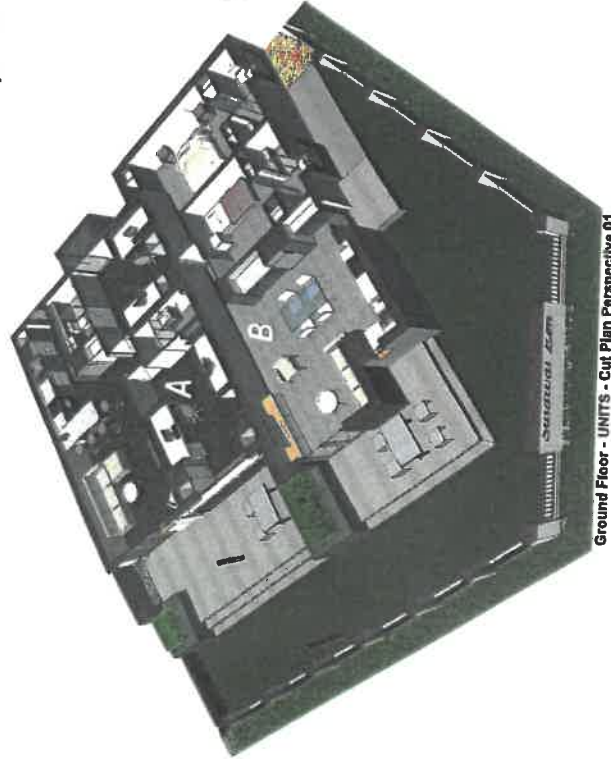
Apartment Type A - Plan 1:50



Apartment Type C - Plan 1:50



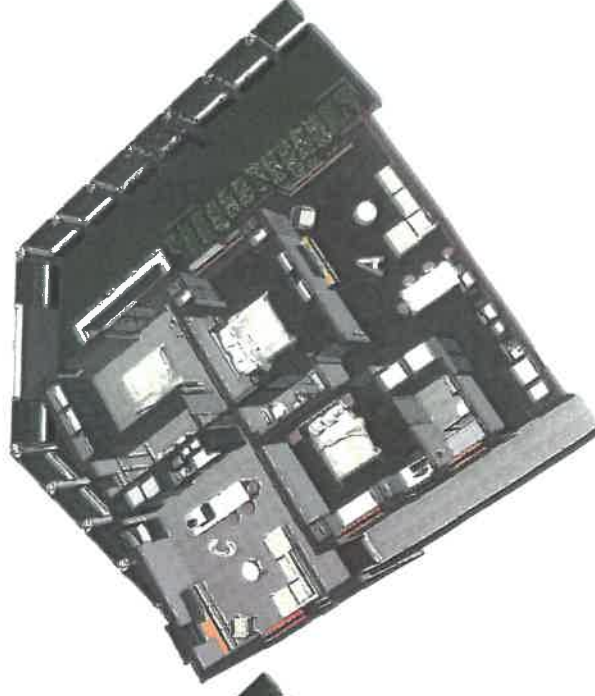
First Floor - UNITS - Cut Plan Perspective



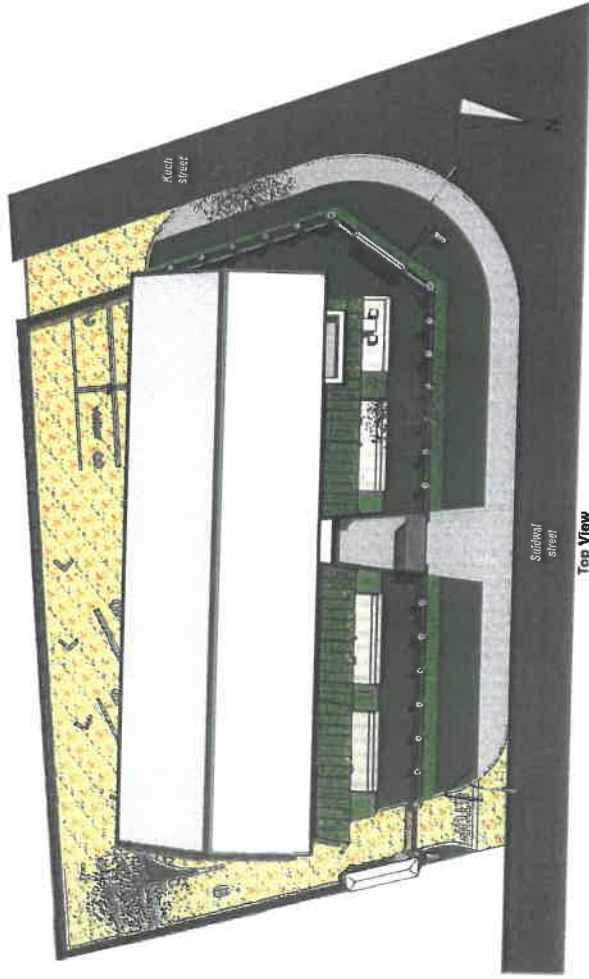
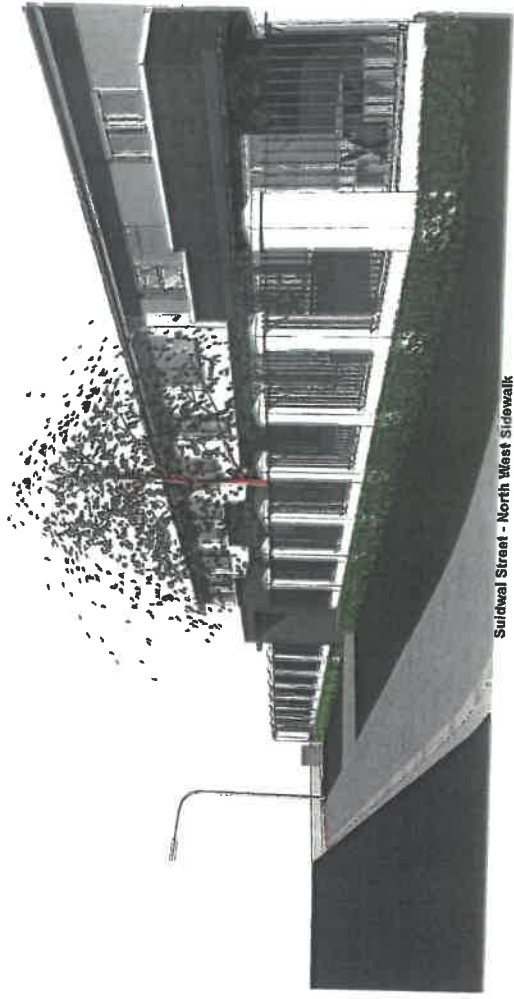
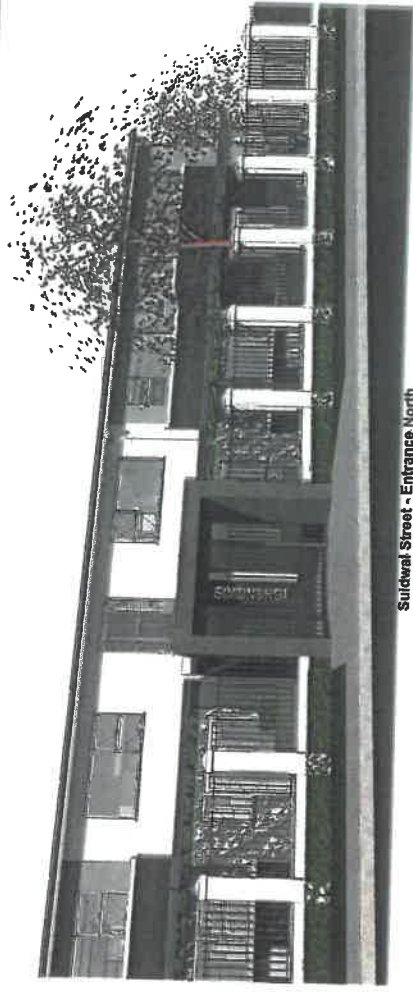
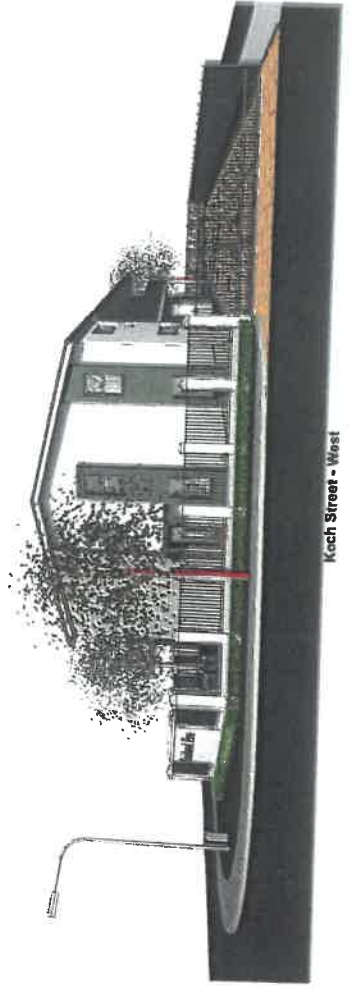
Ground Floor - UNITS - Cut Plan Perspective 01



Ground Floor - UNITS - Cut Plan Perspective 02



First Floor - UNITS - Cut Plan Perspective





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ANNEXURE G

COMMENTS FROM DEPARTMENTS



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MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag	Bulelwa Mdoda
From ▫ Van:	Technician: Development (Infrastructure Services)
Author ▫ Skrywer:	Ilze Fillies
Date ▫ Datum:	31 January 2023
Our Ref ▫ Ons Verw:	Civil LU 2433
Your Ref:	LU/14816 TP145/2022
Re ▫ Insake:	Erf 847, Stellenbosch: • Permanent departure to allow for a street building line on Koch Street of 1.2m in lieu of 4.5m. Permanent departure to allow for a street building line on Suidwal Street of 0m in lieu of 4.5m (roofed pedestrian entrance). Permanent departure to allow for less than the prescribed open space requirement of 20%. The removal of the restrictive title deed condition C(c) from Deed of Transfer No. T33769/2022.

Please provide the following information so that the application can be further evaluated:

- 1. Civil Engineering Services**
 - 1.1** Please provide a detailed site layout plan indicating the existing sewer and water layout for the existing building.
 - 1.2** Confirm that the current water and sewer capacity will be sufficient for the additional buildings.

Ilze Fillies
TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)