



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/16638 (TP597/2023)

Our File Reference Number: Erf 5085, 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 FOR REMOVAL AND SUSPENSION OF RESTRICTIVE TITLE DEED CONDITIONS, PERMANENT DEPARTURE AND CONSENT USE : ERF 5085, WEGE STREET, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 Application in terms of Section 15(2)(f) of the Stellenbosch Municipal Land Use Planning By-law, 2023 for removal of restrictive title deed condition Clause B.6(a) as contained in the Deed of Transfer No. T65420/98 to permit the construction of a second dwelling unit on Erf 5085, Stellenbosch.
 - 2.2 Application in terms of Section 15(2)(f) of the Stellenbosch Municipal Land Use Planning By-law, 2023 for suspension of restrictive title deed condition Clause B.6(b) as contained in the Deed of Transfer No. T65420/98 to permit the following on Erf 5085, Stellenbosch:
 - 2.2.1 Braai lapa to be setback 1.5m in lieu of 2.3m from the lateral boundary (northern boundary - adjoining Erf 5086).
 - 2.2.2 Braai lapa and terrace to be setback 0m in lieu of 3m from the rear (eastern boundary -adjoining Erf 5082 and Erf 5083).
 - 2.2.3 Second dwelling unit to be setback 0m in lieu of 2.3m from the lateral boundary (southern boundary - adjoining Erf 5060).
 - 2.2.4 Terrace 1 to be setback 1.5m in lieu of 2.3m from the lateral boundary (south-eastern boundary - adjoining Erf 5085).

3. Application in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-law, 2023 for permanent departure on Erf 5085, Stellenbosch for the following:
 - 3.1 northern common building line (adjoining Erf 5086) to be setback 1.5m lieu of 2.5m for the construction of a braai lapa.
 - 3.2 eastern common building line (adjoining Erf 5082 and 5083) to be setback 0m lieu of 2.5m for the construction of a braai lapa and terrace 1.
 - 3.3 southern common building line (adjoining Erf 5060) to be setback 0m lieu of 2.5m for the conversion of a studio into a second dwelling.
 - 3.4 south-eastern common building line (adjoining Erf 5084) to be setback 1.5m lieu of 2.5m for the construction of a terrace 1.
4. Application -in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-law, 2023 for consent use to allow a second dwelling unit (exceeds development threshold) on Erf 5085, Stellenbosch.

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

5. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said By-law:
 - 5.1 The approval applies only to the proposed application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from the Municipality or other legislation or By-laws or Regulations that may be applicable.
 - 5.2 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.
 - 5.3 Building plans must be generally in accordance with the site plan/ floor layout plan as referenced in drawing number; PL001 Revision 01, dated 09/10/2023 and PL003 – PL004 Revision 01, dated 03/05/2024, drawn by BBS (Dennis Moss Partnership) attached as Annexure A.
 - 5.4 Building plans must be submitted for all work, as well as changes of use of the existing buildings/structures and which building plan(s) must be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.

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

6.1 The proposal is in line with the existing land use of the property and is considered minor, as it will not detract from the prevailing character of the area.

6.2 The proposed second dwelling unit will have no impact on municipal services.

6.3 Sufficient parking has been provided for the proposed use.

7. Matters to be noted:

7.1 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.

8. 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.

9. Appeals must be submitted by completing the required form 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.

10. 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

11. 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.

12. The appeal form and 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 or 021- 808 8684.

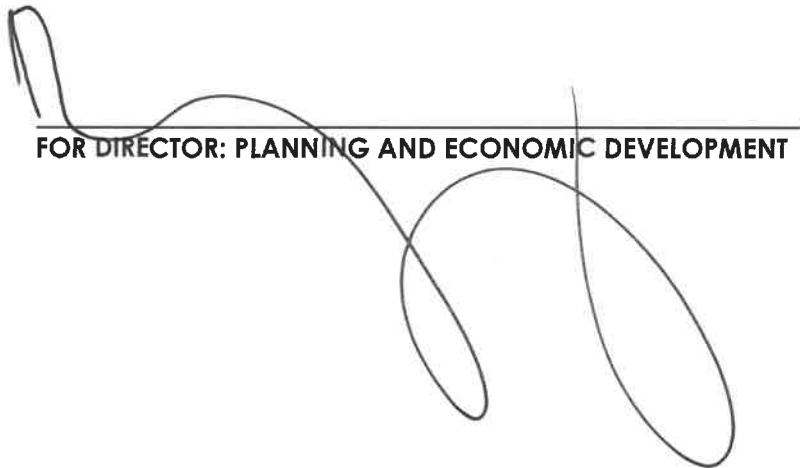
13. An applicant who lodges an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:

- (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.

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

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

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

27/6/2025
DATE



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ANNEXURE A

SITE PLAN / FLOOR PLAN

- LEGEND**
- Proposed additions
 - Existing covered structures for approval
 - Existing dwelling house (Rear Lapa & Terrace 1)
 - Existing swimming pool
 - Proposed 2nd Dwelling



MR. PIET VAN RENSBURG

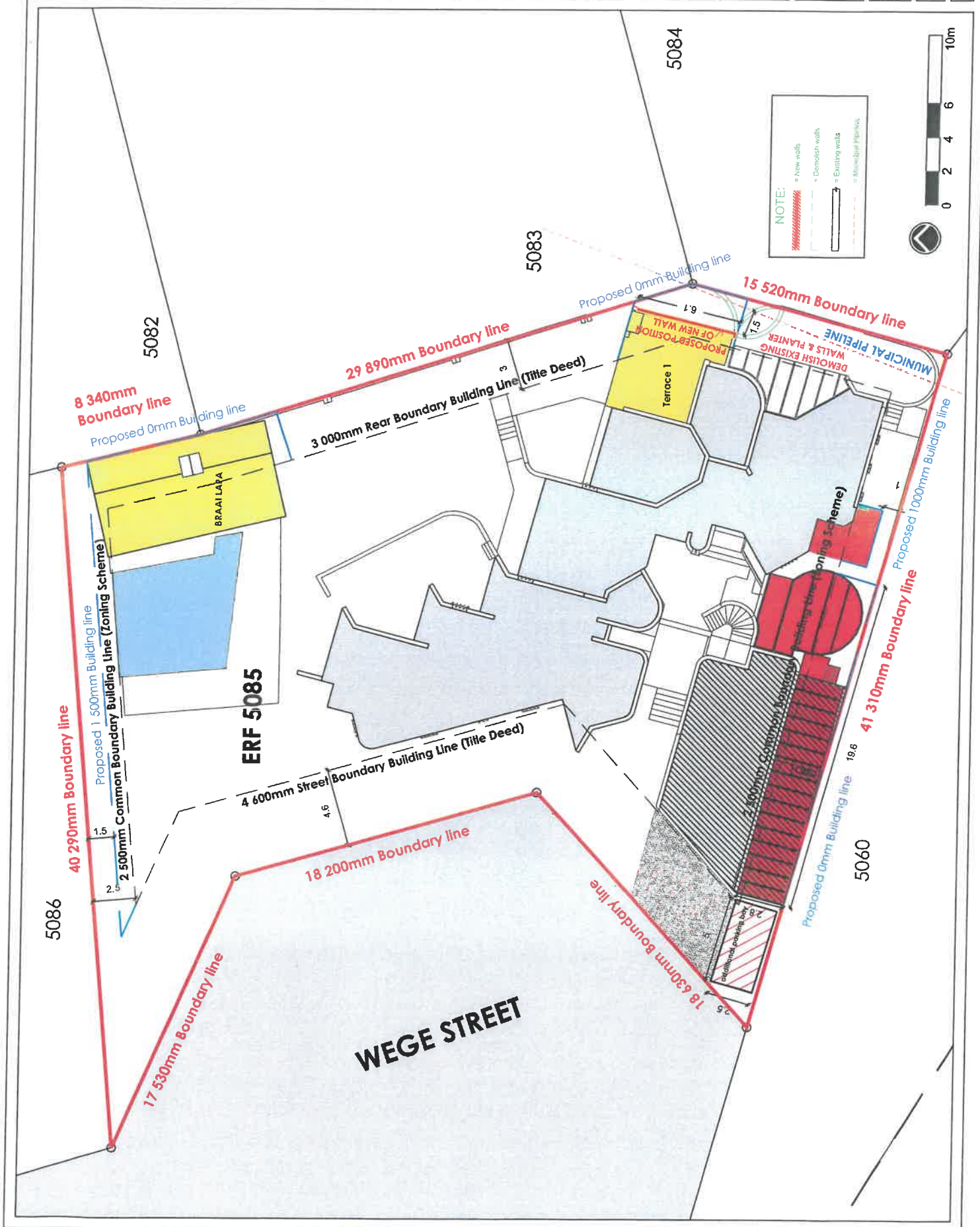
ADDITIONS TO EXISTING HOUSE
ON ERF 5085, STELLENBOSCH

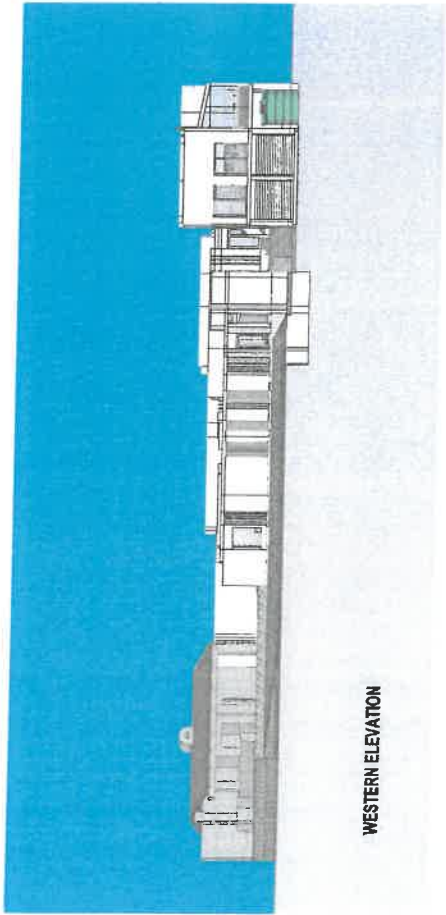
SITE DEVELOPMENT PLAN

PROJECT NO.	1200
DATE	01 OCTOBER 2023
BY	PIET
FOR	11

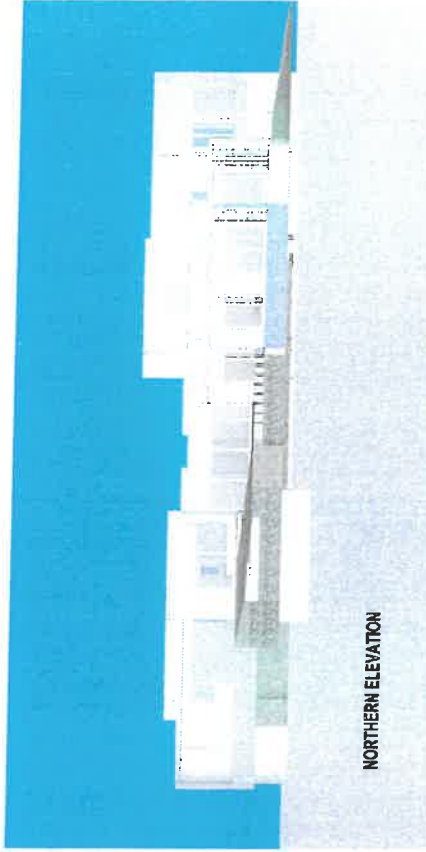
FOR DISCUSSION

This drawing and all the information contained herein is the property of the architect and shall remain his/her property and shall not be disclosed in any form without his/her consent.

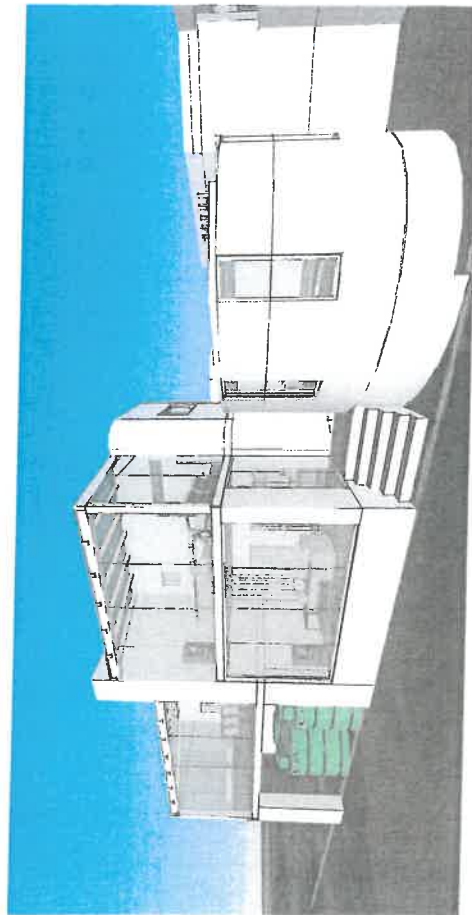




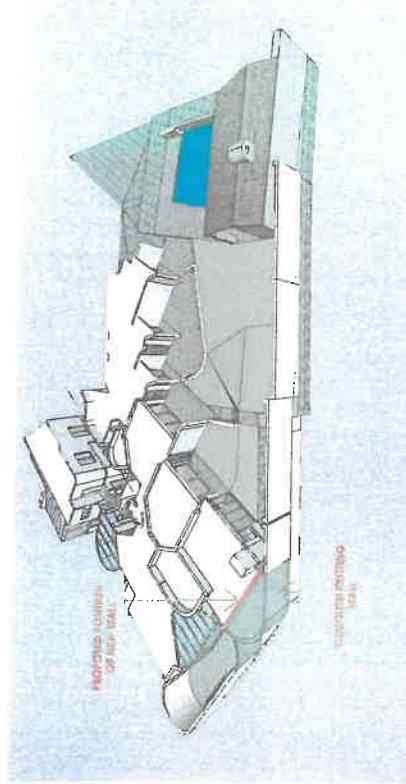
WESTERN ELEVATION



NORTHERN ELEVATION



3D VIEW OF ADDITIONS



NORTHEASTERN PERSPECTIVE



CLIENT: MR. PIET VAN RENSBURG
PROJECT TITLE:

ADDITIONS TO EXISTING HOUSE
ON erf 5085, STELLENBOSCH

DATE: 03.05.2024
DRAWN: 1:1
SCALE: 1:100

ELEVATIONS AND 3D:

PROJECT NO.	10000
DATE	03.05.2024
SCALE	1:100
BY	1:1
CHECKED	1:1

FOR DISCUSSION

This drawing and all the information contained therein is the property of the architect and is not to be used for any other purpose without the written consent of the architect.



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ANNEXURE B

TITLE DEED

NAME: Blitskor (Edms) Bpk



K No / File No

WBK1975269/060/021

Shelf/Pos

106577/68

BOND/T DEED

9066296

FILING NUMBER: 1975269/051/021

SECURITY TYPE: 081

IDENTIFICATION: T65420/98

NUMBER: 8080981176



AT8050951176.1

BNK 079 EX (065060)

CERTIFIED COPY

M-Bach's

Opgestel deur my

54

MOSTERT & BOSMAN

TRANSPORTBESORGER
KAT J

9695 199

BC

GEKANSLEER
CANCELLED

REGISTRATEUR/REGISTRAR

05 03 98

VERBIND MORTGAGED

VIR
FOR R 680 000,00

B 4308598

15 7 98

REGISTRATEUR/REGISTRAR

SEELREG
DUTY R.....

FOOI
FEE R 165,00

VIR ENDOSSEMENTE KYK BLADSY
FOR ENDORSEMENTS SEE PAGE 5

T 65420 98

AKTE VAN TRANSPORT

MOSTERT & BOSMAN
ECCLESIA GEBOU
PLEINSTRAAT
STELLENBOSCH 7600
POSBUS 315 STELLENBOSCH 7599
(021) 886 6588

HIERMEE WORD BEKEND GEMAAK

JOHANNES FRANCOIS GOETZEE

DAT ~~MARJORIE LESLIE HILL SMITH~~

voor my **REGISTRATEUR VAN AKTES** te KAAPSTAD verskyn het, die genoemde
komparant synde behoorlik daartoe gemagtig deur 'n Volmag aan hom/haar
verleen deur:

DIE KURATOR IN DIE INSOLVENTE BOEDEL van NICO FREDERIK GOUWS
NO. C847/97

gedatêr die 18de dag van April 1998 en geteken te Bellville

CERTIFIED COPY

-5-

VERBIND MORTGAGED	
VIR FOR R <u>718 000,00</u>	
B 8279 99 05 03 99	 REGISTRATEUR/REGISTRAR

VERBIND MORTGAGED	
VIR FOR R <u>650 000,00</u>	
B 000095748 / 2008	 REGISTRATEUR/REGISTRAR
2006-09-14	

Registration

DIE IDENTITEITSNOMMER VAN DIE	THE IDENTITY NUMBER OF THE
<i>Transferce</i>	
IS VERANDER NA	HAS BEEN CHANGED TO
<u>1998 / 05070 / 07</u>	
2006-09-14	 REGISTRATEUR/REGISTRAR

EN die genoemde Komparant het verklaar dat INSOLVENTE BOEDEL van NICO FREDERIK GOUWS op 11 Maart 1998 waarlik en wettiglik per PUBLIEKE VEILING verkoop het en dat hy in sy voormelde hoedanigheid hierby in volkome en vrye eiendom sedeer en transporteer aan en ten gunste van:

BLITSKOR (EIENDOMS) BEPERK
Nr : 98/05070/07

hulle opvolgers in titel of regverkrygendes.

ERF 5085 STELLENBOSCH, In die Munisipaliteit en Afdeling van STELLENBOSCH, PROVINSIE WES-KAAP

Groot 1 467 (EEN DUISEND VIER HONDERD SEWE EN SESTIG) Vierkante Meter

EERSTE GETRANSPORTEER kragtens Transportakte Nr. T11625/1975 met Algemene Plan TP 8376 wat daarop betrekking het en gehou kragtens Transportakte Nr. T25627/1995.

- A. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte Nr. T2732/1903.
- B. ONDERHEWIG VERDER aan die volgende voorwaardes soos vervat in Transportakte Nr. T11625/1975 opgelê deur die Administrateur van die Kaap die Goeie Hoop by die goedkeuring van Stellenbosch Dorp Uitbreiding Nr. 15 kragtens Ordonnansie 33 van 1934, naamlik:-

- "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 Administration Notice No 383 dated 13th June 1958.
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. The owner of this erf shall without compensation be obliged to allow the electricity cables and/or wire 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 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 work connected with the above.
4. The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavations on 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.
5. No building on this erf shall be used or converted to use for any purpose other than that permitted in terms of these conditions.
6.
 - (a) This erf shall be used solely for the purpose of erecting thereon one dwelling or other buildings for such purpose as the Administrator may, from time to time after reference to the Township 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.
 - (b) No building or structure or any portion thereof, except boundary walls and fences shall be erected nearer than 4,6 metres to the street line which forms a boundary of this erf, nor within 3 metres of the rear or 2,3 metres of the lateral boundary.
 - (c) 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.
 - (d) 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.

WESHALWE die Komparant afstand doen van al die reg en titel wat die gesegde KURATOR in die INSOLVENTE BOEDEL VAN NICO FREDERIK GOUWS voorheen in die genoemde eiendom gehad het en gevolglik ook erken dat dit geheel en al uit die besit daarvan onthef is en nie meer daartoe geregtig is en dat kragtens hierdie akte, die genoemde

BLITSKOR (EIENDOMS) BEPERK

Nr : 98/05070/07

diese opvolgers in titel of regverkrygendes tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die Regte van die Staat, en ten slotte erken hy dat die eiendom verkoop is op 11 Maart 1998 vir 'n koopprijs van R605 000,00 (SES HONDERD EN VYF DUISEND RAND).

INGETUIENIS WAARVANEK, die genoemde REGISTRATEUR VAN AKTES tesame met die Komparant, q.q. hierdie Akte onderteken het en met my Ampseël bekragtig het.

ALDUS GEDOEN EN GETEKEN op die kantoor van die REGISTRATEUR VAN AKTES te KAAPSTAD op 15 Julie 1998


q.q.

In my teenwoordigheid



REGISTRATEUR VAN AKTES