



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/15640 (TP379/2023)

Our File Reference Number: Erf 5663, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL

Sir / Madam

APPLICATION FOR SUSPENSION OF RESTRICTIVE TITLE DEED CONDITION IN TERMS OF THE STELLENBOSCH MUNICIPALITY BY-LAW ON MUNICIPAL LAND USE PLANNING 2023 ON ERF 5663, STELLENBOSCH

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

2.1 That the application in terms of Section 15(2)(f) of the Stellenbosch Municipality By-law on Municipal Land Use Planning 2023 for the suspension of restrictive title deed condition Clause C: 6. (b) as contained in Deed of Transfer No. T38621/2010 to permit the existing garage located 0m from the western boundary (adjoining Erf 5662) on Erf 5663, Stellenbosch;

BE APPROVED in terms of Section 60 of the said By-law.

2.2 The approval is subject to the following conditions imposed in terms of Section 66 of said By-law:

- 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 Stellenbosch Municipality or other legislation or by-laws or regulations that may be applicable.
- 2.2.2 The development must be undertaken in accordance with the referenced Site/Ground Plan with Drawing No. 1.01VS, drawn by Techno'arch Architects and dated Jan. 20, attached as **Annexure B**.

2.2.3 Building plans must be in accordance with the referenced Site/Ground Plan with Drawing No. 1.01VS, drawn by Techno'arch Architects and dated Jan. 20, attached as **Annexure B**.

2.3 The reasons for the above decision are as follow:

2.3.1 The minor encroachment of the title deed building line does not undermine the residential character of the area.

2.4 Matters to note:

2.4.1 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.

2.4.2 Appropriate caution shall be taken during construction to prevent damage to existing electrical equipment in the vicinity. Should damage occur the applicant will be liable for the cost involved repairing the damages.

2.4.3 All electrical work to comply with SANS 142, SANS 104 XA, SANS 1307, SANS 10106, SANS 10252-1 and SANS 10254, and Municipal By-laws. If connected to a generator for backup, the generator needs to comply with OHS Act SANS10142-1.

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


FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

15/2/2024
DATE



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ANNEXURE B

SITE PLAN

EERSTE RIVER

ERF BOUNDARY 35 010

2500mm Scheme Building line

3000mm Titel Building Line

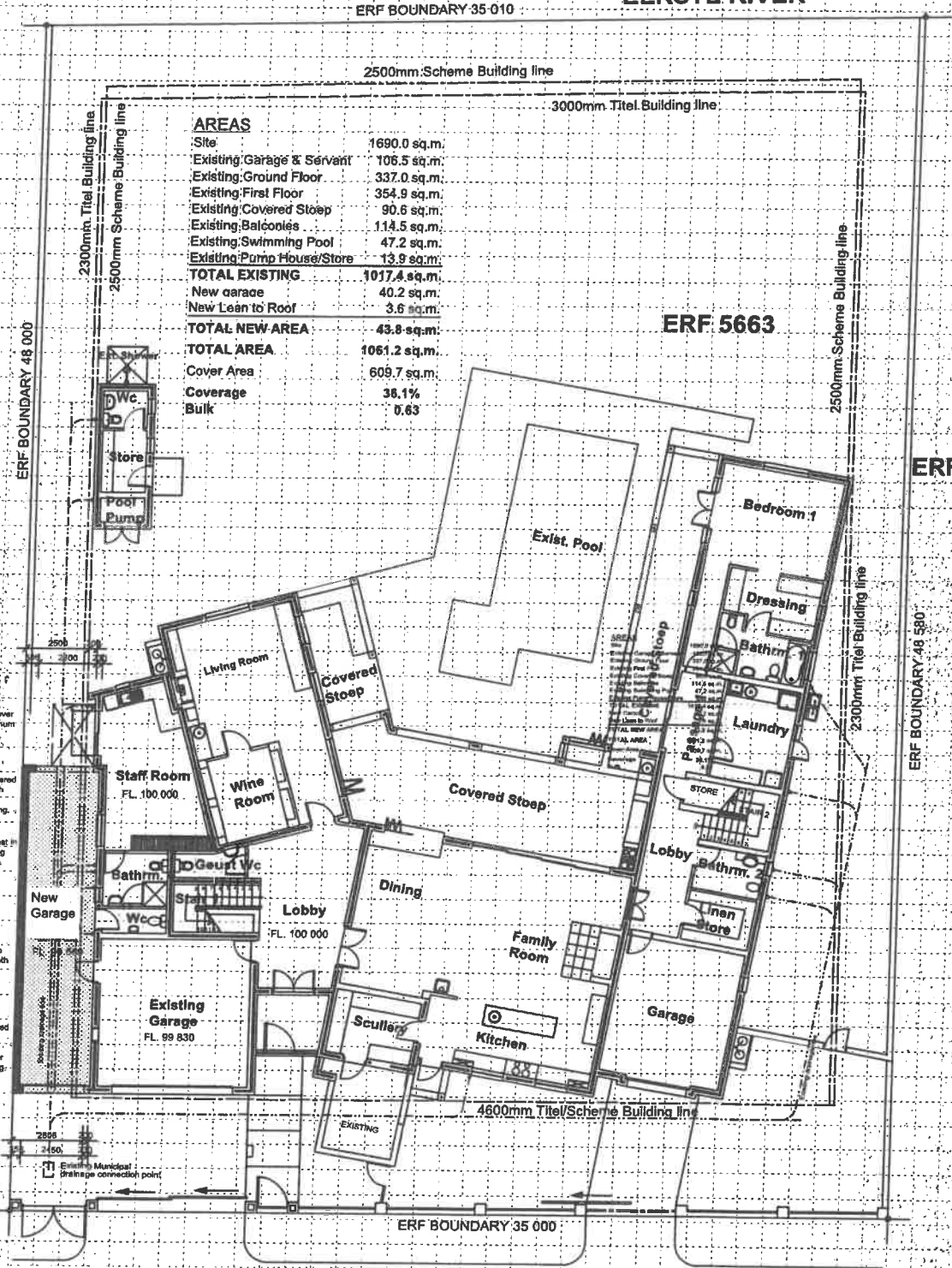
AREAS

Site	1690.0 sq.m.
Existing Garage & Servant	106.5 sq.m.
Existing Ground Floor	337.0 sq.m.
Existing First Floor	354.9 sq.m.
Existing Covered Stoep	90.6 sq.m.
Existing Balconies	114.5 sq.m.
Existing Swimming Pool	47.2 sq.m.
Existing Pump House/Store	13.9 sq.m.
TOTAL EXISTING	1017.4 sq.m.
New garage	40.2 sq.m.
New Lean to Roof	3.6 sq.m.
TOTAL NEW AREA	43.8 sq.m.
TOTAL AREA	1061.2 sq.m.
Cover Area	609.7 sq.m.
Coverage	38.1%
Bulk	0.63

ERF 5663

ERF 5664

ERF 5662



64 ROKEWOOD AVE

GROUND FLOOR PLAN
SCALE 1:250

<input type="checkbox"/> PROJECT PROJEK	<input type="checkbox"/> PROJECT No. PROJEK Nr.	<input type="checkbox"/> DWG No. TEK Nr.	<input type="checkbox"/> REVISION No. WYSIGING Nr.
HOUSE van LILL - ERF 5663 DIE BOORD	219-21	1.01VS	
<input type="checkbox"/> DRAWING TEKENING	<input type="checkbox"/> SCALE SKAAL	<input type="checkbox"/> DATE DATUM	<input type="checkbox"/> DRAWN GETEKEN
SITE/GROUND PLAN	1:250	Jan. 20	dpr

4 JONKERSHOEK ROAD
PO BOX 12619, DIE BOORD 7613
STELLENBOSCH

ARGITEKTE . ARCHITECTS



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ANNEXURE C

TITLE DEED

4

VIR INDOSSSEMENTE KYK BLADSY
FOR ENDORSEMENTS SEE PAGE

4

Basson Blackburn Ingelyf
Hoofstraat 371
PAARL
7646

Opgestel deur my

FEE
R. 1200,00

Slabber!
TRANSPORTBESORGER
SLABBER L

3

B00052901 / 2015
~~GEMAGTIGDE~~
~~GANGELIED~~
REGISTRATEUR/REGISTRAR
08 OCT 2015

VERBIND MORTGAGED
VIR FOR R. 6 900 000,00
B 021771 / 10
30 JUL 2010
REGISTRATEUR/REGISTRAR

T038621 / 10

TRANSPORTAKTE

HIERBY WORD BEKEND GEMAAK DAT

CORNELIA SUSANNA GERSBACH

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

Die Trustees Indertyd van HOMOLOGEO TRUST
Registrasienommer IT8915/2004

geteken te Stellenbosch op 13 Mei 2010

DATA/CAPTURED
06 AUG 2010
MPOFU PUMEZA

S

VERBIND		MORTGAGED	
VIR FOR R 600 000,00			
BC 00052902 / 2015 GEMAKKELIJK GANGS REGISTRATEUR/REGISTRAR	B 017411 / 11	[Signature]	
08 OCT 2015		2011-06-17 REGISTRATEUR/REGISTRAR	

②

VERBIND		MORTGAGED	
VIR FOR R 1 000 000,00			
BC 00052900 / 2015 GEMAKKELIJK GANGS REGISTRATEUR/REGISTRAR	B 000030953 / 2014	[Signature]	
08 OCT 2015		2014-10-30 REGISTRATEUR/REGISTRAR	

VERBIND		MORTGAGED	
VIR FOR R 10 400 000,00			
B 000028220 / 2015	[Signature]		
08 OCT 2015	REGISTRATEUR/REGISTRAR		

ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte Nr. T11199/1970.

C. **ONDERHEWIG VERDER** aan die volgende voorwaardes soos vervat in Transportakte Nr. T62437/1990 en opgelê deur die Administrateur by die goedkeuring van die stigting van Stellenbosch Uitbreiding Nr 21 ingevolge Artikel 18 van Ordonnansie 33 van 1934 naamlik:-

1. Alle woorde van uitdrukkings wat in die volgende voorwaardes gebesig word, het dieselfde betekenis as wat daaraan geheg word by die regulasies afgekondig by Provinsiale Kennisgewing Nr. 623 van 14 Augustus 1970.
2. Ingeval 'n dorpsaanlegskema of enige gedeelte daarvan op hierdie erf van toepassing is of daarop van toepassing gemaak word, sal enige bepalings daarvan wat meer beperkend is as enige voorwaardes van eiendomsreg wat op hierdie erf van toepassing is voorkeur geniet. Enige bepaling van hierdie voorwaardes moet nie opgeval word as sou dit die bepalings van Artikel 146 van Ordonnansie Nr. 15 van 1952, soos gewysig, vervang nie.
3. Geen gebou op hierdie erf mag gebruik word of van gebruik verander word vir 'n ander doel as wat volgens hierdie voorwaardes toegelaat word nie.
4. Die eienaar van hierdie erf is verplig om sonder betaling van vergoeding toe te laat dat elektrisiteit- telefoon of televisiekabels of drade en hoof- en/of ander waterpype en die rioolvuil en dreinerings, insluitende stormwater van enige ander erf of erwe, binne of buite hierdie dorp, oor hierdie erf gevoer word indien dit deur die plaaslike of 'n ander statutêre owerheid nodig geag word, en wel op die wyse en plek wat van tyd tot tyd redelikerwys vereis word. Dit sluit die reg op toegang te alle redelike tye tot die eiendom in met die doel om enige werke met betrekking tot bogenoemde aan te lei, te wysig, te verwyder of te inspekteer.



5. Die eienaar van hierdie erf is verplig om sonder vergoeding op die erf die materiaal te ontvang of uitgrawings op die erf toe te laat al na vereis word, sodat die volle breedte van die straat gebruik kan word omrede van die verskil tussen die hoogte van die straat soos finaal aangelê en die erf tensy hy verkies om steunmure te bou tot genoeg van en binne 'n tydperk wat die plaaslike owerheid bepaal.
6. (a) Hierdie erf mag alleenlik gebruik word vir die oprigting daarop van een woning of ander geboue vir die doeleindes wat die Administrateur van tyd tot tyd, na oorleg met die Dorpskommissie en die plaaslike owerheid goedkeur met dien verstande dat, indien die erf in die gebied van 'n dorpsaanlegskema ingesluit is, die plaaslike owerheid enige ander geboue wat deur die skema toegelaat word, kan toelaat onderworpe aan die voorwaardes en beperkings wat in die skema bepaal word.
- (b) Geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag nader as 4,6 meter van die straatlyn wat 'n grens van hierdie erf uitmaak, asook nie binne 3 meter van die agtergrens of 2,3 meter van die sygrens gemeet aan enige aangrensende erf opgerig word nie.
- (c) By die Konsolidasie van hierdie erf of enige gedeelte daarvan met enige aangrensende erf wat onderworpe is aan dieselfde voorwaardes as wat die wat hierin uiteengesit word, is hierdie voorwaardes op die gekonsolideerde eiendom van toepassing asof dit een erf is.
- (d) Ingeval hierdie erf onderverdeel word, is elke onderverdeelte gedeelte, uitgesonderd 'n gedeelte afgesny vir pad- of dergelike doeleindes, onderworpe aan die voorwaardes hierin uiteengesit asof dit die oorspronklike erf is.

WESHALWE die komparant afstand doen van al die regte en titel wat

**Die Trustees Indertyd van HOMOLOGEO TRUST Registrasienommer
IT8915/2004**

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

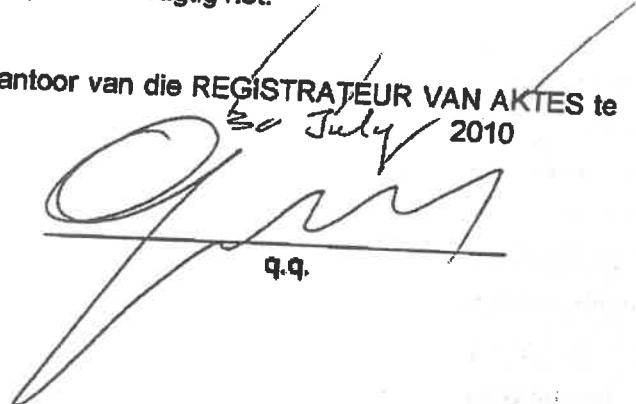
NICOLAAS JACOBUS VAN LILL, Getroud soos vermeld

sy Erfgename, 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 R6 900 000,00 (Ses Miljoen Nege Honderd Duisend Rand) beloop.

TEN BEWYSE WAARVAN ek, genoemde Registrateur, tesame met die Komparant hierdie Akte onderteken en dit met die ampseël bekragtig het.

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

30 July 2010



q.q.

In my teenwoordigheid



REGISTRATEUR VAN AKTES

