

NOTICE OF LAND DEVELOPMENT APPLICATION TO INTERESTED AND AFFECTED PARTIES FOR COMMENT

Affected person's Name

Affected persons Physical Address

Affected person's Title:

The following land use application in terms of the Stellenbosch Land Use Planning Bylaw, 2015, refers:

Application Property Address	64 Rokewood Avenue, Stellenbosch
Application Property Number	Erf 5663, Die Boord Stellenbosch
Applicant	Emile van der Merwe Town Planning Consultants
Owner	Beluan Beleggings (Pty) Ltd
Application Reference	LU/15640 (TP379/2023)
Application Type	Suspension of Title Deed condition

Detailed description of land use or development proposal, including its intent and purpose:

- Application is made in terms of Section 15 (2) (f) of the Stellenbosch Municipality Land Use Planning By-Law, October 2015 for the suspension of restrictive title deed condition Clause C. 6 (b) as contained in Deed of Transfer T746/2020 to permit the existing garage located 0m from the western boundary on Erf 5663 Stellenbosch

Notice is hereby given in terms of the provisions of Section 46 of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said bylaw with the following requirements and particulars:

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address;
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
 - Indicate the facts and circumstances that explain the comments;
 - Where relevant demonstrate the undesirable effect that the application will have if approved;
 - Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
 - Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows: (Emile van der Merwe Town Planning Consultants: emilevdm@adept.co.za). By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of 14 December 2023.

It should be noted that the Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/ objection received after the closing date.

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at (0845566461 /021-8865050) during normal office hours.

YOURS FAITHFULLY

**EMILE VAN DER MERWE
EMILE VAN DER MERWE TOWN PLANNING CONSULTANTS**

KENNISGEWING VAN GROND ONTWIKKELINGS AANSOEK AAN GETRESEERDE EN GEAFFEKTEERDE PARTYE VIR KOMMENTAAR.

Naam van geaffekteerde persoon

Fisiese adres van geaffekteerde persoon

Titel van geaffekteerde persoon:

Die volgende grondgebruiksaansoek in terme van Stellenbosch se Verordeninge op Grondgebruikbeplanning, 2015, verwys:

Adres van aansoek eiendom	Rokewood Laan 64 Stellenbosch
Aansoek eiendom beskrywing	Erf 5663 Die Boord Stellenbosch
Aansoeker	Emile van der Merwe Stadsbeplanningskonsultante
Eienaar	Beluan Beleggings (Pty) Ltd
Aansoek Verwysing	LU/15640 (TP379/2023)
Tipe Aansoek	Opskorting van beperkende titelvoorwaarde

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

- Aansoek in terme van Artikel 15 (2) (f) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruikbeplanning, Oktober 2015 vir die opskorting van beperkende titelvoorwaarde C. 6 (b) soos bevat in Titleakte T746/2020, ten einde die bestaande motorhuis op die 0m westelike boulyn op Erf 5663 te magtig.

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terms van Artikel 50 van die tersaaklike Verordening wat die volgende vereistes en besonderhede moet bevat:

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsigte van die volgende aspekte:
 - Die feite en omstandighede aantoon wat die die kommentaar toelig;
 - Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
 - Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;

- o Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: (Emile van der Merwe Stadsbeplanningskonsultante: emilevdm@adept.co.za. Deur 'n beswaar, kommentaar of verhoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing ingedien word en moet ontvang word voor of op die sluitingsdatum van 14 Desember 2023.

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by (0845566461 / 886 5050) gedurende normale kantoor ure.

Die uwe

**EMILE VAN DER MERWE
EMILE VAN DER MERWE STADSBEPLANNINGS KONSULTANTE**

ERF 5663 STELLENBOSCH

1. APPLICATION

APPLICATION IN TERMS OF SECTION 15 (2) (F) OF THE PLANNING BY-LAW FOR THE SUSPENSION OF TITLE DEED CONDITION 6 (C) (B) CONTAINED IN TITLE DEED T746/2020 TO ALLOW FOR THE EXISTING GARAGE ON THE ZERO (0) METER WESTERN BUILDING LINE OF THE PROPERTY.

2. LOCATION – APPENDIX 1

The property is located in De Boord residential neighbourhood approximately 4 km to the south west of the Stellenbosch Central Business area. The location of the property on neighbourhood level is depicted on the map below.

LOCATION MAP: ERF 56663



The property is located at 64 Rokewood Street .

3. ZONING

The property is zoned Conventional Residential in terms of the Stellenbosch Zoning Scheme By-Law (2019). The permissible land uses as per Table 49 (Chapter 7) for your easy reference is provided below.

ERF 5663 STELLENBOSCH

49. Land use within this zone

(1) The following land uses are permitted in this zone:

Primary Uses	Additional Uses (not exceeding threshold in this chapter and subject to technical approval)	Consent Uses (application required)
<ul style="list-style-type: none">• Dwelling house	<ul style="list-style-type: none">• Bed and breakfast establishment• Home day care centre• Home occupation practice• Home lodging• Second dwelling• Occasional use (one event/year)• Private road	<ul style="list-style-type: none">• Commune• Extramural facility• Group housing• Guest house• House shop• Occasional use (>one event/year)• Tourist dwelling unit• Additional uses exceeding parameters in this chapter

The property accommodates a single dwelling house and is being utilised in terms of the provisions of the zoning scheme.

5. SITE PLAN – Appendix 5

The property is located at 64 Rokewood Avenue to the north of the Eerste River. The property comprises an existing double storey dwelling house with associated outbuildings. The purpose of the application is to obtain planning permission in order to regularise the existing garage on the zero-meter western building line as per the site plan attached hereto.

In terms of Section 55 (2) (b) of the Stellenbosch Zoning Scheme By-Law the proposal **does not** require approval in terms of Section 15 (2) (b) of the Land Use Planning By-Law (2015). See extract of zoning scheme by-law below

Zoning Scheme provisions

Section 55 : Development parameters

- (2) The following additional parameters apply in respect of building lines:
- (a) carports are permitted up to 0 meters from the street boundary and garages are permitted up to 1 meter from the street boundary;
 - (b) garages and carports are permitted 0 meters from the common boundary provided that the wall on the common boundary is no higher than one storey, the height of the entire garage may not exceed one storey and no stormwater may be discharged directly from the building roof onto the neighbouring property other than the adjacent public or private road;

An application for the removal of the title deed condition however will be required as applied for in this application.

5. PLANNING CONSIDERATIONS

The proposed garage applies to non-residential use and it is envisaged that the proposal will not impact negatively on the character of the neighbourhood. The development impact is further reduced to the substantial landscaping on the neighbouring property as well to the front of the dwelling house.

The proposal is considered to be compatible with the intended permissible uses and purposes of the zoning scheme as set out below

48. Purpose of the zone

- (1) The purpose of this zone is to make provision for:
- (a) the use of land for the purposes of predominantly single dwelling houses;
 - (b) the welfare and safety of the occupants of dwelling houses within a neighbourhood by limiting uses which are likely to give rise to a public nuisance;
 - (c) the protection and improvement of the quality and character of residential areas to ensure a safe and pleasant living environment;
 - (d) controlled opportunities for home employment and income generation through activities which are compatible with and ancillary to residential uses; and
 - (e) moderate densification through additional dwellings of with a similar built form and character.

The proposal is considered desirable for the following reasons:

- The proposal conforms to the zoning rights of the property
- The proposal will not create any additional land use/property rights and will be used for residential purposes
- The use of the property will be in line with the predominant land uses in the area
- The proposal will not have a negative impact on the aesthetic quality of the property
- The welfare and amenity of the neighbourhood will not be negatively affected
- The character of the residential neighbourhood will be maintained
- Sufficient parking is available on the property
- The street building line will not be affected
- The proposal will not have a negative impact on traffic flow and pedestrian safety
- The proposal will not impact on municipal services

6. CONCLUSION

From a land use management and spatial planning perspective it is evident that the proposals will not have an adverse impact on the residential character of the area. It is envisaged that

ERF 5663 STELLENBOSCH

the proposals will not impact negatively on the rights of the surrounding property owners and safety and welfare of the community. It therefore is trusted that the Stellenbosch Municipality favourably will consider the application on Erf 5663 Stellenbosch.

117

Cluver Markotter Inc
Cluver Markotter Building
Mill Street
Stellenbosch
7600

Prepared by me

CONVEYANCER
AREND LEOPOLD DE WAAL

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R3 000 000,00	R3 190,00
Reason for exemption	Category Exemption.....	Exemption i to. Sec/Reg..... Ac/Proc.....

VERBIND	MORTGAGED
VR FOR R 5 000 000,00	
B 000000429 (2020)	
15 JAN 2020	REGISTRAR/REGISTRAR

DATA / VERIFY
22 -01- 2020
ATHI DAMOYI

T 000000746 / 2020

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

ANTON LUTHER POSTHUMUS

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

NICOLAAS JACOBUS VAN LILL
Identity Number 670917 5038 08 2
Married out of community of property

DATA / VERIFY
22 -01- 2020
ATHI DAMOYI

which said Power of Attorney was signed at STELLENBOSCH on 9 December 2019

R

And the appearer declared that his/her said principal had, on 8 November 2019, 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:

BELUAN BELEGGINGS PROPRIETARY LIMITED
Registration Number 2014/020582/07

or its Successors in Title or assigns, in full and free property

**ERF 5663 STELLENBOSCH in the Municipality and Division Stellenbosch,
Western Cape Province**

IN EXTENT 1690 (ONE THOUSAND SIX HUNDRED AND NINETY) Square metres

**FIRST TRANSFERRED BY Deed of Transfer Number T62437/1990 with General
Plan Number 9180 relating thereto and HELD BY Deed of Transfer Number
T38621/2010**

A. WITH REGARDS to the remainder figure a left bank of Eerste River bc middle of Eerste River de left bank of Eerste River f G H J K'w x y P Q R S T U V on Diagram No 7595/1975:

1. SUBJECT to the conditions as referred to in Deed of Transfer No T1119/1970.
2. ENTITLED to the benefits of the Servitude as referred to in the following endorsement dated 7 February 1905 on Deed of Transfer No T2582/1902, namely:

"Registration of Servitude

By Deed of 30th Nov 1904 the owner of the land hereby conveyed has been granted a right of way and the right to lay certain water pipes over the land conveyed by Trfr. 5455 d/d 27 July 1901. As will more fully appear on reference to the copy annexed hereto."

B. WITH REGARDS to the remainder figure W.L.M.N.y on the siad Diagram No 7595/1975:

SUBJECT to the conditions as referred to in Deed of Transfer No T11199/1970.

C. SUBJECT FURTHER to the following conditions as contained in Deed of Transfer No T62437/1990 and imposed by the Administrator with the approval of the establishment of Stellenbosch Extension No 21 in terms of Section 18 of Ordinance No 33 of 1934, namely:

- "1. Alle woorde en 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 bepalinge 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 opgevat word as sou dit die bepalinge 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 lê, 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 genoeë 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.

R

- (d) Ingeval hierdie erf onderverdeel word, is elke onderverdeelde gedeelte, uitgesonderd 'n gedeelte afgesny vir pad- of dergelike doeleindes, onderworpe aan die voorwaardes hierin uiteengesit asof dit die oorspronklike erf is."

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

NICOLAAS JACOBUS VAN LILL, Married as aforesaid

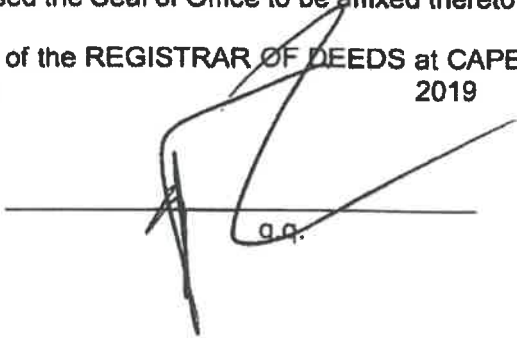
heretofore had to the premises, did in consequence also acknowledge him to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

BELUAN BELEGGINGS PROPRIETARY LIMITED
Registration Number 2014/020582/07

or 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 to be the sum of R13 000 000,00 (THIRTEEN MILLION RAND).

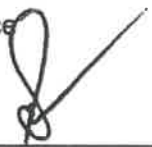
IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 2020-01-15 2019



g.g.

In my presence



REGISTRAR OF DEEDS

g

ERF BOUNDARY 35 010

EERSTE RIVER

2500mm Scheme Building line

3000mm Titel Building line

2300mm Titel Building line

2500mm Scheme Building line

2500mm Scheme Building line

2300mm Titel Building line

ERF 5664

ERF BOUNDARY 48 550

ERF 5662

ERF BOUNDARY 48 000

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	36,1%
Bulk	0,63

ERF 5663

Propose new lean to roof over existing stoep to be maximum 3000mm high.

Build new 220mm wall, 3000mm high. To be plastered and painted both sides with 2350mmx2400mm high opening sill to match existing.

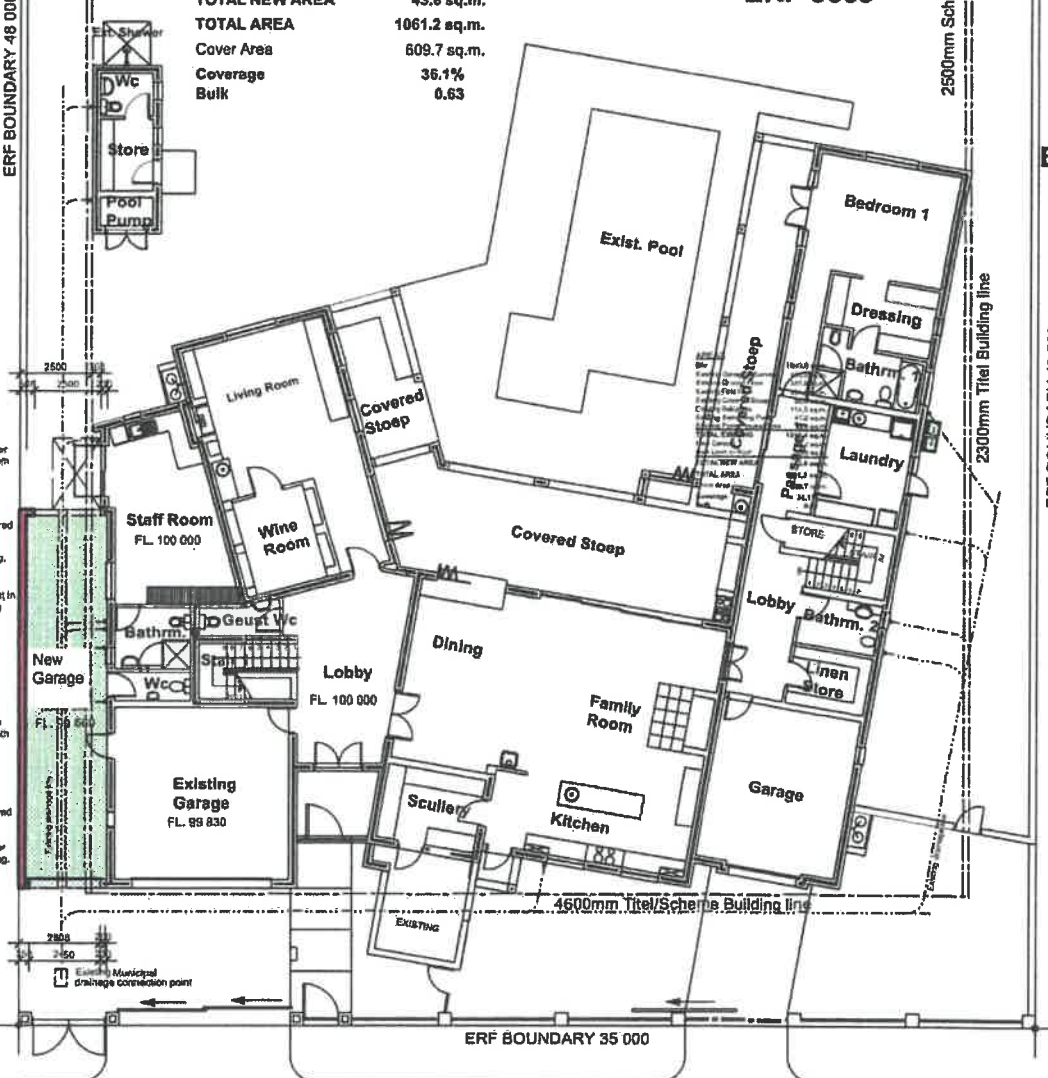
Existing drain pipe to be cast in 300mm dia. concrete casing under concrete surfacast.

Build new 220mm wall on boundary, 3000mm high. To be plastered and painted both sides.

Build new 230mm wall, 3000mm high. To be plastered and painted both sides with 2350mmx2400mm high opening with aluminium roller shutter door to match existing.

Existing double gate

Existing Municipal drainage connection point



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
e-mail: deon@technoarch.co.za
CEL: (082) 372 3540
TEL: (087) 897 9896

Techno'arch
ARGITEKTE . ARCHITECTS