



STELLENBOSCH
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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2016-11-25

SPECIAL MAYORAL COMMITTEE MEETING
WEDNESDAY, 2016-11-30 AT 10:00

TO The Executive Mayor, Ald G Van Deventer (Ms)
The Deputy Executive Mayor, Cllr N Jindela

COUNCILLORS PW Biscombe
J De Villiers
AR Frazenburg
E Groenewald (Ms)
XL Mdemka (Ms)
S Peters
Ald JP Serdyn (Ms)
Q Smit

Notice is hereby given that a Special Mayoral Committee Meeting will be held in the Council Chamber, Town House, Plein Street, Stellenbosch on **Wednesday, 2016-11-30 at 10:00** to consider the attached agenda.

EXECUTIVE MAYOR, ALD GM VAN DEVENTER (MS)

CHAIRPERSON

SPECIAL MAYORAL COMMITTEE MEETING

2016-11-30

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4.	REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS MAYORAL COMMITTEE MEETINGS
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NONE

5.	STATUTORY MATTERS
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5.1	COMMUNITY DEVELOPMENT AND COMMUNITY SERVICES: (PC: CLLR AR FRAZENBURG)
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NONE

5.2	CORPORATE AND STRATEGIC SERVICES: (PC: CLLR E GROENEWALD (MS))
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NONE

5.3	ECONOMIC DEVELOPMENT AND PLANNING:(PC: ALD JP SERDYN (MS))
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5.3.1	APPLICATION FOR THE RELAXATION OF A TITLE DEED BUILDING LINE, DEPARTURE AND THE AMENDMENT OF DELEGATIONS: ERF 6248 STELLENBOSCH
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1. PURPOSE OF REPORT

To enable Council to make a decision on the abovementioned applications. The applications are **recommended for approval**.

2. BACKGROND: APPLICATION FOR CONSIDERATION

Application is made in terms of condition B7, as contained in Deed of Transfer No T34514 of 2014, attached as **APPENDIX 6**, for permission to relax the 3.5m title deed building line to 0m, in order to construct a garage on Erf 6248, Stellenbosch, as indicated on the plan attached as **APPENDIX 3**;

Application is made in terms of Section 15 of the Land Use Planning Ordinance, (Ordinance No.15 of 1985) for a departure on Erf 6248, Stellenbosch, to relax the 2.5m lateral building line to 0m for the proposed garage, as indicated on the building plan attached as **APPENDIX 3**;

3. PROPERTY INFORMATION

Erf number	6248, Stellenbosch
Location	9 Fisant Road, Stellenbosch (see APPENDIX 2)
Zoning/Zoning Scheme	Stellenbosch Municipality Zoning Scheme Regulations, July 1996.
Current Land Use	Residential
Zoning	Single Residential
Unauthorized land use/building work / date when notice served	None
Property size	885m ²
Applicant	J A Westhead
NHRA Applicable	No
Title deed conditions	Yes (Application for relaxation is also being applied for Condition 7 pg 3 of title deed)

4. DISCUSSION

4.1 Legal requirements and Public Participation

The application for the Administrators permission to relax the building line was submitted in terms of respective title deed.

The application for Departures was submitted in terms of Section 15 of the Land Use Planning Ordinance 15 of 1985. The applications have been advertised by the applicant to the surrounding affected property owners in terms of the Public Participation Policy for the Land Use Management section. The internal departments of Council supported the proposal as per the correspondence attached as **APPENDIX 4**. No objection was received on this application from the surrounding affected neighbours Consent forms attached as **APPENDIX 5**.

4.2 Site Description and Assessment

The subject property is located within a well-established residential area of Stellenbosch and is developed with a dwelling house. The owner proposes to construct a double garage on the lateral boundary line of his property and the adjoining erf 6247. The adjoining property owner has consented to the proposal and the proposed use is seen as an extension of the existing residential use of the property.

The position of the proposed garage has been determined by the orientation and position of the existing dwelling on the subject property. The proposed garage is setback from the road and thus should have very little impact on its surroundings and streetscape. The building should have no impact on the adjoining properties privacy as it will only be used for the storage of vehicles.

5. **AMENDMENT OF DELEGATIONS TO THE DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT.**

With the implementation of SPLUMA (Spatial Planning Land Use Management Act 16 of 2013) a number of functions administered by DEADP where delegated to Council. In this instance approval granted by the then Administrator are now approvals granted by Council. In terms of section 45(6) SPLUMA and Section 39(4) of LUPA any reference to the Administrator or Township Board in a title deed condition will be a reference to the Council who will be the competent authority. **(Refer to APPENDIX 7 & 8)**

The amended delegations as approved by Council on the 25-03-2015 did not include a delegation that enables the Director: Planning and Economic Development to grant permission in terms of the title deed condition where reference is made to the Administrator or Township Board. This delegation is required for the relevant official of Council to execute their duties.

The delegation of this power to the Director: Planning and Economic Development will enable the Land Use Department to dispose of a number of Land Use Applications without having to refer them to Council for approval. The delegation of this power to the Director: Planning and Economic Development will also enable him to comply with the legal directive by taking full advantage of administrative and operational efficiency.

6. COMMENTS FROM DIRECTORATES

Directorate: Corporate Services - *No comment received.*

Directorate: Finance Services - *Had no objection to the proposal.*

Directorate: Engineering Services - *No comment received.*

Directorate: Community & Protection Services - *No comment received.*

Directorate: Human Settlements & Property Management - *No comment received.*

7. COMMENTS FROM EXTERNAL LEGAL ADVISOR

Refer to APPENDIX 8

RECOMMENDED

- (a) that Council take cognisance of circular: EAD 0009/2015 from the Department of Environmental Affairs and Development Planning attached as **APPENDIX 7** and the external legal comment from STBB Ref AHS/CVDL attached as **APPENDIX 8** on this matter;
- (b) **that approval be granted** in terms of condition B7, as contained in Deed of Transfer No T34514 of 2014, attached as **APPENDIX 6**, for the relaxation of the 3.5m building line to 0m, in order to construct a garage on Erf 6248, Stellenbosch, as indicated on the plan attached as **APPENDIX 3**;
- (c) that **approval be granted** in terms of Section 15 of the Land Use Planning Ordinance, (Ordinance No.15 of 1985) for a departure on Erf 6248, Stellenbosch, to relax the lateral building line from 2.5m to 0m for the proposed garage, as indicated on the building plan attached as **APPENDIX 3**; subject to the conditions of approval attached as **APPENDIX 1**; and
- (d) that the **Director: Planning and Economic Development** be delegated to approve or refuse land use application for the relaxation of title deed conditions where the applicable title deed makes provision for such applications.

REASONS FOR RECOMMENDATION

The relaxation of the title deed building line and zoning scheme building line is supported as the use of the proposed building is an extension of the existing residential use of the property. The proposal will have no impact on its surroundings as it is still setback well within the property. The proposed building will not be used for residential purposes, only for storage purposes.

The delegation of this power to the Director: Planning and Economic Development will enable the Land Use Department to dispose of a number of Land Use Applications without having to refer them to Council for approval. The delegation of this power to the Director: Planning and Economic Development will also enable him to comply with the legal directive by taking full advantage of administrative and operational efficiency.

APPENDICES

- Appendix 1 : Conditions of Approval.
 Appendix 2 : Locality Map.
 Appendix 3 : Building Plan
 Appendix 4 : Internal Departments comments
 Appendix 5 : Neighbours consent
 Appendix 6 : Copy of title deed of property
 Appendix 7 : DEADP Circular 0009/2015
 Appendix 8 : External Legal Comment

APPENDIX 1
FILE NO: 6248

In this approval document:

“Council” means the Stellenbosch Municipality

“the owner” means the registered owner of the property.

“the site ” means **ERF 6248, STELLENBOSCH**

“scheme regulation” has the meaning assigned thereto by Ordinance 15 of 1985.

EXTENT OF APPROVAL:

Relaxation of the restrictive title deed condition, condition B7 as contained in Deed of Transfer No T34514 of 2014, attached as **APPENDIX 6**, to enable the construction of the proposed garage on the lateral boundary of Erf 6248, Stellenbosch, as indicated on the plan attached as **APPENDIX 3**;

Departure on Erf 6248, Stellenbosch, to relax the lateral building line from 2.5m to 0m for the proposed garage, as indicated on the building plan attached as **APPENDIX 3**.

CONDITIONS IMPOSED: Departure Conditions

CONDITIONS IMPOSED IN TERMS OF SECTION 42(1) OF THE LAND USE PLANNING ORDINANCE NO. 15 OF 1985:

- 1 The approval applies only to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
- 2 The approval shall automatically lapse in the event of the Departure not being acted upon within 24 months from the date of this approval;
- 3 That the development be undertaken in accordance with the plan attached as **APPENDIX 3** of this report;
- 4 That formal building plan is submitted to Council for approval prior to building work commencing;

Meeting: Ref no:	Special Mayco:2016-11-30 7/2/1/1	Submitted by Directorate: Author Referred from:	Planning and Eco Development D Lombaard
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APPENDIX 2

Application is made for the relaxation of the restrictive title deed condition, condition 7 on page 3 of the respective title deed, attached as **Appendix 6** to enable the construction of the proposed garage on the lateral boundary of Erf 6248, Stellenbosch, as indicated on the plan attached as **Appendix 3**;

Application is made in terms of Section 15 of the Land Use Planning Ordinance, (Ordinance No.15 of 1985) for departure on Erf 6248, Stellenbosch, to relax the lateral building line from 2.5m to 0m for the proposed garage, as indicated on the building plan attached as **Appendix 3**;

LOCALITY PLAN



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APPENDIX 3

Application is made for the relaxation of the restrictive title deed condition, condition 7 on page 3 of the respective title deed, attached as **Appendix 6** to enable the construction of the proposed garage on the lateral boundary of Erf 6248, Stellenbosch, as indicated on the plan attached as **Appendix 3**;

Application is made in terms of Section 15 of the Land Use Planning Ordinance, (Ordinance No.15 of 1985) for departure on Erf 6248, Stellenbosch, to relax the lateral building line from 2.5m to 0m for the proposed garage, as indicated on the building plan attached as **Appendix 3**;

BUILDING PLAN



South East Elevation

South West Elevation

North East Elevation

North West Elevation

Erf 6248
885m²

North

Existing House

New Garage

Erf 6247
35210

Erf 6249
35810

4500 Building Line

25000 Fisant

Bead Tech

26 Blumental
Stellenbosch
7600

Tel: 082 952 0528
Fax: 086 600 8173
beadtech@beadtech.co.za

Areas:	
Existing	: 99.6m ²
New Outbuilding	: 51.7m ²
Erf	: 885m ²
Cover	: 17.1%

Project: Additions and Alterations to House on Erf 6248, 9 Fisant Street, Stellenbosch for Mr & Mrs Westhead	
Drawing Name: Outbuilding	Drawing No: Stl 6248 00
Date: September 2015	Scale: 1:200
Drawn By: I. Marais	SACAP No: D 1574



APPENDIX 4

Application is made for the relaxation of the restrictive title deed condition, condition 7 on page 3 of the respective title deed, attached as **Appendix 6** to enable the construction of the proposed garage on the lateral boundary of Erf 6248, Stellenbosch, as indicated on the plan attached as **Appendix 3**;

Application is made in terms of Section 15 of the Land Use Planning Ordinance, (Ordinance No.15 of 1985) for departure on Erf 6248, Stellenbosch, to relax the lateral building line from 2.5m to 0m for the proposed garage, as indicated on the building plan attached as **Appendix 3**;

INTERNAL DEPARTMENTS COMMENTS

Robert Fooy

From: Planning Pa (Nicole Petersen)
Sent: 13 October 2016 10:28 AM
To: Robert Fooy
Subject: FW: APPLICATION FOR THE RELAXATION OF A TITLE DEED BUILDING LINE, DEPARTURE AND THE AMENDMENT OF DELEGATIONS: ERF 6248 STELLENBOSCH

From: Marius Wust
Sent: Wednesday, September 28, 2016 2:56 PM
To: Planning Pa (Nicole Petersen)
Subject: RE: APPLICATION FOR THE RELAXATION OF A TITLE DEED BUILDING LINE, DEPARTURE AND THE AMENDMENT OF DELEGATIONS: ERF 6248 STELLENBOSCH

Finance in support

From: Planning Pa (Nicole Petersen)
Sent: Thursday, September 15, 2016 3:19 PM
To: Tabiso Mfeya; Dupre Lombaard; Willem Pretorius; Marius Wust; Vernon Bowers; Gerald Esau
Cc: Annelene Rooifontein; Nomie Tshefu; Lize-Mari Visser; Rochelle Nichols; Rozeeta Petersen; Robert Fooy; Hedre Dednam
Subject: APPLICATION FOR THE RELAXATION OF A TITLE DEED BUILDING LINE, DEPARTURE AND THE AMENDMENT OF DELEGATIONS: ERF 6248 STELLENBOSCH

Dear Directors

I trust that you are well.

Please provide me with your comments on the attached report by no later than Wednesday 28, September 2016 via e-mail.

Your co-operation in this regards will be highly appreciated.

Kind regards / Vriendelike groete

Nicole Petersen

*Support Assistant: Land Use Management
Planning & Economic Development*

T: +27 21 808 8669 • F: +27 21 886 6899
Plein Street, Stellenbosch, 7600 • PO Box 17, Stellenbosch, 7599
www.stellenbosch.gov.za



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APPENIX 5

Application is made for the relaxation of the restrictive title deed condition, condition 7 on page 3 of the respective title deed, attached as **Appendix 6** to enable the construction of the proposed garage on the lateral boundary of Erf 6248, Stellenbosch, as indicated on the plan attached as **Appendix 3**;

Application is made in terms of Section 15 of the Land Use Planning Ordinance, (Ordinance No.15 of 1985) for departure on Erf 6248, Stellenbosch, to relax the lateral building line from 2.5m to 0m for the proposed garage, as indicated on the building plan attached as **Appendix 3**;

NEIGHBOURS CONSENTS



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Plein Street, STELLENBOSCH, 7600
Website: <http://www.stellenbosch.gov.za>

P O Box 17, STELLENBOSCH, 7599

Tel no: 021 808 8111

Fax no: 021 808 8651

ADVISE OFFICE

DIRECTORATE : PLANNING & DEVELOPMENT

LETTER OF NO OBJECTION

Dear Sir / Madam

Completed by (official) _____
STELLENBOSCH

This letter serves to notify potentially affected parties of the application set out hereunder.

Note to affected parties / property owners

Should you not be prepared to sign this letter of no objection, you may either turn it into an objection by explaining the reasons for your objection and signing it or request the applicant to instruct the Municipality to formally advertise the matter by post, in which case you'll be afforded a 30 day period to comment and/or object thereto.

Kindly note, your confirmation of no objection cannot be subject to any conditions. Either the application must be amended to address your concerns or this letter will be treated as an objection. The completed form should be submitted to the Advise Centre at the main building in Plein Street, Stellenbosch or can be posted to P O Box 17, Stellenbosch, 7599 or faxed to 021-808 8651. Kindly call 021-808 8606 for further enquiries.

Note to applicant

Should the affected party / property owner not be prepared to sign this letter of no objection, you are advised to submit the application without their agreement so that Council can formally advertise the matter by post. Alternatively, you may amend the proposal so that no departure / consent / amendment is required or the affected parties are satisfied.

Kindly note, in case of no objection by the relevant party / property owner, in addition to signing this form, it is critical that the relevant building / layout plan or proposal drawings are also signed and dated. Where ownership is registered in more than one name (ie both husband and wife), all parties must sign this letter and the plans. Parties signing on behalf of a company or trust must provide proof of authority to do so.

APPLICATION DETAILS

Erf / Erven / Farm no	62453	Allotment area		Application no	
Applicant / consultant	Mr & Mrs Westhead	Contact no		Amendment of conditions	
Application type	<input checked="" type="checkbox"/> Regulation departure	SDP amendment			
	<input type="checkbox"/> Consent / Conditional use	Other (please specify)			
Detailed description of application: Application to encroach on the lateral building line to 0.00m in order to replace the existing single garage with a double garage.					

DECLARATION BY AFFECTED PARTY(S) / PROPERTY OWNER(S)

Note: Please ensure the Plan no specified below corresponds with the plan shown to and signed by you. Don't sign this form if the application detail section above is not properly completed. If signing on behalf of a company / trust, please attach written proof of authorisation to do so. If affected premises owned by more than one person (ie both husband and wife), all parties to sign.

I / We, registered owner(s) of the under-mentioned premises, having been shown the subdivision / layout plan / building plans / proposal drawings with reference / Plan / Drawing no Stl 6248 00, dated September 2015, drawn by I. Marais in respect of the aforementioned application, and having signed / not signed and dated such plan(s) (delete whichever not applicable), confirm that I / we understand the proposal requires consent / departure(s) / amendment(s) in terms of / from the local Zoning scheme regulations, the Land Use Planning Ordinance, No 15 of 1985 and/or the regulations in terms of the Black Communities Development Act, No 4 of 1984, as set out above and confirm that I / we (please tick)

am / are not adversely affected by the proposal and therefore have no objection thereto.
 am / are adversely affected by the proposal and therefore wish to object to it, for the reasons listed hereunder
 I wish the application to be formally advertised by Council.

Reasons for objection (if any)

Owner signature	<i>HRoos</i>	Date	20/2/2016.
Full name (capitals)	Helena Roos	Company name	
Erf no	6250	Street address	
postal address	Fisantsstraat 5, Stellenbosch		
	Postal code	7600	
Contact no	Office	Home	Cell 021 950 8286
Checked by (official)		Date	



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DIRECTORATE : PLANNING & DEVELOPMENT



LETTER OF NO OBJECTION

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Note to applicant

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Kindly note, your confirmation of no objection cannot be subject to any conditions. Either the application must be amended to address your concerns or this letter will be treated as an objection. The completed form should be submitted to the Advice Centre at the main building in Plein Street, Stellenbosch or can be posted to P O Box 17, Stellenbosch, 7599 or faxed to 021-808 8651. Kindly call 021-808 8606 for further enquiries.

Kindly note, in case of no objection by the relevant party / property owner, in addition to signing this form, it is critical that the relevant building / layout plan or proposal drawings are also signed and dated. Where ownership is registered in more than one name (ie both husband and wife), all parties must sign this letter and the plans. Parties signing on behalf of a company or trust must provide proof of authority to do so.

APPLICATION DETAILS				
Erf / Erven / Farm no	6248	Allotment area		Application no
Applicant / consultant	Mr & Mrs Westhead	Contact no		
Application type	X Regulation departure	SDP amendment		Amendment of conditions
	Consent / Conditional use	Other (please specify)		
Detailed description of application: Application to encroach on the lateral building line to 0.00m in order to replace the existing single garage with a double garage.				

DECLARATION BY AFFECTED PARTY(S) / PROPERTY OWNER(S)

Note: Please ensure the Plan no specified below corresponds with the plan shown to and signed by you. Don't sign this form if the application detail section above is not properly completed. If signing on behalf of a company / trust, please attach written proof of authorisation to do so. If affected premises owned by more than one person (ie both husband and wife), all parties to sign.

I / We, registered owner(s) of the under-mentioned premises, having been shown the subdivision / layout plan / building plans / proposal drawings with reference / Plan / Drawing no Stl 6248 00, dated September 2015, drawn by I. Marais in respect of the aforementioned application, and having signed / not signed and dated such plan(s) (delete whichever not applicable), confirm that I / we understand the proposal requires consent / departure(s) / amendment(s) in terms of / from the local Zoning scheme regulations, the Land Use Planning Ordinance, No 15 of 1985 and/or the regulations in terms of the Black Communities Development Act, No 4 of 1984, as set out above and confirm that I / we (please tick)

- am / are not adversely affected by the proposal and therefore have no objection thereto.
- am / are adversely affected by the proposal and therefore wish to object to it, for the reasons listed hereunder
- wish the application to be formally advertised by Council.

Reasons for objection (if any)

Owner signature	<i>Elva Marie van Wyk</i>	Date	2016-02-20
Full name (capitals)	Elva Marie van Wyk	Company name	
Erf no	6249	Street address	7 Fisant Street
postal address	P O Box 2192, DEN VESIG		
	Postal code	7601	
Contact no	Office 021 808 4520	Home 021 886 4588	Cell 082 215 419
Checked by (official)		Date	



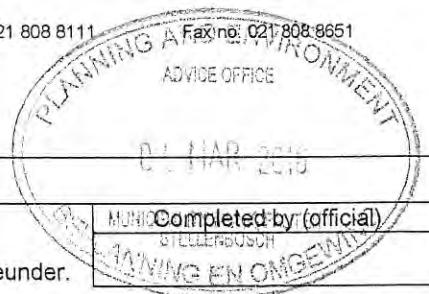
Plein Street, STELLENBOSCH, 7600
Website: <http://www.stellenbosch.gov.za>

P O Box 17, STELLENBOSCH, 7599

Tel no: 021 808 8111

Fax no: 021 808 8651

DIRECTORATE : PLANNING & DEVELOPMENT



LETTER OF NO OBJECTION

Dear Sir / Madam

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Note to affected parties / property owners

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Note to applicant

Should the affected party / property owner not be prepared to sign this letter of no objection, you are advised to submit the application without their agreement so that Council can formally advertise the matter by post. Alternatively, you may amend the proposal so that no departure / consent / amendment is required or the affected parties are satisfied.

Kindly note, your confirmation of no objection cannot be subject to any conditions. Either the application must be amended to address your concerns or this letter will be treated as an objection. The completed form should be submitted to the Advice Centre at the main building in Plein Street, Stellenbosch or can be posted to P O Box 17, Stellenbosch, 7599 or faxed to 021-808 8651. Kindly call 021-808 8606 for further enquiries.

Kindly note, in case of no objection by the relevant party / property owner, in addition to signing this form, it is critical that the relevant building / layout plan or proposal drawings are also signed and dated. Where ownership is registered in more than one name (ie both husband and wife), all parties must sign this letter and the plans. Parties signing on behalf of a company or trust must provide proof of authority to do so.

APPLICATION DETAILS				
Erf / Erven / Farm no	6248	Allotment area		Application no
Applicant / consultant	Mr & Mrs Westhead	Contact no		
Application type	<input checked="" type="checkbox"/> Regulation departure	<input type="checkbox"/> SDP amendment	<input type="checkbox"/> Amendment of conditions	
	<input type="checkbox"/> Consent / Conditional use	<input type="checkbox"/> Other (please specify)		
Detailed description of application Application to encroach on the lateral building line to 0.00m in order to replace the existing single garage with a double garage.				

DECLARATION BY AFFECTED PARTY(S) / PROPERTY OWNER(S)				
Note : Please ensure the Plan no specified below corresponds with the plan shown to and signed by you. Don't sign this form if the application detail section above is not properly completed. If signing on behalf of a company / trust, please attach written proof of authorisation to do so. If affected premises owned by more than one person (ie both husband and wife), all parties to sign.				
I / We, registered owner(s) of the under-mentioned premises, having been shown the subdivision / layout plan / building plans / proposal drawings with reference / Plan / Drawing no Stl 6248 00, dated September 2015, drawn by I. Marais in respect of the aforementioned application, and having signed / not signed and dated such plan(s) (delete whichever not applicable), confirm that I / we understand the proposal requires consent / departure(s) / amendment(s) in terms of / from the local Zoning scheme regulations, the Land Use Planning Ordinance, No 15 of 1985 and/or the regulations in terms of the Black Communities Development Act, No 4 of 1984, as set out above and confirm that I / we (please tick)				
<input type="checkbox"/> am / are not adversely affected by the proposal and therefore have no objection thereto.				
<input checked="" type="checkbox"/> am / are adversely affected by the proposal and therefore wish to object to it, for the reasons listed hereunder				
wish the application to be formally advertised by Council.				
Reasons for objection (if any)				
Owner signature				Date
Full name (capitals)	Andries de Klerk			18/2/2016
Erf no	6247	Company name	Fisortstr. 11, Stellenbosch	
postal address	N/A			
Contact no	Office	021 880 2010	Home	-
			Postal code	7600
			Cell	083 737 1663



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P O Box 17, STELLENBOSCH, 7599

Tel no. 021 808 8113

Fax no 021 808 8651

DIRECTORATE : PLANNING & DEVELOPMENT



LETTER OF NO OBJECTION

Dear Sir / Madam

This letter serves to notify potentially affected parties of the application set out hereunder.

Note to affected parties / property owners

Should you not be prepared to sign this letter of no objection, you may either turn it into an objection by explaining the reasons for your objection and signing it or request the applicant to instruct the Municipality to formally advertise the matter by post, in which case you'll be afforded a 30 day period to comment and/or object thereto.

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Note to applicant

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Kindly note, in case of no objection by the relevant party / property owner, in addition to signing this form, it is critical that the relevant building / layout plan or proposal drawings are also signed and dated. Where ownership is registered in more than one name (ie both husband and wife), all parties must sign this letter and the plans. Parties signing on behalf of a company or trust must provide proof of authority to do so.

APPLICATION DETAILS			
Erf / Erven / Farm no	6248 00	Allotment area	Application no
Applicant / consultant	Mr & Mrs Westhead	Contact no	
Application type	<input checked="" type="checkbox"/> Regulation departure	<input type="checkbox"/> SDP amendment	<input type="checkbox"/> Amendment of conditions
	<input type="checkbox"/> Consent / Conditional use	<input type="checkbox"/> Other (please specify)	
Detailed description of application			
Application to encroach on the lateral building line to 0.00m in order to replace the existing single garage with a double garage.			

DECLARATION BY AFFECTED PARTY(S) / PROPERTY OWNER(S)

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I / We, registered owner(s) of the under-mentioned premises, having been shown the subdivision / layout plan / building plans / proposal drawings with reference / Plan / Drawing no St 6248 00, dated September 2015, drawn by I. Marais in respect of the aforementioned application, and having signed / not signed and dated such plan(s) (~~delete whichever not applicable~~), confirm that I / we understand the proposal requires consent / departure(s) / amendment(s) in terms of / from the local Zoning scheme regulations, the Land Use Planning Ordinance, No 15 of 1985 and/or the regulations in terms of the Black Communities Development Act, No 4 of 1984, as set out above and confirm that I / we (please tick)

am / are not adversely affected by the proposal and therefore have no objection thereto.
 am / are adversely affected by the proposal and therefore wish to object to it, for the reasons listed hereunder
 wish the application to be formally advertised by Council.

Reasons for objection (if any)

Owner signature	E.D. D'HAENEST D'YVOU		Date	20-02-2016
Full name (capitals)	E.D. D'HAENEST D'YVOU	Company name		
Erf no	6248	Street address	13 FISANT STR, OPB	
postal address	P.O. Box 12647, Die Boom 7613		Postal code	7600
Contact no	Office	Home	Cell	072 573 2227
Checked by (official)			Date	



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Tel no: 021 808 8111

ADVICE OFFICE
Fax no: 021 808 8651



DIRECTORATE : PLANNING & DEVELOPMENT

LETTER OF NO OBJECTION

Completed by (official)

Dear Sir / Madam

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Note to affected parties / property owners

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APPLICATION DETAILS

Erf / Erven / Farm no	6248B	Allotment area		Application no	
Applicant / consultant	Mr & Mrs Westhead	Contact no			
Application type	X Regulation departure	SDP amendment		Amendment of conditions	
	Consent / Conditional use	Other (please specify)			
Detailed description of application	Application to encroach on the lateral building line to 0.00m in order to replace the existing single garage with a double garage.				

DECLARATION BY AFFECTED PARTY(S) / PROPERTY OWNER(S)

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 am / are **adversely affected** by the proposal and therefore wish to object to it, for the reasons listed hereunder
 wish the application to be formally advertised by Council.

Reasons for objection (if any)

Owner signature			Date	20/02/2016
Full name (capitals)	Louise Corstons	Company name	Ton Corstons	
Erf no	6233	Street address	Kleinvallei 14, OPB	
postal address	Paskus 7574, Stellenbosch, 7599		Postal code	
Contact no	Office	Home	Cell	0835495521
Checked by (official)			Date	



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Tel no: 021 808 8111

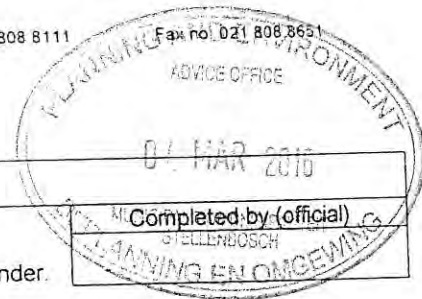
Fax no: 021 808 8651

DIRECTORATE : PLANNING & DEVELOPMENT

LETTER OF NO OBJECTION

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Note to affected parties / property owners

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APPLICATION DETAILS			
Erf / Erven / Farm no	62483	Allotment area	Application no
Applicant / consultant	Mr & Mrs Westhead	Contact no	
Application type	<input checked="" type="checkbox"/> Regulation departure	SDP amendment	Amendment of conditions
	<input type="checkbox"/> Consent / Conditional use	Other (please specify)	
Detailed description of application Application to encroach on the lateral building line to 0.00m in order to replace the existing single garage with a double garage.			

DECLARATION BY AFFECTED PARTY(S) / PROPERTY OWNER(S)

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I / We, registered owner(s) of the under-mentioned premises, having been shown the subdivision / layout plan / building plans / proposal drawings with reference / Plan / Drawing no Stl 6248 00, dated September 2015, drawn by I. Marais in respect of the aforementioned application, and having signed / not signed and dated such plan(s) (~~delete whichever not applicable~~), confirm that I / we understand the proposal requires consent / departure(s) / amendment(s) in terms of / from the local Zoning scheme regulations, the Land Use Planning Ordinance, No 15 of 1985 and/or the regulations in terms of the Black Communities Development Act, No 4 of 1984, as set out above and confirm that I / we (**please tick**)

- am / are **not adversely affected** by the proposal and therefore have no objection thereto.
- am / are **adversely affected** by the proposal and therefore wish to object to it, for the reasons listed hereunder
- wish the application to be formally advertised by Council.

Reasons for objection (if any)

Owner signature		Date	20-02-2016
Full name (capitals)	HUBERT J. J. KALS	Company name	
Erf no	6232	Street address	
postal address	12 KLEINVALLEI Rd. STELLENBOSCH		
		Postal code	
Contact no	Office	Home	Cell 0822585349
Checked by (official)		Date	



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Tel no. 021 808 8111

Fax no. 021 808 8654
ADVICE OFFICE

DIRECTORATE : PLANNING & DEVELOPMENT



LETTER OF NO OBJECTION

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Note to affected parties / property owners

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APPLICATION DETAILS			
Erf / Erven / Farm no	6248B	Allotment area	Application no
Applicant / consultant	Mr & Mrs Westhead	Contact no	
Application type	<input checked="" type="checkbox"/> Regulation departure	SDP amendment	Amendment of conditions
	<input type="checkbox"/> Consent / Conditional use	Other (please specify)	
Detailed description of application: Application to encroach on the lateral building line to 0.00m in order to replace the existing single garage with a double garage.			

DECLARATION BY AFFECTED PARTY(S) / PROPERTY OWNER(S)

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am / are not adversely affected by the proposal and therefore have no objection thereto.
 am / are adversely affected by the proposal and therefore wish to object to it, for the reasons listed hereunder
 I wish the application to be formally advertised by Council.

Reasons for objection (if any)

Owner signature	M M duPreez		Date	
Full name (capitals)	MARIA MAGDALENA		Company name	
Erf no	6230	Street address		
postal address	Kleinvallei straat 3, Onderpapegaaiberg		Postal code	7600
Contact no	Office	021-8083978	Home	021-300 5370363
Cell			Date	27/2/2016
Checked by (official)				



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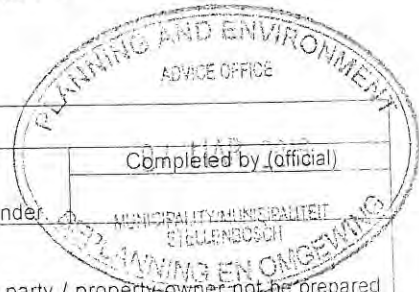
Plein Street, STELLENBOSCH, 7600
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P O Box 17, STELLENBOSCH, 7599

Tel no: 021 808 8111

Fax no: 021 808 8651

DIRECTORATE : PLANNING & DEVELOPMENT



LETTER OF NO OBJECTION

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Note to affected parties / property owners

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APPLICATION DETAILS

Erf / Erven / Farm no	6245	Allotment area		Application no	
Applicant / consultant	Mr & Mrs Westhead		Contact no		
Application type	<input checked="" type="checkbox"/>	Regulation departure	SDP amendment	<input type="checkbox"/> Amendment of conditions	
	<input type="checkbox"/>	Consent / Conditional use	Other (please specify)		
Detailed description of application	Application to encroach on the lateral building line to 0.00m in order to replace the existing single garage with a double garage.				

DECLARATION BY AFFECTED PARTY(S) / PROPERTY OWNER(S)

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I / We, registered owner(s) of the under-mentioned premises, having been shown the subdivision / layout plan / building plans / proposal drawings with reference / Plan / Drawing no Stl 6248 00, dated September 2015, drawn by I. Marais (in respect of the aforementioned application, and having signed / not signed and dated such plan(s) (delete whichever not applicable), confirm that I / we understand the proposal requires consent / departure(s) / amendment(s) in terms of / from the local Zoning scheme regulations, the Land Use Planning Ordinance, No 15 of 1985 and/or the regulations in terms of the Black Communities Development Act, No 4 of 1984, as set out above and confirm that I / we (please tick)

am / are not adversely affected by the proposal and therefore have no objection thereto.
 am / are adversely affected by the proposal and therefore wish to object to it, for the reasons listed hereunder
 I wish the application to be formally advertised by Council.

Reasons for objection (if any)

Owner signature	D Newton		Date	
Full name (capitals)	D NEWTON	Company name		
Erf no	6245	Street address		
postal address	6 Kleinvallei Street, Papezgauberg Stellenbosch		Postal code	7600
Contact no	Office	Home	Cell	021 924 2923
Checked by (official)			Date	



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Tel no: 021 808 8111



DIRECTORATE : PLANNING & DEVELOPMENT

LETTER OF NO OBJECTION

Dear Sir / Madam

Completed by (official) *[Signature]*

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APPLICATION DETAILS				
Erf / Erven / Farm no	6248	Allotment area		Application no
Applicant / consultant	Mr & Mrs Westhead	Contact no		
Application type	<input checked="" type="checkbox"/> Regulation departure	SDP amendment		Amendment of conditions
	<input type="checkbox"/> Consent / Conditional use	Other (please specify)		
Detailed description of application: Application to encroach on the lateral building line to 0.00m in order to replace the existing single garage with a double garage.				

DECLARATION BY AFFECTED PARTY(S) / PROPERTY OWNER(S)	
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<input checked="" type="checkbox"/>	am / are not adversely affected by the proposal and therefore have no objection thereto.
<input type="checkbox"/>	am / are adversely affected by the proposal and therefore wish to object to it, for the reasons listed hereunder wish the application to be formally advertised by Council.
Reasons for objection (if any)	
Owner signature	<i>[Signature]</i> Date
Full name (capitals)	ANTONIE MEYER Company name
Erf no	4620 Street address 18 Fisarie Street
postal address	Same Postal code
Contact no	Office Home Call 0345837771
Checked by (official)	Date



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P O Box 17, STELLENBOSCH, 7599

Tel no 021 808 8111

Fax no 021 808 8651

DIRECTORATE : PLANNING & DEVELOPMENT



LETTER OF NO OBJECTION

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APPLICATION DETAILS

Erf / Erven / Farm no	6248B	Allotment area		Application no	
Applicant / consultant	Mr & Mrs Westhead	Contact no		Amendment of conditions	
Application type	X	Regulation departure		SDP amendment	
		Consent / Conditional use		Other (please specify)	
Detailed description of application		Application to encroach on the lateral building line to 0.00m in order to replace the existing single garage with a double garage.			

DECLARATION BY AFFECTED PARTY(S) / PROPERTY OWNER(S)

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- am / are **adversely affected** by the proposal and therefore wish to object to it, for the reasons listed hereunder
- wish the application to be formally advertised by Council.

Reasons for objection (if any)

Owner signature	<i>Margaret Lightbody</i>		Date	
Full name (capitals)	MARGARET LIGHTBODY	Company name		
Erf no	4619	Street address	16 FLISANT ST,	
postal address	SAWE	Postal code		
Contact no	Office	Home	021 8872124	Cell
Checked by (official)		Date		



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DIRECTORATE : PLANNING & DEVELOPMENT



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Note to applicant

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Kindly note, your confirmation of no objection cannot be subject to any conditions. Either the application must be amended to address your concerns or this letter will be treated as an objection. The completed form should be submitted to the Advice Centre at the main building in Plein Street, Stellenbosch or can be posted to P O Box 17, Stellenbosch, 7599 or faxed to 021-808 8651. Kindly call 021-808 8606 for further enquiries.

Kindly note, in case of no objection by the relevant party / property owner, in addition to signing this form, it is critical that the relevant building / layout plan or proposal drawings are also signed and dated. Where ownership is registered in more than one name (ie both husband and wife), all parties must sign this letter and the plans. Parties signing on behalf of a company or trust must provide proof of authority to do so.

APPLICATION DETAILS

Erf / Erven / Farm no	6248B	Allotment area		Application no	
Applicant / consultant	Mr & Mrs Westhead	Contact no		Amendment of conditions	
Application type	<input checked="" type="checkbox"/> Regulation departure	SDP amendment			
	<input type="checkbox"/> Consent / Conditional use	Other (please specify)			
Detailed description of application	Application to encroach on the lateral building line to 0.00m in order to replace the existing single garage with a double garage.				

DECLARATION BY AFFECTED PARTY(S) / PROPERTY OWNER(S)

Note : Please ensure the Plan no specified below corresponds with the plan shown to and signed by you. Don't sign this form if the application detail section above is not properly completed. If signing on behalf of a company / trust, please attach written proof of authorisation to do so. If affected premises owned by more than one person (ie both husband and wife), all parties to sign.

I / We, registered owner(s) of the under-mentioned premises, having been shown the subdivision / layout plan / building plans / proposal drawings with reference / Plan / Drawing no Stl 6248 00, dated September 2015, drawn by I. Marais in respect of the aforementioned application, and having signed / not signed and dated such plan(s) (delete whichever not applicable), confirm that I / we understand the proposal requires consent / departure(s) / amendment(s) in terms of / from the local Zoning scheme regulations, the Land Use Planning Ordinance, No 15 of 1985 and/or the regulations in terms of the Black Communities Development Act, No 4 of 1984, as set out above and confirm that I / we (please tick)

am / are **not adversely affected** by the proposal and therefore have no objection thereto.
 am / are **adversely affected** by the proposal and therefore wish to object to it, for the reasons listed hereunder
 wish the application to be formally advertised by Council.

Reasons for objection (if any)

No objection

Owner signature	<i>[Signature]</i>	Date	
Full name (capital letters)	Arnold la Grange	Company name	
Erf no	4618	Street address	14 FISANI STR
postal address	14 FISANI STR	Postal code	7600
Contact no	Office	Home	071-8871418
Checked by (official)		Cell	
		Date	



STELLENBOSCH

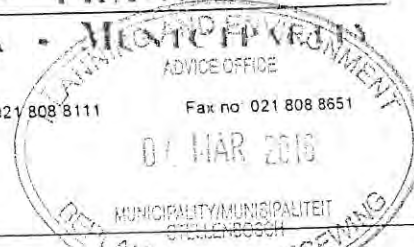
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNICIPALITEIT • UMSTAPALA • MUNISIPALITEIT

Plein Street, STELLENBOSCH, 7600
Website: <http://www.stellenbosch.gov.za>

P O Box 17, STELLENBOSCH, 7599

Tel no: 021 808 8111

Fax no: 021 808 8651



DIRECTORATE : PLANNING & DEVELOPMENT

LETTER OF NO OBJECTION

Completed by (official)

Dear Sir / Madam

This letter serves to notify potentially affected parties of the application set out hereunder.

Note to affected parties / property owners

Should you not be prepared to sign this letter of no objection, you may either turn it into an objection by explaining the reasons for your objection and signing it or request the applicant to instruct the Municipality to formally advertise the matter by post, in which case you'll be afforded a 30 day period to comment and/or object thereto.

Note to applicant

Should the affected party / property owner not be prepared to sign this letter of no objection, you are advised to submit the application without their agreement so that Council can formally advertise the matter by post. Alternatively, you may amend the proposal so that no departure / consent / amendment is required or the affected parties are satisfied.

Kindly note, your confirmation of no objection cannot be subject to any conditions. Either the application must be amended to address your concerns or this letter will be treated as an objection. The completed form should be submitted to the Advice Centre at the main building in Plein Street, Stellenbosch or can be posted to P O Box 17, Stellenbosch, 7599 or faxed to 021-808 8651. Kindly call 021-808 8606 for further enquiries.

Kindly note, in case of no objection by the relevant party / property owner, in addition to signing this form, it is critical that the relevant building / layout plan or proposal drawings are also signed and dated. Where ownership is registered in more than one name (ie both husband and wife), all parties must sign this letter and the plans. Parties signing on behalf of a company or trust must provide proof of authority to do so.

APPLICATION DETAILS

Erf / Erven / Farm no	6245B	Allotment area		Application no	
Applicant / consultant	Mr & Mrs Westhead	Contact no		Amendment of conditions	
Application type	X Regulation departure	SDP amendment			
	Consent / Conditional use	Other (please specify)			
Detailed description of application		Application to encroach on the lateral building line to 0.00m in order to replace the existing single garage with a double garage.			

DECLARATION BY AFFECTED PARTY(S) / PROPERTY OWNER(S)

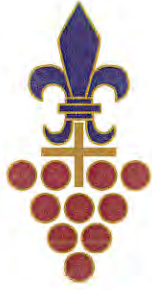
Note : Please ensure the Plan no specified below corresponds with the plan shown to and signed by you. Don't sign this form if the application detail section above is not properly completed. If signing on behalf of a company / trust, please attach written proof of authorisation to do so. If affected premises owned by more than one person (ie both husband and wife), all parties to sign.

I / We, registered owner(s) of the under-mentioned premises, having been shown the subdivision / layout plan / building plans / proposal drawings with reference / Plan / Drawing no Stl 6248 00, dated September 2015, drawn by I. Marais in respect of the aforementioned application, and having signed / not signed and dated such plan(s) (delete whichever not applicable), confirm that I / we understand the proposal requires consent / departure(s) / amendment(s) in terms of / from the local Zoning scheme regulations, the Land Use Planning Ordinance, No 15 of 1985 and/or the regulations in terms of the Black Communities Development Act, No 4 of 1984, as set out above and confirm that I / we (please tick)

- am / are **not adversely affected** by the proposal and therefore have no objection thereto.
- am / are **adversely affected** by the proposal and therefore wish to object to it, for the reasons listed hereunder
- wish the application to be formally advertised by Council.

Reasons for objection (if any)

Owner signature	<i>[Signature]</i>	Date	2/3/2016
Full name (capitals)	MS DU PLESSIS	Company name	
Erf no	6231	Street address	
postal address	10 Kleinsallei street, Stellenbosch		
		Postal code	
Contact no	Office	Home	Cell
		021 8870952	0833577169
Checked by (official)		Date	



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PLANNING AND ECONOMIC DEVELOPMENT



APPENDIX 6

Application is made for the relaxation of the restrictive title deed condition, condition 7 on page 3 of the respective title deed, attached as **Appendix 6** to enable the construction of the proposed garage on the lateral boundary of Erf 6248, Stellenbosch, as indicated on the plan attached as **Appendix 3**;

Application is made in terms of Section 15 of the Land Use Planning Ordinance, (Ordinance No.15 of 1985) for departure on Erf 6248, Stellenbosch, to relax the lateral building line from 2.5m to 0m for the proposed garage, as indicated on the building plan attached as **Appendix 3**;

COPY OF TITLE DEED OF PROPERTY

117

Cluver Markotter Inc
 Cluver Markotter Building
 Mill Street
 Stellenbosch
 7600

Prepared by me


 CONVEYANCER
 AREND LEOPOLD DE WAAL

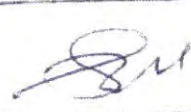
Office fee	R 900,00
Transfer fee	R 1650 000,00
Mortgage capital amount	R
Reason for exemption	Exempt i.t.o Cat..... section..... Act.....

VERBIND MORTGAGED

VIR FOR R 800 000,00

B 000019159 / 2013

2013-07-19


 REGISTRAR/REGISTRAR

000034514 / 2013

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

ADELENE POSTHUMUS

appeared before me, REGISTRAR OF DEEDS at Cape Town, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at STELLENBOSCH on 30 May 2013 granted to him by

- CHRISTIAAN LAMPRECHT**
 Identity Number 700506 5055 081
 Married out of community of property
- CORNE LAMPRECHT (previously VAN SCHALKWYK)**
 Identity Number 730915 0017 083
 Married out of community of property

DATA / VERIFY
 25 JUL 2013
 M. V. M. M. M.

DATA / CAPTURE
 25 JUL 2013
 M. V. M. M. M.



And the appearer declared that his said principal had, on 20 May 2013, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

JUDITH ANNE WESTHEAD
Identity Number 561002 0020 088
Married out of community of property

her Heirs, Executors, Administrators or Assigns, in full and free property

**ERF 6248 STELLENBOSCH,
IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH,
WESTERN CAPE PROVINCE**

IN EXTENT 885 (EIGHT HUNDRED AND EIGHTY FIVE) SQUARE METRES

**FIRST TRANSFERRED by Deed of Transfer Number T 33142/1977 with
General Plan No TP 9288 relating thereto and held by Deed of Transfer
Number T47130/2003**

- A. **SUBJECT** to the conditions referred to in Deed of Transfer No T2740/1914.
- B. **SUBJECT FURTHER** to the following conditions imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance Number 33 of 1934 upon the approval of the establishment of Onder-Papegaaiberg Township No. 2 as contained in Deed of Transfer Number T33142/1977, namely:-
- "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 under Provincial Notice No 623 dated 14 August 1970.
 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. No building on this erf shall be used or converted to use for any purpose other than that permitted in terms of these conditions.
 4. The owner of this erf shall, without compensation, be obliged to allow electricity, telephone and television cables and/or wires and main and/or other waterpipes and 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 or any other statutory 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 works connected with the above.

5. The owner of this erf shall be obliged, without compensation to receive such material or permit such excavation 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.
6. This erf shall be used solely for the purpose of erecting thereon one dwelling or other buildings for such purposes as the Administrator may from time to time after reference to the Townships 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.
7. No buildings or structure of this erf or any portion thereof except boundary walls and fences, shall ~~except with the consent of the Administrator~~, be erected nearer than 6,1 metres to the street line which forms a boundary of this erf, nor within 3,5 metres of the rear or 3,5 metres of the lateral boundary common to any adjoining erf.
8. 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.
9. 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."



APPENDIX 7

Application is made for the relaxation of the restrictive title deed condition, condition 7 on page 3 of the respective title deed, attached as **Appendix 6** to enable the construction of the proposed garage on the lateral boundary of Erf 6248, Stellenbosch, as indicated on the plan attached as **Appendix 3**;

Application is made in terms of Section 15 of the Land Use Planning Ordinance, (Ordinance No.15 of 1985) for departure on Erf 6248, Stellenbosch, to relax the lateral building line from 2.5m to 0m for the proposed garage, as indicated on the building plan attached as **Appendix 3**;

DEADP CIRCULAR 0009/2015



Head of Department
Piet van Zyl
Reference: 15/3/3,
15/2 and 15/4/1

CIRCULAR: EADP 0009/2015

ALL MAYORS, MUNICIPAL MANAGERS AND CHIEF TOWN PLANNERS, SALGA, SAPI, SACPLAN, AND ALL ORGANISATIONS AND PRIVATE-SECTOR BODIES INVOLVED IN THE SPATIAL AND LAND USE PLANNING SECTOR IN THE WESTERN CAPE

AN UPDATE ON THE LAW REFORM PROCESS INCLUDING THE PUBLICATION OF THE LAND USE PLANNING ACT, 2014 (ACT 3 OF 2014) REGULATIONS, THE IMPLEMENTATION OF LUPA IN THE CITY OF CAPE TOWN, TRANSITIONAL MEASURES FOR REMOVAL OF RESTRICTIVE TITLE APPLICATIONS, AND OTHERS

1. PURPOSE

- 1.1. The purpose of this External Circular is to update all relevant municipal office bearers and officials, private sector bodies and other role-players involved in spatial and land use planning in the Western Cape with regards to:
- a. the publication of the regulations in terms of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA);
 - b. the proclamation and implementation of LUPA in the City of Cape Town on 1 July 2015;
 - c. the Department of Environmental Affairs and Development Planning's (henceforth referred to as the Department) response to the joint Circular 1 of 2015 issued by the Department of Rural Development and Land Reform and the South African Local Government Association (SALGA) undated and circulated on 22 June 2015; and
 - d. the transitional measures when dealing with Removal of Restrictive Conditions applications as of 1 July 2015.

2. THE PUBLICATION OF THE LUPA REGULATIONS

- 2.1. The Provincial Minister of Local Government, Environmental Affairs and Development Planning has made regulations in terms of Section 76 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014)(LUPA).

- 2.2. These regulations were published in the Extraordinary Provincial Gazette number 7412 on 26 June 2015. The regulations are attached for your information.
- 2.3. It should be noted though that these regulations will only come in force in a municipality once LUPA has been implemented in that municipality. Refer to Section 3.1 below.

3. THE IMPLEMENTATION OF LUPA IN THE CITY OF CAPE TOWN

- 3.1. As communicated in Departmental Circular EADP 0006/2015, issued on 5 June 2015, LUPA will be implemented in the Western Cape in a staggered manner. Implementation is dependent on municipal readiness and consists of completing the following four actions:
 - a. Municipalities must have adopted and gazetted their Bylaw on Municipal Land Use Planning.
 - b. Municipalities must be at an advanced stage of establishing their Municipal Planning Tribunal. An advanced stage is regarded as having completed Step 7 of the Municipal Planning Tribunal establishment Manual included in Departmental Circular EADP 0003/2015.
 - c. Municipalities must have Council adopted delegations. This includes appointing the Authorised Official(s) and adopting their categorisation of land use applications.
 - d. Municipalities must have Council adopted tariff structures in place for receiving land use management applications in terms of the new legislation.
- 3.2. As the City of Cape Town successfully completed these actions the Acting Premier of the Western Cape signed the proclamation notice for the implementation of LUPA in the City of Cape Town. The proclamation notice was signed on 19 June 2015 and was published in the Provincial Gazette number 7410 on 26 June 2015.
- 3.3. According to the proclamation notice, LUPA will commence, with the exception of the sections listed in the proclamation notice, in the City of Cape Town on 1 July 2015.
- 3.4. As such, all planning applications within the City of Cape Town municipal area must be submitted in terms of the City of Cape Town's Municipal Planning Bylaw.
- 3.5. The City of Cape Town is the only municipality in the Western Cape where LUPA has been implemented.

4. THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (ACT 16 OF 2013)(SPLUMA) CIRCULAR 1 OF 2015

- 4.1. The National Department of Rural Development and Land Reform (DRD&LR) and the South African Local Government Association (SALGA) issued Circular 1 of 2015 on 22 June 2015.
- 4.2. Section 2.3 of the Circular notes that municipalities may continue to operate under the current legislative dispensation once SPLUMA has been implemented, but only insofar as these older-order planning laws are not inconsistent with SPLUMA.

- 4.3. It goes on to state that the "Municipal Planning Tribunal or Authorised Official must take decisions on such applications in accordance with the categorisation of applications and the system of delegations as approved by Council".
- 4.4. The Department does not agree with the guidance contained in Circular 1. The main points of concern include:
- a. The Western Cape Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)(LUPO); the Removal of Restrictions Act, 1967 (Act 84 of 1967)(RoRA); the Less Formal Township Establishment Act, 1991 (Act 113 of 1991)(LFTEA) and the Rural Areas Act, 1987 (Act 9 of 1987)(RAA) were assigned (either entirely or partially) to the Province. These Acts constitute provincial legislation and can only be repealed by the Provincial Parliament. As such these Acts, insofar as they have been assigned to the Province, will remain in force in the Western Cape after 1 July 2015, until repealed by the Premier of the Western Cape;
 - b. The old order legislation must be applied in its full extent as assigned until the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014)(LUPA), comes into operation and repeals those laws; and
 - c. The transitional provisions set out in Section 78 of LUPA will apply in municipalities when LUPA comes into operation in a specific municipal area.
- 4.5. The legislation listed in Item 4.4(a) must continue to be utilised (including decision making structures) until LUPA is implemented. It is not legally advisable to adopt a 'hybrid' situation.
- 4.6. The Department obtained legal advice on this matter and a response has been submitted to both the Deputy Director-General of DRD&LR and the Chief Executive Officer of SALGA, via email dated 30 June 2015, requesting that they amend the said Circular.

5. TRANSITIONAL MEASURES FOR REMOVAL OF RESTRICTIVE TITLE CONDITIONS AND RELAXATION APPLICATIONS

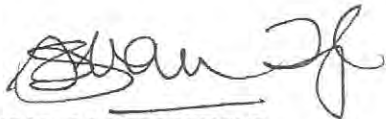
- 5.1. All applications submitted in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967)(RoRA) before the implementation of LUPA a municipality must be processed, advertised, assessed and decided upon in terms of the RoRA.
- 5.2. Once LUPA has been implemented in a municipality, all new applications must be decided by the municipality in question in accordance with their municipal planning bylaw.
- 5.3. With regard to relaxation applications, the 30 June 2015 was the last day on which the Department could sign off relaxation applications for all municipalities within the Western Cape as SPLUMA Section 45(6) replaces "Administrator" in a title condition with "municipality".
- 5.4. On 1 July 2015, the Department will revert all relaxation applications currently in the system to the relevant municipality. The municipality must then decide on and finalise these applications.
- 5.5. The Department will be contacting all the municipalities that currently have relaxation applications in the system. An agreement between the municipality in question and the

Department will need to be reached to ensure that these relaxation applications can be finalised appropriately. It is important to note that this represents a relatively small number of applications and not all municipalities will be affected.

6. CONCLUDING REMARKS

6.1. Once again, we thank you for your cooperation and continued support in working towards the implementation and operation of LUPA and the municipal bylaws in all municipalities within the Western Cape.

Yours sincerely



HEAD OF DEPARTMENT

DATE: 09.07.2015



APPENDIX 8

Application is made for the relaxation of the restrictive title deed condition, condition 7 on page 3 of the respective title deed, attached as **Appendix 6** to enable the construction of the proposed garage on the lateral boundary of Erf 6248, Stellenbosch, as indicated on the plan attached as **Appendix 3**;

Application is made in terms of Section 15 of the Land Use Planning Ordinance, (Ordinance No.15 of 1985) for departure on Erf 6248, Stellenbosch, to relax the lateral building line from 2.5m to 0m for the proposed garage, as indicated on the building plan attached as **Appendix 3**;

EXTERNAL LEGAL COMMENT

tt: +27 (0) 21 001 1170

f: +27 (0) 86 541 7085

Unit F1, Block A, Stellenpark, Business Park

Cnr R44 & School Rd Stellenbosch, 7600

PO Box 1097, Stellenbosch, 7599

DX 15 Somerset West Stellenbosch

andres@stbb.co.za | www.stbb.co.za

**DIRECTOR: PLANNING AND ECONOMIC
DEVELOPMENT**

 Stellenbosch Municipality
STELLENBOSCH

Your Ref: J Jansen van Rensburg

Our Ref: AHS/CVDL

Date: 30 June 2016

Dear Sirs,

RELAXATION OF TITLE DEED CONDITIONS IMPOSED BY THE ADMINISTRATOR
Introduction

- [1] We act in this matter on behalf of Stellenbosch Municipality (the Municipality).
- [2] The Municipality instructed us to provide a written legal opinion regarding the manner in which certain restrictive title conditions should be dealt with in terms of the Stellenbosch Municipality: Land Use Planning By-Law (Planning By-Law) read with Section 47 of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA).
- [3] The details of the advice sought by the Municipality is recorded in an email dated 14 June 2016 and we make specific reference to Paragraph 1 to 5 on page 2 of this email.
- [4] Subsequent to the receipt of the aforementioned instructions, writer hereof had a telephonic discussion with Mr J Jansen van Rensburg of the Municipality. It was agreed between Mr Jansen van Rensburg and writer hereof that it will, in the circumstances and in view of the advice sought by the Municipality, be advisable to meet with the senior town planning officials of the Municipality first to discuss the challenges and difficulties experienced in practice in more detail.
- [5] On 22 June 2016, writer hereof had a discussion session with the involved officials and it was agreed that we would reduce our advice in writing to the Municipality in the form of a memorandum and that it will not be necessary to do a formal legal opinion at this stage. The understanding at the meeting was that any problems experienced in practice by the officials which go beyond the scope of what we state below, will be dealt with on an *ad hoc* basis. Such approach was necessitated in view of the large variety of different kinds of restrictive title conditions which may be encountered in practice. We were however informed that by far the majority of problems experienced by the Municipal officials are of the kind discussed in this memorandum.

Attorneys Notaries & Conveyancers
Directors: Jonathan Steytler (Managing) | Stoffel Ackermann | Martin Bey | Jacques Bignon | Darren Brander | Luthfeya Cassim | Tim Chase | Melanie Coetzee | Thabisile Dlamini | Reiqah Fataar Ho-Yeel

Niel Grundlingh | Warren Hamer | Bev l'Ons-Raeburn | Gerhard Kotze | Belinda Lewis | Robert Mathare | Corlene Mostert | Hennie Mouton | Martine Newman | James Phillipson | Cris Riego de Dios | Martin Sheard | Roshana Solomon | Nicole Stevens | Philip Steyn | Lauren Sullivan | Marlize Swart | Dumisani Tabata | June Theron | Annetjie van Rooyen | Percy van Staden | Ferdinand Verryn | Shereen Volks | Allan White

Senior Associates: M Botha | D Du Plessis | H Dyssel | H Ferreira | J Foxcroft | N Hayes | V W Jooste | D Starkey | A Voges | A Wiese

Associates: G Barends | S Chettiar | J Greyling | J Hamers | L Mace | N Mentoor | B Mostert | G Potgieter | K Richards | H Scudamore | T Smit | A Van Vuuren | L Verbeek | T Wainwright | M Williams

Executive Consultants: Peter Arnot | Kevin Daniel | Harry Friedland | Lizelle Kilbourn | Graham Liebenberg | Andy McPherson | Andre Swart | Colin Traub | Richard Volks

Financial Manager: Cullen Penny

Cape Town: 021 406 9100 | Bedfordview: 011 453 0577 | Centurion: 012 001 1546 | Claremont: 021 673 4700 | Fish Hoek: 021 784 1580 | Illovo: 011 219 6200 | Menlyn: 012 348 1682 | Somerset Mall: 021 850 6400 | Stellenbosch: 021 001 1170 | Table View: 021 521 4000 | Tyger Valley: 021 943 3800

Registration No: 1992/003316/21

VAT Reg No: 4670133877

Restrictive Title Conditions

- [6] For illustrative purposes, we were briefed with a copy of Deed of Transfer No T34514/2013 as an example of the typical title conditions which seem to pose practical problems.
- [7] For ease of reference we repeat Conditions B(6) and (7) as contained in Deed of Transfer No T34514/2013, which state as follows:
- ‘B. *SUBJECT FURTHER to the following conditions imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance Number 33 of 1934 upon the approval of the establishment of Onder-Papegaaiberg Township No. 2 as contained in Deed of Transfer Number T33142/1977, namely –*
6. *This erf shall be used solely for the purpose of erecting thereon one dwelling or other buildings for such purposes as the Administrator may from time to time after reference to the Townships 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.*
 7. *No buildings or structure of this erf or any portion thereof except boundary walls and fences, shall except with the consent of the Administrator, be erected nearer than 6,1 metres to the street line which forms a boundary of this erf, nor within 3,5 metres of the rear of 3,5 metres of the lateral boundary common to any adjoining erf.’*

Background To Restrictive Title Conditions

- [8] It is of some importance to note that the restrictive conditions originate from statutory planning approvals granted by the then Administrator in terms of the Townships Ordinance 33 of 1934 (the Townships Ordinance).
- [9] Conditions B(6) and (7) are simply extracts of the approval conditions imposed by the Administrator in terms of the Townships Ordinance.
- [10] The status of these kinds of conditions is now dealt with in Section 85(1)(c) and 85(2) of the Planning By-Law which states as follows:
- ‘85(1) *The Municipality must comply and enforce compliance with –*
- (c) *conditions imposed in terms of this By-law or previous planning legislation*
 - (2) *The Municipality may not do anything that is in conflict with subsection (1).’*
- [11] The Townships Ordinance constitutes ‘*previous planning legislation*’ as envisaged in terms of Section 85(1)(c) and therefore must be complied with.
- [12] The insertion of approval conditions into title deeds of properties does not at all change the legal status of the approval conditions granted in terms of the Townships Ordinance. Such conditions were merely inserted into the title deed of the property as being registerable conditions and were carried forward into the title deed of the involved property, in all likelihood at the instance of the Administrator, with the occasioned benefit of publicity as forming part of the public records of the Deeds Registry. The legal basis of restrictive conditions is the planning approval granted by the Administrator and the conditions imposed at such approval.

- [13] To effectively remove, suspend or amend restrictive conditions of the kind under discussion, it will be necessary to also have the relevant approval conditions imposed by the then Administrator amended or deleted in terms of the Planning By-Law. Differently put, the mere removal, suspension or amendment of a restrictive condition from a title deed will not automatically mean that the corresponding approval condition, imposed by the Administrator, is removed, suspended or amended. The prescribed procedure for the amendment or deletion of approval conditions in terms of Section 66(12) read with Section 15(2)(h) of the Planning By-Law will have to be followed.
- [14] Should the removal, suspension or amendment of a restrictive condition be required, we submit that an application should also be submitted in terms of Section 15(2)(h) for the amendment or deletion of the corresponding approval condition. Should only the restrictive condition be dealt with, the corresponding approval conditions will remain in force. Two different applications will therefore be required in terms of the Planning By-Law. The two applications can be submitted simultaneously and processed in an integrated manner, provided that the procedural requirements for both applications, as prescribed in the Planning By-Law, be followed.
- [15] The aforementioned position is also consonant with Section 78(1) of LUPA which states as follows:
- ‘78(1) Any approval, designation, consent, right or authorisation issued, granted or in force in terms of a law repealed by this Act, and in existence immediately before the commencement of this Act, remains in force and is regarded to have been issued or granted in accordance with this Act and in terms of the corresponding provisions of applicable by-laws for the period for which, and subject to the conditions under which, it was issued or granted under the repealed law until withdrawn, amended or extended in terms of applicable by-laws.’*

Condition B(6) and (7)

Condition B(6)

- [16] The meaning of this condition is plain: Only one dwelling may be erected on this property or other buildings with the consent of the Administrator or the Municipality depending on the circumstances. This condition simply foresees the granting of a consent by either the Administrator or the Municipality, depending on the circumstances. The fact that the consent has been granted or refused by the Administrator or the Municipality (as the case may be) does not require any amendments, suspension or waiver of such condition. The granting of the required consent will simply constitute an instance of compliance with such condition and does not affect the existence or not of the condition. Should a consent be granted it may, depending on the circumstances, be desirable to have such condition removed from the title deed although this will not be a legal requirement.

Condition B(7)

- [17] Similarly as in the case of Condition B(6), the consent of the Administrator will be required if the building lines are to be relaxed. Again, it will only be a matter of the Administrator granting its consent and the principles discussed in the aforementioned paragraph will similarly find application in such event.
- [18] Specific reference is made to the following provisions in terms of SPLUMA and LUPA, namely:
- 18.1 Section 45(6) of SPLUMA which states as follows:

‘45(6) Where a condition of title, a condition of establishment of a township or an existing scheme provides for a purpose with the consent or approval of the administrator, a Premier, the townships board or any controlling authority, such consent may be granted by the municipality and such reference to the administrator, a Premier, the

townships board or controlling authority is deemed to be a reference to the municipality.'

18.2 Section 39(4) of LUPA which states as follows:

'39(4) Any reference to the approval by the Administrator or Townships Board in a restrictive condition, excluding a restrictive condition in terms of which the Provincial Government acquires private law rights, is regarded as a reference to the approval by the relevant municipality.'

[19] From the aforementioned statutory provisions it follows that any reference to the Administrator or the Township Board in these kinds of conditions, will be a reference to the Municipality who will be the competent authority.

[20] The Municipality needs to be mindful of the fact that the consents to be granted in terms of the restrictive conditions will almost invariably constitute *'administrative action'* as defined in Section 1 of the Promotion of Administrative Justice Act 3 of 2000 (PAJA). Many such consents will be tantamount to departure approvals. Specific reference is made to Section 3(1) of PAJA which states as follows:

'3(1) Administrative action which materially and adversely affects the rights or legitimate expectations of any person must be procedurally fair.'

[21] It will be desirable for the Municipality to have standard operating procedures or a policy dealing specifically with consents in terms of these kinds of title deed restrictions to ensure that the Municipality at all times acts lawfully when granting or refusing its consent.

[22] As far as other kinds of restrictive conditions are concerned, we repeat what is stated in Paragraph 5 above. These kinds of conditions normally emanate from a large variety of statutory provisions or from contract between parties and we advise that the removal, suspension or amendment of these kinds of conditions be dealt with on an individual basis.

We advise accordingly.

Yours faithfully

ANDRE SWART
STBB | Smith Tabata Buchanan Boyes

5.4	FINANCIAL SERVICES: (PC: CLLR S PETERS)
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5.4.1	WRITING OFF OF IRRECOVERABLE DEBT
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1. PURPOSE OF REPORT

To obtain Council approval for the writing off of R18 965 162.23 in irrecoverable debt.

2. BACKGROUND

Due to various reasons, debt owed to the municipality becomes irrecoverable from time to time. Such bad debt must then be written off in line with best practice and accounting requirements.

3. DISCUSSION

The debt that is regarded as irrecoverable and is being submitted for consideration can be categorized in three main groups:

DESCRIPTION	AMOUNT
3269 Indigent Debtors who are in arrears for more than 90 days	R14 919 777.62
9 Debtors where " Nulla Bona " returns have been received from the Sheriff's office	R389 820.06
57 Debtors where debt could not be recovered and has now prescribed	R3 655 564.55
TOTAL	R18 965 162.23

Indigent Debtors

Refer to **APPENDIX 1**. The full list is more than 80 pages long, so only those owing in excess of R35 000 were listed for illustrative purposes.

Three main reasons gave rise to this debt being irrecoverable.

- A debtor already owes a substantial sum of money when applying for indigent status. Should such a debtor qualify as indigent, the money owed at the time is not recoverable.
- Large water debt arising from high water consumption in areas where the municipality does not provide electricity. In these areas, normal credit control measures which include termination of electricity supply do not apply.
- Large water debt arising due to high water consumption where the municipality has not managed to install Water Demand Management (WMD) Devices yet.

Nulla Bona Debtors

Refer to **APPENDIX 2**. In these cases, all possible credit control and debt collection avenues have been exhausted. Judgements have been obtained against the debtors and a "nulla bona" return has been

received from the Sheriff. The next possible step would be to attach the debtors fixed assets which is not recommended. The debt is therefore regarded as irrecoverable.

Debt that has prescribed

Refer to **APPENDIX 3**. The appendix provides more information on each individual case, but in most of the cases, all credit control and debt collection processes have been exhausted without the desired outcome. Debt has now also prescribed and can no longer be legally recovered from the relevant debtor.

4. LEGAL IMPLICATION

In certain instances, debt has prescribed and may no longer be legally recovered by the municipality. In other cases, nulla bona returns have been obtained and the only other recourse left for the municipality would be to attach people's homes, being their fixed assets. If these owners are evicted pursuant to their properties being sold in execution, the municipality would be obliged to provide emergency housing in terms of its policy. Spending more money on legal action against indigent consumers will not be prudent financial management.

5. FINANCIAL IMPLICATION

An amount of R18 965 162.23 is being regarded as irrecoverable and is being submitted for a write-off against the municipality's Reserve for Doubtful Debts to be considered by Council. The amounts are obviously accurate at time of writing this report and will be different by the time of approval, due to interest and penalties being accrued.

Value of the Reserve for Doubtful Debts currently amounts to R23 887 073. This provision is therefore sufficient to cover the amount to be written off.

6. COMMENTS FROM OTHER RELEVANT DEPARTMENTS

Legal

The item and recommendations are supported.

7. CONCLUSION

To carry substantial amounts of irrecoverable debt on the municipality's books as assets is contrary to best practices, GRAP accounting requirements and may also affect the municipality's audit report.

Irrecoverable debt should be written off

RECOMMENDED

- (a) that the debt listed in **APPENDICES 1 – 3** be regarded as irrecoverable; and

- (b) that the debt be written off as indicated in the Appendices, together with all other accruals that may have been done between date of report and date of actual write off.

Meeting: Ref no:	Special Mayco:2016-11-30	Submitted by Directorate: Author Referred from:	Financial Services CFO
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11921	714.91	867.48	528.44	694.14	36 802.63	39 607.60	FGDAL	1144	GSJ	MOOS
44969	2.05	146.03	145.93	130.00	38 575.05	38 999.06	FGDAL	2586	P+M	GROENEWALD
703191018	458.34	239.14	276.75	223.95	37 637.59	38 835.77	KMUTS	363	T	VAN WYK + M.
10235904	496.05	408.52	377.99	372.75	37 177.31	38 832.62	LDOC	562	H	BRANDER
10533257	400.55	467.66	206.99	289.07	37 281.07	38 645.34	FGDAL	2130	M	HOFFMAN
10042779	273.85	163.26	147.59	71.33	37 874.01	38 530.04	KMORE	333	LM	HAFFIT
10271195	182.51	159.62	195.48	221.65	37 614.16	38 373.42	WEMHK	174	J	COLLINS
10299160	304.73	307.44	336.35	425.34	36 409.81	37 783.67	IVAL	11036	CSR	RHODA
10241215	55.27	57.47	-	35.00	36 774.57	36 922.31	LDOC	374	LP	LUSKAM
370171854	238.23	208.91	92.50	198.16	36 081.49	36 819.29	CVILL	8593	N	OLIVIER
620002091	210.54	185.64	83.76	10.00	36 228.22	36 718.16	KMAND	1640	N	MZILENI
10155998	121.00	81.31	126.37	482.18	35 809.46	36 620.32	KMUTS	1051	T	BROOKS
620002644	-	-	8.69	-	35 624.60	35 633.29	KMAND	1695	M	MALAMQA
1 313 708.18	779 279.13	692 985.07	680 671.07	14 919 777.62	18 400 751.35					

Only indigent debtors owing in excess of R35 000 have been listed for illustrative purposes.
The total includes a further 3186 indigent debtors owing a collective total of R9 557 376.20.

Account Number	Name	Suburb	Balance	Current	30.00	60.00	90.00	90+
10740776	E WILLIAMS	KMORE 44	54 315.74	0.00	348.84	0.00	0.00	53 966.90
10757686	ME APRIL	KMORE 170	3 467.33	270.75	0.00	0.00	0.00	3 196.58
10749414	ME + NC NDZEKU	KMAND 1668	26 107.24	0.00	0.00	0.00	0.00	26 107.24
10765559	TK SALMAN	KMAND 2294	9 518.65	0.00	206.91	0.00	0.00	9 311.74
10754229	NE MNENGISA	KMAND 2364	19 644.68		200.07	0.00	0.00	19 444.61
10733574	IH BROWN	IVAL 6363	75 255.69	0.00	0.00	0.00	0.00	75 255.69
10732559	S MAYIJI	KMAND 1080	131 205.83	0.00	0.00	0.00	0.00	131 205.83
10757277	MT MAVUMBA	KMAND 1080	19 894.45	0.00	200.07	0.00	0.00	19 694.38
10719651	RJF SLADE	IVAL 3291	51 637.09	0.00	0.00	0.00	0.00	51 637.09
TOTALS			391 046.70	270.75	955.89	0.00	0.00	<u>389 820.06</u>

WRITE-OFF : NOVEMBER 2016 : APPENDIX 3

Account	Suburb	Erf No	Group	Sub Group	Surname	Initials	Balance for Write-off	Comment/Reasons for Write-off
10016673	BDORP	183	NONE	COM	VINACO (PTY) LTD		R 70 219.15	All Recovery procedures followed, including handover to attorneys. No success and Prescription
370863430	CVILL	7555	INSOL	COM	7-ELEVEN CLOETESVILLE		R 68 956.27	All Recovery procedures followed, including handover to attorneys. No success and Prescription
10020384	IVAL	3167	NORM	SRES	KOOPMAN	I	R 63 185.24	Recovery Procedures followed, but no success. Debt Prescribed
113011102	USING	2149	NONE	SRES	JACOBS	EL	R 63 075.45	All Recovery procedures followed, including handover to attorneys. No success and Prescription
113041147	USING	2149	NONE	SRES	VAN WYK	N	R 61 298.38	All Recovery procedures followed, including handover to attorneys. No success and Prescription
113040366	USING	2149	NONE	SRES	ISAACS	F	R 57 425.50	All Recovery procedures followed, including handover to attorneys. No success and Prescription
17510116	IVAL	3147	NONE	SRES	CUPIDO	JJ	R 57 391.53	All Recovery procedures followed, including handover to attorneys. No success and Prescription
15468	FDORP	585	NORM	SRES	JOUBERT	AJG	R 54 916.12	All Recovery procedures followed, including handover to attorneys. No success and Prescription
290670181	UNATT	0	NONE	SRES	ROUX	JSR	R 54 825.14	All Recovery procedures followed, including handover to attorneys. No success and Prescription
10020346	CVILL	7011	NONE	SRES	LAKAY	RA&C	R 54 196.55	All Recovery procedures followed, including handover to attorneys. No success and Prescription
10651133	SENT	4430	WOVVM	COM	BEADS 'N THINGS		R 53 861.38	All Recovery procedures followed, including handover to attorneys. No success and Prescription
370761053	CVILL	6662	NONE	SRES	TJOEGOE	A	R 48 368.59	All Recovery procedures followed, including handover to attorneys. No success and Prescription. Illegal occupants and Client deceased.
370180797	CVILL	6662	PREWO	SRES	TITUS	M	R 45 649.72	All Recovery procedures followed, including handover to attorneys. No success and Prescription
10106884	KMAND	1080	NONE	SRES	TYAKIWE	B	R 44 620.78	All Recovery procedures followed, including handover to attorneys. No success and Prescription
10017894	USING	2149	NONE	SRES	MAVUMBA	C	R 44 344.50	All Recovery procedures followed, including handover to attorneys. No success and Prescription
10393848	UNATT	0	NORM	SUNDR	THE GIRAFE HOUSE		R 43 543.01	All Recovery procedures followed, including handover to attorneys. No success and Prescription

Account	Suburb	Erf No	Group	Sub Group	Surname	Initials	Balance for Write-off	Comment/Reasons for Write-off
700759855	JTOWN	510	PREWO	SRES	MEYER	RW	R 41 831.94	Previous owner's account. No application for transfer of water services done. Water account has not been transfer to new owner and prescription applies till November 2013.
10008676	SENT	8710	NONE	SRES	CIRET EIENDOMS (BPK)		R 42 244.42	All Recovery procedures followed, including handover to attorneys. No success and Prescription
371951556	CVILL	6767	NONE	SRES	ARENDSE	KA	R 40 458.26	All Recovery procedures followed, including handover to attorneys. No success and Prescription
10132777	SENT	1962	NONE	SRES	MANPROCON		R 37 964.40	All Recovery procedures followed, including handover to attorneys. No success and Prescription
10237951	UNATT	0	NORM	FARM	DENNEGEUR PLAAS		R 37 561.70	All Recovery procedures followed, including handover to attorneys. No success and Prescription
10072123	USING	2149	NONE	SRES	JOHNSON	N	R 37 093.27	All Recovery procedures followed, including handover to attorneys. No success and Prescription
10175295	KOMN	14212	NONE	COM	IMPERIAL BANK LTD.		R 36 643.60	All Recovery procedures followed, including handover to attorneys. Account outstanding since before September 2004. No success and Prescription
10354472	WELG	1001	NONE	SRES	DENMAN	SA	R 35 665.55	All Recovery procedures followed, including handover to attorneys. Account outstanding since before March 2004. No success and Prescription
10240654	SENT	4430	BFWOF	COM	RALINDO 9 PTY LTD T/A RIB + GRILL		R 34 495.59	All Recovery procedures followed, including handover to attorneys. Account outstanding since before January 2006. No success and Prescription
16680003	IVAL	3180	NONE	SRES	ALLIE	H	R 31 762.04	All Recovery procedures followed, including handover to attorneys. Account outstanding since before October 2006. No success and Prescription
10223989	SENT	653	FINAL	SRES	DYSSEL	J	R 30 794.46	All Recovery procedures followed, including handover to attorneys. Account outstanding since before March 2010. No success and Prescription
16560008	IVAL	3209	NONE	SRES	GIDEONS EN V L	R R	R 30 348.28	All Recovery procedures followed, including handover to attorneys. Account outstanding since before December 2008. No success and Prescription
10348518	DORPS	4436	BFWOF	COM	DELVIEW TWELVE PTY LTD		R 29 374.15	All Recovery procedures followed, including handover to attorneys. Account outstanding since before August 2007. No success and Prescription
113000573	USING	2149	NONE	SRES	STANDER	BJ	R 29 049.44	All Recovery procedures followed, including handover to attorneys. Account outstanding since before January 2007. No success and Prescription

Account	Suburb	Erf No	Group	Sub Group	Surname	Initials	Balance for Write-off	Comment/Reasons for Write-off
10041723	IVAL	8408	NONE	COM	IDASVALLEI CENTRAL STORE		R 28 198.33	All Recovery procedures followed, including handover to attorneys. Account outstanding since before October 2008. No success and Prescription
371980150	CVILL	6767	NONE	SRES	JAGERS	DS	R 28 047.60	Debtor deceased. Not cost effective to recover any debt i.r.o. housing rental.
370180144	CVILL	6662	NORM	SRES	DENNYSEN	F	R 27 719.15	All Recovery procedures followed, including handover to attorneys. Account outstanding since before May 2012. No success and Prescription
100509	PNIEL	1201	NORM	SRES	LEWIS	C	R 26 345.50	All Recovery procedures followed, including handover to attorneys. Account outstanding since before August 2012. No success and Prescription
10113165	KMAND	1080	NONE	SRES	MANGELE	PS	R 25 653.37	All Recovery procedures followed, including handover to attorneys. Account outstanding since before May 2006. No success and Prescription
22180045	IVAL	4004	FINAL	SRES	PIETERSEN	I+G	R 25 042.08	All Recovery procedures followed, including handover to attorneys. Account outstanding since before September 2009. No success and Prescription
707071857	KMORE	124	NONE	SRES	PLAATJIES	FJ	R 24 731.82	Debtor passed away more than 10 years ago. All Recovery procedures followed, including handover to attorneys. Account outstanding since before September 2009.
10235162	SENT	2001	NONE	SRES	GOOD HEALTH		R 23 982.36	All Recovery procedures followed, including handover to attorneys. Account outstanding since before September 2009. No success and Prescription
10106626/ 10733952	KMAND	1080	NORM	SRES	JOOSTE	ES	R 36 938.76	Debtor passed away in March 2015. Account has been handed over to attorneys. Recommendation that the legal account been written off. The current account of the deceased will be managed by the deceased sister who resides in the flat.
111050857	UNATT	0	NONE	SRES	BASSON	JA	R 23 096.10	All Recovery procedures followed, including handover to attorneys. Account outstanding since before September 2009. No success and Prescription
331830903	BDORP	183	NONE	SRES	SMITH	C	R 22 674.76	All Recovery procedures followed, including handover to attorneys. Account outstanding since before September 2013. No success and Prescription
372794743	CVILL	7255	NONE	SRES	RHODE	GC	R 22 081.18	All Recovery procedures followed, including handover to attorneys. Account outstanding since before September 2009. No success and Prescription

Account	Suburb	Erf No	Group	Sub Group	Surname	Initials	Balance for Write-off	Comment/Reasons for Write-off
10111352	USING	2149	NORM	SRES	ADAMS	R	R 21 992.34	All Recovery procedures followed, including handover to attorneys. Account outstanding since before June 2007. No success and Prescription
10487163	STPLA	81	NORM	COM	PHEO'S COFFEE SHOP		R 21 570.00	All Recovery procedures followed, including handover to attorneys. Account outstanding since before May 2011. No success and Prescription
819766906	UNATT	0	NONE	SRES	PRETORIUS	BL	R 21 568.20	Medical Aid Contributions not recoverable. All Recovery procedures followed, including handover to attorneys. Account outstanding since before June 2010. No success and Prescription
10300497	BOORD	5522	FINAL	SRES	MEAD	LA+MR	R 20 670.96	All Recovery procedures followed, including handover to attorneys. Account outstanding since before November 2006. No success and Prescription
110340533	UNATT	0	NONE	SRES	Britz	AA	R 145 917.06	Debtor Deceased 2011. Medical Aid Contributions not recoverable.
10224753	UNATT	0	NONE	SRES	Franz	KM	R 19 335.97	Debtor Deceased 2014. Medical Aid Contributions not recoverable.
10341865	UNATT	0	NONE	SRES	Kloppers	JP	R 57 774.30	Medical Aid Cancelled June 2014 and not recoverable. All Recovery procedures followed, including handover to attorneys.
10183371	UNATT	0	NONE	SRES	Le Roux	SJ	R 36 095.70	Medical Aid Cancelled September 2012 and not recoverable. All Recovery procedures followed, including handover to attorneys.
17150279	IVAL	3167	NONE	SRES	LEKEUR	JJ	R 419 770.82	Both JJ le Keur and his wife died. The administration followed all procedures to recover all outstanding debt and is in process to evict the residents from the property. The current outstanding debt will be irrecoverable and not cost effective to institute any legal actions. The electricity has been cut and water restrictions is in process.

Account	Suburb	Erf No	Group	Sub Group	Surname	Initials	Balance for Write-off	Comment/Reasons for Write-off
12370018	IVAL	4435	NORM	SECT	VINEYARD COURT REGSPERSON		R 762 666.64	The previous Body Corporate of Vinyard Court did not manage their business and the municipality took steps to cut-off electricity- and water connections. Marite Property Administrators has been employed during August 2013 to assist the Trustees of Vineyard Body Corporate. The Body Corporate then paid their current account and manage to pay even more. Steps have been put in place by the new trustees to draft proper budgets, deal with defaulters and educate owners to pay their levies and obey the rules of the Body Corporate. However, the Body Corporate cannot pay the long outstanding debt and penalties and request Council to write-off the capital amount of R 567 474 .15 plus all penalties added to their account. The current financial statements confirm the latter and it is recommended to write off the amount of R 762 666.64 (capital and penalties included) as it will not be cost effective for Council to insitute any actions to recover the outstanding debt.
370873305	CVILL	9527	NONE	COM	BREUGHEL TEATER GROEP		R 39 414.32	The previous Board of The Breugel Theatre did not manage their business and the municipality took steps to cut-off electricity- and water connections. A new Board has been elected during November 2013. The new Board applied to Council for assistance with the long outstanding account since 2011. The new Board has been monitored since 2014 and manage their accounts well. The admnistration recommend that the amount of R 39 414.32 be written off to assist the theatre and to avoid any futher legal actions and costs which may be not recoverable.
10256264	TPARK	13427	NONE	SRES	ASTRATA PTY LTD			All Recovery procedures followed, including handover to attorneys. Account outstanding since before August 2006. No success and Prescription
10490110/ 10713813	MIDN	7613	PROKM	COM	MR MEAT		R 108 701.37	All Recovery procedures followed, including handover to attorneys. Account outstanding since before February 2010. No success and Prescription

Account	Suburb	Erf No	Group	Sub Group	Surname	Initials	Balance for Write-off	Comment/Reasons for Write-off
10725687	SENT	1253	PROKW	SRES	LC HUGHES		R 67 497.06	All Recovery procedures followed, including handover to attorneys. Account outstanding since before September 2007. No success and Prescription
10713727/ 10491104	SENT	1222	NONE	COM	EUROPA CAFFE		R 94 088.47	All Recovery procedures followed, including handover to attorneys. Account outstanding since before April 2010. No success and Prescription
10724789/ 10081152	STPLA	180	PROKM	FLATS	WENTZEL	A	R 122 825.92	All Recovery procedures followed, including handover to attorneys. Account outstanding since before April 2011. No success and Prescription
							R 3 655 564.55	

5.5	HUMAN SETTLEMENTS: (PC: CLLR PW BISCOBE)
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5.5.1	PROPOSED CHANGES IN SHAREHOLDING: FARM 502BL: MEDIPROP CC
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1. PURPOSE OF REPORT

To consider the change in majority shareholding of Mediprop cc, the Lessee of Farm 502BL.

2. BACKGROUND

2.1 Lease Agreement

On 2008-05-27 Council approved the ceding of the Lease Agreement in relation to Farm 502BL to a legal entity comprising of Mr L Arendse, F Adams and the Winelands Business Opportunity Forum, subject to the proposed ceding being advertised in terms of Section 124 of the Municipal Ordinance. A copy of the council resolution is attached as **APPENDIX 1**.

The proposed ceding was advertised in The Eikestad News on 2008-07-21, a copy of which is attached as **APPENDIX 2**. No comments and/or objections were received.

On 2008-10-03 a letter was received from Messrs Louis B. Arendse and Franklin Adams of Medi-Prop cc (Reg, No. 2002/098971/23) informing the Municipality that the Cession Agreement was to be made out in the name of Medi-Prop cc, with the directors with power of attorney being:

1. Mr Franklin Adams; and
2. Mr Louis B Arendse

A copy of their letter is attached as **APPENDIX 3**.

On 11 December 2008 a Cession Agreement was concluded with Medi Prop cc. The contract was signed by both Messrs Arendse and Adams. A copy of the agreement is attached as **APPENDIX 4**.

2.2 Notices of change in shareholding

Hereto attached as **APPENDIX 5** a notice received from Mr Louis B Arendse, informing the Municipality;

- a) that Mr Franklin Adams has resigned from Mediprop cc;
- b) that Mr Arendse is now the sole member of Mediprop cc; and
- c) that Mr Arendse accept full responsibility for all rates and taxes owed to the Stellenbosch Municipality.

He further requests that the current rates and rental tariffs be approved retrospectively in line with other Black Emerging Farmers.

3. DISCUSSION

3.1 Contractual requirements

In terms of clause 13.1 of the Lease Agreement, the Agreement may not be ceded or sub-leased without the prior, written consent of Stellenbosch Municipality.

Further, in terms of clause 13.5 when the shareholding of members change, it will be deemed to be a sub-lease, i.e. it can only be done with the prior, written approval of the Municipality.

3.2 Financial implications

As this is merely a change in shareholding, it should not have any financial implications for the municipality.

Please note, however, that an amount of R146 528.30 outstanding/payable to the Municipality as at 30 June 2014:

However, should the request for a reduction in tariffs (see par. 2.2 *supra*) be approved, i.e. 20% of normal tariffs, the financial implications for the Municipality would be a loss of ±R24338 p.a.

3.3 Motion by Councillor F Adams

Before the request for changes in shareholding could be considered by Council. Councillor F Adams tabled a Motion at the 19th meeting of Council on 2014-04-23, requesting:

- a) that the Lease Agreement in relation to Farm 502BL be cancelled, due to non-payment; alternatively
- b) that the lease agreement be ceded to Winelands Community Business Opportunity Forum, on condition that a reduced tariff be approved, similar to the Small Farms Holding Trust.

A copy of the motion is attached as **APPENDIX 6**.

Having considered the motion, Council resolved as follows:

- a) *that this matter be referred back to the Administration to obtain more information, whereafter same be resubmitted to Council for consideration.*

3.4 INPUTS BY MR ARENDSE

Following the above decision, Mr Arendse was requested to make input/comment on the motion. Hereto attached as **APPENDIX 7**, inputs received from Mr Arendse.

From this it is clear that, although the initial council resolution referred to Winelands Community Business Opportunity Forum, the contract was concluded with Medi-Prop cc with director being Mr F Adams and Mr L.B Arendse.

4. COMMENTS FROM OTHER RELEVANT DEPARTMENTS**4.1 CFO**

This department is in support of this item.

4.2 Legal Services

Clause 13 of the written lease agreement provides as follows:

“13 ONDERVERHURINGS, SESSIES OF OORDRAGTE, ENS

13.1 Die HUURDER sal nie hierdie huurooreenkoms sedeer of oordra nie, en onderverhuur nie die EIENDOM of enige deel daarvan sonder die voorafverkree skriftelike toestemming van die VERHUURDER nie.

13.2 Die VERHUURDER kan ‘n sertifikaat as bewys vereis dat ‘n maatskappy, beslote korporasie of trust wat ‘n HUURDER is, wel as sodanig geregistreer is.

13.3 Dit word op rekord geplaas dat die VERHUURDER toestemming verleen vir die sessie en delegasie van hierdie huurkontrak aan en ten gunste van ‘n erfgenaam of erfgename van die HUURDER as sodanig deur die HUURDER benoem.

13.4 By verandering van die beherende aandeelhouding of beherende belange in ‘n maatskappy of beslote korporasie wat ‘n HUURDER is, of by verandering van direkteure of by likwidasië van die maatskappy of beslote korporasie onder geregtelike bestuur geplaas word, bly die oorspronklike borge ten behoeve van die maatskappy of beslote korporasie gesamentlik en afsonderlik en as medehoofskuldenaars teenoor die VERHUURDER aanspreeklik, tensy die VERHUURDER op skriftelike aansoek van die HUURDER toestem tot vervanging van sodanige borge.

13.5 Verandering van die beherende aandeelhouding of beherende ledebelang, direkteure of trustees van ‘n maatskappy, beslote korporasie of ‘n trust wat ‘n HUURDER is, word geag ‘n onderverhuur te wees”.

Councillor Adams’s resignation as member of Mediprop CC (hereinafter referred to as “Mediprop”) amounts to the amendment of the controlling shareholding or director/member in a close corporation as provided in clause 13.4 of the written lease agreement (hereinafter referred to as “the Lease Agreement”). Clause 13.5 of the Lease Agreement further provides that such an amendment in the shareholding or controlling membership, directors of a close corporation which is the lessee, is regarded as a sub-lease. Clause 13.1 of the Lease Agreement provides further that the lease agreement shall not be ceded or transferred or sub-leased without the prior written consent of the Lessor.

Although this application is merely a change in shareholding, Mr Arendse now owning 100% of the shares in Mediprop cc, it is regarded as a sub-lease, and therefore council’s written consent needs to be obtained.

As a result of Councillor Adams resignation from Mediprop results in his membership in the close corporation being available to the remaining member of Mediprop. This amounts to a sub-lease in terms of the Lease Agreement. No prejudice exists for the Municipality in approving the sublease subject to the recommendations of the Department. The current lessee should provide full surety in terms of the Lease Agreement. Furthermore it is Council's prerogative whether it wants to grant a reduction in the monthly tariff or not.

The recommendations of the department are supported.

5. CONCLUSION

Although this application is merely a change in shareholding, Mr Arendse now owning 100% of the shares in Mediprop cc, it is regarded as a sub-lease, and therefore council's written consent needs to be obtained.

RECOMMENDED

- (a) that it be noted that Mr Franklin Adams has resigned from Mediprop cc;
- (b) that it be noted that Mr L Arendse will now own 100% membership of the Mediprop cc;
- (c) that it be noted that the outstanding lease amount and rates and taxes amounts to R146 528.30 as at 30 June 2014;
- (d) that approval be granted for these changes in membership; subject thereto that the outstanding debt first be paid in full;
- (e) that Council consider the request for the reduction in tariffs.

ENGINEERING SERVICES AND HUMAN SETTLEMENTS COMMITTEE MEETING: 2014-08-06: ITEM 5.1.6

RECOMMENDED

- (a) that it be noted that Mr Franklin Adams has resigned from Mediprop cc;
- (b) that it be noted that Mr L Arendse will now own 100% membership of the Mediprop cc;
- (c) that it be noted that the outstanding lease amount and rates and taxes amounts to R146 528.30 as at 30 June 2014;
- (d) that approval be granted for these changes in membership; subject thereto that the outstanding debt first be paid in full;
- (e) that Council consider the request for the reduction in tariffs.

MAYORAL COMMITTEE MEETING: 2014-08-13: ITEM 5.1.9**RESOLVED** (nem con)

that this item be referred back to allow the Administration to provide this Committee with proper documentation whereafter same be resubmitted to this Committee for consideration and subsequent recommendation to Council.

FURTHER COMMENTS BY THE ACTING DIRECTOR: HUMAN SETTLEMENTS

Subsequent to the resolution depicted above, the appropriate **APPENDICES** are attached hereto.

FOR CONSIDERATION**MAYORAL COMMITTEE MEETING: 2014-09-17: ITEM 5.1.4****RESOLVED** (nem con)

that this item be referred back to allow the Administration to submit a report considering the following:

- (a) whether the lease agreement was cancelled;
- (b) whether the entity, Mediprop cc, still exists, or whether same was finally deregistered;
- (c) that the applicant indicate whether he intends to apply for the lease agreement to be entered into with a new company and not Mediprop cc; and
- (d) that the request for a discount in rental be substantiated by a detailed business plan to enable Council to consider the request;
- (e) that the report be resubmitted to this Committee for consideration and subsequent recommendation to Council.

FURTHER COMMENTS BY THE MANAGER: PROPERTY MANAGEMENT

Following the above resolution, Mr Arendse was requested to provide the requested information. See letters addressed to Mr Arendse on 2015-02-18; 2015-04-28 and 2015-05-13, hereto attached as **APPENDICES 8, 9 and 10**.

Eventually, on 2016-08-08 a letter was received from Mr Arendse, confirming:-

- a) That the legal entity, being Medi-Prop cc, was not fully deregistered;
- b) That the application was/is for the ceeding of the Lease Agreement to a "new co", now being registered as A3 Farms (Pty) Ltd;
- c) That A3 Farms (Pty) Ltd accept 100% responsibility for all outstanding monies and service charges owned by Medi-Prop cc;* and
- d) That the application for discounted rates be finalized/consider after the approval of the cession/assignment.

A copy of the letter, as well as the Registration certificate of A3 Farms (Pty) Ltd, issued by the Commissioner of Companies & Intellectual Property Commission, is attached as **APPENDIX 11**, and **12**, respectively.

In terms hereof the new company, that is A3 Farms (Pty) Ltd, is owned by Louis Beresford Arendse and Dillan Arendse.

*The outstanding debt as at 2016-07-30 amounts to R199 519.61.

RECOMMENDED

- (a) that it be noted that Mr Franklin Adams has resigned from Medi-prop cc;
- (b) that it be noted that the outstanding debt, as at 2016-07-30, amounts to R199 519.61;
- (c) that approval be granted that the Lease Agreement (Between Stellenbosch Municipality and Medi-Prop cc) be ceded to the new company A3 Farms (Pty) Ltd, owned by Mr L.B and Mr D Arendse, on condition that the outstanding debt be settled before/on date of signature of Ceeding Agreement; and
- (d) that the issue of the discounted rate be considered as part of an item to be submitted by the Director: Planning & Economic Development (LED) dealing with discounted rates in general.

Meeting: Ref no:	Special Mayco:2016-11-30 7/2/1/1	Submitted by Directorate: Author Referred from:	Human Settlements T Mfeya
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27 May 2008

13th COUNCIL MEETING : 2008-05-27 : ITEM 7.5

RESOLVED (nem con)

- (a) that Council approve the ceding of the lease agreement of Farm 502 BL to a legal entity comprising of the applicants, ML Arendse, F Adams and the Winelands Business Opportunities Forum, subject to the proposed ceding being advertised in terms of Section 124 of the Municipal Ordinance, No 20 of 1974;
- (b) that, should any objections be received as a consequence of the advertisement contemplated in (a) above, such objections be referred to Council, before a final decision is made; and
- (c) that, should no objections be received, the Director Corporate Services be mandated to finalise a cession and delegation agreement with the applicant.

(HDM)



Handwritten signatures and initials, including a large signature on the left and several smaller ones on the right, some with a '2' below them.

21/7/2008

7/2/21/FARM 502BL

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHROEK
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

7/2/21 Farm 502BL

STELLENBOSCH MUNICIPALITY
CEDING OF LEASE AGREEMENT: FARM 502BL

Notice is herewith given in terms of section 124 of the Municipal Ordinance 20 of 1974 read with the Supply Chain Management Policy of Council that Council intends to cede the long term lease agreement of farm 502BL, presently being leased by Roulou Boerdery, to F Adams, L Arendse and Winelands Business Opportunities Forum.

More detail is available during office hours from the Directorate Corporate Services. (Mr JJ Kruger at telephone 021-8088032)

Any objection against the intention of Council must be lodged in writing with the Director Corporate Services, PO Box 17, Stellenbosch 7599 on or before 28/07/2008.

MUNICIPAL MANAGER

Notice nr 58 dated 04/07/2008:

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHROEK
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

7/2/21/Plaas 502BL

STELLENBOSCH MUNISIPALITEIT
SEDERING VAN HUUROOREENKOMS: PLAAS 502BL

Kennies geskied hiermee in terme van artikel 124 van die Munisipale Ordinansie 20 van 1974 saamgelees met die raad se Voorsieningtribunaal beleid dat die raad van voorneme is om die langtermyn huurooreenkoms van plaas 502BL, wat tans aan Roulou Boerdery verhuur word, aan F Adams, L Arendse en Winelands Business Opportunities Forum te sedeer.

Meer besonderhede is gedurende kantoorure by die Direkoraat Korporatiewe Dienste (Mnr JJ Kruger by telefoon 021-8088032) beskikbaar.

Enige besware teen die Raad se voorneme moet skriftelik voor of op 25/07/2008 by die kantoor van die Direkteur, Korporatiewe Dienste, Posbus 17, Stellenbosch ingedien word.

MUNISIPALE BESTUURDER

Kennisgewing Nr 58 gedateer 2008-07-04.



Medi – Prop

Medi-Prop cc Reg np. 2002/098971/23
PO Box 12445, Die Boord, Stellenbosch, 7613
mediprop@gmail.com

3 October 2008

The Director: Corporate Service
Stellenbosch Municipality
PO Box 17
Stellenbosch
7599

Dear sir :

Re: Session of Farm 502 BL

We herewith which to inform you that the above Session Agreement be drawn in the above legal entity with the directors with power of attorney being:

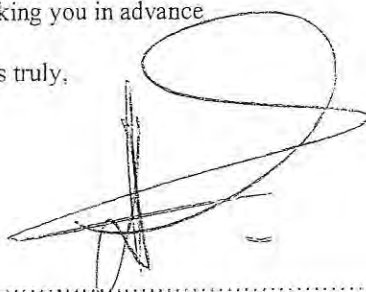
- 1. Mr Franklin Adams
- 2. Mr Louis B Arendse

We further request that the session agreement be finalised and submitted to us for perusal and that the official transfer of all rights and responsibilities be effective from 1 November 2008.

Urgently awaiting your response in this matter.

Thanking you in advance

Yours truly,



.....
LOUIS B ARENDSE



LOUIS B ARENDSE - 0799 055 232

FRANKLIN ADAMS - 073 590 2379





STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

SESSIE EN DELEGASIE OOREENKOMS

aangegaan tussen

DIE MUNISIPALITEIT STELLENBOSCH

("die VERHUURDER")

en

ROULOU BOERDERY

("die HUURDER")

en

MEDI-PROP CC

("die SESSIONARIS")

1. AANHEF

AANGESIEN die **VERHUURDER** en die **HUURDER** 'n huurooreenkoms ("die huurooreenkoms") gesluit het vir die huur van Gedeelte 502BL (soos aangedui op 'n kaart aangeheg aan die huurooreenkoms) vir 'n tydperk van 50 jaar tot 31 Maart 2041, welke huurooreenkoms hierby aangeheg is as Aanhangsel A);

EN AANGESIEN die **HUURDER** daarna vervang is deur die **SESSIONARS**, 'n Swart Ekonomiese Bemagtigingsgroep

EN AANGESIEN die **VERHUURDER** toegestem het dat die huurooreenkoms nou gesedeer word aan die **SESSIONARIS**;

kom die partye nou as voig ooreen;

2. PARTYE

Die partye tot hierdie ooreenkoms is:

2.1 DIE MUNISIPALITEIT STELLENBOSCH,

hierin verteenwoordig deur HAN BLUCE BOLAND KENNEDY in sy hoedanigheid as MUNISIPALE BESTUURDER van die Munisipaliteit

Stellenbosch

("die VERHUURDER");

Handwritten signatures and initials in black ink, located at the bottom right of the page. There are four distinct marks: a large, stylized signature, a smaller signature, and two sets of initials.

2.2 ROULOU BOERDERY

hierin verteenwoordig deur,behoorlik WIJEM ISAAC daartoe gemagtig

Kouw

("die HUURDER"); en



2.3

Medi-Prop verteenwoordig deur L. ARENDS & F. ADAMS behoorlik daartoe gemagtig

("die SESSIONARIS")

3. UITLEG

3.1 In hierdie ooreenkoms, tensy die konteks ander aandui, beteken:

3.1.1 "die Eiendom" GEDEELTE 502BL, Stellenbosch, in die Munisipaliteit en Afdeling Stellenbosch, Provinsie Wes-Kaap; GROOT: 12 (TWAALF) hektaar

Julie

3.1.2 "die Effektiewe Datum" 1 Januarie, 2009

3.1.3 "die Huurooreenkoms" die huurooreenkoms gedateer 1 April 1991.....aangegaan tussen die **VERHUURDER** en die **HUURDER** waarkragtens die **VERHUURDER** die Eiendom verhuur en die **HUURDER** dit gehuur het; en

3.1.4 "die partye" die partye tot hierdie ooreenkoms, en beteken "party" een van hulle;

3.2 Uitdrukkings in die enkelvoud dui ook op die meervoud, en omgekeerd.

3.3 Woorde en uitdrukkings wat dui op natuurlike persone, verwys ook na regspersone, en omgekeerd.

3.4 Voornaamwoorde van enige geslag sluit die ooreenstemmende voornaamwoorde van die ander geslag in.

- 3.5 Klousule-opskrifte verskyn in hierdie ooreenkoms slegs vir verwysingsdoeleindes en dit beïnvloed nie die behoorlike uitleg van die inhoud nie.

4. **SESSIE EN DELEGASIE**

- 4.1 Met ingang van die Effektiewe Datum, sedgeer die **HURDER** aan die **SESSIONARIS** al die **HURDER** se reg, titel en belang kragtens, in en op die Huurooreenkoms en deleger hy aan die **SESSIONARIS** al sy verpligtinge hierkragtens.

- 4.2 Die **SESSIONARIS** aanvaar die sessie en delegasie ingevolge klousule 4.1.

- 4.3 Die **VERHUURDER** verleen sy toestemming tot die sessie en delegasie ingevolge klousule 4.1.

5. **SPESIALE VOORWAARDE**

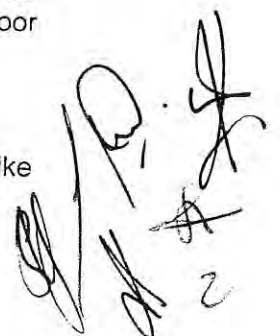
- 5.1 Hierdie sessie en delegasie ooreenkoms is onderhewig daaraan dat die **SESSIONARIS** na die Effektiewe datum alle regte en verpligtinge ten opsigte van die huurooreenkoms sal oorneem.

6. **WAARBORGE EN VRYWARING**

- 6.1 Die **HURDER** waarborg aan die **SESSIONARIS** dat die Huurooreenkoms op die Effektiewe Datum ten volle van krag sal wees met die oorspronklike bedinge soos weerspieel in die afskrif van die Huurooreenkoms ontvang deur die **HURDER** en dat die **HURDER** nie teenstrydig met enige van die **HURDER** se verpligtinge kragtens die Huurooreenkoms sal wees op die Effektiewe Datum nie.

- 6.2 In ieder geval vrywaar die **HURDER** die **SESSIONARIS** teen alle eise deur die **VERHUURDER** teen die **SESSIONARIS** ingevolge die Huurooreenkoms gegrond op aksiegronde wat sou ontstaan het voor die Effektiewe Datum.

- 6.3 Die **VERHUURDER** gee nie aan die **SESSIONARIS** enige uitdruklike



of stilswyende waarborge soos daardie vervat in klousule 6.1 nie, maar waarborg aan die **SESSIONARIS** dat op die datum van hierdie ooreenkoms die **VERHUURDER** nie bewus is van enige feite of omstandighede wat die **HUURDER** in kontrakbreuk ten opsigte van klousule 6.1 sou stel nie.

7. NIE-AFSTANDDOENING

7.1 Geeneen van die partye sal geag word afstand te gedoen het van of op enige wyse verhoed word daarvan om enige reg kragtens of voortspruitend uit hierdie ooreenkoms uit te oefen nie, omdat so 'n party op enige tydstip enige uitstel van tyd vir of enige ander toegewing getoon het aan enige van die ander partye met betrekking tot enige betaling of nakoming hierkragtens, of versuim het om enige aksiegrond teen enigeen van sodanige partye af te dwing of getalm het in die afdwinging daarvan nie.

7.2 In die besonder onthef 'n toegewing verleen deur die **VERHUURDER** aan die **SESSIONARIS** of enige ander borg vir die **SESSIONARIS** nie die **HUURDER** van sy verpligtinge teenoor die **VERHUURDER** kragtens klousules 4 en 5 nie.

7.3 Die versuim van 'n party om te voldoen aan enige nie-wesentliche bepaling van hierdie ooreenkoms onthef nie enigeen van die partye van volle en tydige nakoming kragtens hierdie ooreenkoms nie.

8. VOLLE OOREENKOMS

8.1 Hierdie is die volle ooreenkoms tussen die partye.

8.2 Geeneen van die partye maak by die aangaan van hierdie ooreenkoms staat op enige waarborge, voorstellings, openbaarmakings of meningsuitings wat nie by hierdie ooreenkoms ingesluit is nie.

8.3 'n Variasie of ooreengekome kanselliasie van hierdie ooreenkoms het nie enige krag uitwerking nie tensy dit op skrif gestel is en deur al die partye geteken is.

Handwritten signatures and initials, including a large signature and several smaller initials, located at the bottom right of the page.

9. DOMICILIA EN KENNISGEWINGS

9.1 Partye kies as hulle *domicilia citandi et executandi* vir al die oogmerke en doeleindes van hierdie ooreenkoms en daardie van die huurkontrak die adresse gemeld in klousule 10.2 hieronder, maar so 'n *domicilium* van enige party kan verander word deur skriftelike kennisgewing van so 'n party aan die ander partye met ingang van die datum van ontvangs of geagte ontvangs deur albei van hulle van so 'n kennisgewing.

9.2 Adresse:

9.2.1 Die VERHUURDER: Steilenbosch Munisipaliteit, Pleinstraat, Stellenbosch, 7600;

9.2.2 Die HUURDER:

9.2.3 Die SESSIONARIS: 29 Tindallstraat, Idasvallei, Stellenbosch, 7600

9.3 Enige kennisgewing, aanmaning of ander mededeling behoorlik ge- adreseeer deur enige party aan enigeen van die ander partye by laasgenoemde se *domicilium* ingevolge hiervan en gestuur per voorafbetaalde geregistreerde pos word geag deur laasgenoemde ontvang te gewees het op die 4de (vierde) besigheidsdag wat volg op die datum waarop dit gepos is. Hierdie bepaling moet nie vertolk word om die gebruik van ander middele en metodes (met inbegrip van telefaksimilee) uit te sluit vir die oorsending of aflewering van kennisgewings, aanvaardings, eise en ander mededelings nie, maar 'n vermoede van aflewering ontstaan nie indien enige so 'n ander middel of metode gebruik word nie.

10. ALLE PARTYE MOET ONDERTEKEN

Hierdie ooreenkoms tree slegs in werking wanneer dit deur al die partye onderteken is.

11. KOSTE

Die regs-koste aangegaan in die voorbereiding van hierdie ooreenkoms en die seëlreg betaalbaar daarop moet gedra en betaal word deur die SESSIONARIS.

GETEKEN te Stellenbosch op 23 September 2008 in die teenwoordigheid van die ondergetekende getuies

Getuies:

1. _____
2. _____

NAMENS DIE MUNISIPALITEIT
STELLENBOSCH

GETEKEN te Stellenbosch op 21/05/2009 2008 in die teenwoordigheid van die ondergetekende getuies

Getuies:

1. _____
2. _____

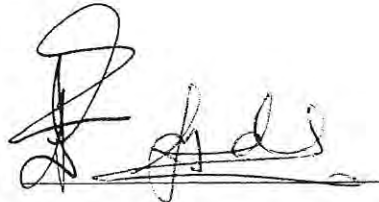
NAMENS DIE HUURDER

z

z



GETEKEN te Stellenbosch op 11 Desember 2008 in die teenwoordigheid van die ondergetekende getuies

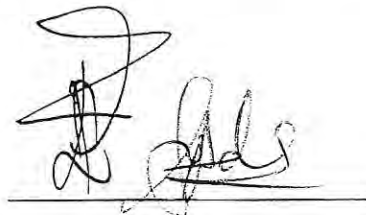
Getuies: 1. _____
2. _____




NAMENS DIE SESSIONARIS

GETEKEN te Stellenbosch op 11 Desember 2008 in die teenwoordigheid van die ondergetekende getuies

Getuies: 1.  _____
2.  _____



as borg en hoofskuldenaar



PO Box 166

Lynedoch

7603

16 January 2014

The Stellenbosch Municipality

PO Box 17

Stellenbosch

7599

For attention: The Property/Finance Committee

The Property Manager: Mr Piet Smit

Re: Change of Majority Shareholding & Lease Session – Farm 502 BL

Herewith receive my application for the above changes and approval in favour of the following;

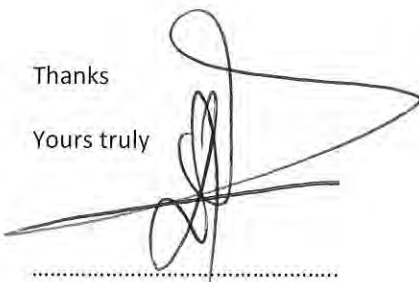
1. Mr Franklin Adams resigned from Mediprop cc Reg no: 2002/098971/23, a close corporation holding a longterm lease agree with Stellenbosch Municipality which expires 31 March 2041.
2. Mr Arendse now being the sole member of Mediprop cc, as per attached Annexure A.

Our application

3. That the said lease agreement be transferred and ceded to Mr Louis B Arendse as the change in ownership amounts to a change in the majority shareholding in terms of the provision of the said lease agreement.
4. The session be approved to and in favour of Mr Louis B Arendse and his dependants in a *"newco"* (*"newco" to be beneficiary of lease agreement*)
5. That the current rates and rental tariffs be approved retrospective and in line with other beneficiaries of small black emerging farmers.
6. That Mr Louis B Arendse and his dependants accept full responsibility for all rates & taxes owed to the Stellenbosch Municipality.

Thanks

Yours truly



A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the left. The signature is positioned above a dotted line.

.....
Louis B Arendse - 0799055232

Limited Power of Attorney for Amendments of a Close Corporation


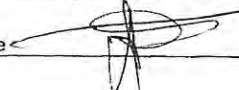
I/ We the undersigned being desirous of amending a Close Corporation under the name of:

MEDIPROP CC REG NO: 2002/098971/23

do hereby nominate, constitute and appoint:

- Yolanda Cupido, Jamie Hattingh, Anita April, Telana Swart, Douglas van der Merwe, Nomfuneko Njeza, Nobulungisa Mbaliseli, Thandiwe Bayi, Sihle Gantsho, Amber Louw, Jamie Martin, Samantha Davids and Leonie Vlotman and Jamie Martin with full power of substitution in my name place and stead.
- To amend the Close Corporation under the Close Corporation Act of 1969 of 1984 of the Republic of South Africa.
- To sign the CK2 appointing or amending the close corporation or any other documents or forms which might be required for the amendment of the Close Corporation.

I also indemnify Swiftreg CC (2000/033423/23) as well as the individuals to whom I give limited power of attorney, against any claims, loss, damage or liability arising from delay or errors occurring in the registration process.

Full Name(s) of Member(s)	% Member- ship after alteration	ID Numbers	Signature on behalf of current/new/resigning member (if under 18, signature of guardian)
1. FRANKLIN ADAMS	09%	6712175112089	Sign Here 
2. LOUIS BERESTORA ARENNE	100%	6563275128081	Sign Here 
3.			Sign Here
4.			Sign Here
5.			Sign Here
6.			Sign Here
7.			Sign Here
8.			Sign Here
9.			Sign Here
10.			Sign Here

Signed and executed at Stellenbosch on 12 DEC 2012

FRANKLIN ADAMS PO BOX 12445 DIE BOORD 7613

oakcity2010@yahoo.com

07 Desember 2012

Per hand:

Vir Aandag: Mnr. Piet Smit

Stellenbosch Munisipaliteit

In sake : Onttrekking van Medi –Prop en Plaas 502 BL.

Baie dankie vir die geleentheid om hierdie skrywe aan u te rig .

Ek wil graag van die geleentheid gebruik maak om u in kennis te stel , dat ek Franklin Adams, n vennoot in Medi-Prop alle aktiwiteite in die maatskappy staak en ook afstand doen van my gedeelde en regte in die huurkontrak van die Plaas 502 BL.

Die besluit is onmiddelik van krag en ek versoek dat u alle korrespondensie rakende Medi-Prop na bogenoemde adres moet staak.

Die ander vennoot Mnr. Loiu Arendse sal steeds voort gaan met die huur kontrak en ek versoek dat u vorentoe met hom skakel aangaande die huurgrond. Sy cell. No. is 0799055232 en e-pos mediprop@gmail.com .

Daar is verskeie faktore en redes vir my besluit, maar die grootste is die voortslepende onvermoe van die munisipaliteit en amptenare om redelike besluite te maak.

Ek is ook gatvol vir die kwaadwillige optredes en onbillike handelinge. Ons het van die staanspoor nog net teenkating gekry en geen ondersteuning soos ander kleinboere van u instansie ontvang nie.

Verbeterings: Ek wil u net inkennis stel dat Medi-prop veskeie verbeterings op grond aangebring het, bv. Die aanleg van water pype, 600 meter en elektrisiteit. Dit beloop duisende rande en dit moet in ag geneem word.

Ek het baie geld in die projek bele en sal dit as n verlies afskryf en hoop dat toekomstige opkomende boere met die nodige agting en respek behandel sal word.

Met dank


Franklin Adams

“Lank lewe die stryd teen ekonomiese onderdrukking”

9.1 MOTION BY COUNCILLOR F ADAMS RELATING TO FARM 502BL

File number : 3/4/1/4
Report by : Office of the Speaker
Compiled by : Office of the Speaker
Delegated Authority : Council

A Notice of a Motion, dated 2014-02-20 was received from Councillor F Adams, regarding the cancellation of lease agreement, Farm 502BL and the writing off of the outstanding monies.

The said Motion is attached as **APPENDIX 1**.

FOR CONSIDERATION**19TH COUNCIL MEETING: 2014-04-23: ITEM 9.1**

The Speaker requested Councillor F Adams to put the Motion, duly seconded.

RESOLVED (nem con)

That this matter be referred back to the Administration to obtain all relevant information.

17TH COUNCIL MEETING: 2014-01-16: ITEM 9.3

The Speaker allowed Councillor FA Adams to motivate his Motion before he recused himself from the Council Chamber. After Councillor F Adams recused himself, the motion was debated.

The Motion was put to the vote, and it was

RESOLVED (majority vote)

that this matter be referred back to the Administration to obtain more information, whereafter same be resubmitted to Council for consideration.

**(DIRECTOR: STRATEGIC AND CORPORATE SERVICES
TO ACTION)**



9.1 MOTION BY COUNCILLOR F ADAMS RELATING TO FARM 502BL (Decisions)

Meeting:

Council Meeting

Meeting Date:

2014-04-23

Organized by:

Corporate & Strategic Services

Meeting Minutes/Agenda Item:

9.1 MOTION BY COUNCILLOR F ADAMS RELATING TO FARM 502BL 19TH COUNCIL MEETING: 2014-04-23: ITEM 9.1 The Speaker allowed Councillor FA Adams to motivate his Motion before he recused himself from the Council Chamber. After Councillor F Adams recused himself, the motion was debated. The Motion was put to the vote, and it was RESOLVED (majority vote) that this matter be referred back to the Administration to obtain more information, whereafter same be resubmitted to Council for consideration. (DIRECTOR: STRATEGIC AND CORPORATE SERVICES TO ACTION)

Classification:

Public

File Number:

Instruction:

IMPLEMENT THE DECISION