



STELLENBOSCH

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**NOTICE OF MUNICIPAL PLANNING
TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2023-03-31 FROM 10:00-15:00**



**NOTICE OF MUNICIPAL PLANNING TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY**

FRIDAY, 2023-03-31 FROM 10:00-15:00

Ref. no. 3/4/5/2/40

2023-03-31

Chairperson

Dr DJ Du Plessis

Deputy-Chairperson

Ms C
Havenga

External Members

Mr C Rabie
Dr R Pool-Stanvliet
Mrs H Crooijmans-Lemmer
Mr E Delpont

Internal Members

Mr M Williams - Senior Legal Advisor
Mr A van der Merwe: Senior Manager - Community Services
Mr C Alexander: Senior Manager - Development Planning
Mrs M Francis: Senior Manager - Infrastructure Planning, Development and
Implementation, Directorate Infrastructure Services

Technical Advisor

Mr K Munro - Director Environmental & Spatial Planning: Department of
Environmental Affairs and Development Planning

*Notice is hereby given in terms of Section 75(1) of the Stellenbosch Municipality Land Use Planning By-Law (2015), of the Municipal Planning Tribunal Meeting which will be via **MS TEAMS (Virtual Meeting)** on **FRIDAY, 2023-03-31 from 10h00-15:00** to consider the items on the Agenda.*

**D du
Plessis**

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by D du Plessis
Date: 2023.03.10
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Dr DJ Du Plessis

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



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MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 27 JANUARY 2023**MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING
HELD ON FRIDAY, 27 JANUARY 2023, via MS TEAMS AT 10H00-15H00**

**Ref. no. 3/4/5/2/40
2023-01-27**

Chairperson

Dr DJ Du Plessis

Deputy Chairperson

Ms C Havenga

External Members

Mr C Rabie

Mrs H Crooijmans-Lemmer

Mr E Delpport

Dr R Pool-Stanvliet

Internal Members

Mr C Alexander: Senior Manager-Development Planning

Mrs M Francis: Senior Manager - Infrastructure Planning, Development, and
Implementation

Technical Advisor

Mr K Munro: Director - Development Management, Department Environmental
Affairs and Development Planning

Officials

Mr S Carstens: Senior Manager- Development Management

Mrs C Kriel: Manager-Land Use Management

Ms L Guntz: Senior Town Planner

Mr R Fooy: Senior Town Planner

Ms B Zondo: Senior Town Planner

Ms O Sims: Administrative Officer

Ms L Kamineth: Senior Administrative Officer

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 27 JANUARY 2023

ITEM	SUBJECT
SMPT 01/01/23	OPENING AND WELCOME
	Chairperson Du Plessis welcomed all.
SMPT 02/01/23	LEAVE OF ABSENCE
	A van der Merwe
SMPT 03/01/23	DISCLOSURE OF INTERESTS
	None Received.
SMPT 04/01/23	MINUTES OF THE PREVIOUS MEETING DATED 18 NOVEMBER 2022
	The minutes of the previous meeting was noted.
	MATTERS FOR CONSIDERATION
SMPT 05/01/23	APPLICATION FOR SUBDIVISION AND CONSENT USE ON ERF 342, KLAPMUTS (LU/9772)
	<p>Discussion:</p> <ul style="list-style-type: none"> a) Chairperson Du Plessis handed over to Mr Fooy to give a brief introduction in respect of the application that served before the Tribunal. b) Mrs Crooijmans-Lemmer enquired if a precinct plan or a framework plan has been developed for this node, guiding the subdivision and rezoning proposal. She emphasised the need for an overall plan to inform the phased development of the community hub. She also emphasised the need for the node to incorporate mix-use and commercial facilities and housing to promote safety and to create a sense of community.

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- c) Chairperson Du Plessis indicated that this node forms part of an area indicated on the Klapmuts Plan in the Stellenbosch SDF as requiring a future precinct plan.
- d) Mr Alexander indicated that it is part of his KPI's to look at the Local Spatial Development Framework for Klapmuts as a catalytic area in terms of Spatial Planning.
- e) Mr Rabie stated that the date of the agenda must be corrected from 23 to 27. Mr Rabie further indicated that on the subdivision plan, a small part of the road turn into portion 5; there is no conveyancer certificate in the report.
- f) Mr Fooy confirmed that a copy of the said certificate is on file.
- g) Mr Alexander indicated that the circle is currently under construction and that requires the short road toward portion 5.
- h) Deputy-Chairperson Havenga referred to the conditions of approval and enquired about the vacant stands. She asked if the Building Plan approval process would be adequate to address the future development and integration of these sites into this node or if the submission of Site Development Plans for these sites need to be made a condition of approval. She also required about the public participation process.
- i) Mr Alexander indicated that the proposed development would be subdivided from the Remainder 342 and that there would be a public participation process when they are developed.

UNANIMOUSLY RESOLVED

1. That the following application in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015 on Erf 342 for:
 - 1.1 Subdivision in terms Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 to subdivide Erf 342, Klapmuts into eight (8) portions namely:

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- a) Portion 1 – ±1.3562 ha (Utility Service Zone Purposes);
- b) Portion 2 – ±0.6872 ha (Transport Use);
- c) Portion 3 – ±0.2635 ha (Utility Service Zone Uses);
- d) Portion 4 – ±0.4762 ha (Utility Service Zone Uses);
- e) Portion 5 – ±0.5535 ha (Utility Service Zone for Authority Use);
- f) Portion 6 – ±0.1201 ha (Utility Service Zone Uses);
- g) Portion 7 – (Utility Service Zone for public road purposes)
- h) Remainder (Utility Services)

- 1.2 Consent Use in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for Transport Services to allow the operation of the existing taxi-rank under the current allocated zoning of *Utility Service Zone* on *Portion 2* of the proposed subdivision.

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

2. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

- 2.1. The approval only applies to the proposed subdivision under consideration, as indicated on the Subdivision and Zoning Plan, dated: NOVEMBER 2022-REV 4, drafted by: Stephen Old Land Surveyors and attached as **Annexure B** and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

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2.2. The application be undertaken in accordance with the subdivision and zoning plan on the Subdivision and Zoning Plan, dated: NOVEMBER 2022-REV 4, drafted by: Stephen Old Land Surveyors and attached as **Annexure B**.

2.3. The conditions of approval as imposed by the *Stellenbosch Directorate Infrastructure Services* in their Memorandum dated 22 Nov 2022, Ref No: Civil LU 2039, be complied with, as **attached as Annexure E**.

2.4. The applicant submits an electronic copy (shp, dwg, dxf) or A4 hard copy of the SG diagrams, which was preliminary approved by the SG. The following information be indicated:

Newly allocated Erf Numbers

Co-ordinates

Survey Dimensions

3. The reasons for the above decision follow.

3.1. The proposal complies with the approved Stellenbosch Spatial Development Framework.

3.2. The proposal will facilitate the creation of a community facilities / hub.

3.3. The community hub / node it will have a positive impact on its surroundings.

4. Matters to be noted:

4.1 Building plans be approved by the Municipality prior to any building work commencing.

4.2 Street naming and numbering to be approved before commencement of construction.

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<p>SMPT 06/01/23</p>	<p>APPLICATION FOR REZONING, CONSOLIDATION, CONSENT USE AND THE AMENDMENT OF GENERAL PLAN; ERVEN 1080-1112, PROJECT 4A, KAYMANDI, STELLENBOSCH (LU/14064)</p> <p>Discussion:</p> <ul style="list-style-type: none"> a) Chairperson Du Plessis handed over to Ms Guntz to provide a brief introduction in respect of the application currently before the Tribunal. b) An in-depth discussion followed between the members of the Tribunal with regard to the application. c) Dr Pool-Stanvliet voiced her concerns about the provision of parking in all the areas, there is limited recreation and open space for children to play. d) Ms Guntz indicated as it is existing structures, the space is limited. e) Mr Alexander indicated even though it is already existing, there is a need to ensure tenure security. The electrical comments must also be reconsidered in terms of section 142 of the National Building Regulations. f) Dr Pool-Stanvliet requested clarity in respect of the service capacity. g) Mr Delport stated as this is a municipal project, the municipality must have a budget to implement the projects. <p>UNANIMOUSLY RESOLVED</p> <ul style="list-style-type: none"> 1. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Erven 1080 – 1112, Project 4A, Kayamandi, namely: <ul style="list-style-type: none"> 1.1 The Rezoning in terms of Section 15(2)(a) of the said Bylaw of Erven 1080 – 1112, Kayamandi from Multi-Unit Residential

zone to zone Less Formal Residential Zone to allow for the establishment of the existing 148 flats.

1.2 The **Consolidation** in terms of section 15(2)(e) of the said bylaw of Erven 1080 to 1090, Kayamandi to form one erf namely Portion A ($\pm 3\,314\text{m}^2$ in extent).

1.3 The **Consolidation** in terms of section 15(2)(e) of the said bylaw of Erven 1091 to 1112, Kayamandi to form one erf namely Portion B ($\pm 6\,041\text{m}^2$ in extent).

1.4 The **Consent Use** in terms of section 15(2)(o) of the said bylaw to allow for the accommodation of 48 flats on Portion A and 100 flats on Portion B.

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

2. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

2.1 The approval only applies to the proposed development under consideration and not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

2.2 The approval granted not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use

2.3 The development be implemented in accordance with the Rezoning Plan and Consolidation Plan with reference:

2.3.1 Zoning Plan - **21P004(4A)-TRP-ZP-20220118-Rev D00, Plan Nr 4**

2.3.2 Consolidation Plan - **21P004(4A)-TRP-CP-20220118-Rev D00, Plan Nr 3**; attached as **ANNEXURE C1** and **C2**.

2.4 New erf diagrams or general plans for the newly created land units be submitted to this municipality for clearance and record purposes.

2.5 The conditions imposed by the **Director: Engineering Services** as contained in their memo dated 28 September 2022, be complied to the satisfaction of the Department (see **ANNEXURE H**).

3. The reasons for the above decision are as follows:

3.1 The development is compatible with the surrounding land uses and built environment.

3.2 The proposal will provide for security of tenure and to give effect to the existing situation.

3.3 The properties are located in an established urban area within the urban edge of Kayamandi.

3.4 The properties have already been developed and no additional units will be constructed.

4. Matters to be noted:

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	<p>4.1 Building plans be approved by the Municipality.</p> <p>4.2 A Street Name and Numbering Plan to be submitted to the delegated official for approval.</p> <p>4.3 Condonation required from the Municipality for the nine minor encroachments of the existing staircases into 10th Street, 13th Street and School Street.</p>
<p>SMPT 07/01/23</p>	<p>APPLICATION FOR REZONING, CONSOLIDATION, SUBDIVISION, AMENDMENT OF GENERAL PLAN & DEPARTURES: ERVEN 112,114,115 &116 KAYAMANDI (ALSO KNOWN AS RED BRICKS HOSTELS, PROJECT 4B) (LU/14053)</p> <p>Discussion:</p> <p>a) Chairperson Du Plessis handed over to Ms Guntz to provide a brief introduction in respect of the application currently before the Tribunal.</p> <p>b) Dr Pool-Stanvliet and Deputy Chairperson Havenga congratulated the Administration on the hard work pertaining to the Kayamandi items.</p> <p>c) Chairperson Du Plessis enquired on how the municipality will deal with illegal structures straddling new erf boundaries.</p> <p>d) Ms Guntz replied that the primary purpose was to get the application to serve and be considered for approval in order for the owners to obtain the title deeds. Ms Guntz further stated that there is currently no strategy in place, however the relevant departments will meet shortly to discuss a strategy and implement it accordingly.</p> <p>UNANIMOUSLY RESOLVED</p> <p>1. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for Erven 112, 114, 115 & 116, Kayamandi (Project 4B) namely:</p>

- 1.1 The **Consolidation** in terms of section 15(2)(e) of the said bylaw of Erven 112, 114, 115 & 116 Kayamandi to create one erf namely Portion A which is $\pm 7072\text{m}^2$ in extent.
- 1.2 The **rezoning** in terms of section 15(2)(a) of the said bylaw of the subject properties from Multi-Unit Residential Zone to Subdivisional Area to allow for the following uses (and in accordance with the land use framework plan as depicted in plan referenced **Zoning Plan 21P004(4B)-TRP-ZP-20220125-Rev D01, Plan Nr 4**, drawn by Plan4SA Professional Planners and Project Managers):
- 1.2.1 51 x **Less Formal Residential Zone** erven and $\pm 5\,954,14\text{m}^2$ in extent for less formal housing purposes.
- 1.2.2 5 x **Public Road and Parking Zone** and $\pm 1\,112,72\text{m}^2$ in extent for road and parking purposes.
- 1.3 **Subdivision** in terms of section 15(2)(d) of the said bylaw of Portion A ($\pm 7\,072\text{m}^2$) into 56 erven and in accordance with **Zoning Plan 21P004(4B)-TRP-ZP-20220125-Rev D01, Plan Nr 4**, drawn by Plan4SA Professional Planners and Project Managers, to allow for the residential development in accordance with the subdivisional zone above.
- 1.4 **Departure** in terms of section 15(2)(b) of the said bylaw:
- a) on unregistered Erf 2332 from **80%** to **94%**;
- b) on unregistered Erf 2336 from **80%** to **91%**;
- c) on unregistered Erf 2344 from **80%** to **84%**;
- d) on unregistered Erf 2359 from **80%** to **83%**;

1.5 **Departure** in terms of section 15(2)(b) of the said bylaw by reducing the minimum required on-site parking bays from one (1) parking bay per dwelling house to 0 bays per dwelling house on all residential erven.

1.6 **Departure** in terms of section 15(2)(b) of the said bylaw for the relaxation of the building lines (for all other buildings) as follows:

- a) *the street building line from 1,0m to 0m on one of the streets for the following unregistered erven: 2327, 2329, 2332, 2334, 2336, 2337, 2342, 2346, 2348, 2352, 2363, 2366, 2367, 2374, 2375 & 2378;*
- b) *the street building line from 1,0m to 0m on two of the streets for the following unregistered erven: 2344;*
- c) *the common building lines from 1,0m to 0m on the following unregistered erven: 2324, 2325, 2328, 2331, 2335, 2336, 2338, 2339, 2341, 2345, 2347, 2348, 2350, 25353, 2355, 2356, 2361, 2364, 2366, 2367, 2371, 2372, & 2377.*

1.7 **Departure** in terms of section 15(2)(b) of the said bylaw for the relaxation of the building line (for shelters) as follows:

- a) *the street building lines from 1,0 to 0m on one street building line for the following unregistered erven: 2325, 2331, 2335, 2339, 2347, 2349, 2350, 2356, 2366, 2367, 2372 & 2373;*
- b) *the street building line from 1,0m to 0m on two streets for the following erven: 2334, 2337, 2352, 2368 & 2378;*
- c) *the street building line from 1,0 to 0m on three streets for unregistered erven 2332 & 2363;*
- d) *the common building line from 1,0m to 0m for the following unregistered erven: 2326, 2334, 2337, 2341, 2347, 2349, 2350, 2352, 2356, 2361, 2363, 2367, 2375 & 2378;*
- e) *the common building lines from 1,0m to 0m on two common building lines for the following unregistered erven: 2325, 2327, 2330, 2331, 2335, 2336, 2339, 2358, 2366, 2372 & 2373;*

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f) *the common building lines from 1,0m to 0m on three common building lines for the following unregistered erven: 2357, 2359 & 2368*

See **ANNEXURE C** for Consolidation, Zoning and Subdivisional Plan

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

2. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

2.1 The approval only applies to the proposed development under consideration and not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

2.2 The approval granted not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.

2.3 The development be implemented in accordance with the Consolidation Plan, Subdivisional Plan and Zoning Plan with reference:

2.3.1 Consolidation Plan - **21P004(4B)-TRP-CP- 20220120-Rev D01- Plan nr 2**

2.3.2 Subdivisional Plan - **21P004(4B)-TRP-ECP-20220125-Rev D01 – Plan Nr 3**

2.3.3 Zoning Plan - **21P004(4B)-TRP-ZP-20220125-Rev D01- Plan Nr 4**, attached as **ANNEXURE C1, C2 and C3**.

2.4 New erf diagrams or general plans for the newly created land units be submitted to this municipality for clearance and record purposes

2.5 The applicant submits an electronic copy (shp,dwg,dxf) of the General Plan which was preliminary approved by the SG. The following information be indicated:

a) Newly allocated Erf Numbers

b) Co-ordinates

c) Survey Dimensions

2.6 The conditions imposed by the **Director: Engineering Services** as contained in their memo dated 26 October 2022, attached as **ANNEXURE H**, be complied with to the satisfaction of the said Department.

3. The reasons for the above decision are as follows:

3.1 The proposal will not have a negative impact on the surrounding properties and their rights as it is in keeping with the character of the area.

3.2 The development is compatible with the surrounding land uses and built environment.

3.3 The proposal will provide for security of tenure and give effect to the existing situation.

3.4 The properties are located in an established urban area within the urban edge of Kayamandi.

4. Matters to be noted:

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	<p>4.1 Building plans of all structures within the erf boundaries of the new residential erven, to be submitted to the Municipality for approval.</p> <p>4.2 A Street Name and Numbering Plan to be submitted to the delegated official for approval.</p>
<p>SMPT 08/01/23</p>	<p>APPLICATION FOR CLOSURE OF PUBLIC PLACE, REZONING, CONSOLIDATION, SUBDIVISION, AMENDMENT OF GENERAL PLAN & DEPARTURES: ERVEN 1113-1154 (ALSO KNOWN AS PROJECT 5A) (LU/14055)</p> <p>Discussion:</p> <p>a) Chairperson Du Plessis handed over to Ms Guntz to provide a brief introduction to the application which is part of the Kayamandi projects</p> <p>b) An in-depth discussion followed between the members of the Tribunal.</p> <p>UNANIMOUSLY RESOLVED</p> <p>1. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Erven 1113 – 1154, (Project 5A), Kayamandi, namely:</p> <p>1.1 The closure of a public place in terms of Section 15(2)(n) of the said bylaw of Erf 1120, Kayamandi.</p> <p>1.2 Consolidation in terms of section 15(2)(e) of the said bylaw of Erven 1113 to 1122, Kayamandi to form consolidated Erf 1981, Kayamandi (±3 615m² in extent); and Erven 1123 to 1154, Kayamandi to form consolidated Erf 1980 (±9 221m² in extent).</p> <p>1.3 Rezoning in terms section 15(2)(a) of the said bylaw of Erven 1113 – 1154 (consolidated Erf 1980 and Erf 1981), Kayamandi</p>

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from **Multi-Unit Residential and Public Place** to **Subdivisional Area** to allow for the following uses (and in accordance with the land use framework plan as depicted in plan referenced **Zoning Plan 21P004(5A)-TRP-ZP-20220126-Rev D01, Plan Nr 4, drawn by Plan4SA Professional Planners & Project Manager**):

1.3.1 175 x **Less Formal Zone** erven and $\pm 8\,290,12\text{m}^2$ in extent for less formal housing purposes

1.3.2 9 x **Public Road and Parking Zone** erven and $\pm 4\,544,97\text{m}^2$ in extent for road and parking purposes

1.4 **Subdivision** in terms of section 15(2)(d) of the said bylaw of consolidated Erf 1980 and Erf 1981, Kayamandi into 184 erven and in accordance with **Zoning Plan 21P004(5A)-TRP-ZP-20220126-Rev D01, Plan Nr 4, drawn by Plan4SA Professional Planners & Project Managers** to allow the residential development in accordance with the subdivisional zone above.

1.5 **Departure** in terms of section 15(2)(b) of the said bylaw to increase the permissible coverage as follows:

- a) on unregistered Erven 2021 and 2029 from **80% to 81%**;
- b) on unregistered Erven 1994, 2038, 2057 & 2159 from **80% to 82%**;
- c) on unregistered Erf 2055 from **80% to 83%**;
- d) on unregistered Erven 1993, 2018 & 2149 from **80% to 84%**;
- e) on unregistered Erven 2134 and 2154 from **80% to 86%**;
- f) on unregistered Erf 2155 from **80% to 88%**;
- g) on unregistered Erf 2014 from **80% to 90%**;
- h) on unregistered Erf 2106 from **80% to 91%**;
- i) on unregistered Erf 2092 from **80% to 93%**;
- j) on unregistered Erf 2093 from **80% to 94%**;
- k) on unregistered Erf 2073 from **80% to 95%**;
- l) on unregistered Erven 1995, 2000, 2010, 2017, 2046, 2047, 2080, 2085, 2087, 2097, 2114 & 2157 from **80% to 100%**.

1.6 **Departure** in terms of section 15(2)(b) of the said bylaw by reducing the minimum required on-site parking bays from **one** (1) parking

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bay per dwelling house to **0** bays per dwelling house on all residential erven.

1.7 **Departure** in terms of section 15(2)(b) of the said bylaw for the relaxation of the building lines (for all other buildings) as follows:

- a) the street building line from **1,0m** to **0m** on one of the streets for the following unregistered erven: 1985, 1987, 1991 – 1994, 1996, 1998, 2000, 2001, 2005, 2007, 2009 – 2011, 2014, 2015, 2017, 2019, 2021, 2023, 2024, 2027 – 2031, 2033, 2035, 2038 – 2040, 2045 – 2048, 2050, 2052, 2053, 2056 – 2058, 2061, 2062, 2065, 2067 – 2070, 2072, 2073, 2076, 2077, 2080 – 2085, 2087 – 2089, 2091, 2092, 2095 – 2098, 2102, 2103, 2106, 2107, 2110 – 2111, 2116 – 2119, 2122, 2123, 2125 – 2128, 2130, 2134, 2135, 2137, 2138, 2141, 2143, 2144, 2147, 2148, 2150, 2152 – 2154, 2156 – 2160, 2162 - 2164;
- b) the street building line from **1,0m** to **0m** on two of the streets for the following unregistered erven: 2060, 2063 & 2066;
- c) the common building lines from **1,0m** to **0m** on the following unregistered erven: 1982-1984, 1988, 1990, 1995, 1999, 2002 – 2004, 2008, 2011-2013, 2016, 2018, 2022, 2025-2027, 2030-2032, 2036, 2037, 2040-2045, 2047-2051, 2054, 2055, 2057, 2061, 2062, 2064, 2069, 2070, 2071, 2074, 2075, 2078, 2079, 2086, 2090, 2093, 2094, 2099-2101, 2104, 2105, 2108-2110, 2114, 2115, 2120, 2121, 2124, 2129, 2131-2133, 2136, 2139, 2140, 2144-2146, 2149, 2153-2155, 2161.

1.8 **Departure** in terms of section 15(2)(b) of the said bylaw for the relaxation of the building line (for shelters) as follows:

- a) the street building lines from **1,0** to **0m** on one street building line for the following unregistered erven: 1982, 1991, 1998, 1999, 2002-2005, 2008, 2012, 2013, 2016, 2019, 2022, 2026, 2028, 2031, 2040, 2041, 2045, 2048, 2050, 2057, 2065, 2070, 2071, 2077, 2079, 2082, 2086, 2089, 2091, 2093, 2098-2101, 2103, 2108, 2110, 2112, 2114, 2115, 2121, 2123, 2127, 2128, 2133, 2136, 2140, 2143, 2145, 2146, 2149, 2153, 2154, 2156, 2161, 2163, 2164;

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

2. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

2.1 The approval only applies to the proposed development under consideration and not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

2.2 The approval granted not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.

2.3 The development be implemented in accordance with the Consolidation Plan, Subdivisional Plan and Zoning Plan with reference:

2.3.1 Consolidation Plan - **21P004 (5A)-TRP-CP-20220126-Rev D01 Plan Nr 2**

2.3.2 Subdivisional Plan - **21P004(5A)-TRP-SUB-20220126-Rev D01 Plan Nr 3;**

2.3.3 Zoning Plan - **21P004(5A)-TRP-ZP-20220126-Rev D01 Plan Nr 4;** attached as **ANNEXURE C1, C2 & C3.**

2.4 New erf diagrams or general plans for the newly created land units be submitted to this municipality for clearance and record purposes

2.5 The applicant submits an electronic copy (shp,dwg,dxf) of the General Plan which was preliminary approved by the SG. The following information be indicated:

- a) Newly allocated Erf Numbers
- d) Co-ordinates
- e) Survey Dimensions

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 27 JANUARY 2023

	<p>2.6 The conditions imposed by the Director: Engineering Services as contained in their memo dated 18 November 2022, attached as ANNEXURE H, be complied with, to the satisfaction of the said Department.</p> <p>3. The reasons for the above decision are as follows:</p> <p>3.1 The proposal will not have a negative impact on the surrounding properties and their rights as it is in keeping with the character of the area.</p> <p>3.2 The development is compatible with the surrounding land uses and built environment.</p> <p>3.3 The proposal will provide for security of tenure and give effect to the existing situation.</p> <p>3.4 The properties are located in an established urban area within the urban edge of Kayamandi.</p> <p>4. Matters to be noted:</p> <p>4.1 Building plans of all structures within the erf boundaries of the new residential erven, to be submitted to the Municipality for approval.</p> <p>4.2 A Street Name and Numbering Plan to be submitted to the delegated official for approval.</p>
<p>SMPT 09/01/23</p>	<p>APPLICATION FOR SUBDIVISION, CLOSURE OF A PUBLIC SPACE, REZONING, AMENDMENT OF GENERAL PLAN & DEPARTURES: REMAINDER OF ERF 288, KAYAMANDI (ALSO KNOWN AS PROJECT 8: MPELAZWE) (LU/14066)</p> <p>Discussion:</p> <p>a) Chairperson Du Plessis handed over to Ms Guntz to provide a brief introduction to the application relating to the Kayamandi projects.</p>

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 27 JANUARY 2023

b) An in-depth discussion followed between the members of the Tribunal.

UNANIMOUSLY RESOLVED

1. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Remainder Erf 288, Kayamandi (Project 8), namely:
 - 1.1 **Amendment of General Plan** GP L149/1987 in terms of section 15(2)(k) of the said bylaw in order to facilitate the proposed development.
 - 1.2 The **Subdivision** in terms of Section 15(2)(d) of the said Bylaw to subdivide Remainder Erf 288, Kayamandi in two portions, namely Portion A ($\pm 7\,158\text{m}^2$ in extent) and the Remainder of Erf 288, Kayamandi ($\pm 33,5828\text{ha}$ in extent).
 - 1.3 **Closure of a public place** in terms of section 15(2)(n) of the said bylaw of subdivided Portion A ($\pm 7\,158\text{m}^2$ in extent) of Remainder Erf 288, Kayamandi.
 - 1.4 **Rezoning** in terms of section 15(2)(a) of the said bylaw of Portion A ($\pm 7\,158\text{m}^2$ in extent) from **Public Road and Public Parking to Subdivisional Area** to allow for following uses (and in accordance with the land use framework plan as depicted in plan referenced **Zoning Plan 21P004(8)-TRP-ZP-20220130Rev D01, Plan Nr. 4, drawn by Plan4SA Professional Planners & Project Managers**):
 - 1.4.1 54 x **Less Formal Residential Zone** erven and $\pm 4\,448,79\text{m}^2$ in extent for less formal housing purposes.
 - 1.4.2 1 x **Public Road and Parking Zone** and $\pm 2\,709,15\text{m}^2$ in extent for road and parking area.
 - 1.5 **Subdivision** in terms of section 15(2)(d) of the said bylaw of closed Portion A ($\pm 7\,158\text{m}^2$) into 55 erven and in accordance with **Zoning Plan 21P004(8)-TRP-ZP-20220130Rev D01, Plan Nr. 4,**

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 27 JANUARY 2023

drawn by Plan4SA Professional Planners & Project Managers, to allow for the residential development in accordance with the subdivisional zone above.

1.6 **Departure** in terms of section 15(2)(b) of the said bylaw to increase the permissible coverage as follows:

- a) on unregistered Erf 2415 from **80% to 80,1%**;
- b) on unregistered Erf 2432 and Erf 2443 from **80% to 81%**;
- c) on unregistered Erf 2414 from **80% to 83%**;
- d) on unregistered Erf 2420 from **80% to 85%**;
- e) on unregistered Erf 2440 from **80% to 87%**;
- f) on unregistered Erf 2426 from **80% to 88%**;
- g) on unregistered Erf 2418 from **80% to 89%**;
- h) on unregistered Erf 2408 from **80% to 92%**;
- i) on unregistered Erf 2428 from **80% to 95%**;
- j) on unregistered Erven 2403, 2407, 2410, 2422, 2424, 2429 & 2435 from **80% to 100%**.

1.7 **Departure** in terms of section 15(2)(b) of the said bylaw by reducing the minimum required on-site parking bays from **one** (1) parking bay per dwelling house to **0** bays per dwelling house on all residential erven.

1.8 **Departure** in terms of section 15(2)(b) of the said bylaw for the relaxation of the building lines (for all other buildings) as follows:

- a) the street building line from **1,0m to 0m** on one of the streets for the following unregistered erven: 2394, 2395, 2400, 2402, 2407, 2408, 2412, 2416, 2418, 2421, 2425, 2427, 2432, 2439-2441, 2446;
- b) the street building line from **1,0m to 0m** on two of the streets for the following unregistered erven: 2396, 2406, 2413, 2414, 2420, 2433, 2434;

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 27 JANUARY 2023

c) *the common building lines from 1,0m to 0m on the following unregistered erven: 2393-2395, 2398, 2399, 2403, 2406, 2409, 2410, 2412, 2415, 2417, 2419, 2422, 2424, 2426, 2429, 2430, 2431, 2436, 2437, 2443-2445.*

1.9 **Departure** in terms of section 15(2)(b) of the said bylaw for the relaxation of the building line (for shelters) as follows:

a) *the street building lines from 1,0 to 0m on one street building line for the following unregistered erven: 2393, 2403, 2405, 2407, 2410, 2413, 2418-2424, 2426, 2430, 2438-2445;*

b) *the street building line from 1,0m to 0m on two streets for the following erven: 2396, 2408, 2415, 2428, 2432, 2435;*

c) *the street building line from 1,0 to 0m on three streets for unregistered Erf 2429;*

d) *the common building line from 1,0m to 0m for the following unregistered erven: 2392, 2396, 2403, 2404, 2418-2420, 2423, 2428, 2435, 2436, 2438-2440, 2442, 2445;*

e) *the common building lines from 1,0m to 0m on two common building lines for the following unregistered erven: 2394, 2405, 2407-2409, 2411, 2413, 2422, 2424, 2426, 2429, 2430, 2443-2444;*

f) *the common building lines from 1,0m to 0m on three common building lines for the following unregistered erven: 2395, 2410, 2412.*

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

2. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

2.1 The approval only applies to the proposed development under consideration and not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or By-laws or Regulations that may be applicable.

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 27 JANUARY 2023

- 2.2 The approval granted does not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- 2.3 The development be implemented in accordance with the Subdivisional Plans and Zoning Plan with reference:
- 2.3.1 Subdivisional Cadastral Plan - **21P004(8)-TRP-ECP-20220130-Rev D01 – Plan Nr 2;**
- 2.3.2 Zoning Plan - **21P004(8)-TRP-ZP-20220130-Rev D01-Plan Nr 4**
- 2.3.3 Subdivisional Plan - **21P004(8)-TRP-SUB-20220130-Rev D01 – Plan Nr 3; attached as ANNEXURE C1, C2 & C3.**
- 2.4 New erf diagrams or general plans for the newly created land units be submitted to this municipality for clearance and record purposes
- 2.5 The applicant submits an electronic copy (shp,dwg,dxf) of the General Plan which was preliminary approved by the SG. The following information be indicated:
- a) Newly allocated Erf Numbers
 - b) Co-ordinates
 - c) Survey Dimensions
- 2.6 The conditions imposed by the **Director: Engineering Services** as contained in their memo dated 18 November 2022, attached as **ANNEXURE H**, be complied with to the satisfaction of the said Department.

3. The reasons for the above decision are as follows:

- 3.1 The proposal will not have a negative impact on the surrounding properties and their rights as it is in keeping with the character of the area.

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 27 JANUARY 2023

	<p>3.2 The development is compatible with the surrounding land uses and built environment.</p> <p>3.3 The proposal will provide for security of tenure and give effect to the existing situation.</p> <p>3.4 The properties are located in an established urban area within the urban edge of Kayamandi.</p> <p>4. Matters to be noted:</p> <p>4.1 Building plans of all structures within the erf boundaries of the new residential erven, to be submitted to the Municipality for approval.</p> <p>4.2 A Street Name and Numbering Plan to be submitted to the delegated official for approval.</p>
<p>SMPT 10/01/23</p>	<p>OTHER MATTERS</p> <p>1. Chairperson du Plessis thanked all present for their attendance and announced that the next MPT will take place on the 24th of February 2023.</p>

D du
Plessis

Digitally signed
by D du Plessis
Date: 2023.02.14
16:07:49 +02'00'

Dr D du Plessis
CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL

BHavenga

Mrs C Havenga
DEPUTY CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



ERVEN 16863-16898 & 16900-17029 STELLENBOSCH

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STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

**PLANNING EVALUATION REPORT: APPLICATION FOR DEPARTURE IN TERMS OF SECTION 15(2)(b) OF THE
STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2015**

Application Reference	File Ref: LU/14880	Application Date	2022/11/21
		Last day for comments or additional information	n/a

1. Application Details

APPLICANT: Oscar Schmidt Architecture

ERF NUMBER: 16863-16898 & 16900 - 17029

STREET ADDRESS: Lindida Drive, Idas Valley

AREA: Stellenbosch

2. Proposed Departures from the provisions of the Zoning Scheme to permit:

- 2.1 Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning By-Law for a departure from the provisions of Section 23(4) of the Stellenbosch Municipality Zoning Scheme By-Law, 2019 in order to allow a 1,2m high vibracrete wall on the street boundaries of erven 16863-16898 & 16900-17029, Stellenbosch.

3. Checklist

		Yes	No	N/A
1.	Does the proposal adversely affect abutting properties in terms of privacy, property value or views?		x	
2.	Were any objections submitted by the abutting property owners?			x
3.	Could an undesirable precedent be set?		x	
4.	Is vehicular sight distance affected?		x	
5.	Is vehicular access to the site still possible?	x		
6.	Is on – site parking for a vehicle possible?	x		

7.	Does the proposal restrict any sunlight?			x
8.	Does the proposal detract from the architectural appearances of the street scene and/or will it be unsightly?		x	
9.	Can the proposed departure be dangerous to life or property?		x	
10.	Can the proposed departure be approved under delegated powers?		x	

4. Comment

The developer proposes to construct a vibracrete wall on the street front of the properties in the Oak Tree development in Idas Valley. The development is one of the Municipal housing projects within the Stellenbosch Municipal Area and was approved in 2017. The Stellenbosch Municipality Zoning Scheme By-Law, 2019 states that no vibracrete wall maybe erected along the street boundary of any property.

The proposed boundary walls are 1,2m in height which is within the prescribed height restriction of 1,8m along the street front, therefore will have no significant impact on the traffic sightlines. All street boundary walls within this development will consist of vibracrete street boundary wall, therefore the aesthetics appearance of the properties within this development will be cohesive.

A site inspection revealed that some boundary walls on this development have already been constructed and the impact on the street is very minimal. (See attached photos **Annexure D**). The proposed boundary wall should not have any impact on the existing character of the area as most of the street boundary walls in Lindida are solid walls which are 1,2m - 1,8m in height. The proposed boundary wall will not impact on existing traffic movement as the existing entrances to the properties will be retained.

5. Recommendation

5.1 That the following departure applications in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Erf 16863-16898 & 16900-17029, Stellenbosch, namely:

5.1.1 To depart from the provisions of Section 23(4) of the Stellenbosch Municipality Zoning Scheme By-Law, 2019 in order to allow a 1,2m high vibracrete wall on the street boundaries of Erf 16863-16898 & 16900-17029, Stellenbosch

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

5.2 The approval is subject to the following conditions imposed in terms of Section 66 of said Bylaw:

5.2.1 The approval will lapse if not implemented / confirmed within five years from the date of final notification of approval of the application.

5.2.2 The approval only applies to the proposed departure under consideration and shall not be construed as authority to depart from any other legal prescriptions or

requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

- 5.2.3 The development must be undertaken generally in accordance with the site plan as referenced drawing no. 301 dated 19 August 2022 and drawn by Oscar Schmidt Architecture and attached as Annexure C.
- 5.2.4 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- 5.2.5 The approval granted shall not be contradictory to any other legislation which has a bearing on the use of the property and that should any other legislation be applicable and be more restrictive then the most restrictive conditions will apply.
- 5.2.6 Building plans must be generally in accordance with the site plan as referenced drawing no. 301, dated 19 August 2022 and drawn by Oscar Schmidt Architecture and attached as Annexure C.

5.3 The reasons for the above decision are as follows:

- 5.3.1 The proposed development is in line with the existing land use of the property and will thus have not impact negatively on the character of the area.

6. Annexures

- Annexure A: Locality Plan
 Annexure B: Title Deed
 Annexure C: Building plan
 Annexure D: Site inspection photos

PART A: COMPILATION OF PLANNING APPLICATION ASSESSMENT REPORT

Departure on Erf 16863-16898 & 16900-17029, Stellenbosch.

Author of Planning Assessment Report

Name: NOPINKI DAFETI

Capacity: TOWN PLANNER

SACPLAN Registration:

Signature: 

Date: 27/2/2023

PART B: REVIEW AND SUBMISSION OF PLANNING APPLICATION ASSESSMENT REPORT

Departure 16863-16898 & 16900-17029, Stellenbosch.

Authorised Employee to assess and make a recommendation on a land use and land development application for consideration by the authorised decision maker:

As the duly authorised official in terms of Section 56 of the Stellenbosch Municipal Land Use Planning Bylaw (2015) to assess the above application, the subject planning report is hereby submitted for consideration to the duly authorised decision maker in accordance with the Categorisation Model for Land Use and Land Development Applications as approved by the Stellenbosch Municipality in accordance with Section 69(1) of the said Bylaw.

In terms of the Categorisation Model duly approved in terms of Section 69(1) of the said Bylaw vide Item 7.7.1 and dated 8 April 2020, the subject application is categorised as follows:

Category: B5

Decision Making Authority: MPT

Rational: Departure application on Council owned land

Name:

Steen Coetzee

Capacity:

JMOM

SACPLAN Registration:

A/1551

Signature:

[Handwritten Signature]

Date:

7/3/2023

PART C: ADMINISTRATION OF PLANNING APPLICATION ASSESSMENT REPORT

Departure Erf 16863-16898 & 16900-17029, Stellenbosch

Administrator to Stellenbosch Municipal Planning Tribunal:

It is hereby confirmed that proper notice was served of the Municipal Planning Tribunal meeting at which this land use and land development application will serve for consideration.

The land use and land development application will serve at the scheduled meeting of the Stellenbosch Municipal Planning Tribunal on:

Date: 31 MARCH 2023

Name: LEVACIA KAMINETHA

Capacity: SENIOR ADMINISTRATIVE OFFICER

Signature: KAMINETHA

Date: 08.03.2023

Annexure A: Locality Plan

Locality Map

SCALE
1:4 513,99

Legend



Stellenbosch Municipality
Planning & Economic Development
Created by: Corporate GIS
Date: 2023/01/10



Author: Stellenbosch Municipality



Stellenbosch Municipality
Street Address:
71 Plain Street, Stellenbosch, 7600
Tel: 021 808 8858

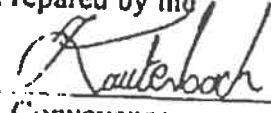
This map is prepared for the Municipality and is not to be used for any other purpose. It is not to be used for any other purpose. It is not to be used for any other purpose. It is not to be used for any other purpose.



Annexure B: Title Deed

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SMUTS KEMP & SMAL
Attorneys
Bellville

Prepared by me



Conveyancer.
A.J. Smuts
TANIA RAUTENBACH

SEELREG DUTY	R
FOOI FEE	R 340,00



DEED OF TRANSFER

BE IT HEREBY MADE KNOWN

T 108026 / 2002

THAT Arno Watson

Conveyancer, appeared before me, Registrar of Deeds, at Cape Town he being duly authorised thereto by a Power of Attorney signed at EDGEMEAD on 2nd September 2002 and granted to him by –

GARDEN CITIES
Incorporation Association not for Gain
No. 05/00607/08

(hereinafter referred to as "the Transferor/s")

And the Appearer declared that his Principal on 2 September 2002 sold and that he the Appearer in his capacity aforesaid did by these presents cede and transfer in full and free property to and behalf of

THE MUNICIPALITY OF STELLENBOSCH

(hereinafter referred to as "the transferee/s")

its Successors in Title or Assigns

THE REMAINDER OF ERF 9445 STELLENBOSCH

Situate in the Municipality and Division of Stellenbosch, Western Cape Province:

IN EXTENT: 7,1777 (Seven comma One Seven Seven Seven) Hectares (which include public places and streets);

ORIGINALLY transferred and still held by Deed of Transfer No T29043/1990 with diagram LG 79/90 relating thereto;

- I. **AS REGARDS the figure in middle of the stream nGHJ on diagram LG Nr 79/90;**
 - A. **SUBJECT to the conditions referred to in Certificate of Registered Title No T14340/1920;**
 - B. **SUBJECT FURTHER to the conditions referred to in the endorsements on Certificate of Registered Title No T14340/1920:**
 - (a) **Met die voordeel van daardie endossement gedateer 4 Julie 1932:**

"By Deed of Transfer No 4144dd 4.7.1932 certain water rights formerly attaching to the property hereby transferred, have now been reserved exclusively to the Transferee, her successors in title of the property held hereunder & those held under Transfer 4452 dd 2/7/1908 & Certificate of Registered Title No 14341/1920 as will more fully appear on reference to the said Deed of Transfer."
 - (b) **Onderhewig aan en met die voordeel van daardie endossement gedateer 11 September 1935:**

"By notarial deed dated 17th and 18th April, 1935 certain servitude relative to water rights affecting the remainder of the within land has been entered into subject to the conditions as will more fully appear on reference to copy of said notarial deed annexed hereto."

C. SUBJECT FURTHER and ENTITLED to the benefit of the following special conditions contained in Deed of Transfer No T3499/1948, namely:

1. The owners for the time being of the following properties, namely:

(1) The above property (2) Remainder of Retreat, (3) The Remainder of Lindani (4) The remainder of Retreat and The Willows, (5) Lot W, (6) Lot KYVI and (7) Lot KYV2, this day transferred to the transferees by Paragraphs 1 to 7 of this Deed shall have a right of way over the land Portion 29 held by G.R. Alexander by Deed of Transfer 3498/1948 by means of the servitude right of way 12 feet wide indicated on the diagram No 9059/46 annexed to the said Transfer 3498/1948 by the line a curve h.

2. The owners for the time being of the properties mentioned in Condition 1 above shall have a right of way over Portion 29 held by G.R. Alexander by Deed of Transfer 3498/1948 by means of the servitude right of way indicated on the said diagram No 9059/46 by the line z curve g."

D. SUBJECT FURTHER to and with the benefit of the conditions contained in Deed of Transfer No T8261/1950, imposed by the Transferors thereunder (nl. Mary Elizabeth Dendy, born Malleson on 18 October 1896), married out of community of property to John Courtauld Dendy, Una Beatrice Malleson, unmarried born on 13 March 1902) as owners of the land called Portion II of Portion I of the farm Idas Valley Proper and Portion 3, of the Farm Lindani, in terms whereof a Certificate of Registered Title No T8260 dated 12 June 1950 was issued in their favour and of their Successors in Title, which conditions reads as follows:

"A. The Transferee shall be entitled to all such water rights which belong to the farm Idas Valley in the stream which rises in

Klein Idas Valley and flows past Lindani which attached to the property held by the Transferees under said Deed of Transfer No. 3499 and the Certificate of Registered Title referred to above.

- B. The existing piped water supply shall be available to and accessible to the owner and occupants of the property referred to under the aforesaid Certificate of Registered Title and to any person authorised by them, and shall remain their property and they shall have the full right to repair or improve this supply. This right shall include existing bore-holes, pipe lines, electric wire poles, plant etc., situate on the property above described, to all which they will have full access; Should the transferee, however, wish to remove any of the lines or wires to a more convenient route or to alter any of it to comply with regulations it shall be at liberty to do so at its own cost and nothing it does shall impair the interest of the owners or occupiers of the property of Registered Title as provided for in this condition. This shall include any portion of the wiring to the pump on the land held under the aforesaid Certificate of Registered Title that may fall outside the boundaries of the land held under Certificate of Registered Title.
- C. Notwithstanding the stipulations contained in the preceding paragraphs the transferee shall be at liberty to replace the existing piped water supply to the land held under the Certificate of Registered Title aforesaid with an equal amount of water free at the same pressure and quality i.e. potable for use on land under said Certificate of Registered Title in which event servitudes on the bore-holes, water rights, pipe lines etc. shall be considered as cancelled and as vested in the transferee. Provided that the cost connected with the works as aforesaid shall be borne by the Transferee."
- D. SUBJECT FURTHER to the conditions laid down in terms of Section 47(c) of the Deeds Registries Act 47 of 1937, it is hereby noted that
1. The hereinmentioned land conveyed hereby has been layed out as a Township with General Plan Nr 12720 relating thereto and remains subject to the provisions of the Law relating to Townships;
 2. The rights of the owners of erven and other persons to public places in this Township that form part of this land transferred, are not affected by this transfer.
- E. SUBJECT FURTHER to the following conditions imposed by the Stellenbosch Municipality in terms of the Land Use Planning Ordinance 15/1985, namely:

1. 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 water pipes and the sewerage and drainage, including stormwater of any other erf or erven inside or outside this township to be conveyed across this erf, 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.
 2. 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/she elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.
- II. AS REGARDS the figure A B C D E e middle of the stream f F n middle of the stream m on diagram LG Nr 79/90:
- A. SUBJECT to the conditions referred to in Deed of Transfer No T8261/1950;
 - B. SUBJECT FURTHER to the benefit of the following special condition contained in Deed of Transfer No T4452/1908, namely:

"As also to the understanding that the said transferee her successors and assigns shall be entitled to use of the above farm and on the portion called Ydas Vlei Proper Annex this day transferred all the water coming from the farms Schoongezicht and Rustenburg during Sunday, Monday, Wednesday, Thursday and Friday in every week, and all the water coming from Retreat (rpince's Farm) in the Krom River during Wednesdays and Sundays and the overflow from Retreat on Mondays and Tuesdays, being portion of the water right attaching to the above farm held by the Transferors by transfer dated 20th May 1887."
 - C. SUBJECT FURTHER to the conditions referred to in the endorsements on Deed of Transfer No T4452/1908, namely:
 - (a) Met die voordeel van die endossement gedateer 4 Julie 1932:

By Deed of Transfer No 4144 dd 4.7.1932, the water rights set out herein, now attach exclusively to the remainder of the property held hereunder, and the portions thereof now held under Certificate of Registered Title Nos 14340 & 1 dd 8 October 1920 as will more fully appear on reference to the said Deed of Transfer."

(b) Onderhewig aan en met die voordeel van die endossement gedateer 11 September 1935 naamlik:

By Notarial Deed dated 17th and 18th April 1935 certain servitude relative to water rights affecting the remainder of the within land has been entered in: o subject to conditions as will more fully appear on reference to copy of said notarial deed annexed hereto."

D. SUBJECT FURTHER to the benefit of the conditions referred to in the servitude endorsement dated 20 February 1948 on Deed of Transfer No T3499/1948, namely:

"By D/T 3500 & 3502 dd 20.2.48 The ppty's held by Paras 1 Rem. 2 & Rem. servitudes of rights of way over Ptn 30 thereby transferred, viz:

1. A right of way 12' wide indicated on the diag. 9060/46 thereto annexed by line P curve G, 2. A right of way indicated on said diag. by line Z curve P curve X, as will more fully appear on reference thereto."

E. SUBJECT FURTHER and ENTITLED to the benefit of the special conditions contained in Deed of Transfer No T3499/1948 which conditions reads as follows:

"1. The owner for the time being of the following properties, namely:

(1) The above property (2) Remainder of Retreat, (3) The Remainder of Lindani (4) The remainder of Retreat and The Willows, (5) Lot W, (6) Lot KYV1 and (7) Lot KYV2, this day transferred to the transferees by Paragraphs 1 to 7 of this Deed shall have a right of way over the land Portion 29 held by G.R. Alexander by Deed of Transfer 3498/1948 by means of the servitude right of way 12 feet wide indicated on the diagram No 9059/46 annexed to the said Transfer 3498/1948 by the line a curve h

2. The owners for the time being of the properties mentioned in Condition 1 above shall have a right of way over Portion 29 held by G.R. Alexander by Deed of Transfer 3498/1948 by means of the servitude right of way indicated on the said diagram No 9059/46 by the line z curve g "

F. SUBJECT FURTHER to and with the benefit of the conditions contained in Deed of Transfer No T8261/1950, imposed by the Transferors thereunder (nl. Mary Elizabeth Dendy, born Malleson on 18 October 1896), married out of community of property to John Courtauld Dendy, Una Beatrice Malleson, unmarried born on 13 March 1902) as owners of

the land called Portion II of Portion I of the farm Idas Valley Proper and Portion 3, of the Farm Lindani, in terms whereof a Certificate of Registered Title No T8260 dated 12 June 1950 was issued in their favour and of their Successors in Title, which conditions reads as follows:

- "A. The Transferee shall be entitled to all such water rights which belong to the farm Idas Valley in the stream which rises in Klein Idas Valley and flows past Lindani which attached to the property held by the Transferors under said Deed of Transfer No. 3499 and the Certificate of Registered Title referred to above.
- B. The existing piped water supply shall be available to and accessible to the owner and occupants of the property referred to under the aforesaid Certificate of Registered Title and to any person authorised by them, and shall remain their property and they shall have the full right to repair or improve this supply. This right shall include existing bore-holes, pipe lines, electric wire poles, plant etc., situate on the property above described, to all which they will have full access; Should the transferee, however, wish to remove any of the lines or wires to a more convenient route or to alter any of it to comply with regulations it shall be at liberty to do so at its own cost and nothing it does shall impair the interest of the owners or occupants of the property of Registered Title as provided for in this condition. This shall include any portion of the wiring to the pump on the land held under the aforesaid Certificate of Registered Title that may fall outside the boundaries of the land held under Certificate of Registered Title.
- C. Notwithstanding the stipulations contained in the preceding paragraphs the transferee shall be at liberty to replace the existing piped water supply to the land held under the Certificate of Registered Title aforesaid with an equal amount of water free at the same pressure and quality i.e. potable for use on land under said Certificate of Registered Title in which event servitudes on the bore-holes, water rights, pipe lines etc. shall be considered as cancelled and as vested in the transferee. Provided that the cost connected with the works as aforesaid shall be borne by the Transferee."
- G. ENTITLED to the following endorsement dated 24 September 1975 on Deed of Transfer No T8261/1950:

Para 1. Remainder

By Deed of Transfer T28885/1975 dated this day the Remainder of the within ppty is entitled to a servitude Right of Way 10 metres wide over Ptn 6 (a ptn of ptn 1) of the farm Idas Valley Proper No 165 meas. 9,1777 ha represented by the figure AHJzyx on diagram 6755/1973 annexed thereto as will more fully appear in abovementioned Deed of Transfer."

H. SUBJECT FURTHER to the conditions laid down in terms of Section 47(c) of the Deeds Registries Act 47 of 1937, it is hereby noted that:

1. The hereinmentioned land conveyed thereby has been layed out as a Township with General Plan Nr 12720 relating hereto and remains subject to the provisions of the Law relating to Townships;
2. The rights of the owners of erven and other persons to public places in such Townships that form part of this land transferred, are not affected by such transfer.

I. SUBJECT FURTHER to the following conditions imposed by the Stellenbosch Municipality in terms of the Land Use Planning Ordinance 15/1985, namely:

1. 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 water pipes and the sewerage and drainage, including stormwater of any other erf or erven inside or outside this township to be conveyed across this erf, 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.
2. 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 boundary owing to difference between the levels of the street as finally constructed and the erf, unless he/she elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.

WHEREFORE the Appearer, renouncing all the right and title the

TRANSFEROR

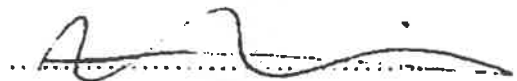
Heretofore had to the premises, did in consequence also acknowledge it to be entirely dispossessed of and disentitled to the same; and that by virtue of these presents the said

TRANSFeree

its Successors in Title or Assigns now and henceforth shall be entitled thereto conformably to local custom, the State, however, reserving its rights; and finally declared that the purchase price of R320 000.00 (see Hundred and Twenty Thousand Rand) has been fully paid or secured.

IN WITNESS whereof I, the said Registrar of Deeds, together with the Appearer, q.q., have subscribed to these Presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and executed at the Office of Registrar of Deeds, in Cape Town, Cape Province, on the 13th day of the month of December in the year of Our Lord, 2002.


q.q.

In my presence

REGISTRAR OF DEED



Annexure C: Building Plan

GENERAL NOTES:
 All dimensions and heights to be checked on site prior to construction.
 Within dimensions to be referred to - drawing not to be scaled.
 All queries to be directed to the architectural professional

All work done in acc. with SANS 10400.
 Timber grade Va.

All windows per Witvlied's schedule.
 10% of floor area and include than 5% ventilation of floor area.

Glasing to doors and windows in zones of 1 meter square or less than 500mm x 500mm to be glazed with safety glass in accordance with SANS 10400 Part N.

Lighting over all openings less than 3m as per Structural Engineer drawings.
 All structural timber built into walls are to be covered with DPC.

Roof truss to be laid down with heavy iron straps anchored in cores of blocks as per Structural Engineer.

Roof purlins to be spaced in accordance with SANS 10400 Part N.

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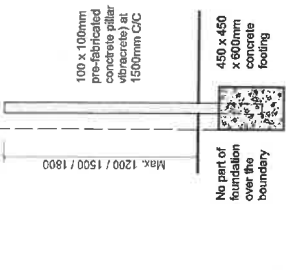
Roof purlins to be spaced in accordance with SANS 10400 Part N.

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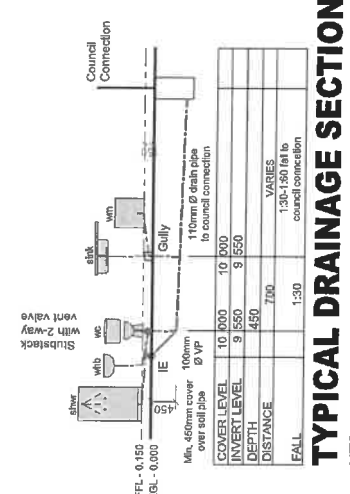
Roof purlins to be spaced in accordance with SANS 10400 Part N.



TYPICAL SECTION
 SCALE 1:50



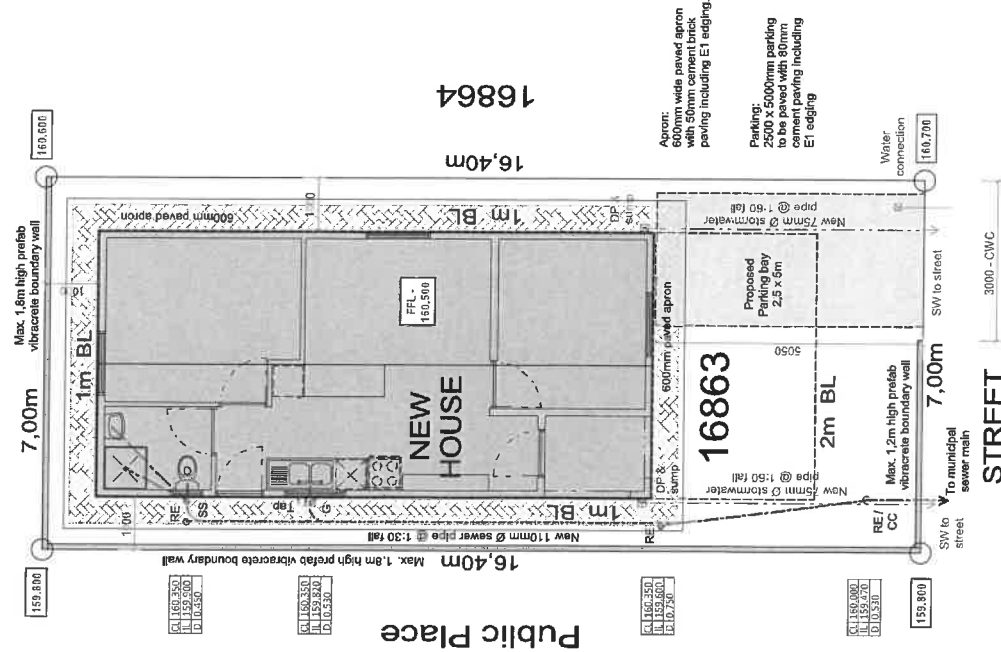
TYPICAL VIBRECRETE ELEVATION
 SCALE 1:100



TYPICAL DRAINAGE SECTION
 NTS



PORTION 3 OF THE FARM IDAS VALLEY NO. 1075



SITE PLAN
 SCALE 1:100



LOCALITY PLAN
 NTS

Category 1 Building

New House	48,69m ²
Covered Slope	3,06m ²
Coverage	51,75m ² /45%
ERF	114,80m ²
Wall length	27,20m

ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED ARE IN METERS AND LEVELS ARE TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION. THE CONTRACTOR TO BE RESPONSIBLE UNDER THE CONTRACT FOR THE PROTECTION OF THE BOUNDARY OF THE ERF. THE CONTRACTOR TO BE RESPONSIBLE FOR THE PROTECTION OF THE BOUNDARY OF THE ERF. THE CONTRACTOR TO BE RESPONSIBLE FOR THE PROTECTION OF THE BOUNDARY OF THE ERF.

OSCAR SCHMIDT
 PROFESSIONAL ENGINEER
 ARCHITECTURAL TECHNOLOGIST
 21 NORTON ROAD, SANDHURST, DURBAN
 3601, SOUTH AFRICA
 031 201 2200
 031 201 2201

PROPOSED HOUSE
 OAK TREE VILLAGE
 IDAS VALLEY
 STELLENBOSCH

Type - A - 51,75m²
16863

PLAN	1628	DATE	2
SCALE	1:100	DATE	19 Aug 2010

COUNCIL SUBMISSION

Annexure D: Site inspection photos



