Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)
Development Management Consultants and
Environmental Assessment Practitioners
Managing Director: DUPRÉ LOMBAARD
5 Vygeboom Close, Vygeboom, Durbanville, 7551, South Africa
Mobile: +27 82 895 6362
Email: dupre.lombaard@virdus.com

VIRDUS WORKS

NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

Locality: Erf 4890, 21 Market Street, Stellenbosch
Applicant: Dupré Lombaard, Virdus Works (Pty) Ltd, 5 Vygeboom Close, Vygeboom, Durbanville, 7551; Cell: +27 82 895 6362; Email: dupre.lombaard@virdus.com
Owner: Staytus Mark Plein (Pty) Ltd (Reg. No. 2021/511562/07), Represented by: Dr W Roux, Cellular: +27 83 787 3000, E-mail: werner@staytus.co.za, Address: Rouxcor House, 20 Herold Street, Stellenbosch, 7599
Stellenbosch Municipality reference number: LU 15478 / TP 360/2022
Application type: Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipality Land Use Planning Bylaw, 2015 for a rezoning of Erf 4890 from Mixed-use Zone with specific use limitations to Mixed-use Zone.

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

The **comments must be addressed to the applicant by electronic mail** as follows: Dupré Lombaard, Virdus Works, **dupre.lombaard@virdus.com**. The comments must be submitted within 30 days from the date of this notice to be received on or before the **closing date** of **21 August 2023**.

It should be noted that the Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/ objection received after the closing date. For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically by WhatsApp at +27 82 895 6362 during normal office hours.

Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)
Development Management Consultants and
Environmental Assessment Practitioners
Managing Director: DUPRÉ LOMBAARD
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Mobile: +27 82 895 6362
Email: dupre.lombaard@virdus.com

KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA

Ligging: Erf 4890, 21 Markstraat, Stellenbosch.
Aansoeker: Dupré Lombaard, Virdus Works (Pty) Ltd, 5 Vygeboomslot, Vygeboom, Durbanville, 7551; Cell: +27 82 895 6362; Epos: dupre.lombaard@virdus.com
Eienaar: Staytus Mark Plein (Pty) Ltd (Reg. Nr. 2021/511562/07), Verteenwoordig deur: Dr W Roux, Cell: +27 83 787 3000, E-pos: werner@staytus.co.za, Adres: Rouxcor Huis, 20 Heroldstraat, Stellenbosch, 7599
Stellenbosch Munisipaliteit Verwysing: LU 15102 / TP 222/2022
Tipe aansoek: Aansoek ingevolge Artikel 15(2)(a) van die Stellenbosch Munisipaliteit Grondgebruik Verordening, 2015 vir die hersonering van Erf 4890 van Gemengdegebruiksone met spesifieke beperkings tot Gemengdegebruiksone.

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

Die **kommentaar moet by wyse van elektroniese pos aan die aansoeker gestuur word** as volg: Dupré Lombaard, Virdus Works, **dupre.lombaard@virdus.com**. Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die **sluitings datum** van **21 Augustus 2023.**

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word. Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies per WhatsApp by +27 82 895 6362 gedurende normale kantoor ure.

LAND DEVELOPMENT APPLICATION FOR:

REZONING OF

ERF 4890, STELLENBOSCH

April 2023

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EXECUTIVE SUMMARY

MOTIVATION IN SUPPORT OF LAND DEVELOPMENT APPLICATION FOR: **ERF 4890, STELLENBOSCH** **SG Code: C06700220000489000000 / Location: Lat: 33° 56' 18.568'' S | Lon: 18° 51' 15.098'' E**	
Owner: **Staytus Mark Plein (Pty) Ltd (Registration Number 2021/511562/07)** Represented by: Dr W Roux Cellular phone: +27 83 787 3000 E-mail: werner@staytus.co.za Address: Rouxcor House, 20 Herold Street, Stellenbosch, 7599	**Project Consultant:** **Mr Dupré Lombaard** Virdus Works (Pty) Ltd Reg. No. 2018/585747/07 SACPLAN: B/8076/1998 Cellular phone: +27 82 895 6362 E-mail: dupre.lombaard@virdus.com Address: 5 Vygeboom Close, Vygeboom, Durbanville, 7550, South Africa

Staytus Mark Plein wishes to amend the zoning of Erf 4890, Stellenbosch (17 - 23 Market Street), now Sectional Title Scheme 42/1998 to allow for the use of the property also for the establishment of a restaurant. The current Mixed-use Zone is limited to the use of the property for offices only in terms of the decision for its rezoning in 1992. The property is therefore zoned for mixed-use but may be used only for offices (approval letter ref. N1769/030, Erf 4890 (FM van Wyk) dated 08 June 1992).

The title deed (T4817/1985) of the property and the Section 11(3) development conditions in the Sectional Title Register do not contain restrictions which would prevent the rezoning or intended use of the property.

This application is made in terms of Section 15(2)(a) of the Stellenbosch Municipality Land Use Planning Bylaw, 2015 for a rezoning of Erf 4890 from Mixed-use Zone with specific use limitations to Mixed-use Zone.

1. BACKGROUND

1.1 Introduction

Erf 4890, 3 438,6m² in extent, is located in Market Street in central Stellenbosch. It consists of many buildings owned in terms of a sectional title scheme, with addresses from 17 – 23 Market Street. It is also located in the heritage core area of the town. Offices for separate professional consulting companies have been established on the property, one of which is vacant. The owner wishes to establish a restaurant in the vacant 19 Market Street.

Market Street has a mixed-use character, containing guest accommodation establishments, offices, the municipal court, shops, restaurants, residential buildings and dwellings, and a motor workshop.

The buildings on the property date from prior to 1817 according to the heritage survey. The buildings are located on the edge of the street and parking for the offices (and proposed restaurant) occur on the back of the property.

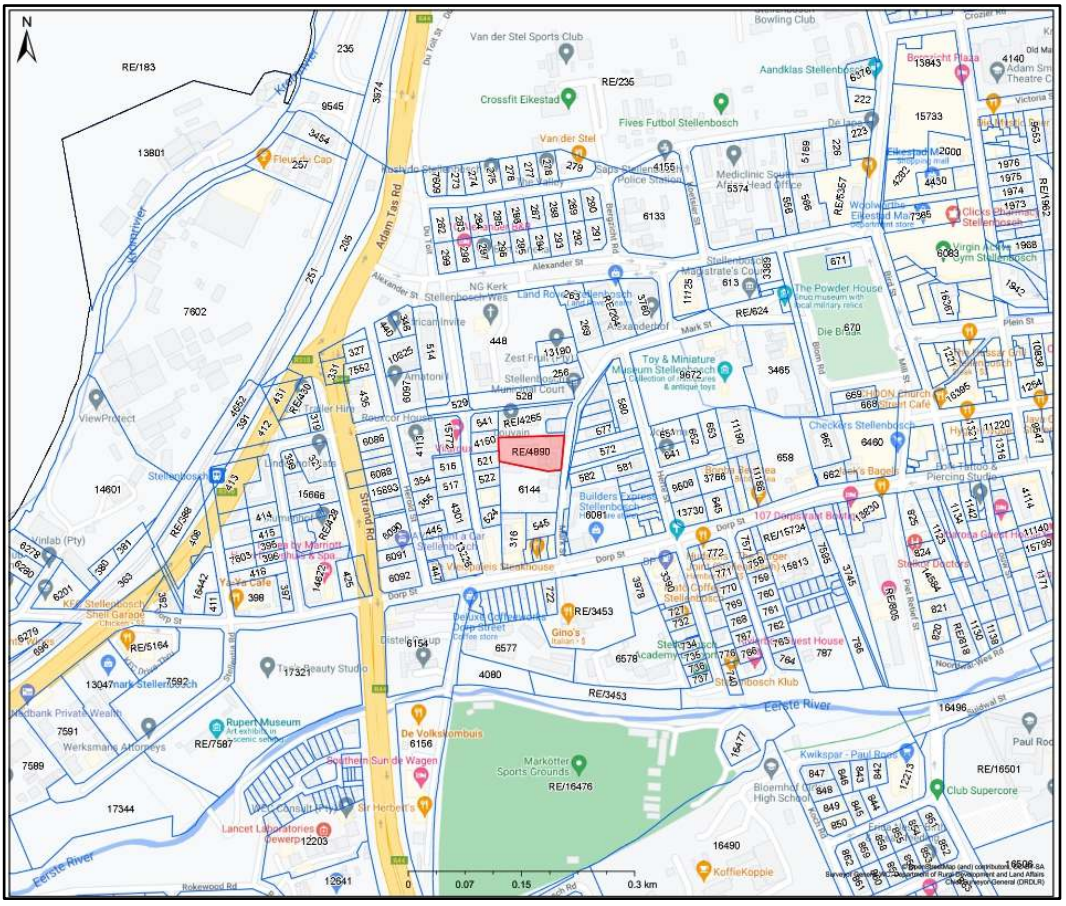


Figure 1: Erf 4890 locality shown in red

1.2 Title deed

The title deed (T4817/1985) of the property and the Section 11(3) development conditions in the Sectional Title Register for the Oude Molen Sectional Title (SS42/1998) do not contain any restrictions which require removal to permit the proposed rezoning and establishment of a restaurant or any other business.

1.3 Land development application

The application is in terms of Section 15(2)(a) for a rezoning of the property that is zoned as Mixed-use Zone with limited use to Mixed-use Zone without any use restrictions.

The use of the property was limited for offices in terms of the decision for its rezoning in 1992., i.e., the use limitation was not made a condition that could be amended. The decision was to grant a specific business zone for offices only, which zoning was converted to Mixed-use Zone in 2019 with the adoption of the new Zoning Scheme Bylaw. The property is therefore zoned for mixed-use but may be used only for offices as per the approval letter ref. N1769/030, Erf 4890 (FM van Wyk) dated 08 June 1992.

It would be required to rezone the property to allow for the use of the property for any of the permitted / primary uses other than offices under the Mixed-use Zone.

Primary Uses	Additional Uses (technical approval)	Consent Uses (application required)
• Commune • Business premises (including shops, markets, restaurants, office) • Clinic • Community residential building • Extramural facility • Flats • Guest house • Hostel • Hotel • Occasional use (one event/year) • Plant nursery • Public institution • Public parking area • Private road • Tourist dwelling unit • Tourist accommodation establishment • Welfare institution	None	• Adult Entertainment • Builders yard • Commercial gymnasium • Conference facility • Day care • Filling station • Freestanding base telecommunication station • Funeral parlour • Gambling place • Helicopter landing pad • Hospital • Indoor sport • Liquor Store • Motor vehicle fitment centre • Motor showroom • Occasional use (> one event/year) • Parking garage • Place of assembly • Place of education • Place of entertainment • Renewable energy structure • Rooftop base telecommunication station • Tertiary educational institution • Warehouse

2. LAND DEVELOPMENT APPLICATION AND MOTIVATION

2.1 Development context

The subject property is located in Market Street. The street has a specific development character, predominated by heritage and conservation buildings along the western side of the street. The entry to Market Street, off Dorp Street, is characterised by the Black Horse Centre on the western side and Builder's Express on the eastern side. Last mentioned has a large visible parking area abutting the street and loses some of the heritage character.

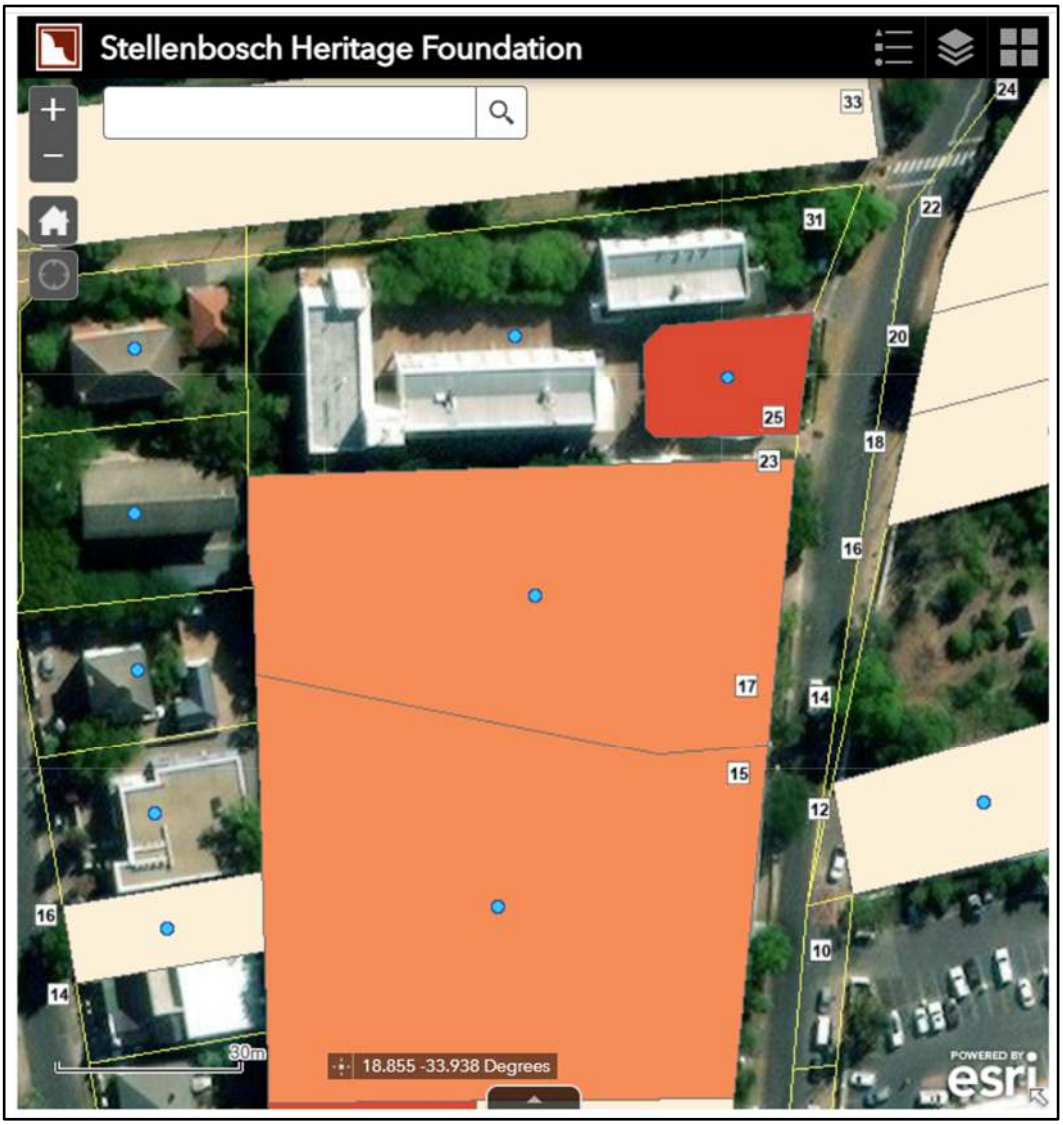


Figure 2: Erf 4890 situation in heritage context

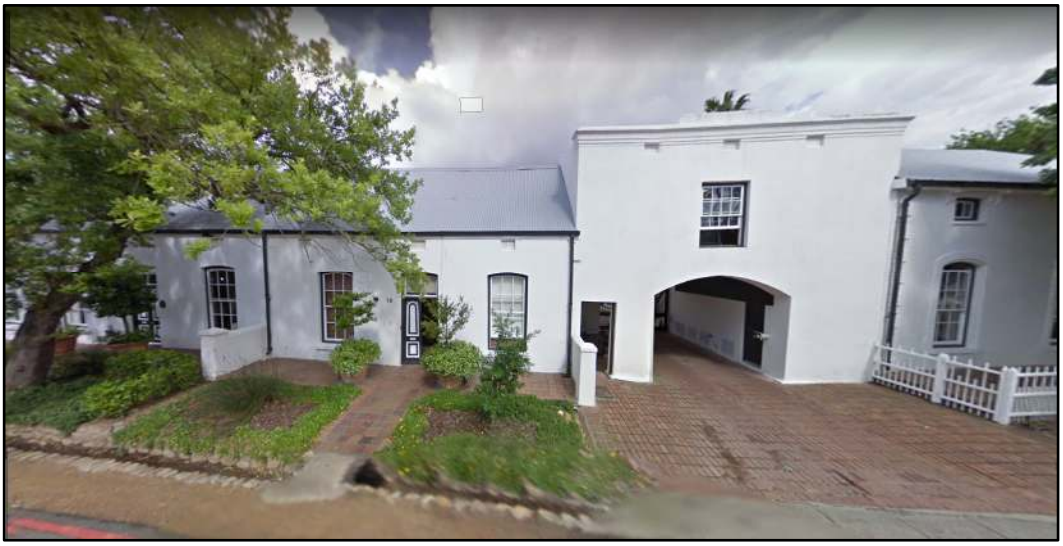


Figure 3: 19 Market Street façade

The buildings on the subject property have been maintained in heritage character albeit that the use has changed from residential to offices. Parking for the offices,

provided at a ratio of four bays per 100m² of gross lettable area, is provided to the rear of the buildings on the property, thus further enhancing the street façades.

2.2 Land use motivation

The property is located in the core of Stellenbosch town where more intense and dense development is important to create a more sustainable socio-economic environment. The current zoning and central locality of the property lends it to a more intense use. The existing buildings could be converted internally and could be better used for business purposes than solely for offices. Offices have a very specific character, with peak hour inflows and limited visitor movement during a work day and outflows in the afternoon peak hour. Offices tend to be vacant over weekends and on public holidays, which make the area very quiet outside of normal office hours. Allowing for a restaurant on the property would reduce the weekday morning peak inflows and afternoon outflows, while generating more activity over weekends and on public holidays and daily around lunch time and after-hours in the evenings, when restaurants tend to peak.

Thus, by providing for the full use of the property for business purposes and more specifically a restaurant as proposed, the peak traffic weekday flows could be reduced and the property could be better used as a resource for longer periods in a day and over weekends, thus contributing to the economic growth and sustenance of the area.

Figure 4: Site development plan for Erf 4890

Vehicular access to and egress from the property is through the arched gateway currently used for the offices, off Market Street. Parking is provided at a ratio of four bays per 100m² gross lettable office space. The parking requirements for a

restaurant is the same as for offices, i.e., the conversion of 19 Market Street, a portion of Building 1 of the approved sectional title scheme, with an area of 94m², would be the same four bays as already provided. The advantage is that the vacant parking outside of office hours could be used for the restaurant.

2.3 IDP and SDF

The Integrated Development Plan 2022 (IDP), including the municipal spatial development framework approved in 2019 makes specific provision for the intensification and densification of the town centre. The requirement is to create a "*balanced town*" with more residential opportunities and where road traffic is reduced. Thus, the SDF promotes the better utilisation of properties in the central core, which is located walking distance of schools and the University, in the central business district, and the historic core. Intensification of the use of properties is promoted, albeit subject to the retention of the character of the area and the minimisation of impact on the ability of the Municipality to deliver efficient services. The proposed conversion of an existing building, already zoned for business purposes, and its use for a restaurant or other business that does not match the peak hour and use characteristics of the surrounding uses, is in keeping with the policy to intensify and diversify the use of the area and the maximisation of the use of existing resources.

A new small business or restaurant in the central area will contribute to the achievement of the goals set for the increased diversification and intensification of uses in Stellenbosch town.

2.4 SPLUMA Principles

The principles referred to in Section 42 of the Spatial Planning and Land Use Management Act, 2013, Act 16 of 2013 (SPLUMA) with reference to Chapter 2 and in Chapter VI of the Western Cape Land Use Planning Act, 2014 (LUPA), have been and are addressed in the process, with specific reference to:

A.	**Spatial Justice**	
a.	Redress	Redress is achieved by reversing the effects of past socially and spatially segregated development. A new business (restaurant) on an already zoned property creates new economic and social opportunities that could contribute to upliftment of the area. Its establishment (and rezoning of the property) does not have any negative effect on the Municipality and the community to redress the spatial development imbalances of the past.
b.	Inclusion	A small restaurant would attract customers from middle and higher socio-economic groups who can afford the services, while creating employment opportunities for those in lower socio-economic groups who do not have such opportunities where offices exist. It is not intended for specific race or social groups. While a restaurant would not contribute to the creation of integrated communities, it will also not limit the Municipality or the community's ability to create integrated communities.

c. Flexibility for all types of settlements	The surrounding area is characterised by business uses, mostly offices which have fixed weekday movement patterns and let the properties remain under-utilised during weekends and after-hours. Diversification of the use of the property would counter the pattern and allow for better resource use.
d. Tenure and informality	Informality and tenure are not affected by the proposal.
e. Settlement upgrading	No settlement upgrading is achieved or obstructed in the process.
f. Responsive	The proposed use is in response to the need for better utilisation of the existing resources and improved economic opportunities for the maintenance of the historic buildings.
B. Spatial Sustainability	
a. Capacity of state	The Municipality has the capacity to provide the bulk services required for the proposed use, which would have benefits, mostly from a resource utilisation perspective and a reduction in the peak traffic movements. Moreover, the Municipality already services the site, and the use does not require any upgrading.
b. Food security	Food security is not affected by the proposal.
c. Environmental sustainability	The mixed-use nature of the site and the decreased peak hour traffic movements create a more environmentally friendly situation. The use does not have any known negative environmental effect.
d. Land markets	The proposed use does not diminish the supply of affordable land intended for the provision of subsidised housing or community facilities and better utilises existing buildings.
e. Costs of infrastructure	The municipal engineering services infrastructure need not be upgraded or changed for the proposed use.
f. Sustainable settlements	Settlement sustainability includes amongst others, the efficiency of use of existing properties. As indicated above, the better use of the property through diversification will contribute to the creation of sustainable settlements.
g. Innovation	None.
h. Context specific development	The use is focused on the better utilisation of an existing building in the Stellenbosch town centre without any change to its appearance or character.
C. Efficiency	
a. Optimises use of existing resources	As indicated above, the better and diversified use of building resources in town without having to increase the capacity of existing infrastructure and reducing traffic movement during peak periods lead to the optimisation of resource use.
b. Processes to limit negative impact	No negative impacts have been identified.
c. Streamlined processes	The municipal land use consideration process is unfortunately not efficient.
d. Innovation	None.
e. Spatial Performance Management	Performance is a reflection of how a development was designed and built and should be a reflection of the community in which it exists. The success of a mixed-use

	development depends on how well the property is managed after completion and the success of the development in community context is how it contributes to uplifting the socio-economic situation. It remains to be assessed.
f. Development Planning Tools	The Municipality needs to implement planning processes and structures that can efficiently respond to development applications and shorten the timelines for evaluation and decision-making.
g. Institutionalise for Efficiency	As above, systems and processes need to be implemented by the Municipality to lead to efficiencies in the development process and resultant willingness of investors to support development projects.
D. Resilience	
a. Sustainable livelihoods	Although the proposed change is small, it leads to the better use of the land and improves the economic outlook for some of the local residents who can find new employment and economic opportunities.
b. Resilience against shocks [avoid + bounce back ability]	Given the expected positive socio-economic effects of the proposed use it should improve the resilience of the surrounding community without any expected negative effects that could jeopardise their situation.
c. Innovation	None.
d. Context specific	By adding a restaurant and diversifying the use of the property, the resilience of the owner is improved, as the revenue derived from the property is improved and it can be better maintained.
e. Flexibility	The change in use creates flexibility in the use of the property and reduces the combined effects of traffic flows in the area.
E. Good Administration	
a. Planning Decision-making tools	The Municipality needs to introduce a system whereby developments with economic benefit are prioritised and dealt with expeditiously. This significantly improves investor outlook and causes investors to participate in projects from the early stages.
b. IGR and integrated approach	No comment.
c. Meet time frames	As part of the decision-making system, the Municipality must provide a decision-making process program and continuously update the system to ensure the meeting of timeframes.
d. Transparency	Meetings and communications need to be recorded and shared, leading to transparency in the decision-making process.
e. Community empowerment	Public participation for development applications ensures that those owners and residents who could potentially be affected by the proposed development have the opportunity to give input on the development proposal.
f. Spatial Performance Management	Performance is to be measured against the success of the development in uplifting the surrounding area and improving the socio-economic situation. It remains to be assessed.

g. Values	It is obvious that the Municipality attaches value to economic and tourism-related investment in the area, as highlighted in the SDF.

2.5 Provincial planning

The principles referred to in Chapter VI of the LUPA, with specific reference to spatial justice, spatial sustainability, efficiency, and good administration have all been considered, as are elaborated on above. In addition, the proposal adheres to the policy guidelines of the Western Cape Provincial Spatial Development Framework (PSDF).

- ✓ The PSDF focuses strongly on densification and intensification of urban areas to achieve its desired outcomes. The average gross residential density of urban areas should increase to 25 units / ha before extensions to an urban edge are considered. In this instance the urban edge is not relevant to the argument, the proposal being consistent with the SDF, as indicated above.

- ✓ The policy of more intense use of nodes and urban core areas further requires consideration of the bio-physical environment, cultural heritage, municipal infrastructure services and social infrastructure issues and factors. With these in mind, the density targets should be achieved by allowing a variety of development methodologies, including, but not limited to demolition and redevelopment of existing properties; utilisation of vacant and under-utilised land and changing of permitted land use of existing developments. The purpose of densification is primarily to maintain sustainable supplies of natural resources, for food production and ecological functioning, to achieve more economical use of municipal services infrastructure and community facilities, provide for efficient public transport services and reduce traveling distances to a variety of opportunities. The proposed change in the permitted uses of the property fits the policy.

- ✓ The proposed extension of the permitted use of the property for a restaurant and business purposes while retaining the existing conservation worthy buildings contributes to intensification and densification of the town centre and it leads to improvement of the efficiencies in service provision as set out above. It does not diminish the supply of ecological or agricultural resources, opportunities for redress, or improved spatial integration with access to land for those previously dispossessed.

2.6 Heritage

The proposed land development does not require authorisation in terms of Section 34 or 38 of the National Heritage Resources Act, 1999, Act 25 of 1999. Even though the building(s) on the property were built prior to 1817, there will be no change to the external appearance thereof and minor internal changes are proposed to accommodate a restaurant in Building 1 (19 Market Street).

2.7 Engineering

Storm water, water and sewerage services are existing, and the demand will not change. Solid waste is and will continue to be removed by the Municipality. The existing connections are sufficient.

Electrical services and capacity are existing, an upgraded connection is not required.

The proposed use will not add additional traffic and would rather lower the current peak hour traffic flows and distribute traffic over longer periods.

3. CONCLUSION

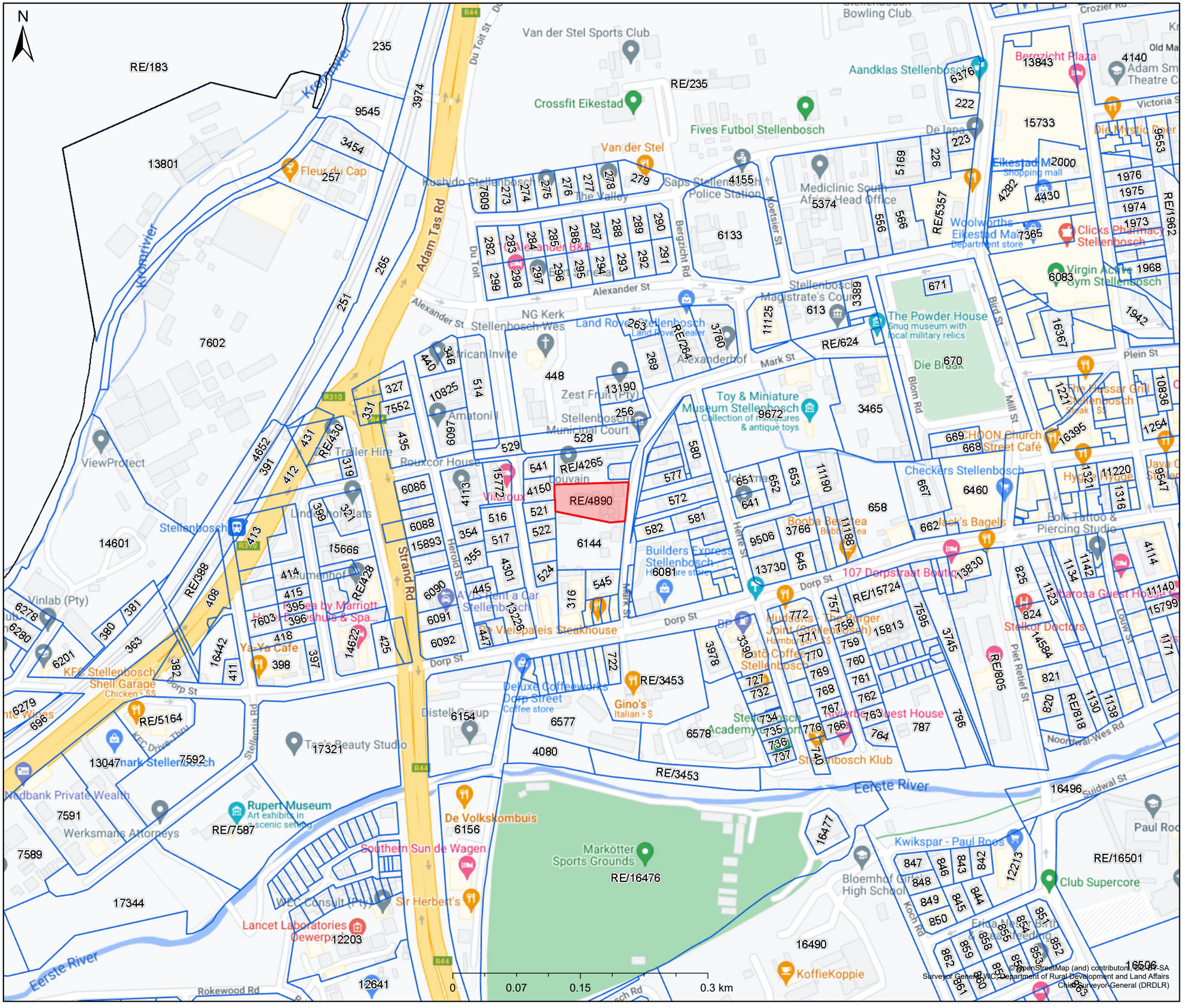
The application in terms of Section 15(2)(a) for the rezoning of Erf 4890 from a limited Mixed-use Zone to Mixed-use Zone to allow for the primary business uses and in particular a restaurant in 19 Market Street, without any external changes to the building, can be approved in view of its compliance with the SDF and related policies and its contribution to lowering the impact of peak hour traffic flows and better utilisation of existing building resources. No additional parking or upgrading of municipal engineering services infrastructure are required.

ANNEXURE A: LOCALITY

Erf 4890, Stellenbosch locality

Legend

- Farm Portions
- Erf



Map Center: Lon: 18°51'15.3"E
Lat: 33°56'18.9"S

Scale: 1:5 000

Date created: December 8, 2022

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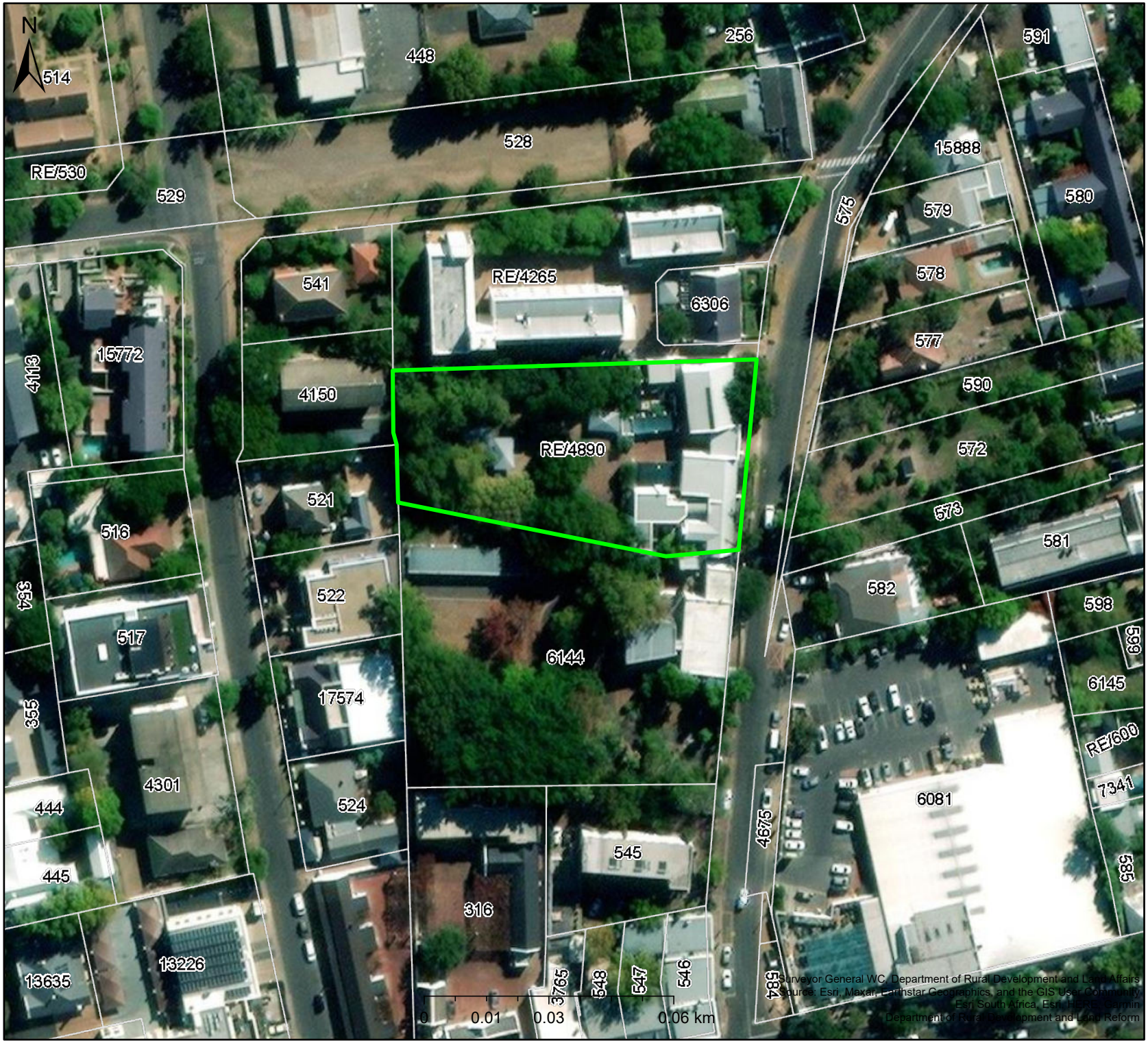
Surveyor General WC - Department of Rural Development and Land Affairs
Chief Surveyor-General (DRDLR)

Western Cape Government
Agriculture
FOR YOU

Erf 4890, Stellenbosch



Legend

Erf

Map Center: Lon: 18°51'15.3"E
Lat: 33°56'19.3"S

Scale: 1:1 500

Date created: January 19, 2023

Western Cape Government
Agriculture
FOR YOU

ANNEXURE B: APPLICATION AUTHORISATION

Oude Mollen Body Corporate

(Body Corporate scheme number SS 42/1988)

Letter of authorization

This letter serves as a mandate to the owner Staytus Mark Plein (Pty) Ltd, to approve the opening and operating of a restaurant at 19 Mark Street, Stellenbosch, 7600 by the Oude Molen Body Corporate.

Please feel free to contact me should you need any further information.

Kind regards,

Trustee:

Werner Gerrit Roux

Signed on 11 April 2023

Werner Gerrit Roux

ID: 700528 5101 087

Cell: 083 787 3000

E-mail: werner@rouxcor.com

20 Herold Street, Rouxcor House , Stellenbosch, 7600, South Africa
Werner Gerrit Roux (Trustee)
werner@rouxcor.com

RESOLUTION BY THE DIRECTORS OF

Company name:	Staytus Mark Plein (Pty) Ltd
Registration number:	2021/511562/07
IT WAS RESOLVED THAT:	The Directors of the Company hereby authorise
Full name:	Werner Gerrit Roux
ID. No.	700528 5101 08 7
as representative of the Board, the owner of	
Property description:	Erf 4890, Stellenbosch
located at (address):	19 Market Street, Stellenbosch

to sign all documents, appointments and agreements, as may be required for the day to day management of the land development and related applications for the property.

The permitted actions include the appointment of and Power of Attorney to Dupré Lombaard of Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07) as development management consultant to sign and submit all applications for approval and authorisation required for the achievement of the envisaged land development outcomes, namely:

To gain authorisation for the establishment of a restaurant on the erf.

inclusive of authorisations and applications in terms of any applicable legislation, including but not limited to the:

• Land Use Planning Bylaw / Zoning Scheme	✔
• Advertising on Roads and Ribbon Development Act, 1940, Act 21 of 1940	
• National Environmental Management Act, 1998, Act 107 of 1998	
• National Heritage Resources Act, 1999, Act 25 of 1999	✔
• Other	

Signed in:	Stellenbosch
Date:	12 January 2023
Signature:	
Director name:	Werner Gerrit Roux
Signature:	
Director name:	
Signature:	
Director name:	
Signature:	
Director name:	

LETTER OF AUTHORISATION / POWER OF ATTORNEY

(Requirement in terms of the Municipal Planning Bylaw and other relevant legislation)

Herewith the undersigned representative of:	
Company / Trust:	Staytus Mark Plein (Pty) Ltd
Reg. No.:	2021/511562/07
Full name:	Werner Gerrit Roux
ID. No.:	700528 5101 08 7
Property:	Erf 4890, Stellenbosch
Located at:	19 Market Street, Stellenbosch

confirms that permission and special power of attorney has been granted to Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07) and Dupré Lombaard to act on the behalf of the land owner(s) to perform any act which he / she / it may be legally entitled to undertake to accomplish the following objectives and goals in terms of the Municipal Planning Bylaw and any other applicable legislation, including but not limited to: the Subdivision of Agricultural Land Act, 1970, Act 70 of 1970, Advertising on Roads and Ribbon Development Act, 1940, Act 21 of 1940, National Environmental Management Act, 1998, Act 107 of 1998, National Heritage Resources Act, 1999, Act 25 of 1999 and National Building Regulations and Building Standards Act, 1977, Act 103 of 1977.

To gain authorisation for the establishment of a restaurant on the erf.

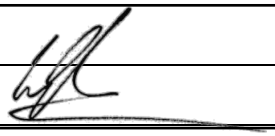
Contact details (physical address / phone / fax):

Physical address:	

Stellenbosch

Postal address:	12 January 2023

Werner Gerrit Roux

Telephone:	
Facsimile:	
Cellular:	
Email:	werner@staytus.co.za
VAT no.:	4560298244
Signed:	
Date:	12 January 2022

By my signature(s) I confirm that I have been fully authorised to act on behalf the above landowner (annex the applicable resolution or other proof of authorisation to act on behalf of a juristic person hereto).

ANNEXURE C: APPLICATION FORM

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

www.stellenbosch.gov.za/planning-portal/

SUBMIT COMPLETED FORM TO landuse.applications@stellenbosch.gov.za

LAND USE PLANNING APPLICATION FORM

(Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) and other relevant legislation)

KINDLY NOTE: Please complete this form using BLOCK letters and ticking the appropriate boxes.

PART A: APPLICANT DETAILS

First name(s)	Dupré				
Surname	Lombaard				
Company name *(if applicable)*	Virdus Works (Pty) Ltd				
Postal Address	5 Vygeboom Close, Durbanville				
				Postal Code	7550
Email	dupre.lombaard@virdus.com				
Tel		Fax		Cell	082 895 6362

PART B: REGISTERED OWNER(S) DETAILS *(If different from applicant)*

Registered owner(s)	Staytus Mark Plein (Pty) Ltd (Registration Number 2021/511562/07)				
Physical address	20 Herold Street, Stellenbosch				
				Postal code	7600
E-mail	werner@staytus.co.za				
Tel		Fax		Cell	+27 83 787 3000

PART C: PROPERTY DETAILS *(in accordance with title deed)*

Erf / Erven / Farm No.	4890	Portion(s) if Farm		Allotment area	Stellenbosch
Physical Address	19 Market Street, Stellenbosch				

Current Zoning	Mixed-Use Zone (limited to offices only)	Extent	3 438,6m²	Are there existing buildings?	Y		
Applicable Zoning Scheme	Stellenbosch Municipality Zoning Scheme Bylaw, 2019						
Current Land Use	Mixed use offices						

Title Deed number and date	T	4817/1985 and Oude Molen SS 42/1998 Sec 11(3) conditions	
Attached Conveyance's Certificate	Y		Any Restrictions ito the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate
Are the restrictive conditions in		N	If Yes, list the party(ies):

favour of a third party(ies)?										
Is the property encumbered by a bond?		N	If Yes, list the bondholder(s):							
Is the property owned by Council?		N	If Yes, kindly attach a power of attorney from the Manager Property Management							
Is the building located within the historical core?	Y		Is the building older than 60 years?	Y		Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999)[1]		N	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.	
Any existing unauthorized buildings and/or land use on the subject property(ies)?					N	If yes, is this application to legalize the building / land use[2]?				N
Are there any pending court case(s) / order(s) relating to the subject property(ies)?					N	Are there any land claim(s) registered on the subject property(ies)?				N

PART D: PRE-APPLICATION CONSULTATION

Has there been any pre-application consultation?		N	If Yes, please attach the minutes of the pre-application consultation.
Has the pre-application scrutiny form been submitted?		N	If yes, please attach the written feedback received.

PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE

APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)

Tick	Type of application: ***Cost are obtainable from the Council Approved tariffs***
X	15(2)(a) rezoning of Land
	15(2)(b) a permanent departure from the development parameters of the zoning scheme
	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land
	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement
	15(2)(e) a consolidation of land that is not exempted in terms of section 24
	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit
	15(2)(g) a permission required in terms of the zoning scheme
	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval
	15(2)(i) an extension of the validity period of an approval
	15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme
	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram
	15(2)(l) a permission required in terms of a condition of approval
	15(2)(m) a determination of a zoning
	15(2)(n) a closure of a public place or part thereof
	15(2)(o) a consent use contemplated in the zoning scheme
	15(2)(p) an occasional use of land

[1] All applications triggered by section 38(1)(a) - (e) in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999) may not be processed without a permit issued by the relevant department

[2] No application may be submitted to legalize unauthorised building work and or land use on the property if a notice has been served in terms of Section 87(2)(a), and until such time a Section 91 Compliance Certificate have been issued in terms of the Stellenbosch Land Use Planning By-law (2015)

	15(2)(q) to disestablish a home owner's association
	15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services
	15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building
	15(2)(6) when the Municipality on its own initiative intends to conduct land development or an activity
	15(2)(l) amendment of Site Development Plan
	15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines

OTHER APPLICATIONS		
	Deviation from Council Policies/By-laws	R
	Consent / Permission required in terms of a title deed	R
	Technical approval in terms of the Zoning Scheme Bylaw, 2019	R
	Other (specify): _____	R
	TOTAL A:	**R**

PRESCRIBED NOTICE AND FEES** *(for completion and use by official)*

Tick	Notification of application in media	Type of application	Cost
	SERVING OF NOTICES	Delivering by hand; registered post; electronic communication methods	R
	PUBLICATION OF NOTICES	Local Newspaper(s); *Provincial Gazette*; site notice; Municipality's website	R
	ADDITIONAL PUBLICATION OF NOTICES	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
	NOTICE OF DECISION	*Provincial Gazette*	R
	INTEGRATED PROCEDURES	T.B.C	R
		TOTAL B:	**R**
		TOTAL APPLICATION FEES* (TOTAL A + B)	**R**

* ***The complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Application fees that are paid to the Municipality are non-refundable and once proof of payment is received, the application will be regarded as duly submitted.***

*****All indigent residents who are registered as such with the Municipality and with proof submitted together with application will be exempted from applicable fees for Permanent Departure applications including but not limited to building lines, coverage, height, bulk, parking. Contact: Indigent.office@stellenbosch.gov.za or 021 808 8501 or 021 808 8579***

****** The applicant is liable for the cost of publishing and serving notice of an application. Additional fees may become applicable and the applicant will be informed accordingly.***

BANKING DETAILS

Account Holder Name:	Stellenbosch Municipality
Bank:	FIRST NATIONAL BANK (FNB)
Branch no.:	210554
Account no.:	62869253684
Payment reference:	LU/_____ and ERF/FARM _____

Please use both the Land Use Application number and the Erf/Farm number indicated on the invoice as a reference when making EFT payment

DETAILS FOR INVOICE

Name & Surname/Company name (details of party responsible for payment)	Virdus Works (Pty) Ltd
Postal Address	5 Vygeboom Close, Vygeboom, Durbanville, 7550
Vat Number (where applicable)	4530303074

PART F: DETAILS OF PROPOSAL

	Building line encroachment	Street		From	M	To	m
		Street		From	M	To	m
		Side		From	M	To	m
		Side		From	M	To	m
		Aggregate side		From	M	To	m
		Rear		From	M	To	m
	Exceeding permissible site coverage			From	%	To	%
	Exceeding maximum permitted bulk / floor factor / no of habitable rooms			From		To	
	Exceeding height restriction			From	m	To	m
	Exceeding maximum storey height			From	m	To	m
	Consent/Conditional Use/Special Development						
	Other (please specify)						

Brief description of proposed development / intent of application:

Application for rezoning to allow for the amendment of the limited office use zoning of the property as determined upon its rezoning in 1992. The property is zoned for mixed-use but may be used only for offices (approval letter ref. N1769/030, Erf 4890 (FM van Wyk) dated 08 June 1992). The application is to allow for the use of a portion of the property for restaurant purposes and therefore rezoning for unlimited mixed-use.

PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION

Complete the following checklist and attach all the information and documentation relevant to the proposal. Failure to submit all information and documentation required will result in the application being deemed incomplete.

Information and documentation required

Y		Power of attorney / Owner's consent if applicant is not owner			N	Bondholder's consent (if applicable)
Y		Resolution or other proof that applicant is authorised to act on behalf of a juristic person			N	Proof of any other relevant right held in the land concerned
Y		Written motivation pertaining to the need and desirability of the proposal		Y		S.G. diagram / General plan extract (A4 or A3 only)
Y		Locality plan (A4 or A3 only) to scale		Y		Site development plan or conceptual layout plan (A4 or A3 only) to scale
	N	Proposed subdivision plan (A4 or A3 only) to scale			N	Proof of agreement or permission for required servitude
	N	Proof of payment of application fees		Y		Proof of registered ownership **(Full copy of the title deed)**
Y		Conveyancer's certificate			N	Written feedback of pre-application scrutiny and Minutes of pre-application consultation meeting (if applicable)

		N/A	Consolidation plan (A4 or A3 only) to scale			N/A	Land use plan / Zoning plan (A4 or A3 only) to scale
		N/A	Street name and numbering plan (A4 or A3 only) to scale				
		N/A	Landscaping / Tree plan (A4 or A3 only) to scale			N/A	1 : 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale
		N/A	Abutting owner's consent			N/A	Home Owners' Association consent
		N/A	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD)			N/A	Services Report or indication of all municipal services / registered servitudes
		N/A	Copy of original approval and conditions of approval			N/A	Proof of failure of Home owner's association
		N/A	Proof of lawful use right			N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes
Y			Required number of documentation copies			N/A	Other (specify)

PART H: AUTHORISATION(S) SUBJECT TO OR BEING CONSIDERED IN TERMS OF OTHER LEGISLATION

	N	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.	Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989)		
				N/A	National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)		N/A	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)		N/A	National Water Act, 1998 (Act 36 of 1998)
	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations		N/A	Other (specify)
	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)			
	N	Do you want to follow an integrated application procedure in terms of section 44(1) of the Stellenbosch Municipality Land Use Planning By-Law? If yes, please attach motivation.			

SECTION I: DECLARATION

I hereby wish to confirm the following :

1. *That the information contained in this application form and accompanying documentation is complete and correct.*
2. *I'm aware that it is an offense in terms of section 86(1)(e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.*
3. *I am properly authorized to make this application on behalf of the owner and that a copy of the relevant power of attorney or consent is attached hereto.*
4. *Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.*
5. *I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.*
6. *I confirm that I have made known all information relating to possible Land / Restitution Claims against the application property.*
7. *It is the owner's responsibility to ensure that approval is not sought for a building or land use which will be in conflict with any applicable law.*
8. *The Municipality assesses an application on the information submitted and declarations made by the owner or on his behalf on the basis that it accepts the information so submitted and declarations so made to be correct, true and accurate.*
9. *Approval granted by the Municipality on information or declarations that are incorrect, false or misleading may be liable to be declared invalid and set aside which may render any building or development pursuant thereto illegal.*
10. *The Municipality will not be liable to the owner for any economic loss suffered in consequence of approval granted on incorrect, false or misleading information or declarations being set aside.*
11. *Information and declarations include any information submitted or declarations made on behalf of the owner by a Competent Person/professional person including such information submitted or declarations made as to his or her qualification as a Competent person and/or registration as a professional.*
12. *A person who provides any information or certificate required in terms of Regulation A19 of the National Building Regulations and Building Standards Act No 103 of 1977 which he or she knows to be incomplete or false shall be guilty of an offence and shall be prosecuted accordingly.*
13. *A person who supplies particulars, information or answers in a land use application in terms of the Stellenbosch Municipality Land Use Planning By-law knowing it to be incorrect, false or misleading or not believing them to be correct shall be guilty of an offence and shall be prosecuted accordingly.*
14. *The Municipality will refer a complaint to the professional council or similar body with whom a Competent Person/professional person is registered in the event that it has reason to believe that information submitted or declaration/s made by such Competent Person/professional person is incorrect, false or misleading.*
15. *I am aware that by lodging an application, the information in the application and obtained during the process may be made available to the public.*

Applicant's signature: _____ Date: 19/04/2023

Full name: Dupré Lombaard

Professional capacity: Registered planner - SACPLAN B/8076/1998

FOR OFFICE USE ONLY

Date received: _____

Received By: _____

Municipal Stamp

ANNEXURE D: CONVEYANCER'S CERTIFICATE

STELLENBOSCH
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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

CONVEYANCER CERTIFICATE

I/We Hendrik Kotze

(conveyancer's name and surname)

Practising at:

Werksmans Attorneys, Block B 2nd Floor, De Wagenweg Office Park,
Stellentia Avenue, Stellenbosch, 7600

(firm and place of practice)

In respect of:

Remainder Erf 4890, Stellenbosch in the Municipality and Division Stellenbosch

3 440m² in extent, now the Oude Molen Sectional Title Scheme No SS 42/1998

The aforesaid Scheme is registered in the sectional title register with the section 11(3)(6) schedule of conditions, referencing the conditions to which the sectional title scheme is subject to, filed in the Deeds Office Registry under SS42/1998. Copy annexed hereto.

(full property description (erf / farm) as it appear in title deed of same)

Hereby certify that a search was conducted in the Deeds Registry, regarding the said property (ies) (including both current and earlier title deeds/pivot deeds/deeds of transfer):

1. T4817/1985
2. T32030/1971
3. Section 11(3) conditions for SS42/1998
4.
5.
6.
7.
8.

For example Deed of Transfer T12345/2000 or Certificate of Registered Sectional Title ST1234/2000 (description of title deed number and date)

A. IDENTIFY RESTRICTIVE TITLE CONDITIONS (if any)

Categories		Are there deed restrictions (indicate below)		Title Deed and Clause number if restrictive conditions are found
1.	Use of land	Y	N	
2.	Building lines	Y	N	
3.	Height	Y	N	
4.	Number of Dwellings	Y	N	
5.	Bulk floor area	Y	N	
6.	Coverage/built upon area	Y	N	
7.	Subdivision	Y	N	
8.	Servitudes that may be registered over or in favour of the property	Y	N	
9.	Other Restrictive Conditions	Y	N	

B. INDICATE AFFECTED PARTIES AS PER TITLE DEED (if any)

*In respect of which it was found that there *are/are no restrictive conditions with reference to Section 33(4) (a, b or c) of the Land Use Planning By-law (2015) registered against such property (ies) prohibiting it from being utilised/developed for the following purposes (as elaborated in the accompanying application):*

a.	Organ(s) of State that might have an interest in the restrictive condition	None
b.	A person whose rights or legitimate expectations will be affected by the removal/suspension/amendment of a restriction condition.	None
c.	All persons mentioned in the deed for whose benefit the restrictive condition applies	None

C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED

(please tick appropriate box)

~~Application in terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015)~~	~~Notarial Deed of Cancellation (Submit Copy of Signed Agreement)~~	~~Action by way of court order (Submit Copy of the Court Order)~~	If Other, Please Specify

Signed at Stellenbosch (Place) **on this** 18th (Day) April (Month)

of 20 23

Full names and Surname: Hendrik A. Kotze

Signature:

HENDRIK ANDRIES KOTZE
Commissioner of Oaths
Practising Attorney, RSA
Werksmans Attorneys
2nd Floor, Block B. De Wagenweg Office Park
Stellentia Street, Stellenbosch

HENDRIK ANDRIES KOTZE

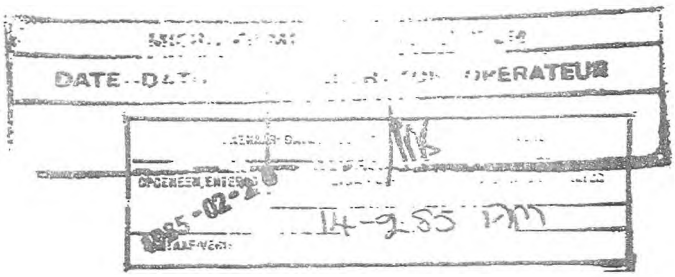
Tel: 021 8096000

Email: hkotze@werksmans.com

Cell: 083 629 7053

ANNEXURE E: TITLE DEEDS

749



VIR ENDOSSEMENTE KYK BLADSY 6
FOR ENDORSEMENTS SEE PAGE 6 ET SEQ.

T 4817/85

TRANSPORTAKTE

JDEW/DJ

CLUVER EN MARKOTTER
PROKUREURS
STELLENBOSCH

Opgestel deur my,

J A L DE WAAL, Aktebesorger.

HIERBY WORD BEKEND GEMAAK

DAT PAUL OLIVER SAUER MEAKER ~~JACOBUS ADRIAAN LOUW DE WAAL~~

Aktebesorger, voor my, Registrateur van Aktes in Kaapstad, verskyn het, behoorlik daartoe gemagtig deur 'n volmag geteken te STELLENBOSCH op die 6de dag van DESEMBER 19 84 en aan hom verleen deur

RHYNLAND BELEGGINGS (EIENDOMS) BEPERK

(NO 68/14109/07)

EN / ...

EN die Komparant het verklaar dat sy lasgewer op 6 Desember 1984 verkoop het en dat hy die Komparant in sy hoedanigheid voormeld, hiermee in volkome en vrye eiendom sedeer en transporteer aan en ten gunste van

DIE TRUSTEES INDERTYD VAN DIE MARKSTRAAT 17 - 21 TRUST

of Gemagtigdes

BLANKE GROEP

WHITE GROUP
BLANKE GROEP

RESTANT VAN ERF 4890, STELLENBOSCH in die Munisipaliteit en Afdeling Stellenbosch

GROOT 3440 (Drieduisend vierhonderd en veertig) vierkante meter

OORSPRONKLIK geregistreer en nog gehou kragtens Sertifikaat van Verenigde Titel No 32030/1971 met Kaart L G No 8887/70 aangeheg.

A. TEN OPSIGTE van die gedeeltes gemerk h B 1 j en k m C D en F k D E en A h j G op Kaart No 8887/70 voormeld:-

ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte No 11076/1921.

B. TEN OPSIGTE van die gedeelte gemerk G 1 m F op Kaart No 8887/70 voormeld:-

I. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte No 728 gedateer 30 Septeber 1880.

II. ONDERHEWIG VERDER aan die voorwaarde waarna verwys word in die aantekening gedateer 20 Augustus 1900 op Transportakte No 728 gedateer 30 September 1880, welke aantekening soos volg lees:-

"By / ...

"By Deed of Transfer 5000, 14 August 1900, certain conditions regarding buildings which may be erected on the remdr. of this property have been imposed as will more fully appear on reference to the said transfer."

III. NIE ONDERHEWIG wat betref die gedeelte gemerk G 1 en F op kaart No 8887/70 weens ligging soos vervat in die endossement gedatter 23 Oktober 1974 op Sertifikaat van Verenigde Titel No 32030/1971 nie maar wat betref die res van die eiendom geregtig op die voordeel van die voorwaarde genoem in Notariële Akte gedateer 9 Januarie 1903 geheg aan die gesegde Transportakte No 728 gedateer 30 September 1880 en waarna verwys word in die aantekening daarop gedateer 19 Maart 1903, welke aantekening soos volg lees:-

"By deed of 9th January 1903 certain right of way over this property is conceded to the owner of the adjoining land held by trfr. 4573 June 1898 as will more fully appear on reference to the copy annexed hereto."

IV. ONDERHEWIG VERDER aan en GEREGTIG op die voordeel van die voorwaardes genoem in sekere Notariële Serwituutakte gedateer 8 Oktober 1936 geheg aan die genoemde Transport= akte No 728 gedateer 30 September 1880 en waarna verwys word in die aantekening daarop gedateer 19 Maart 1903, welke aantekening soos volg lees:-

"By / ...

"by Notarial Deed dated 8.10.1935 the property conveyed hereby and properties held under Transfers 5168 d.d. 15.7.1931, 3298 d.d. 30.4.1934, 607 d.d. 21.1.1920 have been granted the right to lead water by means of a furrow marked a.b.c.d. on the diagram annexed to the said Notarial Deed running accross the property held under Deed of Transfer 7285 d.d. 3.8.1921. Subject to conditions as will more fully appear on references to the copy annexed hereto."

V. ONDERHEWIG VERDER aan en met die voordeel van die voorwaarde waarna verwys word in the aantekening gedateer 1 Junie 1937 op Transportakte No 5427/1937, welke aantekening soos volg lees:-

"By Transfer No 5428 dated 1.6.1937 the furrow along the side ab and marked "Water furrow" on diagram No 37/1937 hereto annexed (para 1) shall be common to lot 8 thereby conveyed and property held by para 3 hereunder as will more fully appear on references to the said transfer."

VI. GEREGTIG VERDER op die voordeel van die serwituut waarna verwys word in die aantekening gedateer 25 November 1937 op genoemde Transportakte No 6992/1937, welke aantekening soos volg lees:-

"By Deed of Transfer dated 25th November 1937, No 12540, the right to use the forrows shown along the boundaries A.B. & B.C. in the diagram of lot 12 (thereby conveyed) has been granted in favour of the remainder of the land held under para 1 hereof with access to and egress therefrom, as will more fully appear on references to the said Deed of Transfer."

VII. GEREGTIG VERDER op die voordeel van die serwituut waarna verwys word in die aantekening gedateer 27 Maart 1940 op genoemde Transportakte No 6992/1937, welke aantekening soos volg lees:-

"By Transfer No 2714/40 dated 27th March 1940 the owner and his successors in title of property described in para 1 hereof shall be entitled to lead water by means of a furrow along the Eastern boundary of Lot 11 held by said Transfer Deed and marked on diagram annexed thereto together with a right of access to and egress therefrom as will more fully appear on reference to said Transfer Deed."

WESHALWE / ...

WESHALWE die Komparant, q.q., afstand doen van al die regte en titel wat die bogenoemde

Transportgewer

voorheen op genoemde eiendom gehad het en gevolglik ook erken dat Transportgewer geheel en al van die besit daarvan onthef is en nie meer daarop geregtig is nie, en dat, kragtens hierdie Akte bogenoemde Trustees indertyd van die Markstraat 17 - 21 Trust of Gemagtigdes

tans en voortaan daarop geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat; en ten slotte verklaar hy dat die koopsom ten bedrae van R350 000,00 (DRIEHONDERD EN VYFTIGDUISEND RAND) behoorlik betaal of verseker is

TEN BEWYSE waarvan ek, die genoemde Registrateur van Aktes, tesame met die Komparant, q.q., hierdie Akte onderteken en met die Ampseël bekragtig het.

ALDUS GEDOEN en geteken op die Kantoor van die Registrateur van Aktes in Kaapstad, Provinsie van die Kaap die Goeie Hoop,

op die 11

dag van die maand FEBRUARIE

in die jaar van onse Heer Eenduisend

Negehonderd ~~Vier en Tagtig~~ Vyf en Tagtig (1985)

q.q.

In my teenwoordigheid.

Registrateur van Aktes

Geregistreer in die ..... *Register van* .....

Folio .....

Klerk.

v.d.Stel

BLADSY/PAGE 6

ENDOSSEMENT OP 4817/85
ENDORSEMENT ON T

EIENDOM/PROPERTY Restant Van
Erf 4890 Stellenbosch

VERVANG SUBSTITUTED

R 4189/85

VERVANG 1985-02-11
MORTGAGED
vir
for R 360 000,00

'n verder bed...
an additional ...

R 72 000,00

VERVANG SUBSTITUTED

Aktes/Registrar
Deeds Registrar
KAAPSTAD/CAPE TOWN

ENDOSSEMENT KRAGTENS ART-KEL 6 (2) (b), Wet 66/1971
ENDORSEMENT UNDER SECTION 6 (2) (b), Act 66/1971

Die grond ... is onderhewig aan 'n ontwikkelingskema en is
The land ... is subject to a development scheme and is

geregistreer ... register welke grond en gebou(e) bekend is as
registered in a ... register which land and building(s) are known as

Oude MOLEN

sons blyk ... Hoofleer
as will appear ... Main File No. SS 42 1988

Aanspraak ... mede hoofleer.
Additional ... in the said main file.

Registrar of Deeds
Deeds Registry:

KAAPSTAD/CAPE TOWN

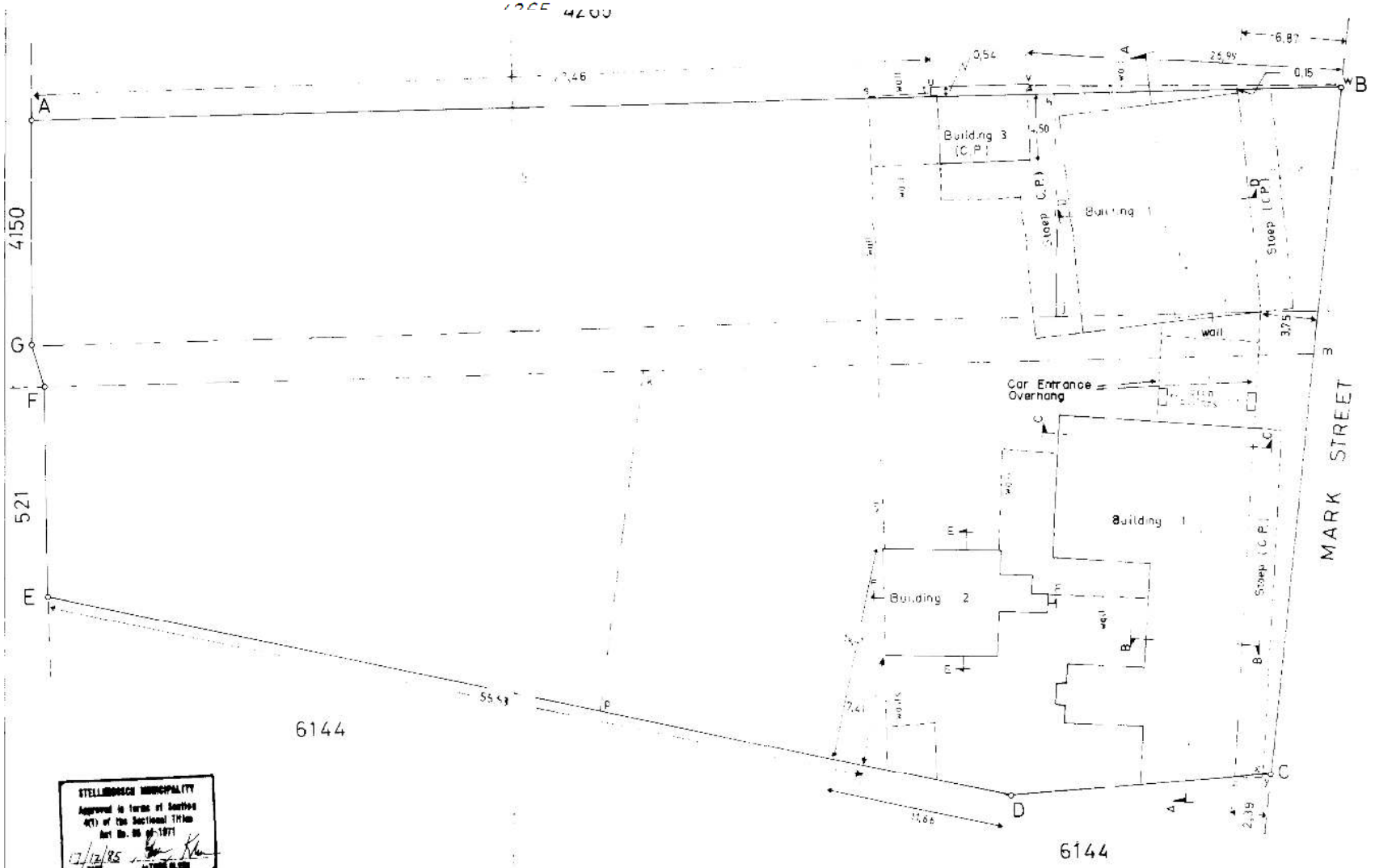
1988-03-11

Datum/Date

REGISTRATEUR VAN AKTES
REGISTRAR OF DEEDS

14/3/85
14/3

ANNEXURE F: DIAGRAM



NOTES

1. The figure ABCDEFG represents REMAINDER ERF 4890 STELLENBOSCH
2. All measurements are in metres.
3. Measurements given are between boundary and external face of building measured at ground level.
4. The figures stuvwB and xyz represent encroachments onto the ajoining erven as shown.
5. No portion of any unit in building 1 and 2 encroaches onto ajoining erven.
6. (C.P.) denotes common property.
7. The dotted lines Gl, jr, Fm, kp represent component lines.

DISTANCES

AB - - -	87,46
BC - - -	45,79
CD - - -	17,15
DE - - -	65,59
EF - - -	33,63
FG - - -	2,95
GA - - -	14,95

SECTIONAL PLAN NO. 55
Sheet No. 2 of 8 Sheets
DRAWING TITLE
OUDE MOLEN
BLOCK PLAN
Scale 1/200 Date [illegible]
FRIEDLAENDER BURGER & VOLKMAN
BOLAND BANK BUILDING
STELLENBOSCH
LAND SURVEY

LOCAL AUTHORITY
LOCAL AUTHORITY R
SECTIONAL PLAN NO:
PARTICULARS
REGISTERED DESCRI
OF LAND

SS 12 NO. : ERF 4890

MUNICIPALITY

STELLENBOSCH
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EASURING
four hundred
TRES

8 SHEETS
(COMPRISING THIS SHEET
AND ANNEXURE A HERETO)

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REMAINDER ERF 4890 S
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STELLENBOSCH . PROVI
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3440 (Three thousand
and forty) SQUARE ME

LIDATED TITLE

HICH

8887/70

DIAGRAM NO.
TITLE DEED WITH WH
DIAGRAM IS FILED
NAME AND ADDRESS
DEVELOPER

OF

CERTIFICATE OF CONSC
No 32030/197
MARKSTRAAT 17-21 TRU
373 PRETORIUS STREET
PRETORIA 0002

ST

T4817/85

DEED

DEED OF TRANSFER No
dd 11/2/1985

NUMBER AND DATE OF
DEVELOPERS TITLE
NAME OF BUILDING
DESCRIPTION OF BU
THREE BUILDINGS NA
1.BUILDING 1- A do
2.BUILDING 2- A si
comprising 2 Sect
3.BUILDING 3- An

ILDINGS
AMELY:
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ngle storied building
ions and a Toilet (Common Prope
ut building (common property)

g 2 Sections

STELLENBOSCH MUNICIPALITY
Approved in terms of Section
4(1) of the Sectional Titles
Act No. 66 of 1971
7/12/85
07/12/87 A.M. Jordaan
REGISTERED THIS
GEREGISTREER HIERDIE
R. BK ..... FOL
DEEDS REGISTRY
AKTEKANTOOR
REGISTRAR
REGISTRATEUR

HE LAND
VITUDES
AND

NONE
SEE ANNEXURE A

ENCROACHMENTS ON T
PARTICULARS OF SEP
OTHER REAL RIGHTS
CONDITIONS

TIFICATE

LAND SURVEYORS CER

D.P.BURGER of the fi
FRIEDLAENDER BURGER A
316 BOLAND BANK BUILD
15 MILL SQUARE
STELLENBOSCH

ND VOLKMANN
ING

sectional
in terms
1971 in
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edians of

eter Burger, herby certify that:-
prepared sheet 1 to 8 inclusive of this
om actual measurements undertaken by me
ion 7 (1) (a) of the Sectional Title Act
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mpractical to give measurements to the m
is to an accuracy of 0.01m.

I, Damien Pi
(a) I have
plan fr
of sect
accorda
(b) It is i
the wal

0/4/1985

Burger. D.P.BURGER

Date :

Signed :

STELLENBOSCH
EFERENCE

SHEET NO 4
OF

TELLENBOSCH

'olge arti-
ie Wet op
5 van 1971.

MUNISIPALITEIT S.[illegible]

Goedgekeur ingev[illegible]
kel 4(1) van d[illegible]
Deeltitels Nr. 61

07/12/87

DATUM

ADSKLERK

Common Property
re metres
ion quotas see

d are total areas of

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NOTES

1. (C.P.) denotes
2. m^2 denotes squa
3. For participat
sheet 8
4. Areas indicate
the section
5. T represents

LAN NO. : SS 42/82
5 of 8 Sheets
LE

GROUND FLOOR PLAN
R BURGER AND VOLKMANN
BANK BUILDING
H

SECTIONAL P0 Date 10/4/1985
Sheet No.
DRAWING TIT
OUDE MOLEN
BUILDING 2
Scale 1/20
FRIEDLAENDE OR
316 BOLAND
STELLENBOSC

LAND SURVEY

D.P.BURGER

CROSS SECTION EE

CROSS SECTION FF

LENBOSCH

ge arti-
Wet op
an 1971.

MUNISIPALITEIT STEL

Goedgekeur ingevol
kel 4(1) van die KLERK
Deeltitels Nr. 66 daar

DATUM
07/12/87 STADS

N NO. : SS 52/88
of 8 Sheets

mmon Property

NOTES
1. (C.P.) denotes C

SECTIONAL PL ROSS SECTIONS EE FF
Sheet No. 7 Date 10/4/1985
DRAWING TITLE NK BUILDING
OUDE MOLEN
BUILDING 2:
Scale 1/200
FRIEDLAENDER
316 BOLAND BA
STELLENBOSCH

LAND SURVEYOR

D.P.BURGER

SECTION NO.	FLOOR AREA Square metres		PARTICIPATION QUOTA (Adjusted to total 1.000)
1	202		.228
2	628		.710
3	25		.028
4	30		.034
	885	TOTAL	1.000

NOTES :
1. Floor Areas are measured to the median line of boundary wall of each section to the nearest square metre.

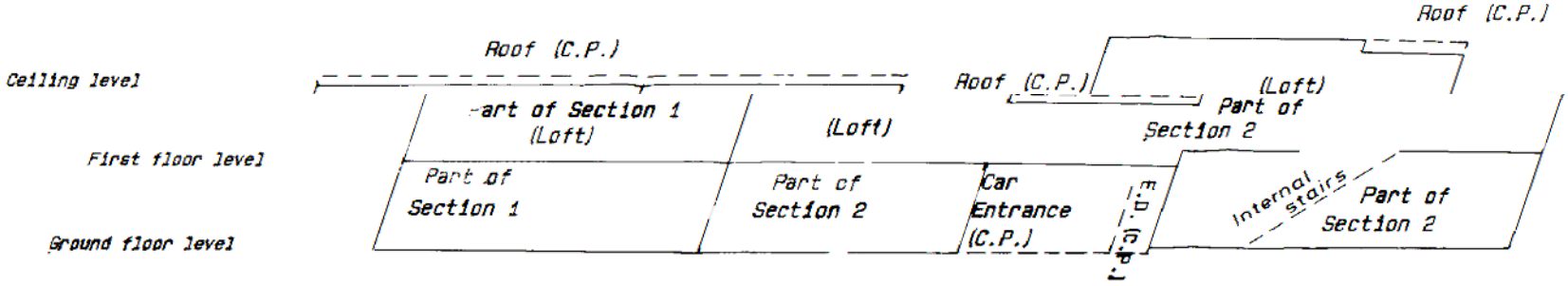
07/12/87 J.M. Jordaan
STELLENBOSCH MUNICIPALITY
Approved in terms of Section 4(1) of the Sectional Title Act No.66 of 1971.

SECTIONAL PLAN NO. : SS4
Sheet No 8 of 8 Sheets

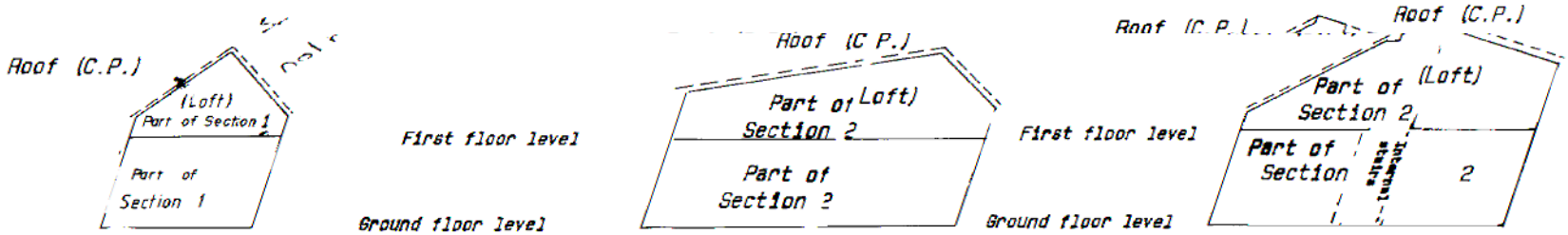
DRAWING TITLE
OUDE MOLEN
PARTICIPATION QUOTA
Date 10/4/1985

FRIEDLAENDER BURGER AND VOLKMANN
BOLAND BANK BUILDING
STELLENBOSCH

...LAND SURVEYOR... D.P BURGER
DATE TOWN CLERK



CROSS SECTION AA



CROSS SECTION BB

CROSS SECTION CC

CROSS SECTION DD

NOTES
1. (C.P.) denotes Common Property
2. E.D. denotes Electrical Distribution Room

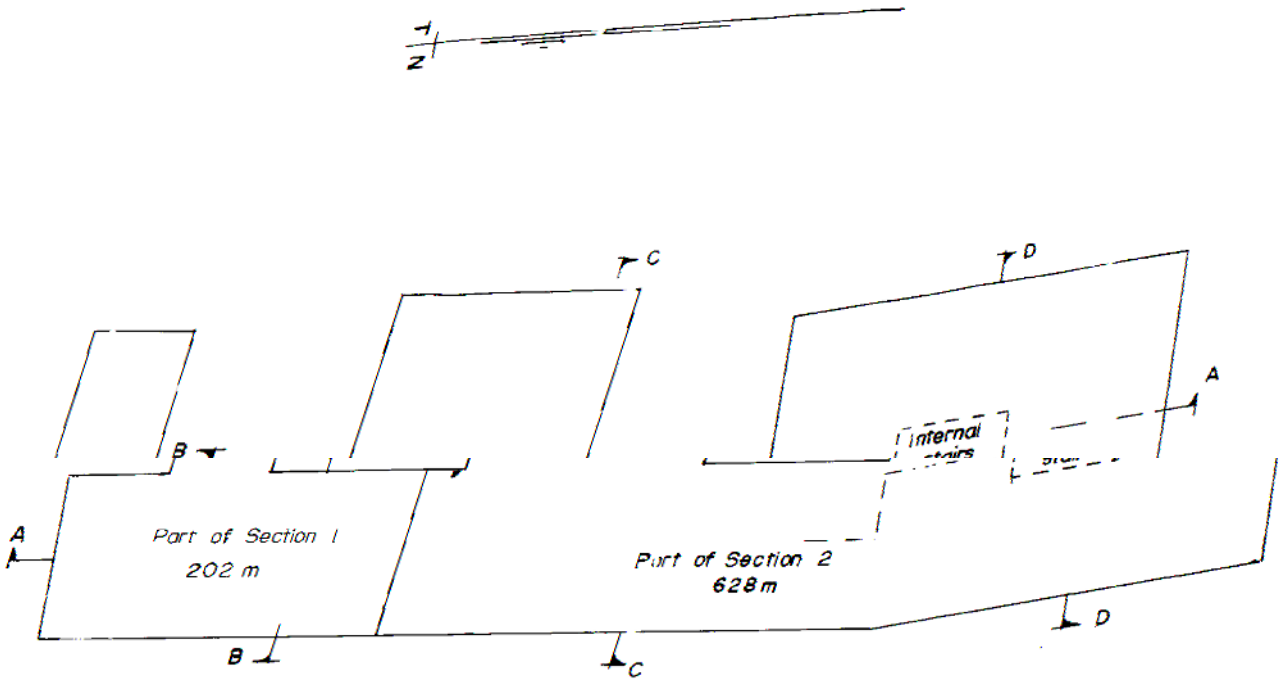
STELLENBOSCH MUNICIPALITY
Approved in terms of Section 4(1) of the Sectional Titles Act No. 66 of 1971
07/12/87

SECTIONAL PLAN NO. : SS
Sheet No. 6 of 8 Sheets

DRAWING TITLE
OUDE MOLEN
BUILDING 1 : CROSS SECTIONS AA BB CC DD
Scale 1/200 Date 10/4/1985

FRIEDLAENDER BURGER & VOLKMANN
BOLAND BANK BUILDING
STELLENBOSCH

LAND SURVEYOR
D.P. BURGER



NOTES

1. (C.P.) denotes Common Property
2. m Denotes square meters
2. Areas indicated are total areas of the section
4. For Participation quotas see sheet 8
5. Sections 1 and 2 see also sheet 3

07/12/87
DATE

A.M. Jordaan
TOWN CLERK

STELLENBOSCH MUNICIPALITY

Approved in terms of Section 4(1) of the Sectional Title Act No.66 of 1971.

SECTIONAL PLAN NO. : SS 42/88

Sheet No. 4 of 8 Sheets

DRAWING TITLE

OUDE MOLEN

BUILDING 1 : FIRST FLOOR PLAN

Scale 1/200 Date: 10/4/1985

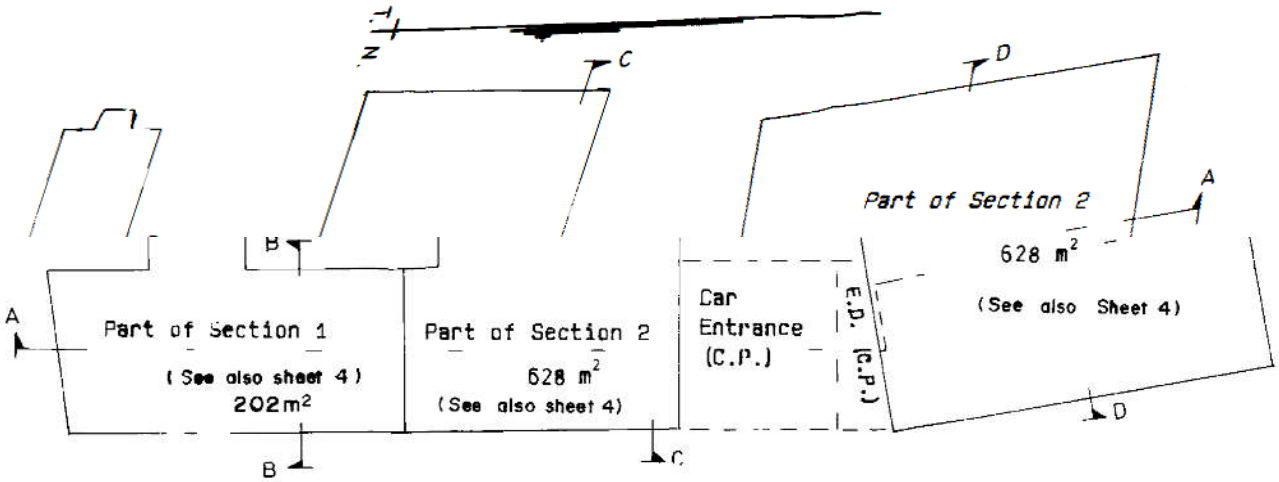
FRIEDLAENDER BURGER AND VOLKMANN

316 BOLAND BANK BUILDING

STELLENBOSCH

LAND SURVEYOR .....

D.P.BURGER



STELLENBOSCH MUNICIPALITY
Approved in terms of Section 4(1) of the Sectional Titles Act No. 66 of 1971
17/12/85
DATE
for TOWN CLERK
07/12/17
Adm. Jordaan

NOTES
1. (C.P.) denotes Common Property
2. E.D. denotes Electrical Distribution Room.
3. m^2 denotes square metres
4. For Participation quotas see Sheet 8
5. Areas indicated are total areas of the section
6. Sections 1 and 2 see also sheet 4

SECTIONAL PLAN NO. : SS 42/88
Sheet No. 3 of 8 Sheets

DRAWING TITLE
OUDE MOLEN
BUILDING 1 : GROUND FLOOR PLAN
Scale 1/200 Date 10/4/1985

FRIEDLAENDER BURGER & VOLKMANN
BOLAND BANK BUILDING
STELLENBOSCH

JBurger.
LAND SURVEYOR
D.P. BURGER

Friedlaender, Burger & Volkmann - Landmeters

VEL ~~8~~ 9 VAN ~~8~~ 9 VELLE

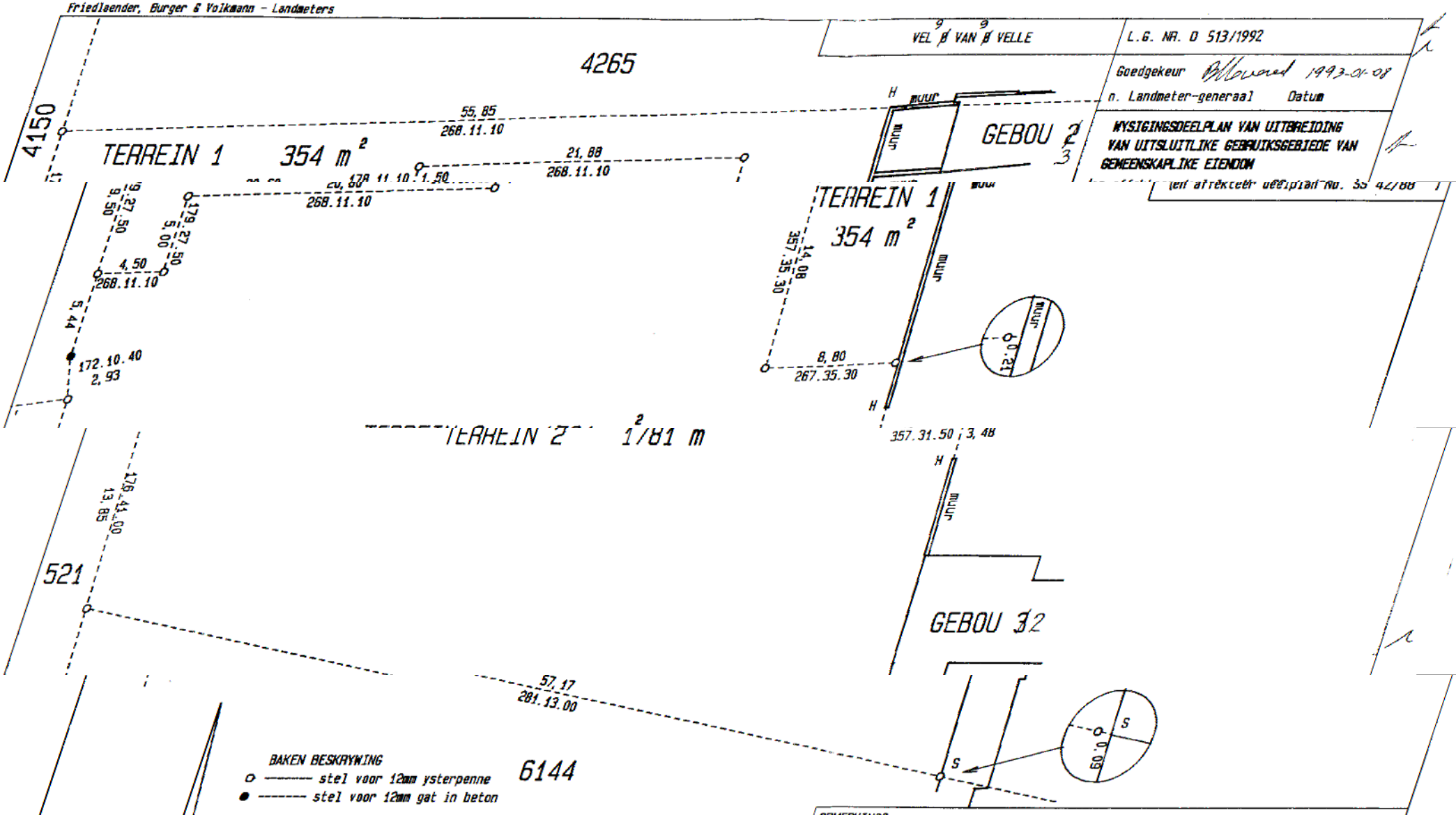
L.G. NR. D 513/1992

Goedgekeur [signature] 1993-01-08

n. Landmeter-generaal Datum

WYSIGINGSDEELPLAN VAN UITBREIDING VAN UITSLUITLIKE GEBRUIKSGEBIEDE VAN GEMEENSKAPLIKE EIENDOM

(en affekteer deelplan No. SS 42/88)



BAKEN BESKRYWING

o ——— stel voor 12mm ysterpenne

● ——— stel voor 12mm gat in beton

T N

SETIFIKATE:

(a) Ek, Damien Pieter Burger, sertifiseer dat ek vel ~~8~~ 9 van hierdie deelplan opgestel het volgens opmeting in ooreenstemming met die Wet op Deeltitels en die regulasies daarkoopens opgestel.

Datum 24/9/92 Geteken [signature] Landmeter

Registrasienommer PLS0080-D

SRD 463/92

OPMERKINGS :

1. Uitsluitlike gebruiksgebiede strek tot die buitefasade van all mure
2. - - - - stel voor nie fisies gedefineer nie
3. m stel voor vierkante meter
4. H stel voor hoek van muur
5. S stel voor snylyn van buite muur van gebou en grenslyn

LANDMETER :

DAMIEN PIETER BURGER [signature]

Kerkstraat 27

Stellenbosch

7600

24/9/92

Datum

OUDE MOLEN

TEKENINGTITEL :

Uitleg van uitsluitlike gebruiksgebiede oor die grond

Skaal 1:250

SS 42/1

...8887/1970

...OR GENERAL : ENDORSEM...

...ENT SHEET

N°.	SURVE...	...dment of ...se Areas	Addition	...182	D N°.	SS N°.	Int.
①	Amen...		Exclusive Us...		513/92	42/88	MD
	Extention...		Areas Terrea...				
	Exclusive ...		and Sheets 9				

...98

YOR... D... ...MEN...

L.G. No. 8887/70

Goedgekeur

Landmeter-generaal

12.1.71

SYE Meter		
AB	87.46	
BC	45.79	
CD	46.27	
DE	35.35	
EF	33.63	
FG	2.95	
GA	14.95	

onstante

268	11	00
5	24	00
84	43	50
82	57	50
78	12	40
164	58	10
179	25	40

Kg

KOÖRDINATE Stelsel Lo.1

	Y		X
			0000.00
A	+13 455.11	+370	536.99
B	+13 367.69	+56	534.22
C	+13 372.00	+56	579.81
D	+13 418.07	+56	584.06
E	+13 453.15	+56	588.39
F	+13 454.20	+56	554.78
G	+13 454.97	+56	551.93

ng van Bakens
12 mm ysterpen.
hoek van pillaar.
12mm x 450 mm ysterpen.
swaarysterhoekdraadpaal.

Beskrywi
A G
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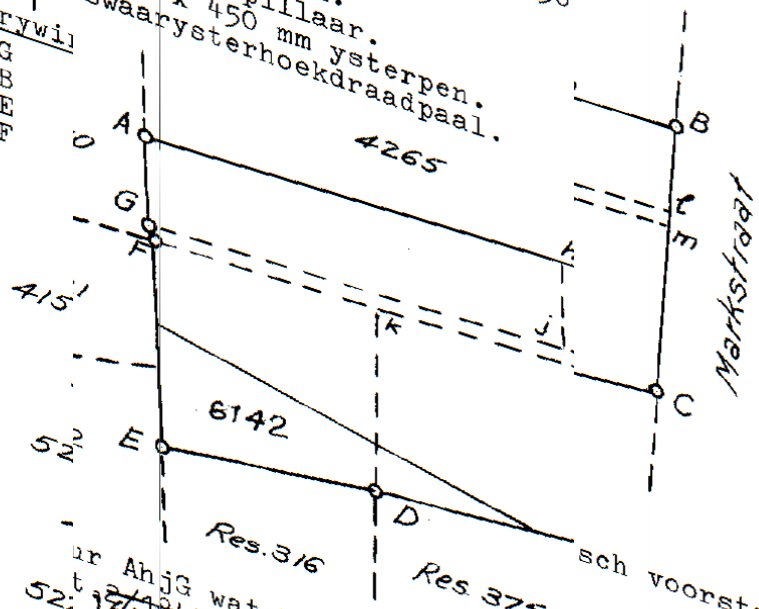
F



ur AhjG wat Erf 535 Stellenbo sch voorstel.
t 2/1848 T/A.1859-32-39 sch voorstel.
52: 1648/1859
ur hBlJ wat Erf 534 Stellenbo te van Erf 243 voorstel.
t 22/1807 T/A.1807-2-246 sch voorstel.
ur GlmF wat Erf 4889 'n gedeel sch voorstel.
1. Figut 8886/1970
Kaar
2. Figut ur kmCD wat Erf 543 Stellenbo
Kaar 200/1817 T/A.1826-3-100
3. Figut ur FkDE wat Erf 542 Stellenbo
Kaar 2/1849 T/A.1859-32-38
4. Figu 1649/1859
Kaar
5. Figu D E F G
Kaar vierkante meter

Skaal: 1/1 250

uit erwe soos grond, synde
angetoon.

Administratiewe Distrik
Provinsie Kaap die Goeie Hoop.

Landmeter

NBOSCH
ipaliteit en en bestaan
hierbo a
.1970.

Die figuur A B C
stel voor 4 055
ERF 4890 STELLE 948, Okt.1959, Mei 1966, Okt

Restant ONDERHEWIG AA DEELTITEL

geleë in die Munis
Stellenbosch eg aan

Opgemeet in Aug. 2/71
deur my,

Hierdie kaart is geh
No. S.V.T. 3203 an Aktes
gedateer
t.g.v.

Die oorspronklike kaarte is.
soos hierbo aangetoon
~~No.~~
~~Transport/Grondbrief~~ ~~geheg aan~~
No.

Lêer No. S.2641/70
M.S. No. E.2295/70
Komp. BH-8DC/V.511

B

C

S

Registrateur v

4890

OFFICE COPY

RIGTINGS
-HOEKE

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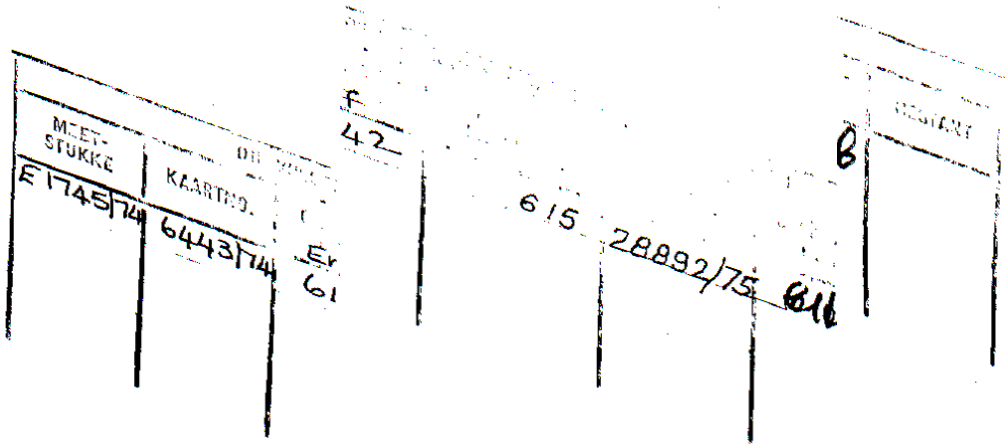

MEET-STUKKE	KAARTNO.						
E 1745/74	6443/74	E 61	42	615	28892/75	616	8

NAL TITLES

SRD N°	SECTIO	N°	SS N°	INT
463/1992	SGD	992	42/1988	
N/A	513/1	92/1988	42/1988	
	~~N/A~~ D			

ANNEXURE G: SITE DEVELOPMENT PLAN

SITE DEVELOPMENT PLAN
SCALE 1:100

DEVELOPMENT - AREA SCHEDULE:	
ERF 4880	3440,00sqm
EXISTING OFFICE BUILDINGS	2879,75sqm
EXISTING OFFICE BUILDINGS GLA	1547,80sqm
NEW OFFICE BUILDINGS GLA	1433,60sqm
NEW RESTUARANT GLA	114,20sqm
TOTAL NEW ADDITIONAL GLA	0,00sqm
TOTAL GLA (UNCHANGED)	1547,80sqm
TOTAL COVERED EXISTING AREA	1208,81sqm
TOTAL EXISTING COVERAGE (1208,81/3440)	35%
EXISTING BULK (EXCL. PARKING AREA) = 2158,48/3440 = 0,63	
EXISTING PARKING REQUIREMENTS:	
OFFICES = 4 BAYS PER 100sqm GLA = 1547,80 / 100 X 4 = 62 PARKING BAYS	
EXISTING PARKING BAYS PROVIDED = 65 BAYS	
NEW PARKING REQUIREMENTS:	
OFFICES = 4 BAYS PER 100sqm GLA = 1433,60 / 100 X 4 = 58 PARKING BAYS	
RESTUARANT = 4 BAYS PER 100sqm GLA = 114,20 / 100 X 4 = 5 PARKING BAYS	
TOTAL PARKING BAYS REQUIRED = 63 PARKING BAYS	
OFFICE PARKING BAYS PROVIDED = 58 BAYS	
RESTAURANT PARKING BAYS PROVIDED = 5 BAYS	
TOTAL PARKING BAYS PROVIDED = 65 BAYS	

DEVELOPMENT PARAMETERS SCHEDULE

General Notes

1. Contractor and Sub-Contractors to check all levels and dimensions on site before any work is commenced and any discrepancies to be reported to the Architect immediately.
2. Figured dimensions to be taken in preference to scaled measurements and large scale details supercede small scale drawings.
3. All work to be done in accordance National Building Regulations SANS 10400 and all requirements of Municipal and Local Authorities concerned are to be adhered to.
4. Natural light and ventilation area of all openings in accordance of floor area and SANS 10400 Part O natural light area: min.10% of floor area and natural ventilation: min. 5% of floor area.
5. All glazing to comply with requirements of SABS 0137 - access doors and sidelights to have safety glass. Windows lower than 500mm from floor, windows lower than 1800mm above pitch line of stairs and shop-fronts to be safety glass.
6. All safety glazing panels shall be etched with glazing marking and this to be visible at all times.
7. All cavities below floor level to be filled with concrete and dpc's to be stepped.
8. No part of construction may encroach building lines.

ORIGINAL DOCUMENT DATE:

REVISIONS:

NO	DATE	DESCRIPTION

JFM Louw Architects Cc
51 Acton Avenue ♦ Somerset West 7130
Kobus Louw
Tel: (082) 853 7151
E-mail: kobus@jfmlouwarchitects.co.za
Nicolas Karamukor
Tel: (083) 391 4328
E-mail: nikolas@jfmlouwarchitects.co.za

CLIENT:

STAYTUS MARK PLEIN (PTY) LTD

PROJECT TITLE:

MARK PLEIN OFFICES & RESTAURANT

ERF 4890 STELLENBOSCH

DRAWING TITLE

PROPOSED NEW SITE DEVELOPMENT PLAN

PROJECT No:	SCALE	
M2201	1:100 @ A0	
DRAWING No M2201 /C /100	DATE: 21/01/2023	
REV 0	DRAWN KL	CHECKED: KL

COUNCIL SUBMISSION

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