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23 May 2025

NOTICE OF LAND DEVELOPMENT APPLICATION

Dear Sir/Madam

APPLICATION FOR DEPARTURES AND PERMISSION REQUIRED ON ERF 591, STELLENBOSCH – UNITS 37, 39, 41 HERTE STREET

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

Application Property Address: **Erft 591, Stellenbosch**

Application Property Number: **Units 37, 39, 41 Herte Street**

Applicant: **Arch Town Planners (Pty) Ltd (Carlien Coetzee, carlien@archtownplanners.co.za)**

Owner: **Fynbos Trust**

Application Reference: **TP1111/2025**

Description of land development proposal:

Application is made in terms of Section 15 (b) and (g) of the Stellenbosch Municipal Land Use Planning By-law, 2023 for the following on Erf 591, Stellenbosch:

- Application in terms of Section 15(2)(g) of the Stellenbosch Municipal Land Use Planning Bylaw for a permission in terms of Section 104(1) the Zoning Scheme Bylaw to permit flats on the ground floor on Erf 591, Stellenbosch.
- Application in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning Bylaw for a departure to relax the 4.5m building line to 0m along Mark Street, Herte Street and Erf 580, Stellenbosch.

- Application in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning Bylaw for a departure to provide 7 parking bays (of which 5 is tandem) instead of 9 parking bays on Erf 591, Stellenbosch.

Notice is hereby given in terms of the provisions 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 must be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said bylaw. Written comment, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person who submits the comment in the application, may be submitted to the Applicant by electronic mail as follows: carlien@archtownplanners.co.za. By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **23 June 2025**.

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

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at **072 262 5304** during normal office hours.

Yours faithfully

Carlien Coetzee

For Arch Town Planners (Pty) Ltd



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23 Mei 2025

KENNISGEWING VAN GRONDGEBRUIKS AANSOEK

Geagte Mnr./Me.

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

AANSOEK OM AFWYKINGS EN TOESTEMMING OP ERF 591, STELLENBOSCH – EENHEDE 37, 39, 41 HERTESTRAAT

Adres van aansoek eiendom: **Erf 591, Stellenbosch**

Aansoek eiendom beskrywing: **Eenhede 37, 39, en 41 Herte Straat**

Aansoeker: **Arch Town Planners (Pty) Ltd (Carlien Coetzee, carlien@archtownplanners.co.za)**

Elenaar: **Fynbos Trust**

Aansoek Verwysing: **TP1111/2025**

Besonderhede van die grondgebruiksaansoek:

Aansoek word gedoen in terme van Artikel 15 (b) en (g) van die Stellenbosch Munisipaliteit se Beplanningsverordening (2023) ten einde voorsiening te maak vir die volgende op Erf 591, Stellenbosch:

- Aansoek ingevolge Artikel 15(2)(g) van die Stellenbosch Munisipale Grondgebruikbeplanningsverordening vir 'n toestemming ingevolge Artikel 106(1) die Soneeringskema-verordening om woonstelle op die grondvloer op Erf 591, Stellenbosch toe te laat.
- Aansoek ingevolge Artikel 15(2)(b) van die Stellenbosch Munisipale Grondgebruikbeplanningsverordening vir 'n afwyking om die 4.5m boulyn tot 0m langs Markstraat, Hertestraat en Erf 580, Stellenbosch te verslap.

- Aansoek ingevolge Artikel 15(2)(b) van die Stellenbosch Munisipale Grondgebruikbeplanningsverordening vir 'n afwyking om 7 parkeerplekke (waarvan 5 tandem is) te voorsien in plaas van 9 parkeerplekke op Erf 591, Stellenbosch.

Kennis word hiermee gegee in terme van die voorskryfte van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir ooreweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydskedule 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, moet die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terme van Artikel 50 van die tersaaklike Verordening. Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, by die Aansoeker ingedien word by wyse van elektroniese pos as volg: Carlien.Coetzee@archtownplanners.co.za. Deur 'n beswaar, kommentaar of versoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **23 Junie 2025**.

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 gestrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by **072 242 5304** gedurende normale kantoor ure.

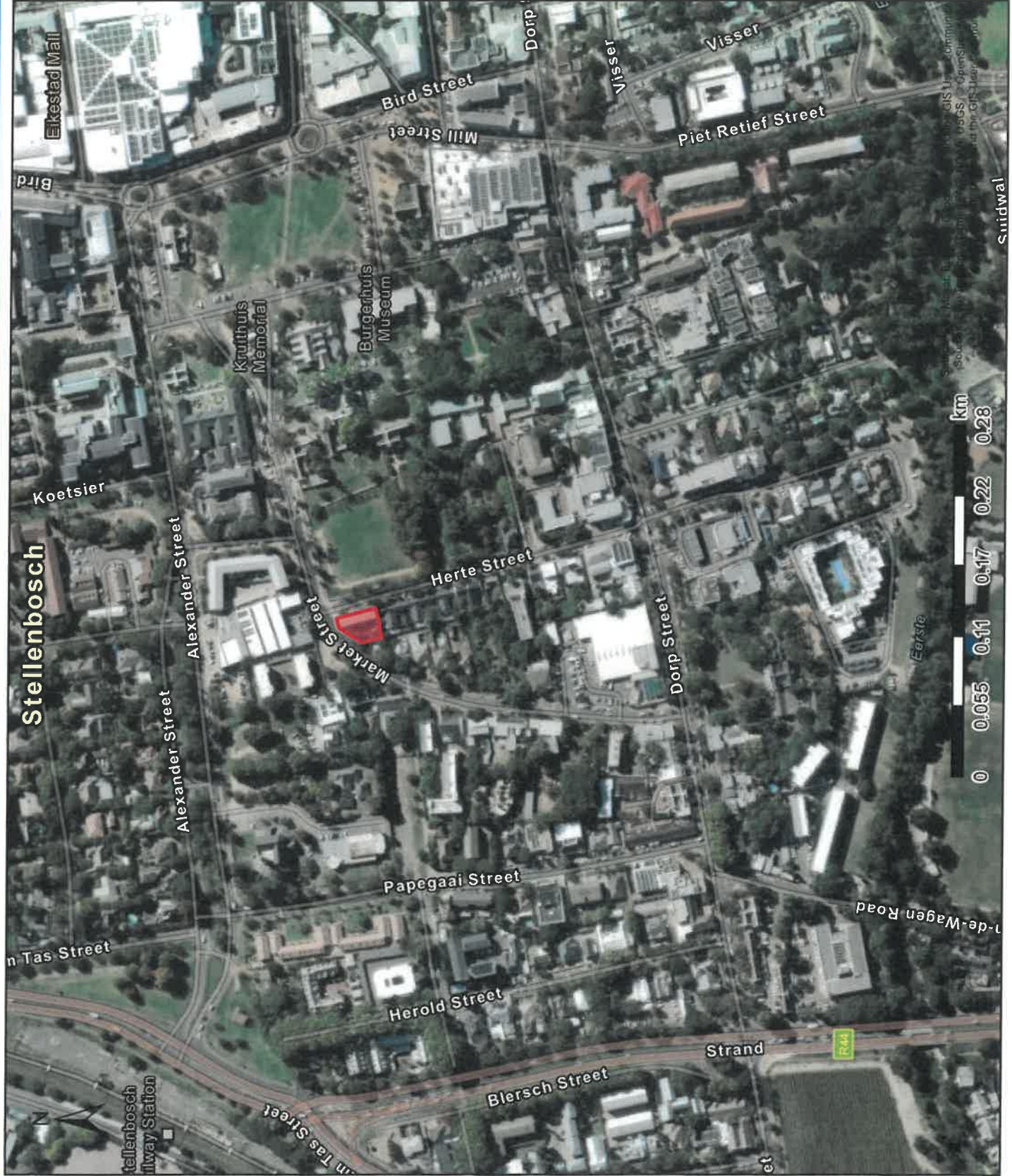
Die uwe

Carlien Coetzee

Vir Arch Town Planners (Pty) Ltd

Locality Plan - Erf 591, Stellenbosch

Legend



Map Center: Lon: 18°51'20.8"E
Lat: 33°56'19.1"S

Scale: 1:5,035

Date created: 2025/12/03



FOR YOU

APPLICATION FOR DEPARTURES AND PERMISSION REQUIRED

ERF 591 STELLENBOSCH, (UNITS 37, 39, 41 HERTE STREET)



March 2025

SUBMITTED TO:

STELLENBOSCH MUNICIPALITY

PREPARED AND SUBMITTED BY:



Postal Address: Postnet Suite #027
Private Bag X5071
Stellenbosch, 7600

Email: marike@archtownplanners.co.za
Website: www.archtownplanners.co.za

Contents

Contents.....	2
1. INTRODUCTION.....	4
1.1 Background Information	4
1.2 Planning Brief.....	4
1.3 Applications to Stellenbosch Municipality.....	4
2. PROPERTY DESCRIPTION	5
2.1 Ownership Details and Title Deed	5
2.2 Locality	5
2.3 Physical characteristics, existing and surrounding land uses	6
2.4 Current zoning	7
3. DEVELOPMENT PROPOSAL	8
3.1 Proposed Development.....	8
3.2 Availability of Services and Impact on Traffic	11
4. MOTIVATION.....	11
4.1 Stellenbosch Municipality Land Use By-Law (2023).....	11
4.2 Land Use Planning Act (2014)	12
4.3 Consistency with the Applicable Spatial Development Frameworks.....	12
4.3.1 Western Cape Provincial Spatial Development Framework, 2014.....	12
4.3.2 The Stellenbosch Municipality Integrated Development Plan, 2022	13
4.3.3 The Stellenbosch Municipality Spatial Development Framework, 2023.....	13
5. CONCLUSION.....	14

Annexures

Annexure A:	Land Use Planning Application Form
Annexure B:	Power of Attorney and Trust Resolution
Annexure C:	Title Deed
Annexure D:	Site Development Plan, Floor Plans and Elevations

Figures

Figure 1:	Locality within Stellenbosch
Figure 2:	Local Context
Figure 3:	Open Field Area of the Toy and Miniature Museum across from the Application Site
Figure 4:	Extract of the Zoning Map
Figure 5:	Proposed Ground Floor
Figure 6:	Proposed First Floor
Figure 7	Parking Layout Example for 2 Parking Bays per Flat

Tables

Table 1:	Property Details
Table 2:	Compliance with Development Parameters
Table 3:	Assessment of Application in terms of Section 65 (1) of the By-Law
Table 4:	Assessment of Application in terms of Section 59 of LUPA

1. INTRODUCTION

1.1 Background Information

Erf 591 Stellenbosch, hereafter referred to as the application site, is located in Stellenbosch Central on the corner of Herte Street and Market Street. The landowner intends to convert the existing offices into flats. While the application site is zoned Mixed-Use, which permits flats as a primary use, municipal permission is required because the proposed conversion includes flats on the ground floor as Section 106(1) of the Stellenbosch Municipality Zoning Scheme By-law 2023 states that “No flats shall be permitted at the ground floor excepts with the permission of the Municipality in terms of the Scheme”. Additionally, building line departures are necessary, as the building line parameters for offices and flats differ within this zoning.

1.2 Planning Brief

In light of the above, Arch Town Planners (Pty) Ltd has been appointed by the owner of the application site to prepare and submit the required land use application to the Stellenbosch Municipality for permission and departures to allow for the conversion of the existing offices to flats on the ground floor to have 6 x 2-bedroom flats on Erf 591, Stellenbosch.

Please refer to **Annexure A** for the application form.

The power of attorney and trust resolution is attached to this report as **Annexure B**.

1.3 Applications to Stellenbosch Municipality

Arch Town Planners (Pty) Ltd hereby officially submits an application in terms of Sections 15(2)(b) and (g) the Stellenbosch Municipality Land Use By-Law, 2023 (hereafter referred to as ‘the By-Law’) to allow for the following on Erf 591, Stellenbosch:

- i. In terms of Section 15(2)(b) a permanent **parking departure** to allow for 7 parking bays (plus 5 tandem bays) in lieu of 9 parking bays
- ii. In terms of Section 15(2)(b) a permanent **building line departure** to allow for:
 - a. The flats on the ground and first floor to be set back 0m in lieu of 4.5m on the *northern street* boundary on Market Street.
 - b. The flats on the ground and first floor to be set back 0m in lieu of 4.5m on the *eastern street* boundary on Herte Street.
 - c. The flats on the ground and first floor to be set back 0m in lieu of 4.5m on the *southern common* boundary
- iii. In terms of Section 15(2)(g) **permission** to allow for ground floor to be used as flats

2. PROPERTY DESCRIPTION

2.1 Ownership Details and Title Deed

Property Details	Ownership	Erf Size	Title Deed	Title Deed Restrictions
Erf 591, Stellenbosch	Fynbos Trust	624.2 m ²	T000003000/2012	None

Table 1 Property Details

Please refer to **Annexure C** for a copy of the Title Deed.

From our study of the deed, it seems that there are no restrictive title deed conditions in the current deed that will prohibit the proposed development.

2.2 Locality

The application site is centrally located within Stellenbosch town, situated on the corner of Herte Street and Market Street.

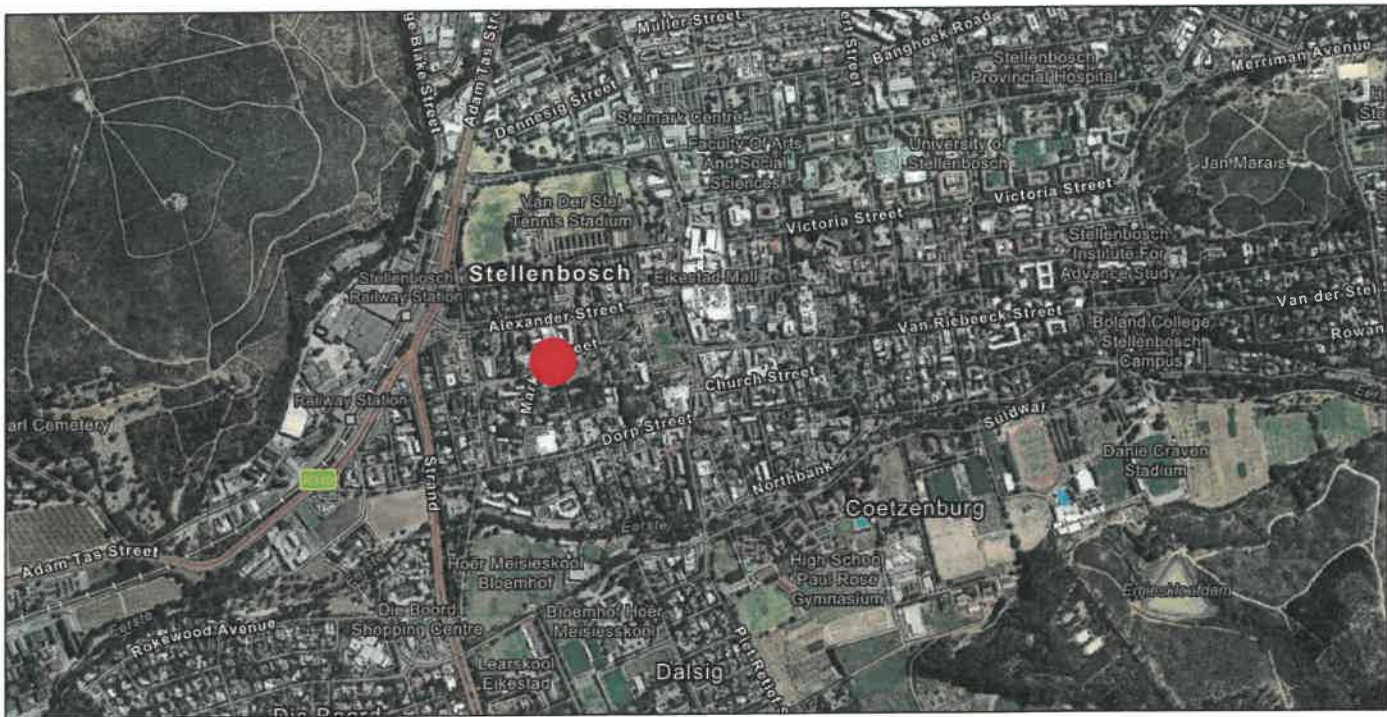


Figure 1: Locality within Stellenbosch



Figure 2: Local Context

2.3 Physical characteristics, existing and surrounding land uses

The application site is a total of 624.2 m² in extent. There is an existing two storey building used as 3 x double storey units of offices on the property. In the 1970s the building was used as a boarding house and the then landowner converted it into 3 x double storey office units in the 1980s. There is currently one vehicular access point to the property on the western side of the property taking access directly from Market Street. Pedestrian access is taking directly to the units from Herte Street. The application site is situated directly across from the open field of the Toy & Miniature Museum as indicated in Figure 3.

There are many offices on the western border of Market Street which results in the area being vacant in the evenings and as a result there is an increase in crime such as car break ins and muggings which leads to considerable security concerns. This area is thus seen as unsafe in the evenings as the office are vacant after working hours. The proposed use of flats will allow for passive surveillance which could potentially increase safety.



Figure 3: Open Field Area of the Toy and Miniature Museum across from the Application Site

2.4 Current zoning

Properties within the Stellenbosch Municipal Area are regulated in terms of the Stellenbosch Municipality Zoning Scheme By-Law, 2023 (hereafter referred to as "the Zoning Scheme"). According to the zoning map below, Erf 591 is zoned **Mixed-Use**, please refer to Figure 4 below:

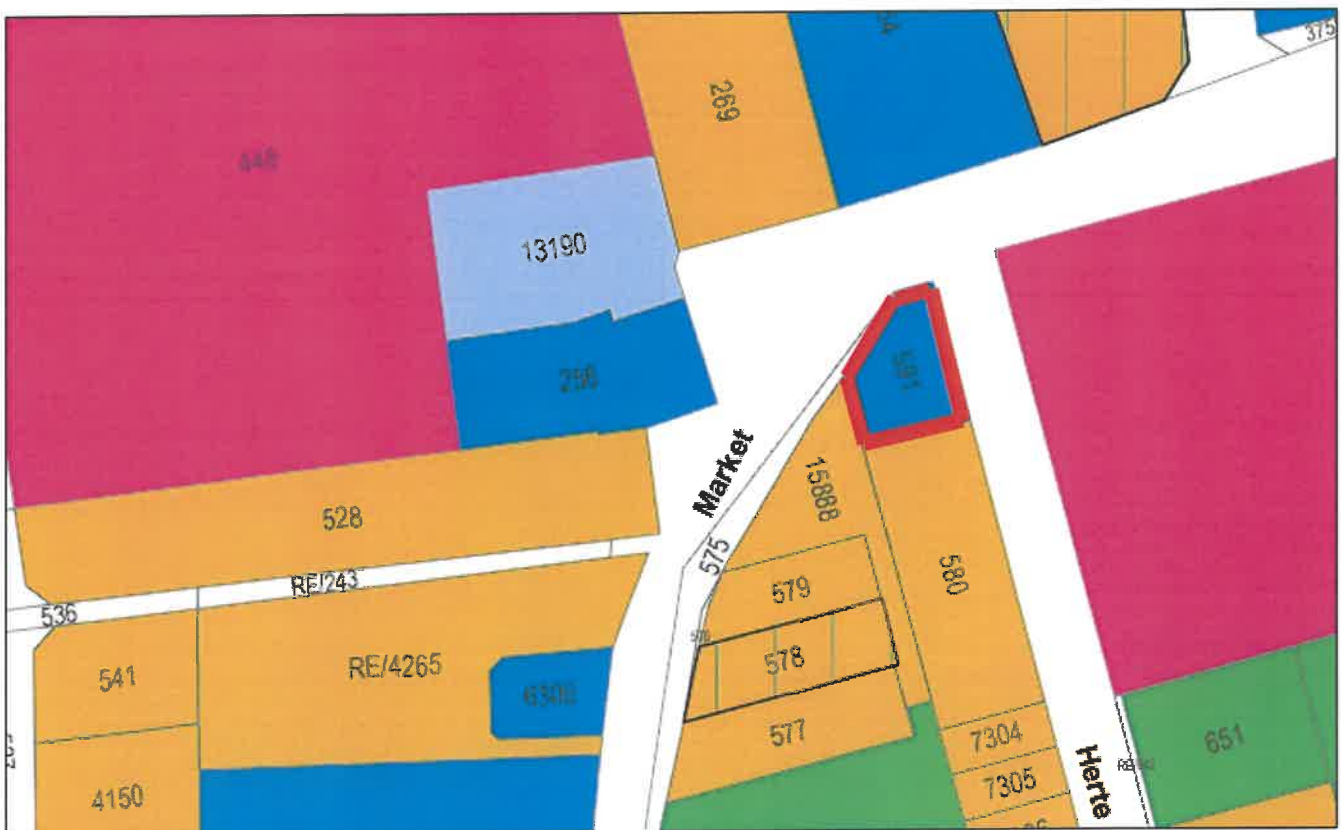


Figure 4 Extract of the Zoning Map

3. DEVELOPMENT PROPOSAL

3.1 Proposed Development

The proposal is to convert the existing offices to flats and allow for flats on the ground floor. There is no new construction planned. Permission is required for flats to be on ground floor within Mixed-Use Zoning. Please see attached **Annexure D** for the SDP, floor plans and elevations. Please see Figure 5 and 6 below for an extract of the site development plan.

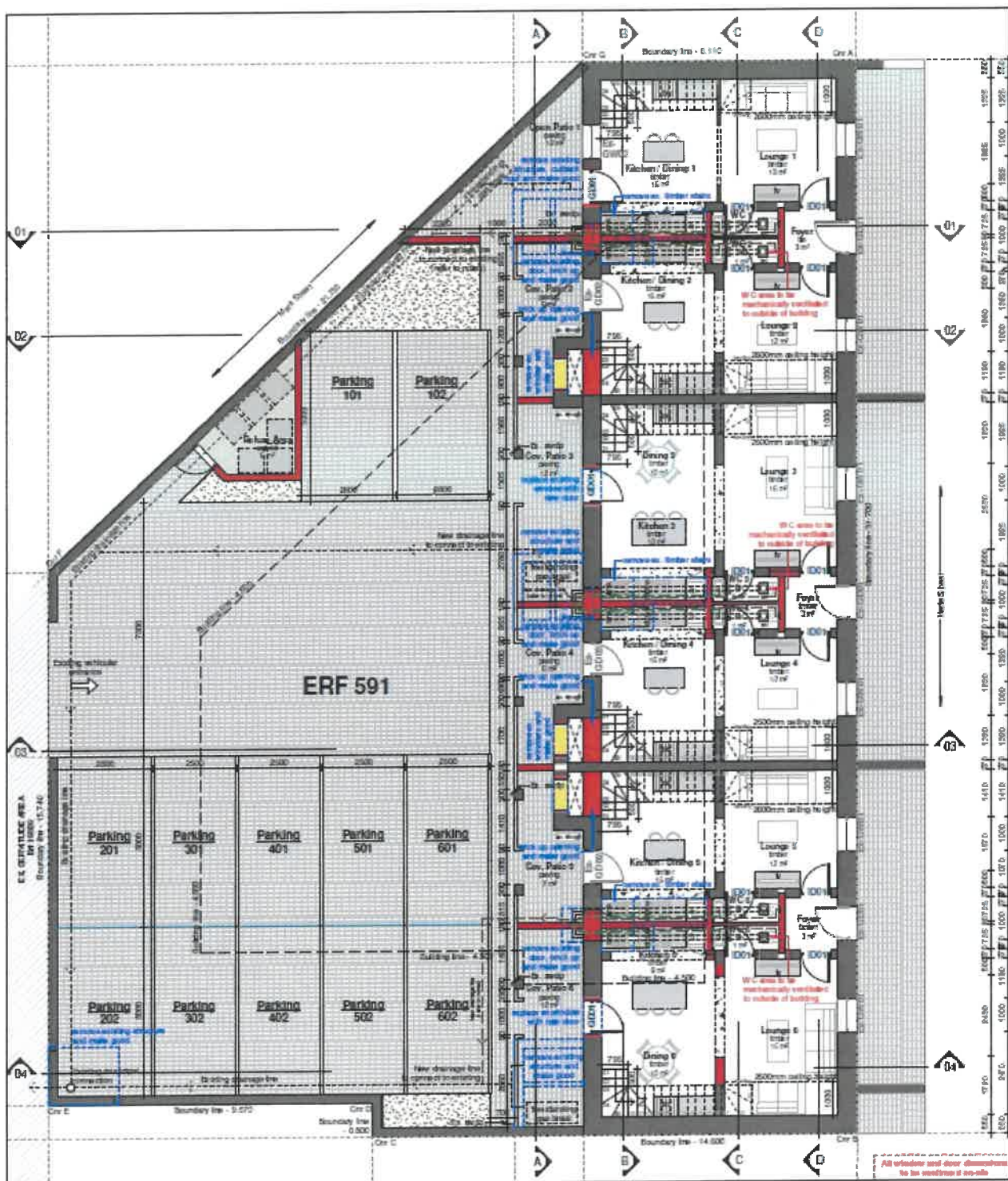
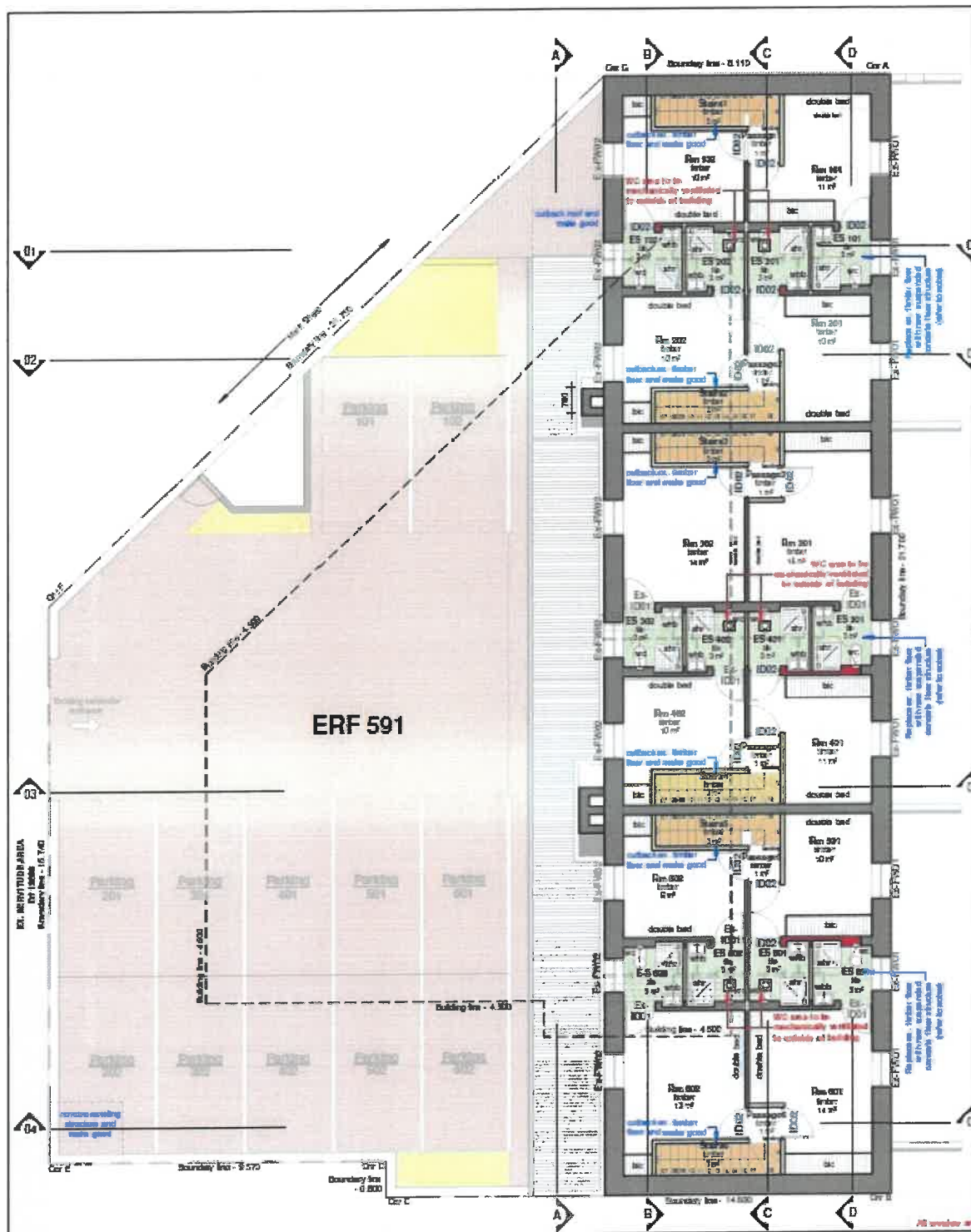


Figure 5 Proposed Ground Floor



The proposal includes minor internal alterations to allow for a dining area, kitchen, lounge and bathroom on the ground floor and two bedrooms with en-suite bathrooms on the first floor. The proposal is thus for 6 x 2-bedroom apartments. It is important to note, as mentioned before, that flats are allowed under mixed-use as a primary right, however permission is required as the flats will be on the ground floor.

The following table compares the land use development parameters and the compliance of the proposed development.

Land Use Parameters (offices)	Mixed-Use Zone	Proposed Development	Compliance/ Application Required
Street Building Line (BL)	4.5m	0m (northern boundary) 0m (eastern boundary)	Departure Departure
Common Boundary BL	4.5m	0m (southern boundary)	Departure
Max Coverage	85%	49.8%	Complies
Max Height	6 Storeys	2 storeys	Complies
Parking	1.5 bays per unit (9 required)	7 bays (plus 5 tandem bays)	Departure

Table 2 Compliance with Development Parameters

Regarding **parking** on the application site, there are 7 existing parking bays and 5 tandem bays for a total of 12 parking bays. However, a tandem bay (2 bays) are only counted as one. It is important to mention, that even with the requested parking departure, each unit would have two parking bays as can be seen in Figure 7.

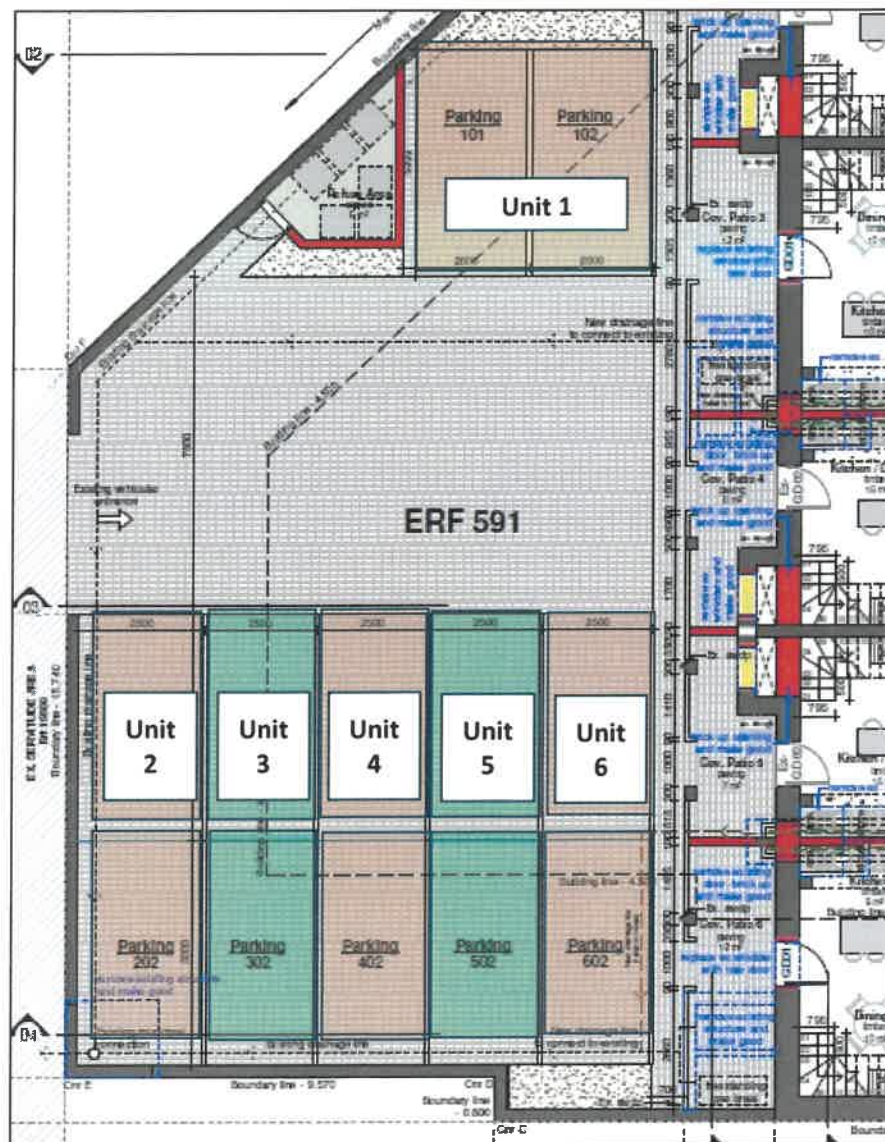


Figure 7 Parking Layout Example for 2 Parking Bays per Flat

3.2 Availability of Services and Impact on Traffic

The impact of the proposed use on external engineering services is expected to be minimal (if any). The existing infrastructure, including water supply, sewage systems, and electricity, is sufficient to accommodate the additional demand generated by the utilisation of the existing offices as flats. Given the nature of the proposal, which involves the reuse of an existing building rather than new construction, the strain on existing services and traffic will be limited.

4. MOTIVATION

4.1 Stellenbosch Municipality Land Use By-Law (2023)

As set out in Section 65(1) of the By-law, certain criteria needs to be met in consideration of an application by the decision-making authorities. In line with this section, Table 3, below, sets out the criteria and assesses the application accordingly:

Section 65(1) Criteria	Assessment of Proposal
a. Application submitted in terms of the By-law.	The application is submitted in terms of Sections 15(2)(b) (and (g) of the By-law.
b. Procedure followed in processing the application.	To be decided by Municipality.
c. Desirability of land use	<p>The application for departures and permission on Erf 591, Stellenbosch is considered to be desirable. The reasons for the desirability of the applications may be summarized as follows:</p> <ul style="list-style-type: none">– The proposed application will not negatively impact the area's character. The application site is located in Stellenbosch Central where there is a need for more centrally located housing opportunities.– The property's location offers an excellent opportunity for infill development, optimizing the use of space and services in central Stellenbosch.– There is a safety concern in the area as the existing offices are empty during the evening which results in a "dead space" during the night with no passive or active observation. This corner is notorious for break-ins, muggings (especially in the evenings) and homeless people sleeping on the property in the evenings. The proposed conversion to flats will substantially increase safety and surveillance.– The application site is conveniently situated within walking distance of Stellenbosch's central business district, including Eikestad Mall, Paul Roos, and Bloemhof schools.– The minor increase in traffic due to the proposed application will have an insignificant impact on the external road network.

d. Comment in response to public participation.	The application to be advertised in accordance with the Stellenbosch Municipality's requirements.
e. Applicants' response to comments received.	To be submitted as part of the Portfolio of Evidence upon conclusion of the Public Participation Process.
f. Investigations in terms of other laws.	Not Applicable.
g. Written assessment by planner.	To be done by the Stellenbosch Municipality.

Table 3 Assessment of Application in terms of Section 65 (1) of the By-Law

4.2 Land Use Planning Act (2014)

Section 59 of the Land Use Planning Act, 2014 (hereafter referred to as 'LUPA') sets out the land use planning principles for the Western Cape. The following is an assessment of the application against these principles:

SPLUMA Principles	Compliance of Proposed Application
Spatial Justice	The proposal enhances access to housing in a well-located area, contributing to inclusivity and a more diverse urban fabric.
Spatial Sustainability	The proposal optimizes existing urban land by providing residential units in a central, mixed-use area, reducing urban sprawl and promoting efficient land use.
Efficiency	The development utilizes existing infrastructure and services, making efficient use of resources while adapting an underutilized office space.
Good Administration	The proposal follows planning regulations and municipal procedures, ensuring transparent decision-making and compliance with land use policies.
Spatial Resilience	By allowing flexible land use adaptation, the conversion supports economic and social resilience, ensuring long-term viability.

Table 4 Assessment of Application in terms of Section 59 of LUPA

4.3 Consistency with the Applicable Spatial Development Frameworks

4.3.1 Western Cape Provincial Spatial Development Framework, 2014

The Western Cape Spatial Development Framework (hereafter referred to as 'the PSDF') identifies 3 resource management objectives.

- I. Protect biodiversity and agricultural resources.
- II. Minimize the consumption of scarce environmental resources, particularly water, fuel, and land – in the latter case especially pristine and other rural land, which is the Western Cape's 'goldmine-above-the ground' (i.e., a non-renewable resource).
- III. Conserve and strengthen the sense of place of important natural, cultural and productive landscapes, artefacts and buildings.

The proposal complies with these objectives through being a brownfield development that will consist only of minor internal alterations to an existing structure, to allow this existing structure to be used as flats on the ground floor. Thus, relieving pressure for expansion outside of the urban core.

By utilizing existing infrastructure thus reducing the need to develop in areas of high rural and cultural importance. And by strengthening the urban centre of Stellenbosch and having no negative effect on the sense of place of the area.

4.3.2 The Stellenbosch Municipality Integrated Development Plan, 2022

The current Stellenbosch Integrated Development Plan (hereafter referred to as “the IDP”), approved in May 2022, provides the detailed development plans for the Stellenbosch Municipal Area, over the short term (2022-2027) and long term; as well as reviewing some of the challenges and opportunities experienced by the municipality.

Overall, the IDP prioritises the densification of existing urban areas, by “focusing development in low-density areas, infill, and brownfield land before considering greenfield sites.” Given the low-density nature of the application site in combination with its ideal location near the town centre, the area is well-aligned with the IDP strategy of densifying brownfield sites.

As this site is a brownfield site and the proposed application will use an existing structure, the development is within the scope of the IDP.

4.3.3 The Stellenbosch Municipality Spatial Development Framework, 2023

The Stellenbosch Municipality Spatial Development Framework, 2019 (hereafter referred to as “the SDF”) regulates the concept of spatial development and management of Stellenbosch Municipality.

The SDF calls for infill development in Stellenbosch Central. The proposed application will utilise an existing structure with minor internal alterations within the urban edge to be used as flats.

5. CONCLUSION

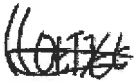
The approval of this application is argued to be favourable, considering the nature of this application, the applicable policies and frameworks of the Stellenbosch Municipality and the legislation in terms of land use regulation. It is therefore respectfully requested that the following applications be considered for approval:

Application in terms of Sections 15(b) and (g) of the By-Law to allow for the following on Erf 591 Stellenbosch:

- i. In terms of Section 15(2)(b) a permanent **parking departure** to allow for 7 parking bays (plus 5 tandem bays) in lieu of 9 parking bays
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 - c. The flats on the ground and first floor to be set back 0m in lieu of 4.5m on the *southern common* boundary
- iii. In terms of Section 15(2)(g) **permission** to allow for ground floor to be used as flats

Report compiled by:

Carlien Coetzee (C/9982/2024)



Reviewed by:

Marika Bolz (Director)



for Arch Town Planners (Pty) Ltd

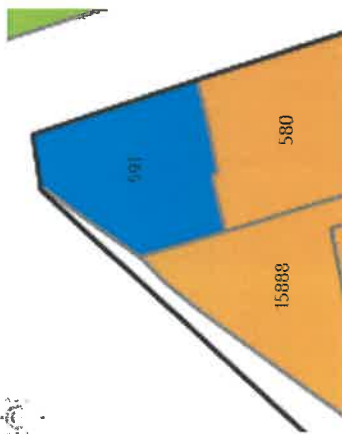
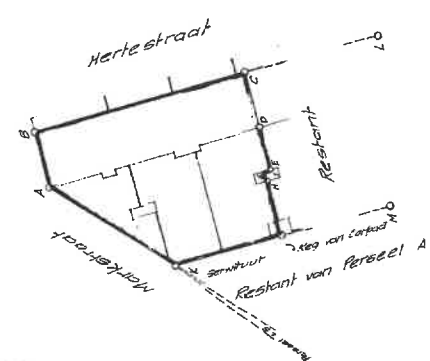
March 2024

Municipal Accounts Section

Project Date 05/07/2020	Designed by D.J.	Drawn by G.A. I.N.A.
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Municipal Approval Stamp



Zoning Scheme 2018

-  Multi-unit Residential Zone
-  Mixed Use Zone
-  Public Open Space Zone
-  Public Roads and Parking Zone

Zoning Plan
Scale NTS

3G Diagram

DISCLAIMER: The architect, engineer, and contractor shall be responsible for the design and construction of the building and shall be liable for any errors or omissions in the drawings and specifications. The architect, engineer, and contractor shall not be responsible for any errors or omissions in the drawings and specifications that are caused by the client's failure to provide accurate information or for any errors or omissions that are caused by the client's failure to follow the instructions of the architect, engineer, and contractor. The architect, engineer, and contractor shall not be responsible for any errors or omissions in the drawings and specifications that are caused by the client's failure to provide accurate information or for any errors or omissions that are caused by the client's failure to follow the instructions of the architect, engineer, and contractor.

H3 - Domestic Residence

Municipal Approval Stamp

H3 - Domestic Residence
RED ATLANTIC
architecture

REINER VAN JAARSVELD
ARCHITECT
1000 WILLOW AVE
SUITE 100
SCARBOROUGH, ONTARIO M1V 1Y7
416-291-1111

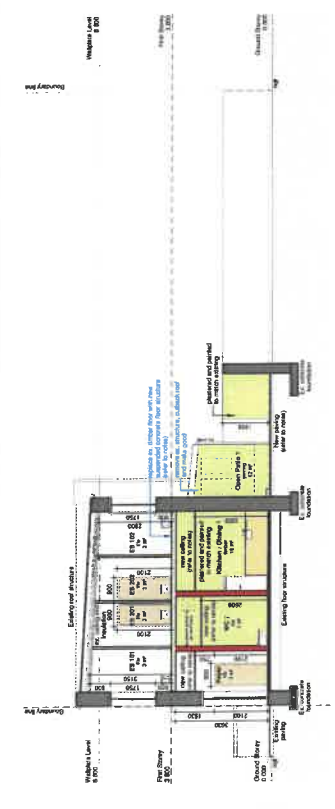
Lindenberg Trust / Fynbos Trust

Property description
Erf 591, Hertz Street,
Stellenbosch

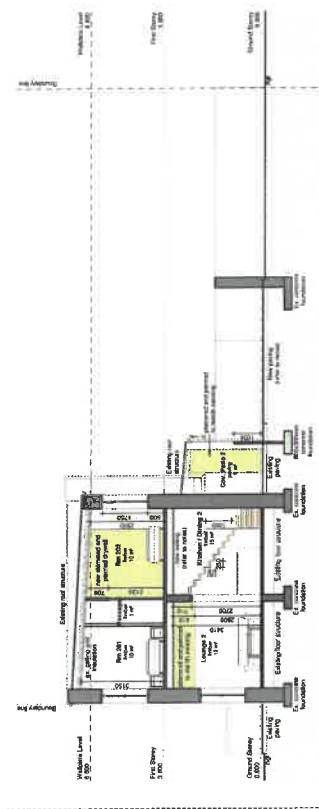
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Internal and external renovations to existing structure,
and change of use within the Zoning Regulations.

Sheet description

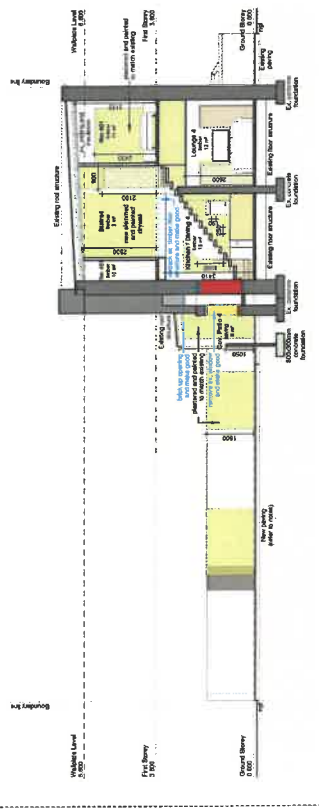
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Project Date	Designed by	Drawn by
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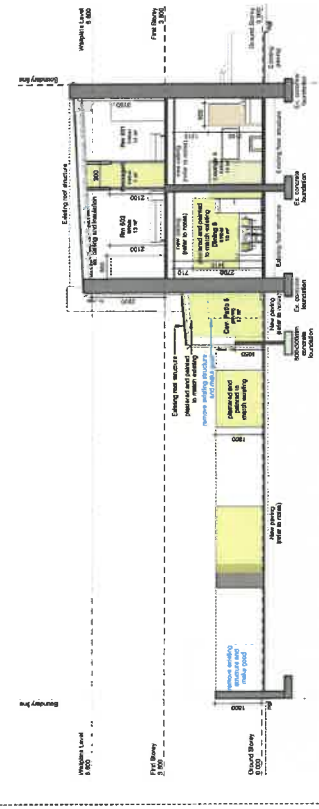
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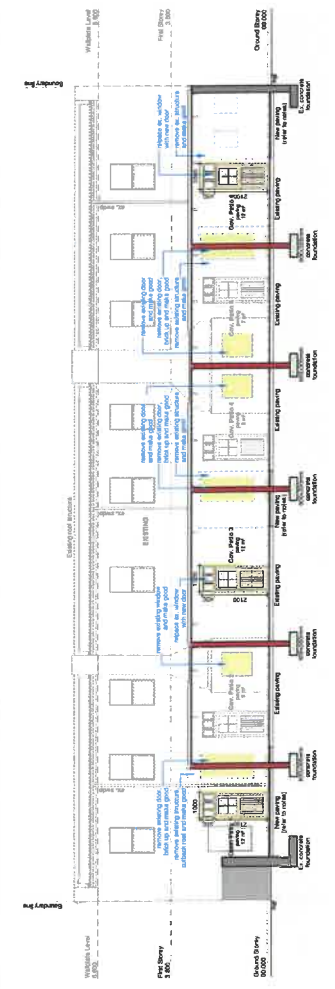
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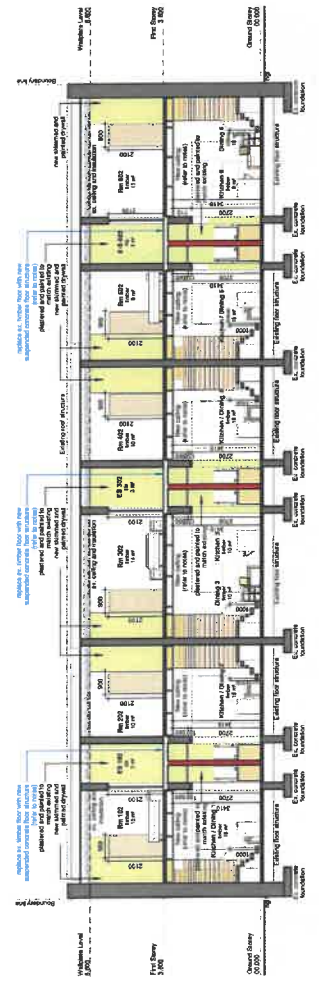
Section D3
Scale 1:100



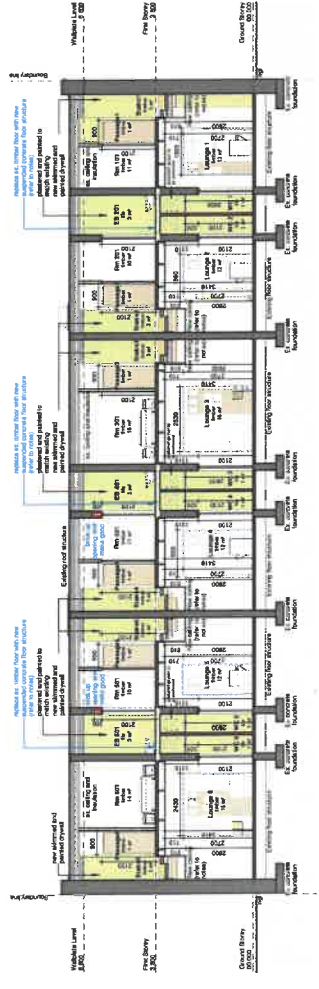
Section D4
Scale 1:100



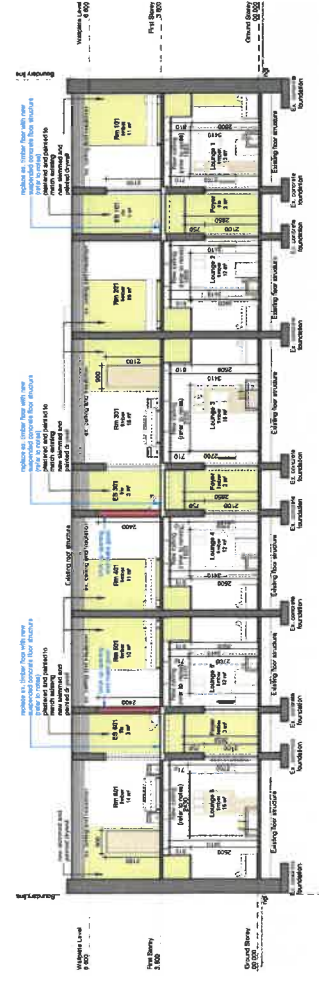
Section A
Scale 1:100



Section B
Scale 1:100

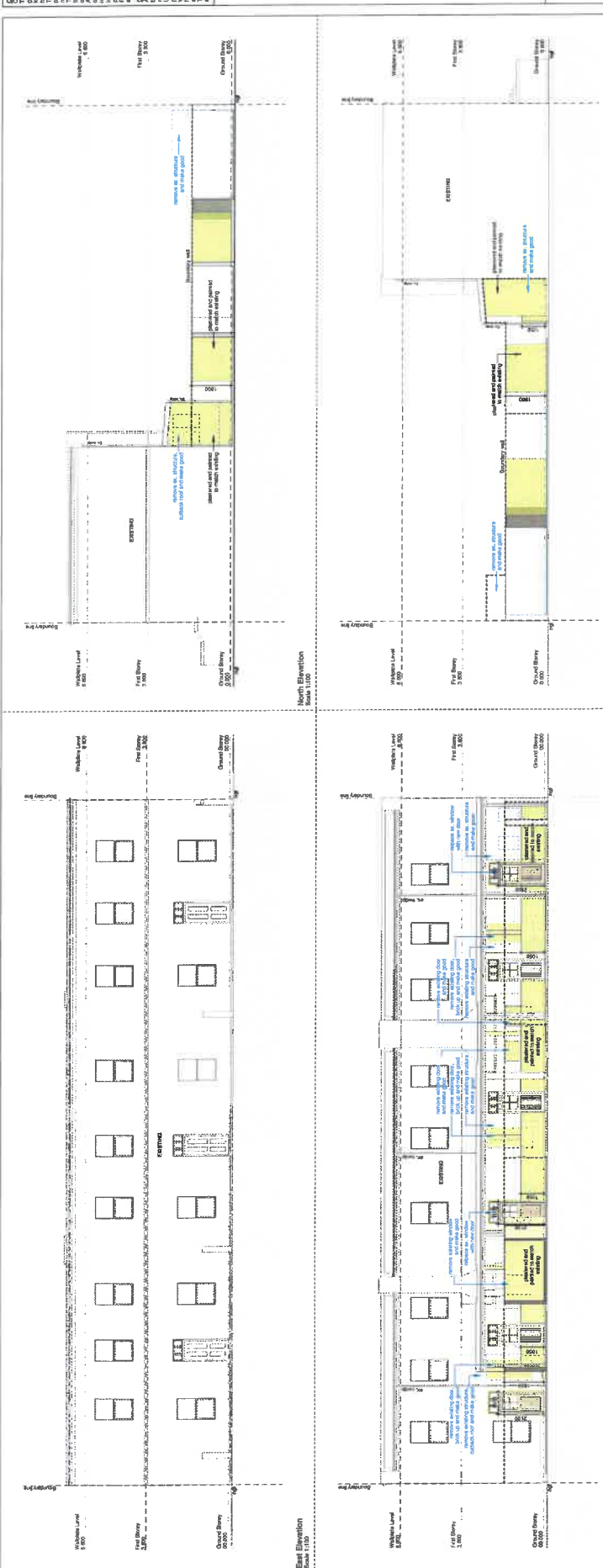


Section C
Scale 1:100



Section D
Scale 1:100

GENERAL NOTES:
1. The owner is responsible for obtaining all necessary permits and approvals from the relevant authorities.
2. The architect is responsible for the design and construction of the building in accordance with the approved plans and specifications.
3. The contractor is responsible for the construction of the building in accordance with the approved plans and specifications.
4. The owner is responsible for the payment of all costs associated with the project.
5. The architect is responsible for the design and construction of the building in accordance with the approved plans and specifications.
6. The contractor is responsible for the construction of the building in accordance with the approved plans and specifications.
7. The owner is responsible for the payment of all costs associated with the project.



RED ATLANTIC architecture
REINER VAN JAARSVELD
Lindenberg Trust / Fynbos Trust
Project description
Erst 591, Herk Street, Stellenbosch

DOOR & WINDOW					Scale: 1:100				
Door & Window	Frame	Material	Finish	Notes	Door & Window	Frame	Material	Finish	Notes
1.									