

NOTICE OF LAND DEVELOPMENT APPLICATION

APPLICATION FOR THE REMOVAL OF RESTRICTIVE CONDITIONS AND CANCELLATION OF RIGHT OF WAY SERVITUDE OVER ERVEN 2898, 9537 AND 9538, IDASVALLEI, STELLENBOSCH

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

Application Property Address: 42 Rustenburg Road, 50 Rustenburg Road and 45 Luckhoff Street, Idasvallei, Stellenbosch

Application Property Number: Erven 2898, 9537 and 9538

Applicant: Friedlaender, Burger and Volkmann - M.B. Straughan, Tel: 021 886 4004, Email: mark@fbvsurvey.co.za

Owners: Fusion West (Pty) Ltd and PMEB Prop (Pty) Ltd

Application Reference: TP1563/2026

Description of land development proposal:

Application has been made in terms of section 15(2)(f) of the Stellenbosch Municipal Land Use Planning Bylaw, 2023 for the removal of restrictive title deed conditions 1B and 2B of the Title Deed No. T3848/2025 and conditions 1B and 2B of Title Deed No. T19993/1990, and the cancellation of the right of way servitude over Erven 2898, 9537 and 9538, 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: Friedlaender, Burger and Volkmann - M.B. Straughan, mark@fbvsurvey.co.za and charne@fbvsurvey.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 **15 June 2026**.

The Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/objections 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 021 886 4004 during normal office hours.

Yours faithfully

Mark Straughan

KENNISGEWING VAN GRONDONTWIKKELINGS AANSOEK

AANSOEK OM DIE OPHEFFING VAN BEPERKENDE VOORWAARDES EN KANSELLASIE VAN REG VAN WEG SERWITUUT OOR ERWE 2898, 9537 EN 9538, IDASVALLEI, STELLENBOSCH

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

Adres van aansoek eiendom: 42 Rustenburgweg, 50 Rustenburgweg en 45 Luckhoffstraat, Idasvallei, Stellenbosch

Aansoek eiendom beskrywing: Erwe 2898, 9537 en 9538, Stellenbosch

Aansoeker: Friedlaender, Burger en Volkmann - M.B. Straughan, Tel: 021 886 4004, E-pos: mark@fbvsurvey.co.za

Eienaar: Fusion West (Edms.) Bpk. en PMEB Prop (Edms.) Bpk.

Aansoek Verwysing: TP1563/2026

Besonderhede van die grondgebruiksaansoek:

Aansoek word gedoen ingevolge Artikel 15(2)(f) van die Stellenbosch Munisipale Verordening op Grondgebruikbeplanning, 2023, vir die opheffing van beperkende titelaktevoorwaardes 1B en 2B van Titelakte Nr. T3848/2025 en voorwaardes 1B en 2B van Titelakte Nr. T19993/1990, asook die kansellasië van die reg van weg serwituut oor Erwe 2898, 9537 en 9538, Stellenbosch.

Kennis word hiermee gegee in terme van die voorskrifte 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, 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 ingevolge 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: Friedlaender, Burger en Volkmann - M.B. Straughan, mark@fbvsurvey.co.za en charne@fbvsurvey.co.za. Deur 'n beswaar, kommentaar of verhoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **15 Junie 2026**.

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

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by 021 886 4004 gedurende normale kantoorure.

Die uwe

Mark Straughan

MOTIVATION REPORT

REMOVAL OF RESTRICTIVE CONDITIONS AND CANCELLATION OF RIGHT-OF-WAY SERVITUDES

**ERVEN 2898, 9537 AND 9538, IDASVALLEI, STELLENBOSCH,
WESTERN CAPE PROVINCE**

Prepared by

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1 Summary of proposal

Item	Description
Properties	Erf 2898, Erf 9537 & Erf 9538, Idasvallei, Stellenbosch
Physical Address	39 & 45 Luckhoff Street; 46 Rustenburg Road
Owners	Fusion West (Pty) Ltd (Erf 2898 & 9538) P M E B Prop (Pty) Ltd (Erf 9537)
Title Deeds	T3848/2025 (Erf 2898 & 9538) T19993/1990 (Erf 9537)
Extents	1689 m ² , 1634 m ² , 1634 m ²
Current Zoning	Mixed Use (Erf 2898) Multi-Unit Residential (Erf 9537 & 9538)
Restrictive Conditions	2,5m right-of-way servitudes
Proposal	Removal of subdivision approval condition (1988) and cancellation of servitudes
Change in land use	None
Rezoning	None

2 List of Annexures

Annexure	Description
A	Locality plan
B1	Servitude Plan
B2	Servitude Plan (Aerial Imagery)
C	Proof of Registered Ownership (Title Deeds & WinDeed Reports)
D	Conveyancer's Certificates
E	Power of Attorney
F	28 March 1988 Subdivision Approval & Sketch Plan
G	Building Development Management Correspondence

3 Background

Friedlaender, Burger and Volkmann are appointed to apply in terms of Section 15(2)(f) of the Stellenbosch Municipality: By-law on Municipal Land Use Planning for the removal of restrictive conditions and cancellation of existing right-of-way servitudes over Erven 2898, 9537 and 9538.

The servitudes originated from a subdivision approval dated 28 March 1988 (Annexure F). The intended development for which the servitude was created did not materialise.

In correspondence from the Building Development Management Office (Annexure G), the Municipality confirmed that the cancellation of the servitudes is required as part of the revised building plan approval process and must be finalised prior to issuing the Section 14 Certificate of Occupancy.

Please refer to the locality plan included as Annexure A.

4 Applications

Application is made in terms of Section 15(2)(f) of the Stellenbosch Municipality: By-law on Municipal Land Use Planning (SPBL) for the Removal, suspension or amendment of restrictive conditions in respect of a land unit. Proposed plan (Annexure B).

The application seeks:

- Removal of the subdivision condition dated 28 March 1988; and
- Cancellation of the registered 2,5 metre wide right-of-way servitudes over Erven 2898, 9537 and 9538.

5 Authority to apply

Erf 2898 and Erf 9538 are registered in the name of Fusion West (Pty) Ltd.

Erf 9537 is registered in the name of PMEB Prop (Pty) Ltd.

Title deeds are attached as Annexure C.

Power of Attorney authorising Friedlaender, Burger and Volkmann to act on behalf of the registered owners is attached as Annexure E.

6 Restrictive title deed conditions

The title deeds contain right-of-way servitudes created pursuant to the 1988 subdivision approval.

The application seeks removal of these restrictive conditions.

A Conveyancer's Certificate confirming the relevant conditions is attached as Annexure D.

7 The properties

7.1 Locality

The properties are situated within the established residential area of Idasvallei, Stellenbosch, bounded by Rustenberg Road, Protea Street and Luckhoff Street.

7.2 Current use and zoning

- Erf 2898 – Zoned Mixed Use
- Erven 9537 & 9538 – Zoned Multi-Unit Residential

The properties are developed with dwelling houses and flats, some of which are under construction.

No land use change is proposed.

7.3 Extent

The individual extents of the properties are as follows:

- Erf 2898 – 1689 m²
- Erf 9537 – 1634 m²
- Erf 9538 – 1634 m²

7.4 Access

All erven have direct access to adjoining public streets:

- Rustenberg Road
- Protea Street
- Luckhoff Street

The right-of-way servitude is no longer required to secure access.

7.5 Services

The properties are fully serviced and located within the urban edge.

The cancellation of the servitude will not affect municipal infrastructure.

8 Reason for the proposal

The servitude was intended to provide access to a proposed development in 1988. That development did not materialise.

All erven now have direct access to public streets and the servitude serves no planning purpose.

The Municipality has further required that the servitude cancellation be finalised prior to issuing the Section 14 Certificate of Occupancy.

9 Policy

9.1 Western Cape Government: Provincial Spatial Development Framework, 2014 (PSDF)

The properties fall within the urban edge. The proposal does not introduce additional development or land use change.

No conflict with the PSDF.

9.2 Stellenbosch Local Municipality: Spatial Development Framework, 2023 (MSDF)

The proposal:

- Does not intensify land use
- Does not alter zoning
- Does not affect spatial structure

It is administrative in nature.

The application is therefore consistent with the Municipal Spatial Development Framework

9.3 Stellenbosch Local Municipality: Zoning scheme By-law, 2019

No rezoning or departure is required

10 Legislation

10.1 Spatial Planning and Land Use Management Act, 2013 (SPLUMA)

The application is not in conflict with the SPLUMA development principles.

10.2 Western Cape Land Use Planning Act, 2014 (LUPA)

The proposal is not in conflict with the LUPA development principles.

11 Motivation

The existing right-of-way servitudes have become redundant and no longer serve the purpose for which they were originally created. The servitudes were imposed as part of the 1988 subdivision approval to provide access to a proposed development which was never implemented. All affected erven presently enjoy direct access to adjoining public streets, and the continued existence of the servitudes is therefore unnecessary for access or operational purposes.

The cancellation of the servitudes will not prejudice any landowner, will not impact municipal engineering services, and will not affect surrounding properties. Furthermore, the Municipality has expressly required that the servitudes be cancelled as part of the building plan regularisation process and prior to the issuing of the Section 14 Certificate of Occupancy. The application is therefore administrative in nature and compliance-driven, intended to regularise title conditions in line with the current approved development and existing access arrangements.

12 Decision making criteria in terms of the Stellenbosch Municipality: By-law on Municipal Land Use Planning, 2023 (SPBL)

Section 65 of the SPBL defines decision making criteria which must be applied by the Municipality in deciding the application.

The criteria, to the extent that they affect this submission, are addressed below.

a) the application submitted in terms of this By-law;	Yes
b) the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses and which relevant desirability considerations for the assessment of the proposed use or development of land includes the -	See i to vii below
i. socio-economic impact;	No negative socio-economic impact has been identified
i. compatibility with surrounding uses;	compatible – no change in use or zoning
ii. impact on the external engineering services;	None
iii. impact on safety, health and wellbeing of the surrounding community;	No negative impact identified
iv. impact on heritage;	None
v. impact on the biophysical environment;	None

vi. traffic impacts, parking, access and other transport related considerations; and	None
vii. whether the imposition of conditions can mitigate an adverse impact of the proposed use or development of land.	No conditions necessary
c) the impact of the proposed land development on municipal engineering services;	None
d) the integrated development plan, including the municipal spatial development framework;	Not in conflict with IDP and MSDF
e) the integrated development plan of the district municipality, including its spatial development framework, where applicable;	Not in conflict
f) the applicable local spatial development frameworks adopted by the Municipality;	Not in conflict with any local SDFs
g) the applicable structure plans;	n/a
h) the applicable policies of the Municipality that guide decision making;	No conflict
i) the provincial spatial development framework;	Not in conflict with the PSDF
j) where applicable, a regional spatial development framework contemplated in section 18 of the Spatial Planning and Land Use Management Act and provincial regional spatial development framework;	n/a
k) the policies, principles and the planning and development norms and criteria set by the national and provincial government;	No conflict
l) the matters referred to in section 42 of the Spatial Planning and Land Use Management Act;	Complied
m) the principles referred to in Chapter VI of the Land Use Planning Act;	Not in conflict with LUPA principles
n) the applicable provisions of the zoning scheme;	No change in use and zoning and not in conflict with zoning scheme
o) any restrictive condition applicable to the land concerned; and	No restrictive conditions
p) the impact of the proposed land development on any heritage resources as defined in the National Heritage Resources Act, 1999 (Act 25 of 1999).	No impact on heritage resources

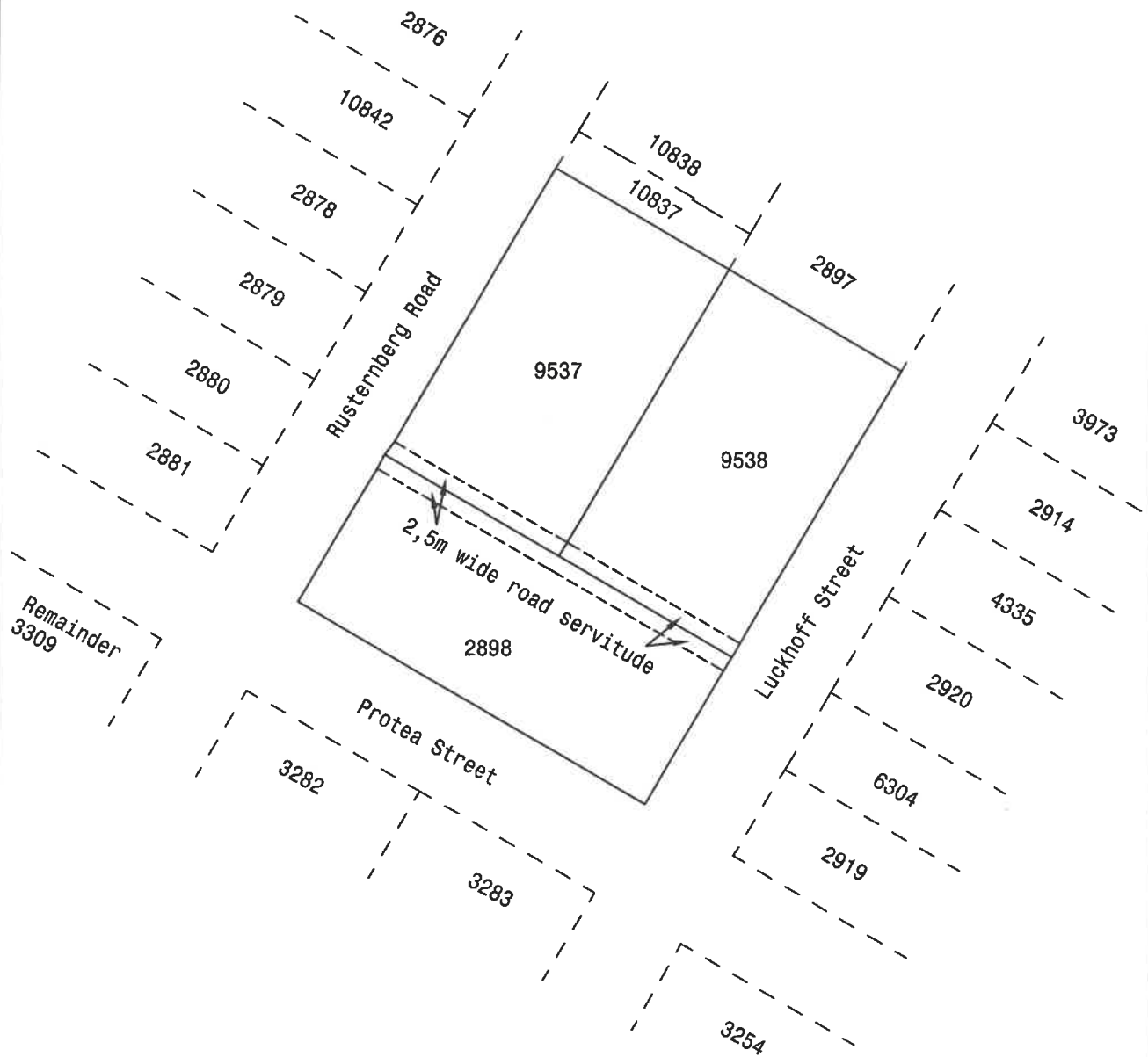
13 Conclusion

The proposed removal of restrictive conditions and cancellation of the right-of-way servitudes over Erven 2898, 9537 and 9538 is justified.

The servitudes are obsolete, unnecessary for access, and their cancellation is required as part of the building plan approval process.

The proposal does not introduce new land use rights, does not increase development intensity, and does not negatively impact surrounding properties or municipal services.

No grounds for refusal are apparent. No reasons for refusal of the application are apparent.



Notes

1.



Scale 1:1000@A4	Date:20 February 2026	Contours:n/a	System: WG 19
Cancellation of servitudes over Remainder Erf 2898, and Erven 9537 and 9538 Stellenbosch		<div></div> <div>friedlaender, burger & volkmann</div> <div>PROFESSIONAL LAND SURVEYORS SECTIONAL TITLE CONSULTANTS MAPING CONSULTANTS</div> <div>39 Herts Road, Stellenbosch, 7600 • PO Box 154, Stellenbosch, 7600</div> <div>Tel +27 21 885 4004 • Email info@fbv.co.za</div>	
Ref:ERF2898	Dwg:Servitude layout.dwg		



Notes

Caveat

1. Any areas and dimensions are provisional and will be finalised at time of subdivision survey.
2. All levels are to be confirmed prior to construction.



Scale 1:1000@A4

Date:20 February 2026

Contours:n/a

System: WG 19

Cancellation of servitudes over
Remainder Erf 2898, and Erven 9537 and
9538 Stellenbosch

Ref:ERF2898

Dwg:Servitude layout.dwg

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