STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: TP1563/2026
Our File Reference Number: Erven 2898, 9537 & 9538, Stellenbosch
Your Reference Number:
Enquiries: Ulrich von Molendorff
Contact No: 021 – 808 8682
Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: [redacted]

Sir/Madam

APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS ON ERVEN 2898, 9537 & 9538, STELLENBOSCH

1. The above application refers.

2. The duly authorised decision maker has decided on the above application as follows:

   2.1 That the application in terms of Section 15(2)(f) of the Stellenbosch Municipal Land Use Planning By-Law, 2023, for the **removal of restrictive title deed conditions** 1B & 2B of Title Deed Nr. 3848/2025 and condition 1B & 2B of Title Deed Nr. 19993/90 for the cancellation of the right-of-way servitudes over Erven 2898, 9537 and 9538, Stellenbosch.

BE APPROVED in terms of Section 60 of the said By-law and subject to conditions of approval.

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

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

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

3.3 The removal of the right-of-way servitude shall not affect any existing municipal service servitudes, infrastructure of associated rights registered over the affected properties, which shall remain unaffected.

3.4 The removal of restrictive title deed condition does not confer any additional land use, development, building or access rights beyond those permitted in terms of the applicable zoning scheme and other applicable legislation.

4. The **reasons** for the above decision are as follows:

4.1 The restrictive conditions and right-of-way servitudes have become obsolete and no longer serve their original purpose.

4.2 The proposal is considered consistent with the existing development and access arrangements, does not adversely affect municipal services or surrounding properties, and is supported by the relevant municipal engineering department.

4.3 The application is viewed as a regularization of an outdated title condition, rather than a proposal that created new development rights or introduces additional planning impacts.

4.4 The removal of the restrictive title deed conditions applicable of the subject property is not anticipated to have a negative impact on the residential character or integrity of the surrounding area, as it is consistent with the prevailing character of the locality.

5. **Matters to be noted:**

5.1 The applicant, after publication of a notice in the Provincial Gazette to apply to the Registrar of Deeds to make appropriate entries, and endorsements on, any relevant register of title deed to reflect the removal, suspension or amendment of the restrictive conditions.

6. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

7. Appeals must be submitted by completing the required form with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law.

8. **Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of e-mail at the following address: landuse.appeals@stellenbosch.gov.za**

9. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.

10. The appeal form and approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at landuse.appeals@stellenbosch.gov.za or 021- 808 8684.

11. An applicant who lodges an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:

    (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
    (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
    (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
    (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.

12. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

13. Kindly note the above decision in the case of any approval, is suspended, and may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

21/10/2026
DATE

ANNEXURE B

APPLICATION FOR A REMOVAL OF THE RESTRICTIVE TITLE DEED CONDITIONS AND THE CANCELLATION OF THE SERVITUDE RIGHT OF WAY: ERF 2898, ERF 9537 AND ERF 9538, IDAS VALLEY, STELLENBOSCH

DIAGRAM



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.

TN

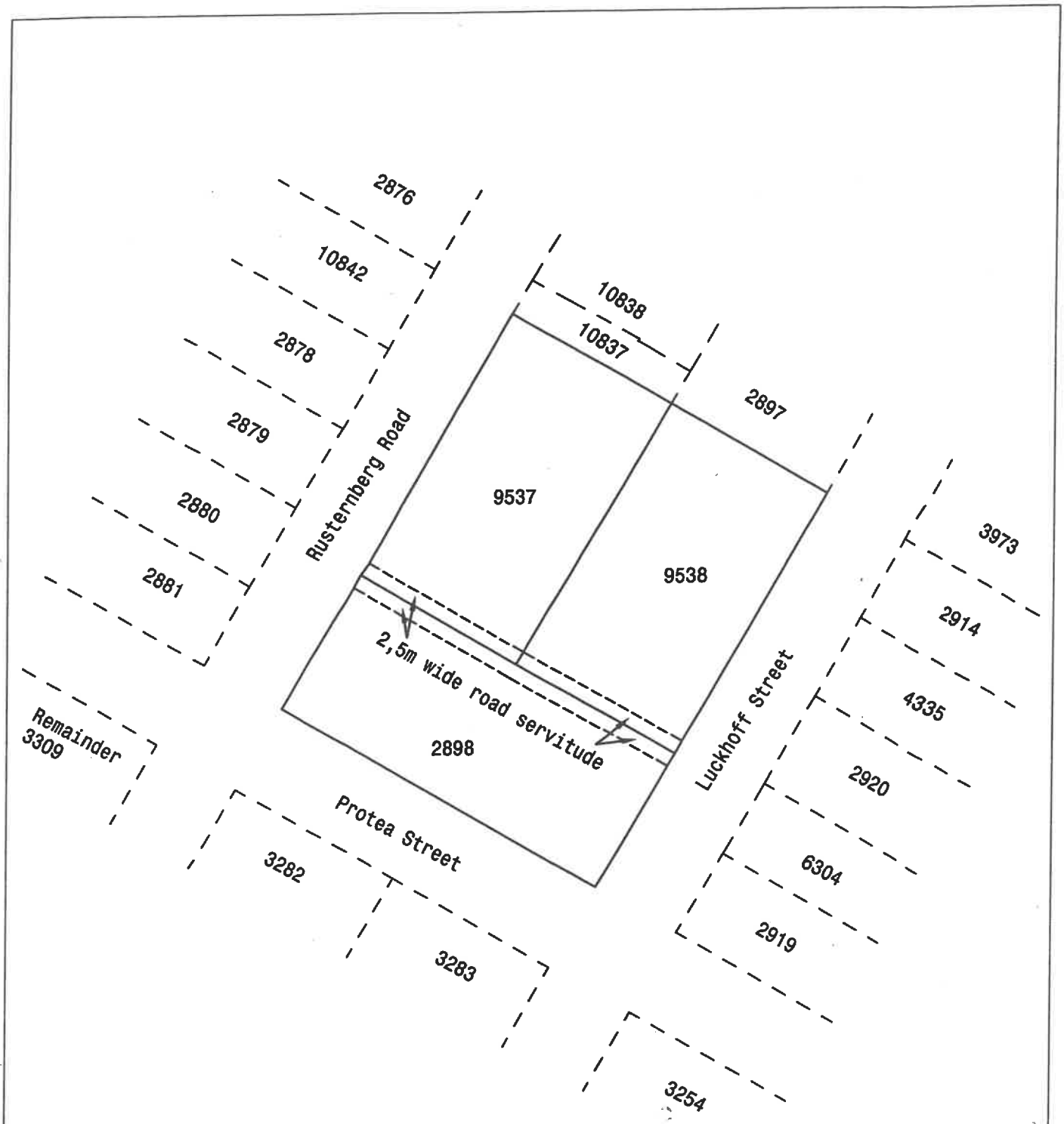
Scale 1:1000@A4	Date:20 February 2026	Contours:n/a	System: WG 19

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

Ref:ERF2898	Dwg:Servitude layout.dwg

fbv

[redacted]



Notes	
1.	TN

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	[redacted]
Ref:ERF2898 — Dwg:Servitude layout.dwg	

ANNEXURE C

APPLICATION FOR A REMOVAL OF THE RESTRICTIVE TITLE DEED CONDITIONS AND THE CANCELLATION OF THE SERVITUDE RIGHT OF WAY: ERF 2898, ERF 9537 AND ERF 9538, IDAS VALLEY, STELLENBOSCH

COPY OF TITLE DEEDS

63

Herold Gie Attorneys
Wembley 3
80 McKenzie Street
Cape Town
8001

Prepared by me

CONVEYANCER
RICHARD JAMES SOMERSET MOFFAT
(LPCM No: 81550)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 6 325 000,00	R. 3092,00
Reason for exemption	Category Exemption.....	Exemption i t o. Sec/Reg..... Act/Proc.....

DATA / CAPTURE
0 ✓ -02- 2025
ELIZABETH VAN TONDER

DATA / CAPTURE
[illegible] 2025

T 000003848 / 2025

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

RICHARD JAMES SOMERSET MOFFAT
LPCM No: 81550

appeared before me, REGISTRAR OF DEEDS: WESTERN CAPE at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him/her by

P.M.E.B. PROPERTIES (PROPRIETARY) LIMITED
Registration Number 1990/000167/07

which said Power of Attorney was signed at CAPE TOWN on 25 NOVEMBER 2024.

DATA / VERIFY
0 3 -02- 2025
NOLUVO MTYATYAMBA

Lexis® Convey 18.4.5.2

And the appearer declared that his/her said principal had, on 27 September 2024, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

FUSION NEST (PTY) LTD
Registration Number 2018/530812/07

or its Successors in Title or assigns, in full and free property

1. **REMAINDER ERF 2898 STELLENBOSCH, IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH, PROVINCE OF THE WESTERN CAPE;**

   IN EXTENT: 1 689 (ONE THOUSAND SIX HUNDRED AND EIGHTY NINE) SQUARE METRES

   FIRST TRANSFERRED by Deed of Transfer No. T11437/1926 with Diagram attached thereto and **HELD BY** Deed of Transfer No. T2705/1993.

   A. **SUBJECT** to the conditions referred to in Deeds of Transfer No's 1872 and 1873 both dated 25 March 1908.

   B. **SUBJECT FURTHER** to a servitude right of way in favour of the general public over the Remainder of Erf 2898 STELLENBOSCH, in extent: 1 689 (One Thousand Six Hundred and Eighty Nine) square metres, imposed by the Stellenbosch Municipality on the approval of the subdivision of Erf 2898 Stellenbosch, in extent: 4 957 (Four Thousand Nine Hundred and Fifty Seven) square metres as will appear from the figure EChj on Diagram S.G. No. 4236/1988 attached to Deed of Transfer No. T19993/1990.

   As contained in Deed of Transfer No. T1910/1988 dated 15 January 1988.

2. **ERF 9538 STELLENBOSCH, IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH, PROVINCE OF THE WESTERN CAPE;**

IN EXTENT: 1 634 (ONE THOUSAND SIX HUNDRED AND THIRTY FOUR) SQUARE METRES

FIRST TRANSFERRED and still **HELD BY** Deed of Transfer No. T19993/1990 with Diagram S.G. No. 4236/1988 relating thereto.

A. **SUBJECT** to the conditions referred to in Deeds of Transfer No's 1872 and 1873 both dated 25 March 1908.

B. **SUBJECT FURTHER** to a servitude right of way in favour of the general public over Erf 9538 STELLENBOSCH, in extent: 1 634 (One Thousand Six Hundred and Thirty Four) square metres, created and contained in Deed of Transfer No. T19993/1990, imposed by the Stellenbosch Municipality on the approval of the subdivision of Erf 2898 Stellenbosch, in extent: 4 957 (Four Thousand Nine Hundred and Fifty Seven) square metres and held by Deed of Transfer No. T1910/1988.

AS WILL APPEAR from the figure fgCD on Diagram S.G. No. 4236/1988 attached to Deed of Transfer No. T19993/1990.

For information only

WHEREFORE the said Appearer, renouncing all rights and title which the said

P.M.E.B. PROPERTIES (PROPRIETARY) LIMITED
Registration Number 1990/000167/07

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

FUSION NEST (PTY) LTD
Registration Number 2018/530812/07

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R6 325 000,00 (SIX MILLION THREE HUNDRED AND TWENTY FIVE THOUSAND RAND), including VAT at 15 %.

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS: WESTERN CAPE at CAPE TOWN on 30 JANUARY 2025

q.q.

In my presence

REGISTRAR OF DEEDS

① CONVEYANCER PRINT NAME ON TOP

2) Kathy that the description on Doc 3 ought to read RE 2898 Stellenbosch.

2016 -06- 24
EE 1179

I hereby certify that the description on Document 3 is to read Remainder Erf 2898, Stellenbosch

Conveyancer
Retief Fourie
LPCM 86753

for information only

VIR ENDOSSEMENTE KYK BLADSY
FOR ENDORSEMENTS SEE PAGE 5

117

Opgestel deur my
AKTEBESORGER
P O S MEAKER

T 19993/90

Transportakte

CLUVER EN MARKOTTER
PROKUREURS
STELLENBOSCH

HIERBY WORD BEKEND GEMAAK

DAT JAKOBUS WILHELM BASSON ~~JACOBUS ADRIAAN DE WAAL~~

Aktebesorger, voor my, Registrateur van Aktes in Kaapstad, verskyn het, behoorlik daartoe gemagtig deur 'n volmag geteken te STELLENBOSCH op die 14de dag van FEBRUARIE 1990 en aan hom verleen deur

DEBONAIRE ONTWIKKELINGS (EIENDOMS) BEPERK
NO 86 02660/07

EN die Komparant het verklaar dat sy voormelde Prinsipaal op 15 DESEMBER 1989 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

P.M.E.B. Properties (Proprietary) Limited
NO 90/00167/07

- GEKLEURDE GROEP -

sy Regverkrygendes

GEKLEURDE GROEP
COLOURED GROUP

1. ERF 9537 (Gedeelte van Erf 2898) STELLENBOSCH in die Munisipaliteit en Afdeling STELLENBOSCH

   GROOT: 1 634 (EENDUISEND SESHONDERD VIER EN DERTIG) vierkante meter

SOOS AANGEDUI op die aangehegte Kaart No 4235/88 en gehou kragtens Transportakte No T 1910/1988.

A. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportaktes Nrs 1872 en 1873 beide gedateer 25 Maart 1908.

B. ONDERHEWIG aan 'n serwituut reg van weg ten gunste van die algemene publiek oor ERF 9537 STELLENBOSCH, Groot: 1 634 (Eenduisend Seshonderd Vier en Dertig) vierkante meter, hiermee getransporteer; opgelê deur die Munisipaliteit Stellenbosch by die goedkeuring van die

onderverdeling van Erf 2898 Stellenbosch, Groot: 4 957 (Vierduisend Negehonderd Sewe en Vyftig) vierkante meter en gehou kragtens Transportakte No T 1910/1988.

SOOS AANGEDUI deur figuur efDA op Diagram LG No 4235/88 hierby aangeheg.

EN

2. ERF 9538 (Gedeelte van Erf 2898) STELLENBOSCH in die Munisipaliteit en Afdeling STELLENBOSCH

GROOT: 1 634 (EENDUISEND SESHONDERD VIER EN DERTIG) vierkante meter

GEKLEURDE GROEP
COLOURED GROUP

SOOS AANGEDUI op die aangehegte Kaart No 4236/88 en gehou kragtens Transportakte No T 1910/1988.

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B. ONDERHEWIG aan 'n serwituut reg van weg ten gunste van die algemene publiek oor ERF 9538 STELLENBOSCH, Groot: 1 634 (Eenduisend Seshonderd Vier en Dertig) vierkante meter, hiermee getransporteer; opgelê deur die Munisipaliteit Stellenbosch by die goedkeuring van die onderverdeling van Erf 2898 Stellenbosch, Groot: 4 957 (Vierduisend Negehonderd Sewe en Vyftig) vierkante meter en gehou kragtens Transportakte No T 1910/1988.

SOOS AANGEDUI deur figuur fgCD op Diagram LG No 4236/88 hierby aangeheg.

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

TRANSPORTGEWER

voorheen op genoemde eiendom gehad het en gevolglik ook erken dat die TRANSPORTGEWER geheel en al van die besit daarvan onthef is en nie meer daarop geregtig is nie, en dat, kragtens hierdie Akte bogenoemde TRANSPORTNEMER

sy Regverkrygendes

tans en voortaan daarop geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat; en ten slotte verklaar hy dat die volle koopsom ten bedrae van R490 000,00 (VIERHONDERD EN NEGENTIGDUISEND RAND) ten volle 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 Ampseel 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 9de

dag van die maand April

in die jaar van onse Heer Eenduisend Negehonderd en Negentig (1990)

q.q.

In my teenwoordigheid,

Registrateur van Aktes.

T 19993/1990.

VA 000000395/2025

Certified a true copy of the duplicate original filed of record in this Registry, issued to serve in place of the original thereof under the provisions of Deeds Regulation No 68(1)

Deeds Registry
Cape Town

ASST REGISTRAR OF DEEDS 2025-01-30

PAGE 2

GETRANSPORTEER AAN FUSION WEST (PTY) LTD. TRANSFERRED TO

RESTANT REMAINDER

T

2025-01-30

REGISTRATEUR/REGISTRAR

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

CONVEYANCER CERTIFICATE

To verify the restrictive conditions in a property's title deed, ensuring they don't hinder a proposed development or land use change

I/We Marnel Gouws

(conveyancer's name and surname)

Practising at: De Klerk & Van Gend Inc.

(firm and place of practice)

In respect of: Erf 2898 Stellenbosch
In the Municipality and Division of Stellenbosch
Western Cape Province

(full property description (erf / farm) as it appears 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. T3848/2025
2. T2705/1993
3. T1910/1988
4. T19993/1990
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)

I found that there <u>are</u> [ ] / <u>are not</u> [X]

restrictive title deed conditions, registered against all relevant properties listed above, that <u>prohibit</u> it from being utilised/developed for the following purposes *(Application detail will be elaborated on in the accompanying application)*

List applicable application(s):

.....

.....

.....

.....

A. IDENTIFY RESTRICTIVE TITLE CONDITIONS THAT REQUIRE A MANDATORY APPLICATION (if any)

Categories		Are there deed restrictions (indicate below)		Title Deed and Clause number of <u>affected restrictive conditions against proposed development on the property, which required a mandatory application to be submitted to this municipality.</u>	
				Title Deed No.	Clause Number
1.	Use of and	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	T38481/2025	B.
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 registered against such property (ies) prohibiting it from being utilised/developed for the purposes as elaborated in the accompanying application:

1.	Organ(s) of State that might have an interest in the restrictive condition. List specified state departments.	
2.	Persons whose rights or legitimate expectations will be affected by the removal/suspension/amendment of a restriction condition.	General public
3.	All persons mentioned in the deed for whose benefit the restrictive condition applies. If all properties in affected township, attach a copy of the approved general plan.	
4.	List properties or individuals affected by decision. Developer details (if still alive). Company details (if not deregistered).	

C. PROCESS BY WHICH RELEVANT CONDITIONS IN "A" ABOVE WILL BE ADDRESSED

Tick appropriate box

1.	Application for removal / suspension / amendment of restrictive condition in terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-Law	✓
2.	Notarial Deed of Cancellation (Submit Copy of Signed Agreement)	
3.	Action by way of court order (Submit Copy of the Court Order)	
4.	If Other, Please Specify:	

Signed at Bellville (Place) **on this** 18th (Day) February (Month) **of 20** 26

Full names and Surname: Marnel Gouws

Tel: 021 914 4020 **Email:** mgouws@dtvg.co.za

Signature: .....

MARNEL GOUWS
COMMISSIONER OF OATHS
PRACTISING ATTORNEY, RSA
SPRINGFIELD OFFICE PARK
109 JIP DE JAGER DRIVE
BELLVILLE, 7530

Certificate endorsed by affixing official stamp and initials

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

CONVEYANCER CERTIFICATE

To verify the restrictive conditions in a property's title deed, ensuring they don't hinder a proposed development or land use change

I/We Marnel Gouws

(conveyancer's name and surname)

Practising at: De Klerk & Van Gend Inc.

(firm and place of practice)

In respect of: Erf 9537 Stellenbosch
In the Municipality and Division of Stellenbosch
Province Western Cape

(full property description (erf / farm) as it appears 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. T 19993 / 1990
2. T 1910 / 1988
3.
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)

h

I found that there <u>are</u> [ ] / <u>are not</u> [X]

restrictive title deed conditions, registered against all relevant properties listed above, that <u>prohibit</u> it from being utilised/developed for the following purposes *(Application detail will be elaborated on in the accompanying application)*

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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	T 19993/1990	B.
9.	Other Restrictive Conditions	Y	(N)		

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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 registered against such property (ies) prohibiting it from being utilised/developed for the purposes as elaborated in the accompanying application:

1.	Organ(s) of State that might have an interest in the restrictive condition. List specified state departments.	
2.	Persons whose rights or legitimate expectations will be affected by the removal/suspension/amendment of a restriction condition.	General public
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Tick appropriate box

1.	Application for removal / suspension / amendment of restrictive condition in terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-Law	✓
2.	Notarial Deed of Cancellation (Submit Copy of Signed Agreement)	
3.	Action by way of court order (Submit Copy of the Court Order)	
4.	If Other, Please Specify:	

Signed at Bellville (Place) **on this** 18th (Day) February (Month) **of 20**26

Full names and Surname: Marnel Gouws

Tel: 021 914 4020 **Email:** mgouws@dkvg.co.za

Signature: .....

MARNEL GOUWS
COMMISSIONER OF OATHS
PRACTISING ATTORNEY, RSA
SPRINGFIELD OFFICE PARK
109 JIP DE JAGER DRIVE
BELLVILLE, 7530

Certificate endorsed by affixing official stamp and initials