



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/8567

Our File Reference Number: Farm 510/52,53,54 and 71 Jamestown

Enquiries: Lenacia Kamineth

Contact No: 021 808 8697

Email address: Lenacia.Kamineth@stellenbosch.gov.za/

Date: 14 July 2021

PER E-MAIL : eggers@sun.ac.za

Dear Professor HC Eggers

APPLICATION FOR REZONING: PORTION 52, 53, 54 AND 71 OF FARM NO. 510, STELLENBOSCH

1. The appeal received from Werksmans Attorneys acting on behalf of Blaauwklippen Agricultural Estates Stellenbosch (Pty) Ltd on the 21st December 2020 refers.
2. Kindly find attached hereto the decision of the Appeal Authority for your attention.

Yours faithfully,

Ms Geraldine Mettler
MUNICIPAL MANAGER



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NOTICE OF DECISION OF APPEAL AUTHORITY

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) AGAINST THE APPLICATION FOR CONSOLIDATION, SUBDIVISION, REZONING, DEPARTURE ESTABLISHMENT OF HOME OWNERS ASSOCIATION, APPROVAL OF DEVELOPMENT NAME, APPROVAL OF SITE DEVELOPMENT PLAN, ALLOCATION OF STREET NAMES, APPROVAL OF THE ARCHITECTURAL AND LANDSCAPING GUIDELINES: PORTION 52, 53, 54 AND 71 OF FARMS NO. 510, STELLENBOSCH (LU/8567)

DECISION OF APPEAL AUTHORITY:

The Appeal Authority hereby, in terms of Section 81(7) of the Stellenbosch Municipal Land Use Planning By-law 2015:

Tick the appropriate box:

CONFIRM		VARY		REVOKE	X
THE DECISION OF THE MUNICIPAL PLANNING TRIBUNAL, ON THE 12TH OF DECEMBER 2021, TO REFUSE IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW DATED 20 OCTOBER 2015, THE APPLICATION FOR CONSOLIDATION, SUBDIVISION, REZONING, DEPARTURE ESTABLISHMENT OF HOME OWNERS ASSOCIATION, APPROVAL OF DEVELOPMENT NAME, APPROVAL OF SITE DEVELOPMENT PLAN, ALLOCATION OF STREET NAMES, APPROVAL OF THE ARCHITECTURAL AND LANDSCAPING GUIDELINES: PORTION 52, 53, 54 AND 71 OF FARMS NO. 510, STELLENBOSCH (LU/8567)					
<p>1. The abovementioned appeal refers.</p> <p>2. The Municipal Planning Tribunal, on the 12th of December 2020, Refused, in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-law, promulgated by Notice no 354/2015 dated 20 October 2015, the application for a Group Housing Estate(See ANNEXURE 1).</p> <p>3. The application was approved subject to a number of conditions imposed in terms of Section 66 of the Stellenbosch Municipality Land Use Planning By-Law (2015).</p> <p>4. Mr. Justin Truter from Werksmans Attorneys lodged an appeal on behalf of Blaauwklippen Agricultural Estates in terms of Section 79(2) of the By-Law, with the</p>					



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Municipality on the 21st of December 2020, against the decision of the Municipal Planning Tribunal.

5. The appeal assessment report was drafted based on all documentation provided.
6. In order to comply section 81(6) of the Stellenbosch Municipality Land Use Planning By-Law (2015), an inspection of the documents must be held before the handover to the Appeal Authority for consideration and decision making, however as the report was completed during the National Lockdown period, the report was forwarded electronically to all relevant parties on the 18th of March 2021.
7. Comments relating to the appeal assessment report were received from Professor Eggers on behalf of Friends of the Stellenbosch Mountain on the 23rd of March 2021. Further comments were received from Mr Justin Truter from Werksmans Attorneys on the 14th of April 2021, where after all documentation was handed over to the Appeal Authority for decision making.
8. An oral hearing was requested by Professor Eggers from the Friends of the Stellenbosch Mountain as well as Mr Clifford Heyes from TV 3 Planners to be heard prior to the Appeal Authority taking a decision in respect of the appeal. The oral hearing was granted and subsequently took place on the 27th of May 2021 where all relevant parties attended, including Professor Eggers, Mr Heyes and Mr February on behalf of Jamestown Erfenis.
9. The Appeal authority carefully considered all relevant documents, the written appeal, information and submissions made during the oral hearing and listened to the recording of the MPT meeting. Having weighed the merits and demerits off all this information, the Appeal Authority, decided, in terms of Section 81(7) (b) of the Stellenbosch Municipality Land Use Planning By-Law to **UPHOLD** the appeal and



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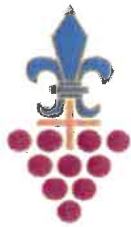
REVOKE the decision of the Municipal Planning Tribunal dated 27 November 2021 to refuse the Application for Consolidation, Subdivision, Rezoning, Departure Establishment of Home Owners Association, Approval Of Development Name, Approval of Site Development Plan, Allocation Of Street Names, Approval of the Architectural and Landscaping Guidelines: Portion 52, 53, 54 And 71 of Farms No. 510, Stellenbosch.

10. That the decision of the Stellenbosch Municipal Planning Tribunal **BE REPLACED** in terms of section 81(9) (b) of the Stellenbosch Municipality Land Use Planning Bylaw(2015) with the following decision:

10.1 That the application for:

- a. The consolidation of Portions 52, 53, 54 and 71 of the Farm No. 510, Stellenbosch Division in terms of Section 15(2)(e).
- b. the rezoning of the consolidated property from Agricultural Zone I to Sub-divisional area for 55 Residential Zone III (townhouses) erven and 1 Residential Zone IV erf (24 flat units), 2 Private Open Space erven (1 private road and 1 private open space) and 1 Transport Zone II erf (public road widening purposes) in terms Section 15(2)(a).
- c. The subdivision of the consolidated property into 59 erven, namely 55 Residential Zone III (townhouses) erven and 1 Residential Zone IV erf (24 flat units), 2 Private Open Space erven (1 private road and 1 private open space) and 1 Transport Zone II erf (public road widening purposes) in terms of Section 15(2)(d).
- d. Departure on the Residential Zone IV erf to relax the internal side building lines from 4m to 3m and the street building line from 8m to 3m in terms of Section 15(2)(b).

BE APPROVED in terms of section 60 of the Bylaw, and subject to conditions of approval in terms of section 66(1) of the said Bylaw.



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CONDITIONS OF APPROVAL

- a. The approval applies only to the consolidation, rezoning, subdivision, departures, establishment of Home Owners Association, approval of the estate name and allocation of street names and numbers in question (See **ANNEXURE 2**) and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council and external departments;
- b. Erf diagrams/general plans must be submitted to the municipality for record purposes.
- c. The approvals will lapse if not implemented within 5 years from final notification.
- d. A Home Owners Association is established in terms of Section 29(1) of the Land Use Planning By-law, 2015.
- e. The constitution of the Home Owners Association be submitted to the Director: Planning and Economic Development for approval and which constitution must make provision for the matters provided for in Section 29(3) of the Land Use Planning By-law, 2015.
- f. Submit the final detailed Architectural and Landscaping Guidelines for the Blaauwklip-aan-Rivier Residential Estate to the Director: Planning and Economic Development for approval.
- g. The final Site Development and Landscaping Plan, indicating the street names Blaauwklip Avenue, Malbec Close, Zinfandel West Street, Zinfandel East Close, Pinot West Street, Pinot East Close, Merlot West Street and Merlot East Close to the internal private roads and the allocation of street numbers be submitted to the Director: Planning and Economic Development for approval.
- h. Should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately, and Heritage Western Cape must be notified immediately.
- i. Adhere to the conditions of approval from the **National Department of Water and Sanitation** in their letter dated 05/07/2019 (See **ANNEXURE 3**).



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- j. Adhere to the conditions of approval from **Eskom** in their letter dated 08/07/2019 (See **ANNEXURE 4**).
- k. That the applicant conclude an engineering services agreement with the municipality which service agreement must contain and be in compliance with all the conditions of approval from the **Municipal Directorate Infrastructure Services** in their memorandum dated 01/07/2020 (See **ANNEXURE 5**) and to the satisfaction of the Director Infrastructure Services.
- l. Development charges is payable and which contributions will be calculated in terms of the relevant policy and the prevailing tariff structure for such development contributions at the time of payment of the applicable charges.

REASONS FOR THE DECISION

1. The site is located within the Stellenbosch urban edge and has been since 2010. The Municipality has throughout the last ten years not changed this status, hence the site remains inside the proclaimed urban edge.
2. Heritage Western Cape endorsed the Stellenbosch Heritage Inventory but in spite of it, stated in their impact assessment the development will not impact on the heritage resources.
3. The development is supported by Western Cape Agricultural Department.
4. The development is not inconsistent with the Stellenbosch Municipal Spatial Development Framework (MSDF).
5. An important site specific circumstance is presented in the fact that this site was "urbanised" and lost its rural and agricultural character through an illegal invasion, changing it to an informal residential area that lasted for a period of over 20 years. This factor distinguishes this erf from the other water erven that remained rural and agricultural to some extent.
6. The site is only 2.4 hectares and not a viable agricultural unit, and after 20 years of residential use no longer of agricultural nature.
7. The La Clemence development, which is a similar development, was approved next to the proposed development.



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8. This decision will not create a precedent as every application has to be judged on its own merits.

SIGNATURE: Adv. Gesie van Deventer

DATE: 13/07/2021

Adv. Gesie van Deventer

EXECUTIVE MAYOR

(Appeal Authority in terms of Section 79(1) of the Stellenbosch Municipal Land Use Planning By-Law)



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ANNEXURE 1

Application Number: LU/8567

Our File Reference Number: Farm 510/52, Jamestown

Your Reference Number: 3527-P

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: clifford@tv3.co.za

Sir / Madam

APPLICATION FOR CONSOLIDATION, SUBDIVISION, REZONING, DEPARTURE, ESTABLISHMENT OF HOME OWNERS ASSOCIATION, APPROVAL OF DEVELOPMENT NAME, APPROVAL OF SITE DEVELOPMENT PLAN, ALLOCATION OF STREET NAMES, APPROVAL OF THE ARCHITECTURAL AND LANDSCAPING GUIDELINES: PORTION 52, 53, 54 AND 71 OF THE FARM NO. 510, STELLENBOSCH

1. The above application refers.
2. The Stellenbosch Municipal Planning Tribunal on 27 November 2020 resolved as follows:
 - 2.1 That it **BE DECIDED** that the application in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015 dated 20 October 2015 for
 - 2.1.1 the consolidation of Portions 52, 53, 54 and 71 of the Farm No. 510, Stellenbosch Division in terms of Section 15(2)(e);
 - 2.1.2 the rezoning of the consolidated property from Agricultural Zone I to Subdivisional area for 55 Residential Zone III (townhouses) erven and 1 Residential Zone IV erf (24 flat units), 2 Private Open Space erven (1 private road and 1 private open space) and 1 Transport Zone II erf (public road widening purposes) in terms Section 15(2)(a);
 - 2.1.3 the subdivision of the consolidated property into 59 erven, namely 55 Residential Zone III (townhouses) erven and 1 Residential Zone IV erf (24 flat units), 2 Private Open Space erven (1 private road and 1 private open space) and 1 Transport Zone II erf (public road widening purposes) in terms of Section 15(2)(d);

2.1.4 departure on the Residential Zone IV erf to relax the internal side building lines from 4m to 3m and the street building line from 8m to 3m in terms of Section 15(2)(b);

deviates from the provisions of the Stellenbosch Municipal Spatial Development Framework as contemplated in terms of Section 19 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) for the following reasons:

- a) The proposed development is in conflict with the spatial planning objectives of the Stellenbosch MSDF, which is still being regarded as relevant with due regard to the prevailing development context.
- b) The development of the subject property for the proposed land uses, and the outcome and impact thereof on the existing development context, would negate the development agenda and strategy of the Stellenbosch MSDF as it relates to Jamestown.

2.2 That it **BE DECIDED** that the application in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015 dated 20 October 2015 for:

2.2.1 the consolidation of Portions 52, 53, 54 and 71 of the Farm No. 510, Stellenbosch Division in terms of Section 15(2)(e);

2.2.2 the rezoning of the consolidated property from Agricultural Zone I to Subdivisional area for 55 Residential Zone III (townhouses) erven and 1 Residential Zone IV erf (24 flat units), 2 Private Open Space erven (1 private road and 1 private open space) and 1 Transport Zone II erf (public road widening purposes) in terms Section 15(2)(a);

2.2.3 the subdivision of the consolidated property into 59 erven, namely 55 Residential Zone III (townhouses) erven and 1 Residential Zone IV erf (24 flat units), 2 Private Open Space erven (1 private road and 1 private open space) and 1 Transport Zone II erf (public road widening purposes) in terms of Section 15(2)(d);

2.2.4 departure on the Residential Zone IV erf to relax the internal side building lines from 4m to 3m and the street building line from 8m to 3m in terms of Section 15(2)(b);

does not include site specific circumstances as contemplated in terms of Section 22(2) of Spatial Planning and land Use Management Act, 2013 (Act 16 of 2013).

2.3 That the application in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015 dated 20 October 2015 for:

- 2.3.1 the consolidation of Portions 52, 53, 54 and 71 of the Farm No. 510, Stellenbosch Division in terms of Section 15(2)(e);
- 2.3.2 the rezoning of the consolidated property from Agricultural Zone I to Subdivisional area for 55 Residential Zone III (townhouses) erven and 1 Residential Zone IV erf (24 flat units), 2 Private Open Space erven (1 private road and 1 private open space) and 1 Transport Zone II erf (public road widening purposes) in terms Section 15(2)(a);
- 2.3.3 the subdivision of the consolidated property into 59 erven, namely 55 Residential Zone III (townhouses) erven and 1 Residential Zone IV erf (24 flat units), 2 Private Open Space erven (1 private road and 1 private open space) and 1 Transport Zone II erf (public road widening purposes) in terms of Section 15(2)(d);
- 2.3.4 departure on the Residential Zone IV erf to relax the internal side building lines from 4m to 3m and the street building line from 8m to 3m in terms of Section 15(2)(b);

NOT BE APPROVED in terms of Section 60 of the said Bylaw.

2.4 Reasons for the above Decision

- a) That the proposed development deviates from the provisions of the prevailing development agenda and strategy of the Stellenbosch MSDP as contemplated in terms of Section 19 of LUPA as well as the provisions of the Stellenbosch Heritage Inventory and Management Plan for the water erven in Jamestown.
- b) That no site-specific circumstances as contemplated in terms of section 22(2) of SPLUMA was presented.
3. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, 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.
4. Appeals must be submitted 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. The following prescribed information is accordingly required:
- (a) The personal particulars of the Appellant, including:
- (i) First names and surname;

- (II) ID number;
 - (III) Company of Legal person's name (if applicable)
 - (IV) Physical Address;
 - (V) Contact details, including a Cell number and E-Mail address;
- (b) Reference to this correspondence and the relevant property details on which the appeal is submitted.
- (c) The grounds of the appeal which may include the following grounds:
- (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
 - (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.
- (d) whether the appeal is lodged against the whole decision or a part of the decision;
- (e) if the appeal is lodged against a part of the decision, a description of the part;
- (f) if the appeal is lodged against a condition of approval, a description of the condition;
- (g) the factual or legal findings that the appellant relies on;
- (h) the relief sought by the appellant; and
- (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;
- (j) That the appeal includes the following declaration by the Appellant:
- (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
 - (ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.

5. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: Lenacia.Kamineth@stellenbosch.gov.za.
6. An applicant 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.
7. The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).
8. An applicant who lodge 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.
9. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

10. Kindly note the above decision is suspended, and in the case of any approval, 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

2/12/20
DATE:

COPY OF LETTER

CC: OBJECTORS

1. Margret Voigt

E-mail: wokcape@lantic.net

2. Jesse I van der Merwe

E-mail: jesse@concile.co.za

3. Hermann J Stipp

E-mail: stipp@sun.ac.za

4. Friends of Stellenbosch Mountain

E-mail: eggars@sun.ac.za / vmsteyn1@gmail.com

5. Metodiste Kerk van Suider-Afrika (Jamestown-Gemeente)

Howard A Gordon

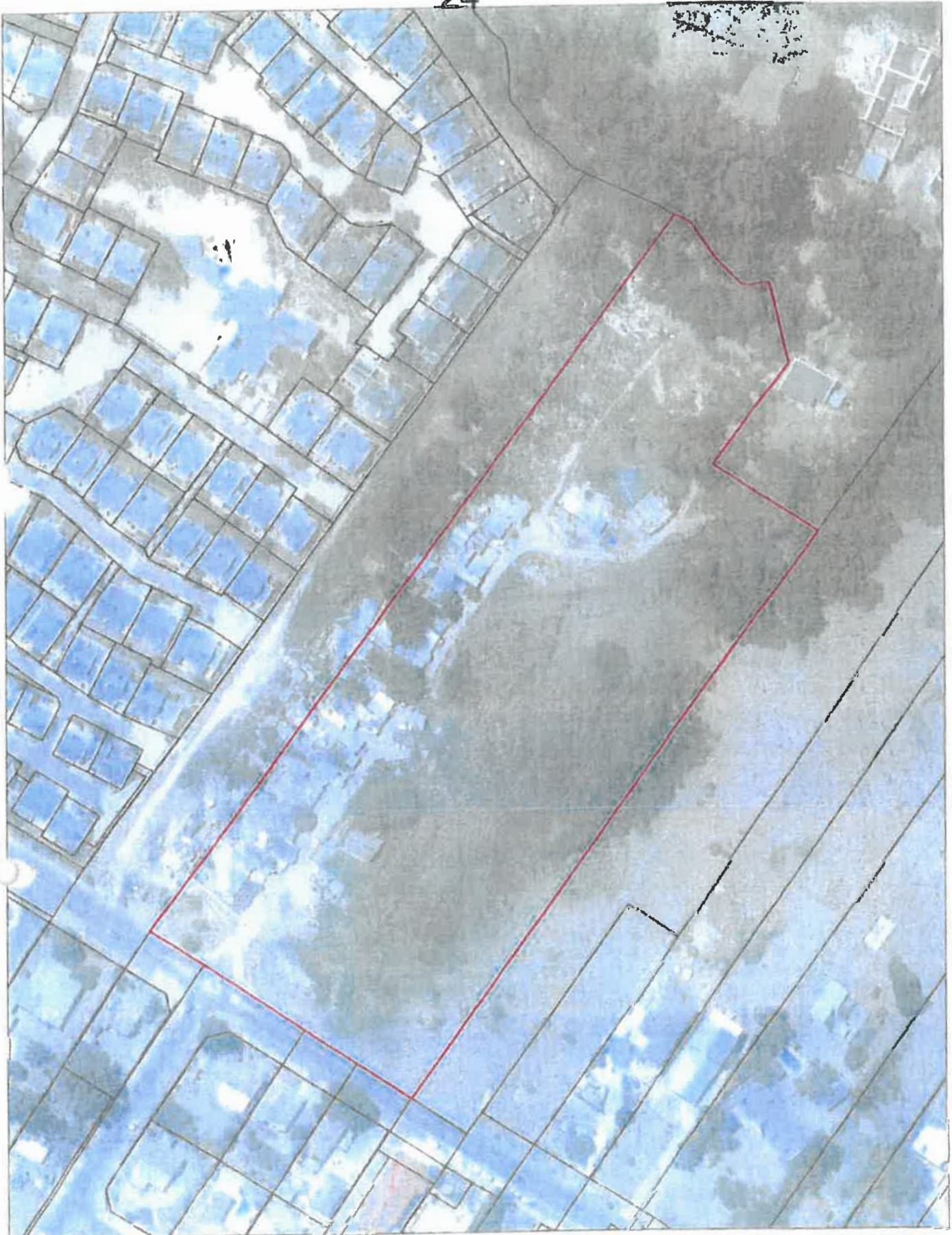
E-mail: howardgordon53@gmail.com

6. Jamestown Erfenis/Heritage

Chrisben John February

E-mail: jamestownerfenis1902@gmail.com / chrisbenjf@hotmail.com

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tv3

ARCHITECTS AND TOWN PLANNERS

 First Floor • La Gratitude Office Building
 27 Dorp Street • Stellenbosch 7600
 tel (021) 661 3800
 fax (021) 662 0025
 e-mail: info@tv3.co.za
 web: www.tv3.co.za

 Portions 71, 52, 53, and 54
 of the Farm Blaauw Klip No.
 510, Stellenbosch

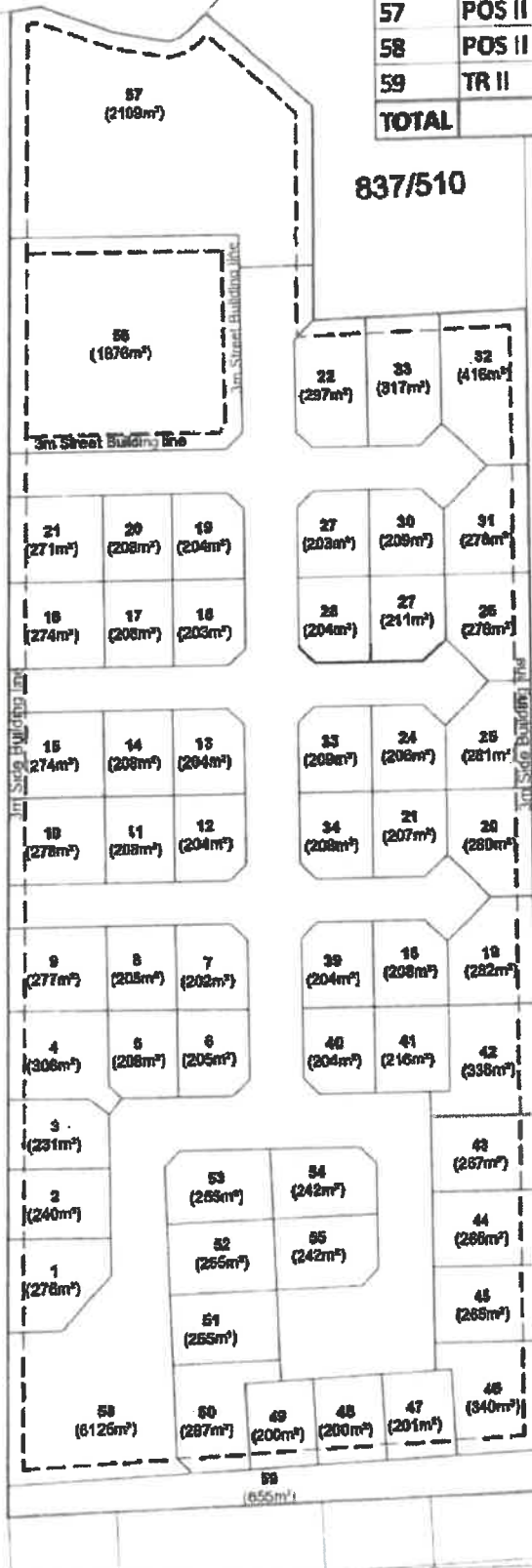
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Project no.:	Revision no.:		
9527-P	1		
Drawing:	Plan no.:		
Aerial photo	3		

25

Erf	Zoning	Land Use	No. of erven	Size (m ²)
1-55	Res III	Residential houses	55	13 426
56	Res IV	Accommodation units	1	1 676
		Internal road		
57	POS II		1	2 109
58	POS II	Private open space	1	6 125
59	TR II	Road widening	1	654
TOTAL			59	23 990

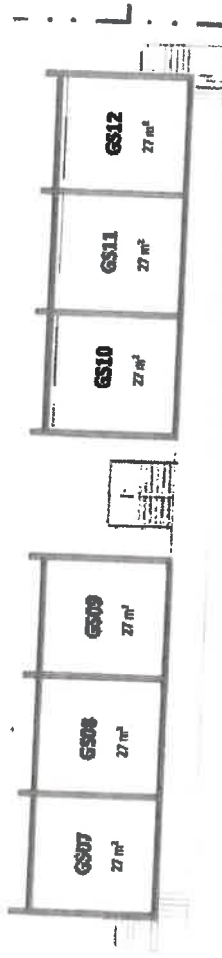
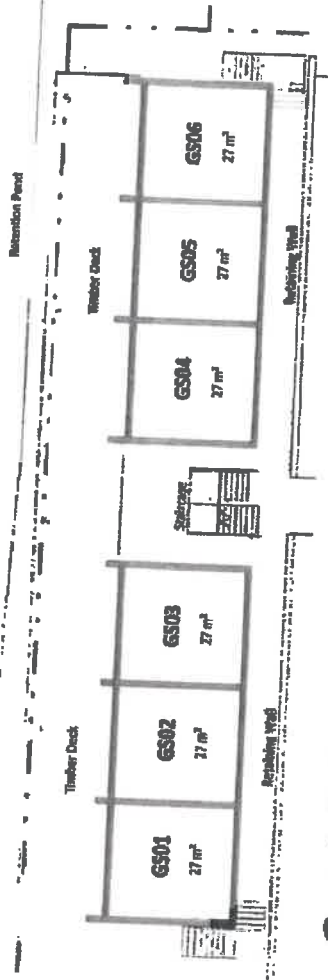
RE/9/510



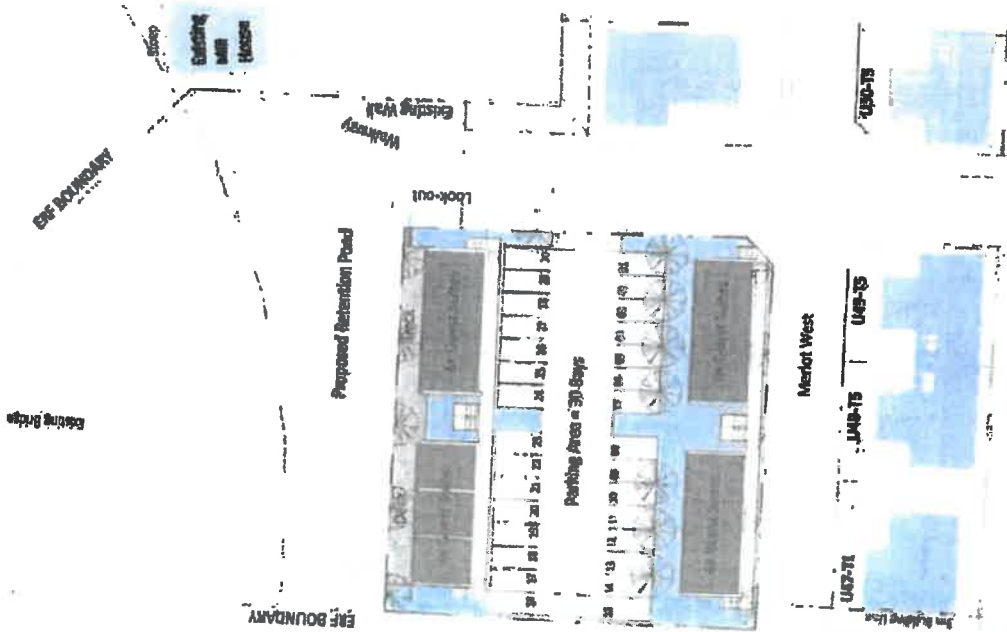
RE/35/510



Notation:



SITE DEVELOPMENT PLAN
SCALE: 1:500



lv3
ARCHITECTS AND TOWN PLANNERS

First Floor • La Gratitude Office Building
97 Dorp Street • Stellenbosch 7800
tel: (021) 881 3800
fax: (021) 882 8028
e-mail: lv3@lv3.co.za
web: www.lv3.co.za

Portions 71, 52, 53, and 54 of the Farm Blaauw Klip
No. 510, Stellenbosch

This drawing is the property of
LV3 Architects and Town
Planners (Pty) Ltd. and
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Client	City of Stellenbosch	Scale	1:500
Drawn by	JHR	Date	10/09/2016
Checked by	JHR	Revision No.	1
Project No.	09002	Sheet No.	5
Project Name	Residential IV: SDP	Plan No.	5

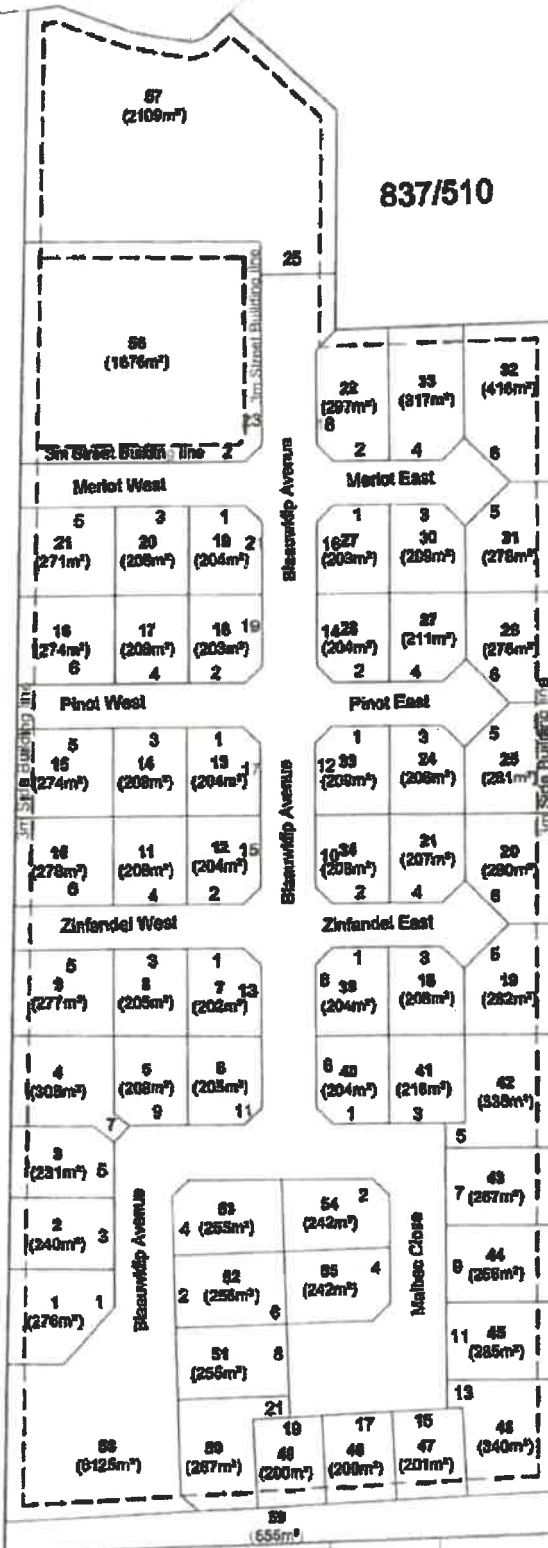
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837/510

RE/9/510

RE/35/510

8/510



First Floor - La Gratitude Office Building
87 Dorp Street - Stellenbosch 7600
Tel: (021) 851 0300
Fax: (021) 858 5025
e-mail: info@tv3.co.za
Website: www.tv3.co.za

Portions 71, 52, 53, and 54
of the Farm Blaauw Klip No.
510, Stellenbosch



Drawn: CJC	Checked: MR	Date: 13/09/2018	Scale: 1:1 250 (A4)
Project no.: D2002		Revision no.: 1	
Drawing: Street name and numbers			Plan no.: 6

232



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

WESTERN CAPE REGION
Private Bag X16, Senlamskop, 7532
52 Voortrekker Road, Bellville, 7530

☎ 021 941 6036
☎ 021 941 6082
☎ 082 370 2708

✉ Mr. Nkosinathi Mkonto
📁 16/27/G200/A/6
✉ mkonton@dws.gov.za

Attention: Clifford Heys

TV3 Projects (Pty) Ltd
97 Dorp Street
STELLENBOSCH
7600

Dear Sir

APPLICATION FOR CONSOLIDATION, REZONING, SUBDIVISION, DEPARTURE, ESTABLISHMENT OF HOME OWNER'S ASSOCIATION, APPROVAL OF A SITE DEVELOPMENT PLAN, ALLOCATION OF THE STREET NAMES APPROVAL OF THE ARCHITECTURAL AND LANDSCAPING GUIDELINES: PORTION 52, 53, 54 & 71 OF THE FARM BLAAUWKLIP NO 510, JAMESTOWN, STELLENBOSCH DIVISION

The Department acknowledges receipt of your report dated 6 June 2019 for the above mentioned activity.

After evaluating the abovementioned application, you are hereby informed that the Department does not object to your proposed activities from going ahead subject to the following conditions:

1. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use and pollution management must be adhered to.
2. All relevant sections and regulations of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) must be adhered to.
3. No additional use of surface water and/or storage of water is permitted, unless the applicant has formally obtained an authorisation from this Department in terms of Section 22 of the National Water Act (Act 36 of 1998).
4. No activities may take place within a buffer area of 500m radius of any wetland system without prior authorisation from this Department.



NATIONAL DEVELOPMENT PLAN
Our Future - make it work



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

5. No permanent structures may be constructed within the 1:100 year flood line of a watercourse without prior authorisation from this Department.
6. If any property that receives water from an Irrigation Board or Water User Association is subdivided, sold or consolidated, the Board or Association and this Department must be notified within sixty (60) days after the said transaction took place.
7. Please note that if the subdivision will affect the allocation of a water use as registered by this Department, the owner(s) of the new property(ies) must enter into a written mutual agreement to determine each property's share in any allocated water or water use and this must be communicated to this Department.
8. If this subdivision (or consolidation) will affect the allocation of a water use as licences by this Department, the Licencee must contact the Department for the amendment of this licence. This will also be necessary if the property description changes. The Licencee must provide full details of all changes in respect of the properties to the Responsible Authority within 60 days of said change taking place.

The Department reserves the right to revise its initial comments and request additional information that may arise from correspondence and/or upon inspection.

Should you have any queries, please do not hesitate to contact Nkosinathi Mkonto at the contact details provided above.

Yours faithfully

REGIONAL HEAD: WESTERN CAPE

Signed by: Bukelwa Mtandana

Designation: Environmental Officer Specialised

Date: 05/07/2019



NATIONAL DEVELOPMENT PLAN
Our Future - make it work



TV3 ARCHITECTS AND TOWN PLANNERS

Date: 2019/07/08

clifford@tv3.co.za

Enquiries:

WayleavesWesternOU@eskom.co.za

**WAYLEAVE APPLICATION: CONSOLIDATION, REZONING, SUBDIVISION, DEPARTURE ;
ERF 510/52 : JAMESTOWN**

YOUR REF: 3527-P

ESKOM REF: 01133-19

THIS IS NOT AN APPROVAL TO START CONSTRUCTION

I hereby inform you that Eskom has no objection to the proposed work indicated on your drawing in principle. This approval is valid for 12 months only, after which reapplication must be made if the work has not been completed.

1. Eskom services are affected by your proposed works and the following must be noted:

- a) Eskom has no objection to the proposed work and include a drawing indicating Eskom 11kV/LV underground services in close proximity.
- b) Please note that underground services indicated are only approximate and the onus is on the applicant to verify its location.
- c) There may be LV overhead services / connections not indicated on this drawing.
- d) The successful contractor must apply for the necessary agreement forms and additional cable information not indicated on included drawing, in order to start construction.

Application for Working Permit must be made to:

Customer Network Centre: Somerset West

Vuyo Mayekiso

021 840 4365

MayekiNM@eskom.co.za

Include Eskom Wayleave as-built drawings and all documentation, when applying for Working Permit.

Should it be necessary to move, relocate or support any existing services for possible future needs, it will be at the developer's cost. Application for relocating services must be made to Sabelo Potela on 084 745 8990 / PotelaS@eskom.co.za.

2. Underground Services

The following conditions to be adhered to at all times:

- a) Works will be carried out as indicated on plans.
- b) No mechanical plant to be used within 3.0m of Eskom underground cables.
- c) All services to be verified on site.
- d) Cross trenches to be dug by hand to locate all underground services before construction work commences.
- e) If Eskom underground services cannot be located or is grossly misplaced from where the wayleave plan indicates, then all work is to be stopped and Graham Hector from the Land Development Office to be contacted on 021 980 3551 / HectorG@eskom.co.za, to arrange the capturing of such services.
- f) In cases where proposed services run parallel with existing underground power cables the greatest separation as possible should be maintained with a minimum of 1000mm.
- g) Where proposed services cross underground power cables the separation should be a minimum of 300mm with protection between services and power cables. (Preferably a concrete slab)
- h) No manholes; catch- pits or any structure to be built on top of existing underground services.
- i) Only walk-behind (2 ton Bomac type) compactors to be used when compacting on top of and 1 metre either side of underground cables.
- j) If underground services cannot be located then the Customer Network Centre (CNC) should be consulted before commencement of any work.

3. O.H. Line Services:

- a) No work or no machinery nearer than the following distances from the conductors:

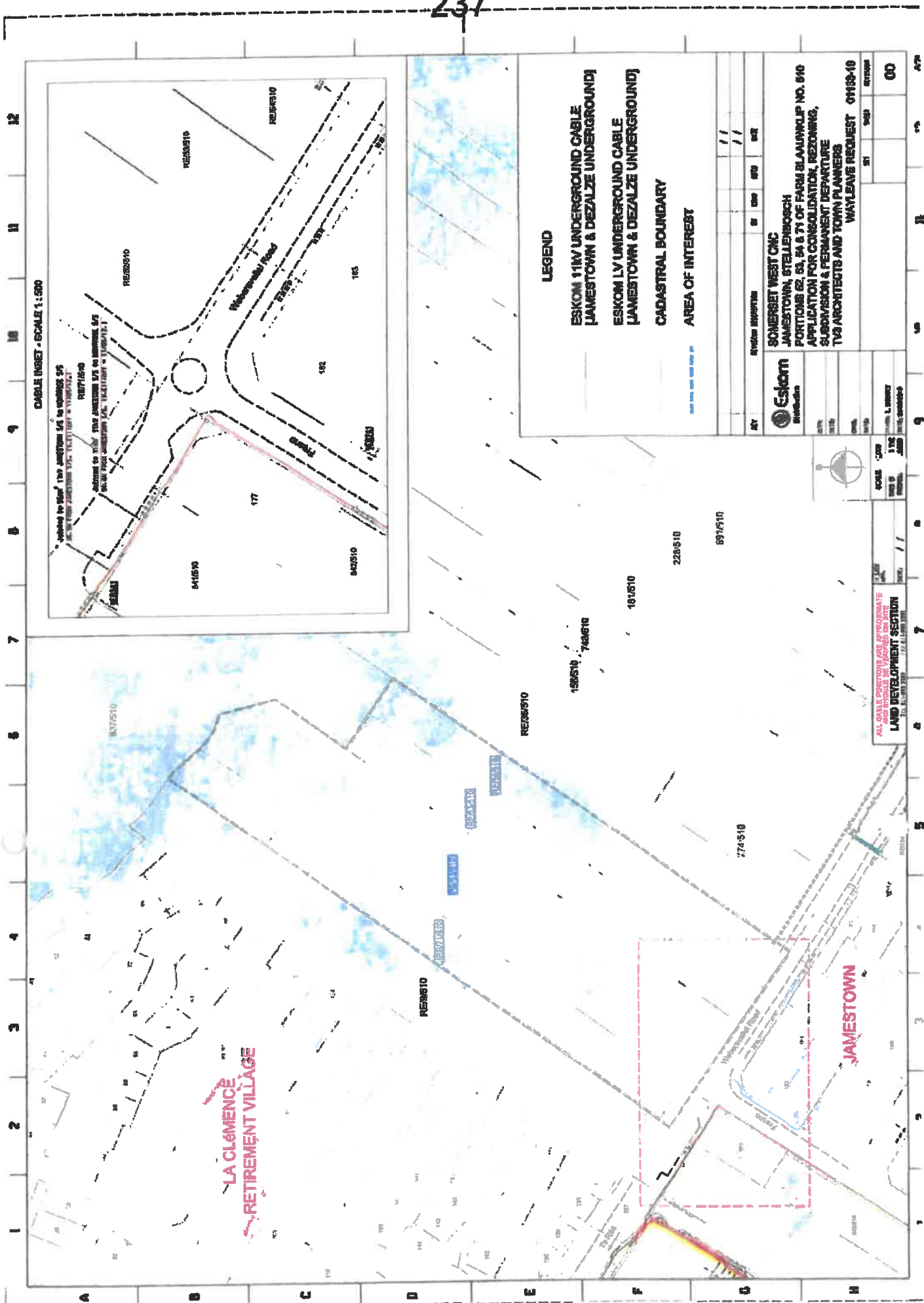
Voltage	Not closer than:
11kV	3.0 m
66kV	3.2 m
132kV	3.8 m

4. NOTE

Wayleaves, Indemnity form (working permit) and all as-built drawings issued by Eskom to be kept on site at all times during construction period.

Yours faithfully

LAND DEVELOPMENT (BRACKENFELL)





MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES
DIREKTORAAT: INFRASTRUKTUURDIENSTE

TO : The Director: Planning and Development
FOR ATTENTION : Nicole Katts
FROM : Manager: Development (Infrastructure Services)
AUTHOR : Tyrone King
DATE : 1 July 2020
RE : Portions 52, 53, 54 and 71 of Farm 510: Consolidation, rezoning, Sub-division, departures, and SDP approval for the development of 65 townhouses and 24 flat units
YOUR REF : LU/8667
OUR REF : LU CIVIL 1841

RECEIVED

02 JUL 2020

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

FILE NR:

SCAN NR:

COLLABORATOR NR:

Details, specifications and information reflected in the following documents refer:

- The abovementioned application dated 14 June 2018 and motivation report by Dennis Moss Partnership, dated 31 May 2018;
- Proposed Site Development Plan No. 3571/A/110 Rev A SDP001, by TV3 dated 25/06/2019;
- Proposed Subdivision Plan No. 4, by TV3 dated 14/08/2018;
- Traffic Impact Statement (TIS) by ICE Group, dated 18 June 2020 and e-mail from ICE (Mr Piet van Blerk) dated Friday, 19 June 2020 3:20 PM regarding cost estimates of the traffic impact mitigation measures additional to the R44 upgrades;
- Civil Engineering Services and Stormwater Management report by Ingerop, dated July 2018;
- E-mail from GLS (Filip Du Plessis) dated Thursday, 20 June 2019 13:21: regarding water and sewer capacity requirements
- Outfall sewer capacity confirmation letter dated 1 June 2020, by Bart Senekal ref 1426/A4
- Letter regarding stormwater management from Bart Senekal dated 9 March 2020 ref 1426/A3

Portions 62, 63, 64 and 71 of Farm 510: Development of 55 townhouses and 24 flat units

These comments and conditions are based on the following proposed development parameters:

- Total Units (townhouses): 55 units
- Total Units (flats): 24 units

Any development beyond these parameters would require a further approval and/or a recalculation of the Development Charges from this Directorate.

This document consists of the following sections:

A. Definitions

B. Recommendation to decision making authority

C. Specific conditions of approval: These conditions must be complied with before clearance certificate, building plan or occupation certificate approval; whichever is applicable to the development in question.

D. General conditions of approval: These conditions must be adhered to during implementation of the development to ensure responsible development takes place. If there is a contradiction between the specific and general conditions, the specific conditions will prevail:

A. Definitions

1. that the following words and expressions referred to in the development conditions, shall have the meanings hereby assigned to except where the context otherwise requires:
 - (a) "**Municipality**" means the STELLENBOSCH MUNICIPALITY, a Local Authority, duly established in terms of section 9 of the Local Government Municipal Structures act, Act 117 of 1998 and Provincial Notice (489/200), establishment of the Stellenbosch Municipality (VVC024) promulgated in Provincial Gazette no. 5590 of 22 September 2000, as amended by Provincial Notice 675/2000 promulgated in Provincial Gazette;
 - (b) "**Developer**" means the developer and or applicant who applies for certain development rights by means of the above-mentioned land-use application and or his successor-in-title who wish to obtain development rights at any stage of the proposed development;
 - (c) "**Engineer**" means an engineer employed by the "**Municipality**" or any person appointed by the "**Municipality**" from time to time, representing the Directorate: Infrastructure Services, to perform the duties envisaged in terms of this land-use approval;

Portions 52, 53, 54 and 71 of Farm 510: Development of 55 townhouses and 24 flat units

2. that all previous relevant conditions of approval to this development application remain valid and be complied with in full unless specifically replaced or removed by the "Engineer";

B. Recommendation:

3. The development is recommended for approval, subject to the conditions as stated below.

C. Specific conditions of approval

4. that the following upgrades are required to accommodate the development. No taking up of proposed rights including Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates (whichever comes first) will be allowed until the following upgrades have been completed and/or conditions have been complied with:

a. **Stellenbosch WWTW (Waste Water Treatment Works):** The proposed development falls within the catchment area of the existing Stellenbosch WWTW (Waste Water Treatment Works). There is sufficient capacity at the WWTW for the proposed development.

b. **Water Network:** The following bulk water items are required to accommodate the development:

i. 7 ML reservoir (SSWB2)

Estimated cost: R 18 260 700*

Funding: R 20m over three years have been allowed for in the 2020/21 budget with estimated completion June 2023 (subject to change). The additional reservoir storage capacity is required to accommodate the new development (as well as other new developments in Jamestown) and the development will only receive subdivision clearance once the reservoir has been completed.

(* GLS report estimate including P & G, Contingencies and Fees, but excluding VAT - Year 2018/19 Rand Value. This is a rough estimate, which does not include major unforeseen costs).

c. **Sewer Network:** The following bulk sewer items are required to accommodate the development:

Portions 52, 53, 54 and 71 of Farm 510: Development of 68 townhouses and 24 flat units

- i. The De Zalze outfall sewer project must be completed. This project is currently being implemented by the Municipality with the estimated completion date June 2022 (according to the 2020/21 budget provision). The development will only receive subdivision clearance once the outfall sewer has been completed.
 - ii. The development will connect to the existing 200mm diameter stub at the north eastern corner of the Le – Clemence development. The Municipality will engage with Le Clemence regarding the registration of a servitude over the existing 200 mm dia sewer line through Le Clemence, which was intended to be a municipal bulk sewer line when it was constructed. The current municipal budget does not make provision for the associated costs and if needed, the Municipality may require that these costs be paid by the Developer and offset against the Development Charges.
 - iii. Provision must be made for a 200mm diameter sewer line on the subject property, that will form part of the municipal bulk sewer network (SSS4.7 on master plan) and this sewer must be protected by a registered servitude. No clearance will be given before the servitude is registered. At this point in time this line is regarded as a link service and the cost will be for the Developer.
 - iv. A sewer servitude must also simultaneously be registered over Farm 510/9, which lies between Le Clemence and the subject property. The Developer will be responsible for the registration of this servitude and no clearance will be given before the servitude is registered. At this point in time this line is regarded as a link service and the cost will be for the Developer.
 - v. Additional conditions regarding the sewer may be identified when the detail engineering drawings are evaluated and will form part of the approval conditions of such drawings.
- d. **Roads Network:** (The cost estimates provided below include construction costs, professional fees, ECO, H&S, construction monitoring and disbursements)

The following three upgrades at the R44/Webersville Road intersection has been identified in the TIS, to mitigate the additional traffic impact on the intersection, which is already experiencing congestion problems. Also see **Annexure A – Road upgrades.**

Portions 52, 53, 54 and 71 of Farm 510: Development of 55 townhouses and 24 flat units

- i. Option 1 : Dedicated left-turn lane along Webersvallei Road
 Estimated Cost: R 1 421 918, 81 ex VAT
 Responsible: Developer
 Funding: May be offset from DCs
- ii. Option 2 : Third through lane at the intersection along the R44 northbound
 Estimated Cost: R 2 255 549, 09 ex VAT
 Responsible: Developer
 Funding: May be offset from DCs
- iii. Option 3 : Third through lane at the intersection along the R44 southbound
 Estimated Cost: R 2 012 120, 01 ex VAT
 Responsible: Developer
 Funding: May be offset from DCs

The DCs of the development may be used to do these upgrades. At the time of writing, the preferred options that will be able to be covered by the available DCs are Options 1 and 2, and these two upgrades must be completed prior to clearance of the development. Should the conditions change and Option 3 becomes a more preferred option than the other two, the Municipality will inform the Developer timeously. The final decision will be recorded in the Agreement between the Municipality and Developer for the offsetting of DCs against these upgrades.

Furthermore,

- iv. the optimisation of traffic signal settings must be investigated by the Developer's consulting engineer in conjunction with the Manager: Traffic Engineering;
 Responsible: Developer (in conjunction with Stellenbosch Municipality's Manager: Traffic Engineering)
 Funding: May be offset from DCs
- v. A formal sidewalk must be constructed along the full frontage of the development and connect to the existing sidewalk at Le Clemence. Details of the sidewalk must be submitted for approval concurrent with the engineering services drawings.
 Responsible: Developer
 Funding: Developer's own cost

Portions 52, 53, 54 and 71 of Farm 510: Development of 55 townhouses and 24 flat units

e. Stormwater Network (refer to letter from Bart Senekal dated 9 March 2020 ref 1426/A3). The development is located directly adjacent to the Blaauklippen River. To mitigate the impact of the increased run-off on the river, the following conditions are imposed wrt stormwater management:

- i. a SUDS approach towards managing of stormwater must be implemented. SUDS make use of a variety of controls of which a number can be implemented within the development e.g. silt traps, infiltration swales and a possible constructed wetland in the detention pond. Details hereof must be submitted with the engineering services drawings.
- ii. The detention pond must be a landscaped feature in front of the guest cottages. The detail of the landscaping in the pond must be provided at detail design phase.
- iii. A maintenance and operational schedule must be implemented by the Developer to keep the pond operating effectively. The schedule must be provided at detail design phase when the detail of the landscaping is known.
- iv. As a functional open space along the river is also of great value to the development, proper drainage of the area will be installed to improve the accessibility to the area.
- v. Any fencing along the river must be planned in such a way to have no impact on the flow patterns in the river.

f. Solid Waste:

- i. The Municipality will provide a solid waste removal service

g. Funding source breakdown (all costs excl VAT):

Total DCs available for civil services (excl Community facilities)	R 3 910 369. 83 ex VAT
Upgrades cost	
Road upgrade Option 1	R1 421 918. 81
Road upgrade Option 2	R 2 255 549. 09
Traffic Signal optimisation	TBC
Sewer servitude registration (estimate)	TBC
Total cost	R 3 677 467. 90
Surplus	R 232 901. 93
Comment	Based on the estimates, there are sufficient DCs to cover the costs of the road upgrades to be done in lieu of DCs. The surplus should be

Portions 52, 53, 54 and 71 of Farm 519: Development of 65 townhouses and 24 flat units

sufficient to cover the traffic signal and sewer servitude items as well, which are not anticipated to be large cost items.

Development Charges

5. that the "Developer" hereby acknowledges that Development Charges are payable towards the following bulk civil services: water, sewerage, roads, stormwater, solid waste and community facilities as per Council's Policy;
6. that the "Developer" hereby acknowledges that the development charges levy as determined by the "Municipality" and or the applicable scheme tariffs will be paid by the "Developer" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy, should this land-use application be approved;
7. that the "Developer" accepts that the Development Charges will be subject to annual adjustment up to date of payment. The amount payable will therefore be the amount as calculated according to the applicable tariff structure at the time that payment is made;
8. that the "Developer" may enter into an engineering services agreement with the "Municipality" to install or upgrade bulk municipal services at an agreed cost, to be off-set against Development Charges payable in respect of bulk civil engineering services;
9. that the Development Charges levy to the amount of R 4 940 424. 94 (Excluding VAT) as reflected on the DC calculation sheet, dated 1 July 2020, and attached herewith as **Annexure DC**, be paid by the "Developer" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy.
10. that the Development Charges levy be paid by the "Developer" per phase –
 - prior to the approval of subdivision clearance (Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law);
11. that the development shall be substantially in conformance with the Site Development Plan submitted in terms of this application. Any amendments and/or additions to the Site Development Plan, once approved, which might lead to an increase in the number of units i.e. more than 65 townhouses units and 24 flat units, will result in the recalculation of the Development Charges;

Portions 52, 53, 54 and 71 of Farm 510: Development of 55 townhouses and 24 flat units

12. Bulk Infrastructure Development Charges and repayments are subject to VAT and are further subject to the provisions and rates contained in the Act on Value Added Tax of 1991 (Act 89 of 1991) as amended;

Site Development Plan

13. that provision be made for an access layout of two lanes in (4,0 and 3,5 metres wide), one lane out (3,5 metres wide) and available stacking space in excess of 20 metres between the security controls and the roundabout (as prescribed in the TIS);
14. that provision be made for a refuse room as per the specification of the standard development conditions below;
15. that if the "Developer" wishes to remove the waste by private contractor, provision must still be made for a refuse room should this function in future revert back to the "Municipality";
16. that provision be made for a refuse embayment off the roadway/sidewalk to accommodate refuse removal. (Embayment to be minimum 15m x 2.5m). This must be clearly indicated on the engineering drawings when submitted for approval. The specifications of such embayment shall be as per the standard development conditions below;
17. that any amendments to cadastral layout and or site-development plan to accommodate the above requirements will be for the cost of the "Developer" as these configurations were not available at land-use application stage;

Ownership and Responsibility of services

18. that it be noted that as per Subdivisional Plan, the roads are reflected as private roads. Therefor all internal services on the said erf will be regarded as private services and will be maintained by the "Developer" and or Owner's Association;

Internal- and Link Services

19. that the "Developer", at his/her cost, construct the internal (on-site) municipal civil services for the development, as well as any link (service between internal and available bulk municipal service) municipal services that need to be provided;

Bulk Water Meter

20. that the "Developer" shall install a bulk water meter conforming to the specifications of the Directorate: Engineering Services at his cost at the entrance gate and that clearance will only

Portions 52, 63, 64 and 71 of Farm 510: Development of 58 townhouses and 24 flat units
 be issued if the bulk watermeter is installed, a municipal account for the said meter is activated
 and the consumer deposit has been paid;

Solid Waste

21. For large spoil volumes from excavations, to be generated during the construction of this development, will not be accepted at the Stellenbosch landfill site. The Developer will have to indicate and provide evidence of safe re-use or proper disposal at an alternative, licensed facility. This evidence must be presented to the Senior Manager: Solid Waste (021 808 8241; [clayton.hendricks](mailto:clayton.hendricks@ Stellenbosch.gov.za)), before building plan approval and before implementation of the development. Clean rubble can be utilized by the Municipality and will be accepted free of charge, providing it meets the required specification.

Floodplain Management

22. that the 1:50 and 1:100 year flood lines of the Blaauwklippen River be shown on all plans submitted. The flood lines are to be verified by a suitably qualified registered engineering professional. Where flood lines have not previously been determined, the "Developer" must procure the services of a suitably qualified registered engineering professional to undertake such determinations at his/her own cost. No new development will be allowed under the 1:100 year flood line;
23. that the floor level of all buildings be at least 100 mm above the 1:100 year flood level. These levels must be indicated on all building plans submitted and must be certified by a Registered Professional Engineer;
24. that all perimeter fencing below the 1:50 year flood line be visually permeable from ground level and not adversely affect the free flow of water (e.g. palisade fencing). No fences will be allowed across the watercourse;

Roads

25. that the "Developer", at his/her cost, implement the recommendations of the approved Traffic Impact Statement, and where required, a sound Traffic Management Plan to ensure traffic safety shall be submitted for approval by the Directorate: Infrastructure Services and the approved management plan shall be implemented by the "Developer", at his/her cost. If any requirement of the TIA is in conflict with one of the conditions of approval, the conditions of approval shall govern;

Portions 52, 53, 54 and 71 of Farm 510: Development of 55 townhouses and 24 flat units

26. that the "Developer" will be held liable for any damage to municipal infrastructure within the road reserves, caused as a direct result of the development of the subject property. The "Developer" will therefore be required to carry out the necessary rehabilitation work, at his/her cost, to the standards of the Directorate: Infrastructure Services;

Bulk Electricity

27. Please refer to the conditions attached as Annexure: Electrical Engineering;

D. General conditions of approval: The following general development conditions are applicable. If there is a contradiction between the specific and general development conditions, the specific conditions will prevail:

28. that the "Developer" will enter into an Engineering Services Agreement with the "Municipality" in respect of the implementation of the infrastructure to be implemented in lieu of DCs if the need for such infrastructure is identified at any stage by the Municipality;
29. that should the "Developer" not take up his rights for whatever reason within two years from the date of this memo, a revised Engineering report addressing services capacities and reflecting infrastructure amendments during the two year period, must be submitted to the Directorate: Infrastructure Services by the "Developer" for further comment and conditions. Should this revised Engineering report confirm that available services capacities is not sufficient to accommodate this development, then the implementation of the development must be re-planned around the availability of bulk services as any clearances for the development will not be supported by the Directorate: Infrastructure Services for this development if bulk services are not available upon occupation or taking up of proposed rights;
30. that the "Developer" indemnifies and keep the "Municipality" indemnified against all actions, proceedings, costs, damages, expenses, claims and demands (including claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the municipalities' services or apparatus or otherwise) arising out of the establishment of the development, the provision of services to the development or the use of servitude areas or municipal property, for a period that shall commence on the date that the installation of services to the development are commenced with and shall expire after completion of the maintenance period.
31. that the "Developer" must ensure that he / she has an acceptable public liability insurance policy in place;

Portions 52, 53, 54 and 71 of Farm 510: Development of 55 townhouses and 24 flat units

32. that, if applicable, the "Developer" approach the Provincial Administration: Western Cape (District Roads Engineer) for their input and that the conditions as set by the Provincial Administration: Western Cape be adhered to before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be issued;
33. that the "Developer" informs the project team for the proposed development (i.e. engineers, architects, etc.) of all the relevant conditions contained in this approval;
34. that the General Conditions of Contract for Construction Works (GCC) applicable to all civil engineering services construction work related to this development, will be the SAICE 3rd Edition (2015);
35. Should the "Developer" wish to discuss the possibility of proceeding with construction work parallel with the provision of the bulk services listed above, he must present a motivation and an implementation plan to the "Engineer" for his consideration and approval. The implementation plan should include items like programmes for the construction of the internal services and the building construction. Only if the programme clearly indicates that occupation is planned after completion of the bulk services, will approval be considered. If such proposal is approved, it must still be noted that no occupation certificate will be issued prior to the completion and commissioning of the bulk services. Therefore should the proposal for proceeding with the development's construction work parallel with the provision of the bulk services be agreed to, the onus is on the "Developer" to keep up to date with the status in respect of capacity at infrastructure listed above in order for the "Developer" to programme the construction of his/her development and make necessary adjustments if and when required. The Developer is also responsible for stipulating this condition in any purchase contracts with buyers of the properties;
36. that the "Developer" takes cognizance and accepts the following:
 - a.) that no construction of any civil engineering services may commence before approval of internal – and external civil engineering services drawings;
 - b.) that no approval of internal – and external civil engineering services drawings will be given before land-use and or SDP approval is obtained;
 - c.) that no approval of internal – and external civil engineering services drawings will be given before the "Developer" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party;
 - d.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before land-use and or SDP approval is obtained;

Portions 52, 53, 54 and 71 of Farm 510: Development of 55 townhouses and 24 flat units

- e.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before the approval of internal – and external civil engineering services drawings;
- f.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law is issued unless the "Developer" obtains the approval of the "Engineer" for construction work of his development parallel with the provision of the bulk services.

Site Development Plan

- 37. that it is recognized that the normal Site Development Plan, submitted as part of the land-use application, is compiled during a very early stage of the development and will lack engineering detail that may result in a later change of the Site Development Plan. Any later changes will be to the cost of the "Developer";
- 38. that even if a Site Development Plan is approved by this letter of approval, a further fully detailed site plan be submitted for approval prior to the approval of engineering services plans and or building- and/or services plans to allow for the setting of requirements, specifications and conditions related to civil engineering services. Such Plan is to be substantially in accordance with the approved application and or subdivision plan and or precinct plan and or site plan, etc. and is to include a layout plan showing the position of all roads, road reserve widths, sidewalks, parking areas with dimensions, loading areas, access points, stacking distances at gates, refuse removal arrangements, allocation of uses, position and orientation of all buildings, the allocation of public and private open spaces, building development parameters, the required number of parking bays, stormwater detention facilities, connection points to municipal water- and sewer services, updated land-use diagram and possible servitudes;
- 39. that if the fully detailed Site Development Plan, as mentioned in the above item, contradicts the approved Site Development Plan, the "Developer" will be responsible for the amendment thereof and any costs associated therewith;
- 40. that an amended Site Development Plan be submitted for approval prior to the approval of building plans for new buildings not indicated on the Site Development Plan applicable to this application and or changes to existing buildings or re-development thereof;

Portions 52, 53, 54 and 71 of Farm 510: Development of 55 townhouses and 24 flat units
Internal- and Link Services

41. that the "Developer", at his/her cost, construct the internal (on-site) municipal civil services for the development, as well as any link (service between internal and available bulk municipal service) municipal services that need to be provided;
42. that the Directorate: Infrastructure Services may require the "Developer" to construct internal municipal services and/or link services to a higher capacity than warranted by the project, for purposes of allowing other existing or future developments to also utilise such services. The costs of providing services to a higher capacity could be offset against the Development Charges payable in respect of bulk civil engineering services if approved by the Directorate: Infrastructure Services;
43. that the detailed design and location of access points, circulation, parking, loading - and pedestrian facilities, etc., shall be generally in accordance with the approved Site Development Plan and / or Subdivision Plan applicable to this application;
44. that plans of all the internal civil services and such municipal link services as required by the Directorate: Infrastructure Services be prepared and signed by a Registered Engineering Professional before being submitted to the aforementioned Directorate for approval;
45. that construction of services may only commence after municipal approval has been obtained;
46. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "Engineer";
47. that the "Developer" ensures that his/her design engineer is aware of the Stellenbosch Municipality Design Guidelines & Minimum Standards for Civil Engineering Services (as amended) and that the design and construction/alteration of all civil engineering infrastructure shall be generally in accordance with this document, unless otherwise agreed with the Engineer. The said document is available in electronic format on request;
48. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal – and external services;
49. that all the internal civil services (water, sewer and stormwater), be indicated on the necessary building plans for approval by the Directorate: Infrastructure Services;

Portions 52, 53, 54 and 71 of Farm 510: Development of 55 townhouses and 24 flat units

50. that prior to the issuing of the Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1, all internal - and link services be inspected for approval by the "Engineer" on request by the "Developer's" Consulting Engineer;
51. that a Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1 be issued before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be issued (prior to transfer of individual units or utilization of buildings);
52. that Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will only be issued if the bulk watermeter is installed;
53. that a complete set of test results of all internal - and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer be submitted to the "Engineer" on request;
54. that the "Developer" shall be responsible for the cost for any surveying and registration of servitudes regarding services on the property;
55. that the "Developer" be liable for all damages caused to existing civil and electrical services of the "Municipality" relevant to this development. It is the responsibility of the contractor and/or sub-contractor of the "Developer" to determine the location of existing civil and electrical services;
56. that all connections to the existing services be made by the "Developer" under direct supervision of the "Engineer" or as otherwise agreed and all cost will be for the account of the "Developer".
57. that the developer takes cognizance of applicable tariffs by Council in respect of availability of services and minimum tariffs payable;
58. that the "Developer", at his/her cost, will be responsible for the maintenance of all the internal (on-site) municipal - and private civil engineering services constructed for this development until at least 80% of the development units (i.e. houses, flats or GLA) is constructed and occupied whereafter the services will be formally handed over to the Owner's Association, in respect of private services, and to the Municipality in respect of public services;

Servitudes

59. that the "Developer" ensures that all main services including roads to be taken over by the Directorate: Infrastructure Services, all existing municipal - and or private services including

Portions 52, 53, 54 and 71 of Farm 510: Development of 55 townhouses and 24 flat units roads, crossing private - and or other institutional property and any other services/roads crossing future private land/erven are protected by a registered servitude before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be given;

60. The width of the registered servitude must be a minimum of 3 m or twice the depth of the pipe (measured to invert of pipe), whichever is the highest value. The "Developer" will be responsible for the registration of the required servitude(s), as well as the cost thereof;
61. that the "Developer" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party before final approval of engineering drawings be obtained.

Stormwater Management

62. Taking into account the recent water crisis, and associated increase in borehole usage, it is important that the groundwater be recharged as much as possible. One way of achieving the above is to consider using Sustainable Drainage Systems (SuDS) approach wrt SW management. From Red Book: "SuDS constitute an approach towards managing stormwater runoff that aims to reduce downstream flooding, allow infiltration into the ground, minimise pollution, improve the quality of stormwater, reduce pollution in water bodies, and enhance biodiversity. Rather than merely collecting and discarding stormwater through a system of pipes and culverts, this approach recognises that stormwater could be a resource." The Developer is encouraged to implement SuDS principles that are practical and easily implementable. Details of such systems can be discussed and agreed with the Municipality and must be indicated on the engineering drawings.
63. that the geometric design of the roads and/or parking areas ensure that no trapped low-points are created with regard to stormwater management. All stormwater to be routed to the nearest formalized municipal system;
64. that overland stormwater escape routes be provided in the cadastral layout at all low points in the road layout, or that the vertical alignment of the road design be adjusted in order for the roads to function as overland stormwater escape routes. If this necessitates an amendment of the cadastral layout, it must be done by the "Developer", at his/her cost, to the standards of the Directorate: Infrastructure Services;
65. that the design engineer needs to apply his/her mind to ensure a design that will promote a sustainable urban drainage system which will reduce the impacts of stormwater on receiving aquatic environments;

Portions 52, 53, 54 and 71 of Farm 510: Development of 55 townhouses and 24 flat units

75. that visibility splays shall be provided and maintained on each side of the new access in accordance with the standard specifications as specified in the Red Book with regard to sight triangles at intersections;
76. that each erf has its own access (drive-way), *(the new access(es) (dropped kerb(s)) to the proposed parking bays be)* constructed to standards as set out by the the Directorate: Infrastructure Services and in line with the Road Access Guideline;

Wayleaves

77. that way-leaves / work permits be obtained from the Directorate: Infrastructure Services prior to any excavation / construction work on municipal land or within 3,0m from municipal services located on private property;
78. that wayleaves will only be issued after approval of relevant engineering design drawings;
79. that it is the Developer's responsibility to obtain wayleaves from any other authorities/service provider's who's services may be affected.

Owner's Association (Home Owner's Association or Body Corporate)

80. that an Owner's Association be established in accordance with the provisions of section 29 of the Stellenbosch Municipal Land Use Planning By-law and shall come into being upon the separate registration or transfer of the first deducted land unit arising from this subdivision;
81. that the Owner's Association take transfer of the private roads simultaneously with the transfer or separate registration of the first deducted land portion in such phase;
82. that in addition to the responsibilities set out in section 29 of the Stellenbosch Municipal Land Use Planning By-law, the Owner's Association also be responsible for the maintenance of the private roads, street lighting, open spaces, retention facilities and all internal civil services;
83. that the Constitution of the Owner's Association specifically empower the Association to deal with the maintenance of the roads, street lighting, open spaces, retention facilities and all internal civil services;
84. that the Constitution of the Owner's Association specifically describes the responsibility of the Owner's Association to deal with refuse removal as described in the "Solid Waste" section of this document;

Solid Waste

85. The reduction, reuse and recycle approach should be considered to waste management:

Portions 52, 53, 54 and 71 of Farm 510: Development of 66 townhouses and 24 flat units

- Households to reduce waste produced
- Re-use resources wherever possible
- Recycle appropriately

To give effect to the above, the following are some typical waste minimization measures that should be implemented by the Developer, to the satisfaction of the Stellenbosch Municipality:

- Procedures should be stipulated for the collection and sorting of recyclable materials;
- Provision should be made for centralized containers for recyclable materials including cardboard, glass, metal, and plastic and green waste;
- A service provider should be appointed to collect recyclable waste. Such service provider must be legally compliant in terms of all Environmental Legislation and/or approved by the Municipality's Solid Waste Management Department;
- Procedures for removal of waste (materials that cannot be reused or recycled) from the site should be stipulated;
- General visual monitoring should be undertaken to identify if these measures are being adhered to;
- Record shall be kept of any steps taken to address reports of dumping or poor waste management within the Development;

Where an Owner's Association is to be established in accordance with the provisions of section 29 of the Stellenbosch Municipal Land Use Planning By-law, the Constitution of the Owner's Association shall incorporate the above in the Constitution and:

- Each party's (Developer/Owner's Association/Home Owner) responsibilities w.r.t. waste management and waste minimization should be clearly defined in such constitution
- A set of penalties for non-compliance should be stipulated in the Constitution

86. that it be noted that the Solid Waste Branch will not enter private property, private roads or any access controlled properties for the removal of solid waste;
87. that the "Developer" must apply and get approval from the Municipality's Solid Waste Department for a waste removal service prior to clearance certificate or occupation certificate (where clearance not applicable). Contact person Mr Saliem Haider, 021 808 8241; saliem.haider@stellenbosch.gov.za;

Portions 52, 53, 54 and 71 of Farm 510: Development of 65 townhouses and 24 flat units

88. that should it not be an option for the "Municipality" to enter into an agreement with the "Developer" due to capacity constraints, the "Developer" will have to enter into a service agreement with a service provider approved by the "Municipality" prior to clearance certificate or occupation certificate (where clearance not applicable);
89. that if the "Developer" wishes to remove the waste by private contractor, provision must still be made for a refuse room should this function in future revert back to the "Municipality";
90. Access to all properties via public roads shall be provided in such a way that collection vehicles can complete the beats with a continuous forward movement;
91. Access shall be provided with a minimum travelable surface of 5 meters width and a minimum corner radii of 5 meters;
92. Maximum depth of cul-de-sac shall be 20 meters or 3 erven, whichever is the lesser. Where this requirement is exceeded, it will be necessary to construct a turning circle with a minimum turning circle radius of 11m or, alternatively – a turning shunt as per the Directorate: Infrastructure Services' specifications. With respect to the latter, on street parking are to be prohibited by way of "red lines" painted on the road surface as well as "no parking" signboards as a single parked vehicle can render these latter circles and shunts useless;
93. Minimum turning circle radius shall be 11 meters to the center line of the vehicle;
94. Road foundation shall be designed to carry a single axle load of 8.2 tons;
95. Refuse storage areas are to be provided for all premises other than single residential erven;
96. Refuse storage areas shall be designed in accordance with the requirements as specified by the Solid Waste Branch. Minimum size and building specifications is available from the Solid Waste Branch;
97. A single, centralized, refuse storage area which is accessible for collection is required for each complete development. The only exception is the case of a single residential dwelling, where a refuse storage area is not required;
98. The refuse storage area shall be large enough to store all receptacles needed for refuse disposal on the premises, including all material intended to recycling. No household waste is allowed to be disposed / stored without a proper 240 l Municipal wheele bin;

Portions 52, 53, 54 and 71 of Farm 510: Development of 55 townhouses and 24 flat units

99. The size of the refuse storage area depends on the rate of refuse generation and the frequency of the collection service. For design purposes, sufficient space should be available to store two weeks' refuse;

100. Where the premises might be utilized by tenants for purposes other than those originally foreseen by the building owner, the area shall be sufficiently large to store all refuse generated, no matter what the tenant's business may be;

101. All black 85 l refuse bins or black refuse bags is in the process of being replaced with 240 l black municipal wheeled containers engraved with WC024 in front, and consequently refuse storage areas should be designed to cater for these containers. The dimensions of these containers are:

Commercial and Domestic	585 mm wide x 730 mm deep x 1100 mm high
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102. With regard to flats and townhouses, a minimum of 50 litres of storage capacity per person, working or living on the premises, is to be provided at a "once a week" collection frequency;

103. Should designers be in any doubt regarding a suitable size for the refuse storage area, advice should be sought from the Solid Waste Department : Tel 021 808-8224

104. Building specifications for refuse storage area:

Floor

The floor shall be concrete, screened to a smooth surface and rounded to a height of 75mm around the perimeter. The floor shall be graded and drained to a floor trap (See: Water Supply and Drainage).

Walls and Roof

The Refuse Storage Area shall be roofed to prevent any rainwater from entering. The walls shall be constructed of brick, concrete or similar and painted with light color high gloss enamel. The height of the room to the ceiling shall be not less than 2.21 meters.

Ventilation and Lighting

The refuse storage area shall be adequately lit and ventilated. The room shall be provided with a lockable door which shall be fitted with an efficient self-closing device. The door and ventilated area shall be at least 3 metres from any door or window of a habitable room. Adequate artificial lighting is required in the storage area.

Water Supply and Drainage

Portions 52, 53, 54 and 71 of Farm 510: Development of 55 townhouses and 24 flat units

A tap shall be provided in the refuse storage area for washing containers and cleaning spillage. The floor should be drained towards a 100 mm floor trap linked to a drainage pipe which discharges to a sewer gully outside the building. In some cases a grease gully may be required.

105. Should the refuse storage area be located at a level different from the level of the street entrance to the property, access ramps are to be provided as stairs are not allowed. The maximum permissible gradient of these ramps is 1:7;
106. A refuse bay with minimum dimensions of 15 meters in length x 2, 5 meters in width plus 45 degrees splay entrance, on a public street, must be provided where either traffic flows or traffic sight lines are affected. The refuse bays must be positioned such that the rear of the parked refuse vehicle is closest to the refuse collection area;
107. Any containers or compaction equipment acquired by the building owner must be approved by the Directorate: Infrastructure Services, to ensure their compatibility with the servicing equipment and lifting attachments;
108. Refuse should not be visible from a street or public place. Suitable screen walls may be required in certain instances;
109. Access must be denied to unauthorized persons, and refuse storage areas should be designed to incorporate adequate security for this purpose;
110. All refuse storage areas shall be approved by the Directorate: Infrastructure Services, to ensure that the Council is able to service all installations, irrespective of whether these are currently serviced by Council or other companies;

AS-BUILTs

111. The "Developer" shall provide the "Municipality" with:
 - a. a complete set of as-built paper plans, signed by a professional registered engineer;
 - b. a CD/DVD containing the signed as-built plans in an electronic DXF-file format, reflecting compatible layers and formats as will be requested by the "Engineer" and is reflected herewith as Annexure X;
 - c. a completed Asset Verification Sheet in Excell format, reflecting the componentization of municipal services installed as part of the development. The Asset Verification Sheet

Portions 62, 63, 64 and 71 of Farm 610: Development of 56 townhouses and 24 flat units will have to be according to the IMQS format, as to be supplied by the "Engineer", and is to be verified as correct by a professional registered engineer;

- d. a complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer;
 - e. Written verification by the developer's consulting engineer that all professional fees in respect of the planning, design and supervision of any services to be taken over by the "Municipality" are fully paid;
112. All relevant as-built detail, as reflected in the item above, of civil engineering services constructed for the development, must be submitted to the "Engineer" and approved by the "Engineer" before any application for Certificate of Clearance will be supported by the "Engineer";
113. The Consulting Civil Engineer of the "Developer" shall certify that the location and position of the installed services are in accordance with the plans submitted for each of the services detailed below;
114. All As-built drawings are to be signed by a professional engineer who represents the consulting engineering company responsible for the design and or site supervision of civil engineering services;
115. Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law shall not be issued unless said services have been inspected by the "Engineer" and written clearance given, by the "Engineer";

Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law

116. It is specifically agreed that the "Developer" undertakes to comply with all conditions of approval as laid down by the "Municipality" before clearance certificates shall be issued, unless otherwise agreed herein;
117. that the "Municipality" reserves the right to withhold any clearance certificate until such time as the "Developer" has complied with conditions set out in this contract with which he/she is in default. Any failure to pay monies payable in terms of this contract within 30 (thirty) days after an account has been rendered shall be regarded as a breach of this agreement and the "Municipality" reserves the right to withhold any clearance certificate until such time as the amount owing has been paid;

Stellenbosch Municipality - Development Charge Calculation



APPLICATION INFORMATION

Application Number: CMT/19/453 (11/2/2020)

Date: Wednesday, 04/02/2020
2020-21

Financial Year:

Erf Location:

Erf No:

Erf Size (m²): Farm 506, Portlouis 52,53,96 and 71

Suburb: Jonkershoek

Applicant:

Approved Building Plan No.:

Proposed subdivision/development No 4 new L, street 34/06/2020 by TDS

SUMMARY OF DC CALCULATION

Unit(s)	Water	Sewer	Storm-water	Solid-Waste	Roads	Community Facilities	Totals
Total Increased Services Usage	42,800	37,100	0,968	2,100	244,78		
Total Development Charges before Deductions	R 1 186 274,06	R 326 623,57	R 67 670,95	R 183 128,86	R 1 968 578,96	R 1 000 000,11	R 4 946 424,94
Total Deductions							
Total Payable (including VAT)	R 1 186 274,06	R 958 823,47	R 67 670,95	R 183 128,86	R 1 968 578,96	R 1 000 000,11	R 4 946 424,94
VAT	R 173 261,11	R 140 778,38	R 14 661,35	R 34 488,89	R 229 335,83	R 154 805,27	R 741 863,74
Total Payable (including VAT)	R 1 323 965,16	R 1 079 602,45	R 112 996,32	R 187 864,85	R 1 788 946,32	R 1 154 805,38	R 6 681 493,88

APPLICANT INFORMATION

Application Processed by:

Tyronne King

Signature

Date

As above

Amount Paid:

Date Payment Received

Receipt Number

[illegible]

ELECTRICITY SERVICES: CONDITIONS OF APPROVAL

ERF 510/52 James town

GENERAL COMMENTS

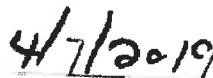
1. Please note that the Stellenbosch Municipality Electrical Department is the supply authority for the new development
2. Development Bulk Levy Contributions are payable

CONDITIONS

1. The electrical consulting engineer responsible for the development shall schedule an appointment with Manager Electricity Services (Engineering Services) before commencing with the construction of the development. As well as to discuss new power requirements if required.
2. The development's specifications must be submitted to Stellenbosch Municipality (Engineering Services) for approval, i.e.
 - a) The design of the electrical distribution system
 - b) The location of substations(s) and related equipment.
3. A separate distribution board/s shall be provided for municipal switchgear and metering. (Shall be accessible & lockable). Pre-paid metering systems shall be installed in domestic dwellings.
4. 24-hour access to the location of the substation, metering panel and main distribution board is required by Technical Services. (On street boundary)
5. Appropriate caution shall be taken during construction, to prevent damage to existing service cables and electrical equipment in the vicinity, should damage occur, the applicant will be liable for the cost involved for repairing damages.
6. On completion of the development, Stellenbosch Municipality (Technical Services) together with the electrical consulting engineer and electrical contractor will conduct a take-over inspection.
7. No electricity supply will be switched on (energised) if the Development contributions, take-over inspection and Certificate(s) of Compliance are outstanding.
8. All new developments and upgrades of supplies to existing projects are subject to SANS 10400-XA energy savings and efficiency implementations such as:
 - Solar water Heating or Heat Pumps in Dwellings
 - Energy efficient lighting systems
 - Roof insulation with right R-value calculations.
 - In large building developments;
 - Control Air condition equipment tied to alternative efficiency systems
 - Preheat at least 50% of hot water with alternative energy saving sources
 - All hot water pipes to be clad with insulation with R-value of 1
 - Provide a professional engineer's certificate to proof that energy saving measures is not feasible.
9. All electrical wiring should be accordance with SANS 10142 and Municipal by-laws.



Signature



Date