



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2017-11-24

## NOTICE OF THE 14<sup>TH</sup> MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY WEDNESDAY, 2017-11-29 AT 10:00

**TO** The Speaker, Cllr DD Joubert [Chairperson]  
The Executive Mayor, Ald G Van Deventer (Ms)  
The Deputy Executive Mayor, Cllr N Jindela

<b>COUNCILLORS</b>	F Adams	MC Johnson
	DS Arends	NS Louw
	FJ Badenhorst	N Mananga-Gugushe (Ms)
	GN Bakubaku-Vos (Ms)	C Manuel
	FT Bangani-Menziwa (Ms)	LM Maqeba
	PW Biscombe	NE McOmbring (Ms)
	PR Crawley (Ms)	XL Mdemka (Ms)
	A Crombie (Ms)	RS Nalumango (Ms)
	JN De Villiers	N Olayi
	MB De Wet	MD Oliphant
	R Du Toit (Ms)	SA Peters
	A Florence	WC Petersen (Ms)
	AR Frazenburg	MM Pietersen
	E Fredericks (Ms)	WF Pietersen
	E Groenewald (Ms)	SR Schäfer
	JG Hamilton	Ald JP Serdyn (Ms)
	AJ Hanekom	N Sinkinya (Ms)
	DA Hendrickse	P Sitshoti (Ms)
	JK Hendriks	Q Smit
	LK Horsband (Ms)	E Vermeulen (Ms)

Notice is hereby given in terms of Section 29, read with Section 18(2) of the *Local Government: Municipal Structures Act, 117 of 1998*, as amended, that the **14<sup>TH</sup> MEETING** of the **COUNCIL** of **STELLENBOSCH MUNICIPALITY** will be held in the **COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH** on **WEDNESDAY, 2017-11-29** at **10:00** to consider the items on the Agenda.

**SPEAKER**  
**DD JOUBERT**

# Vol 1

**A G E N D A**  
**14<sup>TH</sup> MEETING OF THE COUNCIL**  
**OF STELLENBOSCH MUNICIPALITY**  
**2017-11-29**  
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6.	REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS COUNCIL MEETINGS
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The report by the Municipal Manager re outstanding resolutions taken at previous meetings of Council is attached as **APPENDIX 1**.

**FOR INFORMATION**

# **APPENDIX 1**

## OUTSTANDING COUNCIL RESOLUTIONS NOVEMBER 2017

Council Meeting		Resolution	Resolution Date	Allocated To	% Feedback	Feedback Comment
352092	ELECTRICITY SUPPLY TO THE MUNICIPAL AREAS OF STELLENBOSCH	<p>25TH COUNCIL MEETING: 2014-11-26: ITEM 7.5</p> <p>RESOLVED (nem con)</p> <p>(a)that a preliminary investigation be conducted by the Directorate: Engineering Services (Electrical Services) into the possibility and feasibility of taking over the electricity supply from Drakenstein Municipality;</p> <p>(b)that billing cooperation be implemented between Drakenstein and Stellenbosch Municipality to implement more effective debt collection; and</p> <p>(c)that SALGA be requested to expedite the Eskom process through political intervention.</p> <p>(DIRECTOR: ENGINEERING SERVICES TO ACTION)</p>	2014-11-26	JOHANNESC	90.00	Take over on hold. Progress report submitted to Council for November meeting.
383887	PROGRESS REPORT – POLICY FOR SELF GENERATION OF ELECTRICITY	<p>7.9 PROGRESS REPORT : POLICY FOR SELF- GENERATION OF ELECTRICITY</p> <p>33RD COUNCIL MEETING: 2015-08-25: ITEM 7.9</p> <p>RESOLVED (nem con)</p> <p>that this matter be referred back to allow the Administration to submit a Progress Report to Council as mentioned in the item.</p> <p>(ACTING DIRECTOR: ENGINEERING SERVICES TO ACTION)</p>	2015-08-25	JOHANNESC	88.00	By-Law on Electrical Services submitted to Council agenda for November 2017 after which Policy on Self-Generation of Electricity be submitted to Council.
394114	Investigation with regards to the various residential properties in Mont Rochelle Nature Reserve	<p>7.6 INVESTIGATION WITH REGARD TO THE VARIOUS RESIDENTIAL PROPERTIES IN MONT ROCHELLE NATURE RESERVE</p> <p>35TH COUNCIL MEETING: 2015-10-28: ITEM 7.6</p> <p>RESOLVED (majority vote)</p> <p>(a) that Council rescind its resolution taken at the meeting dated, 2014-01-16, with regard to Item 7.2;</p> <p>(b) that the funds allocated to be spent on conducting the proposed investigation rather be spent on consolidating the 46 unsold erven with Mont Rochelle Nature Reserve and negotiating with the owners of the 14 sold (but undeveloped) erven (the priority being erven 342, 307, 314, 322, 355, 336, located in a visually sensitive area north-eastern</p>	2015-10-28	ILZEB	95.00	Awaiting arrangement of a site visit.

## OUTSTANDING COUNCIL RESOLUTIONS NOVEMBER 2017

		<p>slope of "Du Toits Kop" facing the Franschoek valley) regarding the possibility to exchange current erven within Mont Rochelle Nature Reserve with erven in a more suitable area (suitable in terms of environmental, visual and service delivery perspective); and</p> <p>(c) that any other feasible alternative that can limit the impact on the nature reserve that might be identified in the process be considered.</p> <p>The following Councillors requested that their votes of dissent be minuted: Councillors F Adams; JA Davids; DA Hendrickse; S Jooste (Ms); C Moses (Ms); P Mntumi (Ms); RS Nalumango (Ms); P Sitshoti (Ms); AT van der Walt and M Wanana.</p> <p>(DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT TO ACTION)</p>				
413640	9.1 MOTION BY COUNCILLOR JK HENDRIKS: SUPPORT FOR INDIGENT PEOPLE IN RURAL AREAS	<p>9.1 MOTION BY COUNCILLOR JK HENDRIKS: SUPPORT FOR INDIGENT PEOPLE IN RURAL AREAS</p> <p>38TH COUNCIL MEETING: 2016-02-24: ITEM 9.1 The Speaker allowed Councillor JK Hendriks to put his Motion, duly seconded. After the Motion was motivated, the Speaker allowed debate on the matter. The matter was put to the vote yielding a result of all in favour. RESOLVED (nem con)</p> <p>(a) that the Administration be tasked to investigate to what extent rural indigent residents, especially those residing on farms, can be assisted with electricity, health and social services by the local-, provincial- and national spheres of government;</p> <p>(b) that any further recommendations and findings that could improve the quality of life of indigent residents be considered for implementation and support to rural indigent residents;</p> <p>(c) that a report with recommendations for implementation pertaining to the above be tabled for consideration at the next Council meeting scheduled for 2016-03-30; and</p> <p>(d) that Council nominate a multi-party delegation to engage organised agriculture to investigate what the municipality can do to address the situation of the farm workers, in co-operation with the farmers;</p> <p>(e) that the multi-party delegation comprise of the following Councillors:</p> <p>DA = Cllr JP Serdyn (Ms) ANC = Cllr JA Davids SCA = Cllr DA Hendrickse SPA = Cllr F Adams SCA = Cllr DA Hendrickse ACDP = Cllr DS Arends COPE = Cllr HC Bergstedt (Ms); and NPP = Cllr LL Stander</p>	2016-02-24	ANNELIER	50.00	Legal opinion submitted to the MinmayTech meeting to be held on 27 November 2017.

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		(DIRECTOR: STRAT & CORP TO ACTION)				
478903	SECTION 78 PROCESS FOR AN EXTERNAL SERVICE DELIVERY MECHANISM WITH REGARDS TO PUBLIC	7.6.2 SECTION 78 PROCESS FOR AN EXTERNAL SERVICE DELIVERY MECHANISM WITH REGARD TO PUBLIC TRANSPORT  4TH COUNCIL MEETING: 2016-11-23: ITEM 7.6.2  RESOLVED (majority vote)  (a) that Council approves the proposal that an assessment of the municipality's capacity be done to determine its ability to provide the proposed public transport service through an internal mechanism and that the recommendation of the assessment be submitted to Council for consideration and decision; and  (b) that, should the above assessment recommend the use of an external mechanism for the provision of the public transport service, a feasibility study be conducted for the provision of the service through an external mechanism.  The following Councillors requested that their votes of dissent be minuted: Councillors F Adams; DA Hendrickse and LK Horsband (Ms).	2016-11-23	HEADT	30.00	The evaluation of Section 78 process is completed and will be tabled to Council.
478901	THE THIRD GENERATION INTEGRATED WASTE MANAGEMENT PLAN (IWMP) FOR STELLENBOSCH MUNICIPALITY	7.6.4 THE THIRD GENERATION INTEGRATED WASTE MANAGEMENT PLAN (IWMP) FOR STELLENBOSCH MUNICIPALITY  4TH COUNCIL MEETING: 2016-11-23: ITEM 7.6.4  RESOLVED (nem con)  (a) that the attached Draft 3rd Generation IWMP be supported by Council for approval in principle; and  (b) that the proposed Draft 3rd Generation IWMP be duly advertised for public comment until the end of February 2017, and be re-submitted together with any comments / objections by D:EA&DP and the public, for final approval and adoption by Council.	2016-11-23	SALIEMH	30.00	Session to be arranged with Management first to address all questions raised during the compilation of item.
489388	IDENTIFICATION OF POSSIBLE TRUST LAND IN PNIEL: STATUS REPORT	7.5.1 IDENTIFICATION OF POSSIBLE TRUST LAND IN PNIEL: STATUS REPORT  5TH COUNCIL MEETING: 2017-01-25: ITEM 7.5.1  RESOLVED (nem con)  (a) that the content of the notice of the Minister, be noted;  (b) that the process plan as set out in par. 3.1.5, submitted to the Minister, be endorsed;  (c) that the Municipal Manager be authorised to attend to the public participation process	2017-01-25	PSMIT	85.00	A meeting took place with representatives of the Cyster Family trust and a representative of Land Reform (land Claimants commissioner).  Their written inputs/comment, however is still outstanding.



## OUTSTANDING COUNCIL RESOLUTIONS NOVEMBER 2017

		<p>as set out in paragraph 3.1.5;</p> <p>(d) that the proposed allocations, as set out in paragraph 3.1.4, be supported in principle; and</p> <p>(e) that, following the public participation process, a progress report be submitted to Council to deal with the submissions received as a consequence of the public participation process, whereupon final recommendations will be made to the Minister regarding the allocation/transfer of so-called Section 3 Trust land.</p> <p>(DIR: HUMAN SETTLEMENTS TO ACTION)</p>				
508896	REPORT ON THE ESTABLISHMENT OF WARD COMMITTEES	<p>13.1.1 REPORT ON THE ESTABLISHMENT OF WARD COMMITTEES</p> <p>7TH COUNCIL MEETING: 2017-03-29: ITEM 13.1.1</p> <p>RESOLVED</p> <p>(a) that the completion of the ward committee elections, be noted;</p> <p>(b) that the current Policy and Procedures for Ward Committees be revised taking into consideration, amongst other, the geographical model implemented whereafter same be submitted to Council for consideration;</p> <p>(c) that a deviation from the Policy be allowed only in respect of the co-option of members as stipulated in clause 15(2) and clause 15 (3) of the Policy and as stipulated in recommendations D, i, ii, iii and iv.</p> <p>(d) that the Administration be commissioned to perform the following activities in respect of co-opting members within a ward where vacancies do exist:</p> <p>(i) Advertisements and or pamphlets must be prepared inviting nominations for members to be co-opted to serve on the ward committee representing the applicable geographical area/s.</p> <p>(ii) invitations for nominations per geographical area should also be placed on the municipal website;</p> <p>(iii) that elections be held in those wards where more than one nomination for a vacancy/ies within the ward was received; and</p> <p>(iv) that this process of co-option be finalised by end of May 2017 whereafter a report in this regard be submitted to Council.</p>	2017-03-29	NICKYC	80.00	Awaiting direction from Speaker in respect of reviewed policy .

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		<p>The following Councillors requested that their votes of dissent be minuted:</p> <p>Councillors F Adams; DA Hendrickse and LK Horsband.</p> <p>(ACTING DIR: STRAT &amp; CORP TO ACTION)</p>				
506222	<p>INNOVATION CAPITAL PROGRAMS: LOCAL ECONOMIC DEVELOPMENT HUBS FOR SMALL BUSINESS</p>	<p>7.3.2 INNOVATION CAPITAL PROGRAMS: LOCAL ECONOMIC DEVELOPMENT HUBS FOR SMALL BUSINESSES</p> <p>7th COUNCIL: 2017-03-29: ITEM 7.3.2</p> <p>RESOLVED (majority vote)</p> <p>(a) that approval be granted for the establishment of Local Economic Development hubs / incubators on the following properties as identified in APPENDIX 1:</p> <p>RANK PROPERTY LOCATION PURPOSE MANAGEMENT PROCESS</p> <p>1 Erf 2235 Groendal (Mooiwater homestead / old youth house) Business support Services incubator Preferred service provider Building/site maintenance; lease agreements; contractor relocation.</p> <p>2</p> <p>Public Place / POS north of Groendal Community Hall Vacant office on play park land Business Sector Offices Preferred service provider Lease agreement.</p> <p>3 Erven 2751 and 6314 (Old Agricultural Hall) Stellenbosch Incubator and affordable rentals for Arts, crafts and tourism sector, including parking area Preferred service provider Building / site maintenance; lease agreements; illegal occupants" relocation; rezoning.</p> <p>4 Erven 228, 229 and 230 Franschoek (Triangle site) Affordable rental space for shops and tourism activities Preferred service provider Building / site maintenance; lease agreements; staff relocation (Erven 228 and 229); site improvement; further lease agreements.</p> <p>5 Re Erf 342 Klapmuts Trading hub Preferred service provider Rezoning; services connections; lease agreements; container acquisition.</p> <p>6 Erf 1538 Franschoek (old tennis courts) Parking/ business opportunity for a co-operative Preferred service provider Site improvement; lease/ management agreement.</p> <p>7 Erven 1956, 1957, 6487, 6488 and 6490 Stellenbosch (Old clinic site and LED office) Business Development Incubator and rental space (Arts, crafts, shops, offices, tourism activities) Preferred service provider Building / site maintenance; lease agreements; occupants" relocation.</p> <p>8 Die Boord POS Intersection Van Rheede Rd and R44 Community market Preferred service provider Site improvement; lease/ management agreement.</p> <p>9 Erf 721 Pniel (municipal office site) Affordable rental space (Shops and tourism activities) Preferred service provider Rezoning; services connections; lease agreements;</p>	2017-03-29	ILZEB	95.00	Report finalised, currently in circulation prior to submission to Mayco.

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		<p>container acquisition.</p> <p>(b) that Council agrees to the approved tariff structure for the local economic development incubator hubs as applies to the Kayamandi Economic and Tourism Corridor (KETC);</p> <p>(c) that Council confirms that the properties are not required for the provision of the minimum level of basic municipal services in terms of Section 14 of the Local Government: Municipal Finance Management Act, 2003, Act 56 of 2003; and</p> <p>(d) that the Municipal Manager be authorised to follow the prescribed process for the leasing of the relevant properties in keeping with the Stellenbosch Tariff Structure as amended, through requesting proposals in line with the objectives of Local Economic Development.</p> <p>Councillors DA Hendrickse and LK Horsband requested that their votes of dissent be minuted.</p> <p>(DIR: PLANNING &amp; ECON DEVELOPMENT TO ACTION)</p>				
513321	THE FUTURE USE AND MAINTENANCE OF COUNCIL HERITAGE BUILDINGS	<p>7.3.1 THE FUTURE USE AND MAINTENANCE OF COUNCIL HERITAGE BUILDINGS</p> <p>8TH COUNCIL MEETING: 2017-04-26: ITEM 7.3.1</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council supports the establishment of a "heritage portfolio" that can be managed independently from other assets and that the Municipal Manager be mandated to identify all council owned properties to be placed in the heritage portfolio;</p> <p>(b) that the Rhenish complex including Vorgelegen and the Transvalia complex of apartments (Transvalia, Tinetta, Bosmanhuis en Alma) be agreed to be categorised as category A assets;</p> <p>(c) that in terms of Section 14(2)(a) of the MFMA, the properties listed in paragraph 3.4 (table 2) marked as Category A properties, be identified as properties not needed to provide the minimum level of basic municipal services;</p> <p>(d) that, in terms of Regulation 34(3) of the ATR, the Municipal Manager be authorized to conduct the prescribed public participation process, as envisaged in Regulation 35 of the ATR, with the view of awarding long term rights in relation to the Category A properties;</p> <p>(e) that, for the purpose of disposal, two independent valuers be appointed to determine the fair market value and fair market rental of the properties listed in Categories A and B;</p> <p>(f) that, following the public participation process, a report be tabled before Council to consider in principle, the awarding of long term rights in the relevant properties.</p>	2017-04-26	ILZEB	20.00	Awaiting Valuations from Manager : Property Management

## OUTSTANDING COUNCIL RESOLUTIONS NOVEMBER 2017

		<p>whereafter a public competitive disposal process be followed; and</p> <p>(g) that, with regard to the properties listed as Category B and C, the Municipal Manager be mandated to investigate the best way of disposing of or managing these assets, including feasibility studies on the possible disposal/awarding of long term rights and/or outsourcing of the maintenance function and that a progress report be tabled before Council within 6 months from the date of approval of the recommendation.</p> <p>Councillor F Adams requested that his vote of dissent be minuted.</p> <p>(DIRECTOR: PLANNING AND ECON DEV TO ACTION)</p>				
514994	Stellenbosch Municipality: Extension of Burial Space	<p>7.3.2 STELLENBOSCH MUNICIPALITY: EXTENSION OF BURIAL SPACE</p> <p>8TH COUNCIL MEETING: 2017-04-26: ITEM 7.3.2</p> <p>RESOLVED (nem con)</p> <p>(a) that Council amends its 27th Meeting of the Council of Stellenbosch (25 February 2015) resolution by adding (b)(x) to include any alternative land in the same area which could feasibly be used as a site to be investigated as a solution to the critical need for burial space within Stellenbosch Municipality;</p> <p>(b) that Council supports the acquisition of the required authorization for the proposed establishment of regional cemeteries (for burial need within WC024) at Farm Culcatta No. 29 and the Remainder of Farm Louw's Bos No. 502 as well as the proposed establishment of a regional cemetery at Farm De Novo No. 727/10 and Portion 1 of „Farm Meer Lust No 1006 should the process of acquiring the necessary approval from the Department of Transport and Public Works be acquired;</p> <p>(c) that the possible creation of a garden of remembrance as alternative to a traditional land site also be investigated; and</p> <p>(d) that Council authorises the Municipal Manager to proceed with acquiring the necessary approvals for the establishment of the above cemeteries.</p> <p>(DIRECTOR: PLANNING &amp; ECON DEV TO ACTION)</p>	2017-04-26	ILZEB	55.00	EIA consultations have commenced and are currently in process.
532470	7.5.2 UTILISATION OF A PORTION OF THE WEMMERSHOEK COMMUNITY HALL AS AN EARLY CHILDHOOD DEVELOPMENT FACILITY (CRECHE)	<p>7.5.2 UTILISATION OF A PORTION OF THE WEMMERSHOEK COMMUNITY HALL AS AN EARLY CHILDHOOD DEVELOPMENT FACILITY (CRECHE)</p> <p>COUNCIL MEETING: 2017-07-26: ITEM 7.5.2</p> <p>RESOLVED (nem con)</p> <p>(a) that the property in question be identified as property not needed/required for the municipality's own use;</p>	2017-07-26	PSMIT	10.00	A Tender Document has been compiled and submitted to SCM for advertising. The document has been considered by Bid Specification Committee and referred back for amendment.

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		<p>(b) that the Administration be authorised to follow a public competitive process (Call for Proposal), with the view of awarding rights to a bidder to use/develop the property as a ECD facility, based on a 1- year lease agreement;</p> <p>(c) that the minimum lease be determined at 20% of market value (to be determined by an independent valuer); and</p> <p>(d) that the Municipal Manager be authorised to develop/approve the evaluation criteria, as to ensure that preference be given to local, previously disadvantaged people with the necessary skills and experience to manage such a facility.</p> <p>(DIRECTOR: ENGINEERING SERVICES TO ACTION)</p>				
532553	INTEGRATED WASTE MANAGEMENT PLAN (IWMP)	<p>7.6.3 3RD GENERATION INTEGARTED WASTE MANAGEMENT PLAN (IWMP) NOT SERVING AT COUNCIL BY JUNE 2017, AS PER PERFORMANCE AGREEMENT</p> <p>10TH COUNCIL MEETING: 2017-07-26: ITEM 7.6.3</p> <p>RESOLVED (nem con)</p> <p>(a) that Council notes that the 3rd Generation Integrated Waste Management Plan will not serve at Council until the potential additional airspace has been included in the plan;</p> <p>(</p> <p>b) that GreenCape make the necessary amendments and that the document serves for public participation before it is finalised; and</p> <p>(c) that the Final 3rd Generation Integrated Waste Management Plan (IWMP) serves at Council in October 2017 for approval.</p> <p>(DIRECTOR: ENGINEERING SERVICES TO ACTION)</p>	2017-07-26	SILVIAP	35.00	Session to be arranged with Management first to address all questions raised during the compilation of item.
539724	APPLICATION FOR STREET NAMING AND NUMBERING: JAMESTOWN HOUSING PROJECT FARM NO. 527/9, STELLENBOSCH (NOW ERF 967, JAMESTOWN).	<p>7.3.1 APPLICATION FOR STREET NAMING AND NUMBERING: JAMESTOWN HOUSING PROJECT FARM NO. 527/9, STELLENBOSCH (NOW ERF 967, JAMESTOWN)</p> <p>11TH COUNCIL MEETING: 2017-08-30: ITEM 7.3.1</p> <p>RESOLVED (majority vote with abstentions)</p> <p>that the application to allocate the proposed street names listed in APPENDIX 1 and indicated on APPENDIX 3, to the public roads and to allocate street numbers for all erven in the Jamestown Housing Project on Farm No. 527/9, Stellenbosch (Now Erf 967, Jamestown), be approved as contemplated in terms of Section 98 of the Stellenbosch Municipality Land Use Planning By-law dated 20 October 2015 and in compliance with the Stellenbosch Municipal Policy on Place naming, Street naming, Renaming &amp; Numbering (November 2010), subject to the conditions as per the attached APPENDIX 1.</p> <p>CONDITIONS IMPOSED:</p>	2017-08-30	LESTERS	90.00	Directorate Planning and Economic Development implemented points 1, 3 and 4 of the decision. Point 2 will be directed to the Directorate : Human Settlements for implementation and feedback.

## OUTSTANDING COUNCIL RESOLUTIONS NOVEMBER 2017

		<p>1. That the approval applies only to the street naming and numbering in question, as indicated in APPENDIX 1 and APPENDIX 3 and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.</p> <p>2. That the street names be erected at the cost of the Directorate: Integrated Human Settlements according to Municipal standards.</p> <p>3. That the Director: Integrated Human Settlements notifies all essential services, other applicable authorities and departments, e.g. the local police, post office, Telkom, ambulance services, fire services, Geographic Mapping Authorities, Municipal Finance, Electrical and Engineering Services etc. of the newly allocated street names and numbers.</p> <p>4. Council reserves the right to impose further conditions if deemed necessary.</p>				
539732	Street People Policy	<p>7.1.2 STREET PEOPLE POLICY</p> <p>11TH COUNCIL MEETING: 2017-08-30: ITEM 7.1.2</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council approve the draft policy on Street People (as amended) in principle to provide a framework for the Department Community Development to start consultation with civil society on a collaborative approach to dealing with people living on the street;</p> <p>(b) that the draft Policy on Street People go out for public participation, which include consultation with civil society; and</p> <p>(c) that all inputs and comments received from the public participation- and consultation process be first considered by Council before a final decision is made on the approval of the Street People Policy for implementation.</p> <p>(DIRECTOR: PLAN &amp; ECON DEV TO ACTION)</p>	2017-08-30	MICHELLEB	10.00	Workshop with local and provincial roleplayers scheduled for 24 November 2017.
540661	FEEDBACK ON PUBLIC PARTICIPATION ON VERSION 10.3A AND REQUEST FOR COMMENCEMENT OF PUBLIC PARTICIPATION ON DRAFT VERSION 11 OF	<p>8.10 FEEDBACK ON PUBLIC PARTICIPATION ON VERSION 10.3A AND REQUEST FOR COMMENCEMENT OF PUBLIC PARTICIPATION ON THE DRAFT VERSION 11 OF THE NEW STELLENBOSCH ZONING SCHEME BY-LAW FOR STELLENBOSCH MUNICIPALITY (WC024)</p> <p>11TH COUNCIL MEETING: 2017-08-30: ITEM 8.10</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council authorises the Municipal Manager to:</p>	2017-08-30	ILZEB	90.00	The public participation currently in process will close on 20 December 2017 for all inputs, whereafter those inputs/comments will be considered.

## OUTSTANDING COUNCIL RESOLUTIONS NOVEMBER 2017

	THE INTERGRATED ZONING SCHEME BY-LAW FOR STELLENBOSCH MUNICIPALITY (WC024)	<p>(i) proceed with re-advertising of the Draft IZS By-law Annexure B for a period of 60 days; and</p> <p>(ii) copies of the document (version 11), the draft converted zoning maps and zoning register be placed at all municipal libraries for a period of 60 days; and</p> <p>(b) that the Final Draft Integrated Zoning Scheme By-law be resubmitted to Council after the public participation process for final consideration.</p> <p>(DIRECTOR: PLANNING &amp; ECON DEV TO ACTION)</p>				
539890	Motion by the EFF - Institute proceedings to cancel the lease agreements with KVV	<p>10.5 MOTION BY COUNCILLOR DA HENDRICKSE: CANCELLATION OF LEASE AGREEMENT WITH KVV ON PORTION OF ERF 369</p> <p>11TH COUNCIL MEETING: 2017-08-30: ITEM 10.5</p> <p>The Speaker allowed Cllr DA Hendrickse to put his Motion, duly seconded. After the Motion was motivated, the Speaker allowed debate on the matter.</p> <p>During debate on the matter, the Executive Mayor, Ald G van Deventer (Ms) raised a Point of Order in terms of Rule 18.7 of the Rules of Order By-law, to the effect that this matter be referred to the Human Settlements Portfolio Committee.</p> <p>The Speaker RULED</p> <p>that this Motion be referred to the Human Settlements Portfolio Committee.</p> <p>Councillor DA Hendrickse requested that it be minuted that, in his view, the power to rule or resolve on this matter vests with Council and not with a Section 80 Committee nor with the Mayoral Committee.</p> <p>(OFFICE OF THE MM TO ACTION)</p>	2017-08-30	PSMIT	60.00	An item has been compiled and will be submitted to the next Council meeting.
543953	SOLID WASTE UPGRADE REPORT	<p>7.6.2 SOLID WASTE UPGRADE REPORT</p> <p>12TH COUNCIL: 2017-09-27: ITEM 7.6.2</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that a Section 78 process be launched and that an internal waste disposal service delivery increase be investigated through the Section 78(1) approach; and</p> <p>(b) that a formal report be submitted to Council as required by Section 78(2), which will indicate the best way of rendering internal waste disposal by landfill and any</p>	2017-09-27	SILVIAP	50.00	Awaiting quotation for consultant to proceed with single source process

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		recommendations to a possible external method of waste disposal landfill.  (DIRECTOR: ENGINEERING SERVICES TO ACTION)				
543945	IDENTIFYING OF MUNICIPAL AGRICULTURAL LAND FOR IMPLEMENTATION OF FARMER PRODUCTION SUPPORT UNIT (FPSU) - 9/2/1/1/1/3	<p>7.3.2 IDENTIFYING OF MUNICIPAL AGRICULTURAL LAND FOR IMPLEMENTATION OF FARMER PRODUCTION SUPPORT UNIT (FPSU)</p> <p>12TH COUNCIL: 2017-09-27: ITEM 7.3.2</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council support and approve the implementation of a Farmer Production Support Unit (FPSU) within the WCO24;</p> <p>(b) that Council support and approve the following two sites as identified for the purpose of a Farmer Production Support Unit (FPSU) in accordance with the Policy of the Management of Agricultural Land:</p> <ul style="list-style-type: none"> <li>• Lease portion BH1 of Farm 502, Stellenbosch; and</li> <li>• Lease portion BH2 of Farm 502 Stellenbosch.</li> </ul> <p>(c) that the Local Economic Development Department be mandated to undertake all required land use management applications and processes, which include, amongst others rezoning, registration of lease area and departures for the relevant area to accommodate a Farmer Production Support Unit (FPSU) as the current zoning is for agricultural purposes only, given sufficient funding and budget made available by the National Department of Rural Development and Land Reform (NDRDLR); and</p> <p>(d) that the National Department of Rural Development and Land Reform (NDRDLR) draft a MOU between the Stellenbosch Municipality as land owner and the National Department of Rural Development and Land Reform (NDRDLR) on the roles and responsibilities of the different role players for the Council to consider, prior to any lease agreement be entered into or change in land use process commences.</p> <p>Cllrs DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.</p> <p>Councillor F Adams requested that it be minuted that he supports the item with reservations.</p> <p>(DIRECTOR: PLAN &amp; ECON DEV TO ACTION)</p>	2017-09-27	ILZEB	15.00	In the process of negotiating the relevant MOU referred to in section (d) of the decision.
546882	Motion WC Petersen - Proposed development of erven 412 and 284, Groendal, Franschhoek	<p>10.2 MOTION BY COUNCILLOR WC PIETERSEN (MS): PROPOSED DEVELOPMENT OF ERVEN 412 AND 284, GROENDAL, FRANSCHHOEK</p> <p>12TH COUNCIL MEETING: 2017-09-27: ITEM 10.2</p> <p>The Speaker allowed Cllr WC Petersen (Ms) put her Motion, duly seconded. After the</p>	2017-09-27	PSMIT	10.00	A meeting was scheduled with Councillor Petersen and all relevant departments. At this meeting it was agreed that the councillor will first scheduled a public meeting to solicit inputs from the community before submitting an item to council.



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		<p>Motion was motivated, the Speaker allowed debate on the matter.</p> <p>The matter was put to the vote, yielding a result of all in favour.</p> <p>RESOLVED (nem con)</p> <p>that an item be prepared for Council's consideration regarding the development of Erf 412 (high density housing) and retirement resort Erf 284 with or without frail care facility.</p> <p>(OFFICE OF THE MM TO ACTION)</p>				
543950	<p>APPLICATION TO ACQUIRE AN ADDITIONAL PORTION OF LAND FOR THE PURPOSE OF EXTENDING THE CLINIC IN KLAPMUTS</p>	<p>7.5.1 APPLICATION TO ACQUIRE AN ADDITIONAL PORTION OF LAND FOR THE PURPOSE OF EXTENDING THE CLINIC IN KLAPMUTS</p> <p>12TH COUNCIL: 2017-09-27: ITEM 7.5.1</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that the portion of erf 342, Klappmuts, measuring ±2272m<sup>2</sup> in extent, be identified as land not needed to provide the minimum level of basic municipal services;</p> <p>(b) that, seeing that the provision of a new clinic for the area is of critical importance, and seeing that the land in question (portion of erf 342) was donated to Stellenbosch Municipality by the Provincial Housing Board in 1972, the land be made available to the Provincial Government free of charge;</p> <p>(c) that approval be granted that the portion of erf 342, Klappmuts, as indicated in figure 5, be transferred to the Western Cape Government (Chief Directorate Property Management) for the purpose of constructing a health facility, on condition that:</p> <p>i) the Provincial Government be responsible for all costs related to the transfer of the land, including, but not limited to survey and legal costs;</p> <p>ii) the Provincial Government be responsible for the subdivision and rezoning cost;</p> <p>iii) the Provincial Government be responsible for the upgrading of bulk infrastructure, should the need arise, and for making a contribution towards the Bulk Infrastructure Fund, as per the approved tariff structure at the time of approval of the site development plan;</p> <p>iv) the Provincial Government be responsible for all service connections at the prevailing rates;</p> <p>(d) that the Provincial Government be given occupancy of the land with immediate effect, to enable them to attend to planning/building plan approval(s); and</p> <p>(e) that the Municipal Manager be authorised to sign the Sales Agreement and all documents necessary to effect transfer of the property.</p> <p>(DIRECTOR: HUMAN SETTLEMENTS TO ACTION)</p>	2017-09-27	PSMIT	90.00	Provincial Department was informed accordingly

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543966	PARKING UPGRADE REPORT	<p>7.6.1 PARKING UPGRADE REPORT</p> <p>12TH COUNCIL: 2017-09-27: ITEM 7.6.1</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that a Section 78 process be launched and that an internal parking service delivery increase be investigated through the Section 78(1) approach;</p> <p>(b) that parking service delivery increase be based on the towns of:</p> <ul style="list-style-type: none"> <li>i) Stellenbosch</li> <li>ii) Klappmuts, and</li> <li>iii) Franschoek; and</li> </ul> <p>(c) that a formal report be submitted to Council as required by Section 78(2), which will indicate the best way of rendering internal parking and any recommendations to a possible external method of rendering parking services.</p> <p>(DIRECTOR: ENGINEERING SERVICES TO ACTION)</p>	2017-09-27	HEADT	20.00	Report will be ready for submission to January 2018 Council Meeting.
544452	FUTURE OF THE EX-KLEINE LIBERTAS THEATRE	<p>7.5.2 FUTURE OF THE EX-KLEINE LIBERTAS THEATRE</p> <p>12TH COUNCIL: 2017-09-27: ITEM 7.5.2</p> <p>RESOLVED (majority vote with abstentions)</p> <p>that a notice be published, inviting public inputs on the matter, whereafter a final decision be made whether to proceed with the rebuilding or to plan/develop an alternative facility/usage.</p> <p>The following Councillors requested that their votes of dissent be minuted: Cllrs F Adams; DA Hendrickse and LK Horsband (Ms).</p> <p>(DIRECTOR: HUMAN SETTLEMENT TO ACTION)</p>	2017-09-27	PSMIT	30.00	Notice was published in the Eikestadnuus on 16/11/2017 the closing date for comments is 08 December 2017.
552808	DEMARICATION OF KLAPMUTS	<p>8.2.1 DEMARICATION OF KLAPMUTS</p> <p>13TH COUNCIL MEETING: 2017-10-25: ITEM 8.2.1</p> <p>It is noted that a replacement page (page 501 of the Council Agenda) was handed out in the meeting, which is captured on page 29 above.</p> <p>RESOLVED (nem con)</p> <p>(a) that Council takes cognisance of the municipal boundary demarcation process and program for the period 2017 - 2021;</p>	2017-10-25	DUPREL	10.00	Decision noted. Director Lombaard will draft the necessary communication and submit to the MM for approval and distribution.

## OUTSTANDING COUNCIL RESOLUTIONS NOVEMBER 2017

		<p>(b) that Council confirms that the Drakenstein proposal for demarcation of any portion of Klapmuts into the Drakenstein Municipality not be supported and that the property rather be subdivided to retain the N1 as the current municipal boundary; and</p> <p>(c) that only the Municipal Manager be authorised to participate in the municipal demarcation program and processes and conduct the required public participation and other activities for consideration of the municipal boundary demarcation between all abutting municipalities and Stellenbosch Municipality.</p> <p>(OFFICE OF THE MM TO ACTION)</p>				
552816	Identification of Land for Emergency Housing: Phase 1	<p>7.3.2 IDENTIFICATION OF LAND FOR EMERGENCY HOUSING: PHASE 1</p> <p>13TH COUNCIL MEETING: 2017-10-25: ITEM 7.3.2</p> <p>RESOLVED (majority vote)</p> <p>(a) that in order to understand and agree on the uncertainties (as listed in paragraph 7 of the report), it is proposed that a workshop be held amongst the relevant municipal directorates and Ward Councillors, to:</p> <p>(i) discuss, agree and formulate a response to the questions listed in paragraph 7;</p> <p>(ii) determine criteria for the selection of suitable emergency housing sites;</p> <p>(b) that the Director: Planning &amp; Economic Development be mandated to coordinate the aforementioned workshop; and</p> <p>(c) that after the workshop envisaged in (a) above, the item be resubmitted to Council for consideration.</p> <p>Councillor F Adams requested that his vote of dissent be minuted.</p> <p>(DIR: PLANNING &amp; ECONON DEV TO ACTION)</p>	2017-10-25	DUPREL	50.00	Workshop was held on 13/11/2017. Report to be submitted early 2018.

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552811	RELIEF FOR CONSUMERS EXPERIENCING LEGITIMATE BURST OR LEAKING WATER SUPPLY	<p>8.4.2 RELIEF FOR CONSUMERS EXPERIENCING LEGITIMATE BURST OR LEAKING WATER SUPPLY</p> <p>13TH COUNCIL MEETING: 2017-10-25: ITEM 8.4.2</p> <p>RESOLVED (nem con)</p> <p>(a) that this report be noted;</p> <p>(b) that Council reduces the Level 4 Municipal Tariff for Domestic, Business &amp; Commercial Leakages as follows:</p> <p>Type of Water Consumption Municipal Tariff for Domestic, Business and Commercial Leakage Level 4 per kl  Current Tariff Level 4 per kl  New Proposed Tariff  0 to 20 kl R30.00 R15.00  21 to 50 R50.00 R15.00  Above 50kl R100.00 R15.00</p> <p>(c) that the new tariff be implemented retrospectively from 1 July 2017; and</p> <p>(d) that the new tariff be advertised.</p> <p>(DIR: ENGINEERING SERVICES TO ACTION)</p>	2017-10-25	DLOUW	95.00	SOP has been developed to how to deal with the applications for reduced tariff. Tariff implemented Tariffs in process of being advertised
552814	Comments on the Final Environmental Impact Assessment Report and Environmental management Program for the Proposed Vlottenburg Village Development, Stellenbosch	<p>7.3.3 COMMENT ON THE FINAL ENVIRONMENTAL IMPACT ASSESSMENT REPORT AND ENVIRONMENTAL MANAGEMENT PROGRAM FOR THE PROPOSED VLOTTENBURG VILLAGE DEVELOPMENT, STELLENBOSCH</p> <p>13TH COUNCIL MEETING: 2017-10-25: ITEM 7.3.3</p> <p>RESOLVED (nem con)</p> <p>that Council DO NOT SUPPORT the Vlottenburg Village Development for the following reasons inter alia:</p> <p>(i) the proposed development falls outside the demarcated urban edge of Vlottenburg;</p> <p>(ii) the proposal depends on private transport which will further escalate the traffic congestion;</p> <p>(iii) the development is contrary to various other developments in the area already approved in particular the Longlands development which the municipality is contractually bound to; and</p> <p>(iv) the municipality is committed to inclusive developments which cater for all housing</p>	2017-10-25	DUPREL	100.00	Communication sent to the applicant EAP and DEA&DP.

## OUTSTANDING COUNCIL RESOLUTIONS NOVEMBER 2017

		typologies and income groups and this development is exclusive rather than inclusive.  (DIR: PLANNING & ECON DEV TO ACTION)				
552818	APPLICATION FOR A DEVIATION FROM THE PROVISIONS OF THE BY-LAW RELATING TO THE CONTROL OF BOUNDARY WALLS AND FENCES ON FARM NO. 82/18 AND ERF 13789, STELLENBOSCH DIVISION	7.3.1 APPLICATION FOR A DEVIATION FROM THE PROVISIONS OF THE BY-LAW RELATING TO THE CONTROL OF BOUNDARY WALLS AND FENCES ON FARM NO. 82/18 AND ERF 13789, STELLENBOSCH DIVISION  13TH COUNCIL MEETING: 2017-10-25: ITEM 7.3.1  RESOLVED (majority vote)  that approval be granted for the application to deviate from the By-law Relating to the Control of Boundary Walls and Fences to enable the owner to construct a 2,1m high solid wall on a section along the northern and western boundary of the property on Farm No. 82/18 and Erf 13789 (to be consolidated), Stellenbosch, as indicated on the attached Drawing No. 0068-C-103, dated 22 February 2016, drawn by Van Heerden & Van Der Merwe (See APPENDIX 3), subject to the following conditions:  1. The approval applies only to the waiver from the subject by-law in question and shall not be construed as authority to depart from any other legal prescription or requirements from council;  2. Building plans must be submitted to this municipality for approval, prior to any building work commencing onsite;  3. That the building plans not differ substantially from the plan attached as APPENDIX 3 of this report;  4. This approval may not be acted upon prior to the issuing of a certificate of consolidated title;  5. This Council reserves the right to impose further conditions if deemed necessary.  The following Councillors requested that their votes of dissent be minuted: Cllrs F Adams; GN Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); LM Maqeba; N Mananga-Gugushe (Ms); MD Oliphant; RS Nalumango (Ms) and N Sinkinya (Ms).  (Dir: Planning & Economic Development to action)	2017-10-25	BULELWAM	5.00	Awaiting file for implementation
544665	APPLICATION FOR ADMISSION OF GUILT FINES ITO THE CRIMINAL PROCEDURE ACT	7.6.4 APPLICATION FOR ADMISSION OF GUILT FINES IN TERMS OF THE CRIMINAL PROCEDURE ACT NO 51 OF 1997 IN RESPECT OF CONTRAVENTIONS IN TERMS OF THE WATER SERVICES BY-LAW (2017) AND NON-COMPLIANCE  12TH COUNCIL: 2017-09-27: ITEM 7.6.4	2017-09-27	SILVIAP	95.00	Awaiting the Chief Magistrate to approve fines. Request made to CFO to create a new U-key in which fines can be paid.

## OUTSTANDING COUNCIL RESOLUTIONS NOVEMBER 2017

	NO 51 OF 1997 IN RESPECT OF CONTRAVENTIONS ITO THE WATER SERVICES BY-LAW (2017) AND NON-COMPLIANCE	<p>RESOLVED (majority vote)</p> <p>(a) that Council takes note of the set of proposed fines (Appendix A) sent to the Chief Magistrate to apply for admission of guilt fines in terms of the Criminal Procedure Act No 51 of 1997 for illegal water use activities in contravention of the Water Services By-Law (2017);</p> <p>(b) that Council authorises the Director: Engineering Services to pursue a special vote number from the Department: Finance where the fines can be paid; and</p> <p>(c) that Council authorises the Law Enforcement Officers to serve compliance notices on behalf of the Stellenbosch Municipality as identified and levied by the Manager: Water Services reporting to the Director: Engineering Services.</p> <p>The following Councillors requested that their votes of dissent be minuted:</p> <p>Cllrs F Adams; GN Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); LM Maqeba; RS Nalumango (Ms); MD Oliphant; N Sinkinya (Ms); P Sitshoti (Ms).</p> <p>(DIRECTOR: ENGINEERING SERVICES TO ACTION)</p>				
552687	Draft ECD Policy	<p>7.1.1 DRAFT EARLY CHILDHOOD DEVELOPMENT POLICY</p> <p>13TH COUNCIL MEETING: 2017-10-25: ITEM 7.1.1</p> <p>RESOLVED (nem con)</p> <p>(a) that the draft Early Childhood Development Policy be approved, in principle; and</p> <p>(b) that the draft Early Childhood Development Policy be advertised for public comment, whereafter same be resubmitted to Council for final consideration and approval.</p> <p>(Dir: Planning &amp; Economic Development to action)</p>	2017-10-25	MICHELLEB	5.00	Drafting advertisement for public comment.

7.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: (ALD G VAN DEVENTER (MS))
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7.1	COMMUNITY DEVELOPMENT AND COMMUNITY SERVICES: (PC: CLLR AR FRAZENBURG)
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NONE

7.2	CORPORATE AND STRATEGIC SERVICES: (PC: CLLR E GROENEWALD (MS))
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NONE

7.3	ECONOMIC DEVELOPMENT AND PLANNING: (PC: ALD JP SERDYN (MS))
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7.3.1	APPLICATION FOR DEVIATION FROM THE PROVISIONS OF THE BY-LAW RELATING TO THE CONTROL OF BOUNDARY WALLS AND FENCES ON ERF 9993, 14 GIHOND ROAD, PARADYSKLOOF, STELLENBOSCH
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## 1. PURPOSE OF REPORT

To enable an informed decision on the waiver from the By-Law Relating to the Control of Boundary Walls and Fences. The application is **recommended for refusal**.

## 2. BACKGROUND

There is no relevant background information that has a bearing on the current application.

## 3. DISCUSSION

### 3.1 Application for consideration

Application is made in terms of Clause 13 of the bylaw relating to the control of boundary walls and fences (Provincial Gazette 6671, 30 October 2009) to enable the owner to construct a 2,4m high boundary wall on a portion of the street and common boundary on Erf 9993, Stellenbosch. See **APPENDIX 2** for site plan.

### 3.2 Property Information

<b>Erf number</b>	9993
<b>Location</b>	14 Gihond Road, Eden, Stellenbosch. <b>APPENDIX 1</b>
<b>Zoning/Zoning Scheme</b>	Group housing/ Stellenbosch Municipality Zoning Scheme Regulations, July 1996.
<b>Property size</b>	406m <sup>2</sup>
<b>Owner</b>	James Cave
<b>Applicant</b>	Diane Isles

### 3.3 Site Description and immediate environs

The subject property is located in Gihond Road in Eden a residential area of Stellenbosch. Eden is a group housing development located in Paradyskloof. There is currently a semi-detached dwelling unit, a garage and outside room on the property (see **APPENDIX 3**).

### 3.4 Legal requirements

#### Applicable laws and ordinances:

- By-Law relating to the control of Boundary Walls and Fences (Provincial Gazette 6671, 30 October 2009).

### 3.5 Public participation

Registered letters were served on the surrounding property owners, Eden Home Owners Association and the Ward Councillor (Cllr F J Badenhorst). No objections have been received. The relevant internal department also supported the application.

### 3.6 Comments from internal and external departments

The **Manager: Spatial Planning, Heritage and Environment** supported the proposal subject to the positive written comment from the Home Owners Association (see **APPENDIX 4**).

### 3.7 Planning Assessment

The owner of the subject property proposes to construct a 2,4m high boundary wall on a portion of the common and street boundary. Clause 5 of the bylaw states that the height of a boundary wall or fence on a residential zoned property may not exceed 2,1m in height and Council may grant a waiver to any of the provisions of the bylaw if in Council's opinion the specific site topographical conditions are such that the granting of a waiver will not result in the construction of a wall or fence that will materially detract from the character of the area.

The applicant's motivation is that the wall is needed for security reasons. A building plan was approved on 20 February 2001 to construct an outside room next to the existing single garage. The proposed wall will also shield the outside room from the street and the adjacent property.

A site inspection revealed that similar walls/fences exist within the immediate vicinity of the subject property (see **APPENDIX 5** for photos). It is however important to note that two onsite parking bays needs to be provided for every group housing property and that two parking bays currently can be accommodated on the subject property. With the construction of the proposed boundary wall only access to one onsite parking bay will be able to be accommodated on the property within the existing single garage. The existing garage is located to close to the street and thus there is also not enough space for a vehicle to be parked in front of it.

The proposal as submitted thus not be supported due to the fact the proposed boundary wall will facilitate only one onsite parking bay, should the applicant amend the proposal to accommodate two onsite parking bays then the proposal could be supported by this department.



**4. CONCLUSION**

The proposed boundary wall will have a detrimental impact on the character of the surrounding area as cars will be parked in the road reserve due to the fact that they cannot be accommodated on the subject property as required by the Stellenbosch Municipality Zoning Scheme Regulations, July 1996.

**MAYORAL COMMITTEE MEETING: 2017-11-15: ITEM 5.3.1****RECOMMENDED**

that the application for deviation from the By-law Relating to the Control of Boundary Walls and Fences to enable the owner to construct a 2,4m high boundary wall on a portion of the street and common boundary on Erf 9993, Stellenbosch, as indicated on the attached Drawing No. STB9993, dated May 2017, drawn by Fineline (See **APPENDIX 2**), be **refused**.

<i>Meeting:</i>	<i>14<sup>th</sup> Council: 2017-11-29</i>	<i>Submitted by Directorate:</i>	<i>Planning &amp; Economic Development</i>
<i>Ref no:</i>	<i>1/2/1/2</i>	<i>Author</i>	<i>D Lombaard</i>
<i>Collab:</i>	<i>543005</i>	<i>Referred from:</i>	<i>Mayco: 2017-11-15</i>

# **APPENDIX 1**

**APPLICATION FOR DEVIATION FROM THE  
PROVISIONS OF THE BYLAW RELATING TO  
THE CONTROL OF BOUNDARY WALLS AND  
FENCES ON ERF 9993, STELLENBOSCH**

**LOCALITY PLAN**

# LOCALITY PLAN

## ERF 9993, PARADYSKLOOF, STELLENBOSCH

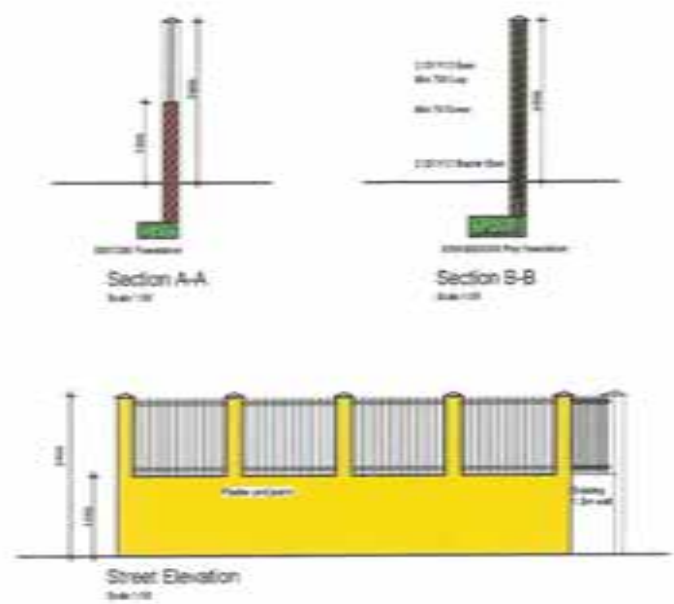
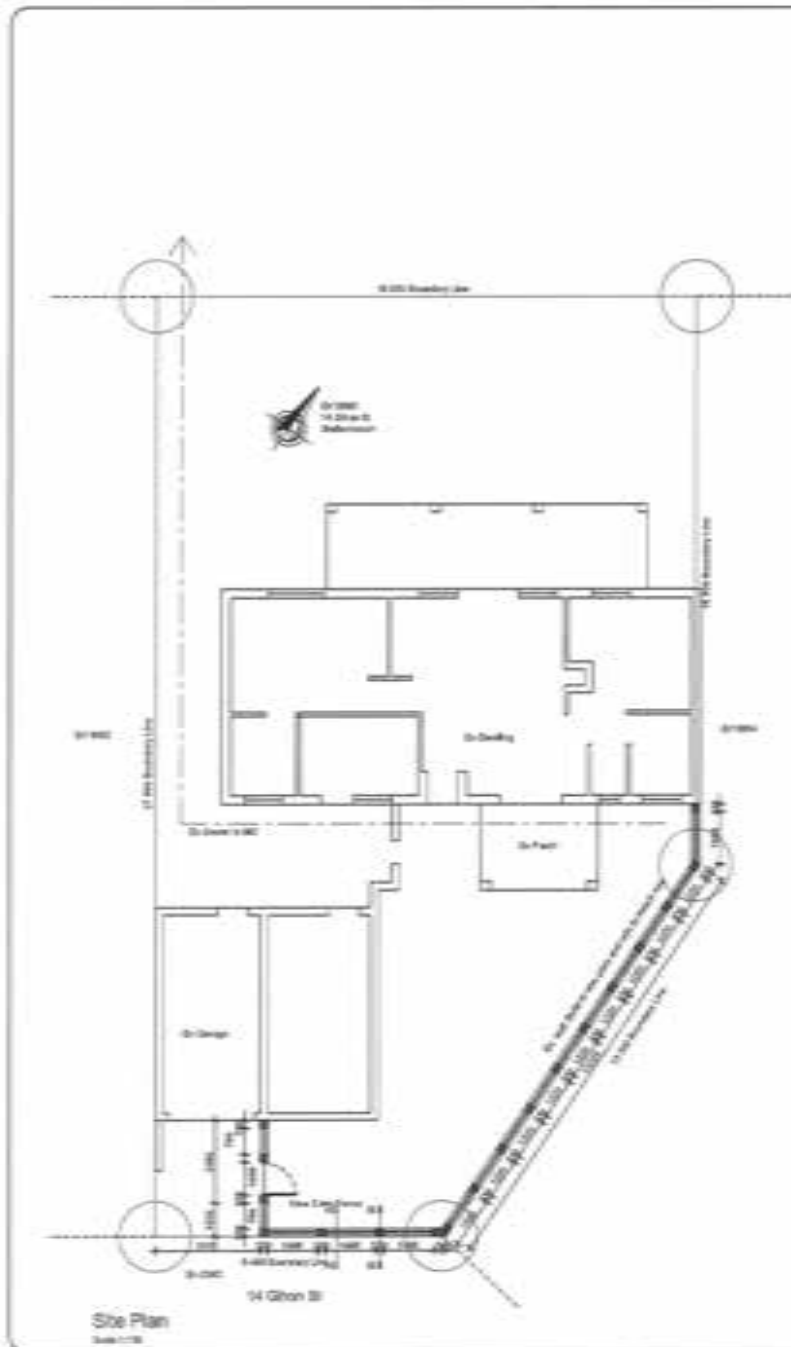


→ SUBJECT PROPERTY

# **APPENDIX 2**

**APPLICATION FOR DEVIATION FROM THE  
PROVISIONS OF THE BYLAW RELATING TO  
THE CONTROL OF BOUNDARY WALLS AND  
FENCES ON ERF 9993, STELLENBOSCH**

**SITE PLAN**



Notes:  
 Walls:  
 Foundations:  
 Areas:  
 Date:  
 Scale:

General Notes:  
 This plan is the property of Thomas Gilmer.  
 This plan is not to be reproduced or used without  
 written consent of the author.  
 These drawings are created and prepared only  
 for the purpose of the building or structure  
 development of work.  
 Do not make the plan for other structures.  
 All work is to be done in accordance with 2008  
 codes.

www.fineline.com  
 info@fineline.com  
 374 174 2382

**Fineline**

Project: House Cave

Address: Erf 9993 14 Ghon Rd Stellenbosch

Date: May 6, 2017  
 Drawing No: STB0893  
 For: Client  
 Revision:

Design: [Signature]  
 Date: [Signature]

Date: [Signature]  
 Date: [Signature]

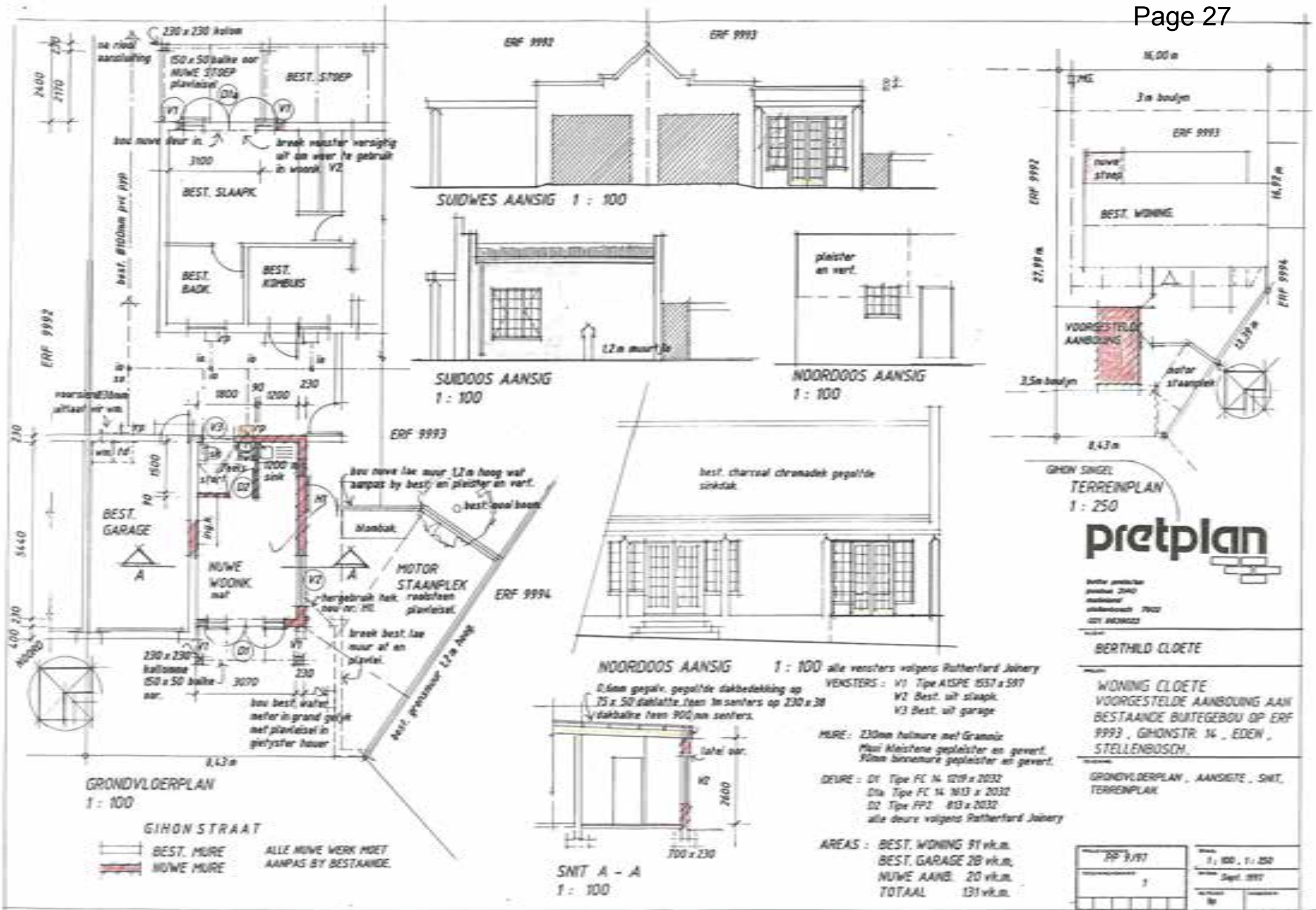
DRAWING NO.  
 STB0893

DATED  
 MAY 2017

# **APPENDIX 3**

**APPLICATION FOR DEVIATION FROM THE  
PROVISIONS OF THE BYLAW RELATING TO  
THE CONTROL OF BOUNDARY WALLS AND  
FENCES ON ERF 9993, STELLENBOSCH**

**APPROVED BUILDING PLAN**



**VENSTERS** : V1 Tipe AISPE 1537 x 597  
 V2 Best. uit slaapk.  
 V3 Best. uit garage

**MURE** : 230mm holmure met Grannix Plus Meistene gepleister en geverf.  
 10mm binnemure gepleister en geverf.

**DEURE** : D1 Tipe FC 14 1219 x 2032  
 D1a Tipe FC 14 1613 x 2032  
 D2 Tipe FP2 813 x 2032  
 alle deure volgens Rutherford Joinery

**AREAS** : BEST. WONING 81 vk.m.  
 BEST. GARAGE 28 vk.m.  
 NUWE AANB. 20 vk.m.  
**TOTAAL** 131 vk.m.

RF 9/97	1:100, 1:250
1	Sept. 1997

**pretplan**

BERTHILD CLOETE  
 WONING CLOETE  
 VOORGESTELDE AANBOUW AAN  
 BESTAANDE BUITEGEBOU OP ERF  
 9993, GIBONSTR. 14, EDEN,  
 STELLENBOSCH.

# **APPENDIX 4**

**APPLICATION FOR DEVIATION FROM THE PROVISIONS OF THE BYLAW RELATING TO THE CONTROL OF BOUNDARY WALLS AND FENCES ON ERF 9993, STELLENBOSCH**

**COMMENT FROM THE MANAGER: SPATIAL PLANNING, HERITAGE AND ENVIRONMENT**





# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

*Spatial Planning, Heritage and Environment*

To : Head: Customer Interface & Administration  
 From : Manager: Spatial Planning, Heritage & Environment  
 Date : 17 October 2016  
 Re : Application for deviation from bylaw to construct 2.4m high boundary wall on Erf 9993, Gihon Road, Stellenbosch

I refer to your request for comment on the above application.

1) Opinion / reasoning:

Specific guidelines on the style of the "werf muur" were imposed when the Anesta development was approved.

2) Supported / not supported:

This department has no objection to the proposal subject to the positive written comment from the Home Owners Association in terms of the style of the wall.

3) Conditions / additional information required:

- Approval from the Home Owners Association.

*pp. B de la Bat*

B de la Bat

MANAGER: SPATIAL PLANNING, HERITAGE AND ENVIRONMENT

E 9993 SB

468532

Louisa Guntz

**From:** Basson, Danie <DBasson@distell.co.za>  
**Sent:** 01 November 2016 09:40 AM  
**To:** Louisa Guntz  
**Subject:** [EXTERNAL] Approval by the Eden HOA of the attached request  
**Attachments:** SKMBT\_42316102709230 (3).pdf  
**Importance:** High

Dankie  
Oly n  
03/11/2016

Mev. Oly n vind aangeheg die versoek van Mnr. Cave  
Die huiseienaarskomitee van Eden verleen toestemming dat die plan goedgekeur word soos voorgestel  
Groete en dankie  
Daniel Basson  
Chairperson/Voorsitter  
EHOA/EHEV  
e-mail: [dbasson@distell.co.za](mailto:dbasson@distell.co.za)  
Cell 0824117728

Attention: The legal status of this communication is governed by the terms and conditions published at the following link: <http://www.distell.co.za/emailterms.pdf>

Visit South Africa's premier producer and marketer of fine wines, spirits, ciders and ready-to-drinks (RTDs) at <http://www.distell.co.za>



E 9993 S  
471226



# STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

INNOVATION CAPITAL • ISIXEKO ESIZA NENGUQU • INNOVASIESTAD

Our Reference Number: Erf 9993, Stellenbosch  
 Application Number: LU/4795  
 Your Reference Number:  
 Enquiries: L Olyyn / B Mdoda  
 Contact number: 021 808 8672 / 8690  
 Date: 15 September 2016

## REGISTERED MAIL

Eden Home Owners Association  
 c/o JPS Trust  
 PO Box 3075  
 Matieland  
 7602

Sir/Madam

**APPLICATION FOR DEVIATION FROM BY-LAW RELATING TO THE CONTROL OF BOUNDARY WALLS AND FENCES: ERF 9993, GIHON ROAD, PARADYSKLOOF, STELLENBOSCH**

**VERORDENING TEN OPSIGTE VAN DIE BEHEER VAN GRENSMURE EN HEININGS: ERF 9993, GIHONPAD, PARADYSKLOOF, STELLENBOSCH**

Applicant : Diane Isles (Fineline SA)  
 Owner : James Paul Cave  
 Property Description : Erf 9993, Gihon Road, Paradyskloof, Stellenbosch  
 Physical Address : 14 Gihon Road, Paradyskloof, Stellenbosch

### Detailed description of proposal:

- Application for the deviation from the provisions of the By-law relating to the control of boundary walls and fences to enable the owner to construct a 2,4m high boundary wall on the street and common boundary on Erf 9993, Stellenbosch.

Notice is hereby given in terms of Section 45 of the Stellenbosch Municipal Land Use Planning By-law that the abovementioned application has been received and is available for inspection during weekdays between 08:30 and 13:30 at the Planning Advice Centre at Stellenbosch Municipality, Plein Street, Stellenbosch.

Any written comments/objections, with full reasons therefore, may be addressed in terms of Section 50 of the said legislation to the Director: Planning and Economic Development, Stellenbosch Municipality, PO Box 17, Stellenbosch, 7599 or faxed to 021 886 6899 on or before 30 days from the date of registration of this notice, quoting your, name, address, contact details, interest in the application and reasons for your comments.

Telephonic enquiries can be made to Ms L Olyyn at 021-808 8672. Any comment/objection received after the closing date of the 30 day period will be considered invalid. Any person who cannot write will be assisted by a Municipal official by transcribing their comments.



Aansoeker : Diane Isles (FineLine SA)  
 Eienaar : James Paul Cave  
 Eiendomsbeskrywing : Erf 9993, Gihonpad, Paradyskloof, Stellenbosch  
 Fisiese Adres : Gihonpad, Paradyskloof, Stellenbosch

Beskrywing van aansoek:

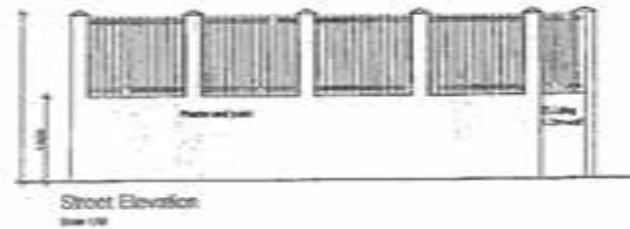
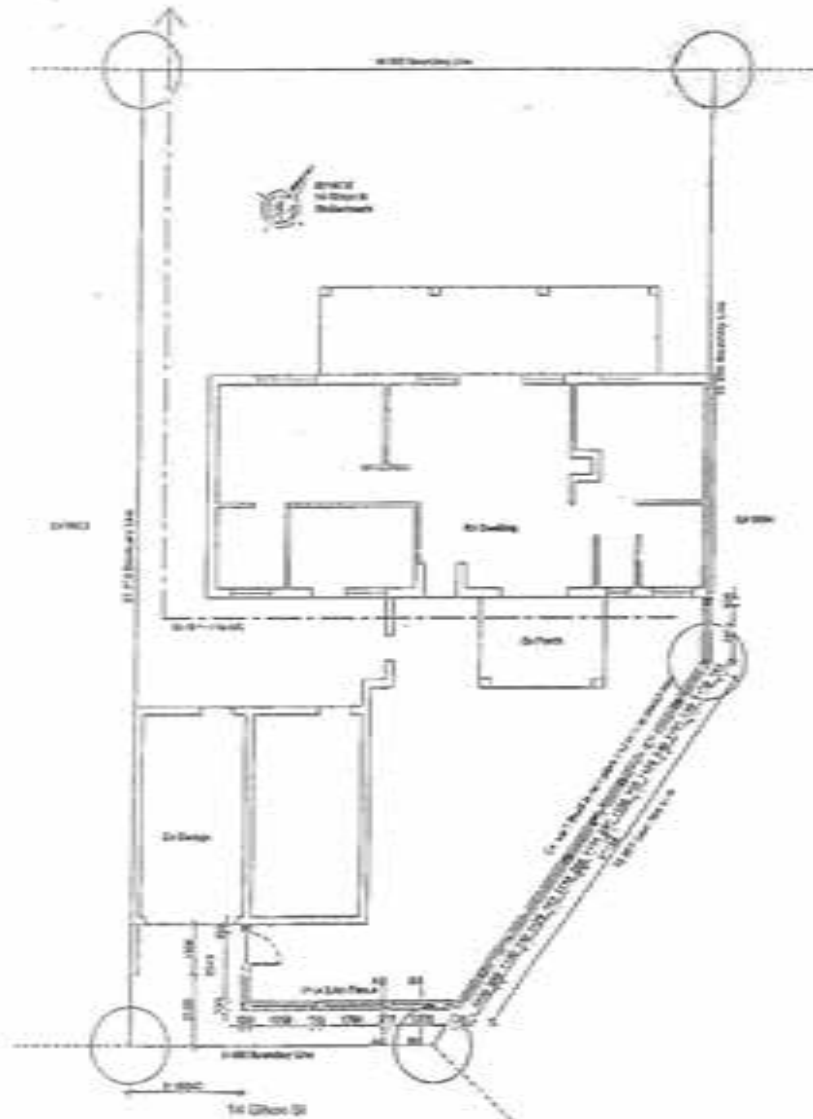
- Aansoek vir die afkwyking van die bepaling van die Verordening ten opsigte van die beheer van grensmure en heinings om die eienaar in staat te stel om 'n 2,4m hoë grensmuur op die straat- en gemeenskaplike grens op Erf 9993, Stellenbosch op te rig.

Kennis geskied hiermee ingevolge die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning dat die bogenoemde aansoek ontvang is en gedurende weksdae tussen 08:30 en 13:30 by die Beplanningsadvieskantoor by Stellenbosch Munisipaliteit, Pleinstraat, Stellenbosch ter insae lê. Enige geskrewe kommentare/besware, met volledige redes daarvoor, moet ingevolge Artikel 50 van die genoemde wetgewing aan die Direkteur: Beplanning en Ekonomiese Ontwikkeling, Stellenbosch Munisipaliteit, Posbus 17, Stellenbosch, 7599 gerig word of gefaks word aan 021 886 6899 op of voor 30 dae vanaf die datum van registrasie van hierdie kennisgewing, met vermelding van die aansoeknommer, verwysingsnommer, u naam, adres en kontakbesonderhede, belangstelling in die aansoek en redes vir kommentaar. Telefoniese navrae kan aan L Olyn by tel 021-808 8672 gerig word. Enige kommentaar/beswaar ontvang na die voormelde sluitingsdatum sal as ongeldig geag word. Enige persoon wat nie kan skryf nie sal deur 'n Munisipale-amptenaar bygestaan word om hul kommentaar op skrif te stel.

Yours faithfully



**FOR DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT  
 VIR DIREKTEUR: BEPLANNING EN EKONOMIESE ONTWIKKELING**



**General Notes:**  
 This plan includes the property of Thomas Hill.  
 The plan is not to be reproduced or used in any form without the written consent of the architect.  
 There are no easements or other encumbrances shown on this plan unless they are shown on the site plan.  
 Do not build on this plan without the approval of the local authority.  
 All work shall conform to the applicable building code.

www.fineline.com  
info@fineline.com  
874 574 2513

**Fineline**

Project: House Case

Address: Est 1993 14 Gilton Rd Stellenbosch

Date: 2014-08-01  
 Drawing No: 2014-08-01  
 Revision: 01

Design: T. J. J. (Signature)  
 Scale: 1/8" = 1'-0"

# **APPENDIX 5**

**APPLICATION FOR DEVIATION FROM THE  
PROVISIONS OF THE BYLAW RELATING TO  
THE CONTROL OF BOUNDARY WALLS AND  
FENCES ON ERF 9993, STELLENBOSCH**

**PHOTOS**



SUBJECT PROPERTY  
(ERF 9993)



↳ SUBJECT PROPERTY



↳ DRIVEWAY OF ADJACENT PROPERTY





↳ ONSITE PARKING OF DWELLINGS/EVEN IN GIHOND CLOSE



↳ SIMILAR HEIGHT OF BOUNDARY WALL IN EDEN

# **APPENDIX 6**

**APPLICATION FOR DEVIATION FROM THE  
PROVISIONS OF THE BYLAW RELATING TO  
THE CONTROL OF BOUNDARY WALLS AND  
FENCES ON ERF 9993, STELLENBOSCH**

**EXTRACT FROM BY-LAW**

**STELLENBOSCH MUNICIPALITY:**

**BY-LAW RELATING TO THE CONTROL OF BOUNDARY WALLS AND FENCES**

**Definitions**

1. In this by-law unless the context otherwise indicates:

"Boundary" in relation to a land unit, means a cadastral line separating one land unit from another land unit or the street;

"Boundary wall/fence" means a structure erected on the cadastral boundary of a land unit;

"Council" means the council of the Stellenbosch Municipality or its duly authorized employee;

"Erf / land unit" means a portion of land with its own number on the surveyor-general's general map and the title of which is capable of being registered in the deeds.

"Erect/Erection in relation to a wall or fence" includes causing, allowing or permitting to be erected;

"Ground level" means the natural level of the ground, except where such level has been disturbed, in which case the street level is to be regarded as the ground level;

"Height" means the vertical distance from the bottom or lowest part of any structure to the top.

"Lateral boundary" means every common boundary of an erf with another erf excluding a rear boundary;

"LUPCO" means the Land Use Planning Ordinance, Ordinance 15 of 1985.

"Municipality" means the Stellenbosch Municipality (WCO24 area);

"Public open space" means land which is or will be under ownership of Council and which is a park, public garden, square, sport field, children playground, amusement park, place of recreation or any similar amenity, the access to which is not limited.

"Rear boundary" means every common boundary of an erf which is parallel to or is within less than 45° of being parallel to, every street boundary of such erf and which does not link with a street boundary thereof.

"Street boundary" means the cadastral boundary, as surveyed or proclaimed, between an erf and the adjoining public or private street; provided that where a portion of an erf or premises is reserved in terms of the Zoning Scheme or any law for the purpose of a new street or for street-widening, the street boundary is the boundary of such proposed new street or proposed street-widening;

"Structure" in addition to its ordinary meaning includes a system of constructional elements and components of any wall, fence or pillar.

"the Act" means the National Building Regulations and Building Standards Act No. 103

of 1977 and the regulations promulgated in terms of section 17(1) thereof.

"Wall/fences" means any wall/fence, together with any gate or any contrivance forming part or serving the purpose of such a gate, erected as a boundary between any erven within the municipal area, and includes a wall/fence which is not erected on a boundary, such as a garden wall/fence or a free-standing wall/fence on an erf;

"Zone" means the designation of land for a particular zoning in terms of the relevant zoning scheme.

"Zoning" means the category of directives regulating the development of land and setting out the purposes for which land may be used.

"Zoning Scheme Regulations" means a scheme which has been approved by the Council and the relevant provincial authority, for the zoning of land.

#### **Application**

2. This by-law shall apply and be valid in the area of jurisdiction of the Municipality, including private residential developments with or without controlled entrances, in as far as the provisions of this by-law are not in conflict with the conditions of rezoning imposed on such a development in terms of LUPO (Land Use Planning Ordinance No. 15 of 1985) or any other applicable legislation prior to promulgation of the said Land Use Planning Ordinance, or any of its legal predecessors.

#### **Control of walls and fences**

3. No person shall erect a wall or fence of any nature on any boundary of any premises without the prior approval of the Council in accordance with the provisions contained herein.

#### **Walls**

Any person applying for the Council's approval to erect a wall as aforesaid shall submit plans drawn in accordance with the scales stipulated in the Act, clearly indicating the position of the erf, the foundations, the materials to be used in construction and the methods of construction, together with adequate dimensions of the wall proposed.

#### **Fences**

No person shall erect a fence, other than a wall as contemplated above, on any boundary of any premises, except a fence comprising of the materials described in sections 9.

#### **Heights of walls and fences**

4. The height of walls and fences shall be measured from the level of the pavement and in the absence of a pavement, from the natural level of the ground outside the property immediately adjacent to such wall or fence. If the ground level slopes longitudinally

along the length of the wall, then its height at each end of the slope shall not exceed the permitted height and when the wall/fence is stepped, such stepping shall be in a series of even steps between piers (where necessary) which steps shall not materially deviate from the mean permitted height. The determination of what constitutes material deviation shall be at the discretion of Council provided that such deviation shall not be more than 10% of the permitted height.

- \* 5. For **residential zoned** properties the height of any wall or fence (including the entrance structure and columns) shall be regulated as follows;
- (a) *on a street boundary*: - 2.1m high, on condition that 50% of the height of the wall or fence, including gates on residential zoned properties must consist of open decorative work to create transparency. The solid construction shall not interfere with sight lines of vehicles entering or leaving the property, or passing traffic.
  - (b) *on a boundary other than a street boundary*: - 2.1m high and shall comprise of materials as described in sections 9 below, except where the screening of backyards or swimming pools are concerned, in which case the height may at the discretion of Council increased to 2.5m.
6. For **agricultural zoned** properties, the height of walls may not exceed 1m and a fence comprising of only wire or steel palisade (painted colors preferred by council – preferably charcoal, black or dark green) may not exceed 2.1m. No brick piers shall be allowed in wire or steel palisade fences and only the entrance gate structure may be of solid brick structures which shall not be higher than 3.5m for a maximum distance of 10m on both sides of the entrance gate.
7. For all other zoned properties the height of any wall or fence may not exceed 3m. Notwithstanding this provision, Council may prescribe a boundary wall of a height of less than 3m if in Council's opinion the erection of such a wall may detract from the amenities of the area, or may in Council's opinion, be undesirable for any reason that Council may provide from time to time.

#### Piers and columns

8. Where piers or columns of brick, stone, concrete or similar materials are required by the Council to ensure stability, their size and spacing shall be in accordance with the requirements of Council and the National Building Regulations 0400.

#### Materials of walls and fences

9. Walls and fences situated on erf boundaries shall be constructed of the following materials only—
- (a) face bricks with face-brick finishing; or

- (b) plastered and painted brickwork or bagged or cement finished brickwork; or
- (c) plastered and painted concrete block work or bagged or cement finished concrete block work; or
- (d) decorative brick blocks; or
- (e) painted precast concrete panels; or
- (f) painted steel palisade; or
- (g) galvanized or plastic-coated wire mesh; or
- (h) wooden fences which shall consist of processed timber only as approved by the building control officer, or
- (i) cast iron work or steel railings.

**Additional safety precautions**

- 10. Additional safety precautions such as razor wire, electrical fencing/wiring, etc., the height of which shall be included in determining the permitted height, shall not be visible from the street. Electrical fencing shall comply with any municipal guidelines on electrical security fence installations, the Electrical Machinery Regulations, the Occupational Health and Safety Act and any other applicable legislation.

**Fair-face-walls**

- 11. All walls and fences shall present a fair face to adjacent properties, in accordance with the provisions contained in section 9.

**Dilapidated and unsightly walls and fences**

- 12. No person shall in Council's opinion allow any wall or fence to fall into a ruinous, dilapidated or dangerous condition. In the event that a wall or fence has fallen in to a dilapidated condition, Council may serve a written notice upon such person requiring him/her to make good, repair, alter, demolish or remove such wall or fence at his/her own expense, within a period specified in such notice, which period shall not be less than 21 days, unless the wall or fence in question is declared by Council to be a danger to safety and or health, in which case Council may instruct the property owner to make good, repair, alter, demolish or remove such wall or fence immediately. Should the owner fail to comply with the requirements thereof within the time specified in the notice, Council may carry out the requirements of such notice and thereafter recover the cost of so doing from such owner.

**Relaxation of provisions**

13. Council may grant a waiver to any of the provisions of this bylaw if in Council's opinion; the specific site topographical conditions are such that the granting of a waiver will not result in the erection of a wall or fence that will materially detract from the character of the area. In granting such a waiver, Council shall have due regard to the built form that may result if abutting neighbours request similar waivers as well as the impact such waiver may have on traffic safety (both pedestrian and vehicular).

**Penalty**

14. If any person—
  - (1) erects any wall or fence without the prior permission of the Council or otherwise than in accordance with the plans approved by the Council, or
  - (2) erects any wall or fence which does not conform to the provisions contained in this by-law, or
  - (3) contravenes any conditions imposed by Council, such person shall be guilty of an offence as provided for in the Act and shall consequently be dealt with as per the provisions of the Act.

**Compliance with other legislation**

15. This by-law shall not be construed as authority to depart from any other legal prescriptions or requirements provided for in any other legislation.

**Repealed By-laws**

16. The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality, are hereby repealed as far as they relate to matters provided for in this By-law, and insofar as it has been made applicable to the municipality by the authorization for the execution of powers and functions in terms of section 84(3) of the Local Government: Municipal Structures Act, Act 117 of 1998.

**Short title and commencement**

17. This By-law is called the Stellenbosch Municipal By-law relating to the control of boundary walls and fences, and commences on the date of publication thereof in the Provincial Gazette.

7.3.2	<b>APPLICATION FOR A SPECIAL DEVELOPMENT ON ERF 7586, STELLENBOSCH</b>
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### 1. PURPOSE OF REPORT

To enable a decision on the application for a special development on erf 7586, Stellenbosch. The application is **recommended for approval**.

### 2. BACKGROUND

Erf 7586, Stellenbosch is zoned *Specific Business*; i.e. the erf has development rights as permitted in the *General Business* zone (to be finalised through negotiations with Council). The application under consideration is for the land owner to develop a two storey building comprising basement parking with shops and offices on the ground and first floor of the building.

### 3. APPLICATION FOR CONSIDERATION

Application is made in terms of Section 10.7.2 of the Stellenbosch Municipality's Zoning Scheme Regulations (1996) for a Special Development to permit the construction of a two storey commercial building comprising basement parking with shops and offices on the ground and first floor of the building. A locality plan is attached as **APPENDIX 1**.

### 4. PROPERTY INFORMATION

<b>Erf number</b>	7586
<b>Location</b>	Stellentia Road, Stellenbosch (see <b>APPENDIX 2</b> )
<b>Zoning/Zoning Scheme</b>	Specific Business / Stellenbosch Municipality Zoning Scheme Regulations, July 1996.
<b>Current Land Use</b>	Vacant
<b>Unauthorized land use/building work / date when notice served</b>	No
<b>Property size</b>	20869m <sup>2</sup>
<b>Applicant</b>	TV3 Architects & Town Planners (Power of Attorney attached as <b>Appendix 6</b> )
<b>NHRA Applicable</b>	No
<b>Title deed conditions</b>	No

### 5. DISCUSSION

#### 5.1 Legal requirements and Public Participation

The application for a Special Development was submitted in terms of Section 10.7.2 of the Stellenbosch Municipality's Zoning Scheme Regulations (1996) for a Special Development to permit the construction of a two storey commercial building comprising basement parking with shops and offices on the ground and first floor of the building. The application was advertised to the surrounding affected property owners and associations via registered mail for comment in terms of the Public Participation Policy for the Land Use Management section. The application was also circulated to the relevant internal departments of Council and is supported with conditions approval.



Two letters of objection were received from the Stellenbosch Ratepayers' Association and Liesl Marais. (Refer to **APPENDIX 4**)

## 5.2 Summary of objections and comments received

Refer to **APPENDIX 4**

<b>STELLENBOSCH RATE PAYERS' ASSOCIATION (Objection against development on Erven 7586 and 7588)</b>		
<b>OBJECTIONS / ISSUES RAISED</b>	<b>APPLICANT'S COMMENTS</b>	<b>PLANNING DEPARTMENT'S COMMENTS</b>
1. Both erven are zoned Specific Business. There are no normal developments for Specific Business and only uses as permitted in the general business zone is permitted. It is strange that no business uses were indicated with the 1984 approval.	Noted.	Noted
2. The Specific Business zoning was created to limit development and must be negotiated with Council and should take cognisance of the environment.	The Specific Business zoning was not created to limit development. The Zoning Scheme Regulations only state that the detail of the development proposal must be negotiated with Council.	The proposal under consideration has taken the surrounding land uses into consideration and thus should not have a negative impact on its surroundings.
3. The applications requests an extension of the Specific Business Zoning and a special development for certain land uses.	A legal opinion has been obtained and it is not necessary to apply for the extension of the Specific Business zoning as it has already vested. The application is therefore only for a special development.	The subject property has the development rights applicable to Specific Business and the application under consideration is to be able to act on the existing land use rights.
4. There is a capacity crisis with the municipal waste water treatment plant.	The Municipality is currently busy with the upgrading of the waste water treatment plant which should be completed by the end of 2017.	The subject properties will only be developed once capacity is in place within the waste water treatment plant of Council.
5. With such a development the developer must pay bulk infrastructure contribution levies (BICLs).	The required BICLs will be paid in accordance with Council's policy.	This detail is determined by the Engineers Department and the owner will be informed of the relevant contributions that must be paid.

<p>6. The Erf 7586 special development application asks for retail, shops, offices, wine shop and offices. These are land uses of General Business and not the purpose of Specific Business.</p>	<p>The proposed land uses on Erf 7586 will be limited to shops and offices – which are permissible land uses i.t.o. the Specific Business zoning. The proposed restaurant will not be developed.</p>	<p>The land uses which are allowed within a general business zoned property is similar to that of a specific business zoned property with the exception that approval is granted for only the land use rights approved and indicated on the Site Development Plan attached to the approval granted.</p>
<p>7. The applicant claims the site is located in the town's CBD.</p>	<p>Stellenbosch's proclaimed historic core acts as an indication of the town's CBD. The site is located in the town's historic core and it can therefore be accepted that it is also located in the town's CBD.</p>	<p>The subject property forms part of the Historical Core of Stellenbosch and is also located on the edge of the CBD area of Stellenbosch.</p>
<p>8. We disagree with the claim that the development will acknowledge the area's heritage or conserve the built, agricultural, rural and natural environment.</p>	<p>The development proposal was the subject of an extensive heritage impact assessment and an urban design study. These specialist input dictated the final development proposal. For this reason we are of the opinion that the development proposal does acknowledge the area's heritage and conserve the environment.</p>	<p>The application has been endorsed by Heritage Western Cape and will comply with the conditions of approval as imposed by Heritage Western Cape as determined by the heritage study.</p>
<p>9. The applicant claims that employment opportunities must be created close to housing opportunities.</p>	<p>The development will create new employment opportunities and the idea is to link the area with Die Boord via pedestrian and bicycle paths.</p>	<p>The proposed development will create short and long term employment opportunities within Stellenbosch.</p>
<p>10. The applicant's motivation is not reconcilable.</p>	<p>This is only the objector's opinion.</p>	<p>This comment is noted and the department uses a number of sources to determine the impact of the development on its surroundings.</p>
<p>11. The site is located in the town's historic core and is subject to the rules of construction in the historical centre of Stellenbosch.</p>	<p>Noted. The proposed development is compliant with all of these rules.</p>	<p>The development does comply with the development parameters applicable to the heritage core and is supported by Heritage Western Cape</p>

12. Council must facilitate development and provide engineering services on a sustainable manner.	The necessary bulk infrastructure upgrades will be undertaken (in conjunction with the engineering department) for the proposed development.	This comment is noted and will be addressed by the relevant departments.
13. Council now has the opportunity to do the right thing since the erven have no existing development rights.	The site is zoned Specific Business. The development detail must be negotiated with Council but the permissible land uses are the same as those of General Business. It is therefore incorrect of the objector to claim the site has no existing rights.	As noted above the subject property has the land use rights of specific business and complies with all the relevant departments' requirements and the requirements of Heritage Western Cape.
14. The development will place an additional burden on the traffic problem and engineering services.	The development is an opportunity for Council to upgrade and improve the town's bulk infrastructure.	The Engineers Department of Council has addressed this issue and the relevant infrastructure will be upgraded by the developed as part of the approval granted.
15. Dr. Anton Rupert planted vineyards on these erven (in the late 1980's / early 1990's) to alleviate development pressure in Stellenbosch.	In the 1999 Dr. Rupert planned to construct the Rupert International head office building on Erf 7586. Even though it never materialised he did develop the Rupert Museum on one of the vineyard erven (Erf 7587).	The subject property is not zoned for agricultural purposes and thus the planting of vineyards was an interim use of the subject property. The proposal as submitted is in line with the zoning of the property and the proposal has taken the surrounding land uses into consideration.

### 5.3 Site Description and Assessment

The proposed development can be deemed desirable as the site is already zoned for business purposes. The subject property is located on the edge of the central business district of Stellenbosch.

The proposed commercial land uses (consisting of shops and offices) is not foreign to the area and should complement the existing surrounding commercial land uses already located in the area such as Inanda (offices), Oude Rozenhof (retail), Protea Hotel Dorpshuis, Rupert Museum, Distell's head office, Shell Garage (service station and car dealership), Agrimark (retail), De Wagenweg Office Park, etc.

The proposed development will comply with the recommendations of the Lower Dorp Street urban design framework (as drafted by Piet Louw urban designers) and will complete the Lower Dorp Street precinct. It is foreseen that the proposal will create a destination to which people will be drawn as currently only sections of lower Dorp Street are actively visited. Due to this people will move up and down lower Dorp Street contributing to the existing pedestrian movement in this area.

---

The proposed development will contribute to the local economy as numerous temporary employment opportunities will be created during the construction phase and a number of permanent employment opportunities will be created within the commercial facility once the building is occupied. The development of the subject property and those around will lead to the optimal use of the town's existing bulk infrastructure and will aid in containing urban sprawl and protect the agricultural areas around Stellenbosch.

The densification will further contribute to making public transport and non-motorised transport a viable alternative. A heritage impact assessment was undertaken by Dr. Elzet Albertyn and Heritage Western Cape has approved the proposed development i.t.o. the National Heritage Resources Act, 1999.

In light of the above the application is supported from a town planning point of view.

#### 5.4 APPENDICES

- Appendix 1: Locality Plan.
- Appendix 2: Site Development Plan.
- Appendix 3: Comment on objections by applicant and Objections received.
- Appendix 4: Comment received from External and Internal Departments.
- Appendix 5: Urban Design Framework for the Remgro Precinct.

#### MAYORAL COMMITTEE MEETING: 2017-11-15: ITEM 5.3.2

##### RECOMMENDED

that **approval is granted** in terms of Section 10.7.2 of the Stellenbosch Municipality's Zoning Scheme Regulations (1996) for a Special Development on Erf 7586, Stellenbosch to permit the construction of a commercial building consisting of shops and offices, subject to the following conditions:

1. That the approval applies only to the Special Development as applied for and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
2. That the development shall be limited to shops and offices only;
3. That the development shall be limited to a 2-storey building as defined in the Urban Design Framework (attached as **APPENDIX 5**) with basement parking, shops, restaurants, liquor store, offices and flats above ground floor only as indicated on the attached Site Development Plan, Plan number 2970-A-102, Dated 03 April 2014, attached as **APPENDIX 2**;
4. That building plans must be submitted to this municipality for approval, prior to any building work commencing onsite;
5. That the building plans must adhere to the stipulations of Heritage Western Cape as per the letter dated 17/8/2016;
6. That the conditions imposed by the Directorate Engineering Services in their memo dated: 15 July 2017 attached as **APPENDIX 4**, be adhered to;

- 
7. That an advertising theme be submitted to the Municipality for approval and that the theme complies with the relevant signage policy of Council prior to any signage being fixed to the building;
  8. That the relevant business licence be obtained, if required; and
  9. That this Council reserves the right to impose further conditions if deemed necessary.

#### REASON FOR RECOMMENDATION

The land use is considered desirable as it is in line with the municipal planning policies and principles; constitutes infill development of underutilised land; will lead to the optimal use and appropriate densification; is compatible with and will complement the surrounding land uses; will have a positive impact on the local economy; will broaden the municipal tax base; and will lead to efficient use of existing services and facilities.

<b>Meeting:</b>	14 <sup>th</sup> Council: 2017-11-29	<b>Submitted by Directorate:</b>	Economic Development & Planning Services
<b>Ref No:</b>	15/3/12/1 & 7/2/2/1/15	<b>Author:</b>	Director: Planning & Economic Development
<b>Collab:</b>		<b>Referred from:</b>	Mayco:2017-11-15



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK  
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT  
Department: Planning and Economic Development

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# APPENDIX 1

Application is made in terms of Section 10.7.2 of the Stellenbosch Municipality's Zoning Scheme Regulations (1996) for a Special Development to permit the construction of a commercial building consisting of shops and offices.

## LOCALITY PLAN



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK  
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT  
Department: Planning and Economic Development



**LOCALITY PLAN**



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK  
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT  
Department: Planning and Economic Development

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# APPENDIX 2

Application is made in terms of Section 10.7.2 of the Stellenbosch Municipality's Zoning Scheme Regulations (1996) for a Special Development to permit the construction of a commercial building consisting of shops and offices.

## SITE DEVELOPMENT PLAN









**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK  
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT  
Department: Planning and Economic Development

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# APPENDIX 3

Application is made in terms of Section 10.7.2 of the Stellenbosch Municipality's Zoning Scheme Regulations (1996) for a Special Development to permit the construction of a commercial building consisting of shops and offices.

## **COMMENT ON OBJECTIONS BY APPLICANT AND OBJECTIONS RECEIVED.**



ARCHITECTS AND TOWN PLANNERS  
ARCHITECTE EN STADSPLANNERS

Our Reference: 3251-P  
Your Reference: Erf 7586, 7588 & 7592

87 DORP STREET  
FIRST FLOOR  
LA. GRATITUDE  
OFFICE BUILDING  
STELLENBOSCH 7600  
TEL: 27(0)481 880  
FAX: 27(0)481 880  
EMAIL: info@tv3.co.za

2 August 2016

Director: Planning and Development Services  
Stellenbosch Municipality  
Town House  
**7600 STELLENBOSCH**

**Attention: Mr. Robert Fooy**

Sir

**REMGRO ERVEN 7586, 7588 AND 7592, STELLENBOSCH: REPLY ON BEHALF OF THE APPLICANT TO OBJECTIONS RAISED AGAINST ITS SPECIAL DEVELOPMENT APPLICATIONS**

**1. Background to the special development applications**

The following land use planning applications were submitted to the Stellenbosch Municipality:

- On 24 June 2013 we submitted a special development application (for offices and shops) on Erf 7586.
- On 25 June 2013 we submitted a special development application (for offices and flats) on Erf 7588.
- On 26 June 2013 we submitted a special development application (for offices, shops and flats) on Erf 7592.

These land use planning applications were submitted separately and were also advertised separately. However, we have now been informed by the planning and engineering officials that these three applications must be processed as one application. Consequently we hereby provide you with our comments on the objections received against all three applications.

## 2. Public letters received

After advertising of these three special development applications five letters of comments / objections were received from the following parties:

- Stellenbosch Ratepayers' Association
- Stellenbosch Interest Group
- Liesl Marais
- Kaap Agri
- Werkmans Attorneys

## 3. Public support for the proposed developments

The Stellenbosch Interest Group submitted a letter of support stating they "*support the change of land use*".

Kaap Agri and Werkmans submitted objections against the proposed development on Erf 7592. We met with them, discussed the development proposals and addressed their concerns. They have consequently withdrawn their objections. Find attached hereto copies of their e-mails stating they have no objection (see **Annexure A**).

It is therefore only the Stellenbosch Ratepayers' Association and Liesl Marais that have objected to the proposed developments (although Liesl Marais is not in principle opposed to the development).

**4. Applicant's response to the public's comments / objections raised**

Find attached hereto a table listing each comment / objection received as well as the applicant's response (see *Annexure B*).

**5. Conclusion**

We are still of the opinion that the proposed mixed land use developments on the Remgro erven will lead to the optimal use of underutilised land, the densification of an urban area located along important mobility corridors and give rise to sustainable developments with significant socio-economic benefits for the broader community of Stellenbosch. These developments are deemed desirable and we recommend that it be approved.

Yours faithfully

A handwritten signature in black ink, appearing to read 'CH', with a stylized flourish extending to the right.

**CLIFFORD HEYS**  
**TV3 PROJECTS (PTY) LTD**

**ANNEXURE A**

**E-MAILS OF "NO OBJECTION"**

**Clifford Heys**

---

**From:** Jan van Rensburg  
**Sent:** 02 August 2016 09:45 AM  
**To:** Clifford Heys  
**Subject:** FW: Dorpstraat-opgradering voorstelle : terugtrek van beswaar deur Kaap-Agri  
**Attachments:** Prelim design 2014-01-17b.pdf

Clifford, hier's hy.

**JH (Jan) Janse van Rensburg**  
 Pr Pln (TRP SA), B Sc, M (T&RP), MSAPI  
 Cell: +27 (0)83 441 7002

---

**From:** James Matthee <james.matthee@kaapagri.co.za>  
**Date:** Wednesday 22 January 2014 at 4:23 PM  
**To:** Ilze Couvaras <ilze.Couvaras@stellenbosch.gov.za>, Louisa Guntz <Louisa.Ollyn@stellenbosch.gov.za>  
**Cc:** Jan van Rensburg <Jan@tv3.co.za>, "piet@icegroup.co.za" <piet@icegroup.co.za>, "Johan van Rensburg (Stellenbosch)" <johan.vrensburg@kaapagri.co.za>, Francois Swanepoel <fswanepoel@kaapagri.co.za>  
**Subject:** Dorpstraat-opgradering voorstelle

Ons verwys na die beswaarkennisgewing (Aansoek LU/3073 – Ontwikkeling erf 7592, Stellenbosch) en ons vorige beswaar / bekommernis van 11 November 2013 wat ons uitgespreek het oor die verkeersituasie.

Ons het intussen vergader met die argitekte en padontwerpers.

Die aangehegte voorgestelde wysings aan die paaie is aan ons voorgehou as deel van en voorwaardes van die aansoek om ontwikkeling van die genoemde erf.

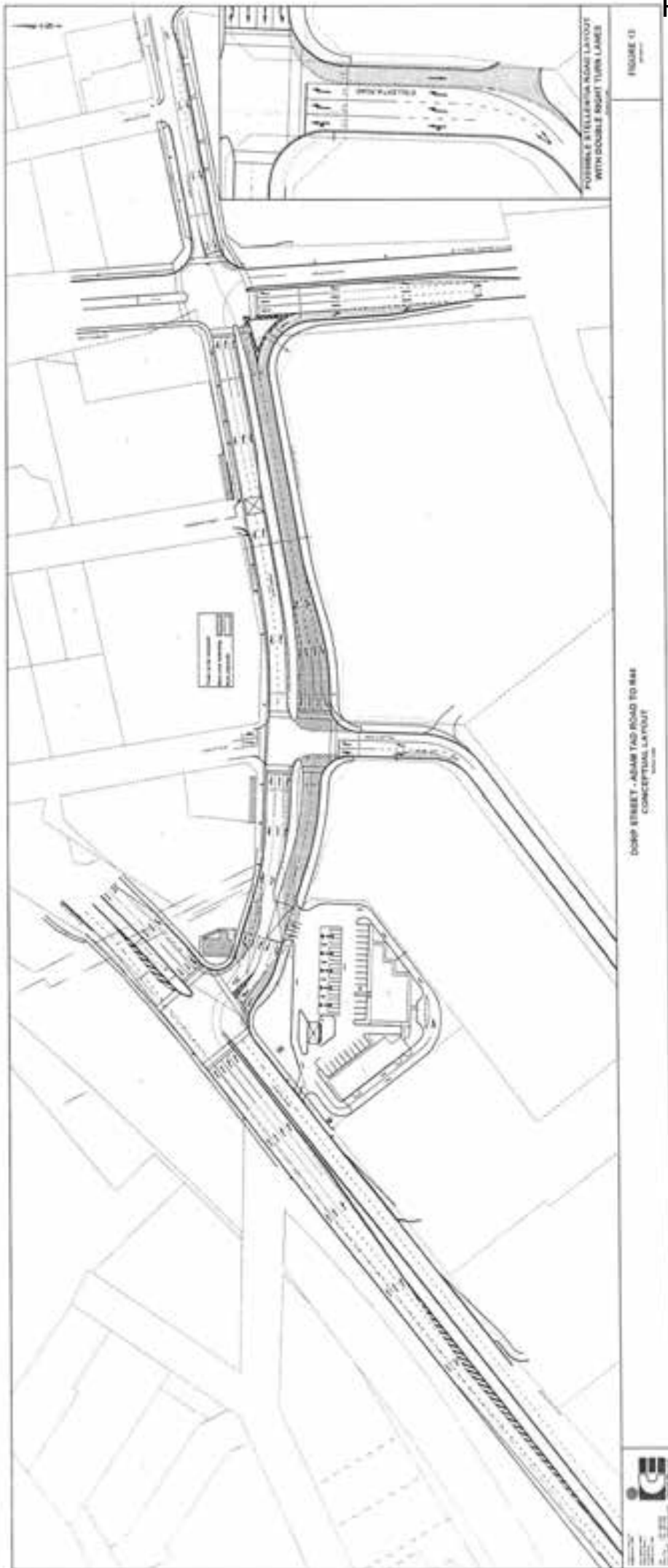
Kaap Agri Beperk (Agrimark), eienaar van erf 702 bevestig hiermee dat, indien die padontwikkeling soos aan ons voorgehou inderdaad wel deel van die voorwaardes uitmaak, ons, ons beswaar ten die ontwikkeling terugtrek. Indien dit nie deel van die ontwikkeling uitmaak nie, of in wesentlike opsigte verander word, bevestig ons dat ons beswaar steeds geld.

Die uwe

James Matthee  
 Finansiële Direkteur.

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Clifford Heys

**Subject:** FW: WITHOUT PREJUDICE: RE: DE WAGENWEG BODY CORPORATE IN RE. REMGRO ONTWIKKELINGS

**From:** Justin Truter <jtruter@werksmans.com>

**Date:** Wednesday 02 April 2014 at 8:52 AM

**To:** Jan van Rensburg <Jan@tv3.co.za>

**Cc:** Donovan Comerma <donovan@atmg.co.za>

**Subject:** FW: WITHOUT PREJUDICE: RE: DE WAGENWEG BODY CORPORATE IN RE. REMGRO ONTWIKKELINGS



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**WERKSMANS**  
ATTORNEYS

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Dear Jan

Our client is satisfied with the proposal, as set out in our e-mail of 17 February 2014 (copied below) and will withdraw their objection on condition that these assurances are worked into the LUPO decision by the Municipality as conditions of approval.

You requested that we provide the wording of the proposed conditions to be incorporated into any rezoning decision. Please see below.

1. *The Applicant must widen the road reserve to accommodate the future construction of a second right turn lane as indicated on the diagram \_\_\_\_\_ prepared by Piet Van Blerk and this must be incorporated as a servitude for this purpose in the relevant property title deed.*
2. *Should the De Wagenweg Body Corporate require that a second right turn lane be constructed in the future to ease any traffic congestion or other traffic impacts on Stellantia Road, based on an independent traffic impact study that confirms the need to do so, the Applicant agrees to construct the second right turn lane in accordance with the Van Blerk Diagram (\_\_\_\_\_) at its own cost and within a period of \_\_\_\_\_.*
3. *The Applicant will ensure that any statutory permits or authorisations that are required to construct the second right turn lane are obtained as part of the current development applications so as to prevent any delays should the second right turn lane be required in the future.*
4. *The phasing of the road upgrades are to be undertaken strictly in accordance with the Transport Impact Assessment dated \_\_\_\_\_ prepared by Piet Van Blerk. The timing of the road upgrades and associated works is to be planned so as to prevent or limit as far as possible any inconvenience to road users along Stellantia, Adam Tas and Dorp Street and specifically to avoid inconvenience to the De Wagenweg Body Corporate's members.*

Finally, an issue which we have not discussed in our meetings but which is a concern to our client is that the proposed developments do not have an adverse effect on our client and its members' electrical power supply. For this purpose we ask that the necessary letters confirming adequate

electrical supply be furnished by the Municipality and that the adequacy of the supply be confirmed by an independent electrical engineering expert.

Kind regards,

**Justin Truter**  
Director  
T +27 (0)21 405 5232  
F +27 (0)86 548 9014  
[jtruter@werksmans.com](mailto:jtruter@werksmans.com)

**Werksmans Attorneys**  
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P O Box 1474, Cape Town, 8000  
Cape Town, South Africa  
T +27 (0)21 405 5100  
F +27 (0)21 405 5200

---

**From:** Justin Truter  
**Sent:** 17 February 2014 08:46 AM  
**To:** 'Jan van Rensburg'  
**Subject:** WITHOUT PREJUDICE: RE: REMGRO ONTWIKKELINGS

Hi Jan

You are correct – the agreement was that provision must be made for the additional right turn lane (if required in future) by widening the proposed new Stellantia road reserve to accommodate this additional right turn lane. We would also seek your client's undertaking that they will construct the second right turn lane (at their cost) as per Piet's diagram in the event that it is reasonably required to ease any traffic impacts on Stellantia Road in future. How we determine whether the second right turn lane is reasonably required must be fleshed out and agreed between the parties and once this has been done we would like these requirements to be recorded in any conditions of rezoning approval.

As far as the phasing of the road upgrades is concerned, we want this to be expressly recorded in the zoning conditions to the effect that the road upgrades are to be undertaken strictly in accordance with the TIA and that the timing of the road works is to be planned so as to prevent or limit as far as possible any inconvenience to our client.

Kindly note that these proposals still require our client (the body corporate's) final approval which we hope to have today.

Kind regards,

Justin

**Justin Truter**  
Director  
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F +27 (0)86 548 9014  
[jtruter@werksmans.com](mailto:jtruter@werksmans.com)

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F +27 (0)21 405 5200

---

**From:** Jan van Rensburg [<mailto:Jan@tv3.co.za>]  
**Sent:** 07 February 2014 12:35 PM  
**To:** Justin Truter  
**Cc:** [donoivan@atmg.co.za](mailto:donoivan@atmg.co.za); Edwin Swanepoel; Clifford Heys  
**Subject:** Re: REMGRO ONTWIKKELINGS : BESWAAR

Justin – thanks for the response. Please see comments in red below.

**JH (Jan) Janse van Rensburg**

Pr. Pln. (TRP SA), B.Sc. M (T&RP), MSAPI

Cell: +27 (0)83 441 7002

---

**From:** Justin Truter <jtruter@werksmans.com>  
**Date:** Friday 07 February 2014 12:00 PM  
**To:** Jan van Rensburg <jan@tv3.co.za>  
**Cc:** Donovan Comerma <donovan@atmg.co.za>  
**Subject:** RE: REMGRO ONTWIKKELINGS : BESWAAR



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Dear Jan

Our instructions are that our client requires firm undertakings and guarantees. How do you propose we deal with this or are the proposed conditions referred to below sufficient? relating to the following points that we discussed at our meeting before the planning objection can be withdrawn:

The phasing of the road upgrades relative to the phasing of the development – to ensure that the road capacity is always adequate to accommodate the increased demand; Piet van Blerk's TIA-report as submitted to Council prescribes this phasing – is your client happy that any Council approval of the proposed development plans be based on the TIA?

The construction of a double right turn lane from Stellentia road (as per Piet van Blerk's attached diagram). Piet explained that in his traffic analysis, the additional right turn lane is not a requirement for reasonable traffic flow from Stellentia east bound (right turn movement at the proposed new traffic light), but that as a precautionary measure we can widen the proposed new Stellentia road reserve to accommodate this additional right turn lane, if it proves to be necessary in future. Although Remgro will hereby sacrifice more land, I have sold this solution to them (as neighbouring stakeholder with many employees they would obviously not want to struggle with traffic themselves). However, from your comment it appears as if your client now want this additional lane to be "constructed" - is this thus a deviation from the suggestion in our meeting or do I misinterpret? If indeed it is a deviation I would need to test this with Remgro.

Our client asks that these requirements be incorporated as (suitably worded) conditions in any rezoning approval by agreement between the parties. A fair request – can you assist in the drafting of such conditions to your clients satisfaction, so that you can incorporate those in your letter to the Municipality withdrawing the objections? Perhaps you can forward us the draft of this letter for me to clarify the wording with Remgro? Please give me some indication of the time frame for you to attend to this letter.

Kind regards,

Justin

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**ANNEXURE B**

<p><b>TABLE 1: SUMMARY OF THE OBJECTIONS / COMMENTS RECEIVED AND APPLICANT'S RESPONSE</b></p>
---

Table 1: Summary of the objections / comments received and applicant's response

OBJECTIONS / ISSUES RAISED	APPLICANT'S COMMENTS
<b>STELLENBOSCH RATE PAYERS' ASSOCIATION (Objection against development on Erven 7586 and 7588)</b>	
<p>1. Both erven are zoned Specific Business. There are no normal developments for Specific Business and only uses as permitted in the general business zone is permitted. It is strange that no business uses were indicated with the 1984 approval.</p>	Noted.
<p>2. The Specific Business zoning was created to limit development and must be negotiated with Council and should take cognisance of the environment.</p>	The Specific Business zoning was not created to limit development. The Zoning Scheme Regulations only state that the detail of the development proposal must be negotiated with Council.
<p>3. The applications requests an extension of the Specific Business zoning and a special development for certain land uses.</p>	A legal opinion has been obtained and it is not necessary to apply for the extension of the Specific Business zoning as it has already vested. The application is therefore only for a special development.
<p>4. There is a capacity crisis with the municipal waste water treatment plant.</p>	The Municipality is currently busy with the upgrading of the waste water treatment plant which should be completed by the end of 2017.
<p>5. With such a development the developer must pay bulk infrastructure contribution levies (BICLs).</p>	The required BICLs will be paid in accordance with Council's policy.
<p>6. The Erf 7586 special development application asks for retail, shops, offices, wine shop and offices. These are land uses of General Business and not the purpose of Specific Business.</p>	The proposed land uses on Erf 7586 will be limited to shops and offices - which are permissible land uses i.t.o. the Specific Business zoning. The proposed restaurant will not be developed.

7. The Erf 7588 special development application asks for offices and flats.	Noted.
8. The applicant claims the site is located in the town's CBD.	Stellenbosch's proclaimed historic core acts as an indication of the town's CBD. The site is located in the town's historic core and it can therefore be accepted that it is also located in the town's CBD.
9. We disagree with the claim that the development will acknowledge the area's heritage or conserve the built, agricultural, rural and natural environment.	The development proposal was the subject of an extensive heritage impact assessment and an urban design study. These specialist input dictated the final development proposal. For this reason we are of the opinion that the development proposal does acknowledge the area's heritage and conserve the environment.
10. The applicant claims that employment opportunities must be created close to housing opportunities.	The development will create new employment opportunities and the idea is to link the area with Die Boord via pedestrian and bicycle paths.
11. The applicant's motivation is not reconcilable.	This is only the objector's opinion.
12. The site is located in the town's historic core and is subject to the rules of construction in the historical centre of Stellenbosch.	Noted. The proposed development is compliant with all of these rules.
13. Council must facilitate development and provide engineering services on a sustainable manner.	The necessary bulk infrastructure upgrades will be undertaken (in conjunction with the engineering department) for the proposed development.
14. Council now has the opportunity to do the right thing since the erven have no existing development rights.	The site is zoned Specific Business. The development detail must be negotiated with Council but the permissible land uses are the same as those of General Business. It is therefore incorrect of the objector to claim the site has no existing rights.
15. The development will place an additional burden on the traffic.	The development is an opportunity for Council to upgrade and improve the



<p>problem and engineering services.</p>	<p>town's bulk infrastructure.</p>
<p>16. It is requested that the application rather be further investigated to ensure an applicable development in the historic core.</p>	<p>The possible development of the site has been investigated for the last couple of decades. The development proposal (submitted in 2013) has been the subject of numerous specialist studies (heritage, urban design, environmental, visual impact, etc.) as well as many meetings with the relevant planning, engineering and heritage officials and also meetings with surrounding land owners and affected parties. An appropriate development proposal for the site has been thoroughly investigated and agreed on.</p>
<p>17. Dr. Anton Rupert planted vineyards on these erven (in the late 1980's / early 1990's) to alleviate development pressure in Stellenbosch.</p>	<p>In the 1999 Dr. Rupert planned to construct the Rupert International head office building on Erf 7586. Even though it never materialised he did develop the Rupert Museum on one of the vineyard erven (Erf 7587). The objector's claim that Dr. Rupert never envisaged the development of these vineyard erven is therefore false.</p>
<p><b>LIESL MARAIS (Objection against development on Erf 7586)</b></p>	
<p>1. The applicant's claim that Erf 7586 is located in the CBD and is surrounded by primarily commercial land uses is incorrect. The erf borders on Die Boord (a residential area).</p>	<p>Stellenbosch's proclaimed historic core acts as an indication of the town's CBD. The site is located in the town's historic core and it can therefore be accepted that it is also located in the town's CBD. Erf 7586 is primarily surrounded by commercial facilities. It is only to the south that the erf borders onto the De Oewer residential development. However, the Eerste River forms a natural buffer that cuts the site off from De Oewer.</p>
<p>2. The development will lead to an increase in noise and traffic. This will impact on surrounding residents.</p>	<p>Any development on the erf will lead to an increase in traffic and noise. However, the scale of proposed development will be limited. The development will have a coverage of only <math>\pm 10\%</math> and a bulk of only <math>\pm 0.2</math>. This equates to a very small development on a commercially zoned erf in central Stellenbosch. For this reason the traffic and noise impact of the proposed development on surrounding properties will be acceptable.</p>

<p>3. Any after-hours commercial activities will negatively impact on the De Oewer residents. A restaurant will cause a disturbance in the evenings. Sound travels and can be one of the most disrupting forms of pollution.</p>	<p>The proposed development will consist of shops and offices – not a restaurant – that trade normal business hours. Furthermore, the necessary measures will be taken to limit the impact on surrounding properties.</p>
<p>4. The location of the service yard (with accompanying activities such as trucks and waste) will cause a nuisance. The service yard should be located in the basement.</p>	<p>The service and refuse yard will be screened and enclosed to prevent any disturbance or pollution. Unfortunately the basement will not be big enough to accommodate delivery trucks and municipal refuse trucks. For this reason the service and refuse yard will have to be located outside.</p>
<p>5. It appears as if the river front of the building will be used for other service areas. It is requested that the air conditioning units not be placed on this side of the building.</p>	<p>Noted. Any air conditioning units will not be placed along the building's southern wall.</p>
<p>6. The location of the service yard (with a refuse area) will cause unnecessary pollution. The service yard should therefore be located within the basement.</p>	<p>The service and refuse yard will be screened and enclosed to prevent any disturbance or pollution. Unfortunately the basement will not be big enough to accommodate delivery trucks and municipal refuse trucks. For this reason the service and refuse yard will have to be located outside.</p>
<p>7. All outward shining lights must not be placed higher than 2.5m and must be angled downwards to shine along the ground.</p>	<p>Noted. The necessary measures will be taken to limit the impact of external lighting on surrounding properties.</p>
<p>8. River security is a problem. If the building is open towards the river it will help with the security problem.</p>	<p>Noted. The proposed building will be open towards the river to encourage activities along the river (benches to sit, foot paths, bicycle routes, etc) to enjoy the river and to increase security along the river.</p>



**STELLENBOSCH**  
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Department: Planning and Economic Development

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# APPENDIX 4

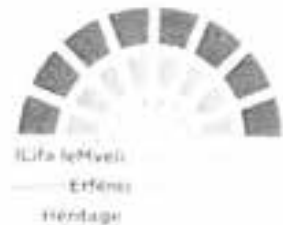
Application is made in terms of Section 10.7.2 of the Stellenbosch Municipality's Zoning Scheme Regulations (1996) for a Special Development to permit the construction of a commercial building consisting of shops and offices.

## COMMENT RECEIVED FROM EXTERNAL & INTERNAL DEPARTMENTS

→ ERF 7586, SB

Our Ref: HW/CAPE WINELANDS/STELLENBOSCH/ERF 7586  
 Case No: 16071915JW0720M  
 Enquiries: Jonathan Windvogel  
 E-mail: jonathan.windvogel@westerncape.gov.za  
 Tel: 021 483 9736  
 Date: 17 August 2016

Dr. Etzel Alberts  
 12 Timberlon Street  
 PAARL  
 7646



E 7586 S

**RECORD OF DECISION**  
 In terms of Section 38(4) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape  
 Provincial Gazette 4061, Notice 298 of 2003

**HERITAGE IMPACT ASSESSMENT: PROPOSED COMMERCIAL DEVELOPMENT ON ERF 7586, CORNER OF THE R44 AND LOWER DORP STREET, STELLENBOSCH, SUBMITTED IN TERMS OF SECTION 38(4) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)**

**CASE NUMBER: 16071915JW0720M**

The matter above has reference:

Heritage Western Cape is in receipt of your application for the above matter received on **20 July 2016**. This matter was discussed at the Impact Assessment Committee (IACom) meeting held on **10 August 2016**.

**RECORD OF DECISION**

This report meets the requirements of section 38(3) of the NHRA (Act 25 of 1999). On the basis of this, and in terms of section 38(4) of the NHRA, HWC approves the proposed development on Erf 7586, and allows the development to proceed to the next phase, subject to the development being substantially in accordance with TV3 Architectural Drawings presented in this report and the following mitigation measures applied:

- Implementing the mitigation measures proposed in the Lower Dorp Street HIA Case No. 15031805GT0313E approved by IACom on 15 December 2015; (6) An additional row of (*Quercus canariensis* / Algerian oak) oak trees to be planted on the southern side of the proposed water furrow/ditch, on the northern periphery of Erf 7586 parallel to the NMT pathway to accommodate 4 rows of oak trees in the Lower Dorp Street precinct; (7) Riverine corridor to be enhanced by a proposed water furrow/ditch. This can visually link the Eerste River and if signposted provide users and visitors with an indication of the historic association of the former island and flow of the northern tributary (Louw & Dewar cross-section October 2015 (ii)2) Annexure I of this report; (8) Feasibility of an underground parking garage to be investigated for Erf 7586 (as a separate project), however to maintain a portion of the vineyard character as an undeveloped gateway and forecourt space; (9) A qualified and experienced Landscape Architect must be employed during the planning, design and construction phase to draw up detailed landscaping plans that adheres to all the indicators and guidelines and to monitor implementation thereof.
- The historic dumpsite to be suitably signposted and demarcated as a point of interest on the site;
- Retain and supplement the existing mature trees along river edge and service area;
- Install an aesthetically pleasing boundary fence to enhance the river view experience;
- Plant indigenous trees on the western border of Erf 7586 Stellenbosch to enhance the Stellenbosch NMT pathway;
- Draw up and enforce lighting guidelines;
- Bicycle storage and facilities for cyclists must be incorporated in the SDP;
- Detailed architectural sketch plans must be resubmitted to Stellenbosch Planning Advisory Committee (PAC) for approval, prior to any final building plan submission, it must be accompanied by integrated and refined architectural and landscaping detailing.

www.westerncape.gov.za/cao

Street Address: Protea Amphitheatre Building, Green Market Square, Cape Town, 8001 • Postal Address: Protea Amphitheatre Building, Green Market Square, Cape Town, 8001  
 • Tel: 021 483 9736 • E-mail: info@westerncape.gov.za

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 • Tel: 021 483 9736 • E-mail: info@westerncape.gov.za



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erfenis  
Heritage

- This decision is subject to an **appeal period of 14 working days**.
- The applicant is required to inform any party who has expressed a bona fide interest in any heritage-related aspect of this record of decision. The appeal period shall be taken from the date above. It should be noted that for an appeal to be deemed valid it must refer to the decision, it must be submitted by the due date and it must set out the grounds of the appeal. Appeals must be addressed to the official named above and it is the responsibility of the appellant to confirm that the appeal has been received within the appeal period.
- **Work may NOT be initiated during this 14 day appeal period.**
- If any unexpected archaeological or palaeontological material or evidence of burials is discovered during earth-moving activities all works must be stopped and Heritage Western Cape must be notified immediately.
- This approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.
- **A copy of this letter must be displayed in a prominent place on the site until the work is completed.**

Should you have any further queries, please contact the official above and quote the case number.

Yours faithfully

Mr. Mxolisi Dlamuka  
Chief Executive Officer, Heritage Western Cape

[www.westerncape.gov.za](http://www.westerncape.gov.za)



# STELLENBOSCH

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*Spatial Planning, Heritage and Environment*

**To** : Head: Customer Interface & Administration  
**From** : Manager: Spatial Planning, Heritage & Environment  
**Date** : 25 May 2017  
**Re** : Application for rezoning and development of Erven 7592, 7586 and 7587 Stellenbosch (Remgro)

1. With reference to the application for a special development on Erven 7592, 7586 and 7587 for the purposes of developing a mixed use commercial, residential and office precinct, please find my comments below.

#### A: SUMMARY

2. The application for the development of the vacant erven is supported conditionally and in principle for the following reasons:
  - 2.1 The development is largely in line with the approved urban design framework for the precinct.
  - 2.2 The Planning Advisory Committee and Heritage Western Cape approved the development in principle.
  - 2.3 The development of a mixed use precinct will enhance tourism and business opportunities in this area and upgrade an area in need of upgrading. This improvement will have a positive impact on the local economy with particular reference to the tertiary sector.
  - 2.4 The development is within walking distance of the Stellenbosch Station and will complement the envisioned Transit Orientated Development to take place in close proximity.
  - 2.5 The development is not primarily planned for private motor vehicles but can be accessed by foot, bicycle or public transport and will support the NMT policies of council.

#### B: DISCUSSION

3. Separate applications were submitted for the following developments:
  - 4.1 Erf 7586



E 7592, 7586, 7587

S/9283

- Special development to permit a commercial facility consisting of retail, shops, restaurant, wine shop and offices
  - Gross Leasable Area (GLA) of 3 065m<sup>2</sup>
- 4.2 Erf 7588
- Special development in order to develop offices and apartments (7 units)
  - GLA of 3 755<sup>2</sup>
- 4.3 Erf 7592
- Special development to permit a commercial facility consisting of shops, restaurant, liquor store, offices and apartments (46 units).
  - GLA of 8 478m<sup>2</sup>
4. The true impact of the developments can only be evaluated as a combined development proposal hence this report will deal with all applications jointly. The combined GLA for the development is 15 290m<sup>2</sup>. This substantial development will generate significant amounts of traffic and parking.
  5. In order to accommodate the expected increase in traffic approval is required to double the existing section of Dorp Street from the intersection of Dorp Street with the R44 up to the intersection of Dorp Street with Adam Tas Road. This request should also be evaluated against the background of the recent approval of a commercial center on the Saw Mills property which will eventually be in the region of 114 000m<sup>2</sup> of GLA which will generate even larger traffic volumes that will make use of the lower part of Dorp Street. Without the proposed doubling of the road Dorp Street will simply not be able to cope with the traffic volume.
  6. Messrs. Piet Louw and Dave Dewar were appointed to prepare an urban design framework for lower Dorp Street in February 2015 which includes all the above properties. The report which deals with the possible dueling of Lower Dorp Street is attached as **ANNEXURE 1**
  7. The properties are located within the urban edge of Stellenbosch as per the approved MSDF.
  8. The properties falls within the historical core of Stellenbosch hence the Conservation Strategy for Stellenbosch is applicable.
  9. Because of the historic significance of the area an urban design framework for the Remgro Precinct: lower Dorp Street was also prepared in June 2013 by Messrs Piet Louw and Dave Dewar to guide the development plan for the precinct. The Urban design Framework is attached as **ANNEXURE 2**. The main proposals of the urban design concept are the following:

- *The existing vineyard, which carries with it considerable symbolism as a gateway site, given the role of Stellenbosch in the Winelands, is retained, to create an agricultural edge to the precinct in the south and east. The south-eastern edge of the existing vineyard is the site for a 'tread-lightly' architectural intervention (glass and steel) on stilts as an elegant modern flat-roofed background building overlooking the vineyard and with views of the mountains. The roof silhouette of this building should promote the idea of horizontality, as reflected in the tops of the rows of vines.*
- *Four new buildings are inserted to create an impressive large forecourt space announcing and celebrating the museum. The corner of the northern building is cut-back to define a splay which, in conjunction with the building across the street from it, creates a gateway space announcing entry into the Dorp Street precinct.*
- *To the west of the existing office complex are opportunities for up-market, residential pavilions on large plots. Alternatively, this development could take the form of two storey terrace or row housing.*
- *The extreme west of the site, adjacent to the river, is transformed into a small park serving residents, office workers and the public at large. There is thus a defined density gradient from east to west.*

10. The above report concludes that:

- *The proposal outlined in this document be considered and approved;*
- *a follow-up integrating and detailed urban design layout for the public and common domains within the scope of the project be undertaken in conjunction with consultants responsible for town planning, heritage, transportation, landscape treatment, architecture and civil engineering, prior to the finalization of a site development plan. This task should include liaison with the Municipality;*
- *the Municipality considers the content of this proposal in the context of larger scale transportation aspects and, as a way forward, to resolve conflicts within the overall movement network of the town and the sub-region;*
- *the Municipality undertakes an urban design study to clarify the current and future role and nature of the station precinct and to explore its potential as a place of public significance;*
- *the Municipality undertakes a detailed urban design layout for the precinct at the junction of lower Dorp Street and the R310 with particular emphasis on heritage, transportation, landscape treatment and urban design considerations*




11. The Planning Advisory Committee supported the proposed urban design framework and road works at a meeting held on 27-06-2106.
12. Heritage Western Cape, as responsible Heritage Authority, issued a permit for the development (5-09-2016) and the road works (15-12-2015) respectively subject to conditions recorded in the permit.
13. The proposed development largely conforms to the urban design framework as prepared by Piet Louw and Dave Dewar with the exception of the public/private place/square to be provided in Stellantia Road on erf 7592 and 7587. The applicant proposes to use this public/private space for surface parking rather than an open urban space. One of the mitigating conditions of the HWC permit specifically states that "the proposed parking on ground level must preferably be accommodated in the basement.
14. The latter requirement was introduced by the urban design framework (approved by HWC) as it promotes the strengthening of the linkage between the public space in front of the Stellenbosch Station and this precinct (in particular the proposed new public/private place) along an axis as defined by Stadler Street. The motivation for this proposal is to link and promote the use of public transport as a real option for visitors to this precinct and to activate businesses along Stadler Street.
15. The lower part of Dorp Street is distinctively different from the upper section in that there is a general lack of mixed land uses that creates a destination to live, work and play. Although some tourist facilities are located in this area i.e. Ya Ya café and the Dorp Street Hotel the tourist sector can benefit tremendously from this development. The proposed mixed land uses is thus seen as a positive contribution to inject the much needed revival of the area. This use has the potential to provide significant employment opportunities.
16. Of some concern is the proposed treatment of the intersection of Dorp Street with Stellantia Street. A signalized intersection should be the last resort as this will impact negatively on the character of the area and will not necessarily improve traffic flow. Consideration to other forms of intersection control should be investigated.
17. The financial implications of the development of a double road with extensive landscaping is not yet fully understood. It is suggested that the approval of the development be subject to a clear understanding of all developments in this vicinity and an agreement with respect to the funding model of the required infrastructure upgrade before the application is approved. This precinct is not included as a priority focus area for major public investment in infrastructure and can potentially result in funds that were originally allocated for other Council priorities are relocated to this area in order to enable private developers to undertake private development. Although development contributions are payable it will mostly be allocated for the provision of infrastructure and particularly the road at this particular property and not for the provision of bulk services generally.

The principle to use public funds almost exclusively for private development is questioned.

**C: CONCLUSION**

18. This department is in support of the development of the Remgro properties which are located within the urban edge, historical core and which are accessible by rail. This particular section of Stellenbosch urgently requires investment to upgrade the area to its full potential. Such an upgrade will enhance and support tourism development and the services sector which forms the backbone of the economy. In terms of the approved MSDF the area should be densified rather than to allow urban sprawl. Based on the urban design framework the development is view as appropriate.
19. The proposed development is located in the vicinity of the Stellenbosch station and proposed future Transit Oriented Development and will serve as to strengthen such a development in future.
20. Substantial traffic will be generated by the development that will be exacerbated by the development of the Saw Mills site. In order to manage such high traffic volumes it is essential to double the lower part of Dorp Street. It is questioned however if it is appropriate for the municipality to finance the costs for the roads improvement in order to enable private developers to optimize their land use rights.
21. The design of the individual buildings should be undertaken against the backdrop of the Piet Louw and Dave Dewar Urban Design Strategy in order to ensure the appropriate design of the buildings, public places and landscaping. This aspect of the development is seen as critical for success of the development. It is therefore suggested the authors of the report be appointed as architects and urban designers to oversee and evaluate the finale design to ensure compliance with the reports for both the prescient and the road.

  
.....

**BJG de la Bat**

**MANAGER: SPATIAL PLANNING, HERITAGE AND ENVIRONMENT**



# MEMO

DIRECTORATE: ENGINEERING SERVICES  
DIREKTORAAT: INGENIEURSDIENSTE

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**TO** : **The Director: Planning and Development**

**FOR ATTENTION** : **Robert Fooy**

**FROM** : **Tyrone King (Head: Development Services and Project Management)**

**DATE** : **15 July 2016**

**RE.** : **Application for special development: Erven 7586, 7588 and 7592, Lower Dorp Street (Remgo)**

**Reference** : **Erven 7586, 7588 and 7592, Stellenbosch**

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Details, specifications and information reflected in the following documentation refers:

#### Erf 7586

- Land Use application document, dated 28 June 2013;
- Site Development Plan titled Floor Layouts Dwg No 2970-A-103 Rev -, dated 4 February 2013;
- Traffic Impact Assessment by ICE Group dated 1 July 2013;
- Cost Estimates and Funding letter by ICE Group dated 14 June 2016;
- GLS report on water and sewer dated 2 February 2016;
- Engineering Services Report No 1258 / 1B by Bart Senekal Inc dated April 2016;
- Letter re Flood protection of basement by Bart Senekal Inc, dated 25 February 2016 (ref 1258 / A4) and associated drawings 1258/07A and 10258/02B

#### Erf 7588

- Land Use application document, dated 28 June 2013;
- Site Development Plan titled Floor Layouts Dwg No 2970-A-103 Rev -, dated 4 February 2013;
- Traffic Impact Assessment by ICE Group dated 1 July 2013;
- Cost Estimates and Funding letter by ICE Group dated 14 June 2016;
- GLS report on water and sewer dated 2 February 2016;
- Engineering Services Report No 1282 by Bart Senekal Inc dated April 2016;

**APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET**

- Letter re Flood protection of basement by Bart Senekal Inc, dated 25 February 2016 (ref 1282 / A1) and associated drawings 1282/02A

Erf 7592

- Land Use application document, dated 28 June 2013;
- SDP Ground Floor Dwg No J2892-A-101 Rev e, dated 25 June 2013;
- Traffic Impact Assessment by ICE Group dated 1 July 2013;
- Cost Estimates and Funding letter by ICE Group dated 14 June 2016;
- GLS report on water and sewer dated 2 February 2016;
- Engineering Services Report No 1281 by Bart Senekal Inc dated April 2016;
- Letter re Flood protection of basement by Bart Senekal Inc, dated 25 February 2016 (ref 1281 / A1)

Application is made for following:

Erf 7586 (Shops and offices):

- A Special Development to permit the development of a commercial facility consisting of retail, shops, restaurant, wine shop and offices
- Business GLA: 3065m<sup>2</sup> (Areas as per Floor Layouts Dwg No 2970-A-103 Rev -, dated 4 February 2013)

Erf 7588 (Offices and residential):

- A Special Development in order to develop offices and apartments
- Business GLA: 3755m<sup>2</sup>
- Residential: 7 units (1285m<sup>2</sup> floor area) Areas as per Floor Layouts Dwg No J3083-A-102 Rev -, dated Oct 2013

Erf 7592 (Offices and residential):

- A Special Development to permit the construction of a commercial facility consisting of shops, restaurant, liquor store, offices and apartments
- Business GLA: 8478m<sup>2</sup>
- Residential: 46 units (3731m<sup>2</sup> floor area) (No of units defined in TIA) (Areas from SDP Ground Floor Dwg No J2892-A-101 Rev e, dated 25 June 2013)

**APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET**

Comments from the Directorate: Engineering Services i.e. Roads & Stormwater, Water Services, Traffic Engineering and Development Services will be reflected in this memo and is to be regarded as development conditions to be reflected in the land-use approval. It must be noted that Electrical Services will comment in a separate memo.

The above-mentioned land-use application is supported, subject to the following conditions:

**General**

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 metropolitan municipality, 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 (WC024) 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: Engineering Services, to perform the duties envisaged in terms of this land-use approval;
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*";
3. that no occupation certificates will be issued or taking up of proposed rights will be allowed until sufficient capacity in the following infrastructure is confirmed by the "*Engineer*":
  - a. **Stellenbosch WWTW (Waste Water Treatment Works):** The proposed development falls within the catchment area of the existing Stellenbosch WWTW (Waste Water Treatment Works). The current capacity of the existing Stellenbosch WWTW **does not** allow for any new developments at this stage. However, construction for the upgrade of the Stellenbosch WWTW with a design capacity of

APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET

20.4 ML/day, to a 35 ML/day treatment works is underway. Commissioning of the first phase to accommodate sewage from new developments is dependent on the Contractor's adherence to the programme and is estimated to be in December 2017.

b. **Sewer:**

- i. Plankenbrug Main Outfall Sewer Phase 1 (WWTW to Plankenbrug River at Bosman's Crossing) and Phase 2 (Plankenbrug River at Bosman's Crossing to Merriman Avenue):

The existing 600 mm, 375 mm and 625 mm diameter bulk outfall sewers to which the proposed developments are to connect, are at capacity and have insufficient capacity to accommodate any additional development within the Adam Tas drainage area. A new 1 200 mm diameter pipe is however currently being constructed by the Stellenbosch Municipality parallel to the existing 600 mm, 375 mm and 625 mm pipes. This will provide sufficient capacity to accommodate future developments. Commissioning of Phase 1 to accommodate sewage from new developments is dependent on the Contractor's adherence to the programme and is estimated to be in December 2017. Commissioning of Phase 2 to accommodate sewage from new developments is dependent on the Contractor's adherence to the programme and is estimated to be in July 2019.

- ii. The following items as indicated in the GLS report on water and sewer dated 2 February 2016:

- SSS1.18 :45m x 355 dia upgrade existing sewer

At this stage it is not clear if this pipeline section is included within the scope of the Plankenbrug Main Outfall Sewer project as described above. If not, this will have to be implemented by the Developer in lieu of DC's, or if DCs are not sufficient, at the Developer's own cost.

- c. **Water link services (to be implemented by the Developer and at the Developer's cost):** The items as indicated in the GLS report on water and sewer dated 2 February 2016:

- i. Item 1 : 330 m x 160 mm dia replace existing 100mm dia pipe

- d. **Road infrastructure:** All upgrades listed below as identified in the Traffic Impact Assessment by ICE Group dated 1 July 2013. The Cost Estimates and Funding letter by ICE Group dated 14 June 2016 (*Annexure A*) indicates the funding

## APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET

requirements and it is clear that the Municipal funding and Development Contributions of the proposed developments on erven 7586, 7588 and 7592 are not sufficient to fund the required upgrades. It is also evident that in order to achieve sufficient funding for the road upgrades, this Development is dependent on the Development Contributions of Farm 183/57 and 183/58 (Woodmill), which also triggers the upgrading of Dorp Street. Without the required upgrades, the proposed development cannot be implemented. Therefore, no further approval i.e. engineering drawing approval and/or building plan approval will be granted until a financial commitment and implementation plan for these upgrades is presented and agreed between all the relevant parties and the Municipality and the approval mentioned in Condition 3a below is granted by the Municipality. It is further recommended that the Developer, in conjunction with the Municipality, engage with the Western Cape Government: Transport and Public Works (stated as PGWC in the letter) to discuss their contribution to these upgrades.

Improvements required at the various intersections with Dorp Street as per TIA:

**i. No development**

**Adam Tas Road-intersection:** provide an additional right turn lane on the southern approach (Adam Tas Road), 55 metres long; provide a dedicated left turn lane on the northern approach (Adam Tas Road), 35 metres long; provide two lanes on Dorp Street eastbound to accommodate two right turn lanes from Adam Tas Road; change the dedicated right turn lane on Dorp Street (westbound) to a left/right right lane.

**Stellentia Avenue/Stadler Street-intersection:** provide traffic signals.

**R44-intersection:** provide a dedicated left turn lane on the southern approach (R44 from Somerset West) 50 metres long; extend the dedicated right turn lane on the southern approach (Adam Tas Road) to 75 metres (maximum to before bridge over Eerste River); provide an additional dedicated right turn lane on the western approach (Dorp Street) 65 metres long; change the through lane on the eastern approach (Dorp Street) to a through/left turn lane.

## APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET

## ii. Erf 7586 development

Adam Tas Road-intersection: No further improvements required

Stellentia Avenue-intersection: No further improvements required

R44-intersection: No further improvements required

## iii. Erf 7586 and Erf 7592 developments

Adam Tas Road-intersection: No further improvements required

Stellentia Avenue-intersection: No further improvements required

R44-intersection: No further improvements required

Dorp Street: The road should be dualled from Adam Tas Road to the R44 as indicated in Figure 15 of the TIA

## iv. Erf 7586, Erf 7592 and Erf 7588 developments

Adam Tas Road-intersection: No further improvements required

Stellentia Avenue-intersection: No further improvements required

R44-intersection: No further improvements required

Dorp Street: No further improvements required

- e. 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;
4. 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: Engineering 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 rate clearance in terms of Section 31 of LUPO will not be supported by the Directorate: Engineering Services for this development if bulk services are not available upon occupation or taking up of proposed rights;
5. 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



## APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET

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.

6. that the "Developer" must ensure that he / she has an acceptable public liability insurance policy in place;
7. that the "Developer" approach the Western Cape Government: Transport and Public Works for their input and that the conditions as set by the Western Cape Government: Transport and Public Works be adhered to before Section 31 Clearance Certificate will be issued;
8. 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;
9. 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 2<sup>nd</sup> Edition of 2010;
10. 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: Engineering Services before land-use and or SDP approval is obtained;
  - e.) that no building plans will be recommended for approval by the Directorate: Engineering 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: Engineering Services before a Clearance Certificate in terms of Section 31 of the Land-use Planning Ordinance is issued.

## APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET

Site Development Plan

11. 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";
12. 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;
13. 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;
14. 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;

Internal- and Link Services

15. that it be noted that as per the Site Development Plans, the roads are reflected as private roads. Therefore all internal services on the said erven will be regarded as private services and will be maintained by the "Developer" and or HOA;
16. 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;

## APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET

17. that the "Developer", at his/her cost, construct the internal (on-site) private 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;
18. that the Directorate: Engineering 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 Contributions payable in respect of bulk civil engineering services if approved by the Directorate: Engineering Services;
19. 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;
20. that plans of all the internal civil services and such municipal link services as required by the Directorate: Engineering Services be prepared and signed by a Registered Engineering Professional before being submitted to the aforementioned Directorate for approval;
21. that the design and construction/alteration of all civil engineering infrastructure shall be generally in accordance with the Standard Conditions imposed by the Directorate: Engineering Services in this respect or as otherwise agreed. The Standard Conditions is available in electronic format and available on request;
22. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "Engineer";
23. that the "Developer" ensures that his/her design engineer is aware of the Stellenbosch Municipality Design Guidelines & Minimum Standards for Civil Engineering Services and that his/her design engineer will comply to the mentioned document or as otherwise agreed in writing with the Directorate: Engineering Services;
24. that engineering design drawings will only be approved once Final Notice of LUPO approval is issued;
25. that all the internal civil services (water, sewer and stormwater), be indicated on the necessary building plans for approval by the Directorate: Engineering Services;

## APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET

26. that all internal - and link services be inspected by the "Engineer" on request by the "Developer" or his Consulting Engineer;
27. that a practical completion certificate be issued prior to transfer of individual units or utilization of buildings;
28. 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 a monthly basis;
29. that the "Developer" shall adhere to the specifications of Telkom (SA) and or any other telecommunications service provider. Copies of all correspondence with Telkom shall be handed over to the "Engineer";
30. that the "Developer" shall be responsible for the cost for any surveying and registration of servitudes regarding services on the property;
31. 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;
32. 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".
33. 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 of all private developments before the practical completion inspection is carried out;
34. that the developer takes cognizance of applicable tariffs by Council in respect of availability of services and minimum tariffs payable;
35. that Section 31 Clearance will only be issued if the bulk watermeter is installed, a municipal account for the said meter is activated and the consumer deposit has been paid;

**APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET**

36. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal – and external services;
37. 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 HOA, in respect of private services, and to the Municipality in respect of public services;

**Servitudes**

38. that the "Developer" ensures that all main services to be taken over by the Directorate: Engineering Services, all existing municipal – and or private services crossing private - and or other institutional property and any other services crossing future private land/erven are protected by a registered servitude before final Section 31 Clearance will be given or building plans are approved;
39. 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;
40. 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**

41. that it be noted that the section of the Eersteriver to which these developments drain, is very sensitive to the impact of any additional stormwater generated by new development;
42. that the stormwater management generally be in accordance with the Engineering services reports, which indicates that detention facilities will be provided;
43. 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;

## APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET

44. 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;
45. that no disturbance to the river channel or banks be made without the prior approval in accordance with the requirements of the National Water Act;
46. that the consulting engineer, appointed by the "Developer", analyses the existing stormwater systems and determine the expected stormwater run-off for the proposed development, for both the minor and the major storm event. Should the existing municipal stormwater system not be able to accommodate the expected stormwater run-off, the difference between the pre- and post-development stormwater run-off must be accommodated on site, or the existing system must be upgraded to the required capacity at the cost of the "Developer" and to the standards and satisfaction of the Directorate: Engineering Services. The aforementioned stormwater analysis is to be submitted concurrent with the detail services plans;
47. that for larger developments, industrial developments or developments near water courses a stormwater management plan for the proposed development area, for both the minor and major storm events, be compiled and submitted for approval to the Directorate: Engineering Services.
48. that the approved management plan be implemented by the "Developer", at his/her cost, to the standards of the Directorate: Engineering Services. The management plan, which is to include an attenuation facility, is to be submitted concurrent with the detail services plans;
49. 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: Engineering Services;
50. that in the case of a sectional title development, the internal stormwater layout be indicated on the necessary building plans to be submitted for approval.
51. that no overland discharge of stormwater will be allowed into a public road for even with catchment areas of more than 1500m<sup>2</sup> and for which it is agreed that no detention facilities are

## APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET

required. The "Developer" needs to connect to the nearest piped municipal stormwater system with a stormwater erf connection which may not exceed a diameter of 300mm.

**Floodplain Management**

52. that the 1:50 and 1:100 year flood lines of the Eersteriver 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;
53. 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;
54. that the engineering design of the internal road, basement parking ramps and ramp retaining walls be generally in accordance with the following:
  - Erf 7586: Letter re Flood protection of basement by Bart Senekal Inc, dated 25 February 2016 (ref 1258 / A4) and associated drawings 1258/07A and 10258/02B
  - Erf 7588: Letter re Flood protection of basement by Bart Senekal Inc, dated 25 February 2016 (ref 1281 / A1) and associated drawing 1282/02A
  - Erf 7592: Letter re Flood protection of basement by Bart Senekal Inc, dated 25 February 2016 (ref 1281 / A1)
55. that all perimeter fencing below the 1:50 year flood line be visually permeable from ground level and not adversely effects the free flow of water (e.g. palisade fencing). No fences will be allowed across the watercourse;

**Roads**

56. that the "Developer" will enter into a Services Agreement with the "Municipality" in respect of the implementation of the identified infrastructure as reflected in the Traffic Impact Assessment by ICE Group dated 1 July 2013;
57. that no access control will be allowed in public roads;
58. that provision be made for acceptable stacking distances in front of access control gates;

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59. than any amendments to cadastral erven to accommodate access control gates will be for the cost of the "Developer" as these configurations were not available at rezoning and subdivision stage;
60. that, where access control is being provided, a minimum of 2 to 3 visitor's parking bays be provided on site, but outside the entrance gate, for vehicles not granted access to the development;
61. that the layout must make provision for all deliveries to take place on-site. Movement of delivery vehicles may not have a negative impact on vehicular – and pedestrian movement on public roads and or public sidewalks;
62. The design and lay-out of the development must be such that emergency vehicles can easily drive through and turn around where necessary;
63. that, prior to commencement of any demolition / construction work, a traffic accommodation plan for the surrounding roads must be submitted to the Directorate: Engineering Services for approval, and that the approved plan be implemented by the "Developer", at his/her cost, to the standards of the Directorate: Engineering Services;
64. that the "Developer" will be responsible for the design, construction, supervision and implementation of the infrastructure as reflected in the Traffic Impact Assessment by ICE Group dated 1 July 2013 and summarized in Condition 3d above. Clearance / building plan approval will only be given once the construction of these infrastructure is completed to the satisfaction of the Engineer.
65. that Condition 64 above be met by the "Developer" before a Certificate in terms of Section 31 will be given / building plans approved or on discretion of the Directorate: Engineering Services, the "Developer" furnish the Council with a bank guarantee equal to the value of the required construction work in Condition 64 above as certified by an independent engineering professional, prior to a Certificate in terms of Section 31 will be given or building plans approved;
66. that during the construction stage, access to the site be strictly via the following route only:  
Stellentia Avenue;



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67. that the "Developer" will be held liable for any damage to municipal infrastructure within the road reserves of the roads mentioned in Condition 66 above, 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: Engineering Services;
68. that, after the construction work on site has been completed, the sidewalk, kerbs and channeling in Stellantia Avenue, over the length of the road reserve abutting Erven 7586, 7588 and 7592, be re-established / constructed by the "Developer" and to the cost of the "Developer" in compliance with the Design and Construction Standards of the Directorate: Engineering Services;
69. that no direct access shall be permitted onto Dorp Street;
70. that access to the properties concerned shall be in accordance with the recommendations of the Traffic Impact Assessment by ICE Group dated 1 July 2013. The TIA further states that it is also not clear from the drawings whether there will be security gates at the various accesses to the proposed developments but should this be the case the spacing between the gates/booms and the edge of Stellantia Avenue should be determined based on the type of control, i.e. remote control, disks, sign in, etc;
71. 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;
72. that on-site parking be provided by the owner of the property in the ratios as per the Stellenbosch Municipality Zoning Scheme;
73. that the area of land required for the dualling of Dorp Street, be surrendered by the "Developer" to Stellenbosch Municipality, at his/her cost, in order for construction of the road to take place and prior to Section 31 Clearance;
74. that compensation from Stellenbosch Municipality for the aforementioned land required for the dualling of Dorp Street, if any, be based on the value of the land in terms of its current zoning, i.e., Specific Business (erven 7586 and 7592);

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75. that the parking area be provided with a permanent surface and be clearly demarcated and accessible. Plans of the parking layout, pavement layerworks and stormwater drainage are to be approved by the Directorate: Engineering Services before commencement of construction and that the construction of the parking area be to the standards of the Directorate: Engineering Services;
76. that no parking be allowed closer than 9 metres from the intersection of Stellantia Avenue and Dorp Street (measured from the closest kerb);
77. that no parking be allowed in the road reserve;
78. that provision be made for a stacking distance of 12 metres for a dual entrance, or 18 metres for a single entrance, measured from the public road kerb to the entrance gate, or as otherwise determined by the "Engineer" when civil engineering services drawings / building plans are submitted for approval (also see Condition 70 above);
79. that provision be made for a 3-point turning head in front of the entrance gate, to the satisfaction of the Directorate: Engineering Services in order to enable a vehicle to turn around;
80. that the "Developer", at his/her cost, implement the recommendations of the approved Traffic Impact Assessment by ICE Group dated 1 July 2013, and where required, a sound Traffic Management Plan to ensure traffic safety shall be submitted for approval by the Directorate: Engineering Services and the approved management plan shall be implemented by the "Developer", at his/her cost;
81. that provision be made for a refuse embayment and hardened store area off the roadway/sidewalk to accommodate refuse removal. (Embayment to be minimum 9.5m x 2.5m);
82. that the design and lay-out of the development must be such that emergency vehicles can easily drive through and turn around where necessary.

**Wayleaves**

83. that way-leaves / work permits be obtained from the Directorate: Engineering Services prior to any excavation / construction work on municipal land or within 3,0m from municipal services located on private property;

## APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET

84. that wayleaves will only be issued after approval of relevant engineering design drawings;

Development Contributions

85. that the "Developer" hereby acknowledges that development contributions are payable towards the following civil services: water, sewerage, roads, stormwater and solid waste as per Council's Policy;
86. that the "Developer" hereby acknowledges that the development contribution 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;
87. that the "Developer" immediately familiarise himself with the latest development contributions applicable to his/her development;
88. that the "Developer" accepts that the development contributions will be subject to annual escalation up to date of payment. The amount payable will therefore be the amount as calculated at the time that payment is made;
89. that the "Developer" may enter into a services agreement with the "Municipality" to install or upgrade bulk municipal services at an agreed cost, to be off-set against Development Contributions payable in respect of bulk civil engineering services;
90. that the "Developer" is aware that a contribution is required for municipal services to permit the development at this stage;
91. that the "Developer" accepts the average amount, as reflected in this document as the amount required for the provision of municipal services in the event that the development is approved;
92. that the Development Contribution levy as set out below and as reflected on the BICLS Contribution calculation sheet, dated 25 May 2016 (erven 7586, 7592) and 15 July 2016 (erf 7588), and attached herewith as Annexure BICLS, 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.

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Based on the 2016/2017 tariff structure and the proposed lay-out, the following amounts are payable:

**Erf 7586**

Water	:	R 88 640, 00
Sewerage	:	R 66 360, 00
Roads	:	R 1 615 286, 00
Stormwater	:	R 104 772, 00
Solid Waste	:	R 10 734, 00
<b>Total (Erf 7586 Civil Services) exclusive of VAT:</b>		<b><u>R1 885 792, 00</u></b>

**Erf 7588**

Water	:	R 169 327, 00
Sewerage	:	R 131 819, 00
Roads	:	R 2 109 717, 00
Stormwater	:	R 109 202, 00
Solid Waste	:	R 18 054, 00
<b>Total (Erf 7588 Civil Services) exclusive of VAT:</b>		<b><u>R2 538 119, 00</u></b>

**Erf 7592**

Water	:	R 644 280, 00
Sewerage	:	R 515 539, 00
Roads	:	R 5 327 496, 00
Stormwater	:	R 122 317, 00
Solid Waste	:	R 61 912, 00
<b>Total (Erf 7592 Civil Services) exclusive of VAT:</b>		<b><u>R 6 671 544, 00</u></b>

**Total all erven:**

Water	:	R 902 247, 00
Sewerage	:	R 713 718, 00
Roads	:	R 9 052 499, 00
Stormwater	:	R 336 291, 00
Solid Waste	:	R 90 700, 00
<b>Total (All Erven Civil Services) exclusive of VAT:</b>		<b><u>R 11 095 455, 00</u></b>

93. that the Development Contribution levy be paid by the "Developer" per erf –

## APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET

- prior to the approval of any building- and/or services plans in the case of a Sectional title erf in that erf and or;
- prior to the approval of a Certificate in terms of Section 31 in all cases and or;
- prior to the erf or portion thereof being put to the approved use;

94. that it be noted that the Development Contributions as reflected on the BICLS Contribution calculation sheet will be subject to annual escalation up to date of payment. The final amount payable will therefore be the amount as calculated at the time that payment is made;

95. 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.

Erf 7586: more than 0 units (residential), or which might lead to an increase in the Gross Leasable Area i.e. a GLA of more than 3065m<sup>2</sup> (All Business) -,

Erf 7588: more than 7 units (residential), or which might lead to an increase in the Gross Leasable Area i.e. a GLA of more than 3755m<sup>2</sup> (All Business) -,

Erf 7592: more than 46 units (med/high income flats), or which might lead to an increase in the Gross Leasable Area i.e. a GLA of more than 8478m<sup>2</sup> (All Business) -,

will result in the recalculation of the Development Contributions;

96. Bulk infrastructure contribution levies 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;

**Home Owners Association**

97. that a Home Owners Association (HOA) be established in accordance with the provisions of section 29 of the Land Use Planning Ordinance no 15 of 1985 and shall come into being upon the separate registration or transfer of the first deducted land unit arising from this subdivision;

98. that the HOA take transfer of the private roads simultaneously with the transfer or separate registration of the first deducted land portion in such phase;

**APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET**

99. that in addition to the responsibilities set out in section 29, the HOA also be responsible for the maintenance of the private roads, street lighting, open spaces, retention facilities and all internal civil services;
100. that the Constitution of the HOA specifically empower the Association to deal with the maintenance of the roads, street lighting, open spaces, retention facilities and all internal civil services;

**Green Technologies**

101. Peak water demand should be accommodated with supplementary storage and recycling (e.g. rainwater tanks, grey water recycling) of water so that municipal water only be used to satisfy the base demand;
102. Technologies that facilitate the efficient use of irrigation water must be used;
103. Planting of waterwise flora is encouraged;
104. In accordance with the new SANS 10400-XA standard, all new housing should install solar water heating devices;
105. All non-subsidy housing is encouraged to meet the portion of their electrical demand that exceeds 300 kWh per month by generators such as solar photovoltaic panels and solar hot water heating devices;
106. SANS 10400-XA energy efficiency standards should be adhered to in all planning applications for new buildings, major renovations and usage changes;

**Solid Waste**

107. 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;
108. that detail design be generally in accordance with refuse room positions as indicated on the following drawings:  
Erf 7586: Site Development Plan 2970-A-102 Rev A by TV3, dated 3 April 2014 and received by this office on 9 June 2016 (Our Ref LUP0 #1259). The position of the refuse room does not comply with Condition 107 above and the position of the refuse room should therefore be amended;

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Erf 7588: Site Development Plan J3083-A-101 Rev B by TV3, dated 3 March 2016 and received by this office on 9 June 2016 (Our Ref LUPO #1259);

Erf 7592 Site Development Plan Z 2892-A-101 Rev f by TV3, dated 3 March 2016 and received by this office on 9 June 2016 (Our Ref LUPO #1259);

109. that the "Developer" will enter into a service agreement with the "Municipality" for the removal of refuse;
110. 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";
111. 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";
112. 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;
113. Access shall be provided with a minimum travelable surface of 5 meters width and a minimum corner radii of 5 meters;
114. 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: Engineering 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;
115. Minimum turning circle radius shall be 11 meters to the center line of the vehicle;
116. Road foundation shall be designed to carry a single axle load of 8.2 tons;
117. Refuse storage areas are to be provided for all premises other than single residential erven;
118. 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;

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119. 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;
120. 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 wheelie bin;
121. 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;
122. 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;
123. 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

124. 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;
125. 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
126. 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).



**APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET****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**

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.

127. 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;
128. 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;
129. Any containers or compaction equipment acquired by the building owner must be approved by the Directorate: Engineering Services, to ensure their compatibility with the servicing equipment and lifting attachments;
130. Refuse should not be visible from a street or public place. Suitable screen walls may be required in certain instances;
131. Access must be denied to unauthorized persons, and refuse storage areas should be designed to incorporate adequate security for this purpose;

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132. All refuse storage areas shall be approved by the Directorate: Engineering 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**

133. 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 componitization of municipal services installed as part of the development. The Asset Verification Sheet 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;
134. 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";
135. 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;
136. 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;

## APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET

137. Section 31 Clearance certificates shall not be issued unless said services have been inspected by the "Engineer" and written clearance given, by the "Engineer".

**Section 31 Clearance Certificate**

138. It is specifically agreed that the "Developer" undertakes to comply with all conditions of subdivision and rezoning as laid down by the "Municipality" before clearance certificates shall be issued, unless otherwise agreed herein;
139. It is specifically agreed that the "Developer" undertakes to ensure that ALL applicable development conditions and requirements are met before submitting an application for the issuing of a Clearance Certificate in terms of Section 31. A list stipulating ALL conditions must be attached to the application and ALL conditions to the list must be ticked, indicating that it has been complied to, and evidence of such compliance also needs to be attached;
140. 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;
141. that clearance will only be given per phase and the onus is on the "Developer" to phase his development accordingly;
142. The onus will be on the "Developer" and or his professional team to ensure that all land-use conditions have been complied with before submitting an application for a Section 31 Certificate. Verifying documentation (proof of payment in respect of development contributions, services installation, etc.) must be submitted as part of the Section 31 Certificate application before an application will be accepted by this Directorate;
143. that any application for Certificate of Clearance will only be supported by the "Engineer" once all relevant as-built detail, as reflected in the item "AS-BUILT's" of this document, is submitted to the "Engineer" and approved by the "Engineer".


## APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET

Avoidance of waste, nuisance and risk

144. Where in the opinion of the "Municipality" a lack of maintenance of any service constitutes a nuisance, health or other risk to the public the "Municipality" may give the "Developer" and or HOA written notice to remedy the defect failing which the "Municipality" may carry out the work itself or have it carried out, at the cost of the "Developer" and or HOA.

Streetlighting

145. The "Developer" will be responsible for the design and construction at his own expense of all internal street lighting services and street lighting on link roads leading to his development (excluding Class 1, 2 and 3 Roads) according to specifications determined by the municipality's electro technical engineer and under the supervision of the consulting engineer, appointed by the "Developer";
146. Prior to commencing with the design of street lighting services, the consulting electrical engineer, as appointed by the "Developer" must acquaint himself with, and clarify with the municipality's electro technical engineer, the standards of materials and design requirements to be complied with and possible cost of connections to existing services;
147. The final design of the complete internal street lighting network of the development must be submitted by the consulting electrical engineer, as appointed by the "Developer", to the municipality's electro technical engineer for approval before any construction work commences;
148. Any defect with the street lighting services constructed by the "Developer" which may occur during the defects liability period of 12 (TWELVE) months and which occurs as a result of defective workmanship and/or materials must be rectified immediately / on the same day the defect was brought to the attention of the consulting electrical engineer, appointed by the "Developer". Should the necessary repair work not be done within the said time the "Municipality" reserves the right to carry out the repair work at the cost of the "Developer";
149. The maintenance and servicing of all private internal street lighting shall be the responsibility and to the cost of the "Developer" and or Home Owners Association.



TYRONE KING  
HEAD: DEVELOPMENT SERVICES AND PROJECT MANAGEMENT

APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET

ATTACHMENT X

### Geographic Information System (GIS) data capturing standards

In drawing up the As-build Plans relating to this development, the consultant must create the following separate layers in ESRI .shp, electronic file format in order for the data to reflect spatially correct.

Layer name	Content
TITLE	Title information, including any endorsements and references
NOTES	All noted information, both from the owner / surveyor and SG
PARENT_PROPLINES	Parent property lines
PARENT_PROPNUM	Parent erf number (or portion number)
PROPLINES	New portion boundaries
PROPANNO	New erf numbers
SERVLINES	Servitude polygons
SERVANNO	Servitude type
STREET_NAMES	Road centre lines with street names
STREET_NUMBERS	Points with street numbers
COMPLEX BOUNDARIES	Where applicable, polygon with complex name (mention whether gated or not and if so, where gates are)
SUBURB	Polygon with suburb name, where new suburb / township extension created
ESTATE	Where applicable, polygon with estate name (mention whether gated or not and if so, where gates are)

When data is provided in a .shp format it is mandatory that the .shx, .dbf, files should accompany the shapefile. The prj file containing the projection information must also accompany the shapefile.

It is important that different geographical elements for the GIS capture process remains separate. That means that political boundaries like wards or suburbs be kept separate from something like rivers. The same applies for engineering data types like water lines, sewer lines, electricity etc. that it is kept separate from one another. When new properties are added as part of a development, a list of erf numbers with its associated SG numbers must be provided in an electronic format like .txt, .xls or .csv format.

For road layer shapefiles; the road name, the from\_street and to\_street where applicable as well as the start en end street numbers needs to be included as part of the attributes. A rotation field needs to be added to give the street name the correct angle on the map.

In addition to being geo-referenced and in WGS 1984 Geographic Coordinate System, the drawing must be completed using real world coordinates based on the Stellenbosch

## APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET

Municipality standard as follows:

A1

- Datum : Hartebeeshoek WGS 84
- Projection : Transverse Mercator
- Central Longitude/Meridian 19
- False easting : 0.00000000
- False northing : 0.00000000
- Central meridian : 19.00000000
- Scale factor : 1.00000000
- Origin latitude : 0.00000000
- Linear unit : Meter



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PRELIMINARY

Based on data as per TV3  
Drawing: "Floor Layouts" Dwg  
No 2970-A-103

2016-05-25

**Development Contributions**

Project No: 2015/120/00  
Alt Project Ref: Erf 7586 (Remgro)  
Town Plan Ref:  
Project Name: Erf 7586 (Remgro)  
Location: Stellenbosch  
Developer: The Developer / Owner / Applicant  
Contact:  
Tel No's:  
Developer Ref:  
VAT No:

Registration Date: 25-May-16      Active:   
BICLS FY: 2015/6  
BICLS Date: 25-May-16  
Project Status: Estimate  
Address:



New/Existing Development	Usage Category	Area (m <sup>2</sup> )	Units	UOM	Contribution	VAT
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**TOTAL CONTRIBUTION:**      20 869      1 885 792      264 010

**GRAND TOTAL (VAT Incl):**      R 2 149 802

**SubTotal Contribution for New:**      20 869      1 885 792      264 010

New	Shops and Offices	ALL Business	3 065	3 065	m <sup>2</sup> GLA	1 817 830	254 496
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Service	Calc Type	UOM	Demand	Usage	UOM	Service Tariff	Contribution	VAT	TOTALS
Roads	per 100m <sup>2</sup> GLA	100m <sup>2</sup>	11,000	337,150	trips/day	4 791	1 615 286	226 140	1 841 426
Solid Waste	per Ha	ha	2,000	6,613	t/week	17 511	10 734	1 503	12 237
Stormwater	per Ha	C	0,900	0,276	ha * C	133 417	36 810	5 153	41 963
Sewerage	per Ha	ha	15,000	4,598	kl/day	14 434	66 360	9 290	75 650
Water	per Ha	ha	20,000	6,130	kl/day	14 460	88 640	12 410	101 050

New	Open Space	Open Space	14 739	0	m <sup>2</sup> Area	39 331	5 506
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Service	Calc Type	UOM	Demand	Usage	UOM	Service Tariff	Contribution	VAT	TOTALS
Roads	per 100m <sup>2</sup> GLA	100m <sup>2</sup>	0,000	0,000	trips/day	4 791	0	0	0
Solid Waste	per Ha	ha	0,000	0,000	t/week	17 511	0	0	0
Stormwater	per Ha	C	0,200	0,295	ha * C	133 417	39 331	5 506	44 837
Sewerage	per Ha	ha	0,000	0,000	kl/day	14 434	0	0	0
Water	per Ha	ha	0,000	0,000	kl/day	14 460	0	0	0

New	Parking/Roads	Road Reserves	3 065	0	m <sup>2</sup> Area	28 631	4 008
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Service	Calc Type	UOM	Demand	Usage	UOM	Service Tariff	Contribution	VAT	TOTALS
Roads	per 100m <sup>2</sup> GLA	100m <sup>2</sup>	0,000	0,000	trips/day	4 791	0	0	0
Solid Waste	per Ha	ha	0,000	0,000	t/week	17 511	0	0	0
Stormwater	per Ha	C	0,700	0,215	ha * C	133 417	28 631	4 008	32 639
Sewerage	per Ha	ha	0,000	0,000	kl/day	14 434	0	0	0
Water	per Ha	ha	0,000	0,000	kl/day	14 460	0	0	0



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PRELIMINARY

Based on data as per TV3  
Drawing: "Floor Layouts"  
Dwg No 2970-A-103

2016-05-25

**Development Contributions (Services Summary)**

Project No: 2015/120/00  
Alt Project Ref: Erf 7586 (Remgro)  
Town Plan Ref:  
Project Name: Erf 7586 (Remgro)  
Location: Stellenbosch  
Developer: The Developer / Owner / Applicant  
Contact:  
Tel No's:  
Ref No:  
VAT No:

Registration Date: 25-May-16      Active:   
BICLS FY: 2015/6  
BICLS Date: 25-May-16  
Project Status: Estimate

Address:


	Area (m <sup>2</sup> )	Contribution +	VAT =	TOTAL
<b>TOTAL CONTRIBUTION:</b>	20 869	1 885 792 +	264 010 =	2 149 802

Service	Usage	UOM	Contribution	VAT	TOTALS
Roads	337.150	trips/day	1 615 286	226 140	1 841 426
Solid Waste	0.613	t/week	10 734	1 503	12 237
Stormwater	0.785	ha * C	104 772	14 667	119 439
Sewerage	4.598	kl/day	66 360	9 290	75 650
Water	6.130	kl/day	88 640	12 410	101 050

<b>SubTotal Contribution for New:</b>	20 869	1 885 792 +	264 010 =	2 149 802
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Service	Usage	UOM	Contribution	VAT	TOTALS
Roads	337.150	trips/day	1 615 286	226 140	1 841 426
Solid Waste	0.613	t/week	10 734	1 503	12 237
Stormwater	0.785	ha * C	104 772	14 667	119 439
Sewerage	4.598	kl/day	66 360	9 290	75 650
Water	6.130	kl/day	88 640	12 410	101 050





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PRELIMINARY

BASED ON DATA AS PER TV3  
DRAWING: J38083-A-102 REV-  
DATED OCT 2013.

2016-07-15

## Development Contributions

Project No: 2015/121/01

Alt Project Ref:

Town Plan Ref:

Project Name: Erf 7588 (Remgro)

Location: Stellenbosch

Developer: The Developer / Owner / Applicant

Contact:

Tel No's:

Developer Ref:

VAT No:

Registration Date: 15-Jul-16

Active:

BICLS FY: 2015/6

BICLS Date: 15-Jul-16

Project Status: Estimate

Address:



New/Existing Development	Usage Category	Area (m <sup>2</sup> )	Units	UOM	Contribution	VAT
<b>TOTAL CONTRIBUTION:</b>		<b>18 391</b>			<b>2 538 119</b>	<b>355 334</b>
<b>GRAND TOTAL (VAT Incl):</b>					<b>R 2 893 453</b>	

SubTotal Contribution for New: 18 391      2 538 119      355 334

New	Flats	Flats (Med/high income)	0	7 Flat	246 948	34 572			
Service	Calc Type	UOM	Demand	Usage	UOM	Service Tariff	Contribution	VAT	TOTALS
Roads	per Each	Flat	3,900	27,300	trips/day	4 791	130 794	18 311	149 105
Solid Waste	per Each	Flat	0,040	0,280	t/week	17 511	4 903	686	5 589
Stormwater	per Ha	C	0,800	0,090	ha * C	133 417	0	0	0
Sewerage	per Each	Flat	0,500	3,500	kl/day	14 434	50 519	7 073	57 592
Water	per Each	Flat	0,600	4,200	kl/day	14 460	60 732	8 502	69 234

New	Offices	ALL Business	3 755	3 755 m <sup>2</sup> GLA	2 227 064	311 788
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Service	Calc Type	UOM	Demand	Usage	UOM	Service Tariff	Contribution	VAT	TOTALS
Roads	per 100m <sup>2</sup> GLA	100m <sup>2</sup>	11,000	413,050	trips/day	4 791	1 978 923	277 049	2 255 972
Solid Waste	per Ha	ha	2,000	0,751	t/week	17 511	13 151	1 841	14 992
Stormwater	per Ha	C	0,900	0,338	ha * C	133 417	45 095	6 313	51 408
Sewerage	per Ha	ha	15,000	5,633	kl/day	14 434	81 300	11 382	92 682
Water	per Ha	ha	20,000	7,510	kl/day	14 460	108 595	15 203	123 798

New	Open Space	Open Space	10 881	0 m <sup>2</sup> Area	29 032	4 064
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Service	Calc Type	UOM	Demand	Usage	UOM	Service Tariff	Contribution	VAT	TOTALS
Roads	per 100m <sup>2</sup> GLA	100m <sup>2</sup>	0,000	0,000	trips/day	4 791	0	0	0
Solid Waste	per Ha	ha	0,000	0,000	t/week	17 511	0	0	0
Stormwater	per Ha	C	0,200	0,218	ha * C	133 417	29 032	4 064	33 096
Sewerage	per Ha	ha	0,000	0,000	kl/day	14 434	0	0	0
Water	per Ha	ha	0,000	0,000	kl/day	14 460	0	0	0

New/Existing		Development		Usage Category			Area (m <sup>2</sup> )	Units	UOM	Contribution
New	Roads/Parking		Road Reserves			3 755	0	m <sup>2</sup> Area	35 075	4 910
Service	Calc Type	UOM	Demand	Usage	UOM	Service Tariff	Contribution	VAT	TOTALS	
Roads	per 100m <sup>2</sup> GLA	100m <sup>2</sup>	0.000	0.000	trips/day	4 791	0	0	0	
Solid Waste	per Ha	ha	0.000	0.000	t/week	17 511	0	0	0	
Stormwater	per Ha	C	0.700	0.263	ha * C	133 417	35 075	4 910	39 985	
Sewerage	per Ha	ha	0.000	0.000	kl/day	14 434	0	0	0	
Water	per Ha	ha	0.000	0.000	kl/day	14 460	0	0	0	



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PRELIMINARY

BASED ON DATA AS PER TV3  
DRAWING: J38083-A-102 REV-  
DATED OCT 2013

2016-07-15

## Development Contributions (Services Summary)

Project No: 2015/121/01

Registration Date: 15-Jul-16

Active:

Alt Project Ref:

BICLS FY: 2015/6

Town Plan Ref:

BICLS Date: 15-Jul-16

Project Name: Erf 7588 (Remgro)

Project Status: Estimate

Location: Stellenbosch

Address:

Developer: The Developer / Owner / Applicant

Contact:

Tel No's:

Ref No:

VAT No:



	Area (m <sup>2</sup> )	Contribution +	VAT =	TOTAL
<b>TOTAL CONTRIBUTION:</b>	18 391	2 538 119 +	355 334 =	2 893 453

Service	Usage	UOM	Contribution	VAT	TOTALS
Roads	440,350	trips/day	2 109 717	295 360	2 405 077
Solid Waste	1,031	t/week	18 054	2 527	20 581
Stormwater	0,819	ha * C	109 202	15 287	124 489
Sewerage	9,133	kl/day	131 819	18 455	150 274
Water	11,710	kl/day	169 327	23 705	193 032

<b>SubTotal Contribution for New:</b>	18 391	2 538 119 +	355 334 =	2 893 453
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Service	Usage	UOM	Contribution	VAT	TOTALS
Roads	440,350	trips/day	2 109 717	295 360	2 405 077
Solid Waste	1,031	t/week	18 054	2 527	20 581
Stormwater	0,819	ha * C	109 202	15 287	124 489
Sewerage	9,133	kl/day	131 819	18 455	150 274
Water	11,710	kl/day	169 327	23 705	193 032



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**PRELIMINARY**

Based on data as per "SDP  
Ground Floor" Dwg No Z  
2892-A-101 RevE dated 25  
June 2013.

2016-05-25

**Development Contributions**

Project No: 2015/122/00  
Alt Project Ref: Erf 7592 (Remgro)  
Town Plan Ref:  
Project Name: Erf 7592 (Remgro)  
Location: Stellenbosch  
Developer: The Developer / Owner / Applicant  
Contact:  
Tel No's:  
Developer Ref:  
VAT No:

Registration Date: 25-May-16      Active:   
BICLS FY: 2015/6  
BICLS Date: 25-May-16  
Project Status: Estimate  
Address:



New/Existing	Development	Usage Category	Area (m <sup>2</sup> )	Units	UOM	Contribution	VAT
<b>TOTAL CONTRIBUTION:</b>			10 675			6 671 544	934 017
<b>GRAND TOTAL (VAT Incl):</b>						<b>R 7 605 561</b>	

SubTotal Contribution for New: 10 675      6 671 544      934 017

New	Flats	Flats (Med/high income)	0	46	Flat	1 622 803	227 192		
Service	Calc Type	UOM	Demand	Usage	UOM	Service Tariff	Contribution	VAT	TOTALS
Roads	per Each	Flat	3,900	179,400	trips/day	4 791	859 505	120 331	979 836
Solid Waste	per Each	Flat	0,040	1,840	t/week	17 511	32 220	4 511	36 731
Stormwater	per Ha	C	0,800	0,000	ha * C	133 417	0	0	0
Sewerage	per Each	Flat	0,500	23,000	kl/day	14 434	331 982	46 477	378 459
Water	per Each	Flat	0,600	27,600	kl/day	14 460	399 096	55 873	454 969

New	Shops and offices	ALL Business	8 478	8 478	m <sup>2</sup> GLA	5 028 221	703 952		
Service	Calc Type	UOM	Demand	Usage	UOM	Service Tariff	Contribution	VAT	TOTALS
Roads	per 100m <sup>2</sup> GLA	100m <sup>2</sup>	11,000	932,580	trips/day	4 791	4 467 991	625 519	5 093 510
Solid Waste	per Ha	ha	2,000	1,696	t/week	17 511	29 692	4 157	33 849
Stormwater	per Ha	C	0,900	0,763	ha * C	133 417	101 797	14 252	116 049
Sewerage	per Ha	ha	15,000	12,717	kl/day	14 434	183 557	25 698	209 255
Water	per Ha	ha	20,000	16,956	kl/day	14 460	245 184	34 326	279 510

New	Roads/Parking	Road Reserves	2 197	0	m <sup>2</sup> Area	20 520	2 873		
Service	Calc Type	UOM	Demand	Usage	UOM	Service Tariff	Contribution	VAT	TOTALS
Roads	per 100m <sup>2</sup> GLA	100m <sup>2</sup>	0,000	0,000	trips/day	4 791	0	0	0
Solid Waste	per Ha	ha	0,000	0,000	t/week	17 511	0	0	0
Stormwater	per Ha	C	0,700	0,154	ha * C	133 417	20 520	2 873	23 393
Sewerage	per Ha	ha	0,000	0,000	kl/day	14 434	0	0	0
Water	per Ha	ha	0,000	0,000	kl/day	14 460	0	0	0



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**PRELIMINARY**

Based on data as per "SDP Ground Floor" Dwg No Z 2892-A-101 RevE dated 25 June 2013.

2016-05-25

**Development Contributions (Services Summary)**

Project No: 2015/122/00  
 Alt Project Ref: Erf 7592 (Remgro)  
 Town Plan Ref:  
 Project Name: Erf 7592 (Remgro)  
 Location: Stellenbosch  
 Developer: The Developer / Owner / Applicant  
 Contact:  
 Tel No's:  
 Ref No:  
 VAT No:

Registration Date: 25-May-16      Active:   
 BICLS FY: 2015/6  
 BICLS Date: 25-May-16  
 Project Status: Estimate

Address:



	Area (m <sup>2</sup> )	Contribution	+ VAT	= TOTAL
<b>TOTAL CONTRIBUTION:</b>	10 675	6 671 544	+ 934 017	= 7 605 561

Service	Usage	UOM	Contribution	VAT	TOTALS
Roads	1111.980	trips/day	5 327 496	745 850	6 073 346
Solid Waste	3.536	t/week	61 912	8 668	70 580
Stormwater	0.917	ha * C	122 317	17 125	139 442
Sewerage	35.717	kl/day	515 539	72 175	587 714
Water	44.556	kl/day	644 280	90 199	734 479

<b>SubTotal Contribution for New:</b>	10 675	6 671 544	+ 934 017	= 7 605 561
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Service	Usage	UOM	Contribution	VAT	TOTALS
Roads	1111.980	trips/day	5 327 496	745 850	6 073 346
Solid Waste	3.536	t/week	61 912	8 668	70 580
Stormwater	0.917	ha * C	122 317	17 125	139 442
Sewerage	35.717	kl/day	515 539	72 175	587 714
Water	44.556	kl/day	644 280	90 199	734 479

**Contact Address:**

iCE Group (Stellenbosch), Tel No: +27 (0) 21 880 0443  
 P O Box 131, Fax No: +27 (0) 21 880 0390  
 Stellenbosch, 7599 e-mail: piet@icgroup.co.za

Contact Person: Piet van Blerk

Your Ref:

Our Ref: 884 -Woodmill, Stellenbosch



Date: 14 June 2016

**ANNEXURE A****Consulting Services**

- Civil Engineering Services
- Roads
- Traffic Engineering

Stellenbosch Municipality  
 PO Box 17  
**STELLENBOSCH**  
 7599

Attention: Mr Tyrone King

Sir

**PROPOSED DEVELOPMENT OF PORTIONS 57 & 58 OF FARM 183,  
 STELLENBOSCH, WOODMILL – COST ESTIMATES AND FUNDING**

The Traffic Impact Assessment (TIA) for the above-mentioned project, your Mr King's e-mail of 19 May 2016, the meeting at the office of Mr Marius Wüst with messrs Willem Pretorius, Nigel Winter and John Muller to discuss funding for the proposed road improvements as well as the meeting with your Mr Tyrone King on 13 June 2016 refer.

The TIA for the Woodmill project suggested that the following road improvements are required:

1. Adam Tas Road (Stellenbosch Arterial)/Baden Powell Road-intersection
2. Adam Tas Road/Vredenburg Street-intersection and related road works
3. Adam Tas Road/Devon Valley Road-intersection and related road works
4. Adam Tas Road/Oude Libertas Road-intersection
5. Adam Tas Road/Dorp Street-intersection that
6. Adam Tas Road/Strand Road (R44)/Alexander Street-intersection
7. R44/Merriman Avenue-intersection
8. Lower Dorp Street dualling

With regard to Point 1 in your e-mail of 19 May 2016 – It is not correct that all the intersections are over capacity. The Oude Libertas Road-intersection with Adam Tas Road still have capacity whilst only the right turning traffic experience problems at the Vredenburg Road- and Devon Valley Road-intersections. It is correct that the other intersections as discussed are over capacity.

At the meeting at the office of Mr Wüst the funding budgeted for intersections applicable was as given below (14% VAT excluded) (Mr Nigel Winter confirmed this in an e-mail dated 1 June 2016):

Stellenbosch office:  
 Tel: 021 8800 443  
 Fax: 021 8800 390

Directors:  
 P.J. van Blerk, Pr Eng

ICE Group (Overberg) (Pty) Ltd  
 ICE Group (Stellenbosch)  
 Reg No 2006/13235/23



Budget 2016/17	- R 2 580 000-00
Budget 2017/18	- R 2 120 000-00
Budget 2018/19	- R 300 000-00
<b>Total budget</b>	<b>R 5 000 000-00</b>

We prepared a spread sheet showing the costs of all the required road improvements relating to the Woodmill project, the Distell Offices project, the Remgro project (Erf 7586, 7588 and 7592, Lower Dorp Street), the land cost for acquiring land for road purposes, the DC's payable for the Woodmill- and Remgro-projects as well as the anticipated contributions by the municipality, PGWC and the developer (own account). The spread sheet is attached. The land cost was NOT included in the calculation to determine the PGWC/Municipality contributions. Whether the PGWC will contribute with regard to land cost needs to be investigated. The Adam Tas Road (Stellenbosch Arterial)/Baden Powell Road-intersection was not included in the spreadsheet as the intersection will be upgraded as part of the PGWC's project to upgrade Baden Powell Road to a dual carriageway.

A summary of the spread sheet is as follows:

Total cost of projects (14% VAT included) based on May 2016 rates	- R 61 581 534-60
Total cost of land required for road purposes*	- R 17 860 000-00
<b>TOTAL COSTS</b>	<b>R 79 441 534-60</b>
(*- The values per m <sup>2</sup> for land was assumed for each area and should be verified)	
DC's anticipated to be paid by Woodmill- and Remgro project (14% VAT included)	- R 72 475 749-30
Municipal budget (14% VAT included)	- R 5 700 000-00
<b>TOTAL INCOME/FUNDING (excluding PGWC-funding)</b>	<b>R 78 175 749-30</b>
<b>PGWC-FUNDING</b>	<b>R 16 632 317-28</b>
<b>TOTAL INCOME/FUNDING (including PGWC-funding)</b>	<b>R 94 808 066-58</b>

The cost split between the municipality and PGWC was taken as Municipality 20% and PGWC 80% (land cost excluded). Based on this, the cost split is as follows (14% VAT included):

Municipality	- R 4 158 079-32
PGWC	- R 16 632 317-28

Although the spreadsheet shows that the PGWC will not contribute to the upgrade of the Adam Tas Road/Vredenburg Road- and Adam Tas Road/Devon Valley Road-intersections it is the opinion that the PGWC should be approached for a contribution as both intersections are relocated as a result of the positions thereof as indicated on the Access Management Plan for Adam Tas Road. Funding for the Adam Tas Road/Oude Libertas Road-intersection is also not shown as the required improvements are as a result of the proposed Distell-offices development. It was assumed that the upgrade of Lower Dorp Street will be funded without any PGWC-funding although a case can be made that the cost of the improvements to the intersections with Adam Tas Road and the R44 should also be partially funded by the PGWC.

The approved municipal budget for intersections over the next three years (R 5 700 000-00, 14% VAT included) is sufficient to fund the 20% portion that has to be contributed by the municipality (R 4 158 079-32).



From the spread sheet and depending on the finalization of the DC's payable for the Woodmill- and Ramgro Projects it can be concluded that sufficient funding should be available for all the projects envisaged if the PGWC contributes 80% of the cost for the road improvements and the DC's as calculated by your mr Tyrone King realizes.

Please contact the undersigned should you require any further information.

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. van Blerk', written over a horizontal line.

**Piet van Blerk Pr. Eng**  
**ICE GROUP (STELLENBOSCH)**



Table 1B : Woodmill, Upgrading of Intersections - Cost Estimates and funding

Costs are based on May 2005 rates



Item	1 Adrian Tax Road/Vreden- burg Street intersection including sidewalk	2 Adrian Tax Road/Dewar Valley Road intersection including relocation and sidewalk	3 Adrian Tax Road/DuDe Libertas Road intersection including sidewalk	4 844/Duyp Street intersection including sidewalk along 844	5 845/Adrian Tax Road/ Alexander Road int.	6 845/Macmillan Ave Intersection	7 Lower Dewar Street (Burling) including BMT facility	TOTAL
Planning and Construction Cost	\$ 7,576,400.00	\$ 11,800,500.00	\$ 1,768,000.00	\$ 1,750,500.00	\$ 12,158,200.00	\$ 4,179,400.00	\$ 11,697,200.00	\$ 43,206,290.00
Plus								
Topographical Survey/Land Surveyor	\$ 10,000.00	\$ 11,000.00	\$ 1,000.00	\$ 0.00	\$ 10,000.00	\$ 7,500.00	\$ 52,000.00	\$ 87,000.00
Water's Investigation	\$ 7,500.00	\$ 21,000.00	\$ 5,000.00	\$ 5,000.00	\$ 7,500.00	\$ 5,000.00	\$ 50,000.00	\$ 98,000.00
Monitoring of construction	\$ 82,000.00	\$ 131,000.00	\$ 30,000.00	\$ 15,000.00	\$ 80,000.00	\$ 50,000.00	\$ 200,000.00	\$ 999,000.00
Drawings etc.	\$ 5,000.00	\$ 7,500.00	\$ 2,500.00	\$ 2,500.00	\$ 15,000.00	\$ 7,500.00	\$ 25,000.00	\$ 88,000.00
Sub-total	\$ 8,678,900.00	\$ 12,955,500.00	\$ 1,702,500.00	\$ 1,778,000.00	\$ 12,270,700.00	\$ 4,250,400.00	\$ 24,024,800.00	\$ 54,258,290.00
Plus 24% VAT	\$ 1,121,944.00	\$ 1,671,770.00	\$ 241,750.00	\$ 248,232.00	\$ 1,717,894.00	\$ 587,276.00	\$ 2,902,472.00	\$ 3,962,644.00
<b>TOTAL PROJECT COST (EXCLUDING LAND COST)</b>	<b>\$ 9,800,844.00</b>	<b>\$ 14,627,270.00</b>	<b>\$ 1,944,250.00</b>	<b>\$ 2,026,232.00</b>	<b>\$ 13,988,594.00</b>	<b>\$ 4,837,676.00</b>	<b>\$ 26,927,272.00</b>	<b>\$ 61,581,534.00</b>
Proposed funding (including 24% VAT)								
Municipality	\$ 0.00	\$ 0.00		\$ 604,254.52	\$ 2,797,719.40	\$ 954,295.20		\$ 4,356,279.12 Muni
PG&C	\$ 0.00	\$ 0.00		\$ 1,417,058.08	\$ 11,290,876.40	\$ 3,814,580.80		\$ 16,512,515.28 PG&C
Developer (Development Contributions)	\$ 11,292,187.00	\$ 11,292,187.00					\$ 9,891,375.30	\$ 32,475,749.30 DC's
Developer (own account)			\$ 1,901,000.00					\$ 1,901,000.00 Developer
<b>TOTAL FUNDING</b>	<b>\$ 11,292,187.00</b>	<b>\$ 11,292,187.00</b>	<b>\$ 1,901,000.00</b>	<b>\$ 2,021,312.60</b>	<b>\$ 13,988,594.00</b>	<b>\$ 4,768,876.00</b>	<b>\$ 9,891,375.30</b>	<b>\$ 49,229,795.90</b>
Shortfall (-) / Surplus on road costs	\$ 102,882,240.30	\$ 102,882,517.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 6,035,896.70	\$ 113,548,261.30
Land required for road purposes (m <sup>2</sup> )	0.00	0.00	0.00	0.00	52.00	0.00	2,850.00	3,132.00
Land cost/m <sup>2</sup>	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 2,100.00	\$ 2,100.00
<b>LAND COST</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>\$ 5,970.00</b>	<b>\$ 5,970.00</b>

NOTE 1: The DC's for 1 and 2 are the total provisionally payable for the Woodmill project - \$ 42,584,374.00

NOTE 2: The DC's for lot 7566, 7568 and 7562 are the total provisionally payable - \$ 9,676,640.00 - see intersection no.7

NOTE 3: Land costs are not included. The areas shown that are required for road purposes are approximate

NOTE 4: The June 2005 rates have been escalated by 6%

NOTE 5: The land required for road purposes at lot 2 equals the area of road that can be occupied

# An Urban Design Framework for the Remgro Precinct, Lower Dorp Street, Stellenbosch

10 June 2013

Prepared for:

TV3

Architects and Town Planners

Prepared by:

Piet Louw and Dave Dewar in Association • Architects • Urban Designers • City Planners

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2. The Brief
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Figure 12: Urban Design Directives:

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d) Pedestrian Priority Zones with NMT Alignments

Figure 13: Proposed Cross-Section through Lower Dorp Street

Appendix A: Measured Drawing Survey of Lower Dorp Street: Plan

Appendix B: Measured Drawing Survey of Lower Dorp Street: Cross-Sections

## 1. The Site

The site is located in the north-west of Stellenbosch, immediately to the west of the historic core. It is a fairly 'boxed' land parcel, being flanked in the north by Lower Dorp Street, in the north-west by the barrier of R310 and to the south by the Eerste River (figures 1 and 2). At present, the site is fairly loosely developed, primarily in the form of office complexes, with the focal point being the Rupert Museum. The cadastral layout and ownership pattern within the precinct is shown in figure 3. Figure 4 is an accurate survey of the site, including vegetation, while figure 5 provides a photographic representation of some elements and characteristics of the site including the Dorp Street interface.

## 2. The Brief

The brief calls for an urban design concept which unlocks the potential of the site, while enhancing the spatial quality, and thus the dignity, of the precinct as a totality. The existing museum requires respect and should be celebrated, as well as being integrated with the proposed development and its surroundings.

## 3. Constraints and Informants

Layers of constraints and informants are shown in figure 6. Shown here are the blue-green structure, including the flood plains, elements of heritage significance, dominant utility infrastructure and the dominant movement network. Relevant features that contribute to the composite design constraints and informants map are shown in figure 7. These include the dominant movement network, the existing vineyards, the Eerste River, the museum, vegetation of stature and footprints of existing buildings. Two points about this require emphasis.

The first is that the character of this section of Dorp Street is very different from the historically significant section of the street to the east. In the older part, the street is the primary structuring element: it is a linear space which is defined and given scale by the abutting buildings on both sides. By contrast, the spatial quality and scale of Lower Dorp Street is more that of a road than a street. The emphasis in its design is mobility, not spatial quality. As a consequence, the role of the route as a structuring element is much less significant.

The second point is that about half of the museum falls within the 1:50 year flood plain. However, the threat of flooding has been alleviated by plat-forming the site. It is felt that a similar device could be used on the land east of it to enable some 'tread-lightly' development.

The constraints and informants map is then interpreted to identify a number of zones of different development potential (figure 8):

'no-go' areas in which no development should be allowed; 'tread-lightly' areas, where some development can occur but in a low impact way; and 'possible development zones' where more intensive activity can be considered. Also shown here is a zone which falls outside the ownership precinct, where intensification could occur and an extended functional precinct, which falls outside of the ownership precinct but which must be taken into account in developing the concept.

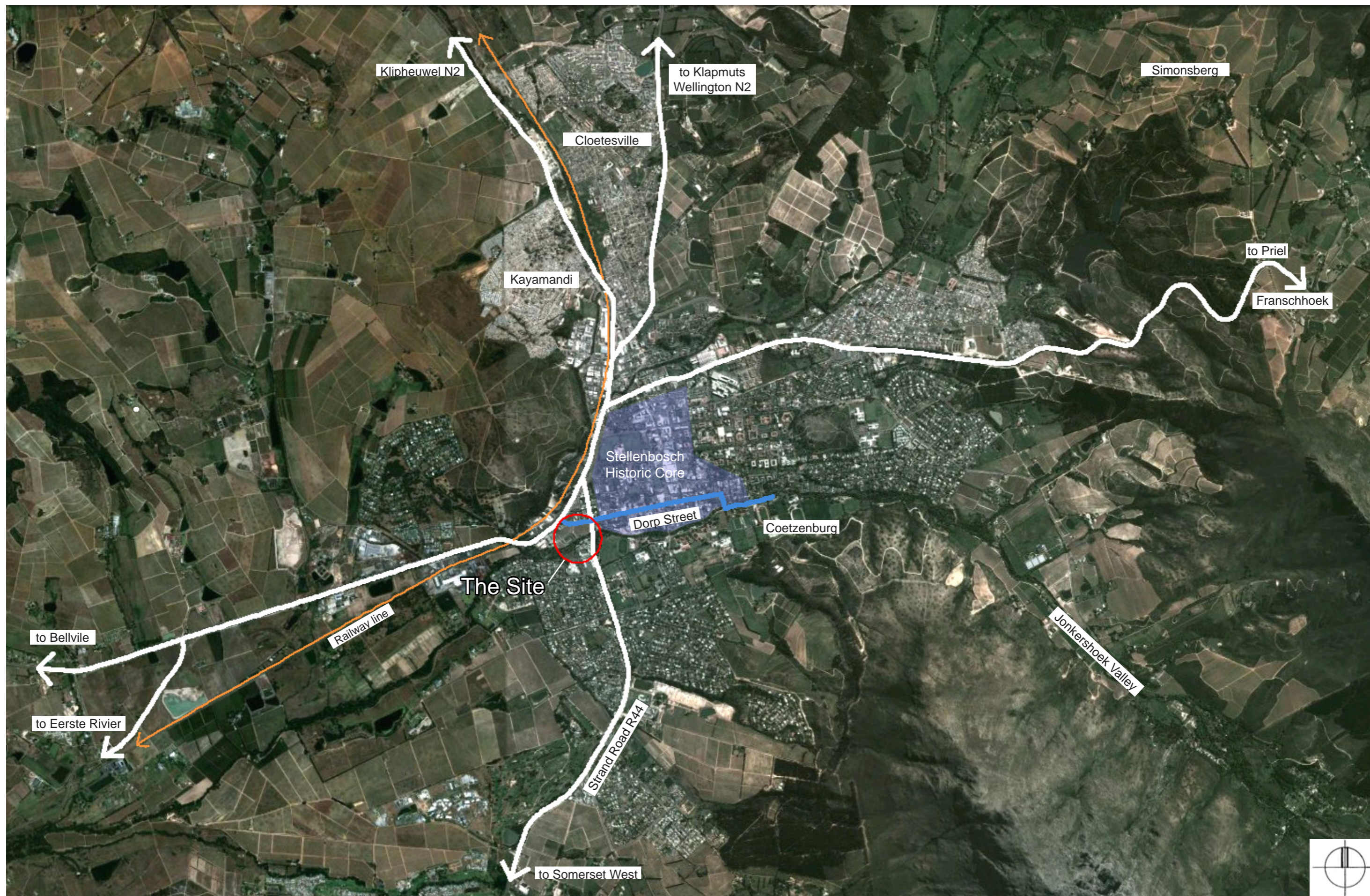


Figure 1: Location in the Stellenbosch Context

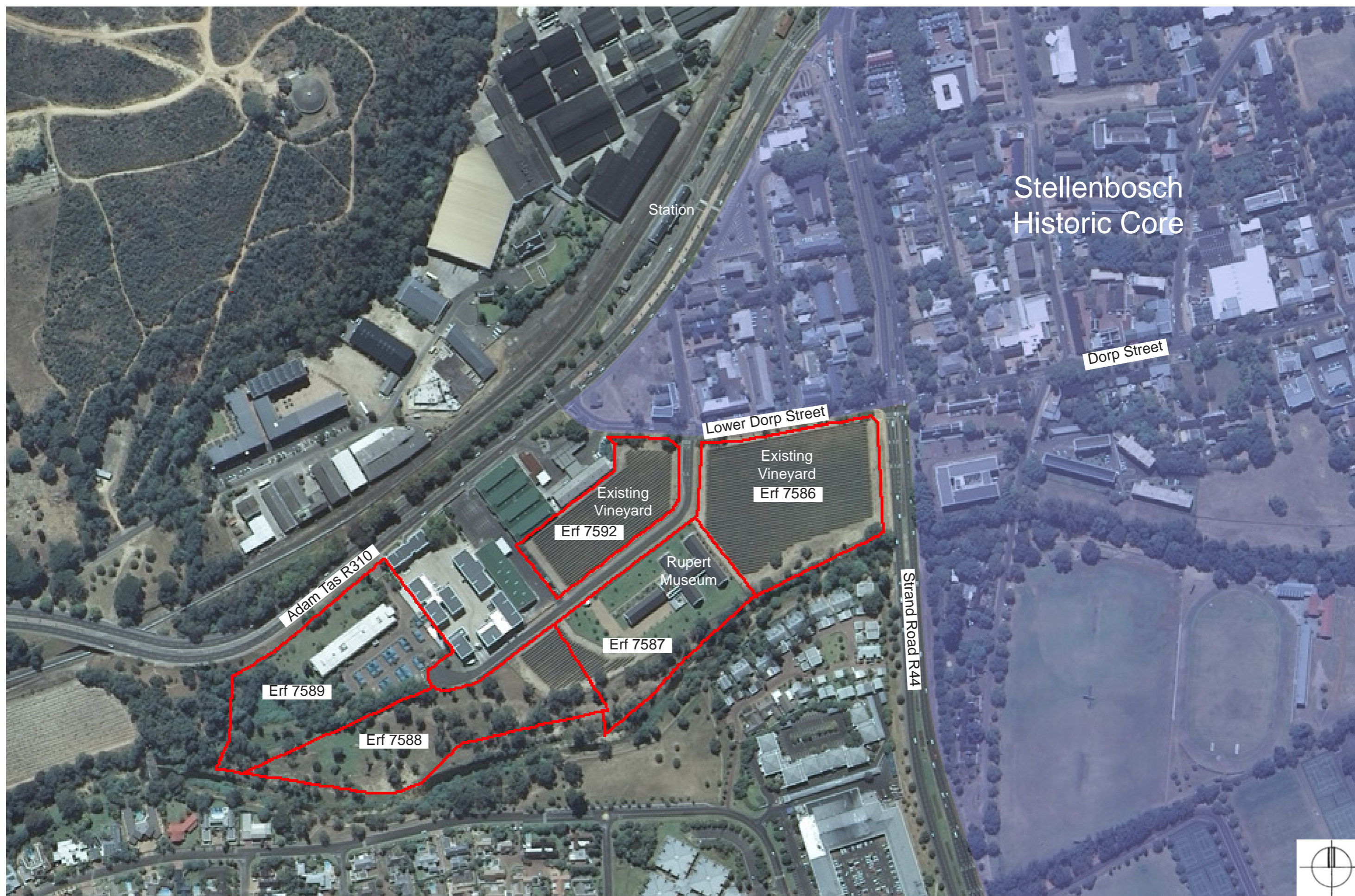
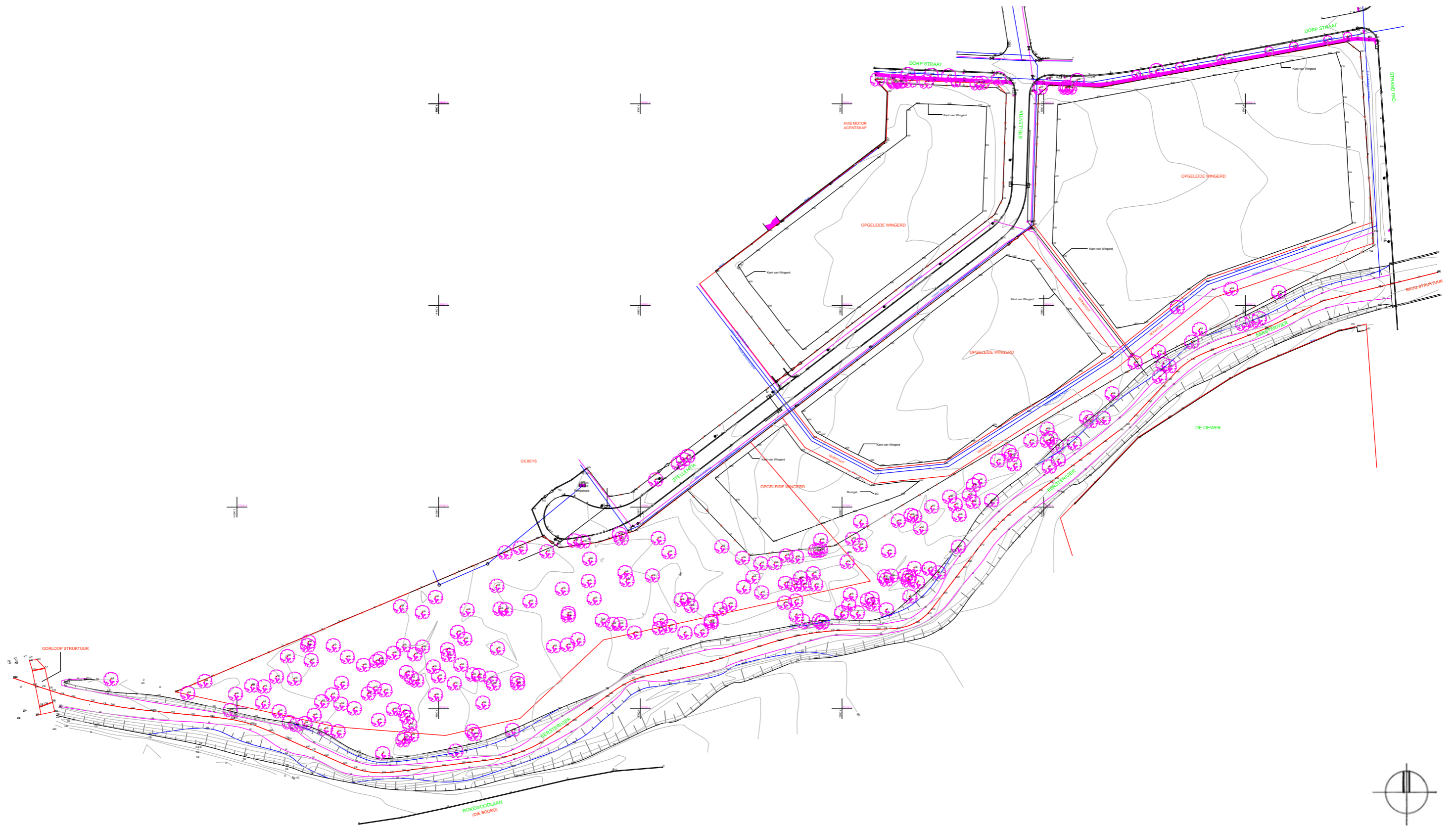


Figure 2: The Precinct and Environs









View along Lower Dorp Street looking west with the existing vineyard to the left



View along Lower Dorp Street looking west



View of access route from the north to the Existing Rupert Museum



View of Lower Dorp Street and Staedler Street

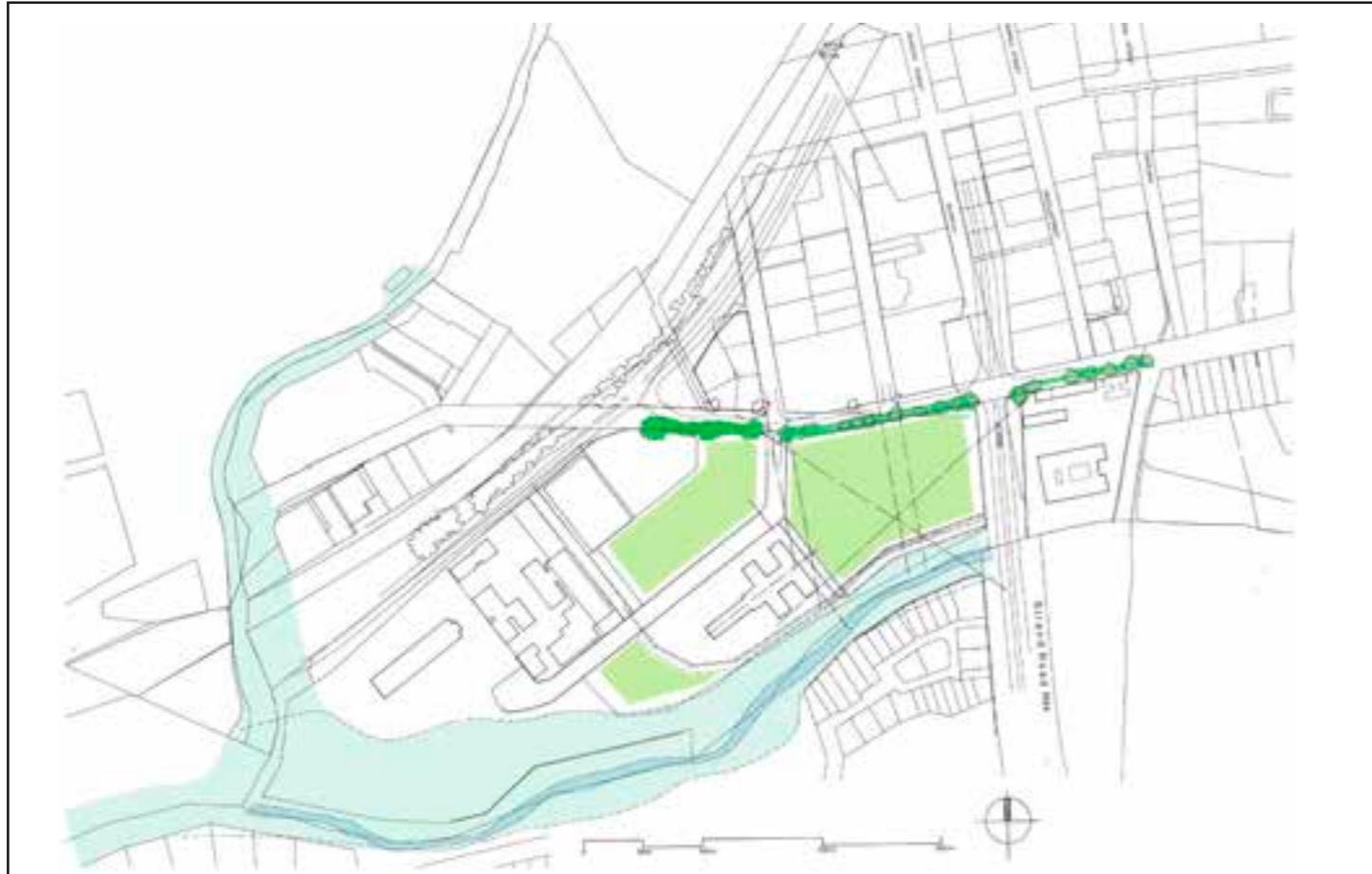


Figure 6a: Dominant Green and Blue Structure



Figure 6b: Significant Heritage Elements



Figure 6c: Dominant Utility Infrastructure



Figure 6d: Dominant Movement Network

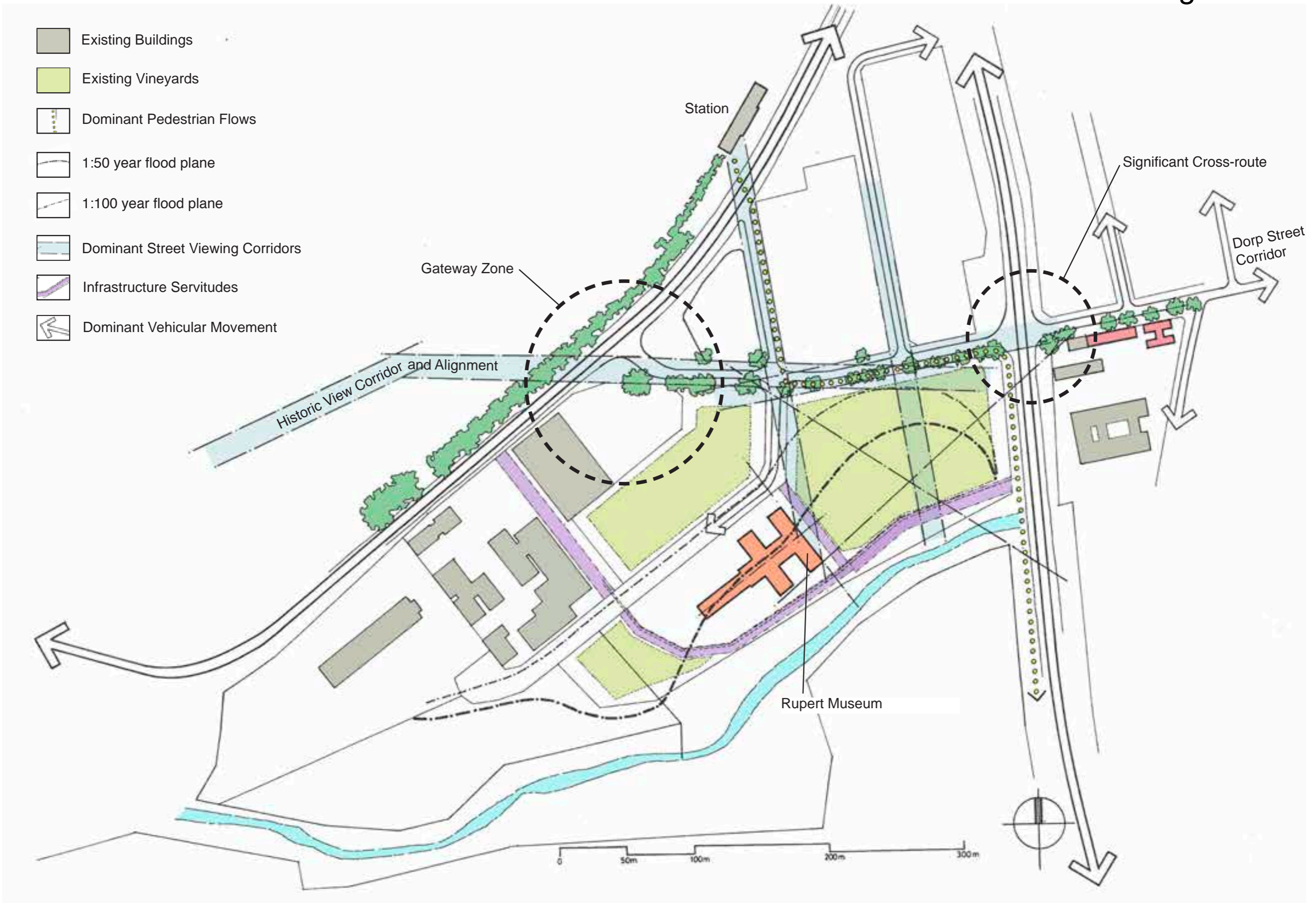


Figure 7: Composite Design Constraints and Informants

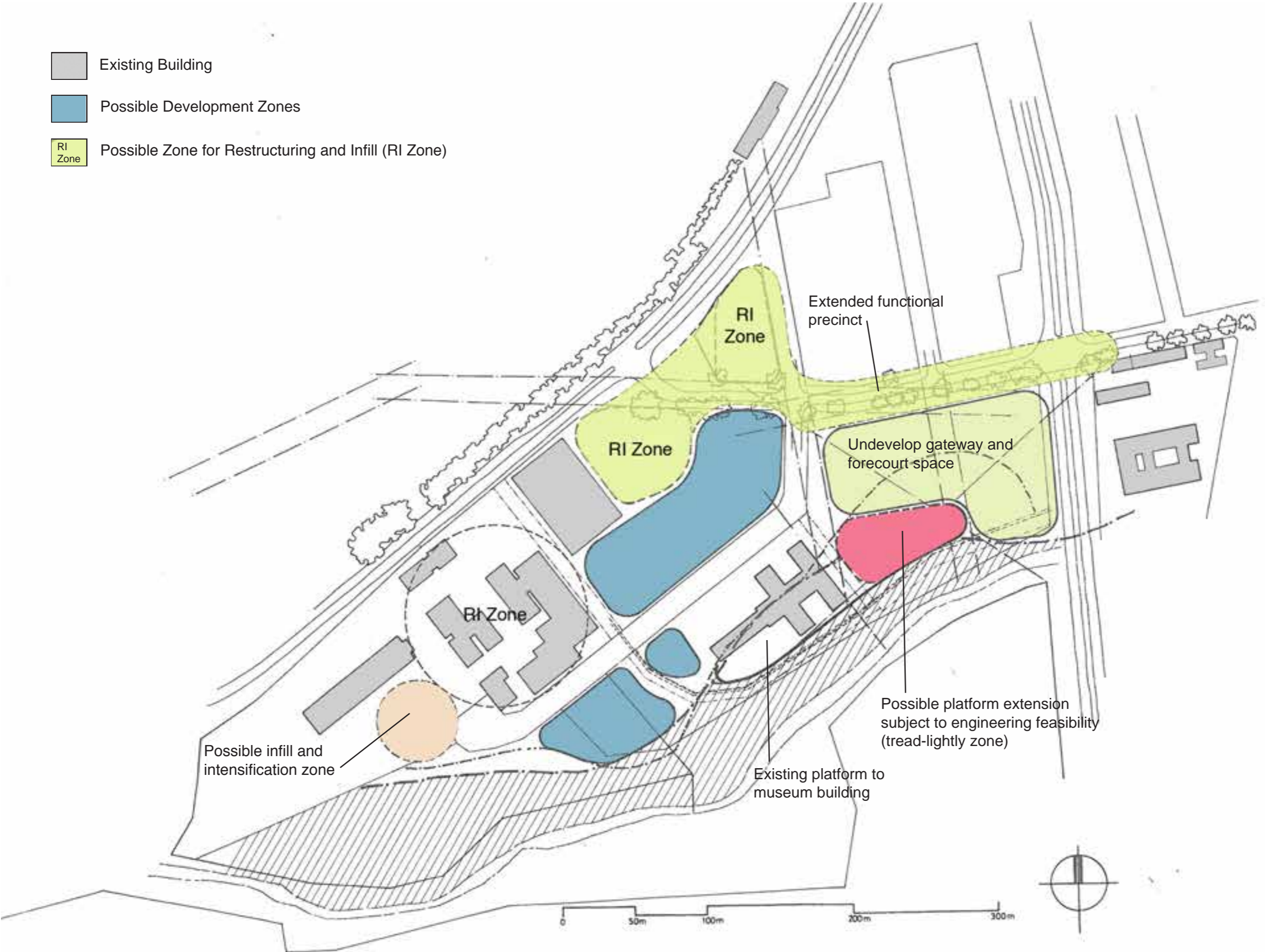


Figure 8: Interpretation of Development Potential

#### 4. The Concept

A possible larger scale integrating concept is shown in figure 9. In essence, new buildings are inserted to create an hierarchical 'family' of public and common spaces: from east to west these are the notion of a station square in the form of a forecourt flanked by buildings on three sides; the Dorp Street gateway space; the vineyard gateway space, the museum forecourt space, which is connected by a treed avenue leading to a possible river park. The intention is to link the precinct and its internal spaces to the station by a walkway which capitalizes on already significant pedestrian flows through the area. This system integrates with a municipal system of non-motorized transport (NMT) routes which are already being planned, particularly along Dorp Street and along the river.

Figure 10 shows the proposed vehicular movement and NMT network. A system of access and egress slipways off the R310 creates permeability and takes pressure off the Dorp Street intersection. On-site, the primary walkway passes through two arcades with potential for small-scale shops. It is essential that walking should be made as pleasant and as safe as possible through planting for shade, lighting and pavement surfacing. It is also essential, for safety reasons, that the walkways are 'surveilled'. This opens up the possibility of lining the main walkway with one-sided mixed-use development, with commercial activity on the ground floor with living above. This form of development should also be used to define and make the station square.

The urban design concept for the site itself is shown in figure 11.

- The existing vineyard, which carries with it considerable symbolism as a gateway site, given the role of Stellenbosch in the Winelands, is retained, to create an agricultural edge to the precinct in the south and east. The south-eastern edge of the existing vineyard is the site for a 'tread-lightly' architectural intervention (glass and steel) on stilts as an elegant modern flat-roofed background building overlooking the vineyard and with views of the mountains. The roof silhouette of this building should promote the idea of horizontality, as reflected in the tops of the rows of vines.
- Four new buildings are inserted to create an impressive large forecourt space announcing and celebrating the museum. The corner of the northern building is cut-back to define a splay which, in conjunction with the building across the street from it, creates a gateway space announcing entry into the Dorp Street precinct.
- To the west of the existing office complex are opportunities for up-market, residential pavilions on large plots.

Alternatively, this development could take the form of two-storey terrace or row housing.

- The extreme west of the site, adjacent to the river, is transformed into a small park serving residents, office workers and the public at large.

There is thus a defined density gradient from east to west.

Figure 12 shows the primary urban design directives. These relate to build-to lines, height, special features and pedestrian priority zones. It is essential, in terms of the quality of the scheme as a whole, that these be respected.

An important part of the scheme is improving the quality of Lower Dorp Street. Appendix A is a measured survey of this section of Dorp Street and Appendix B shows a number of cross-sections through it. Figure 13 is a proposed cross-section showing how this could, and should, be reconfigured as a treed avenue accommodating NMT requirements and vehicular traffic.

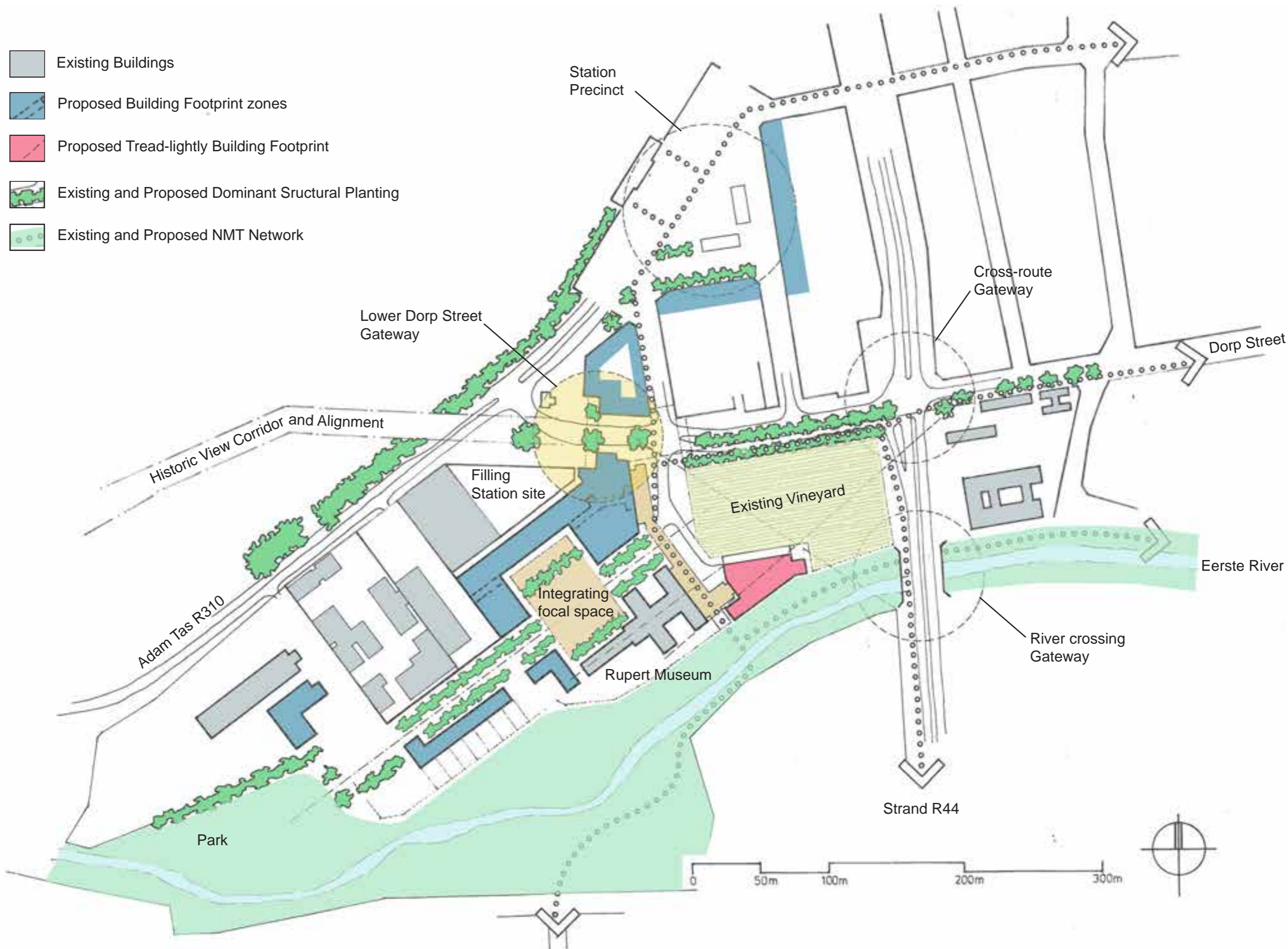


Figure 9: A Possible Larger-Scale Integrating Design Concept

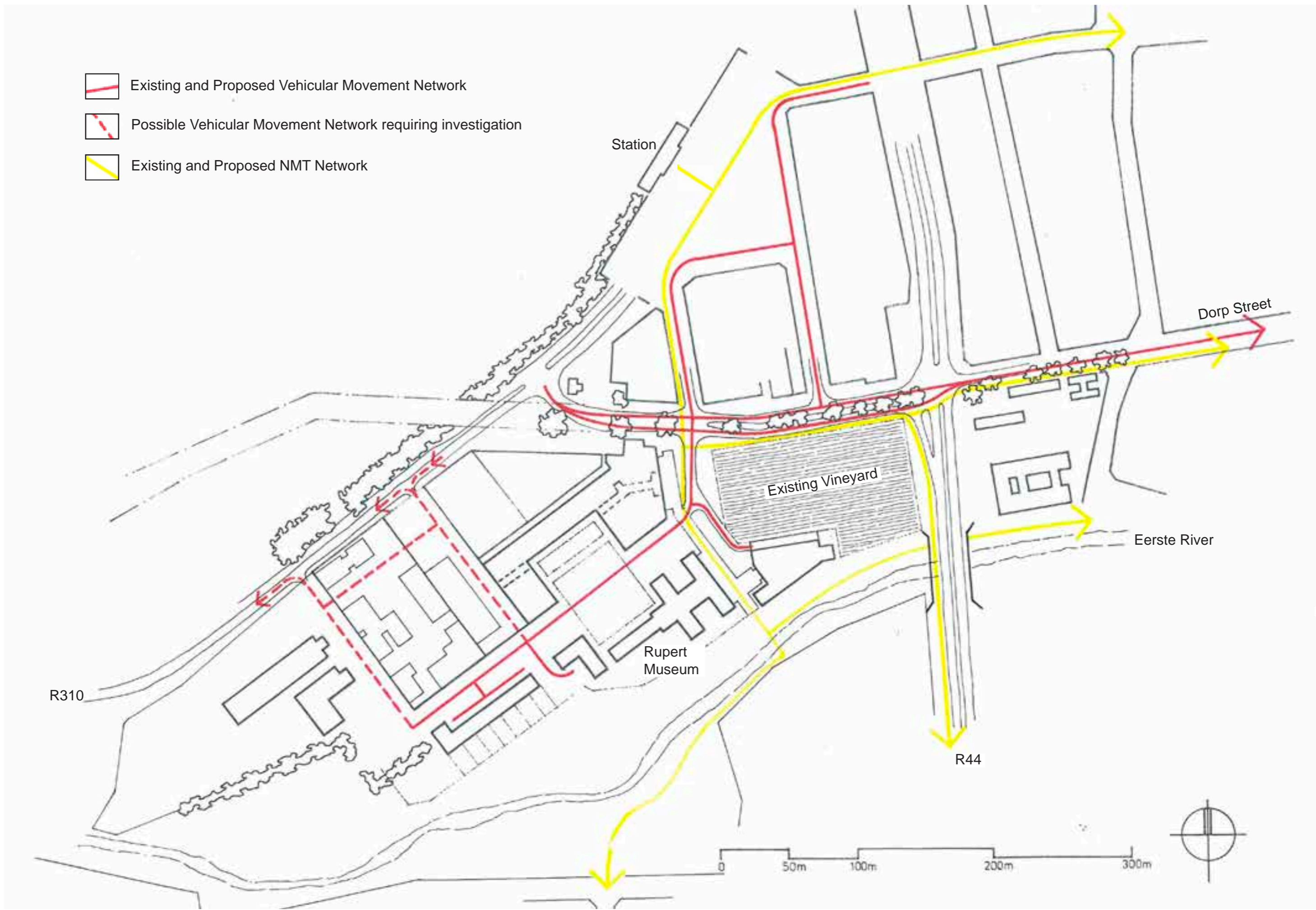
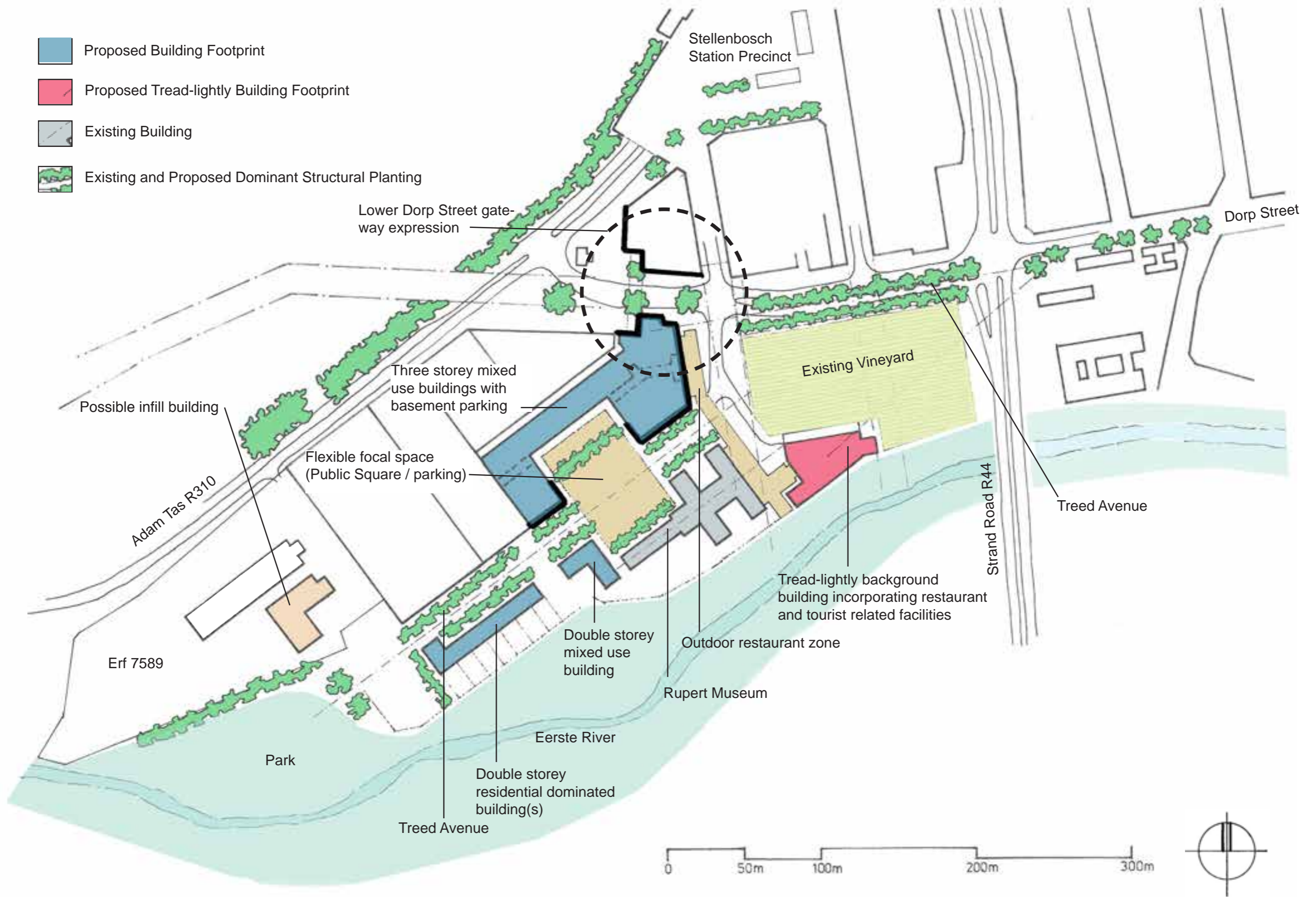


Figure 10: A Possible Movement Concept for the Precinct





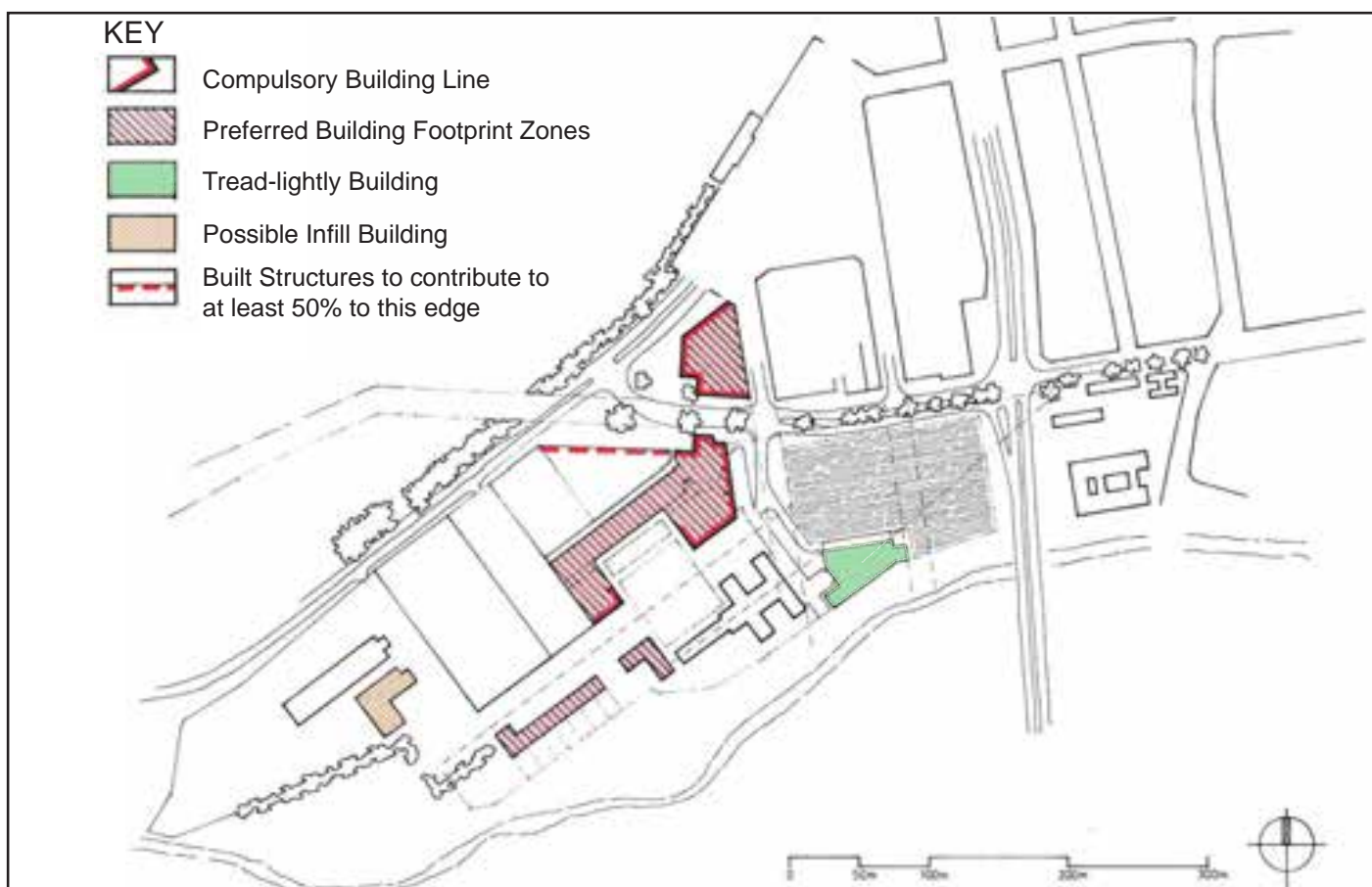


Figure 12a: Build-to lines

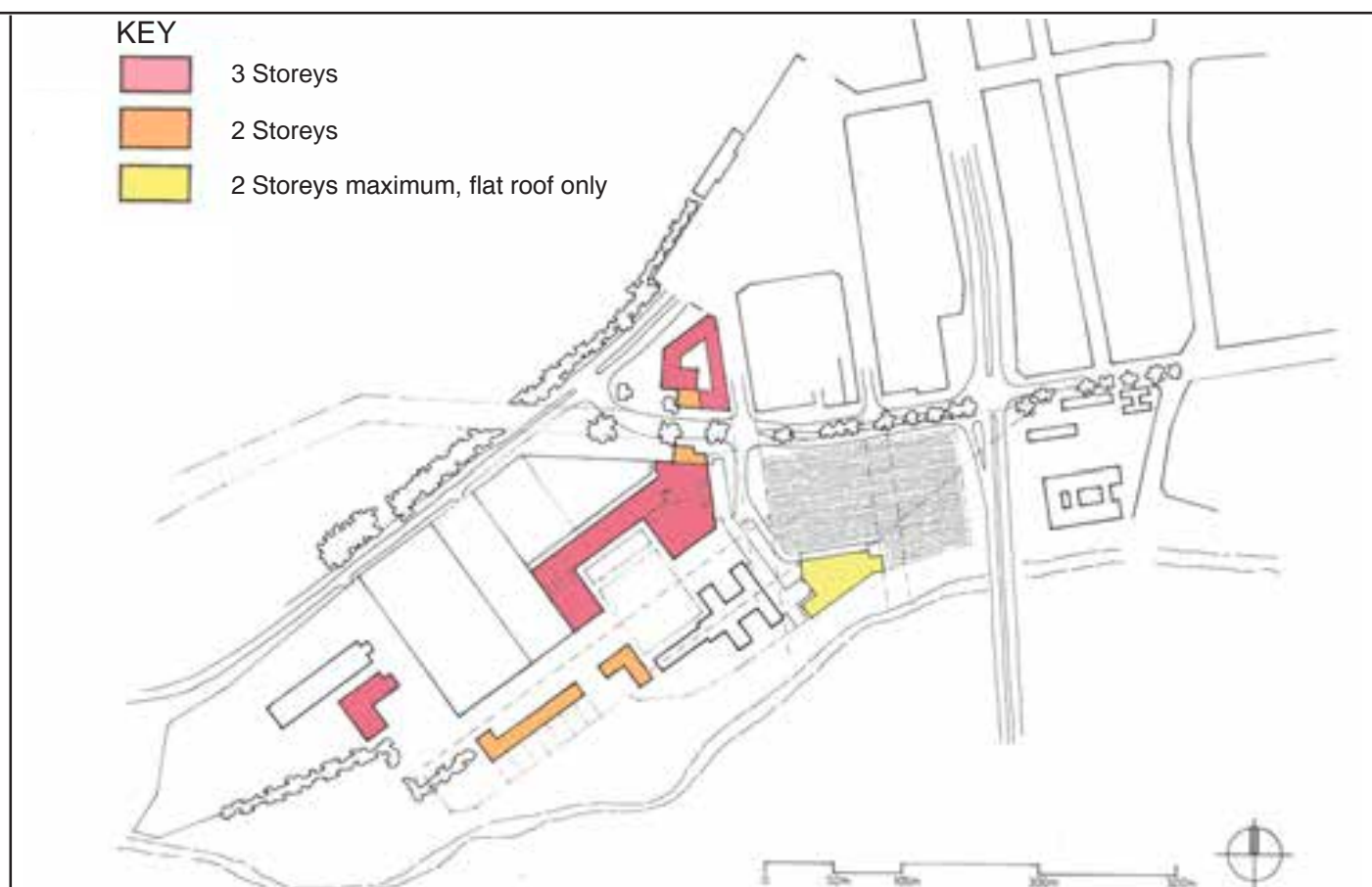


Figure 12b: Height

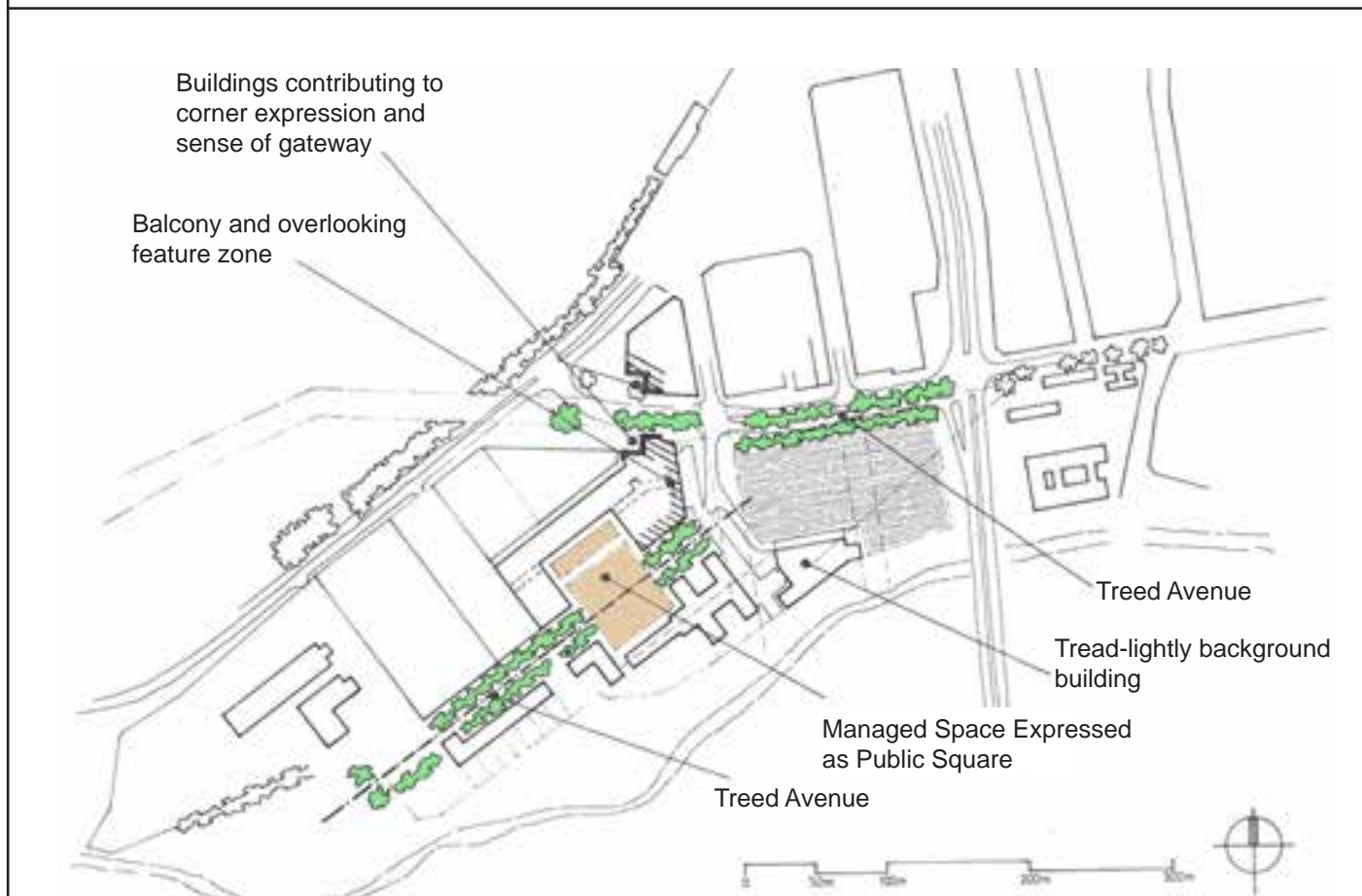


Figure 12c: Special Features

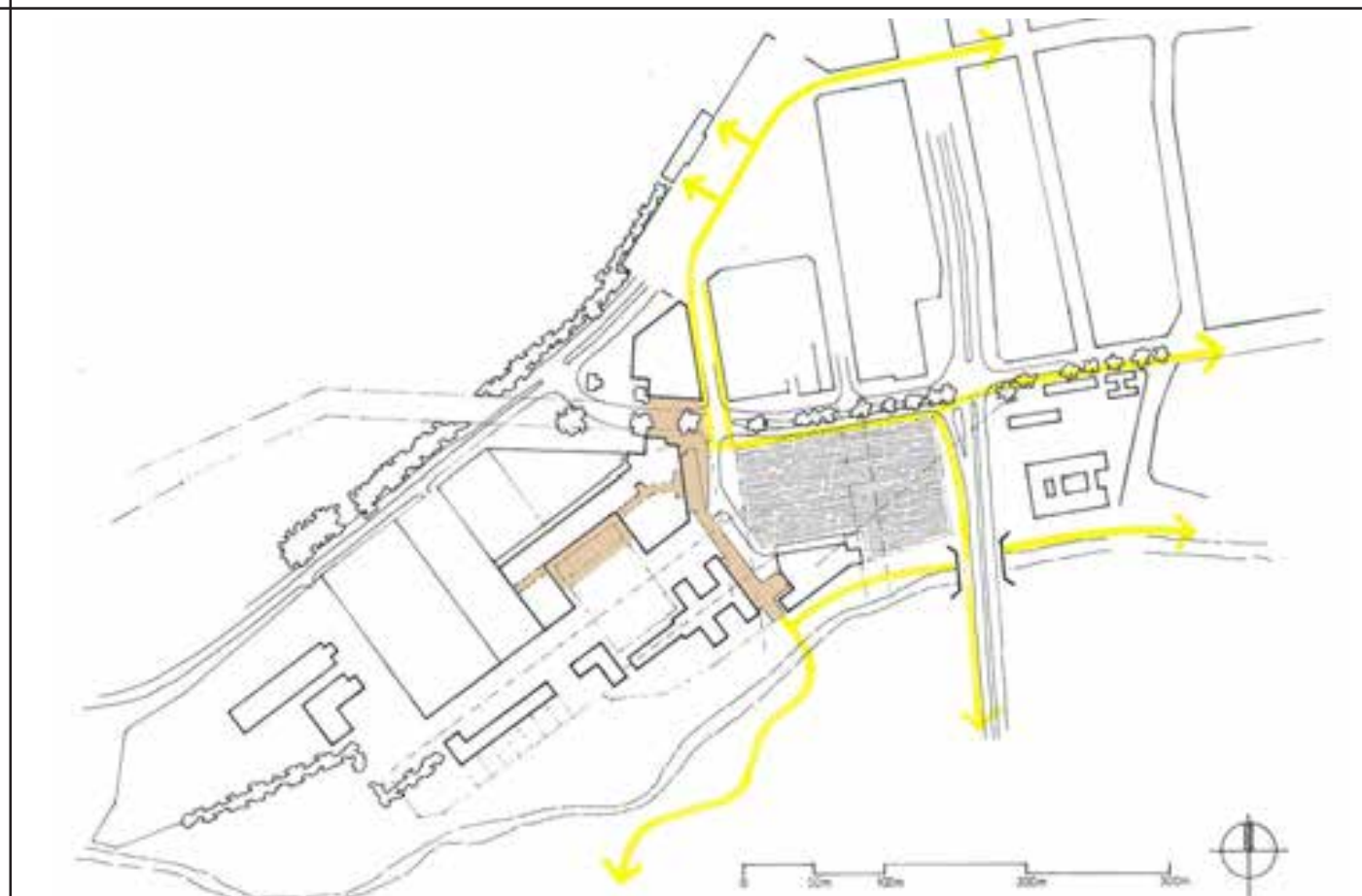
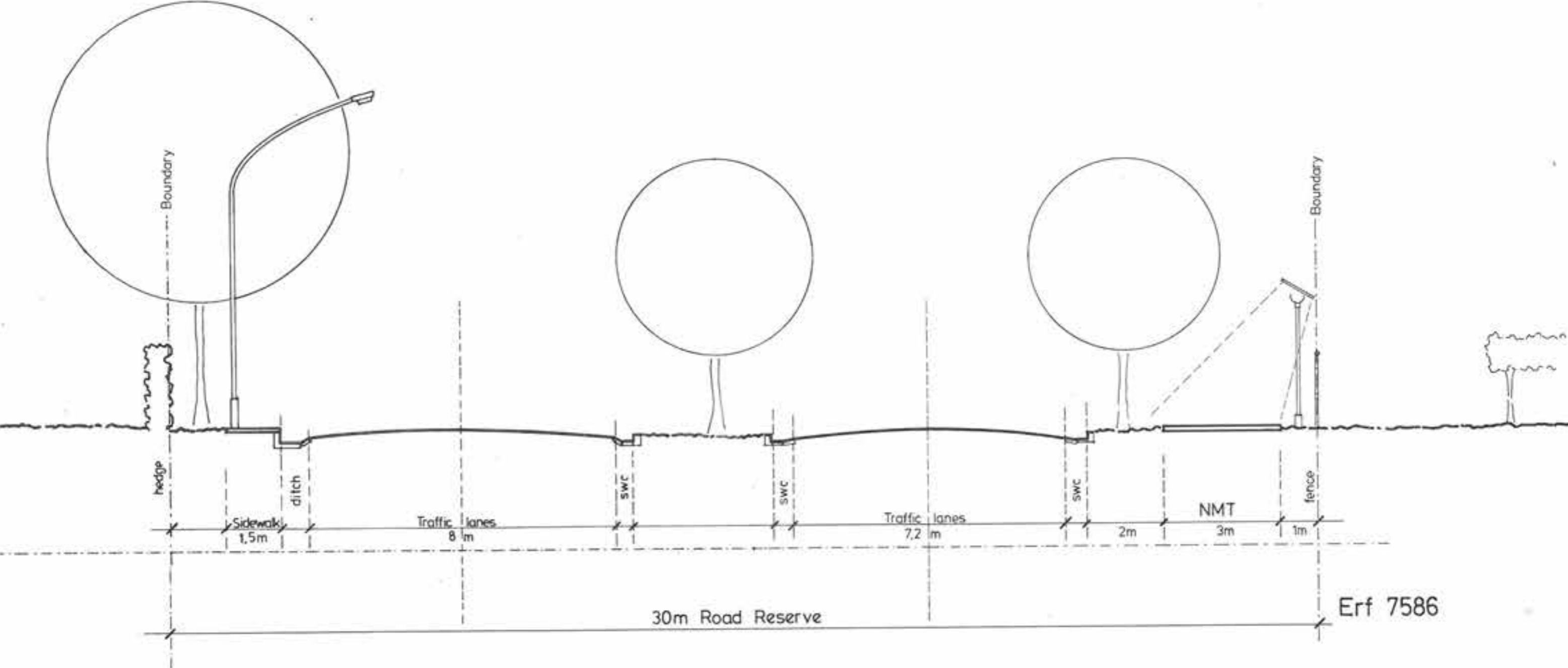


Figure 12d: Pedestrian Priority Zones with NMT Alignments



### Proposed Cross-Section through Lower Dorp Street

Scale 1:100

Erf 7586

## 5. Some Longer-term Considerations

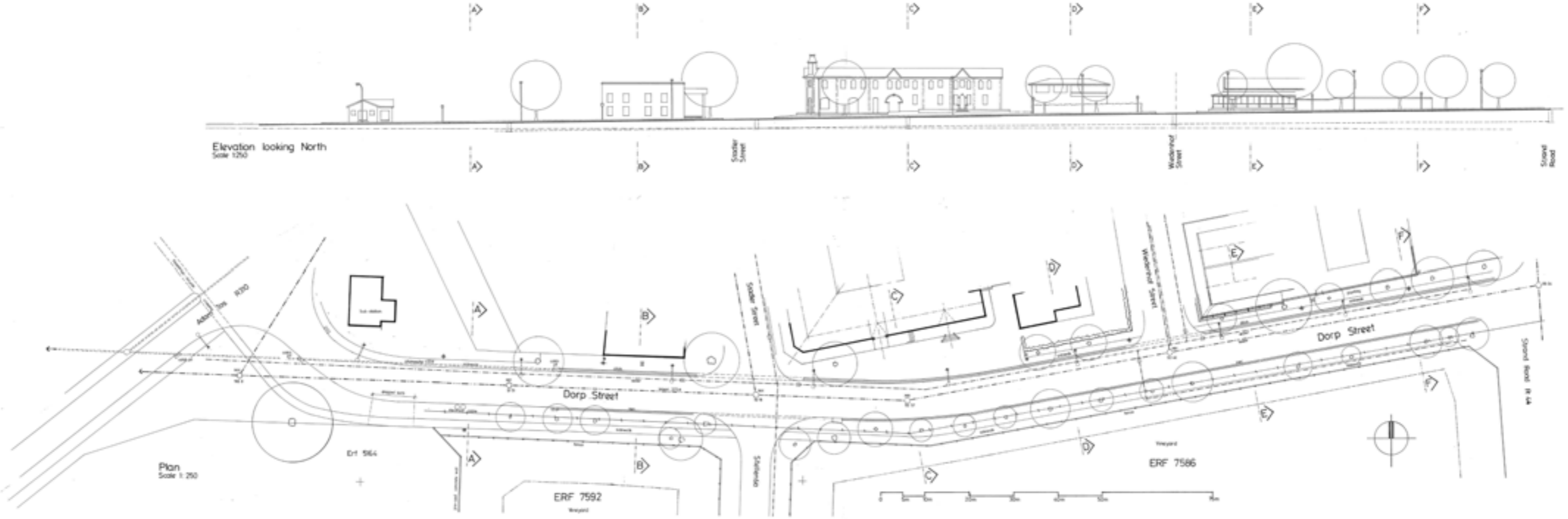
There is currently some discussion within the municipality of linking the N1 with the N2 further to the west of Stellenbosch. This is a good idea in terms of impacts on the town since it would reduce through-traffic. If this occurs, serious consideration should be given to downgrading that section of the R310 which passes through the town, transforming it from a mobility route to an intra-urban street.

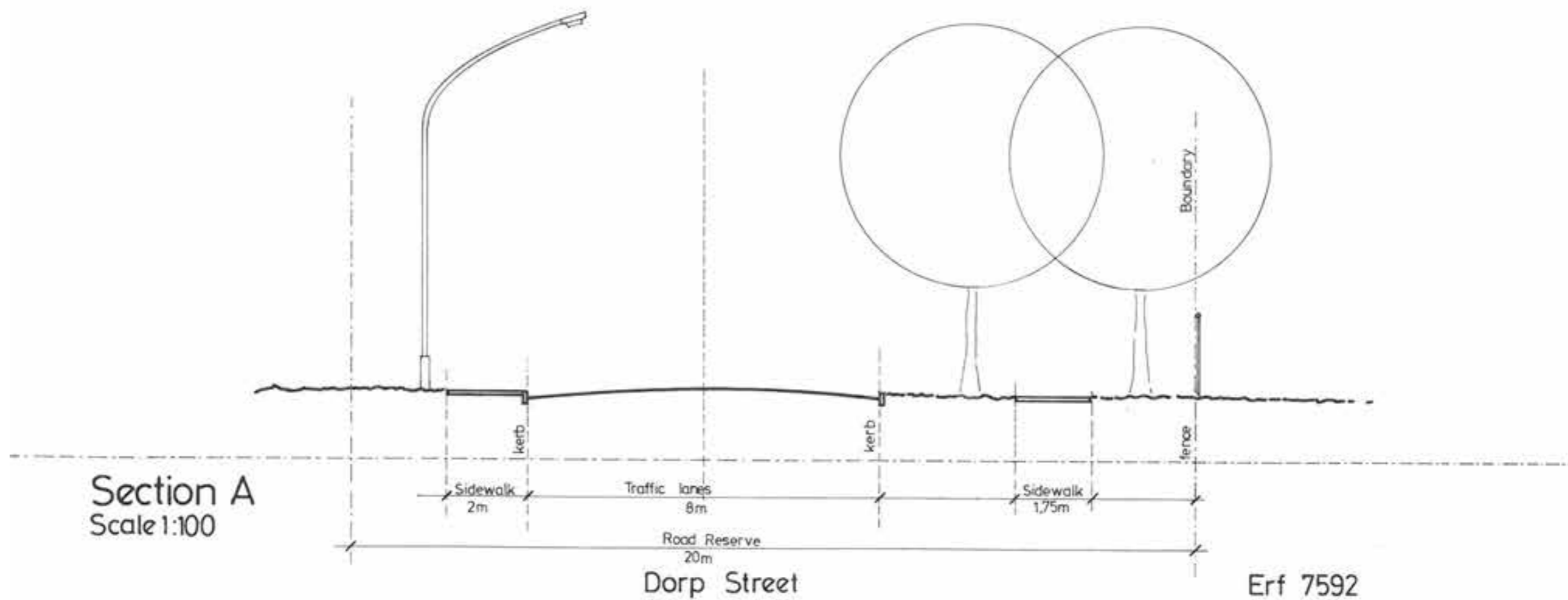
## 6. Conclusion

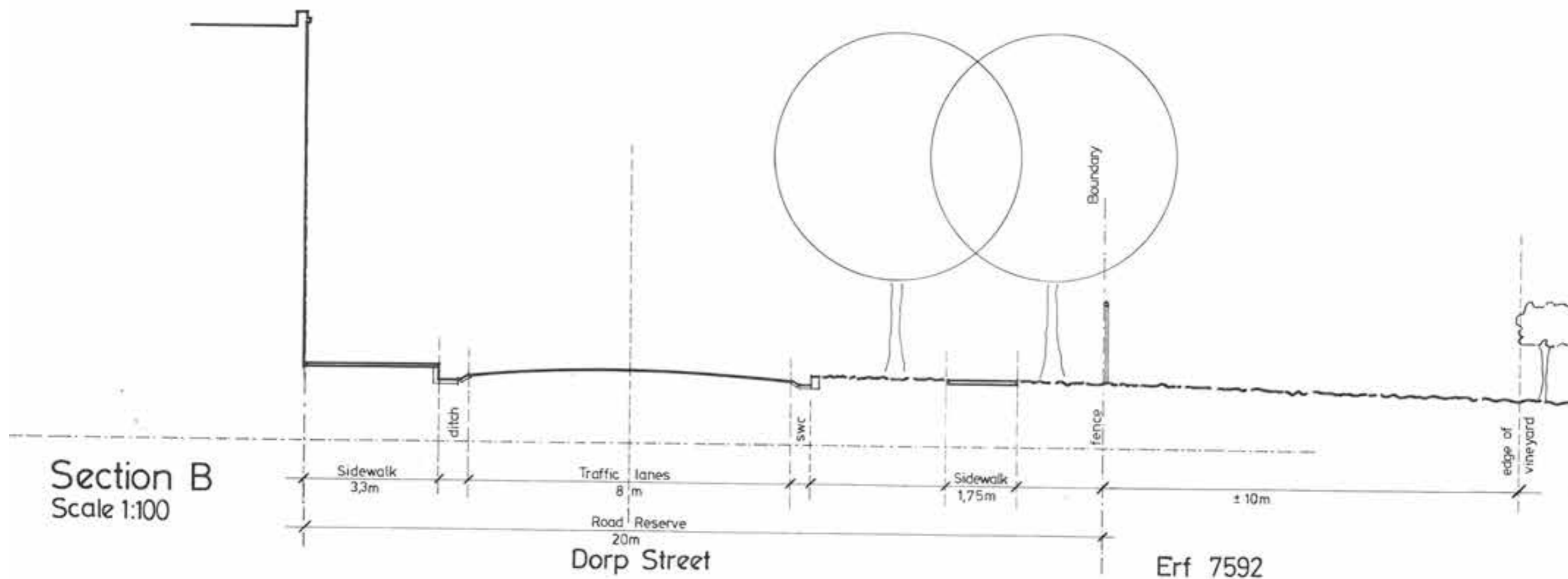
Apart from responding to the requirements of the brief, the overarching intent of the proposed development is to achieve qualities of 'capeness' and 'ruralness' in this unique and special context. Copying the historical pastiche in the architectural, built form and landscape expression is not promoted. Rather, the development and design principles contained in the guidelines for the historical core should be pursued, in conjunction with the urban design indicators. A sensitively handled and appropriately scaled modernist and contemporary approach to design is promoted.

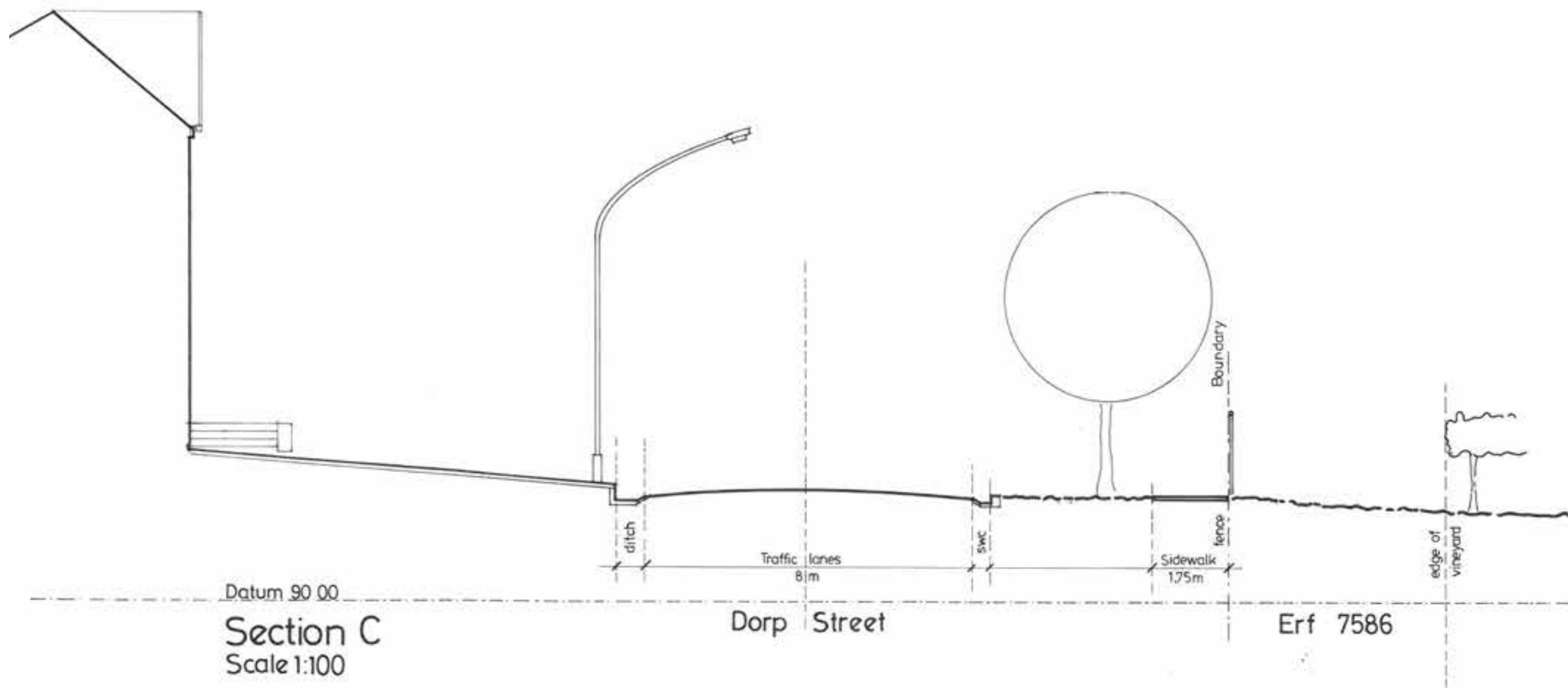
It is further recommended that:

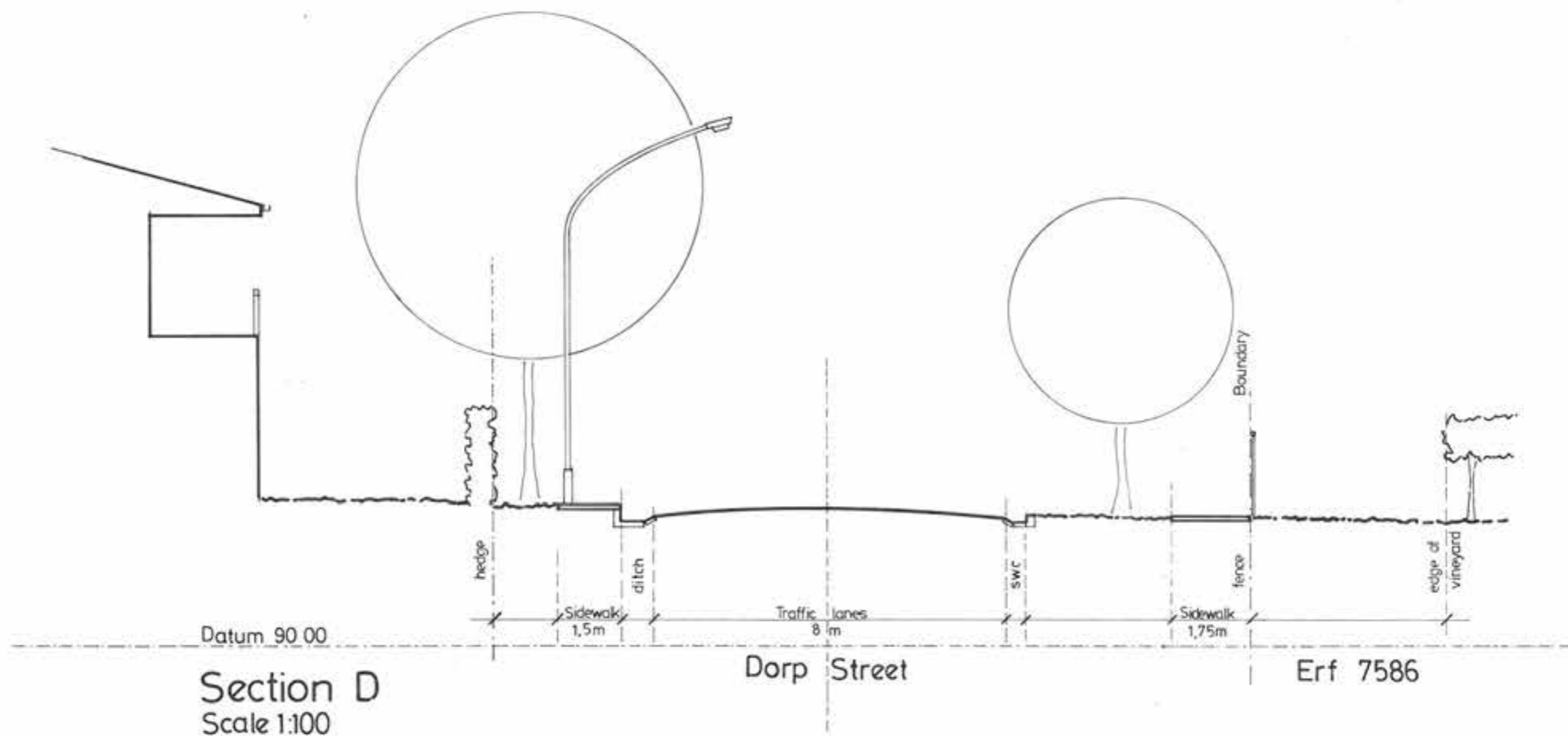
- the proposal outlined in this document be considered and approved;
- a follow-up integrating and detailed urban design layout for the public and common domains within the scope of the project be undertaken in conjunction with consultants responsible for town planning, heritage, transportation, landscape treatment, architecture and civil engineering, prior to the finalization of a site development plan. This task should include liaison with the Municipality;
- the Municipality considers the content of this proposal in the context of larger scale transportation aspects and, as a way forward, to resolve conflicts within the overall movement network of the town and the sub-region;
- the Municipality undertakes an urban design study to clarify the current and future role and nature of the station precinct and to explore its potential as a place of public significance;
- the Municipality undertakes a detailed urban design layout for the precinct at the junction of lower Dorp Street and the R310 with particular emphasis on heritage, transportation, landscape treatment and urban design considerations.



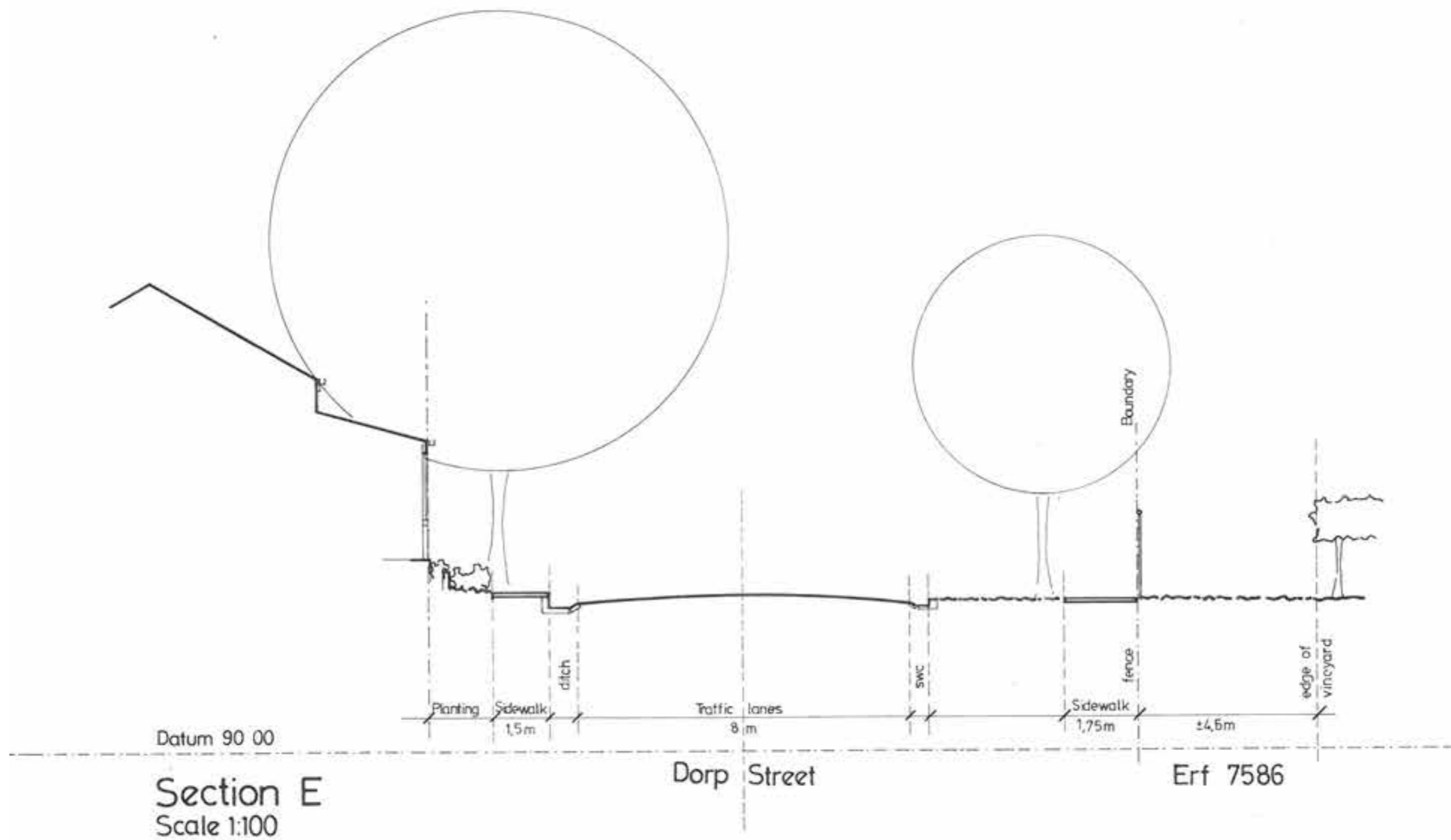


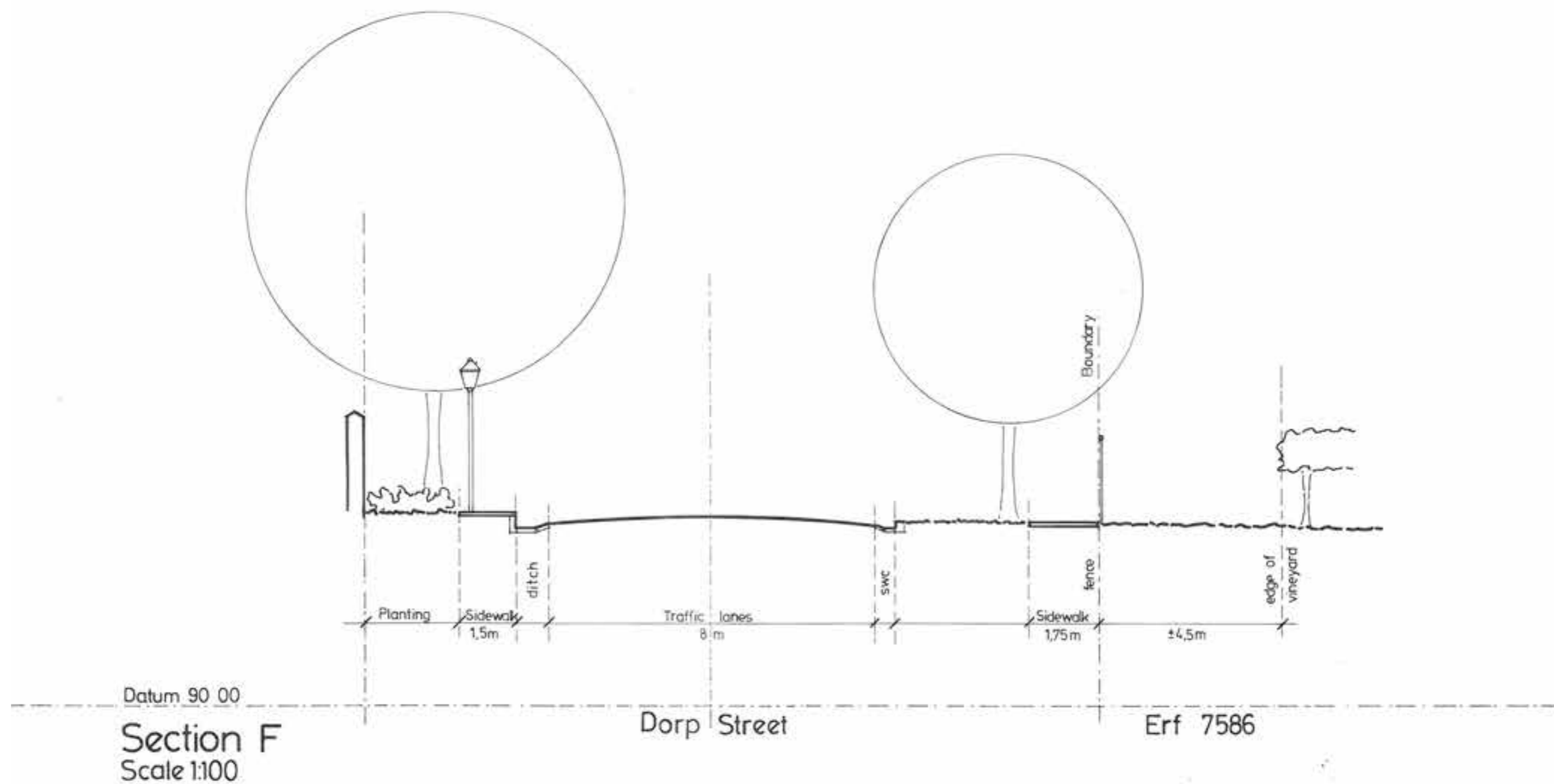












7.3.3	<b>APPLICATION FOR A SPECIAL DEVELOPMENT ON ERF 7588, STELLENBOSCH</b>
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### 1. PURPOSE OF REPORT

To enable a decision on the application for a special development on erf 7588, Stellenbosch. The application is **recommended for approval**.

### 2. BACKGROUND

Erf 7588, Stellenbosch is zoned *Specific Business*; i.e. the erf has development rights as permitted in the *General Business* zone (to be finalised through negotiations with Council). The application under consideration is for the land owner to develop basement parking with offices and flats above ground floor level on the subject property. The proposed development will consist of a three storey building.

### 3. APPLICATION FOR CONSIDERATION

Application is made in terms of Section 10.7.2 of the Stellenbosch Municipality's Zoning Scheme Regulations (1996) for a Special Development to permit the construction of a mixed use building consisting of basement parking with offices and flats above ground floor level. A locality plan attached as **APPENDIX 1**.

### 4. PROPERTY INFORMATION

<b>Erf number</b>	7588
<b>Location</b>	Stellentia Road, Stellenbosch (see <b>APPENDIX 1</b> )
<b>Zoning/Zoning Scheme</b>	Specific Business / Stellenbosch Municipality Zoning Scheme Regulations, July 1996.
<b>Current Land Use</b>	Vacant
<b>Unauthorized land use/building work / date when notice served</b>	No
<b>Property size</b>	18391m <sup>2</sup>
<b>Applicant</b>	TV3 Architects & Town Planners
<b>NHRA Applicable</b>	No
<b>Title deed conditions</b>	No

### 5. DISCUSSION

#### 5.1 Legal requirements and Public Participation

The application for a Special Development was submitted in terms of Section 10.7.2 of the Stellenbosch Municipality's Zoning Scheme Regulations (1996) for a Special Development to permit the construction of a mixed use building consisting of basement parking with offices and flats above ground floor level. The application was sent to the surrounding affected property owners and associations for comment in terms of the Public Participation Policy for the Land Use Management section. The application was also circulated to the relevant internal departments of Council and the proposal is supported. One letter of objection was received from the Stellenbosch Ratepayers' Association. (Refer to **APPENDIX 3**).

## 5.2 Summary of objections and comments received

Refer to APPENDIX 3

<b>STELLENBOSCH RATE PAYERS' ASSOCIATION (Objection against development on Erven 7586 and 7588)</b>		
<b>OBJECTIONS / ISSUES RAISED</b>	<b>APPLICANT'S COMMENTS</b>	<b>PLANNING DEPARTMENT'S COMMENTS</b>
1. Both erven are zoned Specific Business. There are no normal developments for Specific Business and only uses as permitted in the general business zone is permitted. It is strange that no business uses were indicated with the 1984 approval.	Noted.	Noted
2. The Specific Business zoning was created to limit development and must be negotiated with Council and should take cognisance of the environment.	The Specific Business zoning was not created to limit development. The Zoning Scheme Regulations only state that the detail of the development proposal must be negotiated with Council.	The proposal under consideration has taken the surrounding land uses into consideration and thus should not have a negative impact on its surroundings.
3. The applications requests an extension of the Specific Business Zoning and a special development for certain land uses.	A legal opinion has been obtained and it is not necessary to apply for the extension of the Specific Business zoning as it has already vested. The application is therefore only for a special development.	The subject property has the development rights applicable to Specific Business and the application under consideration is to be able to act on the existing land use rights.
4. There is a capacity crisis with the municipal waste water treatment plant.	The Municipality is currently busy with the upgrading of the waste water treatment plant which should be completed by the end of 2017.	The subject properties will only be developed once capacity is in place within the waste water treatment plant of Council.
5. With such a development the developer must pay bulk infrastructure contribution levies (BICLs).	The required BICLs will be paid in accordance with Council's policy.	This detail is determined by the Engineers Department and the owner will be informed of the relevant contributions that must be paid.
6. The Erf 7586 special development application asks for retail, shops, offices, wine shop and offices. These are land uses of General Business and not the purpose of Specific Business.	The proposed land uses on Erf 7586 will be limited to shops and offices – which are permissible land uses i.t.o. the Specific Business zoning. The proposed restaurant will not be developed.	The land uses which are allowed within a general business zoned property is similar to that of a specific business zoned property with

		the exception that approval is granted for only the land use rights approved and indicated on the Site Development Plan attached to the approval granted.
7. The Erf 7588 special development application asks for offices and flats.	Noted.	Noted.
8. The applicant claims the site is located in the town's CBD.	Stellenbosch's proclaimed historic core acts as an indication of the town's CBD. The site is located in the town's historic core and it can therefore be accepted that it is also located in the town's CBD.	The subject property forms part of the Historical Core of Stellenbosch and is also located on the edge of the CBD area of Stellenbosch.
9. We disagree with the claim that the development will acknowledge the area's heritage or conserve the built, agricultural, rural and natural environment.	The development proposal was the subject of an extensive heritage impact assessment and an urban design study. These specialist input dictated the final development proposal. For this reason we are of the opinion that the development proposal does acknowledge the area's heritage and conserve the environment.	The application has been endorsed by Heritage Western Cape and will comply with the conditions of approval as imposed by Heritage Western Cape as determined by the heritage study.
10. The applicant claims that employment opportunities must be created close to housing opportunities.	The development will create new employment opportunities and the idea is to link the area with Die Boord via pedestrian and bicycle paths.	The proposed development will create short and long term employment opportunities within Stellenbosch.
11. The applicant's motivation is not reconcilable.	This is only the objector's opinion.	This comment is noted and the department uses a number of sources to determine the impact of the development on its surroundings.
12. The site is located in the town's historic core and is subject to the rules of construction in the historical centre of Stellenbosch.	Noted. The proposed development is compliant with all of these rules.	The development does comply with the development parameters applicable to the heritage core and is supported by Heritage Western Cape
13. Council must facilitate development and provide engineering services on a sustainable manner.	The necessary bulk infrastructure upgrades will be undertaken (in conjunction with the engineering department) for the proposed development.	This comment is noted and will be addressed by the relevant departments.

14. Council now has the opportunity to do the right thing since the erven have no existing development rights.	The site is zoned Specific Business. The development detail must be negotiated with Council but the permissible land uses are the same as those of General Business. It is therefore incorrect of the objector to claim the site has no existing rights.	As noted above the subject property has the land use rights of specific business and complies with all the relevant departments' requirements and the requirements of Heritage Western Cape.
15. The development will place an additional burden on the traffic problem and engineering services.	The development is an opportunity for Council to upgrade and improve the town's bulk infrastructure.	The Engineers Department of Council has addressed this issue and the relevant infrastructure will be upgraded by the developed as part of the approval granted.
16. Dr. Anton Rupert planted vineyards on these erven (in the late 1980's / early 1990's) to alleviate development pressure in Stellenbosch.	In the 1999 Dr. Rupert planned to construct the Rupert International head office building on Erf 7586. Even though it never materialised he did develop the Rupert Museum on one of the vineyard erven (Erf 7587).	The subject property is not zoned for agricultural purposes and thus the planting of vineyards was an interim use of the subject property. The proposal as submitted is in line with the zoning of the property and the proposal has taken the surrounding land uses into consideration.

### 5.3 Site Description and Assessment

The proposed development is seen to be desirable as the site is already zoned for business purposes (which provides for offices and flats). The proposed development will actualise the development potential of the property which is currently vacant.

The application area is located on the edge of the town's central business district and thus the proposed land uses (offices and flats) will not be foreign to the area and will be seen to be compatible with the surrounding commercial land uses (Inanda (offices), Oude Rozenhof (retail), Protea Hotel Dorpshuis, Rupert Museum, Distell's head office, Shell Garage (Service station and KFC), Agrimark (retail), De Wagenweg Office Park, Weidenhof Street apartment buildings, etc.)

The proposed development will be done in accordance with the recommendations of the Lower Dorp Street urban design framework (as drafted by Piet Louw urban designers). The proposed development will complete the Lower Dorp Street precinct and create a destination. Currently only sections of Dorp Street are actively visited. The proposed development of the Lower Dorp Street area will attract more people to the area and these people will move up and down Dorp Street, contributing to further redevelopment / development of this area.

The proposed development will give the local economy a boost by creating a number of temporary employment opportunities (during the construction phase) and permanent employment opportunities within the commercial facility when the project will be created.

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The densification of the existing urban area within the urban edge will lead to the optimal use of a town's existing bulk infrastructure and contain urban sprawl thereby protecting the agricultural hinterland around Stellenbosch.

The densification will further contribute to making public transport and non-motorised transport a viable alternative. Pedestrian walkways and cycle paths will be provided.

A heritage impact assessment was undertaken by Dr. Elzet Albertyn and Heritage Western Cape has given their approval for the proposed development in terms of the National Heritage Resources Act, 1999.

In light of the above the application is supported from a town planning point of view.

## 6. APPENDICES

Appendix 1: Locality Plan.

Appendix 2: Site Development Plan.

Appendix 3: Comment on objections and objections received.

Appendix 4: Comment received from External and Internal Departments.

## MAYORAL COMMITTEE MEETING: 2017-11-15: ITEM 5.3.3

### RECOMMENDED

that **approval is granted** in terms of Section 10.7.2 of the Stellenbosch Municipality's Zoning Scheme Regulations (1996) for a Special Development on Erf 7588, Stellenbosch to permit the construction of a mixed use building consisting of basement parking, offices and flats above ground level, subject to the following conditions:

1. That the approval applies only to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
2. That the development shall be limited to a 3-storey building (basement, ground floor and 1<sup>st</sup> floor) with basement parking, shops, restaurants, liquor store, offices and flats above ground floor only as indicated on the attached Site Development Plan, Plan number J3083-A-101-2, Dated October 2013;
3. That building plans must be submitted to this municipality for approval, prior to any building work commencing onsite; That the building plans submitted to Council for approval is substantially the same as the approved Site Development;
4. That the building plans must comply with the conditions imposed by Heritage Western Cape and must be endorsed by the relevant Heritage body;
5. That the conditions imposed by the Directorate: Engineering Services in their memo dated 15 July 2017 attached as **APPENDIX 4**, be adhered to prior to building plans being submitted to Council for approval;

## AGENDA

14<sup>TH</sup> COUNCIL MEETING OF THE COUNCIL  
OF STELLENBOSCH MUNICIPALITY

2017-11-29

- 
6. That a detailed landscaping plan is submitted for approval with the building plans and that the landscaping plan be to the satisfaction of the Directorate: Community Services;
  7. That the landscaping shall be implemented prior to an occupational certificate being issued for the building;
  8. That the refuse room be placed in such a position on the property to have minimal impact on the streetscape and to form part of architecture of the building;
  9. That any vehicle servicing the refuse room should at all times have minimal impact on the existing traffic flow within the street;
  10. That an advertising theme be submitted to the Municipality for approval and that the theme complies with the relevant signage policy of Council prior to any signage being fixed to the building;
  11. That the relevant business licence be obtained if required; and
  12. That this Council reserves the right to impose further conditions if deemed necessary.

**REASON FOR RECOMMENDATION**

The proposed development of the subject property is considered desirable as it is in line with the municipal planning policies and principles and constitutes infill development of underutilised land. The proposal is compatible with the surrounding land uses. The proposal will have a positive impact on the local economy and will broaden the municipal tax base. The proposal will also facilitate the efficient use of existing services and facilities.

<i>Meeting:</i>	<i>14<sup>th</sup> Council: 2017-11-29</i>	<i>Submitted by Directorate:</i>	<i>Planning &amp; Economic Development</i>
<i>Ref no:</i>	<i>1/2/1/2</i>	<i>Author</i>	<i>D Lombaard</i>
<i>Collab:</i>		<i>Referred from:</i>	<i>Mayco: 2017-11-15</i>





**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK  
**MUNICIPALITY • UMASIPALA • MUNISIPALITEIT**

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# APPENDIX 1

Application is made in terms of Section 10.7.2 of the Stellenbosch Municipality's Zoning Scheme Regulations (1996) for a Special Development on erf 7588, Stellenbosch, to permit the construction of a 3 storey mixed use building consisting of basement parking with shops, restaurants, liquor store, offices and flats above ground floor level.

## LOCALITY PLAN



**STELLENBOSCH**  
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**LOCALITY PLAN**



**STELLENBOSCH**  
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**MUNICIPALITY • UMASIPALA • MUNISIPALITEIT**

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# APPENDIX 2

Application is made in terms of Section 10.7.2 of the Stellenbosch Municipality's Zoning Scheme Regulations (1996) for a Special Development on erf 7588, Stellenbosch, to permit the construction of a 3 storey mixed use building consisting of basement parking with shops, restaurants, liquor store, offices and flats above ground floor level.

## SITE DEVELOPMENT PLAN







# APPENDIX 3

Application is made in terms of Section 10.7.2 of the Stellenbosch Municipality's Zoning Scheme Regulations (1996) for a Special Development on erf 7588, Stellenbosch, to permit the construction of a 3 storey mixed use building consisting of basement parking with shops, restaurants, liquor store, offices and flats above ground floor level.

## COMMENT ON OBJECTIONS AND OBJECTIONS RECEIVED



ARCHITECTS AND TOWN PLANNERS  
 ARCHITECTE EN STADSPLANNERS

Our Reference: 3251-P  
 Your Reference: Erf 7586, 7588 & 7592

2 August 2016

Director: Planning and Development Services  
 Stellenbosch Municipality  
 Town House  
**7600 STELLENBOSCH**

97 DORP STREET  
 FIRST FLOOR  
 LA GRATHUDE  
 OFFICE BUILDING  
 STELLENBOSCH 7600  
 TEL +27(0)21 881 8801  
 FAX +27(0)21 881 8825  
 EMAIL info@tv3.co.za

**Attention: Mr. Robert Fooy**

Sir

**REMGRO ERVEN 7586, 7588 AND 7592, STELLENBOSCH: REPLY ON BEHALF  
 OF THE APPLICANT TO OBJECTIONS RAISED AGAINST ITS SPECIAL  
 DEVELOPMENT APPLICATIONS**

**1. Background to the special development applications**

The following land use planning applications were submitted to the Stellenbosch Municipality:

- On 24 June 2013 we submitted a special development application (for offices and shops) on Erf 7586.
- On 25 June 2013 we submitted a special development application (for offices and flats) on Erf 7588.
- On 26 June 2013 we submitted a special development application (for offices, shops and flats) on Erf 7592.

These land use planning applications were submitted separately and were also advertised separately. However, we have now been informed by the planning and engineering officials that these three applications must be processed as one application. Consequently we hereby provide you with our comments on the objections received against all three applications.

## 2. Public letters received

After advertising of these three special development applications five letters of comments / objections were received from the following parties:

- Stellenbosch Ratepayers' Association
- Stellenbosch Interest Group
- Liesl Marais
- Kaap Agri
- Werkmans Attorneys

## 3. Public support for the proposed developments

The Stellenbosch Interest Group submitted a letter of support stating they "*support the change of land use*".

Kaap Agri and Werkmans submitted objections against the proposed development on Erf 7592. We met with them, discussed the development proposals and addressed their concerns. They have consequently withdrawn their objections. Find attached hereto copies of their e-mails stating they have no objection (see **Annexure A**).

It is therefore only the Stellenbosch Ratepayers' Association and Liesl Marais that have objected to the proposed developments (although Liesl Marais is not in principle opposed to the development).



**4. Applicant's response to the public's comments / objections raised**

Find attached hereto a table listing each comment / objection received as well as the applicant's response (see *Annexure B*).

**5. Conclusion**

We are still of the opinion that the proposed mixed land use developments on the Remgro erven will lead to the optimal use of underutilised land, the densification of an urban area located along important mobility corridors and give rise to sustainable developments with significant socio-economic benefits for the broader community of Stellenbosch. These developments are deemed desirable and we recommend that it be approved.

Yours faithfully

A handwritten signature in black ink, appearing to read 'CH', with a stylized flourish extending to the right.

**CLIFFORD HEYS**  
**TV3 PROJECTS (PTY) LTD**

**ANNEXURE A**

**E-MAILS OF "NO OBJECTION"**

**Clifford Heys**

---

**From:** Jan van Rensburg  
**Sent:** 02 August 2016 09:45 AM  
**To:** Clifford Heys  
**Subject:** FW: Dorpstraat-opgradering voorstelle : terugtrek van beswaar deur Kaap-Agri  
**Attachments:** Prelim design 2014-01-17b.pdf

Clifford, hier's hy.

**JH (Jan) Janse van Rensburg**  
 Pr Pln (TRP SA), B Sc, M (T&RP), MSAPI  
 Cell: +27 (0)83 441 7002

---

**From:** James Matthee <[james.matthee@kaapagri.co.za](mailto:james.matthee@kaapagri.co.za)>  
**Date:** Wednesday 22 January 2014 at 4:23 PM  
**To:** Ilze Couvaras <[ilze.Couvaras@stellenbosch.gov.za](mailto:ilze.Couvaras@stellenbosch.gov.za)>, Louisa Guntz <[Louisa.Ollyn@stellenbosch.gov.za](mailto:Louisa.Ollyn@stellenbosch.gov.za)>  
**Cc:** Jan van Rensburg <[Jan@tv3.co.za](mailto:Jan@tv3.co.za)>, "piet@icegroup.co.za" <[piet@icegroup.co.za](mailto:piet@icegroup.co.za)>, "Johan van Rensburg (Stellenbosch)" <[johan.vrensburg@kaapagri.co.za](mailto:johan.vrensburg@kaapagri.co.za)>, Francois Swanepoel <[fswanepoel@kaapagri.co.za](mailto:fswanepoel@kaapagri.co.za)>  
**Subject:** Dorpstraat-opgradering voorstelle

Ons verwys na die beswaarkennisgewing (Aansoek LU/3073 – Ontwikkeling erf 7592, Stellenbosch) en ons vorige beswaar / bekommernis van 11 November 2013 wat ons uitgespreek het oor die verkeersituasie.

Ons het intussen vergader met die argitekte en padontwerpers.

Die aangehegte voorgestelde wysings aan die paai is aan ons voorgehou as deel van en voorwaardes van die aansoek om ontwikkeling van die genoemde erf.

Kaap Agri Beperk (Agrimark), eienaar van erf 702 bevestig hiermee dat, indien die padontwikkeling soos aan ons voorgehou inderdaad wel deel van die voorwaardes uitmaak, ons, ons beswaar ten die ontwikkeling terugtrek. Indien dit nie deel van die ontwikkeling uitmaak nie, of in wesentlike opsigte verander word, bevestig ons dat ons beswaar steeds geld.

Die uwe

James Matthee  
 Finansiële Direkteur.

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**Clifford Heys**

**Subject:** FW: WITHOUT PREJUDICE: RE: DE WAGENWEG BODY CORPORATE IN RE. REMGRO ONTWIKKELINGS

**From:** Justin Truter <[jtruter@werksmans.com](mailto:jtruter@werksmans.com)>

**Date:** Wednesday 02 April 2014 at 8:52 AM

**To:** Jan van Rensburg <[Jan@tv3.co.za](mailto:Jan@tv3.co.za)>

**Cc:** Donovan Comerma <[donovan@atmg.co.za](mailto:donovan@atmg.co.za)>

**Subject:** FW: WITHOUT PREJUDICE: RE: DE WAGENWEG BODY CORPORATE IN RE. REMGRO ONTWIKKELINGS



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ATTORNEYS

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Dear Jan

Our client is satisfied with the proposal, as set out in our e-mail of 17 February 2014 (copied below) and will withdraw their objection on condition that these assurances are worked into the LUPO decision by the Municipality as conditions of approval.

You requested that we provide the wording of the proposed conditions to be incorporated into any rezoning decision. Please see below.

1. *The Applicant must widen the road reserve to accommodate the future construction of a second right turn lane as indicated on the diagram \_\_\_\_\_ prepared by Piet Van Blerk and this must be incorporated as a servitude for this purpose in the relevant property title deed.*
2. *Should the De Wagenweg Body Corporate require that a second right turn lane be constructed in the future to ease any traffic congestion or other traffic impacts on Stellentia Road, based on an independent traffic impact study that confirms the need to do so, the Applicant agrees to construct the second right turn lane in accordance with the Van Blerk Diagram (\_\_\_\_\_) at its own cost and within a period of \_\_\_\_\_.*
3. *The Applicant will ensure that any statutory permits or authorisations that are required to construct the second right turn lane are obtained as part of the current development applications so as to prevent any delays should the second right turn lane be required in the future.*
4. *The phasing of the road upgrades are to be undertaken strictly in accordance with the Transport Impact Assessment dated \_\_\_\_\_ prepared by Piet Van Blerk. The timing of the road upgrades and associated works is to be planned so as to prevent or limit as far as possible any inconvenience to road users along Stellentia, Adam Tas and Dorp Street and specifically to avoid inconvenience to the De Wagenweg Body Corporate's members.*

Finally, an issue which we have not discussed in our meetings but which is a concern to our client is that the proposed developments do not have an adverse effect on our client and its members' electrical power supply. For this purpose we ask that the necessary letters confirming adequate

electrical supply be furnished by the Municipality and that the adequacy of the supply be confirmed by an independent electrical engineering expert.

Kind regards,

**Justin Truter**  
Director  
T +27 (0)21 405 5232  
F +27 (0)86 548 9014  
[jtruter@werksmans.com](mailto:jtruter@werksmans.com)

**Werksmans Attorneys**  
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P O Box 1474, Cape Town, 8000  
Cape Town, South Africa  
T +27 (0)21 405 5100  
F +27 (0)21 405 5200

---

**From:** Justin Truter  
**Sent:** 17 February 2014 08:46 AM  
**To:** 'Jan van Rensburg'  
**Subject:** WITHOUT PREJUDICE: RE: REMGRO ONTWIKKELINGS

Hi Jan

You are correct – the agreement was that provision must be made for the additional right turn lane (if required in future) by widening the proposed new Stellantia road reserve to accommodate this additional right turn lane. We would also seek your client's undertaking that they will construct the second right turn lane (at their cost) as per Piet's diagram in the event that it is reasonably required to ease any traffic impacts on Stellantia Road in future. How we determine whether the second right turn lane is reasonably required must be fleshed out and agreed between the parties and once this has been done we would like these requirements to be recorded in any conditions of rezoning approval.

As far as the phasing of the road upgrades is concerned, we want this to be expressly recorded in the zoning conditions to the effect that the road upgrades are to be undertaken strictly in accordance with the TIA and that the timing of the road works is to be planned so as to prevent or limit as far as possible any inconvenience to our client.

Kindly note that these proposals still require our client (the body corporate's) final approval which we hope to have today.

Kind regards,

Justin

**Justin Truter**  
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[jtruter@werksmans.com](mailto:jtruter@werksmans.com)

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Cape Town, South Africa  
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F +27 (0)21 405 5200

---

**From:** Jan van Rensburg [<mailto:Jan@tv3.co.za>]  
**Sent:** 07 February 2014 12:35 PM  
**To:** Justin Truter  
**Cc:** [donovan@atmg.co.za](mailto:donovan@atmg.co.za); Edwin Swanepoel; Clifford Heys  
**Subject:** Re: REMGRO ONTWIKKELINGS : BESWAAR

Justin – thanks for the response. Please see comments in red below.

**JH (Jan) Janse van Rensburg**

Pr Pln (TRP SA), B Sc, M (T&RP), MSAP

Cell: +27 (0)83 441 7002

---

**From:** Justin Truter <[jtruter@werksmans.com](mailto:jtruter@werksmans.com)>  
**Date:** Friday 07 February 2014 12:00 PM  
**To:** Jan van Rensburg <[jan@tv3.co.za](mailto:jan@tv3.co.za)>  
**Cc:** Donovan Comerma <[donovan@atmg.co.za](mailto:donovan@atmg.co.za)>  
**Subject:** RE: REMGRO ONTWIKKELINGS : BESWAAR



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Dear Jan

Our instructions are that our client requires firm undertakings and guarantees **How do you propose we deal with this or are the proposed conditions referred to below sufficient?** relating to the following points that we discussed at our meeting before the planning objection can be withdrawn:

The phasing of the road upgrades relative to the phasing of the development – to ensure that the road capacity is always adequate to accommodate the increased demand; **Piet van Blerk's TIA-report as submitted to Council prescribes this phasing – is your client happy that any Council approval of the proposed development plans be based on the TIA?**

The construction of a double right turn lane from Stillentia road (as per Piet van Blerk's attached diagram). **Piet explained that to his traffic analysis, the additional right turn lane is not a requirement for reasonable traffic flow from Stellentia east bound (right turn movement at the proposed new traffic light), but that as a precautionary measure we can widen the proposed new Stellentia road reserve to accommodate this additional right turn lane, if it proves to be necessary in future. Although Remgro will hereby sacrifice more land, I have sold this solution to them (as neighbouring stakeholder with many employees they would obviously not want to struggle with traffic themselves). However, from your comment it appears as if your client now want this additional lane to be "constructed" - is this thus a deviation form the suggestion in our meeting or do I misinterpret? If indeed it is a deviation I would need to test this with Remgro.**

Our client asks that these requirements be incorporated as (suitably worded) conditions in any rezoning approval by agreement between the parties. **A fair request – can you assist in the drafting of such conditions to your clients satisfaction, so that you can incorporate those in your letter to the Municipality withdrawing the objections? Perhaps you can forward us the draft of this letter for me to clarify the wording with Remgro? Please give me some indication of the time frame for you to attend to this letter.**

Kind regards,

Justin

**Justin Truter**

Director

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**ANNEXURE B**

**TABLE 1: SUMMARY OF THE OBJECTIONS /  
COMMENTS RECEIVED AND APPLICANT'S  
RESPONSE**

Table 1: Summary of the objections / comments received and applicant's response

OBJECTIONS / ISSUES RAISED	APPLICANT'S COMMENTS
<b>STELLENBOSCH RATE PAYERS' ASSOCIATION (Objection against development on Erven 7586 and 7588)</b>	
1. Both erven are zoned Specific Business. There are no normal developments for Specific Business and only uses as permitted in the general business zone is permitted. It is strange that no business uses were indicated with the 1984 approval.	Noted.
2. The Specific Business zoning was created to limit development and must be negotiated with Council and should take cognisance of the environment.	The Specific Business zoning was not created to limit development. The Zoning Scheme Regulations only state that the detail of the development proposal must be negotiated with Council.
3. The applications requests an extension of the Specific Business zoning and a special development for certain land uses.	A legal opinion has been obtained and it is not necessary to apply for the extension of the Specific Business zoning as it has already vested. The application is therefore only for a special development.
4. There is a capacity crisis with the municipal waste water treatment plant.	The Municipality is currently busy with the upgrading of the waste water treatment plant which should be completed by the end of 2017.
5. With such a development the developer must pay bulk infrastructure contribution levies (BICLs).	The required BICLs will be paid in accordance with Council's policy.
6. The Erf 7586 special development application asks for retail, shops, offices, wine shop and offices. These are land uses of General Business and not the purpose of Specific Business.	The proposed land uses on Erf 7586 will be limited to shops and offices – which are permissible land uses i.t.o. the Specific Business zoning. The proposed restaurant will not be developed.

7. The Erf 7588 special development application asks for offices and flats.	Noted.
8. The applicant claims the site is located in the town's CBD.	Stellenbosch's proclaimed historic core acts as an indication of the town's CBD. The site is located in the town's historic core and it can therefore be accepted that it is also located in the town's CBD.
9. We disagree with the claim that the development will acknowledge the area's heritage or conserve the built, agricultural, rural and natural environment.	The development proposal was the subject of an extensive heritage impact assessment and an urban design study. These specialist input dictated the final development proposal. For this reason we are of the opinion that the development proposal does acknowledge the area's heritage and conserve the environment.
10. The applicant claims that employment opportunities must be created close to housing opportunities.	The development will create new employment opportunities and the idea is to link the area with Die Boord via pedestrian and bicycle paths.
11. The applicant's motivation is not reconcilable.	This is only the objector's opinion.
12. The site is located in the town's historic core and is subject to the rules of construction in the historical centre of Stellenbosch.	Noted. The proposed development is compliant with all of these rules.
13. Council must facilitate development and provide engineering services on a sustainable manner.	The necessary bulk infrastructure upgrades will be undertaken (in conjunction with the engineering department) for the proposed development.
14. Council now has the opportunity to do the right thing since the erven have no existing development rights.	The site is zoned Specific Business. The development detail must be negotiated with Council but the permissible land uses are the same as those of General Business. It is therefore incorrect of the objector to claim the site has no existing rights.
15. The development will place an additional burden on the traffic	The development is an opportunity for Council to upgrade and improve the

problem and engineering services.	town's bulk infrastructure.
16. It is requested that the application rather be further investigated to ensure an applicable development in the historic core.	The possible development of the site has been investigated for the last couple of decades. The development proposal (submitted in 2013) has been the subject of numerous specialist studies (heritage, urban design, environmental, visual impact, etc.) as well as many meetings with the relevant planning, engineering and heritage officials and also meetings with surrounding land owners and affected parties. An appropriate development proposal for the site has been thoroughly investigated and agreed on.
17. Dr. Anton Rupert planted vineyards on these erven (in the late 1980's / early 1990's) to alleviate development pressure in Stellenbosch.	In the 1999 Dr. Rupert planned to construct the Rupert International head office building on Erf 7586. Even though it never materialised he did develop the Rupert Museum on one of the vineyard erven (Erf 7587). The objector's claim that Dr. Rupert never envisaged the development of these vineyard erven is therefore false.
<b>LIESL MARAIS (Objection against development on Erf 7586)</b>	
1. The applicant's claim that Erf 7586 is located in the CBD and is surrounded by primarily commercial land uses is incorrect. The erf borders on Die Boord (a residential area).	Stellenbosch's proclaimed historic core acts as an indication of the town's CBD. The site is located in the town's historic core and it can therefore be accepted that it is also located in the town's CBD. Erf 7586 is primarily surrounded by commercial facilities. It is only to the south that the erf borders onto the De Oewer residential development. However, the Eerste River forms a natural buffer that cuts the site off from De Oewer.
2. The development will lead to an increase in noise and traffic. This will impact on surrounding residents.	Any development on the erf will lead to an increase in traffic and noise. However, the scale of proposed development will be limited. The development will have a coverage of only $\pm 10\%$ and a bulk of only $\pm 0.2$ . This equates to a very small development on a commercially zoned erf in central Stellenbosch. For this reason the traffic and noise impact of the proposed development on surrounding properties will be acceptable.

<p>3. Any after-hours commercial activities will negatively impact on the De Oewer residents. A restaurant will cause a disturbance in the evenings. Sound travels and can be one of the most disrupting forms of pollution.</p>	<p>The proposed development will consist of shops and offices – not a restaurant – that trade normal business hours. Furthermore, the necessary measures will be taken to limit the impact on surrounding properties.</p>
<p>4. The location of the service yard (with accompanying activities such as trucks and waste) will cause a nuisance. The service yard should be located in the basement.</p>	<p>The service and refuse yard will be screened and enclosed to prevent any disturbance or pollution. Unfortunately the basement will not be big enough to accommodate delivery trucks and municipal refuse trucks. For this reason the service and refuse yard will have to be located outside.</p>
<p>5. It appears as if the river front of the building will be used for other service areas. It is requested that the air conditioning units not be placed on this side of the building.</p>	<p>Noted. Any air conditioning units will not be placed along the building's southern wall.</p>
<p>6. The location of the service yard (with a refuse area) will cause unnecessary pollution. The service yard should therefore be located within the basement.</p>	<p>The service and refuse yard will be screened and enclosed to prevent any disturbance or pollution. Unfortunately the basement will not be big enough to accommodate delivery trucks and municipal refuse trucks. For this reason the service and refuse yard will have to be located outside.</p>
<p>7. All outward shining lights must not be placed higher than 2.5m and must be angled downwards to shine along the ground.</p>	<p>Noted. The necessary measures will be taken to limit the impact of external lighting on surrounding properties.</p>
<p>8. River security is a problem. If the building is open towards the river it will help with the security problem.</p>	<p>Noted. The proposed building will be open towards the river to encourage activities along the river (benches to sit, foot paths, bicycle routes, etc) to enjoy the river and to increase security along the river.</p>



# APPENDIX 4

Application is made in terms of Section 10.7.2 of the Stellenbosch Municipality's Zoning Scheme Regulations (1996) for a Special Development on erf 7588, Stellenbosch, to permit the construction of a 3 storey mixed use building consisting of basement parking with shops, restaurants, liquor store, offices and flats above ground floor level.

## **COMMENT RECEIVED FROM EXTERNAL & INTERNAL DEPARTMENTS**



# STELLENBOSCH

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*Spatial Planning, Heritage and Environment*

**To** : Head: Customer Interface & Administration  
**From** : Manager: Spatial Planning, Heritage & Environment  
**Date** : 25 May 2017  
**Re** : Application for rezoning and development of Erven 7592, 7586 and 7587 Stellenbosch (Remgro)

1. With reference to the application for a special development on Erven 7592, 7586 and 7587 for the purposes of developing a mixed use commercial, residential and office precinct, please find my comments below.

#### A: SUMMARY

2. The application for the development of the vacant erven is supported conditionally and in principle for the following reasons:
  - 2.1 The development is largely in line with the approved urban design framework for the precinct.
  - 2.2 The Planning Advisory Committee and Heritage Western Cape approved the development in principle.
  - 2.3 The development of a mixed use precinct will enhance tourism and business opportunities in this area and upgrade an area in need of upgrading. This improvement will have a positive impact on the local economy with particular reference to the tertiary sector.
  - 2.4 The development is within walking distance of the Stellenbosch Station and will complement the envisioned Transit Orientated Development to take place in close proximity.
  - 2.5 The development is not primarily planned for private motor vehicles but can be accessed by foot, bicycle or public transport and will support the NMT policies of council.

#### B: DISCUSSION

3. Separate applications were submitted for the following developments:
  - 4.1 Erf 7586



E 7592, 7586, 7587  
 S/9283

- Special development to permit a commercial facility consisting of retail, shops, restaurant, wine shop and offices
  - Gross Leasable Area (GLA) of 3 065m<sup>2</sup>
- 4.2 Erf 7588
- Special development in order to develop offices and apartments (7 units)
  - GLA of 3 755<sup>2</sup>
- 4.3 Erf 7592
- Special development to permit a commercial facility consisting of shops, restaurant, liquor store, offices and apartments (46 units).
  - GLA of 8 478m<sup>2</sup>
4. The true impact of the developments can only be evaluated as a combined development proposal hence this report will deal with all applications jointly. The combined GLA for the development is 15 290m<sup>2</sup>. This substantial development will generate significant amounts of traffic and parking.
  5. In order to accommodate the expected increase in traffic approval is required to double the existing section of Dorp Street from the intersection of Dorp Street with the R44 up to the intersection of Dorp Street with Adam Tas Road. This request should also be evaluated against the background of the recent approval of a commercial center on the Saw Mills property which will eventually be in the region of 114 000m<sup>2</sup> of GLA which will generate even larger traffic volumes that will make use of the lower part of Dorp Street. Without the proposed doubling of the road Dorp Street will simply not be able to cope with the traffic volume.
  6. Messrs. Piet Louw and Dave Dewar were appointed to prepare an urban design framework for lower Dorp Street in February 2015 which includes all the above properties. The report which deals with the possible dueling of Lower Dorp Street is attached as **ANNEXURE 1**
  7. The properties are located within the urban edge of Stellenbosch as per the approved MSDF.
  8. The properties falls within the historical core of Stellenbosch hence the Conservation Strategy for Stellenbosch is applicable.
  9. Because of the historic significance of the area an urban design framework for the Remgro Precinct: lower Dorp Street was also prepared in June 2013 by Messrs Piet Louw and Dave Dewar to guide the development plan for the precinct. The Urban design Framework is attached as **ANNEXURE 2**. The main proposals of the urban design concept are the following:



- *The existing vineyard, which carries with it considerable symbolism as a gateway site, given the role of Stellenbosch in the Winelands, is retained, to create an agricultural edge to the precinct in the south and east. The south-eastern edge of the existing vineyard is the site for a 'tread-lightly' architectural intervention (glass and steel) on stilts as an elegant modern flat-roofed background building overlooking the vineyard and with views of the mountains. The roof silhouette of this building should promote the idea of horizontality, as reflected in the tops of the rows of vines.*
- *Four new buildings are inserted to create an impressive large forecourt space announcing and celebrating the museum. The corner of the northern building is cut-back to define a splay which, in conjunction with the building across the street from it, creates a gateway space announcing entry into the Dorp Street precinct.*
- *To the west of the existing office complex are opportunities for up-market, residential pavilions on large plots. Alternatively, this development could take the form of two storey terrace or row housing.*
- *The extreme west of the site, adjacent to the river, is transformed into a small park serving residents, office workers and the public at large. There is thus a defined density gradient from east to west.*

10. The above report concludes that:


- *The proposal outlined in this document be considered and approved;*
- *a follow-up integrating and detailed urban design layout for the public and common domains within the scope of the project be undertaken in conjunction with consultants responsible for town planning, heritage, transportation, landscape treatment, architecture and civil engineering, prior to the finalization of a site development plan. This task should include liaison with the Municipality;*
- *the Municipality considers the content of this proposal in the context of larger scale transportation aspects and, as a way forward, to resolve conflicts within the overall movement network of the town and the sub-region;*
- *the Municipality undertakes an urban design study to clarify the current and future role and nature of the station precinct and to explore its potential as a place of public significance;*
- *the Municipality undertakes a detailed urban design layout for the precinct at the junction of lower Dorp Street and the R310 with particular emphasis on heritage, transportation, landscape treatment and urban design considerations*

11. The Planning Advisory Committee supported the proposed urban design framework and road works at a meeting held on 27-06-2016.
12. Heritage Western Cape, as responsible Heritage Authority, issued a permit for the development (5-09-2016) and the road works (15-12-2015) respectively subject to conditions recorded in the permit.
13. The proposed development largely conforms to the urban design framework as prepared by Piet Louw and Dave Dewar with the exception of the public/private place/square to be provided in Stellantia Road on erf 7592 and 7587. The applicant proposes to use this public/private space for surface parking rather than an open urban space. One of the mitigating conditions of the HWC permit specifically states that "the proposed parking on ground level must preferably be accommodated in the basement.
14. The latter requirement was introduced by the urban design framework (approved by HWC) as it promotes the strengthening of the linkage between the public space in front of the Stellenbosch Station and this precinct (in particular the proposed new public/private place) along an axis as defined by Stadler Street. The motivation for this proposal is to link and promote the use of public transport as a real option for visitors to this precinct and to activate businesses along Stadler Street.
15. The lower part of Dorp Street is distinctively different from the upper section in that there is a general lack of mixed land uses that creates a destination to live, work and play. Although some tourist facilities are located in this area i.e. Ya Ya café and the Dorp Street Hotel the tourist sector can benefit tremendously from this development. The proposed mixed land uses is thus seen as a positive contribution to inject the much needed revival of the area. This use has the potential to provide significant employment opportunities.
16. Of some concern is the proposed treatment of the intersection of Dorp Street with Stellantia Street. A signalized intersection should be the last resort as this will impact negatively on the character of the area and will not necessarily improve traffic flow. Consideration to other forms of intersection control should be investigated.
17. The financial implications of the development of a double road with extensive landscaping is not yet fully understood. It is suggested that the approval of the development be subject to a clear understanding of all developments in this vicinity and an agreement with respect to the funding model of the required infrastructure upgrade before the application is approved. This precinct is not included as a priority focus area for major public investment in infrastructure and can potentially result in funds that were originally allocated for other Council priorities are relocated to this area in order to enable private developers to undertake private development. Although development contributions are payable it will mostly be allocated for the provision of infrastructure and particularly the road at this particular property and not for the provision of bulk services generally.

The principle to use public funds almost exclusively for private development is questioned.

**C: CONCLUSION**

18. This department is in support of the development of the Remgro properties which are located within the urban edge, historical core and which are accessible by rail. This particular section of Stellenbosch urgently requires investment to upgrade the area to its full potential. Such an upgrade will enhance and support tourism development and the services sector which forms the backbone of the economy. In terms of the approved MSDP the area should be densified rather than to allow urban sprawl. Based on the urban design framework the development is view as appropriate.
19. The proposed development is located in the vicinity of the Stellenbosch station and proposed future Transit Oriented Development and will serve as to strengthen such a development in future.
20. Substantial traffic will be generated by the development that will be exacerbated by the development of the Saw Mills site. In order to manage such high traffic volumes it is essential to double the lower part of Dorp Street. It is questioned however if it is appropriate for the municipality to finance the costs for the roads improvement in order to enable private developers to optimize their land use rights.
21. The design of the individual buildings should be undertaken against the backdrop of the Piet Louw and Dave Dewar Urban Design Strategy in order to ensure the appropriate design of the buildings, public places and landscaping. This aspect of the development is seen as critical for success of the development. It is therefore suggested the authors of the report be appointed as architects and urban designers to oversee and evaluate the finale design to ensure compliance with the reports for both the prescient and the road.

  
.....  
BJG de la Bat

**MANAGER: SPATIAL PLANNING, HERITAGE AND ENVIRONMENT**



# MEMO

DIRECTORATE: ENGINEERING SERVICES  
DIREKTORAAT: INGENIEURSDIENSTE

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**TO** : **The Director: Planning and Development**

**FOR ATTENTION** : **Robert Fooy**

**FROM** : **Tyrone King (Head: Development Services and Project Management)**

**DATE** : **15 July 2016**

**RE.** : **Application for special development: Erven 7586, 7588 and 7592, Lower Dorp Street (Remgo)**

**Reference** : **Erven 7586, 7588 and 7592, Stellenbosch**

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Details, specifications and information reflected in the following documentation refers:

#### Erf 7586

- Land Use application document, dated 28 June 2013;
- Site Development Plan titled Floor Layouts Dwg No 2970-A-103 Rev -, dated 4 February 2013;
- Traffic Impact Assessment by ICE Group dated 1 July 2013;
- Cost Estimates and Funding letter by ICE Group dated 14 June 2016;
- GLS report on water and sewer dated 2 February 2016;
- Engineering Services Report No 1258 / 1B by Bart Senekal Inc dated April 2016;
- Letter re Flood protection of basement by Bart Senekal Inc, dated 25 February 2016 (ref 1258 / A4) and associated drawings 1258/07A and 10258/02B

#### Erf 7588

- Land Use application document, dated 28 June 2013;
- Site Development Plan titled Floor Layouts Dwg No 2970-A-103 Rev -, dated 4 February 2013;
- Traffic Impact Assessment by ICE Group dated 1 July 2013;
- Cost Estimates and Funding letter by ICE Group dated 14 June 2016;
- GLS report on water and sewer dated 2 February 2016;
- Engineering Services Report No 1282 by Bart Senekal Inc dated April 2016;

**APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET**

- Letter re Flood protection of basement by Bart Senekal Inc, dated 25 February 2016 (ref 1282 / A1) and associated drawings 1282/02A

Erf 7592

- Land Use application document, dated 28 June 2013;
- SDP Ground Floor Dwg No J2892-A-101 Rev e, dated 25 June 2013;
- Traffic Impact Assessment by ICE Group dated 1 July 2013;
- Cost Estimates and Funding letter by ICE Group dated 14 June 2016;
- GLS report on water and sewer dated 2 February 2016;
- Engineering Services Report No 1281 by Bart Senekal Inc dated April 2016;
- Letter re Flood protection of basement by Bart Senekal Inc, dated 25 February 2016 (ref 1281 / A1)

Application is made for following:

Erf 7586 (Shops and offices):

- A Special Development to permit the development of a commercial facility consisting of retail, shops, restaurant, wine shop and offices
- Business GLA: 3065m<sup>2</sup> (Areas as per Floor Layouts Dwg No 2970-A-103 Rev -, dated 4 February 2013)

Erf 7588 (Offices and residential):

- A Special Development in order to develop offices and apartments
- Business GLA: 3755m<sup>2</sup>
- Residential: 7 units (1285m<sup>2</sup> floor area) Areas as per Floor Layouts Dwg No J3083-A-102 Rev -, dated Oct 2013

Erf 7592 (Offices and residential):

- A Special Development to permit the construction of a commercial facility consisting of shops, restaurant, liquor store, offices and apartments
- Business GLA: 8478m<sup>2</sup>
- Residential: 46 units (3731m<sup>2</sup> floor area) (No of units defined in TIA) (Areas from SDP Ground Floor Dwg No J2892-A-101 Rev e, dated 25 June 2013)

**APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET**

Comments from the Directorate: Engineering Services i.e. Roads & Stormwater, Water Services, Traffic Engineering and Development Services will be reflected in this memo and is to be regarded as development conditions to be reflected in the land-use approval. It must be noted that Electrical Services will comment in a separate memo.

The above-mentioned land-use application is supported, subject to the following conditions:

**General**

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 metropolitan municipality, 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 (WC024) 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: Engineering Services, to perform the duties envisaged in terms of this land-use approval;
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*";
3. that no occupation certificates will be issued or taking up of proposed rights will be allowed until sufficient capacity in the following infrastructure is confirmed by the "*Engineer*":
  - a. **Stellenbosch WWTW (Waste Water Treatment Works):** The proposed development falls within the catchment area of the existing Stellenbosch WWTW (Waste Water Treatment Works). The current capacity of the existing Stellenbosch WWTW does not allow for any new developments at this stage. However, construction for the upgrade of the Stellenbosch WWTW with a design capacity of

**APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET**

20.4 ML/day, to a 35 ML/day treatment works is underway. Commissioning of the first phase to accommodate sewage from new developments is dependent on the Contractor's adherence to the programme and is estimated to be in December 2017.

**b. Sewer:**

- i. Plankenbrug Main Outfall Sewer Phase 1 (WWTW to Plankenbrug River at Bosman's Crossing) and Phase 2 (Plankenbrug River at Bosman's Crossing to Merriman Avenue):

The existing 600 mm, 375 mm and 625 mm diameter bulk outfall sewers to which the proposed developments are to connect, are at capacity and have insufficient capacity to accommodate any additional development within the Adam Tas drainage area. A new 1 200 mm diameter pipe is however currently being constructed by the Stellenbosch Municipality parallel to the existing 600 mm, 375 mm and 625 mm pipes. This will provide sufficient capacity to accommodate future developments. Commissioning of Phase 1 to accommodate sewage from new developments is dependent on the Contractor's adherence to the programme and is estimated to be in December 2017. Commissioning of Phase 2 to accommodate sewage from new developments is dependent on the Contractor's adherence to the programme and is estimated to be in July 2019.

- ii. The following items as indicated in the GLS report on water and sewer dated 2 February 2016:

- SSS1.18 :45m x 355 dia upgrade existing sewer

At this stage it is not clear if this pipeline section is included within the scope of the Plankenbrug Main Outfall Sewer project as described above. If not, this will have to be implemented by the Developer in lieu of DC's, or if DCs are not sufficient, at the Developer's own cost.

- c. **Water link services (to be implemented by the Developer and at the Developer's cost):** The items as indicated in the GLS report on water and sewer dated 2 February 2016:

- i. Item 1 : 330 m x 160 mm dia replace existing 100mm dia pipe

- d. **Road infrastructure:** All upgrades listed below as identified in the Traffic Impact Assessment by ICE Group dated 1 July 2013. The Cost Estimates and Funding letter by ICE Group dated 14 June 2016 (*Annexure A*) indicates the funding

**APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET**

requirements and it is clear that the Municipal funding and Development Contributions of the proposed developments on erven 7586, 7588 and 7592 are not sufficient to fund the required upgrades. It is also evident that in order to achieve sufficient funding for the road upgrades, this Development is dependent on the Development Contributions of Farm 183/57 and 183/58 (Woodmill), which also triggers the upgrading of Dorp Street. Without the required upgrades, the proposed development cannot be implemented. Therefore, no further approval i.e. engineering drawing approval and/or building plan approval will be granted until a financial commitment and implementation plan for these upgrades is presented and agreed between all the relevant parties and the Municipality and the approval mentioned in Condition 3e below is granted by the Municipality. It is further recommended that the Developer, in conjunction with the Municipality, engage with the Western Cape Government: Transport and Public Works (stated as PGWC in the letter) to discuss their contribution to these upgrades.

Improvements required at the various intersections with Dorp Street as per TIA:

**i. No development**

**Adam Tas Road-Intersection:** provide an additional right turn lane on the southern approach (Adam Tas Road), 55 metres long; provide a dedicated left turn lane on the northern approach (Adam Tas Road), 35 metres long; provide two lanes on Dorp Street eastbound to accommodate two right turn lanes from Adam Tas Road; change the dedicated right turn lane on Dorp Street (westbound) to a left/right right lane.

**Stellentia Avenue/Stadler Street-intersection:** provide traffic signals.

**R44-intersection:** provide a dedicated left turn lane on the southern approach (R44 from Somerset West) 50 metres long; extend the dedicated right turn lane on the southern approach (Adam Tas Road) to 75 metres (maximum to before bridge over Eerste River); provide an additional dedicated right turn lane on the western approach (Dorp Street) 65 metres long; change the through lane on the eastern approach (Dorp Street) to a through/left turn lane.



## APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET

## ii. Erf 7586 development

Adam Tas Road-intersection: No further improvements required

Stellentia Avenue-intersection: No further improvements required

R44-intersection: No further improvements required

## iii. Erf 7586 and Erf 7592 developments

Adam Tas Road-intersection: No further improvements required

Stellentia Avenue-intersection: No further improvements required

R44-intersection: No further improvements required

Dorp Street: The road should be dualled from Adam Tas Road to the R44 as indicated in Figure 15 of the TIA

## iv. Erf 7586, Erf 7592 and Erf 7588 developments

Adam Tas Road-intersection: No further improvements required

Stellentia Avenue-intersection: No further improvements required

R44-intersection: No further improvements required

Dorp Street: No further improvements required

- e. 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;
4. 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: Engineering 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 rate clearance in terms of Section 31 of LUPO will not be supported by the Directorate: Engineering Services for this development if bulk services are not available upon occupation or taking up of proposed rights;
5. 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

**APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET**

- 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.
6. that the "Developer" must ensure that he / she has an acceptable public liability insurance policy in place;
  7. that the "Developer" approach the Western Cape Government: Transport and Public Works for their input and that the conditions as set by the Western Cape Government: Transport and Public Works be adhered to before Section 31 Clearance Certificate will be issued;
  8. 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;
  9. 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 2<sup>nd</sup> Edition of 2010;
  10. 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: Engineering Services before land-use and or SDP approval is obtained;
    - e.) that no building plans will be recommended for approval by the Directorate: Engineering 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: Engineering Services before a Clearance Certificate in terms of Section 31 of the Land-use Planning Ordinance is issued.

**APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET****Site Development Plan**

11. 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";
12. 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;
13. 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;
14. 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;

**Internal- and Link Services**

15. that it be noted that as per the Site Development Plans, the roads are reflected as private roads. Therefore all internal services on the said erven will be regarded as private services and will be maintained by the "Developer" and or HOA;
16. 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;

**APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET**

17. that the "Developer", at his/her cost, construct the internal (on-site) private 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;
18. that the Directorate: Engineering 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 Contributions payable in respect of bulk civil engineering services if approved by the Directorate: Engineering Services;
19. 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;
20. that plans of all the internal civil services and such municipal link services as required by the Directorate: Engineering Services be prepared and signed by a Registered Engineering Professional before being submitted to the aforementioned Directorate for approval;
21. that the design and construction/alteration of all civil engineering infrastructure shall be generally in accordance with the Standard Conditions imposed by the Directorate: Engineering Services in this respect or as otherwise agreed. The Standard Conditions is available in electronic format and available on request;
22. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "Engineer";
23. that the "Developer" ensures that his/her design engineer is aware of the Stellenbosch Municipality Design Guidelines & Minimum Standards for Civil Engineering Services and that his/her design engineer will comply to the mentioned document or as otherwise agreed in writing with the Directorate: Engineering Services;
24. that engineering design drawings will only be approved once Final Notice of LUPO approval is issued;
25. that all the internal civil services (water, sewer and stormwater), be indicated on the necessary building plans for approval by the Directorate: Engineering Services;

## APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET

26. that all internal - and link services be inspected by the "Engineer" on request by the "Developer" or his Consulting Engineer;
27. that a practical completion certificate be issued prior to transfer of individual units or utilization of buildings;
28. 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 a monthly basis;
29. that the "Developer" shall adhere to the specifications of Telkom (SA) and or any other telecommunications service provider. Copies of all correspondence with Telkom shall be handed over to the "Engineer";
30. that the "Developer" shall be responsible for the cost for any surveying and registration of servitudes regarding services on the property;
31. 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;
32. 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".
33. 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 of all private developments before the practical completion inspection is carried out;
34. that the developer takes cognizance of applicable tariffs by Council in respect of availability of services and minimum tariffs payable;
35. that Section 31 Clearance will only be issued if the bulk watermeter is installed, a municipal account for the said meter is activated and the consumer deposit has been paid;

**APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET**

36. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal – and external services;
37. 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 HOA, in respect of private services, and to the Municipality in respect of public services;

**Servitudes**

38. that the "Developer" ensures that all main services to be taken over by the Directorate: Engineering Services, all existing municipal – and or private services crossing private - and or other institutional property and any other services crossing future private land/erven are protected by a registered servitude before final Section 31 Clearance will be given or building plans are approved;
39. 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;
40. 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**

41. that it be noted that the section of the Eersteriver to which these developments drain, is very sensitive to the impact of any additional stormwater generated by new development;
42. that the stormwater management generally be in accordance with the Engineering services reports, which indicates that detention facilities will be provided;
43. 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;

## APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET

44. 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;
45. that no disturbance to the river channel or banks be made without the prior approval in accordance with the requirements of the National Water Act;
46. that the consulting engineer, appointed by the "Developer", analyses the existing stormwater systems and determine the expected stormwater run-off for the proposed development, for both the minor and the major storm event. Should the existing municipal stormwater system not be able to accommodate the expected stormwater run-off, the difference between the pre- and post-development stormwater run-off must be accommodated on site, or the existing system must be upgraded to the required capacity at the cost of the "Developer" and to the standards and satisfaction of the Directorate: Engineering Services. The aforementioned stormwater analysis is to be submitted concurrent with the detail services plans;
47. that for larger developments, industrial developments or developments near water courses a stormwater management plan for the proposed development area, for both the minor and major storm events, be compiled and submitted for approval to the Directorate: Engineering Services.
48. that the approved management plan be implemented by the "Developer", at his/her cost, to the standards of the Directorate: Engineering Services. The management plan, which is to include an attenuation facility, is to be submitted concurrent with the detail services plans;
49. 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: Engineering Services;
50. that in the case of a sectional title development, the internal stormwater layout be indicated on the necessary building plans to be submitted for approval.
51. that no overland discharge of stormwater will be allowed into a public road for erven with catchment areas of more than 1500m<sup>2</sup> and for which it is agreed that no detention facilities are

**APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET**

required. The "Developer" needs to connect to the nearest piped municipal stormwater system with a stormwater erf connection which may not exceed a diameter of 300mm.

**Floodplain Management**

52. that the 1:50 and 1:100 year flood lines of the Eersteriver 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;
53. 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;
54. that the engineering design of the internal road, basement parking ramps and ramp retaining walls be generally in accordance with the following:
  - Erf 7586: Letter re Flood protection of basement by Bart Senekal Inc, dated 25 February 2016 (ref 1258 / A4) and associated drawings 1258/07A and 10258/02B
  - Erf 7588: Letter re Flood protection of basement by Bart Senekal Inc, dated 25 February 2016 (ref 1281 / A1) and associated drawing 1282/02A
  - Erf 7592: Letter re Flood protection of basement by Bart Senekal Inc, dated 25 February 2016 (ref 1281 / A1)
55. that all perimeter fencing below the 1:50 year flood line be visually permeable from ground level and not adversely effects the free flow of water (e.g. palisade fencing). No fences will be allowed across the watercourse;

**Roads**

56. that the "Developer" will enter into a Services Agreement with the "Municipality" in respect of the implementation of the identified infrastructure as reflected in the Traffic Impact Assessment by ICE Group dated 1 July 2013;
57. that no access control will be allowed in public roads;
58. that provision be made for acceptable stacking distances in front of access control gates;



## APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET

59. than any amendments to cadastral erven to accommodate access control gates will be for the cost of the "Developer" as these configurations were not available at rezoning and subdivision stage;
60. that, where access control is being provided, a minimum of 2 to 3 visitor's parking bays be provided on site, but outside the entrance gate, for vehicles not granted access to the development;
61. that the layout must make provision for all deliveries to take place on-site. Movement of delivery vehicles may not have a negative impact on vehicular – and pedestrian movement on public roads and or public sidewalks;
62. The design and lay-out of the development must be such that emergency vehicles can easily drive through and turn around where necessary;
63. that, prior to commencement of any demolition / construction work, a traffic accommodation plan for the surrounding roads must be submitted to the Directorate: Engineering Services for approval, and that the approved plan be implemented by the "Developer", at his/her cost, to the standards of the Directorate: Engineering Services;
64. that the "Developer" will be responsible for the design, construction, supervision and implementation of the infrastructure as reflected in the Traffic Impact Assessment by ICE Group dated 1 July 2013 and summarized in Condition 3d above. Clearance / building plan approval will only be given once the construction of these infrastructure is completed to the satisfaction of the Engineer.
65. that Condition 64 above be met by the "Developer" before a Certificate in terms of Section 31 will be given / building plans approved or on discretion of the Directorate: Engineering Services, the "Developer" furnish the Council with a bank guarantee equal to the value of the required construction work in Condition 64 above as certified by an independent engineering professional, prior to a Certificate in terms of Section 31 will be given or building plans approved;
66. that during the construction stage, access to the site be strictly via the following route only:  
Stellentia Avenue;

**APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET**

67. that the "Developer" will be held liable for any damage to municipal infrastructure within the road reserves of the roads mentioned in Condition 66 above, 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: Engineering Services;
68. that, after the construction work on site has been completed, the sidewalk, kerbs and channeling in Stellantia Avenue, over the length of the road reserve abutting Erven 7586, 7588 and 7592, be re-established / constructed by the "Developer" and to the cost of the "Developer" in compliance with the Design and Construction Standards of the Directorate: Engineering Services;
69. that no direct access shall be permitted onto Dorp Street;
70. that access to the properties concerned shall be in accordance with the recommendations of the Traffic Impact Assessment by ICE Group dated 1 July 2013. The TIA further states that it is also not clear from the drawings whether there will be security gates at the various accesses to the proposed developments but should this be the case the spacing between the gates/booms and the edge of Stellantia Avenue should be determined based on the type of control, i.e. remote control, disks, sign in, etc;
71. 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;
72. that on-site parking be provided by the owner of the property in the ratios as per the Stellenbosch Municipality Zoning Scheme;
73. that the area of land required for the dualling of Dorp Street, be surrendered by the "Developer" to Stellenbosch Municipality, at his/her cost, in order for construction of the road to take place and prior to Section 31 Clearance;
74. that compensation from Stellenbosch Municipality for the aforementioned land required for the dualling of Dorp Street, if any, be based on the value of the land in terms of its current zoning, i.e., Specific Business (erven 7586 and 7592);

## APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET

75. that the parking area be provided with a permanent surface and be clearly demarcated and accessible. Plans of the parking layout, pavement layerworks and stormwater drainage are to be approved by the Directorate: Engineering Services before commencement of construction and that the construction of the parking area be to the standards of the Directorate: Engineering Services;
76. that no parking be allowed closer than 9 metres from the intersection of Stellantia Avenue and Dorp Street (measured from the closest kerb);
77. that no parking be allowed in the road reserve;
78. that provision be made for a stacking distance of 12 metres for a dual entrance, or 18 metres for a single entrance, measured from the public road kerb to the entrance gate, or as otherwise determined by the "Engineer" when civil engineering services drawings / building plans are submitted for approval (also see Condition 70 above);
79. that provision be made for a 3-point turning head in front of the entrance gate, to the satisfaction of the Directorate: Engineering Services in order to enable a vehicle to turn around;
80. that the "Developer", at his/her cost, implement the recommendations of the approved Traffic Impact Assessment by ICE Group dated 1 July 2013, and where required, a sound Traffic Management Plan to ensure traffic safety shall be submitted for approval by the Directorate: Engineering Services and the approved management plan shall be implemented by the "Developer", at his/her cost;
81. that provision be made for a refuse embayment and hardened store area off the roadway/sidewalk to accommodate refuse removal. (Embayment to be minimum 9.5m x 2.5m);
82. that the design and lay-out of the development must be such that emergency vehicles can easily drive through and turn around where necessary.

**Wayleaves**

83. that way-leaves / work permits be obtained from the Directorate: Engineering Services prior to any excavation / construction work on municipal land or within 3,0m from municipal services located on private property;

## APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET

84. that wayleaves will only be issued after approval of relevant engineering design drawings;

Development Contributions

85. that the "Developer" hereby acknowledges that development contributions are payable towards the following civil services: water, sewerage, roads, stormwater and solid waste as per Council's Policy;
86. that the "Developer" hereby acknowledges that the development contribution 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;
87. that the "Developer" immediately familiarise himself with the latest development contributions applicable to his/her development;
88. that the "Developer" accepts that the development contributions will be subject to annual escalation up to date of payment. The amount payable will therefore be the amount as calculated at the time that payment is made;
89. that the "Developer" may enter into a services agreement with the "Municipality" to install or upgrade bulk municipal services at an agreed cost, to be off-set against Development Contributions payable in respect of bulk civil engineering services;
90. that the "Developer" is aware that a contribution is required for municipal services to permit the development at this stage;
91. that the "Developer" accepts the average amount, as reflected in this document as the amount required for the provision of municipal services in the event that the development is approved;
92. that the Development Contribution levy as set out below and as reflected on the BICLS Contribution calculation sheet, dated 25 May 2016 (erven 7586, 7592) and 15 July 2016 (erf 7588), and attached herewith as Annexure BICLS, 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.

## APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET

Based on the 2016/2017 tariff structure and the proposed lay-out, the following amounts are payable:

**Erf 7586**

Water	:	R 88 640, 00
Sewerage	:	R 66 360, 00
Roads	:	R 1 615 286, 00
Stormwater	:	R 104 772, 00
Solid Waste	:	R 10 734, 00
<b>Total (Erf 7586 Civil Services) exclusive of VAT:</b>		<b><u>R1 885 792, 00</u></b>

**Erf 7588**

Water	:	R 169 327, 00
Sewerage	:	R 131 819, 00
Roads	:	R 2 109 717, 00
Stormwater	:	R 109 202, 00
Solid Waste	:	R 18 054, 00
<b>Total (Erf 7588 Civil Services) exclusive of VAT:</b>		<b><u>R2 538 119, 00</u></b>

**Erf 7592**

Water	:	R 644 280, 00
Sewerage	:	R 515 539, 00
Roads	:	R 5 327 496, 00
Stormwater	:	R 122 317, 00
Solid Waste	:	R 61 912, 00
<b>Total (Erf 7592 Civil Services) exclusive of VAT:</b>		<b><u>R 6 671 544, 00</u></b>

**Total all erven:**

Water	:	R 902 247, 00
Sewerage	:	R 713 718, 00
Roads	:	R 9 052 499, 00
Stormwater	:	R 336 291, 00
Solid Waste	:	R 90 700, 00
<b>Total (All Erven Civil Services) exclusive of VAT:</b>		<b><u>R 11 095 455, 00</u></b>

93. that the Development Contribution levy be paid by the "Developer" per erf –

**APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET**

- prior to the approval of any building- and/or services plans in the case of a Sectional title erf in that erf and or;
- prior to the approval of a Certificate in terms of Section 31 in all cases and or;
- prior to the erf or portion thereof being put to the approved use;

94. that it be noted that the Development Contributions as reflected on the BICLS Contribution calculation sheet will be subject to annual escalation up to date of payment. The final amount payable will therefore be the amount as calculated at the time that payment is made;

95. 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.

Erf 7586: more than 0 units (residential), or which might lead to an increase in the Gross Leasable Area i.e. a GLA of more than 3065m<sup>2</sup> (All Business) -,

Erf 7588: more than 7 units (residential), or which might lead to an increase in the Gross Leasable Area i.e. a GLA of more than 3755m<sup>2</sup> (All Business) -,

Erf 7592: more than 46 units (med/high income flats), or which might lead to an increase in the Gross Leasable Area i.e. a GLA of more than 8478m<sup>2</sup> (All Business) -,

will result in the recalculation of the Development Contributions;

96. Bulk infrastructure contribution levies 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;

**Home Owners Association**

97. that a Home Owners Association (HOA) be established in accordance with the provisions of section 29 of the Land Use Planning Ordinance no 15 of 1985 and shall come into being upon the separate registration or transfer of the first deducted land unit arising from this subdivision;

98. that the HOA take transfer of the private roads simultaneously with the transfer or separate registration of the first deducted land portion in such phase;

**APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET**

99. that in addition to the responsibilities set out in section 29, the HOA also be responsible for the maintenance of the private roads, street lighting, open spaces, retention facilities and all internal civil services;
100. that the Constitution of the HOA specifically empower the Association to deal with the maintenance of the roads, street lighting, open spaces, retention facilities and all internal civil services;

**Green Technologies**

101. Peak water demand should be accommodated with supplementary storage and recycling (e.g. rainwater tanks, grey water recycling) of water so that municipal water only be used to satisfy the base demand;
102. Technologies that facilitate the efficient use of irrigation water must be used;
103. Planting of waterwise flora is encouraged;
104. In accordance with the new SANS 10400-XA standard, all new housing should install solar water heating devices;
105. All non-subsidy housing is encouraged to meet the portion of their electrical demand that exceeds 300 kWh per month by generators such as solar photovoltaic panels and solar hot water heating devices;
106. SANS 10400-XA energy efficiency standards should be adhered to in all planning applications for new buildings, major renovations and usage changes;

**Solid Waste**

107. 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;
108. that detail design be generally in accordance with refuse room positions as indicated on the following drawings:  
Erf 7586: Site Development Plan 2970-A-102 Rev A by TV3, dated 3 April 2014 and received by this office on 9 June 2016 (Our Ref LUPO #1259). The position of the refuse room does not comply with Condition 107 above and the position of the refuse room should therefore be amended;

**APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET**

Erf 7588: Site Development Plan J3083-A-101 Rev B by TV3, dated 3 March 2016 and received by this office on 9 June 2016 (Our Ref LUPO #1259);

Erf 7592 Site Development Plan Z 2892-A-101 Rev f by TV3, dated 3 March 2016 and received by this office on 9 June 2016 (Our Ref LUPO #1259);

109. that the "Developer" will enter into a service agreement with the "Municipality" for the removal of refuse;
110. 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";
111. 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";
112. 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;
113. Access shall be provided with a minimum travelable surface of 5 meters width and a minimum corner radii of 5 meters;
114. 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: Engineering 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;
115. Minimum turning circle radius shall be 11 meters to the center line of the vehicle;
116. Road foundation shall be designed to carry a single axle load of 8.2 tons;
117. Refuse storage areas are to be provided for all premises other than single residential erven;
118. 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;



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119. 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;
120. 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 wheelie bin;
121. 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;
122. 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;
123. 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

124. 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;
125. 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
126. 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).

**APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET****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**

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.

127. 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;
128. 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;
129. Any containers or compaction equipment acquired by the building owner must be approved by the Directorate: Engineering Services, to ensure their compatibility with the servicing equipment and lifting attachments;
130. Refuse should not be visible from a street or public place. Suitable screen walls may be required in certain instances;
131. Access must be denied to unauthorized persons, and refuse storage areas should be designed to incorporate adequate security for this purpose;

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132. All refuse storage areas shall be approved by the Directorate: Engineering 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**

133. 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 componitization of municipal services installed as part of the development. The Asset Verification Sheet 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;
134. 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";
135. 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;
136. 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;

APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET

137. Section 31 Clearance certificates shall not be issued unless said services have been inspected by the "Engineer" and written clearance given, by the "Engineer";

Section 31 Clearance Certificate

138. It is specifically agreed that the "Developer" undertakes to comply with all conditions of subdivision and rezoning as laid down by the "Municipality" before clearance certificates shall be issued, unless otherwise agreed herein;
139. It is specifically agreed that the "Developer" undertakes to ensure that ALL applicable development conditions and requirements are met before submitting an application for the issuing of a Clearance Certificate in terms of Section 31. A list stipulating ALL conditions must be attached to the application and ALL conditions to the list must be ticked, indicating that it has been complied to, and evidence of such compliance also needs to be attached;
140. 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;
141. that clearance will only be given per phase and the onus is on the "Developer" to phase his development accordingly;
142. The onus will be on the "Developer" and or his professional team to ensure that all land-use conditions have been complied with before submitting an application for a Section 31 Certificate. Verifying documentation (proof of payment in respect of development contributions, services installation, etc.) must be submitted as part of the Section 31 Certificate application before an application will be accepted by this Directorate;
143. that any application for Certificate of Clearance will only be supported by the "Engineer" once all relevant as-built detail, as reflected in the item "AS-BUILT's" of this document, is submitted to the "Engineer" and approved by the "Engineer".

## APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET

**Avoidance of waste, nuisance and risk**

144. Where in the opinion of the "Municipality" a lack of maintenance of any service constitutes a nuisance, health or other risk to the public the "Municipality" may give the "Developer" and or HOA written notice to remedy the defect failing which the "Municipality" may carry out the work itself or have it carried out, at the cost of the "Developer" and or HOA.

**Streetlighting**

145. The "Developer" will be responsible for the design and construction at his own expense of all internal street lighting services and street lighting on link roads leading to his development (excluding Class 1, 2 and 3 Roads) according to specifications determined by the municipality's electro technical engineer and under the supervision of the consulting engineer, appointed by the "Developer";
146. Prior to commencing with the design of street lighting services, the consulting electrical engineer, as appointed by the "Developer" must acquaint himself with, and clarify with the municipality's electro technical engineer, the standards of materials and design requirements to be complied with and possible cost of connections to existing services;
147. The final design of the complete internal street lighting network of the development must be submitted by the consulting electrical engineer, as appointed by the "Developer", to the municipality's electro technical engineer for approval before any construction work commences;
148. Any defect with the street lighting services constructed by the "Developer" which may occur during the defects liability period of 12 (TWELVE) months and which occurs as a result of defective workmanship and/or materials must be rectified immediately / on the same day the defect was brought to the attention of the consulting electrical engineer, appointed by the "Developer". Should the necessary repair work not be done within the said time the "Municipality" reserves the right to carry out the repair work at the cost of the "Developer";
149. The maintenance and servicing of all private internal street lighting shall be the responsibility and to the cost of the "Developer" and or Home Owners Association.



TYRONE KING  
HEAD: DEVELOPMENT SERVICES AND PROJECT MANAGEMENT

## APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET

## ATTACHMENT X

**Geographic Information System (GIS) data capturing standards**

In drawing up the As-build Plans relating to this development, the consultant must create the following separate layers in ESRI .shp, electronic file format in order for the data to reflect spatially correct.

Layer name	Content
TITLE	Title information, including any endorsements and references
NOTES	All noted information, both from the owner / surveyor and SG
PARENT_PROPLINES	Parent property lines
PARENT_PROPNUM	Parent erf number (or portion number)
PROPLINES	New portion boundaries
PROPANNO	New erf numbers
SERVLINES	Servitude polygons
SERVANNO	Servitude type
STREET_NAMES	Road centre lines with street names
STREET_NUMBERS	Points with street numbers
COMPLEX BOUNDARIES	Where applicable, polygon with complex name (mention whether gated or not and if so, where gates are)
SUBURB	Polygon with suburb name, where new suburb / township extension created
ESTATE	Where applicable, polygon with estate name (mention whether gated or not and if so, where gates are)

When data is provided in a .shp format it is mandatory that the .shx, .dbf, files should accompany the shapefile. The prj file containing the projection information must also accompany the shapefile.

It is important that different geographical elements for the GIS capture process remains separate. That means that political boundaries like wards or suburbs be kept separate from something like rivers. The same applies for engineering data types like water lines, sewer lines, electricity etc, that it is kept separate from one another. When new properties are added as part of a development, a list of erf numbers with its associated SG numbers must be provided in an electronic format like .txt, .xls or .csv format.

For road layer shapefiles; the road name, the from\_street and to\_street where applicable as well as the start en end street numbers needs to be included as part of the attributes. A rotation field needs to be added to give the street name the correct angle on the map.

In addition to being geo-referenced and in WGS 1984 Geographic Coordinate System, the drawing must be completed using real world coordinates based on the Stellenbosch

**APPLICATION FOR SPECIAL DEVELOPMENT: ERVEN 7586, 7588 AND 7592 LOWER DORP STREET**

Municipality standard as follows:

- Datum : Hartebeeshoek WGS 84
- Projection : Transverse Mercator
- Central Longitude/Meridian 19
- False easting : 0.00000000
- False northing : 0.00000000
- Central meridian : 19.00000000
- Scale factor : 1.00000000
- Origin latitude : 0.00000000
- Linear unit : Meter



# STELLENBOSCH

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**PRELIMINARY**

Based on data as per TV3  
Drawing: "Floor Layouts" Dwg  
No 2970-A-103

2016-05-25

## Development Contributions

Project No: 2015/120/00  
Alt Project Ref: Erf 7586 (Remgro)  
Town Plan Ref:  
Project Name: Erf 7586 (Remgro)  
Location: Stellenbosch  
Developer: The Developer / Owner / Applicant  
Contact:  
Tel No's:  
Developer Ref:  
VAT No:

Registration Date: 25-May-16 Active:   
BICLS FY: 2015/6  
BICLS Date: 25-May-16  
Project Status: Estimate

Address:



New/Existing	Development	Usage Category	Area (m <sup>2</sup> )	Units	UOM	Contribution	VAT
<b>TOTAL CONTRIBUTION:</b>			20 869			1 885 792	264 010
<b>GRAND TOTAL (VAT Incl):</b>							<b>R 2 149 802</b>

SubTotal Contribution for New: 20 869 1 885 792 264 010

New	Shops and Offices	ALL Business	3 065	3 065	m <sup>2</sup> GLA	1 817 830	254 496
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Service	Calc Type	UOM	Demand	Usage	UOM	Service Tariff	Contribution	VAT	TOTALS
Roads	per 100m <sup>2</sup> GLA	100m <sup>2</sup>	11.000	337.150	trips/day	4 791	1 615 286	226 140	1 841 426
Solid Waste	per Ha	ha	2.000	0.613	t/week	17 511	10 734	1 503	12 237
Stormwater	per Ha	C	0.900	0.276	ha * C	133 417	36 810	5 153	41 963
Sewerage	per Ha	ha	15.000	4.598	kl/day	14 434	66 360	9 290	75 650
Water	per Ha	ha	20.000	6.130	kl/day	14 460	88 640	12 410	101 050

New	Open Space	Open Space	14 739	0	m <sup>2</sup> Area	39 331	5 506
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Service	Calc Type	UOM	Demand	Usage	UOM	Service Tariff	Contribution	VAT	TOTALS
Roads	per 100m <sup>2</sup> GLA	100m <sup>2</sup>	0.000	0.000	trips/day	4 791	0	0	0
Solid Waste	per Ha	ha	0.000	0.000	t/week	17 511	0	0	0
Stormwater	per Ha	C	0.200	0.295	ha * C	133 417	39 331	5 506	44 837
Sewerage	per Ha	ha	0.000	0.000	kl/day	14 434	0	0	0
Water	per Ha	ha	0.000	0.000	kl/day	14 460	0	0	0

New	Parking/Roads	Road Reserves	3 065	0	m <sup>2</sup> Area	28 631	4 008
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Service	Calc Type	UOM	Demand	Usage	UOM	Service Tariff	Contribution	VAT	TOTALS
Roads	per 100m <sup>2</sup> GLA	100m <sup>2</sup>	0.000	0.000	trips/day	4 791	0	0	0
Solid Waste	per Ha	ha	0.000	0.000	t/week	17 511	0	0	0
Stormwater	per Ha	C	0.700	0.215	ha * C	133 417	28 631	4 008	32 639
Sewerage	per Ha	ha	0.000	0.000	kl/day	14 434	0	0	0
Water	per Ha	ha	0.000	0.000	kl/day	14 460	0	0	0





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**PRELIMINARY**

Based on data as per TV3  
Drawing: "Floor Layouts"  
Dwg No 2970-A-103

2016-05-25

**Development Contributions (Services Summary)**

Project No: 2015/120/00  
Alt Project Ref: Erf 7586 (Remgro)  
Town Plan Ref:  
Project Name: Erf 7586 (Remgro)  
Location: Stellenbosch  
Developer: The Developer / Owner / Applicant  
Contact:  
Tel No's:  
Ref No:  
VAT No:

Registration Date: 25-May-16      Active:   
BICLS FY: 2015/6  
BICLS Date: 25-May-16  
Project Status: Estimate

Address:


	Area (m <sup>2</sup> )	Contribution	+ VAT	= TOTAL
<b>TOTAL CONTRIBUTION:</b>	20 869	1 885 792	+ 264 010	= 2 149 802

Service	Usage	UOM	Contribution	VAT	TOTALS
Roads	337.150	trips/day	1 615 286	226 140	1 841 426
Solid Waste	0.613	t/week	10 734	1 503	12 237
Stormwater	0.785	ha * C	104 772	14 667	119 439
Sewerage	4.598	kl/day	66 360	9 290	75 650
Water	6.130	kl/day	88 640	12 410	101 050

<b>SubTotal Contribution for New:</b>	20 869	1 885 792	+ 264 010	= 2 149 802
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Service	Usage	UOM	Contribution	VAT	TOTALS
Roads	337.150	trips/day	1 615 286	226 140	1 841 426
Solid Waste	0.613	t/week	10 734	1 503	12 237
Stormwater	0.785	ha * C	104 772	14 667	119 439
Sewerage	4.598	kl/day	66 360	9 290	75 650
Water	6.130	kl/day	88 640	12 410	101 050



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PRELIMINARY

BASED ON DATA AS PER TV3  
DRAWING: J38083-A-102 REV-  
DATED OCT 2013

2016-07-15

**Development Contributions**

Project No: 2015/121/01  
Alt Project Ref:  
Town Plan Ref:  
Project Name: Erf 7588 (Remgro)  
Location: Stellenbosch  
Developer: The Developer / Owner / Applicant  
Contact:  
Tel No's:  
Developer Ref:  
VAT No:

Registration Date: 15-Jul-16  
BICLS FY: 2015/6  
BICLS Date: 15-Jul-16  
Project Status: Estimate

Active:

Address:



New/Existing Development	Usage Category	Area (m <sup>2</sup> )	Units	UOM	Contribution	VAT
<b>TOTAL CONTRIBUTION:</b>		18 391			2 538 119	355 334
<b>GRAND TOTAL (VAT Incl):</b>					R 2 893 453	

**SubTotal Contribution for New:** 18 391      2 538 119      355 334

New	Flats	Flats (Med/high income)	0	7 Flat	246 948	34 572
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Service	Calc Type	UOM	Demand	Usage	UOM	Service Tariff	Contribution	VAT	TOTALS
Roads	per Each	Flat	3,900	27,300	trips/day	4 791	130 794	18 311	149 105
Solid Waste	per Each	Flat	0,040	0,280	t/week	17 511	4 903	686	5 589
Stormwater	per Ha	C	0,800	0,000	ha * C	133 417	0	0	0
Sewerage	per Each	Flat	0,500	3,500	kl/day	14 434	50 519	7 073	57 592
Water	per Each	Flat	0,600	4,200	kl/day	14 460	60 732	8 502	69 234

New	Offices	ALL Business	3 755	3 755 m <sup>2</sup> GLA	2 227 064	311 788
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Service	Calc Type	UOM	Demand	Usage	UOM	Service Tariff	Contribution	VAT	TOTALS
Roads	per 100m <sup>2</sup> GLA	100m <sup>2</sup>	11,000	413,050	trips/day	4 791	1 978 923	277 049	2 255 972
Solid Waste	per Ha	ha	2,000	0,751	t/week	17 511	13 151	1 841	14 992
Stormwater	per Ha	C	0,900	0,338	ha * C	133 417	45 095	6 313	51 408
Sewerage	per Ha	ha	15,000	5,633	kl/day	14 434	81 300	11 382	92 682
Water	per Ha	ha	20,000	7,510	kl/day	14 460	108 595	15 203	123 798

New	Open Space	Open Space	10 881	0 m <sup>2</sup> Area	29 032	4 064
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Service	Calc Type	UOM	Demand	Usage	UOM	Service Tariff	Contribution	VAT	TOTALS
Roads	per 100m <sup>2</sup> GLA	100m <sup>2</sup>	0,000	0,000	trips/day	4 791	0	0	0
Solid Waste	per Ha	ha	0,000	0,000	t/week	17 511	0	0	0
Stormwater	per Ha	C	0,200	0,218	ha * C	133 417	29 032	4 064	33 096
Sewerage	per Ha	ha	0,000	0,000	kl/day	14 434	0	0	0
Water	per Ha	ha	0,000	0,000	kl/day	14 460	0	0	0

New/Existing	Development	Usage Category	Area (m <sup>2</sup> )	Units	UOM	Contribution				
New	Roads/Parking	Road Reserves	3 755	0	m <sup>2</sup> Area	35 075	4 910			
Service	Calc Type	UOM	Demand	Usage	UOM	Service Tariff	Contribution	VAT	TOTALS	
Roads	per 100m <sup>2</sup> GLA	100m <sup>2</sup>	0.000	0.000	trips/day	4 791	0	0	0	
Solid Waste	per Ha	ha	0.000	0.000	t/week	17 511	0	0	0	
Stormwater	per Ha	C	0.700	0.263	ha * C	133 417	35 075	4 910	39 985	
Sewerage	per Ha	ha	0.000	0.000	kl/day	14 434	0	0	0	
Water	per Ha	ha	0.000	0.000	kl/day	14 460	0	0	0	



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PRELIMINARY

BASED ON DATA AS PER TV3  
 DRAWING: J38083-A-102 REV-  
 DATED OCT 2013

2016-07-15

**Development Contributions (Services Summary)**

Project No: 2015/121/01

Registration Date: 15-Jul-16

Active: 

Alt Project Ref:

BICLS FY: 2015/6

Town Plan Ref:

BICLS Date: 15-Jul-16

Project Name: Erf 7588 (Remgro)

Project Status: Estimate

Location: Stellenbosch

Address:

Developer: The Developer / Owner / Applicant

Contact:

Tel No's:

Ref No:

VAT No:


	Area (m <sup>2</sup> )	Contribution	+ VAT	= TOTAL
<b>TOTAL CONTRIBUTION:</b>	18 391	2 538 119	+ 355 334	= 2 893 453

Service	Usage	UOM	Contribution	VAT	TOTALS
Roads	440.350	trips/day	2 109 717	295 360	2 405 077
Solid Waste	1.031	t/week	18 054	2 527	20 581
Stormwater	0.819	ha * C	109 202	15 287	124 489
Sewerage	9.133	kl/day	131 819	18 455	150 274
Water	11.710	kl/day	169 327	23 705	193 032

<b>SubTotal Contribution for New:</b>	18 391	2 538 119	+ 355 334	= 2 893 453
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Service	Usage	UOM	Contribution	VAT	TOTALS
Roads	440.350	trips/day	2 109 717	295 360	2 405 077
Solid Waste	1.031	t/week	18 054	2 527	20 581
Stormwater	0.819	ha * C	109 202	15 287	124 489
Sewerage	9.133	kl/day	131 819	18 455	150 274
Water	11.710	kl/day	169 327	23 705	193 032



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**PRELIMINARY**

Based on data as per \*SDP  
Ground Floor\* Dwg No Z  
2892-A-101 RevE dated 25  
June 2013.

2016-05-25

**Development Contributions**

Project No: 2015/122/00  
Alt Project Ref: Erf 7592 (Remgro)  
Town Plan Ref:  
Project Name: Erf 7592 (Remgro)  
Location: Stellenbosch  
Developer: The Developer / Owner / Applicant  
Contact:  
Tel No's:  
Developer Ref:  
VAT No:

Registration Date: 25-May-16  
BICLS FY: 2015/6  
BICLS Date: 25-May-16  
Project Status: Estimate

Active: 

Address:



New/Existing	Development	Usage Category	Area (m <sup>2</sup> )	Units	UOM	Contribution	VAT
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**TOTAL CONTRIBUTION:** 10 675

6 671 544 934 017

**GRAND TOTAL (VAT Incl):**

**R 7 605 561**

**SubTotal Contribution for New:** 10 675

6 671 544 934 017

New	Flats	Flats (Med/high income)	0	46	Flat	1 622 803	227 192
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Service	Calc Type	UOM	Demand	Usage	UOM	Service Tariff	Contribution	VAT	TOTALS
Roads	per Each	Flat	3,900	179,400	trips/day	4 791	889 505	120 331	979 836
Solid Waste	per Each	Flat	0,040	1,840	t/week	17 511	32 220	4 511	36 731
Stormwater	per Ha	C	0,800	0,000	ha * C	133 417	0	0	0
Sewerage	per Each	Flat	0,500	23,000	kl/day	14 434	331 982	46 477	378 459
Water	per Each	Flat	0,600	27,600	kl/day	14 460	399 096	55 873	454 969

New	Shops and offices	ALL Business	8 478	8 478	m <sup>2</sup> GLA	5 028 221	703 952
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Service	Calc Type	UOM	Demand	Usage	UOM	Service Tariff	Contribution	VAT	TOTALS
Roads	per 100m <sup>2</sup> GLA	100m <sup>2</sup>	11,000	932,580	trips/day	4 791	4 467 991	625 519	5 093 510
Solid Waste	per Ha	ha	2,000	1,696	t/week	17 511	29 692	4 157	33 849
Stormwater	per Ha	C	0,900	0,763	ha * C	133 417	101 797	14 252	116 049
Sewerage	per Ha	ha	15,000	12,717	kl/day	14 434	183 557	25 698	209 255
Water	per Ha	ha	20,000	16,956	kl/day	14 460	245 184	34 326	279 510

New	Roads/Parking	Road Reserves	2 197	0	m <sup>2</sup> Area	20 520	2 873
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Service	Calc Type	UOM	Demand	Usage	UOM	Service Tariff	Contribution	VAT	TOTALS
Roads	per 100m <sup>2</sup> GLA	100m <sup>2</sup>	0,000	0,000	trips/day	4 791	0	0	0
Solid Waste	per Ha	ha	0,000	0,000	t/week	17 511	0	0	0
Stormwater	per Ha	C	0,700	0,154	ha * C	133 417	20 520	2 873	23 393
Sewerage	per Ha	ha	0,000	0,000	kl/day	14 434	0	0	0
Water	per Ha	ha	0,000	0,000	kl/day	14 460	0	0	0



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**PRELIMINARY**

Based on data as per "SDP Ground Floor" Dwg No Z 2892-A-101 RevE dated 25 June 2013.

2016-05-25

**Development Contributions (Services Summary)**

Project No: 2015/122/00  
 Alt Project Ref: Erf 7592 (Remgro)  
 Town Plan Ref:  
 Project Name: Erf 7592 (Remgro)  
 Location: Stellenbosch  
 Developer: The Developer / Owner / Applicant  
 Contact:  
 Tel No's:  
 Ref No:  
 VAT No:

Registration Date: 25-May-16  
 BICLS FY: 2015/6  
 BICLS Date: 25-May-16  
 Project Status: Estimate

Active: 

Address:



	Area (m <sup>2</sup> )	Contribution +	VAT =	TOTAL
<b>TOTAL CONTRIBUTION:</b>	10 675	6 671 544 +	934 017 =	7 605 561

Service	Usage	UOM	Contribution	VAT	TOTALS
Roads	1111.980	trips/day	5 327 496	745 850	6 073 346
Solid Waste	3.536	t/week	61 912	8 668	70 580
Stormwater	0.917	ha * C	122 317	17 125	139 442
Sewerage	35.717	kl/day	515 539	72 175	587 714
Water	44.556	kl/day	644 280	90 199	734 479

<b>SubTotal Contribution for New:</b>	10 675	6 671 544 +	934 017 =	7 605 561
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Service	Usage	UOM	Contribution	VAT	TOTALS
Roads	1111.980	trips/day	5 327 496	745 850	6 073 346
Solid Waste	3.536	t/week	61 912	8 668	70 580
Stormwater	0.917	ha * C	122 317	17 125	139 442
Sewerage	35.717	kl/day	515 539	72 175	587 714
Water	44.556	kl/day	644 280	90 199	734 479

## ANNEXURE A

**Contact Address:**

ICE Group (Stellenbosch), Tel No: +27 (0) 21 880 0443  
 P O Box 131, Fax No: +27 (0) 21 880 0390  
 Stellenbosch, 7599 e-mail: piet@icegroup.co.za



**Contact Person:** Piet van Blerk

**Your Ref:**

**Our Ref:** 884 –Woodmill, Stellenbosch

**Date:** 14 June 2016

**Consulting Services**

- Civil Engineering Services
- Roads
- Traffic Engineering

Stellenbosch Municipality  
 PO Box 17  
**STELLENBOSCH**  
 7599

**Attention:** Mr Tyrone King

Sir

### **PROPOSED DEVELOPMENT OF PORTIONS 57 & 58 OF FARM 183, STELLENBOSCH, WOODMILL – COST ESTIMATES AND FUNDING**

The Traffic Impact Assessment (TIA) for the above-mentioned project, your mr King's e-mail of 19 May 2016, the meeting at the office of mr Marius Wüst with messrs Willem Pretorius, Nigell Winter and John Muller to discuss funding for the proposed road improvements as well as the meeting with your mr Tyrone King on 13 June 2016 refer.

The TIA for the Woodmill project suggested that the following road improvements are required:

1. Adam Tas Road (Stellenbosch Arterial)/Baden Powell Road-intersection
2. Adam Tas Road/Vredenburg Street-intersection and related road works
3. Adam Tas Road/Devon Valley Road-intersection and related road works
4. Adam Tas Road/Oude Libertas Road-intersection
5. Adam Tas Road/Dorp Street-intersection that
6. Adam Tas Road/Strand Road (R44)/Alexander Street-intersection
7. R44/Merriman Avenue-intersection
8. Lower Dorp Street dualling

With regard to Point 1 in your e-mail of 19 May 2016 – It is not correct that all the intersections are over capacity. The Oude Libertas Road-intersection with Adam Tas Road still have capacity whilst only the right turning traffic experience problems at the Vredenburg Road- and Devon Valley Road-intersections. It is correct that the other intersections as discussed are over capacity.

At the meeting at the office of mr Wüst the funding budgeted for intersections applicable was as given below (14% VAT excluded) (mr Nigell Winter confirmed this in an e-mail dated 1 June 2016):

**Stellenbosch office:**

Tel : 021 8800 443  
 Fax: 021 8800 390

**Directors:**

P.J. van Blerk, Pr. Eng.

ICE Group (Overberg) 6/6  
 ICE Group (Stellenbosch)  
 Reg No.2006/133236/23



Budget 2016/17	- R 2 580 000-00
Budget 2017/18	- R 2 120 000-00
Budget 2018/19	- R 300 000-00
<b>Total budget</b>	<b>R 5 000 000-00</b>

We prepared a spread sheet showing the costs of all the required road improvements relating to the Woodmill project, the Distell Offices project, the Remgro project (Erf 7586, 7588 and 7592, Lower Dorp Street), the land cost for acquiring land for road purposes, the DC's payable for the Woodmill- and Remgro-projects as well as the anticipated contributions by the municipality, PGWC and the developer (own account). The spread sheet is attached. The land cost was NOT included in the calculation to determine the PGWC/Municipality contributions. Whether the PGWC will contribute with regard to land cost needs to be investigated. The Adam Tas Road (Stellenbosch Arterial)/Baden Powell Road-intersection was not included in the spreadsheet as the intersection will be upgraded as part of the PGWC's project to upgrade Baden Powell Road to a dual carriageway.

A summary of the spread sheet is as follows:

Total cost of projects (14% VAT included) based on May 2016 rates	- R 61 581 534-60
Total cost of land required for road purposes*	- R 17 860 000-00
<b>TOTAL COSTS</b>	<b>R 79 441 534-60</b>
(*- The values per m <sup>2</sup> for land was assumed for each area and should be verified)	
DC's anticipated to be paid by Woodmill- and Remgro project (14% VAT included)	- R 72 475 749-30
Municipal budget (14% VAT included)	- R 5 700 000-00
<b>TOTAL INCOME/FUNDING (excluding PGWC-funding)</b>	<b>R 78 175 749-30</b>
<b>PGWC-FUNDING</b>	<b>R 16 632 317-28</b>
<b>TOTAL INCOME/FUNDING (including PGWC-funding)</b>	<b>R 94 808 066-58</b>

The cost split between the municipality and PGWC was taken as Municipality 20% and PGWC 80% (land cost excluded). Based on this, the cost split is as follows (14% VAT included):

Municipality	- R 4 158 079-32
PGWC	- R 16 632 317-28

Although the spreadsheet shows that the PGWC will not contribute to the upgrade of the Adam Tas Road/Vredenburg Road- and Adam Tas Road/Devon Valley Road-intersections it is the opinion that the PGWC should be approached for a contribution as both intersections are relocated as a result of the positions thereof as indicated on the Access Management Plan for Adam Tas Road. Funding for the Adam Tas Road/Oude Libertas Road-intersection is also not shown as the required improvements are as a result of the proposed Distell-offices development. It was assumed that the upgrade of Lower Dorp Street will be funded without any PGWC-funding although a case can be made that the cost of the improvements to the intersections with Adam Tas Road and the R44 should also be partially funded by the PGWC.

The approved municipal budget for intersections over the next three years (R 5 700 000-00, 14% VAT included) is sufficient to fund the 20% portion that has to be contributed by the municipality (R 4 158 079-32).





From the spread sheet and depending on the finalization of the DC's payable for the Woodmill- and Remgro Projects it can be concluded that sufficient funding should be available for all the projects envisaged if the PGWC contributes 80% of the cost for the road improvements and the DC's as calculated by your mr Tyrone King realizes.

Please contact the undersigned should you require any further information.

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. van Blerk', written over a horizontal line.

Piet van Blerk Pr. Eng  
ICE GROUP (STELLENBOSCH)

**Table 1B : Woodmill, Upgrading of Intersections - Cost Estimates and funding**

	1	2	3	4	5	6	7	TOTAL
Item	Adams Tce Road/Verplem burg Street intersection including sidewalk	Adams Tce Road/Divon Valley Road intersection including relocations and sidewalk	Adams Tce Road/Quade Liberties Road intersection including sidewalk	844/Deep Street intersection including sidewalk along 844	844/Adams Tce Road/ Alexander Road 90	844/Merrison Ave intersection	Lower Deep Street (sidewalk) including MAFF facility	
Planning and Construction Cost	\$ 7,976,400.00	\$ 11,800,500.00	\$ 1,700,000.00	\$ 1,760,500.00	\$ 12,158,200.00	\$ 4,112,400.00	\$ 1,697,200.00	\$ 53,208,290.00
PA								
Topographical Survey/Land Survey	\$ 10,000.00	\$ 12,500.00	\$ 5,000.00	\$ 0.00	\$ 10,000.00	\$ 7,500.00	\$ 12,500.00	\$ 99,800.00
Materials investigations	\$ 7,500.00	\$ 15,000.00	\$ 5,000.00	\$ 5,000.00	\$ 7,500.00	\$ 5,000.00	\$ 10,000.00	\$ 95,000.00
Monitoring of construction	\$ 80,000.00	\$ 120,000.00	\$ 10,000.00	\$ 15,000.00	\$ 80,000.00	\$ 50,000.00	\$ 200,000.00	\$ 555,000.00
Subsidiary items	\$ 1,000.00	\$ 7,500.00	\$ 2,500.00	\$ 2,500.00	\$ 7,500.00	\$ 7,500.00	\$ 25,000.00	\$ 65,000.00
Sub total	\$ 8,078,900.00	\$ 11,995,000.00	\$ 1,722,500.00	\$ 1,773,000.00	\$ 12,270,700.00	\$ 4,333,400.00	\$ 14,024,800.00	\$ 54,058,900.00
Plus 14% VAT	\$ 1,131,046.00	\$ 1,673,770.00	\$ 241,150.00	\$ 248,232.00	\$ 1,717,998.00	\$ 1,587,376.00	\$ 1,963,472.00	\$ 7,562,844.60
<b>TOTAL PROJECT COST (INCLUDING LAND COST)</b>	<b>\$ 9,209,946.00</b>	<b>\$ 13,668,770.00</b>	<b>\$ 1,963,650.00</b>	<b>\$ 2,021,232.00</b>	<b>\$ 13,988,698.00</b>	<b>\$ 4,790,476.00</b>	<b>\$ 15,988,272.00</b>	<b>\$ 61,581,534.60</b>
Proposed funding (including 14% VAT)								
Municipality	\$0.00	\$0.00	\$0.00	\$464,264.52	\$2,792,719.40	\$954,095.20		\$ 4,251,079.12
PCWC	\$0.00	\$0.00	\$0.00	\$1,617,058.08	\$11,190,878.40	\$3,324,380.80		\$ 16,132,317.28
Developer (Development Contributions)	\$11,752,187.00	\$1,292,187.00	\$1,961,650.00	\$2,021,232.40	\$13,988,598.00	\$4,790,476.00	\$3,871,375.30	\$ 77,475,749.30
Developer (own account)	\$11,282,187.00	\$11,292,187.00	\$1,961,650.00	\$2,021,232.40	\$13,988,598.00	\$4,790,476.00	\$3,871,375.30	\$ 69,229,795.00
<b>TOTAL FUNDING</b>	<b>\$22,034,374.00</b>	<b>\$12,584,374.00</b>	<b>\$3,923,250.00</b>	<b>\$4,042,524.80</b>	<b>\$27,971,396.40</b>	<b>\$8,884,952.00</b>	<b>\$7,742,750.30</b>	<b>\$ 81,384,249.40</b>
Shortfall 1/3/Verplem on road costs				\$0.00	\$0.00	\$0.00	-\$6,296,896.70	\$ 0.00
Land required for road purposes (m <sup>2</sup> )	3,293.00	0.00	0.00	0.00	52.90	0.00	2,895.00	6,132.90
Land cost/m <sup>2</sup>	\$2,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,000.00	\$17,600,000.00
<b>LAND COST</b>	<b>\$6,586,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$11,600,000.00</b>	<b>\$17,600,000.00</b>

NOTE 1: The DC's for 1 and 2 are the total provisional payable for the Woodmill project - \$ 12,584,374.00  
 NOTE 2: The DC's for lot 7545, 7548 and 7552 are the total provisionally payable - \$ 8,676,647.00 - see intersection no 7  
 NOTE 3: Land costs are not included. The areas shown that are required for road purposes are approximated  
 NOTE 4: The June 2015 rates have been included by 6%  
 NOTE 5: The land returned for road purposes at lot 2 equals the area of road that can be recycled



# An Urban Design Framework for the Remgro Precinct, Lower Dorp Street, Stellenbosch

10 June 2013

Prepared for:

TV3

Architects and Town Planners

Prepared by:

Piet Louw and Dave Dewar in Association • Architects • Urban Designers • City Planners

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1. The Site
2. The Brief
3. Constraints and Informants
4. The Concept
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c) Special Features

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Figure 13: Proposed Cross-Section through Lower Dorp Street

Appendix A: Measured Drawing Survey of Lower Dorp Street: Plan

Appendix B: Measured Drawing Survey of Lower Dorp Street: Cross-Sections

## 1. The Site

The site is located in the north-west of Stellenbosch, immediately to the west of the historic core. It is a fairly 'boxed' land parcel, being flanked in the north by Lower Dorp Street, in the north-west by the barrier of R310 and to the south by the Eerste River (figures 1 and 2). At present, the site is fairly loosely developed, primarily in the form of office complexes, with the focal point being the Rupert Museum. The cadastral layout and ownership pattern within the precinct is shown in figure 3. Figure 4 is an accurate survey of the site, including vegetation, while figure 5 provides a photographic representation of some elements and characteristics of the site including the Dorp Street interface.

## 2. The Brief

The brief calls for an urban design concept which unlocks the potential of the site, while enhancing the spatial quality, and thus the dignity, of the precinct as a totality. The existing museum requires respect and should be celebrated, as well as being integrated with the proposed development and its surroundings.

## 3. Constraints and Informants

Layers of constraints and informants are shown in figure 6. Shown here are the blue-green structure, including the flood plains, elements of heritage significance, dominant utility infrastructure and the dominant movement network. Relevant features that contribute to the composite design constraints and informants map are shown in figure 7. These include the dominant movement network, the existing vineyards, the Eerste River, the museum, vegetation of stature and footprints of existing buildings. Two points about this require emphasis.

The first is that the character of this section of Dorp Street is very different from the historically significant section of the street to the east. In the older part, the street is the primary structuring element: it is a linear space which is defined and given scale by the abutting buildings on both sides. By contrast, the spatial quality and scale of Lower Dorp Street is more that of a road than a street. The emphasis in its design is mobility, not spatial quality. As a consequence, the role of the route as a structuring element is much less significant.

The second point is that about half of the museum falls within the 1: 50 year flood plain. However, the threat of flooding has been alleviated by plat-forming the site. It is felt that a similar device could be used on the land east of it to enable some 'tread-lightly' development.

The constraints and informants map is then interpreted to identify a number of zones of different development potential (figure 8):

'no-go' areas in which no development should be allowed; 'tread-lightly' areas, where some development can occur but in a low impact way; and 'possible development zones' where more intensive activity can be considered. Also shown here is a zone which falls outside the ownership precinct, where intensification could occur and an extended functional precinct, which falls outside of the ownership precinct but which must be taken into account in developing the concept.

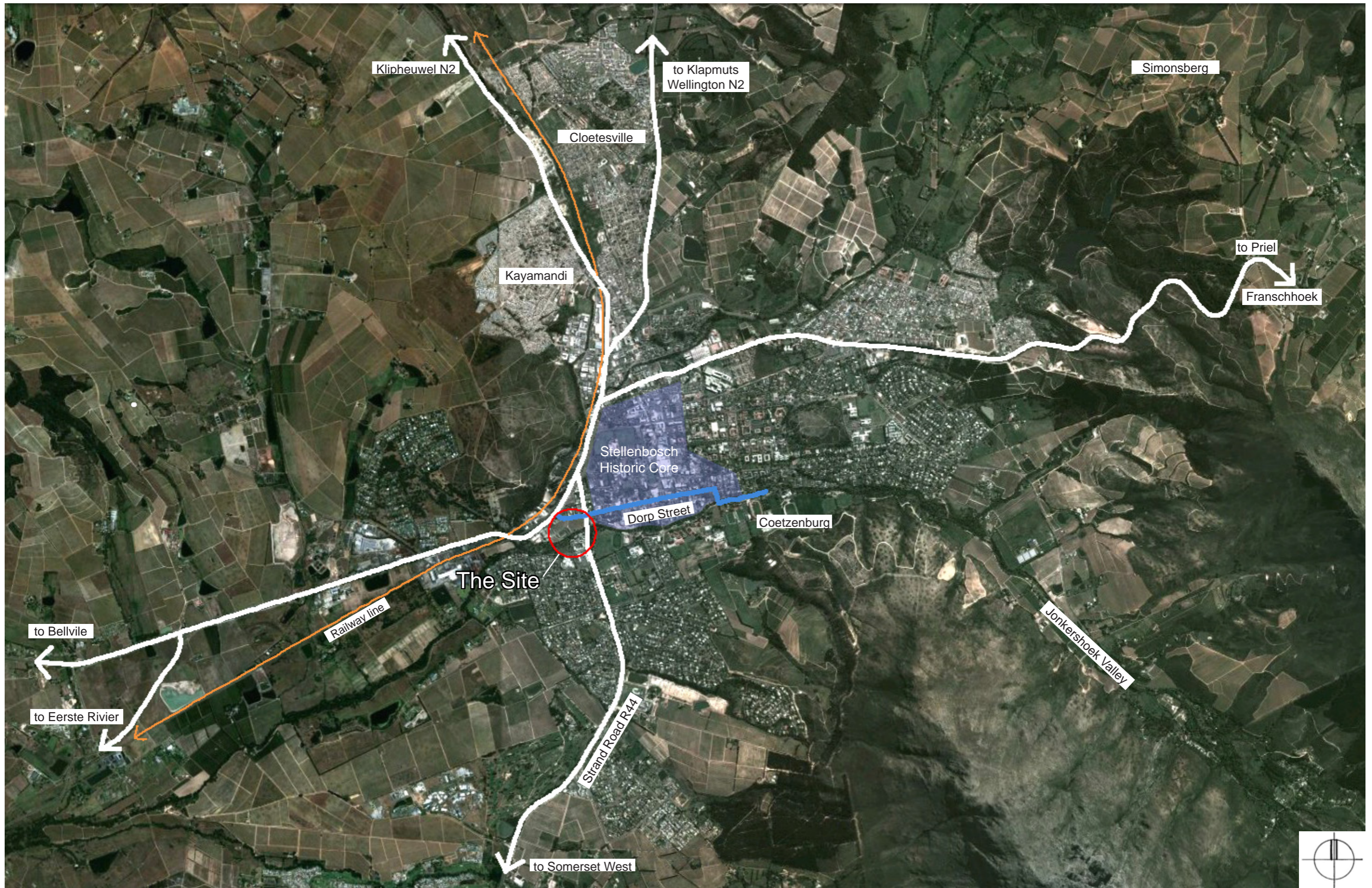


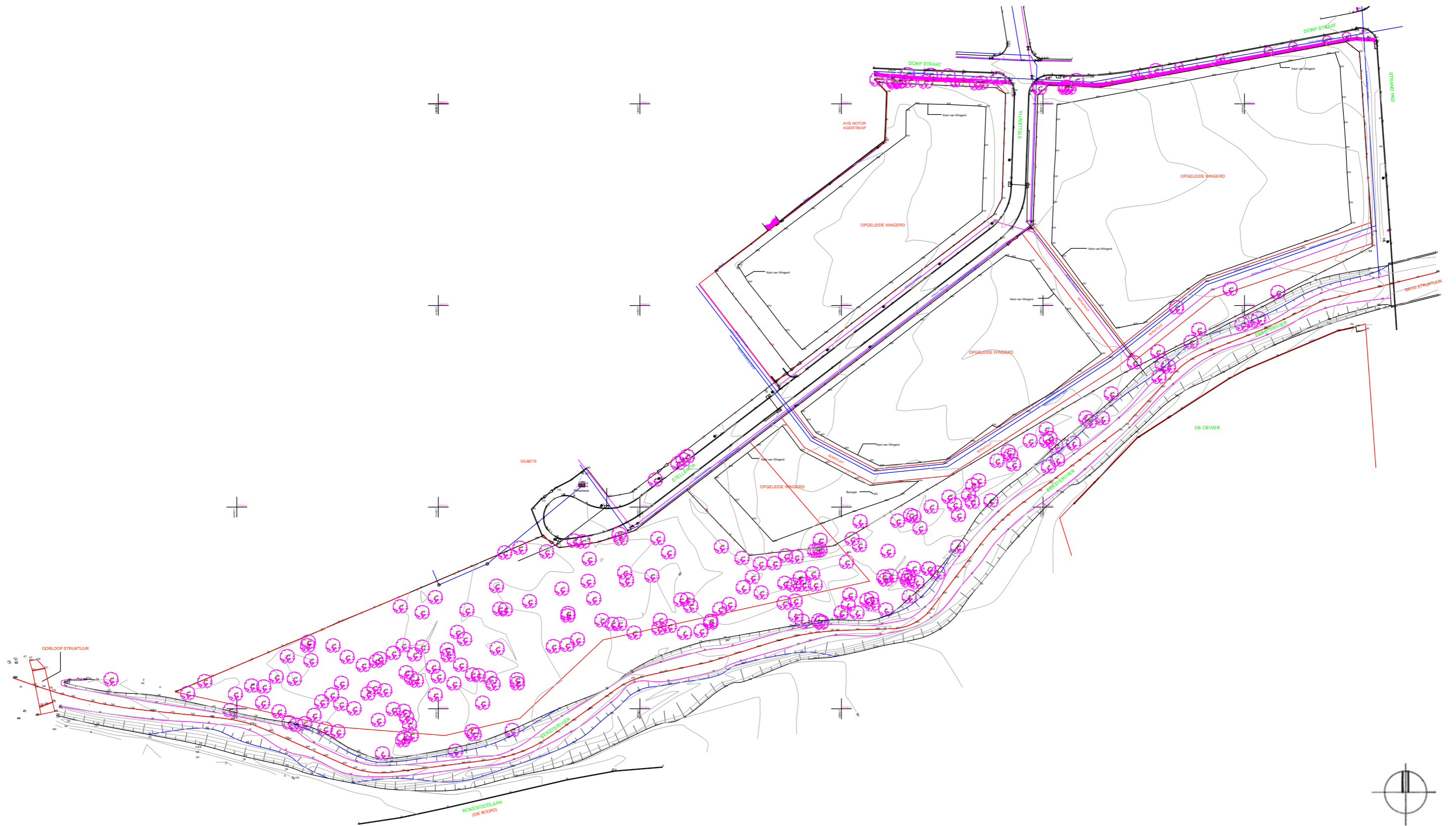
Figure 1: Location in the Stellenbosch Context



Figure 2: The Precinct and Environs









View along Lower Dorp Street looking west with the existing vineyard to the left



View along Lower Dorp Street looking west



View of access route from the north to the Existing Rupert Museum



View of Lower Dorp Street and Staedler Street



Figure 6a: Dominant Green and Blue Structure



Figure 6b: Significant Heritage Elements



Figure 6c: Dominant Utility Infrastructure



Figure 6d: Dominant Movement Network

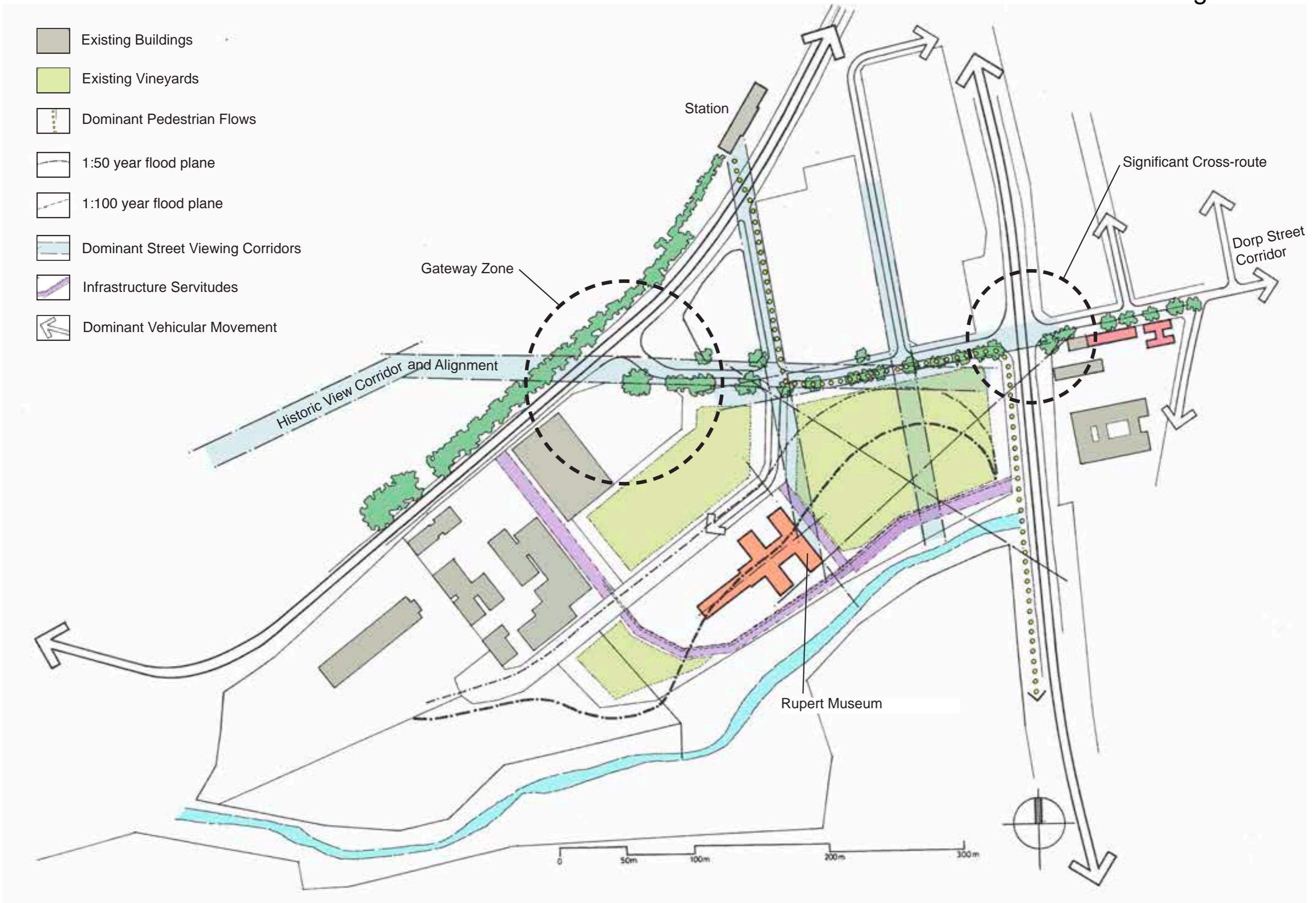


Figure 7: Composite Design Constraints and Informants

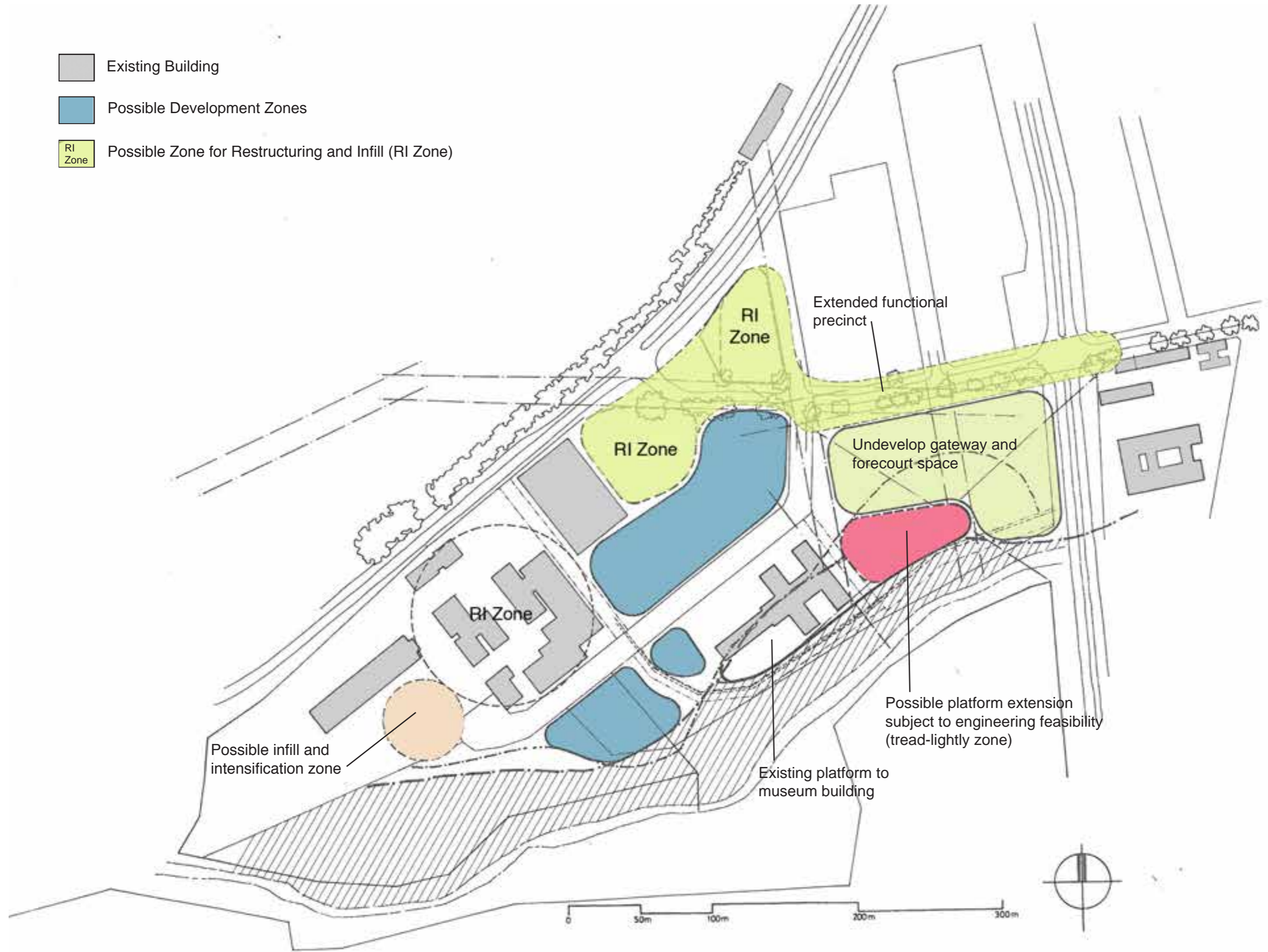


Figure 8: Interpretation of Development Potential

#### 4. The Concept

A possible larger scale integrating concept is shown in figure 9. In essence, new buildings are inserted to create an hierarchical 'family' of public and common spaces: from east to west these are the notion of a station square in the form of a forecourt flanked by buildings on three sides; the Dorp Street gateway space; the vineyard gateway space, the museum forecourt space, which is connected by a treed avenue leading to a possible river park. The intention is to link the precinct and its internal spaces to the station by a walkway which capitalizes on already significant pedestrian flows through the area. This system integrates with a municipal system of non-motorized transport (NMT) routes which are already being planned, particularly along Dorp Street and along the river.

Figure 10 shows the proposed vehicular movement and NMT network. A system of access and egress slipways off the R310 creates permeability and takes pressure off the Dorp Street intersection. On-site, the primary walkway passes through two arcades with potential for small-scale shops. It is essential that walking should be made as pleasant and as safe as possible through planting for shade, lighting and pavement surfacing. It is also essential, for safety reasons, that the walkways are 'surveilled'. This opens up the possibility of lining the main walkway with one-sided mixed-use development, with commercial activity on the ground floor with living above. This form of development should also be used to define and make the station square.

The urban design concept for the site itself is shown in figure 11.

- The existing vineyard, which carries with it considerable symbolism as a gateway site, given the role of Stellenbosch in the Winelands, is retained, to create an agricultural edge to the precinct in the south and east. The south-eastern edge of the existing vineyard is the site for a 'tread-lightly' architectural intervention (glass and steel) on stilts as an elegant modern flat-roofed background building overlooking the vineyard and with views of the mountains. The roof silhouette of this building should promote the idea of horizontality, as reflected in the tops of the rows of vines.
- Four new buildings are inserted to create an impressive large forecourt space announcing and celebrating the museum. The corner of the northern building is cut-back to define a splay which, in conjunction with the building across the street from it, creates a gateway space announcing entry into the Dorp Street precinct.
- To the west of the existing office complex are opportunities for up-market, residential pavilions on large plots.

Alternatively, this development could take the form of two-storey terrace or row housing.

- The extreme west of the site, adjacent to the river, is transformed into a small park serving residents, office workers and the public at large.

There is thus a defined density gradient from east to west.

Figure 12 shows the primary urban design directives. These relate to build-to lines, height, special features and pedestrian priority zones. It is essential, in terms of the quality of the scheme as a whole, that these be respected.

An important part of the scheme is improving the quality of Lower Dorp Street. Appendix A is a measured survey of this section of Dorp Street and Appendix B shows a number of cross-sections through it. Figure 13 is a proposed cross-section showing how this could, and should, be reconfigured as a treed avenue accommodating NMT requirements and vehicular traffic.

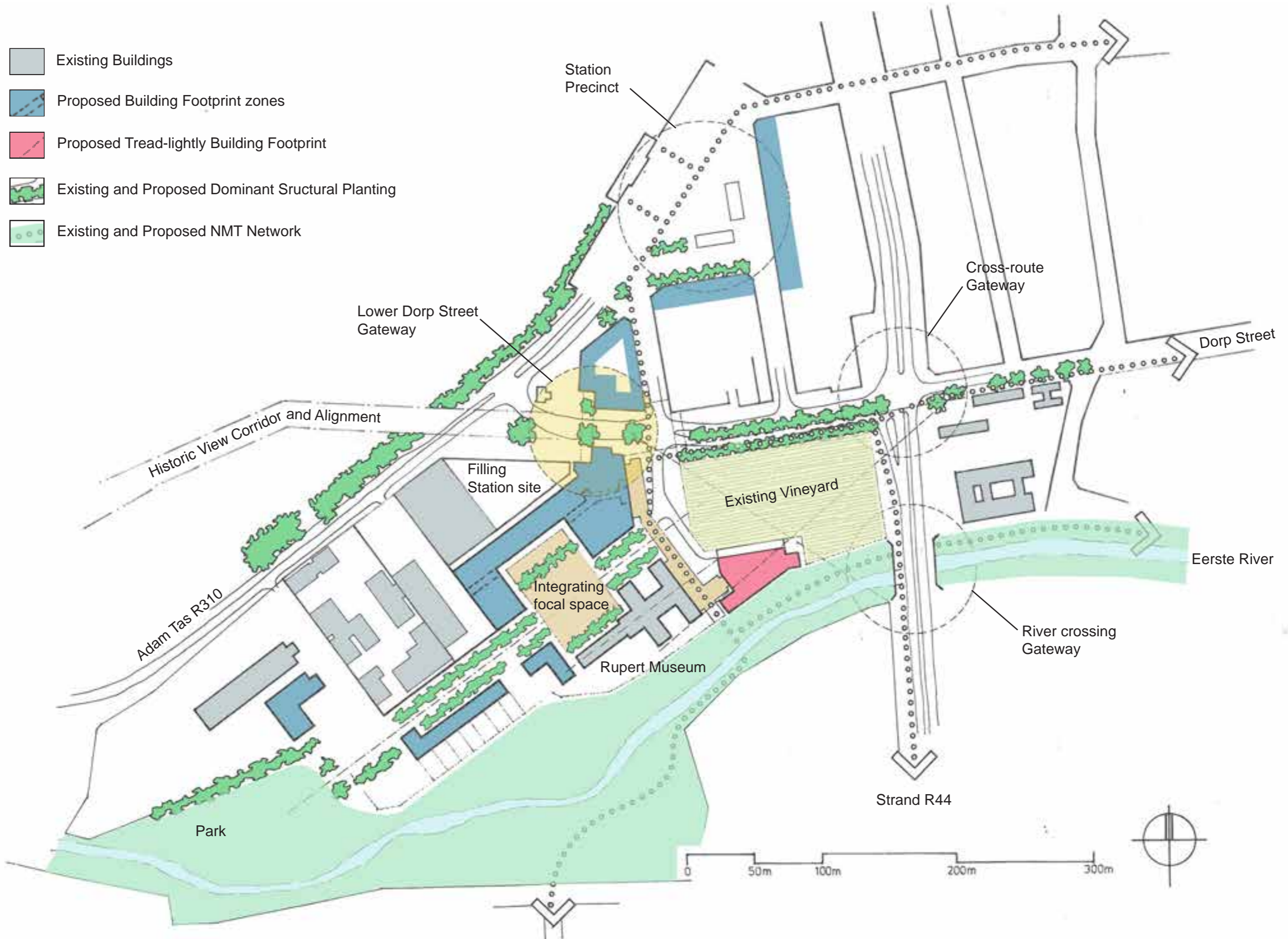


Figure 9: A Possible Larger-Scale Integrating Design Concept

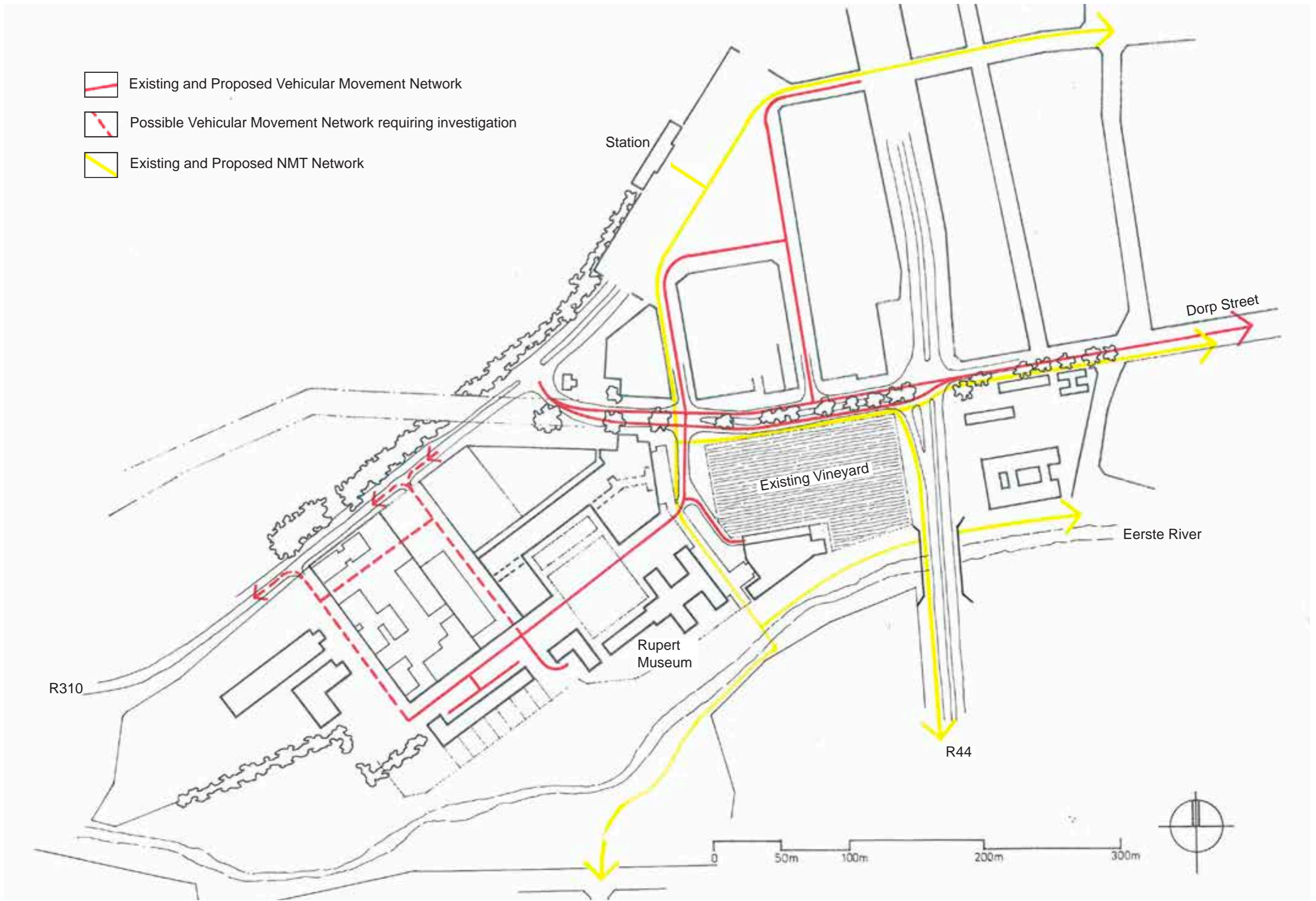


Figure 10: A Possible Movement Concept for the Precinct



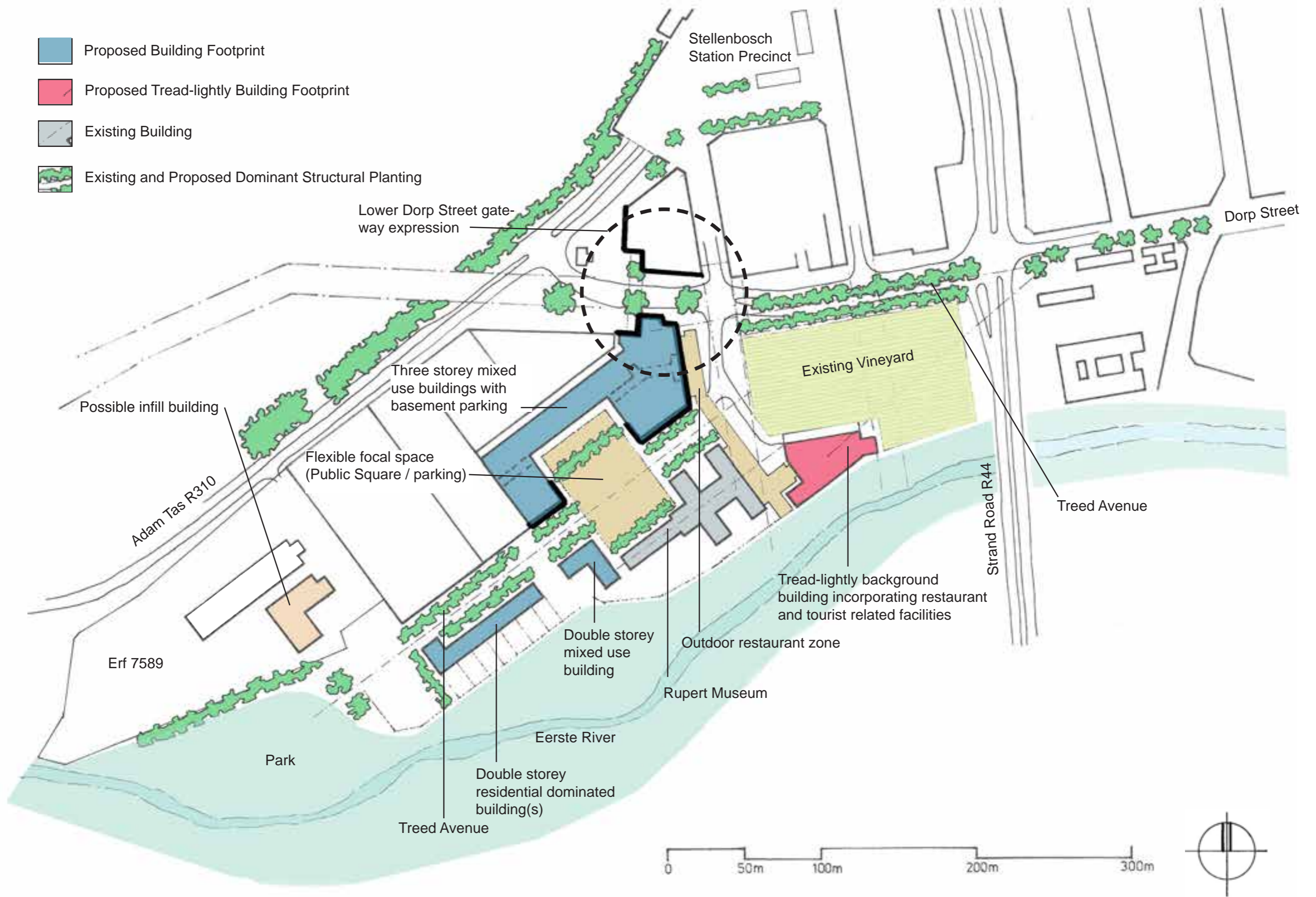


Figure 11: Urban Design Concept

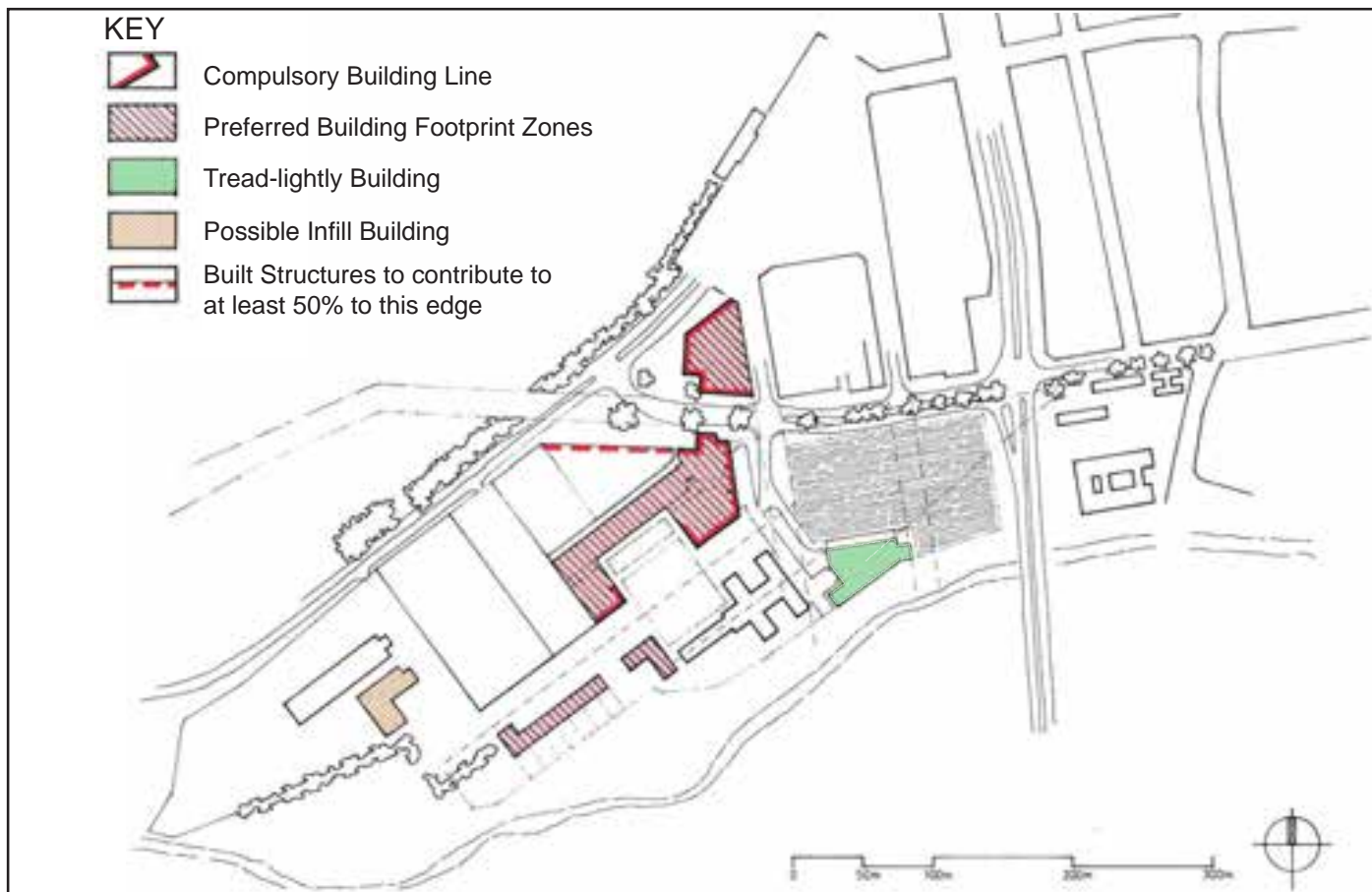


Figure 12a: Build-to lines



Figure 12b: Height

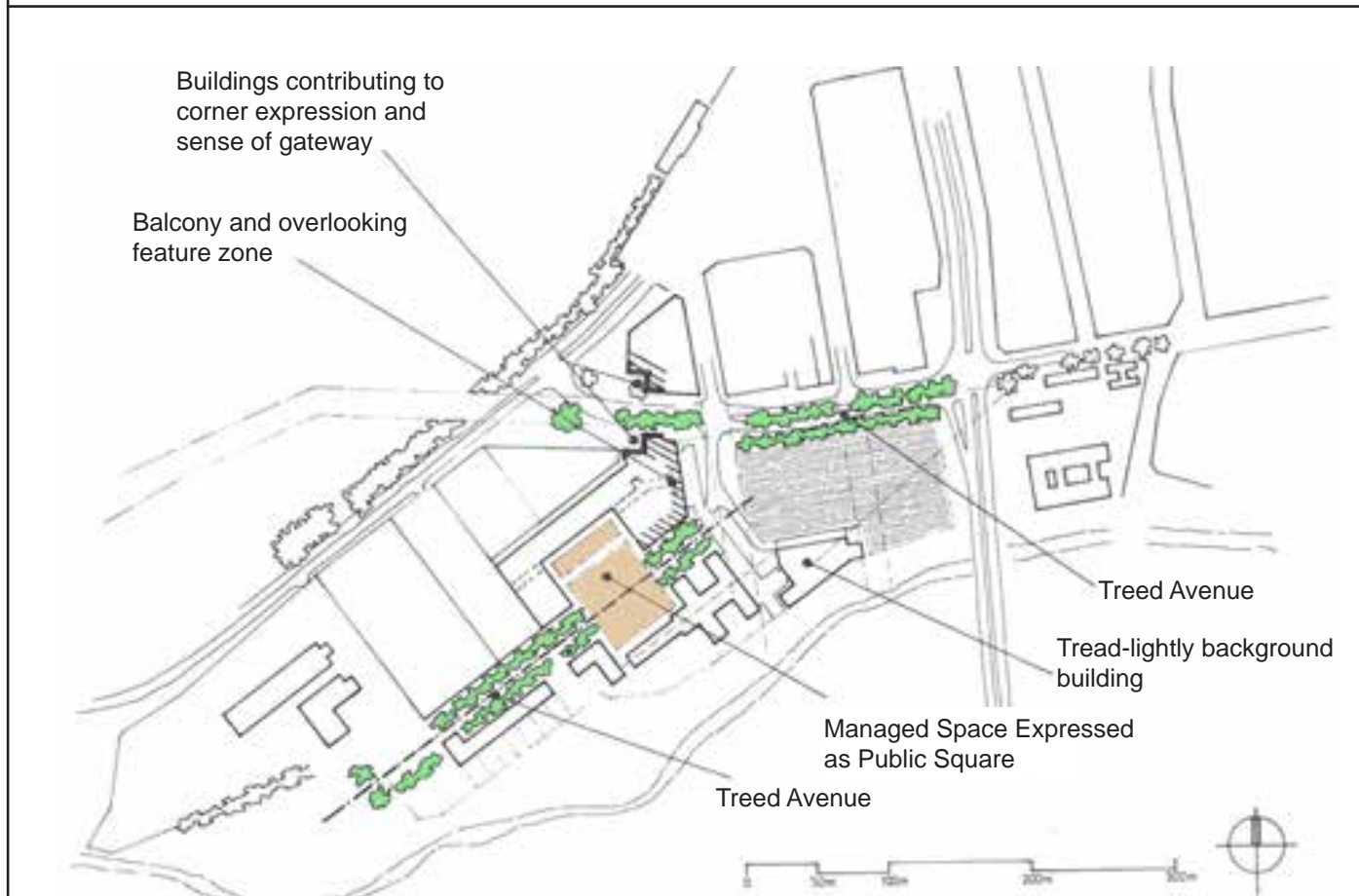
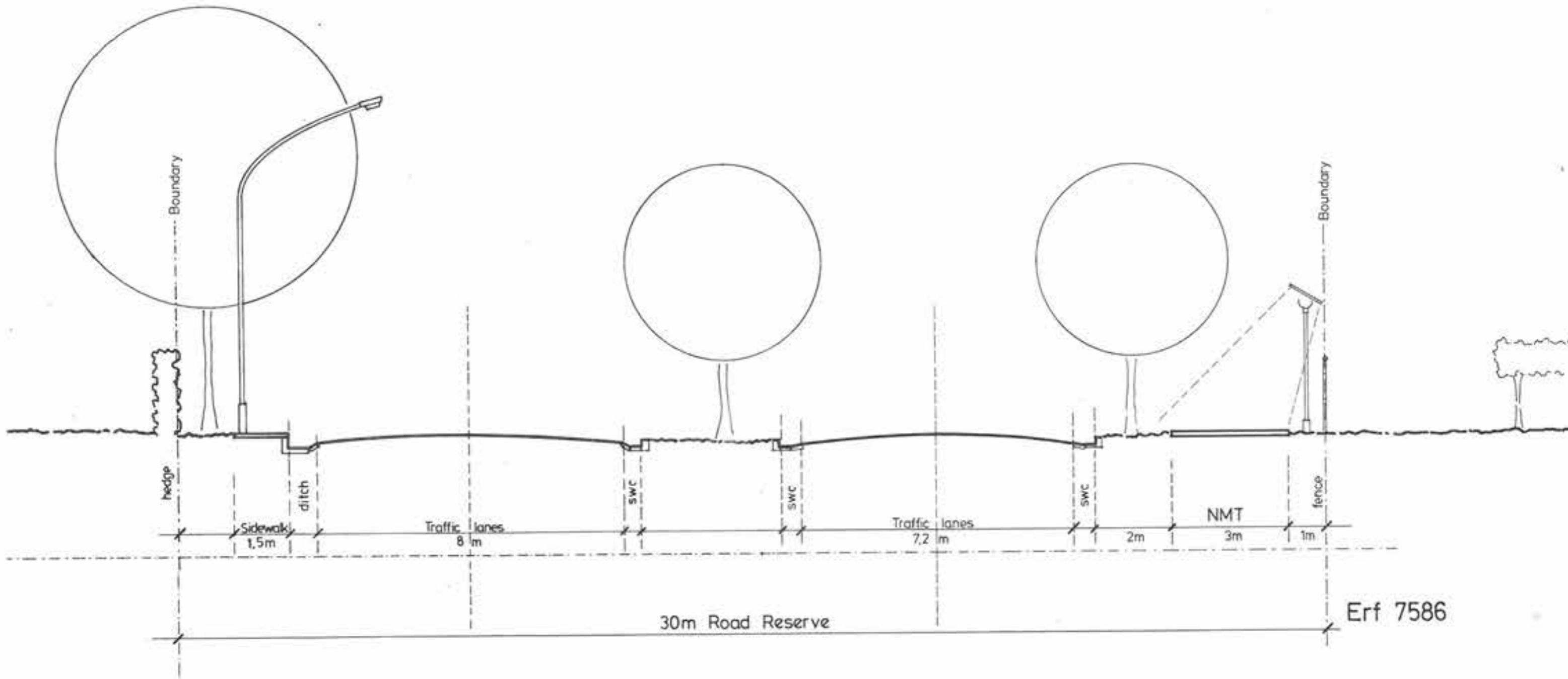


Figure 12c: Special Features



Figure 12d: Pedestrian Priority Zones with NMT Alignments



### Proposed Cross-Section through Lower Dorp Street

Scale 1:100

## 5. Some Longer-term Considerations

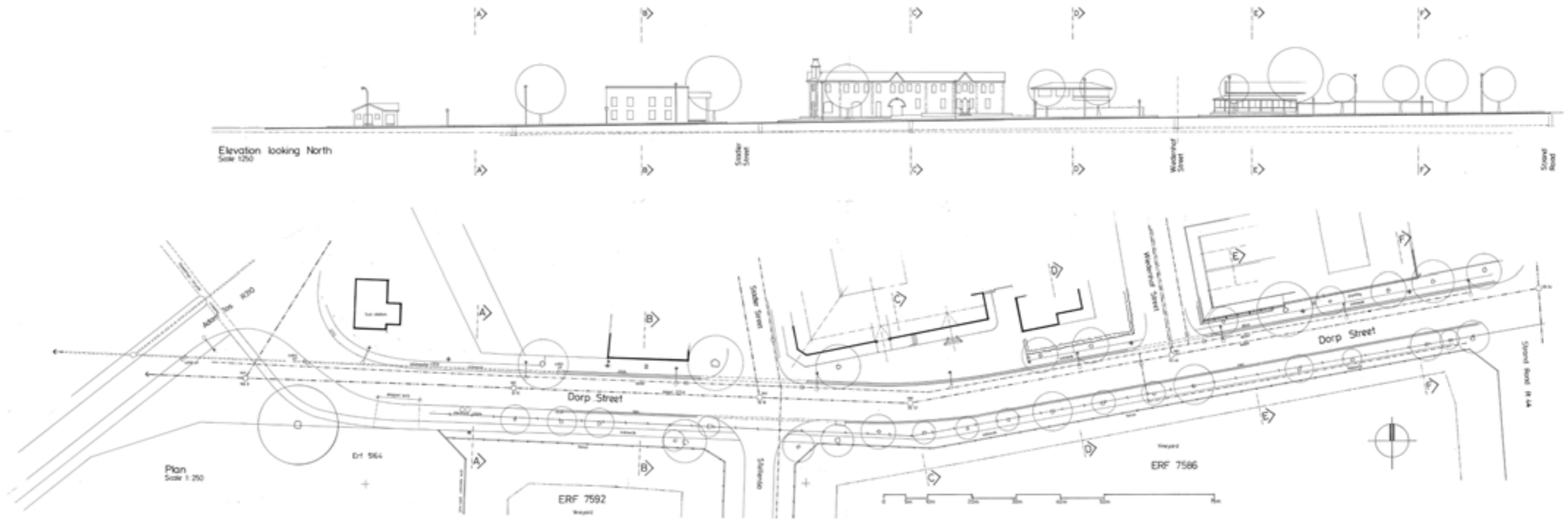
There is currently some discussion within the municipality of linking the N1 with the N2 further to the west of Stellenbosch. This is a good idea in terms of impacts on the town since it would reduce through-traffic. If this occurs, serious consideration should be given to downgrading that section of the R310 which passes through the town, transforming it from a mobility route to an intra-urban street.

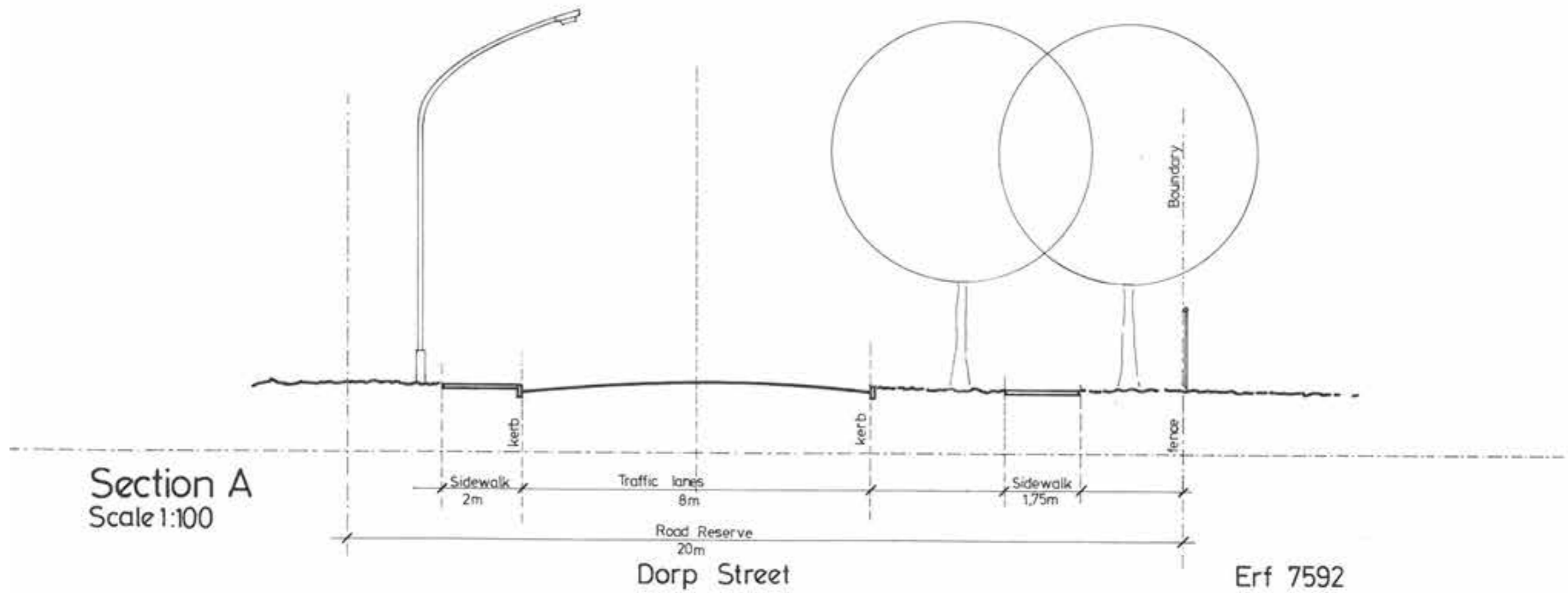
## 6. Conclusion

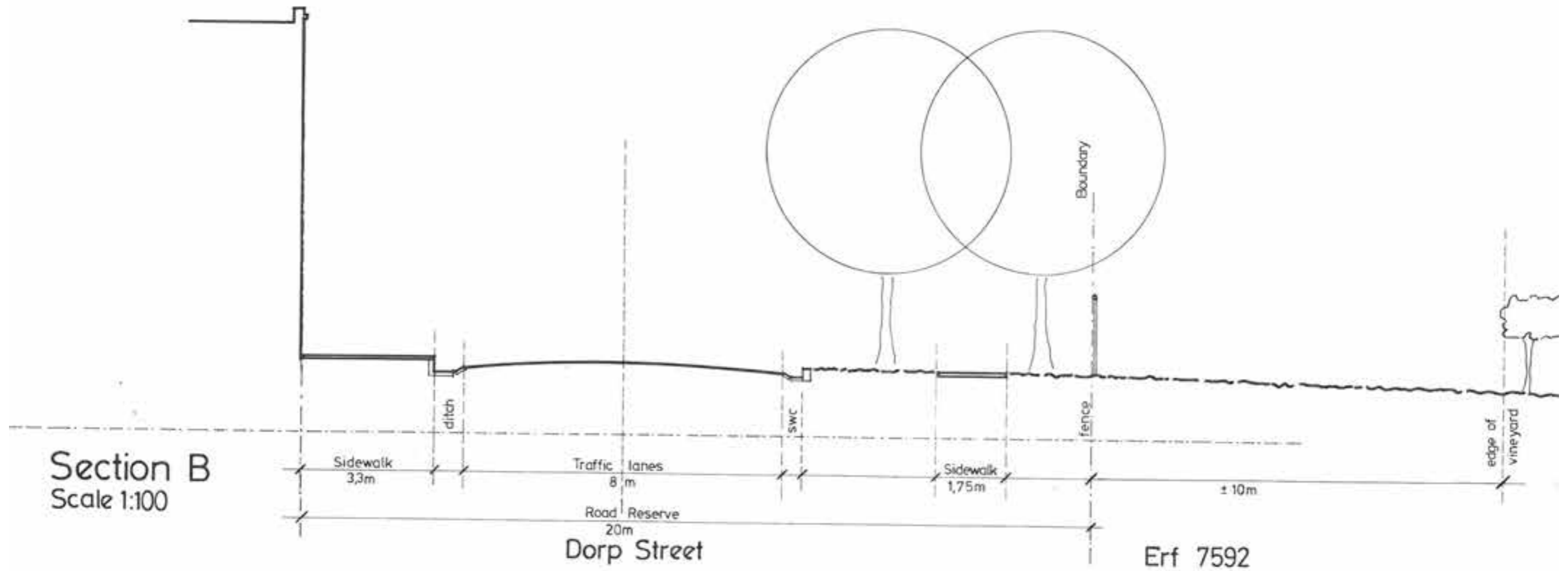
Apart from responding to the requirements of the brief, the overarching intent of the proposed development is to achieve qualities of 'capeness' and 'ruralness' in this unique and special context. Copying the historical pastiche in the architectural, built form and landscape expression is not promoted. Rather, the development and design principles contained in the guidelines for the historical core should be pursued, in conjunction with the urban design indicators. A sensitively handled and appropriately scaled modernist and contemporary approach to design is promoted.

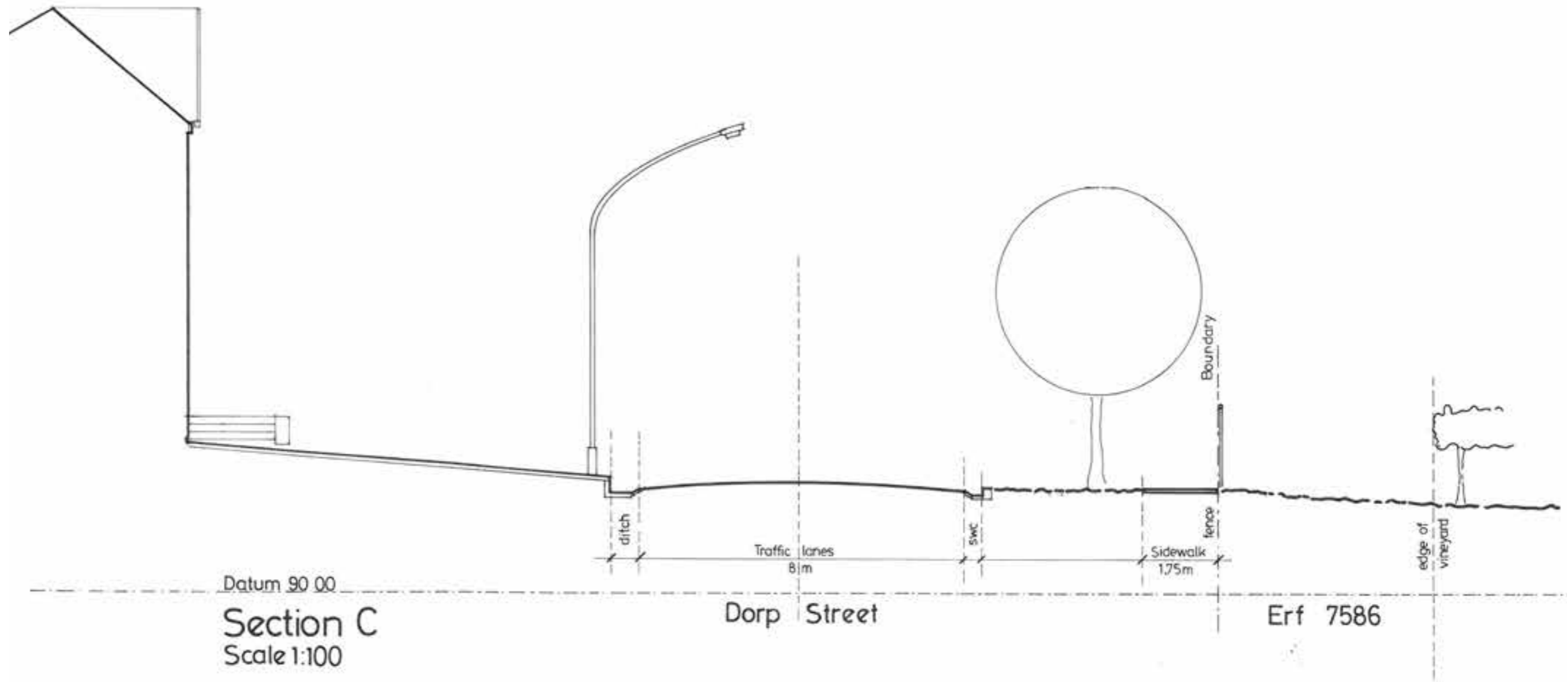
It is further recommended that:

- the proposal outlined in this document be considered and approved;
- a follow-up integrating and detailed urban design layout for the public and common domains within the scope of the project be undertaken in conjunction with consultants responsible for town planning, heritage, transportation, landscape treatment, architecture and civil engineering, prior to the finalization of a site development plan. This task should include liaison with the Municipality;
- the Municipality considers the content of this proposal in the context of larger scale transportation aspects and, as a way forward, to resolve conflicts within the overall movement network of the town and the sub-region;
- the Municipality undertakes an urban design study to clarify the current and future role and nature of the station precinct and to explore its potential as a place of public significance;
- the Municipality undertakes a detailed urban design layout for the precinct at the junction of lower Dorp Street and the R310 with particular emphasis on heritage, transportation, landscape treatment and urban design considerations.

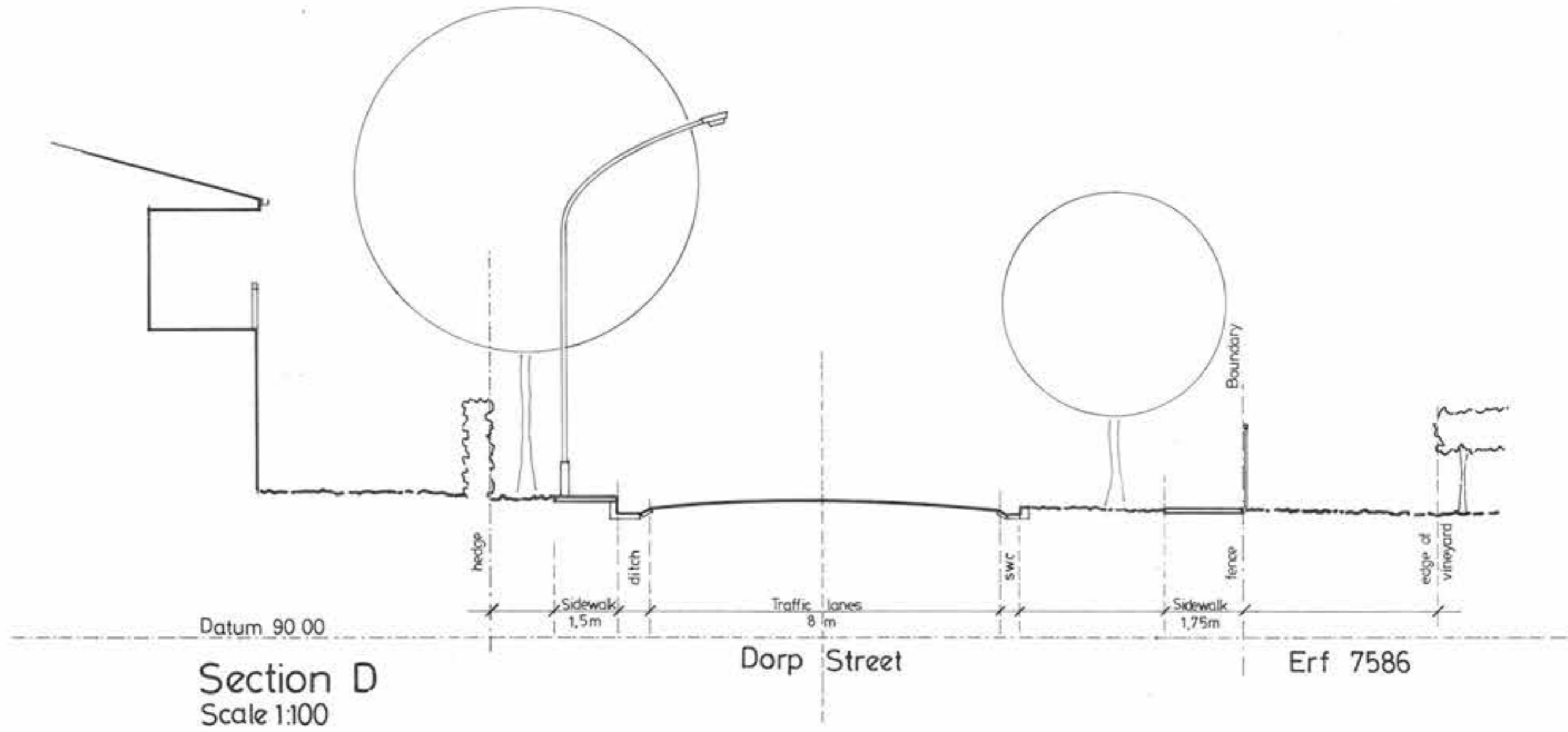


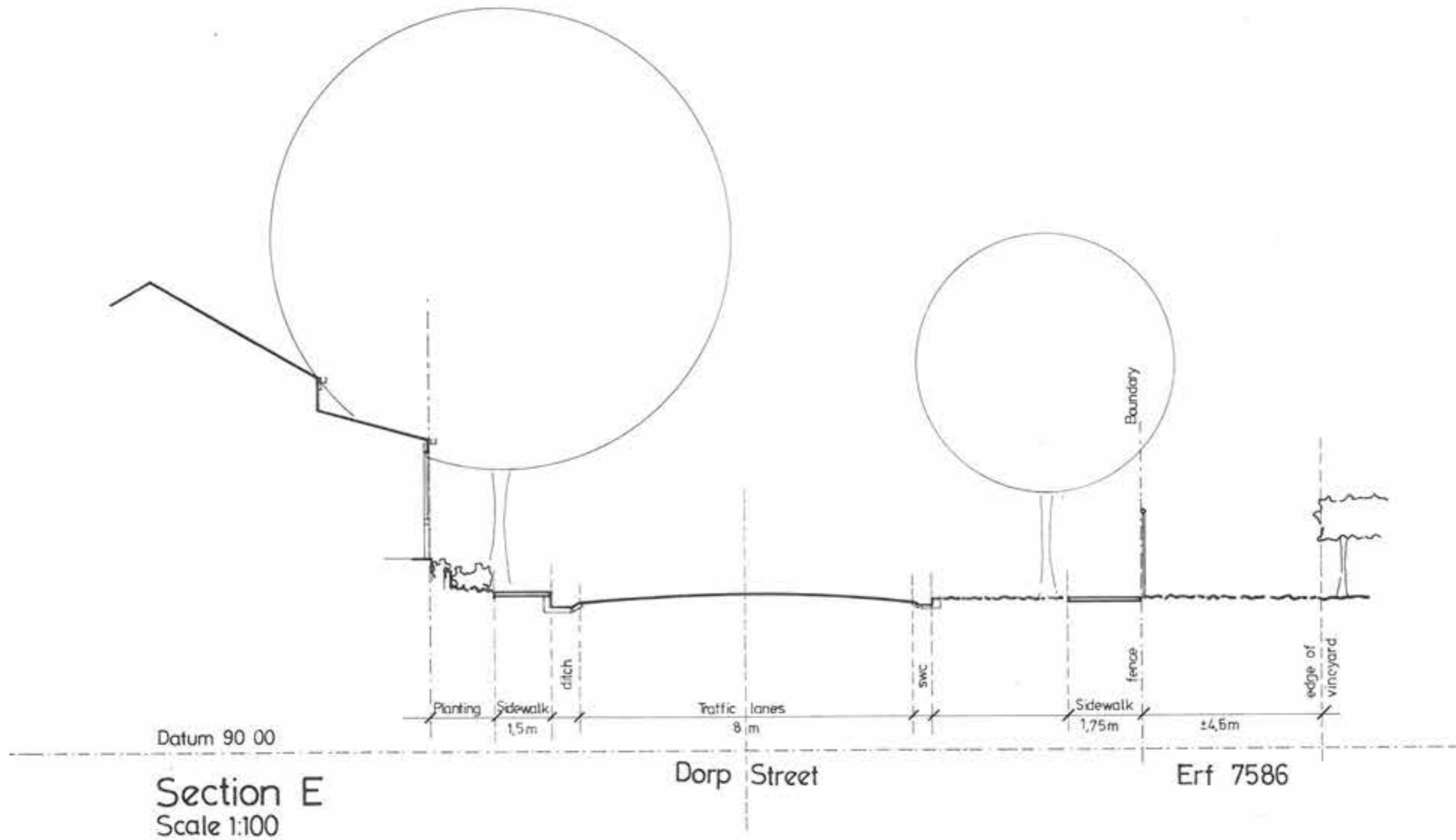


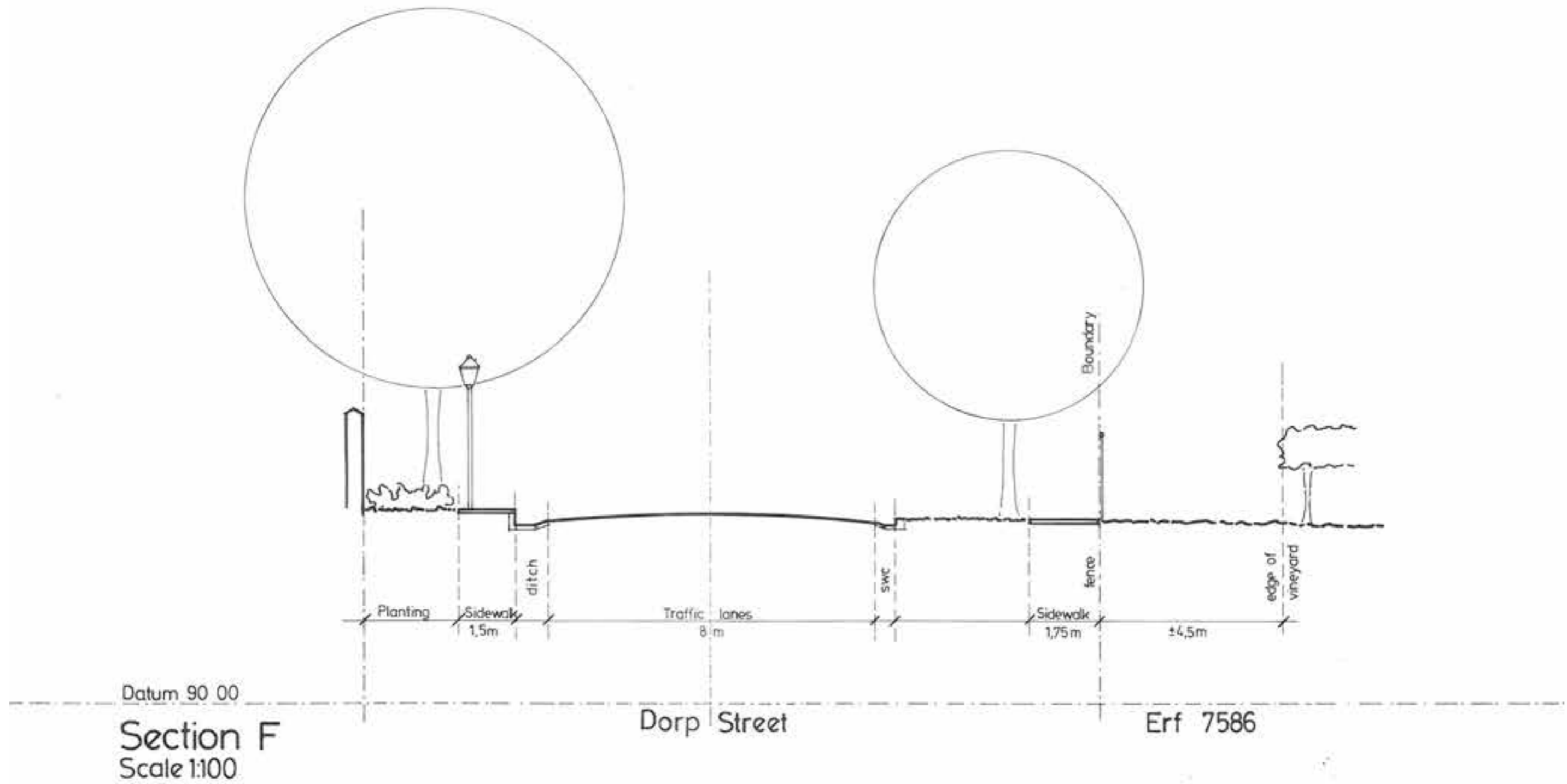












7.3.4	<b>APPLICATION FOR THE DEVIATION FROM THE PROVISIONS OF THE BY-LAW RELATING TO THE CONTROL OF BOUNDARY WALLS AND FENCES ON ERF 1202, STELLENBOSCH</b>
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## 1. PURPOSE OF REPORT

To enable Council to make an informed decision on the waiver from the By-Law Relating to the Control of Boundary Walls and Fences. The application is **recommended for approval**.

## 2. BACKGROUND

*This item served before the Mayoral Committee meeting held on 11 October 2017 and was referred back for the **Manager: Spatial Planning, Heritage and Environment** to provide additional comment. See **APPENDIX 9** for the additional comment.*

## 3. DISCUSSION

### 3.1 Application for consideration

Application is made in terms of Clause 13 of the bylaw relating to the control of boundary walls and fences (Provincial Gazette 6671, 30 October 2009) to enable the owner to construct a 2,4m high solid wall on the rear boundary of Erf 1202, Stellenbosch. See **APPENDIX 3** for site plan.

### 3.2 Property Information

<b>Erf number</b>	1202
<b>Location</b>	16 Helderberg Street <b>APPENDIX 1</b>
<b>Zoning/Zoning Scheme</b>	General Residential / Stellenbosch Municipality Zoning Scheme Regulations, July 1996
<b>Property size</b>	638m <sup>2</sup>
<b>Owner</b>	Elsbeth Verhoeven
<b>Applicant</b>	Rodney Dirkse

### 3.3 Site Description and immediate environs

The subject property is located in Helderberg Street which connects Dorp Street and Noordwal Street. The subject property is surrounded by high density development consisting of a mixture of retail and residential development and is situated within the historical core of Stellenbosch (see **APPENDIX 1**).

### 3.4 Legal requirements

Applicable laws and ordinances:

- By-Law relating to the control of Boundary Walls and Fences (Provincial Gazette 6671, 30 October 2009). See **APPENDIX 4** for extract from By-law.

### 3.5 Public participation

Registered letters were served on the surrounding property owners and the Ward Councillor (Cllr Q Smit). The owner of Erf 13606 commented on the proposal by indicating that the new boundary wall must be the same style and painted as the current wall between Erf 1205 and Erf 13606 (a condition will be imposed in this

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regard). No objections had been received and all the relevant internal departments supported the application.

### 3.6 Comments from internal and external departments

The **Manager: Building Management** supports the proposal (see **APPENDIX 5**).

The **Manager: Spatial Planning, Heritage and Environment** supports the proposal (see **APPENDIX 6**).

The **Director: Engineering Services** supports the proposal (see **APPENDIX 7**).

### 3.7 Planning Assessment

The owner of the subject property proposes to construct a 2,4m high solid wall on a portion of the rear boundary of the property.

Clause 5(b) of the bylaw states that the height of a boundary wall or fence on a residential zoned property may not exceed 2,1m in height except where the screening of backyards or swimming pools are concerned, in which case the height may at the discretion of Council be increased to 2,5m (see **APPENDIX 4** for an extract of the bylaw).

A visit to the site revealed that the subject property is sited lower than Erf 13606, Stellenbosch and the current fence is overgrown with shrubs (see **APPENDIX 8** for photos). The parking area of the adjacent property is facing onto the application property and the proposed wall will definitely enhance the existing situation with regards to safety and aesthetics and will also screen off the owner's private outdoor space from the adjacent property. The proposed wall will not infringe on the rights of the abutting property owners.

The property is situated in the historical core of Stellenbosch and the proposal was supported by the Manager: Spatial Planning, Heritage and Environment. The proposal will not have a negative impact on the streetscape as it will be located at the rear of the property and will not be visible to passing traffic.

Council may grant a waiver to any of the provisions of the bylaw if in Council's opinion the specific site topographical conditions are such that the granting of a waiver will not result in the construction of a wall or fence that will materially detract from the character of the area. The proposed boundary wall will aid in providing privacy to the residents of the subject property.

### 3.8 Conclusion

The main purpose of the boundary wall is to screen the backyard which is use for recreational area by the owner of the property, from the adjacent property. The backyard (private outdoor space) faces onto the neighbours parking area and the wall will provide privacy to the backyard area of the subject property. The proposed wall will have no impact on the abutting property owners. The proposal will also not have a negative impact on the streetscape as it is located at the rear of the property and will also not be visible to passing traffic.

Given the above discussion as well as the absence of any material impact, the proposal is considered to have planning merit and the deviation from the bylaw is therefore recommended for approval by the Directorate Planning and Economic Development.

**4. LEGAL IMPLICATIONS**

Council may grant a waiver to any of the provisions of this bylaw if in Council's opinion; the specific site topographical conditions are such that the granting of a waiver will not result in the erection of a wall or fence that will materially detract from the character of the area. In granting such a waiver, Council shall have due regard to the built form that may result if abutting neighbours request similar waivers as well as the impact such waiver may have on traffic safety (both pedestrian and vehicular).

**5. FINANCIAL IMPLICATIONS**

None required.

**APPENDICES**

- Appendix 1 : Conditions of approval
- Appendix 2 : Locality plan
- Appendix 3 : Site Plan/Site Development Plan
- Appendix 4 : Extract from bylaw
- Appendix 5 : Comment from the Manager: Building Management
- Appendix 6 : Comment from the Manager: Spatial Planning, Heritage and Environment
- Appendix 7 : Comment from the Director: Engineering Services
- Appendix 8 : Photos
- Appendix 9 : Additional comment from the Manager: Spatial Planning, Heritage and Environment as well as Manager: Land Use Management

**APPENDIX 1****FILE NO: 1202**

In this approval document:

"Council" means the Stellenbosch Municipality

"the owner" means the registered owner of the property.

"the site" means **ERF1202, STELLENBOSCH**

"scheme regulation" has the meaning assigned thereto by the Western Cape Land Use Planning Act (03 of 2014).

**EXTENT OF APPROVAL:**

Deviation in terms of Section 13 of the Bylaw Relating to the Control of Boundary Walls and Fences to enable the owner to construct a 2,4m high solid wall on the rear boundary of Erf 1202, Stellenbosch, as indicated on the attached Drawing No. CD101, dated April 2016, drawn by Innovative Designs Architectural Designers (See **APPENDIX 3**).

**MAYORAL COMMITTEE MEETING: 2017-11-15: ITEM 5.3.4****RECOMMENDED**

that approval be granted for the application to deviate from the By-law Relating to the Control of Boundary Walls and Fences to enable the owner to construct a 2,4m high solid wall on the rear boundary of Erf 1202, Stellenbosch, as indicated on the attached Drawing No. CD101, dated April 2016, drawn by Innovative Designs Architectural Designers (See **APPENDIX 3**), subject to the conditions contained in **APPENDIX 1**.

**CONDITIONS IMPOSED:**

1. The approval applies only to the application for the waiver from the subject by-law in question and shall not be construed as authority to depart from any other legal prescription or requirements from council;
2. Building plans must be submitted to this municipality for approval, prior to any building work commencing onsite;
3. The proposed wall must have the same finishes as the existing wall on the neighbouring property which is Erf 1205, Stellenbosch; and
4. This Municipality reserves the right to impose further conditions if deemed necessary.

<i>Meeting:</i>	<i>14<sup>th</sup> Council: 2017-11-29</i>	<i>Submitted by Directorate:</i>	<i>Planning &amp; Economic Development</i>
<i>Ref no:</i>	<i>1/2/1/2</i>	<i>Author</i>	<i>D Lombaard</i>
<i>Collab:</i>	<i>543005</i>	<i>Referred from:</i>	<i>Mayco: 2017-11-15</i>

# **APPENDIX 2**

**APPLICATION FOR THE DEVIATION FROM  
THE PROVISIONS OF THE BYLAW RELATING  
TO THE CONTROL OF BOUNDARY WALLS  
AND FENCES ON ERF 1202, STELLENBOSCH**

**LOCALITY PLAN**



# LOCALITY PLAN

## ERF 1202, STELLENBOSCH



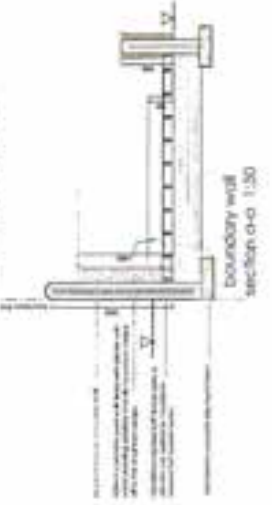
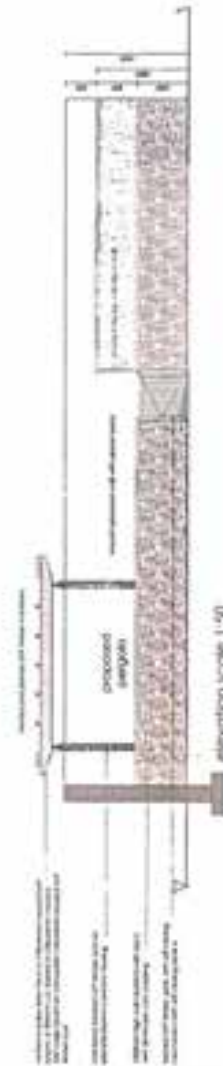
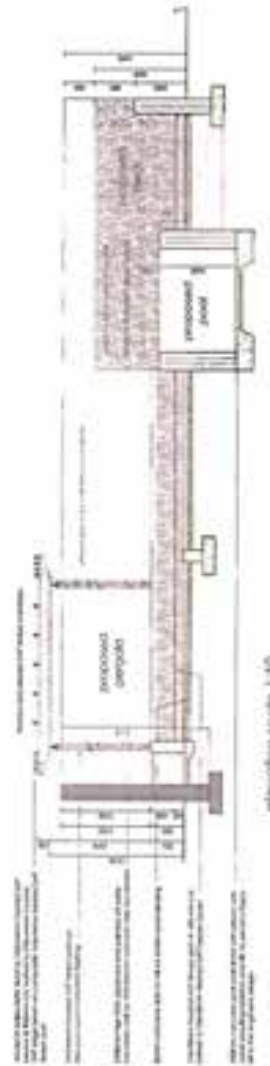
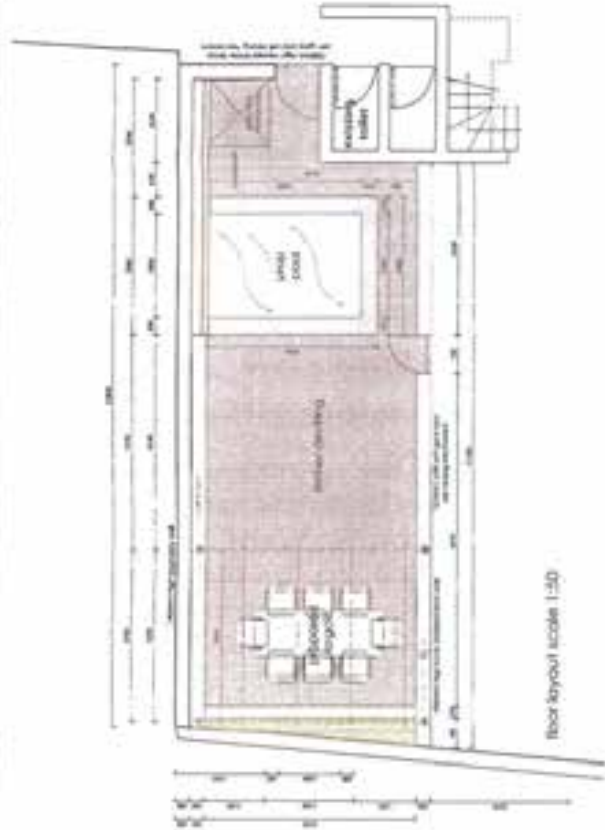
↳ SUBJECT PROPERTY

# **APPENDIX 3**

**APPLICATION FOR THE DEVIATION FROM  
THE PROVISIONS OF THE BYLAW RELATING  
TO THE CONTROL OF BOUNDARY WALLS  
AND FENCES ON ERF 1202, STELLENBOSCH**

**SITE DEVELOPMENT PLAN**

4-11 000 28



44/468  
E1202-3  
495019



GENERAL

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
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20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.

AREAS

- 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.
- 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
- 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
- 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
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- 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
- 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
- 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
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- 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
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- 12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
- 13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
- 14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
- 15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
- 16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
- 17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
- 18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
- 19. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
- 20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.

REVISIONS

NO.	DATE	DESCRIPTION

PROJECT DETAILS

CLIENT: [Name]  
 PROJECT: [Name]  
 ADDRESS: [Address]  
 CONTACT: [Phone/Email]

DESIGNER DETAILS

DESIGNER: [Name]  
 FIRM: [Name]  
 ADDRESS: [Address]  
 CONTACT: [Phone/Email]

NO.	DATE	DESCRIPTION

# **APPENDIX 4**

**APPLICATION FOR THE DEVIATION FROM  
THE PROVISIONS OF THE BYLAW RELATING  
TO THE CONTROL OF BOUNDARY WALLS  
AND FENCES ON ERF 1202, STELLENBOSCH**

**EXTRACT FROM BYLAW**

along the length of the wall, then its height at each end of the slope shall not exceed the permitted height and when the wall/fence is stepped, such stepping shall be in a series of even steps between piers (where necessary) which steps shall not materially deviate from the mean permitted height. The determination of what constitutes material deviation shall be at the discretion of Council provided that such deviation shall not be more than 10% of the permitted height.



5. For residential zoned properties the height of any wall or fence (including the entrance structure and columns) shall be regulated as follows:

- (a) on a street boundary: - 2.1m high, on condition that 50% of the height of the wall or fence, including gates on residential zoned properties must consist of open decorative work to create transparency. The solid construction shall not interfere with sight lines of vehicles entering or leaving the property, or passing traffic.
- (b) on a boundary other than a street boundary: - 2.1m high and shall comprise of materials as described in sections 9 below, except where the screening of backyards or swimming pools are concerned, in which case the height may at the discretion of Council increased to 2.5m.

6. For agricultural zoned properties, the height of walls may not exceed 1m and a fence comprising of only wire or steel palisade (painted colors preferred by council – preferably charcoal, black or dark green) may not exceed 2.1m. No brick piers shall be allowed in wire or steel palisade fences and only the entrance gate structure may be of solid brick structures which shall not be higher than 3.5m for a maximum distance of 10m on both sides of the entrance gate.

7. For all other zoned properties the height of any wall or fence may not exceed 3m. Notwithstanding this provision, Council may prescribe a boundary wall of a height of less than 3m if in Council's opinion the erection of such a wall may detract from the amenities of the area, or may in Council's opinion, be undesirable for any reason that Council may provide from time to time.

#### Piers and columns

8. Where piers or columns of brick, stone, concrete or similar materials are required by the Council to ensure stability, their size and spacing shall be in accordance with the requirements of Council and the National Building Regulations 0-400.

#### Materials of walls and fences

9. Walls and fences situated on erf boundaries shall be constructed of the following materials only—
- (a) face bricks with face-brick finishing; or

- \* 13. Council may grant a waiver to any of the provisions of this bylaw if in Council's opinion; the specific site topographical conditions are such that the granting of a waiver will not result in the erection of a wall or fence that will materially detract from the character of the area. In granting such a waiver, Council shall have due regard to the built form that may result if abutting neighbours request similar waivers as well as the impact such waiver may have on traffic safety (both pedestrian and vehicular).

#### Penalty

14. If any person—
- (1) erects any wall or fence without the prior permission of the Council or otherwise than in accordance with the plans approved by the Council, or
  - (2) erects any wall or fence which does not conform to the provisions contained in this by-law, or
  - (3) contravenes any conditions imposed by Council, such person shall be guilty of an offence as provided for in the Act and shall consequently be dealt with as per the provisions of the Act.

#### Compliance with other legislation

15. This by-law shall not be construed as authority to depart from any other legal prescriptions or requirements provided for in any other legislation.

#### Repealed By-laws

16. The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality, are hereby repealed as far as they relate to matters provided for in this By-law, and insofar as it has been made applicable to the municipality by the authorization for the execution of powers and functions in terms of section 84(3) of the Local Government: Municipal Structures Act, Act 117 of 1998.

#### Short title and commencement

17. This By-law is called the Stellenbosch Municipal By-law relating to the control of boundary walls and fences, and commences on the date of publication thereof in the Provincial Gazette.

# **APPENDIX 5**

**APPLICATION FOR THE DEVIATION FROM  
THE PROVISIONS OF THE BYLAW RELATING  
TO THE CONTROL OF BOUNDARY WALLS  
AND FENCES ON ERF 1202, STELLENBOSCH**

**COMMENT FROM THE MANAGER: BUILDING  
MANAGEMENT**

LêER VERW/ FILE REF	Erf 1202, Stellenbosch	DATUM DATE	2016-11-14
AANSOEKNOMMER/APPLICATION NUMBER	LU/4906		
<b>MEMO AAN/ TO :</b>			
Director : Engineering Services			
Manager : Electrical Department			
Manager : LED (Widmark Moses)			
Manager : Fire Services			
Director : Corporate Services			
Manager: Spatial Planning / Heritage / Environment / Signage			
Manager: Health Department (Winelands Health)			
> Manager: Building Development			
Manager : Property Management			
<b>Application</b>	Departure, Boundary Wall and Fences		
<b>Adres / Address</b>	16 Helderberg Street, Stellenbosch		
<b>Aansoek Datum Application Date</b>	26 October 2016		
<b>Aansoeker Applicant</b>	Rodney Dirkse		
<p>Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil opleë indien die aansoek goedgekeur word.</p> <p>Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.</p> <p>Geliewe die memorandum <u>per hand</u> aan my terug te besorg voor of op: <b>2016-12-14</b> Please <u>hand deliver</u> the memorandum to me on or before : <b>2016-12-14</b></p>			
S Newman			
For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT			
E 12025			
<b>ALGEMENE KOMMENTAAR / GENERAL COMMENT:</b>			
676081			
.....			
IN ORDER			
.....			
<b>VOORWAARDES/CONDITIONS :</b>			
.....			
DEVIATIONS FROM T/P SCHEME REGARDING B/WALLS IS GRANTED & WALL IS DESIGNED ACCORDING TO NBR. FOR FREE STANDING WALLS OF 2.4m			
.....			
pp: S. Valentijn		18.11.2016	
<b>HANDTEKENING / SIGNATURE</b>		<b>DATUM / DATE</b>	



# **APPENDIX 6**

**APPLICATION FOR THE DEVIATION FROM  
THE PROVISIONS OF THE BYLAW RELATING  
TO THE CONTROL OF BOUNDARY WALLS  
AND FENCES ON ERF 1202, STELLENBOSCH**

**COMMENT FROM THE MANAGER: SPATIAL  
PLANNING, HERITAGE & ENVIRONMENT**



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

*Spatial Planning, Heritage and Environment*

**To** : Head: Customer Interface & Administration

**From** : Manager: Spatial Planning, Heritage & Environment

**Date** : 13 December 2016

**Re** : Application for departure and deviation from bylaw: Erf  
1202, Stellenbosch

I refer to your request for comment on the above application.

This department has no objection to the application.

*pp. B de la Bat*

**B de la Bat**

**MANAGER: SPATIAL PLANNING, HERITAGE AND ENVIRONMENT**



E 1202S  
481759

# **APPENDIX 7**

**APPLICATION FOR THE DEVIATION FROM  
THE PROVISIONS OF THE BYLAW RELATING  
TO THE CONTROL OF BOUNDARY WALLS  
AND FENCES ON ERF 1202, STELLENBOSCH**

**COMMENT FROM THE DIRECTOR:  
ENGINEERING SERVICES**



# **APPENDIX 8**

**APPLICATION FOR THE DEVIATION FROM  
THE PROVISIONS OF THE BYLAW RELATING  
TO THE CONTROL OF BOUNDARY WALLS  
AND FENCES ON ERF 1202, STELLENBOSCH**

**PHOTOS**



→ SUBJECT PROPERTY



→ WALL ON BOUNDARY BETWEEN SUBJECT PROPERTY AND ERF 1190, STB



→ VEGETATION ON BOUNDARY BETWEEN  
SUBJECT PROPERTY AND EBF 13606



→ CARPETS ON ERF 13606, STB



→ VIEW FROM ERF 13606, STB





↳ PARKING AREA (ELF13606, STB)



↳ EXISTING WALL BETWEEN ELF 1205  
& ELF 13606, STB

# **APPENDIX 9**

**APPLICATION FOR THE DEVIATION FROM  
THE PROVISIONS OF THE BYLAW RELATING  
TO THE CONTROL OF BOUNDARY WALLS  
AND FENCES ON ERF 1202, STELLENBOSCH**

**ADDITIONAL COMMENT FROM THE  
MANAGER: SPATIAL PLANNING, HERITAGE  
AND ENVIRONMENT**



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Planning and Economic Development  
 Spatial Planning, Heritage and Environment

**MEMORANDUM**

**TO** : Head: Customer Interface & Administration  
**FROM** : Manager Spatial Planning, Heritage & Environment  
**DATE** : 2017-10-18  
**SUBJECT** : Application for departure and deviation from bylaw: Erf 1202, Stellenbosch  
**FILE RE** : Erf 1202, Stellenbosch

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I refer to your request for comment on the above application.

**Background:**

The abovementioned item that served before the Mayoral Committee Meeting, held on 11 October 2017, has reference.

The item was referred back for the Manager: Spatial Planning, Heritage and Environment to confirm the age of the wall that will be demolished and re-placed. The Manager must also comment on the heritage value of the wall and whether, or not a permit is required for the proposed demolition and construction.

**Comment**

The comment from the Manager : Spatial Planning, Heritage and Environment is as follows :

There must have been a misinterpretation of the application, as the boundary wall application is on Erf 1202 and not on Erf 1205, Stellenbosch. The wall referred to this department to determine the age and value of is not affected by the application as it is the wall situated on Erf 1205, Stellenbosch and will remain as is.

The proposal entails a new boundary wall to be constructed on the common boundary between Erf 1202 and Erf 13606, Stellenbosch and no wall will be demolished. Currently these properties are separated by a fence.

It is recommended that the proposed wall on Erf 1202, Stellenbosch have the same finishes as the existing wall on the neighbouring property which is Erf 1205, Stellenbosch.

This department has no objection to the application.

*K. MAKALI*  
 pp BJJ de la Bat

Manager: Spatial Planning, Heritage and Environment




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**To: THE MAYOR**

**From: MANAGER: LAND USE MANAGEMENT (H. Dednam)**

**Enquiries: TOWN PLANNER (L. Ollyn)**

**Date: 18 OCTOBER 2017**

**Re: APPLICATION FOR THE DEVIATION FROM THE PROVISIONS OF THE BY-LAW RELATING TO THE CONTROL OF BOUNDARY WALLS AND FENCES ON ERF 1202, STELLENBOSCH**

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The abovementioned item that served before the Mayoral Committee Meeting, held on 11 October 2017, has reference.

The item was referred back for the Manager: Spatial Planning, Heritage and Environment to confirm the age of the wall that will be demolished and re-placed. The Manager must also comment on the heritage value of the wall and whether, or not a permit is required for the proposed demolition and construction.

It is important to note that a new boundary wall will be constructed on the common boundary (between Erf 1202 and Erf 13606, Stellenbosch) and no wall will be demolished. A fence is currently located on this boundary.

The proposed wall will have the same finishes as the existing wall on a neighbouring property which is Erf 1205, Stellenbosch.

It is proposed that the recommendation as it was presented in item 5.3.3 page 77 of the Agenda of the Mayoral Committee meeting, that was held on 11 October 2017 be approved.

Kind Regards

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**H. Dednam**  
**Manager: Land Use Management**  
**Directorate Planning & Economic Development**

<b>7.3.5</b>	<b>STELLENBOSCH MUNICIPALITY MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (MSDF) STATUS QUO REPORTS</b>
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## 1. PURPOSE OF REPORT

To submit a status quo report in terms of Section 6(2) of the Stellenbosch Land Use Planning Bylaw (2015) to Council.

After consideration of the comments of the intergovernmental steering committee, the project committee must finalise the *status quo* report and submit it to the Council for adoption.

## 2. BACKGROUND

Council resolved at their meeting of 2016-10-05 (Item 7.4.4) to:

- (a) proceed with the development of a Municipal Spatial Development Framework for Stellenbosch Municipality (WC024) (MSDF);
- (b) establish an intergovernmental steering committee (IGSC) to compile or amend its municipal spatial development framework in terms of Section 11 of the Land Use Planning Act;
- (c) establish a project committee;
- (d) proceed with all administrative functions to oversee the compilation of a first draft of the Municipal Spatial Development Framework for Council approval in terms of the Municipal Systems Act (2000); the Land Use Planning By-law (2015), Land Use Planning Act (2014) and the Spatial Planning Land Use Management Act (2013); and
- (e) use the MSDF as a platform to consider and align the following:
  - (i) Strategic Environmental Management Framework (SEMF)
  - (ii) Rural Area Plan (RAP)
  - (iii) Urban Development Strategy leading to a Stellenbosch WCO24 SDF
  - (iv) Heritage Resources Inventory
  - (v) Integrated Human Settlement Plan
  - (vi) Klapmuts Local Spatial Development Framework (LSDF)
  - (vii) Stellenbosch LSDF amendment to be compliant with SPLUMA
  - (viii) Jonkershoek LSDF amendment to be compliant with SPLUMA
- (f) proceed with the amendment of the current approved MSDF to be aligned with the 2017/18 IDP; and
- (g) both the amendment of the existing MSDF and the compilation of the new MSDF run concurrently with the Integrated Development Planning cycle.

Refer **ANNEXURE 3** – IDP Process Plan 2017/2018.

Since the above resolution was taken, the Intergovernmental Steering Committee was firmly established and met successfully on 4 occasions to discuss the progress

of the various projects. The status quo reports were distributed amongst all members of the ISC for input. Only 4 comments were received and are attached as **ANNEXURE 1**.

The following comments were received:

- Western Cape Government: Environmental Affairs & Development Planning – *Comment on the Urban Development Study (Status Quo Report);*
- Western Cape Government: Environmental Affairs & Development Planning – *Comment on the Klapmuts Special Development Area Economic Feasibility Study Draft Report;*
- Western Cape Government: Human Settlements – *Comment on the Klapmuts Special Development Area EFS Draft Report*
- Western Cape Government: Transport & Public Works – *General comment on the Klapmuts Special Development Area EFS Status Quo Report*

The municipality appointed different consultants to assist with the drafting of various high level strategic plans as well as a number of local area plans.

These studies became necessary in implementing strategies contained in the approve 2013 MSDF and through various council decision i.e. Innovative Projects. All the above projects were commissioned as independent studies each with its own project schedule, completion date and budget.

However, the various studies all relate to one another and shed further light on the spatial strategy for the municipality with varying levels of detail.

The projects are as follows:

NO	PROJECT	CONSULTANT
1	Urban Development Strategy	Rode & Associates
2	Rural Area Plan	CNdV Africa
3	Heritage Inventory and Management Plan	Cape Winelands Professional Practice
4	Transit Orientated Development Study	Royal Haskoningdhv
5	Investigation into the Western By-pass	ICE
6	Klapmuts Economic Feasibility Study	BEAL

### 3. CURRENT PROGRESS WITH PROJECTS

Progress made with the individual projects is illustrated in the table:

PROJECT	PRODUCT	COMPLETION DATE
Urban Development Strategy	Status Quo report completed	June 2017
Rural Area Plan	Status Quo report completed	June 2017
Heritage Inventory	Phase 2 a Report completed	February 2017
Transit Orientated Development	Feasibility study completed.	June 2017
Western By-Pass	Pre-feasibility	April 2017
Klapmuts EFS	Draft Strategy Report completed	July 2017

The coordination of the different studies will form the framework for the new MSDF. As the individual projects each have their own schedule the challenge is to coordinate and integrate the work of the consultants to such an extent that the work will result in a complete and credible MSDF in time for submission to Council in May 2018.

Attached please find the following status quo documentation for information and adoption as **ANNEXURE 2**.

**Heritage Inventory – Prof F Todeschini**

- Report: *Phase 2a Report – Preliminary Draft Heritage Inventory of Large-Schale Landscape Areas in the Rural Domain of the Stellenbosch Municipality Informing Proposed Heritage Areas*

**Rural Area Plan – Simon Nicks**

- Report: *Stellenbosch Municipality Rural Area Plan: Phase 1 Public Participation and Phase 2 Status Quo Report*

**Urban Development Strategy – Bergwald Rode:**

- Report: Status Quo Report (Draft 1) – Assignment Drafting of a Stellenbosch Municipal Urban Development Strategy

**Western Bypass – Piet van Blerk**

- *Stellenbosch Western Bypass – Status Report (23 April 2017) and Provisional Traffic Modelling Result (30 May 2017)*

**Transit Orientated Development:**

- *A Concept for the town of Stellenbosch (Final Draft) [Royal Haskoning DHV]*

**Klapmuts Special Development Area**

- *Economic Feasibility Study – Draft Report June 2017.*

**4. LEGAL COMMENT**

This item is in compliance with the Stellenbosch Land Use Planning By-law, 2015.

**MAYORAL COMMITTEE MEETING: 2017-11-15: ITEM 5.3.5**

**RECOMMENDED**

- that Council adopts the status quo reports; and
- that the reports be subjected to 4 public open days in November 2017 as reflected in the process plan approved by Council (30 August 2017) as part of the IDP process.

**KINDLY NOTE: ANNEXURES 1-2 WERE DISTRIBUTED UNDER SEPARATE COVER WITH THE MAYCO AGENDA: 2017-11-15.**

Meeting:	14 <sup>th</sup> Council: 2017-11-29	Submitted by Directorate:	Planning & Economic Development
Ref no:	15/2/1/1	Author:	D Lombaard
Collab:	551454	Referred from:	Mayco: 2017-11-15

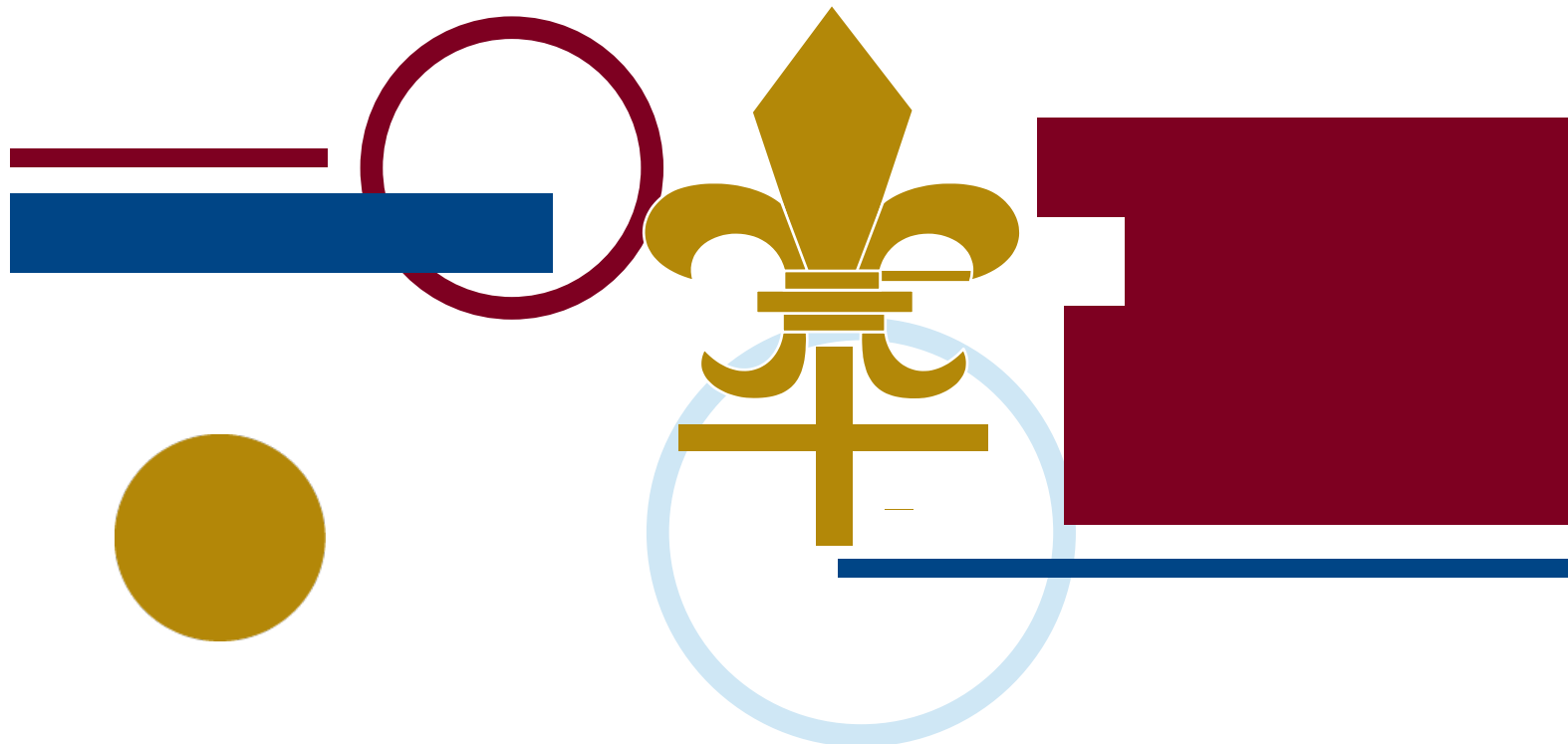


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# **IDP/BUDGET/SDF PROCESS PLAN (TIME SCHEDULE)**

to guide the planning, drafting, adoption and review of the

**1<sup>st</sup> Revision of the 4<sup>th</sup> Generation  
Integrated Development Plan  
(2017/18 - 2021/22)**



August 2017



ACTIVITY	DEADLINES and TIME FRAMES	NOTES
<b>ANALYSIS PHASE</b>		
Preparation of IDP/Budget/SDF Process Plan (Time Schedule)	<b>July – August 2017</b>	IDP, Budget and SDF Office
Rural Area Strategy Meeting	<b>02 August 2017</b>	
3 <sup>rd</sup> Intergovernmental Steering Committee Meeting	<b>04 August 2017</b>	
Workshops: Ward Projects Planning sessions with Ward Councillors	<b>August 2017</b>	Budget Office (and Community Development)
Strategic Session: MM & Directors	<b>14 &amp; 15 August 2017</b>	
MAYCO Meeting	<b>08 August 2017</b>	Approval of IDP/Budget/SDF Time schedule (Process plan)
COUNCIL meeting	<b>23 August 2017</b>	Approval of IDP/Budget/SDF Time schedule (Process plan)
Submission of Un-audited Annual Report to Provincial Government and Auditor-General	<b>31 August 2017</b>	
Strategic sessions for Political and Executive leadership to determine and execute municipal strategy	<b>07 – 08 September 2017</b>	
Provincial IDP Manager's Forum	<b>September 2017</b>	Venue to be confirmed
Road – 2 <sup>nd</sup> Project Management Meeting	<b>September 2017</b>	Week of 11 September 2017
Drafting of Heritage Inventory database and report	<b>29 September 2017</b>	Submit to HWC
Updating of Ward Plans	<b>October 2017</b>	Commence with updating of Ward Plans
Joint Planning Initiatives & IDP Indaba I Process with PGWC	<b>October 2017</b>	
Project Planning: Ward Capital Projects	<b>October 2017</b>	Budget Office (Community Development)
Budget Preparation: Submit signed commitment forms of Ward Councillors	<b>18 October 2017</b>	Signed commitment forms for Capital Ward Projects
Budget Steering Committee meeting	<b>26 October 2017</b>	
Directorate complete template for 2018 - 2021 Capital and Operational Budget	<b>27 October 2017</b>	Internal Process
Complete tariff setting exercise for 2018/19	<b>27 October 2017</b>	Internal Process
Review of budget related Policies & development of new Policies	<b>27 October 2017</b>	Section 21(1)(a) MFMA Reg 7(1) MBRR
Generate U-Key numbers for all Ward Projects	<b>31 October 2017</b>	U-key numbers should be completed by end October 2017
4 <sup>th</sup> Intergovernmental Steering Committee meeting	<b>October 2017</b>	1 <sup>st</sup> week of October 2017
MAYCO meeting	<b>11 October 2017</b>	
COUNCIL meeting	<b>25 October 2017</b>	
First Quarterly Performance Review – Informal Review of Directors	<b>October – November 2017</b>	SDBIP Q1 report to WCPG
First Quarterly Performance Review – Informal Review of Managers and Heads/staff reporting to Managers	<b>October – November 2017</b>	Report assessment results to the Municipal Manager

ACTIVITY	DEADLINES and TIME FRAMES	NOTES
IDP/BUDGET/SDF Public Engagements	October - November 2017	IDP/Budget/SDF engagements with all 22 Wards
Finalize all IDP inputs (Chapters) and distribute to all Departments for input and amendments	October - December 2017	Internal Process
Sector Engagement(s)	October – December 2017	Provincial Government, Cape Winelands District Municipality & local sector groups within WCO24
<b>STRATEGY</b>		
Roads – 3rd Project Management Meeting	November 2017	Week of 06 November 2017
UDS Strategy Formulation	November 2017	Commenced in April 2017
Draft and submit Urban Development Strategy (UDS) / Municipal Spatial Development Framework (MSDF)	November 2017	
Public Participation (Areas 1 – 4)	November 2017	
MSDF Advertisements	17 November 2017 - 02 Feb 2018	11 Weeks (including December holiday)
MAYCO meeting	15 November 2017	Tabling of Quarterly SDBIP
COUNCIL meeting	29 November 2017	Tabling of Quarterly SDBIP
Strategic sessions for Political and Executive leadership to determine and execute municipal strategy	November 2017 - January 2018	MM, Mayco, Mayor & Directors – exact dates to be confirmed
Annual Performance Review – Formal review of Directors for 2016/17	November 2017 - February 2018	
Preparation for Mid-year review and Performance Assessment	December 2017 - January 2018	Section 72 MFMA
Budget Steering Committee meeting	30 November 2017	
Compilation of Draft Operational and Capital Budget	November - December 2017	Section 21(1)(a) MFMA
Compilation of Draft Tariff Listing	November - December 2017	Section 21(1) (a) MFMA
Receive requests for Adjustment Budget	December 2017	Internal Process
Provincial IDP Manager's Forum	December 2017	Venue to be confirmed
<b>PREPARATION OF THE DRAFT IDP, BUDGET, SDBIP &amp; DRAFT AMENDMENTS TO SDF</b>		
Roads – 4 <sup>th</sup> Project Management Meeting	January 2018	Week of 15 January 2018
MAYCO meeting	10 January 2018	Tabling of Annual Report, Adjustment Budget
COUNCIL meeting	24 January 2018	Tabling of Annual Report, Adjustment Budget
Mid-year Budget and Performance assessment signed by Mayor	25 January 2018	
Table Annual Report before Council	January 2018	
Bi-Annual review of SDBIP	January 2018	MFMA Circular 13 Section 40 MSA
Updating and Compilation of IDP document and SDF amendment	January - March 2018	
2nd Quarterly Performance Review - Formal Review – Directors	January - March 2018	Results to reach MEC within 14 days upon completion
2nd Quarterly Performance Review - Formal Review of Managers and	January - March 2018	Results to be reported to the Municipal Manager

ACTIVITY	DEADLINES and TIME FRAMES	NOTES
Heads/staff reporting to Managers		
Finalisation of Adjustment Budget	<b>12 January 2018</b>	
Finalisation of Capital and Operational Budget	<b>January – March 2018</b>	Section 21(1) MFMA
Finalisation of Tariff structure for 2017/18	<b>January – March 2018</b>	
Finalisation of Budget Related Policies	<b>January – March 2018</b>	Section 21(1) MFMA
Finalisation of Council Resolution and all relevant prescribed annexures	<b>January – March 2018</b>	
Compilation of High Level SDBIP - Financial Information	<b>January – March 2018</b>	
Compilation of High Level SDBIP - Non Financial information	<b>January – March 2018</b>	
Make public the Annual Report for public comments and Inputs	<b>February 2018</b>	
Budget Steering Committee meeting	<b>22 February 2018</b>	
Joint Planning Initiatives & IDP Indaba II Process with PGWC	<b>February 2018</b>	Venue to be confirmed
Roads - Public Open Day	<b>February 2018</b>	Week of 05 February 2018
5 <sup>th</sup> Intergovernmental Steering Committee Meeting	<b>February 2018</b>	1 <sup>st</sup> Week of February 2018
Provincial IDP Manager's Forum	<b>March 2018</b>	Venue to be confirmed
Heritage Inventory: 4th Public Participation Meeting	<b>02 March 2018</b>	
Roads – 5 <sup>th</sup> Project Management Meeting	<b>05 March 2018</b>	Week of 05 March 2018
Roads – Submit final scoping report to DEADP	<b>12 March 2018</b>	
Public participation for Urban Development Strategy	<b>March - April 2018</b>	
Dry-runs with Ward Councillors and Senior Management in preparation of IDP/Budget/SDF feedback meetings	<b>March – April 2018</b>	Preparation for IDP/Budget/SDF Feedback Sessions with community
<b>TABLING OF THE DRAFT IDP, BUDGET AND SDF</b>		
MAYCO meeting	<b>14 March 2018</b>	Tabling of Draft IDP, Budget and SDF
COUNCIL meeting	<b>28 March 2018</b>	Tabling of Draft IDP, Budget and SDF
<b>CONSULTATION AND REFINEMENT</b>		
Final Intergovernmental Steering Committee Meeting	<b>April 2018</b>	1 <sup>st</sup> Week of April 2018
IDP/Budget/SDF Community Engagements (Cluster Meetings)	<b>April 2018</b>	
Finalize Ward Plans	<b>April 2018</b>	Commenced with updating of Ward Plans in October 2017
Quarterly review of SDBIP	<b>April 2018</b>	MFMA Circular 13 Section 40 MSA
MAYCO meeting	<b>11 April 2018</b>	Tabling of SDBIP quarterly report
COUNCIL meeting	<b>25 April 2018</b>	Tabling of SDBIP quarterly report
Closing Date for Comments on Draft IDP, Budget and SDF amendments - Input by Public	<b>30 April 2018</b>	
3rd Quarterly Performance Review -	<b>April - May 2018</b>	SDBIP Q3 report to WCPG

ACTIVITY	DEADLINES and TIME FRAMES	NOTES
Informal Review of Directors		
3rd Quarterly Performance Review - Informal Review of Managers and Heads/staff reporting to Managers	<b>April - May 2018</b>	Report to the Municipal Manager
Consultation and Refinement of IDP document and SDF amendments	<b>April - May 2018</b>	
LGMTEC Engagements with PGWC	<b>April - May 2018</b>	Engagements between municipality and PGWC on IDP assessment
Final Urban Development Strategy	<b>May 2018</b>	
Final Rural Area Plan submission	<b>May 2018</b>	
<b>FINAL APPROVAL AND FURTHER ACTION</b>		
Budget Steering Committee meeting	<b>17 May 2018</b>	
MAYCO meeting	<b>09 May 2018</b>	Final IDP, Budget, SDF; Tariffs and Budget related policies
COUNCIL meeting	<b>23 May 2018</b>	Final IDP, Budget, SDF; Tariffs and Budget related policies
SDF and IDP notice to MEC	<b>May 2018</b>	
Approval of SDBIP	<b>June 2018</b>	Regulation 19(1) MBRR
Roads – 6 <sup>th</sup> Project Management Meeting	<b>June 2018</b>	Week of 04 June 2018
Provincial IDP Manager's Forum	<b>June 2018</b>	Venue to be confirmed by PGWC

	Crucial
	IDP/PMS/Annual Report
	Mayco & Council
	SDF Dates
	Budget (MTREF)
	District & Provincial

<b>7.3.6</b>	<b>REQUEST FOR DELEGATION TO THE EXECUTIVE MAYOR TO DECIDE ON APPLICATIONS TO DEVIATE IN TERMS OF THE BY-LAW RELATING TO THE CONTROL OF BOUNDARY WALLS AND FENCES, 2009</b>
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### 1. PURPOSE OF REPORT

To request Council's approval to delegate the decision to the Executive Mayor to consider applications to deviate from the By-Law relating to the Control of Boundary Walls and Fences.

### 2. BACKGROUND

The purpose of the By-Law relating to Boundary Walls and Fences, 2009 (**APPENDIX 1**) is to regulate the erection of boundary walls and fences on the different zoned properties. Development parameters such as construction materials, height, piers and columns are prescribed.

### 3. DISCUSSION

Section 13 of the By-Law relating to Boundary Walls and Fences, 2009, makes provision to relax from the requirements of the said by-law, if there are site specific conditions to motivate it. Section 13 reads as follows: *"Council may grant a waiver to any of the provisions of this bylaw if in Council's opinion; the specific site topographical conditions are such that the granting of a waiver will not result in the erection of a wall or fence that will materially detract from the character of the area. In granting such a waiver, Council shall have due regard to the built form that may result if abutting neighbours request similar waivers as well as the impact such waiver may have on traffic safety (both pedestrian and vehicular)."*

When an application to deviate from the By-law is received, the Department Land Use Management compiles an assessment report which is submitted to the Council for consideration and decision. This process is very time consuming. It is therefore recommended that the delegation be granted to the Executive Mayor to consider these waiver applications.

### 4. APPENDICES

**Appendix 1:** By-Law relating to the Control of Boundary Walls and Fences, 2009.

### 5. LEGAL SERVICES' COMMENTS

The recommendation is supported.

### RECOMMENDED

that the delegation be granted to the Executive Mayor to consider in terms of Section 13 of the By-Law relating to the Control of Boundary Walls and Fences, 2009, all applications to deviate from the said By-Law.

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**MAYORAL COMMITTEE MEETING: 2017-11-15: ITEM 5.3.6****RECOMMENDED**

that the delegation be granted to the Executive Mayor to consider in terms of Section 13 of the By-Law relating to the Control of Boundary Walls and Fences, 2009, all applications to deviate from the said By-Law.

<i>Meeting:</i>	<i>14<sup>th</sup> Council: 2017-11-29</i>	<i>Submitted by Directorate:</i>	<i>Planning &amp; Economic Development</i>
<i>Ref no:</i>		<i>Author</i>	<i>D Lombaard</i>
<i>Collab:</i>		<i>Referred from:</i>	<i>Mayco: 2017-11-15</i>

**STELLENBOSCH MUNICIPALITY:**

**BY-LAW RELATING TO THE CONTROL OF BOUNDARY WALLS AND FENCES**

**Definitions**

1. In this by-law unless the context otherwise indicates:

“Boundary” in relation to a land unit, means a cadastral line separating one land unit from another land unit or the street;

“Boundary wall/fence” means a structure erected on the cadastral boundary of a land unit;

“Council” means the council of the Stellenbosch Municipality or its duly authorized employee;

“Erf / land unit” means a portion of land with its own number on the surveyor-general's general map and the title of which is capable of being registered in the deeds.

“Erect/Erection in relation to a wall or fence” includes causing, allowing or permitting to be erected;

“Ground level” means the natural level of the ground, except where such level has been disturbed, in which case the street level is to be regarded as the ground level;

“Height” means the vertical distance from the bottom or lowest part of any structure to the top.

“Lateral boundary” means every common boundary of an erf with another erf excluding a rear boundary;

“LUPO” means the Land Use Planning Ordinance, Ordinance 15 of 1985.

“Municipality” means the Stellenbosch Municipality (WCO24 area);

“Public open space” means land which is or will be under ownership of Council and which is a park, public garden, square, sport field, children playground, amusement park, place of recreation or any similar amenity, the access to which is not limited.

“Rear boundary” means every common boundary of an erf which is parallel to or is within less than 45° of being parallel to, every street boundary of such erf an which does not link with a street boundary thereof.

“Street boundary” means the cadastral boundary, as surveyed or proclaimed, between and erf and the adjoining public or private street; provided that where a portion of an erf or premises is reserved in terms of the Zoning Scheme or any law for the purpose of a new street or for street-widening, the street boundary is the boundary of such proposed new street or proposed street-widening;

“Structure” in addition to its ordinary meaning includes a system of constructional elements and components of any wall, fence or pillar.

“the Act” means the National Building Regulations and Building Standards Act No. 103

of 1977 and the regulations promulgated in terms of section 17(1) thereof.

“Wall/fences” means any wall/fence, together with any gate or any contrivance forming part or serving the purpose of such a gate, erected as a boundary between any erven within the municipal area, and includes a wall/fence which is not erected on a boundary, such as a garden wall/fence or a free-standing wall/fence on an erf;

“Zone” means the designation of land for a particular zoning in terms of the relevant zoning scheme.

“Zoning” means the category of directives regulating the development of land and setting out the purposes for which land may be used.

“Zoning Scheme Regulations” means a scheme which has been approved by the Council and the relevant provincial authority, for the zoning of land.

### **Application**

2. This by-law shall apply and be valid in the area of jurisdiction of the Municipality, including private residential developments with or without controlled entrances, in as far as the provisions of this by-law are not in conflict with the conditions of rezoning imposed on such a development in terms of LUPO (Land Use Planning Ordinance No. 15 of 1985) or any other applicable legislation prior to promulgation of the said Land Use Planning Ordinance, or any of its legal predecessors.

### **Control of walls and fences**

3. No person shall erect a wall or fence of any nature on any boundary of any premises without the prior approval of the Council in accordance with the provisions contained herein.

#### ***Walls***

Any person applying for the Council’s approval to erect a wall as aforesaid shall submit plans drawn in accordance with the scales stipulated in the Act, clearly indicating the position of the erf, the foundations, the materials to be used in construction and the methods of construction, together with adequate dimensions of the wall proposed.

#### ***Fences***

No person shall erect a fence, other than a wall as contemplated above, on any boundary of any premises, except a fence comprising of the materials described in sections 9.

### **Heights of walls and fences**

4. The height of walls and fences shall be measured from the level of the pavement and in the absence of a pavement, from the natural level of the ground outside the property immediately adjacent to such wall or fence. If the ground level slopes longitudinally



along the length of the wall, then its height at each end of the slope shall not exceed the permitted height and when then wall/fence is stepped, such stepping shall be in a series of even steps between piers (where necessary) which steps shall not materially deviate from the mean permitted height. The determination of what constitutes material deviation shall be at the discretion of Council provided that such deviation shall not be more than 10% of the permitted height.

5. For **residential zoned** properties the height of any wall or fence (including the entrance structure and columns) shall be regulated as follows;
  - (a) *on a street boundary*: - 2.1m high, on condition that 50% of the height of the wall or fence, including gates on residential zoned properties must consists of open decorative work to create transparency. The solid construction shall not interfere with sight lines of vehicles entering or leaving the property, or passing traffic.
  - (b) *on a boundary other than a street boundary*: - 2.1m high and shall comprise of materials as described in sections 9 below, except where the screening of backyards or swimming pools are concerned, in which case the height may at the discretion of Council increased to 2.5m.
6. For **agricultural zoned** properties, the height of walls may not exceed 1m and a fence comprising of only wire or steel palisade (painted colors preferred by council – preferably charcoal, black or dark green) may not exceed 2.1m. No brick piers shall be allowed in wire or steel palisade fences and only the entrance gate structure may be of solid brick structures which shall not be higher than 3,5m for a maximum distance of 10m on both sides of the entrance gate.
7. For all other zoned properties the height of any wall or fence may not exceed 3m. Notwithstanding this provision, Council may prescribe a boundary wall of a height of less than 3m if in Council's opinion the erection of such a wall may detract from the amenities of the area, or may in Council's opinion, be undesirable for any reason that Council may provide from time to time.

#### **Piers and columns**

8. Where piers or columns of brick, stone, concrete or similar materials are required by the Council to ensure stability, their size and spacing shall be in accordance with the requirements of Council and the National Building Regulations 0400.

#### **Materials of walls and fences**

9. Walls and fences situated on erf boundaries shall be constructed of the following materials only—
  - (a) face bricks with face-brick finishing; or

- (b) plastered and painted brickwork or bagged or cement finished brickwork; or
- (c) plastered and painted concrete block work or bagged or cement finished concrete block work; or
- (d) decorative brick blocks; or
- (e) painted precast concrete panels; or
- (f) painted steel palisade; or
- (g) galvanized or plastic-coated wire mesh; or
- (h) wooden fences which shall consist of processed timber only as approved by the building control officer, or
- (i) cast iron work or steel railings.

**Additional safety precautions**

- 10. Additional safety precautions such as razor wire, electrical fencing/wiring, etc., the height of which shall be included in determining the permitted height, shall not be visible from the street. Electrical fencing shall comply with any municipal guidelines on electrical security fence installations, the Electrical Machinery Regulations, the Occupational Health and Safety Act and any other applicable legislation.

**Fair-face-walls**

- 11. All walls and fences shall present a fair face to adjacent properties, in accordance with the provisions contained in section 9.

**Dilapidated and unsightly walls and fences**

- 12. No person shall in Council's opinion allow any wall or fence to fall into a ruinous, dilapidated or dangerous condition. In the event that a wall or fence has fallen in to a dilapidated condition, Council may serve a written notice upon such person requiring him/her to make good, repair, alter, demolish or remove such wall or fence at his/her own expense, within a period specified in such notice, which period shall not be less than 21 days, unless the wall or fence in question is declared by Council to be a danger to safety and or health, in which case Council may instruct the property owner to make good, repair, alter, demolish or remove such wall or fence immediately. Should the owner fail to comply with the requirements thereof within the time specified in the notice, Council may carry out the requirements of such notice and thereafter recover the cost of so doing from such owner.

### **Relaxation of provisions**

13. Council may grant a waiver to any of the provisions of this bylaw if in Council's opinion; the specific site topographical conditions are such that the granting of a waiver will not result in the erection of a wall or fence that will materially detract from the character of the area. In granting such a waiver, Council shall have due regard to the built form that may result if abutting neighbours request similar waivers as well as the impact such waiver may have on traffic safety (both pedestrian and vehicular).

### **Penalty**

14. If any person—
- (1) erects any wall or fence without the prior permission of the Council or otherwise than in accordance with the plans approved by the Council, or
  - (2) erects any wall or fence which does not conform to the provisions contained in this by-law, or
  - (3) contravenes any conditions imposed by Council, such person shall be guilty of an offence as provided for in the Act and shall consequently be dealt with as per the provisions of the Act.

### **Compliance with other legislation**

15. This by-law shall not be construed as authority to depart from any other legal prescriptions or requirements provided for in any other legislation.

### **Repealed By-laws**

16. The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality, are hereby repealed as far as they relate to matters provided for in this By-law, and insofar as it has been made applicable to the municipality by the authorization for the execution of powers and functions in terms of section 84(3) of the Local Government: Municipal Structures Act, Act 117 of 1998.

### **Short title and commencement**

17. This By-law is called the Stellenbosch Municipal By-law relating to the control of boundary walls and fences, and commences on the date of publication thereof in the Provincial Gazette.

PRIVATE GESONDHEIDS-INRIGTING	NAAM EN ADRES VAN EIENAAR	STANDPLAAS	TOTALE GETAL BEDDENS/TEATERS	TIPE INRIGTING
Melomed Renaal Sorg – Mitchells Plain	Mnr R Allie Posbus 204 Gatesville Tel: (021) 699-0950 Faks: (021) 699-1023	Mitchells Plain	Aansoek om uitbreiding van 'n bestaande dialise eenheid by Melomed Mitchells Plain Hospitaal met 5 (vyf) stasies vir die behandeling van hemodialise.	Dialise Eenheid
Drs Schnetler Corbett & Vennote – Cape Gate Medi-Kliniek	Drs Schnetler Corbett & Vennote Posbus 15094 Panorama 7506 Tel: (021) 930-5564 Faks: (021) 930-4464	Brackenfell	Aansoek om registrasie van 'n nuwe radio-diagnostiese eenheid by Cape Gate Medi-Kliniek.	Radio-Diagnostiese Eenheid

30 Oktober 2009

20610

## STELLENBOSCH MUNICIPALITY

## BY-LAW RELATING TO THE CONTROL OF BOUNDARY WALLS AND FENCES

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**Relaxation of provisions**

13. Council may grant a waiver to any of the provisions of this by-law if in Council's opinion the specific site topographical conditions are such that the granting of a waiver will not result in the erection of a wall or fence that will materially detract from the character of the area. In granting such a waiver, Council shall have due regard to the built form that may result if abutting neighbours request similar waivers as well as the impact such waiver may have on traffic safety (both pedestrian and vehicular).

**Penalty**

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  - (3) contravenes any conditions imposed by Council, such person shall be guilty of an offence as provided for in the Act and shall consequently be dealt with as per the provisions of the Act.

**Compliance with other legislation**

15. This by-law shall not be construed as authority to depart from any other legal prescriptions or requirements provided for in any other legislation.

**Repealed By-laws**

16. The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality, are hereby repealed as far as they relate to matters provided for in this By-law, and insofar as it has been made applicable to the municipality by the authorization for the execution of powers and functions in terms of section 84(3) of the Local Government: Municipal Structures Act, Act 117 of 1998.

**Short title and commencement**

17. This By-law is called the Stellenbosch Municipal By-law relating to the control of boundary walls and fences, and commences on the date of publication thereof in the Provincial Gazette.

30 October 2009

20604

## STELLENBOSCH MUNISIPALITEIT

## VERORDENING TEN OPSIGTE VAN DIE BEHEER VAN GRENSMURE EN HEININGS

**Definisies**

1. In hierdie verordening, tensy die konteks anders aandui, beteken:

“**Grens**” ten opsigte van ’n grondeenheid ’n kadastrale lyn wat een grondeenheid van ’n ander grondeenheid of van die straat skei.

“**Grensmuur/-heining**” ’n struktuur wat op die kadastrale grens van ’n grondeenheid opgerig is.

“**Raad**” die raad van Stellenbosch Munisipaliteit of sy behoorlik gemagtigde werknemer.

“**Erf/grondeenheid**” ’n grondgedeelte met sy eie nommer op die Landmeter-generaal se algemene kaart en waarvan die titel in die aktes geregistreer kan word.

“**Bou/Oprig ten opsigte van ’n muur of heining**” om te oprigting te laat plaasvind, dit toe te laat of te vergun.

“**Grondvlak**” die natuurlike vlak van die grond, behalwe waar sodanige vlak versteur is, in welke geval die straatvlak as die grondvlak beskou moet word.

“**Hoogte**” die vertikale afstand van die onderste of laagste deel van enige struktuur tot bo.

“**Laterale grens**” elke gemeenskaplike grens van ’n erf met ’n ander erf buiten ’n agterste grens.

“**LUPU**” die Ordonnansie op Grondgebruikbeplanning, Ordonnansie 15 van 1985.

“**Munisipaliteit**” die Stellenbosch Munisipaliteit (WCO24-gebied).

“**Openbare oop ruimte**” grond wat in die Raad se besit is of sal wees en wat ’n park, openbare tuin, plein, sportveld, kinderspeelterrein, pretpark, ontspanningsplek of enige soortgelyke gerief is waartoe toegang nie beperk is nie.

“**Agterste grens**” elke gemeenskaplike grens van ’n erf wat parallel of minder as 45° van parallel is, met elke straatgrens van sodanige erf wat nie aaneenskakel met ’n straatgrens daarvan nie.

“**Straatgrens**” die kadastrale grens soos opgemeet of geproklameer, tussen ’n erf en die aangrensende openbare of private straat; met dien verstande dat waar ’n gedeelte van ’n erf of perseel kragtens die Soneringskema of enige wet gereserveer is vir doeleindes van ’n nuwe straat of straatverwyding, die straatgrens die grens van sodanige voorgestelde nuwe straat of voorgestelde straatverwyding is.

“**Struktuur**” benewens die gewone betekenis daarvan ook ’n stelsel van konstruksie-elemente en -komponente van enige muur, heining of pilaar.

“**die Wet**” die Wet Op Nasionale Bouregulasies en Boustandaarde no. 103 van 1977 en die regulasies gepromulgeer kragtens artikel 17(1) daarvan.

“**Muur/heinings**” enige muur/heining, tesame met enige hek of enige toestel wat deel van ’n hek vorm of as sodanige hek funksioneer, opgerig as ’n grens tussen enige erwe binne die munisipale gebied, en met inbegrip van ’n muur/heining wat nie op ’n grens opgerig is nie, soos ’n tuinmuur/-heining of ’n vrystaande muur/heining op ’n erf.

“**Sone**” die toewysing van grond vir ’n bepaalde sonering kragtens die betrokke soneringskema.

“**Sonering**” die kategorie van voorskrifte wat grondontwikkeling reguleer en die doeleindes uiteensit waarvoor grond gebruik mag word.

“**Soneringskemaregulasies**” ’n skema wat deur die Raad en die betrokke provinsiale gesagsliggaam goedgekeur is vir die sonering van grond.

### Toepassing

- Hierdie verordening is van toepassing en geldig in die gebied onder die Munisipaliteit se jurisdiksie, met inbegrip van private woonontwikkelings met of sonder beheerde ingange, in soverre die bepalinge van hierdie verordening nie strydig is met die hersoneringsvoorwaardes wat op sodanige ontwikkeling opgelê is kragtens LUPU (Ordonnansie op Grondgebruikbeplanning, no. 15 van 1985) of enige ander toepaslike wetgewing van voor promulgasie van die gemelde Ordonnansie op Grondgebruikbeplanning, of enige van sy wetlike voorgangers.

### Beheer van mure en heinings

- Geen persoon mag ’n muur of heining van enige aard op enige grens van enige perseel oprig sonder die voorafgoedkeuring van die Raad in gevolge die voorwaardes wat hierin vervat is nie.

#### *Mure*

Enige persoon wat aansoek doen om die Raad se goedkeuring om ’n muur op te rig soos hierbo vermeld, moet planne indien wat opgestel is volgens die skale wat in die Wet gestipuleer word en waarin duidelik vervat is die posisie van die erf, die fondamente, die materiaal wat in die konstruksie gebruik sal word en die konstruksiemetodes, tesame met voldoende afmetings van die voorgestelde muur.

#### *Heinings*

Geen persoon mag ’n heining, buiten ’n muur soos hierbo beoog word, op enige grens van enige perseel oprig nie, behalwe ’n heining wat bestaan uit die materiaal wat in artikel 9 beskryf word.

### Hoogtes van mure en heinings

- Die hoogte van mure en heinings moet gemeet word van die vlak van die sypaadjie en, by gebrek aan ’n sypaadjie, van die natuurlike vlak van die grond buite die eiendom wat onmiddellik aan sodanige muur of heining grens. As die grondvlak in die lengte al langs die muur daal, mag die muur se hoogte aan elke punt van sy helling nie die toegelate hoogte oorskry nie en wanneer die muur/heining trapsgewys daal, moet sodanige trappe ’n reeks gelyke trappe tussen steunpilare (waar nodig) vorm, welke trappe nie weselik van die gemiddelde toegelate hoogte mag afwyk nie. Die bepaling van wat ’n weselike afwyking behels, berus by die goëddunke van die Raad, met dien verstande dat sodanige afwyking nie meer as 10% van die toegelate hoogte mag wees nie.
- Vir residensieel gesoneerde eiendomme word die hoogte van enige muur of heining (met inbegrip van die ingangstruktuur en kolomme) as volg gereguleer:
  - aan ’n straatgrens: 2.1m hoog, op voorwaarde dat 50% van die hoogte van die muur of heining, met inbegrip van hekke, op residensieel gesoneerde eiendomme moet bestaan uit oop sierwerk om deursigtigheid te bevorder. Die soliede konstruksie mag nie die uitsig van voertuie wat die eiendom binnegaan of verlaat of van verbygaande verkeer belemmer nie.
  - aan ’n grens wat nie ’n straatgrens is nie: 2.1m hoog en bestaande uit materiaal soos beskryf in artikel 9 hieronder, behalwe waar dit betrekking het op die afskerm van agterplase of swembaddens, in welke geval die hoogte na goëddunke van die Raad tot 2.5m verhoog mag word.
- Vir landbougesoneerde eiendomme mag die muurhoogte nie 1m oorskry nie en ’n heining van slegs draad of staalpalissade (geverf in die Raad se voorkeurkleure-verkieslik houtskool, swart of donkergroen) mag nie 2.1m oorskry nie. Geen steenpilare word in heinings van draad of staalpalissade toegelaat nie en slegs die toegangshekstruktuur mag bestaan uit soliede steenstrukture wat nie hoër as 3.5m mag wees nie, vir ’n maksimum afstand van 10m aan albei kante van die toegangshek.
- Vir alle ander gesoneerde eiendomme mag die hoogte van enige muur of heining nie 3m oorskry nie. Nieteenstaande hierdie bepaling mag die Raad ’n grensmuur met ’n hoogte van minder as 3m voorskryf indien die oprigting van sodanige muur na die mening van die Raad aan die

geriewe van die gebied afbreuk sal doen, of na die Raad se mening onwenslik is om enige rede wat die Raad van tyd tot tyd mag aanvoer.

#### **Steunpilare en kolomme**

8. Waar steunpilare of kolomme van steen, klip, beton of soortgelyke materiaal deur die Raad vereis word om stabiliteit te verseker, moet hulle grootte en spasiëring voldoen aan die vereistes van die Raad en die Nasionale Bouregulasies 0400.

#### **Materiaal van mure en heinings**

9. Mure en heinings wat op erfgrense staan, mag slegs van die volgende materiale opgerig word—
- sierstene met siersteenafwerking; of
  - gepleisterde en geverfde baksteenwerk, of baksteenwerk met saksmeer- of sementafwerking; of
  - gepleisterde en geverfde betonblokwerk of betonblokwerk met saksmeer- of sementafwerking; of
  - ornamentele steenblokke; of
  - geverfde voorafvervaardigde betonpanele; of
  - geverfde staalpalissade; of
  - gegalvaniseerde of plastiekbedekte maasdraad; of
  - houtheinings wat van geprosesseerde hout gemaak moet wees, slegs soos deur die boubeheerbeampte goedgekeur is; of
  - gietysterwerk of staalrelings.

#### **Addisionele veiligheidsmaatreëls**

10. Addisionele veiligheidsmaatreëls soos lemmetjiesdraad, elektriese heining/bedrading ens., waarvan die hoogte ingesluit moet wees wanneer die toegelate hoogte bepaal word, mag nie van die straat af sigbaar wees nie. Elektriese heinings moet voldoen aan enige munisipale riglyne oor elektriese sekuriteitsheininginstallasies, die Regulasies op Elektriese Masjinerie, die Wet op Beroepsgesondheid en -veiligheid en enige ander toepaslike wetgewing.

#### **Skoonvlakmure**

11. Alle mure en heinings moet 'n skoon vlak na aangrensende eiendomme wys, in ooreenstemming met die vereistes vervat in artikel 9.

#### **Bouvallige en onooglike mure en heinings**

12. Geen persoon mag na die Raad se mening toelaat dat enige muur of heining in 'n vervalde, bouvallige of gevaarlike toestand verval nie. Indien 'n muur of heining in 'n bouvallige toestand verval het, mag die Raad sodanige persoon 'n skriftelike kennisgewing gee waardeur hy/sy verplig word om sodanige muur of heining op sy/haar koste goed te maak, te herstel, te wysig, te sloop of te verwyder, binne 'n tydperk wat in sodanige kennisgewing gespesifiseer word, welke tydperk nie minder as 21 dae mag wees nie, tensy die betrokke muur of heining deur die Raad as 'n veiligheids- of gesondheidsrisiko beskou word, in welke geval die Raad die eienaar van die eiendom mag gelas om sodanige muur of heining onmiddellik goed te maak, te herstel, te wysig, te sloop of te verwyder. Indien die eienaar in gebreke bly om aan hierdie vereistes te voldoen binne die tydperk wat in die kennisgewing bepaal word, mag die Raad die vereistes van sodanige kennisgewing uitvoer en daarna die koste van sodanige uitvoering van sodanige eienaar verhaal.

#### **Verslapping van vereistes**

13. Die Raad mag 'n kwytskelding van enige van die bepalinge van hierdie verordening toestaan indien, na die Raad se mening, die spesifieke topografiese terreintoestande sodanig is dat die toestaan van 'n kwytskelding nie sal lei tot die oprigting van 'n muur of heining wat die karakter van die omgewing wesenlik sal benadeel nie. Wanneer sodanige kwytskelding toegestaan word, doen die Raad dit met behoorlike inagneming van die bouvorm wat kan ontstaan indien aangrensende bure soortgelyke kwytskeldings versoek, sowel as die uitwerking wat sodanige kwytskelding mag hê op verkeersveiligheid (beide voetgangers en voertuie).

#### **Boete**

14. Indien enige persoon—
- enige muur of heining oprig sonder die vooraftoestemming van die Raad of andersins as volgens die planne wat deur die Raad goedgekeur is; of
  - enige muur of heining oprig wat nie voldoen aan die bepalinge vervat in hierdie verordening nie; of
  - enige voorwaardes oortree wat deur die Raad opgelê is, is sodanige persoon skuldig aan 'n misdryf soos daarvoor in die Wet voorsiening gemaak is, en sal met hom/haar gehandel word ingevolge die bepalinge van die Wet.

#### **Nakoming van ander wetgewing**

15. Hierdie verordening mag nie vertolk word as 'n vergunning om af te wyk van enige ander wetlike voorskrifte of vereistes waarvoor in enige ander wetgewing voorsiening gemaak word nie.



**Herroepte verordeninge**

16. Die bepalinge van enige verordeninge voorheen gepromulgeer deur die munisipaliteit of deur enige van die onbinde munisipaliteite wat nou by die munisipaliteit ingelyf is, word hierdeur herroep in soverre hulle betrekking het op aangeleenthede waarvoor in hierdie verordening voorsiening gemaak is, en in soverre dit op die munisipaliteit van toepassing gemaak is deur die magtiging vir die uitvoering van magte en funksies ingevolge artikel 84(3) van die Wet op Plaaslike Regering: Munisipale Strukture, Wet 117 van 1998.

**Kort titel en inwerkingtreeding**

17. Hierdie Verordening staan bekend as die Stellenbosch Munisipaliteit se Verordening ten opsigte van die beheer oor grensmure en -heininge, en tree in werking op die datum waarop dit in die Provinsiale Koerant verskyn.

30 Oktober 2009

20604

**UMASIPALA WASESTELLENBOSCH****IMITHETHO YEDOLOPHU ELAWULA IMIDA YEENDONGA NEENGCINGO****Ingcaciso**

1. Ngokwa lomthetho wedolophu:

“**Umda**” ngokubhekiselele kumhlaba, uxela umgca ochaza imida ehlulahlula imihlaba okanye izitalato;

“**Udonga/ucingo olungumda**” luxela ulakhiwo olumiswe ekupheleni komda womhlaba;

“**IBhunga**” lixela ibhunga likaMasipala waseStellenbosch okanye umqeshwa walo ogunyaziswe ngokufanelekileyo;

“**Isiza/umhlaba**” sixela isahlulo somhlaba nenombolo yaso ekwimephu yoluntu kanocanda kunye nesiqinisekiso sebango lomhlaba esikwaziyo ukubhaliswa kumaxwebhu okubhaliswa kwemihlaba;

“**UKwakha/ukwakhiwa ngokubhekiselele kudonga okanye ucingo**” kuquka ukwenza okanye ukuvumela ukuba kwakhiwe;

“**Umgangatho osezantsi**” uxela umgangatho wendalo womhlaba, ngaphandle kokuba umgangatho lowo wakhiwe, ngoko ke umgangatho wesitalato uya kuthatyathwa njengo mgangatho osezantsi.

“**Ubude**” buxela obuthe nqko ukusuka emazantsi endawo yesakhiwo nasiphi na ukuya kuma phezulu.

“**Umda osemacaleni**” uxela wonke umda ozibonakalayo wesiza nesinye isiza owohlula umda ongasemva,

“**LUPO**” uthetha i-Land Use Planning Ordinance, Ordinance 15 we-1985;

“**Masipala**” uxela uMasipala waseStellenbosch (indawo i-WCO24);

“**Indawo kawonke-wonke ephangaleleyo**” ixela umhlaba ophantsi okanye oza kuba phantsi kweBhunga nokwa yipaki, igadi kawonke-wonke, esikwereni, ibala lemidlalo, ibala lokudlala labantwana, indawo yokuzonwabisa okanye nayiphi na indawo yobumnandi, ivuleleke kumntu wonke.

“**Umda ongasemva**” ubhekisa kumda wonke obonakalayo okwisiza onxusene okanye ongaphantsi kwenqanama lama-45 (degrees) okunxusana, ubhekisa nakweyiphi imida yezitalato yeso siza engadibaniyo kumda wesitalato.

“**Umda wesitalato**” uxela iinkcukacha zomda, ecandiweyo okanye yapapashwa, phakathi kwesiza kunye nesitalato esoyamene nesikawonke-wonke okanye sabucala, ngaphandle kokuba inxalenye yesiza okanye umhlaba ubekwe ngokomthetho wokuYila uKwahlula ngeMimandla okanye nawuphi na umthetho ngenjongo zesitalato esitsha okanye ukwandisa isitalato, umda wesitalato ngumda weso sitalato sitsha sicetywayo okanye ukwandiswa okucetywayo kwesitalato;

“**Ulwakhiwo**” ukwaleka kwintsingiselo eqhelekileyo, kuquka izinto zokwakha naluphi na udonga, ucingo okanye intsika.

“**uMthetho**” ubhekisa kuMthetho kaZwelonke wokuLawula uKwakha noMgangatho woKwakha we-103 we 1977 kunye nemigaqo ebhengezwe ngokwecandelo le-17(1)

“**Udonga/iingcingo**” ubhekisa kulo naluphi na udonga/ucingo, kunye naluphi na isango okanye nasiphi na isixhobo, ubuchule obenza isango okanye obusetyeziswa lolo sango, yakhiwe njengomda phakathi kwaso nasiphi na isiza kwindawo kamasipala, kwaye iquka udonga/ucingo, olungakhiwanga kumda, olufana nodonga okanye ucingo lwegadi okanye udonga/ucingo oluzimeleyo kwisiza.

“**Ummandla**” uthetha uyilo lomhlaba ukuze ucandwe ngokwemigaqo efanelekileyo yokucanda.

“**Ukucanda**” uxela amanqanaba emimiselo alawula uphuhliso lomhlaba lukwanika nenjongo umhlaba unokuthi usetyenziselwe yona.

“**IQumrhu eliLawula ukuCanda**” lixela iqumrhu eliphunyezwe liBhunga kunye nogunyaziso olufanelekileyo lephondo, ukucanda umhlaba.

**Ukusetyenziswa**

2. Lo mthetho wedolophu uya kuba semthethweni kwaye usetyenziswe kummandla kaMasipala, kuquka nophuhliso kwiindawo zokuhlala zabucala ezinamasango alawulwayo okanye avulelekileyo, ngokuqinisekisa ukuba amagatya alo mthetho wedolophu awakhabani nemigaqo yokucanda kolo phuhliso ngokomthetho we LUPO-(Land Use Planning Ordinance Ye-15 ye-1985) okanye naluphi na uwiso-mthetho phambi kokubhengezwa kwalo mthetho uyi-Land Use Planning Ordinance, okanye nayiphi na imithetho eyandulelayo.

**Ukulawulwa kweendonga neengcingo**

3. Akukho mntu omakakhe udonga okanye abiye ngocingo lwalo naluphi na uhlobo emdeni nakowuphi na umhlaba ngaphandle kwemvume yeBhunga ngokwamagatya aqulathwe kulo.