



**STELLENBOSCH**

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/12257

Our File Reference Number: Erf 12186, Stellenbosch

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: [Ulrich.Vonmolendorff@stellenbosch.gov.za](mailto:Ulrich.Vonmolendorff@stellenbosch.gov.za)

**PER E-MAIL:** [REDACTED]

Sir / Madam

**APPLICATION FOR REMOVAL OF RESTRICTIONS, PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME AND DEPARTURES: ERF 12186, 69 – 71 BIRD STREET, STELLENBOSCH**

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
  - 2.1 The **removal of the restrictive title deed conditions** in terms of section 15(2)(f) of the said bylaw of Clause 1.A.2 and Clause 2.B.2 as contained in Deed of Transfer No. T012641/2003.

The conditions read as follows:

- a) *Paragraph 1.A.2 "...In favour of HJL du Toit and the successors in title of the property held under Deed 149 of 1888 – no canteen, hotel, butcher, general or any business of a like nature shall be erected, carried on or conducted on a certain portion of the property, without the parties mentioned being entitled to compensation";*
- b) *Paragraph 2.B.2 "...That no canteen, hotel, butcher, general or any business of a like nature shall be erected, carried on or conducted on the above land";.*

2.2 A **permanent departure** in terms of section 15(2)(b) of the said bylaw to:

- a) *Exceed the height of 10meter, measured from the existing ground level to top of the roof or top of parapet, which limit is applicable only to the first 15meters measured from a public road, to 15meter.*
- b) *Allow for the under-provision of parking (70 bays in leu of 81 bays)*

2.3 A **permission required** in terms of Section 15(2)(g) of the said bylaw to erect a new building or structure within an urban conservation area in terms of Section 246(1)(a).

**BE APPROVED** in terms of Section 60 of the said Bylaw and subject to the following conditions of approval in terms of Section 66 of the said Bylaw:

3. **Conditions of approval:**

3.1 The approval applies only to the proposal in question, as indicated on **ANNEXURE C**, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

3.2 The approval granted does not exempt the applicant/operator from complying with any other legal prescriptions or requirements that might have a bearing on the activity;

3.3 The development must be undertaken generally in accordance with the Site Development plan Nr A101; A102; A103; A104; A105; A114; A115; A117 & A119, dated 25 August 2021, and attached as **ANNEXURE C**;

3.4 Building plans must be generally in accordance with Site Development plan Nr A101; A102; A103; A104; A105; A114; A115; A117 & A119, dated 25 August 2021, and attached as **ANNEXURE C**;

3.5 The following conditions imposed by the **Department of Transport and Public Works** in their letter dated 18 June 2021, attached as **ANNEXURE G**, be adhered to;

- i) *The registration of the servitude for the public sidewalk must be done on collaboration with this Branch (Mr Pieter Pienaar – [pieter.pienaar@westerncape.gov.za](mailto:pieter.pienaar@westerncape.gov.za) and/or Mr Andrew Raath – [andrew.raath@westerncape.gov.za](mailto:andrew.raath@westerncape.gov.za)) and*
- ii) *The detail design plans for the MR27/MR175 intersection after being scrutinized by your Roads and Stormwater Department must be submitted to the Chief*

Directorate Design (Ms Melanie Hofmeyr – [melanie.hofmeyr@westerncape.gov.za](mailto:melanie.hofmeyr@westerncape.gov.za)) of this Branch for final approval.

3.6 The following conditions imposed by the **Manager: Environmental Management** in their memo dated 17 February 2021, attached as **ANNEXURE H**, be adhered to;

- i) *Activities on site, during construction and thereafter, must comply with the Western Cape Noise Control Regulations;*
- ii) *During construction the owner, developer or any agent acting on his/her behalf, must take all reasonable steps to prevent nuisance caused by dust in accordance with the National Dust Control Regulations.*

3.7 The conditions imposed by the **Manager: Electrical Services** in their memo dated 19 July 2021, attached as **ANNEXURE J** be adhered to;

3.8 A service agreement regarding the responsibilities for the provision of engineering services be entered into with the Municipality prior to the construction of any engineering services or infrastructure in terms of Section 66(3) and Section 82(4) of the said Bylaw, which service agreement must include and comply with the conditions as imposed by the **Directorate Infrastructure Services** in their memo dated 11 August 2021, and attached as **ANNEXURE K**;

3.9 Development contributions are payable in accordance with the prevailing and applicable Council tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Directorate Infrastructure Services;

3.10 A 5m wide strip of Erf 12186, Stellenbosch, adjacent to Bird Street, must be subdivided and transferred to the municipality, to allow for the future widening of Bird Street.

3.11 Inclusionary housing be considered to expand housing opportunity of a broader range of income groups.

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

- a) The property is located inside the urban edge where densification and higher density development is encouraged.
- b) The proposed development is not regarded to be out of scale or character with its surroundings.

- c) The proposed development of the subject property will not impact negatively on the safety and welfare of the members of the community or have an effect on existing rights concerned.
- d) The development is compatible with the surrounding land uses and built environment.
- e) The proposed development is consistent with the Dennesig Neighbourhood Development.
- f) The proposed development will have a positive impact on the town's local economy as it will create many new employment opportunities during the construction phase.

5. **Matters to be noted**

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

5.2 The conditions stated in letter TPW/CFS/RP/LUD/REZ/SUB-25/399 (Job 28482) by the **Department of Transport and Public Works**, dated 18 June 2021, **BE NOTED**. See **ANNEXURE G**.

6. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

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

(a) The personal particulars of the Appellant, including:

- (I) First names and surname;
- (II) ID number;
- (III) Company of Legal person's name (if applicable)
- (IV) Physical Address;
- (V) Contact details, including a Cell number and E-Mail address;

- (b) Reference to this correspondence and the relevant property details on which the appeal is submitted.
  - (c) The grounds of the appeal which may include the following grounds:
    - (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
    - (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.
  - (d) whether the appeal is lodged against the whole decision or a part of the decision;
  - (e) if the appeal is lodged against a part of the decision, a description of the part;
  - (f) if the appeal is lodged against a condition of approval, a description of the condition;
  - (g) the factual or legal findings that the appellant relies on;
  - (h) the relief sought by the appellant; and
  - (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;
  - (j) That the appeal includes the following declaration by the Appellant:
    - (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
    - (ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.
8. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: [landuse.appeals@stellenbosch.gov.za](mailto:landuse.appeals@stellenbosch.gov.za)
9. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the

appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.

10. The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).
11. An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:
  - (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
  - (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
  - (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
  - (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.
12. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
13. Kindly note the above decision is suspended, and in the case of any approval, may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully

  
\_\_\_\_\_  
**FOR: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT**

4/3/2022  
\_\_\_\_\_  
**DATE:**

Copies to Objectors

1. [REDACTED]

E-mail: [REDACTED]

2. [REDACTED]

E-mail: [REDACTED]

3. [REDACTED]

E-mail: [REDACTED]

# **ANNEXURE C**

**APPLICATION FOR REMOVAL OF RESTRICTIONS,  
PERMISSION REQUIRED IN TERMS OF THE ZONING  
SCHEME AND DEPARTURES ON ERF 12186, BIRD  
STREET, STELLENBOSCH**

**SITE DEVELOPMENT  
PLAN/SITE PLAN**



Architect  
Signature

Client  
Signature

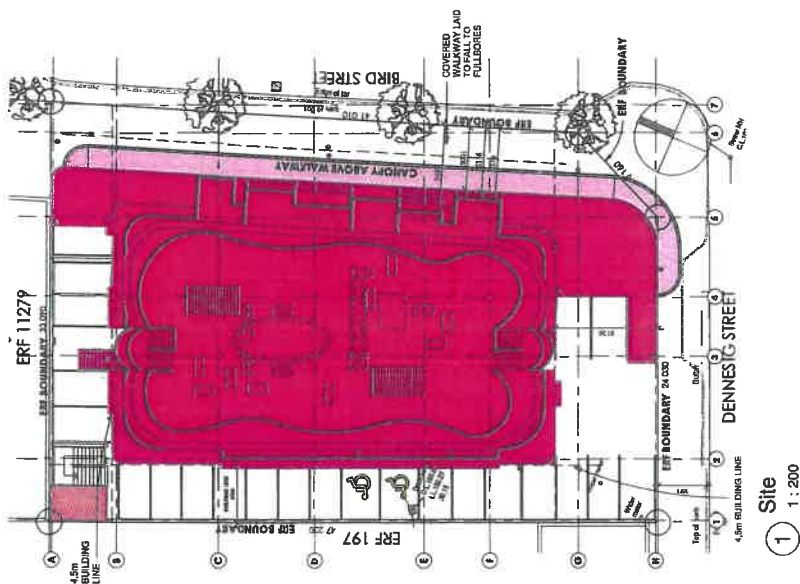
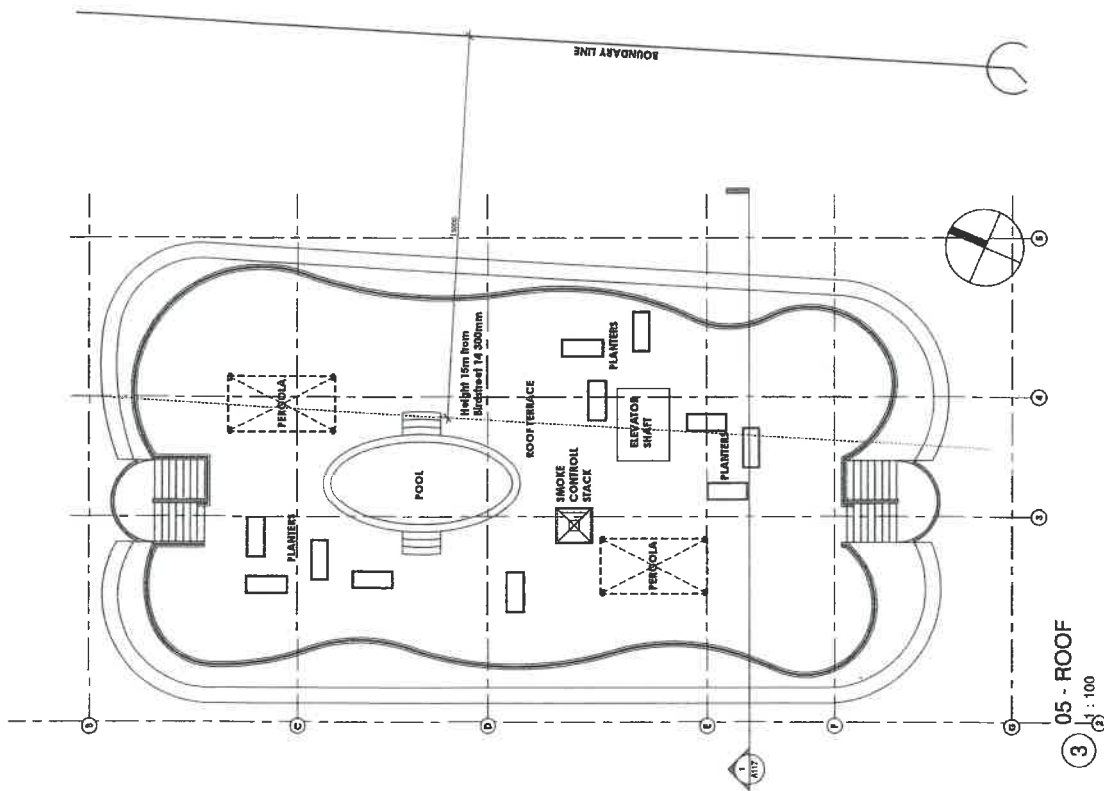


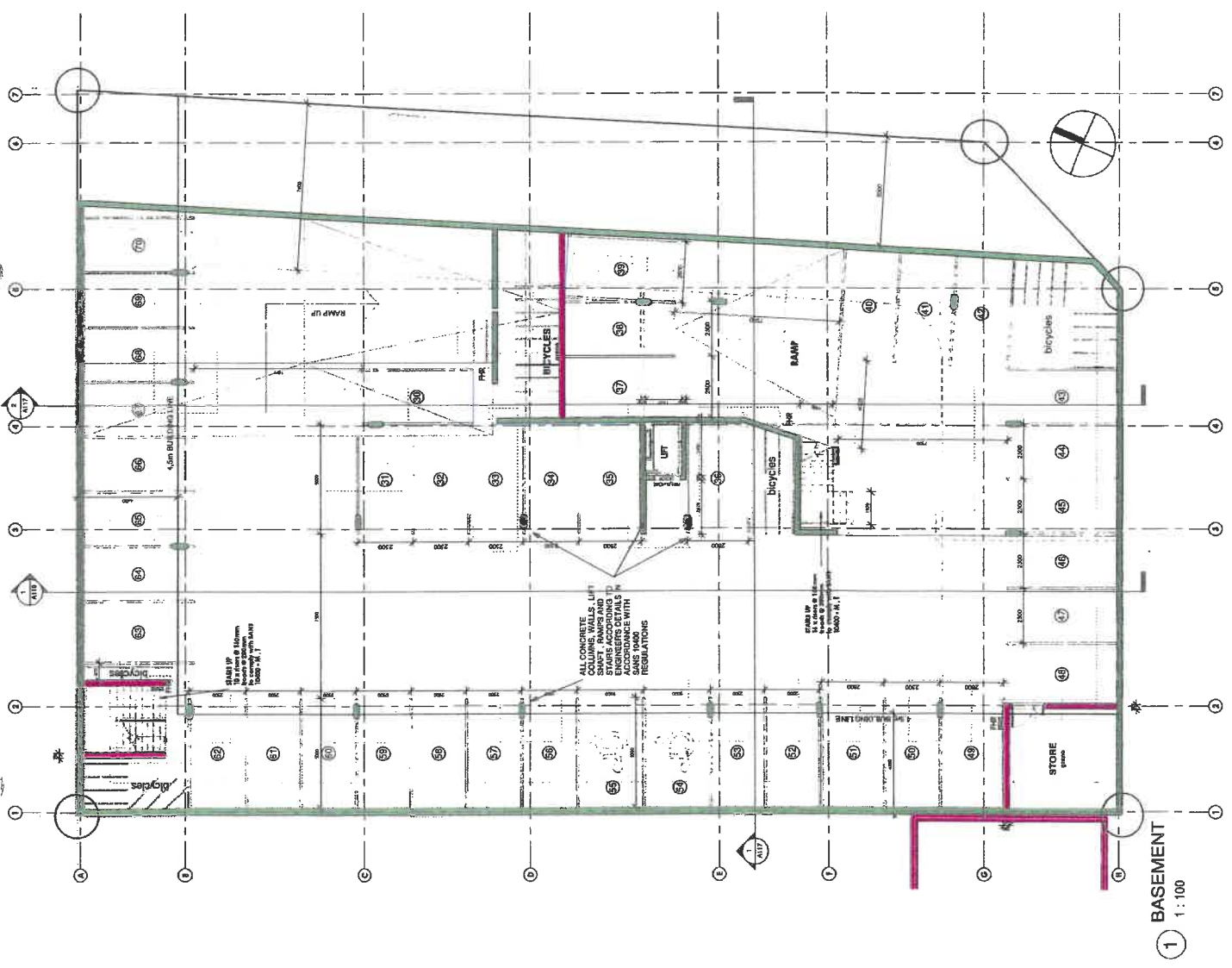
HEUER PLATZ - ERF  
12186 - STELLENBOSCH

Client Name	HEUER GATES TRUST
Project number	0106
Date	25-08-2021
Drawn by	BP
Checked by	CKA

SITE PLAN & ROOF

0106	A101
Scale	As indicated





**NOTE:**  
ALL FINISHED FLOOR LEVELS TO BE CHECKED TO NATURAL GROUND LEVELS

**NOTE:**  
SEWERAGE AND STORMWATER CONNECTIONS TO CIVIL ENGINEERS TO BE CHECKED TO COMPLY WITH SANS 10400-P-201

Architect Signature: [Signature]

Client Signature: [Signature]



**HEUER BATES TRUST**  
12186 - STELLENBOSCH

Client/Name	HEUER BATES TRUST
Project number	0106
Date	25-08-2021
Drawn by	BP
Checked by	CKA
<b>BASEMENT</b>	
<b>0106</b>	<b>A102</b>
Scale	1:100

**GENERAL NOTES**  
All work is to be in accordance with the National Building Regulations (SANS 10400) code of practice. The contractor is to verify all work and specifications are to be executed exactly as per plan. Any errors, discrepancies or omissions to be reported to the architect immediately. No drawings are to be used in conjunction with engineer and consultant plans without the written consent of the architect. The contractor is to ensure that all work is completed in accordance with the approved drawings and specifications. The contractor is to ensure that all work is completed in accordance with the approved drawings and specifications. The contractor is to ensure that all work is completed in accordance with the approved drawings and specifications.

**STRUCTURAL DESIGN**  
The contractor is to verify the design of the structure with the architect. The contractor is to ensure that all work is completed in accordance with the approved drawings and specifications. The contractor is to ensure that all work is completed in accordance with the approved drawings and specifications. The contractor is to ensure that all work is completed in accordance with the approved drawings and specifications.

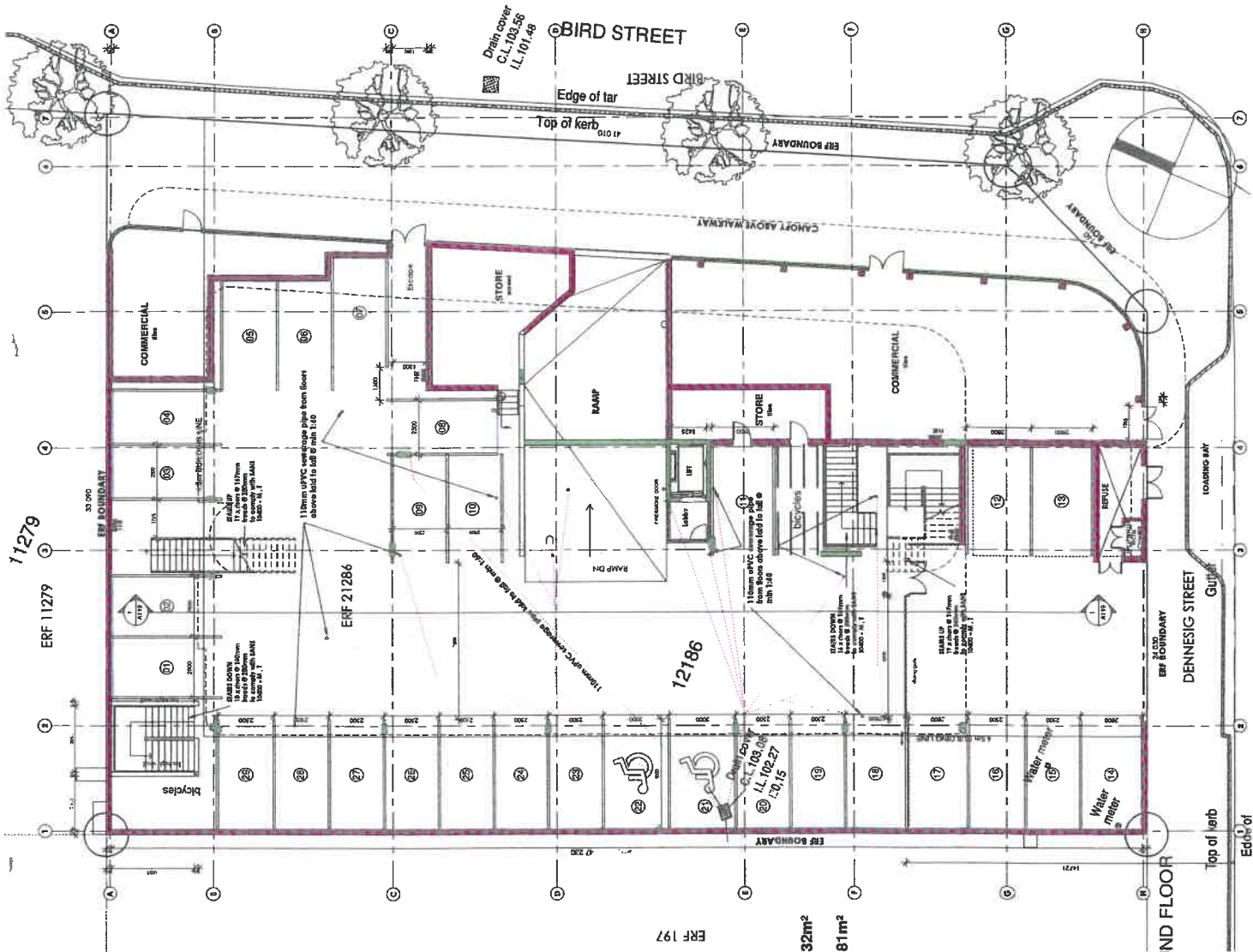
**CONCRETE WORK**  
All concrete work is to be in accordance with the approved drawings and specifications. The contractor is to ensure that all work is completed in accordance with the approved drawings and specifications. The contractor is to ensure that all work is completed in accordance with the approved drawings and specifications.

**ROOFING**  
The roof is to be in accordance with the approved drawings and specifications. The contractor is to ensure that all work is completed in accordance with the approved drawings and specifications. The contractor is to ensure that all work is completed in accordance with the approved drawings and specifications.

**MECHANICAL AND ELECTRICAL**  
The contractor is to ensure that all work is completed in accordance with the approved drawings and specifications. The contractor is to ensure that all work is completed in accordance with the approved drawings and specifications. The contractor is to ensure that all work is completed in accordance with the approved drawings and specifications.

**BASEMENT**  
1 : 100

**OCCUPANCY:**  
 SMALL SHOP <250m<sup>2</sup> -  
 OFFICES -  
 LOW RISK STORAGE -  
 PARKING GARAGE -  
 DOMESTIC RESIDENTS -



Ramp to be laid with 600 x 600mm Non-Slip tiles with 650mm high S/S handrail with 75mm high balustrade  
 Head clearance for emergency route of less than 2m to be indicated.  
 Disabled facilities to be clearly marked with approved signs  
 No smoking allowed anywhere in Facility  
 Premises to be retrofitted in accordance with SANS 10400 Fireproofing Regulations  
 Notice boards to be clearly marked with numbers, signs, with the subject matter, and the back accessible to be hand, and down an egress route that is graded and clear of any obstruction, and to be clearly marked with an extremely bright yellow sign that is connected to the emergency alarm line.  
 All Disabled toilets will have a lowered opening door with lock that can be opened from outside.  
 The VCB to be 450mm between center line and nearest wall. Top surface of seat to be 460mm above FFL.  
 S/S grab rails to be provided in accordance with SANS 10400  
 Flushing control and paper-towel dispenser to be easily accessible with fit remaining in upright position when released.  
 WTB to be sized 650mm from floor and have vertical clearance of 650mm underneath at a point no less than 180mm from front of basin.  
 Steps to have level treads with each water handle within reach of a sitting person on the VCB path.  
 All areas not naturally lit to be artificially lit in accordance with the relevant recommendations contained in the SANS Code of Practice 9114 part 1 - 1975 and minimum average value of luminance plane task to be provided by electrical org.  
 Release areas to have adequate natural lighting, ventilated by specialist.  
 Lift providing access to the first floor will comply with requirements of Part B of Regulation 237B. Regulations under the National Building Regulations and Building Standards Act (103/1977) with SANS 10400: 1996 Code Practice for the application of National Building Regulations and SANS 10400: 1996 Code of Practice for Accessibility of Buildings for Disabled Persons. Spec provided by Employer.  
 All mechanical ventilation plants and noise producing equipment to be fitted to comply with SANS 10400 and SANS regulations  
 All referencer to engineers drawings

**AREAS:**

**BASEMENT:** 24.63m<sup>2</sup>  
**GROUND FLOOR:** 257.32m<sup>2</sup>  
**FIRST FLOOR:**  
 • 608.70m<sup>2</sup>  
 • 102.13m<sup>2</sup> (BALCONIES)  
**710.83m<sup>2</sup> (TOTAL)**  
**2nd FLOOR:**  
 • 584.09m<sup>2</sup>  
 • 94.07m<sup>2</sup> (BALCONIES)  
**678.16m<sup>2</sup> (TOTAL)**  
**3rd FLOOR:**  
 • 584.14m<sup>2</sup>  
 • 92.44m<sup>2</sup> (BALCONIES)  
**676.58m<sup>2</sup> (TOTAL)**  
**4th FLOOR:**  
 • 455.11m<sup>2</sup>  
 • 183.13m<sup>2</sup> (BALCONIES)  
**638.24m<sup>2</sup> (TOTAL)**  
**GRAND TOTAL: 2 985.76m<sup>2</sup>**

**AREAS:**  
 SITE AREA - 1477.69m<sup>2</sup>  
 COVERAGE - 881.565<sup>2</sup>  
 PERCENTAGE - 59.66%  
 FLOOR FACTOR - 0.7/1  
 TOTAL NETT AREA - 2 999.03m<sup>2</sup>  
**COVERAGE OF COMMERCIAL - 200.32m<sup>2</sup>**  
**PERCENTAGE OF COMMERCIAL - 23.11%**  
**COVERAGE OF APARTMENTS - 601.81m<sup>2</sup>**  
**PERCENTAGE - 68.27%**

**PARKING ALLOCATION:**

- PARKING PER UNIT - 1/2 BEDROOM UNITS = 1.5x50=75
- COMMERCIAL 4/100m<sup>2</sup> =150m<sup>2</sup>/25=6
- TOTAL PARKING REQUIRED 81
- PARKING PROVIDED: 70
- 29 parking spaces on Ground level
- 41 parking spaces on Basement level
- 53 x Bicycle stands provided

**NOTE:**  
 ALL FINISHED FLOOR LEVELS TO BE CHECKED AND CORRECTED TO COMPLY WITH SANS 10400, P. 207.

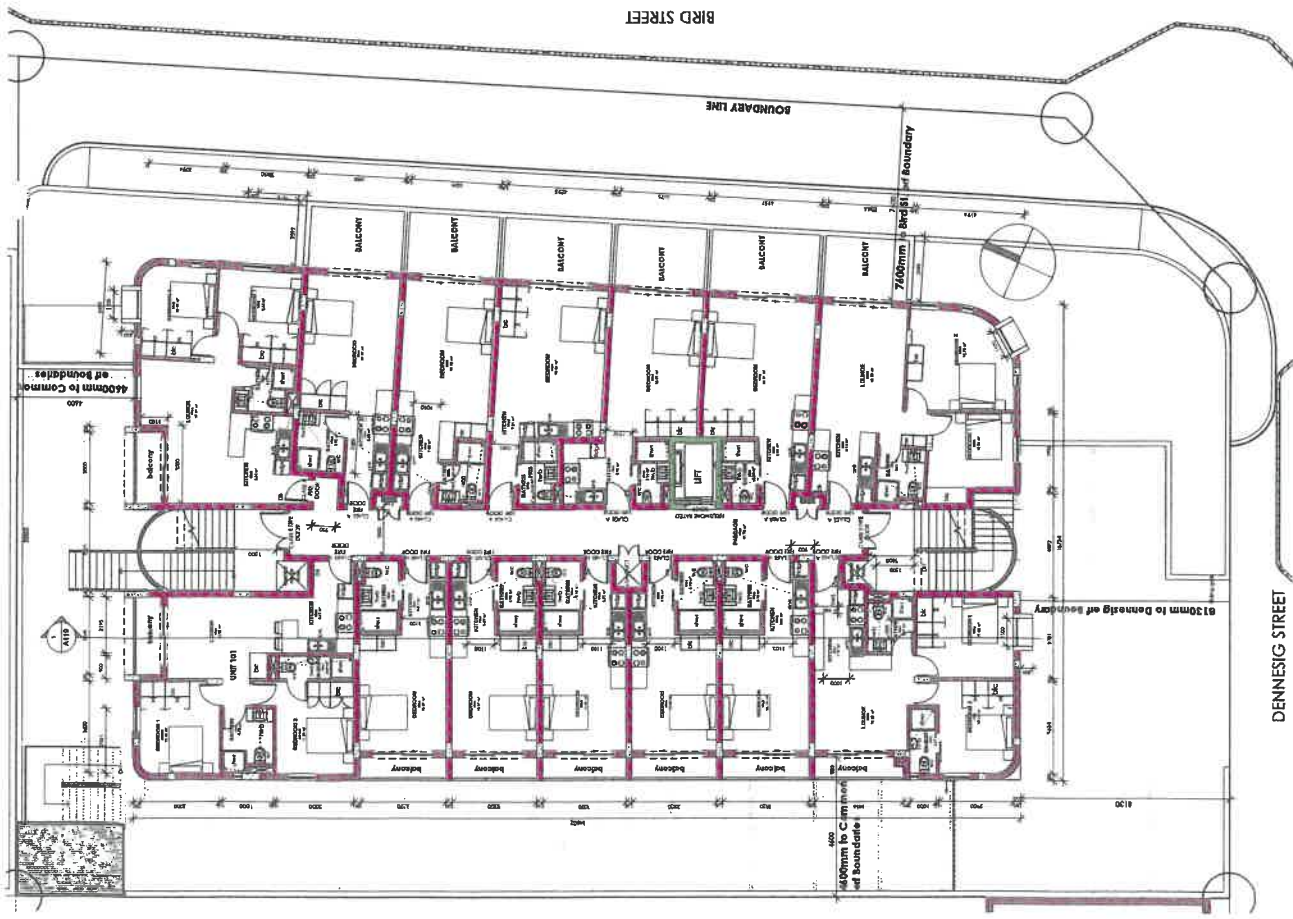
**NOTE:**  
 ALL FINISHED FLOOR LEVELS TO BE CHECKED AND CORRECTED TO COMPLY WITH SANS 10400, P. 207.

Architect Signature: *[Signature]*  
 Client Signature: *[Signature]*

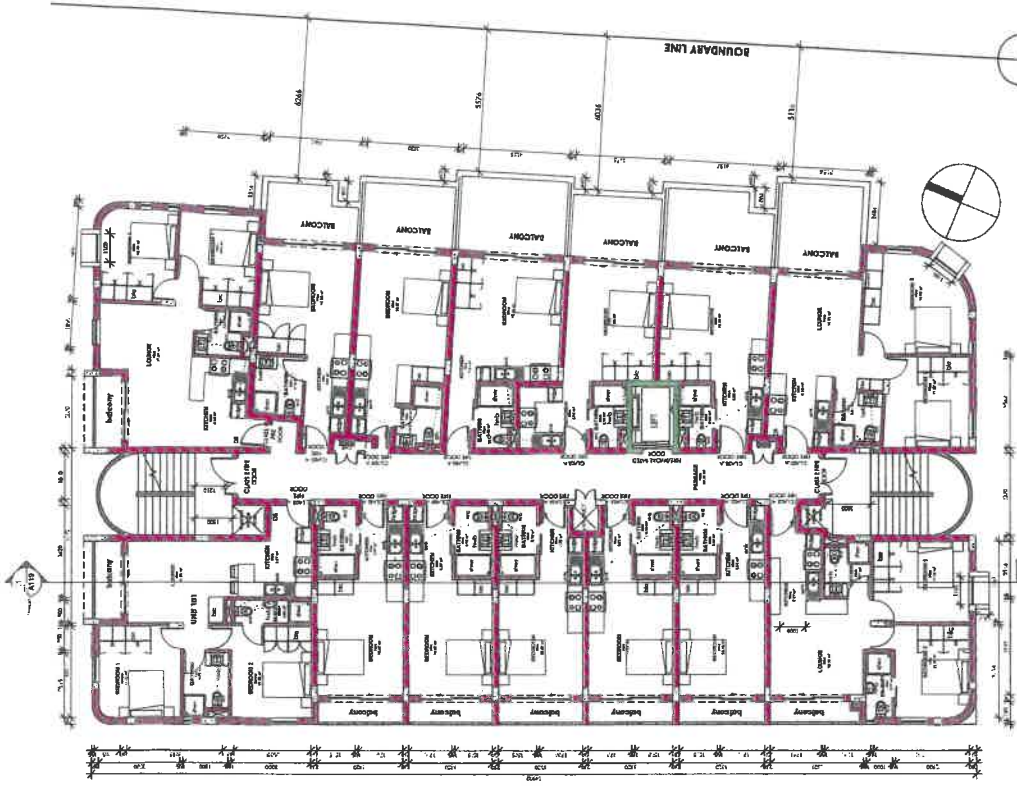


**HEUER PLATZ - ERF**  
**12186 - STELLENBOSCH**

Client Name	HEUER BATES TRUST
Project number	0106
Date	25-08-2021
Drawn by	BP
Checked by	CKA
<b>GROUND FLOOR</b>	
<b>0106</b>	<b>A103</b>
Scale	1:100



① 01 - FIRST FLOOR  
1 : 100



② 02 - SECOND FLOOR  
1 : 100

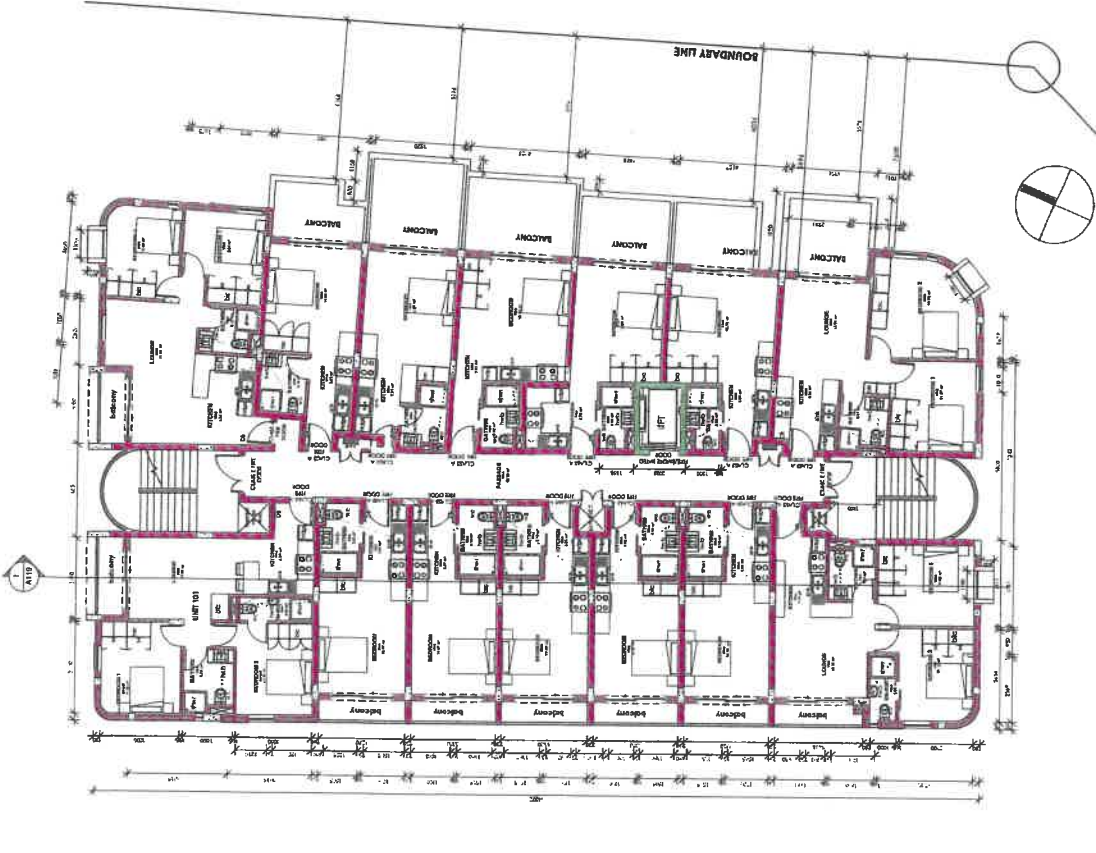
NOTE: ALL DIMENSIONS AND DIMENSIONS TO BE CHECKED BY CIVIL ENGINEERS & AMENDED ACCORDING TO NATURAL GROUND LEVELS WITH SANS 1000, P. 5.01

Architect  
Signature: *[Signature]*  
Client  
Signature: *[Signature]*

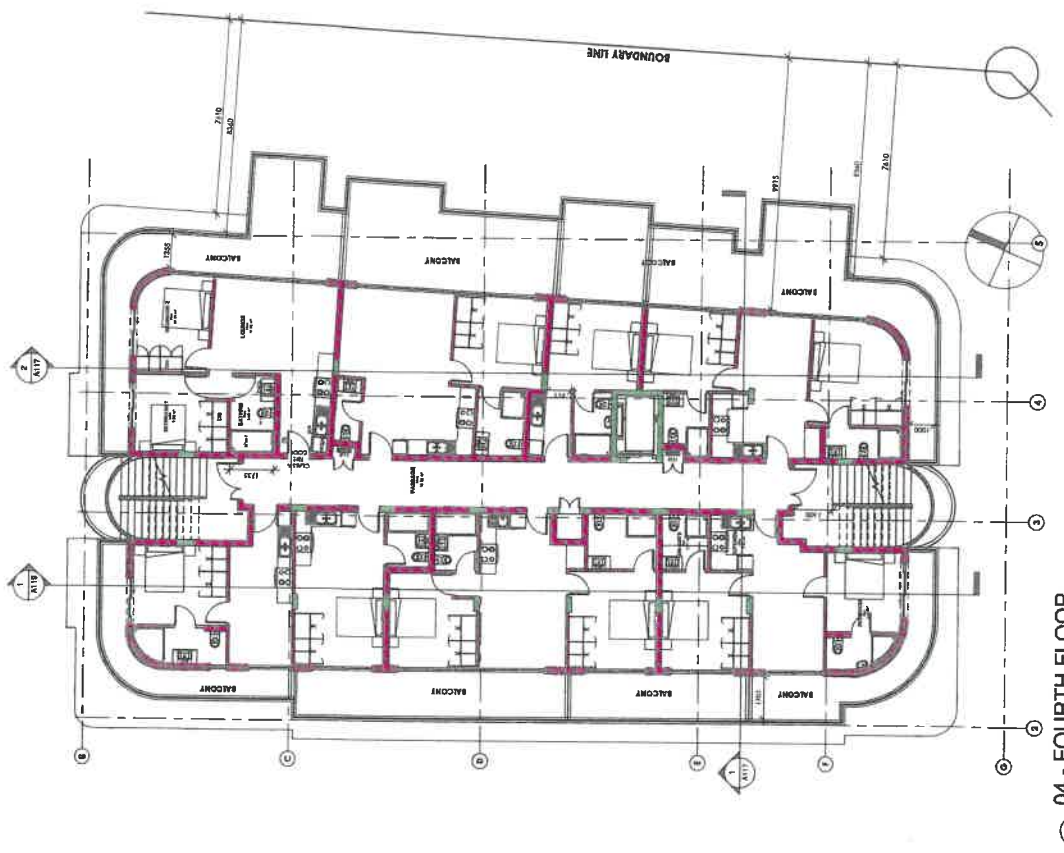


HEUER PLATZ - ERF  
12186 -  
STELLENBOSCH

Project number	0106	FLOOR PLANS
Date	25-08-2021	<b>0106</b>
Drawn by	BP	CURRENT REVISION
Checked by	CKA	Scale
		1 : 100



① 03 - THIRD FLOOR  
1 : 100



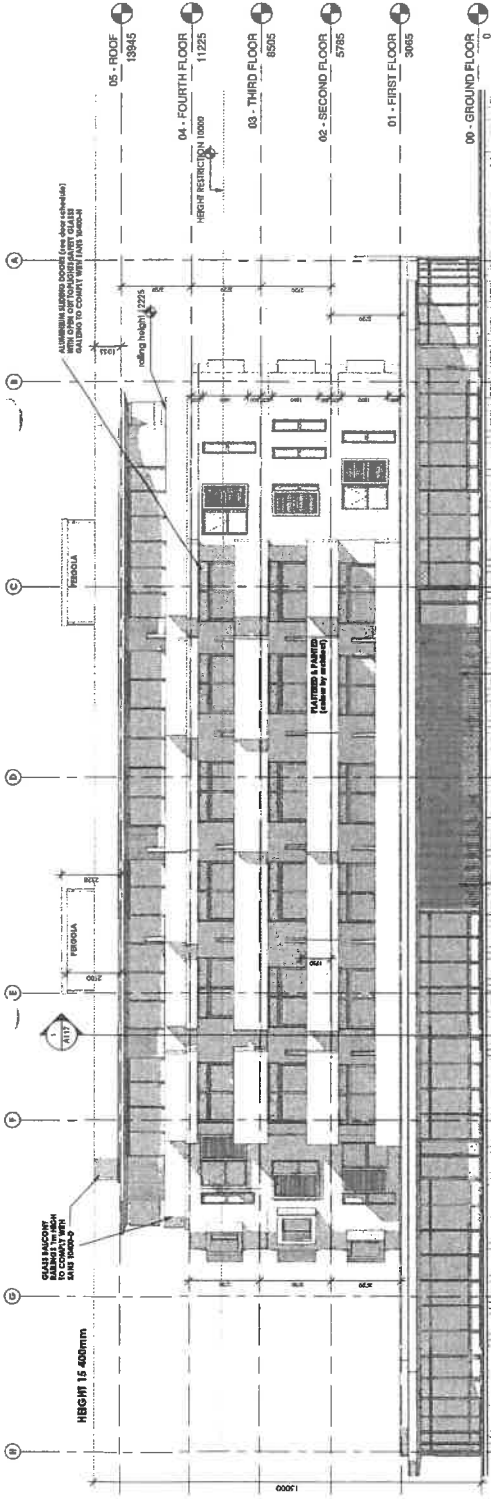
② 04 - FOURTH FLOOR  
1 : 100

Architect's  
Signature: *[Signature]*  
Client's  
Signature: *[Signature]*

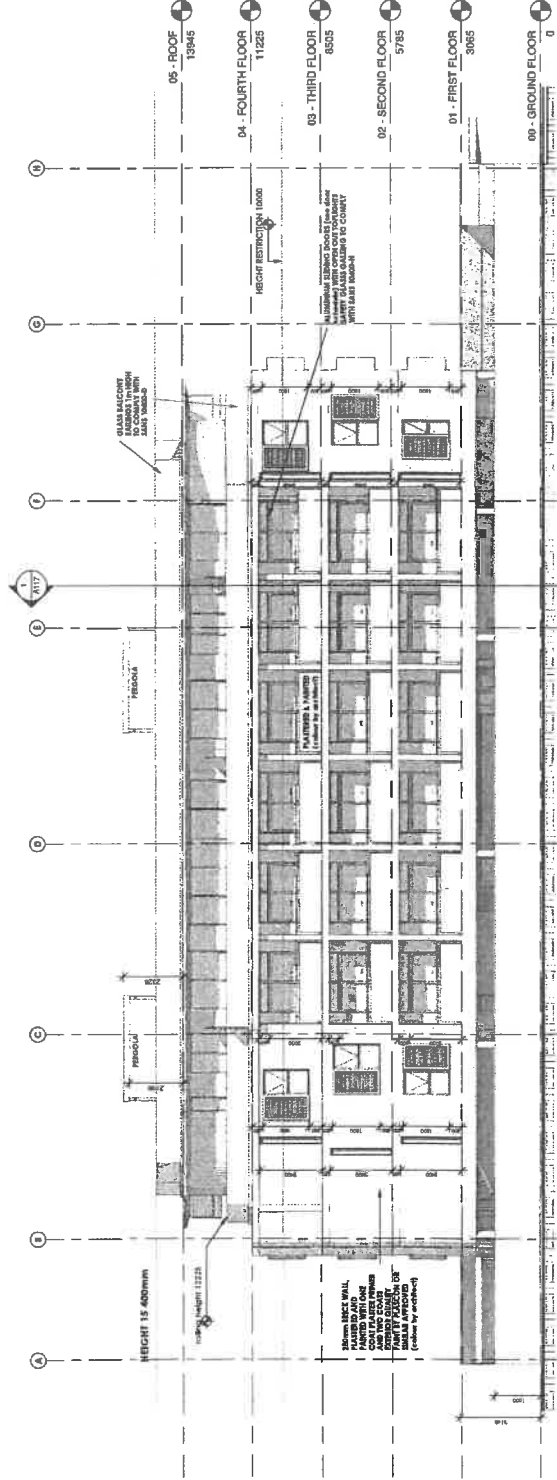


HEUER PLATZ - ERF  
12186 -  
STELLENBOSCH

Project number	0106	FLOOR PLANS
Date	25-08-2021	<b>0106</b>
Drawn by	BP	CURRENT REVISION
Checked by	CKA	A105
	Scobb	1 : 100



1 East  
1 : 100



2 West  
1 : 100

HEUER PLATZ - ERF 12186 - STELLENBOSCH		Project number 0106	EAST & WEST ELEVATIONS	
Date 25-08-2021	Drawn by BP	Current revision 0106	A114	
Checked by CKA	Scale 1:100			

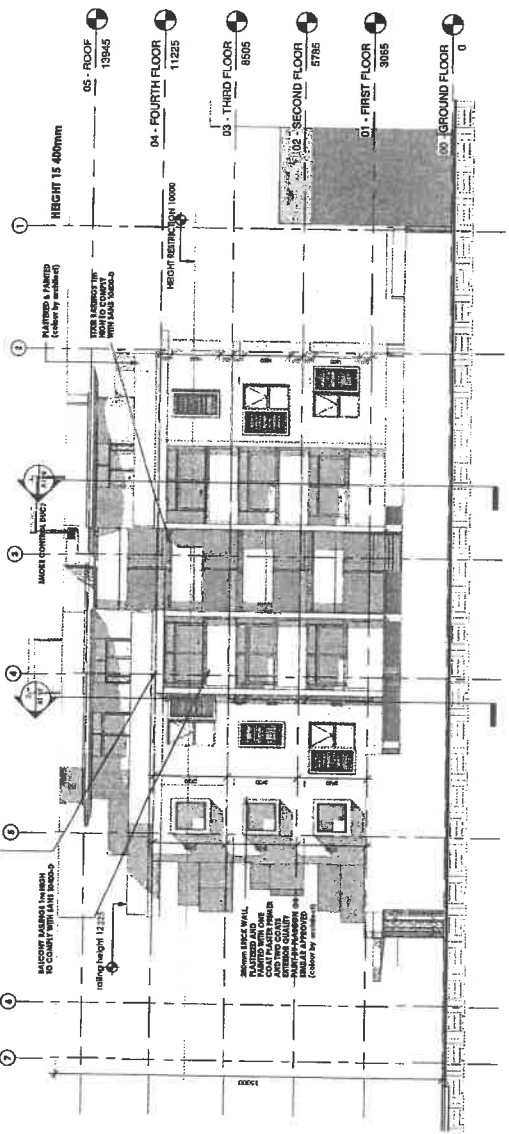


Architects  
Jagdish  
Clients  
Signature: *[Handwritten Signature]*

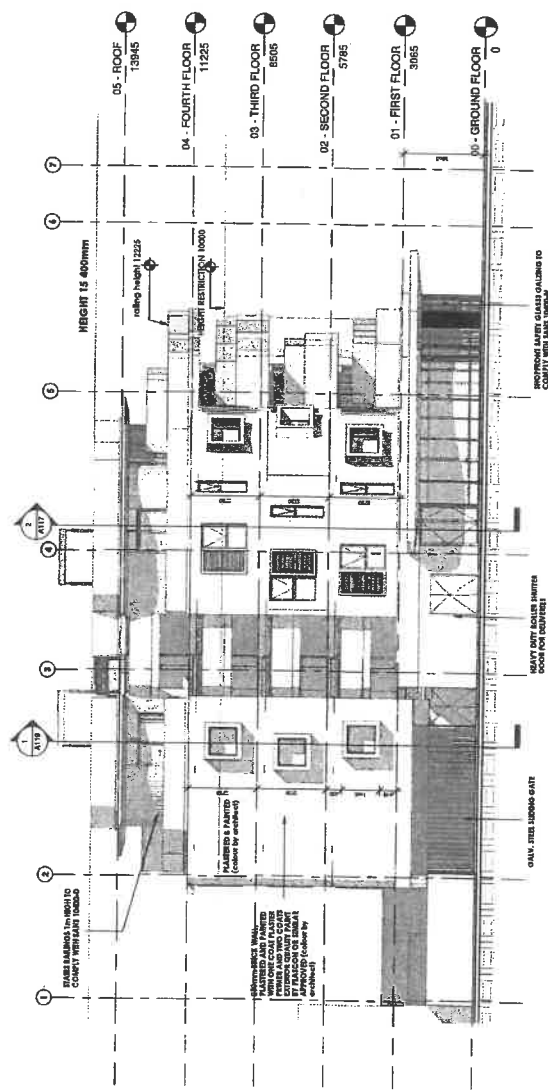
Project number	0106	NORTH & SOUTH ELEVATIONS	
Date	25-08-2021	0106	A115
Drawn by	BP	CURRENT REVISION	
Checked by	CKA	Scale	

HEUER PLATZ - ERF  
12186 -  
STELLENBOSCH

Architect  
Signature: *[Signature]*  
Client  
Signature: *[Signature]*



1 North  
1 : 100



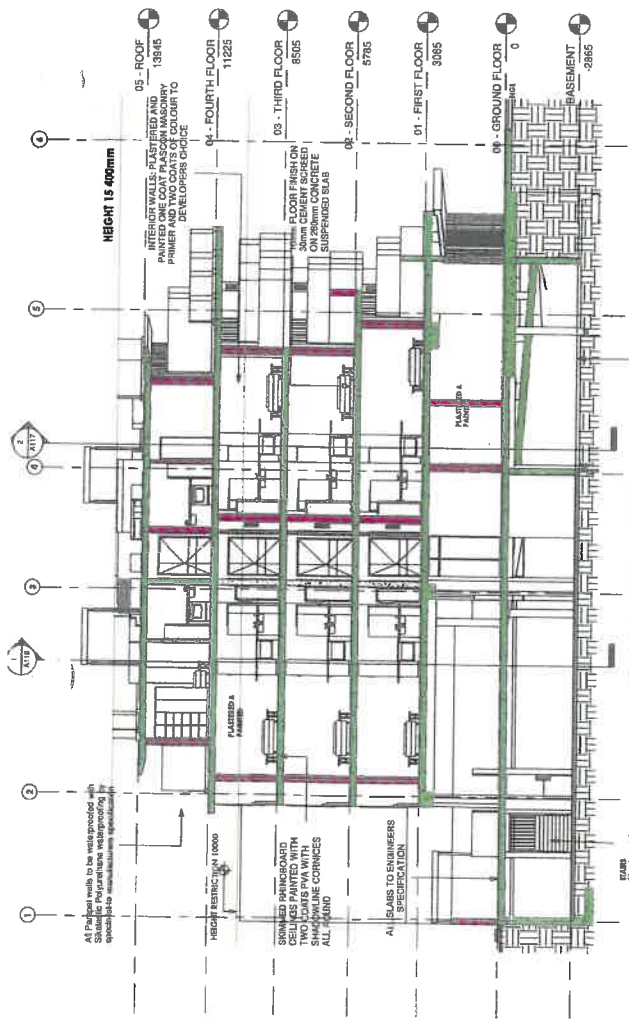
2 South  
1 : 100

Architects  
 Signatures: *[Handwritten Signature]*  
 Clients  
 Signatures: *[Handwritten Signature]*

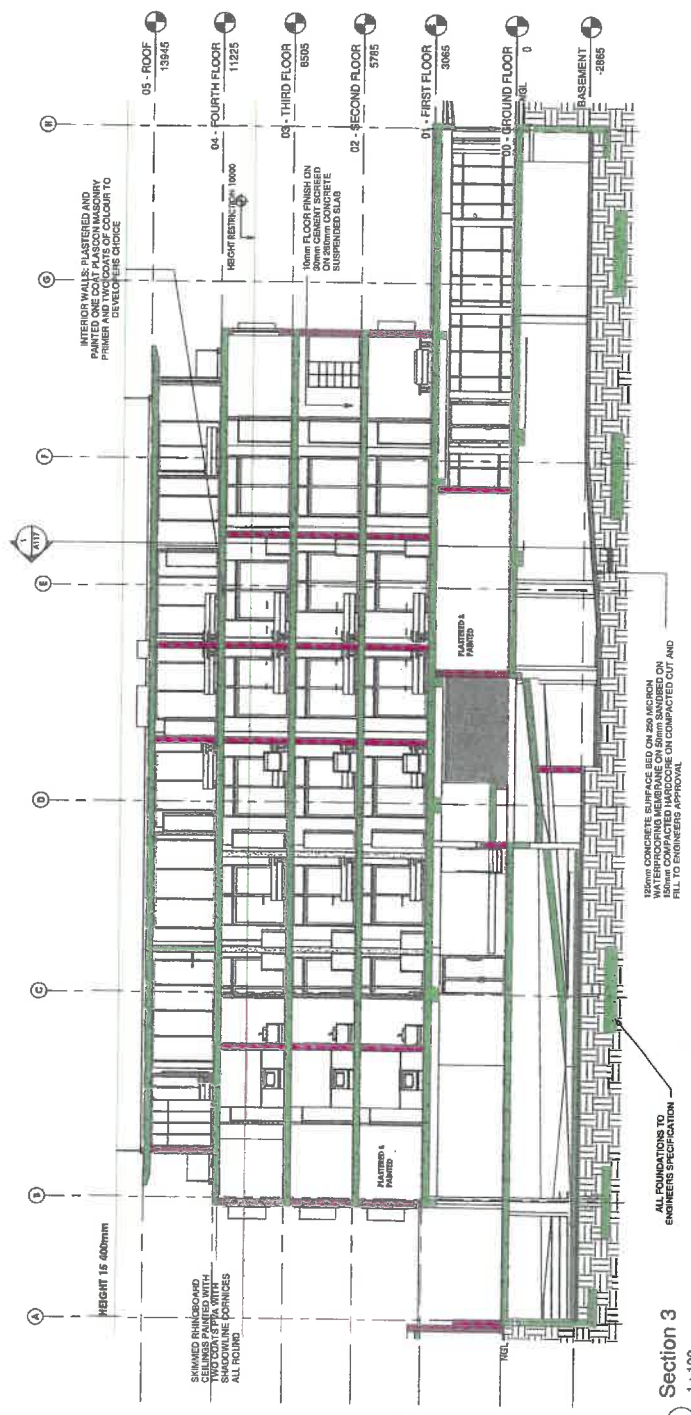


**HEUER PLATZ - ERF**  
**12186 - STELLENBOSCH**

Client Name	HEUER BATES TRUST
Project number	0106
Date	25-08-2021
Drawn by	BP
Checked by	CKA
<b>SECTIONS</b>	
<b>0106</b>	<b>A117</b>
Scale	1:100



**Section 2**  
 1 : 100



**Section 3**  
 2 : 100





1 Section 1  
1 : 50

110mm Ø PVC drainage pipes from floor above  
 150mm Ø PVC drainage pipe @ min 1% and min 150 gradient to connect to existing drainage with SANS 10489 P:2011  
 150mm Ø underground PVC drainage pipe @ min 1% and min 150 gradient to connect to existing drainage with SANS 10489 P:2011  
 existing manhole to municipal main "A"

150mm CONCRETE SURFACE FINISH ON SLABS WITH 150mm WATERPROOFING MEMBRANE ON SLABS WITH 150mm COMPACTED HARDWARE ON COMPACTED OUT AND P.L.L. TO ENGINEERS APPROVAL

PAINTED & FINISHED

ALL SLABS TO ENGINEERS SPECIFICATION

STAIR UP  
 150mm Ø PVC drainage pipe to connect to existing drainage with SANS 10489 P:2011

2 DRAINAGE LAYOUT  
 1 : 100

HEUER PLATZ - ERF 12186 - STELLENBOSCH		SECTION A119
Project number 0106	Date 25-08-2021	0106 CURRENT REVISION
Drawn by BP	Checked by CKA	Scale
Order by	As indicated	

Approve: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Check: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_

# **ANNEXURE G**

**APPLICATION FOR REMOVAL OF RESTRICTIONS,  
PERMISSION REQUIRED IN TERMS OF THE ZONING  
SCHEME AND DEPARTURES ON ERF 12186, BIRD  
STREET, STELLENBOSCH**

**COMMENT FROM THE  
DEPARTMENT OF  
TRANSPORT AND PUBLIC  
WORKS**

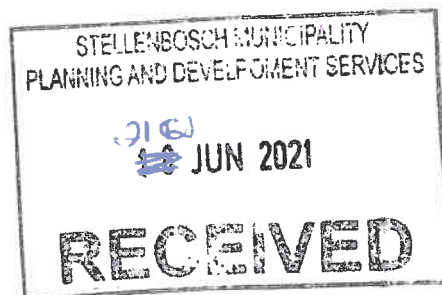


Western Cape  
Government

**TRANSPORT & PUBLIC WORKS: ROADS**  
Chief Directorate: Road Planning  
Email: grace.swanepoel@westerncape.gov.za  
Tel: +27 21 483 4669  
Room 335, 9 Dorp Street, Cape Town, 8001  
PO Box 2603, Cape Town, 8000

**REFERENCE:** TPW/CFS/RP/LUD/REZ/SUB-25/399 (Job 28482)  
**ENQUIRIES:** Ms G Swanepoel  
**DATE:** 18 June 2021

The Municipal Manager  
Stellenbosch Municipality  
PO Box 17  
**STELLENBOSCH**  
7599



Attention: Mr Ulrich von Molendorff

E 12186 S

Dear Sir

**ERF 12186, STELLENBOSCH: MAIN ROAD 173: APPLICATION FOR PERMANENT DEPARTURES FROM ZONING SCHEME, PERMISSION IN TERMS OF ZONING SCHEME AND REMOVAL OF RESTRICTIVE TITLE CONDITIONS**

1. The following refer:
  - 1.1. The undated and unreferenced notice received by this Branch on 8 April 2021;
  - 1.2. The Land Use Application dated December 2020 prepared by Lize Malan;
  - 1.3. The Traffic Impact Assessment (ITS 4305) dated December 2020 prepared by Innovative Transport Solutions;
  - 1.4. This Branch's e-mail to Lize Malan dated 4 June 2021;
  - 1.5. The Red Tape complaint lodge by Christof Alberlyn on 4 June 2021;
  - 1.6. This Branch's e-mail to Michael Gallant dated 7 June 2021;
  - 1.7. The return e-mail from Michael Gallant dated 7 June 2021;
  - 1.8. The e-mail from Lize Malan dated 7 June 2021 and
  - 1.9. The e-mail from your Senior Manager: Roads, Transport, Stormwater and Traffic Engineering dated 9 June 2021.

2. Main Road 173 (MR173), Main Road 27 (MR27) and Main Road 175 (MR175) are affected by this application. Stellenbosch Municipality is the Road Authority for all three Main Roads within the inner municipal area, but this Branch is still the Approving Authority in terms of the Roads Ordinance (19 of 1976).
3. This Branch offers no objection to the application subject to the following conditions:
  - 3.1. The Dennesig Master Home-Owners Association must upgrade MR27/MR175 intersection as indicated in Figure 14 in the Traffic Impact Assessment (ITS 4305) dated December 2020 prepared by Innovative Transport Solutions;
  - 3.2. The registration of the servitude for the public sidewalk must be done on collaboration with this Branch (Mr Pieter Pienaar - [pieter.pienaar@westerncape.gov.za](mailto:pieter.pienaar@westerncape.gov.za) and/or Mr Andrew Raath - [andrew.raath@westerncape.gov.za](mailto:andrew.raath@westerncape.gov.za)) and
  - 3.3. The detail design plans for the MR27/MR175 intersection after being scrutinised by your Roads and Stormwater Department must be submitted to the Chief Directorate Design (Ms Melanie Hofmeyr - [melanie.hofmeyr@westerncape.gov.za](mailto:melanie.hofmeyr@westerncape.gov.za)) of this Branch for final approval.

Yours Sincerely



**SW CARSTENS**

**For DEPUTY DIRECTOR-GENERAL: ROADS**

**ENDORSEMENTS**

1. Stellenbosch Municipality  
Attention: Mr U von Molendorff (e-mail: [ulrich.vonmolendorff@stellenbosch.gov.za](mailto:ulrich.vonmolendorff@stellenbosch.gov.za))  
Mr J Fullard (e-mail: [johan.fullard@stellenbosch.gov.za](mailto:johan.fullard@stellenbosch.gov.za))
  
2. Red Tape Reduction Unit  
Attention: Mr M Gallant (e-mail: [michael.gallant@westerncape.gov.za](mailto:michael.gallant@westerncape.gov.za))
  
3. Innovative Transport Solutions  
Attention: Mr J Brink (e-mail: [johanb@itsglobal.co.za](mailto:johanb@itsglobal.co.za))
  
4. District Roads Engineer  
Paarl
  
5. Mr Elroy Smith (e-mail)
  
6. Ms Melanie Hofmeyr (e-mail)
  
7. Mr SW Carstens (e-mail)
  
8. Mr B du Preez (e-mail)

# **ANNEXURE H**

**APPLICATION FOR REMOVAL OF RESTRICTIONS,  
PERMISSION REQUIRED IN TERMS OF THE ZONING  
SCHEME AND DEPARTURES ON ERF 12186, BIRD  
STREET, STELLENBOSCH**

**COMMENT FROM THE  
MANAGER: COMMUNITY  
SERVICES (ENVIRONMENTAL  
MANAGEMENT)**



**DEPARTMENT: COMMUNITY SERVICES**  
Stellenbosch Municipality, 123 Merriman Avenue, Stellenbosch, 7599

To:	<b>Administrative Officer: Land Use Management Nicole Katts</b>	From:	<b>Senior Environmental Planner: Schalk van der Merwe</b>
CC:	<b>Manager: Environmental Management Tammy Leibrandt</b>	Date:	<b>17 February 2021</b>
Re:	<b>APPLICATION FOR DEPARTURE – ERF 12186, STELLENBOSCH (LU/12257)</b>		

The above application refers. From an environmental planning point of view this department has no objection to the approval of the application subject to the following:

1. Activities on site, during construction and thereafter, must comply with the Western Cape Noise Control Regulations.
2. During construction the owner, developer or any agent acting on his/her behalf, must take all reasonable steps to prevent nuisance caused by dust in accordance with the National Dust Control Regulations.

**S VD MERWE**

**SENIOR ENVIRONMENTAL PLANNER:**

**COMMUNITY SERVICES**

# **ANNEXURE I**

**APPLICATION FOR REMOVAL OF RESTRICTIONS,  
PERMISSION REQUIRED IN TERMS OF THE ZONING  
SCHEME AND DEPARTURES ON ERF 12186, BIRD  
STREET, STELLENBOSCH**

**COMMENT FROM THE  
MANAGER: SPATIAL  
PLANNING**





# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

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## Spatial Planning

To : Manager: Land Use Management  
From : Manager: Spatial Planning  
Reference : Erf 12186, Stellenbosch  
LU No : LU/12257  
Date : 19 April 2021  
Re : Application for removal of restrictive title deed conditions, permanent departure and permission from Municipality to erect a new building or structure within an urban conservation area on Erf 12186, Stellenbosch (69-71 Bird Street, Stellenbosch)

22 APR 2021

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

**Application is made for the following:**

1) Removal of the restrictive title deed conditions (section 15(2)(f)) Clause 1.A.2 and Clause 2.B.2 as contained in Deed of Transfer No. T012641/2003.

E 12186 S

The conditions read as follows:

Paragraph 1.A.2 "...In favour of HJL du Toit and the successors in title of the property held under Deed 149 of 1888 – no canteen, hotel, butcher, general or any business of a like nature shall be erected, carried on or conducted on a certain portion of the property, without the parties mentioned being entitled to compensation";

Paragraph 2.B.2 "...That no canteen, hotel, butcher, general or any business of a like nature shall be erected, carried on or conducted on the above land";

2) Permanent departure (section 15(2)(b)) to:

- a) Relax the street building line on Bird Street from 5,0m to 0,640m to allow for the proposed development;
- b) Exceed the height of 10meter, measured from the existing ground level to top of the roof or top of parapet, which limit is applicable only to the first 15meters measured from a public road, to 17,715m.
- c) Allow for the under-provision of parking (71 bays in lieu of 88 bays)

3) Permission required in terms of Section 246(1)(a) of the Stellenbosch Municipal Zoning Scheme By-Law which requires an application for the permission of the Municipality to erect a new building or structure within an urban conservation area.

**Opinion/reasoning:**

The new approved Municipal Spatial Development Framework for the WC024 area was approved by Council in November 2019 and recognises that the spatial decisions and actions of many make what settlements are.

In terms of this approved document, seven principles need to be considered:

1. Maintain and grow the assets of Stellenbosch Municipality's natural environment and farming areas;
2. Respect and grow cultural heritage;
3. Direct growth to areas of lesser natural and cultural significance as well as movement opportunity;
4. Clarify and respect the different roles and potentials of existing settlements;
5. Clarify and respect the roles and functions of different elements of movement structure;
6. Ensure balanced, sustainable communities;
7. Focus collective energy on a few catalytic lead projects.

With the enactment of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), a new planning regime was introduced in South Africa. It replaced disparate apartheid era laws with a coherent legislative system as the foundation for all spatial planning and land use management activities in South Africa. It seeks to promote consistency and uniformity in procedures and decision-making. Other objectives include addressing historical spatial imbalances and the integration of the principles of sustainable development into land use and planning regulatory tools and legislative instruments.

Chapter 2 of SPLUMA sets out the development principles that must guide the preparation, adoption and implementation of any SDF, policy or by-law concerning spatial planning and the development or use of land. These principles are the following:

- Spatial Justice
- Spatial Efficiency
- Spatial Sustainability
- Spatial Resilience
- Good Administration

In terms of the approved MSDF for Stellenbosch Municipality, the subject property is located inside the approved urban edge of the Stellenbosch node and within an activity street (Bird Street) which is regarded as the gateway to the historic core of Stellenbosch. In terms of the approved MSDF the following guidelines are applicable to this specific application:

- Infill development and densification is encouraged in terms of the approved Municipal Spatial Development Framework (MSDF)
- The development of future developments must be contained within the existing urban areas to promote compact towns in close proximity to existing services.
- Contain the footprint of Stellenbosch town as far as possible within the existing urban edge.

- Maintain the integrity of historically and culturally significant precincts and places.
- Improve public space and movement routes within the historically and culturally significant precincts with a focus on pedestrianism.
- Work to grow the extent of historically and culturally significant precincts and places in daily use and accessible to the public through appropriate re-design.
- Pro-actively support higher density infill residential opportunity in the town centre and surrounding areas, comprising living space above active street fronts (eg. Bird Street)
- Actively support pedestrianism and improved public space within the old town centre
- Pro-actively improve conditions for walking and NMT within Stellenbosch town.

**Supported / not supported:**

During a meeting on 15 April 2021, a discussion was entered between the applicant, architect and officials of Stellenbosch Municipality. The following was agreed to:

- The sidewalk will remain sufficiently wide for pedestrian traffic and at the same time the opportunity for an active street interface is created.
- 0m street boundary line is also promoted in the Stellenbosch Conservation Strategy and Development Guidelines taking the existing buildings in account. Thus the current proposal is regarded as appropriate.
- Care should be taken with the ground level façade, not to create spaces for anti-social behavior (eg set-back entrances that create external lobbies) and dead walls. The ground floor should create an "active edge" and not include blank walls.
- This department is not supportive of with the current proposed 6 storeys and we request that the building should be lowered to a 5 storey building as Bird Street is regarded as the gateway to the historic core of Stellenbosch. Buildings along Bird Street do not include 6 storey buildings.
- The 15m setback from above 10m as provided for in the zoning scheme is not appropriate and could be relaxed to create an appropriate stepped façade.
- The use of curves on the façade should be toned down to create more useable balcony space and to align with the character of the buildings within the context of Bird Street.
- Attention should also be given to the articulation of the corner of the building at bird and Dennesig Streets, as this would be very visible especially when travelling north along Bird Street.

This department supports the proposal in principle. However, amended plans must be submitted to the Spatial Planning and Heritage department addressing the above issues.



**BJG de la Bat**  
**MANAGER: SPATIAL PLANNING**



Our ref: Erf 12186 (Stellenbosch)  
Mr K Makati

2021-03-12

For attention: Lize Malan

Lize Malan  
P.O. Box 3421  
Matieland  
7602

Handwritten: Erf 12186 S




**STELLENBOSCH ZONING SCHEME APPLICATION: APPLICATION FOR PERMANENT DEPARTURES FROM ZONING SCHEME ON ERF 12186 BIRD STREET, DENNESIG, STELLENBOSCH. PERMISSION IN TERMS OF STELLENBOSCH ZONING SCHEME SECTION 246 (1)(a) AND SECTION 252(1)(a)**

The above-mentioned application was considered by the Heritage Section on 2021-03-11, and the following recommendation was made:

- (a) The application for proposed demolition of the building on Erf 12186, Bird street, Dennesig Stellenbosch is recommended for approval in terms of Section 246(1)(b).
- (b) The application for 5m street building line encroachment is supported, however the proposed new height of 17.715m in an Urban Conservation Area is not supported. The proposed new development must remain within the requirements of Section 252(1)(a) of the Stellenbosch Municipality Zoning Scheme with a maximum of 5 stories.
- (c) The proposed new aesthetics the new structure is not in keeping with the architectural language to those in the streetscape of the conservations area. It is recommended that a clean, more simplified design be considered. That the Bird street façade, where the structure interacts with the pedestrian space need to better address how it interacts with the pedestrian space and how the new structure interacts with the existing structure.

**This recommendation is issued and read in accordance with the below document and plans:**

**Document:** Erf 12186 Stellenbosch Heuer Platz: Application for permanent departures from zoning scheme, permission in terms of zoning scheme and removal of restrictive title conditions submitted and authored by Lize Malan, dated: December 2020

**Plan No:** Basement Plans A102\_Rev0106  
Ground Floor A 103\_Rev 0106  
Floor Plans A104\_Rev0106  
Sections Plans A113 Rev 0106  
East & West Elevations A114 Rev0106  
North & South Elevations A115 Rev 0106

**Dated:** 06-12-2020



STELLENBOSCH

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**CONDITIONS AND NOTES:**

When the new re-designed plans are submitted, they are to return to the heritage component for comment.

You are hereby informed of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision.

Appeals must be addressed to the Municipal Manager and submitted to the relevant designated official by means of E-mail at the following address: [Lenacia.Kamineth@stellenbosch.gov.za](mailto:Lenacia.Kamineth@stellenbosch.gov.za).

For further information or any clarification regarding abovementioned application, you can contact the Office of Development Planning, Heritage Section.

Yours sincerely

**Katherine Robinson**  
**Senior Heritage Officer**



# STELLENBOSCH

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## Spatial Planning

**To** : **Manager: Land Use Management**  
**From** : **Manager: Spatial Planning**  
**Reference** : **Erf 12186, Stellenbosch**  
**LU No** : **LU/12257**  
**Date** : **20 May 2021 (REVISED COMMENT)**  
**Re** : **Application for removal of restrictive title deed conditions, permanent departure and permission from Municipality to erect a new building or structure within an urban conservation area on Erf 12186, Stellenbosch (69-71 Bird Street, Stellenbosch)**

---

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

**Application is made for the following:**

- 1) **Removal of the restrictive title deed conditions** Clause 1.A.2 and Clause 2.B.2 as contained in Deed of Transfer No. T012641/2003.
  
- 2) **Permanent departure to:**
  - a) Relax the street building line on Bird Street from 5,0m to 0,640m to allow for the proposed development;
  - b) Exceed the height of 10m, measured from the existing ground level to top of the roof or top of parapet, which limit is applicable only to the first 15m measured from a public road, to 17,715m.
  - c) Allow for the under-provision of parking (71 bays in lieu of 88 bays)
  
- 3) **Permission of the Municipality to erect a new building or structure within an urban conservation area.**

Please note that this comment replaces our initial comment dated 19 April 2021 and our subsequent meeting dated 19 May 2021 has reference.

The plans were amended to address our concerns and we therefore fully support the application with the revised plans. (Please refer to the revised plans attached to this comment)

**BJG de la Bat**  
**MANAGER: SPATIAL PLANNING**

## Barbara-Ann Henning

---

**From:** Lize Malan <lize@lizemalan.co.za>  
**Sent:** 12 May 2021 01:16 PM  
**To:** Barbara-Ann Henning; Bernabe De La Bat; Katherine Robinson  
**Cc:** Christof Albertyn  
**Subject:** [EX] Heuer Building Meeting request  
**Attachments:** 106 - ERF 12186 - WD06.pdf

**Importance:** High

Dear Kate, Bernabe and Barbara-Ann

Christof has amended the plans for the Heuer redevelopment, following on our previous discussion. Could we please meet with you to get your feed back. Next week Tuesday at 14:00 would be our preferred slot.

I attach the revised plan in the meantime.

Thanks and regards

Lize

**Lize Malan**

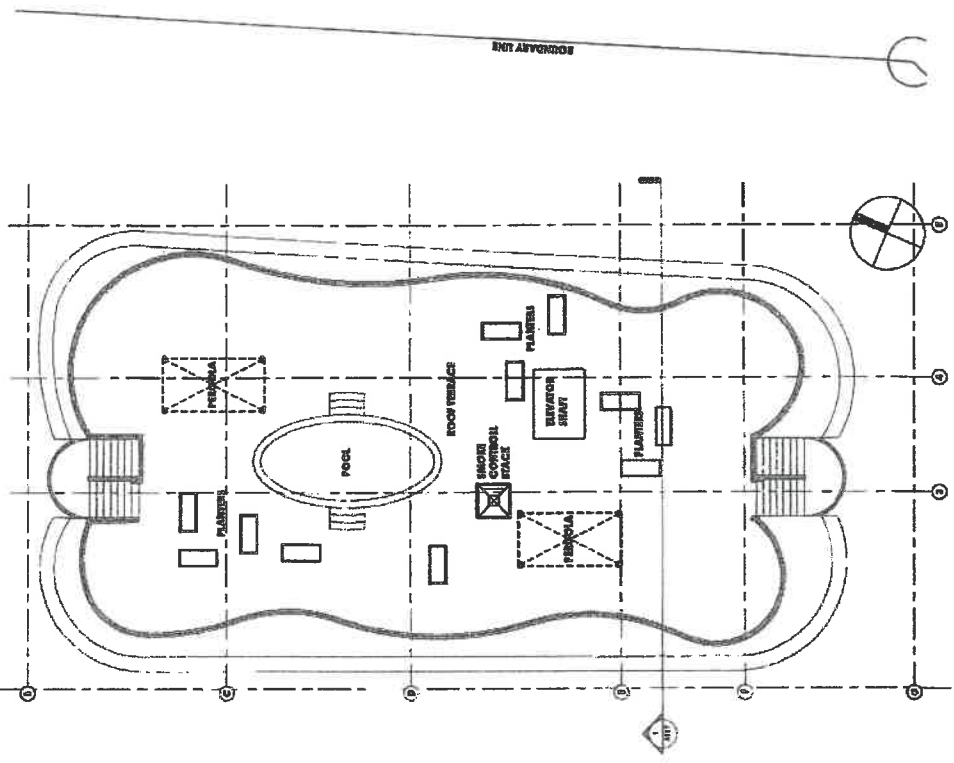
Cell: 083 440 0953

Client Name	HEUER BATES TRUST
Project number	0100
Date	10-05-2021
Drawn by	BP
Checked by	CKA
<b>SITE PLAN &amp; ROOF</b>	
Doc No	<b>A101</b>
Scale	As Indicated

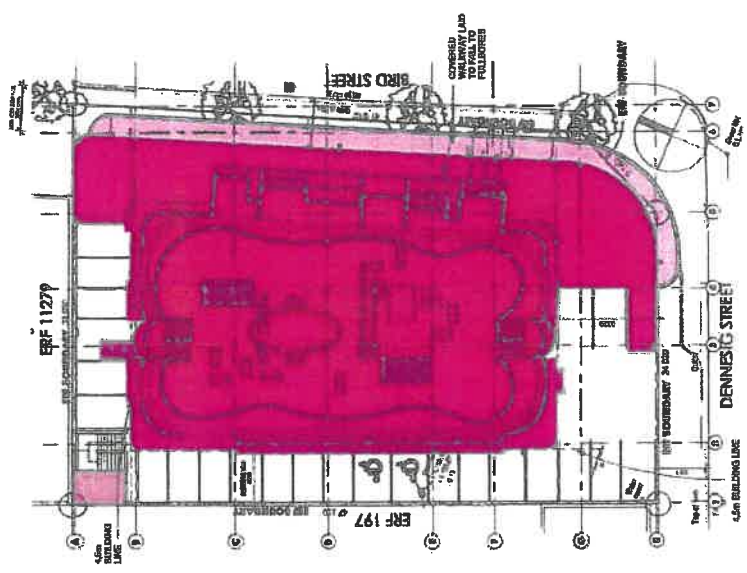
**HEUER PLATZ - ERF  
12186 - STELLENBOSCH**



Architect  
Structural  
Civil  
Electrical



**05 - ROOF**  
3 1:100



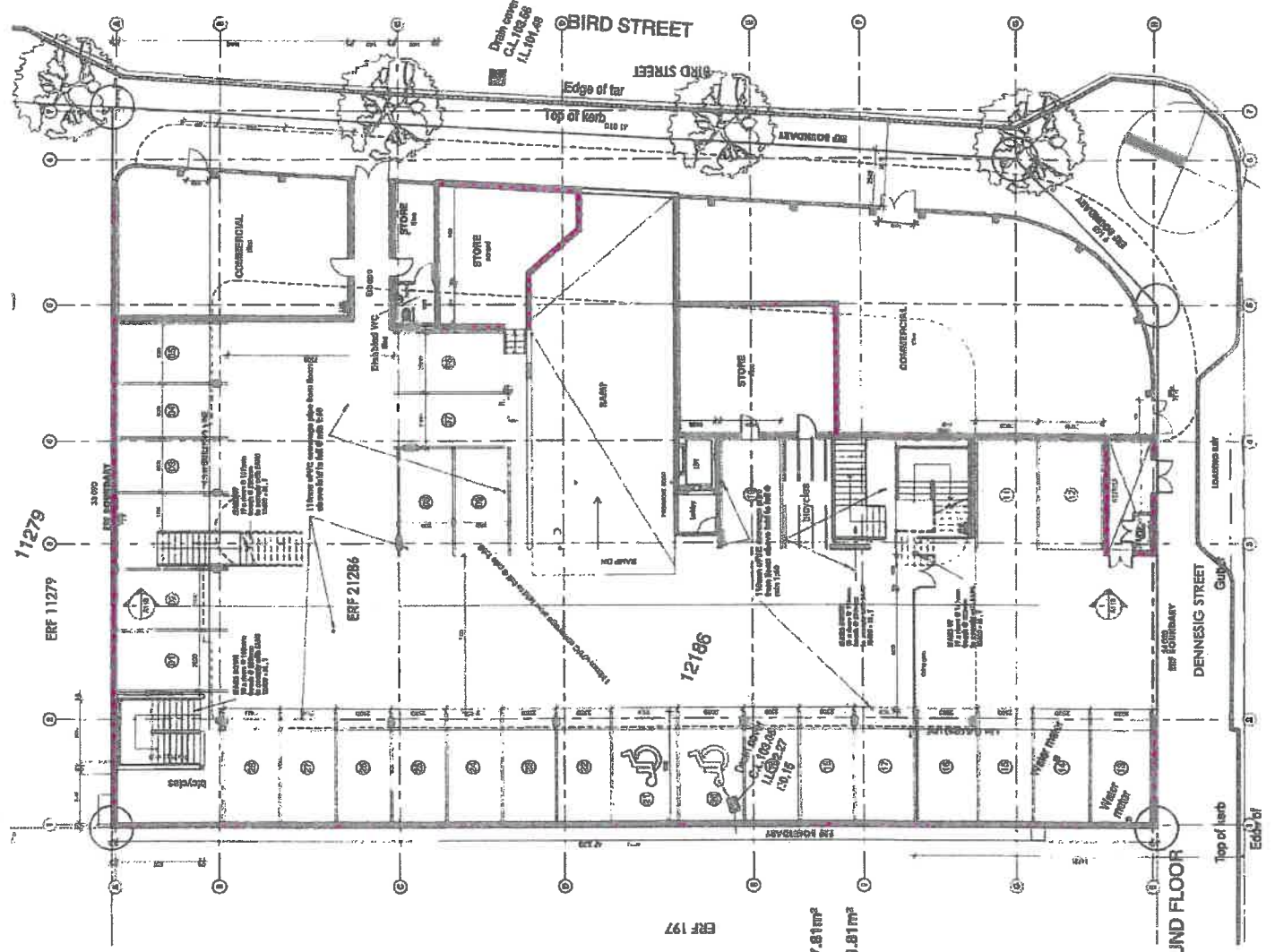
**1**  
Site  
1:200





P2  
G1  
J3  
J4  
H3

OCCUPANCY:  
SMALL SHOP - 250m<sup>2</sup> -  
OFFICES -  
LOW RISK STORAGE -  
PARKING GARAGE -  
DOMESTIC RESIDENTS -



Changes to site: etc. with 1:100 scale...  
Need drawings for emergency...  
Disabled facilities...  
No parking...  
Reserve to be...  
Vehicle access...  
All disabled facilities...  
The WC to be...  
300 sqm...  
Building...  
SPPD to be...  
Top to have...  
Notes to be...  
All mechanical...  
A10...

AREAS:

BASMENT:	24.63m <sup>2</sup>
GROUND FLOOR:	3493.45m <sup>2</sup>
FIRST FLOOR:	608.70m <sup>2</sup>
• 102.13m <sup>2</sup> (BALCONIES)	
• 710.83m <sup>2</sup> (TOTAL)	
2nd FLOOR:	584.09m <sup>2</sup>
• 94.07m <sup>2</sup> (BALCONIES)	
• 678.16m <sup>2</sup> (TOTAL)	
3rd FLOOR:	584.14m <sup>2</sup>
• 92.44m <sup>2</sup> (BALCONIES)	
• 678.58m <sup>2</sup> (TOTAL)	
4th FLOOR:	455.11m <sup>2</sup>
• 183.13m <sup>2</sup> (BALCONIES)	
• 638.26m <sup>2</sup> (TOTAL)	
GRAND TOTAL:	3 071.88m <sup>2</sup>

AREAS:

SITE AREA -	1477.89m <sup>2</sup>
COVERAGE -	1092%
PERCENTAGE -	73.9%
FLOOR FACTOR -	0.7/1
TOTAL NETT AREA -	3 071.88m <sup>2</sup>

COVERAGE OF COMMERCIAL - 247.81m<sup>2</sup>  
PERCENTAGE - 22.69%  
COVERAGE OF APARTMENTS - 601.81m<sup>2</sup>  
PERCENTAGE - 55.11%

PARKING ALLOCATION:

- PARKING PER UNIT - 1/2 BEDROOM UNITS = 1.5x49=73.5
- 3 BEDROOM UNITS
- COMMERCIAL 4/100m<sup>2</sup>
- TOTAL PARKING REQUIRED 83.5
- PARKING PROVIDED: 73
- 29 parking spaces on Ground level
- 44 parking spaces on Basement level
- 53 x Bicycle stands provided

NOTES:  
ALL FURNISHED FLOOR  
SCHEDULED ACCORDING  
TO NATURAL, GEOTECHNICAL  
AND STRUCTURAL  
DATA.  
DATE: 08/08/2021

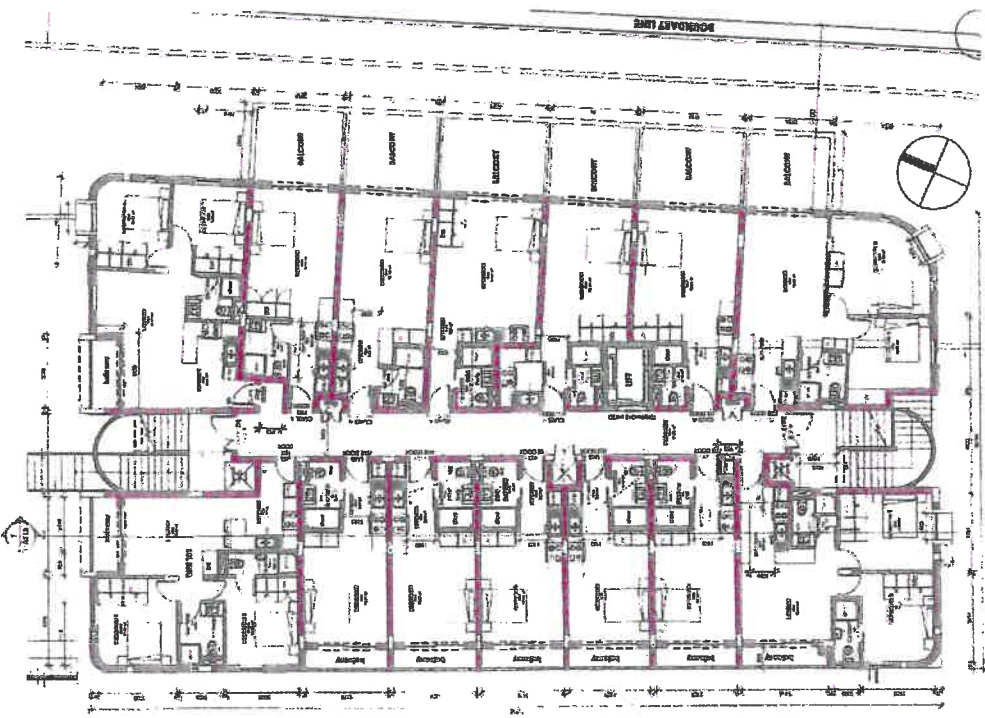
Architect:  
Signature: *[Signature]*  
Date:  
08/08/2021

client:  
HEUER PLATZ - ERF  
12186 - STELLENBOSCH

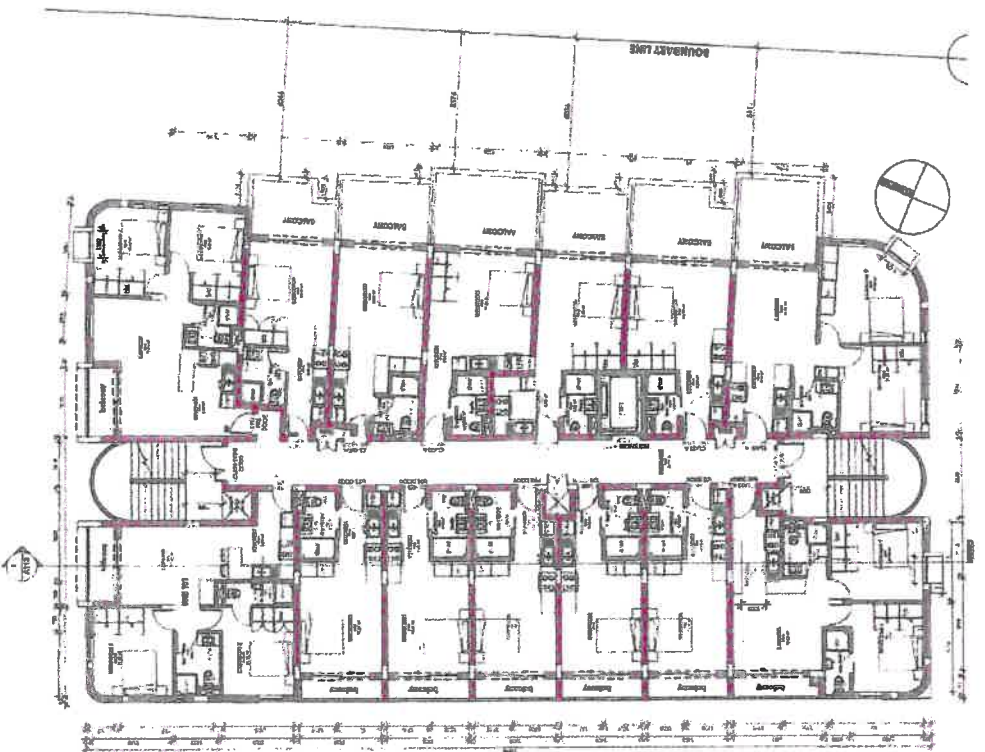
HEUER PLATZ - ERF  
12186 - STELLENBOSCH

Client Name:	HEUER PLATZ TRUST
Project Number:	0108
Date:	18-03-2021
Drawn by:	BP
Checked by:	CVA
<b>GROUND FLOOR</b>	
Scale:	A103
Title:	0106
Date:	18-03-2021

2021/08/18 10:21:31



① 01 - FIRST FLOOR  
1 : 100



② 02 - SECOND FLOOR  
1 : 100

NOTE:  
ALL FINISHED FLOOR  
& FINISHES ACCORDING  
TO NATIONAL OFFICIAL LEVELS

NOTE:  
THIS AND INFORMATION  
CONTAINED TO CIVIL ENGINEERS  
SHOULD BE KEPT IN CONFIDENCE

Author: [Signature]  
Supervisor: [Signature]  
Checker: [Signature]  
Date: [Signature]



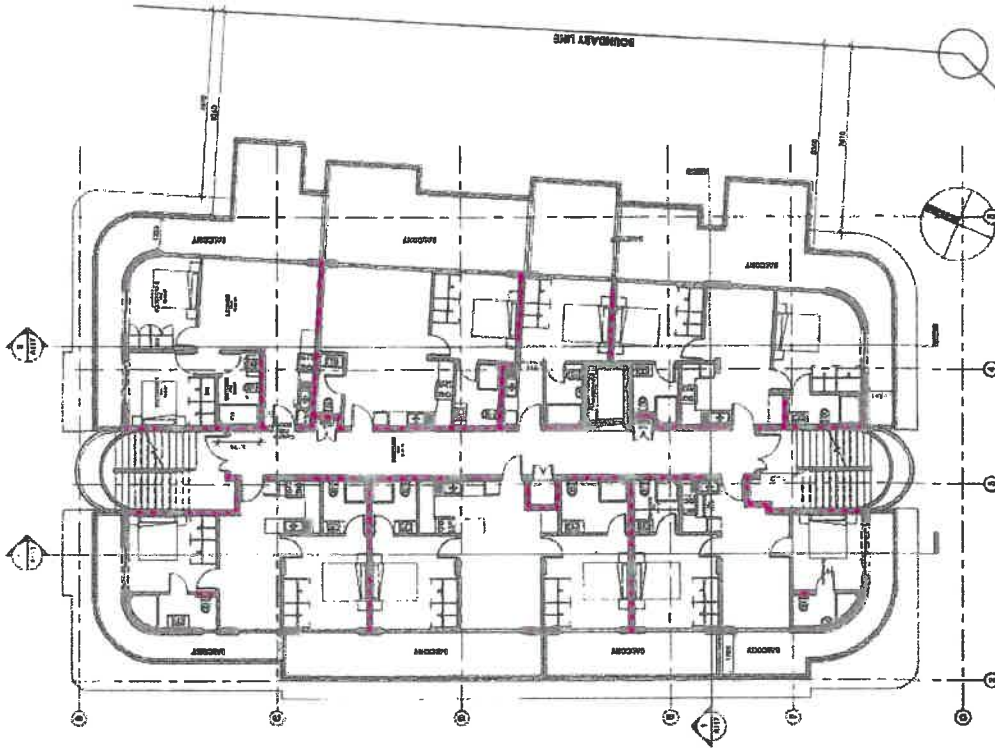
HEUER PLATZ - ERF  
12186 -  
STELLENBOSCH

Project number	0106	0106	0106
Date	10-05-2021	10-05-2021	10-05-2021
Drawn by	BP	BP	BP
Checked by	CKA	CKA	CKA
Scale			1 : 100

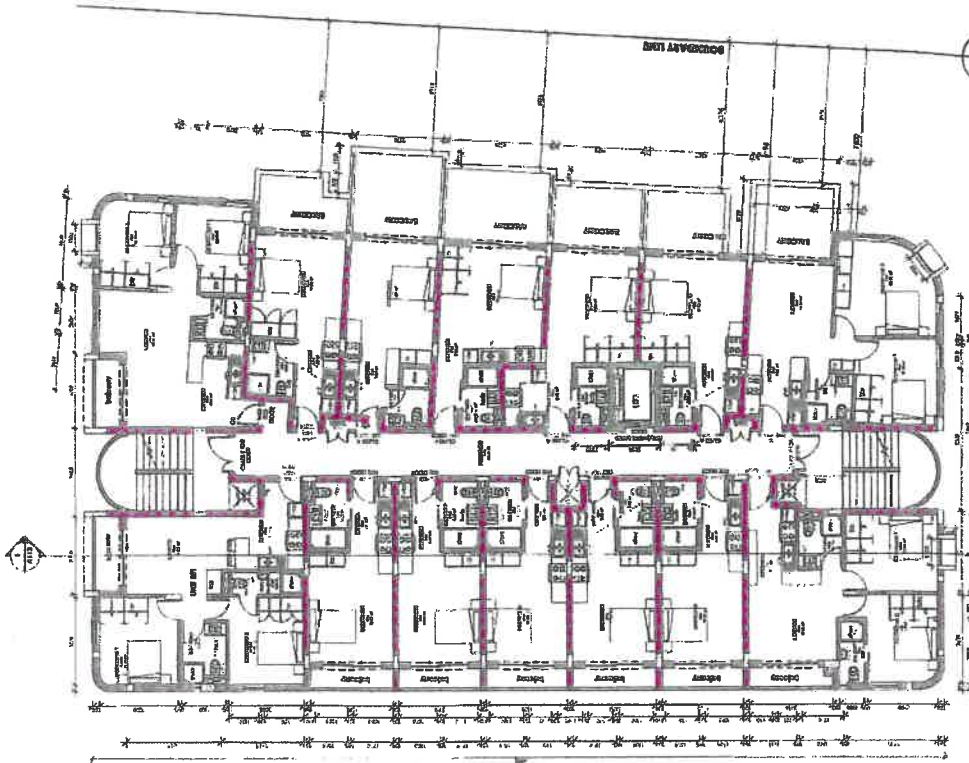
FLOOR PLANS

A104

2021/07/11 18:21:50



② 04 - FOURTH FLOOR  
1:100

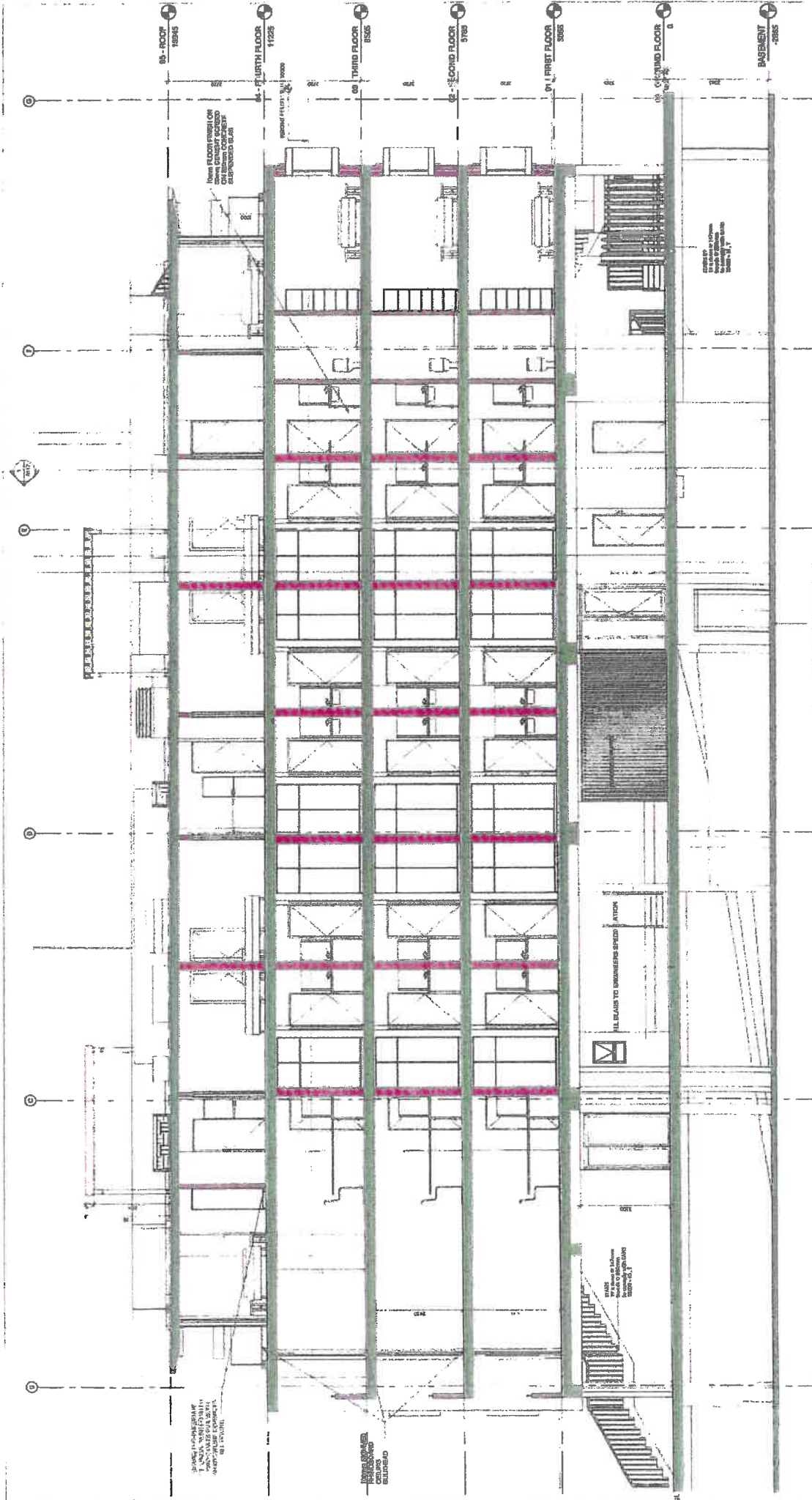


① 03 - THIRD FLOOR  
1:100

FLOOR PLANS		0106	0106
HEUER PLATZ - ERF 12186 - STELLENBOSCH		10-05-2021	10-05-2021
Project number	0106	DATE	10-05-2021
Drawn by	BP	CURRENT REVISION	0106
Checked by	DKA	REVISION	
Scale	1:100		

Architect: *[Signature]*
  
 Date: *10-05-2021*
  
 Check: *[Signature]*

10/21/21 15:22:01



2017/05/11 15:22:20

SECTION		A113	
Project number	0106	10-00-0001	0106
Date		Current	Revision
Created by		Checked by	
HEUER PLATZ - ERF 12186 - STELLENBOSCH			



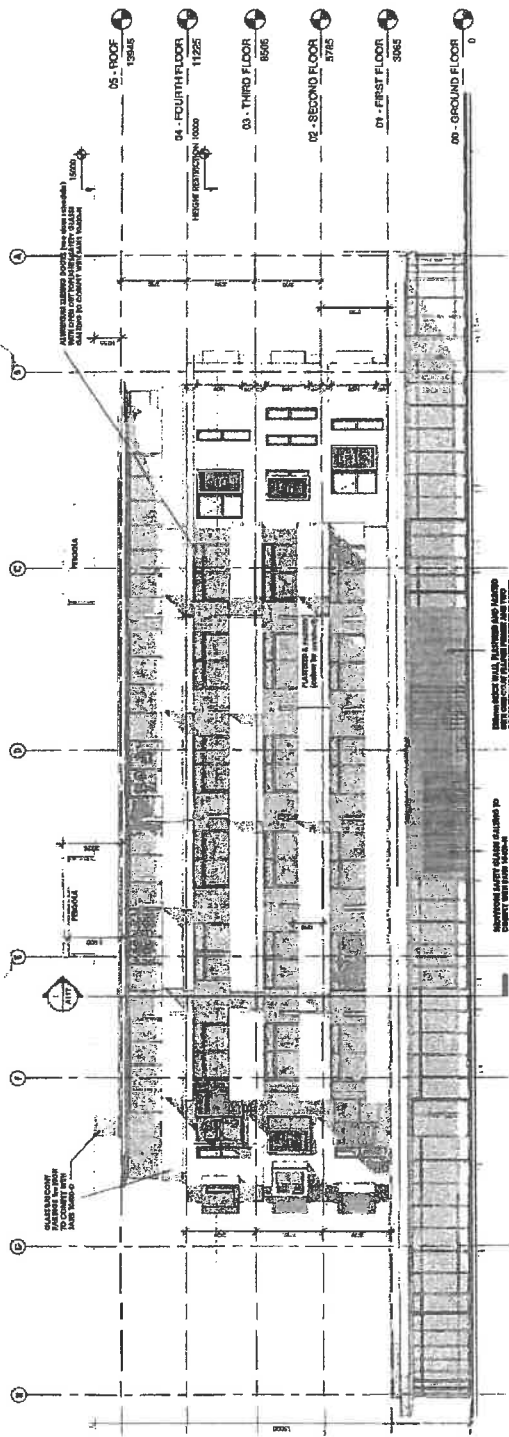
Author  
 Designer  
 Checker  
 Date

IF THIS SECTION IS TO BE USED FOR ANY OTHER PROJECT, THE CLIENT MUST BE ADVISED AND THE CLIENT MUST BE RESPONSIBLE FOR ANY CHANGES TO THE SECTION. ALL CHANGES MUST BE APPROVED BY THE ARCHITECT.

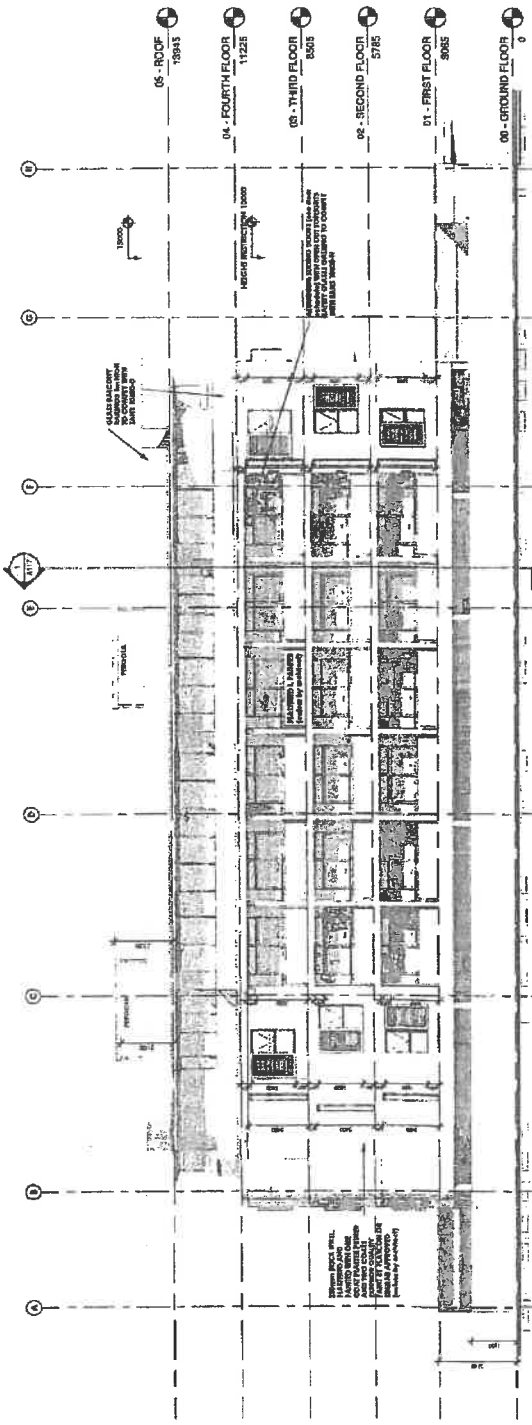
1 (Level) independent PVC drainage pipe @ 100mm dia and with 10% gradient to connect to ground level with 300mm dia manhole  
 2 (Level) independent PVC drainage pipe @ 100mm dia and with 10% gradient to connect to ground level with 300mm dia manhole

Section 1  
 1 : 50

2  
 DRAINAGE LAYOUT  
 1 : 100



① East  
1 : 100



② West  
1 : 100

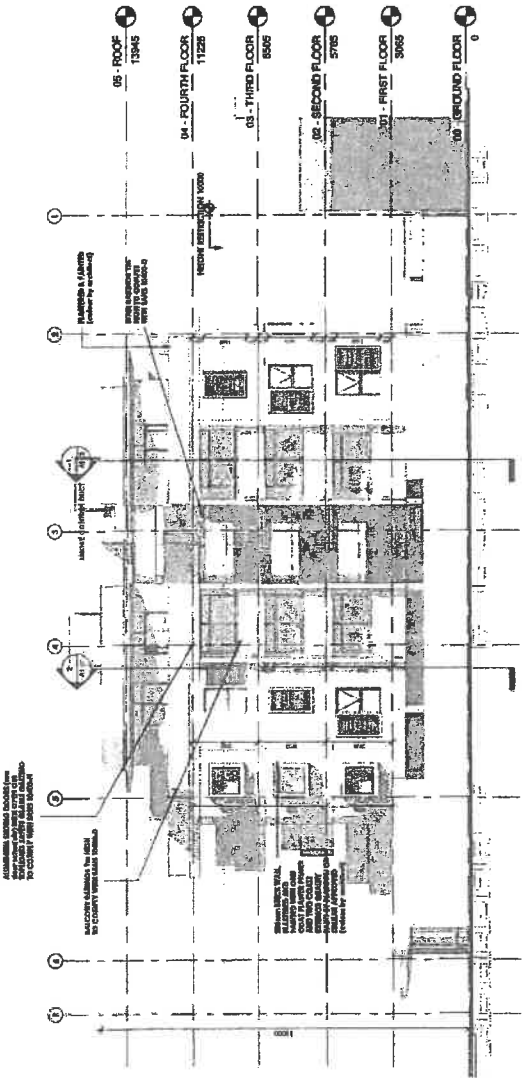
HEUER PLATZ - ERF 12188 - STELLENBOSCH		Project number	0100	EAST & WEST ELEVATIONS	
Date	10-05-2021	Drawn by	0106	Client	A114
Drawn by	GP	Checked by	CKA	Scale	1:100
Drawn by	CKA	Checked by			

Architect  
Register:

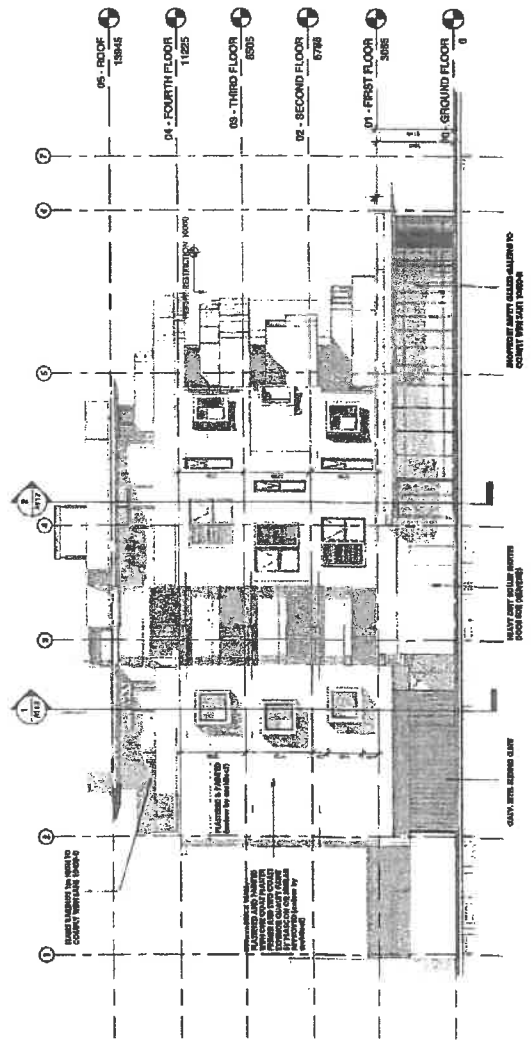
Client  
Signature:

GCS Group of Companies

2021/05/11 15:21



1 North  
1:100



2 South  
1:100

**HEUER PLATZ - ERF  
12186 -  
STELLENBOSCH**

Project number	0106	NORTH & SOUTH ELEVATIONS	
Date	10-05-2021	0106	A115
Drawn by	BP	CURRENT	REVISION
Checked by	CHA	CHA	South
			1:100

Address: Stellenbosch, Western Cape  
 Client: Stellenbosch Municipality  
 Date: 10/05/2021  
 Drawing Title: NORTH & SOUTH ELEVATIONS  
 Revision: A115  
 Checked By: CHA  
 Drawn By: BP  
 Scale: 1:100

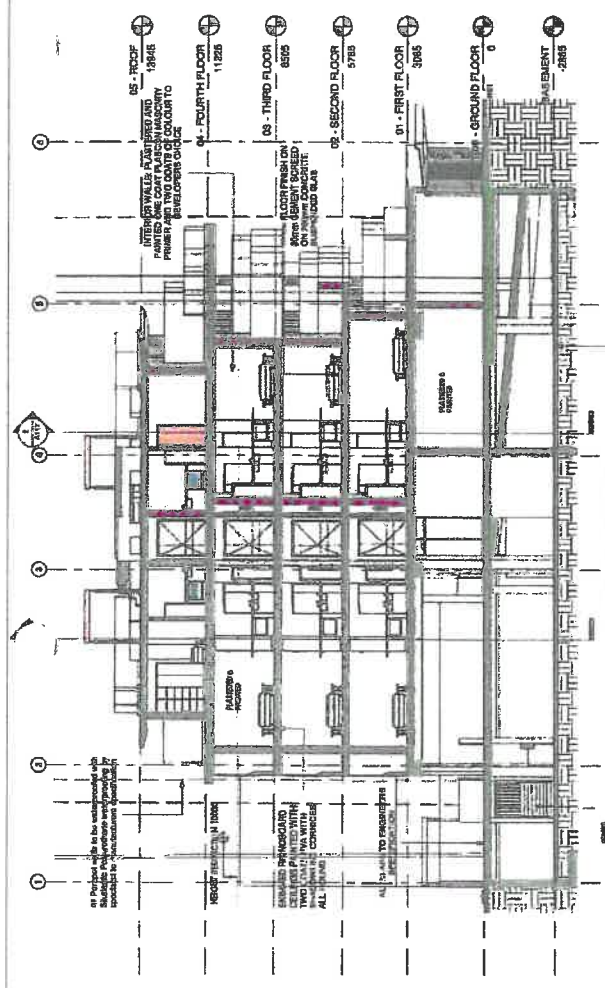
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HEUER PLATZ - ERF  
12186 - STELLENBOSCH

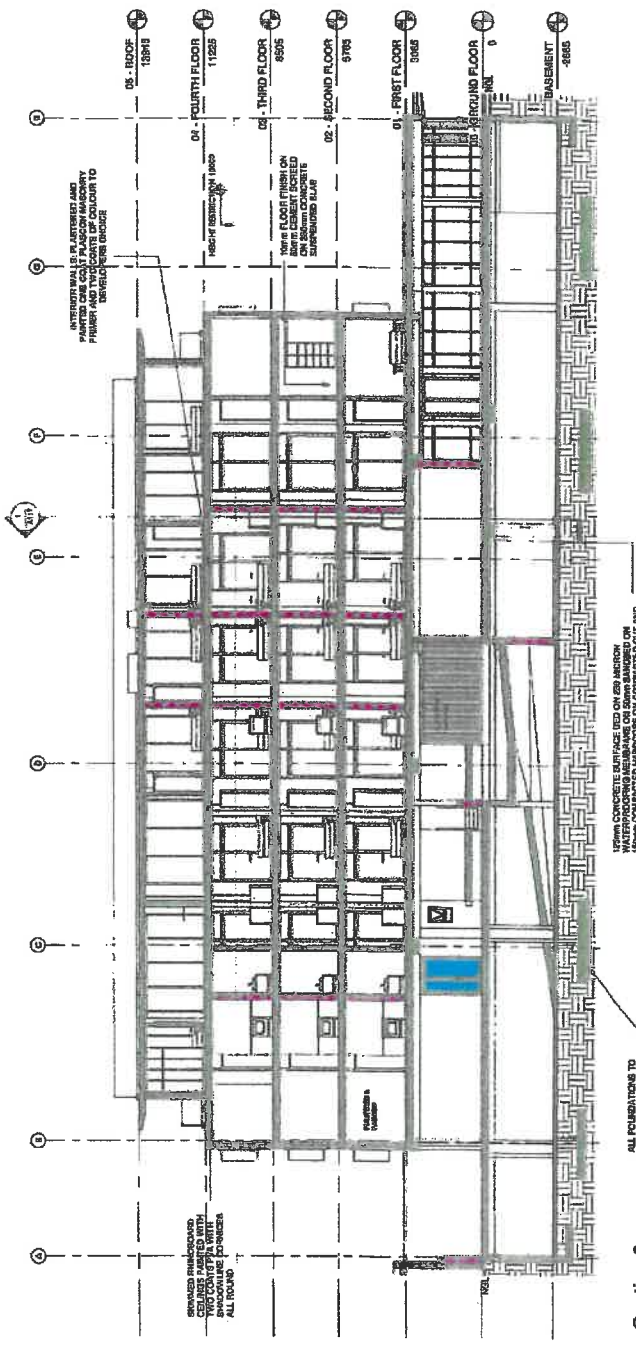
Client Name	HEUER BATES TRUST
Project number	0106
Date	16-05-2021
Drawn by	BP
Checked by	CKA

**SECTIONS**

<b>0106</b>	<b>A117</b>
Scale	1 : 100



Section 2  
1 : 100



Section 3  
1 : 100





# **ANNEXURE J**

**APPLICATION FOR REMOVAL OF RESTRICTIONS,  
PERMISSION REQUIRED IN TERMS OF THE ZONING  
SCHEME AND DEPARTURES ON ERF 12186, BIRD  
STREET, STELLENBOSCH**

**COMMENT FROM THE  
MANAGER: ELECTRICAL  
SERVICES**

**ELETRICITY SERVICES: CONDITIONS OF APPROVAL**  
**Erf 2136**

**GENERAL COMMENT:**

1. Development Bulk Levy Contributions are payable

**CONDITIONS**

2. The electrical consulting engineer responsible for the development shall schedule an appointment with Manager Electricity Services (Engineering Services) before commencing with the construction of the development. As well as to discuss new power requirements if required.

3. The development's specifications must be submitted to Stellenbosch Municipality (Engineering Services) for approval. i.e.  
 a) The design of the electrical distribution system  
 b) The location of substations(s) and related equipment.

4. A separate distribution board/s shall be provided for municipal switchgear and metering. (Shall be accessible & lockable). Pre-paid metering systems shall be installed in domestic dwellings.

5. 24-hour access to the location of the substation, metering panel and main distribution board is required by Technical Services. (On street boundary)

6. Appropriate caution shall be taken during construction, to prevent damage to existing service cables and electrical equipment in the vicinity, should damage occur, the applicant will be liable for the cost involved for repairing damages.

7. On completion of the development, Stellenbosch Municipality (Technical Services) together with the electrical consulting engineer and electrical contractor will conduct a take-over inspection.

8. No electricity supply will be switched on (energised) if the Development contributions, take-over Inspection and Certificate(s) of Compliance are outstanding.

9. All new developments and upgrades of supplies to existing projects are subject to **SANS 10400-XA** energy savings and efficiency implementations such as:

- Solar water Heating or Heat Pumps in Dwellings
- Energy efficient lighting systems
- Roof insulation with right R-value calculations .
  - In large building developments;
  - Control Air condition equipment tied to alternative efficiency systems
  - Preheat at least 50% of hot water with alternative energy saving sources
  - All hot water pipes to be clad with insulation with R-value of 1
  - Provide a professional engineer's certificate to proof that energy saving measures is not feasible.



Signature

19/07/2021

Date

# **ANNEXURE K**

**APPLICATION FOR REMOVAL OF RESTRICTIONS,  
PERMISSION REQUIRED IN TERMS OF THE ZONING  
SCHEME AND DEPARTURES ON ERF 12186, BIRD  
STREET, STELLENBOSCH**

**COMMENT FROM THE  
DIRECTOR: ENGINEERING  
SERVICES**



# MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES  
DIREKTORAAT: INFRASTRUKTUURDIENSTE

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

**FOR ATTENTION** : **Robert Fooy / Nicole Katts**

**FROM** : **Manager: Development (Infrastructure Services)**

**DATE** : **11 Aug 2021**

**RE.** : **Erf 12186, Stellenbosch (Heuerplatz): development of 50 flats  
and 150m<sup>2</sup> GLA retail**

**YOUR REF** : **LU/12257**

**OUR REF** : **CIVIL LU 2136**

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

- Motivation report dated Dec 2020 by Lize Malan;
- Site and Roof Plan 0106 A101 by Caa Christof Albertyn Architects, dated 02-08-2021
- Ground Floor Plan 0106 A103 by Caa Christof Albertyn Architects, dated 02-08-2021
- Dennesig Densification Area Transport Impact Assessment dated November 2019 (Final Version 2) by ITS;
- TIA by ITS dated December 2021;
- GLS water and sewer capacity analysis report dated 30 November 2020;

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

- Total flat units: 50 No.
- Total GLA retail: 150m<sup>2</sup>

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

## Erven 12186, Stellenbosch: Development of 50 flats and 150m<sup>2</sup> GLA commercial

*This document consists of the following sections:*

*A. Definitions*

*B. Recommendation to decision making authority*

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

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

### **A. Definitions**

1. that the following words and expressions referred to in the development conditions, shall have the meanings hereby assigned to except where the context otherwise requires:
  - (a) "*Municipality*" means the STELLENBOSCH MUNICIPALITY, a Local Authority, duly established in terms of section 9 of the Local Government Municipal Structures act, Act 117 of 1998 and Provincial Notice (489/200), establishment of the Stellenbosch Municipality (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: Infrastructure Services, to perform the duties envisaged in terms of this land-use approval;
  - (d) "*Dennesig Developers*" means the entities on behalf of which the applications are submitted (i.e. landowner) or their successors in title, and will include all applications within the Dennesig Neighbourhood Area, bordered by Adam Tas Road, Molteno Road, Bird Street and Merriman Avenue. The "*Dennesig Developers*" currently consists of the following developments:

**Erven 12186, Stellenbosch: Development of 50 flats and 150m<sup>2</sup> GLA commercial**

<b>Development</b>	<b>Property No</b>	<b>Entity on behalf the application was submitted (i.e. landowner)</b>
Dennesig 1	Erven 143 – 145 & 166 – 170 Stellenbosch	Buffshelco 54 Pty Ltd
The Edge	Erven 139 & 140 Stellenbosch	Cabzis (Pty) Ltd
The Den 2	Erven 141 – 142 & 163 – 165 Stellenbosch	Scandals African Footwear CC Joz Investments Trust Daniel Jacobus & Sara Da Luz Winterbach Saper Investments (Pty) Ltd. Ingrid Kirsten Blumer & Christopher Vernon Swart
Abacus	Erf 184 Stellenbosch	Dennesig Properties (Pty) Ltd
Erf 3738	Erf 3738 Stellenbosch	Sarah da Luz Winterbach
Heuer Platz	Erf 12186	Heuer Bates Trust

(e) "*Master Home Owner's Association (MHOA)*" means the Master Homeowners Association that shall be established by the "*Dennesig Developers*".

**B. Recommendation:**

- Despite the considerable investment in the creation of housing opportunities through numerous government programmes, there is still a significant housing need across the country and indeed in Stellenbosch. Many of the government subsidised housing opportunities have been developed on cheaper land parcels, mainly outside of the urban core, further exacerbating apartheid spatial divides. This has placed significant strain on the lower- and middle-income residents who find it increasingly difficult to purchase or rent affordable, well-located properties in Stellenbosch. We have current and future housing backlog, half of which are for middle and upper-income households. As the population has grown, the release of land for development and housing has not kept pace. Housing has become so expensive that many of those who work in the Stellenbosch municipal area commute from outside this area and for these and others, the most basic shelter – even of a temporary nature – within this municipal domain remains an unattainable dream. It is recognised that housing challenges cannot be addressed by the public sector alone and the development of the Dennesig Precinct presents an ideal opportunity for private sector (in partnership with the municipality) to extend its role in catering to an affordable housing market. This is why part of the scope of works for

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the urban design study done was to indicate how these developments propose to respond to the need for affordable housing for young families in the broader Stellenbosch area. None of the current applications indicate that there will be specifically catered for affordable units and we advise the decision making authority to take cognisance of this when making their final decision and setting approval conditions.

3. From an engineering services perspective, the development is recommended for approval, subject to the conditions as stated below.

**C. Specific condition of approval**

4. that the following upgrades are required to accommodate the development:
  - a. **Stellenbosch WWTW (Waste Water Treatment Works):** The proposed development falls within the catchment area of the existing Stellenbosch WWTW (Waste Water Treatment Works). There is sufficient capacity at the WWTW for the proposed development.
  - b. **Water Network:** There is sufficient capacity in the bulk water network to accommodate the proposed development. The connection to the existing system can be made to the existing 90mm dia pipe on the corner of Dennesig and Bird Street. Any further network upgrades may be identified when engineering drawings/building plans are submitted for approval. Details regarding the position of the connection will be finalized at detail design stage. Any network (link) upgrades required will be the Developer's responsibility and for their cost.
  - c. **Sewer Network:** There is sufficient capacity in the bulk sewer network to accommodate the proposed development. The connection to the existing system can be made to the existing 500mm dia outfall sewer in Dennesig Street. Any further network upgrades may be identified when engineering drawings/building plans are submitted for approval. Any network (link) upgrades required will be the Developer's responsibility and for their cost.
  - d. **Roads Network:** A Transport Master Plan (TMP) (see **Annexure A**) has been approved as part of the Dennesig Densification Area Transport Impact Assessment and indicate the prioritization of transport projects to be implemented. This TMP (as amended) will be used as a guideline for the implementation of the identified projects, in parallel with the development of the Dennesig Precinct. Fourteen transport items have been listed to be implemented by the Dennesig developers over time. The focus of the TMP is to improve pedestrian and cycling facilities and activity



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in an attempt to reduce private car usage over time. The TMP prioritises these transport projects to guide the implementation of the full TMP. It also states the threshold in number of units developed, at which point each of the upgrade items will be triggered. The goal of the Municipality as well as the Developers is to implement as many of the projects listed as soon as possible to create a holistic pedestrianized environment that will be connected to the external Non-Motorized Transport (NMT) network of the Municipality. The items as per the TMP must be implemented in a phased approach.

The process is outlined as follows:

- i. A Memorandum of Agreement must be concluded between the "Dennesig Developers" in which they undertake to establish a Master Home Owners Association "MHOA" as a vehicle to implement the relevant items of the Dennesig Transport Master Plan. The Municipality must approve the conceptual Memorandum of Agreement.
- ii. The Memorandum of Agreement must be concluded and signed by all parties and the MHOA must be established before the Municipality will approve any building plans of the "Dennesig Developers".
- iii. The MHOA must set up a trust account held by an attorney firm into which the DCs of the individual developments will be paid. The trust account will be an interest bearing account, which interest will be for the benefit of the municipality;
- iv. The DCs of any one of the "Dennesig Developers" requesting building plan approval, must be paid into the trust account before the building plans will be approved;
- v. Each building plan submission must be accompanied by an updated schedule from the Consulting Engineer appointed by the MHOA, indicating the number of units so far approved versus the thresholds in terms of units developed that will trigger project implementation. This schedule needs to identify if the current building plan submission triggers the implementation of one or more of the projects identified in the transport master plan;
- vi. Should a project/s be triggered, an Engineering Services Agreement (ESA) for the implementation of that project must be concluded between the MHOA and the Municipality. The ESA must be concluded before building plans can be approved;

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- vii. The projects as per the ESA must then be completed and certified as complete by the Municipality, before further clearance certificates (i.e. occupation certificates) for the development will be issued;
- viii. The trust fund will be terminated once all projects identified in the Transport Masterplan have been implemented. Any balance of paid DCs with interest earned thereon will be paid back to the Municipality;
- ix. The Municipality reserves the right to give instruction to the Attorney firm in whose trust account the DC's were paid that the DCs within the trust fund be paid over to the Municipality at any point, should the Municipality wish to do any infrastructure upgrades themselves.

**e. Shuttle Service:**

- i. Shuttle Service: A shuttle service must be provided, operated and maintained by MHOA or a service provider approved by the Municipality;
- ii. The funding and management of this service must be stipulated in the Memorandum of Agreement between "The Dennesig Developers";
- iii. The threshold for providing a shuttle service must be agreed and stipulated in the MOA;
- iv. The shuttle service shall be managed and operated by the MHOA and can only be terminated with mutual agreement of the Stellenbosch Municipality;
- v. The shuttle service route must be approved by the Stellenbosch Municipality

**f. Comments and conditions from Senior Manager: Roads, Transport, Stormwater & Traffic Engineering, Mr Johan Fullard: Dennesig Densification Area, Traffic Impact Assessment by ITS (November 2019), is herewith supported, with the following conditions being applicable:**

The Dennesig precinct falls within the Adam Tas Corridor (ATC) which comprises an area of approx. 300Ha. Within the ATC area, the principals of Transit-Oriented Development (TOD) is promoted, these principals encourage walking, cycling use of public transport with the aim to reduce the amount of private vehicles.

Chapter 6 of the SDF, highlights strategies such as the provision of remote parking facilities and the management of the private vehicle demand. Other Municipal strategies (contained, both in the CITP and SDF) includes the, promotion of Non-Motorized Transport (NMT), promotion of Public Transport and the reducing the usage of Motor Vehicles.

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The Dennesig Development promotes both NMT, and Public Transport by providing adequate facilities for NMT and by providing a scheduled Public Transport Service.

In support of the municipal strategies, i.e: provision of remote parking facilities, management the private vehicle demand, promotion of NMT and Public Transport, reductions to the zoning scheme off-street parking requirements may be considered.

Where individual developments have reduced their off street-parking provision, and the parking is not in line with the current zoning scheme, the following will be applicable:

- i. The standard Stellenbosch Municipal practice, currently in place, allows for the reduced parking provision (difference between the approved zoning scheme and the number of bays provided) to be accommodated, by the payment of a municipal approved Parking Development Contribution (Parking DC) tariff. The 2020/2021 Parking DC tariff is R 158 647. 41 ex VAT per bay and is subject to annual escalation.

(Also see p 36 of motivation report)

The parking requirement to the IZS is: 81 No

The vehicle parking bays provided: 70 No.

53 bikes / 6 = 8 equivalent vehicle bays 8 No.

(=10% of IZS required bays (10% max taken into account) for DC calc)

Total equivalent parking bays provides 78 No.

Shortfall for DCs calc = 81 - 78 = 3 No

**The parking shortfall is thus 3 bays and the DC for parking will thus be 3 bays x R 163 264. 84 = R 489 794. 52 ex VAT.**

This calculation will be revised according to the final building plans submitted for approval.

- ii. Guidelines for allowable reductions to off-street parking are set out in the - above mentioned TIA, these reductions relate to off-street parking requirements that are similar to the City of Cape Town's Public Transport

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(PT1) zone, which has shared characteristics to the municipality's envisaged ATC.

- iii. Funding from the Parking DC's will be set aside for, remote municipal parking facilities and the introduction of a municipal public transport services.

**g. Stormwater Network:**

- i. 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: Infrastructure Services. The aforementioned stormwater analysis is to be submitted concurrent with the detail services plans;
- ii. 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.
- iii. 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 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.

**h. Solid Waste:**

- i. For large spoil volumes from excavations, to be generated during the construction of this development, will not be accepted at the Stellenbosch landfill site. The Developer will have to indicate and provide evidence of safe re-use or proper disposal at an alternative, licensed facility. This evidence must be presented to the Manager: Solid Waste (Mr Clayton Hendricks; 021 808 8224; clayton.hendricks@stellenbosch.gov.za), before building plan approval and before implementation of the development. Clean rubble can be utilized by the Municipality and will be accepted free of charge, providing it meets the required specification.
- ii. Due to the limited airspace capacity available, waste arriving at the site needs to be dramatically reduced in order to extend the lifespan of the landfill

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site. All new developments must have a mandatory separation-at-source programme to encourage recycling, possible organic waste separation to tie in with the municipality's future diversion programme, and adequate storage facilities to enable waste removal. This programme must be enforced by the HOA and provision must be made therefore in the Constitution and Rules of the HOA.

**i. Subdivision of erf 12186 for the future widening of Bird Street:**

- i. A 5m wide strip of erf 12186 adjacent to Bird Street, must be subdivided, rezoned to public street and transferred to the municipality, to allow for the future widening of Bird Street. This must be done before building plans are approved.
- ii. The proposed walkway canopy on the ground floor that encroaches on this proposed 5m of future road reserve cannot be approved at this stage and will be considered during the building plan stage. Consideration must be given to how the canopy will impact on the design of the road cross section. The Developer must therefore consult with the municipality's Roads department before finalizing building plans. Contact person: Mr Johan Fullard (Senior Manager: Roads, Transport, Stormwater & Traffic Engineering)

**Development Charges**

5. The "*Developer*" hereby acknowledges that Development Charges are payable towards the following bulk civil services: water, sewerage, roads, stormwater, solid waste, parking (if there is a parking shortfall applied for and approved) and community facilities as per Council's Policy;
6. The "*Developer*" hereby acknowledges that the development charges levy as determined by the "Municipality" and or the applicable scheme tariffs will be paid by the "*Developer*" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy, should this land-use application be approved;
7. The "*Developer*" immediately familiarise himself with the latest Development Charges applicable to his/her development;
8. The "*Developer*" accepts that the Development Charges will be subject to annual adjustment up to date of payment. The amount payable will therefore be the amount as calculated according to the applicable tariff structure at the time that payment is made;

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9. The "Developer" may enter into an engineering services agreement with the "Municipality" to install or upgrade bulk municipal services at an agreed cost, to be off-set against Development Charges payable in respect of bulk civil engineering services;
10. Development Charges as reflected on the DC calculation sheet, dated **4 August 2021**, and attached herewith as **Annexure DC**, be paid by the "Developer" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy.
11. Development Charges levy be paid by the "Developer"
  - prior to the approval of any building- and/or services plans;
12. 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 or which might lead to an increase in the Gross Leasable Area, will result in the recalculation of the Development Charges;
13. Bulk infrastructure Development Charges and repayments are subject to VAT and are further subject to the provisions and rates contained in the Act on Value Added Tax of 1991 (Act 89 of 1991) as amended;

**Site Development Plan**

14. The layout of the proposed development shall be generally in accordance with the spatial provisions of the Transport Master Plan. It is the Developer's responsibility to ensure that his SDP is aligned with the Transport Master Plan in terms of inter alia: access points, sidewalks, refuse truck and public transport embayments etc.
15. Provision be made for a stacking distance of **14.7m** from the gate to the edge of Dennesig Street as indicated on the SDP and TIA;
16. Guideline for access widths (final design will be approved at building plan stage): Sufficient entrance and exit widths will be created at the vehicle access points: 2.7m minimum and 4,0m maximum width for a single entrance or exit way; 5,0m min and 8,0m maximum for a combined entrance and exit way.
17. Provision be made for a refuse room as per the specification of the standard development

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conditions below. *It is acknowledged that a refuse room and bay is indicated on the SDP and its position is acceptable. Further requirement will be identified during detail drawing approval stage;*

18. 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";
19. Provision be made for a refuse embayment off the roadway/sidewalk to accommodate refuse removal which (Embayment to be minimum 15m x 2.5m). This must be clearly indicated on the engineering drawings when submitted for approval. The specifications of such embayment shall be as per the standard development conditions below unless otherwise agreed with the Municipality at building plan approval stage;
20. Any amendments to the site-development plan to accommodate the above requirements will be for the cost of the "Developer" as these configurations were not available at land-use application stage;

**Ownership and Responsibility of services**

21. All internal services on the said erf will be regarded as private services and will be maintained by the "Developer" and or Owner's Association;

**Internal- and Link Services**

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

**Bulk Water Meter, water and sewer connections**

23. An Occupation Certificate (in the case of a sectional title erf) 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;
24. Each erf may only have a single water connection and a single sewer connection. Multiple connections are not allowed. Details of connection points must be indicated on all building plans submitted for approval;

**Roads**

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

**Bulk Electricity**

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

**D. General conditions of approval**

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



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31. that the "*Developer*" takes cognizance and accepts the following:
- a.) that no construction of any civil engineering services may commence before approval of internal – and external civil engineering services drawings;
  - b.) that no approval of internal – and external civil engineering services drawings will be given before land-use and or SDP approval is obtained;
  - c.) that no approval of internal – and external civil engineering services drawings will be given before the "*Developer*" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party;
  - d.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before land-use and or SDP approval is obtained;
  - e.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before the approval of internal – and external civil engineering services drawings;
  - f.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law is issued;

**Site Development Plan**

32. 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*";

**Internal- and Link Services**

33. 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;
34. that the Directorate: Infrastructure Services may require the "*Developer*" to construct internal municipal services and/or link services to a higher capacity than warranted by the project, for purposes of allowing other existing or future developments to also utilise such services. The costs of providing services to a higher capacity could be offset against the Development Charges payable in respect of bulk civil engineering services if approved by the Directorate: Infrastructure Services;

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35. 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;
36. that plans of all the internal civil services as may be required by the Directorate: Infrastructure Services be prepared and signed by a Registered Engineering Professional before being submitted to the aforementioned Directorate for approval;
37. Construction of services may only commence after municipal approval has been obtained;
38. Construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "Engineer";
39. The "Developer" ensures that his/her design engineer is aware of the Stellenbosch Municipality Design Guidelines & Minimum Standards for Civil Engineering Services (as amended) and that the design and construction/alteration of all civil engineering infrastructure shall be generally in accordance with this document, unless otherwise agreed with the Engineer. The said document is available in electronic format on request;
40. Suitably qualified professional resident engineer be appointed to supervise the construction of all internal – and external services;
41. that prior to the issuing of the Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1, all internal, link and bulk services be inspected for approval by the "Engineer" on request by the "Developer's" Consulting Engineer;
42. that a Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1 be issued before any clearance will be issued;
43. that a complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer be submitted to the "Engineer" on request;
44. The "Developer" shall be responsible for the cost for any surveying and registration of servitudes regarding services on the property should this be required;
45. The "Developer" will 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

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sub-contractor of the "*Developer*" to determine the location of existing civil and electrical services;

**Servitudes**

46. The "*Developer*" ensures that all main services including roads to be taken over by the Directorate: Infrastructure Services, all existing municipal – and or private services including roads, crossing private - and or other institutional property and any other services/roads crossing future private land/erven are protected by a registered servitude before any clearance will be given;
47. 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;
48. 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**

49. 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;
50. That overland stormwater escape routes be provided in the cadastral layout at all low points in the road layout, or that the vertical alignment of the road design be adjusted in order for the roads to function as overland stormwater escape routes. If this necessitates an amendment of the cadastral layout, it must be done by the "*Developer*", at his/her cost, to the standards of the Directorate: Infrastructure Services;
51. 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;
52. No disturbance to the river channel or banks be made without the prior approval in accordance with the requirements of the National Water Act;

**Roads**

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53. Prior to commencement of any demolition / construction work, a traffic accommodation plan for the surrounding roads must be submitted to the Directorate: Infrastructure Services for approval, and that the approved plan be implemented by the "Developer", at his/her cost, to the standards of the Directorate: Infrastructure Services;
54. 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;

**Wayleaves**

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

**Solid Waste**

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

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

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

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

**Erven 12186, Stellenbosch: Development of 50 flats and 150m<sup>2</sup> GLA commercial**

- Record shall be kept of any steps taken to address reports of dumping or poor waste management within the Development;

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

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

59. The Solid Waste Branch will not enter private property, private roads or any access controlled properties for the removal of solid waste;
60. that the "*Developer*" must apply and obtain approval from the Municipality's Solid Waste Department for a waste removal service prior to clearance certificate or occupation certificate (where clearance not applicable). Contact person Mr Saliem Haider, 021 808 8241; [saliem.haider@ Stellenbosch.gov.za](mailto:saliem.haider@ Stellenbosch.gov.za);
61. Should it not be an option for the "*Municipality*" to enter into an agreement with the "*Developer*" due to capacity constraints, the "*Developer*" will have to enter into a service agreement with a service provider approved by the "*Municipality*" prior to clearance certificate or occupation certificate (where clearance not applicable);
62. Should the "*Developer*" wish 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*";
63. Refuse storage areas are to be provided for all premises other than single residential erven;
64. 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 Municipality;
65. 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;

**Erven 12186, Stellenbosch: Development of 50 flats and 150m<sup>2</sup> GLA commercial**

66. 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;
67. 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

68. Flats and townhouses, require 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;
69. Building specifications for the refuse storage is available on request.
70. 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;
71. 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. The Municipality will confirm the need for a refuse bay during the building plan approval stage, based on the site specific conditions;
72. Access must be denied to unauthorized persons, and refuse storage areas should be designed to incorporate adequate security for this purpose;

**AS-BUILTs**

73. All relevant as-built detail, 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";
74. 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;

**Erven 12186, Stellenbosch: Development of 50 flats and 150m<sup>2</sup> GLA commercial**

**Avoidance of waste, nuisance and risk**

75. Where in the opinion of the "Municipality" a nuisance, health or other risk to the public is caused due to construction activities and/or a lack of maintenance of any service, the "Municipality" may give the "Developer" and or OWNER'S ASSOCIATION 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 OWNER'S ASSOCIATION.



**TYRONE KING Pr Tech Eng  
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)**



**JERI-LEE MOWERS  
SENIOR MANAGER: DEVELOPMENT, ASSET MANAGEMENT AND SYSTEMS & PROJECT  
MANAGEMENT UNIT (PMU)**



**DEON LOUW  
DIRECTOR: INFRASTRUCTURE SERVICES**



APPROVE A TRANSPORT MASTER PLAN FROM DENHEIM TO EMERHEATHS AREA  
 22 NOV 2016 FROM REV 01 BY ITS

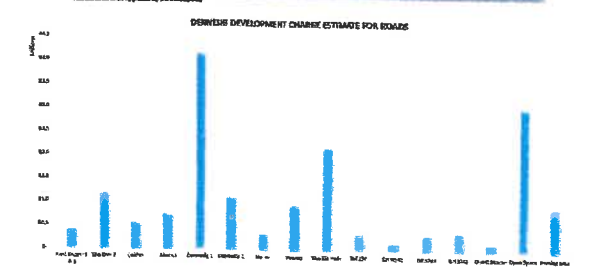
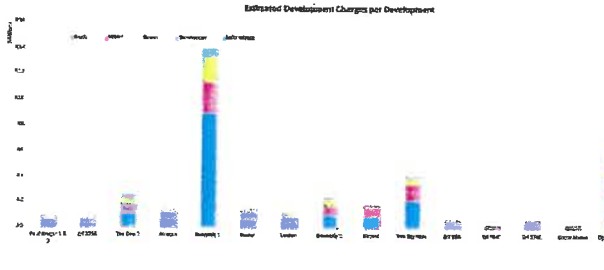
CONCEPT ONLY



DEVELOPMENT CHARGE CALCULATIONS

Item	Description	Unit	Rate	Quantity	Amount	Category	Subtotal	Other	Total
1	Site Plan Fee	Per Application	\$100	1	\$100	Administrative	\$100		\$100
2	Site Plan Fee	Per Application	\$100	1	\$100	Administrative	\$100		\$100
3	Site Plan Fee	Per Application	\$100	1	\$100	Administrative	\$100		\$100
4	Site Plan Fee	Per Application	\$100	1	\$100	Administrative	\$100		\$100
5	Site Plan Fee	Per Application	\$100	1	\$100	Administrative	\$100		\$100
6	Site Plan Fee	Per Application	\$100	1	\$100	Administrative	\$100		\$100
7	Site Plan Fee	Per Application	\$100	1	\$100	Administrative	\$100		\$100
8	Site Plan Fee	Per Application	\$100	1	\$100	Administrative	\$100		\$100
9	Site Plan Fee	Per Application	\$100	1	\$100	Administrative	\$100		\$100
10	Site Plan Fee	Per Application	\$100	1	\$100	Administrative	\$100		\$100
11	Site Plan Fee	Per Application	\$100	1	\$100	Administrative	\$100		\$100
12	Site Plan Fee	Per Application	\$100	1	\$100	Administrative	\$100		\$100
13	Site Plan Fee	Per Application	\$100	1	\$100	Administrative	\$100		\$100
14	Site Plan Fee	Per Application	\$100	1	\$100	Administrative	\$100		\$100
15	Site Plan Fee	Per Application	\$100	1	\$100	Administrative	\$100		\$100
16	Site Plan Fee	Per Application	\$100	1	\$100	Administrative	\$100		\$100
17	Site Plan Fee	Per Application	\$100	1	\$100	Administrative	\$100		\$100
18	Site Plan Fee	Per Application	\$100	1	\$100	Administrative	\$100		\$100
19	Site Plan Fee	Per Application	\$100	1	\$100	Administrative	\$100		\$100
20	Site Plan Fee	Per Application	\$100	1	\$100	Administrative	\$100		\$100

Item	Description	Unit	Rate	Quantity	Amount
1	Site Plan Fee	Per Application	\$100	1	\$100
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13	Site Plan Fee	Per Application	\$100	1	\$100
14	Site Plan Fee	Per Application	\$100	1	\$100
15	Site Plan Fee	Per Application	\$100	1	\$100
16	Site Plan Fee	Per Application	\$100	1	\$100
17	Site Plan Fee	Per Application	\$100	1	\$100
18	Site Plan Fee	Per Application	\$100	1	\$100
19	Site Plan Fee	Per Application	\$100	1	\$100
20	Site Plan Fee	Per Application	\$100	1	\$100



## Stellenbosch Municipality - Development Charge Calculation



## APPLICATION INFORMATION

Application Number	DC 2186 (11) Erf 12186 Stellenbosch (11-12187)
Date	Wednesday, 04/Aug/2021
Financial Year	2021/22
Erf Location	Stellenbosch, Stellenbosch
Erf No	12186
Erf Size (m <sup>2</sup> )	
Suburb	
Applicant	
Approved Building Plan No.	Ground Floor Plan 0106 A361 by Gus Christel Albertyn Architects, dated 02-06-2021

## SUMMARY OF DC CALCULATION

Unit(s)	Water		Sewer		Storm-water		Solid-Waste		Roads		Community Facilities		Totals
	Units	R/kilobyte	Units	R/kilobyte	Units	R/m <sup>2</sup>	Units	R/tonne	Units	R/m <sup>2</sup>	Units	R/person	
Total Increased Services Usage	20,648		16,206		0,369		1,786		91,33		91,3		
Total Development Charges before Deductions	R 535 036.36		R 473 926.26		R 36 691.11		R 65 348.03		R 662 811.67		R 663 258.79		R 2 368 072.22
Total Deductions													
Total Payable (excluding VAT)	R 535 036.36		R 473 926.26		R 36 691.11		R 65 348.03		R 663 811.67		R 663 258.79		R 2 368 072.22
VAT	R 83 266.46		R 71 688.79		R 5 603.67		R 14 302.20		R 84 671.75		R 99 482.97		R 358 216.83
Total Payable (including VAT)	R 618 302.82		R 545 615.05		R 42 294.77		R 79 650.23		R 748 483.42		R 762 741.76		R 2 726 289.05

## APPLICANT INFORMATION

Application Processed by:	Tyrone King
Signature	Existing commercial GIA - 780m <sup>2</sup> x 0.85 = 663m <sup>2</sup> (DC credit) (section 4 of TIA) Proposed Commercial GIA - 150m <sup>2</sup> (as per parking cubes on ground floor plan)
Date	As above
Amount Paid:	
Date Payment Received	
Receipt Number	

