



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/11963

Our File Reference Number: Erf 13221, Stellenbosch

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION FOR AMENDMENT OF A CONDITION OF APPROVAL, PERMANENT DEPARTURES AND PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME ON ERF 13221, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 13221, Canterbury Lane, Stellenbosch, namely:

2.1.1 **Permanent departures** from the provisions of the Zoning Scheme in terms of section 15(2)(b) of the said By-Law:

- a) To permit the lower ground storey and ground storey (new parking areas) to be **0.5 m in lieu of 1m** from the Western common boundary.
- b) To permit the lower ground storey and ground storey (new parking area and staircase) to be **0m in lieu of 3m** from the Southern common boundary.
- c) To permit the first and second storey (staircase) of the proposed building to be **1.6m in lieu 3m** from the Southern common boundary.
- d) To permit the height of the new building to be **4 storeys** in lieu of **3 storeys**.

2.1.2 The **amendment of a condition of approval** in terms of section 15(2)(h) of the said By-Law to allow for the use of the subject property for flats and hotel purposes.

2.1.3 **Permission from the Stellenbosch Municipality** in terms of section 15(2)(g) of the said By-Law, to allow flats on the ground floor level of the building.

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

2.2 CONDITIONS OF APPROVAL:

1. The approval applies only to the application in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
2. Building plans be submitted for approval which do not differ substantially from the approved Site Development Plan prior to any building work taking place (Attached as **Annexure B**, Drawing No: SK(11)1000 to 1003, Rev : 9 & 11, Project: My Space);
3. The roof height of the proposed building with ±16 residential units may not exceed the height of any of the existing buildings located on the subject property and this shall be clearly indicated on the building plans which are to be submitted to the Municipality for approval;
4. All parking bays inclusive of the visitors parking bays and parking bays reserved for the hotel component, are to be clearly indicated on the building plan and demarcated onsite prior to the first Section / Residential Unit of the building is to be transferred;
5. A refuse room be constructed and its placement / position on the property be approved by the Directorate: Infrastructure Services and being constructed prior to the first section of the building being transferred;
6. A detailed landscaping plan be submitted with the building plans for approval by Directorate: Community Services (Greening Department) and be implemented prior to the first section of the building being transferred;
7. Development contributions is payable and calculated in terms of the prevailing tariff structures and development contribution policy adopted by this municipality at the time of payment. A Service agreement be signed with the Directorate: Infrastructure Service before any building plans are submitted or any construction takes place and that this agreement contains the relevant conditions of approval

as imposed by the Directorate: Infrastructure Service in their memo dated 26 February 2021 and that the conditions noted in the Service Agreement be complied with prior to the first Section / Residential Unit of the building being transferred. (Directorate: Infrastructure Service Memo attached as **Annexure F**);

8. A Home Owners Association is established in terms of Section 29(1) of the Land Use Planning By-law, 2015;
9. The constitution of the Home Owners Association be submitted to the Director: Planning and Economic Development for approval and must be compliance with the provisions made in Section 29(3) of the Land Use Planning By-law, 2015;
10. All common property / sections / areas be transferred to the Owners Association with the first section or residential unit;
11. All visitors parking bays shall form part of the common property to be transferred to the Owners Association with the first Section / Residential Unit of the building;
12. The common areas indicated as Coffee shop / Cafeteria, Library and Study and storage areas forms part of the common areas / sections that are to be transferred to the Owners Association with the first Section / Residential unit of the building to be transferred;
13. The proposed building with ±16 residential units may not be let on a short-term bases as they do not form part of the hotel component and this be imposed on the title deed of the relevant section and also be noted in the Owners Associations Rules and Regulations;
14. No Four-bedroom residential units may be developed;
15. This approval shall be valid for a period of 5 years from date of final letter of approval.

2.3 The **REASONS** for the above decisions are as follows:

- a. The locality of the property on the periphery of the existing residential area of Paradyskloof and the Urban Edge will ensure that any impact that the proposal has on its surroundings are minimal.
- b. The proposed development will contribute to local economic growth and job creation as a high number of temporary and permanent employment opportunities are expected to be created during construction and the operational phase of the development.

- c. The proposal is consistent with the provisions and proposals of the MSDF as the property is situated within the urban edge and delineated by the SDF for urban development. The MSDF recognises that sensitive densification of existing residential properties needs to be promoted.
 - d. Due to the limited impact of the additional traffic on the existing road network the Provincial Roads Department supports the proposal.
 - e. The additional traffic that will be generated will have little impact on the surrounding residential properties as access to the R44 is via a short section of Canterbury Lane.
- 3 You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.
- 4 Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:
- (a) The personal particulars of the Appellant, including:
 - (I) First names and surname;
 - (II) ID number;
 - (III) Company of Legal person's name (if applicable)
 - (IV) Physical Address;
 - (V) Contact details, including a Cell number and E-Mail address;
 - (b) Reference to this correspondence and the relevant property details on which the appeal is submitted.
 - (c) The grounds of the appeal which may include the following grounds:
 - (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
 - (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.

- (d) whether the appeal is lodged against the whole decision or a part of the decision;
- (e) if the appeal is lodged against a part of the decision, a description of the part;
- (f) if the appeal is lodged against a condition of approval, a description of the condition;
- (g) the factual or legal findings that the appellant relies on;
- (h) the relief sought by the appellant; and
- (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;
- (j) That the appeal includes the following declaration by the Appellant:
 - (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
 - (ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.

- 5 Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: landuse.appeals@stellenbosch.gov.za
- 6 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.
- 7 The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).
- 8 An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:

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

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

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

Yours faithfully



FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

22/07/2021
DATE:

ANNEXURE B

CONSTRUCTION NOTES

1. ALL WORK IS TO BE IN STRICT COMPLIANCE WITH SANS 10400 ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS. ALL DIMENSIONS IN MILLIMETERS UNLESS NOTED OTHERWISE.

2. CONTRACTORS & SUBCONTRACTORS TO VERIFY ALL LEVELS, HEIGHTS & DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF WORK. ANY DISCREPANCIES TO BE REPORTED IMMEDIATELY TO THE ARCHITECT. TO ENSURE THAT THEIR WORKS ON SITE IS ACCURATELY PROTECTED AT ALL TIMES.

3. CONTRACTORS TO VERIFY ALL DIMENSIONS ON ANY EXISTING STRUCTURE PRIOR TO COMMENCEMENT OF WORK. ANY DIMENSIONS IN CONFLICT WITH THE CONTRACTOR SHALL BE REPORTED IMMEDIATELY TO THE ARCHITECT. ALL COMPONENTS, GLAZING PANELS & WINDOWS TO BE FIT THROUGH ALL DOORWAYS OR ALL WORK OF HIGHEST STANDARDS OF ACCEPTED BUILDING PRACTICE.

BUILDING MATERIALS:

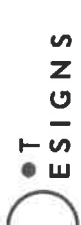
1. ALL MATERIALS TO BE SUPPLIED WITH SANS APPROVED CERTIFICATES OF CONFORMANCE. ALL MATERIALS TO BE SOUTH AFRICAN MANUFACTURED PRODUCTS FOR A MINIMUM OF 10% OF THE TOTAL VALUE OF THE WORK. ALL WALLS, INTERNAL & EXTERNAL, TO BE INSULATED & CLADDED WITH HIGH DENSITY, PLAIN TEXTURED, FIBRE GLASS INSULATION. ALL WINDOWS & EXTERNAL DOORS TO BE WHITE ALUMINIUM FRAME WITH DOUBLE GLAZING. ALL DOOR SCHEDULES TO BE SOLID TIMBER DOORS. ALL INTERNAL DOORS TO BE SOLID TIMBER DOORS. ALL GLAZING TO BE IN ACCORDANCE WITH THAT IN THE MANUFACTURER'S INSTRUCTIONS. ALL GLAZING TO BE APPROVED SAFETY GLASS. ALL DOORS TO BE SANS APPROVED SCHEDULES. ALL DOOR SCHEDULES TO BE SANS & COMPLY WITH STRUCTURAL ENGINEERS DETAILS PROVIDED.

DRAINAGE:

1. ROOF DESIGN TO BE IN ACCORDANCE WITH STRUCTURAL ENGINEERS DESIGN. ALL DRAINAGE TO BE TO ALL EXISTING FALL DRAINS ON ROOF SLAB. DRAINING INTO EXISTING DRAINAGE SYSTEM. ALL IN ACCORDANCE WITH SANS AND ONLY SANS APPROVED MATERIALS TO BE USED THROUGHOUT. ALL NEW DRAINAGE TO BE CONNECTED TO EXISTING DRAINAGE SYSTEM. ALL NEW DRAINAGE TO BE IN ACCORDANCE WITH SANS AND ONLY SANS APPROVED MATERIALS TO BE USED THROUGHOUT.

REVISIONS

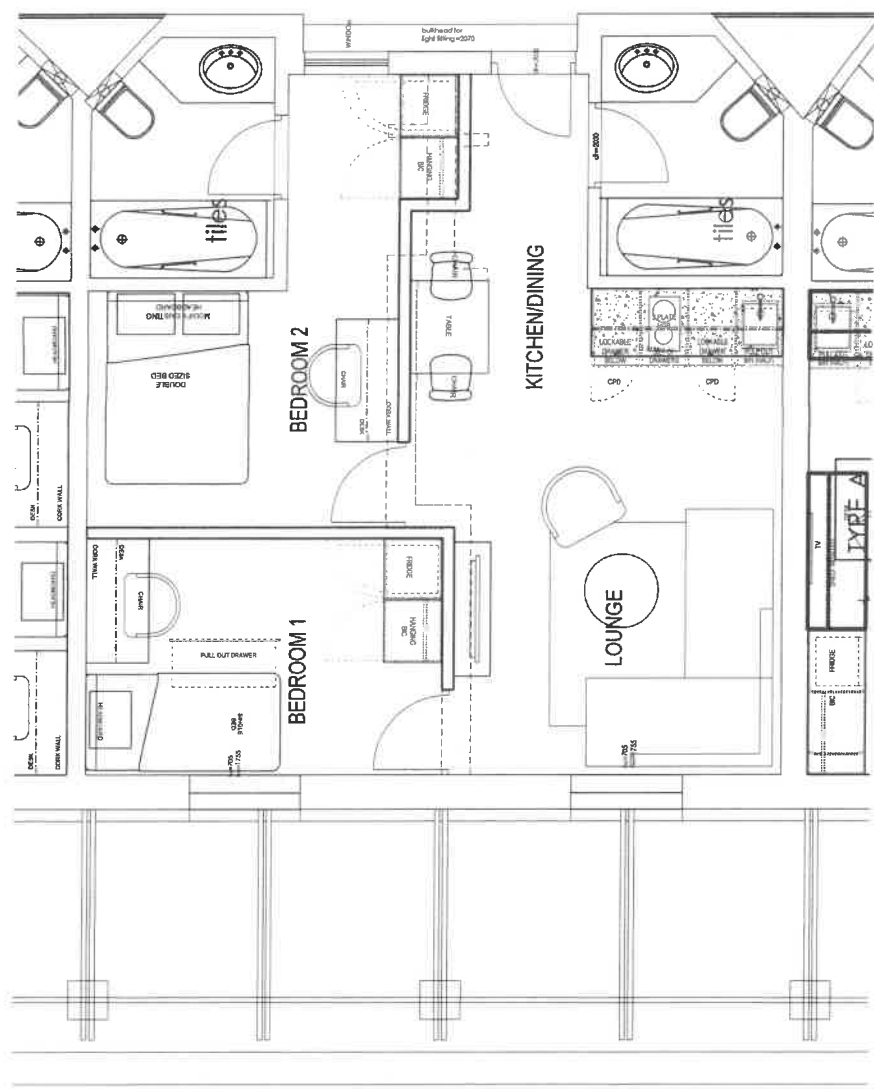
R.	DATE	DESCRIPTION



Client: ABACUS DEV CO
 Project: MY SPACE PARADYSKLOOF

Drawing: SKETCH LAYOUT 2 BED UNIT
 Drawn: CM
 Date: AUGUST 2020
 Scale: 1:50 ON A3

Sheet No:	1
Total Sheets:	1



ANNEXURE F



MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES
DIREKTORAAT: INFRASTRUKTUURDIENSTE

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

FOR ATTENTION : **Nolusindiso Momoti**

FROM : **Principal Technician: Development (Infrastructure Services)**

AUTHOR : **Colin Taylor**

DATE : **26 February 2021**

RE. : **Erf 13221 land use application: Amendment of approved SDP, departure and technical approval for the redevelopment of the erf for a block of flats consisting of 77 units.**

YOUR REF : **LU/11963**

OUR REF : **2095 CIVIL LU**

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

- The abovementioned application dated 10 October 2020 and motivation report by Arch Town Planners (Pty) Ltd, dated September 2020;
- Proposed Site Development Plan No. Sk(11)100 Rev (8), by SVA Architects;
- Report on Civil Engineering Services, by EKCON (Pty) Ltd, dated September 2020;

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

- Erf size: 4771m²
- Total Units: 77 apartment units

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

**PROPOSED AMENDMENT OF APPROVED SDP, DEPARTURE AND TECHNICAL OF ERF 13221
STELLENBOSCH**

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

B. Recommendation:

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

C. Specific conditions of approval

4. that the following upgrades are required to accommodate the development. No taking up of proposed rights including Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates (whichever comes first) will be allowed until the following upgrades have been completed and/or conditions have been complied with:
- a. **Stellenbosch WWTW (Waste Water Treatment Works):** The proposed development falls within the catchment area of the existing Stellenbosch WWTW (Waste Water Treatment Works). There is sufficient capacity at the WWTW for the proposed development.
 - b. **Water Network:** There is sufficient capacity in the bulk water reticulation network to accommodate the proposed development.
 - c. **Sewer Network:** There is sufficient capacity in the bulk sewer reticulation network to accommodate the proposed development.
 - d. **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 for approval;
 - e. **Solid Waste:**
 - i. The Municipality will provide a solid waste removal service, unless agreed otherwise in writing the Solid Waste Department;

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- ii. 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 (021 808 8241; 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.

Development Charges

5. that the "*Developer*" hereby acknowledges that Development Charges are payable towards the following bulk civil services: water, sewerage, roads, stormwater, solid waste and community facilities as per Council's Policy;
6. that the "*Developer*" hereby acknowledges that the development charges levy as determined by the "*Municipality*" and or the applicable scheme tariffs will be paid by the "*Developer*" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy, should this land-use application be approved;
7. that the "*Developer*" accepts that the Development Charges will be subject to annual adjustment up to date of payment. The amount payable will therefore be the amount as calculated according to the applicable tariff structure at the time that payment is made;
8. that the "*Developer*" may enter into an engineering services agreement with the "*Municipality*" to install or upgrade bulk municipal services at an agreed cost, to be off-set against Development Charges payable in respect of bulk civil engineering services;
9. that the Development Charges levy to the amount of R 2 277 237.22 (Excluding VAT) as reflected on the DC calculation sheet, dated 2 December 2020, and attached herewith as **Annexure DC**, be paid by the "*Developer*" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy.

Based on the 2020/2021 tariff structure and the proposed lay-out, the following amounts are payable:

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Water	:	R 629 175. 97
Sewer	:	R 540 182. 46
Stormwater	:	R 39 737. 63
Solid Waste	:	R 103 264. 92
Roads	:	R 0. 00
Community Facilities	:	R 964 876. 24
Total exclusive of VAT:		R 2 277 237. 22
VAT:		R 341 585. 58
Total inclusive of VAT:		R 2 618 822. 80

10. that the Development Charges levy be paid by the "*Developer*" per phase –
 - prior to the approval of any building- and/or services plans in the case of a Sectional title erf in that phase;
11. that the development shall be substantially in conformance with the Site Development Plan submitted in terms of this application. Any amendments and/or additions to the Site Development Plan, once approved, which might lead to an increase in the number of units i.e. more than 77 units, will result in the recalculation of the Development Charges;
12. Bulk infrastructure Development Charges and repayments are subject to VAT and are further subject to the provisions and rates contained in the Act on Value Added Tax of 1991 (Act 89 of 1991) as amended;
13. The Municipality may approach the Developer at any stage, before completion of the Development, to implement any infrastructure / community facilities, in lieu of DCs payable, should the need for such infrastructure / facilities be identified;
14. that the "*Developer*" will enter into an Engineering Services Agreement with the "*Municipality*" in respect of the implementation of any infrastructure or community facilities to be implemented in lieu of DCs if the need for such infrastructure is identified at any stage by the Municipality;

Site Development Plan

15. that, where access control is being provided, a minimum of 2 to 3 visitor's parking bays be provided on site, but outside the entrance gate, for vehicles not granted access to the development;

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16. that provision be made for a 3-point turning head in front of the entrance gate, to the satisfaction of the Directorate: Infrastructure Services in order to enable a vehicle to turn around;
17. that provision be made for a refuse room as per the specification of the standard development conditions below – the general position of the refuse room on the SDP is acceptable – the exact position and details must be determined in conjunction with the Municipality at detail design stage.
18. that provision be made for a refuse embayment off the roadway/sidewalk to accommodate refuse removal. (Embayment to be minimum 15m x 2.5m). This must be clearly indicated on the engineering drawings when submitted for approval. The specifications of such embayment shall be as per the standard development conditions below;
19. that any amendments to cadastral layout and or site-development plan to accommodate the above requirements will be for the cost of the “Developer” as these configurations were not available at land-use application stage;

Ownership and Responsibility of services

20. 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

21. 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;
22. Any alterations to existing services necessitated by the new development will be for the Developer’s cost;

Bulk Water Meter

23. that the “Developer” shall install a bulk water meter conforming to the specifications of the Directorate: Engineering Services at his cost at the entrance gate and that clearance will only be issued if the bulk watermeter is installed, a municipal account for the said meter is activated and the consumer deposit has been paid;

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Servitudes

24. 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;
25. 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;

Roads

26. that access to the property concerned shall be via Penny Lane Street;
27. that on-site parking be provided by the owner of the property in the ratio as prescribed by the zoning scheme;
28. the "Developer" approach the Provincial Administration: Western Cape (District Roads Engineer) for their input and that the conditions as set by the Provincial Administration: Western Cape be adhered to before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be issued;

Electricity

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

Damage to municipal infrastructure and assets

30. that the "Developer" will be held liable for any damage to municipal infrastructure, 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, prior to any clearance (or occupation certificate where clearance is not applicable) being given;

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

31. that should the "Developer" not take up his rights for whatever reason within two years from the date of this memo, a revised Engineering report addressing services capacities and reflecting infrastructure amendments during the two year period, must be submitted to the Directorate: Infrastructure Services by the "Developer" for further comment and conditions. Should this revised Engineering report confirm that available services capacities is not

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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;

32. that the "*Developer*" indemnifies and keep the "*Municipality*" indemnified against all actions, proceedings, costs, damages, expenses, claims and demands (including claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the municipalities' services or apparatus or otherwise) arising out of the establishment of the development, the provision of services to the development or the use of servitude areas or municipal property, for a period that shall commence on the date that the installation of services to the development are commenced with and shall expire after completion of the maintenance period.
33. that the "*Developer*" must ensure that he / she has an acceptable public liability insurance policy in place;
34. the "*Developer*" approach the Provincial Administration: Western Cape (District Roads Engineer) for their input and that the conditions as set by the Provincial Administration: Western Cape be adhered to before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be issued;
35. that the "*Developer*" informs the project team for the proposed development (i.e. engineers, architects, etc.) of all the relevant conditions contained in this approval;
36. that the General Conditions of Contract for Construction Works (GCC) applicable to all civil engineering services construction work related to this development, will be the SAICE 3rd Edition (2015);
37. 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;

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- 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 unless the “Developer” obtains the approval of the “Engineer” for construction work of his development parallel with the provision of the bulk services.

Site Development Plan

- 38. that it is recognized that the normal Site Development Plan, submitted as part of the land-use application, is compiled during a very early stage of the development and will lack engineering detail that may result in a later change of the Site Development Plan. Any later changes will be to the cost of the “Developer”;
- 39. that even if a Site Development Plan is approved by this letter of approval, a further fully detailed site plan be submitted for approval prior to the approval of engineering services plans and or building- and/or services plans to allow for the setting of requirements, specifications and conditions related to civil engineering services. Such Plan is to be substantially in accordance with the approved application and or subdivision plan and or precinct plan and or site plan, etc. and is to include a layout plan showing the position of all roads, road reserve widths, sidewalks, parking areas with dimensions, loading areas, access points, stacking distances at gates, refuse removal arrangements, allocation of uses, position and orientation of all buildings, the allocation of public and private open spaces, building development parameters, the required number of parking bays, stormwater detention facilities, connection points to municipal water- and sewer services, updated land-use diagram and possible servitudes;
- 40. that if the fully detailed Site Development Plan, as mentioned in the above item, contradicts the approved Site Development Plan, the “Developer” will be responsible for the amendment thereof and any costs associated therewith;

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

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occupied whereafter the services will be formally handed over to the Owner's Association, in respect of private services, and to the Municipality in respect of public services;

Servitudes

Stormwater Management

60. that the geometric design of the roads and/or parking areas ensure that no trapped low-points are created with regard to stormwater management. All stormwater to be routed to the nearest formalized municipal system;
61. 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;
62. 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;
63. 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.
64. that no overland discharge of stormwater will be allowed into a public road for erven with catchment areas of more than 1500m² 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.

Roads

65. that, where applicable, the application must be submitted to the District Roads Engineer for comment and conditions . Any conditions set by the District Roads Engineer will be applicable;

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66. that no access control will be allowed in public roads;
67. that the layout must make provision for all deliveries to take place on-site. Movement of delivery vehicles may not have a negative impact on vehicular – and pedestrian movement on public roads and or public sidewalks;
68. The design and lay-out of the development must be such that emergency vehicles can easily drive through and turn around where necessary;
69. that, 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;
70. that visibility splays shall be provided and maintained on each side of the new access in accordance with the standard specifications as specified in the Red Book with regard to sight triangles at intersections;
71. that the access road to the existing facility be kept in an acceptable condition, i.e. maintained to a standard which will result in a comfortable ride for a standard passenger vehicle and to a standard which will not endanger the lives or property of road users;
72. that the parking area be provided with a permanent surface and be clearly demarcated and accessible. Plans of the parking layout, pavement layerworks and stormwater drainage are to be approved by the Directorate: Infrastructure Services before commencement of construction and that the construction of the parking area be to the standards of the Directorate: Infrastructure Services;
73. that no parking be allowed in the road reserve;

Wayleaves

74. 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;
75. that wayleaves will only be issued after approval of relevant engineering design drawings;
76. that it is the Developer's responsibility to obtain wayleaves from any other authorities/service provider's who's services may be affected.

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

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

Solid Waste

82. 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;

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- Procedures for removal of waste (materials that cannot be reused or recycled) from the site should be stipulated;
- General visual monitoring should be undertaken to identify if these measures are being adhered to;
- Record shall be kept of any steps taken to address reports of dumping or poor waste management within the Development;

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

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

83. that it be noted that the Solid Waste Branch will not enter private property, private roads or any access controlled properties for the removal of solid waste;
84. that the "Developer" must apply and get approval from the Municipality's Solid Waste Department for a waste removal service prior to clearance certificate or occupation certificate (where clearance not applicable). Contact person: Senior Manager: Solid Waste (021 808 8241; clayton.hendricks@stellenbosch.gov.za)
85. that should it not be an option for the "Municipality" to enter into an agreement with the "Developer" due to capacity constraints, the "Developer" will have to enter into a service agreement with a service provider approved by the "Municipality" prior to clearance certificate or occupation certificate (where clearance not applicable);
86. that if the "Developer" removes the waste by private service provider, provision must still be made for a refuse room should this function in future revert back to the "Municipality";
87. Access to all properties via public roads shall be provided in such a way that collection vehicles can complete the beats with a continuous forward movement;
88. Access shall be provided with a minimum travelable surface of 5 meters width and a minimum corner radii of 5 meters;

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89. Minimum turning circle radius shall be 11 meters to the center line of the vehicle;
90. Road foundation shall be designed to carry a single axle load of 8.2 tons;
91. Refuse storage areas are to be provided for all premises other than single residential erven;
92. Refuse storage areas shall be designed in accordance with the requirements as specified by the Solid Waste Branch. Minimum size and building specifications is available from the Solid Waste Branch;
93. A single, centralized, refuse storage area which is accessible for collection is required for each complete development. The only exception is the case of a single residential dwelling, where a refuse storage area is not required;
94. 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;
95. 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;
96. Where the premises might be utilized by tenants for purposes other than those originally foreseen by the building owner, the area shall be sufficiently large to store all refuse generated, no matter what the tenant's business may be;
97. 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

98. With regard to flats and townhouses, a minimum of 50 litres of storage capacity per person, working or living on the premises, is to be provided at a "once a week" collection frequency;

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

100. Building specifications for refuse storage area:

Floor

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

Walls and Roof

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

Ventilation and Lighting

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

Water Supply and Drainage

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

101. 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;

102. 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;

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103. Any containers or compaction equipment acquired by the building owner must be approved by the Directorate: Infrastructure Services, to ensure their compatibility with the servicing equipment and lifting attachments;
104. Refuse should not be visible from a street or public place. Suitable screen walls may be required in certain instances;
105. Access must be denied to unauthorized persons, and refuse storage areas should be designed to incorporate adequate security for this purpose;
106. All refuse storage areas shall be approved by the Directorate: Infrastructure Services, to ensure that the Council is able to service all installations, irrespective of whether these are currently serviced by Council or other companies;

AS-BUILTs

107. The "*Developer*" shall provide the "*Municipality*" with:
 - a. a complete set of as-built paper plans, signed by a professional registered engineer;
 - b. a CD/DVD containing the signed as-built plans in an electronic DXF-file format, reflecting compatible layers and formats as will be requested by the "*Engineer*" and is reflected herewith as Annexure X;
 - c. a completed Asset Verification Sheet in Excell format, reflecting the componitization of municipal services installed as part of the development. The Asset Verification Sheet will have to be according to the IMQS format, as to be supplied by the "*Engineer*", and is to be verified as correct by a professional registered engineer;
 - d. a complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer;
 - e. Written verification by the developer's consulting engineer that all professional fees in respect of the planning, design and supervision of any services to be taken over by the "*Municipality*" are fully paid;
108. All relevant as-built detail, as reflected in the item above, of civil engineering services constructed for the development, must be submitted to the "*Engineer*" and approved by the

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"Engineer" before any application for Certificate of Clearance will be supported by the *"Engineer"*;

109. The Consulting Civil Engineer of the *"Developer"* shall certify that the location and position of the installed services are in accordance with the plans submitted for each of the services detailed below;
110. 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;
111. Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law shall not be issued unless said services have been inspected by the *"Engineer"* and written clearance given, by the *"Engineer"*;

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

112. It is specifically agreed that the *"Developer"* undertakes to comply with all conditions of approval as laid down by the *"Municipality"* before clearance certificates shall be issued, unless otherwise agreed herein;
113. that the *"Municipality"* reserves the right to withhold any clearance certificate until such time as the *"Developer"* has complied with conditions set out in this contract with which he/she is in default. Any failure to pay monies payable in terms of this contract within 30 (thirty) days after an account has been rendered shall be regarded as a breach of this agreement and the *"Municipality"* reserves the right to withhold any clearance certificate until such time as the amount owing has been paid;
114. that clearance will only be given per phase and the onus is on the *"Developer"* to phase his development accordingly;
115. **The onus will be on the "Developer" and or his professional team to ensure that all land-use conditions have been complied with before submitting an application for a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law. Verifying documentation (proof of payment in respect of Development Charges, services installation, etc.) must be submitted as part of the application before an application will be accepted by this Directorate;**

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116. that any application for Certificate of Clearance will only be supported by the "Engineer" once all relevant as-built detail, as reflected in the item "AS-BUILT's" of this document, is submitted to the "Engineer" and approved by the "Engineer".

Avoidance of waste, nuisance and risk

117. 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.



COLIN TAYLOR Pr Techni Eng

PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

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ATTACHMENT X

Geographic Information System (GIS) data capturing standards

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

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

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

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

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

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

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Municipality standard as follows:

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

Annexure DC

Stellenbosch Municipality - Development Charge Calculation



APPLICATION INFORMATION

Application Number	
Date	Tuesday, 09-Mar-2021
Financial Year	2020/21
Erf Location	
Erf No	13221
Erf Size (m ²)	4 771
Suburb	
Applicant	Arch Planners
Approved Building Plan No.	

SUMMARY OF DC CALCULATION

Unit(s)	Water	Sewer	Storm-water	Solid-waste	Roads	Community Facilities	Totals
	kl/day	kl/day	ha°C	lt/week	trips/day	person	
Total Increased Services Usage	23,854	21,354	0,400	2,000	0,00	0,0	
Total Development Charges before Deductions	R 629 175,97	R 540 182,46	R 39 737,63	R 103 264,92			R 2 277 237,22
Total Deductions							
Total Payable (excluding VAT)	R 629 175,97	R 540 182,46	R 39 737,63	R 103 264,92			R 2 277 237,22
VAT	R 94 376,39	R 81 027,37	R 5 960,64	R 15 489,74			R 341 855,58
Total Payable (including VAT)	R 723 552,36	R 621 209,83	R 45 698,27	R 118 754,66			R 2 618 822,80

APPLICANT INFORMATION

Application Processed by:	Collin Taylor
Signature	
Date	As above
Amount Paid:	
Date Payment Received	
Receipt Number	

Annexure: Electrical Engineering

Erf 13221

1. No Objection
- 2.

CONDITIONS:

GENERAL COMMENT:

1. Before demolishing existing building the owner/contractor should
Contact the electrical department to disconnect electrical supply.
2. Owner must notify the municipal financial department of
Electrical disconnection to erf 13221
3. No excavation should be done outside erf (only with approved wayleave
- 4 Pro – Rata fee is payable if electrical supply is not appropriate.
- 5 All electrical wiring for the building on the proposed subdivided portion of plot 13221 should be carried
out in accordance with SANS 0142 Municipal by-laws and SANS 10400XA Energy Efficiency

General Comment:

No Comment