



# STELLENBOSCH

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Application Number: LU/14099

Our File Reference Number: Erf 2317, Stellenbosch

Your Reference Number:

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 DEPARTURE, PERMISSION AND REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS ON ERF 2317, STELLENBOSCH**

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
3. That the following application (s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 8768/2023, dated 09 June 2023 on Erf 2317, Stellenbosch, namely:
  - 3.1 Permanent departure in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 8768/2023 date 9 June 2023 to allow for a bulk of 1.48(148%) in lieu of 0.75 (75%)
  - 3.2 Permanent departure in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 8768/2023, 9 June 2023 to allow for a coverage of 50.6% in lieu of the allowed 50% coverage.
  - 3.3 The removal of the restrictive title deed condition from Title deed T042890/09, Clause B (1), (3), (5), (6) and (8) in terms of Section 15 (2) (f) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 8768/2023, dated 9 June 2023
  - 3.4 Permission in terms of Section 15(2)(g) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice 8768/2023, dated 9 June 2023 to allow for 5 x motor vehicle parking bays to be substituted with 16 x motorcycle bays (equal to 4 motor vehicle bay) and 6 x bicycle bays (equal to 1 motor vehicle bay)

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

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

- i. The approval only applies to the proposed under consideration, as indicated on the Site Development Plan, ref: no 22001, Drawing no 01-03-000 to 01-03-003, dated 03/17/22 & 02/23/22, Revised D, attached as Annexure B and shall not be construed as authority to depart from other legal prescriptions or requirements from Council or other legislation or Bylaws or regulations that may be applicable.
- ii. The development must be undertaken generally in accordance with Site development Plan ref no: 22001, Drawing no 01-03—000 to 01-03-003, dated 03/17/22 & 02/23/22, Revised D and attached as **Annexure B**.
- iii. The approval granted sha not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- iv. Building plans be submitted and approved by the Municipality prior to the commencing of any works, including the preparation of land, which will only be approved when all relevant (or qualified) in conditions of approval have been complied with.
- v. Building plans must generally be in accordance with Site Development plan Ref no 22001, drawing no 01-03-000, dated 03/17/22 & 02/23/22, Revision D and attached as **Annexure B**.
- vi. Landscaping plan to be submitted with building plans for approval by the Manager Community Services Department.
- vii. The approved landscaping plan be implemented at the cost of the developer and to the satisfaction of the Municipality prior to the first residential unit being transferred.
- viii. Development charges 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 approval of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.
- ix. Should the full extent of permissible development rights, as approved herein-above, not be implemented initially or development is phased, a pro rata Development Charge will be levied in accordance with extent to which the development right will be implemented, provided that the remaining development charges will be levied for the remaining permissible development rights when implemented in future. Remaining Development Charges will be levied in accordance with prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or approval of any building plans, whichever occurs first.

- x. The on-site parking bay be clearly demarcated on site in accordance with the approved site development plan, Ref D 22001, drawing no 01-03-000- to 01-03-003, dated 03/17/22 & 02/23/22, revision D as attached as **Annexure B**.
- xi. The conditions imposed by Directorate Infrastructure Services as contained in the memorandum dated 20 July 2022 and attached as **Annexure F**, be complied with.

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

- a. The fact that the proposed building will, have height of 4 storeys is still in line with the development parameters applicable to the subject property notwithstanding the additional bulk being applied for as the applicant has indicated that a 4-storey building can be developed without the additional being applied for as the basement parking level will then not be required.
- b. The existing streetscape will not be impacted on by the additional storey due to the existing large trees located in the sidewalk and the fact the building is setback  $\pm 12.5\text{m}$  from the hard top of the street and 4.5m from all other boundary lines.
- c. The applicant has provided a visual impact study in motivation of the above
- d. Adequate onsite parking has been provided in form of basement parking and onsite parking, which will have no visual impact on the streetscape due to the fact the building is screened from the street existing large trees located on sidewalk area and the location of various components of the building that screen the open parking bays from the street.
- e. The proposal will aid in providing an alternative accommodation option within Universiteitsoord.

5.1 **Matters to be noted**

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

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

7.1 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

7.2 Reference to this correspondence and the relevant property details on which the appeal is submitted.

7.3 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.

7.4 Whether the appeal is lodged against the whole decision or a part of the decision.

7.5 If the appeal is lodged against a part of the decision, a description of the part.

7.6 If the appeal is lodged against a condition of approval, a description of the condition.

7.7 The factual or legal findings that the appellant relies on.

7.8 The relief sought by the appellant.

7.9 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.

7.10 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 and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at [landuse.appeals@ Stellenbosch.gov.za](mailto:landuse.appeals@ Stellenbosch.gov.za).

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

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

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

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

Yours faithfully

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

22/1/2024  
DATE:

**Copies to be sent to:**

1. Willem de Kock (Professional Planner)

Email: [wmdek@lantic.net](mailto:wmdek@lantic.net)



**STELLENBOSCH**  
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## **ANNEXURE B**



notes

- the design on this drawing is copyright and remains the property of dsk
- all work is to be carried out in accordance with the N.S.R. STAND 10400 and applicable authority regulations
- the scaling of this drawing for construction purposes is not permitted
- all dimensions and levels are to be confirmed on site prior to construction
- any discrepancies are to be reported to dsk immediately
- dsk accepts no responsibility for errors resulting from misinterpretation of this drawing

revisions

rev	date	description	name
A	220302	Issued For Information	
B	220318	Issued For SDP Approval	
C	220322	Issued For SDP Approval	
D	230420	Issued For SDP Approval	dsk



**03 (002) Level 1**  
SCALE 1 : 100



**03 (002) Level 2**  
SCALE 1 : 100

used for  
**APPROVAL**  
23/04/20

ABCD-DHK-AR 01-03-002



project  
**19 Soeteweide Student Housing CD03**

client  
**Abacus**

drawing



SDP Plan\_Level 1 & 2  
project number **22001** drawing number **01-03-002** revision **D**  
date **02/23/22** | As indicated @ A1



NOTES

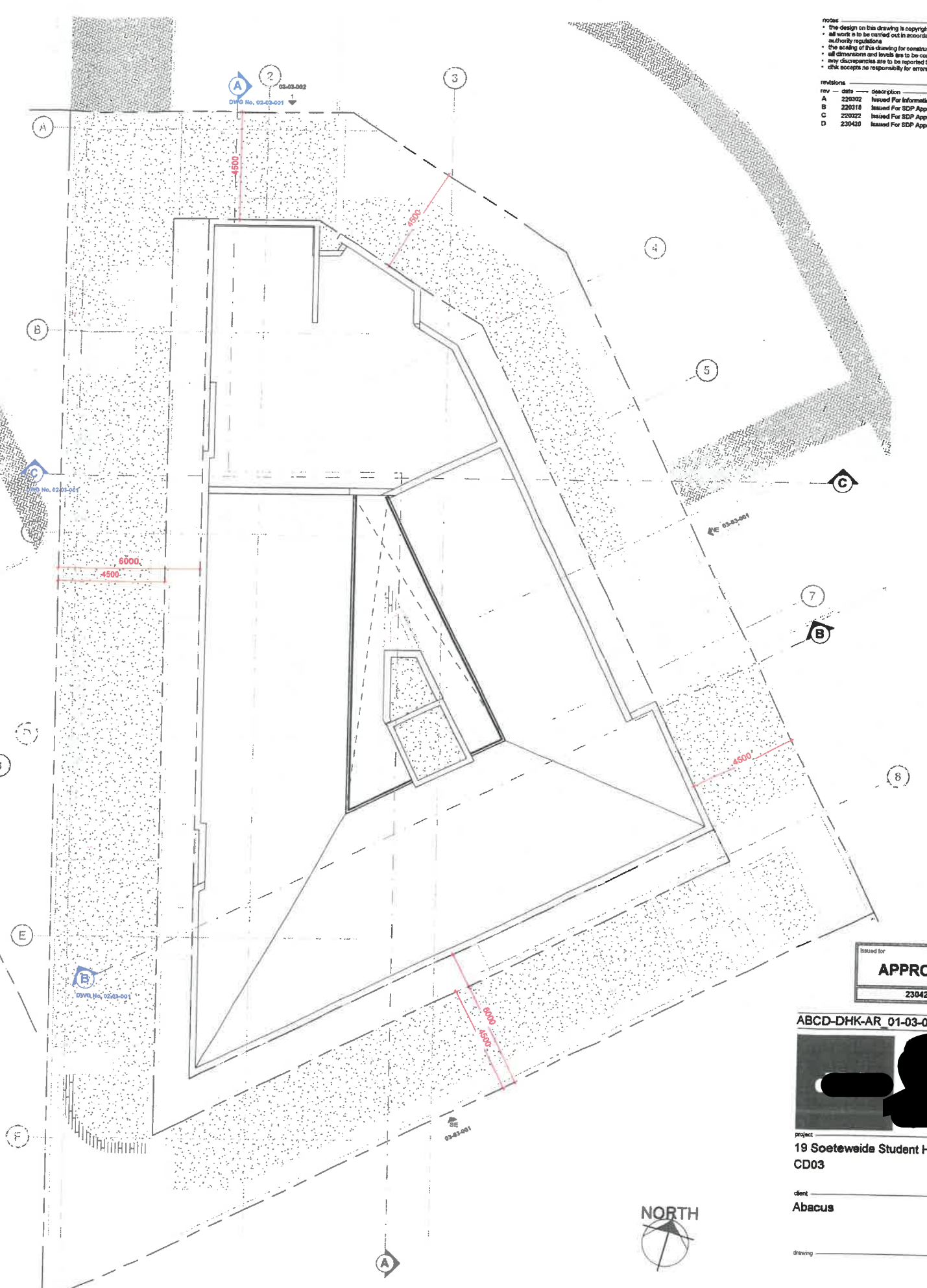
- the design on this drawing is copyright and remains the property of dhk
- all work is to be carried out in accordance with the N.B.L.F. STANDS 10400 and applicable authority regulations
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revisions

rev	date	description	name
A	220302	Issued For Information	
B	220318	Issued For SDP Approval	
C	220322	Issued For SDP Approval	
D	230420	Issued For SDP Approval	dhk



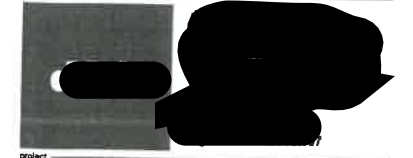
**03 (003) Level 3**  
SCALE 1 : 100



**03 (003) Roof Level**  
SCALE 1 : 100

Issued for  
**APPROVAL**  
230420

ABCD-DHK-AR 01-03-003



Project  
**19 Soetewal Student Housing CD03**

Client  
**Abacus**

Drawing

SDP Plan\_Level 3 & Roof

Project number	Drawing number	Revision
22001	01-03-003	D
02/23/22	As indicated @ A1	

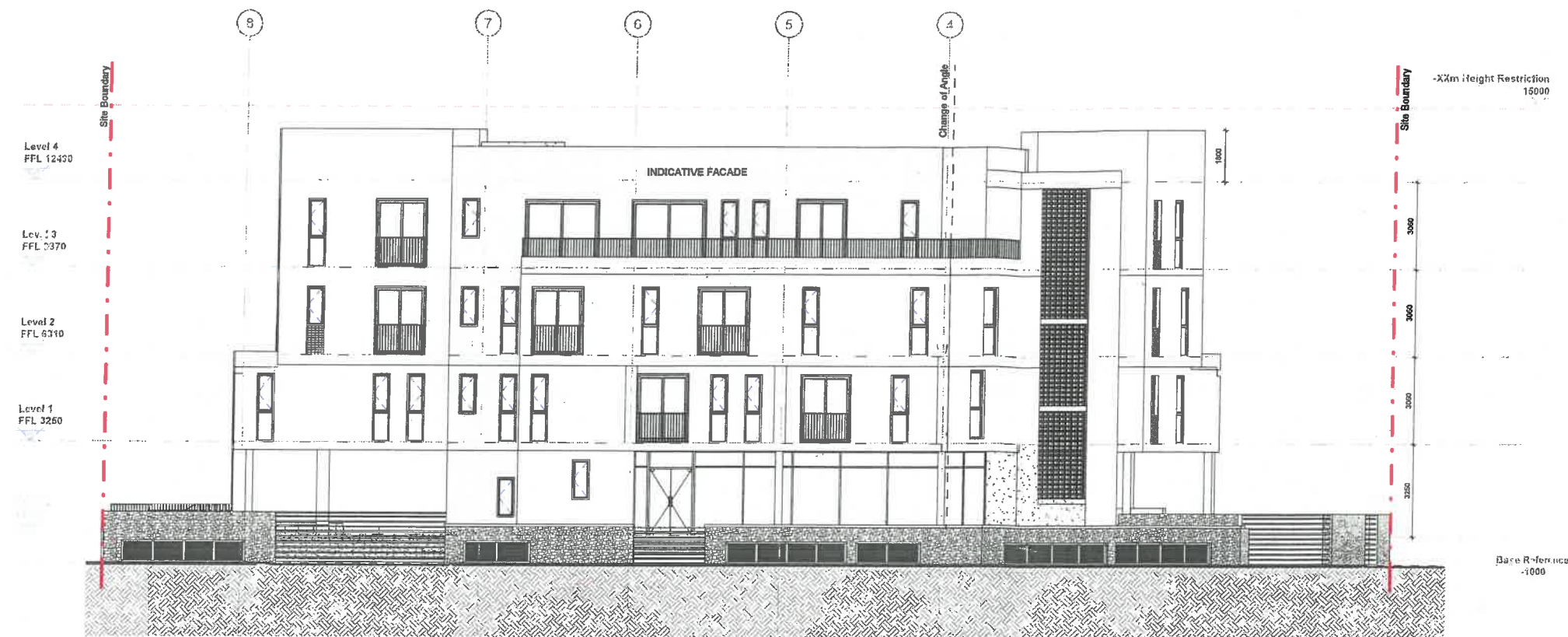


notes

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revisions

rev	date	description	name
A	220322	Issued For Information	
B	220315	Issued For SDP Approval	
C	220322	Issued For SDP Approval	
D	230420	Issued For SDP Approval	dhk



**03 (001) East Elevation**  
SCALE 1 : 100



**03 (001) South Elevation**  
SCALE 1 : 100

Issued for  
**APPROVAL**  
230420

ABCD-DHK-XX-XX-DR-AR\_03-03-001

**dhk** architects (Pty) Ltd  
6th floor, de waterkant centre  
9 somerset road, cape town  
tel: +27 (0) 21 421 6803  
fax: +27 (0) 21 421 0870  
email: hello@dhk.co.za  
reg no: 1998/020807/07

project  
**19 Soetewide Student Housing CD03**

client  
**Abacus**

drawing

SDP Elevations\_East & South

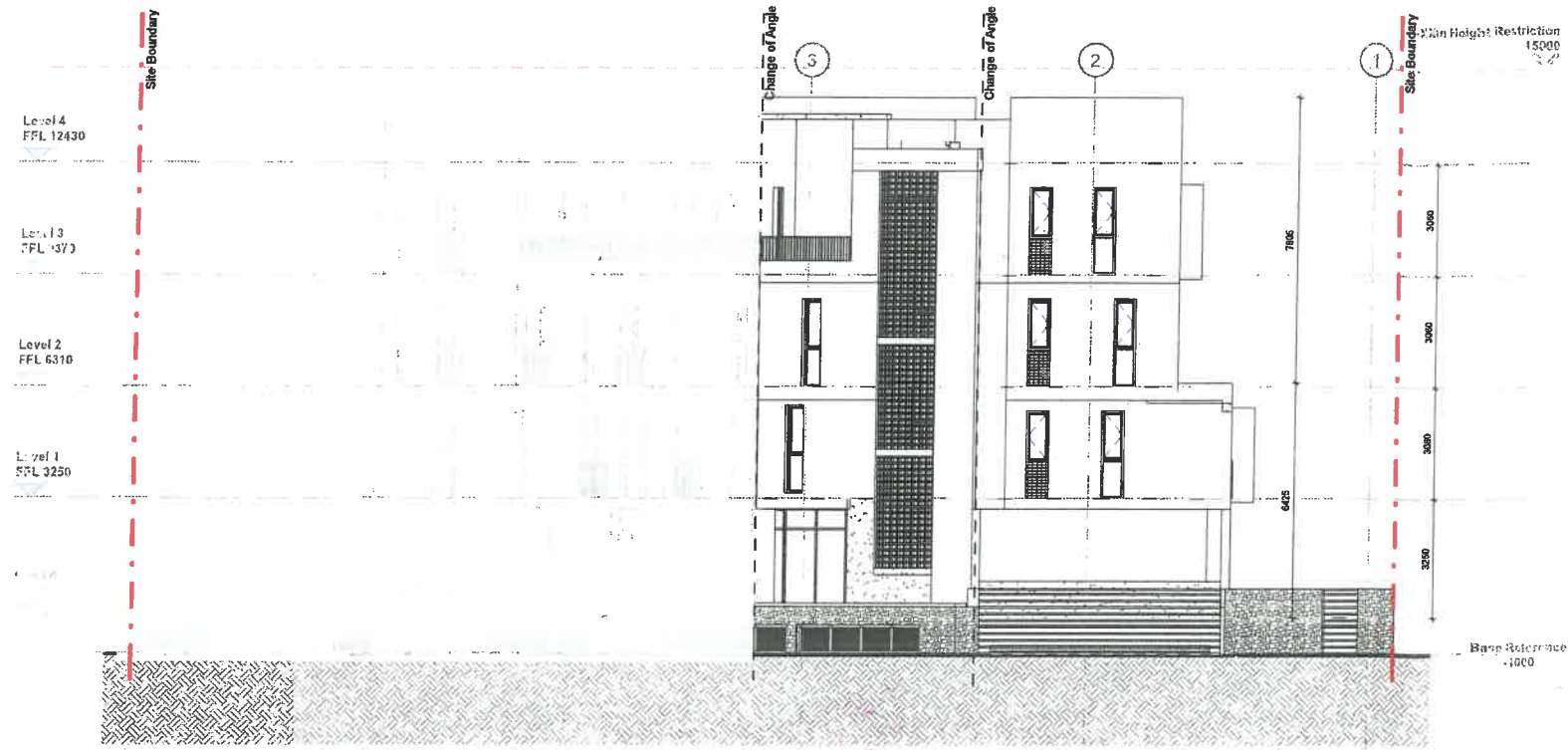
product number <b>22001</b>	drawing number <b>03-03-001</b>	revision <b>D</b>
rev issue <b>YYMMDD</b>	scale <b>1 : 100 @ A1</b>	

2023/03/15/0112

notes

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rev	date	description	name
A	220302	Issued For Information	
B	220318	Issued For SDP Approval	
C	220322	Issued For SDP Approval	
D	230420	Issued For SDP Approval	dhk



**03 (002) North Elevation**  
SCALE 1 : 100



**03 (002) West Elevation**  
SCALE 1 : 100

Issued for  
**APPROVAL**  
230420

ABCD-DHK-AR\_03-03-002

dhk architects (Pty) Ltd  
9 Somerset Road, Cape Town  
Tel: +27 (0) 21 481 5100

project  
**19 Soetewijde Student Housing CD03**

client  
**Abacus**

drawing

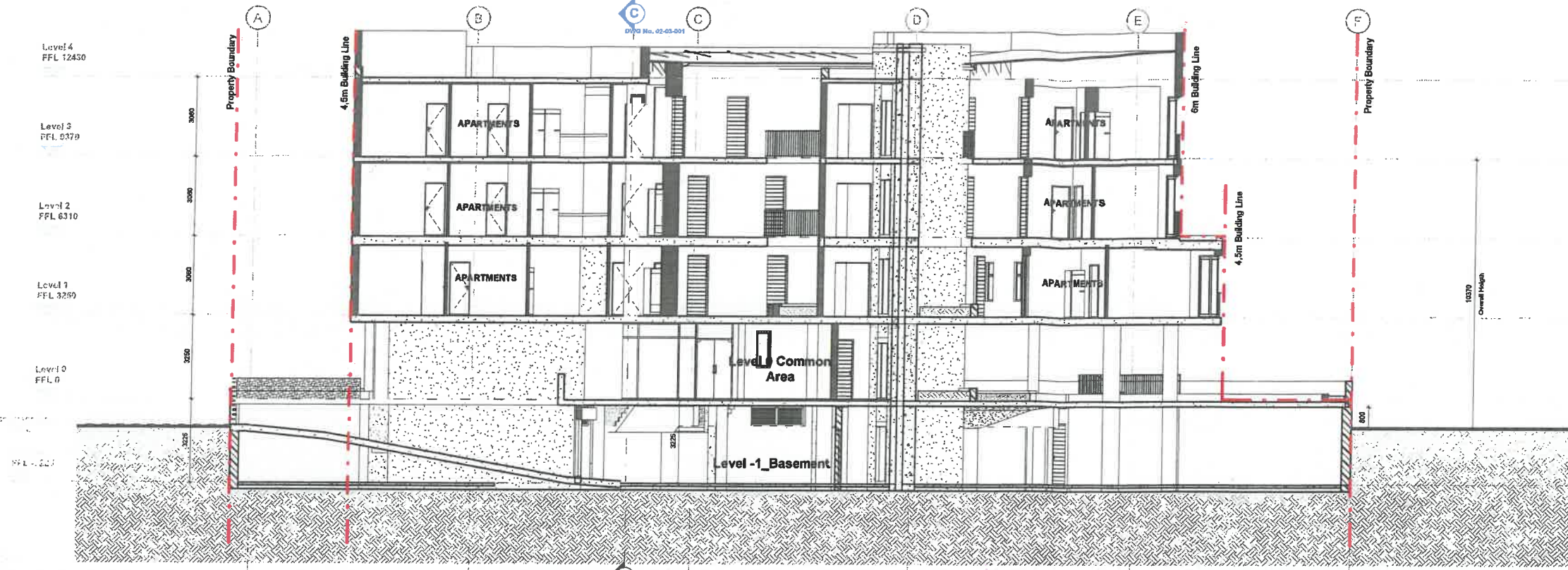
SDP Elevations\_North & West  
project number **22001** drawing number **03-03-002** revision **D**  
first issue **02/23/22** scale **1 : 100 @ A1**

2023/04/20 11:23:22

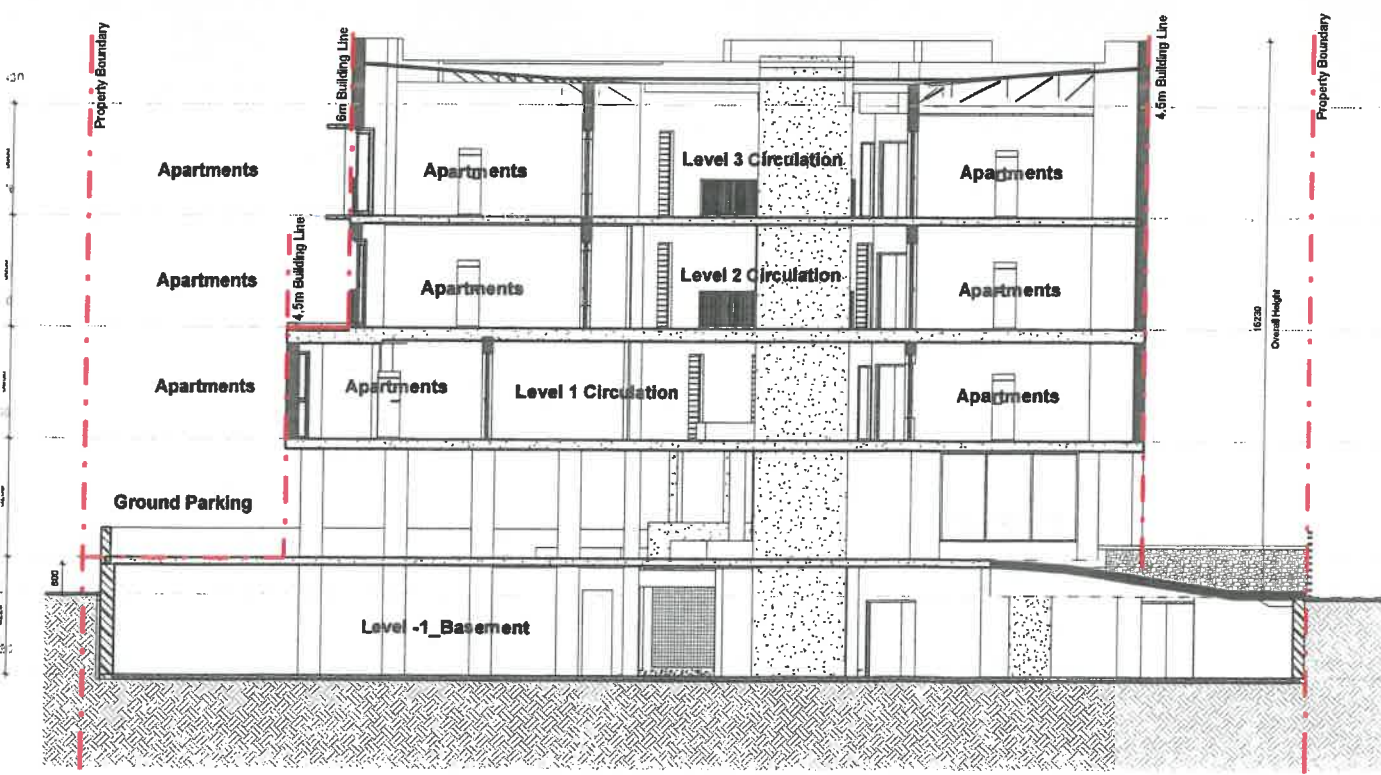


notes  
 • the design on this drawing is copyright and remains the property of dhk  
 • all work is to be carried out in accordance with the N.B.E.R. SANS 10400 and applicable authority regulations  
 • the scaling of this drawing for construction purposes is not permitted  
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 • any discrepancies are to be reported to dhk immediately  
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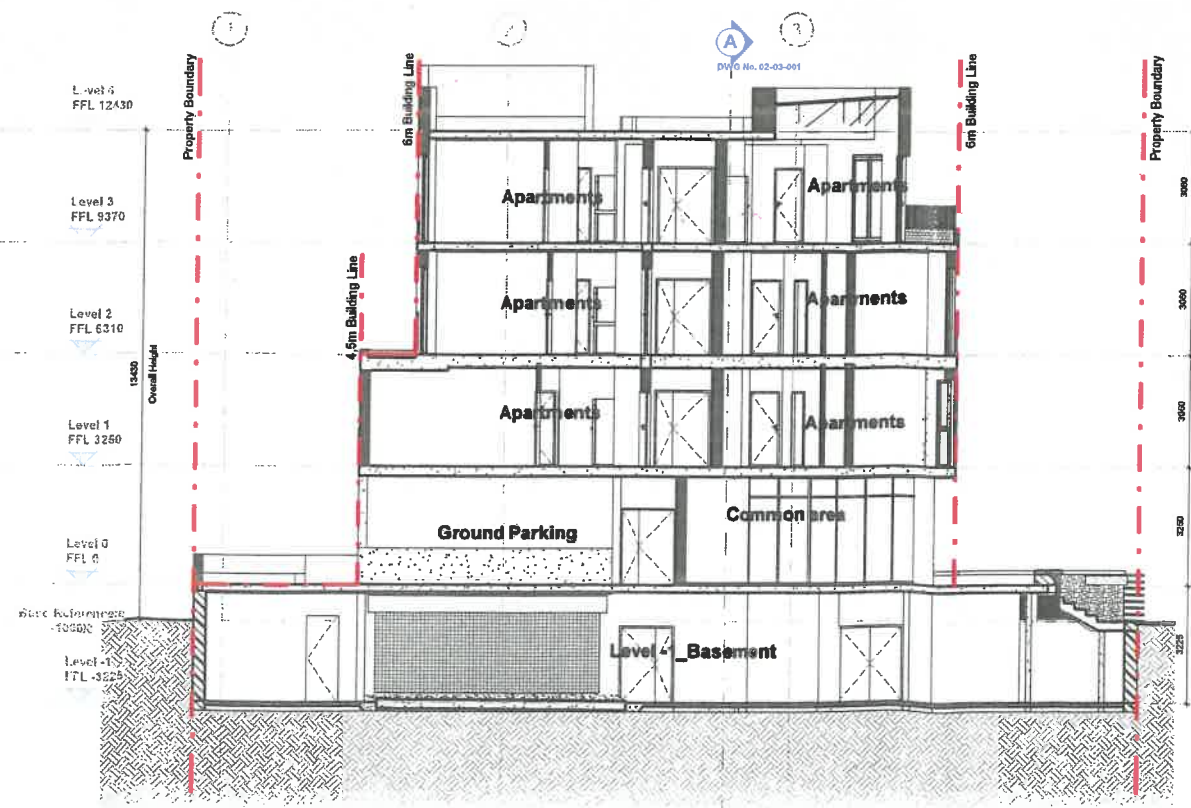
rev	date	description	name
A	220302	Issued For Information	
B	220318	Issued For SDP Approval	
C	220322	Issued For SDP Approval	
D	230420	Issued For SDP Approval	dhk



**03 (001) Section A-A**  
 SCALE 1 : 100



**03 (001) Section B-B**  
 SCALE 1 : 100



**03 (001) Section C-C**  
 SCALE 1 : 100

Issued for  
**APPROVAL**  
 230420

ABCD-DHK-XX-XX-DR-AR 02-03-001

dhk architects (Pty) Ltd  
 9 Somerset Road, Cape Town

19 Soetewide Student Housing  
 CD03

client  
 Abacus

drawing

project number	drawing number	revision
22001	02-03-001	D
YYMMDD	1 : 100 @ A1	



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## **ANNEXURE F**



# MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES  
DIREKTORAAT: INFRASTRUKTUURDIENSTE

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**To ◦ Aan:** Director: Planning + Economic Development

**Att Aandag** Nolusindiso Momoti

**From ◦ Van:** Manager: Development (Infrastructure Services)

**Author ◦ Skrywer:** Tyrone King

**Date ◦ Datum:** 20 July 2022

**Our Ref ◦ Ons Verw:** Civil LU 2339

**Your Ref:** LU/14099

**Re ◦ Insake:** Erf 2317, Stellenbosch: Application in terms of Sections 15(b), (f) and (g) the Stellenbosch Municipality Land Use By-Law, 2015 (hereafter referred to as 'the By-Law') to allow for the following on Erf 2317 Stellenbosch: a)Permanent departure to allow for a bulk of 1.18 in lieu of 0.75 b)Permanent departure to allow for 50,6% coverage in lieu of 50% c)Permission to allow for 5 x motor vehicle parking bays to be substituted with 16 x motorcycle bays (equal to 4 motor vehicle bay) and 6 x bicycle bays (equal to 1 motor vehicle bay) d) The Removal of the following Title deed Restrictions from Title Deed T042890/09: Clause B(1), (3), (5), (6), and (8).

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

- UDS TIA 7.2 and 7.3 dated 25 Feb 2022 Proposed Site Development Plan No. SDP001, by Dennis Moss Partnership, dated 31 May 2018;
- SDP 22001 01-03-000 rev B by DHK
- Eng report by Ekcon

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

- Total Units: 27 apartments

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



**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. Existing connection to be utilized, details to be finalized at detail design stage. Any upgrades to connection will be for developer's cost.
  - c. **Sewer Network:** There is sufficient capacity in the bulk sewer reticulation network to accommodate the proposed development. Existing connection to be utilized, details to be finalized at detail design stage. Any upgrades to connection will be for developer's cost.
  - d. **Roads Network:** There is sufficient capacity in the roads network to accommodate the proposed development.
  - e. **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;

**f. Solid Waste:**

- i. The Municipality will provide a solid waste removal service, unless agreed otherwise in writing the Solid Waste Department;
- 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](mailto:clayton.hendricks@stellenbosch.gov.za)), before building plan approval and before implementation of the development. Clean rubble can be utilized by the Municipality and will be accepted free of charge, providing it meets the required specification.

**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. Should the full extent of permissible development rights, as approved herein-above, not be implemented initially or development is phased, a pro rata Development Charge will be levied in accordance with the extent to which the development rights will be implemented, provided that the remaining development contributions will be levied for the remaining permissible development rights when implemented in future. Remaining Development Charges will be levied 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;
8. 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;

9. 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;
10. that the Development Charges on the DC calculation sheet, 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. that the Development Charges levy be paid by the "Developer" –  
- prior to the approval of any building- and/or services plans
12. 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 27 units, 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;
14. 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;
15. 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**

16. that provision must be made for a stacking distance 12m (15-40 units served). The stacking distances shall be measured from the edge of the closest sidewalk or cycle lane to the entrance gate. The guiding principle is that vehicle and pedestrian traffic should not be obstructed by stacking vehicles. Stacking distance to be clearly indicated on the building plans.
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

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:**

27. that should the "Developer" not take up his rights for whatever reason within two years from the date of this memo, a revised Engineering report addressing services capacities and reflecting infrastructure amendments during the two year period, must be submitted to the Directorate: Infrastructure Services by the "Developer" for further comment and conditions. Should this revised Engineering report confirm that available services capacities is not sufficient to accommodate this development, then the implementation of the development must be re-planned around the availability of bulk services as any clearances for the development will not be supported by the Directorate: Infrastructure Services for this development if bulk services are not available upon occupation or taking up of proposed rights;
28. 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.
29. that the "Developer" must ensure that he / she has an acceptable public liability insurance policy in place;
30. that, if applicable, the "Developer" approach the Provincial Administration: Western Cape (District Roads Engineer) for their input and that the conditions as set by the Provincial Administration: Western Cape be adhered to before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be issued;
31. 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;

32. 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 3<sup>rd</sup> Edition (2015);
33. Should the "Developer" wish to discuss the possibility of proceeding with construction work parallel with the provision of the bulk services listed above, he must present a motivation and an implementation plan to the "Engineer" for his consideration and approval. The implementation plan should include items like programmes for the construction of the internal services and the building construction. Only if the programme clearly indicates that occupation is planned after completion of the bulk services, will approval be considered. If such proposal is approved, it must still be noted that no occupation certificate will be issued prior to the completion and commissioning of the bulk services. Therefore should the proposal for proceeding with the development's construction work parallel with the provision of the bulk services be agreed to, the onus is on the "Developer" to keep up to date with the status in respect of capacity at infrastructure listed above in order for the "Developer" to programme the construction of his/her development and make necessary adjustments if and when required. **The Developer is also responsible for stipulating this condition in any purchase contracts with buyers of the properties;**
34. 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 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**

35. 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";
36. 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;
37. 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;
38. that an amended Site Development Plan be submitted for approval prior to the approval of building plans for new buildings not indicated on the Site Development Plan applicable to this application and or changes to existing buildings or re-development thereof;

**Internal- and Link Services**

39. 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;
40. 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;

41. 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;
42. that plans of all the internal civil services and such municipal link services as required by the Directorate: Infrastructure Services be prepared and signed by a Registered Engineering Professional before being submitted to the aforementioned Directorate for approval;
43. that construction of services may only commence after municipal approval has been obtained;
44. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "Engineer";
45. that the "Developer" ensures that his/her design engineer is aware of the Stellenbosch Municipality Design Guidelines & Minimum Standards for Civil Engineering Services (as amended) and that the design and construction/alteration of all civil engineering infrastructure shall be generally in accordance with this document, unless otherwise agreed with the Engineer. The said document is available in electronic format on request;
46. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal - and external services;
47. that all the internal civil services (water, sewer and stormwater), be indicated on the necessary building plans for approval by the Directorate: Infrastructure Services;
48. 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;
49. 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);
50. that Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will only be issued if the bulk watermeter is installed, a municipal account for the said meter is activated and the consumer deposit has been paid;

51. 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;
52. that the "Developer" shall adhere to the specifications of Telkom (SA) and or any other telecommunications service provider;
53. that the "Developer" shall be responsible for the cost for any surveying and registration of servitudes regarding services on the property;
54. 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;
55. 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".
56. that the developer takes cognizance of applicable tariffs by Council in respect of availability of services and minimum tariffs payable;
57. that the "Developer", at his/her cost, will be responsible for the maintenance of all the internal (on-site) municipal – and private civil engineering services constructed for this development until at least 80% of the development units (i.e. houses, flats or GLA) is constructed and occupied whereafter the services will be formally handed over to the Owner's Association, in respect of private services, and to the Municipality in respect of public services;

**Servitudes**

58. that the "Developer" ensures that all main services including roads to be taken over by the Directorate: Infrastructure Services, all existing municipal – and or private services including roads, crossing private - and or other institutional property and any other services/roads crossing future private land/erven are protected by a registered servitude before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be given;
59. 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;

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;

67. that for larger developments, industrial developments or developments near water courses a stormwater management plan for the proposed development area, for both the minor and major storm events, be compiled and submitted for approval to the Directorate: Infrastructure Services.
68. that the approved management plan be implemented by the "Developer", at his/her cost, to the standards of the Directorate: Infrastructure Services. The management plan, which is to include an attenuation facility, is to be submitted concurrent with the detail services plans;
69. 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.
70. 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.

#### Roads

71. 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;
72. that no access control will be allowed in public roads;
73. 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;
74. The design and lay-out of the development must be such that emergency vehicles can easily drive through and turn around where necessary;
75. 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;

76. 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;
77. that each erf has its own access (drive-way), (the new access(es) (dropped kerb(s)) to the proposed parking bays be) constructed to standards as set out by the the Directorate: Infrastructure Services and in line with the Road Access Guideline;
78. 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;
79. 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;
80. that no parking be allowed in the road reserve;

**Wayleaves**

81. 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;
82. that wayleaves will only be issued after approval of relevant engineering design drawings;
83. that it is the Developer's responsibility to obtain wayleaves from any other authorities/service provider's who's services may be affected.

**Green Technologies**

84. It is encouraged that peak water demand should be accommodated with supplementary storage and recycling (e.g. rainwater tanks, grey water recycling) of water so that municipal water only be used to satisfy the base demand;
85. Technologies that facilitate the efficient use of irrigation water is encouraged;

86. Planting of waterwise flora is encouraged;

87. In accordance with the new SANS 10400-XA standard, all new housing should install solar water heating devices;

88. All non-subsidy housing is encouraged to meet the portion of their electrical demand that exceeds 300 kWh per month by generators such as solar photovoltaic panels and solar hot water heating devices;

89. SANS 10400-XA energy efficiency standards should be adhered to in all planning applications for new buildings, major renovations and usage changes;

**Solid Waste**

90. 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;
- 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:

100. Refuse storage areas are to be provided for all premises other than single residential erven;
101. 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;
102. 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;
103. 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;
104. 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;
105. 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;
106. 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

107. 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;
108. 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
109. 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 devise. 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.

110. 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;
111. 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;
112. 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;
113. Refuse should not be visible from a street or public place. Suitable screen walls may be required in certain instances;
114. Access must be denied to unauthorized persons, and refuse storage areas should be designed to incorporate adequate security for this purpose;

115. 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**

116. The "Developer" shall provide the "Municipality" with:

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

117. All relevant as-built detail, as reflected in the item above, of civil engineering services constructed for the development, must be submitted to the "Engineer" and approved by the "Engineer" before any application for Certificate of Clearance will be supported by the "Engineer";

118. 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;

119. 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;

**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 Municipality standard as follows:

- Datum : Hartebeeshoek WGS 84

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



# Stellenbosch Municipality

## Development Charge Calculation



APPLICATION INFORMATION	
Application Number:	2339 (1) Erf 2317 Stellenbosch (LU-14099)
Date:	12 July 2022
Financial Year:	2022-2023
Erf Location:	Stellenbosch Town
Erf Region:	Urban
Erf No:	2317
DC Parameters Reference:	UDS TIA 7.2 and 7.3 dated 25 Feb 2022 and SDP 22001 01-09-000 rev B by DHK

SUMMARY OF DC CALCULATION									
Service:	Water k/day	Sewer k/day	Stormwater ha°C	Solid Waste t/week	Roads & Transport trips/day	Community persons	Totals		
Units:	8.73	7.95	0.14	0.795	50.5	89			
Total Increased Services Usage									
Total Service Usage Reduction	0	0	0	0	0	0			
Total Development Charges before Deductions:	R 245 028.09	R 245 585.97	R 25 976.48	R 69 645.18	R 272 972.70	R 307 495.00	R	1 166 703.42	
Total Deductions	R -	R -	R -	R -	R -	R -	R	-	
Total Payable (excluding VAT):	R 245 028.09	R 245 585.97	R 25 976.48	R 69 645.18	R 272 972.70	R 307 495.00	R	1 166 703.42	
VAT:	R 36 754.21	R 36 837.90	R 3 896.47	R 10 446.78	R 40 945.91	R 48 124.25	R	175 005.51	
Total Payable (including VAT):	R 281 782.30	R 282 423.88	R 29 872.95	R 80 091.96	R 313 918.61	R 353 619.25	R	1 341 708.93	

APPLICANT INFORMATION	
Application Processed by:	T King
Signature:	
	From UDS TIA 7.2 and 7.3 dated 25 Feb 2022

Notes:

1. That the subject property is currently zoned multi unit residential zone and accommodates a commune consisting of 19 bedrooms.

2. That the proposed development is that of 27 residential apartments: 12 one-bedroom, 3 two-bedroom, 6 three-bedroom, and 6 four-bedroom units.

Stellenbosch Town

Land Use Category	Use Type	Building Shape		Proposed Use Group			Development Charges Limited (incl. VAT)	Development Charges Limited (incl. VAT)										Total					
		Form	Height	Type	Sub-Group	Group		Group A		Group B		Group C		Group D		Group E							
								Yes	No	Yes	No	Yes	No	Yes	No								
Residential	Single Residential >100m2	du																					
	Single Residential >50m2	du																					
	Single Residential >250m2	du																					
	Single Residential <250m2	du																					
	Second Dwelling	du																					
	Low Formal Residential	du																					
	Group Residential	du																					
	Apartments	du																					
	Retirement Village	du																					
	Old age Home	du																					
Accommodation	Student Accommodation/Commune	rooms																					
	Guest House	rooms																					
	Converted Guest House	rooms																					
	Hotel Residential	rooms																					
Commercial	General Business	m2 GLA																					
	Office	m2 GLA																					
	Retail/Shop	m2 GLA																					
	Restaurant	m2 GLA																					
	Conference Facility/Place of assembly	m2 GLA																					
	Hospital/Clinic/Medical Rooms	m2 GLA																					
	School/University/College/Day Care	student																					
Industrial	Industrial - light	m2 GLA																					
	Industrial - heavy	m2 GLA																					
	Warehousing/Light Manufacturing	m2 GLA																					
Public Open Space	Public Open Space	ha																					
Private Open Space	Private Open Space	ha																					
Natural Environment	Natural Environment	ha																					
Public Roads and Parking	Public Roads and Parking	ha																					
To be calculated	To be calculated	m2																					
Other	Other	m2																					
	Total Area	0																					
	Total Area	0																					

Total Development Charges before Deductions	R	245 028	R	245 585	R	25 976	R	69 645	R	272 973	R	307 495	R	1 168 793
Deductions per service (amount)	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Additional Deduction per service - from Service Agreement (a.m)	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Sub Total after Deductions (excluding VAT)	R	245 028.00	R	245 585.97	R	25 976.40	R	69 645.16	R	272 972.72	R	307 495.02	R	1 168 793.62
VAT	R	36 754.21	R	36 837.90	R	3 896.47	R	10 446.79	R	40 945.51	R	46 124.25	R	170 005.01
Total	R	281 782.21	R	282 423.87	R	29 872.87	R	80 091.95	R	313 918.23	R	353 619.27	R	1 338 798.63