



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/7722

Our File Reference Number: Erf 6128, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

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

PER E-MAIL [REDACTED]

Sir/Madam

APPLICATION FOR REMOVAL OF RESTRICTIONS AND REZONING: ERF 6128, BIRD STREET, 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 application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Erf 6128, Stellenbosch, namely:
 - 2.1.1 That the application in terms of Section 15(2)(f) of the said Bylaw for the removal of restrictive title deed conditions 1.C. in Title Deed T. 10083/2014 **BE APPROVED** in terms of Section 60 of the said By-Law.
 - 2.1.2 That, in terms of Section 15(2)(f) of the said Bylaw, restrictive title deed conditions 2.B.1 & 2.B.2, imposed as a special condition by and on behalf of the Council of the Stellenbosch Municipality in Title Deed T. 10083/2014 **BE SUSPENDED** in terms of Section 60 of the said By-Law as per Council resolution Vide Item 11.11.1 dated 25 May 2022 for a period of 24 months from date of said Council resolution, and subject to conditions of approval.
 - 2.2 The Rezoning in terms of Section 15(2)(a) of the said Bylaw from Light Industrial to General Business Zone in order to accommodate the proposed retail shops and offices, **BE APPROVED** in terms of Section 60 of the said Bylaw and subject to conditions of approval.

3. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:
- 3.1 Acceptance and the pursual of this approval by the applicant will be construed as acceptance and agreement to Council decision Vide item 11.11.1 dated 25 May 2022 in terms of which the development must be completed within 24 months from the subject Council resolution. **(See Annexure K)**
- 3.2 The approval for rezoning applies only to the rezoning application in question as shown on undated Drawing No. BS04_S001 and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
- 3.3 The approval for the rezoning is only valid for a period which coincide with the suspension of the title deed conditions as per Council decision Vide item 11.11.1 dated 25 May 2022, whereafter the rezoning approval will lapse, and the zoning of the property will revert to Industrial Zone.
- 3.4 Should there be compliance with the Council resolution Vide Item 11.11.1 dated 25 May 2022, and as endorsed by the Municipal Manager, for the satisfactorily completion of the development and vesting of the rezoning approval, the subject restrictive title deed conditions 1.C. and condition 2.B.1 & 2.B.2, imposed as a special condition in Title Deed T. 10083/2014 by and on behalf of the Council of the Stellenbosch Municipality, be removed in terms of Section 15(2)(f) of the said Bylaw.
- 3.5 The development shall be implemented substantially in accordance with the Site Development Plan No. BS04_S001 and attached as **Annexure C**.
- 3.6 A Landscaping Plan be submitted to the satisfaction of Spatial Planning.
- 3.7 The road reserve on Bird Street to be used and developed as a non-motorised transport route to the satisfaction of Spatial Planning.
- 3.8 No on-street parking will be provided on Bird Street.
- 3.9 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.

- 3.10 The electrical consulting engineer responsible for the development shall schedule an appointment with Manager Electricity Services before commencing with the construction of the development.
 - 3.11 The development's specifications must be submitted to Stellenbosch Municipality for approval, which must include the design of the electrical distribution system and the location of the substation(s) and related equipment
 - 3.12 A separate distributions board/s shall be provided for municipal switchgear and metering (shall be accessible and lockable)
 - 3.13 24-hour access to the location of the substation, metering panel and main distribution board is required by Technical Services (on street boundary).
 - 3.14 Conditions from Cape Winelands Health Department as imposed in their comment dated 29 March 2019 must be adhered to (See **Annexure G**);
 - 3.15 Conditions from the Directorate: Infrastructure services as imposed in their memo dated 5 November 2019 must be adhered to (See **Annexure H**);
4. The reasons for the above decisions are as follows:
- 4.1 The proposal will have no impact on the existing character of the surrounding area as the proposed use is in line with the existing commercial land uses found in Bird Street.
 - 4.2 Council decision Vide item 11.11.1 dated 25 May 2022 to suspend the restrictive title deed conditions and in support of the proposed rezoning and development.
5. Matters to be noted:
- 5.1 Building plans be approved by the Municipality prior to any building work commencing.
 - 5.2 An application for the erection of advertising signs be submitted for approval to the municipality and that all signage on the property be erected to the satisfaction of the Stellenbosch Municipality.
6. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or

an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

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

- (a) The personal particulars of the Appellant, including:
 - (I) First names and surname;
 - (II) ID number;
 - (III) Company of Legal person's name (if applicable)
 - (IV) Physical Address;
 - (V) Contact details, including a Cell number and E-Mail address;
- (b) Reference to this correspondence and the relevant property details on which the appeal is submitted.
- (c) The grounds of the appeal which may include the following grounds:
 - (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
 - (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.
- (d) whether the appeal is lodged against the whole decision or a part of the decision;
- (e) if the appeal is lodged against a part of the decision, a description of the part;
- (f) if the appeal is lodged against a condition of approval, a description of the condition;
- (g) the factual or legal findings that the appellant relies on;
- (h) the relief sought by the appellant; and
- (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;

(j) That the appeal includes the following declaration by the Appellant:

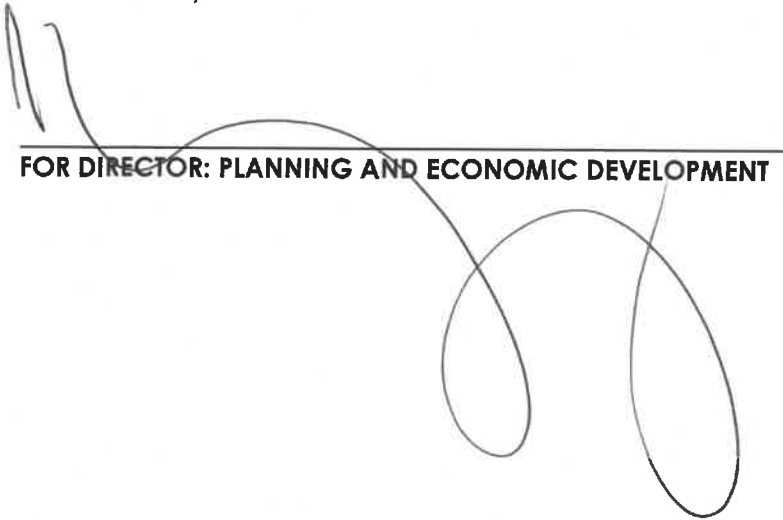
- (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
- (ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.

8. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: landuse.appeals@stellenbosch.gov.za
9. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The LU Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.
10. The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).
11. An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:
 - (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
 - (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
 - (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
 - (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.

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

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

Yours faithfully



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke that underlines the text below.

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

13/7/2022.
DATE:



STELLENBOSCH
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ANNEXURE B

(REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS & REZONING: ERF 6128, STELLENBOSCH)

COPY OF TITLE DEED

C&A Friedlander Inc
3rd Floor 42 Keerom Street
Cape Town 8001

Prepared by me

CONVEYANCER
CATHERINE LOUIE VAN SCHALKWYK

Fee endorsement		Office fee
	Amount	R.....
Purchase price/Value	R. 12 000 000,00	2 500,00
Mortgage capital Amount	R.....	R.....
Reason for exemption	Exempt i.t.o Cat..... section..... Act.....	

000063551 / 2017

**GEKANSELLEER
CANCELLED**

(Signature)
REGISTRATEUR/REGISTRAR

17 NOV 2017

VERRIND MORTGAGED

VIR FOR R. 10 125 000,00

B 000021768 / 2014

2014 -P7- 30

REGISTRATEUR/REGISTRAR

T 000010083 / 2014

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

CATHERINE LOUIE VAN SCHALKWYK

appeared before me, REGISTRAR OF DEEDS at Cape Town, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at CAPE TOWN on 9TH December 2013 granted to him by

- ALBERT WILLEM VAN VLAANDEREN, acting under General Power of Attorney (PA755/2004) executed in his favour at El Cajon, California, United States of America, on 21st April 2004, by

[Redacted]
[Redacted] of community of property

- [Redacted]
[Redacted] of community of property

2013

DATA / VERIFY
12 MAR 2014
ZANALATUNIB

And the appearer declared that his said principal had, on 31 October 2013, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

LORAX PROPERTY INVESTMENTS PROPRIETARY LIMITED

or its Successors in Title or assigns,

ERF 6128 STELLENBOSCH, in the Municipality and
Division of Stellenbosch, Province Western Cape

IN EXTENT 4144 (FOUR THOUSAND ONE HUNDRED AND FORTY FOUR)
Square Metres;

FIRST TRANSFERRED and STILL HELD by Certificate of Consolidated Title
Number T27537/1977 with Diagram SG Number 3298/74;

1. AS REGARDS the figure AfDE on the attached Diagram Number 3298/74

A. SUBJECT to the conditions referred to in Deed of Transfer Number
T7558 dated 25 June 1943;

B. SUBJECT FURTHER to the following condition mentioned in the
aforesaid Deed of Transfer Number T7558/1943, namely:

"Dat bogemelde vaste eiendom nie geregtig sal wees nie tot enige
water uit die Kromme Rivier."

C. SUBJECT FURTHER to the servitude referred to in the following
endorsement dated 10 September 1937 on Deed of Transfer number
7492 dated 10 December 1932, namely:

"Registrasie van Serwituut. Restant Para. 1 Kragtens Akte Transport
No. 9611 gedateer 10 September 1937 is 'n reg van weg oor die
restant van die grond gehou onder Para 1 hiervan langs die 9,45 meter
pad gemerk e m op die kaart daaraan geheg gegee aan die eienaar en
sy opgevolgers in titel van die grond daaronder gehou soos meer
breedvoerig blyk uit die gesegde Akte."

D. ENTITLED to the benefits of the reservation of certain rights that
relates to the conducting of certain businesses and the sale of alcohol
referred to in the following endorsement dated 2 June 1939 on the
aforesaid Deed of Transfer Number 492 dated 10 December 1932
namely:

"Registrasie van Serwituut. Restant van Paras 1,2,3 en 4. Deur die ondergenoemde Aktes van Transport van erwe in die Kromme Rivier C Dorp is deur die eienaar en sy opvolgers in titel van die restant van die eiendomme paras 1,2,3 and 4 van hierdie akte al sy bestaande regte as oewereienaar uitgehou en die grond deur die gesegde Aktes oorgedra is onderhewig ten gunste van die gemelde eiendomme hieronder gehou aan sekere regte wat betref die bedryf van sekere besighede en verkoop van sterk drank: soos meer volledig sal blyk uit Transporte Nos. 5594 ged. 2/6/1939, 9842 ged. 8/9/1939, 536 ged. 25/1/1940, No. 4379 ged. 9/5/1940, No. 9997 ged. 10/10/1940, 10520 ged. 24/10/1940, 11365 ged. 19/11/1940, 1656 dd 1/3/1941, maar sonder die voordele van die voorbehoud van waterregte vanweë die voorbehoud in paragraaf B hierbo."

- E. ENTITLED to be benefits of the reservation of certain rights relating to the conducting of certain businesses referred to in the following endorsement dated 5 June 1939 on the said Deed of Transfer Number 7492/1932, namely:

Registrasie van Serwituut. Restant van Parras. 1,2,3, en 4 Deur die ondergenoemde Aktes van Transport is deur die eienaar en sy opgevolgers in titel van die restant van die eiendomme paras 1,2,3 en 4 van hierdie Akte al sy bestaande regte as oewereienaar uitgehou, en die grond duer die gesegde Aktes oorgedra is onderhewig, ten gunste van die gemelde eiendomme hieronder gehou, aan sekere regte wat betref die bedryf van sekere besighede soos meer volledig sal blyk uit Transporte Nos 5668 ged. 5/6/1939, No. 4379 ged. 9/5/1940.

- F. SUBJECT FURTHER to the following conditions imposed by the Administrator in terms of Section of Ordinance Number 33 of 1934 as contained in Deed of Transfer Number T27533/1977, namely:
- (a) die eienaar van hierdie erf is verplig om sonder betaling van vergoeding, toe te laat dat elektrisiteitskabels en/of -drade, hoof- en ander waterpype en die rioolvuil en dreinerings, insluitende stormwater van enige ander erf of erwe, oor hierdie erf gevoer word indien dit deur die plaaslike owerheid nodig geag word, en wel op die wyse en plek wat van tyd tot tyd redelikerwys vereis word. Dit sluit die reg op toegang te alle redelike tye tot die eiendom in met die doel om enige werke met betrekking tot bogenoemde aan te lê te wysig, te verwyder of te inspekteer.
 - (b) Die eienaar van hierdie erf is verplig om sonder vergoeding op die erf die materiaal te ontvang of uitgrawings op die erf toe te laat al na vereis word, sodat die volle breedte van die straat gebruik kan word en die wal veilig en behoorlik skuins gemaak kan word weens die verskil tussen die hoogte van die straat soos finaal aangelê en die erf tensy hy verkies om steunmure te bou tot genoeg van en binne 'n tydperk wat die plaaslike owerheid bepaal.

2 AS REGARDS the figure fBCD on the attached Diagram Number 3298/74

- A. SUBJECT to such conditions as contained in Deed of Transfer Number T5999 dated 5th June 1942.

B. SUBJECT and ENTITLED to the benefit of the following special conditions as stated in Deed of Transfer Number 247 dated 26th January 1933, imposed by and in favour of the Council of the Municipality of Stellenbosch, which conditions shall be binding on the transferee and his successors in title:

1. "That the said land shall be solely used for industrial purposes, provided that the Transferee and his successors in title shall have the right to erect one dwelling house on a portion thereof as a residence for the present and future owner, his manager or representative.
2. In the event of the above land being no longer used by the Transferee or his successors in title for industrial purpose, and such transferee fails to dispose of the land to some Company, person or persons for industrial purposes within six months thereafter, then the said land shall revert to the said Municipality, who shall have the right to dispose of the same against payment to the then registered owner of the value of the buildings erected thereon, such value to be fixed by two independent Sworn Appraisers, who shall have due regard to the state of the market at the time of making the appraisalment, the purpose for which the intending purchaser requires such buildings, as also any other circumstances which may detrimentally affect the value thereof."



WHEREFORE the said Appearer, renouncing all right and title which the said

1. [REDACTED]
2. [REDACTED]

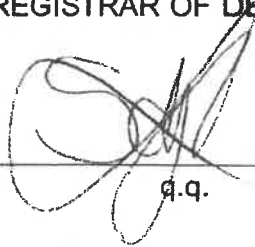
heretofore had to the premises, did in consequence also acknowledge them to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

[REDACTED]
Re [REDACTED] of 2014

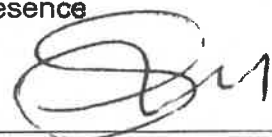
or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of [REDACTED]

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at Cape Town on 3 March 2014.



r.q.

In my presence


REGISTRAR OF DEEDS





STELLENBOSCH

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ANNEXURE C

(REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS & REZONING: ERF 6128, STELLENBOSCH)

SITE PLAN

STELLENBOSCH MUNICIPALITY
 PLANNING AND ECONOMIC DEVELOPMENT
 OFFICE OF THE DIRECTOR
23 JAN 2019
RECEIVED

DJ TOIT
 STATION

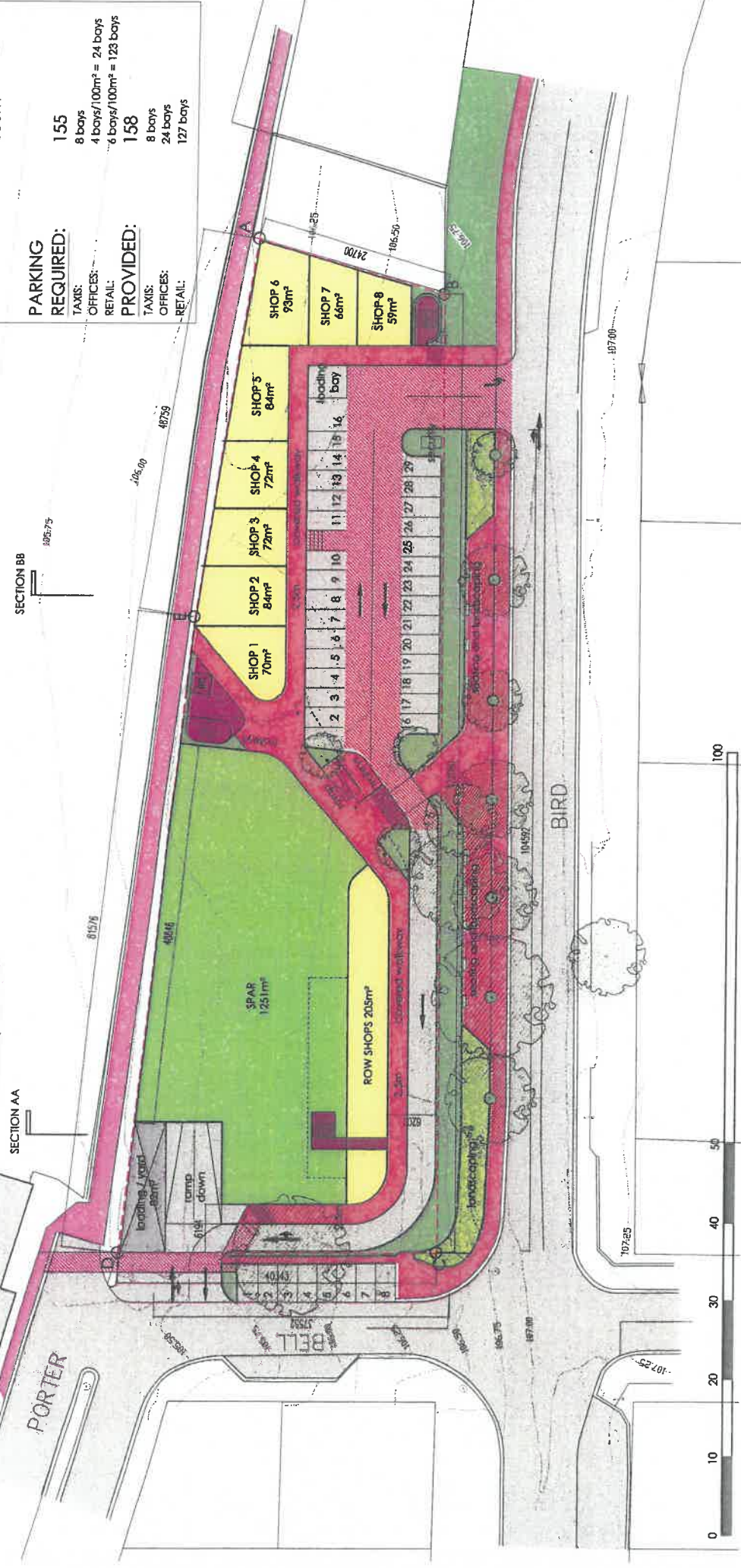
PORTER

SITE AREA:
 41.44m²
 26.55m²
 0.64
 51%

SPAR:
 1250m²
 805m²
 600m²

PARKING REQUIRED:
 155
 8 boys
 4 boys/100m² = 24 boys
 6 boys/100m² = 123 boys

PROVIDED:
 158
 8 boys
 24 boys
 127 boys



Ground Floor Plan | Scale 1:500 @ A3

drawn: E. GROBLER 1:500
 project: BSO4_S001
 sheet number: BSO4_S001
 revision: 1



client: **SITE DEVELOPMENT PLAN**
 21 January 2019

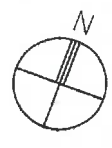
project: **BIRD STREET COMMERCIAL DEVELOPMENT**

SITE AREA: 4144m²
 GLA: 2655m²
 BULK: 0.64
 COVERAGE: 51%

SPAR: 1250m²
 LINE SHOPS: 805m²
 OFFICES: 600m²

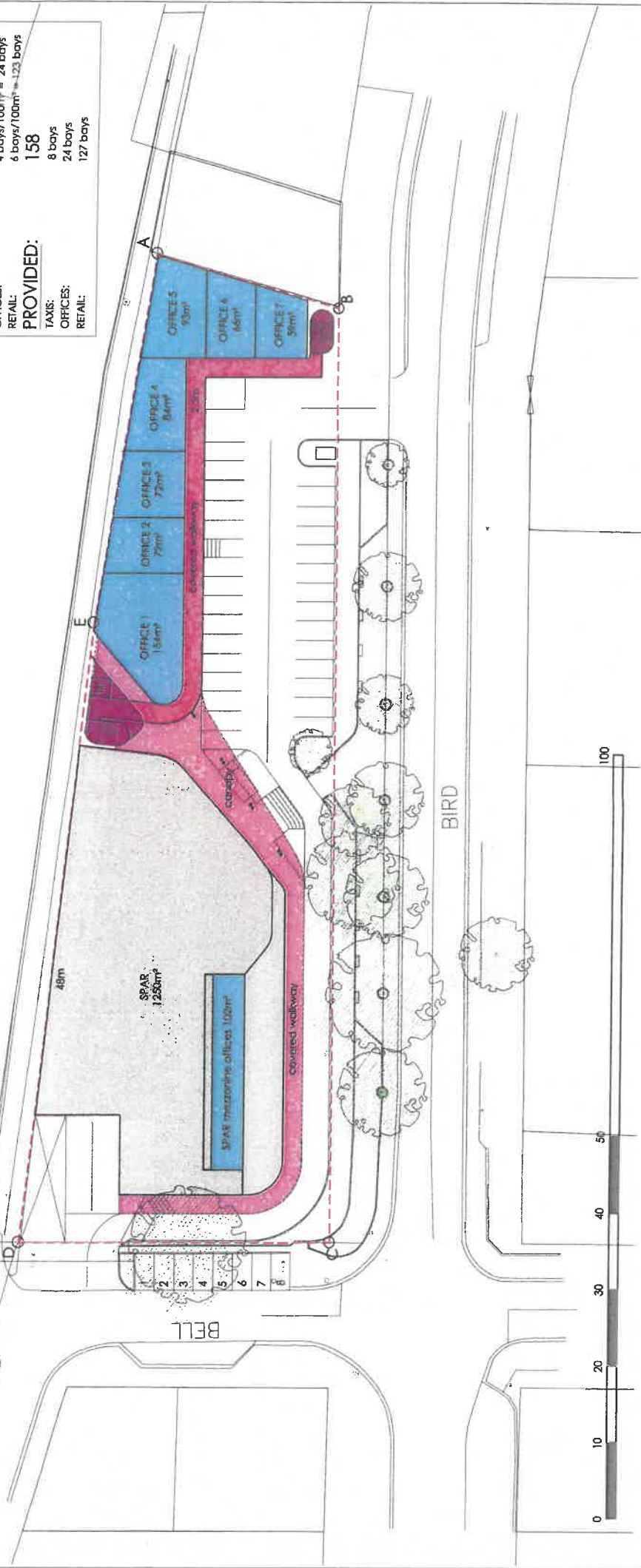
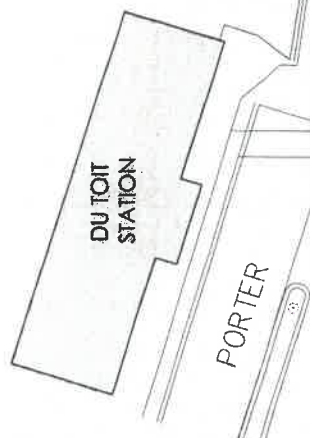
PARKING REQUIRED: 155
 TAXIS: 8 bays
 OFFICES: 4 bays/100m² = 24 bays
 RETAIL: 6 bays/100m² = 123 bays

PROVIDED: 158
 TAXIS: 8 bays
 OFFICES: 24 bays
 RETAIL: 127 bays



SECTION AA

SECTION BB



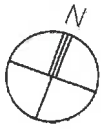
First Floor Plan | Scale 1:500 @ A3

project: **MA**
 drawing number: **BS04_S001**
 revision: **1**
 E. CHEWLER: 500

drawing: **SITE DEVELOPMENT PLAN**
 date: **21 January 2019**

project: **BIRD STREET COMMERCIAL DEVELOPMENT**

SECTION AA



SECTION BB

SITE AREA: 4142m²
BASEMENT AREA: 4120m²
PARKING BAYS: 121 BAYS



Basement Plan | Scale 1:500 @ A3

project

RIPD STREET COMMERCIAL DEVELOPMENT

drawing

SITE DEVELOPMENT PLAN
21 January 2019

MA
P/A

from	E_CROWLER:500
reference	BS04_S001
job number	BS04_S001
drawing number	BS04_S001
revision	1

SITE BOUNDARY

ROOF 115.815

FIRST FLOOR 111.750

GROUND FLOOR 108.250

BASEMENT ENTRANCE 105.595

BASEMENT LOWER 104.795

2013 3600 2635 1100

ROAD

road 107.000

SECTION AA

SITE BOUNDARY

ROOF 115.815

FIRST FLOOR 111.750

GROUND FLOOR 108.250

BASEMENT ENTRANCE 105.595

BASEMENT LOWER 104.795

3966 3600 2215 2635

ROAD

road 107.000

SECTION BB

1:200

Sections | Scale 1:200 @ A3

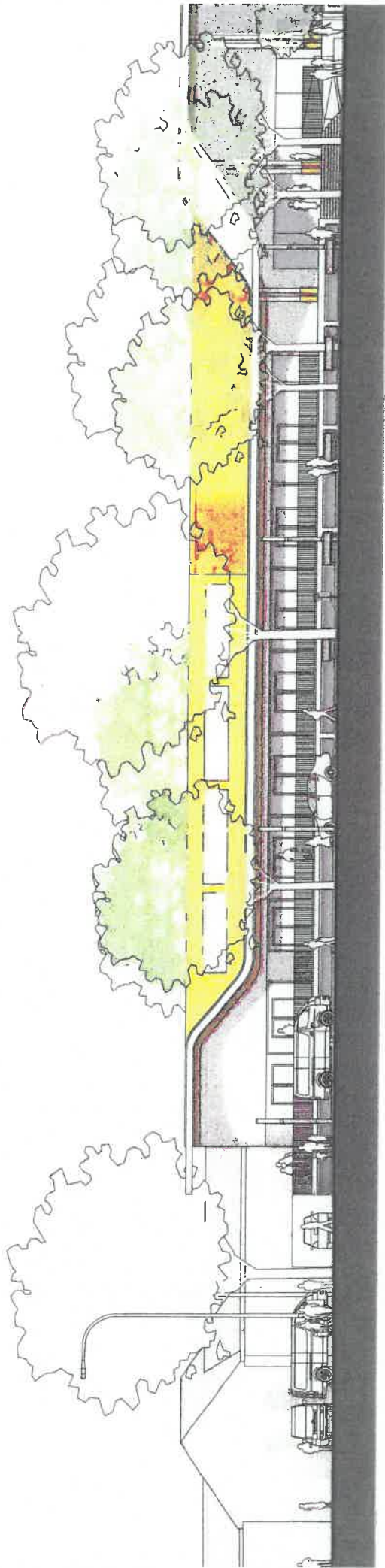
project

BIRD STREET COMMERCIAL DEVELOPMENT

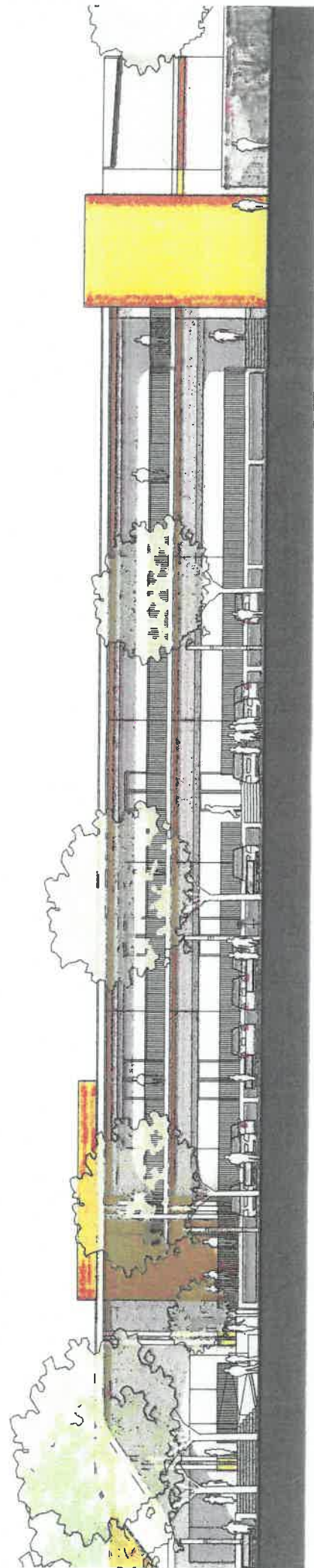


client	E. GROBLER	scale	1:200
filename	BS04_S001	drawing number	
job number	BS04_S001	section number	1

1



Bird Street Elevation A | Scale 1:200 @ A3



Bird Street Elevation B | Scale 1:200 @ A3

Project

BIRD STREET COMMERCIAL DEVELOPMENT

Drawn by

SITE DEVELOPMENT PLAN
21 January 2019

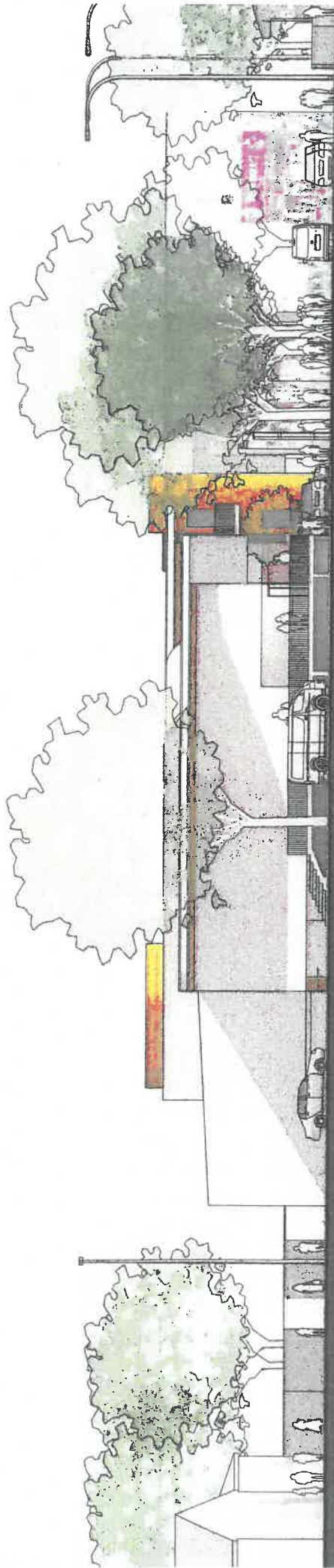
MA

Drawn by
E_GROBLER
Scale
1:200

Job Number
BS04_S001

Revision
BS04_S201

1



Bell Street Elevation | Scale 1:200 @ A3

Project

BIRD STREET COMMERCIAL DEVELOPMENT

Drawings

SITE DEVELOPMENT PLAN
21 January 2019



Drawn	E. GROBLER:200
Reviewed	BS04_S001
Job number	drawing number
	BS04_S201

1



3D - Bell Street

Project

BIRD STREET COMMERCIAL DEVELOPMENT

Client

SITE DEVELOPMENT PLAN
21 January 2019



Drawn	E. GROBLER	Scale	1:200
Revised	BS04_S0-3D1	Drawing number	
Job number		Revision	
	BS04_S-3D1		



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ANNEXURE G

(REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS & REZONING: ERF 6128, STELLENBOSCH)

COMMENTS FROM CAPE WINELANDS DISTRICT HEALTH SERVICES

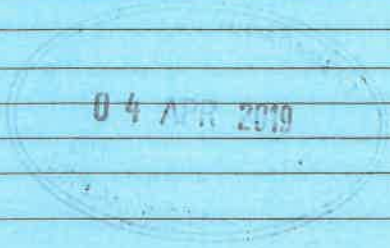
15

INTERDEPARTMENTAL CIRCULATION FORM

LêER VERW/ FILE REF	Erf 6128, Stellenbosch	DATUM DATE	2019-02-18
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AANSOEKNOMMER / APPLICATION NUMBER	LU/7722
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- MEMO AAN/ TO :**
- Manager : Engineering Services
 - Manager : Electrical Department
 - Manager : LED (**Widmark Moses**)
 - Manager : Fire Services
 - Manager : Chief Financial Officer
 - Manager: Spatial Planning / Heritage / Environment / Signage
 - > Manager: Health Department (Winelands Health)
 - Manager: Building Development
 - Manager : Community Services



Application	Rezoning
Adres / Address	135 Bird Street, Stellenbosch
Aansoek Datum / Application Date	19 April 2018
Aansoeker / Applicant	Lorax Property Investment

Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil opleë indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.

Geliewe die memorandum per hand aan my terug te besorg voor of op: 2019-03-22
 Please hand deliver the memorandum to me on or before : 2019-03-22

FILE NR: 2019-03-22
SCAN NR: E6128 S
COLLABORATOR NR: 639669

S Newman

For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

ALGEMENE KOMMENTAAR / GENERAL COMMENT: DIE AFDELING: MUNISIPALE
GESONDHEIDSDIENSTE KAAPSE WYNLAND DISTRIK MUNISIPALITEIT
HET GEEN BESWAAR TEEU DIE AANSOEK OM PERSONEERING VAN
ERF 6128 BIRDSTRAAT 135 STELLENBOSCH NIE.

VOORWAARDES/CONDITIONS: GESONDHEIDSOVEREISTES IN TERME VAN
VENTILASIE, BELIGTING, PUBLIEKE TOILETFASILITEITE, GOEDGEKEURDE
VULSKAMER EN VOENSELPERSELE (R638/2018) MOET AAN
WOLDEEN WORD EN OP BOUPLANNE AANGEDUI WORD.

<u>G. Guineel</u> HANDTEKENING / SIGNATURE	2019/03/29 DATUM / DATE
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STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

ANNEXURE H

(REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS & REZONING: ERF 6128, STELLENBOSCH)

COMMENTS FROM THE DIRECTORATE: ENGINEERING SERVICES



MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES
DIREKTORAAT: INFRASTRUKTUURDIENSTE

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

FOR ATTENTION : **B Mdoda**

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

AUTHOR : **Tyrone King**

DATE : **5 November 2019**

RE. : **Erf 6128, Stellenbosch: Rezoning from Light Industrial to General Business Zone to develop a shopping centre and offices – total GLA = 2655m²**

YOUR REF : **LU/7722**

OUR REF : **1789 CIVIL LU**

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

- The abovementioned application dated 19 April 2018 and motivation report by Lorax dated 8 February 2019;
- Proposed Site Development Plan No. BS04_S001 Rev 1, by Meyer & Associates;
- Transport Impact Assessment by ICE Group, dated 14 Aug 2019;
- GLS water and sewer analysis report, dated 8 Aug 2019;

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

- Total GLA (General Business): **2 655m²**

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

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:

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- (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. Conditions specific to this Development: the following conditions must be met before occupation certificates (unless specified otherwise below) will be approved

4. **that the following upgrades are required to accommodate the development:**
 - a. **Stellenbosch WWTW (Waste Water Treatment Works):** The proposed development falls within the catchment area of the existing Stellenbosch WWTW (Waste Water Treatment Works). There is sufficient capacity at the WWTW for the proposed development.
 - b. **Water Network:** There is sufficient capacity in the water reticulation system to accommodate the proposed development;

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- i. The development will connect to the existing 150mm diameter municipal water line in Bird Street;

c. Sewer Network:

- i. The development will connect to the existing 250mm diameter municipal sewer line in Porter Street;

d. Roads Network:

- i. a dedicated right-turn lane be provided along the northern Bird Street approach to the Bird Street/Bell Street intersection (similar to the existing right-turn lane along the southern-approach).

Funding: Developer's own cost – triggered by the development and is required to give safe access to the development.

- ii. That the proposed development access to Bird Street will initially be a full access, and with the future dualling of the R304, operate as left-in/left-out access as per the Arterial Management Plan

Funding: Developer's own cost

- iii. The existing alleyway along the western boundary of the site poses a safety risk and must be closed. The future pedestrian route should be along Bird Street instead.

e. Devon Valley landfill site:

- i. Due to the limited airspace capacity available, waste arriving at the site needs to be dramatically reduced in order to extend the lifespan of the landfill site. All new developments must have a mandatory separation-at-source programme to encourage recycling, possible organic waste separation to tie in with the municipality's future diversion programme, and adequate storage facilities to enable waste removal.

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Development Charges

5. that the Development Charges levy to the amount of R 724 800. 15 (Excluding VAT) as reflected on the DC calculation sheet, dated 5 November 2019, 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 2019/2020 tariff structure and the proposed lay-out, the following amounts are payable:

Water	:	R 67 838. 85
Sewer	:	R 56 930. 76
Stormwater	:	R 0 .00
Solid Waste	:	R 13 277. 11
Roads	:	R 577 438. 09
Community Facilities	:	R 9 315. 33
Total exclusive of VAT:		R 724 800. 15
VAT:		R 108 720. 02
Total inclusive of VAT:		R 833 520. 17

6. 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;
7. 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;
8. that the "*Developer*" immediately familiarise himself with the latest Development Charges applicable to his/her development;
9. 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;

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10. 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;
11. that the Development Charges levy be paid by the "Developer"—
 - prior to the approval of any building- and/or services plans in the case of a Sectional title erf in that phase or where a clearance certificate is not applicable and/or;
 - prior to the erf or portion thereof being put to the approved use;
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 Gross Leasable Area i.e. a GLA of more than 2 655 m², will result in the recalculation of the Development Charges;
13. Bulk infrastructure Development Charges and repayments are subject to VAT and are further subject to the provisions and rates contained in the Act on Value Added Tax of 1991 (Act 89 of 1991) as amended;

Site Development Plan

14. that provision be made for adequate stacking distance at the security entrance off Bird Street of minimum 12 m. 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;
15. that sufficient entrance and exit widths will be created at the vehicle access points: 2.7m minimum and 4,0m maximum width for a single entrance or exit way; 5,0m min and 8,0m maximum for a combined entrance and exit way. To accommodate emergency vehicles, at least one lane should be 4, 0 metres wide and have a minimum height clearance of 4.3 m.
16. that provision be made for a refuse room as per the specification of the standard development conditions below or as agreed during the approval of the engineering construction drawings;
17. 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;

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18. 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

19. 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;

Bulk Water Meter

20. that the "*Developer*" shall install a bulk water meter conforming to the specifications of the Directorate: Infrastructure Services at his cost at the entrance gate of all private developments before the practical completion inspection is carried out;

Solid Waste

21. For large spoil volumes from excavations, to be generated during the construction of this development, will not be accepted at the Stellenbosch landfill site. The Developer will have to indicate and provide evidence of safe re-use or proper disposal at an alternative, licensed facility. This evidence must be presented to the Manager: Solid Waste (Mr Saliem Haider; 021 808 8241; saliem.haider@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.

Roads

22. that the existing on-street parking along Bird Street must be retained;
23. that the landscape area and sidewalks in the Bird and Bell Street road reserves, are aligned with the Municipality's plans for the proposed dualling of Bird Street. This will be assessed during the approval of the engineering construction drawings;
24. that during the construction stage, access to the site be strictly via Bell Street;
25. that the "*Developer*" will be held liable for any damage to municipal infrastructure within the road reserves of the roads, caused as a direct result of the development of the subject property. The "*Developer*" will therefore be required to carry out the necessary rehabilitation work, at his/her cost, to the standards of the Directorate: Infrastructure Services;

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26. that on-site parking be provided by the owner of the property in the ratio as prescribed by the relevant zoning scheme;
27. that four (4) taxi embayments be provided on site to accommodate public transport to and from the site. These embayments must be clearly indicated on the engineering construction drawings;

Bulk Electricity

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

D. General Development conditions:

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

29. that the "*Developer*" will enter into an Engineering Services Agreement with the "*Municipality*" in respect of the implementation of the infrastructure to be implemented in lieu of DCs if the need for such infrastructure is identified at any stage by the Municipality;
30. 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 Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law 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;
31. 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.

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32. that the "*Developer*" must ensure that he / she has an acceptable public liability insurance policy in place;
33. 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;
34. 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;
35. 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);
36. that the "*Developer*" takes cognizance and accepts the following:
 - a.) that no construction of any civil engineering services may commence before approval of internal – and external civil engineering services drawings;
 - b.) that no approval of internal – and external civil engineering services drawings will be given before land-use and or SDP approval is obtained;
 - c.) that no approval of internal – and external civil engineering services drawings will be given before the "*Developer*" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party;
 - d.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before land-use and or SDP approval is obtained;
 - 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;

Site Development Plan

37. that it is recognized that the normal Site Development Plan, submitted as part of the land-use application, is compiled during a very early stage of the development and will lack engineering detail that may result in a later change of the Site Development Plan. Any later changes will be to the cost of the "*Developer*";

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

Internal- and Link Services

41. that the "Developer", at his/her cost, construct the internal (on-site) municipal civil services for the development, as well as any link (service between internal and available bulk municipal service) municipal services that need to be provided;
42. that the Directorate: Infrastructure Services may require the "Developer" to construct internal municipal services and/or link services to a higher capacity than warranted by the project, for purposes of allowing other existing or future developments to also utilise such services. The costs of providing services to a higher capacity could be offset against the Development Charges payable in respect of bulk civil engineering services if approved by the Directorate: Infrastructure Services;
43. that the detailed design and location of access points, circulation, parking, loading - and pedestrian facilities, etc., shall be generally in accordance with the approved Site Development Plan and / or Subdivision Plan applicable to this application;

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44. that plans of all the internal civil services and such municipal link services as required by the Directorate: Infrastructure Services be prepared and signed by a Registered Engineering Professional before being submitted to the aforementioned Directorate for approval;
45. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "Engineer";
46. 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;
47. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal – and external services;
48. that engineering design drawings will only be approved once land use approval in terms of the Stellenbosch Municipal Land Use Planning By-law is issued;
49. that all the internal civil services (water, sewer and stormwater), be indicated on the necessary building plans for approval by the Directorate: Infrastructure Services;
50. that prior to the issuing of the Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1, all internal - and link services be inspected for approval by the "Engineer" on request by the "Developer's" Consulting Engineer;
51. that a Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1 be issued before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be issued (prior to transfer of individual units or utilization of buildings);
52. that Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will only be issued if the bulk watermeter is installed, a municipal account for the said meter is activated and the consumer deposit has been paid;
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

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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;

Servitudes

59. that the "Developer" ensures that all main services including roads to be taken over by the Directorate: Infrastructure Services, all existing municipal – and or private services including roads, crossing private - and or other institutional property and any other services/roads crossing future private land/erven are protected by a registered servitude before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be given;
60. The width of the registered servitude must be a minimum of 3 m or twice the depth of the pipe (measured to invert of pipe), whichever is the highest value. The "Developer" will be responsible for the registration of the required servitude(s), as well as the cost thereof;
61. that the "Developer" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party before final approval of engineering drawings be obtained.

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Stormwater Management

62. 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;
63. 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;
64. that no overland discharge of stormwater will be allowed into a public road for even 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, 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;
66. 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;

Wayleaves

67. 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;
68. that wayleaves will only be issued after approval of relevant engineering design drawings;
69. 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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79. 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;
80. 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

81. 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;
82. 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
83. 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

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which discharges to a sewer gully outside the building. In some cases a grease gully may be required.

84. 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;
85. 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;
86. 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;
87. Refuse should not be visible from a street or public place. Suitable screen walls may be required in certain instances;
88. Access must be denied to unauthorized persons, and refuse storage areas should be designed to incorporate adequate security for this purpose;
89. 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

90. 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

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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;
91. 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";
92. 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;
93. 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;
94. 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";

Occupation Certificate in terms of Section 14 of the the National Building Regulations and Building Standards Act 103 of 1977 (where a subdivision and clearance certificate is not applicable)

95. It is specifically agreed that the "Developer" undertakes to comply with all conditions of approval as laid down by the "Municipality" before occupation certificates shall be issued, unless otherwise agreed herein;
96. that the "Municipality" reserves the right to withhold any occupation certificate until such time as the "Developer" has complied with conditions set out in this contract with which he/she is in

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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 occupation certificate until such time as the amount owing has been paid;

97. 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 an occupation certificate in terms of the National Building Regulations. 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;

Avoidance of waste, nuisance and risk

98. Where in the opinion of the "Municipality" a nuisance, health or other risk to the public is caused due to construction activities and/or a lack of maintenance of any service, the "Municipality" may give the "Developer" and or OWNER'S ASSOCIATION written notice to remedy the defect failing which the "Municipality" may carry out the work itself or have it carried out, at the cost of the "Developer" and or OWNER'S ASSOCIATION.



TYRONE KING Pr Tech Eng

MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

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

Stellenbosch Municipality - Development Charge Calculation



APPLICATION INFORMATION

Application Number	Civil LU 1789 (Town Planning LU/7722)
Date	Tuesday, 05/Nov/2019
Financial Year	2019-20
Erf Location	[REDACTED]
Erf No	6128
Erf Size (m ²)	
Suburb	
Applicant	
Approved Building Plan No.	Proposed Site Development Plan No. BS04_5001 Rev 1, by Meyer & Associates

SUMMARY OF DC CALCULATION

Unit(s)	Water k/day	Sewer k/day	Storm-water ha°C	Solid-Waste t/week	Roads trips/day	Community Facilities person	Totals
Total Increased Services Usage	2,592	2,268	0,000	0,259	118,53	118,5	
Total Development Charges before Deductions	R 67 838.85	R 56 930.76		R 13 277.11	R 577 438.09	R 9 315.33	R 724 800.15
Total Deductions							
Total Payable (excluding VAT)	R 67 838.85	R 56 930.76		R 13 277.11	R 577 438.09	R 9 315.33	R 724 800.15
VAT	R 10 175.83	R 8 639.61		R 1 991.57	R 86 615.71	R 1 397.30	R 108 720.02
Total Payable (including VAT)	R 78 014.67	R 65 470.38		R 15 268.68	R 664 053.81	R 10 712.63	R 833 520.17

APPLICANT INFORMATION

Application Processed by:	Tyrone King
Signature	Credit for existing buildings - light industrial zoning. Footprint area measured from GIS = 2361m ² x 0.85 = 2007 m ²
Date	As Above
Amount Paid:	
Date Payment Received	
Receipt Number	

Land Use Category	Unit Type	Existing Usage		Proposed New Usage		Increased Usage	Water		Sewer		Storm-water		Solid-Waste		Roads		Community Facilities		Total	
		du	area (m2)	du	du/ha		du	du/ha	du	% GLA	du	% GLA	du	% GLA	du	% GLA	du	% GLA		du
Residential	Single Residential >1000m2	du		du/ha		du		Yes		Yes		Yes		Yes		Yes				
	Single Residential >500m2	du		du/ha		du														
	Single Residential >250m2	du		du/ha		du														
	Single Residential <250m2	du		du/ha		du														
	Less Formal Residential >250m2	du		du/ha		du														
	Less Formal Residential <250m2	du		du/ha		du														
	Group Residential >250m2	du		du/ha		du														
	Group Residential <250m2	du		du/ha		du														
	Medium Density Residential >250m2	du		du/ha		du														
	Medium Density Residential <250m2	du		du/ha		du														
Commercial	High Density Residential - flats	du		du/ha		du														
	High Density Residential - student rooms	du		du/ha		du														
	Local Business - office	m2 GLA		du/ha		du														
	Local Business - retail	m2 GLA		du/ha		du														
	General Business - office	m2 GLA		du/ha		du														
	General Business - retail	m2 GLA		du/ha		du														
	Community	m2 GLA		du/ha		du														
	Education	m2 GLA		du/ha		du														
	Light Industrial	m2 GLA		du/ha		du														
	Industrial	General Industrial - light	m2 GLA		du/ha		du													
General Industrial - heavy		m2 GLA		du/ha		du														
Noxious Industrial - heavy		m2 GLA		du/ha		du														
Resort		m2 GLA		du/ha		du														
Public Open Space		m2		du/ha		du														
Private Open Space		m2		du/ha		du														
Natural Environment		m2		du/ha		du														
Utility Services		m2 GLA		du/ha		du														
Public Roads and Parking		m2		du/ha		du														
Special		Transport Facility	m2		du/ha		du													
	Limited Use	m2		du/ha		du														
To be calculated based on equivalent demands																				
* Complete yellow/green cells.																				
** du = dwelling unit, GLA=Gross lettable area.																				
Total Development Charges before Deductions																				
% Deductions per service (%)																				
Additional Deduction per service - (from Service Agreement (sum))																				
Sub Total after Deductions (excluding VAT)																				
VAT																				
Total																				

*** displays red if not equal to existing area

R67 838.85	R56 930.76	R0.00	R13 277.11	R577 438.09	9 315.33	R724 800.15
R67 838.85	R56 930.76	R0.00	R13 277.11	R577 438.09	9 315.33	R724 800.15
R10 175.83	R8 539.61	R0.00	R1 991.57	R86 615.71	1 997.30	R108 720.02
R78 014.67	R65 470.38	R0.00	R15 268.68	R664 053.81	10 712.63	R833 520.17

ELETRICITY SERVICES: CONDITIONS OF APPROVAL
6128

GENERAL COMMENT:

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

CONDITIONS

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



Signature



Date



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

ANNEXURE K

(REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS & REZONING: ERF 6128, STELLENBOSCH)

COUNCIL RESOLUTION

11.10	RURAL MANAGEMENT: (PC: CLLR J WILLIAMS)
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NONE

11.11.1	REPORT BACK ON THE REMOVAL OF RESTRICTIVE CONDITIONS AND FALL-BACK CLAUSE: ERF 6128, STELLENBOSCH
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

18 and 26 May 2022

1. SUBJECT: REPORT BACK ON THE REMOVAL OF RESTRICTIVE CONDITIONS AND FALLBACK CLAUSE: ERF 6128, STELLENBOSCH

2. PURPOSE

To report back on the mandate given by Council to enter into discussions with the Owners of Erf 6128 as well to request Council to consider a request for the removal of restrictive conditions from the Title Deed of erf 6128, Stellenbosch, to allow the owner to apply for the rezoning of the erf from Light Industrial to General Business Zone, in order to accommodate the planned retail shops and offices, as per their application.

3. DELEGATED AUTHORITY

The Municipal Council must consider the matter.

4. EXECUTIVE SUMMARY

The current owners of erf 6128, Stellenbosch bought the property in 2013 for an amount of R12 000 000. The property was registered in their name on 3 March 2014.

They have subsequently demolished the existing buildings, with the view of redeveloping the site for retail shops and offices which will service the community and upgrade the visual impact of the entrance to Stellenbosch.

With the submission of their building plans, they were, however informed that the property must first be rezoned from Light Industrial to General Business Zone to accommodate the proposed development. They have subsequently submitted a rezoning application to this effect, together with an application for the relaxation of the restrictive title deed conditions B.1 and 2, i.e. that the property may only be used for industrial purposes, failing which the property shall revert to the Municipality, subject to certain conditions. It should also be noted that the restriction on the title deed condition in terms of the fall-back clause is only applicable on a portion of the property. The proposed development also is in line with the Municipalities SDF.

The Planning and Development Department has requested that Council consider the matter, i.e. whether they are going to enforce the title deed conditions (buy back the property) or whether the conditions can be removed from the title deed of the erf.

Council at a Special In-Committee meeting of 2021-09-29 item 12.4.2 mandated the Municipal Manager to enter into discussions with landowners to facilitate an amicable solution given by the buy-back clause. The Municipal Manager subsequently met with the owner on 10 March 2022. An agreement, subject to council approval, was reached

that an item will be re-submitted to Council to request Council to approve that the restrictive conditions contained in paragraph 2.B.1 and 2.B.2 of the title Deed T10083/2014, as set out in paragraph 6.2.1, be removed, subject thereto that the necessary processes set out in Section 33(4) of the Stellenbosch Land-use Planning By-law be followed.

The re-development of the property is in line with Council's approved SDF as well as the broader objectives of the IDP. It will service the Community of Stellenbosch, upgrade the visual impact of the entrance to Stellenbosch and help with the prevention of crime and security in the area. It should also be noted that the property is currently on the market to be sold.

The matter served before Council on 26 April 2022 and was referred back for further discussion.

Following further discussions, it was established and confirmed by both Infrastructure Services (**APPENDIX 5**) as well as die Developer's Consultant in its Site Development Plan (**APPENDIX 6**) that the planned dualling of Bird Street were taken into consideration. See **APPENDIX 6**, page 5/11 *Diagram 1: Bird Street dualling with Tennant Road link – extract of Conceptual Design*.

5th COUNCIL MEETING: 2022-05-25: ITEM 11.11.1

RESOLVED (majority vote)

- (a) that Council notes the feedback from the Municipal Manager;
- (b) that council agrees not to invoke the fallback condition provided that a written agreement is reached that: the development applied for (**APPENDIX 2**) is completed within a period of 24 months and in accordance with the prevailing planning provisions; and
- (c) that should the property be sold prior to the development as per (b) above the fallback clause will be invoked and the property will fall back to the municipality as per the existing restrictive condition in the title deed.

The following Councillors requested that their votes of dissent be minuted:

Cllrs MM Danana; EP Masimini; RS Nalumango (Ms); M Nkopane (Ms); N Ntsunguzi (Ms); MG Rataza; and A Tomose.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	Municipal Manager
DIRECTORATE	MUNICIPAL MANAGER
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	municipal.manager@stellenbosch.gov.za
REPORT DATE	2022 -05 -12