



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14341

Our File Reference Number:

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 SUBDIVISION, CONSOLIDATION AND REZONING OF FARM 1041/27 AND FARM 1041/28, LA MOTTE, PAARL DIVISION

1. The above application refers.
2. The Municipal Planning Tribunal on 26 January 2024 resolved as follows as follows:
 - 2.1 That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw namely:
 - 2.1.1 **Subdivision** in terms of Section 15(2)(d) of the said bylaw, of Portion 7 of Farm 1041, into two portions, Portion 27 of Farm 1041, and Remainder Portion 7 of Farm 1041.
 - 2.1.2 **Subdivision** in terms of Section 15(2)(d) of the said bylaw, of Portion 3 of Farm 1041, into two portions, Portion 28 of Farm 1041, and Remainder Portion 3 of Farm 1041.
 - 2.1.3 **Consolidation** in terms of Section 15(2)(e) of the said bylaw, of the unregistered subdivided Portion 27 of Farm 1041 and Portion 28 of Farm 1041, La Motte, Stellenbosch.
 - 2.1.4 **Rezoning** in terms of Section 15(2)(a) of the said bylaw, of the unregistered consolidated Portion 27 of Farm 1041 and Portion 28 of Farm 1041, La Motte, Stellenbosch, from Agriculture and Rural Zone to Subdivisional Area to create:
 - a) 16 Conventional Residential Zone erven (\pm 3.49 ha)
 - b) 2 Public Open Space Zone erven (\pm 0.52ha)

c) 1 Public Road and Parking Zone erf (± 0.59 ha)

2.1.5 Subdivision in terms of Section 15(2)(d) of the said bylaw, of the unregistered consolidated Portion 27 of Farm 1041 and Portion 28 of Farm 1041, La Motte, Stellenbosch as indicated on Subdivision Plan, Drawing No: 3.018.01.05, Dated 04 July 2022, drawn by Sustainable Planning Solutions, and attached as Annexure B, into the following:

- a) 16 Conventional Residential Zone erven (± 3.49 ha)
- b) 2 Public Open Space Zone erven (± 0.52 ha)
- c) 1 Public Road and Parking Zone erf (± 0.59 ha)

BE APPROVED in terms of Section 60 of the said By-law and subject to conditions of approval.

3. The approval is subject to the following conditions imposed in terms of Section 66 of the said By-law:

3.1 The approval applies only to the application in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.

3.2 The development be undertaken in accordance with the subdivision and consolidation plans referenced as Plan 1, Drawing No: 3.018.01.01 and Plan 2, Drawing No: 3.018.01.02, and Plan 3, Drawing No: 3.018.01.03, Dated 17 June 2022, drawn by Sustainable Planning Solutions, and attached as **Annexure B**.

3.3 All land designated for the provision of municipal service infrastructure and amenities on the subdivision plan be transferred to the Municipality upon transfer of the first residential unit/erf in the subdivision, of which the cost for the surveying and transfer of such public land will be for the account of the applicant/developer.

3.4 A Street Naming and Numbering plan be submitted for approval prior to the issuing of Section 28 Certification.

3.5 The applicant submits an electronic copy (shp,dwg,dxf) of the Subdivision Plan which was preliminary approved by the SG. The following information must be indicated:

- 3.5.1 Newly allocated Erf Numbers
- 3.5.2 Co-ordinates
- 3.5.3 Survey Dimensions
- 3.5.4 Street names (if approved by Council)

- 3.6 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 residential property or approval of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.
 - 3.7 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 charges 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 approval of any building plans, whichever occurs first.
 - 3.8 Compliance with the conditions relating to Directorate Infrastructure Services contained in memorandum, dated 1 June 2023 and attached as **Annexure E**.
 - 3.9 All engineering services and infrastructure as required in terms of the conditions and services agreement be complied with to the satisfaction of the Municipality prior to the issuing of a Section 28 Certification.
4. The reasons for the above decision are as follows:
- 4.1 The application is seen to be desirable from a town planning point of view as it is an existing development node located within the urban edge and to formalize the existing residential use of the property.
 - 4.2 The application under consideration is to facilitate the transfer of the 16 newly created portions / erven with existing structures / house to the beneficiaries as identified by the Department of Public Works.
 - 4.3 The approval of the proposal will have no impact on the character of the existing surrounding area as the existing houses with outbuildings were constructed during the construction of the Bergriver Dam in 2008.
5. Matters to be noted:
- 5.1 Compliance with the conditions relating to Department of Environmental Affairs and Development Planning as contained in the memorandum, Dated: 13 March 2023 and attached as **Annexure F**.

5.2 Compliance with the conditions relating to Department Heritage Western Cape as contained in the memorandum, Dated: 9 May 2019 and attached as **Annexure F**.

5.3 The subdivision only comes into effect once all suspensive conditions or relevant legislative provisions have been complied with.

5.4 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.

5.5 Building plans be submitted for approval by the Municipality for all existing buildings should no building plans be on record with the Municipality.

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:

- a) First names and surname
- b) ID number
- c) Company of Legal person's name (if applicable)
- d) Physical Address
- e) 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:

- a) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
- b) 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:

- a) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
- b) 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 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

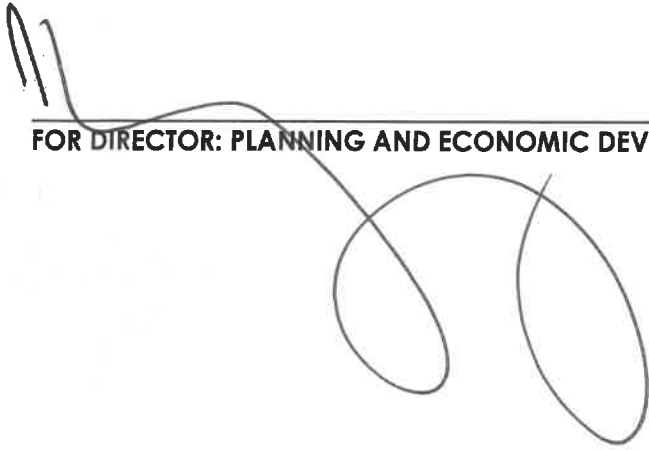
11. An applicant who lodges an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:

- (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



A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke that extends across the signature line.

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

28/2/2024
DATE

[REDACTED]

[REDACTED]

[REDACTED]



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ANNEXURE B



Extract from proposed subdivision plan

LAND USE TABLE: OVERALL SUBDIVISION					
Portion No.	No. of Portions	Proposed Use	Proposed Zoning	Extent	Percentage
Portion 1 - 16	16	Residential	Conventional Residential Zone (CR)	34073m²	68.6%
Portion 17 - 18	2	Open Space	Public Open Space Zone	5157m²	10.4%
Portion 19	1	Road	Public Roads and Parking Zone	10457m²	21.0%
Total	19			4.96Ha	100%

- Key:**
- Study Area
 - Existing cadastral
 - - - Proposed subdivision line
 - = Major Roads
 - 1m contours

LAND USE TABLE			
Portion Nr	Total Portion	Current zoning	Area %
Portion 1	1	Agricultural	1.53ha 12.73%
RE/7/1041	1	Agricultural	10.49ha 87.27%
Total	2		12.02ha 100%

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THIS SUBDIVISION / CONSOLIDATION HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2005) SUBJECT TO THE CONDITIONS AS PER ATTACHED LETTER DATUM

28/2/2021

AUTHORISED EMPLOYEE/MPT

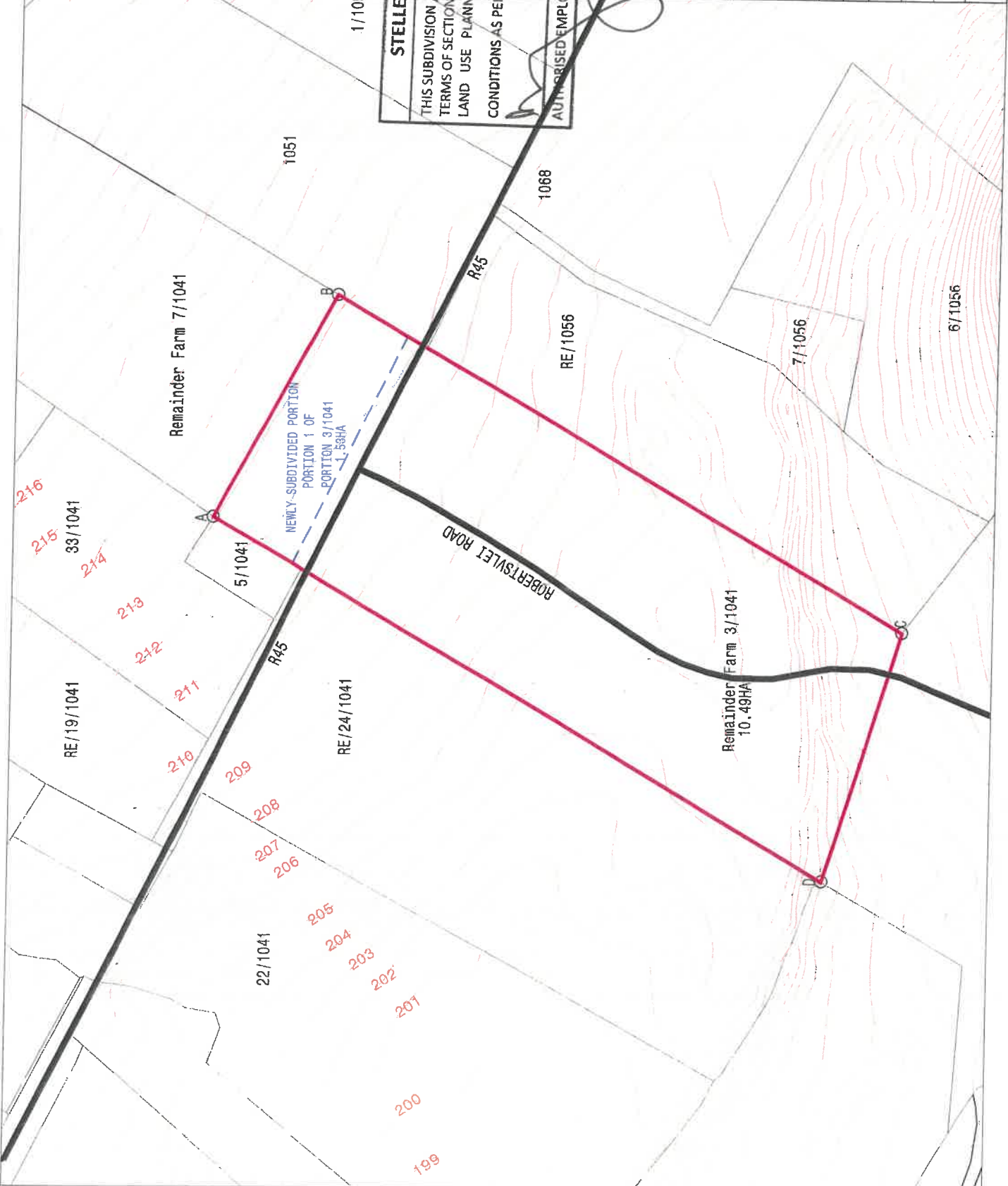
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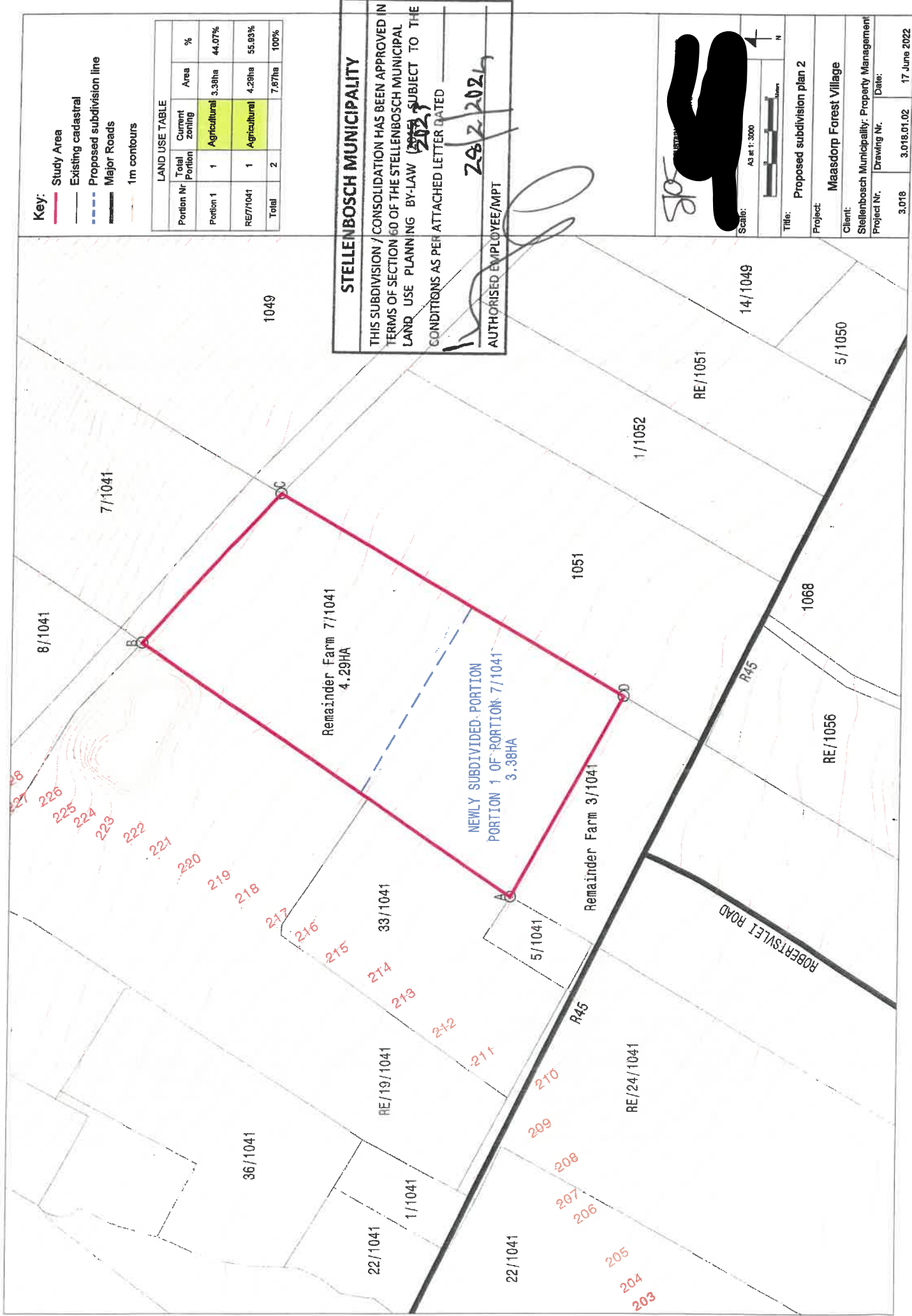
Title: Proposed subdivision plan 1

Project: Maasdorp Forest Village

Client: Stellenbosch Municipality: Property Management

Project Nr: 3.018 Drawing Nr: 3.018.01.01 Date: 17 June 2022





Key:

- Study Area
- Existing cadastral
- - - Proposed subdivision line
- = Major Roads
- 1m contours

LAND USE TABLE			
Portion Nr	Total Portion	Current zoning	Area %
Portion 1	1	Agricultural	3.38ha 44.07%
RE/7/1041	1	Agricultural	4.28ha 55.93%
Total	2		7.67ha 100%

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THIS SUBDIVISION / CONSOLIDATION HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2012) SUBJECT TO THE CONDITIONS AS PER ATTACHED LETTER DATED 28/2/2024

[Signature]
 AUTHORIZED EMPLOYEE/MPT

SJS

Scale: A3 at 1:3000

Title: Proposed subdivision plan 2

Project: Maasdorp Forest Village

Client: Stellenbosch Municipality: Property Management

Project Nr: Drawing Nr. [Date]

3.018 3.018.01.02 17 June 2022

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THIS SUBDIVISION / CONSOLIDATION HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW 2023 SUBJECT TO THE CONDITIONS AS PER ATTACHED LETTER DATE 26/2/2024.

AUTHORISED EMPLOYEE/MP/PT


Key:

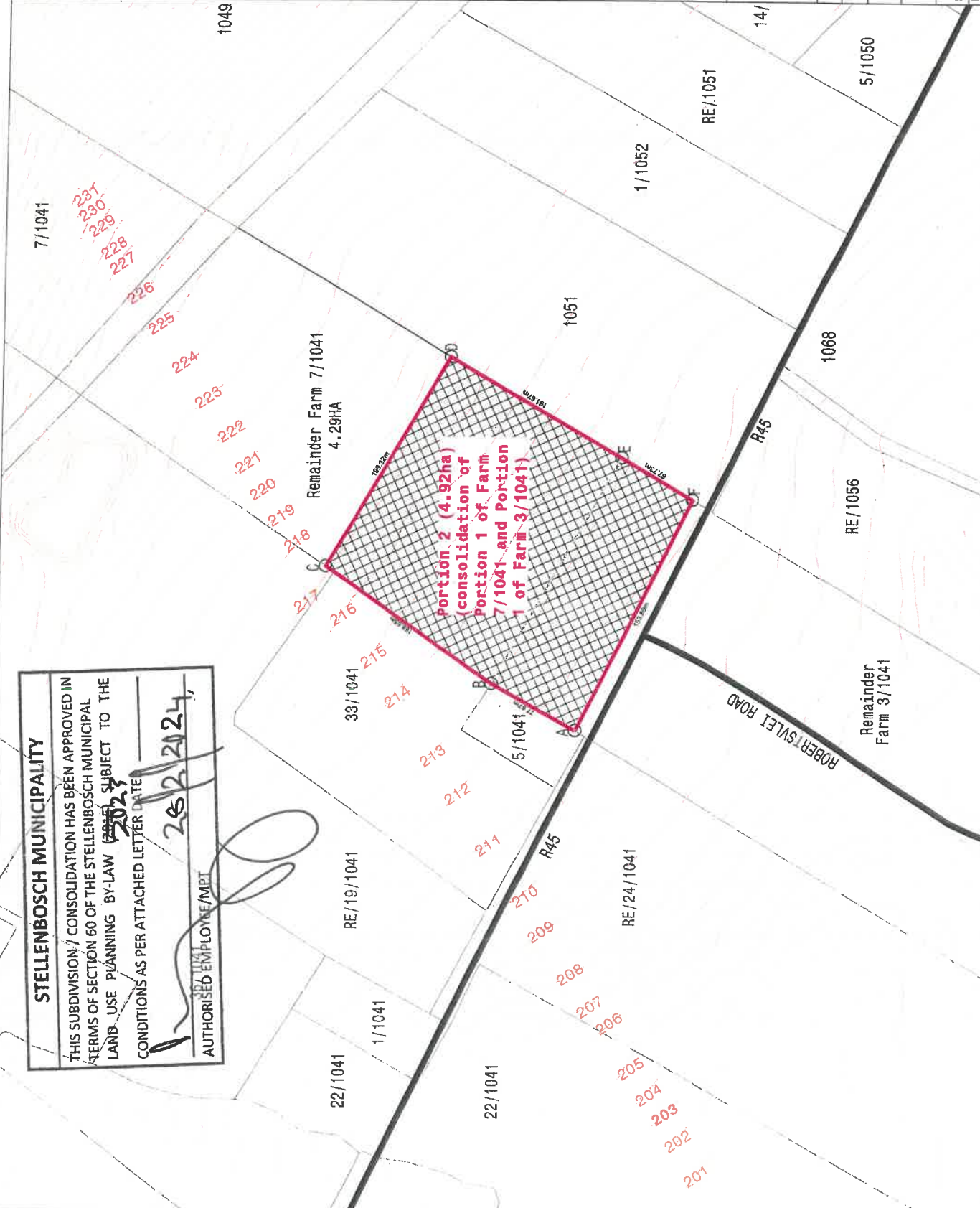
- Consolidation line
- Existing cadastral
- - - Existing common boundary
- == Major Roads
- 1m contours

NOTE:

The figure ABCDE represents the consolidation of the newly subdivided portions: Portion 1 of farm 7/1041 and portion 1 of farm 3/1041 into Portion 2. Rezoning of the newly consolidated Portion 2 to Subdivisional zone.

Line AB = 77.67m
 Line BC = 168.65m
 Line CD = 199.32m
 Line DE = 161.67m
 Line EF = 67.73m
 Line FA = 153.89m

LAND USE TABLE			
Portion Nr	Total Portion	Proposed zoning	Area %
Portion 2	1	Subdivisional area	4.92ha 100



Scale: AS 1:3000

Title: Proposed consolidation & rezoning plan 3

Project: Maasdrorp Forest Village

Client: Stellenbosch Municipality: Property Management

Project Nr. Drawing Nr. Date: 3.018 3.018.01.03 17 June 2022

STELLENBOSCH MUNICIPALITY

THIS SUBDIVISION / CONSOLIDATION HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2025) SUBJECT TO THE CONDITIONS AS PER ATTACHED LETTER DATE

28/2/2024
 AUTHORISED EMPLOYEE/MP/T

FARM 1041/33



- Key:**
- Study Area
 - Existing cadastral
 - Proposed subdivision line
 - Contours
 - Existing buildings
 - Existing trees

Note:

As received from Topographical Survey compiled by C.K. Rumboll & Partners on 31 January 2018

LAND USE TABLE			
Portion Nr	Proposed Use	Total Portion	Percentage
Portion 1 - 18	Residential	18	75.9%
Portion 17 - 18	Open space	2	11.3%
Portion 19	Road	1	12.8%
Total		19	100%



Scale: A3 at 1:1500

Title: Proposed subdivision plan

Project: Maasdorp Forest Village

Client: Stellenbosch Municipality: Property Management

Project Nr: Drawing Nr. Date: 3.018 3.018.01.05 04 July 2022

OBERTSVLEI ROAD



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ANNEXURE E



MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES
DIREKTORAAT: INFRASTRUKTUURDIENSTE

CIVIL ENGINEERING SERVICES

To ◦ Aan: Director: Planning + Economic Development
Att Aandag Nolusindiso Momoti
From ◦ Van: Manager: Development (Infrastructure Services)
Author ◦ Skrywer: Tyrone King
Date ◦ Datum: 1 June 2023
Our Ref ◦ Ons Verw: Civil LU 2450
Your Ref: LU/14341
Re ◦ Insaake: Erf 1041/27&28, Franschhoek: Application made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the Subdivision of farm 1041/7, into 2 portions. (Portion 27 of Farm 1041/7 and the Remainder Farm 1041/7.) Application made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the Subdivision of farm 1041/3, into 2 Portions. (Portion 28 of farm 1041/3 and the Remainder of farm 1041/3.) Application made in terms of Section 15(2)(e) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the Consolidation of the newly created unregistered portions namely, unregistered Farm 1041/27 with unregistered Farm 1041/28, La Motte, Stellenbosch, to form one portion. (Portion 1.) Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the Rezoning of the newly consolidated unregistered Portion 1, Subdivisional Area Overlay Zone and Agriculture & Rural Zone to Subdivisional Area Overlay Zone to create the following land uses:
16 portions for residential purposes - Conventional Residential Zone (CR)2
portions for open space - Public Open Space Zone1 portion for road purposes
- Public Roads and Parking Zone Application is made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the Subdivision of the newly consolidated unregistered Portion 1, into the following: 16 portions for residential purposes - Conventional Residential Zone (CR) 2 portions for open space - Public Open Space Zone 1 portion for road purposes - Public Roads and Parking Zone

PROPOSED REZONING AND SUBDIVISION OF MAASDORP VILLAGE – 16 ERVEN

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

- Proposed Sub divisional Plan Drawing No 3.018.01.05, dated 18 May 2023; by Sustainable Planning Solutions
- Civil Infrastructure Layout C1000 Rev B dated 18/05/2023, by EAS Infrastructure Services;
- TIS by ITS dated 24 Aug 2023 Ref 4104.

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

- Total Units: 16 residential erven

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

This document consists of the following sections:

A. Definitions

B. Recommendation to decision making authority

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

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

A. Definitions

1. that the following words and expressions referred to in the development conditions, shall have the meanings hereby assigned to except where the context otherwise requires:

- (a) "*Municipality*" means the STELLENBOSCH MUNICIPALITY, a Local Authority, duly established in terms of section 9 of the Local Government Municipal Structures act, Act 117 of 1998 and Provincial Notice (489/200), establishment of the Stellenbosch Municipality (WC024) promulgated in Provincial Gazette no. 5590 of 22 September 2000, as amended by Provincial Notice 675/2000 promulgated in Provincial Gazette;

PROPOSED REZONING AND SUBDIVISION OF MAASDORP VILLAGE – 16 ERVEN

- (b) *“Developer”* means the developer and or applicant who applies for certain development rights by means of the above-mentioned land-use application and or his successor-in-title who wish to obtain development rights at any stage of the proposed development;
- (c) *“Engineer”* means an engineer employed by the *“Municipality”* or any person appointed by the *“Municipality”* from time to time, representing the Directorate: Infrastructure Services, to perform the duties envisaged in terms of this land-use approval;
- (d) Where it is stated that a condition must be complied with prior to *“subdivision clearance”* and where a subdivision is not applicable, that condition will then apply to the next applicable stage of development approval i.e. building plan approval;

B. Recommendation:

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

C. Specific conditions of approval

- 3. 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”*;
- 4. that the following conditions relating to the upgrades and arrangements for the effective provision of services are required to accommodate the development. No taking up of proposed rights including subdivision clearance / building plan approval / occupation certificates (whichever comes first) will be allowed until these conditions have been complied with;
- 5. **Wemmershoek 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 as the houses are already existing and no additional run-off is expected.

PROPOSED REZONING AND SUBDIVISION OF MAASDORP VILLAGE – 16 ERVEN

6. Water:

- a. There is sufficient capacity in the bulk water reticulation network to accommodate the proposed development.
- b. The development (existing houses) are already connected to the municipal network.

7. Sewer:

- a. There is sufficient capacity in the bulk sewer reticulation network to accommodate the proposed development.
- b. The development will connect to the existing sewer manhole on porting 17 as indicated on the Civil Infrastructure Layout C1000 Rev B dated 18/05/2023, by EAS Infrastructure Services.

8. Roads:

- a. The development obtains access from a provincial road (R45) and must therefore be submitted to the District Roads Engineer for comment and conditions. Any conditions set by the District Roads Engineer will be applicable and must be complied with before subdivision clearance.
- b. Wrt the TIS extract below, the relevant roads authority must accelerate the construction of right turn lanes at the R45/Robertslei Road intersection. If possible, these upgrades should be implemented in parallel with this Maasdorp project.
 - The local community has complained of road safety concerns at the R45/Robertslei Road intersection. The warrants for exclusive right turn lanes were assessed and it is concluded that right turn lanes are required at the R45/Robertslei Road intersection. This must be the responsibility of the road authority and should not be a condition of approval for this application.
- c. Detail design drawings of the submitted for approval prior to construction. These drawings must incorporate all the recommendation of the TIS (see below) as well as the requirements from the District Roads Engineers.

PROPOSED REZONING AND SUBDIVISION OF MAASDORP VILLAGE – 16 ERVEN

- c. The access road must be slightly realigned with the Robertsvlei Road at the R45/Robertsvlei Road intersection.
 - c. It is proposed that the bellmouth of the Maasdorp leg be surfaced
 - c. Public transport embayments are proposed at the R45/Robertsvlei Road intersection
- d. The internal roads must be upgraded to municipal standards and must be surfaced. This project must therefore allocate sufficient budget to fund such upgrade

9. Stormwater Network:

- a. 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;

10. Solid Waste:

- a. The Municipality will provide a solid waste removal service, unless agreed otherwise in writing the Solid Waste Department;
- b. For large spoil volumes from excavations, to be generated during the construction of this development, will not be accepted at the Stellenbosch landfill site. The Developer will have to indicate and provide evidence of safe re-use or proper disposal at an alternative, licensed facility. This evidence must be presented to the Manager: Solid Waste (021 808 8241; clayton.hendricks@stellenbosch.gov.za), before building plan approval and before implementation of the development. Clean rubble can be utilized by the Municipality and will be accepted free of charge, providing it meets the required specification.

Internal- and Link Services

PROPOSED REZONING AND SUBDIVISION OF MAASDORP VILLAGE – 16 ERVEN

11. that all link services, internal services and erf connections must be complete and commissioned by the "Developer", at his/her cost, prior to subdivision clearance;
12. that any alterations to existing services necessitated by the new development will be for the Developer's cost;

Servitudes

13. 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;

Ownership and Responsibility of services

14. that it be noted that the roads are reflected as public roads. Therefore all internal services in the road reserves will be regarded as public services and will be maintained by the Municipality;

Development Charges (DCs)

15. 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 and approved tariffs;
16. that the following DC's are payable: See **Development Charge Calculation** attached. The "Developer" may apply for a subsidy/exemption in terms of the DC Policy;
17. that the "Developer" hereby acknowledges that the development charges 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;
18. 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 approved tariff structure and according to the DCs Policy principles at the time that payment is made;

PROPOSED REZONING AND SUBDIVISION OF MAASDORP VILLAGE – 16 ERVEN

19. 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;
20. that the Development Charges levy be paid by the "*Developer*" per phase –
 - prior to the approval of subdivision clearance;
21. 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 16 units, or which might lead to an increase in the Gross Leasable Area i.e. a GLA of more than 0 m², will result in the recalculation of the Development Charges;
22. 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;
23. 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;

Damage to municipal infrastructure and assets

24. that the "*Developer*" will be held liable for any damage to municipal infrastructure, caused as a direct result of the development of the subject property. The "*Developer*" will therefore be required to carry out the necessary rehabilitation work, at his/her cost, to the standards of the Directorate: Infrastructure Services, prior to any clearance (or occupation certificate where clearance is not applicable) being given;

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

25. 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.

PROPOSED REZONING AND SUBDIVISION OF MAASDORP VILLAGE – 16 ERVEN

Should this revised Engineering report confirm that available services capacities are not sufficient to accommodate this development, then the implementation of the development must be re-planned around the availability of bulk services or the necessary upgrades must be done, as any clearances for the development will not be supported by the Directorate: Infrastructure Services for this development if bulk services are not available;

26. 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.
27. that the "*Developer*" must ensure that he / she has an acceptable public liability insurance policy in place;
28. 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 subdivision clearance;
29. 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;
30. 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 – as revised;
31. that the "*Developer*" takes cognizance and accepts the following:
 - a.) that no construction of any civil engineering services may commence before approval of internal – and external civil engineering services drawings;
 - b.) that no approval of internal – and external civil engineering services drawings will be given before land-use and/or SDP approval is obtained;

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- c.) that no approval of internal – and external civil engineering services drawings will be given before the “Developer” obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party;
- d.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before land-use and or SDP approval is obtained;
- e.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before the approval of internal – and external civil engineering services drawings;
- f.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before a subdivision clearance is issued;

Site Development Plan

- 32. 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”;
- 33. 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;
- 34. 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;
- 35. 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;

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Internal- and Link Services

36. that the "*Developer*", at his/her cost, construct the internal (on-site) civil engineering services for the development, as well as any link (service between internal and available bulk municipal service) municipal services that need to be provided;
37. 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;
38. 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;
39. 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;
40. that construction of services may only commence after municipal approval has been obtained;
41. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "*Engineer*";
42. 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;
43. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal – and external services;
44. that all the internal civil services (water, sewer, roads and stormwater), be indicated on the necessary building plans for approval by the Directorate: Infrastructure Services;

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45. 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;
46. that a Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1 be issued before subdivision clearance will be issued;
47. that subdivision clearance will only be issued if the bulk watermeter is installed, a municipal account for the said meter is activated and the consumer deposit has been paid;
48. 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;
49. that the "Developer" shall adhere to the specifications of Telkom (SA) and or any other telecommunications service provider;
50. that the "Developer" shall be responsible for the cost for any surveying and registration of servitudes regarding services on the property;
51. 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;
52. 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".
53. that the developer takes cognizance of applicable tariffs by Council in respect of availability of services and minimum tariffs payable;

Servitudes

54. 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

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crossing future private land/erven are protected by a registered servitude before subdivision clearance will be given;

55. 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;
56. that the "Developer" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party before final approval of engineering drawings be obtained.

Stormwater Management

57. Taking into account the recent water crisis, and associated increase in borehole usage, it is important that the groundwater be recharged as much as possible. One way of achieving the above is to consider using Sustainable Drainage Systems (SuDS) approach wrt SW management. From Red Book: "SuDS constitute an approach towards managing stormwater runoff that aims to reduce downstream flooding, allow infiltration into the ground, minimise pollution, improve the quality of stormwater, reduce pollution in water bodies, and enhance biodiversity. Rather than merely collecting and discarding stormwater through a system of pipes and culverts, this approach recognises that stormwater could be a resource." The Developer is encouraged to implement SuDS principles that are practical and easily implementable. Details of such systems can be discussed and agreed with the Municipality and must be indicated on the engineering drawings.
58. 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;
59. 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;
60. that the design engineer needs to apply his/her mind to ensure a design that will promote a sustainable urban drainage system which will reduce the impacts of stormwater on receiving aquatic environments;

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61. that no disturbance to the river channel or banks be made without the prior approval in accordance with the requirements of the National Water Act;
62. that the consulting engineer, appointed by the "Developer", analyses the existing stormwater systems and determine the expected stormwater run-off for the proposed development, for both the minor and the major storm event. Should the existing municipal stormwater system not be able to accommodate the expected stormwater run-off, the difference between the pre- and post-development stormwater run-off must be accommodated on site, or the existing system must be upgraded to the required capacity at the cost of the "Developer" and to the standards and satisfaction of the Directorate: Infrastructure Services. The aforementioned stormwater analysis is to be submitted concurrent with the detail services plans;
63. that 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.
64. 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;
65. 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.
66. that no overland discharge of stormwater will be allowed into a public road for erven with catchment areas of more than 1500m² and for which it is agreed that no detention facilities are required. The "Developer" needs to connect to the nearest piped municipal stormwater system with a stormwater erf connection which may not exceed a diameter of 300mm.

Roads

67. 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;
68. that no access control will be allowed in public roads;

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69. 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;
70. The design and lay-out of the development must be such that emergency vehicles can easily drive through and turn around where necessary;
71. 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;
72. 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;
73. 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;
74. 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;
75. that the parking area be provided with a permanent surface and be clearly demarcated and accessible. Plans of the parking layout, pavement layerworks and stormwater drainage are to be approved by the Directorate: Infrastructure Services before commencement of construction and that the construction of the parking area be to the standards of the Directorate: Infrastructure Services;
76. that no parking be allowed in the road reserve;

Wayleaves

77. 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;

PROPOSED REZONING AND SUBDIVISION OF MAASDORP VILLAGE – 16 ERVEN

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

AS-BUILTs

80. 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;
81. 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";
82. 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;

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83. 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;
84. 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";

Subdivision clearance in terms of the Stellenbosch Municipal Land Use Planning By-law

85. It is specifically agreed that the "Developer" undertakes to comply with all conditions of approval as laid down by the "Municipality" before clearance certificates shall be issued, unless otherwise agreed herein;
86. that the "Municipality" reserves the right to withhold any clearance certificate until such time as the "Developer" has complied with conditions set out in this document with which he/she is in default. Any failure to pay monies payable in terms of these conditions within 30 (thirty) days after an account has been rendered shall be regarded as a breach of these conditions and the "Municipality" reserves the right to withhold any clearance certificate until such time as the amount owing has been paid;
87. that clearance will only be given per phase and the onus is on the "Developer" to phase his development accordingly;
88. **The onus will be on the "Developer" and or his professional team to ensure that all land-use conditions have been complied with before submitting an application for a subdivision clearance certificate. 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;**
89. that any application for Certificate of Clearance will only be supported by the "Engineer" once all relevant as-built detail, as reflected in the item "AS-BUILT's" of this document, is submitted to the "Engineer" and approved by the "Engineer".

Streetlighting

90. The "Developer" will be responsible for the design and construction at his own expense of all internal street lighting services and street lighting on link roads leading to his development (excluding Class 1, 2 and 3 Roads) according to specifications determined by the

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municipality's Manager: Electrical Services and under the supervision of the consulting engineer, appointed by the "Developer";

91. Prior to commencing with the design of street lighting services, the consulting electrical engineer, as appointed by the "Developer" must acquaint himself with, and clarify with the municipality's Manager: Electrical Engineering, the standards of materials and design requirements to be complied with and possible cost of connections to existing services;
92. The final design of the complete internal street lighting network of the development must be submitted by the consulting electrical engineer, as appointed by the "Developer", to the municipality's Manager: Electrical Engineering for approval before any construction work commences;
93. Any defect with the street lighting services constructed by the "Developer" which may occur during the defects liability period of 12 (TWELVE) months and which occurs as a result of defective workmanship and/or materials must be rectified immediately / on the same day the defect was brought to the attention of the consulting electrical engineer, appointed by the "Developer". Should the necessary repair work not be done within the said time the "Municipality" reserves the right to carry out the repair work at the cost of the "Developer";
94. The maintenance and servicing of all private internal street lighting shall be the responsibility and to the cost of the "Developer" and or Home Owner's Association.



Tyrone King Pr Tech Eng

Manager: Development (Infrastructure Services)

PROPOSED REZONING AND SUBDIVISION OF MAASDORP VILLAGE – 16 ERVEN

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)

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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:	DC 2450 (Farm 1041-27 & 28 Franschhoek (LU-14341))_1
Development Name:	Maasdorp
Date:	29 May, 2023
Financial Year:	2022/2023
Erf Location (Select from 7 Localities):	Franschhoek
Vehicle Ownership (Select Normal or Low):	Normal
Erf Region (Select Urban or Rural):	Urban
Erf No.:	Farm 1041-27 & 28
DC Parameters Reference:	*Proposed Sub divisional Plan Drawing No 3.018.01.05, dated 18 May 2023, by Sustainable Planning Solutions

SUMMARY OF DC CALCULATION									
Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Community	Totals		
Unit(s):	k/lday	k/lday	ha°C	t/week	trips/day	persons			
Total Increased Services Usage:	19.2	11.2	0,768	0,64	64	64			
Total Service Usage Reduction:	0	0	0	0	0,0	0			
Total Service Usage after Reduction:	19,20	11,20	0,76800	0,640	64,0	64			
Charges before adjusting for positive only, before Deductions	R 510 484,34	R 364 768,48	R 103 952,78	R 56 066,56	R 444 556,80	R 221 120,00	R	R	1 700 948,95
Charges adjusted for positive only, before Deductions	R 510 484,34	R 364 768,48	R 103 952,78	R 56 066,56	R 444 556,80	R 221 120,00	R	R	1 700 948,95
Total Deductions:	R -	R -	R -	R -	R -	R -	R	R	-
Total Development Charges Payable (excluding VAT):	R 510 484,34	R 364 768,48	R 103 952,78	R 56 066,56	R 444 556,80	R 221 120,00	R	R	1 700 948,95
VAT:	R 76 572,65	R 54 715,27	R 15 592,92	R 8 409,98	R 66 683,52	R 33 168,00	R	R	255 142,34
Total Development Charges Payable (including VAT):	R 587 056,99	R 419 483,75	R 119 545,69	R 64 476,54	R 511 240,32	R 254 288,00	R	R	1 956 091,29

APPLICANT INFORMATION	
Application Processed by:	Tyrone King
Signature:	
Notes:	

Franschhoek

Land Use Category	Unit Type	Existing Usage		Proposed New Usage		Increased Usage Amount	Water		Sewer		Stormwater		Development Charge Levies (VAT)		Community	Total
		Units	Area (m2)	Units	Area (m2)		Units	Area (m2)	Yes	No	Yes	No	Yes	No		
Single Residential >100m2	du	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Single Residential >500m2	du	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Single Residential >250m2	du	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Single Residential <250m2	du	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Less Formal Residential	du	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Group Residential	du	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Apartments	du	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Retirement Village	du	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Old age homes	du	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Student Accommodation/Commune	rooms	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Guest House	rooms	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Converted Guest House	rooms	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hotel, Residential	rooms	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
General Business	m2 GLA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Office	m2 GLA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Retail/Shop	m2 GLA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Restaurant	m2 GLA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Conference Facility/Office of assembly	m2 GLA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hotel/Clinic/Medical Rooms	m2 GLA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
School/Library/College/Day Care	student	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Industrial - light	m2 GLA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Industrial - heavy	m2 GLA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Manufacturing/Light Manufacturing	m2 GLA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Open Space	ha	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Private Open Space	ha	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Natural Environment	ha	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Roads and Parking	ha	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Roads and Parking	ha	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
To be calculated	N/A	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Based on equivalent demands	N/A	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Area:		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Charge Category	Amount	Percentage	Total
Charges before adjusting for positive only, before Deductions	1700 848.95		1700 848.95
Deductions per service (amount)	(444 556.80)		(444 556.80)
Discount Deduction (%)	(58 066.56)	3.41%	(58 066.56)
Additional Deduction per service - from Service Agreement (sum)	(8 409.88)		(8 409.88)
Site Total after Adjustments and Deductions (excluding VAT)	1113 815.71		1113 815.71
VAT	195 029.24	17.5%	195 029.24
Total Development Charges	1308 844.95		1308 844.95



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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE F



REFERENCE: 16/3/3/6/B3/28/1027/23
DATE: 13 March 2023

The Director
Sustainable Planning Solutions
Unit 10
10 Plein Street
DURBANVILLE
7550

Attention: N. Swartz

Cell: 071 460 0569
Email: neilen@sp-solutions.co.za

RE: APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED), WITH RESPECT TO THE APPLICATION FOR REZONING, CONSOLIDATION AND SUBDIVISION OF THE NEWLY CREATED UNREGISTERED PORTIONS NAMELY, UNREGISTERED PORTION 27 AND 28 OF FARM LA MOTTE NO. 1041, PAARL

1. The electronic correspondence dated 26 January 2023, as received by the Department on the same day and the additional information received on 23 February 2023, refer.
2. Following the review of the new information contained in the electronic correspondence, this Department notes that the proposal entails the following:
 - 2.1 Application made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the Subdivision of farm 1041/7, into 2 portions (Portion 27 of Farm 1041/7 and the Remainder Farm 1041/7).
 - 2.2 Application made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the Subdivision of farm 1041/3, into 2 Portions (Portion 28 of farm 1041/3 and the Remainder of farm 1041/3).
 - 2.3 Application made in terms of Section 15(2)(e) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the Consolidation of the newly created unregistered portions namely, unregistered Farm 1041/27 with unregistered Farm 1041/28, La Motte, to create one portion. (Portion 1.)
 - 2.4 Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the Rezoning of the newly consolidated unregistered Portion 1, Subdivisional Area Overlay Zone, and Agriculture & Rural Zone to Subdivisional Area Overlay Zone to create the following land uses:
 - 2.4.1 16 portions for residential purposes - Conventional Residential Zone (CR).
 - 2.4.2 2 portions for open space - Public Open Space Zone.
 - 2.4.3 1 portion for road purposes - Public Roads and Parking Zone.
 - 2.5 Application is made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law (2015), for the Subdivision of the newly consolidated unregistered Portion 1, into the following:

- 2.5.1 16 portions for residential purposes - Conventional Residential Zone (CR)
- 2.5.2 2 portions for open space - Public Open Space Zone
- 2.5.3 1 portion for road purposes - Public Roads and Parking Zone.

3. Your attention is therefore drawn to the listed activities in terms of the NEMA EIA Regulations 2014 (as amended) as defined in Listing Notices ("LN") 1, 2 and 3 of 7 April 2017. Be advised that, based on the information provided, the proposed application for rezoning, consolidation and subdivision on the abovementioned property, **does not** constitute any listed activities as defined in terms of the NEMA EIA Regulations 2014 (as amended). Environmental Authorisation is therefore not required prior to the proposed development.
4. The above-mentioned is based on the following:
 - 4.1 No indigenous vegetation will be cleared.
 - 4.2 The site is transformed by existing residential dwellings.
 - 4.3 The property is considered to be within the urban area.
 - 4.4 The upgrades with respect to services will be "like-for-like".
5. However, should any future development trigger any listed activity in terms of the EIA Regulations, 2014 (as amended), an application form for Environmental Authorisation must be submitted to the Competent Authority and the Environmental Authorisation obtained prior to the development proposal being commenced with on the proposed site. The relevant application forms are available on this Department's website: www.westerncape.gov.za/eadp.
6. You are further reminded of your general duty of care towards the environment in terms of section 28(1) of NEMA which states:
"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."
7. Please note that the applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.
8. Kindly quote the abovementioned reference number in any future correspondence concerning the proposed development.
9. This Department reserves the right to revise or withdraw its comments and request further information based on any information received.

Yours faithfully

PP

**HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Copy to: {} S. van der Merwe (Stellenbosch Municipality)

Email: Schalk.vandermerwe@stellenbosch.gov.za

Our Ref: HM/FRANSCHHOEK/REM OF PTN 3 & 7 OF FARM LA MOTTE 1041
Case No.: 19021108AS0411E
Enquiries: Andrew September
E-mail: andrew.september@westerncape.gov.za
Tel: 021 483 9543
Date: 09 May 2019



Dr. Jayson Orton
40 Brassie Street
Lakeside
7945

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL
In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape
Provincial Gazette 6061, Notice 298 of 2003

NOTIFICATION OF INTENT TO DEVELOP: PROPOSED SUBDIVISION ON THE REMAINDER OF PORTION 3 AND 7 OF FARM LA MOTTE 1041, FRANSCHHOEK, SUBMITTED IN TERMS OF SECTION 38(8) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 19021108AS0411E

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received on 11 April 2019 and discussed at our Heritage Officials Meeting (HOMS) on the 06 May 2019.

You are hereby notified that, since there is no reason to believe that the proposed subdivision will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required on condition that archaeological monitoring is conducted by a suitably qualified archaeologist for all bulk earthworks for the Baden Powell Drive section of the project.

However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately and Heritage Western Cape must be notified without delay.

This decision is subject to an appeal period of 14 working days. The appeal period shall be taken from the date above. It should be noted that for an appeal to be deemed valid it must refer to the decision, it must be submitted by the due date and it must set out the grounds of the appeal. Appeals must be addressed to the official named above and it is the responsibility of the appellant to confirm that the appeal has been received within the appeal period.

Applicants are strongly advised to review and adhere to the time limits contained the Standard Operational Procedure (SOP) between DEADP and HWC. The SOP can be found using the following link <http://www.hwc.org.za/node/293>

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

HWC reserves the right to request additional information as required.

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

Yours faithfully


.....
Dr. Nxolisi Dlamuka
Chief Executive Officer, Heritage Western Cape

www.westerncape.gov.za/cas

