



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/7684

Our File Reference Number: Farm 1101, 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 SUBDIVISION, REZONING, CONSENT USE, APPROVAL OF SITE DEVELOPMENT PLAN AND DEVIATION FROM THE STELLENBOSCH MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK: FARM NO 1101, STELLENBOSCH DIVISION

1. The above application refers.
2. The Municipal Planning Tribunal on 18 November 2022 resolved as follows:
 - 2.1 That the following application in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015, namely:
 - 2.1.1 Rezoning in terms Section 15(2)(a) of Farm No. 1101, Stellenbosch Division from Agriculture and Rural Zone to Subdivisional Area allowing for:
 - 2.1.2 One (1) property for Industrial use (Portion A = ± 5.9622 ha) and:
 - 2.1.3 One (1) property for Agriculture and Rural Zone (Remainder = $\pm 134,3286$ ha).
 - 2.2 The subdivision in terms of Section 15(2)(d) of Farm No. 1101, Stellenbosch Division into 2 Portions of:
 - 2.2.1 Portion A (± 5.9622 ha – Industrial Zone) and
 - 2.2.2 Remainder ($\pm 134,3286$ ha – Agriculture and Rural Zone).
 - 2.3 a consent use in terms Section 15(2)(o) to permit warehousing under the proposed industrial zoning on Portion A of Farm No. 1101, Stellenbosch Division.

BE APPROVED in terms of Section 60 and subject to the conditions of approval in terms of Section 66.

3. The approval is subject to the following conditions imposed in terms of Section 66 of the bylaw:

Conditions of approval which should be complied with as required in terms of Section 66(11) of the subject by-Law, before the approval comes into effect and any required building plans is submitted:

3.1 A detailed site development plan with architectural guidelines as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2019 as required in terms of Section 196(3) of the said bylaw, be submitted to the Municipality for approval prior to the submission of any building plans or earthwork's being done. The site development plan satisfactorily, address, but are not necessarily limited to, all the conditions of this approval, compliance with relevant development parameters of the bylaw, any relevant matters relating to Section 16(4) of the said Bylaw.

General conditions of approval with no requirement for compliance prior to the development of the land as contemplated in terms of Section 66(11) of the subject By-Law:

- 3.2 The approval applies only to the subdivision, rezoning and consent use in question and not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
- 3.3 The development be undertaken in accordance with the Subdivisional Plan dated March 2018, Job No. 4400 and attached as **APPENDIX B**.
- 3.4 An electronic copy (shp, dwg, dxf) of the approved General Plan be submitted to the Directorate Planning and Economic Development for record purposes, which plan indicate the following information:
 - a) Newly allocated erf numbers
 - b) Co-ordinates
 - c) Survey dimensions
 - d) Street names and numbering
- 3.5 Where required, development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the relevant Authority.
- 3.6 Should the full extent of permissible development rights, as approved herein-above, not be implemented initially or development is phased, a pro rata Development

Charges I be levied in accordance with the extent to which the development rights be implemented, provided that the remaining development contributions be levied for the remaining permissible development rights when implemented in future. Remaining Development Charges be levied in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Relevant Authority.

- 3.7 The required upgrades to the road infrastructure as stipulated in the City of Cape Town letter dated 11 March 2022, attached as **APPENDIX H** be implemented in consultation with the applicable road's authority.
 - 3.8 The conditions of approval from Department: Transport and Public Works in their letter dated 31 October 2022 and attached as **APPENDIX I** be adhered to.
 - 3.9 The conditions of approval from Eskom in their letter dated 05 November 2018 and signed 06 November 2018 and attached as **APPENDIX K** be adhered to.
 - 3.10 The conditions of the Department: Water & Sanitation (RSA) in their letter dated 21 August 2018 attached as **APPENDIX L** be adhered to.
 - 3.11 The conditions of the Municipal Directorate: Infrastructure services in their memorandum dated 24 March 2022 attached as **APPENDIX N** be adhered to.
 - 3.12 An Engineering Services agreement be signed between the City of Cape Town, Stellenbosch Municipality and the Developer before any property is transferred or any construction takes place and that the agreement contains the relevant conditions of approval as imposed by the City of Cape Town in their memorandum dated 11 March 2022 attached as **APPENDIX H** and imposed by the Stellenbosch Municipal Directorate: Infrastructure Service in their memorandum dated 24 March 2022 attached as **APPENDIX N** be complied with.
 - 3.13 All services at all times be provided to the satisfaction of the applicable engineering departments.
4. The reasons for the above decision are as follows:
- 4.1 There is adequate site-specific justification to deviate from the provisions of the Stellenbosch MSDF, namely:
 - (a) The separation of Portion A (5.9622ha) from the Remainder of the main, productive part of Farm No 1101, Stellenbosch Division and its proximity to

urban development along the border with City of Cape Town, diminishes the agricultural value of this land parcel because of the security threat to agricultural produce and infrastructure.

- (b) The proposed development will therefore have a negligible impact on the agricultural productivity of the farm and area, as confirmed by the Agricultural Departments.
- (c) Portion A is alienated and surrounded by clearly defined physical constraints including a road, a bridge, a railway line, a river and an electrical substation, which will prevent potential creep of further urban development on to productive agricultural land.
- (d) Proximity and accessibility to public transport facilities.

- 4.2 Eskom confirmed that there is sufficient capacity available to supply the proposed development with electricity.
- 4.3 Safe access to the development will be obtained from upgraded access points off public roads.
- 4.4 Portion A is an undeveloped and a nonviable agricultural portion of Farm No 1101, Stellenbosch with a low to medium agricultural suitability.
- 4.5 The proposed light industrial activities are not a foreign land use in the area, considering that Farm No. 1101, Stellenbosch is bordered by urban development in the City of Cape Town and in specific similar industrial activities and residential development. No precedent is therefore created.
- 4.6 The proposed development provides for a higher level of employment creation land use than agriculture, which will be beneficial to the area.
- 4.7 All development parameters for the subject zoning will be complied with, and the height of buildings will be in line with the requirement for primary agricultural buildings in its vicinity and will therefore not detract from the aesthetic appearance of the area. A set of architectural guidelines be approved together with the site development plan to ensure that the development does not detract from the area's sense of place.

5. **Matters to be noted:**

- 5.1 All electrical requirements should be directed to Eskom.

- 5.2 Should any revision of the proposed development constitute a listed activity(ies) in terms of the NEMA EIA Regulations, 2014 as defined in GN No. 327,325 and/or 324 an application must be submitted and environmental authorisation obtained before such activity(ies) may commence.
 - 5.3 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.
 - 5.4 The Department of Agriculture, Land Reform & Rural Development (RSA) be notified of the decision in order to enable them to issue the Act 70 of 1970 approval for the subdivision.
 - 5.5 The support of PRASA be obtained and all conditions be adhered, relating to development along the railway line.
 - 5.6 The land use shall not create any undue noise or be a nuisance to the neighbourhood and that precautionary measures be taken in order to avoid environmental noise pollution in terms of the Noise Control Regulations (PN627 dated 20 November 1998) made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).
 - 5.7 Building plans be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.
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:
 - (l) 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:

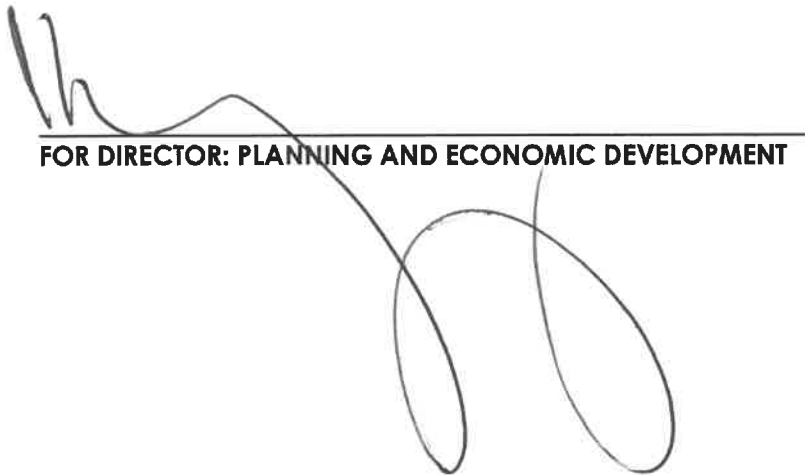
(i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct

(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, positioned above a horizontal line.

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

1/12/2022
DATE:

COPIES:



APPENDIX B

Subdivision and zoning plans



- Municipal Boundary
- Farm 1101, Stellenbosch
- Proposed Subdivision
- Road
- Access
- Railway Line
- River
- Dam

The Space Administration & Government,
 Dept. of Agriculture, Forestry & Fisheries
 Atteridgeville
 7913
 Tel: 021 460 1234
 Fax: 021 460 1234
 Note: All dimensions are approximate.

46

BUSINESS PARK FARM 1101, STELLENBOSCH

PROPOSED SUBDIVISION

SKETCH PLAN

SCALE: 1:1000

DATE: 2022

REVISION

STELLENBOSCH MUNICIPALITY

THIS SUBDIVISION / CONSOLIDATION HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE CONDITIONS AS PER ATTACHED LETTER DATED 12/2022

AUTHORISED EMPLOYEE/MP/PT
 S/1101

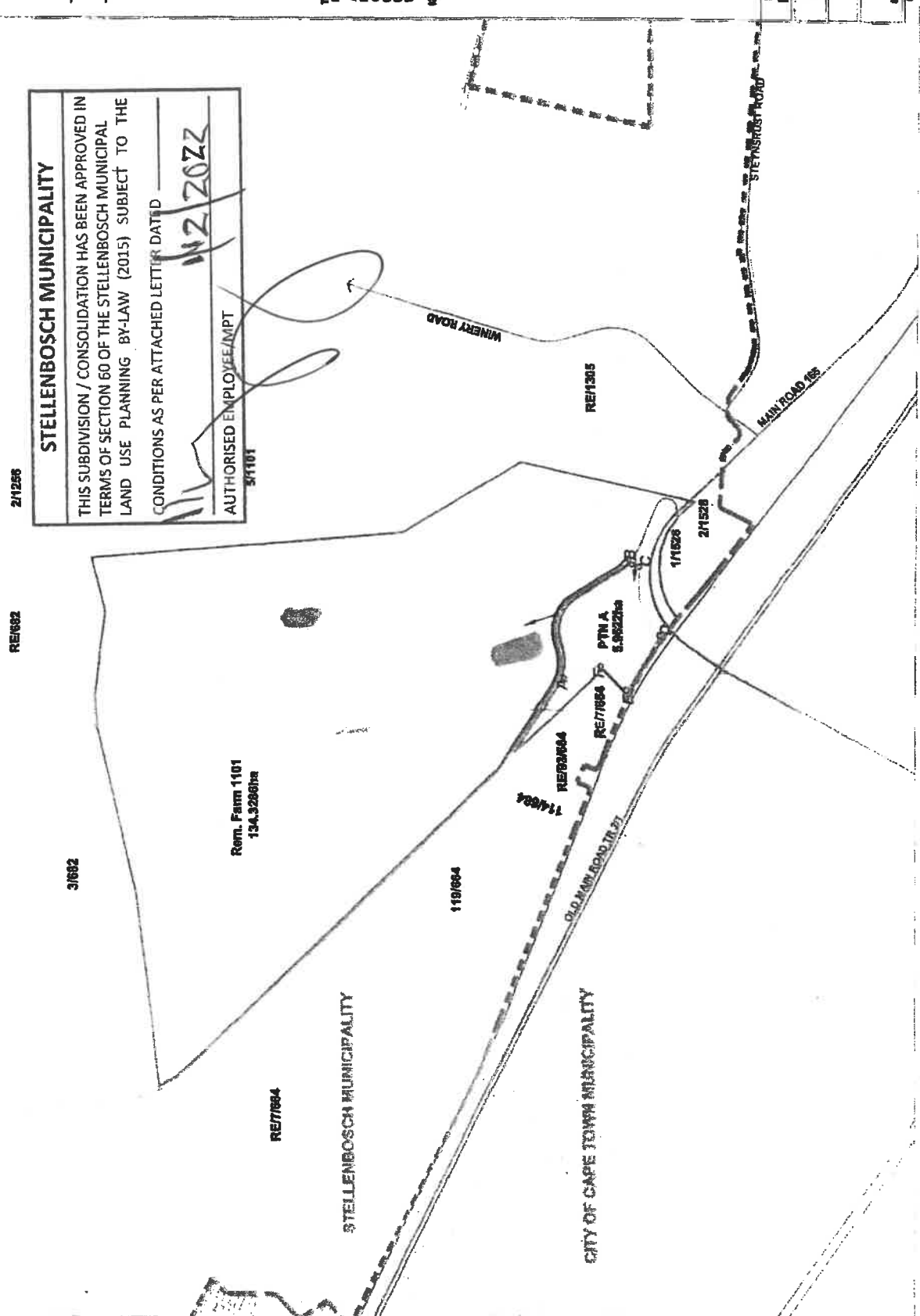


Figure 9: Proposed Agricultural Subdivision

GO GROUP

RIVERSIDE BUSINESS PARK
DEVELOPMENT
PROPOSED LAYOUT & AREAS

Revision 03/16/2017



47

STELLENBOSCH MUNICIPALITY

THIS SUBDIVISION / CONSOLIDATION HAS BEEN APPROVED IN
TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL
LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE
CONDITIONS AS PER ATTACHED LETTER DATED

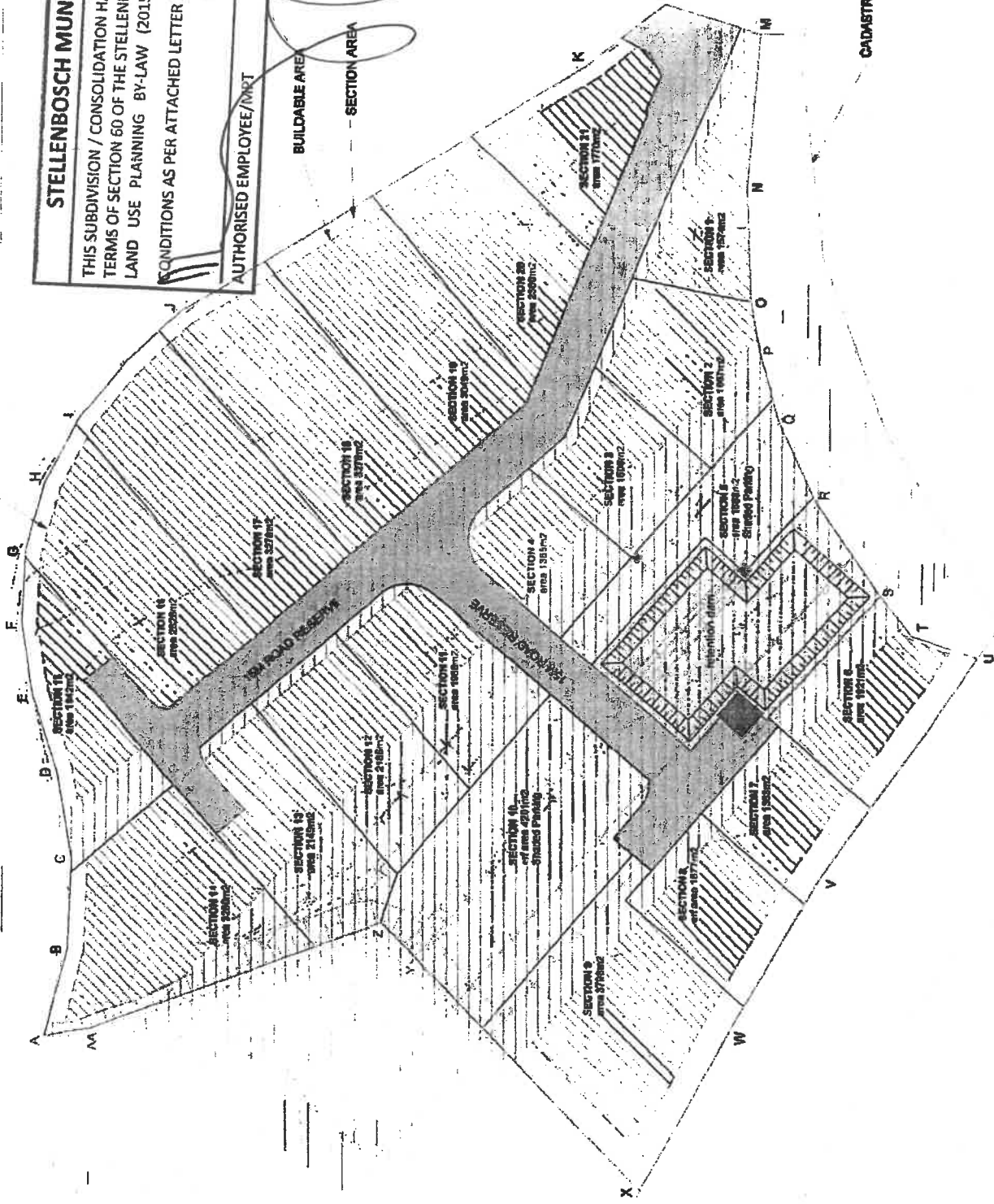
11/2/2022

AUTHORISED EMPLOYEE/INRT

BUILDABLE AREA
SECTION AREA

5M
BUILDING
LINE

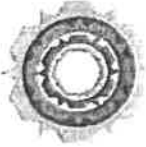
CAADASTRAL BOUNDARY



Scale 1:1250 on A3 Sheet

APPENDIX H

City of Cape Town comments.



**CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD**

MICHELE WANSBURY

T: 021 4444630
E: michele.wansbury@capetown.gov.za

**Application Number: 4400
Reference Number: LU/7684**

11 March 2022

**Planning Partners (Pty) Ltd.
P.O. Box 4866
Cape Town
8000**

Contact Person: Mr. Nick van der Merwe
By e-mail: nicolas@planpart.co.za

Dear Sir

RE: APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM COUNCIL'S SPATIAL DEVELOPMENT FRAMEWORK: FARM NO. 1101, STELLENBOSCH DIVISION (RUSTENHOF FARM, WATERWORKS ROAD, FIRGROVE)

The City of Cape Town as abutting authority would like raise the following comments to the proposed application for subdivision, rezoning, consent use, approval of a site development plan and deviation from Council's (Stellenbosch) Spatial Development Framework on Farm No 1101, Stellenbosch.

1. Land Use

- 1.1 Given the property's strategic location with easy access onto the strategic road network and relatively good access to the rail system, the opportunity exist for a mixed-use development that could help reverse current unsustainable development patterns within the area. The development of this site for employment related uses (example light industrial/commercial uses and limited self-storage) should thus be considered to improve access to economic opportunities and ultimately achieve sustainable and managed growth in the area.

In order to ensure a mix of light industrial/commercial uses and not only storage, which is a very low creator of jobs, it is proposed that there be a cap placed on the percentage of the development that may be used solely for storage and / or ware-housing.

It is further recommended that the Municipal Boundary be adjusted to include this proposed development within the City of Cape Town Boundaries. This will allow for the City's Policies and By Laws to have mandate and to be implemented should the development in future need to link up with City services.

SOMERSET WEST ADMINISTRATIVE BUILDING,
CNR ANDRIES PRETORIUS AND VICTORIA STREETS, SOMERSET WEST, 7130
www.capetown.gov.za

Making progress possible. Together.

2. **Technical Services**

- 2.1 The Macassar Waste Water Treatment Works (WWTW) do not have sufficient capacity to accommodate the sewerage generated by the proposed development. All available capacity, at this stage, is reserved for developments that fall within the City of Cape Town's municipal boundary. Please note that this comment will be reviewed once the Macassar WWTW has been upgraded and sufficient capacity made available. An upgrade of the WWTW is planned with an expected completion date of December 2027.
- 2.2 From a service perspective, the concern is that this Development does not fall within the City of Cape Town's jurisdiction. As such, the City do not have the mandate to impose DC's as this Policy is relevant to the City's area only. If no DC's can be imposed then no bulk upgrades can be done and offset against DC's.
- 2.3 If the DC cannot be off set against the upgrades required, because it is Provincial Roads, then the upgrades would be a direct cost to the Developer.

3. **Traffic & access arrangements**

Comments from the Department: Transport, based on details, specifications and information reflected on the proposed Riverside Business Park on Farm 1101, Firgrove, the Layout Plan and Area's by *mbt: Architects & Project Managers*, dated 03 February 2017, as well as Traffic Impact Assessment, prepared by *iCE: Group*, Ref No. *ICE/S/1176*, dated 23 March 2018, as well as the Traffic Impact Assessment (Farm 782), Ref No. *ICE/S/1176A*, also prepared by *Consultants ICE Group*, dated 15 December 2021, as well as the Addendum, dated 28 April 2021, are as follows:

Note:

The TIA which was undertaken for the approved development on Farm 782 (within the City of Cape Town boundaries), factored in the expected trip generation from the Riverside Business Park. The Farm 782 TIA highlighted the fact that the existing capacity of Main Road would be able to accommodate/sustain both the Riverside Business Park and Farm 782 development traffic.

With is in mind the Department: Transport supports the abovementioned application, with the following upgrades required.

3.1 **Main Road/Waterworks Road Intersection:**

- 3.1.1 Introduce dedicated right turn lane on the eastern approach of Main Road;
- 3.1.2 upgrade the Waterworks Road approach to have an exclusive left turn lane as well as an exclusive right turn lane;
- 3.1.3 provide adequate street lighting at the Main Road/Waterworks Road Intersection;
- 3.1.4 implement traffic signals at the Main Road/Waterworks Road Intersection. The proposed signal plan must make allowance for pedestrians by the introduction of a pedestrian phase, push buttons and dropped kerbs;

3.2 **Public Transport Embayment's:**

- 3.2.1 construct public transport embayments on both sides of Waterworks Road, on the downstream side of the proposed Main Road/Waterworks Road Intersection;

3.3 Non-Motorised Facilities:

- 3.3.1 provide a 2.0-meter sidewalk on the southern side of Waterworks Road between Main Road and the access to the proposed development. Furthermore, that pedestrians be accommodated at the proposed signalised Main Road/Waterworks Road Intersection, as stipulated by Condition 3.1.4.

3.4 Access to the Riverside Business Park Development:

- 3.4.1 that the Developer/Owner provide the security controlled access located 50 metres from the edge of Waterworks Road;
- 3.4.2 two ingress lanes and a single egress lane, one of which is 4 metres wide in order to accommodate emergency vehicles.
- 3.4.3 in the event an articulated truck being refused entry to the Riverside Business Park, the impact of having an articulated truck reversing back into the Waterworks Road will seriously compromise road safety. Therefore, to ensure there is no occurrence of such an incident in future, the Developer/Owner must ensure that it is written into the constitution of the proposed Riverside Business Park Home Owner's Association, that no articulated truck may be refused entry, and be allowed to circulate around the Industrial Area, and this may NOT be revoked in the event of security risk at a later stage.

3.5 Old Main Road/Main Road/Macassar Road Intersection:

- 3.5.1 undertake the detail design and construction of the Old Main Road/Main Road/Macassar Road Intersection with the following:
- 3.5.1.1 on the northern approach of Main Road, an additional dedicated right turn lane is required, the existing shared through/left lane is changed to a through lane and dedicated left turn lane be added;
- 3.5.1.2 on the eastern approach of Old Main Road, that the existing right turn lane be extended to 70 meters which excludes the taper, the existing shared through/left lane is changed to a through lane and a dedicated left turn lane be added;
- 3.5.1.3 on the western approach of Old Main Road, that the shared left turn through lane be changed to a through lane, and a dedicated left turn be introduced that leads to a yield-controlled slip-lane.

Yours faithfully

Daan Visser

Digitally signed by Daan Visser
Date: 2022.03.13 14:58:13
+02'00'

for **DIRECTOR: DEVELOPMENT MANAGEMENT**

APPENDIX I

Department: Transport and Public
Works.



Ref: 16/9/6/1-25/281 (Job 16738)

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr U von Molendoff

Dear Sir

FARM 1101, STELLENBOSCH (RIVERSIDE BUSINESS PARK); MAIN ROAD 165, MAIN ROAD 166, DIVISIONAL ROAD 1021, DIVISIONAL ROAD 1012 AND ERVEN 466 AND TRUNK ROAD 2 SECTION 1: SUBDIVISION AND REZONING

1. The following refer:
 - 1.1 This Branch letter referenced 16/9/6/1-25/281 (Job 16738) dated 28 October 2022 is hereby replaced by this letter.
 - 1.2 This Branch herewith withdraws the letter referenced in paragraph and replaces it with this letter.
2. Our letter 16/9/6/1-25/281 (Job 16738) to Planning Partners dated 10 October 2018;
 - 2.1 The letter ICE/S/1176 form ICE Groep to Planning Partners dated 23 March 2018;
 - 2.2 Our letter TPW/CFS/RP/LUD/REZ/SUB-33/102 (Job 28337) to the City of Cape Town dated 30 May 2021;
 - 2.3 The letter (Case ID: 70531742) of the City of Cape Town to Planning Partners dated 30 June 2021;
 - 2.4 The letter ICE/S/1176A form ICE Group to Planning Partners dated 15 December 2020;
 - 2.5 The letter LU/7684 from the City of Cape Town to Planning Partners dated 11 March 2022; and
 - 2.6 The email from Me Y Obermeyer at UDS Africa dated 4 October 2022.

3. This Branch objected to the development based upon receipt of a written undertaking by Stellenbosch Municipal Manager that the Municipality will ensure the availability of the necessary funding for the Proclaimed Road infrastructure upgrades.
4. Stellenbosch Municipality has not given any indication that they will adhere to this request as this Branch has not budgeted for any expenditure on the surrounding proclaimed roads. However, the City of Cape Town as abutting authority has commented on the application as most of the roads affected falls within their area.
5. Herewith, this Branch offers no objection to the proposed Riverside Business Park development subject to the following conditions:
 - 5.1 That all the requirements and recommendations in the letter from LU/7684 from the City of Cape Town to Planning Partners dated 11 March 2022 be adhered to;
 - 5.2 The design of the dualling of Main Road 165 between Main Road 166 and Trunk Road 2 Section 1 must be scrutinised by the relevant Directorate/s at the City of Cape Town and then submitted to the Design Directorate (Me MK Hofmeyr – 021 483 5713) for final approval;
 - 5.3 The funding for the dualling of Main Road 165 between Main Road 166 and Trunk Road 2 Section 1 must be agreed between Stellenbosch Municipality, the City of Cape Town and relevant developers as this Branch will not contribute any funding to these upgrades; and
 - 5.4 For all the other proposed road infrastructure require on any of the proclaimed roads the geometrics and materials design plans after being scrutinised by the relevant Directorate/s at the City of Cape Town and must be submitted to the Design Directorate (Me MK Hofmeyr – 021 483 5713) for final approval.

Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: ROADS

DATE: 31 OCTOBER 2022

ENDORSEMENTS

1. Stellenbosch Municipality
Attention: Mr U von Molendorff (e-mail: ulrich.vonmolendorff@stellenbosch.gov.za)
Attention: Mr J Fullard (e-mail: johan.fullard@stellenbosch.gov.za)
2. City of Cape Town
Attention: Mr B Jones (e-mail: carl.jones@capetown.gov.za)
3. UDS Africa
Attention: Me Y Obermeyer (e-mail: yolandi@udsafrika.co.za)
4. Planning Partners
Attention: Mr N van der Merwe (e-mail: nicolas@planpart.co.za)
5. Mr SW Carstens (e-mail)
6. Mrs A Cope (e-mail)
7. Mr B du Preez (e-mail)

APPENDIX K
Eskom comments



PUBLIC DOMAIN

Mr. Nick Van Der Merwe
Planning Partners (Pty)Ltd
PO Box 4866
Cape Town
8000

Date:
05 November 2018

Enquiries:
Lungile Motsisi
Tel +27 11 800 5734

Our Reference:
INV168/2018

Dear Mr. Van Der Merwe

RE: APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM COUNCIL'S SPATIAL FRAMEWORK: FARM NO 1101, STELLENBOSCH DIVISION

I refer to your application dated 06 September 2018 and wish to inform you that Eskom Transmission (Tx's) Palmiet-Stikland 400kV powerline will be affected by this application:

The extent and width of the Eskom servitude is 20 metres on either side of the centre line of the power line. Eskom rights are held by Notarial Deed of Servitude K1411/2006S annexed to approve S. G. Diagram 7281/2008.

Eskom Tx will raise no objection to the proposed application, provided its rights and services are acknowledged and respected at all times and the following terms and conditions must be borne in mind:

1. Eskom Tx's rights and services must be acknowledged and respected at all times.
2. Eskom Tx shall at all times retain unobstructed access to and egress from its servitudes.
3. Eskom Tx's consent does not relieve the applicant from obtaining the necessary statutory, land owner or municipal approvals.
4. The applicant will adhere to all relevant environmental legislation. Any cost incurred by Eskom Tx as a result of non-compliance will be charged to the applicant.
5. All work within Eskom's servitude areas shall comply with the relevant Eskom earthing standards in force at the time. This will also apply to steel fencing- and palisading that may be erected in future.

Eskom Transmission
AME Land Management
Mega Watt Park 1 Maxwell Drive Sunninghill 2191
P. O. Box 1091 Johannesburg 2000 SA
Tel +27 11 800 5734 Fax +27 11 800 3917 www.eskom.co.za

Eskom Holdings SOC Ltd Reg No 2002/015527/30

6. No construction or excavation work shall be executed within 20 metres from any Eskom powerline structure.
7. If Eskom Tx has to incur any expenditure in order to comply with statutory clearances or other regulations as a result of the applicant's activities or because of the presence of his equipment or installation within the servitude restriction area, the applicant shall pay such costs to Eskom Tx on demand.
8. The use of explosives of any type within 500 metres of Eskom Tx's services, shall only occur with Eskom Tx's previous written permission. If such permission is granted the applicant must give at least fourteen working days prior notice of the commencement of blasting. This allows time for arrangements to be made for supervision and/or precautionary instructions to be issued in terms of the blasting process. It is advisable to make application separately in this regard.
9. Changes in ground level may not infringe statutory ground to conductor clearances or statutory visibility clearances. After any changes in ground level, the surface shall be rehabilitated and stabilised so as to prevent erosion. The measures taken shall be to Eskom Tx's requirements.
10. Eskom Tx shall not be liable for the death of or injury to any person or for the loss of or damage to any property whether as a result of the encroachment or of the use of the servitude area by the applicant, his/her agent, contractors, employees, successors in title and assignee. The applicant indemnifies Eskom Tx against loss, claims or damages including claims pertaining to consequential damages by third parties and whether as a result of damage to or interruption of or interference with Eskom Tx's services or apparatus or otherwise. Eskom Tx will not be held responsible for damage to the applicant's equipment.
11. No mechanical equipment, including mechanical excavators or high lifting machinery, shall be used in the vicinity of Eskom Tx's apparatus and/or services, without prior written permission having been granted by Eskom Tx. If such permission is granted the applicant must give at least seven working days' notice prior to the commencement of work. This allows time for arrangements to be made for supervision and/or precautionary instructions to be issued by the Lines and Servitudes Manager. The contact person in this regard is Ms Tiny Salaze (Lines and Servitudes Manager), she can be contacted at +27 21 915 9211. This allows time for arrangements to be made for supervision and/or precautionary instructions to be issued
12. Eskom Tx's rights and duties in the servitude shall be accepted as having prior right at all times and shall not be obstructed or interfered with. Note: Where and electrical outage is required, at least fourteen work days are required to arrange it.
13. Under no circumstances shall rubble, earth or other material be dumped within the servitude restriction area. The applicant shall maintain the area concerned to Eskom Tx's satisfaction. The applicant shall be liable to Eskom Tx for the cost of any remedial action which has to be carried out by Eskom Tx.

14. The clearances between Eskom Tx's live electrical equipment and the proposed construction work shall be observed as stipulated by the Regulation 19 of *Electrical Machinery Regulations 2011 (with reference to SANS10280-1) of the Occupational Health and Safety Act, 1993 (Act 85 of 1993)*.
15. Equipment shall be regarded electrically live and therefore dangerous at all times.
16. In spite of the restrictions stipulated by Regulation 15 of the Electrical Machinery Regulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as an additional safety precaution, Eskom Tx will not approve the erection of houses, or structures occupied or frequented by human beings, under the powerlines or within the servitude restriction area.
17. Eskom Tx may stipulate any additional requirements to eliminate any possible exposure to Customers or Public to coming into contact or be exposed to any dangers of Eskom Tx plant.
18. It is required of the applicant to familiarise himself with all safety hazards related to Electrical plant.

The individual Title Deeds of those Erven (areas of open space) must be made subject to the Notarial Deeds registered in favour of Eskom Tx.

For any further information please contact the writer at the above mentioned telephone number.

Yours sincerely


Adv. Ntaka Maake
TRANSMISSION A&E LAND MANAGEMENT

2018/11/06

APPENDIX L

Department: Water and Sanitation

(RSA) comments



552

water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

WESTERN CAPE PROVINCIAL OPERATIONS
Private Bag X16, Santamhof, 7632
52 Voortrekker Road, Bellville, 7630

☎ 021 941 6039
☎ 021 941 6082
☎ 082 370 2708

✉ Mr. Nkosinathi Mkonto
📁 16/2/7/G200/A/8
✉ mkonton@dws.gov.za

Attention: Helene Janser

Department of Environmental Affairs and Development Planning
Private Bag X9086
CAPE TOWN
8000

Dear Madam

APPLICATION FOR DEVELOPMENT FARM RUSTENHOF NO. 1101 REQUIRING APPROVAL IN TERMS OF SECTION 53(1) OF THE LAND USE PLANNING ACT, 2014(ACT 30F 2014, LUPA) AND REGULATION 10(1)(B) OF THE WESTERN CAPE LAND USE PLANNING REGULATION 2015, STELLENBOSCH

The Department acknowledges receipt of your report dated 27 June 2018 for the above mentioned activity.

After evaluating the abovementioned application, you are hereby informed that the Department does not object to the proposed activities from going ahead subject to the following conditions:

1. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use and pollution management must be adhered to.
2. All relevant sections and regulations of the Spatial Planning and Land Use Management Act, 2013(Act 16 of 2013) must be adhered to.
3. No additional use of surface water and/or storage of water is permitted, unless the applicant has formally obtained an authorisation from this Department in terms of Section 22 of the National Water Act (Act 36 of 1998).
4. No activities may take place within a buffer area of 500m upstream and downstream of a watercourse and/or any wetland system without formal authorisation thereto obtained from this Department.



NATIONAL DEVELOPMENT PLAN



water & sanitation

Department
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

CONTINUATION PAGE: (page. 2/2).

5. No permanent structures may be constructed within the 1:100 year flood line of a watercourse and/or wetland.
6. If any property that receives water from an Irrigation Board or Water User Association is subdivided, sold or consolidated, the Board or Association and this Department must be notified within sixty (60) days after the said transaction took place.
7. Please note that if the subdivision will affect the allocation of a water use as registered by this Department, the owner(s) of the new property(ies) must enter into a written mutual agreement to determine each property's share in any allocated water or water use and this must be communicated to this Department.
8. If this subdivision (or consolidation) will affect the allocation of a water use as licences by this Department, the Licencee must contact the Department for the amendment of this licence. This will also be necessary if the property description changes. The Licencee must provide full details of all changes in respect of the properties to the Responsible Authority within 60 days of said change taking place.

The Department reserves the right to revise its initial comments and request additional information that may arise from correspondence and/or upon inspection.

Should you have any queries, please do not hesitate to contact Nkosinathi Mkonto at the contact details provided above.

Yours faithfully

Melissa Lintraar-Strauss

PROVINCIAL HEAD: WESTERN CAPE

Signed by: Melissa Lintraar-Strauss

Designation: Control Environmental Officer

Date: 21 August 2018



NATIONAL DEVELOPMENT PLAN
Our Future - make it work

APPENDIX N

**Directorate: Infrastructure Services
comments.**



MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES

DIREKTORAAT: INFRASTRUKTUURDIENSTE

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

To - Aan: Director: Planning + Economic Development
Att Aandag: A Hardouin
From - Van: Manager: Development (Infrastructure)
Author - Skrywer: Tyrone King
Date - Datum: 24 March 2022
Our Ref - Ons Verw: CIVIL LU 1728
Re - Insake: Farm 1101, Stellenbosch (140.2908 ha): subdivision into 2 portions, rezoning Portion A (5.9622 ha) from Agriculture I to Industrial I, consent use for warehousing, approval of SDP and deviation from SDF, to develop an industrial park of 21 properties with a total GLA of 28 480m²

25 MAR 2022

RECEIVED

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

- Proposed Site Development Plan No. Rev D 3 Feb 2017;
- Traffic Impact Assessment by ICE Group dated 23 March 2018;
- Report on Civil Engineering Services, by UDS, dated 9 September 2019;
- Stormwater Management Plan dated 28 Nov 2017

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

- Total GLA: 28 480m²

This document consists of the following sections:

- Definitions
- Recommendation to decision making authority

FILE NR:	
SCAN NR:	F 1101 S
COLLABORATOR NR:	727248

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

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

A. Definitions

1. that the following words and expressions referred to in the development conditions, shall have the meanings hereby assigned to except where the context otherwise requires:
 - (a) *"Municipality"* means the STELLENBOSCH MUNICIPALITY, a Local Authority, duly established in terms of section 9 of the Local Government Municipal Structures act, Act 117 of 1998 and Provincial Notice (489/200), establishment of the Stellenbosch Municipality (WC024) promulgated in Provincial Gazette no. 5590 of 22 September 2000, as amended by Provincial Notice 675/2000 promulgated in Provincial Gazette;
 - (b) *"Developer"* means the developer and or applicant who applies for certain development rights by means of the above-mentioned land-use application and or his successor-in-title who wish to obtain development rights at any stage of the proposed development;
 - (c) *"Engineer"* means an engineer employed by the *"Municipality"* or any person appointed by the *"Municipality"* from time to time, representing the Directorate: Infrastructure Services, to perform the duties envisaged in terms of this land-use approval;
2. that all previous relevant conditions of approval to this development application remain valid and be complied with in full unless specifically replaced or removed by the *"Engineer"*;

B. Recommendation:

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

C. Specific conditions of approval

4. Stellenbosch Municipality does not have any service networks in this vicinity. The development will have to apply to the CoCT should they wish to connect to municipal services. In the interim, groundwater has been identified by the Developer as a water source and an on-site sewer treatment plant has for sewer treatment and disposal.

- a. **Borehole Water:** the onus is on the "Developer" to ensure a sustainable water source to the said development and that the "Municipality" be exempted from any claims whatsoever should the natural water source not be sufficient. Potable water must comply with SANS 241 standards.
- b. **Sewer treatment:** Details of the treatment facility must be indicated on the building plans/engineering drawings. It is recommended that such details be discussed beforehand with the Municipality's Water Services Department (for the attention of Mr James Beukes (t) 021 808 8283; email: james.beukes @stellenbosch.gov.za).

The design and construction supervision of the facility must be undertaken by a suitably qualified professional (i.e. ECSA registered professional engineer), who at the completion of the work, certifies that the installation is complete and to the required standard in all respects. Such certification is required before occupation certificates will be issued.

A maintenance agreement must be entered into between the owner and the waste water treatment system service provider and proof thereof be furnished to the Municipality's Water Services Department (for the attention of Mr James Beukes (t) 021 808 8283; email: james.beukes @stellenbosch.gov.za) before occupation certificates are issued.

Approval must be obtained from the Department of Water and Sanitation (DWS), for the use of a package plant.

- c. **Roads Network:** The following conditions apply:
- i. **Main Road/Access Road (Waterworks) intersection:** Provision of traffic signals at the intersection, with dedicated right-turn lane on eastern-approach.
 - ii. That the security-controlled access layout provides for two lanes in and accommodates the size vehicles expected to/from the light industrial development.
 - iii. That formal public transport embayments be provided along Main Road at the Main Road/Access Road intersection (outbound legs).
 - iv. The provision of sidewalks: Along the southern side of the access road (between Main Road and the access); and along at least one side of the internal streets.
 - v. All road upgrades on Old Main Road/Main Road/Macassar Road as identified in the TIA must be done to the satisfaction of the CoCT and

provincial roads authority. Written confirmation from these authorities must be furnished before any occupation certificates will be supported by Stellenbosch Municipality.

vi. Any conditions from the provincial roads authority must be complied with.

d. Stormwater Network:

i. The difference between the pre- and post-development stormwater run-off must be accommodated on site. As per the Stormwater Management Plan by UDS, dated 28 November 2017, a 1900m³ detention pond is proposed. Details of the detention pond must be indicated on the engineering drawings.

e. Solid Waste:

i. An integrated waste management approach must be used that is based on waste minimization and recovery where appropriate. It is recommended that the developer reach an agreement with the CoCT for the removal of solid waste generated at the development. (Due to the distance from Stellenbosch to the property, it will be more convenient for the developer if the CoCT can remove the solid waste.

Development Charges

5. Since the CoCT will be providing municipal services, DCs must be agreed with the CoCT. Should Stellenbosch Municipality in future provide any service, a DC for such service will be charged.
6. Any upgrades that might be required on Stellenbosch Municipality infrastructure (ie roads), will be for the Developer's cost, since DCs are not charged by Stellenbosch and therefore upgrades cannot be offset against such DCs.

Site Development Plan

7. as per the TIA, the security-controlled access layout must provide for two lanes in, and accommodates the size vehicles expected to/from the light industrial development.
8. It is proposed that solid waste will be removed by private contractor. Should the Stellenbosch Municipality be required to provide this service in future, a refuse room and refuse embayment at the entrance of the development will have to be constructed, according to Stellenbosch Municipality's standards;

Ownership and Responsibility of services

9. that it be noted that the roads are reflected as private roads. Therefor all internal services on the said erf will be regarded as private services and will be maintained by the "Developer" and or Owner's Association;

Internal- and Link Services

10. 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;
11. Any alterations to existing services necessitated by the new development will be for the Developer's cost;

Floodplain Management

12. that the 1:50 and 1:100 year flood lines of the Moddergat Spruit be shown on all plans submitted. The flood lines are to be verified by a suitably qualified registered engineering professional. Where flood lines have not previously been determined, the "Developer" must procure the services of a suitably qualified registered engineering professional to undertake such determinations at his/her own cost. No new development will be allowed under the 1:100 year flood line;

Roads

13. that the "Developer", at his/her cost, implement the recommendations of the approved Traffic Impact Assessment/Statement by ICE Group, dated 23 March 2018;

Electricity

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

Damage to municipal infrastructure and assets

15. 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:

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

Wayleaves

17. 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;
18. that wayleaves will only be issued after approval of relevant engineering design drawings;
19. that it is the Developer's responsibility to obtain wayleaves from any other authorities/service provider's who's services may be affected.

Avoidance of waste, nuisance and risk

20. 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

MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

W:\2.0 DEVELOPMENT\03 Development\1728 - Farm 1101 (Rustentof) (Industrial Development)\1728 - Farm 1101 (Rustentof) (Industrial Development)_2.doc

Farm 1101

GENERAL COMMENT:

- 1. Outside Stellenbosch area of supply.
- 2. All Electrical requirements should be directed to Eskom.

CONDITIONS

- 3. No conditions.

Bradley Williams

Date.....03/02/2021.....



Signature

INTERDEPARTMENT 565 CIRCULATION FORM

1

L&ER VERW/ FILE REF	Farm 1101, Stellenbosch	DATUM DATE	11 September 2018
AANSOEKNUMMER/APPLICATION NUMBER	LU/7684	# Elect Lu 1712	
MEMO AAN/ TO :			
<input checked="" type="checkbox"/>	Director : Engineering Services		
<input checked="" type="checkbox"/>	Manager : Electrical Department		
<input checked="" type="checkbox"/>	Manager : Building Development Management		
	Manager : Fire Services		
	Director : Corporate Services		
<input checked="" type="checkbox"/>	Manager: Spatial Planning / Heritage / Environment / Signage		
<input checked="" type="checkbox"/>	Manager: Health Department (Winelands Health)		
	Manager: Greening department		
<input checked="" type="checkbox"/>	Manager : Local Economic Development		
Application	Application is made in terms of the Stellenbosch Municipal Land Use Planning By-Law, October 2015, for: The Subdivision of Farm 1101, Stellenbosch into 2 Portions. Portion A (±5.9622ha) and a Remainder (±134,3286ha) in terms of Section 15(2)(d); The Rezoning of Portion A of Farm 1101, Stellenbosch, from Agricultural Zone I to Industrial Zone I in terms of Section 15(2)(a); Consent Use to permit the warehousing under the proposed industrial zoning on Farm 1101, Stellenbosch, in terms of Section 15(2)(o). And: Approval of a Site Development Plan. Deviation from the Stellenbosch Municipal Spatial Development Framework		
Adres / Address	Rustenhof Farm, Stellenbosch		
Aansoek Datum / Application Date	20 July 2018		
Aansoeker / Applicant	Planning Partners		

PLANNING
17 JAN 2018

GENERAL COMMENT:	
1. Outside Stellenbosch area of supply.	FILE NR: SCAN NR: F 1101 S COLLABORATOR NR: 625310
2. All Electrical requirements should be directed to Eskom.	
CONDITIONS:	
3. No conditions.	

Please hand deliver the memorandum to me on or before: 11 October 2018

A. Hardouin
For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

ALGEMENE KOMMENTAAR / GENERAL COMMENT:

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.....

VOORWAARDES/CONDITIONS :

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.....

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HANDTEKENING / SIGNATURE **DATUM / DATE**

12/10/2018