



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/11878

Our File Reference Number: Farm 1202/1, Johannesburg

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: [Ulrich.Vonmolendorff@stellenbosch.gov.za](mailto:Ulrich.Vonmolendorff@stellenbosch.gov.za)

**PER E-MAIL:** [REDACTED]

Sir / Madam

## **APPLICATION FOR REZONING AND SUBDIVISION: FARM 1202/1 JOHANNESDAL**

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
  - 2.1 That the following applications in terms of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015, on Farm 1202/1 Johannesburg, namely:
    - 2.1.1 The **Rezoning** in terms of Section 15 (2)(a) of the said By-law, 2015 from Agriculture and Rural Zone to Subdivisional area in order to allow for the following uses:
      - (a) 30 Conventional Residential Zone (Dwelling house) erven (±17 882 m<sup>2</sup>)
      - (b) 4 Private Open Space Zone (Private Open Space and private road) erven (±6 551 m<sup>2</sup>)
      - (c) 2 Public roads and parking zone (Public Road) erven (±4 130 m<sup>2</sup>)
    - 2.1.2 The **Subdivision** in terms of Section 15 (2)(d) of the said by-law, in accordance with Subdivisional zone above and Subdivisional Plan number 3 (project no: P 3144) and Phasing plan Number 4 (project no: P 3144), drawn by WH (TV3 Architects and Town Planners) dated 09/09/2020, drawn by WH (TV3 Architects and Town Planners) dated 03/09/2020 (See **Annexure C**).

**BE APPROVED** in terms of Section 60 of the said bylaw, subject to conditions in terms of Section 66 of the said Bylaw:

## 2.2 Conditions of Approval:

- 2.2.1 The approval applies only to the proposed development under consideration as indicated on Subdivisional Plan Number 3 (project no: P 3144), drawn by WH (TV3 Architects and Town Planners) dated 03/09/2020, and Phasing plan Number 4 (project no: P 3144), drawn by WH (TV3 Architects and Town Planners) dated 09/09/2020 attached as **Annexure C** and shall 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;
- 2.2.2 The development be undertaken in accordance with the Subdivisional Plan Number 3 (project no: P 3144), drawn by WH (TV3 Architects and Town Planners) dated 03/09/2020, attached as **Annexure C** to this report;
- 2.2.3 A subdivision plan be submitted for approval for each of the phases of the development in accordance with the approved phasing plan;
- 2.2.4 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 must indicate the following information:
- a) Newly allocated erf numbers
  - b) Co-ordinates
  - c) Survey dimensions
  - d) Street names and numbering
- 2.2.5 An owner's association for the subject development be established in terms of section 29(1) of the subject Bylaw.
- 2.2.6 All common property, inclusive of private road/s and open space/s and land required for services by the owners association, be transferred at his cost by the applicant to the owners' association, prior to or simultaneously with the transfer or registration of the first land unit or prior to the first building plan approval, whichever occurs first.
- 2.2.7 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.

- 2.2.8 A service agreement regarding the responsibilities for the provision of engineering services be entered into with the Municipality prior to the construction of any Engineering services or infrastructure in terms of Section 66(3) and Section 82(4) of the said Bylaw, which service agreement must include and comply with the conditions as imposed by the Directorate Infrastructure Services in their letter with reference 2083 CIVIL LU and dated 17 March 2021 and attached as **Annexure I**.
- 2.2.9 All building structures of the development be designed and undertaken to the satisfaction of the Municipality in accordance with the Architectural Guidelines (Johannesdal Village) and attached as **Annexure P**.

### **2.3 Matters to be noted:**

- 2.3.1 All engineering services and infrastructure as required in terms of the conditions and services agreement must be complied with to the satisfaction of the municipality and/ or the relevant authority prior to the issuing of a Section 28 Certification.
- 2.3.2 The subdivision only comes into effect once all suspensive conditions or relevant legislative provisions have been complied with (per phase).
- 2.3.3 The rates clearances will only be granted once the conditions of approval (per phase) have been complied with,
- 2.3.4 Building plans must 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.
- 2.3.5 A constitution for the owner's association be submitted and approved by the municipality in terms of Section 29(3) of the subject Bylaw prior to the transfer of the first land unit, which constitution must make provision for the relevant matters in Section 29 of the subject Bylaw.
- 2.3.6 That the approval for the naming and numbering of streets as per the proposed subdivision plan, be obtained.

## **2.4 The reasons for the above decision are as follows:**

- 2.4.1 The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape considering that it will in fact offer residential opportunities in the area;
  - 2.4.2 The proposed development constitutes infill development and is therefore in line with the principles of the SDF.
  - 2.4.3 There will be no negative impact on existing infrastructure and additional traffic can be accommodated on the local road network.
  - 2.4.4 The proposal will result in more efficient utilisation of the subject property which cannot be viably utilised in terms of its current zoning.
  - 2.4.5 The uniqueness of the subject property's shape, location and topography lends itself to a private development due to limited opportunities for the physical integration with adjacent developments.
3. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.
4. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:
- (a) The personal particulars of the Appellant, including:
    - (I) First names and surname;
    - (II) ID number;
    - (III) Company of Legal person's name (if applicable)
    - (IV) Physical Address;
    - (V) Contact details, including a Cell number and E-Mail address;
  - (b) Reference to this correspondence and the relevant property details on which the appeal is submitted.
  - (c) The grounds of the appeal which may include the following grounds:

- (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
  - (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.
- (d) whether the appeal is lodged against the whole decision or a part of the decision;
  - (e) if the appeal is lodged against a part of the decision, a description of the part;
  - (f) if the appeal is lodged against a condition of approval, a description of the condition;
  - (g) the factual or legal findings that the appellant relies on;
  - (h) the relief sought by the appellant; and
  - (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;
  - (j) That the appeal includes the following declaration by the Appellant:
    - (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
    - (ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.

5. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: [landuse.appeals@stellenbosch.gov.za](mailto:landuse.appeals@stellenbosch.gov.za)
6. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.

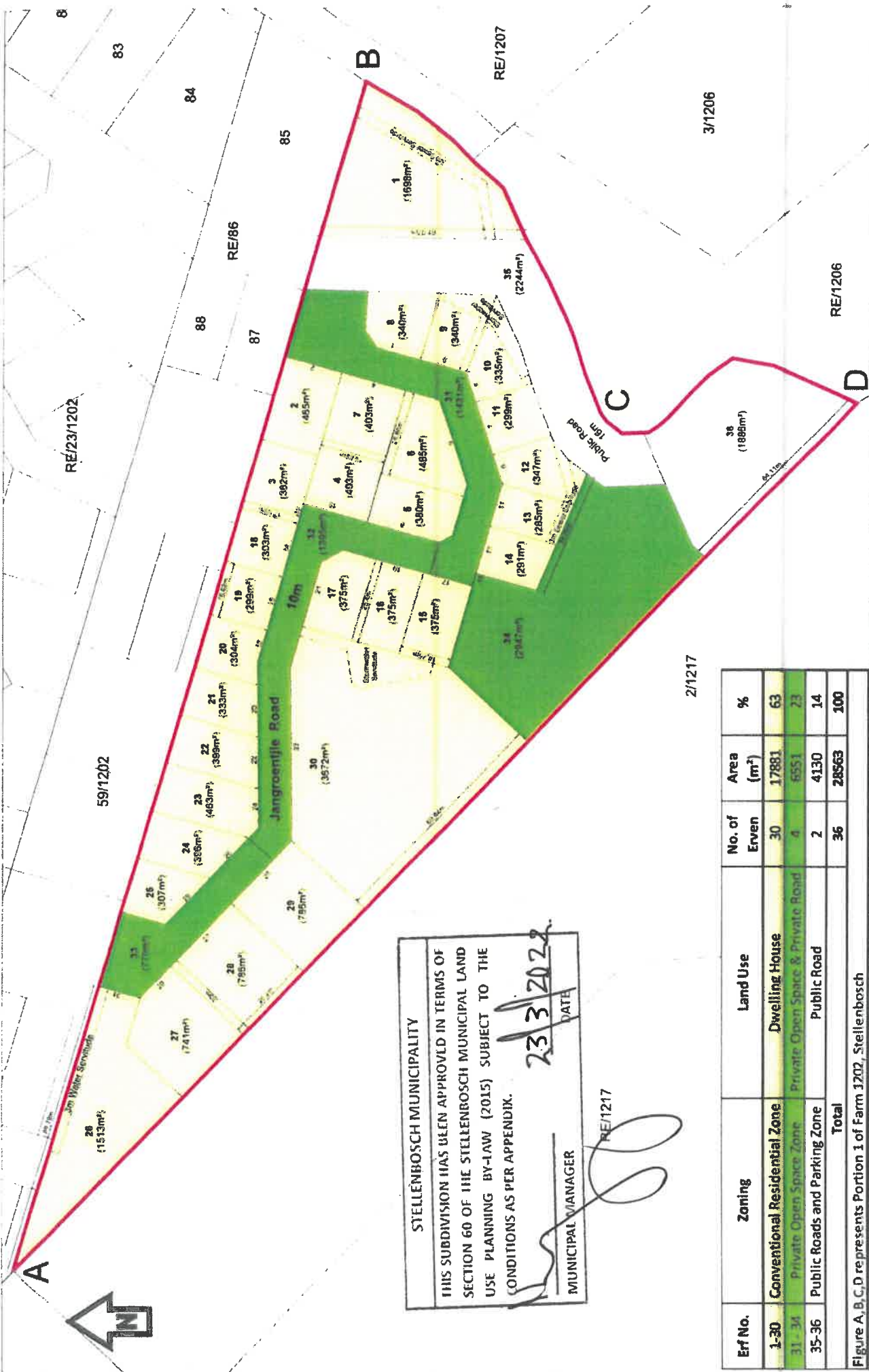
7. The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).
8. An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:
  - (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
  - (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
  - (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
  - (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.
9. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
10. Kindly note the above decision is suspended, and in the case of any approval, may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully

  
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**FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT**

23/3/2022.  
DATE

**ANNEXURE C: PROPOSED SITE DEVELOPMENT PLAN  
WITH PHASING PLAN**



STELLENBOSCH MUNICIPALITY

THIS SUBDIVISION HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE CONDITIONS AS PER APPENDIX.

23/3/2022 DATE

MUNICIPAL MANAGER

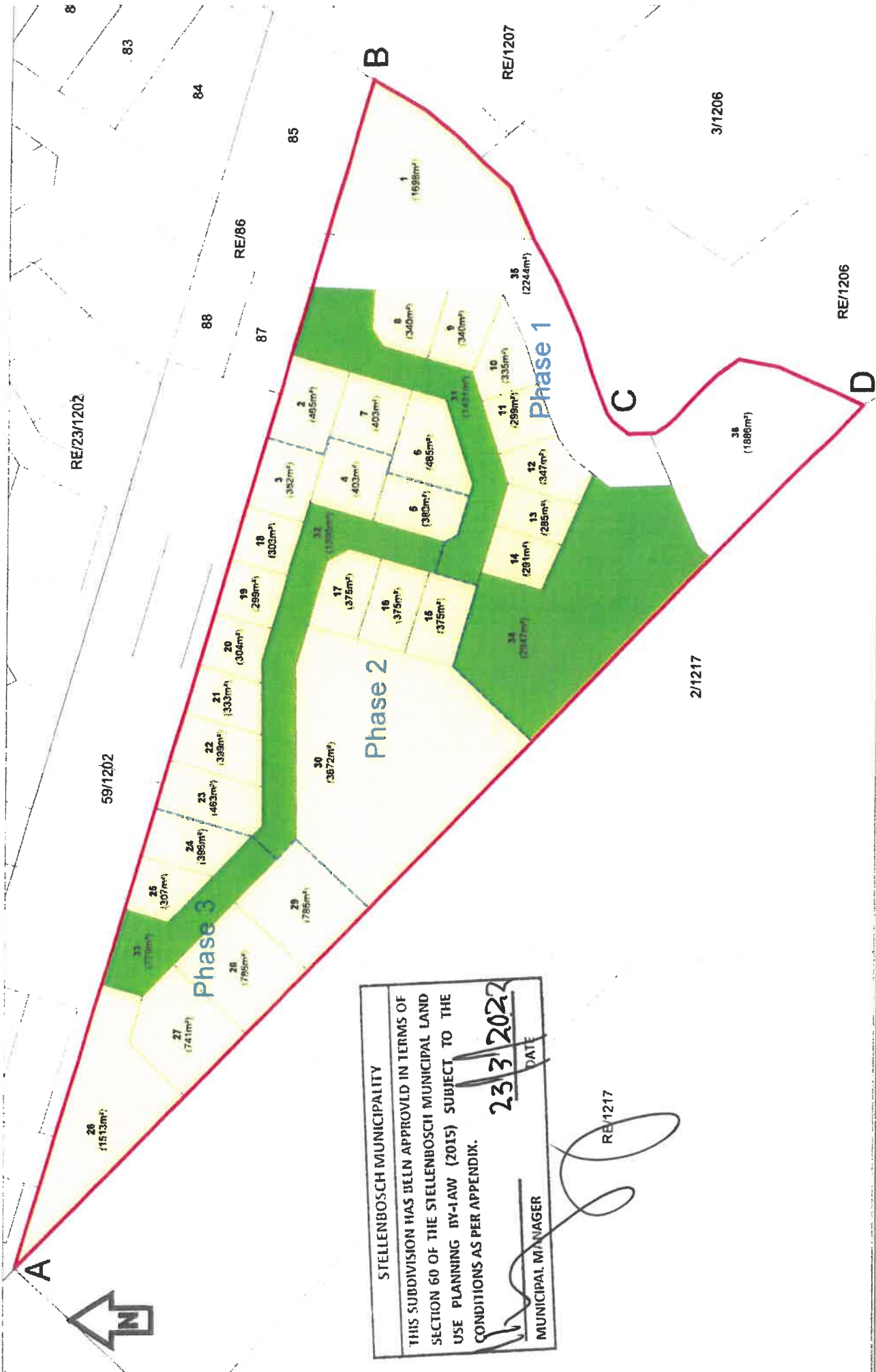
RE/1217

Erf No.	Zoning	Land Use	No. of Erven	Area (m <sup>2</sup> )	%
1-30	Conventional Residential Zone	Dwelling House	30	17881	63
31-34	Private Open Space Zone	Private Open Space & Private Road	4	6551	23
35-36	Public Roads and Parking Zone	Public Road	2	4130	14
<b>Total</b>			<b>36</b>	<b>28563</b>	<b>100</b>

Figure A, B, C, D represents Portion 1 of Farm 3202, Stellenbosch

	Check Date: 04/03/2022 Drawn: [Signature] Scale: 1:1000 (A3) Project No: P 3144	Register: 3 Proposed Subdivision: 3 Date: 03/09/2020 Scale: 1:1000 (A3)	All areas and dimensions are approximate and should be verified by a professional land surveyor. This drawing is the property of TV3 Architects and Town Planners (Pty) Ltd and copyright is reserved.
	Property Description: Portion 1 of Farm 1202, Paarl	Drawn: WH Checked: MV	Cadastrial information obtained from FBV.





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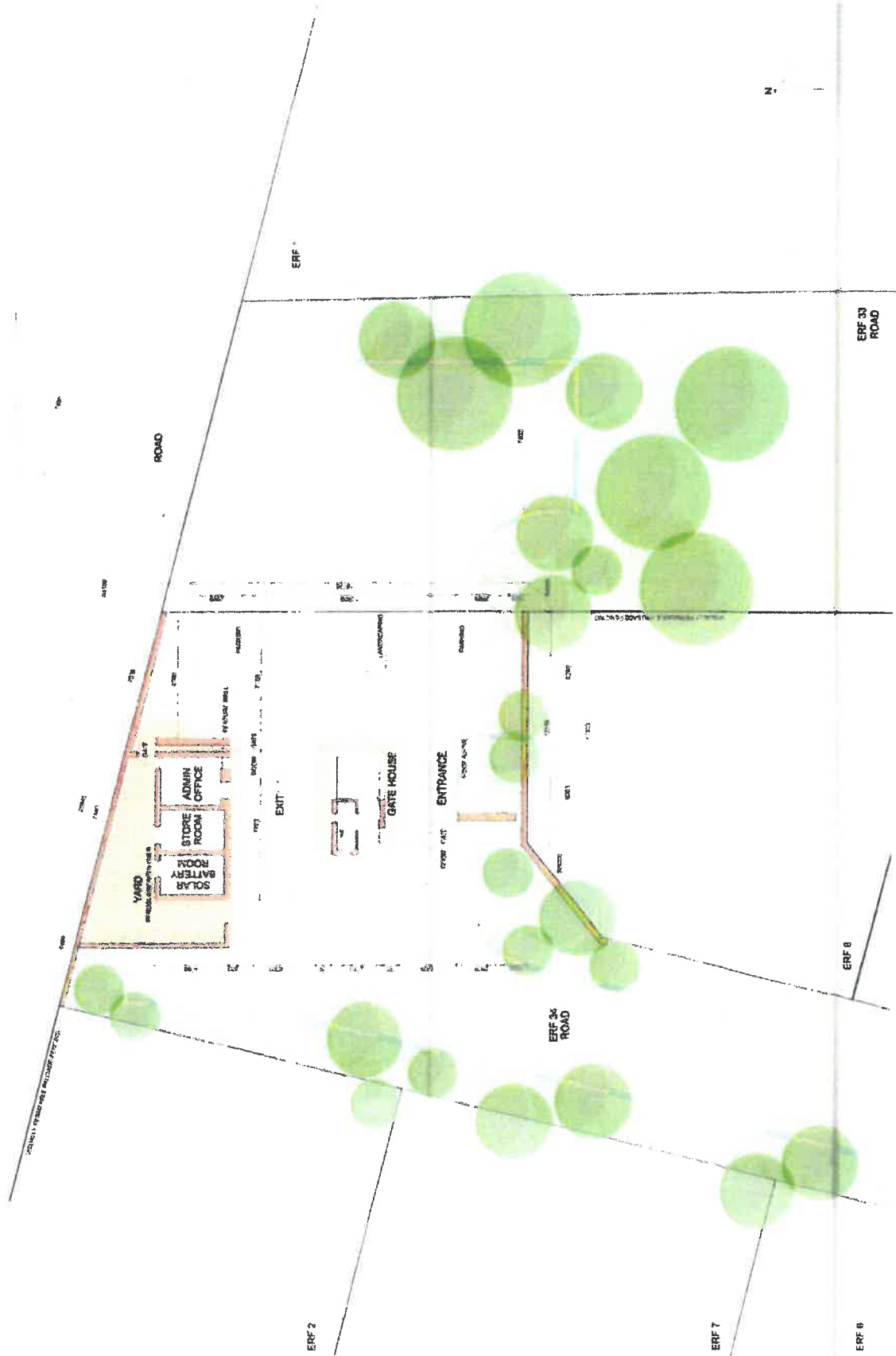
<p>TV3 ARCHITECTS AND TOWN PLANNERS</p> <p>1000 (A3)</p> <p>Scale</p>	<p>Proposed Phasing</p> <p>4</p>	<p>Plan no.</p> <p>4</p>	<p>Notation</p> <p>Cadastral information obtained from FBV</p>
	<p>Date</p> <p>09/09/2020</p>	<p>Drawn</p> <p>WH</p>	<p>Checked</p> <p>MW</p>
<p>Property Description</p> <p>Johannesdal Village</p> <p>Portion 1 of Farm 1202, Paarl</p>		<p>Project no.</p> <p>P 3144</p>	

ARCHITECTS AND TOWN PLANNERS

RE/1217

All areas and dimensions are approximate and should be verified by a professional land surveyor.

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PORITION 1 OF FARM 1202 JOHANNESDAL

13,910 010/00 2



GATE HOUSE - PLAN

PLAN SCALE: 1:500

13,910 010/00 2

**ANNEXURE I: COMMENT FROM THE DIRECTOR:  
ENGINEERING SERVICES**



# MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES  
DIREKTORAAT: INFRASTRUKTUURDIENSTE

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

**FOR ATTENTION** : **Nolusindiso Momoti**

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

**AUTHOR** : **Tyrone King**

**DATE** : **17 March 2021**

**RE.** : **Farm 1202/1, Johannesburg: Development of 30 residential erven**

**YOUR REF** : **LU/1878**

**OUR REF** : **2083 CIVIL LU**

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

- Town Planning motivation report by 14 September 2020 by TV3;
- Proposed Subdivision Plan No. 3, by TV3, dated 03/09/2020;
- Traffic Impact Assessment (TIA) by ITS, dated 1 July 2020 Rev 1;
- Report on Civil Engineering Services, by Bart Senekal Inc, dated 28 Aug 2020 ref 1341/A3 Rev 3 and subsequent letter dated 15 Feb 2021 (Ref 1341 / A5) and revised concept layout drawing 1341/01J

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

- Total Units: 30 conventional 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

**PROPOSED REZONING AND SUBDIVISION OF FARM 1202-1**

B. Recommendation to decision making authority

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

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

**A. Definitions**

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

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

(b) "*Developer*" means the developer and or applicant who applies for certain development rights by means of the above-mentioned land-use application and or his successor-in-title who wish to obtain development rights at any stage of the proposed development;

(c) "*Engineer*" means an engineer employed by the "*Municipality*" or any person appointed by the "*Municipality*" from time to time, representing the Directorate: Infrastructure Services, to perform the duties envisaged in terms of this land-use approval;

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

**B. Recommendation:**

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

**C. Specific conditions of approval**

## PROPOSED REZONING AND SUBDIVISION OF FARM 1202-1

4. that the following upgrades are required to accommodate the development. No taking up of proposed rights including Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates (whichever comes first) will be allowed until the following upgrades have been completed and/or conditions have been complied with:

- a. **Pniel WWTW (Waste Water Treatment Works):** The proposed development falls within the catchment area of the existing Pniel WWTW (Waste Water Treatment Works). There is currently insufficient capacity at the WWTW for the proposed development. However, the Municipality is currently busy with the upgrading of the WWTW to create spare capacity. The current estimated completion date for the project is **December 2021**. Clearance will only be given for the development once the capacity is available.
- b. **Water Network:** The development may connect to either the 160mm diameter municipal water network on the Farm 1202/23 development (Mentoor development) or in Simonsberg Street. Details of these connections and if one or two connection points will be permitted will be decided at detail design stage.
- c. **Sewer Network:** There is sufficient capacity in the bulk sewer reticulation network to accommodate the proposed development. Additional network upgrades may be identified when detail engineering drawings are scrutinized.
  - i. The proposed sewer connection crosses over private erf 61/1202 (see eng services drawing) / erf 85 on the subdivision plan. The developer has provided written consent from the owner erf 61/1202 that a servitude may be registered across her property for this purpose. This servitude must be registered before subdivision clearance.
  - ii. The Developer will be responsible for any link sewer pipelines between the development and the municipal network.

## PROPOSED REZONING AND SUBDIVISION OF FARM 1202-1

### d. Roads Network:

- i. the existing gravel road in front of Erf 1202/60 and 1202/62, must be formalized. Engineering drawings must be submitted for approval.
- ii. the area of land required for the public road (future municipal link road) on portions 35 and 36, be surrendered by the "*Developer*" to Stellenbosch Municipality, at his/her cost, prior to subdivision clearance.

### e. NMT Network:

- i. The densification will trigger the need for improved NMT infrastructure in the area. Therefore, the Developer must formalize the sidewalk along Protea Road, between the entrance of the development and the Protea Street / Lumley Street intersection. The sidewalk must be about 1.8m wide if space allows and final details will be discussed and approved at detail design stage. This will be for the Developer's cost.

### f. Stormwater Network:

- i. The stormwater pipe along Simonsberg Rd, must be extended along the new public road on Farm 1202-1. This must be indicated on the detail engineering drawings submitted for approval;
- ii. 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;

### g. Solid Waste:

- i. The Municipality will provide a solid waste removal service, unless agreed otherwise in writing the Solid Waste Department;

## PROPOSED REZONING AND SUBDIVISION OF FARM 1202-1

- ii. For large spoil volumes from excavations, to be generated during the construction of this development, will not be accepted at the Stellenbosch landfill site. The Developer will have to indicate and provide evidence of safe re-use or proper disposal at an alternative, licensed facility. This evidence must be presented to the Manager: Solid Waste (021 808 8241; [clayton.hendricks@stellenbosch.gov.za](mailto:clayton.hendricks@stellenbosch.gov.za)), before building plan approval and before implementation of the development. Clean rubble can be utilized by the Municipality and will be accepted free of charge, providing it meets the required specification.
5. that the upgrades mentioned above be met by the "*Developer*" before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates (whichever comes first) will be given or on discretion of the Directorate: Infrastructure Services, the "*Developer*" furnish the Council with a bank guarantee equal to the value of the outstanding construction work as certified by an independent engineering professional, prior to a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law being given;
6. **Bulk infrastructure projects not on municipal budget:** Bulk projects not on municipal budget: Any of the projects listed above, that are not currently on the Municipality's approved budget will be the Developer's responsibility to implement. Where upgrades may be offset against the Development Charges, and should the Development Charges be sufficient, the "*Developer*" may enter into a Services Agreement with the "*Municipality*" to do these upgrades in-lieu of Development Charges. Should the Development Charges not be sufficient, the Developer may decide to cover the shortfall. The shortfall, if funded by the Developer, may be recovered by the Developer in terms of the provisions of the DC policy. If the Developer is not in a position to cover the shortfall, then the implementation of the development must be re-planned around the availability of the bulk services in question. Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates will not be supported by the Directorate: Engineering Services for this development if all bulk services are not available.



## PROPOSED REZONING AND SUBDIVISION OF FARM 1202-1

### Development Charges

7. 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;
8. that the "Developer" hereby acknowledges that the development charges levy as determined by the "Municipality" and or the applicable scheme tariffs will be paid by the "Developer" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy, should this land-use application be approved;
9. that the "Developer" accepts that the Development Charges will be subject to annual adjustment up to date of payment. The amount payable will therefore be the amount as calculated according to the applicable tariff structure at the time that payment is made;
10. that the "Developer" may enter into an engineering services agreement with the "Municipality" to install or upgrade bulk municipal services at an agreed cost, to be off-set against Development Charges payable in respect of bulk civil engineering services;
11. that the Development Charges levy to the amount of R **1 877 827. 76** (Excluding VAT) as reflected on the DC calculation sheet, dated **15 October 2020**, and attached herewith as **Annexure DC**, be paid by the "Developer" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy.
12. that the Development Charges levy be paid by the "Developer" per phase –
  - prior to the approval of Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law in all cases and or;
13. 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 **30** units, or which might lead to an increase in the Gross Leasable Area i.e. a GLA of more than **0m<sup>2</sup>**, will result in the recalculation of the Development Charges;
14. 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;

## PROPOSED REZONING AND SUBDIVISION OF FARM 1202-1

**Site Development Plan: the following standards (if applicable) must clearly be indicated on the detail engineering drawings to be submitted for approval**

15. that provision be made for a stacking distance of 6m (< 15 units served); 12m (15-40 units served); site specific requirements (> 40 units served or a business premises). The stacking distances shall be measured from the edge of the closest sidewalk or cycle lane to the entrance gate. The guiding principle is that vehicle and pedestrian traffic should not be obstructed by stacking vehicles. Details to be indicated on engineering services drawings prior to construction;
16. that sufficient entrance and exit widths will be created at the vehicle access points: 2.7m minimum and 4,0m maximum width for a single entrance or exit way; 5,0m min and 8,0m maximum for a combined entrance and exit way. To accommodate emergency vehicles, at least one lane should be 4, 0 metres wide and have a minimum height clearance of 4.3 m. Details to be indicated on engineering services drawings prior to construction;
17. that, where access control is being provided, a minimum of 2 to 3 visitor's parking bays be provided on site, but outside the entrance gate, for vehicles not granted access to the development. Details to be indicated on engineering services drawings prior to construction;
18. that provision be made for a 3-point turning head in front of the entrance gate, to the satisfaction of the Directorate: Infrastructure Services in order to enable a vehicle to turn around. Details to be indicated on engineering services drawings prior to construction;
19. that provision be made for a refuse room as per the specification of the standard development conditions below – the exact position and details must be determined in conjunction with the Municipality at detail design stage.
20. that if the "Developer" reaches agreement with the Municipality to remove the waste by private contractor, provision must still be made for a refuse room should this function in future revert back to the "Municipality";
21. that provision be made for a refuse embayment off the roadway/sidewalk to accommodate refuse removal. (Embayment to be minimum 15m x 2.5m). This must be clearly indicated on the engineering drawings when submitted for approval. The specifications of such embayment shall be as per the standard development conditions below;

## **PROPOSED REZONING AND SUBDIVISION OF FARM 1202-1**

22. that any amendments to cadastral layout and or site-development plan to accommodate the above requirements will be for the cost of the "Developer" as these configurations were not available at land-use application stage;
23. *State any notes or revisions that must be applied to the SDP and must be resolved prior to building plan submission;*

### **Ownership and Responsibility of services**

24. that it be noted that as per the subdivision plan, the roads inside the estate 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;
25. The maintenance of the public road will be the responsibility of the municipality.

### **Internal- and Link Services**

26. 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;

### **Bulk Water Meter**

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

### **Solid Waste**

28. State anything not covered in Solid Waste in the upgrades section above

### **Servitudes**

29. The servitudes as indicated on the subdivision plan must be registered before clearance.

### **Floodplain Management**

30. that the 1:50 and 1:100 year flood lines of the stream be shown on all plans submitted. The flood lines are to be verified by a suitably qualified registered engineering professional;

## PROPOSED REZONING AND SUBDIVISION OF FARM 1202-1

31. that the floor level of all buildings be at least 100 mm above the 1:100 year flood level. These levels must be indicated on all building plans submitted and must be certified by a Registered Professional Engineer;
32. that all perimeter fencing below the 1:50 year flood line be visually permeable from ground level and not adversely affect the free flow of water (e.g. palisade fencing). No fences will be allowed across the watercourse;

### Roads

33. that the "*Developer*", at his/her cost, implement the recommendations of the approved Traffic Impact Statement by and where required, a sound Traffic Management Plan to ensure traffic safety shall be submitted for approval by the Directorate: Infrastructure Services and the approved management plan shall be implemented by the "*Developer*", at his/her cost. If any requirement of the TIA is in conflict with one of the conditions of approval, the conditions of approval shall govern;

### Electricity

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

**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:**

35. that the "*Developer*" will enter into an Engineering Services Agreement with the "*Municipality*" in respect of the implementation of the infrastructure to be implemented in lieu of DCs if the need for such infrastructure is identified at any stage by the Municipality;
36. that should the "*Developer*" not take up his rights for whatever reason within two years from the date of this memo, a revised Engineering report addressing services capacities and reflecting infrastructure amendments during the two year period, must be submitted to the Directorate: Infrastructure Services by the "*Developer*" for further comment and conditions. Should this revised Engineering report confirm that available services capacities is not sufficient to accommodate this development, then the implementation of the development must be re-planned around the availability of bulk services as any clearances for the development will not be supported by the Directorate: Infrastructure Services for this development if bulk services are not available upon occupation or taking up of proposed rights;

## PROPOSED REZONING AND SUBDIVISION OF FARM 1202-1

37. 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.
38. that the "*Developer*" must ensure that he / she has an acceptable public liability insurance policy in place;
39. that, if applicable, the "*Developer*" approach the Provincial Administration: Western Cape (District Roads Engineer) for their input and that the conditions as set by the Provincial Administration: Western Cape be adhered to before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be issued;
40. 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;
41. that the General Conditions of Contract for Construction Works (GCC) applicable to all civil engineering services construction work related to this development, will be the SAICE 3<sup>rd</sup> Edition (2015);
42. Should the "*Developer*" wish to discuss the possibility of proceeding with construction work parallel with the provision of the bulk services listed above, he must present a motivation and an implementation plan to the "*Engineer*" for his consideration and approval. The implementation plan should include items like programmes for the construction of the internal services and the building construction. Only if the programme clearly indicates that occupation is planned after completion of the bulk services, will approval be considered. If such proposal is approved, it must still be noted that no occupation certificate will be issued prior to the completion and commissioning of the bulk services. Therefore should the proposal for proceeding with the development's construction work parallel with the provision of the bulk services be agreed to, the onus is on the "*Developer*" to keep up to date with the status in respect of capacity at infrastructure listed above in order for the "*Developer*" to programme the construction of his/her development and make necessary adjustments if and when required.

## PROPOSED REZONING AND SUBDIVISION OF FARM 1202-1

**The Developer is also responsible for stipulating this condition in any purchase contracts with buyers of the properties;**

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

### **Site Development Plan**

44. 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*";
45. 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

## PROPOSED REZONING AND SUBDIVISION OF FARM 1202-1

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;

46. 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;
47. that an amended Site Development Plan be submitted for approval prior to the approval of building plans for new buildings not indicated on the Site Development Plan applicable to this application and or changes to existing buildings or re-development thereof;

### Internal- and Link Services

48. 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;
49. 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;
50. 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;
51. 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;
52. that construction of services may only commence after municipal approval has been obtained;
53. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "Engineer";

## PROPOSED REZONING AND SUBDIVISION OF FARM 1202-1

54. 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;
55. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal – and external services;
56. that all the internal civil services (water, sewer and stormwater), be indicated on the necessary building plans for approval by the Directorate: Infrastructure Services;
57. 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;
58. that a Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1 be issued before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be issued (prior to transfer of individual units or utilization of buildings);
59. that Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will only be issued if the bulk watermeter is installed, a municipal account for the said meter is activated and the consumer deposit has been paid;
60. 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;
61. that the "*Developer*" shall adhere to the specifications of Telkom (SA) and or any other telecommunications service provider;
62. that the "*Developer*" shall be responsible for the cost for any surveying and registration of servitudes regarding services on the property;
63. 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



## PROPOSED REZONING AND SUBDIVISION OF FARM 1202-1

sub-contractor of the "Developer" to determine the location of existing civil and electrical services;

64. 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".
65. that the developer takes cognizance of applicable tariffs by Council in respect of availability of services and minimum tariffs payable;
66. that the "Developer", at his/her cost, will be responsible for the maintenance of all the internal (on-site) municipal – and private civil engineering services constructed for this development until at least 80% of the development units (i.e. houses, flats or GLA) is constructed and occupied whereafter the services will be formally handed over to the Owner's Association, in respect of private services, and to the Municipality in respect of public services;

### **Servitudes**

67. that the "Developer" ensures that all main services including roads to be taken over by the Directorate: Infrastructure Services, all existing municipal – and or private services including roads, crossing private - and or other institutional property and any other services/roads crossing future private land/erven are protected by a registered servitude before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be given;
68. 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;
69. 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**

70. 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

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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.

71. 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;
72. 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;
73. 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;
74. 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;
75. 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;
76. 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.

## PROPOSED REZONING AND SUBDIVISION OF FARM 1202-1

77. 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;
78. 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.
79. that no overland discharge of stormwater will be allowed into a public road for erven with catchment areas of more than 1500m<sup>2</sup> and for which it is agreed that no detention facilities are required. The "Developer" needs to connect to the nearest piped municipal stormwater system with a stormwater erf connection which may not exceed a diameter of 300mm.

### Roads

80. 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;
81. that no access control will be allowed in public roads;
82. 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;
83. The design and lay-out of the development must be such that emergency vehicles can easily drive through and turn around where necessary;
84. 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;
85. 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;

## PROPOSED REZONING AND SUBDIVISION OF FARM 1202-1

86. 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;
87. 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;
88. 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;
89. that no parking be allowed in the road reserve;

### **Bridge Requirement:**

90. that any bridge(s) in the proposed road lay-out be designed and constructed to not impact on the natural flow of water, and to be able to accommodate the 1:50 year flood. The underside of the bridge(s) must be above the 1:100 year flood level;
91. that the bridge(s) be constructed by the "*Developer*", at his/her cost, to the standards of the Directorate: Infrastructure Services. An adequate level of supervision by a suitably qualified Registered Engineering Professional must be provided for the full duration of the works. The Registered Engineering Professional shall arrange for any tests that may be necessary to determine whether the workmanship and materials conform to the required standards;
92. that a certificate stating that all work has been carried out in accordance with the Directorate: Infrastructure Services's specifications and requirements, signed by the Registered Engineering Professional, must be submitted with the "As Built" drawings on completion of the bridge(s). The certificate must make reference to all material testing, and confirm that the test results meet or exceed the requirements of the specifications;

### **Culvert Requirement:**

93. that the proposed culvert under rail in the proposed road lay-out be designed and constructed by a professional engineer and to the satisfaction of all affected institutions i.e. Provincial Government, Stellenbosch Municipality, Metrorail, PRASA, etc;

## PROPOSED REZONING AND SUBDIVISION OF FARM 1202-1

94. that the culvert be constructed by the "*Developer*", to the standards of the Directorate: Infrastructure Services. An adequate level of supervision by a suitably qualified Registered Engineering Professional must be provided for the full duration of the works. The Registered Engineering Professional shall arrange for any tests that may be necessary to determine whether the workmanship and materials conform to the required standards;
95. that a certificate stating that all work has been carried out in accordance with the Directorate: Infrastructure Services's specifications and requirements, signed by the Registered Engineering Professional, must be submitted with the "As Built" drawings on completion of the culvert. The certificate must make reference to all material testing, and confirm that the test results meet or exceed the requirements of the specifications;
96. that stormwater in the culvert be addressed without utilizing mechanical pumps to the satisfaction of the "*Engineer*";

### **Wayleaves**

97. 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;
98. that wayleaves will only be issued after approval of relevant engineering design drawings;
99. that it is the Developer's responsibility to obtain wayleaves from any other authorities/service provider's whose services may be affected.

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

100. that an Owner's Association be established in accordance with the provisions of section 29 of the Stellenbosch Municipal Land Use Planning By-law and shall come into being upon the separate registration or transfer of the first deducted land unit arising from this subdivision;
101. that the Owner's Association take transfer of the private roads simultaneously with the transfer or separate registration of the first deducted land portion in such phase;
102. that in addition to the responsibilities set out in **section 29** of the Stellenbosch Municipal Land Use Planning By-law, the Owner's Association also be responsible for the maintenance of the private roads, street lighting, open spaces, retention facilities and all internal civil services;

## PROPOSED REZONING AND SUBDIVISION OF FARM 1202-1

103. that the Constitution of the Owner's Association specifically empower the Association to deal with the maintenance of the roads, street lighting, open spaces, retention facilities and all internal civil services;
104. that the Constitution of the Owner's Association specifically describes the responsibility of the Owner's Association to deal with refuse removal as described in the "Solid Waste" section of this document;

### **Solid Waste**

105. The reduction, reuse and recycle approach should be considered to waste management:

- Households to reduce waste produced
- Re-use resources wherever possible
- Recycle appropriately

To give effect to the above, the following are some typical waste minimization measures that should be implemented by the Developer, to the satisfaction of the Stellenbosch Municipality:

- Procedures should be stipulated for the collection and sorting of recyclable materials;
- Provision should be made for centralized containers for recyclable materials including cardboard, glass, metal, and plastic and green waste;
- A service provider should be appointed to collect recyclable waste. Such service provider must be legally compliant in terms of all Environmental Legislation and/or approved by the Municipality's Solid Waste Management Department;
- Procedures for removal of waste (materials that cannot be reused or recycled) from the site should be stipulated;
- General visual monitoring should be undertaken to identify if these measures are being adhered to;
- Record shall be kept of any steps taken to address reports of dumping or poor waste management within the Development;

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

## PROPOSED REZONING AND SUBDIVISION OF FARM 1202-1.

- Each party's (Developer/Owner's Association/Home Owner) responsibilities w.r.t. waste management and waste minimization should be clearly defined in such constitution
  - A set of penalties for non-compliance should be stipulated in the Constitution
106. that it be noted that the Solid Waste Branch will not enter private property, private roads or any access controlled properties for the removal of solid waste;
107. that the "Developer" must apply and get approval from the Municipality's Solid Waste Department for a waste removal service prior to clearance certificate or occupation certificate (where clearance not applicable). Contact person: Senior Manager: Solid Waste (021 808 8241; clayton.hendricks@ Stellenbosch.gov.za)
108. that should it not be an option for the "Municipality" to enter into an agreement with the "Developer" due to capacity constraints, the "Developer" will have to enter into a service agreement with a service provider approved by the "Municipality" prior to clearance certificate or occupation certificate (where clearance not applicable);
109. that if the "Developer" removes the waste by private service provider, provision must still be made for a refuse room should this function in future revert back to the "Municipality";
110. Access to all properties via public roads shall be provided in such a way that collection vehicles can complete the beats with a continuous forward movement;
111. Access shall be provided with a minimum travelable surface of 5 meters width and a minimum corner radii of 5 meters;
112. Maximum depth of cul-de-sac shall be 20 meters or 3 erven, whichever is the lesser. Where this requirement is exceeded, it will be necessary to construct a turning circle with a minimum turning circle radius of 11m or, alternatively – a turning shunt as per the Directorate: Infrastructure Services' specifications. With respect to the latter, on street parking are to be prohibited by way of "red lines" painted on the road surface as well as "no parking" signboards as a single parked vehicle can render these latter circles and shunts useless;
113. Minimum turning circle radius shall be 11 meters to the center line of the vehicle;

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114. Road foundation shall be designed to carry a single axle load of 8.2 tons;
115. Refuse storage areas are to be provided for all premises other than single residential erven;
116. Refuse storage areas shall be designed in accordance with the requirements as specified by the Solid Waste Branch. Minimum size and building specifications is available from the Solid Waste Branch;
117. A single, centralized, refuse storage area which is accessible for collection is required for each complete development. The only exception is the case of a single residential dwelling, where a refuse storage area is not required;
118. The refuse storage area shall be large enough to store all receptacles needed for refuse disposal on the premises, including all material intended to recycling. No household waste is allowed to be disposed / stored without a proper 240 ℓ Municipal wheelie bin;
119. The size of the refuse storage area depends on the rate of refuse generation and the frequency of the collection service. For design purposes, sufficient space should be available to store two weeks' refuse;
120. Where the premises might be utilized by tenants for purposes other than those originally foreseen by the building owner, the area shall be sufficiently large to store all refuse generated, no matter what the tenant's business may be;
121. All black 85 ℓ refuse bins or black refuse bags is in the process of being replaced with 240 ℓ black municipal wheeled containers engraved with WC024 in front, and consequently refuse storage areas should be designed to cater for these containers. The dimensions of these containers are:

Commercial and Domestic : 585 mm wide x 730 mm deep x 1100 mm high

122. With regard to flats and townhouses, a minimum of 50 litres of storage capacity per person, working or living on the premises, is to be provided at a "once a week" collection frequency;
123. Should designers be in any doubt regarding a suitable size for the refuse storage area, advice should be sought from the Solid Waste Department : Tel 021 808-8224



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### 124. Building specifications for refuse storage area:

#### **Floor**

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

#### **Walls and Roof**

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

#### **Ventilation and Lighting**

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

#### **Water Supply and Drainage**

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

125. Should the refuse storage area be located at a level different from the level of the street entrance to the property, access ramps are to be provided as stairs are not allowed. The maximum permissible gradient of these ramps is 1:7;
126. A refuse bay with minimum dimensions of 15 meters in length x 2, 5 meters in width plus 45 degrees splay entrance, on a public street, must be provided where either traffic flows or traffic sight lines are affected. The refuse bays must be positioned such that the rear of the parked refuse vehicle is closest to the refuse collection area;
127. Any containers or compaction equipment acquired by the building owner must be approved by the Directorate: Infrastructure Services, to ensure their compatibility with the servicing equipment and lifting attachments;

## PROPOSED REZONING AND SUBDIVISION OF FARM 1202-1

128. Refuse should not be visible from a street or public place. Suitable screen walls may be required in certain instances;
129. Access must be denied to unauthorized persons, and refuse storage areas should be designed to incorporate adequate security for this purpose;
130. All refuse storage areas shall be approved by the Directorate: Infrastructure Services, to ensure that the Council is able to service all installations, irrespective of whether these are currently serviced by Council or other companies;

### **AS-BUILTs**

131. 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;
132. 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*";

## PROPOSED REZONING AND SUBDIVISION OF FARM 1202-1

133. 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;
134. 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;
135. Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law shall not be issued unless said services have been inspected by the "*Engineer*" and written clearance given, by the "*Engineer*";

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

136. 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;
137. that the "*Municipality*" reserves the right to withhold any clearance certificate until such time as the "*Developer*" has complied with conditions set out in this contract with which he/she is in default. Any failure to pay monies payable in terms of this contract within 30 (thirty) days after an account has been rendered shall be regarded as a breach of this agreement and the "*Municipality*" reserves the right to withhold any clearance certificate until such time as the amount owing has been paid;
138. that clearance will only be given per phase and the onus is on the "*Developer*" to phase his development accordingly;
139. **The onus will be on the "*Developer*" and or his professional team to ensure that all land-use conditions have been complied with before submitting an application for a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law. Verifying documentation (proof of payment in respect of Development Charges, services installation, etc.) must be submitted as part of the application before an application will be accepted by this Directorate;**
140. 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*".

## PROPOSED REZONING AND SUBDIVISION OF FARM 1202-1

### **Avoidance of waste, nuisance and risk**

141. 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.

### **Damage to municipal infrastructure and assets**

142. 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;

### **Streetlighting**

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

144. 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;

145. 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;

146. 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";

**PROPOSED REZONING AND SUBDIVISION OF FARM 1202-1**

147. 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.

A handwritten signature in black ink, appearing to read 'Tyrone King', written in a cursive style.

**TYRONE KING Pr Tech Eng**

**MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)**

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**Geographic Information System (GIS) data capturing standards**

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

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

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

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

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

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

## PROPOSED REZONING AND SUBDIVISION OF FARM 1202-1

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

# Development Charge Calculation



## FORMATION

## CALCULATION

Water	Solid-Waste	Roads	Community Facilities	Totals
ha°C	t/week	trips/day	person	
0.690	1.200	112.50	112.5	
R 65 392.50	R 53 576.04	R 403 051.50	R 391 160.17	R 1 877 827.76
R 65 392.50	R 53 576.04	R 403 051.50	R 391 160.17	R 1 877 827.76
R 9 808.88	R 8 036.41	R 60 457.72	R 58 674.03	R 281 674.16
R 75 201.38	R 61 612.45	R 463 509.22	R 449 834.19	R 2 159 501.92

## FORMATION

	Tyrone King
	As above





**ELECTRICITY SERVICES: CONDITIONS OF APPROVAL**  
**JD Priel erf 1202-3**

**GENERAL COMMENT:**

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

**CONDITIONS**

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

Bradley Williams  
021 808 8336



Signature

18/01/2021  
Date

**ELETRICITY SERVICES: CONDITIONS OF APPROVAL**  
**Farm 1202-1**

**GENERAL COMMENT:**

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

**CONDITIONS**

1. The electrical consulting engineer responsible for the development shall schedule an appointment with Manager Electricity Services (Engineering Services) before commencing with the construction of the development. As well as to discuss new power requirements if required.
2. The development's specifications must be submitted to Stellenbosch Municipality (Engineering Services) for approval. i.e.
  - a) The design of the electrical distribution system
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    - Preheat at least 50% of hot water with alternative energy saving sources
    - All hot water pipes to be clad with insulation with R-value of 1
    - Provide a professional engineer's certificate to proof that energy saving measures is not feasible.
9. All electrical wiring should be accordance with SANS 10142 and Municipal by-laws.

Bradley Williams  
021 808 8336



Signature

29/01/2021  
Date

## **ANNEXURE P: ARCHITECTURAL GUIDELINES**

Maximum coverage on all erven will be 50% of the erven area, inclusive of all covered areas i.e. Garaging, covered entrances, covered terraces and balconies.

- **FLOOR AREA RATIO**

The FAR for all Single Residential erven will be 0.8.

- **SECOND DWELLINGS**

No second dwellings except on Erven 1 and 30 will be allowed.

- **BUILDING HEIGHTS**

All buildings are limited to two storeys of living space. The vertical dimension of a storey is limited to a maximum of 3200mm.

- **BUILDING LINES**

**STREET:** 3m for buildings.  
5m for garages, 3m when not street facing.

**COMMON:** 1.5m for all structures.

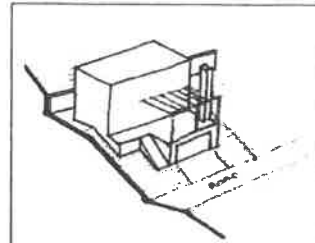
### **3. ARCHITECTURAL ELEMENTS:**

- **BUILDING FORMS**

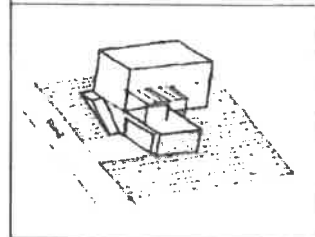
Buildings should consist of simple, rectilinear forms with simple, low mono or double pitched, curved or flat concrete roofs combined with a pitched element/s. Flat concrete roofs should be landscaped, except where connecting secondary elements such as walkways, terraces and entrances. The emphasis in the architecture should be on horizontality, acknowledging the landscape.

**TYPE BUILDING TYPOLOGY**

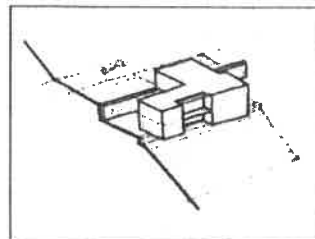
- Type A:**
- Garage cut into slope.
  - Double storey houses with setback from garage front.
  - Façade to be broken with pergola, sunscreens, chimneys and other architectural elements.



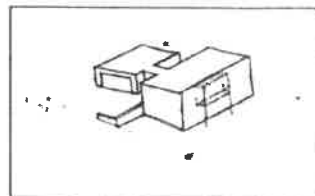
- Type B:**
- Building to be positioned at top of site.
  - Garage in front and below.
  - Façade to be broken with pergola, sunscreens, chimneys and other architectural elements.



- Type C:**
- Building cut into slope.
  - Single storey from street level.
  - Buildings to have flat or mono-pitch roofs.
  - Façade to be broken with pergola, sunscreens, chimneys and other architectural elements.



- Type D:**
- Garage on higher part of property with double storey house on lower level.
  - Building positioned at top end of site.



• **BUILDING MATERIALS**

Natural materials and earth colours are the predominant palette for the estate. Other materials like off-shutter concrete and accent panels in stone, face brick, etc. are encouraged. No artificial stone will be permitted.

Permissible construction materials and finishes:

- Walls:**
- Natural stone.
  - Off-shutter concrete.
  - Textured or smooth plaster and paint.
  - Specialised wall coatings.

Bag wash and paint.  
Plaster and cementitious paint.  
Face brick.  
Painted galvanized steel profiled sheeting.

Roofs: Painted galvanized steel profiled sheeting.  
Concrete flat roof.  
Timber or steel for pergolas.

Openings: Doors and windows to be powder coated or anodized aluminum  
or from natural hardwood.

- **BUILDING LEVELS**

In keeping with the sensitive, integrated approach to the relationship between the architecture and the natural environment, the intention is that all design responds to the specific contours of the site, and for the houses to step down with the fall of the land to maintain the lowest visual impact possible. Retaining walls necessitated by excavations into the sites to be of off-shutter concrete, or clad with natural stone, finished in an earthy colour and planted with evergreen climbing vegetation. No excessive fill will be allowed.

- **ROOFS**

Predominant plan forms to have simple low-pitched mono, double pitched or curved metal roofs, 20 degrees or less. Flat roofs to be of concrete with landscaping on top. Simple roof junctions are encouraged. Secondary roofs (verandah's, lean-to's, connecting elements) are encouraged where appropriate to break down vertical scale.

- **OPENINGS**

The articulation of openings creates a contextual and climatic appropriate architecture. Openings should be carefully considered in terms of their ability to connect the architecture with the natural environment and articulate light into the building.

Given the South African climatic conditions, deep recessed reveals are encouraged to provide as much shading to the glazing as possible and articulate the elevations of buildings in terms of light and shadow. Subtle projections, deep overhangs, covered patios, verandah's or pergolas should be used to moderate scale, create depth in elevations and protect glazed areas from the sun.

Garage doors may be of single or double door configuration. Only horizontal slatted hardwood doors will be permitted.

#### **4. SECONDARY ARCHITECTURAL ELEMENTS:**

- **OPENING TREATMENT**

The use of timber or aluminum shutters is recommended as a mechanism to screen the sun and create outdoor spaces. Shutters also provide privacy while at the same time allowing some light and ventilation.

Shutters must be of the same material and finished to match the door and window frames. Shutters should generally be external sliding, or cavity sliding into a masonry wall. All shutters are to be louvred, fake shutters will not be permitted.

- **PERGOLA'S AND VERANDAH'S**

The use of these elements is encouraged, as they break down the scale of the building.

Timber and/or painted steel pergolas are allowed.

- **PARAPETS**

All concrete flat roofs to have concrete/masonry parapets finished with a prefabricated concrete coping.

- **EAVES**

Deep eaves are encouraged in order to screen glazing, create depth and shadow to articulate elevations.

- **ROOF LIGHTS**

Roof lights to be in clear glazing and in the same plane as the roof. Tinted or reflective roof lights are prohibited.

- **SOLAR PANELS**

Solar panels are encouraged. The solar panel installation to form an integral part of the design of the building.

- **SOIL AND WASTE PIPES**

All soil and waste pipes to be concealed in ducts, their location integrated into the design of the house. No fibre cement boards may be used to conceal pipes.



- **RAINWATER GUTTERS AND DOWNPIPES**

Rainwater harvesting is encouraged. Gutters and downpipes should be unobtrusive and integrated into the design of the house.

- **BOUNDARY, SCREEN AND RETAINING WALL TREATMENT**

Boundary walls could be of plastered and painted brick, steel or timber, or a combination thereof, construction.

**BOUNDARY STREET:** 1200mm High.  
**BOUNDARY COMMON:** 1200mm High for the first 3000mm from street boundary, thereafter 1800mm high.

Masonry walls to be capped by a precast concrete coping.

Softer, semi-permeable screening treatment such as a simple painted galvanized steel palisade, mesh, hardwood slatting or laths are encouraged.

No 'Vibracrete' or any other precast type walls will be permitted. No picket fencing, spikes on top of walls, artificial stone or sculptures of any description will be allowed.

- **TIMBER DECKS**

The use of timber decks is encouraged as they appear to sit lighter in the landscape, providing a much softer transition between the built and natural environments.

## **5. SITE CONSIDERATIONS:**

- **LAUNDRY, REFUSE AND GAS ENCLOSURES**

All areas for laundry, refuse and gas storage must be completely concealed from view, enclosed by solid screen walls constructed in a material, colour and design appropriate to the design of the home.

- **DRIVEWAYS AND PAVING**

All driveways and paving to be designed, surfaced and finished to fit in with the estate colour and finishing palette of earthy materials.

- **SWIMMING POOLS**

All swimming pools to have a setback of 1000mm from any boundary. Each individual resident is responsible for the necessary safety precautions to be taken around swimming pools and any other water features.

- **STORMWATER**

Each property owner to take responsibility for all stormwater entering or originating in his property.

- **TELEVISION AERIALS AND SATELLITE DISHES**

No external antennae's or satellite dishes of any nature will be permitted. All signal distribution will be catered for over a fibre network.

- **AIR-CONDITIONING UNITS**

All air-conditioning units must be concealed from view from the street, green open spaces and adjoining properties.

- **BOATS, TRAILERS AND CARAVANS**

None of the above may be kept on any public spaces or public roads. Stored on private property these items must be concealed from the road, open spaces and adjacent properties.

- **SIGNAGE AND LIGHTING**

The position and design of all external light fittings to be considered in terms of effectiveness. No coloured lights will be permitted. Light fittings used must be of the cut-off type which push light down and avoid glare.

House number signage to be uniform.

No post boxes will be allowed, boxes will be provided at gate house.

- **SECURITY**

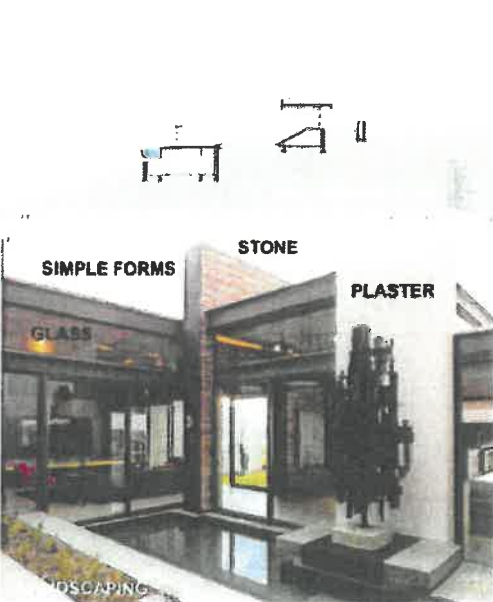
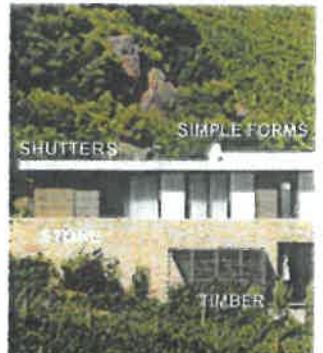
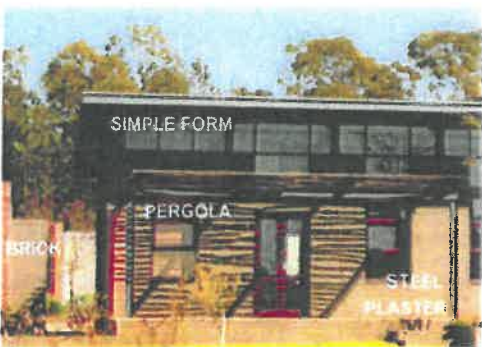
The principle behind security in this estate is that it is managed at the estate perimeter to give residents complete peace of mind without having to secure their stand boundary or home with unsightly security devices.

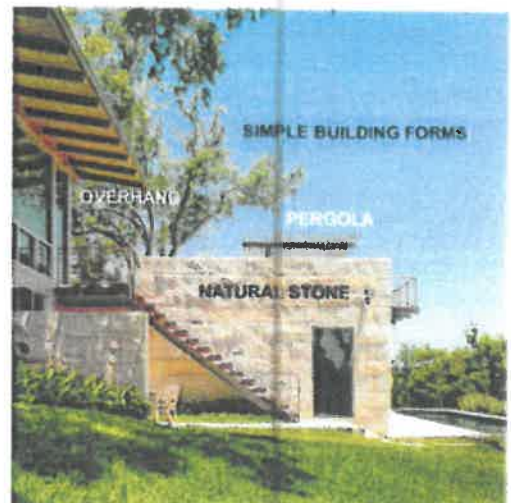
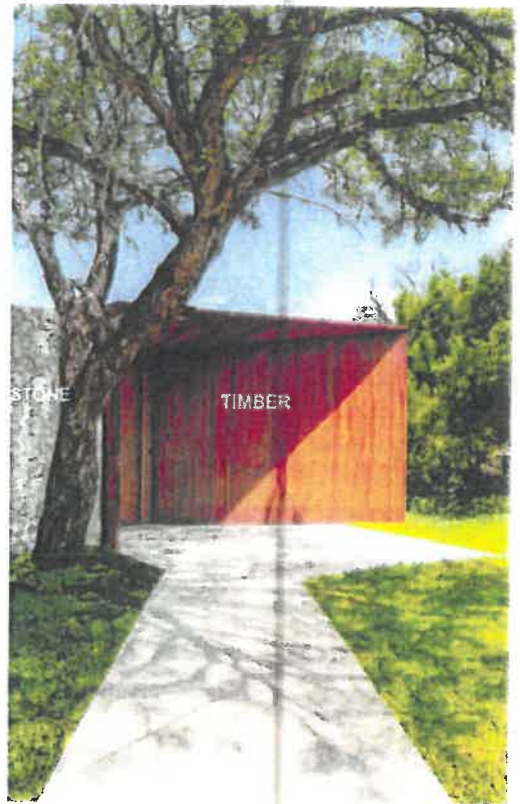
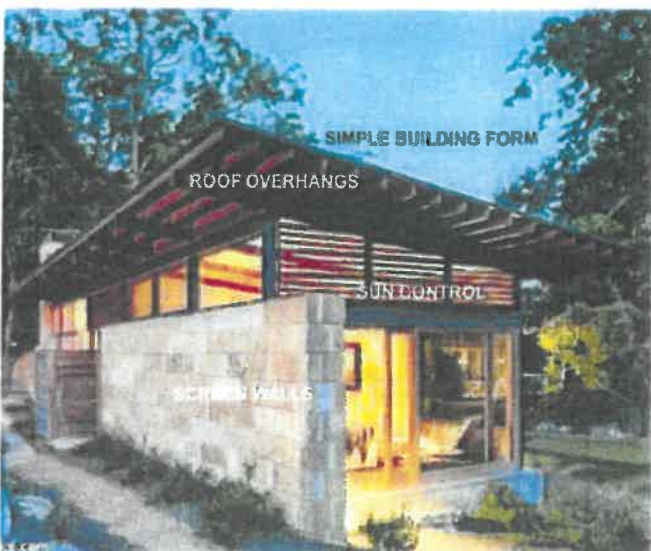
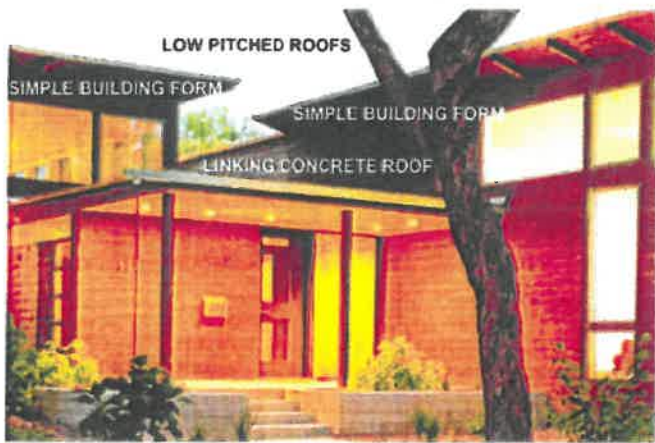
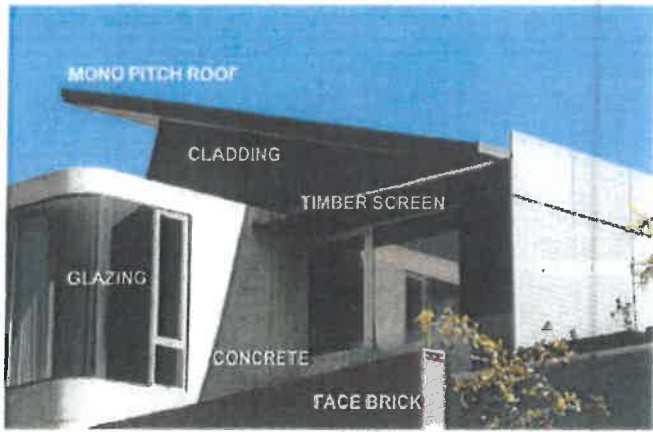
Burglar proofing should be one of the initial design considerations in the design of the home and consideration is given to the design, colour and position thereof.

All burglar proofing to be internal and as visually unobtrusive as possible.

- **TEMPORARY STRUCTURES**

No temporary structures including Zozo huts, Wendy houses, garden sheds, vegetable enclosures or similar structures will be permit.





SIMPLE BUILDING FORM



SIMPLE BUILDING FORM



STEEL MONO PITCH



STEEL MONO PITCH



SIMPLE BUILDING FORM



SIMPLE BUILDING FORM



SIMPLE BUILDING FORM

