

Application Number: LU/14629 (TP28/2022)

Our File Reference Number: Farm 510/9, Stellenbosch Division

Your Reference Number: 3527-P Enquiries: Ulrich von Molendorff Contact No: 021 – 808 8682

Email address: <u>Ulrich.Vonmolendorff@stellenbosch.gov.za</u>

PER E-MAIL:

Sir / Madam

APPLICATION FOR REZONING, SUBDIVISION AND CONSENT USE ON FARM NO. 510/9, STELLENBOSCH DIVISION

- 1. The above application refers.
- 2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the following application in terms of Section 15(2) of the Bylaw on Municipal Land Use Planning (2023) on Farm No. 510/9, Stellenbosch Division, namely:
 - 2.1.1 Rezoning in terms of Section 15(2)(a) of the said bylaw, from Agriculture and Rural Zone to Subdivisional Area Overlay Zone to create 29 erven (20 Conventional Residential Erven, 8 Private Open Space Erven and 1 Public Road and Parking Erf) on Farm No. 510/9, Stellenbosch Division.
 - 2.1.2 **Subdivision** in terms of Section 15(2)(d) of the said bylaw, for the subdivision of Farm No. 510/9, Stellenbosch Division in 29 Portions consisting of;
 - (i) 20 Conventional Residential Zone erven (Group housing houses).
 - (ii) 8 Private Open Space Erven (2 Open Spaces and 6 Private Road erven).
 - (iii) 1 Public Road and Parking.
 - (iv) 2.5m services servitude over Portions 11, 12, 13 and 14
 - (v) 4m municipal storm water servitude over Portions 19 and 20
 - (vi) 4m municipal sewer servitude over Portions 21 and 23
 - 2.1.3 **Consent use** in terms of Section 15(2)(o) of the said bylaw, to establish a group-housing site of Farm No. 510/9, Stellenbosch Division.

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

- 3. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:
 - 3.1 The approval only applies to the rezoning, subdivision and consent use as indicated on Project No 3527-P, Drawing Subdivision Plan No 4, dated 10/01/2023 and drawn by TV3 Architects Town Planners and Urban Designers attached as APPENDIX 2 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.
 - 3.2 The rezoning, subdivision and consent use be implemented in accordance to the Project No 3527-P, Drawing Subdivision Plan No 4, dated 10/01/2023 and drawn by TV3 Architects Town Planners and Urban Designers attached as APPENDIX 2.
 - 3.3 An electronic copy (shp, dwg, dxf) of the zoning diagram be submitted to the Directorate Planning and Economic Development for record purposes, which plan must indicate the following information:
 - 3.3.1 Co-ordinates
 - 3.3.2 Survey dimensions
 - 3.4 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 immediately.
 - 3.5 The final Site Development and Landscaping Plan showing the entire estate (Phase 1 and 2), which do not deviate substantially from the plans in APPENDIX 2 for phase 2, the amended constitution of the Home Owners Association for the entire estate and the final detailed Architectural and Landscaping Guidelines to include phase 2 of Blaauwklip-aan-Rivier, be submitted to the delegated municipal decision-maker for approval.
 - 3.6 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.
 - 3.7 Buildings on Portion 2, 6, 10, 14 and 18 of subdivisional plan; referenced Project No 3527-P dated 11/07/2022 and drawn by TV2 Architects, Town Planners & Urban Designers, be restricted to single storey structures and that this condition be taken up in the title deed of the respective portions during registration at the deed's office, as indicated in Section E of the Portfolio of Evidence attached as APPENDIX 4.

- 3.8 The conditions listed in the letter dated 20 June 2023 from the Western Cape Government: Chief Directorate: Road Planning attached in **APPENDIX 6** be complied with.
- 3.9 The conditions listed in the memorandum dated 19 January 2023 from the Municipal Director: Infrastructure Services attached in **APPENDIX 7** be complied with.
- 3.10 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or approval of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.

4. The reasons for the above decision are as follows:

- 4.1 The development is located within the Urban Edge and the Municipal Spatial Development Framework (MSDF) don't need to be amended to accommodate the proposed, and is deemed consistent with the MSDF.
- 4.2 Safe access could be provided from an existing approved access point via phase 1 of the Blauwklip-aan-River residential estate.
- 4.3 The rezoning, subdivision and consent use application, which is an infill residential development does not impose real costs or risks to the municipality delivering on its mandate and would not compromise the development strategy of the MSDF.

5. Matters to be noted:

- 5.1 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.
- 5.2 All electrical requirements should be directed to Eskom.
- 5.3 Should any listed activity be triggered in terms of the NEMA EIA Regulations, 2014 as defined in GN No. 327,325 and/or 324 at any stage, an application must be submitted and environmental authorisation obtained before such activity(ies) may commence.

- 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:
 - 7.1 The personal particulars of the Appellant, including:
 - i. First names and surname
 - ii. ID number
 - iii. Company of Legal person's name (if applicable)
 - iv. Physical Address
 - v. Contact details, including a Cell number and E-Mail address
 - 7.2 Reference to this correspondence and the relevant property details on which the appeal is submitted.
 - 7.3 The grounds of the appeal which may include the following grounds:
 - i. that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
 - ii. grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.
 - 7.4 Whether the appeal is lodged against the whole decision or a part of the decision.
 - 7.5 If the appeal is lodged against a part of the decision, a description of the part.
 - 7.6 If the appeal is lodged against a condition of approval, a description of the condition.
 - 7.7 The factual or legal findings that the appellant relies on.
 - 7.8 The relief sought by the appellant.
 - 7.9 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.
 - 7.10 That the appeal includes the following declaration by the Appellant:
 - i. The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct

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

8. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of e-mail at the following address: landuse.appeals@stellenbosch.gov.za

9. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The LU Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.

10. The approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at landuse.appeals@stellenbosch.gov.za

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

(a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.

(b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.

(c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.

(d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.

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

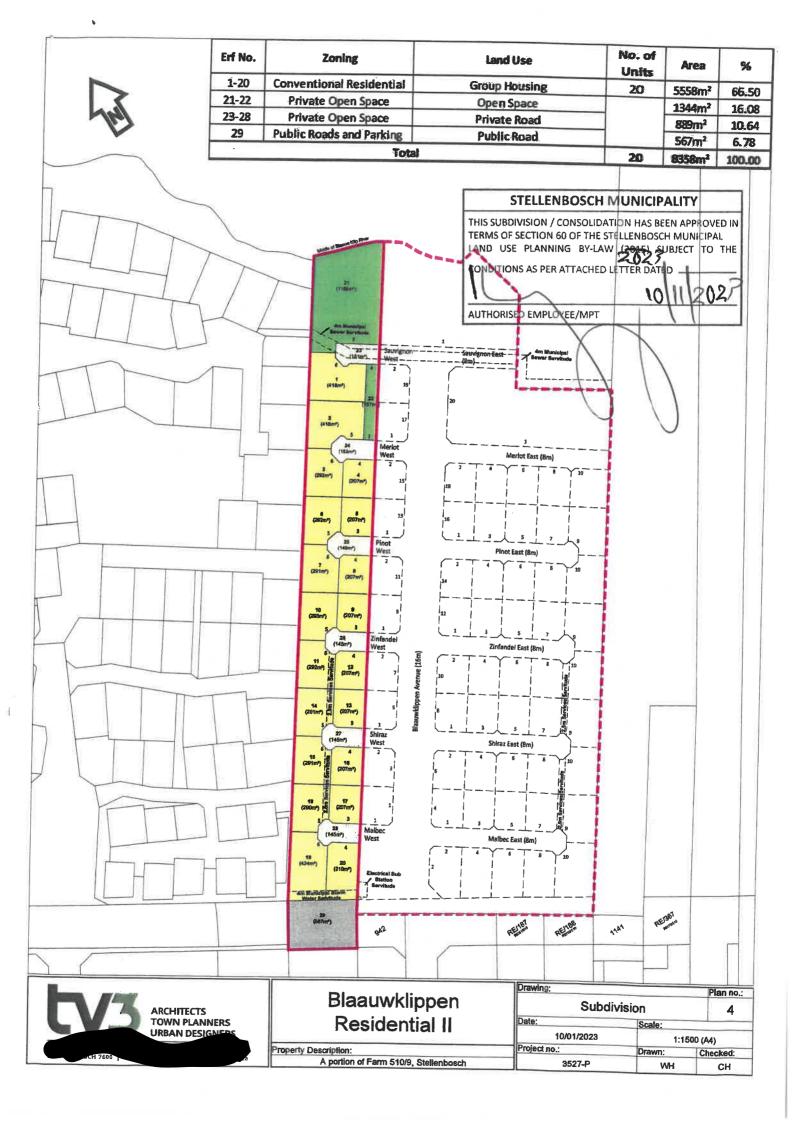
13. Kindly note the above decision in the case of any approval, is suspended, and may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

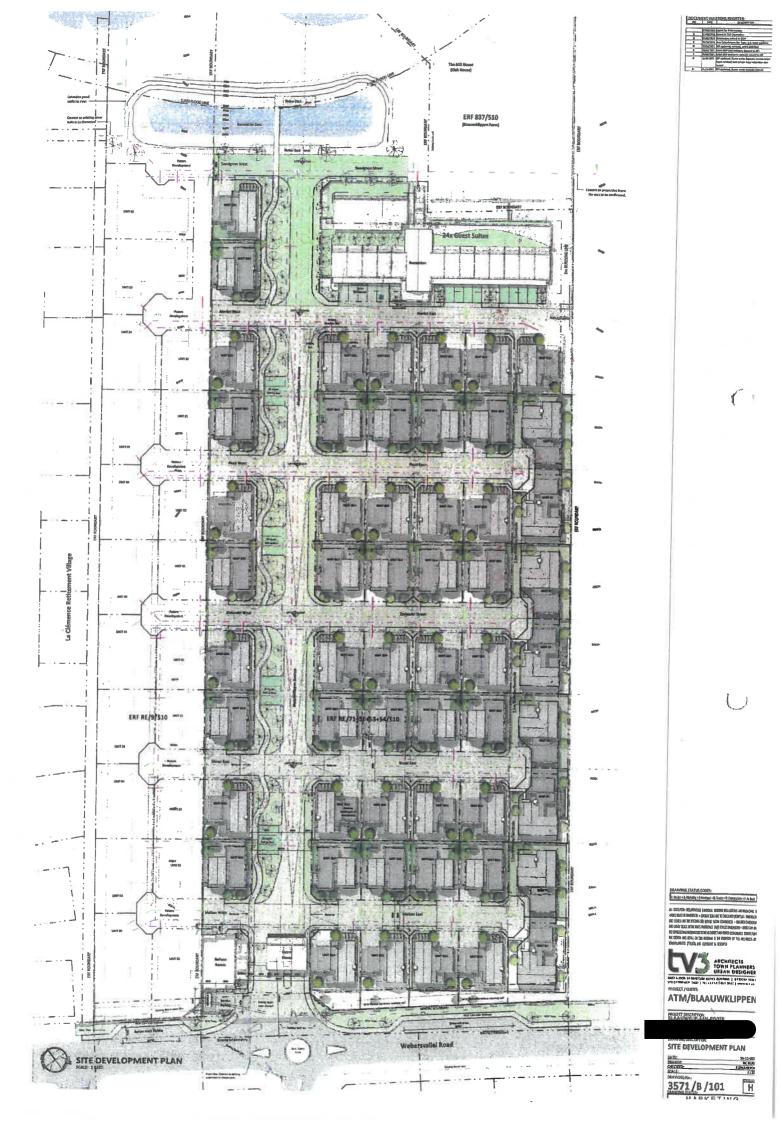
Yours faithfully

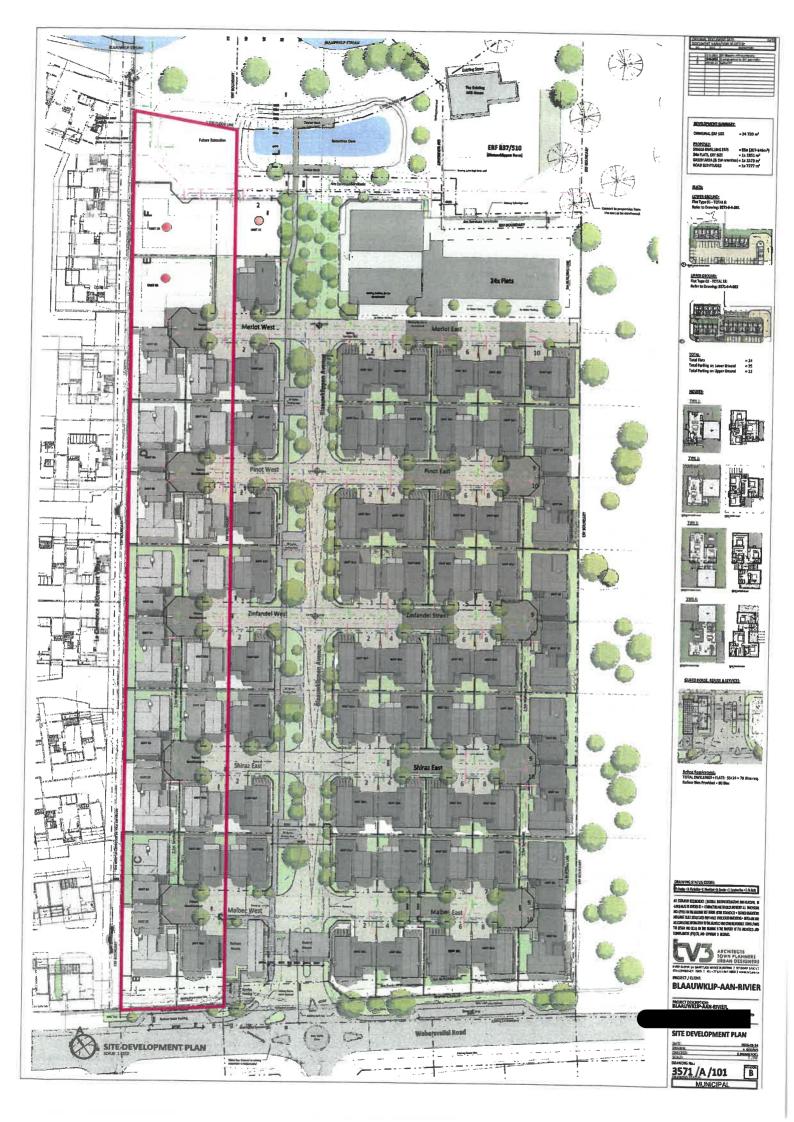
FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

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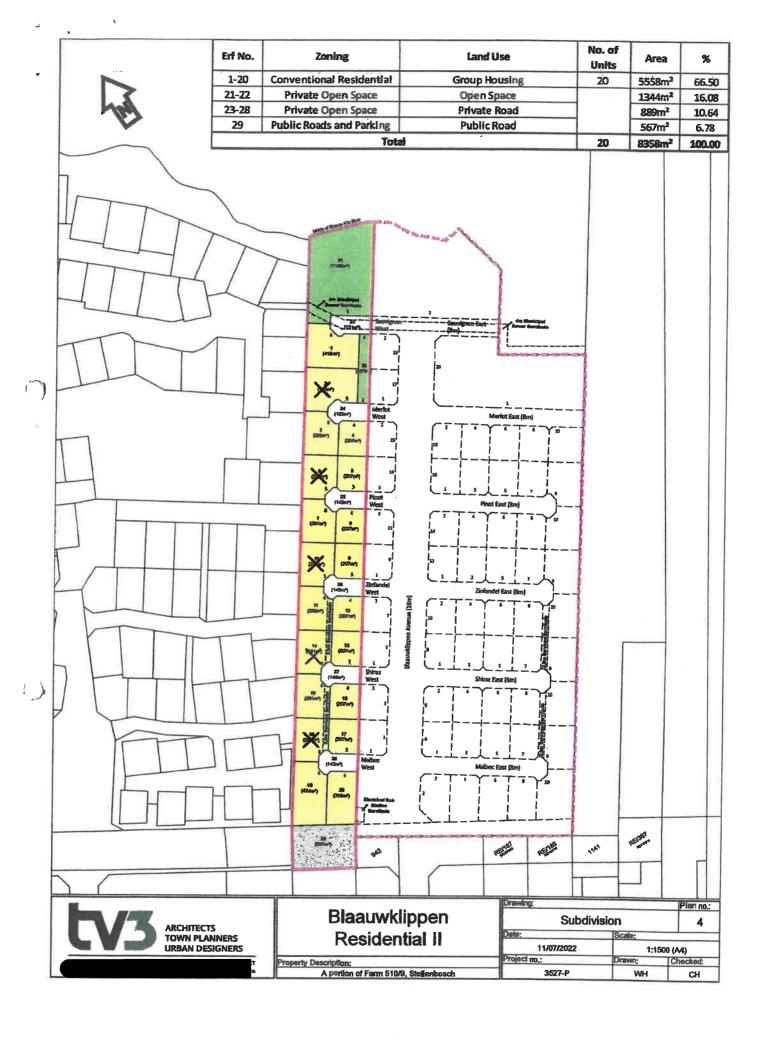
Subdivision and Site Development Plans



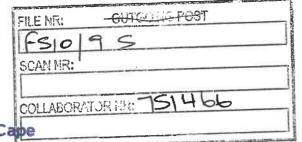




Proof of Evidence



Comments from external departments



Western Cape Government

Infrastructure Vanessa Stoffels

Chief Directorate: Road Planning

Vanessa.Stoffels@westerncape.gov.za | Tel: 021 483 4669

Ref:

TPW/CFS/RP/LUD/REZ/SUB-25/445 (Job 30131)

The Municipal Manager Stellenbosch Municipality PO Box 17 STELLENBOSCH 7599



Attention: Ms C Kriel

PORTION 9 OF FARM NO. 510, STELLENBOSCH DIVISION: MAIN ROAD 27 (R44) AND WEBERSVALLEI ROAD: APPLICATION FOR REZONING, SUBDIVISION AND CONSENT USE

- 1. Your application received from TV3 Architects on 17 January 2023 refers.
- 2. The subject property is in Jamestown, Stellenbosch and is adjacent to Webersvallei Road.
- 3. This application is for Rezoning, Subdivision and Consent Use to accommodate 20 group housing units.
- 4. The development will form part of the development Blaauwklippen-aan-rivier.
- 5. The Traffic Impact Statement by UDS dated 20 July 2022 recommended that the same road infrastructure improvements identified for Phase I of the Blaauwklippen-aan-rivier also apply to Phase II. These were:
- 5.1. Dedicated left turn lane on Webersvallei Road
- 5.2. Third through lane on R44 northbound
- 5.3. Third through lane on R44 southbound
- 5.4. Investigation to optimise the traffic signal settings of R44/Webersvallei Road
- 6. The Stellenbosch Municipality's approval for Phase I stipulated that 5.1, 5.2 and 5.4 above be implemented prior to clearance being issued for the development. 5.3 would only be implemented in lieu of 5.2 if there were a change in traffic conditions.
- 7. Accordingly, this Branch offers no objection to the application in terms of the Land Use Planning Act, No. 3 of 2014, subject to the following road improvements being implemented prior to the clearance certificate being issued:
- 7.1. Dedicated left turn lane on Webersvallei Road:

- 7.2. Third through lane on R44 northbound
- 7.3. Investigation to optimise the traffic signal settings of R44/Webersvallei Road
- 8. The investigation to optimise the traffic signals would occur between the Developer's traffic engineer and the Head: Traffic Engineering of Stellenbosch Municipality.
- 9. All road improvements are for the Developers account.
- 10. This Branch has not budgeted for any road improvements in the area.
- 11. Detail design plans are to be submitted to this Branch's Design Directorate for the attention of Mr M Hendrickse (michael.hendrickse2@westerncape.gov.za tel: 2721-4833107) for approval prior to construction.
- 12. Furthermore a copy of the signal optimisation investigation should be sent to Mr Hendrickse for consideration and approval.

Yours Sincerely

SW CARSTENS

FOR DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE

DATE: 20 June 2023

Comments from internal



MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES DIRECTORAAT: INFRASTRUKTUURDIENSTE

To • Aan:

Director: Planning + Economic Development

Att Aandag

Buleiwa Mdoda

From - Van:

Manager: Development (Infrastructure Services)

Author - Skrywer:

Tyrone King

Date - Datum:

19 Jan 2023

Our Ref • Ons Verw:

Civil LU 2439

Your Ref:

LU/14629 - TP28/2022

Re • Insake:

Farm 510/9, Stellenbosch: 1. Application is made in terms of

Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning Bylaw (2015) for the rezoning of Farm No. 510/9, Stellenbosch Division from Agriculture and Rural Zone to Subdivisional Area Overlay Zone to create 29 erven (20

Conventional Residential Erven, 8 Private Open Space Erven and 1 Public Road and Parking Erf). 2. Application is made in terms of Section 15(2)(e) of the Stellenbosch Municipal Land Use Planning Bylaw (2015) for the subdivision of Farm No. 510/9,

Stellenbosch Division in 29 Portions consisting of; (a)20

Conventional Residential Zone erven (Group housing houses) (b) 8 Private Open Space Erven (2 Open Spaces and 6 Private Road erven) (c) 1 Public Road and Parking 3.Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning Bylaw (2015) for a consent use the establish a group-housing site of Farm No. 510/9, Stellenbosch Division.

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

- Proposed Subdivision Plan No. 4, by TV3 dated 10/01/2023;
- Traffic Impact Statement (TIS) by UDS, dated 20 July 2022;

Engineering Conditions (major developments) rev 3

Civil Engineering Services report by Bart Senekal, dated 26 Nov 2021;

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

Total Units (townhouses):

20 units

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

This document consists of the following sections:

A. Definitions

- B. Recommendation to decision making authority
- C. Specific conditions of approval: These conditions must be complied with before clearance certificate, building plan or occupation certificate approval; whichever is applicable to the development in question.
- D. General conditions of approval: These conditions must be adhered to during implementation of the development to ensure responsible development takes place. If there is a contradiction between the specific and general conditions, the specific conditions will prevail:

A. Definitions

- 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-intitle 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. 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 completed with:
 - a. Stellenbosch WWTW (Waste Water Treatment Works): The proposed development falls within the catchment area of the existing Stellenbosch WWTW (Waste Water Treatment Works). There is sufficient capacity at the WWTW for the proposed development.
 - b. Water Network: The following bulk water items are required to accommodate the development:
 - i. 7 ML reservoir (SSWB2) R 21.5m over 2022/23 and 2023/24 three years have been allowed for in the 20202/23 budget with estimated completion June 2024 (subject to change). The additional reservoir storage capacity is required to accommodate the new development (as well as other new developments in Jamestown) and the development will only receive subdivision clearance once the reservoir has been completed.
 - c. **Sewer Network:** There is sufficient capacity in the bulk sewer network for the proposed development. The following requirements are applicable:
 - The development will connect to the existing 200mm diameter stub at the north eastern corner of the Le – Clemence development. A servitude must be registered over the existing 200 mm dia sewer line through Le Clemence,

which was intended to be a municipal bulk sewer line when it was constructed. The current municipal budget does not make provision for the associated costs and if needed, the Municipality may require that these costs be paid by the Developer and offset against the Development Charges.

ii. Provision must be made for a 200mm diameter sewer line on the northern boundary of subject property, that will form part of the municipal bulk sewer network and this sewer must be protected by a registered servitude. Servitude must be registered before clearance.

d. Roads Network:

The following three upgrades at the R44/Webersvallei Road intersection has been identified in the approval conditions Phase 1, to mitigate the additional traffic impact on the intersection, which is already experiencing congestion problems:

- i. Dedicated left-turn lane along Webersvallei Road
- ii. Third through lane at the intersection along the R44 northbound
- iii. Third through lane at the intersection along the R44 southbound

These upgrades must be completed before subdivision clearance.

- iv. A formal sidewalk must be constructed along the full frontage of the development and connect to the existing sidewalk at Le Clemence. This is also a Phase 1 condition.
- e. Stormwater Network: The development will connect to the stormwater network of Phase 1 and the approved infrastructure including detention pond of Phase 1 must be completed before clearance.

f. Solid Waste:

i. The Municipality will provide a solid waste removal service

Portions 9 of Farm 510: Development of 20 residential erven Development Charges

- 5. that the "Developer" hereby acknowledges that Development Charges are payable towards the following bulk civil services: water, sewerage, roads, stormwater, solid waste and community facilities as per Council's Policy;
- 6. that the "Developer" hereby acknowledges that the development charges levy as determined by the "Municipality" and or the applicable scheme tariffs will be paid by the "Developer" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy, should this land-use application be approved:
- 7. 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:
- 8. 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;
- 9. that the Development Charges levy to the amount as reflected on the DC calculation sheet, dated 19 Jan 2023, 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.
- 10. that the Development Charges levy be paid by the "Developer" per phase -
 - prior to the approval of subdivision clearance;
- 11. 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 20 townhouses units, will result in the recalculation of the Development Charges:
- 12. 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;

Portions 9 of Farm 510: Development of 20 residential erven Site Development Plan

- 13. It is acknowledged that as per the TIS, the new development will make use of the same access as Phase 1, which has already been approved.
- 14. a refuse room will be required Phase 1 refuse room is acceptable, but Developer must ensure it is sized to accommodate the additional erven's refuse;
- 15. that any amendments to cadastral layout and or site-development plan to accommodate the above requirements will be for the cost of the "Developer" as these configurations were not available at land-use application stage;

Ownership and Responsibility of services

16. that it be noted that as per Subdivisional Plan, 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

17. 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. Services must be complete before subdivision clearance;

Bulk Water Meter

18. it is indicated on the conceptual services layout that Phase 2 will connect to the water supply of Phase 1. The Phase 1 bulk water meter must therefore cater for Phase 2 as well. 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

19. 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 Senior Manager: Solid Waste (021 808 8241; clayton.hendricks, 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.

Floodplain Management

- 20. that the 1:50 and 1:100 year flood lines of the Blaauwklippen River 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;
- 21. 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;
- 22. 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

- 23. that the "Developer", at his/her cost, implement the recommendations of the approved Traffic Impact Statement, 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;
- 24. that the "Developer" will be held liable for any damage to municipal infrastructure within the road reserves, 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;

Bulk Electricity

25. 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:
- 26. 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;
- that should the "Developer" not take up his rights for whatever reason within two years from the date of this memo, a revised Engineering report addressing services capacities and reflecting infrastructure amendments during the two year period, must be submitted to the Directorate: Infrastructure Services by the "Developer" for further comment and conditions. Should this revised Engineering report confirm that available services capacities is not sufficient to accommodate this development, then the implementation of the development must be re-planned around the availability of bulk services as any clearances for the development will not be supported by the Directorate: Infrastructure Services for this development if bulk services are not available upon occupation or taking up of proposed rights;
- 28. that the "Developer" indemnifies and keep the "Municipality" indemnified against all actions, proceedings, costs, damages, expenses, claims and demands (including claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the municipalities' services or apparatus or otherwise) arising out of the establishment of the development, the provision of services to the development or the use of servitude areas or municipal property, for a period that shall commence on the date that the installation of services to the development are commenced with and shall expire after completion of the maintenance period.
- 29. that the "Developer" must ensure that he / she has an acceptable public liability insurance policy in place;
- 30. that, if applicable, the "Developer" approach the Provincial Administration: Western Cape (District Roads Engineer) for their input and that the conditions as set by the Provincial Administration: Western Cape be adhered to before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be issued;
- 31. that the "Developer" informs the project team for the proposed development (i.e. engineers, architects, etc.) of all the relevant conditions contained in this approval;

- 32. that the General Conditions of Contract for Construction Works (GCC) applicable to all civil engineering services construction work related to this development, will be the SAICE 3rd Edition (2015);
- 33. 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

- 34. 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";
- 35. that even if a Site Development Plan is approved by this letter of approval, a further <u>fully detailed</u> site plan be submitted for approval prior to the approval of engineering services plans and or building- and/or services plans to allow for the setting of requirements, specifications and conditions related to civil engineering services. Such Plan is to be substantially in accordance with the approved application and or subdivision plan and or precinct plan and or site plan, etc. and is to include a layout plan showing the position of all roads, road reserve widths, sidewalks, parking areas with dimensions, loading areas, access points, stacking distances at gates, refuse removal arrangements, allocation of uses, position and orientation of all buildings, the allocation of public and private open spaces, building development

parameters, the required number of parking bays, stormwater detention facilities, connection points to municipal water- and sewer services, updated land-use diagram and possible servitudes;

- 36. 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;
- 37. 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

- 38. 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. These services must be completed before subdivision clearance;
- 39. 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:
- 40. 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;
- 41. 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:
- 42. that construction of services may only commence after municipal approval has been obtained:
- 43. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "Engineer";

- 44. 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;
- 45. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal and external services;
- 46. that all the internal civil services (water, sewer and stormwater), be indicated on the necessary building plans for approval by the Directorate: Infrastructure Services;
- 47. 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;
- 48. that a Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1 be issued before subdivision clearance will be issued;
- 49. 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;
- 50. that the "Developer" be liable for all damages caused to existing civil and electrical services of the "Municipality" relevant to this development. It is the responsibility of the contractor and/or sub-contractor of the "Developer" to determine the location of existing civil and electrical services;
- 51. 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".

Servitudes

52. 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 subdivision clearance will be given;

- 53. 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;
- 54. 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

55. 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 preand 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:

Roads

- 56. The design and lay-out of the development must be such that emergency vehicles can easily drive through and turn around where necessary;
- 57. 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;
- 58. 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;

Wayleaves

- 59. 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;
- 60. that wayleaves will only be issued after approval of relevant engineering design drawings;
- 61. that it is the Developer's responsibility to obtain wayleaves from any other authorities/service provider's who's services may be affected.

- 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:

- 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
- 68. 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;
- 69. 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 Mr Saliem Haider, 021 808 8241; saliem.haider@stellenbosch.gov.za;
- 70. 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);
- 71. that if the "Developer" wishes 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":
- 72. 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;
- 73. Access shall be provided with a minimum travelable surface of 5 meters width and a minimum corner radii of 5 meters;
- 74. 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:

- 75. Minimum turning circle radius shall be 11 meters to the center line of the vehicle;
- 76. Road foundation shall be designed to carry a single axle load of 8.2 tons:
- 77. Refuse storage areas are to be provided for all premises other than single residential erven;
- 78. 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;
- 79. 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;
- 80. 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 & Municipal wheelie bin;
- 81. 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:
- 82. 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;
- 83. All black 85 \(\extrem{\ell} \) refuse bins or black refuse bags is in the process of being replaced with 240 \(\extrem{\ell} \) 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

- 89. 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;
- Refuse should not be visible from a street or public place. Suitable screen walls may be required in certain instances;
- 91. Access must be denied to unauthorized persons, and refuse storage areas should be designed to incorporate adequate security for this purpose;
- 92. 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

- 93. The "Developer" shall provide the "Municipality" with:
 - a complete set of as-built paper plans, signed by a professional registered engineer;
 - b. a CD/DVD containing the signed as-built plans in an electronic DXF-file format, reflecting compatible layers and formats as will be requested by the "Engineer" and is reflected herewith as Annexure X;
 - c. a completed Asset Verification Sheet in Excell format, reflecting the componitization of municipal services installed as part of the development. The Asset Verification Sheet 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;
 - 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;
- 94. 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",

- 95. 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;
- 96. 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;
- 97. 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

- 98. 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;
- 99. 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;
- 100. that clearance will only be given per phase and the onus is on the "Developer" to phase his development accordingly;
- 101. 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 Bylaw. 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;
- 102. 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".

Portions 9 of Farm 510: Development of 20 residential erven Avoidance of waste, nuisance and risk

103. 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.

Streetlighting

- 104. 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";
- 105. 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;
- 106. 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;
- 107. 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";
- 108. The maintenance and servicing of all private internal street lighting shall be the responsibility and to the cost of the "Developer" and or Home Owner's Association.

TYRONE KING Pr Tech Eng

MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

ATTACHMENT X

Geographic Information System (GIS) data capturing standards

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

TITLE	Content : 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
STATE	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

Portions 9 of Farm 510: Development of 20 residential erven drawing must be completed using real world coordinates based on the Stellenbosch Municipality standard as follows:

Datum : Hartebeeshoek WGS 84

Projection : Transverse Mercator

Central Longitude/Meridian 19

False easting: 0.00000000

False northing: 0.00000000

• Central meridian : 19.00000000

Scale factor: 1,00000000

Origin latitude : 0.00000000

Linear unit : Meter

Stellenbosch Municipality Development Charge Calculation



	AFFLICATION	AFFICATION INFORMATION
Application Number:	DC 2439 () Farm 510-9 Stellenbosch (LU-14629 TP28-2022) 1	
Development Name:		
Date:	19 January 2023	
Financial Year:	2022/2023	
Erf Location (Select from 7 Locations):	Stellenbasch Town	
Vehicle Ownership (Select Normal or Low):	Normal	
Err Region (Select Urban or Rural):	Urban	
Er No:	Farm 510-9	
DC Parameters Reference:	Proposed Subdivision Plan No. 4, by TV3 dated 10/01/2023	

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