



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/15064 (TP228/2022)

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

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

PER E-MAIL: [REDACTED]

Sir/Madam

APPLICATION FOR REZONING AND SUBDIVISION ON FARM 527/7 STELLENBOSCH FARMS

1. The above application refers.
2. The Municipal Planning Tribunal on 1 March 2024 resolved as follows:
 - 2.1 That the applications in terms Section 15 (2) of the Stellenbosch Municipality Land Use Planning By-law, 2023 on Farm 527/7 Stellenbosch for the following:
 - 2.1.1 **Rezoning** in terms of Section 15 (2)(a) of the said by-law from Agriculture and Rural Zone to Subdivisional area in order to allow for the following uses:
 - a) 274 Conventional Residential Zone (Single Residential housing) erven ($\pm 44\,291\text{ m}^2$)
 - b) 2 Public Open Space Zone erven ($\pm 699\text{ m}^2$)
 - c) 1 Community Zone erven ($\pm 577\text{ m}^2$)
 - d) 1 Transport Facility Zone (Transport Embayment) erven ($\pm 1929\text{ m}^2$)
 - e) Public Roads and Parking Zone erven (Public Roads) ($\pm 52\,069\text{ m}^2$)
 - f) Agriculture and Rural Zone (Remainder $\pm 49524\text{ m}^2$)
 - 2.1.2 **Subdivision** in terms of Section 15 (2)(d) of the said by-law in accordance with the subdivisional plan in order to allow the proposed development.

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

3. **Conditions of Approval:**

- 3.1 The approval applies only to the proposed development under consideration 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 development be undertaken in accordance with the Subdivisional layout and phasing plan, Rev 3, drawn by CHH (Zutari Pty (Ltd)), dated 15/12/2023, attached as **Annexure C**.
- 3.3 A phasing plan which indicates the spatial phasing and associated timeframe of the development be submitted to the Municipality for approval.
- 3.4 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- 3.5 New erf diagrams or general plans for the newly created land units be submitted to the municipality for clearance and record purposes.
- 3.6 A Street Naming and Numbering Plan be submitted and approved prior to the issuing of Section 28 Certification.
- 3.7 An electronic copy (shp, dwg, dxf) of the approved General Plan be submitted to the Directorate Planning and Economic Development for record purposes, which plan indicate the following information:
 - a) Newly allocated erf numbers
 - b) Co-ordinates
 - c) Survey dimensions
 - d) Street names and numbering
- 3.8 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.
- 3.9 Should the full extent of permissible development rights, as approved herein-above, not be implemented initially or development is phased, a pro rata Development Charge will be levied in accordance with the extent to which the development rights will be implemented, provided that the remaining development charges will be levied for the remaining permissible development rights when implemented in future. Remaining Development Charges will be

levied in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or approval of any building plans, whichever occurs first.

3.10 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 includes and complies with the conditions as imposed by the Directorate Infrastructure Services in their memo dated 16 February 2024, attached as **Annexure J**.

3.11 The conditions imposed by the Western Cape: Transport Infrastructure as contained in their letter dated 27 February 2024, attached as **Annexure K**, be complied with.

3.12 The final SDP must consider the inclusion of functional recreation space and greening in support of a liveable environment.

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

4.1 The scale and nature of the proposed development will not compromise the existing character of the surrounding urban landscape considering that it will offer residential opportunities in the area.

4.2 The subject property is located within the approved urban edge of Stellenbosch and the proposed development is included in the Municipal Capital Expenditure Framework.

4.3 Provision has been made for the required infrastructure and there are sufficient services to support the proposal.

5. Matters to be noted:

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

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

5.3 All engineering services and infrastructure as required in terms of the conditions and services agreement be complied with to the satisfaction of the Municipality and/ or the relevant authority prior to the issuing of a Section 28 Certification.

5.4 Building plans be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.

6. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

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

7.1 The personal particulars of the Appellant, including:

- a) First names and surname
- b) ID number
- c) Company of Legal person's name (if applicable)
- d) Physical Address
- e) Contact details, including a Cell number and E-Mail address

7.2 Reference to this correspondence and the relevant property details on which the appeal is submitted.

7.3 The grounds of the appeal which may include the following grounds:

- a) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
- b) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.

7.4 Whether the appeal is lodged against the whole decision or a part of the decision.

7.5 If the appeal is lodged against a part of the decision, a description of the part.

7.6 If the appeal is lodged against a condition of approval, a description of the condition.

7.7 The factual or legal findings that the appellant relies on.

7.8 The relief sought by the appellant.

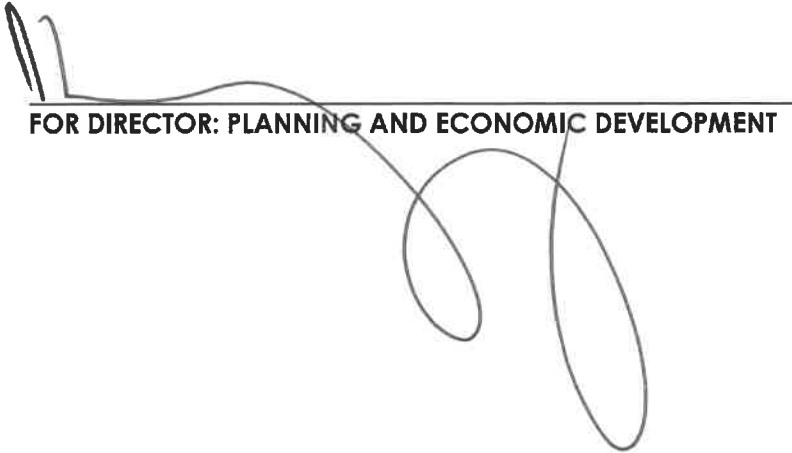
7.9 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.

7.10 That the appeal includes the following declaration by the Appellant:

- a) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
 - b) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.
8. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of e-mail at the following address: landuse.appeals@stellenbosch.gov.za
 9. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.
 10. The approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at landuse.appeals@stellenbosch.gov.za
 11. An applicant who lodges an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:
 - (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
 - (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
 - (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
 - (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.
 12. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

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

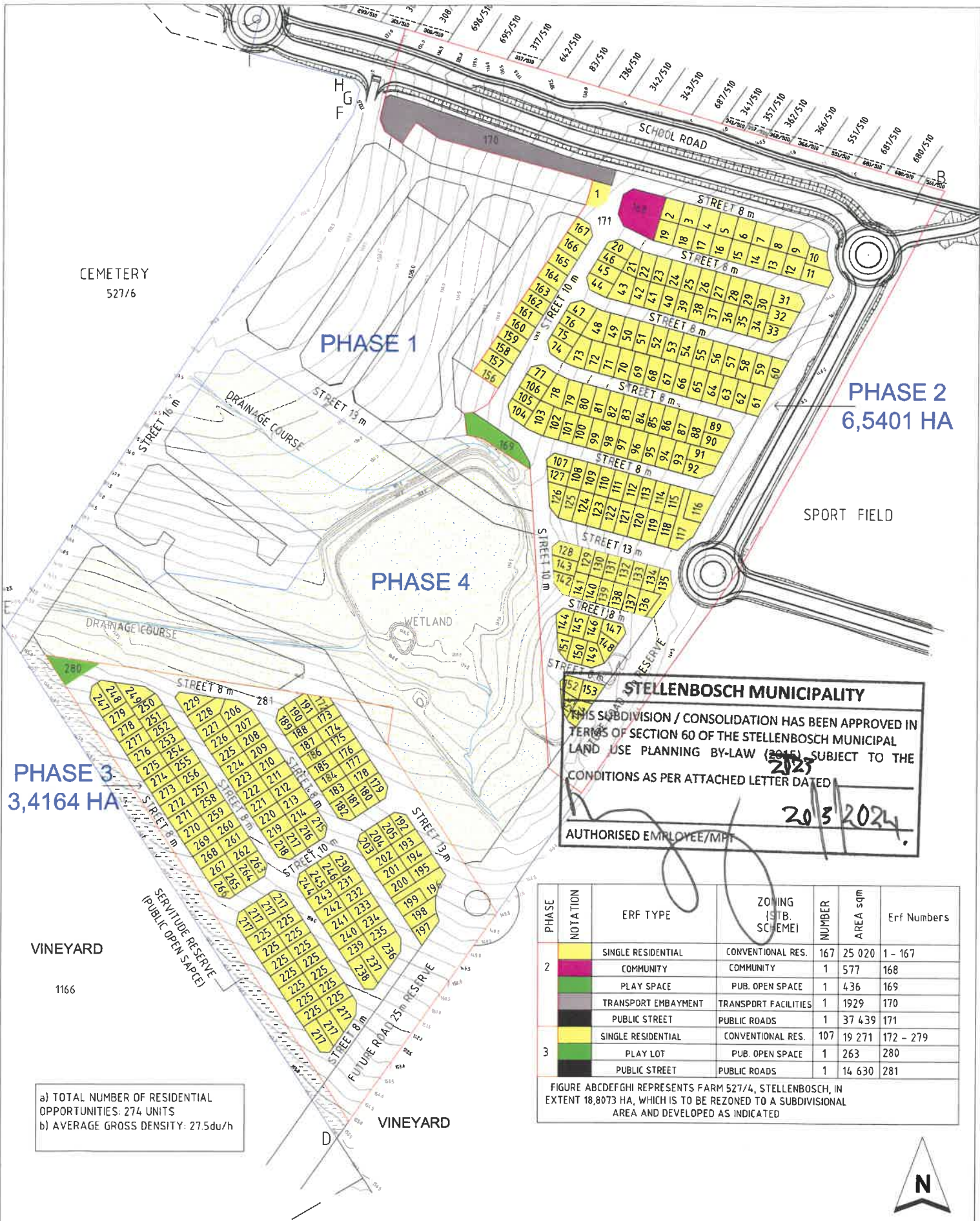
Yours faithfully



A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

20/3/2024
DATE



PHASE 3
3,4164 HA

PHASE 1

PHASE 2
6,5401 HA

PHASE 4

STELLENBOSCH MUNICIPALITY
 THIS SUBDIVISION / CONSOLIDATION HAS BEEN APPROVED IN
 TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL
 LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE
 CONDITIONS AS PER ATTACHED LETTER DATED 20/3/2024
 AUTHORIZED EMPLOYEE/MPT

| PHASE | NOTATION | ERF TYPE | ZONING (STB. SCHEME) | NUMBER | AREA sqm | Erf Numbers |
|-------|----------|---------------------|----------------------|--------|----------|-------------|
| 2 | [Yellow] | SINGLE RESIDENTIAL | CONVENTIONAL RES. | 167 | 25 020 | 1 - 167 |
| | [Pink] | COMMUNITY | COMMUNITY | 1 | 577 | 168 |
| | [Green] | PLAY SPACE | PUB. OPEN SPACE | 1 | 436 | 169 |
| | [Grey] | TRANSPORT EMBAYMENT | TRANSPORT FACILITIES | 1 | 1929 | 170 |
| | [Black] | PUBLIC STREET | PUBLIC ROADS | 1 | 37 439 | 171 |
| 3 | [Yellow] | SINGLE RESIDENTIAL | CONVENTIONAL RES. | 107 | 19 271 | 172 - 279 |
| | [Green] | PLAY LOT | PUB. OPEN SPACE | 1 | 263 | 280 |
| | [Black] | PUBLIC STREET | PUBLIC ROADS | 1 | 14 630 | 281 |

FIGURE ABCDEFGHI REPRESENTS FARM 527/4, STELLENBOSCH, IN EXTENT 18,8073 HA, WHICH IS TO BE REZONED TO A SUBDIVISIONAL AREA AND DEVELOPED AS INDICATED

- a) TOTAL NUMBER OF RESIDENTIAL OPPORTUNITIES: 274 UNITS
- b) AVERAGE GROSS DENSITY: 27.5du/h



305

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**ANNEXURE J: COMMENT FROM THE DIRECTOR: INFRASTRUCTURE
SERVICES**



MEMO

**DIRECTORATE: INFRASTRUCTURE SERVICES
DIREKTORAAT: INFRASTRUKTUURDIENSTE**

CIVIL ENGINEERING SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag Nolusindiso Momoti
From ▫ Van: Director: Infrastructure Services
Date ▫ Datum: 16 February 2024
Our Ref ▫ Ons Verw: Civil LU 2436
Your Ref: LU/15064
Re ▫ Insake: Farm 52777, Stellenbosch: An application is made in terms of Section 15 (2)(a) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for the Rezoning of Farm 52777 Stellenbosch Farms from Agriculture and Rural Zone to Subdivisional area in order to allow for the following uses: a) 175 Conventional Residential Zone (Subsidy housing + Single residential housing) erven (± 23 615 m²) b) 71 Conventional Residential Zone (Gap Housing) erven (± 12 622 m²) c) 176 Multi unit Residential Zone (flats) (± 20 616 m²) d) 2 Public Open Space Zone erven (± 4 246 m²) e) 1 Community Zone erven (± 1 100 m²) f) 1 Transport facility Zone (Taxi rank) erven (± 516 m²) g) Public Roads and Parking Zone erven An application is made in terms of Section 15 (2)(d) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for the Subdivision of Farm 52777 Stellenbosch in accordance with the Subdivisional Plan.

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

- Jamestown Development Framework Drawing No 1002169 Number 230228 Rev 2 by Zutari dated 15/12/2023;
- Engineering Services Report by Zutari dated 2023/11/03 (Rev 0);
- Traffic Impact Assessment by Zutari dated 2024/01/31 Rev 3 (received via e-mail 15 Feb 2024);
- GLS report on water and sewer capacity dated 11 July 2023;

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

PROPOSED REZONING AND SUBDIVISION OF FARM 527 PORTION 4

| PHASE | NOTATION | ERF TYPE | ZONING (STB. SCHEME) | NUMBER | AREA sqm | Erf Numbers |
|-------|----------|---------------------|----------------------|--------|----------|-------------|
| 2 | | SINGLE RESIDENTIAL | CONVENTIONAL RES. | 167 | 25 020 | 1 - 167 |
| | | COMMUNITY | COMMUNITY | 1 | 577 | 168 |
| | | PLAY SPACE | PUB. OPEN SPACE | 1 | 436 | 169 |
| | | TRANSPORT EMBAYMENT | TRANSPORT FACILITIES | 1 | 1929 | 170 |
| | | PUBLIC STREET | PUBLIC ROADS | 1 | 37 439 | 171 |
| 3 | | SINGLE RESIDENTIAL | CONVENTIONAL RES. | 107 | 19 271 | 172 - 279 |
| | | PLAY LOT | PUB. OPEN SPACE | 1 | 263 | 280 |
| | | PUBLIC STREET | PUBLIC ROADS | 1 | 14 630 | 281 |

FIGURE ABCDEFGH: REPRESENTS FARM 527/4, STELLENBOSCH, IN EXTENT 18,8073 HA, WHICH IS TO BE REZONED TO A SUBDIVISIONAL AREA AND DEVELOPED AS INDICATED

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

This document consists of the following sections:

A. Definitions

B. Recommendation to decision making authority

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

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

A. Definitions

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

- (a) "Municipality" means the STELLENBOSCH MUNICIPALITY, a Local Authority, duly established in terms of section 9 of the Local Government Municipal Structures act, Act

PROPOSED REZONING AND SUBDIVISION OF FARM 527 PORTION 4

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;
- (d) Where it is stated that a condition must be complied with prior to "subdivision clearance" and where a subdivision is not applicable, that condition will then apply to the next applicable stage of development approval i.e. building plan approval;

B. Recommendation:

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

C. Specific conditions of approval

3. that all previous relevant conditions of approval to this development application remain valid and be complied with in full unless specifically replaced or removed by the *"Engineer"*;
4. that the following conditions relating to the upgrades and arrangements for the effective provision of services are required to accommodate the development. No taking up of proposed rights including subdivision clearance / building plan approval / occupation certificates (whichever comes first) will be allowed until these conditions have been complied with;
5. **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.
6. **Water:**

PROPOSED REZONING AND SUBDIVISION OF FARM 527 PORTION 4

a. There is insufficient capacity in the bulk water reticulation network to accommodate the proposed development. The following upgrades must be implemented before subdivision clearance (refer to Annexure: Water):

- i. Master plan item SSW.B2 (new Jamestown Upper Reservoir) is required to augment reservoir storage capacity in the existing Jamestown reservoir water distribution zone.
- ii. master plan items SSW.B1 & SSW.B5 are required to connect the existing 355 mm Ø bulk supply pipeline from the Paradyskloof no. 2 reservoir to the proposed new Jamestown Upper reservoir for sufficient bulk supply.
- iii. master plan items SSW1.1, SSW1.2 & SSW1.11 are required to connect the new Jamestown Upper reservoir to the existing Jamestown water distribution network, and
- iv. master plan item SSW1.10 is required to connect the existing reticulation network of the Jamestown PRV zone to the existing reticulation network of the Jamestown reservoir zone.

It should be noted that the new Jamestown Upper reservoir including bulk water & associated infrastructure construction tender under BSM 30/23 has started dated 14 November 2023 and the proposed completion date is scheduled for September 2024.

b: Details of the internal network and link pipelines will be assessed during detail design stage. All erven must be connected to the water network before subdivision clearance.

7. Sewer:

- a. There is sufficient capacity in the bulk sewer reticulation network to accommodate the proposed development.
- b. Details of the internal network and link pipelines will be assessed during detail design stage. All erven must be connected to the sewer network before subdivision clearance.

PROPOSED REZONING AND SUBDIVISION OF FARM 527 PORTION 4**8. Roads:**

a. There is insufficient capacity in the roads and NMT networks to accommodate the proposed development. The following upgrades must be implemented before subdivision clearance:

i. The R44 / Webersvalley Road intersection must be upgraded. This intersection is currently in the process of being upgraded by private developments who also triggered its upgrade. Should the upgrade not be completed for whatever reason, this Phase 2/3 housing project must complete it before subdivision clearance can be issued. The proposed upgrades are indicated in the image below:



ii. A continuous NMT link between the development and the R44/School Street and the R44 / Webersvalley intersection must be established. To achieve this, the gaps in the existing sidewalk network must be completed – these gaps are indicated in blue in the image below. These sidewalk sections must be completed before completion of the houses when the additional pedestrian traffic is generated.

PROPOSED REZONING AND SUBDIVISION OF FARM 527 PORTION 4

- iii. For information to assist with future planning and budgeting: Please note that with the closure of School Street, Jamestown currently only as one access point. An additional access to Jamestown will be required before Phase 4 of this housing development can be implemented.

One of the following interventions is to be implemented by 2030 to address the future scenario:

- The additional lane both directions on the R44: The R44 cross section should have three lanes between Webersvallei Road and Techno Avenue on the northbound carriageway. On the southbound carriageway 3 through lanes should be provided between Techno Avenue and the R44 School Street intersection
- Alternative north south link eg. Pajero street (which will also alleviate traffic on R44)

PROPOSED REZONING AND SUBDIVISION OF FARM 527 PORTION 4

- b. The proposed development obtains access from a provincial road (R44) and must therefore be submitted to the District Roads Engineer for comment and conditions. Any conditions set by the District Roads Engineer will be applicable and must be complied with before subdivision clearance;

9. Stormwater Network:

- a. Stormwater Management must be generally in accordance with Drawing No 1002169-0000-DRG-CC-101 Rev A by Zutari, dated 07/12/2023 (Annexure SW). More technical detail wrt the design of the system can be provided when engineering services drawings are submitted for approval. The proposed detention ponds must be designed in such a manner that it can have a multi-functional purpose, ie sports field / public recreational park.
- b. The consulting engineer, appointed by the "Developer", analyses the existing stormwater systems and determine the expected stormwater run-off for the proposed development, for both the minor and the major storm event. Should the existing municipal stormwater system not be able to accommodate the expected stormwater run-off, the difference between the pre- and post-development stormwater run-off must be accommodated on site, or the existing system must be upgraded to the required capacity at the cost of the "Developer" and to the standards and satisfaction of the Directorate: Infrastructure Services. The aforementioned stormwater analysis is to be submitted concurrent with the detail services plans for approval;

10. Solid Waste:

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

PROPOSED REZONING AND SUBDIVISION OF FARM 527 PORTION 4**Internal- and Link Services**

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

Ownership and Responsibility of services

13. that it be noted that the roads are reflected as public roads. Therefore all internal services on the said erf will be regarded as public services and will be maintained by the "Municipality".

Development Charges (DCs)

14. that the "Developer" hereby acknowledges that Development Charges are payable towards the following bulk civil services: water, sewerage, roads, stormwater, solid waste and community facilities as per Council's Policy and approved tariffs;
15. that the "Developer" hereby acknowledges that the development charges as determined by the "Municipality" and or the applicable scheme tariffs will be paid by the "Developer" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy, should this land-use application be approved;
16. that the "Developer" accepts that the Development Charges will be subject to annual adjustment up to date of payment. The amount payable will therefore be the amount as calculated according to the approved tariff structure and according to the DCs Policy principles at the time that payment is made;
17. 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;
18. that the Development Charges levy be paid by the "Developer" per phase –
 - prior to the approval of subdivision clearance;
 - prior to the approval of any building- plans (where subdivision clearance is not applicable);
19. 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

PROPOSED REZONING AND SUBDIVISION OF FARM 527 PORTION 4

Development Plan, once approved, which might lead to an increase in the number of units, or which might lead to an increase in the Gross Leasable Area i.e. a GLA, will result in the recalculation of the Development Charges;

20. 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;
21. The Municipality may approach the Developer at any stage, before completion of the Development, to implement any infrastructure / community facilities, in lieu of DCs payable, should the need for such infrastructure / facilities be identified;

Damage to municipal infrastructure and assets

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

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

23. 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 are not sufficient to accommodate this development, then the implementation of the development must be re-planned around the availability of bulk services or the necessary upgrades must be done, as any clearances for the development will not be supported by the Directorate: Infrastructure Services for this development if bulk services are not available;
24. 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)

PROPOSED REZONING AND SUBDIVISION OF FARM 527 PORTION 4

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.

25. that the "*Developer*" must ensure that he / she has an acceptable public liability insurance policy in place;
26. that, if applicable, the "*Developer*" approach the Provincial Administration: Western Cape (District Roads Engineer) for their input and that the conditions as set by the Provincial Administration: Western Cape be adhered to before subdivision clearance;
27. 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;
28. that the General Conditions of Contract for Construction Works (GCC) applicable to all civil engineering services construction work related to this development, will be the SAICE 3rd Edition 2015 – as revised;
29. 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 subdivision clearance is issued;

PROPOSED REZONING AND SUBDIVISION OF FARM 527 PORTION 4

30. 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";
31. that even if a Site Development Plan is approved by this letter of approval, a further fully detailed site plan be submitted for approval prior to the approval of engineering services plans and or building- and/or services plans to allow for the setting of requirements, specifications and conditions related to civil engineering services. Such Plan is to be substantially in accordance with the approved application and or subdivision plan and or precinct plan and or site plan, etc. and is to include a layout plan showing the position of all roads, road reserve widths, sidewalks, parking areas with dimensions, loading areas, access points, stacking distances at gates, refuse removal arrangements, allocation of uses, position and orientation of all buildings, the allocation of public and private open spaces, building development parameters, the required number of parking bays, stormwater detention facilities, connection points to municipal water- and sewer services, updated land-use diagram and possible servitudes;
32. 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;
33. 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

34. that the "Developer", at his/her cost, construct the internal (on-site) civil engineering services for the development, as well as any link (service between internal and available bulk municipal service) municipal services that need to be provided;
35. 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

PROPOSED REZONING AND SUBDIVISION OF FARM 527 PORTION 4

Charges payable in respect of bulk civil engineering services if approved by the Directorate: Infrastructure Services;

36. 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;
37. 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;
38. that construction of services may only commence after municipal approval has been obtained;
39. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "Engineer";
40. 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;
41. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal – and external services;
42. that all the internal civil services (water, sewer, roads and stormwater), be indicated on the necessary building plans for approval by the Directorate: Infrastructure Services;
43. 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;
44. that a Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1 be issued before subdivision clearance will be issued;
45. that subdivision clearance will only be issued if the bulk watermeter is installed, a municipal account for the said meter is activated and the consumer deposit has been paid;

PROPOSED REZONING AND SUBDIVISION OF FARM 527 PORTION 4

46. 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;
47. that the "Developer" shall adhere to the specifications of Telkom (SA) and or any other telecommunications service provider;
48. that the "Developer" shall be responsible for the cost for any surveying and registration of servitudes regarding services on the property;
49. 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;
50. 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".
51. that the developer takes cognizance of applicable tariffs by Council in respect of availability of services and minimum tariffs payable;

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.

PROPOSED REZONING AND SUBDIVISION OF FARM 527 PORTION 4

Stormwater Management

55. Taking into account the recent water crisis, and associated increase in borehole usage, it is important that the groundwater be recharged as much as possible. One way of achieving the above is to consider using Sustainable Drainage Systems (SuDS) approach wrt SW management. From Red Book: "SuDS constitute an approach towards managing stormwater runoff that aims to reduce downstream flooding, allow infiltration into the ground, minimise pollution, improve the quality of stormwater, reduce pollution in water bodies, and enhance biodiversity. Rather than merely collecting and discarding stormwater through a system of pipes and culverts, this approach recognises that stormwater could be a resource." The Developer is encouraged to implement SuDS principles that are practical and easily implementable. Details of such systems can be discussed and agreed with the Municipality and must be indicated on the engineering drawings.
56. 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;
57. 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;
58. 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;
59. 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;
60. 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

PROPOSED REZONING AND SUBDIVISION OF FARM 527 PORTION 4

standards and satisfaction of the Directorate: Infrastructure Services. The aforementioned stormwater analysis is to be submitted concurrent with the detail services plans;

61. 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.
62. 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;
63. 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.
64. that no overland discharge of stormwater will be allowed into a public road for erven with catchment areas of more than 1500m² and for which it is agreed that no detention facilities are required. The "Developer" needs to connect to the nearest piped municipal stormwater system with a stormwater erf connection which may not exceed a diameter of 300mm.

Roads

65. 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;
66. that no access control will be allowed in public roads;
67. 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;
68. The design and lay-out of the development must be such that emergency vehicles can easily drive through and turn around where necessary;
69. 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

PROPOSED REZONING AND SUBDIVISION OF FARM 527 PORTION 4

approval, and that the approved plan be implemented by the "Developer", at his/her cost, to the standards of the Directorate: Infrastructure Services;

70. 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;
71. 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;
72. 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;
73. 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;
74. that no parking be allowed in the road reserve;

Wayleaves

75. 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;
76. that wayleaves will only be issued after approval of relevant engineering design drawings;
77. that it is the Developer's responsibility to obtain wayleaves from any other authorities/service provider's who's services may be affected.

AS-BUILTs

78. The "Developer" shall provide the "Municipality" with:
 - a. a complete set of as-built paper plans, signed by a professional registered engineer;

PROPOSED REZONING AND SUBDIVISION OF FARM 527 PORTION 4

- 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;
79. 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";
80. 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;
81. 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;
82. Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law shall not be issued unless said services have been inspected by the "Engineer" and written clearance given, by the "Engineer";

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

PROPOSED REZONING AND SUBDIVISION OF FARM 527 PORTION 4

83. 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;
84. that the "Municipality" reserves the right to withhold any clearance certificate until such time as the "Developer" has complied with conditions set out in this document with which he/she is in default. Any failure to pay monies payable in terms of these conditions within 30 (thirty) days after an account has been rendered shall be regarded as a breach of these conditions and the "Municipality" reserves the right to withhold any clearance certificate until such time as the amount owing has been paid;
85. that clearance will only be given per phase and the onus is on the "Developer" to phase his development accordingly;
86. The onus will be on the "Developer" and or his professional team to ensure that all land-use conditions have been complied with before submitting an application for a subdivision clearance certificate. Verifying documentation (proof of payment in respect of Development Charges, services installation, etc.) must be submitted as part of the application before an application will be accepted by this Directorate;
87. 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".

Avoidance of waste, nuisance and risk

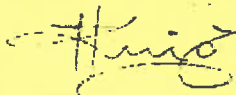
88. Where in the opinion of the "Municipality" a nuisance, health or other risk to the public is caused due to construction activities and/or a lack of maintenance of any service, the "Municipality" may give the "Developer" and or OWNER'S ASSOCIATION written notice to remedy the defect failing which 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

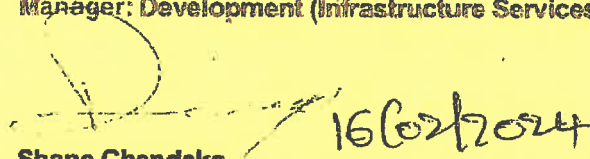
89. The "Developer" will be responsible for the design and construction at his own expense of all internal street lighting services and street lighting on link roads leading to his development (excluding Class 1, 2 and 3 Roads) according to specifications determined by the municipality's Manager: Electrical Services and under the supervision of the consulting engineer, appointed by the "Developer".

PROPOSED REZONING AND SUBDIVISION OF FARM 527 PORTION 4

90. 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;
91. 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;
92. 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";
93. 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)



Shane Chandaka
Director: Infrastructure Services

PROPOSED REZONING AND SUBDIVISION OF FARM 527 PORTION 4

ATTACHMENT X

Geographic Information System (GIS) data capturing standards

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

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


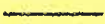
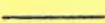


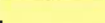




In addition to being geo-referenced and in WGS 1984 Geographic Coordinate System, the drawing must be completed using real world coordinates based on the Stellenbosch

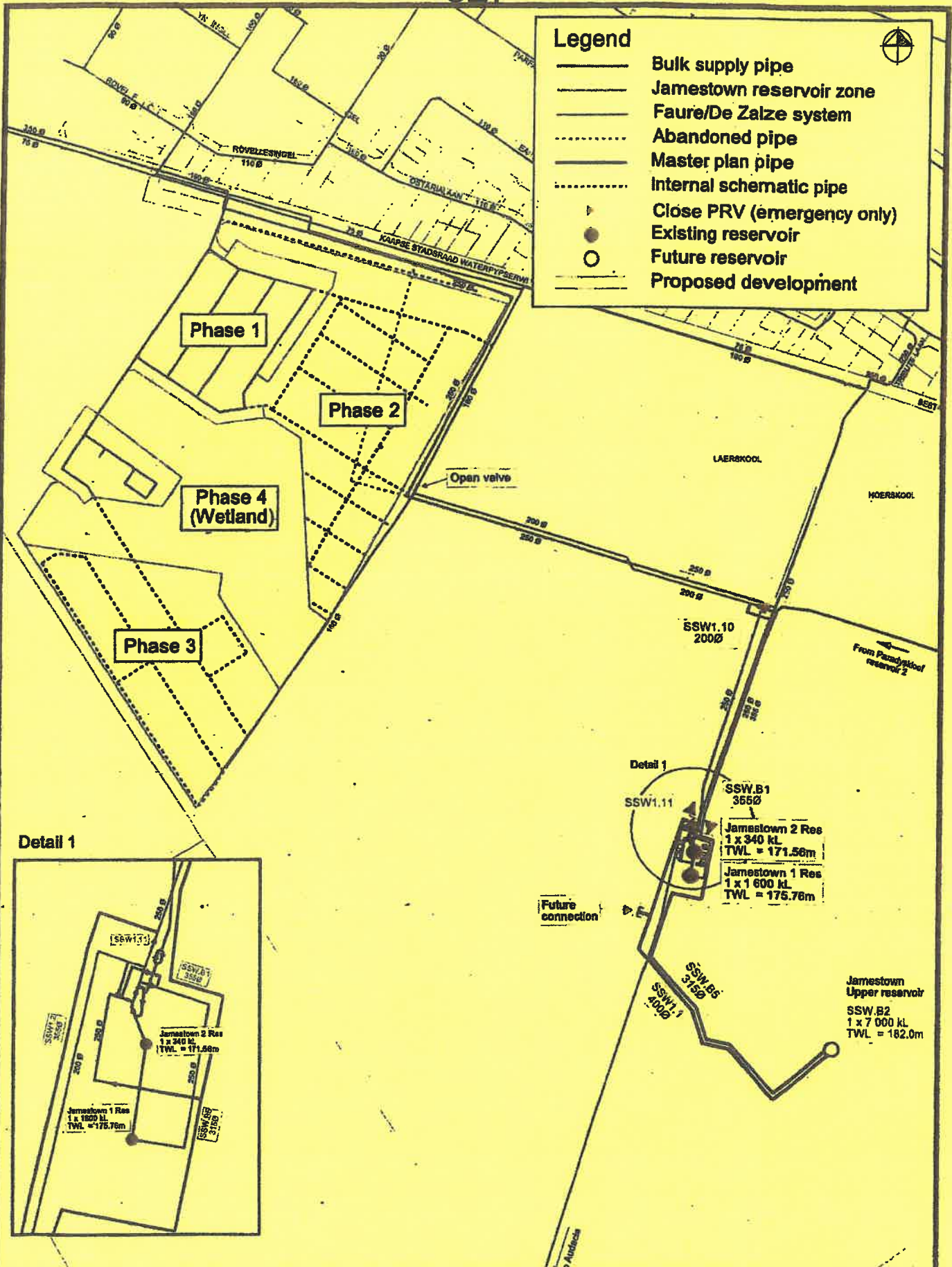
PROPOSED REZONING AND SUBDIVISION OF FARM 527 PORTION 4

Municipality standard as follows:

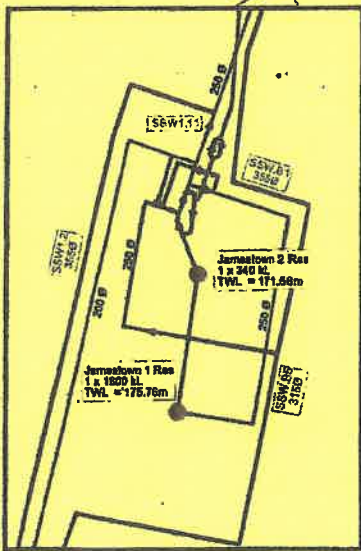
- Datum : Hartebeeshoek WGS 84
- Projection : Transverse Mercator
- Central Longitude/Meridian 19
- False easting : 0.00000000
- False northing : 0.00000000
- Central meridian : 19.00000000
- Scale factor : 1.00000000
- Origin latitude : 0.00000000
- Linear unit : Meter

Legend

-  Bulk supply pipe
-  Jamestown reservoir zone
-  Faure/De Zalze system
-  Abandoned pipe
-  Master plan pipe
-  Internal schematic pipe
-  Close PRV (emergency only)
-  Existing reservoir
-  Future reservoir
-  Proposed development



Detail 1



329



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**ANNEXURE K: COMMENTS FROM THE DEPARTMENT OF TRANSPORT
AND PUBLIC WORKS**



Ref: TPW/CFS/RP/LUD/REZ/SUB-25/455 (Job 30302)

The Municipal Manager
Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr U von Molendorff

Dear Sir

PORTION 7 OF FARM 527: MAIN ROAD 27: REZONING AND SUBDIVISION FOR PHASE 2 AND 3 OF THE JAMESTOWN HOUSING DEVELOPMENT

1. The following refer:
 - 1.1. Our letter 13/3/5/1-25/101 (Job 17394) dated 5 November 2014;
 - 1.2. The application as received by email from Zutari dated 13 April 2023;
 - 1.3. Motivation Report: Jamestown Integrated Development: Phases 2 and 3, dated 3 April 2023, Revision 3 prepared by Zutari dated 3 April 2023; and
 - 1.4. Traffic Impact Assessment for the Jamestown Residential Development (Phases 2 and 3) prepared by Zutari dated 31 January 2024;
 - 1.5. Subdivision Layout Plan Revision 3 prepared by Zutari dated 15 December 2023;
 - 1.6. The Branch's Access Management Guidelines (2020) and the Kantey & Templer Main Road 27 geometric design affecting various median crossings and substandard accesses between Stellenbosch and Somerset West; and
 - 1.7. A site visit.
2. Main Road 27 (MR27) is affected by this application.
3. This application entails the development of Phase 2 and 3 of the Jamestown Housing Development by Stellenbosch Municipality consisting of 274 single residential units as depicted in the Subdivision Layout Plan Revision 3 prepared by Zutari dated 15 December 2023.
4. The remainder of Phase 2 and 3 to consists of public open spaces, a community erf, a taxi rank and public streets.
5. Phase 1 of the development was completed in November 2016.

6. In our letter 13/3/5/1-25/101 (Job 17394) dated 5 November 2014, this Branch emphasized that vehicular access to the Jamestown Housing Department must only be taken via the Jamestown municipal street system. No direct access will be permitted via the pipeline servitude (SG ID: 7310/19790010), which forms the northern boundary of the housing development. This confirms the Branch's intent to close the median break on MR27 opposite the pipeline servitude (School Road), as well as the closure of the informal access via the pipeline servitude (School Road).
7. The previous approval for phases 2 and 3 is no longer valid. Therefore, a new application has been submitted to reinstate the intended rezoning and to effect the subdivision.
8. The TIA has assumed that the following upgrades (required under existing traffic conditions) to the MR27 / Webersvallei Road intersection would be implemented prior to the completion of phase 2 and 3:
 - 8.1. Dedicated left turn lane on Webersvallei Road (construction underway); and
 - 8.2. Additional short through lanes on both approaches and exits of MR27.
9. This Branch offers no objection to the application for the development of Phase 2 and 3 of the Jamestown Housing Development by Stellenbosch Municipality subject to the following conditions:
 - 9.1. Implementing three through lanes on the southbound carriageway from Techno Avenue to the closed MR27/School Road intersection and median ($\pm 1.250\text{km}$);
 - 9.2. Implementing three through lanes on the northbound carriageway from the R44/Webersvallei Road intersection to connect with the existing three through northbound lanes at the MR27/Techno Avenue intersection ($\pm 500\text{m}$);
 - 9.3. Improving the lane configuration on the Webersvallei Road approach to the R44/Webersvallei Road intersection by introducing two dedicated left turn lanes while keeping the through lane as both a through and left turn lane;
 - 9.4. If the road upgrade under Section 8.2 has not yet been implemented at the time of occupation for Phase 2 and 3, it must also be constructed;
 - 9.5. All detailed design drawings of the road geometry, pavement/materials, drainage, and road signs/markings must be submitted to the Design Directorate at this Branch (attention: Mr F Hunter e-mail: faiz.hunter@westerncape.gov.za) for approval after being scrutinized by the relevant directorates at the Stellenbosch Municipality, prior to the commencement of construction; and
 - 9.6. The development of Phase 4 will require an updated Traffic Impact Assessment (TIA).

Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE

DATE: 27 FEBRUARY 2024

ENDORSEMENTS

1. Stellenbosch Municipality
Attention: Mr U von Molendorff (e-mail: ulrich.vonmolendorff@stellenbosch.gov.za)
Attention: Me C Kriel (e-mail: chrizelle.kriel@stellenbosch.gov.za)
2. Zutari
Attention: Mr R Schröder (e-mail: rudolf.schroder@zutari.com)
3. Me S du Preez (e-mail)
4. Mr M Hendrickse (e-mail)
5. Mr SW Carstens (e-mail)
6. Mr B du Preez (e-mail)