



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/15923(TP419/2023)

Our File Reference Number: Farm 744/2, Paarl

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 THE AMENDMENT OF THE APPROVED SUBDIVISION AND PHASING PLAN FOR FARM 744/2, KLAPMUTS

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the application for the amendment of the approved subdivision and phasing plan for Farm 744 portion 2, Klapmuts, in terms of Section 15(2)(k) of the Stellenbosch Municipal Land Use Planning Bylaw 2023.

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 proposed applications under consideration, as indicated on the Subdivision and Phasing Plan, Ref No 18096-010, Dated 27-06-2023, attached as **Annexure B** 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 development must be undertaken generally in accordance with the Subdivision and Phasing Plan, Ref No 18096-010, Dated 27-06-2023, attached as **Annexure B**.

- 3.3 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.
- 3.4 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.
- 3.5 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.
- 3.6 The conditions imposed by the Directorate Infrastructure Services as contained in the memorandum dated 5 October 2023 and attached as **Annexure D**, be complied with.
- 3.7 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
- 3.8 The conditions imposed as contained in the approval letter dated 16 July 2021 and attached as **Annexure E**, be complied with.

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

- 4.1 The proposal will only facilitate the approval of a phasing plan.
- 4.2 No additional Land Use rights will be granted that have not already been granted.

Matters to be noted:

- 4.3 The approval granted for the amendment of the subdivision and phasing plan is not an automatic extension of the validity period for the approval granted on 16 July 2021.

5. 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.

6. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:
 - a. The personal particulars of the Appellant, including:
 - 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 addressReference to this correspondence and the relevant property details on which the appeal is submitted.

7. 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.
 - c) Whether the appeal is lodged against the whole decision or a part of the decision.
 - 7.1 If the appeal is lodged against a part of the decision, a description of the part.
 - 7.2 If the appeal is lodged against a condition of approval, a description of the condition.
 - 7.2 The factual or legal findings that the appellant relies on.
 - 7.3 The relief sought by the appellant.
 - 7.4 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.
 - 7.5 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.

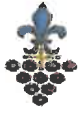
c) Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of e-mail at the following address:
landuse.appeals@stellenbosch.gov.za

8. 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.
9. 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
10. 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.
11. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
12. 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

13/2/2024
DATE



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE B



STELLENBOSCH
MUNICIPALITY

REVISION HISTORY:

Rev A: Proposed subdivision and phasing of Portion 2 of Farm 744, Paarl

NOTES:

- Figure ABCDEFGHKL represents Portion 2 of Farm 744, Paarl.
- All dimensions and areas are provisional and need to be verified by cadastral survey.
- Proposed Phasing Number of Portion 2 of Farm 744 Paarl
- Proposed 5m servitude servitude

TITLE:

PROPOSED SUBDIVISION & PHASING PLAN

SCALE:

1:5000 (A1)

PROPERTY DESCRIPTION:

PORTION 2 OF FARM 744, PAARL

PROJECT DETAILS:

Project Name: [Redacted]
Project No: 18095
Client: [Redacted]
Municipality:

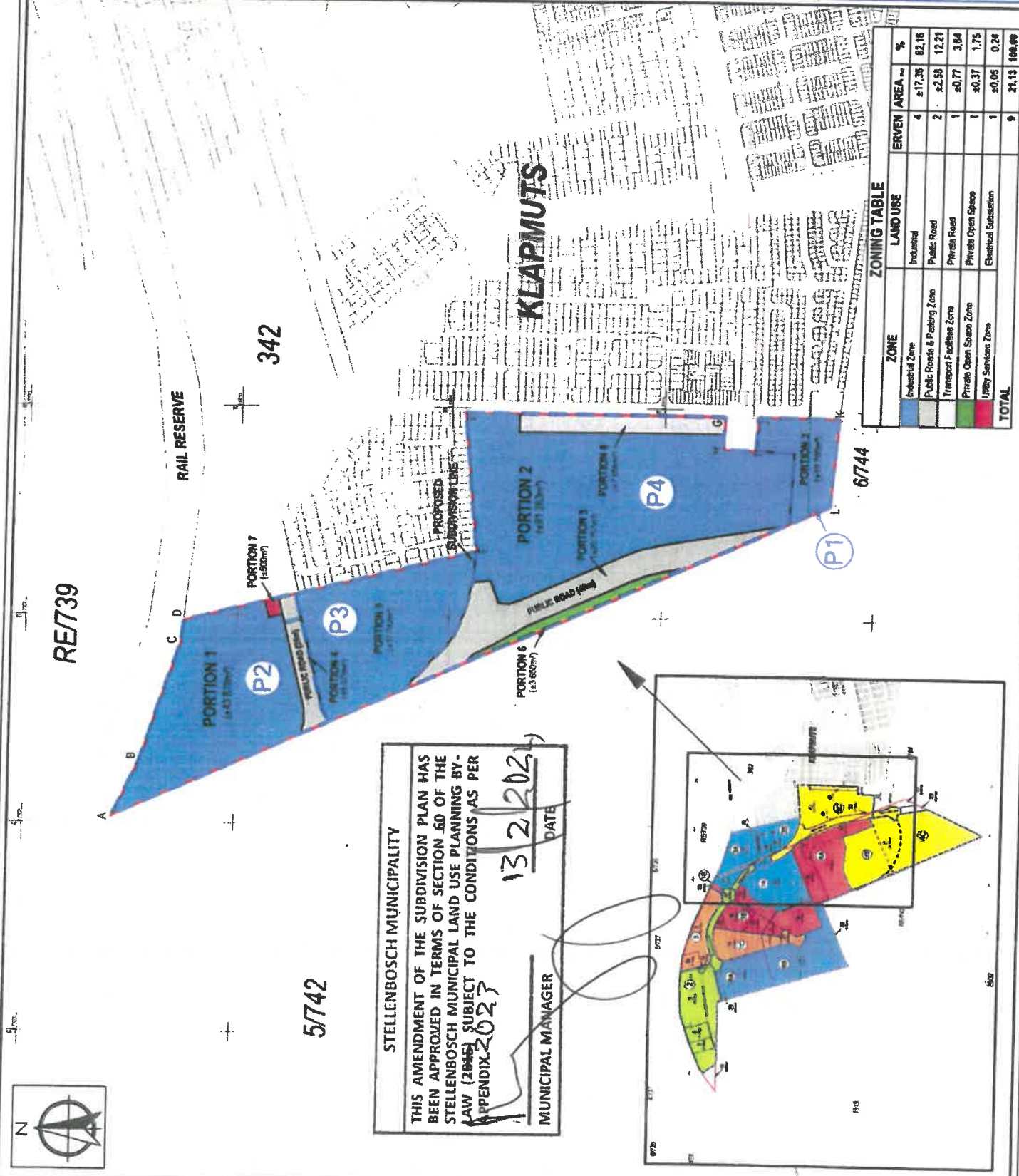
PLAN DETAILS:

Plan No: 18095-010
Revision: A
Date: 2023-05-27
Drawn By: MR & RC
Checked by: AL



AROUX
TOWN PLANNING

The copyright in this document, including the design and the earth cover thereon, is owned by AntonLotz Town & Regional Planning and Aroux Town Planning



ZONING TABLE

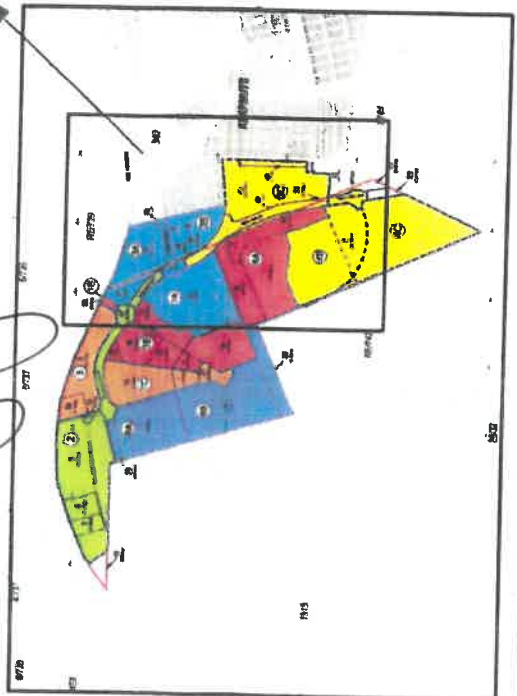
ZONE	LAND USE	ERVEN	AREA m ²	%
Industrial Zone	Industrial	4	±17,36	82,16
Public Roads & Parking Zone	Public Road	2	±2,68	12,21
Transport Facilities Zone	Private Road	1	±0,71	3,04
Private Open Space Zone	Private Open Space	1	±0,37	1,75
Utility Services Zone	Electrical Substation	1	±0,05	0,24
TOTAL		9	21,13	100,00

STELLENBOSCH MUNICIPALITY

THIS AMENDMENT OF THE SUBDIVISION PLAN HAS BEEN APPROVED IN TERMS OF SECTION 6D OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2014) SUBJECT TO THE CONDITIONS AS PER APPENDIX 2023

13 2 2023 DATE

MUNICIPAL MANAGER



RE739

342

5/742

KLARPMUTS

6744



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

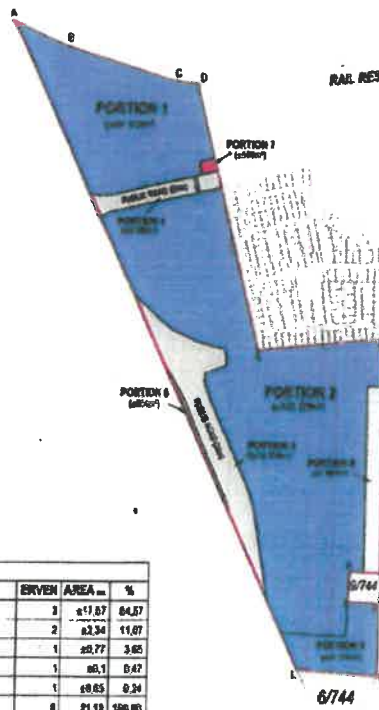
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE B

REVISED SUBDIVISION & ZONING PLAN



RE/739



RAIL RESERVE

342

KLAPMUTS

STELLENBOSCH MUNICIPALITY
 THIS SUBDIVISION / CONSOLIDATION HAS BEEN APPROVED IN TERMS OF SECTION 22 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2005) SUBJECT TO THE CONDITIONS AS PER ATTACHED LETTER DATED 11/10/2012
 AUTHORIZED EMPLOYMENT

ZONING TABLE			
ZONE	LAND USE	BY-AREA	AREA %
Industrial Zone	Industrial	1	11,07 64,27
Public Roads & Parking Zone	Public Road	2	12,34 11,07
Transport Facilities Zone	Private Road	1	10,77 3,65
Private Open Space Zone	Private Open Space	1	10,1 5,42
Utility Services Zone	Electrical Substation	1	10,85 0,24
TOTAL		8	17,19 100,00

RE/742

7744



STELLENBOSCH MUNICIPALITY
 OF THE WESTERN CAPE

REVISION HISTORY:
 Rev A: Proposed subdivisions of Portion 2 of Farm 744 Paarl
 Rev B: Add updated road reserves
 Rev C: Update public road layout
 Rev D: Update public road diagram
 Rev E: Add Portion 1 and change of name
 Rev F: Add Portion 3

NOTES:
 • Plans ACCEPTABLE, approve Portion 2 of Farm 744 Paarl
 • All distances and areas are rounded and read as written by official survey
 • Plans to be made available to the public

TITLE
PROPOSED SUBDIVISION & ZONING PLAN

SCALE
 1:5000 (A3)

PROPERTY DESCRIPTION:
 PORTION 2 OF FARM 744, PAARL

Project Name: Stellenbosch Strategic
 Client: Stellenbosch Municipality

PLAN DETAILS:
 Plan No: 1930-002
 Revision: 1
 Date: 2014-06-13
 Drawn by: AN & RC
 Checked by: AL



We guarantee the drawing, including the stamp and the double name cover, as issued by Anton Lotz Group Engineering Planning and Design (Pty) Ltd.



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE D

ELETRICITY SERVICES: CONDITIONS OF APPROVAL
Klapmuts 744-2 The Bridge

GENERAL COMMENT:

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

CONDITIONS

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

Bradley Williams
021 808 8336



Signature

29/01/2021
Date



MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES
DIREKTORAAT: INFRASTRUKTUURDIENSTE

CIVIL ENGINEERING SERVICES

To • Aan: Director: Planning + Economic Development
Att Aandag: Nicole Katts
From • Van: Manager: Development (Infrastructure Services)
Author • Skrywer: Tyrone King
Date • Datum: 5 October 2023
Our Ref • Ons Verw: Civil LU 2584
Town Planning Ref: LU/15923
Re • Insake: Farm 744/2, Paarl: Stellenbosch Bridge Application 2:
Application for the amendment of the approved Subdivision and Phasing Plan for Portion 2 of Farm 744, Paarl, in terms of section 15(2)(k) of the Stellenbosch Municipality Land Use Planning By-Law, 2015.

Background: The rezoning and subdivision application for this development (referred to as Stellenbosch Bridge Development - Application 2) was previously recommended for approval with conditions as per our Memo dated 21 Dec 2020 (2028 Civil LU). This new application is for the phasing plan of the Application 2 development.

This Memo and its conditions, especially the upgrade requirements are based on the current status of engineering services and supersedes the conditions as stated in the previous land use approval.

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

- a) Proposed Subdivision and Phasing Plan, Plan No 18096-010 Rev A dated 2023-06-27 by Anton Lotz and A Roux;
- b) The relevant engineering land use approval conditions for Stellenbosch Bridge Application 3, was also incorporated into this Memo to ensure alignment between the approval conditions of the various applications, especially wrt the upgrade- requirements and

thresholds as it is imperative to consider this application not in isolation, but as part of the larger Stellenbosch Bridge development.

This document consists of the following sections:

A. Definitions

B. Recommendation to decision making authority

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

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

A. Definitions

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

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

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

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

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

B. Recommendation:

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

C. Specific conditions of approval

4. **Background/Context:** It is understood that this application is in essence to identify the phasing in terms of which the development will be implemented. This application does therefore not go into the detail of the buildings to be developed, as such details will be provided at a later stage namely precinct plans, subdivision plans and SDP approval. Such further detail might lead to new or revised conditions by the Infrastructure Services department when such applications are received and assessed. The requirements regarding the internal services and/or link services and/or bulk services will also be addressed in more detail at the SDP approval stage.
5. It should further be noted that this Application forms part of the larger Stellenbosch Bridge development and should not be considered in isolation. It is also not possible to predict the sequence of the implementation of the larger development, and therefore the sensible sequencing of infrastructure upgrades is also not possible, which is why the SDP approval process will be used to identify which upgrades are triggered. These approval conditions does however attempt to identify the overall bulk infrastructure upgrades required to service the ultimate development, based on the status of municipal services capacity at this point in time. The capacity status is however subject to change and such changes must be reflected in the future SDP application documents.
6. **Bulk service upgrades (Refer to Annexures: Water/Sewer/Roads):** The Bulk service upgrade drawings indicate the overall upgrades that are triggered by the cumulative Stellenbosch Bridge development in terms of Water, Sewer and Roads. These upgrades may be implemented in a phased approach. In order to identify when any service upgrade is triggered, each subsequent development application i.e. SDP application, must indicate the impact/demand on the municipal service networks that is caused by that application as well as the capacity status of the municipal infrastructure at that point in time. Therefore, each subsequent application must be accompanied by a Traffic Impact Study, an Engineering Services Report, a Water and Sewer capacity analysis report by the municipality's master planning specialist, as well as updated Bulk Services Upgrade drawings, to analyze the impact of each specific application and to identify which of the upgrades are triggered. Any triggered upgrade will become a condition of approval and **no taking up of proposed rights including subdivision clearance or building plan approval (whichever comes first) will be allowed before the identified upgrades have been completed.**
7. **Klapmuts Reservoir:** There is still sufficient spare capacity in the existing Klapmuts 7ML reservoir to accommodate new developments. Each subsequent engineering report and

capacity analysis report must confirm the capacity status of the reservoir and indicate at what water demand an upgrade will be triggered.

8. **Klapmuts Waste Water Treatment Works (WWTW):** The WWTW is experiencing capacity constraints and the Municipality is in the process of securing funding to do the required upgrades to create spare capacity for new developments. The Stellenbosch Bridge development will be accommodated up to a water demand of **AADD of 1547.5 kI/day** after which no further clearances will be issued until the spare capacity has been created at the WWTW. The 1547.5 kI/day is based on previous approval rights already in place.
9. **Realignment of Merchant Street (Item 9 on External Road Upgrades Drawing):** The Developer is strongly advised to proceed with the planning and design processes and obtaining all statutory approvals for the construction of this road, as it is envisaged that it will be triggered at the early stages of the roll-out of the Stellenbosch Bridge development. Any outstanding approvals required for the construction of the road could therefore lead to a delay in implementation thereof and subsequently in obtaining municipal clearance for erven and/or building/s of which this road is a condition of approval.
10. **Underpass Road (Item 11 on External Road Upgrades Drawing):** based on the current traffic flow scenario and road capacity status, a total of **230 peak hour trips** from the Stellenbosch Bridge development (all applications) would be possible via the existing Klapmuts area, whereafter the underpass link to Old Paarl Road would be required to accommodate further development. The Municipality will re-assess this threshold during future land use applications, based on the existing road network's status at that point in time and the type and volume of traffic that will be generated by any future application. It should be noted that the existing Merchant Street is bordered by single residential erven, as well as community facilities and a school, and carries significant pedestrian movement and therefore high volumes of especially heavy vehicles are not desirable along this route.
11. Any conditions by any other relevant engineering service authority (including but not limited to provincial and/or national roads) must be complied with before any clearances for this development application or subsequent development applications are given. It will be the Developer's responsibility to ensure that these authorities are satisfied that all their requirements and upgrades have been done to the authority's satisfaction.
12. Following the SDP approval (or any other relevant development approval), detail engineering drawings for the identified bulk upgrade items must be submitted for approval. These drawings must comply with the municipality's minimum standards and specifications and any additional and specific requirements regarding detail design will be identified at this stage.

AA

13. **Public Transport:** If public transport is not adequately addressed, the reliance on private transport will increase and have a negative effect on the surrounding road and traffic networks. Therefore, the establishment of a multi modal public transport facility must be investigated in conjunction with the Municipality, and the roles and responsibilities between the various stakeholders for the planning and construction of such a facility must be identified. Recommendations must be identified in the TIS for SDP applications. Further conditions regarding public transport may be set at SDP approval stage.

14. **Stormwater Network:** The consulting engineer, appointed by the "Developer", must analyse 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 SDP applications.

15. **Solid Waste:** Prior to occupation of the development, the Developer must make arrangements with the Municipality (Solid Waste Department) wrt providing a solid waste removal service.

16. **Fencing and access to municipal servitudes from private erven / roads:** Any boundary fence abutting a municipal servitude must be on the outer edge of the municipal servitudes. In other words, the fence should not be on the border between the municipal servitude and the private Right of Way servitude. This is so that municipal vehicles and staff will have unconstrained access to the municipal servitude from the private road's side during maintenance.

17. **Funding of bulk infrastructure projects:** Any of the upgrades required, that are not currently on the Municipality's approved budget will be the Developer's responsibility to implement. Where upgrades may be offset against the Development Charges, and should the Development Charges be sufficient, the "Developer" may enter into a Services Agreement with the "Municipality" to do these upgrades in-lieu of Development Charges. Should the Development Charges not be sufficient, the Developer may decide to cover the shortfall. If the Developer is not able to cover the shortfall, then the implementation of the development must be re-planned around the availability of the bulk services in question as clearances will not be issued unless the required upgrades have been completed.

AAJ

18. **Principles governing the utilisation of DCs on Municipal / Provincial Roads:** The Developer must note the following (Clause 13.4 of 2023/24 Stellenbosch Municipality DC Policy):

Provincial Roads – 20% of the value of upgrades on provincial roads have been allowed for in the determination of the Development Charges tariffs and therefore this percentage will be allowed to be offset from Development Charges. The offsetting of Development Charges against the full cost of provincial road upgrades would result in an under-recovery of Development Charges for municipal roads. Exception is upgrades to intersections between municipal and provincial roads, where the full amount can be offset from Development Charges.

National Roads: intersections of National and Provincial Roads – not included in our DC tariffs – cannot be offset from DCs.

19. Should the "Developer" wish to discuss the possibility of proceeding with building work parallel with the provision of the bulk services listed above, he must present a motivation and an implementation plan to the "Engineer" for his consideration and approval. Such approval will be strictly at the discretion of the "Engineer". The implementation plan should include items like programmes for the construction of the Internal services and the building construction. If such proposal is approved, it must still be noted that no occupation certificate will be issued prior to the completion and commissioning of the bulk services. Therefore, should the proposal for proceeding with the development's construction work parallel with the provision of the bulk services be agreed to, the onus is on the "Developer" to keep up to date with the status in respect of capacity at infrastructure listed above in order for the "Developer" to programme the construction of his/her development and make necessary adjustments if and when required. **The Developer is also responsible for stipulating this condition in any purchase contracts with the buyers of the properties. Proof of this may be required before building plans are approved.**

Development Charges (DCs)

20. Development Charges will be calculated based on the development parameters indicated on the detail SDPs and/or building plans and/or subdivision plans.
21. 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;

22. 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;
23. 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 and according to the DCs Policy principles at the time that payment is made;
24. 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;
25. Once calculated, the Development Charges will be paid by the "Developer" per phase –
 - prior to the approval of any building- and/or services plans in the case of a Sectional title erf in that phase or where a clearance certificate is not applicable and/or;
 - prior to the approval of Section 28 Certification (subdivision clearance) in terms of the Stellenbosch Municipal Land Use Planning By-law – where individual erven with new development rights have been created;
 - if one the above does not apply, then prior to the erf or portion thereof being put to the approved use;
26. 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;

Site Development Plan: the following general principles will be applicable. More detail must be provided at the precinct plan / SDP submission stage.

27. that provision be made for a stacking distance of 6m (< 15 units served); 12m (15-40 units served); site specific requirements (> 40 units served or a business premises). The stacking distances shall be measured from the edge of the closest sidewalk or cycle lane to the entrance gate. The guiding principle is that vehicle and pedestrian traffic should not be obstructed by stacking vehicles;

28. that sufficient entrance and exit widths will be created at the vehicle access points: 2.7m minimum and 4,0m maximum width for a single entrance or exit way; 5,0m min and 8,0m maximum for a combined entrance and exit way. To accommodate emergency vehicles, at least one lane should be 4, 0 metres wide and have a minimum height clearance of 4.3 m.
29. that, where access control is being provided, a minimum of 2 to 3 visitor's parking bays be provided on site, but outside the entrance gate, for vehicles not granted access to the development;
30. that provision be made for a 3-point turning head in front of the entrance gate, to the satisfaction of the Directorate: Infrastructure Services in order to enable a vehicle to turn around;
31. that provision be made for a refuse room as per the specification of the standard development conditions below;
32. 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";
33. that provision be made for a refuse embayment off the roadway/sidewalk to accommodate refuse removal. (Embayment to be minimum 15m x 2.5m). This must be clearly indicated on the engineering drawings when submitted for approval. The specifications of such embayment shall be as per the standard development conditions below;
34. that the layout be amended to accommodate continuous forward movement by service trucks and all cul-de-sacs have a minimum of 11 m radius turning circle, to ensure continuous forward movement;
35. 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

36. Where private roads and established, all services along such roads and/or on the said private development will be regarded as private services and will be maintained by the "Developer" and or Owner's Association;
37. Any public roads and services will be maintained by the Municipality;

38. More detail must be provided at the SDP submission stage regarding the ownership status of services;

Internal- and Link Services

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

Bulk Water Meter

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

Solid Waste

41. 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.

Servitudes

42. Servitudes must be registered wherever private services crosses municipal property. It is acknowledged that such servitudes are indicated on the subdivision plan;
43. Servitudes must be registered where a municipal service crosses private property;
44. All servitudes must be indicated on engineering services detail/construction drawings;
45. Servitudes must be registered before any clearance is given;
46. All costs related to servitude registration will be for the Developer's;

Damage to municipal services

47. that the "Developer" will be held liable for any damage to municipal infrastructure incl roads, 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, before any clearances, building plan or occupation certificate are issued;

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:

48. 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;
49. 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;
50. 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.
51. that the "Developer" must ensure that he / she has an acceptable public liability insurance policy in place;
52. 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;

53. 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;
54. 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 amended);
55. 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

56. 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*";
57. 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

14

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;

58. 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;
59. 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

60. 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;
 61. 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;
 62. 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;
 63. that construction of services may only commence after municipal approval has been obtained;
- . Aff

64. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company : approved by the "Engineer";
65. 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;
66. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal – and external services;
67. that all the internal civil services (water, sewer and stormwater), be indicated on the necessary building plans for approval by the Directorate: Infrastructure Services;
68. 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;
69. that a Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1 be issued before clearance will be issued (prior to transfer of individual units or utilization of buildings);
70. that clearance will only be issued if the bulk watermeter is installed, a municipal account for the said meter is activated and the consumer deposit has been paid;
71. 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;
72. that the "Developer" shall adhere to the specifications of Telkom (SA) and or any other telecommunications service provider;
73. that the "Developer" shall be responsible for the cost for any surveying and registration of servitudes regarding services on the property;
74. 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;

75. 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".
76. that the developer takes cognizance of applicable tariffs by Council in respect of availability of services and minimum tariffs payable;

Servitudes

77. that the "Developer" ensures that all main services including roads to be taken over by the Directorate: Infrastructure Services, all existing municipal – and or private services including roads, crossing private - and or other institutional property and any other services/roads crossing future private land/erven are protected by a registered servitude before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be given;
78. In general, 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. It is advised that the width be agreed with the relevant service department before finalisation. The "Developer" will be responsible for the registration of the required servitude(s), as well as the cost thereof;
79. 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

80. 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.

81. 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;
82. 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;
83. 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;
84. 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;
85. 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.
86. 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;
87. 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.
88. 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

89. that, where applicable, the application must be submitted to the Provincial and National Roads authorities for comment and conditions. Any conditions set by these authorities will be applicable and must be complied with before clearance;

10/11

90. that no access control will be allowed in public roads;
91. 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;
92. The design and lay-out of the development must be such that emergency vehicles can easily drive through and turn around where necessary;
93. 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;
94. 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;
95. 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;
96. 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;
97. 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;
98. that no parking be allowed in the road reserve;

Bridge Requirement:

99. that any bridge(s) in the proposed road lay-out be designed and constructed to not impact on the natural flow of water, and to be able to accommodate the 1:50 year flood. The underside of the bridge(s) must be above the 1:100 year flood level;

- 144

100. that the bridge(s) be constructed by the "Developer", at his/her cost, to the standards of the Directorate: Infrastructure Services. A suitably qualified Registered Engineering Professional shall take professional responsibility for the design and performance of the bridge. An adequate level of supervision by a suitably qualified Registered Engineering Professional must be provided for the full duration of the works. The Registered Engineering Professional shall arrange for any tests that may be necessary to determine whether the workmanship and materials conform to the required standards;
101. that a certificate stating that all work has been carried out in accordance with the Directorate: Infrastructure Services's specifications and requirements, signed by the Registered Engineering Professional, must be submitted with the "As Built" drawings on completion of the bridge(s). The certificate must make reference to all material testing, and confirm that the test results meet or exceed the requirements of the specifications;

Culvert Requirement:

102. that the proposed culvert under rail in the proposed road lay-out be designed and constructed by a professional engineer and to the satisfaction of all affected institutions i.e. Provincial Government, Stellenbosch Municipality, Metrorail, PRASA, etc;
103. that the culvert be constructed by the "Developer", to the standards of the Directorate: Infrastructure Services. An adequate level of supervision by a suitably qualified Registered Engineering Professional must be provided for the full duration of the works. The Registered Engineering Professional shall arrange for any tests that may be necessary to determine whether the workmanship and materials conform to the required standards;
104. that a certificate stating that all work has been carried out in accordance with the Directorate: Infrastructure Services's specifications and requirements, signed by the Registered Engineering Professional, must be submitted with the "As Built" drawings on completion of the culvert. The certificate must make reference to all material testing, and confirm that the test results meet or exceed the requirements of the specifications;
105. that stormwater in the culvert be addressed without utilizing mechanical pumps to the satisfaction of the "Engineer";

Wayleaves

106. 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;
107. that wayleaves will only be issued after approval of relevant engineering design drawings;
108. that it is the Developer's responsibility to obtain wayleaves from any other authorities/service provider's who's services may be affected.

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

109. that an Owner's Association be established in accordance with the provisions of section 29 of the Stellenbosch Municipal Land Use Planning By-law and shall come into being upon the separate registration or transfer of the first deducted land unit arising from this subdivision;
110. that the Owner's Association take transfer of the private roads simultaneously with the transfer or separate registration of the first deducted land portion in such phase;
111. that in addition to the responsibilities set out in **section 29** of the Stellenbosch Municipal Land Use Planning By-law, the Owner's Association also be responsible for the maintenance of the private roads, street lighting, open spaces, retention facilities and all internal civil services;
112. that the Constitution of the Owner's Association specifically empower the Association to deal with the maintenance of the roads, street lighting, open spaces, retention facilities and all internal civil services;
113. that the Constitution of the Owner's Association specifically describes the responsibility of the Owner's Association to deal with refuse removal as described in the "Solid Waste" section of this document;

Solid Waste

114. The reduction, reuse and recycle approach should be considered to waste management:
 - Households to reduce waste produced
 - Re-use resources wherever possible
 - Recycle appropriately

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

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

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

- 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

115. 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;
116. that the "Developer" must apply and get approval from the Municipality's Solid Waste Department for a waste removal service prior to clearance certificate or occupation certificate (where clearance not applicable). Contact person: Senior Manager: Solid Waste (021 808 8241; clayton.hendricks@stellenbosch.gov.za)
117. 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);

118. that if the "Developer" removes the waste by private service provider, provision must still be made for a refuse room should this function in future revert back to the "Municipality";
119. 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;
120. Access shall be provided with a minimum travelable surface of 5 meters width and a minimum corner radii of 5 meters;
121. 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;
122. Minimum turning circle radius shall be 11 meters to the center line of the vehicle;
123. Road foundation shall be designed to carry a single axle load of 8.2 tons;
124. Refuse storage areas are to be provided for all premises other than single residential erven;
125. 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;
126. 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;
127. The refuse storage area shall be large enough to store all receptacles needed for refuse disposal on the premises, including all material intended to recycling. No household waste is allowed to be disposed / stored without a proper 240 l Municipal wheelie bin;
128. 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;

which discharges to a sewer gully outside the building. In some cases a grease gully may be required.

134. Should the refuse storage area be located at a level different from the level of the street entrance to the property, access ramps are to be provided as stairs are not allowed. The maximum permissible gradient of these ramps is 1:7;
135. A refuse bay with minimum dimensions of 15 meters in length x 2, 5 meters in width plus 45 degrees splay entrance, on a public street, must be provided where either traffic flows or traffic sight lines are affected. The refuse bays must be positioned such that the rear of the parked refuse vehicle is closest to the refuse collection area;
136. 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;
137. Refuse should not be visible from a street or public place. Suitable screen walls may be required in certain instances;
138. Access must be denied to unauthorized persons, and refuse storage areas should be designed to incorporate adequate security for this purpose;
139. 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

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

- 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;
141. 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";
142. 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;
143. 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;
144. 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";

Clearance certificates in terms of the Stellenbosch Municipal Land Use Planning By-law

145. 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;
146. 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;

"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

154. 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".
155. 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;
156. 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;
157. 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".

2584 () Stellenbosch Bridge Application 2 Farm 744-2 Paarl (LU-15923) Phasing

158. 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.



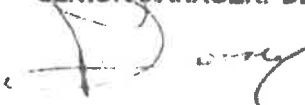
TYRONE KING Pr Tech Eng

MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)



MYRA FRANCIS

SENIOR MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)



SHANE CHANDAKA

DIRECTOR: INFRASTRUCTURE SERVICES

W:\20 DEVELOPMENT\01 Land Use applications\2584 (TX) Stellenbosch Bridge Application 2 Farm 744-2 Paarl (LU-15923) Phasing\2584 () Stellenbosch Bridge Application 2 Farm: 744-2 Paarl (LU-15923) Phasing.doc

ATTACHMENT X





STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE E



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/11252

Our File Reference Number: Farm 744/2, Paarl

Your Reference Number: 18096

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

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

PER E-MAIL: andre@arouxplanning.co.za / clatz@africa.com / reeve@arouxplanning.co.za

Sir

APPLICATION FOR REZONING FROM AGRICULTURE AND RURAL ZONE TO SUBDIVISIONAL AREA OVERLAY ZONE, SUBDIVISION INTO 8 PORTIONS AND CONSENT TO PERMIT AN INDUSTRIAL AND BUSINESS DEVELOPMENT: PORTION 2 OF FARM NO. 744, KLAPMUTS, PAARL DIVISION

1. The above application refers.

2. The Municipal Planning Tribunal on 18 June 2021 resolved as follows:

2.1 The following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Portion 2 of Farm 744, Paarl, namely:

2.1.1 The **rezoning** of Remainder Portion 2 of Farm 744, Paarl, from Agriculture and Rural Zone to Subdivisional Area in terms of Section 15(2)(a) of the said Bylaw to allow for the following uses to develop 90 500m² of Industrial and Business floor area as a Basket of Rights:

- a) 3 x erven zoned Industrial Zone (±17.87ha);
- b) 2 x erven zoned Public Roads & Parking Zone (±2.34ha);
- c) 1 x erf zoned Private Open Space Zone (±0.1ha);
- d) 1 x erf zoned Utility Service Zone (±0.05ha);
- e) 1 x erf zoned Transport Facilities Zone (±0.77ha)

147. that clearance will only be given per phase and the onus is on the "Developer" to phase his development accordingly;
148. 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 Clearance Certification in terms of the Stellenbosch Municipal Land Use Planning By-law. Verifying documentation (proof of payment in respect of Development Charges, services installation, etc.) must be submitted as part of the application before an application will be accepted by this Directorate;
149. 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".

Occupation Certificate in terms of Section 14 of the the National Building Regulations and Building Standards Act 103 of 1977

150. It is specifically agreed that the "Developer" undertakes to comply with all conditions of approval as laid down by the "Municipality" before occupation certificates shall be issued, unless otherwise agreed herein;
151. that the "Municipality" reserves the right to withhold any occupation 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 occupation certificate until such time as the amount owing has been paid;
152. 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 an occupation certificate in terms of the National Building Regulations. 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;

Avoidance of waste, nuisance and risk

153. 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

As indicated on Plan No: 18096-002, Dated: 2021-05-13, Drawn By: AR & RC, for Anton Lotz Town & Regional Planning, attached as **Annexure B**.

2.1.2 The **subdivision** of Remainder Portion 2 of Farm 744, Paarl, into 8 portions in terms of Section 15(2)(d) of the said Bylaw in accordance with the subdivision plan with Plan No: 18096-002, Dated: 2021-05-13, Drawn By: AR & RC, for Anton Lotz Town & Regional Planning, attached as **Annexure B**, to allow for the following:

- a) Portion 1 (± 4.4312 ha) zoned Industrial Zone;
- b) Portion 2 (± 12.3729 ha) zoned Industrial Zone;
- c) Portion 3 (± 1.0774 ha) zoned Industrial Zone;
- d) Portion 4 (± 5180 m²) zoned Public Roads & Parking Zone
- e) Portion 5 ($\pm 1,8256$ ha) zoned Public Roads & Parking Zone;
- f) Portion 6 (± 964 m²) zoned Private Open Space Zone;
- g) Portion 7 (± 500 m²) zoned Utility Services Zone;
- h) Portion 8 (± 7664 m²) zoned Transport Zone.

2.1.3 **Consent** to allow **Business Premises** on **Portions 1 and 2** of the proposed development in terms of Section 15(2) (o) of the said Bylaw.

BE APPROVED in terms of Section 60 of the said Bylaw and **BE SUBJECT** to conditions in terms of Section 66 of the said Bylaw.

3. CONDITIONS OF APPROVAL:

- 3.1 The approval applies only to the application in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
- 3.2 An electronic copy (shp,dwg,dxf) of the Subdivision Plan which was preliminary approved by the SG be submitted to the Directorate: Planning and Economic Development.

The following information to be indicated on this plan:

Newly allocated Erf Numbers,

Co-ordinates,

Survey Dimensions,

Street names (If approved by Council).

- 3.3 A phasing plan be submitted for approval by the Directorate: Planning and Economic Development indicating the sequence and timeframe of development.
- 3.4 A detailed subdivision plan clearly indicating the street names and street numbering be submitted for approval in terms of the Stellenbosch Municipal Planning Bylaw for each portion / precinct that is created by the approval.
- 3.5 A site development plan, landscaping plan, and architectural guidelines be submitted for each property that is created by the approval with the subdivision plan for each precinct.
- 3.6 An updated bulk floor space register be submitted with each site development plan to the satisfaction of the Directorate: Infrastructure Services.
- 3.7 All public places and public streets that vested in the Local Authority be clearly defined and indicated and be provided with erf numbers on the approved SG plans and be transferred to the Local Authority upon transfer of the first unit/erf in the subdivision. All cost for the surveying and transfer of public land be for the account of the applicant/developer.
- 3.8 An Operational Management Plan, inclusive of architectural guidelines and a detailed Landscaping Plan be submitted for approval by the Directorate: Planning and Economic Development for the total development that implements the recommendations made in the Visual Impact Assessment done by Megan Anderson Landscape Architect attached as **Annexure P** before transfer of any property (excluding Portion 3).
- 3.9 Architectural and aesthetic guidelines be submitted for approval by the Directorate: Planning and Economic Development with the subdivision application for each precinct and that these guidelines comply with the Operational Management Plan required above, including specific reference to the interface between the light industrial area and the adjacent residential areas.
- 3.10 The Stellenbosch Municipality Zoning Scheme By-law 2019 or Approved Site Development Plan parameters in terms of parking setbacks, bulk and height of

buildings be applicable to the newly created properties, notwithstanding the fact that 90 500m² of bulk has been approved.

- 3.11 The industrial buildings on **Portion 2** located along the common boundary with the proposed residential area to be located on **Portion 8** be setback a minimum of 20m from the common boundary at any point.
- 3.12 The industrial activities in these buildings not accommodate heavy industrial or noxious industrial activities but be light industrial activities which will not have a negative impact on the adjoining residential areas and be defined as a use not include manufacturing that may cause any health nuisances to residents, noise disturbance, air pollution or is dependent on heavy vehicles or freight transfer.
- 3.13 A Service agreement be signed with the Directorate: Infrastructure Service before any property is transferred or any construction takes place and that the agreement contains the relevant conditions of approval as imposed by the Directorate: Infrastructure Service in their memo dated 21 December 2020 and that these conditions be complied with, as attached as **Annexure N**;
- 3.14 Development charges be payable towards bulk civil services as imposed by the Directorate: Infrastructure Services in their memo dated 21 December 2020 as attached as **Annexure N**;
- 3.15 No subdivided portion of land be transferred prior to the construction of the Class 3 access road which will provide direct access for this development to the Old Main Road / R101 via Portion 5 of Farm 742 and the railway line underpass, except for **Portion 3**;
- 3.16 No subdivided portion of land be transferred prior to the construction of the link road across Erf 342 that provide one of the access routes for the development via Merchant Street and the R44, except for **Portion 3**;
- 3.17 No civil construction vehicles or equipment that have a weight that exceeds 3.5 tons make use of Merchant Street to access the subject property during the installation of the civil services, without the approval of the Directorate: Infrastructure Services;

- 3.18 Only 15% of the bulk / floor area be developed for exclusively Business purposes on Portions 1 and 2 of the proposed development. (Plan No: 18096-002, Dated: 2021-05-13, Drawn By: Anton Lotz Town & Regional Planning.)
- 3.19 The total bulk approved for the residential component forms part of the 90 500m² of floor area approved for the property;
- 3.20 The internal road layout for the various subdivisions within the precincts makes provision for NMT routes / public transport parking embayment's and pedestrian routes which link the proposed industrial area with the adjoining residential area and public roads. These facilities must be to the satisfaction of the Directorate: Infrastructure Services;
- 3.21 No subdivided portion of land be transferred prior to the submission of the land use application to rezone and subdivide unregistered **Portion 8** of this application to facilitate the development of this portion of the development for Duplexes / Town Houses with a minimum density of 25 units / ha with a Taxi Drop Off Area;
- 3.22 The conditions of approval as imposed by the Road Network Management Directorate of the Department of Transport and Public Works be complied with, as attached as **Annexure K**; and
- 3.23 A socio-economic development implementation plan be submitted for approval by the Municipality before any construction takes place in order to implement the recommendations made in the Socio-economic Impact Assessment done by Multi-purpose Business Solutions.

4. REASONS FOR APPROVAL:

- 4.1 The nature of the development will contribute significantly to employment creation in the Klapmuts area.
- 4.2 The property is situated within the urban edge and identified by the MSDF for urban development.
- 4.3 The property is well located for a light-industrial development, being on the periphery of the existing Klapmuts settlement.

- 4.4 The Industrial activities will be limited to light industrial activities that have minimal negative impact on the surrounding area / no heavy industrial uses will be permitted.
- 4.5 The Industrial buildings will be located away from the property boundary that adjoins the new residential area by landscaped parking areas.
- 4.6 The proposal makes provision for sensible integration between the existing residential area and the proposed development as improved access has been provided with a higher density residential component which will form a transitional zone between the existing residential area and proposed industrial area.
- 4.7 A restriction will also be placed on the amount of Bulk / Area of building that may be developed solely for business purposes to ensure that the majority of the buildings are restricted to industrial purposes as applied for.

5. MATTERS ON THE APPLICATION TO BE NOTED:

- 5.1 The conditions imposed by the DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING in their letter dated 11 February 2021 (Environmental Authorisation), attached as **Annexure H**.
- 5.2 The conditions imposed by HERITAGE WESTERN CAPE in their letter dated 20 November 2019 (Notice of Intent to Develop), attached as **Annexure J**.

The conditions imposed by the HEALTH DEPARTMENT (WINELANDS DISTRICT) in their letter dated 14 August 2020, attached as **Annexure M**.

6. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

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

- (a) The personal particulars of the Appellant, including:
 - (I) First names and surname;
 - (II) ID number;
 - (III) Company of Legal person's name (if applicable)
 - (IV) Physical Address;
 - (V) Contact details, including a Cell number and E-Mail address;
- (b) Reference to this correspondence and the relevant property details on which the appeal is submitted.
- (c) The grounds of the appeal which may include the following grounds:
 - (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
 - (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.
- (d) whether the appeal is lodged against the whole decision or a part of the decision;
- (e) if the appeal is lodged against a part of the decision, a description of the part;
- (f) if the appeal is lodged against a condition of approval, a description of the condition;
- (g) the factual or legal findings that the appellant relies on;
- (h) the relief sought by the appellant; and
- (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;
- (j) That the appeal includes the following declaration by the Appellant:
 - (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct

- (ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.
8. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: landuse.appeals@stellenbosch.gov.za
 9. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The LU Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.
 10. The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).
 11. An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:
 - (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
 - (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
 - (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
 - (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.
 12. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

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

Yours faithfully



FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

16/07/2021
DATE: