



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13517

Our File Reference Number: Farm 81/29, Stellenbosch

Your Reference Number: 3628-P

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL [REDACTED]

Sir / Madam

APPLICATION FOR SUBDIVISION AND DEPARTURE ON FARM NO. 81/29, STELLENBOSCH DIVISION

1. The above application refers.
2. The Municipal Planning Tribunal on 22 April 2022 resolved as follows:
 - 2.1 That, in compliance with condition 3.1 as stipulated in the letter of approval, dated 27 August 2021 the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Farm No. 81/29, Stellenbosch Division, namely:
 - 2.1.1 The **Subdivision** in terms of Section 15(2)(d) of the said Bylaw in accordance with subdivision plan "Subdivisional Plan Nr 4", dated 30 November 2021, and drawn by TV3 Architects and Town Planners to allow for the following:
 - (a) 119 x **Multi-Unit Residential Zone** erven (portions 1 – 119), and $\pm 10\,398\text{m}^2$ in extent, for group housing purposes;
 - (b) 1 x **Multi-Unit Residential Zone** erf (portion 120), and $\pm 4\,548\text{m}^2$ in extent, for purposes of a block of flats consisting of 60 units;
 - (c) 5 x **Private Open Space** erven (portions 121 - 125), and $\pm 1\,672\text{m}^2$ in extent, for private open space purposes,
 - (d) 1 x **Private Open Space** (portion 126), and $\pm 5\,798\text{m}^2$ in extent, for private road purposes.

(e) registration of a **servitude right of way** over portion 20 for access to the flat component.

2.2 **Departure** in terms of Section 15(2)(b) of the said Bylaw to exceed the maximum density of **50** dwelling units per hectare to **60** dwelling units per hectare.

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

3. **Conditions of approval:**

3.1 The development be undertaken in accordance with the Subdivisional Plan Nr 4, dated 30 November 2021, and drawn by TV3 Architects and Town Planners, attached as **ANNEXURE B**.

3.2 An electronic copy (shp.dwg.dxf) of the approved General Plan be submitted to the Directorate Planning and Economic Development for record purposes, which plan must indicate the following information:

- a) Newly allocated erf numbers
- b) Co-ordinates
- c) Survey dimensions
- d) Street names and numbering

3.3 An owner's association for the subject development be established in terms of section 29(1) of the subject Bylaw.

3.4 All common property, inclusive of private road/s and open space/s and land required for services by the owner's association, be transferred at his cost by the applicant to the owners' association, prior to or simultaneously with the transfer or registration of the first land unit or prior to the first building plan approval, whichever occurs first.

3.5 A Phasing Plan which indicates the spatial phasing and associated timeframe of the development be submitted to the Municipality for approval together with the Site Development Plan information (as indicted in conditions 2.6, 2.7 and 2.9).

3.6 A detailed Site Development Plan as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2019 be submitted for the development to the Municipality for approval prior to the submission of any building plans which must satisfactorily address, but are not necessarily limited to, all the conditions of this approval, compliance with relevant development parameters of the said Bylaw and any relevant matters relating to Section 16(4) of the said Bylaw, and specifically the following matters:

- 3.6.1 access control gates with associated infrastructure
 - 3.6.2 perimeter boundary wall/fencing for the development
 - 3.6.3 compliance to conditions of Heritage Western Cape
 - 3.6.4 A Landscaping Plan
- 3.7 An updated traffic impact statement and a civil engineering services report (to assist the municipal engineers in calculation the development charges) be submitted with each Site Development Plan.
- 3.8 Architectural/Aesthetic Guidelines be submitted for the group housing component and approved by the Municipality prior to the registration of the first property or the submission of any building plans application. These guidelines must take the conditions of Heritage Western Cape into consideration (see **ANNEXURE J**).
- 3.9 All public places and public streets on the subdivision plan be transferred to the Municipality upon transfer of the first unit/erf within the subdivision of which the cost for the surveying and transfer of such public land will be for the account of the applicant/developer.
- 3.10 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission an any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.
- 3.11 Should the full extent of permissible development rights, as approved herein-above, not be implemented initially or development is phased, a pro rate 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 submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.
- 3.12 A service agreement regarding the responsibilities for the provision of engineering services be entered into with the Municipality prior to the construction of any engineering services or infrastructure in terms of Section 66(3) and Section 82(4) of the said Bylaw, which service agreement must include and comply with the conditions as imposed by the Directorate Infrastructure Services in their memo dated 05 April 2022 and attached as **ANNEXURE H**.

- 3.13 The conditions of approval as imposed by the Road Network Management of the Department of Transport and Public Works be complied with to the satisfaction of said department as attached as **ANNEXURE K**.
- 3.14 The servitude rights be registered in the title deeds of the applicable property/ies on registration.
- 3.15 The developer and the municipality, represented by the Director: Planning and Economic Development or his delegated official, enter into an agreement on the satisfactorily provision and management of inclusionary housing within 12 months from final notification of the approval and prior to the submission of building plans which agreement must inter alia, but not necessarily limited thereto, address the following matters:
- 3.15.1 the provision of fair and reasonable number of dwelling units, of no less than 30% falling within the affordability thresholds for rental and/or ownership within the new development;
 - 3.15.2 the form of affordable housing options provided on-site as part of the development;
 - 3.15.3 the designated income group for either rental and/or ownership;
 - 3.15.4 the measures to ensure that the designated inclusionary housing units be retained for the designated income groups;
 - 3.15.5 the measures to ensure that affordability be retained over the long term to prevent the units from being traded on the open market;
- 3.16 If in due course, the Stellenbosch Municipal policy on Inclusionary Zoning is adopted and the provisions and requirements thereof are preferred to the above conditions, the developer/owner has the option (but no obligation) to adopt and adhere to the policy requirements instead.

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

- 4.1 The intention of the Adam Tas Corridor is to facilitate higher density developments and promote affordable housing within Stellenbosch. This proposal is therefore compliant with the requirements of the ATC as it allows for different housing typologies.
- 4.2 The revised subdivision plan is in line with the requirements of "Precinct 10" of the Adam Tas Corridor in terms of the density that is proposed by the revised subdivision application.
- 4.3 The MPT has already approved the rezoning of the subject property for urban development purposes and the proposed subdivision plan is in line with the approval granted for the rezoning of the subject property.

5. Matters to be noted:

- 5.1 Permission required in terms of the title deed condition D(a-e) of the Title Deed No. T52460/99, be obtained from the Authorised Official.
- 5.2 Application for the Approval of the development's name: Redwood Estate and the naming and numbering of streets as per the Street Naming and Numbering Plan, be obtained from the Authorised Official.
- 5.3 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.
- 5.4 The subdivision only comes into effect once all suspensive conditions or relevant legislative provisions have been complied with.
- 5.5 All engineering services and infrastructure as required in terms of the conditions and services agreement must be complied with to the satisfaction of the municipality and/or relevant authority prior to the issuing of a Section 28 Certification.
- 5.6 Building plans must be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land which will only be approved when all relevant (or qualified) conditions of approval have been complied with.
- 5.7 The development must comply with the conditions of approval as imposed by Heritage Western Cape as set out in their approval letter of 14 October 2020, as attached as **ANNEXURE J**.
- 5.8 The conditions stated in the letter TPW/CFS/RP/LUD/REZ/SUB-25/75 (Job 22720) by the Department of Transport and Public Works, dated 19 October 2020 and 14 February 2022, BE NOTED. See **ANNEXURE K**.

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

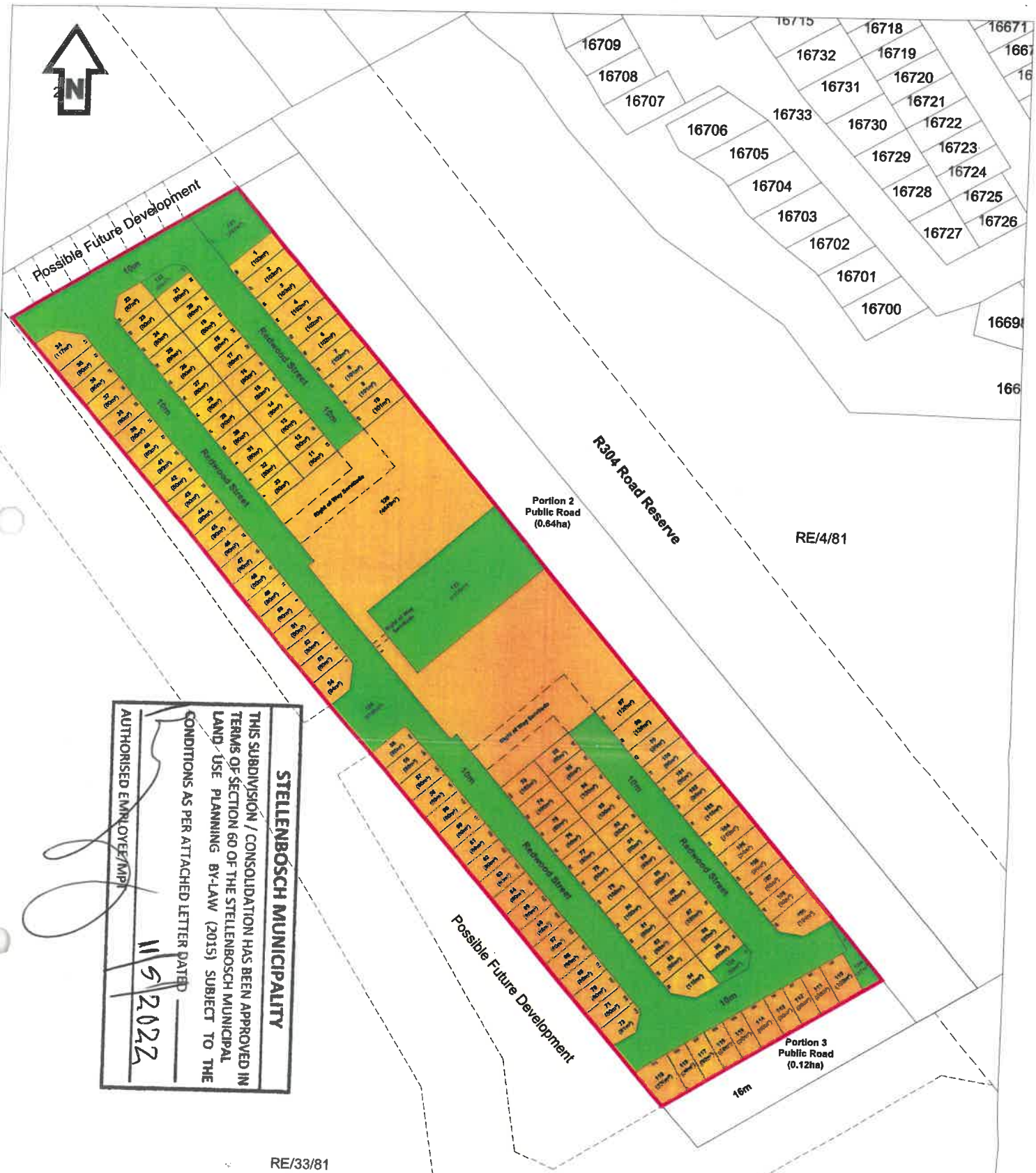


FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

11/5/2022
DATE:

COPIES TO:

[REDACTED]



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 _____

AUTHORISED EMPLOYEE/MP/

11/5/2022

RE/33/81

Erf No.	Zoning	Land Use	Area
1-119	Multi Unit Residential Zone	Grouphousing	10398m ²
120	Multi Unit Residential Zone	Flats	4548m ²
121-125	Private Open Space Zone	Private Open Space	1672m ²
126	Private Open Space Zone	Private Road	5798m ²
Total			22416m²



Redwood Estate

Property Description:
Portion 1 (a portion of Portion 29 of Farm 81, Stellenbosch)

Drawing: Subdivision Plan		Plan no.: 4
Date: 30/11/2021	Scale: 1:1500(A4)	
Project no.: 3628-P	Drawn: WH	Checked: CH

ANNEXURE J

**APPLICATION FOR A PERMISSION REQUIRED IN
TERMS OF A CONDITION OF APPROVAL,
SUBDIVISION AND DEPARTURES ON FARM NO.
81/29, STELENBOSCH DIVISION**

**INITIAL COMMENT FROM
HERITAGE WESTERN CAPE
& HERITAGE IMPACT
ASSESSMENT REPORT**

Our Ref: HM/CAPE WINELANDS/STELLENBOSCH/FARM 81 PORTION 29
Case No.: 20061010TZ0624E
Enquiries: Thando Zingange
E-mail: Thando.Zingange@westerncape.gov.za
Tel: 021 483 5959
Cell : 076 481 8392 (during lockdown)
Date: 07 July 2020



Steyns Family Trust
 C/O Lize Malan
 P O Box 3421
 Matieland
 7602

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: HIA REQUIRED
In terms of Section 38(4) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

NOTIFICATION OF INTENT TO DEVELOP: PROPOSED RESIDENTIAL DEVELOPMENT ON FARM 81 PORTION 29, OFF R304, STELLENBOSCH, SUBMITTED IN TERMS OF SECTION 38(4) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 20061010TZ0624E

The matter above has reference. Heritage Western Cape is in receipt of your application for the above matter received on 06 July 2020.

You are hereby notified that, since there is reason to believe that the proposed development will impact on heritage resources, HWC requires that a Heritage Impact Assessment (HIA) that satisfies the provisions of section 38(3) of the NHRA be submitted. This HIA must have specific reference to the following:

- HIA is required consisting of visual impact assessment on the cultural landscape.

The required HIA must have an integrated set of recommendations.

The comments of relevant registered conservation bodies and the relevant Municipality must be requested and included in the HIA where provided. Proof of these requests must be supplied.

Please note, should you require the HIA to be submitted as a Phased HIA, a written request must be submitted to HWC prior to submission. HWC reserves the right to determine whether a phased HIA is acceptable on a case by case basis.

This decision is subject to an appeal period of 14 working days. The appeal period shall be taken from the date above. It should be noted that for an appeal to be deemed valid it must refer to the decision, it must be submitted by the due date and it must set out the grounds of the appeal. Appeals must be addressed to the official named above and it is the responsibility of the appellant to confirm that the appeal has been received within the appeal period.

Applicants are strongly advised to review and adhere to the time limits contained the Standard Operational Procedure (SOP) between DEADP and HWC. The SOP can be found using the following link <http://www.hwc.org.za/node/293>

HWC reserves the right to request additional information as required. Should you have any further queries, please contact the official above and quote the case number.

.....
 Dr Mxolisi Dlamuka
 Chief Executive Officer

www.westerncape.gov.za/cas

Street Address: Protea Asset Management Building, Green Market Square, Cape Town, 8001 • Postal Address: P O Box 3405, Cape Town, 8001
 • Tel: +27 (0)21 483 5959 • E-mail: info@hwc.org.za

Straatadres: Protea Asset Management Building, Groenemarktplein, Kaapstad, 8001 • Posadres: P O Box 3405, Kaapstad, 8001
 • Tel: +27 (0)21 483 5959 • E-pos: info@hwc.org.za

Idilesi yendawo: Kumbonani Building, Green Market Square, Cape Town, 8001 • Idilesi yeposi: Iinkumbonani, 3405, Kaapstad, 8001

**Adopted Resolutions and Decisions of the Meeting of the Impact Assessment
Committee (IACOM)
of Heritage Western Cape (HWC) held via Microsoft Teams,
at 09H00 on Wednesday, 14 October 2020**



9.3 Proposed Development of a New House, Entertainment Area and Caretaker Cottage on Portion 6 of the Farm Mosselbank Fontein 496, Riversdale

The Committee confirmed that a Heritage Impact Assessment (HIA) is required.

The requirement for a full HIA results from the interpretation of "*change in character of a site*". In this regard, the definition of "site" is not limited to the discrete building footprint but rather the affected area.

The comment as per the previous meeting therefor still applies:

The Committee resolved that the HIA submitted by ACRM dated July 2020 does not satisfy the requirements of S.38(3) of the National Heritage Resources Agency (NHRA). Given this, the consultant is requested to attend to the following:

1. An assessment of the existing and proposed built form as well as an assessment of the existing sense of place and cultural landscape qualities of the site and of the broader coastline.
2. The HIA should include design indicators and informants arising from the above study.
3. It is recommended that a heritage consultant with particular expertise in vernacular architecture of the area provide input in this regard.
4. A Conservation Management Plan (CMP) for the site is required, considering especially the significant shell midden located on the property.

9.4 Discussion on Heritage Impact Assessment reports: (Re: Agenda Items: 13.3, 15.3 and 15.4)

FURTHER REQUIREMENTS:

To meet the requirements of section 38(3) of the NHRA, the Committee requires revised and re-structured HIA documents for agenda items 13.3, 15.3, and 15.4 to be submitted to HWC for IACOM consideration.

In meeting the requirements of section 38(3) of the NHRA, reference should be made to HWC's guidelines for Heritage Impact Assessments (dated 15 June 2016) as well as HWC's Circular (dated November 2014) regarding the requirements for HIA Executive Summaries.

MATTERS DISCUSSED

11. SECTION 38(2) RESPONSES TO NOTIFICATION OF INTENT TO DEVELOP (NID)

11.1 None

12 SECTION 38(1), INTERIM COMMENT

12.1 None

13 SECTION 38(4) RECORD OF DECISION (ROD)**13.1 Proposed Weltevreden Filling Station Farm 786 Ptn 14, Philippi: MA
HM/CAPE TOWN METROPOLITAN/PHILLIPI/FARM 786 PTN 14**

Case No: 19022708AS0305E

INTERIM COMMENT:

The Committee does not support the proposal as submitted in its current form, for the following reasons:

1. The site is inappropriate for the scale and complexity of an urban filling station with related facilities (food court, canopy etc.).
2. The rural context of the site would be compromised irrevocably by the development proposed.

TZ

**13.2 Proposed Site Development of Farm 81 Ptn 29, Stellenbosch: NM
HM/CAPE WINELANDS/STELLENBOSCH/FARM 29 PTN 81**

Case No: 20061010TZ0624E

RECORD OF DECISION:

The Committee resolved to endorse the HIA as having met the requirement of S38(3) of the NHRA. The Committee resolved to endorse the findings and recommendations of the HIA.

The Committee resolved that the development may proceed subject to the recommendations of the HIA as outlined below.

- 1) The landscaping plan is further detailed. This should include:
 - a. More trees in clusters on the boundaries & informal hedges edges; and
 - b. Specification of tree sizes to be planted. It is important that trees of an adequate height are planted from the onset to reduce potential visual impacts – thus tree heights must be specified in the landscaping plan.

The landscaping plan must be submitted to the Stellenbosch Municipality for approval, together with the SDP referred to below.

- 2) The preparation of a detailed site development plan, that will reflect the architectural controls referred to in the indicators, namely:
 - a. Variation in roofscape and colour between units (no more than 2 attached units to have the same roof shape).
 - b. Variation in rendering of walls between units through use of different paint colours and/or finishes in particular. Muted earth tones should be specified.

- c. Visually permeable external fencing.
- d. The SDP should also include controls for external lighting, and other security measures and appropriate signage.

The SDP must be submitted to the Stellenbosch Municipality for approval, before building plan approval.

TZ

- 13.3 Proposed Housing Development on Jonkersdrift Farm (Farm 1440, 1441, 334/17 & 334/9), Stellenbosch Magisterial District): NM
HM/CAPE WINELANDS/ STELLENBOSCH/ JONKERSDRIFT FARM 1440,1441, 334/17 & 334/9**

Case No: 200417075B0603E

DEFERRED:

This matter was discussed under Administrative Matters (Item 9.4).

SB

- 13.4 Proposed Development of the Site on Erf 884, 889, 895 and 5856, Masonic Hotel, Reitz Street and Hoop Street, Robertson: MA
HM/ROBERTSON/ LANGE BERG/ERF 884, 889, 895 AND 5856**

Case No: 181002306AS1017E

RECORD OF DECISION:

The Committee endorsed the HIA report as submitted by Ms Postlethwayt, dated September 2020, as having met the requirements of S38(3) of the NHRA; as well as the recommendations contained within the report, as follows:

It is recommended that Heritage Western Cape:

1. endorse this report as having met the requirements of Section 38(3) of the NHRA.
2. in terms of Section 38(4) of the NHRA, approves the proposed redevelopment of Erf 8526, as outlined in Annexure D2 of this report; 21 Supplementary HIA Erf 8526, Reitz & Hoop Street, Robertson 2020, *subject to the following conditions:*
 - a. The refurbishment of the Masonic Hotel and the vernacular cottages are to be the subject of separate application/s to HWC. The work is required to be directed and monitored by an architect with suitable conservation experience; building plans are to be accompanied by a Method Statement; and a Close Out Report is to be submitted to HWC upon completion.
 - b. This approval specifically precludes any development proposals which may involve that portion of the property originally described as Re Erf 891, Church Street.

KB

**13.5 Proposed Re Development of the Site on ere 8019, Sir Lowry Square, Woodstock: NM
HM/CAPE METROPOLITAN/WOODSTOCK/ERF 8019**

Case No: 20091008KB0921E

FURTHER REQUIREMENTS:

The Committee requests the HIA report to be updated with the detailed work included and resubmitted to HWC for IACom consideration.

KB

14 SECTION 38(8) NEMA RESPONSES TO NOTIFICATION OF INTENT TO DEVELOP

14.1 None

15 SECTION 38(8) NEMA INTERIM COMMENTS

**15.1 Proposed Minor Deviations from Approved Building Envelope: Erf 31990 Mowbray Cape Town:
MA
HM/CAPE TOWN METROPLITAN/ MOWBRAY/ERF 31990**

Case No: 120418JW08

FURTHER REQUIREMENTS:

Whereas the proposed changes to the building envelope are minor and inconsequential, the Committee expressed concern with respect to the interface with the significant corner - in terms of activation of edges, fenestration, colonnade etc. as well as the necessity of testing the proposal against the original heritage indicators. The Committee therefore requires that the applicant test the proposal against the original heritage indicators, with reference to floorplates and use (particularly ground and first floors), and to submit this assessment to HWC for IACom review and consideration.

SB

**15.2 Proposed Mixed-Use Development, Southern Right Farm Portion 4, 6 and 11 of Farm 585,
Hermanus: MA
HM/ OVERBERG/ OVERSTRAND/ HERMANUS/ PORTION 4, 6 AND 11 OF FARM 585**

Case No: 19120618AS1213E

INTERIM COMMENT:

DS and GJ (who visited the site) to prepare a draft interim comment for circulation to members for endorsement.

SB

- 15.3 Proposed Mixed-Use Urban Node Re 1/697, Farm 1/1113, Ptn of Erf Re 353, Erf 1449 and 1450, De Hoop Nature Reserve, Malmesbury: NM
HM/SWARTLAND/MALMESBURY/ RE OF PTN 1 OF FARM 697, PORTION 1 OF FARM 113, RE OF FARM 1113, RE OF FRAM 301, RE OF FARM 353**

Case No: 19110103SB1106E

DEFERRED

This matter was discussed under Administrative Matters (Item 9.4).

SB

- 15.4 Proposed CNC Aquaculture Facility on Portion 8 of the Farm Bottelfontein 11, Near Elands Bay: NM
HM/ WEST COAST/ SWARTLAND/ BERGRIVER / PIKETBERG / FARM BOTTLEFONTEIN**

Case No: 20070607SB0707E

DEFERRED:

This matter was discussed under Administrative Matters (Item 9.4).

SB

- 15.5 Proposed Site Development of Farm 81 Ptn 33, Stellenbosch: NM
HM/CAPE WINELANDS/STELLENBOSCH/FARM 33 PTN 81**

Case No: 19032707AS0402M

FINAL COMMENT:

The Committee resolved to endorse the HIA as having met the requirement of S38(3) of the NHRA. The Committee resolved to endorse the recommendations of the HIA as outlined below:

- 1) The landscaping plan is further detailed to inter alia specify tree sizes to be planted. It is important that trees of an adequate height are planted from the onset to reduce potential visual impacts – thus tree heights must be specified in the landscaping plan. The landscaping plan must be submitted to the Stellenbosch Municipality for approval.
- 2) Architectural guidelines for the whole development to realize the intentions of the urban design framework and the heritage indicators set out in section 10 of the HIA are prepared.

The following aspects will need to be addressed:

- a. Height restrictions for all buildings across the site as indicated in the proposed SDP. It is however noted that the indicators stated that certain smaller elements of the four storey buildings may extend to five storeys. This is regarded as appropriate to mark key points/intersections in the development and should be controlled through the guidelines.
- b. Massing and articulation of the apartment blocks – monolithic blocks are to be disallowed and the guidelines must specify the extent of articulation in detail.
- c. Roof shape and colour to ensure variation in design and colour throughout the development but keeping the colour palette to neutral greys and black.
- d. Finishes of buildings, using plaster and paint in muted neutral earth tones (no highly-reflective white), concrete or stone, with restricted or prohibited use of metal cladding.

- e. Openings with restrictions on large reflecting surfaces, and shading of openings, particularly to the east.
- f. Lighting, services, security features and signage to be low key and/or not visible as may be appropriate (refer to indicators)
- g. Fencing – use of visually permeable fencing on perimeter with werf walls allowed for internal boundaries, provided that screening tree planting is accommodated.

These guidelines are to be to the approval of the Stellenbosch Municipality (Heritage Resources Management).

TZ

15.6 Proposed Development, Remaining Extent of Portion 47 (A Portion of Portion 1) of the Farm Ganse Vallel No. 444, Plettenberg Bay: NM HM/BITOU/PLETTENBERG BAY

Case No: 18121204SB1220E

FINAL COMMENT:

The Committee resolved to endorse the recommendations of the HIA dated September 2020, prepared by Ursula Rigby as having met the requirements of S38(3) of the NHRA, as well as the recommendations outlined within the report and illustrated within appendix D Guideline sheet REV 01 (i.e. the Heritage related design indicators); with the addition of the palaeontological / archaeological monitoring required during earthworks and excavations.

SB

16 SECTION 38(8) NEMA FINAL COMMENTS ON ENVIRONMENTAL IMPACT ASSESSMENT

16.1 None

17 SECTION 38(8) MPA ENVIRONMENTAL MANAGEMENT PLAN RESPONSES TO NOTIFICATION OF INTENT TO DEVELOP

17.1 None

18 SECTION 38(8) MPA ENVIRONMENTAL MANAGEMENT PLAN INTERIM COMMENT

18.1 None

19 SECTION 38(8) MPA ENVIRONMENTAL MANAGEMENT PLAN FINAL COMMENT

19.1 None

20 SECTION 38(8) OTHER LEGISLATION NOTIFICATION OF INTENT TO DEVELOP

20.1 None

21 SECTION 38(8) OTHER LEGISLATION INTERIM COMMENT

21.1 None

22 SECTION 38(8) OTHER LEGISLATION FINAL COMMENT

22.1 None

23. SECTION 27 PROVINCIAL HERITAGE SITES

23.1 None

24 SECTION 42 HERITAGE AGREEMENT

24.1 None

25. ADVICE

25.1 None

26. OTHER**26.1 Conservation Management Plan for Amsterdam Battery on Erven 149294 & 9588, V&A Waterfront: MA
HM/CAPE TOWN METROPOLITAN/ WATERFRONT/ERVEN 149294 AND 9588**

Case No: 15110515GT1110E

DISCUSSION:

Amongst other things, the following was discussed:

- The proposed trees and shrubs on the rampart walls to be omitted as their roots cause damage to the heritage resource.
- The existing trees on the rampart to be cut down at the base of the trees and root growth to be monitored (only grasses should be allowed on the ramparts etc.).
- An archaeologist with appropriate expertise to be included in the monitoring panel as a permanent member.
- General in principle endorsement of the proposed CMP and proposed HA.

FURTHER REQUIREMENTS:

The amendments as discussed are to be incorporated into the proposed CMP and HA, which must be circulated to legal advisor and APM for comment via email.

SB

27 Adoption of decisions and resolutions

The Committee agreed to adopt the decisions and resolutions as minuted above.

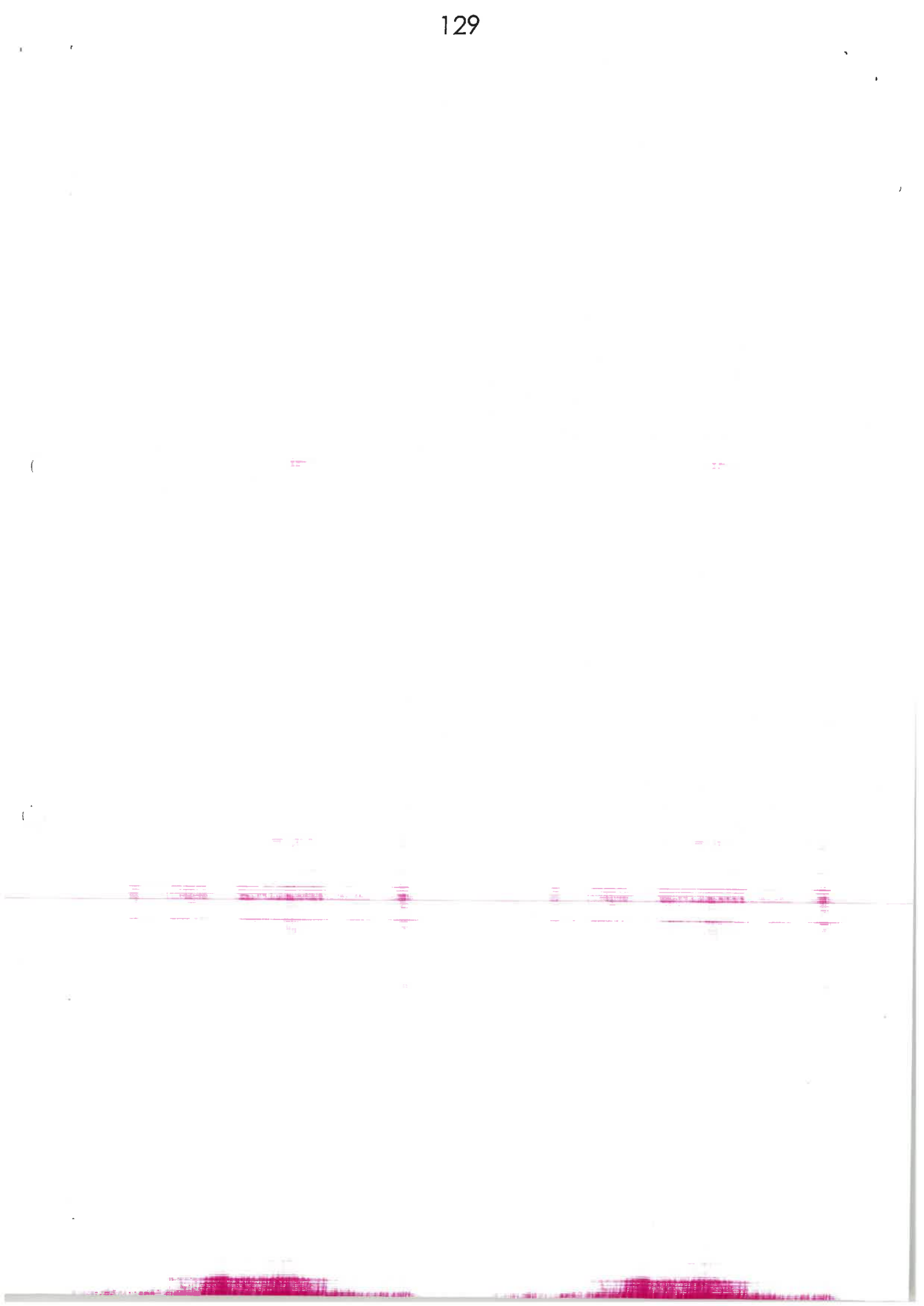


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| Annexure A | HWC Response to the NID |
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1. Introduction

This report presents a heritage impact assessment (HIA) for the proposed development of the Portion 29 of Farm 81, Stellenbosch, currently housing Steyn's Nursery. The site measures 2,9980ha in total and is situated to the north of Stellenbosch, on the R304 just beyond Cloetesdal Farm. The proposed development concept entails a medium density townhouse scheme in line with the spatial planning vision for this part of Stellenbosch. The HIA is submitted in terms of Section 38(4) of the National Heritage Resources Act, as the development is not subject to the requirements of the National Environmental Management Act.

2. The site and its context

The site is located to the north-east of Cloetesdal Farm, along the R304 between Stellenbosch and the N1. To the south, west and north, the site is surrounded by agricultural land, in the form of vineyards. These all seem to be in production, although it is understood that Cloetesdal Farm is no longer viable and an application for its development is currently being considered. To the east of the site on the other side of R304, is the remainder of Tweespruit farm. A portion of this farm to the east of the Plankenbrug river has already been developed with a town house complex. What remains between the R304 and the river is in effect a small holding, which accommodates several residences, an auto-electrical business and a number of holiday cottages. It is likely that this site will also be developed once the R304 has been upgraded, making proper access to the site possible. To the south-east there is the Mount Simon townhouse complex and to the north-east the high density Nuutgevonden development with blocks of flats and townhouses. Beyond the railway line, which runs parallel to the R304, lays the suburb of Cloetesville, which has its origins in Cloetesdal farm.



Figure 1: Locality Plan - Extract from 1:50 000 Series Maps 3318DD (2000) (Source: Chief Directorate Surveys & Mapping)



Figure 2: The site in its immediate context (Source: Cape Farm Mapper)



Figure 3: Aerial view of the site (Source: Cape Farm Mapper)

The site currently houses a plant nursery and a residence for the owner. Other structures on site include another residence, currently unoccupied, a worker's cottage, covered parking, a nursery shop and offices



Photograph 4: Unoccupied house (C 1971 or later)



Photograph 5: Homestead (C 1993)



Photograph 6: Remnants of earlier building-works excavations and unfinished columns



Photograph 7: Cottage in north-western corner of site (C 1971 or later)



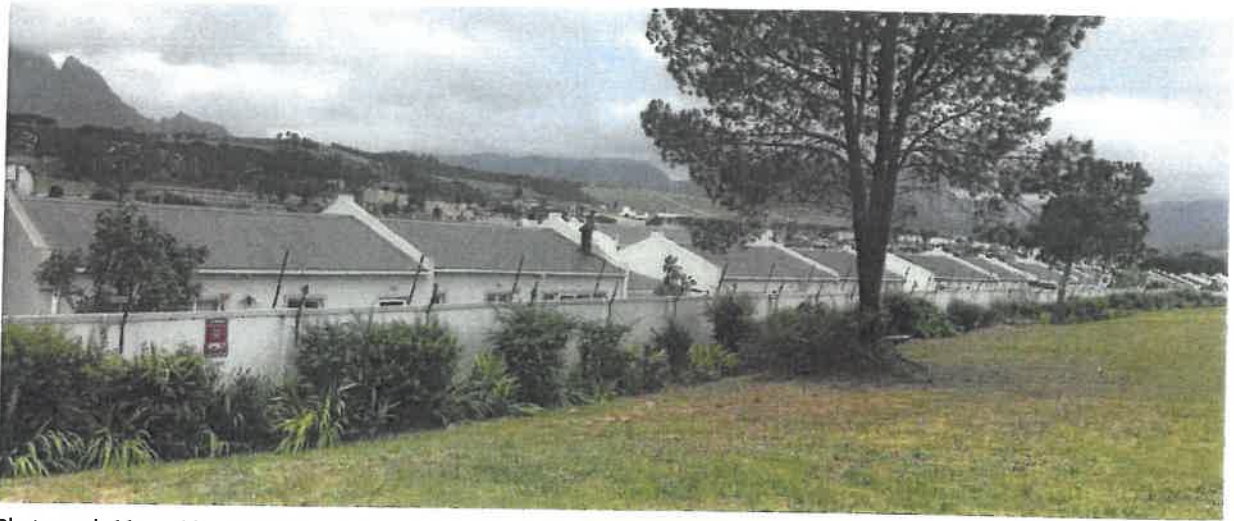
Photograph 8: View of planting along the south-eastern boundary of the site viewed from the R304



Photograph 9: Nuutgevonden housing complex, intersection of R304 & Welgevonden Boulevard north-east of the site



Photograph 10: Remainder of Tweespruit Farm opposite site



Photograph 11: Mount Simon housing development to the south-east of the site, on the other side of the R304.



Photograph 12: Cloetesdal farm to the south of the site



Photograph 13: View onto the site from the north looking south with the homestead visible

3. Assumptions and limitations

3.1 Availability of Information

This report is based on the information that was available at the time of writing. All material by others informing this assessment, is assumed to be accurate and a true reflection of the issues governing the property and its proposed redevelopment.

3.2 Statement of Significance

The significance of cultural resource is dynamic and multi-faceted, in particular as interest groups and societal values change over time. It is thus neither possible, nor appropriate to provide a definitive statement of heritage significance. Nonetheless, every effort has been made to ensure that the heritage statement is as accurate a reflection of significance as is currently possible to ascertain. It is also noted that the perceptions of visual impacts can be highly subjective.

3.3 Impacts beyond the Site Boundaries

This report does not address heritage impacts resulting from the potential laying of pipelines, electrical and other related infrastructure between the site and elsewhere beyond its boundaries.

4. Methodology

The methodology followed to prepare this report entailed the following:

- Site visits to identify possible heritage resources on the property and related to the site, including its context and visual sensitivity.
- A review of relevant studies, available, such as the recent Stellenbosch Heritage Inventory, that contributes to an understanding of the heritage resources related to the site.
- A review of the relevant legislation that informs this study.
- Research at the Surveyor General, the Deeds Office and other reference material, to gain an understanding of the history of the site.

5. *Legal context*

5.1 National Heritage Resources Act (Act 25 of 1999) (NHRA)

A Notification of Intent to Development was submitted, as Section of 38(1)(d) of the NHRA requires the submission of a notification of intent to develop (NID) when the proposed development entails rezoning of site larger than 10 000m² and section 38(1)(c)(i) requires a NID for a development that will change the character of a site exceeding 5 000m² in extent. This report follows the record of decision of HWC in response to the NID, which required a Heritage Impact Assessment (HIA) which should fulfil the requirements of Section 38(3) of the NHRA. Within the ROD, HWC noted that the visual impact of the development on the cultural landscape must be assessed. A copy of the response from HWC is attached in Annexure A.

Note that it is not the intention to prepare a stand-alone VIA – instead one of the co-authors of this HIA, Mr David Gibbs is a visual specialist, and thus visual issues are integrated into HIA from the outset.

No other sections of the NHRA are applicable as the site does not fall within a declared conservation area or a current heritage protection area, is not a Provincial Heritage Site, and none of the structures on the property are older than 60 years.

5.2 Land Use Planning Requirements

An application has been submitted to the local authority in terms of Section 15.2(d) of the of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the subdivision of the property into 2 portions and, in terms of Section 15(2)(a), for the rezoning of these portions from Agricultural and Rural zone to Multi-unit Residential zone and to Utility Services zone respectively. This application has already been advertised and the Municipality is inter alia awaiting the outcome of the NHRA process to decide on the application.

6. *Policy context*

The policy context is critical to determine the desirability of the development of the site. The site forms the part of the land that has been earmarked by the municipality for the northern extension of the town, where the intention is to accommodate housing for lower- and middle-income groups as reflected in the latest Spatial Development Framework for Stellenbosch, approved by Council in November 2019.

The site forms part of land indicated as a strategic development opportunity and the R304 is identified by the MSDF as a “primary development axis / transport corridor”, which should “should be explored for new high-density mixed-use infill development” (MSDF, p. 55 &58). The intersection of Welgevonden Boulevard with the R 304 marks the northern edge of future development to the west of the R 304.

Figure 28. Stellenbosch Town Plan

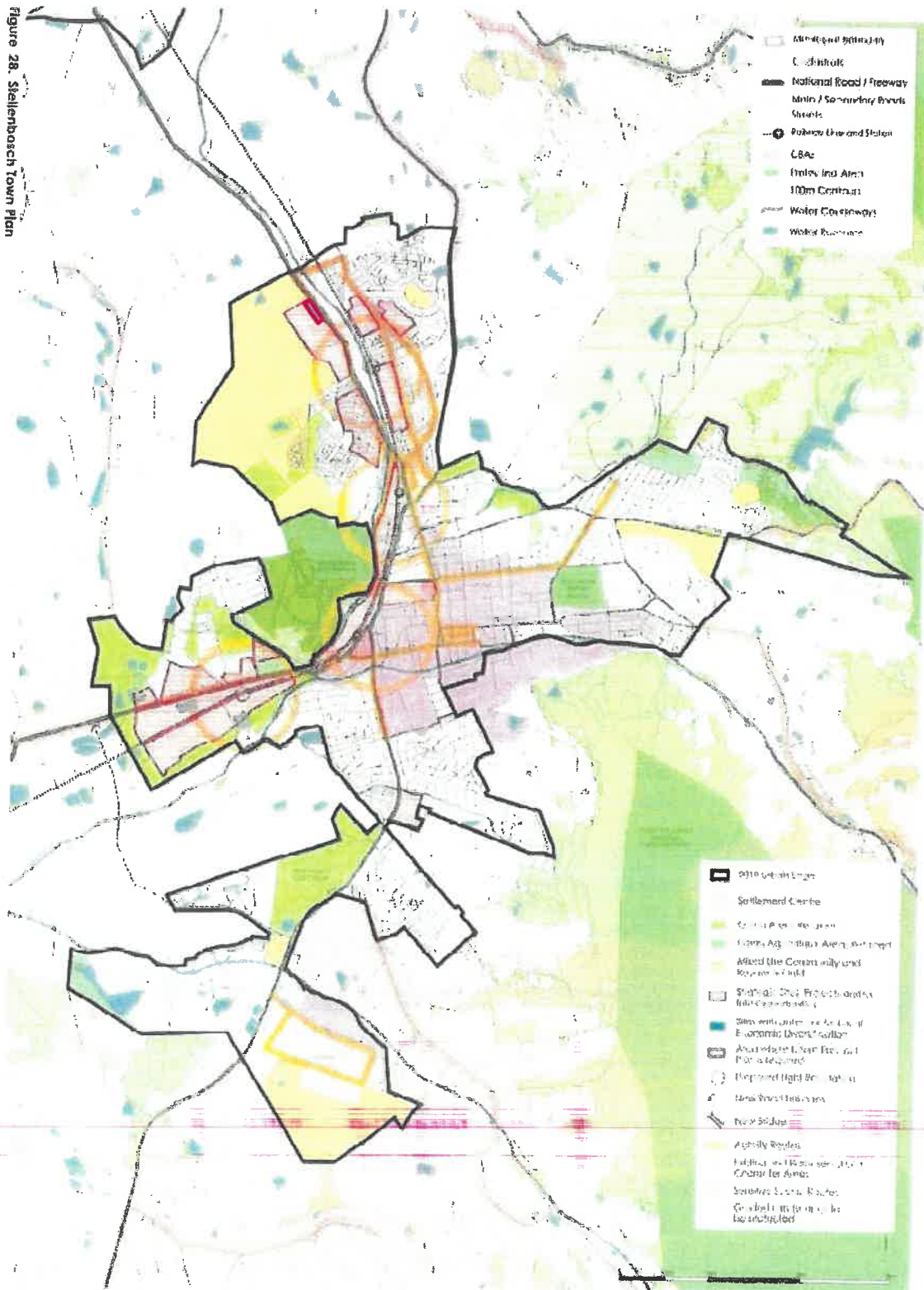


Figure 4: Approved Stellenbosch Spatial Development Framework (SDF Fig.28, 2019) – subject site outlined in red.

The site forms part of the planning for the Adam Tas Corridor, which endorses high density development of the site, as means to create affordable housing opportunities for the town, and to densify along a development corridor that is aimed at achieving greater integration in Stellenbosch.

Should the vision of the Adam Tas corridor, an ambitious collaboration between the public and private sectors, be realised, it will bring about significant socio-economic opportunities for the town of Stellenbosch and change the structure of the town to achieve greater equity and social-cohesion. Figure 6 below illustrates the concept for the Adam Tas corridor, as presented in the latest SDF document.



Figure 54 Adam Tas Corridor Concept

Figure 5: Adam Tas Corridor concept, as per the latest SDF. Subject site forms part of 'Farm Cloetesdal' (outlined in red)

7. Historic background

It is likely that there would have been early and middle stone age activity on the site given the evidence found of such activity in the larger Stellenbosch area. At the time of the establishment of the refreshment station at the Cape in 1652, the larger Eerste River valley would have formed part of the seasonal grazing of the Khoenkhoen.

By 1679, when Stellenbosch was founded by Simon van der Stel, the Khoenkhoen were being displaced from their traditional grazing areas (Mountain, 2003). The first farm in this valley was granted in 1679, and between 1680 and 1691, 57 farms were granted in the area (Smuts, 1979, 68). In 1692, a number of properties were granted along, what is now known as the Plankenbrug River, including De Deckers Valleie and a "seker stuk land" granted to Lambert Lammerstz van Hof, Aan't Pad granted to Guilliam du Toit and Nooitgedacht granted to Matthijs Greeff.

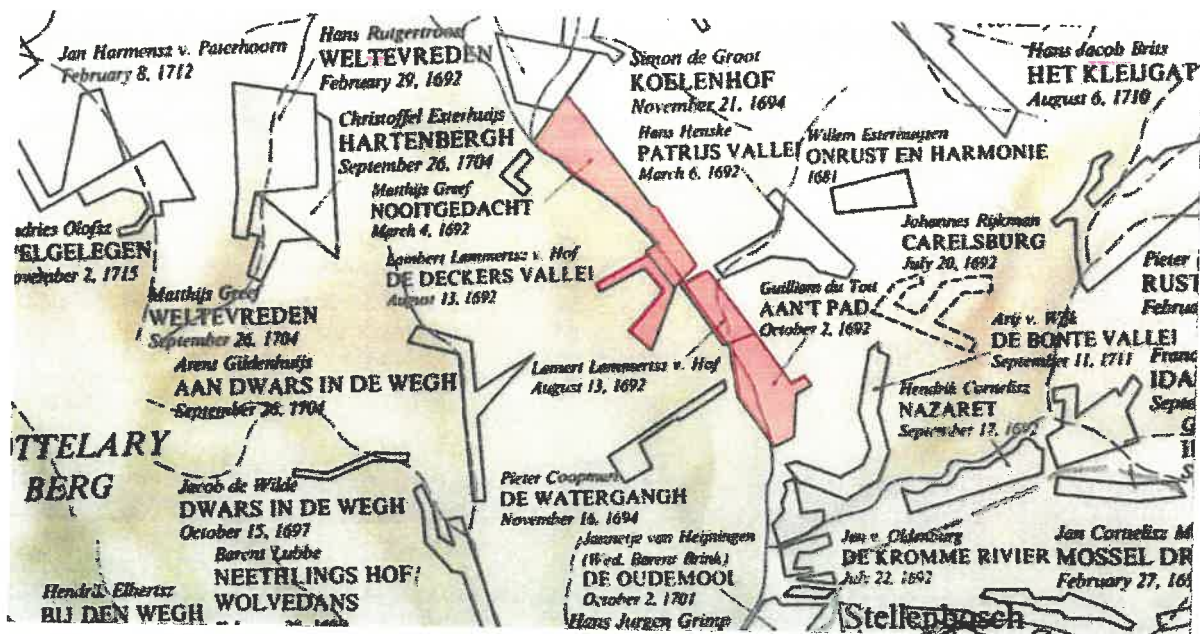


Figure 6: Early freehold land grants to individuals 1657-1750 - map extract (Guelke, 1987)

The farm, Cloetesdal, was created in 1926 through the consolidation of inter alia portions of De Deckers Valleie and Nooitgedacht, as well as Aan't Pad and the unnamed portion of land granted to Lammerstz van Hof and registered to the estate of the late PA Myburgh. Most of these portions comprising the consolidated farm came into the hands of the Cloete family in the early 1700s. In 1723 Jacob Kloete, acquired De Deckers Valleie as well as the unnamed piece of land, mentioned above. He also acquired Nooitgedacht through his marriage to the widow of Johannes Loubser. These properties were all inherited by his son, Hendrik Cloete, a wealthy Cape farmer who became the owner of Groot Constantia.

In 1833 Aan't Pad was regranted to Andries Christoffel Cloete and by 1835 he had also acquired the portions De Deckers Valleie, a portion of the unnamed land, Portion 3 of Nooitgedacht and Portion 1 of Farm 92, all portions at that stage already in the ownership of the Cloete family. It seems that it was at this point that the name Cloetesdal was introduced. As is indicated on the diagram below, the homestead and werf were located on the portion, Aan't Pad to the east of the Plankenbrug River and most sources indicate that Aan't Pad later became Cloetesdal (i.e. this portion was the core of the farm).

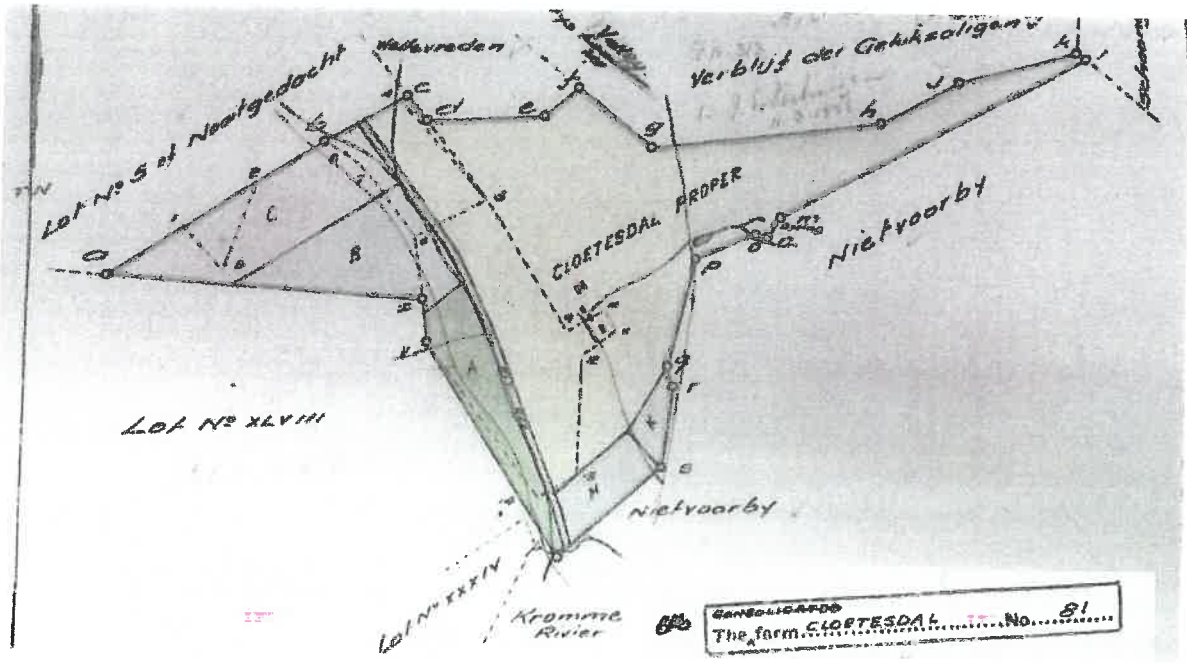


Figure 7: Extract from diagram A 2781/1926 of Farm 81, Stellenbosch – Cloetesdal

Following the consolidation in 1926 of the portions noted above to create Cloetesdal, significant portions of the farm were sold off in 1927. Portion 29 is a portion of Portion 4 (Portion C on the above diagram), subdivided in 1927 and acquired by Jacobus Johannes Basson Myburgh. Myburgh sold Portion 11 to Hendrik Jacobus Rust in 1943. Portion 28 was divided from Portion 11 in 1952 and sold to John Richard Fuller, who sold it on to Phillipus Johannes Ooshuysen in 1955.

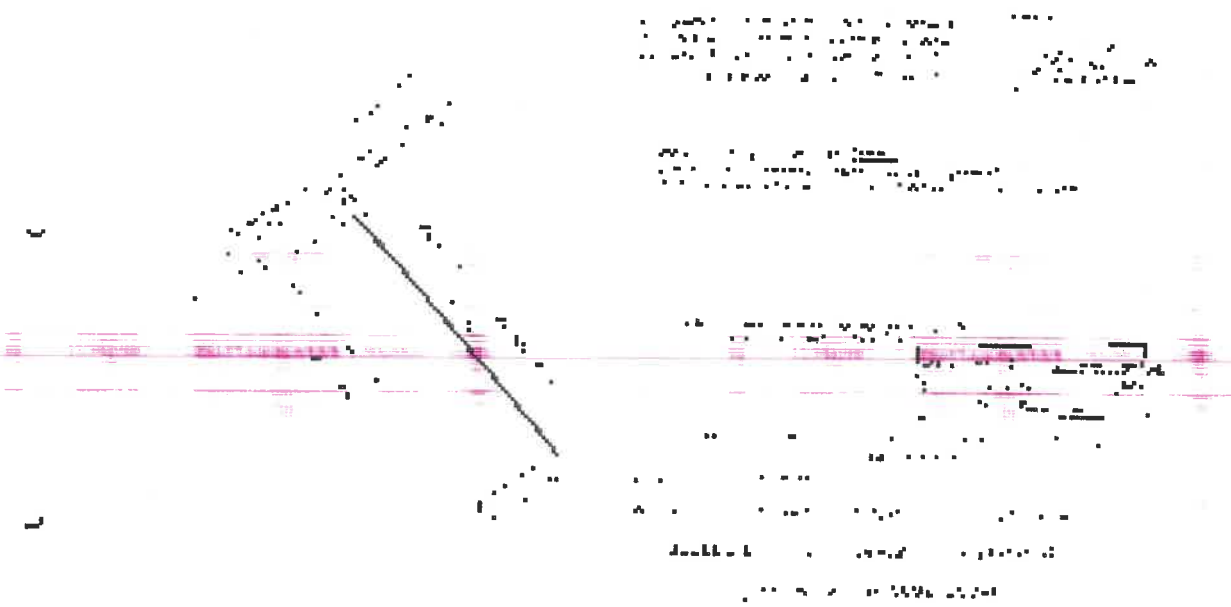


Figure 8: Extract from the SG Diagram 8410/1950 of Portion 29 of Farm 81, Stellenbosch

By 1960, no structures had yet been developed on the site, as evidenced by the aerial photograph below.

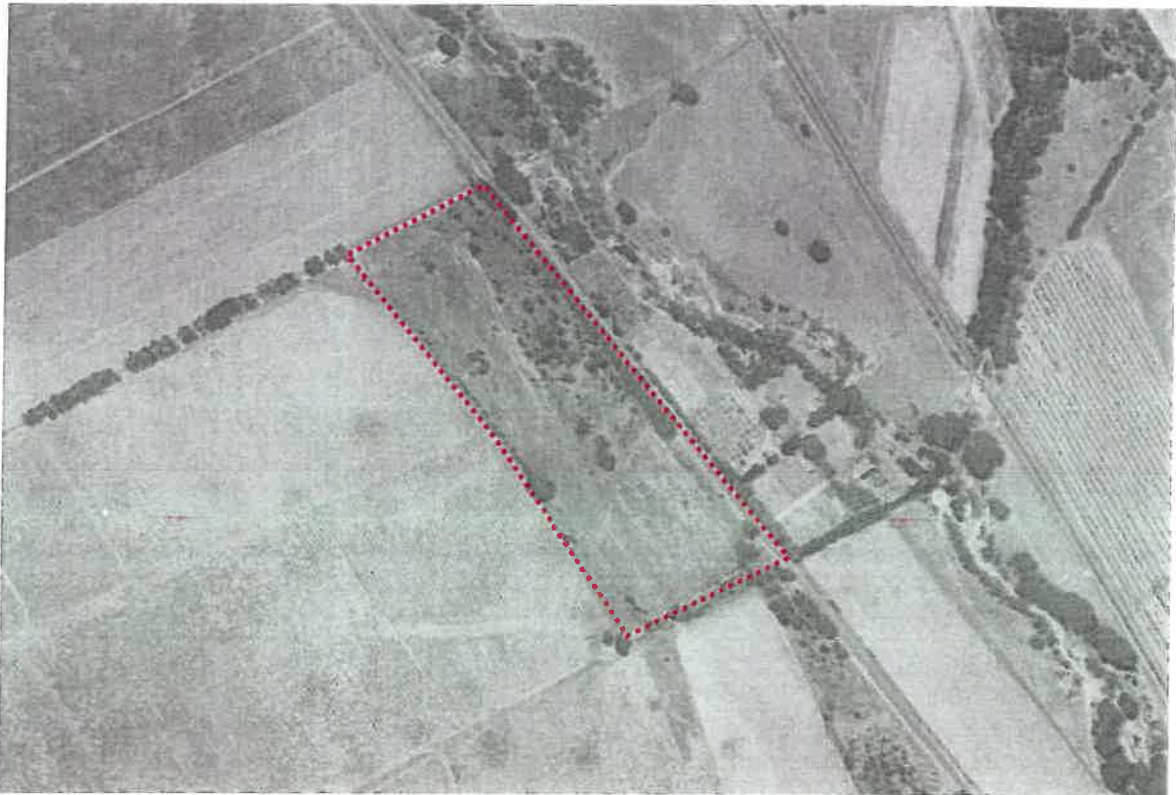


Figure 9: Extract of 1960 aerial photograph (Source: Photograph 7613, Strip 018, Job 454 Surveys & Mapping, Mowbray)

In 1966 a portion was expropriated for road purposes and the remainder became known as Portion 29. In 1971, the property was sold to Francois Frederikus Josephus de Koker where after it changed hands several times, until it was acquired by the Steyn family in 1993.

8. Heritage resources and significance

8.1 Introduction

The definition of a *heritage resource* is described in Section 2 (xvi) of the NHRA as: “any place or object of cultural significance”. This section of the report fulfills the requirement of Section 38(3) (a) and (b) of the National Heritage Resources Act (NHRA) to establish the significance of the resources, and the mapping of the resources (NHRA 1999:64). Refer to Annexure B for more details regarding the criteria for establishing heritage significance.

8.2 Establishing the significance of the site

The heritage significance of a site is established by considering several aspects of potential heritage value. These are as follows, in no particular order:

- **Architectural value**

There are no historic structures on the site, nor do the existing structures have any architectural merit that would warrant their retention.

- **Historical value**

The larger Cloetesdal farm, at one stage included some of the early land grants in Stellenbosch, such as Aan't Pad. Portion 29 of Farm 81, was part of a grant of “certain piece of land” granted to Lammertz van Hof in 1692, along with De Deckers Valley, but there is no physical evidence of his occupation of the land. Although some of the owners of the consolidated Cloetesdal which included Portion 29, such as the Cloetes and Melcks (who owned Cloetesdal Proper in mid 1700s) were important historic figures in Stellenbosch, the werf of Cloetesdal farm with whom these figures would be associated was located to the east of the Plankenbrug River on Cloetesdal Proper. The property thus has limited historical value.

- **Spiritual, linguistic & scientific value**

There is no evidence to suggest that the site has any spiritual, linguistic, or scientific value.

- **Archaeological value**

Although it is likely that pre-colonial resources such as ESA and MSA tools would be found on the site, these would likely be scattered, due to the cultivation of the land. Additionally, there is no evidence of early-colonial settlement on the site that could yield significant information. In this regard it should also be noted that HWC did not request an archaeological impact assessment in their ROD to the NID.

Following on the above it is thus evident that the site has *little inherent heritage value*, but as set out in the ROD to the NID the site forms part of a rural/agricultural cultural landscape and is thus regarded as having *contextual significance*.

8.3 Contextual significance

Broadly considered, the site is located within the Cape Winelands, an area of high scenic, cultural and historical significance, identified as a ‘cultural landscape’; i.e. a place layered with history that evidences the artefacts of human activity over time, constitutes meaningful visual, spatial, scenic and aesthetic heritage resources which are valued by communities of people. The Cape Winelands is characterized by the interplay of patterns of ‘urban’ townscape, ‘rural’ landscape, and mountain ‘wilderness’.

- **Identified heritage resources in the vicinity of the site**

The contextual significance of the site is mainly related to its visibility within a rural landscape at the entrance to Stellenbosch when approaching from the north. As noted earlier, the site is located within an area of early colonial settlement, but very few of the historic werfs have survived.

Figure 10 which follows, extracted from the Stellenbosch Heritage Inventory (2018) indicates the graded heritage resources in the vicinity of the site. Weltrevede werf, not visible from the site and Nooitgedacht werf, also not visible, both retain magnificent Cape Dutch gabled homesteads as part of their werfs and are Grade II resources. Along the R304 to the north of the site, there is a series of werfs dating to the early 20th century (1930s to 1950s) situated mid-slope on eastern side of the Bottelary Hills overlooking the road and valley to the east. Monterosso, closest to the site has been graded IIIb and the other IIIc. It is noted that there are in fact two werfs on Monterosso, both worthy of grading.



Photograph 14: Monterosso werf 1 (closest to site)



Photograph 15: Monterosso werf 2



Photograph 16: Corbett Malan Werf

This landscape is judged to have aesthetic and economic value, and as such it is noted that the open character of the agrarian landscape should be enhanced. Mention is made of the series of 1930-50s farm werfs set back from the R304, referred to above, as significant in that it signifies the influx and investment in wine farming around that time. Although it is stated that lower slopes “revealed” a series of early freehold grants along the entire length of the R304, almost all of these early grants fall in the land unit to the west, as they were granted along the Plankenbrug River.

The landscape unit surrounding the site is graded as IIIb, mostly attributed to its high economic ranking, with high agricultural value and tourism potential. Note that the R304 is not indicated as a scenic route.

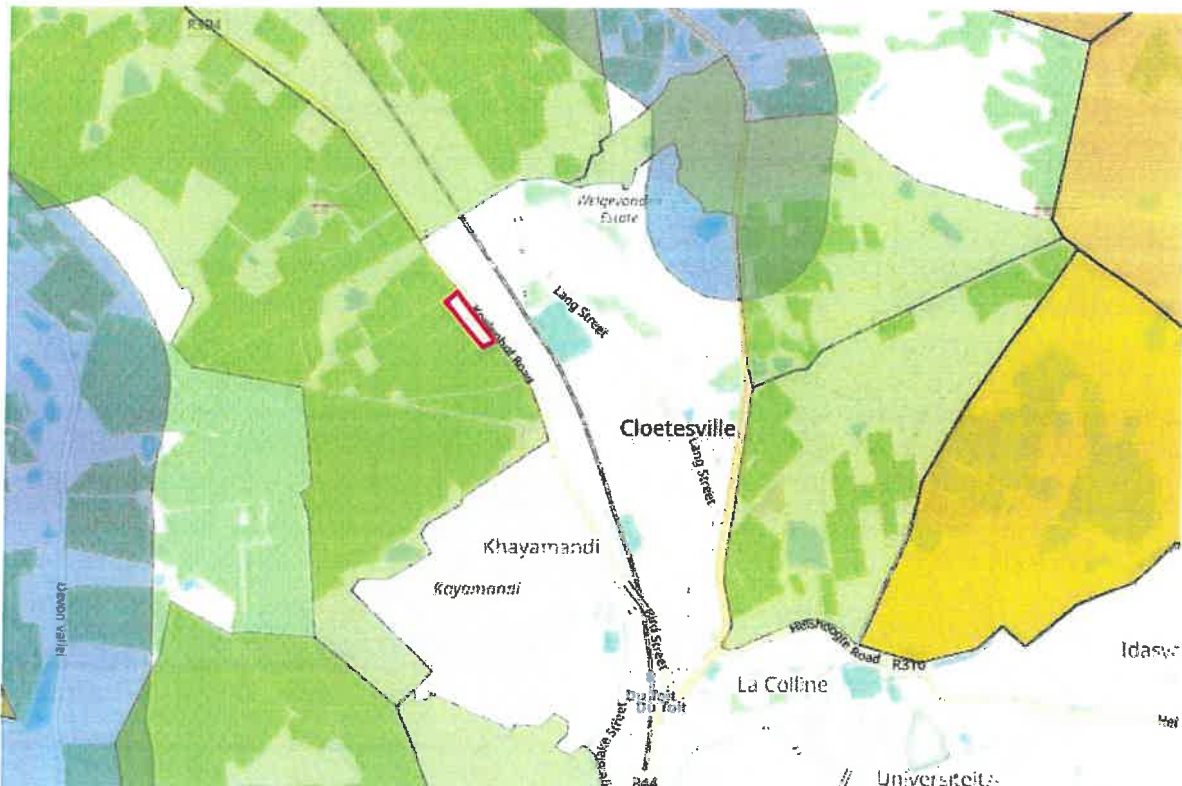


Figure 12: Extract from the Stellenbosch Heritage Inventory Online Map – with conservation systems layers enabled (Source: <http://stellenboschheritage.co.za/smhs/map/#15/-33.9535/18.7989> - accessed 29/07/2020)

- **Visual resources**

By virtue of its location on lower slopes facing the R304, the site is visible as part of the rural landscape experienced when travelling to and from Stellenbosch along this road. Although the R304 has not been identified as a scenic route, arguably in its current (unbuilt) condition, the site contributes to the rural sense of the Cape Winelands. Recently, to the east of the R304, this rural quality has been compromised by high-density urban development, unmitigated by planting, with visibility exacerbated by the uniformity of form and finishes (resulting in a cumulative effect). When approaching from the south, the site is screened from view by a dense windbreak of pine growing along the southern boundary. A row of olive trees grows along the eastern boundary however these trees have not reached sufficient height to screen the site and are unlikely ever to do so. When approaching from the north, the agricultural landscape, including the low north facing planted slopes of the site, is visible to one’s left in the fore and middle-ground as one passes Kana on the right until one reaches Steyn’s nursery. This heavily planted edge screens the site from view for a distance. It is noted that large number of exotic trees (including palms) on this site are not particularly appropriate in this landscape.



Photograph 17: View onto the site form opposite the entrance to Monterosso (just past Kana small holding)

The site will also be visible across the valley - from urban areas, such as Cloetesville, Welgevonden and the new, highly-visible Weltevreden Hills Estate.

In summary therefore, the site, though not of exceptional aesthetic quality, nevertheless should be considered as part of the continuous rural landscape, which contributes to the experience of approaching and entering Stellenbosch. Currently, to the south of the site, the transition between urban and rural is being encroached, where informal structures are expanding onto Watergang farm, to the detriment of the visual experience.

- **Summary of heritage significance and suggested grading**

Although the site has very little intrinsic heritage significance, development of the site could impact on the experience of the rural landscape as one approaches Stellenbosch along the R304. In this regard it is noted that this experience is already impacted by new high-density development to the east of R304 and the encroachment of development on Watergang farm. The site is not graded within the Stellenbosch Heritage inventory and the authors agree with this assessment, given the lack of heritage resources on the site, as well as the on-site presence of inappropriate planting together with foreign architectural elements.

8.4 Summarized Heritage Statement

Primarily the site is of spatial (contextual aesthetic) significance, relating to the visibility of its location within a relatively intact rural/agricultural landscape, although large portions are earmarked for development.

The property has no known scientific, historical, social, spiritual, or linguistic values, and none of the buildings or structures on the site have any architectural significance. In addition, this relatively small site, characterised by foreign planting and architecture, does not make a significant contribution to the cultural landscape. It is thus considered that the site does not warrant a grading.



Figure 13: Composite cultural landscape diagram

The diagram illustrates the unique characteristics of the site within its context. With its heavy tree planting, nursery structures and abandoned development, it does not conform to the typical pattern of the agricultural landscape that surrounds it, nor to the pattern of urban development which encroaches from the south and east.

The site is also located below the typical elevation of the modest mid-slope werfs that characterise the agricultural landscape to the west of the R304, and therefore does not fit into this pattern of development. The Plankbrug River forms the most important structuring element of this landscape. The linearity of the river corridor is further reinforced by the R304 roadway and railway line both running in parallel. Interestingly, the early land grants were mostly concentrated to the east of the river, which offered a better aspect (refer to Figure 6). This would seem to have influenced recent urban development within this location.

The site sits low down on the north-east facing slope of the Bottelary hills, well below the ridgeline. It rises gently from the east to the west but does not intrude on mountain views and backdrops across the valley. The rectangular shape of the site, parallel with the contours of the slope, also seems to relate to linearity of the Plankbrug River corridor. Although the site is visible from gentle slopes of Cloetesville, by virtue of its proximity, its relatively small scale and position make it visually indistinct.

9.3 Indicators

The approved planning parameters for the area indicate that ultimately this site is likely to be surrounded by urban development. However, for the foreseeable future, it is likely to form the juncture between the urban and rural landscape character typologies. Therefore, if handled appropriately, the proposed new development could become a positive new transitional imprint, serving to knit together these two landscape character areas. The design indicators have been formulated to facilitate this interface.

- **Development Densities, Massing & Scale**

In order to ensure that the new development is knitted into the broader landscape, rather than becoming self-referential and visually dominant, the built form must respect, respond to and interpret traditional patterns in scale, form and materiality, without mimicking or directly copying these patterns. Given the nature of the topography and location adjacent to the R 304, development of the site will impact the approach when traveling on the R304 significantly. This would suggest that the treatment of the northern and eastern edges will require careful consideration when it comes to massing, scale and mitigation of visual impacts.

- *Development densities, massing and scale:* Over-scaled, monolithic built form should be avoided. Nevertheless, fairly high densities could be accommodated, provided that sufficient landscaping to soften visual impacts can be made, particularly along the northern and eastern boundaries.
- *Site works:* The layout should respond to the topography of the site to minimize cut and fill for building platforms as well as roadways, and to provide for suitable stormwater drainage (possibly absorbed into the green areas) to prevent erosion.
- *Building heights:* Building heights could vary between single and three storeys. In general, the built form should accommodate diversity in design, materials and colour scheme, including roof colours, to avoid the cumulative visual impact of uniformity.
- *Overall site development setbacks:* Development on the site is to be setback from the R304 sufficiently to allow for buffer planting.

- **Architectural Expression**

Architecture that is derived from an honest functional response to its own particular environmental context is much more likely to merge appropriately with its broader landscape context. Architecture that is contemporary in nature will be encouraged, provided that it reflects these characteristics. Predetermined stylistically driven forms originating from elsewhere (e.g. Tuscan) will therefore be discouraged. The need to integrate landscape and architectural patterns with particular attention to scale, massing and roofscape is also stressed.

- *Components and finishes:* Contrasting and over-scaled envelope shapes, bold colours and finishes that are traditionally uncharacteristic of the area must be avoided. The architecture of the complex should comprise simple rectilinear forms, with a predominance of masonry rather than glazed surfaces. Walls should be rendered in varying muted tones of painted or natural pigmented plaster to avoid the visual impact of uniformity.
- *Roofscape:* The potential visual impact of the development's roofscape needs to be considered carefully as viewed when approaching along the R304. Variation in roof shape and tone (within limits) would be critical to counter the visual impact of uniformity. For instance where residential units are arranged in rows, no more than two or three successive units should have identical roof profiles. Mono-pitch or flat roof units must be interspersed among the double-pitched units to interrupt and fragment uniformity.

- **Landscaping**

The landscaping design for the proposed development will have a very important role to play in softening views onto the development from the R304. Certain existing trees with canopies that are regarded as appropriate in the landscape such as the Water Oaks should preferably be retained and reinforced. Other exotic tree species such as the various palm types are not regarded as appropriate in this particular context. Heights of proposed new trees, their canopy characteristics, growth periods to maturity, and strategic locations of screen planting all need to be considered in relation to proposed building locations, massing and heights.

- *Transition zones:* Vegetated buffer zones incorporating strategically placed plantings of clumps of trees and shrubs forming informal hedges should be located on the northern and southern boundaries of the site, to create a green transition between developed and agrarian landscapes, and mitigate views from the R304.
- *Planting pattern:* Landscaping should be informal, irregular in rhythm with a variety of trees scattered throughout to soften visual impact. Clusters of trees at key points referencing farm werfs would be appropriate, but windbreaks are not common within this particular part of the Winelands and thus the use of single-species tree lines at regular intervals is not recommended.
- *Tree canopies:* The use of exotic trees traditionally characterizing the surrounding cultivated landscape will be encouraged. Tree species reaching a mature height of 12-14 m should be considered to soften building heights of up to three storeys.
- *Boundary walls/fences:* Solid barriers within and around the perimeter of the property should be avoided. 'Betafence', Clear Vue or an equivalent would be supported. Where security concerns require fencing, these should be screened with natural planting and screen vegetation.

10. Development proposal

The proposed development entails a townhouse development scheme of 158 semi-detached or 3 and 4 unit-rows of duplex units in total. These will be arranged in four rows along the length of the site. The bulk of the erven will be 80m² in size, with some larger properties on the corners of the blocks. Importantly the erven immediately adjacent to the R304 are larger to accommodate more landscaping to screen noise and views from this road.

Unit types will vary from 47m² (one bedroom) to 71m² (three bedrooms), as well as three options for two-bedroom units of either 54m² or 65m². The units have been designed with either a high or low mono-pitched roof that will allow for variation in the roofscape of the development as a whole. Plans for the unit types are attached in Annexure C.

Access to the site will be taken off a new connection to the R304, just south of the site. In the long term it is envisaged that this access will be moved to a new road running along the western boundary of the site, should the development on the remainder of Cloetesdal go ahead.

A park of 484m² will be accommodated in the centre of the site, where some of the very large existing water oaks and other trees will be accommodated. Certain other mature trees will also be retained as part of the development. Stormwater detention will be accommodated in three sites along the eastern boundary of the site.

Landscaping

Figures X and Y overleaf illustrate the site development plan and landscaping plan for the proposed development.

11. Socio-economic impacts

The development is likely to have positive socio-economic impacts:

- The total value of the development is currently estimated at approximately R140 M to be invested in the local economy. This will include bulk infrastructure contribution in the order of R15 million to be paid to the Municipality.
- It is likely to create significantly more jobs during the construction and operations phases than is currently offered by the nursery on site. The number of jobs likely to be created has not been quantified.
- It will create housing opportunities for middle income groups in Stellenbosch, who are unable to access to appropriate housing, because the pace of delivery of partially subsidised housing is too slow, or because housing in the price range of R900 000 to R1,4M is extremely scarce in Stellenbosch.

12. Assessment of proposal

From the assessment of the significance of the site and associated heritage resources, it is evident that the rural landscape context adjacent to approach road to Stellenbosch is the critical aspect to be considered when assessing this proposal. The proposed development will change the experience of this portion of the R304 irreversibly in that the threshold that marks the visual transition from rural to urban will be reached sooner than previously and the impact on a section of the road previously experienced as mostly rural. This impact on the threshold between urban and rural on the R304 is regarded as the only significant and highly visible impact on the cultural landscape to be assessed. The question is could such development be absorbed by/accommodated in the landscape to an acceptable level.

12.1 Assessment against heritage indicators

The heritage indicators have been formulated to reduce the likely negative impacts of the development on the cultural landscape and allow the development to sit as comfortably as possible in the receiving environment – an assessment of the proposal against the indicators thus helps to understand the impact of the proposal on heritage resources.

- **Development Densities, Massing & Scale**

The scale and form of development is generally considered to be acceptable in that building heights have been kept acceptably low and the layout has allowed for sufficient planting particularly along the eastern boundary. The layout also works well with the topography, with not much cut and fill that will be needed for buildings. However there is some concern about the length of continuous attached units. Even where units are not attached, there is not sufficient space in between units to allow for planting. This could create the impression of rows of long block of flats, very urban in nature, which can be improved by a more pronounced staggering of the units.

- **Architectural Expression**

In general the material provided by the developers seems to indicate that the proposed development conforms to the indicators and the visual impact of a monolithic appearance (referred to above) will be mitigated by the architectural expression of the proposed development. In particular the variation in the roofscape and colour scheme of individual units as illustrated in Figure ## above is commended. These elements are to be included in a detailed site development plan, to be approved by the Municipality, prior to building plan approval.

- **Landscaping**

The landscaping plan conforms largely to the indicators in that the proposed planting is informal and a number of the mature trees with appropriate canopies will be retained on site. However more tree planting is required on the northern and eastern edges to soften the visual impact of the development. No clear indication has been given of the proposed fencing of the development as a whole and individual properties, except as indicated in the 3D representations presented in Figure ## above, which shows walls between individual properties. In this regard is noted that a continuous high wall on the boundary of the development will be unacceptable. Such fencing should be visually permeable and softened with planting, in addition to the trees required on the boundaries.

The figures above (Figures 16 and 17) give an impression of the visual impacts that can be anticipated by the proposed Newinbosch development, (which will form the backdrop to the Steyn's Nursery proposed development), as well as the degree to which the visual impacts can be mitigated, primarily through landscaping.

In each case:

- represents the existing view, namely an open, unbuilt site in the middle distance or forming part of a background view – note the photographs for these views have been taken using a 50mm focal length as is generally accepted as the standard when undertaking visual impact assessments;
- indicates the insertion of the proposed buildings, (without mitigation) – an immediate, noticeable change to the site (i.e. visual impact), but occupying only a small percentage of the field of view;
- reflects the mitigation of the visual impact through tree planting, screening vegetation and other landscape measures, in which the new buildings become partially obscured or shaded, having the sense of being more embedded and settled;
- reflects additional mitigation through introducing muted tones for the finishes of the buildings as opposed to the reflective white buildings with black roofs.

As the landscape matures and becomes established, the views become normalized, and visual impacts will be reduced. Similarly, variation and use of muted colours/finishes for buildings and roofscapes will assist greatly with allowing the development to recede into the landscape, provided that large reflective surfaces are not allowed.

It should be noted that whereas the site itself has moderate visual significance, the cultural landscape context within which it is located has greater significance. Whereas the development will have an immediate visual impact (in that a noticeable change will be perceived) with suitable mitigation, the visual impacts can be reduced. This impact is assessed to be of **high significance** (unmitigated, given the cumulative effect) reducing to **moderate** (short term) to **low significance** (long term) with mitigation.

Whereas the modelling already includes both the proposal for the development of the Steyn's Nursery site and the adjacent "Newinbosch", it does not include the possible development of the land immediately to the north of the site, also indicated for development within the planning for the Stellenbosch Municipality. Such development will reduce the visual impact of the currently proposed development significantly.

Strict adherence to heritage and environmental controls, in the detail design and during the construction phases of the development (including sufficient hoarding, lighting and signage, as well as noise and dust control for occupational health and safety), should be enforced. The implementation of landscape measures and architectural controls should be a fundamental requirement; and would be considered to be effective mitigation of the visual impacts.

The following table presents a summary of the impact assessment of the proposal as measured against established criteria.

13. Findings and recommendations

It is evident that although the proposed development will change the experience of arriving at Stellenbosch along the R304, the proposed mitigation could soften the visual impact to an acceptable degree. The photomontages indicate that with proper mitigation, particularly through landscape treatment, the proposed development will be visually recessive.

Overall the development is assessed to have an **impact of high significance**, reducing to **moderate (short term) to low (long term) with mitigation** in the form of landscaping and architectural controls.

It is thus recommended that HWC endorse this HIA as having met the requirements of Section 38(4) of the NHRA and that the proposed developed be endorsed subject to the following conditions:

- The landscaping plan is further detailed. This should include:
 - more trees in clusters on the boundaries & informal hedges edges; and
 - specification of tree sizes to be planted. It is important that trees of an adequate height are planted from the onset to reduce potential visual impacts – thus tree heights must be specified in the landscaping plan.

The landscaping plan must be submitted to the Stellenbosch Municipality for approval, together with the SDP referred to below.

- The preparation of a detailed site development plan, that will reflect the architectural controls referred to in the indicators namely:
 - Variation in roofscape and colour between units (no more than 2 attached units to have the same roofshape).
 - Variation in rendering of walls between units through use of different paint colours and/or finishes in particular. Muted earth tones should be specified.
 - Visually permeable external fencing.
 - The SDP should also include controls for external lighting, and other security measures and appropriate signage.

The SDP must be submitted to the Stellenbosch Municipality for approval, before building plan approval.

14. References

Deeds office records

Fransen, H, 2004: The old buildings of the Cape. Jonathan Ball, Cape Town.

Giliomee, H, 2018: Always been here. Africana, Cape Town.

Mountain, A, 2003: The first people of the Cape. David Philip, Cape Town.

Smuts, et al, 1979: Stellenbosch Drie Eeue. Stellenbosch Town Council.

ANNEXURE A:
Response to NID

Our Ref: HW/CAPRE WITHELAIIDS/STELLENBOSCH/FARM 81 PORTION 29
Case No.: 20061010TZ0624E
Enquiries: Thando Zingange
E-mail: Thando.Zingange@westerncape.gov.za
Tel: 021 483 5959
Cell: 076 481 8392 (during lockdown)
Date: 07 July 2020



Steyns Family Trust
C/O Lize Malan
P O Box 3421
Matieland
7602

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: HIA REQUIRED
In terms of Section 38(4) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape
Provincial Gazette 4061, Notice 298 of 2020

**NOTIFICATION OF INTENT TO DEVELOP: PROPOSED RESIDENTIAL DEVELOPMENT ON FARM 81 PORTION 29,
OFF R394, STELLENBOSCH, SUBMITTED IN TERMS OF SECTION 38(4) OF THE NATIONAL HERITAGE RESOURCES
ACT (ACT 25 OF 1999)**

CASE NUMBER: 20061010TZ0624E

The matter above has reference. Heritage Western Cape is in receipt of your application for the above matter received on 06 July 2020.

You are hereby notified that, since there is reason to believe that the proposed development will impact on heritage resources, HWC requires that a Heritage Impact Assessment (HIA) that satisfies the provisions of section 38(3) of the NHRA be submitted. This HIA must have specific reference to the following:

- HIA's required consisting of visual impact assessment on the cultural landscape.

The required HIA must have an integrated set of recommendations.

The comments of relevant registered conservation bodies and the relevant Municipality must be requested and included in the HIA where provided. Proof of these requests must be supplied.

Please note, should you require the HIA to be submitted as a Phased HIA, a written request must be submitted to HWC prior to submission. HWC reserves the right to determine whether a phased HIA is acceptable on a case by case basis.

This decision is subject to an appeal period of 14 working days. The appeal period shall be taken from the date above. It should be noted that for an appeal to be deemed valid it must refer to the decision, it must be submitted by the due date and it must set out the grounds of the appeal. Appeals must be addressed to the official named above and it is the responsibility of the appellant to confirm that the appeal has been received within the appeal period.

Applicants are strongly advised to review and adhere to the time limits contained the Standard Operational Procedure (SOP) between DEADP and HWC. The SOP can be found using the following link <http://www.hwc.org.za/node/293>

HWC reserves the right to request additional information as required.
Should you have any further queries, please contact the official above and quote the case number.

.....
Dr Mxolisi Dlamuka
Chief Executive Officer

www.westerncape.gov.za/eng

Street Address: Pruders Assurances Building, Green Market Square, Cape Town, 8000 - Postal Address: P O Box 1993, Cape Town, 8000
• Tel: +27 (0)21 483 5959 • E-mail: ceoh@hwc.org.za

ANNEXURE B:
Criteria for Establishing Heritage Significance

Criteria for Establishing Heritage Significance

Cultural significance is defined in the National Heritage Resources Act (Act 25 of 1999) as “aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance” (Section 2 (vi) NHRA 1999:8).

Section 3(2) and (3) of the NHRA expands on the meaning of cultural significance as follows:

Section 3 (2) lists the following as components of the national estate:

- (a) places, buildings, structures, and equipment of cultural significance
- (b) places to which oral traditions are attached or which are associated with living heritage
- (c) historical settlements and townscapes
- (d) landscapes and natural features of cultural significance
- (e) geological sites of scientific or cultural importance
- (f) archaeological and palaeontological sites
- (g) graves and burial grounds,
- (h) sites of significance relating to the history of slavery in South Africa
- (i) movable objects.

According to section 3 (3) the cultural significance of a place or object is related to the following:

- (a) its importance in the community, or pattern of South Africa’s history
- (b) its possession of uncommon, rare, or endangered aspects of South Africa’s natural or cultural heritage
- (c) its potential to yield information that will contribute to an understanding of South Africa's natural or cultural heritage
- (d) its importance in demonstrating the principal characteristics of a particular class of South Africa's natural or cultural places or objects
- (e) its importance in exhibiting particular aesthetic characteristics valued by a community or cultural group
- (f) its importance in demonstrating a high degree of creative or technical achievement at a particular period
- (g) its strong or special association with a particular community or cultural group for social, cultural or spiritual reasons
- (h) its strong or special association with the life or work of a person, group or organization of importance in the history of South Africa
- (i) sites of significance relating to the history of slavery in South Africa.

ANNEXURE C:

Plans for individual units

(attached as separate files in electronic version)

ANNEXURE H

**APPLICATION FOR A PERMISSION REQUIRED IN
TERMS OF A CONDITION OF APPROVAL,
SUBDIVISION AND DEPARTURES ON FARM NO.
81/29, STELENBOSCH DIVISION**

**COMMENT FROM THE
DIRECTOR: ENGINEERING
SERVICES**



MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES
DIREKTORAAT: INFRASTRUKTUURDIENSTE

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

FOR ATTENTION : **B Mdoda**

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

AUTHOR : **Tyrone King**

DATE : **5 Apr 2022**

RE. : **Farm 81/29: Subdivision approval**

YOUR REF : **LU/13517**

OUR REF : **2241 CIVIL LU**

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

- **Total Units:** 119 group housing units + 60 flats

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

FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS

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. **that the following upgrades are required to accommodate the development. No taking up of proposed rights including Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates (whichever comes first) will be allowed until the following upgrades have been completed and/or conditions have been complied with:**
 - a. **Stellenbosch WWTW (Waste Water Treatment Works):** The proposed development falls within the catchment area of the existing Stellenbosch WWTW

FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS

(Waste Water Treatment Works). There is sufficient capacity at the WWTW for the proposed development.

b. **Water Network:** There is sufficient capacity in the bulk water reticulation network to accommodate the proposed development.

i. The development will connect to the existing 180mm diameter municipal water line in the R304.

ii. The Developer will be responsible for any link water pipelines between the development and the municipal network.

iii. The connection point identified above will be regarded as a temporary solution. The permanent connection point for this development will be to the future Kayamandi Northern reservoir zone (**Annexure A**), once this zone is implemented. The cost associated to move the connection will be for the developer.

c. **Sewer Network:** The development will connect to the existing 450mm dia municipal pipeline (Item 1 on Annexure A). A following connection stub is available: 450mm DN GRP SN5000 stub, invert level 111.480m at coordinate X = 3 754 054.86, Y = 13 975.47 (information as received from AECOM). The following items are required to link the development to the municipal network (**See Annexure B**):

i. SSS1.30: 250mm dia pipeline

Estimated cost: R 1 548 000*

Responsible: Developer

Funding: Offset from DCs

ii. SSS1.32: 355mm dia pipeline

Estimated cost: R 862 000*

Responsible: Developer

Funding: Offset from DCs

(* GLS report estimate including P & G, Contingencies and Fees, but excluding VAT - Year 2018/19 Rand Value. This is a rough estimate, which does not include major unforeseen costs).

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iii. A municipal servitude is indicated on the Newwinbosch proposed subdivision plans that can accommodate the sewer line from this development. The developer will be responsible for the registration of any servitudes required, including negotiations with the private land-owners where the sewer crosses the neighboring property (Newwinbosch). Servitude registration (or proof that the process is underway) will be required before clearance.

d. **Roads Network:** The items as indicated in the TIA by ICE Group, dated 25 Aug 2019, are required to accommodate the proposed development:

i. Upgrade of the R304/Welgevonden Boulevard intersection – this upgrade must be done in terms of the conceptual design for the dualling of the R304

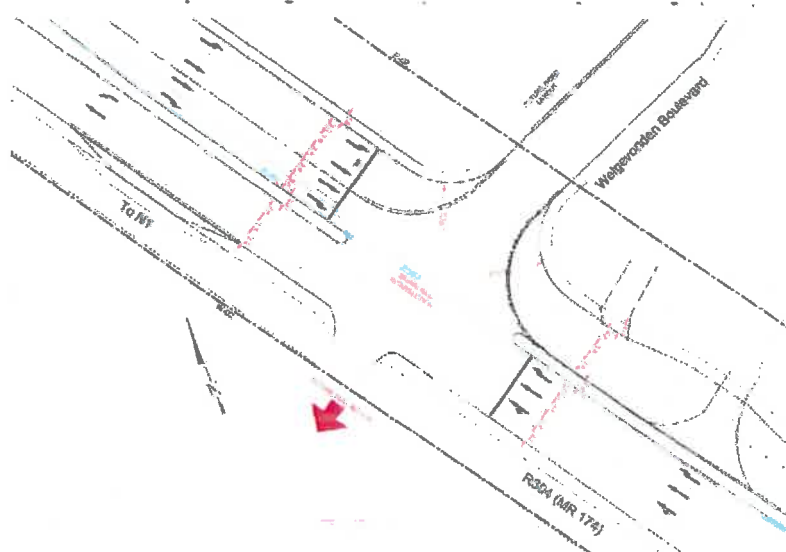


Diagram 2 : Proposed R304/Welgevonden Boulevard intersection lane layout (as per Conceptual Design of R304 dualling between Welgevonden Boulevard and R44)

Estimated cost: R 8 085 000 excl VAT* (* ICE e-mail Wednesday, 03 June 2020 08:21)

Responsible: Developer

Funding: Can be offset from DCs, but if DCs are not sufficient, the shortfall must be funded by the Developer. This upgrade must be completed before any clearance is given for this development.

ii. The R304/Access intersection must be constructed from the R304 to the "interim access" (green areas as shown below). The provision of traffic

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signals, dedicated turning lanes on the R304-approaches (right-turn lane on the northern approach and left turn lane on the southern approach) and access approach (right- and left-turn lanes) are necessary in addition to the dualling of the R304.

Estimated cost: R 12 450 000 excl VAT* (* ICE e-mail Wednesday, 03 June 2020 08:21)

Responsible: Developer

Funding: In principle, this upgrade can be offset from DCs, as the access road will be a public road and form of the future road network of Kayamandi and the Northern Extension. If DCs are not sufficient, the shortfall must be funded by the Developer. This upgrade must be completed before any clearance is given for this development.

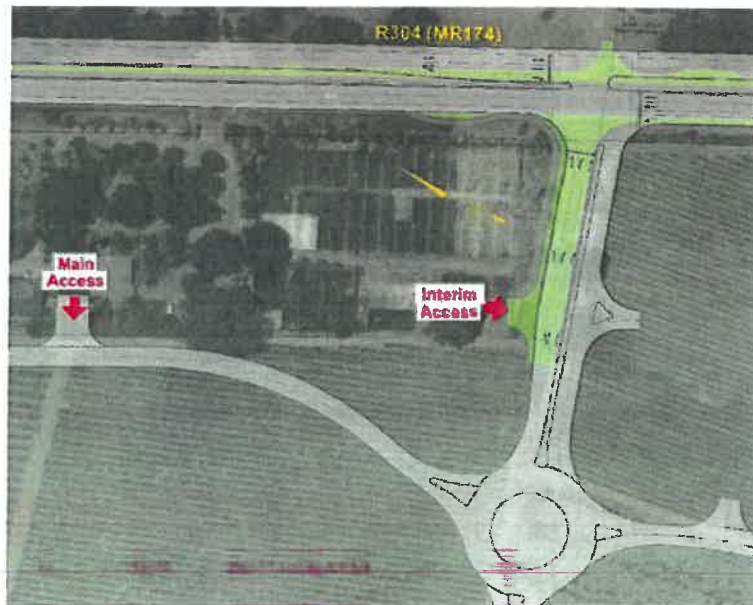


Diagram 3 : Future access (R304 dualled and with development of neighbouring property)

- iii. The access road is not yet indicated on the municipality's roads master plans. The final position of the access road must therefore be approved by the Senior Manager: Roads and Stormwater, before any construction drawings will be approved.
- iv. The access road to the R304 will initially only serve the proposed development, and in future with the development of the neighboring property

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(Farm 81/33), be extended towards a roundabout providing access to the said neighboring property. As soon as the future extension is in place, the interim access must be closed and the access be moved to the "Main access" as indicated below. The cost of the moving of the access will be for the Developer.

- v. It is noted that the access road is situated on private property and the Developer is responsible for negotiating with the landowner and for creating the public road reserve or an interim servitude right of way. Proof of such an agreement must be furnished before the Municipality will approve the engineering construction drawings. Proof of a legal access must be provided before clearance can be given.
- vi. The R304, from which the Development gains access, is a provincial road. Therefore any upgrades identified by the provincial roads authority will also need to be implemented by the Developer before any clearance/occupation of the development is approved by the Municipality.

e. Stormwater Network:

- i. A stormwater management plan must be submitted with the engineering drawings. The cost of any stormwater infrastructure identified required to accommodate the proposed development will be for the developer's cost;

f. Solid Waste:

- i. The Municipality will provide a solid waste removal service

- 5. that the upgrades mentioned above be met by the "Developer" before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates (whichever comes first) will be given;

Development Charges

- 6. 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;

FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS

7. 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;
8. that the "*Developer*" accepts that the Development Charges will be subject to annual adjustment up to date of payment. The amount payable will therefore be the amount as calculated according to the applicable tariff structure at the time that payment is made;
9. 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;
10. that the Development Charges levy to the amount of **R 9 101 972. 05** (Excluding VAT) as reflected on the DC calculation sheet, dated **20 Jan 2022**, and attached herewith as **Annexure DC**, be paid by the "*Developer*" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy.
11. that the Development Charges levy 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;
12. that the development shall be substantially in conformance with the Site Development Plan submitted in terms of this application. Any amendments and/or additions to the Site Development Plan, once approved, which might lead to an increase in the number of units i.e. more than **119 group housing** units and **60 flats**, will result in the recalculation of the Development Charges;
13. 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;
14. that the "*Developer*" will enter into an Engineering Services Agreement with the "*Municipality*" in respect of the implementation of any infrastructure or community facilities to be implemented in lieu of DCs if the need for such infrastructure is identified at any stage by the Municipality;

FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS

Site Development Plan

15. details of the access are to be provided for approval at engineering drawing approval stage. The following guidelines will apply:
 - a. that provision be made for a two lanes in and one lane out access with a minimum stacking distance of 20m as prescribed by the TIA. 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;
 - b. 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.
 - c. 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, unless otherwise agreed with the Engineer;
 - d. 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;
16. that provision be made for a refuse room as per the specification of the standard development conditions below;
17. 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";
18. 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;
19. 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;

FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS

Ownership and Responsibility of services

20. that it be noted that as per the site development plan, the roads are reflected as private roads. Therefor all internal services on the said erf will be regarded as private services and will be maintained by the "*Developer*" and or Owner's Association;

Internal- and Link Services

21. 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

22. 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 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

23. 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.

Roads

24. that the "*Developer*", at his/her cost, implement the recommendations of the approved Traffic Impact Assessment/Statement by ICE Group, dated 28 August 2019, and where required, a sound Traffic Management Plan to ensure traffic safety shall be submitted for approval by the Directorate: Infrastructure Services and the approved management plan shall be implemented by the "*Developer*", at his/her cost. If any requirement of the TIA is in conflict with one of the conditions of approval, the conditions of approval shall govern;

FARM 81/29: DEVELOPMENT OF 119 GROUP HOUSING UNITS AND 60 FLATS

25. that the "*Developer*" will be held liable for any damage to municipal infrastructure within the public road reserves, caused as a direct result of the development of the subject property. The "*Developer*" will therefore be required to carry out the necessary rehabilitation work, at his/her cost, to the standards of the Directorate: Infrastructure Services;

Bulk Electricity

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

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

27. 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;
28. 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;
29. 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.
30. that the "*Developer*" must ensure that he / she has an acceptable public liability insurance policy in place;

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31. 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;
32. 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;
33. 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);
34. 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

35. 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

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detail that may result in a later change of the Site Development Plan. Any later changes will be to the cost of the "Developer";

36. 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;
37. 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;
38. 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

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;
40. 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;

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41. 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;
42. 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;
43. that construction of services may only commence after municipal approval has been obtained;
44. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "Engineer";
45. 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;
46. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal – and external services;
47. that all the internal civil services (water, sewer and stormwater), be indicated on the necessary building plans for approval by the Directorate: Infrastructure Services;
48. 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;
49. that a Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1 be issued before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be issued (prior to transfer of individual units or utilization of buildings);
50. that Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will only be issued if the bulk watermeter is installed, a municipal account for the said meter is activated and the consumer deposit has been paid;

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51. 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;
52. that the “Developer” shall be responsible for the cost for any surveying and registration of servitudes regarding services on the property;
53. 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;
54. 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”.
55. that the “Developer”, at his/her cost, will be responsible for the maintenance of all the internal (on-site) municipal – and private civil engineering services constructed for this development until at least 80% of the development units (i.e. houses, flats or GLA) is constructed and occupied whereafter the services will be formally handed over to the Owner’s Association, in respect of private services, and to the Municipality in respect of public services;

Servitudes

56. 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;
57. 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;
58. 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.

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Stormwater Management

59. 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.

60. 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;

61. 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;

62. 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;

63. 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;

64. 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

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

65. 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.
66. 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;
67. 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.
68. 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

69. 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;
70. 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;

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Wayleaves

71. 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;
72. that wayleaves will only be issued after approval of relevant engineering design drawings;
73. 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)

74. 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;
75. 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;
76. 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;
77. 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;
78. 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

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

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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
80. 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;
81. that the "*Developer*" must apply and get approval from the Municipality's Solid Waste Department for a waste removal service prior to clearance certificate or occupation certificate (where clearance not applicable). Contact person Mr Saliem Haider, 021 808 8241; saliem.haider@stellenbosch.gov.za;
82. 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);

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83. 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";
84. 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;
85. Access shall be provided with a minimum travelable surface of 5 meters width and a minimum corner radii of 5 meters;
86. 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;
87. Minimum turning circle radius shall be 11 meters to the center line of the vehicle;
88. Road foundation shall be designed to carry a single axle load of 8.2 tons;
89. Refuse storage areas are to be provided for all premises other than single residential erven;
90. 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;
91. 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;
92. 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;
93. 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;

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94. Where the premises might be utilized by tenants for purposes other than those originally foreseen by the building owner, the area shall be sufficiently large to store all refuse generated, no matter what the tenant's business may be;
95. All black 85 l refuse bins or black refuse bags is in the process of being replaced with 240 l black municipal wheeled containers engraved with WC024 in front, and consequently refuse storage areas should be designed to cater for these containers. The dimensions of these containers are:

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

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

Floor

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

Walls and Roof

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

Ventilation and Lighting

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

Water Supply and Drainage

A tap shall be provided in the refuse storage area for washing containers and cleaning spillage. The floor should be drained towards a 100 mm floor trap linked to a drainage pipe

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

99. 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;
100. 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;
101. 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;
102. Refuse should not be visible from a street or public place. Suitable screen walls may be required in certain instances;
103. Access must be denied to unauthorized persons, and refuse storage areas should be designed to incorporate adequate security for this purpose;
104. 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

105. 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 compositization of municipal services installed as part of the development. The Asset Verification Sheet

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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;

106. 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";

107. 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;

108. 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;

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

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

110. 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;

111. 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

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"Municipality" reserves the right to withhold any clearance certificate until such time as the amount owing has been paid;

112. that clearance will only be given per phase and the onus is on the *"Developer"* to phase his development accordingly;
113. **The onus will be on the "Developer" and or his professional team to ensure that all land-use conditions have been complied with before submitting an application for a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law. Verifying documentation (proof of payment in respect of Development Charges, services installation, etc.) must be submitted as part of the application before an application will be accepted by this Directorate;**
114. 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"*.

Streetlighting

115. 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"*;
116. 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;
117. 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;
118. 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

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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";

119. 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)

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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.

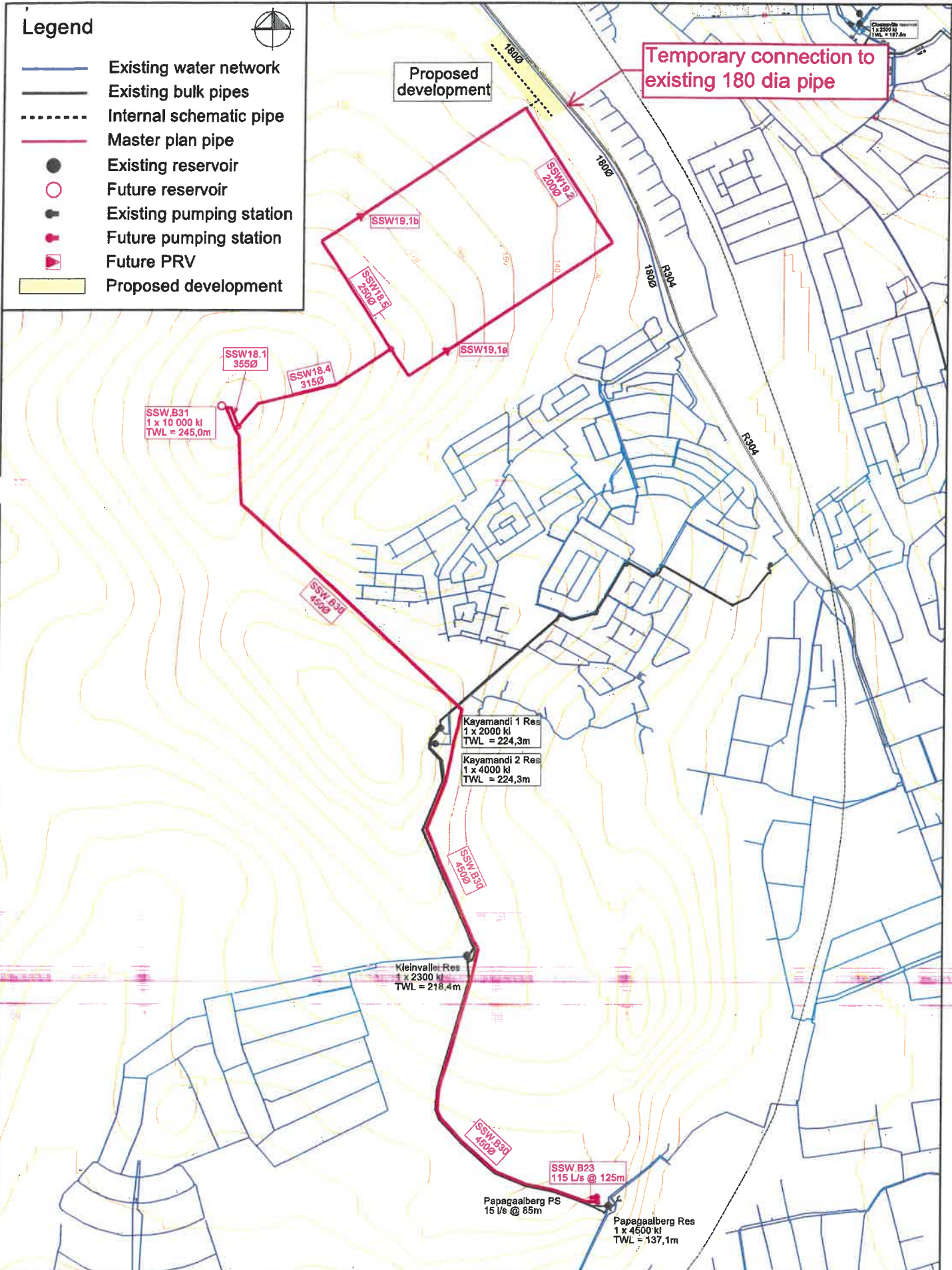
For road layer shapefiles; the road name, the from_street and to_street where applicable

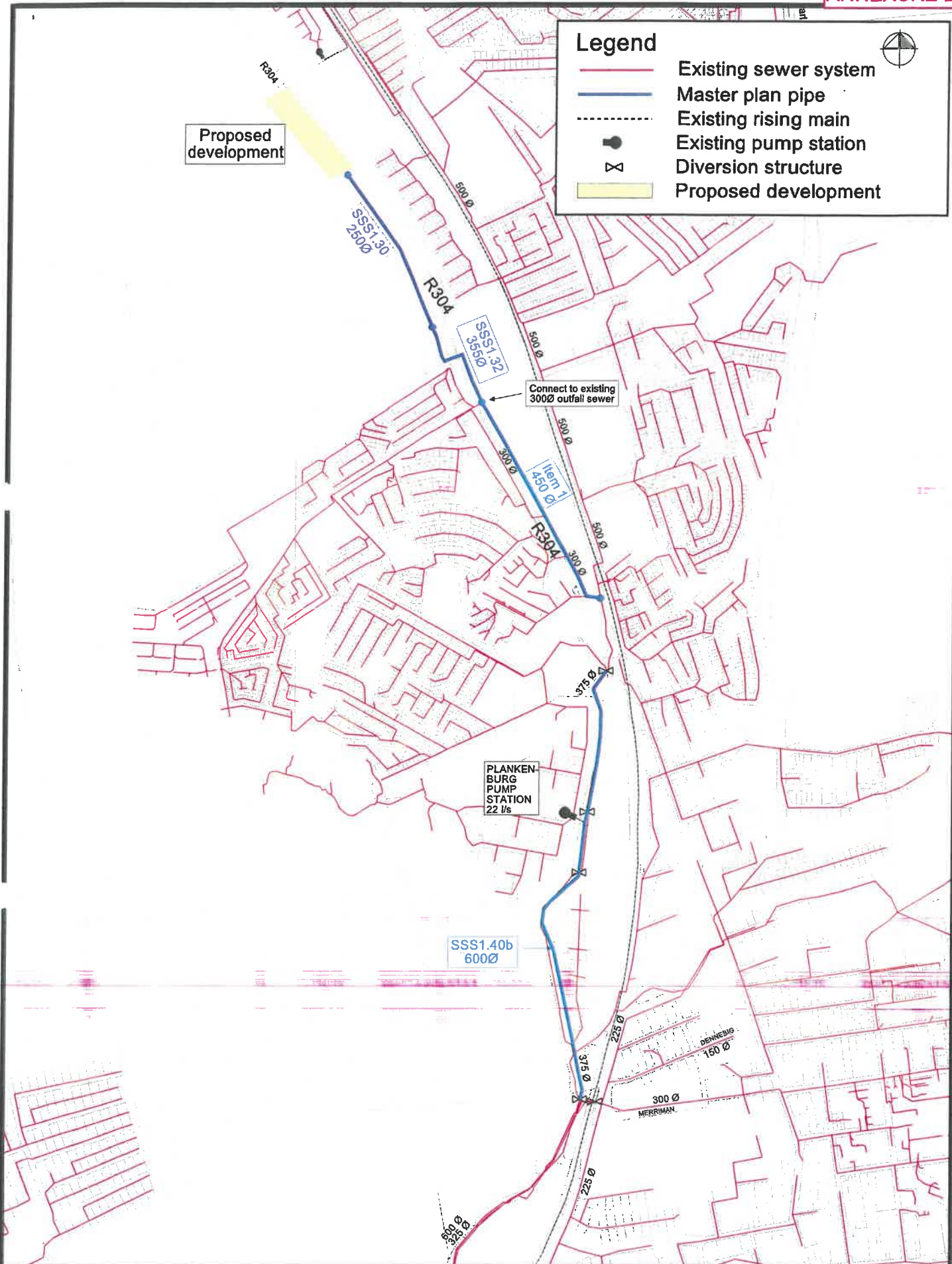
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as well as the start and end street numbers needs to be included as part of the attributes. A rotation field needs to be added to give the street name the correct angle on the map.

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 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

- Existing sewer system
- Master plan pipe
- Existing rising main
- Existing pump station
- Diversion structure
- Proposed development



Stellenbosch Municipality - Development Charge Calculation



APPLICATION INFORMATION	
Application Number	DC 2241 Farm 81-29 Stellenbosch (LU-13517)
Date	Thursday, 20/Jan/2022
Financial Year	2021/22
Erf Location	Stellenbosch Town
Erf No	Farm 81-29
Erf Size (m ²)	
Suburb	
Applicant	
Approved Building Plan No.	Subdivision Plan No 45 dated 20/01/2022 by TV3 and Site Concept Layout Dated 26 Nov 2021

SUMMARY OF DC CALCULATION							Totals
Unit(s)	Water kl/day	Sewer kl/day	Storm-water ha°C	Solid-Waste t/week	Roads trips/day	Community Facilities person	
Total Increased Services Usage	98.400	83.500	2.622	7.160	551.75	551.8	
Total Development Charges before Deductions	R 2 670 949.62	R 2 173 789.94	R 268 007.81	R 380 372.14	R 3 608 852.54		R 9 101 972.05
Total Deductions							
Total Payable (excluding VAT)	R 2 670 949.62	R 2 173 789.94	R 268 007.81	R 380 372.14	R 3 608 852.54		R 9 101 972.05
VAT	R 400 642.44	R 326 068.49	R 40 201.17	R 57 055.82	R 541 327.88		R 1 365 295.81
Total Payable (including VAT)	R 3 071 592.06	R 2 499 858.44	R 308 208.98	R 437 427.96	R 4 150 180.42		R 10 467 267.86

APPLICANT INFORMATION	
Application Processed by:	Tyrone Kling
Signature	
Date	20 Jan 2022
Amount Paid:	
Date Payment Received	
Receipt Number	

Stellenbosch Town

Land Use Category	Unit Type	Existing Usage		Proposed New Usage		Increased Usage		Development Charge Inland (excl VAT)				Total						
		area (m2)	du m ² GLA m ²	du/ha % GLA	area (m2)	du m ² GLA m ²	du/ha % GLA	du m ² GLA m ²	Water YES	Sewer YES	Storm-water YES		Solid-Waste YES	Roads YES	Community Facilities			
Infrastructure Type applicable? (yes/no)																		
Residential	Single Residential >100m2		0	0%		0	0%	R	-	R	-	R	-	R	-	R		
	Single Residential >500m2		0	0%		0	0%	R	-	R	-	R	-	R	-	R		
	Single Residential >250m2		0	0%		0	0%	R	-	R	-	R	-	R	-	R		
	Single Residential <250m2		0	0%		0	0%	R	-	R	-	R	-	R	-	R		
	Less Formal Residential <250m2		0	0%		0	0%	R	-	R	-	R	-	R	-	R		
	Less Formal Residential >250m2		0	0%		0	0%	R	-	R	-	R	-	R	-	R		
	Group Residential <250m2		0	0%		0	0%	R	-	R	-	R	-	R	-	R		
	Group Residential >250m2		0	0%		0	0%	R	-	R	-	R	-	R	-	R		
	Medium Density Residential <250m2		0	0%		119	0	0%	R	1 548 988.04	R	218 944.60	R	252 873.10	R	2 529 630.67	R	6 488 503.51
	Medium Density Residential >250m2		0	0%		60	0	0%	R	732 882.52	R	624 801.90	R	127 499.04	R	1 079 224.87	R	2 613 468.55
High Density Residential - flats		0	0%		0	0%	0	R	-	R	-	R	-	R	-	R		
High Density Residential - student rooms		0	0%		0	0%	0	R	-	R	-	R	-	R	-	R		
Commercial	Local Business - office	m2 GLA	0%			0%		R	-	R	-	R	-	R	-	R		
	Local Business - retail	m2 GLA	0%			0%		R	-	R	-	R	-	R	-	R		
	General Business - office	m2 GLA	0%			0%		R	-	R	-	R	-	R	-	R		
	General Business - retail	m2 GLA	0%			0%		R	-	R	-	R	-	R	-	R		
	Community	m2 GLA	0%			0%		R	-	R	-	R	-	R	-	R		
	Education	m2 GLA	0%			0%		R	-	R	-	R	-	R	-	R		
	Light Industrial	m2 GLA	0%			0%		R	-	R	-	R	-	R	-	R		
	General Industrial - light	m2 GLA	0%			0%		R	-	R	-	R	-	R	-	R		
	Warehousing	m2 GLA	0%			0%		R	-	R	-	R	-	R	-	R		
	General Industrial - heavy	m2 GLA	0%			0%		R	-	R	-	R	-	R	-	R		
Industrial	Noxious Industrial - heavy	m2 GLA	0%			0%		R	-	R	-	R	-	R	-	R		
	Resort	m2 GLA	0%			0%		R	-	R	-	R	-	R	-	R		
	Public Open Space	m2	0%			0%		R	-	R	-	R	-	R	-	R		
	Private Open Space	m2	0%			0%		R	-	R	-	R	-	R	-	R		
	Natural Environment	m2	0%			0%		R	-	R	-	R	-	R	-	R		
	Utility Services	m2 GLA	0%			0%		R	-	R	-	R	-	R	-	R		
	Public Roads and Parking	m2	0%			0%		R	-	R	-	R	-	R	-	R		
	Transport Facility	m2	0%			0%		R	-	R	-	R	-	R	-	R		
	Limited Use		0%			0%		R	-	R	-	R	-	R	-	R		
	To be calculated based on equivalent demands																	
Special																		
		0			0													

Water	Sewer	Storm-water	Solid-Waste	Roads	Community Facilities	Total
R2 670 949.62	R2 173 789.94	R268 007.81	R380 372.14	R3 608 852.54	0.00%	R9 101 972.05
0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00
R2 670 949.62	R2 173 789.94	R268 007.81	R380 372.14	R3 608 852.54	0.00%	R9 101 972.05
R400 642.44	R326 068.49	R40 201.47	R57 055.82	R541 327.88	0.00%	R1 365 295.91
R3 071 592.06	R2 499 858.44	R308 208.98	R437 427.96	R4 150 180.42	0.00%	R10 467 267.86

* Complete yellow/green cells.

** du = dwelling unit, GLA=Gross lettable area.

Total Development Charges before Deductions

% Deductions per service (%)

% Deductions per service (amount)

Additional Deduction per service - from Service Agreement (sum)

SND - Total after Deductions (excluding VAT)

Total

*** displays red if not equal to existing area

ELECTRICITY SERVICES: CONDITIONS OF APPROVAL
Erf 81/29

GENERAL COMMENT:

1. Development Bulk Levy Contributions are payable.

CONDITIONS

2. 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.

3. 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.

4. 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.

5. 24-hour access to the location of the substation, metering panel and main distribution board is required by Technical Services. (On street boundary)

6. 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.

7. On completion of the development, Stellenbosch Municipality (Technical Services) together with the electrical consulting engineer and electrical contractor will conduct a take-over inspection.

8. No electricity supply will be switched on (energised) if the Development contributions, take-over inspection and Certificate(s) of Compliance are outstanding.

9. 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 hotwater 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.



Signature

_04/02/2022.....

Date

ANNEXURE K

**APPLICATION FOR A PERMISSION REQUIRED IN
TERMS OF A CONDITION OF APPROVAL,
SUBDIVISION AND DEPARTURES ON FARM NO.
81/29, STELENBOSCH DIVISION**

**INITIAL COMMENT FROM
THE DEPARTMENT OF
TRANSPORT AND PUBLIC
WORKS**



Western Cape
Government

Transport and Public Works

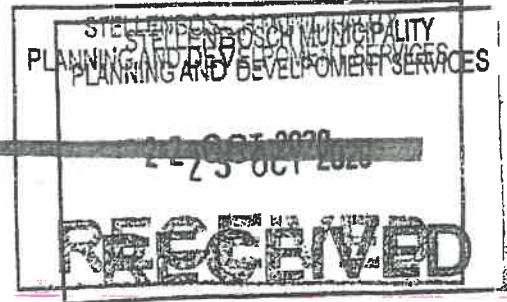
ROAD NETWORK MANAGEMENT

Email: Grace.Swanepoel@westerncape.gov.za

tel: +27 21 483 4669

Rm 335, 9 Dorp Street, Cape Town, 8001

PO Box 2603, Cape Town, 8000



REFERENCE: TPW/CFS/RP/LUD/REZ/SUB-25/75 (Job 22720)

ENQUIRIES: Ms GD Swanepoel

DATE: 19 October 2020

Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr U von Molendorff

Dear Sir

FILE NR:	
SCAN NR:	F 81 / 295
COLLABORATOR NR:	696500

PORTION 29 OF FARM 81, STELLENBOSCH: MAIN ROAD 174: APPLICATION FOR REZONING, SUBDIVISION, AND APPROVAL OF SITE DEVELOPMENT PLAN

1. The following refer:
 - 1.1. The letter LU/10313 from TV3 Projects (Pty) Ltd dated 14 February 2020;
 - 1.2. The Traffic Impact Assessment (TIA) letter ICE/S/1050A from ICE Group (Stellenbosch) to TV3 Architects and Planners dated 28 August 2019 and
 - 1.3. The letter LU/10313 from TV3 Projects (Pty) Ltd to you dated 22 June 2020.
2. The application entails the development of 158 residential units (reduced from 240 units).
3. Main Road 174 (MR174) is directly affected by this application.
4. The access to the development is based on the Arterial Management Plan (AMP) for MR174 (R304) between Klipheuwel and Stellenbosch (ITS 2844) prepared for this Branch by ITS Engineers dated November 2012.
5. This Branch offers no objection to the land use application subject to the following conditions:
 - 5.1. The development is limited to 158 residential units;

- 5.2. Main Road 174 will be dualled between MR187 and MR27 as listed in the TIA above. The upgrading of the MR174/Welgevonden Boulevard intersection must fit the final design of the dual roadway MR174;
- 5.3. The existing access off MR174 to Portion 29 of Farm 81 must be closed permanently, and the road reserve and fence reinstated;
- 5.4. The new access intersection at \pm km 57.83 on MR174 must be signalised and include a right-turn lane on the northern-approach as well as a left-turn lane on the southern-approach in addition to the dualling of MR174 past this point;
- 5.5. Street lighting need to be installed along MR174 at the new access in accordance with the applicable standards of this Branch;
- 5.6. The access road off MR174 to the development must be located at \pm km 57.83 on the right-hand side and will be constructed as the eastbound lanes of the future dual access road to Remainder Portion 33 of Farm 81;
- 5.7. The access intersection on MR174 and the access road to the development must be constructed prior to the commencement of the construction of the development;
- 5.8. Access to the development will be off the interim access road approximately 90m west of MR174 (centreline to centreline);
- 5.9. The access road between MR174 and the interim access must have 1 lane in and 1 lane out;
- 5.10. Once the proposed development on the Remainder Portion 33 of Farm 81 are approved the interim access must be closed and moved to the main access as shown on the amended Site Development attached to the letter LU/10313 from TV3 Projects (Pty) Ltd to you dated 22 June 2020;
- 5.11. Public transport embayments must be provide downstream of the new access road intersection on MR174 in both directions;
- 5.12. All detail design plans for road upgrades, signal installation and street lighting along MR174 after having been scrutinised by the affected Directorates at Stellenbosch Municipality must be submitted to the Design Directorate (Ms MK Hofmeyr - e-mail: Melanie.Hofmeyr@westerncape.gov.za) of this Branch for approval.
- 5.13. All parking must be located inside the development and provided in accordance with the latest Zoning Scheme of Stellenbosch Municipality;
- 5.14. Under no circumstances will parking be allowed within the road reserve of MR174;
- 5.15. The statutory 5m building line in terms of the Roads Ordinance 19 of 1976, must be maintained;
- 5.16. No services will be allowed within the 5m building line in terms of the Roads Ordinance 19 of 1976 and

- 5.17. Subdivision Condition Compliance Clearance must be provided by this Branch in terms of Sections 20, 21 and 28 of the Stellenbosch Municipal and Land Planning By-Law (2015).
6. It is recommended that Stellenbosch Municipality meets with this Branch to discuss the dualling of MR174 between MR187 and MR27.
7. It is recommended that the road reserve portion of Portion 29 of Farm 81 be subdivided and transferred to this Branch.
8. Please be reminded that this Branch still needs to approve the subdivision plan of Portion 29 of Farm 81 in terms of Act 21 of 1940.

Yours faithfully



SW CARSTENS
For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT

22



**Western Cape
Government**

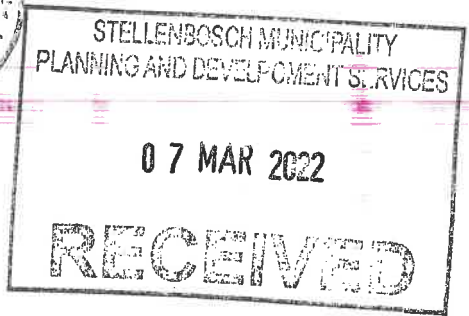
Transport and Public Works
Grace Swanepoel

Chief Directorate: Road Planning

Grace.Swanepoel@westerncape.gov.za | Tel: 021 483 4669

Ref: TPW/CFS/RP/LUD/REZ/SUB-25/75 (Job 22720)

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599



Attention: Mr Ulrich von Molendorf

Dear Sir

PORTION 29 OF FARM 81, STELLENBOSCH: MAIN ROAD 174: APPLICATION FOR REZONING, SUBDIVISION, AND APPROVAL OF SITE DEVELOPMENT PLAN

1. The following refer:
 - 1.1. This Branch's letter TPW/CFS/RP/LUD/REZ/SUB-25/242 (Job 15329) dated 29 November 2021;
 - 1.2. This Branch's letter TPW/CFS/RP/LUD/REZ/SUB-25/242 (Job 15329) dated 28 September 2021;
 - 1.3. This Branch's letter TPW/CFS/RP/LUD/REZ/SUB-25/75 (Job 22720) dated 19 October 2020;
 - 1.4. The meeting held on 22 June 2021;
 - 1.5. Various e-mails and telephonic discussions.

FILE NR:	SUB-25/75 (Job 22720) dated
SCAN NR:	F 81/29 S
COLLABORATOR NR:	725780

2. In our letter TPW/CFS/RP/LUD/REZ/SUB-25/242 (Job 15329) dated 29 November 2021 the following condition were removed from the list as stated in our letter TPW/CFS/RP/LUD/REZ/SUB-25/75 (Job 22720) dated 19 October 2020:
 - 2.1. Condition 5.2 - MR174 must be dualled between MR187 and MR27 as listed in the TIA above. The upgrading of the MR174/Welgevonden Boulevard intersection must fit the final design of the dualling of MR174.
3. Considering the size of the proposed development and the fact that the Newinbosch Development (Portion 33 of Farm 81, Stellenbosch), adjacent to this development has been approved by Stellenbosch Municipality this Branch agrees to the removal of Condition 5.4 as listed in letter TPW/CFS/RP/LUD/REZ/SUB-25/75 (Job 22720) dated 19 October 2020:
4. Condition 5.4 now needs to read as follows:

FILE

2022-02-23

- 4.1. The new access intersection at \pm km 57.83 on MR174 must be signalised and include a right-turn lane on the northern-approach.

Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: ROADS

DATE: 14 February 2022

ENDORSEMENTS

1. Stellenbosch Municipality
Attention: Mr U von Molendorff (e-mail: ulrich.vonmolendorff@stellenbosch.gov.za)
2. UDS Africa
Attention: Ms Y Obermeyr (e-mail: yolandi@udsafrika.co.za)
3. TV3 Architects and Town Planners
Attention: Mr C Heys (e-mail: clifford@tv3.co.za)
4. District Road Engineer
Paarl
5. Mr Elroy Smith (e-mail)
6. Mr SW Carstens (e-mail)
7. Mr H Thompson (e-mail)
8. Mr B du Preez (e-mail)