



**STELLENBOSCH**

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

**NOTICE OF MUNICIPAL PLANNING  
TRIBUNAL MEETING  
OF STELLENBOSCH MUNICIPALITY  
FRIDAY, 2021-03-19 FROM 10:00-15:00**

**VOLUME 1**



**NOTICE OF MUNICIPAL PLANNING TRIBUNAL MEETING  
OF STELLENBOSCH MUNICIPALITY  
FRIDAY, 2021- 03-19 FROM 10:00-15:00**

Ref. no. 3/4/5/2/40

2021-03-19

**Chairperson**

Dr DJ Du Plessis

**Deputy-Chairperson**

Ms C Havenga

**External Members**

Mr C Rabie

Dr R Pool-Stanvliet

Mrs H Crooijmans-Lemmer

Mr J Knight

Mr E Delport

**Internal Members**

Mr B de la Bat-Manager - Spatial Planning

Mr M Williams - Senior Legal Advisor

Mr S van der Merwe - Environmental Planner

Ms J Mowers- Senior Manager: Development, Asset Management and Systems & Project Management Unit (PMU)-Infrastructure Services

Ms M Francis - Manager: Project Management Unit

Mr G Cain: Manager- IDP & Performance Management

Mr A van der Merwe: Senior Manager-Community Services

**Technical Advisor**

Mr K Munro-Director Environmental & Spatial Planning: Department of Environmental Affairs and Development Planning

*Notice is hereby given in terms of Section 75(1) of the Stellenbosch Municipality Land Use Planning By-Law (2015), of the Municipal Planning Tribunal Meeting which will be via **MS TEAMS (Virtual Meeting)** on*

**FRIDAY, 2021-03-19 from 10h00-15:00 to consider the items on the Agenda.**

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Dr DJ Du Plessis

**CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL**



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Ref. no. 3/4/5/2/40

2020-11-27

**Chairperson**

Dr DJ Du Plessis

**Deputy Chairperson**

Ms C Havenga

**External Members**

Mnr C Rabie

Dr R Pool-Stanvliet

Mrs H Crooijmans-Lemmer

Mr J Knight

Mr E Delport

**Internal Members**

Mr B de la Bat: Manager: Spatial Planning

Mr M Williams: Senior Legal Advisor

Mr S van der Merwe: Environmental Planner

Ms J Mowers: Senior Manager: Development, Asset Management and Systems & Project Management Unit - Infrastructure Services

Mr G Cain: Manager IDP & Performance Management

Mr A van der Merwe: Senior Manager: Community Services

**Technical Advisor**

Mr K Munro: Director: Environmental & Spatial Planning: Department of Environmental Affairs and Development Planning

**Officials**

Mr. S Carstens: Senior Manager Development Management

Mrs. C Kriel: Manager Land Use Management

Mr. P April: Senior Town Planner

Mr. R Fooy: Senior Town Planner

Ms. L Guntz: Senior Town Planner

Ms. B Zondo: Senior Town Planner

Mrs. S Zangqa: Town Planner

Ms. O Sims: Administrative Officer MPT

Ms. L Kamineth: Senior Administrative Officer



## MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 27 NOVEMBER 2020

ITEM	SUBJECT
	<b>OPENING AND WELCOME</b>
<b>SMPT 01/11/20</b>	The Chairperson welcomed all members and declared the meeting open.
	<b>LEAVE OF ABSENCE</b>
<b>SMPT 02/11/20</b>	Leave of absence was noted for: a) M. Francis b) M. Williams
	<b>DISCLOSURE OF INTERESTS</b>
<b>SMPT 03/11/20</b>	Mrs. Pool-Stanvliet informed the meeting that her employer is involved with the negotiations concerning the environmental offset proposal in Item 5.7, but that she is not in any way involved with the matter which is dealt with by a sister Department. No conflict of interest was subsequently noted.
	<b>MINUTES OF THE PREVIOUS MEETING DATED 23 SEPTEMBER 2020</b>
<b>SMPT 04/11/20</b>	The minutes of the previous meeting was noted.
	<b>MATTERS FOR CONSIDERATION</b>
<b>SMPT 05/11/20</b>	<b>APPLICATION FOR CONSOLIDATION, REZONING, SUBDIVISION AND CONSENT USE ON FARM 1075/9 PAARL DIVISION (LU/4731)</b>  <b>DISCUSSION:</b> It was noted that the item was discussed in detail in the previous meeting and that only the amended subdivision plan which reflects the required 5 m services servitude needed to be addressed. The matters in the subdivision plan that had to be resolved were raised and it was noted that these matters were satisfactorily resolved.

**UNANIMOUSLY RESOLVED:**

1. That the application in terms of Section 15 (2)(d) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for the Subdivision of the sub-divisional zoned consolidated properties of Portion 9 of Farm 1075 and Farm 1070, Paarl Division, into 119 units in order to accommodate a group housing development as shown on Plan Number PA1075-9/04/12, drawn by EB (Albert Geiger Professional Land Surveyor), Dated 27 October 2020 (See **Annexure D**), **BE APPROVED** in terms of Section 60 of the said Bylaw, subject to conditions in terms of Section 66 of the said Bylaw.
2. Conditions of approval
  - 2.1 The approval applies only to the subdivision approval as depicted on Plan Number PA1075-9/04/12, drawn by EB (Albert Geiger Professional Land Surveyor), Dated 27 October 2020, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
  - 2.2 The approval be subject to all the conditions of approval instituted in terms of the original approval of the subject properties that preceded this application for subdivision, as depicted in the decision of the Stellenbosch Municipal Planning Tribunal on the 23<sup>rd</sup> of September 2020;
  - 2.3 The approval is only valid insofar as the original approval of the subject properties that preceded this application for subdivision, as depicted in the decision of the Stellenbosch Municipal Planning Tribunal on the 23<sup>rd</sup> of September 2020, has vested.
3. Reasons for the decision
  - 3.1 The proposed subdivision plan is compliant to the sub-divisional zoning approved for the subject consolidated properties.
  - 3.2 The amendments to the subdivision plan as required by the Infrastructure Service Department of the Stellenbosch Municipality have been addressed satisfactorily.

<p><b>SMPT</b> <b>06/11/20</b></p>	<p><b>APPLICATION FOR REZONING AND PERMANENT DEPARTURES ON ERF 290 AND 292 FRANSCHHOEK (LU/8817 &amp; LU/8381)</b></p> <p><b>DISCUSSION:</b></p> <p>Feedback was provided and discussed during the site inspection conducted by the members of the MPT. It was noted that the concerns raised during the previous consideration of the item were satisfactorily resolved. Clarity was sought on the availability of a Conveyancer Certificate for Erf 290, and it was confirmed that a Conveyancer Certificate for Erf 290 was received and will be put on record.</p> <p><b>UNANIMOUSLY RESOLVED:</b></p> <ol style="list-style-type: none"> <li>1. That the following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on the following properties:       <ol style="list-style-type: none"> <li>1.1 <b>Rezoning</b> in terms of Section 15(2)(a) of the Stellenbosch Municipality Land Use Planning By-Law (2015), promulgated by notice number 354/2015, dated 20 October 2015, of <b>Erf 290, Franschhoek</b>, from Single Residential Zone to General Residential Zone for hotel purposes in terms of the Franschhoek Zoning Scheme;</li> <li>1.2 <b>Departure</b> in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning By-Law (2015), promulgated by notice number 354/2015, dated 20 October 2015 for the following on <b>Erf 290, Franschhoek</b>:           <ol style="list-style-type: none"> <li>1.2.1 To exceed the maximum coverage of 35% to allow a coverage of 49.6%;</li> <li>1.2.2 To exceed the floor factor of 0.4 to a floor factor of 0.7;</li> <li>1.2.3 To relax the street building line from the required 16m from the middle line of the abutting street to 6.3 m on</li> </ol> </li> </ol> </li> </ol>

	<p>Akademie Street to accommodate the existing building and to 5.7m to accommodate the service yard on Union Street;</p> <p>1.2.4 To relax the street building line from 7.6m to 1.2m to make provision for the external stairway to the existing building on Lambrechts Road;</p> <p>1.2.5 To relax the rear building line from the required 4.6m to 0.15m for the proposed building;</p> <p>1.2.6 To permit parking bays within 4.6m from the street boundary.</p> <p>1.3 <b>Rezoning</b> in terms of Section 15(2)(a) of the Stellenbosch Municipality Land Use Planning By-Law (2015), promulgated by notice number 354/2015, dated 20 October 2015, of <b>Erf 292, Franschhoek</b>, from Single Residential Zone to General Residential Zone for a residential building;</p> <p>1.4 <b>Departure</b> in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning By-Law (2015), promulgated by notice number 354/2015, dated 20 October 2015 for the following Permanent Departures on <b>Erf 292, Franschhoek</b>:</p> <p>1.4.1 To relax the street building line of 16m from the center of Akademie Street to 8.75m and to 5.25m on Union Street for the existing building;</p> <p>1.4.2 To relax the north western lateral building line from 4.6m to 0.3m to accommodate an existing braai structure and 1.0m on the south eastern boundary to accommodate the existing building;</p> <p>1.4.3 To permit a screen wall 5.25m from the center line of Union Street instead of the prescribed 8m from the center line required by the zoning scheme;</p>
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1.4.4 To permit the use of the property for general residential purposes on a street with a width of 9.45m instead of the prescribed 12.5m width required by the zoning scheme;

1.4.5 To permit parking bays on the street boundary instead of the prescribed distance of 4.6m from the street boundary.

1.4.6 To permit a vehicle access/exit that exceeds 6m in width where it traverses the street boundary to accommodate the proposed onsite parking on Union Street.

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

## 2. Conditions of Approval

2.1 The approval applies only to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

2.2 A notarial tie be registered over Erf 290, 291, 292 and 571 and which must stipulate that such notarial tie may not be removed without the written approval of Stellenbosch Municipality.

2.3 The draft wording of the notarial tie and condition to be registered over properties Erf 290, 291, 292 and 571, be submitted to the Municipality for approval prior to registration.

2.4 The approval may not be acted upon prior to the registration of such Notarial tie to be registered over properties Erf 290, 291, 292 and 571, and for which purpose a copy of the registration of the notarial tie be submitted to the municipality for record purposes.

2.5 The facilities located on erf 290 only be used by patrons of the "Hotel" and not for use by the general public for any purpose;

2.6 All signage complies with the signage policy of the Municipality and be approved prior to being installed;

	<p>2.7 All onsite parking bays be provided to the satisfaction of the Directorate: Infrastructure Services as indicated on Plan No 290-292-11-2020 attached as <b>Annexure B</b>;</p> <p>2.8 No parking for patrons or staff of the guesthouse be permitted in the road reserve.</p> <p>2.9 The conditions of approval as imposed by the Director Infrastructure Services in its memo dated 02/11/2020 be adhered as attached in <b>ANNEXURE H</b>;</p> <p>2.10 The development be undertaken in accordance with the Site Development Plan as attached in <b>ANNEXURE B</b> (Plan No 290-292-11-2020, Dated 20-11-2020, Page 1-1 &amp; 290-11-2020, Dated 20-11-2020 pages 1-9; 292-11-2020, Dated 20-11-2020, Pg1-3.)</p> <p>2.11 A detailed landscaping plan indicating the position of all the mature trees on the properties (erf 290, 291, 292 and erf 571) and on the sidewalk be submitted with the building plans for approval by the Department Greening Services;</p> <p>2.12 No trees be removed from Council property prior to approval being obtaining from the Department Greening Services;</p> <p>2.13 Building plans be submitted to the Municipality for approval prior to any building work taking place on the property.</p> <p>3. The reasons for the above decisions are as follows:</p> <p>3.1 The intended use of the properties that form part of the "Hotel" is residential in nature and thus should have minimal impact on the surrounding residential character of the area.</p> <p>3.2 The scale of the buildings is in line with the existing surrounding residential area in which they are located and thus will have minimal impact on the existing residential character of the area;</p> <p>3.3 The 8 onsite parking bays are located over the 4 erven that make up the "hotel" and thus on average the onsite parking bays provided per property will not be out of character with the surrounding residential area.</p>
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	<p>3.4 The proposal will have minimal impact on the existing streetscape as the buildings are residential in character and thus will blend in with the surrounding residential area.</p> <p>3.5 The amended proposal complies with the provisions of the Franschhoek Urban Conservation Area Guidelines.</p> <p>3.6 The amended application was re-advertised to the parties who previously objected, and no objections were received.</p>
<p><b>SMPT</b> <b>07/11/20</b></p>	<p><b>APPLICATION FOR CONSOLIDATION, SUBDIVISION AND REZONING: UNREGISTERED ERF 375 TO 381, LONGLANDS (LU/11631)</b></p> <p><b>DISCUSSION:</b></p> <p>Following a discussion on landscaping of the two open spaces, it was concluded that the extent of the properties would not warrant the inclusion of a condition of approval for a standalone landscaping plan for these two private open space erven.</p> <p><b>UNANIMOUSLY RESOLVED:</b></p> <p>1. That the following applications in terms of the Stellenbosch Municipal Land Use Planning By-law on Erf 375 to 381, Longlands, namely:</p> <p>1.1 Consolidation in terms of Section 15(2)(e) of the Stellenbosch Municipal Land Use Planning By-law (2015) of unregistered Erven 375, 376, 377, 378, 379, 380 and 381, Longlands (Zoned Conventional Residential) to create a single erf;</p> <p>1.2 Rezoning in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-law (2015) of the consolidated property to subdivisinal area, to accommodate 7(seven) conventional Residential Erven (Portions 1 to 7) and 2(two) Private Open Space Zone erven (Portion 8 and 9) for private pedestrian pathway/road purposes;</p> <p>1.3 Subdivision in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-law (2015) of the consolidated erf into nine erven, namely; Portion 1 (±657m<sup>2</sup>), Portion 2 (±575m<sup>2</sup>), Portion 3 (±575m<sup>2</sup>), Portion 4 (±766m<sup>2</sup>), Portion 5 (±478m<sup>2</sup>), Portion</p>

6 ( $\pm 665\text{m}^2$ ), Portion 7 ( $\pm 625\text{m}^2$ ), Portion 8 ( $\pm 263\text{m}^2$ ) and Portion 9 ( $\pm 226\text{m}^2$ ) and subsequently amendment of the approved general plans;

**BE APPROVED** in terms of Section 60 of the said Bylaw.

2. That such approval **BE SUBJECT** to the following conditions in terms of Section 66 of the said Bylaw:

2.1 The approval applies only to the consolidation, subdivision, amendment of an approved general plan and zoning in question (See **ANNEXURE 2**) and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council and external departments;

2.2 Erf diagrams/general plan be submitted to the municipality for record purposes.

2.3 The approval will lapse if not implemented within 5 years as prescribed in terms of Section 43 of Spatial Planning and Land Use Management Act, 16 of 2013 (SPLUMA).

3. The reasons for the above decisions are as follows:

3.1 The proposal is in compliance with the zoning scheme regulations for the proposed uses, consistent with relevant legislation, planning principles, policies and guidelines and do not specifically compromise the principles of the IDP or the Municipal SDF, if approved.

3.2 It is not envisaged that the approval of the proposal will impact negatively on any surrounding property owners.

3.3 The properties are located within an approved urban development and urban edge.

3.4 The proposal will remain in line with the initial land use approval and the alignment of the approved urban edge.

3.5 The creation of 2 private open space erven to make provision for the integration of the existing development with possible future



	<p>developments through pathways, is promoted by forward planning principles.</p> <p>3.6 The proposed consolidation and re-subdivision only present a re-alignment of the cadastral boundary to create the same amount of residential opportunities, with two additional private open spaces.</p>
<p><b>SMPT</b> <b>08/11/20</b></p>	<p><b>APPLICATION FOR SUBDIVISION AND REZONING: UNREGISTERED ERF 564, LONGLANDS (LU/10619)</b></p> <p><b>DISCUSSION:</b></p> <p>Following a discussion, it was concluded that the application was advertised accurately, and that the wording of the application should follow suite in the decision.</p> <p><b>UNANIMOUSLY RESOLVED:</b></p> <p>1. That the following applications in terms of the Stellenbosch Municipal Land Use Planning By-law on Erf 564, Longlands, namely:</p> <p>1.1 The subdivision of Erf No. 564, Longlands (9084m<sup>2</sup>) in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-law (2015) into 2 portions of Portion 1 (±8784m<sup>2</sup> - Private Open Space) and Portion 2 (±300m<sup>2</sup> - Utility Services).</p> <p>1.2 The rezoning of Portion 2 from Private Open Space Zone to Utility Services to create an electrical substation site.</p> <p><b>BE APPROVED</b> in terms of Section 60 of the said Bylaw, subject to conditions in terms of Section 66 of the said Bylaw.</p> <p>2. Conditions of approval:</p> <p>2.1 The approval applies only to the subdivision and zoning in question (See <b>ANNEXURE 2</b>) and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council and external departments;</p> <p>2.2 Erf diagrams be submitted to the municipality for record purposes.</p>

	<p>2.3 Building plans be submitted to the Building Management Department before any building work commence on site.</p> <p>2.4 The approval will lapse if not implemented within the time period as prescribed by the Stellenbosch Municipal Land Use Planning By-law.</p> <p>3. Reasons for the decision:</p> <p>3.1 The electrical substation forms an important part in the provision of services for a housing project, which will be developed with assistance from the state.</p> <p>3.2 No other property owner will be affected by the proposal, other than the owner and beneficiaries in whose favour the development occurs.</p> <p>3.3 The proposal is in compliance with the zoning scheme regulations for the proposed uses and do not compromise the principles of the IDP and the Municipal SDF if approved.</p> <p>3.4 The approval of the proposal would provide services to future subsidized residential development within the Vlottenburg Urban Edge.</p> <p>3.5 It is not envisaged that the approval of the proposal will impact negatively on any surrounding properties owners.</p>
<p><b>SMPT</b> <b>09/11/20</b></p>	<p><b>APPLICATION FOR REZONING AND SUBDIVISION ON REMAINDER PORTION 7 OF FARM 373, STELLENBOSCH DIVISION (LU/10807)</b></p> <p><b>DISCUSSION</b></p> <p>Following a discussion, it was concluded that there are a number of matters which have not been satisfactorily addressed.</p> <p><b>UNANIMOUSLY RESOLVED:</b></p> <p>1. That the following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on the Remainder of Portion 7 of Farm 373, Stellenbosch Division, namely:</p>

- 1.1 For a Rezoning from Agriculture and Rural Zone to Sub-divisional area in terms of Section 15 (2)(a) of the Stellenbosch Municipality Land Use Planning By-law, in order to allow for the following uses:
- 1.1.1 11 Conventional Residential Zone erven (dwelling house) (11 904 m<sup>2</sup>)
- 1.1.2 1 Transport Facilities Zone erven (private road) (1 820 m<sup>2</sup>)
- 1.2 For Subdivision of Remainder Portion 7 of Farm 373 in terms of Section 15 (2)(d) of the Stellenbosch Municipality Land Use Planning By-law, in accordance with the Sub-divisional Plan No: 3, Project No: 3645-P, drawn by WH (TV3 Architects and Town Planners), dated 21/11/2019 (See **Annexure F**);

**BE REFERED** back to the Administration to resolve the following matters and remit the application for consideration:

- a) The status of the access control being exercised over the public roads in the existing L'Hermitage development, as well as the intended access control to be instituted for the new proposed development.
- b) Given the outcome of (a) above, clarity on the proposed integration of the new development with proposed private roads with the existing L'Hermitage development and the management arrangements of such proposed integration.
- c) Given the outcome above in (a) & (b), the position regarding the establishment of the proposed development's own home owners association or its inclusion in the existing L'Hermitage HOA, and the arrangements of how the new development will be accommodated in terms of management of the services.
- d) Given the outcome of (a) & (b) above, the proposed arrangements with regard to refuse collection for the new development.
- e) Given the outcome in (a) & (b) above, the position regarding adopting the Architectural Guidelines of the existing L'Hermitage development or the intention to develop new guidelines for the proposed development.
- f) The adjacent area outside the urban edge is identified as landscape feature of "Very High Significance" in the Stellenbosch Heritage Inventory and Management Plan. Therefore, the treatment of the edge of the proposed development is of importance and should be

	<p>addressed in the proposal and possibly be reflected in the Architectural Guidelines. This may include a visual impact assessment to identify possible mitigation measures of the development on the surrounding landscape.</p>
<p><b>SMPT</b> <b>10/11/20</b></p>	<p><b>APPLICATION FOR CONSOLIDATION, SUBDIVISION, REZONING, DEPARTURE ESTABLISHMENT OF HOMEOWNERS ASSOCIATION, APPROVAL OF DEVELOPMENT NAME, APPROVAL OF SITE DEVELOPMENT PLAN, ALLOCATION OF STREET NAMES, APPROVAL OF THE ARCHITECTURAL AND LANDSCAPING GUIDELINES: PORTION 52, 53, 54 AND 71 OF FARMS NO. 510, STELLENBOSCH (LU/8567)</b></p> <p><b>PRESENTATION:</b></p> <p>The applicants as represented by Ben-Carl Havemann and Cliffort Heys made a presentation on the proposed development to the MPT and matters of clarity was raised and addressed.</p> <p><b>DISCUSSION</b></p> <p>The MPT discussed the status of the Stellenbosch Heritage Inventory and Management Plan which was indeed approved and adopted by Council, as well as the interpretation of the Stellenbosch Municipal Spatial Development Framework as it relates to the proposed development. The non-compliance of the development with the provisions of the MSDF was discussed. No motivation was provided by the applicant to indicate any possible justifiable site-specific circumstances to deviate from the MSDF proposals for the subject site.</p> <p><b>UNANIMOUSLY RESOLVED</b></p> <ol style="list-style-type: none"> <li>1. That it <b>BE DECIDED</b> that the application in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015 dated 20 October 2015 for:       <ol style="list-style-type: none"> <li>1.1. the consolidation of Portions 52, 53, 54 and 71 of the Farm No. 510, Stellenbosch Division in terms of Section 15(2)(e);</li> </ol> </li> </ol>

- 1.2. the rezoning of the consolidated property from Agricultural Zone I to Subdivisional area for 55 Residential Zone III (townhouses) erven and 1 Residential Zone IV erf (24 flat units), 2 Private Open Space erven (1 private road and 1 private open space) and 1 Transport Zone II erf (public road widening purposes) in terms Section 15(2)(a);
- 1.3. the subdivision of the consolidated property into 59 erven, namely 55 Residential Zone III (townhouses) erven and 1 Residential Zone IV erf (24 flat units), 2 Private Open Space erven (1 private road and 1 private open space) and 1 Transport Zone II erf (public road widening purposes) in terms of Section 15(2)(d);
- 1.4. departure on the Residential Zone IV erf to relax the internal side building lines from 4m to 3m and the street building line from 8m to 3m in terms of Section 15(2)(b);

deviates from the provisions of the Stellenbosch Municipal Spatial Development Framework as contemplated in terms of Section 19 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), for the following reasons:

- a) The proposed development is in conflict with the spatial planning objectives of the Stellenbosch MSDF, which is still being regarded as relevant with due regard to the prevailing development context.
- b) The development of the subject property for the proposed land uses, and the outcome and impact thereof on the existing development context, would negate the development agenda and strategy of the Stellenbosch MSDF as it relates to Jamestown.

2. That it **BE DECIDED** that the application in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015 dated 20 October 2015 for:

- 2.1. the consolidation of Portions 52, 53, 54 and 71 of the Farm No. 510, Stellenbosch Division in terms of Section 15(2)(e);

- 2.2. the rezoning of the consolidated property from Agricultural Zone I to Subdivisional area for 55 Residential Zone III (townhouses) erven and 1 Residential Zone IV erf (24 flat units), 2 Private Open Space erven (1 private road and 1 private open space) and 1 Transport Zone II erf (public road widening purposes) in terms Section 15(2)(a);
- 2.3. the subdivision of the consolidated property into 59 erven, namely 55 Residential Zone III (townhouses) erven and 1 Residential Zone IV erf (24 flat units), 2 Private Open Space erven (1 private road and 1 private open space) and 1 Transport Zone II erf (public road widening purposes) in terms of Section 15(2)(d);
- 2.4. departure on the Residential Zone IV erf to relax the internal side building lines from 4m to 3m and the street building line from 8m to 3m in terms of Section 15(2)(b);

does not include site specific circumstances as contemplated in terms of Section 22(2) of Spatial Planning and land Use Management Act, 2013 (Act 16 of 2013).

3. That the application in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015 dated 20 October 2015 for:
  - 3.1. the consolidation of Portions 52, 53, 54 and 71 of the Farm No. 510, Stellenbosch Division in terms of Section 15(2)(e);
  - 3.2. the rezoning of the consolidated property from Agricultural Zone I to Subdivisional area for 55 Residential Zone III (townhouses) erven and 1 Residential Zone IV erf (24 flat units), 2 Private Open Space erven (1 private road and 1 private open space) and 1 Transport Zone II erf (public road widening purposes) in terms Section 15(2)(a);
  - 3.3. the subdivision of the consolidated property into 59 erven, namely 55 Residential Zone III (townhouses) erven and 1 Residential Zone IV erf (24 flat units), 2 Private Open Space erven (1 private road and 1 private open space) and 1 Transport Zone II erf (public road widening purposes) in terms of Section 15(2)(d);

	<p>3.4. departure on the Residential Zone IV erf to relax the internal side building lines from 4m to 3m and the street building line from 8m to 3m in terms of Section 15(2)(b);</p> <p><b>NOT BE APPROVED</b> in terms of Section 60 of the said Bylaw for the following reasons:</p> <p>a) That the proposed development deviates from the provisions of the prevailing development agenda and strategy of the Stellenbosch MSDf as contemplated in terms of Section 19 of LUPA as well as the provisions of the Stellenbosch Heritage Inventory and Management Plan for the water erven in Jamestown.</p> <p>b) That no site-specific circumstances as contemplated in terms of section 22(2) of SPLUMA was presented.</p>
<p><b>SMPT</b> <b>11/11/20</b></p>	<p><b>APPLICATION FOR SUBDIVISION, CONSOLIDATION, REZONING AND AMENDMENT OF THE MUNICIPAL URBAN EDGE ON ERF 2175, KAYAMANDI (LU/8597)</b></p> <p><b>DISCUSSION</b></p> <p>The MPT discussed and considered the encroachment of the informal settlement on the Papegaaiberg Nature Reserve and the risks of its formalisation on the future of the reserve. As a parallel process the environmental offset for the subject area is currently being negotiated and the necessary de-proclamation of the affected portion of the reserve was also discussed and considered. Note was taken that it does not prohibit the MPT to make a decision on the land use application, which does not include proposals for the subdivision of the land at this stage. Confirmation was provided on the Power of Attorney on record.</p> <p><b>UNANIMOUSLY RESOLVED</b></p> <p>1. That the following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 2175, Kayamandi namely:</p>

	<p>1.1 The subdivision in terms of Section 15(d) of the said Bylaw of the following properties:</p> <p>1.1.2 Erf 1832 into Portion A (<math>\pm 0.14</math>ha) and Remainder (<math>\pm 1.49</math>ha);</p> <p>1.1.3 Farm 183 into Portion B (<math>\pm 14.49</math>ha), Portion C (<math>\pm 2.94</math>ha), and the Remainder (<math>\pm 119.54</math>ha);</p> <p>1.1.4 Farm 181 into Portion D (<math>\pm 14.44</math>ha) and the Remainder (<math>\pm 36.33</math>ha);</p> <p>1.1.5 Portion 5 of Farm 175 into Portion E (<math>\pm 0.90</math>ha) and Remainder (10.13ha);</p> <p>1.1.6 Remainder of Portion 33 of Farm 175 into Portion F (<math>\pm 417.86</math>ha) and Remainder (<math>\pm 14.84</math>ha).</p> <p>1.2 The consolidation in terms of Section 15(e) of the said Bylaw of Portions A, B, C, D, E, F, Erf 2175 and Erf 2183 in order to create the consolidated area G known as Enkanini Development Area.</p> <p>1.3 The rezoning in terms of Section 15(a) of the said Bylaw of the consolidated Area G as the development area from Agricultural Zone to Subdivisional Area in order to accommodate the following development of the subject land as indicated on the plan attached as <b>ANNEXURE "B"</b> and as compiled by A. Ellis (for Urban Dynamics URP), dated September 2018:</p> <p>1.3.1 Street Zone Erf measuring approximately 7.3ha in extent (Road Network: 14m &amp; 8m Reserves);</p> <p>1.3.2 Open Space Zone erven measuring approximately 10.59ha in extent (Public Open Space);</p> <p>1.3.3 Single Residential Zone erven measuring approximately 9.36ha in extent (Subdivided Erven);</p> <p>1.3.4 General Residential Zone erven measuring approximately 3.18ha in extent (Flats);</p> <p>1.3.5 Place of Worship / Educational Institution Zone erven measuring approximately 1.04ha in extent (Community Facilities);</p>
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1.3.6 General Business Zone even measuring approximately 0.72ha in extent (Mixed use incl. retail).

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

## 2. Conditions of Approval

- 2.1 The approval only applies to the proposed development in question, as indicated on attached **ANNEXURE "B"**, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
- 2.2 The approval will lapse if not implemented within the timeframe stipulated in the subject Bylaw;
- 2.3 The conditions imposed by the **Director: Engineering Services** as contained in their memo dated 16 March 2020, attached as **ANNEXURE P** be complied with;
- 2.4 The conditions imposed by the **Manager: Electrical Services** as contained in their memo dated 05 June 2019, attached as **ANNEXURE O** be complied with;
- 2.5 The conditions imposed by **Heritage Western Cape** as contained in their memo dated 15 October 2018 attached as **ANNEXURE J** be noted;
- 2.6 The Rates clearances will only be granted once all the conditions of approval for the development have been complied with;
- 2.7 The TIA be updated with specific focus on the impact of the additional trips on the intersections of interest, prior to the submission of a subdivision plan for approval in accordance with the conditional support of the **Department of Transport and Public Works**, attached as **ANNEXURE H**.
- 2.8 A phasing plan be submitted together with the first application for subdivision.
- 2.9 Physical means and design elements should be used to define and protect the urban edge and manage urban creep.

## 3. Reasons for the decision:

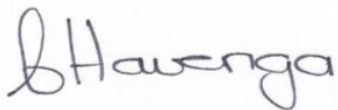
	<p>3.1 The proposed development will formalise an existing informal settlement;</p> <p>3.2 The proposal is not inconsistent with the provincial and municipal policies and legislation;</p> <p>3.3 The proposal will result in the implementation of basic services, including the construction of roads.</p> <p>3.4 The application is consistent with the SDF.</p> <p><b>4. TO BE NOTED</b></p> <p>1.1 The ±1.1ha portion occupied by the proposed development on a portion of Farm 181, Stellenbosch Division forming part of the Papegaaiberg Nature Reserve be de-proclaimed by the competent authority prior to any development being undertaken on this subject portion of land;</p>
	<b>OTHER MATTERS</b>
<p><b>SMPT</b> <b>12/11/20</b></p>	<p>Chairperson Du Plessis thanked all present for attending the last meeting of the year with a special word of thanks to all MPT members for working together through the year.</p> <p style="text-align: center;">The meeting adjourned at 16h35.</p>




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**Dr D du Plessis**

**CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL**




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**Mrs C Havenga**

**DEPUTY CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL**



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PLANNING REPORT: LAND USE AND LAND DEVELOPMENT APPLICATION:  
APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURES ON ERF 3, JOHANNESDAL

Application Reference number	File Ref: LU/7472	Application Date	2018/03/14
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**PART A: APPLICANT DETAILS**

First name(s) & Surname	Tristan Sandwith		
Company name	Headland Planners (Pty) Ltd		
SACPLAN registration number	Not provided		
Registered owner(s)	Sydney John & Wilma Colette Cyster	Is the applicant properly authorised to submit the application	Yes

**PART B: PROPERTY DETAILS**

Property description	Erf 3	Town/ City	Johannesdal
Physical address	Sonnestraal Road, Johannesburg (See <b>Annexure A</b> )		
Extent (m <sup>2</sup> /ha)	7237 m <sup>2</sup>	Current zoning	Residential Zone 1
Existing Development and Current land use	The property is currently vacant.		
Any unauthorised land use/building work	None		
Title Deed Nr.	T33391/2012 (See <b>Annexure B</b> )		

**PART C: APPLICATION DETAILS**

Applications(s)	<p>I. An application is made in terms of Section 15 (2)(a) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for the Rezoning of Erf 3 Johannesburg from Residential Zone 1 to Subdivisional area in order to allow for the following uses:</p> <ul style="list-style-type: none"> <li>i. 35 Residential Zone III erven (Town house) (4 497 m<sup>2</sup>)</li> <li>ii. 2 Open Space Zone II erven ( Private Open Space) (895 m<sup>2</sup>)</li> <li>iii. 1 Open Space Zone II erven (Private Road) (1 777 m<sup>2</sup>)</li> <li>iv. 1 Authority Zone (Refuse room) (69 m<sup>2</sup>)</li> </ul> <p>II. An application is made in terms of Section 15 (2)(d) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for the Subdivision of Erf 3 , Johannesburg in accordance with the Subdivisional Plan figure 3/02/04, drawn by Headland Town Planners, dated February 2021 (See <b>Annexure D</b>).</p> <p>III. An application is made in terms of Section 15 (2)(b) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for Permanent Departure for the following departures:-</p> <ul style="list-style-type: none"> <li>i. To permit a northern common boundary line with Erf 2 Johannesburg from 3m to 0,8m,</li> <li>ii. To permit a southern common boundary line with Erf 4 Johannesburg from 3m to 0,1m,</li> <li>iii. To permit a southern common boundary line with Erf 8 Johannesburg from 3m to 0,5m,</li> <li>iv. To permit a southern common boundary line with Erf 9 Johannesburg from 3m to 0,4m.</li> </ul>
Purpose of Application	The applicant intends to establish residential development which compromises of 35 Town house.
Pre-consultation	None

**PART D: APPLICATION BACKGROUND****1. Location of property**

The subject property is located in the Dwars River Valley on the Southern periphery of Pniel which lies approximately 10km northeast of Stellenbosch on the R310 (Helshoogte Road). Access to the subject property will be gained via an unnamed 10m wide panhandle which runs parallel to Morgenster road.

## 2. The prevailing development context of the subject surrounding/ neighbouring area

The subject property is located at Johannesdal, it is surrounded by a mix of smaller agricultural small holdings and the urban setting of Johannesdal area. The surrounding properties are residential and developed with a range of housing typologies.

## 3. Historic use and development of the property, incl. existing and any illegal uses.

The subject property is zoned as Residential Zone 1 and is currently vacant and undeveloped.

### PART E: APPLICATION OVERVIEW AND MOTIVATION (See Annexure C)

The subject property is located in an area of established urban development and one which has been earmarked by the Stellenbosch Spatial Development Framework as an opportunity for new development. Located along the R310, the property is well located and accessible to private and public transport, Pniel 's commercial centre is located within walking distance, providing the necessary support and facilities to future residents and Capacity of Municipal services infrastructure has been confirmed to accommodate the additional dwellings. The proposal is policy compliant and aligned with the MSDF in that it is located in an area allocated for new development. Therefore development does not impact negatively on any environmental resources or contribute to urban sprawl. The development will increase the range of housing opportunity in the region and will not have an impact on the surrounding environment. Furthermore, the proposed townhouse development is aimed in the more affordable market of first home buyers and investors which, according to local demand, is considered desirable as it will increase the range of housing available in the area and the development has been endorsed by Heritage Western Cape.

### PART F: PUBLIC PARTICIPATION, COMMENTS AND RESPONSE

#### 1. Process followed

The applicant has notified the internal and external departments, advertised in the local newspaper and notified (serving of notices) all interested and affected parties, as well as community organizations and also placed notices on the property. The advertising period was from **07 June 2019** to **08 July 2020** (See **Annexure E**). **Four (4)** objections received and a petition list from neighbours.

#### 2. Public & stakeholder inputs

The following objections were received: (See **Annexure F**)

- a) Hanco & Arne Binnerman
- b) Gabriel Jacobs
- c) Earl Cyster
- d) The Johannesdal Community (petition) (represented by Mr. Earl Cyster)

## 2.1 Summary of the objections/comments received (See Annexure G)

- 2.1.1 The planning motivation lacks sufficient detail, in respect of the Municipal IDP, Provincial Spatial Development Framework, to be considered complete and should therefore have been refused;
- 2.1.2 The development is not consistent with the site specifics of the MSDF and the development would not be appropriate;
- 2.1.3 The application does not satisfy the By-law's desirability criterion;
- 2.1.4 More motivation is required regarding the proposed density;
- 2.1.5 The houses in the "Mountain View" development were negatively received by the community based on expense and density;
- 2.1.6 The plot sizes are too small and do not meet the community's mandate of minimum 350m<sup>2</sup>;
- 2.1.7 Plot sizes of 425m<sup>2</sup> to 715m<sup>2</sup> are more in line with the character of the area;
- 2.1.8 Population densities far exceed those that currently exist;
- 2.1.9 The amount of open space is too little and is unethical when planning a dense development;
- 2.1.10 The architectural style should not affect the look and feel of the area;
- 2.1.11 Landscaping is required on the Helshoogte Road boundary to mitigate visual impact;
- 2.1.12 The surrounding streets are expected to become congested and unsafe as a result of the development and other developments in the area;
- 2.1.13 A traffic study was requested by the objectors;
- 2.1.14 The development is accessed from a class 5 residential street which is not acceptable in terms of access standards;
- 2.1.15 15% of the plots should be allocated for sale need to be affordable to local residents;
- 2.1.16 The proposed dwellings are not conducive to families, only couples;
- 2.1.17 The objector queried bulk sewerage capacity availability for the development;
- 2.1.18 The community has requested a meeting with the developer;
- 2.1.19 Certain neighbours did not receive registered letters as prescribed by legislation;
- 2.1.20 The development seeks to financially benefit the developer in the short term with no appreciation for sustainable development imperatives.

## 2.2 Summary of responses from the applicant to comments/objections received

- 2.2.1 MSDF compatibility is accounted for in the planning motivation which includes demonstration of the locality of the property within an area demarcated for new development. Therefore the site specific developmental potential of the site is well aligned with policy and appropriate for the area;
- 2.2.2 The PSDF informs the MSDF in terms of regional and provincial spatial planning. The development is neither a regional or provincial spatial plan and therefore must be considered at the MSDF level;
- 2.2.3 The development application is demonstrated to satisfy section 42 of the SPLUMA in terms of policy alignment, the public interest, impact on rights and impact on engineering services;
- 2.2.4 By satisfying the requirements of the MSDF, the Stellenbosch Municipal Planning By-law and zoning scheme By-law, the application has proved compliance with chapter VI of the LUPA;
- 2.2.5 Departures from the zoning scheme have been applied for and motivated;

- 2.2.6 The application satisfies forward planning and policy goals and therefore considered desirable as it promotes densification of earmarked development land in an urban area;
- 2.2.7 The MSDF suggests higher densities be allowed within town limits to maintain strict boundaries to development nodes which combats traffic congestion and low density urban sprawl;
- 2.2.8 The development will add to the range of housing types and allow form more affordable options for residents;
- 2.2.9 The proposed development is aimed at a more affordable market;
- 2.2.10 Forward planning suggests that higher densities should be supported in development areas. The objector has also made a comment that the properties in the new developments are too expensive. This is driven by the market and is the reason that the proposed development typologies are being applied for;
- 2.2.11 A range of size and typology should be promoted to stimulate the housing market;
- 2.2.12 The density of the proposed development is aligned with the parameters of the zoning scheme;
- 2.2.13 Given that the development is private, the design of the internal roads has been such that they form a component of the functional open space of the development;
- 2.2.14 The development's architectural style is designed to fit with the local vernacular as free standing single title units with pitched rooves;
- 2.2.15 The property boundary is  $\pm 18\text{m}$  from the Helshoogte road sidewalk and internal boundaries are further setback to provide open space and visual relief. Neighbouring properties are considerably closer ( $>10\text{m}$ ) to the R310 sidewalk in places;
- 2.2.16 An independent traffic study confirmed that the local intersections and surrounding road network will continue to operate at good levels of service with the inclusion of the development;
- 2.2.17 The TIS concluded that no upgrades to existing roads were necessary other than the construction of the access road from Sonnestraal Street to the development entrance;
- 2.2.18 Dwelling sizes and types are aimed at the more affordable end of the market;
- 2.2.19 Proposed units are two bedroom with options for a three bedroom typology also available. This is done to cater for new families, couples and retirees;
- 2.2.20 GLS engineers, at the time of application, confirmed that capacity was available. By the time the development comes online, the Pniel WWTW upgrades would have been completed and confirmation of this has been received from Municipality;
- 2.2.21 Advertising was conducted with the registered addresses provided by the Municipality as prescribed by the legislation;
- 2.2.22 Increasing the range of housing opportunities in the area is seen to directly benefit local homeowners and to create a more sustainable and equitable development environment.

### 3. Government related inputs received

- a) The **Heritage Western Cape** supported the proposal (see **Annexure H** for letter dated 04 March 2020).
- b) The **Department of Environmental Affairs and Development Planning** supported the application (see **Annexure I** for e-mail dated 14 September 2018).
- c) The **Department Transport and Public Works** supported the application (see **Annexure J** for letter dated 20 July 2018).

#### 4. Comments from internal service departments

- a) The **Manager: Spatial Planning** supported the proposal (see **Annexure K** for memo dated 09 July 2018).
- b) The **Manager: Electrical Services** supported the proposal subject to conditions (see **Annexure L** for memo dated 06 November 2020).
- c) The **Director: Engineering Services** supported the proposal subject to conditions (see **Annexure M** for memo dated 05 November 2020).

### PART G: ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

#### 1. Legislative and Policy Context of land use and land development application

The legislative, principles, policies, guidelines and plans which are considered as relevant to the application under consideration and land use application, are as follows:

- o Stellenbosch Municipality Land Use Planning Bylaw, 2015
- o Stellenbosch Municipality Spatial Development Framework
- o Provincial Spatial Development Framework
- o SPLUMA and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

#### 2. Assessment of grounds of the land use and land development application

##### 2.1 Applicable MSDF and LSDF's

The proposed development is located within the approved urban edge of Johannesdal in Stellenbosch. It is earmarked by the MSDF for future infill urban development. In terms of the approved Municipal SDF, densification and infill development is encouraged. Therefore the proposed application is in line with the Stellenbosch Municipality Spatial Development Framework.

##### 2.2 Applicable planning policies and guidelines

The Provincial Spatial Development Framework (PSDF) sets out a policy framework within which the Western Cape Government will carry out its spatial planning responsibilities. The proposed development aligns with key themes covered in this framework i.e. promoting infill and compact development within the urban edge, ensure functional integration between people of different income groups, the proposal does not perpetuate urban sprawl, opening up opportunities for community and residential development and to develop integrated and sustainable settlements. Furthermore, the subject property is within the urban edge and earmarked for future development.

##### 2.3 Service infrastructure capacity and sustainability

In terms of Engineering services, a report was done by Lyners and Associates (RF) (Pty) Ltd (See **Annexure O**) dated 23 February 2017. The report concluded that all services are available for the development of Erf 3 Johannesdal. A report was done by GLS consulting (See **Annexure P**) dated 18 January 2018 for Bulk Water and Sewer services capacity, the report concluded that there is sufficient capacity in the existing



water and sewer reticulation system to accommodate the proposed development. Furthermore, the application was circulated to the Stellenbosch Municipality Engineering Services and they supported the application with standard conditions (See **Annexure M**).

#### **2.4 Any investigations carried out in terms of other laws that are relevant to the consideration of the subject application (e.g. EIA, TIA, HIA etc.)**

A traffic impact study was done by Sturgeon Consulting (PTY) LTD (See **Annexure N**) to investigate the expected traffic related impacts the proposed development. The report has shown that the development can be accommodated by the adjacent transport network. The report concluded that:

- a. The development has the potential to generate 30 trips during the AM peak hour (7 in, 23 out) and 30 trips during the PM peak hour (21 in, 9 out).
- b. The Helshoogte Road/Sonnestraal Street intersection's total peak hour demand is approximately 1 100 vph and 1 000 vph in the AM and PM peak hours, respectively.

#### **2.5 The proposal (the applicable provisions of the zoning scheme)**

- a) The subject property is zoned Residential Zone I and in terms of the zoning of the subject property, the land unit must be rezoned and subdivided in order to facilitate the proposed development. The development will comprise of 35 Residential Zone III erven (Town house) (4 497 m<sup>2</sup>), 2 Open Space Zone II erven (Private Open Space) (895 m<sup>2</sup>), 1 Open Space Zone II erven (Private Road) (1 777 m<sup>2</sup>) and 1 Authority Zone (Refuse room) (69 m<sup>2</sup>). Access to the subject property will be gained via unnamed 10m wide panhandle which runs parallel to Morgenster Road.

#### **3. General desirability in accordance with possible impacts on neighbouring properties and surrounding areas.**

The site is located in the Dwars River Valley on the southern periphery of Pniel which lies approximately 10 km northeast of Stellenbosch on the R310 ( Helshoogte road). The site's immediate context is a mix of smaller agricultural small holdings and the urban setting of the Johannesdal area. A number of the surrounding properties are also residential and have been developed with a range of housing typologies as well as vacant and undeveloped sites. However the proposed development proposes a relatively small Erf sizes compared to the surrounding neighbourhood. The smallest erven on record is upwards of 285m<sup>2</sup> at a neighbouring property with a density of 14du/ha, and most properties in Johannesdal range from 350m<sup>2</sup> upwards. The proposed development ranges from 100 m<sup>2</sup>– 160 m<sup>2</sup> with a density upwards of 25du/ha. The property sizes and density in this context, with the need for significant departure and the resulting nature of building structures as rows of double story units will result in an image of being "overdeveloped". Therefore, the impact of a continuous high wall of buildings close up to the boundary of the neighbouring properties will exacerbate the negative visual impact.

#### **4. Assessment of comments on application**

The proposal is consistent with the principles and objectives contained in the Stellenbosch MSDF, which state that due to the housing demand within the Stellenbosch municipal area the concept of infill development and redevelopment of land within the urban edge is encouraged. It is however submitted that this development concept in this context is not desirable. The principle of densification is acknowledged, and with good and mitigating design such developments may also be acceptable, however densification cannot be a blanket approach across a municipal area and have to be applied

sensitive towards the cultural landscape of the receiving environment such as Johannesdal. According to the Stellenbosch Municipality Spatial Development Framework, 2019 "Johannesdal remain relatively distinct, with small scale farms within the urban edge. Agricultural trade and labor continue to feature strongly in these settlements, both in land use, and the wellbeing of people. Settlements contain numerous places of historic significance and the density of development is relatively low". Therefore the relatively small Erf sizes (from 100 m<sup>2</sup>) is not in character with the rural node of Johannesdal. Consequently, the proposed structures cannot be accommodated on the erven without significant building line departures, and with surrounding undeveloped neighbouring properties, the impact of such departures on the future potential development properties cannot be comprehended. The need for such significance departures also points to the fact that the erven is over extended and thus too small for its intended development. Being prominently located on a slope on the scenic Helshoogte main road, with due consideration of the points above, it is submitted that the development will result in a negative visual impact.

Furthermore, the individual erven have very little private open space (garden area) and the two individual and separate private open space provided is not regarded as adequate and thus functional open space due to shape, the slope of the land and the sculptures and retention pond which limits its functional use. The street cannot serve in the purpose for recreation as it is not designed in the "woonerf" concept to facilitate such use. Due to the minimum width of the internal roads, on street parking is not possible and no provision has been made for additional parking for visitors except the two parking spaces provided at the entrance gate. The dead-end streets at the end of this small roads has no turning circles. Consequently the occupants of the erven at the end of the dead-end streets, as well as the erven diagonal to the access roads, will not be able to readily exit the street other than being compelled to back-up in reverse down the street to find a vacant parking space on someone's property, or to the next street intersection, that would enable them to turn the vehicle around and exist the estate.

These concerns were also raised by other commenting authorities during the application process. From previous correspondence on file, it is evident that the matter of density, the small erven, the narrow streets and lack of turning circles at the end of dead-end streets were raised by inter-alia HWC and the Infrastructure Services. The minimum required street width is 10m, and turning circles is usually required at the end of dead-end streets. The Infrastructure Department conceded at the end to accept the 8m street width and lack of turning circles due to the relatively small scale of the development and short length of the streets. Notwithstanding such support, it must be noted that it is more departures from standard requirements that was needed to present the proposed development.

All these departures from the prevailing norms and prescribed standards, however viewed and dealt with separately to address individual matters, must be viewed collectively and cognizance must be taken of the compounding effect that it will have on the nature of the development and strengthen the concerns of the impact that such development will have in the prevailing context. The need for all these departures and resulting density and urban form is mainly motivated on the grounds of economy of scale and affordability. Whiles access to affordable housing is a real concern and relevant factor for especially Stellenbosch, it should not be the only and decisive factor to decide on the desirability and justification of a proposed development. Mitigating measures, as applied and proposed, are important factors to alleviate impacts, but – with due consideration of the context of the development, will be less effective if a development needs to be "forced" to this extent of departures.

Considering the above reservations, it is submitted that the root problem with the proposed development is perhaps the zoning of town housing as provided for in the former Section 8 zoning scheme. To support such view, it needs to be highlighted that the original purpose of a town housing development was for the high end of densification. For this purpose, this zoning, in terms of the provisions of the General structure plan in force at the time, was specifically reserved to be exclusively applied in CBD's and along recognized activity corridors, where existing infrastructure would support such densities, Johannesdal is far removed from any such considerations.

The current Stellenbosch Zoning scheme does not carry a zoning for a Town Housing scheme. Group housing is provided as a consent use in Conventional Residential Zone for densities up to 25 du/ha, with matching development parameters. A density of 25 du/ha for group housing is already considered quite high and is mostly not achievable with the sensible application of the relevant development parameters and provision of the open space requirements. No requirement for open space is stipulated for Town housing due to its original targeted locational context of a CBD and activity corridor. For densities higher than 25 du/ha in the new zoning scheme, application must be made for Multi-unit residential zone, with a similar provision for Group Housing as a consent use and development parameters matching such high-end density developments. The zoning of multi-unit residential zone obviously also depends on locational and contextual considerations, which will not be considered in residential areas predominant rural areas.

The subdivisional plan figure 3/02/01, drawn by Headland Town Planners, dated February 2018 (attached along with the POE as **Annexure E**) was advertised in 2018, however the engineering services department did not recommend the application for approval, therefore an amended Subdivisional plan was submitted and recommended for approval by the Engineering services. Therefore, this application is to consider the amended subdivisional plan (Subdivisional Plan figure 3/02/04, drawn by Headland Town Planners, dated February 2021 (See **Annexure D**) with the proposed amendments. It is submitted that there were no material changes to the application that would warrant rational grounds to require that notice of the application again be given.

The comments received from the community echoes many of the concerns raised in the evaluation of the application and is thus regarded as valid. The response to the concerns raised did not provide compelling argument to address those concerns.

##### **5. Additional consultation with and input by the applicant**

Due to the unfortunate long process and the concerns raised during the evaluation of the application, these matters were put to the applicant for discussion in a facilitative attempt to address some of these concerns. The applicant consequently responded specifically on these matters which was taken into consideration with the review of the evaluation. The input by the applicant mainly focused on the affordability of the products as the decisive factor to justify the nature of the development, and did not address the specific concerns satisfactorily to justify that a different view is presented on the evaluation of the application. As undertaken with the applicant, the input that was received by the applicant is attached to the report as "**Annexure Q**" for the decision maker to take into consideration with the decision on the application.

## PART H: SUMMARY OF KEY FINDINGS OF ASSESSMENT

After having independently considered and weighted all the relevant information the evaluation of the subject land use and land development application concludes that the proposed development as submitted cannot be supported from a land use planning point of view for the following reasons.

- o The proposed development represents a fairly high density development with small erven and extensive departures which is not in character with the rural node of Johannesburg.
- o The property sizes, density, need for significant departures and nature of building structures will cumulatively result in an image of being "overdeveloped", and will exacerbate a negative visual impact.
- o The proposal does not promote functional integration of the development within the urban context.

## PART I: RECOMMENDATION

1. That the following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 3 Johannesburg, namely:

1.1 The Rezoning of Erf 3 Johannesburg in terms of Section 15 (2)(a) of the Stellenbosch Municipality Land Use Planning By-law, 2015 from Residential Zone 1 to Subdivisional area in order to allow for the following uses:

- i. 35 Residential Zone III erven (Town house) (4 497 m<sup>2</sup>)
- ii. 2 Open Space Zone II erven ( Private Open Space) (895 m<sup>2</sup>)
- iii. 1 Open Space Zone II erven (Private Road) (1 777 m<sup>2</sup>)
- iv. 1 Authority Zone (Refuse room) (69 m<sup>2</sup>)

1.2 The Subdivision of Erf 3 Johannesburg in terms of Section 15 (2)(d) of the Stellenbosch Municipality Land Use Planning By-law, 2015 in accordance with the Subdivisional Plan figure 3/02/04, drawn by Headland Town Planners, dated February 2021 (See **Annexure F**).

1.3 The Permanent Departures in terms of Section 15 (2)(b) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for the following departures:-

- i. To permit a northern common boundary line with Erf 2 Johannesburg from 3m to 0,8m,
- ii. To permit a southern common boundary line with Erf 4 Johannesburg from 3m to 0,1m,
- iii. To permit a southern common boundary line with Erf 8 Johannesburg from 3m to 0,5m,
- iv. To permit a southern common boundary line with Erf 9 Johannesburg from 3m to 0,4m,

**BE REFUSED** in terms of Section 60 of the said bylaw.

2. The reason ( read in conjunction with the planning report) for the above decision are as follows:

- 2.1 The scale and nature of the proposed development will impact on and compromise the existing character of the Johannesburg rural node.
- 2.2 The proposed development may give rise to similar future developments which does not represent the rural context of Johannesburg.
- 2.3 The extensive need and cumulative effect of the required departures from the prevailing norms and standards in Johannesburg will present an undesirable development in this context.
- 2.4 The proposal does not promote functional integration of the development within the urban context.

## PART J: ANNEXURES

<b>ANNEXURE A:</b>	Locality Plan
<b>ANNEXURE B:</b>	Title Deed
<b>ANNEXURE C:</b>	Applicants motivation
<b>ANNEXURE D:</b>	Proposed Subdivisional Plan
<b>ANNEXURE E:</b>	Proof of Evidence (Public Participation, General Plan & Affidavit)
<b>ANNEXURE F:</b>	Objections
<b>ANNEXURE G:</b>	Applicants comments on objections
<b>ANNEXURE H:</b>	Comment from Heritage Western Cape
<b>ANNEXURE I:</b>	Comments from the Department of Environmental Affairs and Development Planning
<b>ANNEXURE J:</b>	Comment from Department of Transport and Public Works
<b>ANNEXURE K:</b>	Comment from the Manager: Spatial Planning
<b>ANNEXURE L:</b>	Comment from the Manager: Electrical Department
<b>ANNEXURE M:</b>	Comment from the Director: Engineering Services
<b>ANNEXURE N:</b>	Traffic Impact Assessment Report
<b>ANNEXURE O:</b>	Engineering services report
<b>ANNEXURE P:</b>	Bulk water and sewer services
<b>ANNEXURE Q:</b>	Input from applicant on concerns raised in evaluation of application

**PART K: ASSESSMENT OF THE LAND USE AND LAND DEVELOPMENT APPLICATION****APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURES ON ERF 3, JOHANNESDAL****AUTHOR OF PLANNING ASSESSMENT REPORT****NAME:** B. ZONDO**CAPACITY:** SENIOR TOWN PLANNER**SACPLAN REGISTRATION:** C/8589/2017**SIGNATURE:** **DATE:** 18/02/21**REVIEW AND RECOMMENDED BY PROFESSIONAL TOWN AND REGIONAL PLANNER****NAME:** C KRIEL**CAPACITY:** MANAGER: LAND USE MANAGEMENT**SACPLAN REGISTRATION:** A/212/10**SIGNATURE:** **DATE:** 18/02/2021

**PART I: SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT****APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURES ON ERF 3, JOHANNESDAL****Authorised Employee to assess and make a recommendation on a land use and land development application for consideration by the authorised decision maker:**

As the duly authorised official in terms of Section 56 of the Stellenbosch Municipal Land Use Planning Bylaw (2015) to assess and make a recommendation on the above planning application, the subject planning report is hereby submitted for consideration to the duly authorised decision maker in accordance with the Categorisation Model for Land Use and Land Development Applications as approved by the Stellenbosch Municipality in accordance with Section 69(1) of the said Bylaw.

In terms of the Categorisation Model duly approved in terms of Section 69(1) of the said Bylaw vide Item 7.7.1 and dated 8 April 2020, the subject application is categorised as follows:

**Category:** AD2, B2, DB2,

**Decision Making Authority:** SMPT

**Rational:** The application is for a Rezoning to subdivisinal area and includes subdivision of more than two resulting erven. The application is consistent with the approved MSDF; and not inconsistent with the relevant policies, principles and planning and development norms and standards set by the national and provincial government. However, objections were received from interested and affected property owners.

**Name:** S CARSTENS

**Capacity:** SENIOR MANAGER: DEVELOPMENT MANAGEMENT

**SACPLAN Registration:** A/1551

**Signature:**

**Date:**



18/2/2021

**PART M: SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT****APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURES ON ERF 3, JOHANNESDAL****Administrator to Authorised Official / Municipal Planning Tribunal:**

It is hereby confirmed that proper notice was served of the Municipal Planning Tribunal meeting at which this land use and land development application will serve for consideration.

The land use and land development application will serve at the scheduled meeting of the Municipal Planning Tribunal on:

Date: **19 March 2021**

**Name:**

**Capacity:**

**Signature:**

**Date:**



**ANNEXURE A:** LOCALITY PLAN



**ANNEXURE B: TITLE DEEDS**

OFFICE COPY

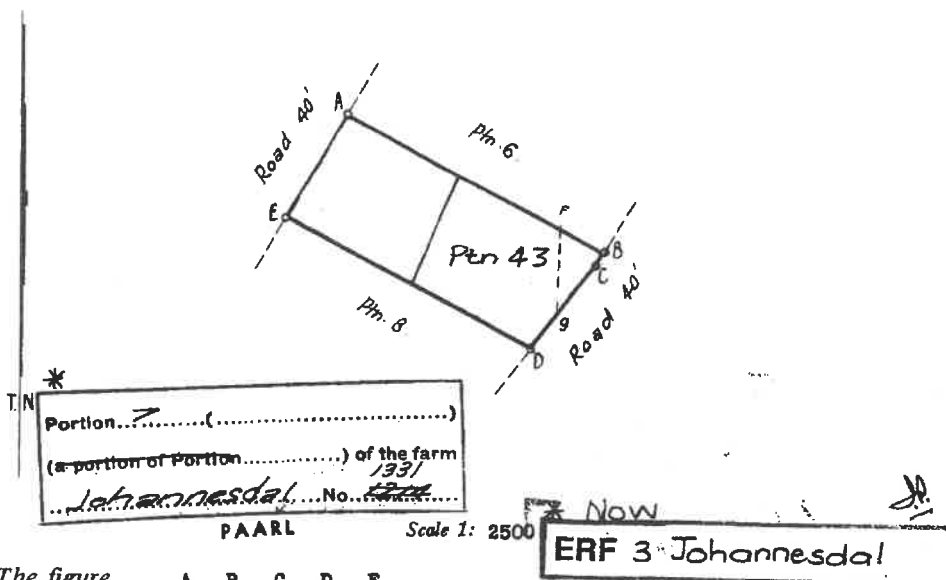
SIDES Cape Feet	ANGLES OF DIRECTION	SYSTEM L 19 CO-ORDINATES	
		y	x
	Constant	+10 000.00	+11917000.00
AB 424.54	298 16 30	A + 3 122.03	+ 311.65 ✓
BC 20.00	26 01 10	B + 2 748.14	+ 512.77 ✓
CD 156.80	38 10 40	C + 2 756.91	+ 530.74 ✓
DE 404.21	118 00 00	D + 2 853.84	+ 654.00 ✓
EA 176.50	210 10 20	E + 3 210.74	+ 464.24 ✓

S. G. No. 6854/55

Approved

*Thos. ...*  
Surveyor-General.  
9.8.1956.

A B D iron standard flush.  
C E 1/2" hole drilled in sandstone.



The figure A B C D E represents 73 008 Square Feet of land being

Portion 7 of the farm Johannesdal. B.

METRIC AREA  
7238 SQUARE METRES

Situate in the Division of Paarl Province of Cape of Good Hope.

Surveyed in Feb., 1953 by me

*L. S. Nellig*  
Land Surveyor.

This diagram is annexed to  
DGM T144 25/2011  
Registrar of Deeds.

The original diagram is  
No. 4813/49 annexed to  
802/55

S.G. File No. 11860/2  
S.R. No. E. 1638/55

BH.8.DBB

BH 8 DBB XA ✓

FOR ENDORSEMENT  
SEE BACK OF DGM.

1214/7  
1957/7/3

THIS PORTION IS SUBJECT TO  
 CONDITIONS REFERRED TO IN SEC-  
 TION 11 (4) OF ACT No. 21 OF 1968.

THE FOLLOWING DEDUCTIONS HAVE BEEN MADE FROM THIS DIAGRAM						
DATE	ORDER NO.	REMARKS	AREA HA. AC. B.	TRANSFER NO.	INITIALED	REMARKS
26/03/63	5701/200	Ptn 43	3789			3449 m <sup>2</sup>

This subdivision has been approved in terms  
 Hierdie onderverdeling is goedgekeur kragtens  
 of section 196 of Ordinance No. 15 of 1952  
 artikel 196 van Ordonnansie No. 15 van 1952  
 without conditions/with conditions as stated  
 sonder voorwaardes/met voorwaardes soos  
 gemeld.

*[Signature]*

Provincial Secretary  
 Provinsiale Sekretaris

7/8/63

Scanning Nr...13517/2003

**REDESIGNATION****DUMMY TRIPLICATE**Designation.....**Farm 1331/7**Admin. District.....**Paarl****NOW FILED AS**Designation ..... **Erf 3 Johannesdal**Diagram Nr..... **6854/1955**Admin. District .....**Paarl****Farm 1331/7 Paarl**





BH-8DB  
X4

BH 8DB  
X4



S

1:2500



PAPAHL

STELLENBOSCH

FARM 153

FARM 153  
OLD BETH SHEM

JP WARRER'S GAIL

(4750)

377

35 54 01


Photographed from the air on 10/10/50 - 60' above the ground



329

GTN 1107  
 LUCILLE GELDENHUYS  
 PROKUREURS NOTARISSE EN  
 AKTEVERVAARDIGERS  
 1STE VLOER DE WETSENTRUM  
 H/V KERK & BIRD STRATE  
 STELLENBOSCH  
 7600

Opgestel deur my



TRANSPORTBESORGER  
 GELDENHUYS L

Prestasies		Waarde	Waarde
Waarde	Waarde	70 000,00	701,00
Waarde	Waarde		
Waarde	Waarde		

000033391 / 2012

## TRANSPORTAKTE

HIERBY WORD BEKEND GEMAAK DAT

LYNNE BOTHA

voor my verskyn het, REGISTRATEUR VAN AKTES te Kaapstad, sy die genoemde komparant synde behoorlik daartoe gemagtig deur 'n Volmag aan haar verleen deur

NORRIS NOEL SEPTEMBER  
 Identiteitsnommer 440210 5108 08 2  
 Ongetroud

geteken te STELLENBOSCH op 17 Mei 2012



En genoemde Komparant het verklaar dat haar prinsipaal, op 17 May 2012, die ondervermelde eiendom waarlik en wettiglik verkoop het per privaat ooreenkoms, en dat sy, in haar voorgenoemde hoedanigheid hierby sedgeer en transporteer aan en ten gunste van:

**SYDNEY JOHN CYSTER**

Identiteitsnommer 590918 5161 08 7

En

**WILMA COLETTE CYSTER**

Identiteitsnommer 591224 0007 08 9

Getroud Binne Gemeenskap van Goedere met mekaar

hulle Erfgename, Eksekuteurs, Administrateurs of Regverkrygendes in volkome en vrye eiendom.

**GEDEELTE 7 VAN DIE PLAAS JOHANNESDAL NOMMER 1331,  
IN DIE STELLENBOSCH MUNISIPALITEIT  
AFDELING PAAR  
WES-KAAP PROVINSIE**

**GROOT 738 (SEW) EDEUISEND TWEE HONDERD AGT-EN-DERTIG)  
VIERKANTE METER**

Aanvanklik oorgedra kragtens Sertifikaat van Geregistreerde Titel Nommer T14425/2011 met kaart S G Nommer 6854/1955 wat daarop betrekking het, en gehou kragtens Transportakte Nommer T14429/2011.

- A. ONDERHEWIG** aan sodanige voorwaardes soos na verwys word in Transportaktes Nommers T3951/1906, T3957/1906, T11550/1921, T2062/1897, T2059/1897, T3954/1906, T11551/1921, T8277/1915, T3957/1906 en T3953/1906.
- B. ONDERHEWIG VERDER** aan die spesiale voorwaardes verval in die Notariële Akte gedateer 7 Oktober 1905, 'n afskrif waarvan oorspronklike geheg is aan Transportaktes Nommers T3951/1906, T3952/1906, T3953/1906, T3954/1906, T3955/1906, T 3956/1906 en T 3957/1906 en T13958/1906, en wat verwys na sekere waterregte, weidingsregte, paaië en heinings.

WESHALWE die komparant afstand doen van al die regte en titel wat

NORRIS NOEL SEPTEMBER

voorheen op genoemde eiendom gehad het, en gevolglik ook erken het dat hulle geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie en dat, kragtens hierdie akte, bogenoemde

SYDNEY JOHN CYSTER  
en  
WILMA COLETTE CYSTER

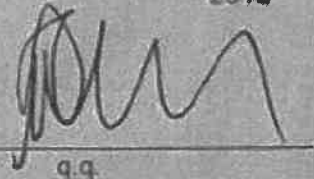
hulle Erfgename, Eksekuteurs, Administrateurs of Regverkrygendes, tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat en ten slotte erken hulle dat die verkoopprijs die bedrag van R70 000.00 (SEWENTIG DUISEND RAND) beloop.

TEN BEWYSE WAARVAN ek, genoemde Registrateur, tesame met die Komparant hierdie Akte onderteken en dit met die ampseel bekragtig het.

ALDUS GEDOEN EN VERLY op die Kantoor van die REGISTRATEUR VAN AKTES te Kaapstad op

9 Julie

2012



q.q

In my teenwoordigheid

  
REGISTRATEUR VAN AKTES



STELLENBOSCH  
STELLENBOSCH • P.N.D.L. • GRAAFSCHAP  
MUNISIPALITEIT • MUNICIPALITEIT • MUNICIPAALITY

### CONVEYANCER CERTIFICATE

I/We MAGARITHA ELIZABETH  
HAUPTFLEISCH

Practising at:

MARAIS MULLER HENDRICKS INCORPORATED  
58 VAN RIEBEECK ROAD  
KUILS RIVER

*(Name and place of practice)*

In respect of:

ERF 3 JOHANNESDAL  
IN THE STELLENBOSCH MUNICIPALITY  
DIVISION PAARL  
PROVINCE OF THE WESTERN CAPE

*(Name and address of the property to be transferred)*

Hereby certify that a search was conducted in the Deeds Registry, regarding the said property (ies) (including both current and earlier title deeds/pivot deeds/deeds of transfer):

1. Deed of Transfer T33391/2012
2. Deed of Transfer T3951/1906
3. Deed of Transfer T3957/1906
4. Deed of Transfer T11550/1921
5. Deed of Transfer T2062/1897
6. Deed of Transfer T2059/1897
7. Deed of Transfer T3954/1906
8. Deed of Transfer T11551/1921
9. Deed of Transfer T8277/1915
10. Deed of Transfer T3953/1906

*ME*




**A. IDENTIFY RESTRICTIVE TITLE CONDITIONS (if any)**

Categories		Are there deed restrictions (indicate below)		Title Deed and Clause number if restrictive conditions are found
1.	Use of land	Y	<input checked="" type="radio"/> N	
2.	Building lines	Y	<input checked="" type="radio"/> N	
3.	Height	Y	<input checked="" type="radio"/> N	
4.	Number of Dwellings	Y	<input checked="" type="radio"/> N	
5.	Bulk floor area	Y	<input checked="" type="radio"/> N	
6.	Coverage/built upon area	Y	<input checked="" type="radio"/> N	
7.	Subdivision	Y	<input checked="" type="radio"/> N	
8.	Servitudes that may be registered over or in favour of the property	Y	<input checked="" type="radio"/> N	
9.	Other Restrictive Conditions	Y	<input checked="" type="radio"/> N	



**STELLENBOSCH**

STELLENBOSCH • EST. 1827 • OORSPRONG

MUNICIPALITEIT • ORSPRONG • MUNICIPALITY

**B. INDICATE AFFECTED PARTIES AS PER TITLE DEED (if any)**

*(Please refer to the relevant deed)* \* see note below

a.	Organ(s) of State that might have an interest in the restrictive condition	/
b.	A person whose rights or legitimate expectations will be affected by the removal/suspension/amendment of a restriction condition.	/
c.	All persons mentioned in the deed for whose benefit the restrictive condition applies	/

**C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED**

*(Please refer to the relevant deed)*

Application in terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015)	Notarial Deed of Cancellation (Submit Copy of Signed Agreement)	Action by way of court order (Submit Copy of the Court Order)	If Other, Please Specify
--	---	---	--------------------------

Signed at Kuils River (Place) on this 23 (Day) February (Month) of 2018.

Full names and Surname: **MAGARITHA ELIZABETH HAUPTFLEISCH**

Signature: *M Hauptfleisch*

P.O. Box 36  
Kuils River  
7579

Marais Müller Hendricks Inc.  
KUILS RIVER  
TEL: 021 900 5300  
FAX: 021 903 7405 *ME*

Tel: 021 900 5300

Email: mareza@maraismuller.co.za

Cell: 021 900 5300

\* rezoning, subdivision and building line departures

*ME*

**ANNEXURE C:**      APPLICANTS MOTIVATION

**APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURES:  
ERF 3, JOHANNESDAL**

---

headland

town planner



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**FIGURE 1:** LOCALITY PLAN

**FIGURE 2:** EXTRACT FROM THE SUBDIVISION PLAN (APPENDIX H)

**FIGURE 3:** EXTRACT FROM THE STELLENBOSCH SPATIAL DEVELOPMENT FRAMEWORK

## APPENDICES

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Appendix A	Application Forms
Appendix B	Power of Attorney (Property Owners)
Appendix C	Power of Attorney and Resolution (Developer)
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Appendix E	Noting Sheet
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**APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURES:  
ERF 3, JOHANNESDAL**

**1. INTRODUCTION AND INTENT**

The property, previously known as portion 7 of farm 1331 Johannesburg, is located in the Dwaars River Valley on the R310 between the bottom of the Hellshoogte Pass and the township of Pniel (section 3.2 refers). The site is a part of a group of undeveloped residential stands in Johannesburg.

The intention is to rezone and subdivide the property into a private town house development with erf sizes ranging from  $\pm 100\text{m}^2$  to  $\pm 200\text{m}^2$  which, according to demand in the local market, is considered a desirable typology for the area.

**2. APPLICATIONS**

The following applications are required in order to regularise the proposed development:

- 2.1. rezoning application** in terms of **section 15(2)(a)** of the Stellenbosch Municipal Planning By-Law, 2015, for rezoning of the property to subdivisional area overlay zone (residential zone 3, private road and private open space);
- 2.2. a subdivision application** in terms of **section 15(2)(d)** of the Stellenbosch Municipal Planning By-Law, 2015, for subdivision of the property into 39 portions;
- 2.3. departure applications** in terms of **section 15(2)(b)** of the Stellenbosch Municipal Planning By-Law, 2015:
  - (i) 0,8m in lieu of 3m from the northern common boundary with erf 2 Johannesburg,
  - (ii) 0,1m in lieu of 3m from the southern common boundary with erf 4 Johannesburg,
  - (iii) 0,5m in lieu of 3m from the southern common boundary with erf 8 Johannesburg, and
  - (iv) 0,4m in lieu of 3m from the southern common boundary with erf 9 Johannesburg.

Duly completed and signed application forms are attached as appendix A.

**3. PROPERTY DETAIL**

**3.1. Property & General Information**

<b>Applicant</b>	Headland Planners (Pty) Ltd
<b>Erf Number</b>	Erf 3, Johannesburg
<b>Registered Owners</b>	Sydney John & Wilma Colette Cyster
<b>Developer</b>	Winter Square Developments (Pty) Ltd
<b>Applicant</b>	Headland Planners (see powers of attorney appendices B & C)
<b>Street Address</b>	Sonnestraal Road, Johannesburg
<b>Property Diagram</b>	S. G. No. 6854/1956 (appendix D)
<b>Noting sheets</b>	M4750 and BH8DB-X4 (appendix E)
<b>Extent</b>	7237m <sup>2</sup>
<b>Title Deed</b>	T33391/2012 (appendix F)
<b>Restrictive conditions</b>	None. See conveyancer's certificate (appendix G)
<b>Current Zoning</b>	Residential Zone 1
<b>Current Land Use</b>	Vacant
<b>Servitudes</b>	None
<b>Subject to Heritage application</b>	No

### 3.2. Locality & Surrounding Context

The site is located in the Dwars River Valley on the southeastern periphery of Pniel which lies approximately 10km northeast of Stellenbosch on the R310 (Helshoogte Road), see figure 1 below.

The site's immediate context is a mix of smaller agricultural small holdings and the urban setting of the Johannesdal/Pniel area. A number of the surrounding properties are also residential and have been developed with a range of housing typologies. Yet erf 3 and its immediately neighbouring sites remain vacant and undeveloped.



*Figure 1: Locality Plan*

### 3.3. Access

Access to the site is from an unnamed 10m wide panhandle which runs parallel to Morgenster Road. See extract from the plan of subdivision, figure 2.

### 3.4. Title Deed Review

No restrictive title deed conditions constrain the proposed rezoning, subdivision and departure applications.

A conveyancer certificate prepared by Marais Muller Hendricks Attorneys is attached as appendix G to this report. The current and pivot deeds pertaining to the property have been thoroughly vetted for any possible restrictions.

#### 4. DEVELOPMENT PROPOSAL

##### 4.1. Rezoning

It is proposed to rezone the property to Subdivisional Area Overlay Zone with underlying rights for Residential Zone 3, private roads, private open space and a refuse room in terms of the section 8 scheme.

##### 4.2. Development Parameters

Development Rule	Parameter	Compliance/Departure
Density	50du/ha	48,36du/ha <b>No Departure</b>
Coverage	at most 50%	27,5% ( $\pm 1990\text{m}^2$ ) <b>No Departure</b>
Maximum height above base level	at most 2 storeys	2 storeys <b>No Departure</b>
Street Boundary	0m (subject to regulation 3.5.3(a)*)	All internal roads are private and adequate space has been provided as well as the desired driveway size for a vehicle to park. At least a 3m setback to Morgenster Road is allowed.
Statutory Building Lines	5m statutory setback from R310	5m <b>No Departure</b>
Common boundary	0m (subject to regulation 3.5.3(b)†)	Common boundary with erf 2 Johannesdal: 0,8m <b>Departure</b> Common boundary with erf 4 Johannesdal: 0,1m <b>Departure</b> Common boundary with erf 8 Johannesdal: 0,5m <b>Departure</b> Common boundary with erf 9 Johannesdal: 0,4m <b>Departure</b>
Parking	2 bays per town house	1 garage and one parking bay per dwelling unit <b>No Departure</b>

##### 4.3. Subdivision

Subdivision of the site into 39 portions is proposed and is broken down as follows (figure 2 and appendix H refer):

Portion Number(s)	Proposed Land Use	Extent
1 – 35	Town House	$\pm 4497\text{m}^2$ (62%)
36	Refuse Room	$\pm 69\text{m}^2$ (1%)
37 – 38	Private Open Space	$\pm 895\text{m}^2$ (12%)
39	Private Road	$\pm 1777\text{m}^2$ (25%)
	<b>Total</b>	<b>7238m<sup>2</sup> (100%)</b>

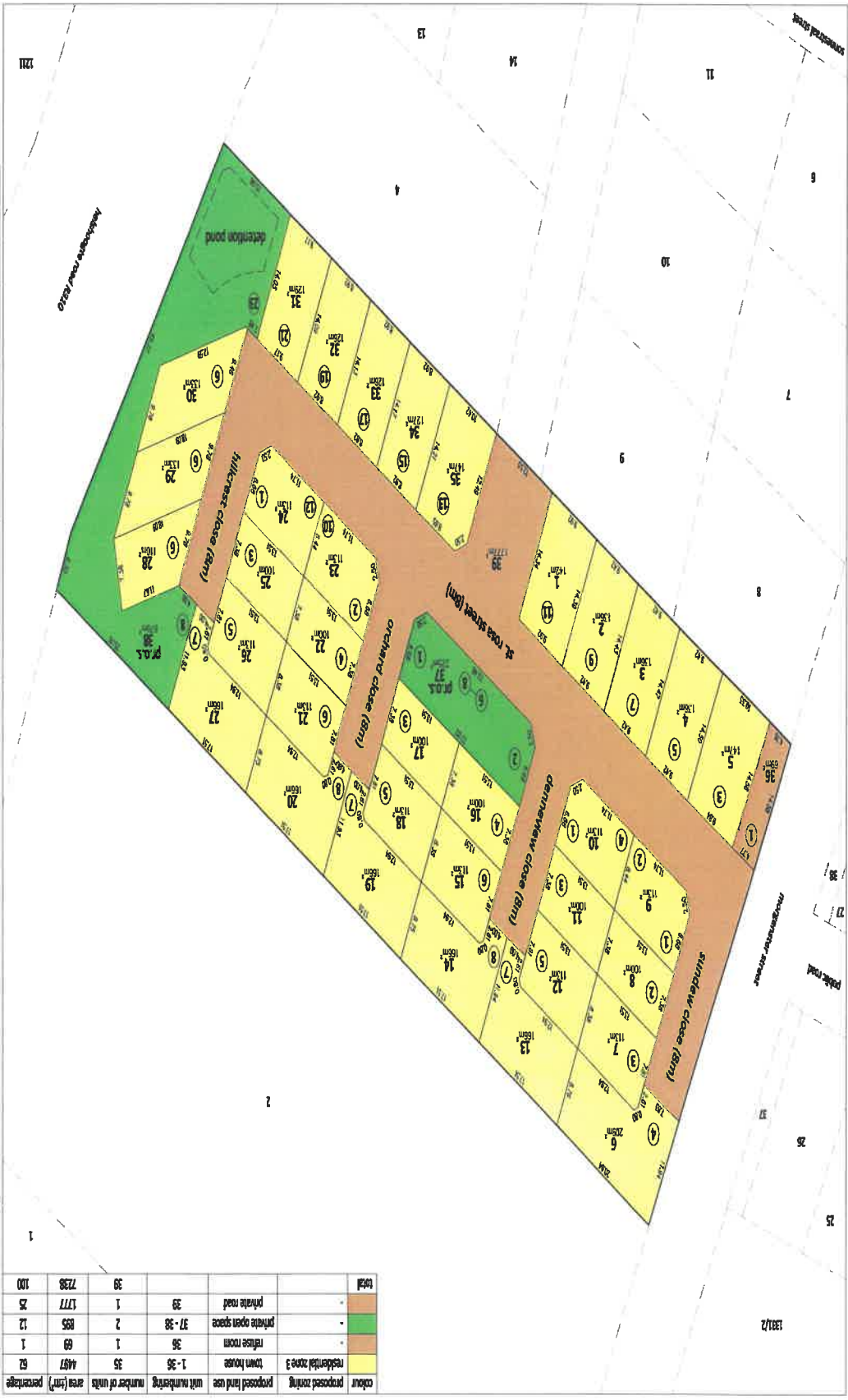
\* Despite the zero street building line, a street building line of 2m may be required to ensure safe traffic circulation or for other reasons such as development in the area, and a driveway shall have to be adequate to allow comfortably for the parking of a large motor vehicle thereon.

† Despite zero building line, adequate side building lines may be required for fire-fighting purposes, and a 3 m side building line shall have to apply where residential zone III abuts on another zone.





date	1:300 (v3)	13/03/2018
author	Headland	
client	Winter Square Developments (Pty) Ltd	
project	proposed subdivision plan	
revision	revision	revision
revision	revision	revision
revision	revision	revision
revision	revision	revision



1. All distances are in metres.  
 2. All distances and areas are approximate.  
 3. All dimensions are subject to field field checking.

Figure 2: Extract from the Subdivision Plan (appendix H)

#### 4.4. Access, Parking & Roads

Access to the property will be by a sliding gate with intercom and ring through service. The access will be managed and maintained by the property owners' association in accordance with the body's constitution.

Parking is required, and provided, at two bays per unit. One bay will take the form of a single garage and the second bay on the driveway in front of the garage on each property at at least 5m x 2,5m wide.

The internal private roads are 8m wide with a 5,5m blacktop, the subdivision plan (appendix H) refers.

#### 4.5. Site Development Plans and Elevations

Site development plans, sections and elevations are provided for the proposed development by Axion Architects and are attached as appendix J.

The properties are proposed to be developed with town houses in six (6) different layouts. These are depicted on plans 100-06 & 100-07 and elevations 100-03 & 100-04. The various unit layouts are as follows:

- **Type A:** 2-bedroom apartment with  $\pm 92\text{m}^2$  total area over two floors;
- **Type B:** 2-bedroom apartment with  $\pm 92\text{m}^2$  total area over two floors;
- **Type C:** 2-bedroom apartment with  $\pm 85\text{m}^2$  total area over two floors;
- **Type D:** 3-bedroom apartment with  $\pm 106\text{m}^2$  total area over two floors;
- **Type E:** 2-bedroom apartment with  $\pm 85\text{m}^2$  total area over two floors;
- **Type F:** 3-bedroom apartment with  $\pm 105\text{m}^2$  total area over two floors;

Sections through the site are also provided as drawing 100-5 (appendix J).

#### 4.6. Landscaping

A landscaping plan has been approved by Heritage Western Cape and is submitted for approval by the Municipality.

### 5. INFRASTRUCTURE AND SERVICES

---

GLS Engineering has provided a services report (attached as appendix K) for the proposed development. Their findings in this regard are summarised below:

#### 5.1. Water

Sufficient capacity is available in the network and the existing Johannesdal Lower reservoir for the development. This includes capacity for both water conveyance demand and fire flow.

#### 5.2. Sewer

The Pniel Pump Station has sufficient spare capacity to accommodate the 36 proposed residential units.

#### 5.3. Electricity

The area is supplied by the Drakenstein Municipality electricity supply area. The Municipality will provide a new mini-substation at the corner of Helshoogte and Sonnestraal Roads with a low voltage cable to provide electricity to the proposed development.

#### 5.4. Engineering Services Report from Appointed Civil Engineers

Lyners Consulting Engineers have been appointed by the developer to provide a services report (appendix L) for the proposed development in addition to the report provided by the Municipality's appointed GLS Engineers services report. Their findings are summarised as follows:

- **Roads:** All internal 5m roads to be maintained by the Home Owners' Association as private roads;
- **Stormwater:** The internal cul-de-sacs will be graded so that storm water is not trapped and catch-pits will be installed to collect stormwater and direct it to the outlet into the stormwater system in Helshoogte road;
- **Water:** Water meters are to be installed by the developer per subdivision as well as a bulk water meter at the entrance. The refuse room and gatehouse will have individual water connections;
- **Sewer:** The residential erven, refuse room and gatehouse will be connected to a proposed 160mm sewer network which will connect to the existing sewer network in Helshoogte Road;
- **Refuse Removal:** A refuse room and refuse embayment are proposed on the northwestern boundary of the development in accordance with the specifications of the Municipality;
- **Electricity:** The electricity network, once completed, will be handed over to the Drakenstein Municipality Electrical Department who will be responsible for operation and maintenance thereof. Internal street lighting will be the responsibility of the Home Owners' Association.
- **Development Contributions:** DCs are payable to the Municipality upon transfer of the erven.

All services are available for the development with sufficient capacity to support the 35 new dwellings.

#### 5.5. Traffic Impact Study

An independent traffic impact study was conducted by Sturgeon Consulting Engineers. Their findings were in support of the development and are as follows:

- The study intersection (Sonnestraal Street/Helshoogte Road) was analysed during AM and PM peaks and it was determined that a likely total peak hour trip generation of 30 trips per peak hour would be generated.
- The intersection will continue to operate at good levels of service with the inclusion of the development. No improvements are required with this scenario.
- No access exists for the development and a two lane road (one lane in and one lane out) will be required from Sonnestraal Street to the proposed access. The new access intersection will be  $\pm 80\text{m}$  from the Helshoogte Road/Sonnestraal Street intersection.
- The access is to be controlled with a cell switch/remote controlled sliding gate. At least 1 vehicle stacking space (6m) should be provided. This is indicated on the SDP and is adequate.
- Refuse is to be collected from the western corner of the property on Sonnestraal street, as required by the Municipal engineers.
- Parking is to be provided per the regulation of the Stellenbosch Municipality at 2 bays per dwelling unit.
- No additional non-motorised or pedestrian facilities are proposed or required because pedestrian demand on Sonnestraal Street is low.
- No further public transport facilities are required because the area is well serviced by public transport.

## 6. HERITAGE IMPACT ASSESSMENT

A heritage impact assessment was deemed a requirement by Heritage Western Cape (HWC) and duly prepared and submitted by a registered heritage professional.

During the HIA process, a number of changes were made to the proposed development layout and open space system on the property. The subdivision plan (appendix H) and site development plans (appendix J) are updated to reflect the amendments required by HWC.

The heritage authority and impact assessment committee (IACom) have duly supported the revised application proposal and the section 38 approval is attached as appendix M.

## 7. MOTIVATION AND DESIRABILITY

- The site is located in an area of established urban development and one which has been earmarked by the Stellenbosch Spatial Development Framework as an opportunity for new development intensification. Therefore, the development does not impact negatively on any environmental resources or contribute to urban sprawl. An extract from the SDF's for the Pniel/Johannesdal/Lanquedoc/Kylemore region (figure 3) refers:

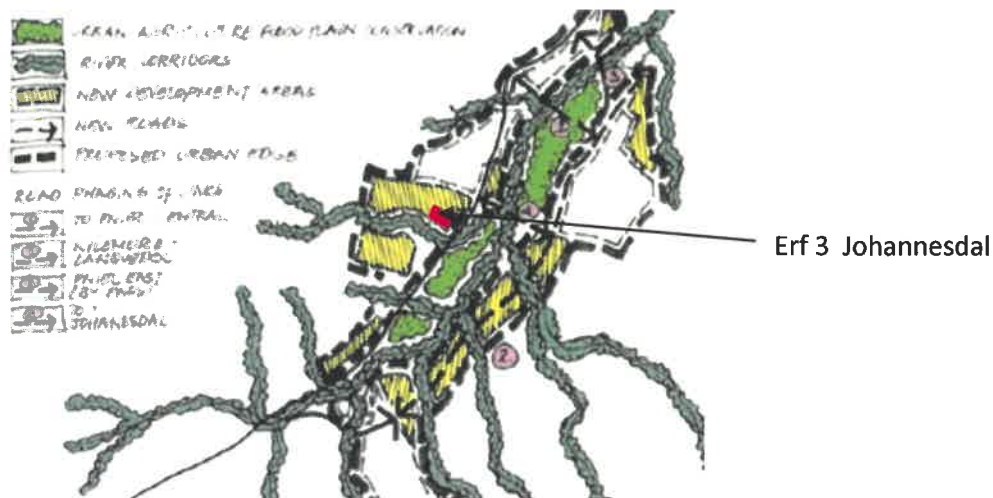


Figure 3: Extract from the Stellenbosch Spatial Development Framework

- The property is located along the R310, a structuring regional transport route and therefore the proposed development is highly accessible and presents a good opportunity for incremental densification and the provision of housing;
- Access is located away from the busy R310, separating the entrance to the site from the busy road;
- The development is aimed at local residents and upwardly mobile residents of the greater Stellenbosch area. Johannesdal is proximal to a large amount of local tourist attractions and therefore to employment opportunities;
- The site is also within walking distance of Pniel, which has an established commercial presence to provide for the needs of the future residents of the development;
- The property will provide high quality housing stock in the greater Stellenbosch Municipality and additional housing opportunities for the local residents;
- The proposed development is supported by sufficient capacity of Municipal civil engineering services;



- The proposed development has been endorsed by Heritage Western Cape.

#### 7.1. Motivation in terms of section 42 of SPLUMA and chapter VI of LUPA

Section 42 of SPLUMA guides the decision maker in deciding an application. The Act in this section refers to the following items which are considered by the applicant:

- **the MSDF**, which is considered in the application motivation;
- **the public interest**, which has been demonstrated as being nett positive by providing additional, affordable housing stock in an area designated for residential development;
- **the rights of affected parties**, which are not affected materially by the development in that the departures applied do not overlook the amenity areas of any surrounding properties;
- **the state and impact on engineering services**; which are discussed in the application and considered adequate to accommodate the development.

The remaining considerations of section 42 are for the Municipal Planning Tribunal to consider as they apply to the application.

Chapter VI of the LUPA is, as above, a guiding principle for decision makers in respect of making decisions on land use planning applications. By satisfying the requirements of the Municipal Spatial Development Framework, Planning By-law and applying, where necessary, for departures from the zoning scheme, the application satisfies the requirements of the LUPA.

## 8. CONCLUSION

---

The development is well aligned with the forward planning described in the Municipal Spatial Development Framework for the Johannesburg region, it supports incremental and equitable development in the Municipality and will assist the region with much needed residential stock to supply the housing market.

The typologies are aimed at the local population, so as not to price them out of the market. The dwellings are part of a home owners' association which will be responsible for maintenance and upkeep of the private roads, open space and other common areas such as the refuse area.

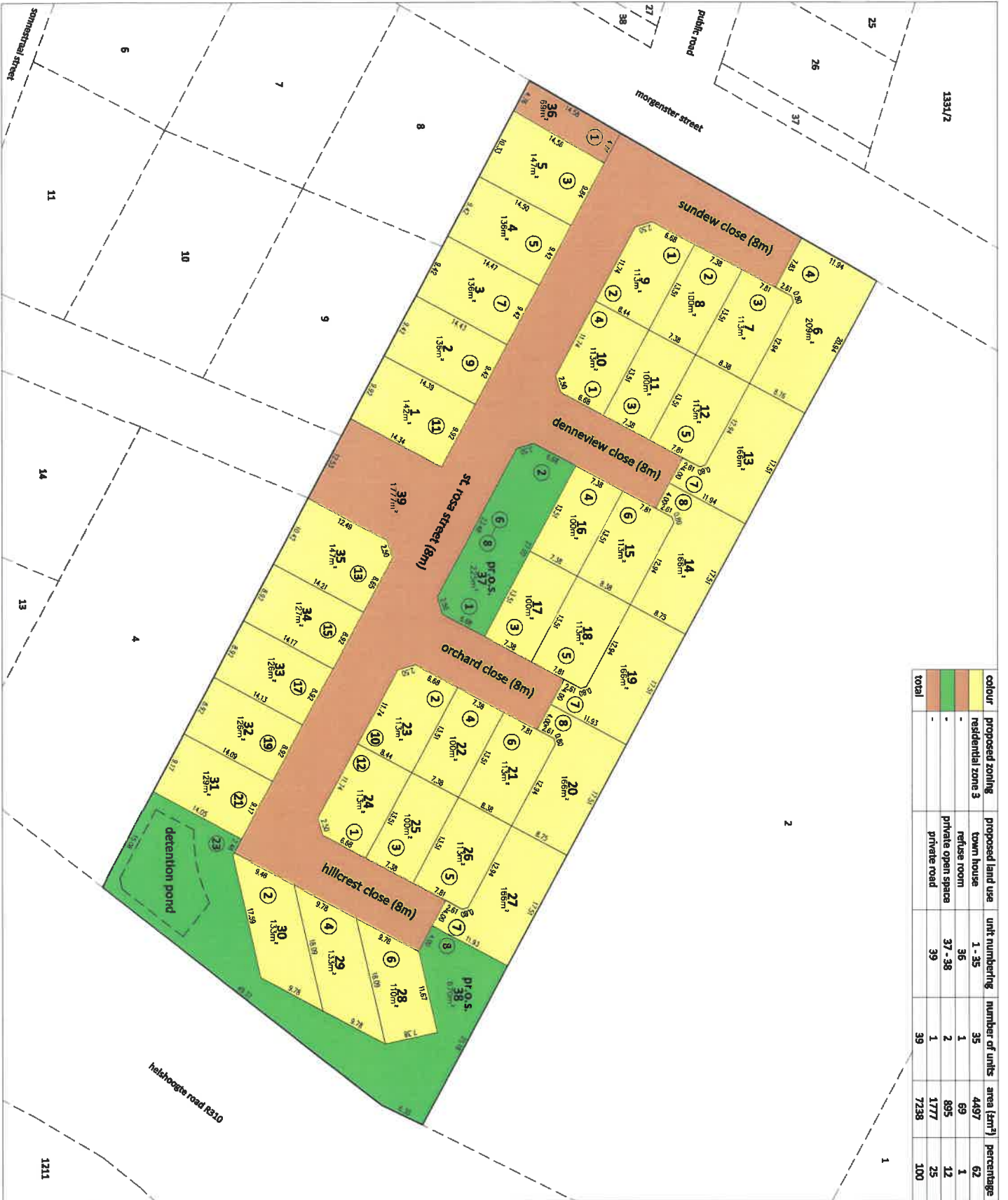
The civil engineering services report suggests that there is sufficient capacity of all Municipal services to accommodate the development in the grid. The development is supported by the internal engineering services branch.

A traffic impact study has confirmed that the surrounding road network will not be affected by the development.

The development is supported and approved by Heritage Western Cape and does not require environmental authorisation.

For the above reasons and those contained in the afore going motivation report, it is submitted that the proposal is logical and desirable and therefore submitted for Municipality's favourable consideration.

**ANNEXURE D: PROPOSED SUBDIVISIONAL PLAN**



colour	proposed zoning	proposed land use	unit numbering	number of units	area (m <sup>2</sup> )	percentage
yellow	residential zone 3	town house	1 - 35	35	4497	62
orange	-	refuse room	36	1	69	1
green	-	private open space	37 - 38	2	895	12
light blue	-	private road	39	1	1777	25
	total			39	7238	100

the copyright in this drawing, including design and design down hereon, is reserved by headland planners (pty) ltd

1. all distances are in metres.  
 2. all distances and areas are approximate.  
 3. all dimensions are subject to final field checking.

notes

February 2021	3/02/04
march 2020	3/02/03
may 2018	3/02/02
february 2018	3/02/01

revisions

erf 3 Johannesdal  
 proposed rezoning and subdivision of erf 3 Johannesdal  
 proposed subdivision plan  
 winter square developments (pty) ltd

client: Bhu-4473 (m41750) Bhu-4473 (m41750) Bhu-4473 (m41750) Bhu-4473 (m41750)  
 drawing: 3/02/04  
 scale: 1:500 (A3)  
 authority: stellenbosch municipality  
 scale: 1:500 (A3)  
 date: february 2021

headland town planners

**PROPOSED NEW HOUSING DEVELOPMENT - Erf 3, Johannesburg**

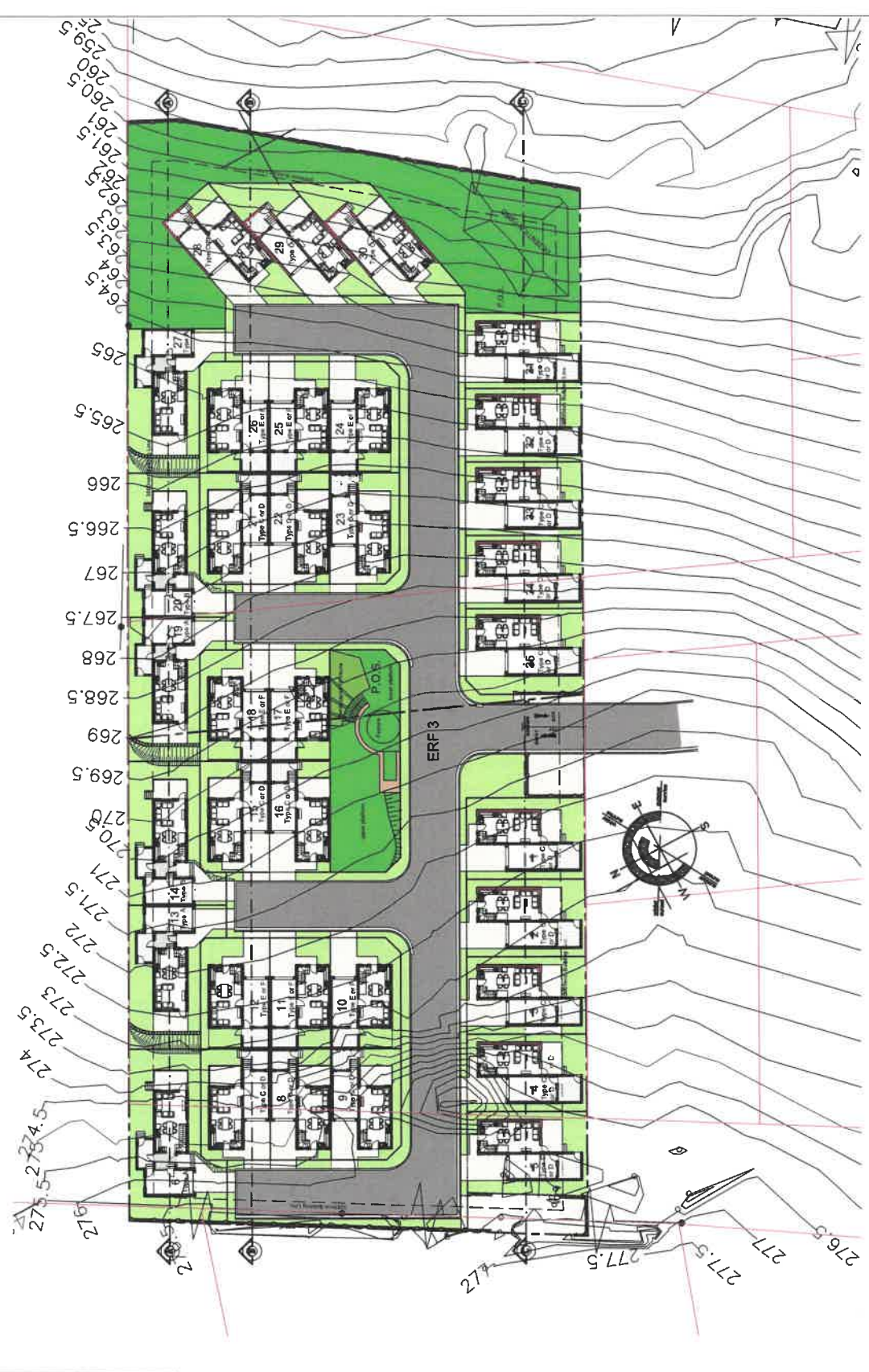
**AXION ARCHITECTS**  
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 info@axionarch.co.za

**NOTES:**  
 - Check of this drawing to be done.  
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Contract no. ....

CLIENT: WINTER SQUARE DEVELOPMENT (PTY) LTD  
 PROJECT No: A.C. 17.023  
 DRAWING: SDP

DRAWING No.	SCALE	as shown	REVISION	0
100-01				



**SITE PLAN - 1:250 (A1) ; 1:500 (A3)**

OWNER: \_\_\_\_\_  
 DATE: \_\_\_\_\_

**PLANNING PARAMETERS**

Site Area:	24,000 m <sup>2</sup>
Site Code:	RESIDENTIAL (MEDIUM-DENSITY LOW-RISE)
Zone:	RESIDENTIAL (MEDIUM-DENSITY LOW-RISE)
Country:	South Africa
City:	Johannesburg
Local Authority:	City of Johannesburg
Project No.:	17.023
Scale:	1:250 (A1) ; 1:500 (A3)
Drawn by:	A.S.
Checked by:	A.S.



**PROPOSED NEW HOUSING DEVELOPMENT - Erf 3, Johannesburg**

CLIENT: WINTER SQUARE DEVELOPMENT (PTY) LTD  
 PROJECT No: AX.17.023  
 DRAWING: SDP

DRAWING No.	SCALE	as shown	REVISION
100-02			0

NOTES:  
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 - All dimensions are taken from the finished reference to report.

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 BELLEVUE  
 2191 JHB  
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 011 462 4001  
 info@axionarch.co.za

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 ARCHITECTS



**PLANNING PARAMETERS**

ERF No:	17
Zone:	Residential (R1)
Area (m <sup>2</sup> ):	10,000
Area (acres):	2.47
Area (hectares):	0.247
Area (sq ft):	107,639
Area (sq m):	10,000
Area (sq yd):	11,959
Area (sq ft):	107,639
Area (sq m):	10,000
Area (sq yd):	11,959

Note: Areas on sites indicate erf size

**GROUND FLOOR - 1:250 (A1) ; 1:500 (A3)**

OWNER: \_\_\_\_\_  
 DATE: \_\_\_\_\_

DISCUSSION

DRAWN: DUB DATE: 21/01/2020

**PROPOSED NEW HOUSING DEVELOPMENT - Erf 3, Johannesburg**

CLIENT: WINTER SQUARE DEVELOPMENTS  
 PROJECT No. AX.17.023  
 DRAWING: SCP

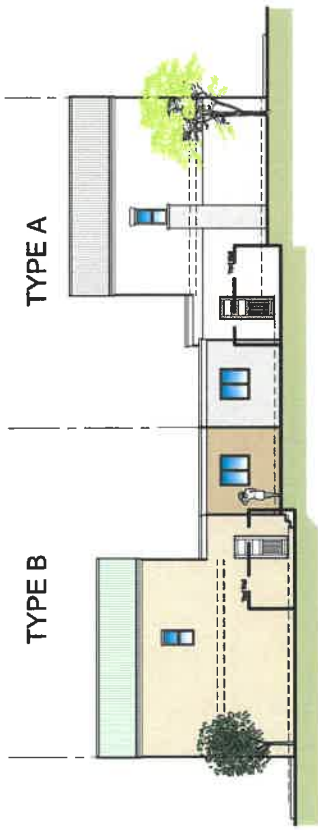
DRAWING No. 100-03 SCALE: as shown REVISION: 0

Contract no. ....

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 info@axionarch.co.za

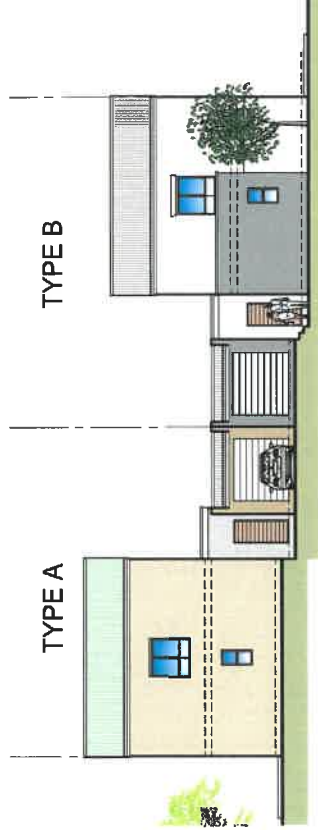
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Typical rear elevation



Typical rear elevation



Typical street elevation



Typical street elevation



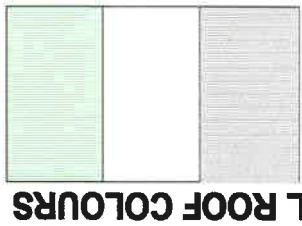
Typical rear elevation



Typical rear elevation



Typical street elevation



TYPICAL ROOF COLOURS



TYPICAL WALL COLOURS

**NOTE:**  
 A variety of different colours from the typical colour scheme spectrum will be used in conjunction with variation in finishing detail (plaster bands, no plaster bands, circular or rectangular vents, variation in roof direction and pitch, etc.) will be used to avoid repetition and create visual variety within the development.

**SCALE - 1:100 (A1) ; 1:200 (A3)**

OWNER: \_\_\_\_\_  
 DATE: \_\_\_\_\_

**APPROVAL:**

**PROPOSED NEW HOUSING DEVELOPMENT - Erf 3, Johannesburg**

CLIENT: WINTER SQUARE DEVELOPMENTS (PTY) LTD  
 PROJECT No: AX.17.023  
 DRAWING: SDP

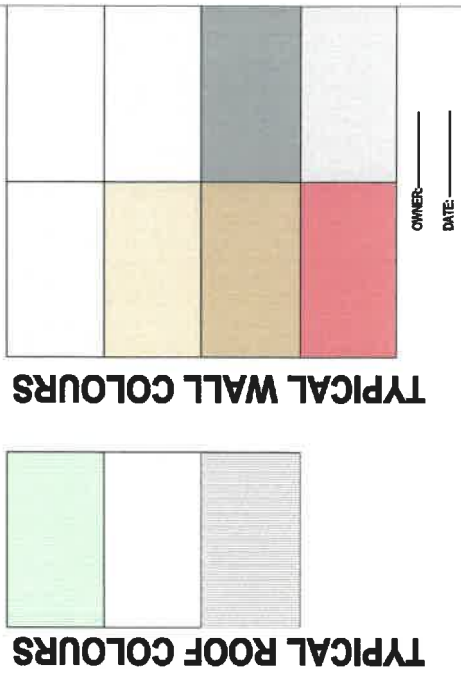
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**SCALE - 1:100 (A1) ; 1:200 (A3)**

**NOTE:**  
 A variety of different colours from the typical colour scheme spectrum will be used in conjunction with variation in finishing detail (plaster bands, no plaster bands, circular or rectangular vents, variation in roof direction and pitch, etc.) will be used to avoid repetition and create visual variety within the development.

DRAWN	DJB	DATE	21/01/2020
<b>DISCUSSION</b>			





**PROPOSED NEW HOUSING DEVELOPMENT - Erf 3, Johannesburg**

CLIENT: WINTER SQUARE DEVELOPMENT (PTY) LTD  
 PROJECT No: AK 17 023  
 DRAWING: SDP

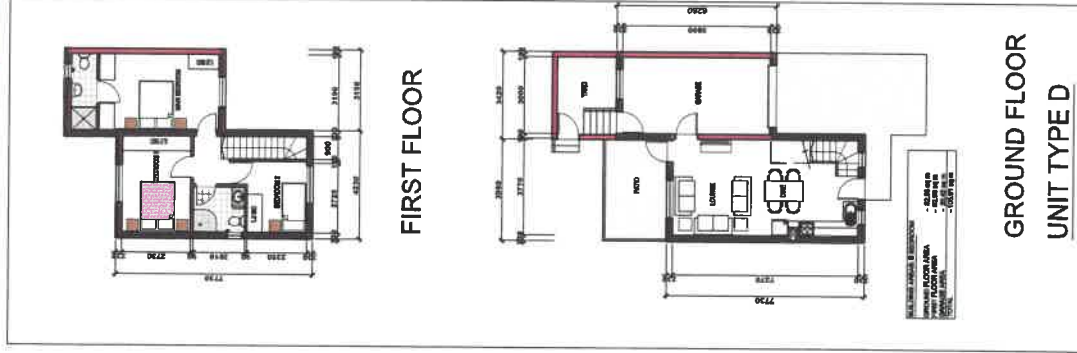
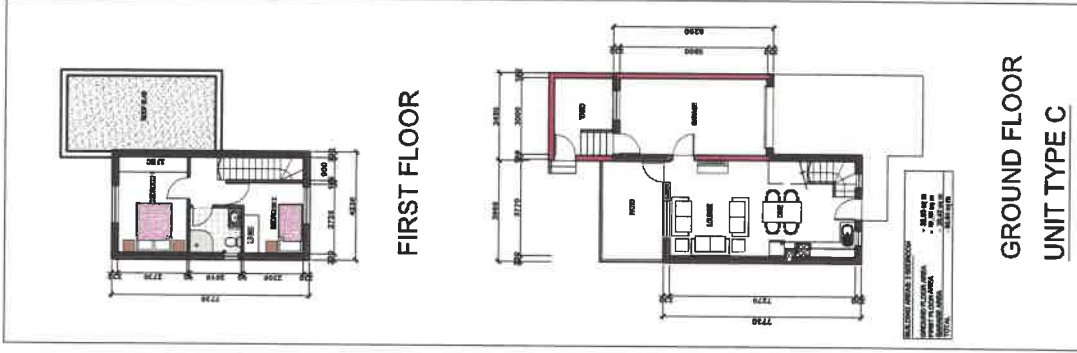
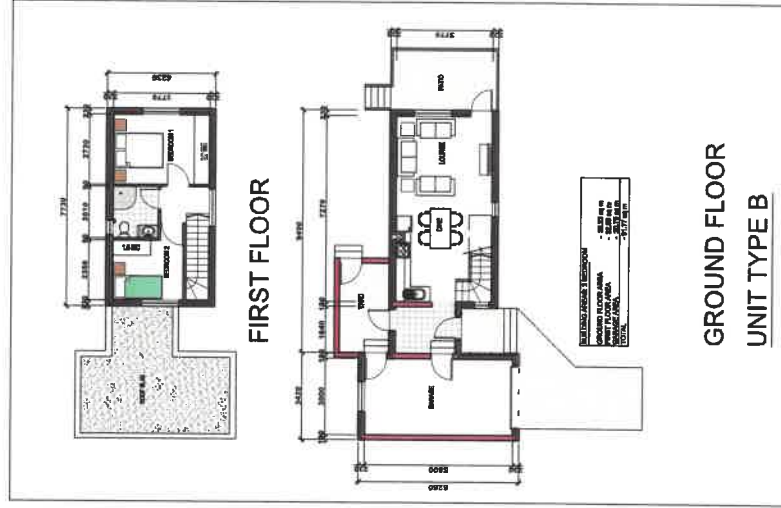
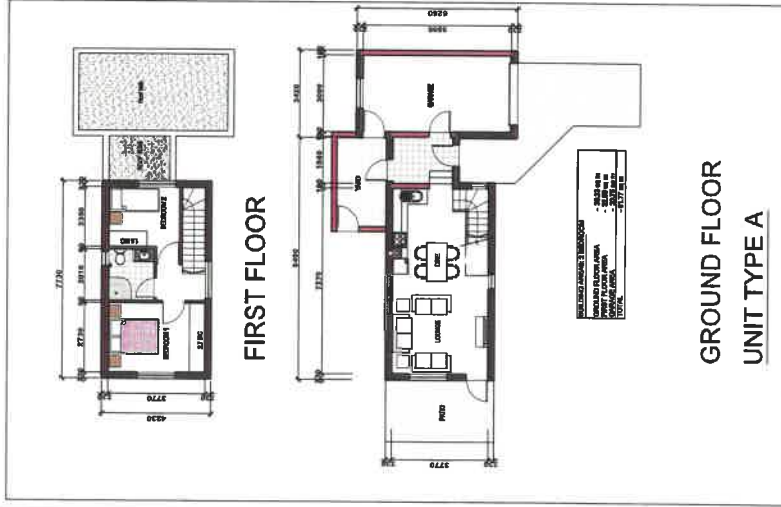
DRAWING No: 100-08 SCALE: as shown REVISION: 0

Contract No. ....

NOTES:  
 - Check on file provided to respondent.  
 - All dimensions are taken from walls face unless otherwise stated. Reference to report.

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 FAX: 021 934 8822  
 info@axion.co.za

AXION  
 ARCHITECTS



REFER TO SITE PLAN FOR ACCURATE  
 DIMENSIONS OF BUILDING AND SURROUNDING  
 AREAS. DIMENSIONS OF BUILDING AND SURROUNDING  
 AREAS MAY VARY FROM LINE TO LINE.  
 DIMENSIONS AND AREAS ARE NOT TO SCALE.  
 THIS CONTRACT.

**SCALE - 1:100 (A1) ; 1:200 (A3)**

OWNER: \_\_\_\_\_  
 DATE: \_\_\_\_\_



**PROPOSED NEW HOUSING DEVELOPMENT - Erf 3, Johannesburg**

CLIENT: WINTER SQUARE DEVELOPMENT (PTY) LTD  
 PROJECT No: AX 17 023  
 DRAWING: SDP

DRAWING No: 100-06 SCALE: as shown REVISION: 0

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Contract no. ....

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 FAX: 011 462 1112  
 INFO@AXIONARCH.CO.ZA

AXION ARCHITECTS



**3D VIEWS - nts**  
 NOTE: THESE 2D REPRESENTATIONS ARE FOR MASSING PURPOSES ONLY. COLOUR SCHEME IS INDICATED ON ELEVATIONS

OWNER: \_\_\_\_\_  
 DATE: \_\_\_\_\_

THIS DRAWING IS THE PROPERTY OF AXION ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF AXION ARCHITECTS. THIS DRAWING IS NOT TO BE USED FOR ANY OTHER PURPOSES AND IS NOT PART OF THE CONTRACT.

**ANNEXURE E: PROOF OF EVIDENCE (PUBLIC PARTICIPATION,  
GENERAL PLAN & AFFIDAVIT)**



72  
**PLANNING & ECONOMIC DEVELOPMENT**





**STELLENBOSCH**  
 STELLENBOSCH • PNIEL • FRANSCHHOEK  
 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

PORTFOLIO OF EVIDENCE Applicant advertised CHECKLIST				Date	17/09/2018	
Er/Erven Farm no	erf 3	Portion(s) if farm	n/a	Alloiment Area	Johannesdal	
Owner/ Applicant	Sydney & Wilma Cyster / Headland Planners		LU/number	LU/7472		
INDICATE WHICH OF THE FOLLOWING DOCUMENTATION (WHERE APPLICABLE) IS ATTACHED TO THE PORTFOLIO OF EVIDENCE				OWNER/APPLICANT TO INDICATE		ADMIN OFFICER/ PLANNER VERIFY
				YES	NO	
<b>Affidavit (TEMPLATE ATTACHED)</b>						
1. Is the affidavit signed by a Commissioner of Oaths				YES		✓
2. Does the affidavit confirm that the advertising was undertaken in accordance with the said prescriptions?				YES		✓
3. Does the affidavit confirm that the notice was placed and kept on site for the duration of the advertising period (from which date to which date)?				YES		✓
<b>Proof of publication</b>						
4. In <b>one</b> local newspaper in <b>two official languages (or in those cases where Council has indicated two local newspapers)</b>				YES		✓
5. Extract from the newspaper attached (date of publication visible)				YES		✓
6. Does the wording fully address the description of the application?				YES		
7. <u>If no, define differences :</u>						
8. Advertising period		From	07/06/2018	To	08/07/2018	
9. Does the Advertising period comply with the required 30 days?				YES		✓
10. Was Council informed of the commencement date and closure date?				YES		✓
<b>The registered slips in respect of all the registered letters addressed to</b>						
11. A copy of the registered letter addressed to the affected parties				YES		✓
12. Are the dates concurring				YES		✓
13. A copy of the registered letter addressed to the external departments (where required)				YES		✓
14. Affected interested and affected parties (registered property owners)(original registered slips)				YES		✓
15. Community organisations (original registered slips)				YES		✓
16. Ward Councillor (original registered slip)				YES		
17. External Departments (where required)(original registered slip)				YES		
18. Unclaimed registered mail				YES		

FILE NR: \_\_\_\_\_  
 SCAN NR: YES  
 COLLABORATOR NR: E B JB  
 609518



19. If no to any of the above, define differences :			
20. Were the external departments granted 60 days for comment?	YES		✓
<b>Notices placed on the property</b>			
21. Were the notices placed on the property on the same day as the notice in press?	YES		✓
22. Have photos been attached? (one close up and one from across the street)	YES		✓
23. Was the notice clearly visible on site?	YES		✓
24. Were the notices kept on site for the duration of the advertising period?	YES		✓
<b>Objections/Comments</b>			
25. From organs of state/external departments must be on a formal letterhead?	YES		✓
26. All objections/comments received attached?	YES		✓
27. All emails sent or received in respect of this application attached?	YES		✓
28. Applicant's comments on the objections attached?	YES		✓
<b>SIGNED BY APPLICANT/OWNER</b>			

<b>For office use only</b>	
<b>SIGNED BY ADMINISTRATIVE OFFICER</b>	
<b>VERIFIED &amp; SIGNED BY TOWN PLANNER</b>	
<b>DATE VERIFIED</b>	2/10/2018

## SWORN AFFIDAVIT

I, the undersigned [Full Name (s) and Surname]: Tristan Barry Sandwith

Identity Number 8710285120081

in my capacity as (owner or authorised person through power of attorney):  
authorised person (power of attorney)

do hereby declare under oath that:

1. The application for:  
rezoning, subdivision and permanent departure from building lines

on Erf/ Farm Number: erf 3, Johannesdal

Was advertised in at least two of the official languages of the Province in the following newspaper(s):

(a) Paarl Post (b) \_\_\_\_\_

From 7 June 2018 to 8 July 2018

2. The public notices were prominently displayed and maintained in a legible condition for a continuous period of thirty (30) days from the date of the advertisement as indicated in Section (2) above<sup>1</sup>;
3. A notice containing the requirements as set out in the Stellenbosch Land Use Planning By-Law (2015), was posted per registered mail<sup>2</sup> to all adjoining property owners/occupants/ interested and affected parties, during the same date of the advertising period as specified in Section (2) above;
4. Furthermore, a notice of the application was sent to the relevant Intergovernmental State Departments, per registered mail<sup>3</sup>, commencing the same date as in Section (2) above with an additional 30 days (minimum 60 days) for comment;
5. That all comments and objections to the application concerned were forwarded to Stellenbosch Municipality as contemplated in sections 1 – 4 above.

The Deponent acknowledges that he / she knows and understands the contents of this Affidavit.

Signature: [Handwritten Signature]

Signed at: Cape Town SAPS

On this: 25<sup>th</sup> day of May 2020

At: Cape Town SAPS

Commissioner of Oath's Stamp & Signature



<sup>1</sup> Must conform to Section 47 of the Stellenbosch Municipality Land Use Planning By-Law (2015) [THE BY-LAW] - attach copy of advert (s)

<sup>2</sup> Site Displays must conform to Section 48 (2)(a) of the By-law - attach photos

<sup>3</sup> Attach original registration post slips and copies of letters that were distributed containing the required information as per Section 47 of the By-law

<sup>4</sup> Attach original registration post slips and copies of letters that were distributed containing the required information as per Section 47 of the By-law





# Italiaanse fietser se Kaapse draai

Engela Duvénage

Wellington was een van die eerste stoppe op die Afrika-been van die Italianer Davide Travelli se fietstog om die wêreld.

Dié kaalkopavonturier het die afgelope paar weke in Somerset-Wes en Kaapstad deurgebring nadat hy reeds 954 dae lank sy fietsspoor in Noord- en Suid-Amerika gelos het.

Davide het Sondag 3 Junie vaarwel gesê aan Tafelberg, en toe in Wellington en Ceres oornag op pad na die Sederberg. Hy hoop om binne die volgende vyf weke Walvisbaai in Namibië te bereik, en sal dan daarvandaan sien hoe die paaië hom lei.

Hy sien baie uit na sy tog deur die Namibwoestyn. As deel van die Suid-Amerikaanse been van sy tog het hy byvoorbeeld reeds deur die Atacama-woestyn gereis.

"Ek hou besonders baie van woestyne," het Davide in Wellington vertel.

Dis vir hom 'n saak van eer om sy reis op sy fiets aan te durf en op sy eie kragte staat te maak. Daarom aanvaar hy nie geleenthede per voertuig nie.

"Ek moet dit wel twee keer doen – aan die begin van my reis toe ek hipertermie in Alaska opgedoen het," vertel die 39-jarige avonturier wat eens 'n sakekonsultant in die landbousector in Ierland was.

Hy is heel gemaklik met die wete dat hy die grootste gedeelte van sy reis alleen in die saal deurbring. Hy geniet egter die geselskap van ander ryers, aangesien 'n mens in die proses heelwat goeie raad kry. So het hy byvoorbeeld baie by Suid-Amerikaanse reisigers geleer oor hoe om so goedkoop as moontlik vir so lank as moontlik op die pad te bly.

Davide finansier sy reis self. Hy ruil byvoorbeeld graag poskaarte waarop

foto's van sy reis pryk vir slaapplek of kos, en gee motiveringspraatjies by skole of groepe as die geleentheid hom voordoende.

Hy oornag heel gemaklik in sy tentjie iewers op 'n soutpan of in die veld en maak gebruik van verwysings vir slaapplek op webbladsye soos Couchsurfer en Warmshowers, wat gewild is onder kleinbegroting-reisigeres en fietsryers. Daarby waardeer hy die goedgegunstigheid van verwysings en mense langs die pad wat hom dalk verbylf of staanplek vir sy tent aanbied.

Davide se aanvanklike plan was om net al met die weskus van die Amerikas af te ry. Projek Alaska2Patagonië het egter intussen gemetamorfoseer met die minkpunt om op al die vastelands sy speke te laat sing. "Dit gaan dan nou so lekker," reken hy.

Die Amerikas-been van sy reis het in Prudhoe Bay in Alaska in Noord-Amerika begin, en in die mees suidelike stad in die wêreld, Ushuaia in Argentinië in Suid-Amerika, geëindig. In die proses het hy sy tentjie al op van die mees natuurkone en ongerepte dele van Noord- en Suid-Amerika opgeslaan.

In Kolombië het 'n bottel beerwerende sprei hom van aanvallers gered en in Costa Rica het 'n bus hom amper van die pad af gedruk. Andersins verloop sy toer – seer spiere en al – heel voorspoedig. "Bere het al aan my tent kom snuffel en ek het twee poemas gesien," vertel hy meer oor sy avonture.

Na afloop van sy toer deur Noord- en Suid-Amerika het Davide darem eers net 'n minnige besoek aan sy ouerhuis in 'n klein dorpie naby Milan gebring, waar sy pa 'n bakkerytjie bedryf. Nou sien hy uit om sy nuwe fiets uit te toets en te kyk waarheen sy neus hom lei.

● *Davide se blog is te lees by [www.alaska2patagonia2.com](http://www.alaska2patagonia2.com). Lesers kan sy reis op Facebook, Instagram en Twitter of via [www.share.garmin.com/davidtravelli.volg](http://www.share.garmin.com/davidtravelli.volg).*



## Oudleerder vereer vir bydrae tot politieke administrasie

Hugenote Hoërskool het 'n jaarlikse tradisie om een van hul oudleerders te vereer. Vanjaar se eerbewys het gegaan aan advokaat Hanlie Linde (derde, links). Sy het in 1988 aan dié skool gematrikuleer en is tans die munisipale bestuurder van Bergivier-munisipaliteit. Haar eerbewys is vir haar bydrae tot politieke administrasie. Van links is Corné Linde (suster), Henry Chamberlain (oudskoolhoof), Hanlie, Susan en dr. Hans Linde (ouers), dr. Elna von Schlicht (burgemeester: Kaapse Wynland-distriksmunisipaliteit) en Steven von Schlicht.



## Wenners van krieketliga

Warren Groeneveld van Wellington-krieketklub ontvang die beker as dié wenners van die Boland-premierliga se 50-beurtoekompetisie hier van James Fortuin (uitvoerende hoof van Boland-krieket) by 'n geleentheid wat vroeër in Mel by Protea-hotel in Stellenbosch gehou is.

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### KENNISGEWING VAN GRONDONTWIKKELINGSANSOEK IN DIE STELLENBOSCH MUNISIPALE GEBIED

ANSOEK VIR HERSONERING, ONDERVERDELING EN PERMANENTE AFWYKINGS: ERF 3, JOHANNESDAL

Aansoeker: Headland Planners (tristan@headland.co.za)

Eienaar: Sydney John en Wilma Colette Cyster

Aansoeknommer: LU/7472

Verwysingsnommer: Erf 3, Johannesburg

Eiendomsbeskrywing: Erf 3, Johannesburg

Fisiese Adres: Sonnestraal Pad, Johannesburg

**Beskrywing van aansoek:** Die aansoek vir oorweging is 'n aansoek (ingevolge artikel 15(2)(a), (d) en (b) van die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning) vir die hersonering van die eiendom na 'n verdelingsgebied oorleegse (residentsie zone 3, 'n pad en privaat opnuimte), onderverdeling in 41 dele en restant, om voorsiening te maak vir 'n privaat meenthuis ontwikkeling. En permanente afwykings:

- 0m in plaas van 3m van die suidelike gemeenskaplike grens;
- 0,8m in plaas van 3m van die noordelike gemeenskaplike grens; en
- 2,8m in plaas van 5m van die statutêre straatboulyn van die R310.

Kennis geskied hiermee ingevolge die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning dat die bogenoemde aansoek ontvang is en gedurende weksdae tussen 08:30 en 13:30 by die Beplanningsadvieskantoor by Stellenbosch Munisipaliteit, Pleinstraat, Stellenbosch ter insae lê. Enige geskrewe kommentare/besware, met volledige redes daarvoor, moet ingevolge Artikel 50 van die genoemde wetgewing aan die aansoeker op een van die volgende wyses gearreëer word:

#### ANSOEKER

Geregistreerde of gewone pos

Headland Planners (Tristan Sandwith), Wembley

Square 508, Gardens, Kaapstad, 8001

Of gefaks aan

0866 174 143

Of per hand afgelewer aan

Headland Planners (Tristan Sandwith), Wembley

Square 508, Gardens, Kaapstad, 8001

Of per e-pos gelewer aan

Tristan Sandwith tristan@headland.co.za

All kommentare moet op of voor 30 dae vanaf die datum van publikasie van hierdie kennisgewing, met vermelding van die aansoeknommer, verwysingsnommer, u naam, adres en kontakbesonderhede, belangstelling in die aansoek en redes vir kommentaar, deur die bogenemde party ontvang word. Telefoniese navrae kan aan die aansoeker, Tristan Sandwith by tel 082 449 1801 gerig word. Enige kommentaar/beswaar ontvang na die voornemde sluitingsdatum sal as ongedig geag word. Enige persoon wat nie kan skryf nie sal deur 'n Munisipale-amptenaar bygestaan word om hul kommentaar op skrifte stel.

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### NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

APPLICATION FOR REZONING, SUBDIVISION & PERMANENT DEPARTURE: ERF 3, JOHANNESDAL

Applicant: Headland Planners

(tristan@headland.co.za)

Owner: Sydney John and Wilma Colette Cyster

Application number: LU/7472

Reference number: Erf 3, Johannesburg

Property Description: Erf 3, Johannesburg

Physical Address: Sonnestraal Road, Johannesburg

**Detailed description of proposal:** The matter for consideration is an application (in terms of section 15(2)(a), (d) and (b) of the Stellenbosch Municipal Land Use Planning By-Law) for the rezoning of the property to subdivisional area overlay zone (residential zone 3, private road & private open space), subdivision into 41 portions and remainder to allow for a private townhouse development, and permanent departures:

- 0m in lieu of 3m from the southern common boundary;
- 0,8m in lieu of 3m from the northern common boundary; and
- 2,8m in lieu of 5m from the statutory street building line of the R310.

Notice is hereby given in terms of the Stellenbosch Municipal Land Use Planning By-law that the above mentioned application has been received and is available for inspection during weekdays between 08:30 and 13:30 at the Planning Advice Centre at Stellenbosch Municipality, Plein Street, Stellenbosch. Any written comments/objections, with full reasons therefore, may be addressed in terms of section 50 of the said legislation to the applicant in one of the following manners:

#### APPLICANT

Registered mail or normal mail

Headland Planners (Tristan Sandwith), 508 Wembley

Square, Gardens, Cape Town, 8001

Or faxed to

0866 174 143

Or hand delivered to

Headland Planners (Tristan Sandwith), 508 Wembley

Square, Gardens, Cape Town, 8001

Or e-mailed to

Tristan Sandwith tristan@headland.co.za

All comments, quoting the application number, reference number, your name, address or contact details, your interest in the application and reasons for comments should be received by the above party on or before 30 days from the date of publication of this notice. Telephonic enquiries can be made to the applicant, Tristan Sandwith at 082 449 1801. Any comment/objection received after aforementioned closing date will be considered invalid. Any person who cannot write will be assisted by a Municipal official by transcribing their comments.



Die Italiaanse fietsryer Davide Travelli het onlangs 'n Wellingtonse draai op sy fiets op sy epiëse fietsreis dwarsoor die wêreld gemaak.



## Polisie kry nuwe kantoor

Wellington se wyk 2, onder leiding van rdl. Hentas Kotze en Stephan Landsberg wat ook 'n lid van die wykskomitee en verantwoordelik vir veiligheid is, het 'n behoefte raakgesien aan die min kantoorruimte by Wellington-polisie. Lede van wyk 2 het by 'n wyksvergadering besluit om 'n nuwe kantoor vir die polisie te skenk. Die kantoor sal gebruik word vir die sektor 3- en 4-bestuursders om 'n beter diens aan die gemeenskap te lewer. Wellington-polisie sien uit na nog kantore en wyk 2 wil graag die ander wyke in Wellington uitdaag om soortgelyke projekte van stapel te stuur om die werksomstandighede van die personeel by die polisie te verbeter. Die nuwe kantoor is Maandag 7 Mei opgerig en 16 Mei oorhandig. Van links is AO P. Hugo (sektor 4), Stephan Landsberg (wykskomitee wyk 2, WAG/stopmisdad/sektor 3-voorsitter), AO C. Carstens (sektor 3) en rdl. Hentas Kotze (wyk 2).

---

**List of registered letters sent to interested and affected parties**

---

1. Marlex Property Developments (Pty) Ltd (farm 1331/2)  
40 Winkle Way  
SUNSET BEACH  
7441
2. Estate late AC Mentoor & MH Mentoor (erf 2)  
PO Box 14  
PNIEL  
7681
3. CH & LL Joshua (farm 1211/01)  
Onsehoop Small Holding Plot 1211/01  
Main Road  
JOHANNESDAL  
7681
4. Ms SV Parks c/o Colin Geoffreys Inc (farm 1211)  
PO Box 397  
CENTURY CITY  
7441
5. Mr HJ Nicholls (farm 1210)  
PO Box 22  
PNIEL  
7681
6. Estate WV Cyster c/o PA van Wyk Fouchee (erf 8)  
PO Box 362  
PAARL  
7620
7. PW & BM Cyster (erf 9)  
PO Box 47  
PNIEL  
7681
8. HC & A Binneman (erf 26)  
26 Sonskyn Street  
PNIEL  
7681
9. WN & J Jephthas  
PO Box 7277  
STELLENBOSCH  
7599
10. Councillor M Johnson  
42 Kloof Street  
PNIEL  
7681
11. Heritage Western Cape  
Private Bag X9067  
CAPE TOWN  
8000
12. Dept. of Environmental Affairs & Development Planning  
Private Bag X9086  
CAPE TOWN  
8000  
Attention: Mare-Liez Oosthuizen
13. Department of Transport and Public Works  
Roads Infrastructure  
PO Box 2603  
CAPE TOWN  
8000

DTPW

DEADP

Heritage Western Cape

Clr Johnson

Mantoor

Binleman

Jephias

Estate Gyster

PW Gyster

Nicholls.

Parks

Joshua

Marlex

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Aansoeknommer: LU/7472  
Verwysingsnommer: Erf 3, Johannesdal  
Eiendomsbeskrywing: Erf 3, Johannesdal  
Fisiese Adres: Sonnestraal Pad, Johannesdal  
Beskrywing van aansoek: Die aansoek vir oorweging is 'n aansoek (ingevolge artikel 15(2)(a), (d) en (b) van die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning) vir die hersonering van die eiendom na onderverdelingsgebied oorlegsone (residensiële sone 3, privaatpad en privaat oopruimte), onderverdeling in 41 gedeeltes en restant, om voorsiening te maak vir 'n privaat meenthuis ontwikkeling. En permanente afwykings:

- 0m in plaas van 3m van die suidelike gemeenskaplike grens;
- 0,8m in plaas van 3m van die noordelike gemeenskaplike grens; en
- 2,8m in plaas van 5m van die statutêre straatboulyn van die R310.

Kennis geskied hiermee ingevolge die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning dat die bogenoemde aansoek ontvang is en gedurende weksdae tussen 08:30 en 13:30 by die Beplanningsadvieskantoor by Stellenbosch Munisipaliteit, Pleinstraat, Stellenbosch ter insae lê. Enige geskrewe kommentare/besware, met volledige redes daarvoor, moet ingevolge Artikel 50 van die genoemde wetgewing aan die aansoeker op een van die volgende wyses geadreseer word:

<b>AANSOEKER</b>
<b>Geregistreerde of gewone pos</b>
Headland Planners (Tristan Sandwith), Wembley Square 508, Gardens, Kaapstad, 8001
<b>Of gefaks aan</b>
0866 174 143
<b>Of per hand afgelewer aan</b>
Headland Planners (Tristan Sandwith), Wembley Square 508, Gardens, Kaapstad, 8001
<b>Of per e-pos gelewer aan</b>
Tristan Sandwith tristan@headland.co.za



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Aansoeknommer: LU/7472

Verwysingsnommer: Erf 3, Johannesdal

Eiendomsbeskrywing: Erf 3, Johannesdal

Fisiese Adres: Sonnestraal Pad, Johannesdal

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0866 174 143
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Headland Planners (Tristan Sandwith), Wembley Square 508, Gardens, Kaapstad, 8001
<b>Of per e-pos gelever aan</b>
Tristan Sandwith tristan@headland.co.za

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Marlex Property Developments (Pty) Ltd

40 Winkle Way  
SUNSET BEACH  
7441

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Aansoeknommer: LU/7472

Verwysingsnommer: Erf 3, Johannesburg

Eiendomsbeskrywing: Erf 3, Johannesburg

Fisiese Adres: Sonnestraal Pad, Johannesburg

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0866 174 143
<b>Of per hand afgelewer aan</b>
Headland Planners (Tristan Sandwith), Wembley Square 508, Gardens, Kaapstad, 8001
<b>Of per e-pos gelever aan</b>
Tristan Sandwith tristan@headland.co.za



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 PNIEL  
 7681

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Aansoeknommer: LU/7472

Verwysingsnommer: Erf 3, Johannesdal

Eiendomsbeskrywing: Erf 3, Johannesdal

Fisiese Adres: Sonnestraal Pad, Johannesdal

Beskrywing van aansoek: Die aansoek vir oorweging is 'n aansoek (ingevolge artikel 15(2)(a), (d) en (b) van die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning) vir die hersonering van die eiendom na onderverdelingsgebied oorlegsone (residensiële sone 3, privaatpad en privaat oopruimte), onderverdeling in 41 gedeeltes en restant, om voorsiening te maak vir 'n privaat meenthuis ontwikkeling. En permanente afwykings:

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0866 174 143
<b>Of per hand afgelewer aan</b>
Headland Planners (Tristan Sandwith), Wembley Square 508, Gardens, Kaapstad, 8001
<b>Of per e-pos gelewer aan</b>
Tristan Sandwith tristan@headland.co.za

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RECIPIENT NAME (please print clearly)

~~Mr HJ Nicholls~~  
~~PO Box 22~~  
~~PNIEL~~  
~~7681~~

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Aansoeknommer: LU/7472

Verwysingsnommer: Erf 3, Johannesdal

Eiendomsbeskrywing: Erf 3, Johannesdal

Fisiese Adres: Sonnestraal Pad, Johannesdal

Beskrywing van aansoek:

Die aansoek vir oorweging is 'n aansoek (ingevolge artikel 15(2)(a), (d) en (b) van die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning) vir die hersonering van die eiendom na onderverdelingsgebied oorlegsone (residensiële sone 3, privaatpad en privaat oopruimte), onderverdeling in 41 gedeeltes en restant, om voorsiening te maak vir 'n privaat meenthuis ontwikkeling. En permanente afwykings:

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- 0,8m in plaas van 3m van die noordelike gemeenskaplike grens; en
- 2,8m in plaas van 5m van die statutêre straatboulyn van die R310.

Kennis geskied hiermee ingevolge die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning dat die bogenoemde aansoek ontvang is en gedurende weksdae tussen 08:30 en 13:30 by die Beplanningsadvieskantoor by Stellenbosch Munisipaliteit, Pleinstraat, Stellenbosch ter insae lê. Enige geskrewe kommentare/besware, met volledige redes daarvoor, moet ingevolge Artikel 50 van die genoemde wetgewing aan die aansoeker op een van die volgende wyses geadresseer word:

<b>AANSOEKER</b>
<b>Geregistreerde of gewone pos</b>
Headland Planners (Tristan Sandwith), Wembley Square 508, Gardens, Kaapstad, 8001
<b>Of gefaks aan</b>
0866 174 143
<b>Of per hand afgelewer aan</b>
Headland Planners (Tristan Sandwith), Wembley Square 508, Gardens, Kaapstad, 8001
<b>Of per e-pos gelewer aan</b>
Tristan Sandwith tristan@headland.co.za



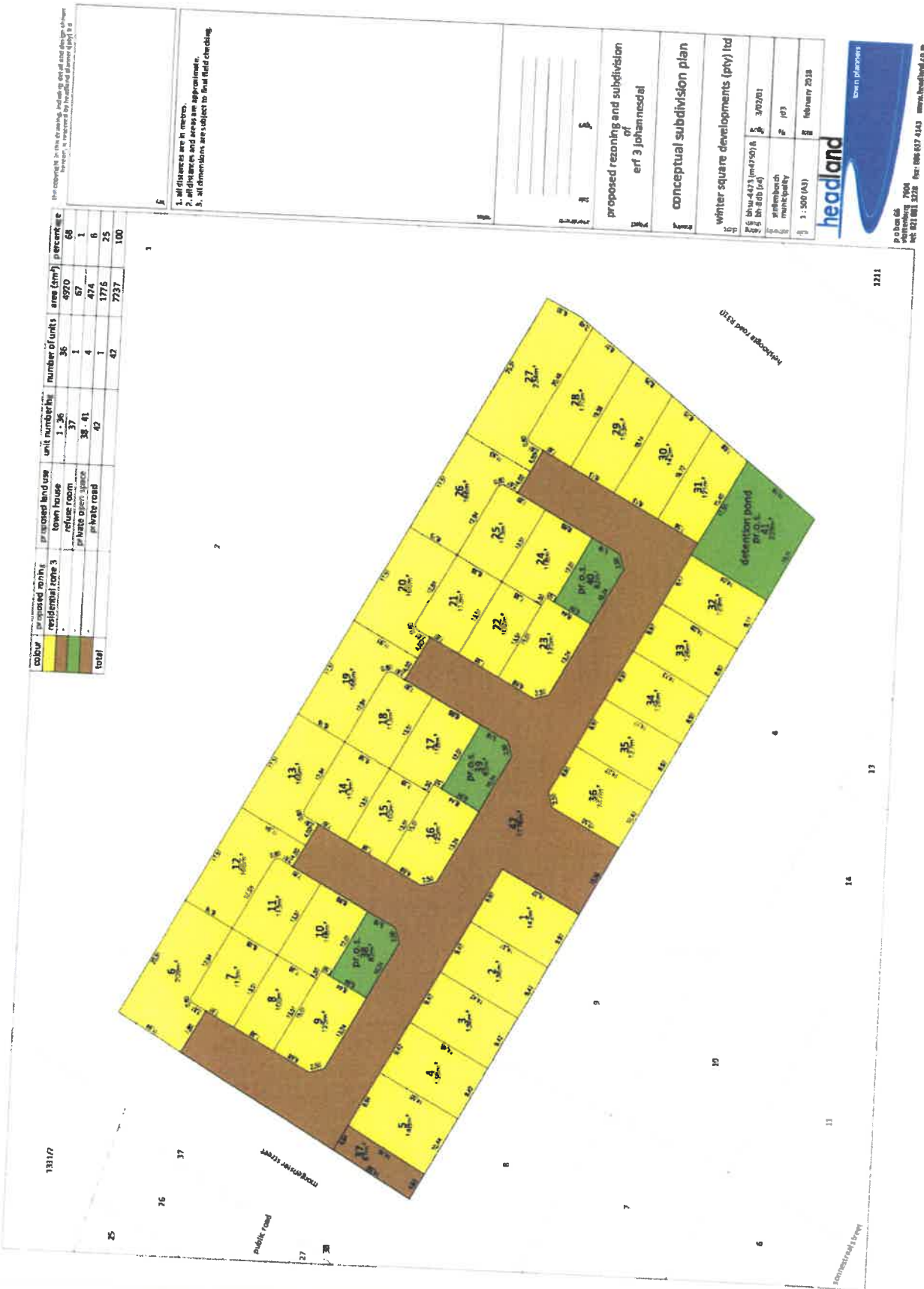


Figure 2: Extract from the Site Development Plan (appendix H)

**ANNEXURE F: OBJECTIONS**

From: **Hanco Binneman** hcbinnema@gmail.com  
 Subject: Erf 3, Johannesburg  
 Date: 02 July 2018 at 2:55 PM  
 To: tristan@headland.co.za  
 Cc: Binneman, A, Me arne@sun.ac.za

HB

Dear Tristan Sandwith

Herewith the formal reply and comments regarding the proposed **rezoning, subdivision and departures: Erf 3, Johannesburg**

**Plot size and density:**

On page 1 you state that the erf sizes will range between 100m<sup>2</sup> and 120m<sup>2</sup> which is “a desirable typology for the area” “according to demand and the local area”. Could you please provide more motivation for this claim?

Johannesdal is a historic town with the most recently completed new development being the *Mountain view* development done by Mark Mentoor in 2014/2015. This development, consisting out of 20 houses, is situated in Sonskyn street directly Northwest of the land which you propose to rezone and subdivide.

The erf sizes in *Mountain view* range between 280-300 m<sup>2</sup> – more than double the size of the proposed subdivisions. This is much larger than the subdivision which you are proposing. Informal comments from the community were already negative during the development phase of *Mountain View* where Johannesburg and Pniel residents felt these plot sizes were too small and too densely spaced as well as too expensive for them. Yes, many Pniel and Johannesburg residents bought properties in Mountain View, but mostly with the aim of generating a rental income. This may again be the situation with the proposed development where local residents may purchase property with the aim of renting it out.

I am aware of the *Mentoor Mountain Estate* that is also being planned for the same area. In contrast to your proposed development, the *Mentoor Mountain Estate's* plots vary between 425m<sup>2</sup> tot 715 m<sup>2</sup>. This is more in line with the character of the town.

**Lack of open spaces:**

When looking at the site development plan of Erf 3, it is evident that these plots have a much higher density than any other pre-existing development on neighbourhood within the direct area of Pniel and Johannesburg. There are only 4 designated “green areas” on your proposed, which is way too little for that amount of people. If you plan such a high density development, from an ethical point of view, green spaces are very necessary to allow residents space for recreation, for children to play and to counterbalance the high density and close proximity to one another of their dwellings.

We thus oppose the proposed high density subdivision as illustrated on the site development plan (appendix H).

**Walled community:**

*Mountain view* was purposefully not gated or walled to retain the historical character of the town of Johannesburg.

Gated and even walled communities create the sense of security for tenants, but have the opposite effect on the surrounding community. The urban insecurity which is propagated

through putting up physical walls around a new development leads to urban insecurity and the surrounding historical town of Johannesdal will consequently be seen as “dangerous” and crime ridden – aspects that potential new home owners of the proposed development need to be protected from.

Cutting new home owners off from the rest of the community by putting up physical walls, is also not ideal and will be detrimental to the existing close knit community spirit that exists in the town. Walled communities is in its essence designed to exclude – both the homeowner inside as well as any home owners outside.

**Impact on traffic:**

I understand that a traffic study will be done to determine the impact of the proposed development. I am very skeptical that the Sonnestraal street connection to the Helshoogte road will be able to carry the amount of traffic if your development goes through.

We already struggle to enter Helshoogte road during peak times due to traffic from Franschhoek and Paarl's side. If you add another 36 cars from you proposed development to the waiting line, the effect on traffic could be extremely negative. This could necessitate a traffic circle or a traffic light – something that will again have a negative impact on the small town feeling of Johannesdal.

In conclusion: we do not oppose the new development, but we strongly advise that certain aspects be revised such as the walled nature of the development as well as the high density of the plots and the lack of sufficient recreational space within the development. We also await the results of the traffic impact study.

Kind regards

Hanco & Arné Binneman

29 June 2018

For attention:

Headland Planners (Tristan Sandwith),

508 Wembley Square,

Gardens,

Cape Town,

8001

**Re: OBJECTION TO PROPOSED APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURES:**

**ERF 3, JOHANNESDAL**

On behalf of Johannesdal Community, we would like to inform you, that we in process of forming and established a committee on the aforementioned and strongly oppose the above mentioned rights. Attached to this opposing letter, a petition, signed by many living residents in the greater Johannesdal area.

Our major Questions and Major Concerns are listed below:

- Were all **interested and affected** parties contacted regarding announcement and application for new proposed development – since neighbours did not receive any notification – The Johannesdal forum listed as an interested and affected party and did not receive notification nor being listed on official documentation as one
- **Character of village**, Johannesdal – “look and feel, ambiance” how will development affect us? Building or Architectural - style?;
- **Plot sizes** current average 350m<sup>2</sup> - proposed development sizes much smaller 99m<sup>2</sup> to 234m<sup>2</sup> - **our mandate is to keep it 350m<sup>2</sup> NO SMALLER THAN THAT;**
- **Affordable for locals to buy** – 15% of all plots allocated for sale needs to be affordable and sold to locals in each development – We have our own housing needs and thus locals need to get a stake in buying ;
- Landscaping – seeing that the proposed property is located next to the Main road how will the developer camouflage the concrete jungle in order to maintain the vision impact?
- Boom restricted complexes a NO – NO – objections against that development setting;
- Development proposed housing structures – not conducive for family’s **only couples** – **what market is the developer targeting and which price range?**
- Effect on current residences regarding – Rates and taxes

**Impact studies on village – has the following been done:**

- Traffic - currently 1 entrance and exit – spatial - provincial, 36 new plots in Cyster development and ±60-80 for MAM Developers
- Sewage – will the current bulk services be sufficient;

Petition lodged to be submitted to developers and municipality by Forum as well as villagers of Johannesdal individually to state seriousness of situation to current inhabitants of Johannesdal

**Would love a meeting/s with applicant, developer and owner of properties as a village!!**

Regards

**Johannesdal Community**

**Contact Details of the Objectors:** We confirm that the following postal address, telephone number and email address have been chosen as contact details of The Community of Johannesdal of this objection:

Earl Cyster

Po Box 139

Pniel

7681

Cell: 076 337 8686 Email: [earlcys12@gmail.com](mailto:earlcys12@gmail.com)

27 June 2018

**For attention:**

**Headland Planners** (Tristan Sandwith),  
508 Wembley Square,  
Gardens,  
Cape Town,  
8001

**Re: OBJECTION TO PROPOSED APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURES:  
ERF 3, JOHANNESDAL**

On behalf of a Johannesburg resident and municipal rate payer, I would like to inform you, that I strongly oppose the above mentioned rights.

**1. EXECUTIVE SUMMARY:**

**Objectors:** This objection is lodged on behalf of myself, an owners of land in the immediate vicinity of Erf 3 Johannesburg and the greater Johannesburg;

**The Applicant (Headland Town Planners)** forwarded a letter dated 7 June 2018 via registered mail inviting attention to the fact that mentioned objections may be lodged with the Applicant by no longer than 8 July 2018. The abutting erf owners **NEVER** received the Applicants notifications via registered post as prescribed by the legislation.

**The Proposal** represent continuation of the historic development path (short term financial profits for the developer, with no meaningful positive advantages for the broader community), its shows no clear appreciation for sustainable development imperatives.

**Future urban development** should significantly change current patterns of resource is so that there is a meaningful reduction in their consumption in order that all future generations also benefit. The authority are enjoined to discourage the phenomenon of urban sprawl and contribute to development of more compact towns and cities.

I will show that the development, if approved, will materially and adversely impact on the rights of the objectors as well as the broader community and that the application therefore lacks desirability and should be refused as proposed.

**OBJECTION TO PROPOSED APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURES:**

**ERF 3, JOHANNESDAL**



2. **BY-LAW REQUIREMENTS:**

With reference to section 50 of Stellenbosch Municipal Land Use Planning By-Law we confirm the following:

**Name of Objectors:** Earl Cyster

**Contact Details of the Objectors:** We confirm that the following postal address, telephone number and email address have been chosen as contact details of The Community of Johannesdal of this objection:

**Earl Cyster**

**Po Box 139**

**Pniel**

**7681**

**Cell: 076 337 8686 Email: [earlcys12@gmail.com](mailto:earlcys12@gmail.com)**

I request to be notified in writing of all municipal decisions relating to this matter .

**My interest in the application:** The effected property owners in the area to which the development proposals relate. My interest in the application flows from their property and fundamental constitution rights which will be detrimentally effected should the current application be approved.

**Our reasons for objection:** See our motivation below

3. **GENERAL CRITERIA FOR CONSIDERATION OF APPLICATIONS:**

Section 65 (1) of the By-Law enjoins the Municipality, when considering land use applications, to have regard to inter alia:

The policies, principles and the planning and development norms and criteria set by the national and provincial government;

The Integrated Development Plan, including the Municipal Spatial Development Framework (MSDF);

The Provincial Spatial Development Framework (PSDF);

The matters referred to in Section 42 of SPLUMA;

The principles referred to in Chapter VI of the Western Cape Land Use Planning Act 2014 (LUPA);

The applicable provisions of the zoning scheme (i.e. compliance with zoning parameters).

**OBJECTION TO PROPOSED APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURES:**

**ERF 3, JOHANNESDAL**

Section 38 of the Bylaw furthermore determines that a land use application must be accompanied by a written motivation report based on the criteria referred to in Section 65 of the Bylaw. No exemption of this requirement was made at the pre-application consultation. The applicant did not submit any motivation in respect of the aforementioned criteria. In terms of Section 41(1) of the Bylaw your municipality should therefore have notified the applicant of the shortcomings and refused to process the application until the necessary motivation had been submitted. The incomplete nature of the application affects our community's interest in the application as it is not possible to fully comment on the compliance of the application with the Bylaw and your municipality's relevant policies.

### **Consistency with MSDF**

In terms of Section 22 of SPLUMA the decision maker(s) for the application may not make a decision which is inconsistent with the MSDF. Although site specific departures of the MSDF may be considered, such departures must comply with the development principles set out in Chapter 2 of SPLUMA.

Unlike for other areas of Stellenbosch (Dwarsriver Valley Specifically), the MSDF makes no provision for the redevelopment or densification of any property or area in Johannesburg. In fact, the MSDF proposes that a heritage overlay zone be introduced for the neighborhood, which suggests that the existing built character of the neighborhood should be maintained and protected.

Also, the MSDF proposes that row housing and medium density town houses (ie: 50 dwelling units per hectare) are the preferred models for densification and that the proposed should only be located in strategic locations, e.g. at high density nodes and along activity corridors.

The term "site specific" is not defined by SPLUMA. It is our opinion however that a departure from of the spatial development principles contained in the MSDF cannot be approved under this provision, but only detailed, site specific interpretations of the general principles if and when necessary. In this particular case the spatial development principle adopted by the MSDF is clear and there is no justification or need for site specific consistency considerations of the development proposal.

It is therefore our submission that the application is not consistent with the MSDF and that a site specific of the MSDF would not be appropriate to accommodate the proposed development.

**OBJECTION TO PROPOSED APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURES:**

**ERF 3, JOHANNESDAL**

### Desirability

Section 65 (1) of the Bylaw determines that the municipality must have regard for the desirability of a land use application. The term desirability is not defined in the Bylaw, but it is understood to include more elements for consideration than only those mentioned by the applicant, such as the impact on the quality of life of other people (including impact on views, sunlight, ventilation, noise and privacy), physical suitability of a property for a particular development, etc.

Access to the property is from a Class 5 residential access street. In terms of normal town planning standards access to the proposed should not be provided from a Class 5 road.

The proposed development will result in a  $\pm 30\%$  increase in traffic volumes in Morgenster Street and Sonnestraal Street (based on the number of properties on this street and area) and will therefore have a noticeable impact on traffic conditions in this streets.

The proposed access points to the property will be located right next to the entrances to abutting erven and will cause conflict for the safe in and out movement of vehicles to and from the abutting erven. Our major concern is the ONE in and out access point in Sonnestraal Street. **With the Mentoor development approval (MAM Developers) an additional  $\pm 140$  cars will be generated together with an additional  $\pm 60$  cars with the proposed development. Our concern however is the impact on the existing traffic in our area.**

The population density on the property will be equal to  $\pm 144$  persons per ha (based on 4 persons per household), while the existing population density of the neighborhood is  $\pm 30$  persons per ha. The population density on the property will therefore be 6 times higher than elsewhere in the neighborhood, with an associated increase in noise levels.

The same will apply to the built density, which will be equal to 45 dwelling units per ha for the proposed, while the existing built density of this particular section of Johannesdal is only 7 dwelling units per ha. The built density of the proposed development will therefore also be 6 times higher than the existing built density of Johannesdal and it cannot therefore be said that the proposed development will be compatible with the existing neighbourhood character.

Dwarsriver Valley is not characterized by these kinds of developments in homogeneous low density neighborhoods like Pniel and Kylemore etc. and it would therefore be uncharacteristic of the built fabric of Dwarsriver Valley to permit such a development in Johannesdal.

It is clear therefore that the proposed development will have a substantial negative effect on the neighborhood character and the living conditions of its residents, particularly those living in and around Morgenster, Sonnestraal Street and greater Johannesdal.

OBJECTION TO PROPOSED APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURES:

ERF 3, JOHANNESDAL

#### 4. **SUSTAINABILITY CONSIDERATIONS:**

I accept that change of towns and cities and growth are inevitable, and development pressures are given. Nevertheless, a town with foresight and insight can guide and manage public and private developments to ensure the best possible outcome for its inhabitants. The best possible outcome includes the protection and enhancement of the town's key economic, social and environmental resources and asset, and the extension of these economic, social and environmental opportunities everyone in the town.

**The community and I are more than willing to meet with the developer and applicant in order to raise our concerns and agree to a sensible/practical solution.**

#### 5. **MAJOR CONCERNS AND OBJECTION:**

Would love a meeting/s with applicant, developer and owner of properties as a village!!

##### **Traffic:**

- One access point in and out of Johannesdal via Sonnestraal Street;
- Traffic congestion in peak time (mornings 6:50 – 8:30, Afternoon: 16:00 – 18:00);
- **Stellenbosch Municipality SDF:**
  - ❖ *Creating an UNPLEASANT street frontage;*
  - ❖ **"The Helshoogte Road** cuts dangerously Johannesdal and Pniel, and bypasses Kylemore and Lanquedoc. This needs to be designed and reconstructed to integrate the hamlets, in conjunction with the proposed rings road"
  - ❖ **Helshoogte Road Access Management Environment** to be amended to "urban", and cross-sections to be amended accordingly so that it performs more as a high street where it passes through Johannesdal and Pniel.
- With the above said how can any new development be considered if the above is not in place and prescribed by the **Stellenbosch Municipality SDF?**

##### **Property Size:**

- 99m<sup>2</sup> to 234m<sup>2</sup> (the average erf size in the area is **±350m<sup>2</sup>** and wouldn't want anything less than the above);
- Patterns (Designs Style);
- Undesirable character and environment/ambiance;

**Sense of place:** We say the current proposed development is inappropriate, given the nature of the area. If the current application would be approved, it will erode the sense of place which underpins the quality of the area by detracting from the unique identity, history and ambiance of our area and this right next to the main route through our historical town.

OBJECTION TO PROPOSED APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURES:

ERF 3, JOHANNESDAL

The property is situated adjacent to an important tourist route. There are significant visual impact and heritage related constraints that apply, which need to be dealt with in a sensitive manner and which should, to a large degree, dictate the nature, scale, massing and density of any proposed residential and related uses. This has not been considered and done.

## 6. **CONCLUSION THOUGHTS**

In closing, the application and proposed development:

- *Is incomplete and the processing thereof thus far administratively incorrect;*
- *Is not consistent with the MSDF and a site specific departure of the MSDF would not be appropriate;*
- *Will have a substantial negative effect on the neighborhood character and the living conditions of its residents, particularly those living in and around Morgenster Sonestraal Street and Johannesdal;*

If a loose approach is taken to delineating from the existing patterns and sizes (**99m<sup>2</sup> to 234m<sup>2</sup>**), particularly if there is an intent to continue to facilitate the current form of low density urban sprawl that remains the dominant urban form for high income projects, then surprise and concern should not be raised at the lack of change to urban structure and its associated inefficiencies in Dwarsriver Valley (Johannesdal / Pniel) settlements in the future;

The inconsistency of the proposed land use with the SPLUMA development principles and the LUPA planning principles serves to confirm the lack of desirability of the proposed land use. As pointed out in the proposed development will also be in direct conflict with the intent and purpose of inter alia the PSDF.

In addition we submit that the current proposed development will be inappropriate given the semi-rural nature of the area and that, if approved, it will erode the sense of place which underpins the quality of the area by detracting from the unique identity of our area;

I therefore submit that the current land use application should be refused, if due regard is had to the planning principles that the municipal decision-maker is required to take into consideration.

**Earl Cyster**

**076 334 8686**

From: **Gabriel Jacobs** [jacobs.gabriel.gj@gmail.com](mailto:jacobs.gabriel.gj@gmail.com)  
 Subject: Fwd: OBJECTION TO PROPOSED APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURES: ERF 3, JOHANNESDAL  
 Date: 08 July 2018 at 7:29 PM  
 To: Tristan Sandwith [tristan@headland.co.za](mailto:tristan@headland.co.za)

GJ

Hier is nog petisie wat aansluit by Earl Cyster se oorspronklike petisie. Ek wil graag u aandag rig op dit wat die SDF van die munisipaliteit se "Helshoogte sny gevaarlik deur Johahhesdal en Priel". Met dit gese sal al die ekstra motors wat deur die huidige ontwikkelings naamlik erf 3 en die van Mark mentoor die helshoogte pad nog meer gevaarlik maak. Daarom stel ons n ekstra ingang voor. Ons sal ook statestiek voor en na die ontwikkelings bymekaar maak. En indien genoodsaak sal ons as gemeenskap die verantwoordelike partye verantwoordelik hou.

Groete  
 Gabriel  
 0828128061

----- Forwarded message -----

From: Gabriel Jacobs <[jacobs.gabriel.gj@gmail.com](mailto:jacobs.gabriel.gj@gmail.com)>  
 Date: Sat, 30 Jun 2018, 16:06  
 Subject: Re: OBJECTION TO PROPOSED APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURES: ERF 3, JOHANNESDAL  
 To: Tristan Sandwith <[tristan@headland.co.za](mailto:tristan@headland.co.za)>  
 Cc: Earl J Cyster <[earlcys12@gmail.com](mailto:earlcys12@gmail.com)>, Lawrence Ramakuwela <[Lawrence.Ramakuwela@stellenbosch.gov.za](mailto:Lawrence.Ramakuwela@stellenbosch.gov.za)>, Hedre Dednam <[Hedre.Dednam@stellenbosch.gov.za](mailto:Hedre.Dednam@stellenbosch.gov.za)>, Daniel Meyer <[Daniel.Meyer@stellenbosch.gov.za](mailto:Daniel.Meyer@stellenbosch.gov.za)>, Ulrich Vonmolendoff <[Ulrich.Vonmolendoff@stellenbosch.gov.za](mailto:Ulrich.Vonmolendoff@stellenbosch.gov.za)>, Benita Cyster <[benita@lumleysplace.com](mailto:benita@lumleysplace.com)>, Steven Mentoor <[mentoor@rhodesfoodgroup.com](mailto:mentoor@rhodesfoodgroup.com)>, Antonette Parks <[amparks14@gmail.com](mailto:amparks14@gmail.com)>, geliandavids@gmail.com <[geliandavids@gmail.com](mailto:geliandavids@gmail.com)>

Hi Tristan

I hereby attach petition list 2. This list will grow as we have not yet got around to all the interested and affected parties.

Regards  
 Gabriel  
 0828128061

On 29 June 2018 at 14:25, Tristan Sandwith <[tristan@headland.co.za](mailto:tristan@headland.co.za)> wrote:  
 Hi Earl

Receipt acknowledged.

Kind regards,  
 Tristan Sandwith

c: +27 (0)82 449 1801  
 web: [www.headland.co.za](http://www.headland.co.za)



On 29 Jun 2018, at 2:04 PM, Earl J Cyster <[earlcys12@gmail.com](mailto:earlcys12@gmail.com)> wrote:

Good Day Tristan,

Please acknowledge receipt of the above objection letter.

**PS: Can you please reply to all.**

Regards

Earl Cyster  
 076 334 8686

<29 June 2018\_Johannesdal Community - OBJECTION.pdf><Petition\_29 June 2018\_Johannesdal Community - OBJECTION.pdf><OBJECTION TO PROPOSED APPLICATION FOR REZONING\_27 June 2018.pdf>

headland



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 To: Tristan Sandwith <tristan@headland.co.za>  
 Cc: Earl J Cyster <earlcys12@gmail.com>, Lawrence Ramakuwela <Lawrence.Ramakuwela@stellenbosch.gov.za>, Hedre Dednam <Hedre.Dednam@stellenbosch.gov.za>, Daniel Meyer <Daniel.Meyer@stellenbosch.gov.za>, Ulrich Vonmolendoff <Ulrich.Vonmolendorff@stellenbosch.gov.za>, Benita Cyster <benita@lumleysplace.com>, Steven Mentoor <mentoor@rhodesfoodgroup.com>, Antonette Parks <amparks14@gmail.com>, geliandavids@gmail.com <geliandavids@gmail.com>

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**headland**

Re: Apposed letter and signed petition list against the proposed Application Rezoning Subdivision and Departures: Erf 3, Johannesdal by The Community of Johannesdal

Petition list

Name	Address	ID No	Date	Signature
Kenneth Cyril	5 Lumley Avenue, JHB	2405 3027074	21/01/18	[Signature]
Peter Cyril	Lumley Avenue, Phw, 2081	6209255102021	21/01/18	[Signature]
Samuel Williams	"	43920202020	16/02/18/18	[Signature]
J.B. Williams	"	70930520004	"	[Signature]
GABRIEL JACOBS	1 BERG STREET, JHB	72020520002	23/02/18	[Signature]
Mandy Scales	1 BERG ST, JHB	08322 72027	25/06/18	[Signature]
GRAPES JACOBS	1 BERG ST, JHB	16121102000	25/06/18	[Signature]
Kenneth Scales	13 LUMLEY STREET JHB	10070520002	25/06/18	[Signature]
Nicole Scales	13 Lumley St JHB	111008021001	25/06/18	[Signature]
J. Meyer	13 Lumley Rd JHB	51087052000	25/06/18	[Signature]
DEBORAH MENTON	16 LUMLEY RD JHB	11092062000	25/06/18	[Signature]
Holly Menton	16 Lumley St Johannesdal	12012555002	25/06/18	[Signature]
BEARLEIGH MENTON	15 LUMLEY ST JHB	7502 1151700	25/06/18	[Signature]
FRANCIS MENTON	15 LUMLEY ST JHB	78049202005	25/06/18	[Signature]
Guthrie Meyer	17 Lumley St JHB	58100019000	25/06/18	[Signature]
Celine Jacobs	20 Berg St JHB	78100000000	27/06/18	[Signature]
JOSEPH DAVIDS	20 Berg Street JHB	08339450000	27/06/18	[Signature]
Lawson Davis	20 Berg St JHB	81000020000	27/06/18	[Signature]
Jacques van der Merwe	Berg St JHB	78012350000	27/06/18	[Signature]
Kathy Menton	Phw JHB	61310000000	27/06/18	[Signature]
S. A. Menton	"	08340000000	"	[Signature]
SA Menton	Berg Street Johannesdal	11116500000	2/07/18	[Signature]
Debra Menton	"	81000000000	2/07/18	[Signature]
S. Oliver	Berg Street Johannesdal	36114070000	05/07/18	[Signature]
DR. OLIVER	Berg Street Johannesdal	"	3/07/18	[Signature]
Sarah van der Merwe	Lumley Ave	10171910000	5/07/18	[Signature]
Veronica Menton	Lumley Ave	470726 41000	3/7/18	[Signature]
Charles Menton	Lumley Ave	05102762000	07/07/18	[Signature]
Helen Menton	Lumley Ave	790126 51000	07/07/18	[Signature]

Re: Apposed letter and signed petition list against the proposed Application Rezoning Subdivision and Departures: Erf 3, Johannesburg by The Community of Johannesburg

### Petition list

Name and Surname	Address		
BENNO CYSEK	5 Lumley Avenue, Iddah	6405230271014	21010110
Peter Cystek	Lumley Avenue, Phuel, 71081	6895265168001	21010110
SARAH Williams	" "	436202018208620	21010110
Sarah Williams	" "	8409305220004	
GABRIEL JACOBS	1 BERG STREET, Iddah	730208510100	21010110
MONTY JULES	15 BERG STR, Iddah	083247281	21010110
STAPYNS JACOB	1 BERG STR, Iddah	71012010100	21010110
Kicende Spiker	13 Lumley Street, Iddah	7002051000	21010110
Nicolea Seules	13 Lumley Rd, Iddah	711008271017	21010110
V. O. O. O. O.	13 Lumley Rd, Iddah	5109070570	
BERNARD MENTOOH	16 LUMLEY RD, Iddah	400192307007	
Ashley Mntoo	16 Lumley St, Johannesburg	80825584	
BENJAMIN MOKO	15 LUMLEY STR, Iddah	7000119770	
Emmanuel Moko	15 LUMLEY STR, Iddah	7000119770	
Ruthy Meyer	17 Lumley St, Iddah	5511010101	



Name and Surname	Address	ID Nr	Date	Signature
RODRICK JEFFTHAS	4 PROTEA STREET	53213504082	21.06.18	R. Jeffthas
PHILLIDA JEFFTHAS	"	540815059281	"	P. Jeffthas
WILLIAM JEFFTHAS	"	4111275121087	"	W. Jeffthas
Shirley Minen	6 Protea Street	5207230187066	21.06.18	S. Minen
Guido Minen	"	8312305207287	21.06.18	G. Minen
CINDY MINEN	"	7803155743081	21.06.18	C. Minen
WILMA MINEN	06 Protea Str.	830348065083	21.06.18	W. Minen
JACQUES SEPTEMBER	2 Protea Str.	9606145156089	21.06.18	J. September
MILLENCEPT SEPTEMBER	2 Protea Str.	6411280101081	21.06.2018	M. September
JAN ADAMS	4 Lumley Str	660321059086	21.06.2018	J. Adams
Amy-lee Adams	4 Lumley Str	4612270154084	21.06.2018	A. Adams
Amanda Adams	4 Lumley Str	6608950238080	21.06.2018	A. Adams
STEVE ADAMS	4 Lumley Str	9206296092088	21.06.2018	S. Adams
LES LACKAY	8 PROTEA STR.	44001285033084	21.06.18	L. Lackay
EWANDA LACKAY	"	46090220033086	21.06.18	E. Lackay
KEITH LACKAY	"	7401235091083	22.06.18	K. Lackay
CINDY LACKAY	"	94112801594088	22.06.18	C. Lackay
MARGO LACKAY	Protea St 8 Johannesburg	1501150163087	22.06.18	M. Lackay
DEON LACKAY	Lumley 1 Johannesburg	88110550911088	22.06.18	D. Lackay
SHERRI LACKAY	Lumley 1 Johannesburg	89110020218089	22.06.18	S. Lackay
Ashley Lackay	7 Protea Johannesburg	771026576085	22.06.18	A. Lackay
Seth Lackay	"	0809115032087	22.06.18	S. Lackay
Vereta Lackay	"	7302010176087	"	V. Lackay
Rodwin Jeffthas	4 Protea Street	7817785020088	24.06.18	R. Jeffthas
Elieth Jeffthas	4 Protea Street	8100050844083	24.06.18	E. Jeffthas
Willston Parks	"Bonnie Espenme" Main Rd Johannesburg	8806145146082	24.06.18	W. Parks
Dorothy Parks	"Bonnie Espenme" Main Rd Johannesburg	9306145212082	24.06.18	D. Parks
Antionette Parks	"Bonnie Espenme" Main Rd Johannesburg	6102380305081	24.06.18	A. Parks
Margaret Fris	"Carney Chrym" Main Rd Johannesburg	5108190100085	25.06.18	M. Fris
FRANCO SEPTEMBER	12 Protea Str Johannesburg	8702885190083	25.06.18	F. September
Paty Septembe	12 Protea Str Johannesburg	6708200070081	25.06.18	P. September
Rochie September	12 Protea Str Johannesburg	9008020100082	25.06.18	R. September
RODNEY SEPTEMBER	12 " " "	620512558087	25.06.18	R. September
Rodwin September	" " "	0010155172087	26.06.18	R. September

OBJECTION TO PROPOSED APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURES:

ERF 3, JOHANNESDAL

**ANNEXURE G: APPLICANTS COMMENTS ON OBJECTIONS**



c: 082 449 1801  
e: tristan@headland.co.za

Your Reference: LU/7472 (Erf 3 Johannesdal)  
Our Reference: JD3

The Director: Planning & Economic Development  
Stellenbosch Municipality  
PO Box 17  
STELLENBOSCH  
7599

Date: 26 May 2020

For Attention: Ms Nicole Katts

Dear Nicole

**ERF 3 JOHANNESDAL: APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURES: SUMMARISED COMMENT AND RESPONSE TO PUBLIC OBJECTIONS AND DEPARTMENTAL COMMENT**

The following correspondence has reference:

- Municipality's letter, dated 29 May 2018, instructing this office to advertise the application,
- Heritage Western Cape's response to the Notification of Intent to Develop, dated 19 July 2018,
- Post advertising correspondence from Annecke Hardouin (formerly of Stellenbosch Municipality) requesting response to the engineering and traffic comment, dated 21 November 2018, and
- Your email of 18 March 2020, requesting clarification on the Municipal Engineering comments.

The application underwent a public participation process from the **7<sup>th</sup> June 2018** to the **8<sup>th</sup> July 2018**. The affected public was informed of the proposed development by means of an on-site notice, registered letters (served to the surrounding property owners, civic associations and the ward councillor) and a notice in the press. The public and civic associations were permitted 30-days to comment, for which the closing date was duly communicated to Municipality on the 8<sup>th</sup> July 2018.

Furthermore, registered letters were sent to state departments for their comment permitting 60-days to respond. The 60-day period closed on the 8<sup>th</sup> August 2018 and was communicated to Municipality.

During the public participation period, four (4) letters of objection and a petition were received from surrounding neighbours. The objections and responses are summarised in section 1 hereunder.

Comment was received from the Department of Environmental Affairs and Development Planning, Heritage Western Cape, Western Cape Government: Road Network Management and the Municipal engineers and transport engineers. Responses to municipal and state department comments follow in section 2.

**1. Summarised Public Objections and Petition**

The objectors are listed in table 1 and the petition signatories summarised in table 2, which follow.

**Table 1: List of Objectors**

Objector	Address / Contact details
1. Hanco & Arné Binneman	26 Sonskyn Street Johannesdal Erf 26, Johannesdal hcbinnema@gmail.com
2. The Johannesdal Community (represented by Mr Earl Cyster (petition))	PO Box 139, Pniel, 7681 earlcys12@gmail.com
3. Gabriel Jacobs	1 Berg Street, Johannesdal jacobs.gabriel.gj@gmail.com
4. Earl Cyster	PO Box 139, Pniel, 7681 earlcys12@gmail.com

The petition contains 61 signatures collected from 20 identifiable addresses in the area and 16 signatures from unspecified addresses in Johannesdal, the latter are deficient in terms of section 49(1)(b) of the Stellenbosch Municipality: Land Use Planning By-law (2015) as they do not provide a physical address.

The petition is in support of the objections of the Johannesdal Community and that of objector 4, Earl Cyster. Therefore, the petitioners are responded to in section 1 under the response to Mr Cyster's comments.

**Table 2: Summarised Petition Signatories**

Address	Petition Signatories
1. 9 Main Road, Johannesdal	4 signatories
2. 8 Greenway Street, Johannesdal	3 signatories
3. 1 Main Road, Johannesdal	2 signatories
4. Main Road Johannesdal (unspecified address)	5 signatories
5. 4 Protea Street	5 signatories
6. 6 Protea Street	4 signatories
7. 2 Protea Street	2 signatories
8. 4 Lumley Street	4 signatories
9. 8 Protea Street	5 signatories
10. 1 Lumley Street, Johannesdal	2 signatories
11. 7 Protea Street, Johannesdal	3 signatories
12. "Bonnie Esperance" Main Road, Johannesdal	3 signatories
13. "Carney Clarny" Main Road, Johannesdal	1 signatory
14. 12 Protea Street, Johannesdal	5 signatories
15. 5 Lumley Avenue, Johannesdal	4 signatories
16. 1 Berg Street, Johannesdal	3 signatories
17. 13 Lumley Road, Johannesdal	3 signatories
18. 16 Lumley Road, Johannesdal	2 signatories
19. 15 Lumley Road, Johannesdal	2 signatories
20. 17 Lumley Road, Johannesdal	1 signatory
21. 20 Berg Street, Johannesdal	3 signatories
22. Berg Street, Johannesdal (unspecified address)	7 signatories
23. Lumley Street, Johannesdal (unspecified address)	4 signatories

Of the objectors, the property of Mr and Mrs Binneman (objector 1) neighbours the proposed development. The remaining objectors and petition signatories come from the general Johannesdal/Pniel area.

#### Summarised Comment and Responses

Objection	Response
<b>1.1. Planning Motivation</b>	
<p>1.1.1. The planning motivation lacks sufficient detail to be considered complete and should therefore have been refused. The application should have taken into account the following:</p> <ul style="list-style-type: none"> <li>- The Integrated Development Plan including the Municipal Spatial Development Framework;</li> </ul>	<p>For the reasons set out below, section 65(1) of the By-law is considered to be satisfied by the application.</p> <ul style="list-style-type: none"> <li>- The planning motivation bears specific mention of the Stellenbosch MSDF and the development alignment with spatial planning objectives of the Municipality. Section 7 and figure 3 of the motivation report refer.</li> </ul>



<b>1.2. Character and Density</b>	
1.2.1. More motivation is required for the claim that the proposed density is desirable for the area.	<ul style="list-style-type: none"> <li>- The Stellenbosch Spatial Development Framework suggests higher densities be allowed within town limits to maintain strict boundaries to development nodes, combatting traffic congestion and low density urban sprawl.</li> <li>- Adds to the range of housing types and densities, allowing for a more affordable options for future residents.</li> </ul>
1.2.2. The houses in the "Mountain View" development range from 280m <sup>2</sup> to 300m <sup>2</sup> which received negative comments from the community as they were considered too dense and too expensive.	Noted. The proposed dwellings fall in a lower size range and more affordable price bracket of units. There is a need for a range of typologies to support the broader market in the area. Provision of a spread of affordability is supported by Municipal forward planning.
1.2.3. The plot sizes are too small and do not meet the communities mandate of 350m <sup>2</sup> minimum.	<p>Noted. However, this contradicts both the forward planning for the area, which supports higher densities in development areas, and the objectors' argument that more affordable housing options be made available to local residents.</p> <p>The latter is driven by market forces and the developer has aimed their product at a more affordable range to allow for access to a larger segment of local residents.</p>
1.2.4. Plot sizes of a new development in the area vary between 425m <sup>2</sup> and 715m <sup>2</sup> , and are more in line with the character of the area.	A range of dwelling sizes in the area should be promoted to allow a broader segment of prospective buyers to have access to residential stock.
1.2.5. Population densities far exceed those that currently exist in the area.	<p>The proposed density of 50du/ha is in line with the zoning scheme requirements for the proposed residential zone 3 and no departure is sought.</p> <p>Higher densities in areas earmarked for residential development are a fundamental part of forward spatial planning and are applied as such to combat urban sprawl and ensure compact nodal development is achieved.</p>
1.2.6. The amount of open space planned for the development is too little and is unethical when planning a development of such high density.	<p>Given that the proposed is a private development, one cannot misinterpret the provision of green open space for the only open space allocated to the future residents.</p> <p>The design of the development is such that the roads form a part of the open areas for pedestrians, for children to be active outside and to allow for free movement and therefore surveillance of the properties by all of the neighbours.</p> <p>A landscaping plan, showing the private open space, has been approved by Heritage Western Cape and provided to Municipality.</p>
1.2.7. The architectural style of the development should not affect the "look and feel" of the area.	<p>The development has been designed to be sympathetic to the local vernacular. The dwellings are terraced and will appear as houses with pitched roofs so as not to disturb the character of the village.</p> <p>The architectural style of the development has been validated by the heritage authority.</p>

1.2.8. Landscaping is required on the Helshoogte Road boundary to mitigate any visual impact.	<p>The property boundary is located approximately 18m from the sidewalk on Helshoogte Road, and the closest dwelling a further 6,5m internal setback from the property boundary applies.</p> <p>The visual impact from Helshoogte road is therefore considered to be negligible given that other dwellings along the road are located much closer (&gt;10m).</p> <p>Landscaping design, approved by Heritage Western Cape, is to be implemented on the property.</p>
<b>1.3. Traffic Impacts</b>	
1.3.1. Sonnestraal and Morgenster Streets are expected to not be able to carry the traffic of the new development. The addition of 36 vehicles to the queue to enter Helshoogte Road will cause congestion.	<p>A traffic impact statement was prepared in respect of the development's impact on the surrounding road network.</p> <p>The professional traffic engineers have confirmed that the Helshoogte Road/Sonnestraal Street intersection (the study intersection) would continue operating at good levels of service with the additional trips generated by the development.</p>
1.3.2. That a traffic study is awaited.	A traffic study was conducted and has been provided to the Municipal engineers for their perusal and in principal approval.
1.3.3. The addition of the proposed development and a forthcoming development by MAM developers will impact heavily on traffic congestion ( $\pm 140$ additional vehicles)	The TIS has confirmed that, with the addition of the development, the surrounding road network will continue to operate at a good level of service.
1.3.4. The property is accessed from a class 5 residential access street. In terms of access standards, this is not acceptable.	<p>No upgrades were required by the Municipal and Provincial engineers for the proposed development.</p> <p>The TIS has confirmed that no upgrades to surrounding roads are required as a result of the development.</p>
1.3.5. A single access and exit point is not sufficient to provide for the development without causing conflict to neighbouring properties.	<p>Sufficient stacking (6m) before the entrance gate is provided per the TIS and Municipal engineering requirements so that no conflict occurs while vehicles access the property.</p> <p>Parking bays at the entrance provide a place for vehicles not permitted access to safely vacate the entrance area.</p>
<b>1.4. Housing Need</b>	
1.4.1. That 15% of the plots be allocated for sale need to be affordable and sold to locals. The area has its own housing needs and therefore local residents must have a stake in buying property in the area.	The dwelling sizes and types are aimed to be affordable and aimed at local residents and upwardly mobile purchasers in the greater Stellenbosch area.
1.4.2. The proposed dwellings are not conducive to families, only to couples. What market is the developer targeting, which price range?	<p>The site development plan (drawings 100-06 &amp; 100-07) refers. All units are two-bedroom, with options for three bedroom units three bedroom units on unit types C – F.</p> <p>The units therefore cater for couples and small families looking for a secure estate and potentially for retirees looking for a "lock-up-and-go" home in a scenic environment.</p>
<b>1.5. Infrastructure and services</b>	

1.5.1. Will bulk sewage be sufficient for the development?	GLS Engineers, the municipal engineering consultants, have confirmed that the existing sewer system has sufficient capacity to accommodate the development. See the GLS services report, section 2.3.  The upgrades to the Pniel WWTW are ongoing and are expected to be complete by the time that the development goes to market.
<b>1.6. Other concerns/ requests</b>	
1.6.1. The community has requested a meeting with the applicant, developer and owner of properties as a village.	During the Municipal Planning Tribunal Meeting, the community will be afforded an opportunity to represent their concerns.
1.6.2. Abutting property owners did not receive registered letters as prescribed by legislation.	Registered letters were sent by the applicant to surrounding owners' officially recorded addresses.  Furthermore, at the request of certain interested and affected parties, copies of the registered letter were again forwarded by email.  Email records form part of the portfolio of evidence.
1.6.3. The development represents a path that offers short term financial profits for the developer and no appreciation for sustainable development imperatives.	Increasing the range of available residential opportunities in Johannesdal, especially in a more affordable range is considered to be a move toward a more sustainable and equitable development environment.  Even more so as the proposal is located in an area earmarked by the Municipality as having development potential, the considerations of the Municipality's population as a whole must be considered.  The development of unutilised land is well known to have a positive effect on property values in an area.

## 2. Response to Departmental Comment

### 2.1. Municipal Engineering Comment

Comment was received from the Municipal engineers and transport engineers, dated 12 June 2018.

The engineering comment is extracted and responded to (in ***bold italics***) as follows:

2.1.1. "The GLS report confirms that there is sufficient capacity in the water and sewer networks to accommodate the proposed development. However, the Pniel WWTW does not have any spare capacity for new developments. The implementation of the development cannot be supported unless the capacity at the WWTW is created. Consultants have been appointed and the project is currently in design phase. Completion of the project to accommodate sewage from new developments is dependent on whether sufficient budget will be allocated to the construction phase of the project, the contractor's adherence to the programme etc. and is estimated to be in June 2021. This will be included as a development condition, should the development be approved.

***The department's comment is noted. It is our understanding that the completion of the project remains estimated for June 2021 with a small possibility that it may be complete by the end of 2020. The conditional approval of the department is accepted.***

- 2.1.2. "Consulting Engineer to submit a conceptual layout plan, indicating the basic engineering information such as layout of services, connections to existing systems, road reserve and blacktop widths, servitudes required, etc."

*Engineering layout plans have been provided to the Municipal engineers (Mr Tyrone King and Mr Nigell Winter) whom have provided in-principle approval. Their comment is attached as appendix A to this letter.*

*The accepted engineering drawing will be formally submitted to the engineers for approval at such time as the land use process is concluded.*

- 2.1.3. "Indicate Stacking distance at access gate. Municipal guideline is: 6m < 15 units or 12m (15-40 units)."

*Mr Nigell Winter of the Municipal traffic engineering branch has supported the proposed road layout with 12m stacking before the access gate, the final engineering comment refers. A copy of the most recent SDP has been submitted to the Municipality to update their records.*

- 2.1.4. "Indicate entrance width at access. Municipal guideline is: 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."

*A 5,5m wide combined entrance/exit is provided, which is wide enough for Municipal emergency vehicles to access the property through the proposed sliding gate. The Municipal traffic engineering branch has supported the proposed road layout, appendix A refers.*

- 2.1.5. "Indicate how vehicles that do not get immediate access to the development will be accommodated so that they do not hold up traffic behind them. Municipal guideline: 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"

*2 parking bays have been provided outside of the access gate to accommodate vehicles not granted access to the development, the revised SDP refers. This is determined to be to the satisfaction of the Municipal traffic engineering branch, appendix A refers.*

- 2.1.6. "A traffic study must be provided."

*A traffic study was conducted and provided to the Municipal engineers for comment. The TIS has been provided to the Municipal engineers to their satisfaction and to the Municipal town planners.*

- 2.1.7. "Minimum road standards: Amend the SDP accordingly and clearly indicate on SDP as well as engineering layout drawing:

- Access Road linking development to Sonnestraal Road. Minimum standard: 5m roadway width.
- Internal Roads – 10m RR, 5.5m roadway width.
- Cul de sacs – 8m RR, 4.5m roadway width.
- 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 – indicate the refuse bay along the Morgenster Road, where the refuse room is located.
- Refuse bay should be accessible from the street – indicate position of the refuse room door to this effect."

*The revised SDP incorporates the requirements of the traffic engineering branch. It was agreed that internal road reserves would be a uniform 8m wide with blacktop widths that vary for the access road (5.5m), internal streets (5.0m) and cul-de-sacs (4.5m). Appendix A refers.*

- 2.1.8. Manager: Roads and SW, Johan Fullard, confirms that the proposed connections to the 600mm line in Helshoogte and the 450mm SW connection Sonnestraal Rd is acceptable."

**Noted.**



## 2.2. State Department Comment

State and Government Departments were afforded 60-days to comment on the application. During this time, comment was received from the Western Cape Government: Road Network Management Department, the Western Cape Government: Department of Environmental Affairs and Development Planning and Heritage Western Cape (the provincial heritage resources authority).

The Western Cape Government: Road Network Management department offered *no objection* to the proposed applications for rezoning, subdivision and departures, which is noted.

The Department of Environmental Affairs and Development Planning have noted that the application *does not* constitute any of the listed activities of the National Environmental Management Act Regulations, 2014.

A notification of intent to develop was submitted to Heritage Western Cape, which prompted the requirement for a determination of impacts that the development might have on heritage resources. A suitably qualified heritage impact practitioner was appointed to carry out the required section 38(3) Heritage Impact Assessment.

On 4 March 2020, after a process of internal input and changes to the development layout, Heritage Western Cape approved the development and endorsed the revised SDP and landscape plan which form a part of the submitted portfolio of evidence.

A copy of the Heritage record of decision forms a component of the portfolio of evidence under the external state departmental comment section.

## 3. Conclusion

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The application was advertised according to the Municipality's notification policy for the allotted time periods for public and state department input. Public comment was received in the form of three objections and a petition signed by a number of surrounding property owners and residents of the area. The objections pertained to impacts on character of Johannesdal, density concerns and the objector's concerns regarding increased traffic congestion.

It was established in the afore going section 1 that the density of the development is both in line with Municipal forward planning and with the proposed zoning of the property. The development will offer an alternative housing typology in Johannesdal, augmenting the existing housing supply in an area specifically earmarked for incremental densification by the Stellenbosch Spatial Development Framework.

Care has been taken to design the development to both fit with the local vernacular, appearing similar to the development to the northwest of erf 3 on Sonskyn Street, and to allow for sufficient space for vehicles accessing the property to not interrupt with normal vehicle movement, ensuring the development does not negatively affect the surrounding area.

The development offers an opportunity to provide densification in an urban context, thereby combatting urban sprawl and furthering the Municipality's goals of creating well planned and connected urban nodal development. It also provides upwardly mobile residents of the Municipality (and the local area) with the prospect of affordable residential stock in the Pniel/Johannesdal area.

The application is supported from a Provincial and Municipal transport engineering perspective. Municipal engineering have supported the development subject to the finalisation of the Pniel WWTW upgrade project, however this does not preclude the development from land use approval, section 2.1.1 (above) refers.

Heritage Western Cape have approved the development and Heritage Impact Assessment, and the SDP and landscaping plan have been endorsed in their approval.

Yours faithfully



Tristan Sandwith  
HEADLAND PLANNERS

JD3  
May 2020

**ANNEXURE H: COMMENT FROM HERITAGE WESTERN CAPE**

Our Ref: HM/CAPE WINELANDS/STELLENBOSCH/JOHANNESDAL/ERF 3  
 Case No.: 18091210AS0926M  
 Enquiries: Andrew September  
 E-mail: [andrew.september@westerncape.gov.za](mailto:andrew.september@westerncape.gov.za)  
 Tel: 021 483 9543  
 Date: 04 March 2020

Lize Malan  
 PO Box 3421  
 Matieland  
 7602



ILifa leMveli  
 Erfenis  
 Heritage

#### FINAL DECISION

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

**HERITAGE IMPACT ASSESSMENT (REVISED SDP): PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 3, JOHANNESDAL, STELLENBOSCH, SUBMITTED IN TERMS OF SECTION 38(8) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)**

**CASE NUMBER: 18091210AS0926M**

The matter above has reference. Heritage Western Cape is in receipt of your application. This matter was discussed at the Impact Assessment Committee (IACOM) held on 4<sup>th</sup> December 2019.

#### RECORD OF DECISION

The Committee resolved to approve the proposal as the concerns previously raised have been addressed.

The SDP plan drawing number 100-01 to 100-08 dated 21/01/2020 and landscaping plan drawing number RBLD206 dated 22/01/2020 are to be stamped by HOMs.


#### **NOTE:**

- This decision is subject to an **appeal period of 14 working days**.
- The applicant is required to inform any party who has expressed a bona fide interest in any heritage-related aspect of this record of decision. 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.
- **Work may NOT be initiated during this 14 working day appeal period.**
- If any archaeological material or evidence of burials is discovered during earth-moving activities all works must be stopped and Heritage Western Cape must be notified immediately.
- This approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

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.

Yours faithfully

  
 Dr Mxolisi Dlamuka  
 Chief Executive Officer, Heritage Western Cape

[www.westerncape.gov.za/cas](http://www.westerncape.gov.za/cas)

Street Address	• E-mail	• Postal Address
• Tel		
Straatadres	• E-pos	• Posadres
• Tel		
Idilesi yendawo		• Idilesi yeposi

Our Ref: HM/CAPE WINELANDS/STELLENBOSCH/PNIEL/ERF 3 JOHANNESDAL  
 Case No.: 18091210AS0926E  
 Enquiries: Andrew September  
 E-mail: [andrew.september@westerncape.gov.za](mailto:andrew.september@westerncape.gov.za)  
 Tel: 021 483 9543  
 Date: 03 October 2018



Lize Malan  
 PO Box 3421  
 Matieland  
 7602  
[lize@lize-malan.co.za](mailto:lize@lize-malan.co.za)

**RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: HIA REQUIRED**  
**In terms of Section 38(2) 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 ERF 3 JOHANNESDAL, PNIEL, STELLENBOSCH, SUBMITTED IN TERMS OF SECTION 38(2) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)**

**CASE NUMBER: 18091210AS0926E**

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received on 26 September 2018. This matter was discussed at the Heritage Officers meeting held on 01 October 2018.

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:

- Visual impacts of the proposed development on the cultural landscape and the urban morphology of Johannesburg and Pniel

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

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.

Yours faithfully

.....  
 Dr Mxolisi Dlamuka  
 Chief Executive Officer, Heritage Western Cape

[www.westerncape.gov.za/eas](http://www.westerncape.gov.za/eas)

Street Address

• Tel

Streetadres

• E-mail

• Postal Address

• Posadres

**ANNEXURE I:** COMMENTS FROM THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING



Directorate: Development Management  
(Region 1)

**REFERENCE:** 16/3/3/6/B4/45/1175/18  
**ENQUIRIES:** Samornay Smidt  
**DATE:** 2018 -09- 14

The Board of Directors  
Headland Planners  
508 Wembley Square  
Gardens  
**CAPE TOWN**  
8001

**Attention: Mr Tristan Sandwith**

Tel: (082) 449 1801  
Fax: (086) 617 4143

Dear Sir

**APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED REZONING, SUBDIVISION AND PERMANENT DEPARTURE ON ERF NO. 3, JOHANNESDAL, STELLENBOSCH**

1. The document and the letter dated 7 June 2018, as received by the Department on 13 June 2018, refer.
2. This letter serves as an acknowledgement of receipt of the correspondence by this Department.
3. According to the information contained in the aforementioned correspondence this Department notes the proposal entails the following:
  - 3.1 The rezoning of Erf 3 from Residential Zone I to Subdivisional Area Overlay Zone.
  - 3.2 The subdivision of Erf 3 into 41 portions and a remainder;
  - 3.3 A departure application in terms of Section 15(2)(b) of the Stellenbosch Municipal Planning By-Law, 2015:
    - 3.3.1 0m in lieu of 3m from the southern common boundary,
    - 3.3.2 0.8m in lieu of 3m from the northern common boundary; and
    - 3.3.3 2.8m in lieu of the 5m statutory street building line with the R310.
  - 3.4 The site may contain Boland Granite Fynbos, which is classified as a vulnerable vegetation type.

6<sup>th</sup> Floor, 1 Dorp Street, Cape Town, 8001  
Tel: +27 21 483 5828/4349 Fax: +27 21 483 3098  
E-mail: [Samornay.Smidt@westerncape.gov.za](mailto:Samornay.Smidt@westerncape.gov.za)

Private Bag X9086, Cape Town, 8000  
[www.westerncape.gov.za/eadp](http://www.westerncape.gov.za/eadp)

4. Your attention is therefore drawn to the listed activities in terms of the NEMA EIA Regulations 2014 (as amended) as defined in terms of Listing Notice 1, 2 & 3. Be advised that, based on the information provided, the proposed rezoning, subdivision and departure application **do not** constitute any listed activities as defined in the NEMA EIA Regulations, 2014 (as amended).
5. However, should any revision of the proposed development constitute a listed activity(ies) in terms of the NEMA EIA Regulations, 2014 as defined in terms of Listing Notice 1, 2 & 3 an application must be submitted and environmental authorisation obtained before such activity(ies) may commence.
6. The applicant is reminded of his/her general duty of care and the remediation of environmental damage, Section 28(1) of NEMA specifically states that – "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."
7. The applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.
8. The Department reserves the right to revise or withdraw comments or request further information based on any information received.

Yours faithfully



**HEAD OF COMPONENT**

**ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Cc: (1) S v/d Merwe (Stellenbosch Municipality)

Email: Schalk.VanderMerwe@stellenbosch.gov.za



**ANNEXURE J: COMMENT FROM DEPARTMENT OF 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: 16/9/6/1-25/265 (Job 26181)****ENQUIRIES: Ms GD Swanepoel****DATE: 20 July 2018**

Director: Planning and Economic Development  
 Stellenbosch Municipality  
 PO Box 17  
**STELLENBOSCH**  
 7599

Attention: Ulrich von Molendorff

Dear Sir,

**ERF 3 JOHANNESDAL: APPLICATION FOR REZONING, SUBDIVISION AND PERMANENT DEPARTURE**

1. Letter from Headland Town Planners, ref. Erf 3 Johannesdal, Stellenbosch Municipality Application no. LU/7472, refers.
2. Erf 3, Johannesdal is located to the north of Sonnestraal Street, with Morgenster Road to the west (ie. up-slope from the site) and Main Road 172 (the R310 Helshoogte Road) to the east (ie. down-slope). The property is accessed by way of an unnamed 10m panhandle parallel to Morgenster Road and connecting with Sonnestraal Street.
3. Sonnestraal Street meets Main Road 172 at a T-intersection  $\pm 75\text{m}$  to the east of the proposed panhandle access road. The intersection is slightly raised and is brick-paved. The speed limit is 60 km/h and the visual/tactile features tend to keep speeds within the designated speed limit.
4. The application is for:
  - 4.1 Rezoning to subdivisional area (residential zone III, private road and private open space);
  - 4.2 Subdivision into 41 portions (36 residential lots) and remainder;
  - 4.3 Departures from the usual building lines in respect of the northern and southern boundaries (a municipal decision) and a 2.8m building line along Main Road 172 (but no direct access onto Main Road 172).

5. This Branch offers no objection to the proposed rezoning, subdivision and departures as detailed in Paragraph 3 above in respect of Erf 3 Johannesdal.

Yours faithfully



**For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT**

**ENDORSEMENTS**

1. Stellenbosch Municipality  
Attention: Mr Ulrich von Molendorff (e-mail)
2. Headland Town Planners  
Attention: Mr Tristan Sandwith (e-mail: [tristan@headland.co.za](mailto:tristan@headland.co.za))
3. District Engineer  
Paarl
4. Mr ML Watters (e-mail)
5. Mr H Thompson (e-mail)

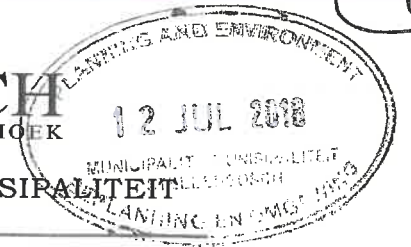
**ANNEXURE K: COMMENT FROM THE MANAGER: SPATIAL PLANNING**



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT



*Spatial Planning, Heritage and Environment*

**To : Head: Customer Interface & Administration (A Hardouin)**  
**From : Manager: Spatial Planning, Heritage & Environment**  
**Date : 9 July 2018**  
**Re : Application for rezoning, subdivision and departures on Erf 3, Johannesdal**

I refer to your request for comment on the above application.

**1) Opinion / reasoning:**

In terms of the approved MSDF for Stellenbosch Municipality, the subject property is located within the approved urban edge of Johannesdal and infill development and densification is encouraged in terms of the MSDF.

**2) Supported / not supported:**

In principle, this department therefore supports the application, subject to the following conditions:

**3) Conditions:**

- An application is triggered in terms of Section 38 of the National Heritage Resources Act, 1999 (Act 25 of 1999), as the proposed development will change the character of the site and exceeds 5000m<sup>2</sup> in extent. An application should therefore be submitted to Heritage Western Cape;

*PP-Bennings*

B de la Bat

**MANAGER: SPATIAL PLANNING, HERITAGE AND ENVIRONMENT**

FILE NO:	E 3 JD
DATE:	
BY:	
598 270	

**ANNEXURE L: COMMENT FROM THE MANAGER: ELECTRICAL  
DEPARTMENT**



**ELECTRICITY SERVICES: CONDITIONS OF APPROVAL**  
**JD Pniel erf 3****GENERAL COMMENT:**

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

**CONDITIONS**

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

Bradley Williams  
021 808 8336

  
Signature

  
Date

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



126

# MEMO

4

DIRECTORATE: INFRASTRUCTURE SERVICES  
DIREKTORAAT: INFRASTRUKTUURDIENSTE

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

**FOR ATTENTION** : **Nicole Katts**

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

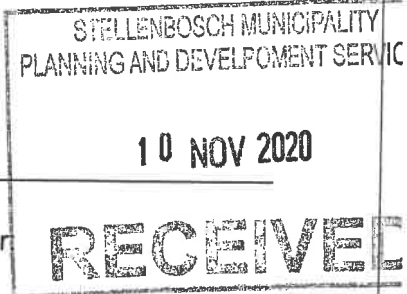
**AUTHOR** : **Tyrone King**

**DATE** : **5 November 2020**

**RE.** : **Erf 3, Johannesdal: Rezoning and Subdivision – for the development of 35 townhouse units**

**YOUR REF** : **LU/7472**

**OUR REF** : **CIVIL LU 1651**



Details, specifications and information reflected in the following documents refer

- Proposed Subdivision Plan Figure 3/02/03, dated March 2020 by headland Planners;
- Site Plan; Drawing No 100-01 Rev 0, by Axion Architects
- Traffic Impact Statement by Sturgeon Consulting dated 20 February 2020;
- GLS Water and Sewer capacity report dated 18 January 2018;
- Proposed Civil Engineering Services Layout Drawing No 17172-C-007 Rev A by Lyners;

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

- Total Units: 35 Townhouses

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

FILE NR:	
SCAN NR:	E 3 JB
COLLABORATOR NR:	697587

**PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL**

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

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

**A. Definitions**

1. that the following words and expressions referred to in the development conditions, shall have the meanings hereby assigned to except where the context otherwise requires:
  - (a) "*Municipality*" means the STELLENBOSCH MUNICIPALITY, a Local Authority, duly established in terms of section 9 of the Local Government Municipal Structures act, Act 117 of 1998 and Provincial Notice (489/200), establishment of the Stellenbosch Municipality (WC024) promulgated in Provincial Gazette no. 5590 of 22 September 2000, as amended by Provincial Notice 675/2000 promulgated in Provincial Gazette;
  - (b) "*Developer*" means the developer and or applicant who applies for certain development rights by means of the above-mentioned land-use application and or his successor-in-title who wish to obtain development rights at any stage of the proposed development;
  - (c) "*Engineer*" means an engineer employed by the "*Municipality*" or any person appointed by the "*Municipality*" from time to time, representing the Directorate: Infrastructure Services, to perform the duties envisaged in terms of this land-use approval;
2. that all previous relevant conditions of approval to this development application remain valid and be complied with in full unless specifically replaced or removed by the "*Engineer*";

**B. Recommendation:**

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

## PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL

**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. **Pniel WWTW (Waste Water Treatment Works):** The proposed development falls within the catchment area of the existing Pniel WWTW (Waste Water Treatment Works). There is currently insufficient capacity at the WWTW for the proposed development. However, the Municipality is currently busy with the upgrading of the WWTW to create spare capacity. The current estimated completion date for the project is **December 2021**. This date is however subject to change, based on Contractor's performance and other factors. Clearance for the development will only be given when the WWTW upgrade has been completed.
  - b. **Water Network:** There is sufficient capacity in the bulk water reticulation network to accommodate the proposed development and:
    - i. The development will connect to the existing municipal water line in Sonnestraal Street. Details and the final position of the connection point will be approved by the Municipality when construction drawings for the services are approved. This link water pipeline will be for the Developers cost.
  - c. **Sewer Network:** There is sufficient capacity in the bulk sewer reticulation network to accommodate the proposed development and:
    - i. The Development may connect to the existing sewer line along Helshoogte Road. Details and the final position of the connection point will be approved by the Municipality when construction drawings for the services are approved.
    - ii. The sewer connection and any alterations to the existing municipal network necessitated by the new development will be for the Developers cost.

**PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL**

d. **Roads and NMT Network:** There is sufficient capacity in the external roads network to accommodate the proposed development and:

- i. Any conditions by the provincial roads authority (the Helshoogte Road authority) will be applicable before clearance is issued.
- ii. The Developer will be responsible for the construction of the access road from Sonnestraal Road to the entrance of the development with the following minimum standards: 5.5m blacktop; 1.8m paved/tarred sidewalk on one side of road, with associated storm water infrastructure. The final details and the final position of the connection point will be approved by the Municipality when construction drawings for the services are approved. This road will be for the Developer's own cost.

The construction of the road shall include a 160mm diameter minimum sewer line, to accommodate the drainage of the erven on the western side of the access road, and to prevent digging up the road in future. The consulting engineer must investigate if the site levels will allow a gravity line. The cost of this sewer line can be offset from DCs.

- iii. The densification will trigger the need for formal NMT infrastructure. Therefore, the Developer must at his cost complete the sidewalk link (1.8m wide) incl any associated stormwater items as follows (**See Annexure NMT**):
  - Along the eastern side of Morgenster Road between Sonskyk Street and Sonnestraal Road.
  - Along the northern side of Sonnestraal Road between Morgenster Road and Helshoogte Road.

e. **Stormwater Network:**

- i. that the consulting engineer, appointed by the "Developer", analyses the existing stormwater systems and determine the expected stormwater run-off for the proposed development, for both the minor and the major storm event. Should the existing municipal stormwater system not be able to accommodate the expected stormwater run-off, the difference between the pre- and post-development stormwater run-off must be accommodated on site, or the existing system must be upgraded to the required capacity at the cost of the "Developer" and to the standards and satisfaction of the

**PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL**

Directorate: Infrastructure Services. The aforementioned stormwater analysis is to be submitted concurrent with the detail services plans for approval;

**f. Solid Waste:**

- i. The Municipality will provide a solid waste removal service, unless agreed otherwise in writing the Solid Waste Department;
  - ii. For large spoil volumes from excavations, to be generated during the construction of this development, will not be accepted at the Stellenbosch landfill site. The Developer will have to indicate and provide evidence of safe re-use or proper disposal at an alternative, licensed facility. This evidence must be presented to the Manager: Solid Waste (021 808 8241; [clayton.hendricks@stellenbosch.gov.za](mailto:clayton.hendricks@stellenbosch.gov.za)), before building plan approval and before implementation of the development. Clean rubble can be utilized by the Municipality and will be accepted free of charge, providing it meets the required specification.
5. that the upgrades mentioned above be met by the "Developer" before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates (whichever comes first) will be given;

**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;
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;



**PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL**

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 1 936 006. 85** (Excluding VAT) as reflected on the DC calculation sheet, dated **2 November 2020**, and attached herewith as **Annexure DC**, be paid by the "*Developer*" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy.
11. that the Development Charges levy be paid by the "*Developer*" per phase –
  - prior to the approval of Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law in all cases and or;
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 **35** units, or which might lead to an increase in the Gross Leasable Area i.e. a GLA of more than **0** m<sup>2</sup>, 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;

**Site Development Plan**

14. that provision be made for a stacking distance of 12m between the erf boundary and that sliding gate, as indicated on the SDP;
15. that an entrance and exit widths of minimum 5. 810m (unobstructed) be created at the vehicle access points, as indicated on the SDP;
16. that, a minimum of 2 visitor's parking bays be provided on site, but outside the entrance gate, for vehicles not granted access to the development;
17. that provision be made for a refuse room as per the specification of the standard development conditions below – the general position of the refuse room on the SDP is acceptable – the exact position and details must be determined in conjunction with the Municipality at detail design stage;

**PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL**

18. that if the "Developer" reaches agreement with the Municipality to remove the waste by private contractor, provision must still be made for a refuse room should this function in future revert back to the "Municipality";
19. that provision be made for a refuse embayment along Morgenster Street to accommodate refuse removal – as indicated on the SDP. (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;
20. that any amendments to cadastral layout and or site-development plan to accommodate the above requirements will be for the cost of the "Developer" as these configurations were not available at land-use application stage;

**Ownership and Responsibility of services**

21. that it be noted that as per Proposed Subdivision Plan Figure 3/02/03, dated March 2020 by headland Planners, 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;
22. The access road between Sonnestraal Road and Erf 3, will be a public road and maintained by the Municipality;

**Internal- and Link Services**

23. 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;
24. Any alterations to existing services necessitated by the new development will be for the Developer's cost;

**Bulk Water Meter**

25. 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;

## PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL

Roads

26. that the "Developer", at his/her cost, implement the recommendations of the approved Traffic Impact Statement by Sturgeon Consulting dated 20 February, 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 TIS is in conflict with one of the conditions of approval, the conditions of approval shall govern;

Electricity

27. 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:**

28. 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;
29. 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;
30. 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

## PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL

commence on the date that the installation of services to the development are commenced with and shall expire after completion of the maintenance period.

31. that the "*Developer*" must ensure that he / she has an acceptable public liability insurance policy in place;
32. 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;
33. 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;
34. that the General Conditions of Contract for Construction Works (GCC) applicable to all civil engineering services construction work related to this development, will be the SAICE 3<sup>rd</sup> Edition (2015);
35. Should the "*Developer*" wish to discuss the possibility of proceeding with construction work parallel with the provision of the bulk services listed above, he must present a motivation and an implementation plan to the "*Engineer*" for his consideration and approval. The implementation plan should include items like programmes for the construction of the internal services and the building construction. Only if the programme clearly indicates that occupation is planned after completion of the bulk services, will approval be considered. If such proposal is approved, it must still be noted that no occupation certificate will be issued prior to the completion and commissioning of the bulk services. Therefore should the proposal for proceeding with the development's construction work parallel with the provision of the bulk services be agreed to, the onus is on the "*Developer*" to keep up to date with the status in respect of capacity at infrastructure listed above in order for the "*Developer*" to programme the construction of his/her development and make necessary adjustments if and when required. **The Developer is also responsible for stipulating this condition in any purchase contracts with buyers of the properties;**
36. 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;

**PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL**

- 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**

- 37. that it is recognized that the normal Site Development Plan, submitted as part of the land-use application, is compiled during a very early stage of the development and will lack engineering detail that may result in a later change of the Site Development Plan. Any later changes will be to the cost of the “Developer”;
- 38. 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;

**PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL**

39. 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;
40. 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**

41. 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;
42. 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;
43. 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;
44. 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;
45. that construction of services may only commence after municipal approval has been obtained;
46. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "Engineer";
47. 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

**PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL**

- shall be generally in accordance with this document, unless otherwise agreed with the Engineer. The said document is available in electronic format on request;
48. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal – and external services;
  49. that all the internal civil services (water, sewer and stormwater), be indicated on the necessary building plans for approval by the Directorate: Infrastructure Services;
  50. 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;
  51. 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);
  52. 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;
  53. 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;
  54. that the "Developer" shall adhere to the specifications of Telkom (SA) and or any other telecommunications service provider;
  55. that the "Developer" shall be responsible for the cost for any surveying and registration of servitudes regarding services on the property;
  56. 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;



**PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL**

57. 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".
58. that the developer takes cognizance of applicable tariffs by Council in respect of availability of services and minimum tariffs payable;
59. 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**

60. 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;
61. 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;
62. that the "Developer" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party before final approval of engineering drawings be obtained.

**Stormwater Management**

63. 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

**PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL**

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.

64. 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;
65. 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;
66. 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;
67. 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;
68. that the consulting engineer, appointed by the "*Developer*", analyses the existing stormwater systems and determine the expected stormwater run-off for the proposed development, for both the minor and the major storm event. Should the existing municipal stormwater system not be able to accommodate the expected stormwater run-off, the difference between the pre- and post-development stormwater run-off must be accommodated on site, or the existing system must be upgraded to the required capacity at the cost of the "*Developer*" and to the standards and satisfaction of the Directorate: Infrastructure Services. The aforementioned stormwater analysis is to be submitted concurrent with the detail services plans;
69. that for larger developments, industrial developments or developments near water courses a stormwater management plan for the proposed development area, for both the minor and major storm events, be compiled and submitted for approval to the Directorate: Infrastructure Services.

**PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL**

70. 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;
71. 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.
72. that no overland discharge of stormwater will be allowed into a public road for erven with catchment areas of more than 1500m<sup>2</sup> and for which it is agreed that no detention facilities are required. The "Developer" needs to connect to the nearest piped municipal stormwater system with a stormwater erf connection which may not exceed a diameter of 300mm.

**Roads**

73. 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;
74. that no access control will be allowed in public roads;
75. 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;
76. that each erf has its own access (drive-way), *(the new access(es) (dropped kerb(s)) to the proposed parking bays be)* constructed to standards as set out by the the Directorate: Infrastructure Services and in line with the Road Access Guideline;

**Wayleaves**

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

**PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL****Owner's Association (Home Owner's Association or Body Corporate)**

80. 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;
81. 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;
82. 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;
83. 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;
84. 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**

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

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

- Procedures should be stipulated for the collection and sorting of recyclable materials;
- Provision should be made for centralized containers for recyclable materials including cardboard, glass, metal, and plastic and green waste;
- A service provider should be appointed to collect recyclable waste. Such service provider must be legally compliant in terms of all Environmental Legislation and/or approved by the Municipality's Solid Waste Management Department;

**PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL**

- 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
86. 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;
87. that the "Developer" must apply and get approval from the Municipality's Solid Waste Department for a waste removal service prior to clearance certificate or occupation certificate (where clearance not applicable). Contact person: Senior Manager: Solid Waste (021 808 8241; clayton.hendricks@ Stellenbosch.gov.za)
88. 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);
89. that if the "Developer" removes the waste by private service provider, provision must still be made for a refuse room should this function in future revert back to the "Municipality";
90. 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;
91. Access shall be provided with a minimum travelable surface of 5 meters width and a minimum corner radii of 5 meters;

**PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL**

92. Road foundation shall be designed to carry a single axle load of 8.2 tons;
93. Refuse storage areas are to be provided for all premises other than single residential erven;
94. 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;
95. 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;
96. 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;
97. 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;
98. 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;
99. 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

100. 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;
101. 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

**PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL****102. Building specifications for refuse storage area:****Floor**

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

**Walls and Roof**

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

**Ventilation and Lighting**

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

**Water Supply and Drainage**

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

103. 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;
104. 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;
105. Any containers or compaction equipment acquired by the building owner must be approved by the Directorate: Infrastructure Services, to ensure their compatibility with the servicing equipment and lifting attachments;



**PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL**

106. Refuse should not be visible from a street or public place. Suitable screen walls may be required in certain instances;
107. Access must be denied to unauthorized persons, and refuse storage areas should be designed to incorporate adequate security for this purpose;
108. 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**

109. 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 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;

110. All relevant as-built detail, as reflected in the item above, of civil engineering services constructed for the development, must be submitted to the "*Engineer*" and approved by the "*Engineer*" before any application for Certificate of Clearance will be supported by the "*Engineer*";

**PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL**

111. 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;
112. 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;
113. 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**

114. 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;
115. that the "*Municipality*" reserves the right to withhold any clearance certificate until such time as the "*Developer*" has complied with conditions set out in this contract with which he/she is in default. Any failure to pay monies payable in terms of this contract within 30 (thirty) days after an account has been rendered shall be regarded as a breach of this agreement and the "*Municipality*" reserves the right to withhold any clearance certificate until such time as the amount owing has been paid;
116. that clearance will only be given per phase and the onus is on the "*Developer*" to phase his development accordingly;
117. **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;**
118. that any application for Certificate of Clearance will only be supported by the "*Engineer*" once all relevant as-built detail, as reflected in the item "AS-BUILT's" of this document, is submitted to the "*Engineer*" and approved by the "*Engineer*".

**PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL****Avoidance of waste, nuisance and risk**

119. Where in the opinion of the "Municipality" a nuisance, health or other risk to the public is caused due to construction activities and/or a lack of maintenance of any service, the "Municipality" may give the "Developer" and or OWNER'S ASSOCIATION written notice to remedy the defect failing which the "Municipality" may carry out the work itself or have it carried out, at the cost of the "Developer" and or OWNER'S ASSOCIATION.

**Damage to municipal infrastructure and assets**

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

**Streetlighting**

121. 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";
122. 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;
123. 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;
124. Any defect with the street lighting services constructed by the "Developer" which may occur during the defects liability period of 12 (TWELVE) months and which occurs as a result of defective workmanship and/or materials must be rectified immediately / on the same day the defect was brought to the attention of the consulting electrical engineer, appointed by the "Developer". Should the necessary repair work not be done within the said time the "Municipality" reserves the right to carry out the repair work at the cost of the "Developer";

**PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL**

125. 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)**



**DEON LOUW**  
**DIRECTOR: INFRASTRUCTURE SERVICES**

**PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL**

**ATTACHMENT X**

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

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

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

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

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

For road layer shapefiles; the road name, the from\_street and to\_street where applicable as well as the start en end street numbers needs to be included as part of the attributes.

**PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL**

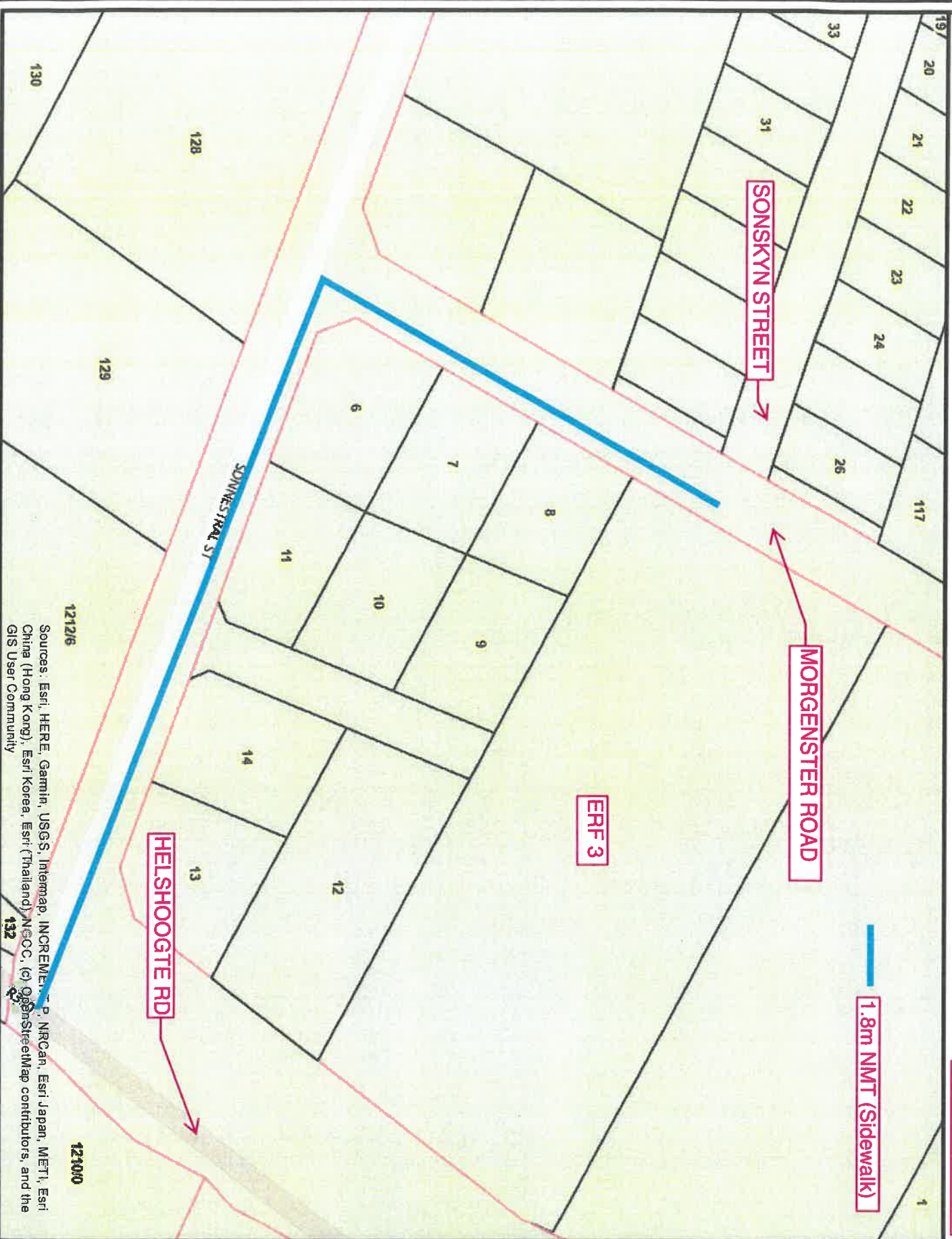
A rotation field needs to be added to give the street name the correct angle on the map.

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

**Stellenbosch Web Map**

**ANNEXURE NMT**



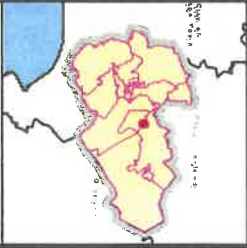
**1.8m NMT (Sidewalk)**

**ERF 3**

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENTAL P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

**SCALE**  
1:1 128,5

- Legend**
- Sport Facilities
  - Airfields
  - Street
  - Railways
  - Sectional Schemes



Stellenbosch Municipality  
Planning & Economic Development  
Created by: Corporate GIS  
Date: 2020/1/10 4

Author: Stellenbosch Municipality



Stellenbosch Municipality  
Street Address:  
71 Plain Street, Stellenbosch, 7600  
Tel: 021 808 8658

This map is a printout of the Stellenbosch Web Map. It is not a legal document. It is intended for informational purposes only. It is not to be used for legal or other purposes. It is not to be used as a substitute for a professional survey or other official documents. It is not to be used for any other purpose. It is not to be used for any other purpose. It is not to be used for any other purpose.



## Stellenbosch Municipality - Development Charge Calculation



### APPLICATION INFORMATION

Application Number	Civil LU 1651 (LU/7472)
Date	Monday, 02/Nov/2020
Financial Year	2020/21
Erf Location	Dwarsrivier
Erf No	3, Johannesdal
Erf Size (m <sup>2</sup> )	
Suburb	
Applicant	
Approved Building Plan No.	• Proposed Subdivision Plan Figure 3/02/03, dated March 2020 by headland Planners

### SUMMARY OF DC CALCULATION

Units)	Water k/day	Sewer k/day	Storm-water ha°C	Solid-Waste t/week	Roads trips/day	Community Facilities Person	Totals
Total Increased Services Usage	21,000	17,500	0,630	1,400	113,75	113,8	
Total Development Charges before Deductions	R 434 163,92	R 515 747,97	R 59 706,20	R 62 505,38	R 407 529,85	R 456 353,53	R 1 936 006,85
Total Deductions							
Total Payable (excluding VAT)	R 434 163,92	R 515 747,97	R 59 706,20	R 62 505,38	R 407 529,85	R 456 353,53	R 1 936 006,85
VAT	R 65 124,59	R 77 362,20	R 8 955,93	R 9 375,81	R 61 129,48	R 68 453,03	R 290 401,03
Total Payable (including VAT)	R 499 288,51	R 593 110,17	R 68 662,13	R 71 881,19	R 468 659,33	R 524 806,56	R 2 226 407,88

### APPLICANT INFORMATION

Application Processed by:	Tyrone King
Signature	
Date	As above
Amount Paid:	
Date Payment Received	
Receipt Number	



**ANNEXURE N:** TRAFFIC IMPACT ASSESSMENT REPORT

**ERF 3 IN JOHANNESDAL, WESTERN  
CAPE**

**Traffic Impact Statement**

**for the**

**PROPOSED RESIDENTIAL DEVELOPMENT,  
JOHANNESDAL**

**Project No: STUR0274**

**February 2020**

**Final Report**

**PREPARED BY:**  
STURGEON CONSULTING (PTY) LTD  
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P/Bag x1  
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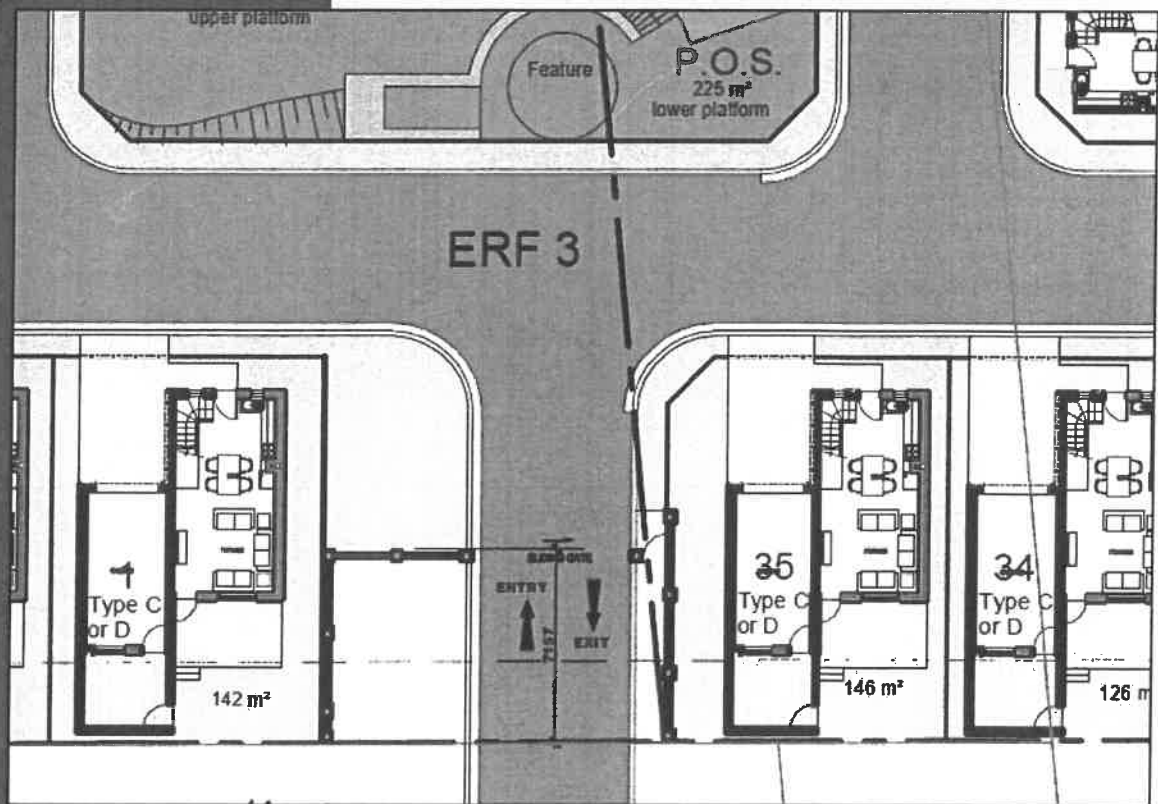
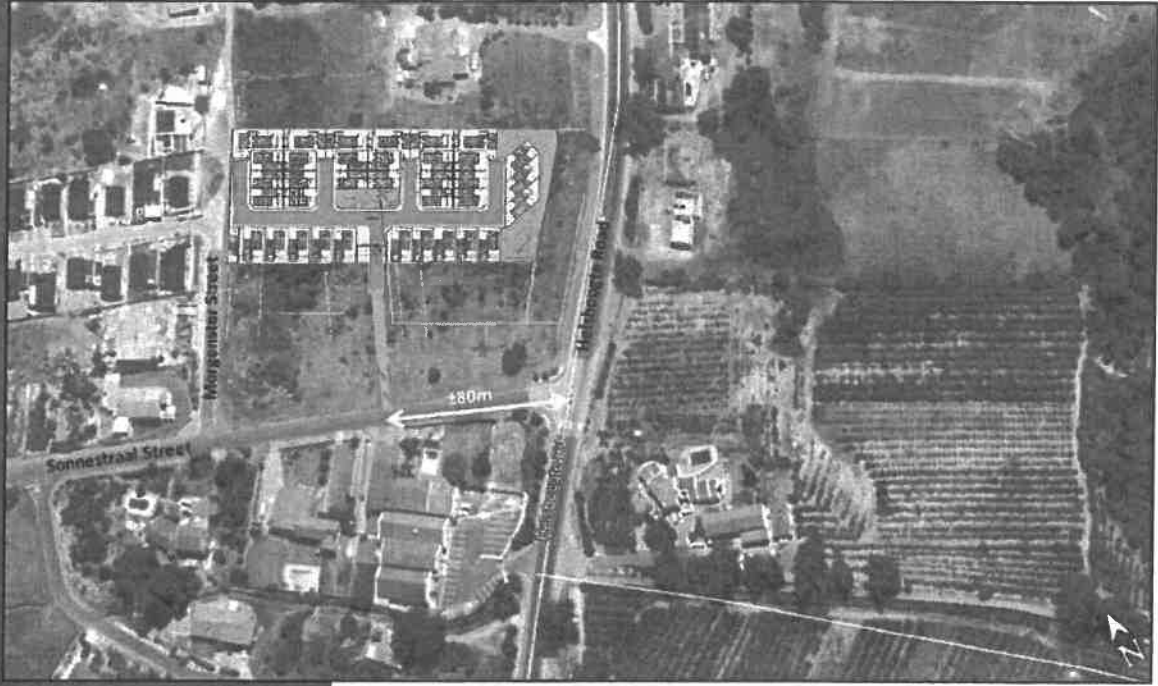
**PREPARED FOR:**  
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TRANSPORT PLANNING AND TRAFFIC ENGINEERING

	<ul style="list-style-type: none"> <li>• PM Peak Hour: 0.85 trips/dwelling unit (70:30)</li> </ul> <p>The estimated peak hour trips are summarised in Table 2.</p>
<p><b>14. Development Trips</b></p> <p><i>References: Figures 5 &amp; 6, Table 3</i></p>	<p>The total peak hour trips likely to be generated by the development in the AM and PM peak hours are:</p> <ul style="list-style-type: none"> <li>• 30 total AM trips (7 inbound 23 outbound)</li> <li>• 30 total PM trips (21 inbound 9 outbound)</li> </ul>
<p><b>15. Trip Distribution</b></p>	<p>The development traffic for the proposed development has been distributed on the surrounding road network taking the following into account:</p> <ul style="list-style-type: none"> <li>• Present traffic conditions</li> <li>• The nature of the development being residential</li> </ul> <p>Based on the location of the proposed development and traffic patterns on the surrounding network the following distribution was used to assign the development traffic to the surrounding network during the AM peak hour:</p> <ul style="list-style-type: none"> <li>• 40% to/from north along Helshoogte Road</li> <li>• 60% to/from south along Helshoogte Road</li> </ul> <p>For the PM peak hour, the following distribution was used:</p> <ul style="list-style-type: none"> <li>• 55% to/from north along Helshoogte Road</li> <li>• 45% to/from south along Helshoogte Road</li> </ul> <p>The resulting development trips were assigned to the analysed intersection and added to the present (2019) traffic volumes.</p>
<p><b>16. Site Access</b></p>	<p>Number of Accesses: One</p> <p>Access to the proposed residential development will be off Sonnestraal Street approximately 80m from Helshoogte Road.</p> <p>The proposed access will require a two-lane cross section i.e. one lane in and one lane out, preferably minimum 6.0m wide.</p> <p>The access intersection on the development access side will be stop controlled. The capacity analysis of this access is discussed in Section 17.</p> <p>The position and spacing of the access are illustrated below.</p>



**Access Control:** it is proposed that access be remote/cellswitch controlled sliding gate. The required stacking space is commented on in Section 18.

**Refuse:** Refuse collection will take place at the top of the site from a refuse room off Morgenster Road which has been agreed with Stellenbosch Municipality engineers.



**17. Impact of Development Traffic**  
*References: Figures 7 & 8 and Table 1*

To assess the impact of the proposed development on the road network, the study intersection was analysed with the development traffic for the 2019 scenario.

Based on the capacity analyses, the Helshoogte Road (MR172)/Sonnestraal Street intersection will continue to operate at good levels of service (LOS) for both the AM and PM peak hours. No improvements are required with this scenario.

See Table 1 for more detail on existing capacity analysis. Full details of the SIDRA analysis can be provided if required.

**18. Queue Analysis**  
*Reference: Table 4*

A queue analysis was conducted for the access on Sonnestraal Street using the highest expected inbound traffic demand to determine the maximum theoretical delay at the access.

It is proposed that a remote/cellswitch controlled sliding gate be used. An average service rate of 450 vehicles per hour has been used for analysis to allow for sliding gates. The peak inbound volume is 21 vph for the residential development during the PM peak hour.

It is recommended that an 85<sup>th</sup> percentile queue length be used as applicable to access on class 5 roads to determine the theoretical stacking at the access.

Based on the analysis results shown in Table 4, the 85<sup>th</sup> percentile queue requires a minimum of 6m (one vehicle) to be provided between the gate and the edge of Sonnestraal Street. The SDP confirms that there is sufficient stacking space at the entrance and will not impact on Sonnestraal Street.

The access lanes should be sufficient width and height clearance (if relevant) of minimum 4.2m to allow for unimpeded access for emergency and service vehicles.

**19. Parking Requirements**

Parking provision for the proposed development should satisfy the requirements according to the Stellenbosch Municipality's Zoning Scheme By-Law as per Provincial Gazette Extraordinary 8153 of November 2019, Chapter 5/33 Table A: Off-Street Parking Requirements

The standard minimum parking requirements are as follows:

- Dwelling house (2 or more bedrooms): 2 bays/dwelling house

The following minimum parking is provided:

	Extent	Parking Ratio	Required Bays
Dwelling House	35 units	2 bays per unit	70 bays

The current SDP indicates that there will be sufficient parking bays on-site for the development.

20. Non-Motorised Transport (NMT)	<p>Pedestrian activity along Helshoogte Road is deemed to be moderate. Existing formal sidewalks exist along Helshoogte Road. Pedestrian activity along Sonnestraal Street is deemed to be low and no formal sidewalks exist along this road.</p> <p>No additional NMT facilities are proposed or required.</p>
21. Public Transport	<p>Minibus taxis and bus services currently operate along Helshoogte Road. Ad-hoc public transport embayments/stops are located along Helshoogte Road.</p> <p>No further public transport improvements are required.</p>
22. Conclusions	<p>This report describes the investigation of transport implications of the proposed development on Erf 3, Johannesdal. It summarises the existing transportation conditions within the site vicinity, provides an assessment of the transportation impacts of the proposed development on the surrounding road network, and recommendations with regard to improvements to mitigate negative impacts, if relevant.</p> <p>The main findings and conclusions are:</p> <ul style="list-style-type: none"> <li>• This TIS is in support of the application for proposed residential development on Erf 3 in Johannesdal.</li> <li>• The proposed development will consist of 35 units.</li> <li>• The development has the potential to generate <b>30 trips</b> during the AM peak hour (7 in, 23 out) and <b>30 trips</b> during the PM peak hour (21 in, 9 out).</li> <li>• The Helshoogte Road/Sonnestraal Street intersection's total peak hour demand is approximately <b>1 100 vph</b> and <b>1 000 vph</b> in the AM and PM peak hours, respectively.</li> <li>• At present, the study intersection is operating at good levels of service (LOS) during the AM and PM peak hours.</li> <li>• With the development, the intersection is expected to continue to operate at good levels of service.</li> <li>• The proposed access to the development will be off Sonnestraal Street approximately 80m from the Helshoogte Road/Sonnestraal Street intersection.</li> <li>• The site access will have one lane in and one lane out and stacking space for approximately one vehicle (<math>\pm 6\text{m}</math>) should be provided for at the entrance between the gate and the public street.</li> <li>• Parking should be provided in accordance with the specified guidelines. The SDP indicates that there will be sufficient parking on-site.</li> <li>• Refuse collection will happen at the top of the site from Morgenster Road.</li> <li>• Pedestrian demand on Sonnestraal Street is low. No additional facilities are proposed.</li> <li>• The area is well serviced by public transport therefore, no further public transport improvements are required.</li> </ul>



### 23. Recommendations

#### It is recommended that:

- The detailed design of the proposed access on Sonnestraal Street is approved by the Municipality before construction commences.
- The application for the proposed residential development on Erf 3 in Johannesburg be approved.

This report has shown that the proposed development can be accommodated by the adjacent transport network, provided the recommendations presented in the report are implemented. From a traffic engineering perspective, the application for this development is supported.

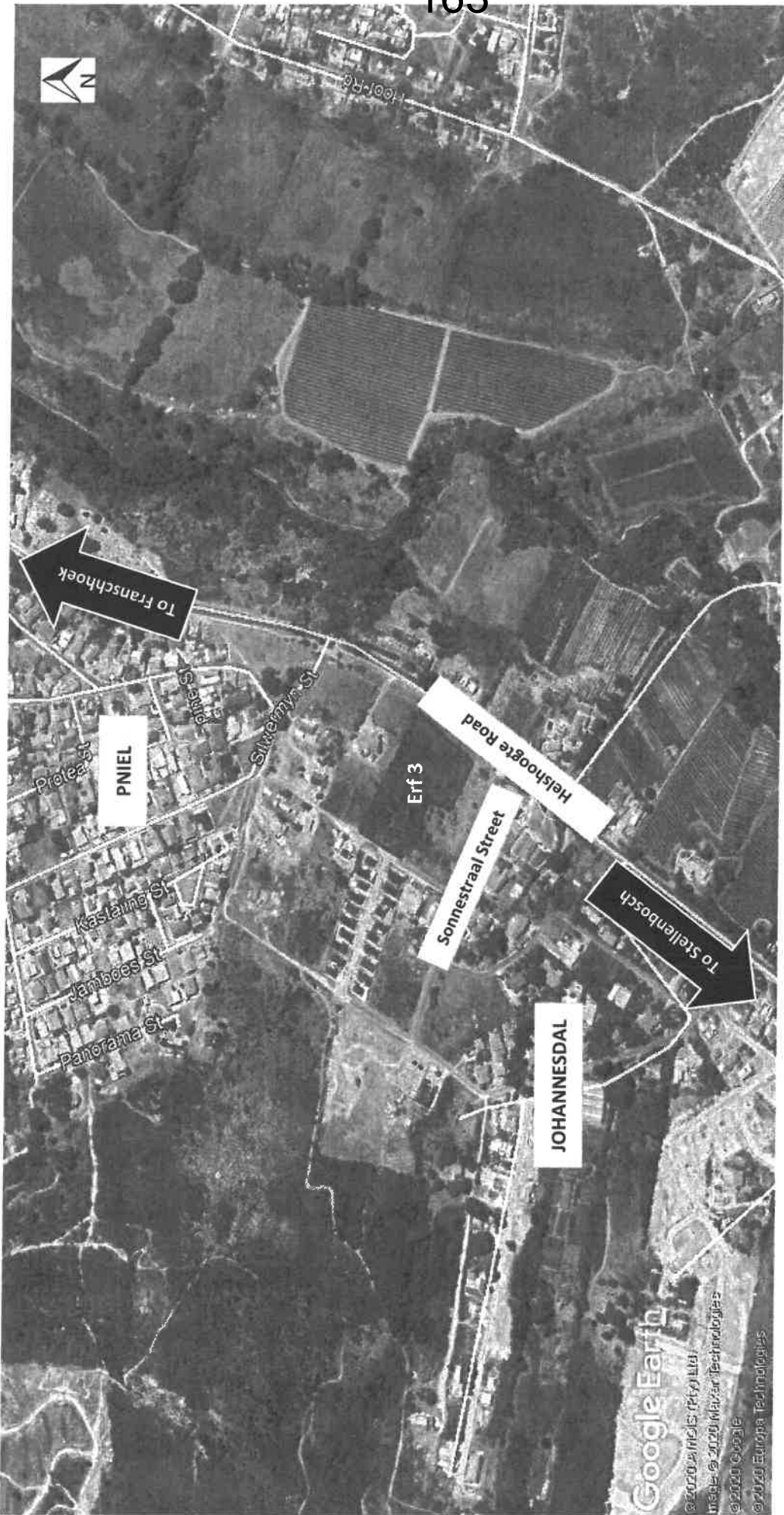
## REFERENCES

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1. Western Cape Government: Access Management Guidelines, Draft, July 2016.
2. Department of Transport, Guidelines for Traffic Impact Studies, Report No. PR93/645, Pretoria, 1995.
3. Department of Transport, South African Trip Generation Rates, Report No. RR92/228, Pretoria, 1995.
4. Committee of Transport Officials (COTO), South African Trip Data Manual, Volume 1 TMH 17, September 2012.
5. Committee of Transport Officials (COTO), South African Traffic Impact and Site Traffic Assessment Manual Standards and Requirements Manual, Volume 2 TMH 16, September 2012.
6. Committee of Transport Officials (COTO), South African Traffic Impact and Site Traffic Assessment Manual, Volume 1 TMH 16, September 2012.
7. Stellenbosch Municipality, Zoning Scheme By-Law 2019, Provincial Gazette Extraordinary 8153, 27 September 2019.

**APPENDIX A: FIGURES**

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Job No:	STUR0274
Figure:	1
Project:	<p>PROPOSED RESIDENTIAL DEVELOPMENT ERF 3, JOHANNESDAL</p> <p>LOCALITY PLAN</p>

**STURGEON CONSULTING**  
 Transport Planning & Traffic Engineering  
 021 553 4167 / 083 701 2299

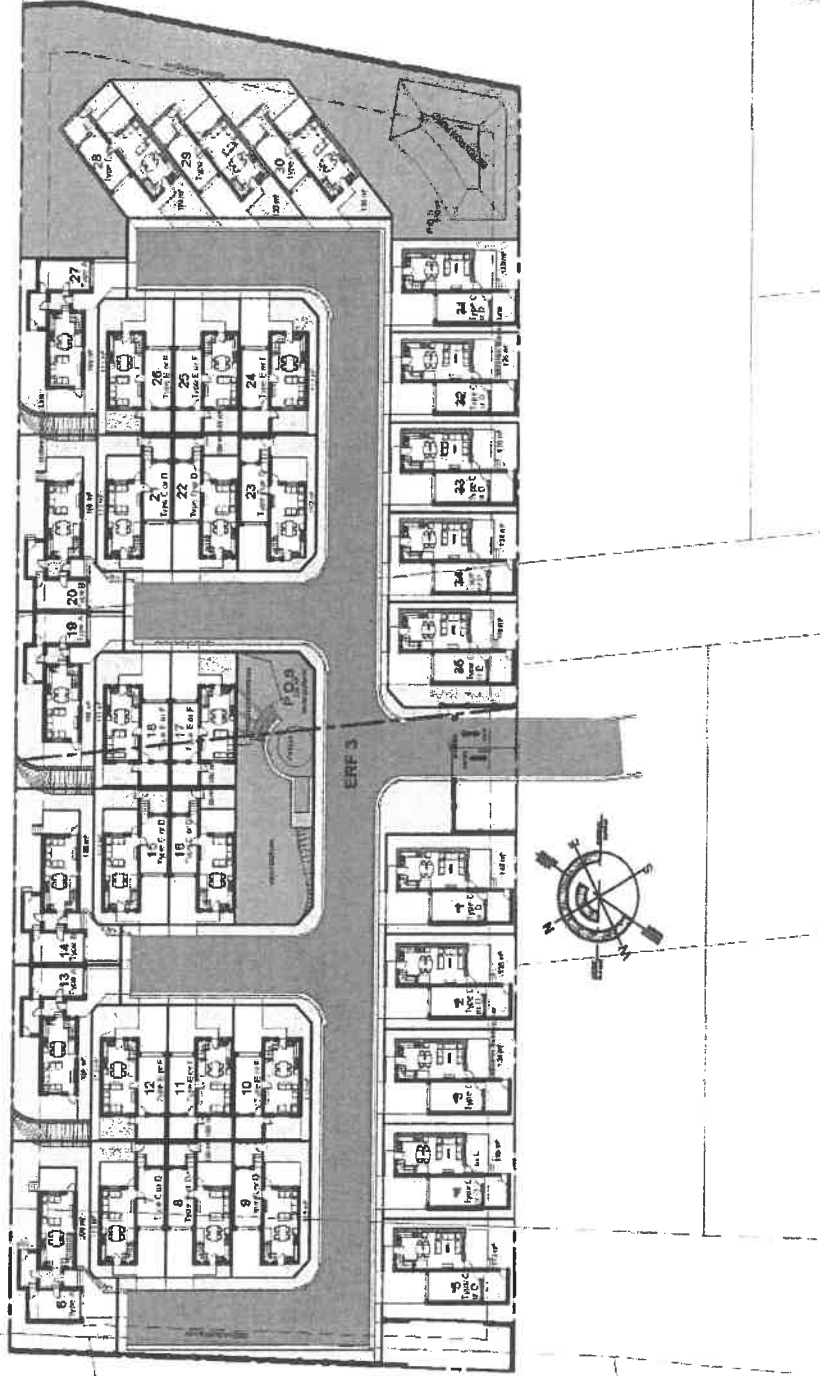
**PROPOSED NEW HOUSING DEVELOPMENT - Erf 3, Johannesburg**

CLIENT: NATIUM HOUSING  
PROJECT No: AX.17.023  
DRAWING: SCP

DRAWING No: 100-02 SCALE: AS SHOWN REVISION: 0

Consent No. \_\_\_\_\_  
Approved on: \_\_\_\_\_

**AXION ARCHITECTS**  
101 WILLOW STREET  
SUNNINGDALE  
JOHANNESBURG  
2193  
Tel: 011 551 3879  
Fax: 011 551 3879  
info@axionarch.co.za



**PLANNING PARAMETERS**

Lot Area	1000 sqm
Plot Ratio	0.5
Number of Units	36
Unit Type	100 sqm
Unit Price	R 100 000
Unit Area	100 sqm
Unit Price	R 100 000
Unit Area	100 sqm
Unit Price	R 100 000
Unit Area	100 sqm
Unit Price	R 100 000

Note: Area on sites indicates erf size

**STURGEON CONSULTING**  
Transport Planning & Traffic Engineering  
021 553 4167 / 083 701 2299

Project:

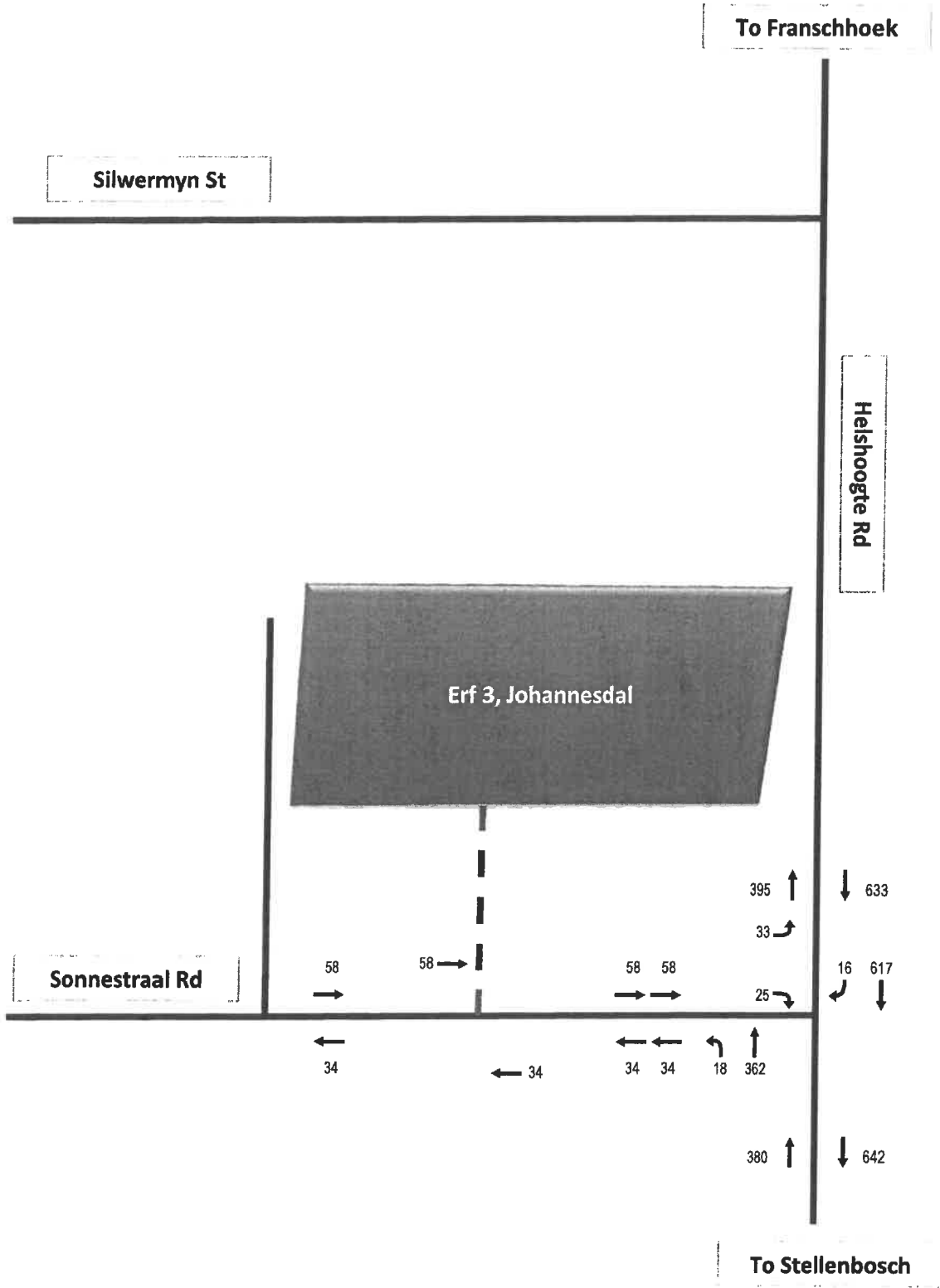
PROPOSED RESIDENTIAL DEVELOPMENT ERF 3, JOHANNESDAL

Job No: STUR0274

SITE DEVELOPMENT PLAN (N.T.S)

Figure:

2



WEEKDAY AM PEAK HOUR

Schematic

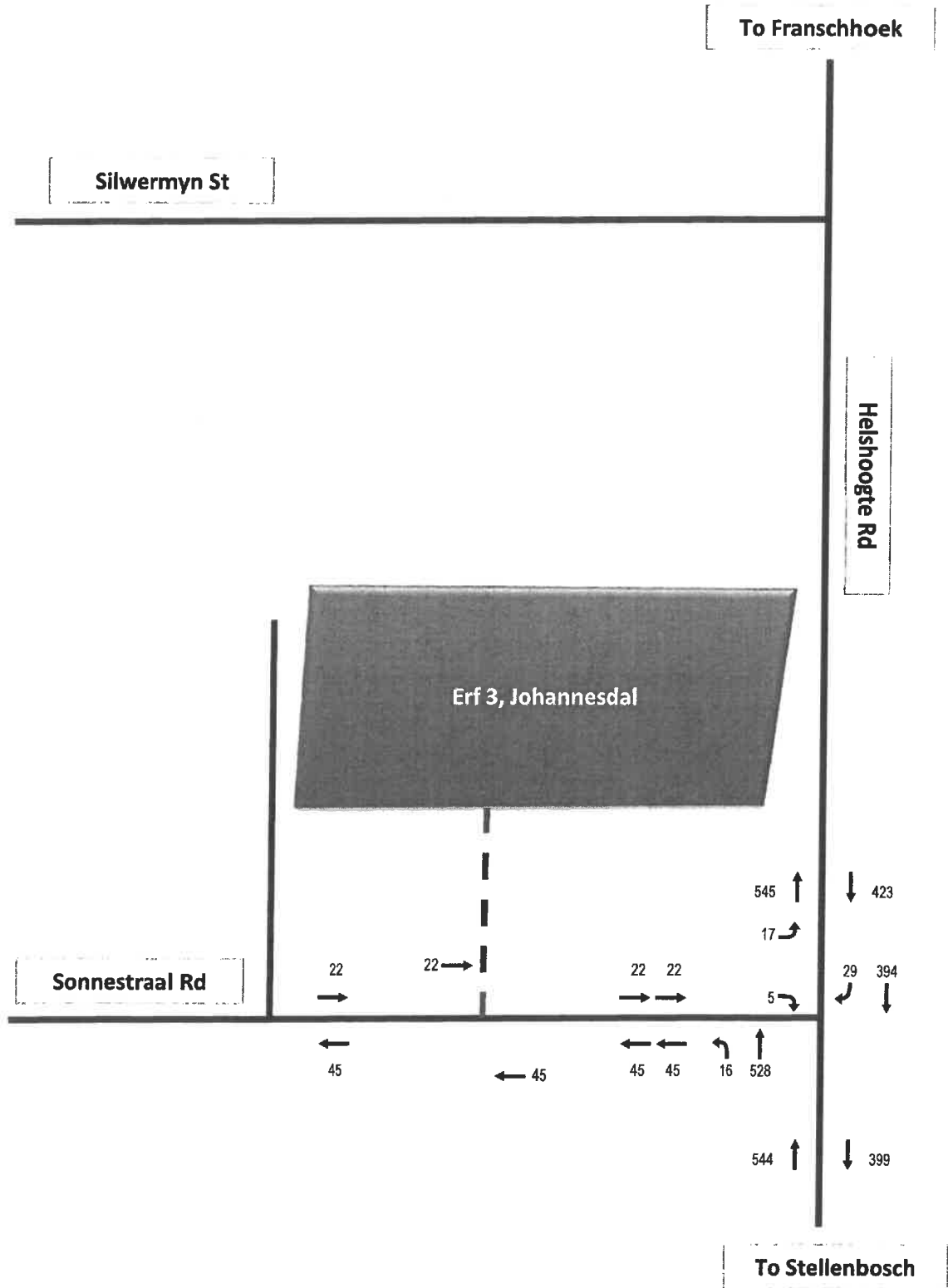


Proposed Residential Development Erf 3, Johannesburg

**Present Traffic Demand (2019)**

Job Ref No:  
**STUR0274**

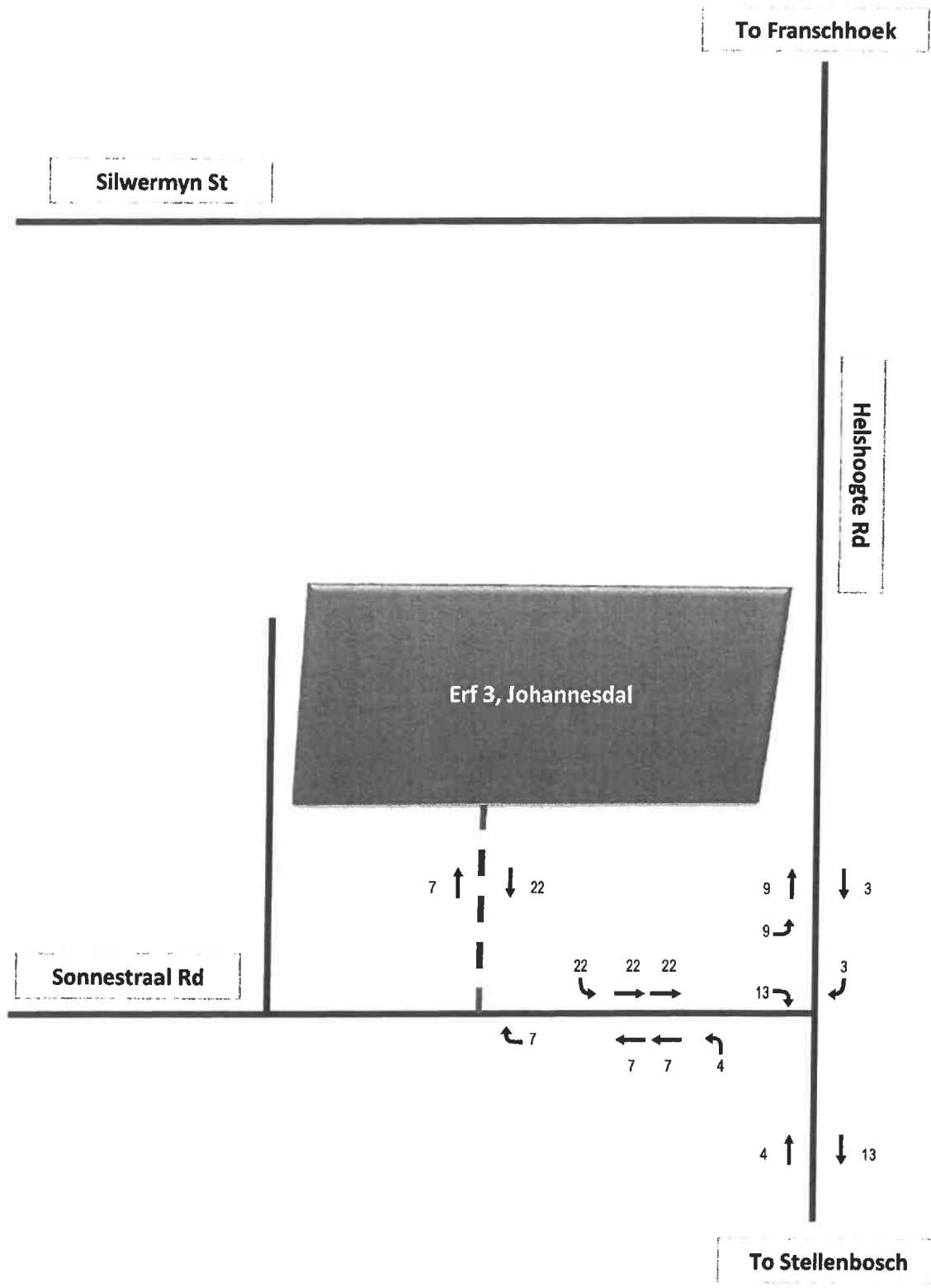
Fig:  
**3**



WEEKDAY PM PEAK HOUR

Schematic

	Proposed Residential Development Erf 3, Johannesburg	Job Ref No: <b>STUR0274</b>
	<b>Present Traffic Demand (2019)</b>	Fig: <b>4</b>

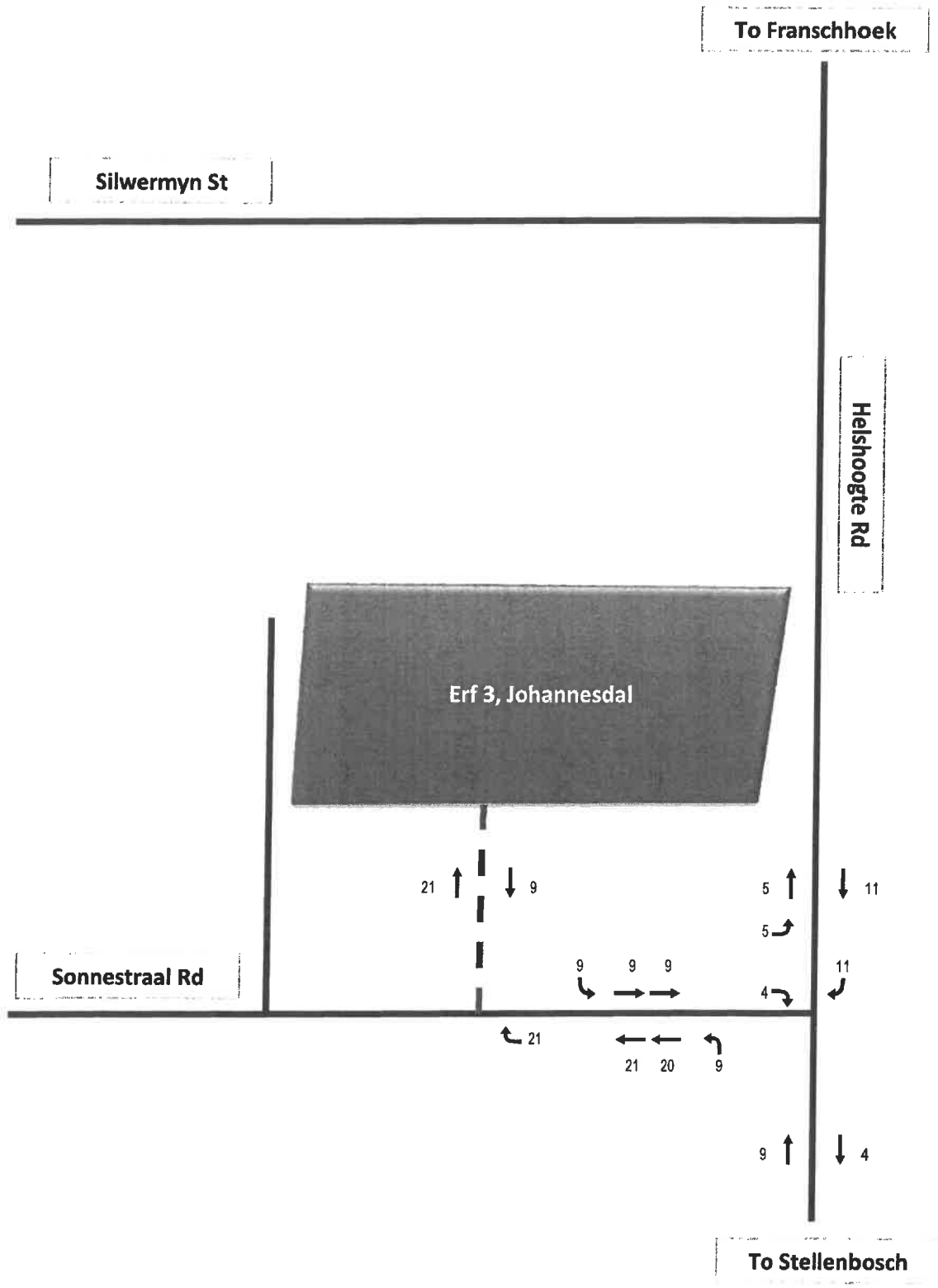


WEEKDAY AM PEAK HOUR

Schematic

	Proposed Residential Development Erf 3, Johannesdal	Job Ref No: <b>STUR0274</b>
	<b>Development Traffic</b>	Fig: <b>5</b>

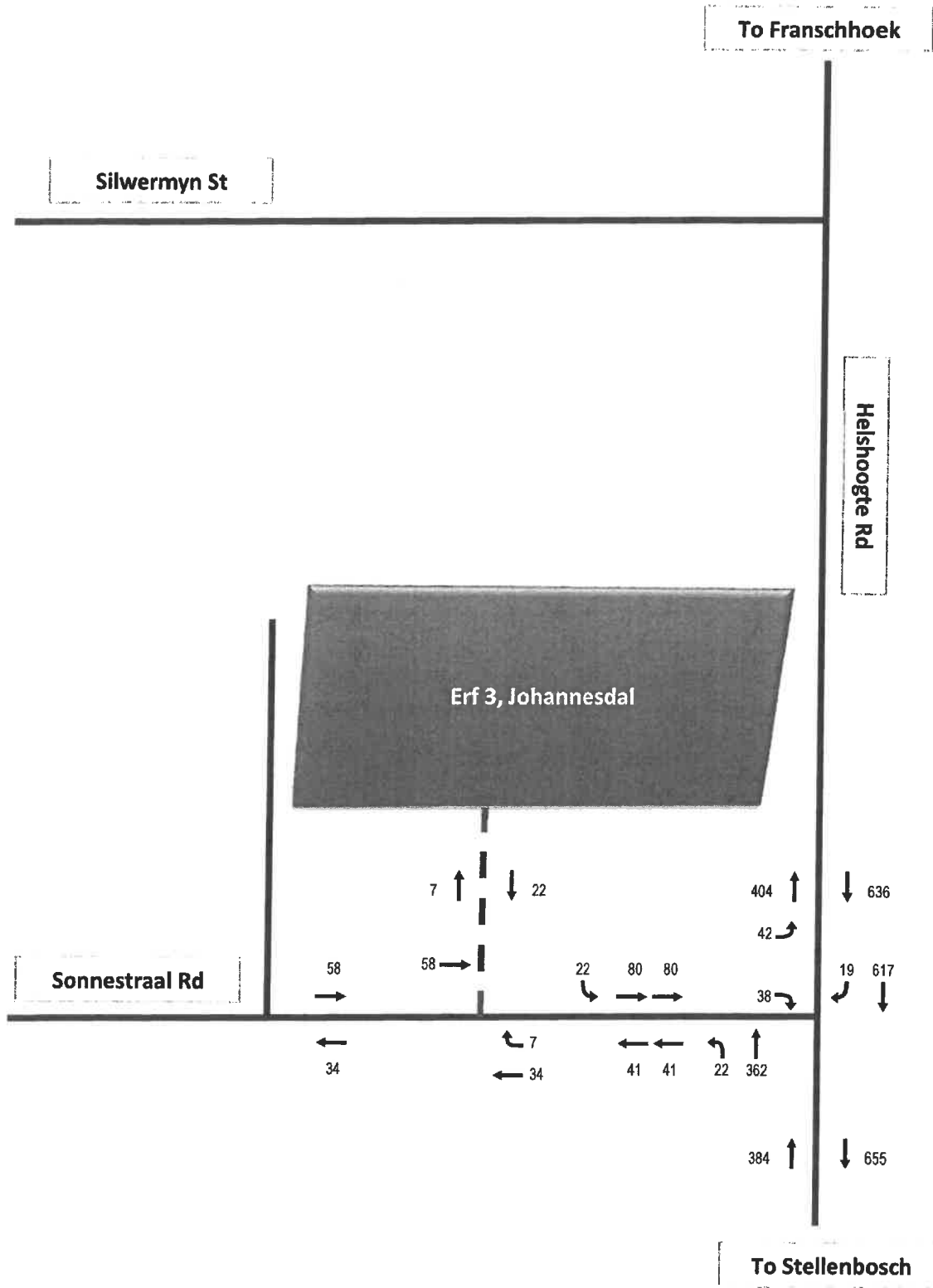




WEEKDAY PM PEAK HOUR

Schematic

	Proposed Residential Development Erf 3, Johannesburg	Job Ref No: <b>STUR0274</b>
	<b>Development Traffic</b>	Fig: <b>6</b>



WEEKDAY AM PEAK HOUR

Schematic

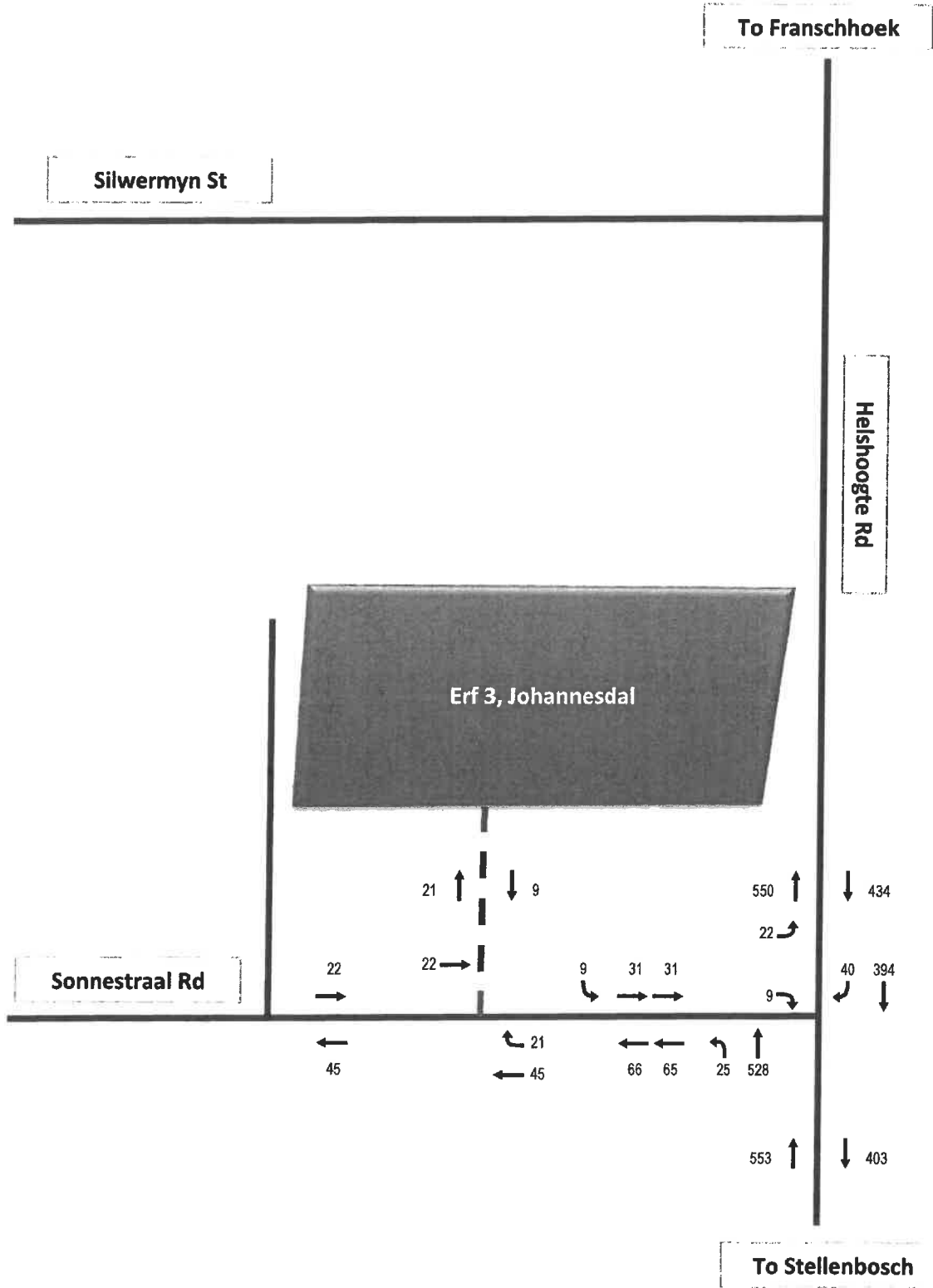


Proposed Residential Development Erf 3, Johannesburg

Job Ref No:  
**STUR0274**

Present Traffic Demand plus Development

Fig:  
**7**



WEEKDAY PM PEAK HOUR

Schematic



Proposed Residential Development Erf 3, Johannesburg

Job Ref No:  
**STUR0274**

**Present Traffic Demand plus Development**

Fig:  
**8**

## APPENDIX B: TABLES

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**Table 1: Peak Hour Traffic Conditions at Helshoogte Road/Sonnestraal Street Intersections**

Scenario	Intersection Control	Peak Hour	Intersection Ave Delay (s)	Intersection LOS	Intersection v/c	Approach	Critical Approach Avg Delay (s)	LOS	v/c
Existing Traffic (2019)	Stop Controlled	AM	0.9	N/A	0.367	West	10.9	B	0.071
Total Traffic (2019)	Stop Controlled		1.2	N/A	0.370	West	11.0	B	0.103
Existing Traffic (2019)	Stop Controlled	PM	0.8	N/A	0.310	West	11.6	B	0.028
Total Traffic (2019)	Stop Controlled		1.2	N/A	0.316	West	11.6	B	0.040

LOS – Level of Service, Delay in seconds per vehicle, V/C – Volume to Capacity Ratio

N/A – Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control

**Table 2: Proposed Trip Generation Rates**

Peak Hour	Land Use	Size	Units	Rate	Directional Split
AM	Townhouses (simplexes and duplexes)	35	Dwelling	0.85	25:75
PM	Townhouses (simplexes and duplexes)	35	Dwelling	0.85	70:30

**Table 3: Estimated Peak Hour Trips**

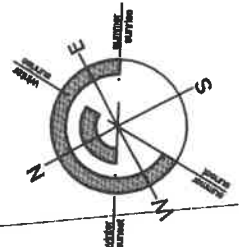
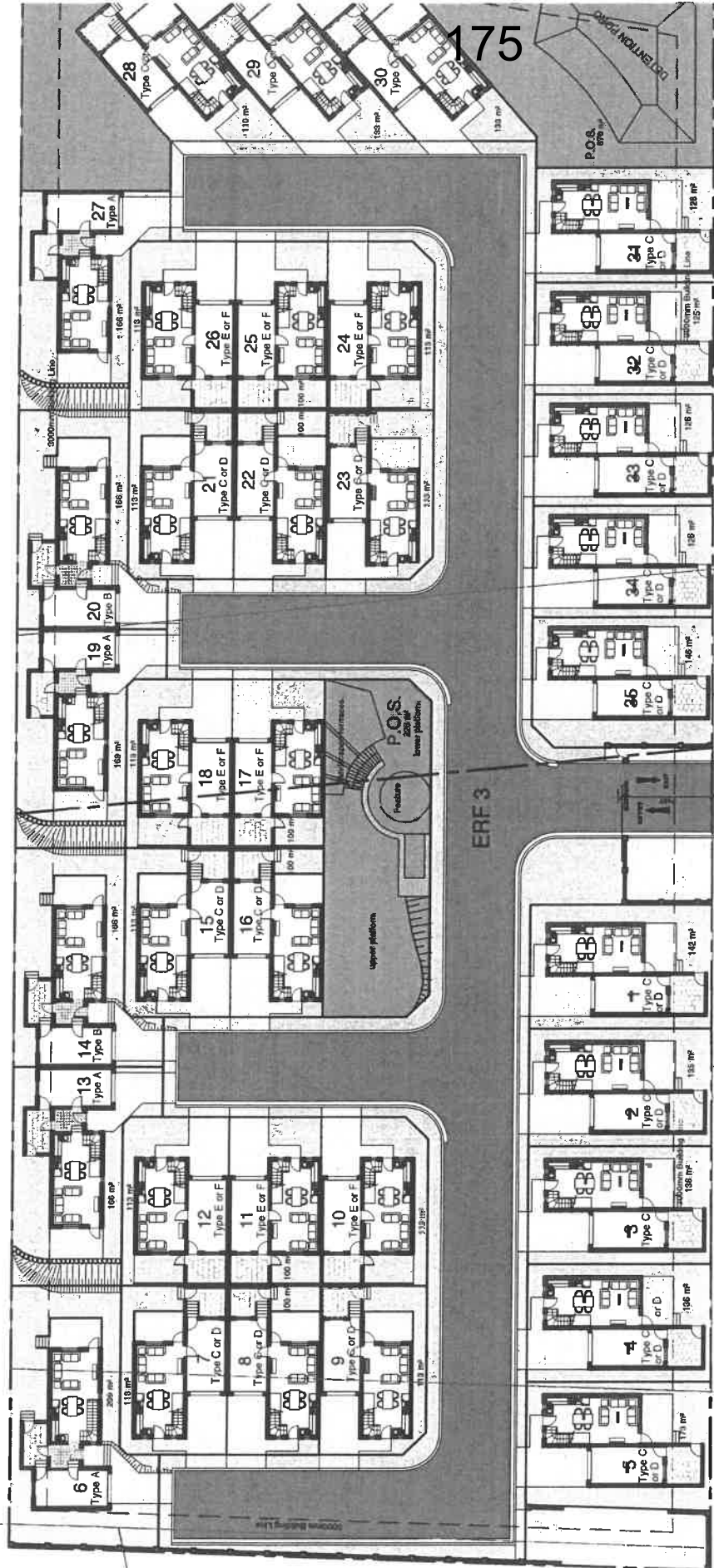
Peak Hour	Total Trips	Peak Hour Trips	
		In	Out
AM	30	7	23
PM	30	21	9

**Table 4: Expected Queueing and Required Stacking at Access on Sonnestraal Street**

Description	Analyses Results
Average arrival rate inbound (vph)	21
Average service rate (sec/veh)	8
Average services rate (services/hr)	450
Traffic intensity	0.05
Number of channels (gates)	1
85 <sup>th</sup> Percentile queue length (<n vehicles)	<1
Average number of vehicles in the system	0.0
Average delay (sec)	8.4





**APPENDIX C: DRAWING (Drawing No. 100-02)**

---





## DOCUMENT CONTROL SHEET

DATE	REPORT STATUS	AUTHORED BY:	APPROVED BY:
21 February 2020	Draft for comment	NAME Sarah Larratt, Pr. Tech Eng	NAME Annebet Krige, Pr. Eng
		SIGNATURE 	SIGNATURE 
25 February 2020	Final	NAME Sarah Larratt, Pr. Tech Eng	NAME Annebet Krige, Pr. Eng
		SIGNATURE 	SIGNATURE 
<b>TITLE:</b> PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 3, JOHANNESDAL: TRAFFIC IMPACT STATEMENT			
<b>CARRIED OUT BY:</b> Sturgeon Consulting Postnet Suite #347 Private Bag x1 Melkbosstrand 7437  Mr Barend Du Preez Tel: +27 21 553 4167 Fax: +27 86 559 5327 Email: <a href="mailto:barend@sturgeonsa.co.za">barend@sturgeonsa.co.za</a>		<b>COMMISSIONED BY:</b> Winter Square Developments PO Box 1399 Kuilsriver 7570  Mr Paul Winter  Email: <a href="mailto:paulw@nationhousing.co.za">paulw@nationhousing.co.za</a>	
<b>SYNOPSIS:</b> This report assesses the key transportation issues pertaining to the residential development on Erf 3 in Johannesburg, near Franschoek, Western Cape.			

**SUMMARY SHEET**

Report Type	Traffic Impact Statement
Title	Proposed Residential Development
Location	Johannesdal, Western Cape
Client	Mr Paul Winter
Reference Number	STUR0274
Project Team	Sarah Larratt Annebet Krige Barend du Preez
Contact Details	083 418 4241   sarah@sturgeonsa.co.za 084 610 0233   annebet@sturgeonsa.co.za 083 701 2299   barend@sturgeonsa.co.za
Date	February 2020
Report Status	Final

*This transport impact assessment has been prepared by a suitable qualified and registered professional traffic engineer. Details of any of the calculations on which the results of this report are based will be made available on request.*

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### Acronyms

- AMG – Access Management Guidelines
- RAG- Road Access Guidelines
- TIA – Traffic Impact Assessment
- TIS – Traffic Impact Statement
- SDP – Site Development Plan
- LOS – Level of Service
- IPTN – Integrated Public Transport Network
- WCG – Western Cape Government
- NMT – Non-Motorised Transport
- PHF – Peak Hour Factor
- AM – Morning
- PM – Afternoon
- d – Average delay in seconds
- v/c – Volume/capacity ratio
- vph – vehicles per hour
- vpd – vehicles per day

### Traffic Impact Statement (TIS)

#### Proposed Residential Development on Erf 3, Johannesdal, Western Cape

#### 1. Purpose of Report

To determine the expected transport related impacts of the proposed development on the surrounding road network.

This TIS is submitted as part of the application for the proposed residential development on Erf 3 in Johannesdal to allow for a development of 35 townhouses.

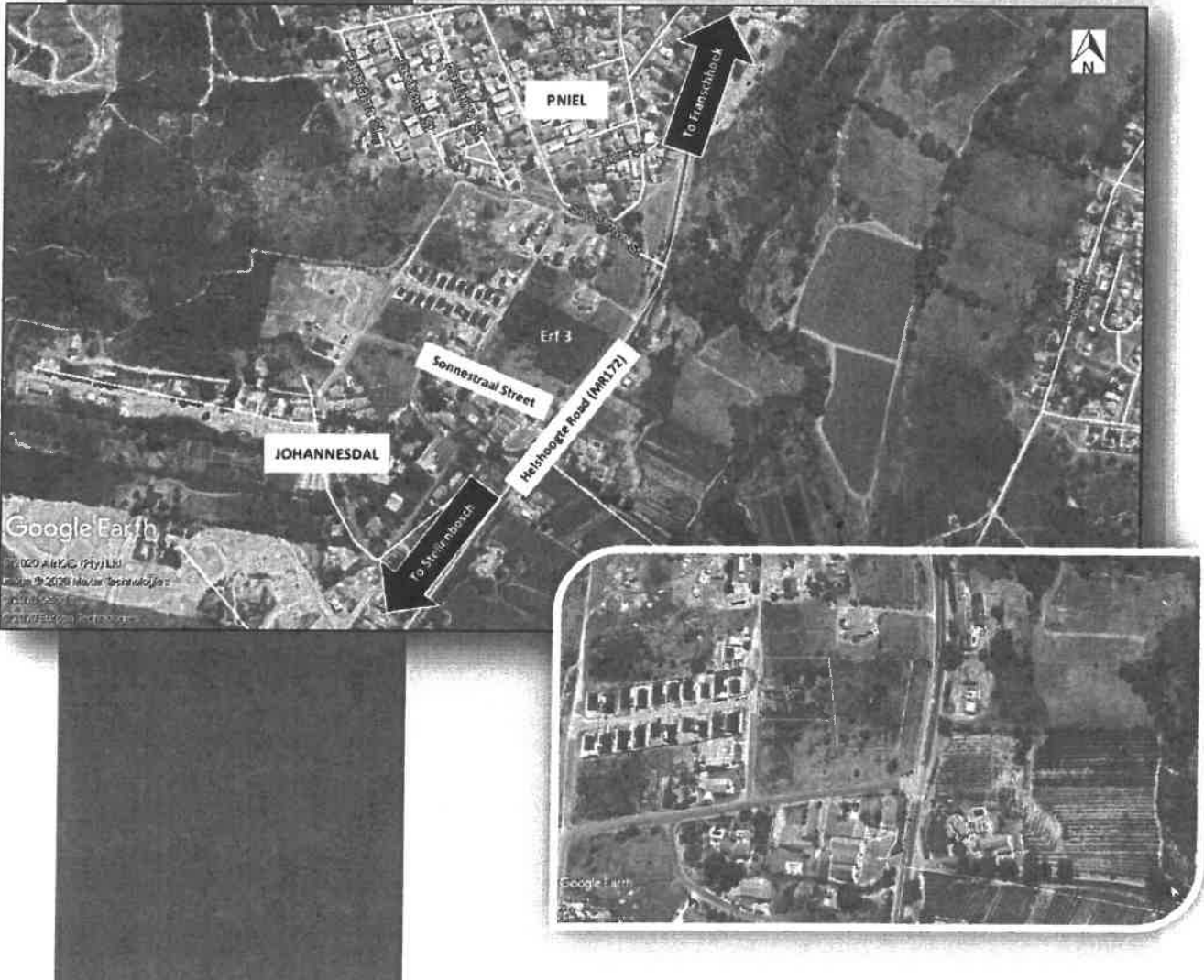
Sturgeon Consulting (Pty) Ltd has been appointed by Winter Square Developments to undertake the traffic impact statement for this project.


#### 2. Locality

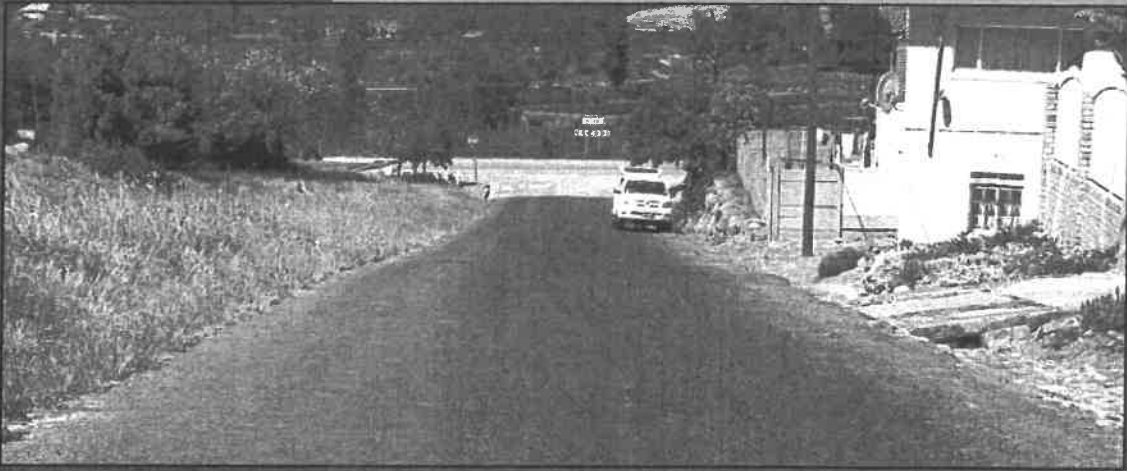
Reference: Figure 1

Erf 3, Johannesdal, Western Cape

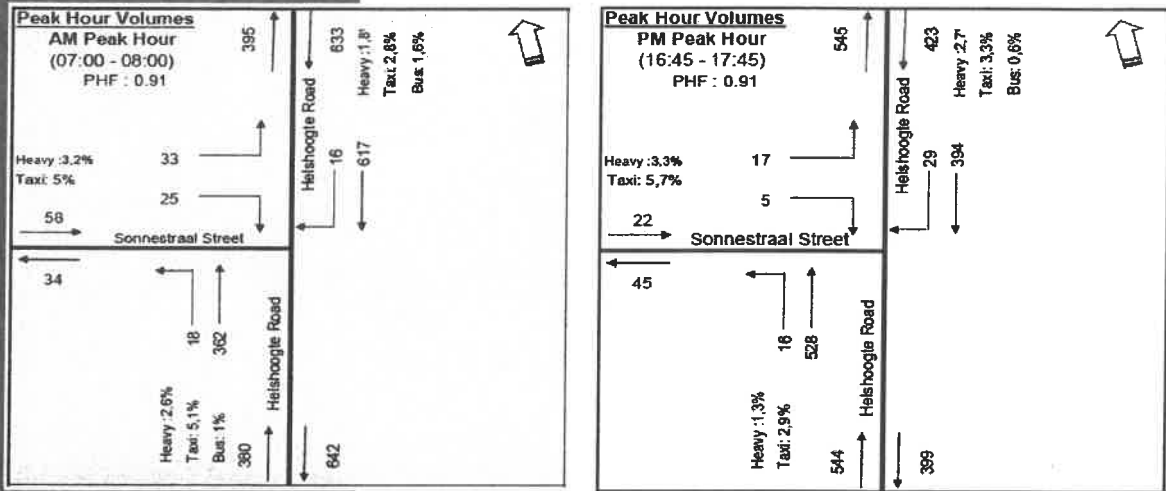
**Description:** The subject property is located in Johannesdal and is currently vacant. It is bounded by Helshoogte Road to the east and is located north of Sonnestraal Road and east of the existing residential development on Morgenster Street.



<p><b>3. Scope of Work</b></p>	<p>The scope of work included in this TIS covers the following traffic engineering aspects:</p> <ul style="list-style-type: none"> <li>• Site observations</li> <li>• Existing traffic flows in the vicinity of the development</li> <li>• Existing &amp; future road network planning</li> <li>• Trip generation for the proposed development</li> <li>• Traffic flow analysis</li> <li>• Recommended road upgrades if necessary</li> <li>• Non-motorised Transport (NMT) and Public transport</li> <li>• Access assessment</li> <li>• Parking requirements</li> </ul>
<p><b>4. Proposed Development</b> <i>Reference: Figure 2 &amp; Appendix C</i></p>	<p>The erf is currently vacant. The total site is approximately 7 238m<sup>2</sup> in extent.</p> <p><b>The proposed residential development will accommodate 35 townhouses.</b></p>
<p><b>5. Land Use/Zoning</b></p>	<p><b>Multi-Unit Residential Zone (MUR)</b></p>
<p><b>6. Existing Access</b></p>	<p>There is currently no access to the subject properties. The new site access location will be discussed in <b>Section 16</b>.</p>
<p><b>7. Existing Roadways</b></p>	<p>The major roads in the vicinity of the site are as follows:</p> <p><b>Helshoogte Road (MR172):</b> Class 2 major arterial with a 60 km/h speed limit in the vicinity of the site, two-lane divided with surfaced shoulders on both sides. This road is a proclaimed Main Road for which the Western Cape Government (WCG) is the controlling road authority.</p>
	

	<p><b>Sonnestraal Street:</b> This street is a class 5 residential access two-lane road and no sidewalks.</p> 
<p>8. Future Road Network</p>	<p>No major future road network changes are foreseen in the vicinity of the proposed development.</p>
<p>9. Analyses Hours</p>	<p>Peak period traffic counts were undertaken on Tuesday, 15 October 2019. The peak hours are as follows:</p> <p>Weekday AM peak hour 07:00 to 08:00</p> <p>Weekday PM peak hour 16:45 to 17:45</p>
<p>10. Scenarios Analysed</p>	<ul style="list-style-type: none"> <li>• 2019 Present Traffic Demand</li> <li>• 2019 Present Traffic Demand <b>with</b> development trips</li> </ul> <p>Intersection analyses were done using SIDRA Intersection software (version 8).</p>
<p>11. Study Intersections</p>	<p>Based on our experience with similar traffic studies, the anticipated traffic impact on the surrounding road network and its location within the wider road network, the following intersection was included in the scope of the study:</p> <ol style="list-style-type: none"> <li>1. Heishoogte Road (MR172)/Sonnestraal Street (Stop-controlled)</li> </ol>
<p>12. Existing Operations</p> <p><i>References: Figure 3 &amp; 4, Table 1</i></p>	<p>Peak period traffic counts were conducted at the above-mentioned intersection on Tuesday 15 October 2019 between 07:00 and 09:00 in the morning and 16:00 and 18:00 in the afternoon.</p> <p>The present traffic demand on the surrounding road network can generally be described as moderate.</p>





The following comments are made in relation to the traffic volumes (total two-way) on the surrounding road network:

- Helshoogte Road carries a moderate volume of traffic with approximately **1 000 vph** (two-way) in the AM peak hour and approximately **960 vph** (two-way) in the PM peak hour.
- The north-south directional split is  $\pm 40:60$  in the AM peak hour and  $\pm 55:45$  in the PM peak hour.
- Very few vehicles turn right onto Helshoogte Road when leaving Sonnestraal Street.
- Sonnestraal Street carries a low volume of traffic, **92 vph** and **67 vph** during the AM and PM peak hours, respectively.
- The major traffic movement along Helshoogte Road is southbound in the AM peak ( $\pm 640$  vph) and northbound in the PM peak ( $\pm 545$  vph).
- The Annual Average Daily Traffic (AADT) along Helshoogte Road in the vicinity of the site is approximately **10 000** vehicles per day (RNIS – Thursday 15 February 2018).

The existing traffic count data is illustrated in **Figure 3** and **Figure 4**.

Based on the capacity analyses of the existing traffic operations, overall the intersection operates at good levels of service during the AM and PM peak hours. The Sonnestraal Street approach is currently operating at LOS B during both peak hours.

No improvements to the intersection are required.

See **Table 1** for more detail on existing capacity analysis.

**13. Trip Generation Rates**

References: Table 2

The additional vehicle trips that will be generated by the proposed residential development were calculated using the trip generation rates as provided in the *TMH17 South African Trip Data Manual (Volume 1, September 2012)* published by the Committee of Transport Officials (COTO).

The recommended peak hour trip generation rates and directional split for Townhouses (simplexes and duplexes) is shown below:

- AM Peak Hour: 0.85 trips/dwelling unit (25:75)



**ANNEXURE O: ENGINEERING SERVICES REPORT**

Caring  
Innovative  
Focussed

Neil

**LYNERS**

and Associates (RF) (Pty) Ltd



Consulting Engineers & Project Managers

Our reference : 17172B/COR/RS/lm/02

Your reference :

23 February 2017

Postal Address: PO Box 4901, TYGERVALLEY, 7536

Street Address: Office 2, Ground Floor, Riverside Place,  
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E-mail: [bellville@lyniers.co.za](mailto:bellville@lyniers.co.za) / Website: [www.lyniers.co.za](http://www.lyniers.co.za)

Headland Town Planners  
P O Box 66  
**VLOTTENBURG**  
7601

Attention: Mr C Agenbag

Sir

**PROPOSED NEW APARTMENTS ON ERF 3, JOHANNESDAL : AVAILABILITY OF ENGINEERING SERVICES – rev 1**

Your request to submit an engineering services report on the availability of engineering services for the proposed development of 36 town houses on Erf 3, Johannesburg, refers.

**1. BACKGROUND**

The Developer is applying for the subdivision of Erf 3, Johannesburg into 36 erven with erf sizes varying between 100m<sup>2</sup> and 120m<sup>2</sup>. Provision is also made for an access control building at the entrance, and a refuse room adjacent to the cul-de-sac on the northwestern boundary of the erf. Four public open spaces are located within the development, with the larger open space earmarked for a retention pond. (See Site Plan no 100-01 dated 07/02/2018 in Annexure A).

**2. LOCATION AND TOPOGRAPHY**

The erf is located next to the Helshoogte Road (southeastern boundary) and has access from a panhandle with a 10m road reserve.

The site has a slope of approximately 13.5% from the west to the east. The panhandle is free draining towards the south (see Topographical Site Survey in Annexure B).

**3. CIVIL ENGINEERING SERVICES**

The civil engineering services fall under the jurisdiction of Stellenbosch Municipality who is responsible for the provision of bulk civil engineering services. All internal roads and services will be maintained by the Home Owner's Association as private services.

**3.1 Roads**

The development will have access via a 5.0m wide surfaced road within the existing 10.0m road reserve. The length of the access road is 30m and no provision is made for a turning circle at the gated entrance. Sufficient stacking is however provided before the security gates. To prevent unnecessary entrance by public, it is recommended that sufficient signage be provided at the intersection with the municipal road.

2/....

The internal road layout is earmarked by a circulation road ending in four cul-de-sacs of approximately 20m. No turning shunts are provided at the cul-de-sacs. A 5.0m wide road in the circulation road and 4.5m wide roads in the cul-de-sacs are proposed in the 8.0m road reserves. Being private roads, and the absence of boundary walls along the bordering erven, justify the proposed 8m reserves within the development.

### 3.2 Stormwater

Stormwater will drain from west to east towards Helshoogte Road.

The internal cul-de-sacs will be graded so that stormwater is not trapped at the dead ends. A catchpit will collect stormwater at the intersection of the circulation road and cul-de-sac, which will then discharge into a proposed retention pond on the southeastern boundary of the erf. The pond will be designed to retain the 1:50 year storm, and the outlet connected to the existing 600mm diameter stormwater pipe in Helshoogte Road.

A catchpit will also be provided at the entrance road to the development, and connected to the existing 450mm diameter stormwater pipe on the opposite side of the road.

Due to the clayey nature of the in situ material, subsurface drains will be installed to protect the road layerworks against moisture penetration.

### 3.3 Water Reticulation

GLS Consulting calculated the water demand of the 36 townhouse erven at 14.4 kℓ/day – see GLS report in Annexure C. The water network and reservoir have sufficient capacity to accommodate the development, and it is recommended that the water connection be given from the 100mm diameter municipal pipe at the entrance to the development. A bulk water meter will be installed at the entrance.

It is recommended that a fire hydrant be installed at each cul-de-sac that can also be utilized as a scour valve if necessary.

The Developer will install individual water meters to each erf. The refuse room and guardhouse will also have individual water connections.

### 3.4 Sewer Reticulation

GLS Consulting calculated the daily dry weather sewer flow at 10.1 kℓ/day – see GLS report in Annexure C. A sewer connection to the existing 150mm diameter sewer pipe in the Helshoogte Road reserve is proposed. It is also confirmed that the sewer network has sufficient capacity to accommodate the development.

The residential erven, refuse room and guardhouse will connect to a 160mm diameter sewer pipe network with manholes where required. Sufficient space must be provided in the public open space at the retention pond to accommodate the pipeline.

### 3.5 Refuse Removal

A refuse room will be constructed on the northwestern boundary of the development. It is recommended that a refuse embayment be constructed in the road at the refuse room.

The refuse room will be constructed according to the specifications of Stellenbosch Municipality, and will have a water and sewer connection.

### 3.6 Development Contributions (DC's)

DC's are payable to the Municipality on transfer of the erven. The rates are based on the development rights applied for and calculated in the financial year transfer is applied for.

## **4. ELECTRICITY**

### **4.1 Supply Area**

The area to be developed falls into the electricity supply area of the Drakenstein Municipality, and electrical services will therefore be provided from the nearest municipal network with adequate capacity.

All designs, material and equipment to be used as well as installation practices will therefore be based on Drakenstein Municipality – Electrical Department's guidelines for new electricity networks.

The electrical network will be handed over to Drakenstein Municipality once completed, who will then be responsible for the operation and maintenance thereof. While the street lighting network in the gated development will become the asset of the home owners' association for maintenance and repairs.

### **4.2 Maximum Demand**

Based on the layout drawing dated 7 February 2018, the estimated maximum demand for this development for the erven only is 180 kVA / 247A three-phase when applying a 5kVA after diversity maximum demand (ADMD) per connection for the 36 proposed subdivided erven.

An allowance must be made for the private general supply for the entrance access gate motor and non-municipal metered street lights. A 20A / 4.6kVA single-phase connection is proposed for the general supply and the total estimated notified maximum demand for both the erven and general supply is calculated at 184.6 kVA / 254A.

### **4.3 Supply Point**

Drakenstein Municipality proposes a new miniature substation to be supplied from the 11kV overhead line in Helshoogte Road. The proposed position for the minisub from the nearby aforementioned 11kV line connection, is on the corner of Helshoogte Road and Sonnestraal Road. A low voltage(LV) cable will be laid from the minisub to the development.

Drakenstein Municipality will be responsible for the 11kV overhead line-to-cable-to-minisub connection and the supply and installation of the minisub. The developer is responsible for the LV cable and the distribution network within the development - feeder cables, distribution kiosks and house connection cables.

Drakenstein Municipality will upgrade the intake capacity for the 11kV circuit which supplies the Pniel township by end March 2018. Thereby creating additional spare capacity to supply the Erf 3, Johannesdal development.

### **4.4 Low Voltage Network**

The low voltage network will consist of copper cables. All networks will be designed and signed off by a registered Professional Electrical Engineer.

Metering shall be as per the newest Drakenstein Municipality's guidelines for electricity services.

### **4.5 Scope of Work**

In order to supply this new development on Erf 3, Johannesdal - Pniel with adequate and reliable electricity supply, the following preliminary scope of work is proposed:

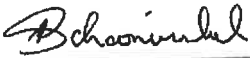
- i) New 11kV connection and minisub by Drakenstein Municipality
- ii) New low voltage distribution network by the developer from the new minisub

**5. CONCLUSION**

From the abovementioned it is clear that all services are available for the development of 36 townhouses on Erf 3, Johannesdal.

Please do not hesitate to contact us should you require any additional information.

Yours faithfully



**Rudolph Schoonwinkel Pr Eng**

**ANNEXURES:**

**ANNEXURE A: ERF 3, JOHANNESDAL : SITE PLAN (100-01)**  
**ANNEXURE B: ERF 3, JOHANNESDAL : TOPOGRAPHICAL SURVEY**  
**ANNEXURE C: GLS CONSULTING: DEVELOPMENT OF ERF 3, JOHANNESDAL**  
**CAPACITY ANALYSIS OF THE BULK WATER AND SEWER SERVICES**

**ANNEXURE P: BULK WATER AND SEWER SERVICES**



18 January 2018

Winter Square Developments (Pty) Ltd  
37 Van Der Stel Street  
KUILSRIVER  
7580

**Attention: Mr Paul Winter**

Dear Madam

**DEVELOPMENT OF ERF 3, JOHANNESDAL: CAPACITY ANALYSIS OF THE BULK WATER & SEWER SERVICES**

Your request regarding comments on the bulk water and sewer supply to the proposed development (residential development on Erf 3, Johannesburg), refers.

This document should inter alia be read in conjunction with the Water Master Plan (performed for the Stellenbosch Municipality) dated June 2017 and the Sewer Master Plan dated June 2017.

Future development area DR8, which includes the proposed development area, was conceptually taken into consideration for the master plans for the water and sewer networks.

**1. WATER DISTRIBUTION SYSTEM**

**1.1 Distribution zone**

The master planning indicated that the development area should be accommodated in the existing Johannesburg Lower reservoir water distribution zone. The connection to the existing system should be done on the existing 100 mm diameter pipe, as shown on Figure 1 attached.

The proposed development is situated inside the water priority area.

**1.2 Water demand**

The original water analysis for the master plan was performed with a total annual average daily demand (AADD) for Erf 3 of 10,9 kℓ/d.

For this re-analysis, the total AADD and fire flows for the proposed development was calculated as follows:

- 36 Residential units @ 0,4 kℓ/d/unit = 14,4 kℓ/d
- Fire flow criteria (Low risk) = 15 ℓ/s @ 5 m

**GLS Consulting (Pty) Ltd**

T +27 21 880 0388 | F +27 21 8800 389

13 Elektron Street, Techno Park, Stellenbosch, 7600 | PO Box 814, Stellenbosch, 7599, South Africa

Reg no: 2007/003039/07 | a member of the EOH Group of Companies

[www.eoh.co.za](http://www.eoh.co.za) | [www.gls.co.za](http://www.gls.co.za)

Directors: A Bohbot, JW King, Z Mayet, BF Louber, JJ Streicher and LC Geustyn

an **EOH** company

### 1.3. *Present situation*

#### Network conveyance

There is adequate residual pressures (between 24 m and 90 m) in the existing system to accommodate the proposed development.

The existing water system has sufficient capacity to provide fire flow of 15 l/s at a minimum water head of 5 m.

#### Reservoir capacity

The criteria for total reservoir volume used for the Dwars River area in the Water Master Plan is 72 hours of the AADD (of the reservoir supply zone). The existing reservoir volume available at the Johannesburg Lower reservoir is sufficient to accommodate the proposed development.

### 1.4 *Master plan*

No master plan items need to be implemented in order to accommodate the proposed development in the existing water system.

## **2. SEWER NETWORK**

### 2.1 *Drainage area*

The development falls within the existing Pniel Pump Station (PS) drainage area. The recommended position for the sewer connection for the proposed development is at the existing 150 mm diameter outfall, as shown on Figure 2 attached.

The development is inside the sewer priority area.

### 2.2 *Sewer flow*

The original sewer analysis for the master plan was performed with a total peak day dry weather flow (PDDWF) for Erf 3 of 8,7 kℓ/d.

For this re-analysis, the PDDWF for the proposed development was calculated as 10,1 kℓ/d.

### 2.3 *Present situation*

The existing sewer system has sufficient spare capacity to accommodate the proposed development.



**3. CONCLUSION**

The developer of Erf 3 in Johannesdal may be liable for the payment of a Development Contribution (as calculated by Stellenbosch Municipality) for bulk water and sewer infrastructure as per Council Policy.

There is sufficient capacity in the existing water and sewer reticulation system to accommodate the proposed development.

We trust you find this of value.

Yours sincerely

GLS CONSULTING (PTY) LTD  
REG. NO.: 2007/003039/07

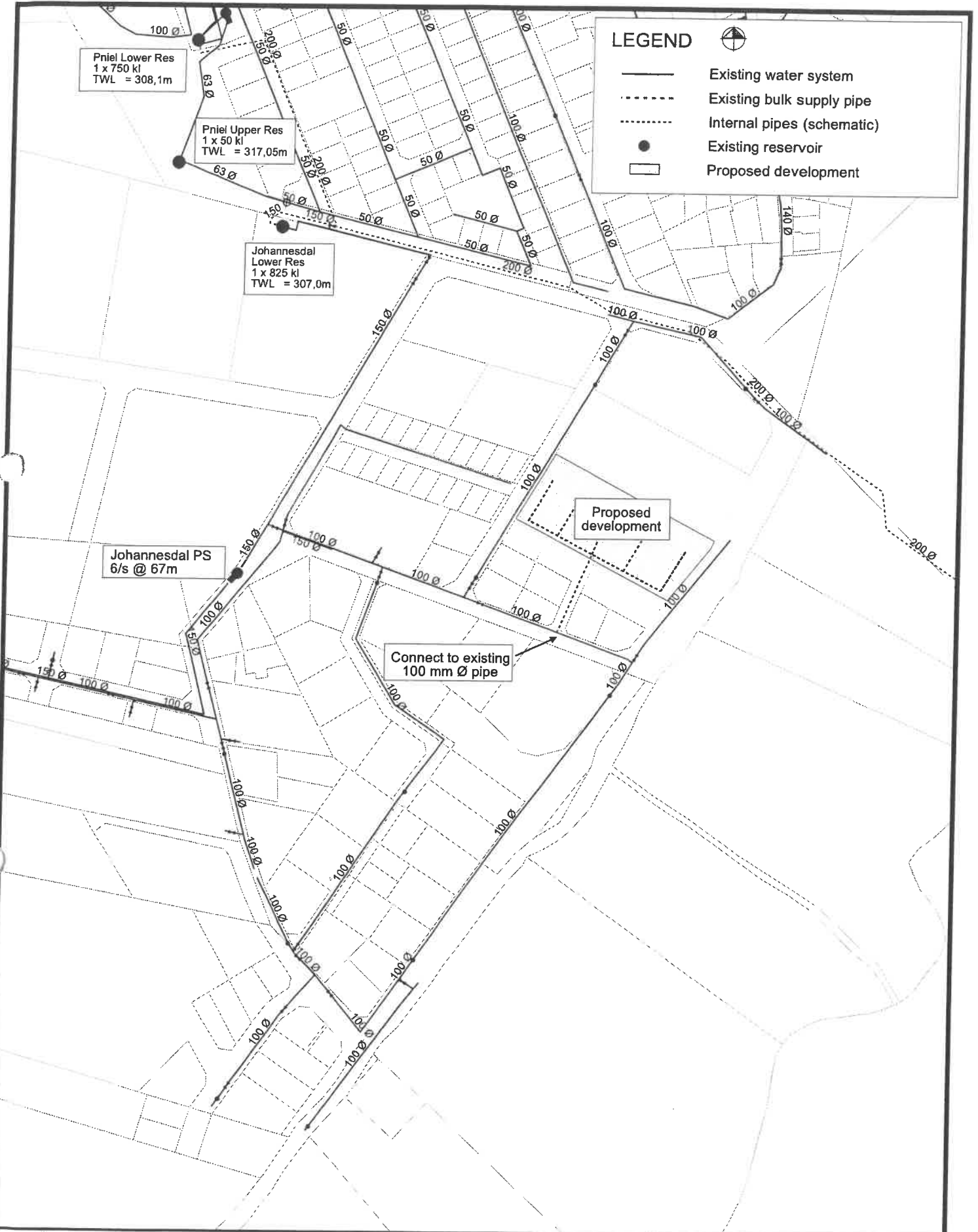


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Per: PC DU PLESSIS

cc. The Director  
Directorate: Public Works  
Stellenbosch Municipality  
P.O. Box 17  
STELLENBOSCH  
7599

Attention: Mr Adriaan Kurtz



January 2018  
 Johannesdal - Development of Erf 3



**Figure 1 (Final)**  
 Proposed development  
 Johannesdal - Erf 3  
 Existing water system



**ANNEXURE Q:** INPUT FROM APPLICANT ON CONCERNS RAISED IN  
EVALUATION OF APPLICATION

24/11/2020	Correspondence from Town Planning: Town Planner prioritising report, request for two weeks to finalise.
09/12/2020	Request for subdivision plan dated March 2020 ( <b>note:</b> confirmed receipt of plan dated 28/05/2020 via WeTransfer) <ul style="list-style-type: none"> <li>• Copy emailed same day.</li> </ul>
14/12/2020	Request for status update.
18/12/2020	Client request for update directly to Town Planner, no response.
05/01/2021	Client further call for status update.
14/01/2021	Correspondence from Town Planning: Report will be finalised and submitted for signatures in the following week (18/01/2021 – 22/01/2021)
02/02/2021	Correspondence from Town Planning: Confirmation that application will serve at 19/02/2021 MPT meeting.
04/02/2021	Request for updated street numbering on plan of subdivision <ul style="list-style-type: none"> <li>• Submitted within 3 hours of request</li> </ul>
10/02/2021	Request for SDP soft copies due to scan on Municipal file being cut off. <ul style="list-style-type: none"> <li>• Submitted within 2 hours of request.</li> </ul>
10/02/2021	Query regarding proposed departures and necessity of these applications. <ul style="list-style-type: none"> <li>• Reference made to application submitted 26/02/2018, revised with HWC input 26/05/2020</li> <li>• <b>Note:</b> no request for explanation for departures during previous 3-year period.</li> </ul>
11/02/2021	Telephone call from Town Planner requesting meeting with Stiaan Carstens to discuss “concerns” relating to application. No explanation given. <ul style="list-style-type: none"> <li>• Email sent to Stiaan Carstens expressing frustration that problems are arising 3 years into application process and requesting detail of issues raised.</li> <li>• Confirmation of meeting on 15/02/2021 to discuss concerns raised.</li> </ul>
12/02/2021	Email from Stiaan Carstens, no detail of concerns raised.
15/02/2021	Email from Stiaan Carstens, providing concerns prior to meeting held at Municipality.

## 2. Response to concerns raised 15 February 2021

2.1. *“The relatively small erf sizes (100-160m<sup>2</sup>) which is not in character with the rural node of Johannesburg. The smallest erven on record is upwards of 285m<sup>2</sup> at a neighbouring property, and which is already a departure from the prevailing norm for this node. This development referred to represents a density of approximately 14du/ha versus the proposed is upwards of 25du/ha.”*

### Response:

- The literature points to the Dwars River Valley settlements being isolated **urban** settlements, however, in the 2021 context these settlements are less isolated than ever with significant accessibility granted to them by the upgraded Helshoogte Road.
- The main focus was to make the development affordable for the Community. The seller of the property indicated in a letter (attached) that properties in the area were becoming too expensive for local residents to afford. By way of example, the *Mentoor Mountain Estate* enters the market with plots ranging from R950 000 – R2 240 000 and entry level homes starting at R3 500 000.
- The proposed development is offered at a lower price point to increase the range of housing opportunities in the area with options of 2- or 3-bedroom dwellings for between R1 700 000 and R2 000 000 (85m<sup>2</sup> to 105m<sup>2</sup>) on plots ranging from 100 – 160m<sup>2</sup>.

- 2.11. *“Considering the above reservations, it is submitted that the root problem with the proposed development is perhaps the zoning of town housing as provided for in the former Section 8 zoning scheme.”*
- 2.12. *“To support such view, it has to be highlighted that the original purpose of town housing development was for the high end of densification. For this purpose, this zoning, in terms of the provisions of the General Structure plan in force at the time, was specifically reserved to be exclusively applied in CBD’s and along recognised activity corridors, where existing infrastructure would support such densities. Johannesburg is far removed from any such considerations.”*

**Combined response:** Town housing development at densities of  $\pm 25$  -  $\pm 50$  du/ha – in the 2021 context – is relatively low density and does not address housing issues caused by general population increase and migration to urban areas, even as “isolated” as Johannesburg may seem. CBD residential densities are likely to be in the region of 200 du/ha. Furthermore, given the Municipal infrastructure capacity can support the proposed development (and surrounding densification), it is submitted that the town housing typology is well suited to providing necessary housing stock in Johannesburg. And this speaks to the core of sustainable development: higher density development within earmarked “urban zones” with confirmed engineering services capacity.

- 2.13. *“The current Stellenbosch Zoning scheme does not carry a zoning for a Town Housing scheme. Group housing is provided as a consent use in Conventional Residential Zone for densities up to 25 du/ha, with matching development parameters. For the record, it has to be noted that 25 du/ha is already considered very high and is mostly not achievable with the sensible application of the relevant development parameters. For densities higher than 25 du/ha, application must be made for Multi Residential zone, with a similar provision for Group Housing as a consent use, and development parameters matching such high-end density developments. Obviously multi-residential zonings also come with locational and contextual considerations.”*

**Response:** Notwithstanding the definition of “Town Housing” being excluded from the Multi-Unit Residential zone contained in the Stellenbosch Zoning Scheme By-law, the provisions of this zone are almost identical to that of the “Residential Zone III” of the section 8 zoning scheme. At the time of submission, the new zoning scheme by-law was not yet applicable, however, the group housing provisions are most applicable to the proposal with a density of at least 25 du/ha and maximum density of 50 du/ha.

- 2.14. *“In conclusion, it is submitted that the character of town-housing development, and specifically how it was applied in the proposed development, is not the appropriate vehicle for development in this locational context, as it do give rise to an potential outcome which is not warranted in a rural context in general and specifically for Johannesburg.”*

**Response:** We do not concur with this opinion, and the foregoing responses to all concerns have shown that the development is in fact desirable on many levels to achieve a more sustainable and equitable housing market in the Stellenbosch Municipality.

Furthermore, the proposal has passed the scrutiny of Heritage Western Cape, Local and Provincial transport engineers and the Municipality’s civil engineering branch.

The current density of Johannesburg is low ( $\pm 4,6$  du/ha) and the proposal will assist to raise the density of the area towards the PSDF’s recommended threshold of 25 du/ha average for all urban settlements.

Yours faithfully



Tristan Sandwith  
HEADLAND PLANNERS

JD3  
February 2021

#### **SUPPORTING DOCUMENTS**

- Municipal Additional Information Letter
- Engineering comment email correspondence
- Concerns February 2021
- Municipal traffic engineering final comment
- Heritage Western Cape RoD
- Letters from community members

## EMAIL DETAILING FEBRUARY 2021 CONCERNS

**Subject:** RE: Erf 3, Johannesdal  
**Date:** Monday, 15 February 2021 at 10:08:04 South Africa Standard Time  
**From:** Paul Winter <paulw@nationhousing.co.za>  
**To:** Stiaan Carstens <Stiaan.Carstens@stellenbosch.gov.za>, Tristan Sandwith <tristan@headland.co.za>  
**CC:** Bongiwe Zondo <Bongiwe.Zondo@stellenbosch.gov.za>, Claus Mischker <claus@headland.co.za>, Chrizelle Kriel <Chrizelle.Kriel@stellenbosch.gov.za>, heinrichm@axionarch.co.za <heinrichm@axionarch.co.za>  
**Attachments:** image001.jpg, image002.png, image003.png, image004.png, image005.jpg, image006.png, image007.png, image008.png, image011.png, image012.png, image013.png, image014.jpg, image015.png, image016.png, image017.png, image020.png, image021.png, image022.png, image023.jpg, image024.png, image025.png, image026.png, image027.jpg, image028.jpg, image029.jpg, image030.jpg, S38 FINAL DECISION #18091210AS0926M.pdf, ERF 3 - HWC 20200120.pdf, RBLD206\_Erf 3 Landscape Plan-W01.pdf, ERF 3 - Consultants 20200331-Dwg 100-01.pdf, Development Motivation from one of the leaders in Community.pdf

Good morning Stiaan

Thanks, appreciate the e-mail and timeslot.

Tristan and Claus will also have an indept look from a technical and townplanning point of view. But below is from me the developer. You don't have to look at this now but I would like this to form part of our discussion this afternoon:

The final OTP was signed 14 September 2017 after many months of negotiations with the Seller.

Our main focus was to make the development also affordable for the Community. That was my promise to the Seller which is a prominent member of the Johannesdal/Pniel community. I also attach a letter that was written where more affordable housing the community can maybe also buy is available.

**My development will range in price from R1.7m to R2m, 2 and 3 bedroom freestanding homes from 85 to 105m<sup>2</sup>**

The development across above me about 20m away sells for R3.4m for a 205m<sup>2</sup> home And Mentoor estate only the erven range from R950K to R2240K with an entry level home being R3.5m

All your concerns is the same as we had with Heritage ie. regarding the Visual Impact, small erven, gated community, the look of overextended.

**This was all changed and addressed with the layouts and landscaping plan until they were happy, also where they believe it was a good model for the area forward with new applications.**

The Visual Impact was their main concern and they have us changed it and changed again until they were happy with it.

The SDP and landscaping and POS's was changed and changed again until Heritage was happy

nature of building structures as rows of double stories will result in an image of being "overdeveloped".

Here 2 or 3 row houses will appear as 1 bigger house.

a continuous high wall of buildings right on the boundary of the neighbouring properties will exacerbate the negative visual impact

The fencing front and back of the development will be Clearvue.

And many of your other concerns is the same as raise by engineering and changes made until they was happy.

and no provision has been made for additional parking for visitors  
There is parking at the entrance

A traffic Impact assessment was asked for and Head of Traffic engineering Nigel Winter approved it.

The relatively small erf sizes (100-160m<sup>2</sup>) which is not in character with the rural node of Johannesburg

This was discussed at length during the Heritage approval. The SDP and landscaping and POS's was changed and changed again until Heritage was happy and they saw the model then something that could be repeated for future development in the area. Repeated the way forward they said.

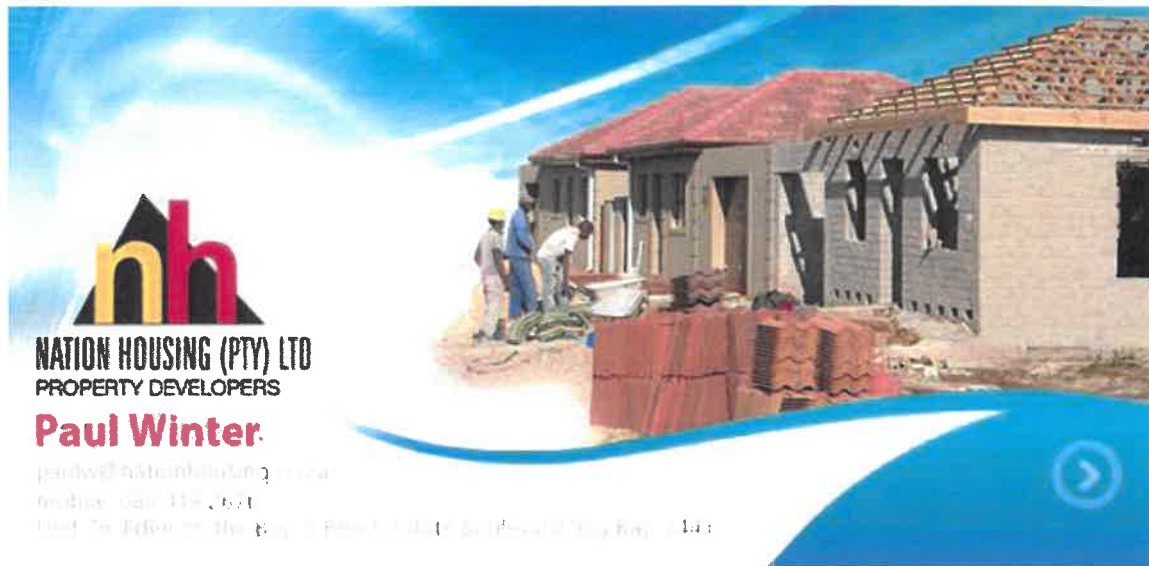
Just because something is not there now is not to say it is not the way forward as long as it aesthetically appealing and compliment the Visual Impact or do not affect it.

**For example regarding your erf sizes and gated community Erf 720 Pniel was approved on the Helshoogte road with erven ranging from 97-160m<sup>2</sup>.**

**Other development Farm 1331/2 , approx. 20m from our development erven ranging from 205 m<sup>2</sup> but houses sells from R3.4m**

Kind regards

Paul



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**From:** Stiaan Carstens [mailto:Stiaan.Carstens@stellenbosch.gov.za]

**Sent:** 15 February 2021 08:52 AM

**To:** Tristan Sandwith; Paul Winter

**Cc:** Bongwiwe Zondo; Claus Mischker; Chrizelle Kriel

**Subject:** RE: Erf 3, Johannesburg

Tristan,

We did open a diary slot for 13h30, and we can commit for an engagement of 45 minutes.

To facilitate the discussion, herewith my concerns on the proposed development for





# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

## STELLENBOSCH MUNICIPALITY

### PLANNING REPORT: LAND USE AND LAND DEVELOPMENT APPLICATION: APPLICATION FOR REZONING AND SUBDIVISION ON REMAINDER PORTION 7 OF FARM 373, STELLENBOSCH DIVISION

Application Reference number	File Ref: LU/10807	Application Date	2020/01/24
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#### PART A: APPLICANT DETAILS

First name(s) & Surname	Clifford Heys		
Company name	TV3 Projects (PTY) LTD		
SACPLAN registration number	Pr. Pln: A/1158/2000		
Registered owner(s)	Westruther Trust	Is the applicant properly authorised to submit the application	Yes

#### PART B: PROPERTY DETAILS

Property description	Remainder Portion 7 of Farm 373	Town/City	Stellenbosch Division
Physical address	Paradys Kloof (L'Hermitage Phase 2) (See <b>Annexure A</b> )		
Extent (m <sup>2</sup> /ha)	1.3703 ha	Current zoning	Agriculture and Rural Zone
Existing Development and Current land use	Agricultural activities (planted vineyards)		
Any unauthorised land use/building work	None		
Title Deed Nr.	T43140/1999 (See <b>Annexure B</b> )		

**PART C: APPLICATION DETAILS**

Applications(s)	<p>i. An application is made in terms of Section 15 (2)(a) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for the Rezoning of the Remainder Portion 7 of Farm 373 from Agriculture and Rural Zone to Subdivisional Area in order to allow for the following uses:</p> <p>i. 11 Conventional Residential Zone erven (dwelling house) (11 904 m<sup>2</sup>)</p> <p>ii. 1 Transport Facilities Zone erven (private road) (1 820 m<sup>2</sup>)</p> <p>ii. An application is made in terms of Section 15 (2)(d) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for the Subdivision of Remainder Portion 7 of Farm 373 in accordance with the Subdivisional Plan No: 3, Project No: 3645-P, drawn by WH (TV3 Architects and Town Planners), dated 21/11/2019 (See <b>Annexure F</b>).</p>
Purpose of Application	The applicant intends to establish residential development which will form part (Phase 2) of the existing L'Hermitage residential estate development.
Pre-consultation	None

**PART D: APPLICATION BACKGROUND**

The proposed application served at an MPT on the 27 November 2020 and there were a number of technical matters that need to be resolved before the MPT can decide on the application. The application was then referred back for amendments to address the following issues:

- a) The status of the access control being exercised over the public roads in the existing L'Hermitage development, as well as the intended access control to be instituted for the new proposed development.
- b) Given the outcome of (a) above, clarity on the proposed integration of the new development with proposed private roads with the existing L'Hermitage development and the management arrangements of such proposed integration.
- c) Given the outcome above in (a) & (b), the position regarding the establishment of the proposed development's own home owners association or its inclusion in the existing L'Hermitage HOA, and the arrangements of how the new development will be accommodated in terms of management of the services.
- d) Given the outcome of (a) & (b) above, the proposed arrangements with regard to refuse collection for the new development.

- e) Given the outcome in (a) & (b above), the position regarding adopting the Architectural Guidelines of the existing L'Hermitage development or the intention to develop new guidelines for the proposed development.
- f) The adjacent area outside the urban edge is identified as landscape feature of "Very High Significance" in the Stellenbosch Heritage Inventory and Management Plan. Therefore, the treatment of the edge of the proposed development is of importance and should be addressed in the proposal and possibly be reflected in the Architectural Guidelines. This may include a visual impact assessment to identify possible mitigation measures of the development on the surrounding landscape.

### 1. Location of property

The subject property is Phase two (2) of the L'Hermitage residential estate located at Paradyskloof, Stellenbosch. Access to the subject property will be gained via public roads at L'Hermitage (Arc-en-Ciel and Esprit).

### 2. The prevailing development context of the subject surrounding/ neighbouring area

The subject property is located at Paradyskloof, Stellenbosch. It is surrounded by residential estates such as La pastorale, Westruther, Vallee Lustre, Mont Blanc etc and agricultural activities. The application under consideration is to facilitate the phase two (2) of the L'Hermitage residential estate development.

### 3. Historic use and development of the property, incl. existing and any illegal uses.

The subject property is zoned as Agriculture and Rural Area, it is utilised for agricultural purposes (planted with vineyards). The current property is the Remainder of Portion 7 of Farm 373, phase two (2) of L'Hermitage. A land use application for Rezoning and Subdivision of phase one (1) of the L'Hermitage residential estate was approved on the 25 February 1997 (See **Annexure C**).

## PART E: APPLICATION OVERVIEW AND MOTIVATION (See Annexure D)

The subject property is phase two (2) of the L'Hermitage residential estate located at Paradyskloof, Stellenbosch. The subject property was identified in 1997 as a possible second development phase of the L'Hermitage estate and access to the subject property was provided through the estate. The subject property was earmarked for future urban development in 1998, therefore it is exempt from the provisions of the Subdivision of Agricultural Land Act No. 70 of 1970. The development proposal is within the urban edge therefore is compliant with the MSDP. The proposed development is an opportunity to stimulate the local economy. The estimated value of this development project is ± R50 million that will be invested in the local economy and it is anticipated that the proposed development will create ±100 new employment opportunities in the construction sector. Therefore the proposed development will have a positive impact on the local economy, infrastructure and will provide additional housing opportunities.

Moreover, the subject property is surrounded by similar residential developments, such as La pastorale, Westruther, Vallee Lustre, Mont Blanc etc. it will constitute infill development and will complete the infill of the L'Hermitage residential estate. The engineering services are available to accommodate the proposed development but with certain infrastructure upgrades and the proposed development is supported from a traffic point of view.

**PART F: PUBLIC PARTICIPATION, COMMENTS AND RESPONSE**

**1. Process followed**


The applicant has notified the internal and external departments, advertised in the local newspaper and notified (serving of notices) all interested and affected parties, as well as community organizations and also placed notices on the property. The advertising period was from **23 July 2020** to **24 August 2020** (See **Annexure E**). **Three (3)** objections received.


**2. Public & stakeholder inputs**

The following objections were received: (See **Annexure G**)

- a) Westruther HOA
- b) Stellenbosch Interest Group
- c) L'Hermitage HOA

**Summary of the objections received and the applicant's response** (See **Annexure H**).

OBJECTOR	ISSUES RAISED	APPLICANT'S RESPONSE
<p>Westruther HOA</p>	<p>The use of the Paradyskloof tennis club gravel road for construction vehicles, is not supported. The extra traffic on the gravel road will cause a nuisance for the Westruther Estate's residents.</p>	<p>The objection is noted. However, there are currently no houses built on the erven adjacent to the gravel road. It is understood that these erven are not yet sold.</p> <p>It was a proposal by the developer (to protect the L'Hermitage residents during the construction phase) to use the existing gravel road as a temporary access for construction vehicles. This road is also the access road for the public to the Paradyskloof tennis club (south of the subject property). See images below of the road:</p>  <p style="text-align: center;"><b>PARADYSKLOOF TENNIS CLUB ROAD</b></p>

		 <p>This road was used for more than 70 years as the access to the original Westruther farm homestead and its three adjacent properties which included Farm 373/7.</p> <p>This road was also used by the Westruther Estate as a temporary estate access (until its access road and gate was constructed in 2019), and used by the Westruther Estate as a temporary construction access to protect the La Pastorale residents.</p> <p>The proposed use of this public road is therefore not new – it was used for this very purpose by the objector – but it is for Council to decide if the developer may use the public Paradyskloof tennis club gravel road for construction purposes only (or not).</p> <p>The alternative route (as proposed by the objector) is over Farm 369/17 and is not viable as the farm is private land.</p>
<p><b>Stellenbosch Interest Group</b></p>	<p>The low density of the development does not comply with the municipal spatial planning policies. The proposed density should be doubled.</p> <p>A central open space should be provided as the maintenance of large individual gardens is not sustainable as a result of chronic water shortage.</p>	<p>The development proposal will consist of 11 single residential erven that are all ±1100m<sup>2</sup> in size, which is similar to the big erven of the L'Hermitage estate. The proposed development will have a low residential density of only ±8 units per hectare – which is also similar to the low residential density of the L'Hermitage estate. The purpose of the big single residential erven is to be compatible with the existing low residential density character of the L'Hermitage estate.</p> <p>As mentioned above – the erf sizes were dictated by L'Hermitage I. The proposed Phase II will form part of the L'Hermitage HOA's rules and architectural guidelines. For this reason, the development must be similar to that of the first phase.</p>



		<p>A large open space is already provided at the L'Hermitage 1<sup>st</sup> phase and the intention was to also serve the Estate's 2<sup>nd</sup> development phase.</p> <p>When the development proposal was discussed with the L'Hermitage HOA it was agreed that a 2<sup>nd</sup> open space would not be needed.</p>
	The low residential density does not support the provision of public transport.	The subject property is not located on any NMT or public transport routes. Eleven erven or 22 erven (as suggested by the objector) will not have a tangible impact on the town's public transport infrastructure.
L'Hermitage HOA	<p>Access and status of the L'Hermitage Estate's internal road.</p> <p>According to the objector the L'Hermitage Estate's internal Road is a private road (and not a public road as claimed by the applicant).</p>	<p>According to the Surveyor-General Office confirming that the L'Hermitage internal road (i.e. the Remainder Erf 13438, Stellenbosch) is a public road. A copy of their Status Report is attached hereto (see <b>Section B</b>).</p>
	<p>According to the Deeds Office the registered owner of the Remainder Erf 13438, Stellenbosch is still the developer (Brian Hugh Spottiswoode), but it should be the L'Hermitage HOA.</p>	<p>The internal road (Remainder Erf 13438, Stellenbosch) is a public road and vested with the Stellenbosch Municipality with the 1997 LUPO approval (even if it was not registered at the Deeds Office in the local authority's name).</p> <p>In other words, the Stellenbosch Municipality is the owner of the L'Hermitage internal road.</p>
	<p>According to the objector the L'Hermitage Estate's internal Road is a private road. This means that the development on Farm 373/7 may not use the Estate's internal private road for access.</p>	<p>As explained above, the internal road is a public road and they cannot restrict access over a public road.</p>
	<p>The 1997 LUPO approval is silent on the second development phase, except for paragraph (c)(xii) that states, "the road reserves in the second phase is to be 10m in order to provide services".</p>	<p>The 1997 LUPO approval is <u>not</u> silent on the second development phase. It clearly refers to the second development phase.</p> <p>Furthermore, the internal roads were designed to give access to the future second phase.</p> <p>It appears as if the objector is being deliberately obtuse in claiming that they were not aware of the second development phase.</p>
	<p>The application is incomplete and defective owing to an absence of a visual impact study.</p>	<p>A visual impact assessment may be required. However, the subject property is located in the urban edge, is earmarked for future development and is largely surrounded by similar residential developments. For this reason, Heritage Western Cape and the Municipality's Spatial Planning Department deemed a visual impact assessment to be unnecessary and it was never required.</p>

		As discussed with the L'Hermitage HOA, the proposed development will also use the L'Hermitage architectural guidelines to minimise the 2 <sup>nd</sup> phase's visual impact.
	The Heritage Western Cape report was not included in the planning application. The planning application is therefore incomplete.	The planning application and a Notice of Intent to Develop (NID) form were submitted to Heritage Western Cape (as instructed by the Stellenbosch Municipality) for their authorisation i.t.o. the National Heritage Resources Management Act, 1999. Their letter of approval was received and has been submitted to the Stellenbosch Municipality.
	The architectural and building guidelines were not included in the planning application.	As stated in the planning application; it is proposed that the development forms part of the L'Hermitage residential estate, and that the new erven / owners all become members of the L'Hermitage Home Owners' Association. For this reason, the new erven / owners will all have to comply with the L'Hermitage estate's constitution and architectural guidelines.

### 3. Government related inputs received

- a) The **Heritage Western Cape** supported the proposal (see **Annexure I** for letter dated 30 January 2020).
- b) The **Department of Health Services** supported the application with standard conditions (see **Annexure J** for e-mail dated 06 August 2020).
- c) The **Department Agriculture Western Cape** supported the application (see **Annexure P** for letter dated 08 October 2020).

### 4. Comments from internal service departments

- a) The **Manager: Spatial Planning** supported the proposal (see **Annexure K** for memo dated 04 September 2020).
- b) The **Manager: Electrical Services** supported the proposal subject to conditions (see **Annexure L** for memo dated 28 October 2020).
- c) The **Director: Engineering Services** supported the proposal subject to conditions (see **Annexure M** for memo dated 28 July 2020).

## PART G: ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

### 1. Legislative and Policy Context of land use and land development application

The legislative, principles, policies, guidelines and plans which are considered as relevant to the application under consideration and land use application, are as follows:

- o Stellenbosch Municipality Zoning Scheme By-law, 2019
- o Stellenbosch Municipality Land Use Planning Bylaw, 2015
- o Stellenbosch Municipality Spatial Development Framework
- o Provincial Spatial Development Framework
- o SPLUMA and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

### 2. Assessment of grounds of the land use and land development application

#### 2.1 Applicable MSDF and LSDF's

The proposed development is located within the urban edge and within the residential town of Paradyskloof in Stellenbosch. It is earmarked by the MSDF for future infill urban development. In terms of the approved Municipal SDF, densification and infill development is encouraged. Therefore the proposed application is in line with the Stellenbosch Municipality Spatial Development Framework.

#### 2.2 Applicable planning policies and guidelines

The Provincial Spatial Development Framework (PSDF) sets out a policy framework within which the Western Cape Government will carry out its spatial planning responsibilities. The proposed development aligns with key themes covered in this framework i.e. promoting infill and compact development within the urban edge, ensure functional integration between people of different income groups, the proposal does not perpetuate urban sprawl, opening up opportunities for community and residential development and to develop integrated and sustainable settlements. Furthermore, the subject property is within the urban edge and earmarked for future development, therefore it is exempt from the provisions of the Subdivision of Agricultural Land Act No. 70 of 1970, however a letter of consent from the Department of Agriculture is attached as **Annexure P**.

#### 2.3 Service infrastructure capacity and sustainability

In terms of civil engineering services, a report was done by Bart Senekal Inc. (Consulting Civil & Structural Engineers) (See **Annexure N**) dated 12 November 2019. The report concluded that:

- a. The required basic civil engineering services for the proposed development, i.e potable water, sewerage and solid waste removal can be accommodated by the Stellenbosch Municipality in their existing infrastructure.
- b. Attenuation of peak stormwater run-off from the developed site will be implemented. The proposal is that it be accommodate by way of narrow, open feature along the lowest boundary of the site.

Furthermore, the application was circulated to the Stellenbosch Municipality Engineering Services and they supported the application with standard conditions (See **Annexure M**).



## **2.4 Any investigations carried out in terms of other laws that are relevant to the consideration of the subject application (e.g. EIA, TIA, HIA etc.)**

**2.4.1** A traffic impact study was done by iCE Group (See **Annexure O**) to investigate the expected traffic related impacts the proposed development. From the investigation it is clear that the impact of the expected additional vehicle trips is relatively insignificant. The report concluded that:

- a. The development will generate 17 trips during both the AM (13 out, 4 in) and PM (4 out, 13 in) peak hour.
- b. Access will be obtained through the existing L'Hermitage development on the northern side of the property and road reserve and widths proposed are considered acceptable.
- c. The turning radii can accommodate passenger vehicles, however should single-unit trucks wish to be accommodated, the radii should be increased to at least 6.0 metres.
- d. No additional formal public or non-motorised transport facilities are considered necessary as a result of the proposed development.

## **2.5 The proposal (the applicable provisions of the zoning scheme)**

The subject property is zoned for Agriculture and Rural Zone and in terms of the zoning of the subject property, the land unit must be rezoned and subdivided in order to facilitate the proposed development. The development will comprise of 11 Conventional Residential Zone erven (dwelling house) (11 904 m<sup>2</sup>) and 1 Transport Facilities Zone erven (private road) (1 820 m<sup>2</sup>). Access to the subject property will be gained via public roads at L'Hermitage (Arc-en-Ciel and Esprit). No problems are foreseen with the access as the internal roads were designed to give access to the future second phase and they are public road, therefore no restriction could be made over a public road. The proposed development will therefore have no impact on the existing road network in the area since the existing road network has sufficient capacity.

## **3. General desirability in accordance with possible impacts on neighbouring properties and surrounding areas.**

The subject property is located at Paradyskloof, Stellenbosch. The proposed development is surrounded by similar residential developments, such as La pastorale, Westruther, Vallee Lustre, Mont Blanc etc. it will constitute infill development and will complete the infill of the L'Hermitage residential estate. The development proposal will consist of 11 single residential erven that are all +- 1100m<sup>2</sup> in size, which is similar to the L'Hermitage Estate. The proposed development will have a very low residential density of only +- 8 units per hectare, which is also similar to the low residential density of the L'Hermitage Estate. Therefore, the proposed development will not have any negative impact on the existing character of the area instead will optimise an alternative residential opportunities.

## **4. Assessment of comments on application**

The objector's comments were mainly based on the access of the property, the temporary access for the construction period, the density, and the absence of the Visual Impact Assessment. A copy of the status report from the Surveyor General confirming that Remainder of Erf 13438 (See **Annexure H**) is in fact a public road is attached. Therefore, the proposed development access can be gained via public roads at L'Hermitage (Arc-en-Ciel and Esprit). The fact that the road has been used as a private road does not

make it a private road, it is still a public road and the proposed development cannot be restricted access to a public road. The temporary access proposed by the applicant is a public road and there are no houses built on the erven adjacent to the gravel road, therefore the proposed temporary access for the construction vehicles will not impact negatively on the surrounding residents as the road has already been used as temporary access by the Westruther Estate for construction period access. The proposed development consist of big single residential density which are compatible with the existing low residential density character of the Hermitage Estate. Therefore the proposed development is not out of character with the surrounding residential development. The Heritage Western Cape and Spatial Planning department supported the proposed development and did not require a Visual Impact Assessment, therefore it is thus submitted that the proposed development does not require the study. Moreover, all the other internal and external department's comments were taken into account and will be imposed as conditions of approval, if necessary. All other objector's concerns were discussed and addressed in the assessment of this application and conditions of approval.

#### 5. Additional planning evaluation for removal of restrictions

Not applicable to this application.

#### 6. Additional assessment of MPT (meeting held on the 27 November 2020) comments

- a) The status of the access control being exercised over the public roads in the existing L'Hermitage development, as well as the intended access control to be instituted for the new proposed development.

Building plans for the entrance gate were submitted on the original Farm 373/7, Stellenbosch and approved by Council. With the development of the residential estate and the registration of the new erven at the Deeds Office, the developer entered into an agreement with Council. The Memorandum of Agreement (dated 27 October 1997) stated in paragraph 4.9.2 "The Home Owners Association will be responsible for the maintenance of all communal property, road surface, and private open space", and in paragraph 4.9.3 "The Home Owners Association will be obliged to ensure that 24 hour per day access is possible to employees at the COUNCIL through at least a pedestrian gate should access control to the private development be implemented". In other words, the access control to the L'Hermitage estate is based on a historic agreement with Council. It is not the developer's intention to institute a new access control to the 2nd phase. The 1st phase and the 2nd phase will form one estate without any differentiation.

- b) Given the outcome of (a) above, clarity on the proposed integration of the new development with proposed private roads with the existing L'Hermitage development and the management arrangements of such proposed integration.

The L'Hermitage HOA's current arrangement with the Municipality regarding the services and infrastructure for Phase I will not be changed with this development. The Memorandum of Agreement

will remain in place. All the services for Phase II will however be private and will be the responsibility of the HOA.

- c) Given the outcome above in (a) & (b), the position regarding the establishment of the proposed development's own home owners association or its inclusion in the existing L'Hermitage HOA, and the arrangements of how the new development will be accommodated in terms of management of the services.

As intended by Council when they approved Phase I in 1995, Phase II will also form part of the L'Hermitage HOA. It will not be a separate development with its own rules. In other words, Phase II will also fall under the jurisdiction of L'Hermitage's constitution and architectural guidelines and the new residents will also pay a monthly levy for the management of the whole estate.

- d) Given the outcome of (a) & (b) above, the proposed arrangements with regard to refuse collection for the new development.

The civil engineering services report (that was included in the land use planning application) made the following comments regarding refuse removal:

## 6. SOLID WASTE REMOVAL

Solid waste generated by the development is calculated as follows:

Single Residential > 1000 m<sup>2</sup>      11 erven @ 0,04 t/unit/week = 0,44 t/week

Stellenbosch Municipality is currently providing a waste removal service to the *L'Hermitage I* development through collection at the entrance gate. With the incorporation of the *L'Hermitage II* development, the current operation will be maintained.

Extract of the civil engineering services report

- e) Given the outcome in (a) & (b) above, the position regarding adopting the Architectural Guidelines of the existing L'Hermitage development or the intention to develop new guidelines for the proposed development.

As explained above – Phase II will form part of the L'Hermitage Estate's constitution and architectural guidelines (in order to ensure a harmonious estate). No new architectural guidelines are proposed for Phase II.

- f) The adjacent area outside the urban edge is identified as landscape feature of "Very High Significance" in the Stellenbosch Heritage Inventory and Management Plan. Therefore, the treatment of the edge of the proposed development is of importance and should be addressed in the proposal and possible be reflected in the Architectural Guidelines. This may include a visual impact assessment to identify possible mitigation measures of the development on the surrounding landscape.

A heritage assessment was undertaken and was submitted to Heritage Western Cape i.t.o. the National Heritage Act, 1999. The proposed development was subsequently approved by Heritage Western Cape and in their letter of approval Heritage Western Cape stated, the proposed development "will not impact on heritage resources [and] no further action is required". The land use planning application was submitted to Mr. Bernabé de la Bat (Manager: Spatial Planning, Heritage and Environment). Mr. De la Bat supported the proposed development stating "the subject property is located within the urban edge within the residential town of Paradyskloof in Stellenbosch and earmarked by the MSDP for future infill urban development". Since both Heritage Western Cape and the Manager: Spatial Planning, Heritage and Environment approved / supported the proposed development without any conditions or additional requirements, and since the proposed development is the 2nd phase of an existing residential estate (and will be similar i.t.o. architecture to the development's 1st phase) it is submitted that the requests for a visual impact assessment is unnecessary.

**7. Additional assessment of meeting held on the 04 February 2021 (between the applicant, town planning and engineering department).**

- a) The proposed development is the 2nd phase of the L'Hermitage residential estate to create a single development. It was planned like this when the 1<sup>st</sup> phase was approved by Council in 1997.
- b) The intention is to form part of the L'Hermitage Home-Owners' Association (HOA) – and to fall under the jurisdiction of the HOA's Constitution and Architectural Guidelines – but at this stage a letter of support from the L'Hermitage HOA cannot be provided.
- c) If the L'Hermitage HOA refuses membership, then a separate HOA will be established for the 2nd phase development with its own Constitution and Architectural Guidelines. If necessary, then the new Constitution and Architectural Guidelines (of the L'Hermitage II HOA) will be submitted to Council for approval.
- d) Access to Farm 373/7 is via a public road; in other words, the L'Hermitage HOA cannot refuse access for the application area and the proposed development is not landlocked.

- e) Re. refuse removal: The proposed development's wheelie bins will be placed on Houtkapper Street for collection by the Municipality.

## PART H: SUMMARY OF KEY FINDINGS OF ASSESSMENT

After having independently considered and weighted all the relevant information the evaluation of the subject land use and land development application concludes that:

The proposal as submitted can be supported from a land use point of view for the following reasons.

- o The development will have limited impact on the surrounding area or wider cultural landscape of Stellenbosch.
- o There will be limited negative impact on existing infrastructure and additional traffic can be accommodated.
- o The development proposal will have limited impact on the agricultural potential of the subject land unit as only 1.3 ha of viable agricultural land will be lost.
- o The proposed development is located within an approved urban edge and infill development and densification is encouraged.
- o Access to the proposed development will be gained via public roads at L'Hermitage (Arc-en-Ciel and Esprit).

## PART I: RECOMMENDATION

1. That the following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on the Remainder of Portion 7 of Farm 373, Stellenbosch Division, namely:
  - 1.1 The Rezoning from Agriculture and Rural Zone to Subdivisional area in terms of Section 15 (2)(a) of the Stellenbosch Municipality Land Use Planning By-law, in order to allow for the following uses:
    - i. 11 Conventional Residential Zone erven (dwelling house) (11 904 m<sup>2</sup>)
    - ii. 1 Transport Facilities Zone erven (private road) (1 820 m<sup>2</sup>)
  - 1.2 The Subdivision of Remainder Portion 7 of Farm 373 in terms of Section 15 (2)(d) of the Stellenbosch Municipality Land Use Planning By-law, in accordance with the Subdivisional Plan No: 3, Project No: 3645-P, drawn by WH (TV3 Architects and Town Planners), dated 21/11/2019 (See **Annexure F**);

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

## 2. Conditions of Approval:

- 2.1 The approval applies only to the proposed development under consideration as indicated on Subdivisional Plan No: 3, Project No: 3645-P, drawn by WH (TV3 Architects and Town Planners), dated 21/11/2019 and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
- 2.2 The development be undertaken in accordance with the Subdivisional Plan No: 3, Project No: 3645-P, drawn by WH (TV3 Architects and Town Planners), dated 21/11/2019, attached as **Annexure F** to this report;
- 2.3 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;
- 2.4 A service agreement be entered into with the municipality prior to the construction of any services or infrastructure in terms of Section 66(3) and Section 82(4) of the said bylaw;
- 2.5 The development contributions are payable before the transfer of the first property or submission of the first building plans and which amount will be calculated in accordance with the council tariffs in force at the time of payment;
- 2.6 The proposed development and the new erven / owners shall either be incorporated as part of the existing L'Hermitage residential estate Home Owners' Association and for which purpose written agreement from the existing L'Hermitage HOA needs to be submitted together with the necessary amendments to this effect to the existing constitution for the Municipality's approval in terms of Section 29(6) of the said Bylaw prior to the transfer of the first land unit; or alternatively, if no agreement is reached with the existing L'Hermitage HOA, a new Home Owners Association for the subject development will come into force by virtue of Section 29(1) of the said Bylaw, and for which purpose a new constitution in accordance with Section 29(3) of the said Bylaw must be submitted to the Municipality for approval prior to the transfer of the first land unit.
- 2.7 The approved Architectural guidelines of the existing L'Hermitage Estate will apply to the subject development and all building plan applications must adhere to the subject Architectural guidelines;
- 2.8 A formal application be submitted for the erection of advertising signs and that all signage to be in line with the signage policy of the municipality and be approved by the Municipality prior to any signage being erected;
- 2.9 Building plans be submitted for approval by the Municipality for the boundary walls prior to the first property being transferred;
- 2.10 A consent be obtained from the Municipality for the temporary access before the development's construction period commence;

- 2.11 The proposed development's refuse wheelie bins will be placed on Houtkapper Street for collection by the Municipality.
  - 2.12 The conditions imposed by the Director: Engineering Services as contained in their memo dated 28 July 2020, attached as **Annexure P**, be complied with;
  - 2.13 The conditions imposed by the Manager: Electrical Services as contained in their memo dated 28 October 2020, attached as **Annexure L**, be complied with;
  - 2.14 The approval on the name of the development and the naming and number of streets as per proposed subdivision plan, with reference to Annexure F, be obtained from the duly authorised decision maker on such matters;
  - 2.15 Building plans for any houses will only be approved when all conditions of subdivision have been complied with;
  - 2.16 The approval will lapse if not confirmed within 5 years from date of final notification of approval of the application.
3. The reasons for the above decision are as follows:
- 3.1 The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape considering that it will in fact offer residential opportunities in the area;
  - 3.2 The proposed development will contribute to the sensible infill densification and the efficient use of available resources.
  - 3.3 There will be limited negative impact on existing infrastructure and additional traffic can be accommodated.

**PART J: ANNEXURES**

<b>ANNEXURE A:</b>	Locality Plan
<b>ANNEXURE B:</b>	Title Deeds
<b>ANNEXURE C:</b>	Previous Approval
<b>ANNEXURE D:</b>	Applicants motivation
<b>ANNEXURE E:</b>	Proof of Evidence (Public Participation, General Plan & Affidavit)
<b>ANNEXURE F:</b>	Proposed Subdivisional Plan
<b>ANNEXURE G:</b>	Objections
<b>ANNEXURE H:</b>	Applicants comments on objections
<b>ANNEXURE I:</b>	Comment from Heritage Western Cape
<b>ANNEXURE J:</b>	Comment from Department of Health
<b>ANNEXURE K:</b>	Comment from the Manager: Spatial Planning
<b>ANNEXURE L:</b>	Comment from the Manager: Electrical Department
<b>ANNEXURE M:</b>	Comment from the Director: Engineering Services
<b>ANNEXURE N:</b>	Civil Engineering report
<b>ANNEXURE O:</b>	Traffic Impact Assessment Report
<b>ANNEXURE P:</b>	Comment from Department of Agriculture: Western Cape



**PART K: ASSESSMENT OF THE LAND USE AND LAND DEVELOPMENT APPLICATION****APPLICATION FOR REZONING AND SUBDIVISION ON REMAINDER PORTION 7 OF FARM 373, STELLENBOSCH DIVISION****AUTHOR OF PLANNING ASSESSMENT REPORT****NAME:** B. ZONDO**CAPACITY:** SENIOR TOWN PLANNER**SACPLAN REGISTRATION:** C/8589/2017**SIGNATURE:** **DATE:** 23/02/2021**REVIEW AND RECOMMENDED BY PROFESSIONAL TOWN AND REGIONAL PLANNER****NAME:** C KRIEL**CAPACITY:** MANAGER: LAND USE MANAGEMENT**SACPLAN REGISTRATION:** A/212/10**SIGNATURE:** **DATE:** 23/02/2021

**PART I: SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT****APPLICATION FOR REZONING AND SUBDIVISION ON REMAINDER PORTION 7 OF FARM 373, STELLENBOSCH DIVISION****Authorised Employee to assess and make a recommendation on a land use and land development application for consideration by the authorised decision maker:**

As the duly authorised official in terms of Section 56 of the Stellenbosch Municipal Land Use Planning Bylaw (2015) to assess and make a recommendation on the above planning application, the subject planning report is hereby submitted for consideration to the duly authorised decision maker in accordance with the Categorisation Model for Land Use and Land Development Applications as approved by the Stellenbosch Municipality in accordance with Section 69(1) of the said Bylaw.

In terms of the Categorisation Model duly approved in terms of Section 69(1) of the said Bylaw vide Item 7.7.1 and dated 8 April 2020, the subject application is categorised as follows:

**Category:** AD2,DC2,

**Decision Making Authority:** SMPT

**Rational:** The application is for the subdivision of land for a property larger than 10 000m<sup>2</sup>, included a rezoning to subdivisational area and includes subdivision of more than two resulting erven. The application is consistent with the approved MSDF; and not inconsistent with the relevant policies, principles and planning and development norms and standards set by the national and provincial government. However, objections were received from interested and affected property owners.

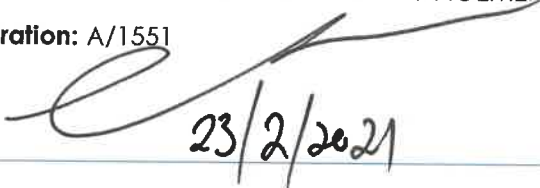
**Name:** S CARSTENS

**Capacity:** SENIOR MANAGER: DEVELOPMENT MANAGEMENT

**SACPLAN Registration:** A/1551

**Signature:**

**Date:**



23/2/2021

**PART M: SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT****APPLICATION FOR REZONING AND SUBDIVISION ON REMAINDER PORTION 7 OF FARM  
373, STELLENBOSCH DIVISION****Administrator to Authorised Official / Municipal Planning Tribunal:**

It is hereby confirmed that proper notice was served of the Municipal Planning Tribunal meeting at which this land use and land development application will serve for consideration.

The land use and land development application will serve at the scheduled meeting of the Municipal Planning Tribunal on:

Date: **19 March 2020**

**Name:**

**Capacity:**

**Signature:**

**Date:**

**ANNEXURE A:** LOCALITY PLAN



**ANNEXURE B: TITLE DEEDS**

**AKTEBESORGERCERTIFIKAAT**

Ek, die ondergetekende

**JAKOBUS WILHELM BASSON**

Aktebesorger van die Hooggeregshof van Suid-Afrika Kaap die Goeie Hoop Provinsiale Afdeling, praktiserende as sulks te Pleinstraat 4, Stellenbosch;

sertifiseer dat ek op die 21ste dag van April 1994 'n nasoek by die Aktekantoor te Kaapstad gedoen en die volgende inligting ingewin het, naamlik:

1. Kragtens Transportakte Nr. T10137/1962 is HILDEGARDE ENID SPOTTISWOODE, Gebore op 14 Mei 1912, Weduwee, die geregistreerde eienaar van:
  - 1.1 GEDEELTE 7 van die Plaas PARADYS KLOOF Nr. 373 in die Afdeling Stellenbosch  
GROOT 3,9275 (DRIE KOMMA NEGE TWEE SEWE VYF) Hektaar
  - 1.2 GEDEELTE 8 van die Plaas PARADYS KLOOF Nr. 373 in die Afdeling Stellenbosch  
GROOT 3,8385 (DRIE KOMMA AGT DRIE AGT VYF) Hektaar
  - 1.3 GEDEELTE 9 van die Plaas PARADYS KLOOF Nr. 373 in die Afdeling Stellenbosch  
GROOT 3,8364 (DRIE KOMMA AGT DRIE SES VIER) Hektaar
2. Die eiendom in 1.2 hierbo is onderhewig aan die volgende voorwaardes soos vervat in gemelde Transportakte Nr. T10137/1962, naamlik:
 

"SUBJECT to the conditions referred to in Deed of Transfer No 3861 dated 23rd March 1920."





- 2 -

2. Die eiendom in 1.3 hierbo is onderhewig aan die volgende voorwaardes soos vervat in gemelde Transportakte Nr. T10137/1962, naamlik:

\*A. SUBJECT to the conditions referred to in Deed of Transfer No 3861 dated 23rd March 1920 (Paragraph 1).

B. SUBJECT to the following special conditions contained in Deed of Transfer No 2621 dated 2nd March 1950, which conditions have been varied by Notarial Deed No 165/1950 referred to in Condition C below, namely:-

- (a) That the Transferors, namely Michael Mohrhardt and George William Seabridge and/or their successors in title of the remainder of the said farm Paradys Kloof in extent 18.1255 morgen, held under Certificate of Amended Title on Consolidation dated 7 November 1949, No 18034, and/or of any portion thereof, shall have the right to bore for water on the said PORTION 9 at any point within a distance of 100 feet from the North-Western boundary of the said Portion 9, which said boundary is marked AB on the Diagram (No. 8450/48) of the said Portion 9, which said right shall include the right to erect the necessary pump(s), pumphouse(s) and reservoir(s), and to lead the water over the said Portion 9 to the said remaining extent of Paradys Kloof and/or to any portion thereof subject to the condition, however, that the reservoir(s), excluding the borehole(s) and pumphouse(s) shall not take up more than one thousand (1000) square feet of land.
- (b) That for purpose of the boring operations etc. the said Transferors and/or their successors in title as owners of the remaining extent of Paradys Kloof held under the said Certificate of Amended Title on Consolidation dated 7 November 1949 No 18034, and/or any portion thereof, shall have the right of access to and egress from the said PORTION 9.
- (c) That the stipulations and conditions referred to in paragraph (a) above shall also apply to the existing boreholes situated on said Portion 9 within a distance of 100 feet from the North-Western boundary of the said Portion 9.



- 3 -

(d) That not to interfere with the water supply of the Transferors as owners of the remaining extent of the said farm Paradys Kloof, measuring 18.1255 Morgen, held under Certificate of Amended Title on Consolidation dated 7 November 1949 No 18034, which said water is referred to in paragraphs (a) and (b) above, it has specially been agreed upon that the Transferee and his successors in title as owners of said Portion 9, or of any portion thereof, shall in so far as the said Portion 9 is concerned only be entitled to bore for water on that portion of Portion 9 which is situated between the South-Eastern boundary which said boundary is marked DE on the Diagram (No 8450/48) of said Portion 9, and a straight line drawn parallel to the aforesaid boundary and passing through the existing borehole on said Portion 9 which said borehole is marked P on the Diagram (No 8450/48) of said Portion 9.

C. SUBJECT to the conditions referred to in the endorsement dated 11th May 1950 on Deed of Transfer No 2621 dated 2nd March 1950, which endorsement reads as follows:-

**"REGISTRATION OF SERVITUDE (PARA. 3)**

By Not. Deed No. 165/50 d/d 3.5.50, the conditions (a) (b) (c) & (d) as set out in Para. 3 herein shall in future also be operative in favour of the owners of Portion 2 of the farm "Paradys Kloof" and their successors in title held by Certificate of Registered Title No. 18036 d/d 7.11.49 as will more fully appear on reference to the said Not. Deed. A copy of which is hereunto annexed."

D. SUBJECT FURTHER to the conditions referred to in the endorsement dated 29 October 1974 on Deed of Transfer No T10137/62, which reads as follows:

By Deed of Transfer No T36558/74 dated this day Portion 5 of the Farm Paradys Kloof No 373, meas. 3,8363 Hectares is entitled to:



- 4 -

- (a) one half share of the water from the borehole on Portion 9 of the Farm Paradys Kloof No 373, meas. 3,8365 Hectares held hereunder, the position of the borehole is defined at a spot 12,28 metres from the boundary A.B. and 26,45 metres from the boundary C.D. on Diagram 8450/45 of the said Portion 9.
- (b) the servitude of pipeline over the said Portion 9 of the Farm Paradys Kloof No 373 together with the right to erect and maintain a pump and pumphouse at the borehole to ensure a supply of water therefrom and the right of access to and egress from the borehole and along the pipeline for himself and his successors in title and their workmen for the maintenance and repair of the borehole, pump, pumphouse and pipeline.

As will more fully appear from the said Deed of Transfer."

- E. ENTITLED FURTHER to the conditions referred to in the endorsement dated 5 December 1974 on Deed of Transfer No T10137/62, which reads as follows:

By Deed of Transfer No T41329/1974 dated this day, the properties under paras 1, 2 and 3, Measuring 3,9276 Hectares, 3,8385 Hectares and 3,8365 Hectares respectively are entitled to a servitude of borehole and a servitude of pipeline together with the right to erect and maintain a pump and pumphouse at the borehole to ensure a supply of water therefrom and the right of access to and egress from the borehole aforesaid together with other rights in favour of the withinmentioned transferee and her successors in title as owner of the abovementioned properties over Portion 6 of the Farm Paradys Kloof No 373, measuring 3,9264 Hectares (Para 5 herein) transferred this day by Deed of Transfer No T41329/1974.

As will more fully appear from the said Deed of Transfer."

3. Die eiendom is nie onderhewig aan enige beperkende voorwaardes wat die onderverdeling daarvan of gebruik daarvan vir residensiële doeleindes belet of verhoed nie.

ALDUS geteken en getekene STELLENBOSCH op hierdie 22ste dag van April 1994.



J W BASSON



# 373 , STELLENBOSCH, P:7 (CAPE TOWN)

Deeds Office Property Farm

Suite G01, Waterview 2, Waterview Close, Century City  
Tel: +27 860 340 000  
Website: <https://www.searchworks.co.za>

## SEARCH INFORMATION

### Summary

Search Type DEEDS OFFICE PROPERTY FARM  
Search Description 373 . STELLENBOSCH, P:7 (CAPE TOWN)  
Reference D2002  
Date 01/08/2019

## FARM INFORMATION

### Summary

Deeds Office CAPE TOWN  
Property Type FARM  
Farm Name PARADYS KLOOF  
Farm Number 373  
Portion Number 7 (REMAINING EXTENT)  
Previous Description -  
Registration Division STELLENBOSCH RD  
Municipality STELLENBOSCH MUN  
Province WESTERN CAPE  
Diagram Deed I2621/1950  
Size 1.3703 H  
LPI Code C06700000000037300000

## OWNER SUMMARY

Owner Name	ID / Reg. Number	Purchase Price	Purchase Date
WESTRUTHER TRUST	2785/95	R 10 370,00	18/04/1999

## OWNER INFORMATION

### Owner 1 of 1

Owner Name WESTRUTHER TRUST  
ID / Reg. Number 2785/95  
Owner Type TRUST  
Title Deed T43140/1999  
Purchase Date 18/04/1999  
Registration Date 01/06/1999  
Purchase Price R10370.00  
Multiple Owners NO  
Multiple Properties NO  
Share -  
Microfilm Reference No. 1999 0335 1879

## ENDORSEMENT(S)

Document Number	Microfilm Reference Number	Institution	Value
K165/2011S	-	-	UNKNOWN
VA6063/2010	-	WESTRUTHER TRUST	UNKNOWN
FARM ST 373/7	1985 0071 1731	-	UNKNOWN

## HISTORY INFORMATION

Document Number	Microfilm Reference Number	Owner	Value
-	-	-	UNKNOWN
VA5995/2010	-	-	UNKNOWN
T67756/1994	1999 0335 1872	-	UNKNOWN
T10137/1962	1994 0757 2071	SPOTTISWOODE HILDEGARD FENID	UNKNOWN
T43140/1999	1999 0335 1879	-	UNKNOWN
T67756/1994	1999 0335 1872	SPOTTISWOODE BRIAN HUGH	ESTATE

## INTERNAL ENQUIRY HISTORY

Company Name	Contact Person	Contact Number	E-mail Address	Enquiry Date
--------------	----------------	----------------	----------------	--------------

No information available

## REPORT INFORMATION

Date of Information	07/08/2019 09:45
Print Date	07-08-2019 09:46
Generated By	WAGENER HANEKOM
Reference	D2002
Report Type	DEEDS OFFICE PROPERTY FARM



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185 MALAN LOURENS  
ARENDE INC.  
TEL: (021) 853 1535

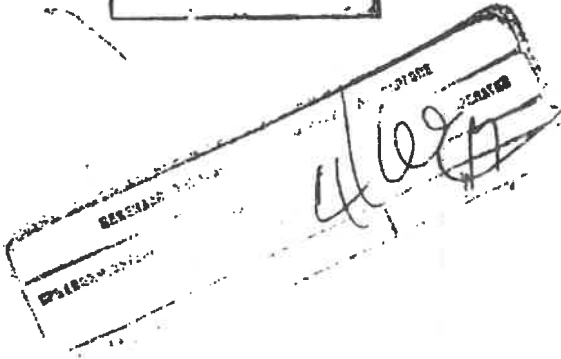
15.

**ARNOT GRIFFITHS RABIE & STEYN (EVR)**  
Attorneys Notaries and  
Conveyancers  
144 Longmarket Street  
CAPE TOWN  
8001

Prepared by me,

*E Hamman*  
CONVEYANCER  
**E HAMMAN**

SEELREG DUTY	R.....
FOOI FEE	R. 45,00



VIR ENDOSSEMENTE KYK BLADSY  
FOR ENDORSEMENTS SEE PAGE

4

T 43140199

### DEED OF TRANSFER

KNOW ALL MEN WHOM IT MAY CONCERN

THAT **PHILIP DU TOIT STEYN**

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, he being  
duly authorised thereto by a Power of Attorney, executed at  
**JOHANNESBURG** on the 18th day of April 1999 by

**BRIAN HUGH SPOTTISWOODE**  
Identity Number 390117 5032 08 1  
Married Out of Community of Property

Page 2.

which power, witnessed in accordance with law, was exhibited to me on this day. And the Appearer declared that his Principal had truly and legally sold on 18th April 1999 and that He in his capacity as Attorney aforesaid did by these presents cede and transfer, in full and free property to and on behalf of

**THE TRUSTEES FOR THE TIME BEING OF THE  
WESTRUTHER TRUST  
NO IT 2785/95**

Their Heirs, Executors, Administrators or Assigns

**REMAINDER PORTION 7 OF THE FARM PARADYS KLOOF NO 373,  
IN THE DIVISION OF STELLENBOSCH, WESTERN CAPE PROVINCE**

**IN EXTENT : 1,3703 (One Comma Three Seven Nought Three) hectares**

**FIRST TRANSFERRED** by Deed of Transfer No T.2621/1950 with Diagram No 8448/48 relating thereto and held by Deed of Transfer No T.67756/1994.

- A. SUBJECT** to the conditions referred to in Deed of Transfer No T.3861/1920 [Paragraph 1]
- B. ENTITLED** in terms of Deed of Transfer No T.41329/1974 to a servitude of borehole and a servitude of pipeline together with the right to erect and maintain a pump and pumphouse at the borehole to ensure a supply of water therefrom and the right of access to and across the undermentioned property to the borehole aforesaid together with other rights, in favour of the owner and successors in title as owner of the property hereby transferred, over Portion 6 of the Farm Parady Kloof No 373; measuring 3,9264 hectares. As will more fully appear from said Deed of Transfer.

Page 3.

**WHEREFORE** the Appearer in his said Capacity, renouncing all the right and title the said

**TRANSFEROR**

heretofore had to the premises, did, in consequence also acknowledge the said

**TRANSFEROR**

to be entirely dispossessed of, and disentitled to the same; and that by virtue of these presents, the said

**TRANSFEE TRUST**

Their Heirs, Executors, Administrators or Assigns, now are and henceforth shall be entitled thereto conformably to local custom; State, however, reserving its rights; and finally acknowledging the said Transferor to be satisfactorily paid the whole of the purchase money amounting to the sum of R10 370,00 (Ten Thousand Three Hundred and Seventy Rands)

**IN WITNESS** whereof, I, the said Registrar, together with the Appearer q.q. have subscribed to these presents and have caused the Seal of Office to be affixed thereto.

**THUS** done and executed, at the Office of the Registrar of Deeds, in **CAPE TOWN** on the 1 day of *June* in the Year of Our Lord One Thousand Nine Hundred and Ninety-Nine (1999).

.....  
q.q.

In my presence,

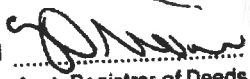
  
**REGISTRAR OF DEEDS**

4. T43140/11999

VA 006063/10

Produced a true copy of the duplicate original filed of record in this Registry, issued to serve in place of the original thereof under the provisions of Deeds Regulation No. 68

Deeds Registry  
Cape Town

15 SEP 2010 

Asst. Registrar of Deeds

2015



5

T 43140/99

NOTARIAL DEED OF AMENDED SERVITUDE K  
DATED 31 AUGUST 2010:

S

*CONDITION B IS AMENDED TO READ*

THE WITHIN PROPERTY IS

Entitled to a servitude of borehole and servitude of pipeline together with the right to erect and maintain a pump at the borehole and a switchbox on the boundary wall of Erf 14150 held by Deed of Transfer T38998/10 with an electrical connection to the borehole, to ensure a supply of water therefrom and the Right of access to and egress from the borehole and along the pipeline for the maintenance and repair of the borehole, switchbox, pump and pipeline and the transferee and its successors in title shall not bore for water within 10 metres from the servitude borehole aforesaid as will more fully appear in the aforesaid Notarial Deed to Amend Servitude.

DEED OFFICE  
CAPE TOWN

REGISTER  
REGISTER OF DEEDS

SUB-DIVISIONAL PLAN  
 Sect. 4 (2) Act No. 3 of 1927.

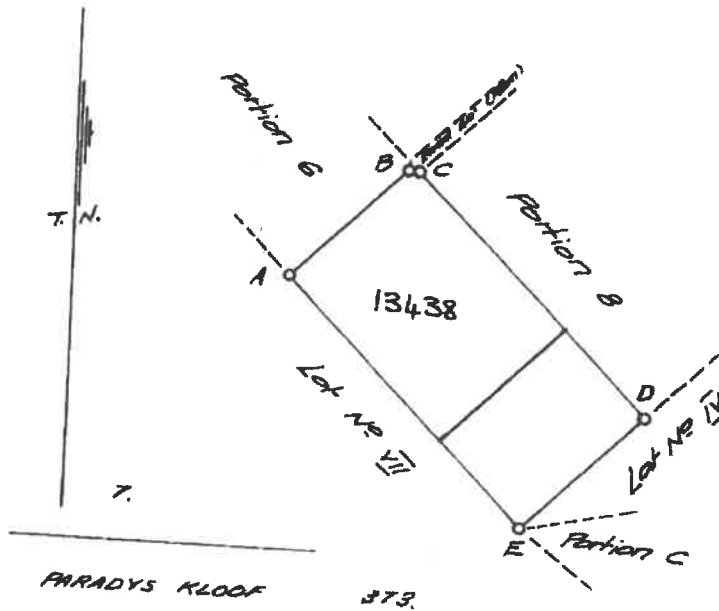
SIDES Cape	Feet	ANGLES OF DIRECTION	SYSTEM 1.0.19 CO-ORDINATES	
			y	x
AB	420.4	226. 28. 30	+30000.0	+4834000.0
BC	28.3	271. 29. 30	+11943.4	+11878.0
CD	880.0	316. 29. 30	+10738.6	+11588.5
DE	440.6	46. 27. 50	+10710.3	+11589.2
EA	900.0	136. 29. 40	+10104.5	+12227.4
			+10423.8	+12530.8

S. G. No.

8448/48

Approved

*E. J. Smith*  
 Surveyor-General.



Description of BEACONS:

A.B.C.D.E = 3' iron standards projecting 6"  
 E = 1/2" iron peg next to planted stone.

Scale 1 : 5000 Cape Feet.

The figure A.B.C.D.E represents 4.5855 Morgen of land being Partion 7 of Paradys Kloof situate in the Division of Stellenbosch, Province of Cape of Good Hope.

Surveyed in April 1948 by me

*E. J. Smith*

Land Surveyor.

This diagram is annexed to

T2621/50

Registrar of Deeds.

The original diagram is

No. 8441/1948 annexed to

S. G. File No. 6.23/16

S.R. No. E. 2006/48

Plan No.

Dog stt. BH. 8.D.C.

O. Stel. F 1-93

BH-80C/x 51 C  
 [507] 44. 573/7

FOR ENQUIRY REFER TO  
 SEE BACK OF THIS PLAN

7/373

**ANNEXURE C:** PREVIOUS APPROVAL



# STELLENBOSCH

STADSRAAD

DEPARTEMENT : BEPLANNING EN ONTWIKKELING

Stadhuis  
Pleinstraat  
Stellenbosch 7600  
☒ 17 7599  
☎ (021) 808 8368  
☎ (021) 808 8200

Your Ref: K1488  
Our Ref: Farm 373/7 (BJG de la Bat)

1997-02-25

Att: Mr J van Rensburg

Taylor van Rensburg Van der Spuy Visser  
37 Market Street  
STELLENBOSCH  
7599

Sir

## L'HERMITAGE : PORTION 7 OF FARM 373 : STELLENBOSCH

I refer to our recent telephone conversation regarding written confirmation of the above application.

For record purposes I would like to confirm that the Town Council resolved at their meeting of 1996-08-27

- (a) that the incorporation of Portion 7 of the Farm Paradyskloof No 373 in terms of Section 8(1) of the Municipal Ordinance, 1974 (No 20 of 1974) be recommended for approval to the Premier;
- (b) that the application for the rezoning of Portion 7 of the Farm Paradyskloof No 373 to a subdivisational area with the zonings, single residential, private open space and road be approved in terms of Section 16 of the Land Use Planning Ordinance, 1985 (No 15 of 1985);
- (c) that the subdivision of Portion 3 of the Farm Paradyskloof No 373 into 22 single residential erven, 1 private open space and road be approved in terms of Section 25 of the Land Use Planning Ordinance, 1985 (No 15 of 1985) subject to minor alterations to the subdivision will be imposed by the Chief: Planning and Development;
- (d) the approval in (b) and (c) above will only come into effect after the incorporation of Portion 7 of the Farm Paradyskloof No 373;
- (e) the approval in (a) and (b) above, will further be subject to the following conditions:
  - (i) the final subdivisational plan will not be endorsed before the applicant confirms in writing that all the conditions applicable to the application, are accepted. Should the property be sold, all the conditions will be applicable to any new owner-in-title;
  - (ii) a development contract must be drawn up between the Town Council and the developer before any building plans can be approved or before any development may take place;



- (iii) a Home Owners Association must come into being in terms of Section 29 of the Land Use Planning Ordinance, 1985 (No 15 of 1985). The Home Owners Association will be responsible for the maintenance of all communal property and the private open space which will include all internal services. The constitution of the Home Owners Association has to be approved by Council;
- (iv) the applicant must develop all private open spaces according to the standard as is set by the Department Environment and Recreation Management. Such standards must be confirmed with the Department in writing and must be included in the development contract. The development contract may not be signed before the planning and development of the private open spaces are not addressed to the satisfaction of the Chief: Environment and Recreation Management;
- (v) a refuse room must be constructed on the entrance to the development. "Otto" type refuse bins must be provided;
- (vi) with the signing of the development contract, pro rata payments will be payable for main services as is calculated by the Town Engineer and Electrotechnical Town Engineer or alternatively, an acceptable bank guaranteed cheque must be provided for the total amount owed to Council;
- (vii) the electrotechnical consulting engineer to be appointed by the applicant is to liaise with the Electrotechnical Town Engineer for connection and approval of specifications;
- (viii) on site parking is to be provided according to the zoning scheme regulations;
- (ix) a full report with regard to all civil services is to be submitted;
- (x) a written agreement between the owner of Portion 7 of Farm No 373 and the owner of Portions 6 of Farm 373 (*Lieberheim*) in which the position of the future road is addressed to the satisfaction of the Town Engineer and Chief Town Planner on their properties respectively, should be submitted. The subdivisional plan will not be endorsed before the above-mentioned agreement is not submitted;
- (xi) the extension of Houtkapper Street must be transferred to the Town Council as a street reserve and at no cost;
- (xii) the road reserves in the second phase is to be 10 meters in order to provide services;
- (xiii) all civil services to be designed in accordance with the standards and as set by the Town Engineer;
- (xiv) a list of proposed street names is to be provided;
- (xv) the applicant must clarify timeously with the Town Engineer which services are to be taken over by Council and which services will remain the responsibility of the owner;
- (xvi) all road signs and markings will be dealt with by the Chief: Traffic Services at the expense of the applicant;
- (xvii) all zonings must be shown on the plan of subdivision;

- (xviii) a site development plan should be handed in to the satisfaction of the Chief: Planning and Development. Design Guide-lines must form part of the site development plan and should serve to provide development guide-lines (including design guide-lines) to ensure the development's own identity by defining a broad architectural theme;
- (xix) the entrance road from Houtkapper Street must be moved to the south in order to allow the stormwater channel and road to coincide (in place of Erf 24) as was discussed with the Town Engineer;
- (xx) the maximum height of all buildings will be restricted to single storey units with living space in the roofs while the total height may not exceed 7,0 meters from main ground level to the apex of the roof;
- (xxi) no subdivision of erven will be approved in future without the unanimous support of all owners within the development. This condition must also be taken up in the individual title deeds of the erven;
- (xxii) the following shall be done by the developer at his cost and to the satisfaction of the Electrotechnical Town Engineer:
- the 11 000 volt distribution line crossing the area shall be replaced by a suitable underground cable. The route of the cable shall be determined by the Electrotechnical Town Engineer;
  - the transformer on the western boundary of the development shall be moved to a suitable position, or other arrangements shall be made to service the existing customers serviced from this transformer;
- (xxiii) that Houtkapper be constructed at the developer's cost to the entrance road mentioned in (xix); and
- (xxiv) an agreement be reached between the Town Engineer, the developer and the owner of Stand Remainder Road regarding the road reserve of Houtkapper from point E to point D along the eastern border of the development.

I trust that you will find the above in order.

Yours faithfully

*B. G. Chelabak*

p. CHIEF: PLANNING AND DEVELOPMENT



STELLENBOSCH

# Stellenbosch

MUNISIPALITEIT • MUNICIPALITY • UMASIPALA

U Verw: K1488  
 My Verw: Plaas 373/7 (FM van Wyk - Tel 8088370)

1997-09-05

Taylor Van Rensburg Van der Spuy  
 Visser  
 Van der Bijhuis  
 Markstraat 37  
 STELLENBOSCH  
 7600

Menere

**AANSOEK VIR DIE INLYWING VAN GEDEELTE 7 VAN DIE PLAAS  
 PARADYSKLOOF NR 373, STELLENBOSCH**

Na aanleiding van u brief gedateer 1997-08-11 bevestig ek hiermee dat die eiendom  
 personeer is soos uiteengesit in my brief van 1997-07-27.

Die onderverdelingsplan is reeds op 1997-09-01 geteken en aan u oorhandig.

Die uwe

n HOOF: BEPLANNING EN ONTWIKKELING

PGC/jvr

NOTES:

1. Final AREA (approximate) Partion 7 of Erf 373, Stellenbosch.
2. Calculations based on L&S.
3. Coordinates of corner figures as provided by Frustrated, Burger & Vennem.
4. All dimensions in m.
5. Erf area in brackets as of 1/1/1985.
6. All indicated dimensions and areas are approximate and must be finally and accurately determined by a land surveyor.

NOTATION:

Erf Num	Zoning	Landuse	Area (ha)	%
1-18	Single Residential	Res	1.903	74.92
19	Private Open Space	Open Space	0.142	5.59
	Street	Street	0.495	19.49
Total			2.540	100

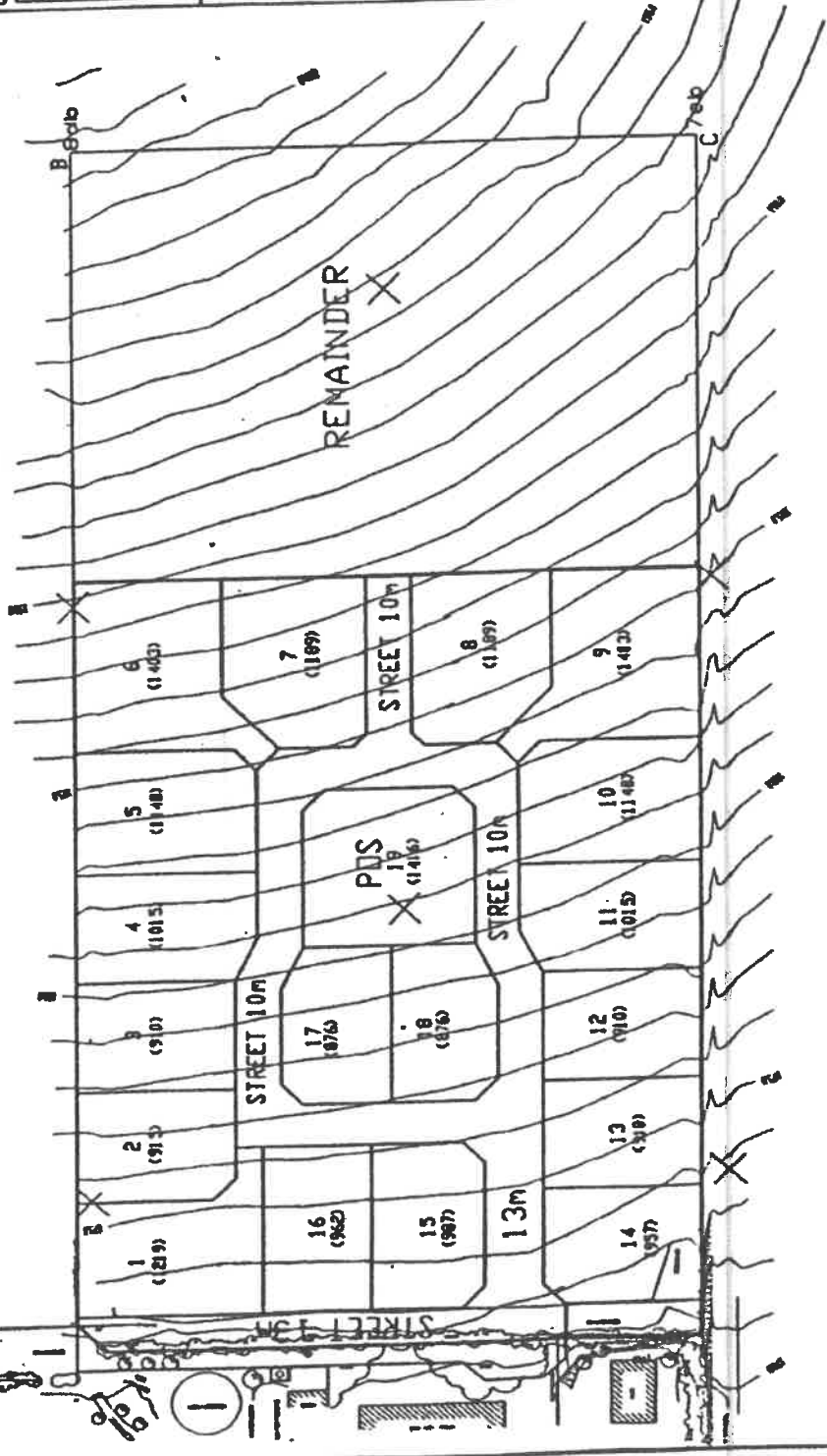
This subdivision has been approved by the Hierdie onderverdeling is deur die Stadsraad Town Council in terms of section 10 of the Municipal Ordinance No. 15 of 1985 subject to conditions No. 15 van 1985 onderworpe aan voorwaardes as per aantekeninge.

1997-09-01

*Diaryk*  
 Town Clerk  
 Municipaliteits Stelkensom Munisipaliteit

COORDINATES:

POINT	Y	X
1	12 922.990	59 964.599
2	12 926.837	59 864.609
3	12 927.078	59 875.500
4	12 918.169	59 875.740
5	12 927.426	60 876.824
7	12 727.880	60 172.240



Scale: 1:1000

Drawn: SCPT 1986  
 Date: SCPT 1986  
 Proposed SUBDIVISION  
 Project: Proposed Development of Partion 7 of Erf 373, Stellenbosch  
 Client: MR. B. SPOTSHOODE

**VAN DER SPUY & VISSER**  
 ARCHITECTS  
 2377  
 3253  
 Project Number: K1488



**ANNEXURE D:      APPLICANTS MOTIVATION**

**PLANNING MOTIVATION REPORT**

## 1. BACKGROUND INFORMATION

### 1.1 Brief

This firm received a brief from the landowner to prepare the necessary documentation for the land use planning application as set out in **Section A** of this report, to obtain planning approval for the L'Hermitage Phase II residential development on Farm 373/7, Stellenbosch [hereafter referred to as the subject property]. A trust resolution and power of attorney to this effect is attached hereto (see **Section C**).

### 1.2 Property description

The subject property is described in the Deed of Transfer No. T43140/1999 as Portion 7 of the Farm Paradys Kloof No. 373, Division of Stellenbosch. A copy of the Deed of Transfer and SG Diagram is attached hereto (see **Section D**).

### 1.3 Ownership

The Westruther Trust is the registered owner of the subject property.

### 1.4 Size

The subject property is 1.3703ha in extent.

### 1.5 Title deed search

A title deed search was undertaken by Cluver Markotter attorneys and they have confirmed that there are no title conditions that will restrict the proposed residential development on the subject property. A copy of their Conveyancer Certificate is attached hereto (see **Section D**).

## 2. LOCAL PLANNING CONTEXT

### 2.1 Locality

The subject property is phase 2 of the L'Hermitage residential estate, in Paradyskloof, Stellenbosch – see Figure 1 below.



Figure 1: Locality of the subject property

The locality of the subject property is also indicated on the attached locality maps (see **Section E**).

## 2.2 Surrounding land uses

The subject property is located in Paradyskloof. It is surrounded by residential estates and agricultural land – see Figure 2 below.



Figure 2: Surrounding land uses

## 2.3 Present zoning and land use

According to our research and records, the subject property is zoned *Agriculture and Rural Zone*. It is utilised accordingly for agricultural purposes and is planted with vineyards – see Figure 3 below.



*Figure 3: Current land use*

However, it is important to note that according to the Stellenbosch Municipality's zoning maps of 2018, the subject property is deemed to be zoned *Subdivisional Area* (which earmarks it for future urban development) – see Figure 4 below.



Figure 4: Extract of the municipal zoning map (2018)

### 3. L'HERMITAGE PHASE II RESIDENTIAL DEVELOPMENT PROPOSAL

#### 3.1 Land use planning applications

Application is made for the rezoning of the subject property from *Agriculture and Rural Zone* to *Subdivisional Area*, and for subdivision thereof into:

- 11 *Conventional Residential Zone* (dwelling house) erven; and
- 1 *Transport Facilities Zone* (private road) erf.



The proposed residential development is indicated on Figure 5 below.



Figure 5: Proposed L'Hermitage Phase II subdivision

A subdivision plan – that also indicates the zonings, servitudes, street names, street numbers, etc. – is attached hereto for your Council's approval (see **Section E**).

### 3.2 Erf sizes and residential density

The development proposal will consist of 11 single residential erven that are all  $\pm 1100\text{m}^2$  in size, which is similar to the big erven of the L'Hermitage estate. The proposed development will have a very low residential density of only  $\pm 8$  units per hectare – which is also similar to the low residential density of the L'Hermitage estate. The purpose of the big single residential erven is to be compatible with the existing low residential density character of the



L'Hermitage estate.

### **3.3 Constitution and architectural guidelines**

It is proposed that the development forms part of the L'Hermitage residential estate, and that the new erven / owners all become members of the L'Hermitage Home Owners' Association. For this reason, the new erven / owners will all have to comply with the L'Hermitage estate's constitution and architectural guidelines.

### **3.4 Consultations with the L'Hermitage Home Owners' Association**

The details of the proposed development of the L'Hermitage estate's second phase was presented to the L'Hermitage residents at a general meeting held on 1 August 2019. Numerous meetings were also held with members of the estate's Home Owners' Association and their development committee (to discuss the details and terms of the proposed development). We have requested the L'Hermitage Home Owners' Association's formal comments on the development proposal.

### **3.5 Access**

The internal streets at L'Hermitage – Arc-en-Ciel and Esprit – are both public roads and access to the proposed development will be via these public roads that were constructed by the developer (in 1997) to provide access to the subject property. No new access points will be created for the proposed development.

During the development's construction period (in order to protect the L'Hermitage residents) a temporary access to the subject property will be created for construction vehicles only, via the Paradyskloof tennis club gravel

road (south of the subject property) – with the Stellenbosch Municipality's necessary consent. A similar temporary access was created for the abutting Westruther estate during their construction phase to protect the estate's residents.

#### **4. PLANNING MOTIVATION FOR NEED AND DESIRIBILITY**

Our motivation for the proposed residential development of the subject property is based on the following planning reasons:

##### **4.1 Background to the development proposal**

In 1997 the Stellenbosch Municipality approved the L'Hermitage I residential development – see Figure 6 below.

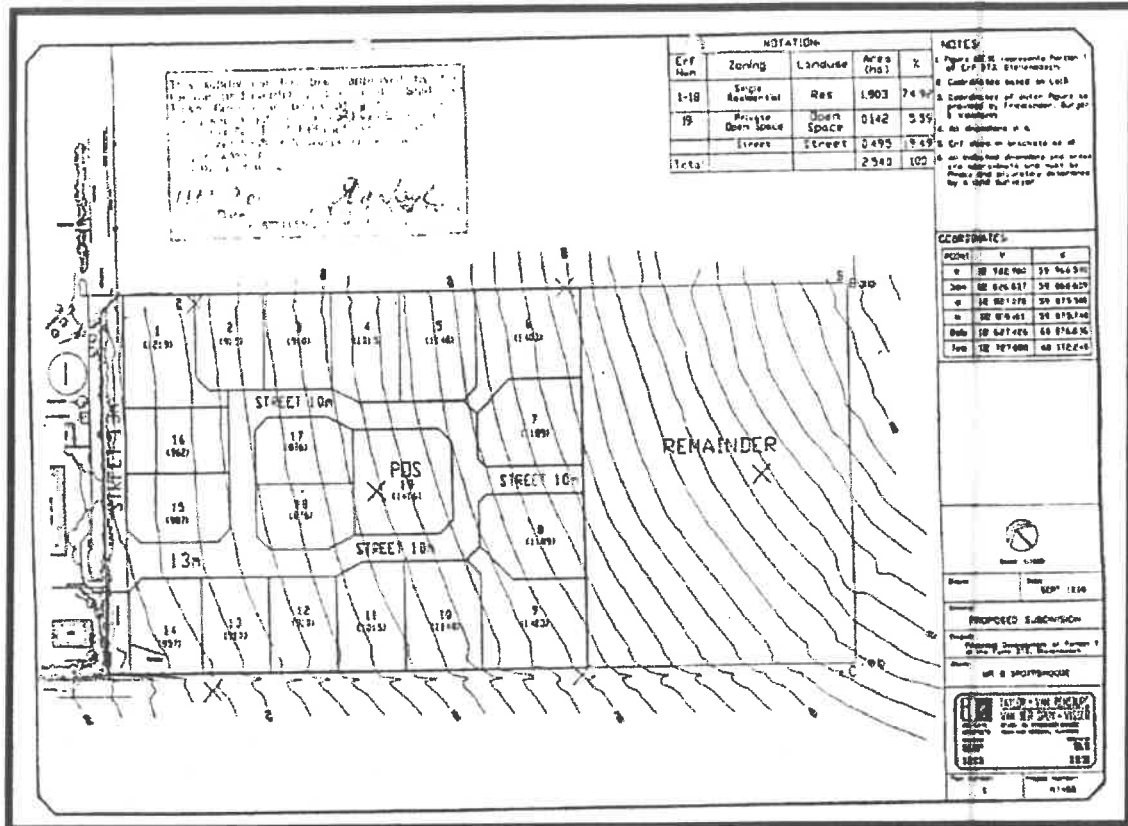


Figure 6: Approved Subdivision Plan (1997)

A copy of Stellenbosch Municipality's letter of approval is attached hereto (see **Section F**).

The subject property was identified in 1997 as a possible second development phase of the L'Hermitage estate and access to the subject property was provided through the estate. This application aims to now obtain the required planning approvals for the second development phase.

#### 4.2 Compliance with the Stellenbosch Guide Plan

According to the (old) Stellenbosch Guide Plan (1988) the subject property is earmarked for future "urban development". The subject property is therefore

exempt from the provisions of the Subdivision of Agricultural Land Act No. 70 of 1970 – see Figure 7 below.

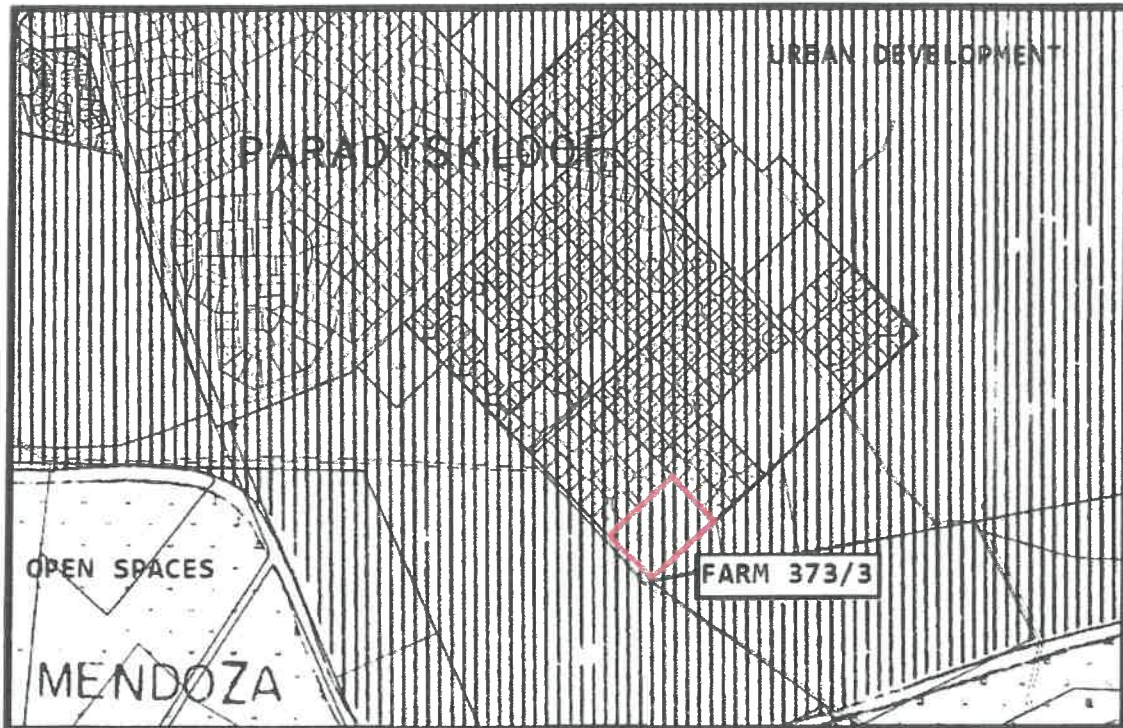


Figure 7: Extract of the Stellenbosch Guide Plan

#### 4.3 Compliance with the Stellenbosch Municipality's Spatial Development Framework

The development proposal supports the principles (and is compliant with) the Stellenbosch Municipality's Spatial Development Framework (MSDF). The subject property is located within the approved urban edge and is earmarked by the MSDF for future infill urban development – see Figure 8 below.

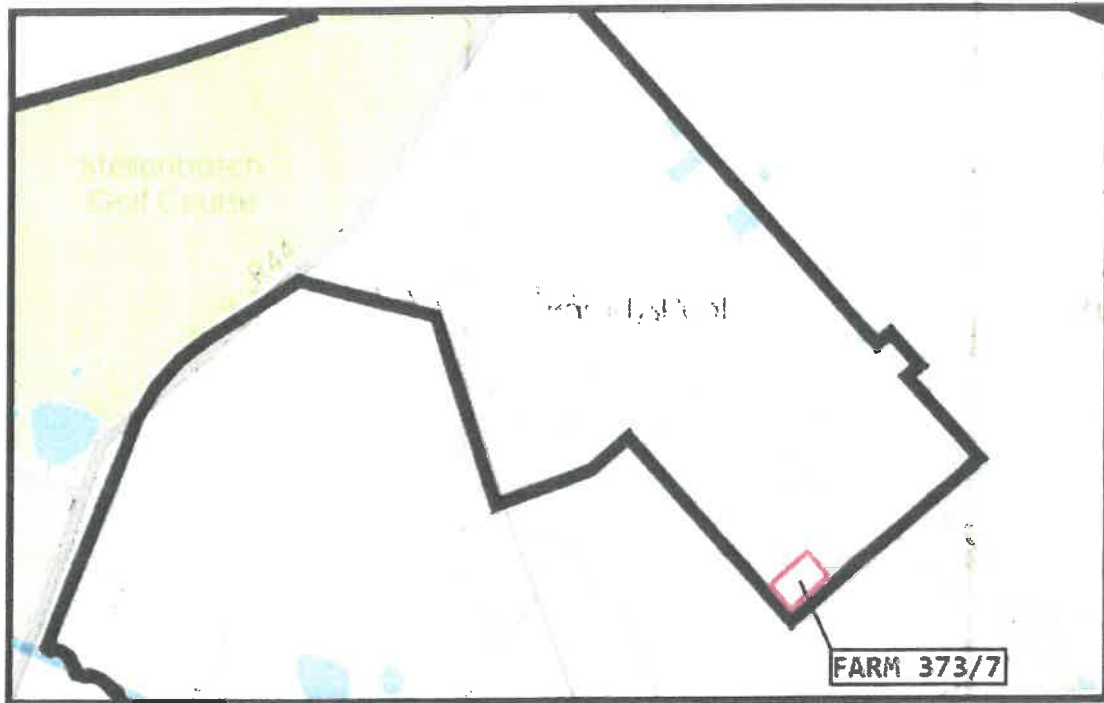


Figure 8: Extract of the approved MSDP (2 August 2019)

#### 4.4 Positive economic impact

The South African economy is in a technical recession (according to the Moody's Corporation) and significant economic investment is needed to address these problems.

The proposed development is an opportunity to stimulate the local economy. The estimated value of this development project is ±R50 million that will be invested in the local economy.

Furthermore, the construction sector is one of the largest single contributor to employment. Construction opportunities should therefore be supported as it will create many new employment opportunities (ranging from skilled to unskilled labour). It is anticipated that the proposed development will create ±100 new employment opportunities in the construction sector.

The proposed development will also pay ±R700 000 in development charges to the Stellenbosch Municipality, it will contribute to the upgrading of municipal bulk infrastructure, and it will annually pay municipal rates and taxes to the amount of ±R400 000.

It is the Stellenbosch Municipality's duty to promote and facilitate local economic growth and since the proposed development will have a positive impact on the local economy and infrastructure, it must be supported.

#### **4.5 Compatibility with the surrounding land uses**

The subject property forms part of the L'Hermitage residential estate and is further surrounded by similar residential developments, such as La Pastorale, Westruther, Vallee Lustre, Mont Blanc, etc. The proposed development of the subject property will be similar and compatible with these surrounding residential estates, will constitute infill development and will complete the infilling of the L'Hermitage residential estate.

#### **4.6 Addressing the town's housing needs and backlog**

According to the MSDF the inadequate supply of housing in Stellenbosch is a main concern. The greater municipal area has a current and future housing backlog and the availability of developable land for housing opportunities is extremely limited. The Stellenbosch Municipality has now redefined the urban edge and has identified additional land deemed desirable for urban development and the creation of the much-needed housing opportunities in alignment with all the goals and objectives of the Integrated Development Plan.

#### **4.7 Environmental and heritage authorisations**

The proposed development does not require the Department of Environmental Affairs and Development Planning's environmental authorisation i.t.o. the National Environmental Management Act, 1998 because the subject property is located within an urban area, it is smaller than 5ha, there are no indigenous vegetation on the subject property and the subject property is not zoned for any conservation purposes.

A heritage application will be submitted to Heritage Western Cape for their authorisation (i.t.o. the National Heritage Resources Management Act, 1999) of the proposed urban development. Their decision letter will be submitted to the Stellenbosch Municipality with receipt thereof.

### **5. PROVISION OF ENGINEERING SERVICES**

#### **5.1 Civil engineering services**

Bart Senekal Inc. civil engineers were instructed to investigate the availability of civil engineering services (water, sewerage, stormwater, etc.) for the proposed residential development. According to their civil engineering services report all bulk engineering services are available to accommodate the proposed development, but with certain infrastructure upgrades. A copy of their civil engineering services report is attached hereto (see **Section G**).

#### **5.2 Transport impact study**

iCE traffic engineers were instructed to undertake a transport impact study for the proposed development. According to their transport impact study report the proposed development is supported from a traffic point of view, but with certain traffic infrastructure upgrades. A copy of the transport impact study report is

attached hereto (see *Section H*).

## 6. CONCLUSION

The development of the subject property – as a second phase of the L'Hermitage residential estate – was identified back in 1997 and it is clear that the proposed residential development can be deemed desirable as it:

- Is located within the Stellenbosch urban edge;
- Is compliant with the MSDF;
- Is – according to the municipal records – already zoned for development purposes;
- Is accessible via public roads;
- Will provide additional housing opportunities;
- Will contribute to local economic development;
- Is compatible with surrounding land use; and
- Bulk infrastructure is available.

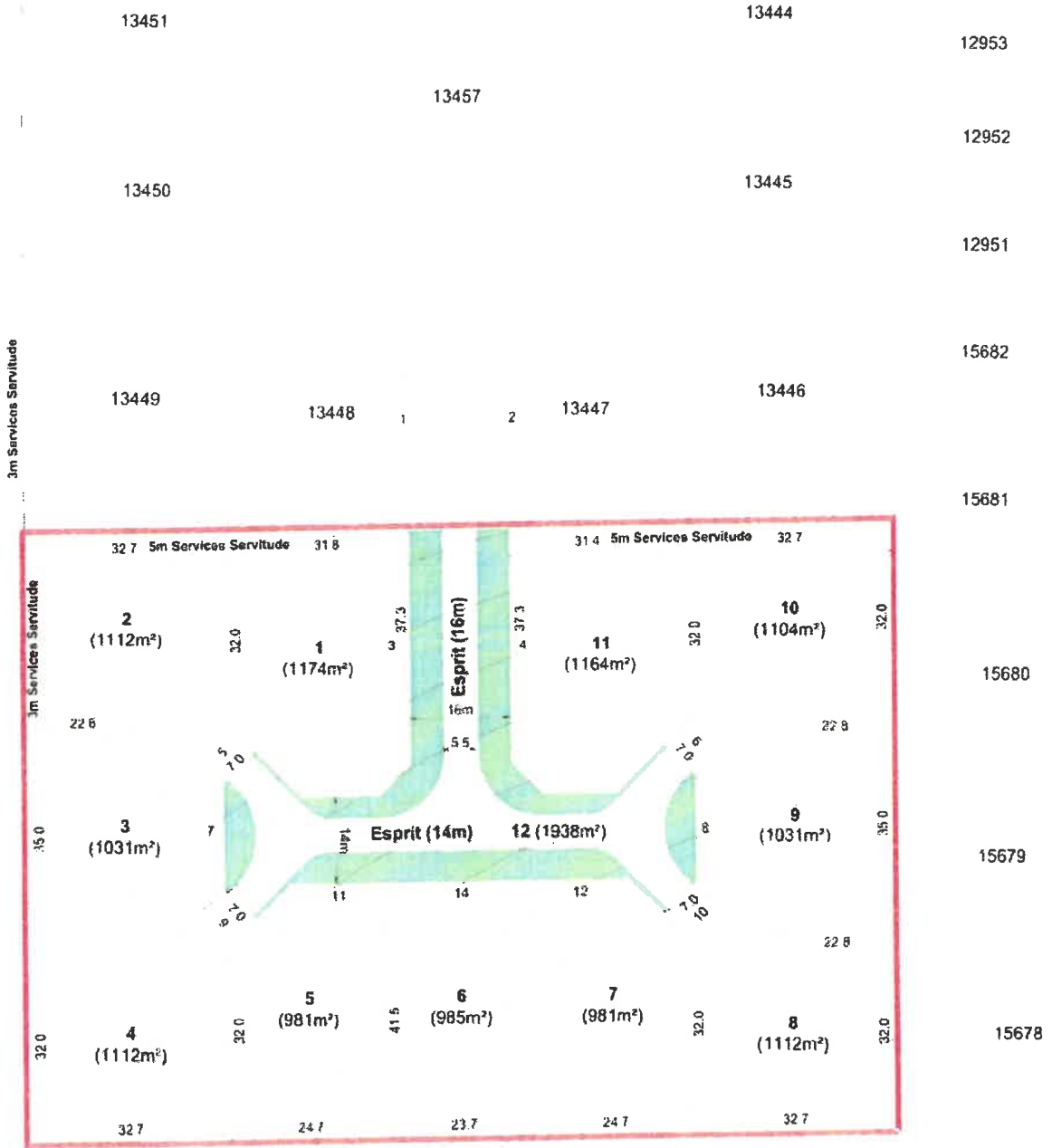
For these reasons, we deem the proposed residential development of the subject property to complete the L'Hermitage residential estate, to be desirable and we recommend that the application be granted.

## 7. SIGNATURE OF APPLICANT

.....  
**CLIFFORD HEYS**  
**PR. PLANNER (SA): A/1158/2000**

.....  
**DATE**





17/369

RE/369

1/1091

Erf No.	Zoning	Land Use	No. of Erven	Area (m <sup>2</sup> )	%
1-11	Conventional Housing	Dwelling House	11	11786	85.88
12	Transport Facilities	Private Road	1	1938	14.12
<b>Total</b>			<b>12</b>	<b>13724</b>	<b>100.00</b>



<p><b>L' Hermitage II</b></p> <p>Property Description Portion 7 of Farm 373, Stellenbosch</p>	<p>Drawing Layout Plan Alternative 14</p> <p>Date 06/04/2020</p> <p>Project no 3645-P</p>	<p>Plan no 1N</p> <p>Scale 1:1000 (A4)</p> <p>Drawn WH</p> <p>Checked CH</p>
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**ANNEXURE E: PROOF OF EVIDENCE (PUBLIC PARTICIPATION,  
GENERAL PLAN & AFFIDAVIT)**



## DEPARTMENT OF DEVELOPMENT MANAGEMENT

### LAND DEVELOPMENT APPLICATION:

### PUBLIC PARTICIPATION PROCESS PORTFOLIO OF EVIDENCE CHECKLIST AND DECLARATION

Erf/Erven Farm no	Farm 373	Portion(s) If farm	7	Allotment Area	Stellenbosch
Owner/ Applicant	TV3 Projects (Pty) Ltd			LU/#	LU/10807
Notice Period	From:	23 July 2020		To:	24 August 2020
CONFIRMATION OR DOCUMENTATION SUBMITTED				OWNER/APPLICANT	
				YES	NO
				N/A	ADMIN VERIFY
1	The declaration is duly signed			X	
2	Applicant confirms that the public participation process was duly undertaken as instructed and attached to this POE.			X	
3	Approval for notices were obtained prior to the public participation process and attached to this POE.			X	
4	Municipality informed of the start date and closure date.			X	
5	The advertisement period complies with the required 30 days (60 days for state entities).			X	
6	If applicable, confirms that the site notice was placed and kept on site for the duration of the public participation process.			X	
7	All communications (other than notices) in respect of the public participation process attached.			X	
<b>Proof of notices published</b>					
8	If applicable, photo evidence to confirm site notice			X	
9	Wording of the advertisement accurate as approved & attached.			X	
10	Proof of notices published (Publication date visible)			X	
<b>Proof of notices served</b>					
11	Wording of notice accurate as approved and attached			X	
12	Proof of all notices served to neighbouring properties attached			X	
13	Proof of all notices to Interest & Community Groups attached			X	
14	Proof of all notices to Govt. Dept's and Entities attached			X	
<b>Comments received</b>					
15	All objections/comments received attached			X	
16	All comments from internal Municipal Departments received (must also be attached to POE).				X
17	Applicant's comments on all the objections attached			X	

Please complete and sign the following declaration on above:

**DECLARATION**

I, (full names & surname) CLIFFORD HEYS

and ID #: 7205275013088, as the Applicant for the above application,

hereby confirms that the public participation process for the subject application was duly undertaken in accordance with the instruction for such process and the associated requirements stipulated in the Stellenbosch Municipal Land Use Planning Bylaw, and that the information contained in the above checklist and the accompanied information and documentation in the portfolio of evidence for the concluded public participation process, are accurate and complete:

Duly signed by the APPLICANT C. HEYS on this date/ month/ year

2020/10/05 at place STELLENBOSCH

[Signature]

Signature Applicant

2020/10/05  
Date

<i>For office use only</i>	
CHECKED BY ADMINISTRATIVE OFFICER	
CHECKED BY TOWN PLANNER	
DATE VERIFIED	

NOTES TO BE RECORDED:



Eikestadnuus

**SMALLads**  
 Eikestadnuus  
 Weslander Times WeskusNuis DistrictMail Eikestadnuus Paarl Post City Vision

082 340 7194  
 0861 76255 237  
 Reagan Gabriel  
 E-mail: reagan.gabriel@paarlpost.co.za



THERE ARE A NUMBER OF WAYS TO SAVE WATER, AND THEY ALL START WITH YOU.

**STERFGEVALLE**

**STEPHEN THEODORE KING**  
 11.02.1935 - 27.06.2020  
 My dear soul forever rest in peace.  
 Love, Mom, Dad, Charlene, Cayden and Mateo  
**KING FAMILY**

**IN MEMORIAM**

**CLYDE REINO McDILLING**  
 26 Feb. 1968 - 29 Jan. 2016  
 My dear soul forever rest in peace.  
 Love, Mom, Dad, Charlene, Cayden and Mateo

**GESONDHEID & SKOONHEID**

**AVON Justine**  
 Beauty & Skincare  
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**LENINGS**

**DOORSOEGINGSKONTAKT**  
 PERSOEN/PAKKET AFWASTENDES  
 EERDROOM VERKOPE  
 021 949 0930

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**DEEP CLEANING, SANITIZE & DISINFECT**  
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 021 949 0930

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 Beten beste pryse  
**JACQUES**

**BETREKKINGS**

**BETREKKINGS GESOEK**

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**MR MBAKI**  
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**NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA**

**APPLICATION FOR REZONING AND SUBDIVISION: FARM 3737, STELLENBOSCH**

Application Address: L'Hermitage, Houtkapper Street, Paradyskloof Stellenbosch

Applicant: TV3 Projects (Pty) Ltd - C. Heys (contact telephone: 021 861 3800)

Owner: Westruiter Trust - B Spottswoode (contact telephone: 021 855 5075)

Application Reference: L/10807

Description of land development application:

Application is made for the rezoning of Farm 3737, Stellenbosch from Agriculture and Rural Zone to Subdivision Area and Applications made in accordance with Section 15 2(a) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the subdivision of Farm 3737, Stellenbosch into 11 Conventional Residential Zones (detached houses) and one Transport Facilities Zone (public road).

Approval of this land use planning application will allow the land owner to develop the L'Hermitage residential estate's second phase.

Notice is hereby given in terms of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/documents/planning-and-building-plans/planning-portal> If the website or documents cannot be accessed an electronic copy of the application can be requested from the Applicant.

Written comments, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person in the application, may be submitted in terms of Section 16 of the said Bylaw to the Applicant by electronic mail as follows: TV3 Projects (Pty) Ltd - C. Heys c.hey@tv3.co.za

Comments must be submitted within 30 days from the date of this notice to the Applicant at the above-mentioned address on or before 24 August 2020.

For any enquiries on the Application or the above requirements, or if you are unable to write, and to submit your comments as provided, you may contact the Applicant for assistance at the e-mail address provided or telephonically at 021 861 3800 during normal office hours.

**KENNISGEWING VAN GRONDONTWIKKELINGSAAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA**

**AANSOEK VIR HERSONERING EN ONDERVERDELING: PLAAS 3737, STELLENBOSCH**

Adres van eendoms: L'Hermitage, Houtkapperstraat, Paradyskloof Stellenbosch

Aansoeker: TV3 Projects (Pty) Ltd - C. Heys (kontak besonderhede: 021 861 3800)

Eienaar: Westruiter Trust - B Spottswoode (kontak besonderhede: 021 855 5075)

Aansoek Verwysing: L/10807

Beskrywing van grondontwikkelingsaansoek:

Aansoek word gemaak i.v. Artikel 2(a) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruikbeplanning, 2015 vir die herosonering van Plaas 3737, Stellenbosch van Landbou en Landelike Sone na Onderverdelingsgebied; en Aansoek word gemaak i.v. Artikel 2(d) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruikbeplanning, 2015 vir die onderverdeling van Plaas 3737, Stellenbosch in 11 Konvensionele Residensiële Sone (woonhuise) en een 1 Vervoer Fasiliteit Sone (privaatstraat).

Die goedkeuring van hierdie aansoek sal die grondeienaar toelaat om die L'Hermitage residensiële landgoed se tweede fase te ontwikkel.

Kennis word hiermee gegee in terme van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oewerweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydskedule van die publieke deelname proses by die volgende adres: <https://www.stellenbosch.gov.za/documents/planning-and-building-plans/planning-portal> Indien die webtuiste of beskikbare dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie beskikbaar te stel.

Skriflike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, kan ingedien word in terme van Artikel 50 van genoemde Verordeninge aan die Aansoeker by wyse van elektroniese pos as volg: TV3 Projects (Pty) Ltd - C. Heys c.hey@tv3.co.za

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die skeduleerderdatum van 24 Augustus 2020.

Indien daar enige vrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om getekende kommentaar te lewer of die kommentaar op die wyse te lewer soos voorgesien gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by 021 861 3800 gedurende normale kantoorure.

**PUBLIC PARTICIPATION PROCESS - INTERESTED AND AFFECTED PARTIES INFORMED****COMMUNITY ORGANISATIONS & GOVERNMENT DEPARTMENTS**

Stellenbosch Ratepayers Association [info@stellenboschrtepayers.org](mailto:info@stellenboschrtepayers.org)

Stellenbosch Interest Group [info@stellenboschinterestgroup.org](mailto:info@stellenboschinterestgroup.org)

Stellenbosch Agricultural Society [stlandho@mweb.co.za](mailto:stlandho@mweb.co.za)

Dept. of Agriculture [BrandonL@elsenburg.com](mailto:BrandonL@elsenburg.com) & [CorvdW@elsenburg.com](mailto:CorvdW@elsenburg.com)

DEA&DP [enquiries\\_eadp@westerncape.gov.za](mailto:enquiries_eadp@westerncape.gov.za)

**SURROUNDING LANDOWNERS & I&APs**

Farm 369	Stellenbosch Municipality <a href="mailto:piet_smit@stellenbosch.gov.za">piet_smit@stellenbosch.gov.za</a>
Farm 369/17	Blaauwklippen Agricultural Estate (Pty) Ltd <a href="mailto:cred_tors@blaauwklippen.com">cred_tors@blaauwklippen.com</a> & <a href="mailto:donovan@atmyt.co.za">donovan@atmyt.co.za</a>
Farm 1091/1	Landgoed Vriesenhof (Pty) Ltd <a href="mailto:info@vriesenhof.co.za">info@vriesenhof.co.za</a>
Erf 13438	B Spottiswoode <a href="mailto:brian@spotte.net">brian@spotte.net</a>
Erf 13439	Horn Family Trust <a href="mailto:pieter@hdk.co.za">pieter@hdk.co.za</a>
Erf 13440	Limosa Inv 12 (Pty) Ltd <a href="mailto:tinkaloow@gmail.com">tinkaloow@gmail.com</a>
Erf 13441	BIZ Afrika 883 (Pty) Ltd <a href="mailto:jacod@spinet.co.za">jacod@spinet.co.za</a>
Erf 16171	H Bossie <a href="mailto:paisleys@mweb.co.za">paisleys@mweb.co.za</a>
Erf 13443	E Swanepoel <a href="mailto:edw.n@tv3.co.za">edw.n@tv3.co.za</a>
Erf 13444	Bringi Trust <a href="mailto:rikahaggaa@gmail.com">rikahaggaa@gmail.com</a>
Erf 13445	H Meyer <a href="mailto:henk@hmrest.co.za">henk@hmrest.co.za</a>
Erf 13446	G King <a href="mailto:geoff.king@fruitways.co.za">geoff.king@fruitways.co.za</a>
Erf 13447	C Taljaard <a href="mailto:ctaljaard@sakg.co.za">ctaljaard@sakg.co.za</a>
Erf 13448	S De Klerk <a href="mailto:sakkierdk@mweb.co.za">sakkierdk@mweb.co.za</a>
Erf 13449	D Pienaar <a href="mailto:deonp13@gmail.com">deonp13@gmail.com</a>
Erf 13450	T Andrag <a href="mailto:christa@adept.co.za">christa@adept.co.za</a>
Erf 13451	MMT Rem Marketing Products CC <a href="mailto:mornay@remmarketing.co.za">mornay@remmarketing.co.za</a>
Erf 13452	A Viljoen <a href="mailto:accounts@urodoc.co.za">accounts@urodoc.co.za</a>
Erf 13453	G Brink <a href="mailto:gustav@tv3.co.za">gustav@tv3.co.za</a> & <a href="mailto:izak@mstd.co.za">izak@mstd.co.za</a>
Erf 13454	G Brink <a href="mailto:gustav@tv3.co.za">gustav@tv3.co.za</a>
Erf 13455	A Crafford <a href="mailto:marlic2@vodamail.co.za">marlic2@vodamail.co.za</a>
Erf 13456	D Bruwer – <a href="mailto:nike@batla.net">nike@batla.net</a>
Erf 13457	L'Hermitage HOA <a href="mailto:jacqueline@lpstrust.co.za">jacqueline@lpstrust.co.za</a>
Erf 15678	C Spottiswoode <a href="mailto:cms@metaset.co.za">cms@metaset.co.za</a>
Erf 15679	House & Homewear (Pty) Ltd <a href="mailto:abnman@abnlogistics.co.za">abnman@abnlogistics.co.za</a>
Erf 15680	D Momberg <a href="mailto:d.momberg@digitaloptimization.co.za">d.momberg@digitaloptimization.co.za</a>
Erf 15681	C Spottiswoode <a href="mailto:cms@metaset.co.za">cms@metaset.co.za</a>







**ANNEXURE F: PROPOSED SUBDIVISIONAL PLAN**



Erf No.	Zoning	Land Use	No. of Erven	Area (m <sup>2</sup> )	%
1-11	Conventional Residential	Dwelling House	11	11904	86.74
12	Transport Facilities	Private Road	1	1820	13.26
<b>Total</b>			<b>12</b>	<b>13724</b>	<b>100.00</b>

**tv3**  
 ARCHITECTS AND TOWN PLANNERS

First Floor • La Gratitude Office Building  
 97 Dorp Street • Stellenbosch 7600  
 tel (021) 861 3800  
 fax (021) 882 8025  
 e-mail: stel@tv3.co.za  
 web: www.tv3.co.za

## L' Hermitage II

Property Description:  
 Protion 7 of Farm 373, Stellenbosch

Drawing: Subdivision Plan		Plan no.: 3	
Date: 21/11/2019	Scale: 1:1000 (A4)		
Project no.: 3645-P	Drawn: WH	Checked: CH	

**ANNEXURE G: OBJECTIONS**

Westruther HOA

**TV3 L'Hermitage Extension Planning Proposal****Westruther HOA Response 14 August 2020**

Mr A & Mrs J Allman (Erf 15675) (Acting Chair)  
 Mr H & Mrs E Breytenbach (Erf 15673)  
 Mr C de Villiers (Erf 15683)  
 Mr E Benden & Ms S Haasbroek (Erf 15674)  
 Mr C Spottiswoode (Erven 15676, 15677, 15678, 15681 & 15682)  
 Mr F Viviers (Erf 15671)  
 Mr D Mornberg (Erf 15680)  
 Mr B Shaw (Erf 15672)  
 Mr B and Mrs S Starck (Erf 16079)  
 Mr H & Mrs R Oosthuizen (Erf 15670)

**Reference:**

- a) NOTICE OF LAND DEVELOPMENT APPLICATION TO INTERESTED AND AFFECTED PARTIES FOR COMMENT
- b) Application Reference: LU/10807
- c) Paragraph 3.5 Access

*The internal streets at L'Hermitage – Arc-en-Ciel and Esprit – are both public roads and access to the proposed development will be via these public roads that were constructed by the developer (in 1997) to provide access to the subject property. No new access points will be created for the proposed development.*

*During the development's construction period (in order to protect the L'Hermitage residents) a temporary access to the subject property will be created for construction vehicles only, via the Paradyskloof tennis club gravel road (south of the subject property) – with the Stellenbosch Municipality's necessary consent. A similar temporary access was created for the abutting Westruther estate during their construction phase to protect the estate's residents.*

- d) Paragraph 4.1 Background to the development proposal

*The subject property was identified in 1997 as a possible second development phase of the L'Hermitage estate and access to the subject property was provided through the estate. This application aims to now obtain the required planning approvals for the second development phase.*

**Introduction**

In response to the TV3 proposal to use the tennis club road, reference b) above, along the eastern boundary of the Westruther estate, for construction traffic during the extension

## Westruther HOA

development of L'Hermitage. We (Westruther HOA) strongly object to this route and have drafted this as a challenge to the proposal.

The proposed temporary access gate to protect the residents of L'Hermitage is understandable from those residents' point of view, but the route to it takes no account of the increased traffic flow and impact to the surrounding estates, Mont Blanc, Vallee Lustre and in particular Westruther. The question is why we should suffer this long term (years) of inconvenience and impact for the comfort of those that will eventually profit from this additional development.

In actual fact the route through L'Hermitage was always the planned/approved route as a gate has been placed in L'Hermitage for access to "L'Hermitage extension". Moreover, the diagram of the original development showed the provision for access to the extension from within L'Hermitage, so the purchasers of plots within L'Hermitage could see the future of what they were buying. See reference d above. The developer needs to take this up with HOA of L'Hermitage. They do not want the construction traffic affecting their lives, even though they will eventually benefit with more levies. They are not willing to accept the inconvenience of their earlier acceptance of the future now looming so are trying to make it someone else's problem.

The dust sucked up from the road surface would be highly unpleasant and is typically amazingly penetrating of even closed dwellings. It must be borne in mind that local soil is weathered Malmesbury Shale, and shale was originally very finely-ground glacial deposit. For a testimony of the effect of local dust from nearby contractor activities on residences downwind of a typical Paradyskloof East Wind gale picking up such dust, we have consulted the La Pastorale (I) homeowners at the top of Beethoven street, on the effect of contractor activity during the construction of our Paradyskloof Westruther direct access road. And though the main activity was a considerable distance from their boundary they complained bitterly and justifiably about the effects of the dust on their health and of their children.

All then HOs had battled with the dirt road problems of dust and mud on the tennis club road. So, we had proposed to the Municipality that we harden the road, possibly with paving, and at their instigation had therefore obtained the written accord of its neighbours, the tennis club and Vriesenhof wine estate. But senior Roads management then ruled that such extension of a residential facility into the Green Belt cannot be allowed, as it could lead to further invasion of it, and would be used as a precedent elsewhere. So we had to create the direct Paradyskloof Road / Westruther access road, consistently with the provision for it in the diagram from which we HOs had purchased our properties.

The Green Belt aspect has since become striking with the lockdown and good related habits of walkers, joggers and cyclists, up to 100 users per day, who have increasingly been using the tennis club road for healthy exercise and relaxation, none of which is of course at all compatible with the contractor usage now being proposed.

We may note further that our then-proposed use of the problematic dirt road in question was adjacent to no residential property other than our own single plot erf 15676, whereas the

proposed road extends the full length of our residential estate's South-East boundary, adjacent to erven 15676, 15677 and 15678 (Telemann Street's 7, 9 and 11).

### Alternative Options

As we see it there are two access options below, with options a. and b. that reduces the construction vehicles footprint within Paradyskloof:

- a) Access to L'Hermitage through their existing main gate, as previously planned and in accordance with the iCE TIA report that was prepared for TV3 on 16 October 2019.
- b) Access by continuing along Houtkapper street and then alongside L'hermitage southern boundary, the shortest distance to the planned extension to L'hermitage, see screen grab below

In our view, if the use of the tennis club track was forced on us, it must have a hard surface with traffic calming measures. We would also insist on noise reducing measures along our south and eastern fence line. **Option b) is the route that should be investigated further.**

When we enquired at the municipality for access using the top gate we were shot down by the municipality. The eastern boundary to our estate i.e. the tennis court track is seen as the urban edge and no development is to take place into this zone, even hardening the surface was seen to be development. The occasional grading or maintenance of this road is done by Vriesenhof and not by the municipality.

We vote against the "L'hermitage extension development" making use of the tennis court track as a temporary access. This would extend to the civil works and future building works. Any heavy machinery could make use of the farm track adjacent to L'hermitage which currently has access off Wildebosch road or the continuation of Houtkapper street following civil works completion.

The dust problem is of course far from outweighing the general intrusion by the proposed contractor traffic on the security and general peace and quiet our residents are entitled to expect from their Urban Edge location.

### Other observations from TV3 application.

1. The road leading to the tennis court and the top Westruther gate is misrepresented as a gravel road. **It is not gravel**, it is a dirt road, **it is not even a road but rather a farm track** that is muddy when wet and dry and dusty in good conditions, which is most of the time.
2. **Para 3.5 Temp Access.** Westruther didn't create a temporary access point. **This is a fabricated claim.** In fact, that was the only gate available until the new gate was completed and in fact the original plan was to use the top gate as the main gate. We as HOA made a plan that would reduce dust, noise pollution and help to control security once the new gate became operational. Hence all construction traffic for Erf 15672 made

## Westruther HOA

access and egress using the new gate (Main Gate) TV3 were the contractors for all this work

3. **Para, 5.2 Traffic impact study.** Was the use of the top road for this development taken into account? Was alternative b) above investigated?
4. **Health hazard,** dust distributed from a stream of light to heavy traffic using the dirt road affecting the air quality could have a detrimental effect on surrounding residents.
5. There is no access gate shown from the tennis court road into the L'Hermitage extension on the plans that have been provided. See below

**Summary**

The Westruther HOA strongly oppose the use of the Tennis Court Track for construction vehicles during the development of the L'Hermitage extension

Andy A. Allen

Westruther HOA (Acting Chair)

Tel: 070-9766931

Mail: [andyallen622@gmail.com](mailto:andyallen622@gmail.com)

5 Teasdale Street, Westruther, Family Farm Estate, Perth 7208



Westliff HOA

**AERIAL VIEW OF AREA OF CHALLENGES**



**OPTION a): THE ORIGINAL ROUTE AS PLANNED BY DEVELOPER**





Westruther HOA

**OPTION b: CONTINUATION OF HOUTKAPPER STREET AND ALONG L'HERMITAGE BOUNDARY**



**Layout plan submitted by TV3 of the L'hermitage extension**



Kind regards,

*P. Botha*

Patricia Botha, Chairperson

Cc Ms Esther Groenewald, [Esther.Groenewald@stellenbosch.gov.za](mailto:Esther.Groenewald@stellenbosch.gov.za)  
Portfolio Councillor: Planning and Economic Development

Ms Geraldine Mettler, [MM@stellenbosch.gov.za](mailto:MM@stellenbosch.gov.za)  
Municipal Manager, Stellenbosch Municipality

Mr Anthony Barnes, [Anthony.Barnes@stellenbosch.gov.za](mailto:Anthony.Barnes@stellenbosch.gov.za)  
Director, Planning and Economic Development

Mr Stiaan Carstens, [Stiaan.Carstens@stellenbosch.gov.za](mailto:Stiaan.Carstens@stellenbosch.gov.za)  
Senior Manager, Land Use Management

**Directors:**

A M Vos B.A LL.B (Stell)

A Maree B.A LL.B (Stell)

**Professional Assistants:**

E M Molele B.Lus LL.B (Stell)

E M Molele LL.B (Stell)

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 STELLENBOSCH 7600  
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 Fax: (0)21 747 6662  
 VAT No: 4010155740  
 Deeds Office Box 9  
 Unit 11 Oosloepark 7600 ZA

Your ref.: **LU/10807**Our ref.: **AMV/mt/L30117**

18 September 2020

The Director: Planning & Economic Development  
 Stellenbosch Municipality  
 Plein Street  
 STELLENBOSCH  
 7600

**BY HAND & BY EMAIL:** [salome.newman@stellenbosch.gov.za](mailto:salome.newman@stellenbosch.gov.za)

Dear Sirs

**APPLICATION FOR REZONING & SUB-DIVISION OF REMAINDER OF PORTION  
 3 OF FARM 373**

We have been retained by the L'Hermitage Home Owners' Association.

We refer to the abovementioned application, dated 15 November 2019, submitted by TV3 Architects & Town Planners, on behalf the Trustees for the time being of the Westruther Trust, (hereinafter "the Application"), and communicated to interested and affected parties at the end of July 2020, in relation to the proposed Rezoning and Sub-Division of Remainder of Portion 7 of Farm 7, Stellenbosch (hereinafter "the Property").

Our client is representative of the owners of the existing L'Hermitage residential estate, immediately adjacent to the Property, and as such they have a direct interest in the Application.

We have been instructed to object to the Application on behalf of our client, and on the grounds elaborated on hereinbelow.

#### **ACCESS & STATUS OF ROADS**

1. Central to the Application is the assumption of the applicant to an entitlement to provide vehicle access, and presumably pedestrian access, to the proposed development on the Property via the existing internal roads on our client's estate.
2. Our client denies such an entitlement, for the reasons elaborated hereinbelow.
3. The historical background of how our client's estate came into being is particularly relevant.
4. Mr Brian Hugh Spottiswoode (hereinafter "Spottiswoode") was the owner of Portion 7 of Farm 373, Stellenbosch, which he acquired ownership of in 1994, apparently from the estate of his late mother, Mrs Hildegarde Enid Spottiswoode.

5. Some time after taking transfer of the above property in 1994, Spottiswoode presumably decided to develop a portion thereof, into what is now our client's residential estate, L'Hermitage.
6. Messrs Taylor Van Rensburg Van der Spuy Visser (now TV3) submitted certain applications on behalf of Spottiswoode and these apparently culminated in an approval issued by yourselves on 25 February 1997.
7. Spottiswoode apparently realised the approval by proceeding to develop the residential estate commonly known as L'Hermitage and sold individual erven/plots in the development to third party purchasers, presumably in the years immediately following on the 1997 approval.
8. Erf 13438 followed on the sub-division of Portion 7 of Farm 373, and General Plan 5983/1997 followed on that, and which pertains to L'Hermitage, a copy of which is annexed hereto, marked "LHHOA1".
9. Reflected on said General Plan are various erven, which are comprised of 18 erven earmarked for the construction of residential dwellings and Erf 13457, a private open space.
10. The internal roads in L'Hermitage comprise the remainder of Erf 13438.
11. As is evidenced from a Deeds Office search annexed hereto marked "LHHOA2", Spottiswoode is still the registered owner of the Remainder of Erf 13438.
12. Spottiswoode did in fact transfer the private open space, Erf 13457 to the L'Hermitage Home Owners' Association, in 2002.
13. The critical issue that pertains to the Application is the true status of the internal roads in L'Hermitage and whether Spottiswoode and/or the Westruther Trust have an entitlement to utilise these as access roads insofar as the proposed new development on the Property is concerned.

14. Our client's position is that no such entitlement exists and that the internal roads were in fact at all material times to have been private roads and they were supposed to have been transferred to the home owners' association.
15. Central to this is the extension of Houtkapper Street, to facilitate entrance to the L'Hermitage residential estate.
16. In terms of paragraph (xii) of the 25 February 1997 approval, you required the extension of Houtkapper Street to be transferred to yourselves. Our investigations have shown that effect was never given to this. The extension of Houtkapper Street is located in part on the Remainder of Erf 13438, and in part on the Remainder of Erf 11088, owned by Fleur Fontein Mountain Estates Pty Ltd. From diagrams drawn from the Surveyor General's office, it is patently clear that the area that comprises the extension of Houtkapper Street has never been formally transferred from Spottiswoode and said Fleur Fontein Mountain Estates Pty Ltd to yourselves, and as such the section of the road is still formally on private land. Our investigations could also not locate any appropriate proclamation regarding the extension of Houtkapper Street.
17. What our client rejects is the suggestion that the internal roads in L'Hermitage residential estate are an extension of Houtkapper Street, in any manner or form. These streets have designated names and as such they are substantive streets on their own.
18. Our investigations have shown that the internal streets are zoned "public roads" in terms of your zoning records. Our client's contend that this is not accurate and not supported by the 1997 approval, ensuing agreements and subsequent events.
19. Paragraph (b) in the 25 February 1997 approval makes reference to "private space and road" to be approved. It does not designate the road to be a public road, and our client's view is that overwhelming evidence exists which suggests that the internal roads were supposed to be private roads, and where ownership was meant to be ultimately vest in the home owners' association.

20. Of crucial importance is the Memorandum of Agreement entered into by and between yourselves and Spottiswood in October 1997, a copy of which is annexed hereto marked "LHHOA3". The following from this agreement is imminently relevant to the Application and our client's objections:
- 20.1 paragraph 4.9, which imposes on the developer, Spottiswoode, a duty to establish a home owners' association, which he gave effect to;
- 20.2 paragraph 4.9.2, which imposes on the home owners' association the duty to maintain "all communal property, road surfaces (our emphasis) and the private open space";
- 20.3 paragraph 4.9.3, which obliges the home owners' association to allow 24 hour access to your employees to the "private development".
21. We submit that if the internal roads in L'Hermitage were indeed meant to be public roads, the obligation to maintain their surfaces would have fallen squarely on yourselves, and there would have been no obligation on the owners' association to perform any maintenance in respect thereof. We were not able to find any examples in Stellenbosch where private owners are responsible for the maintenance of public roads in any manner or form. We submit that this obligation in itself is entirely dispositive of the notion that the internal roads were supposed to be, or are, public roads.
22. The fact that your approval required guaranteed free access to your employees, also clearly suggests that it was completed that L'Hermitage residential estate would be a closed, private estate. In fact, plans for the construction of a controlled access gate were submitted to yourselves at some point in the early part of the first decade of the current millennium, and approved by yourselves, and which allowed the home owners to restrict and control access to the development. We submit again that such an approval does not align with a public road, where unrestricted access is guaranteed. Not only did you approve plans for the controlled access gate, but you have not raised any concerns and

objections thereof since it was constructed 15 or more years ago, and we submit that clearly suggests that you consider the estate to be a private one, and the internal roads to be private.

23. It is further submitted that the 1997 approval is effectively silent on any second phase development.
24. The only reference to a second to be found in the 1997 approval is in paragraph (xii), and in relation to certain road reserves, and which has no bearing on the Application.
25. No mention whatsoever is made of any future development on the Property. In fact, our instructions from various owners in L'Hermitage residential development, who were "first time" buyers, direct from Spottiswoode, is that Spottiswoode at the time assured them that no comparable residential development would even be contemplated on the remainder of the land, and that at most he would development it into two smallholdings for his daughters.
26. We accordingly submit that there is overwhelming evidence, both factual and circumstantial, that clearly indicate that the internal roads in L'Hermitage were never supposed to be public roads, but private roads instead, which the owners had to maintain themselves and which the owners were allowed to close off.
27. On this basis, the proposed new development on the Property is not entitled to access to the development via the existing roads in L'Hermitage. Our instructions are to address Spottiswoode separately on this subject and to insist that he transfers the Remainder of erf 13438, comprising the internal roads, to the home owners' association, and failing co-operation in this regard, to launch an appropriate application in the High Court for an appropriate declaratory order and interdictory relief.
28. We submit our behalf of our client that you are not entitled to entertain the Application in its present form until such time as the ownership in respect of the internal roads have been resolved through agreement between our client and



Spottiswoode, or adjudicated on by a competent Court. Should you proceed to entertain the Application regardless of the compelling evidence presented above, our client shall take any ensuing approval on review and seek an appropriate punitive costs order against yourselves.

29. Our client has instructed us to raise further issues regarding the proposed development, namely:

29.1 The complete absence of Visual Impact Study, as required by your By-Laws. The proposed development is clearly visible from the R44 and in close proximity to various farms and will obviously impact from a visual point of view. We submit that the Application incomplete and defective absent such a study.

29.2 While the Application refers to a study Heritage Western Cape, such a study or report has not been attached to the Application, and it is therefore incomplete.

29.3 The lack of clear architectural and building guidelines for dwellings and outbuildings on erven in the proposed new development. These have to be sensitive to the interests of owners in L'Hermitage, and is absent from the Application.

Please be guided accordingly. Our client's rights remain expressly reserved.

Yours faithfully

**VOS MAREE INCORPORATED**

ANTON VOS

captured electronically and therefore unsigned

"LHHOA 1"

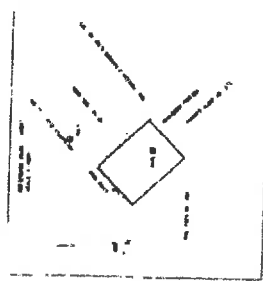
(Stellenbosch Allotment Area)  
GENERAL PLAN No. 5983/1997

CDR  
SUBDIVISIONS OF ERV 13438 STELLENBOSCH

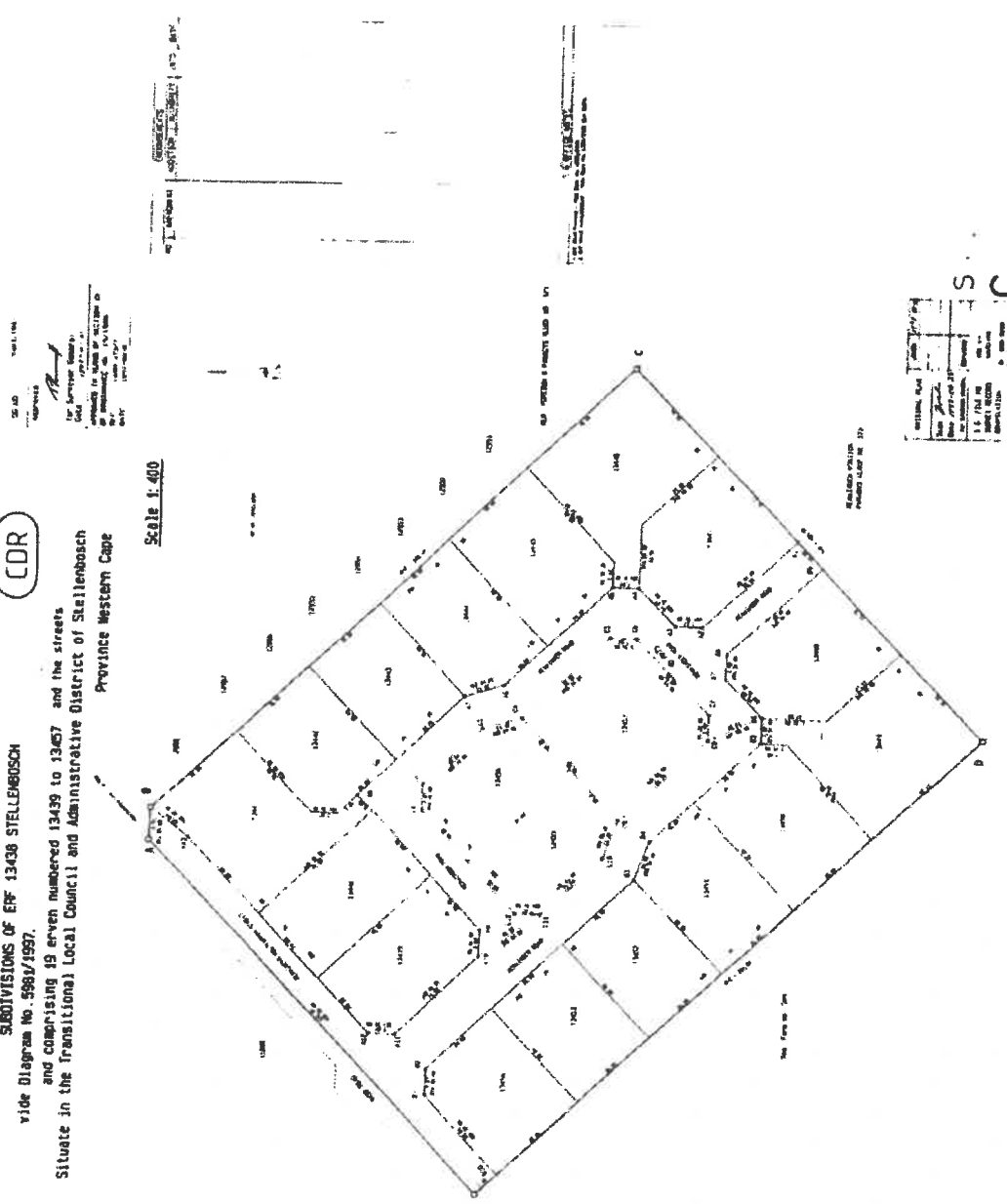
vide Diagram No. 5983/1997.  
and comprising 49 erven numbered 13439 to 13487 and the streets  
situate in the Transitional Local Council and Administrative District of Stellenbosch  
Province Western Cape

Scale 1:400

ERVEN NO.	AREA (sqm)	AREA (sqft)	REMARKS
13439	1000	1076	
13440	1000	1076	
13441	1000	1076	
13442	1000	1076	
13443	1000	1076	
13444	1000	1076	
13445	1000	1076	
13446	1000	1076	
13447	1000	1076	
13448	1000	1076	
13449	1000	1076	
13450	1000	1076	
13451	1000	1076	
13452	1000	1076	
13453	1000	1076	
13454	1000	1076	
13455	1000	1076	
13456	1000	1076	
13457	1000	1076	
13458	1000	1076	
13459	1000	1076	
13460	1000	1076	
13461	1000	1076	
13462	1000	1076	
13463	1000	1076	
13464	1000	1076	
13465	1000	1076	
13466	1000	1076	
13467	1000	1076	
13468	1000	1076	
13469	1000	1076	
13470	1000	1076	
13471	1000	1076	
13472	1000	1076	
13473	1000	1076	
13474	1000	1076	
13475	1000	1076	
13476	1000	1076	
13477	1000	1076	
13478	1000	1076	
13479	1000	1076	
13480	1000	1076	
13481	1000	1076	
13482	1000	1076	
13483	1000	1076	
13484	1000	1076	
13485	1000	1076	
13486	1000	1076	
13487	1000	1076	



NOTES:  
1. THE AREA OF THE PLOTS IS AS SHOWN ON THE PLAN.  
2. THE PLOTS ARE TO BE USED FOR RESIDENTIAL PURPOSES.  
3. THE PLOTS ARE TO BE BOUND BY A WALL OR FENCE.



NO.	DESCRIPTION	AREA (sqm)	AREA (sqft)
1	Plot 13439	1000	1076
2	Plot 13440	1000	1076
3	Plot 13441	1000	1076
4	Plot 13442	1000	1076
5	Plot 13443	1000	1076
6	Plot 13444	1000	1076
7	Plot 13445	1000	1076
8	Plot 13446	1000	1076
9	Plot 13447	1000	1076
10	Plot 13448	1000	1076
11	Plot 13449	1000	1076
12	Plot 13450	1000	1076
13	Plot 13451	1000	1076
14	Plot 13452	1000	1076
15	Plot 13453	1000	1076
16	Plot 13454	1000	1076
17	Plot 13455	1000	1076
18	Plot 13456	1000	1076
19	Plot 13457	1000	1076
20	Plot 13458	1000	1076
21	Plot 13459	1000	1076
22	Plot 13460	1000	1076
23	Plot 13461	1000	1076
24	Plot 13462	1000	1076
25	Plot 13463	1000	1076
26	Plot 13464	1000	1076
27	Plot 13465	1000	1076
28	Plot 13466	1000	1076
29	Plot 13467	1000	1076
30	Plot 13468	1000	1076
31	Plot 13469	1000	1076
32	Plot 13470	1000	1076
33	Plot 13471	1000	1076
34	Plot 13472	1000	1076
35	Plot 13473	1000	1076
36	Plot 13474	1000	1076
37	Plot 13475	1000	1076
38	Plot 13476	1000	1076
39	Plot 13477	1000	1076
40	Plot 13478	1000	1076
41	Plot 13479	1000	1076
42	Plot 13480	1000	1076
43	Plot 13481	1000	1076
44	Plot 13482	1000	1076
45	Plot 13483	1000	1076
46	Plot 13484	1000	1076
47	Plot 13485	1000	1076
48	Plot 13486	1000	1076
49	Plot 13487	1000	1076

5983/1997



**ERF 13457, STELLENBOSCH (CAPE TOWN)**  
Deeds Office Property Erf

Suite G01 Waterview 2, Waterview Close, Century City  
Tel: +27 850 340 000  
Website: <https://www.searchworks.co.za>

## SEARCH INFORMATION

## Summary

Search Type DEEDS OFFICE PROPERTY ERF  
Search Description ERF 13457, STELLENBOSCH (CAPE TOWN)  
Reference MARIANNE  
Date 18/09/2020

"LHHOA 2"

## ERF INFORMATION

## Summary

Deeds Office CAPE TOWN  
Property Type ERF  
Township STELLENBOSCH  
Erf Number 13457  
Portion Number 0  
Previous Description PTN OF 13438-GP5983/97  
Registration Division NOT AVAILABLE  
Municipality STELLENBOSCH MUN  
Province WESTERN CAPE  
Diagram Deed T28069/2002  
Size 1415.0000 SQM  
LPI Code C06700220001345700000  
Street Address -

## OWNER SUMMARY

Owner Name	ID / Reg. Number	Purchase Price	Purchase Date
L'HERMITAGE HUISEIENAARSVERENIGING	-	NIL	UNKNOWN

## OWNER INFORMATION

## Owner 1 of 1

Owner Name L'HERMITAGE HUISEIENAARSVERENIGING  
ID / Reg. Number -  
Owner Type COMPANY  
Title Deed T28069/2002  
Purchase Date UNKNOWN  
Registration Date 18/04/2002  
Purchase Price NIL  
Multiple Owners NO  
Multiple Properties NO  
Share -  
Microfilm Reference No. 2002 0360 2983

## ENDORSEMENT(S)

Document Number	Microfilm Reference Number	Institution	Value
No information available.			

## HISTORY INFORMATION

Document Number	Microfilm Reference Number	Owner	Value
T28069/2002	2002 0360 2983	-	UNKNOWN
T119190/1997	1998 0002 1880	SPOTTISWOODE BRIAN HUGH	T/T

## INTERNAL ENQUIRY HISTORY

Company Name	Contact Person	Contact Number	E-mail Address	Enquiry Date
No information available.				

## REPORT INFORMATION

Date of Information	18/09/2020 11:04
Print Date	18-09-2020 11:04
Generated By	MARIANNE THERON
Reference	MARIANNE
Report Type	DEEDS OFFICE PROPERTY ERF

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"LHHA3"

## MEMORANDUM OF AGREEMENT

AGREED AND ENTERED INTO BY AND BETWEEN

**THE COUNCIL OF THE MUNICIPALITY OF STELLENBOSCH**

(hereinafter called the "COUNCIL")

AND

**BH SPOTTISWOODE**

(hereinafter called the "DEVELOPER")

WITH REGARD TO THE DEVELOPMENT OF A PORTION OF PORTION 7 OF THE FARM 373, STELLENBOSCH (measuring 2.5572 ha)

(hereinafter called the "PROPERTY")

WHEREAS the DEVELOPER applied for the rezoning and subdivision of the PROPERTY as indicated on the diagram of which a copy is attached hereto as Annexure B;

AND WHEREAS the application was approved by COUNCIL on certain conditions as contained in the COUNCIL's decisions dated 1996-08-27 and 1997-03-25 of which copies are attached hereto in Annexure C and D;

AND WHEREAS the DEVELOPER accepted the conditions the parties agree as follows:

It is agreed that the COUNCIL will issue rates clearance certificates in respect of individual erven upon fulfilment of the requirements as per Paragraphs 1, 2 and 3 by the DEVELOPER to the satisfaction of the COUNCIL.

1. **CIVIL ENGINEERING SERVICES**

1.1 The DEVELOPER will, at his own expense be responsible for:

1.1.1 the construction of all internal civil services being water supply, sewerage, roads and stormwater:

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"LHHA3"

- 1.1.2 the construction of an external sewerage link with the existing sewerage network;
  - 1.1.3 the construction of a 200 mm diameter external water main in Houtkapper Street road reserve from the present position, up to the entrance road from Houtkapper Street to the development;
  - 1.1.4 upgrading of the existing stormwater furrow along the southwestern boundary of the **DEVELOPMENT** and of Lieberheim to the satisfaction of the Town Engineer; and
  - 1.1.5 the construction of Houtkapper Street up to the entrance road from Houtkapper Street to the development and including the turning circle, to the satisfaction of the Town Engineer.
- 1.2 The **DEVELOPER** shall provide the **COUNCIL** with polyester-film plans and electronic DXF-files compatible with **ULTIMATE CAD**, showing the relevant civil services of the **PROPERTY** separately and specifying the undermentioned information in detail prior to take-over. The **DEVELOPER's** Consulting Civil Engineer 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:
- 1.2.1 Water reticulation network - all erf connection points, mainlines, fire hydrants and valves.
  - 1.2.2 Sewerage reticulation network - all service connections, manholes, pipe sizes.
  - 1.2.3 Stormwater drainage network - all catch pipes, catch pits, manholes, pipe sizes and trenches.
  - 1.2.4 Roads - Plans that clearly indicate the lay-out, including widths of streets, reserve widths, typical cross sections, layerworks, position of service ducts, and diameters of turning circles.
- 1.3 All connections to existing services will be made by the **DEVELOPER's** contractor under direct supervision of the **COUNCIL** and all costs will be for the account of the **DEVELOPER**.

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2. **ELECTRICAL ENGINEERING SERVICES**

2.1 The **DEVELOPER** will, be responsible for:

2.1.1 the construction at his own expense of all internal electrical services according to specifications determined by the **COUNCIL's** Electrotechnical Town Engineer;

2.1.2 modifications to the existing network to enable the removal of overhead lines across the **DEVELOPMENT** and along Houtkapper Street and Paradyskloof Road.

(a) the scope of the modifications will basically be as described below with reference to **ANNEXURE A**:

(i) removal of overhead lines between Points A, B, C and D;

(ii) installation of underground cabling from Point D to Point E and from Point E to Point F;

(iii) construction of a new overhead line from Point E to Point A;

(b) the cost of the modifications to the existing network shall be paid for by the **DEVELOPER** and the **COUNCIL** as follows:

(i) the **DEVELOPER** shall pay for the dismantling and removal of the overhead line across his **PROPERTY** between Points A and B and the cost of the supply and installation of an underground cable between Points C and E equivalent in length to the overhead line removed between Points A and B;

(ii) the **COUNCIL** shall pay the balance of costs for the modifications to the existing network i.e. total cost less cost determined under Item 2.1.2(h)(i) above.

2.2 Prior to commencing with the design of electrical services, the **DEVELOPER's** Consulting Electrical Engineer must acquaint himself with, and clarify with **COUNCIL's** Electrotechnical Town Engineer, the following:

2.2.1 the availability of electricity:

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"LHHA3"

- 2.2.2 the standards of materials and design requirements to be complied with; and
- 2.2.3 possible costs of connections to existing services and the availability of bulk supply.
- 2.3 The final design of the complete internal electrical network of the development must be submitted by the DEVELOPER's Consulting Electrical Engineer to the COUNCIL's Electrotechnical Town Engineer for approval before any construction work commences.
- 2.4 Any defect to the electrical works 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 within 30 (THIRTY) days from the date the defect was brought to the attention of the DEVELOPER's Consulting Electrical Engineer. Should the necessary repair work not be done within the said time the COUNCIL reserves the right to carry out the repair work at the cost of the DEVELOPER.
- 2.5 A "sepla" film plan showing the relevant electrical services of the PROPERTY separately and specifying the undermentioned information in detail, are to be supplied to COUNCIL prior to take over. The DEVELOPER's Consulting Engineer shall certify that the location and position of the installed services on the PROPERTY are in accordance with the plans submitted for the following services:
- 2.5.1 all service connections, mini-substations, meter boxes, cables, street lights, cable ducts, manner in which main supply has been acquired; and
- 2.5.2 modifications to the existing network to enable removal of overhead lines across the DEVELOPMENT, along Houtkapper Street and Paradyskloof Road.
- 2.6 A connection to the COUNCIL's electrical main network will be given as soon as possible after the prescribed application has been complied with and the estimated cost for the connection is paid.


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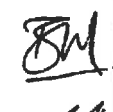



"LHHA3"

- 2.7 The standard of electrical services shall comply with the present rulings standards of the **COUNCIL** and specifications and drawings shall be subject to the approval of the **COUNCIL**.

### 3. PRO RATA CONTRIBUTIONS AND RE-PAYMENTS

- 3.1 Pro rata contributions and re-payments, subject to the provisions and rates contained in the Act on Value Added Tax of 1991 (Act 89/1991) as amended, shall, subject to the following conditions, be payable for bulk services:
- 3.2 Pro rata contributions payable to the **COUNCIL** by the **DEVELOPER** for roads, water and sewerage, calculated as follows:
- |       |          |   |  |             |
|-------|----------|---|--|-------------|
| 3.2.1 | Water    | : | <sup>22 450</sup><br>R 20 582,00/ha x 2,5572 ha + VAT at 14 % =  | R 60 000,81 |
| 3.2.2 | Sewerage | : | <sup>7 674,00</sup><br>R 6 316,00/ha x 2,5572 ha + VAT at 14 % = | R 18 412,45 |
| 3.2.3 | Roads    | : | <sup>22 150,00</sup><br>R 18 646,00/ha x 2,5572 ha =             | R 47 681,55 |
- 3.3 A pro rata contribution, subject to the provisions of Clause 3.10, payable to the **COUNCIL** by the **DEVELOPER** for the supply of external electrical services, which contributions shall be calculated on 4 kVA per erf and at R 468,64 per kVA plus VAT. It is agreed that the total demand and amount payable for the development of the **PROPERTY** into 18 (EIGHTEEN) erven, be calculated as follows:
- $$18 \times 4 \text{ kVA} \times \text{R } 468,64/\text{kVA} + \text{VAT @ } 14 \% = \text{R } 38 465,97$$
- 3.4 A re-payment by the **COUNCIL** to the **DEVELOPER** will be made equal to 50 % of the total cost, inclusive of VAT and allowing for professional fees, for the construction of the extension to Houtkapper Street to a maximum amount not exceeding pro rata contributions payable for sewers, water and roads. In order to calculate the re-payment, the **DEVELOPER**'s Civil Consulting Engineer shall certify at practical completion of the Works, the cost of the Works based on actual quantities. The certified re-payment shall be payable to the **DEVELOPER** on the date that rates clearance for the transfer of the first erf or erven is required and shall be effected by a reduction in the total amount of pro rata contributions payable for water, sewerage and roads.




  
 syc

- 3.5 The balance of pro rata contributions for water, sewerage and roads shall be payable to the COUNCIL on the date that rates clearance for the transfer of the first erf or erven is required, or, should the Town Engineer so require, to a contractor nominated by the Town Engineer.
- 3.6 In respect of external electrical services installed to service the PROPERTY, a re-payment by the COUNCIL to the DEVELOPER shall be made for external electrical services constructed by the DEVELOPER. Calculation of the amount for re-payment shall be based on the COUNCIL's laid down rates plus VAT. In order to calculate the re-payment amount the DEVELOPER's Electrical Consulting Engineer shall issue a certificate to COUNCIL's Electrotechnical Town Engineer at practical completion of the works stating the actual materials and quantities used. The repayment shall be payable on the date that rates clearance is required for the first erf or erven. The amount to be re-paid, shall be reduced by an amount equal to the value of pro rata contributions for electrical services as specified in Paragraph 3.3
- 3.7 A further re-payment by the COUNCIL to the DEVELOPER shall be made for the total cost, inclusive of professional fees and VAT, for modifications to the existing network as described in Paragraph 2.1.2. In order to calculate the re-payment amount, the DEVELOPER's Electrical Consulting Engineer shall issue at practical completion of the works, a certificate stating the actual cost of the modifications. The amount to be re-paid, shall be payable to the DEVELOPER on the date that rates clearance for the first erf or erven is required.
- 3.8 The DEVELOPER shall pay to the COUNCIL a single amount of R 17 800,00 inclusive of VAT, as contribution for the future upgrading of the external water network along the south eastern boundary of the development. The single amount shall be payable on the date of rates clearance for the first erf or erven, or should the Town Engineer so require, to a nominated contractor for the provisions of external services to other developers or developed areas.
- 3.9 Pro rata contributions which are payable to COUNCIL and re-payments are subject to an annual adjustment of tariffs by COUNCIL and will be applied as from the date when it is approved by COUNCIL to calculate the pro rata contributions payable and re-payments on the date when rates clearance for the first erf or erven is required.

Handwritten signatures and initials at the bottom of the page, including a large signature on the right, a signature in the middle, and initials on the left.

"LHHA3"

4. IT IS AGREED THAT THE DEVELOPER UNDERTAKES THE FOLLOWING WITH REGARD TO THE DEVELOPMENT OF THE PROPERTY:
- 4.1 to accept in writing and comply with all conditions of subdivision and rezoning as laid down by the COUNCIL, unless otherwise agreed herein;
- 4.2 not to deviate from the approved layout and design without the consent of the COUNCIL;
- 4.3 to transfer free of cost to the COUNCIL all public streets and all internal services;
- 4.4 to rectify and repair at his own expense any inherent faults or defects of the services within the first 12 (TWELVE) months after take over by the COUNCIL. In this connection the DEVELOPER's liability is confined to defective workmanship and/or materials;
- 4.5 to be responsible for the costs of any surveying and registration of servitudes regarding services on the PROPERTY;
- 4.6 to furnish the COUNCIL within 7 (SEVEN) days after the final inspection of the civil and electrical services with an acceptable bank guarantee for the due performance by the DEVELOPER in terms of Clause 4.4. Such bank guarantee shall:
- 4.6.1 be valid for a period of 12 (TWELVE) months after the date issued;
- 4.6.2 be valued at 5 % of the awarded contract value for both civil and electrical services;
- 4.7 to adhere to the specifications of Telkom (SA). Copies of all correspondence with Telkom shall be handed over to the COUNCIL's Electrotechnical Town Engineer;
- 4.8 the DEVELOPER will be held liable for all damages caused to existing civil and electrical services of the COUNCIL. It is the responsibility of the contractor and/or subcontractor of the DEVELOPER to determine the location of existing civil and electrical services;


  
 A collection of handwritten signatures and initials, including a large stylized 'Q' at the top, several cursive signatures, and the initials 'B.M.' and 'S.K.' below.

"CHHOA 3"

4.9 the DEVELOPER must ensure that a Home Owner Association come into being in terms of Section 29 of the Land Use Planning Ordinance, 1985 (No 15 of 1985).

4.9.1 Membership of the Home Owners Association is compulsory and the DEVELOPER will ensure that membership shall be stated as a condition in the title deed of each individual erf.

4.9.2 The Home Owners Association will be responsible for the maintenance of all communal property, road surfaces, and the private open space which will include the irrigation system and the cost of water and electricity used to maintain the private open space.

STATUS OF GATE

4.9.3 The Home Owners Association will be obliged to ensure that 24 (TWENTY FOUR) hour per day access is possible to employees at the COUNCIL through at least a pedestrian gate should access control to the private development be implemented;

4.10 the DEVELOPER shall submit the constitution of the Home Owners Association to the COUNCIL for approval prior to the date on which rates clearance for the first erf or erven is required;

4.11 design guide lines shall be compiled and submitted to the satisfaction of the Chief: Planning and Development;

4.12 the DEVELOPER shall supply the Department of Environment and Recreation Management with a development plan of the private open spaces. The development plan must clearly indicate the layout of the overall development, erf numbers, areas to be grassed, the complete irrigation network inclusive of controller, power supply to the controller and the position of the water connection and meter for the private open space. In addition the position of any trees and shrubs shall also be shown on the plan. The development plan shall be subject to the approval of the Chief: Environment and Recreation Management;

4.13 the DEVELOPER shall at his cost install all services and develop the private open space to the full extent as shown on the development plan once approved.

Handwritten signatures and initials: A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z.

"LHHOA3"

- 4.14 the COUNCIL reserves the right to withhold any services to the development or not deliver any new services should the DEVELOPER not comply with the conditions of Clauses 4.12 and 4.13.
- 5. The COUNCIL reserves the right not to take over the development or any portion thereof unless the DEVELOPER has strictly complied with all conditions contained herein.
- 6. It is explicitly agreed that, should the owner at any time in future of the remainder of Farm 373 Portion 7 elect to develop this property, spare capacity sufficient to serve 8 (EIGHT) single residential erven will be made available at the electrical transformer and at no cost. Pro rata payment applicable at the time as well as the cost of all electrical cabling shall still be payable by the DEVELOPER of this portion when it is developed.

• No of erven = 8 .  
 • NO MENTION OF "UNANIMOUS" SUPPORT CLAUSE?

SIGNED AT STELLENBOSCH ON THIS 27TH DAY OF OCTOBER 1997

AS WITNESS

1. [Signature]  
 2. [Signature]

[Signature]  
 THE DEVELOPER ← DEVELOPER JAN V. PENSB ?

SIGNED AT STELLENBOSCH ON THIS 27 DAY OF    1997

AS WITNESS

1. [Signature]  
 2. [Signature]

[Signature]  
 COUNCIL

**ANNEXURE H: APPLICANTS COMMENTS ON OBJECTIONS**

**Table 1: Summary of the objections received and the applicant's response.**

<b>OBJECTOR</b>	<b>ISSUES RAISED</b>	<b>APPLICANT'S RESPONSE</b>
Westruther HOA	<p>The use of the Paradyskloof tennis club gravel road for construction vehicles, is not supported. The extra traffic on the gravel road will cause a nuisance for the Westruther Estate's residents.</p>	<p>The objection is noted. However, there are currently no houses built on the erven adjacent to the gravel road. It is understood that these erven are not yet sold.</p> <p>It was a proposal by the developer (to protect the L'Hermitage residents during the construction phase) to use the existing gravel road as a temporary access for construction vehicles. This road is also the access road for the public to the Paradyskloof tennis club (south of the subject property). See images below of the road:</p> 



This road was used for more than 70 years as the access to the original Westruther farm homestead and its three adjacent properties which included Farm 373/7.

This road was also used by the Westruther Estate as a temporary estate access (until its access road and gate was constructed in 2019), and used by the Westruther Estate as a temporary construction access to



		<p>protect the La Pastorate residents.</p> <p>The proposed use of this public road is therefore not new – it was used for this very purpose by the objector – but it is for Council to decide if the developer may use the public Paradykloof tennis club gravel road for construction purposes only (or not).</p> <p>The alternative route (as proposed by the objector) is over Farm 369/17 and is not viable as the farm is private land.</p>
<p>Stellenbosch Interest Group</p>	<p>The low density of the development does not comply with the municipal spatial planning policies. The proposed density should be doubled.</p>	<p>The development proposal will consist of 11 single residential erven that are all ±1100m<sup>2</sup> in size, which is similar to the big erven of the L'Hermitage estate. The proposed development will have a low residential density of only ±8 units per hectare – which is also similar to the low residential density of the L'Hermitage estate. The purpose of the big single residential erven is to be compatible with the existing low residential density character of the L'Hermitage estate.</p>
<p>Stellenbosch Interest Group</p>	<p>A central open space should be provided as the maintenance of large individual gardens as not sustainable as a result of chronic water shortage.</p>	<p>As mentioned above – the erf sizes were dictated by L'Hermitage I. The proposed Phase II will form part of the L'Hermitage HOA's rules and architectural guidelines. For this reason, the development must be similar to that of the first phase.</p> <p>A large open space is already provided at the L'Hermitage 1<sup>st</sup> phase and the intention was to also serve the Estate's 2<sup>nd</sup> development phase.</p> <p>When the development proposal was discussed with the L'Hermitage HOA it was agreed that a 2<sup>nd</sup> open space would not be needed.</p>
<p>Stellenbosch Interest Group</p>	<p>The low residential density does not support the provision of public transport.</p>	<p>The subject property is not located on any NMT or public transport routes. Eleven erven or 22 erven (as suggested by the objector) will not have a tangible impact on the town's public transport infrastructure.</p>

L'Hermitage HOA	<p>Access and status of the L'Hermitage Estate's internal road.</p> <p>According to the objector the L'Hermitage Estate's internal Road is a private road (and not a public road as claimed by the applicant).</p>	<p>According to the Surveyor-General Office confirming that the L'Hermitage internal road (i.e. the Remainder Erf 13438, Stellenbosch) is a public road. A copy of their Status Report is attached hereto (see <b>Section B</b>).</p>
L'Hermitage HOA	<p>According to the Deeds Office the registered owner of the Remainder Erf 13438, Stellenbosch is still the developer (Brian Hugh Spottiswoode), but it should be the L'Hermitage HOA.</p>	<p>The internal road (Remainder Erf 13438, Stellenbosch) is a public road and vested with the Stellenbosch Municipality with the 1997 LUPO approval (even if it was not registered at the Deeds Office in the local authority's name).</p> <p>In other words, the Stellenbosch Municipality is the owner of the L'Hermitage internal road.</p>
L'Hermitage HOA	<p>According to the objector the L'Hermitage Estate's internal Road is a private road. This means that the development on Farm 373/7 may not use the Estate's internal private road for access.</p>	<p>As explained above, the internal road is a public road and they cannot restrict access over a public road.</p>
L'Hermitage HOA	<p>The 1997 LUPO approval is silent on the second development phase, except for paragraph (c)(xii) that states, "the road reserves in the second phase is to be 10m in order to provide services".</p>	<p>The 1997 LUPO approval is <u>not</u> silent on the second development phase. It clearly refers to the second development phase.</p> <p>Furthermore, the internal roads were designed to give access to the future second phase.</p> <p>It appears as if the objector is being deliberately obtuse in claiming that they were not aware of the second development phase.</p>

L'Hermitage HOA	The application is incomplete and defective owing to an absence of a visual impact study.	<p>A visual impact assessment may be required. However, the subject property is located in the urban edge, is earmarked for future development and is largely surrounded by similar residential developments. For this reason, Heritage Western Cape and the Municipality's Spatial Planning Department deemed a visual impact assessment to be unnecessary and it was never required.</p> <p>As discussed with the L'Hermitage HOA, the proposed development will also use the L'Hermitage architectural guidelines to minimise the 2<sup>nd</sup> phase's visual impact.</p>
L'Hermitage HOA	The Heritage Western Cape report was not included in the planning application. The planning application is therefore incomplete.	The planning application and a Notice of Intent to Develop (NID) form were submitted to Heritage Western Cape (as instructed by the Stellenbosch Municipality) for their authorisation i.t.o. the National Heritage Resources Management Act, 1999. Their letter of approval was received and has been submitted to the Stellenbosch Municipality.
L'Hermitage HOA	The architectural and building guidelines were not included in the planning application.	As stated in the planning application; it is proposed that the development forms part of the L'Hermitage residential estate, and that the new erven / owners all become members of the L'Hermitage Home Owners' Association. For this reason, the new erven / owners will all have to comply with the L'Hermitage estate's constitution and architectural guidelines.



Department of  
Rural Development & Land Reform

Department:  
Rural Development & Land Reform  
REPUBLIC OF SOUTH AFRICA

**SURVEYOR-GENERAL: WESTERN CAPE**

90 Plein Street / Private Bag X9028, CAPE TOWN, 8000; Tel: 021 467 4800; Fax: 021 4653008; Email: [sgdatawc@drdlr.gov.za](mailto:sgdatawc@drdlr.gov.za)

**TV3 ARCHITECTS BAND TOWN PLANNERS  
LA GRATITUDE OFFICES  
97 DORP STREET  
STELLENBOSCH  
7600**

*Enquiries: D. CLOETE  
My Reference: Stel. 373 v.3 p45  
Your Reference:*

**2020-09-23**

**Attention: WJ Hanekom**

Sir

**STATUS REPORT: REMAINDER HOUTKAPPER STREET, STELLENBOSCH**

I refer to your letter dated 2020-09-18.

According to my records, the land shown coloured **ORANGE** on your attached sketch represents:

- Remainder Erf 13438 Stellenbosch as shown on General Plan No. 5983/1997

It is shown as **Public Street** in our records.

Yours Faithfully,

**D CLOETE**  
For Surveyor General Office – Western Cape.

(Stellenbosch Allotment Area)  
GENERAL PLAN No. 5983/1997

CDR

SUBDIVISIONS OF ENF 13436 STELLENBOSCH  
vide Diagram No. 5983/1997.

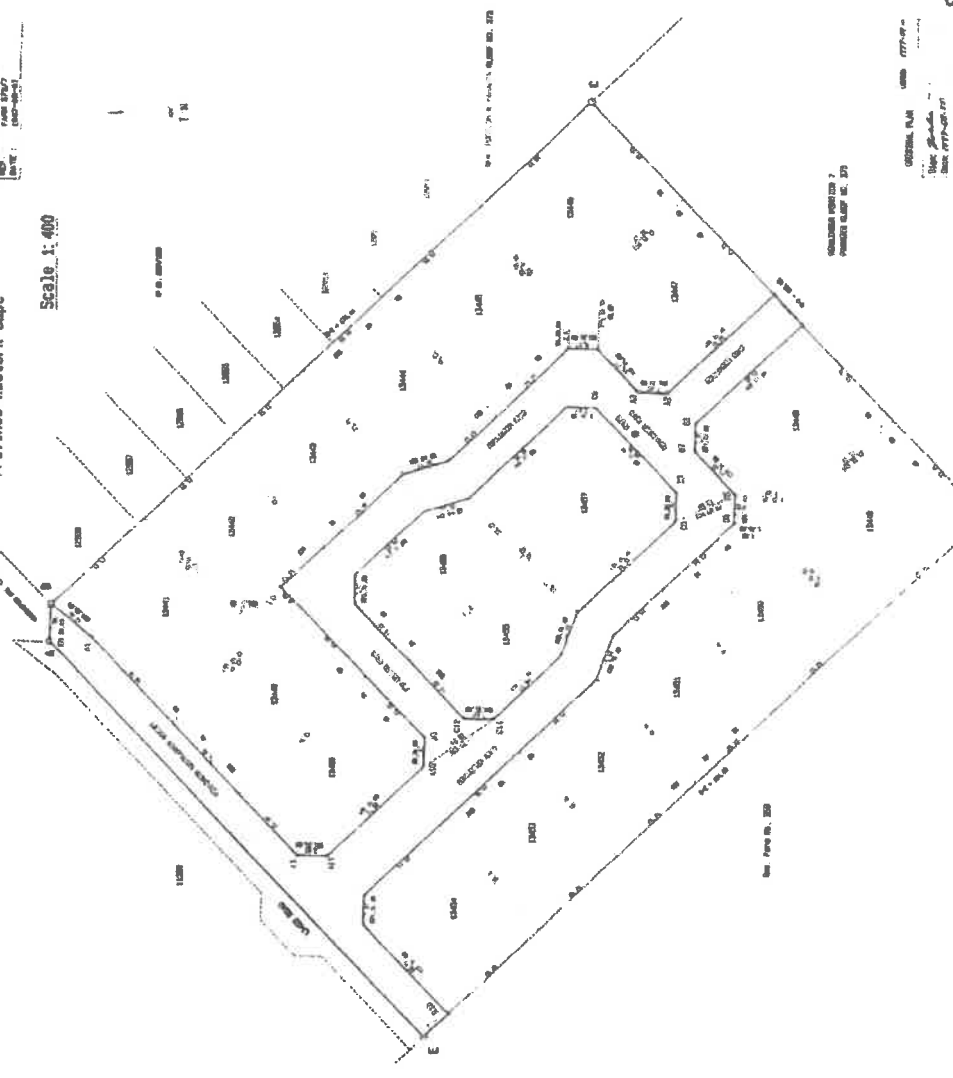
and comprising 19 erven numbered 13439 to 13457 and the streets  
situate in the Transitional Local Council and Administrative District of Stellenbosch  
Province Western Cape

Scale 1:400

Reference: Stellenbosch Municipality, No. 148, 1997

ERVEN	AREA'S	REMARKS
13439	1000	
13440	1000	
13441	1000	
13442	1000	
13443	1000	
13444	1000	
13445	1000	
13446	1000	
13447	1000	
13448	1000	
13449	1000	
13450	1000	
13451	1000	
13452	1000	
13453	1000	
13454	1000	
13455	1000	
13456	1000	
13457	1000	

REFERENCE MAPS:  
1. 1:50000 Topographical Map No. 2626 (1970)  
2. 1:50000 Topographical Map No. 2626 (1970)  
3. 1:50000 Topographical Map No. 2626 (1970)



Prepared by: [Name]  
Date: [Date]  
Scale: 1:400

Approved by: [Name]  
Date: [Date]

ENF 13436  
CDR  
Scale 1:400  
Date: 1997/08/14  
Author: [Name]  
Checked: [Name]  
Approved: [Name]

ENF 13436  
CDR  
Scale 1:400  
Date: 1997/08/14  
Author: [Name]  
Checked: [Name]  
Approved: [Name]

ENF 13436  
CDR  
Scale 1:400  
Date: 1997/08/14  
Author: [Name]  
Checked: [Name]  
Approved: [Name]

GENERAL PLAN  
No. 5983/1997  
Scale 1:400  
Date: 1997/08/14  
Author: [Name]  
Checked: [Name]  
Approved: [Name]

5983/1997

**ANNEXURE I: COMMENT FROM HERITAGE WESTERN CAPE**

## REGISTERED POST

Our Ref: HM/ CAPE WINELANDS / STELLENBOSCH / FARM 373 / 3  
 Case No.: 20010905SB0120E  
 Enquiries: Stephanie-Anne Barnardt  
 E-mail: [stephanie.barnardt@westerncape.gov.za](mailto:stephanie.barnardt@westerncape.gov.za)  
 Tel: 021 483 9370  
 Date: 30 January 2020

Westruther Trust  
 Houkapper Street  
 Stellenbosch  
 7566  
[brain@spofte.net](mailto:brain@spofte.net) . [clifford@tv3.co.za](mailto:clifford@tv3.co.za)



**RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL**  
 In terms of Section 38(8) 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 OF L'HERMITAGE ESTATE (PHASE 2) ON FARM 373/7, STELLENBOSCH, SUBMITTED IN TERMS OF SECTION 38(8) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)**

**CASE NUMBER: 20010905SB0120E**

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received on 21 January 2020. This matter was discussed at the Heritage Officers meeting held on 27 January 2020.

You are hereby notified that, since there is no reason to believe that the proposed residential development of L'Hermitage Estate (phase 2) on farm 373/7, will not impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately and Heritage Western Cape must be notified without delay.

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

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

Yours faithfully

Dr. Mxolisi Dlamuka  
 Chief Executive Officer, Heritage Western Cape

[www.westerncape.gov.za/cas](http://www.westerncape.gov.za/cas)

Street Address: ..... Postal Address: .....

Tel: ..... Fax: .....

Stratadires: ..... Hoofadres: .....

Tel: ..... E-pos: .....

Wabekani: ..... I-les: yepho: .....

I-les: yepho: ..... I-les: yepho: .....

**ANNEXURE J: COMMENT FROM DEPARTMENT OF HEALTH**



FILE NR: OUTGOING POST

F 373/1 S

**Charlene Williams**

**From:** Salome Newman  
**Sent:** 06 August 2020 02:44 PM  
**To:** Charlene Williams  
**Subject:** FW: FW: FW: Farm 373/7 SBP: APPLICATION FOR REZONING & SUBDIVISION DEPARTMENTAL HEALTH SERVICES (COMMENTS BY EMAIL)  
**Attachments:** Farm 373-7 SBP (3).pdf-Paradyskloof - Copy.pdf

COLLABORATOR NR: 196

Print en plaas op leer asb

STELLENBOSCH MUNICIPALITY  
PLANNING AND DEVELOPMENT SERVICES

06 AUG 2020

**From:** Leandre Candice Davids [mailto:leandre@capewinelands.gov.za]**Sent:** 06 August 2020 12:48 PM**To:** Salome Newman**Cc:** Fabian van Wyk; Tracey-Lee Mouton**Subject:** [EX] FW: FW: Farm 373/7 SBP: APPLICATION FOR REZONING & SUBDIVISION: DEPARTMENTAL HEALTH SERVICES (COMMENTS BY EMAIL)

IVED

**APPLICATION FOR REZONING: APPLICATION IN TERMS OF SECTION 15 (2) (D) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW 2015 FOR A SUBDIVISION OF REMAINDER PORTION 7 OF FARM 373 STELLENBOSCH INTO 11 CONVENTIONAL RESIDENTIAL ZONE (DWELLING HOUSE) ERVEN AND 1 TRANSPORT FACILITIES ZONE (PRIVATE ROAD) ERF IN ORDER TO DEVELOP PHASE 2 OF L'HERMITAGE RESIDENTIAL ESTATE.**

From an environmental health perspective, this application may be recommended for approval; provided that the following conditions are complied with:

1. Environmental pollution
  - 1.1 No pollution such as water, air, dust or noise pollution may occur on any part of the premises during the operational phase of the residential development. Proper preventative measures must be put in place beforehand.
2. Potable water/Storm water
  - 2.1 The quality of the potable water on the premises must at all times comply with the minimum bacteriological and chemical standards for potable water, as determined by SANS code 241.
3. Solid waste disposal
  - 3.1 Refuse collection and storage must be done in a way that will not cause a health nuisance.
4. Sewerage/Sanitary facilities
  - 4.1 The sewerage system from the proposed development must be connected to an approved sewerage system according to Stellenbosch Municipality's specifications, conditions and approval.
  - 4.2 Sewage disposal on the premises must at all times take place in a nuisance-free manner and shall be the owner's responsibility
5. General conditions

5.1 This Department reserves the right to set further requirements during the operational phase.


Please contact me if you have any further questions or comments in this regard.

Yours faithfully




**Leandre Davids**  
**HEALTH OFFICER/INSPECTOR**  
**for MUNICIPAL MANAGER**

**Leandre Candice Davids**  
Environmental Health Practitioner  
Cape Winelands District Municipality

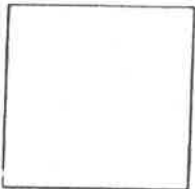
 C/o Langenhoven and Bird Street  
Stellenbosch 7600

 021 888 5814

 021 887 9365

 leandre@capewinelands.gov.za

 www.ca.ewinelands.gov.za



**ANNEXURE K: COMMENT FROM THE MANAGER: SPATIAL PLANNING**

13



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

## Spatial Planning

To : Manager: Land Use Management

From : Manager: Spatial Planning

Reference : Farm 373/7, Stellenbosch

LU No : LU/10807

Date : 4 September 2020

Re : Application for rezoning and subdivision to develop Phase 2 of L'Hermitage Residential Estate (11 Conventional Residential Zone and 1 Transport Facilities Zone) on Remainder Portion 7 of Farm 373 Stellenbosch

I refer to your request for comment on the above application:

FILE NR:	
SCAN NR:	F 373 / 7 S
	692672

**1) Opinion/reasoning:**

The development proposal will consist of 11 single residential ~~even that are~~ all 1100m<sup>2</sup> in size, which is similar to the big even of the L'Hermitage estate with a low density of 8du/ha which make it compatible with the existing low residential density character of the L'Hermitage estate.

The subject property is located within the urban edge within the residential town of Paradyskloof in Stellenbosch and earmarked by the MSDF for future infill urban development. Densification and infill development are encouraged in terms of the approved Stellenbosch Municipal Spatial Development Framework (MSDF).

The proposed new development will form part of the existing L'Hermitage residential estate located on the adjacent property.

**2) Supported / not supported:**

This department supports the application as it forms part of the existing L'Hermitage residential estate as Phase 2 and is further surrounded by similar residential developments.

  
**BJG de la Bat**  
**MANAGER: SPATIAL PLANNING**

STELLENBOSCH MUNICIPALITY  
 PLANNING AND DEVELOPMENT SERVICES

08 SEP 2020

**RECEIVED**

**ANNEXURE L: COMMENT FROM THE MANAGER: ELECTRICAL  
DEPARTMENT**

**Farm 373-7**  
**ELETRICITY SERVICES: CONDITIONS OF APPROVAL**

**GENERAL COMMENT:**

1. Please note that the Stellenbosch Municipality Electrical Department is the supply authority for the new development  
 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. (021 8088335)

**CONDITIONS**

2. Development Bulk Levy Contributions are payable.
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. **(Street side of property) With no obstruction.**
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 .
  - Cooking with gas
  - In large building developments;
    - Control Air condition equipment tied to alternative efficiency systems
    - Preheat at least 50% of water with alternative energy saving sources
    - All hot water pipes to be clad with insulation with R-value of 1
    - Provide a professional engineer's certificate to proof that energy saving measures is not feasible.



Signature



Date

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



# MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES  
DIREKTORAAT: INFRASTRUKTUURDIENSTE

---

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

**FOR ATTENTION** : **Salome Newman**

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

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

**DATE** : **28 July 2020**

**RE.** : **Farm 373/7, Paradyskloof: Subdivision and rezoning for the development of 11 residential erven (L'Ermitage 2)**

**YOUR REF** : **LU/10807**

**OUR REF** : **1995 CIVIL LU**

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

- Town Planning motivation report by TV3 (no date specified), received via e-mail (Salome Newman) Tue 2020/07/14 09:32;
- Proposed Subdivision Plan No. 3: 3645-P, by TV3, dated 21/11/2019;
- Transport Impact Assessment by Deca Consulting Engineers dated 31 May 2018;
- Traffic Impact Statement ICE Group, dated 16 October 2019;
- Report on Civil Engineering Services, by Bart Senekal Inc, dated 12 Nov 2019;

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

- Total Units: 11 No (residential)

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:



**PROPOSED REZONING AND SUBDIVISION OF FARM 373 PT 3**

A. Definitions

B. Recommendation to decision making authority

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

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

**A. Definitions**

1. that the following words and expressions referred to in the development conditions, shall have the meanings hereby assigned to except where the context otherwise requires:
  - (a) "*Municipality*" means the STELLENBOSCH MUNICIPALITY, a Local Authority, duly established in terms of section 9 of the Local Government Municipal Structures act, Act 117 of 1998 and Provincial Notice (489/200), establishment of the Stellenbosch Municipality (WC024) promulgated in Provincial Gazette no. 5590 of 22 September 2000, as amended by Provincial Notice 675/2000 promulgated in Provincial Gazette;
  - (b) "*Developer*" means the developer and or applicant who applies for certain development rights by means of the above-mentioned land-use application and or his successor-in-title who wish to obtain development rights at any stage of the proposed development;
  - (c) "*Engineer*" means an engineer employed by the "*Municipality*" or any person appointed by the "*Municipality*" from time to time, representing the Directorate: Infrastructure Services, to perform the duties envisaged in terms of this land-use approval;
2. that all previous relevant conditions of approval to this development application remain valid and be complied with in full unless specifically replaced or removed by the "*Engineer*";

**B. Recommendation:**

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

**C. Specific conditions of approval**

**PROPOSED REZONING AND SUBDIVISION OF FARM 373 PT 3**

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 (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 can connect to the adjacent Hermitage I development, which is a municipal network according to the engineering services report and town planning motivation report.
    - ii. A bulk water meter must be installed at the entrance to the development.
    - iii. It is stated in the engineering services report that pressure boosting is required at the highest erf when it is built on. Any pressure boosting will be for the Developer's/new owners account.
  - c. **Sewer Network:** There is sufficient capacity in the bulk sewer reticulation network to accommodate the proposed development.
    - i. The Development can connect to the adjacent Hermitage I development, which is a municipal network according to the engineering services report and town planning motivation report.
  - d. **Roads Network:** No external road upgrades are required.
  - e. **Stormwater Network:**
    - i. The engineering reports proposes that stormwater attenuation of 45m<sup>3</sup> is required. This may be achieved by way of narrow, open, stormwater attenuation features inside a 5m wide services servitude along the north-

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western boundary of the development site. Details must be indicated on the detail engineering drawings.

**f. Solid Waste:**

- i. The Municipality will provide a solid waste removal service.
  - ii. The Municipal waste collection vehicles will not enter private developments. It is noted that there is a security gate at the entrance of Hermitage I – the Developer must reach agreement with Hermitage I to utilize their refuse storage facility to place the bins so that the Municipality has one collection point to collect solid waste from.
5. that the upgrades mentioned above be met by the "Developer" before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates (whichever comes first) will be given or on discretion of the Directorate: Infrastructure Services, the "Developer" furnish the Council with a bank guarantee equal to the value of the outstanding construction work as certified by an independent engineering professional, prior to a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law being given;

**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;
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;

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10. that the Development Charges levy to the amount of R 1 041 188. 26 (Excluding VAT) as reflected on the DC calculation sheet, dated 14 July 2020 and attached herewith as Annexure DC, be paid by the "Developer" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy.
11. that the Development Charges levy be paid by the "Developer" per phase –
  - prior to the approval of Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law in all cases and or,
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 11 units, 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;

**Ownership and Responsibility of services**

14. that it be noted that as per Proposed Subdivision Plan No. 3: 3645-P, by TV3, dated 21/11/, 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**

15. 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**

16. 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;

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

**Servitudes**

18. The 3m and 5m servitudes indicated on the subdivision plan and conceptual engineering layout drawings must be registered prior to clearance of the erven.

**Roads**

19. that access to the property concerned shall be via public roads Arc-en-Ciel and Esprit Streets, as stated in 3.5 of the planning motivation report;
20. that during the construction stage, it should be considered to have access to the site via the Paradyskloof tennis club gravel road (south of the subject property) – with the Stellenbosch Municipality's necessary consent. Such consent to be obtained from Mr Piet Smit – Property Management;
21. that the "Developer" will be held liable for any damage to municipal infrastructure, caused as a direct result of the development of the subject property. The "Developer" will therefore be required to carry out the necessary rehabilitation work, at his/her cost, to the standards of the Directorate: Infrastructure Services;

**Electricity**

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

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

23. that 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;
24. 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;
25. 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.
26. that the "*Developer*" must ensure that he / she has an acceptable public liability insurance policy in place;
27. 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;
28. 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;

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29. that the General Conditions of Contract for Construction Works (GCC) applicable to all civil engineering services construction work related to this development, will be the SAICE 3<sup>rd</sup> Edition (2015);
30. Should the "Developer" wish to discuss the possibility of proceeding with construction work parallel with the provision of the bulk services listed above, he must present a motivation and an implementation plan to the "Engineer" for his consideration and approval. The implementation plan should include items like programmes for the construction of the internal services and the building construction. Only if the programme clearly indicates that occupation is planned after completion of the bulk services, will approval be considered. If such proposal is approved, it must still be noted that no occupation certificate will be issued prior to the completion and commissioning of the bulk services. Therefore should the proposal for proceeding with the development's construction work parallel with the provision of the bulk services be agreed to, the onus is on the "Developer" to keep up to date with the status in respect of capacity at infrastructure listed above in order for the "Developer" to programme the construction of his/her development and make necessary adjustments if and when required. **The Developer is also responsible for stipulating this condition in any purchase contracts with buyers of the properties;**
31. 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

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approval of the "Engineer" for construction work of his development parallel with the provision of the bulk services.

**Site Development Plan**

32. that it is recognized that the normal Site Development Plan, submitted as part of the land-use application, is compiled during a very early stage of the development and will lack engineering detail that may result in a later change of the Site Development Plan. Any later changes will be to the cost of the "Developer";
33. 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;
34. 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;
35. 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**

36. 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;



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37. 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;
38. 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;
39. 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;
40. that construction of services may only commence after municipal approval has been obtained;
41. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "Engineer";
42. 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;
43. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal - and external services;
44. that all the internal civil services (water, sewer and stormwater), be indicated on the necessary building plans for approval by the Directorate: Infrastructure Services;
45. 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;

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46. 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);
47. 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;
48. 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;
49. that the "Developer" shall adhere to the specifications of Telkom (SA) and or any other telecommunications service provider;
50. that the "Developer" shall be responsible for the cost for any surveying and registration of servitudes regarding services on the property;
51. 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;
52. 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".
53. that the developer takes cognizance of applicable tariffs by Council in respect of availability of services and minimum tariffs payable;
54. 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;

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55. 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;
56. 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;
57. that the "Developer" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party before final approval of engineering drawings be obtained.

**Stormwater Management**

58. 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.
59. 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;
60. 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;

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61. 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;
62. 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;
63. that the consulting engineer, appointed by the "Developer", analyses the existing stormwater systems and determine the expected stormwater run-off for the proposed development, for both the minor and the major storm event. Should the existing municipal stormwater system not be able to accommodate the expected stormwater run-off, the difference between the pre- and post-development stormwater run-off must be accommodated on site, or the existing system must be upgraded to the required capacity at the cost of the "Developer" and to the standards and satisfaction of the Directorate: Infrastructure Services. The aforementioned stormwater analysis is to be submitted concurrent with the detail services plans;
64. 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;
65. 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;
66. 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;
67. that no overland discharge of stormwater will be allowed into a public road for even with catchment areas of more than 1 500m<sup>2</sup> and for which it is agreed that no detention facilities are required. The "Developer" needs to connect to the nearest piped municipal stormwater system with a stormwater erf connection which may not exceed a diameter of 300mm.

Roads

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68. 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;
69. that no access control will be allowed in public roads;
70. that the layout must make provision for all deliveries to take place on-site. Movement of delivery vehicles may not have a negative impact on vehicular – and pedestrian movement on public roads and or public sidewalks;
71. The design and lay-out of the development must be such that emergency vehicles can easily drive through and turn around where necessary;
72. 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;
73. that visibility splays shall be provided and maintained on each side of the new access in accordance with the standard specifications as specified in the Red Book with regard to sight triangles at intersections;
74. that each erf has its own access (drive-way), (*the new access(es) (dropped kerb(s)) to the proposed parking bays be*) constructed to standards as set out by the the Directorate: Infrastructure Services and in line with the Road Access Guideline;
75. that no parking be allowed in the road reserve;

**Wayleaves**

76. 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;
77. that wayleaves will only be issued after approval of relevant engineering design drawings;
78. 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)**

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- 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
85. 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;
  86. that the "Developer" must apply and get approval from the Municipality's Solid Waste Department for a waste removal service prior to clearance certificate or occupation certificate (where clearance not applicable). Contact person: Senior Manager: Solid Waste (021 808 8241; clayton.hendricks@stellenbosch.gov.za)
  87. 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);
  88. that if the "Developer" removes the waste by private service provider, provision must still be made for a refuse room should this function in future revert back to the "Municipality";
  89. 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;
  90. Access shall be provided with a minimum travelable surface of 5 meters width and a minimum corner radii of 5 meters;

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91. 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;
92. Minimum turning circle radius shall be 11 meters to the center line of the vehicle;
93. Road foundation shall be designed to carry a single axle load of 8.2 tons;
94. Refuse storage areas are to be provided for all premises other than single residential erven;
95. 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;
96. 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;
97. 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;
98. 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;
99. 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;
100. 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

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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

101. 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;

102. 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

103. 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 devise. The door and ventilated area shall be at least 3 metres from any door or window of a habitable room. Adequate artificial lighting is required in the storage area.

**Water Supply and Drainage**

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

104. 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;



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105. 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;
106. 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;
107. Refuse should not be visible from a street or public place. Suitable screen walls may be required in certain instances;
108. Access must be denied to unauthorized persons, and refuse storage areas should be designed to incorporate adequate security for this purpose;
109. 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**

110. The "Developer" shall provide the "Municipality" with:
  - a. a complete set of as-built paper plans, signed by a professional registered engineer;
  - b. a CD/DVD containing the signed as-built plans in an electronic DXF-file format, reflecting compatible layers and formats as will be requested by the "Engineer" and is reflected herewith as Annexure X;
  - c. a completed Asset Verification Sheet in Excell format, reflecting the componitization of municipal services installed as part of the development. The Asset Verification Sheet will have to be according to the IMQS format, as to be supplied by the "Engineer", and is to be verified as correct by a professional registered engineer;
  - d. a complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer.

**PROPOSED REZONING AND SUBDIVISION OF FARM 373 PT 3**

- 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;
111. 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";
112. 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;
113. 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;
114. 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**

115. 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;
116. that the "Municipality" reserves the right to withhold any clearance certificate until such time as the "Developer" has complied with conditions set out in this contract with which he/she is in default. Any failure to pay monies payable in terms of this contract within 30 (thirty) days after an account has been rendered shall be regarded as a breach of this agreement and the "Municipality" reserves the right to withhold any clearance certificate until such time as the amount owing has been paid;
117. that clearance will only be given per phase and the onus is on the "Developer" to phase his development accordingly;

**PROPOSED REZONING AND SUBDIVISION OF FARM 373 PT 3**

118. 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;
119. that any application for Certificate of Clearance will only be supported by the "Engineer" once all relevant as-built detail, as reflected in the item "AS-BUILT's" of this document, is submitted to the "Engineer" and approved by the "Engineer".

**Avoidance of waste, nuisance and risk**

120. Where in the opinion of the "Municipality" a nuisance, health or other risk to the public is caused due to construction activities and/or a lack of maintenance of any service, the "Municipality" may give the "Developer" and or OWNER'S ASSOCIATION written notice to remedy the defect failing which the "Municipality" may carry out the work itself or have it carried out, at the cost of the "Developer" and or OWNER'S ASSOCIATION.

**Streetlighting**

121. 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";
122. 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;
123. 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;

**PROPOSED REZONING AND SUBDIVISION OF FARM 373 PT 3**

124. Any defect with the street lighting services constructed by the "Developer" which may occur during the defects liability period of 12 (TWELVE) months and which occurs as a result of defective workmanship and/or materials must be rectified immediately / on the same day the defect was brought to the attention of the consulting electrical engineer, appointed by the "Developer". Should the necessary repair work not be done within the said time the "Municipality" reserves the right to carry out the repair work at the cost of the "Developer";
125. 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)**

W:\20 DEVELOPMENT\N120 Developments\1995 (TK) Farm 373 Pt 3 Stellenbosch (LU - 10807)\1995 (TK) Farm 373 Pt 3 Stellenbosch (LU - 10807).doc

**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

**PROPOSED REZONING AND SUBDIVISION OF FARM 373 PT 3**

SERVANNO	Servitude type
STREET NAMES	Road centre lines with street names
STREET NUMBERS	Points with street numbers
COMPLEX BOUNDARIES	Where applicable, polygon with complex name (mention whether gated or not and if so, where gates are)
SUBURB	Polygon with suburb name, where new suburb / township extension created
ESTATE	Where applicable, polygon with estate name (mention whether gated or not and if so, where gates are)

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

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

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

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

**APPLICATION INFORMATION**

Civil LU 1195 (LU/10807)

Tuesday, 14/Jul/2020

2020/21

Paradyskloof

Farm 373/7

O. Subdivisional Plan, Plan No 3 dated 21/11/2019, by TV3

**SUMMARY OF DC CALCULATION**

Usage as before Deductions (VAT)	Water		Sewer		Storm-water		Solid-Waste		Roads	Community Facilities	
	kl/day	kl/day	kl/day	kl/day	ha°C	ha°C	t/week	t/week	trips/day	person	person
	13.200	7.700	0.528	0.440							
	R 348 164.78	R 194 787.97	R 52 443.18	R 22 713.74					R 279 653.19	44.00	44.00
	R 348 164.78	R 194 787.97	R 52 443.18	R 22 713.74					R 279 653.19		R 143 425.40
	R 52 224.72	R 29 218.20	R 7 866.48	R 3 407.06					R 41 947.98		R 21 513.81
	R 400 389.50	R 224 006.17	R 60 309.65	R 26 120.80					R 321 601.17		R 164 939.20

**APPLICANT INFORMATION**

Tyrone King

As above



**ANNEXURE N:** CIVIL ENGINEERING REPORT





**BART SENEKAL INC.**  
**Consulting Civil & Structural**  
**Engineers**

12 Alexander Street, Stellenbosch 7600  
 P.O.Box 1196, Stellenbosch 7599  
 Telephone (021) 883-8710  
 Fax No. (021) 887-6547  
 E-mail info@bs-inc.co.za

DATE: 12 November 2019

YOUR REF:

OUR REF: 1413 / A1

**PROPOSED L'HERMITAGE II RESIDENTIAL DEVELOPMENT ON  
 FARM 373/7, STELLENBOSCH**

**REPORT ON PROVISION OF CIVIL ENGINEERING SERVICES**

**1. INTRODUCTION**

The proposed *L' Hermitage II* residential development on Portion 7 of Farm 373, Stellenbosch comprises 11 single residential erven of larger than 1000 m<sup>2</sup>. The development is an extension of the *L' Hermitage I* development established around 1997. The development will be incorporated under the *L' Hermitage I* Home Owners Association management and operations. This report summarises the situation with regard to the provision of the basic civil engineering services, i.e. water supply, sewerage, stormwater drainage and solid waste removal to the proposed development.

The development proposal is indicated on the Layout Plan by TV3 Planners in Annexure B. The concept of the civil engineering services is as indicated on Drawing 1413/1 in Annexure C2.

**2. SITE LOCATION AND DESCRIPTION**

The site of ±1.35 ha is located on the outskirts of the residential suburb of Paradyskloof, Stellenbosch. The site is bordered to the north and east by developed residential areas, to the south and west by farmland. There are no structures on the property.

The site has a moderate fall of approximately 1 in 10 in a westerly direction.

**3. WATER SUPPLY**

**3.1 Demand :**

The demand for potable water for the proposed development is calculated as follows:

Single Residential > 1000 m<sup>2</sup>      11 erven @ 1,0 kl/unit/day      = 11 kl/day

The development is classified as a "low-risk" fire protection area, with a required fire flow of 15 l/s at 7m minimum residual head.

### 3.2 Supply :

The Stellenbosch Municipality's water reticulation network is found in the adjacent *L'Hermitage I* development. The subject property has been taken into account ("future development area S72") in the latest Water Masterplan of the municipality, and sufficient capacity is available in the existing system to service the proposed development.

The development area will be fed from the Paradyskloof 2 Reservoir at TWL = 222.5. The level difference between the reservoir and the centre of the highest erf in the development is  $\pm 25\text{m}$  and it may be the situation that the pressure falls to below 24m (2,4 bar) during peak times. It is proposed that the pressure to the highest erf be boosted by the owner of the erf as and when required, as we don't see the need for pressure boosting to any of the other erven in the development.

## 4. SEWERAGE

### 4.1 Run-off :

Sewage run-off from the proposed development is calculated as follows:

Single Residential > 1000 m<sup>2</sup>      11 erven @ 0.7 kl/unit/day      = 7.7 kl/day

### 4.2 Drainage :

The nearest sewerage network is found in the adjacent *L'Hermitage I* development where stubs have been provided for connection and sewerage of this development.

Similarly as for water supply, the subject property has been taken into account (future development area S72) in the latest Sewer Masterplan.

### 4.3 Treatment :

Sewage from the development will be treated at the Stellenbosch Municipality's Waste Water Treatment Works in Devon Valley. The treatment capacity of the WWTW has recently been increased through a major upgrade, and sufficient spare capacity exist to accommodate this development.

## 5. STORMWATER DRAINAGE

### 5.1 Run-off

The 50-year stormwater run-off from the undeveloped site is estimated at 126 *l/s*. The 50-year stormwater run-off from the fully developed site is calculated at 207 *l/s*, thus an increase of 81 *l/s* from the pre-development run-off.

### 5.2 Drainage

The general drainage direction within the development is as indicated on the Concept Engineering Services plan in Annexure C2. A portion of the stormwater run-off from the development will drain to the existing underground stormwater system of *L' Hermitage I* where a connection point has been

provided. The remaining portion of the stormwater run-off will drain to the open channel along the western boundary of the development and the existing developments below. In line with municipal policy, the peak stormwater run-off from the development needs to be attenuated to pre-development flows for protection of the downstream drainage systems.

### 5.3 Peak Stormwater Attenuation

Our calculations indicate that a total storage volume of approximately 45 m<sup>3</sup> is required to attenuate the post-development 50-year run-off to be in line with the pre-development run-off from the site. Stormwater attenuation will be achieved by way of narrow, open, stormwater attenuation features inside a 5m wide services servitude along the north western boundary of the development site. The proposed locations and extent of the stormwater attenuation features are as indicated on Drawing 1413/1 in Annexure C2.

## 6. SOLID WASTE REMOVAL

Solid waste generated by the development is calculated as follows:

Single Residential > 1000 m<sup>2</sup>      11 erven @ 0,04 t/unit/week = 0,44 t/week

Stellenbosch Municipality is currently providing a waste removal service to the *L'Hermitage I* development through collection at the entrance gate. With the incorporation of the *L'Hermitage II* development, the current operation will be maintained.

## 7. CONCLUSION

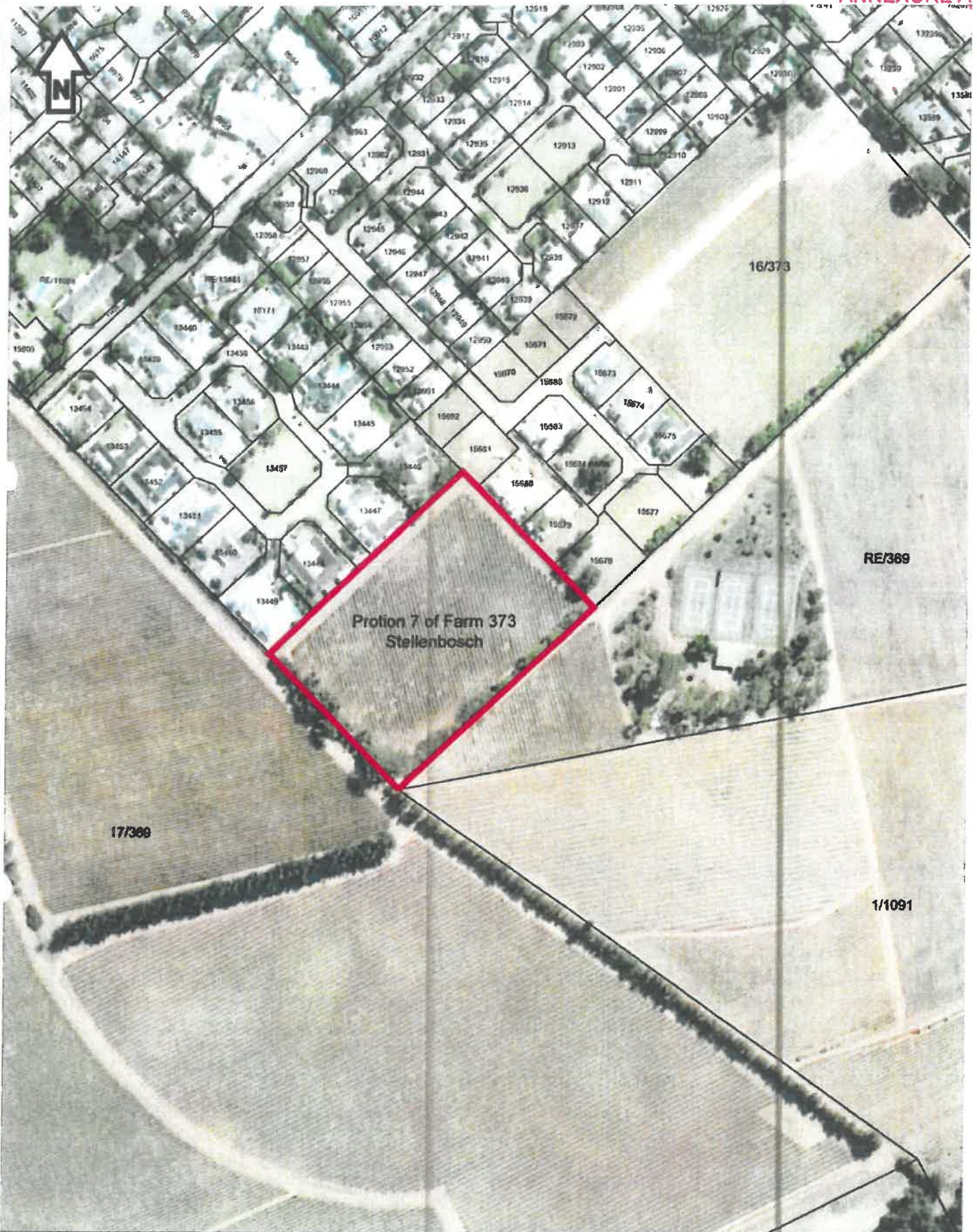
From the above it is concluded that:

- (a) The required basic civil engineering services for the proposed development, i.e. potable water, sewerage and solid waste removal can be accommodated by the Stellenbosch Municipality in their existing infrastructure.
- (b) Attenuation of peak stormwater run-off from the developed site will be implemented. We propose that it be accommodated by way of narrow, open features along the lowest boundary of the site.

On behalf of: **BART SENEKAL & PARTNERS**

  
 L J Louw Pr. Eng.





**tv3**  
 ARCHITECTS AND TOWN PLANNERS

First Floor • La Gratitude Office Building  
 97 Dorp Street • Stellenbosch 7600  
 tel (021) 861 3800  
 fax (021) 882 8025  
 e-mail: st@tv3.co.za  
 web: www.tv3.co.za

**L' Hermitage II**

Property Description:  
 Portion 7 of Farm 373, Stellenbosch

Drawing:	Local Locality		Plan no.:	2
Date:	28/10/2019	Scale:	1:1000 (A4)	
Project no.:	3845-P	Drawn:	WH	Checked:
				CH

**ANNEXURE B**

**LAYOUT PLAN**







**tv3**  
 First Floor • L.A. Graduate Office Building  
 97 Dorp Street • Stellenbosch 7600  
 tel: (021) 861 3800  
 fax: (021) 862 6026  
 e mail: sta@tv3.co.za  
 web: www.tv3.co.za

**ARCHITECTS AND TOWN PLANNERS**

**L' Hermitage II**

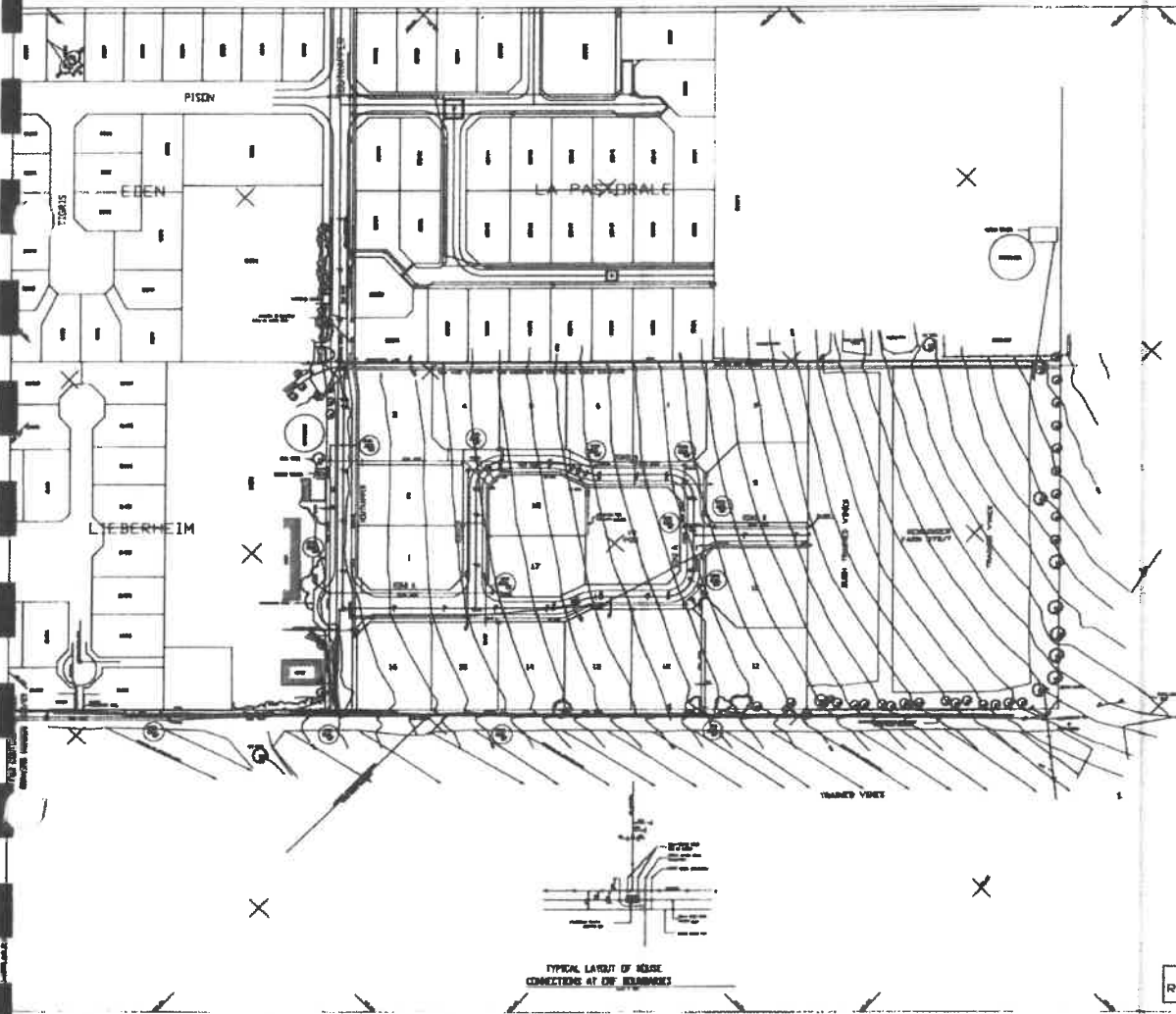
Property Description:  
 Portion 7 of Farm 373, Stellenbosch

Drawing:		Plan no.:	
Layout Plan Alternative 13		1M	
Date:	Scale:		
22/08/2019	1:1000 (A4)		
Project no.:	Drawn:	Checked:	
D2002	WH	CH	

**ANNEXURES C1 & C2**

**C1 - L'HERMITAGE | EXISTING SERVICES**

**C2 - CONCEPT CIVIL ENGINEERING SERVICES**



ANNEXURE C

**NOTES:**

1. ALL WORK TO BE IN ACCORDANCE WITH THE SANS 10400 SERIES.
2. ALL MATERIALS TO BE OF THE BEST QUALITY AND APPROVED BY THE ENGINEER.
3. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
4. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
5. ALL UTILITIES TO BE IDENTIFIED AND PROTECTED PRIOR TO COMMENCEMENT OF WORK.
6. THE CONTRACTOR IS TO MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
7. ALL EXCAVATIONS TO BE PROTECTED AND REINFORCED AS PER THE SPECIFICATIONS.
8. ALL PIPING TO BE INSTALLED IN ACCORDANCE WITH THE SANS 10400 SERIES.
9. ALL MANHOLES TO BE CONSTRUCTED IN ACCORDANCE WITH THE SANS 10400 SERIES.
10. ALL WORK TO BE COMPLETED TO THE SATISFACTION OF THE ENGINEER.

**LEGEND**

**EXISTING SERVICES**

- Water
- Sewer
- Gas
- Electricity
- Telephone
- Cable TV

**PROPOSED SERVICES**

- Water
- Sewer
- Gas
- Electricity
- Telephone
- Cable TV

**PROPOSED GENERAL WORK**

- Excavation
- Backfill
- Compaction
- Gravel
- Concrete
- Brick
- Block
- Plaster
- Paint
- Roofing
- Cladding
- Windows
- Doors
- Fencing
- Landscaping
- Drainage
- Retaining Walls
- Foundations
- Structural Steel
- Roof Trusses
- Roof Tiles
- Roof Membrane
- Roof Guttering
- Roof Downpipes
- Roof Ventilation
- Roof Insulation
- Roof Waterproofing
- Roof Flashing
- Roof Eaves
- Roof Fascia
- Roof Soffit
- Roof Batten
- Roof Rafter
- Roof Joist
- Roof Truss
- Roof Ridge
- Roof Valley
- Roof Hip
- Roof Gable
- Roof Dormer
- Roof Porch
- Roof Terrace
- Roof Deck
- Roof Balcony
- Roof Staircase
- Roof Lift
- Roof Hoist
- Roof Crane
- Roof Hoop
- Roof Pole
- Roof Beam
- Roof Column
- Roof Wall
- Roof Floor
- Roof Ceiling
- Roof Partition
- Roof Partition Wall
- Roof Partition Floor
- Roof Partition Ceiling
- Roof Partition Wall Floor
- Roof Partition Wall Ceiling
- Roof Partition Floor Ceiling
- Roof Partition Wall Ceiling Floor
- Roof Partition Wall Ceiling Floor Ceiling

BY SPOTTISWOODE

**CIVIL SERVICES FOR PORTION 7 OF FARM 373, STELLENBOSCH**

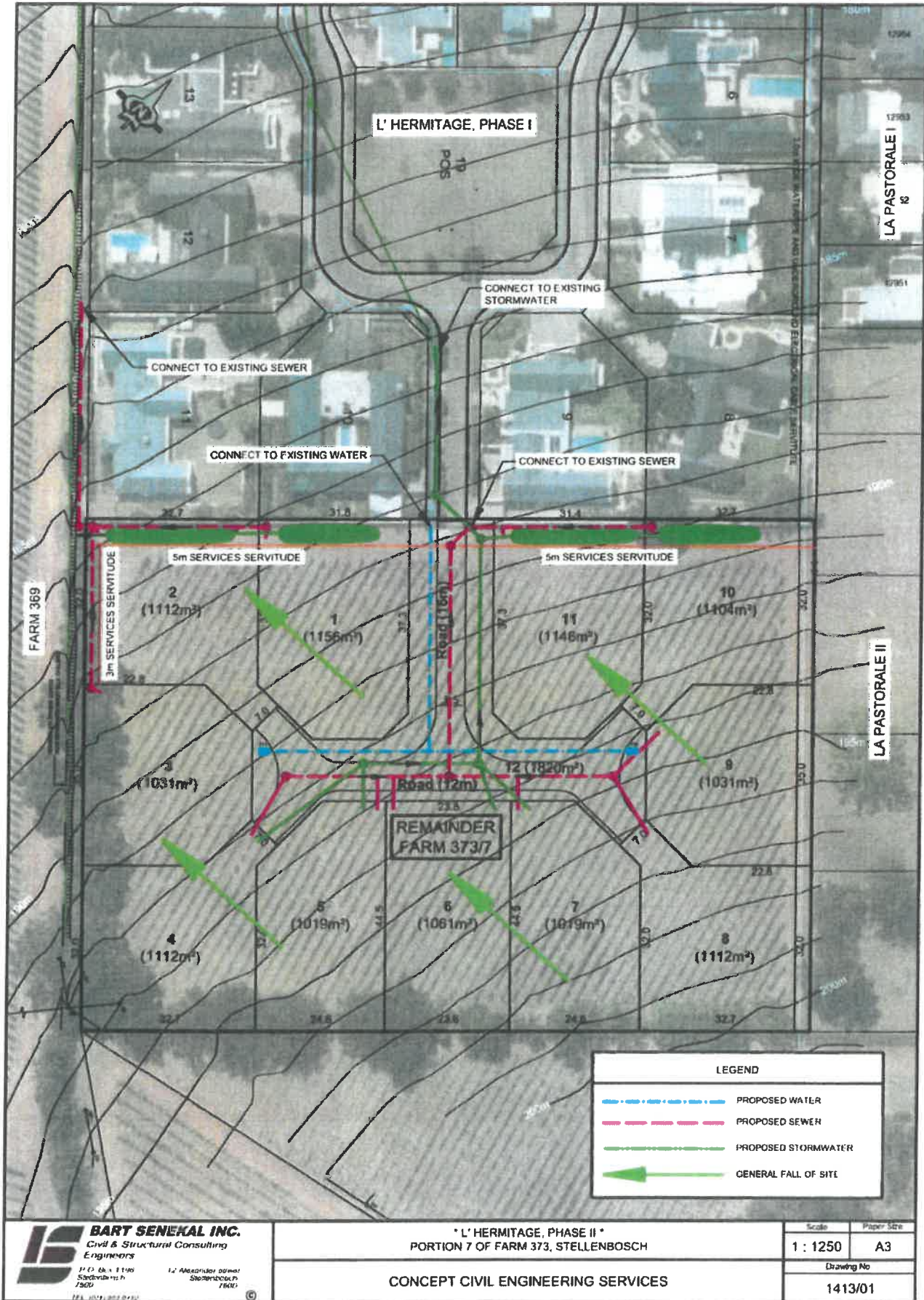
SEWER AND WATER LAYOUT

1:500

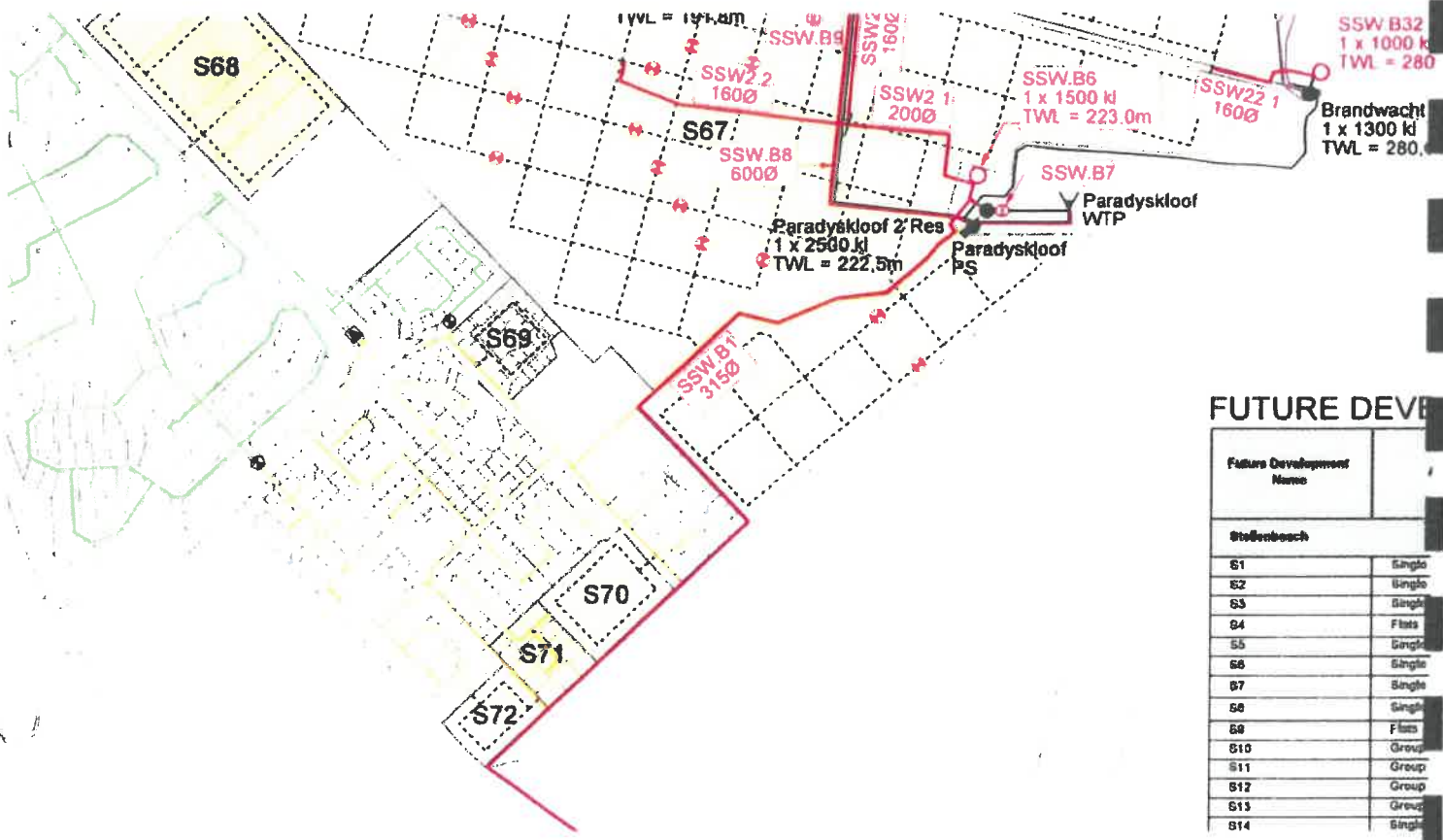
AS BUILT RECORD DRAWING

1025/62





ANNEXURE D



FUTURE DEVELOPMENT

Future Development Name	
<b>Stoßbosch</b>	
S1	Single
S2	Single
S3	Single
S4	Flats
S5	Single
S6	Single
S7	Single
S8	Single
S9	Flats
S10	Group
S11	Group
S12	Group
S13	Group
S14	Single



ANNEXURE E



Future Development Name
Stellenbosch
S1
S2
S3
S4
S5
S6
S7
S8
S9
S10
S11
S12
S13
S14
S15
S16
S17
S18
S19
S20
S21

**ANNEXURE O:** TRAFFIC IMPACT ASSESSMENT REPORT

**Contact Address:**

iCE Group (Stellenbosch),  
P O Box 131,  
Stellenbosch, 7599

**Tel No:** +27 (0) 21 880 0443  
**Fax No:** +27 (0) 21 880 0390  
**e-mail:** piet@icegroup.co.za

**Consulting Services**

- Civil Engineering Services
- Roads
- Traffic Engineering

**Contact Person:** Piet van Blerk

**Your Ref:** Ptn 7 Farm 373, Stellenbosch

**Our Ref:** ICE/S/1312

**Date:** 16 October 2019

TV3 Architects and Town Planners  
97 Dorp Street  
First Floor, La Gratitude Office Building  
STELLENBOSCH  
7600

**Attention:** Mr Clifford Heys

Sir,

**APPLICATION FOR REZONING PORTION 7 OF FARM 373, STELLENBOSCH  
FROM AGRICULTURAL TO SUBDIVISIONAL OVERLAY ZONE FOR RESIDENTIAL  
AND TRANSPORT ZONE PURPOSES: TRAFFIC IMPACT STATEMENT**

This company was appointed to prepare a Traffic Impact Statement (TIS) for the proposed extension of the existing residential development, for Portion 7 of Farm 373, Stellenbosch, referred to as L'Hermitage.

**1. BACKGROUND AND LOCALITY**

The subject property is situated on the southern side of the existing L'Hermitage residential development, along Houtkapper Street, in Stellenbosch. *Figure 1* below shows the location of the property highlighted in orange.

The property is currently zoned as agricultural and is vacant.

This TIS is in support of the Application for Rezoning from Agricultural to Subdivisional Overlay Zone for Residential and Transport Zone Purposes of Portion 7, Farm 373, Stellenbosch.

**Stellenbosch office:**

Tel: 021 8800 443  
Fax: 021 8800 390

**Directors:**

P J Van Blerk. PrEng

iCE Group (Overberg) Va  
iCE Group (Stellenbosch)

Reg No 2006/133238/23





**Figure 1:** Locality Plan

## 2. PROPOSED DEVELOPMENT

### 2.1 Proposed Development

The proposed development will include 11 single residential units as an extension of the existing residential development, L'Hermitage.

The 11 proposed units have erven sizes ranging from 1019 m<sup>2</sup> to 1156 m<sup>2</sup>.

The Proposed Layout can be seen as **Attachment A**, as prepared by TV3 Architects and Town Planners.

### 2.2 Access to the Property

As can be seen in **Figure 1** above, access to the subject property is proposed through the existing residential development to the north of the subject property – as indicated by the blue arrow, via an internal road.

It can also be seen from the figure above that vehicles will likely travel via Wildebosch Road and Paradyskloof Road to access Houtkapper Street, in order to reach the development.

### 3. TRAFFIC

Trip generation rates as contained in the SATGR (South African Trip Generation Rates) was consulted to calculate the peak hour traffic that can potentially be generated by the proposed development. For the proposed residential development, SATGR suggests a trip rate of 1.5 trips per unit, with a 25:75 IN/OUT split during the AM peak hour and 75:25 IN/OUT split during the PM peak hour.

Therefore, a maximum of ~17 trips will be generated during the AM and PM peak hour:

<i>Peak Hour</i>	<i>In</i>	<i>Out</i>	<i>Total</i>
<i>AM</i>	4	13	17
<i>PM</i>	13	4	17

The abovementioned peak hour trip generation will result in just over 1 trip every 4 minutes, which is not considered significant.

According to the Manual for Traffic Impact Studies of the Department of Transport, Traffic Impact Statements are required should 50 peak hour trips or more (up to 150 trips) be added to the road network by the anticipated development. As the proposed development does not meet the said requirement, no traffic analyses were conducted at the surrounding intersections.

### 4. GEOMETRY

As previously mentioned, access to the proposed development will be obtained via Houtkapper Street, leading to an internal road accessed through the existing L'Hermitage development to the north of the subject property.

The proposed internal road has a road reserve of 16 metres and 12 metres, with the turning heads having a road reserve width of 7 metres, the width of the roads are 5.5 metres. This is shown in **Attachment A**.

The bellmouth radii range between 5 and 10 metres, which is considered acceptable for passenger vehicles as per the Stellenbosch Minimum Guidelines, however, should single-unit trucks need to be accommodated, it is recommended that the minimum radii be increased to at least 6.0 metres.

The existing L'Hermitage has a refuse room at the entrance and the refuse truck currently does not enter the development. This is expected to remain the same, as the refuse room will accommodate the refuse of the additional 11 units.

### 5. PARKING

The parking requirements for residential units, based on the Stellenbosch Integrated Zoning Scheme, is 2 parking bays per unit. TV3 Architects and Town Planners have confirmed that each unit will have 2 off-street parking bays available.

### 6. PUBLIC AND NON-MOTORISED TRANSPORT (NMT)

As the development is only creating 17 additional trips, it is not expected to require additional public transport or non-motorised transport facilities.

### 7. CONCLUSIONS AND RECOMMENDATIONS

The following can be concluded from the report:

- 1) That this TIS is in support of the application for the rezoning of portion 7, farm 373, Stellenbosch, from agricultural to subdivisional overlay zone for residential and transport zone purposes.
- 2) That eleven (11) residential units are proposed to be constructed.





- 3) That the development will generate 17 trips during both the AM (13 out, 4 in) and PM (4 out, 13 in) peak hour.
- 4) That access will be obtained through the existing L'Hermitage development on the northern side of the subject property.
- 5) Road reserve and widths proposed are considered acceptable.
- 6) The turning radii can accommodate passenger vehicles, however should single-unit trucks wish to be accommodated the radii should be increased to at least 6.0 metres.
- 7) That 2 parking bays per unit will be provided.
- 8) That no additional formal public- or non-motorised transport facilities are considered necessary as a result of the proposed development.

We trust that the Traffic Impact Statement will be to your satisfaction and will gladly provide any additional information required on request.

Yours faithfully,

  
\_\_\_\_\_  
**Shameez Patel (BSc Civil Eng)**  
**ICE GROUP (STELLENBOSCH)**

  
\_\_\_\_\_  
**Piet van Blerk Pr. Eng**  
**ICE GROUP (STELLENBOSCH)**

**Attachments**

Attachment A Layout Plan







First Floor • La Gratitude Office Building  
 97 Dorp Street • Stellenbosch 7600  
 tel (021) 861 3800  
 fax (021) 882 8025  
 e-mail [stef@tv3.co.za](mailto:stef@tv3.co.za)  
 web [www.tv3.co.za](http://www.tv3.co.za)

ARCHITECTS AND TOWN PLANNERS

# L' Hermitage II

Property Description:  
 Portion 7 of Farm 373, Stellenbosch

Drawing:		Plan no.:	
Layout Plan Alternative 13		1M	
Date:	22/08/2019	Scale:	1:1000 (A4)
Project no.:	D2002	Drawn:	WH
		Checked:	CH

**ANNEXURE P: COMMENT FROM DEPARTMENT OF AGRICULTURE:  
WESTERN CAPE**



Cor Van Der Walt  
LandUse Management  
Email: LandUse.Elsenburg@elsenburg.com  
tel: +27 21 808 5099 fax: +27 21 808 5092

**OUR REFERENCE** : 20/9/2/5/6/141  
**YOUR REFERENCE** : -  
**ENQUIRIES** : Cor van der Walt

TV3  
97 Dorp Street  
STELLENBOSCH  
7600

Att: Clifford Heyes

**PROPOSED REZONING AND SUBDIVISION: DIVISION STELLENBOSCH  
PORTION 3 OF THE FARM NO 373**

Your application of 23 July 2020 has reference.

The Western Cape Department of Agriculture: Land Use Management has no objection against the proposed application as it is within the approved Stellenbosch Spatial Development Framework and supported by the Western Cape Department of Agriculture.

Please note:

- That this is comment to the relevant deciding authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970.
- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.

- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely



Mr. CJ van der Walt

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