



STELLENBOSCH

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**NOTICE OF MUNICIPAL PLANNING
TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2021-07-16 FROM 10:00-15:00**



**NOTICE OF MUNICIPAL PLANNING TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2021- 07 -16 FROM 10:00-15:00**

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

2021-07-16

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, 2021-07-16 from 10h00-15:00 to consider the items on the Agenda.

Dr DJ Du Plessis

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



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MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 18 JUNE 2021**MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING
HELD ON FRIDAY, 18TH OF JUNE 2021 via MS TEAMS at 10h00-15h00****Ref. no. 3/4/5/2/40****2021-06-18**Chairperson

Dr DJ Du Plessis

Deputy Chairperson

Ms C Havenga

External Members

Dr R Pool-Stanvliet

Mrs H Crooijmans-Lemmer

Mr E Delpont

Mr J Knight

Internal Members

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

Mr B de la Bat: Manager - Spatial Planning

Mrs M Francis: Manager- Project Management Unit- Infrastructure Services

Officials

Mrs C Kriel: Manager: Land Use Management

Mr R Fooy: Senior Town Planner

Ms L Guntz: Senior Town Planner

Ms O Sims: Administrative Officer MPT

Technical AdvisorMr K Munro: Director - Development Management, Department Environmental
Affairs and Development Planning.

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 18 JUNE 2021

ITEM	SUBJECT
SMPT 01/06/21	OPENING AND WELCOME
	Chairperson Du Plessis welcomed all.
SMPT 02/06/21	LEAVE OF ABSENCE
	Ms Jeri-Lee Mowers Mrs Myra Francis Mr Stiaan Carstens Ms Lenacia Kamineth
SMPT 03/06/21	DISCLOSURE OF INTERESTS
	No conflict of interests was noted.
SMPT 04/06/21	MINUTES OF THE PREVIOUS MEETING DATED 19 MARCH 2021
	The minutes of the previous meeting was noted.
	MATTERS FOR CONSIDERATION
SMPT 05/06/21	REZONING, SUBDIVISION, CONSOLIDATION, DEPARTURE, SITE DEVELOPMENT PLAN AND STREET NAMING AND NUMBERING: UNREGISTERED FARM NO. 510/845, STELLENBOSCH DIVISION (JAMESTOWN) (LU/11047)
	DISCUSSION:
	<ul style="list-style-type: none"> a) Concerns were raised by members regarding the density of the development, limited open space, the proposal to be a gated development with no integration with the town, and the general feeling of over development on the site. b) Arguments for a residential type of development to unlock vacant and unutilized land were supported. The development provides opportunity to address the lack of integration between the shopping centre development and the adjacent existing residential areas of Jamestown. c) The discussion continued in support of the rezoning to make provision for mixed use residential development in a manner where better access and a

functional connection between Jamestown and the shopping centre and between the development and Jamestown can be achieved.

- d) Proposals to give the centre a frontal access to Jamestown through this development are supported and therefore it is suggested that the individual residential dwelling units facing Fresno Street should gain access from Fresno Street to integrate the development with the adjacent residential area.
- e) Access from the adjacent residential area of Jamestown to the shopping center can also be created by giving residents pedestrian access through the development.
- f) The proposal to refuse the construction of flats is questioned as no argument for the refusal was made in the report. There is agreement that flats are normally located in areas between a shopping centre and a residential area with lower density and that the density is not undesirable but that the design aspects of the flats need to be addressed.

UNANIMOUSLY RESOLVED:

1. The following application in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Unregistered Farm No. 510/845, Stellenbosch Division (Jamestown), namely:

The **rezoning** of the subject property from Agriculture and Rural Zone to Subdivisional Area in terms of Section 15(2)(a) of the said By-law to allow for the following uses:

- (a) 1 x Mixed Use Zone portion with an extent of $\pm 2\,014\text{m}^2$ for parking purposes;
- (b) 1 x Multi-Unit Residential Zone purposes inclusive of group housing erven; private road purposes; private open space purposes and utility service purposes; with a total extent of $\pm 8\,737\text{m}^2$;
- (c) 1 x Multi-Unit Residential Zone for the construction of flats with an extent of $\pm 2\,189\text{m}^2$.

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

2. CONDITIONS OF APPROVAL:

- 2.1 A **Subdivision Plan, Phasing Plan** and **Consolidation Plan** be submitted to the Municipality for approval and to include the following matters:

- a) *Indicate the approved land uses and extent thereof;*
- b) *Comply with a maximum density of 50 dwelling units per hectare for the group housing component;*
- c) *Comply with a maximum height of 2 storeys;*
- d) *Comply with the boundary walls and fences requirements as per the Stellenbosch Municipality Zoning Scheme By-law, 2019;*
- e) *Comply with the building development parameters as per the Stellenbosch Municipality Zoning Scheme By-Law, 2019;*

- f) *Comply with open Space requirements as per the Stellenbosch Municipality Zoning Scheme By-Law;*
- g) *Indicate street naming and numbering;*
- h) *Investigate the possibility of pedestrian access from Fresno Street through the development to the shopping centre.*

2.2 A **Site Development Plan** as per Section 16 of the By-law be submitted to the Municipality for approval. In addition, the following be included and addressed:

- a) *The position, use and extent of all proposed buildings;*
- b) *Elevations of the new development;*
- c) *The details of proposed vehicle access, roads, parking areas and pedestrian footpaths;*
- d) *Details of the proposed fencing or walls around the perimeter of the land unit;*
- e) *The position and extent of proposed private, public and communal space;*
- f) *Detailed landscaping proposals including the street reserve with tree planting in line with the Stellenbosch Tree Management Policy;*
- g) *A positive interface between the development and Fresno Street to the satisfaction of the Municipality.*
- h) *Vehicular access of individual properties off Fresno Street to satisfaction of the Municipality.*

2.3 The approval will lapse if not exercised within **5 years** from date of final notification.

2.4 Inclusionary housing should be created to expand housing opportunity for a broader range of income groups.

3. REASONS FOR APPROVAL:

3.1 The proposal will develop underutilized land within the urban edge for urban development.

3.2 The proposed residential development constitutes infill development and is therefore in line with the principles of the Spatial Development Framework.

3.3 The proposed development of the subject property will not impact negatively on the safety and welfare of the members of the community or have an effect on existing rights concerned.

3.4 The proposed development will have a positive impact on the town's local economy as it will create many new employment opportunities during the construction phase.

	<p>4. MATTERS ON THE APPLICATION TO BE NOTED:</p> <p>4.1 That the approval on the name of the development and the naming and number of streets as per the proposed subdivision plan, BE OBTAINED from the Executive Mayor of Stellenbosch as the duly authorised decision maker on such matters.</p>
<p>SMPT 06/06/21</p>	<p>REVISED APPLICATION FOR REZONING FROM AGRICULTURE & RURAL ZONE TO SUBDIVISIONAL AREA OVERLAY ZONE, SUBDIVISION INTO 8 PORTIONS AND CONSENT TO PERMIT AN INDUSTRIAL AND BUSINESS DEVELOPMENT: PORTION 2 OF FARM 744, PAARL (KLAPMUTS) (LU/11252)</p> <p>PRESENTATION BY APPLICANT:</p> <p>Mr Anton Lotz and Mr Graham Wilson made a presentation on the proposal. See attached. Questions for clarity were asked about the sequence of the construction of the main access roads and the private road.</p> <p>DISCUSSION:</p> <p>a) Members were generally satisfied with the response of the applicant to the reservations voiced at the previous meeting and how they addressed the interface with the Klapmuts community. It is viewed as a desirable approach to include the housing interface with Merchant street.</p> <p>b) Questions were raised about the industrial portion that will be used for housing and it was confirmed that a new rezoning application will need to be submitted.</p> <p>c) Concerns were raised about the height of buildings on the edges of the industrial area on interface with the residential area and it was proposed to consider the stepping down of height to the residential area.</p> <p>d) Members were concerned about construction and heavy vehicles on Merchant Street moving through the Klapmuts residential area. This aspect is addressed in a condition and it is the responsibility of the Engineers and Law Enforcement to monitor and implement weight restrictions on Merchant Street to ensure compliance.</p> <p>UNANIMOUSLY RESOLVED</p> <p>1. The following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Portion 2 of Farm 744, Paarl, namely:</p>

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

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

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

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

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

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

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

	<p>2. CONDITIONS OF APPROVAL:</p> <p>2.1. The approval applies only to the application in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.</p> <p>2.2. An electronic copy (shp,dwg,dxf) of the Subdivision Plan which was preliminary approved by the SG be submitted to the Directorate: Planning and Economic Development. The following information to be indicated on this plan: Newly allocated Erf Numbers, Co-ordinates, Survey Dimensions, Street names (If approved by Council).</p> <p>2.3. A phasing plan be submitted for approval by the Directorate: Planning and Economic Development indicating the sequence and timeframe of development.</p> <p>2.4. A detailed subdivision plan clearly indicating the street names and street numbering be submitted for approval in terms of the Stellenbosch Municipal Planning Bylaw for each portion / precinct that is created by the approval.</p> <p>2.5. A site development plan, landscaping plan, and architectural guidelines be submitted for each property that is created by the approval with the subdivision plan for each precinct.</p> <p>2.6. An updated bulk floor space register be submitted with each site development plan to the satisfaction of the Directorate: Infrastructure Services.</p> <p>2.7. All public places and public streets that vested in the Local Authority be clearly defined and indicated and be provided with erf numbers on the approved SG plans and be transferred to the Local Authority upon transfer of the first unit/erf in the subdivision. All cost for the</p>
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	<p>surveying and transfer of public land be for the account of the applicant/developer.</p> <p>2.8. An Operational Management Plan, inclusive of architectural guidelines and a detailed Landscaping Plan be submitted for approval by the Directorate: Planning and Economic Development for the total development that implements the recommendations made in the Visual Impact Assessment done by Megan Anderson Landscape Architect attached as Annexure P of the report before transfer of any property (excluding Portion 3).</p> <p>2.9. Architectural and aesthetic guidelines be submitted for approval by the Directorate: Planning and Economic Development with the subdivision application for each precinct and that these guidelines comply with the Operational Management Plan required above, including specific reference to the interface between the light industrial area and the adjacent residential areas.</p> <p>2.10. The Stellenbosch Municipality Zoning Scheme By-law 2019 or Approved Site Development Plan parameters in terms of parking setbacks, bulk and height of buildings be applicable to the newly created properties, notwithstanding the fact that 90 500m² of bulk has been approved.</p> <p>2.11. The industrial buildings on Portion 2 located along the common boundary with the proposed residential area to be located on Portion 8 be setback a minimum of 20m from the common boundary at any point.</p> <p>2.12. The industrial activities in these buildings not accommodate heavy industrial or noxious industrial activities but be light industrial activities which will not have a negative impact on the adjoining residential areas and be defined as a use not include manufacturing that may cause any health nuisances to residents, noise disturbance, air pollution or is dependent on heavy vehicles or freight transfer.</p> <p>2.13. A Service agreement be signed with the Directorate: Infrastructure Service before any property is transferred or any construction takes</p>
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place and that the agreement contains the relevant conditions of approval as imposed by the Directorate: Infrastructure Service in their memo dated 21 December 2020 and that these conditions be complied with, as attached as **Annexure N**;

2.14. Development charges be payable towards bulk civil services as imposed by the Directorate: Infrastructure Services in their memo dated 21 December 2020 as attached as **Annexure N**;

2.15. No subdivided portion of land be transferred prior to the construction of the Class 3 access road which will provide direct access for this development to the Old Main Road / R101 via Portion 5 of Farm 742 and the railway line underpass, except for **Portion 3**;

2.16. No subdivided portion of land be transferred prior to the construction of the link road across Erf 342 that provide one of the access routes for the development via Merchant Street and the R44, except for **Portion 3**;

2.17. No civil construction vehicles or equipment that have a weight that exceeds 3.5 tons make use of Merchant Street to access the subject property during the installation of the civil services, without the approval of the Directorate: Infrastructure Services;

2.18. Only 15% of the bulk / floor area be developed for exclusively Business purposes on Portions 1 and 2 of the proposed development. (Plan No: 18096-002, Dated: 2021-05-13, Drawn By: Anton Lotz Town & Regional Planning.)

2.19. The total bulk approved for the residential component forms part of the 90 500m² of floor area approved for the property;

2.20. The internal road layout for the various subdivisions within the precincts makes provision for NMT routes / public transport parking embayment's and pedestrian routes which link the proposed industrial area with the adjoining residential area and public roads. These

facilities must be to the satisfaction of the Directorate: Infrastructure Services;

2.21. No subdivided portion of land be transferred prior to the submission of the land use application to rezone and subdivide unregistered **Portion 8** of this application to facilitate the development of this portion of the development for Duplexes / Town Houses with a minimum density of 25 units / ha with a Taxi Drop Off Area;

2.22. The conditions of approval as imposed by the Road Network Management Directorate of the Department of Transport and Public Works be complied with, as attached as **Annexure K** of this report; and

2.23. A socio-economic development implementation plan be submitted for approval by the Municipality before any construction takes place in order to implement the recommendations made in the Socio-economic Impact Assessment done by Multi-purpose Business Solutions.

3. REASONS FOR APPROVAL:

3.1 The nature of the development will contribute significantly to employment creation in the Klapmuts area.

3.2 The property is situated within the urban edge and identified by the MSDF for urban development.

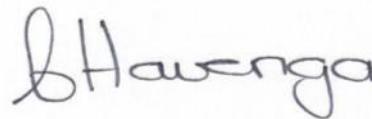
3.3 The property is well located for a light-industrial development, being on the periphery of the existing Klapmuts settlement.

3.4 The Industrial activities will be limited to light industrial activities that have minimal negative impact on the surrounding area / no heavy industrial uses will be permitted.

	<p>3.5 The Industrial buildings will be located away from the property boundary that adjoins the new residential area by landscaped parking areas.</p> <p>3.6 The proposal makes provision for sensible integration between the existing residential area and the proposed development as improved access has been provided with a higher density residential component which will form a transitional zone between the existing residential area and proposed industrial area.</p> <p>3.7 A restriction will also be placed on the amount of Bulk / Area of building that may be developed solely for business purposes to ensure that the majority of the buildings are restricted to industrial purposes as applied for.</p> <p>4. MATTERS ON THE APPLICATION TO BE NOTED:</p> <p>4.1 The conditions imposed by the DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING in their letter dated 11 February 2021 (Environmental Authorisation), attached as Annexure H.</p> <p>4.2 The conditions imposed by HERITAGE WESTERN CAPE in their letter dated 20 November 2019 (Notice of Intent to Develop), attached as Annexure J.</p> <p>The conditions imposed by the HEALTH DEPARTMENT (WINELANDS DISTRICT) in their letter dated 14 August 2020, attached as Annexure M.</p>
<p>SMPT 07/06/21</p>	<p>OTHER MATTERS</p>
	<p>Chairperson Du Plessis thanked all present for attending the meeting. The meeting adjourned at 15:05.</p>



Dr D du Plessis
CHAIRPERSON



Mrs C Havenga
DEPUTY CHAIRPERSON



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**PLANNING REPORT: LAND USE AND LAND DEVELOPMENT APPLICATION:
APPLICATION FOR REZONING AND SUBDIVISION 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 Annexure A)		
Extent (m ² /ha)	7237 m ²	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 Annexure B)		

PART C: APPLICATION DETAILS

Applications(s)	<p>Previous proposed application:</p> <ol style="list-style-type: none"> 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 Johannesdal from Residential Zone 1 to Subdivisional area in order to allow for the following uses: <ol style="list-style-type: none"> i. 35 Residential Zone III erven (Town house) (4 497 m²) ii. 2 Open Space Zone II erven (Private Open Space) (895 m²) iii. 1 Open Space Zone II erven (Private Road) (1 777 m²) iv. 1 Authority Zone (Refuse room) (69 m²) 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 , Johannesdal in accordance with the Subdivisional Plan figure 3/02/04, drawn by Headland Town Planners, dated February 2021 (See Annexure D). 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:- <ol style="list-style-type: none"> i. To permit a northern common boundary line with Erf 2 Johannesdal from 3m to 0,8m, ii. To permit a southern common boundary line with Erf 4 Johannesdal from 3m to 0,1m, iii. To permit a southern common boundary line with Erf 8 Johannesdal from 3m to 0,5m, iv. To permit a southern common boundary line with Erf 9 Johannesdal from 3m to 0,4m.
	<p>Amended proposed application for consideration:</p> <ol style="list-style-type: none"> 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 Johannesdal from Residential Zone 1 to Subdivisional area in order to allow for the following uses: <ol style="list-style-type: none"> i. 29 Residential Zone III erven (Town house) (4 407 m²) ii. 2 Open Space Zone II erven (Private Open Space) (932 m²) iii. 1 Open Space Zone II erven (Private Road) (1 899 m²) 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 , Johannesdal in accordance with the Subdivisional Plan figure 3/02/04, file jd3 drawn by Headland Town Planners, dated June 2021 (See Annexure D).

Purpose of Application	The applicant intends to establish residential development which compromises of 29 Town houses.
Pre-consultation	None

PART D: APPLICATION BACKGROUND

1. Background

The proposed application served at an MPT on the 19 March 2021 and it was resolved that the application be referred back to the administration to address the concerns of the MPT as highlighted in the subject planning report. The concerns can be highlighted as follows:-

- a) The property sizes and density in this context, with the need for significant departures and the resulting nature of building structures as rows of double story units will result in an image of being "overdeveloped".
- b) The relatively small Erf sizes (from 100 m²) is not in character with the rural node of Johannesdal.
- c) Lack of functional space for individual erven due to shape and the slope of land.
- d) The lack of this proposed development to integrate with the rest of Johannesdal.

An amended subdivisional plan was received on the 19 April 2021 (See **Annexure D**), which presented an improvement to some of the issues that the MPT had raised. A response was provided on the 10th of May 2021 with inputs from the Engineering services (See **Annexure Q**), which was taken into consideration with the review of the evaluation for the decision maker to take into consideration with the decision on the application.

2. 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.

3. 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.

4. 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)

1. Original Motivation

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.

2. Additional Motivation to address concerns

The main focus is to make the development also affordable for the community. The proposed development will range in price from R1.7m to R2m for 2 and 3 bedroom freestanding homes from 85m² to 105m². The nature of building structures as rows of double stories will not result in an image of being "overdeveloped" as the 2 (two) and 3 (three) houses will appear as 1 (one) bigger house. The fencing front and back of the development will be Clearvue, therefore no negative visual impact is anticipated. There is parking at the entrance that is made provision for additional parking for visitors. Furthermore, the concerns regarding the visual impact, small erven, gated community and the look of overextended, is the same concerns that were raised with Heritage: Western Cape, the design of the Subdivisional Plan, landscaping and Public Open Space was changed numerous until there were happy. Furthermore, for example, regarding your erf sizes and gated community, Erf 720 Pniel was approved on the Helshoogte road with erven ranging from 97-160m². Other development is Farm 1331/2, which is approximately 20m from our development erven ranging from 205 m² but houses sells from R3.4m, therefore the decision maker must be consistent in their actions.

PART F: PUBLIC PARTICIPATION, COMMENTS AND RESPONSE

1. Process followed

The applicant has notified the internal and external departments, adverted 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 2018** to **08 July 2018** (See **Annexure E**). **Four (4)** objections received along with 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 Johannesburg 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 350m²;
- 2.1.7 Plot sizes of 425m² to 715m² 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 & email dated 06 May 2021 for the amended proposed subdivisional plan).

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.

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 29 Residential Zone III erven (Town house) (4 407 m²), 2 Open Space Zone II erven (Private Open Space) (932 m²) and 1 Open Space Zone II erven (Private Road) (1 899 m²). 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 gated development which is out of character compared to the surrounding neighbourhood/ community. The proposed development proposes a relatively small Erf sizes compared to the surrounding neighbourhood. The smallest erven on record is upwards of 285m² at a neighbouring property with a density of 14du/ha, and most properties in Johannesdal range from 350m² upwards.

4. Assessment of comments on application

4.1 Original assessment

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 m²) is not in character with the rural node of Johannesburg. 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. While 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, Johannesburg 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 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.

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 (Subdivisional Plan figure 3/02/04, drawn by Headland Town Planners, dated February 2021) was submitted and recommended for approval by the Engineering services. 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.

4.2 Additional assessment after amendments

The amended subdivisional plan which proposes average Erf sizes of 152 m² is an improvement to the average of 100 m² previously proposed. However, this improvement is not close to the average sizes in Johannesburg and to the closest similar development which is in average of 285 m². The proposed development is 29 townhouses with an average of 41 du/ha in lieu of 35 townhouses with an average of 48 du/ha. Being prominently located on a slope on the scenic Helshoogte main road, with due consideration of the Erf sizes on average 152 m², it is submitted that the development will still result in a negative visual impact and image of being overdeveloped. The removal of departures is an improvement and desirable to prohibit the possible roofing of these court yards for storage etc. The functional "private open spaces" and additional parking bays for visitors within the cul-de-sacs, is an improvement from the previous proposal and is noted.

Furthermore, while 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. According to the Stellenbosch SDF, gated communities are considered unfavorable as they have the potential to exacerbate inequality and segregation. The SDF clearly indicates that "gated residential development is not favored. Public components of development should remain public, enabling integration of neighborhoods and through movement. Security to private components of developments could be provided through other means than the fencing and access control of large development blocks or areas neighborhoods". The situation is worse for Johannesburg as it is considered as a small-scale farming node or a rural node.

The concerns raised at the MPT meeting regarding the fact that the development is proposed as a gated village has not been addressed. It is acknowledged that a gated development is beneficial to the marketability of the development and provides security to individual properties. It is also understandable that gated villages are therefore becoming increasingly popular as a preferred lifestyle choice due to the escalating security concerns. With these considerations taken into consideration, the municipality is not totally opposed to gated developments, but it is submitted that the locational context is an important consideration that needs to be taken into consideration if a gated development is to be supported. The proposed development in its current location of Johannesdal is situated in the main corridor through the town and next to the main road. A gated development in this context will limit freedom of movement and the permeability of the larger area which will result in the isolation of key areas. Perhaps it may be argued that this relatively small size development will not result in such negative impact, but support for such development will serve as motivation and precedent for further gated developments which cumulative effect will result in the negative impacts alluded to above. Gated developments can however be supported in the outlying areas of towns or that borders the urban edge where further growth is not foreseen and permeability of the area is not an absolute requirement due to this locational context.

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 does not represent the character of the rural node of Johannesdal.
- o The property sizes and resulting density will cumulatively result in an image of being "overdeveloped" and will exacerbate a negative visual impact.
- o The proposal for a gated village in this locational context does not promote functional integration of the town and will result in negative impacts on accessibility.

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 Johannesdal, namely:
 - 1.1 The **Rezoning** 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. 29 Residential Zone III erven (Town house) (4 407 m²)
 - ii. 2 Open Space Zone II erven (Private Open Space) (932 m²)
 - iii. 1 Open Space Zone II erven (Private Road) (1 899 m²)
 - 1.2 The **Subdivision** 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, file jd3 drawn by Headland Town Planners, dated June 2021 (See **Annexure D**).

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

2. The reasons (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 proposal does not promote functional integration of the development within the urban context.

PART J: ANNEXURES

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

PART K: ASSESSMENT OF THE LAND USE AND LAND DEVELOPMENT APPLICATION**APPLICATION FOR REZONING AND SUBDIVISION ON ERF 3, JOHANNESDAL****AUTHOR OF PLANNING ASSESSMENT REPORT****NAME:** B. ZONDO**CAPACITY:** SENIOR TOWN PLANNER**SACPLAN REGISTRATION:** C/8589/2017**SIGNATURE:** **DATE:** 01/07/2021**REVIEW AND RECOMMENDED BY PROFESSIONAL TOWN AND REGIONAL PLANNER****NAME:** C KRIEL**CAPACITY:** MANAGER: LAND USE MANAGEMENT**SACPLAN REGISTRATION:** A/212/10**SIGNATURE:** **DATE:** 01/07/2021

PART L: SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT**APPLICATION FOR REZONING AND SUBDIVISION 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, DB2,

Decision Making Authority: SMPT

Rational: The application is for a Rezoning to subdivisational area, it includes subdivision of more than two resulting erven and there are objections were received from interested and affected property owners.

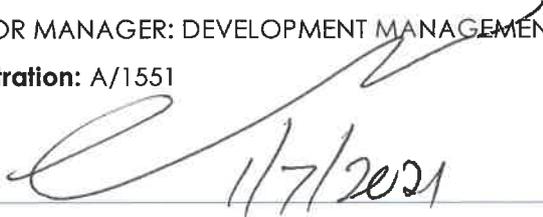
Name: S CARSTENS

Capacity: SENIOR MANAGER: DEVELOPMENT MANAGEMENT

SACPLAN Registration: A/1551

Signature:

Date:



11/7/2021

PART M: SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT**APPLICATION FOR REZONING AND SUBDIVISION 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: **16 July 2021**

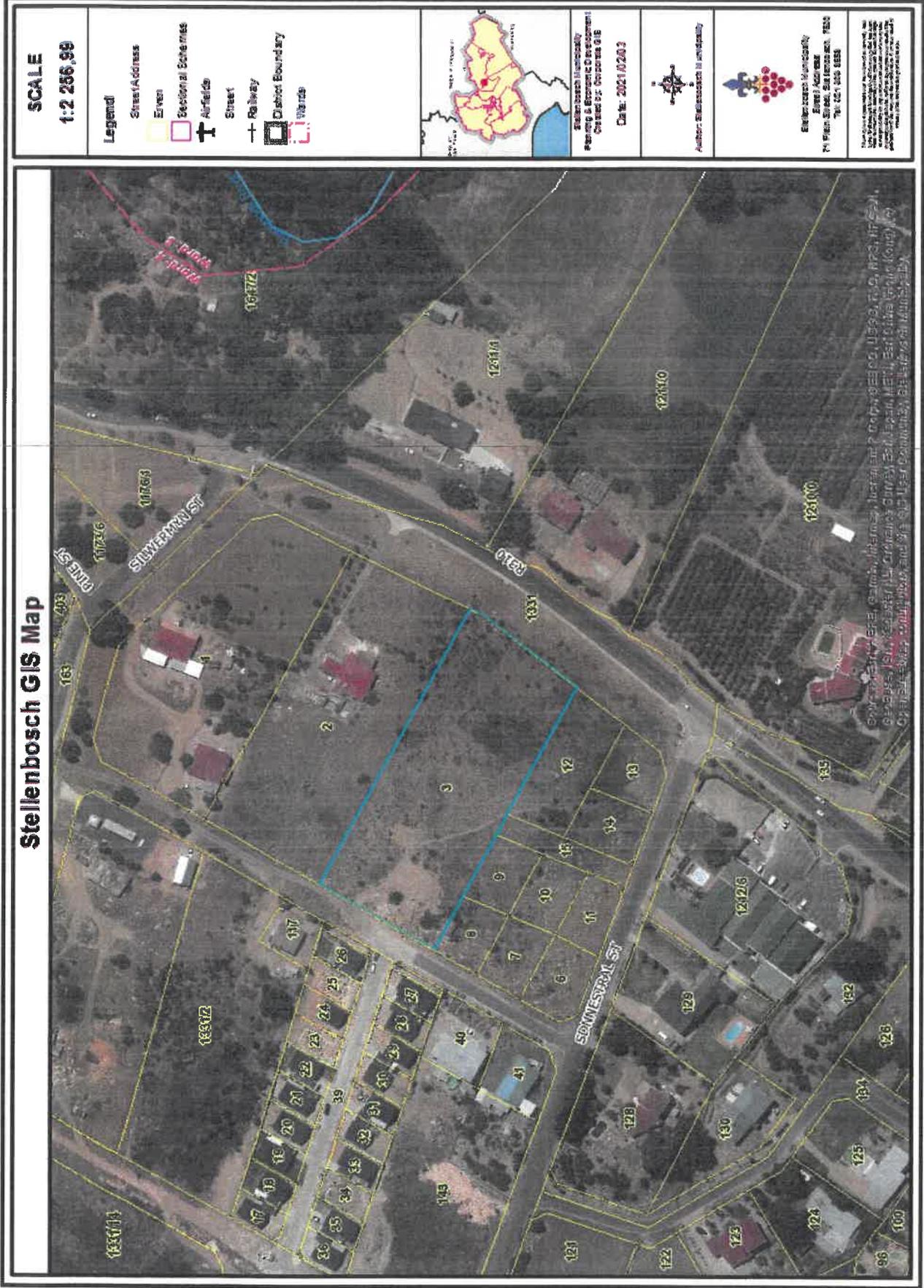
Name: *Chizette Kriel*

Capacity: *MCM*

Signature: *[Handwritten Signature]*

Date: *01/07/2021*

ANNEXURE A: LOCALITY PLAN



ANNEXURE B: TITLE DEED

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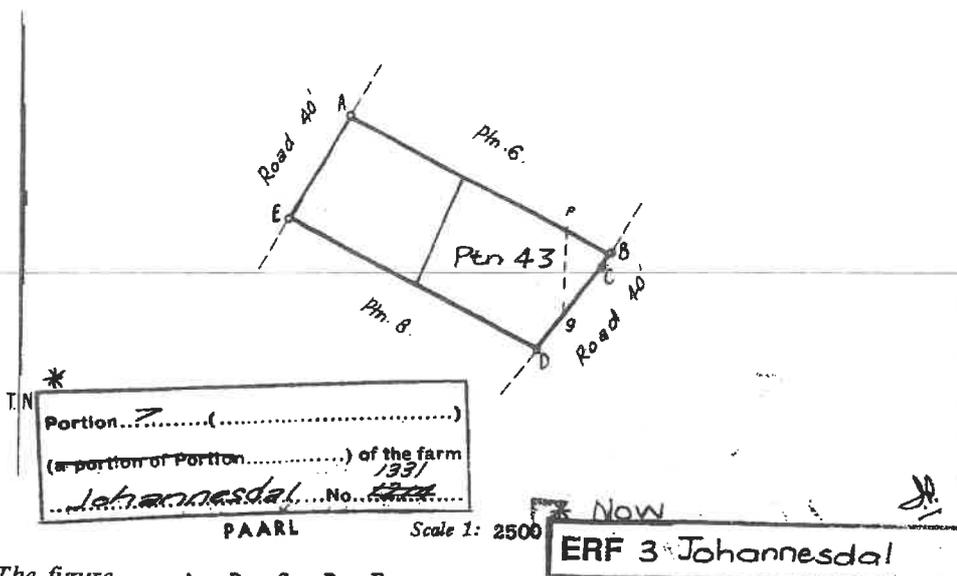
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DE 404.21	118 00 00	D + 2 853.84	+ 654.00	✓
EA 176.50	210 10 20	E + 3 210.74	+ 464.24	✓

S. G. No. 6854/55

Approved

The Hon.
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. H. Helling
Land Surveyor.

This diagram is annexed to T144 25/2011 Registrar of Deeds.	The original diagram is No. 4215/49 annexed to 502/55	S.G. File No. 11860/2 S.R. No. E. 1638/55
		B C S BH.8.DBB BH 8 DB/KA ✓ 1931/7 3

FOR ENDORSEMENTS
SEE BACK OF COPY

THIS PORTION IS SUBJECT TO
CONDITIONS REFERRED TO IN REG-
ULATION 11 (8) OF ACT No. 21 OF 1963.

THE FOLLOWING DEDUCTIONS HAVE BEEN MADE FROM THIS DIAGRAM

DEED NO.	DIAGRAM NO.	DESCRIPTION	AREA HA, SQ. M.	TRANSFER NO.	INITIALED	REMARKS
52603/63	5701/200	Ptn 43	3789			3449 m ²

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

7/5/63

Scanning Nr...13517/2003

REDESIGNATION

DUMMY TRIPLICATE

Designation.....Farm 1331/7

Admin. District.....Paarl

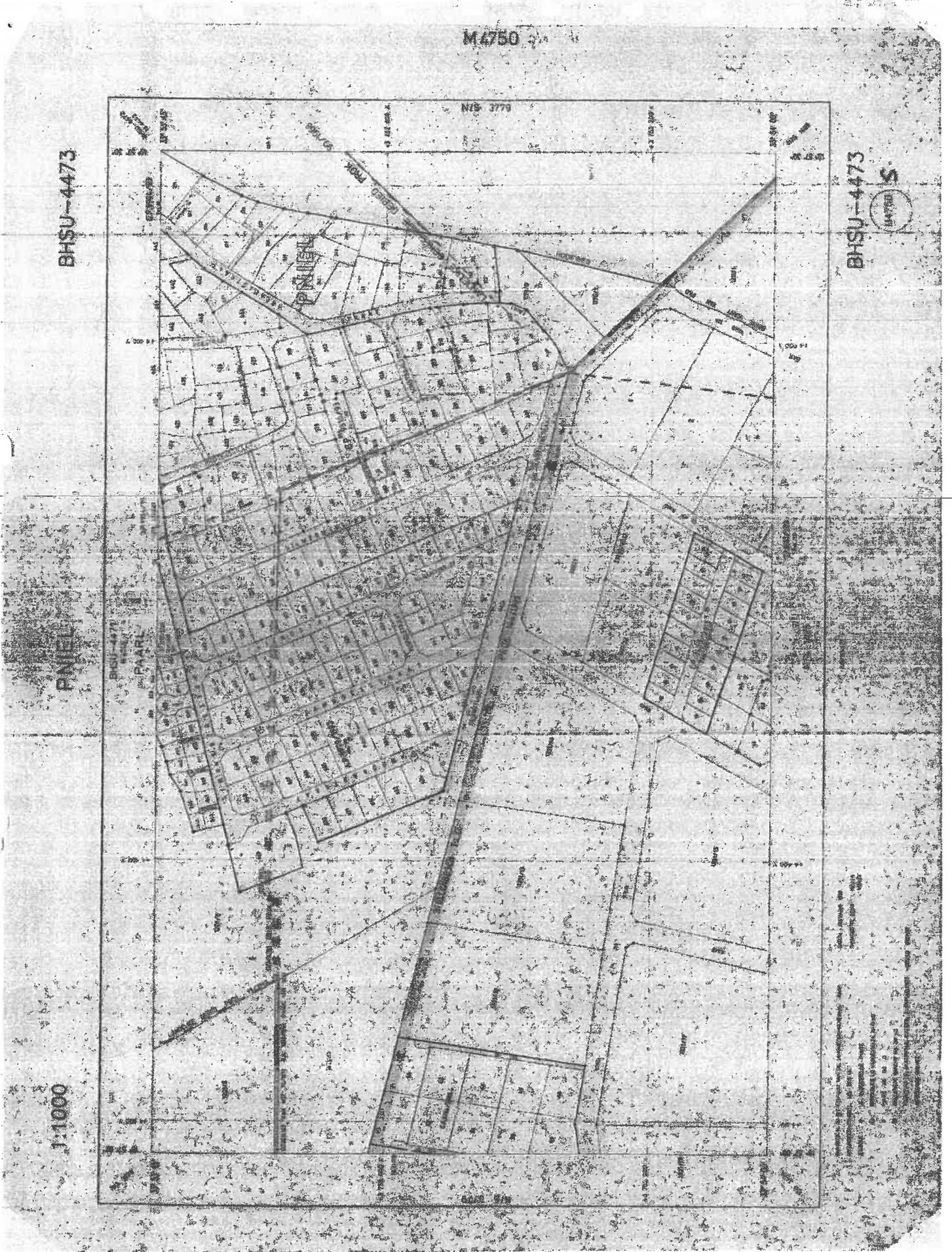
NOW FILED AS

Designation Erf 3 Johannesdal

Diagram Nr..... 6854/1955

Admin. DistrictPaarl

Farm 1331/7 Paarl



BHSU-4473

BHSU-4473

M4750

PNIEL

1:1000



BH-8DB
X4

1:2500



BH 8DB
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CTN 1107
LUCILLE GELDENHUYS
PROKUREURS NOTARISSE EN
AKTEVERVAARDIGERS
1STE VLOER DE WETSENTRUM
HM KERK & BIRD STRATE
STELLENBOSCH
7600

Opgestel deur my


TRANSPORTBESORGER
GELDENHUYS L

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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 verteen deur

NORRIS NOEL SEPTEMBER
Identiteitsnommer 440210 5108 08.2
Ongetroud

geteken te STELLENBOSCH op 17 Mei 2012

DATA / VERIEF
LAWYER GENERAL'S

DATA / CAPTURE
24 JUL 2012
LARRY EATGEYAH

En genoemde Komparant het verklaar dat haar prinspaal, op 17 May 2012, die ondervermelde eiendom waarlik en wettig verkoope het per privaat ooreenkoms, en dat sy, in haar voorgenoemde hoedanigheid hierby sedeer en transporteer aan en ten gunste van

SYDNEY JOHN CYSTER

Identiteitsnommer 590918 8161 08 7

En

WILMA COLETTE CYSTER

Identiteitsnommer 591224 0007 09 9

Getroud, Binne Gemeenskap van Goedere met mekaar

hulle Erfgename, Ekskuteurs, Administrateurs of Regverkrygendes in volkome en vrye eendracht.

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

GROOT 7238 (SEWEDUISEND TWEE HONDERD AGT-EN-DERTIG)
VIERKANTE METER

Aanvaarklik onder kragtens Serifikaat van Geregistreerde Tital Nommer T14425/2011 met kaart S.G. Nommer 8854/1955 wat daarop betrekking het, en genoem kragtens Transportakte Nommer T14429/2011.

- A. **ONDERHEWIG** aan sodanige voorwaardes soos na verovs word in Transportaktes Nommers T3951/1906, T3957/1906, T11550/1921, T2062/1897, T2059/1897, T3954/1906, T11551/1921, T5277/1915, T3957/1906 en T3953/1906.
- B. **ONDERHEWIG VERDER** aan die spesiale voorwaardes vervat in die Notarële Akte gedateer 7 Oktober 1905, in afskrif waarvan oorspronklike geteges aan Transportaktes Nommers T3951/1906, T3952/1906, T3953/1906, T3954/1906, T3955/1906, T3956/1906 en T3957/1906 en T13958/1906, en wat verovs na sekere waterregte, wadingsregte, paale en heininge.

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

NORRIS NOEL SEPTEMBER

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

SYDNEY JOHN CYSTER
en
WILMA COLETTE CYSTER

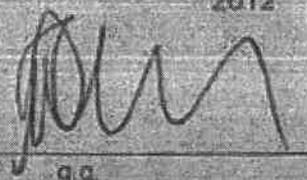
nulle Erfgename, Ekskuteurs, Administrateurs of Regverkrygendes, tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat en ten slotte erken hulle dat die verkoopprijs die bedrag van R70 000.00 (SEWENTIG DUISEND RAND) beloop

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

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

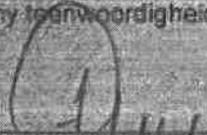
9 Julie

2012



g.g.

In my teenwoordigheid


REGISTRATEUR VAN AKTES



STELLENBOSCH
 STELLENBOSCH • ENDE • KRANS • BIERDE
 MUNISIPALITEIT • MUNICIPALITY • MUNICIPAALITEIT

CONVEYANCER CERTIFICATE

I/We **MAGARITHA ELIZABETH**
HAUPTFLEISCH

(Name and surname of applicant)

Practising at:

MARAIS MULLER HENDRICKS INCORPORATED
58 VAN RIEBEECK ROAD
KUILS RIVER

(Firm and place of practice)

In respect of:

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

(Full description of the property (or/properties) as it appears in the deed of transfer)

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

(If multiple deeds of transfer exist, the Deeds Office will refer to the deed of transfer in the title deed of the property in question.)

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	

WE



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

*in respect of which it was found that there is/are no restrictive conditions with reference to Section 15(1)(a), (b) or (c) of the Land Use Planning By-Law (2015) registered against such property (not prohibiting it from being a "beneficiary" of the deed) as per 2.1 as stipulated in the accompanying note. * 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 tick appropriate box)

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.

MAGARITHA ELIZABETH

Full names and Surname: HAUPTFLEISCH

Signature: *M. Hauptfleisch*

From Postal code:
 P.O. Box 36
 Kuils River
 7579

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

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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Appendix A	Application Forms
Appendix B	Power of Attorney (Property Owners)
Appendix C	Power of Attorney and Resolution (Developer)
Appendix D	Property Diagram
Appendix E	Noting Sheet
Appendix F	Title Deed
Appendix G	Conveyancer's Certificate
Appendix H	Plan of Subdivision
Appendix J	Site Development Plans and Elevations
Appendix K	Landscaping Plan
Appendix L	GLS Engineering Services Report
Appendix M	Lyners Engineering Services Report

**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

Applicant	Headland Planners (Pty) Ltd
Erf Number	Erf 3, Johannesburg
Registered Owners	Sydney John & Wilma Colette Cyster
Developer	Winter Square Developments (Pty) Ltd
Applicant	Headland Planners (see powers of attorney appendices B & C)
Street Address	Sonnestraal Road, Johannesburg
Property Diagram	S. G. No. 6854/1956 (appendix D)
Noting sheets	M4750 and BH8DB-X4 (appendix E)
Extent	7237m ²
Title Deed	T33391/2012 (appendix F)
Restrictive conditions	None. See conveyancer's certificate (appendix G)
Current Zoning	Residential Zone 1
Current Land Use	Vacant
Servitudes	None
Subject to Heritage application	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 No Departure
Coverage	at most 50%	27,5% ($\pm 1990\text{m}^2$) No Departure
Maximum height above base level	at most 2 storeys	2 storeys No Departure
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 No Departure
Common boundary	0m (subject to regulation 3.5.3(b) [†])	Common boundary with erf 2 Johannesdal: 0,8m Departure Common boundary with erf 4 Johannesdal: 0,1m Departure Common boundary with erf 8 Johannesdal: 0,5m Departure Common boundary with erf 9 Johannesdal: 0,4m Departure
Parking	2 bays per town house	1 garage and one parking bay per dwelling unit No Departure

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%)
	Total	7238m² (100%)

* 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.

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:

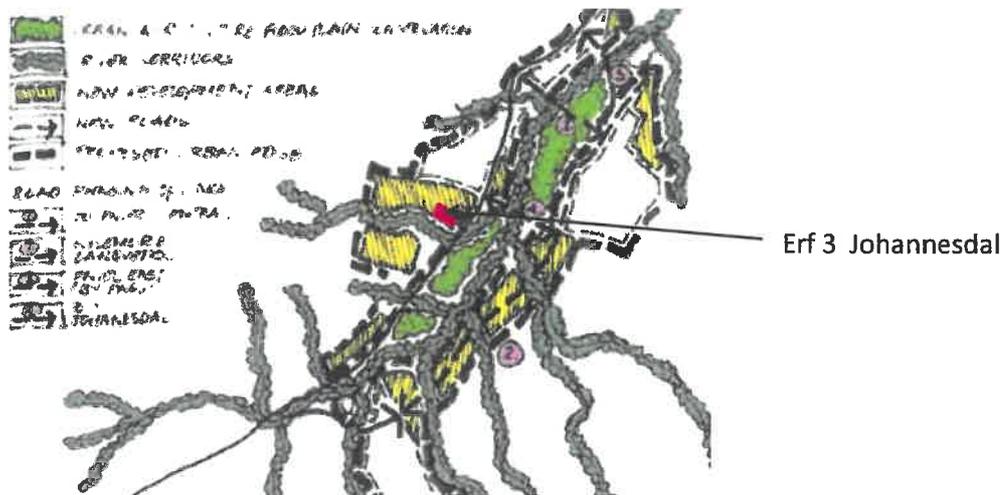


Figure 3: Extract from the Stellenbosch Spatial Development Framework

- 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.

Bongiwe Zondo

From: Paul Winter <paulw@nationhousing.co.za>
Sent: Monday, 15 February 2021 10:08
To: Stiaan Carstens; Tristan Sandwith
Cc: Bongiwe Zondo; Claus Mischker; Chrizelle Kriel; heinrichm@axionarch.co.za
Subject: [EX] RE: Erf 3, Johannesburg
Attachments: 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 Johannesburg/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 105m²

The development across above me about 20m away sells for R3.4m for a 205m² 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.

ANNEXURE D: PROPOSED SUBDIVISIONAL PLAN

the copyright in this drawing, including detail and design shown herein, is reserved by headland planners (pty) ltd

- ⑧ street numbering
- parent property boundary

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

57

revisors
 date
 march 2020 3/02/03
 may 2018 3/02/02
 february 2018 3/02/01

proposed rezoning and subdivision
 of
 erf 3 johannesdal

proposed subdivision plan

winter square developments (pty) ltd

noting
 drawing 3/02/04
 bharu-4473 (m²750) &
 bh-sdb (k4)
 stellenbosch
 municipality
 1:500 (A3)
 jid3
 june 2021

headland

town planners

colour	proposed zoning	proposed land use	unit numbering	number of units	area (m ²)	percentage
	residential zone 3	town house	1 - 29	29	4407	61
	-	private open space	30 - 31	2	932	13
	-	private road	32	1	1899	26
	total			32	7238	100



1211

PROPOSED NEW HOUSING DEVELOPMENT - Erf 3, Johannesburg

AXION ARCHITECTS
 ARCHITECTS
 11 GARDENS ROAD
 SANDHURST
 2193
 011 792 1942
 011 792 1943
 info@axionarch.co.za

NOTES:
 - All drawings are the property of Axion Architects.
 - All dimensions are taken from 0.00 level, reference to report.

Contract No. _____

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

DRAWING No. 100-01 SCALE: as shown REVISION: 0

DATE	REVISION
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SITE PLAN - 1:250 (A1) : 1:500 (A3)

OWNER: _____
 DATE: _____

PLANNING PARAMETERS

ERF NUMBER:	3
ERF SIZE:	7281 sqm
ZONING:	MULTI-UNIT RESIDENTIAL ZONE (MUR)
DENSITY - allowed:	50 (parking)
DENSITY - actual:	50 (parking)
COVERAGE - allowed:	50%
COVERAGE - actual:	21.5% (1000 sqm)
P.O.S. - provided:	002 sqm
Number of Residential units:	20

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

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	Allotment 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	
				YES	NO
Affidavit (TEMPLATE ATTACHED)					
1. Is the affidavit signed by a Commissioner of Oaths				YES	<input checked="" type="checkbox"/>
2. Does the affidavit confirm that the advertising was undertaken in accordance with the said prescriptions?				YES	<input checked="" type="checkbox"/>
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	<input checked="" type="checkbox"/>
Proof of publication					
4. In one local newspaper in two official languages (or in those cases where Council has indicated two local newspapers)				YES	<input checked="" type="checkbox"/>
5. Extract from the newspaper attached (date of publication visible)				YES	<input checked="" type="checkbox"/>
6. Does the wording fully address the description of the application?				YES	<input checked="" type="checkbox"/>
7. If no, define differences:					
8. Advertising period	From	07/06/2018	To	08/07/2018	
9. Does the Advertising period comply with the required 30 days?				YES	<input checked="" type="checkbox"/>
10. Was Council informed of the commencement date and closure date?				YES	<input checked="" type="checkbox"/>
The registered slips in respect of all the registered letters addressed to					
11. A copy of the registered letter addressed to the affected parties				YES	<input checked="" type="checkbox"/>
12. Are the dates concurring				YES	<input checked="" type="checkbox"/>
13. A copy of the registered letter addressed to the external departments (where required)				YES	<input checked="" type="checkbox"/>
14. Affected interested and affected parties (registered property owners) (original registered slips)				YES	<input checked="" type="checkbox"/>
15. Community organisations (original registered slips)				YES	<input checked="" type="checkbox"/>
16. Ward Councillor (original registered slip)				YES	<input checked="" type="checkbox"/>
17. External Departments (where required) (original registered slip)				YES	<input checked="" type="checkbox"/>
18. Unclaimed registered mail				YES	<input checked="" type="checkbox"/>

FILE NO:

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		✓
Notices placed on the property			
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		✓
Objections/Comments			
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		✓
SIGNED BY APPLICANT/OWNER			

<i>For office use only</i>	
SIGNED BY ADMINISTRATIVE OFFICER	
VERIFIED & SIGNED BY TOWN PLANNER	
DATE VERIFIED	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;
3. A notice containing the requirements as set out in the Stellenbosch Land Use Planning By-Law (2015), was posted per registered mail¹ 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 mail², 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 25th day of May, 2020

At: Cape Town SAPS

Commissioner of Oath's Stamp & Signature

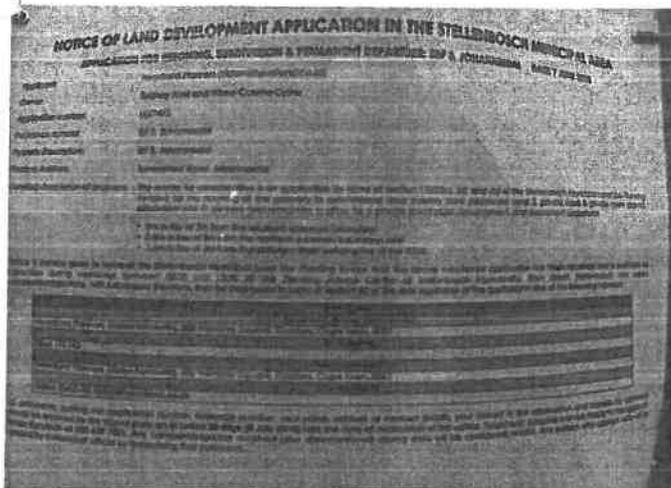
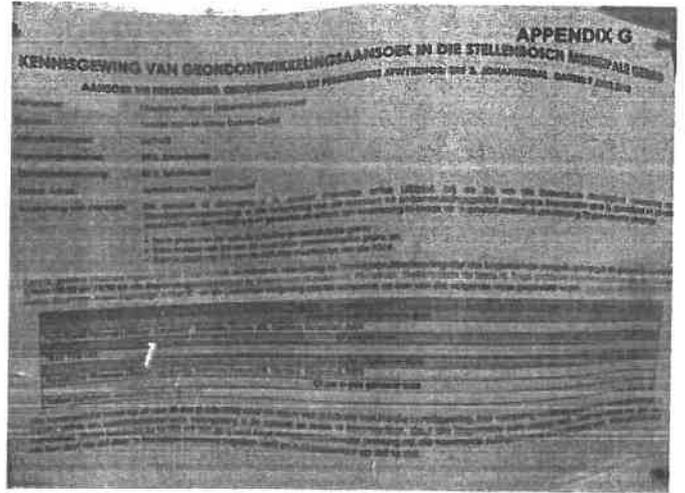
[Handwritten Signature]

SOUTH AFRICAN POLICE SERVICE
STATION COMMANDER
CAPE TOWN

26 MAY 2020

CAPE TOWN
STATION COMMANDER
SOUTH AFRICAN POLICE SERVICE

¹ Must conform to Section 47 of the Stellenbosch Municipality Land Use Planning By-law (2015) [THE BY-LAW] - attach copy of advert (s)
² Site Displays must conform to Section 48 (2)(a) of the By-law - attach photos
³ Attach original registration post slips and copies of letters that were distributed containing the required information as per Section 47 of the By-law
⁴ Attach original registration post slips and copies of letters that were distributed containing the required information as per Section 47 of the By-law



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 & I Jephtas
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

Alr Johnson

Meritoo

Binleman

Jephias

Estate Gyster

PW Gyster

Nicholls

Parks

Joshua

Marlex

INSURED PARCEL
ShareCall 0800 111 002 www.apa.co.za
PA 478 563 800 ZA
CUSTOMER COPY 301012

INSURED PARCEL
ShareCall 0800 111 002 www.apa.co.za
PA 478 564 147 ZA
CUSTOMER COPY 301012

INSURED PARCEL
ShareCall 0800 111 002 www.apa.co.za
PA 478 565 068 ZA
CUSTOMER COPY 301012

INSURED PARCEL
ShareCall 0800 111 002 www.apa.co.za
PA 478 565 085 ZA
CUSTOMER COPY 301012

INSURED PARCEL
ShareCall 0800 111 002 www.apa.co.za
PA 478 565 187 ZA
CUSTOMER COPY 301012

INSURED PARCEL
ShareCall 0800 111 002 www.apa.co.za
PA 478 565 280 ZA
CUSTOMER COPY 301012

INSURED PARCEL
ShareCall 0800 111 002 www.apa.co.za
PA 478 564 062 ZA
CUSTOMER COPY 301012

INSURED PARCEL
ShareCall 0800 111 002 www.apa.co.za
PA 478 564 045 ZA
CUSTOMER COPY 301012

INSURED PARCEL
ShareCall 0800 111 002 www.apa.co.za
PA 478 565 244 ZA
CUSTOMER COPY 301012

INSURED PARCEL
ShareCall 0800 111 002 www.apa.co.za
PA 478 563 946 ZA
CUSTOMER COPY 301012

INSURED PARCEL
ShareCall 0800 111 002 www.apa.co.za
PA 478 563 929 ZA
CUSTOMER COPY 301012

INSURED PARCEL
ShareCall 0800 111 002 www.apa.co.za
PA 478 563 963 ZA
CUSTOMER COPY 301012

INSURED PARCEL
ShareCall 0800 111 002 www.apa.co.za
PA 478 563 901 ZA
CUSTOMER COPY 301012

MILL STREET 8010
Post Office
07 JUN 2018
FOLIO 4

67

155107

18/6

AIR MAIL 37000 31 30 PM
 PA 478 565 244 ZA (11 Street)
 Amt: R29,40 Less: R0,00
 Tenders: R29,40
 740-7400/11 2540830-6/5 04000157
 07 JUN 2018
 FCI 10

V INSURED PARCEL

- Full Domestic tracking and tracing
- Domestic Enquiries:
ShareCall 0860 111 502 www.sapo.co.za
PA 478 565 244 ZA

D 
 PA 478 565 244 ZA
 RECIPIENT NAME (please print clearly)

~~PW & BM Cyster~~
~~PO Box 47~~
~~PNIEL~~
~~7681~~

PTO

26/06

RPS

Unclaimed

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:

- Om 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:

AANSOEKER
Geregistreeerde 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

0857682

1216
Fr - 25/8/2018

REG. LOCAL LETTER SMALL
06/2018 03:25:02 PM
PA478564062ZA (Mill Street)
Amt: R29.40 Less: R0.00
0.010g

V INSURED PARCEL
• Full Domestic tracking and tracing
• Domestic Enquiries:
ShareCall 0860 111 502 www.sapo.co.za
PA 478 564 062 ZA

1st PA 478 564 062 ZA
D
PA 478 564 062 ZA

RECIPIENT NAME (please print clearly)

INSURED PARCEL
PA 478 564 062 ZA
A BOOK COPY

WN & I Jephtas
PO Box 7277
STELLENBOSCH
7599

RTS

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 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;
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AANSOEKER
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

Fin 10/11 69
732832
14/6

STREET SOUTH LETTER SMALL
07/06/2018 03:23:28 PM 0.010g
PA478563901ZA (Mill Street)
Post: R29.40 Less: R0.00
JUN 2018
710-74837-1-2544330-6/1 04000157

V INSURED PARCEL
• Full Domestic tracking and tracing
• Domestic Enquiries:
Share Call 0860 111 502 www.sapo.co.za
PA 478 563 901 ZA

1st PA 478 563 901 ZA
D
PA 478 563 901 ZA
RECIPIENT NAME (please print clearly)

INSURED PARCEL
PA 478 563 901 ZA
A BOOK COPY

Marlex Property Developments (Pty) Ltd
40 Winkle Way
SUNSET BEACH
7441

Uncl
RTS

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
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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

70

ISS106

Post Office

REG. LOCAL LETTER SMALL
 07/06/2018 03:25:26 PM 0.010g
 PA478565187ZA (Mill Street)
 Amt: R29.40 Less: R0.00
 Tendered: R29.40
 710 4837-1-2544330-6/9 04000157

18/6

FOLIO 4

INSURED PARCEL

- Full Domestic tracking and tracing
- Domestic Enquiries:
ShareCall 0860 111 502 www.sapo.co.za
PA 478 565 187 ZA

A PA 478, 565 187 ZA


D PA 478, 565 187 ZA


RECIPIENT NAME (please print clearly)

~~Estate late AC Mentoor & MH Mentoor~~
 PO Box 14
 PNIEL
 7681

ELC

RIS

26/06

62

Unclaimed

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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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 gelever aan
Tristan Sandwith tristan@headland.co.za

71
155108
18/6

07/06/2018 03:24:27 PM
N 2018 56394 ZA (Mill Street) 0.010g
Fmt: R29.40 Less: R0.00
Tendered: R29.40
L10740-74037 2544330-6/4 04000157

V INSURED PARCEL

- Full Domestic tracking and tracing
- Domestic Enquiries:

ShareCall 0860 111 502 www.sapo.co.za
PA 478 563 946 ZA

A PA 478 563 946 ZA



D PA 478 563 946 ZA



RECIPIENT NAME (please print clearly)

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

P.T.O

26/06

Unclaimed

RFS

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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AANSOEKER
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

ANNEXURE F: OBJECTIONS

From: **Gabriel Jacobs** 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



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 Pniel". 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>
 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>
 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 Vonmolendorff <Ulrich.Vonmolendorff@stellenbosch.gov.za>, Benita Cyster <benita@lumleyspiace.com>, Steven Mentoor <mentoor@rhodesfoodgroup.com>, Antonette Parks <amparks14@gmail.com>, geliandavids@gmail.com <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.

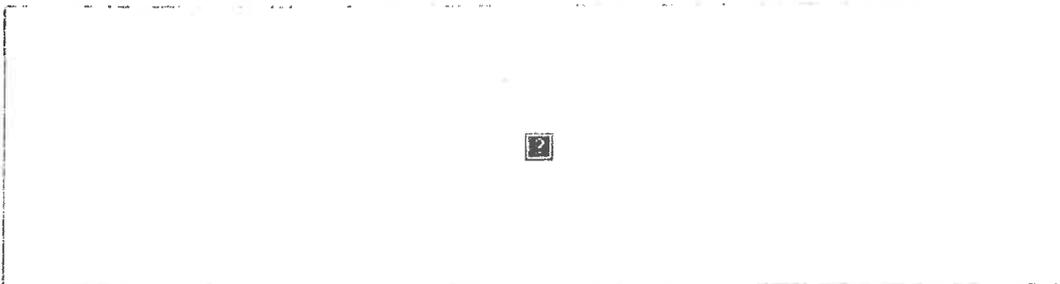
Regards
 Gabriel
 0828128061

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

Receipt acknowledged.

Kind regards,
 Tristan Sandwith

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



On 29 Jun 2018, at 2:04 PM, Earl J Cyster <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>

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

Petition list

Name and Surname	Address	Phone
BENITA CYRIL	5 Lumley Road, JHB	011 462 1000
Peter Cusack	Lumley Manor, P.O. Box 108	011 462 1000
SARAH Williams		011 462 1000
Sarah Williams		011 462 1000
GABRIEL JACOBS	1 BORG STREET, JHB	011 462 1000
Monty D. K. S.	1 BORG STREET, JHB	011 462 1000
ELAPNS JACOBS	1 BORG STREET, JHB	011 462 1000
Kwame Spinks	13 Lumley Street, JHB	011 462 1000
Nicole Doolas	13 Lumley St, JHB	011 462 1000
V. Doolas	3 Lumley Rd, JHB	011 462 1000
DEONNA A. JENKINS	16 Lumley Rd, JHB	011 462 1000
Ashley Phiso	16 Lumley St, JHB	011 462 1000
Brenda M. M. M.	15 Lumley St, JHB	011 462 1000
Bonnie M. M.	15 Lumley St, JHB	011 462 1000
Ruthy Meyer	17 Lumley St, JHB	011 462 1000

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 100m² and 120m² 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 m² – 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 425m² tot 715 m². 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 Franschoek 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 Johannesburg 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 Johannesburg 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 Johannesburg forum listed as an interested and affected party and did not receive notification nor being listed on official documentation as one
- **Character of village**, Johannesburg – “look and feel, ambiance” how will development affect us? Building or Architectural - style?;
- **Plot sizes** current average 350m² - proposed development sizes much smaller 99m² to 234m² - **our mandate is to keep it 350m² 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

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

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:

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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 Johannesdal. 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 specifics of the MSDF would not be appropriate to accommodate the proposed development.

OBJECTION TO PROPOSED APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURES:

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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 ± 140 cars will be generated together with an additional ± 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 ± 144 persons per ha (based on 4 persons per household), while the existing population density of the neighborhood is ± 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 Johannesburg 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 Johannesburg 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 Johannesburg.

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 Johannesburg.

OBJECTION TO PROPOSED APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURES:

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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:

- 99m² to 234m² (the average erf size in the area is **±350m²** 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.

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The property is situated adjacent to an important tourist rout. There are significant visual impact and heritage related constrains 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 (99m² to 234m²), 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 / Priel) 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 therefor 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
 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

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 Pniel". 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>
 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>
 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 Vonmolendorff <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>

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> wrote:
 Hi Earl

Receipt acknowledged.

Kind regards,
 Tristan Sandwith

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

On 29 Jun 2018, at 2:04 PM, Earl J Cyster <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

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 7th June 2018 to the 8th 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 8th 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 8th 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
1.1. Planning Motivation	
<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"> - The Integrated Development Plan including the Municipal Spatial Development Framework; 	<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"> - 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.

1.2. Character and Density	
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"> - 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. - Adds to the range of housing types and densities, allowing for a more affordable options for future residents.
1.2.2. The houses in the "Mountain View" development range from 280m ² to 300m ² 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 ² 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 ² and 715m ² , 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 (>10m).</p> <p>Landscaping design, approved by Heritage Western Cape, is to be implemented on the property.</p>
1.3. Traffic Impacts	
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 (±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>
1.4. Housing Need	
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 & 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>
1.5. Infrastructure and services	

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.
1.6. Other concerns/ requests	
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 Johannesburg, 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

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



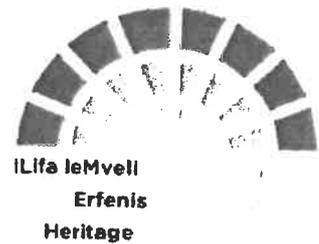
Tristan Sandwith
HEADLAND PLANNERS

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
 Tel: 021 483 9543
 Date: 04 March 2020

Lize Malan
 PO Box 3421
 Matieland
 7602



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 4th 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

Street Address

• Tel

• E-mail

• Postal Address

Street Address

• Tel

• E-pos

• Postadres

Idilesi yendawa

• 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
 Tel: 021 483 9543
 Date: 03 October 2018



Lize Malan
 PO Box 3421
 Matieland
 7602
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 Diamuka
 Chief Executive Officer, Heritage Western Cape

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



Director: Development Management
(Region 1)

REFERENCE: 16/3/3/6/B4/45/1175/18
ENQUIRIES: Samomay 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.

6th Floor, 1 Dorp Street, Cape Town, 8001
Tel: +27 21 483 5828/4349 Fax: +27 21 483 3098
E-mail: Samomay.Smidt@westerncape.gov.za

Private Bag X9086, Cape Town, 8000
www.westerncape.gov.za/eoadp

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 subdivisinal 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).

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)
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 5000m² in extent. An application should therefore be submitted to Heritage Western Cape;

B de la Bat

B de la Bat
MANAGER: SPATIAL PLANNING, HERITAGE AND ENVIRONMENT

FILE NO:	E 3 JD
COMPL. NO.:	
COLLABORATOR NO.:	598 270

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

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

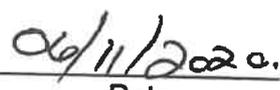
1. Development Bulk Levy Contributions are payable.
2. Please note that the Stellenbosch Municipality Electrical Department is the supply authority for the new development.

CONDITIONS

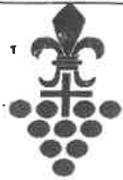
1. The electrical consulting engineer responsible for the development shall schedule an appointment with Manager Electricity Services (Engineering Services) before commencing with the construction of the development. As well as to discuss new power requirements if required.
2. The development's specifications 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



MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES
DIREKTORAAT: INFRASTRUKTUURDIENSTE

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

FOR ATTENTION : **Nicole Katts**

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

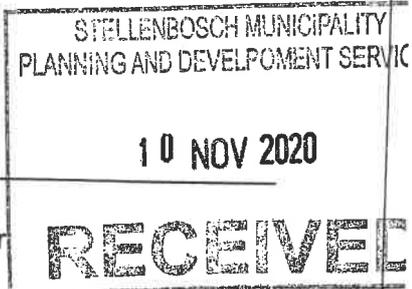
AUTHOR : **Tyrone King**

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:

- Definitions
- Recommendation to decision making authority

FILE NR:	
SCAN NR:	E 3 38
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), 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;

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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 m², 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;

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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;

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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

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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 3rd 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;

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- 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;

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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

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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;

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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

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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.

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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 1500m² and for which it is agreed that no detention facilities are required. The "Developer" needs to connect to the nearest piped municipal stormwater system with a stormwater erf connection which may not exceed a diameter of 300mm.

Roads

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.

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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;

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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
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;

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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 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.

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;

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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*";

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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";

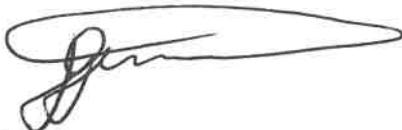
PROPOSED REZONING AND SUBDIVISION OF ERF 3, JOHANNESDAL

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 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, Johannesburg
Erf Size (m ²)	
Suburb	
Applicant	
Approved Building Plan No.	* Proposed Subdivision Plan Figure 3/02/03, dated March 2020 by headland Planners

SUMMARY OF DC CALCULATION

Unit(s)	Water	Sewer	Storm-water	Solid-Waste	Roads	Community Facilities	Totals
	kl/day	kl/day	kl/day	kl/week	trips/day	person	
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	

Bongiwe Zondo

From: Tyrone King <Tyrone.King@ Stellenbosch.gov.za>
Sent: Thursday, 06 May 2021 11:25
To: Bongiwe Zondo; Nigell Winter
Subject: FW: Erf 3 Johannesburg
Attachments: ERF 3 - Consultants 20210329-SITEPLAN5.pdf; Revised SDP (incl road, ref room info).pdf

Thanks Nigell

Bongiwe, I hereby confirm that the revised layout is acceptable from an engineering perspective.

Regards



Tyrone King Pr Tech Eng

Manager: Development
Infrastructure Services

T: +27 21 808 8214 | F: +27 21 883 9874
 1st Floor, Ecclesia Building, 71 Plein Street,
 Stellenbosch, 7600
www.stellenbosch.gov.za



Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:
http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

From: Nigell Winter
Sent: Thursday, 06 May 2021 11:19
To: Tyrone King
Cc: Bongiwe Zondo
Subject: RE: Erf 3 Johannesburg

Dear Tyrone, the impact of one extra erf along the cul-de-sac will be insignificant on the proposed traffic movement... based on the fact that this will be a private access development.

I am happy to accept the revised plans and recommend for approval.



Kind regards,

Nigell Winter

Manager: Traffic Engineering
Infrastructure Services

T: 021-808 8223/8222 | F: 021-883 9874
 Email: Nigell.Winter@stellenbosch.gov.za
 Stellenbosch Municipality

ANNEXURE N: TRAFFIC IMPACT ASSESSMENT REPORT



144

No 5 Kleinmelkbos, George Mellet Crescent, Melkbosstrand, 7441
Postnet Suite #347, Private Bag x1, Melkbosstrand, 7437

t: 021 553 4167 f: 086 559 5327

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
Postnet Suite 347
P/Bag x1
Melkbosstrand
7437

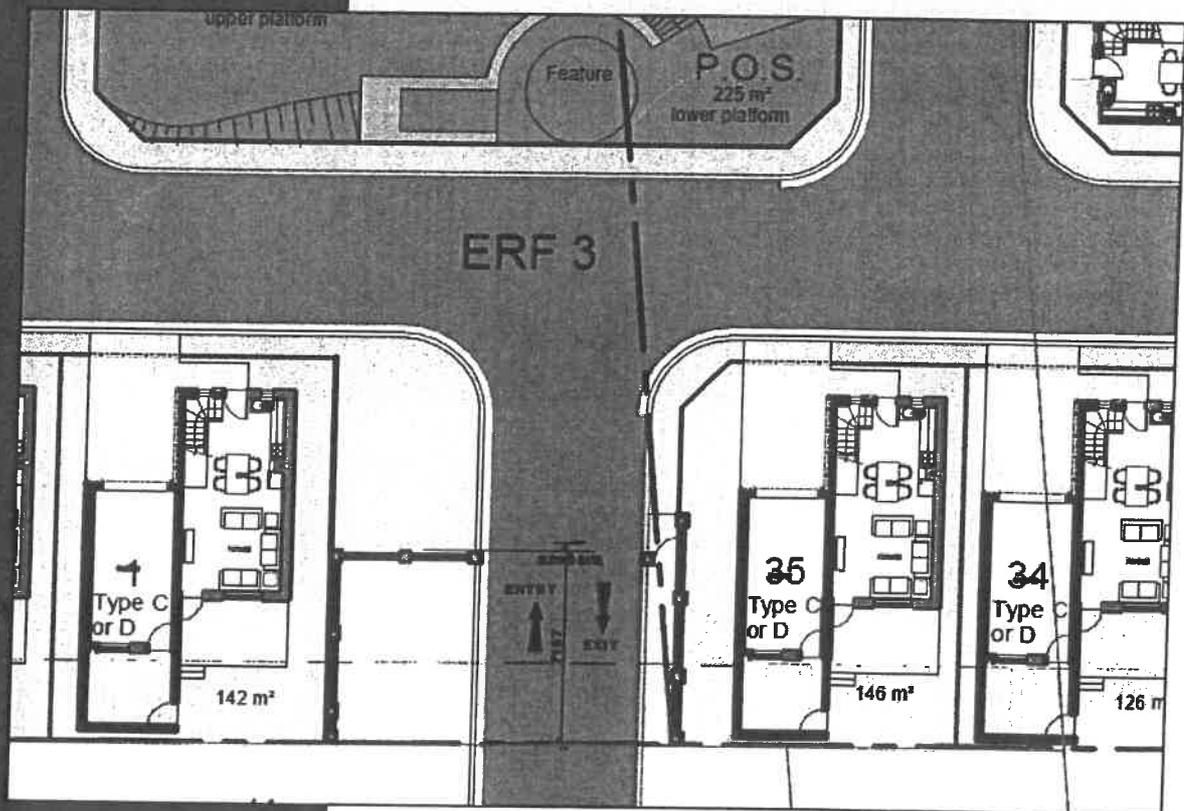
PREPARED FOR:
WINTER SQUARE DEVELOPMENTS
PO Box 1399
Kuilsrivier
7579

CONTACT PERSON:
Sarah Larratt
Tel no: +27 (83) 418 4241

CONTACT PERSON:
Mr Paul Winter
Tel no: +27 (82) 419 2676

TRANSPORT PLANNING AND TRAFFIC ENGINEERING

	<ul style="list-style-type: none"> • PM Peak Hour: 0.85 trips/dwelling unit (70:30) <p>The estimated peak hour trips are summarised in Table 2.</p>
<p>14. Development Trips <i>References: Figures 5 & 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"> • 30 total AM trips (7 inbound 23 outbound) • 30 total PM trips (21 inbound 9 outbound)
<p>15. Trip Distribution</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"> • Present traffic conditions • The nature of the development being residential <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"> • 40% to/from north along Helshoogte Road • 60% to/from south along Helshoogte Road <p>For the PM peak hour, the following distribution was used:</p> <ul style="list-style-type: none"> • 55% to/from north along Helshoogte Road • 45% to/from south along Helshoogte Road <p>The resulting development trips were assigned to the analysed intersection and added to the present (2019) traffic volumes.</p>
<p>16. Site Access</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 85th 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 85th 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)

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.

No additional NMT facilities are proposed or required.

21. Public Transport

Minibus taxis and bus services currently operate along Helshoogte Road. Ad-hoc public transport embayments/stops are located along Helshoogte Road.

No further public transport improvements are required.

22. Conclusions

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.

The main findings and conclusions are:

- This TIS is in support of the application for proposed residential development on Erf 3 in Johannesdal.
- The proposed development will consist of 35 units.
- 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).
- 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.
- At present, the study intersection is operating at good levels of service (LOS) during the AM and PM peak hours.
- With the development, the intersection is expected to continue to operate at good levels of service.
- The proposed access to the development will be off Sonnestraal Street approximately 80m from the Helshoogte Road/Sonnestraal Street intersection.
- The site access will have one lane in and one lane out and stacking space for approximately one vehicle (±6m) should be provided for at the entrance between the gate and the public street.
- Parking should be provided in accordance with the specified guidelines. The SDP indicates that there will be sufficient parking on-site.
- Refuse collection will happen at the top of the site from Morgenster Road.
- Pedestrian demand on Sonnestraal Street is low. No additional facilities are proposed.
- The area is well serviced by public transport therefore, no further public transport improvements are required.

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.

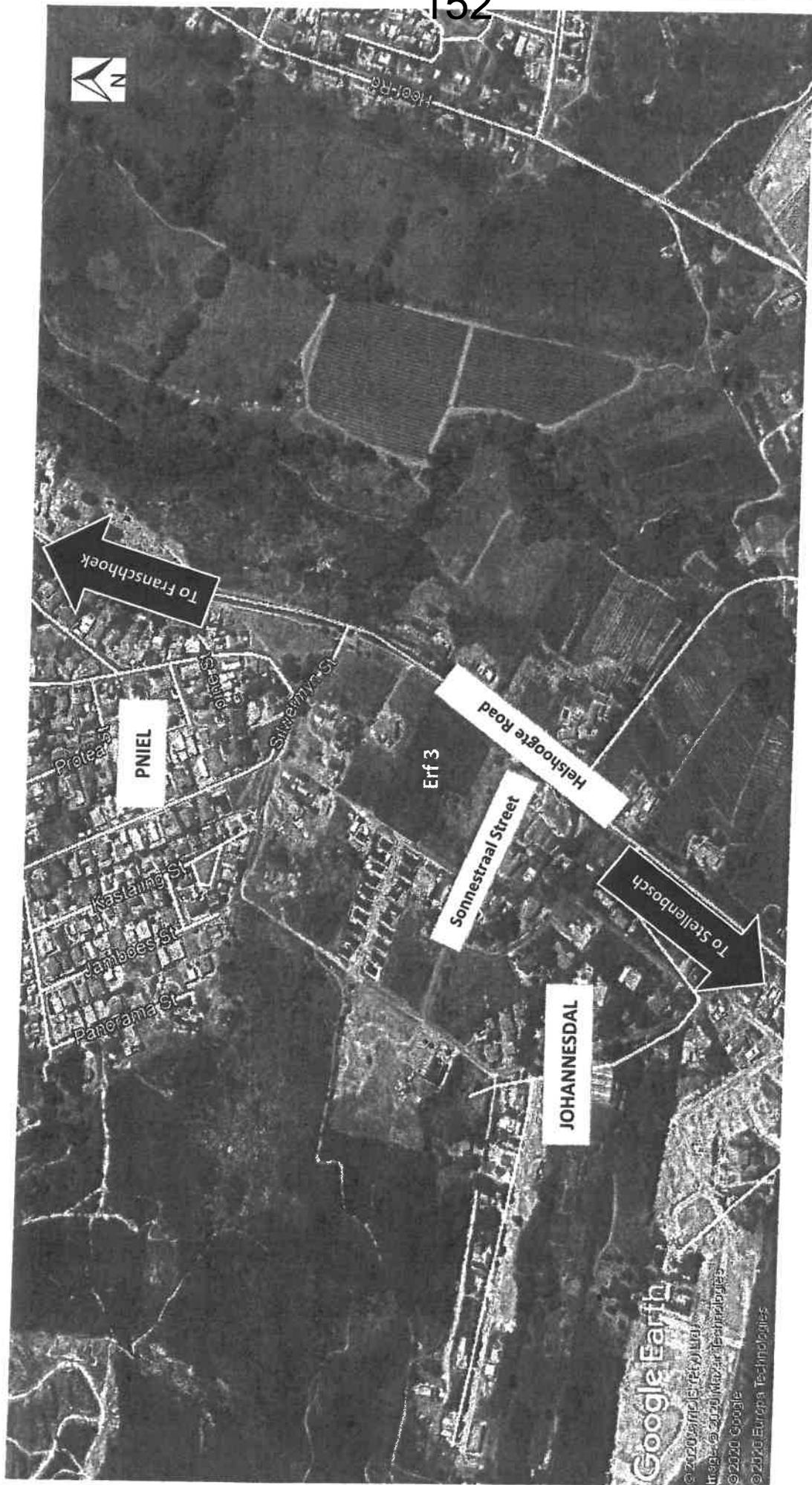
REFERENCES

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

9

9



Project:

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

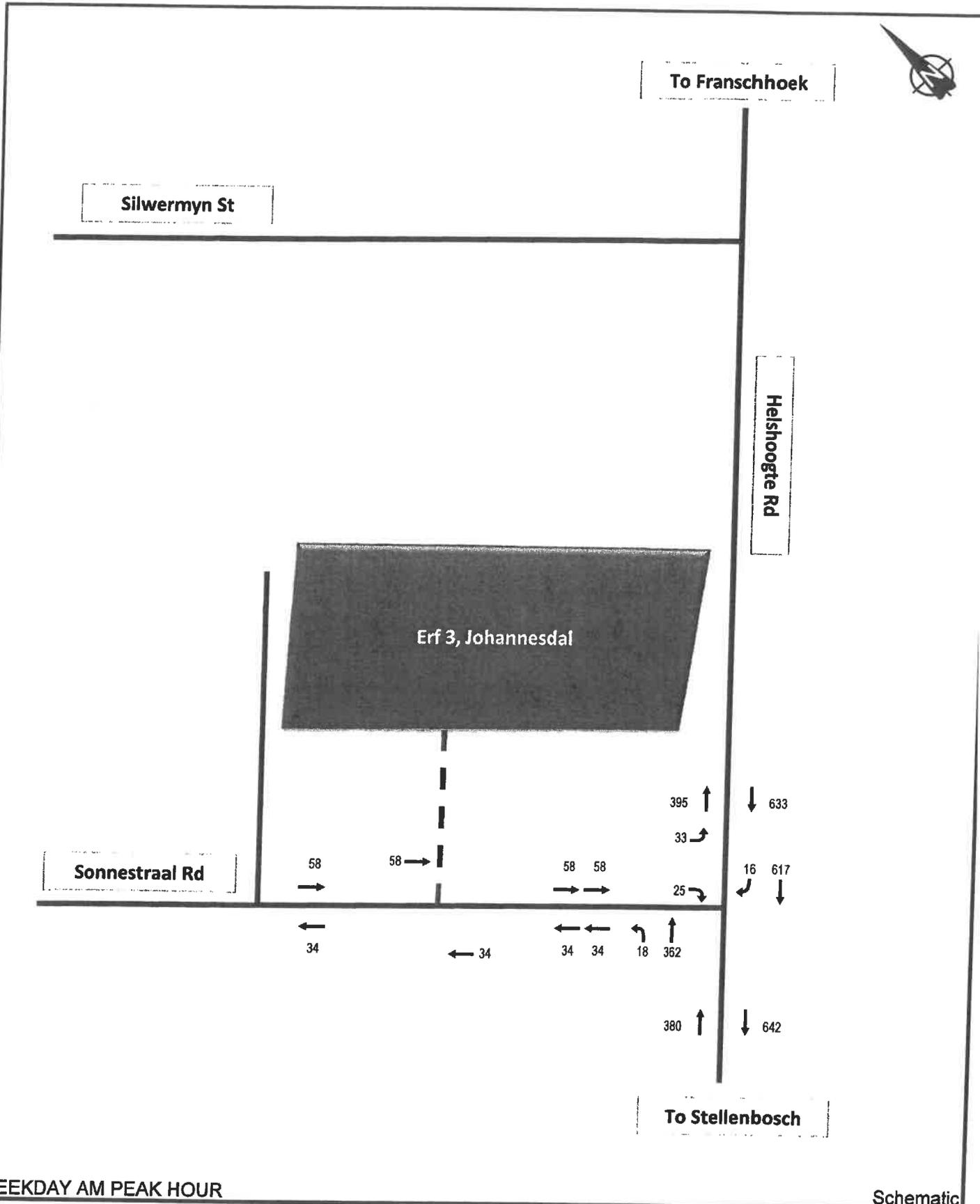
PROPOSED RESIDENTIAL DEVELOPMENT ERF 3, JOHANNESDAL

Job No: STUR0274

LOCALITY PLAN

Figure:

1

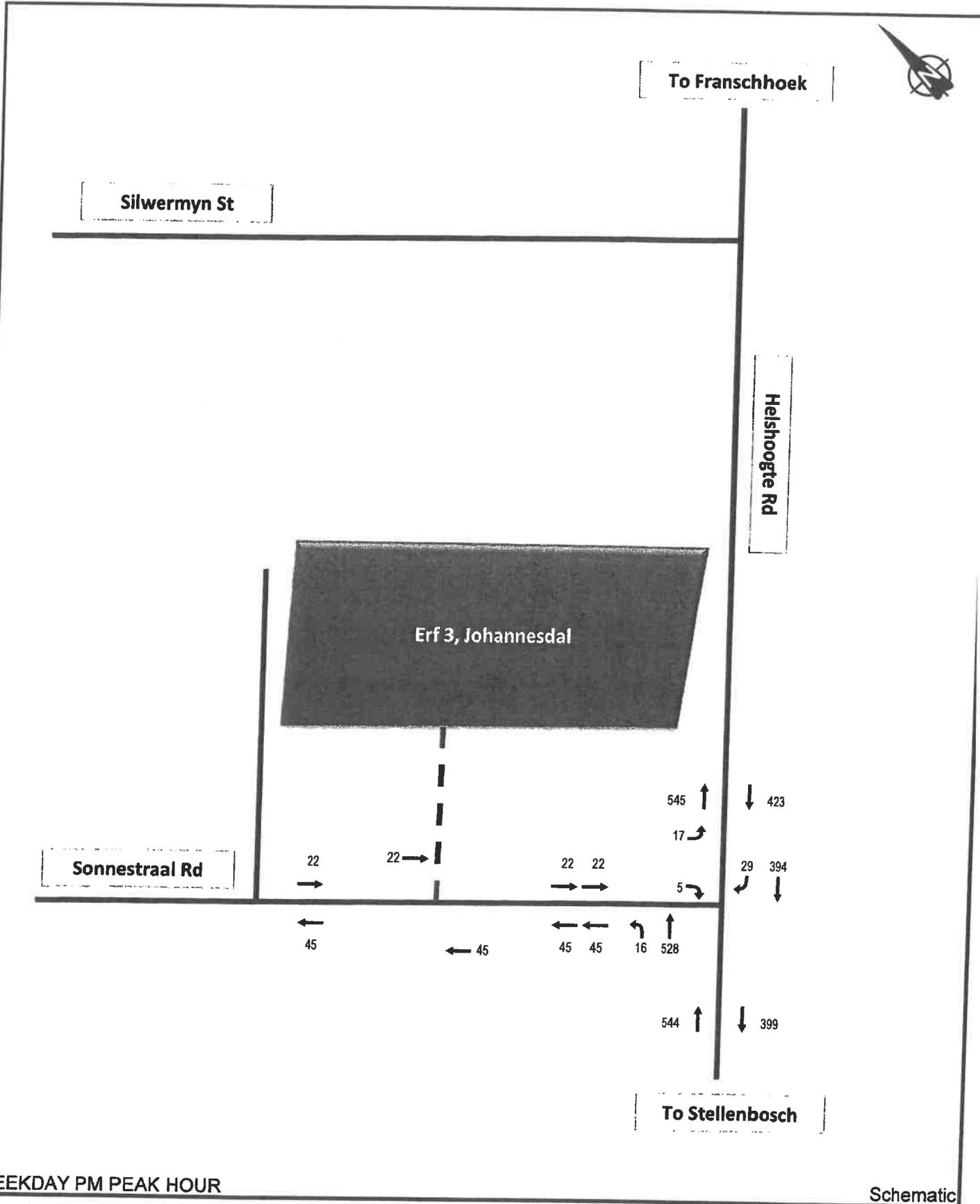


Proposed Residential Development Erf 3, Johannesburg

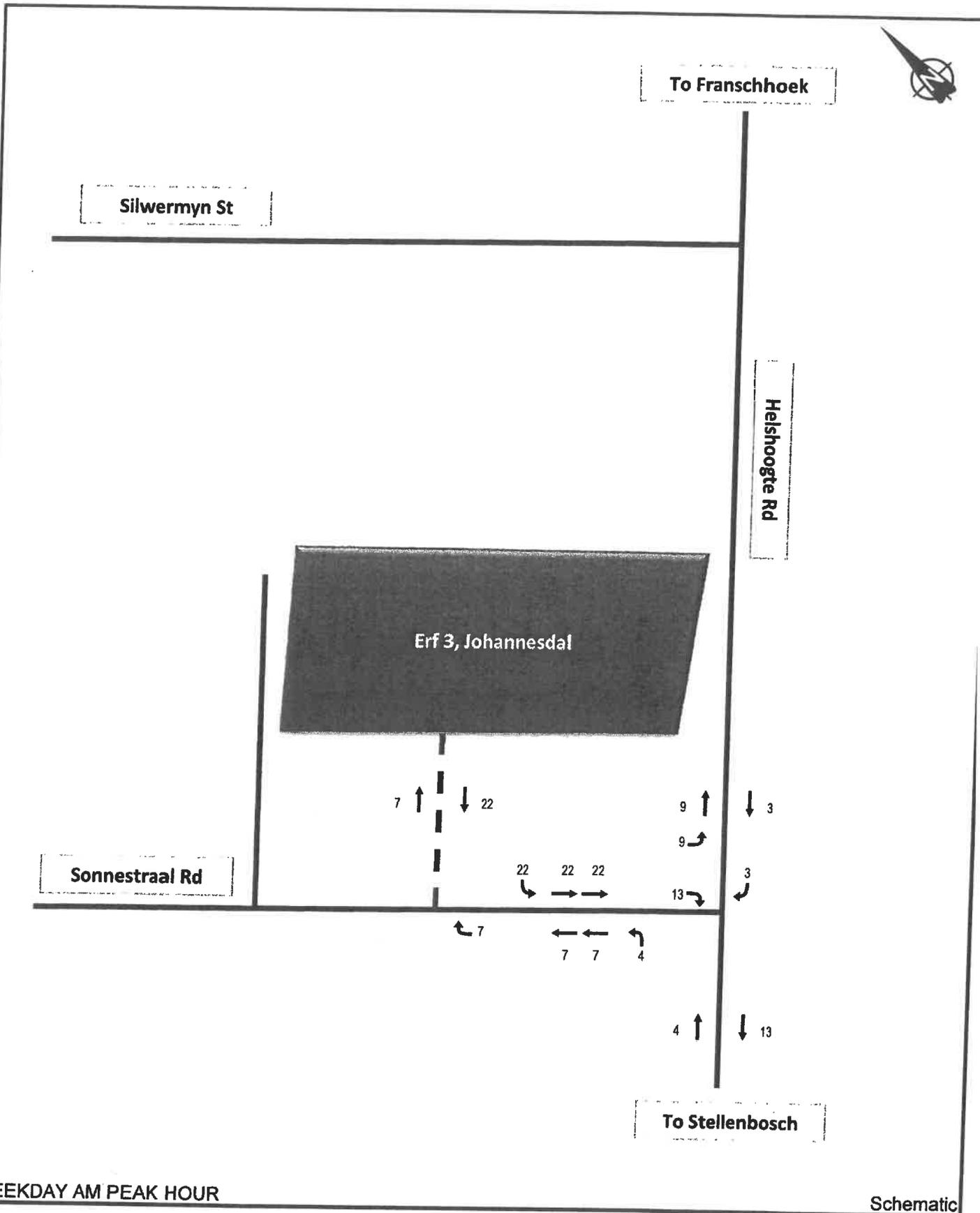
Present Traffic Demand (2019)

Job Ref No:
STUR0274

Fig:
3



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



WEEKDAY AM PEAK HOUR

Schematic

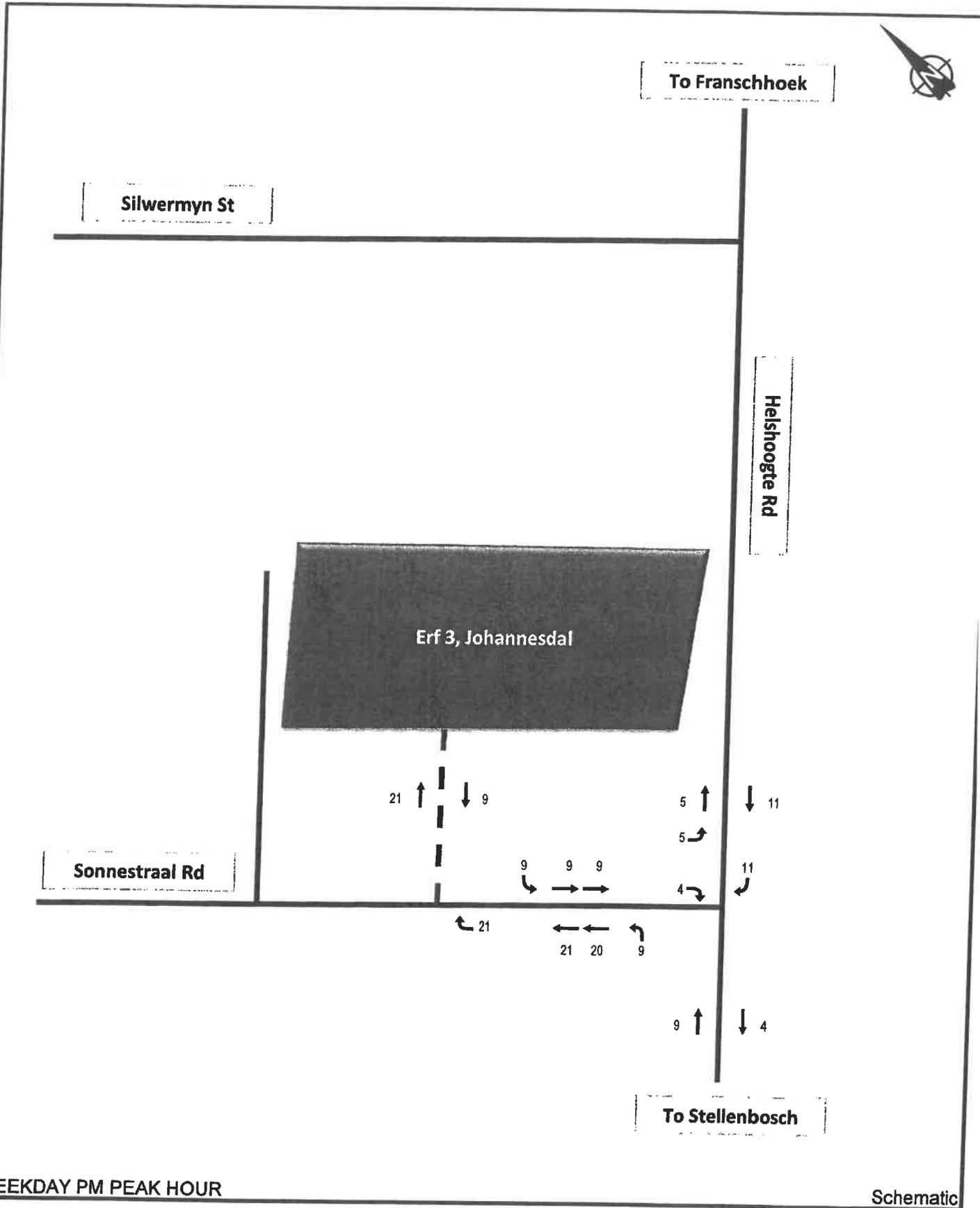


Proposed Residential Development Erf 3, Johannesburgdal

Job Ref No:
STUR0274

Development Traffic

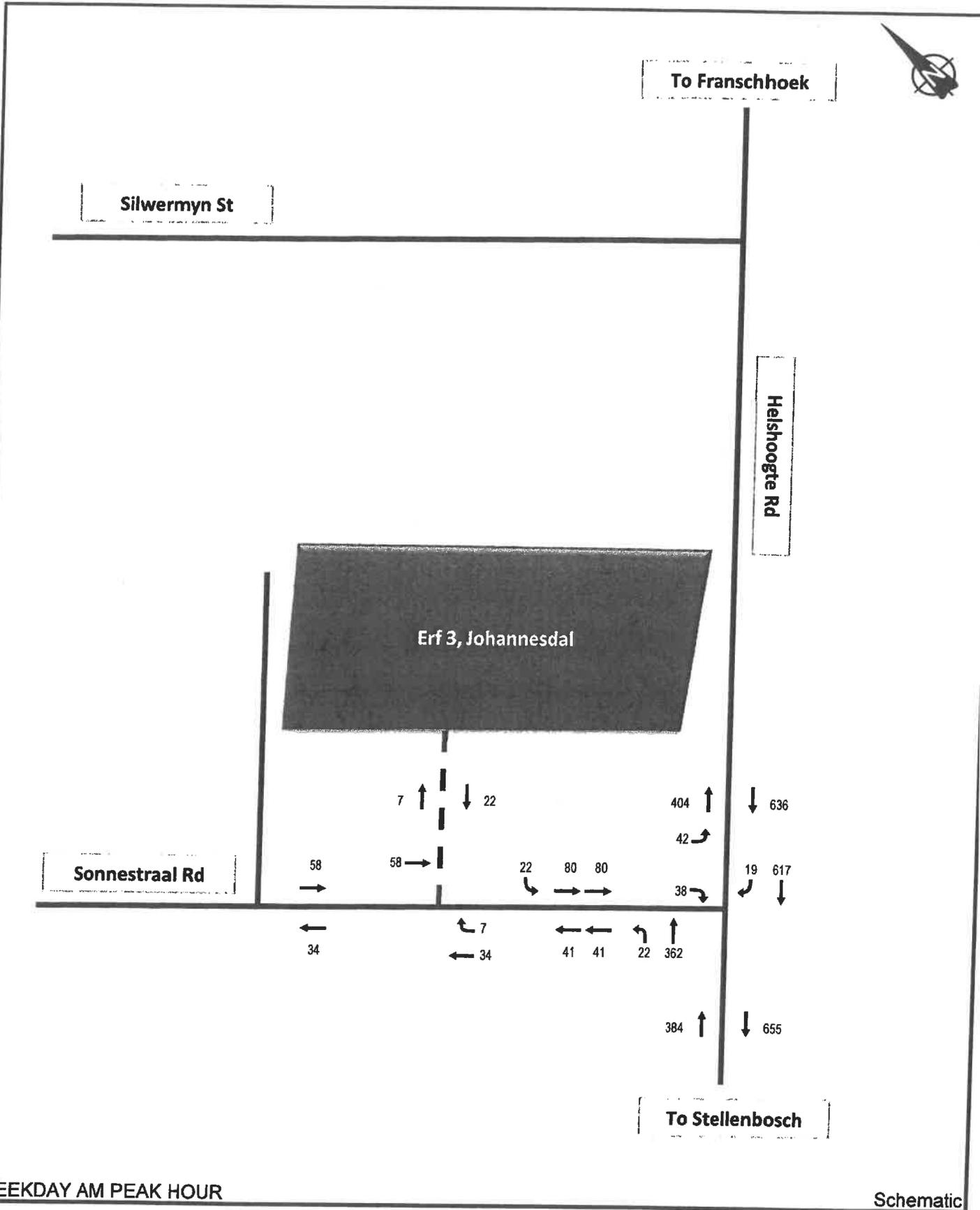
Fig: **5**



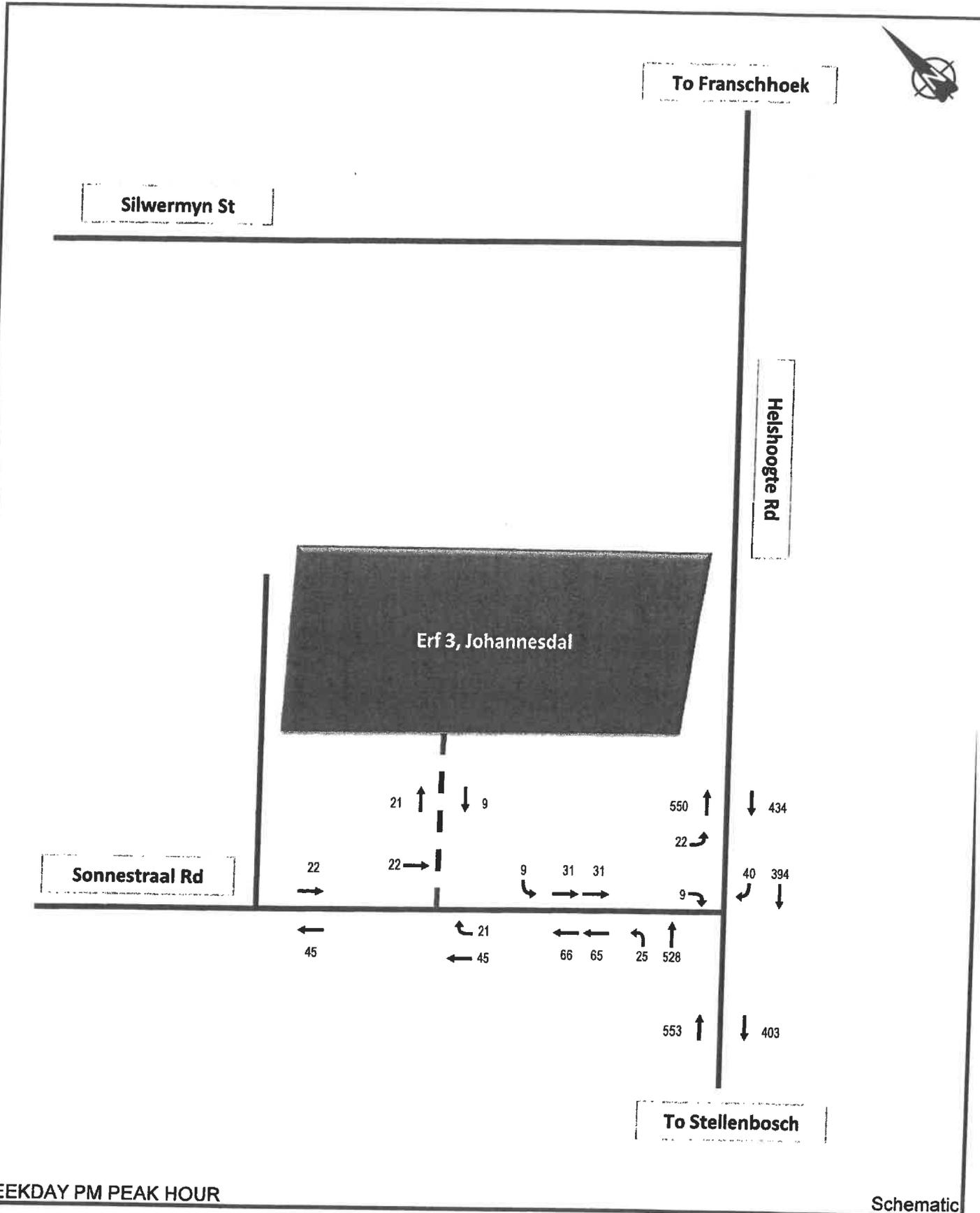
WEEKDAY PM PEAK HOUR

Schematic

	Proposed Residential Development Erf 3, Johannesburgdal	Job Ref No: STUR0274
	Development Traffic	Fig: 6



	Proposed Residential Development Erf 3, Johannesdal	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

Table 1: Peak Hour Traffic Conditions at Helsehoogte 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

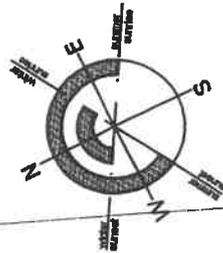
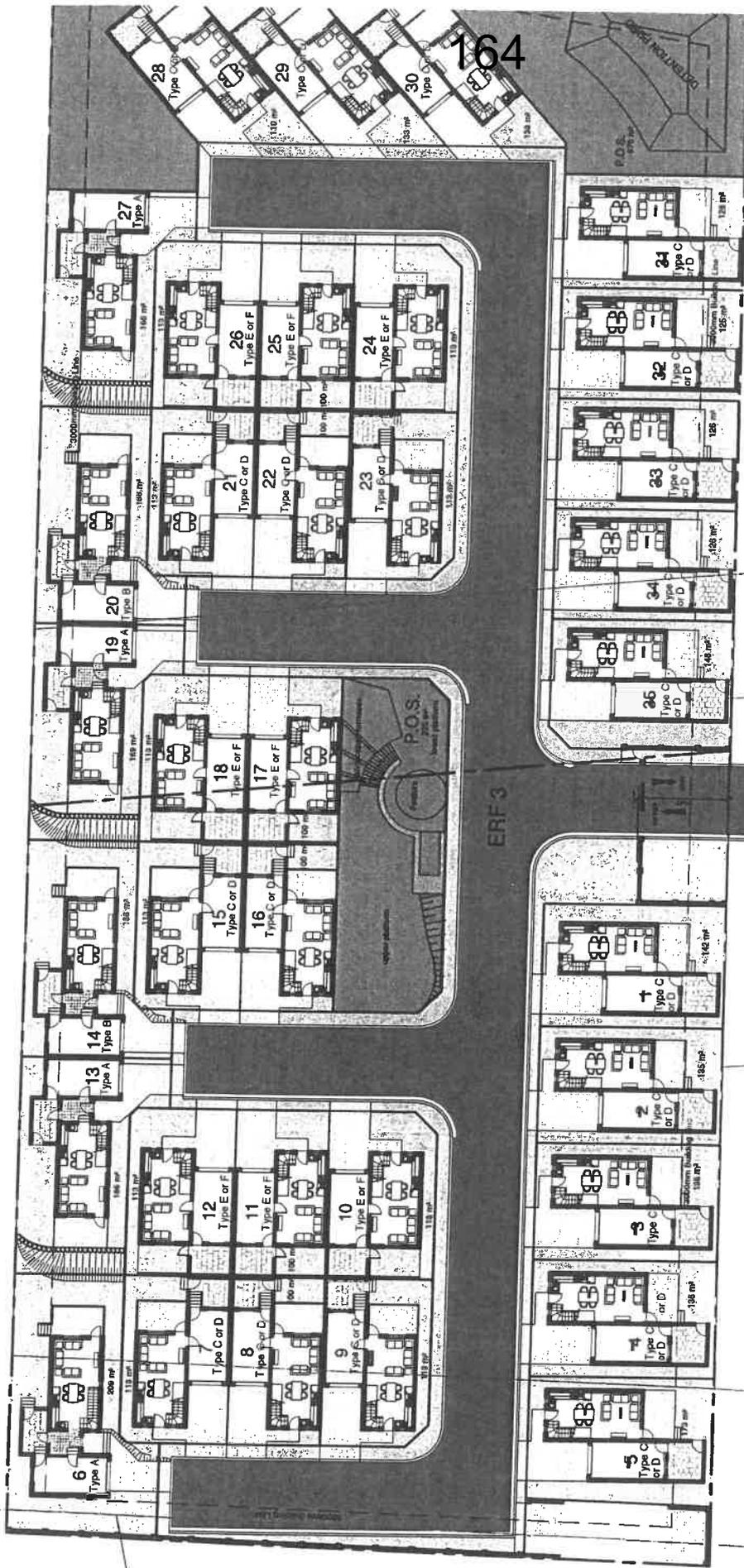
Table 3: Estimated Peak Hour Trips

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 th 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)



8

8

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 
TITLE: PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 3, JOHANNESDAL: TRAFFIC IMPACT STATEMENT			
CARRIED OUT BY: 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: barend@sturgeonsa.co.za		COMMISSIONED BY: Winter Square Developments PO Box 1399 Kuilsriver 7570 Mr Paul Winter Email: paulw@nationhousing.co.za	
SYNOPSIS: 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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Figure 6: Development Traffic (PM)

Figure 7: Present AM Traffic Demand plus Development (2019)

Figure 8: Present PM Traffic Demand plus Development (2019)

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

Table 2: Proposed Trip Generation Rates

Table 3: Estimated Peak Hour Trips

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

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.

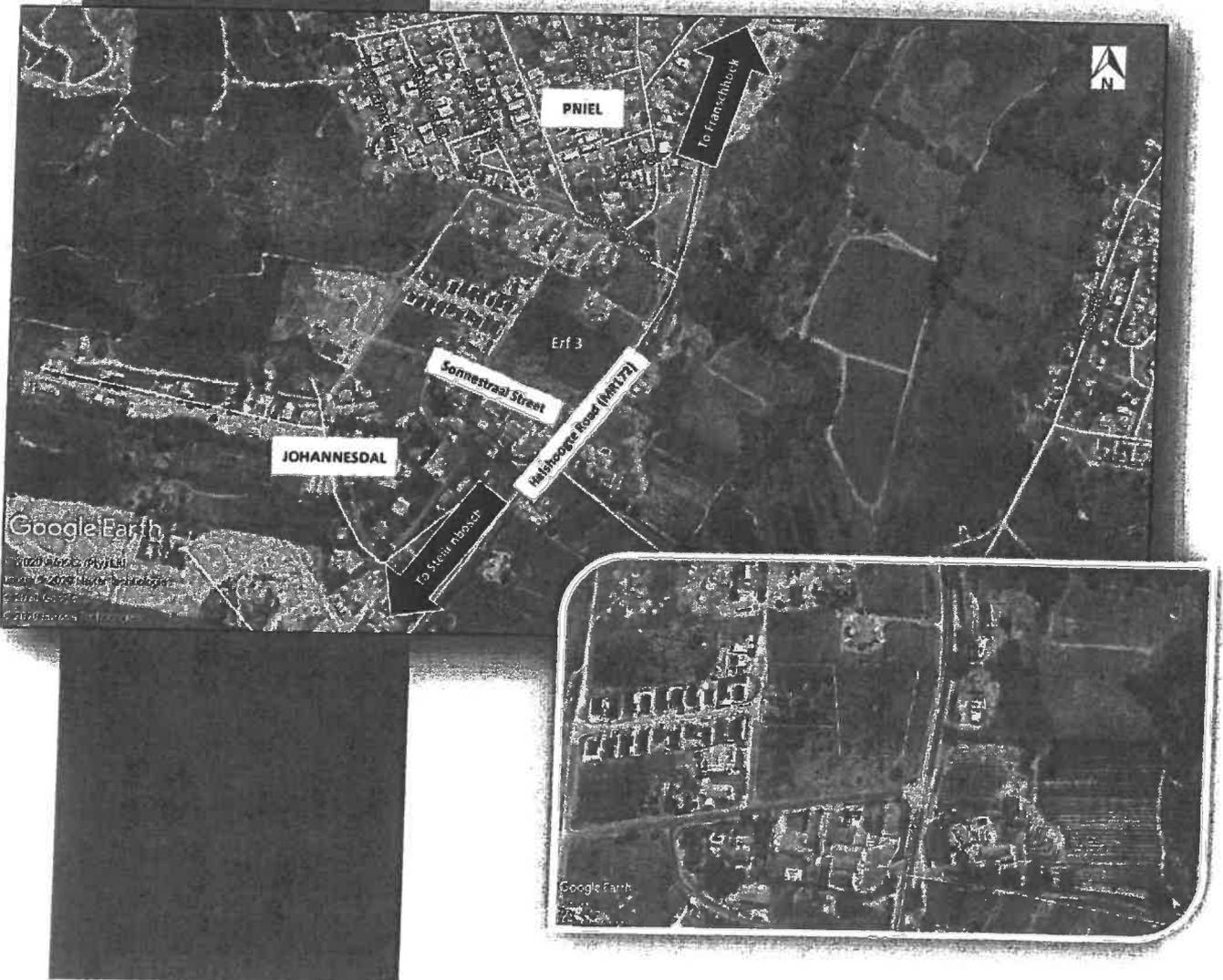
Sturgeon Consulting (Pty) Ltd has been appointed by Winter Square Developments to undertake the traffic impact statement for this project.

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.



3. Scope of Work

The scope of work included in this TIS covers the following traffic engineering aspects:

- Site observations
- Existing traffic flows in the vicinity of the development
- Existing & future road network planning
- Trip generation for the proposed development
- Traffic flow analysis
- Recommended road upgrades if necessary
- Non-motorised Transport (NMT) and Public transport
- Access assessment
- Parking requirements

4. Proposed Development
Reference: Figure 2 & Appendix C

The erf is currently vacant. The total site is approximately 7 238m² in extent.

The proposed residential development will accommodate 35 townhouses.

5. Land Use/Zoning

Multi-Unit Residential Zone (MUR)

6. Existing Access

There is currently no access to the subject properties. The new site access location will be discussed in **Section 16**.

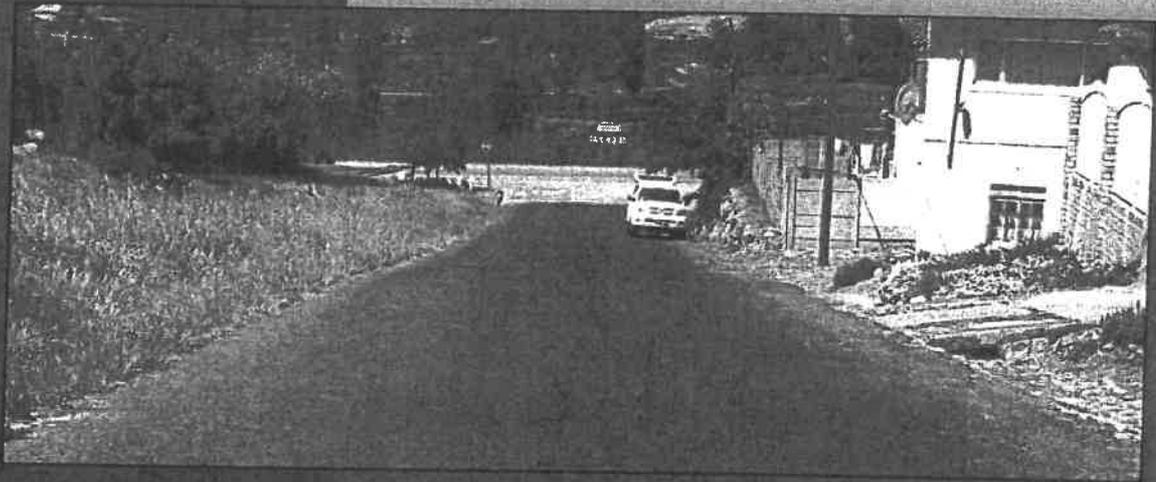
7. Existing Roadways

The major roads in the vicinity of the site are as follows:

Helshoogte Road (MR172): 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.



Sonnestraal Street: This street is a class 5 residential access two-lane road and no sidewalks.



8. Future Road Network

No major future road network changes are foreseen in the vicinity of the proposed development.

9. Analyses Hours

Peak period traffic counts were undertaken on Tuesday, 15 October 2019. The peak hours are as follows:

Weekday AM peak hour 07:00 to 08:00

Weekday PM peak hour 16:45 to 17:45

10. Scenarios Analysed

- 2019 Present Traffic Demand
- 2019 Present Traffic Demand with development trips

Intersection analyses were done using SIDRA Intersection software (version 8).

11. Study Intersections

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:

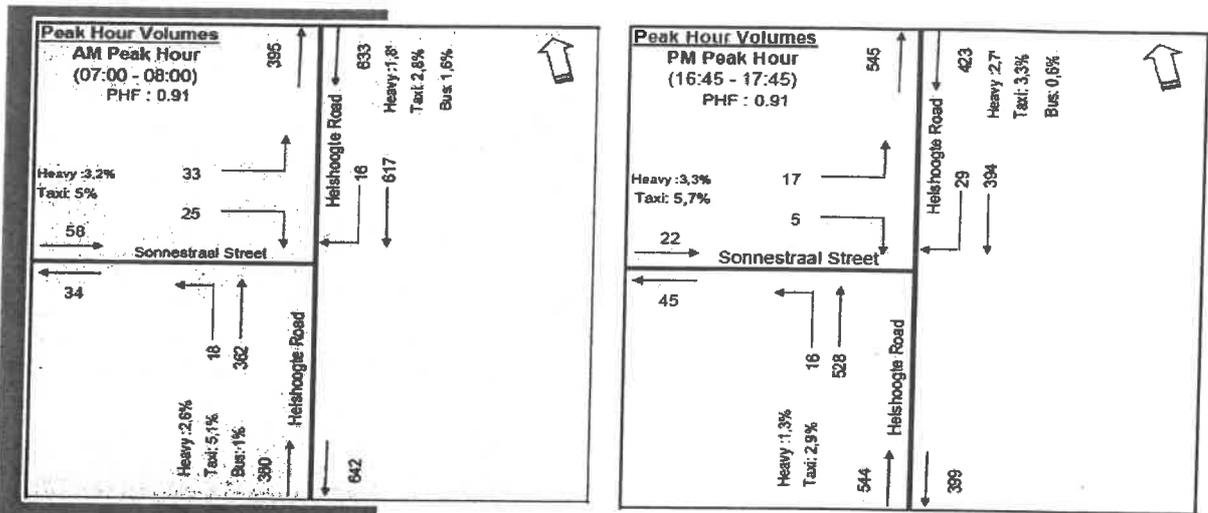
1. Helshoogte Road (MR172)/Sonnestraal Street (Stop-controlled)

12. Existing Operations

References: Figure 3 & 4, Table 1

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.

The present traffic demand on the surrounding road network can generally be described as moderate.



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 ± 40:60 in the AM peak hour and ± 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 (±640 vph) and northbound in the PM peak (±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,
South Gate Entrance, Carl Cronjé Drive,
Tyger Valley Waterfront, BELLVILLE, 7530

Tel: +27 (0)21 914 0300 / Fax: +27 (0)21 914 0437
E-mail: bellville@lyniers.co.za / Website: 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 100m² and 120m². 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:

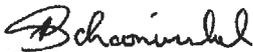
- i) New 11kV connection and minisub by Drakenstein Municipality
- ii) New low voltage distribution network by the developer from the new minisub

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 | www.gls.co.za

Directors: A Bohbot, JW King, Z Mayot, BF Loubser, JJ Streicher and LC Geustyn

an **EQH** 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

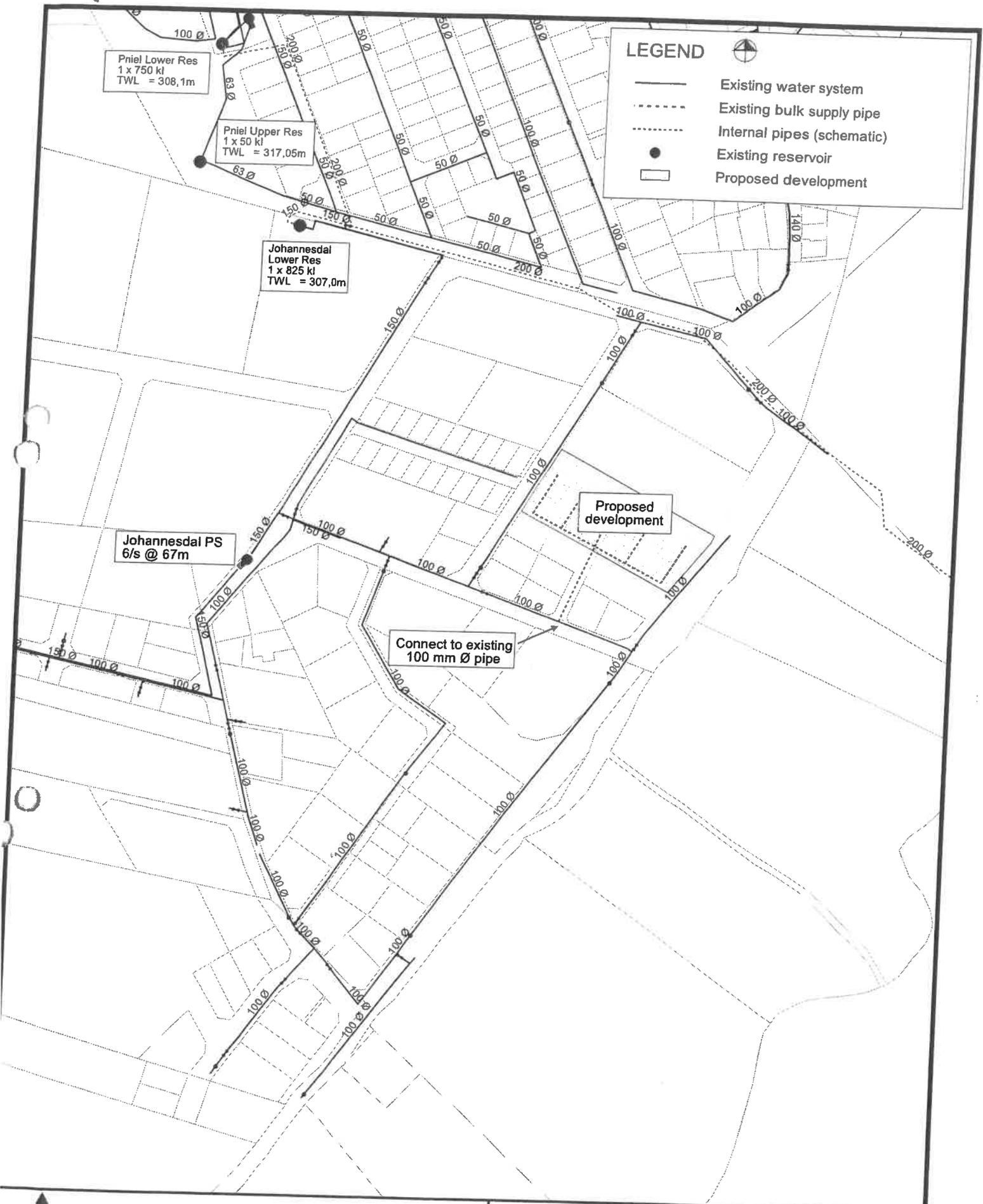
GLS CONSULTING (PTY) LTD
REG. NO.: 2007/003039/07



Per: PC DU PLESSIS

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

Attention: Mr Adriaan Kurtz

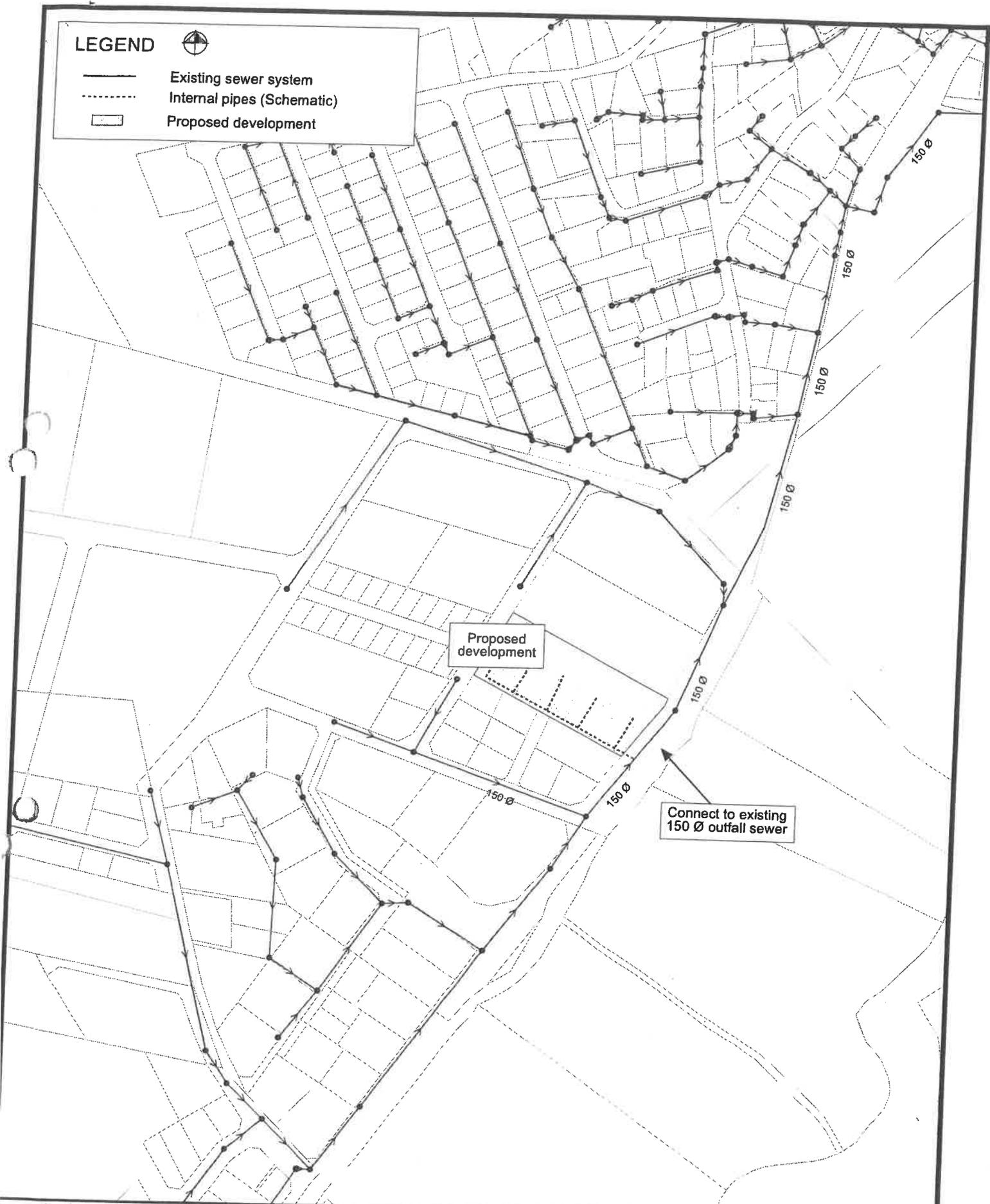


January 2018

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

Bongiwe Zondo

From: Tristan Sandwith <tristan@headland.co.za>
Sent: Monday, 19 April 2021 17:17
To: Stiaan Carstens
Cc: Chrizelle Kriel; Bongiwe Zondo
Subject: [EX] URGENT: Erf 3 Johannesburg
Attachments: ERF 3 - Consultants 20210329-SITEPLAN[5].pdf

Importance: High

Dear Stiaan, Chrizelle and Bongiwe

My brief telephone conversation with Stiaan last week refers.

Firstly, we have not yet received any correspondence/notification from the Municipality regarding the outcome of the MPT meeting. This is critical as it is the basis to which we must respond with a revised development proposal.

Secondly, the client and their architectural team have prepared two **feasible** draft revisions to the development proposal (of which the preferred option 2 is attached) which have the following significant changes:

Average erf size has increased:

Development Proposal	Original	Option 1	Option 2
Average erf size	129.17m ²	151.9m ²	152.03m²

In addition to the size and number of erven proposed:

- a number of parking bays included for visitors within cul-de-sacs.
- walls surrounding drying yards have been removed to eliminate any departure from 3m common building lines.
- ~~950m² of defined private open space plus 2042m² open space surrounding dwellings in road reserves and on the land units themselves.~~
- Combined, approximately 3000m² of landscaped space exists in the development. This amounts to more than **41% of the erf area covered in landscaping**. The balance is houses, roadway, and outside paved areas (stoeps, yards) which are also usable outdoor spaces.

As discussed, we would like to set up a **virtual meeting** to present the development proposal and to discuss the way forward. Please will you allocate an hour of your time for this meeting.

Thanks, and regards,

Tristan Sandwith
 Pr.Pl n A/2957/2020
 c: +27 (0)82 449 1801
 web: www.headland.co.za



Average erf size has increased:

Development Proposal	Original	Option 1	Option 2
Average erf size	129.17m ²	151.9m ²	152.03m ²

In addition to the size and number of erven proposed:

- a number of parking bays included for visitors within cul-de-sacs.
- walls surrounding drying yards have been removed to eliminate any departure from 3m common building lines.
- 950m² of defined private open space plus 2042m² open space surrounding dwellings in road reserves and on the land units themselves.
- Combined, approximately 3000m² of landscaped space exists in the development. This amounts to more than **41% of the erf area covered in landscaping**. The balance is houses, roadway, and outside paved areas (stoeps, yards) which are also usable outdoor spaces.

As discussed, we would like to set up a **virtual meeting** to present the development proposal and to discuss the way forward. Please will you allocate an hour of your time for this meeting.

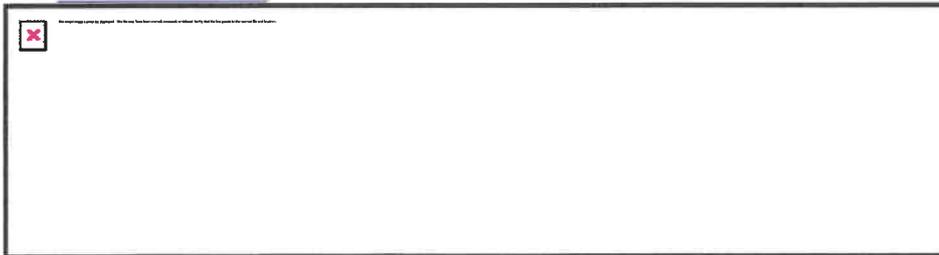
Thanks, and regards,

Tristan Sandwith

Pr.Pln A/2957/2020

c: +27 (0)82 449 1801

web: www.headland.co.za



Bongiwe Zondo

From: Bongiwe Zondo
Sent: Monday, 10 May 2021 10:33
To: 'Tristan Sandwith'; Stiaan Carstens
Cc: Chrizelle Kriel; Paul Winter; Heinrich Mostert; Claus Mischker
Subject: RESPONSE TO THE REVISED SDP FOR ERF 3 JOHANNESDAL DEVELOPMENT
Attachments: Lenacia Minutes MPT-19 March 2021-OFFICIAL signed-06 April 2021.pdf

Morning Tristan

Please find below our Town Planning department response regarding the revised SDP for Erf 3 Johannesburg:-

Attached are the minutes of the last MPT meeting which is the official communication from the Municipality regarding the outcome of the MPT meeting. The responses below is this Departments views in reaction to the amendments to address the concerns that the MPT have raised and it needs to be noted that it may not necessarily reflect the views of the MPT.

The concerns regarding:-

1. "Relatively small Erf sizes (from 100 m²) which are not in character with the rural node of Johannesburg "
The current proposed average Erf sizes of 152.03m² with the associated lower density and character of the development are an improvement and, and due regard for the need for densification and affordability, better suited for the context of the receiving environment.

2. "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 formal open spaces, together with the lower density and resulting increased non-developed areas, increases and improves the functional open space.

3. "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"~~
The additional parking bays included for visitors within the cul-de-sacs and lower density is an improvement.

4. "The need for Departures"
(Walls surrounding drying yards have been removed to eliminate any departure from 3m common building lines).
The removal of the Departures is noted and is desirable to prohibit the possible roofing of these court yards for storage etc.

5. Gated Development
It is noted that the concerns raised on the gated nature of the proposed development in context of its central location in the town area and abutting the main road, has not been addressed. The development therefore does not integrate well with abutting properties / areas and serves as a barrier and potentially sterilises the area. The rational of this aspect of the development therefore needs to be strongly motivated.

Kind regards

Bongiwe Zondo

Senior Town Planner

PO Box 197 Edgemoed 7407
 e-mail: tristan@headland.co.za
 www.headland.co.za

Your Reference: LU/7472
 Our Reference: JD3

For Attention: Bongwiwe Zondo
 Stellenbosch Municipality
 Planning & Economic Development
 Per email: Bongwiwe.Zondo@ Stellenbosch.gov.za

Date: 20 May 2021

Dear Bongwiwe

RESPONSE TO MUNICIPALITY'S COMMENT ON THE REVISED SITE DEVELOPMENT PLAN: ERF 3 JOHANNESDAL

Your email correspondence and letter with above case ID, dated 3rd May 2021 have reference. Your additional information requests are dealt with sequentially below.

1. "Relatively small Erf sizes (from 100 m²) which are not in character with the rural node of Johannesburg"

"The current proposed average Erf sizes of 152.03m² with the associated lower density and character of the development are an improvement and, and due regard for the need for densification and affordability, better suited for the context of the receiving environment."

The department's revised comment is noted.

2. "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 formal open spaces, together with the lower density and resulting increased non-developed areas, increases and improves the functional open space."

The department's revised comment is noted.

3. "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"

"The additional parking bays included for visitors within the cul-de-sacs and lower density is an improvement."

The department's revised comment is noted.

4. "The need for Departures" (Walls surrounding drying yards have been removed to eliminate any departure from 3m common building lines).

"The removal of the Departures is noted and is desirable to prohibit the possible roofing of these court yards for storage etc."

The department's revised comment is noted.

5. Gated Development

"It is noted that the concerns raised on the gated nature of the proposed development in context of its central location in the town area and abutting the main road, has not been addressed. The development therefore does not integrate well with abutting properties / areas and serves as a barrier and potentially sterilises the area. The rational of this aspect of the development therefore needs to be strongly motivated."

- 5.1. To the first component of the Municipality's comment: "It is noted that the concerns raised on the gated nature of the proposed development in context of its central location in the town area and abutting the main road, has not been addressed."

Erf 3, Johannesdal takes access from an unbuilt road section from Sonnestraal Street, approximately 80m from the intersection of the latter with Helshoogte Road to the east. The access point is noted in the transport impact statement per the image included below. The proposed access is neither from Helshoogte Road, nor restrictive of any other erf access in Johannesdal, as will be further motivated hereunder.



Figure 1: Road network and access configuration

- 5.2. To the second component of the Municipality's comment, "The development therefore does not integrate well with abutting properties / areas and serves as a barrier and potentially sterilises the area."

The property is one of only four sites (erven 3, 9, 10 & 12, Johannesdal) which take access from this unbuilt road section, as can be noted in the figure 2 showing the cadastral boundaries. Red arrows indicate access points from the unbuilt road and blue arrows indicate access points from existing roads.



Figure 2: Access points from existing vs. unbuilt road network

The remaining properties either have direct access to either Sonnestraal Street (fully serviced) or from Morgenster Street (previously tarred and in the process of being fully serviced) which lie to the south and west respectively. Morgenster Street connects Johannesdal with Pniel to the North, and Sonnestraal Street with properties to the west.

It is arguable that a new development in the area will bring much needed reinvigoration to the market. Not imposing any impact on access to and from existing properties from the existing road network also means that no surrounding properties will be "sterilised" as a result of the development. The contrary is more likely, in that the development of erf 3 will unlock the development potential of other properties in Johannesdal, strengthening the market and the Municipality's rates and tax revenue base.

5.3. To the final component of Municipality's comment, "The rational of this aspect of the development therefore needs to be strongly motivated."

The rationale of the secure development is twofold. Firstly, it provides the opportunity for dwellings inside the development to need very little individual security. Secondly, it increases the marketability of the development.

In respect of individual security for dwellings, the result is a development which appears less constrained by boundary walls and fences. Permeable boundary fencing allows the development to be less visually obtrusive, which was a consideration of Heritage Western Cape's in assessing and approving the development.

The development to the direct west of erf 3 (located on Sonskyn Street) provides an example of how properties can appear denser and less integrated even if they are of a larger size and not located within a gated estate. This is mostly due to solid boundary treatments and security gates for individual properties. Whereas, with communal security and access control in the proposed development, a more open and integrated feel is achievable whilst maintaining a level of safety and security for residents.

Secondly, security is a function of the marketability of the development, and it is a high priority of potential buyers to have secure access to and from their residence. This is both to deter criminal elements from targeting single homes, but also to maintain a safe and secure environment internally for residents. The latter would not be possible whilst maintaining a level of openness and freedom within the development.

In terms of the revised proposal put forward, there is a considerable reduction in saleable units. For the developer to maintain a feasible development, value needs to be provided to future purchasers whilst maintaining a bottom line that will keep them in business. This needs to be both apparent value at sale, as well as a genuine and realisable increase in value into the future.

Furthermore, with the high initial costs of land as well as development contributions to the Municipality and servicing costs, it is impossible to achieve a sale price needed to cover these costs without providing this apparent value.

The market research done thus far has indicated that a safe and secure, lock up and go product is in demand. This has provided the necessary motivation to plan the secure development as proposed.

5.4. Additional motivation for the secure, gated development is as follows:

- Maintenance and management of all internal services is the responsibility of a homeowners' association, relieving the Municipality of the financial and administrative burden.
- Refuse collection takes place from a single, combined pickup point which makes the task of Municipal refuse collectors much more efficient.
- By allowing a secure environment the combined open space and cul-de-sacs can operate as a functional whole, something that cannot occur if one builds boundary walls around properties.
- Landscaping and boundary treatment means that the visual impact of the development is much lower than that of surrounding single dwelling residential units, despite the latter being larger properties.

The Municipality has recently approved two similar private and gated developments in the vicinity of Johannesdal and Pniel, this is relevant as the decision maker must be consistent in their actions:

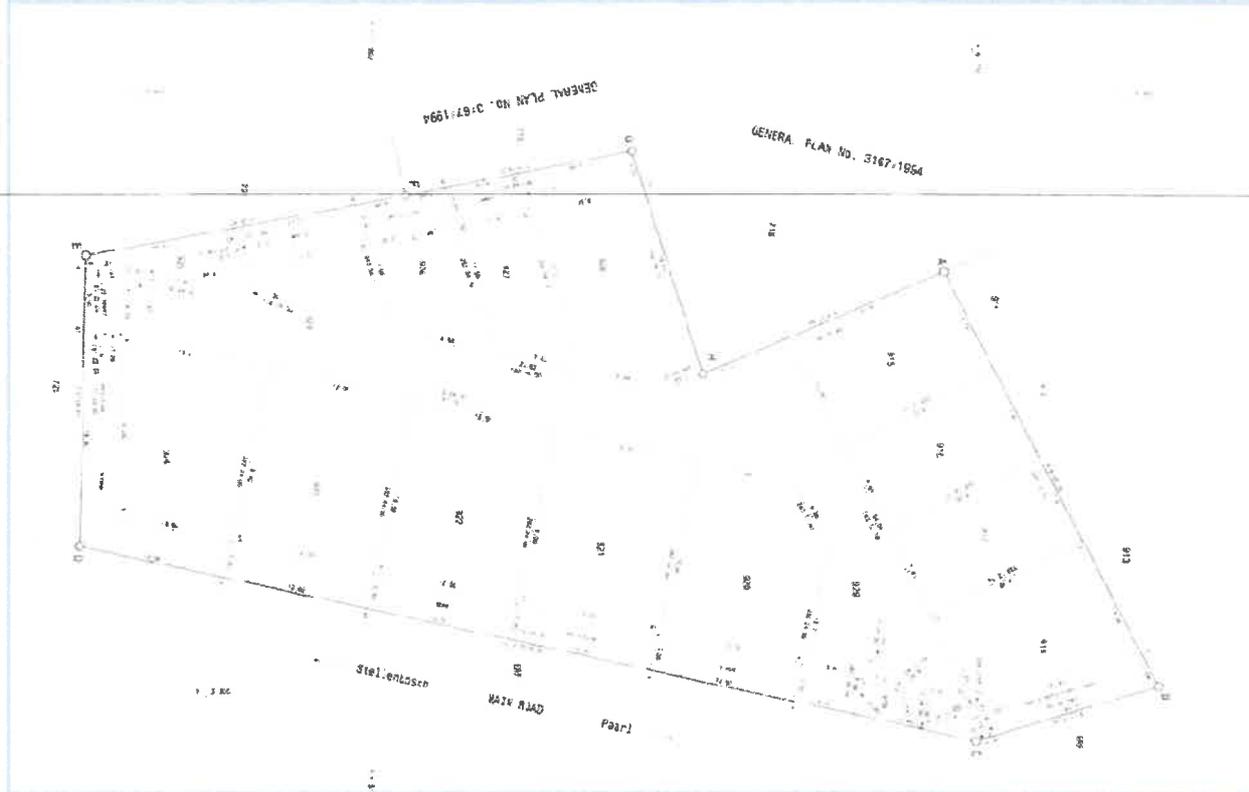
Portion 2 of Farm 1331: A gated and secure development of 16 units ranging from 229m² to 341m² with an average erf size of ±285m². As can be seen from the below extract from the Municipal approval, the units are densely developed,

and the internal circulation area (private road) doubles up as open space. In contrast, the proposed erf 3 development provides ample space around dwelling units as well as defined, functional open space.



Figure 3: Extract from portion 2 of Farm 1331 development proposal

Erf 720, Pniel: A gated townhouse development of 12 units ranging from 97m² to 249m² with an average erf size of ±167m². It is apparent that, if any dedicated open space has been provided, it is on portion 925 (see figure 4) which is 45m² in extent.



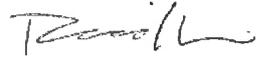
A clear rationale for providing a safe and secure product has been established, by the way in which the proposed development of erf 3 responds to both market demands as well as impact on the surrounding area in terms of access

and visual permeability. The proposed secure development is not out of character with the area, where by and large the more recent developments utilise this format.

The development will not sterilise any surrounding properties and by building the access road, will provide formal access to at least three existing properties which do not currently enjoy such access.

For the reasons set out above, the revised development proposal is returned to the Municipality for a favourable decision.

Yours faithfully
HEADLAND



JD3



STELLENBOSCH
 STELLENBOSCH • PNIEL • FRANSCHHOEK
 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

THE STELLENBOSCH MUNICIPALITY

**PLANNING REPORT: LAND USE AND LAND DEVELOPMENT APPLICATION:
 REZONING AND SUBDIVISION OF ERF 579, FRANSCHHOEK**

Application Reference number	File Ref: LU/12267	Application Date	2021/01/19
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PART A: APPLICANT DETAILS

First name(s) & Surname	M Botha		
Company name	David Hellig & Abrahamse Professional Land Surveyors		
SACPLAN registration number			
Registered owner(s)	Nederduitse Gereformeerde Kerk in Suid-Afrika	Is the applicant properly authorised to submit the application	Yes

PART B: PROPERTY DETAILS

Property description	Erf 579	Town/ City	Franschhoek
Physical address	Lambrechts Street		
Extent (m ² /ha)	2.569ha	Current zoning	Public Worship
Existing Development and Current land use	Erf 579, has a Place of Worship zoning and is currently utilised accordingly for Church purposes.		
Any unauthorised land use/building work	No		
Title Deed Nr.	T22495/1972		

PART C: APPLICATION DETAILS	
Applications(s)	<p>Application is submitted on the grounds of Site-Specific Deviation from the Stellenbosch MSDF, 2019 for the following:</p> <ol style="list-style-type: none"> 1) In terms of Section 15(2)(a) of the By-Law for the Rezoning of Erf 579, Franschhoek to Subdivisional area for the following: <ol style="list-style-type: none"> (i) Portion 1-7 for Conventional Residential purposes, (ii) Portion 8 for Private Open Space and Private Road purposes 2) In terms of Section 15(2)(d) of the By-Law for the subdivision of Erf 579, Franschhoek to create the following even: <ol style="list-style-type: none"> (i) Portion 1-7 for Conventional Residential purposes, (iii) Portion 8 for Private Open Space and Private Road purposes <p>The application also includes the following:</p> <ul style="list-style-type: none"> - The approval of the Site Development Plan containing development footprints; - The approval of the Design Guidelines; - The approval of the Home Owners Association; - The approval of the Development Name and Internal Street Names and Numbers. <p>Note: The applicant also included a detailed motivation for Site-Specific Deviation from the Stellenbosch MSDF, 2019, as part of the land use application.</p>
Purpose of Application	<p>The purpose of this application is to obtain planning approval that will allow the landowner to develop the property for a gated housing development comprising a total of 7 residential units with a Private Open Space and Private Road portion.</p>
Pre-consultation	<p>A pre-application consultation took place between the applicant and the Land Use Department of the Municipality. The development proposal was discussed and supported in principle by the Land Use Department. This led to the formal submission of the land use planning application in January 2021.</p>

PART D: APPLICATION BACKGROUND

Erf 579 Franschhoek is situated South of Lambrecht Street at the foot of the Franschhoek Pass, in close proximity to the Huguenot Monument and is surrounded by a variety of land uses which range from residential to institutional for church purposes. The subject property is currently zoned for Public Worship purposes in terms of the Franschhoek Zoning Scheme and is developed with a dwelling unit, ablution facilities and is densely planted with Bluegum trees. The subject property is currently owned by the NG Kerk and use by them for church activities.

An application for the subject property previously served at the MPT meeting in August 2020. The application submitted proposed to develop 56 Group Housing units on the property but was refused due to the fact that the proposal submitted did not comply with the principles of the Stellenbosch IDP and MSDP and the motivation presented by the applicant for a Site-Specific Deviation from the MSDP with the land use application was not viewed as credible grounds to develop the subject property for group housing purposes.

PART E: APPLICATION OVERVIEW AND MOTIVATION

Application has been made in terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) for the Rezoning and Subdivision of the property to develop a gated housing development with the associated land uses such as private open space and private road.

The applicant included an application for a Site-Specific deviation from the 2019 Stellenbosch SDF with a detailed motivation which forms part of the land use application.

The applicant's motivation for the proposed gated residential development is based on the following reasons:

- The development of the subject property in terms of its current land use rights would have a negative impact on the surrounding area, with special reference to the existing residential nature would be far more adverse than the development proposal under consideration.
- The development proposal under consideration is aligned with the development ideals and spatial objectives as contemplated in the MSDP whilst the current land use rights are not.

- The development of the property in terms of its current land use rights do not require any planning permission or approvals should the proposal be compliant with the development parameters contained in the Stellenbosch Zoning Scheme By-Law, 2019 and as it would represent the execution of the primary land use rights.
 - There is thus currently a disconnect between the 2019 MSDF, and the current development rights of the subject property which the land use planning application under consideration is aiming to address.
 - The subject property currently has a derelict dwelling unit on it with ablution facilities and is covered in a dense Bluegum forest with very little agricultural potential and thus the site is devoid of any indigenous vegetation.
 - The Department of Environmental Affairs and Development Planning, WCG confirmed that the proposed development does not constitute any listed activities in terms of the NEMA EIA Regulations as the site is located within an urban area, no indigenous vegetation will be cleared, no watercourses or wetlands were identified on the site and that Environmental Authorisation is not required as noted in their letter. Ref 16131316/1184112/1440118 dated 21-02-2019.
 - The development proposal however aims to introduce an agricultural and landscaping element in the design philosophy of the proposed development in order to achieve the goals and objectives of the 2019 MSDF in support of its surroundings.
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Surrounding land uses and zonings

- The current development proposal is to a large degree modelled on the adjoining L'avenue residential estate which will ensure its compatibility with its surroundings. The majority of the erven abutting the subject property are zoned for Conventional residential purposes.
- The spatial considerations contained in the 2019 MSDF, identify the use of the subject property as being agricultural in nature with associated agri-tourism related activities which are inappropriate and impractical when considered with the lawful status quo when taking cognisance of the current land use rights and usage of the property.

- In the adoption and review of a Spatial Development Framework, one of the core principles and responsibilities which the Municipality needs to adhere to is the promotion of a "rational and predictable land development environment to create trust and stimulate investment" as contained in SPLUMA and LUPA.
- The exclusion of the land unit from the urban edge does not promote the predictable utilization of the land when considering the existing land use rights and the context / location of the subject property and is therefore in conflict with the provisions contained in SPLUMA and LUPA in respect of land use development principles and the adoption of MSDFS. The current application aims to remove this anomaly and align the land use rights with the spatial objectives advocated and promoted in the 2019 MSDF.
- Section 22(2) of SPLUMA empowers the Municipality to take land development decisions in respect of development proposals which represent a departure from an MSDF only if site specific circumstances justify such a departure from the provisions of the 2019 MSDF. The reasons, justifications and motivations provided above are indeed considered to be site specific to this particular land unit, justifying the deviation.

PART F: PUBLIC PARTICIPATION, COMMENTS AND RESPONSE

Process followed

The application was advertised in the following way:

- Copy of Notice published in the Paarl Post on 25-02-2021 and the affected property owners were notified
- Notice was placed on site on 25-02-2021, 12-03-2021 and 7-03-2021, due to the fact that the notices was removed on two occasions during the advertising period.
- Copies of emails dated 25-02-2021 transmitted to the identified surrounding landowners and Community Groups in accordance with the letter vide Ref Erf 579, Franschoek dated 10-02-2021

The public participation process commenced on 25-02-2021 and continued for 30 days. Public notices were sent (via registered mail) to all the relevant interested and affected parties, community organizations and the ward councilor. The application was also advertised in the Paarl Post and an on-site notice was displayed during the advertising period. The application was also circulated to Heritage Western Cape, Department of Environmental Affairs and Development Planning,

Department of Transport and Public Works for their comments. The relevant ROD and approval letters were received from these departments. (Refer to **Annexure G** of the report.) fire hydrant

Public & stakeholder inputs

In response to the municipal notice two comments / objections were received from the Franschhoek Heritage and Rate Payers Association dated 16-03-2027 and Mr Andrew Miszewski, the owner of adjoining Erf 1455 Franschhoek dated 25-03-2021, via email.

The concerns raised by the objectors relate to the portion of the property where the "Kats se Pad" / servitude area is located and the fact that they would like this portion of the subject property to be excluded from the proposed residential development and be zoned as public open space. (Refer to **Annexure H** of this report.)

The inputs from the both the FH&RA and Andrew Miszewski relate to the technical aspects of the development proposal and the comments are similar in nature and therefore are to be dealt with collectively rather than on an individual basis.

Essentially the comments are in support of the development proposal with on condition that the proposed land unit situated south of the avenue of bluegum trees which represents the historic "Kats se Pad" thoroughfare.

The objectors state that the development proposal is **not supported** in its present form and they have proposed the following mitigation measures.

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- 1) The removal of Portion 1 which is to be replaced by Public Open Space to be upgraded and landscaped by the Developer.
 - 2) The re-layout of the development proposal on the portion of land to the south of "Kats se Pad" to accommodate an access point from Bagatelle Street and no more than 7 residential housing opportunities.
 - 3) A limitation of only one single storey dwelling to be erected on each of the subdivided Conventional Housing erven.
 - 4) The development precinct is to be contained south of "Kats se Pad" which can only be fenced in with a permeable fencing structure. No solid brick wall is to be erected on the perimeter of the development precinct.

- 5) The owner of Erf 1455 Franschoek is to be consulted regarding the treatment of the common boundary between the relevant land units.

The objectors further state that should the mitigation measures above be implemented, both the FH&RPA and Mr Andrew Miszeski are in support of the development proposal.

Response by applicant to the comment and objections received

Mitigation Measures 1 & 2: Re-layout

The reasons provided by the objectors for the imposition of the abovementioned condition relate to the upholding of the ideals promoted in the MSDF and Zoning Scheme By-law in respect of the protection and conservation of the Heritage and Cultural importance of the area coupled with the visual aesthetics from Lambrecht Street being a Scenic Route Corridor.

The objectors have as a point of departure taken up the position that the development proposal will detract from the intended visual impact on Lambrecht Street rather than promote, contribute or enhance the current status quo of the existing visual interface between Lambrecht Street and the subject land unit, hence the proposal to "hide" or screen the development proposal behind the avenue of bluegum trees. The development proposal however intends to incorporate "Kats se Pad" as a prominent and integral feature of the development thereby ensuring not only its conservation but enhancing its current status as a focal point within the landscape, as is the case with the adjoining L'avenue Estate.

The Consultant Team identified "Kats se Pad" as an important and historically significant component of the landscape and therefore incorporated the feature in the design process with the view to enhance and showcase it as an integral part of the development proposal and not just maintain the status quo in terms of its interface with Lambrecht Street, as is currently proposed by the objectors.

The introduction of a Landscape Architect to the Consultant Team was key in providing the overall framework of the design philosophy and ethos of the development against the backdrop of the ideologies as promoted in the MSDF and the Zoning Scheme By-law. It should be noted that the L'avenue Development to the east of the subject land unit which also falls within the "Graded Landscapes to be protected" precinct as identified in the 2019 MSDF comprises a strip of high-density residential units abutting directly against Lambrecht Street. The Town Planners within the Land Use Department at the previous Municipal Planning Tribunal meeting at which the previous development

proposal in respect of the 56 group housing units was refused, said that it was unclear why the developer did not follow suit to similarly utilize the strip of land north of the "Kats se Pad" abutting directly onto Lambrecht Street for higher density residential opportunities.

The current development proposal aims to improve the existing interface of the subject land unit with Lambrecht Street through the introduction of important landscaping design guidelines focusing on enhancing the proposed rural and agricultural characteristics of the development as promoted in the 2019 MSDF and Zoning Scheme By-law being in synergy with the adjoining L'avenue Estate development.

The FH&RPA further proposes that the strip of land north of the "Kats se Pad" should be designated and rezoned to Public Open Space, ultimately resulting in the cession of land ownership to the Stellenbosch Municipality. As landowner, the Stellenbosch Municipality would therefore be responsible for the upkeep and maintenance of this portion of land. The FH&RPA makes this proposal without any consideration of whether or not the Municipality is interested or willing to acquire this portion of land and taking over the responsibility of maintaining the land unit. It is also uncertain whether the Stellenbosch Municipality is empowered through the provisions of their Land Use Planning By-law to impose such a condition of approval, noting that the condition must originate from a need that arises from such a development proposal. It is the applicant's contention that such a need does not exist and that the cession of the strip of land is neither reasonable nor rational.

It is our contention that it would be in the best interests of the development and the general public that the prospective landowner of Portion 1 together with the Home Owners Association, be held accountable and responsible for the maintenance and upkeep of this portion of the land as is currently proposed. The development of Portion 1 as a discreet, upmarket and high-quality residential land unit within the confines of an agricultural estate similar to that of L'avenue Estate would not only significantly contribute to the village ambience of Franschhoek but also highlight the "Kats se Pad" as an important feature in the landscape.

The above scenario results in a vast improvement compared to the status quo and represents, in our opinion, a far more sustainable and mutually beneficial outcome compared to the proposed scenario whereby the land reverts to the Municipality to maintain and upkeep.

The proposed dwelling to be erected on Portion 1 will be screened from Lambrecht Street and it should be noted that the site boundary of the subject property is already set back 32 metres from the existing road edge of Lambrecht Street, thereby mitigating any concerns that the objectors may have.

The resultant densification of the layout south of "Kats se Pad" to make up for the loss of Portion 1 to the north of "Kats se Pad" would adversely impact and disrupt the overall aesthetics of the development which needs to maintain appropriate spacing and massing of the residential units to achieve the ambience of an agricultural residential estate similar in character to that of L'avenue Estate. Public access to "Kats se Pad" outside of the development precinct will also pose a security risk to the owners within the development and as a result is counterproductive to what is trying to be achieved by the proposal.

Comments were received from the following internal departments on the application:

- Manager: Spatial Planning, Heritage and Environment;
The application is **supported** by the Spatial Planning Department as noted in the department's Memo dated 19 March 2021 attached as **Annexure F** of this report.

 - Directorate: Infrastructure Services;
The application is **supported** by the Directorate: Infrastructure with conditions as noted its memo dated 16 February 2021 attached as **Annexure F** of this report.
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PART G: ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

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

The subject property is already zoned for Public Worship purposes and the land use applied for is to rezone and subdivide the subject property to develop a gated Housing Development comprising 7 residential units with private road and private open space components.

The application has been extensively public participated as it was advertised in the local press and to affected and interested parties via registered mail. The application was also advertised to the relevant External Departments for comment and is supported with conditions. (Refer to **Annexure H** of the report.)

The application includes a Site-Specific motivation due to the fact that the subject property is located outside the urban edge. The motivation provided by the applicant, provides valid reasons as to why the application submitted is appropriate even though the subject property is located outside the urban edge.

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

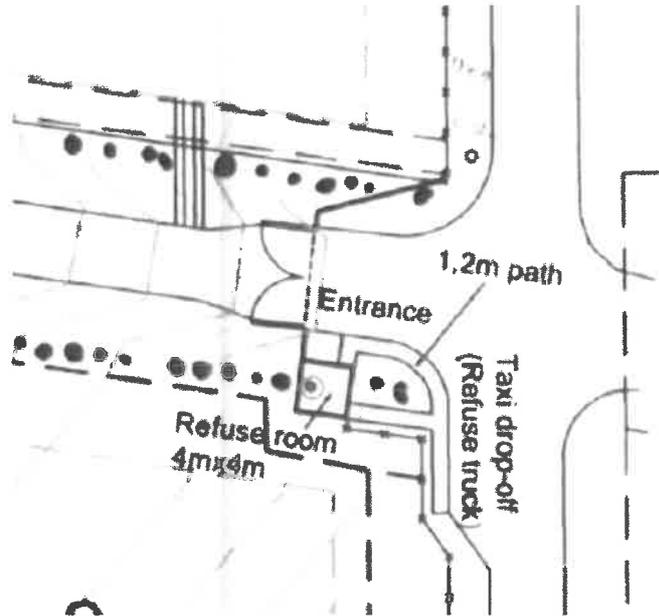
An application previously served at the MPT meeting in August 2020 but was refused as the site-specific deviation presented was not viewed as credible grounds for the purpose of the proposed group housing development to deviate from the MSDF. The refusal was based on the fact that the proposal submitted could not comply with the principles of the Stellenbosch IDP and 2019 MSDF.

As noted above the revised application submitted is to develop 7 upmarket residential units within a gated development. Access to the subject property is from Bagatelle Street and the access gate to the development is placed directly opposite the L'avenue Estate access gates. This ensures that there are no staggered entrances along Bagatelle Street. The location of the entrance is also supported by the various internal and external departments due to this fact.

The entrance gate proposed for the development is a very basic structure consisting of vehicular entrance gates with an appropriate stacking distance for vehicles with a refuse room which is accessible from outside for refuse collection purpose. No guard house has been proposed to ensure that the entrance gate has minimal impact on its surroundings. The perimeter fencing for the development will also have minimal visual impact on its surroundings as the applicant is proposing to use permeable form of fencing such as Beta or ClearVu fencing.

The main internal access road to the development is located within a portion of "Kats se Pad" and is paved due to the higher traffic volume it will carry and a lane of Bluegum trees will be retained along it. These trees will aid in reducing any visual impact that the proposed development could have when viewed from the R45 / Lamprecht Street and will also emphasis the location of "Kats se Pad" within the

development as done in the adjoining L'avenue Estate development located on the North-western side of the subject property.



Extract of proposed entrance gate.

The internal layout of the proposed development is determined by three main factors being the existing access of L'avenue Estate, the location of a pipeline servitude area over the subject property and the location of the Historical "Kats se Pad" over the property. The proposal as submitted has only made provision for 7 Residential properties of which Portion 1 is located at the entrance gate and wedged between the "Kats se Pad" / servitude area and the North Western boundary of the subject property. The remainder of the residential units will be located on the remainder of the property to the South-West of the "Kats se Pad" and the servitude area. Access to these erven is obtained via an internal road. The erven within the development are all larger than 3200m² in size excluding Portion 1 which is 1989m² in size. A large private open space has also been provided which is located on the North Western portion of the property. The open space area within the development also functions as a stormwater retention area. A water feature / retention dam is proposed, and private open space area will be appropriately landscaped in line with the rest of the development.

The internal access roads will consist of two paved strips only to further reduce any visual impact that they could have on the surrounding area. Olive Groves and Vineyards will be introduced on the newly created residential properties by the owner to contribute to the overall rural lifestyle theme of the estate. The cost of the olive grove and vineyard plus the irrigation system on each property will be for the purchaser's account. An irrigation watering main pipe will be supplied to the olive grove and vineyard by the developer from the water feature/reservoir dam located on the private open space component of the development. It is proposed that an outside contractor maintains and prunes all the olive groves and vineyards to ensure that a unified look is created. These areas along the internal roads will also be appropriately landscaped to ensure that the rural lifestyle theme of the development is enhanced.

The architectural style of the 7 residential units and the landscaping of the development footprint of each of the residential properties will be controlled by the Design Guideline that form part of the application and for which approval has been applied for. The Architectural Guideline document provided has been modelled on the L'avenue Estate's design guidelines to ensure synergy between the two developments. The Architectural Guidelines general make provision for single storey buildings, however also provide for loft spaces in order to utilise roof space and will regulate the design (various housing typologies are proposed), height, coverage, footprint and dimensions of the proposed building which must be strictly adhered to, for the collective benefit of the owners in the estate, adjoining neighbours and Franschhoek in general.

The MSDF and Heritage Inventory and Management Plan emphasises the need to maintain the unique character of Franschhoek, while still providing in the needs of residents. This includes maintaining a balance between the needs of residents and tourism establishments / activities (critical to sustaining livelihoods). The MSDF also only promotes the development of "Land / Property" located within the urban edge of Franschhoek as the town is not seen as a growth point within the Stellenbosch Municipal area.

A site inspection revealed that even though the subject property is located outside the Urban Edge the surrounding land uses are predominantly residential in nature as the majority of the surrounding properties have been zoned out of Agriculture and are used for residential purposes with a number of the larger properties having a component used for agricultural purposes. (Lifestyle estates)



Plan indicating the location of the subject property

As noted by the applicant, approval was granted for a residential estate in 2003 (L'avenue De Franschhoek Estate) on an adjoining property. The approved development comprised of two components - a "Urban and Rural component" or a "High and Low density component" - and the urban edge runs through the development resulting in only the "higher density" component / portion of the development being included in the urban edge with the remaining "Rural / Low density component" of the development being located outside the urban edge thus effectively forming a "transition zone" between the urban and rural areas of Franschhoek.



Plan indicating the location of the L'avenue De Franschhoek Estate approved in 2003

As the subject property is located outside the urban edge, the revised proposal submitted to develop the subject property has taken its surroundings into consideration and has basically replicated the low density component of the adjoining development of L'avenue De Franschhoek Estate. By doing this the proposal under consideration complies to a large extent with the 2019 MSDF which is prescribing a rural character for this area with low densities. The proposal as submitted has also taken note of the character of the development approved in the area and the fact that the subject property forms part of the "transition zone" between the urban and rural areas of this part of Franschhoek.

The proposal has also considered the recommendations made in the Heritage Inventory and Management Plan for the area as the proposal has to a large extent mitigated the developments impact on the cultural landscape of the area as noted in the Heritage Inventory which has identified the area in which the subject property is located as a "transition zone" between the urban and rural areas of Franschhoek and as a "tread lightly" area with high cultural value.

The Land Use Department is of the opinion that the proposal under consideration to develop the property for a low density gated housing development is desirable as the proposal has taken its surroundings into consideration as the low density proposal can be seen to be representative of a "transition zone" between the urban and rural area of Franschhoek.

The comments / objections received during the public participation process from the Franschhoek Heritage and Rate Payers Association and Mr Andrew Miszewski, the owner of the adjoining property (Erf 1455 Franschhoek) are noted and have expressed generally the same sentiments in respect of the changes to the proposal that they would like to see implemented. The comments / objections submitted by the objectors can in essence be summarised as follows and have been addressed below as listed.

- the proposed development is inconsistent with the Protective Actions and Change Actions of the SDF quoted above; the purpose of the Scenic Route Overlay Zone and the CMP guidelines.
- The removal of Portion 1 which is to be replaced by Public Open Space to be upgraded and landscaped by the Developer.
- The re-layout of the development proposal on the portion of land to the south of "Kats se Pad" to accommodate an access point from Bagatelle Street and no more than 7 residential housing opportunities.

- A limitation of only one single storey dwelling to be erected on each of the subdivided Conventional Housing erven.
- The development precinct is to be contained south of "Kats se Pad" which can only be fenced in with a permeable fencing structure. No solid brick wall is to be erected on the perimeter of the development precinct.
- The owner of Erf 1455 Franschhoek is to be consulted regarding the treatment of the common boundary between the respective land units.

Comment on comment / objections received.

As noted above in this report, the subject property is located outside the urban edge and the proposal basically replicated the low density component of the adjoining development of L'avenue De Franschhoek Estate and as a result complies to a large extent with the 2019 MSDP which is prescribing a rural character for this area with low densities. The proposal as submitted has also taken note of the character of the developments approved in the area and the fact that the subject property forms part of the "transition zone" between the urban and rural areas of this part of Franschhoek.

The proposal has to a large extent mitigated the developments impact on the cultural lanscape of the area as noted in the Heritage Inventory which has identified the area in which the subject property is located as a "transition zone" between the urban and rural areas of Franschhoek and as a "tread lightly" area with high cultural value.

It is noted that the comments / objections submitted on the application from the objectors have not taken the surroundings area into consideration as the proposal to exclude the portion north of the "Kats se Pad" from the proposed development and to develop this portion of the subject property as a Public Open Space area will not add value to the surrounding residents due to the location of the subject property and the fact that the open space would be located on a main road, in an area where low density developments exist, which have made large open space area available to the residents of these developments.

The exclusion of this portion of the development would also result in the residents within the proposed development not having access to a safe open space area which currently is the case. The proposal would also result in the Municipality being tasked with maintaining an open space that will not be used by the surrounding residents due to its location. The exclusion of this area will also result in the proposal under consideration not being able to replicate what has already been approved on the adjoining property (L'avenue De Franschhoek Estate).

The proposal under consideration would be seen to visually intrusive should the open space area not form part of the low density development as currently proposed.

The objectors have further requested that the dwelling units on the newly created portions also be limited to single storey residential units, which is what in essence is promoted in the design guidelines submitted with the land use application. It appears that the objectors have not taken cognisance of this fact. The objectors have also requested that the development not be walled with a solid boundary wall which is not proposed by the applicant as a Beta or ClearVu type fence as noted on the Landscaping plan is proposed which will also tie in with the proposed entrance for the development.

The owner of Erf 1455 Franschoek has requested that he be consulted regarding the treatment of the common boundary between the respective land units. As noted above the applicant has indicated that the proposed development will be fenced off with a transparent fencing and thus the impact on the adjoining property owner in this respect will be minimal.

A site inspection revealed that the objectors' property is enclosed with a palisade fence and which is also transparent in nature and thus the only impact that the proposed development could have on the adjoining property would be the fact that two residential properties would be on the common boundary with the objector, resulting in the construction of two dwelling units on the newly created portions within the proposed development. Due to the fact that a permeable fence is proposed and exists the new residences would be visible from the objector's property. This issue could be resolved by the implementation of appropriate landscaping to mitigate any impact that the proposed residential units could have on the adjoining property owner / objector.

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, it is concluded that the development proposal as submitted is desirable based on the following reasons:

- The applicant also included a motivation for Site-Specific Deviation from the Stellenbosch MSDF, 2019, as part of the land use application.
- The MSDF as supported by the Heritage Inventory and Management Plan is regarded as relevant to this area and the Site-Specific Deviation presented has taken note of this fact as the heritage

worthy portion of the property has been identified and retained as noted in the residential layout proposed.

- The subject property is located outside the urban edge and the proposal as submitted has taken cognisance of the surrounding land uses and complies with the principles of the Stellenbosch Integrated Development Plan and the Municipal Spatial Development Framework.
- Franschhoek is not identified as a growth node by the MSDF and the application has taken note of this fact as the proposed developments is of a low density.
- The re-development of the subject property to establish a low density gated residential development that is in character with its surroundings is seen to be compliant with the Stellenbosch Integrated Development Plan and the Municipal Spatial Development Framework and heritage area that it is located in.
- The proposal has taken its surroundings into consideration as the subject property forms part of the "transition zone" between the urban and rural areas of Franschhoek and the revised proposal submitted reflects this fact.
- The proposal takes note of the recommendations of the Heritage Inventory and Management Plan for the area as it is a low-density development which is not out of character with its surroundings and can be seen as a "transition zone" between the urban and the rural area that has addressed the heritage cultural impact that the proposed development will have on the area.

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 579, Franschhoek, namely:
 - 1.1 The Rezoning from Community Zone to Subdivisional Area in terms of Section 15(2)(a) of the By-Law for the following:
 - i) 7 Conventional Residential erven,
 - ii) 1 Private Open Space and Private Road purposes
 - 1.2 The Subdivision in terms of Section 15(2)(d) of the By-Law, as noted on the Plan of Subdivision, Plan No 3REV 3, Dated May-Dec 2020, Drawn by David Hellig & Abrahamse Professional Land Surveyors, attached as **Annexure D**, to create the following erven:
 - i) Portion 1-7 for Conventional Residential purposes, and
 - ii) Portion 8 for Private Open Space and Private Road purposes

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

2. **CONDITIONS** of approval:

- 2.1 The approval applies only to the application in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
- 2.2 An electronic copy (shp,dwg,dxf) of the General Plan which was preliminary approved by the SG be submitted to the Directorate: Planning and Economic Development. The following information must be indicated on this plan: Newly allocated Erf Numbers, Co-ordinates, Survey Dimensions, Street names (If approved by Council).
- 2.3 A Service agreement be signed with the Directorate: Infrastructure Service before any property is transferred or any construction takes place and that the agreement contains the relevant conditions of approval as imposed by the Directorate: Infrastructure Service in their Memo dated 16 February 2021, as attached as **Annexure F** and that the service agreement be complied with.
- 2.4 A detailed subdivision plan, clearly indicating the street names and street numbering be submitted for approval in terms of the Stellenbosch Municipal Planning Bylaw for each portion / precinct that is created by this approval.
- 2.5 A constitution for the owners' association be submitted to the Municipality and be approved prior to the first unit/property being transferred and which constitution must take into account the requirements stipulated in Section 29(3) of the said bylaw.
- 2.6 A Home-Owners Association Constitution be approved by the relevant authorised official prior to the transfer/ registration of the first residential property.
- 2.7 The common property be transferred / registered in favour of the Owners' Association with the transfer/ registration of the first residential property.
- 2.8 Design Guidelines be submitted and approved by the relevant authorised official prior to the submission of the first building plan for the residential properties.
- 2.9 A Site Development Plan with a detailed layout of the entrance gates, boundary fencing with refuse room and position of the development footprints be submitted and approved by the relevant authorised official before the submission of any building plan application.
- 2.10 A detailed landscaping and street lighting plan be submitted to the Stellenbosch Municipality for the common property of the development with the building plan for the entrance gate, refuse room and boundary fence.

- 2.11 All building plans be endorsed by the Owners Association prior to being submitted to the Municipality for approval and the Owners Association to ensure that the building plan complies with the approved Design Guidelines.
 - 2.12 The refuse room, entrance gates and boundary fencing be constructed in line with the approved Site Development Plan prior to the first residential property being transferred.
 - 2.13 The Landscaping on the common property of the development be implemented prior to the first residential property being transferred.
 - 2.14 Only one Dwelling unit may be constructed on each residential unit created by this approval and this condition is to be imposed in the title deed of each residential property.
 - 2.15 A detailed landscaping plan which is endorsed by the Owners Association be submitted with the building plan for each residential property and the landscaping plan be implemented prior to an occupation certificate being issued for the new dwelling unit.
3. The **REASONS** for the above decisions are as follows:
- a) The MSDF as supported by the Heritage Inventory and Management Plan is regarded as relevant to this area and the Site-Specific Deviation presented has taken note of this fact as the heritage worthy portion of the property has been identified and retained as noted in the residential layout proposed.
 - b) The subject property is located outside the urban edge and the proposal as submitted has taken cognisance of the surrounding land uses and complies with the principles of the Stellenbosch Integrated Development Plan and the Municipal Spatial Development Framework.
 - c) Franschhoek is not identified as a growth node by the MSDF and the application has taken note of this fact as the proposed developments is of a low density.
 - d) The re-development of the subject property to establish a low density gated residential development that is in character with its surroundings is seen to be compliant with the Stellenbosch Integrated Development Plan and the Municipal Spatial Development Framework and heritage area that it is located in.
 - e) The proposal has taken its surroundings into consideration as the subject property forms part of the "transition zone" between the urban and rural areas of Franschhoek and the revised proposal submitted reflects this fact.

PART J: ANNEXURES

- Annexure A: Locality Map.
- Annexure B: Copy of Title Deed and Conveyancer Certificate
- Annexure C: Motivation Report
- Annexure D: Subdivision Plan
- Annexure E: Portfolio of Evidence
- Annexure F: Comments received from Internal Departments
- Annexure G: Comments received from External Departments
- Annexure H: Comments received during advertising period on application
- Annexure I: Applicants comments on objections

Other documents to be noted:

Stellenbosch Municipality Spatial Development Framework as Approved by Council in November 2019

https:// Stellenbosch.gov.za/download/191126_stellenbosch-sdf_approved-by-council-nov-2019-1/

Stellenbosch Municipality Heritage Inventory and Conservation Management Plan
<https://www.stellenboschheritage.co.za/forum/news/the-stellenbosch-heritage-inventory-and-management-plan>

PART L: SUBMISSION OF PLANNING APPLICATION ASSESSMENT REPORT**APPLICATION FOR THE REZONING AND SUBDIVISION OF ERF 579, FRANSCHHOEK****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: A.d.5 & D.c.5

Decision Making Authority: SMPT

Rational: The application is located outside the Urban Edge of Stellenbosch

Name: _____

Steen Castero

Capacity: _____

Erk. Plan. Per. Ma.

SACPLAN Registration: _____

A/1551

Signature: _____

[Handwritten Signature]

Date: _____

1/7/2021

PART M: ADMINISTRATION OF PLANNING APPLICATION ASSESSMENT REPORT

APPLICATION FOR THE REZONING AND SUBDIVISION OF ERF 579, FRANSCHHOEK

Administrator to Stellenbosch 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 Stellenbosch Municipal Planning Tribunal on:

Date:

Name: Christelle Kriel

Capacity: MLM

Signature: [Handwritten Signature]

Date: 01/07/2021



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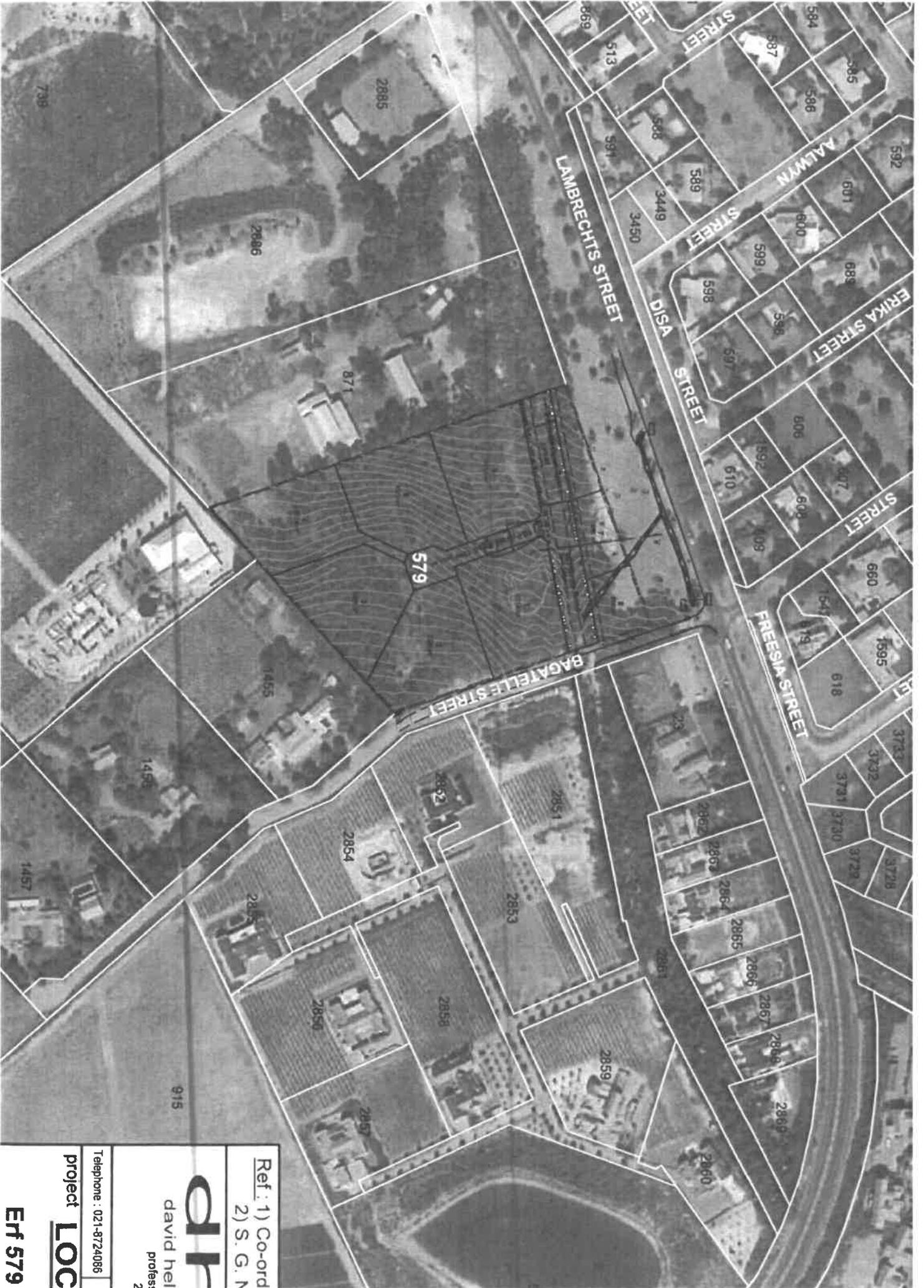
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ANNEXURE A



Subject Property

LOCALITY PLAN



Ref: 1) Co-ord
2) S. G. N

dlr
david hel
profess
2

Telephone : 021-8724086

project **LOC**

EHF 579



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ANNEXURE B


CONVEYANCER'S CERTIFICATE

 I/we: **NICHOLAS PHILLIP HAYES**

[conveyancer's name]

hereby wish to certify that a search was conducted in the Deeds Registry, Cape Town for restrictive conditions affecting the development of the following property(ies) (including title deeds and pivot deeds)

ERF 579 FRANSCHHOEK, PAARL, WESTERN CAPE

(erf number/s and description/s as it appear in the title deed)

1. CERTIFICATE TYPE (please select only one option)

 The information provided below is a certified record of all restrictive conditions affecting development on the above stated property(ies)

 The information provided below is a certified record of all applicable restrictive conditions relating to a specific plan or proposed application of the above stated property(ies). (complete plan no., date and application type below)

Plan no

Date

D D M M Y Y Y Y

Application type

2. SCHEDULE OF TITLE DEEDS APPLICABLE (List title deed number in full and attach a complete set of copies)

T 22495 /1972
T 7 /1927
3. LIST OF RESTRICTIVE TITLE CONDITIONS Please note: If any clause is selected, Addendum A needs to be completed for each property

Categories	Title deed and clause number of restrictive conditions. Conveyancer to provide details of any necessary interpretation of conditions.		
	Title deed number	Clause number	Interpretation
Use of Land	T 22495 /1972 T 7 /1927		
Building lines	T 7 /1927 T 22495 /1972		
Height	T 22495 /1972 T 7 /1927		
Number of dwellings	T 22495 /1972 T 7 /1927		
Bulk floor area	T 22495 /1972 T 7 /1927		
Coverage / built upon area	T 22495 /1972 T 7 /1972		
Subdivision	T 22495 /1972 T 7 /1972		
Servitudes that may be registered over or in favour of the property	T 22495 /1972 T 7 /1972	4 & 5	A right of way 170.02 metres wide in favour of the state & a general right of way over the whole land in favour of the state.
Other restrictive conditions limiting development	T 22495 /1972 T 7 /1972		

 Signed at **CAPETOWN**

on this

4

day of

OCTOBER

20

18

 Company name **ABRAHAMS AND GROSS ATTORNEYS**

 Postal address **1ST FLOOR, 56 SHORTMARKET STREET**
CAPETOWN

Signature

Tel

021 4221323

Email

NICHOLAS@ABGROSS.CO.ZA

Property reference: Allotment: **ADDENDUM A**

	APPLICABLE LEGISLATION OR TYPE OF CONDITIONS	APPLICATION NECESSARY TO CITY OF LAPEL TOWN	AFFECTED CONDITION FOR PROPOSED DEVELOPMENT ON PROPERTY		BENEFICIARY IDENTIFICATION TO BE SUPPLIED BY CONVEYANCER	BENEFICIARIES (If insufficient space is provided in each block then please attach a separate document or file)
			Title deed no.	Clause no.		
RESTRICTIVE CONDITIONS IMPOSED AT TIME OF TOWNSHIP ESTABLISHMENT	Municipal Planning By law 2015	Mandatory			<ul style="list-style-type: none"> All properties in affected Township (attach a copy of approved general plan) Specified state departments 	
	33/34 or LUPA or any other legislation repealed in terms of LUPA (see section 77)	Mandatory			<ul style="list-style-type: none"> All properties in affected Township (attach a copy of approved general plan) Specified state departments 	
	From to 2024	Voluntary			<ul style="list-style-type: none"> Properties in affected Township by the conditions Specified state departments 	
	Developer	Voluntary			<ul style="list-style-type: none"> Developer (if applicable) Company (if not developed) Properties on which it is affected by the application Specified state departments 	
"TRADITIONAL CONDITIONS IMPOSED AFTER TOWNSHIP ESTABLISHMENT"	Partial multiple entered parties	No provision in MPBL for applications to be made to the City at this time			<ul style="list-style-type: none"> Properties which register are affected Specified state departments 	
	Approved (partial) entered	No provision in MPBL for applications to be made to the City at this time	T22495 1972	445	<ul style="list-style-type: none"> Individual name Specified state departments 	The state (department not specified)

It is acknowledged that the information on beneficiaries supplied will be relied upon by the City as being correct for Public Participation purposes.

14/06/2024

And the appearer declared that his/her said principal had, on 15 August 2018, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

LEWIS MANHATTAN INVESTMENTS PROPRIETARY LIMITED
Registration Number : 2016/311880/07

or its Successors in Title or assigns, in full and free property

ERF 579 FRANSCHHOEK
IN THE STELLENBOSCH MUNICIPALITY
DIVISION PAARL
PROVINCE OF THE WESTERN CAPE

IN EXTENT 2,5695 (TWO COMMA FIVE SIX NINE FIVE) Hectares

FIRST TRANSFERRED and still held by Deed of Transfer Number
T 22495/1972 with Diagram No. 1392/1971 relating thereto.

- A. SUBJECT to the conditions referred to in Paarl Freehold Vol. 4
Aforementioned Deed of Grant Number 7/1927
- B. FURTHER SUBJECT to the following conditions contained in Paarl
Freehold Vol. 4
Aforementioned Deed of Grant Number 7/1927, namely:-
1. That all roads and thoroughfares over the land, whether or not described in the plan or diagram thereof, shall remain free and uninterrupted unless closed, diverted, or altered by competent authority.
 2. That the land hereby granted shall be subject to all rights and servitudes which now affect, or at any time hereafter may be found to affect, the title of the land hereby granted or which may be binding on the Government in respect of the said land as at the date hereof.



3. That a right of way 170,02 metres wide from the Western end of the Southern boundary of the adjoining State land, lying to the North of the land hereby granted, to the Northern point of the road South-West of Mont Rochelle, shown on the diagram annexed to the title deed, is reserved in favour of the State.
4. That a general right of way from and to the adjoining State land over the whole of the land hereby granted is reserved in favour of the State.

- C. FURTHER SUBJECT to the terms of the endorsement dated 19 July 1971 on aforementioned Deed of Grant Number 7/1927, namely:-

Remainder

By Deed of Transfer Number 18707/1971 dated this day, the remainder of Erf 23, measuring 1784,0036 hectares held hereunder is subject to a servitude of water and pipeline in favour of Erf 59, a portion of Erf 23, measuring 2,7948 hectares thereby conveyed, which said pipeline is indicated by the lines K.c.j.l.m.n.o.p.q on diagram 1877/1966 of the said Erf 59 annexed to the said deed of Transfer Number 18707/1971 together with certain ancillary rights and obligations.

As will more fully appear on reference to said deed of transfer.

- D. FURTHER SUBJECT by Deed of Transfer Number T 22495/1972 to the following conditions imposed by the Administrator of the Province Cape of Good Hope by virtue of Ordinance Nr. 33 of 1934, namely :-



1. Die eienaar van hierdie erf is verplig om sonder betaling van vergoeding, toe te laat dat elektrisiteitskabels of -drade, hoof- en ander waterpype en die rioolvuil en dreinerings, insluitende stormwater van enige ander erf of erwe, oor hierdie erf gevoer word indien dit deur die plaaslike owerheid nodig geag word, en wel op die wyse en plek wat van tyd tot tyd redelikerwys vereis word. Dit sluit die reg op toegang te alle tye tot die eiendom in met die doel om enige werke met betrekking tot bogenoemde aan te lê, te wysig, te verwyder of te inspekteer.

2. Die eienaar van hierdie erf is verplig om sonder vergoeding op die erf die materiaal te ontvang of uitgraving op die erf toe te laat al na vereis word, sodat die volle breedte van die straat gebruik kan word en die wal veilig en behoorlik skuins gemaak kan word omrede van die verskil tussen die hoogte van die straat soos finaal aangelê en die erf tensy hy verkies om steunmure te bou tot genoeg van en binne 'n tydperk wat die plaaslike owerheid bepaal.

Page 5

WHEREFORE the said Appearer, renouncing all rights and title which the said

DIE NEDERDUITSE GEREFORMEERDE KERK IN SUID-AFRIKA

heretofore had to the premises, did in consequence also acknowledge it to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

LEWIS MANHATTAN INVESTMENTS PROPRIETARY LIMITED
Registration Number : 2016/311880/07

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R15 000 000,00 (FIFTEEN MILLION RAND) .

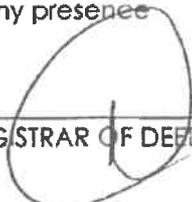
IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 19 DEC 2018



q.q.

In my presence



 REGISTRAR OF DEEDS



6-

<p>CONDITIONS B3. AND B4. REMOVED</p> <p><small>GEWYSIG-KRAGTENS ART. 4 (1) VAN WET 47 VAN 1937 OM TE LEES: AMENDED IN TERMS OF SECTION 4 (1) (b) OF ACT 47 OF 1937 TO READ:</small></p>	
<p>CONDITIONS B3 + B4 OMITTED.</p>	
<p>BC 000003657/2018</p>	
<p>2019-02-05</p>	<p>REGISTRATEUR/REGISTRAR</p>



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ANNEXURE C

PLANNING REPORT

PROPOSED REZONING AND SUBDIVISION OF ERF 579 FRANSCHHOEK

OUR REF: P3536/16(A6)

Compiled by:

David Hellig & Abrahamse

Land Surveyors

DECEMBER 2020

1. INTRODUCTION

Erf 579 Franschhoek measures 2,5695 hectares in extent being owned by Messrs Lewis Manhattan Investments (Pty) Ltd vide Deed of Transfer No T59649/2018. The subject land unit is situated on the southern outskirts of Franschhoek, south of Lambrechts Street (Franschhoek Pass) and adjoining Bagetelle Street on its eastern boundary. The land unit is bounded by residential erven to the east (L'Avenue Estate) and south and other Municipal and Religious Institutions viz the Shofar Church, Hugenote Monument to the west.

The subject land unit comprises a derelict prefabricated dwelling unit and is densely populated with Blue Gum and Pine trees.

The land owner intends establishing an agricultural and residential estate comprising seven residential development opportunities together with associated communal amenities viz detention and irrigation pond and other recreational facilities situated within the internal private road and open space network. The development intends fostering and complementing the rural and agricultural character of Franschhoek and therefore will have a strong and prominent agricultural and landscaping component similar to the adjoining L'Avenue development to the east.

The purpose of this application is for the rezoning and subdivision of the subject land unit to give effect to this development proposal.

2. PROPERTY DETAILS

SUBJECT LAND UNIT				
PROPERTY DESCRIPTION	EXTENT	REGISTERED LANDOWNER	DEED OF TRANSFER	EXISTING ZONING
Erf 579 Franschhoek	2,5695 hectares	Lewis Manhattan Investments (Pty) Ltd	T59649/2018	Community Zone

3. LOCATION

The red polygon in the figure below indicates the location of the subject land unit.



Figure 1: Location of the subject land unit

4. PREVIOUS LAND USE DEVELOPMENT APPLICATION

A land use planning application for the development of the land unit into a gated group housing residential estate comprising of 56 units was refused by the Municipality on 16-10-2020 for the following reasons :

- The subject land unit is situated outside the urban edge and the development proposal in terms of its density and form is in contradiction with the principles contained in the MSDF and is out of character with its surrounds.

5. PRE-APPLICATION CONSULTATION MEETING

In the wake of the above mentioned refusal, the land owner held a meeting with representatives from the Departments of Planning and Spatial Planning on 21-09-2020 to discuss alternative possibilities. A Landscape Architect was subsequently appointed and a revised development proposal was formulated in accordance with the Municipality's requirements.

This revised development proposal was tabled at a formal pre-application consultation meeting as prescribed in terms of Section 37 of the Stellenbosch Municipal Land Use Planning By-law, 2015 held on 02-12-2020, the minutes of which are included in this land use planning application.

6. APPLICATION PROPOSAL

A land use planning application is hereby submitted in terms of Sections 15(2)(a) and 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 as follows:

A. REZONING

Erf 579 Franschhoek is to be rezoned from Community Zone purposes to Conventional Residential Zone

B. SUBDIVISION

Erf 579 Franschhoek is to be subdivided into:

- Portions 1 - 7 : Conventional Residential units
- Portion 8 : Private Open Space and Private Road

The extent of the seven residential erven range between 1989 and 3214 square metres with the construction of the residential homesteads to be confined to a specified building footprint and the balance of the land unit to be utilised for agricultural and / or landscaping purposes as indicated on the Site Development and Landscaping Master Plans.

The aesthetics, design elements and mechanics of the estate are to be regulated and controlled by means of the Constitution and Rules of the Home Owners Association, Architectural and Landscaping Guidelines and Site Development Plan as entrenched in the conditions of approval.

7. HERITAGE

In terms of Section 38(1) of the National Heritage Resources Act the rezoning of a portion of land in excess of 1 hectare requires the submission of the Notification of Intent to Develop (NID) application type to Heritage Western Cape (HWC). Messrs Aikman and Associates Heritage Management prepared a Baseline Report and attended to the submission of the NID Application to HWC in respect of the previous land use planning application for the 56 group housing units for which a positive Record of Decision was granted by HWC.

The Baseline Report identified the existing avenue of blue gum trees forming part of the "Cats se Pad" thoroughfare was identified as the only heritage resource present on the land unit and considered this landmark to be of Grade IIIA significance.

As with the previous development proposal, the avenue of blue gum trees is being retained and preserved in the current development proposal which will serve as a prominent and focal landscaping feature. This historic landmark will also serve as a screening element softening the visual impact of the development from Lambrechts Street being a tourist route.

The revised development proposal represents a drastically diminished impact on the heritage resource and cultural landscape for the following reasons :

- A substantial reduction in density viz 7 conventional housing units as opposed to 56 group housing units
- The development will incorporate strong elements of landscaping and agricultural activities to support and enhance the rural character of the surroundings.
- The avenue of blue gum trees signifying "Cat se Pad" will be traversed at two points via two spoor roads compared with three formalised access points as previously contemplated in the initial development proposal of 56 group housing units.

A new NID application will be submitted to HWC in respect of the current development proposal.

8. ENVIRONMENTAL

Messrs Doug Jeffery Environmental Consultant handled the environmental aspects pertaining to the previous land use planning application in respect of the 56 group housing units. A botanical scan was conducted in support of the application to DEADP, WCG for a ruling on the applicability of NEMA EIA Regulations. DEADP, WCG confirmed in their letter vide Ref 16/3/3/6/1/B4/12/1440/18 dated 21-02-2019 that the development proposal did not trigger any listed activities in terms of the NEMA EIA Regulations and that an Environmental Authorisation was not required.

An updated ruling on the non-applicability of the provisions of NEMA with specific reference to the current development proposal will be sought from the Department.

9. STELLENBOSCH MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK, 2019

The purpose of the Stellenbosch Municipal Spatial Development Framework (MSDF) is to guide the future growth and development of the municipality based on an agreed vision and principles which are aimed at addressing problems and creating opportunities for sustainable socio-economic

development. The MSDF provides overarching spatial development principles which underpin the Municipality's approach to the integrated spatial planning and management of land use and economic development for the municipal area as a whole.

The subject land unit is situated in **Franschoek**, which is regarded as the second most significant settlement in the Municipality as identified by the MSDF, 2019. In terms of the **Franschoek Framework Plan** (Figure 32 on page 77), the subject land unit is situated outside the existing 'Urban edge' and identified as 'Graded Landscapes to be protected' and 'Green Areas Retained' with the Lambrechts Street 'Sensitive Scenic Route' abutting the land unit on its northern boundary as indicated in the figure below.



Figure 3: Franschoek Framework Plan (Stellenbosch MSDF, 2019)

A development proposal requiring planning permission approvals for a change of land use and subsequent subdivision of the land unit is considered a deviation from the objectives and principles as promoted in the MSDF, 2019 especially noting that the subject land unit is situated outside of the urban edge and can only be considered based on site specific circumstances. This was confirmed by the municipal officials present at the pre-application consultation meeting. Section 22(2) of SPLUMA empowers the Municipality to take land development decisions in respect of development proposals which represent a departure from a MSDF, in instances when site specific circumstances justify such a departure from the provisions of the MSDF.

10. THE STELLENBOSCH MUNICIPALITY ZONING SCHEME BY-LAW, 2019 (EXISTING LAND USE RIGHTS AND CONSTRAINTS)

The subject land unit was previously zoned for 'Public Worship' purposes in terms of the then Franschoek Zoning Scheme Regulations and in terms of the conversion table in Schedule 2 of

the Stellenbosch Zoning Scheme By-Law, 2019 converts to 'Community Zone'. The vast majority of the surrounding properties to the north, east and south of the subject land unit are zoned Conventional Residential Zone as illustrated in the below figure.



Figure 1: Extract of the Stellenbosch Municipality Zoning Map for Franschoek

The following land use development parameters / restrictions apply to properties zoned for Community Zone purposes.

Primary Uses	Additional Uses (technical approval)	Consent Uses (application required)
<ul style="list-style-type: none"> • Clinic • Community residential building • Day care centre • Extramural facility • Indoor sport • Medical consulting rooms • Outdoor sport • Occasional use (one event/year) • Place of assembly • Place of education • Place of worship • Public institution • Welfare institution • Private road 	<ul style="list-style-type: none"> • Dwelling house • Employer housing 	<ul style="list-style-type: none"> • Freestanding base telecommunication station • Helicopter landing pad • Hospital • Hostel • Market • Occasional use (>one event/year) • Renewable energy structure • Rooftop base telecommunication station • Tertiary educational institution

Building lines:

Building type	Street boundary building lines (m)	Common boundary building lines (m)	Coverage	Height
All buildings	5m	5m	50%	3 storeys

The Stellenbosch Municipality issued a Zoning Certificate confirming the conversion to Community Zone as prescribed in terms of the new Zoning Scheme By-law, however imposed a limitation that the primary uses are restricted to Place of Worship only.

It is however our considered opinion that the Municipality is not lawfully entitled to arbitrarily or unilaterally limit or restrict the primary land uses or development parameters applicable to the Community Zone in the conversion process unless expressly empowered to do so in terms of the provisions of the Zoning Scheme By-law.

When queried on the matter, the Municipality referred to the provisions contained section 34 of the LUPA as the enabling legal mechanism to defend their actions, which is however misplaced since Section 34 of LUPA applies to the compliance of these principles when repealing the previous Zoning Schemes and introducing new Integrated Zoning Schemes and prescribing the manner and methodology in which zoning conversions must be undertaken.

In short, the Zoning Scheme By-law simply provides for the conversion to a base zoning as detailed in the Conversion Table in Schedule 2 and furthermore, in instances where such conversions may result in the intensification of land use rights, the imposition of Development Charges during the building plan approval process. This is the prescribed legal framework as set out in the Zoning Scheme By-law to which the Municipality is bound in the conversion process of allocating zonings and land use rights from the repealed Zoning Scheme to the current Zoning Scheme. We are therefore of the opinion that the land unit is entitled to the full range of primary and additional land use rights in respect of the Community Zone with the Municipality only being entitled to impose Development Contributions in respect of the deemed intensification of the previous land use rights on execution of said land use rights by the landowner. The applicant has also consulted with a specialist Attorney who confirmed and supported this view point. This has been put to the Municipality on a number of occasions who have been non-responsive in terms of confirming their willingness to amend the Zoning Certificate. This matter is thus a moot point and therefore the relevant correspondence with the Municipality on this particular matter has been included in the application documentation, since the argument is a primary motivation for a site specific deviation to the MSDF.

The subject land unit abuts onto Lambrechts Street being classified as an Urban Scenic Route (USR 11) in terms of the Scenic Route Overlay Zone as indicated on Map No SR05 dated October 2015. The site is however offset by a distance of approximately 33 metres from the edge of the road and will be largely screened by the avenue of blue gum trees forming part of the historic "Cats se Pad" route which will be retained. The site will also be landscaped with pristine fynbos gardens, olive trees and planted with vineyards as indicated on the Master Landscape Plan in order to create a soft, unobtrusive and natural visual appearance in support of it's rural and agricultural surroundings. The development proposal aims to provide a sustainable and feasible buffer and / or transition between the urban form north of Lambrechts Street and the outer lying agricultural areas to the south, as the adjoining L'Avenue Estate

11. THE CONSULTANT TEAM

The following professional consultants have been appointed to provide their specialist inputs in order to give effect to the revised development proposal :

a) David Hellig and Abrahamse, Professional Land Surveyors

who are responsible for:

- Topographical survey and preparation of Topographical Plan for planning and design purposes.
- Preparation and submission of the required land use planning application in terms of the provisions of the Stellenbosch Municipality Land Use Planning By-Law, 2015.
- Co-ordination and assembly of Consultants inputs
- Management of the land use planning application process for the acquisition of development rights
- Providing advice and inputs on all planning, surveying and land development related matters.

b) Zutari Consulting Engineers

who are responsible for:

- Design and provision of adequate services to the proposed development.
- Engineering Services Availability Report.
- Traffic Impact Statement.

c) J.d.V Landscape Studio

who are responsible for:

- The preparation of the Site and Landscape Site Development Plan indicating the layout and design elements of the development proposal
- Preparation of the Landscaping Report

d) Abrahams & Gross, Attorneys

who are responsible for:

- Conveyancers Certificate
- The preparation of the Home Owners Association Constitution

12. SITE DEVELOPMENT PLAN**a) Residential Opportunities :**

- A total of seven conventional housing erven are accommodated viz Ptns 1 - 7, ranging between \pm 1989 and \pm 3214 square metres in extent.
- The building footprints in respect of the residential homesteads will be respectively limited to 1200 square metres in respect of Ptns 2 – 7 and 850 square metres in respect of Ptn 1, with the balance of the erven being utilised for agricultural cultivation and landscaped garden areas.
- Ptn 1 is situated north of the main access road in the north eastern corner of the site, whilst Ptns 2 – 7 are situated south of the main access road being screened by the avenue of blue gum trees.

b) Private Roads and Security Entrance (Ptn 8):

- The entrance to the estate is from Bagatelle Street directly opposite the existing entrance to the L'Avenue residential estate to the east.

- The main access road will be brick paved which then feeds into a network of two spoor roads to provide access to the individual units, which is a primary contributor to the agricultural and rural "look and feel" of the development proposal.

c) Private Open Space (Ptn 8):

- The private open space component comprises an irrigation and detention dam and children's play area situated in the north western corner of the land unit.
- The private open space is visually aesthetic and specifically situated on the northern boundary of the proposed development to preserve the scenic and tourist route of Lambrechts Street / Franschhoek pass.

13. ACCESS AND SERVICES

- The subject land unit is in close proximity to Lambrechts Street (R45: Paarl – Franschhoek - Villiersdorp) to the north being highly accessible from all directions.
- The proposed development will utilise existing and new services and infrastructure as determined by the Stellenbosch Municipality which have been adequately addressed in the Engineering Services Report and Traffic Impact Statement prepared by Messrs Zutari Consulting Engineers.
- The Traffic Impact Statement concludes that the proposed development will not have any major impact on the traffic flows in the area given the scale of the development.

14. RESTRICTIONS

The title deed of the subject land unit contains no restrictive conditions prohibiting the development proposal.

The previous Conveyancers Certificate prepared by Messrs Abrahams & Gross, Attorneys in respect of the previous land use planning application is enclosed herewith, however the following must be noted :

- Conditions B3 and B4 relating to a servitude rights of way in favour of the general public which were never applicable due to situation have since been removed. Please refer to the endorsements on page 6 of the Title Deed.

The land unit is also subject to a servitude pipeline vide servitude diagram no 1877/1966 registered in favour of the owner of Erf 59 Franschhoek being the Western Cape Provincial Government. It is proposed that this portion of servitude pipeline be cancelled and re-routed within Bagetelle and Lambrecht Street reserves. Please refer to the Engineering Services Availability Report for further detail.

15. MOTIVATION

11.2 Section 59 of the Western Cape Land Use Planning Act No 3/2014

The following land use planning principles prescribed in Section 59 of the Western Cape Land Use Planning Act, being indicators of desirability which in turn is one of the criteria for decision making, are complied with as follows:

- **Spatial sustainability:** The land use planning application when considered against the context and backdrop of the existing land use rights, its surroundings together with the Municipality's spatial vision for the area as enshrined in the MSDF represents a desirable, sustainable and preferred alternative. The development proposal is compatible with the aims and objectives as promoted in the MSDF, 2019 and seeks to bridge the divide between the development potential afforded to the land owner in terms of the existing land use rights and those advocated in the MSDF, 2019. The approval of the land use planning application will address this imbalance and align the land use rights with the spatial planning ideology of the MSDF, 2019 thereby promoting the principles of a rational and predictable planning environment and framework as opposed to the status quo.
- **Protection of the environment:** The existing avenue of trees representing 'Cat se Pad' is of historical significance and is incorporated into the design of the proposed development. The balance of the site is devoid of any environmental significance noting the following quote from DEADP, WCG letter of non-applicability dated 21-02-2019 :

".....it has been confirmed that due to the presence of dense growth of Blue Gum and Cluster Pines since 2004, the site has been completely transformed and is devoid of indigenous vegetation, and therefore does not support Swartland Alluvium Fynbos."

The development proposal also aims to incorporate elements of agriculture and landscaping to mitigate the impact on the environment and contribute toward the agricultural and rural character of its surroundings.

- **Efficiency:** The approval of the development proposal will enable the subject land unit to be utilised to its full potential whilst mitigating against the possible and potential development opportunities in terms of the current land use rights.
- **Good administration:** Multiple engagements, culminating in a formal pre-application consultation meeting to discuss, assess and refine the development proposal were held with the Municipality to ensure the efficient processing of the land use planning application.

11.3 Neighbourhood and Surroundings

- The proposed development comprises the establishment of 7 discrete unobtrusive high quality residential erven with appropriate mitigation and control measures in place to ensure compatibility with its surrounds and the Municipality's long term spatial vision for the area.
- The development proposes to enhance the character of the surrounding area and contribute to the existing sense of place in Franschhoek.

11.4 Need, Desirability and Demand

- The development proposal presents the opportunity to provide suitable and appropriate residential opportunities fit for purpose for the housing demand in Franschhoek.
- The development proposal will achieve a desired urban form which aligns with the existing residential developments in the immediate area.

11.5 Optimising the Potential of the Land and Opportunity

- The development proposal will optimise the potential of the subject land unit by providing a high quality residential development on the undeveloped land.
- The design and layout of the proposed development considered the topography and surroundings of the subject land unit and the development aims to promote secure residential opportunities in the area.

16. MOTIVATION IN SUPPORT OF A SITE SPECIFIC DEVIATION FROM THE STELLENBOSCH MSDF, 2019

Considering the designated spatial concepts, land use implications and location of the subject land unit (outside the urban edge), it is required that the land use development application be evaluated as a site specific deviation from the Stellenbosch MSDF, 2019 for the following reasons.

A. Existing Land Use Rights (STATUS QUO)

If the subject land unit was to be developed in terms of its current zoning and land use rights as described above, it is our considered opinion that the impact on the surrounding area, with special reference to the residential nature thereof, will be far more adverse than the current development proposal.

As explained above, it is our opinion that the current development proposal is aligned with the development ideals and spatial objectives as contemplated in the MSDF whilst the existing land use rights are not.

For example, a typical scenario would be the erection of a three storey school, tertiary education institution, clinic, hospital, church, hostel, community residential buildings etc. with a building footprint of 12 847,50 square metres (50% coverage permitted in Community Zone), leaving a balance of 12 847,50 square metres on which the required number of parking bays could easily be accommodated. A typical parking bay requires on average \pm 22 square metres for parking and access which would equate to \pm 580 parking bays which translates into a substantial GLA. This scenario represents the status quo in terms of the existing zoning and land use rights of the subject land unit should the owner intend to proceed on this basis.

The above development proposal does not require any planning permission approvals since it is in compliance with the development parameters contained in the Stellenbosch Zoning Scheme By-Law, 2019 and represents the execution of the primary land use rights.

There is thus a disconnect between the MSDF, 2019 and the current status quo position and this land use planning applications aims to address this imbalance.

B. Physical characteristics

- The subject land unit comprises existing building infrastructure viz a derelict dwelling unit and ablution facilities and is densely planted with Bluegum trees with very little agricultural potential.

- Due to the presence of dense growth of the blue gum trees, the site has been completely transformed and is devoid of any indigenous vegetation.
- The extent and nature of the subject land unit is not suitable for agricultural production and does not constitute an area of biodiversity conservation, scenic quality or a landscape to be protected as envisaged in the MSDF.
- The Department of Environmental Affairs and Development Planning, WCG confirmed that the proposed development does not constitute any listed activities in terms of the NEMA EIA Regulations as the site is located within an urban area, no indigenous vegetation will be cleared, no watercourses or wetlands were identified on site and that Environmental Authorisation is not required vide their letter Ref 16/3/3/6/1/B4/12/1440/18 dated 21-02-2019.
- The development proposal however aims to introduce an agricultural an landscaping element in the design philosophy of the Estate in order to achieve the goals and objectives of the MSDF, 2019 and in support of its surroundings.
- The development proposal will retain the avenue of blue gum trees signifying the historic Cats se Pad as prominent and focal landmark

C. Surrounding land uses and zonings

- The current development proposal is to a large degree modelled on the adjoining L'Avenue residential estate which will ensure its compatibility with its surroundings. The majority of the erven abutting the subject land unit are zoned for Conventional residential purposes

D. Legal / administrative implications

- The spatial considerations contained in the MSDF, 2019 sets out the preferred utilisation of the subject land unit being agricultural in nature with associated agri-tourism related activities which are inappropriate and impractical when considered with the lawful status quo situation taking cognisance of the current land use rights and current land usage.
- In the adoption and review of a Spatial Development Framework, one of the core principles and responsibilities which the Municipality needs to adhere to is the promotion of a "rational and predictable land development environment to create trust and stimulate investment" as contained in SPLUMA and LUPA.
- The exclusion of the land unit from the urban edge *does not promote the predictable utilisation of the land* when considering the existing land use rights and is therefore in conflict with the provisions contained in SPLUMA and LUPA in respect of land use development principles and the adoption of MSDFs.
- The current development proposal aims to remove this anomaly and align the land use rights with the spatial objectives advocated and promoted in the MSDF, 2019.

17. CONCLUSION

Section 22(2) of SPLUMA empowers the Municipality to take land development decisions in respect of development proposals which represent a departure from a MSDF only if site specific circumstances justify such a departure from the provisions of the MSDF. The reasons, justifications and motivations provided above are indeed considered to be site specific and unique circumstances to this particular land unit, justifying the deviation.

DAVID HELLIG & ABRAHAMSE



PER : M BOTHA
Candidate Planner C/8375/2016
DECEMBER 2020



Johan de Villiers - Landscape Architect - Bt. (Pret) SACI AP

Erf 579 Franschoek – Housing Estate

1.0 Urban design

1.1 Existing Site

1.2 Urban design Philosophy

2.0 Landscape Guidelines:

2.1 Olive groves and Vineyards

2.2 Communal area and natural Fynbos areas around the dwellings landscaping:

2.2.1 Planting of trees shrubs and groundcover plants

2.2.2 Lawn areas

2.2.3 Fencing within properties

2.2.4 Retaining structures

2.2.5 Paving:

2.2.5.1 Steppingstones or flagstones

2.2.5.2 Pathways through the restored Fynbos areas

2.2.5.3 Motor courts

2.2.6 Garden lighting

2.2.7 Water features

2.2.8 Prefabricated planter/pots

2.2.9 Screening of service/dry yards and compost areas

2.2.10 Planting

2.2.11 Herb and vegetable gardens

Annexure A – Landscape Mood board

Annexure B – Plant Lists

Plant List no.1 - Swartland Alluvium Fynbos; in the communal areas and areas outside the 1200m² building footprint on the erven

Plant List no.2 - Indigenous plant material planted in proximity of the dwellings.

Plant List no.3 - Nut bearing trees to be planted as buffers between erven.

Annexure C - Endemic Western Cape – Gardens Planting Palette

1.0 Urban design:

1.1 Existing Site:

See the location plan below. The site is 2,57Ha in size and has a 1:8 fall across the site from east to west. The endemic vegetation in the area is Swartland Alluvium Fynbos and soils vary from Glenrosa to Misppah. The site is infested with Eucalytus and Pinus spp. Trees.

The old disbanded "Kat se Gat" road lined with Eucalytus trees runs through the site on the site's northern edge, from east to west the two avenues of eucalyptus trees have heritage value and must be retained and incorporated in the urban layout.

Dwellings situated on the southern, eastern and western boundaries of the housing estate will have mountain views.

The Developer will be installing a borehole as there is sufficient underground water.

1.2 Urban design philosophy:

A Rural Cape Vernacular lifestyle theme will be created to be in sympathy with the surrounding wine farms, by creating the following features:

- A central communal vineyard 110m x 45m = 0,5Ha, where 1,5 ton of grapes can be harvested and if processed could produce 1000 bottles of wine.
- An olive grove along the east, south and west boundaries of the estate. 300 trees will be planted and at year 5, 1,5ton of olives can be harvested. If 75%, 1100kg of the harvest is pressed at 5kg of olives to produce a litre of olive oil, 200litre could be bottled, the remaining 25%, 350kg could be processed for table olives. The olive trees will be kept trimmed, not to exceed 3m in height to avoid the screening of the mountain views. A walking/jogging trail will be created between the olive tree rows. The pathway will also be used to patrol the estate.
- It is proposed that there will be no internal erf fencing between the erven, to create the sense of the dwellings situated on one farm. To create privacy between the dwellings we propose establishing tree clusters with trees with edible nuts; Almond trees, Pecan nut trees, Chestnut trees, hazelnuts trees and macadamia nuts trees.
- The balance of the open areas will be restored to Swartland Alluvium Fynbos.
- The property owners will be allowed to create gardens immediately around the dwellings, strictly to the Estate Landscape Guidelines. Lawn will be limited and only endemic "Blou Kweek" (cynodon dactylon) will be allowed. Areas directly around the dwellings will be permitted to be fenced off with 1,2m high "Clear View" fencing, camouflaged with shrubs in situations where owners have pets.
- The roads through the vineyard and roads leading to the dwellings will be "Twee spoor" track roads 2m wide, the tracks will be surfaced with brown exposed aggregate concrete and where turning circles/ change of directions are required, brick paved square "werf" areas have been created to line the vehicles up for the next track road. The "werf" areas will also be used for vehicles to pass each other.
- The road along "Kat se Gat" Tree Avenue will be 5,5m wide and surfaced with brick paving. At the entrance gate, the road will be 7m wide, with a 12m stacking distance on the outside of the gate.
- The strong road axis along "Kat se Gat" tree avenue ends up, in the west, in a square with 900mm high, thick "werf" walls and beyond this "werf"/square is a formal farm dam which will serve as a retention dam and topped-up with the borehole water and also serve as an irrigation dam. A bell tower has been positioned at the western end of the dam to strengthen the axis.

- The dam/water feature edges will have stone rip-rap edges planted with aquatic plants and papyrus as a physical barrier and to aid with the polishing of the water. 4 aeration jets will be positioned in the dam to curb algae growth and the irrigation booster pump will drive the jets during the day when it is not used for irrigation. The dam could be filled with Trout, Bass & Tilapia (Vlei kurper). Fly fishing could be additional recreation facility for the owner's children. Due to the western part of the water feature dam wall being raised, a 1,2m high clear view fence will be installed at the toe of the embankment, which will be screened with shrubbery to avoid the resident children entering the dam area, without parent supervision.
- To enhance the Rural Cape Vernacular theme, we propose planting Mediterranean cypresses (*Cupressus sempervirens Stricta*) at the ends of each second row of vineyard along the "Tweespoor" vehicle track. The cypress tree crowns are the same width as that of the vine growth, which will not obstruct machinery, maintaining the vineyards.
- Low louvered bollard lighting (500mm high) will be position at every fourth cypress tree on either side of the track, to eliminate the track and to avoid light pollution.
- Motor courts/"werwe" are proposed at each dwelling, which could be edged off, with low/thick "werf" walls. The motor courts surfaces will be stabilized with a sifted laterite/crusher-dust/cement mix to enhance the rural theme. On the edges of the motor courts lemon, lime, Bay leaf trees & "Adams Vy" will be planted plus one large deciduous shade tree (Wit Stinkhout or London Plane) in the motor court.
- The estate can be fenced with a 2,1m transparent fence, as the olive tree will supply sufficient visual and noise screening. Boundary walls must be avoided as it defines the boundaries of the estate and the feeling of being caged in must be avoided. Only the entrance gate should be a built feature.
- Dwelling orientation and positioning:
 - * Where swimming pools are required at dwellings, it is proposed that the pools are positioned on the northern side of the dwelling, to screen the area from the south easterly winds.
 - * It is proposed that the dwellings on the western side of the estate have a living area that also opens up to the south to appreciate the mountain views and the dwellings on the eastern side of the estate have a living area that also opens up to the east to appreciate the mountain views.
 - * No building platforms will be enforced, but building lines have been introduced to ensure the dwellings are spaced at a minimum of 18m-20m apart.
 - * The dwelling footprints may not exceed 600m², including verandas and garages.
- Refuse removal
 - * A 4mx4m building will be erected to form part of the entrance feature walls, with a door leading to the public road, for easy accessibility for refuse collection by the municipality.
 - * The refuse room will have a wash bay to clean the wheelie bins. A floor sump will be connected to the internal sewer line.
- The existing public road, Bagatelle Street, will be widened by 2,5m for a 17m length alongside the refuse room to serve as a taxi drop-off area and bay where the refuse collection truck can park when collecting the refuse.

2.0 Landscape Guidelines:

2.1 Olive groves and Vineyards:

As mentioned in the Urban Design Philosophy, item 2 and indicated on the Landscape Development Site Plan, each property owner will have a section olive grove and vineyard on their properties that will have to be established to contribute to the overall lifestyle theme of

the estate. The cost of the olive grove and vineyard plus the irrigation system on each property will be borne by the owner. An irrigation watering main pipe will be supplied to the olive grove and vineyard by the developer from the water feature/reservoir dam. The cost to run the irrigation booster pump delivering the pressurised water to the olive grove and vineyard will form part of the levy. The olive specie planted throughout the development will be *Olea mission* which is very hardy and delivers table fruit as well as oil. The trees will be planted 3m apart. The grape specie will be determined by a local viticulturist that have experience of the immediate region and planted in rows, 2m apart, along the existing natural contours. It is proposed that an outside contractor maintains and prunes all the olive groves and vineyards to ensure that a unified look is created.

Along the central "2 Spoor" track road at the end of every second row of vineyard, a large Mediterranean cypresses will be planted on either side of the road, to accentuate the lifestyle theme. The balance of the vineyard row ends will be planted with one Iceberg rose, to hide the pergola brace wire of the vineyards.

2.2 Communal area and natural Fynbos areas around the dwellings landscaping:

2.2.1 Planting of trees, shrubs and groundcover plants:

As stated in the Urban Design Philosophy, item 2, the property owner will only be allowed to detail landscape design in the areas immediately around their dwellings and in the dwelling courtyards. A list of indigenous plant material, see Plant List no.2, has been supplied with which this detail landscaping around the dwellings have to be executed. The balance of the area not taken up by the motor court, vineyards and olive groves will be planted with the endemic Swartland Alluvium Fynbos of the region. A list of plant species that are to be used are attached, see Plant List no.1. A list of trees from which nuts can be harvested, see Plant List no 3, can also be planted in the fynbos areas, to enhance the rural farm lifestyle and create screening between the dwellings.

2.2.2 Lawn areas:

Only *Cynodon dactylon* (Blou Kweek) lawn will be permitted in the active recreation areas around the dwellings. No *Pennisetum clandestinum* (Kikuyu) lawns will be permitted. Lawn area may not exceed 15% of the dwelling footprint.

2.2.3 Fencing within properties:

No fences will be permitted on the erf boundaries, between erven, as it would segment the development, omitting the visual effect of the properties situated in one large "farm". Clear view fencing, 1,2m high, will be permitted around lawned area in close proximity of the dwellings to contain pets and toddlers. The fencing has to be positioned in shrub beds, for the shrubs to screen off the fencing.

2.2.4 Retaining structures:

Due to the 1:8 fall over the estate, areas will have to be retained to create level platforms for lawns, pools and motor courts. No flexible retaining walls will be permitted i.e., Loffelstein and Terra-Force. Retaining walls may be constructed with:

- Gabions (cage constructed with galvanised steel wire mesh - 50mm x 70mm and not fencing diamond mesh).
- Off shutter concrete

- Brick walls which are clad with stone;
- Dry pack stone walls.

2.2.5 Paving:

2.2.5.1 Stepping stones or flagstones:

Stepping stones and flag stone have to be square or rectangular, 50mm thick concrete slabs with exposed aggregate or rock mound finish pigmented with a Table Mountain Limestone or Sandstone finish. No round or imitation tree trunk mounds will be permitted. Stepping stones preferably to be laid in straight lines squared off with the dwellings.

2.2.5.2 Pathways through the restored Fynbos areas:

These pathways to be surfaced with stabilised Laterite/cement mix, to enhance the rural theme. We propose that the pathways do not exceed 800mm width.

2.2.5.3 Motor courts:

Exposed aggregate (brown) concrete insitu paving is recommended, casted in 2m x 2m blocks with ROK brick stretcher bond edging/expansion joint patterns. Corn colour brick paving is also acceptable, to enhance the rural theme. A gravel (local soil) texture and finish is to be mimicked to typify of a farm yard/"werf" surfacing. No grey or black cobbles are permitted as paving material.

2.2.6 Garden lighting:

Low, louvered lights shining down wards (bollards - max 500mm high or low bulkhead lighting) will be permitted, only as direction giving on pathways and along the motor court. No up lighters in trees will be permitted. Light pollution must be reduced to a minimum.

2.2.7 Water features:

No prefabricated fibreglass ponds or free formed ponds will be permitted. Ponds will be rectangle and built with shutter concrete or bricks. Where water features are situated outside of the dwelling fenced off area, open to the public, it has to be provided with a safety net.

2.2.8 Prefabricated planter/pots:

Pot containers must be round or square, manufactured from clay, concrete & stone. No fibre cement "Everite" prefabricated plant container products will be permitted.

2.2.9 Screening of service/dry yards and compost areas:

Solid brick and mortar screen walls have to be avoided as far as possible as it increases the hard structures and elements, which has a negative impact on the proximity of the dwelling to one another. Timber trellis screens and Tanalith treated lath screens are encouraged for screening, which will aid with the integration of the dwelling and garden.

2.2.10 Planting:

There are 2 plant lists, See annexure A & B;

Plant list no.1 - Endemic plant material permitted to be planted on areas outside of the 1200m² dwelling platform on the erf. These plant selections are plant species that naturally grow in the Swartland Alluvium Fynbos

Plant list no.2 - Indigenous plant material permitted to be planted inside the 1200m² dwelling platform on the erf. These plant selections are decorative plant species that are hardy, water wise and requires low maintenance.

Plant list no.3 – Nut bearing trees to be planted as buffers between erven.

The plant species have to be planted in 3, 5, 7 etc. and in mass to create an impact. It is proposed that the planting in the proximity of the dwelling be planted in formal lines, parallel with the dwelling lines and as the shrub lines extend away from the dwelling, it can become more informal to integrate with the natural Swartland Alluvium Fynbos on the balance of the erf.

2.2.11 Herb and vegetable gardens:

It is proposed that the herb & vegetable planters be raised, rectangle and form a focal feature of the gardens. Timber trellises can be introduced for creepers and serve as a wind barrier.

Annexure A - Landscape Development – Mood board.



Motor court paving



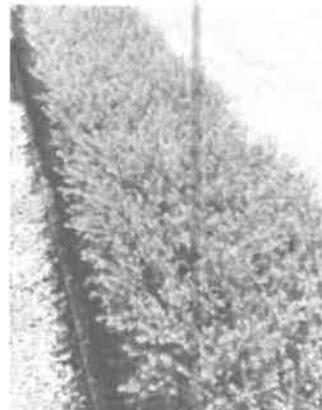
Stepping stone patio



Stepping stone Path



Hedge planting



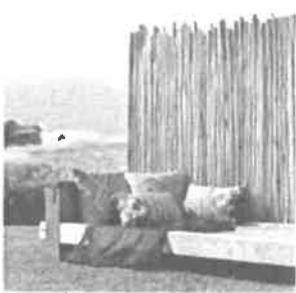
Hedge planting



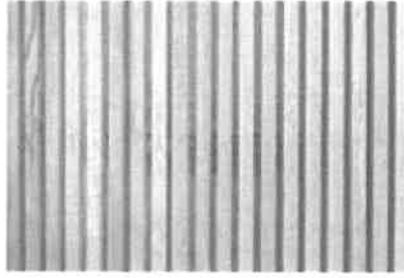
Laterite pathways



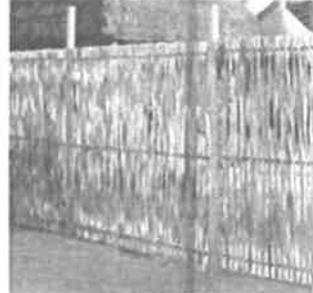
Raised herb & vegetable garden



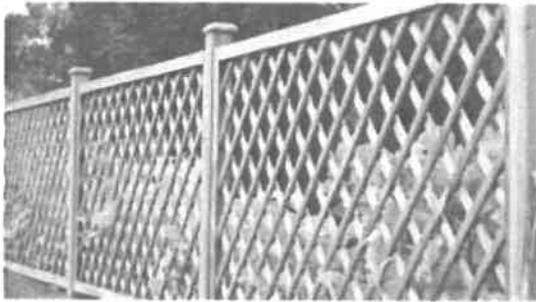
Timber lath screen



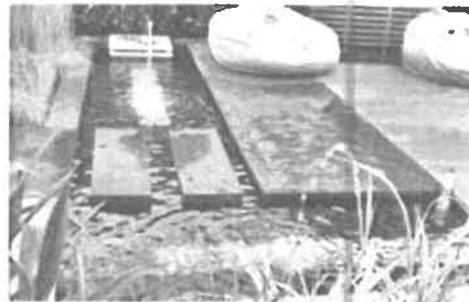
Timber screen



Timber lath screen



Timber trellis



Water feature



Water feature



Planter pots 1

2



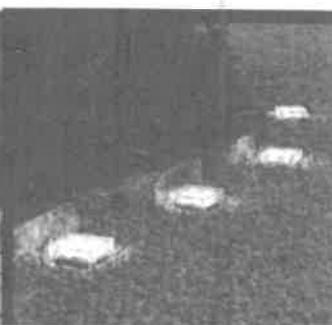
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Garden lighting 1



2



3

Annexure B – Plant Lists

Plant List no.1 - Swartland Alluvium Fynbos; in the communal areas and areas outside the 1200m² building footprint on the erven

Plant material available at nurseries:

Agathosma serpyllacea	Leucadendron rubrum
Asparagus densiflorus 'Mazeppa'	Lobostemon fruticosus
Babiana sp	Maytenus acuminata
Bulbine sp.	Metalasia muricata
Carpobrotus edulis	Moraea sp
Cliffortia odorata	Oxalis sp.
Cineraria saxifraga	Oftia africana,
Diospyros whyteana	Osteospermum sp.
Erepsia inlaudens	Othonna sp.
Erica sp.	Passerina rigida
Ficinia nigrecens	Pelargonium capitatum
Gladiolus tristis	Phyllica sp.
Helichrysum sp.	Protea mucronifolia
Hermannia sp.	Selago corymbosa
Ischyrolepis sp.	Senecio sp.
Lachenalia hybrid "Namakwa"	Thamnochortus fruticosus
Lampranthus sp.	Ursinia nudicaulis
Leptospermum laevigatum	Watsonia sp.
	Zantedeschia aethiopica

Plant List no.2 - Indigenous plant material planted in proximity of the dwellings.

2.1 Trees:

<u>Common Name</u>	<u>Botanical Name</u>
Witstinkhout	Celtis Africana
River Bush Willow	Combretum erythrophyllum
Assegaaï bos	Curtisia dentate
Coral Tree	Erythrina lysistemon
Vlier	Nuxia floribunda
Wit Karee	Searsia pendulina
Water berry	Syzygium cordatum
Water Pear	Syzygium guineese
Cape willow	Salix mucronata ssp. woodi
Fever Tree	Vachellia xanthophloea

2.2 Shrubs:

Baleria	Baleria obtusa "blue"
Num.-Num	Carissa bispinosa
Confetti Bush	Coleonema album
Wild Rosemary	Erioccephalus spp.
Rivierharpiusbos	Euryops spp.

Ribbon Bush	<i>Hypoestes aristata</i>
Bush Jasmine	<i>Jasminum multipartitum</i>
Wilde Dagga	<i>Leonotis leonurus</i>
Forest Bell Bush	<i>Makaya bella</i>
Kruitjie-roer-my-nie	<i>Metalasia major</i>
Syselbos	<i>Plumbago auriculata</i>
Bloublomsalie	<i>Salvia chamelaeagnea</i>
Dune Crow-Berry	<i>Searsia crenata</i>
Burnt Orange	<i>Tecoma capensis</i>
Wild Camphor	<i>Tarchonanthus camphorates</i>
2.3 <u>Ferns and Ratios (reeds):</u>	
Bush asparagus	<i>Asparagus Africana</i>
Mat Sedge	<i>Cyperus textilis</i>
Miniature Cyperus	<i>Cyperus "Nanna"</i>
Fountain reed	<i>Elegia capensis</i>
Dakriet	<i>Elegia tectorum</i>
Albertinia dekriet	<i>Thamnochortus cinereus</i>
2.3 <u>Bulbs:</u>	
Blue Lilly	<i>Agapanthus spp.</i>
Blousuurkanol	<i>Aristea major</i>
Hen & Chickens	<i>Chlorophytum comosum</i>
Clivia	<i>Clivia miniata</i>
Fairy Bells	<i>Dierama pulcherrimum</i>
Wild Iris	<i>Dietes spp.</i>
Red Hot Poker	<i>Kniphofia spp.</i>
Wild Garlic	<i>Tulbaghia violacea</i>
Kanolpypie	<i>Watsonia spp.</i>
Arum lily	<i>Zantedeschia aethiopica</i>
2.4 <u>Groundcover Plants:</u>	
Botterblom	<i>Arctotis spp.</i>
Asystasia	<i>Asystasia gangetica</i>
Rankkopieva	<i>Bulbine spp.</i>
Wilde-aster	<i>Felicia spp.</i>
Gousblom	<i>Gazania spp.</i>
Kooigoed	<i>Helichrysum spp.</i>
Vygies	<i>Lampranthus spp.</i>
Rank margriet	<i>Osteospermum spp.</i>
Pelargonium	<i>Pelargonium spp.</i>
Blue Spur Flower	<i>Plectranthus spp.</i>
Sutera	<i>Sutera spp.</i>

2.5 The permitted exotic plant materials are:

Hydrangea Blue	Christmas Roses
Rose spp.	Icebergs (floribunda or standards)
Rosemarinus officinalis	Rosemary
Olea mission	Fruit bearing olive trees.
Passiflora ligularis	Granadilla creeper on trellises.
Wisteria sinensis	Wisteria for pergola coverage.
Lavendula dentata	French lavender.

Plant List no.3 - Nut bearing trees to be planted as buffers between erven.

- Almond - Prunus amygdalus.
- Chestnut - Castanea sp.
- Hazelnut - Corylus sp.
- Hickory - Carya sp.
- Macadamia - Macadamia integrifolia.
- Pecan - Carya illinoensis.

Annexure C - Endemic Western Cape – Gardens Planting Palette

Buxus macowanii



Asystasia gangetica



Agapanthus praecox



Barleria obtusa



Clivia miniata



Coleonema album



Cyperus prolifer



Carissa macrocarpa



Elegia tectorum "Fishoek"



Dietes grandiflora



Dymondia margartae



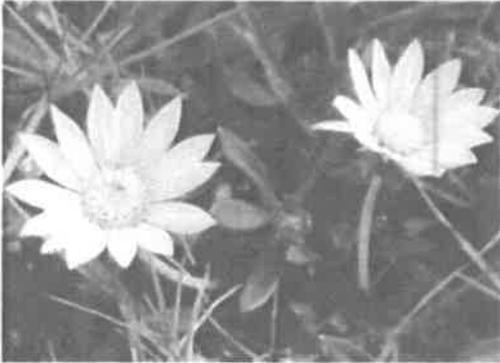
Felicia heterophylla



Freylina visseri



Gazani rigens uniflora



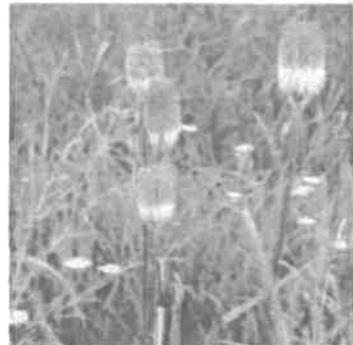
Hypoestes aristata



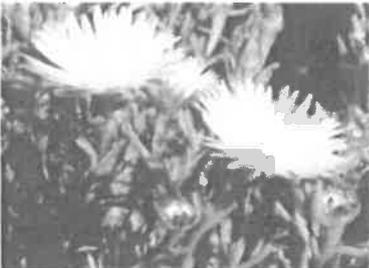
Jasminum multipartitum



Kniphofia linearifolia



Lampranthus bicolor



Metalasia muricata



Monopsis lutea



Pelargonium elegans



Phylica ericiodes



Plectranthus ciliatus



Polygala myrtifolia



Salvia africana - lutea



Senecio glastifolia



Tulbaghia violacea



Salvia chamelaeagnea



Watsonia humilis



Erica baueri 'White'



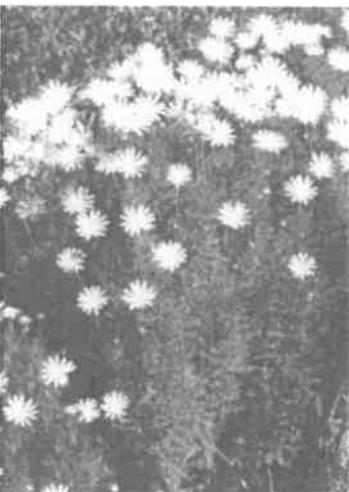
Zantedeschia aethiopica



Wachendorfia thyrsiflora



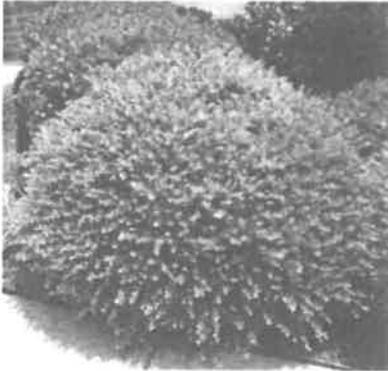
Euryops 'Sunshine Classic'



Chironia liniodes



Searsia crenata



Rumhora adiantiformis



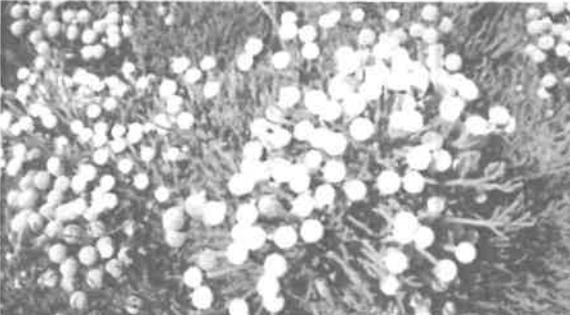
Sutera cordata



Asapargus meyerii



Berzelia intermedia



Athanasia dentata



Anisodentia capensis



Disphyma crassifolium



PURPOSE OF THE GENERAL GUIDELINES

The purpose of the General Guidelines is to provide architects and property owners with a framework within which individual properties can be designed and constructed to ensure and integrated and harmonious architectural language for La Demeure Wine Estate, Erf 579, Franschhoek.

It must be emphasized that these guidelines are not intended to stifle or inhibit innovative design and / or original thought. The challenge lies in respecting the *genius loci* (spirit of place) of the Winelands, by determining the identity of the area and interpreting it in ever new ways in the Estate.

The guidelines are intended to assist architects, home owners and others involved in the design and construction of building within La Demeure Wine Estate, Erf 579, Franschhoek to create a qualitative place which will resonate positively with a sense of place, history, craft, nature and scale qualities of the Winelands

These Guidelines cover development in both Portion A (Phase 1) and Portion B (Phase 2) of La Demeure Wine Estate, Erf 579, Franschhoek, Differentiated as follows:

Type I Erf: Portion A

Type II Erf: Portion B

These specific guidelines for properties in Portion B are subject to further refinement.

Specific Guidelines for certain site will also apply.

To achieve the above objective the following aspects are addressed:

1. Building Form
2. Building Dimensions (Building Width, Height and Length)
3. Utilization on the Roof Space
4. Building Platform
5. Building Coverage

6. Building Lines (Portion A: On Boundary)
7. Courtyards
8. Garages and Carports
9. Roofs
10. Stoops and Verandahs
11. Boundary Walls
12. Gates
13. Exterior Walls, Windowsills and Plasterbands
14. Windows and Doors
15. Shutters
16. Exterior Colours (for windows doors and shutters)
17. Balconies
18. Balustrading
19. Burglar Bars & Security Gates
20. Services (Aerials / Satellite Dishes / Pipes / Cables, Etc.)
21. Chimneys
22. External Lights
23. Landscaping
24. Building Plan Submission

1. BUILDING FORM

Building form shall consist of the main building structure, which is expressed as a code building with abutments; and free-standing structures

1.1 MAIN BUILDING STRUCTURE (CORE BUILDINGS)

- 1.1.1 Building form must conform to the traditional "letter of the alphabet" building types, which originated in the local vernacular of the Cape.
- 1.1.2 In this particular typology, the plan form of the building resembles the letters I, T, L, H, U or variations of the theme (figure 1). The latter constitutes the main body of the building and shall be referred to as the core building



Figure 1: Letters of the alphabet type buildings

- 1.1.3 Rectangular sections of the core buildings must be built perpendicular to each other
- 1.1.4 Buildings must be dimensioned as described further in this document.
- 1.1.5 In order to create larger floor plans than what building dimensions of the core building would allow, the plan forms may be extended in various combinations of ways by abutments as illustrated in Figure 2

1.2 ABUTMENTS

- 1.2.1 Abutments are rectangular, single story extensions to core buildings
- 1.2.2 Abutments must be built to the dimensions that as illustrated in this document

1.3 FREE-STANDING BUILDINGS

- 1.3.1 Free-standing buildings are buildings with flat roofs as illustrated in Figure 3 and are only permitted on Type II Erven. (See page 4)



Figure 2: Illustration of different building forms that can be created by variation on the letter of the alphabet plan form and the use of abutments

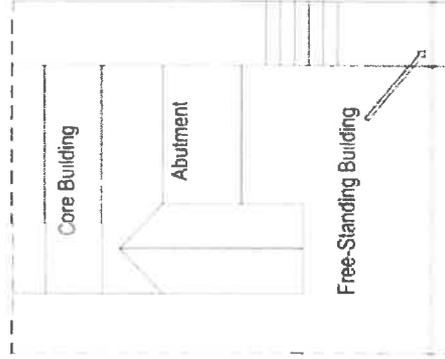


Figure 3: Core Building with free-standing building

**2. BUILDING DIMENSIONS
(WIDTH, HEIGHT & LENGTH)**

Prescriptions relevant to the width of rectangular sections of the building and the corresponding heights relate to the type of erf which the house is constructed. The types that are defined are the following:

(I) TYPE I Erf:

Erven within Portion A with 1200m² set aside as the area for a house and garden. The total Erf size range from 3214m² – 3209m². The balance of the Erf will be planted with vineyards and olive grove

(II) Type II Erf:

Erven within Portion B with a 850m² set aside as the area for a house and garden. The total Erf size is 1989m². The balance of the Erf will be planted with vineyards

2.1 BUILDING WIDTH

2.1.1 Building Width of Core Building:

- I) TYPE I Erf: 5m – 7.5m
- II) TYPE II Erf: 4.2 – 6.6m



5m Minimum
7.5m Maximum

Figure 4: Building width: Core Building Type I Erf



4.2m Minimum
6.6m Maximum

Figure 5: Building widths: Core Building Type II Erf

2.1.2 Building Width of Abutments

The width of any single abutment to the core building may not exceed 4.5 meters as shown in Figure 6 below

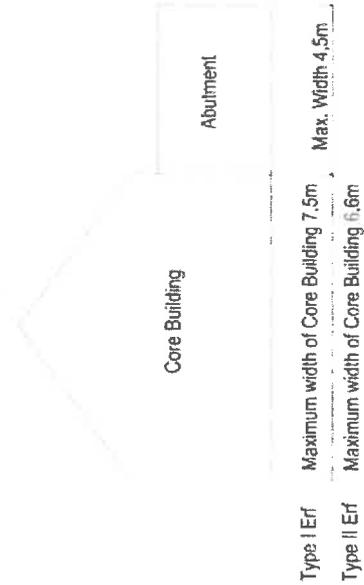


Figure 6: Section showing maximum width allowed for abutments

2.1.3 Width of Porticoes and Covered Entrances

Porticoes, covered entrances, linking walkways and single free-standing buildings are allowed to be narrower than the prescribed minimum width of core building and are left to the architect's discretion.



Figure 7: Perspective of Entrance Portico with a flat roof & a width of less than the minimum prescribed width.

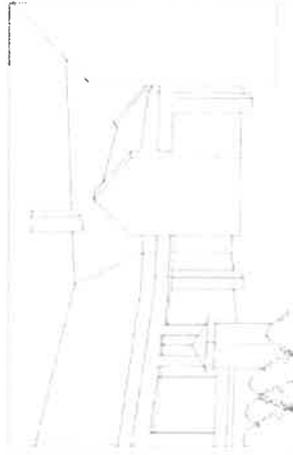


Figure 8: This Portico has a width less than the prescribed minimum.

2.2 BUILDING HEIGHT

The height of any building must be related to its width and the type of erf on which it is built

2.2.1 Core Buildings

I) TYPE I Erf

Core Buildings on Type I erven may be single storey or single storey with loft space. The wall plate height shall be at 3.6m above finished floor level. This applies to buildings with widths from 5 – 7.5m (see Figure 9)

II) TYPE II Erf

Core buildings on Type II erven may be single storey or single storey with loft space with the wall plate height at 3.6m minimum and 4.8m maximum above finished floor level. This applies to buildings with width from 4.2m to 6.6m (see Figure 10)

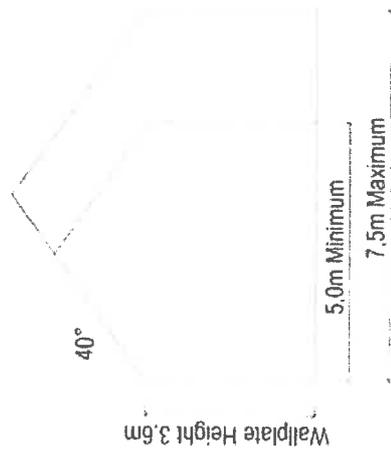


Figure 9: Section illustrating prescribed height for a Type I Erf Building

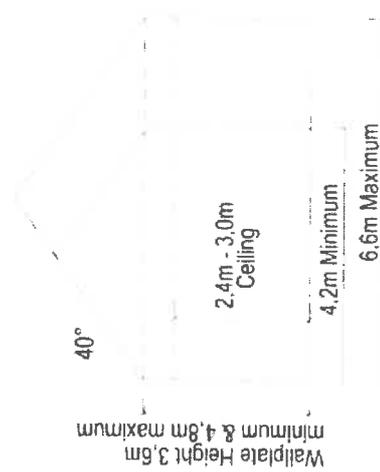


Figure 10: Section illustrating prescribed height for a Type II Erf Building

2.2.2 Height of abutments

- (I) On Type I and Type II even, where core buildings are 3.6m high measured to the wall plate level, the height of abutment must be a maximum of 3.6 meters above finished floor level
- (II) On Type II even, where code buildings are higher and 3.6m measured to the wall plate level the height of abutments are to be in the discretion of the architect, but may not exceed 4.0m

2.2.3 Height of Free-Standing structures

Free standing structure, such as a garage must be single storey, with flat roofs and only the permissible height will be equivalent to that of any abutment permitted on any particular site

Free-standing structures are only permitted on Type II even and the maximum height allowed is 4.0 meters

Figure 12: Abutment to core building with a flat roof behind parapet walls.

Figure 12: Abutment to core building with a flat roof behind parapet walls.

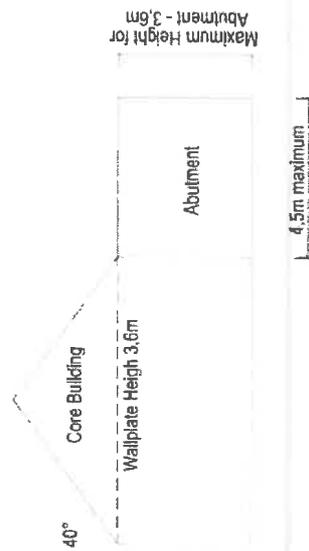


Figure 11: Section showing prescribed height of abutments



Figure 13: Abutment to core building with exposed mono pitch roof at 15° minimum

3. UTILIZATION OF THE ROOF SPACE

The General Guidelines lend themselves ideally to the utilization of the roof space for loft spaces, by virtue of the fact that the minimum wall plate height is specified as 3.6m above finished floor level and the maximum wall plate height at 4.8m. Ventilation, light and views can be provided for by the following methods:

3.1 Ventilator Windows

Ventilator windows may be used under eaves (see paragraph 16 Windows and Doors p 26-27)

3.2 Gable windows

- (a) The Gable end walls of the letter of the alphabet type buildings create opportunities for the use of gable windows. These windows must be rectangular, (see paragraph 15 External Window sills and plasterband p26, and paragraph 16 Windows and Doors p 26-27)
- (b) On a façade only one center gable with a window may be included

3.3 "French" dormers

"French" dormers may be used on the "soft belly" on the private side of the house that does not face the street (see Paragraph 16 Windows and Doors p26-27)

These dormers must be located 1m minimum away from the gable walls.

3.4 Roof Windows

Velux or similar type roof windows may be used (see Paragraph 16 Windows and Doors p26-27)



Figure 14: Perspective showing gable windows and ventilator windows.

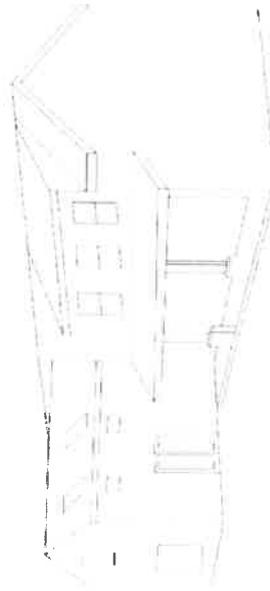


Figure 15: Perspective of French type dormer windows and roof windows facing into private art.

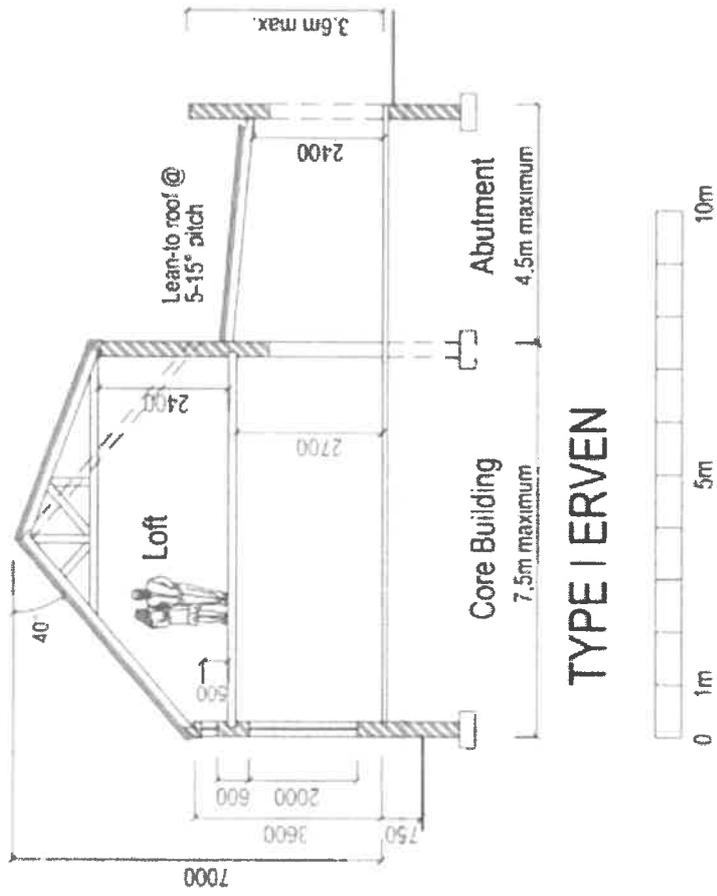


Figure 16: Section illustrating the dimensions for buildings on Type I erven

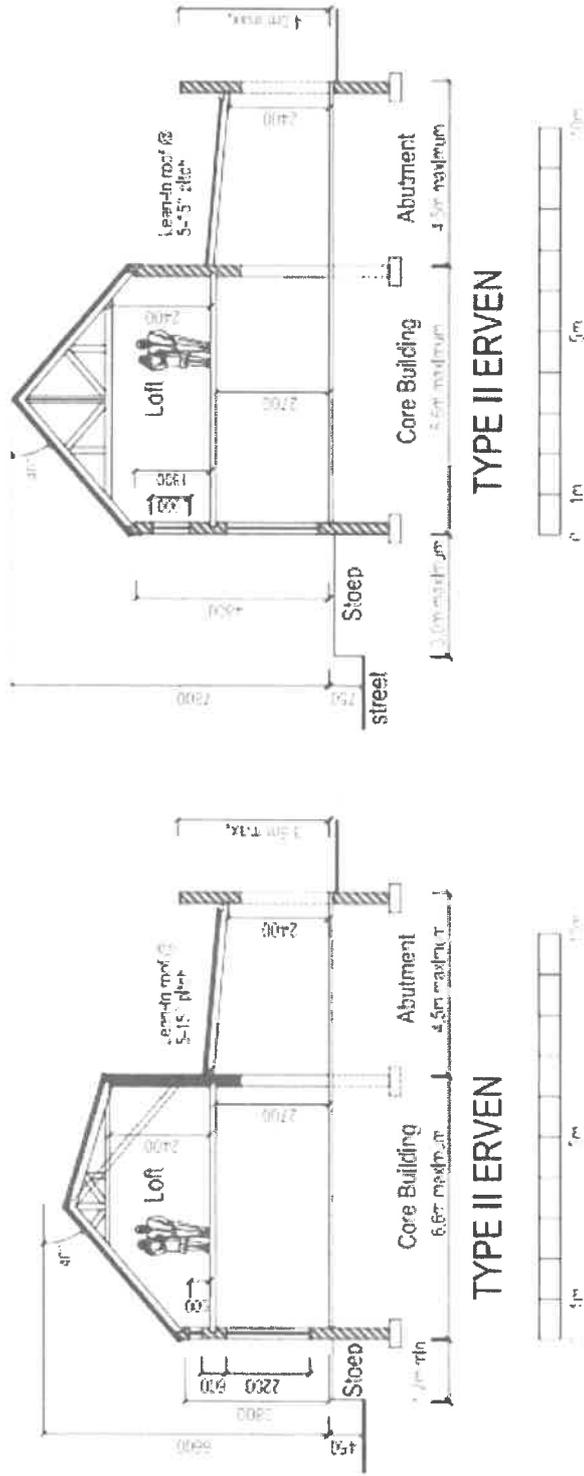


Figure 17: Sections illustrating the maximum and minimum dimensions for buildings on Type II Iervens

4.1 Steep Slopes

Building on slopes must be designed with stepping levels in response to the slope of the site or on stepped building platforms (Ref Figure 18 and 19)

4.2 Guidelines for Buildings on slopes

The following provisions must be applied to buildings which are situated on a slope:

4.2.1 The height of the ground fill at any point on the site may not be measured higher than 1.2m, measured from the natural ground level at that particular point of the site.

4.2.2 The part of the building that is at the highest part of the site may not cut deeper into the site than 1.2m measured from the natural ground level than that particular point of the site.

4.3 Retaining Structures

All retaining structures must be solid build walls

Vertical retaining structures on all boundaries must be plastered and painted brickwork or concrete blocks.

No stacked engineering blocks are allowed. Stone masonry walls may be used in gardens.



Figure 19: Section through slope illustrating limits to cut & fill

5. BUILDING COVERAGE

5.1. TYPE I erf: Maximum 50% of the 1200m² set aside for a dwelling and garden. The maximum footprint allowed for a dwelling shall not exceed 600m². The coverage shall not exceed 14.5% for these erven

5.2 TYPE II erf: Maximum 30% coverage for the erven in Portion B will be applicable. The maximum footprint of the buildings on Type II erven shall not exceed 460m²

Minimum size units that shall be allowed is 120m²

6. BUILDING LINES

Type I Erf: Nil building lines (On boundary)

Differentiation must be made between two types of building lines, namely:

6.1 Type A: This type of building line indicates a line over which a building structure may not encroach. (Figure 20)

6.2 Type B: This type of building line indicates the line on which an outer wall of a particular building structure must be built (Figure 21)

Type A and B building lines are shown on the Specific guidelines of each erf

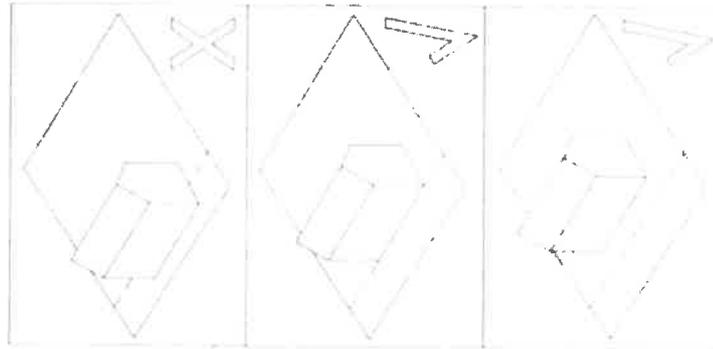


Figure 20: Type A building line

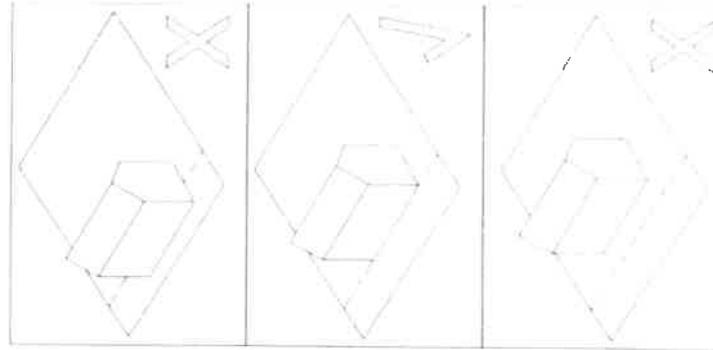


Figure 21: Type B building line

7. COURTYARDS

Courtyards are among the most ancient of outdoor rooms.

Of particular significance for La Demeure Wine Estate, Erf 579, Franschhoek is the opportunity created for courtyard living by the urban design of each development node with Type II erven



Figure 22: View of courtyard with central focal feature

- 7.1 Visual privacy**
- 7.1.1 The guidelines cannot guarantee visual privacy. The Home Owners Association will however, in applying the guidelines take great care that is achieved to the maximum degree practically possible.
- 7.1.2 It is important that individual property owners ensure that houses are designed in a manner which respects the need for private outdoor space for neighbouring property.
- 7.1.3 Each property owner must motivate and illustrate how the aforementioned objective will be met when building plans are submitted to the Home Owners Association for approval.
- 7.2 Noise**
- 7.2.1 While visual privacy can be attained by providing screen walls and locating windows and balconies in areas where privacy of the next-door neighbours are not compromised, noise is a potential problem that must be managed.
- 7.2.2 Good neighbourliness requires noise levels to be kept low by individual households.
- 7.2.3 Measures are required to regulate noise levels and to reduce noise levels through technical / design intervention.
- 7.2.4 Design techniques must be applied that will reduce noise disturbance. The following steps should be taken:
- i) The most effective way to reducing noise disturbance is to ensure that outside living spaces of neighbours are not located directly alongside one another, but that outdoor spaces are located in the centre of an erf with a building separating outdoor living spaces.
- ii) In the instances where boundaries are defined by wall, additional noise screening devices should be utilized such as planters, hedging, double walls, pergolas and garden seats.
- iii) Boundary walls can also be defined by covered walkways, which serve as linking elements between buildings and noise screening devices.



Figure 23: Covered walkway servicing as noise screening device

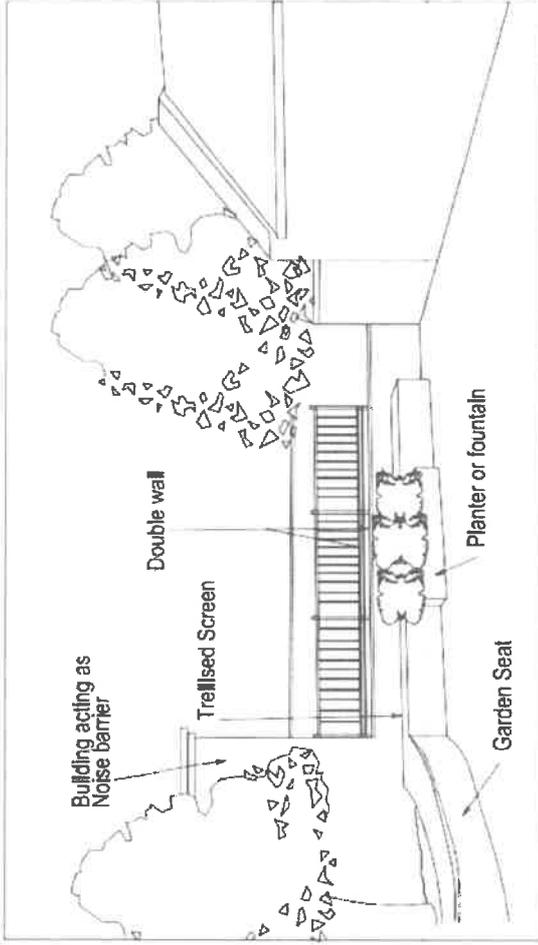


Figure 24: Illustration of methods of softening edges created by boundary walls

- iv) The sound of falling water from water features located along boundary walls is an effective method of reducing noise from external sources,

8. GARAGE AND CARPORTS

8.1 Doors General

Door materials and colours are more fully detailed in Paragraph 18 Exterior Colours for Windows, Doors and Shutters p28

Garage door openings must be 2440mm wide

8.2 Double Garages

A double garage must be provided with two garage doors next to each other separated by a 450mm wide brick column plastered and painted.

8.3 Additional garages

A third garage is allowed if it is built separately from the double garage

9. ROOFS

**9.1 Gable Roof construction :
Core buildings**

9.1.1 Only double pitched roofs are allowed on the core buildings.

9.1.2 Roof pitch of core buildings must be 40°. All double-pitched roofs must be symmetrical at gable ends.

9.1.3 Gable walls may project above the roof surface as parapets or may terminate at the roof surface in which case the roof coverage is carried over the head of the wall to form a verge as the sloping edge of the roof is called

9.1.4 Roofs must have clipped / flush eaves with fascias on the longitudinal side of the building. Roofs must not project on the gable end.

9.1.5 Half and Full hipped roofs are allowed

9.1.6 Roof material for pitched roofs.

He same roof material is to be used for all pitched roof per dwelling

- i) Roof finish will be corrugated S-profile metal roof sheeting with Plascon Nu-Roof TRP 58 "Smokey Grey" paint finish or pre painted charcoal colour SABS 109 5.05 finish

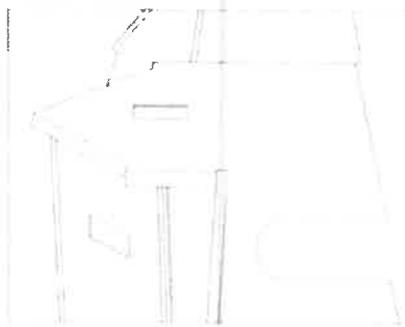


Figure 25: Gable wall with double-pitched roof and parapet



Figure 26: Half and Full hipped roof construction

9.1.7 Skylight / conservatory structures

Structures with glazed roof panels will only be allowed if surrounded by the core building on at least 3 sides.

These structures may not be located on the street side.

The roof pitch of these structures must be 40° to match that of the core building. The mullions must match window frames of the house.

These structures may not exceed the width of the core building, to ensure that the skylight roof is lower than roofs over core buildings.

9.1.8 Fascias and bargeboards:

The colour of fascias and bargeboards are to be painted white of the colour of the roof

9.1.9 Gutters and Downpipes

Only white colour pre-painted O-gee shape seamless aluminium gutters or PVC gutters with half-round shape are permitted. Downpipes are to be 70mm diameter PVC in white colour or painted to match the colour of the walls.

9.2 Flat roof construction

Freestanding garages, carports and outbuildings

9.2.1 Only flat roofs with a minimum gradient fall with parapet walls on all sides and box gutters will be allowed for free standing garages, carports and outbuildings.

9.2.2 Roof material for flat roofs

The following materials may be considered:

- i) Metal roof sheeting with Charcoal colour paint finish or pre-painted charcoal colour finish.
- ii) Other material such as reinforced concrete with waterproofing and rashed stone chips
- iii) Skylights may be used to permit light into interior spaces, though it should not be visible on elevation.

- iv) Shade cloth must be hidden behind bargeboards or parapet walls. Only grey shade cloth is permitted

9.3 Roofs to abutment and stoeps

Where the verge of roofs to abutments and stoeps are exposed a minimum gradient of 15° is applicable. Flat roofs with a pitch less than 15° to be contained with parapet walls

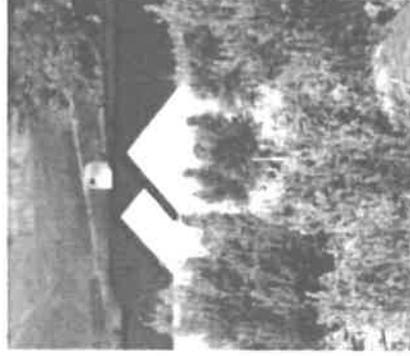


Figure 27: Gables with clipped roof ends

10. STOEPS AND VERANDAHS

- 10.1 The stoep must be a maximum width of 5000mm
- 10.2 Stoeps may be covered with a lean-to roof with a minimum gradient of 15°, if exposed on elevation, creating a verandah.
- 10.3 Alternatively, a pergola may be constructed on a stoep, vines or other suitable creepers or a canvas covering of uniform colour without patterns may be used.
- 10.4 Private stoeps may be covered with flat roofs behind parapets.

The roof structure of private verandahs may be exposed or a ceiling may be provided. Other than in the case of 9.2.2 (i-iv) roofing material must be the same as that used for the main roof of the house.

10.1 Stoep / Verandah / Pergola Columns

- 10.1.1 columns to verandahs, pergolas and canvass roofs may be either cylindrical or square

10.1.2 Square columns must be 350mm x 350mm without a base or 220mm x 220mm with a base of 350mm x 350mm, the height of which may not exceed 700mm. All square columns must be constructed of plastered brickwork.

10.1.3 In the case of cylindrical steel columns, the diameter must not be less than 70mm and must not exceed 120mm.

10.1.4 In that case of pergolas, and where a canvass roof is to be used, timber and steel may also be used for the columns.

10.1.5 If pre-cast concrete columns are used, no copies of the Greek or Roman Orders will be allowed. The shaft of the column must be tapered and have smooth surface and may therefore not be fluted. The minimum diameter at the top must not be less than 220mm and must not exceed 330mm at the base.

10.1.6 The top or capital of the column must be simple and not ornamented.

10.1.7 No Victorian cast iron pots or "Broekie Lace" detail will be allowed

10.1.8 No Pre-cast concrete pipe sections combined to form columns will be allowed.

The estate constitution and rules require that all homeowners effectively confine domestic animals to their erven. Owners must ensure that their choices in regard to the options available enable compliance with this obligation.

11.1 General Provisions

- 1) The Provisions laid out in these General Guidelines apply to all erven, other than where the Specific Guidelines applicable to an erf are in conflict with them.
- 2) All boundary walls must incorporate saddle copings projecting no more than 20mm on either side of the wall
- 3) The texture of the plaster finish to the wall faces other than in case of wall faces internal to the erf must conform to the plaster finish sample provided on site

- 4) All free-standing ends of walls must terminate in square columns 440 x 440mm, with copings as detailed in Figure 31 p21
- 5) Where walls incorporate columns, such columns must be square, may stand on a plinth of not more than 1200mm, and must protrude no more than 100mm from the face of the wall.
- 6) No wall may incorporate any recessed or raised panels, or any other form of embellishment, other than in the case of faces internal to the erf.
- 7) Any reference to the maximum height of a wall shall be taken as a measurement to the top of any coping forming part of any column incorporated into the wall.
- Type II Erven:**
- The adjacent positioning of Type II erven effectively creates medium density clustered courtyard living in spaces.
- 11.1.1 Shared Boundary walls**
- Boundary walls between Type II Erven must by Type D walls

11.1.1.2 Street and Close Boundary walls

Low boundary walls either Type A or B must be provided on street and close boundaries.

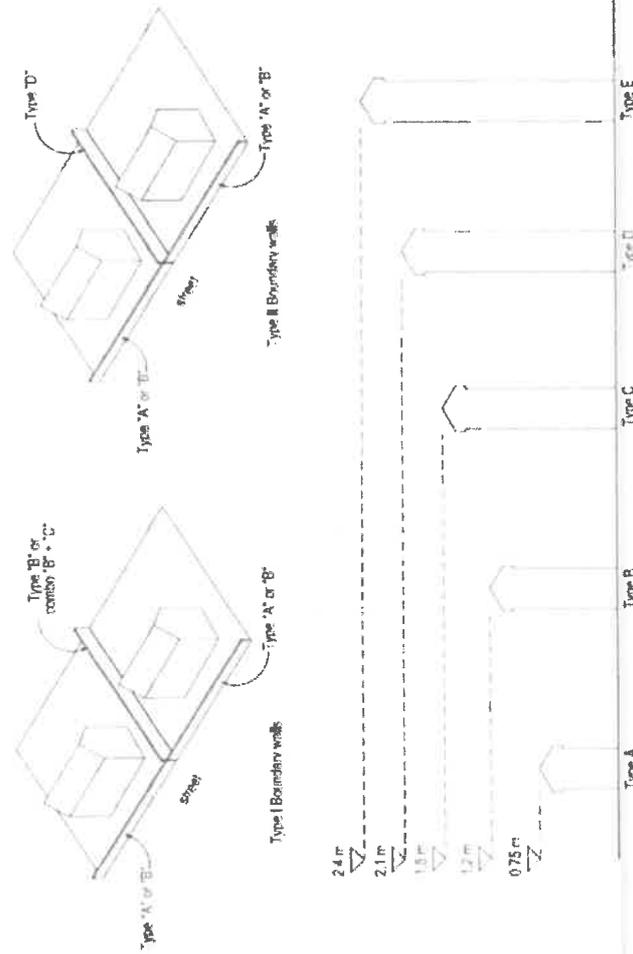


Figure 26: Typical Boundary walls
Low Boundary walls, either Type A or B must be provided on street & close boundaries

11.2 Type I Erven

Should an owner choose, no boundary walls need to be provided if no domestic animals require containment

11.2.1 Side boundary walls

1) Shared boundary walls between Type I erven may either be Type B or a combination of Type B and Type C

2) Where a combination of Type B and Type C is used, the sections of the wall terminating in both front and back boundaries of the erf must comprise Type B walls for a minimum of 3000mm from both such boundaries.

3) Where a combination of Type B and Type C is used, the central section of Type C wall must encompass no less than one third of the total length of the boundary upon which it is built.

4) All Type C walls must terminate in a 440 x 440mm plastered and painted column.

11.2.2 Boundary walls

1) Boundary walls Type A and Type B must be used on the street front boundary of an erf.

2) On portion B erven, and unobtrusive fence not higher than 2.1m with green plastic coated mesh may be constructed on the north side, but only if this fence is not visible from any street or road within the development / or from any public road i.e (R191).

11.2.3 Yard walls: Type D

1) Wall that enclose service yards may be upto 2.1m high for a maximum length of 30% of the street boundary which they face and must be designed to form part of the buildings. They must be of sufficient height to effectively screen any items contained in the service yard from the view of any persons outside the erf

12. GATES

Either wrought-iron steel or timber gates with varnished or painted finish may be used. Linear patterns of vertical rather than horizontal nature only may be used.



Figure 30: Wall as linking element with pedestrian archway



Figure 29: Timber gate

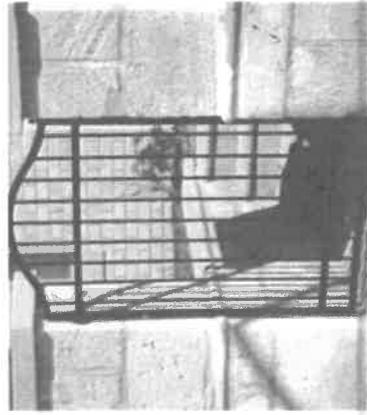


Figure 31: Wrought iron gate on axis of main entrance

13. EXTERIOR WALLS, WINDOW SILLS AND PLASTERBANDS

13.1 Walls must be plastered with a wood trowel finish and painted

13.2 Uneven plastered plinths are allowed

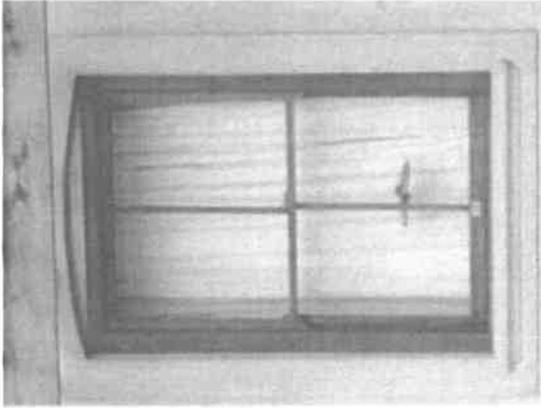
13.3 All external window sills and surrounds must be plastered with a smooth steel trowel finish

13.4 Simple articulated plaster bands are encouraged, and if used, must have a minimum width of 120mm and a maximum width of 200mm

14. WINDOWS AND DOORS

Windows and doors to be found in the Swartland Timber Cape Culture range are suitable and recommended where acceptable

14.1 Only windows in which the vertical dimension exceed the horizontal are allowed, with the exception of those described in 14.2 below. The ratio of horizontal dimension to vertical must be between 1:1.5 and 1:2



**Figure 32: Plastered window sill
Plaster band forming flat arch above
window will be permitted**

14.2 Notwithstanding the provision contained in 14.1 above, clerestory and ventilator windows located in the section of the wall beneath the wall plate and above ground floor ceiling height, as illustrated earlier. "Utilisation of roof space", may be of such a nature that the horizontal proportion exceeds the vertical. In such cases the maximum horizontal proportion is 900mm and the maximum vertical proportion 600mm

14.3 "Winblok" or other precast concrete windows, glassblock windows or leaded windows with diamond patterns or mock sash type windows are not permitted.

14.4 Bay windows are not permitted

14.5 Aluminium windows are doors may be used, provided that the diameter sections or profiles exceed that of timber and door.

14.6 Only Velux or similar approved. Roof windows may be used in roof space and loft areas, and may not exceed 780mm x 1400mm. The positioning of these windows must align with the placement of doors and windows on the elevations of the building.

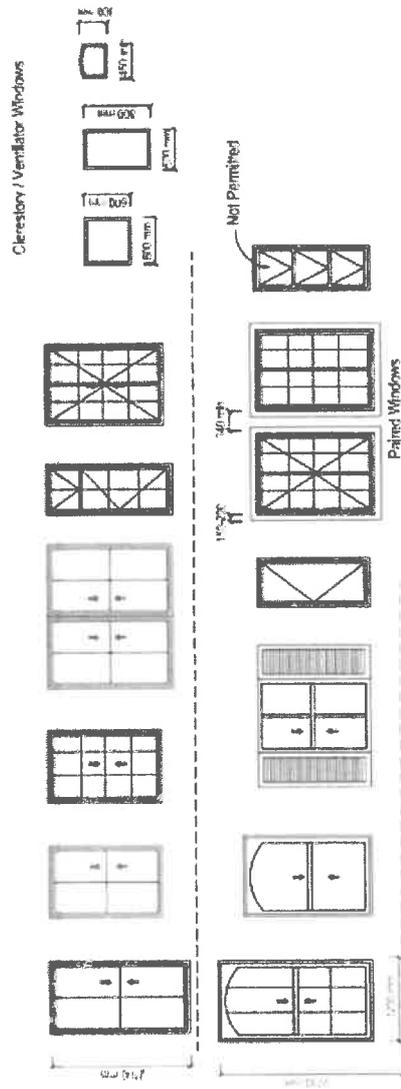


Figure 33: Possible Window Types

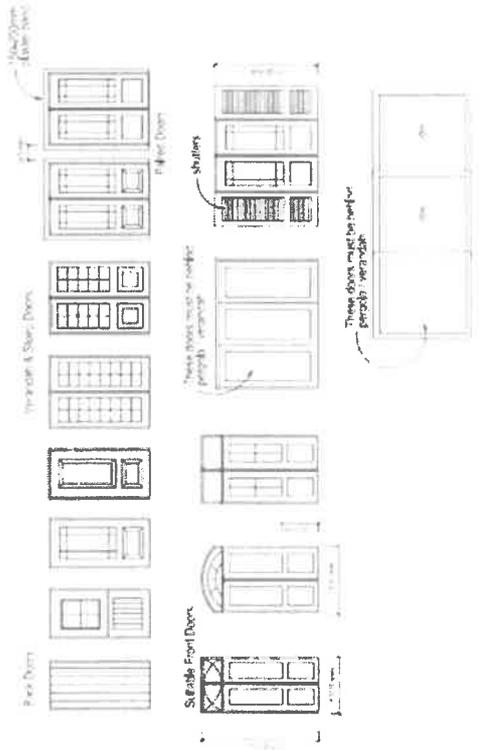


Figure 34: Possible Door Types

15. SHUTTERS

15.1 Shutters must be functional. No false shutters are permitted

15.2 Shutters must be of hardwood or epoxy powder coated aluminium

15.3 The surface finish and colour of the shutters must match that of the window frame over which they close

All surfaces for painting must be properly prepared, particularly in the case of metals, which must be galvanized to avoid rusting and degreased to avoid paint flaking.

16.1 Plastered exterior walls, including boundary walls and columns may be varnished, may be painted in the

following colours as per the international chart from Plascon :

- Pure White
- Cloud White
- Oyster White
- Grecian White

16.2 Timber windows and doors (excluding garage doors), shutters, clerestory windows and ventilators may be varnished, or alternatively painted in pure white colour or the following accent colours as per the International chart from Plascon.

- Westminster W47-11M
- Vineyard 43-24D
- Greymore W44-5M

- Aluminium frames, windows and doors must be epoxy powder coated in pure white or one of the colours prescribed in 16.2 above
- 16.3 Plaster bands and window sills must be painted pure white, or to match the colour of the wall into which they are set.
- 16.4 Palisades, other than the brickwork which may support them, must be painted in one of the colours prescribed in 16.2 above
- 16.5 Wrought iron or steel gates must be painted matte black, or in one of the colours prescribed in 16.2
- 16.6 Timber gates may be varnished or painted in one of the colours prescribed in 16.2
- 16.7 Roof, if painted, must be painted dark grey or charcoal colour
- 16.8 Chimneys, as described in 21 below, must be painted to match the wall to which they are attached.
- 17 BALCONIES**
- Balconies must form an integral part of the design and the sides must be plastered and painted. Where appropriate, the balcony floor can be tiled.
- The following types will be allowed:
- Type A:** The slab, plastered and painted to match the exterior wall of the building, protruding 200mm max past the exterior face of the building with the handrail fixed on the side of the slab and the doors opening inwards, entire width of the balcony not to exceed 1800mm, or
- Type B:** The slab protruding 1000mm max past the exterior face of the building, this supportive columns, plastered and painted to match the exterior wall of the building, with the handrail fixed on the side or top of the slab, doors can open either in or out. Entire width of balcony not to exceed 3m
- Type C:** Larger balconies are allowed, provided that the following conditions are complied with:
- i) For Type II even these may only face onto open spaces
 - ii) These may only be positioned on the private side of the building and will not be permitted on street facades
 - iii) These must be enclosed by the walls of the core building.
- 18 BALUSTRADING**
- The following conditions apply to balustrading:
- 18.1 Hardwood timber balusters, varnished or painted white
- 18.2 Square mild steel tubing and flats can be used
- 18.3 The design of the balusters must be vertically proportioned

19 BURGLAR BARS, SECURITY GATES AND SYSTEMS, INCLUDING SECURITY LIGHT

19.1 All Burglar bars, security gates and security screens, including expandable and sliding products and roller shutter systems, must be mounted internal to openings which they secure, behind the glazing of the windows or sliding doors, and behind wooden doors.

19.2 Every effort should be made to align vertical bars with mullions

19.3 Security lights may not cast direct light outside the erf upon which they are situated

20 SERVICES

20.1 **Television aerials and satellite dishes** must be fitted below the main building eaves line. Satellite dishes must be "Channel Master" White composite or approved equivalent

20.2 **Sewer and vent pipes** must be concealed in vertical ducting within the wall plane of the building

20.3 **All telephone and electrical cable reticulation** on the property must be underground. No overhead mast or wires are permitted

20.4 **Air-conditioning condenser units** must if not located within the service yard as described in 11.2.3 above, be installed against exterior walls at or below ground level, and must not exceed a height of 1200mm above the ground level.

They must be screened by a brickwork wall of finish colour matching the exterior wall to which it is attached

Window mounted units are not allowed

20.5 **House numbers** may be no larger than 75mm high and 60mm wide

20.6 **Gas cylinders, refuse bins, compost piles and clothes lines** must be located within service yards as described in 11.2.3 above

20.7 **Solar heating hot water system panels** must be mounted on roofs of major form only. Remote tank and solar panels must be used and combined tank and panels on roofs are not permitted.

Any remote equipment must be located within the house structure, or within service yards as prescribed in 11.2.3 above

21 CHIMNEYS

Plastered and painted masonry chimneys are permitted, strictly in accordance with the alternatives illustrated in Figure 35

The highest point of the chimney must be a maximum of one meter above the ridgeline of the roof

22 EXTERAL LIGHTS

Lights on walls at the front door, garage or entrances form a welcome guide for visitors and play both a functional and aesthetic role. Types of lights that may be considered are : "Ledbury Lamps", "Canterbury Classic Bracket", "Blenheim", "Stratford Pendant" or "Cantrbury Longford"

Modern Style light fittings are also permitted. Security lights shall be operated by movement sensors.

Other contemporary lighting designs may also be used

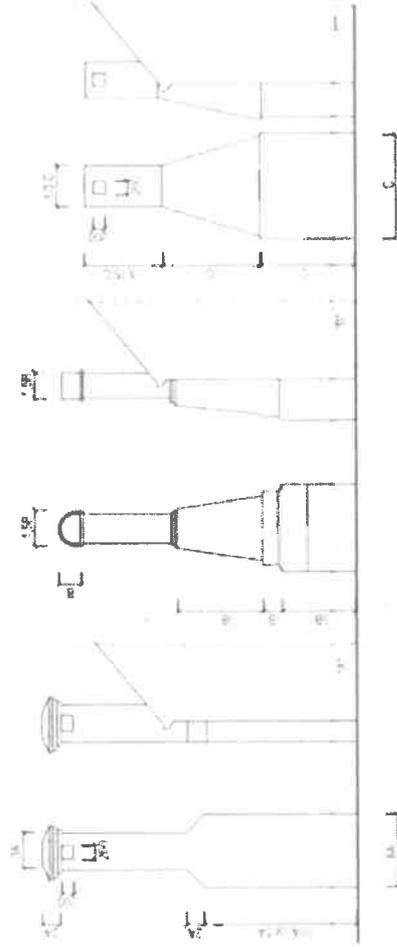


Figure 35: Possible Chimney Types

23 LANDSCAPING

23.1 GENERAL

23.1.1 It is recommended that owners use indigenous plants and plants with historical (eg. Oak trees) or agricultural (eg. Ornamental grape) connotations in order to integrate private landscaping with the overall landscaping of the estate

23.1.2 Non-invasive exotic plants may be used

23.1.3 Owners are encouraged to use Buffalo or Kweek grass for lawn areas as these grass types are less invasive and less water demanding than Kikuyu grass

23.2 PROHIBITED PLANT SPECIES NOT PERMITTED

23.2.1 All declared invasive alien plants listing in the "Conservation of Agricultural Resources Act 1983" (Act No. 43 of 1983) and subsequent amendments to Act No. 43 of 1983 are not permitted within the Estate and may not be cultivated in private gardens (See Addendum)

23.2.2 Palm trees

23.2.3 any type of cactus (Indigenous succulents are permitted)

23.2.4 Conifers

23.3 IRRIGATION

Should irrigation systems be installed, owners must design them in such a way that they do not cause brown or other staining to any walls both on the boundary and forming part of the structures

23.4 MAINTENANCE

All gardens are required to be kept in a tidy state at all times, and all erven upon which no structures have yet been built must be kept mowed.

24 BUILDING PLAN SUBMISSION

24.1 General

24.1.1 Plans must be submitted to the Home Owners Association's nominated architect as a sketch plan and if approved on this level, thereafter as a working drawing. These submissions must be certified by the architect submitting them as being in compliance with the guidelines

24.1.2 No plans may be submitted to the local authority or competent body for its approval until certified as approved by the Home Owners Association's nominated architect

24.1.3 Detailed procedural rules for submission and approval may be issued by the Home Owners Association from time to time and must be strictly adhered to

24.2 information required on plans

The following information must be indicated on plans being submitted for scrutiny at both sketch design and at working drawing stage

1. Contour base plan contours of 500mm indicated
2. Permissible coverage and actual coverage as a percentage and in terms of square meterage
3. North sign
4. Roof plan
5. Floor plan
6. Elevations and Sections
7. Position of driveway and paving of hard landscaping finishes
8. Building line setback
9. Drainage plan
10. Bulk earthworks with cut and fill sections
11. Location of retaining structures
12. Schedule of finishes
13. Position of external lights
14. All boundary walls

24.3 Other

24.3.1 All paving, water features, swimming pools, pumps and filters, fences, gazebos and any other structural elements must be indicated and he intended finished specified. This must include details of storm water and sewerage handling and elevations where relevant.

24.3.2 Clotheslines, dustbin storage areas and other utility areas and their screening must be indicate.

CONSTITUTION

of the

LA DEMEURE WINE ESTATE HOMEOWNERS ASSOCIATION

**A statutory body established in terms of be established in terms of Section 29 of
Stellenbosch Municipality Land Use Planning By-Law, 2015**

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1. PREAMBLE

It is recorded that the **La Demeure Wine Estate Home Owners Association** is constituted as a statutory body in terms of Section 29 of Stellenbosch Municipality Land Use Planning By-Law, 2015 and in accordance with the conditions imposed by the Stellenbosch Municipality City of Cape Town, when approving the sub-division of the Land.

2. INTERPRETATION

In this document:

- 2.1 The following words shall, unless the context otherwise requires, have the meanings hereinafter assigned to them:
- 2.1.1 **"the Association"** means the **LA DEMEURE WINE ESTATE HOMEOWNERS ASSOCIATION**, its nominee or assigns;
- 2.1.2 **"the Auditors"** means the Auditors of the Association;
- 2.1.3 **"Business Day"** means weekdays other than Saturdays, Sundays and public holidays;
- 2.1.4 **"Chairperson"** means the Chairperson of the Trustee Committee;
- 2.1.5 **"the Common Areas"** means the private roads, private open spaces, as approved by all relevant authorities;
- 2.1.6 **"the Council"** means the Stellenbosch Municipality;
- 2.1.7 **"the Design Manual"** means the manual which sets forth the guidelines for structures to be erected on Residential Erven, the landscaping thereof and the procedure for submitting building plans;
- 2.1.8 **"the Developer"** means **LEWIS MANHATTAN INVESTMENTS PROPRIETARY LIMITED** registration number 2016/311880/07, or its successors in title, nominees and/or permitted assignees and/or successors-in-title;
- 2.1.9 **"Development"** means the residential property development to be established on the Land;
- 2.1.10 **"Development Period"** means the period commencing on the date of the incorporation of the Association and terminating upon the transfer of the last Residential Erf, whether improved or unimproved, in the Development from the Developer, or such earlier or later date on which the Developer notifies the Association in writing that it terminates the Development Period. subject, however, to the terms and conditions of the Constitution of the Association;
- 2.1.11 **"Developer Trustee"** means a Trustee who is nominated and appointed by the Developer;
- 2.1.12 **"Dwelling Unit"** means a free-standing house constructed on a Residential Erf;
- 2.1.13 **"the EMPs"** means the environmental plans applicable to the Estate, if any;
- 2.1.14 **"the Erven"** means the erven located on the Estate be they Residential, Non-Residential or Common Areas and "Erf" shall have a corresponding meaning;
- 2.1.15 **"the Estate"** means **La Demeure Wine Estate** as described under clause 2.1.9.
- 2.1.16 **"the Land"** means Erf 579, Franschoek, in the Stellenbosch Municipality. Division Paarl, Province of the Western Cape;
- 2.1.17 **"levy"** means the levy referred to in Clause 9;
- 2.1.18 **"Local Authority"** means the Stellenbosch Municipality;
- 2.1.19 **"Member"** means a member of the Association being a Registered Owner of a Residential Erf;

- 2.1.20 "month" means a calendar month;
- 2.1.21 "Non-Residential Erven" means erven other than Residential Erven and which are not allocated for residential purposes
- 2.1.22 "Olive Groves" means Olive Groves Land as well as the olive trees, irrigation systems and all such other equipment and infrastructure as may be necessary to establish and maintain the olive trees;
- 2.1.23 "Olive Grove Land" means the land on which the olive trees will be planted on the private open spaces;
- 2.1.24 "Registered Owner" means the registered owner of a Residential Erf as recorded in the Deeds Office;
- 2.1.25 "Residential Erf/Erven" means those erven which have been earmarked for the construction of houses for residential purposes;
- 2.1.26 "Rules" means the Rules made by the Trustee Committee and/or the Association from time to time;
- 2.1.27 "Services" means such facilities, utilities, services and amenities as may be provided on the Estate in terms of clause 11, including (but not limited to) security, electricity, telecommunication, roads and reserves, storm water, water, sewage, waste removal, landscaping, farming and irrigation;
- 2.1.28 "SMLUPB" means the Stellenbosch Municipality Land Use Planning By-Law, 2015;
- 2.1.29 "Vineyards" means the Vineyard Land as well as the grape vines, trellises, irrigation systems and all such other equipment and infrastructure as may be necessary to establish and maintain the grape vines;
- 2.1.30 "Vineyard Land" means the land on which the grape vines will be planted on the private open spaces;
- 2.1.31 "a Trustee" means one of the Trustee Committee;
- 2.1.32 "the Trustee Committee" means the Board of Trustees of the Association;
- 2.1.33 "in writing" means written, printed or lithographed or partly one and partly another, and other modes of representing or producing words in a visible form;
- 2.1.34 "year" means a calendar year.

2.2 Unless the context otherwise requires, any words importing the singular number only shall include the plural number, and *vice versa* and words importing any one gender only shall include the other two genders.

3. CREATION OF ASSOCIATION

The Association is constituted as a Body Corporate in terms of Section 29 of the SMLUPB in accordance with the conditions imposed by the Stellenbosch Municipality and will come into existence simultaneously with the registration in the Deeds Office of the transfer of the first of the Erven.

4. STATUS OF THE ASSOCIATION

- 4.1 The Association shall:
- 4.1.1 have legal personality and be capable of suing and being sued in its own name; and
- 4.1.2 not operate for profit, but for the benefit of the Members.
- 4.2 No member shall have any right, title or interest in or to the funds or assets of the Association in his personal capacity, all of which shall vest in the Association.

5. MAIN OBJECTS

The main object of the Association is the matters referred to in section 29 of the SMLUPB, and more specifically.

- 5.1 to prescribe guidelines and control the design and construction of any alterations and/or additions to the Dwelling Units and/or Residential Erven once they have been completed by the Developer;
- 5.2 to comply with, and to ensure compliance by Members with, the conditions imposed by the all approving authorities in respect of the Development;
- 5.3 to take transfer of the Common Area/s and improvements thereon from the Developer at no consideration as and when the Developer elects to hand over same to the Association, it being recorded that:
- 5.3.1 such hand over may take place on a piece meal basis and not all at once; and
- 5.3.2 will subject to the relevant professional consultant confirming that the Common Area/s and for improvements were completed to industry norms and that as at the date of handover, such Common Area/s and/or improvements have been exposed to the usual wear and tear since the date of completion;
- 5.4 to control and maintain the structures, Services and amenities situate on the Estate and obtain access where necessary to such parts of the Estate for that purpose;
- 5.5 to promote, advance and protect the communal and group interests of the Members generally;
- 5.6 to enter into service agreements with the Local Authority or any other supplier of Services;
- 5.7 to implement and maintain security measures and systems for controlled access to the Estate.
- 5.8 to prescribe measures for the landscaping in respect of gardens and landscaped areas located on Erven after such areas have been established by the Developer and to prescribe measures for the maintenance of such standards of development;
- 5.9 to register where necessary various service or other servitudes over Erven in the Estate in favour of the Local Authority, the Developer, Association, Service providers, similar developments located in close proximity to the Estate and/or to register servitudes in favour of the Erven in the Estate over other land owned by the Association as are from time to time required;
- 5.10 to acquire by way of lease or ownership or otherwise, erven in the Estate constituting Common Areas and to register transfer of ownership thereof in the name of the Association;
- 5.11 to acquire and hold servitudes in the Association's favour for access to the Estate and also for the supply of Services, including but not limited to communication, surveillance and water to and within the Estate;
- 5.12 to formulate, enforce, modify, amend, add and delete the Estate and/or Conduct Rules and Regulations;
- 5.13 to appoint a Manager to manage the affairs of the Association and as such, delegate the management of the Association's affairs to an outside agency;
- 5.14 to include in the Title Deeds of the Common Areas to be transferred to the Association, that, after the Development Period all such Common Areas shall not be sold, alienated, otherwise disposed of or transferred to any other party, nor Mortgaged;
- 5.15 to accredit architects, designers and builders to be utilised by Registered Owners other than the Developer, in respect of any design and construction work to be conducted on Residential Erven, in accordance with such criteria as the Association may stipulate from time to time;
- 5.16 to accredit Estate Agents appointed by Registered Owners in respect of the resale of their Residential Erven, in accordance with such criteria as the Association may stipulate from time to time;
- 5.17 to enter into agreements with other developments and/or property owners located nearby or adjacent to the Estate with regard to the sharing of facilities or Services of any nature whatsoever, including but not being limited to security, landscaping, gardening, agricultural services, water, sewerage, electricity, roads, whether or not for the purposes of sharing the cost thereof;
- 5.18 to accredit Service providers or contractors in respect of Services to be rendered to members of the Association, including but not limited to pool cleaning and garden service contractors;

- 5.19 to grant or refuse a Registered Owner consent to transfer his Residential Erf, depending as to whether or not there has been compliance with this Constitution, the Conduct Rules or such other Rules / determinations made by the Association from time to time;
- 5.20 to include in the Title Deeds of Residential Erven that transfer of such erven shall be subject to the Association granting its written consent in respect of such transfer;
- 5.21 to formulate and prescribe rules relative to short term letting; and
- 5.22 to raise levies, open and operate bank accounts, invest money, pay for Services and goods, and generally act in such a manner so as to give effect to the provisions of this Constitution.

6. FINANCIAL YEAR END

The financial year end of the Association shall be determined by the Trustee Committee.

7. MEMBERSHIP AND OBLIGATIONS

- 7.1 The Developer shall remain a member of the Association for the duration of the Development Period or beyond the Development Period for so long as the Developer still owns an Erf within the Development (whichever is the later of the two). Both during and after the Development Period, the Developer shall not be liable to pay any levies to the Association pertaining to its membership, regardless of whether or not such Erf has been sub-divided off the general plan and/or registered in its name.
- 7.2 Membership of the Association shall be limited to and compulsory for all the Registered Owners provided that:
- 7.2.1 a person who is entitled to obtain a certificate of registered title to any such Residential Erf shall be deemed to be the Registered Owner thereof;
- 7.2.2 where any such Registered Owner is more than one person, all the Registered Owners of that Erf shall be deemed jointly and severally to be one Member and as such their liability shall be joint and several.
- 7.3 Membership in terms of clause 7.2 shall commence simultaneously with the transfer of the Residential Erf into the name of the Registered Owner.
- 7.4 When a Member ceases to be the Registered Owner he shall *ipso facto* cease to be a Member of the Association.
- 7.5 A Registered Owner may not resign as a Member of the Association.
- 7.6 The rights and obligations of a Member shall not be transferable and every Member shall:
- 7.6.1 to the best of his ability further the objects and interests of the Association;
- 7.6.2 observe all regulations made by the Association or the Trustee Committee.
- 7.7 No Member shall let or otherwise part with the occupation of his Residential Erf without obtaining the prior written agreement of the proposed occupier that he will be bound by the provisions of this Constitution.
- 7.8 The Member shall be liable for the acts or omissions of all persons occupying his Residential Erf, whether lawfully or unlawfully, including but not limited to lessees, guests, employees, invitees, contractors and agents.
- 7.9 Save in those instances where the Developer passes first transfer to a Registered Owner, in all other instances where a Registered Owner wishes to alienate or transfer his Residential Erf, he shall not be entitled to do so unless:
- 7.9.1 the transferee becomes a Member of the Association and upon the registration of transfer of the Residential Erf into the name of the transferee, he shall *ipso facto* become a Member of the Association;
- 7.9.2 he obtains a clearance certificate from the Association which shall be given provided:

- 7.9.2.1 the transferee of such Residential Erf agrees in writing to accept and abide by the Constitution of the Association;
- 7.9.2.2 all amounts owing by the Registered Owner to the Association have been paid or satisfactorily secured;
- 7.9.2.3 all obligations of the Registered Owner in terms of this Constitution and Conduct Rules have been complied with in full; and
- 7.9.2.4 he pays to the Association the fees pertaining to such certificate as determined by the Association from time to time.
- 7.10 A sale and transfer of the entire membership interest or shares in a Close Corporation or Company which is the Registered Owner shall be deemed to be a sale of such Residential Erf or Sectional Title Unit.

8. BUILDING AND APPROVAL FOR PROPOSED WORK

- 8.1 Construction of a Dwelling on a Residential Erf shall commence no later than 2 (two) years calculated from the date of transfer of the said Residential Erf by the Developer to the Registered Owner ("the Building Commencement Date") and shall complete the Dwelling and the landscaping of the erf within 16 (sixteen) months of the Building Commencement Date ("the Building Completion Date").
- 8.2 In the event that the Registered Owner should fail to commence construction of the Dwelling on or before the Building Commencement Date, or complete the Construction of the Dwelling and landscaping of the erf by the Building Completion Date, the said owner shall be liable to pay the following monthly penalty levies calculated as from the Building Commencement Date until such time as the building of the Dwelling is commenced, or if commenced, for the period after the Building Completion Date:
- 8.2.1 for the first 12 (twelve) months, an amount equal to 1 (one) month's normal levy;
- 8.2.2 from the 13th (thirteenth) month to the 24th (twenty fourth) month, an amount equal to a 2 (two) months' normal levy; and thereafter
- 8.2.3 an amount equal to a 3 (three) months' normal .
- 8.3 The penalty levies aforesaid shall be payable as and when the normal levies fall due for payment.
- 8.4 A Registered Owner shall not without the prior written approval of the Association
- 8.4.1 erect any building and/or structures of any nature whatsoever a Residential Erf;
- 8.4.2 make any changes, additions or alterations to existing buildings and/or structures on his Residential Erf, including changes to external colour scheme;
- 8.4.3 install or fix burglar bars to any external windows or doors of the buildings on his Residential Erf;
- 8.4.4 erect or construct any pergolas, patio awnings, shade ports, car ports, washing lines, satellite dish, television, radio or any other type of antennae, wendy-houses, walls, solar panels, chimneys, solar geysers, or any other structures which may affect the external appearance of the improvements on his Residential Erf;
- 8.4.5 sink a borehole or well-point or install water storage tanks.
- 8.5 The consent required from the Association as contemplated in Clause 8.4 shall only be considered:
- 8.5.1 after detailed plans of the proposed work have been submitted to the Association;
- 8.5.2 if the proposed work complies with the documents and requirements set out in clause 5.1 above;
- 8.5.3 if the Member has made payment of all costs which may be incurred in obtaining this approval, including any scrutiny fees as determined by the Trustees from time to time;

- 8.5.4 if the Member and the Builder have undertaken to comply with the EMPS, if any, and have entered into a contract with the Association in this regard;
- 8.5.5 if the Builder appointed by the Member has been accredited by the Association;
- 8.5.6 if all statutory and other permits and/or authorizations have been obtained by the Member

it being recorded however that, notwithstanding the aforesaid, the Association may refuse to grant consent in respect of any of the structures referred to in Clauses 8.4.3. to 8.4.5.

- 8.6 The Trustee Committee shall be entitled to determine a scrutiny fee from time to time, which shall be payable by the Member in respect of the scrutiny and approval of plans by the Association of the proposed work, payable in full to the Association upon first lodgement of any plans relating to the proposed work to the Association.
- 8.7 The Trustee Committee shall be entitled to determine a Sidewalk Deposit and a Builders' Management Fee, payable by a Registered Owner (other than the Developer) so as to provide for the repairs of damage caused by the Registered Owners' builder as well as for the management and control of the building process on his erf, which deposit and fee shall be payable by the Registered Owner concerned in such amount and on such terms and conditions as may be determined by the Trustee Committee from time to time.
- 8.8 After obtaining the written approval of the Trustees for the proposed work, the Member shall submit the building, landscaping and/or other applicable plans to the Council or other applicable authorities as may be relevant for approval, with the approval of the Trustees evidenced by an endorsement of the relevant plans as well as the payment of any fees payable to the Council and/or other authority for the scrutiny and approval of the plans.
- 8.9 After obtaining all necessary approvals of the Council or other applicable authority for the proposed work, the Member shall comply with all conditions, standards and requirements so imposed by the Council and other applicable authority and the Association
- 8.10 In respect of any building work of a minor nature, a Member shall complete the construction of the structures on the Residential Erf within 6 (six) months of the date that the Member commences construction and in respect of any building work of a major nature, within 12 (twelve) months of such commencement date. The Trustee Committee shall determine whether the building work is of a minor or major nature.
- 8.11 The commencement of the construction means the commencement of any work of whatsoever nature on the said property as certified by the Association, which Certificate shall be final and binding on the parties and completion shall have occurred only upon the issue of a Certificate by the Association or its nominees or assigns.
- 8.12 The Trustee Committee shall be entitled to impose penalty levies in the event of the Member failing to complete the construction of the buildings and/or structures within the time period referred to in clause 8.10.
- 8.13 The provisions of this clause 8 shall not be applicable to the Developer and/or its builders.

9. LEVIES

- 9.1 Subject to clause 9.2, only the owners of Residential Erven shall be jointly liable for expenditure incurred by the Association and as such, no other Members shall be liable to pay any levies to the Association.
- 9.2 The Developer shall not be required to pay any levies during the Development Period. However, the Developer shall be entitled in its sole discretion, to loan and advance to Association any shortfall between the levies invoiced by the Association and the costs referred to in clauses 9.3.1 and 9.3.2, or part thereof, and which loan shall become payable by the Association to the Developer on or before the end of the Development Period.
- 9.3 The Trustee Committee shall from time to time, determine the total amount of levies payable by owners of Residential Erven, as well as the amount of levies payable by each such individual Member for the purpose of meeting all the expenses which the Association has incurred, or which the Trustee Committee reasonably anticipates the Association will require in respect of:
 - 9.3.1 facilities and services in connection with the Estate including, the maintenance of the Common areas including the Vineyards and Olive Groves;

- 9.3.2 the payment of all expenses necessarily or reasonably incurred or to be incurred in connection with the management of the Association and its affairs; and
- 9.3.3 any reserves which the Trustees may deem necessary.
- 9.4 In calculating levies the Trustee Committee shall take into account income, if any, earned by the Association.
- 9.5 A Registered Owner shall be liable to pay levies with effect from the first day of the month in which the transfer of the Residential Erf or Sectional Title Unit is effected into his name, and as such, the levy shall not be pro-rated.
- 9.6 The Registered Owner who is the transferor shall accordingly be liable for the payment of levies calculated up to the last day of the month during which the transfer takes place to the Transferee and accordingly shall not be entitled to a refund from the Association of any levies calculated from the date of transfer to the end of the month in which the transfer took place.
- 9.7 The Trustee Committee shall estimate the amount which shall be required by the Association to meet the expenses during each year, together with such estimated deficiency, if any, as shall result from the preceding year, and shall determine a levy payable by Registered Owners equal to or as near as is reasonably practical to such estimated amount. The Trustee Committee may include in such levies an amount to be held in reserve to meet anticipated future expenditure not of an annual nature and also, such amount as may be necessary to meet the actual expenses of the Association between the date of the Financial Year End and the date from which the new levy for the ensuing year is approved and implemented. Every such levy shall be payable by equal monthly instalments due in advance on the first day of each and every succeeding month of such year and shall be paid by way of a debit order in favour of the Association or by any other method as determined by the Trustee Committee from time to time.
- 9.8 The Trustee Committee, may from time to time, make special levies upon the Registered Owners in respect of all such expenses as are mentioned in Clause 9.2, and such levies may be made in the sum or by such instalments and at such time or times as the Trustee Committee shall think fit
- 9.9 Levies are payable by Registered Owners to the Association without deduction, set off or exchange. Any amount due by a Registered Owner way of a levy shall be a debt due by him to the Association.
- 9.10 The obligation of a Registered Owner to pay a levy shall, subject to the provisions of Clause 9.6 above, cease upon his ceasing to be a Member of the Association, without prejudice to the Association's right to recover arrear levies. No levies paid by a Registered Owner shall under any circumstances be repayable by the Association upon his ceasing to be a Member.
- 9.11 Save in respect of a Special Levy, the total levy payable shall be borne jointly by the Registered Owners in equal shares.
- 9.12 For as long as the Developer is the Registered Owner of the Land or any portion thereof or the remainder thereof, the Developer shall not be required to pay levies as contemplated in clause 9.
- 9.13 No Registered Owner shall be entitled to any of the privileges of membership unless and until he shall have paid all levies and any other sum (if any) which shall be due and payable to the Association in respect of his membership thereof. This includes the right to vote at any meeting of the Association.
- 9.14 The levies payable by Registered Owners of Residential Erven shall be the same. As such no distinction will be made with regard to the size of the Residential Erf, the price paid in respect thereof, whether or not it is improved or the extent of any improvements. Where two or more Residential Erven have been consolidated, levies shall be payable in respect of each such Residential Erf as they existed prior to consolidation and as if such consolidation had not occurred.
- 9.15 Arrear levies shall bear interest calculated at 2% above the publicly quoted prime rate of interest as charged by the Association's Bankers from time to time, from due date of payment until the actual payment, calculated monthly in arrears.
- 9.16 Members who are in arrears with their levies shall be charged an administrative fee that may be determined by the Trustees from time to time.
- 10. DEALING WITH THE COMMON AREAS**
- 10.1 After the Development period and once transferred to the Association, neither the whole nor any portion of the Common Areas, or any improvements thereon shall be

- 10.1.1 sold, alienated, otherwise disposed of, subdivided, rezoned, transferred.
- 10.1.2 mortgaged; or
- 10.1.3 subjected to any rights other than those contained in the present existing title deed of the Land, or to be imposed in the title deed(s) of the Common Area as required by any relevant authority or as contained in this Constitution, whether registered in a Deeds Registry or not, of use, occupation or servitude other than with by way of a special resolution adopted by the Members of the Association.
- 10.2 The Association is hereby empowered to take transfer and shall take title to the Common Areas at no consideration.
- 10.3 The Developer shall be entitled to tender transfer of the Common Areas and the handover of any amenities to the Association, who shall be obliged to accept same, subject to the wear and tear which these Common Areas and amenities have been subjected to since the date of the establishment of these areas or amenities, at such time/s as the Developer may elect, it being recorded that such hand over need not all take place at once but indeed may be in respect of specific Common Areas and/or amenities from time to time up to the termination of the Development Period.
- 10.4 The Association acknowledges that the Council shall not be responsible for, and the Association shall be solely responsible for the construction, care, repair, maintenance, cleaning, upkeep, improvements and proper control of the Common Areas, all services therein (other than services provided and/or maintained by the Council, if any) and all amenities and improvements located or to be located on or within the Common Areas.
- 10.5 The Council shall at no time in the future assume ownership of the Common Areas.
- 11. SERVICES**
- 11.1 It is recorded that the Developer has and/or will enter into agreements with Council and /or other Service providers to provide the Services and accordingly these agreements will be ceded, assigned and transferred to the Association.
- 11.2 In order to secure a fibre WiFi network within the Estate, the Developer may contract with a service provider for the installation of such network and in respect of which the Association will become contracted to such service provider for the rendering of internet services for a minimum time period
- 12. MANAGER**
- 12.1 During the Development Period, the Developer shall be entitled to appoint a manager or managers (individuals or corporations) to manage the affairs of the Association. It shall be within the absolute discretion of the Developer to determine the terms and conditions of the appointment of such a manager or managers, including the fees and/or remuneration payable.
- 12.2 Any fees and /or remuneration payable to the Manager shall be paid by the Association and not the Developer.
- 12.3 The appointment of the Manager may extend beyond the Development Period, provided that the Developer shall endeavour to procure, when making such appointment, that the appointment may, if so required by the Association at a General Meeting, and subject to the requirements of the law, be terminated on reasonable notice after the end of the Development Period.
- 12.4 After the Development Period, the Association shall be responsible for the appointment of any successive managers, it being contemplated that the affairs of the Association shall at all times be entrusted to a professional manager with appropriate executive powers so as to conform to the requirements of good corporate governance.
- 12.5 Subject to this Constitution and the terms of his appointment, the Manager shall have the full power to manage and control the business and affairs of the Association by themselves.
- 12.6 All instructions issued to the Manager shall be in writing and shall only be issued by the Chairman of the Trustees of the Association. The Manager shall not be required to act upon any instruction received from Trustees other than the Chairman or from a member of the Association

13. CONTRACTS AND REGULATIONS

- 13.1 Without limiting the powers referred to in Clause 18 hereof, the Trustee Committee may from time to time:
- 13.1.1 make regulations governing, *inter alia*:
- 13.1.1.1 the Members' rights of use, occupation and enjoyment of the Common Areas;
- 13.1.1.2 the alterations of or additions to the Dwelling Units after they have been completed by the Developer and/or additions or modifications on Residential Erven, subject always to the Design Manual and the requirements of the Council;
- 13.1.1.3 the conduct of Members generally;
- 13.1.2 enter into agreement(s) with the Council and other parties for the provision of Services on the Estate;
- 13.1.3 impose penalties which it considers appropriate in its sole discretion against Members and/or builders who are in default of any of their obligations in terms of this Constitution, including the terms of payment of such penalties.
- 13.2 In the event that the Developer has entered into an Environmental Contract with the Council, same shall become binding upon the Association upon its creation.
- 13.3 Each Member undertakes to the Association that he shall comply with:
- 13.3.1 the provisions of this Constitution;
- 13.3.2 any regulations made in terms of sub-Clause 13.1.1.1;
- 13.3.3 any agreements referred to in sub-Clause 13.1.2 insofar as those agreements either directly or indirectly impose obligations on him.

14. BREACH

- 14.1 Should any Member:
- 14.1.1 fail to pay on due date any amount due by that Member in terms of this Constitution or any regulation made thereunder and remain in default for more than 7 (seven) days after being notified in writing of such default by the Trustee Committee; or
- 14.1.2 commit any other breach of the provisions of this Constitution or any regulation made thereunder and fail to commence remedying that breach within a period of 7 (seven) days after the receipt of written notice to that effect by the Trustee Committee and complete the remedying of such breach within a reasonable time,
- then and in either such event, the Trustee Committee shall be entitled on behalf of the Association, without prejudice to any other rights or remedies which the Trustee Committee or the Association or any other Member may have in law, including the right to claim damages;
- 14.1.3 to institute legal proceedings on behalf of the Association against such Member for payment of such overdue amount or for performance of his obligations in terms of this Constitution or any regulation made thereunder, as the case may be; or
- 14.1.4 in the case of Clause 14.1.2, to remedy such breach and immediately recover the total costs incurred by the Trustees or the Association in so doing from such Member.
- 14.2 Should the Trustee Committee institute any legal proceedings against any Member pursuant to a breach by that Member of this Constitution or any regulation made thereunder, then without prejudice to any other rights which the Trustee Committee or the Association or any other Member may have in law, the Trustee Committee / Association / Member (as the case may be) shall be entitled to recover from such Defaulting Member all legal costs incurred by it, including attorney and own client charges calculated on the non-litigious tariff recommended by the Law Society of the Cape of Good Hope (or its successors), tracing fees and collection commission.

- 14.3 Without prejudice to all or any of the rights granted to the Trustee Committee of the Association under this Constitution, should any Member fail to pay any amount due by that Member on due date, then such Member shall pay interest thereon calculated at 2% (two percent) above the publicly quoted prime rate of interest charged by the Association's bankers from time to time calculated from the due date of payment until the actual date of payment of such amount. A certificate issued by the Association's bankers as to the prime rate applicable shall constitute *prima facie* proof thereof.

15. CESSATION OF MEMBERSHIP

No Member ceasing to be a Member of the Association for any reason shall, (nor shall any such Member's executor, curators, trustees or liquidators) have any claim upon or interest in the funds, reserves or other property of the Association. This clause shall be without prejudice to the rights of the Association to claim from such Member or his estate any arrears of levies or other sums due from him to the Association at the time of his so ceasing to be a Member.

16. MANAGEMENT AND TRUSTEES

- 16.1 During the Development Period, the affairs of the Association shall be managed and controlled by a Board of Trustees (the "Trustee Committee") consisting of at least 3 (three) but not more than 5 (five) Trustees; subject to the condition that, as from the time that the Association is created until the first annual general meeting, the 3 (three) Developer Trustees referred to in clause 16.1.1 shall form the Trustee Committee and thereafter the Board of Trustees shall be as follows:
- 16.1.1 3 (three) shall be representatives of the Developer nominated and appointed to the Board of Trustees by the Developer (and not at a general meeting of Members); and
- 16.1.2 the remaining Trustee/s shall be nominated by the Developer and elected by majority votes by Members of the Association at the first general meeting, and thereafter such Trustees shall be nominated by the Members and elected by majority votes by Members of the Association a general meeting.
- 16.2 Upon the expiry of the Development Period a general meeting of Members shall be called for the purpose of electing all of the Trustees.
- 16.3 All the Trustees, shall after proposal and seconding, be elected by ballot or show of hands (if the meeting so determines) of those Members who attend the general meeting of the Association, and successive Trustees shall be elected likewise at each successive annual general meeting of the Association, provided that no Member shall be eligible for election unless he shall have been duly nominated and seconded in writing by other Members and such written nomination, duly endorsed by the nominee, shall have been handed to the secretary not later than the day preceding the meeting and provided further that such nominee's levies for the current year shall have been duly paid.
- 16.4 A Trustee need not be a Registered Owner.
- 16.5 The Trustee Committee shall consist of a chairman, vice chairman, secretary/treasurer and 2 (two) trustees. The Trustees shall from their ranks elect a Chairman, provided that the Chairman, Vice-Chairman and secretary/treasurer shall, for the duration of the Development Period, be Developer Trustees.
- 16.6 A quorum for any meeting of the Trustee Committee shall consist of 3 (three) Trustees, of which the majority shall comprise Developer Trustees during the Development Period. Should a quorum not be formed as aforesaid, the meeting shall stand adjourned until a time to be decided upon by the chairman. All matters at any meeting shall be determined by a majority of those present and voting. In the event of an equality of votes, the chairman of any meeting shall have a casting vote.
- 16.7 The trustees, except for the Developer Trustees during the Development Period, shall cease to hold office at every annual general meeting, but shall be eligible for re-election.
- 16.8 In Trustees shall cease to hold office:
- 16.8.1 by notice to the Trustee Committee if he resigns his office;
- 16.8.2 if he is removed from office by the majority vote of the trustees;
- 16.8.3 if he absents himself from 4 (four) consecutive meetings of the trustees without leave of absence;
- 16.8.4 upon his Estate being sequestrated, whether provisionally or finally.

- 16.8.5 upon the commission by him of any act of insolvency; or
- 16.8.6 upon his conviction of any offence involving dishonesty.
- 16.9 Vacancies on the Trustee Committee may be filled by co-option at the instance of the majority vote of the Members.
- 16.10 No Trustee shall be liable to the Association or any Member thereof or to any other person whomsoever, for any act or omission by himself, the Association or its servants or agents. Every Trustee is indemnified by the Association against any loss suffered by him in consequence of any purported liability provided that such Trustee has, upon the basis of information known to him, acted in good faith, without intent and without gross negligence and/or without dishonesty.
- 16.11 Meetings of the Trustees shall be held as frequently as may be decided by the Trustee Committee, and minutes shall be kept of all meetings and decisions.
- 16.12 Proper books of account of the administration and finances of the Association shall be kept and financial accounts shall be audited annually by the Auditors.
- 17. OFFICE OF TRUSTEES**
- 17.1 Subject to clause 16.5 the Trustees shall appoint from amongst themselves, a Chairperson and Vice-Chairperson.
- 17.2 Subject to Clause 16.6, the Chairperson and Vice-Chairperson shall hold their respective offices until the First Annual General Meeting following the date of their appointment, provided that any such office shall *ipso facto* be vacated by the Trustee holding such office upon his ceasing to be a Trustee for any reason.
- 17.3 Subject to the rights of the Developer as set out in clause 16.5 above, within 7 (seven) days of the holding of such Annual General Meeting, the Trustee Committee shall meet and shall elect from its own number the Chairperson and Vice-Chairperson, who shall hold their respective offices until the Annual General Meeting held next after their said appointment, provided that the office of the Chairperson or Vice-Chairperson shall *ipso facto* be vacated by the Trustee holding such office upon his ceasing to be a Trustee for any reason. No one Trustee shall be appointed to more than one of the aforesaid offices. In the event of any vacancy occurring in any of the aforesaid offices at any time, the Trustee Committee shall immediately meet to appoint one of their number as a replacement in such office, subject however to the rights of the Developer as set out in clause 16.5 above.
- 17.4 Save as otherwise provided herein, the Chairperson shall preside at all meetings of the Trustee Committee, and all general meetings of Members, and shall perform all duties incidental to the office of the Chairperson and such other duties as may be prescribed by the Trustee Committee or of Members, and to allow or refuse to permit invitees to speak at any such meetings, provided however, that any such invitees shall not be entitled to vote at any such meetings.
- 17.5 The Vice-Chairperson shall assume the powers and duties of the Chairperson in the absence of the Chairperson, or his inability or refusal to act as Chairperson, and shall perform such other duties as may from time to time be assigned to him by the Chairperson or the Trustee Committee.
- 17.6 Trustees shall be entitled to be repaid all reasonable and bona fide expenses incurred by them respectively in connection with the performance of their duties as Trustees and/or Chairperson, Vice-Chairperson, as the case may be, but save as aforesaid, shall not be entitled to any other remuneration fees or salary in respect of the performance of such duties.
- 18. FUNCTIONS AND POWERS OF THE TRUSTEE COMMITTEE**
- 18.1 Subject to the express provisions of this Constitution, the Trustee Committee shall manage and control the business and affairs of the Association, shall have full powers in the management and direction of such business and affairs and, save as may be expressly provided herein, may exercise all such powers of the Association, as are required to be exercised or done by the Association in general meeting, subject nevertheless to such regulation as may be prescribed by the Association in general meeting from time to time, provided that no regulation made by the Association in general meeting shall invalidate any prior act of the Trustee Committee which would have been valid if such regulation had not been made.
- 18.2 The Trustee Committee shall have the right to vary, cancel or modify any of its decisions and resolutions from time to time.

- 18.3 The Trustee Committee may, should it so decide, investigate any suspected or alleged breach by any Member or Trustee in such reasonable manner as it shall decide from time to time.
- 18.4 The Trustee Committee may make regulations not inconsistent with this Constitution, or any regulations prescribed in the Association in general meeting:
- 18.4.1 as to disputes generally;
 - 18.4.2 for the furtherance and promotion of any of the objects of the Association;
 - 18.4.3 for the better management of the affairs of the Association;
 - 18.4.4 for the advancement of the interests of Members;
 - 18.4.5 for the conduct of Trustee Committee meetings and general meetings.
 - 18.4.6 to assist it in administering and governing the Association's activities generally.
- and shall be entitled to cancel, vary or modify any of the same from time to time.
- 18.5 Save as otherwise provided in this constitution, the trustees shall at all times have the right to engage on behalf of the Association, the services of accountants, auditors, attorneys, advocates, architects, engineers, town planners, managing agents, environmental consultants, and any other person or firm and/or any other employee/s whatsoever, for any reasons thought necessary by the trustees and on such terms as the trustees shall decide.
- 18.6 The Trustees shall further have the power to.
- 18.6.1 require that any alterations of or additions to the Dwelling Units after they have been completed by the Developer and/or additions or modifications on Residential Erven are supervised to ensure that the provisions of this constitution and the Estate rules are complied with and that all such construction is performed in a proper and workmanlike manner;
 - 18.6.2 issue architectural and landscape design manuals, environmental management plans and contracts or instructions in respect of the Estate, and to ensure that these documents and instructions are complied with at all times;
 - 18.6.3 determine the criteria for the accreditation of architects, builders, estate agents and other service providers or contractors employed by Registered Owners or the Association.
 - 18.6.4 enter into agreements with other developments located in close proximity to the Estate with regard to the sharing of facilities or services or with a view of sharing the cost of services, including but not being limited to security, landscaping, gardening and agricultural services
- 18.7 The Trustees shall have the right to appoint committees consisting of such number of their members and such outsiders, including a Manager as they deem fit and to delegate to such committees such of their functions, powers and duties as they deem fit, with further power to vary or revoke such appointments and delegations as the trustees may from time to time deem necessary.
- 18.8 The Trustees may appoint an architectural review committee whose members shall not be required to be Members of the Association.
- 18.9 Except for any Dwelling Units, buildings, out-buildings, structures, additions or alterations to be erected or effected by the Developer, all plans for buildings, out-buildings, structures, additions and alterations shall be approved by the Trustees or architectural review committee (if so appointed), or any person designated by them for the purpose.
- 18.10 The Trustees shall further have the power to make Estate and/or Conduct Rules in regard to *inter alia*
- 18.10.1 the use of motor vehicles and the parking of vehicles, including trucks, caravans, trailers and boats and the use of the roads;

- 18.10.2 the right to prohibit, restrict or control the keeping of any animals which they regard as dangerous or a nuisance;
- 18.10.3 the conduct of any persons within the Estate for the prevention of nuisance of any nature to any member;
- 18.10.4 the use of Services;
- 18.10.5 the furtherance and promotion of any of the objects of the Association and/or for the better management of the affairs of the Association and/or for the advancement of the interests of the members and/or the residents of the Estate;
- 18.10.6 the maintenance of all buildings, out buildings, structures, improvements of any nature and landscaping of Erven on the Estate;
- 18.10.7 the control of the number of occupiers permitted on any one Residential Erf;
- 18.10.8 the admission of any person to the Estate, and the eviction of any person not entitled to be thereon;
- 18.10.9 maintenance of and access to Common Areas;
- 18.10.10 refuse disposal and waste management;
- 18.10.11 use of dams (if any) and amenities relating thereto;
- 18.10.12 installation of air conditioning units, solar geysers and panels, television and radio antennae, flag poles and/or satellite dishes;
- 18.10.13 littering;
- 18.10.14 responsibility of the Members for the activities of contractors, house help employees and their guests, including access of such persons to the Estate.
- 18.10.15 security;
- 18.10.16 letting (including short-term letting and Air BnB);
- 18.10.17 the re-selling of Erven/ Dwelling Units;
- 18.10.18 the imposition of fines and other penalties;
- 18.10.19 the accreditation of Estate Agents for sales and re-sales of Residential Erven and the appointment of an exclusive on-site Estate Agent or Agents to conduct sales and re-sales;
- 18.10.20 the accreditation of builders contracted to conduct construction work on Residential Erven;
- 18.10.21 the accreditation of Service providers or contractors in respect of work to be conducted on behalf of members or the Association on the Estate;
- 18.10.22 for the enforcement of any of the rules made by the trustees in terms of this clause, or of any of the provisions of this constitution generally, the trustees may:
 - 18.10.22.1 give notice to the Member concerned requiring him to remedy such breach within such period as the trustees may determine; and/or
 - 18.10.22.2 take or cause to be taken such steps, as they may consider necessary to remedy the breach of the rule or provision of which the member may be guilty, and debit the cost of so doing to the member concerned, which amount shall be deemed to be a debt owing by the member concerned to the Association; and/or
 - 18.10.22.3 take such action including the imposition of a fine, or proceedings in court, as they may deem fit.
- 18.11 Should the Trustees institute any legal proceedings against any Member or resident on the Estate for the enforcement of any

of the rights of the Association in terms hereof, the Association shall be entitled to recover all legal costs so incurred from the Member or resident concerned, calculated as between attorney and own client, including tracing fees and collection commission.

- 18.12 In the event of any breach of the rules by the Members or any Member's household or his guests or lessees, such breach shall be deemed to have been committed by the Member himself, who shall be jointly and severally liable with such wrongdoer to and in favour of the Association. However, without prejudice to the foregoing, the trustees may take or cause to be taken such steps against the person actually committing the breach as they may in their discretion deem fit.
- 18.13 Notwithstanding anything to the contrary herein contained, the trustees may in the name of the Association enforce the provisions of any rules by criminal action or civil application or action in a court of competent jurisdiction and for this purpose may appoint attorneys and counsel, as they may deem fit.
- 18.14 The Association may in general meeting itself make any rules in regard to any matter and may also vary or modify any rule made by it or by the trustees from time to time.
- 18.15 The Association shall generally have the power and shall perform the functions so as to implement and invoke the objects of the Association referred to in Clause 5.

19. PROCEEDINGS OF THE TRUSTEE COMMITTEE

- 19.1 The Trustee Committee may meet together for the dispatch of business, adjourn and otherwise regulate their meetings as they think fit, subject to any provisions hereof.
- 19.2 Meetings of the Trustee Committee shall be held at least once every quarter.
- 19.3 The quorum necessary for the holding of any meeting of the Trustee Committee shall be 3 (three) of whom the majority of Trustees shall be Developer Trustees, during the Development period.
- 19.4 The Chairperson shall preside as such at all meetings of the Trustee Committee, provided that should at any meeting of the Trustee Committee the Chairperson not be present within 30 (thirty) minutes after the time appointed for the holding thereof, then the Vice-Chairperson shall act as Chairperson at such meeting, provided further that should the Vice-Chairperson also not be present within 15 (fifteen) minutes of the time appointed for the holding of such meeting, those present of the Trustees shall vote to appoint a Chairperson for the meeting provided that, for the duration of the Development Period, such Chairperson shall be appointed from the Trustees appointed by the Developer, and that Chairperson so appointed shall thereupon exercise all the powers and duties of the Chairperson in relation to such meeting.
- 19.5 A Trustee shall take minutes of every Trustee Committee meeting, although not necessarily verbatim, which minutes shall be reduced to writing without undue delay after the meeting and shall then be certified correct by the Chairperson of the meeting. All minutes of Trustee Committee meetings shall after certification as aforesaid be placed in a Trustee Committee Minute Book to be kept in accordance with the provisions of the law relating to the keeping of minutes of meetings of directors of companies. The Trustee Committee Minute Book shall be open for inspection at all reasonable times by a Trustee, the Auditors, the Members and Local Authority.
- 19.6 All resolutions recorded in the minutes of any Trustee Committee meeting shall be valid and of full force and effect as therein recorded, with effect from the passing of such resolutions, and until varied or rescinded, but no resolution or purported resolution of the Trustee Committee shall be of any force or effect or shall be binding upon the Members or any of the Trustees unless such resolution is competent within the powers of the Trustee Committee.
- 19.7 Save as otherwise provided herein, the proceedings at any Trustee meeting shall be conducted in such reasonable manner and form as the Chairperson of the meeting shall decide.
- 19.8 A resolution signed by all the Trustees shall be valid in all respects as if it had been duly passed at a meeting of the Trustee Committee duly convened.
- 19.9 Resolutions put to the vote at meetings of the Trustee Committee shall be carried by a simple majority.
- 19.10 In the case of an equality of votes, the Chairperson of the Trustee Committee shall have a casting vote.

20. GENERAL MEETINGS OF THE ASSOCIATION

- 20.1 The Association shall hold a general meeting as its Annual General Meeting, in addition to any other general meetings during that year, as soon as possible after the end of each financial year, it being the intention that each Annual General Meeting shall take place not later than 3 (three) months after each financial year end. Notwithstanding the foregoing, the first Annual General Meeting of the Association is only required to take place by no later than 12 (twelve) months following the date on which the Association came into existence.
- 20.2 The Association shall specify the meeting as such in the notices, in terms of Clause 21 below calling it.
- 20.3 Such Annual General Meetings shall be held at such time and place, subject to the foregoing provisions, as the Trustee Committee shall decide from time to time
- 20.4 All general meetings other than Annual General Meetings shall be called special general meetings.
- 20.5 Subject to Clause 20.6 the Trustee Committee, may, whenever they think fit, convene a special general meeting.
- 20.6 Where the Members who hold at least 51% of the total votes resolve to call a special meeting, the Trustee Committee shall be obliged to call such meeting.

21. NOTICE OF MEETINGS

- 21.1 An Annual General Meeting and a meeting called for the passing of a Special Resolution, shall be called by no less than 21 (twenty one) days' notice in writing, and a special general meeting, other than one called for the passing of a Special Resolution, shall be called by no less than 14 (fourteen) days' notice in writing. In each case, the notice shall be exclusive of the day on which it is given, and shall specify the place, the day and the hour of the meeting. In the case of a Special Resolution, the said Notice shall specify the terms, the effect of the resolution and the reasons for it.
- 21.2 A general meeting of the Association shall, notwithstanding that it is called by shorter notice than that specified as aforesaid, be deemed to have been duly called if it is so agreed.
- 21.2.1 in the case of a meeting called as the Annual General Meeting, by all the Members present and who are entitled to attend and vote thereat; and
- 21.2.2 in the case of a special general meeting, by the Developer (for the duration of the Development Period), and by a majority in number of the Members having a right to attend and vote at the meeting, being a majority together holding not less than 75% (seventy five percent) of the total number of votes.
- 21.3 The accidental omission to give notice of a meeting or of any resolution, or to give any other notification, or present any document required to be given or sent in terms of these presents, or the non-receipt of any such notice, notification or document by any Member or other person entitled to receive the same, shall not invalidate the proceedings at, or any resolution passed at, any meeting.

22. VENUE OF MEETINGS

General Meetings of the Association shall take place at such place as shall be determined by the Trustee Committee from time to time.

23. QUORUM

- 23.1 No business shall be transacted at any general meeting unless a quorum is present when the meeting proceeds to business. The quorum necessary for the holding of any general meeting shall be such of the Members entitled to vote, as together for the time being, represent at least 51% (fifty one percent) of the total votes of all Members of the Association entitled to vote, and provided further that, for the duration of the Development Period, the Developer is present in person or by proxy.
- 23.2 If within half an hour from the time appointed for the holding of a general meeting a quorum is not present, the meeting, if convened on the requisition of Members, shall be dissolved, in any other case it shall stand adjourned to the same day in the next week, at the same place and time, or at such other place as the Chairperson of the meeting shall appoint, and if at such adjourned meeting a quorum is not present within half an hour from the time appointed for holding the meeting, the Members

present shall be a quorum, provided that, for the duration of the Development Period, the Developer is present in person or by proxy.

24. AGENDA AT MEETINGS

Only the following matters shall be dealt with at every Annual General Meeting:

- 24.1 confirmation of the minutes of the preceding annual general meeting and of any general meetings held thereafter;
- 24.2 presentation of the Chairperson's report;
- 24.3 the consideration of the report of the Auditors for the past Financial Year;
- 24.4 the appointment of Auditors for the next Financial Year;
- 24.5 the noting of the Levy for the following Financial Year as determined by the Trustees;
- 24.6 the consideration of the income statement and the balance sheet of the Association for the last Financial Year of the Association preceding the date of such meeting;
- 24.7 the election of Trustees and office bearers; and
- 24.8 the consideration of any other matters as the Trustees may allow to be raised.

25. PROCEDURE AT GENERAL MEETINGS

- 25.1 The Chairperson shall preside as such at all general meetings, provided that should he not be present within 30 (thirty) minutes after the time appointed for the holding thereof, then the Vice-Chairperson, shall act as Chairperson at such meeting, provided further that should the Vice-Chairperson also not be present within 15 (fifteen) minutes of the time appointed for the holding of such meeting, then the Members present at such meeting entitled to vote, shall vote to appoint a Chairperson for the meeting, who shall thereupon exercise all the powers and duties of the Chairperson in relation to such meeting, provided that, for the duration of the Development Period, the Chairperson shall be a Developer Trustee.
- 25.2 The Chairperson may, with the consent of any general meeting at which a quorum is present (and if so directed by the meeting) adjourn a meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business which might have been transacted at the meeting from which the adjournment took place. Whenever a meeting is adjourned for ten days or more, notice of the adjourned meeting shall be given in the same manner as of an original meeting. Save as aforesaid, the Members shall not be entitled to any notice of adjournment, or of the business to be transacted at an adjourned meeting.
- 25.3 Except as otherwise set forth herein, all general meetings shall be conducted in accordance with generally accepted practice.

26. PROXIES

- 26.1 A Member may be represented at a general meeting by a proxy, who need not be a Member of the Association. The Proxy shall be entitled to vote at a general meeting on behalf of that Member provided that the Member is in good standing in accordance with clause 9.13. The instrument appointing a proxy shall be in writing signed by the Member concerned or his duly authorised agent in writing, but need not be in any particular form, provided that where a Member is more than 1 (one) person, any 1 (one) of those persons may sign the instrument appointing a proxy on such Member's behalf, where a Member is a company, the same may be signed by the Chairperson of the Board of Directors of the Company or by its secretary, and where an association of person, by the secretary thereof.
- 26.2 The said proxy shall be deposited at the office of the Association Secretary at least 24 (twenty four) hours prior to the time appointed for the commencement of the meeting
- 26.3 No instrument appointing a proxy shall be valid after the expiration of 12 (twelve) months calculated from the date of its execution.

27. VOTING

- 27.1 Subject to the provisions of clauses 27.1.1 to 27.1.3 below, at every meeting, the following provisions shall apply in regard to voting:
- 27.1.1 the Developer shall, during the Development Period, have 5 (five) votes in addition to votes in respect of each Erf of which it is the Registered Owner;
- 27.1.2 subject to the provisions of Clause 27.1.3, every other Registered Owner Member in person or by proxy and entitled to vote shall have the number of votes for each Residential Erf registered in his name, as set out below, provided that if a Residential Erf is registered in more than one person's name, then they shall jointly have one vote;
- 27.1.3 in the event of two or more Residential Erven being consolidated, then the Member in question shall continue to have the same number of votes he held prior to consolidation, as if such consolidation had not taken place.
- 27.2 Save in respect of the Developer during the Development Period, no person other than a Registered Owner, and who shall have paid every levy and other sum (if any) which shall be due and payable to the Association in respect of or arising out of his membership, and who is not under suspension, shall be entitled to be present or to vote (on any question, either personally or by proxy, at any general meeting.
- 27.3 At any general meeting a resolution put to the vote of the meeting shall be decided on a show of hands.
- 27.4 Voting on the election of a Chairperson of a general meeting (if necessary) or on any question of adjournment, shall be decided on a show of hands by a majority of the Members present in person or by proxy, subject however to the Developer's rights in clause 16.5.
- 27.5 Every resolution and every amendment of a resolution proposed for adoption by a general meeting shall be seconded at the meeting and, if not seconded, shall be deemed not to have been proposed.
- 27.6 An ordinary resolution (that is a resolution other than a Special Resolution) shall be carried on a simple majority of all the votes. A Special Resolution shall be carried by a majority of no less than 75% (seventy-five per cent) of the total votes of Members who are present in person or represented and who are entitled to vote. An abstention shall not be counted as a vote for or against the resolution in question. In the case of an equality of votes, the Chairperson of the general meeting shall be entitled to a casting vote in addition to its deliberative vote.
- 27.7 Unless any Member present in person or by proxy at a general meeting shall before closure of the meeting have objected to any declaration made by the Chairperson of the meeting as to the result of any voting at the meeting, or to the propriety or validity of the procedure at such meeting, such declaration by the Chairperson shall be deemed to be a true and correct statement of the voting, and the meeting shall in all respects be deemed to have been properly and validly constituted and conducted, and an entry in the minutes to the effect that any motion has been carried or lost, with or without a record of the number of votes recorded in favour of or against such motion, shall be conclusive evidence of the vote so recorded if such entry conforms with the declaration made by the Chairperson of the meeting as to the result of any voting at the meeting.

28. ACCOUNTS

- 28.1 The Association in general meeting or the Trustee Committee, may from time to time make reasonable conditions and regulations as to the time and manner of the inspection by the Members of the accounts and books of the Association, or any of them, and subject to such conditions and regulations, the accounts and books of the Association shall be open to the inspection of Members at all reasonable times during normal business hours.
- 28.2 At each Annual General Meeting the Trustee Committee shall lay before the Association the income and expenditure account for the preceding Financial Year of the Association, or in the case of the first account, for the period since the incorporation of the Association, together with a balance sheet made up as at the last Financial Year end of the Association. Every such balance sheet shall be accompanied by proper and extensive reports of the Trustee Committee and the Auditors, and there shall be attached to the notice sent to Members convening each Annual General Meeting, copies of such accounts, balance sheet and reports and of any other documents required by law to accompany the same.

29. AUDIT

At least once a year, the accounts of the Association shall be reviewed (not audited) and the correctness of the income and expenditure account and balance sheets ascertained by the Auditors.

30. SERVICE OF NOTICES

- 30.1 A notice shall be in writing and shall be given or served by the Association upon any Member either by hand, by telefax, by email or by post in a prepaid registered letter addressed to the Member at the address of the Residential Erf once transfer has taken place or possession taken.
- 30.2 No Member shall be entitled to have a notice served on him at any address not within the Republic of South Africa, but any Member may require the Association, by notice, to record an address within the Republic of South Africa which shall be deemed to be his address for the purpose of the service of notices.
- 30.3 The accidental omission to give notice of a meeting to, or the non-receipt of notice of a meeting by, any person entitled to receive notice, shall not invalidate the proceedings of that meeting.

31. INDEMNITY

- 31.1 All Trustee Members and the Auditors shall be indemnified out of the funds of the Association against any liabilities *bona fide* incurred by them in their respective said capacities and in the case of a Trustee Member, in his capacity as Chairperson, Vice-Chairperson, whether defending any proceedings, civil, criminal or otherwise, in which relief is granted to any such person/s by the Court.
- 31.2 Every Trustee Member, every servant, agent and employee of the Association, and the Auditors shall be indemnified by the Association against (and it shall be the duty of the Trustee Committee out of the funds of the Association to pay) all costs, losses and expenses (including travelling expenses) which such person or persons may incur or become liable for by reason of any contract entered into, or any act or deed done, by such person or persons in the discharge of any of his/their respective duties, including in the case of a Trustee Member, his duties as Chairperson or Vice-Chairperson. Without prejudice to the generality of the above, the Association shall specifically indemnify every such person against all losses of whatsoever nature incurred arising out of any *bona fide* act, deed or letter done or written by him jointly or severally in connection with the discharge of his duties, provided that any such act, deed or letter has been done or written in good faith.
- 31.3 A Trustee Member shall not be liable for the acts, receipts, neglects or defaults of the Auditors or of any of the other Trustee Members, whether in their capacities as Trustee Members or as Chairperson or Vice-Chairperson, or for any loss or expense sustained or incurred by the Association through the insufficiency or deficiency of title to any property acquired by the Trustee Committee for or on behalf of the Association, or for the insufficiency or deficiency of any security in or upon which any of the monies of the Association shall be invested, or for any loss or damage arising from the insolvency or tortuous act of any person with whom any monies, securities or effects shall be deposited, or for any loss or damage occasioned by any error of judgement or oversight on his part, or for any other loss, damage or misfortune whatever which shall happen in the execution of any of the duties of his office/s or in relation thereto, unless the same shall happen through lack of *bona fides* or breach of duty or breach of trust

32. ARBITRATION

- 32.1 Any dispute, question or difference arising at any time between Members or between Members and Trustees out of or in regard to:
- 32.1.1 any matters arising out of this Constitution and/or Rules; or
- 32.1.2 the rights and duties of any of the parties mentioned in this Constitution; or
- 32.1.3 a breach of Constitution and/or Rules; or
- 32.1.4 the interpretation of this Constitution and/or Rules

shall be submitted to and decided by arbitration on notice given by any party to the other parties who are interested in the matter in question.

- 32.2 Notwithstanding clause the aforesaid, the Association shall be entitled to institute court proceedings against any Member in default of payment of any amounts due in terms of the Constitution and/or Rule, or to obtain an interdict against a Member.
- 32.3 The arbitration shall be held in Cape Town informally and otherwise in terms of the provisions of the Arbitration Act No 42 of 1965 (as amended or replaced from time to time) it being intended that if possible it shall be held and concluded within 30 (thirty) Business Days after it has been demanded.
- 32.4 Save as otherwise specifically provided herein, the Arbitrator shall be, if the question in dispute is:
- 32.4.1 primarily an accounting matter - an independent accountant;
- 32.4.2 primarily a legal matter - a practising counsel or attorney of not less than 10 (ten) years' standing;
- 32.4.3 any other matter - an independent and suitably qualified person appointed by the attorneys of the Association as may be agreed upon between the parties to the dispute.
- 32.5 If agreement cannot be reached on whether the question in dispute falls under sub-Clauses 32.4.1 to 32.4.3, or upon a particular arbitrator in terms of sub-Clause 32.4, within 5 (five) Business Days after the arbitration has been demanded, then:
- 32.5.1 the Director of the Legal Practice Council for the Western Cape (or its successors) shall determine whether the question in dispute falls under sub-clauses 32.4.1, 32.4.2 or 32.4.3; and / or
- 32.5.2 the Director of the Legal Practice Council for the Western Cape (or its successors) shall nominate the arbitrator in within 7 (seven) Business Days after the parties have failed to agree, so that the arbitration can be held and concluded as soon as possible within the 21 (twenty one) Business Days referred to in Clause 32.3.
- 32.6 The arbitrator shall make his award within 7 (seven) Business Days after completion of the arbitration and shall in giving his award, have regard to the principles laid down in terms of this Constitution. The arbitrator may determine that the cost of the arbitration may be paid either by one or other of the disputing parties or by the Association as he in his sole discretion may deem fit.
- 32.7 The decision of the arbitrator shall be final and binding and may be made an Order of the Cape of Good Hope Provincial Division of the High Court of South Africa (or its successors) upon the application of any party to the arbitration. No appeal shall lie against the decision of the Arbitrator unless the parties otherwise agree.
- 32.8 Notwithstanding anything to the contrary contained herein, the Trustees shall be entitled to institute legal proceedings on behalf of the Association by way of application, action or otherwise in any Court having jurisdiction for the purposes of restraining or interdicting breaches of any of the provisions.
- 33. DEPOSITS AND INVESTMENT OF FUNDS**
- 33.1 The Trustees shall cause all moneys received by the Association to be deposited to the credit of an account or accounts with a registered commercial bank in the name of the Association and, subject to any direction given or restriction imposed at a general meeting of the Association, such moneys shall only be withdrawn for the purpose of payment of the expenses of the Association or investment.
- 33.2 The Trustees shall cause all moneys received by the Association to be deposited to the credit of an account or accounts with a registered commercial bank in the name of the Association and, subject to any direction given or restriction imposed at a general meeting of the Association, such moneys shall only be withdrawn for the purpose of payment of the expenses of the Association or investment.
- 33.3 The Trustees will set up reserve accounts for funds that are held over and above one year's working capital requirements.
- 33.4 Interest on moneys invested shall be used by the Association for any lawful purpose in the interest of the Association.
- 34. AMENDMENTS TO CONSTITUTION**
- 34.1 This constitution, or any part thereof, as contained herein shall not be repealed or amended, and no new clauses shall be

made, save by a Special Resolution adopted at an Annual General Meeting or General Meeting of the Members, and if during the Development Period, shall be subject to the prior written consent of the Developer

34.2 In addition, should any amendment/s of the Constitution be in respect of those matters as are prescribed by section 29(3) of the SMLUP then such amendment/s will also have to be approved by the Council

35. SALES

Registered Owners who wish to appoint an Estate Agent to sell their Residential Erf, or in the event that the said Erf is owned by a Close Corporation, Company or Trust, the sale of the majority membership interest, shares or beneficial interest respectively, then and in such event the said Owner shall be obliged to use the services of an Estate Agent who has been accredited by the Association.

36. VINEYARDS AND OLIVE GROVES

36.1 It is recorded that the Vineyards and Olive Groves which are an essential aesthetic component of the Estate, are to be established and maintained by third party contractors appointed by the Developer, and who will also harvest the grapes and olives.

36.2 Accordingly, the Association shall grant the said contractors, their employees and/or consultants, reasonable access to the Vineyards and the Olive Groves so as to enable them to conduct the necessary operations referred to in paragraph 36.1.

36.3 The Association shall at all times have the authority to determine how to best manage and deal with the Vineyards and the Olive Groves.

36.4 No Member shall be entitled to cut, prune or in any way interfere with the maintenance and management of the Vineyards and Olive Groves, nor shall they be able to harvest any grapes or Olives, unless the Association otherwise determines.

36.5 By virtue of the agricultural element that makes up a significant portion of the Estate, Members accept that there will be the normal activity as encountered on a working farm, especially during the harvesting season.

Signature
Date: _____
First Trustee Name & Surname _____

Signature
Date: _____
First Trustee Name & Surname _____

Signature
Date: _____
First Trustee Name & Surname _____

Services Report

Residential Development on Erf 579 Franschhoek

Lewis Manhattan Investments (Pty) Ltd

Reference: 504014
Revision: Rev2

Submission date: 2020/12/09

Document control record

Document prepared by:
 Zutari (Pty) Ltd
 1977/003711/07
 264 Main Street
 Paarl
 7646

T +27 21 860 2200
 F +27 21 860 2222
 E paarl@zutari.com
 W zutari.com

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Document control						
Report title		Erf 579 Franschoek Services Report				
Document code		Project number		504014		
Client		Lewis Manhattan Investments (Pty) Ltd				
Client contact		Richard Lewis	Client reference			
Rev	Date	Revision details/status	Author	Reviewer	Verifier (if required)	Approver
0	24 October 2018	First Draft	M Richard	C vd Walt		AP Zeeman
1	12 November 2018	After preliminary meeting with SM	M Richard	C vd Walt		AP Zeeman
2	9 December 2020	Second revision	E Viljoen	C vd Walt		AP Zeeman
Current revision		2				

Approval			
Author signature		Approver signature	
			
Name	Elzaan Viljoen	Name	Chris van der Walt
Title	Civil Engineer	Title	Associate

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Introduction

Zutari (Pty) Ltd was commissioned to prepare an Engineering Services Report for the proposed development of Erf 579 in Franschoek. The development falls within the Stellenbosch Municipality service area.

A new residential development proposed on Erf 579 in Franschoek only consist of 7 erven of approximately 1200m² per erf, the remainder of the 25 698m² site will be planted with olive trees and vineyards. The erf as it is mainly consists of trees and one building structure situated near the main road.

This report addresses the needs of Stellenbosch Municipality with regards to the provision of engineering services. The infrastructure design of the development is based on technical requirements and guidelines as stated by the Design Guidelines and Minimum Standards for Civil Engineering Services (Stellenbosch Municipality, 2015) and the general subdivision/rezoning conditions and planning by-laws of Stellenbosch Municipality. Additionally, design considerations are also based on Guidelines for Human Settlement Planning and Design (CSIR, 2005) and the Drainage Manual 6th Edition (SANRAL, 2013).

The level of service for the proposed infrastructure will be to the accepted standard associated with that of upmarket residential dwellings as per the architect's details.

This services report has been compiled based on the following available information:

- The Latest Site Development Plan (SDP) as in appendix A
- Comments on the proposed electrical services from De Villiers & Moore (Pty) Ltd
- A preliminary meeting with role players at Stellenbosch Municipality
- Traffic Impact Study (TIS) as in appendix B

Description of the proposed development

2.1 Locality Plan

The proposed development is situated next to a minor road (Bagatelle St) off Lambrechts St (R45). The coordinates of the proposed development are approximately 33°54'46.32"S (latitudinal) and 19° 7'42.81"E (longitudinal). Figure 1 indicates the locality position of the development.



Figure 1 Locality plan of the proposed Erf 579 development (Microsoft, 2017)

2.2 Proposed Development

A total of 7 residential erven are proposed for the new development. The boundary of the site is as shown in Figure 1.

The development comprises 7 free standing residential dwellings constructed on newly subdivided single residential erven. The average erf size of is approximately 1200 m². The remainder of the 25 698m² site will be planted with olive trees and vineyards. From the SDP, it was assumed that the new residential dwellings will have similar floor areas.

The engineering services required for the development were based on 7 erven with an average size of 1200m². The prosed SDP is attached to this document as Annexure A.

2.3 Geotechnical investigation

A geotechnical sub-consultant was appointed to undertake a geotechnical investigation for the proposed development.

The findings of the geotechnical investigation are detailed in the geotechnical report attached as Appendix B which include the following information:

- General site geology and groundwater conditions.
- Investigation methodology.
- Geological profiles.
- Groundwater occurrences.
- Material geotechnical properties and characteristics.
- Excavation sidewall stability.
- Excavation classification.
- Materials re-use potential for fill below buildings and roads.
- General foundation recommendations, including site suitability.
- Water and other precautionary measures.
- Drawings indicating test pit positions and soil distribution etc.

2.4 Traffic Impact Assessment

A separate Traffic Impact Study (TIS) was completed for the proposed development as per Stellenbosch Municipality requirements. The Traffic Impact Study concludes that the development will not have any major impact on the traffic flows in the area given the small scale of the development. Full conclusions and recommendations are available in the TIS attached in Appendix C.

Potable Water Supply

3.1 Bulk Water Infrastructure

GLS consulting engineers are acting as potable water and foul sewer master planning consultants for Stellenbosch Municipality. At the time of this report, GLS has not concluded their capacity analysis model for the area including the proposed Development. However, preliminary discussions with GLS and Stellenbosch Municipality have confirmed that the existing supply zone has sufficient capacity to accommodate this development. GLS has preliminarily indicated the preferred connection point to an appropriate supply zone.

As a condition for development of Erf 579, the existing 100 mm water main crossing the Erf must be relocated to the outside of the erf boundaries. See Figure 2 for the proposed route. The existing pipe is indicated in **Cyan**, while the **Red** line indicates the proposed new route and the red crosses the section of existing water line which will be decommissioned.

The new pipe will be a HDPE PE100 PN16 pipe. During a planning meeting, Stellenbosch Municipality requested that the relocation of this pipe be included in the Service Level Agreement with the developer. The cost of the relocation will be deductible from the developer contributions.



Figure 2 Proposed pipe through erf relocation route

As mentioned before, the bulk potable water erf connection point was confirmed by GLS consulting engineers. The preferred connection position is at the existing 160 mm pipe across Lambrechts street, between Erica and Nerina street. Figure 3 indicates the proposed connection position as well as the proposed new internal water reticulation network.



Figure 3 Connection point to existing water main and proposed new water reticulation loop

Furthermore, the developer intends to sink a borehole on the property to be used for irrigation of the proposed olive trees and vineyards. The borehole water will be pumped into the irrigation / detention dam from where irrigation will take place.

Considering the size of the development and the low fire risk, the two hydrants will be sufficient to meet the Stellenbosch Municipality requirements (Stellenbosch Municipality, 2015). These two fire hydrants will be installed on the 110 mm internal reticulation network.

The internal reticulation system will include an air valve at the highest point of the water network, as well as a scour and various gate valves to isolate sections of the internal reticulation network. The internal reticulation network was designed to ensure flow velocities are typically between 0.5 to 1.5 m/s.

The available pressure head at the connection point should be at least 35 meters to ensure that pressures in the proposed development do not fall below the recommend 24 meters of pressure head (CSIR, 2005) and have at least 7 m of pressure head at the fire hydrant.

The internal network will consist of HDPE PN16 PE 100 pipes which is the minimum requirement (Stellenbosch Municipality, 2015).

It is recommended that water saving mechanisms should be prescribed as part of the sale agreements and building guidelines, such as:

- Rainwater harvesting.
- Installation of toilets fitted with dual flush systems.

- Aerator nozzles fitted to taps and showers.
- Water wise irrigation practices, such as the planting of indigenous plants, installation of timers
- Greywater recycling

3.4 Fire Fighting Requirements

According to CSIR (2005), firefighting flow should be supplied at 15 l/s and 0.7 bar of pressure at the connection, and must be available during peak instantaneous flow. For the proposed development, fire flow will be accommodated in two hydrants as explained in the previous section.

Sanitation

4.1 Bulk Sewage Treatment and Disposal

The existing possible sewerage connection points are shown in Figure 4. Although the eastern and southern options are closer to the erf boundaries, the site topology favours the connection point at an existing manhole west of erf 579 next to Lambrechts street. This position allows adequate slope to accommodate a sufficient gravity sewer system in the proposed development without having to lay the sewer pipes too deep. The preferred connection point is not directly in the vicinity of erf 579. However, allowance for the additional length of sewer pipes was made in the developers cost estimation.



Figure 4 Existing sewer connection points

4.2 Sewage Yield Figures

The development on Erf 579 will have typical house irrigation demands. Each house will have a garden and/or grass area. Therefore, the percentage of potable water demand which will be converted to sewage yield was estimated as 80%. The value can be compared to the typical 70% value for residential erven with irrigation demand.

Furthermore, the allowance for 80% sewage yield models a conservative scenario. The calculations for daily sewage yield is shown in Table 2.

Stormwater Management

5.1 Existing infrastructure

The site area is approximately 25 500m² with a consistent slope towards the north-western boundary.

Bulk stormwater infrastructure is accessible nearby in the form of a V-shaped channel parallel to Lambrechts street. Approximately 200 m downstream in Lambrechts street, there are stormwater catch pits available with an accompanying underground stormwater pipe network. There is another existing stormwater manhole in Bagatelle street, however the site topology will likely not allow connection to this point. Further underground stormwater pipes networks near the site will be confirmed if required.

The proposed development will include one feature detention pond which will store up to the 1:50 year flood on site as well as irrigation water from the proposed borehole. The pond overflow will be at the north-western boundary. The overflows will be directed to the existing earth channel adjacent to Lambrechts street.

5.2 Design Philosophy

The standard stormwater guidelines for residential developments as per CSIR (2005), and Drainage Manual (SANRAL, 2013), was used for the design of the proposed new internal stormwater system.

Specific attention will be given to the following:

- Stormwater run-off will be calculated using the Rational Method;
- Minor flows: Stormwater will be conveyed to stormwater channels and discharged into the detention dam;
- Major flows: Safe overland flow directed to the proposed detention dam will be allowed for;
- For a 1:10 rainfall event, the peak run-off after development will not exceed the peak run-off prior to development.
- Temporary stormwater management measures will be implemented and adhered to during construction.

5.3 Pre- and Post-Development Flood Runoff

In line with the CSIR's Red Book Stormwater Management Plan, the stormwater design is based on restricting the 1:10 year peak flow of run-off to pre-development levels, for the same recurrence period. Table 3 indicates the parameters used to determine the development's estimated pre- and post-development run-off.

Table 3 Hydrological design parameters for the proposed development

HYDROLOGICAL DESIGN PARAMETERS		
PARAMETER	PRE-DEVELOPMENT VALUE	POST-DEVELOPMENT VALUE
Parameters		
Contributing site area	25 698 m ²	25 698 m ²
Time of concentration (T _c)	15 minutes	15 minutes
Rainfall intensity for 1:5 year storm (I _{t1.5})	57 mm/hour	57 mm/hour
Rainfall intensity for 1:10 year storm (I _{t1.10})	69 mm/hour	69 mm/hour
runoff coefficients (C ₅ ; C ₁₀)	0.201; 0.220	0.294; 0.303

Utilising the above design parameters, the catchment's flow rates for the various return periods were calculated and are summarised in Table 4.

Table 4 Peak run-off volumes for the proposed development

PEAK RUN-OFF VOLUMES			
RETURN PERIOD (YEARS)	PRE-DEVELOPMENT VALUE (m ³ /s)	POST-DEVELOPMENT VALUE (m ³ /s)	FLOOD INCREASE (%)
Peak Run-off volumes			
1:5	0.081	0.118	45%
1:10	0.107	0.147	37%
1:50	0.213	0.243	14%

Table 4 indicates that runoff will increase by 45% for a 1:5 year flood, 37% for a 1:10 year flood and 14% for a 1:50 year flood. This is due to more hard surfaces created (residential dwellings) which allows for less water ingress.

Detention storage was calculated using the Abt & Grigg formula for the 1:5 year pre-development and 1:10 year post-development runoff. The storage required was calculated as approximate 27 m³. This will be detained in the proposed detention pond in the Site Development Plan.

The attenuation height will be according to the size of the proposed detention dam. It is recommended that this dam has at least a 500mm freeboard height, with the overflow directed to the proposed north-western boundary road. Detention facilities of more than 150 m³ will be constructed on the low point of the site with an outlet structure to ensure that the flood peaks are reduced to pre- development levels and insure sufficient capacity for irrigation purposes.

Roads

6.1 External Roads

Access to the development is available from an existing paved road section on Bagatelle road.

6.2 Internal Roads

The main access road will have a paved surface and all internal branched roads will be paved rural 2 "spoor" track roads to provide access to each erf. All civil services will be within the 10 m wide road reserve areas. The rural track roads will have a negligible on the post development run-off volumes, and therefore no stormwater grid inlets or pipes are proposed along the internal 2 "spoor" track roads. Stormwater management along the main access road comprises an underground stormwater pipe network. This network will convey stormwater to the detention facility.

Electricity

The electricity section was completed by De Villiers & Moore (Pty) Ltd based on meetings with the Town Electrical Engineer and demand calculations based on the latest SDP and unit information as described.

7.1 Electricity demand

The after-diversity electricity demand for the proposed development is estimated at 200 kVA. This demand is based on 7 dwellings units and associated general services. Each dwellings will be supplied with a 60A three-phase connection.

7.2 Bulk electricity supply

The Municipality has confirmed supply availability from their 11kV network for the proposed development. A new mini-substation will be required to facilitate the bulk LV connection. The developer will provide a 6 x 4 meter site on the property boundary to accommodate a mini-substation. The developer will pay Development Contributions (DC's) based on the calculated electrical demand for the proposed development.

7.3 Internal site reticulation

The developer will be responsible for the supply and installation of all internal LV electrical reticulation. The internal reticulation will be installed following the standard and specifications of the local supply authority to allow for municipal prepaid metering of all the dwellings. All LV distribution cables will be copper conductor armoured cable installed underground within the communal areas and road reserves.

7.4 Street & area lighting

Street and area lighting will be energy efficient cut-off type luminaires positioned to provide optimal illumination and to prevent light pollution onto the dwellings properties. Security lighting will be installed on the perimeter fence for high-risk areas. The lighting will be owned and maintained by the Estate and will be separately metered from a municipal credit meter. The Estate will be liable for the municipal account associated with the lighting and general supply.

7.5 Energy conservation

It is in the Developer's interest to ensure that all efforts are made to reduce the maximum demand and use of electricity by the development. The Developer shall ensure compliance with the national building regulations pertaining to energy measures (SANS 10400 AND SANS 204).

7.6 Communication services

The developer will provide a duct/manhole network that individual buildings can be served and to allow connection to existing networks

Solid Waste Disposal

All waste generated from the residential units of the proposed development, will be temporarily stored in storage bins. The municipality will collect bins from all erven within the proposed development and transport it to a Waste Disposal Site as determined by the Municipality.

The Municipal Solid Waste Disposal Trucks will be granted access at the gate house of the development during refuse collection days.

Final arrangements will be addressed in the future Service Level Agreement between the developer and Stellenbosch Municipality

Developer Contributions

Development Contributions will be calculated considering the status quo situation in terms of current land use rights. The land unit is currently zoned for Community Zone purposes which provides for a Clinic, Community Residential building, Day Care centre, Place of Assembly, Place of Education, Place of Worship, Public Institution, Welfare Institution etc as a primary right.

As mentioned in this report, the relocation of the existing water main through the erf will be done during the construction of the development and will be deductible from the Developer Contributions.

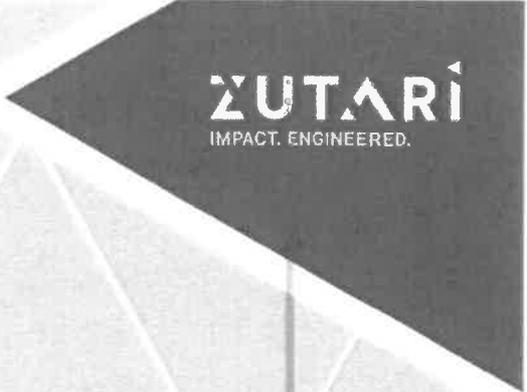
The detail will be addressed during the Service Level Agreement process with the local authority.

Bibliography

- CSIR. (2005). *Guidelines for Human Settlement Planning and Design*. Pretoria, South Africa: CSIR Building and Construction Technology.
- Microsoft. (2017, September 9). *Bing Maps*. Retrieved from <https://binged.it/2gKBncE>
- SANRAL. (2013). *Drainage Manual 6th Edition*. Pretoria: The South African Roads Agency SOC Limited.
- Stellenbosch Municipality. (2015, June). *Design Guidelines and Minimum Standards for Civil Engineering Services*. Stellenbosch, Western Cape, South Africa.

Appendix A – Site Development Plan

Appendix B – Traffic Impact Study (TIS)



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**Residential Development on Erf
579, Franschoek**

Traffic Impact Statement

Reference: 504014

Revision:1

Submission date: 2020/12/01

Document control record

Document prepared by:

Zutari South Africa (Pty) Ltd

Reg No 1977/003711/07

1 Century City Drive

Waterford Precinct

Century City

7441

PO Box 494

Cape Town

8000

Docex: DX 204

T +27 21 526 9400

F +27 21 526 9500

E capetown@zutari.com

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Document control						
Report title		Traffic Impact Statement				
Document code		Project number		504014		
Client		Lewis Manhattan Investments (Pty) Ltd				
Client contact		Richard Lewis	Client reference			
Rev	Date	Revision details/status	Author	Reviewer	Verifier (If required)	Approver
0	2018-11-09	First Issue	CH	JT		JT
1	2020-12-01	Revision	NLG	JT		JT
Current revision		1				

Approval			
Author signature		Approver signature	
Name	Nigel Le Grange	Name	Jacques Taljaard
Title	Civil Engineer	Title	Technical Director



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1 Introduction

Background and Purpose

In 2018 Zutari (previously Aurecon) Consulting Engineers was appointed to compile a Traffic Impact Statement (TIS) for the rezoning and subdivision of Erf 579 in Franschhoek into 56 Group Housing residential units. Subsequently, in 2020, the proposed development has been redesigned from 56 group housing dwelling units to 7 upmarket luxury homes. The following TIS summarizes the traffic and transport related to the new proposal. The Western Cape Provincial Department of Transport is the approving authority of this TIS while the Stellenbosch Municipality will be the commenting authority (refer to correspondence attached in Appendix A).

Locality

Figure 1 shows the location of Erf 579, Franschhoek. The property is situated south of MR 191 (also known as Lambrecht Road or Franschhoek Pass), within the jurisdiction of the Stellenbosch Municipality. Bagatelle Street is a municipal street abutting the eastern boundary of the property. Access to Erf 579 is currently off Bagatelle Street.



Figure 1: Location of Erf 579

Proposed Development

The new proposal entails rezoning the erf to 7 sub-divided erven; portion 1 is approximately 900m² and portions 2 to 7 are each over 1200m². Figure 2 shows the new 2020 proposal compared to the previous 2018 group housing proposal.

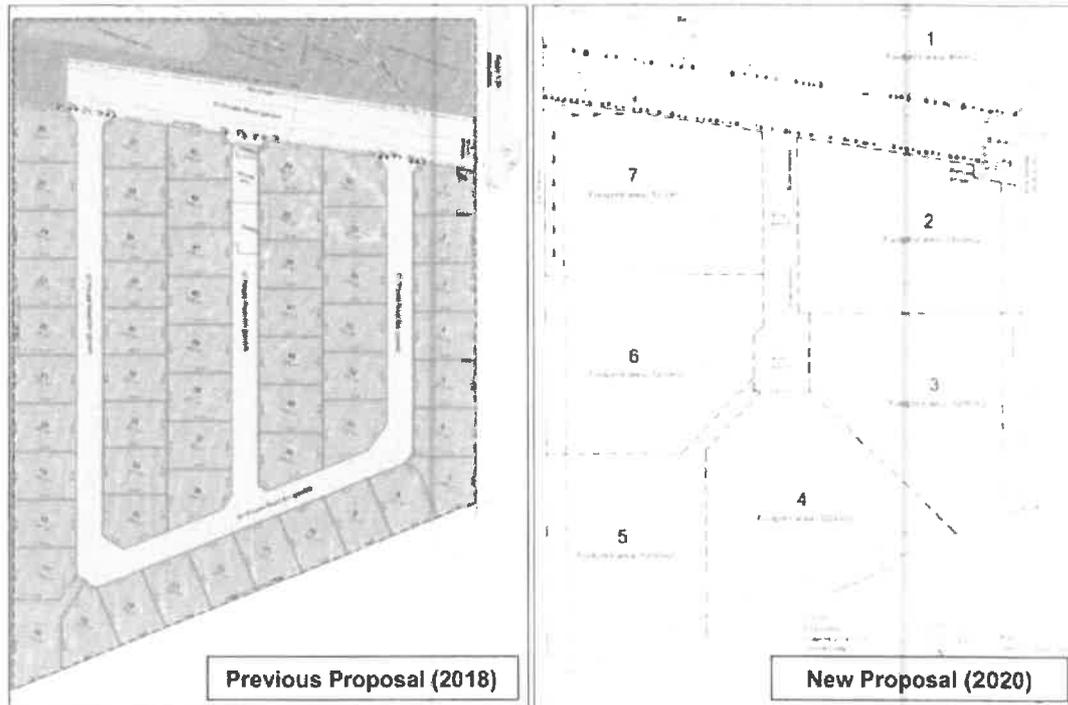


Figure 2: Proposed Erf Sub-division

Affected Road Network

The roads bordering Erf 579 are:

- **Bagatelle Street:** Single carriageway road, with one lane per direction. This road is paved for the first 100m thereafter it is an unpaved, gravel road. The paved section is approximately 6m wide without shoulders and sidewalks, the unpaved section of the road is slightly wider (approximately 8m wide). The intersection between MR191 and Bagatelle Street is stop controlled on the minor road (Bagatelle Street).
- **MR 191** (also referred to as Lambrechts Road/Franschoek Pass): This road is a Class 2, single carriageway with one lane per direction. The posted speed limit is 60km/h and 80km/h in the immediate vicinity (shown in Figure 3). The section of this road passing Bagatelle Street has unpaved shoulders and no sidewalks.

Road Name/Number	Classification	Function
Bagatelle Street	Class4/5 Local Residential Street	Access
Provincial Main Road (MR) 191/ Lambrechts Road/Franschoek Pass	Class 2 Arterial in a suburban roadside environment	Mobility



The speed of Southwest bound traffic is reduced to 60km/h southwest of the Bagatelle street intersection. However, northeast bound traffic travel at 60km/h to a point east of Bagatelle street, where after the posted speed limit increases to 80km/h. Speed regulatory signs should be placed directly opposite one another to create uniform speed zones. Figures 3 and 4 show the two affected roads and the speed limits.

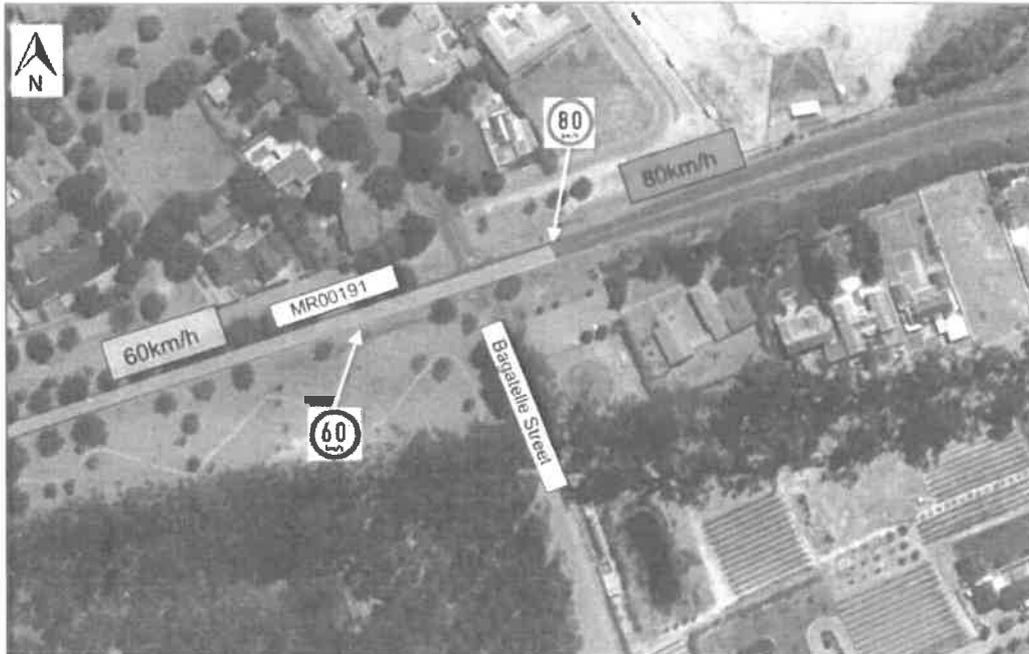


Figure 3: Affected Roads – aerial view

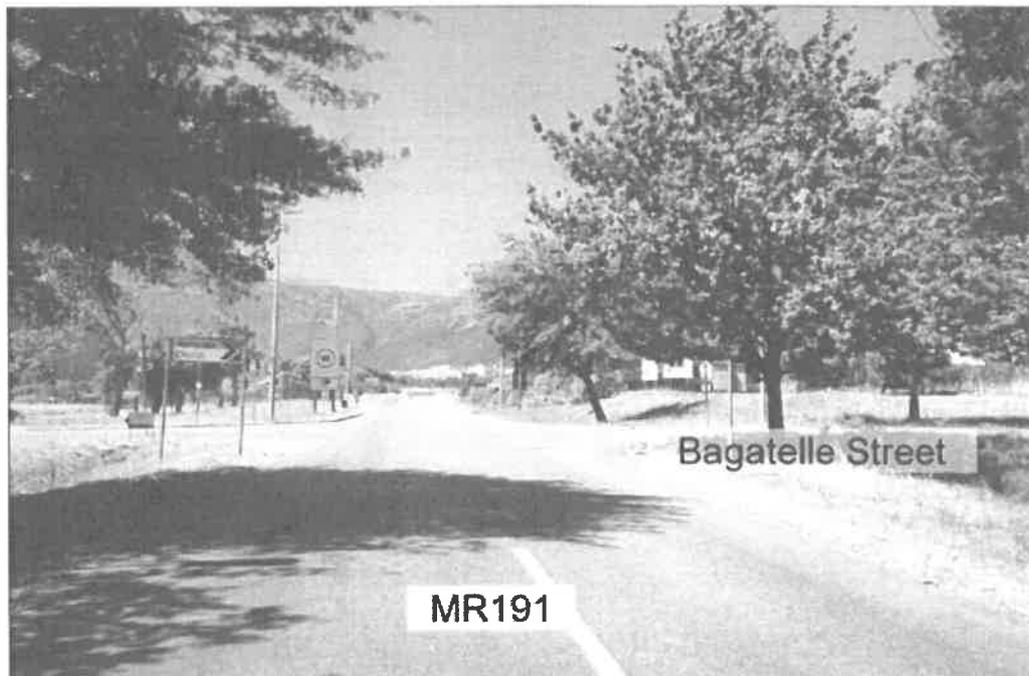


Figure 4: Affected Roads – street view

2 Traffic Impact

There is an existing traffic counting station located along MR191 at Km 26.02, the approximate position of the counting station is shown in Figure 5. The data collected by count station 4277C was obtained from RNIS and the 2009 and 2015 data are shown in Figure 6 below:

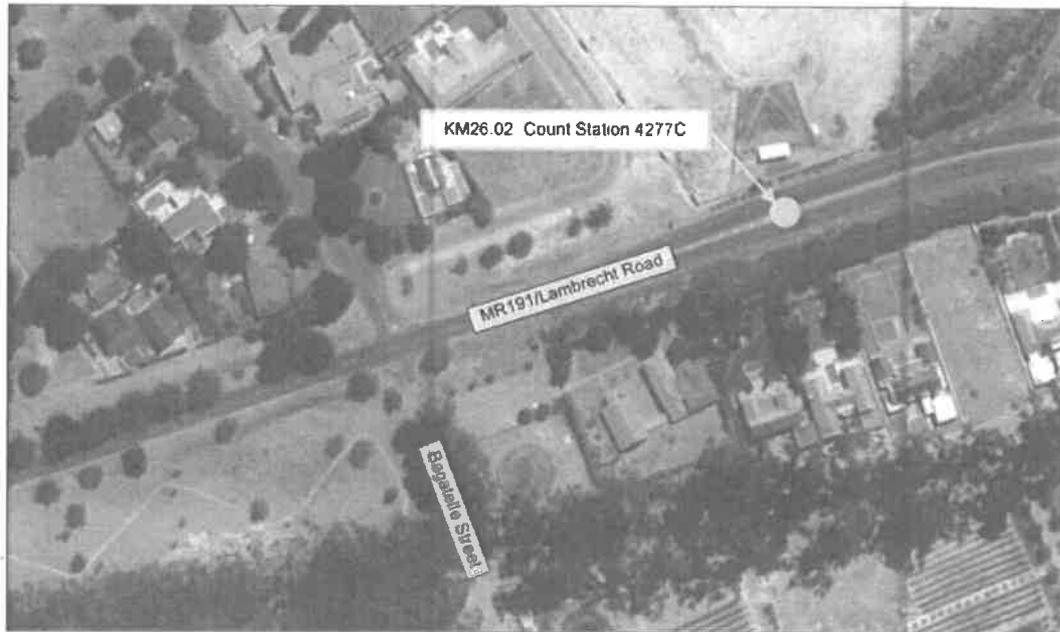


Figure 5: Location of station 4277C

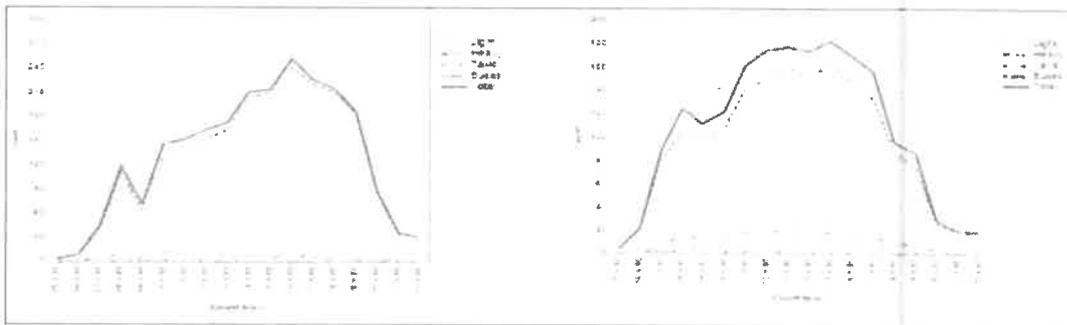


Figure 6: RNIS Traffic volumes

Given that the area is semi-rural, the peak hours differ significantly from the typical urban peak hours. The 2009 diagram shows the peak hour along MR 191 to be between 15:00 and 16:00 on a weekday. During this hour 11% of the total daily traffic were recorded. The 2015 traffic volume is more spread out throughout the day, with the peak hour traffic recorded between 14:00 and 15:00 (where 10% of the total daily traffic was recorded during this hour).

In order to estimate the existing 2020 traffic volume along MR191 and the peak hour traffic volume, the 2015 AADT, as recorded on RNIS, is increased by 4% per annum for 5 years. TMH17 recommends 3-4% growth for "average growth areas". It is reasonable to assume that Franschoek is an average growth area. This method estimates the 2020 AADT to be 2810 vehicles. Assuming 11% of the traffic occurred during the peak hour, the 2020 peak hour traffic is estimated to be 309 vehicles.



The proposed development is a residential development consisting of townhouse type dwelling units. The trip generation rates were obtained from the TMH 17 South African Trip Data Manual (2013) prepared by the Committee of Transport Officials (COTO). The proposed development will generate the number of trips shown in Table 1:

Table 1: Trip Generation of Proposed Development

Code	Land Use	Unit	Trip Rate		No units	Trips Generated	
			AM	PM		AM	PM
210	Single Dwelling Units	1 D/Unit	1	1	7	7	7

Code	Land Use	Unit	Split		AM	PM	AM	PM
			AM	PM	IN	OUT	IN	OUT
210	Single Dwelling Units	1 D/Unit	25:75	70:30	2	5	5	2

A total of 14 daily trips generated by the development is only 0.5% of the total AAD. And 7 development trips are only 2.3% of the estimated peak hour trips. The addition of the development trips to the network is fewer trips than the estimated annual growth of 4%. Applying the 4% pa growth for 5 years, the development trips in 2025 will be 8.25 trips.

The new proposed residential development is significantly fewer, and the impact of 7 residential erven can be considered to be negligible. The increase in network traffic is below the estimated annual growth of 4%.

3 Access Management

The main access road will be off Bagatelle Street and is situated along the eastern boundary of the property. The proposed access will be located directly opposite the entrance to the existing residential development east of Bagatelle Street. The main access road aligns with the avenue of trees, which will be retained as part of the development.

Referring to Figure 7 below, the required sight distance for the access road is approximately 110m (assuming the design speed along Bagatelle Street is 60km/h and the width of the road is 8m). It is therefore concluded that the proposed access road has sufficient sight distance.

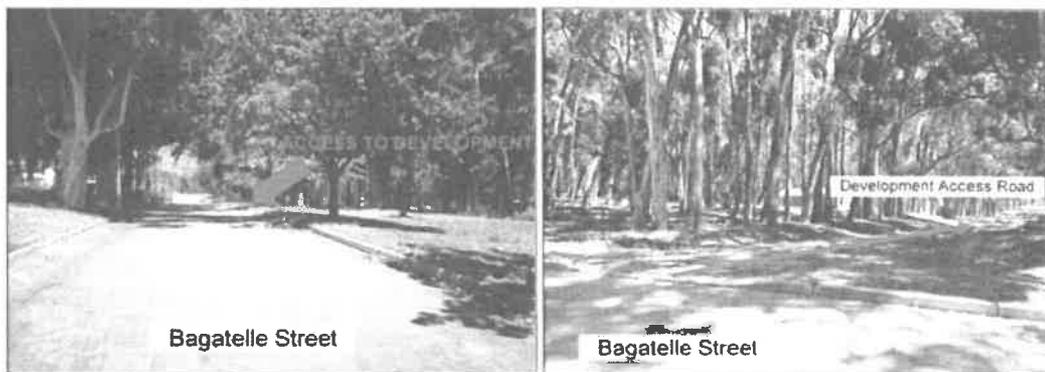


Figure 7: Access to Development





Figure 8: Access View to Southeast and Northwest

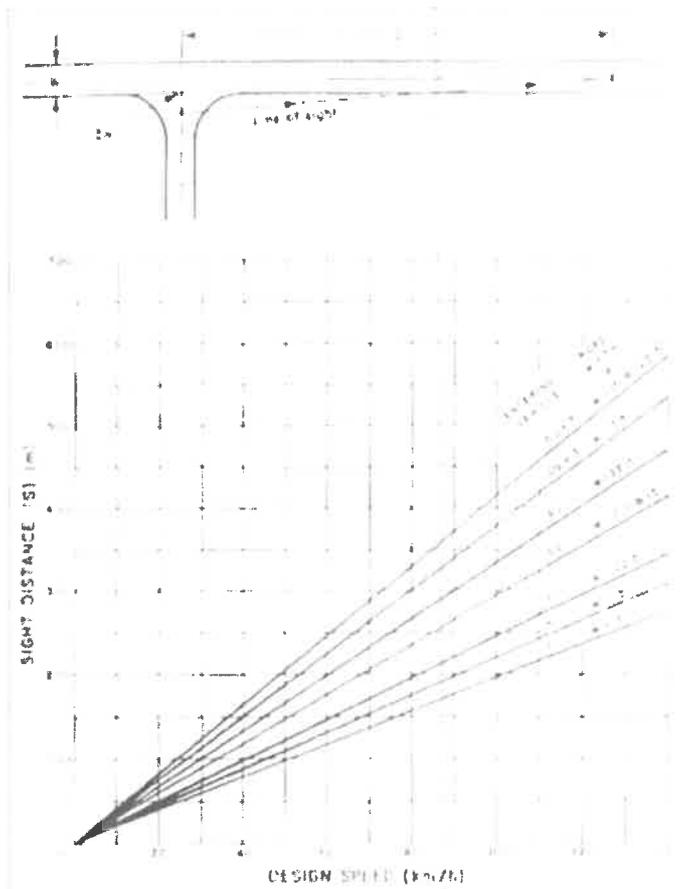


Figure 9: Shoulder Sight Distance for Stop conditions (UTG1)

The existing access off Bagatelle Street will provide access to the proposed development on Erf 579. This access is across from the access to an existing development east of Bagatelle Road. During a site investigation it was established that the traffic volume along Bagatelle street South is extremely low, it is therefore recommended that this access position be approved.

Public Transport

Minibus taxis provides the main form of public transport in Franschhoek. Taxi routes transporting commuters between Stellenbosch and Paarl are shown in Figure 10. No formal taxi route exists within the immediate vicinity of the proposed development for residents or visitors. Figure 10 also shows the existing public transport facilities within Franschhoek. An informal taxi rank is located approximately 1km from the proposed development site. Another informal facility exists along MR191, adjacent to the Pick&Pay shopping centre. Both these facilities are more than 1km from the development site, although walkable this may be considered too far for the elderly. Several private operators provide coach services for tourists. There are no railway services in the vicinity.



Figure 10: Public Transport Facilities in Franschhoek

Non-motorised Transport

During a site visit it was established there is limited pedestrian activity along MR 191 in the vicinity of Erf 579 and Bagatelle Street. There are no formal NMT facilities provided along the roads abutting Erf 579. The provision of NMT facilities is concentrated around the retail areas along MR191.

It is expected that pedestrian activity along MR 191 will not increase significantly when Erf 579 is developed. Taking into consideration the existing cross section of MR 191 and the high number of heavy vehicles along this road, consideration should be given by the Road Authority to provide pedestrian and cyclist facilities along MR 191. NMT facilities should also be considered along Bagatelle Street (at least along one side of the road).

4 Conclusion and Recommendations

Based on the findings in this investigation, the following is concluded:

- Erf 579 is bordered by Bagatelle Street to the east and MR 191 to the north. The posted speed limit along MR191 is 60km/h for Southwest bound traffic and 80km/h for Northeast bound traffic. It is recommended that the 60km/h regulatory speed sign should be re-positioned to opposite the 80km/h sign; in order to create uniform speed zones at the intersection with Bagatelle Road
- The proposed development will only generate 7 peak hour trips which is only 2.3% of the estimated peak hour trips. The addition of the development trips to the network is fewer trips than the estimated annual growth of 4%. The impact of the development trips can be considered to be negligible
- The proposed access location is acceptable and regarded as a low volume driveway with an acceptable width of 8m where it intersects with Bagatelle Street with a stop control. The sight distance in both directions are considered to be acceptable without any obstacles in the line of sight.
- Minibus taxi facilities exist along Daniel Hugo Street and MR191, both facilities are more than 1km from the development site and considered to be a long walk. Several private operators provide coach services for tourists. There is no railway service in the vicinity.
- During a site visit it was established that no formal sidewalks exist along roads abutting Erf 579. Taking into consideration the high percentage of heavy vehicles, consideration should be given to providing NMT facilities that encourage walking and cycling along MR191 and Bagatelle Street in the vicinity of the proposed development.

In accordance with the above summary, it is the conclusion of this report that there is no traffic-related reason for this development to not be approved.

APPENDIX A: Correspondence

Carine Heyns

From: Harry Thompson - Harry.Thompson@westerncape.gov.za
Sent: Monday, October 29, 2018 7:12 PM
To: Carine Heyns
Cc: Malcolm Watters; Grace Swanepoel
Subject: Re: Erf 579 Franschoek

Good day Carine,

Based on the information provided, I'd be OK with using the RNIS data as opposed to doing fresh counts. However, please take into account that the 9 October 2009 count had a peak flow of 250 vph, while on 30 March 2015 the traffic was much more spread out through the day, with the peak hour flow being just 182vph. We don't really know which is more typical, so it would be desirable to use the 2009 data to establish the peak hour as a proportion of ADT, but base your evaluation on the more recent ADT total. Also, I would suggest you take a high proportion of the two way flow opposing the right turn movement - say 60 - 70% - and a background traffic growth rate of 5% p.a. over 5 years from 2018 (ie. 8 years from 2015). That would be a conservative (ie. worst case) scenario, and give a good idea whether any congestion or road safety issues might be expected, and if so, what mitigation measures would be required.

Hope that helps. Please note that these comments are not commitments on WCG's part, as we do not have all the details of the proposed development.

Kind regards,
 Harry

Harry Thompson FrEng

On behalf of:

Chief Engineer, Land Transport

Road Network Management
 Department of Transport and Public Works
 WESTERN CAPE GOVERNMENT

Address: 9 Dorp Street, Cape Town 8001, PO Box 2603, Cape Town 8000
 Tel: +27 21 483 4669
 Fax: +27 21 483 2166
 Mobile: +27 73 263 4564
 E-mail: harry.thompson@westerncape.gov.za

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From: Carine Heyns <Carine.Heyns@aurecongroup.com>
Sent: 29 October 2018 12:37
To: Harry Thompson
Cc: Jacques Taljaard
Subject: FW: Erf 579 Franschoek

Good afternoon Harry



With reference to my email below. Would you require traffic counts or could we perhaps use counting data from R.N.S? The screenshot below shows the count from a counting station, located +- 200m from the MR 191/Bagatelle Street intersection. Access to the proposed development will be off Bagatelle Street.



We can apply a growth factor and estimate the number of trips in and out of Bagatelle Street by applying the applicable trip generation rate.

Please advise?

Kind regards

Carine Heyns E.Eng.C. (SA CE 12187)
Professional: Aurecon

[View the original message and attachments here.](#)

DISCLAIMER

From: Carine Heyns
Sent: Friday, October 26, 2016 8:16 AM
To: 'Harry.Thompson@westerncape.gov.za' <Harry.Thompson@westerncape.gov.za>
Cc: Jacques Taljaard <Jacques.Taljaard@aurecongroup.com>
Subject: Erf 579 Franschoek

Good morning Harry,

As discussed telephonically Aurecon are appointed to prepare a TIS for a residential development in Franschoek (location shown in the attached google earth image). The development consists of 56 single residential units with the access to the development off Bagatelle Street (shown in subdivision plan).

Nigel Winter (Stellenbosch Municipality) recommended that we do traffic counts but before we go ahead I would like to understand what your requirements are in terms of the traffic counts (intersections, time period, etc.)?

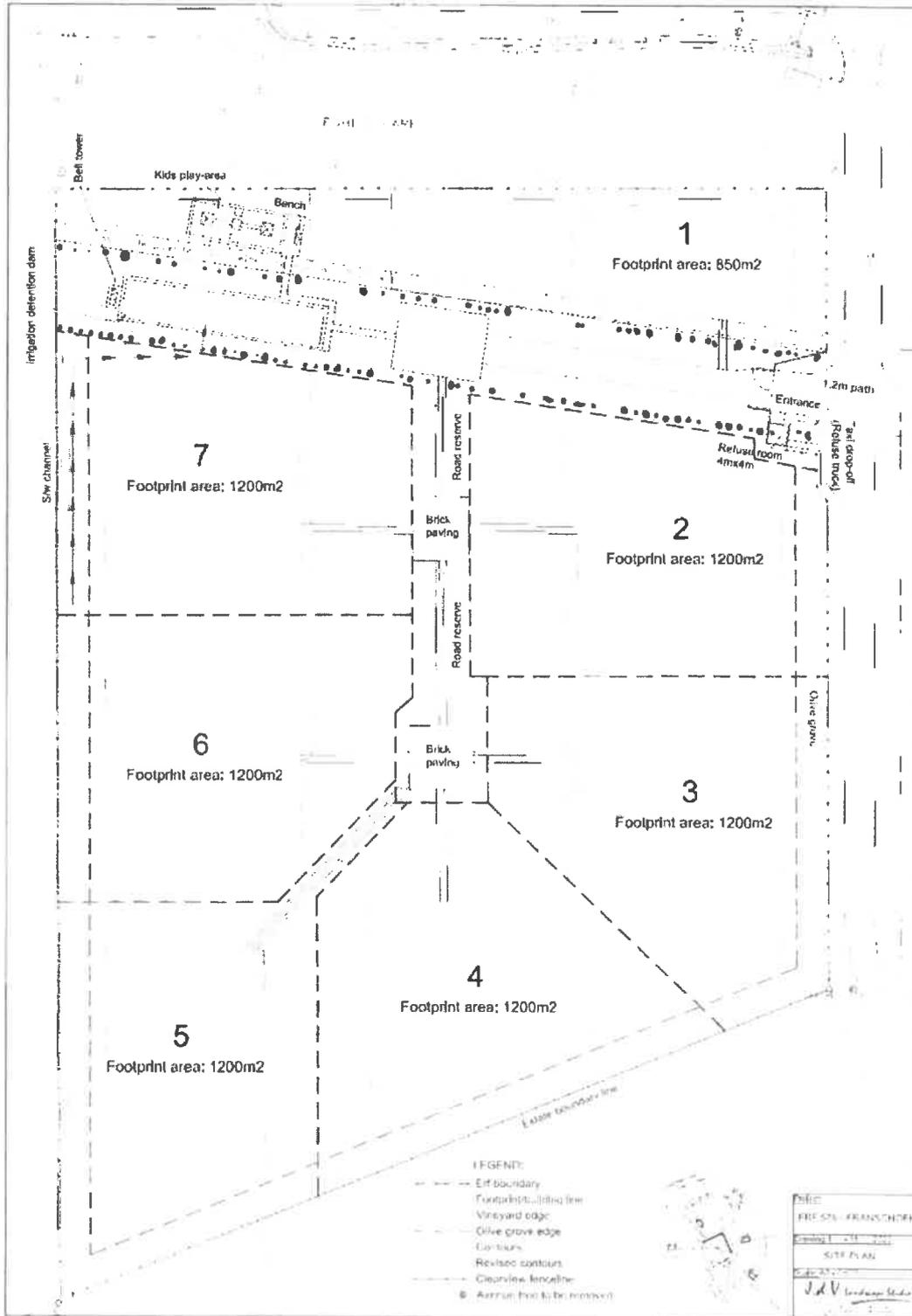
Kind regards

Carine Heyns E.Eng.C. (SA CE 12187)
Professional: Aurecon

[View the original message and attachments here.](#)

[View the original message and attachments here.](#)

APPENDIX B: Subdivision plan of Erf579

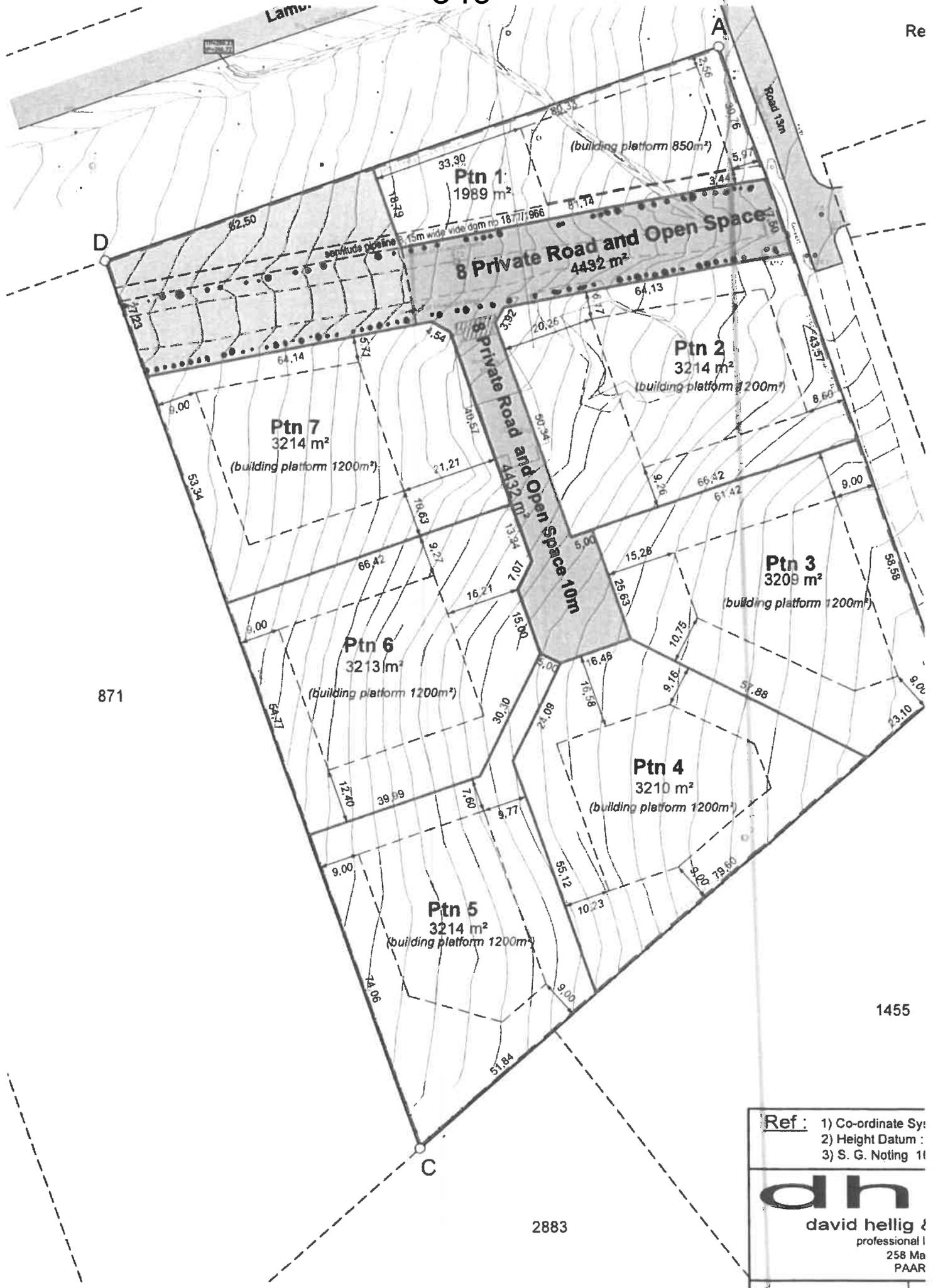




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ANNEXURE D



Ref : 1) Co-ordinate Sy:
 2) Height Datum :
 3) S. G. Noting 11

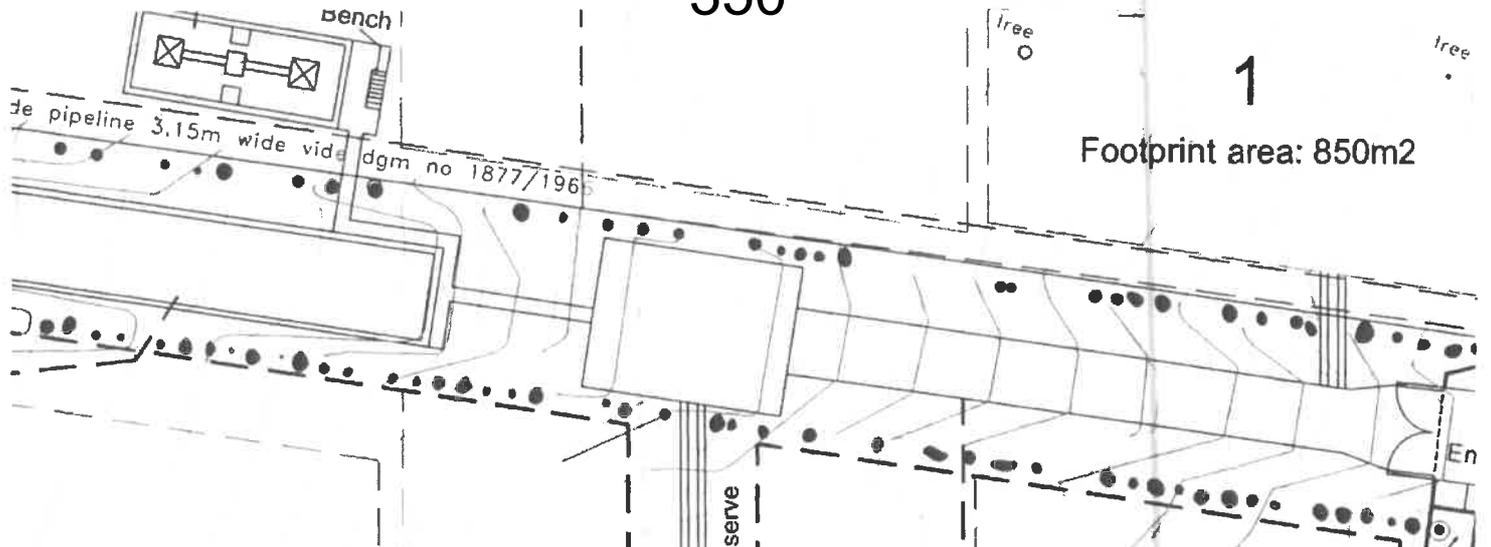
dh
 david hellig &
 professional I
 258 Ma
 PAAR

Telephone 021-8724086

350

1

Footprint area: 850m²



7

Footprint area: 1200m²

Road reserve

Brick paving

Refuse room
4mx4m

2

Footprint area: 1200m²

Road reserve

Brick paving

6

Footprint area: 1200m²

3

Footprint area: 1200m²

4

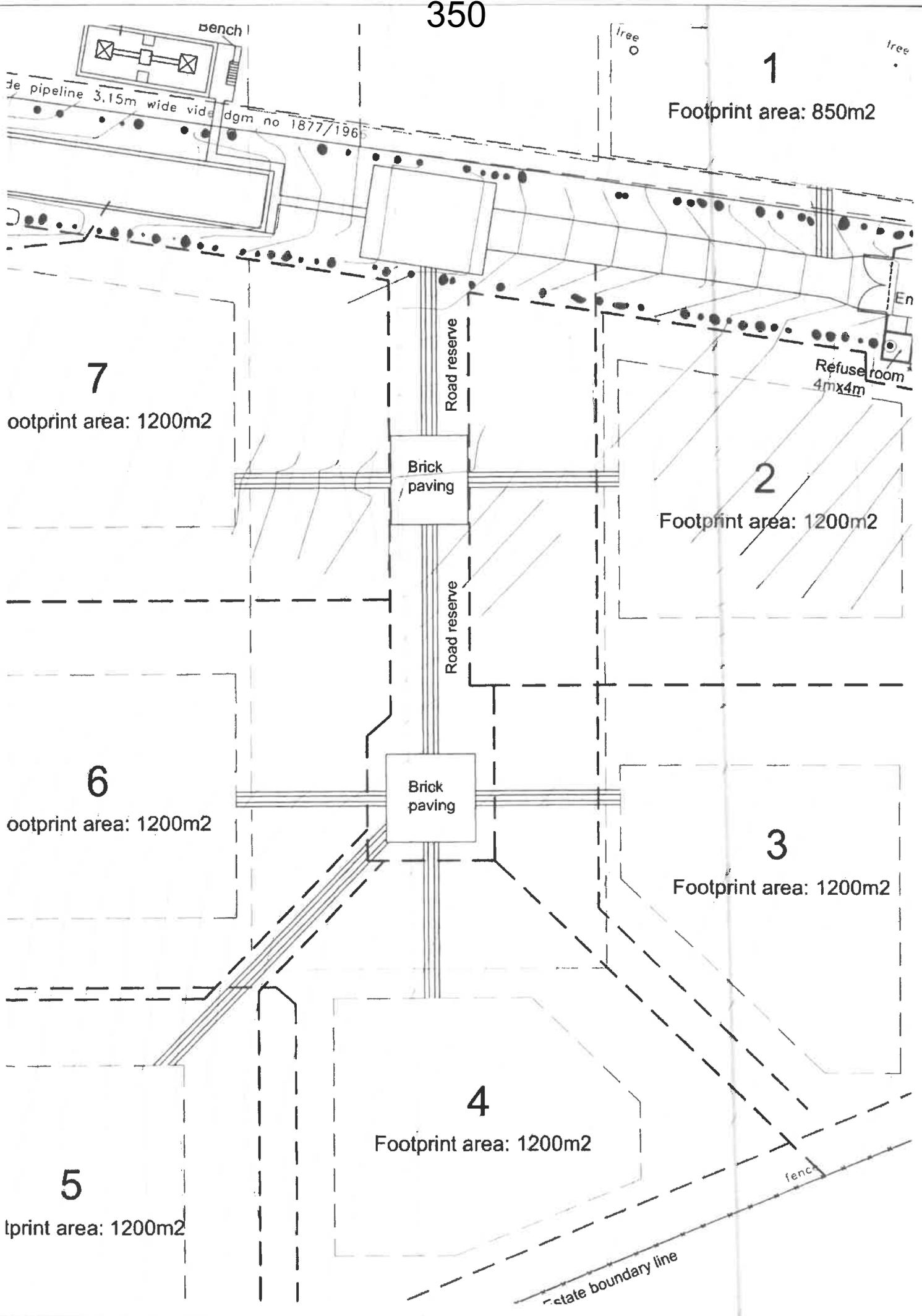
Footprint area: 1200m²

5

Footprint area: 1200m²

fence

state boundary line





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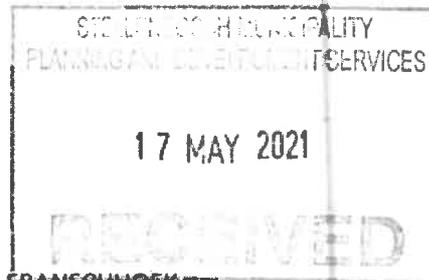
ANNEXURE E

Charlene Williams

From: Robert Fooy
Sent: 17 May 2021 11:27 AM
To: Charlene Williams; Daniel Meyer
Cc: Nicole Katts
Subject: FW: PROPOSED REZONING AND SUBDIVISION OF ERF 579 FRANSCHHOEK
Attachments: 1 - POE Checklist and Declaration.PDF; 2 - Paarl Post (25-02-2021).PDF; 3 - Photos of site notice_compressed.pdf; 4 - Copies of emails (25-02-2021).PDF; 5 - Notices to surrounding owners (25-02-2021)_compressed.pdf; 6 - Notices to Interest and Community Groups (25-02-2021).pdf; 7 - Official Notice (25-02-2021)_compressed.pdf; DEA&DP Approval (21-12-2021).pdf; 8 - Provincial Roads (11-02-2021).pdf; 9 - HWC ROD (28-01-2021).pdf; 10 - Objection - Andy Miszewski (25-03-2021)_compressed (1).pdf; 10 - Objection - FHRPA (16-03-2021).pdf; 11 - DHA Letter of Response to objections - Erf 579 Franschhoek 07-04-2021.pdf; 12 - Email correspondence_compressed (1).pdf

Pls print and place on file

From: Marnus Botha <plan@dhaa.co.za>
Sent: Wednesday, 07 April 2021 18:20
To: Robert Fooy <Robert.Fooy@stellenbosch.gov.za>
Cc: Spencer Dreyer <Spencer@dhaa.co.za>
Subject: [EX] PROPOSED REZONING AND SUBDIVISION OF ERF 579 FRANSCHHOEK



Our Ref: P3536/16(A6)PP
 Your Ref: Erf 579, Franschhoek; LU/12267

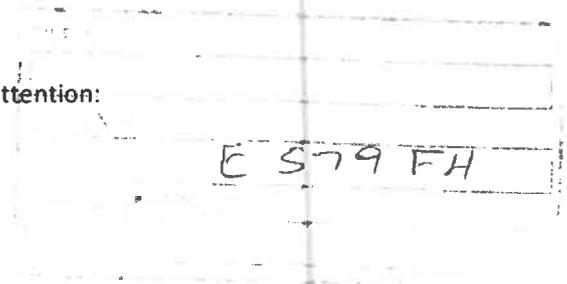
Hi Robert

**APPLICATION IN TERMS OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW, 2015:
 PROPOSED REZONING AND SUBDIVISION OF ERF 579 FRANSCHHOEK**

Our email of this morning refers.

I attach herewith the following documents for your information and attention:

1. Portfolio of Evidence Checklist and Declaration
2. Copy of Notice published in the Paarl Post on 25-02-2021
3. Photographs taken of site notice on 25-02-2021, 12-03-2021 and 27-03-2021
4. Copies of emails dated 25-02-2021 transmitted to the identified surrounding landowners and Interest and Community Groups in accordance with your letter vide Ref Erf 579, Franschhoek dated 10-02-2021
5. Copies of all Notice letters transmitted to the identified surrounding landowners
6. Copies of all Notice letters transmitted to the identified Interest and Community Groups
7. Copy of the Official Notice dated 25-02-2021, which includes the Planning Report and accompanying Plans, confirming that the closing date for the lodging of objections and/or comments was 27-03-2021.





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DEPARTMENT OF DEVELOPMENT MANAGEMENT

LAND DEVELOPMENT APPLICATION:

PUBLIC PARTICIPATION PROCESS PORTFOLIO OF EVIDENCE CHECKLIST AND DECLARATION

Erf/Erven Farm no	579	Portion(s) if farm	Allotment Area	Franschhoek			
Owner/ Applicant	Messrs David Hellig and Abrahamse Professional Land Surveyors		LU/#	LU/12267			
Notice Period	From:	25-02-2021	To:	27-03-2021			
CONFIRMATION OR DOCUMENTATION SUBMITTED				OWNER/APPLICANT			ADMIN VERIFY
				YES	NO	N/A	
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			
Proof of notices published							
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			
Proof of notices served							
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	
Comments received							
15. All objections/comments received attached				X			
16. All comments from internal Municipal Departments received (must also be attached to POE) Still awaited.					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) Marnus Botha

and ID #: 9312085162089, 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 Marnus Botha on this date/ month/ year

07-04-2021 at place Paarl

M Botha

07-04-2021

Signature Applicant

Date

For office use only

CHECKED BY ADMINISTRATIVE OFFICER

CHECKED BY TOWN PLANNER

DATE VERIFIED

NOTES TO BE RECORDED:



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ANNEXURE F



MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES
DIREKTORAAT: INFRASTRUKTUURDIENSTE

To ▫ Aan: Director: Planning + Economic Development
Att Aandag Nicole Katts
From ▫ Van: Manager: Development (Infrastructure Services)
Author ▫ Skrywer: Tyrone King
Date ▫ Datum: 16 February 2021
Our Ref ▫ Ons Verw: Civil 2131
Your Ref: LU/12267
Re ▫ Insake: Erf 579, FH: Rezoning and subdivision for the construction of 7 residential erven (average size 1200m²)

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

- Motivation report by David Hellig & Abrahamse, dated December 2020;
- Proposed Site Development Plan Drawing 1.1 – 26/11/2020 by JdV Landscape Studio;
- Traffic Impact Statement (TIS) by Zutari, dated 2020/12/01;
- Report on Civil Engineering Services, by Zutari, dated 2020/12/09;

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

- Total Units: 7 residential erven (1200m²)

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

This document consists of the following sections:

A. Definitions

B. Recommendation to decision making authority

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

ERF 579, FRANSCHHOEK: DEVELOPEMNT OF 7 RESIDENTIAL ERVEN

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.

ERF 579, FRANSCHHOEK: DEVELOPEMNT OF 7 RESIDENTIAL ERVEN

C. Specific conditions of approval**4. that the following upgrades are required to accommodate the development****a. Water Network:**

- i. The existing supply zone has sufficient capacity to accommodate the 7 erven. The preferred connection point will be at the existing 160 mm pipe across Lambrecht Street, between Erica and Nerina Street. The final position of the connection point will be determined at detail design stage. The connection will be for the Developer's cost.
- ii. There is an existing water pipeline located in a 3.15m servitude that runs across the site (see below). This pipe must be relocated to the MR 191 (R45) road reserve. Permission must first be obtained by the Developer from the provincial roads authority, who owns the road reserve. Detail engineering drawings must be approved by the Municipality before construction commences.

Funding: Developer's own cost



- b. **Sewer Network:** The existing network has sufficient capacity to accommodate the 7 erven. The preferred connection point will be at the existing sewer line in Lambrecht Street, slightly west of erf 579. The final position of the connection point will be determined at detail design stage. The connection will be for the Developer's cost.

c. Roads Network:

- i. Bagatelle Road is already paved from the MR 191 (R45) to the access to the development. Should any additional areas unpaved areas be identified

ERF 579, FRANSCHHOEK: DEVELOPEMNT OF 7 RESIDENTIAL ERVEN

during detail design stage, it will must be formalized (paved) at the Developer's cost.

- ii. A formal 2.4m sidewalk must be constructed on the western side of Bagatelle Street, between the MR 191 (R45) and the entrance to the development. Detail design drawings to be submitted for approval.
Funding: Developer's own cost

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

e. Solid Waste:

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

Development Charges

5. that the "Developer" hereby acknowledges that Development Charges are payable towards the following bulk civil services: water, sewerage, roads, stormwater, solid waste and community facilities as per Council's Policy;
6. that the "Developer" hereby acknowledges that the development charges levy as determined by the "Municipality" and or the applicable scheme tariffs will be paid by the "Developer" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy, should this land-use application be approved;
7. that the "Developer" accepts that the Development Charges will be subject to annual adjustment up to date of payment. The amount payable will therefore be the amount as calculated according to the applicable tariff structure at the time that payment is made;

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8. that the "*Developer*" may enter into an engineering services agreement with the "*Municipality*" to install or upgrade bulk municipal services at an agreed cost, to be off-set against Development Charges payable in respect of bulk civil engineering services;
9. that the Development Charges levy to the amount of R 598 687. 18 (Excluding VAT) as reflected on the DC calculation sheet, dated 11 February 2021, and attached herewith as **Annexure DC**, be paid by the "*Developer*" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy.
10. that the Development Charges levy be paid by the "*Developer*" per phase –
 - prior to the approval of Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law;
11. that the development shall be substantially in conformance with the Site Development Plan submitted in terms of this application. Any amendments and/or additions to the Site Development Plan, once approved, which might lead to an increase in the number of units i.e. more than 7 units, or which might lead to an increase in the Gross Leasable Area i.e. a GLA of more than 00 m², will result in the recalculation of the Development Charges;
12. Bulk infrastructure Development Charges and repayments are subject to VAT and are further subject to the provisions and rates contained in the Act on Value Added Tax of 1991 (Act 89 of 1991) as amended;

Site Development Plan

13. that provision be made for a stacking distance of 6m minimum. The stacking distances shall be measured from the edge of the closest sidewalk or cycle lane to the entrance gate. The guiding principle is that vehicle and pedestrian traffic should not be obstructed by stacking vehicles. This detail must be indicated on the engineering drawings and/or building plans submitted for approval;
14. that sufficient entrance and exit widths will be created at the vehicle access points: 2.7m minimum and 4,0m maximum width for a single entrance or exit way; 5,0m min and 8,0m maximum for a combined entrance and exit way. To accommodate emergency vehicles, at least one lane should be 4, 0 metres wide and have a minimum height clearance of 4.3 m.

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This detail must be indicated on the engineering drawings and/or building plans submitted for approval;

15. that provision be made for a refuse room and a refuse embayment as indicated on the proposed SDP. The refuse embayment can also serve a dual purpose of a public transport embayment. Details to be provided for approval at detail design stage;
16. that if the "Developer" wishes to remove the waste by private contractor, provision must still be made for a refuse room should this function in future revert back to the "Municipality";
17. 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

18. that it be noted that 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

19. 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

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

Solid Waste

21. 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, before building plan

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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.

General

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

Electrical Engineering

23. Refer to **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:

24. 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;
25. 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;
26. 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

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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.

27. that the "*Developer*" must ensure that he / she has an acceptable public liability insurance policy in place;
28. 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;
29. 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;
30. that the General Conditions of Contract for Construction Works (GCC) applicable to all civil engineering services construction work related to this development, will be the SAICE 3rd Edition (2015);
31. 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;**
32. that the "*Developer*" takes cognizance and accepts the following:

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- a.) that no construction of any civil engineering services may commence before approval of internal – and external civil engineering services drawings;
- b.) that no approval of internal – and external civil engineering services drawings will be given before land-use and or SDP approval is obtained;
- c.) that no approval of internal – and external civil engineering services drawings will be given before the “Developer” obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party;
- d.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before land-use and or SDP approval is obtained;
- e.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before the approval of internal – and external civil engineering services drawings;
- f.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law is issued unless the “Developer” obtains the approval of the “Engineer” for construction work of his development parallel with the provision of the bulk services.

Site Development Plan

- 33. 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”;
- 34. 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;

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35. 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;
36. 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

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;

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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;
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"

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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;

Servitudes

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.

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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;
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;

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- 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 erven with catchment areas of more than 1500m² and for which it is agreed that no detention facilities are required. The "*Developer*" needs to connect to the nearest piped municipal stormwater system with a stormwater erf connection which may not exceed a diameter of 300mm.

Roads

- 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 the access road to the existing facility be kept in an acceptable condition, i.e. maintained to a standard which will result in a comfortable ride for a standard passenger vehicle and to a standard which will not endanger the lives or property of road users;

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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)

79. 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;
80. 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;
81. 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;
82. 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;
83. 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

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

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

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

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

- Each party's (Developer/Owner's Association/Home Owner) responsibilities w.r.t. waste management and waste minimization should be clearly defined in such constitution
 - A set of penalties for non-compliance should be stipulated in the Constitution
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 Mr Saliem Haider, 021 808 8241; saliem.haider@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);

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88. that if the "Developer" wishes to remove the waste by private contractor, provision must still be made for a refuse room should this function in future revert back to the "Municipality";
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;
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;

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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 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

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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;
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;

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- c. a completed Asset Verification Sheet in Excell format, reflecting the componitization of municipal services installed as part of the development. The Asset Verification Sheet will have to be according to the IMQS format, as to be supplied by the "Engineer", and is to be verified as correct by a professional registered engineer;
 - d. a complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer;
 - e. Written verification by the developer's consulting engineer that all professional fees in respect of the planning, design and supervision of any services to be taken over by the "Municipality" are fully paid;
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

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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;
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;

ERF 579, FRANSCHHOEK: DEVELOPEMNT OF 7 RESIDENTIAL ERVEN

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";
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:\2 0 DEVELOPMENT\00 Developments\2131 (TK) Erf 579 Franschoek (LU-12267)\2131 (TK) Erf 579 Franschoek (LU-12267).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.

ERF 579, FRANSCHHOEK: DEVELOPEMNT OF 7 RESIDENTIAL ERVEN

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. 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

ERF 579, FRANSCHHOEK: DEVELOPEMNT OF 7 RESIDENTIAL ERVEN

- Central meridian : 19.00000000
- Scale factor : 1.00000000
- Origin latitude : 0.00000000
- Linear unit : Meter

APPLICATION INFORMATION

DC 2131 (TK) Erf 579 Franschhoek (LU-12267)

Thursday, 11/Feb/2021

2020/21

Franschhoek

579

• Proposed Site Development Plan Drawing 1.1 – 26/11/2020 by JdV Landscape Studio

SUMMARY OF DC CALCULATION

	Water kl/day	Sewer kl/day	Storm-water ha°C	Solid-Waste t/week	Roads trips/day	Community Facilities person
Usage	8.400	4.900	0.336	0.280	28.00	28.0
is before Deductions	R 206 425.79	R 79 704.20	R 23 505.80	R 15 653.11	R 182 127.58	R 91 270.71
VAT)	R 206 425.79	R 79 704.20	R 23 505.80	R 15 653.11	R 182 127.58	R 91 270.71
	R 30 963.87	R 11 955.63	R 3 525.87	R 2 347.97	R 27 319.14	R 13 690.61
AT)	R 237 389.66	R 91 659.83	R 27 031.67	R 18 001.07	R 209 446.71	R 104 961.31

380

APPLICANT INFORMATION

Tyrone King

As above

Franschhoek

Land Use Category	Unit Type	Existing Usage		Proposed New Usage		Increased Usage	Development Charge levied (incl VAT)				Total					
		area (m2)	du/ha % GLA	area (m2)	du/ha % GLA		Water	Sewer	Storm-water	Solid-waste		Roads	Community Facilities			
Infrastructure Type applicable? (yes/no)																
	du m2 GLA	area (m2)	du/ha % GLA	du/ha % GLA	area (m2)	du/ha % GLA	du m2 GLA	m2	Water	Sewer	Storm-water	Solid-waste	Roads	Community Facilities	Total	
Residential	Single Residential >1000m2	du	0	0	7	0	7	0	R 206 425.79	R 79 704.20	R 23 505.80	R 15 653.11	R 182 127.58	R 91 270.71	R 598 687.18	
	Single Residential >500m2	du	0	0	0	0	0	0	R	R	R	R	R	R	R	
	Single Residential >250m2	du	0	0	0	0	0	0	R	R	R	R	R	R	R	
	Single Residential <250m2	du	0	0	0	0	0	0	R	R	R	R	R	R	R	
	Less Formal Residential >250m2	du	0	0	0	0	0	0	R	R	R	R	R	R	R	
	Less Formal Residential <250m2	du	0	0	0	0	0	0	R	R	R	R	R	R	R	
	Group Residential >250m2	du	0	0	0	0	0	0	R	R	R	R	R	R	R	
	Group Residential <250m2	du	0	0	0	0	0	0	R	R	R	R	R	R	R	
	Medium Density Residential >250m2	du	0	0	0	0	0	0	R	R	R	R	R	R	R	R
	Medium Density Residential <250m2	du	0	0	0	0	0	0	R	R	R	R	R	R	R	R
Density Residential - flats	du	0	0	0	0	0	0	R	R	R	R	R	R	R	R	
Commercial	Local Business - office	m2 GLA	0%	0%	0	0%	0	0	R	R	R	R	R	R	R	
	Local Business - retail	m2 GLA	0%	0%	0	0%	0	0	R	R	R	R	R	R	R	
	General Business - office	m2 GLA	0%	0%	0	0%	0	0	R	R	R	R	R	R	R	
	General Business - retail	m2 GLA	0%	0%	0	0%	0	0	R	R	R	R	R	R	R	
	Community	m2 GLA	0%	0%	0	0%	0	0	R	R	R	R	R	R	R	
	Education	m2 GLA	0%	0%	0	0%	0	0	R	R	R	R	R	R	R	
	Light Industrial	m2 GLA	0%	0%	0	0%	0	0	R	R	R	R	R	R	R	
	General Industrial - light	m2 GLA	0%	0%	0	0%	0	0	R	R	R	R	R	R	R	
	General Industrial - heavy	m2 GLA	0%	0%	0	0%	0	0	R	R	R	R	R	R	R	
	Various Industrial - heavy	m2 GLA	0%	0%	0	0%	0	0	R	R	R	R	R	R	R	
Other	Resort	m2	0%	0%	0	0%	0	0	R	R	R	R	R	R	R	
	Public Open Space	m2	0%	0%	0	0%	0	0	R	R	R	R	R	R	R	
	Private Open Space	m2	0%	0%	0	0%	0	0	R	R	R	R	R	R	R	
	Natural Environment	m2	0%	0%	0	0%	0	0	R	R	R	R	R	R	R	
	Utility Services	m2 GLA	0%	0%	0	0%	0	0	R	R	R	R	R	R	R	
	Public Roads and Parking	m2	0%	0%	0	0%	0	0	R	R	R	R	R	R	R	
	Transport Facility	m2	0%	0%	0	0%	0	0	R	R	R	R	R	R	R	
	Limited Use	m2	0%	0%	0	0%	0	0	R	R	R	R	R	R	R	
	To be calculated based on estimated demands															
	Special															
* Complete yellow/green cells. ** du = dwelling unit, GLA= Gross lettable area. Total Development Charges before Deductions % Deductions per service (%) Additional Deduction per service - from Service Agreement (sum) Sub Total after Deductions (excluding VAT) VAT Total																

*** Applies and if not equal to existing area



STELLENBOSCH

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Spatial Planning

To : **Manager: Land Use Management**
From : **Manager: Spatial Planning**
Reference : **Erf 579, Franschhoek**
LU No : **LU/12267**
Date : **19 March 2021**
Re : **Application for rezoning and subdivision on Erf 579, Franschhoek**

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

Application is made for the following:

- **Rezoning** of Erf 579, Franschhoek from Community Zone to Conventional Residential Zone;
- **Subdivision** of Erf 579, Franschhoek into 8 portions comprising the following zonings:
 - Portions 1 - 7: Conventional Residential units;
 - Portion 8: Private Open Space and Private Road.

The extent of the seven residential erven range between 1989m² and 3214m² in size with a 1200m² building footprint on each.

Following the previous application, an amended application was submitted in December 2020 for the subdivision into larger residential erven.

1) Background:

The application previously served at the MPT meeting on 20 August 2020 but was refused. The previous application was for the subdivision into 56 Group Housing erven. The application was refused as the site-specific deviation presented was not viewed as credible grounds for the purpose of the proposed group housing development to deviate from the MSDF. The subject property is located outside the urban edge and the proposal as submitted does not comply with the principles of the Stellenbosch IDP and MSDF.

2) Opinion/reasoning:

The new approved Municipal Spatial Development Framework for the WC024 area was approved by Council in November 2019 and recognises that the spatial decisions and actions of many make what settlements are.

In terms of this approved document, seven principles need to be considered:

1. Maintain and grow the assets of Stellenbosch Municipality's natural environment and farming areas;
2. Respect and grow cultural heritage;
3. Direct growth to areas of lesser natural and cultural significance as well as movement opportunity;
4. Clarify and respect the different roles and potentials of existing settlements;
5. Clarify and respect the roles and functions of different elements of movement structure;
6. Ensure balanced, sustainable communities;
7. Focus collective energy on a few catalytic lead projects.

With the enactment of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), a new planning regime was introduced in South Africa. It replaced disparate apartheid era laws with a coherent legislative system as the foundation for all spatial planning and land use management activities in South Africa. It seeks to promote consistency and uniformity in procedures and decision-making. Other objectives include addressing historical spatial imbalances and the integration of the principles of sustainable development into land use and planning regulatory tools and legislative instruments.

Chapter 2 of SPLUMA sets out the development principles that must guide the preparation, adoption and implementation of any SDF, policy or by-law concerning spatial planning and the development or use of land. These principles are the following:

- Spatial Justice
- Spatial Efficiency
- Spatial Sustainability
- Spatial Resilience
- Good Administration

The subject property is located outside the urban edge of the Franschhoek town node. In terms of the approved MSDF the following guidelines are applicable to this specific application:

- High potential agricultural land must be excluded from non-agricultural development.
- Subdivision of agricultural land or changes in land-use must not lead to the creation of uneconomical or sub-economical agricultural units.
- Building structures associated with agriculture, dwelling units to support rural tourism, and ancillary rural activities that serves to diversity farm income, are permitted and should adhere to the guidelines contained in the SEMF and the "Western Cape Land Use Planning: Rural Guidelines"

- Rural place-bound businesses (including farm stalls and farm shops, restaurants and venue facilities) of appropriate location and scale to complement farming operations, and not compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.
- Rural place-bound agricultural industry related to the processing of locally sourced (i.e. from own and/or surrounding farms) products, and not compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.
- Support for various forms of leisure and tourism activities across the rural landscape, of appropriate location, scale, and form not to compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.
- Agricultural industry should be subservient or related to the dominant agricultural use of the property and/ or surrounding farms.
- Ancillary rural activities of appropriate scale that do not detract from farming production, that diversify farm income, and add value to locally produced products (e.g. restaurant and function venue facility, farmstall and farm store, home occupation, local product processing, and rural recreational facilities.
- Activities and uses directly related to the primary agricultural enterprise are permitted, including farm buildings and associated structures (e.g. one homestead, barns, agri-worker housing, etc.), as well as additional dwelling units to support rural tourism opportunities and to diversify farm income, comprising 1 additional non-alienable dwelling unit per 10ha, up to a maximum of 5 per farm.

3) Supported / not supported:

Although the property is located outside the urban edge, this department **supports** the amended proposal in its **current form** with the proposal of the **subdivision into 8 bigger erven**. (The extent of the seven residential erven range between 1989m² and 3214m² in size with a 1200m² building footprint on each)



BJG de la Bat
MANAGER: SPATIAL PLANNING



385
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ANNEXURE G



Western Cape
Government

Transport and Public Works

ROAD NETWORK MANAGEMENT

Email: Grace.Swanepoel@westerncape.gov.za

tel: +27 21 483 4669

Rm 335, 9 Dorp Street, Cape Town, 8001

PO Box 2603, Cape Town, 8000

REFERENCE: 16/9/6/1-25/294 (Job 26590)

ENQUIRIES: Ms GD Swanepoel

DATE: 25 January 2019

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

Attention: Mr U von Molendorff

Dear Sir

ERF 579 FRANSCHHOEK: MAIN ROAD 191: APPLICATION FOR REZONING AND SUBDIVISION

1. Planning Report ref. P3536/16(A2), with attachments, sent by Marnus Botha of David Hellig & Abrahamse to this Branch on 23 November 2018 refers. This e-mail indicates that the planning application was submitted to Stellenbosch Municipality on 22 November 2018, but the Municipality's Land Use Application Number is not known.
2. Erf 579 Franschhoek is located ± 1.5 km north-east of Franschhoek town centre, on the east side of Main Road 191 Lambrechts Road, with access via Bagatelle Street, which forms a four-legged intersection with Main Road 191 opposite Nerina Street.
3. The application is for the following:
 - 3.1 Rezoning of Erf 579 Franschhoek from Public Worship purposes to Subdivisional Area.
 - 3.2 Subdivision of the subject property into 56 Group Housing residential units and a Portion designated for Private Open Space and Private Road.
4. In terms of Clause B4 of the Title Deed of Erf 579, there is a 170.02m wide servitude right of way registered over the property. It has been established that this was unnecessarily carried over from the subdivision of the original Erf 23 which predates the development of the current town and street layout of Franschhoek. As this is no longer relevant to Erf 579, this condition should be removed from the Title Deed.
5. A Traffic Impact Statement (TIS) was prepared by Aurecon South Africa (Pty) Ltd. The findings of this TIS were as follows:

- 5.1 Allowing for existing traffic at the intersection of Main Road 191/Bagatelle/Nerina and a 5% p.a. growth rate to 2023, there is adequate capacity to accommodate the additional traffic generated by the proposed development.
- 5.2 Widening of the road to make provision for a right turn lane for north-eastbound traffic to the subject property (ie. coming from the centre of Franschhoek) is warranted. This conclusion is supported by this Branch. A right turn lane to serve south-westbound traffic is also recommended, although this is not required to accommodate development traffic; however, as road widening and a painted "ghost" island to the north-east of the intersection will be needed anyway, it would be desirable to lengthen this sufficiently to accommodate a right turn lane in the south-westbound direction too.
- 5.3 Shoulder sight distance at the intersection is adequate.
- 5.4 There are no paved sidewalks or cycle paths on Main Road 191 Lambrechts Road. This Branch agrees that such provision would be desirable; however, this cannot be justified as a development-driven improvement.
- 5.5 Provision of parking for two vehicles per dwelling unit is proposed.
- 5.6 Public transport does not serve this area at present and it is not considered necessary to provide pull-offs or other facilities.
- 5.7 The 60km/h sign for south-westbound traffic, which is currently located south of the Bagatelle intersection, should be relocated to directly opposite the 80km/h sign for north-eastbound traffic, which is located north of the intersection.
6. This Branch offers no objection to the application for the rezoning and subdivision of Erf 579, Franschhoek to allow for the development of 56 town houses, subject to the following:
 - 6.1 The Applicant shall apply to the Deeds Office to have the restriction in Clause B4 of the Title Deed for Erf 579 relating to the 170.02m servitude right of way removed.
 - 6.2 A right turn lane shall be provided at the Applicant's expense on the north-eastbound approach to the intersection of Bagatelle Street with Main Road 191.
 - 6.3 The Applicant shall appoint an appropriately registered person to submit detailed design drawings to the Design Directorate (Ms MK Hofmeyr 021 483 3999) of this Branch for approval prior to construction.
 - 6.4 The Applicant and/or his Consultant shall accept the handing over of the site in writing from the Road Authority prior to construction.
 - 6.5 After completion of the construction phase, the Road Authority shall accept in writing the handing over of the site from the Applicant and/or his Consultant.

- 6.6 As built drawings shall be sent to this Branch (Ms GD Swanepoel 021 483 2009), the District Roads Engineer (Mr S Bain 021 863 2020) and the Roads Department of Cape Winelands District Municipality (Mr ACA Stevens 086 126 5263).
7. In terms of the Advertising on Roads and Ribbon Development Act 21 of 1940, this Branch approves the Subdivision of Erf 579 Franschhoek.

Yours faithfully



SW CARSTÉNS

For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT

ENDORSEMENTS

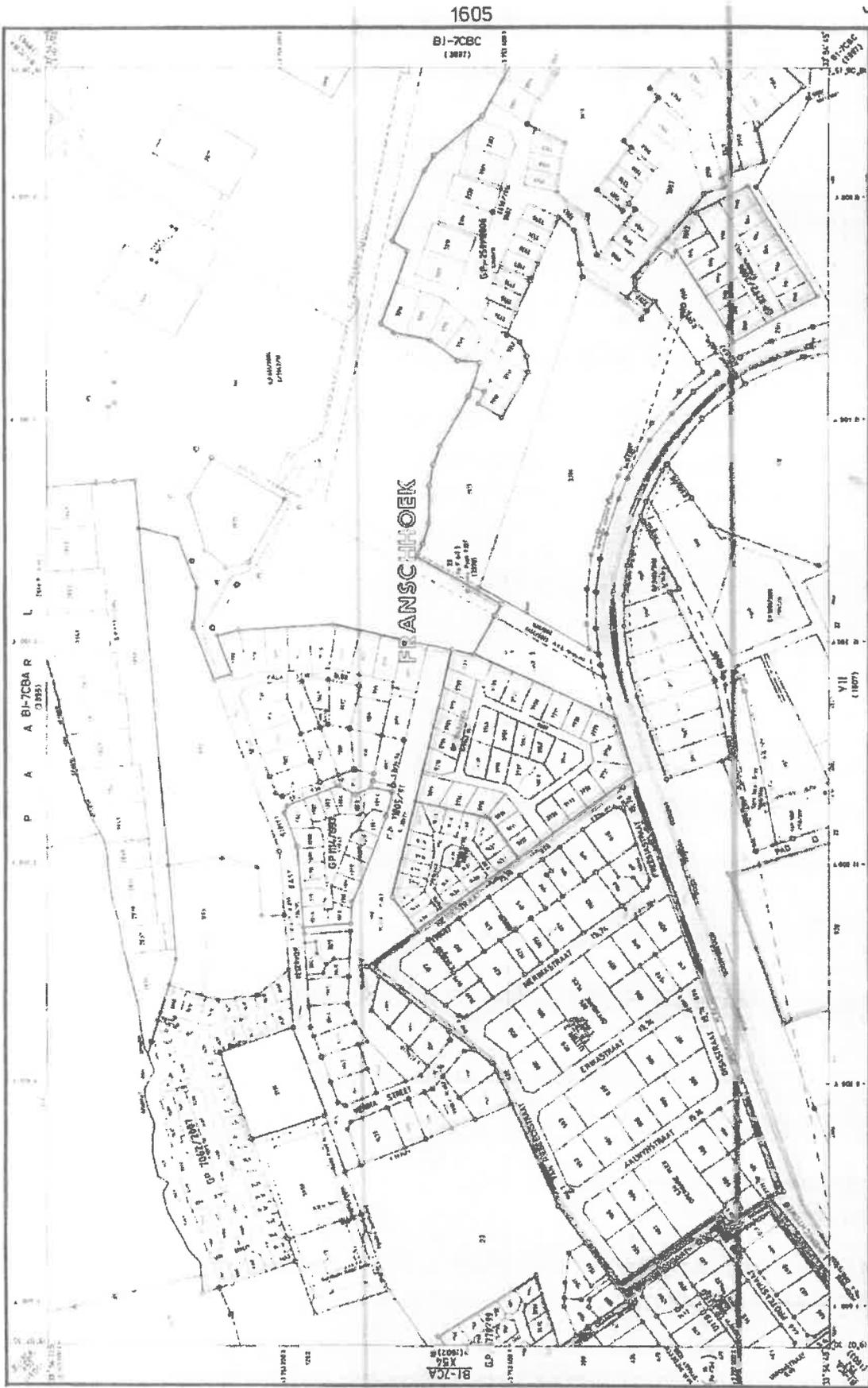
1. David Hellig & Abrahamse (e-mail: david@dh&a.co.za)
2. Aurecon
Attention: Ms Carine Heyns (e-mail: Carine.Heyns@aurecongroup.co.za)
3. District Roads Engineer
Paarl
4. Mr SW Carstens (e-mail)
5. Ms M Hofmeyr (e-mail)
6. Mr H Thompson (e-mail)

BI-7CB
X13

FOK 104/1995

FRANSCHHOEK

1:1250



BI-7CB
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Samtlyn is die leier van die landbou- en veeboerdery sektor. Sedert 1988 is hulle 'n lid van die Suid-Afrikaanse Landbou- en Veeboerdery Sektor (SALVS).
Sedert 1988 is hulle 'n lid van die Suid-Afrikaanse Landbou- en Veeboerdery Sektor (SALVS).
Sedert 1988 is hulle 'n lid van die Suid-Afrikaanse Landbou- en Veeboerdery Sektor (SALVS).



Western Cape
Government

Department of Environmental Affairs and Development Planning
Ayesha Hamdulay
 Development Management
Ayesha.Hamdulay@westerncape.gov.za | Tel.: 021 483 0756

REFERENCE: 16/3/3/6/1/B4/12/1440/18
DATE: 21 December 2020

The Board of Directors
 Lewis Manhattan Investments (Pty) Ltd.
 357 Bear Creek Boulevard
 Pearl Valley
PAARL
 7646

Attention: Mr. L. Fourie

Tel.: 082 553 5500
 E-mail: louisf@fourie.co.za

Dear Sir

THE APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) WITH RESPECT TO THE PROPOSED RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERF 579, FRANSCHHOEK

1. The correspondence received by the Department via electronic mail correspondence on 18 December 2020, refers.
2. This letter serves to confirm the applicability of the EIA Regulations, 2014 (as amended) as defined in Government Notice ("GN") No. R.982, R.983 (Listing Notice 1), R.984 (Listing Notice 2) and R.985 (Listing Notice 3), with respect to the proposed residential development and associated infrastructure on Erf 579, Franschhoek.
3. The Department has reviewed the abovementioned documents and is noted that the development proposal has changed and the proposed residential development and associated infrastructure on Erf 579, Franschhoek will now comprise the following:
 - 3.1. Seven conventional housing residential Erven ranging between approximately 1989m² and 3214m²;
 - 3.2. Private Open Spaces comprising an irrigation and detention dam and a children's play area; and
 - 3.3. Associated infrastructure.
4. Based on this Directorate's correspondence dated 21 February 2019, the site is transformed and devoid of any indigenous vegetation and is regarded to be located inside an urban area.
5. In addition to the above, no watercourses are located on the proposed site.
6. You are herewith informed that the proposed development does not trigger any listed activity in terms of the EIA Regulations, 2014 (as amended).

7. The determination is based on the following:
 - 7.1. No indigenous vegetation will be removed;
 - 7.2. No watercourses are located on the proposed site; and
 - 7.3. The proposed site is located inside an urban area.
8. Written Environmental Authorisation is therefore not required from the Competent Authority (in this instance, this Directorate) prior to the undertaking of the proposed development.
9. However, should your proposed development be amended in a manner that may constitute any listed activity as defined in Listing Notices 1, 2 or 3 of the EIA Regulations, 2014 (as amended), an application for Environmental Authorisation must be submitted to the Competent Authority and Environmental Authorisation obtained for the applicable listed activities prior to the proposed development being commenced with on the site.
10. You are reminded of the general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *"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."*
11. The Department reserves the right to revise or withdraw its comments and request further information from you based on any information received.

Your interest in the future of the environmental is greatly appreciated.

Yours faithfully

Melanese Schippers
 Digitally signed by
 Melanese Schippers
 Date: 2020.12.21
 13:34:42 +02'00'

pp HEAD OF COMPONENT
DIRECTORATE: DEVELOPMENT MANAGEMENT - REGION 1
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: Mr. Schalk Van der Merwe (Stellenbosch Municipality)
 Mr. Marnus Bolha (David Hellig and Abrahamse)

E-mail: Schalk.VanderMerwe@stellenbosch.gov.za
 E-mail: plan@dhqa.co.za

Our Ref: HM/CAPE WINELANDS/STELLENBOSCH/FRANSCHHOEK/FARM 579
Case No: 20122105SB1222E
Enquiries: Stephanie-Anne Barnardt
E-mail: stephanie.barnardt@westerncape.gov.za
Tel: 021 483 5959
Date: 28 January 2021



Spencer Dreyer
 258 Main Street, Paarl
 spencer@dhaa.co.za, louis@lewismanhattan.co.za

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL
In terms of Section 38(1) 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 AND SUBDIVISION ON FARM 579, OFF LAMBRECHTS ROAD, FRANSCHHOEK, STELLENBOSCH, SUBMITTED IN TERMS OF SECTION 38(4) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 20122105SB1222E

The matter above has reference.

Heritage Western Cape is in receipt of additional information for the above matter received on 22 December 2020. This matter was discussed at the Heritage Officers meeting held on 25 January 2021.

You are hereby notified that, since there is no reason to believe that the proposed residential development and subdivision on Farm 579, Off Lambrechts Road, Franschhoek, Stellenbosch will 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.

.....
 Colette M Scheermeyer
 Acting Chief Executive Officer



www.westerncape.gov.za/cas

Street Address: Protea Assurance Building, Green Market Square, Cape Town, 8000 • Postal Address: P.O. Box 1665, Cape Town, 8000
 • Tel: +27 (0)21 483 5959 • E-mail: ceo@heritage@westerncape.gov.za

Staatadres: Protea Assuransie gebou, Groenmarkplein, Kaapstad, 8000 • Posadres: Postbus 1665, Kaapstad, 8000
 • Tel: +27 (0)21 483 5959 • E-pos: ceo@heritage@westerncape.gov.za

Idilesi yendawo: Kumpundatho 3, kwisakhiwo leedlela Assurance, Greenmarket Square, iKapa, 8000 • Idilesi yeposi: Inombolo yelithokozi



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ANNEXURE H



Franschhoek Heritage and Ratepayers Association

The Garden House, 29 De Wet Street, Franschhoek 7690

Co-chairpersons

Irmela Alberts

Cell: 083 441 8280

Email: [Email: irmelaa@gmail.com](mailto:irmelaa@gmail.com)

Barry Phillips

Cell: 083 441 8280

Email: bamyphillips505@gmail.com

Email: plan@dhaa.co.za

16 March 2021

Application in terms of Sections 15(2)(a) and 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law, 2015 for rezoning of Erf 579 Franschhoek from Community Zone to Conventional Residential Zone and subdivision of Erf 579 Franschhoek into 8 portions.

1. Your undated notice of the above application received on 25th February 2021 refers.
↳ email dated 25-02-2021
2. In terms of s50 of the Stellenbosch Municipal Planning By-law you are advised that:
 - The Application Reference Number is LU/12267;
 - The Application Property Address is Lambrechts Street, Franschhoek, 7690;
 - The Application Property Number is Erf 579 Franschhoek
 - The comments in this letter are submitted on behalf of the Franschhoek Heritage & Ratepayers Association (FHRPA) by Barry Phillips of The Garden House, 29 De Wet Street, Franschhoek 7690;
 - The FHRPA's interest in this application is as an interest group with over 300 members as residents, ratepayers and business owners in Franschhoek and the Franschhoek Valley and registered with the Municipality and Heritage Western Cape.
 - The reasons for the comments are given below.
3. In considering this application, the Heritage Committee of the FHRPA noted that:
 - **Erf 579 is outside Franschhoek's Urban Edge as delineated in the 2019 Municipal Spatial Development Framework (SDF);**

- On the Franschhoek Framework Plan in the Franschhoek Concept Section of the SDF, Erf 579 is shown as part of a Graded Landscape to be protected and the adjacent section of Lambrechts Street as a Sensitive Scenic Route;
- This section of Lambrechts Street is also designated as part of Urban Scenic Route 11 in the Municipal Zoning Scheme By-law of 2019 (MZS) and as a Scenic Drive in the Municipal Conservation Management Plan of 2019 (CMP);
- The Spatial Proposals for Franschhoek in the SDF include as Protective Actions:

Urban edge

- As a general principle, contain the footprint of Franschhoek as far as possible within the existing urban edge.

Scenic landscapes, scenic routes, special places

- Retain the strong sense of transition between agriculture and human settlement at the entrances to the town.

Historically and culturally significant precincts and places

- Maintain the integrity of historically and culturally significant precincts and places (as indicated in completed surveys).

And the following as Change Actions:

Areas for residential densification and infill

- Focus infill development on the largely undeveloped part within the urban edge (between the north-western and south-eastern parts of the settlement).
- Ensure that residential development provides for a range of housing types and income groups.
- Ensure that future development is woven into the urban fabric of the existing town.

4. In terms of the MZS, the purpose of the Scenic Route Overlay Zone is "to protect, conserve and enhance the visual environment and scenic resources adjacent to important tourist and transport routes which provide the unique sense of place for residents and visitors" and for that purpose "urban scenic routes aim to provide a mechanism to mitigate the impact of new developments on the architectural aesthetic of the settlement, with particular reference of how development interacts and interface with the road" and "apply to the erven directly adjacent to" the road.
5. Scenic routes are described in Section 5.3 of the CMP as "movement corridors that traverse areas of outstanding scenic quality. Scenic Route Corridors are the channels through which we perceive the cultural landscape. The Scenic Drive Envelope includes the carriageway, the road reserve and the land directly adjacent to it. Scenic Routes celebrate our communal heritage and belong to all members of the public, and therefore need to be protected as such."

6. It is self-evident that in its present form the proposed development is inconsistent with the Protective Actions and Change Actions of the SDF quoted above, the purpose of the Scenic Route Overlay Zone and the CMP guidelines.

*Site Specific Determination
From MSDF*

7. However, as much of the surrounding area is in the Conventional Residential Zone with low density, subject to the conditions below, the FHRPA does not object to the part of Erf 579 behind the second row of blue gum trees from Lambrechts Street being rezoned as Conventional Residential so that:

- The proposed development is screened behind the existing Grade IIIa listed "Kats Se Pad" treed avenue;
- The sense of parkland and public open space between Lambrechts Street and the treed avenue is completely retained and not arbitrarily interrupted by any boundary line, fence or wall;
- As per the SDF:
 - The strong sense of transition at the entrance to the town is retained in this section of a "Sensitive scenic route";
 - The protection of the Graded Landscape is reinforced;
 - The "integrity of (a) historically and culturally significant" place - "Kats se Pad" - is maintained;
- As per the MZS and CMP the "visual environment and scenic resources adjacent to" Lambrechts Street are protected.

8. The conditions subject to which the FHRPA does not object to the part of Erf 579 behind the second row of blue gum trees from Lambrechts Street being rezoned and subdivided as 7 Conventional Residential portions and a Private Open Space and Private Road portion are that:

- The rezoned part of Erf 579 may not be subdivided into more than 7 Conventional Residential portions and one for Private Open Space and Private Road;
- The entrance to the development shall be from Bagatelle Street;
- There may not be more than one dwelling unit on each subdivided Conventional Residential portion;
- No walling with piers shall be built on the south east side of the treed avenue and only a permeable fence shall be permitted;
- The area hatched black on the attached plan shall be rezoned and dedicated in perpetuity as Public Open Space, upgraded and landscaped by the developer in accordance with a plan approved by the Municipality before commencement of the development;

- No building, wall, fence or structure of any kind or hedge shall be built or erected or grown in the area hatched black on the attached plan.
9. In conclusion, it is submitted that rezoning part of Erf 579 as Conventional Residential as indicated and subject to the above conditions is substantially in alignment with the purposes, objectives and applicable parts of the SDF, MZS and CMP and will provide a public benefit to be enjoyed and appreciated by residents of the development and the wider community and also protect and enhance the important scenic qualities of this gateway to Franschhoek for the benefit of residents and visitors alike.

It is hoped you will find these comments helpful and constructive. If you wished to discuss any of them, members of our Heritage Committee would be happy to do so.

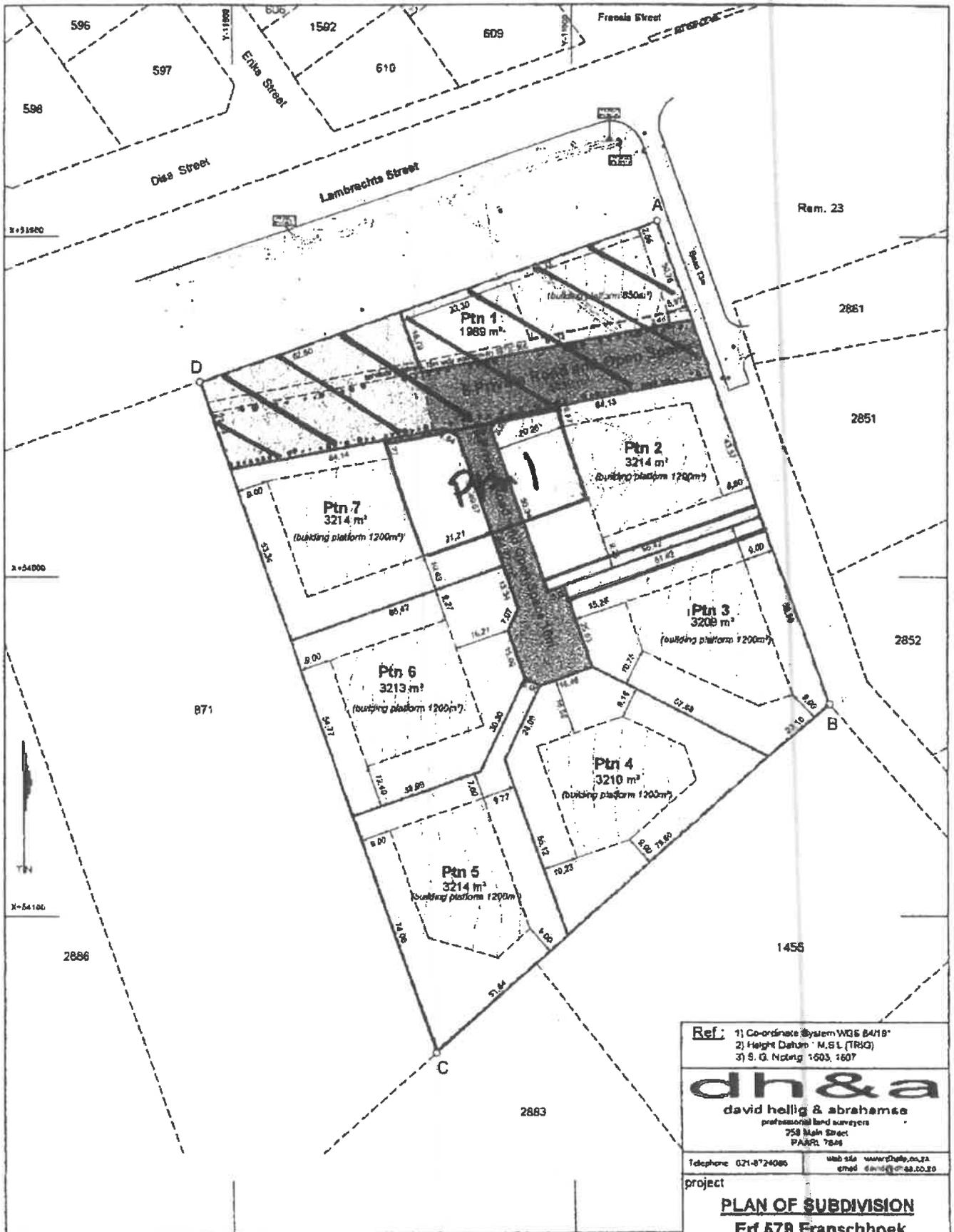
For and on behalf of The Franschhoek Heritage & Ratepayers Association



J. C. Alberts
Chairperson - Ratepayers Committee



Barry Phillips
Chairperson - Heritage Committee



Ref:	
1) Co-ordinate System WGS 84/18°	
2) Height Datum: M.S.L. (TRIG)	
3) S. G. Noting: 1603, 1607	
dh&a	
david hellig & abrahams	
professional land surveyors	
258 Main Street	
PAARL 7846	
Telephone: 021-8724086	Web site: www.dh&a.co.za
	email: dh@a-dh&a.co.za
project	
PLAN OF SUBDIVISION	
Erf 579 Franschhoek	
Scale	1 / 1000 @A3
Date	May - Dec 2020
File No	P3536/16
Plan No	3 REV 3

- Notes**
- 1) Erf 579 Franschhoek measuring 2,5665ha in extent is to be rezoned from Community Zone to Conventional Residential Zone.
 - 2) Erf 579 Franschhoek is to be subdivided into:
 - a) Ptns 1 - 7 Conventional Residential Zone
 - b) Ptn 8 Private Open Space Zone

MEMO

- Telecan with Andy Miszewski on 17-03-2021
(Cell: 082 326 3788).
- Andy had the following queries:
 - ↳ Requires architectural / artistic impressions and/or elevations of proposed houses on Plots 3 and 4, which faces his Erf 1455 Ff on southern boundary.
 - ↳ What does 1200m² building platform mean?

~~MS~~

17/03/2021

Andrew Miszewski
2 Bagatelle Street
Franschhoek
7690

Cell: 082 326 3788

Email: andy@riveroaktrading.co.za

Marnus Botha
David Hellig & Associates

25 March 2021

By email only to: plan@dhoo.co.za

Application in terms of Sections 15(2)(a) and 15 (2)(d) of the Stellenbosch Municipal Land Use Planning By-Law 2015 for rezoning Erf 579 Franschhoek from Community Zone to Conventional Residential Zone and subdivision of Erf 579 Franschhoek in to 8 portions.

Application Reference Number: LU/12267;

Application Property Address: Lambrechts Street, Franschhoek 7690;

Application Property Number: Erf 569, Franschhoek;

Interest in this application: As the owner of Erf 1455 which lies immediately adjacent to the proposed development.

I would like to register my concerns and the conditions subject to which I do object to this development.

1. Franschhoek is one of the premier tourist destinations in the Western Cape and its appeal lies in its scenic beauty and charming rural character. This proposed development lies on an important historical and scenic road and lies outside the urban edge of the Franschhoek settlement. (as delineated in the 2019 Municipal Spatial Development Framework (SDF). I believe strongly that the scenic beauty of Lambrechts Street needs to be maintained and that the Graded Landscape needs to be protected. Every effort needs to be made to protect our communal heritage and scenic route by protecting the road reserve along Lambrechts Street and the land immediately adjoining it.
2. Conditions subject to which I do not object to the remainder of the development are that:
 - 2.1 Portion 1 on the Subdivision Plan is not built upon (no building, fence, hedge, structure) so as to protect the scenic route and communal open rural space on the urban edge so that all citizens can enjoy our communal heritage; and
 - 2.2 All residential dwellings built are single storey in order to protect the rural and agricultural character of the land that sits OUTSIDE the urban edge.

3. If all houses are single storey and that Portion 1 is not built upon then the agricultural/rural nature of this erf and visibility of the historic Kats se Pad from Lambrechts Street can be protected.
4. As the owner of Erf 1455 which is adjacent to Portions 3,4 and 5, I would like to encourage the owner of this development to enter into a discussion with me as to the nature of the boundary fence/wall/ hedge so that I can be consulted in terms of the visual effect of our entire western boundary line. My property was purchased due to its rural character and I would as far as possible like to preserve the rural integrity of my property.

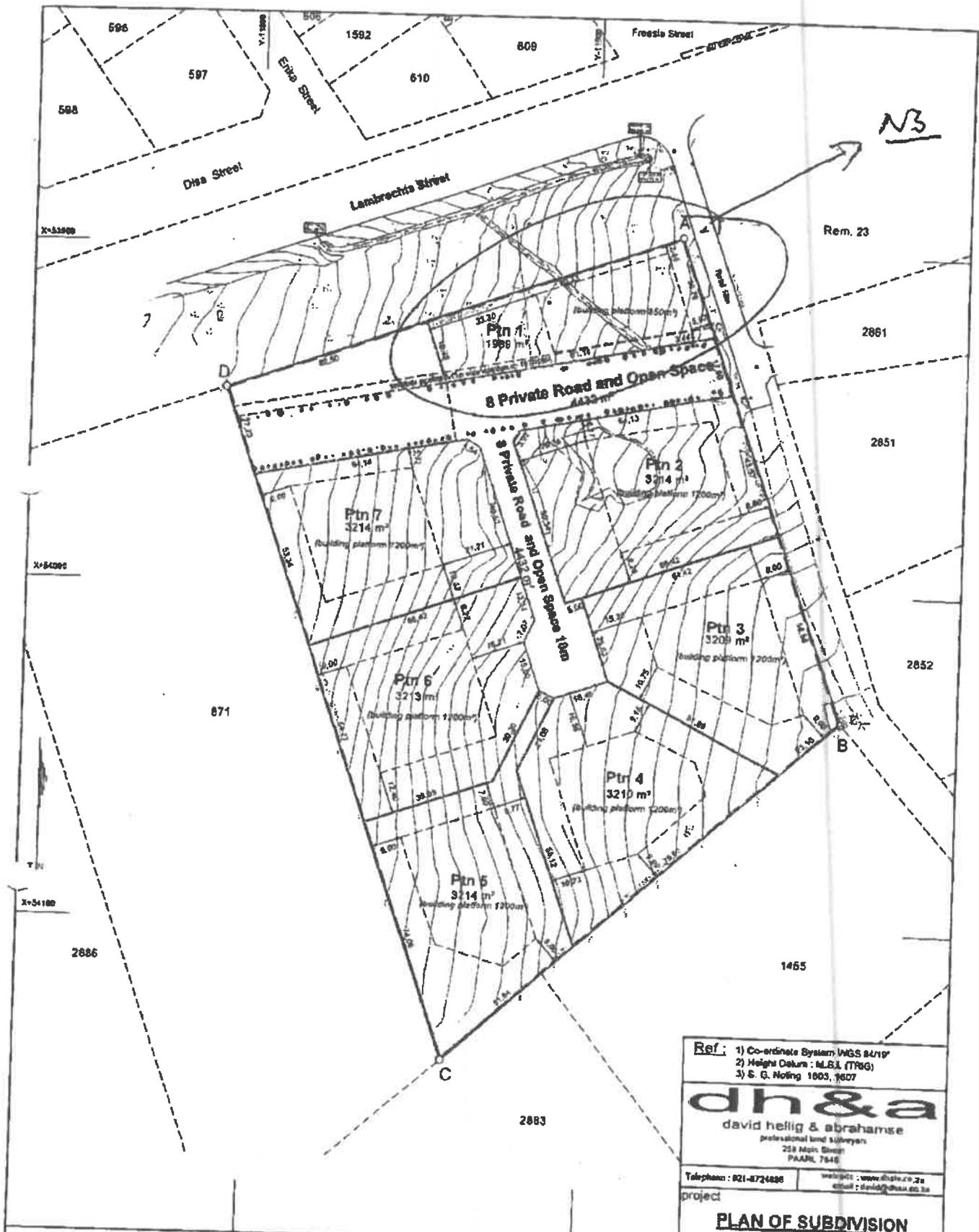
I sincerely hope that every effort is made to enhance and protect the gateway and scenic entrance in to Franschhoek so that residents and visitors are able to benefit from and enjoy the magnificent beauty that our valley offers.

I hope that my comments are seen as constructive and helpful and I will always make myself available for any discussion. I can be contacted on andy@riveroaktrading.co.za or on 082 326 3788.

Yours sincerely



Andrew Miszewski



- Notes :**
- 1) Erf 779 Franschhoek measuring 2.5695ha in extent is to be rezoned from Community Zone to Conventional Residential Zone.
 - 2) Erf 779 Franschhoek is to be subdivided into
 - a) Ptns 1 - 7 : Conventional Residential Zone
 - b) Ptn 8 : Private Open Space Zone

Ref: 1) Co-ordinate System: MGS 84/19 2) Height Datum: M.B.S. (TWS) 3) S. G. Moring 1803, 1807	
dh&a david heilig & abrahamse professional land surveyors 239 Main Street PAARL, 7646	
Telephone: 021-4724086	Website: www.dhpa.co.za Email: david@dhpa.co.za
PLAN OF SUBDIVISION Erf 779 Franschhoek	
Scale	1 / 1000 @A3
Date	May - Dec 2020
File No	P3536/16
Plan No	3 REV 3



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ANNEXURE I

David Hellig and Abrahamse**Land Surveyors • Landmeters**

DAVID SAMUEL HELLIG
 B.Sc., B.Sc. (Land Survey), PR.L. (SA)
 SPENCER GRAHAM DREYER
 B.Sc. (Survey), PR.L. (SA)

At Cape Town
 RICHARD CLIFTON ABRAHAMSE
 B.Sc. (Survey), PR.L. (SA)
 BRYAN JAMES HANSEN
 B.Sc. (Geomatics), PR.L. (SA)

258 Main Street/Hoofstraat
 PAARL 7646

✉ P O Box 18 PAARL 7622
 Posbus 18 PAARL 7622

Telephone/Telefoon : (021) 872 4086

e-mail : david@dhaa.co.za

Our Ref : P3536/16(A6)PP
 Your Ref : LU/12267

07 April 2021

The Municipal Manager
 Stellenbosch Municipality
 P O Box 17
 STELLNEBOSCH
 7599

Attention : Mr Robert Fooy

Dear Robert

**APPLICATION IN TERMS OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW,
 2015:
 PROPOSED REZONING AND SUBDIVISION OF ERF 579 FRANSCHHOEK**

Further to the above, I hereby advise that the below mentioned comments were received :

- Franschhoek Heritage and Ratepayers Association (FH&RA) dated 16-03-2021 (Objection 1)
- Andrew Miszewski the landowner of adjoining Erf 1455 Franschhoek dated 25-03-2021 (Objection 2)

The inputs from the both the FH&RA and Andrew Miszewski are not construed as objections dismissing the development proposal outright but rather as comments relating to the technical aspects of the development proposal.

It should be noted that both submissions are similar in nature and to a large degree overlap with one another and for that reason our response thereto is dealt with collectively rather than on an individual basis.

Essentially the comments are in support of the development proposal insofar as it relates to the portion of the subject land unit situated south of the avenue of bluegum trees which represents the historic "Kats se Pad" thoroughfare.

The objectors state that the development proposal is not supported in its present form with the following mitigation measures being proposed :

1. The removal of Portion 1 which is to be replaced by Public Open Space to be upgraded and landscaped by the Developer.
2. The re-layout of the development proposal on the portion of land to the south of "Kats se Pad" to accommodate an access point from Bagatelle Street and no more than 7 residential housing opportunities.
3. A limitation of only one single storey dwelling to be erected on each of the subdivided Conventional Housing erven.
4. The development precinct is to be contained south of "Kats se Pad" which can only be fenced in with a permeable fencing structure. No solid brick wall is to be erected on the perimeter of the development precinct.
5. The owner of Erf 1455 Franschhoek is to be consulted regarding the treatment of the common boundary between the respective land units.

Subject to compliance with the above mitigation measures, both the FH&RPA and Andrew Miszeski are in support of the development proposal.

RESPONSE

Mitigation Measures 1 & 2 : Re-layout

The reasons provided by the objectors for the imposition of the abovementioned condition relate to the upholding of the ideals promoted in the MSDF and Zoning Scheme By-law in respect of the protection and conservation of the Heritage and Cultural importance of the area coupled with the visual aesthetics from Lambrecht Street being a Scenic Route Corridor.

In para 6 of the FH&RPA state the following :

"It is self-evident that in its present form the proposed development is inconsistent with the Protective Actions and Change Actions of the SDF quoted above, the purpose of the Scenic Route Overlay Zone and the CMP guidelines"

The above is merely a general statement made by the FH&RPA being unsubstantiated and without any justifications or reasons provided to support their claim. It is therefore not self-evident since no reasons were provided to substantiate this claim.

We do not agree with the abovementioned statement and contend that the development in its present form indeed upholds the ideals as promoted and advocated in terms of both the MSDF and the Zoning Scheme By-law based on the following reasons.

The objectors have as a point of departure taken up the position that the development proposal will detract from the intended visual impact on Lambrecht Street rather than promote, contribute or enhance the current status quo of the existing visual interface between Lambrecht Street and the subject land unit, hence the proposal to "hide" or screen the development proposal behind the avenue of bluegum trees.

The development proposal however intends to incorporate "Kats se Pad" as a prominent and integral feature of the development thereby ensuring not only its conservation but enhancing its current status as a focal point within the landscape, as is the case with the adjoining L'Avenue Estate.

The following statements are quoted directly from the planning application report submitted as part of the land development application in support of these ideals :

"The development intends fostering and complementing the rural and agricultural character of Franschhoek and therefore will have a strong and prominent agricultural and landscaping component similar to the adjoining L'Avenue development to the east."

"As with the previous development proposal, the avenue of blue gum trees is being retained and preserved in the current development proposal which will serve as a prominent and focal landscaping feature."

"The site will also be landscaped with pristine fynbos gardens, olive trees and planted with vineyards as indicated on the Master Landscape Plan in order to create a soft, unobtrusive and natural visual appearance in support of it's rural and agricultural surroundings. The development proposal aims to provide a sustainable and feasible buffer and / or transition between the urban form north of Lambrechts Street and the outer lying agricultural areas to the south, as the adjoining L'Avenue Estate"

"The development will incorporate strong elements of landscaping and agricultural activities to support and enhance the rural character of the surroundings."

"The development proposal also aims to incorporate elements of agriculture and landscaping to mitigate the impact on the environment and contribute toward the agricultural and rural character of its surroundings."

"The proposed development comprises the establishment of 7 discrete unobtrusive high quality residential erven with appropriate mitigation and control measures in place to ensure compatibility with its surrounds and the Municipality's long term spatial vision for the area."

"The development proposes to enhance the character of the surrounding area and contribute to the existing sense of place in Franschhoek."

"The development proposal however aims to introduce an agricultural and landscaping element in the design philosophy of the Estate in order to achieve the goals and objectives of the MSDF, 2019 and in support of its surroundings."

"The development proposal will retain the avenue of blue gum trees signifying the historic Cats se Pad as prominent and focal landmark"

The Consultant Team identified "Kat se Pad" as an important and historically significant component of the landscape and therefore incorporated the feature in the design process with the view to

enhance and showcase it as an integral part of the development proposal and not just maintain the status quo in terms of its interface with Lambrechts Street, as is currently proposed by the objectors.

The introduction of a Landscape Architect to the Consultant Team was key in providing the overall framework of the design philosophy and ethos of the development against the backdrop of the ideologies as promoted in the MSDF and the Zoning Scheme By-law.

It should be noted that the L'Avenues Development to the east of the subject land unit which also falls within the "Graded Landscapes to be protected" precinct as identified in the MSDF comprises a strip of high density residential units abutting directly against Lambrechts Street.

I recall a remark from one of the Town Planners within the Department at the previous Municipal Planning Tribunal meeting at which the previous development proposal in respect of the 56 group housing units was refused, that it was unclear why the developer did not follow suit and similarly utilise the strip of land north the "Kats se Pad" abutting directly onto Lambrechts Street for higher density residential opportunities.

The current development proposal aims to improve the existing interface of the subject land unit with Lambrecht Street through the introduction of important landscaping design guidelines focusing on enhancing the rural and agricultural characteristics of the development as promoted in the MSDF and Zoning Scheme By-law being in synergy with the adjoining L'Avenues Estate.

The FH&RPA proposes that the strip of land north of the "Kat se Pad" should be designated and rezoned to Public Open Space, ultimately resulting in the cession of land ownership to the Stellenbosch Municipality.

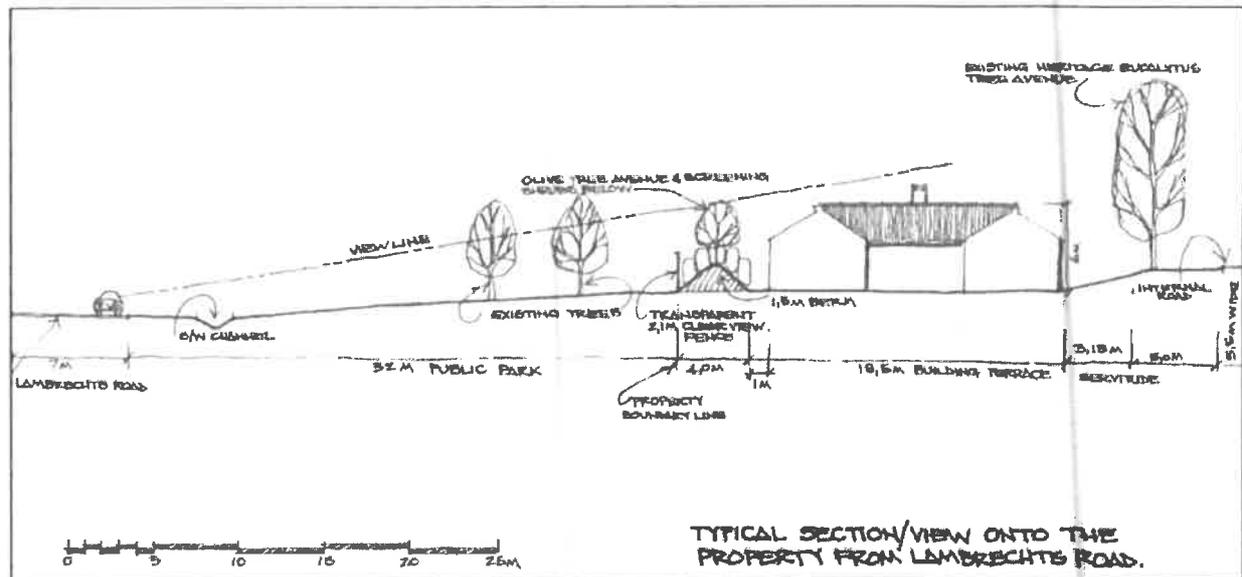
As landowner, the Stellenbosch Municipality would therefore be responsible for the upkeep and maintenance of this portion of land. The FH&RPA makes this proposal without any consideration of whether or not the Municipality is interested or willing to acquire this portion of land and taking over the responsibility of maintaining the land unit. It is also uncertain whether the Stellenbosch Municipality is empowered through the provisions of their Land Use Planning By-law to impose such a condition of approval, noting that the condition must originate from a need that arises from such a development proposal. It is our contention that such a need does not exist and that the cession of the strip of land is neither reasonable or rational.

It is our contention that it would be in the best interests of the development and the general public that the prospective landowner of Portion 1 together with the Home Owners Association, be held accountable and responsible for the maintenance and upkeep of this portion of the land as is currently proposed. The development of Portion 1 as a discreet, upmarket and high quality residential land unit within the confines of an agricultural estate similar to that of L'Avenues Estate

would not only significantly contribute to the village ambience of Franschhoek but also highlight the "Kat se Pad" as an important feature in the landscape.

The above scenario results in a vast improvement compared to the status quo and represents, in our opinion, a far more sustainable and mutually beneficial outcome compared to the proposed scenario whereby the land reverts to the Municipality to maintain and upkeep.

An architectural perspective depicting a typical cross section and elevation of the streetscape is indicated below :



The above clearly illustrates that the proposed dwelling to be erected on Portion 1 will be screened from Lambrecht Street also noting that the site boundary is already set back 32 metres from the road edge of Lambrecht Street, thereby mitigating any concerns that the objectors may have.

The resultant densification of the layout south of "Kats se Pad" to make up for the loss of Portion 1 to the north of "Kats se Pad" adversely impacts and disrupts the overall aesthetics of the development which needs to maintain appropriate spacing and massing of the residential units to achieve the ambience of an agricultural residential estate similar in character to that of L'Avenues Estate. Public access to "Kats se Pad" outside of the development precinct will also pose a security risk to the development and is counterproductive.

The response from the project Traffic Engineer of Zutari Consulting Engineers in respect of the proposed new staggered entrance off Bagatelle Street is indicated in blue text below :

In response to the suggested relocation of the proposed access to Erf 579, Franschhoek (as indicated on the Alternative Subdivision Plan) please note the following:

Should the access be moved 50m south as suggested by Franschhoek Heritage and Ratepayers Association (FH&RA) and Andrew Miszewski the intersection arrangement along this section of Bagatelle Street would consist of two staggered access intersections the access to l'Avenue de Franschhoek and the access to Erf 579.

The Provincial Government of the Western Cape's Access Management Guidelines (Draft, July 2016) requires that intersections, farm accesses and other driveways should be located at least 500m apart on Class 4 rural roads and in the case of Class 5 roads may be located in accordance with left turn conflict criteria, with spacing as shown below (refer to the Access Management Guidelines, Paragraph 10.7.2):

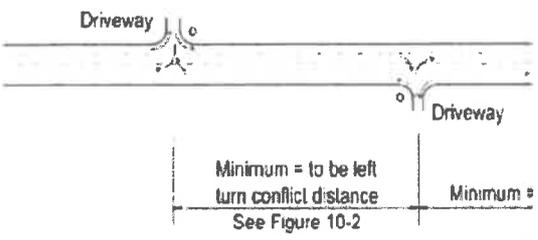


TABLE 10.6 Left turn conflict distances

Design Speed (km/hr)	Preferable left turn conflict distance (m) (as used in AARD)	Limiting left turn conflict distance (m) (as used in RAO)
40	40	24
50	60	44
60	82	62
70	107	80
80	135	106

If one assumes that Bagatelle Street is a Class 5 rural road and the design speed thereof is 60km/h, the required spacing between the access to Erf 579 and the access to L'Avenue de Franschoek should be at least 82m. The proposed access arrangement would therefore not satisfy the Access Management Guidelines as the distance between the accesses is approximately only 50m.

Furthermore, the access location as shown on the Alternative Subdivision plan is closer to a horizontal curve. This may obstruct the line of sight of motorists (and other road users) travelling southeast along Bagatelle Street, wishing to turn right into Erf 579 and motorists (or other road users) leaving Erf 579, wishing to turn left or right onto Bagatelle Street. Applying the requirements of the UTG1, the sight distance provided should be at least 110m. Vegetation may need to be cut back to ensure sufficient sight distance."

The objectors and for that matter the ideals contained in the MSDF do not recognise and acknowledge the primary rights afforded to the land unit in accordance with its current zoning of Community Zone. This alternative requires no planning permission approvals or processes and enables the land unit to be developed with a range of different land uses viz schools, clinic, church, welfare institution etc etc. The current development proposal needs to be assessed against the current primary rights and is one of the primary factors and motivations in considering a site specific deviation from the provisions of the MSDF.

Engagement with the Municipality and External Departments

The development proposal was tabled and work shopped with municipal officials at a formal pre-application consultation meeting held on 02-12-2020 attended by officials from both Departments of Planning and Economic Development and Spatial Planning, Heritage and Environment who provided inputs on the proposed layout. The minutes of this meeting were included in the application documentation.

A Notice of Intent to Develop Application in terms of section 38(1) of the National Heritage Resources Act No 25/1999 was submitted to the Heritage Western Cape for approval. After due consideration, the Heritage Western Cape in their Record of Decision dated 28-01-2021 confirmed the following in support of the development proposal :

"You are hereby notified that, since there is no reason to believe that the proposed residential development and subdivision on Farm 579, Off Lambrechts Road, Frnschoek, Stellenbosch will

impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required."

The Department of Transport and Public Works, WCG also approved the land development application in terms of the provisions of Act No 21/1940 vide their letter Ref 16/9/6/1-25/294 (Job 26590) dated 11-02-2021 thereby confirming the suitability of utilising the existing access point off Bagatelle Street opposite the existing entrance to the L'Avenues Estate.

The comments from the other internal municipal departments are still awaited.

Mitigation Measures 3 : Only one single storey dwelling per land unit

The homesteads are to be constructed strictly in accordance with the Architectural Guideline document which was submitted as part of the application documentation in support of the development proposal. The Architectural Guideline document is modelled on the L'Avenue Estate to ensure synergy between the two developments as suggested by the Municipality in our discussions with the officials at the pre-application consultation meetings. The Architectural Guidelines general make provision for single storey buildings, however also provide for loft spaces in order to utilise roof space.

The Architectural Guidelines strictly regulate the design (various housing typologies are proposed), height, coverage, footprint and dimensions of the building which will be strictly adhered to for the collective benefit of the owners in the estate, adjoining neighbours and Franschoek in general.

It is therefore not necessary to impose any further conditions over and beyond those contained in the Architectural guideline document which strictly regulates the building form.

It should be noted that there are also various mitigation measures contained in the Urban and Landscape Design Report which also strictly regulate the manner in which the development will be implemented.

It would appear that the objectors have not considered the content of these documents.

Mitigation Measures 4 & 5 : Permeable Perimeter fencing

The Landscape Site Development Plan clearly indicates that the perimeter fencing of the estate will be a clearvue fencing structure.

Once again, it appears that the objectors did not adequately study the content of the Site and Landscaping Site Development Plans in their considerations and formulations of their objections.

Please acknowledge receipt in writing of this letter and its contents.

I look forward to hearing from you.

Yours sincerely
DAVID HELLIG AND ABRAHAMSE

A handwritten signature in black ink, appearing to read "S G Dreyer". The signature is stylized with a large, looped "S" and "G" at the beginning, followed by "Dreyer" in a cursive script.

PER : S G DREYER