



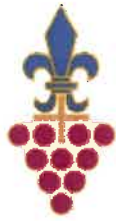
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**NOTICE OF MUNICIPAL PLANNING
TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2022-03-18 FROM 10:00-15:00**

VOLUME 2



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THE STELLENBOSCH MUNICIPALITY			
PLANNING REPORT: LAND USE AND LAND DEVELOPMENT APPLICATION:			
APPLICATION FOR REZONING TO SUBDIVISIONAL AREA & SUBDIVISION OF FARM NO. 1202/54, JOHANNESDAL, PAARL DIVISION			
Application Reference	File Ref: LU/12632	Application Date	2021/05/18
		Last day for comments or additional information	2021/09/01

PART A: APPLICANT DETAILS			
First name(s) & Surname	Pierre-Jean Le Roux		
Company name	P J Le Roux Town Planners PTY LTD		
SACPLAN registration number	Pr. Pln. A/803/1995		
Registered owner(s)	Mark George Barron	Is the applicant properly authorised to submit the application	Yes

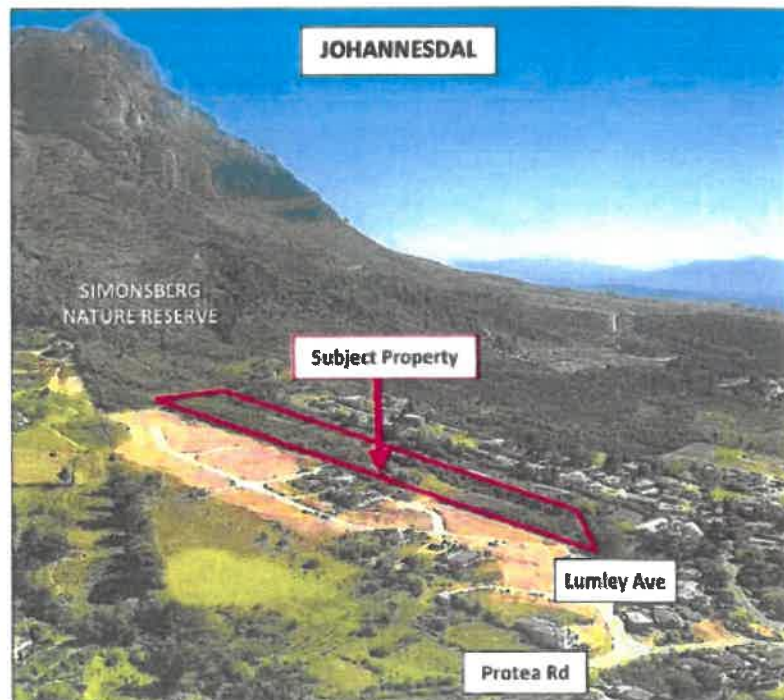
PART B: PROPERTY DETAILS			
Property description	Farm No. 1202/54	Administrative District	Paarl Division
Physical address	Lumley Avenue, Johannesburg (see ANNEXURE A for locality plan)		
Extent (m² /ha)	2,0331 ha	Nearest Town	Kylemore
Existing Development and Current land use	Existing dwelling house		
Any unauthorised land use/building work	N/A		
Title Deed Nr.	T3951/1998 (see ANNEXURE B)		
Current zoning and approved land use rights as per Zoning Scheme Bylaw 2019	Agriculture and Rural Zone		

PART C: APPLICATION DETAILS	
Applications(s)	<p>Application is made in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for the following on Farm No.1202/54, Johannesdal, Paarl Division:</p> <ol style="list-style-type: none"> 1. Rezoning (Section 15(2)(a)) of the subject property from Agriculture and Rural Zone to Subdivisional Area to allow for the following uses and in accordance with the land use framework plan as depicted in plan with reference "H 10-150 SUB1 REV 05", dated May 2021, and drawn by PJ Le Roux Town & Regional Planner: <ol style="list-style-type: none"> a) 30 x Conventional Residential Zone erven and approximately 1,4370ha in extent, for single dwelling houses. b) 3 x Public Open Space Zone erven and approximately 0,0957ha in extent, for open space purposes and detention pond. c) 2 x Public Road & Parking Zone erven and approximately 0,5004ha in extent for purposes of public roads. d) The phasing of the development into two (2) phases. 2. Subdivision in terms of Section 15(2)(d) of the said Bylaw of said property in accordance with Subdivision Plan Nr "H 10-150 SUB1 REV 05", dated May 2021, and drawn by PJ le Roux Town & regional planner; to allow for the residential development in accordance with the sub-divisional zone above. <p>See ANNEXURE C for Subdivisional Plan.</p>
Purpose of Application	To establish a residential development consisting of thirty (30) conventional residential erven; three (3) public open spaces and two (2) public roads.

Pre-consultation	A pre-scrutiny application was submitted on 22 January 2021 (see ANNEXURE D for feedback of pre-scrutiny application).
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PART D: APPLICATION BACKGROUND

1. Location of the property



LOCALITY

The subject property is an existing agricultural land unit located inside Johannesburg urban area, approximately 10km from Stellenbosch. The property is located west of Helshoogte Road (MR172/R310). Access to the subject property has previously been taken via an existing servitude from Lumley Avenue which has since been cancelled. The new access to the site is along the southern boundary from Protea Road which also give access to the existing abutting residential development. See picture above and **ANNEXURE A** for locality plan.

2. Development context of surrounding area

The subject property is located within an area which has recently experienced some new primarily residential developments in the area (south of the subject property). Although this area has originally been developed as agricultural small holdings, the inclusion of these

properties into the urban edge of Johannesburg has seen a transition of this area into a more urban setting. Some of the properties to the south have already been transformed into residential even while the area to the north has been included into the spatial planning policies for future development.

The proposed development which comprises individual residential erven similar to what is already present in the area, fits in with what is intended for this area. The original rural character has therefore changed into a more residential character which will be strengthening with the proposed development. The subject property is surrounded by an agricultural property to the north, and existing new residential development to the south (Mentoor Mountain Estate), Simonsberg Mountain (nature reserve) to the west and a residential dwelling (which bounds unto Lumley Avenue) to the east.

3. Historic use and development of subject property

The property consists mostly of alien vegetation (shrubs/bushes) with an existing building thereon located almost in the centre of the subject property close to the southern erf boundary. Although the property is zoned for agricultural purposes, the subject property has never been used for any extensive agricultural activities.

PART E: APPLICATION OVERVIEW AND MOTIVATION (see ANNEXURE E)

- a) The proposed development will optimise the existing vacant property and at the same time provide new residential opportunities within an established urban area.
- b) New employment opportunities will be created which will add to the local economy of the area and increase the wellbeing of the residents.
- c) The proposed development in its current scale and form will be financially viable.
- d) The development will have a positive social impact since it will provide in the demand for residential properties within easy access from all directions.
- e) The layout and design of the residential development will reduce the carbon footprint and traffic congestion and encourage movement within the development.

- f) The proposed density is in line with the spatial recommendations for areas inside existing urban areas in order to optimise the services and infrastructure.
- g) The proposal is in line with the existing land uses in the immediate surrounds.
- h) The new proposed development will, in scale, fit in with what is already in the area with potential erven and buildings similar in size.
- i) From a civil engineering services point of view there is sufficient capacity available in the existing network to accommodate the proposed development subject to the completion of the Dwars River WWTW which is under construction.
- j) Although there are no heritage resources on the subject property, a formal heritage process will follow.
- k) Access to the subject property and proposed development will be taken from the existing Protea Road at a designated point in the eastern end of the subject property.
- l) The internal road network will comprise a 13m wide entrance road and 10m wide internal roads.
- m) Sufficient onsite parking for the individual residential erven will be provided as required by the Zoning Scheme Bylaw.
- n) The Transportation Site Assessment confirms that the traffic impact from a capacity point of view will be insignificant and no road upgrades are required.
- o) The proposed development will not have any adverse impact on the surrounding area and no mitigation factors are required.

PART F: PUBLIC PARTICIPATION, COMMENTS AND RESPONSE (see ANNEXURE F for portfolio of evidence)

1. Process followed

The applicant has notified the relevant external and internal departments; advertised the proposal in the local newspaper; and notified (serving of notices) all interested and affected parties, as well as community organisations. Notices were also placed on the subject property. The advertising period was from **08 July 2021 to 10 September 2021**.

Methods of advertising				Date published	Closing date for Objections/comments
Press (Paarl Post News)	Y	N	N/A	08 July 2021	10 August 2021
Notices	Y	N	N/A	08 July 2021	10 August 2021
Ward councillor	Y	N	N/A	08 July 2021	10 August 2021
On-site display	Y	N	N/A	08 July 2021	10 August 2021
Community organisation(s)	Y	N	N/A	08 July 2021	10 August 2021
State departments	Y	N	N/A	08 July 2021	10 September 2021

2. Public & stakeholder inputs

One objection has been received from the Stellenbosch Interest Group (SIG). The objection can be summarized as follows: See **ANNEXURE G**.

- a) Paragraphs 5.7.2 on page 84 of the MSDP states that "Pniel, Lanquedoc, Johannesdal and Kylemore remain relatively distinct, with small scale farms within the urban edge of each. Agricultural trade and labour continue to feature strongly in these settlements, both in land use, and the wellbeing of people.
- b) The property is, in its entirety, designated as an open green area including agriculture.
- c) No land for indigent housing is required in Johannesdal.

- d) Notwithstanding the fact that the property has been defined as a future development area in the previous MSDF, current policy indicates that the Municipality needs to exercise its discretion when considering purely market driven applications.
- e) The proposal is not consistent with applicable policy as future residents of the proposed development will be entirely dependent on private transport and are extremely unlikely to find employment in the Dwars River Valley. Commuting by these residents will add considerably to the carbon footprint and cannot be supported.
- f) The proposed development will change the character of an area larger than 5000m² and the application cannot be considered until Heritage Western Cape has commented thereon.
- g) The subdivision of the property into two or three units could be considered as such development would have a far lower visual impact and give rise a greatly reduced carbon footprint.

3. Government related inputs received

- a) The **Department of Environmental Affairs and Development Planning** supported the proposal as the property is located within the urban edge of Johannesdal and the development will be compatible with the surrounding approved residential developments (see **Annexure H** for letter dated 04 August 2021).
- b) **Heritage Western Cape** supported the proposal (see **ANNEXURE I** for letter dated 04 May 2021).
- c) The **Department of Environmental Affairs and Development Planning** supported the application as the proposal does not constitute a listed activity (see **ANNEXURE J** for letter dated 04 May 2021).
- d) The **Western Cape Department of Agriculture: Land Use Management** has no objection to the proposal (see **ANNEXURE K** for letter dated 05 May 2021).
- e) The **Department of Transport and Public Works** supported the proposal (see **ANNEXURE L** for letter 24 August 2021).

4. Comments from internal service departments

- f) The **Director: Engineering Services** supported the proposal subject to conditions (see **Annexure M** for memo dated 19 July 2021).
- b) The **Manager: Electrical Services** supported the proposal subject to conditions (see **Annexure N** for memo dated 13 August 2021).
- c) The **Manager: Spatial Planning** supported the proposal as the proposed development is within the urban edge and compliant with the provisions of the approved MSDf (see **Annexure O** for memo dated 17 August 2021)

5. Response by Applicant to comments received (see ANNEXURE P)

- a) Despite the references made to individual extracts of the approved MSDf document for Stellenbosch Municipality, the Manager: Spatial Planning Department has confirmed that the subject property is located inside the urban edge of the Dwars River Valley node with the following guidelines:
 - Contain the footprint of the settlement within the existing urban edges
The subject property is located inside the approved urban edge and is also exempt from the provisions of Act 70 of 1970.
 - Ensure that a range of housing types and income groups are catered for.
The proposed development fits in with the new developments in the immediate surrounds and makes provision for more affordable residential opportunities without compromising the existing urban character.
 - Ensure future development is woven into the urban fabric and existing settlements
The proposed development is abutted to the south by a new development and the proposed access will be taken from a new proposed public road network which extends beyond the subject property as depicted on the Road Master Plan for the area. The proposed development will also be linked with the abutting development via internal road link through the existing municipal street.

- b) The statement made by the objector that the proposed development will be entirely dependent on private transport and are extremely unlikely to find employment in the area, is subjective and not accompanied by any supporting documentation.
- c) The proposed development will be served by a municipal street which is planned to extend beyond the subject property to serve other properties in the area and which will function as public transport route for those without their own transport.
- d) The concern about not enough employment opportunities is unfounded and has no relevance on urban development inside an approved urban edge.
- e) The proposed development will not only optimize the subject property but will optimise the municipal services and infrastructure in the area and make provision for future extension thereof throughout the neighbourhood to improve access to services and infrastructure for all residents.
- f) The Engineering Department of Stellenbosch Municipality also granted their consent to this development and confirmed that the development fits in with their Master Plan for engineering services for the area.

PART G: ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

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

- 1.1 Stellenbosch Municipality Land Use Planning Bylaw, 2015
- 1.2 Stellenbosch Municipality Zoning Scheme Bylaw, 2019
- 1.3 Stellenbosch Municipality Spatial Development Framework , 2019
- 1.4 Section 38(1) of the National Heritage Act (Act 25 of 1999)
- 1.5 National Environmental Act 1998 (Act 107 of 1998)

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

2.1 Land use principles

The application under consideration has insignificant bearing on development principles of spatial justice, sustainability, efficiency, and good administration as specified in Section 2 of SPLUMA. See table below:

DEVELOPMENT PRINCIPLES	KEY CONSIDERATIONS
Spatial Justice	The proposed development provides an opportunity to expand the much-needed residential opportunities within Johannesdal by optimizing vacant and unutilized land bordered by a residential development for a new residential development.
Spatial Sustainability	The proposal promotes land development in a location that is sustainable in respect of an environmental and socio-economic point of view and limits urban sprawl. The proposed development can be regarded as infill development with the existing Mentoor Mountain Estate development already constructed or in process of construction abutting the subject property to the south.
Efficiency	Urban sprawl is prevented by the proposal since it abuts and is surrounded by existing and future developments.
Good Administration	The pre-consultation and variety of specialist studies conducted in support of the proposed development ensure the efficient assessment of the application by the relevant authorities.
Spatial Resilience	This principle will have no direct bearing on the application.

2.2 Applicable spatial development frameworks, guidelines, policies

In terms of the approved MSDF for Stellenbosch Municipality, the subject property is located inside the approved urban edge of the Dwars River Valley node and in terms of the approved MSDF the following guidelines are applicable to this specific application:

- *As a general principle, contain the footprint of the settlements of the Dwars River Valley within the existing urban edges.*
- *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 existing settlements.*

2.3 Service infrastructure capacity and sustainability (see ANNEXURE Q)

Messrs Bart Senekal Inc. has been appointed as Civil Engineering Consultants to compile a report on the provision of civil engineering services for the proposed development. This report and findings are in accordance with the requirements and standards of all the engineering design guidelines for all aspects of engineering used and recommended by all spheres of government in order to provide engineering services at the lowest long term costs.

According to the findings it is confirmed that potable water, sewerage and solid waste removal for the proposed development can be accommodated by the Stellenbosch Municipality in their existing infrastructure subject to the upgrade of the Dwars River WWTW that is currently under construction

Messrs De Villiers & Moore Consulting Engineers has been appointed as Electrical Engineering Consultants to compile a report on the internal electrical reticulation for the proposed development.

It is confirmed that the supply to the subject property will be from one of three new minisubs that will be installed as part of their upgrade of infrastructure in the area. The municipality also indicated and support the installation of street lights.

2.4 Any Investigations carried out in terms of other laws that are relevant (e.g. EIA, TIA, HIA etc.)
(see ANNEXURE R)

Messrs ITS Engineers has been appointed as Traffic Engineering Consultants to compile a report for the proposed development which investigates the expected transport related impact on the proposed development and also the compliance with the Road Access Plan for the area.

According to the report the traffic impact from a capacity point of view will be insignificant and no road upgrades are required.

2.5 Applicable provisions of the zoning scheme

The proposal makes provision for thirty (30) new conventional residential portions varying in size from $\pm 402\text{m}^2$ to $\pm 910\text{m}^2$ in extent at a density of ± 14 units/ha. Provision is also made within the development for three (3) public open spaces.

The largest of the three open spaces is positioned in the centre of the development and the two smaller open spaces are positioned along the new extension of Protea Road on the eastern end of the development and will facilitate the stormwater detention facility, normal stormwater run-off and landscaping.

The development will be developed into two phases and will fit in with what is already approved in the immediate surrounds with various approved residential developments. The internal street links with the extension of Protea Road at the eastern end of the subject property and provides access to each of the newly proposed erven. Provision is also made for a 3m wide services servitude, over portion 3 to facilitate stormwater run-off.

The development consists of the following portions:

PHASE 1		
Portion	Extent	Zoning
12	$\pm 442\text{m}^2$	Conventional Residential
13	$\pm 438\text{m}^2$	Conventional Residential
14	$\pm 438\text{m}^2$	Conventional Residential
15	$\pm 438\text{m}^2$	Conventional Residential
16	$\pm 436\text{m}^2$	Conventional Residential
17	$\pm 556\text{m}^2$	Conventional Residential
18	$\pm 470\text{m}^2$	Conventional Residential
19	$\pm 496\text{m}^2$	Conventional Residential
20	$\pm 499\text{m}^2$	Conventional Residential

21	±490m ²	Conventional Residential
22	±492m ²	Conventional Residential
23	±494m ²	Conventional Residential
31	±595m ²	Public Open Space
32	±72m ²	Public Open Space
33	±252m ²	Public Open Space
34		Public Road
PHASE 2		
1	±635m ²	Conventional Residential
2	±910m ²	Conventional Residential
3	±518m ²	Conventional Residential
4	±452m ²	Conventional Residential
5	±450m ²	Conventional Residential
6	±447m ²	Conventional Residential
7	±445m ²	Conventional Residential
8	±442m ²	Conventional Residential
9	±440m ²	Conventional Residential
10	±433m ²	Conventional Residential
11	±517m ²	Conventional Residential
24	±459m ²	Conventional Residential
25	±404m ²	Conventional Residential
26	±403m ²	Conventional Residential
27	±402m ²	Conventional Residential
28	±402m ²	Conventional Residential
29	±421m ²	Conventional Residential
30	±495m ²	Conventional Residential
35		Public road

The following building lines, coverage and height shall apply to all building in this zone.

Area of land	Street boundary building lines	Common boundary building lines	Coverage	Height.
251m ² to 500m ²	3,0m	1,0m	The greater of 175m ² or 60%	2 storeys
501m ² – 1000m ²	4,0m	2,5m	The greater of 300m ² or 50%	2 storeys

2.6 General desirability

- *Compatibility with surrounding properties:*

The proposed development will not detract from the character of the area and should blend in with the surrounding existing land uses in the area as it is located adjacent to a similar type of residential development (Farm No. 1202/23 – Mentoor Mountain Estate and Erf 74 – Oakview Estate) and with more or less the same property sizes. Although the property is zoned for agricultural purposes it has never been used for any extensive agricultural activities. The location of the subject property lends itself towards development of a higher density component. The proposed development is regarded as the most suitable and appropriate land use of the property.

- *Impact on existing rights:*

The proposal will not have a detrimental impact on the existing rights of the neighboring properties as the character of the area, privacy, amenity, views, etc will not be compromised. The zoning of the residential properties are Conventional Residential Zone and the proposed dwellings/structures will be constructed in accordance with the parameters of the zoning scheme bylaw. Should a future owner decide to deviate from the parameters of the zoning scheme, a public participation process will follow, at that stage.

- *Impact on safety, health and wellbeing of the surrounding community:*

There is no reason to believe that the proposed development will result in any changes to the safety and security in the area since it is in the applicant's own interest to ensure strict security in the area. In fact, the proposed development will increase the security in the area and especially along the common boundary with Mentoor Mountain Estate.

- *Densification:*

The densification of urban areas is promoted from a planning policy side, as it will lead to the optimal use of a town's existing bulk infrastructure, contain urban sprawl and protect the agricultural hinterland around Stellenbosch.

The proposal will allow for the better and more effective utilising of the available developable land. The Stellenbosch Zoning Scheme bylaw refer to densities of 25 dwelling units per hectare for a group housing development (note that no densities are prescribed for single dwelling developments). Although the proposed density is much lower than the 25 dwelling units per hectare, this development ensures that larger erven can be established that will fit in with the surrounding developments. The proposed residential development can therefore be deemed desirable.

- *Positive impact on economy*

The proposed development will make a significant contribution to the local economy during the construction and operational phases. The construction phase will lead to the expansion of business sales for existing businesses located with the area. Constructing the development will also result in direct jobs being created on site.

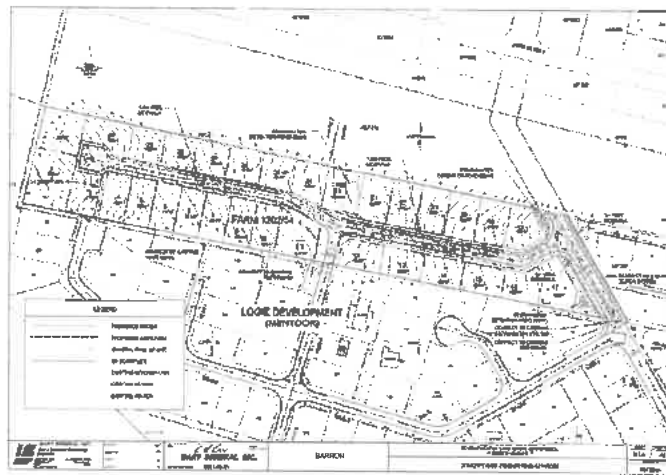
- *Traffic:*

Any type of development will lead to an increase in traffic. Based on the TIA it is evident that the road network in the site vicinity has sufficient spare capacity to accommodate the trips associated with the residential development on Farm No. 1202/54, Johannesdal. The transport impact, from a capacity point of view, will be insignificant. No road upgrades are required (see **ANNEXURE R** for Traffic Impact Assessment).

Access is proposed off the new public road at the eastern boundary of the property. Access is also possible along the southern boundary of the site via the public road network to the south of the development. The access is aligned with the future link road along the northern boundary of Erf 74, between Simonsberg Street and Lumley Street.

While it is accepted that the traffic impact of this development will in and of itself be relatively low, it is noted that there are several other developments currently under way, especially north of Sonstraal Road between Lumley Road and MR172, each of which will like generate similar additional volumes of traffic. It is likely that there will be pressure for further developments to the north and south of Farm No. 1202/54, Paarl Division and west of Lumley Road. The combined impact of these developments may well be significant, even if each by itself is not.

- *Integration:*



Access to the proposed development will be from the proposed extended Protea Road of which is a municipal road, allowing for integration with the existing area.

- *Public Transport and Non-motorised transport:*

There are public transport services available along the Helshoogte Road (MR172). Bus embayments were observed along Helshoogte Road, within walking distance from the proposed development site.

2.7 Assessment of comments on application

- a) Not compliant with principles of the MSDF
 The proposal was supported by the Manager: Spatial Planning as it is located within the urban edge and in fact compliant with the provisions of the approved MSDF. The development is not a private development and consists of public roads and public open spaces.
- b) The proposed development will be entirely dependent on private transport
 The TIA has concluded that sufficient public transport and NMT facilities exists in the area and that no additional facilities are recommended for the proposed development.
- c) It is extremely unlikely to find employment in the Dwars River Valley.
 Employment opportunities can be created during the construction phase of this development.
- d) Proposed development will change the character of an area larger than 5000m² and the application cannot be considered until Heritage Western Cape has commented thereon.
 The proposal was supported by Heritage Western Cape.
- e) Subdivision of the property into two or three units could be considered as such development would have a far lower visual impact and give rise a greatly reduced carbon footprint.
 The proposed development is in line with the development on the adjacent property. Since the erven are quite large, it will not have such a huge visual impact on the environment. Larger erven mean that the dwelling houses will be place further apart from each other, minimizing the visual impact.

All objections and comments from the relevant departments were adequately addressed in the assessment of the report.

3 Additional planning evaluation for removal of restrictions

Not applicable.

PART H: SUMMARY OF KEY FINDINGS OF ASSESSMENT

After having independently considered all the relevant information, the evaluation of the subject land use and land development application, the department concludes that:

1. 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 are encouraged in terms of the MSDF.
2. The basic civil engineering services (potable water, sewerage and solid waste removal) can be delivered by the Stellenbosch Municipality in their existing infrastructure, subject to the upgrading of the Pniel WWTW by Stellenbosch Municipality that is already underway.
3. The proposed residential development will therefore not be foreign to the area and is consequently compatible with the surrounding and current land uses.
4. The proposed development is regarded as the most suitable and appropriate land use of the property.
5. The proposed density will not be out of character and will also be in line with future developments.
6. 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.

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 Farm No. 1202/54, Johannesdal, Paarl Division namely:

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

- a) Thirty (30) x **Conventional Residential Zone** erven (erven 1 – 30) and approximately 1,4370ha in extent, for dwelling houses;
- b) Three (3) x **Public Open Space Zone** erven (31-33) and approximately 0,0919ha in extent, for open space purposes and detention pond; and
- c) Two (2) x **Public Roads & Parking Zone** erven (34-35) and approximately 0,5042ha for public road purpose.
- d) The phasing of the development into two (2) phases.

1.2 The **subdivision** in terms of Section 15(2)(d) of the said Bylaw of said property in accordance with Subdivision Plan H 10-150 SUB1 REV 6, dated July 2021, and drawn by PJ Le Roux Town and Regional Planner; to allow for a residential development in accordance with the sub-divisional zone above; and the registration of a 3m wide services servitude on portion 3 to facilitate stormwater run-off.

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

2. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

2.1 The approval only applies to the proposed rezoning and subdivision under consideration, as indicated on the referenced, H 10-150 SUB1 REV 6, dated July 2021 Subdivision and Phasing plan, attached as **ANNEXURE C** and shall not be construed as

authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

- 2.2 The development must be undertaken in accordance with the subdivision and phasing plan as referenced H 10-150 SUB1 REV 6, dated July 2021 and attached as **ANNEXURE C**.
- 2.3 New erf diagrams or general plans for the newly created land units be submitted to this municipality for clearance and record purposes.
- 2.4 The applicant submits an electronic copy (shp,dwg,dxf) of the General Plan which was preliminary approved by the SG. The following information must be indicated:
 - a) Newly allocated Erf Numbers
 - b) Co-ordinates
 - c) Survey Dimensions
 - d) Street names (if approved by Council)
- 2.5 The servitude rights for a water pipeline be registered in the title deeds of the applicable property on registration.
- 2.6 The common property be formally transferred to the Municipality upon transfer of the first erf in the subdivision, of which the cost for the surveying and transfer of such public land will be for the account of the applicant/developer.
- 2.7 Development contributions are payable in accordance with the prevailing and applicable Council tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Directorate Infrastructure Services.
- 2.8 A service agreement regarding the responsibilities for the provision of engineering services be entered into with the Municipality prior to the construction of any engineering services or infrastructure in terms of Section 66(3) and Section 82(4) of the said Bylaw, which service agreement must include and comply with the conditions as imposed by the **Directorate Infrastructure Services** in their memo dated 19 July 2021, and attached as **ANNEXURE L**.

2.9 The conditions imposed by the **Manager: Electrical Services** as contained in their memo dated 13 August 2021, attached as **ANNEXURE M**, be complied with.

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

3.1 The proposed development aims to densify the area in accordance with municipal policy and guidelines.

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

3.3 The subject property is located within the urban edge and will strengthen the nodal character of Johannesburg, once developed.

3.4 There will be no negative impact on existing infrastructure and additional traffic can be accommodated on the local road network.

3.5 The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape.

3.6 The proposal will result in more efficient utilization of the subject property which cannot be viably utilized in terms of its current zoning.

4. Matters to be noted

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

4.2 The subdivision only comes into effect once all suspensive conditions or relevant legislative provisions have been complied with (per phase).

4.3 The rates clearances will only be granted once the conditions of approval (per phase) have been complied with;

- 4.4 All engineering services and infrastructure as required in terms of the conditions and services agreement must be complied with to the satisfaction of the municipality and/or relevant authority prior to the issuing of a Section 28 Certification.
- 4.5 Building plans must be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.
- 4.6 That the approval for the naming and numbering of streets as per the proposed subdivision plan, **BE OBTAINED.**

PART J: ANNEXURES

- ANNEXURE A: LOCALITY PLAN**
- ANNEXURE B: TITLE DEED**
- ANNEXURE C: SUBDIVISIONAL AND PHASING PLAN**
- ANNEXURE D: FEEDBACK ON PRE-SCRUTINY APPLICATION**
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- ANNEXURE G: OBJECTION FROM SIG**
- ANNEXURE H: COMMENT FROM THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**
- ANNEXURE I: COMMENT FROM HERITAGE WESTERN CAPE**
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- ANNEXURE L: COMMENT FROM THE DEPARTMENT OF TRANSPORT AND PUBLIC WORKS**
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- ANNEXURE N: COMMENT FROM THE MANAGER: ELECTRICAL SERVICES**
- ANNEXURE O: COMMENT FROM THE MANAGER: SPATIAL PLANNING**
- ANNEXURE P: COMMENT ON THE OBJECTION**
- ANNEXURE Q: CIVIL ENGINEERING SERVICES REPORT**
- ANNEXURE R: TRAFFIC IMPACT ASSESSMENT**
- ANNEXURE S: SITE PHOTOS**

PART K: COMPILATION OF PLANNING APPLICATION ASSESSMENT REPORT

**APPLICATION FOR REZONING TO SUBDIVISIONAL AREA & SUBDIVISION OF FARM NO. 1202/54,
JOHANNESDAL, PAARL DIVISION**

Author of Planning Assessment Report:

Recommended Categorisation of the Application for Authorised Decision Maker:

Name: *Louisa*

Capacity: *Senior Town Planner*

Signature: *Dunb*

Date: *24/02/2022*

PART L: REVIEW OF PLANNING APPLICATION ASSESSMENT REPORT

**APPLICATION FOR REZONING TO SUBDIVISIONAL AREA & SUBDIVISION OF FARM NO. 1202/54,
JOHANNESDAL, PAARL DIVISION**

Review of Planning Assessment Report:

Name: *Chizeme Kriel*

Capacity: *MLWA*

SACPLAN Registration: *A21210*

Signature: *GLD*

Date: *25/02/2022*

PART M: SUBMISSION OF PLANNING APPLICATION ASSESSMENT REPORT**APPLICATION FOR REZONING TO SUBDIVISIONAL AREA & SUBDIVISION OF FARM NO. 1202/54,
JOHANNESDAL, PAARL DIVISION****Authorised Employee to assess and make a recommendation on a land use and land development application for consideration by the authorised decision maker:**

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

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

Category: 2A(d) & 2D(b)

Decision Making Authority: SMPT

Rational: The proposal is consistent with the approved MSDF but objections were received (consistent and contested).

Name:

Steven Carsters

Capacity:

SMPT

SACPLAN Registration:

A/1557

Signature:

[Handwritten Signature]

Date:

28/2/2022

PART N: ADMINISTRATION OF PLANNING APPLICATION ASSESSMENT REPORT**APPLICATION FOR REZONING TO SUBDIVISIONAL AREA & SUBDIVISION OF FARM NO. 1202/54,
JOHANNESDAL, PAARL DIVISION****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:

Capacity:

Signature:

Date:

ANNEXURE A

**APPLICATION FOR REZONING TO
SUBDIVISIONAL AREA &
SUBDIVISION OF FARM NO. 1202/54,
JOHANNESDAL, PAARL DIVISION**

LOCALITY PLAN

ANNEXURE B

**APPLICATION FOR REZONING TO
SUBDIVISIONAL AREA &
SUBDIVISION OF FARM NO. 1202/54,
JOHANNESDAL, PAARL DIVISION**

COPY OF TITLE DEED

10(B1)

FOR PARTIAL ENCLOSURES SEE
VIA VERWERE ENKOSSEMENTE U.L.N.

Opgestel deur my

SEËLS STAMPS
SEËLREG
DUTY 35.00
FOOI 75.00
FEE

DM

Transportbesorger
FOURIE, J.M.

VERBIND MORTGAGED
VIR FOR R 75 000.00
2585 98
20 01 98
REGISTRATEUR/REGISTRAR

0000073684
GEMANSKAP
CANCELLED
REGISTRATEUR/REGISTRAR
08 OCT 2004

T 3951/98

TRANSPORTAKTE

SWEMMER & LEVIN
Prokureurs, Notarisse & Transportbesorgers
VREDENBURG, SALDANHA, LANGEBAAN &
VELDDRIF/LAAIPEK

HIERMEE WORD BEKEND GEMAAK :

DAT ANDREW DAVID URQUHART BRECHIN

voor my, Registrateur van Aktes te Kaapstad, verskyn het, behoorlik daartoe gemagtig deur 'n Prokurasie aan hom verleen te


op die dag van 1997 deur

WILHELMINA SUSANNA CAROLISSEN
Identiteitsnommer 230610 0040 01 2
weduwee

Swemmer & Levin

9

-4-

VERBIND MORTGAGED	
VIR FOR R	230 000 00
B00081292 / 2004	
08 OCT 2004	

RECEIVED
STATE
03/13/04
YUO
KOR
527

~~VERBODEN TOEGANG TOT DEZE DOCUMENT~~ 5

-5-

T 3951/98

By VIRTUE OF NOTARIAL DEED OF
 CANCELLATION OF SERVITUDE ^{000000379/2020} R 0 S
 DATED 3RD JUNE 2020
 CONDITION C HELD BY T3951/98
 THE DOMINANT PROPERTY
 IS HEREBY BEING CANCELLED
 AS WILL FULLY APPEAR FROM THE
 SAID NOTARIAL DEED.

12 AUG 2020
 DEEDS OFFICE
 CARLE TOWN

Bally
 REGISTRAR OF DEEDS

EN die Komparant het verklaar dat gemelde Prinsipaal op 17 Desember 1993 waarlik en wettig verkoop het en dat hy, die Komparant in sy voormelde hoedanigheid, hiermee in volle en vrye eiendom sedeer en transporteer aan en ten gunste van :

MARK GEORGE BARRON

Identiteitsnommer 670424 5131 08 2

ongetroud

sy erfgename, eksekuteurs, administrateurs of regsverkrygendes

GEDEELTE 54, 'n gedeelte van Gedeelte 14 van die Plaas Nr 1202, in die Stellenbosch Plaaslike Oorgangsraad, Afdeling Paarl, Wes-Kaap Provinsie;

GROOT : 2,0331 (TWEË KOMMA NUL DRIE DRIE EEN) hektaar;

SOOS AANGEDUI op die aangehegte kaart nr 8945/1989 en gehou kragtens Transportakte nr T2836/1967.

A. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte nr T3950/1906.

B. GEREKTIG op die voordele van die voorwaardes soos uiteengesit in Aanhangesel A tot Transportakte nr T3950/1906, wat betrekking het op sekere water- en weiregte, tot paaie en ornheinings, en onderhewig aan en gerektig op die voordele tot die voorwaardes soos uiteengesit in Transportakte nr T11230/1924 met betrekking tot water regte, die reg om 'n waterleiding aan te lê en in stand te hou en die reg tot paaie.

C. GEREKTIG op 'n serwitoutpad , 5 (vyf) meter wyd oor die restant, gehou deur die transportgewer kragtens Transportakte nr T2836/1967, die noordelike grens van welke serwitoutpad aangedui word deur die lyn b e vanaf grens b c tot by die grens met Plaas 1213 (PAD)

WESHALWE die Komparant afstand doen van al die reg en titel wat die genoemde

TRANSPORTGEEFSTER

voorheen in die genoemde eiendom gehad het en gevolglik ook erken dat die genoemde

TRANSPORTGEEFSTER


geheel en al uit die besit daarvan onthef is en nie meer daartoe geregtig is nie en dat kragtens hierdie akte, die genoemde

TRANSPORTNEMER,

sy erfgename, eksekuteurs, administrateurs of regsverkrygendes, tans daarop geregtig is ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat, en verklaar dat die volle koopprys van R90 000.00 (NEGENTIGDUISEND RAND) behoorlik betaal of verseker is.

TEN BEWYSE waarvan ek die genoemde Registrateur, saam met die Komparant, hierdie Akte onderteken en met die Ampseël bekragtig het.

ALDUS GEDOEN en geteken in die kantoor van die Registrateur van Aktes te KAAPSTAD op *20 JANUARIE* 1998.



q.q.

In my teenwoordigheid



REGISTRATEUR VAN AKTES

52

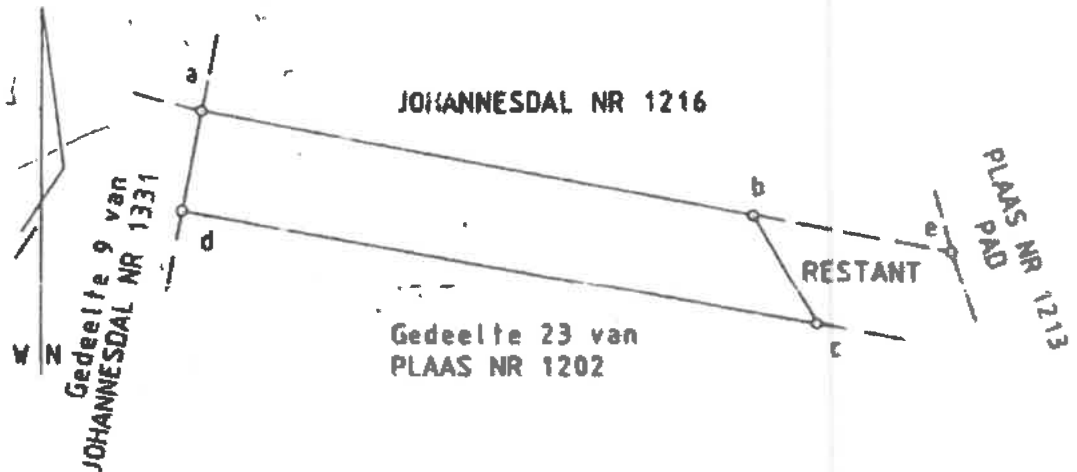
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		Y	X	
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ab	322,78	281 22 20	a	+ 4788,47 + 52433,91
bc	75,34	330 00 00	b	+ 4472,03 + 52497,56
cd	374,14	100 51 10	c	+ 4434,37 + 52562,80
da	59,95	192 51 50	d	+ 4801,82 + 52492,35
be	117,79	281 22 20	e	+ 4356,55 + 52520,78
3318/491	BULLER	Δ	+ 1843,92	+ 56381,65
3318/504	HUTCHX	Δ	+ 447,14	+ 53842,11

8945-89
Goedgekeur
[Signature]
Landmeter-generaal
30.01.30

BAKENBESKRYWING :

- a Ysterstaander wat 0,5m uitsteek
- b,c 20mm ysterpen onder klipstapel
- d Ysterstaander wat 0,4m uitsteek
- e 12mm ysterpen in beton

NWARE AFSKRIF
1993-11-23
P. Phillips
namens LANDMETER-GENERAAL



SERWITUUTNOTA :

Die lyn b e stel voor die Noordelike grens van 'n serwituitpad 5m wyd vanaf grens b c tot by die grens met PLAAS NR 1213 (PAD)
* oor die restant

Skaal 1 : 4000

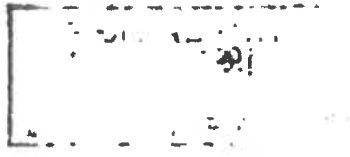
Die figuur a b c d
stel voor 2,0331 hektaar grond, synde
GEDEELTE 54, 'n gedeelte van Gedeelte 14 van PLAAS NR 1202
geleë in Paarl Administratiewe Distrik
Provinsie Kaap die Goeie Hoop.

Opgemets in Oktober en November 1989
deur my,

David J. Friedman
Landmeter

Hierdie kaart is geheg aan No. <u>3951 98</u> gedateer 1998-01-20 t.g.v. Registrateur van Aktes.	Die oorspronklike kaart is. No. A26/1927 geheg aan Transport/Grondbrief No. 1929.72.3651	Lêer No. PARL. 1202 M.S. No. S 3040/89 Komp. BH-80B/X3 (1484) BH-80B/X4 (1485)
--	---	---

1/2002/5



STELLENBOSCH PLAASLIKE OORGANGSRAAD

Die wettige vereistes van my Raad ten opsigte van hierdie Onderverdeling is nagekom.

UITVOERENDE HOOF: STADSKLERK

DATUM: _____

'N WARE AFSKRIF
1993 -11- 23
P. Phillips
NATIONALE LANDMETER-GENERAAL

Munisipaliteit STELLENBOSCH Municipality
Die wettige vereistes van my Raad ten opsigte van hierdie onderverdeling is nagekom.
The lawful requirements of my Council in respect of this subdivision have been complied with.

GOEDGEKEUR KRAGTENS ART. 9 VAN ORD. 32/1993
VERWYSING: 1202/14
DATUM: 1987-02-07

J. Vosagie 11/12/1996
Uitvoerende Hoof/Stadsklerk
Chief Executive/Town Clerk
Datum
Date

VRYGESTEL VAN DIE BEPALINGS VAN WET 70 VAN 1970
ARTIKEL: 1(f)

Munisipaliteit STELLENBOSCH Municipality

Verleng tot 29/06/1997
Extended to
J. Vosagie 22/06/1997
Uitvoerende Hoof/Stadsklerk
Chief Executive/Town Clerk
Datum
Date

Munisipaliteit STELLENBOSCH Municipality

Verleng tot 18/08/1999
Extended to
J. Vosagie 04/09/1997
Uitvoerende Hoof/Stadsklerk
Chief Executive/Town Clerk
Datum
Date

ANNEXURE C

**APPLICATION FOR REZONING TO
SUBDIVISIONAL AREA &
SUBDIVISION OF FARM NO. 1202/54,
JOHANNESDAL, PAARL DIVISION**

**SUBDIVISIONAL AND
PHASING PLAN**

Notes:

- All distances and areas are provisional and subject to verification by cadastral survey
- 1) figure abcd represents a services servitude 3m wide

Survey information:

FRIEDLAENDER, BURGER & WILKMAN
 (Pty) Ltd
 Professional Engineers, Architects, Surveyors, Quantity Surveyors
 27 Church Street / Archbishop 10 Jnr / Nelson Dr. Sandton 209
 Tel: 27 11 261 2611 Fax: 27 11 261 2612



P.J. Le Roux
 PROFESSIONAL ENGINEER / ARCHITECT
 HOEDSRAAT 282 MAIN ROAD, PAARL
 (T) 021-8722499 (F) 086 606 8431
 (email) p@pjleroux.co.za

Project:

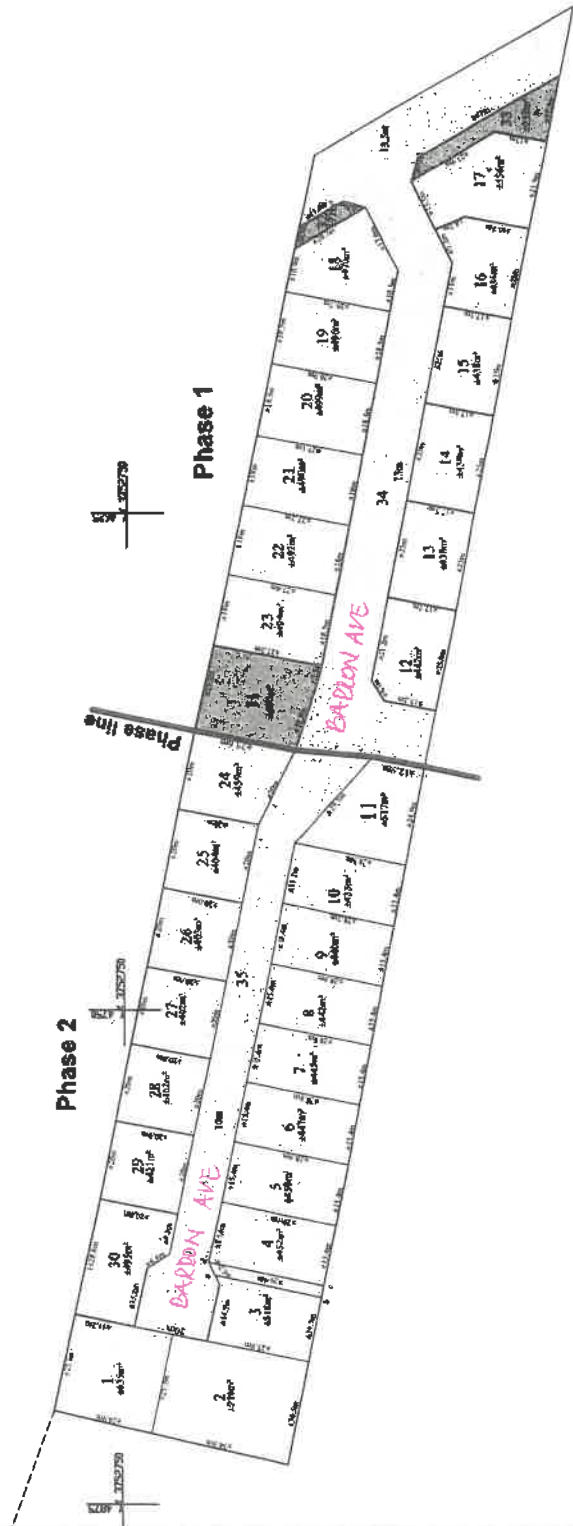
Application for Rezoning, Subdivision
Prt 54 of Farm No. 1202 Paarl

Description:

Subdivision Plan

BARRON

Sheet	INT.S.	Scale	
Title	P.U.L.P.	Date	2017/05/08
Author	P.J.L.R.	Drawn by	P.J.L.R.
Project No. 11 110 150 150/1 150/1 08			



Prop No	No of Lots	Area (ha)	Volume (m³)	Zoning	Note
1-10	30	1,437,0he	71	Conventional Residential Zone	Dwelling houses
11-33	3	0,0919ha	4	Public Open Space Zone	Open Space & Detention pond
34-35	2	0,5042ha	25	Public Roads & Parking Zone	Public Road
Total	35	2,033,1ha	100		



ANNEXURE D

**APPLICATION FOR REZONING TO
SUBDIVISIONAL AREA &
SUBDIVISION OF FARM NO. 1202/54,
JOHANNESDAL, PAARL DIVISION**

**FEEDBACK ON PRE-
SCRUTINY APPLCATION**



PJ Le Roux Town and Regional Planner
262 Main Road
Paarl
Email: pj@pileroux.co.za

02 February 2021

PRE-APPLICATION SCRUTINY FEEDBACK

APPLICATION FOR REZONING AND SUBDIVISION – FARM NO. 1202/54, PAARL DIVISION

1. Your pre-application scrutiny submission on the above property dated **22 January 2021**, refers.
2. Your submission has been duly scrutinized for your intended land use and / or land development application.
3. Your intended land use and/ or land development application needs to address the following requirements to satisfy the prevailing provisions in the Stellenbosch Land Use Planning Bylaw (2015) [SLUPB] and Stellenbosch Zoning Scheme Bylaw (2019) [SZSB]:
 - 3.1 ***The applicant must ensure that the road layout of the proposed development is in line with the Roads Master Plan;***
 - 3.2 ***The applicant must also ensure that the proposed erf sizes are in line with the erf sizes of the existing surrounding developments.***
 - 3.3 ***The legend on the subdivision plan refers to the Drakenstein Zoning Scheme By-law instead of the Stellenbosch Municipality Zoning Scheme By-law.***
4. The intended land use and/ or land development application also needs to fulfil the requirements as stipulated in Section 38 of the SLUPB. The required application documents and related information on any applicable Bylaws, Policies and Spatial Plans are available on the Planning Portal of the Municipal Website. (<https://www.stellenbosch.gov.za/documents/planning-and-building-plans/planning-portal>)
5. Please note that the sole purpose of this pre-application scrutiny feedback is to facilitate an accurate approach for the intended land use and/ or land development application. The feedback should consequently not be interpreted to represent any position on the merit nor desirability of such intended land use and/ or land development application, which can only be determined once a complete application has been received and duly processed and decided on by the authorised decision maker.

6. It should also be noted that the complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Once proof of payment is received, the application will be regarded as duly submitted in accordance with a notice as contemplated in terms of Section 41(1)(c)(i) of the SLUPB.

7. For any enquiries on this correspondence please respond by e-mail to the writer hereof.

Kind regards

Louisa Guntz
Senior Town Planner
Louisa.Ollyn@stellenbosch.gov.za

ANNEXURE E

**APPLICATION FOR REZONING TO
SUBDIVISIONAL AREA &
SUBDIVISION OF FARM NO. 1202/54,
JOHANNESDAL, PAARL DIVISION**

**APPLICANT'S MOTIVATION
REPORT**



*Application for Rezoning and
Subdivision:
Portion 54 of Farm No. 1202
Paarl*

May 2021

H 10-150



P-J Le Roux

STADS-EN STREEKBEPLANNER/
TOWN AND REGIONAL PLANNER

Hooftstraat 262 Main Road, Paarl
(t) 021-8722499 (f) 086 805 8431
(email) pj@pjleroux.co.za

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 - 1.1. Application
 - 1.2. Applicant
- 2. Property Information**
- 3. Locality**
- 4. Legal Land Use Rights**
 - 4.1. Existing zoning
 - 4.2. Existing land uses
- 5. Development Concept**
- 6. Applications**
 - 6.1. Rezoning
 - 6.2. Subdivision
- 7. Spatial Planning Principles**
- 8. Legal Requirements and Special Reports**
- 9. Desirability**
 - 9.1. Physical characteristics
 - 9.2. Character of the area
 - 9.3. Accessibility
 - 9.4. Spatial Planning
 - 9.5. Provision of services
- 10. Summary and Conclusion**



P-J le Roux

STADS-EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Portion 54 of farm 1202 Paarl

April 2021

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1. Regional Plan
2. Locality Plan
3. Aerial Photo
4. SG Diagram
5. Subdivision Plan: *Plan H 10-150 SUB1 REV05 dated May 2021*

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3. Proposed subdivision with zonings and land uses
4. Extract from Stellenbosch Zoning Scheme By-Law: Conventional Residential Zone
5. Chapter 5: Development Parameters (May 2019)
6. Extract from Stellenbosch Zoning Scheme By-Law: Public Open Space Zone
7. Extract from Stellenbosch Zoning Scheme By-Law: Public Road & Parking Zone

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1. Extract from the Stellenbosch Municipality Spatial Development Framework, 2019

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1. Power of Attorney
2. Title Deed
3. Bondholder Consent
4. Pre-Consultation
5. Letter to DEA&DP
6. Report on Provision of Civil Engineering Services
7. Design Report for Electrical Services
8. Traffic Site Assessment Report
9. Application form



P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Portion 54 of farm 1202 Paarl

April 2021

1. INTRODUCTION

1.1. Application

With this document, formal application is made for the following:

- (a) In terms of **Section 15(2)(a)** of the Stellenbosch Municipality: Municipal Land Use Planning By-Law, 2015 for the **REZONING** of Portion 54 of Farm 1202 Paarl from "**Agriculture & Rural Zone**" to "**Subdivisional Area Overlay Zone**"; and
- (b) In terms of **Section 15(2)(d)** of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the **SUBDIVISION** of Portion 54 of Farm 1202 Paarl into **35 Portions** as clearly depicted on the attached **Subdivision Plan: Plan H 10-150 SUB1 REV05 dated May 2021** :
 - **Portions 1 – 30 (Dwelling house)**
 - **Portion 31-33 (Open Space and Detention pond)**
 - **Portions 34 -35 (Public Road)**

Detail with regard to the development concept, rezoning and subdivision will be discussed in Sections 5 and 6 of this report.

1.2. Applicant

MARK GEORGE BARRON as registered owner of **Portion 54 of Farm 1202 Paarl**, appointed this firm *P-J le Roux Town Planners (Pty) Ltd.* to submit an application for Rezoning and Subdivision of the subject property in order to establish individual residential erven thereon, and to submit it to the relevant authorities for approval (**Power of Attorney attached**).



P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Portion 54 of farm 1202 Paarl

April 2021

2. PROPERTY INFORMATION

Description	Portion 54 (a Portion of Portion 14) of Farm 1202 Paarl (Johannesdal)
Location	Lumley Avenue, Johannesdal
Extent	2,0331ha
Registered owner	MARK GEORGE BARRON
Title Deed	T 3951/98 (Copy of Title Deed attached)
Existing zoning	Agriculture & Rural Zone
Restrictive Conditions	None
Planning Legislation	Stellenbosch Municipality Zoning Scheme By-Law, 2019 Stellenbosch Municipality Land Use Planning By-Law, 2015

Table 1: Property Information

The subject property is an existing small agricultural erf located inside the urban area of Johannesdal and falls in the area of jurisdiction of the Stellenbosch Municipality, Western Cape Province.



P-J le Roux

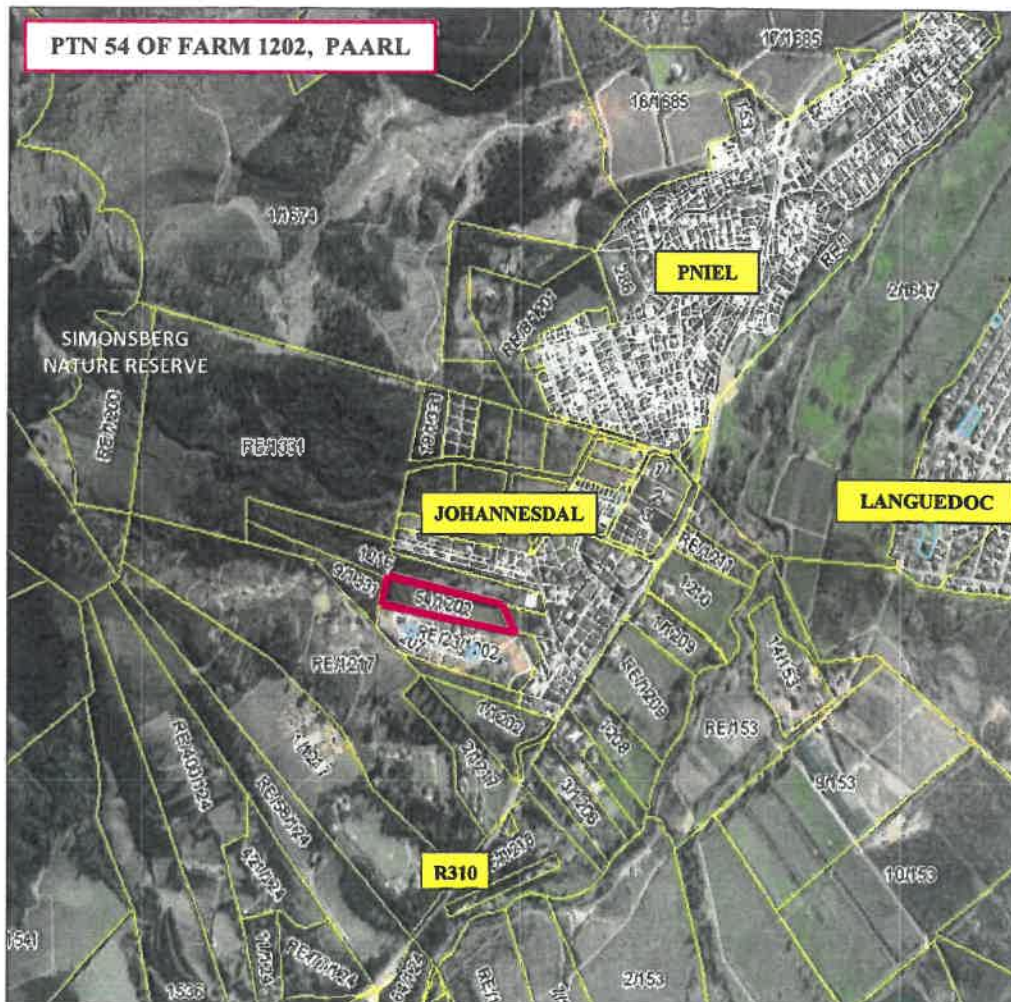
STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Portion 54 of farm 1202 Paarl

April 2021

3. LOCALITY

The subject property is an existing agricultural land unit located inside Johannesdal urban area approximately 10km from Stellenbosch via R310 (Helshoogte Road).



The subject property is bounded to the north by an agricultural property with dwelling houses thereon, Mentoor Mountain Estate (residential development) to the south, Simonsberg Mountain (nature reserve) to the west and a residential property to the east.



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STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Portion 54 of farm 1202 Paarl

April 2021

4. LEGAL LAND USE RIGHTS

4.1 Existing zoning

In terms of the newly promulgated Stellenbosch Municipality Zoning Scheme By-Law (2019), the subject property is zoned as **Agriculture and Rural Zone**. The following land use right are permitted in Agriculture and Rural Zone:

Primary Uses	Additional Uses (not exceeding the threshold in this chapter and subject to technical approval)	Consent Uses (Application required)
<ul style="list-style-type: none"> • Agricultural building (<2000m²) • Agriculture • Dwelling House • Forestry • Natural environment • Occasional use (one event/year) • Private road • Polytunnel (<2000m²) • Second dwelling • Employee housing (one unit) 	<ul style="list-style-type: none"> • Agricultural building (>2000m²) • Agricultural industry (<2000m²) • Bed and Breakfast establishment • Employee housing (exceeding one unit) • Guest House • Home day care centre • Home occupation practice • Polytunnel >2001m²-<5000m² • Rooftop base telecommunication station • Tourist dwelling units • Tourist facilities (existing buildings) 	<ul style="list-style-type: none"> • Abattoir • Additional dwelling units (max 4) • Airfield • Airstrip • Agricultural industry >2000m² • Camping site • Day care centre • Freestanding base telecommunication station • Helicopter landing pad • Intensive feed farming • Kennel • Market • Occasional use >one event/year • Plant nursery • Polytunnel >5000m² • Renewable energy structure • Service trade • Tourist accommodation establishment • Tourist facility (new buildings or exceeding threshold) • Any additional use exceeding the threshold set out in this chapter

Table 2: Extract from Stellenbosch Municipality Zoning Scheme By-Law (2019)

It is evident that the land uses proposed by this application cannot be permitted with the Agriculture and Rural Zoning and that a rezoning of the subject property is therefore required.



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STADS-EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Portion 54 of farm 1202 Paarl

April 2021

4.2 Existing land uses

The subject property measures 2,0331ha in extent consisting of mostly alien vegetation (shrubs/bushes) with one existing building thereon located almost in the centre of the subject property close to the southern erf boundary. Although the subject property is zoned for agricultural purposes, the subject property has never been used for any extensive agricultural activities.

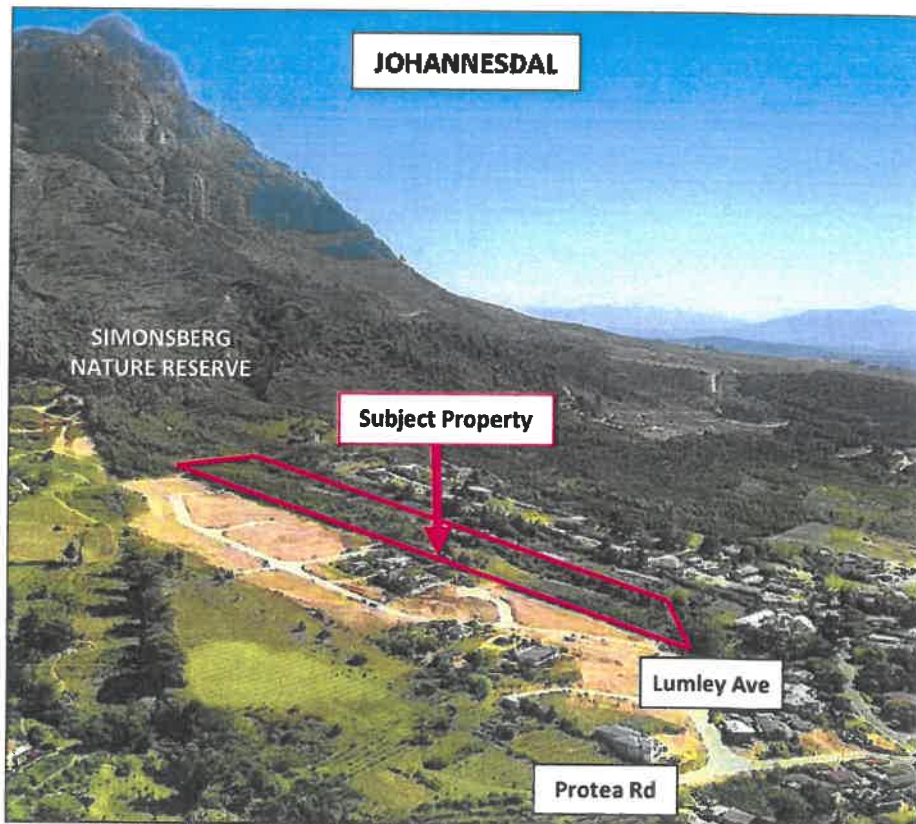


Image: Mentoorn Mountain Estate Website 2020

The intention of this application is to redevelop the subject property which is located within the approved urban edge, into individual residential erven. The extent of the subject property (2,0331ha) is much too small to function as a viable agricultural land unit and can therefore not be economically



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STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Portion 54 of farm 1202 Paarl

April 2021

farmed. Access to the subject property has previously been taken via an existing servitude from Lumley Avenue which has since then been cancelled as stated in the attached Title Deed. The new access to the subject property is along the southern boundary from Protea Road which also gives access to the abutting residential development (Mentoor Mountain Estate).



Existing dwelling



View across the property towards mountain



View over property towards Valley



Existing alien vegetation



Existing access road to be extended



Internal road on Mentoor Estate to connect



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STADS-EN STREEKPLANNERS / TOWN AND REGIONAL PLANNERS

Portion 54 of farm 1202 Paarl

April 2021

5. DEVELOPMENT CONCEPT

The primary purpose of this application is to utilize the existing infrastructure and natural environment to optimise the potential of the subject property in order to create a sustainable and financial viable residential development thereon. This **proposed development** which will be developed in **two phases**, will fit in with what is already happening in the immediate surrounds with various approved residential developments.

The objective of this application is to transform and redevelop the subject property within an area earmarked for urban infill purposes into a well balanced and financially viable development which will be beneficial to the applicant as well as the residents of Johannesburg. The need for affordable residential opportunities within Johannesburg is well known and the proposed development intends to provide in that need. The fact that the abutting property, south of the subject property is currently being developed, supports the development on the subject property. The proposed development will provide a new opportunity to create an integrated development initiated and promoted by all spheres of the government made available to all members of the surrounding community.

The subject property is small, isolated and bounded by a residential development (Mentoor Mountain Estate) to the south and east. The subject property is bounded by high density vegetation, small scale farming/gardening and housing (dwelling houses) towards the north and high density vegetation / Simonsberg Mountain / Nature Reserve approximately 500m to the west. The subject property abuts the recently constructed Protea Road which provides access to the abutting Mentoor Mountain Estate development. This Protea Road forms part of the road master plan for the area providing access to the subject property as well as



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other properties to the immediate north thereof. The intention is to extend Protea Road over the eastern portion of the subject property and to gain access to the new development from that portion of road. This new access will be designed in accordance with the requirements and will provide access to the entire development. Access will be gained at the eastern portion of the subject property with a connection to the municipal street in the abutting Mentoor Mountain Estate almost in the centre of the subject property as depicted on the attached Subdivision Plan. The development concept comprises the optimizing of the subject property within the existing area by redeveloping it into a functional and viable **residential development (35 portions)** comprising of **30 individual residential erven, 3 open space portions and 2 public road portions** as depicted on the attached *Subdivision Plan: Plan H 10-150 SUB1 REV05 dated May 2021*.

The development proposal makes provision for **30 new Conventional Residential portions** varying in size from **402m² to 910m²** in extent at a **density of ±14 units/ha**. Due to the rectangular configuration of the subject property, the internal design has been placed along a central public street which links with the extension of Protea Road at the eastern end of the subject property and provides access to each of the newly proposed erven. The contour lines and topography of the subject property has been taken into account with the design and layout of the individual erven with the length of the erven following the contour lines. The total area proposed for the conventional residential erven is **1,4370ha** representing **71%** of the total development area.

Provision is also made within the development for **3 Public Open Spaces**. These spaces have been positioned strategically to function both as active open spaces as well as for a detention facility as required by the engineering department to accommodate stormwater run-off from the



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development. The largest of the three open spaces is positioned in the centre of the development opposite the new link with the municipal street in Mentoor Mountain Estate. The two smaller open spaces are positioned along the new extension of Protea Road on the eastern end of the development and will facilitate the stormwater detention facility, normal stormwater run-off and landscaping. The proposed open spaces will measure collectively **957m²** in extent and represents **4%** of the total development area.

Provision is also made within the development for a **public road network** comprising **two portions** (one in each phase of the development). Due to the rectangular configuration of the subject property the internal access road represents a centrally located street which ends in a turning circle.

The entrance to the residential component will be from the east of the subject property via a **13m wide internal road** from Protea Road also giving access to the abutting residential development (Mentoor Mountain Estate) and which will link with a **10m wide internal road network** (phase 2). This internal road network provides access to each of the individual erven within the development and will end in a **turning circle with a width of 20m**. This internal road network will make provision for **pedestrian movement** as well as **landscaping** to soften the development. All proposed residential and open space portions will gain direct access from these internal roads, which measures collectively **5004m²** in extent and represents **25%** of the total development area.

Provision is also made for **services servitude 3m wide** over Portion 3 to facilitate stormwater run-off as depicted on the Subdivision Plan.



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6. APPLICATIONS

The intention of this application is to optimize the existing property to its full potential by establishing a financially viable and socially acceptable residential development thereon. The proposed development will supply to the ever increasing demand for **residential opportunities** in the Johannesburg and surrounding community. The proposed development will also create new employment opportunities, which will have a cumulative impact on the **local economy** through direct and indirect effects. The **direct effects** starts with the money spent or generated by the new proposed residential market through building plan fees, salaries, construction and materials etc., while municipal services and property taxes are the **indirect effect** to the local economy.

In order to achieve this goal as illustrated on the attached Subdivision Plan the existing land use rights of the subject property will need to be amended in accordance with the recently adopted Stellenbosch Municipality Land Use Planning By-Law and the Stellenbosch Municipality Zoning Scheme By-Law respectively. The following applications are required:

6.1 Rezoning

In order to allow the proposed development on the subject property, it is necessary that the existing agriculture and rural zoning be changed to allow for the new land uses with the **REZONING** of Portion 54 of Farm 1202 Paarl from **Agriculture and Rural Zone to Subdivisional Area Overlay Zone**.

In terms of Chapter 24 of the Stellenbosch Municipality Zoning Scheme By-Law, 2019, the purpose of Subdivisional Area Overlay Zone is the following:



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- "This overlay zone designates land for future subdivision where a change of zoning from the pre-existing base zone will be required once the subdivision is approved and where the principle of future subdivision has been approved through a rezoning process, but the subdivision plan itself has not yet been approved."

The rezoning of the property to subdivisional area overlay zone will allow for more than one zoning to be awarded onto the property. It is however important to note that an application for rezoning to subdivisional area overlay zone must be followed by an application for subdivision in order to create the individual erven within the development.

6.2 Subdivision

In order to create the individual portions as depicted on the attached *Subdivision Plan: Plan H 10-150 SUB1 REV05 dated May 2021* on the subject property, it is necessary that formal application is made in terms of **Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-Law, 2015** for the **SUBDIVISION** of the rezoned land unit into the following 35 Portions as tabulated below:

Portions	No. units	Extent (ha)	%	Zoning	Land Uses
1 - 30	30	1,4370ha	71	Conventional Residential Zone	Dwelling House
31-33	3	0,0957ha	4	Public Open Space Zone	Open Space & Detention Pond
34-35	2	0,5004ha	25	Public Roads & Parking Zone	Public Road
TOTAL	35	2,0331ha	100		

Table 3: Proposed subdivision with zonings and land uses (Subdivision Plan)



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Conventional Residential Zoning

Permitted	Technical Approval	Consent
<ul style="list-style-type: none"> • Dwelling house 	<ul style="list-style-type: none"> • Bed and breakfast establishment • Home day care centre • Home occupation practice • Home lodging • Second dwelling • Occasional use (one event/year) • Private road 	<ul style="list-style-type: none"> • Commune • Extramural facility • Group housing • Guest house • House shop • Occasional use (>one event/year) • Tourist dwelling unit • Additional uses exceeding parameters in this chapter

Table 4: Extract from Stellenbosch Zoning Scheme By-Law: Conventional Residential Zoning

According to the Zoning scheme By-Law the building lines applicable to the conventional housing zone are tabulated as follows:

55. Building development parameters in this zone

- (1) The following building lines, coverage and height shall apply to all buildings within this zone:

Area of land unit	Street boundary building lines (m)	Common boundary building lines (m)	Coverage	Height
Up to 250m ²	2m	1m (see 2(e) below)	70%	2 storeys
251m ² to 500m ²	3m	1m	The greater of 175m ² or 60%	2 storeys
501m ² to 1500m ²	4m	2,5m (see 2(e) below)	The greater of 300m ² or 50%	2 storeys
Greater than 1500m ²	4m	2,5m (see 2(e) below)	The greater of 750m ² or 40%	2 storeys

Table 5: Chapter 5: Building development parameters in this zone



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"dwelling house (woonhuis) means a building containing only one dwelling unit, together with the customary outbuildings usually associated with such a unit, for example, garage, storeroom, laundry, garden shed, no more than one domestic accommodation unit and/or a hothouse;"

Public Open Space Zone

Permitted	Technical Approval	Consent
<ul style="list-style-type: none"> • Open space • Natural environment • Private road • Occasional use (1 event/year) 	<ul style="list-style-type: none"> • Rooftop base telecommunication station 	<ul style="list-style-type: none"> • Camping site • Cemetery • Employee housing • Freestanding base telecommunication station • Indoor sport • Market • Occasional use (>event/year) • Outdoor sport • Tourist accommodation establishment • Tourist facility

Table 6 Extract from Stellenbosch Zoning Scheme By-Law: Public Open Space Zoning

"open space (oopruimte) means land which may be public or privately owned and which is set aside for open space, such as a park, garden, vegetable garden, square, landscaped areas, natural areas, river or stream;"

Public Road & Parking Zone

Permitted	Technical Approval	Consent
<ul style="list-style-type: none"> • Public parking area • Public road • Utility service • Occasional use (1 event/year) 	<ul style="list-style-type: none"> • Rooftop base telecommunication station • Market 	<ul style="list-style-type: none"> • Freestanding base telecommunication station • Occasional use (>event/year) • Parking garage • Transport purposes (passengers)

Table 7 Extract from Stellenbosch Zoning Scheme By-Law: Public Road & Parking Zoning



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"public road (openbare pad) means the same as public street and is any land which is used for public road, indicated on an approved plan, diagram or map as having been set aside as a public street/road in the Deeds Office, the ownership of which vests in the Municipality in terms of Planning Law, or in terms of any other law, and with the further permission of the Municipality in terms of the Scheme, the following additional buildings and uses are permitted: road based public transport infrastructure such as enclosed bus stops and bus stations;"



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7. SPATIAL PLANNING PRINCIPLES

In terms of National, Provincial and Local spatial planning legislation certain development principles were adopted to apply to spatial planning, land development and land use management. The development principles on National level is in terms of Section 7 of the **Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)**, while the land use planning principles on Provincial level is in terms of Section 59 of the **Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)**. These development principles were all adopted and included into the subsequent **Land Use Planning By-Laws** promulgated for each Local Municipality. The proposed development and land use will be evaluated as follows against the five development principles:

(a) Principle of spatial justice

- The proposed development provides an opportunity to expand the much needed residential opportunities within Johannesdal by optimizing vacant and unutilized land bordered by a residential development for a new residential development.
- Since the subject property is included into the approved spatial planning policies for *urban infill opportunities* and the development proposal complies with it, this principle is **not applicable** to this application.

(b) Principle of spatial sustainability

- The proposal promotes land development that is **spatially compact and resource-frugal** as the development is **within the urban edge** and the surrounding environment being developed.



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- The proposed new land use is **suitably located** with similar developments already present or recently approved within the immediate surrounds.
- The proposal promotes land development in a location that is **sustainable** in respect of an environmental and socio-economic point of view and **limits urban sprawl**.
- The proposed development can be regarded as **in-fill** development with the **existing** Mentoor Mountain Estate development already constructed or in process of construction abutting the subject property to the south.
- Since the subject property abuts a new development, the utilization of the subject property for urban purposes is logical and in line with spatial planning policies, since it forms part of the future development of the area.
- The economic potential of the subject property will be optimized by the proposed development with **new employment opportunities**.
- **No safety hazards** are anticipated through this development.
- The proposed residential land uses can easily be accommodated on the subject property and has **easy access** from all directions. The site is already bounded by **existing municipal infrastructure** (Protea Road as access road depicted on the access master plan for the area).

(c) Principle of efficiency

- The proposed development will optimize the use of existing resources, infrastructure, and **in-fill land within the established urban footprint**.



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- **Urban sprawl is prevented** by the proposal since it abuts and is surrounded by existing and future developments.
- The functionality of the public spatial environment is promoted with the development **linking with another existing development** in the immediate surrounds and **share services and infrastructure**.
- By utilizing the subject property for the intended purposes is in line with the **recommendations in the spatial planning documentation** and will ultimately benefit the entire community and add to the local economy of the area.
- The subject property is located near **important arterial routes and connecting roads**, which makes it highly accessible and ideally located for the intended purposes.

(d) Principle of spatial resilience

- This principle is **not applicable** since the subject property forms part of an existing urban settlement and is included into the approved spatial planning documentation and designated as "*urban infill opportunities*".

(e) Principle of good administration

- The pre-consultation and variety of specialist studies conducted in support of the proposed development ensure the efficient assessment of the application by the relevant authorities.
- The formal application will be submitted to the local authority and relevant statutory authorities for approval and will be administered in accordance with the procedures contemplated in the relevant Municipality's Land Use Planning By-Law.



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8. LEGAL REQUIREMENTS AND SPECIALIZED REPORTS

8.1 Stellenbosch Municipality Land Use Planning By Law, 2015

In order to create and permit the proposed activities on the subject property, the following formal applications are submitted:

- In terms of **Section 15(2)(a)** of the Stellenbosch Municipality: Municipal Land Use Planning By-Law, 2015 for the **REZONING** of Portion 54 of Farm 1202 Paarl from "**Agriculture & Rural Zone**" to "**Subdivisional Area Overlay Zone**"; and
- In terms of **Section 15(2)(d)** of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the **SUBDIVISION** of Portion 54 of Farm 1202 Paarl into **35 Portions** as clearly depicted on the attached **Subdivision Plan: Plan H 10-150 SUB1 REV05 dated May 2021** :
 - **Portions 1 – 30 (Dwelling house)**
 - **Portion 31-33 (Open Space and Detention pond)**
 - **Portions 34 -35 (Public Road)**

8.2 National Environmental Management Act, 1998 (Act 107 of 1998)

In order to comply with the National Environmental Management Act, a formal checklist for confirmation on the applicability of an environmental process was submitted by **Messrs Cornerstone Environmental Consultants** as independent Environmental Practitioner to the relevant authorities (*proof of submission attached*). The following is a summary of the **Terrestrial Biodiversity Assessment** report compiled by **Johlene Krige** dated *25 February 2021* as part of the specialised studies:



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- *The site is small, isolated and bounded by residential development towards the south and east and high density alien infestation, small scale farming/gardening and housing towards the north. The eastern portion of the site is more open and consists of weeds and grass with a high density of alien vegetation. The western portion of the site comprises of impenetrable stands of alien vegetation.*
- *The site is in poor condition with very low plant diversity and there is no representation of the original ecosystem on the property.*
- *There are no Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs) on the site and does not fall part of the Protected Area.*
- *There are no mapped watercourses, wetlands or aquatic features directly within the site.*
- *The site however falls within a Strategic Water Source Area (SWA) although; it is highly unlikely that the proposed development will impact on this SWA.*
- *The development will not impact on any watercourses or wetland areas and it will not result in the transformation of any significant natural vegetation (Section 5.3) within this SWA.*
- *The site does not form part of a corridor and the development will not impact on connectivity.*
- *Low sensitivity for Species of Conservational Concern (SCC) and no Red Data List species were recorded on the site.*

8.3 Report on Provision of Civil Engineering Services

Messrs Bart Senekal Inc. has been appointed as Civil Engineering Consultants to compile a report on the provision of civil engineering services for the proposed development.



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The Report on Provision of Civil Engineering Services dated 27 March 2021 is attached to this application and is the result of in depth discussions with the relevant officials at the Stellenbosch Municipality.

8.4 Design Report for Electrical Services

Messrs De Villiers & Moore Consulting Engineers has been appointed as Electrical Engineering Consultants to compile a report on the internal electrical reticulation for the proposed development.

The Design Report for Electrical Services dated March 2021 is attached to this application and is the result of in depth discussions with the relevant authorities and statutory bodies.

8.5 Traffic Site Assessment Report

Messrs ITS Engineers has been appointed as Traffic Engineering Consultants to compile a Report for the proposed development which investigates the expected transport related impact of the proposed development and also how it fits in with the Road Access Plan for the area.

The attached Traffic Site Assessment Report dated 26 March 2021 also describes and evaluate the new access to the proposed development in relation to the Road Master Plan for the area.



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9. DESIRABILITY

In terms of **Section 65(1)(c)** of the Stellenbosch Municipality Land Use Planning By-Law, 2015, the proposed utilization of the land must be desirable. The concept of *"desirability"* in a land use planning context and as contemplated in Section 65(1)(c) of the Stellenbosch Municipality Land Use Planning By-Laws can be described as the:

"degree of acceptability" of the specific land use(s) on a said property within an existing natural or manmade environment and the guideline proposals included in the relevant spatial development framework plans and policies, and municipal engineering services in so far as it relates to desirability, or on the basis of its effect on existing rights and the biophysical environment concerned.

The desirability of this application for Rezoning and Subdivision of Portion 54 of Farm 1202 Paarl will be discussed with regard to the following aspects:

- Physical characteristics
- Character of the area
- Accessibility
- Spatial Planning
- Provision of services

9.1 Physical Characteristics

9.1.1 Topography

The subject property is located along Lumley Avenue, north of Helshoogte Road and at the southern foothills of Simonsberg Mountain (nature reserve). The subject property has a rectangle shape and has a gentle slope that runs from west to east (Simonsberg Mountain to Lumley



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Avenue). This slope however is more than acceptable to facilitate the proposed development. Apart from the existing dwelling on the subject property which will be accommodated on one of the new portions, there are no physical features present on the subject property that needs to be taken into account or which will prevent the proposed development. Although the subject property is zoned for Agriculture and Rural zone, there are no agricultural activities present or have been for years. According to the findings of the Terrestrial Biodiversity Assessment no conservation worthy vegetation which will prevent the subject property to be developed has been observed.

9.1.2 Climate

The subject property is located inside the urban area of Johannesdal and forms part of the Mediterranean climate system of the Western Cape. The area is known for its cold and wet winters and dry warm summers. The wind is predominantly north westerly during the winter months and strong south easterly in the summer time. February is the warmest month of the year, while July is the coldest month.

We are of the opinion that the proposed development and the future new buildings will not influence the existing microclimate of the area and that the designs and layout of the development were sensitively done to facilitate current climatic conditions.

9.2 Character of the area

The subject property is located within an area which has recently experienced some new primarily residential developments in the area (south of the subject property). Although this area originally developed as agricultural small holdings, the inclusion of these properties into the urban edge of Johannesdal has seen a transition of this area into a more urban



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setting. Some of the properties to the south have already been transformed into residential erven, while the area to the north has been included into the spatial planning policies for future development purposes. The proposed development which comprises individual residential erven similar to what is already present in the area fits in with what is intended for this area. A variety of erf sizes provides a unique opportunity to fulfil in the needs of all within the community. The original rural character has therefore changed into a more residential character which will be strengthening with the proposed development. The subject property is surrounded by an agricultural property to the north, an existing new residential development to the south (Mentoor Mountain Estate), Simonsberg Mountain (nature reserve) to the west and a residential dwelling (which bounds onto Lumley Avenue to the east).



We are confident that the proposed development will have no negative impact on the existing character of the area; in fact we strongly believe that



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the proposed development will strengthen the existing character of the area and is therefore desirable.

9.3 Accessibility

The subject property is located west of Lumley Avenue which is a municipal street that provides access to many other residential properties in the immediate surrounds as well as to Protea Road which leads to the abutting development Mentoor Mountain Estate. The access to the subject property via the existing 5 meter servitude has been cancelled as stated in the Title Deed. The intention is to extend Protea Road over the subject property to provide direct access to the proposed development and beyond. This is directly in line with the Road Access Plan for the area. The new proposed internal road providing access to the individual residential erven will link with the municipal street inside the abutting Mentoor Mountain Estate.



New access road to be extended **New access road over subject property**

A detailed Transport Site Assessment Report was compiled by ITS addressing the relevant concerns and opportunities that the proposed development will have on the existing road network in the area. A copy of the *Transport Site Assessment Report dated 26 March 2021 is attached with this report.*



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9.4 Spatial Planning

Although the subject property is located in an originally agricultural area it has been transformed over time into a predominant residential area. The existing spatial planning policy which is applicable to this area, the Stellenbosch Municipal Spatial Development Framework (SMSDF), was adopted by Council in 2019 and provides guidelines for spatial developments within the municipal area.

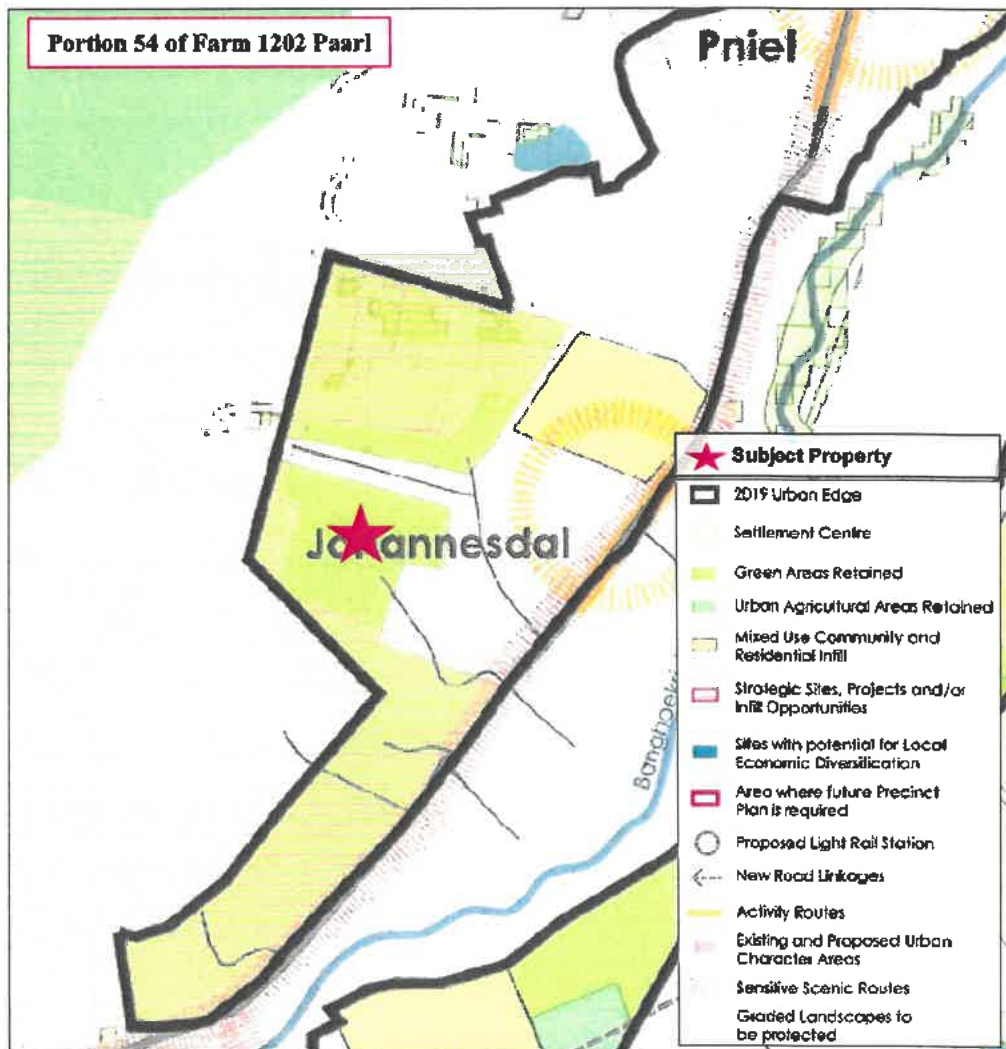


Fig. 1: Extract from the Stellenbosch Municipality Spatial Development Framework, 2019



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The subject property is located within the approved urban edge for Johannesburg and Pniel. According to the Stellenbosch Municipal Spatial Development Framework the spatial planning documentations and guidelines indicate the provision of residential opportunities within the urban area of Johannesburg that result in urban integration. The increase in density inside the existing urban area has long been identified as an urgent need and with this application it can be realised. The fact that the subject property is located within an area already used and earmarked for such purposes, confirms the ideal location of the proposed land use. Spatially the utilization of the subject property for individual residential even purposes is not in conflict with any of the surrounding land uses.

It suffices to say that since this development will create new residential opportunities, it is not in conflict with the spatial planning policies of the Stellenbosch Municipality and can therefore be regarded as desirable. The subject property is subject to the provisions of the Stellenbosch Zoning Scheme By-Law which was adopted in 2019. The purpose of this By-Law is to manage the land use rights on land units within the Stellenbosch Municipality as well as stipulating the land use parameters pertaining to each of the specific zonings and land uses.

According to the zoning scheme by-law, the subject property is zoned Agriculture and Rural Zone despite the fact that it is located within the approved urban edge and earmarked as infill opportunities in the recently approved SDF document. Since the proposed individual residential dwellings will not be permitted under the existing Agriculture and Rural Zoning, it is necessary that the zoning of the subject property be changed to accommodate the proposed land uses. This change will be in accordance with the provisions of the Zoning Scheme By-Law and will comprise



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conventional residential zone, public open space zone and public roads & parking zone.

9.5 Provision of services

9.5.1 Report on Provision of Civil Engineering Services

Messrs Bart Senekal Inc. has been appointed as **Civil Engineering Consultants** to compile a report on the provision of civil engineering services for the proposed development. This report and findings are in accordance with the requirements and standards of all the engineering design guidelines for all aspects of engineering used and recommended by all spheres of government in order to provide engineering services at the lowest long term costs.

The discussions and recommendations with regard to the engineering services required for the proposed development are included into the attached Report on Provision of Civil Engineering Services dated 27 March 2021 and speak both to the external infrastructure and services as well as internal distribution within the proposed development. The outcome and findings of this report is the result of in depth discussions with the relevant officials at the Stellenbosch Municipality.

According to the finding it is confirmed that potable water, sewerage and solid waste removal for the proposed development can be accommodated by the Stellenbosch Municipality in their existing infrastructure subject to the upgrading of the Dwars River WWTW that is currently under construction.



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9.5.2 Services Report on Electrical Reticulation

Messrs De Villiers & Moore Consulting Engineers has been appointed as **Electrical Engineering Consultants** to compile a report on the internal electrical reticulation for the proposed development.

The findings of the investigation regarding the electrical supply is contained in the attached **Design Report for Electrical Services** dated **March 2021** confirm that the supply to the subject property will be from one of three new minisubs that will be installed as part of their upgrade of infrastructure in the area. The municipality also indicated and support the installation of street lights.

9.5.3 Transportation Impact Assessment Report

Messrs ITS Engineers has been appointed as **Traffic Engineering Consultants** to compile a Report for the proposed development which investigates the expected transport related impact of the proposed development and also the compliance with the Road Access Plan for the area.

This investigation was done in context of the previously approved developments that share the road networks in the area. The attached **Transport Site Assessment Report** dated **26 March 2021** also describes and evaluate the new access to the proposed development from a future road network point of view. According to this report the traffic impact from a capacity point of view will be insignificant and no road upgrades are required.



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10. SUMMARY AND CONCLUSION

From the aforementioned it is clear that the proposed rezoning and subdivision on Portion 54 of Farm 1202 Paarl in order to facilitate a new residential development thereon, is in line with Section 65 of the Stellenbosch Municipality Land Use Planning By-Law and in particular Section 65(1)(c) thereof. The motivation for the proposed land uses can be summarized as follows:

Economic impact

- From a business point of view the application will optimise the existing vacant property and at the same time provide new residential opportunities within an established urban area.
- New employment opportunities will be created which will add to the local economy of the area and increase the wellbeing of the residents.
- The new development will contribute to the local economy of Johannesdal and surrounding areas.
- Direct (employment, labour force etc) and indirect (municipal taxes, building plan fees etc.) economic benefits will arise from this new development.
- The proposed development in its current scale and form will be financially viable.

Social impact

- The proposed development will have a positive social impact since it will provide in the demand for residential properties within easy access from all directions.
- New employment opportunities will be created, not only during the construction phase, but on a permanent basis.



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- The layout and design of the residential development will reduce carbon footprint and traffic congestion and encourage pedestrian movement within the development.
- The proposed density of ± 14 units/ha is in line with the spatial recommendations for areas inside existing urban areas in order to optimise the services and infrastructure.

Scale of the capital investment

- *In order to facilitate the proposed development the proposed new buildings with infrastructure will be well in access of **R25m** (please take note that these figures are only preliminary and final development costs could even be much more).*

Compatibility with surrounding land uses

- The subject property is abutted by existing residential development (Mentoor Mountain Estate) and is in line with the existing land uses in the immediate surrounds.
- The new proposed development will in scale fit in with what is already in the area with potential erven and buildings similar in size.
- The proposed urban land uses is in line with the spatial planning visions and policies of the Stellenbosch Municipality for the area.
- The residential options provided in the development proposal are in line with what is already present in the area.

Impact on external engineering services

- From a civil engineering services point of view there is sufficient capacity available in the existing network to accommodate the proposed development subject to the completion of the Dwars River WWTW which is under construction.



P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Portion 54 of farm 1202 Paarl

April 2021

- From an electrical point of view provision will be made for the proposed development in the current upgrades that is being implemented.

Impact on safety, health and wellbeing of the surrounding community

- There is no reason to believe that the proposed development will result in any changes to the safety and security in the area since it is in the applicant's own interest to ensure strict security in the area. In fact the proposed development will increase the security in the area and especially along the common boundary with Mentoor Mountain Estate.

Impact on heritage

- Although there are no heritage resources on the subject property, a formal heritage process will follow.
- The proposed development will have no direct impact on any existing heritage resources in the immediate surrounds.

Impact on the biophysical environment

- It has been confirmed by the specialist investigation conducted that no impact is expected on the biophysical environment since the subject property is already disturbed and no conservation worthy vegetation or any ecological habitats are present thereon.

Traffic impacts, parking, access and other transport related considerations

- Access to the subject property and proposed development will be taken from the existing Protea Road at a designated point in the eastern end of the subject property.
- The internal road network will comprise a 13m wide entrance road and 10m wide internal roads providing direct access to each of the individual



P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Portion 54 of farm 1202 Paarl

April 2021

residential erven within the development. These internal roads will link with the municipal street on mentor Mountain Estate.

- Sufficient onsite parking for the individual residential erven will be provided as required by the Zoning Scheme By-Law.
- The Transportation Site Assessment confirms that the traffic impact from a capacity point of view will be insignificant and no road upgrades are required.

Whether the imposition of conditions can mitigate and adverse impact of the proposed land use

- We are of the opinion that the proposed development will not have any adverse impact on the surrounding area and no mitigating factors are required.
- In order to ensure that the development is done in accordance with the necessary standards and guidelines, conditions of approval are a common phenomenon.

It is our view that the proposed development will have an enhancing impact on the surrounding area and **no mitigation is foreseen for the development project.**

I trust therefore that the application for **Rezoning and Subdivision of Portion 54 of Farm 1202 Paarl** in order to facilitate a new residential development thereon as depicted on the attached ***Subdivision Plan: Plan H10-150 SUB1 REV04 dated March 2021*** will be approved.

PIERRE-JEAN LE ROUX

Pr. Pln. A./803/1995



P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Portion 54 of farm 1202 Paarl

April 2021

ANNEXURE F

**APPLICATION FOR REZONING TO
SUBDIVISIONAL AREA &
SUBDIVISION OF FARM NO. 1202/54,
JOHANNESDAL, PAARL DIVISION**

PORTFOLIO OF EVIDENCE

29

78

REGISTERED LETTER
GEREGISTREERDE BRIEF

(with an insurance option/met 'n versekeringsopsie)

Post Office

Full tracking and tracing/Volledige volg en spoor

Addressed to/Geadresseer aan
 P-J Le Roux Town planners
 P.O Box 3457

Paarl 7020 Postcode/Postkode

The value of the contents of this letter is as indicated and compensation is not payable for a letter received and lost. Compensation is limited to R100.00. No compensation is payable without documentary proof. Optional insurance up to R2000.00 is available and applies to domestic registered letters only.
 Die waarde van die inhoud van hierdie brief is soos aangedui en vergoeding sal nie betaal word vir 'n brief wat sonder dokumentêre bewys betraalbaar is. Opsionele versekering tot R2 000.00 is beskikbaar en is slegs op binne-landse geregistreerde briewe van toepassing.

Postage paid R _____ c
 Service fee/Diensgeld R _____ c
 Insurance/Versekering R _____ c
 Total/Totaal R _____ c

Insured value of contents
 Versekerde waarde van inhoud R _____ c

Enquiries/Navrae
 Toll-free number
 Tolvry nommer
 0800 111 502

Initial of accepting office
 Paarl 7020
 Post Office

Date stamp
 08 JUL 2021

Affix Track and Trace customer copy
 Plaas Volg-en-Spoor-kliëntafskrif

Parasaf van aanseem
 Folio No: 1
 Datumstempel

21V2

Sections 45, 46 and 55 of the Stellenbosch Municipal Land Use Planning By-Law (2015)

Erf / Farm no	1202	Portion(s) if farm	54	Allotment Area	PAARL
Owner/Applicant	P-J LE ROUX TOWN PLANNERS			LU/#	12632
Notice Period	From:	8 JULY 2021	To:	10 AUGUST 2021	

CONFIRMATION OR DOCUMENTATION SUBMITTED	OWNER/APPLICANT			ADMIN VERIFY
	YES	NO	N/A	
1. The declaration is duly signed				✓
2. Applicant confirms that the public participation process was duly undertaken as instructed and attached				✓
3. Municipality informed of the start date and closure date				✓
4. The advertisement period complies with the required 30 days (60 days for municipal departments and organs of state)				✓
5. If applicable, confirms that the site notice was placed and kept on site for the full duration of the public participation process				✓
6. All communications (other than notices) in respect of the public participation process attached				✓
Proof of notices published				
7. If applicable, photo evidence to confirm site notice (one close up and one from across the street)				✓
8. Wording of the advertisement accurate and copy attached				✓
9. Proof of notices published (publication date visible)				✓
Proof of notices served				
10. Wording of notice accurate and example attached				✓
11. Proof of all notices served to neighbouring properties attached				✓
12. Proof of all notices served to interest and community groups attached				✓
13. Proof of all notices served to municipal departments and organs of state (government dept's and entities) attached				✓
Comments received				
14. All objections and comments received attached, including amended comments if relevant				✓
15. All comments from municipal departments and organs of state received (must also be attached to POE)				✓
16. Consent from abutting property owners obtained and attached				✓

1202/54 JB

712903

STELLENBOSCH MUNICIPALITY
 PLANNING AND DEVELOPMENT SERVICE

01 SEP 2021

RECEIVED

17. Applicant's written reply / responding comments on all the objections attached.

KINDLY NOTE:

1. The POE may only be submitted once all relevant municipal departments and organs of state have submitted their comment, inclusive of the applicant's written reply thereto.
2. When any comments have been discussed or amended terms negotiated with the relevant commenting entity, the amended comments and the applicant's written reply thereto must be attached to the POE.
3. The decision-making period will only commence after receipt and confirmation of a complete POE in accordance with section 57 of the Bylaw.

COMPLETE AND SIGN THE FOLLOWING DECLARATION

DECLARATION

I, (full names & surname) **PIERRE-JEAN LE ROUX**

and ID No: **631214 5054 089**, as the Applicant for the above application, hereby confirms:

- 1) 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;
- 2) 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; and
- 3) the personal information (e.g. name, address, contact details) of interested and affected parties as supplied by the Municipality was only used for official municipal communication matters with reference to the Protection of Personal Information Act 4 of 2013 (POPI).

Duly signed on

24 AUGUST 2021

Date

at

PAARL

Place

Signature



For office use only

CHECKED BY ADMINISTRATIVE OFFICER

Salome 20.9.2021.

CHECKED BY TOWN PLANNER

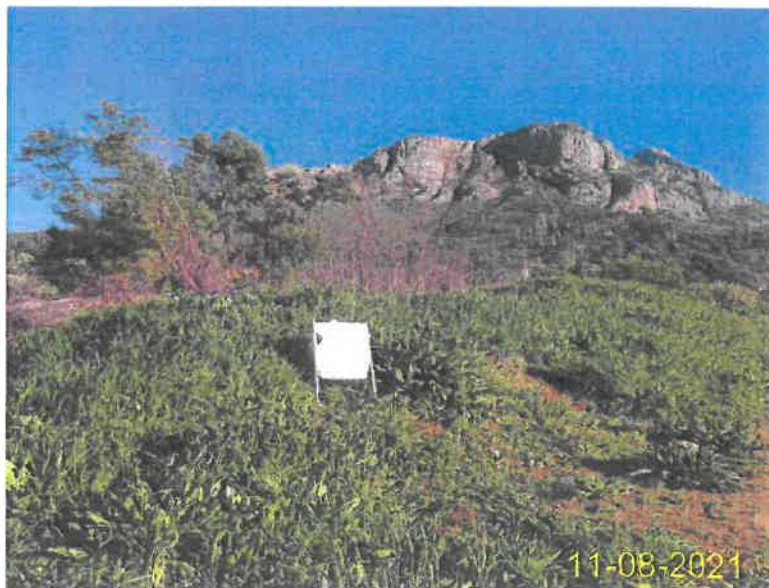
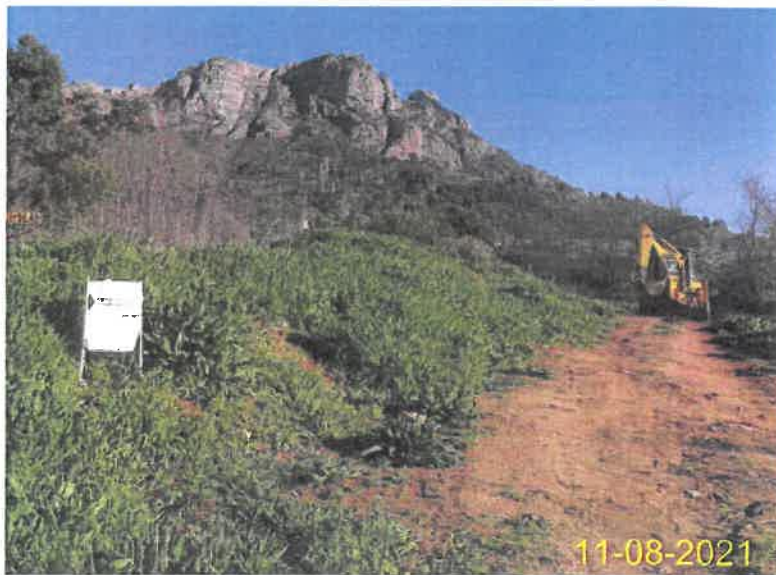
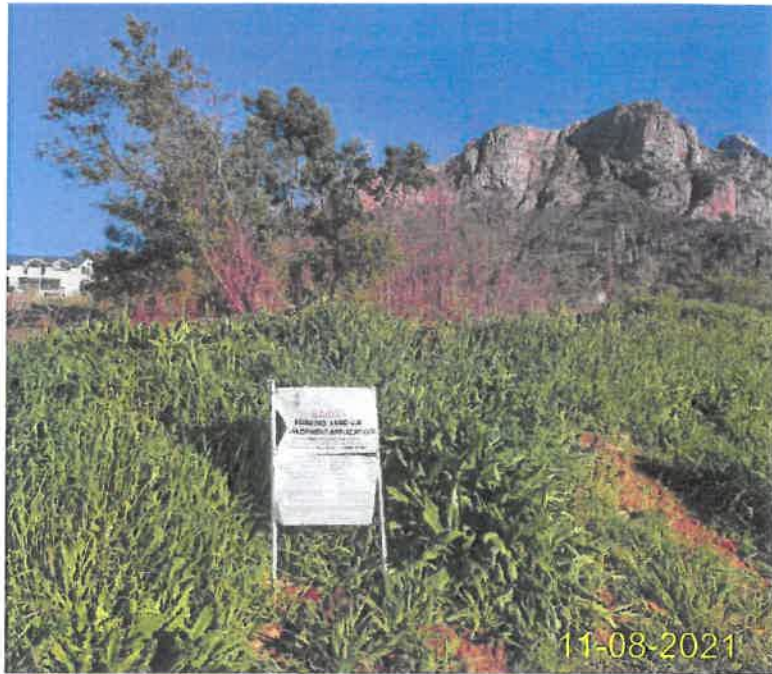
DATE VERIFIED

NOTES TO BE RECORDED:

Portion 54 of Farm 1202
Johannesdal



Portion 54 of Farm 1202 Johannesburg



**APPLICATION FOR REZONING, SUBDIVISION AND PHASING OF THE
DEVELOPMENT:**

FARM 1202/54, JOHANNESDAL

H 10-150

DETAILS OF INDIVIDUALS	REGISTERED MAIL TRACKING NUMBER
P/A ARCHIE WILLIAMS POSBUS 3 PNIEL 7681	<div style="border: 1px solid black; padding: 5px; width: fit-content;"> <p align="center">INSURED PARCEL <small>ShareCall 0800 111 502 www.sapo.co.za</small> PA 478 307 554 ZA CUSTOMER COPY 301012</p> </div>
NN SEPTEMBER POSBUS 77 PNIEL 7681	<div style="border: 1px solid black; padding: 5px; width: fit-content;"> <p align="center">ORDINARY PARCEL <small>ShareCall 0800 111 502 www.sapo.co.za</small> PE 930 229 865 ZA CUSTOMER COPY 301016</p> </div>
THE O AUTO INVESTMENTS PTY LTD 7 SIMONSBERG STREET STELLENBOSCH 7600	<div style="border: 1px solid black; padding: 5px; width: fit-content;"> <p align="center">ORDINARY PARCEL <small>ShareCall 0800 111 502 www.sapo.co.za</small> PE 930 229 882 ZA CUSTOMER COPY 301016</p> </div>
Mnr/Me HD LACKAY POSBUS 252 PNIEL 7681	<div style="border: 1px solid black; padding: 5px; width: fit-content;"> <p align="center">INSURED PARCEL <small>ShareCall 0800 111 502 www.sapo.co.za</small> PA 478 307 523 ZA CUSTOMER COPY 301012</p> </div>
LUMLEY'S PLACE CC 5 LUMLEYS AVENUE JOHANNESDAL PNIEL 7681	<div style="border: 1px solid black; padding: 5px; width: fit-content;"> <p align="center">INSURED PARCEL <small>ShareCall 0800 111 502 www.sapo.co.za</small> PA 478 307 545 ZA CUSTOMER COPY 301012</p> </div>

Paarl 7620
 Post Office

08 JUL 2021

Folio No: 1

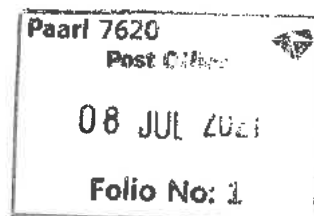
<p>Mnr/Me J SEPTEMBER POSBUS 94 PNIEL 7681</p>	<p>ORDINARY PARCEL ShareCall 0800 111 502 www.sapo.co.za PE 930 229 848 ZA CUSTOMER COPY 301016</p>
<p>Mnr/Me RE SEPTEMBER PROTEASTRAAT 12 JOHANNESDAL PNIEL 7681</p>	<p>ORDINARY PARCEL ShareCall 0800 111 502 www.sapo.co.za PE 930 229 785 ZA CUSTOMER COPY 301016</p>
<p>KL+ML LACKAY PROTEASTRAAT 8 JOHANNESDAL PNIEL 7681</p>	<p>ORDINARY PARCEL ShareCall 0800 111 502 www.sapo.co.za PE 930 229 750 ZA CUSTOMER COPY 301016</p>
<p>LS LACKAY POSBUS 74 PNIEL 7681</p>	<p>ORDINARY PARCEL ShareCall 0800 111 502 www.sapo.co.za PE 930 229 834 ZA CUSTOMER COPY 301016</p>
<p>LD DE WET PO BOX 85 PNIEL 7681</p>	<p>ORDINARY PARCEL ShareCall 0800 111 502 www.sapo.co.za PE 930 229 879 ZA CUSTOMER COPY 301016</p>
<p>AJB STUBBS 12 LUMLEY STREET POSBUS 111 JOHANNESDAL 7681</p>	<p>ORDINARY PARCEL ShareCall 0800 111 502 www.sapo.co.za PE 930 229 825 ZA CUSTOMER COPY 301016</p>

Paarl 7620
 Post Office

08 JUL 2021

Folio No: 1



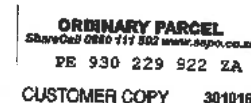


<p>Mnr/Me S CLARKE POSBUS 353 PNIEL 7681</p>	<p>ORDINARY PARCEL ShareCall 0800 111 802 www.sapo.co.za PE 930 229 817 ZA CUSTOMER COPY 301016</p>
<p>Mnr CD NOVEMBER POSBUS 340 PNIEL 7681</p>	<p>ORDINARY PARCEL ShareCall 0800 111 802 www.sapo.co.za PE 930 229 794 ZA CUSTOMER COPY 301016</p>
<p>Mnr/Me I & KS ISAACS POSBUS 88 PNIEL 7681</p>	<p>ORDINARY PARCEL ShareCall 0800 111 802 www.sapo.co.za PE 930 229 803 ZA CUSTOMER COPY 301016</p>
<p>Mnr IP ADAMS POSBUS 93 PNIEL 7681</p>	<p>ORDINARY PARCEL ShareCall 0800 111 802 www.sapo.co.za PE 930 229 777 ZA CUSTOMER COPY 301016</p>
<p>AS+HG FORTUIN PO BOX 256 PNIEL 7681</p>	<p>ORDINARY PARCEL ShareCall 0800 111 802 www.sapo.co.za PE 930 229 763 ZA CUSTOMER COPY 301016</p>
<p>NAM ONTWIKKELAARS CC POSBUS 104 PNIEL 7681</p>	<p>ORDINARY PARCEL ShareCall 0800 111 802 www.sapo.co.za PE 930 229 851 ZA CUSTOMER COPY 301016</p>



**APPLICATION FOR REZONING, SUBDIVISION AND PHASING OF THE
DEVELOPMENT:**

FARM 1202/54, JOHANNESDAL

H 10-150

DETAILS OF INDIVIDUALS	REGISTERED MAIL TRACKING NUMBER
DEPARTMENT OF AGRICULTURE DIRECTORATE: LAND USE MANAGEMENT PRIVATE BAG X120 PRETORIA 0001	 <p>INSURED PARCEL ShareCall 0800 111 502 www.epo.co.za PA 478 307 510 ZA CUSTOMER COPY 301012</p>
DEPARTMENT OF TRANSPORT AND PUBLIC ROADS DEPUTY DIRECTOR-GENERAL: ROADS INFRASTRUCTURE P O BOX 2603 CAPE TOWN 8000	 <p>INSURED PARCEL ShareCall 0800 111 502 www.epo.co.za PA 478 307 537 ZA CUSTOMER COPY 301012</p>
THE DISTRICT ROADS ENGINEER (PAARL) PRIVATE BAG X 6003 PAARL 7646 ATTENTION: MR G VAN SCHALKWYK	 <p>ORDINARY PARCEL ShareCall 0800 111 502 www.epo.co.za PE 930 229 922 ZA CUSTOMER COPY 301016</p>
DEPT. OF ENVIRONMENTAL AFFAIRS & DEVELOPMENT PLANNING PRIVATE BAG X 9086 CAPE TOWN 8000 DIRECTOR: DEVELOPMENT MANAGEMENT REGION 2: ATTENTION: KOBUS MUNRO	 <p>ORDINARY PARCEL ShareCall 0800 111 502 www.epo.co.za PE 930 229 905 ZA CUSTOMER COPY 301016</p>  <p>Paarl 7620 Post Office 08 JUL 2021 Folio No: 1</p>

PJ le Roux Kantoor

From: PJ le Roux Kantoor [info@pjleroux.co.za]
Sent: Thursday, 08 July 2021 08:06
To: 'bartjacobs23@ziggo.nl'
Subject: Notice: Portion 54 of Farm 1202, Johannesburg
Attachments: Notice - Ptn 54 of Farm 1202, Johannesburg .pdf; Locality.pdf; Subdivision Plan Barron_H 10-150 SUB1 REV5_MAY 2021.pdf

Importance: High

Dear: Bart Jacobs

**APPLICATION IN TERMS OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW, 2015:
 APPLICATION FOR REZONING, SUBDIVISION AND PHASING OF THE DEVELOPMENT:
 PORTION 54 OF FARM 1202, JOHANNESDAL**

Being the owner of Erven 220, 221 and 218, Johannesburg in the vicinity of the abovementioned land unit, in the vicinity of Portion 54 of Farm 1202 Johannesburg, you are hereby informed that a land use planning application was recently submitted to the Stellenbosch Municipality for Rezoning, Subdivision and phasing of the development.

As instructed in terms of the Stellenbosch Land Use Planning, 2015, please find the necessary notice for your attention.

You are provided the opportunity to comment on the contents of the notice and should be submitted within **30 days** from the date of receipt of this email viz by **9 August 2021** and which must be emailed to the applicant by electronic mail as follows: P-J le Roux Town Planners Pty Ltd / pj@pjleroux.co.za.

If you have any questions please feel free to contact this office.

Please acknowledge receipt of this email.

Kind regards

Gregory de Vries
 C/19178/2020
 ND (TRP)



Pty Reg. No.: 2015 / 058583 / 07

262 Main Road / P.O.Box 3457
 Paarl Paarl
 7646 7620
 Tel: 021-8722499
 Faks: 086 605 8431

PJ le Roux Kantoor

From: PJ le Roux Kantoor [info@pjlroux.co.za]
Sent: Thursday, 08 July 2021 08:06
To: 'infostlandbo@mweb.co.za'
Subject: Notice: Portion 54 of Farm 1202, Johannesburg
Attachments: Notice - Ptn 54 of Farm 1202, Johannesburg .pdf; Locality.pdf; Subdivision Plan Barron_H 10-150 SUB1 REV5_MAY 2021.pdf

Importance: High

Dear: Stellenbosch Agricultural Society

**APPLICATION IN TERMS OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW, 2015:
 APPLICATION FOR REZONING, SUBDIVISION AND PHASING OF THE DEVELOPMENT:
 PORTION 54 OF FARM 1202, JOHANNESDAL**

As interested and affected parties, in the vicinity of Portion 54 of Farm 1202 Johannesburg, you are hereby informed that a land use planning application was recently submitted to the Stellenbosch Municipality for Rezoning, Subdivision and phasing of the development.

As instructed in terms of the Stellenbosch Land Use Planning, 2015, please find the necessary notice for your attention.

You are provided the opportunity to comment on the contents of the notice and should be submitted within **30 days** from the date of receipt of this email viz by **9 August 2021** and which must be emailed to the applicant by electronic mail as follows: P-J le Roux Town Planners Pty Ltd / pi@pjlroux.co.za.

If you have any questions please feel free to contact this office.

Please acknowledge receipt of this email.

Kind regards

Gregory de Vries
 C/9178/2020
 ND (TRP)



Pty Reg. No.: 2015 / 058583 / 07

262 Main Road / P.O.Box 3457
 Paarl Paarl
 7646 7620
 Tel: 021-8722499
 Faks: 086 605 8431
 Sel: 0760317607

PJ le Roux Kantoor

From: PJ le Roux Kantoor [info@pjlroux.co.za]
Sent: Thursday, 08 July 2021 08:06
To: 'info@stellenboschinterestgroup.org'
Subject: Notice: Portion 54 of Farm 1202, Johannesburg
Attachments: Notice - Ptn 54 of Farm 1202, Johannesburg .pdf; Locality.pdf; Subdivision Plan Barron_H 10-150 SUB1 REV5_MAY 2021.pdf

Importance: High

Dear: Stellenbosch Interest Group

**APPLICATION IN TERMS OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW, 2015:
 APPLICATION FOR REZONING, SUBDIVISION AND PHASING OF THE DEVELOPMENT:
 PORTION 54 OF FARM 1202, JOHANNESDAL**

As interested and affected parties, in the vicinity of Portion 54 of Farm 1202 Johannesburg, you are hereby informed that a land use planning application was recently submitted to the Stellenbosch Municipality for Rezoning, Subdivision and phasing of the development.

As instructed in terms of the Stellenbosch Land Use Planning, 2015, please find the necessary notice for your attention.

You are provided the opportunity to comment on the contents of the notice and should be submitted within **30 days** from the date of receipt of this email viz by **9 August 2021** and which must be emailed to the applicant by electronic mail as follows: P-J le Roux Town Planners Pty Ltd / pi@pjlroux.co.za.

If you have any questions please feel free to contact this office.

Please acknowledge receipt of this email.

Kind regards

Gregory de Vries
 C/9178/2020
 ND (TRP)



Pty Reg. No.: 2015 / 058583 / 07

262 Main Road / P.O.Box 3457
 Paarl Paarl
 7646 7620
 Tel: 021-8722499
 Faks: 086 605 8431
 Sel: 0760317607

ANNEXURE G

**APPLICATION FOR REZONING TO
SUBDIVISIONAL AREA &
SUBDIVISION OF FARM NO. 1202/54,
JOHANNESDAL, PAARL DIVISION**

OBJECTION FROM SIG



Belangegroep Stellenbosch Interest Group

9 August 2021

Mr P J Le Roux pj@pileroux.co.za
 Town and Regional Planner
 262 Main Road
 PAARL

Dear Mr Le Roux

OBJECTION TO THE PROPOSED REZONING (FROM "AGRICULTURAL & RURAL ZONE" TO "SUBDIVISIONAL AREA OVERLAY ZONE") IN TERMS OF SECTION 15(2)(a) AND TO SUBDIVISION IN TERMS OF SECTION 15(2)(d) OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BY-LAW 2015: PORTION 54 OF FARM 1202 JOHANNESDAL: TO PERMIT THE ESTABLISHMENT OF 30 CONVENTIONAL RESIDENTIAL ERVEN, 3 PUBLIC OPEN SPACES AND ASSOCIATED PUBLIC ROADS

1. I refer to a notice in the media concerning the abovementioned application calling for comment before the closing date of 10 August 2021. The copy of the application on the Municipal website with reference LU/12632, downloaded by the Stellenbosch Interest Group (SIG), however, states that the commenting period extends from 8 July 2021 to 9 August 2021.
2. For your information, paragraph 5.7.2 on page 84 of the Stellenbosch Municipality Spatial Development Framework (MSDF), approved by the Council on 11 November 2019, the following is stated: "Pniel, Lanquedoc, Johannesdal and Kylemore remain relatively distinct, with small scale farms within the urban edge of each. Agricultural trade and labour 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. Undeveloped land within the urban edge occurs south of Pniel and in a corridor between Lanquedoc and Kylemore. (These areas were defined as future development areas in the previous MSDF)". On page 85 of the same document this property is, in its entirety, designated as an **open green area including agriculture (see Figure 38, Dwars River Valley Concept)**. In relation to this scenario, the following is also indicated in **Figure 39, being the Dwars River Valley Plan**, on page 87 of the MSDF, namely that the bulk of abovementioned property is designated as a **Green Area Retained**. A small portion of the property is also designated as a **Graded Landscape to be Protected**.
3. In addition to the restrictions referred to in paragraph 2 above, Table 16 on page 49 of the MSDF it is indicated that **no land for indigent housing is required in Johannesdal**.

4. Notwithstanding the fact that this property had been defined as a future development area in the previous MSDF, current policy indicates that the Municipality needs to exercise its discretion when considering purely market driven applications such as this. In doing so it needs to carefully consider the following principles and policies contained in the MSDF. For ease of reference the seven key principles contained in the MSDF can be summarised as follows:

- maintain and grow our natural assets;
- respect and grow our cultural heritage;
- direct growth to areas of less natural and cultural significance as well as movement opportunity;
- clarify and respect the different roles and functions of settlements;
- clarify and respect the roles and functions of different elements of the movement structure;
- ensure balanced, sustainable communities; and
- focus collective energy on critical catalytic projects.

5. In summary this proposal is not consistent with applicable policy as future residents of the proposed development will be entirely dependent on private transport and are extremely unlikely to find employment in the Dwars River Valley. Commuting by these residents will add considerably to the carbon footprint and cannot be supported. Based on the seven principles above and five other very well-defined policy statements in the MSDF (quoted below), development proposals that do not conform to these principles and policy statements should not be approved.

“Even if difficult, it is a matter of now or never. We cannot behave and live like before. We cannot afford to lose more nature and agricultural land, develop at low densities, and prioritise building roads for private cars more than public transport. If we do that, the system will fail. Material wealth will not assist.”

“Containing settlement footprints by curtailing the further development of peripheral dormitory housing projects.”

“Containment of settlements to protect nature / agricultural areas and enable public and non-motorized transport and movement.”

“A focus on public and non-motorized transport and movement.”

“Allow future opportunity to build on existing infrastructure investment”

6. The “Change Actions” referred to in Table 24 on page 86 of the MSDF requires that more detailed planning should be undertaken and that various alternatives should be considered to determine how best this property can be developed, having regard to the afore-mentioned principles, policies, and guidelines. Please note that as the proposed development will change the character of an area larger than 5000 m², the application cannot be considered until Heritage Western Cape (HWC) has commented thereon. This is especially important because of the visually sensitive location of the property.

7. In the light of the above-mentioned comments and reasoning it is recommended that alternative uses and a variety of proposed densities of development on the land unit should be considered. In this respect subdivision of the property into two or even three units could be considered as such development would have a far lower visual impact and give rise a greatly reduced carbon footprint. It is accordingly trusted that the development as currently proposed on Portion 54 of the Farm 1202, will not be approved.

Yours faithfully



Patricia Botha
(Chairperson)

Cc esther.groenewald@ Stellenbosch.gov.za; Portfolio Councillor, Planning and Economic Development

Anthony.barnes@ Stellenbosch.gov.za; Director: Planning and Economic Development

ANNEXURE H

**APPLICATION FOR REZONING TO
SUBDIVISIONAL AREA &
SUBDIVISION OF FARM NO. 1202/54,
JOHANNESDAL, PAARL DIVISION**

**COMMENT FROM THE
DEPARTMENT OF
ENVIRONMENTAL AFFAIRS
AND DEVELOPMENT
PLANNING**

**DIRECTORATE: DEVELOPMENT MANAGEMENT (REGION 2)**

Angelina.Mabie@westerncape.gov.za
Tel: +27 21 483 8354 Fax: +27 21 483 3633
1 Dorp Street, Cape Town, 8000
www.westerncape.gov.za/eadp

REFERENCE: 15/3/2/12/BS2

P-J Le Roux Town Planners (PTY) LTD
262 Main Road
Paarl
7646
pj@pjlroux.co.za

FOR ATTENTION: P-J LE ROUX

REQUEST FOR PLANNING COMMENT: REZONING AND SUBDIVISION: PORTION 54 OF FARM 1202, JOHANNESDAL

1. Your request for comment, dated 8 July 2021, has reference.
2. The application under consideration is the rezoning of Portion 54 of Farm 1202, Johannesburg from Agriculture & Rural Zone to Subdivisional Area Overlay Zone and the subdivision thereof into 35 portions (30 Conventional Residential Zone erven, 3 Public Open Spaces and 2 Public Road & Parking Zoned erven).
3. The site is located within the urban edge of Johannesburg in terms of the Stellenbosch Development Framework, 2019 and the proposed development will be compatible with the surrounding approved residential developments, such as the Mentoor Mountain Estate to the immediate south of the subject property.
5. This Directorate has no objection to the proposed development from a provincial planning perspective, and reserves the right to amend its comment should any additional or new information be obtained.

Kobus Munro Digitally signed by Kobus Munro
Date: 2021.08.04 12:19:10 +02'00'

DIRECTOR: DEVELOPMENT MANAGEMENT REGION 2

ANNEXURE I

**APPLICATION FOR REZONING TO
SUBDIVISIONAL AREA &
SUBDIVISION OF FARM NO. 1202/54,
JOHANNESDAL, PAARL DIVISION**

**COMMENT FROM HERITAGE
WESTERN CAPE**

Our Ref: HM/ CAPE WINELANDS / STELLENBOSCH / PORTION 54 OF FARM 1202
Case No: 21032408S80408E
Enquires: Stephanie-Anne Barnardt
E-mail: stephanie.barnardt@westerncape.gov.za
Tel: 021 483 5959



Jenna Lavin
 jenna.lavin@ctsheritage.com

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 ON PTN 54 OF FARM 1202, BARRON HEIGHT PROTEA ROAD, PNIEL SUBMITTED IN TERMS OF SECTION 38(8) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 21032408S80408E

The matter above has reference.

Heritage Western Cape is in receipt of additional information for the above matter received. This matter was discussed at the Heritage Officers meeting held on 19 April 2021.

You are hereby notified that, since there is no reason to believe that the proposed residential development on Ptn 54 of Farm 1202, Barron Height Protea Road, Pniel 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 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: ceoheritage@westerncape.gov.za

Straatadres: Protea Assuransie-gebou, Groenemarkplein, Kaapstad, 8000 • Posadres: Posbus 1665, Kaapstad, 8000
 • Tel: +27 (0)21 483 5959 • E-pos: ceoheritage@westerncape.gov.za

Idilesi yendawo: kungangatho 3, kwisakhiwo iprotea Assurance, Greenmarket Square, eKapa, 8000 • Idilesi yeposi: nombolo yethokisi yeposi 1665, eKapa, 8000 • Inombolo zokuxheba: +27 (0)21 483 5959 • Idilesi ye-imeyile: ceoheritage@westerncape.gov.za



CTS HERITAGE

HERITAGE SCREENER

CTS Reference Number:	CTS21_060
HWC Ref:	21032408
Client:	Cornerstone Environmental Consultants (Pty) Ltd
Date:	March 2021
Title:	PROPOSED BARRON HEIGHTS RESIDENTIAL DEVELOPMENT ON PORTION 54 OF FARM 1202, JOHANNESDAL, PAARL REGISTRATION DIVISION, WESTERN CAPE

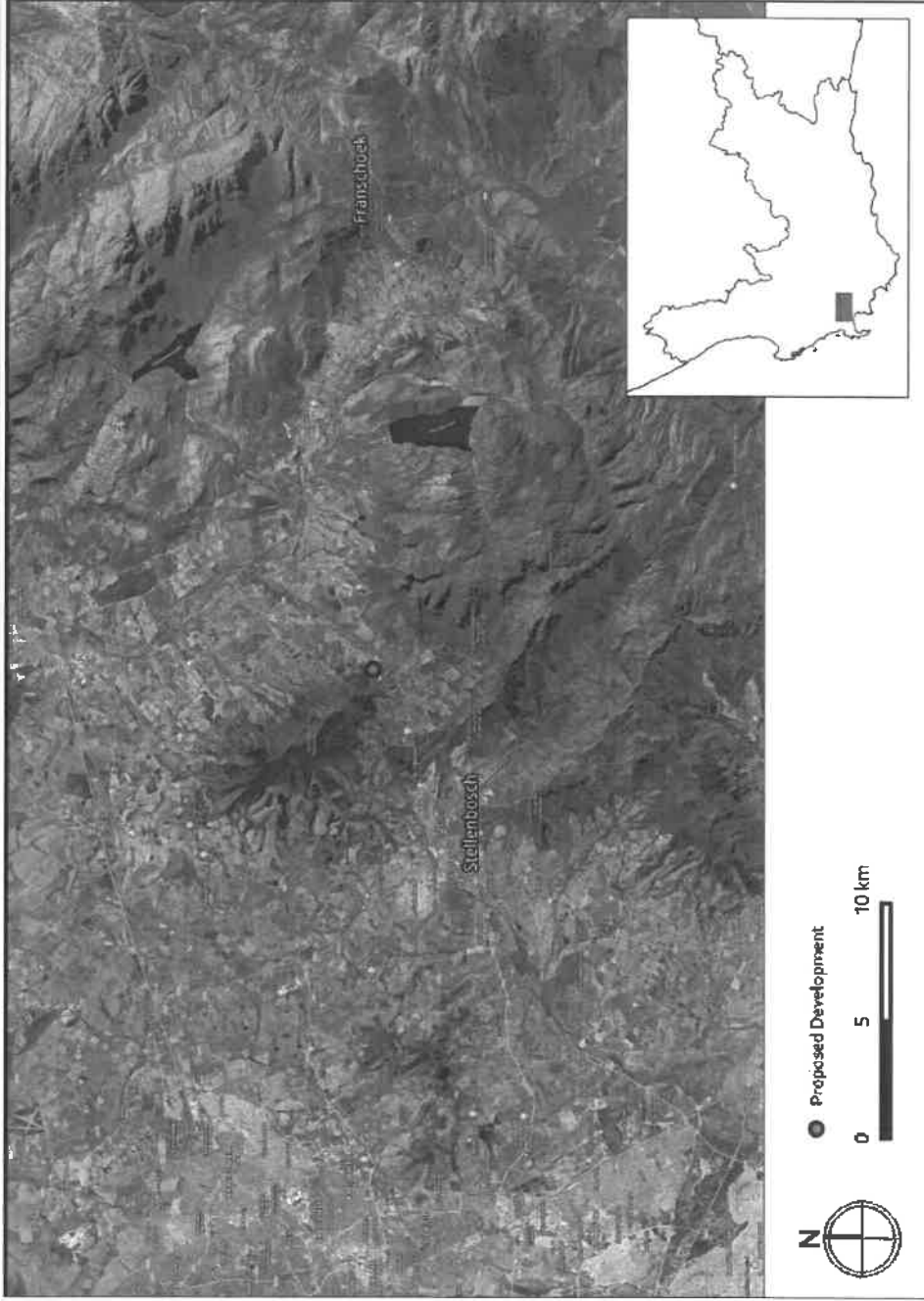
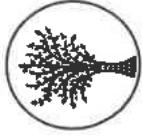


Figure 1a. Satellite map indicating the location of the proposed development in the Western Cape Province

Recommendati
on by CTS
Heritage
Specialists

RECOMMENDATION:

Based on the information available, it is unlikely that the proposed development will negatively impact on significant heritage resources. As such, it is recommended that no further specialist heritage assessments are required.



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1. Development Summary

The primary purpose of this application is to utilize the existing infrastructure and natural environment to optimise the potential of the subject property in order to create a sustainable and financially viable residential development thereon. This proposed development, which will be developed in two phases, will fit in with what is already happening in the immediate surroundings with various approved residential developments.

The subject property is small, isolated and bounded by a residential development (Mentoor Mountain Estate) to the south and east. The subject property is bounded by high density vegetation, small scale farming/gardening and housing (dwelling houses) towards the north and high density vegetation / Simonsberg Mountain / Nature Reserve approximately 500m to the west. The subject property abuts the recently constructed Protea Road which provides access to the abutting Mentoor Mountain Estate development. This Protea Road forms part of the road master plan for the area providing access to the subject property as well as other properties to the immediate north thereof. The intention is to extend Protea Road over the eastern portion of the subject property and to gain access to the new development from that portion of road. This new access will be designed in accordance with the requirements and will provide access to the entire development. Access will be gained at the eastern portion of the subject property with a connection to the municipal street in the abutting Mentoor Mountain Estate almost in the centre of the subject property as depicted on the attached Subdivision Plan.

The development concept comprises the optimizing of the subject property within the existing area by redeveloping it into a functional and viable residential development (35 portions) comprising of 30 individual residential erven, 3 open space portions and 2 public road portions as depicted on the attached Subdivision Plan: Plan H 10-150 SUB1 REV04 dated March 2021 (Figure 5).

Provision is also made for:

- A public road network;
- 13m wide internal road from Protea Road also giving access to the abutting residential development (Mentoor Mountain Estate) and which will link with a 10m wide internal road network (phase 2);
- Provision is also made for services servitude 3m wide over Portion 3 to facilitate stormwater run-off as depicted on the Subdivision Plan;
- Municipal services, i.e. water and electricity

2. Application References

Name of relevant heritage authority(s) 'HWC

Name of decision making authority(s) 'DEADP

3. Property Information

Latitude / Longitude 33°54'7.37"S 18°56'57.79"E

Erf number / Farm number Portion 54 of Farm 1202



Local Municipality	Stellenbosch
District Municipality	Cape Winelands
Province	Western Cape
Current Use	Vacant
Current Zoning	Agriculture
Total Extent of Property	2.03 ha

4. Nature of the Proposed Development

Total Surface Area of development	2.03 ha
Depth of excavation (m)	TBA
Height of development (m)	TBA

5. Category of Development

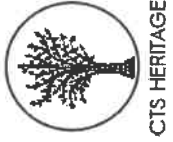
x	Triggers: Section 38(8) of the National Heritage Resources Act
	Triggers: Section 38(1) of the National Heritage Resources Act
	1. Construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier over 300m in length.
	2. Construction of a bridge or similar structure exceeding 50m in length.
	3. Any development or activity that will change the character of a site-
x	a) exceeding 5 000m ² in extent
	b) involving three or more existing erven or subdivisions thereof
	c) involving three or more erven or divisions thereof which have been consolidated within the past five years
	4. Rezoning of a site exceeding 10 000m ²
	5. Other (state):



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6. Additional Infrastructure Required for this Development

A 13 m wide road will be developed.



7. Mapping (please see Appendix 3 and 4 for a full description of our methodology and map legends)



Figure 1b Overview Map. Satellite image (2019) indicating the proposed development area at closer range.



Figure 1c. Overview Map. Satellite image (2019) indicating the proposed development area at closer range.

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34 Harries Street, Plumstead
Tel: +27 (0)87 073 5739 Email: info@ctsheritage.com Web: www.ctsheritage.com

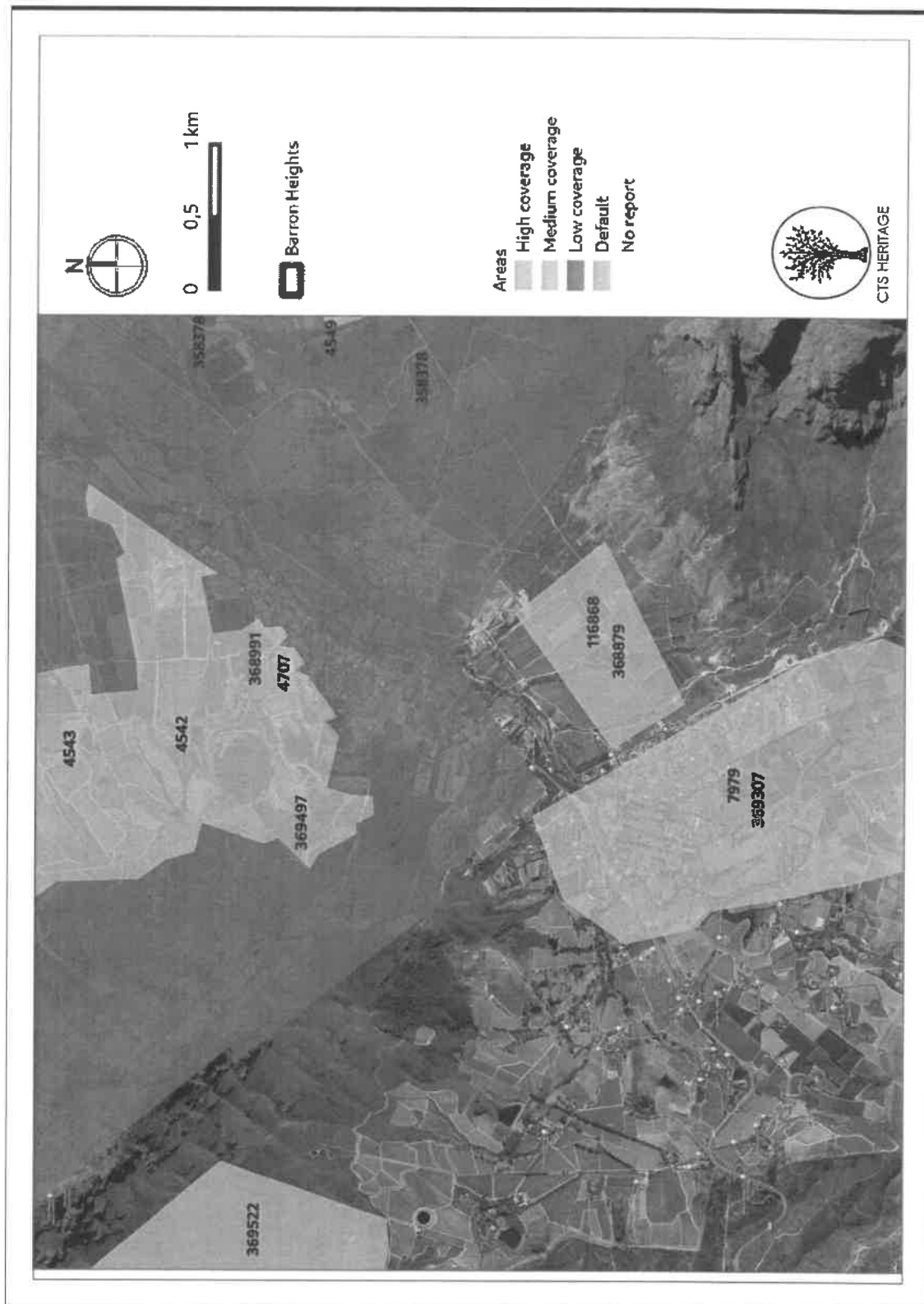


Figure 2a. Previous HIAs Map. Previous Heritage Impact Assessments surrounding the proposed development area within 10km, with SAHRIS NIDS indicated. Please see Appendix 2 for a full reference list.

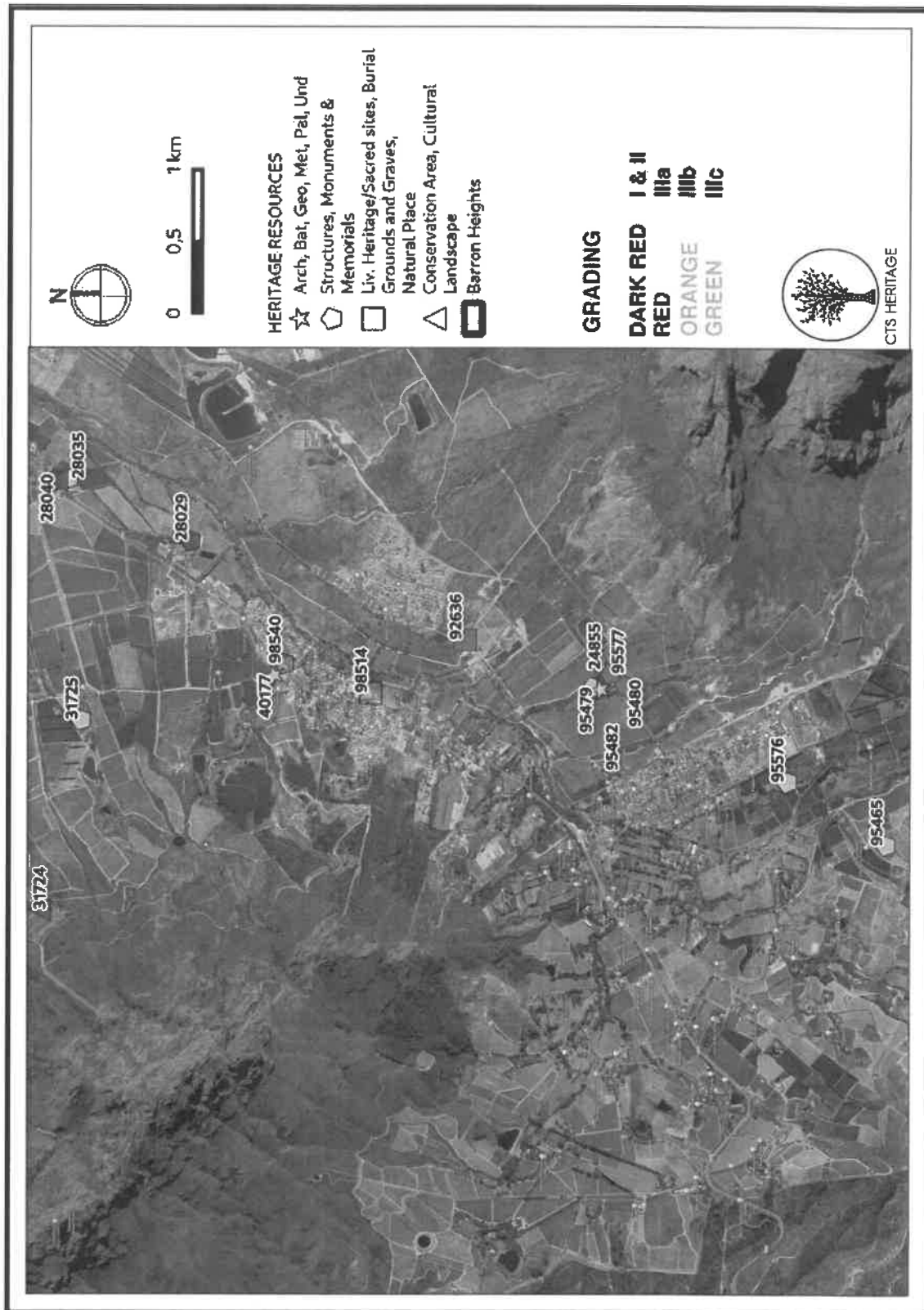


Figure 3a. Heritage Resources Map. Heritage Resources previously identified in and near the study area, with SAHRIS Site IDs indicated. Please See Appendix 4 for full description of heritage resource types.

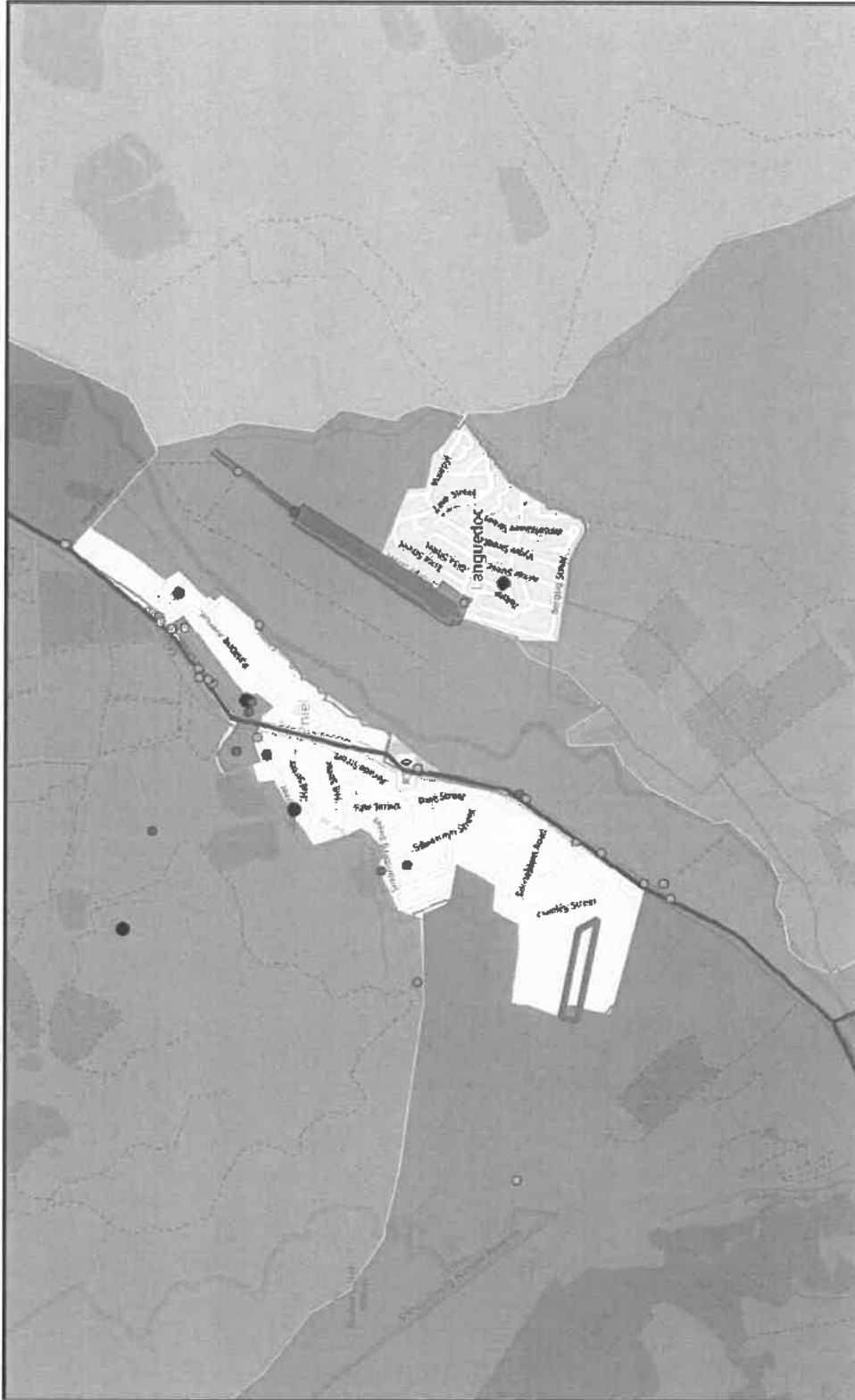
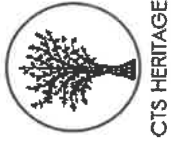


Figure 3b. Heritage Resources Map. Extract from the online map for the Stellenbosch Municipal Heritage Survey for Priel:
<http://stellenboschheritage.co.za/smhs/map/#15/-33.8991/18.9575>

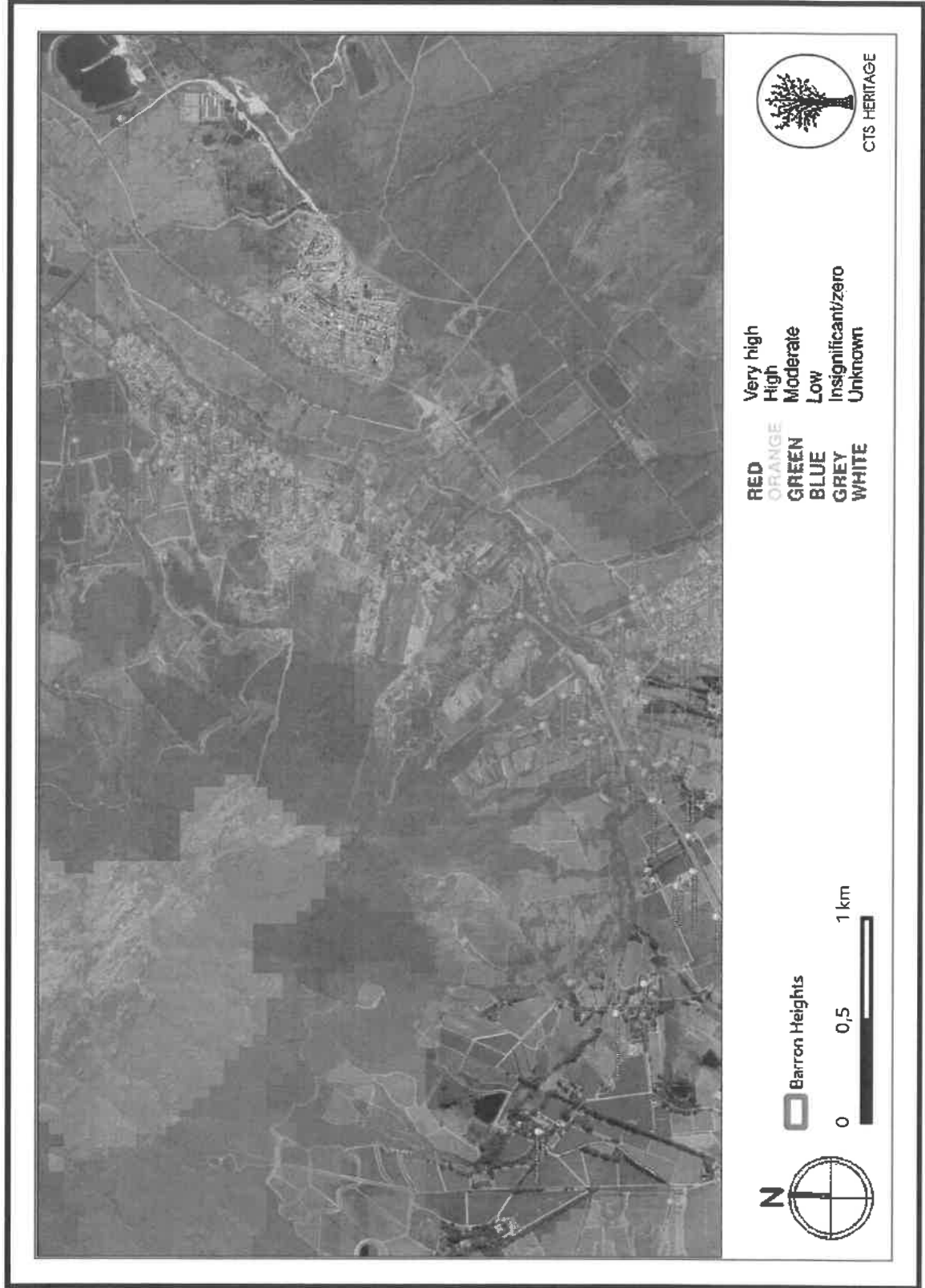
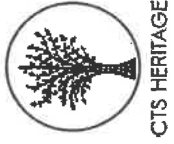


Figure 4. Palaeosensitivity Map. Indicating very high and low fossil sensitivity underlying the study area. Please See Appendix 3 for a full guide to the legend.

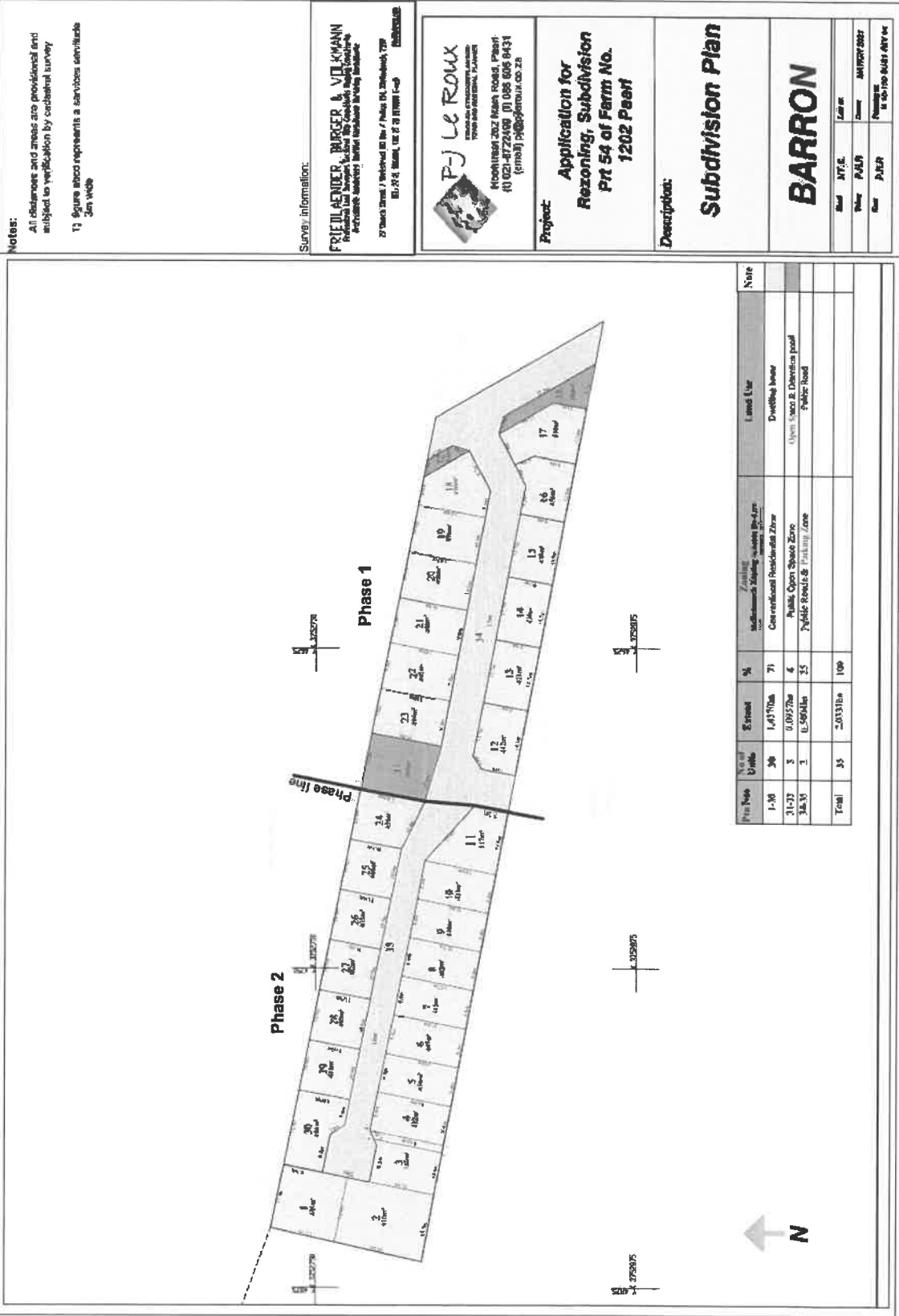
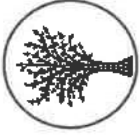


Figure 5. Subdivision Plan.



8. Heritage statement and character of the area

The area proposed for development is located on a small portion of land located within the urban edge in close proximity to the town of Pniel, approximately halfway between Stellenbosch and Franschoek. Pniel was established in 1843 as a Mission Settlement for the United Congregational Church of Southern Africa. According to the Stellenbosch Municipal Heritage Survey (SMHS), "Like Jamestown, Pniel has lost some of the strong spatial structure and elements that would once have defined it as a typical Cape Mission Settlement, but fortunately this has not occurred to the same extent. In the case of Pniel, it is the loss of the "water erven" that would once have stretched from Middel Street to the Banghoek River that are now unfortunately absent from the whole. In all other respects, a legible settlement core remains, and the buildings, spaces and streets making up that core still retain an appropriate grain and scale... The core character unit in Pniel is made up of: the "head" of the town – the church and church hall to the north-west of the R44, when it bends; the "heart" of the town in the form of the commonage or village green, flanked by the museum and dotted with memorials and monuments, and the "spine" of the settlement, being Middel Street, with appropriately-scaled cottages defining both sides of the street. These elements are collectively seen to embody the core townscape character of Pniel." As the proposed development falls outside of the identified historic core of Pniel (Figure 3b), it is unlikely that the proposed development will negatively impact on the historic character of this town.

The area proposed for development is located immediately adjacent to an area that was identified in the SMHS as a significant "Landscape Unit" consisting of the Southern Slopes of the Simonsberg (Figure 3b). This Landscape Unit is described in the attached extract from the SMHS as follows:

"The steep to undulating slopes present south-eastern and south-western aspects and are relatively lush. Densely vegetated perennial streams in ravines such as Keurjieskloof and Silwermykloof characterise the unit, with ecological support areas being predominant here, and on the upper slopes of the mountain. A narrow strip at the bottom of the unit presents some suitable soils for agriculture (viticulture), while the southern boundary of this unit is bounded by the Helsőogte Road (R310). It is considered a highly valued scenic drive. Another distinct characteristic is the number of windbreaks defining 'rooms' for vineyards and other agricultural fields, often terraced. The use of terracing is a rare feature in the cultural landscape of the Cape Winelands. Here, the intimate terrain of terracing in the transition from rural to wilderness creates an 'unintentional aesthetic'. The only other place where terracing is found within the Stellenbosch municipal boundary, is on the north-western slopes of Klapmutskop. This is a highly visible unit, with Simonsberg playing a central role in the visual landscape of the Cape Winelands. It can be seen from much of the Eerste River and Krom River Valleys, the whole of Dwaarsrivier and some sections of the Franschoek Valley. Consequently, the views from some of the properties and the hiking trails on the mountain are expansive and awe-inspiring, especially in the dark pink-tinged late afternoons. The remains of mine workings (shafts and tunnels), and associated settlement can be found on the upper slopes of the Simonsberg above Pniel. The VOC silvermine project was a scam and it was abandoned in 1750. It is a unique site and topic of folklore. It was partially excavated and recorded after a bush fire, and today is an important focus of local tourism (Lucas 2004). The unit is highly significant in terms of its aesthetic and landmark quality, and has exceptional value as a cultural landscape. Any large-scale development will compromise the quality of this landscape and therefore impact its significance and widely recognised and cherished values."

As the proposed development area falls outside of this sensitive landscape as mapped and approved in the SMHS, the proposed development is unlikely to negatively impact on the culturally significant aspects of the Landscape Unit.

Early Stone Age (ESA) implements were first discovered by the French entomologist Dr Louis Peringuey in 1899 at Bosman's Crossing at the foot of the Papagaaienberg alongside the Eerste River in Stellenbosch (Peringuey 1902, 1911; Seddon 1966). The artefacts, exposed in the railway cutting, are associated with the younger gravels of the course alluvial fan on which much of Stellenbosch is situated, and are dated to the earlier part of the Middle Pleistocene, between 700 000 and 300 000 years ago (Deacon & Goosen 1997). Among these tools was an artefact type of great antiquity recognized as an early handaxe. For many years after this, the ESA of South Africa was referred to as the 'Stellenbosch Culture' until the term was re-defined in the 1960s (Goodwin & Van Riet Lowe 1929). A large sandstone boulder marks the location of the Bosman's Crossing Provincial Heritage Site (PHS) which was declared a National Monument in 1962. ESA Acheuleun sites, which are characterised by the presence of specific types of tools such as handaxes, choppers and cleavers, have been recorded throughout the country, and are especially associated with river terraces and streams, mountain slopes, and in degraded and transformed areas such as slope washes, cuttings, excavations, and in vineyards and old fields, where they are often brought to the surface by ploughing.



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Few Middle and Later Stone Age sites are known from the broader Stellenbosch area. Archaeological resources have been found within the Berg River Valley that speak to this pre-colonial past. Hart (2000) identified "finds consisting of a small quantity of highly dispersed Early Stone Age artefactual waste material made of quartzite. No formal artefacts or discrete spatial patterning was noted. No other archaeological material or historic sites were found" located approximately 5km northeast of the proposed development area. The area proposed for development is located in the foothills of the Simonsberg mountains and is some distance from the Berg River. Based on the location of the area proposed for development, it is very unlikely that the proposed development will negatively impact on significant archaeological heritage.

According to the SAHRIS Palaeosensitivity map (Figure 4), the area proposed for development is underlain by sediments of zero palaeontological sensitivity belonging to the granites of the Stellenbosch Batholith. It is therefore very unlikely that the proposed development will negatively impact on significant palaeontological heritage.

RECOMMENDATION:

Based on the information available and above, it is unlikely that the proposed development will negatively impact significant heritage resources. As such, it is recommended that no further specialist heritage assessments are required.



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APPENDIX 1

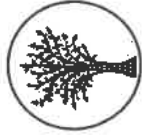
List of heritage resources within close proximity to the development area from SAHRIS

Site ID	Site no	Full Site Name	Site Type	Grading
28035	9/2/069/0041	Boschendal, Groot Drakenstein, Paarl District	Building	Grade IIIb
28029	9/2/069/0059	Rhone, Groot Drakenstein, Paarl District	Building	Grade II
31725	Nieuwedorp Founders' Estates	Nieuwedorp, Farm No 1674/10	Building	Grade IIIb
24855	Old Bethlehem Farm	Old Bethlehem Farm	Conservation Area, Cultural Landscape	Grade IIIb
95465	Rondekop	Oldenburg Vineyards, Rondekop, Zevenrivieren Road, Banhoek, Stellenbosch	Building	Grade IIIb
95479	BETH01	Old Bethlehem Farm Werf	Structures	Grade IIIb
95480	BETH02	Old Bethlehem Farm Werf 02	Building	Grade IIIa
95481	BETH03	Old Bethlehem Farm Werf 03	Stone walling	Grade IIIb
95482	BETH04	Old Bethlehem Farm Werf 04	Stone walling	Grade IIIa
40177	HELS01	Helshoogte 01	Artefacts	Grade IIc
95576	HAPPY	Happy Lands Farmstead	Building	Grade IIIb
95577	BETH05	Old Bethlehem Farm Werf 05	Building	Grade IIIa
98514	PNICEM	Pniel Public Cemetery	Burial Grounds & Graves	
98540	PNIMON	Pniel Monument/Memorial Site	Monuments & Memorials	
28040	9/2/069/0041	Boschendal Founders Estate, Dwarsrivier Valley	Cultural Landscape, Ruin	Grade I



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			> 100 years, Building	
31724	9/2/084/141 and 9/2/069/41	Founders' Estates, Boschendal Farmlands	Cultural Landscape	Grade II
92636	LANQ001	Lanquedoc 001	Burial Grounds & Graves	Grade IIIa



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APPENDIX 2

Reference List from SAHRIS

Heritage Impact Assessments				
Nid	Report Type	Author/s	Date	Title
4542	AIA Phase 1	Timothy Hait	01/07/2005	Historical Archaeological Assessment of the Founders Estate, Boschendal
4707	AIA Phase 1	Jonathan Kaplan	22/09/2006	Archaeological Investigation Rehabilitation of Main Road (MR 172) Between Helshoogte and Boschendal Stellenbosch District Western Province
7979	AIA Phase 1	Jonathan Kaplan	01/08/1998	Archaeological Study: Proposed Stellenbosch Health Hydro
116868	HIA Phase 1	Hennie Vos	01/05/2011	OLD BETHLEHEM FARM 153, DWARS RIVER VALLEY, DRAKENSTEIN: STRUCTURAL & ARCHAEOLOGICAL INVESTIGATIONS & ASSESSMENT OF THE FARMYARD BUILDINGS SINCE THE 18TH CENTURY
358378	Desktop Assessment	CTS Heritage	12/01/2016	Boschendal Hydro-electric Facility and Dam Expansion
368879	AIA Phase 1	Harriet Clift	19/08/2011	Bethlehem, Dwarsrivier valley, Farm 153 Stellenbosch: Archaeological exploration of secondary werf and outbuildings
368991	Research Publication	Harriet Clift	01/11/1995	THE ASSIMILATION OF THE KHOIKHOI INTO THE RURAL LABOUR FORCE OF PAARL, DRAKENSTEIN DISTRICT
369307	Heritage Study	Jonathan Kaplan	01/08/1998	ARCHAEOLOGICAL STUDY: PROPOSED STELLENBOSCH HEALTH HYDRO
369497	Visual Impact Assessment	Hennie Vos	01/10/2004	ZILVERMYN AT SIMONSBERG GROOT DRAKENSTEIN FIRST PHASE: GENERAL VISUAL ASSESSMENT OF THE SILVER MINE INDUSTRIAL COMPLEX
369522	AIA Phase 1	Mary Patrick	01/12/1998	FINAL REPORT ON A PHASE ONE ARCHAEOLOGICAL INVESTIGATION OF A HISTORIC BURIAL AT SCHOONGEZICHT



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APPENDIX 3 - Keys/Guides

Key/Guide to Acronyms

AIA	Archaeological Impact Assessment
DARD	Department of Agriculture and Rural Development (KwaZulu-Natal)
DEA	Department of Environmental Affairs (National)
DEADP	Department of Environmental Affairs and Development Planning (Western Cape)
DEDEAT	Department of Economic Development, Environmental Affairs and Tourism (Eastern Cape)
DEDECT	Department of Economic Development, Environment, Conservation and Tourism (North West)
DEDT	Department of Economic Development and Tourism (Mpumalanga)
DEDETEA	Department of Economic Development, Tourism and Environmental Affairs (Free State)
DENC	Department of Environment and Nature Conservation (Northern Cape)
DMR	Department of Mineral Resources (National)
GDARD	Gauteng Department of Agriculture and Rural Development (Gauteng)
HIA	Heritage Impact Assessment
LEDET	Department of Economic Development, Environment and Tourism (Limpopo)
MPRDA	Mineral and Petroleum Resources Development Act, no 28 of 2002
NEMA	National Environmental Management Act, no 107 of 1998
NHRA	National Heritage Resources Act, no 25 of 1999
PIA	Palaeontological Impact Assessment
SAHRA	South African Heritage Resources Agency
SAHRIS	South African Heritage Resources Information System
VIA	Visual Impact Assessment

Full guide to Palaeosensitivity Map legend

RED:	VERY HIGH - field assessment and protocol for finds is required
ORANGE/YELLOW:	HIGH - desktop study is required and based on the outcome of the desktop study, a field assessment is likely
GREEN:	MODERATE - desktop study is required
BLUE/PURPLE:	LOW - no palaeontological studies are required however a protocol for chance finds is required
GREY:	INSIGNIFICANT/ZERO - no palaeontological studies are required
WHITE/CLEAR:	UNKNOWN - these areas will require a minimum of a desktop study.

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34 Horries Street, Plumstead

Tel: +27 (0)87 073 5759 Email: info@ctsheritage.com Web: www.ctsheritage.com



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APPENDIX 4 - Methodology

The Heritage Screener summarises the heritage impact assessments and studies previously undertaken within the area of the proposed development and its surroundings. Heritage resources identified in these reports are assessed by our team during the screening process.

The heritage resources will be described both in terms of type:

- Group 1: Archaeological, Underwater, Palaeontological and Geological sites, Meteorites, and Battlefields
- Group 2: Structures, Monuments and Memorials
- Group 3: Burial Grounds and Graves, Living Heritage, Sacred and Natural sites
- Group 4: Cultural Landscapes, Conservation Areas and Scenic routes

and significance (Grade I, II, IIIa, b or c, ungraded), as determined by the author of the original heritage impact assessment report or by formal grading and/or protection by the heritage authorities.

Sites identified and mapped during research projects will also be considered.

DETERMINATION OF THE EXTENT OF THE INCLUSION ZONE TO BE TAKEN INTO CONSIDERATION

The extent of the inclusion zone to be considered for the Heritage Screener will be determined by CTS based on:

- the size of the development,
- the number and outcome of previous surveys existing in the area
- the potential cumulative impact of the application.

The inclusion zone will be considered as the region within a maximum distance of 50 km from the boundary of the proposed development.

DETERMINATION OF THE PALAEOLOGICAL SENSITIVITY

The possible impact of the proposed development on palaeontological resources is gauged by:

- reviewing the fossil sensitivity maps available on the South African Heritage Resources Information System (SAHRIS)
- considering the nature of the proposed development
- when available, taking information provided by the applicant related to the geological background of the area into account

DETERMINATION OF THE COVERAGE RATING ASCRIBED TO A REPORT POLYGON

Each report assessed for the compilation of the Heritage Screener is colour-coded according to the level of coverage accomplished. The extent of the surveyed coverage is labeled in three categories, namely low, medium and high. In most instances the extent of the map corresponds to the extent of the development for which the specific report was undertaken.



Low coverage will be used for:

- desktop studies where no field assessment of the area was undertaken;
- reports where the sites are listed and described but no GPS coordinates were provided.
- older reports with GPS coordinates with low accuracy ratings;
- reports where the entire property was mapped, but only a small/limited area was surveyed.
- uploads on the National Inventory which are not properly mapped.

Medium coverage will be used for

- reports for which a field survey was undertaken but the area was not extensively covered. This may apply to instances where some impediments did not allow for full coverage such as thick vegetation, etc.
- reports for which the entire property was mapped, but only a specific area was surveyed thoroughly. This is differentiated from low ratings listed above when these surveys cover up to around 50% of the property.

High coverage will be used for

- reports where the area highlighted in the map was extensively surveyed as shown by the GPS track coordinates. This category will also apply to permit reports.

RECOMMENDATION GUIDE

The Heritage Screener includes a set of recommendations to the applicant based on whether an impact on heritage resources is anticipated. One of three possible recommendations is formulated:

(1) The heritage resources in the area proposed for development are sufficiently recorded - **The surveys undertaken in the area adequately captured the heritage resources. There are no known sites which require mitigation or management plans. No further heritage work is recommended for the proposed development.**

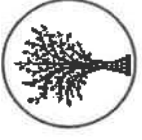
This recommendation is made when:

- enough work has been undertaken in the area
- it is the professional opinion of CTS that the area has already been assessed adequately from a heritage perspective for the type of development proposed

(2) The heritage resources and the area proposed for development are only partially recorded - **The surveys undertaken in the area have not adequately captured the heritage resources and/or there are sites which require mitigation or management plans. Further specific heritage work is recommended for the proposed development.**

This recommendation is made in instances in which there are already some studies undertaken in the area and/or in the adjacent area for the proposed development. Further studies in a limited HIA may include:

- improvement on some components of the heritage assessments already undertaken, for instance with a renewed field survey and/or with a specific specialist for the type of heritage resources expected in the area
- compilation of a report for a component of a heritage impact assessment not already undertaken in the area



- undertaking mitigation measures requested in previous assessments/records of decision.

(3) The heritage resources within the area proposed for the development have not been adequately surveyed yet - **Few or no surveys have been undertaken in the area proposed for development. A full Heritage Impact Assessment with a detailed field component is recommended for the proposed development.**

Note:

The responsibility for generating a response detailing the requirements for the development lies with the heritage authority. However, since the methodology utilised for the compilation of the Heritage Screeners is thorough and consistent, contradictory outcomes to the recommendations made by CTS should rarely occur. Should a discrepancy arise, CTS will immediately take up the matter with the heritage authority to clarify the dispute.

ANNEXURE J

**APPLICATION FOR REZONING TO
SUBDIVISIONAL AREA &
SUBDIVISION OF FARM NO. 1202/54,
JOHANNESDAL, PAARL DIVISION**

**COMMENT FROM THE
DEPARTMENT OF
ENVIRONMENTAL AFFAIRS
AND DEVELOPMENT
PLANNING**



REFERENCE: 16/3/3/6/1/B3/28/1104/21
DATE: 4/5/2021

The Board of Directors
Barron Property Development
6 Vygie Street
Lanquedoc
GROOT DRAKENSTEIN
7680

Attention: Mr. M. Barron

Cell: 076 779 6242
Email: markbarron2404@gmail.com

Dear Sir

RE: APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED), WITH RESPECT TO THE PROPOSED BARRON HEIGHTS RESIDENTIAL DEVELOPMENT ON PTN 54 OF THE FARM 1202, JOHANNESDAL, PAARL

1. The electronic correspondence dated 30 March 2021, as received by this Department on 8 April 2021 and the electronic correspondence dated 22 April 2021, refer.
2. Following the review of the new information contained in the electronic correspondence, this Department notes the following:
 - 2.1 The proposed development entails the redevelopment of the site that will comprise:
 - 2.1.1 30 individual residential erven;
 - 2.1.2 Three open space portions;
 - 2.1.3 Two public road portions (6m wide road, in a 13m wide road reserve, from Protea Road which also gives access to the abutting residential development and which will link with a 5m wide internal road network (phase 2) within a 10m wide road reserve);
 - 2.1.4 Water and sewage infrastructure; and
 - 2.1.5 Stormwater infrastructure.
 - 2.2 The property is approximately 2,03ha in extent.
 - 2.3 There are no watercourses on the property.
 - 2.4 The site is located within an urban area.
3. Your attention is therefore drawn to the listed activities in terms of the NEMA EIA Regulations 2014 (as amended) as defined in Listing Notices ("LN") 1, 2 and 3 of 7 April 2017. Be advised that, based on the information provided, the proposed residential development on the abovementioned property,

does not constitute any listed activities as defined in terms of the NEMA EIA Regulations 2014 (as amended). Environmental Authorisation is therefore not required prior to the proposed development.

4. The above-mentioned is based on the following:
 - 4.1 The site is located within the urban area.
 - 4.2 Less than 1ha of vulnerable indigenous vegetation will be cleared.
5. However, should any future development of the consolidated portions trigger any listed activity in terms of the EIA Regulations, 2014 (as amended), an application form for Environmental Authorisation must be submitted to the Competent Authority and the Environmental Authorisation obtained prior to the development proposal being commenced with on the proposed site. The relevant application forms are available on this Department's website: www.westerncape.gov.za/eadp.
6. You are further reminded of your general duty of care towards the environment in terms of section 28(1) of 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."
7. Please note that the applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.
8. Kindly quote the abovementioned reference number in any future correspondence concerning the proposed development.
9. This Department reserves the right to revise or withdraw its comments and request further information based on any information received.

Yours faithfully

Marbe Digitally signed
by Marbe Coetzee
Date: 2021.09.24
15:52:27 +0200
PP Coetzee

HEAD OF COMPONENT

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc to: (1) Mr. S. van der Merwe (Stellenbosch Municipality)

Email: schalk.vandermerwe@stellenbosch.gov.za

ANNEXURE K

**APPLICATION FOR REZONING TO
SUBDIVISIONAL AREA &
SUBDIVISION OF FARM NO. 1202/54,
JOHANNESDAL, PAARL DIVISION**

**COMMENT FROM WESTERN
CAPE DEPARTMENT OF
AGRICULTURE: LAND USE
MANAGEMENT**



Western Cape
Government

Agriculture

Cor Van Der Walt
LandUse Management
Email: LandUse.Eisenburg@eisenburg.com
tel: +27 21 808 5099 fax: +27 21 808 5092

OUR REFERENCE : 20/9/2/5/4/1192
YOUR REFERENCE : H10-150
ENQUIRIES : Cor van der Walt

PJ Le Roux Town & Regional Planners
PO Box 3457
PAARL
7620

Att: PJ Le Roux

**APPLICATION FOR REZONING AND SUBDIVISION: DIVISION PAARL
PORTION 54 OF THE FARM NO 1202**

Your application of 28 April 2021 has reference.

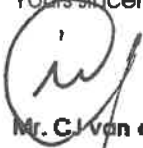
The Western Cape Department of Agriculture: Land Use Management has no objection to the proposed application.

Please note:

- That this is only a recommendation to the relevant deciding Authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970.
- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.

- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely



Mr. C. van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2021-05-05

Copies:

Stellenbosch Municipality

PO Box 17

STELLENBOSCH

7599

Directorate Land Use and Sustainable Resource Management

National Department of Agriculture

Private Bag X 120

PRETORIA

0001

ANNEXURE L

**APPLICATION FOR REZONING TO
SUBDIVISIONAL AREA &
SUBDIVISION OF FARM NO. 1202/54,
JOHANNESDAL, PAARL DIVISION**

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



REFERENCE: TPW (Job 28798)
ENQUIRIES: Ms G Swanepoel
DATE: 24 August 2021

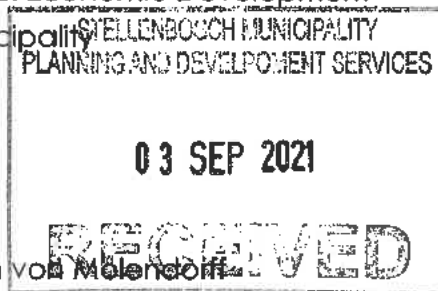
Director: Planning & Economic Development

Stellenbosch Municipality
STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

PO Box 17

STELLENBOSCH

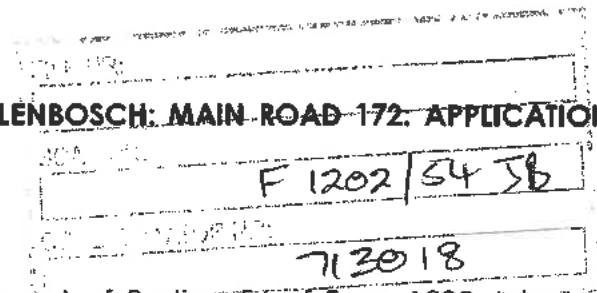
7599



Attention: Mr Ulrich von Melendorff

Dear Sir

PORTION 54 OF FARM 1202 JOHANNESDAL, STELLENBOSCH: MAIN ROAD 172: APPLICATION FOR REZONING AND SUBDIVISION



1. The following refer:
 - 1.1 Land use application ref. LU/12632 in respect of Portion 54 of Farm 1202 Johannesdal, Stellenbosch, sent to this Branch on 8 July 2021 by P-J Le Roux Town Planners and
 - 1.2 Transport Site Assessment ref. 4336 by ITS dated 26 March 2021.
2. The subject property is located on the west side (upslope) of Main Road 172 (the R310 Helshoogte Road) and takes access from MR172 via Sonstraat Road and Lumley Avenue.
3. The land use application is for the following:
 - 3.1 Rezoning of Farm 1202/54 Paarl (Johannesdal) from Agricultural and Rural Zone to Subdivisional Area Overlay Zone and
 - 3.2 Subdivision of the subject property into 35 portions, comprising 30 Conventional Residential Zone erven, 3 Public Open Space Zone erven and 2 Public Road and Parking erven.
4. While it is accepted that the traffic impact of this development will in and of itself be relatively low (30 additional vph passing through the MR172 / Sonstraat Road intersection), it is noted that there are several other developments currently under way, esp. north of Sonstraat Road between Lumley Road and MR172, each of which will likely generate similar additional volumes of traffic. It is likely that there will be pressure for further developments to the north and south of Farm 1202/54 Paarl, and west of Lumley Road. The combined

impact of these developments may well be significant, even if each by itself is not. It is therefore strongly recommended that a land use and roads master plan be developed (if such a plan is not yet in place), in which the combined impact of future developments on key intersections is assessed. This Branch may object to further development applications in this area in the absence of such plans.

5. The MR172 / Sonstraal Road intersection is a raised, brick paved intersection, so speeds are relatively low and the additional traffic is not considered to be a concern in terms of congestion or road safety.
6. This Branch offers no objection to the land use application for Farm 1202/54 Paarl (Johannesdal) as outlined in the documents listed in paragraph 1 above.
7. In terms of Act 21 of 1940, this Branch approves the subdivision of Farm 1202/54 Paarl.

Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: ROADS

ANNEXURE M

**APPLICATION FOR REZONING TO
SUBDIVISIONAL AREA &
SUBDIVISION OF FARM NO. 1202/54,
JOHANNESDAL, PAARL DIVISION**

**COMMENT FROM THE
DIRECTOR: ENGINEERING
SERVICES**



MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES
DIREKTORAAT: INFRASTRUKTUURDIENSTE

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

FOR ATTENTION : **Salome Newman**

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

AUTHOR : **Tyrone King**

DATE : **19 July 2021**

RE. : **Farm 1202/54, Johannesburg: Subdivision for 30 residential erven (public roads and services)**

YOUR REF : **LU/12632**

OUR REF : **2182 CIVIL LU**

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

- Proposed Subdivision Plan No H 10-150 SUB1 REV 06 dated July 2021, by PJ Le Roux;
- Transport Impact Assessment by ITS dated 26 March 2021;
- Engineering Services Report dated 27 March 2021 by Bart Senekal Inc;
- Concept Civil Engineering Services Layout Drawing No 1441/1A by Bart Senekal Inc
(Annexure: Services)

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

- Total Units > 250m²: 25 No
- Total Units > 500m²: 5 No

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

This document consists of the following sections:

PROPOSED REZONING AND SUBDIVISION OF FARM 1202-54, JOHANNESDAL (30 RESIDENTIAL ERVEN)

A. Definitions

B. Recommendation to decision making authority

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

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

A. Definitions

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

B. Recommendation:

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

PROPOSED REZONING AND SUBDIVISION OF FARM 1202-54, JOHANNESDAL (30 RESIDENTIAL ERVEN)**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. **Priel WWTW (Waste Water Treatment Works):** The proposed development falls within the catchment area of the existing Priel 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. Subdivision clearance will only be given when the required spare capacity is available at the WWTW, as confirmed by our Water Services department.
 - b. **Water Network:** There is sufficient capacity in the bulk water reticulation network to accommodate the proposed development. However, additional network upgrades may be identified when detail engineering drawings are scrutinized.
 - i. The development may connect to either the 160mm diameter municipal water network on the Farm 1202/23 development (Mentoor development) and/or the water line along the eastern boundary of the development as conceptually indicated on **Annexure: Services**. Details of these connections and the number of connections allowed will be decided at detail design stage.
 - c. **Sewer Network:** There is sufficient capacity in the bulk sewer reticulation network to accommodate the proposed development. However, additional network upgrades may be identified when detail engineering drawings are scrutinized.
 - i. The Development may connect to the 150 mm dia municipal sewer pipeline along the eastern boundary of the development, as conceptually indicated on **Annexure: Services**.

PROPOSED REZONING AND SUBDIVISION OF FARM 1202-54, JOHANNESDAL (30 RESIDENTIAL ERVEN)

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

- d. **Roads Network:** There is sufficient capacity in the external road network to accommodate the proposed development. However, additional road/NMT upgrades may be identified when detail engineering drawings are scrutinized.
 - i. The road and sidewalk layout must be generally in accordance with the conceptual engineering drawing (**Annexure: Services**).

- 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 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.

PROPOSED REZONING AND SUBDIVISION OF FARM 1202-54, JOHANNESDAL (30 RESIDENTIAL ERVEN)**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;
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 1 980 792. 71 (Excluding VAT) as reflected on the DC calculation sheet, 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 in all cases and or,
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 30 units, or which might lead to an increase in the Gross Leasable Area i.e. a GLA of more than 00m², will result in the recalculation of the Development Charges;

PROPOSED REZONING AND SUBDIVISION OF FARM 1202-54, JOHANNESDAL (30 RESIDENTIAL ERVEN)

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;
13. The Municipality may approach the Developer at any stage, before completion of the Development, to implement any infrastructure / community facilities, in lieu of DCs payable, should the need for such infrastructure / facilities be identified;
14. that the "Developer" will enter into an Engineering Services Agreement with the "Municipality" in respect of the implementation of any infrastructure or community facilities to be implemented in lieu of DCs if the need for such infrastructure is identified at any stage by the Municipality;

Ownership and Responsibility of services

15. that it be noted that as per Subdivisional Plan, the roads are reflected as **public roads**. Therefor all internal services on the said erf will be regarded as **public services** and will be maintained by the Municipality;

Internal- and Link Services

16. 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;
17. Any alterations to existing services necessitated by the new development will be for the Developer's cost;

Servitudes

18. The water line servitude on erf 3 (**Annexure: Services**) must be indicated on all eng drawings and building plans. The servitude must be registered prior to subdivision clearance.

Electricity

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

Damage to municipal infrastructure and assets

PROPOSED REZONING AND SUBDIVISION OF FARM 1202-54, JOHANNESDAL (30 RESIDENTIAL ERVEN)

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

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

21. 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;
22. that the "*Developer*" indemnifies and keep the "*Municipality*" indemnified against all actions, proceedings, costs, damages, expenses, claims and demands (including claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the municipalities' services or apparatus or otherwise) arising out of the establishment of the development, the provision of services to the development or the use of servitude areas or municipal property, for a period that shall commence on the date that the installation of services to the development are commenced with and shall expire after completion of the maintenance period.
23. that the "*Developer*" must ensure that he / she has an acceptable public liability insurance policy in place;
24. 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;

PROPOSED REZONING AND SUBDIVISION OF FARM 1202-54, JOHANNESDAL (30 RESIDENTIAL ERVEN)

25. 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;
26. 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);
27. 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;**
28. that the "*Developer*" takes cognizance and accepts the following:
 - a.) that no construction of any civil engineering services may commence before approval of internal – and external civil engineering services drawings;
 - b.) that no approval of internal – and external civil engineering services drawings will be given before land-use and or SDP approval is obtained;
 - c.) that no approval of internal – and external civil engineering services drawings will be given before the "*Developer*" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party;
 - d.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before land-use and or SDP approval is obtained;

PROPOSED REZONING AND SUBDIVISION OF FARM 1202-54, JOHANNESDAL (30 RESIDENTIAL ERVEN)

- 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

- 29. 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”;
- 30. 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;
- 31. 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;
- 32. 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;

PROPOSED REZONING AND SUBDIVISION OF FARM 1202-54, JOHANNESDAL (30 RESIDENTIAL ERVEN)**Internal- and Link Services**

33. 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;
34. 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;
35. 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;
36. 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;
37. that construction of services may only commence after municipal approval has been obtained;
38. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "Engineer";
39. 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;
40. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal – and external services;
41. that all the internal civil services (water, sewer and stormwater), be indicated on the necessary building plans for approval by the Directorate: Infrastructure Services;

PROPOSED REZONING AND SUBDIVISION OF FARM 1202-54, JOHANNESDAL (30 RESIDENTIAL ERVEN)

42. 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;
43. 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);
44. 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;
45. 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;
46. that the "Developer" shall adhere to the specifications of Telkom (SA) and or any other telecommunications service provider;
47. that the "Developer" shall be responsible for the cost for any surveying and registration of servitudes regarding services on the property;
48. 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;
49. 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".
50. that the developer takes cognizance of applicable tariffs by Council in respect of availability of services and minimum tariffs payable;

PROPOSED REZONING AND SUBDIVISION OF FARM 1202-54, JOHANNESDAL (30 RESIDENTIAL ERVEN)

51. 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

52. that the "Developer" ensures that all main services including roads to be taken over by the Directorate: Infrastructure Services, all existing municipal – and or private services including roads, crossing private - and or other institutional property and any other services/roads crossing future private land/erven are protected by a registered servitude before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be given;
53. The width of the registered servitude must be a minimum of 3 m or twice the depth of the pipe (measured to invert of pipe), whichever is the highest value. The "Developer" will be responsible for the registration of the required servitude(s), as well as the cost thereof;
54. that the "Developer" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party before final approval of engineering drawings be obtained.

Stormwater Management

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

PROPOSED REZONING AND SUBDIVISION OF FARM 1202-54, JOHANNESDAL (30 RESIDENTIAL ERVEN)

56. that the geometric design of the roads and/or parking areas ensure that no trapped low-points are created with regard to stormwater management. All stormwater to be routed to the nearest formalized municipal system;
57. that overland stormwater escape routes be provided in the cadastral layout at all low points in the road layout, or that the vertical alignment of the road design be adjusted in order for the roads to function as overland stormwater escape routes. If this necessitates an amendment of the cadastral layout, it must be done by the "Developer", at his/her cost, to the standards of the Directorate: Infrastructure Services;
58. that the design engineer needs to apply his/her mind to ensure a design that will promote a sustainable urban drainage system which will reduce the impacts of stormwater on receiving aquatic environments;
59. that no disturbance to the river channel or banks be made without the prior approval in accordance with the requirements of the National Water Act;
60. that the consulting engineer, appointed by the "Developer", analyses the existing stormwater systems and determine the expected stormwater run-off for the proposed development, for both the minor and the major storm event. Should the existing municipal stormwater system not be able to accommodate the expected stormwater run-off, the difference between the pre- and post-development stormwater run-off must be accommodated on site, or the existing system must be upgraded to the required capacity at the cost of the "Developer" and to the standards and satisfaction of the Directorate: Infrastructure Services. The aforementioned stormwater analysis is to be submitted concurrent with the detail services plans;
61. that for larger developments, industrial developments or developments near water courses a stormwater management plan for the proposed development area, for both the minor and major storm events, be compiled and submitted for approval to the Directorate: Infrastructure Services.
62. that the approved management plan be implemented by the "Developer", at his/her cost, to the standards of the Directorate: Infrastructure Services. The management plan, which is to include an attenuation facility, is to be submitted concurrent with the detail services plans;
63. that in the case of a sectional title development, the internal stormwater layout be indicated on the necessary building plans to be submitted for approval.

PROPOSED REZONING AND SUBDIVISION OF FARM 1202-54, JOHANNESDAL (30 RESIDENTIAL ERVEN)

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

Roads

65. that, where applicable, the application must be submitted to the District Roads Engineer for comment and conditions . Any conditions set by the District Roads Engineer will be applicable;
66. that no access control will be allowed in public roads;
67. that the layout must make provision for all deliveries to take place on-site. Movement of delivery vehicles may not have a negative impact on vehicular – and pedestrian movement on public roads and or public sidewalks;
68. The design and lay-out of the development must be such that emergency vehicles can easily drive through and turn around where necessary;
69. that, prior to commencement of any demolition / construction work, a traffic accommodation plan for the surrounding roads must be submitted to the Directorate: Infrastructure Services for approval, and that the approved plan be implemented by the "Developer", at his/her cost, to the standards of the Directorate: Infrastructure Services;
70. that visibility splays shall be provided and maintained on each side of the new access in accordance with the standard specifications as specified in the Red Book with regard to sight triangles at intersections;
71. that each erf has its own access (drive-way), *(the new access(es) (dropped kerb(s)) to the proposed parking bays be)* constructed to standards as set out by the the Directorate: Infrastructure Services and in line with the Road Access Guideline;
72. that the access road to the existing facility be kept in an acceptable condition, i.e. maintained to a standard which will result in a comfortable ride for a standard passenger vehicle and to a standard which will not endanger the lives or property of road users;

PROPOSED REZONING AND SUBDIVISION OF FARM 1202-54, JOHANNESDAL (30 RESIDENTIAL ERVEN)

73. that the parking area be provided with a permanent surface and be clearly demarcated and accessible. Plans of the parking layout, pavement layerworks and stormwater drainage are to be approved by the Directorate: Infrastructure Services before commencement of construction and that the construction of the parking area be to the standards of the Directorate: Infrastructure Services;
74. that no parking be allowed in the road reserve;

Wayleaves

75. that way-leaves / work permits be obtained from the Directorate: Infrastructure Services prior to any excavation / construction work on municipal land or within 3,0m from municipal services located on private property;
76. that wayleaves will only be issued after approval of relevant engineering design drawings;
77. that it is the Developer's responsibility to obtain wayleaves from any other authorities/service provider's who's services may be affected.

Solid Waste

78. 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)
79. 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;
80. Access shall be provided with a minimum travelable surface of 5 meters width and a minimum corner radii of 5 meters;
81. 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;

PROPOSED REZONING AND SUBDIVISION OF FARM 1202-54, JOHANNESDAL (30 RESIDENTIAL ERVEN)

82. Minimum turning circle radius shall be 11 meters to the center line of the vehicle;
83. Road foundation shall be designed to carry a single axle load of 8.2 tons;

AS-BUILTs

84. The "*Developer*" shall provide the "*Municipality*" with:
- a. a complete set of as-built paper plans, signed by a professional registered engineer;
 - b. a CD/DVD containing the signed as-built plans in an electronic DXF-file format, reflecting compatible layers and formats as will be requested by the "*Engineer*" and is reflected herewith as Annexure X;
 - c. a completed Asset Verification Sheet in Excell format, reflecting the componitization of municipal services installed as part of the development. The Asset Verification Sheet will have to be according to the IMQS format, as to be supplied by the "*Engineer*", and is to be verified as correct by a professional registered engineer;
 - d. a complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer;
 - e. Written verification by the developer's consulting engineer that all professional fees in respect of the planning, design and supervision of any services to be taken over by the "*Municipality*" are fully paid;
85. 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*";
86. 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;

PROPOSED REZONING AND SUBDIVISION OF FARM 1202-54, JOHANNESDAL (30 RESIDENTIAL ERVEN)

87. 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;
88. 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

89. 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;
90. 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;
91. that clearance will only be given per phase and the onus is on the "Developer" to phase his development accordingly;
92. 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;
93. 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

PROPOSED REZONING AND SUBDIVISION OF FARM 1202-54, JOHANNESDAL (30 RESIDENTIAL ERVEN)

94. 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

95. 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";
96. 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;
97. 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;
98. 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";
99. 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.

PROPOSED REZONING AND SUBDIVISION OF FARM 1202-54, JOHANNESDAL (30 RESIDENTIAL ERVEN)

MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

W:\2.0 DEVELOPMENT\00 Developments\2182 (TK) Farm 1202-54 Johannesdal\LU-12632\2182 (TK) Farm 1202-54 Johannesdal\LU-12632.doc

ATTACHMENT X

Geographic Information System (GIS) data capturing standards

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

Layer name	Content
TITLE	Title information, including any endorsements and references
NOTES	All noted information, both from the owner / surveyor and SG
PARENT_PROPLINES	Parent property lines
PARENT_PROPNUM	Parent erf number (or portion number)
PROPLINES	New portion boundaries
PROPANNO	New erf numbers
SERVLINES	Servitude polygons
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.

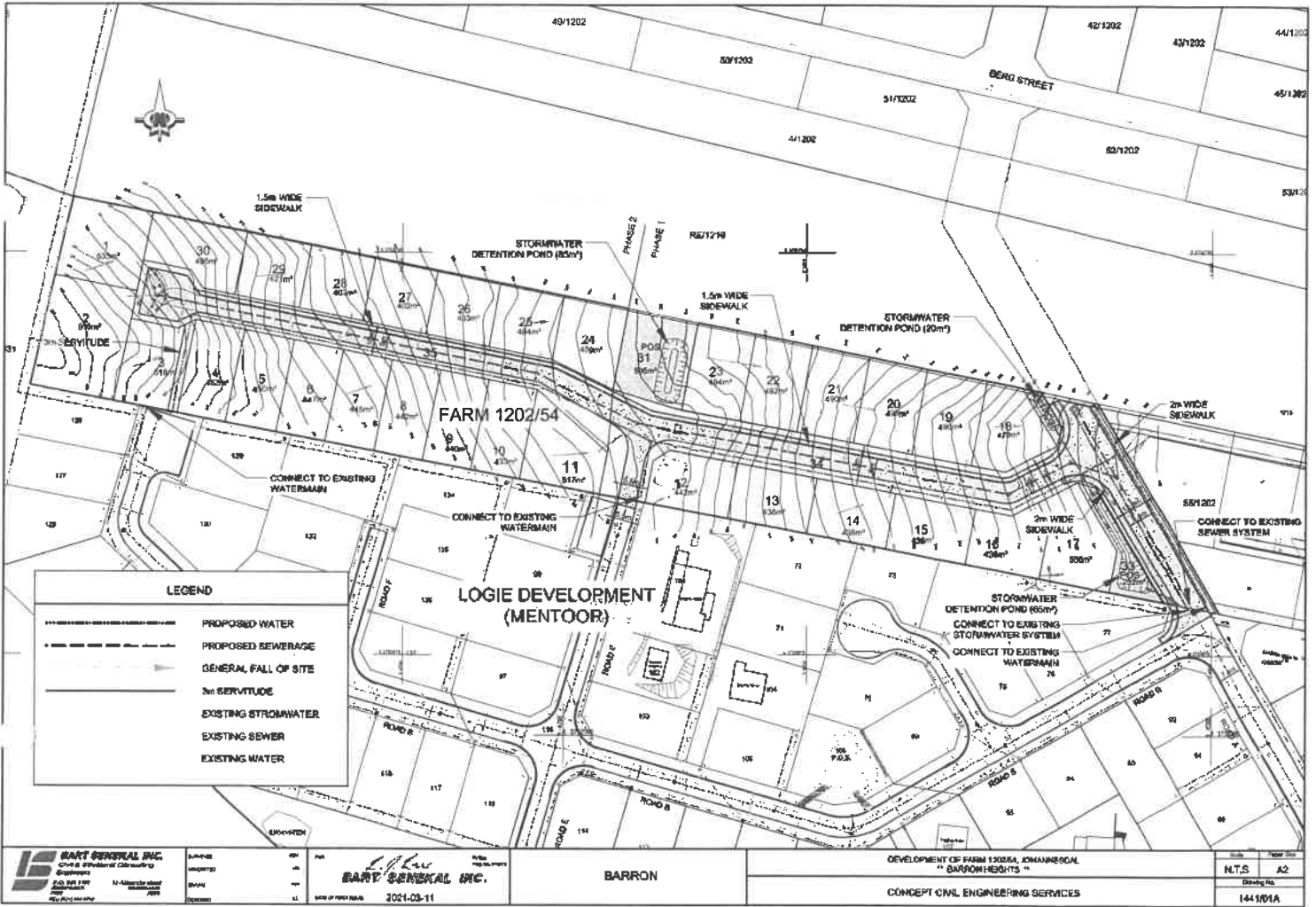
PROPOSED REZONING AND SUBDIVISION OF FARM 1202-54, JOHANNESDAL (30 RESIDENTIAL ERVEN)

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

For road layer shapefiles; the road name, the from_street and to_street where applicable as well as the start en end street numbers needs to be included as part of the attributes. A rotation field needs to be added to give the street name the correct angle on the map.

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

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



LEGEND

- PROPOSED WATER
- PROPOSED SEWERAGE
- - - GENERAL FALL OF SITE
- 3m SERVITUDE
- EXISTING STORMWATER
- EXISTING SEWER
- EXISTING WATER

BART GENERAL INC. CIVIL & SURVEYING CONSULTANTS 10/101 BENTLEY STREET BENTLEY, VIC 3185 PH: 03 9479 1111 WWW.BARTGENERAL.COM.AU	PROJECT NO: SHEET NO: DATE:	BART GENERAL INC. 2021-09-11	BARRON	DEVELOPMENT OF FARM 1202/54, EMMAUSICAL BARRON HILLS VIC 3185 CONCEPT CIVIL ENGINEERING SERVICES	SCALE: N.T.S. DRAWING NO: 1441/01A	
	APPROVED BY: DRAWN BY: CHECKED BY:	DATE OF THIS SHEET:	BART GENERAL INC.	BARRON	CONCEPT CIVIL ENGINEERING SERVICES	N.T.S. A2 1441/01A
	APPROVED: [Signature] DATE: 2021-09-11	DATE OF THIS SHEET: 2021-09-11	BART GENERAL INC.	BARRON	CONCEPT CIVIL ENGINEERING SERVICES	N.T.S. A2 1441/01A

Stellenbosch Municipality - Development Charge Calculation



APPLICATION INFORMATION

Application Number	2182 (TK) Farm 1202-54 Jozanestad (U-12632)
Date	Tuesday, 06/Jul/2021
Financial Year	2021/22
Erf Location	Stellenbosch
Erf No	1202-54
Erf Size (m ²)	
Suburb	
Applicant	
Approved Building Plan No.	Proposed Subdivision Plan No W 10-156 SUB1 REV 04 dated March 2021, by FJ La Rose

SUMMARY OF DC CALCULATION

Unit(s)	Water k/day	Sewer kl/day	Storm-water ha°C	Solid-Waste Bags/week	Roads trips/day	Community Facilities person	Totals
Total Increased Services Usage	21,500	18,250	6,715	1,200	120,00	120,0	
Total Development Charges before Deductions	R 457 438,36	R 553 505,63	R 68 734,00	R 55 135,37	R 442 434,47	R 402 544,89	R 1 980 782,71
Total Deductions							
Total Payable (excluding VAT)	R 457 438,36	R 553 505,63	R 68 734,00	R 55 135,37	R 442 434,47	R 402 544,89	R 1 980 782,71
VAT	R 68 615,75	R 83 025,84	R 10 460,10	R 8 270,31	R 68 365,17	R 60 381,73	R 297 118,91
Total Payable (including VAT)	R 526 054,12	R 636 531,47	R 80 194,10	R 63 405,68	R 508 799,64	R 462 926,62	R 2 277 811,62

APPLICANT INFORMATION

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

Parameters										Development Charge levied (excl VAT)											
Land Use Category	Unit Type	Existing Usage		Proposed New Usage		Increased Usage		Water	Sewer	Storm-water	Co-G-Mains	Roads	Community Facilities	Total							
Infrastructure Type applicable? (y/n/h)										yes	yes	yes	yes	yes	yes						
	no GLA	area (m2)	du	du/ha	du	du/ha	du														
	m2	m2	m2	% GLA	area (m2)	m2 GLA	% GLA	m2 GLA													
Residential	Single Residential >100m2	du		0		0	0	R	-	R	-	R	-	R							
	Single Residential <100m2	du		0		3	0	R	85 804.81	R	98 569.50	R	13 654.21	R	9 189.23	R	73 738.08	R	67 060.81	R	947 347.54
	Single Residential >250m2	du		0		25	0	R	372 833.55	R	454 805.13	R	56 079.79	R	45 946.14	R	368 695.39	R	335 454.07	R	1 633 443.08
	Single Residential <250m2	du		0		0	0	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Low Form Residential >250m2	du		0		0	0	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Low Form Residential <250m2	du		0		0	0	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Group Residential >250m2	du		0		0	0	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Group Residential <250m2	du		0		0	0	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Medium Density Residential >250m2	du		0		0	0	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Medium Density Residential <250m2	du		0		0	0	R	-	R	-	R	-	R	-	R	-	R	-	R	-
High Density Residential - flats	du		0		0	0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	
High Density Residential - student rooms	du		0		0	0	R	-	R	-	R	-	R	-	R	-	R	-	R	-	
Commercial	Local Business - office	m2 GLA		0%		0%	0	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Local Business - retail	m2 GLA		0%		0%	0	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	General Business - office	m2 GLA		0%		0%	0	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	General Business - retail	m2 GLA		0%		0%	0	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Community	m2 GLA		0%		0%	0	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Industrial	Education	m2 GLA		0%		0%	0	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Light Industrial	m2 GLA		0%		0%	0	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	General Industrial - light	m2 GLA		0%		0%	0	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Warehousing	m2 GLA		0%		0%	0	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	General Industrial - heavy	m2 GLA		0%		0%	0	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Other	Special Industrial - heavy	m2 GLA		0%		0%	0	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Recreation	m2 GLA		0%		0%	0	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Public Open Space	m2		0%		0%	0	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Private Open Space	m2		0%		0%	0	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Neighborhood	m2		0%		0%	0	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Specialist	Utility Services	m2 GLA		0%		0%	0	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Public Roads and Parking	m2		0%		0%	0	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Transport Facility	m2		0%		0%	0	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Landfill Use	m2		0%		0%	0	R	-	R	-	R	-	R	-	R	-	R	-	R	-
To be submitted based on equivalent demands																					

* Complete yellow/green cells	0	0												
** On a dwelling unit, all services include a fee														
*** Applies only to road work on existing roads														
Net Development Charge below Deductions	R457 438.36	R553 505.63	R69 734.00	R55 135.37	R442 434.47	402 544.89	R1 980 792.71							
% Deductions per service (flat)	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%								
% Deductions per service (stair)	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00								
Additional Deductions per service - from Service Agreement (sum)														
Net Total after Deductions (excluding VAT)	R457 438.36	R553 505.63	R69 734.00	R55 135.37	R442 434.47	402 544.89	R1 980 792.71							
VAT	R68 615.75	R83 025.94	R10 460.10	R8 270.31	R66 365.17	60 381.79	R2 077 518.91							
Total	R526 054.12	R636 531.47	R80 194.10	R63 405.68	R508 799.64	462 926.62	R2 277 911.62							

ANNEXURE N

**APPLICATION FOR REZONING TO
SUBDIVISIONAL AREA &
SUBDIVISION OF FARM NO. 1202/54,
JOHANNESDAL, PAARL DIVISION**

**COMMENT FROM THE
MANAGER: ELECTRICAL
SERVICES**

ELETRICITY SERVICES: CONDITIONS OF APPROVAL
Farm 1202-54

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 (Infrastructure 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 (Electrical 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 Electrical 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 (Solar, Heath pump ore Gas)
 - 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



13/08/2021
Date

ANNEXURE O

**APPLICATION FOR REZONING TO
SUBDIVISIONAL AREA &
SUBDIVISION OF FARM NO. 1202/54,
JOHANNESDAL, PAARL DIVISION**

**COMMENT FROM THE
MANAGER: SPATIAL
PLANNING**



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Spatial Planning

To : **Manager: Land Use Management**
From : **Manager: Spatial Planning**
Reference : **Farm 1202/54 Johannesdal**
LU No : **LU/12632**
Date : **17 August 2021**
Re : **Application for rezoning and subdivision of Farm 1202/54, Johannesdal**

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

Application is made for the following:

- 1) **Rezoning from Agriculture and Rural Zone to Subdivisional Area to allow for the following uses and in accordance with the land use framework plan as depicted in plan with reference "H 10-150 SUB1 REV 05", dated May 2021, and drawn by PJ Le Roux Town & Regional Planner:**
 - 30 x Conventional Residential Zone erven and approximately 1,4370ha in extent, for dwelling houses.
 - 3 x Public Open Space Zone erven and approximately 0,0957ha in extent, for open space purposes and detention pond
 - 2 x Public Road & Parking Zone erven and approximately 0,5004ha in extent for purposes of public roads.
 - The phasing of the development into two (2) phases.
- 2) **Subdivision said property in accordance with Subdivision Plan Nr "H 10-150 SUB1 REV 05", dated May 2021, and drawn by PJ Le Roux Town & Regional Planner; to allow for the residential development in accordance with the sub-divisional zone above.**

1) 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

In terms of the approved MSDF for Stellenbosch Municipality, the subject property is located inside the approved urban edge of the Dwars River Valley node and in terms of the approved MSDF the following guidelines are applicable to this specific application:

- As a general principle, contain the footprint of the settlements of the Dwars River Valley within the existing urban edges.
- 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 existing settlements.

2) Supported / not supported:

This department supports the proposed development as it is within the urban edge and compliant with the provisions of the approved MSDF. Please note that the public roads should be integrated with the surrounding developments, therefore a private estate with a security boom and private roads will not be supported.



BJG de la Bat
MANAGER: SPATIAL PLANNING

ANNEXURE P

**APPLICATION FOR REZONING TO
SUBDIVISIONAL AREA &
SUBDIVISION OF FARM NO. 1202/54,
JOHANNESDAL, PAARL DIVISION**

RESPONSE ON OBJECTION



P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

The Municipal Manager
Stellenbosch Municipality
P O Box 17
STELLENBOSCH
7599

30 August 2021
H 10-150

Attention: Mr. P April

Dear Pedro

**APPLICATION IN TERMS OF STELLENBOSCH MUNICIPALITY LAND USE
PLANNING BY-LAW, 2015**

**APPLICATION FOR REZONING AND SUBDIVISION: PORTION 54 OF FARM
NO. 1202 (JOHANNESDAL) PAARL**

Further to the formal application recently submitted for the Rezoning and Subdivision of Portion 54 of Farm No. 1202 Paarl and the subsequent objection received from the Stellenbosch Interest Group dated 9 August 2021, please allow this office on behalf of the applicant to respond thereto as follows.

Despite the references made to individual extracts of the approved MSDF document for Stellenbosch Municipality, the Manager: Spatial Planning Department at the Stellenbosch Municipality has confirmed that the subject property is located inside the approved urban edge of the Dwars River Valley node with the following guidelines:

P-J le Roux Stadsbeplanners Edms. Bpk. (Reg nr: 2015/058583/07)

BTW No. 4860288747

Hoofstraat 262 Main Road, Paarl, 7646 Posbus / P O Box 3457, Paarl, 7620
Mobile: 0760317607 Tel: + 27 21 8722499 Faks: + 27 86 605 8431 Epos: pj@pjleroux.co.za
Direkteur P.J le Roux Pr. Pln A/803/1995 Ba Hons.M(S&S) MSAPI

- Contain the footprint of the settlement within the existing urban edges

Response:

The subject property is located inside the approved urban edge and is also exempt from the provisions of Act 70 of 1970

- Ensure that a range of housing types and income groups are catered for

Response:

The proposed development fits in with the new developments in the immediate surrounds and makes provision for more affordable residential opportunities without compromising the existing urban character

- Ensure future development is woven into the urban fabric and existing settlements

Response:

The proposed development is abutted to the south by a new development and the proposed access will be taken from a new proposed public road network which extends beyond the subject property as depicted on the Road Master Plan for the area. The proposed development will also be linked with the abutting development via internal road link through the existing municipal street.

The statement made by the objector that the proposed development will be entirely dependent on private transport and are extremely unlikely to find employment in the area, is subjective and not accompanied by any supporting documentation. The proposed development will be served by a municipal street which is planned to extend beyond the subject property to serve other properties in the area and which will function as public transport route for those without their own transport. The concern about not enough employment opportunities is unfounded and has no relevance on urban development inside an approved urban edge. It is our opinion that the proposed development will not only optimize the subject property but will also optimize the municipal services and infrastructure in the area and make provision for future extension thereof throughout the neighbourhood to improve access to services and infrastructure for all residents. It is noteworthy that the Engineering Department of Stellenbosch Municipality also granted their consent to

P-J le Roux Stadsbeplanners Edms. Bpk. (Reg nr: 2015/058583/07)

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Hoofstraat 262 Main Road, Paarl, 7646 Posbus / P O Box 3457, Paarl, 7620
 Mobile: 0760317607 Tel: + 27 21 8722499 Faks: + 27 86 605 8431 Epos: pj@pjlroux.co.za
 Direkteur P.J le Roux Pr. Pln A/803/1995 Ba Hons.M(S&S) MSAPi

this development and confirmed that the development fits in with their Master Plan for engineering services for the area.

It is important to note that with the enactment of the SPLUMA regulations a new approach to development has been adopted. This approach is based on the five development principles as described in Chapter 2 of SPLUMA. Each of these development principles has been dealt with successfully in the motivation report.

With reference to the statement that the subject property forms part of the "protected area" and that the development will change the character of the area, it is worth noting that **both sections of the Department of Environmental Affairs and Development Planning** have supported the proposed development. Furthermore **Heritage Western Cape** also issued a record of decision in which they consent to the proposed development.

In light of the aforementioned it is our considered opinion that the objection raised is a subjective view and without any merits and should therefore be dismissed.

Kind regards



PIERRE-JEAN LE ROUX
Pr. Pln. A./803/1995

ANNEXURE Q

**APPLICATION FOR REZONING TO
SUBDIVISIONAL AREA &
SUBDIVISION OF FARM NO. 1202/54,
JOHANNESDAL, PAARL DIVISION**

**CIVIL ENGINEERING
SERVICES REPORT**



BART SENEKAL INC.
 Consulting Civil & Structural
 Engineers

12 Alexander Street, Stellenbosch 7600
 P.O. Box 1196, Stellenbosch 7599
 Telephone (021) 883-8710
 Fax No. (021) 887-6567
 E-mail info@bs-inc.co.za

DATE: 27 March 2021

YOUR REF:

OUR REF: 1441/A2

PROPOSED RESIDENTIAL DEVELOPMENT ON FARM 1202/54, JOHANNESDAL
REPORT ON PROVISION OF CIVIL ENGINEERING SERVICES

1. INTRODUCTION

The proposed residential development on Farm 1202/54, Johannesburg comprises 30 single residential units. This report summarises the current situation with regard to the provision of the basic civil engineering services, i.e. water supply, sewerage, stormwater drainage and solid waste removal to the proposed development.

The development proposal is indicated on the Subdivision Plan of P-J le Roux Town Planners in Annexure B. The concept of the civil engineering services is as indicated on Drawing no. 1441/01 in Annexure C.

2. SITE LOCATION AND DESCRIPTION

The site of 2.03 ha is located in Johannesburg, approximately 10 km outside Stellenbosch.

To the south the site is bordered by the Logie residential development, to the north by vacant land, to the east by a property currently in the process of development and to the west by mountainous terrain. The site has a steep gradient of approximately 1 in 8 in an easterly / south easterly direction.

3. WATER SUPPLY

3.1 Demand :

The demand for potable water for the proposed development is calculated as follows:

Single residential > 250 m ²	25 erven @ 0,70 kl/unit/day	= 17,5 kl/day
Single residential > 500 m ²	5 erven @ 0,80 kl/unit/day	= <u>4,0 kl/day</u>
	Total	= 21,5 kl/day

The development is classified as a "low-risk" fire protection area, with a required fire flow of 15 l/s at 7m minimum residual head.

3.2 Supply :

The subject property has been taken into account in the Municipality's Water Master Plan for the Dwars River Area and is located in future development area D6. Refer to Annexure D for an extract from the Water Master Plan.

The Municipality's water reticulation network is found in the Logie development on Farm 1202/23 as well as along Simonsberg Street extension. These connection points are both of sufficient size (160mm Ø) to accommodate the proposed development, although they are in different pressure zones. Connecting the development to both these pipes will take care of the substantial level difference across the development site. Alternatively, a single water connection for the development onto the high pressure network in the Logie development can be considered, and a pressure reducing valve (PRV) in this development to accommodate the low-lying erven.

The two highest erven in the proposed development may experience low water pressure from the existing municipal reservoir, and it is advised that they be connected to the municipal pressure booster system in the Logie development, consequently the proposal for a servitude across Erf 3.

3.3 Storage :

The Municipality's water storage capacity for Pniel/Johannesdal has recently been augmented through the construction of a new 6 Ml reservoir in Kylemore. Sufficient spare capacity is available to accommodate this development.

4. SEWERAGE

4.1 Run-off :

Sewage run-off from the proposed development is calculated as follows:

Single residential > 250 m ²	25 erven @ 0,60 kl/unit/day	= 15,0 kl/day
Single residential > 500 m ²	5 erven @ 0,65 kl/unit/day	= <u>3,3 kl/day</u>
	Total	= 18,3 kl/day

4.2 Drainage :

As for water supply, the subject property is taken into consideration (future development area D6) in the Sewer Master Plan of Stellenbosch Municipality. The Municipality's sewerage network is found in Simonsberg Street extension in the form of 150mm Ø gravity pipe lines. Sewerage of the development will be achieved by connecting to this pipelines as indicated on the Concept Engineering Services plan in Annexure C.

4.3 Treatment :

Sewage from the development needs to be treated at the municipality's Dwars River Waste Water Treatment Works. The treatment capacity of the WWTW is currently under pressure to treat the effluent from new developments, but upgrading of the WWTW is currently underway, and it is expected that sufficient spare capacity will exist by December 2021 to accept sewage run-off from this development.

5. STORMWATER DRAINAGE

5.1 Run-off

The 50-year stormwater run-off from the undeveloped site is estimated at 182 t/s. The 50-year stormwater run-off from the fully developed site is calculated at 412 t/s, thus an increase of 230 t/s from the pre-development run-off.

5.2 Drainage

The Dwars River, to the east of Johannesburg, is the natural drainage course of the valley. Stormwater from the village and the mountains to the west, is conveyed to the river via natural streams, manmade open channels and pipes.

The general stormwater drainage direction within the proposed development is in an easterly direction as indicated on the Concept Engineering Services plan.

5.3 Peak Stormwater Attenuation

Our calculations indicate that a storage volume of 170 m³ will be required to attenuate the post-development 50-year run-off from the site to be in line with the pre-development run-off.

Stormwater attenuation will be achieved through two sets of attenuation and infiltration ponds as indicated on the Concept Engineering Services plan.

5.4 Stormwater Quality Management

The mitigation of the negative effects of stormwater run-off pollution is increasingly receiving attention from water controlling authorities and Sustainable Urban Drainage Systems (SUDS) are promoted across the world. Similarly, this development embraces the ideology and will incorporate the principles in the detail planning.

The best management practices (BMP's) that can be considered for this development to improve the quality of the stormwater run-off are:

- Traps for silt and litter,
- Ponds with infiltration trenches.

The combinations of BMP's to be implemented will be provided at the detail SDP stage.

6. SOLID WASTE REMOVAL

Solid waste generated by the development is calculated as follows:

Single residential: 30 erven @ 0,04 t/unit/week = 1,20 t/week

The Stellenbosch Municipality indicated that they can provide a waste removal service to the development.

7. CONCLUSION

From the above it is concluded that:

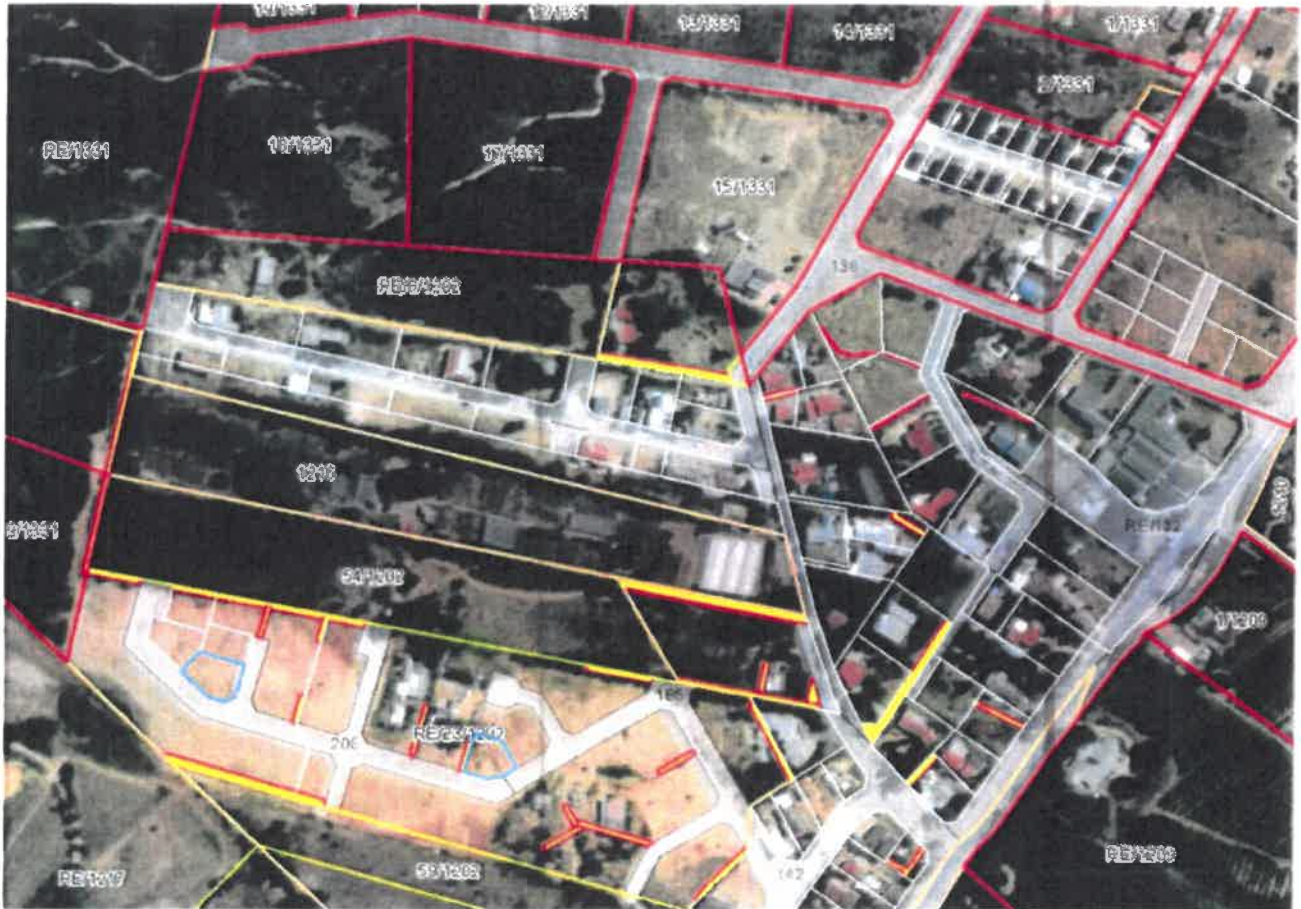
- (a) The required basic civil engineering services for the proposed development, i.e. potable water, sewerage and solid waste removal can be accommodated by the Stellenbosch Municipality in their existing infrastructure, **subject to upgrading of the Dwars River WWTW by Stellenbosch Municipality that is currently under construction.**
- (b) Attenuation of peak stormwater run-off from the developed site will be implemented through two sets of attenuation and infiltration facilities.

On behalf of: **BART SENEKAL & PARTNERS**



L J Louw Pr. Eng.

JOHANNESDAL, FARM 54/1202 : REPORT FOR THE BULK ELECTRICITY NETWORK



DESIGN REPORT FOR ELECTRICAL SERVICES

**MARCH 2021
REVISION 0**

Submitted By: **Peder Christensen**
De Villiers & Moore Consulting Engineers (Pty) Ltd
(021) 976 3087
Project No: R5081



JOHANNESDAL, FARM 54/1202 : REPORT FOR THE BULK ELECTRICITY NETWORK**1. INTRODUCTION**

- 1.1 This report covers the bulk electricity for erf 54/1202. The erf is a portion of farm 1202 that is undeveloped and has no existing services to it.
- 1.2 An ADMD of 4kVA (Empirical) was used for each of the proposed 30 single residential erven, requiring a total of 128kVA for the development.

2. SITE LOCATION AND AMENDED SUBDIVISION

- 2.1 The site is situated in Johannesburg. Access to the site is off Protea Road from Mentoor Mountain Estate. The road through Mentoor Mountain Estate is a public road, which will be extended into the development.

3. EXISTING INFRASTRUCTURE

- 3.1 There is no existing infrastructure in the development.

4. PROPOSED BULK ELECTRICITY

- 4.1 The Stellenbosch municipality has indicated that they are currently upgrading the electrical infrastructure, due to the increased amount of development taking place. The municipality indicated that supply to the erf will be from one of three new minisubs that will be installed as part of the upgrade of the area infrastructure.
- 4.2 The municipality confirmed verbally to point 4.1, for this reason no allowance is required for a minisub site in the development now. Once we have officially applied for a connection from the municipality, we will receive written confirmation from the municipality that a new minisub is not required. In the event that the municipality do require a minisub for the site, a position will be required at the POS at the entrance of the development. The minisub site dimensions will be 6m x 4m and against the road reserve.
- 4.3 Based on point 4.1 and 4.2 above, a LV-cable is to be installed from the nearest minisub to supply three municipal distribution kiosks, which will supply the 30 single residential erven.
- 4.4 The network-design will be approved and the installation taken over by the Stellenbosch municipality, with all infrastructure installed to their standards.

5. STREET LIGHTING

- 5.1 Stellenbosch municipality-approved street lights are to be installed. The street light design will be submitted to the Stellenbosch municipality for approval.

6. CABLE DUCTS

- 6.1 Stellenbosch municipality specified sleeves will be used for cable crossing roads and will be installed to municipal standards.
- 6.2 The Civil Contractor under supervision of the Consulting Civil Engineers will install all ducts in road-crossings.



Peder Christensen

De Villiers & Moore Consulting Engineers
Cell : 082 530 3333

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ANNEXURE R

**APPLICATION FOR REZONING TO
SUBDIVISIONAL AREA &
SUBDIVISION OF FARM NO. 1202/54,
JOHANNESDAL, PAARL DIVISION**

**TRAFFIC IMPACT
ASSESSMENT**



29 De Waarderskloof
Fol Park Building 1
Fernside Technopark
Fermont 1520
+27 (0)21 349 3664
paul@itsglobal.co.za

310 Edge Rippenal Terrace
241 Edge Drive
Tygerberg (1751)
Fermont 1551
+27 (0)21 914 6211
wester@itsglobal.co.za

www.itsglobal.co.za

PJ Le Roux
Per Email

Email: pj@pjleroux.co.za
26 March 2021

Our Reference: 4336

Attention: PJ Le Roux

BARRON HEIGHTS RESIDENTIAL DEVELOPMENT, PORTION 54 OF FRAM 1202, JOHANNESDAL, STELLENBOCH: TRANSPORT SITE ASSESSMENT

We refer to our appointment to evaluate the expected transport related impacts associated with the proposed residential development on Portion 54 of Farm 1202 in Johannesburg.

The property is located west of Helshoogte Road (MR172/R310) in Johannesburg. Refer to Figure 1 in Annexure A for a Locality Plan

Proposed Development

It is proposed to develop Portion 54 of Farm 1202 with 30 single residential dwelling units. Refer to Figure 2 in Annexure A for the proposed site development plan.

Existing Traffic Conditions

Existing Roadways in Site Vicinity

Helshoogte Road (MR 172/R310): Provincial Main Road: One lane per direction, 60 km/h posted speed limit with paved shoulders and paved sidewalks.

Sonnestraal Street: Class 5 Street: One lane per direction, with no shoulders or sidewalks

Lumley Street: Class 5 Street. One lane per direction with no shoulders and sidewalks.

Photo 1 to Photo 4 in Annexure B shows the typical cross sections of the roads in the site vicinity.

Traffic Volumes

The current traffic volume along Sonnestraal Road during the typical weekday peak hours is less than 50 vehicular trips in the peak hour, which is low. Based on the Provincial Road Network Information System the two-way traffic volume along Helshoogte Road is approximately 1 230 vehicles during the a.m. peak hour and approximately 1 170 vehicles during the p.m. peak hour. The traffic volumes

THINKING GLOBAL ACTING LOCAL

Directors: Mr. J. Coetzee Pr. Eng. (Managing) Dr. P. Pretorius Pr. Eng.
Dr. JC Krugersdorpers Pr. Eng. Mrs. L.C. Pretorius Pr. Eng. Ms. O. Ribeiro MB&S

Registration No. 2001/027265/07

along the road network in the site vicinity is within the capacity of these roads and no significant traffic conflicts was observed along the road network during site visits.

Transport Impact Analysis

Trip Generation

Based on the Committee of Transport Official's South African Trip Data Manual (TMH17) single dwelling units generate trips at a rate of 1 trip per dwelling unit (COTO210) with 25/75 peak directional split during the a.m. peak hour and a 70/30 directional split during the typical weekday p.m. peak hour.

Based on the COTO trip generation rate it is expected that the proposed development will generate approximately 30 peak hour trips with 8 trips inbound and 22 outbound during the a.m. peak hour and approximately 30 peak hour trips with 21 trips inbound with 9 outbound during the p.m. peak hour.

Traffic Impact

Based on the discussions above it is evident that the road network in the site vicinity has sufficient spare capacity to accommodate the trips associated with residential development on Portion 54 of Farm 1202 in Johannesburg. The transport impact of the proposed development from a capacity point of view will be insignificant. No road upgrades are required.

Accesses

Access is proposed off the new public road at the eastern boundary of the property as illustrated on the SDP. The development also has an access opportunity along the southern boundary of the property via the neighbouring development as shown on the SDP. No access spacing or shoulder sight distance issues are expected.

The proposed access is aligned with the future link road along the northern boundary of Erf 74, between Simonsberg Street and Lumley Street.

Parking

Based on the 2016 Stellenbosch zoning scheme requirements parking should be provided at a rate of 2 bays per dwelling unit.

Public Transport and Non-Motorised Transport

There are public transport services available along the Helshoogte Road (MR172). Bus embayments were observed along Helshoogte Road, within walking distance from the proposed development site. Refer to Photo 5 and Photo 6 in Annexure B. No dedicated public transport facilities are recommended as part of this development.

There are existing sidewalks along Helshoogte Road and no additional NMT facilities are required for the proposed development.

Conclusions and Recommendations

Based on the evaluation in this report, the conclusions and recommendations are as follows:

- The existing traffic volumes along the road network in the site vicinity is low.
- Approximately 30 new peak hour trips in the A.M peak hour and approximately 30 new peak hour trips in the P.M peak hour can be generated by the proposed, which is low.
- The expected future traffic volumes which include the site traffic will be within the capacity of the surrounding road network.
- Access is proposed off the new public road at the eastern boundary of the property. Access is also possible along the southern boundary of the site via the public road network to the south of the development. The access is aligned with the future link road along the northern boundary of Erf 74, between Simonsberg Street and Lumley Street.
- Two parking bays should be provided per erf.
- There are sufficient public transport and NMT facilities in the area and no additional facilities are recommended for the proposed development.
- The proposed residential development will have a low negative significance in terms of the expected transport impact.
- It is recommended that the development be approved from a transport impact perspective.

We hope this adequately addresses the expected transport impact associated with the proposed development. Please do not hesitate to contact us should you required any further information.

Yours sincerely,


Christoff Krogscheepers
For Inno

ANNEXURE S

**APPLICATION FOR REZONING TO
SUBDIVISIONAL AREA &
SUBDIVISION OF FARM NO. 1202/54,
JOHANNESDAL, PAARL DIVISION**

SITE PHOTOS



Existing dwelling



View across the property towards mountain



View over property towards Valley



Existing alien vegetation



Existing access road to be extended



Internal road on Mentoer Estate to connect



New access road to be extended



New access road over subject property



FUTURE ACCESS TO
FARM 1202/54, PD



EXISTING STRUCTURE
ON FARM 1202/54, PD



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

THE STELLENBOSCH MUNICIPALITY

PLANNING REPORT: APPLICATION FOR THE SUBDIVISION OF PORTION 33 OF FARM 81, STELLENBOSCH

Application Reference number	File Ref: LU/10917	Application Date	2019/12/13
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PART A: APPLICANT DETAILS

First name(s) & Surname	Clifford Heys		
Company name	TV3 Projects (Pty) Ltd		
SACPLAN registration number	Pr. Planner (SA): A/1158/2000		
Registered owner(s)	Cloefesdal Developments (Pty) Ltd	Is the applicant properly authorised to submit the application	Yes

PART B: PROPERTY DETAILS

Property description	Farm 81/33	Town/ City	Stellenbosch
Physical address	R304 / Klipheuwel Road		
Extent (m ² /ha)	48.9564ha	Current zoning	Agriculture and Rural Zone
Existing Development and Current land use	Agriculture		
Any unauthorised land use/building work	No		
Title Deed Nr.	T1651/2021		

PART C: APPLICATION DETAILS

Application(s)	<p>Application is made in terms of the Stellenbosch Municipal Land use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015, on Farm 81/33, Cloetesdal, Stellenbosch Division for the following:</p> <ol style="list-style-type: none"> 1. The subdivision in terms of Section 15(2)(d) of the said Bylaw in accordance with the attached Subdivision Plan and Phasing Master Plan to allow for the development of the property in accordance with the Subdivisional plan for the following: <ol style="list-style-type: none"> (a) 559 x Multi-Unit Residential Zone erven measuring ±20,1ha in extent to accommodate the residential component which will consist of dwelling houses, group houses (cluster and row houses) and flats/apartments; (b) Two (2) x Local Business Zone erven measuring ±1,33ha in extent for retail purposes; (c) One (1) x Education Zone erf measuring ±5,26ha in extent for purposes of a school; (d) Two (2) x Community Zone erven measuring ±1,97ha in extent for purposes of a church and ±2,81ha for purposes of a clubhouse, hall, crèche, day-care, restaurant, amphi-theatre, pool, sport and recreation facilities and ancillary uses; (e) Eight (8) x Utility Services Zone erven measuring ±4,29ha in extent for purposes of a public road and authority use; (f) Forty-One (41) x Private Open Space Zone erven measuring ±12,81ha in extent for purposes of private open spaces and a private road. 2. Approval of the Detail Master Plan and Landscape Master Plan. <p>Matters to be noted by the MPT.</p> <ol style="list-style-type: none"> 3. Approval of the development's name: Newinbosch Estate. 4. Approval for the naming and numbering of streets as per the Street Naming and Numbering Plan. 5. Written approval of the proposed urban development of Farm 81/33, Stellenbosch by the governing authority in terms of the Advertising on Roads and Ribbon Development Act, 21 of 1940 to permit the property to be subdivided, developed with more than
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	<p>1 dwelling unit, a Business Premises to be developed and to Place Buildings within 94.46m of the centre line of Main Road R304 in terms of Paragraph D (1-4), Page 5 of the Title Deed No T24040/2020.</p>
<p>Purpose of Application</p>	<p>To facilitate the development of the subject property for a mixed-use development which consists of the following:</p> <ul style="list-style-type: none"> - Group housing units and flats; - Commercial opportunities - Creche, primary school and secondary school; - Church with associated facilities such as a community hall, aftercare, employee accommodation. <p>A Land Use Planning Application for Portion 33 of Farm 81, Stellenbosch was submitted for the rezoning and subdivision of the subject property.</p> <p><i>On 21 January 2022 the rezoning and subdivision application served before the Municipal Planning Tribunal (MPT) for a decision and the MPT approved only the rezoning component of the application for Farm 81 Ptn 33 for urban development on condition that a revised Subdivision Plan be submitted for approval.</i></p> <p>In their decision the MPT requested that the revised Subdivision Plan address the following matters, namely:</p> <ul style="list-style-type: none"> • <i>Increase the density of the development in accordance with the provisions and proposed thresholds of the draft Adam Tas Corridor Local Spatial Development Framework and draft Adam Tas Corridor Development Guidelines (2021) for Precinct 10.</i> • <i>The revised subdivision addresses the integration of the proposed development with the surrounding area and proposed development on the adjoining properties.</i> • <i>The revised subdivision addresses the provision of "inclusionary housing".</i> • <i>The revised subdivision must address the provision of appropriate integrated public transport and NMT infrastructure taking into consideration the surrounding areas and proposed new development in the precinct.</i> <p>The applicant has now submitted a Revised proposal and motivation after consultation with the relevant internal departments that:</p> <ul style="list-style-type: none"> • <i>Facilitates a higher residential density that is consistent with the draft Adam Tas Corridor Development Guidelines;</i> • <i>Illustrates the provision of inclusionary housing; and</i> • <i>Illustrates the provision of appropriate integrated public transport and NMT infrastructure.</i>

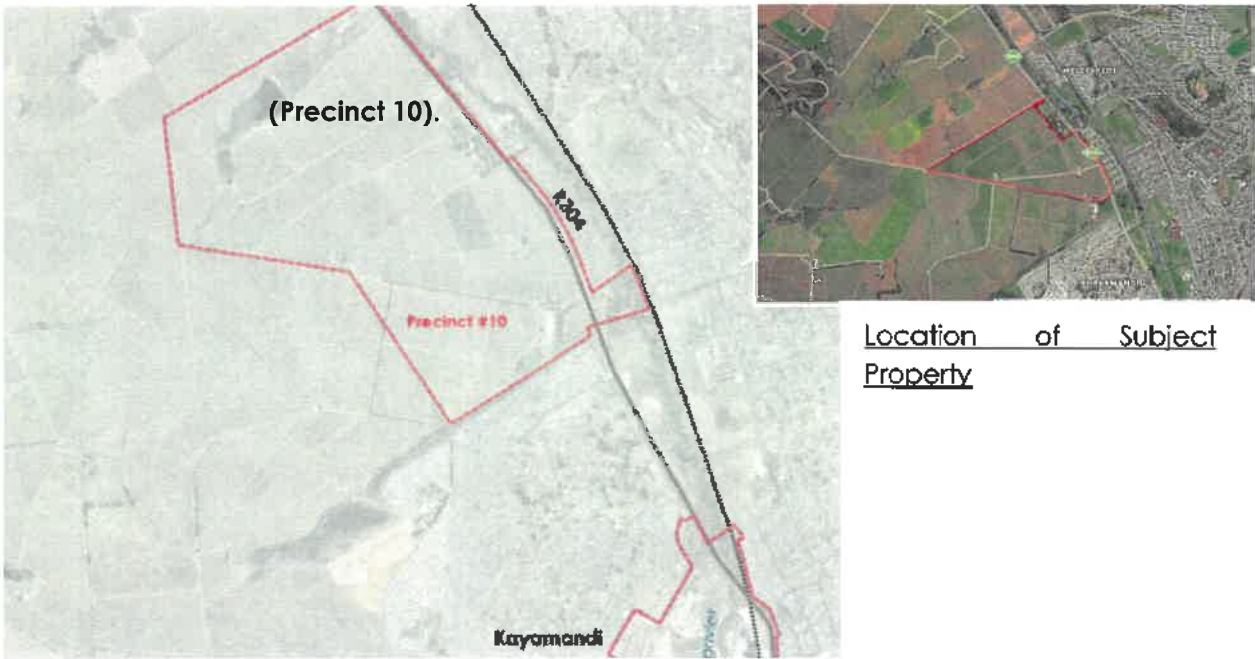
Pre-consultation	Yes. A meeting was held on 8 February 2022 with Stiaan Carstens, Chrizelle Kriel and Bernabé de la Bat to discuss the final Subdivision Plan.
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PART D: APPLICATION BACKGROUND

As noted above on 21 January 2022 the rezoning and subdivision application served before the Municipal Planning Tribunal (MPT) for a decision and the Tribunal only approved the rezoning component of the application for Farm 81/33 for urban development on condition that a revised Subdivision Plan be submitted for approval. The application under consideration is only to obtain approval for the subdivision of the property with a higher density than what was initially submitted for approval.

Farm 81/33, Stellenbosch is zoned Agriculture and Rural Zone and is utilised accordingly. The subject property is located on the R304, approximately 3km north of Stellenbosch central and is surrounded by agricultural land to the north and south, with a number of high density residential developments (Mt. Simon, Tweespruit, Nuutgevonden I, Nuutgevonden II, etc.) to the east – including the recently approved Steyn’s Nursery residential development on Farm 81/29, Stellenbosch.

The land located between Kayamandi township and Farm 81/33, Stellenbosch, belongs to Council and is in the process of being developed for low-cost housing. These properties with the subject property also form part of the Northern extension of the Municipality and the Northern section of the Adam Tas Corridor (Precinct 10). The intension of the Adam Tas Corridor is to facilitate higher density developments and promote affordable housing within Stellenbosch.



Locality of Subject property in terms of the Adam Tas Corridor.

The revised application still makes provision for a wide range of housing typologies referred to as the GAP, upper GAP, FSC (Financial Sector Charter) and Affordable Housing bracket, or in its simplest definition, homes which households can afford that earn a combined income of around R26,800pm (2021), or below.

PART E: APPLICATION OVERVIEW AND MOTIVATION

The land use application submitted and considered on 21 January 2022 by the Tribunal was made in terms of Sections 15(2)(a) and 15(2)(b) of the Stellenbosch Municipality's Planning By-law (2015) for the rezoning and subdivision of Farm 81/33, Stellenbosch to permit the Newinbosch mixed-use development which will consist of residential units, commercial facilities, educational facilities, community facilities and a church (with associated facilities).

On 21 January 2022 the MPT approved only the **rezoning component** of the application for the subject property from Agriculture and Rural Zone to Subdivisional Area in terms of Section 15(2)(a) of the said Bylaw for the following land uses:

- (a) **Multi-Unit Residential Zone** to accommodate the residential component which will consist of group houses (cluster and row houses) and flats/apartments;
- (b) **Local Business Zone** erven for retail purposes;
- (c) **Education Zone** erven for purposes of a school;
- (d) **Community Zone** erven for purposes of a church and clubhouse, hall, crèche, day-care, restaurant, amphi-theatre, pool, sport and recreation facilities and ancillary uses;
- (e) **Utility Services Zone** erven for purposes of a public road and authority use;
- (f) **Private Open Space Zone** for purposes of private open spaces and a private road.

In order to comply with the Tribunals condition of approval a Subdivision Plan and Phasing Master Plan to allow for the development of the property in accordance with the MPT conditions has been submitted:

- (a) 559 x **Multi-Unit Residential Zone** erven measuring ±20,1ha in extent to accommodate the residential component which will consist of dwelling houses, group houses (cluster and row houses) and flats/apartments;
- (b) Two (2) x **Local Business Zone** erven measuring ±1,33ha in extent for retail purposes;
- (c) One (1) x **Education Zone** erf measuring ±5,26ha in extent for purposes of a school;
- (d) Two (2) x **Community Zone** erven measuring ±1,97ha in extent for purposes of a church and 2,81ha for purposes of a clubhouse, hall, crèche, day-care, restaurant, amphi-theatre, pool, sport and recreation facilities and ancillary uses;
- (e) Eight (8) x **Utility Services Zone** erven measuring ±4,29ha in extent for purposes of a public road and authority use;
- (f) Forty-One (41) x **Private Open Space Zone** erven measuring ±12,81ha in extent for purposes of private open spaces and a private road.

In their decision the MPT requested that the Subdivision Plan address the following matters, namely:

- Density of the development in accordance with the provisions and proposed thresholds of the draft Adam Tas Corridor Local Spatial Development Framework and draft Adam Tas Corridor Development Guidelines (2021) for Precinct 10.
- The extent of the approved land uses as proposed in the application be amended to meet the density requirements of the draft Adam Tas Corridor Development Guidelines.
- Integration of the proposed development with the surrounding areas and new developments.
- The provision of "inclusionary housing".
- The provision of appropriate integrated public transport and NMT infrastructure taking into consideration the surrounding areas and proposed new development in the precinct.

The Subdivision Plan for approval addresses the matters raised by the Tribunal:

1. *The applicant has agreed to increase the development's residential density by increasing the number of residential units in the following way which does not have an impact on the original Subdivision Plan by:*
 - *Increasing the density on portion 558 & 559 / Phase I & L of the project, identified for flats by including an addition floor / storey to the proposed building, for which a detail design is to be submitted as a condition of approval for the 3 and 4 storey buildings creating ± 65 additional residential units on these two portions. ($1200 + 65 = \pm 1265$ residential units)*
 - *The additional of ± 50 FLISP / social housing units, to the south of the proposed school site, on portion 553 of the subdivision plan / Phase U of the project, on where current there are worker homes located. ($1265 + (\pm 55) = 1320$ residential units)*

Taking the above into account and a review of the area of "**Precinct 10**" covered by the subject property when excluding the areas of all non residential components such as commercial, community and educational land, the number of residential units to be developed on the remainder of the subject property will be in accordance with the provisions and proposed thresholds of the draft Adam Tas Corridor Local Spatial Development Framework and draft Adam Tas Corridor Development Guidelines (2021) for **Precinct 10**, as only 55% of the property is located within **Precinct 10**. This results in only ± 1250 Residential Units ($55\% \times 2272 = 1250$ Residential units) needed to be provided on the subject property in terms of the ATC guidelines. The revised proposal will make provision for ± 1320 Residential Units which is higher than what is required in terms of **Precinct 10** of the ATC.

2. The revised proposal still supports the integration of the proposed development with the surrounding areas and new developments. As illustrated on the Newinbosch Detail Master Plan / Subdivisions and Zoning Plan attached as **Annexure B** of this report. The proposal makes provision for a number of vehicular, NMT and pedestrian links to the north, south and east of the subject property. The development's non-residential facilities / component (shops, restaurants, schools, church, clubhouse, etc.) will be accessible to the general public as they are located on the major collector road. These aspects will ensure the sensible integration of

the proposed development with the surrounding areas and new developments, without compromising the integrity of the development under consideration.

3. The revised proposal also still supports the provision of inclusionary housing, as more than 10% of the residential units will be sold through the government's FLISP program for first time home buyers with prices starting at R680,000 per home. These homes will be cross subsidized by the more expensive units proposed, as no government subsidy exist. Furthermore, a substantial number of homes below the R1 million mark will be provided, which in terms of the Stellenbosch context, are seen as affordable homes.
4. The revised proposal also supports the provision of appropriate integrated public transport and NMT infrastructure where possible and to this end, the proposed development will have a comprehensive NMT design that runs throughout the entire development. Within the proposed development a variety of routes will be provided. Major vehicular routes will be provided with cycle lanes with edge protection from vehicle lanes. Routes dedicated to NMT are also provided with numerous pedestrians and cycling routes intersecting the site and running along the perimeter. Outside the development – on public land – the development's NMT infrastructure will link to and comply with the infrastructure planned by the municipal engineering department (as per their Master Plan).

From the above it is clear that the increase in residential units proposed for the Newwinbosch development's addresses the issues raised by the MPT. The final (and detail) design of the development will be done during the SDP approval phase.

PART F: PUBLIC PARTICIPATION, COMMENTS AND RESPONSE

The initial application for the rezoning and subdivision of the subject property was advertised for public comment on 1 October 2020 (for 30 days) in the Eikestadnuus, interested and affected parties were informed via e-mail, an on-site notice was displayed during the 30-day advertising period and the application was displayed on the municipal website. The Stellenbosch Interest Group provided comment and also made an oral presentation to the Tribunal, in which they highlighted their concerns, which was taken into consideration at the previous Tribunal meeting when approval was granted for the rezoning of the subject property with a condition that the applicant provide the Tribunal with a revised subdivision application that would result in higher densities.

The application under consideration is to obtain approval of the Subdivision Plan with a higher residential density which would comply with the proposed densities attributed to "Precinct 10" of the Adam Tas Corridors. The revised subdivision application was not advertised to the public as the proposal is only to comply with the MPT's approval conditions as imposed on the approval of the rezoning, thus no further comment has been received on the application from the internal departments and interested and affected parties.

The original rezoning and subdivision application were circulated to the internal departments of the Municipality for comment, but the revised proposal was not recirculated internally for comment, as the proposed amendments were in line with the parameters set out in the ATC and did not result in the amendment of the initial subdivision plan.

The initial land use application was supported by the following internal departments & section:

- Manager: Spatial Planning, Heritage and Environment: Supported. **(Refer to Annexure J of this report)**
- Director: Infrastructure Services: Supported. **(Refer to Annexure K of this report)**
- Director: Traffic Engineering Services: Supported. **(Refer to Annexure L of this report)**

As noted above the revised application has not resulted in the amendment of the initial subdivision plan, but only a slight increase in the total number of residential units that are to be constructed on the various portions of the subject property and for this reason the revised proposal has not been circulated. To ensure that the relevant number of residential units are constructed, a condition of approval is to be imposed which requires the applicant to submit a site development plan for each phase prior to any land unit within a phase being transferred.

PART G: ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

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

The application was submitted and processed in accordance with and in compliance with the prescripts of the said Bylaw.

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

The application under consideration was submitted in 2019 prior to the initiation of the Adam Tas Corridor project and therefore the motivation for the proposed mixed-use development on the subject property is based on the following:

- Compliance with the Stellenbosch Municipality's urban edge
- The vision of the Northern Extension as initially endorsed by Council in 2016.

The subject property was included in the Stellenbosch Municipality's urban edge in 2006 and the Stellenbosch Municipality has recently confirmed this position when they (again) approved the town's urban edge in November 2019, which once again included the subject property.

The MSDF states that Kayamandi is under pressure to develop in a northerly direction and that development should not be extended beyond the northern reach of the Farm Cloetesdal (with Welgevonden Boulevard forming the northern edge). The subject property is located within this area which has been identified by the MSDF for future urban development.

The MSDF also notes that the average residential density for Stellenbosch is very low, as it is only 8.17du/ha and that residential density for Stellenbosch should be a minimum of 25du/ha along major transport routes. The MSDF therefore promotes higher density residential developments along major routes such as the R304.

As a result, the R304 has been identified by the MSDF as a "*primary development axis / transport corridor*" and that development proposals along this axis should comprise "*higher density mixed use infill developments*" as is proposed by the application under consideration, to meet the

demand for affordable housing for the lower-and-middle income groups working in Stellenbosch and surrounds.

As land costs within Stellenbosch are high, lower-and-middle income workers are locked out from the Stellenbosch property market, which the proposal under consideration aims to try and address, as its target market is the *GAP*, *upper GAP*, *FSC (Financial Sector Charter)* or *Affordable Housing* bracket, or in its simplest definition, homes which households can afford that earn a combined income of around R26,800pm (2021), or below.

Compliance with the Stellenbosch Municipality's Northern Extension Project

In 2016 the Stellenbosch Municipality appointed Jubilee Projects to investigate the northern expansion of Stellenbosch. The study area covered an area of approximately 86ha. The aim of the Northern Extension is to accommodate the northwards expansion of Stellenbosch and create an integrated urban development consisting of various housing typologies to cater for various income groups. As noted above the proposal under consideration is to create affordable housing opportunities, which is in line with the vision of the Northern Extension as initially endorsed by Council in 2016.

Support of the Stellenbosch Municipality's Adam Tas Corridor Project

The Adam Tas Corridor Project was initiated by the Stellenbosch Municipality in 2019 to absorb development pressure / housing shortfall within Stellenbosch Town and stretches from the Cape Sawmills site to the Kayamandi / Cloetesville area along the western side of the R304 of which the subject property forms part of.

The aim of the Adam Tas Corridor is to promote higher density developments in order to promote public transport and non-motorised transport initiatives and will provide ±13 000 accommodation opportunities for ±50 000 people over a period of 30 years. As noted above, the subject property is located within the Urban Edge and forms part of Precinct 10 of the Adam Tas Corridor (ATC).

The proposal under consideration supports the principles of the ATC Project as it consists of a mixed-use development that aims to accommodate affordable and middle-income homeowner which fall in the *GAP*, *upper GAP*, *FSC (Financial Sector Charter)* which is in line with the ATC in respect of Precinct 10.

Public Transport

The subject property is located on a primary development axis / transport corridor (i.e. the R304) that will enables access to convenient public transport as facilities are proposed to accommodate these services along the R304. The proposed higher density residential development will also aid in supporting the public transport initiative on this transport corridor (R304) and as the proposed higher density development should contribute to the system's sustainability and viability as a result of the higher residential density that is proposed.

Addressing the town's housing needs and backlog

According to the MSDP the inadequate supply of affordable housing in Stellenbosch is a main concern and the greater municipal area has a housing backlog in terms of the availability of affordable housing opportunities which is growing.

The proposal under consideration will create ±1320 more affordable housing units for (primarily) essential workers, consisting primarily of flats and group housing units, which will aid in contributing towards addressing the housing need and backlog within this income group.

Provision of Community Facilities

The application also makes provision for community facilities within the development which will service the surrounding area and the development under consideration.

Provision of Commercial Facilities

The application also makes provision for a commercial site which is to service the properties within the surrounding area and the development under consideration.

Positive economic impact

The estimated value of this development project according to the applicant will amount to ±R1.1 billion that is to be invested into the local economy. As the construction sector is one of the largest single contributor to employment, the proposal will create many new employment opportunities (ranging from skilled to unskilled labour as well as a number of short and long terms work opportunities).

The proposed development will also contribute ±R90 million in development contribution fees to the Stellenbosch Municipality. The development contribution fees will be used to upgrade the municipal bulk infrastructure, and when the development is completed it will generate ±R6 million per annum of property taxes for the Municipality. The proposed development will therefore have a significant positive impact on the local economy and infrastructure of Stellenbosch.

Compatibility with the surrounding environment

A number of the surrounding properties in the area have been developed with high density developments, such as Nuutgevonden I, Nuutgevonden II, Tweespruit and Mt. Simon and the proposal under consideration will be similar to these developments and therefore is not seen to be out of character with its surroundings.

Support from the Department of Agriculture

The Provincial Department of Agriculture supports the development. **(Refer to Annexure G of this report.)**

Support from the Environmental and Heritage Departments

Applications have been submitted to and approved by the Department of Environmental Affairs and Development Planning and to Heritage Western Cape. **(Refer to Annexure F of this report.)**

Contextual Location of the property and its topography

The subject property lies at the interface between the urban and the rural along the R304, with most of the property falling within the urban edge. The urban development pattern of the surrounding area, reflects that areas of land which are more gently sloped, at lower elevations tend to become urbanized before the mid and upper sloped areas, due to higher civil engineering cost. Farmland has become urbanized and, in many instances, agricultural patterns have given way to urban patterns.

As the site lies within the transition zone between two landscape character domains (that of the rural and that of the urban); the site acts as mediator, with some portions reflecting more urban qualities, (especially those immediately adjacent areas which already form part of the urban realm). Whereas other portions may belong more properly to the rural landscape (notably those more continuous with the adjacent farmland).

One of the strong motivations for the development of the site is that it should stem encroachment onto productive agricultural land and the cultural landscape from the south. This would mean ensuring that poor communities are not located on the urban edge, which places an undue burden on such communities to access socio-economic opportunities, and at the same time and more importantly creating housing opportunities for a range of income groups particularly at the lower end of the income spectrum that would in the long term address the problem of informal settlement.

The development of the site forms part of a larger plan – the so-called northern extension of the town as well as the Adam Tas Corridor. The layout of the development also take note of the topography of the site as the erven have been arranged to ensure an optimal density. The interface with the rural/agricultural land on the northern boundary of the site is critical from a visual impact perspective and therefore landscaping of this boundary line is critical in reducing the visual impact as viewed from the R304.

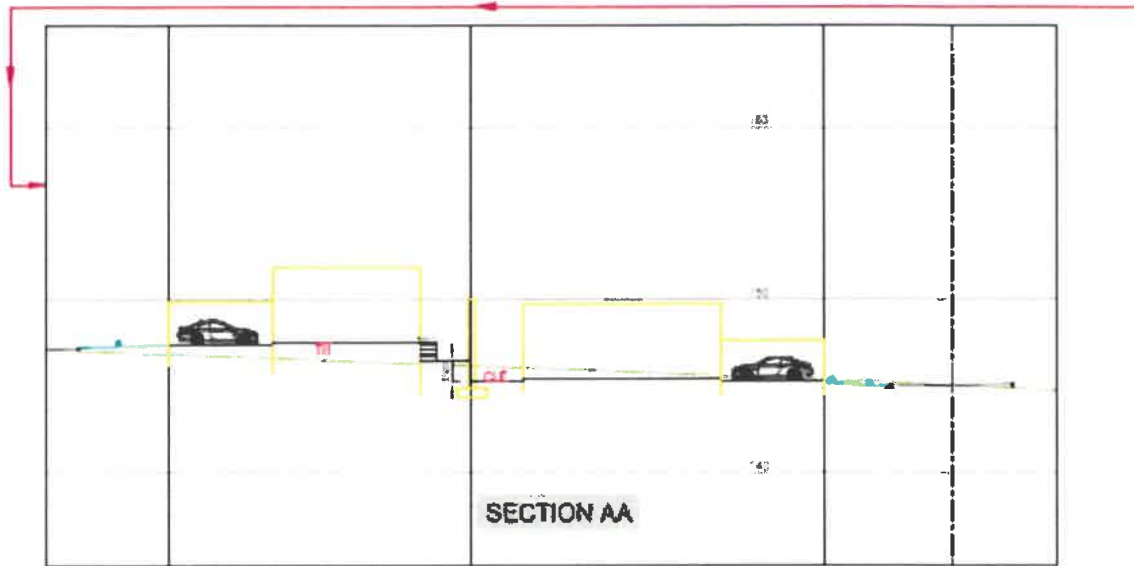
The main access to the site is from the R304 at a point roughly in the middle of the eastern boundary and take the form of treed boulevard that will create a distinct sense of place upon entering the neighbourhood. The boulevard affords access to the commercial and community uses on the site. The remainder of the site is accessed via a hierarchy of streets that provide vehicular access and NMT access to dwelling units, mostly oriented to following the contours of the site.

*The proposal under consideration has made provision for a softer edge that seeks to create a more gradual transition between urban and rural through the built form, the introduction of green spaces and the inclusion of extensive landscaping. Due to the sites location and topography any development proposed could never be hidden from users of the R304 and thus to try and reduce or soften it's impact a hybrid of a hard soft edge areas are proposed by introducing appropriate clustered landscaping along this edge. **(Refer to the Visual Impact Assessment attached as Annexure M of this report.)***

Although the slope of the property is fairly consistent when viewed from the R304, it is also suggested that landscaping will play a major role in reducing the impact of the development on the surrounding area. The design of the residential units must take the slope and orientation of the site into consideration to ensure minimal impact on the surrounding area and to minimize the scale and height of the residential unit. The building materials used and paint colours proposed must also help mitigate the visual impact of the proposed development on its surroundings. **(Refer to the Visual Impact Assessment attached as Annexure M of this report.)**



Extract from VIA which visually illustrates the potential visual impact of the proposed development as viewed from the R304.



Typical Section through a portion of the subject property (Section C-C)
(Refer to Detailed Plans attached as Annexure N & O of this report.)

The development accommodates various typologies of built form at a relatively high average density as a min of 25du/ha is the minimum requirement to support services such as public transport. The proposal under consideration is proposing a density of 38du/ha and the multi-storey component of the development have been kept to the lower slopes on the eastern portion of the site along the R304 to ensure that they have less of a visual impact on their surroundings.

As only 55% of the subject property is located within "Precinct 10" of the Draft Adam Tas Corridor Local Spatial Development Framework (ATC) which requires a minimum of 2273 residential units to be developed within this "Precinct" only ±1250 residential opportunities need to be accommodated on the subject property. The amended proposal under consideration has made provision for ±1320 residential opportunities with a density of 38du/ha being proposed, which is in line with the Draft ATC.

It is evident that although the proposed development will change the experience of arriving at Stellenbosch along the R304, the proposed mitigation will soften the visual impact to an acceptable degree. The proposed mitigations, particularly through landscape treatment of the northern boundary of the proposed development will specifically need attention to mitigate to some extent the visually impact as seen from the R304.

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:

1. The development of the site should aid in stemming the encroachment of informal settlements onto productive agricultural land and the cultural landscape from the south.
2. The development of the site forms part of a larger plan as it forms part of the northern extension of the town as well as the Adam Tas Corridor ("Precinct 10").
3. The layout of the development also taken note of the topography of the site as the erven have been arranged to ensure an optimal density.
4. The proposed development ensures high-density infill development on existing vacant land within the urban edge of Stellenbosch.
5. The locality of the property on the periphery of Stellenbosch Town is considered suitable for the proposed Mixed-Use development, as it forms the northern extension of the town as well as the Adam Tas Corridor.
6. The proposed development will contribute significantly to local economic growth and job creation as employment opportunities will be created by the approval of the proposal.
7. As confirmed by all specialist studies undertaken during the environmental impact assessment process, the property does not contain any sensitive environmental or heritage elements.

8. Sufficient service capacity is available to accommodate the proposed development, which in part is linked to the installation of bulk service infrastructure which are to be facilitated by the developer as part of the conditions of approval.
9. The relevant authorities support the proposed development from a traffic perspective, with the required road infrastructure improvements.
10. The proposal will be consistent with the provisions and proposals of the MSDP as the property is situated within the urban edge and delineated by the SDF for urban development.
11. The mixed-use development complies with the requirements of "Precinct 10" of the *Adam Tas Corridor as a density of 38du/ha is proposed*.
12. The visual impact of the proposed development can be mitigated to a large extent with the introduction of appropriate Landscaping as proposed.

PART I: RECOMMENDATION

1. That the following application in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for the proposed development on Portion 33 of Farm 81, Stellenbosch:
 - 1.1 Subdivision in terms of Section 15(2)(d) of the said Bylaw in accordance with the attached Subdivision Plan and Phasing Master Plan to allow for the development of the property for the following:
 - 1.1.1 559 x **Multi-Unit Residential Zone** erven measuring $\pm 20,1$ ha in extent to accommodate the residential component which will consist of dwelling houses, group houses (cluster and row houses) and flats/apartments;
 - 1.1.2 Two (2) x **Local Business Zone** erven measuring $\pm 1,33$ ha in extent for retail purposes;
 - 1.1.3 One (1) x **Education Zone** erf measuring $\pm 5,26$ ha in extent for purposes of a school;
 - 1.1.4 Two (2) x **Community Zone** erven measuring $\pm 1,97$ ha in extent for purposes of a church and $\pm 2,81$ ha for purposes of a clubhouse, hall, crèche, day-care, restaurant, amphitheatre, pool, sport and recreation facilities and ancillary uses;
 - 1.1.5 Eight (8) x **Utility Services Zone** erven measuring $\pm 4,29$ ha in extent for purposes of a public road and authority use;
 - 1.1.6 Forty-One (41) x **Private Open Space Zone** erven measuring $\pm 12,81$ ha in extent for purposes of private open spaces and a private road.

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

2. That such approval be subject to the following **CONDITIONS** in terms of Section 66 of the said Bylaw:

- 2.1 The development be undertaken in accordance with the Subdivision Plan and Phasing Plan dated 02/03/2022, drawn by TV3 Town Planners, attached as **Annexure B**.
- 2.2 An electronic copy (shp,dwg,dxf) of the approved General Plan be submitted to the Directorate Planning and Economic Development for record purposes, which plan must indicate the following information:
 - Newly allocated erf numbers
 - Co-ordinates
 - Survey dimensions
 - Street names and numbering
- 2.3 The landscaping within each phase of the development shall be implemented substantially in accordance with the Detail Master Plan and Landscape Master Plan Reference Cloetesdal ERF RE/33/81 attached as **Annexure B**.
- 2.4 Each individual phase may be developed on an ad hoc basis and not in a specific order as noted on the Phasing Plan.
- 2.5 An owner's association for the subject development be established in terms of section 29(1) of the subject Bylaw.
- 2.6 All common property, inclusive of private road/s and open space/s and land required for services by the owners' association, be transferred at the cost of the applicant to the owners' association, prior to or simultaneously with the transfer or registration of the first land unit or prior to the first building plan approval, whichever occurs first.
- 2.7 All public places and public streets on the subdivision plan be transferred to the Municipality upon transfer of the first unit/erf in the subdivision, of which the cost for the surveying and transfer of such public land be for the account of the applicant/developer.
- 2.8 A detailed Site Development Plan be submitted to the Municipality for approval as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2019, for each phase of the development as well as for the "Access Control Gates with Associated Infrastructure and perimeter boundary wall / fencing for the development, which forms part of **Phase F** of the development", prior to the submission of any building plans being submitted, which must satisfactorily address, but are not necessarily limited to, all the conditions of this approval, compliance with relevant development parameters of the said Bylaw, and any relevant matters relating to Section 16(4) of the said Bylaw.
- 2.9 Each site development plan for the phases must include an updated traffic impact statement and a civil engineering services report (to assist the municipal engineers in calculating the development charges), with a detailed landscaping plan.

- 2.10 Architectural / Aesthetic Guidelines be submitted for the group housing component and approved by the Municipality prior to the registration of the first property or the submission of any building plan for dwelling units forming part of this component of the development. These guidelines must take the recommendations listed in the Visual Impact Assessment into consideration. (Copy of Visual Impact Assessment attached as **Annexure M** of this report.)
- 2.11 Landscaping plan be submitted with the site development plan for each phase and approval by the Municipality prior to the registration of the first property or the submission of any building plans for each phase, whichever occurs first.
- 2.12 The approved landscaping plan be implemented at the cost of the developer and to the satisfaction of the municipality prior to the first erf within a phase being transferred or 50% of building plans being approved for that phase, whichever occurs first. Such landscaping plan be submitted with the site development plan for each phase and must take the recommendations listed in the Visual Impact Assessment into consideration. (Copy of Visual Impact Assessment attached as **Annexure M** of this report).
- 2.13 The density on portion 558 & 559 of the proposed development / Phase I & L of the project, identified for flats be increased by including an addition floor / storey to the proposed building to create ± 65 additional residential units on these two portions, for which a detail design is to be submitted as part of the site development plan for the phase of which they form part {1200 (initially proposed by applicant) + ± 65 = **± 1265** residential units}.
- 2.14 The additional of **± 50 FLISP** / social housing units, on portion 553 of the proposed subdivision plan / Phase U of the development be provided (1265 + ± 55 = **± 1320** residential units).
- 2.15 The developer be responsible for providing alternative accommodation for persons currently residing on the property prior to a site development plan being submitted for the phase on which these people are located / housed.
- 2.16 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.
- 2.17 A service agreement regarding the responsibilities for the provision of engineering services be entered into with the Municipality prior to the construction of any engineering services or infrastructure in terms of Section 66(3) and Section 82(4) of the said Bylaw, which service agreement must include and comply with the conditions as imposed by the Directorate Infrastructure Services in their letter dated 8 September 2020 simultaneous to a site development plan being submitted for any of the phases.

2.18 The conditions of approval as imposed by the Road Network Management Directorate of the Department of Transport and Public Works must be complied with to the satisfaction of said department, as **attached as Annexure I**.

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

- 3.1 The applicant has adjusted the densities of the residential component of the proposed development to meet the densities prescribed by the ATC.
- 3.2 The MPT has already approved the rezoning of the subject property for urban development purposes and the proposed subdivision plan is in line with the approval granted for the rezoning of the subject property.
- 3.3 The revised subdivision proposal complies with the requirements of "Precinct 10" of the Adam Tas Corridor in terms of the density that is proposed by the revised subdivision application.

4. Matters to be noted:

- 4.1. Permission required in terms of title deed condition D (1-4), Page 5 of the Title Deed No T24040/2020, be obtained from the delegated authority in terms of the Stellenbosch Municipality System of Delegations as amended by Council Item 7.3.3 on 25-01-2017 to develop the subject property as proposed.
- 4.2. Approval of the development's name: Newinbosch Estate and the naming and numbering of streets as per the Street Naming and Numbering Plan, be obtained from the delegated authority in terms of the Stellenbosch Municipality System of Delegations.
- 4.3. The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- 4.4. The subdivision only comes into effect once all suspensive conditions or relevant legislative provisions have been complied with.
- 4.5. A constitution for the owner's association be submitted and approved by the municipality in terms of Section 29(3) of the subject Bylaw prior to the transfer of the first land unit, which constitution must make provision for the relevant matters in Section 29 of the subject Bylaw.
- 4.6. All engineering services and infrastructure as required in terms of the conditions and services agreement must be complied with to the satisfaction of the municipality and/ or the relevant authority prior to the issuing of a Section 28 Certification.
- 4.7. Building plans must be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.
- 4.8. The development must comply with the conditions of approval as imposed by the Department of Environmental Affairs and Development Planning as set out in their environmental authorisation of 14 December 2020, as attached as Annexure F of this report.
- 4.9. The development must comply with the conditions of approval as imposed by Heritage Western Cape as set out in their approval letter of 5 November 2020, as attached as **Annexure H** of this report.

PART J: ANNEXURES

- ANNEXURE A: LOCALITY PLAN
ANNEXURE B: ZONING, SUBDIVISION PLAN AND PHASING PLAN
ANNEXURE C: APPLICANT'S MOTIVATION
ANNEXURE D: COPY OF TITLE DEED
ANNEXURE E: PUBLIC PARTICIPATION PORTFOLIO
ANNEXURE F: APPLICATION SUBMITTED TO THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING COMMENT
ANNEXURE G: COMMENT FROM THE DEPARTMENT OF AGRICULTURE (ESLENBURG & NATIONAL)
ANNEXURE H: COMMENT FROM HERITAGE WESTERN CAPE
ANNEXURE I: COMMENT FROM THE DEPARTMENT OF TRANSPORT AND PUBLIC WORKS (PRE)
ANNEXURE J: COMMENT FROM MANAGER: SPATIAL PLANNING
ANNEXURE K: COMMENT FROM MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)
ANNEXURE L: TRAFFIC IMPACT STUDY
ANNEXURE M: VISUAL IMPACT ASSESSMENT
ANNEXURE N: DETAILED SECTIONS THROUGH DEVELOPMENT
ANNEXURE O: TYPICAL UNITS PROPOSED

PART K: COMPILATION OF PLANNING APPLICATION ASSESSMENT REPORT**PLANNING REPORT: APPLICATION FOR THE SUBDIVISION OF PORTION 33 OF FARM 81, STELLENBOSCH****Author of Planning Assessment Report:**

Name: R P FOOY

Capacity: SENIOR TOWN PLANNER

SACPLAN Registration:

Signature: 

Date: 03/03/2022

PART L: REVIEW OF PLANNING APPLICATION ASSESSMENT REPORT**PLANNING REPORT: APPLICATION FOR THE SUBDIVISION OF PORTION 33 OF FARM 81, STELLENBOSCH****Review of Planning Assessment Report:**

Name: Chrizelle Kriel

Capacity: MLCM

SACPLAN Registration: A212/10

Signature: 

Date: 03/03/2022

PART N: SUBMISSION OF PLANNING APPLICATION ASSESSMENT REPORT**PLANNING REPORT: APPLICATION FOR THE SUBDIVISION OF PORTION 33 OF FARM 81, STELLENBOSCH****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: D(c)

Decision Making Authority: SMPT

Rational: The Municipal categorization model for decision on Land Use and Land Development Applications requires that an application for the Subdivision of land larger than 10 000m² and more than two resulting erven to be decided by the Stellenbosch Municipal Planning Tribunal

Name:

Steven Carter

Capacity:

SMPT

SACPLAN Registration:

A/1551

Signature:

[Handwritten signature]

Date:

9/3/2022

PART O: ADMINISTRATION OF PLANNING APPLICATION ASSESSMENT REPORT**PLANNING REPORT: APPLICATION FOR THE SUBDIVISION OF PORTION 33 OF
FARM 81, STELLENBOSCH****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:

Capacity:

Signature:

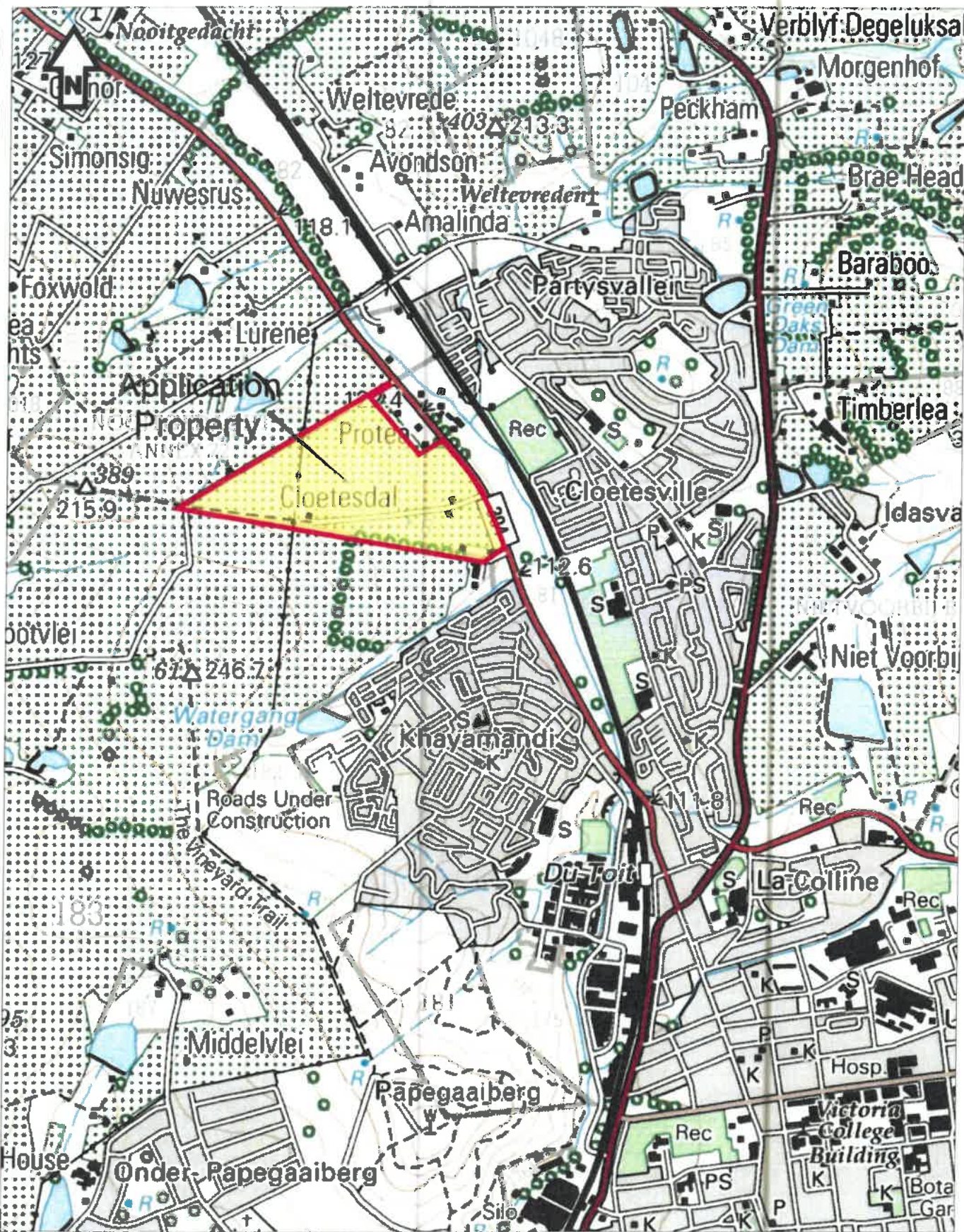
Date:



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STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE A



tv3
 ARCHITECTS AND TOWN PLANNERS

First Floor • La Grange Office Building
 97 Dorp Street • Stellenbosch 7600
 tel (021) 881 3822
 fax (021) 882 6025
 e-mail tv3@tv3.co.za
 web www.tv3.co.za

**Portion 33 of Farm
 Cloetesdal No. 81,
 Stellenbosch**

Drawing	Plan no.
Broad Locality	
1	
Date:	Scale:
07/06/2019	1:20 000(A4)
Project no.:	Drawn:
3629-P	WH
	Checked:
	CH



tv3
 First Floor • La Gratitude Office Building
 97 Deep Street • Stellenbosch 7600
 tel (021) 461 3800
 fax (021) 462 8025
 e-mail: stels@tv3.co.za
 web: www.tv3.co.za
ARCHITECTS AND TOWN PLANNERS

**Portion 33 of Farm
 Cloetesdal No. 81,
 Stellenbosch**

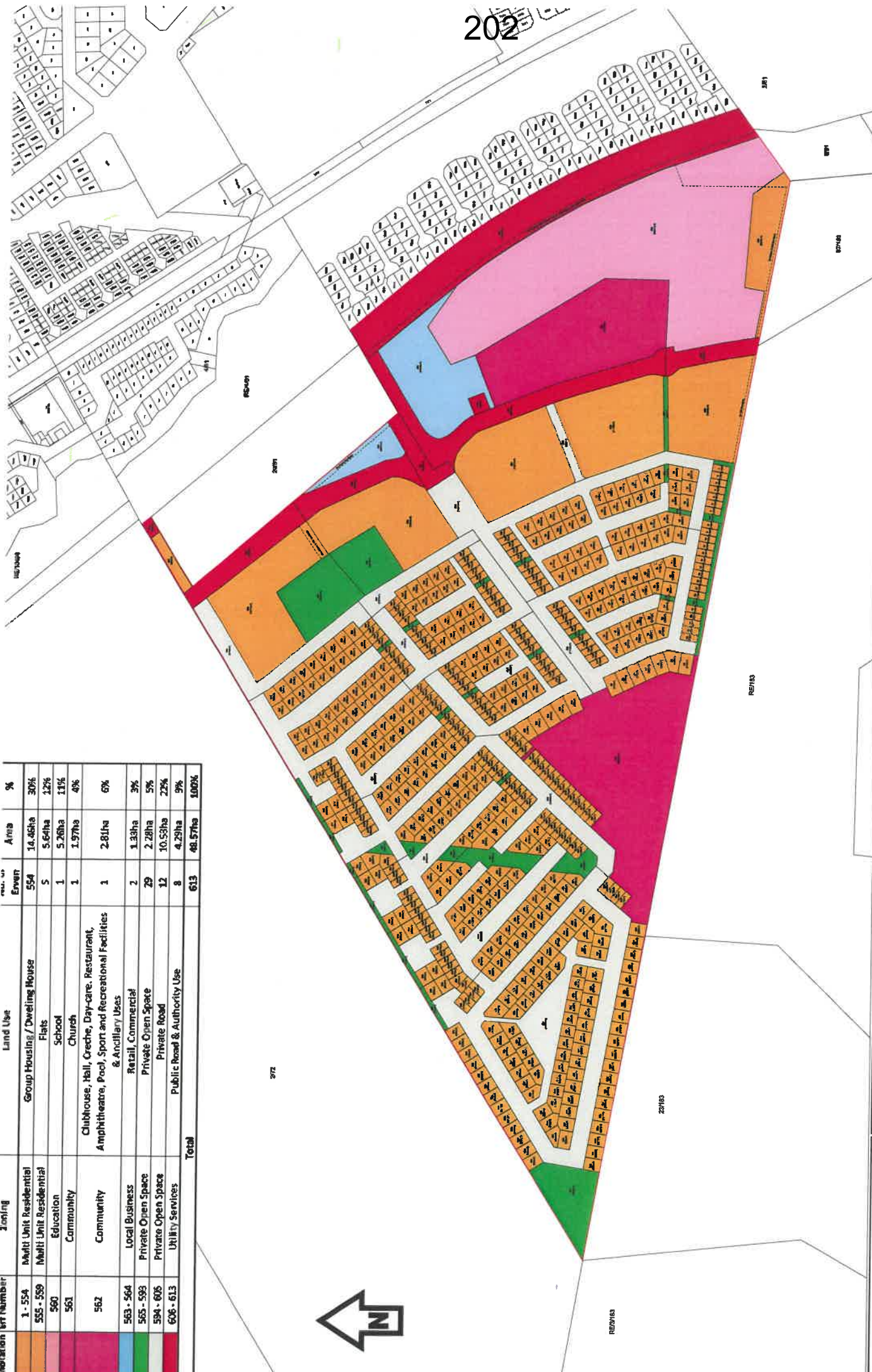
Drawing	Aerial Photo		Plan no.
			3
Date:	07/06/2019	Scale	1:2 DB0(A4)
Project no.:	3829-P	Drawn:	Checked:
		WH	CH



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ANNEXURE B



Lot Number	Zoning	Land Use	Area	%
1 - 554	Multi Unit Residential	Group Housing / Dwelling House	14.46ha	30%
555 - 559	Multi Unit Residential	Flats	5.64ha	12%
560	Education	School	5.26ha	11%
561	Community	Church	1.97ha	4%
562	Community	Clubhouse, Hall, Creche, Day-care, Restaurant, Amphitheatre, Pool, Sport and Recreational Facilities & Ancillary Uses	2.81ha	6%
563 - 564	Local Business	Retail, Commercial	1.33ha	3%
565 - 599	Private Open Space	Private Open Space	2.28ha	5%
594 - 605	Private Open Space	Private Road	10.53ha	22%
606 - 613	Utility Services	Public Road & Authority Use	4.29ha	9%
Total			48.57ha	100%

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newinbosch
 NEIGHBOURHOOD

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 SYDNEY NSW 2000 | PH: (02) 9232 2022 | WWW.TV3ARCHITECTS.COM.AU

Proposed Subdivision

Plan no.: **1**

Date: **02/03/2022**

Project no.: **1:2006 (A1)**

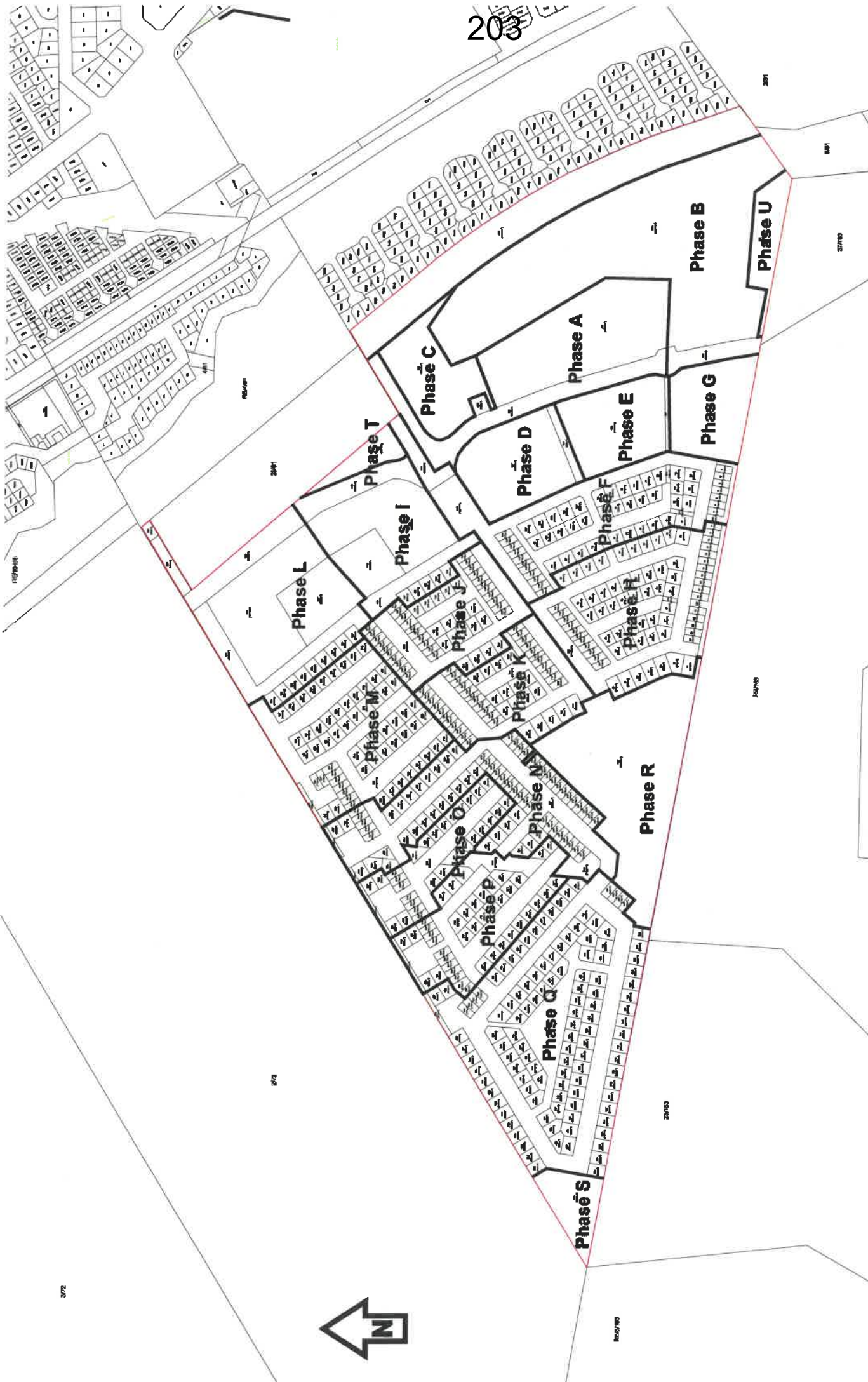
Scale: **1:2006 (A1)**

Drawn: **BSH**

Checked: **BSH**

Notation:
 Contoural information obtained from Surveys and Mapping (DSCLR)
 Aerial Photography obtained from Surveys and Mapping (DSCLR)
 Urban design done by Desmond Lange Architects
 Road design done by UDS Africa
 Sanitaries done by BSH

All areas and dimensions are approximate and should be verified by a professional land surveyor.
 This drawing is the property of TV3 Architects and Town Planners (Pty) Ltd and consent to reuse.



- All areas and dimensions are approximate and should be verified by a professional land surveyor.
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Notation:
 Cadastral Information obtained from Surveys and Mapping (ORD/LR),
 Aerial Photography obtained from Surveys and Mapping (ORD/LR),
 Phasing Plan done by Conrad Lange Architects,
 Road design done by UDS Africa,
 Servitudes done by BSI,
 Each phase will be developed on an ad-hoc basis and not in a specific order.

Drawing:	Phasing Plan	Plan no.:	2
Date:	02/03/2022	Scale:	1:2000 (A1)
Project no.:		Drawn:	
		Checked:	



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WINDKLEIN (WIND)
 Cuidado ambiental
 Conservación del agua
 Conservación del suelo
 Conservación del aire
 Conservación del ruido
 Conservación del paisaje
 Conservación del patrimonio cultural
 Conservación del patrimonio natural
 Conservación del patrimonio histórico

WINDKLEIN (WIND)
 Cuidado ambiental
 Conservación del agua
 Conservación del suelo
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CLOETSDAL, ERF RE/33/81



LANDSCAPE MASTER PLAN JUNE 2020

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ANNEXURE C

Our Reference: 3629-P

12 December 2019

Director: Planning and Economic Development
Stellenbosch Municipality
Town House
7600 STELLENBOSCH

Municipality - Munisipaliteit
Stellenbosch

13 DEC 2019

Office of Land Use Management
Kantoor van Grondgebruiksbestuur

Attention: Ms. Hedré Dednam

Madam

RE: NEWINBOSCH: APPLICATION FOR THE REZONING AND SUBDIVISION OF THE FARM CLOETESDAL NO. 81/33, STELLENBOSCH

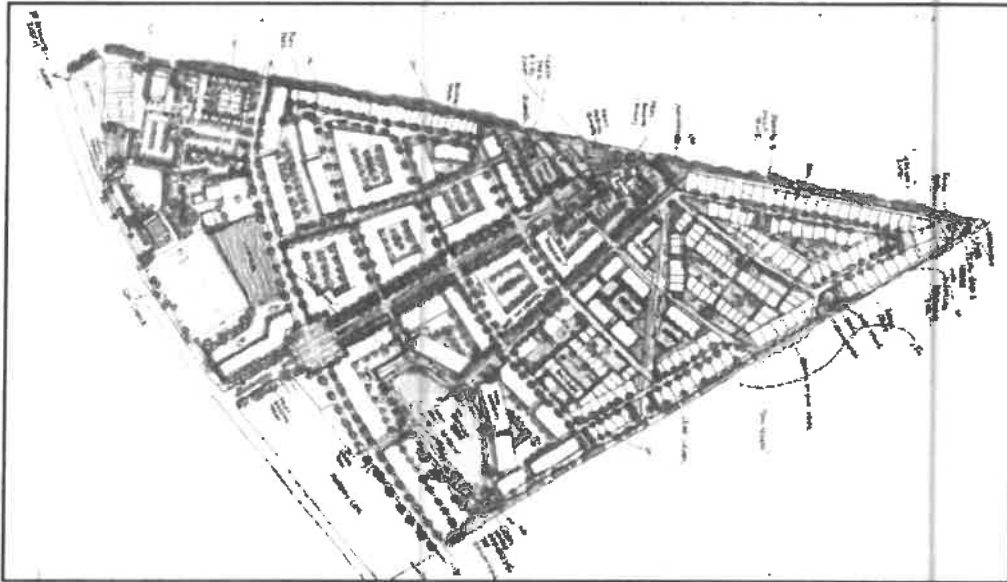
1. We refer to our pre-submission consultation on 9 October 2019 with Mr. Robert Fooy (Directorate: Planning and Economic Development) regarding the proposed Newinbosch mixed-use development on the abovementioned property.
2. Find attached hereto our land use planning application report (with four additional copies) in order to obtain the required planning approvals for the proposed urban development.
3. Please feel free to contact the undersigned at 021 861 3800 or clifford@tv3.co.za if you have any queries or require any additional information in order to process the application.

Yours faithfully



**CLIFFORD HEYS
TV3 PROJECTS (PTY) LTD**

**NEWINBOSCH
FARM 81/33, STELLENBOSCH**



**APPLICATION I.T.O. THE PLANNING BY-LAW
FOR SUBDIVISION, REZONING, ETC.**

REFERENCE NO. 3629-P
TV3 PROJECTS (PTY) LTD
LA GRATITUDE OFFICES (1ST FLOOR)
97 DORP STREET
7600 STELLENBOSCH
SOUTH AFRICA

11 DEC 2019
97 DORP STREET
7600 STELLENBOSCH
SOUTH AFRICA
TEL: +27 21 861 3800
FAX: +27 21 882 8025
e-mail: clifford@tv3.co.za



ARCHITECTS AND TOWN PLANNERS
ARGITEKTE EN STADSBEPLANNERS

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 - 4.7 Positive economic impact
 - 4.8 Compatibility with the surrounding environment
 - 4.9 Support from the Departments of Agriculture
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 - 5. PROVISION OF ENGINEERING SERVICES**
 - 5.1 Civil engineering services
 - 5.2 Transport impact study

- 6. CONCLUSION
 - 7. SIGNATURE OF APPLICANT
 - C. POWER OF ATTORNEY
 - D. CONVEYANCER CERTIFICATE AND DEED OF TRANSFER
 - E. PLANS
 - F. NORTHERN EXTENSION PROJECT
 - G. CIVIL ENGINEERING SERVICES REPORT
 - H. TRANSPORT IMPACT STUDY
 - I. APPLICATION FORM
-

SECTION A

LAND USE PLANNING APPLICATIONS

LAND USE PLANNING APPLICATIONS

Pertaining to Portion 33 of the Farm Cloetesdal No. 81, Division of Stellenbosch.

The following land use planning applications are hereby made in order to obtain planning approval for the proposed Newwinbosch urban development:

1. Application i.t.o. Section 15.2(a) of the of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the rezoning of Farm 81/33, Stellenbosch from *Agriculture and Rural zone to Subdivisional Area*.
 2. Application i.t.o. Section 15.2(d) of the of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the subdivision of Farm 81/33, Stellenbosch into Conventional Residential zone erven, Multi-unit Residential zone erven, Local Business zone erven, Education zone erven, Community zone erven, Utility Services zone erven and Private Open Space zone erven.
 3. Application for the Department of Transport and Public Roads' written approval of the proposed urban development of Farm 81/33, Stellenbosch (as the governing authority i.t.o. the Advertising on Roads and Ribbon Development Act, 21 of 1940).
-

SECTION B

PLANNING MOTIVATION REPORT

1. BACKGROUND INFORMATION

1.1 Brief

This firm received a brief from the developer to prepare the necessary documentation for the land use planning application as set out in **Section A** of this report, in order to obtain planning approval for the proposed Newinbosch mixed use development on Portion 33 of the Farm Cloetesdal No. 81, Stellenbosch [hereafter referred to as the subject property].

1.2 Property description

The subject property is described in the Deed of Transfer No. T24040/2002 as Portion 33 of the Farm Cloetesdal No. 81, in the Municipality and Division of Stellenbosch Western Cape. A copy of the Deed of Transfer is attached hereto (see **Section D**).

1.3 Ownership

The Alberto Costa Trust is the registered owner of the subject property. Our client – Cloetesdal Development (Pty) Ltd – is in the process of purchasing the subject property from the Alberto Costa Trust.

Find attached hereto a company resolution and a power of attorney (including a copy of the sales agreement) instructing this firm to submit the necessary land use planning applications (see **Section C**).

1.4 Size

The subject property is 41.4029ha in extent.

1.5 Title deed search

A title deed search was undertaken by attorneys and they have confirmed that there are no title conditions that will restrict the proposed urban development on the subject property. A copy of the Conveyancer Certificate is attached hereto (see **Section D**).

However, according to title conditions III.D.(1) – (4) the governing authority i.t.o. Act 21 of 1940, must give their written approval for the proposed development. For this reason, the land use planning application must also be submitted to the Department of Transport and Public Roads (as the governing authority i.t.o. Act 21 of 1940) for their written approval.

2. LOCAL PLANNING CONTEXT

2.1 Locality

The subject property is located on the R304 in Stellenbosch, approximately 3km north of Stellenbosch central – see Figure 1 below:



Figure 1: Locality of Farm 81/33

The locality of the subject property is also indicated on the attached locality maps (see *Section E*).

2.2 Surrounding land uses

The subject property is surrounded by agricultural land to the north and south, and high density residential developments (Mt. Simon, Tweespruit, Nuutgevonden I, Nuutgevonden II, etc.) to the east.

2.3 Present zoning and land use

The subject property is zoned *Agriculture and Rural Zone*. It is utilised accordingly.

3. NEWINBOSCH MIXED USE DEVELOPMENT PROPOSAL

3.1 Application for rezoning and subdivision

Application is made for the rezoning of the subject property from *Agriculture and Rural Zone* to *Subdivisional Area*, and for the subdivision of the subject property into residential, commercial, educational, community, open space and private / public roads erven. A copy of the conceptual Newinbosch Development Framework Plan – to illustrate the Newinbosch mixed use development's spatial vision – is attached hereto (see **Section E**).

With receipt of the Stellenbosch Municipality's (in principle) rezoning and subdivision approval, a final Subdivision Plan, Phasing Plan, Site Development Plan, (per phase), Landscaping Plan (per phase), Home Owners' Association Constitution and Architectural Guidelines (per phase), traffic impact statement (per phase) and civil engineering services report (per phase) will be submitted to the Director: Planning and Economic Development for approval.

3.2 Proposed land uses

The Newinbosch mixed use development will consist of the following different land uses to create a whole new integrated neighbourhood, namely:

- ±12 000 residential opportunities (consisting of single residential erven, group housing units and flats);
- Commercial (±5 000m² GLA);
- Church (±40 seats); and
- School (creche, primary and secondary school for ±2 000 pupils).

The details of these land uses will be finalised during the Subdivision Plan, Phasing Plan, Site Development Plan, etc. process, and will be submitted to the

Director: Planning and Economic Development for approval.

The purpose of the mixed land uses is to create an integrated and safe neighbourhood with all the associated amenities (schools, church, shops, parks, etc.). The residential component will consist of a range of affordable housing opportunities aimed at households with an income of between R18 000 – R50 000 per month (average R25 000 per month) and residential unit prices will vary from R700 000 – R3 million (average R1.4 million). It will support and contribute towards Council's non-motorised transport initiatives by providing pedestrian walkways and bicycle lanes.

3.3 Landscaping

The proposed Newinbosch mixed use development will be extensively landscaped to limit the buildings' visual impact; especially along the R304. New trees and shrubs will be planted to screen the buildings, and existing mature trees will be retained (as far as possible).

CNdV Landscape Architects have prepared a conceptual Master Landscape Plan for the Newinbosch mixed use development to illustrate the development's landscaping vision. A copy of their conceptual Master Landscape Plan is attached hereto (see *Section E*). Detailed Landscaping Plans will be submitted (per phase) to the Director: Planning and Economic Development for approval.

4. PLANNING MOTIVATION FOR THE PROPOSED NEWINBOSCH MIXED USE DEVELOPMENT

Our motivation for the proposed urban development of the subject property (to illustrate need and desirability) is based on the following reasons:

4.1 Compliance with the Stellenbosch Municipality's urban edge

The subject property was included in the Stellenbosch Municipality's urban edge back in 2006 and the Stellenbosch Municipality has recently confirmed this position when they (again) approved the town's urban edge (on 28 May 2018) that included the subject property – see Figure 2 below:



Figure 2: Stellenbosch Municipality's approved urban edge (28 May 2018)

4.2 Compliance with the Stellenbosch Municipality's Spatial Development Framework

The development proposal supports the principles (and is compliant with) the Stellenbosch Municipality's Spatial Development Framework (MSDF), as motivated in the section below.

4.2.1 Land use designation

The MSDF states that Kayamandi is under pressure to develop in a northern direction, but that development should not be extended beyond the northern reach of the Farm Cloetesdal (with the Welgevonden Boulevard as the northern edge); in other words, *“a band of development along the R304 should be promoted”* (refer to MSDF page 67). The subject property is located within this area identified by the MSDF for future urban development – see Figure 3 below:



Figure 3: Extract of the MSDF (Nov 2019)

4.2.2 Targeted residential density

According to the MSDF the average residential density for Stellenbosch is very low; it is only 8.17du/ha. The MSDF's targeted residential density for

Stellenbosch is 25du/ha (refer to MSDF page 38). The proposed higher density residential component of the Newinbosch development will therefore contribute to achieving this goal of an average residential density 25du/ha for Stellenbosch.

4.2.3 Development along major transport routes

The MSDF states that higher density residential developments along major routes (e.g. the R304) should be supported. The R304 is identified by the MSDF as a *"primary development axis / transport corridor"*. The proposed development of the subject property can therefore be deemed desirable as it is located on the R304 (a primary development axis / transport corridor) in an area that (according to the MSDF) *"should be explored for new high density mixed use infill development"* (refer to MSDF pages 55 and 58).

4.2.4 Demand for affordable housing

The MSDF states there is a significant demand for affordable housing for the employed lower-and-middle income groups. Land in Stellenbosch is expensive, locking out lower-and-middle income workers from the property market (refer to MSDF page 49). The proposed development – to create 240 affordable housing opportunities – will contribute towards addressing this need.

4.2.5 Tenets for spatial development

The MSDF further states that there are seven key tenets for the spatial development and management of Stellenbosch (refer to MSDF page 52), namely:

- *Tenet 1: Maintain and grow our natural assets.*

The proposed development supports this tenet as the subject property is not valuable agricultural land or a critical biodiversity area.

- *Tenet 2: Respect and grow our cultural heritage.*

The proposed development supports this tenet as it will not adversely affect the town's cultural heritage.

- *Tenet 3: Direct growth to areas of lesser natural and cultural significance as well as movement opportunity.*

The proposed development supports this tenet as it will support the Municipality's non-motorised transport initiative and provide the opportunity for pedestrians (i.e. the residents of the proposed development) to engage with public transport.

- *Tenet 4: Clarify and respect the different roles and functions of settlements.*

The proposed development supports this tenet as existing municipal bulk infrastructure is readily available for the development and the impact on infrastructure will be limited.

- *Tenet 5: Clarify and respect the roles and functions of different elements of movement structure.*

The proposed development supports this tenet as the subject property is located within the Stellenbosch urban edge (as approved by Council on 28 May 2018).

- *Tenet 6: Ensure balanced, sustainable communities.*

The proposed development supports this tenet as it will provide (much needed) affordable housing opportunities.

- *Tenet 7: Focus collective energy on critical lead projects.*

The proposed development supports this tenet as it will not exacerbate undesirable impacts or limit the opportunity for people to pursue a sustainable livelihood.

4.3 Compliance with the Stellenbosch Municipality's Northern Extension Project

In 2016 the Stellenbosch Municipality appointed Jubilee Projects to investigate the northern expansion of Stellenbosch. Their report – the Northern Extension Project for the Stellenbosch Municipality – was submitted to Council on 22 February 2017. At the meeting Council confirmed their support for the "*Northwards Extension of Stellenbosch Urban Planning and Development Project*" and it was resolved "*that Council support the development planning process to proceed in order to achieve the aim of an integrated human settlement development covering an area of approximately 86ha in the study area*". A copy of the Council item and the adopted Northern Extension Plan is attached hereto (see **Section F**).

The aim of the Northern Extension Project is to accommodate the northwards expansion of Stellenbosch and to create an integrated urban development (with different housing typologies for different income groups). The subject property forms an integral part of this Northern Extension Project in order to create an integrated human settlement area (as per Council's vision for the area) – see Figure 4 below:

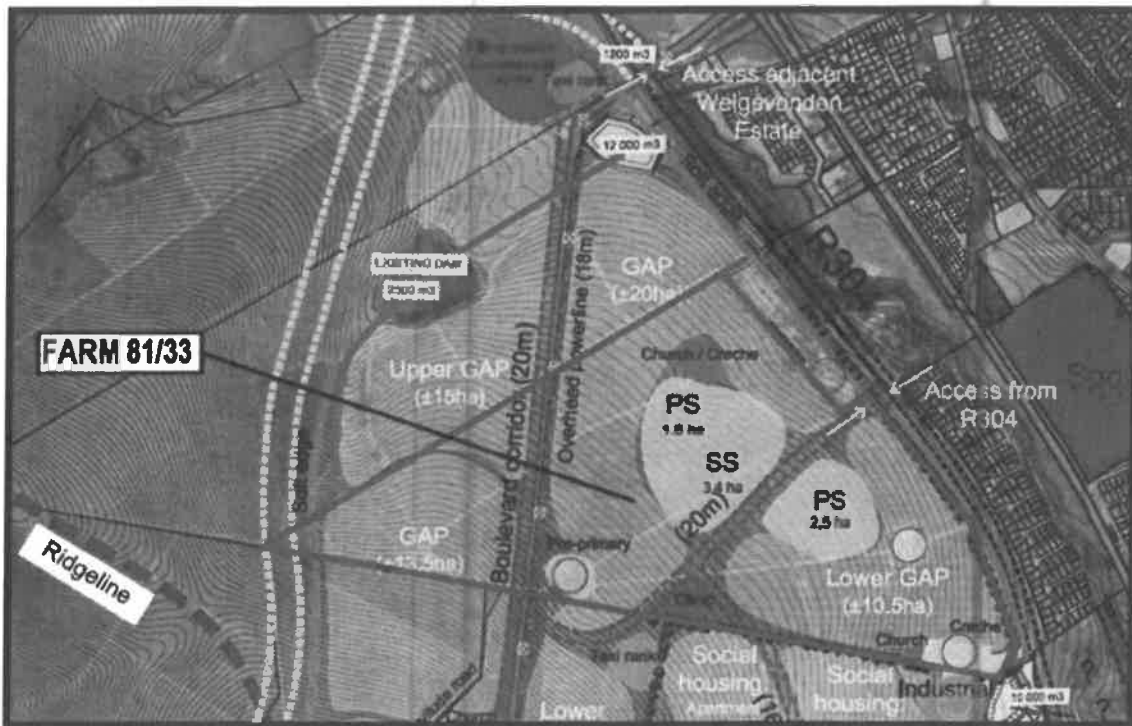


Figure 4: Extract of the Northern Extension Plan (2017)

The proposed development of the subject property – to create affordable housing opportunities – can be deemed desirable as it complies with the Northern Extension Project’s vision and recommendations.

The Northern Extension Project (including the proposed development) is also supported by the Western Cape Government: Human Settlements department. Find attached hereto a letter from Mr. Louis Welgemoed (Cape Winelands Regional Planner) supporting the Northern Extension Project (see **Section F**).

4.4 Support of the Stellenbosch Municipality’s Adam Tas Corridor Project

The Stellenbosch Municipality has initiated the Adam Tas Corridor Project to absorb development pressure in Stellenbosch. The aim of the Adam Tas

Corridor Project is to launch the restructuring of Stellenbosch through the redevelopment of the Adam Tas Corridor, the area that stretches from the Cape Sawmills site to the Kayamandi / Cloetesville area. The subject property is located on the Adam Tas Corridor – see Figure 5 below:

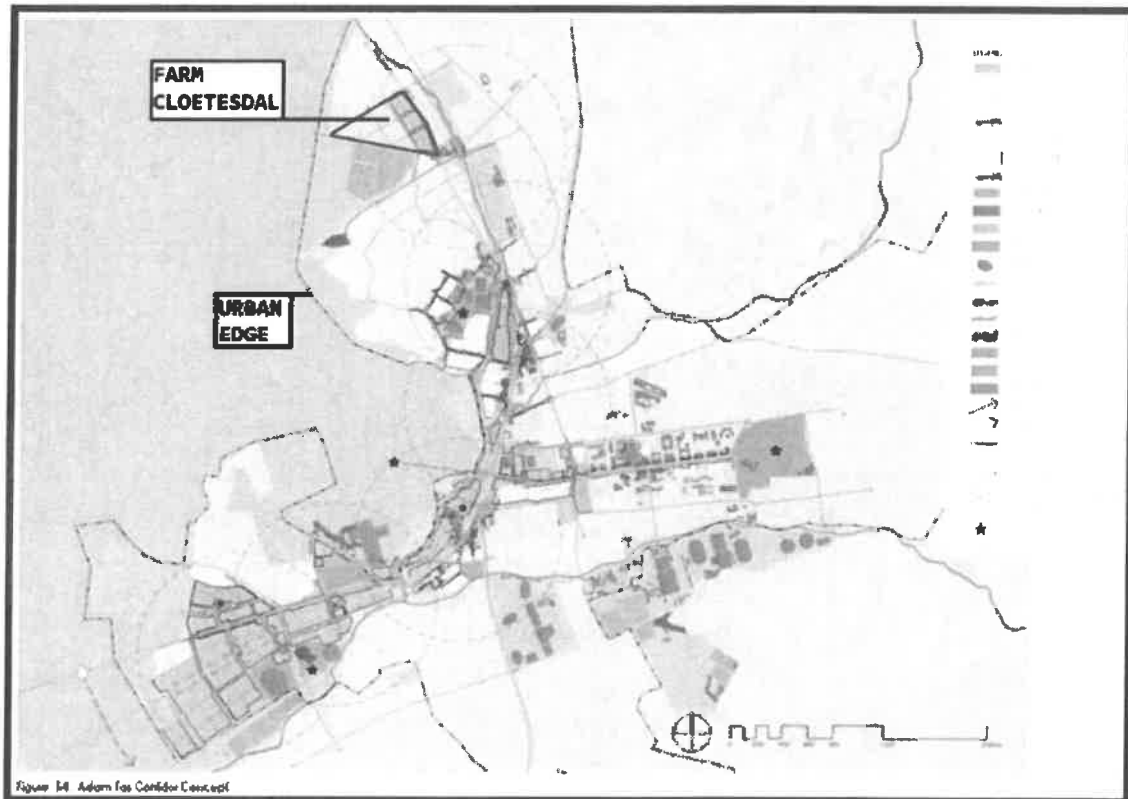


Figure 5: Adam Tas Corridor Concept

The Stellenbosch Municipality proposes high density residential developments on the Adam Tas Corridor in order to support public transport and non-motorised transport initiatives. According to Mr. Sarel Meyer (Project Manager) the Adam Tas Corridor Project will aim to provide 13 000 accommodation opportunities for 50 000 people over a period of 30 years (refer to the *Eikestadnuus* of 29 August 2019). The proposed high-density residential development of the subject property – located on the Adam Tas Corridor – will support the principles of the Adam Tas Corridor Project and contribute to the

provision of affordable accommodation opportunities. It can therefore be deemed desirable.

4.5 Support of public transport initiatives

The subject property is located on a primary development axis / transport corridor (i.e. the R304) that enables convenient public transport access and efficient transport movement. The proposed higher density residential development will support the Municipality's public transport initiative on this transport corridor and contribute to the system's sustainability and viability.

4.6 Addressing the town's housing needs and backlog

According to the Stellenbosch Municipality the inadequate supply of affordable housing in Stellenbosch is a main concern. The greater municipal area has a current and future housing backlog and the availability of developable land for housing opportunities is extremely limited. The Stellenbosch Municipality has now redefined the urban edge and has identified additional land deemed desirable for urban development (i.e. the subject property) and the creation of the much-needed housing opportunities in alignment with all goals and objectives of the Integrated Development Plan.

The MSDF states there is a significant demand for affordable housing for the employed lower-and-middle income groups, and that by 2021 the need for non-indigent housing (units <80m²) in Stellenbosch will be 8 357 units. The proposed development of the subject property will create ±12 000 affordable housing units (consisting primarily of flats and group housing units) and will contribute towards addressing the housing need and backlog. It can therefore be deemed desirable.

4.7 Positive economic impact

The South African economy grew by 0.8% in 2018 after a technical recession in the first half of the year (according to the Moody's Corporation). The economy shrank by 0.8% in the first quarter of 2019 compared to the last quarter of 2018. South Africa's unemployment rate increased to 27.6% in the first quarter of 2019, (according to Stats SA). The jobless rate at the end of the fourth quarter of 2018 was 27.1%, meaning the rate has increased by half a percentage point. Significant economic investment is needed to address these problems.

The estimated value of this development project will amount to ±R900 million that will be invested in the local economy.

Furthermore, the construction sector is one of the largest single contributor to employment. Construction opportunities should therefore be supported as it will create many new employment opportunities (ranging from skilled to unskilled labour). It is anticipated that the proposed development will create ±1000 new employment opportunities in the construction sector.

The proposed development will also pay ±R65 million in development contributions to the Stellenbosch Municipality, it will contribute to the upgrading of municipal bulk infrastructure, and it will pay an annual municipal tax of ±R5.5 million.

The proposed development will therefore have a significant positive impact on the local economy and infrastructure, and from a purely economic point of view, it must be supported.

4.8 Compatibility with the surrounding environment

Most of the surrounding environment (on the R304) has already been

converted into higher density residential developments, such as Nuutgevonden I, Nuutgevonden II, Tweespruit and Mt. Simon – see Figure 6 below:



Figure 6: The Nuutgevonden I and II developments (on the R304)

The development proposal will be similar to these developments and can therefore be deemed to be compatible with the surrounding urban environment.

4.9 Support from the Department of Agriculture

A previous land use planning application (on the subject property) was submitted to the Department of Agriculture in 2007. The Department of Agriculture confirmed that they have no objection against the proposed urban development of the subject property – see Figure 7 below:

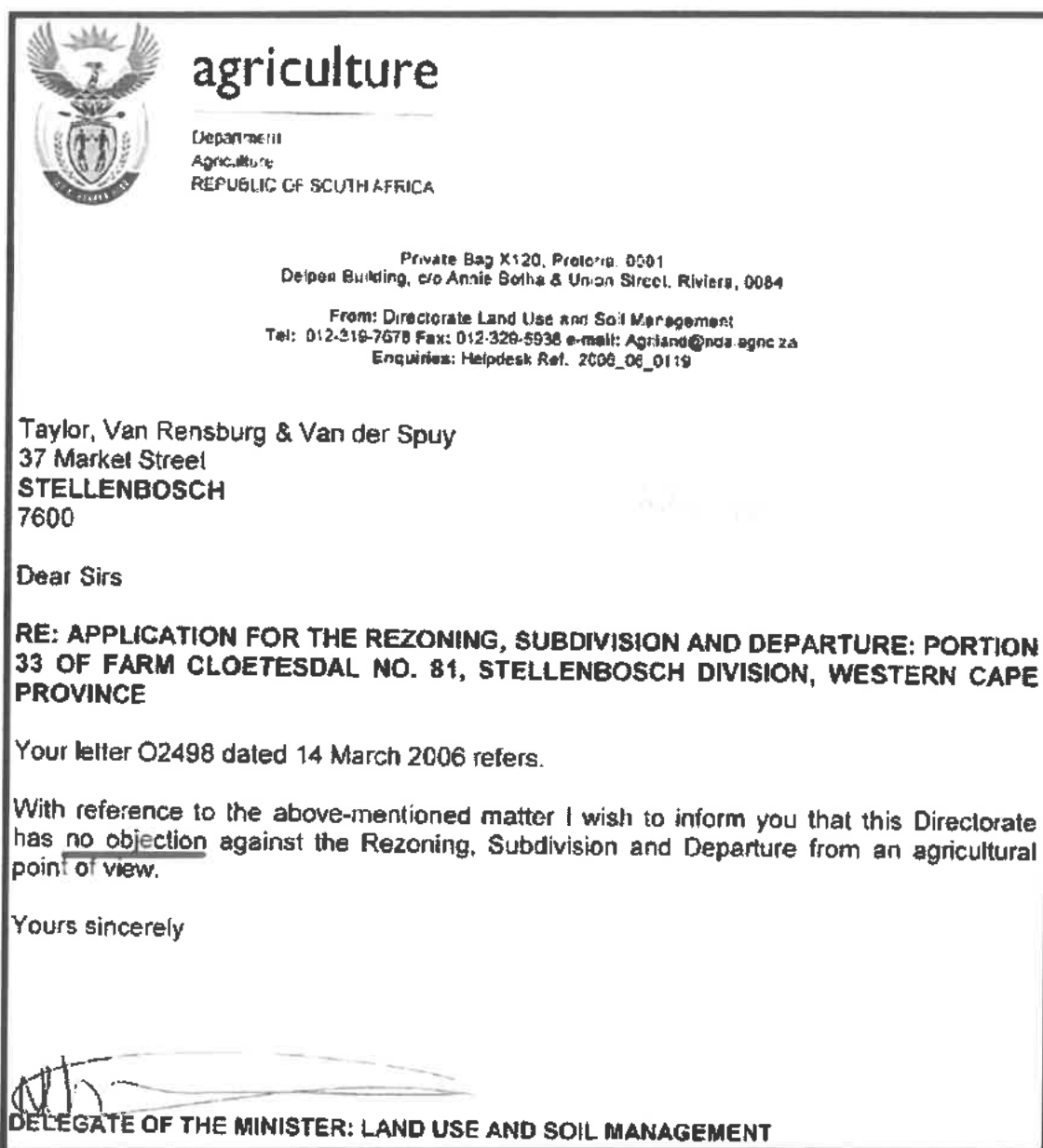


Figure 7: Department of Agriculture's letter of support (17 May 2007)

4.10 Environmental and heritage authorisations

Applications have been submitted to the Department of Environmental Affairs and Development Planning and to Heritage Western Cape for their

authorisations of the proposed urban development. Their decision letters will be submitted to the Stellenbosch Municipality with receipt thereof.

5. PROVISION OF ENGINEERING SERVICES

5.1 Civil engineering services

Bart Senekal Inc. civil engineers were instructed to investigate the availability of civil engineering services (water, sewerage, stormwater, etc.) for the proposed development and Raubicon electrical engineers were instructed to investigate the availability of electrical engineering services for the proposed development. According to their engineering services reports all services are available near the development and no problems are foreseen in providing the necessary services connections (with certain infrastructure upgrades). A copy of the civil and electrical engineering services reports is attached hereto (see **Section G**).

5.2 Transport impact study

iCE traffic engineers were instructed to undertake a transport impact study for the proposed development. According to their transport impact study report the proposed development is acceptable from a traffic point of view (with certain traffic infrastructure upgrades). A copy of the traffic report is attached hereto (see **Section H**).

6. CONCLUSION

From the above motivation it is clear that the proposed mixed-use urban development can be deemed desirable as the proposed development:

- Is located within the Stellenbosch urban edge;
- Is compliant with the MSDF;



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ANNEXURE D

CONVEYANCER'S CERTIFICATE

I, the undersigned DEIDRÉ SPIES, a practising attorney and conveyancer at the firm Deidré Spies Attorneys in Pretoria, do hereby certify, after searches done at the Cape Town Deeds Office, that the following information is true and correct:

1. **ALBERTO COSTA TRUST**
is the registered owner of:

**PORTION 33 OF CONSOLIDATED FARM CLOETESDAL NO. 81
IN THE STELLENBOSCH MUNICIPALITY
STELLENBOSCH DIVISION
WESTERN CAPE PROVINCE**

**IN EXTENT: 48,9654 (FOUR EIGHT COMMA NINE SIX FIVE FOUR) HECTARES
HELD BY DEED OF TRANSFER T 024040/2002**

2. No evidence could be found that there are any restrictive conditions registered against the property, which prohibits the rezoning of the property for purposes of the proposed residential development.

SIGNED at PRETORIA on this 24th day of NOVEMBER 2005



**CONVEYANCER
DEIDRÉ SPIES**

SPAMER TRIEBEL

attorneys · trademarks · patents · copyright

MR PIETER DU TOIT
 c/o Similan
 Office 202, 2nd Floor
 Mill Square
 Eikestad Mall
 c/o Plain & Andriga Street
 STELLENBOSCH

Our ref.: JSS/kg/COS1/0055
 Your ref.:
 Date: Friday, 5 February 2021

Pages: 1 of 1

BY HAND

Dear Pieter,

**RE: TRANSFER: ALBERTO COSTA TRUST TO CLOETESDAL DEVELOPMENTS (PTY) LTD
 REMAINDER PORTION 33 OF THE FARM CLOETESDAL NO. 81**

1. The above matter has reference.
2. Kindly find attached hereto the original Deed of Transfer No. T1651/2021 for your safekeeping.

Yours faithfully
SPAMER TRIEBEL INCORPORATED

Per: JOHANNES SPAMER

E-mail: johannes@spamertriebhel.co.za
 Direct Fax: 086 606 2486

Spamer Triebel Inc. Registration No: 2005/042322/21

Courier Unit 4, Oude Westhof Village Square, Van Riebeeckshof Road, Oude Westhof, Bellville, Cape Town, South Africa | Afrique Du Sud | Südafrika
 Postal PO Box 5149, Tyger Valley, 7536 Telephone +27 (0)21 913 7392 Fax +27 (0)21 913 0638/7407
 Email info@spamertriebhel.co.za - www.spamertriebhel.co.za

Directors: Johannes Spamer - BA LLB LLM | Suné Venter - BComm LLB

Associate: Jason Jennings - LLB | Articled Clerks: Marthinus Botha - BA LLB | Paige Fine - BA LLB | Zetri Coetsee - BSc LLB

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DEED OF TRANSFER: NO. T1651/2021

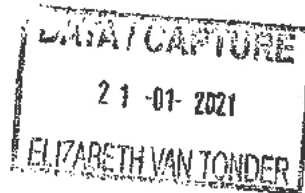
301

Blaauw Attorneys
 Oude Westhof Village Square
 cnr Pontac- & Van Riebeeckshof Roads,
 Block 2B
 Oude Westhof, Bellville
 Cape Town
 Tel: +27219131783

Prepared by me


 CONVEYANCER
JOHANNES HENDRIK BLAAUW
 (LPCM 78861)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 30 000 000,00	R. 3435,00
Reason for Exemption	Category Exemption	Exemption i.o. Sac/Reg Act/Proc



T 000001651 / 2021

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

Jacorine Alida Booyens, LPCM 91728

appeared before me, the Registrar of Deeds at Cape Town, the said appearer, being duly authorised thereto by a power of attorney granted to him by

The Trustees for the time being of the
 ALBERTO COSTA TRUST
 Registration Number IT 806/1998

signed at BELLVILLE on 13 OCTOBER 2020



And the appearer declared that:

Whereas the Transferor had truly and legally sold the undermentioned property on 16 October 2018 by Private Treaty

Now therefore the Appearer on behalf of the Transferor, did by these presents, cede and transfer to and on behalf of

CLOETESDAL DEVELOPMENTS PROPRIETARY LIMITED
Registration Number 2018/281892/07

its successors in title or assigns, in full and free property

REMAINDER PORTION 33 OF THE FARM CLOETESDAL NO. 81, IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH, PROVINCE OF THE WESTERN CAPE

IN EXTENT 41,4029 (FORTY ONE COMMA FOUR ZERO TWO NINE) HECTARES

FIRST REGISTERED by Certificate of Consolidated Title Number T1502/1976 with Diagram No. 6941/75 annexed thereto and held by Deed of Transfer Number T24040/2002

- I. IN SO FAR as concerns the area marked a b c d e m on the said Diagram No. 6941/75;
 - A. SUBJECT to the conditions referred to in Deed of Transfer No. 3116 dated 5 April 1927.
 - B. SUBJECT AND ENTITLED as set out in Certificate of Consolidated Title No. T11746/1926 to the benefit of:
 - (1) The terms and conditions of an Order of the Water Court District No. 1 dated 4th April 1922 annexed to Deeds of Transfer Nos 9199 and 9201 dated 29 December 1900 and referred to in the endorsement thereon dated 2 May 1922 relating to a division of certain water rights.
 - (2) The terms and conditions of certain Notarial Deed of Servitude dated 23rd March 1926 annexed to Deeds of Transfer Nos. 9199 and 9201 dated 29 December 1900, a reference whereto was endorsed thereon on 16th August 1926 relating to certain water rights.
 - C. SUBJECT TO AND WITH THE BENEFIT OF the following special conditions contained in Deed of Transfer No. 3116 dated 5 April 1927, namely:

"The transferee, or his successors in title shall not have the right of removing sand from the Plankenberg River, but shall allow its free and uninterrupted flow or wash on to Lot A, a portion of the farm Cloetesdal, this day transferred to A. Gelb and L M Stella, trading as Gelb and Stella, No 3114, save and except that the said transferee, or his successors in title, shall have the right to take sand as he may require for building purposes on the land hereby transferred."
- II. IN SO FAR as concerns the area marked m f g h j t s r q on the said Diagram No 6941/75:
 - A. SUBJECT to the conditions referred to in Deed of Transfer No 3115 dated 5 April 1927.

B. SUBJECT AND ENTITLED to the benefit of the following terms and conditions:

- (1) The terms and conditions of the Order of the Water Court District No. 1 dated 4 April 1922, annexed to the Deeds of Transfer Nos 9199 and 9201, dated 29 December 1900, and endorsed thereon on 2 May 1922, relative to a division of certain water rights.
- (2) The terms and conditions of certain Notarial Deed of Servitude dated 23 March 1926, annexed to the said two Deeds of Transfer Nos. 9199 and 9201 dated 29 December 1900, and endorsed thereon on 16 August 1926, relative to certain water rights.

C. SUBJECT AND ENTITLED to the following special conditions contained in Deed of Transfer No 3115 dated 5 April 1927, namely:

- (1) Subject to the Government's consent to the crossing of the Railway in that locality, the owner of Lot Cloetesdal Proper, this day transferred to M C Vos, No 3112, and his successors in title, shall if at any time desired by him, have a 12,59 metre right of way from his said land (Cloetesdal Proper) over the land hereby transferred, to the road marked Stellenbosch A Road on the annexed diagram. The exact position of this right of way to be mutually agreed by the owners. Should the right of way provided for be claimed by the owner of Lot Cloetesdal Proper, or his successors in title, he or they shall be entitled to place a bridge across Plankenberg River at his or their expense.
- (2) The owner of Lot Cloetesdal Proper, this day transferred to M.C. Vos, No. 3112, and his successors in title, having acquired the right of way over the land hereby transferred, referred to in sub-paragraph (1) above, shall be entitled to water their stock in the Plankenberg river where such right of way crosses the said river and also to pump water out of the said river for domestic purposes and, with the consent of the Railway Administration, conduct same by means of pipes along the said right of way to his said land (Cloetesville Proper).
- (3) The Transferee, or his successors in title, shall not have the right of removing sand from the Plankenberg River, but shall allow its free and uninterrupted flow or wash on to Lot A, this day transferred to A. Gelb and L.M. Stella, trading as Gelb and Stella, No 3114, a portion of the farm Cloetesdal, save and except that the transferee, or his successors in title shall have the right to take such sand as they require for building purposes on the land hereby transferred.

D. SUBJECT FURTHER to the terms of the endorsement dated 17 October 1966 which appears on Deed of Transfer No. 13934 dated 31 December 1941, which endorsement reads as follows:

"Endorsement in terms of Section 31(6) of Act 47 of 1937 (as amended).
A portion of the herein mentioned property measuring +- 2,10 morgen has been expropriated by the Divisional Council of Stellenbosch in terms of Section 130, Ord. 15/52. Vide notice of expropriation No. H/2/1 dd 5.10.66 filed as exprop. Caveat 740/66 plans in duplicate filed herewith."

III. IN SO FAR as concerns the area marked r s t k q on the said Diagram 6941/75:

A. SUBJECT to the conditions referred to in Deed of Transfer No. 3115 dated 5 April 1927.

B. SUBJECT AND ENTITLED to the benefit of the terms and conditions more fully set out under paragraph II. B. above.

C. SUBJECT AND ENTITLED to the special conditions contained in Deed of Transfer No 3115 dated 5 April 1927, more fully set out under paragraph II. C. above.

D. SUBJECT to the following conditions contained in Certificate of Registered Title No. 13933 dated 31 December 1941, imposed by the Divisional Council of Stellenbosch in its capacity as controlling authority in terms of Section 11(b) of Act No. 21 of 1940, namely:

(1) The land may not be subdivided, nor may any share in it or portion of it to be sold, leased, or disposed of in any way without the written approval of the Controlling Authority as defined in Act 21 of 1940.

(2) Not more than one dwelling house, together with such outbuildings as are ordinarily required to be used in connection therewith, shall be erected on the land except with the approval of the Controlling Authority as defined in Act 21 of 1940.

(3) No store or place of business whatsoever may be opened or conducted on the land without the written approval of the Controlling Authority as defined in Act 21 of 1940.

(4) No building or any structure whatsoever shall be erected within a distance of 94,46 metres, from the centre line of the road, without the written approval of the Controlling Authority as defined in Act 21 of 1940, as shown on annexed diagram.

E. SUBJECT FURTHER to the terms of the endorsement dated 17 October 1966 which appears on Deed of Transfer No. 6299 dated 18 May 1962, which endorsement reads as follows:

"Endorsement in terms of Section 31(6) of Act 47 of 1937 (as amended).

A portion of the hereinmentioned property measuring 0,20 morgen has been expropriated by the Divisional Council of Stellenbosch in terms of Section 130, Ord. 15/1952. Vide notice of expropriation No. H/2/1 dd 5.10.66 filed as exprop. caveat 740/66 plans in duplicate filed herewith."

IV. SUBJECT, in so far as concerns the whole of the within mentioned property, to a powerline servitude with ancillary rights in favour of Eskom as more fully described in Notarial Deed of Servitude No K1020/2000S endorsed on Deed of Transfer No 22649/1979.

WHEREFORE the appearer, renouncing all the right and title the said

The Trustees for the time being of the
ALBERTO COSTA TRUST
Registration Number IT 806/1998


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

CLOETESDAL DEVELOPMENTS PROPRIETARY LIMITED
Registration Number 2018/281892/07

its successors in title or assigns, now is and henceforth shall be entitled thereto, conformably
to local customs; the State, however, reserving its rights, and finally acknowledging that the
purchase price is the amount of R30 000 000,00 (Thirty 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 / 01 / 2021



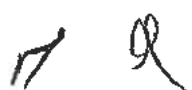
Signature of appearer q.q.

In my presence



Registrar of Deeds







240
STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE E



ARCHITECTS AND TOWN PLANNERS
 ARCHITECTE EN STADSBEPLANNERS

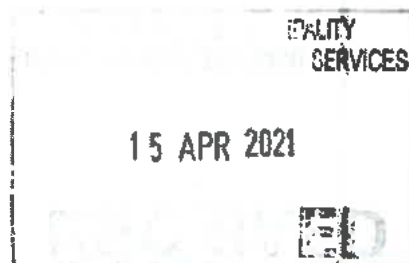
Our Reference: 3629-P
 Application No: LU/10917

9 April 2021

Director: Planning and Economic Development
 Stellenbosch Municipality
 Town House
 7600 STELLENBOSCH

Attention: Ms. Balelwa Mdoda

Madam



Municipality - Munisipaliteit
 Stellenbosch

13 APR 2021

F 81/33 S

PORTFOLIO OF EVIDENCE REPORT: APPLICATION FOR THE REZONING, SUBDIVISION, ETC. OF THE FARM CLOETESDAL NO. 81/33, STELLENBOSCH

1. Your letter of 21 September 2020 has reference.
2. We hereby confirm that the public participation process was successfully completed in accordance with the requirements of the Stellenbosch Municipal Land Use Planning By-law, 2015.
3. The public participation process commenced on 1 October 2020 and continued for 30 days as prescribed.
4. As instructed, notices were sent (via e-mail) to all the interested and affected parties and community organisations. The application was also advertised in the *Eikestadnuus* and an on-site notice was displayed during the advertising period.

5. After advertising no objections were received from the public. However, a late objection was submitted by the Stellenbosch Interest Group.
6. As instructed, the application was also sent to all the relevant external government departments, namely:
 - Department of Transport & Public Roads: No comments were received.
 - Department of Environmental Affairs & Development Planning: The environmental impact assessment process is still in hand and the Environmental Authorisation will be submitted to Council with receipt thereof.
 - Heritage Western Cape: Approval was received i.t.o. the National Heritage Resources Act, 1999.
 - Eskom: A letter of "*no objection*" was received.
 - Department of Agriculture: A letter of "*no objection*" (circa 2007) was received.
 - Western Cape Government: Agriculture: A letter of "*objection*" was received. The reason for the objection is that the department does not support Council's vision for the northern extension of Kayamandi (in other words, Western Cape Government: Agriculture's objection is not against the development proposal per se, but rather against Council's spatial planning policies).
7. We hereby provide Council with the following proof of advertising and alignment with the relevant legislation and by-laws:
 - **Section A:** Portfolio of evidence checklist.
 - **Section B:** Proof of publication of advertisement in the *Eikestadnuus*.
 - **Section C:** Copy of reg. letter sent to I&APs.
 - **Section D:** Proof of reg. mail letters sent.
 - **Section E:** Proof of on-site notice.
 - **Section F:** Late objection received.

- **Section G:** Applicant's response to late objection.
 - **Section H:** Notice sent to government departments.
 - **Section I:** Comments received from government departments.
 - **Section J:** Copies of e-mail correspondence with the officials
8. The relevant internal departments were informed of the application (and requested to comment) by the Directorate: Planning and Development Services.
9. We trust this information will suffice in finalising the application. However, if you have any queries please feel free to contact the undersigned.

Yours faithfully

A handwritten signature in black ink, appearing to read 'C. Heys', written over a faint, larger signature.

CLIFFORD HEYS
TV3 PROJECTS (PTY) LTD

SECTION A

Portfolio of evidence checklist



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DEPARTMENT OF DEVELOPMENT MANAGEMENT

LAND DEVELOPMENT APPLICATION:

PUBLIC PARTICIPATION PROCESS PORTFOLIO OF EVIDENCE CHECKLIST AND DECLARATION

Erf/Erven Farm no	Farm 81	Portion(s) if farm	33	Allotment Area	Stellenbosch		
Owner/Applicant	TV3 Projects (Pty) Ltd			LU/#	LU/10917		
Notice Period	From:	1 Oct 2020		To:	1 Nov 2020		
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).					X		
17. Applicant's comments on all the objections attached				X			

Please complete and sign the following declaration on above:

DECLARATION

I, (full names & surname) CLIFFORD REX HEYS and ID#: 7205295013088, 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 CLIFFORD HEYS on this date / month / year 9 APRIL 2021 at place STELLENBOSCH.



9 APRIL 2021

Signature Applicant

Date

<i>For office use only</i>	
CHECKED BY ADMINISTRATIVE OFFICER	
CHECKED BY TOWN PLANNER	
DATE VERIFIED	

NOTES TO BE RECORDED:

SECTION B

**Proof of publication of advertisement
in the *Eikestadnuus***

NETWORK GRATIS | FREE
 News out of the market 2020

Eikestad

BOEDEL
VEILINGS **KENNISGEWINGS**

VACANCIES **ESTATES**
AUCTIONS | **OFFICIAL NOTICES**




Western Cape Government
BEYER TOEGEEN

VACANCY BULLETIN

EDUCATING OPPORTUNITY FOR PEOPLE WHO WANT TO MAKE A DIFFERENCE
DEPARTMENT OF HEALTH
STELLENBOSCH HOSPITAL
ADMINISTRATION CLERK/ SUPPLY CHAIN MANAGEMENT
 Human Resources R03 703 per annum

Apply online via the e-recruitment system to apply for the position at: www.westerncape.gov.za/apply
 The closing date for the application is: **16 October 2020**



We know about hardship
donkeysanctuary.co.za



Western Cape Government
BEYER TOEGEEN

VACANCY BULLETIN

EDUCATING OPPORTUNITY FOR PEOPLE WHO WANT TO MAKE A DIFFERENCE
DEPARTMENT OF TRANSPORT AND PUBLIC WORKS
FARM AID
RTD-FARM SERVICES (ELZENBURG) 2 POSTS AVAILABLE
 Salary: R122 534 per annum (Salary level 2)
 Enquiries: Mr B Aucamp at 021 808 8222
 Reference number: AGR 46/2020

Job purpose: The purpose of these posts are to perform routine manual farming activities. These posts are based at Elzenburg Research Farm.

Requirements: Ability to read and write @Grade 5/ Adult Basic Education and Training (ABET 3).

Recommendation: Experience in performing general farm work • A valid (Code B or higher) driving license.

Key performance areas: Perform the following routine activities: Crop production (e.g. planting, harvesting and irrigation) • tilling, loading and maintaining water supply systems • Maintain fences, roads and pipelines.


Competencies: A good understanding on how to handle and carry weights of up to 50kg • General farm work and maintenance skills • Working with research farm animals • Communication skills.

NB: Applicants from relevant local communities will receive preference. The selection process will be guided by the EE targets of the employing department.

To apply, please complete an application form (2833) and current CV (3 page maximum) together with certified copies of ID, academic qualifications and proof of other requirements as indicated in the advertisement. The post being applied for and the reference number must be clearly indicated on the 2833 application form.

To submit your application, send deliver your application form from Monday to Friday between 07:00 to 17:00 to (1) Attention: Western Cape Government Jobs, Unit P0 Bayside Office, 43 Erica Road, Table View 7441, or you may post your application to (2) Attention: Western Cape Government Jobs, PO Box 40486, Table View 7430, alternatively you may email your application to (3) Attention: Western Cape Government Jobs, jobs@westerncape.gov.za

Applications not submitted on or before the closing date as well as hard copies will not be considered.



NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

APPLICANT FOR REDZONAL AND ERVENRECHT: FARM 1143 STELLENBOSCH
 Application Address: Nijghewald 7704, Stellenbosch
 Applicant: TV3 Projects (Pty) Ltd - C. Hoop (contact details: 021 881 3803)
 Owner: Alister Coetzee Trust - P. Du Toit (contact details: 021 881 3833)
 Application Reference: L187017

Application is made in terms of the Stellenbosch Municipal Land Use Planning By-laws, promulgated by notice number 2002/14, dated 20 October 2014, and Form No. 0103, Stellenbosch Municipality.

- The zoning of the subject property from Agricultural and Pastoral Zone to Urban Residential Zone is hereby notified. The zoning of the subject property is shown on the following map or diagram in plain view reference to: "Proposed Subdivision/MSDP", dated 05 August 2018, and Form No. 0103, Stellenbosch Municipality.
 - Site 1 Urban Residential Zone area measuring 2,21 ha is subject to completion of the residential component which will consist of single dwelling houses, group houses (subject to municipal approval) and other structures;
 - Site 2 Urban Residential Zone area measuring 1,23 ha is subject to residential development;
 - Site 3 Urban Residential Zone area measuring 2,17 ha is subject to residential development for purposes of a school;
 - Site 4 Urban Residential Zone area measuring 2,17 ha is subject to residential development for purposes of a church and 2,21 ha is subject to a children's park, school, day-care, restaurant, sports, and other recreational facilities and walking routes;
 - Site 5 Urban Residential Zone area measuring 4,23 ha is subject to residential development and walking routes;
 - Site 6 Urban Residential Zone area measuring 12,4 ha is subject to residential development and walking routes.
- The subdivision in terms of Section 102(1) of the said by-laws in accordance with the subdivision plan "Proposed Subdivision/MSDP", dated 05 August 2018, and "Planning Intention Plan - Revision 1", dated 01 July 2018, and Form No. 0103, Stellenbosch Municipality is hereby notified in accordance with the sub-division plan above;
- Approval for the naming and numbering of streets as per the Street Naming and Numbering Plan No. 2018/2-P, dated 05 August 2018;
- Adoption of the development scheme: Herengracht Estates;
- Approval of the Landscape Master Plan;
- Application for the Department of Transport and Public Roads' written approval of the proposed urban development of Farm No. 0103, Stellenbosch in the governing authority (in the Advertising Notices and Policy Development Act, 21 of 2018).

Notice is hereby given in terms of the said by-laws that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection at the Planning Point of the Stellenbosch Municipality for the duration of the public consultation process at the following address: www.stellenboschmunicipality.gov.za or at the Planning Point of the Stellenbosch Municipality, 1000 Nijghewald Road, Stellenbosch. If the applicant or documents cannot be consulted at the above-mentioned address, the applicant must be contacted at the following contact details: TV3 Projects (Pty) Ltd - C. Hoop (contact details: 021 881 3803).

Written comments, which must include the reference to the application, the name, contact details and physical address of the person submitting the comments, are welcome for the processing, and for the reasons of the public consultation process in terms of Section 102 of the said by-laws in the Applicant by electronic mail or follow: TV3 Projects (Pty) Ltd - C. Hoop (contact details: 021 881 3803).

The comments must be submitted within 30 days from the date of the notice to be received on or before the closing date of 2 November 2020.

For any inquiries on the Application or the above requirements, or if you are unable to visit, contact or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at 021 881 3803 during normal office hours.

KENNISGEWING VAN GRONDONTWIKKELINGSAAFSOEK IN DIE STELLENBOSCH MUNISIPALE AREA

AANSOEK VAN ERVENRECHT EN OORDEELRECHT: PLOEG 1143, STELLENBOSCH
 Adres van aansoek: Nijghewald 7704, Stellenbosch
 Aansoek: TV3 Projects (Pty) Ltd - C. Hoop (kontak besonderhede: 021 881 3803)
 Eienaar: Alister Coetzee Trust - P. Du Toit (kontak besonderhede: 021 881 3833)
 Aansoek Referensie: L187017

Aansoek word gemaak in terme van die Stellenbosch Munisipale Land Use Planning By-wette, gepromulgasie deur landswaard 2002/14, gedateer 20 Oktober 2014, op die Form No. 0103, Munisipal Stellenbosch.

- Aansoek word gemaak in terme van die Stellenbosch Munisipale Land Use Planning By-wette, gepromulgasie deur landswaard 2002/14, gedateer 20 Oktober 2014, op die Form No. 0103, Munisipal Stellenbosch.
 - Site 1 Urban Residential Zone area measuring 2,21 ha is subject to completion of the residential component which will consist of single dwelling houses, group houses (subject to municipal approval) and other structures;
 - Site 2 Urban Residential Zone area measuring 1,23 ha is subject to residential development;
 - Site 3 Urban Residential Zone area measuring 2,17 ha is subject to residential development for purposes of a school;
 - Site 4 Urban Residential Zone area measuring 2,17 ha is subject to residential development for purposes of a church and 2,21 ha is subject to a children's park, school, day-care, restaurant, sports, and other recreational facilities and walking routes;
 - Site 5 Urban Residential Zone area measuring 4,23 ha is subject to residential development and walking routes;
 - Site 6 Urban Residential Zone area measuring 12,4 ha is subject to residential development and walking routes.
- The subdivision in terms of Section 102(1) of the said by-laws in accordance with the subdivision plan "Proposed Subdivision/MSDP", dated 05 August 2018, and "Planning Intention Plan - Revision 1", dated 01 July 2018, and Form No. 0103, Stellenbosch Municipality is hereby notified in accordance with the sub-division plan above;
- Approval for the naming and numbering of streets as per the Street Naming and Numbering Plan No. 2018/2-P, dated 05 August 2018;
- Adoption of the development scheme: Herengracht Estates;
- Approval of the Landscape Master Plan;
- Application for the Department of Transport and Public Roads' written approval of the proposed urban development of Farm No. 0103, Stellenbosch in the governing authority (in the Advertising Notices and Policy Development Act, 21 of 2018).

Notice is hereby given in terms of the said by-laws that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection at the Planning Point of the Stellenbosch Municipality for the duration of the public consultation process at the following address: www.stellenboschmunicipality.gov.za or at the Planning Point of the Stellenbosch Municipality, 1000 Nijghewald Road, Stellenbosch. If the applicant or documents cannot be consulted at the above-mentioned address, the applicant must be contacted at the following contact details: TV3 Projects (Pty) Ltd - C. Hoop (contact details: 021 881 3803).

Written comments, which must include the reference to the application, the name, contact details and physical address of the person submitting the comments, are welcome for the processing, and for the reasons of the public consultation process in terms of Section 102 of the said by-laws in the Applicant by electronic mail or follow: TV3 Projects (Pty) Ltd - C. Hoop (contact details: 021 881 3803).

The comments must be submitted within 30 days from the date of the notice to be received on or before the closing date of 2 November 2020.

For any inquiries on the Application or the above requirements, or if you are unable to visit, contact or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at 021 881 3803 during normal office hours.

SECTION C

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

NOTICE OF LAND DEVELOPMENT APPLICATION TO INTERESTED AND AFFECTED PARTIES FOR COMMENT

Sir / Madam

The following land use application in terms of the Stellenbosch Land Use Planning Bylaw, 2015, refers:

Application Property Address: Klipheuwel Road / R304, Stellenbosch

Application Property Number: Farm 81/33, Stellenbosch

Applicant: TV3 Projects (Pty) Ltd – C. Heys (contact details: 021 861 3800)

Owner: Alberto Costa Trust – P. Du Toit (contact details: 021 883 2433)

Application Reference: LU/10917

Application Type: Rezoning and Subdivision

Application is made in terms of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015, on Farm No. 81/33, Stellenbosch Division for:

1. The rezoning of the said property 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 as depicted on plans with reference nr. "Proposed Subdivision/1/3629-P", dated 05 August 2020, and drawn by TV3 Architects and Town Planners:
 - (a) 559 x Multi-Unit Residential Zone erven measuring $\pm 20,1$ ha in extent to accommodate the residential component which will consist of single dwelling houses, group houses (cluster and row houses) and flats/apartments;
 - (b) Two (2) x Local Business Zone erven measuring $\pm 1,33$ ha in extent for retail purposes;
 - (c) One (1) x Education Zone erf measuring $\pm 5,26$ ha in extent for purposes of a school;
 - (d) Two (2) x Community Zone erven measuring $\pm 1,97$ ha in extent for purposes of a church and 2,81ha for purposes of a clubhouse, hall, crèche, day-care, restaurant, amphitheatre, pool, sport and recreation facilities and ancillary uses;
 - (e) Four (4) x Utility Services Zone erven measuring 4,29ha in extent for purposes of a public road and authority use;
 - (f) Twenty-three (23) x Private Open Space Zone erven measuring 12,81ha in extent for purposes of private open spaces and a private road.
2. The subdivision in terms of Section 15(2)(d) of the said bylaw in accordance with the subdivision plan "Proposed Subdivision/1/3629-P", dated 05 August 2020, and "Phasing Master Plan – Revision 1, dated 29 July 2020, and drawn by TV3 Architects and Town Planners to allow for the development in accordance with the subdivisional zone above;
3. Approval for the naming and numbering of streets as per the Street Naming and Numbering Plan No.3/3629-P, dated 05 August 2020;
4. Adoption of the development's name: Newinbosch Estate;

5. Approval of the Landscape Master Plan;
6. Application for the Department of Transport and Public Roads' written approval of the proposed urban development of Farm No. 81/33, Stellenbosch (as the governing authority i.f.o The Advertising on Roads and Ribbon Development Act, 21 of 1940).

Notice is hereby given in terms of the provisions of Section 46 of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: https://www.stellenbosch.gov.za/planning_portal/planning-notices/land-use-applications-advertisements. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said bylaw with the following requirements and particulars:

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address.
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
 - Indicate the facts and circumstances that explain the comments;
 - Where relevant demonstrate the undesirable effect that the application will have if approved;
 - Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
 - Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows: TV3 Projects (Pty) Ltd – C. Heys clifford@tv3.co.za

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of 2 November 2020.

It should be noted that the Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/ objection received after the closing date.

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at 021 861 3800 during normal office hours.

Yours faithfully

CLIFFORD HEYS
TV3 PROJECTS (PTY) LTD

KENNISGEWING VAN GROND ONTWIKKELINGS AANSOEK AAN GETRESEERDE EN GEAFFEKTEERDE PARTYE VIR KOMMENTAAR.

Meneer / Dame

Die volgende grondgebruiksaansoek in terme van Stellenbosch se Verordeninge op Grondgebruikbeplanning, 2015, verwys:

Adres van aansoek eiendom: Klipheuwelpad / R304, Stellenbosch

Aansoek eiendom beskrywing: Plaas 81/33, Stellenbosch

Aansoeker: TV3 Projects (Pty) Ltd – C. Heys (kontak besonderhede: 021 861 3800)

Eienaar: Alberto Costa Trust – P. Du Toit (kontak besonderhede: 021883 2433)

Aansoek Verwysing: LU/10917

Tipe Aansoek: Hersonering en Onderverdeling

Aansoek word gemaak in terme van die Stellenbosch Munisipaliteit se Verordening, gepromulgeer deur kennisgewing nommer 354/2015, gedateer 20 Oktober 2015, op die Plaas No. 81/33, Afdeling Stellenbosch vir:

1. Aansoek word gemaak i.t.v. Artikel 15(2)(a) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruikbeplanning, 2015 vir die hersonering van Plaas 81/33, Stellenbosch van Landbou en Landelike Sone na Onderverdelingsgebied om voorsiening te maak vir die gebruike soos aangedui op die "Proposed Subdivision/1/3629-P", gedateer 05 Augustus 2020, en geleken deur TV3 Argitekte en Beplanners:
 - (g) 559 x Multi-eenheid Residensiële sone erwe ±20,1ha in omvang om die residensiële component te akkommodeer bestaande uit enkel residensiële huise, groephuise (groep- en ryhuise) en woonstelle;
 - (h) Twee (2) x Plaaslike Sake sone erwe ±1,33ha in omvang vir kleinhandel doeleindes;
 - (i) Een (1) x Opvoedkundige sone erf ±5,26ha in omvang vir 'n skool;
 - (j) Twee (2) x Gemeenskap sone erwe ±1,97ha in omvang vir 'n kerk en 2,81ha in omvang vir 'n klubhuis, saal, crèche, dagsorg, restaurant, amfiteater, swembad, sport en rekreasie fasiliteite en ondersteunende gebruike;
 - (k) Vier (4) x Nuts Dienste sone erwe 4,29ha in omvang vir publieke pad en owerheidsgebruik;
 - (l) Drie0en-twintig (23) x Privaat Oopruimte Sone erwe 12,81ha in omvang vir privaat oopruimtes en privaat pad;
2. Aansoek word gemaak i.t.v. Artikel 15(2)(d) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruikbeplanning, 2015 vir die onderverdeling van Plaas 81/33, Stellenbosch in ooreenstemming met die "Proposed Subdivision/1/3629-P", gedateer 05 Augustus 2020, en die "Phasing Master Plan – Revision 1", gedateer 29 Julie 2020, en geleken deur TV3 Argitekte en Beplanners om die ontwikkeling toe te laat in ooreenstemming met die Onderverdelingsgebied sonering;

3. Goedkeuring van die straatname en -nommers soos aangedui op die "Street Naming and Numbering Plan No.3/3629-P", gedateer 05 Augustus 2020;
4. Aanvaarding van die ontwikkeling se naam: Newinbosch Estate;
5. Goedkeuring van die Landskap Meesterplan;
6. Aansoek word gemaak vir die Departement van Vervoer en Publieke Parke se skriftelike toestemming vir die voorgestelde stedelike ontwikkeling van Plaas 81/33, Stellenbosch (as die beherende owerheid i.f.v. Wet, 21 van 1940).

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydskuur van die publieke deelname proses by die volgende adres: https://www.stellenbosch.gov.za/planning_portal/planning-notices/land-use-applications-advertisements. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kope van die aansoek beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terme van Artikel 50 van die tersaaklike Verordening wat die volgende vereistes en besonderhede moet bevat:

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsigte van die volgende aspekte:
 - Die feite en omstandighede aantoon wat die die kommentaar toelig;
 - Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
 - Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
 - Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: TV3 Projects (Pty) Ltd – C. Heys clifford@tv3.co.za

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van 2 November 2020.

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by 021 861 3800 gedurende normale kantoor ure.

Die uwe

**CLIFFORD HEYS
TV3 PROJECTS (PTY) LTD**

NEWINBOSCH FARM 81/33, STELLENBOSCH



APPLICATION I.T.O. THE PLANNING BY-LAW FOR SUBDIVISION, REZONING, ETC.

REFERENCE NO. 3629-P
TV3 PROJECTS (PTY) LTD
LA GRATITUDE OFFICES (1ST FLOOR)
97 DORP STREET
7600 STELLENBOSCH
SOUTH AFRICA

11 DEC 2019
97 DORP STREET
7600 STELLENBOSCH
SOUTH AFRICA
TEL: +27 21 861 3600
FAX: +27 21 882 8025
e-mail: clifford@tv3.co.za



ARCHITECTS AND TOWN PLANNERS
ARGITEKTE EN STADSEPLANNERS

1. BACKGROUND INFORMATION

1.1 Brief

This firm received a brief from the developer to prepare the necessary documentation for the land use planning application as set out in **Section A** of this report, in order to obtain planning approval for the proposed Newwinbosch mixed use development on Portion 33 of the Farm Cloetesdal No. 81, Stellenbosch [hereafter referred to as the subject property].

1.2 Property description

The subject property is described in the Deed of Transfer No. T24040/2002 as Portion 33 of the Farm Cloetesdal No. 81, in the Municipality and Division of Stellenbosch Western Cape. A copy of the Deed of Transfer is attached hereto (see **Section D**).

1.3 Ownership

The Alberto Costa Trust is the registered owner of the subject property. Our client – Cloetesdal Development (Pty) Ltd – is in the process of purchasing the subject property from the Alberto Costa Trust.

Find attached hereto a company resolution and a power of attorney (including a copy of the sales agreement) instructing this firm to submit the necessary land use planning applications (see **Section C**).

1.4 Size

The subject property is 41.4029ha in extent.

1.5 Title deed search

A title deed search was undertaken by attorneys and they have confirmed that there are no title conditions that will restrict the proposed urban development on the subject property. A copy of the Conveyancer Certificate is attached hereto (see *Section D*).

However, according to title conditions III.D.(1) – (4) the governing authority i.t.o. Act 21 of 1940, must give their written approval for the proposed development. For this reason, the land use planning application must also be submitted to the Department of Transport and Public Roads (as the governing authority i.t.o. Act 21 of 1940) for their written approval.

2. LOCAL PLANNING CONTEXT

2.1 Locality

The subject property is located on the R304 in Stellenbosch, approximately 3km north of Stellenbosch central – see Figure 1 below:



Figure 1: Locality of Farm 81/33

The locality of the subject property is also indicated on the attached locality maps (see **Section E**).

2.2 Surrounding land uses

The subject property is surrounded by agricultural land to the north and south, and high density residential developments (Mt. Simon, Tweespruit, Nuutgevonden I, Nuutgevonden II, etc.) to the east.

2.3 Present zoning and land use

The subject property is zoned *Agriculture and Rural Zone*. It is utilised accordingly.

3. NEWINBOSCH MIXED USE DEVELOPMENT PROPOSAL

3.1 Application for rezoning and subdivision

Application is made for the rezoning of the subject property from *Agriculture and Rural Zone* to *Subdivisional Area*, and for the subdivision of the subject property into residential, commercial, educational, community, open space and private / public roads erven. A copy of the conceptual Newinbosch Development Framework Plan – to illustrate the Newinbosch mixed use development's spatial vision – is attached hereto (see *Section E*).

With receipt of the Stellenbosch Municipality's (in principle) rezoning and subdivision approval, a final Subdivision Plan, Phasing Plan, Site Development Plan, (per phase), Landscaping Plan (per phase), Home Owners' Association Constitution and Architectural Guidelines (per phase), traffic impact statement (per phase) and civil engineering services report (per phase) will be submitted to the Director: Planning and Economic Development for approval.

3.2 Proposed land uses

The Newinbosch mixed use development will consist of the following different land uses to create a whole new integrated neighbourhood, namely:

- ±12 000 residential opportunities (consisting of single residential erven, group housing units and flats);
- Commercial (±5 000m² GLA);
- Church (±40 seats); and
- School (creche, primary and secondary school for ±2 000 pupils).

The details of these land uses will be finalised during the Subdivision Plan, Phasing Plan, Site Development Plan, etc. process, and will be submitted to the

Director: Planning and Economic Development for approval.

The purpose of the mixed land uses is to create an integrated and safe neighbourhood with all the associated amenities (schools, church, shops, parks, etc.). The residential component will consist of a range of affordable housing opportunities aimed at households with an income of between R18 000 – R50 000 per month (average R25 000 per month) and residential unit prices will vary from R700 000 – R3 million (average R1.4 million). It will support and contribute towards Council's non-motorised transport initiatives by providing pedestrian walkways and bicycle lanes.

3.3 Landscaping

The proposed Newinbosch mixed use development will be extensively landscaped to limit the buildings' visual impact; especially along the R304. New trees and shrubs will be planted to screen the buildings, and existing mature trees will be retained (as far as possible).

CNdV Landscape Architects have prepared a conceptual Master Landscape Plan for the Newinbosch mixed use development to illustrate the development's landscaping vision. A copy of their conceptual Master Landscape Plan is attached hereto (see **Section E**). Detailed Landscaping Plans will be submitted (per phase) to the Director: Planning and Economic Development for approval.

4. PLANNING MOTIVATION FOR THE PROPOSED NEWINBOSCH MIXED USE DEVELOPMENT

Our motivation for the proposed urban development of the subject property (to illustrate need and desirability) is based on the following reasons:

4.1 Compliance with the Stellenbosch Municipality's urban edge

The subject property was included in the Stellenbosch Municipality's urban edge back in 2006 and the Stellenbosch Municipality has recently confirmed this position when they (again) approved the town's urban edge (on 28 May 2018) that included the subject property – see Figure 2 below:



Figure 2: Stellenbosch Municipality's approved urban edge (28 May 2018)

4.2 Compliance with the Stellenbosch Municipality's Spatial Development Framework

The development proposal supports the principles (and is compliant with) the Stellenbosch Municipality's Spatial Development Framework (MSDF), as motivated in the section below.

4.2.1 Land use designation

The MSDF states that Kayamandi is under pressure to develop in a northern direction, but that development should not be extended beyond the northern reach of the Farm Cloetesdal (with the Welgevonden Boulevard as the northern edge); in other words, "a band of development along the R304 should be promoted" (refer to MSDF page 67). The subject property is located within this area identified by the MSDF for future urban development – see Figure 3 below:

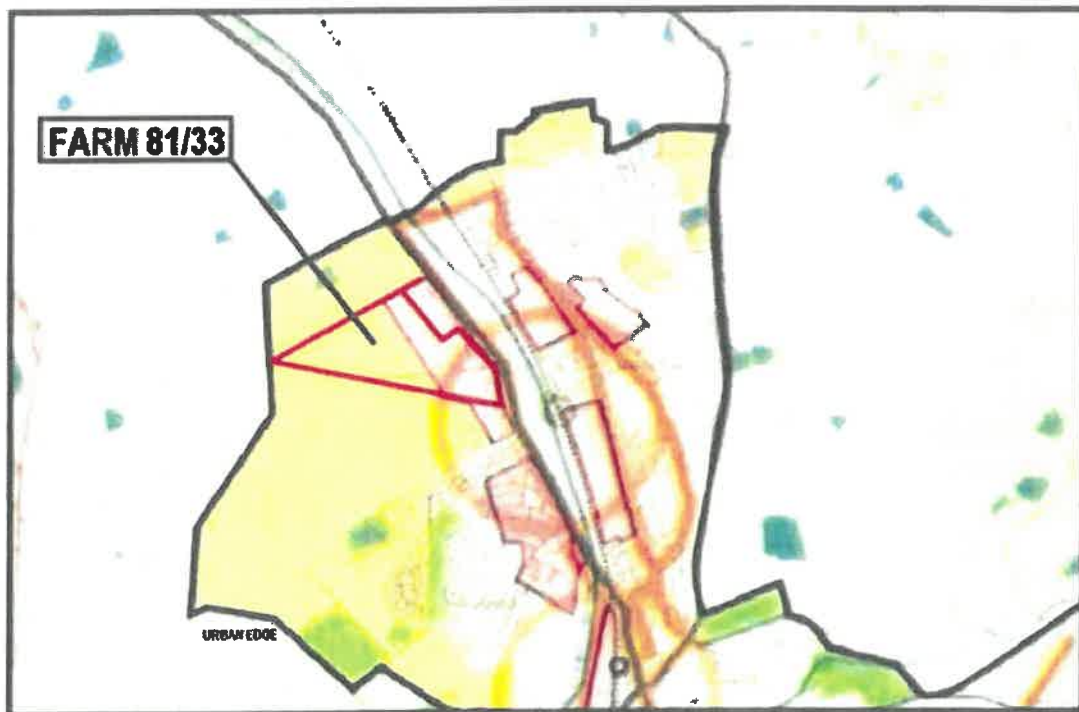


Figure 3: Extract of the MSDF (Nov 2019)

4.2.2 Targeted residential density

According to the MSDF the average residential density for Stellenbosch is very low; it is only 8.17du/ha. The MSDF's targeted residential density for

Stellenbosch is 25du/ha (refer to MSDF page 38). The proposed higher density residential component of the Newinbosch development will therefore contribute to achieving this goal of an average residential density 25du/ha for Stellenbosch.

4.2.3 Development along major transport routes

The MSDF states that higher density residential developments along major routes (e.g. the R304) should be supported. The R304 is identified by the MSDF as a "*primary development axis / transport corridor*". The proposed development of the subject property can therefore be deemed desirable as it is located on the R304 (a primary development axis / transport corridor) in an area that (according to the MSDF) "*should be explored for new high density mixed use infill development*" (refer to MSDF pages 55 and 58).

4.2.4 Demand for affordable housing

The MSDF states there is a significant demand for affordable housing for the employed lower-and-middle income groups. Land in Stellenbosch is expensive, locking out lower-and-middle income workers from the property market (refer to MSDF page 49). The proposed development – to create 240 affordable housing opportunities – will contribute towards addressing this need.

4.2.5 Tenets for spatial development

The MSDF further states that there are seven key tenets for the spatial development and management of Stellenbosch (refer to MSDF page 52), namely:

- ***Tenet 1: Maintain and grow our natural assets.***

The proposed development supports this tenet as the subject property is not valuable agricultural land or a critical biodiversity area.

- ***Tenet 2: Respect and grow our cultural heritage.***

The proposed development supports this tenet as it will not adversely affect the town's cultural heritage.

- ***Tenet 3: Direct growth to areas of lesser natural and cultural significance as well as movement opportunity.***

The proposed development supports this tenet as it will support the Municipality's non-motorised transport initiative and provide the opportunity for pedestrians (i.e. the residents of the proposed development) to engage with public transport.

- ***Tenet 4: Clarify and respect the different roles and functions of settlements.***

The proposed development supports this tenet as existing municipal bulk infrastructure is readily available for the development and the impact on infrastructure will be limited.

- ***Tenet 5: Clarify and respect the roles and functions of different elements of movement structure.***

The proposed development supports this tenet as the subject property is located within the Stellenbosch urban edge (as approved by Council on 28 May 2018).

- Tenet 6: *Ensure balanced, sustainable communities.*

The proposed development supports this tenet as it will provide (much needed) affordable housing opportunities.

- Tenet 7: *Focus collective energy on critical lead projects.*

The proposed development supports this tenet as it will not exacerbate undesirable impacts or limit the opportunity for people to pursue a sustainable livelihood.

4.3 Compliance with the Stellenbosch Municipality's Northern Extension Project

In 2016 the Stellenbosch Municipality appointed Jubilee Projects to investigate the northern expansion of Stellenbosch. Their report – the Northern Extension Project for the Stellenbosch Municipality – was submitted to Council on 22 February 2017. At the meeting Council confirmed their support for the "Northwards Extension of Stellenbosch Urban Planning and Development Project" and it was resolved "that Council support the development planning process to proceed in order to achieve the aim of an integrated human settlement development covering an area of approximately 86ha in the study area". A copy of the Council item and the adopted Northern Extension Plan is attached hereto (see *Section F*).

The aim of the Northern Extension Project is to accommodate the northwards expansion of Stellenbosch and to create an integrated urban development (with different housing typologies for different income groups). The subject property forms an integral part of this Northern Extension Project in order to create an integrated human settlement area (as per Council's vision for the area) – see Figure 4 below:

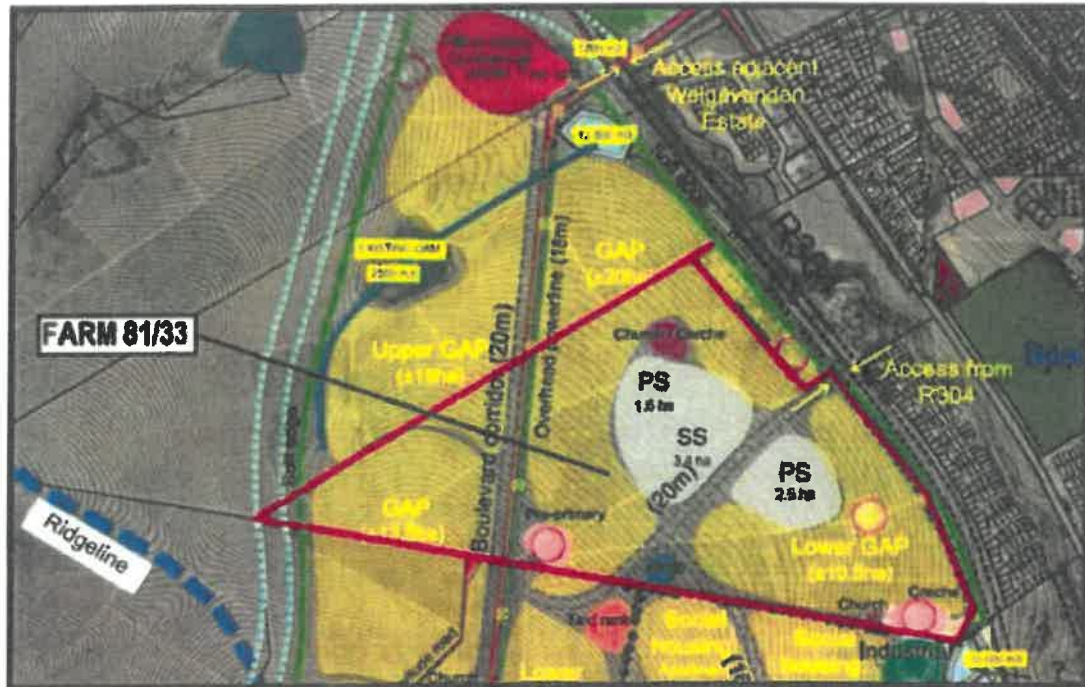


Figure 4: Extract of the Northern Extension Plan (2017)

The proposed development of the subject property – to create affordable housing opportunities – can be deemed desirable as it complies with the Northern Extension Project's vision and recommendations.

The Northern Extension Project (including the proposed development) is also supported by the Western Cape Government: Human Settlements department. Find attached hereto a letter from Mr. Louis Welgemoed (Cape Winelands Regional Planner) supporting the Northern Extension Project (see **Section F**).

4.4 Support of the Stellenbosch Municipality's Adam Tas Corridor Project

The Stellenbosch Municipality has initiated the Adam Tas Corridor Project to absorb development pressure in Stellenbosch. The aim of the Adam Tas

Corridor Project is to launch the restructuring of Stellenbosch through the redevelopment of the Adam Tas Corridor, the area that stretches from the Cape Sawmills site to the Kayamandi / Cloetesville area. The subject property is located on the Adam Tas Corridor – see Figure 5 below:

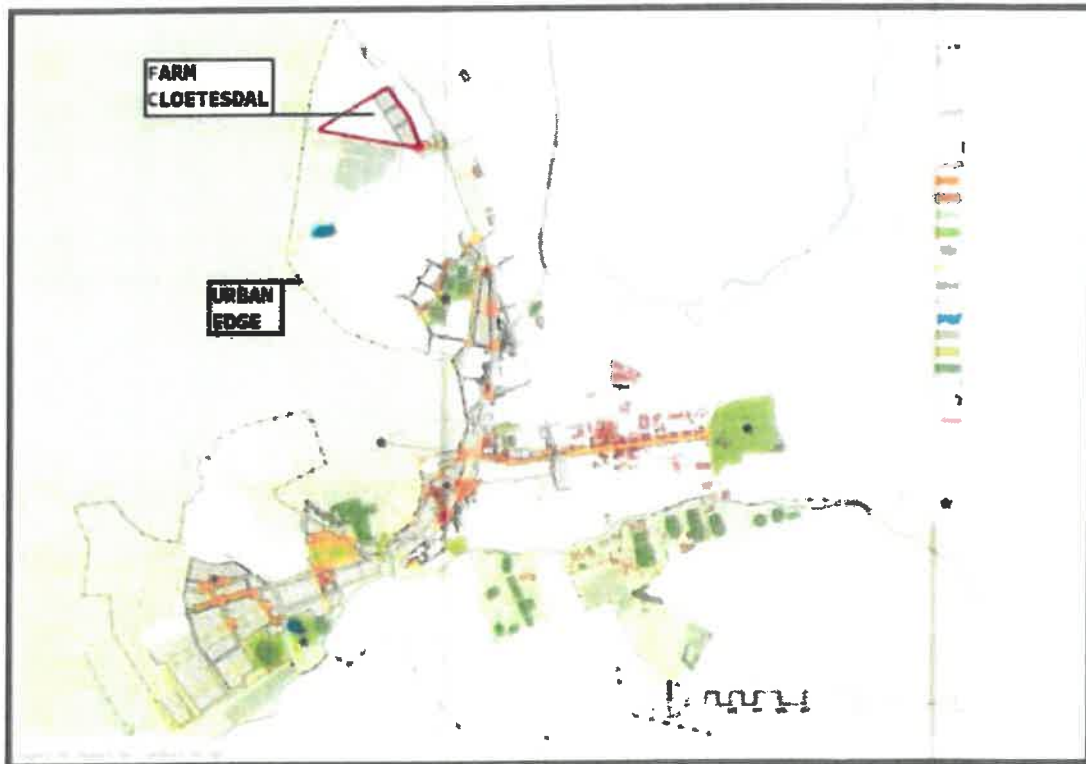


Figure 5: Adam Tas Corridor Concept

The Stellenbosch Municipality proposes high density residential developments on the Adam Tas Corridor in order to support public transport and non-motorised transport initiatives. According to Mr. Sarel Meyer (Project Manager) the Adam Tas Corridor Project will aim to provide 13 000 accommodation opportunities for 50 000 people over a period of 30 years (refer to the *Eikestadnuus* of 29 August 2019). The proposed high-density residential development of the subject property – located on the Adam Tas Corridor – will support the principles of the Adam Tas Corridor Project and contribute to the

provision of affordable accommodation opportunities. It can therefore be deemed desirable.

4.5 Support of public transport initiatives

The subject property is located on a primary development axis / transport corridor (i.e. the R304) that enables convenient public transport access and efficient transport movement. The proposed higher density residential development will support the Municipality's public transport initiative on this transport corridor and contribute to the system's sustainability and viability.

4.6 Addressing the town's housing needs and backlog

According to the Stellenbosch Municipality the inadequate supply of affordable housing in Stellenbosch is a main concern. The greater municipal area has a current and future housing backlog and the availability of developable land for housing opportunities is extremely limited. The Stellenbosch Municipality has now redefined the urban edge and has identified additional land deemed desirable for urban development (i.e. the subject property) and the creation of the much-needed housing opportunities in alignment with all goals and objectives of the Integrated Development Plan.

The MSDP states there is a significant demand for affordable housing for the employed lower-and-middle income groups, and that by 2021 the need for non-indigent housing (units <80m²) in Stellenbosch will be 8 357 units. The proposed development of the subject property will create ±12 000 affordable housing units (consisting primarily of flats and group housing units) and will contribute towards addressing the housing need and backlog. It can therefore be deemed desirable.

4.7 Positive economic impact

The South African economy grew by 0.8% in 2018 after a technical recession in the first half of the year (according to the Moody's Corporation). The economy shrank by 0.8% in the first quarter of 2019 compared to the last quarter of 2018. South Africa's unemployment rate increased to 27.6% in the first quarter of 2019, (according to Stats SA). The jobless rate at the end of the fourth quarter of 2018 was 27.1%, meaning the rate has increased by half a percentage point. Significant economic investment is needed to address these problems.

The estimated value of this development project will amount to ±R900 million that will be invested in the local economy.

Furthermore, the construction sector is one of the largest single contributor to employment. Construction opportunities should therefore be supported as it will create many new employment opportunities (ranging from skilled to unskilled labour). It is anticipated that the proposed development will create ±1000 new employment opportunities in the construction sector.

The proposed development will also pay ±R65 million in development contributions to the Stellenbosch Municipality, it will contribute to the upgrading of municipal bulk infrastructure, and it will pay an annual municipal tax of ±R5.5 million.

The proposed development will therefore have a significant positive impact on the local economy and infrastructure, and from a purely economic point of view, it must be supported.

4.8 Compatibility with the surrounding environment

Most of the surrounding environment (on the R304) has already been

converted into higher density residential developments, such as Nuutgevonden I, Nuutgevonden II, Tweespruit and Mt. Simon – see Figure 6 below:



Figure 6: The Nuutgevonden I and II developments (on the R304)

The development proposal will be similar to these developments and can therefore be deemed to be compatible with the surrounding urban environment.

4.9 Support from the Department of Agriculture

A previous land use planning application (on the subject property) was submitted to the Department of Agriculture in 2007. The Department of Agriculture confirmed that they have no objection against the proposed urban development of the subject property – see Figure 7 below:

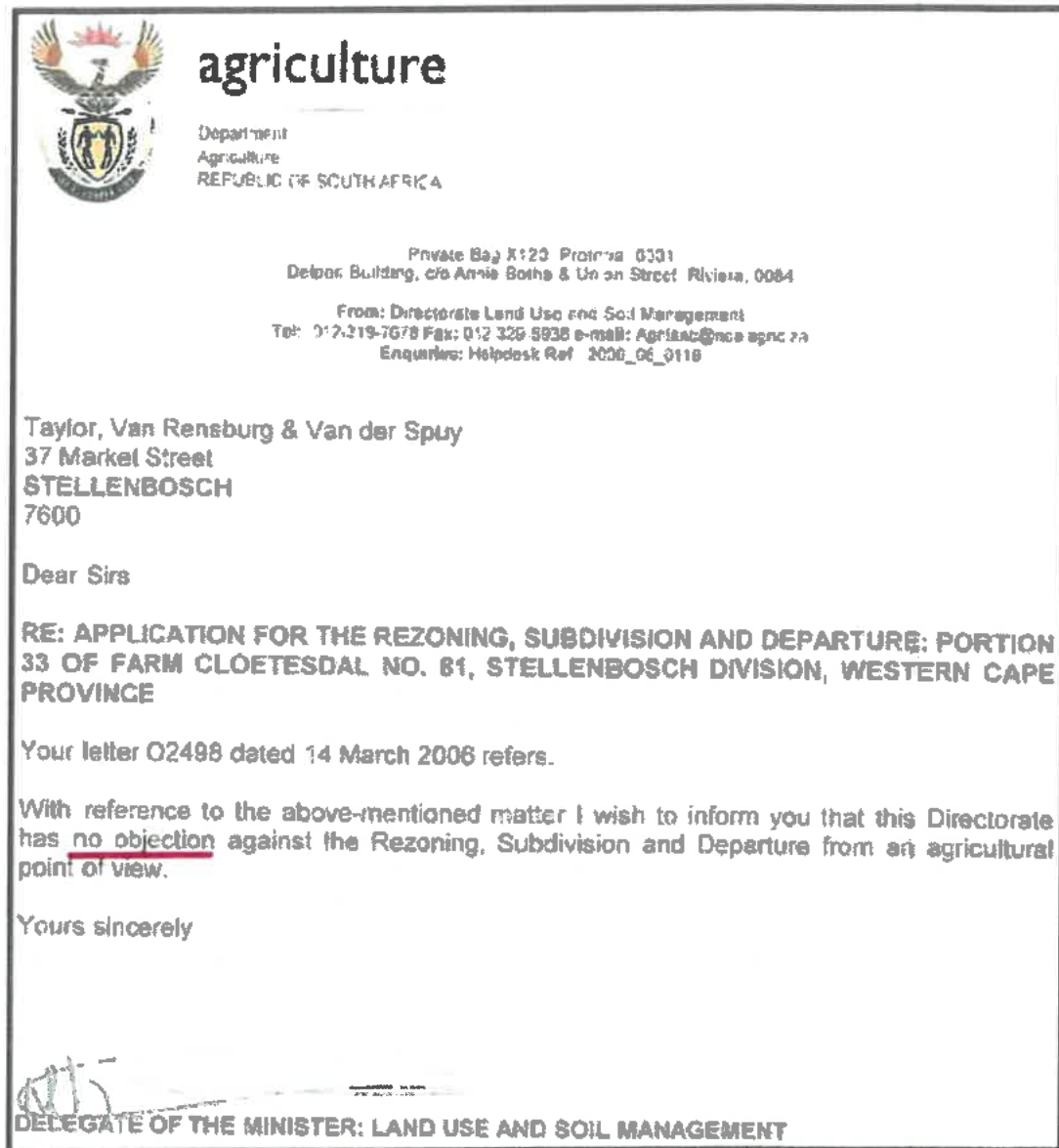


Figure 7: Department of Agriculture's letter of support (17 May 2007)

4.10 Environmental and heritage authorisations

Applications have been submitted to the Department of Environmental Affairs and Development Planning and to Heritage Western Cape for their

authorisations of the proposed urban development. Their decision letters will be submitted to the Stellenbosch Municipality with receipt thereof.

5. PROVISION OF ENGINEERING SERVICES

5.1 Civil engineering services

Bart Senekal Inc. civil engineers were instructed to investigate the availability of civil engineering services (water, sewerage, stormwater, etc.) for the proposed development and Raubicon electrical engineers were instructed to investigate the availability of electrical engineering services for the proposed development. According to their engineering services reports all services are available near the development and no problems are foreseen in providing the necessary services connections (with certain infrastructure upgrades). A copy of the civil and electrical engineering services reports is attached hereto (see **Section G**).

5.2 Transport impact study

iCE traffic engineers were instructed to undertake a transport impact study for the proposed development. According to their transport impact study report the proposed development is acceptable from a traffic point of view (with certain traffic infrastructure upgrades). A copy of the traffic report is attached hereto (see **Section H**).

6. CONCLUSION

From the above motivation it is clear that the proposed mixed-use urban development can be deemed desirable as the proposed development:

- Is located within the Stellenbosch urban edge;
- Is compliant with the MSDF;

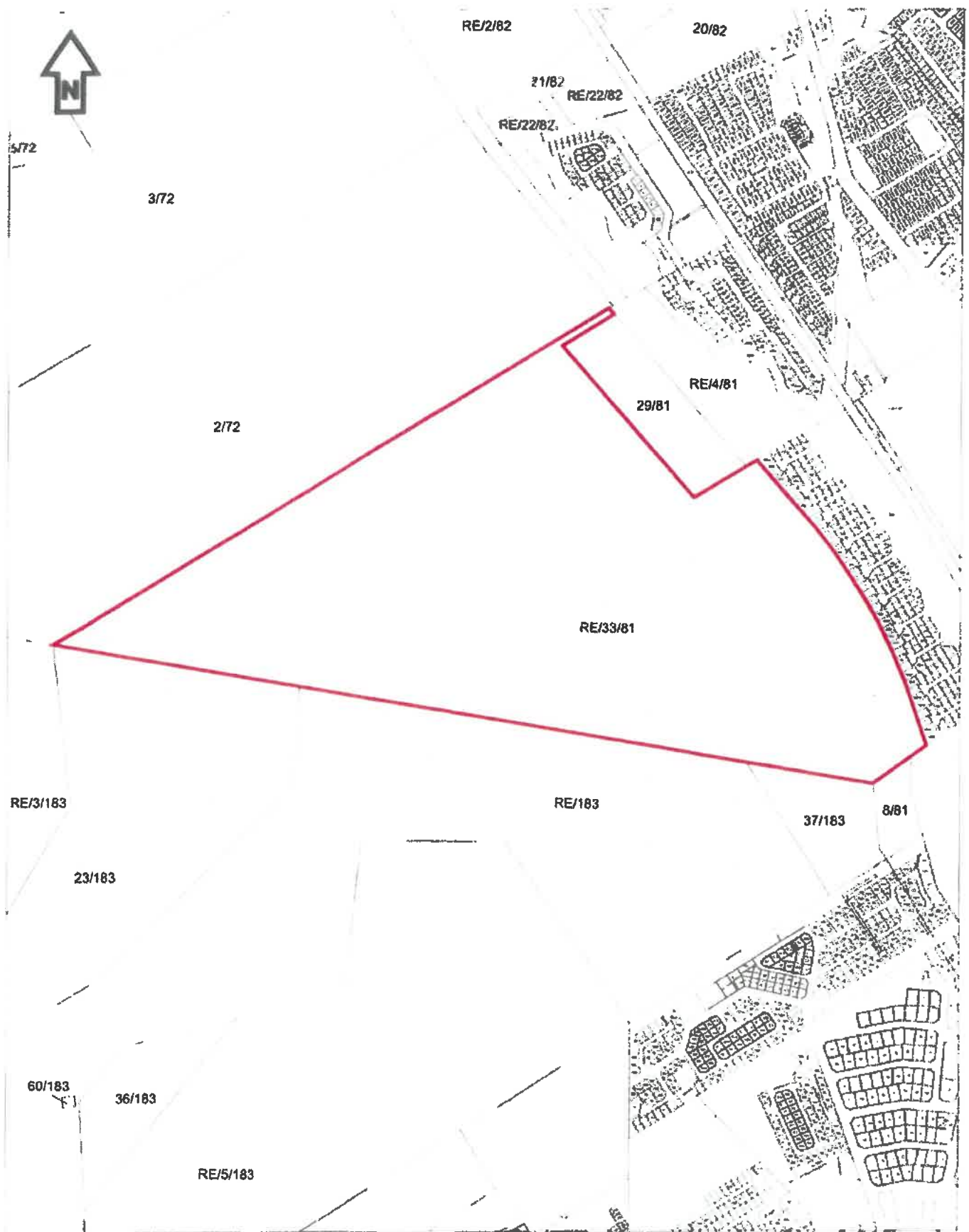
- Supports Council's Northern Extension Project;
- Supports Council's Adam Tas Corridor Project
- Will provide affordable housing opportunities;
- Will assist in addressing the town's housing backlog;
- Will significantly contribute to local economic development;
- Will create many new employment opportunities;
- Is compatible with surrounding land uses;
- Will support Council's public transport initiatives; and
- Bulk infrastructure is available.

For these reasons, we deem the proposed development of the subject property to be desirable (i.e. this is the right time and the right place for the land-use / activity being proposed) and we recommend that the application be granted.

7. SIGNATURE OF APPLICANT

.....
CLIFFORD HEYS
PR. PLANNER (SA): A/1158/2000

.....
DATE



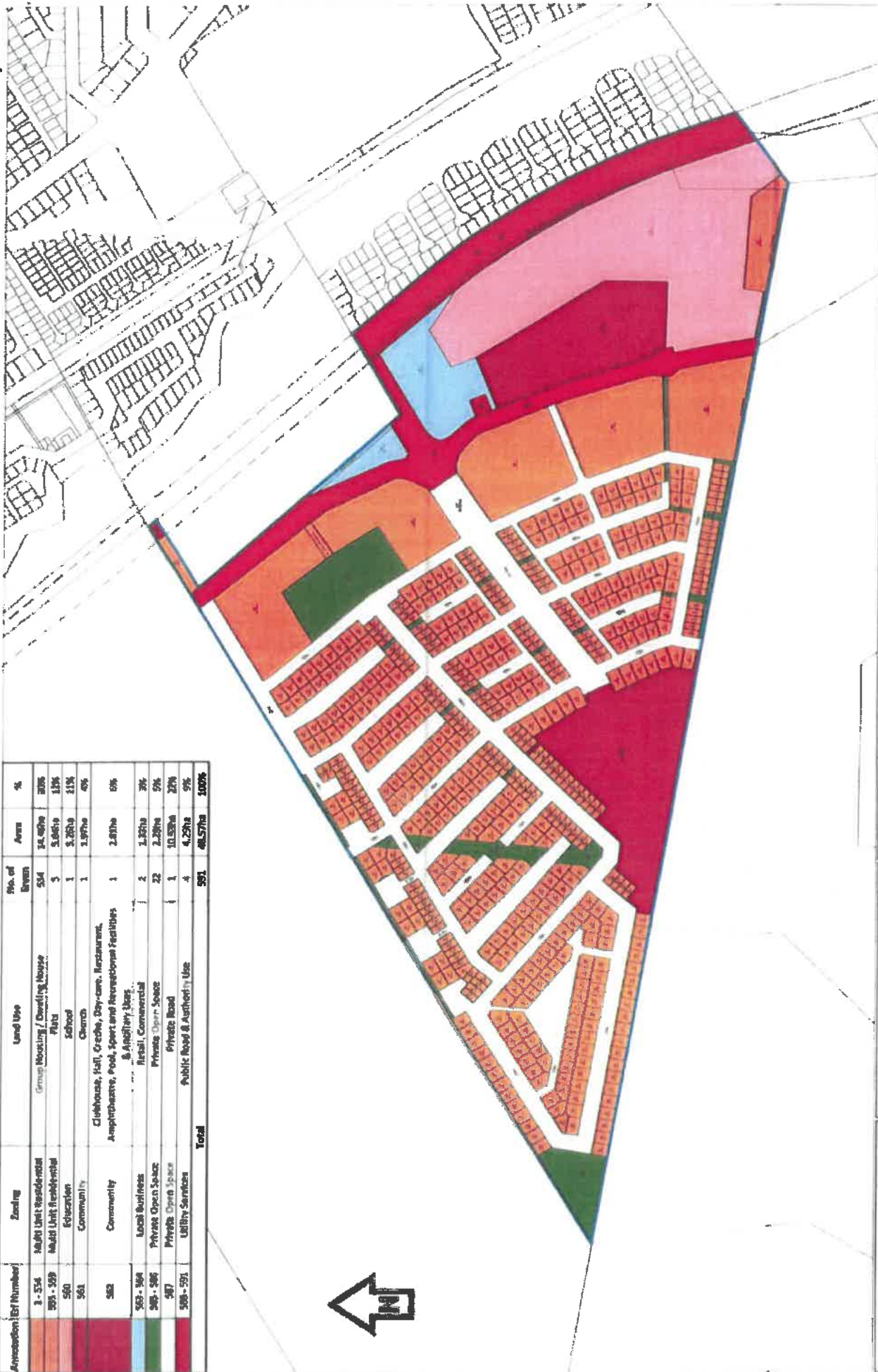
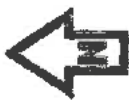
tv3
 ARCHITECTS AND TOWN PLANNERS

First Floor • La Gratitude Office Building
 97 Drey Street • Stellenbosch 7600
 tel (021) 881 3800
 fax (021) 482 8025
 e-mail: info@tv3.co.za
 www: www.tv3.co.za

**Portion 33 of Farm
 Cloetesdal No. 81,
 Stellenbosch**

Drawing:	Local Locality	Plan no.:	2
Date:	07/06/2019	Scale:	1:7 500(A4)
Project no.:	3628-P	Drawn:	WH
		Checked:	CH

Association / E# Number	Zoning	Lead Use	% of Easement	Acres	%
3 - 524	Medium Density Residential	General Housing / Dwelling House	564	24.48ha	20%
591 - 599	Medium Density Residential	PHU	5	3.0619	1.1%
590	Education	School	1	3.2518	1.1%
561	Community	Church	1	1.9796	0%
562	Community	Clubhouse, Hall, Crèche, Day-care, Restaurant, Amphitheatre, Pool, Sports and Recreational Facilities	1	2.8116	0%
563 - 564	Local Business	Public & Assembly Uses	2	1.2519	0%
565 - 566	Local Business	Retail, Commercial	2	1.2519	0%
567	Private Open Space	Private Open Space	22	2.2394	0%
587	Private Open Space	Private Road	1	10.9394	2.7%
588 - 591	Utility Services	Public Road & Authority Use	4	4.2318	0%
Total			991	48.5718	100%



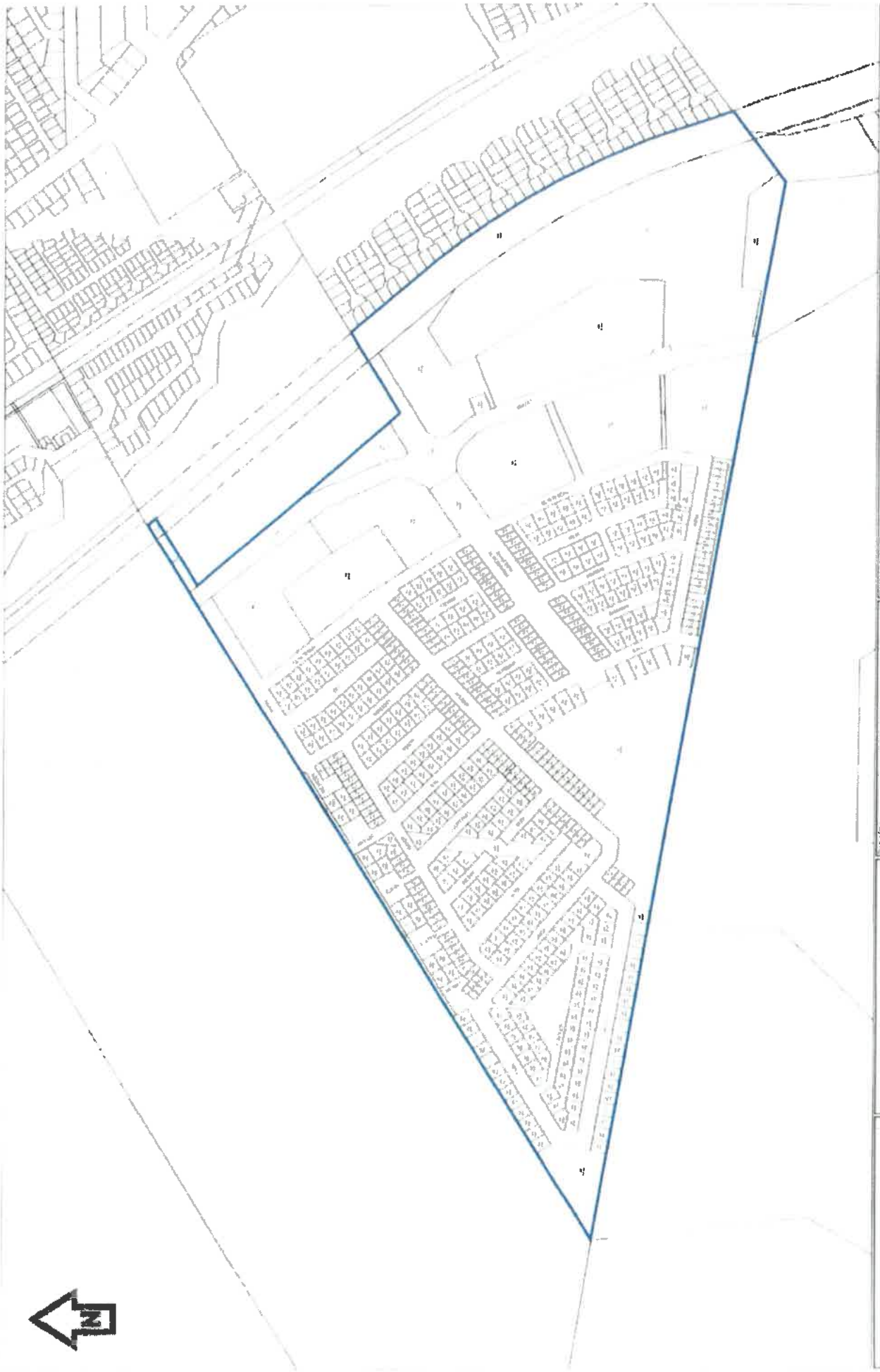
* All areas and dimensions are approximate and should be verified by a professional land surveyor.
 * This drawing is the property of TV3 Architects and Town Planners (Pty) Ltd and copyright reserved.

Consultant information obtained from Surveys and Mapping (DRBLR)
 Aerial photography obtained from Surveys and Mapping (DRBLR)
 Urban design done by Charwood Landscape Architects
 Road design done by UDS Africa.
 Services done by BSI.

Project No	1
Proposed Subdivision	
Scale	1:2000 (A1)
Date	06/08/2023
Drawn	Chabiel
Checked	MM
Scale	3025/P

newinbosch
 H E C M O U R N O O P

TV3
 ARCHITECTS AND TOWN PLANNERS
 The Raju - La Grange Office Building
 87 Deep Street - Johannesburg 2002
 Tel: (011) 813 3000
 Fax: (011) 813 3005
 Email: info@tv3.co.za
 Website: www.tv3.co.za



 <p>TV3 ARCHITECTS AND TOWN PLANNERS 1st Floor - 15 Cheong Chee Street #7 Dore Street Singapore 0471181, 380 Tel: (65) 632 8228 e-mail: tv3@tv3.com.sg www.tv3.com.sg</p>	 <p>newinbosch W I N I B O S C H</p>	(Scale) 1:1000 (A1)
		(Date) 05/08/2020
(Project No.) 3420-P	(Client) JHR	(Status) Checked
(Revision)	(Drawing No.) 3	(Title) Street Naming and Numbering
(Source) Cadastre information obtained from Surveys and Mapping (ORDUP).		
(Disclaimer) All areas and dimensions are approximate and should be verified by a professional land surveyor.		
(Copyright) This drawing is the property of TV3 Architects and Town Planners (Pty) Ltd and copyrights reserved.		



Residential Breakdown	
Type	Quantity
1. Single Apartments	143
2. Single Townhouses	252
TOTAL	395

Additional Functions	
1. School	1
2. Church	1
3. Daycare	1
4. Community Center	1
5. Sports Field	1
6. Retail	1
7. Office	1
8. Public Transport	1
9. Security	1
10. Other	1
TOTAL	10

SECTION D

Proof of registered mail letters sent

Clifford Heys

From: Clifford Heys
Sent: 01 October 2020 08:02 AM
To: 'info@stellenboschratedpayers.org'; 'info@stellenboschinterestgroup.org'; 'naomi@montdubois.co.za'; 'johannl@angor.co.za'; 'hannes@steyns-nursery.co.za'; 'info@louisenhof.co.za'; 'blakelibertas@telkom.net'; 'petro@justbc.co.za'; 'iys786@gmail.com'; 'yokohamayts@netactive.co.za'; 'hans.fourie@implats.co.za'; 'piliswa@masakheni.co.za'; 's.strydom@anderson.co.za'; 'plewchisholm@gmail.com'; 'admin@caprop.co.za'; 'hpvdm@barvallei.co.za'; 'kieron87king@gmail.com'; 'mukesh@igunyapower.co.za'; 'paulc@impexts.co.za'; 'lefa.africa@afriprime.co.za'; 'wolfgang@mymart.farm'; 'charl@trolleyquip.co.za'; 'ar.properties.contact@gmail.com'; 'engela.steyn@absamail.co.za'; 'mike@a-msquared.com'; 'marius@finfocus.co.za'
Subject: Farm 81/33, Stellenbosch [LU/10917]
Attachments: Notice to I&APs {1 Oct 2020}.pdf

Sir / Madam

APPLICATION FOR THE REZONING, SUBDIVISION, ETC. OF FARM 81/33, STELLENBOSCH

Find attached hereto the municipal notice pertaining to the abovemention land use planning application.

Please feel free to contact me if you have any queries or require any additional information.

Kind regards

Clifford Heys

Pr Pin (TRP SA), B Econ, M (T&RP), MSAPI
ASSOCIATE: TOWN PLANNING
Cell: +27 (0)83 309 9770

Directions

Clifford Heys

From: Clifford Heys
Sent: 01 October 2020 10:32 AM
To: 'wolfgang@mymartfarm.info'; 'info@louiesenhof.co.za';
'blakelibertas@telkomsa.net'
Subject: Farm 81/33, Stellenbosch [LU/10917]
Attachments: Notice to I&APs [1 Oct 2020].pdf

Sir / Madam

APPLICATION FOR THE REZONING, SUBDIVISION, ETC. OF FARM 81/33, STELLENBOSCH

Find attached hereto the municipal notice pertaining to the abovemention land use planning application.

Please feel free to contact me if you have any queries or require any additional information.

Kind regards

Clifford Heys

Pr Pln (TRP SA), B Econ, M (T&RP), MSAP
ASSOCIATE: TOWN PLANNING
Cell: +27 (0)83 309 9770

Directions

SECTION E

Proof of on-site notice



SECTION F

Late objection received



Belangegroep Stellenbosch Interest Group

HM/CB/0815/32
2 November 2020

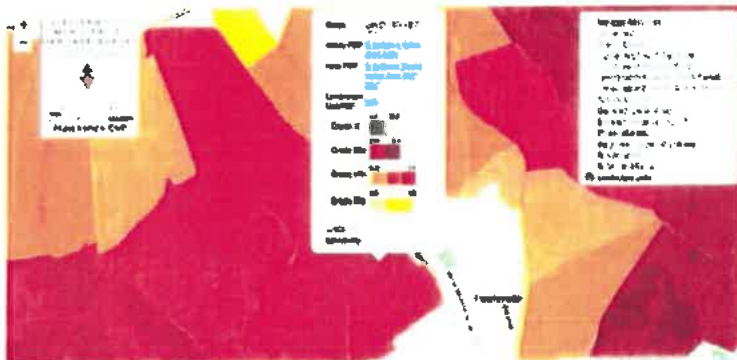
Application Reference: LU/10917
Property Number: Farm 81/33

Clifford Heys
TV3 Projects (Pty) Ltd
clifford@tv3.co.za

Dear Mr. Heys

Application for Rezoning and Subdivision of Portion 33 of Farm 81, Stellenbosch for the Development of a Mixed Use Development

Portion 33 of Farm 81 is located in a visually highly prominent position in a grade IIIB landscape along a main entrance route to Stellenbosch:



As a result of the visually sensitive location, Heritage Western Cape (HWC) found that a series of conditions are needed to mitigate the potential visual impact of the proposed development. The conditions are listed in HWC Impact Assessment Committee's decision of 14 October 2020 (see copy attached, item 15.5) in which reference is made to the Heritage Impact Assessment prepared by Lize Malan:

1) The landscaping plan is further detailed to inter alia specify tree sizes to be planted. It is important that trees of an adequate height are planted from the onset to reduce potential visual impacts – thus tree heights must be specified in the landscaping plan. The landscaping plan must be submitted to the Stellenbosch Municipality for approval.

2) Architectural guidelines for the whole development to realize the intentions of the urban design framework and the heritage indicators set out in section 10 of the HIA are prepared. The following aspects will need to be addressed:

- a. Height restrictions for all buildings across the site as indicated in the proposed SDP. It is however noted that the indicators stated that certain smaller elements of the four storey buildings may extend to five storeys. This is regarded as appropriate to mark key points/intersections in the development and should be controlled through the guidelines.
- b. Massing and articulation of the apartment blocks – monolithic blocks are to be disallowed and the guidelines must specify the extent of articulation in detail.
- c. Roof shape and colour to ensure variation in design and colour throughout the development but keeping the colour palette to neutral greys and black.
- d. Finishes of buildings, using plaster and paint in muted neutral earth tones (no highly reflective white), concrete or stone, with restricted or prohibited use of metal cladding.
- e. Openings with restrictions on large reflecting surfaces, and shading of openings, particularly to the east.
- f. Lighting, services, security features and signage to be low key and/or not visible as may be appropriate (refer to indicators)
- g. Fencing – use of visually permeable fencing on perimeter with waf walls allowed for internal boundaries, provided that screening tree planting is accommodated

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

As the development of this 41ha farm will have a major visual impact on the gateway to Stellenbosch, the Municipality is urgently requested to make approval of the development of portion 33 of Farm 81 subject to the conditions set out in the IACom decision of 14 October 2020.

SIG also requests that a height restriction of a maximum of four storeys should apply.

In the light of the economic situation resulting from the Covid 19 pandemic, it is doubtful that the proposed development would achieve the results outlined under 4.7 of the motivation. It is also unlikely to stem encroachment from the south as put forward in the HIA and the Basic Assessment Report. This is evidenced by the invasion of the Watergang Farm during 2019. On the contrary, in the absence of the necessary capital and the possible discontinuation of farming operations on portion 33 of Farm 81 there is a real risk of this property also being invaded. In the interest of sustainable development it is therefore suggested that development of this farm should not be allowed to proceed within the near future. Rather than developing agricultural land, the focus should be on development of the Adam Tas Corridor that stretches from Droë Dyke and the Old Sawmill sites in the west along Adam Tas Road and the railway line to Kayamandi, the R304 and Cloeteville in the east.

Yours faithfully



Patricia Botha
(Chairperson)

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



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

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

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

The comment as per the previous meeting therefor still applies:

The Committee resolved that the HIA submitted by ACRM dated July 2020 does not satisfy the requirements of 5.38(3) of the National Heritage Resources Agency (NHRA). Given this, the consultant is requested to attend to the following:

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

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

FURTHER REQUIREMENTS:

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

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

MATTERS DISCUSSED

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

11.1 None

12 SECTION 38(1), INTERIM COMMENT

12.1 None

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

Case No: 19022708AS0305E

INTERIM COMMENT:

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

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

TZ

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

Case No: 20061010TZ0624E

RECORD OF DECISION:

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

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

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

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

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

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

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

TZ

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

Case No: 20041707SB0603E

DEFERRED:

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

SB

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

Case No: 181002306AS1017E

RECORD OF DECISION:

The Committee endorsed the HIA report as submitted by Ms Postlethwayt, dated September 2020, as having met the requirements of 538(3) of the NHRA; as well as the recommendations contained within the report, as follows:

It is recommended that Heritage Western Cape:

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

KB

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

Case No: 20091008KB0921E

FURTHER REQUIREMENTS:

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

KB

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

14.1 None

15 SECTION 38(8) NEMA INTERIM COMMENTS

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

Case No: 120418JW08

FURTHER REQUIREMENTS:

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

SB

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

Case No: 19120618A51213E

INTERIM COMMENT:

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

SB

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

Case No: 191101035B1106E

DEFERRED

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

SB

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

Case No: 200706075B0707E

DEFERRED:

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

SB

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

Case No: 19032707A50402M

FINAL COMMENT:

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

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

The following aspects will need to be addressed:

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

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

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

TZ

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

Case No: 18121204\$B1220E

FINAL COMMENT:

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

SB

- 16 SECTION 38(8) NEMA FINAL COMMENTS ON ENVIRONMENTAL IMPACT ASSESSMENT**
- 16.1 None**
- 17 SECTION 38(8) MPA ENVIRONMENTAL MANAGEMENT PLAN RESPONSES TO NOTIFICATION OF INTENT TO DEVELOP**
- 17.1 None**
- 18 SECTION 38(8) MPA ENVIRONMENTAL MANAGEMENT PLAN INTERIM COMMENT**
- 18.1 None**
- 19 SECTION 38(8) MPA ENVIRONMENTAL MANAGEMENT PLAN FINAL COMMENT**
- 19.1 None**

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

20.1 None

21 SECTION 38(8) OTHER LEGISLATION INTERIM COMMENT

21.1 None

22 SECTION 38(8) OTHER LEGISLATION FINAL COMMENT

22.1 None

23. SECTION 27 PROVINCIAL HERITAGE SITES

23.1 None

24 SECTION 42 HERITAGE AGREEMENT

24.1 None

25. ADVICE

25.1 None

26. OTHER

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

Case No: 15110515GT1110E

DISCUSSION:

Amongst other things, the following was discussed:

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

FURTHER REQUIREMENTS:

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

SB**27 Adoption of decisions and resolutions**

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

SECTION G

Applicant's response to late objection



ARCHITECTS AND TOWN PLANNERS
ARGITEKTE EN STADSBEPLANNERS

Our Reference: 3629-P
Application No: LU/10917

5 November 2020

Director: Planning and Development Services
Stellenbosch Municipality
Town House
7600 STELLENBOSCH

Attention: Ms. Bulelwa Mdoe

Madam

**REPLY ON BEHALF OF THE APPLICANT TO OBJECTIONS RAISED AGAINST
ITS APPLICATION FOR REZONING, SUBDIVISION, ETC. ON THE FARM
CLOETESDAL NO. 81/33, STELLENBOSCH**

1. Your letter (instructions to advertise) of 21 September 2020 has reference.
2. The abovementioned land use planning application was advertised to the public on 1 October 2020 for 30 days. The application was advertised in the *Eikestadnuus*, surrounding landowners and community organisations were informed via e-mail, a notice was placed on site, and the application was displayed on the municipal website.
3. After 30 days no public objections were received.

4. The Stellenbosch Interest Group (SIG) did however submit an objection late on 2 November 2020 (after normal office hours). A copy of their objection is attached hereto.

5. The four reasons for the SIG's objection (with our response below in red) are:

5.1 The development will have a significant visual impact. For this reason, Council should impose conditions of approval to mitigate the visual impact, such as tree heights, building height restrictions, the massing of buildings, roof shape and colour, finishes of building, restrictions on reflecting surfaces, lighting and fencing.

The comment is noted.

In order to address (and mitigate) the proposed development's visual impact Site Development Plans for the apartment, commercial and education erven will be submitted to Council for approval before the submission of building plans. An architectural guideline for the single title residential erven, will be prepared and submitted to Council for approval before the submission of building plans. These documents will inter alia reflect the visual impact assessment's recommendations.

A concept Landscape Master Plan (LMP) was submitted as part of the land use planning application. This LMP will be finalised with receipt of the planning approval and submitted to Council for approval. Details – such as plant types, tree sizes, etc. – will be included in the final LMP.

5.2 It is doubtful if the proposed development will have the positive economic impact as claimed in the land use planning application.

As stated in the land use planning application, the estimated value of this project is ±R900 million (money that will be invested in the local economy). It is anticipated that the proposed development will create ±1000 new

employment opportunities (only in the construction sector). The proposed development will pay ±R65 million in development contributions to the Stellenbosch Municipality and will pay an annual municipal tax of ±R5.5 million.

The proposed development will be phased, which means the money will not be spent all at once but over as the phases are developed. However, it will still have a significant positive impact on the local economy and bulk infrastructure, and from a purely economic point of view, the development should be supported.

The alternative – as proposed by the SIG – is that no economic development take place, that no jobs be created, that no infrastructure be upgraded, that no additional taxes be paid. Clearly, the SIG is opposed to economic development and human betterment.

5.3 The proposed development is unlikely to stem land invasions. In fact, if the agricultural activities were to cease and the development were to proceed, the risk of a land invasion will increase.

We disagree with the SIG's claim. History has taught us that farming activities will not stop land invasions. In fact, it only leads to escalated tensions that are often hijacked by individuals with political agendas.

However, with a development the property can be secured and will be developed within a period of five years (as per the By-law approval). In other words, by developing a property there will be more control to monitor the land and a better chance to stop any land invasions without it becoming an opportunity to promote a specific political agenda.

5.4 Rather than developing agricultural land the focus should be on the Adam Tas Corridor project.

As explained in paragraph 4.4 of the land use planning application, the proposed development supports the Stellenbosch Municipality's Adam Tas Corridor Project.

The Stellenbosch Municipality has initiated the Adam Tas Corridor Project to absorb development pressure in Stellenbosch. The aim of the Adam Tas Corridor Project is to launch the restructuring of Stellenbosch through the redevelopment of the Adam Tas Corridor, the area that stretches from the Cape Sawmills site to the Kayamandi / Cloeteville area. The subject property is located on the Adam Tas Corridor – see Figure 1 below:

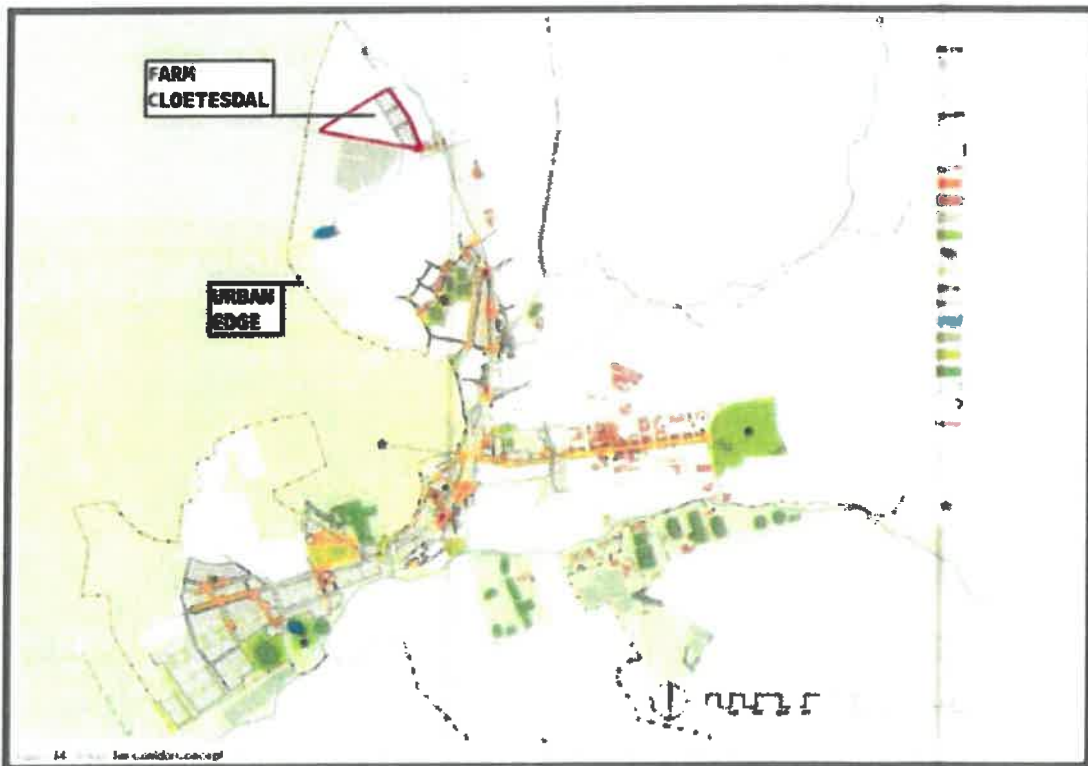


Figure 1: Adam Tas Corridor Concept Plan

The Stellenbosch Municipality proposes high density residential developments on the Adam Tas Corridor in order to support public transport and non-motorised transport initiatives. According to Mr. Sarel

Meyer (Project Manager) the Adam Tas Corridor Project will aim to provide 13 000 accommodation opportunities for 50 000 people over a period of 30 years (refer to the Eikestadnuus of 29 August 2019).

The proposed high-density residential development of the subject property – located on the Adam Tas Corridor – will support the principles of the Adam Tas Corridor Project and contribute to the provision of affordable accommodation opportunities.

6. It is a strange comment that the SIG has submitted. The first half of their letter accepts the proposed development and imposes development rules on the buildings in order to mitigate the development's visual impact. But then in the second half of their letter they oppose the development, because they are of the opinion – not that the development is undesirable – but that the developer will not be able to finance the development. However, the financing of a development is not a criterion to determine a development's desirability.

- 7 We are still of the opinion that proposed Newinbosch mixed-use urban development can be deemed desirable as it:
 - Is located within the Stellenbosch urban edge;
 - Is compliant with the Municipal Spatial Development Framework;
 - Supports Council's Northern Extension Project;
 - Supports Council's Adam Tas Corridor Project;
 - Will provide affordable housing opportunities;
 - Will assist in addressing the town's housing backlog;
 - Will contribute to local economic development;
 - Will create new employment opportunities;
 - Is compatible with surrounding land uses;
 - Will support Council's public transport initiatives; and
 - Bulk infrastructure is available.

8. This is the right time and the right place for the proposed development, and we recommend that the application be granted despite the SIG's objection.

Yours faithfully

A handwritten signature in black ink, appearing to read 'C Heys', written over a light blue circular stamp.

CLIFFORD HEYS
TV3 PROJECTS (PTY) LTD

SECTION H

Notice sent to government departments

Clifford Heys

From: Clifford Heys
Sent: 22 September 2020 03:43 PM
To: 'Lyle Martin'; 'Mkonto Nkosinathi (BVL)'; 'fortuiro@eskom.co.za'
Subject: NEWINBOSCH ESTATE: APPLICATION FOR THE REZONING, SUBDIVISION, ETC. OF FARM 81/33, STELLENBOSCH (LU/10917)
Attachments: 1. Planning application.pdf; 2. Subdivision & Zoning Plan.pdf; 3. Transport Impact Study.pdf; 4. Title Deed.pdf

Sir / Madam

We have submitted the following land use planning applications to the Stellenbosch Municipality.

DESCRIPTION OF PROPOSED DEVELOPMENT

Application is made in terms of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015, on Farm No. 81/33, Stellenbosch Division for:

1. The rezoning of the said property 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 as depicted on plans with reference nr. "Proposed Subdivision/1/3629-P", dated 05 August 2020, and drawn by TV3 Architects and Town Planners:
 - (a) 559 x Multi-Unit Residential Zone erven measuring ±20,1ha in extent to accommodate the residential component which will consist of single dwelling houses, group houses (cluster and row houses) and flats/apartments;
 - (b) Two (2) x Local Business Zone erven measuring ±1,33ha in extent for retail purposes;
 - (c) One (1) x Education Zone erf measuring ±5,26ha in extent for purposes of a school;
 - (d) Two (2) x Community Zone erven measuring ±1,97ha in extent for purposes of a church and 2,81ha for purposes of a clubhouse, hall, crèche, day-care, restaurant, amphitheatre, pool, sport and recreation facilities and ancillary uses;
 - (e) Four (4) x Utility Services Zone erven measuring 4,29ha in extent for purposes of a public road and authority use;
 - (f) Twenty-three (23) x Private Open Space Zone erven measuring 12,81ha in extent for purposes of private open spaces and a private road.
2. The subdivision in terms of Section 15(2)(d) of the said bylaw in accordance with the subdivision plan "Proposed Subdivision/1/3629-P", dated 05 August 2020, and "Phasing Master Plan – Revision 1, dated 29 July 2020, and drawn by TV3 Architects and Town Planners to allow for the development in accordance with the subdivisional zone above;

OTHER APPLICATIONS

3. Approval for the naming and numbering of streets as per the Street Naming and Numbering Plan No.3/3629-P, dated 05 August 2020;
4. Adoption of the development's name: Newinbosch Estate;
5. Approval of the Landscape Master Plan;

6. Application for the Department of Transport and Public Roads' written approval of the proposed urban development of Farm No. 81/33, Stellenbosch (as the governing authority i.t.o the Advertising on Roads and Ribbon Development Act, 21 of 1940).

Approval of this land use planning application will allow the land owner to develop the Newinbosch mixed-use development. Find attached hereto a copy of the planning motivation, subdivision plan, traffic impact assessment and title deed. Please feel free to contact us if you have any queries or require any additional information.

The Stellenbosch Municipality has requested that you kindly provide your written comments on the application i.t.o. the Stellenbosch Municipality Planning By-Law (2015) within 60 days of receipt of this e-mail. Your comments should be addressed to the applicant by electronic mail as follows: TV3 Projects (Pty) Ltd – C. Heys clifford@tv3.co.za. Should no comments be received, it will be deemed that you have no comment.

Kind regards

Clifford Heys

Pr Pln (TRP SA), B Econ, M (T&RP), MSAP
ASSOCIATE: TOWN PLANNING
Cell: +27 (0)83 309 9770

Directions

SECTION I

**Comments received from
Government departments**

Our Ref: HM/CAPE WINELANDS/STELLENBOSCH/FARM 33 PTN 81
Case No.: 19032707AS0402M
Enquiries: Thando Zingange
E-mail: Thando.Zingange@westerncape.gov.za
Tel: 021 483 5959
Date: 05 November 2020



Steyn's Family Trust
 C/O Lize Malan
 P O Box 3421
 Matieland
 7602

RESPONSE TO HIA: FINAL COMMENT
 in terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape
 Provincial Gazette 6041, Notice 298 of 2003

THE PROPOSED SITE DEVELOPMENT OF FARM 81 PTN 33, STELLENBOSCH, SUBMITTED IN TERMS OF SECTION 38(8) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

This matter was discussed at the Heritage Western Cape Impact Assessment Committee meeting held (IACOM) on 14 October 2020.

FINAL COMMENT:

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

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

The following aspects will need to be addressed:

- A. Height restrictions for all buildings across the site as indicated in the proposed SDP. It is however noted that the indicators stated that certain smaller elements of the four storey buildings may extend to five storeys. This is regarded as appropriate to mark key points/intersections in the development and should be controlled through the guidelines.
 - B. Massing and articulation of the apartment blocks – monolithic blocks are to be disallowed and the guidelines must specify the extent of articulation in detail.
 - C. Roof shape and colour to ensure variation in design and colour throughout the development but keeping the colour palette to neutral greys and black.
 - D. Finishes of buildings, using plaster and paint in muted neutral earth tones (no highly reflective white), concrete or stone, with restricted or prohibited use of metal cladding.
 - E. Openings with restrictions on large reflecting surfaces, and shading of openings, particularly to the east.
 - F. Lighting, services, security features and signage to be low key and/or not visible as may be appropriate (refer to indicators)
 - G. Fencing – use of visually permeable fencing on perimeter with waf walls allowed for internal boundaries, provided that screening tree planting is accommodated.
- These guidelines are to be to the approval of the Stellenbosch Municipality (Heritage Resources Management).

Should you have any further queries, please contact the official above and quote the case number.

pp.

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

www.westerncape.gov.za/cas

Street Address	Postal Address
Tel	E-mail
Streetadres	Posadres
Tel	E-pos
Idilesi yendawo	Idilesi yepos
Inombolo zomnambeka	Idilesi yemeyile



tv3

Date: 2020/10/15

Clifford Heys <Clifford@tv3.co.za>

Enquiries:

WayleavesWesternOU@eskom.co.za

**WAYLEAVE APPLICATION: SUBDIVISION AND REZONING : FARM CLOETESDAL POR 33
OF 81 : STELLENBOSCH**

YOUR REF: lu/10917

ESKOM REF: 02508-20

THIS IS NOT AN APPROVAL TO START CONSTRUCTION

I hereby inform you that Eskom has no objection to the proposed work indicated on your drawing in principle. This approval is valid for 12 months only, after which reapplication must be made if the work has not been completed.

1. Eskom services are affected by your proposed works and the following must be noted:

- a) Eskom has no objection to the proposed work and include a drawing indicating Eskom 11kV/LV underground services in close proximity.
- b) Please note that underground services indicated are only approximate and the onus is on the applicant to verify its location
- c) There may be LV overhead services / connections not indicated on this drawing.
- d) The successful contractor must apply for the necessary agreement forms and additional cable information not indicated on included drawing, in order to start construction.

Application for Working Permit must be made to:

Customer Network Centre: Kraaifontein

Karl Knorr

021 986 5311

KnorrK@eskom.co.za

Include Eskom Wayleave as-built drawings and all documentation, when applying for Working Permit.

Should it be necessary to move, relocate or support any existing services for possible future needs, it will be at the developer's cost. Application for relocating services must be made to Customer Services on 08600 37566 or customerservices@eskom.co.za

2. Underground Services

The following conditions to be adhered to at all times:

- a) Works will be carried out as indicated on plans.
- b) No mechanical plant to be used within 3.0m of Eskom underground cables.
- c) All services to be verified on site.
- d) Cross trenches to be dug by hand to locate all underground services before construction work commences.
- e) If Eskom underground services cannot be located or is grossly misplaced from where the wayleave plan indicates, then all work is to be stopped and Graham Hector from the Land Development Office to be contacted on 021 980 3551 / HectorG@eskom.co.za, to arrange the capturing of such services.
- f) In cases where proposed services run parallel with existing underground power cables the greatest separation as possible should be maintained with a minimum of 1000mm.
- g) Where proposed services cross underground power cables the separation should be a minimum of 300mm with protection between services and power cables. (Preferably a concrete slab)
- h) No manholes; catch-pits or any structure to be built on top of existing underground services.
- i) Only walk-behind (2 ton Bomac type) compactors to be used when compacting on top of and 1 metre either side of underground cables.
- j) If underground services cannot be located then the Customer Network Centre (CNC) should be consulted before commencement of any work.
- k) **No work can take place within the servitude of a 66kV Cable or 13kV Cable if indicated.** Should you need to undertake any work within the proximity of our 66kV or 132kV Cables please contact Graham Hector on 082 7720 359 or graham.hector@eskom.co.za

3. O.H. Line Services:

- a) The following building and tree restriction on **either side of centre line** of overhead power line must be observed:

Voltage	Building restriction either side of centre line
11 / 22kV	9.0 m
66kV	11.0 m
132kV	15.5 m

- b) No construction work may be executed closer than **6 (SIX) metres** from any Eskom structure or structure-supporting mechanism.
- c) No work or no machinery nearer than the following **distances from the conductors**:

Voltage	Not closer than:
11 / 22kV	3.0 m
66kV	3.2 m
132kV	3.8 m

- d) Natural ground level must be maintained within Eskom reserve areas and servitudes.
- e) That a **minimum ground clearance** of the overhead power line must be maintained to the following clearances:

Voltage	Safety clearance above road:
11 / 22kV	6.3 m
66kV	6.9 m
132kV	7.5 m

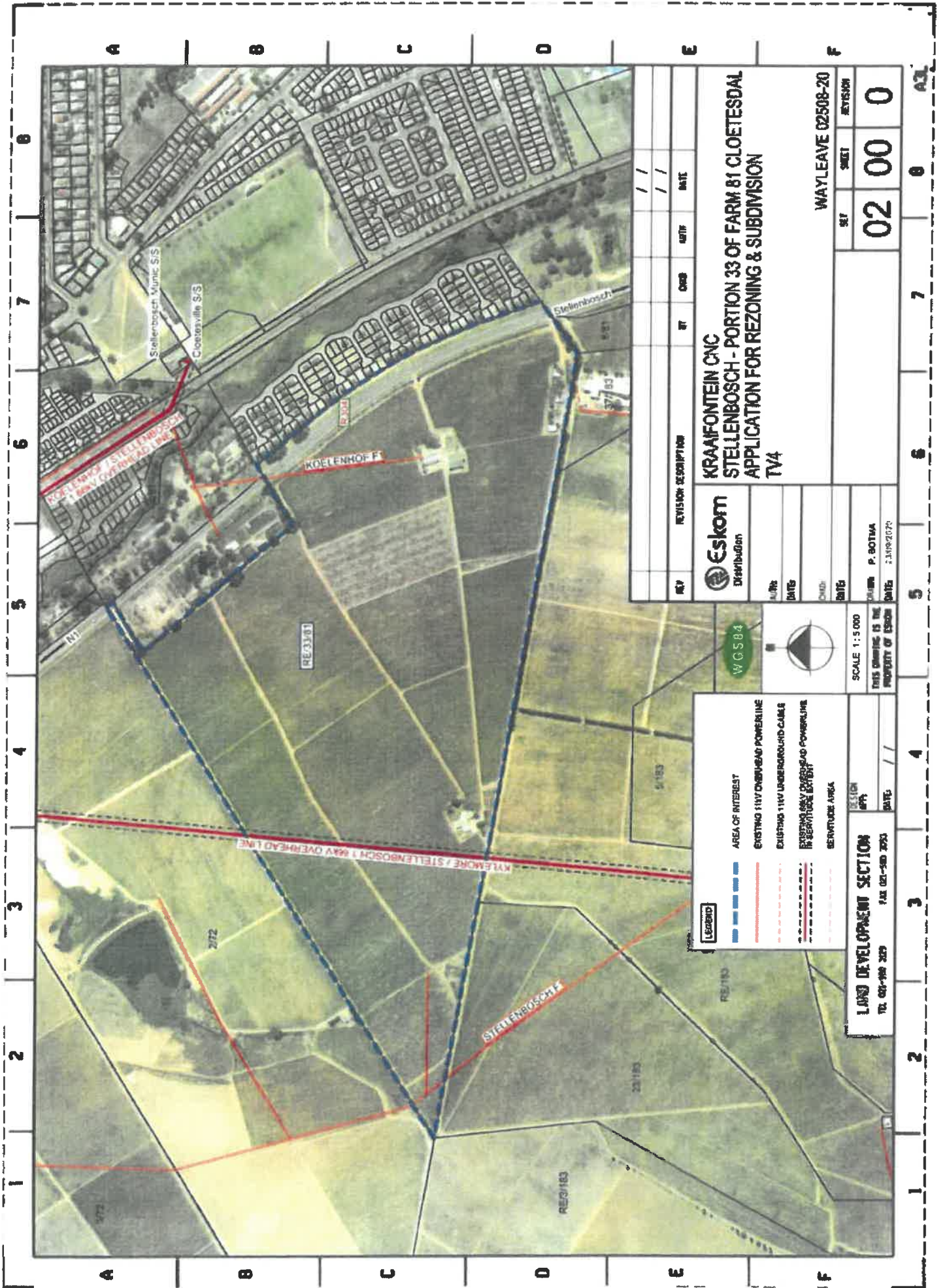
- f) That existing Eskom power lines and infrastructure are acknowledged as established infrastructure on the properties and any rerouting or relocation would be for the cost of the applicant/developer.
- g) That Eskom rights or servitudes, including agreements with any of the landowners, obtained for the operation and maintenance of these existing power lines and infrastructure be acknowledged and honoured throughout its lifecycle which include, but are not limited to:
- i. Having 24 hour access to its infrastructure according to the rights mentioned in (a) above.
 - ii. To perform maintenance (structural as well as servitude – vegetation management) on its infrastructure according to its maintenance programmes and schedules,
 - iii. To upgrade or refurbish its existing power lines and infrastructure as determined by Eskom,
 - iv. To perform any other activity not listed above to ensure the safe operation and maintenance of the Eskom power lines or infrastructure.
- h) Eskom must have at least a 10m obstruction free zone around all pylons (not just a 10m radius from the centre).
- i) Eskom shall not be liable for the death or injury of any person, or for loss of or damage to any property, whether as a result of the encroachment or use of the area where Eskom has its services, by the applicant, his/her agent, contractors, employees, successors in title and assignee.
- j) The applicant indemnifies Eskom against loss, claims or damages, including claims pertaining to interference with Eskom services, apparatus or otherwise.
- k) Eskom shall at all times have unobstructed access to and egress from its services.
- f) Any development which necessitates the relocation of Eskom's services will be to the account of the developer.
- m) Lungile Motsisi MotsisiL@eskom.co.za Eskom: Transmission must be contacted on 011 800 5734 to comment on behalf of the 400 kV OVERHEAD POWERLINES. NO WORK WITHIN THIS SERVITUDE OR UNDERNEATH POWERLINES IS ALLOWED until comment from Eskom Transmission has been obtained.

4. **NOTE**

Wayleaves, Indemnity form (working permit) and all as-built drawings issued by Eskom to be kept on site at all times during construction period.

Yours faithfully

LAND DEVELOPMENT (BRACKENFELL)



REV	REVISION DESCRIPTION	BY	CHKD	DATE
1				11/11
2				11/11

Eskom
DISPATCHING

DATE: / /

SCALE 1 : 5 000
THIS DRAWING IS THE PROPERTY OF ESKOM

PROJECT: WAYLEAVE 02508-20

SET	SHEET	REVISIONS
02	00	0

LEGEND

- AREA OF INTEREST
- EXISTING 11KV OVERHEAD POWERLINE
- EXISTING 11KV UNDERGROUND CABLE
- EXISTING 24KV OVERHEAD POWERLINE IN RESERVE AREA
- SERVICED AREA

LAND DEVELOPMENT SECTION
TEL: 007-949 329 142 (02-580 3953)

DATE:	DATE:
DATE:	DATE:
DATE:	DATE:

A 1 2 3 4 5 6 7 8 B C D E F



agriculture

Department
Agriculture
REPUBLIC OF SOUTH AFRICA

Private Bag X129, Pretoria 0001
Delpen Building, off Anse-à-l'Écluse Street, Rivier, 6384

From: Directorate Land Use and Soil Management
Tel: 012-319-7678 Fax: 012-320-5938 e-mail: Agmend@nde.agric.za
Enquiries: Helpdesk Ref. ZCO6_06_0119

Taylor, Van Rensburg & Van der Spuy
37 Market Street
STELLENBOSCH
7600

Dear Sirs

RE: APPLICATION FOR THE REZONING, SUBDIVISION AND DEPARTURE: PORTION 33 OF FARM CLOETESDAL NO. 81, STELLENBOSCH DIVISION, WESTERN CAPE PROVINCE

Your letter O2498 dated 14 March 2006 refers

With reference to the above-mentioned matter I wish to inform you that this Directorate has **no objection** against the Rezoning, Subdivision and Departure from an agricultural point of view.

Yours sincerely


DELEGATE OF THE MINISTER: LAND USE AND SOIL MANAGEMENT



Cor Van Der Wall
LandUse Management
Email: LandUse.Eisenburg@eisenburg.com
tel: +27 21 808 5099 fax: +27 21 808 5092

OUR REFERENCE : 20/9/2/5/6/531
YOUR REFERENCE : 3629-P
ENQUIRIES : Cor van der Wall

TV3 Architects and Town Planners
97 Dorp Street
First Floor, La Gratitude
Office Building
Stellenbosch
7600

Att: Clifford Heyes

APPLICATION IN TERMS OF THE SUBDIVISION: DIVISION STELLENBOSCH
PORTION 33 OF THE FARM NO 81

Your application of 14 June 2019 has reference

The Western Cape Department of Agriculture: Land Use Management commented on the Stellenbosch Spatial Development Framework: Final Draft for Advertising June 2019, and did not support the proposals for the Northern Extension of Kayamandi

This is been reflected in the newly approved Spatial Development Framework 2019

Please note:

- That this is only a recommendation to the relevant deciding Authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970.
- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.

- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely



Mr. CJ van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2019-10-16

Copies:

Department of Environmental Affairs & Development Planning
1 Dorp Street
Cape Town
8000

Directorate Land Use and Sustainable Resource Management
National Department of Agriculture
Private Bag X 120
PRETORIA
0001

Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

SECTION J

**Copies of e-mail correspondence
with the officials**

Clifford Heys

From: Bulehwa Mdoda <Bulehwa.Mdoda@ Stellenbosch.gov.za>
Sent: 03 November 2020 08:05 AM
To: Clifford Heys
Subject: RE: INSTRUCTION TO ADVERTISE: FARM 81/33, STELLENBOSCH

Hi Clifford;

The content of your email below is noted.

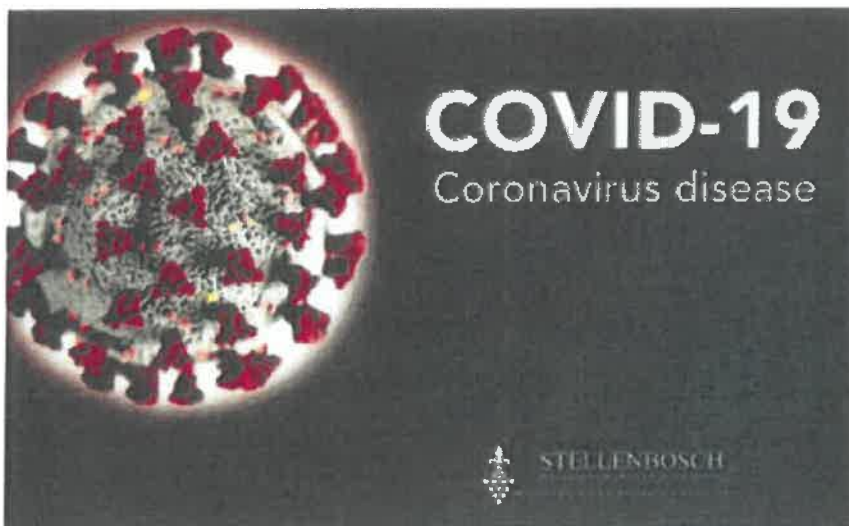


Kind regards,
Bulehwa Mdoda
Land Use Management
Planning & Economic Development

T: +27 21 808 8690 : F +27 21 886 6899
3rd Floor, Eikestad Mall, Andringa Street,
Stellenbosch
www.stellenbosch.gov.za



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http://www.stellenbosch.gov.za/main_pages/disclosurepage.htm



Visit the dedicated COVID-19 page on our municipal website for information on this disease:
<https://www.stellenbosch.gov.za/documents/general>

For official COVID-19 advice, updates and queries:

- National Hotline 0800 029 999

- Provincial Hotline 021 9284102
- WhatsApp 0600 123 456

Stay alert, stay updated and stay safe.



About Stellenbosch Municipality

Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.

Our head office is at Town House Complex, Plain Street, Stellenbosch, 7600 Africa. For more information about Stellenbosch Municipality please call (+27)21-808 www.stellenbosch.gov.za

Disclaimer:

The information in this

email is intended only for the individual named.

1000

From: Clifford Heys [mailto:Clifford@tv3.co.za]
Sent: 02 November 2020 05:00 PM
To: Bulelwa Mdoda
Subject: [EX] RE: INSTRUCTION TO ADVERTISE: FARM 81/33, STELLENBOSCH

Hi Bulelwa

The application was advertised on 1 Oct 2020 for 30 days. The public commenting period has now closed and no objections were received.

The government departments still have 30 days to submit their comments. After which I will finalise and submit the Portfolio of Evidence report.

Regards

Clifford

From: Clifford Heys [mailto:Clifford@tv3.co.za]
Sent: 28 September 2020 02:50 PM
To: Bulelwa Mdoda
Cc: Nolusindiso Momoti; Louisa Guntz
Subject: [EX] RE: INSTRUCTION TO ADVERTISE: FARM 81/33, STELLENBOSCH

Hi Bulelwa

Re. my e-mail below.

I trust the draft notice is correct. We will now arrange for advertising in the Eikestadnuus on Thursday (1 Oct 2020).

Regards

Clifford

From: Clifford Heys
Sent: 22 September 2020 04:23 PM
To: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>
Cc: Nolusindiso Momoti <Nolusindiso.Momoti@stellenbosch.gov.za>; Louisa Olyyn (<Louisa.Olyyn@stellenbosch.gov.za>) <Louisa.Olyyn@stellenbosch.gov.za>
Subject: RE: INSTRUCTION TO ADVERTISE: FARM 81/33, STELLENBOSCH

Hi Bulelwa

Find attached the draft notice to the I&APs.

Will you please submit it to the planner for their approval.

Regards

Clifford

From: Bulelwa Mdoda <Bulelwa.Mdoda@ Stellenbosch.gov.za>
Sent: 22 September 2020 01:09 PM
To: Clifford Heys <Clifford@tv3.co.za>
Cc: Nolusindiso Momoti <Nolusindiso.Momoti@ Stellenbosch.gov.za>
Subject: RE: INSTRUCTION TO ADVERTISE: FARM 81/33, STELLENBOSCH

Good day Clifford;

Please find attached instruction to advertise letter and templates for advertising.

Please comply with instructions in the attached letter dated 21 September 2020.

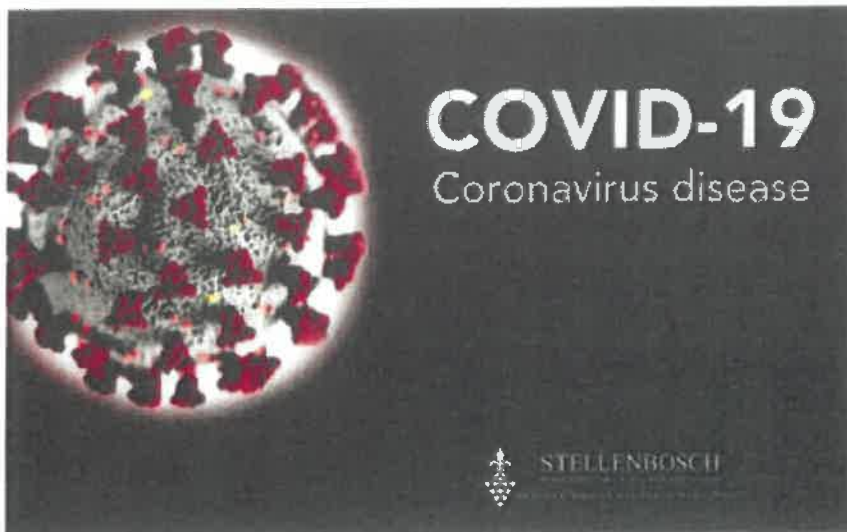


Kind regards,
Bulelwa Mdoda
Land Use Management
Planning & Economic Development

T: +27 21 808 8690 ; F +27 21 886 6899
3rd Floor, Eikestad Mall, Andringa Street,
Stellenbosch
www.stellenbosch.gov.za



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 Our head office is at Town House Complex, Ploem Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality please call +2721 808 1000 or visit www.stellenbosch.gov.za

Direct Contact:

clifford@tv3.co.za

bulelwa.mdoda@stellenbosch.gov.za

clifford@tv3.co.za

Powered by [JOCCO](#)

out
of

From: Nolusindiso Momoti
Sent: 22 September 2020 01:01 PM
To: Bulelwa Mdoda
Subject: FW: INVOICE: APPLICATION FOR FARM 81/33, STELLENBOSCH

FYI

From: Clifford Heys [<mailto:Clifford@tv3.co.za>]
Sent: Tuesday, 22 September 2020 10:21
To: Nolusindiso Momoti
Subject: [EX] RE: INVOICE: APPLICATION FOR FARM 81/33, STELLENBOSCH

Hi Sindi

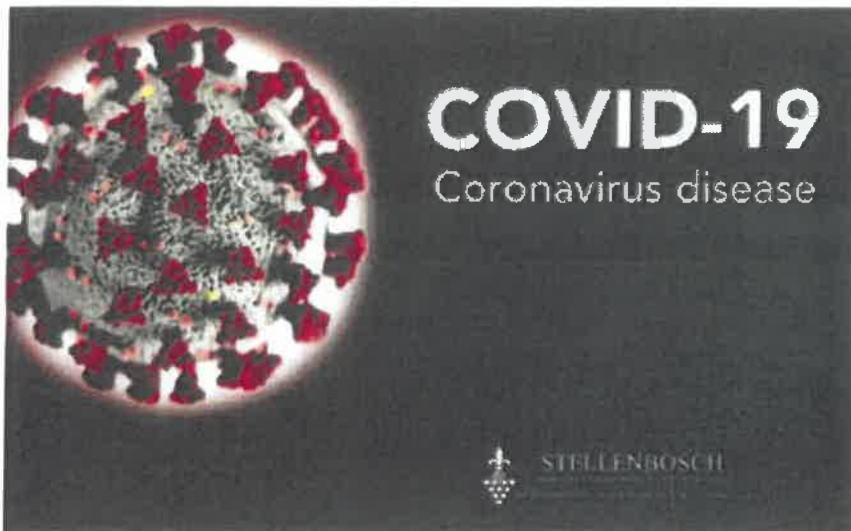
Sorry to keep bugging you like this, but any news on the advertising instruction letter?

Regards

Clifford

From: Nolusindiso Momoti <Nolusindiso.Momoti@stellenbosch.gov.za>
Sent: 17 September 2020 11:14 AM
To: Clifford Heys <Clifford@tv3.co.za>
Subject: RE: INVOICE: APPLICATION FOR FARM 81/33, STELLENBOSCH

Yes done with it waiting for the signature will send it to you shortly.



Visit the dedicated COVID-19 page on our municipal website for information on this disease:
<https://www.stellenbosch.gov.za/documents/general>

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www.stellenbosch.gov.za

nolusindiso.momoti@stellenbosch.gov.za
clifford@tv3.co.za

www.ioco.co.za

From: Clifford Heys | <mailto:Clifford@tv3.co.za> |
Sent: Thursday, 17 September 2020 11:11
To: Nolusindiso Momoti
Subject: [EX] RE: INVOICE: APPLICATION FOR FARM 81/33, STELLENBOSCH

Hi Sindi

Re. our Farm 81/33 rezoning and subdivision application [LU/10917].

Are you working on the advertising instruction letter?

Regards

Clifford

From: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>
Sent: 17 December 2019 10:56 AM
To: Clifford Heys <Clifford@tv3.co.za>
Subject: INVOICE: APPLICATION FOR FARM 81/33, STELLENBOSCH

Dear Clifford

I trust that you are well.

Pre-scrutiny of your documentation as submitted on 13 December 2019 has been completed. The documentation is considered complete and you may now pay the following fees into Council's bank account within the next two (2) working days. Please provide this office with a copy of your proof of payment. Should the payment of fees not reflect in Council's bank account within three (3) working days from the date of this notification, all documentation will be discarded.

See attached invoice for payment. (See bank details on invoice)

I trust that the above is in order



Kind regards / Vriendelike Groete
Nicole Katts
Administrative Officer: Customer
Interface and Administration
Planning & Economic Development

T: +27 21 808 8318
43 Andringa Str, Elkestad Mall, 3rd
Floor
www.stellenbosch.gov.za



STELLENBOSCH
MUNICIPALITY
WELKOM IN STELLENBOSCH



About Stellenbosch Municipality
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Our head office is at Andringa Street, Elkestad Mall, Stellenbosch, 7601. please call 021 808 8318
or visit www.stellenbosch.gov.za

Disclaimer:

clifford@tv3.co.za

nicole.katts@stellenbosch.gov.za
clifford@tv3.co.za
Afrovation

ANNEXURE 5
Objection and Comments on Objections



320
STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE F



**Western Cape
Government**
Environmental Affairs and
Development Planning

Department of Environmental Affairs and Development Planning
Pieter van Zyl
Head of Department
Pieter.vanZyl@westerncape.gov.za | Tel: 021 483 8315

Reference: 15/3/2/12/BS2

Mr Jan van Rensburg
TV3 Projects (Pty) Ltd
97 Dorp Street
STELLENBOSCH
7600

[Via e-mail: jan@tv3.co.za]

Dear Mr van Rensburg

FARM CLOETESDAL NO. 81/33, STELLENBOSCH

1. Your cell phone WhatsApp enquiry on 25 November 2020, in connection with the abovementioned property, refers.
2. Your enquiry centred around the recent refusal by the national Department of Agriculture, Land Reform and Rural Development (DALRRD) of an application in terms of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) (SALA), despite the fact that the envisaged development was included in the Stellenbosch Municipal Spatial Development Framework (MSDF) urban edge, as adopted in 2019.
3. My Department investigated the circumstances surrounding this application and discussed your enquiry with officials from the Western Cape Department of Agriculture, Stellenbosch Municipality and internally with officials from the DEA&DP Directorate: Spatial Planning, as well as the DEA&DP Directorate: Development Management. From the information available to my Department, the situation seems to be as follows:
 - 3.1 When submitting comment to the Stellenbosch Municipality on their MSDSF in 2019, the Western Cape Department of Agriculture (WCDoA) specifically requested that the Municipality exclude a number of properties from within the urban edge or alternatively retain these properties for agricultural use, as they are planted with wine grapes and have a high and medium agricultural potential. The Cloetesdal farm was one of the properties proposed to be excluded.

- 3.2 The Municipality indicated in their comment and response document that "*comments have been incorporated where possible*". The original MSDF approved in 2019 was ambiguous as to whether or not the farm is included in the urban edge. However, the MSDF, as finally adopted, included the Cloetesdal farm within the urban edge, seemingly disregarding the comment of the WCDoA. My Department was not made aware of the WCDoA's position on this matter when engaging with the Municipality to resolve the ambiguity brought to our attention by yourselves.
 - 3.3 With the matter not being resolved, the WCDoA recommended to the DALRRD that the application in terms of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) (SALA) be refused.
4. With Stellenbosch Municipality not having addressed WCDoA's concerns in relation to the property in question, the ultimately refusal of a SALA application was a risk that should have been anticipated by the Stellenbosch Municipality and the landowner/developer. While ideally, in order for an MSDF to provide as much guidance as possible, as many matters as possible should be resolved during the process of drafting an MSDF and during the process of amending an MSDF, it is often the case that even if a property is included in an urban edge which may be delineated by an MSDF, many other approvals are still required in respect of applications for urban related land uses (e.g. rezoning approval, Environmental Authorisation, SALA approval, etc.). The fact that the property was included in the MSDF urban edge, did not conclude the matter, because the merits in respect of each of the approvals still to be obtained, remained to be argued.
 5. My Department remains committed to, together with the Western Cape Department of Local Government and other role-players, continue our efforts to facilitate improved alignment and support Municipalities with continuous improvement in terms of MSDFs.
 6. We therefore recommend that:
 - 6.1 if not already done, an appeal be lodged against the SALA refusal and the merits be argued in respect of the application for subdivision of agricultural land;
 - 6.2 the landowner/developer requests a collective/joint engagement (or engagements) with the Stellenbosch Municipality, the WCDoA and the DALRRD in order to discuss, amongst other things:
 - 6.2.1.1 how to in future better address agricultural matters in general during the MSDF drafting and amendment processes; and
 - 6.2.1.2 in terms of this specific property, whether any refinement of the MSDF is required which should be considered during the upcoming IDP Review (and if required IDP Amendment) process.

If you have any further questions, please contact the Stellenbosch Municipality. Should you, however, also require any further assistance from my Department, do not hesitate to contact Kobus Munro at Kobus.Munro@westerncape.gov.za or Catherine Stone at Catherine.Stone@westerncape.gov.za.

Yours sincerely



PIET VAN ZYL
HEAD OF DEPARTMENT

Date: 14 December 2020

Copies to:

Anthony Barnes (Stellenbosch Municipality)
Bernabe de la Bat (Stellenbosch Municipality)
Cor van der Walt (WCDoA)
Kobus Munro (DEA&DP)
Catherine Stone (DEA&DP)

Anthony.Barnes@stellenbosch.gov.za
Bernabe.DeLaBat@stellenbosch.gov.za
CorvdW@eisenburg.com
Kobus.Munro@westerncape.gov.za
Catherine.Stone@westerncape.gov.za



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ANNEXURE G



**Western Cape
Government**

DEPARTMENT AGRICULTURE

DARRYL JACOBS

AGRICULTURAL DEVELOPMENT AND SUPPORT SERVICES

Darryl.Jacobs@elsenburg.com | Tel: 021 808 5013

OUR REFERENCE : Stellenbosch SDF
YOUR REFERENCE : -
ENQUIRIES : Cor van der Walt

Stellenbosch Municipality
 PO Box 17
 STELLENBOSCH
 7599

Att: Bernabé de la Bat

STELLENBOSCH SDF
PORTION 33 OF THE FARM CLOETESDAL NO. 81

Your request dated 25 November 202 to reconsider the inclusion of the above-mentioned farm into the urban edge of Stellenbosch Municipality (Kayamandi north), has reference.

The Western Cape Department of Agriculture (WCDoA) understands the constitutional responsibilities of local authorities to provide housing. The WCDoA's primary mandate is the preservation, development and sustainable use of agricultural land, which is of vital importance to ensure long-term food security.

South Africa has a limited supply of high potential cropping land, and the pressures associated with urban infrastructure and residential development on high potential cropping land are currently major contributors to the alienation and reduced availability of agricultural land for agricultural production. The loss of agricultural land poses a direct threat to national (and household) food security. It increases rural unemployment, results in the declining contribution of agriculture to the GDP, diminishes the positive link between agriculture and rural development, and impacts negatively on the potential of affected areas for agricultural development. It thus undermines the economic development potential of these areas. This goes hand in hand with the loss of other high potential and unique agricultural resources and agricultural land care values.

The **soil potential** of land is used as the primary criteria for determining the potential of agricultural land. The land in question is classified as "**High potential for crop production**" in the "*REPORT to NATIONAL DEPARTMENT OF AGRICULTURE; Report Number GW/A/2002/21; CRITERIA FOR HIGH POTENTIAL AGRICULTURAL LAND IN SOUTH AFRICA - For use within revised spatial framework; by J.L. Schoeman, June 2004.*"¹

The motivation of the Stellenbosch Municipality dated 25 November 2021 convinced this department to consider a more lenient stance to find a balance between the competing land uses and the triple bottom line of economic, social and environmental sustainability.

The current situation of the area abutting Kayamandi is one which this department takes into consideration:

- a) High demand for land for Human Settlement.
- b) The uncontrollable land invasion ("land grab") and sprawl onto productive agricultural land.
- c) Simultaneously the need for the availability and access to food.
- d) The area is already included in the urban edge of Stellenbosch Municipality (SDF 2019) with the support of other Internal and provincial departments concerned with spatial planning in terms of the Spatial Planning and Land Use Management Act no 16 of 2013 (SPLUMA), all practical and cooperative governance requirements and implications considered.

The current situation mentioned above and the negative cumulative effects thereof, can further exacerbate the growing crises if not planned and managed effectively.

The WCDoA may consider the proposed expansion favourably considering points a - c above, in an effort to give effect to planning-led development and prevent land invasion/random sprawl onto other portions of agricultural land.

In an effort to find the balance for the loss of agricultural land vs human settlement, the WCDoA is prepared to consider the request favourably under the following conditions:

- a) Planning should ensure that an effective hard edge be implemented to curb any further sprawl/illegal land invasion by means of a fence, wall, development types and or design or any means necessary. The municipality should take responsibility to implement, monitor and manage the urban edges to protect the right to farm, of abutting farms.

It is noted that previous attempts have failed to prevent invasion of vineyards, theft, vandalism etc. However, if not addressed, the problem will only further escalate and/or repeat itself, this also includes the protection of farms RE/1514 and RE/1/1514 that are severely exposed.

¹ Report Number GW/A/2002/21; CRITERIA FOR HIGH POTENTIAL AGRICULTURAL LAND IN SOUTH AFRICA; For use within revised spatial framework; by J.L. Schoeman, June 2004

- b) The area should be developed to its full potential, as to make maximum use of the land. Thus the importance of densification.
- c) The Stellenbosch Municipality should take responsibility to timeously manage any land invasion/spill-over on any other agricultural land and take the necessary steps to manage the cumulative impact of housing on agricultural land.
- d) Portion 2 of no 72 is to be excluded from the urban edge and retained for agriculture in an effort to limit the loss of agricultural land.
- e) The design and development of the proposed portions of land must be sustainable, make use of "green building techniques" such as solar energy, water wise designs and rain water harvesting and storage. It should further make provision for food gardens as a means to improve food security.
- f) The area should ensure integrated development topologies which must include affordable and inclusionary housing.

The WCDoA, with caution, therefore supports the inclusion of the said land portion into the Stellenbosch Municipality SDF Urban Edge to ensure integrated development.

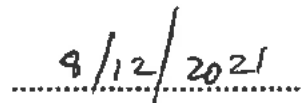
Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely



DW JACOBS



DATE

DEPUTY DIRECTOR GENERAL: AGRICULTURAL DEVELOPMENT AND SUPPORT SERVICES

Copies:

Department of Environmental Affairs & Development Planning Spatial Planning (Mr. K Munro)
Email: Kobus.Munro@westerncape.gov.za

Department of Environmental Affairs & Development Planning Spatial Planning (Ms. C Stone)
Email: Catherine.Stone@westerncape.gov.za



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ANNEXURE H

Our Ref: HM/CAPE WINELANDS/STELLENBOSCH/FARM 33 PTN 81
Case No.: 19032707AS0402M
Enquiries: Thando Zingange
E-mail: Thando.Zingange@westerncape.gov.za
Tel: 021 483 5959
Date: 05 November 2020



Steyn's Family Trust
 C/O Lize Malan
 P O Box 3421
 Matieland
 7602

RESPONSE TO HIA: FINAL COMMENT
In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

THE PROPOSED SITE DEVELOPMENT OF FARM 81 PTN 33, STELLENBOSCH, SUBMITTED IN TERMS OF SECTION 38(8) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

This matter was discussed at the Heritage Western Cape Impact Assessment Committee meeting held (IACOM) on 14 October 2020.

FINAL COMMENT:

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

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

The following aspects will need to be addressed:

- A. Height restrictions for all buildings across the site as indicated in the proposed SDP. It is however noted that the indicators stated that certain smaller elements of the four storey buildings may extend to five storeys. This is regarded as appropriate to mark key points/intersections in the development and should be controlled through the guidelines.
 - B. Massing and articulation of the apartment blocks – monolithic blocks are to be disallowed and the guidelines must specify the extent of articulation in detail.
 - C. Roof shape and colour to ensure variation in design and colour throughout the development but keeping the colour palette to neutral greys and black.
 - D. Finishes of buildings, using plaster and paint in muted neutral earth tones (no highly reflective white), concrete or stone, with restricted or prohibited use of metal cladding.
 - E. Openings with restrictions on large reflecting surfaces, and shading of openings, particularly to the east.
 - F. Lighting, services, security features and signage to be low key and/or not visible as may be appropriate (refer to indicators)
 - G. Fencing – use of visually permeable fencing on perimeter with werf walls allowed for internal boundaries, provided that screening tree planting is accommodated.
- These guidelines are to be to the approval of the Stellenbosch Municipality (Heritage Resources Management).

Should you have any further queries, please contact the official above and quote the case number.



pp.

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

www.westerncape.gov.za/caa

Street Address: Protea Assurance Building, Green Market Square, Cape Town, 8000 • Postal Address: P.O. Box 1955, Cape Town, 8000
 • Tel: +27 (0)21 483 5959 • E-mail: caa@westerncape.gov.za

Straatadres: Protea Assurance Gebou, Groenemarkersplein, Kaapstad, 8000 • Posadres: Posbus 1955, Kaapstad, 8000
 • Tel: +27 (0)21 483 5959 • E-pos: caa@westerncape.gov.za

Idilesi yendawo: kungangatho 3, kwisakhiwo qonzo Assurance, Greenmarket Square, eKapa, 8000 • Idilesi yeposi: Hambolo yebhokisi yeposi, 1955, eKapa, 8000 • Inombolo zomnxeba: +27 (0)21 483 5959 • Idilesi ye-imeyile: caa@westerncape.gov.za

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



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

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

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

The comment as per the previous meeting therefor still applies:

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

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

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

FURTHER REQUIREMENTS:

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

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

MATTERS DISCUSSED

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

11.1 None

12 SECTION 38(1), INTERIM COMMENT

12.1 None

13 SECTION 38(4) RECORD OF DECISION (ROD)**13.1 Proposed Weltevreden Filling Station Farm 786 Ptn 14, Philippi: MA
HM/CAPE TOWN METROPOLITAN/PHILLIPI/FARM 786 PTN 14****Case No:** 19022708AS0305E**INTERIM COMMENT:**

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

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

TZ

**13.2 Proposed Site Development of Farm 81 Ptn 29, Stellenbosch: NM
HM/CAPE WINELANDS/STELLENBOSCH/FARM 29 PTN 81****Case No:** 20061010TZ0624E**RECORD OF DECISION:**

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

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

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

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

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

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

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

TZ

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

Case No: 20041707SB0603E

DEFERRED:

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

SB

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

Case No: 181002306AS1017E

RECORD OF DECISION:

The Committee endorsed the HIA report as submitted by Ms Postlethwayt, dated September 2020, as having met the requirements of 538(3) of the NHRA; as well as the recommendations contained within the report, as follows:

It is recommended that Heritage Western Cape:

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

KB

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

Case No: 20091008KB0921E

FURTHER REQUIREMENTS:

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

KB

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

14.1 None

15 SECTION 38(8) NEMA INTERIM COMMENTS

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

Case No: 120418JW08

FURTHER REQUIREMENTS:

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

SB

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

Case No: 19120618AS1213E

INTERIM COMMENT:

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

SB

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

Case No: 19110103SB1106E

DEFERRED

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

SB

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

Case No: 20070607SB0707E

DEFERRED:

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

SB

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

Case No: 19032707AS0402M

FINAL COMMENT:

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

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

The following aspects will need to be addressed:

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

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

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

TZ

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

Case No: 18121204SB1220E

FINAL COMMENT:

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

SB

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

16.1 None

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

17.1 None

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

18.1 None

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

19.1 None

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

20.1 None

21 SECTION 38(8) OTHER LEGISLATION INTERIM COMMENT

21.1 None

22 SECTION 38(8) OTHER LEGISLATION FINAL COMMENT

22.1 None

23. SECTION 27 PROVINCIAL HERITAGE SITES

23.1 None

24 SECTION 42 HERITAGE AGREEMENT

24.1 None

25. ADVICE

25.1 None

26. OTHER

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

Case No: 15110515GT1110E

DISCUSSION:

Amongst other things, the following was discussed:

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

FURTHER REQUIREMENTS:

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

SB**27 Adoption of decisions and resolutions**

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



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ANNEXURE I



Western Cape
Government

TRANSPORT & PUBLIC WORKS: ROADS
Chief Directorate, Road Planning
Email: grace.swanepoel@westerncape.gov.za
Tel: +27 21 483 4669
Room 335, 9 Dorp Street, Cape Town, 8001
PO Box 2603, Cape Town, 8000

REFERENCE: TPW/CFS/RP/LUD/REZ/SUB-25/242 (Job 15329)
ENQUIRIES: Ms G Swanepoel
DATE: 8 June 2021

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr Ulrich von Molendorf

Dear Sir

PORTION 33 OF FARM 81, STELLENBOSCH: MAIN ROAD 174: APPLICATION FOR REZONING, SUBDIVISION, ETC

1. The following refer:
 - 1.1. This Branch's letter TPW/CFS/RP/LUD/REZ/SUB-25/75 (Job 22720) dated 19 October 2020;
 - 1.2. The email from TV3 Projects dated 22 September 2020;
 - 1.3. The letter LU/10313 from TV3 Projects (Pty) Ltd to you dated 22 June 2020;
 - 1.4. The Application 3629-P dated 11 December 2019 prepared by TV3 Projects and
 - 1.5. The Traffic Impact Assessment iCE/S/1286 dated 3 July 2020 prepared by iCE Group.
2. The application entails the development of ± 1 200 residential units, a ± 5 000m² GLA commercial area, ± 40 seats church and a school for ± 2 000 learners.
3. This Branch offers no objection to the land use application subject to the following conditions:
 - 3.1. The development is limited to:
 - 3.1.1. ± 1 200 residential units;
 - 3.1.2. Commercial (± 5 000m² GLA);
 - 3.1.3. Church (± 40 seats);

- 3.1.4. School ($\pm 2\ 000$ learners);
- 3.2. MR174 must be dualled between MR187 and MR27 as listed in the TIA above;
- 3.3. The upgrading of the MR174/Welgevonden Boulevard intersection must fit the final design of the dualling of MR174;
- 3.4. The existing accesses to Portion 33 of Farm 81 at $\pm km 58.39$ and $\pm km 58.12$ off MR174 must be closed permanently and the road reserve and fence reinstated;
- 3.5. The provision of traffic signals, dedicated turning lanes on the MR174-approaches (double right-turn lanes on the northern-approach and a left-turn lane on the southern approach) and access approach (double right lanes and a left-turn lane) must be provided in addition to the dualling of the MR174 at the RMR174/Access intersection at $\pm km 57.83$;
- 3.6. Should the development become operational prior to the dualling of the MR174, the ultimate intersection lane layout as per the dualled MR174 must be implemented at the MR174/Access intersection;
- 3.7. Street lighting need to be installed along MR174 at the new access in accordance with the applicable standards of this Branch;
- 3.8. Traffic signals must be installed at the MR174/Sokuqala Street intersection in addition to the dualling of the R304;
- 3.9. New traffic signals on MR174 and may only be installed once warranted in terms of the South African Road Traffic Signs Manual (SARTSM) Volume 3;
- 3.10. The dualling of the MR174 at the Mr174/Masitandane Road intersection;
- 3.11. The dual access road off MR174 to the development must be located at $\pm km 57.83$ and must include the eastbound carriageway over Portion 29 of Farm 81;
- 3.12. The access intersection on MR174 and the access road to the development must be constructed prior to the commencement of the construction of the development;
- 3.13. If already constructed the interim access road approximately 90m west of MR174 (centreline to centreline) to Portion 22 of Farm 81 off the dual carriageway access must be closed and replaced with the proposed internal access as indicated on the amended Site Development Plan attached to the letter LU/10313 from TV3 Projects to you dated 22 June 2020;
- 3.14. Public transport embayments must be provide downstream of the new access road intersection on MR174 in both directions;
- 3.15. All geometrics and materials design plans for road upgrades, signal installation and street lighting along MR174 after having been scrutinised by the affected Directorates at Stellenbosch Municipality must be submitted to the Chief Directorate: Design (Ms MK Hofmeyr – email: melanie.hofmeyr@westerncape.gov.za) of this Branch for final approval.

- 3.16. All the necessary right of way servitudes must be in place before Section 20, 21 and 28 of the Stellenbosch Municipal and Land Planning By-Law (2015) clearance will be given for the proposed development;
- 3.17. All parking must be located inside the development and provided in accordance with the latest Zoning Scheme of Stellenbosch Municipality;
- 3.18. Under no circumstances will parking be allowed within the road reserve of MR174;
- 3.19. The statutory 5m building line in terms of the Roads Ordinance 19 of 1976, must be maintained;
- 3.20. No services will be allowed within the 5m building line in terms of the Roads Ordinance 19 of 1976 and
- 3.21. Subdivision Condition Compliance Clearance must be provided by this Branch in terms of Sections 20, 21 and 28 of the Stellenbosch Municipal and Land Planning By-Law (2015) before occupation can be taken.
4. It is recommended that Stellenbosch Municipality meets with this Branch to discuss the dualling of MR174 between MR187 and MR27.
5. It is recommended that the 40m MR174 road reserve portion of Portion 33 of Farm 81 be subdivided and transferred to this Branch.
6. Please be reminded that this Branch still needs to approve the subdivision plan of Portion 33 of Farm 81 in terms of Act 21 of 1940 as this Branch is still the Road Authority for MR174 past the development.

Yours Sincerely



PP
SW CARSTENS
For DEPUTY DIRECTOR-GENERAL: ROADS

ENDORSEMENTS

1. Stellenbosch Municipality

Attention: Mr U von Molendorff (e-mail: ulrich.vonmolendorff@stellenbosch.gov.za)

2. UDS Africa

Attention: Ms Y Obermeyr (e-mail: yolandi@udsafrika.co.za)

3. TV3 Architects and Town Planners

Attention: Mr C Heys (e-mail: clifford@tv3.co.za)

- 4. District Roads Engineer

Paarl

5. Mr Elroy Smith (e-mail)

6. Mr SW Carstens (e-mail)

7. Mr H Thompson (e-mail)

8. Mr B du Preez (e-mail)

9. Planning Section



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ANNEXURE J



STELLENBOSCH

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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Spatial Planning, Heritage and Environment

To : Manager: Development Management
From : Manager: Spatial Planning
Reference : Farm 81 Portion 33: Cloetesdal
Lu Nr : LU/10917
Date : 8 June 2021
Re : Application for Rezoning to subdivisinal area: Farm 81 Portion 33
 Cloetesdal

STELLENBOSCH MUNICIPALITY
 PLANNING AND DEVELOPMENT SERVICES

18 JUN 2021

RECEIVED

Your request for comment on the above application refers

1. APPLICATION

The application under consideration is for the following:

1. Application i.t.o. Section 1 5.2(a) of the of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the rezoning of Farm 81/33, Stellenbosch from Agriculture and Rural zone to Subdivisinal Area.
2. Application i.t.o. Section 1 5.2(d) of the of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the subdivision of Farm 81/33, Stellenbosch into Conventional Residential zone erven, Multi-unit Residential zone erven, Local Business zone erven, Education zone erven, Community zone erven, Utility Services zone erven and Private Open Space zone erven.
3. Application for the Department of Transport and Public Roads' written approval of the proposed urban development of Farm 81/33, Stellenbosch (as the governing authority i.t.o. the Advertising on Roads and Ribbon Development Act, 21 of 1940).

The latter application is required due to a title deed requirement.

2. PROPERTY DESCRIPTION

Farm 81/33 is described in the Deed of Transfer No. T24040/2002 as Portion 33 of the Farm Cloetesdal No. 81, in the Municipality and Division of Stellenbosch Western Cape. The property is 41,4029 ha in extent. The property is located on the R304 in Stellenbosch, approximately 3km north of Stellenbosch central – see Figure 1 below. The property is zoned Agriculture and Rural Zone.

FILE NR:	CLOETESDAL
F 8 / 33 S	
DATE:	
APPLICANT:	
PREPARED BY:	



Figure 1. Location of Farm 81/29

3. BACKGROUND

3.1 Northern extension

The notion to expand Stellenbosch in a northerly direction stems for the Shaping Stellenbosch Campaign (SSC) initiated by the Municipality and which ran from August 2013 to August 2104. The SSC formed part of the City of Cape Town: World Design Capital program and the goal of the campaign was to facilitate design processes aimed at transforming the town of Stellenbosch. The process was designed to give an opportunity to the citizens of Stellenbosch to express their vision for the town. In many ways the SSC was a precursor to the current MSDF which was approved in November 2019.

One of many suggestions received during the campaign was the expansion of Kayamandi to the north and serviced by a "by-pass" road to the west of Papagaaiberg. Importantly, this proposal was not supported through the SSC project as is evident in the final draft proposal illustrated below in Figure 2.

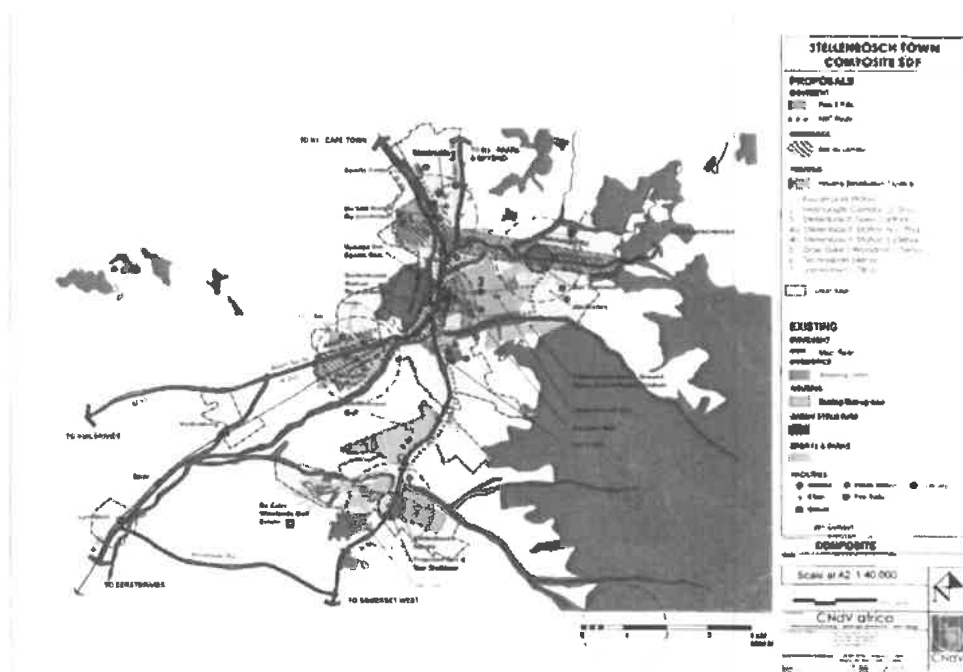


Figure 2. Composite map of SSC

Notwithstanding, the urgent need for land for housing for particularly the lower income groups and the negative impact of urbanization on directly adjacent agricultural land led to this idea being investigated further. This investigation culminated in a report to Council (Item 7.4 dated 2015-10-28) where the approval was obtained to formally investigate the northwards expansion of Stellenbosch and to appoint a team of consultants to inter alia undertake a feasibility study, negotiate with implicated landowners, and undertake a design framework for such a potential development. The prefeasibility study was concluded in February 2017.

At the Council meeting of 22 February 2017 (Item 7.3.2.) it was resolved:

1. that Council support the development planning process (my underlining) to proceed to achieve the aim of an integrated human settlement development covering an area of approximately 86 ha in the study area as indicated in APPENDIX I: and
2. That Council supports investigating the extension of the current urban edge to be considered by the public during the April 2017 IDP/SDF/Budget process.

The above decision was taken by Council after the then Director of Planning and Economic Development pointed out to Councilors, that this will be an integrated development. The rules will be strictly applied and only those who are on waiting lists will qualify unless an emergency area is declared in terms of court orders. It was also pointed out that this development is in its planning phase and that further presentations will be made on the way forward.

Appendix 1 represents the Final Draft Framework Plan attached as **SECTION F** in the motivational report by the applicant. The total area under consideration for the Northern Extension amounts to \pm 88 ha and some 13 individual properties. **All references made about the envisaged development of the Northern Extension is applicable to the entire property and not only to the Farm 81/33 which is the subject of this application.**

Following paragraph 2 of the above decision the urban edge was amended to include a part of the Northern Extension only as illustrated in Figure 3. Below.



Figure 3. Amended Urban Edge, 2018 MSDF

It was only later during the revision of the MSDF in 2019 that the urban edge was extended to include all the properties as indicated on an extract from the MSDF attached as Figure 4 under paragraph 4.5 "Municipal Spatial Development Framework."

It is of importance to note that, from the outset the principle underpinning the Northwards Extension were the following:

1. Integrated Transport and Mobility
2. Integrated Human Settlement
3. Integrated infrastructure planning
4. Inclusive economic development
5. Efficient land governance and management
6. Empowered, active communities.
7. Effective land governance

In turn, the stated development principles proposed by the feasibility study were the following:

1. Compact development (High density residential development)

2. Walking/pedestrian-friendly residential areas
3. Promotion of public transportation use
4. Mixed use to reduce necessity of residents to commute long distances.
5. Optimizing use of existing infrastructure / structures
6. Designing safe livable human settlements
7. Minimizing any negative environmental impacts.

The Northwards extension was planned with a specific outcome in mind based on the urgent need for affordable housing on a larger scale. The possibility to undertake such as development was based on the premise that this development will aim to address the housing crises as far as possible although it is not only for the residents of Kayamandi and Cloeteville only but will include opportunities to cater for a range of residential types and markets, which could also accommodate middle income housing, student housing, even for owner development and rental accommodation for the entire WC024. To this end the feasibility report proposed that residential typologies consist of social housing (apartment blocks usually allocated to rental stock), which are the highest density in the form of three to four storey flats. The second highest density typology was BNG housing which would have been funded by the municipality. GAP housing was then divided into three categories, namely lower, middle, and upper GAP housing, ensuring the provision of housing opportunities for a wide spectrum of economic groups. Table 1 below describes the 4 housing typologies proposed by the study.

Housing typology	Cost (R)	Gross Density (du/ha)	Gross size (ha)	Open space 30% (ha)	No. of units	No of people	% Of units
BNG	160 k	95	11	3	1014	3 120	20
Lower GAP	250-350 k	45	35	11	1560	4 680	30
GAP	350-1,2 M	32	33	10	1040	3 640	20
Upper GAP	1,2-2 M	17	33	10	572	1 430	11
Apartments		99	10	3	988	1 976	19
TOTAL		57	122	34	5200	14 846	100

Table 1. Proposed Housing Typologies as per Northern Extension Project

In addition to the provision of some 5 000 units various other land uses were proposed which included public amenities, one primary and two secondary schools including a grade R school, a local community health center, 6 sites for places of worship, 4 creches clustered together with the places of worship, two commercial sites, a filling station, taxi rank and a small light industrial site where the current wine cellar is situated.

This comprehensive mixed development was thus planned with a specific outcome in mind which is to cater for the more or less 15 000 people, affordable housing of

which more than 70 % of the units cost between R160 000 and R1,2 million (at the time of planning in 2017).

The application at hand is restricted to Farm 81 portion 33 which is only one of the properties contained in the feasibility study for the Norther Extension which measures ± 44 ha (half of the Norther Extension).

In addition to the development application at hand, the municipality is the owner of some 135 ha of land within the Northwards Expansion. The land entity and ownership are illustrated in Figure 4 below.



Figure 4. Council land



Application Property



Council Property

4. POLICY CONTEXT

4.1 NATIONAL DEVELOPMENT PLAN (NDP)

The NDP, developed by the National Planning Commission and adopted in 2012, serves as the strategic framework guiding and structuring the country's development imperatives and is supported by the New Growth Path (NGP) plus other national strategies. In principle, it is underpinned by,

and seeks to advance, a paradigm of development that sees the role of an enabling government creating the conditions, opportunities, and capabilities conducive to sustainable and inclusive economic growth that makes poverty alleviation and the sharp reduction of inequality possible by 2030.

The NDP sets out the pillars through which to cultivate and expand a robust, entrepreneurial, and innovative economy that will address South Africa's primary challenge of significantly rolling back poverty and inequality. More explicitly, the NDP sets out South Africa's goal of eliminating income poverty by reducing to 0% the 39% of the population who earn less than R419 per month and reducing inequality measured by the Gini Coefficient from 0.69 to 0.6. The legacy of apartheid spatial settlement patterns that hinder inclusivity and access to economic opportunities, as well as the poor location and under-maintenance of major infrastructure, are two of the nine identified core challenges facing the country's development. Aimed at facilitating a virtuous cycle of expanding opportunity for all, the NDP proposes a program of action that includes the spatial transformation of South Africa's towns, cities and rural settlements given the "enormous social, environmental and financial costs imposed by spatial divides" (NDP Executive Summary 2011: XX).

As part of its integrated approach and closely connected to this spatial transformation is the NDP's focus, amongst others, on the transition to a low-carbon economy (Chapter 5) and an inclusive rural economy (Chapter 6), the promotion of safer communities (Chapter 12), a capable and developmental state (Chapter 13) and an economic infrastructure that supports growth and employment (Chapters 3 and 4).

Of relevance for the Stellenbosch town SDF are the recommendations set out in *Chapter 8: Transforming Human Settlements and the national space economy*, including:

- the upgrading of all informal settlements on suitable, well-located land.
- increasing urban densities to support public transport and reduce sprawl.
- promoting mixed housing strategies and compact urban development near services and livelihood opportunities; and,
- investing in public transport infrastructure and systems (with a special focus on commuter rail) to ensure more affordable, safe, reliable, and coordinated public transport.

The NDP advocates a new spatial vision that has the potential to unlock development potential, overcome inherited spatial divisions, inform infrastructure investment and prioritisation, manage economic and demographic shifts, and facilitate more cooperative and collaborative governance.

The NDP advocates spatial principles that are consistent with SPLUMA:

- spatial justice
- spatial sustainability: sustainable patterns of consumption and production
- spatial resilience: protect, replenish, regenerate ecological systems.
- spatial quality: create liveable, vibrant, and valued places.
- spatial efficiency: efficient commuting patterns and circulation of goods and services

The NDP therefore advocates a spatial vision that is also totally consistent with SPLUMA by stating that a MSDF should:

- tackle inherited spatial divisions.
- unlock development potential.
- guide and inform infrastructure investment and prioritisation.
- manage contemporary economic and demographic shifts.
- facilitate coordination between parts of government.
- ensures ecological sustainability.

To this end, the NDP proposes neighbourhood spatial compacts to bring civil society, business, and the state together to solve problems, and ways of enabling citizens to participate in spatial visioning and planning processes (which is what the Shaping Stellenbosch campaign aimed to achieve).

4.2 INTEGRATED URBAN DEVELOPMENT FRAMEWORK (IUDF)

The 2016 Integrated Urban Development Framework (IUDF) steers urban growth towards a sustainable model of compact, connected and coordinated towns and cities. The IUDF provides a roadmap to implement the NDP's vision for spatial transformation – creating liveable, inclusive, and resilient towns and cities while reversing apartheid's spatial legacy. To achieve this transformative vision, the IUDF sets four strategic goals:

1. Spatial integration - To forge new spatial forms in settlement, transport, social and economic areas.
2. Inclusion and access - To ensure people have access to social and economic services, opportunities, and choices.
3. Growth - To harness urban dynamism for inclusive, sustainable economic growth and development.
4. Governance - To enhance the capacity of the state and its citizens to work together to achieve spatial and social integration.

The IUDF gives practical meaning to the new spatial vision captured in the NDP and is South Africa's first policy framework informing urban development. This is significant given the prominence of towns and cities for economic growth and sustainable development in an increasingly urbanised world. This policy framework marks a 'new deal for South African towns and cities' and is an elaboration of *Chapter 8: Transforming Human Settlements*

and the national space economy. It moves from the premise that South African towns and cities which dominate the national economy are not favourably positioned to translate into practical action the emerging international paradigm of resource-efficient urbanism as the basis for competitiveness and sustainability. This has implications for how South Africa might realise the NDP's vision of a transition towards a resource-efficient and inclusive growth path that simultaneously addresses the drastic reduction of poverty, unemployment, and inequality by 2030.

The IUDF asserts that well-managed urbanisation in dynamic relation with rural development, as well as coordinated investments in urban economies have the potential to significantly address this challenge. Its transformative vision of *'liveable, safe, resource-efficient cities and towns that are socially integrated, economically inclusive and globally competitive, where residents actively participate in urban life'*, has four overall strategic goals: access, growth, governance, and spatial transformation.

Eight policy interventions demonstrate how the IUDF aims to guide the realisation of inclusive, resilient, and liveable urban settlements to address the country's unique development challenges: integrated spatial planning; integrated transport and mobility; integrated sustainable human settlements; integrated urban infrastructure; efficient land governance and management; inclusive economic growth; empowered active citizens and effective urban governance.

Outlining South Africa's urban reality, the IUDF expands on the notion of a New Deal for South African Cities and each of the eight policy levers thus contribute to the "NDP's aim for cities to be the country's economic drivers through spatial efficiency and inclusion.

4.3 PROVINCIAL STRATEGIC PLAN

The Regional Spatial Implementation Framework builds-on the Provincial Strategic Plan (PSP 2015) and gives regional expression to achieving the Western Cape's Provincial Strategic Goals (PSGs), namely:

- PSG 1: Create opportunities for growth and jobs.
- PSG 2: Improve educational outcomes and opportunities for youth development.
- PSG 3: Increase wellness, safety and tackle social ills.
- PSG 4: Enable a resilient, sustainable, quality, and inclusive living environment.
- PSG 5: Embed good governance and integrated service delivery through partnerships and spatial alignment.

4.4 PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (PSDF)

The Provincial Spatial Development Framework (PSDF 2014) gives spatial expression to the PSP and takes the Western Cape on a path towards:

1. More inclusivity, productivity, competitiveness, and opportunities in its urban and rural space-economies.
2. Better protection of its placed based (i.e., spatial) assets.
3. Strengthened resilience of its natural and built environments; and
4. Improved effectiveness in spatial governance and on-the-ground delivery of public services, facilities, and amenities.

4.5 STELLENBOSCH MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (MSDF)

The MSDF was prepared recently and approved by Council in November 2019. A prerequisite for drafting a MSDF is that it must comply and include National and Provincial policy. Hence the MSDF built upon the policy alluded to in the previous paragraphs as it relates to Klapmuts. To this extend the MSDF identified 7 principles to guide the spatial development of Stellenbosch and provides planning and design guidelines and principles to direct spatial form in the Stellenbosch Municipal Area. The principles include the following:

1. Maintain and grow natural assets.
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 functions of 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 critical lead projects of which Klapmuts is one.



Fig 5. Extract from MSDF

In terms of the MSDF Stellenbosch is significant centre comprising extensive education, commercial and government services with a reach both locally and beyond the borders of the municipality, tourism attractions, places of residence, and associated community facilities. Stellenbosch town (and Klapmuts) should be the focus for accommodating significant new growth over the short to medium term. It is in these towns where livelihood opportunities can be best assured and where people can best be accommodated without resulting in significant movement of residents in search of work and other opportunities.

A critical pre-condition for larger inclusive settlements such as the development proposal under consideration is the establishment of a quality, frequent public transport service (in time possibly rail-based) serving the corridor and all settlements along it.

All housing projects should – as far as possible – focus on a range of typologies, enabling access for a range of income groups. All housing projects should focus on the availability of social facilities and the daily retail needs (e.g., for purchasing food stuffs) of residents, enabling less dependence on the need to move other than by walking and cycling to satisfy everyday needs. For this reason, Stellenbosch municipality is currently drafting an inclusionary zoning policy with a view to increase the supply of high-quality affordable housing in well-located and priority development areas, creating a mix of income groups across new developments in Stellenbosch Municipality promoting social and economic integration.

The powers granted to municipalities under the Constitution to regulate municipal planning provide sufficient broad authority to impose an inclusionary housing requirement (Pegasus 2020).

SPLUMA's provides the framework under which municipalities may regulate land use, and by its implication, implement inclusionary housing. Furthermore SPLUMA's framing, objectives, and principles made clear that redress of spatial inequality and social inclusion are central roles to be achieved and the objectives of the legislation support inclusionary zoning i.e. ensuring that planning and land use management promotes social and economic inclusion as well as redress of imbalances of the past (including current and future), provide for the sustainable and efficient use of land, and to ensure equity in the application of spatial development planning and land use management requirements (Pegasus 2020; Laubscher et al 2018).

The MSDF does not favour gated residential development. Public components of development should remain public, enabling integration of neighbourhoods 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 neighbourhoods.

For this reason, the development and management focus should be aimed at the following:

- Broadening of residential opportunity for lower income groups, students, and the lower to middle housing market segments.
- Upgrade of informal settlements.
- Retention of University functions in town.
- Enablement of the Adam Tas Corridor.
- Sensitive residential infill and compaction.
- Drive to established "balanced" precincts.

Kayamandi has been under new pressure for outward expansion, specifically from new residents moving to Stellenbosch from elsewhere (within and outside the metropolitan region). This pressure, arguably, hinders efforts to upgrade and transform the area. New residents, through land invasion, increase pressure on municipal and other resources which could be utilized for upgrading. Ideally, Kayamandi should not be extended beyond the northern reach of Cloeteville (with Welgevonden Boulevard as the northern edge) and its reach to the east should be minimized as far as possible (in other words, a band of development along the R304 should be promoted). The MSDF therefor supports infill development on private land within Stellenbosch town in a manner which serves to compact the town, expand residential opportunity, and rationalize the edges between built and unbuilt areas.

Further development of Stellenbosch town as a balanced, inclusive settlement, with sustainable public and NMT options available, will require significant partnership between major institutions across sectors.

New development should thus support and contribute to public transport development, travel demand management, parking controls, and NMT improvements.

Some of the more specific intentions of the MSDF that have a bearing on the application are expressed as follows:

- Define and hold the northern and eastern edges of Kayamandi.
- Retain the strong sense of transition between agriculture and human settlement at the entrances to the town.
- Support land use change along George Blake Road to enable the integration of Kayamandi with the Adam Tas Corridor and Stellenbosch central area.
- Pro-actively improve conditions for walking and NMT within Stellenbosch town.
- As far as possible, focus investment on parks, open space, and social facilities accessible by public and NMT, in this way also increasing the surveillance of these facilities.
- Develop the Adam Tas Corridor as a mixed-use, high density urban district, with strong internal and external public and NMT connections.

4.6 HERITAGE INVENTORY AND MANAGEMENT PLAN

A full Heritage Impact Assessment (HIA) was required by Heritage Western Cape (HWC) and subsequently approved. The HIA referred extensively to the Heritage Inventory and Management Plan in undertaking the study.

In addition to the individual heritage resources identified in the Stellenbosch Heritage Inventory, this inventory has also identified and classified landscapes in terms of heritage significance. The site falls within the Bottelary Hills area, which in turn is divided into three large characters areas.

The larger character area is called Devon Valley and thus is largely concerned with the valley located beyond the ridgeline to the west of the site. The site is in unit B05 - a long strip of land abutting the R304.

This landscape is judged to have aesthetic and economic value, and as such it is noted that the open character of the agrarian landscape should be enhanced.

Mention is made of the series of 1930-50s farm werfs set back from the R304, referred to above, as significant in that it signifies the influx and investment in wine farming around that time. Although it is stated that lower slopes "revealed" a series of early freehold grants along the entire length of the R304, almost all these early grants fall in the land unit to the west, as they were granted along the Plankenbrug River. The landscape unit is graded as IIIb, mostly attributed to its high economic ranking, with high agricultural value and tourism potential.

Following on the assessment of the land unit, the implications for heritage management are illustrated by the conservation systems layers. The site falls within a green transition zone. In these zones, almost all forms of urban development, particularly mono-functional security estates and gated communities should be avoided. Urban development could be considered where integrated planning ideals are pursued. The Lynedoch eco-village is suggested as a successful model of creating integrated communities. Note that the R304 is not indicated as a scenic route.

The location of the site on lower slopes facing the R304, makes it part of the rural landscape experience when travelling to and from Stellenbosch on this road. Although this road has not been identified as a scenic route, it could be argued that the site does at present contribute to the sense of the Cape Winelands, as it covered in vineyards with treed werf nodes typical of this landscape. This is sense is diluted by the recent high-density urban development to the east of the R304, unmitigated by planting with visibility exacerbated by uniformity of form and finishes.

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

In summary then, although not of exceptional aesthetic quality, the planted site should be considered as part of continuous landscape playing an important part in the experience of entering Stellenbosch. The transition between urban and rural is currently being encroached to the south of the site, where informal structures are expanding onto Watergang farm, to the detriment of the visual experience.

Although the site has very little intrinsic heritage significance, development of the site could impact on the experience of the rural landscape as one approaches Stellenbosch along the R304. In this regard it is noted that this experience is already impacted by new high-density development to the east of R304 and the encroachment of development on Watergang farm.

The site is primarily of spatial (contextual aesthetic) significance relating to its visible location in a relatively intact rural/agricultural landscape although some portions are earmarked for development. The property has no known scientific, historical, social, spiritual, or linguistic value, and none of the buildings on the site have architectural significance. Following on the above the site, largely because of its open unbuilt nature, could possibly be graded IIIc for its contribution to the larger agricultural landscape.

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

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

HWC thus endorsed the HIA as having met the requirements of Section 38(4) of the NHRA and endorsed the proposed developed subject to the following conditions:

- The landscaping plan is further detailed to inter alia specify tree sizes to be planted. It is important that trees of an adequate height are planted from the onset to reduce potential visual impacts – thus tree heights must be specified in the landscaping plan. The landscaping plan must be submitted to the Stellenbosch Municipality for approval.

- Architectural guidelines for the whole development to realize the intentions of the urban design framework and the heritage indicators set out in section 10 of this report are prepared. The following aspects will need to be addressed:
- Height restrictions for all buildings across the site as indicated in the proposed SDP. It is however noted that the indicators stated that certain smaller elements of the four storey buildings may extend to five storeys. This is regarded as appropriate to mark key points/intersections in the development and should be controlled through the guidelines.
- Massing and articulation of the apartment blocks – monolithic blocks are to be disallowed and the guidelines must specify the extent of articulation in detail.
- Roof shape and colour to ensure variation in design and colour throughout the development but keeping the colour palette to neutral greys and black.
- Finishes of buildings, using plaster and paint in muted neutral earth tones (not highly reflective white), concrete or stone, with restricted or prohibited use of metal cladding.
- Openings with restrictions on large reflecting surfaces, and shading of openings, particularly to the east.
- Lighting, services, security features and signage to be low key and/or not visible as may be appropriate (refer to indicators)
- Fencing – use of visually permeable fencing on perimeter with werf walls allowed for internal boundaries if screening tree planting is accommodated.

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

The question is could such development be absorbed by/accommodated in the landscape to an acceptable level. In this regard it should be borne in mind that agricultural land albeit of limited value, will be sacrificed for

development, and should development prove to be acceptable, such land should be developed optimally.

4.7 DRAFT ADAM TAS CORRIDOR LOCAL SPATIAL DEVELOPMENT FRAMEWORK

Also significant for the balanced development of Stellenbosch town, and retaining a compact town surrounded by nature and agriculture, is the development of the Baden Powel Drive-Adam Tas Road-R304 transit and development corridor, enabling public transport to and from Stellenbosch town, and alternative settlement opportunity, proximate to, but outside of Stellenbosch town. Critical will be the feasibility of changing the rail service along the Baden Powell Drive-Adam Tas-R304 corridor to a more frequent, flexible service better integrated into the urban realm.

In simple terms, the concept is to launch the restructuring of Stellenbosch town through redevelopment of the Adam Tas Corridor, the area stretching along the R310 and R44 along the foot of Papegaaiberg from the disused Cape Sawmills site in the west to Kayamandi and Cloeteville in the north.

The corridor is not envisaged as homogenous along its length, with uses and built form responding to existing conditions and its relationship with surrounding areas. Conceptually, three areas could be defined, each linked through a sub-district.

The northern district focuses on the southern parts of Kayamandi. The central and northern districts are linked through George Blake Road. This area effectively becomes the "main street" of Kayamandi, a focus for commercial, institutional, and high-density residential use integrated with the rest of the corridor and western Stellenbosch town.

The MSDF states that Kayamandi is under pressure to develop in a northern direction, but that development should not be extended beyond the northern reach of the Farm Cloetesdal (with the Welgevonden Boulevard as the northern edge); in other words, "*a band of development along the R304 should be promoted*". The subject property is located along the R304 within this area identified by the MSDF for future urban development.

The inclusivity of infill housing opportunity – referring to the extent to which the housing provides for different income and demographic groups – whether as part of the Adam Tas Corridor or elsewhere within Stellenbosch town – is critical. Unless more opportunity is provided for both ordinary people working in Stellenbosch, and students, it will be difficult to impact on the number of people commuting to and from Stellenbosch town in private vehicles daily.

Through the envisaged redevelopment in terms of the ATC concept offers the opportunity to *inter alia*:

1. Grow Stellenbosch town – and accommodate existing demand – in a manner which prevents sprawl, and create conditions for efficient, creative living and working.
2. Stimulate and act as a catalyst for the development of improved public transport and NMT along the corridor.
3. Rethink and reconstruct infrastructure, and particularly the movement system, including the possible partial grade separation of east-west and north-south movement systems, in turn, integrating the east and west of town and releasing land for development.
4. Integrate Kayamandi and Stellenbosch town seamlessly.

To this extend the MSDF proposes that development along the ATC corridor should be accommodated (within a planning framework that is required) to enable the integration of Kayamandi with the Adam Tas Corridor and Stellenbosch Central. The MSDF further proposes the development of the ATC as a mixed-use, high density urban district, with strong internal and external public and NMT connections.

5. DEVELOPMENT PROPOSAL

The application is for the rezoning of Portion 33 of Farm 81 from *Agriculture and Rural Zone* to *Subdivisional Area*, and for the subdivision of the subject property into residential, commercial, educational, community, open space, and private / public roads erven. The Newwinbosch mixed use development will consist of the following different land uses to create a whole new integrated neighbourhood, namely:

- *Single residential erven, group housing units and flats (±1 200 residential opportunities).*
- *Commercial (±5 000m² GLA).*
- *Crèche, primary school, and secondary school (±2 000 pupils).*
- *Church (±40 seats) with associated facilities (community hall, aftercare, employee accommodation, etc.).*
- ±1 200 residential opportunities (consisting of single residential erven, group housing units and flats). The proposal is to create 240 “affordable housing opportunities”.
- Commercial (±5 000m² GLA).
- Church (±40 seats); and
- School (creche, primary and secondary school for ±2 000 pupils).
- An extensive open space system with recreational activities is provided.

It is argued that the proposed development will have a significant positive impact on the local economy and infrastructure from a purely economic point of view. The estimated value of the development project will amount to ±R900 million that will be invested in the local economy.

It is anticipated that the proposed development will create ± 1000 new employment opportunities in the construction sector.

The proposed development will also pay $\pm R65$ million in development contributions to the Stellenbosch Municipality, it will contribute to the upgrading of municipal bulk infrastructure, and it will pay an annual municipal tax of $\pm R5.5$ million.

The proposed concept master plan for the development is illustrated in Figure 6 below.

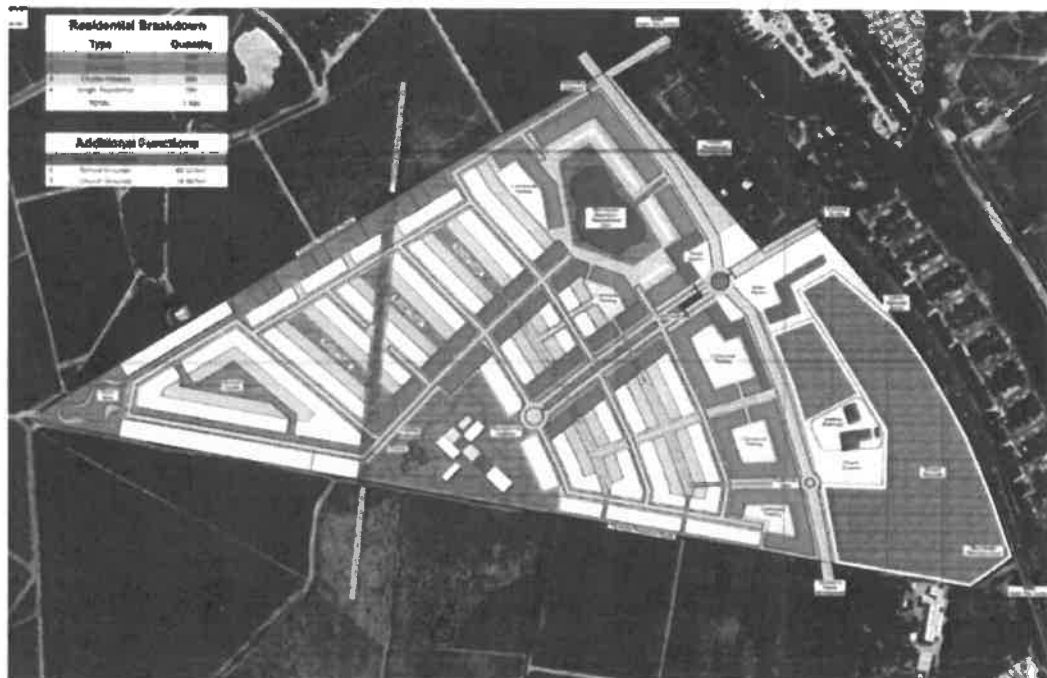


Figure 6. Concept Master Plan

It is argued that the proposed development will have a significant positive impact on the local economy and infrastructure from a purely economic point of view.

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It is anticipated that the proposed development will create ± 1000 new employment opportunities in the construction sector.

The proposed development will also pay $\pm R65$ million in development contributions to the Stellenbosch Municipality, it will contribute to the upgrading of municipal bulk infrastructure, and it will pay an annual municipal tax of $\pm R5.5$ million.

The purpose of the mixed land uses is to create an integrated and safe neighbourhood with all the associated amenities (schools, church, shops, parks, etc.). The residential component will consist of a range of affordable housing

opportunities aimed at households with an income of between R18 000 – R50 000 per month (average R25 000 per month) and residential unit prices will vary from R700 000 – R3 million (average R1.4 million). It will support and contribute towards Council's non-motorised transport initiatives by providing pedestrian walkways and bicycle lanes.

Extensive landscaping is proposed as a response to the requirements from HWC to mitigate the impact of the development on the landscape and particularly from the R304.

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

The Traffic Impact Study concluded that the R304 must be duelled between the R44 and Bottelary Road to accommodate the background traffic. Although plans are afoot to do so in future this office is not aware of any such initiative to be implemented soon.

With respect to public transport and NMT to traffic impact study refers to taxi infrastructure that is to be provided along the R304 only.

6. DISCUSSION

Farm 81/29 is situated within the urban edge of Stellenbosch Town as proposed by the MSDP. More particularly it is located within the Adam Tas Corridor (ATC) which is seen as a priority development area mainly with the goal to transform the urban spatial form and to encourage integrated development that will further the goal to develop a sustainable public transport system and integrated NMT network to reduce the need to rely on the use of private vehicles.

Although the site has little intrinsic heritage significance, development of the site could impact on the experience of the rural landscape as one approaches Stellenbosch along the R304. In this regard it is noted that this experience is already impacted by new high-density development to the east of R304 and the encroachment of development on Watergang farm. Although the R304 has not been identified as a scenic route, arguably in its current (unbuilt) condition, the site contributes to the rural sense of the Cape Winelands.

The landscaping design for the proposed development will have a very important role to play in softening views onto the development from the R304. The Heritage Impact Assessment highlights this impact on the landscape and required intensive landscaping to be undertaken to mitigate the impact on the rural quality within the context of the landscape. In this regard it is noted that a continuous high wall on the boundary of the development will be unacceptable. Such fencing should be visually permeable and softened with planting, in addition to the trees required on the boundaries.

Due to the location of the property within the boundaries of the Adam Tas Corridor, for which there are specific goals, it is required that the application be evaluated in terms of the SPLUMA principles, the MSDF strategies and the ATC corridor goals.

6.1 The Principle of Spatial Justice

The SPATIAL JUSTICE principle is designed to address and rectify the legacy of racial inequality, segregation, and unsustainable settlement patterns through improved access to land, and inclusion of people previously excluded (Pegasus 2020; Laubscher et al 2018). On a municipal level the focus of this principle is on spatial restructuring through urban integration strategies (e.g., inclusionary zoning), correcting urban bias in land ownership, spatial planning, and land use change procedures (Laubscher et al 2018).

In this regard the MSDF proposes the following:

1. Providing more inclusive housing at higher densities than the norm. This must bring a significant reduction in commuting by private vehicle to and within Stellenbosch Town.
2. Inclusivity of infill housing opportunity – referring to the extent to which the housing is provided for different income and demographic groups.
3. Expand housing opportunity for a broader range of groups – including lower income groups and students – particularly in settlements forming part of the Baden-Powel, ATC – R304 corridor.
4. All housing projects should focus on a range of typologies, enabling access for a range of income groups.
5. Gated residential development is not favored. Public components of development should remain public, enabling integration of neighborhoods and through movement. Security to private developments could be provided through other means than fencing and access control of large development blocks or areas neighborhoods.

The proposed development is aimed at providing a high-density residential development aimed at the more affordable housing market. The residential component will consist of a range of affordable housing opportunities aimed at households with an income of between R18 000 - R50 000 per month (average R25 000 per month) and residential unit prices will vary from R700 000 - R3 million (average R 1.4 million). Although the lower end of the market is not catered explicitly it can be argued that Stellenbosch has a shortage of middle-income housing.

The letter of support by the Department of Human Settlements dated 18 January 2017 included under SECTION F of the motivation report and addressed at the municipality refers to the Northern Extension as a whole and not to Farm, 81/33 only.

In the local context, affordable housing has traditionally been used to describe the "GAP market". The "GAP market" refers to persons/households who earn more than R3 500 monthly household income and can therefore not qualify for a full government housing subsidy but earn too little to qualify for a mortgage loan to purchase a property. The government ceiling for the "GAP market" is R22 000 monthly household income, while the Financial Sector Charter defines affordable housing as having a threshold of R26 100 monthly household income a month (2020 rates – to be updated yearly).

From the above understanding of "affordable housing" it would appear that the development will only cater for people in the extreme upper limits of affordability and that lower and middle band is excluded from the development begging the question if the development can indeed be deemed as "spatially just".

It is noted that the development will be secured, and access control implemented, and that the development can be characterized as a gated development which is not favored in the MSDF. Security is however a factor that cannot be ignored and must be acknowledged.

6.2 The Principle of Spatial Sustainability

The principle of SPATIAL SUSTAINABILITY will be achieved by the development when a development is spatially compact, resource frugal and within the means of the Municipality. It must protect prime agricultural land and must take into consideration all other environmental issues. It must aim to limit urban sprawl, resulting in viable communities, and strive to meet the basic needs of citizens in an affordable way. Development must also ensure the sustained protection of the environment (ecological corridors, biodiversity, heritage resources, promote provincial tourism and avoid development on steep slopes, floodplains, wetlands etc.). Energy efficiency should be promoted.

On a municipal level the focus of this principle is on ensuring that residents have reasonable access to community services and amenities, employment opportunities and the form of the land development must provide in basic needs in an affordable way. Furthermore, the cost of land and engineering services, given the financial means of residents, must be appropriate.

The policy and decision-making from the municipality also needs to create certainty for reducing risk for investors, whilst also creating a flexible approach to adapt to economic, social, and technological trends. This principle supports and promotes spatial targeting of public and private actions, which is dependent on continuous dialogue between private investors, municipalities, and other relevant government departments.

Limiting the negative consequences¹ of urban sprawl using spatial targeting mechanisms and urban strategies (e.g., targeted inclusionary zoning implementation with targeted capital investment) should promote urban integration, compact and connected growth opportunities, as well as on an urban scale result in provisions for mixed land use and social mix. The latter refers to the availability of housing in different price ranges and tenures in any given neighbourhood, while the former relates to a significant portion of any neighbourhood to be allocated to economic use (Laubscher et al 2018).

It is a misnomer that developing at higher densities will automatically lead to inclusive outcomes. If anything, increased density, and its associated amenities, such as walkable communities and access to public transit, will typically result in rising property values if planning and development are not partnered with equitable land use policies and affordable housing interventions.

The MSDF refers to the following:

1. Actively support residential densification and infill development within urban areas.
2. Develop the ATC as a mixed-use, high density urban district with strong internal and external public and NMT connections.
3. All housing projects should consider the availability of social facilities and the daily retail needs of residents.
4. Expand housing opportunity for a broader range of groups – including lower income groups and students.
5. Overall, development should be mixed, high density and favor access by pedestrians and cyclists.
6. Promote public and NMT routes (design of all roads provide for appropriate NMT movement).
7. Provide and maintain a system of accessible social facilities, integrated with public space and public and NMT routes.

The proposed development will provide a range of housing typologies at an increased density. 1 200 residential opportunities (consisting of single residential erven, group housing units and flats). The proposal is to create 240 “affordable housing opportunities”.

Provisional work undertaken in the Local Spatial Development Framework (LSDF) for the ATC looked at possible densities and yields for development. The application under consideration falls within precinct 10 of the ATC LSDF which is in process.

¹ These consequences include complicated and expensive provision of social and engineering services; increased energy consumption and congestion; spatial segregation and social exclusion; loss of agricultural land and increased soil sealing; loss of biodiversity and overexploitation of natural resources; and economic decline of the traditional city centres (Laubscher et al 2018).

Preliminary calculations show that of the 41ha only ± 29 ha is developable once undevelopable land is subtracted. Undevelopable: riverine corridors, flood plains, vineyards, etc. and include major streets and opens space. A 15% factor is also subtracted for internal roads.

Applying these figures considering that the development will be of a mixed nature the ATC report indicated that a possible yield (number of dwelling units) for the property would be a minimum of 2 273 units and a maximum of 2 744 units. This calculation is considerably more than proposed (1 200). If the assumption of the ACT is indeed accurate in that only about 29 ha is developable the residential component provided in the development takes place at a density of 40 units/ha.

A key determinant of approach taken in the ATC is the need to reconcile the needs of individual landowners and precincts – each with its own dynamics and opportunities – and a focus on the whole area, maximizing resources to also meet a public or common agenda through coordinated, joint work. The common or shared agenda includes:

- **Shared infrastructure** (enhanced and new). A good example is grade separated bridging between the ATC and the east. All precincts will benefit, but it is unlikely that an individual precinct can afford the associated cost.
- **Inclusionary housing** (including the ATC becoming a “recipient” of inclusionary housing contributions).
- **Environmental remediation** (e.g., addressing pollution of the Plankenbrug River and developing/ managing Papegaaiberg as a central “limited use conservation park” accessible to all).
- **The provision of public facilities** (e.g., some precincts may have to accommodate schools, also benefitting others, provided in partnership between government and the private sector).
- **An emergent public transport** service linked to the main town.

The purpose of allowing additional bulk to be used by developments such as this is to incentivise private developers to contribute to the bigger infrastructure and social requirements needed to integrate the development of the ACT. A good example of such infrastructure is to assist in the funding of a NMT route from the development to the centre of Stellenbosch town and the development of a public transport system, and the provision of inclusionary housing. However, to achieve this, agreements amongst various developers and role players is needed. Agreements are envisaged dealing with *inter alia*:

- Shared responsibility related to the provision/ phasing of infrastructure services, including the extent and use of development contributions.
- Incentives offered to landowners (including the cost of public land to be made available for development and conditions associated with its development).

- Shared responsibility related to the formation and operation of institutional arrangements established in support of the ATC Overlay Area.
- Landowner and shared responsibility related to the provision of inclusionary housing.
- Shared responsibility related to undertaking environmental remediation work.
- Shared responsibility related to the provision and operation of public facilities.

At present the property consists of medium to good agricultural land as indicated in Soil study undertaken by the Heritage Inventory and the maps of Elsenburg.

Although an approval for the Department of Agricultural dated 17 May 2007 was submitted with the application, it appears that this approval refers to a different land unit (portion 1) which is located on the eastern side of the R301land does not relate to Farm 81/33. The Department of Agriculture has no record of an application for Farm 81/33 and confirmed that they objected against the inclusion of the property within the urban edge.

Attached as **APPENDIX 1** find an email of confirmation from the department of Agriculture that the approval does not relate to the application under consideration and that they objected against the inclusion of the property within the urban edge.

6.3 The Principle of Spatial Efficiency

The principle of SPATIAL EFFICIENCY requires that development should optimise the use of existing resources, including infrastructure, and requires that integrated cities and towns be developed whereby social, economic, and institutional aspects of land development is integrated, and residential opportunities are provided close to employment opportunities. A diversity of land uses is to be incorporated and the spatially distorted patterns of the past are to be corrected. Towns should be of sufficient density and urban sprawl must be discouraged.

Efficiency, noting that a focus should be on "compaction as opposed to sprawl; mixed-use as opposed to mono-functional land uses; residential areas close to work opportunities as opposed to dormitory settlement; and promotion of public transport over car use".

In this regard specific interventions proposed by the MSDF are the following:

1. Cluster community facilities together with commercial, transport, informal sector, and other activities to maximize convenience, safety and social - economic potential.
2. Provide and maintain a system of accessible social facilities, integrated with public space and public and NMT routes.

3. All housing projects should consider the availability of social facilities and the daily retail needs of residents.
4. Protect critical scenic routes and landscapes.
5. Maintain a clear distinction between urban development and nature/agriculture areas at the entrance to settlements.

Improving service delivery to all people in South Africa is a key priority of government. The provision of physical infrastructure to deliver services to the community is a critical but not sufficient first step in the service delivery chain. The infrastructure must be provided spatially in a manner that is rationally based on where people live and where they can best access such services. Although government is moving towards providing more services through the internet and other electronic means, many social services still require a physical customer interface, particularly in the rural parts of the country. Quality living environments are internally well provisioned or have access within a reasonable distance to all the government services needed to lead a productive life.

Due to the way communities are distributed over the landscape, not all services can be provided viably at all locations. However, a measure of access to essential services is required and this document published by CSIR Built Environment provides guidelines of what facilities should typically be provided depending on the size of a settlement. This guideline document seeks to provide a quantitative and rational framework for the provision of key social facilities for various levels of settlements to support the planning process and provide support to the social facility investment plans.

In terms of the guidelines provision of the following public/social infrastructure should be considered:

Facility	Ratio/number of people	Required	Provided
Secondary school	1/12 500	-	1*
Primary School	1/7 000	-	1*
Creche	1/ 1 000	4-5	1*
Church	1/3 000	1-2	1
Local pay park	1/3 000 – 15 000	1-2	
ICT access point	1/10 000	-	
Community Hall	1/10 000	-	

** A single site for all these facilities will be provided.*

At a conservative estimation of 4 people per dwelling unit the proposed development will provide for ± 5 000 people.

6.4 The Principle of Spatial Resilience

The principle of SPATIAL RESILIENCE requires flexibility in land use management systems and policies to ensure sustainable livelihoods for communities most likely affected by economic and environmental shocks. The socio-economic impact assessment concludes that the proposal will benefit local previously disadvantaged communities in a number of ways, namely significant job creation, access to middle-income residential accommodation for local families, access to a greater variety of shops and markets for fresh produce, increased access to open and recreational spaces, opportunities for local businesses and small entrepreneurial enterprises, economic benefit to support businesses and a modernised clinic.

Reference from MSDF

1. Comprise contained, walkable settlements surrounded by nature and agriculture, linked via different transport modes, with the rail line as backbone.
2. No significant growth unless parallel public transport can be provided.
3. Retain the strong sense of transition between agriculture and human settlements at the entrance to the town.
4. Develop the ATC as a mixed-use, high density urban district with strong internal and external public and NMT connections.
5. As far as possible, protect cultural landscape assets – including undeveloped ridgelines, view corridors, scenic routes, and vistas from development.
6. In all settlements transport for NMT should be expanded.

The development provides for a commercial development in extent of ± 5 000m² to be developed at the main access route to the development to provide convenience shopping for the residents of the development as well as the immediate and surrounding area. The scale of the commercial centre is limited and viewed as a neighbourhood centre which can fulfil the function of convenience shopping and is expected to reduce private vehicle trips to Stellenbosch town to do every-day shopping. The commercial component is seen as essential to the development and is supported. It is not clear if job opportunities for emerging businesses will be provided in the centre, but the developer is encouraged to make provision for the emerging entrepreneurs for the area.

During the construction phase of the development the applicant envisaged that 1000 temporary employment opportunities will be created. These opportunities are not necessarily available for the unemployed or small contractors in town but usually taken up by big contractors that provide their own labour which often do not reside in Stellenbosch. The municipality should negotiate with the applicant to ensure that a percentage of employment opportunities be reserved for local labour through conditions of tender.

Although the proposal is to provide more affordable housing the envisaged cost of housing begins in the upper limit of so-called GAP housing. Although the applicant intends to address the more affordable housing market, he is silent on the provision of Inclusionary Housing. Due to his willingness to engage with the lower end of the housing market and due to the municipality's progress with an inclusionary zoning policy it is suggested that the applicant be requested to engage formally with the municipality with a view to allocate a portion of the development for Inclusionary housing and that the municipality considers a higher density for the development to accommodate such initiative.

The MSDF is clear that the traditional approach to transport planning must be changed. Traditional spatial and transport planning follows a cycle of continuous outward development, serviced primarily through private vehicular mobility. This leads to a vicious cycle of loss of nature and agricultural land, inability to make public transport work, loss of opportunity for those who cannot afford vehicles, congestion on roads, provision of further road capacity, and further sprawl. Progressive cities pursue higher densities, a mix of uses, and public and NMT transport; a virtuous cycle focused on inclusive and sustainable urban settlement and transport management emphasising the importance of people and place over motor vehicle led planning and development.

Achieving change in transport patterns requires a combination of interventions including:

1. Changes in mode of travel (of a given trip) include moving:
 - From low occupancy motor vehicles to shared, higher occupancy vehicles and onto public transport.
 - From motor vehicle to non-motorised (cycling and walking) transport.
2. Changes in transport demand in terms of the trip itself:
 - Undertake the trip at a different time, (e.g., move outside of peak travel).
 - Reduce the trip frequency.
 - Change trip origin or destination (implies land use change).

To reverse the trend of ongoing growth in commuters by private transport, and to accommodate further commuting growth and support spatial development requirements of Stellenbosch improved quality of public transport and an expanded network of services are vital. We must distinguish between the roles fulfilled by different routes and ensure that design changes and management measures applicable to routes support these roles.

- Promote public and NMT (e.g., through densification, the re-design of existing routes, and development of new routes).
- Ensure that the design of all roads provide for appropriate NMT movement.

The proposed development unfortunately does not respond to this important policy directive contained in the MSDF and rather continue promoting the traditional approach to transport planning by planning almost exclusively for the use of private vehicles. The Traffic Impact Assessment merely applies a 2% annual growth in traffic and proposes road upgrades to accommodate the envisaged traffic.

That the proposed development will have the potential to generate a substantial 2 397 AM peak hour trips (986 in, 1 411 out) and 2 046 PM peak hour trips (1 261 in, 785 out. Inevitably, most of these trips will impact on the R304 and on the road's infrastructure to and within Stellenbosch CBD. To address this considerable increase in traffic, the TIA proposed that the R304 be dualled, traffic signals be provided, and additional turning lanes be constructed. The provision of roads infrastructure is costly, unsightly, dangerous to pedestrians and caters for private vehicles only.

This department will argue that the provision on a few taxi bays along the R304 (which is a public transport road) and the dependence on the totally inadequate existing pedestrian infrastructure along the R304 is not nearly enough to promote the goal to improve public transport and NMT. Although internal NMT facilities will be considered during the drafting of Side Development Plans for individual portions of the development the approach to planning for vehicles as opposed to planning for alternative modes of transport including public transport and NMT is not sustainable and demonstrates a disregard for the strategies contained in the MSDF and ACT planning.

This aspect of the development requires fundamental reconsideration and substantial amendments to properly plan and implement public transport and NMT infrastructure.

The proposed development consists of a gated residential development that does not link nor is it integrated with the surrounding suburbs. It is expected that at least some portions of the development will operate as a residential estate. A fundamental aspect of the ATC is to promote spatial transformation and integration of land uses and communities hence the development of gated communities is not supported.

6.5 The Principle of Good Governance

The principle of GOOD GOVERNANCE requires all spheres of government to ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems and requires transparent processes of public participation that afford all parties the opportunity to participate in them. Good administration ensures consistent, transparent, and participatory policy-formulation and decision-making processes. The land use management system should reflect the vision, strategies, policies, and projects contained in the integrated

development plan and spatial development framework. The reasoning behind policies and decisions should also be clear to promote a sense of ownership and ensuring consideration for property owners' rights (Laubscher et al 2018).

The LSDF for the ATC envisages that all major landowners and/or developers work together to achieve an agreed outcome. The provision of Inclusionary Housing and an efficient public transport and NMT route together with strategic infrastructure investments are elements that require joint attention.

It is suggested that the two major concerns highlighted above namely Inclusionary Housing and NMT facilities be explored further amongst the developer, the consultant for the ATC and the municipality to find common ground and implementable and affordable solutions to these issues which are not addressed to this department's satisfaction.

7. CONCLUSION

There can be no doubt that Stellenbosch is in dire need for considerable new and more affordable housing opportunities. To achieve sustainable development and to address the skewed spatial form of South African cities, the form of new development must be pro-actively guided by Government. The Spatial Planning and Land Use Management Act requires of municipalities to apply spatial principles rigorously. The MSDF as approved spatial policy prescribes various strategies and interventions to achieve the change from traditional planning to more innovative and sustainable planning. It is often a challenge to balance the strategies and goals with actual market trends, the cost of land, financial viability, and site-specific conditions. Although farm 81/33 consist of mainly good agricultural land on the one hand, space is required for development on the other. For this reason, the MSDF included the property within the urban edge despite the goal of preserving good agricultural land. When the opportunity arises to develop agricultural land as a green fields development, care must be taken to optimally develop such land in peruse of policies and goals contained in legislation.

Therefore, the Department supports the application for the development of Farm 81/33 for the provision of much needed housing opportunities in principle.

It is however unfortunate that the property is located outside of the current Stellenbosch Town footprint and complicates efforts to integrate the green fields development with the rest of the town. To a large extent the development will operate as a suburb to Stellenbosch where residents are dependent on the use of private vehicles to reach their destinations be that employment opportunities, schools, the university, or commercial and recreation facilities. The impact of the additional vehicle trips to the Stellenbosch CBD will inevitably lead to the deterioration of roads that are already congested and the shortage of parking.

Ensuring a balanced, diverse, high density residential development with easy access to public transport and NMT is essential if the negative aspects of development on the periphery of the town are to be addressed.

The municipality is already planning the development of substantial land portions adjacent to Farm 81/33 and between the farm and the existing town of Kayamandi. Much of the success in addressing the challenges of spatial segregation, transport, public facilities, and the critical residential need, depends on how the municipal project will integrate with the proposed development of Farm 81/33. The latter cannot and should not develop as a free-standing pocket but should be integrated with the development of the municipality to provide access, infrastructure, employment opportunities, share common facilities and provide an efficient and effective public transport and NMT network. To this end it is encouraged that the developer of Farm 81/33 be closely involved with the municipal project to ensure that the planning of both developments is integrated.

In conclusion, the department supports the application in principle but will require that more detail of the development be planned with input from the municipality to clarify and agree on issues such as the density of the development, the provision of Inclusionary Housing and the provision of appropriate public transport and NMT infrastructure. The detail of the work still to be undertaken will be clarified on SDP level.

8. RECOMMENDATION

a) The application for the rezoning of farm 81/33 from Agriculture and Rural Zone to Subdivisional area is *recommended for approval subject to the following conditions:*

1. Provision should be made for appropriate and dedicated NMT and public transport facilities over and above that proposed in the TIA particularly along the R304 towards Stellenbosch town to reduce the dependence on private vehicles and to provide hard infrastructure. This net work must be planned, designed, and constructed in collaboration with the municipality and the provincial roads authority.
2. Written approval of the Department of Agriculture for the development of Farm 81/33 must be submitted.
3. All conditions of the HIA as approved by HWC must be implemented. In this regard the landscaping plan must be compiled in collaboration with HWC and the municipality and implemented before or during construction.
4. That the applicant negotiates with the municipality with respect to the number of residential units, typologies of units and the inclusion of an Inclusionary Housing component that will cater for a range of income groups rather than the top end of the GAP market only.

5. The provision of gated residential pockets is not supported and alternative measures to ensure security must be investigated and proposed.
6. The applicant must negotiate with the municipality to ensure that appropriate temporary employment opportunities are reserved for local labour.
7. Proper integration with the municipal project adjacent and to the south of the development must be ensured in the final layout plans.
8. The landscaping plan must be submitted to the Stellenbosch Municipality for approval subject to the conditions stipulated by the HIA.
9. Only visually permeable external fencing will be allowed.
10. The SDP should also include controls for external lighting, and other security measures and appropriate signage.

b) That the application i.t.o. Section 1 5.2(d) of the of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the subdivision of Farm 81/33, Stellenbosch into Conventional Residential zone erven, Multi-unit Residential zone erven, Local Business zone erven, Education zone erven, Community zone erven, Utility Services zone erven and Private Open Space zone erven, be **supported subject to the following condition:**

1. The SDP must be refined to make provision of additional requirements referred to above including the provision of appropriate NMT and Public Transport facilities, a possible increase in density and appropriate integration with surrounding land uses.



BJG de la Bat
MANAGER : SPATIAL PLANNING

APPENDIX 1

LETTER FOR DEPARTEMENT
OF AGRICULTURE

Bernabe De La Bat

From: Van der Walt, Cor <CorvdW@elsenburg.com>
Sent: Friday, 11 June 2021 11:59
To: Bernabe De La Bat
Cc: Stiaan Carstens
Subject: [EX] RE: Landbou se ondersteuning van 2007
Attachments: Scanned from a Xerox Multifunction Printer.pdf

Hi Bernabé

RE/33/81 Stellenbosh

Volgens my rekords verwys die aansoek O 2498 van 26 Maart 2006 na die 9 ha gedeelte oos van die R304 Klipheuwelpad teenaan Cloeteville en het dus geen betrekking op die huidige Gedeelte 33/81 nie. Sien aangehegte kaart soos in die aansoeke (O 2498) na ons en Landbou Nasionaal.

Ons het hierdie aansoeke (O 2498) op lêer vir bevestiging.

Ek het geen bewyse/aansoek vir die huidige gedeelte 33/81 nie. Verder bevestig ek ook dat hierdie kantoor nie die grondgebruiksverandering van RE/33/81 (wes van die R304 Klipheuwelpad) steun nie. Met verwysing na verskeie briewe tussen hierdie kantoor en die Stellenbosch Munisiplaiteit gedurende die opstel van die Stellenboech SDF (2019).

Groete/Kind regards**Cor van der Walt (Pr.Sci.Nat)**

Land Use Management

Department of Agriculture

Western Cape Government

Private Bag X 1

ELSENBURG

7607

GPS Co ordinates Elsenburg Head Office -33.845259 18.834722

3rd Floor, Main Building, Elsenburg, Muldersvlei Road

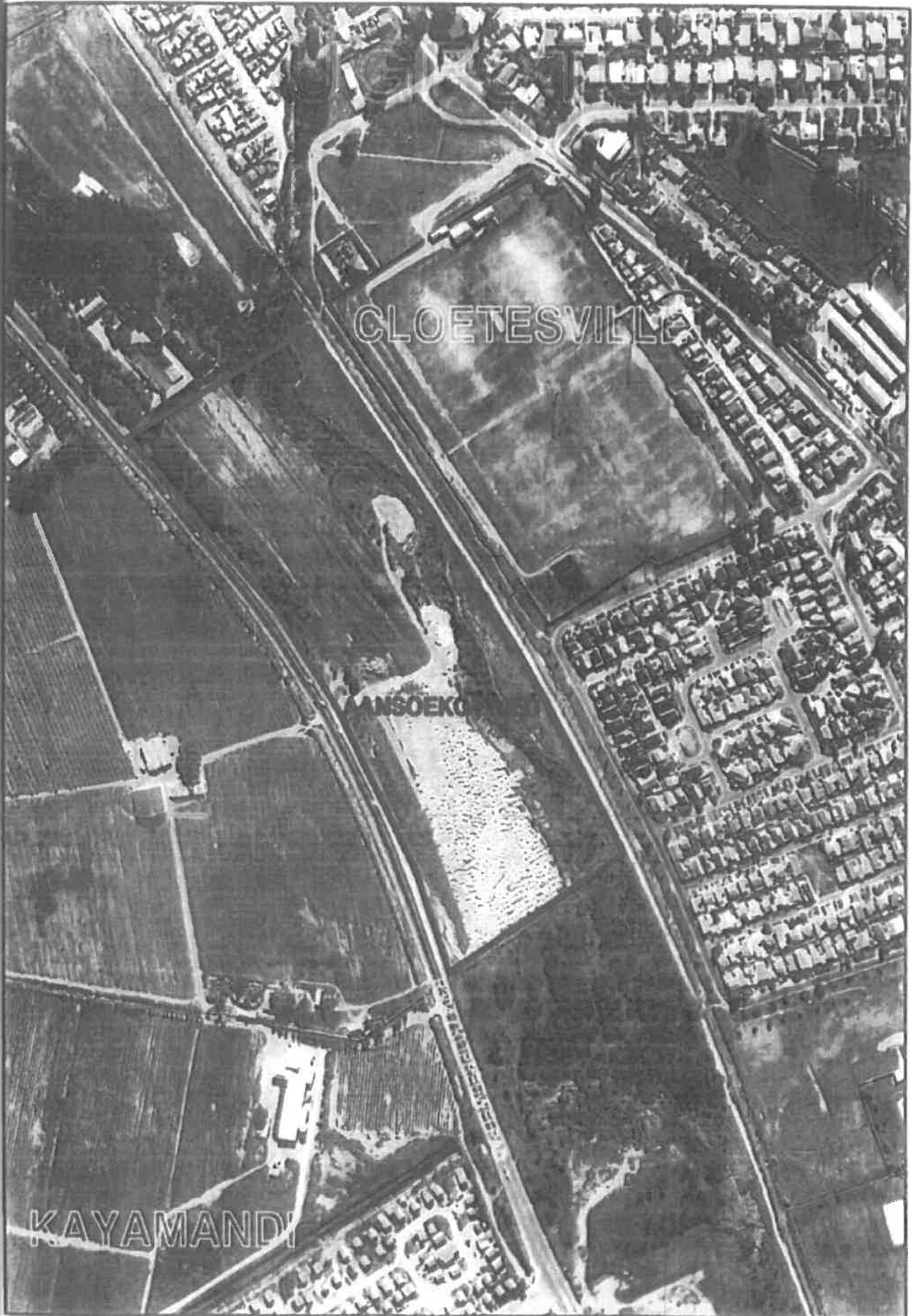
Telephone: (021) 808 5093/9

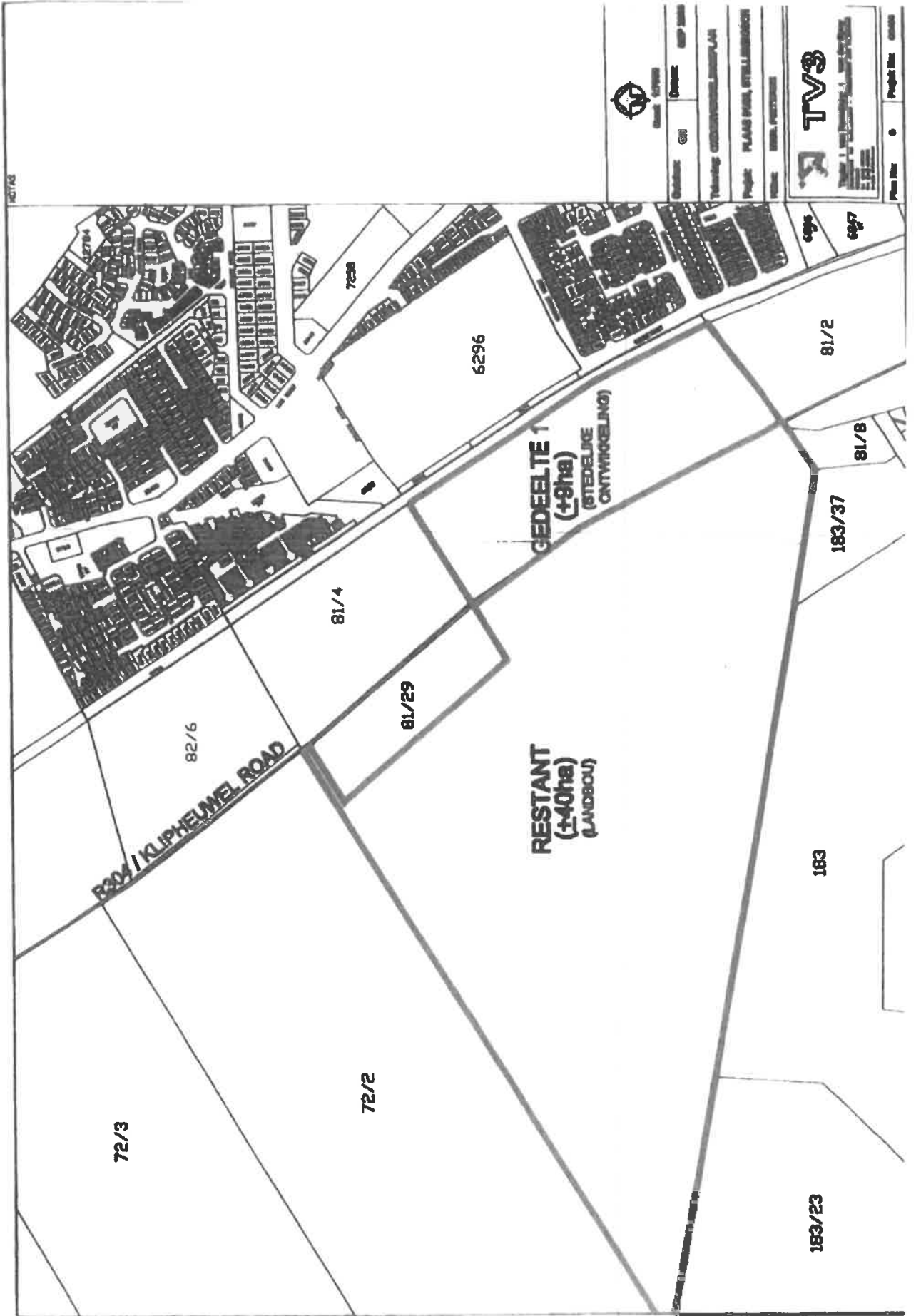
Contact Persons: Cor vd Walt/Brandon Layman

Email: landuse.elsenburg@elsenburg.com

Departmental Website: www.elsenburg.com

Provincial Website: www.westerncape.gov.za







ANNEXURE K



MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES
DIREKTORAAT: INFRASTRUKTUURDIENSTE

TO : The Director: Planning and Development
FOR ATTENTION : Nolusindiso Momoti
FROM : Manager: Development (Infrastructure Services)
AUTHOR : Tyrone King
DATE : 8 September 2021
RE. : Farm 91-33, Stellenbosch: Newinbosch Development
YOUR REF : LU/10917
OUR REF : 2058 CIVIL LU

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

16 SEP 2021

RECEIVED

Details, specifications and information reflected in the following documents refer: *F 91-33 S*

- The abovementioned application and motivation report by TV3 dated 11 Dec 2019;
- Proposed Site Development Plan: Concept Masterplan by Similan Drawing No. CT 1395 Rev E
- Traffic Impact Assessment (TIA) by ICE Group, dated 9 December 2019;
- Engineering Services Report, by Bart Senekal, 10 December 2019;
- GLS water and sewer capacity analysis report, dated 19 February 2019
- Letter by Similan dated 3 Sept 2021 acknowledging water capacity constraints and the effect thereof on the roll-out of the development even if it does obtain land use approval.

Context: It is understood that this application is merely for the rezoning and subdivision of the parent farm, to get approval of the conceptual framework, and that a final Subdivision Plan, Phasing Plan, SDP's (per phase), TIS (per phase) and engineering services reports (per phase) will be submitted for approval later on.

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

- Total residential Units: 1 100 (as per SDP)

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- Commercial GLA: 5000 m² (as per SDP)
- Church GLA: 500 m² (as per Engineering Services report)
- School GLA: 1 000 m² (assumption – to be confirmed at SDP stage)

These figures were used to get determine an indicative DC amount and will be adjusted based on the detail information provided with the SDP's. Any development beyond these parameters would require a further approval and/or a recalculation of the Development Charges from this Directorate.

This document consists of the following sections:

A. Definitions

B. Recommendation to decision making authority

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

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

A. <u>Definitions</u>

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;

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

B. Recommendation:

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

C. Specific conditions of approval

4. The upgrades listed below reflect the upgrades required to accommodate the ultimate scenario. However, it is acknowledged that the final details of the land uses are not yet available and will only be finalised during the Site Development Plan (SDP) phase. A Site Development Plan for each erf must be submitted to Town Planning and the Infrastructure Services Department for approval before the submission of any building plans or engineering services drawings. A traffic impact statement and a civil engineering statement must accompany each Site Development Plan to confirm which of these upgrades are triggered for any specific SDP. No SDP will be approved unless there is confirmation that there are sufficient funding sources to complete the required upgrades. This includes any upgrade requirements from the provincial roads Authority for that SDP.
5. the following upgrades are required to accommodate the development. No taking up of proposed rights including Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates (whichever comes first) will be allowed until the following upgrades have been completed and/or conditions have been complied with:
- a. **Stellenbosch WWTW (Waste Water Treatment Works):** The proposed development falls within the catchment area of the existing Stellenbosch WWTW (Waste Water Treatment Works). There is sufficient capacity at the WWTW for the proposed development.
 - b. **Water Network:** The master plan indicates that the proposed development area should be accommodated in the future Kayamandi Upper reservoir zone. The connection should be made to the proposed Kayamandi upper reservoir with the implementation of the proposed master plan items as indicated on Annexure:

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Water. In the interim (before the proposed Kayamandi Upper reservoir zone is implemented) the lower lying portion of the proposed development (below the 130 m contour) can be accommodated within the existing Kayamandi PRV 4 distribution zone with a connection to the existing 180 mm diameter pipeline located along the R304 – and up to a maximum demand of 100kl/day. The following upgrades are required for areas above the 130m contour:

- i. SSW.B29 : 75 l/s @ 30m new bulk pump station
- ii. SSW.B30 : 1 540 m x 315 mm Ø Pipe to install
- iii. SPW.B31: New 6,0 MI (TWL = 245 m) Kayamandi Upper reservoir Estimated

There is currently very limited budget (R9m) allocated to fund these upgrades, roughly estimated at about R100m. Therefore, no further development approvals (beyond 100kl/day), including engineering drawing approval, subdivision clearance and/or building plan approval, will be issued until the necessary funding has been secured for the above upgrades.

- iv. SSW18.1 : 76 m x 355 mm Ø Pipe to install
Estimated cost: R 294 000*
Responsible: Developer
Funding: Offset from DCs
- v. SSW18.4 : 410 m x 315 mm Ø Pipe to install
Estimated cost: R 1 282 000*
Responsible: Developer
Funding: Offset from DCs
- vi. SSW18.5 : 850 m x 250 mm Ø Pipe to install
Estimated cost: R 1 901 000*
Responsible: Developer
Funding: Offset from DCs
- vii. SSW19.2 : 1 050 m x 200 mm Ø Pipe to install
Estimated cost: R 1 752 000*

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Responsible: Developer

Funding: Offset from DCs

- viii. SPW19.1a : New pressure reducing valve to install

Estimated cost: R 216 000*

Responsible: Developer

Funding: Offset from DCs

- ix. SPW19.1b : New pressure reducing valve to install

Estimated cost: R 216 000*

Responsible: Developer

Funding: Offset from DCs

Total (Developer Items): R 5 661 000 ex VAT

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

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

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

- i. SSS1.30: 250mm dia pipeline

Estimated cost: R 1 512 000*

Responsible: Developer

Funding: Offset from DCs

- ii. SSS1.32: 355mm dia pipeline

Estimated cost: R 879 000*

Responsible: Developer

Funding: Offset from DCs

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

- iii. The developer will be responsible for the registration of any servitudes required, including negotiations with the private land-owners. No further approval for this development (engineering drawings or building plans) will be given until written agreement has been reached between the Developer and private land owners for the registration of such servitudes.

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

- i. The R304, from which the Development gains access, is a provincial road. Therefore the upgrades identified by the provincial roads authority will also need to be implemented by the Developer before any further development clearances or approvals (subdivision clearance, building plan approval, occupation certificate approval) are given for this development. Written confirmation from the provincial roads authority must be provided together with any municipal clearance application.

The upgrades identified below relates to municipal roads infrastructure and will be over and above any requirements from the provincial roads authority:

Note: For the purposes of future planning, the Senior Manager: Roads, Transport, Stormwater & Traffic Engineering has in principal approved the conceptual road layout as per Dwg No UDS 373, dated Feb 2021: Road Network – R304 and Parallel Routes: Kayamandi to Welgevonden Boulevard, with the condition that the "white line" alternative takes precedence over the yellow line, as it would better serve the Northern Extension housing development that is planned adjacent to this development. See Annexure: **Future Roads**.

- ii. Access Road and access roundabout (see image below):

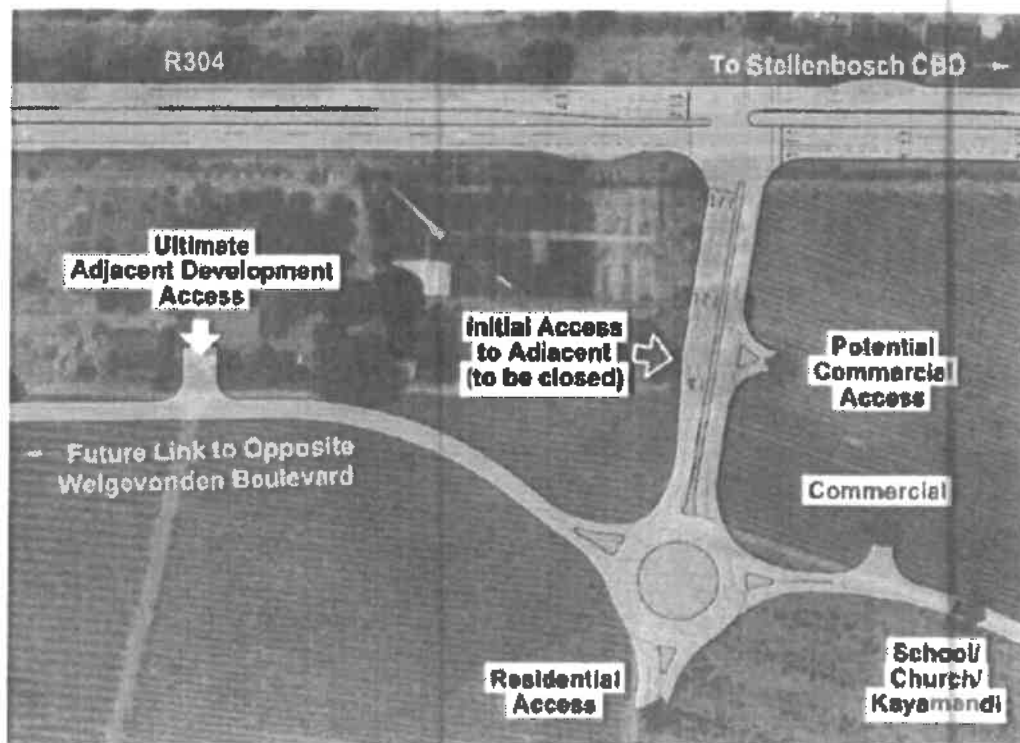
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The access road between the R304 and the access-roundabout must be constructed. The design of the access road must tie in with the dualling of the R304. A sidewalk must be provided along the proposed development-side of the access-approach between the R304 and the access.

Estimated cost: R 8 910 000

Responsible: Developer

Funding: May be offset from DCs – forms part of the future major public road network of the area.



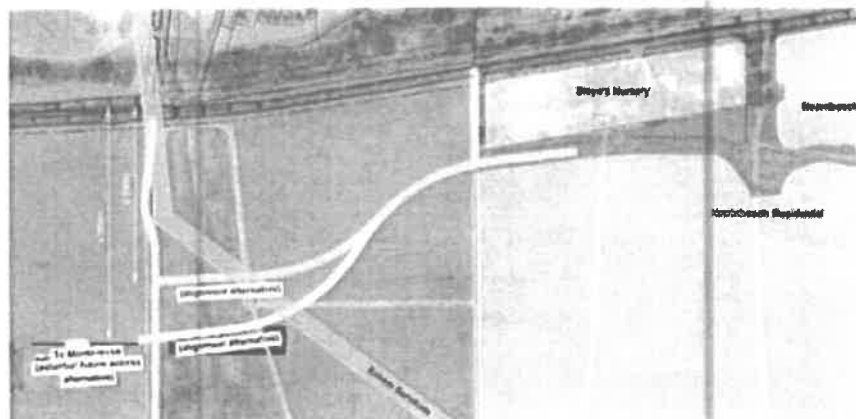
- iii. Future Link Road to Welgevonden Blvd (see image below):

Estimated cost: R 9 085 000

Responsible: Developer

Funding: May be offset from DCs – forms part of the future major public road network of the area.

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e. Stormwater Network:

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

f. Solid Waste:

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

g. Funding source breakdown (all costs excl VAT):

Total DCs available for civil services (excl Community facilities)	R 65 694 302
Upgrades cost	
Bulk water upgrades (Developer's responsibility items)	R 5 661 000
Bulk sewer upgrades (Developer's responsibility items)	R 2 391 000
Access Road and access roundabout	R 8 910 000
Future link road to Welgevonden Blvd	R 9 085 000
Total cost	R 26 047 000
Surplus	R 39 647 302
Comment	Based on the estimates, there are sufficient DCs to cover the costs of the municipal infrastructure upgrades

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	<p>to be done in lieu of DCs. This does not include any upgrades to provincial roads Infrastructure. DCs utilization on provincial road upgrades will only be applicable as per the prescriptions of the Municipality's latest relevant DC Policy.</p>
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6. that the upgrades mentioned above be met by the "Developer" before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates (whichever comes first) will be given or on discretion of the Directorate: Infrastructure Services, the "Developer" furnish the Council with a bank guarantee equal to the value of the outstanding construction work as certified by an independent engineering professional, prior to a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law being given;

Development Charges

7. 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;
8. 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;
9. 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;
10. 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;
11. that the Development Charges levy to the amount of R 80 551 190. 39 (Excluding VAT) as reflected on the DC calculation sheet, dated 22 July 2021, and attached herewith as

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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.

12. that the Development Charges levy be paid by the "Developer" per phase –
 - prior to the approval of any building- and/or services plans in the case of a Sectional title erf in that phase or where a clearance certificate is not applicable and/or;
13. 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 1 100 units, of a GLA of more than 5000m² (commercial); 600m² (church) and 1000 m² (school) will result in the recalculation of the Development Charges;
14. 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

15. The SDP indicates row housing. From an engineering services perspective "row housing" is not regarded as ideal as it present problems wrt stormwater escape routes and refuse removal if there are not gaps between adjoining houses. Further comments to be provided during SDP approval stage.
16. details of the access are to provided for approval at SDP approval stage. The following guidelines will apply:
 - a. that provision be made for a stacking distance of 6m (< 15 units served); 12m (15–40 units served); site specific requirements (> 40 units served or a business premises). The stacking distances shall be measured from the edge of the closest sidewalk or cycle lane to the entrance gate. The guiding principle is that vehicle and pedestrian traffic should not be obstructed by stacking vehicles;
 - b. that sufficient entrance and exit widths will be created at the vehicle access points: 2,7m minimum and 4,0m maximum width for a single entrance or exit way; 5,0m min and 8,0m maximum for a combined entrance and exit way. To accommodate emergency vehicles, at least one lane should be 4, 0 metres wide and have a minimum height clearance of 4.3 m.

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- c. that, where access control is being provided, a minimum of 2 to 3 visitor's parking bays be provided on site, but outside the entrance gate, for vehicles not granted access to the development;
 - d. that provision be made for a 3-point turning head in front of the entrance gate, to the satisfaction of the Directorate: Infrastructure Services in order to enable a vehicle to turn around;
- 17. that provision be made for a refuse room as per the specification of the standard development conditions below;
 - 18. 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";
 - 19. that provision be made for a refuse embayment off the roadway/sidewalk to accommodate refuse removal. (Embayment to be minimum 15m x 2.5m). This must be clearly indicated on the engineering drawings when submitted for approval. The specifications of such embayment shall be as per the standard development conditions below;
 - 20. that the layout be designed to accommodate continuous forward movement by service trucks and all cul-de-sacs have a minimum of 11 m radius turning circle, to ensure continuous forward movement;
 - 21. 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

- 22. that it be noted that as per the site development plan, the roads are reflected as private roads. Therefor all internal services on the said erf will be regarded as private services and will be maintained by the "Developer" and or Owner's Association;
- 23. More detailed information regarding the status of the roads and services in the various development pockets must be provided in the SDP applications;

FARM 81/33: NEWINBOSCH**Internal- and Link Services**

24. 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

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;

Solid Waste

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

Roads

27. that the "Developer", at his/her cost, implement the recommendations of the approved Traffic Impact Assessment by ICE Group, dated 9 December 2019, and where required, a sound Traffic Management Plan to ensure traffic safety shall be submitted for approval by the Directorate: Infrastructure Services and the approved management plan shall be implemented by the "Developer", at his/her cost. If any requirement of the TIA is in conflict with one of the conditions of approval, the conditions of approval shall govern;
28. that the "Developer" will be held liable for any damage to municipal infrastructure within the public road reserves, caused as a direct result of the development of the subject property. The "Developer" will therefore be required to carry out the necessary rehabilitation work, at his/her cost, to the standards of the Directorate: Infrastructure Services;

FARM 81/33: NEWINBOSCH**Bulk Electricity**

29. 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:

30. 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;
31. 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;
32. that the "Developer" indemnifies and keep the "Municipality" indemnified against all actions, proceedings, costs, damages, expenses, claims and demands (including claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the municipalities' services or apparatus or otherwise) arising out of the establishment of the development, the provision of services to the development or the use of servitude areas or municipal property, for a period that shall commence on the date that the installation of services to the development are commenced with and shall expire after completion of the maintenance period.
33. that the "Developer" must ensure that he / she has an acceptable public liability insurance policy in place;
34. 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

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Administration: Western Cape be adhered to before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be issued;

35. 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;
36. 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);
37. that the "*Developer*" takes cognizance and accepts the following:
 - a.) that no construction of any civil engineering services may commence before approval of internal – and external civil engineering services drawings;
 - b.) that no approval of internal – and external civil engineering services drawings will be given before land-use and or SDP approval is obtained;
 - c.) that no approval of internal – and external civil engineering services drawings will be given before the "*Developer*" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party;
 - d.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before land-use and or SDP approval is obtained;
 - e.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before the approval of internal – and external civil engineering services drawings;
 - f.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law is issued unless the "*Developer*" obtains the approval of the "*Engineer*" for construction work of his development parallel with the provision of the bulk services.

Site Development Plan

38. 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*";

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39. 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;
40. 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;
41. 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

42. 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;
43. 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;
44. 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;

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45. 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;
46. that construction of services may only commence after municipal approval has been obtained;
47. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "Engineer";
48. 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;
49. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal – and external services;
50. that all the internal civil services (water, sewer and stormwater), be indicated on the necessary building plans for approval by the Directorate: Infrastructure Services;
51. 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;
52. 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);
53. 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;
54. 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;

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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;
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", 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

59. 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;
60. 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;
61. 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

62. 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

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- 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.
63. 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;
 64. 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;
 65. 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;
 66. 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;
 67. that the consulting engineer, appointed by the "Developer", analyses the existing stormwater systems and determines 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;
 68. 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

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major storm events, be compiled and submitted for approval to the Directorate: Infrastructure Services.

69. 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;
70. 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.
71. that no overland discharge of stormwater will be allowed into a public road for even 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

72. 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;
73. that no access control will be allowed in public roads;
74. 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;
75. The design and lay-out of the development must be such that emergency vehicles can easily drive through and turn around where necessary;
76. 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;
77. 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;

FARM 81/33: NEWINBOSCH**Wayleaves**

78. 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;
79. that wayleaves will only be issued after approval of relevant engineering design drawings;
80. 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)

81. 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;
82. 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;
83. 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;
84. 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;
85. 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

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

FARM 81/33: NEWINBOSCH

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

87. 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;
88. 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;
89. 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

FARM 81/33: NEWINBOSCH

- agreement with a service provider approved by the "Municipality" prior to clearance certificate or occupation certificate (where clearance not applicable);
90. 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";
 91. 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;
 92. Access shall be provided with a minimum travelable surface of 5 meters width and a minimum corner radii of 5 meters;
 93. 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;
 94. Minimum turning circle radius shall be 11 meters to the center line of the vehicle;
 95. Road foundation shall be designed to carry a single axle load of 8.2 tons;
 96. Refuse storage areas are to be provided for all premises other than single residential erven;
 97. 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;
 98. 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;
 99. 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;

FARM 81/33: NEWINBOSCH

100. 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;
101. 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;
102. 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

103. 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;
104. 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
105. 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.

FARM 81/33: NEWINBOSCH**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.

106. 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;
107. 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;
108. 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;
109. Refuse should not be visible from a street or public place. Suitable screen walls may be required in certain instances;
110. Access must be denied to unauthorized persons, and refuse storage areas should be designed to incorporate adequate security for this purpose;
111. 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

112. 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;

FARM 81/33: NEWINBOSCH

- c. a completed Asset Verification Sheet in Excell format, reflecting the componentization of municipal services installed as part of the development. The Asset Verification Sheet will have to be according to the IMQS format, as to be supplied by the "Engineer", and is to be verified as correct by a professional registered engineer;
 - d. a complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer;
 - e. Written verification by the developer's consulting engineer that all professional fees in respect of the planning, design and supervision of any services to be taken over by the "Municipality" are fully paid;
113. 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".
114. 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;
115. 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;
116. 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

117. 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;

FARM 81/33: NEWINBOSCH

118. 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;
119. that clearance will only be given per phase and the onus is on the "*Developer*" to phase his development accordingly;
120. 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;
121. 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

122. 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

123. 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*";
124. 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

FARM 81/33: NEWINBOSCH

- municipality's Manager: Electrical Engineering, the standards of materials and design requirements to be complied with and possible cost of connections to existing services;
125. 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;
126. 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";
127. 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)**

JERI LEE MOWERS**SENIOR MANAGER: SENIOR MANAGER: DEVELOPMENT SERVICES, ASSET
MANAGEMENT AND SYSTEMS & PROJECT MANAGEMENT UNIT (PMU)**

DEON LOUW Pr. Eng.**DIRECTOR: INFRASTRUCTURE SERVICES**

FARM 81/33: NEWINBOSCH

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.

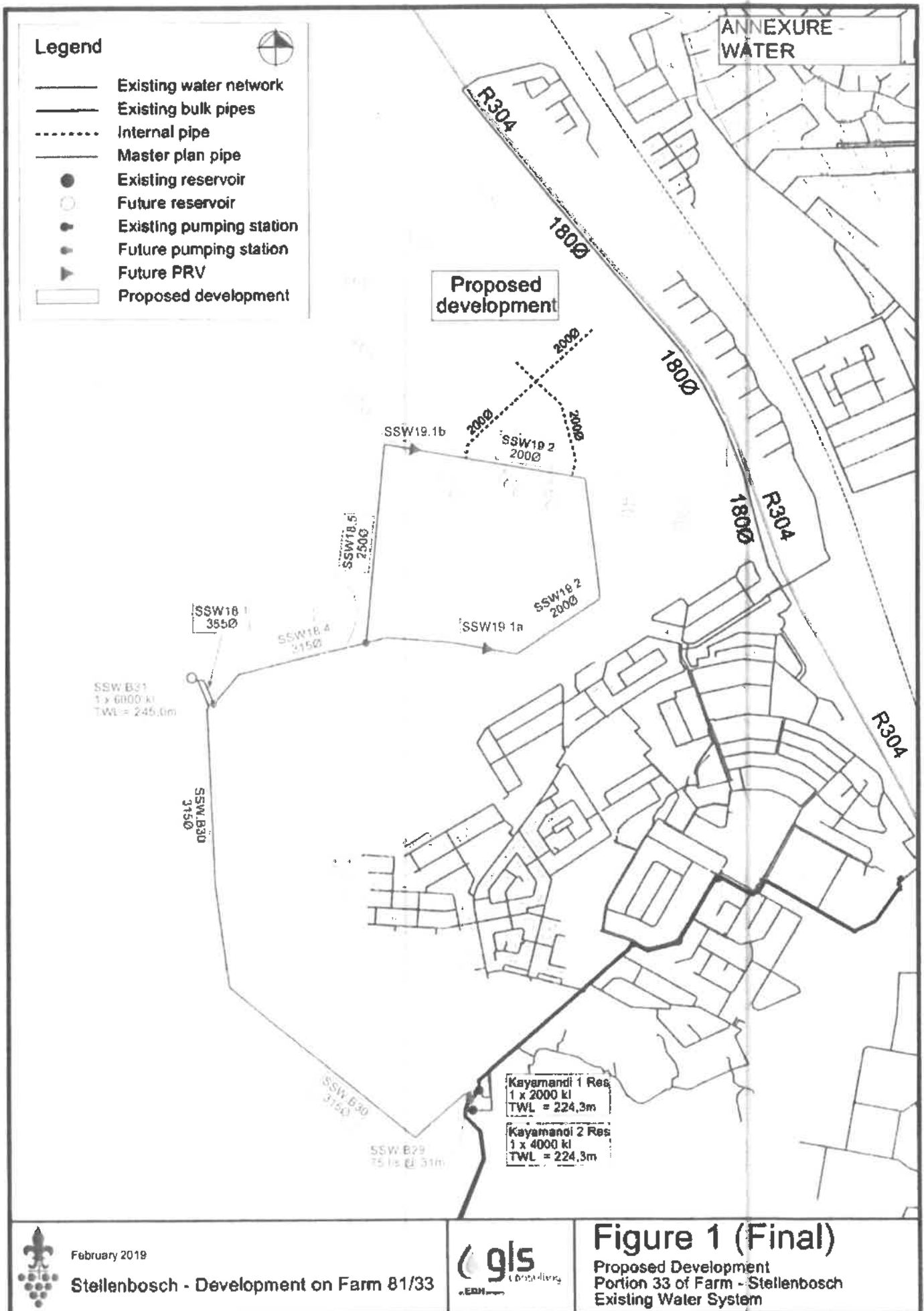
It is important that different geographical elements for the GIS capture process remains separate. That means that political boundaries like wards or suburbs be kept separate from something like rivers. The same applies for engineering data types like water lines, sewer lines, electricity etc. that it 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.

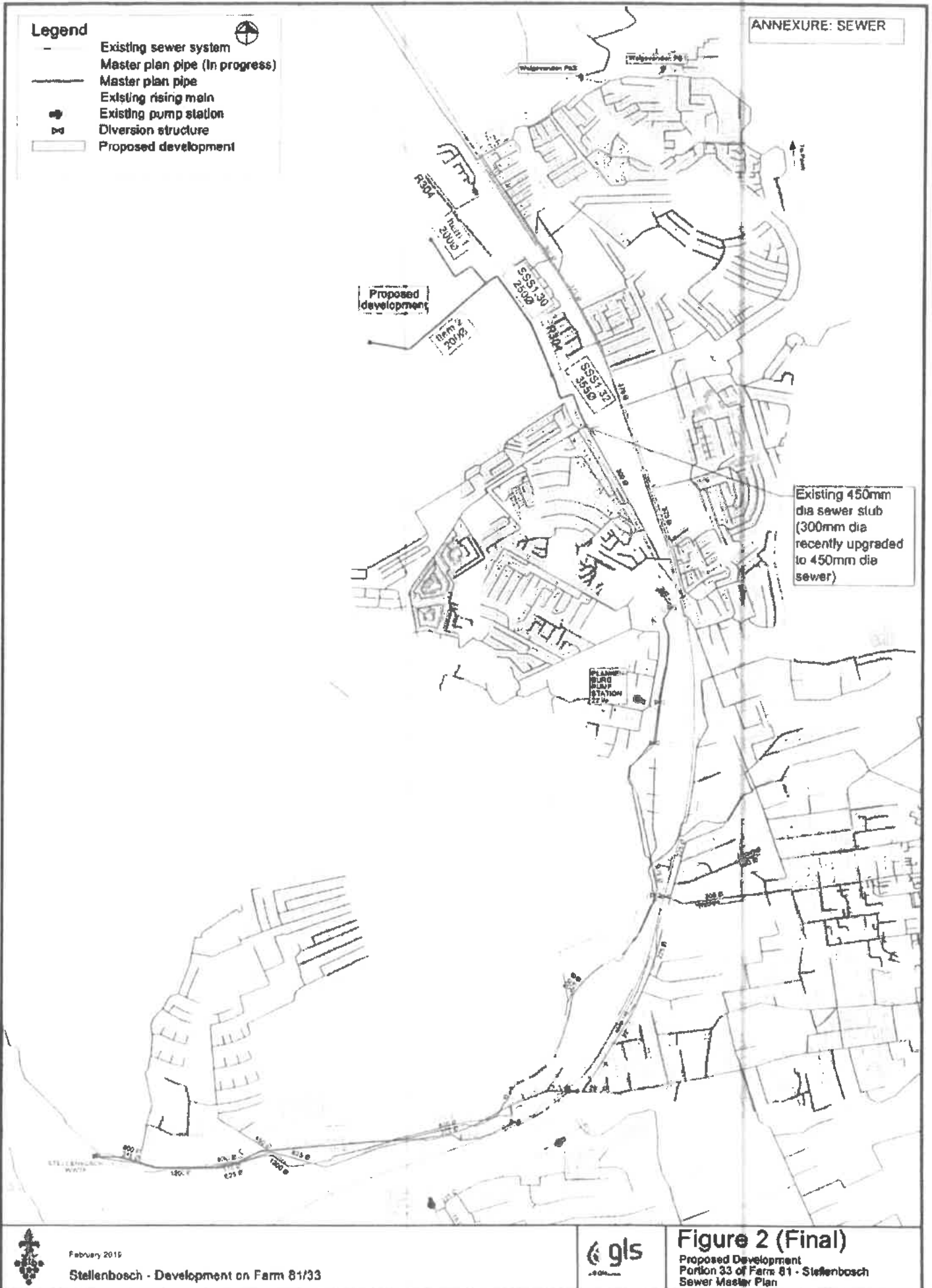
For road layer shapefiles; the road name, the from_street and to_street where applicable as well as the start en end street numbers needs to be included as part of the attributes. A rotation field needs to be added to give the street name the correct angle on the map.

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

FARM 61/33: NEWINBOSCH**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	2058 CH/03 (U-100217)
Date	Thursday, 22/Jul/2021
Financial Year	2021/22
Erf Location	
Erf No	Farm 91-33
Erf Size (m ²)	
Suburb	
Applicant	
Approved Building Plan No.	Concept Masterplan by Similan CT 1395 Rev E

SUMMARY OF DC CALCULATION

Units	Water M/day	Sewer M/day	Storm-water ha°C	Solid-Waste T/week	Roads M/weekday	Community Facilities person	Totals
Total Increased Services Usage	R 16 213 407.75	R 15 170 971.14	R 1 872 579.37	R 2 478 608.36	R 27 961 657.88	R 14 856 880.09	R 60 651 190.39
Total Development Charges before Deductions	R 16 213 407.75	R 15 170 971.14	R 1 872 579.37	R 2 478 608.36	R 27 961 657.88	R 14 856 880.09	R 60 651 190.39
Total Deductions	R 2 732 023.16	R 2 275 845.87	R 280 888.91	R 371 340.95	R 4 194 248.85	R 2 228 533.21	R 12 082 678.58
Total Payable (excluding VAT)	R 20 946 510.92	R 17 446 916.81	R 2 153 466.26	R 2 648 947.32	R 32 185 906.31	R 17 085 421.30	R 92 633 866.94
Total Payable (including VAT)							

APPLICANT INFORMATION

Application Processed by:	Tyrene King
Signature	Note: Church GJA - 500m2 (per 3 of Eng report); Assumption is made for School 1000m2 GJA. Final calc to be issued when detail SDF is submitted
Date	As above
Amount Paid:	
Date Payment Received	
Receipt Number	

ANNEXURE:
ELECTRICAL**ELECTRICITY SERVICES: CONDITIONS OF APPROVAL**
Farm 81/33**GENERAL COMMENT:**

1. Development Bulk Levy Contributions are payable

CONDITIONS

2. The electrical consulting engineer responsible for the development shall schedule an appointment with Manager Electricity Services (Engineering Services) before commencing with the construction of the development. As well as to discuss new power requirements if required.
 3. The development's specifications must be submitted to Stellenbosch Municipality (Engineering Services) for approval. i.e.
 - a) The design of the electrical distribution system
 - b) The location of substations (s) and related equipment.
 4. A separate distribution board/s shall be provided for municipal switchgear and metering. (Shall be accessible & lockable). Pre-paid metering systems shall be installed in domestic dwellings.
 5. 24-hour access to the location of the substation, metering panel and main distribution board is required by Technical Services. (On street boundary)
 6. Appropriate caution shall be taken during construction, to prevent damage to existing service cables and electrical equipment in the vicinity, should damage occur, the applicant will be liable for the cost involved for repairing damages.
 7. On completion of the development, Stellenbosch Municipality (Technical Services) together with the electrical consulting engineer and electrical contractor will conduct a take-over inspection.
 8. No electricity supply will be switched on (energised) if the Development contributions, take-over inspection and Certificate(s) of Compliance are outstanding.
- All electrical work to comply with SANS142 and Municipal Bylaws

Bradley Williams

Date.....25/09/2020.....

Signature 



ANNEXURE L



Date: 24 February 2022

Our Ref: UDS373/Reports/TIA/Comment

TV3 Architects and Town Planners
1st Floor La Gratitude Office Block
97 Dorp Street
STELLENBOSCH
7600

ATTENTION: Mr Clifford Heys

Dear Sir,

**APPLICATION FOR REZONING TO SUBDIVISIONAL AREA OF REMAINDER FARM 81 PORTION
33, STELLENBOSCH: COMMENT ON TRIP GENERATION OF POTENTIAL DENSIFICATION**

A Traffic Impact Assessment (TIA) was prepared by *ICE Group (Pty) Ltd*, reference ICE/S/1286, dated 9 December 2019 which accompanied the land use application referenced above.

Following discussions during the Municipal Planning Tribunal (MPT) meeting, the project team was requested to investigate the densification of the development proposal initially submitted. This letter provides comment on the trip generation of the said densification.

The TMH17 *South African Trip Data Manual* suggests the following peak hour trip generation rates for the applicable residential types:

Single Dwelling Unit	1,0 trip per unit
Townhouse	0,85 trips per unit
Apartment	0,65 trips per unit

At the time of compiling the TIA, limited detailed information were available regarding the residential unit-type mix. The 1 200 residential opportunities were thus, as worst-case scenario in terms of trip generation calculations, assessed as single dwelling units.

The newly proposed residential mix is 554 residential erven plus 711 apartments, thus 1 265 units in total. Based on the lower trip generation rates of townhouses and apartments as listed above, it is not expected that the said 1 265 units would generate more peak hour traffic than the scenario assessed in the TIA.

head office
Unit 8, Time Square Building,
9 Electron Street, Techno Park,
Stellenbosch

PO Box 50487
V&A Waterfront
#002

T +27 (0)21 880 0443
F +27 (0)86 523 8227
info@udsafrika.co.za

general enquiries
Elmarie Els 021 880 0443

managing member
A Khan PrEng

associates
JW Wessels PrEng
P v Blesk PrEng
JN Louw PrCPM

offices
Oorwillems, Stellenbosch,
Somerset West

Reg no. 2003/043709/23

urban development solutions



Based on the above, the recommendations of the TIA relating to external road upgrades remains applicable.

We trust that the above will be sufficient for the purpose of your application and will gladly provide any additional information required on request.

Yours faithfully,



Yolandi Obermeyer (B Eng)

UDS AFRICA



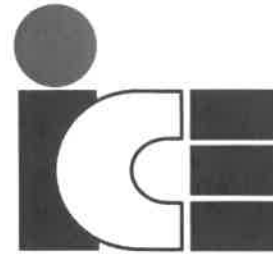
Contact Address:

iCE Group (Stellenbosch),
P O Box 131,
Stellenbosch, 7599

Tel No: +27 (0) 21 880 0443

Fax No: +27 (0) 21 880 0390

e-mail: piet@icegroup.co.za



GROUP (Pty) Ltd.

Consulting Services

- Civil Engineering Services
- Roads
- Traffic Engineering

Contact Person: Piet van Blerk

Your Ref: Remainder Farm 81/33, Cloetesdal

Our Ref: ICE/S/1286

Date: 9 December 2019

Similar Properties

P.O. Box 35

STELLENBOSCH

7599

Attention: Mr Pieter du Toit

Sir

APPLICATION FOR REZONING TO SUBDIVISIONAL AREA OF REMAINDER FARM 81 PORTION 33, STELLENBOSCH: TRAFFIC IMPACT ASSESSMENT

This company was appointed to prepare a Traffic Impact Assessment (TIA) for the proposed development on Remainder Farm 81/33 (Cloetesdal), Stellenbosch.

1. BACKGROUND AND LOCALITY

The subject property is situated to the west of the R304, to the north of Kayamandi, and adjacent to Steyn's Nursery, Stellenbosch. See the *Locality Plan* attached.

An Access Management Plan (AMP) was previously compiled by *its consulting engineers* for the WCG, whilst the conceptual design of the dualling of Bird Street (R304/Main Road 174) was conducted by this company, all of which will be taken into consideration hereafter.

This TIA accompanies the Application for Rezoning to Subdivisional Area of Remainder Farm 81/33, Stellenbosch.

2. PROPOSED DEVELOPMENT

2.1 Proposed Development

The proposed development will consist of a residential portion, a commercial portion, an educational portion, as well as a community portion (church). The details of the said proposal are as follows:

Residential	1 200	units (apartments/townhouses/single residential)
Commercial	5 000	m ² Gross Leasable Area (GLA)
Educational	2 000	learners (crèche/primary/high school)
Church	40	seats

The church-site will also have accompanying facilities such as a community hall, aftercare, etc., which will be further discussed with the trip generation calculations.

Detail on the layout is not yet available. Site Development Plans (SDPs) will be submitted for the individual pockets, which will be accompanied by a Traffic Impact Statement (TIS), addressing detail of the applicable pocket. However, the probable site layout is anticipated roughly as indicated in *Diagram 1* below.

Stellenbosch office:

Tel: 021 8800 443

Fax: 021 8800 390

Directors:

P.J. Van Blerk, PrEng.



iCE Group (Overberg) t/a
iCE Group (Stellenbosch)

Reg No: 2006/133238/23



Diagram 1 : Proposed 'site layout'

2.2 Access to the Property

Access to the property is currently obtained from the R304. As mentioned in *paragraph 1* above, an AMP exists for this section of the R304, which was consulted. Detail on future access will be discussed in *paragraph 4* below.

3. TRAFFIC

3.1 Existing Traffic

Information regarding existing weekday peak hour traffic was obtained from counts previously conducted along the R304. These counts were conducted on 14 January 2016 from 06h30 to 09h30 and again from 15h30 to 18h30. The peak hour volumes derived from the count conducted at the R304/Welgevonden Boulevard intersection are indicated in *Figure 1* attached.

3.2 Traffic Growth

Based on information as per the *Road Network Information System (RNIS)* of WCG, annual growth rates in the order of 2% (in the vicinity of the Elsenburg-intersection about 3,5 kilometres to the west of the subject property) and $\pm 1\%$ to the east of the subject property, are applicable along the R304 (MR 174). Based on the said information, a 2% per annum traffic growth will be applied. For the purpose of traffic analyses, a five (5) year forecast was assessed (i.e. 2024). The available 2016 peak hour traffic volumes were thus increased by 2% per annum for eight (8) years.

An application for the neighbouring Steyn's Nursery-development was recently submitted. The potential peak hour traffic generated by the said neighbouring property as per its TIA was added to the abovementioned increased volumes to obtain the estimated 2024 peak hour volumes as indicated in *Figure 2* attached.

3.3 Traffic Generation

Trip generation rates as contained in the *TMH17 South African Trip Data Manual* were consulted to calculate the potential peak hour traffic generated by the proposed

development. The said manual suggests the following rates for the proposed land uses:

	<i>AM Peak Hour Rate</i>	<i>Split (in/out)</i>	<i>PM Peak Hour Rate</i>	<i>Split (in/out)</i>
<i>Single Dwelling Units</i>	1,0 trip per unit	25/75	1,0 trip per unit	70/30
<i>Retail*</i>	2,4 trips per 100 m ² GLA	65/35	13,6 trips per 100 m ² GLA	50/50
<i>Offices</i>	2,1 trips per 100 m ² GLA	85/15	2,1 trips per 100 m ² GLA	20/80
<i>School</i>	0,8 trips per student	50/50	0,3 trips per student	50/50
<i>Church</i>	0,05 trips per seat	50/50	0,05 trips per seat	50/50
<i>Training/ Conference</i>	0,5 trips per seat	90/10	0,5 trips per seat	90/10

*Based on the TMH17 formulas: $0,6 \times \left[1 + \frac{6}{1 + m^2/3500} \right]$ & $3,4 \times \left[1 + \frac{6}{1 + m^2/3500} \right]$

Furthermore, the TMH17 suggests Trip Generation Adjustment Factors for mixed-use developments as follows:

Residential	10%	School	30%
Retail	10%	Church	10%
Office	20%	Conference	10%

Based on the above, the proposed development could potentially generate the following external peak hour trips:

	AM Peak Hour Trips			PM Peak Hour Trips		
	Total	In	Out	Total	In	Out
Residential (1 200 units)	1 080	270	810	1 080	756	324
Retail (3 500 m ²)	75	49	26	428	214	214
Offices (1 500 m ²)	25	21	4	25	5	20
School (2 000 learners)	1 120	560	560	420	210	210
Church Site	97	86	11	93	76	17
Total	2 397	986	1 411	2 046	1 261	785

3.4 Traffic Distribution

The peak hour traffic that can potentially be generated as calculated above was distributed to the road network based on the existing directional split in peak hour traffic in the vicinity of the subject property, as well as knowledge of the area. It was assumed that the residential traffic would split north:south similar to the existing traffic, i.e. about 35:65, whilst the school-, commercial- and church traffic was distributed 50:50. The 'internal traffic' based on the TMH17 reduction factors as listed above, was distributed along the new south-north-road between the residential- and other land uses.

The said distribution is indicated in **Figure 3** attached.

It can be anticipated that some of the adjacent development-traffic would be attracted to the proposed commercial/institutional/community facilities. However, for the purpose of this report, the adjacent development-traffic was not redistributed to account for the said anticipated change.

3.5 Traffic Analysis

Traffic analyses of the intersections were done by means of the Sidra Intersection 8.0 software. Service levels A to D are considered acceptable, with D the critical. The link volumes were analysed by means of the methods contained in the Highway Capacity Manual.

R304/Welgevonden Boulevard intersection:

This intersection is currently signalised, with dedicated turning lanes on the R304- and Welgevonden Boulevard-approaches. The fourth approach to the intersection is currently a gravel farm road. See the lane layout in the photo below.



Photo 1 : Existing R304/Welgevonden Boulevard intersection lane layout

R304/Access Intersection:

This intersection is proposed as a signalised intersection (if/when warranted), as per the AMP of the R304. The initial intersection layout (prior to the dualling of the R304) is as indicated in **Diagram 2** below (which includes initial access to the adjacent development). The proposal includes the intersection lane layout as per the ultimate dual carriageway, with the additional lanes tapering back to the existing single carriageway. Dedicated right- and left-turn lanes are proposed along the R304, as well as the access-approach.



Diagram 2 : Initial R304/Access intersection lane layout (signalised)

Access Roundabout intersection:

A roundabout is proposed at the intersection of the residential access and the new 'south-north road' running parallel to the R304 towards Kayamandi. With the proposed number of residential units, it is anticipated that a dual circulating lane roundabout will be required. See the proposed lane layout in the diagram below.



Diagram 3 : Proposed Access-roundabout

**3.5.1 Analyses of Existing and Estimated Peak Hour Volumes
(excluding proposed development)**

Link Volumes:

As indicated in **Figure 1** and **Figure 2** attached, the following link volumes (total two-way traffic) are experienced/expected along the R304 in the vicinity of the subject property:

	Available 2016 (AM/PM)	Estimated 2024 (AM/PM)
North of Welgevonden Boulevard	1 956 / 1 915	2 456 / 2 405
South of Welgevonden Boulevard	1 740 / 1 735	2 211 / 2 203
South of Access Position	1 740 / 1 735	2 105 / 2 101

As per the above volumes, the dualling of the R304 north and south of the Welgevonden Boulevard-intersection should already be considered. During the estimated peak hours, the said dualling is more than warranted. According to available counts at intersections towards the R44, and information obtained from RNIS at the Bottelary Road-intersection, the dualling of the R304 will be required between the R44 and Bottelary Road.

It can thus be concluded that the dualling of the R304 to the north and south of the Welgevonden Boulevard-intersection (between the R44 and Bottelary Road) is required to accommodate the background traffic.

R304/Welgevonden Boulevard intersection:

According to the Sidra analyses, service levels D and above were experienced during the available peak hours (existing intersection lane layout).

During the estimated peak hours, and with the existing intersection lane layout, service levels F are expected on the southbound through movement during the AM peak hour and on the northbound through movement during the PM peak hour. As mentioned with the link volumes-discussion above, the dualling of the R304 is required. With the R304-approaches dualled, acceptable service levels C and above can be expected on all movements during both peak hours. See the proposed intersection lane layout in **Diagram 4** below (extract of Conceptual Design plans).

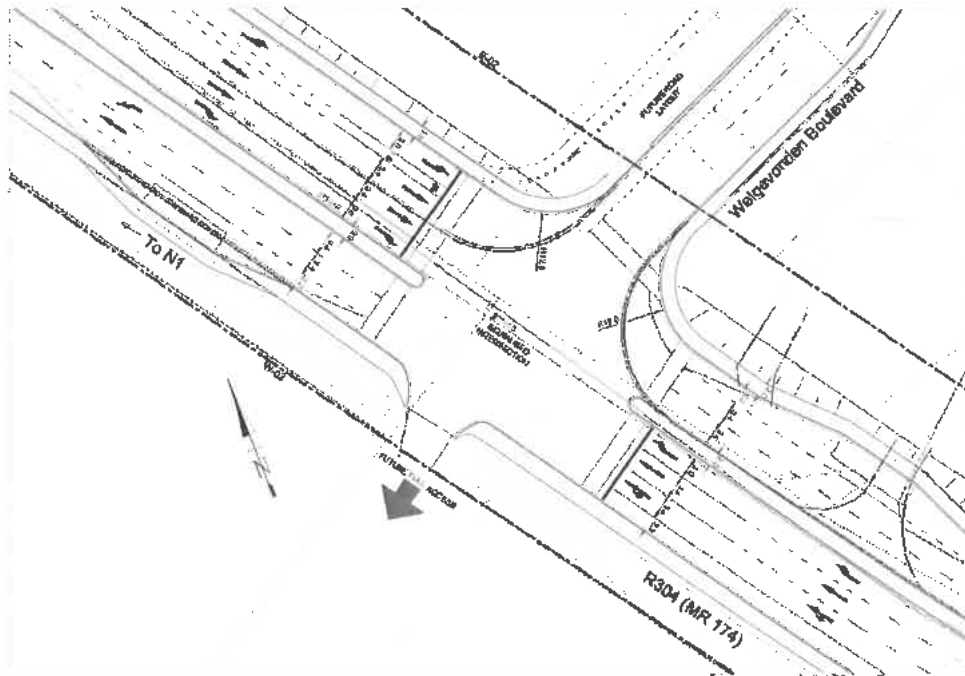


Diagram 4 : Proposed R304/Welgevonden Boulevard intersection lane layout (as per Conceptual Design of R304 dualling between Welgevonden Boulevard and R44)

It can thus be concluded that to accommodate the background traffic at the R304/Welgevonden Boulevard intersection, the intersection lane layout as per the Conceptual Design for the dualling of the R304 is required.

R304/Access intersection:

As previously mentioned, this intersection will be signalised in line with the AMP of the R304 if/when warranted. With the potential peak hour traffic generated by the proposed development, and the anticipated through traffic along the R304, it is expected that traffic signals at this intersection will be warranted to accommodate the neighbouring Steyn's Nursery-development. It is proposed that the intersection lane layout be constructed in line with the ultimate layout as per the dualling of the R304, and the additional lanes taper back to the existing two lane road as to avoid any abortive work. A dedicated right-turn lane and a dedicated left-turn lane towards the access road will be provided on the two R304-approaches, as well as dedicated left- and right-turn lanes on the access road-approach. With the said layout, acceptable service levels C and above can be expected on all movements.

It can thus be concluded that to accommodate the background traffic at the R304/Access intersection, traffic signals and dedicated right- and left-turn lanes are required on the R304-approaches and the access-approach (in addition to the dualling of the R304 as required to accommodate the background traffic - Diagram 2).

3.5.2 Analyses of Expected Peak Hour Volumes (Including proposed development)

The traffic that can potentially be generated by the proposed development (*Figure 3*) was added to the estimated 2024 peak hour volumes, i.e. background traffic (*Figure 2*), to obtain the expected 2024 peak hour volumes (*Figure 4*).

Link Volumes:

As mentioned in the previous paragraph, the dualling of the R304 is required to accommodate the background traffic. With the addition of the proposed development traffic, the link volumes (total two-way traffic) expected north of Welgevonden Boulevard is 3 344/3 169 (AM/PM) and 3 198/3 052 (AM/PM) to the south thereof. South of the access, 3 372/3 265 total two-way AM/PM volumes are expected.

It can thus be concluded that the dualling of the R304 as required to accommodate the background traffic will be sufficient to accommodate the addition of the proposed development traffic.

R304/Welgevonden Boulevard intersection:

With the upgraded intersection lane layout as required to accommodate the background traffic, and with the addition of the proposed development traffic, the acceptable service levels experienced with the estimated peak hour volumes can be expected to remain, with marginal increase in queuing.

It can thus be concluded that no upgrades to the R304/Welgevonden Boulevard intersection, additional to those required to accommodate the background traffic, is required to accommodate the proposed development traffic.

R304/Access intersection:

With the addition of the proposed development-traffic, additional turning lanes will be required at this intersection. With the full proposed development in operation, the dualling of the access road (between the R304 and the residential access/south-north road') will be required, as well as an additional dedicated right-turn lane on the access road-approach. With these additional lanes, acceptable service levels C and above can be expected during the AM peak hour, however, during the PM peak hour, service level F is expected on the right-turn movements along the R304 towards the access road. The said unacceptable service level is as result of the high volume right-turning traffic (636 vehicles), which requires two dedicated right-turn lanes. With an additional dedicated right-turn lane along the northern R304-approach, acceptable service levels C and above can be expected during the PM

peak hour as well. Alternatively, should the link towards the R304/Welgevonden Boulevard signalised intersection be completed, it could be expected that some of the right-turning traffic would rather travel via the said intersection/link towards the proposed- and/or adjacent-developments, which would result in fewer right-turning movements at the R304/Access intersection, and subsequently not requiring the additional dedicated right-turn lane.

It can thus be concluded that to accommodate the proposed development-traffic at the R304/Access intersection, two dedicated right-turn lanes are required on the access road-approach, and either two dedicated right-turn lanes are required on the northern R304-approach, or alternatively, the road link to the R304/Welgevonden Boulevard intersection be completed.

Access Roundabout intersection:

As previously mentioned, it is anticipated that a roundabout with two circulating lanes will be required to accommodate the residential-traffic of the proposed development. According to the Sidra analyses, the proposed roundabout as indicated in **Diagram 3** above can be expected to experience unacceptable service levels F on two of the four approaches. With an additional turning lane on the residential access-approach, acceptable service levels B and above can be expected on all movements during the AM and PM peak hours.

It can thus be concluded that to accommodate the proposed development-traffic at the Access Roundabout, two circulating lanes, as well as a shared through-left- and dedicated right-turn lane on the residential access-approach are considered necessary.

4. GEOMETRY

As previously mentioned, access will be obtained from the R304, in line with the AMP. According to RNIS, the R304 is classified as a Class 2-road.

With the development of the adjacent property (Steyn's Nursery), the access road from the R304 is planned to initially be constructed as single carriageway (ultimate eastbound carriageway), and will only serve the adjacent development, and in future with development of the subject property, be extended towards a roundabout providing access to the subject property, as well as provide a link towards Sokuqala Street (Kayamandi). With the future extension as mentioned, access to the adjacent development will be moved as indicated below.

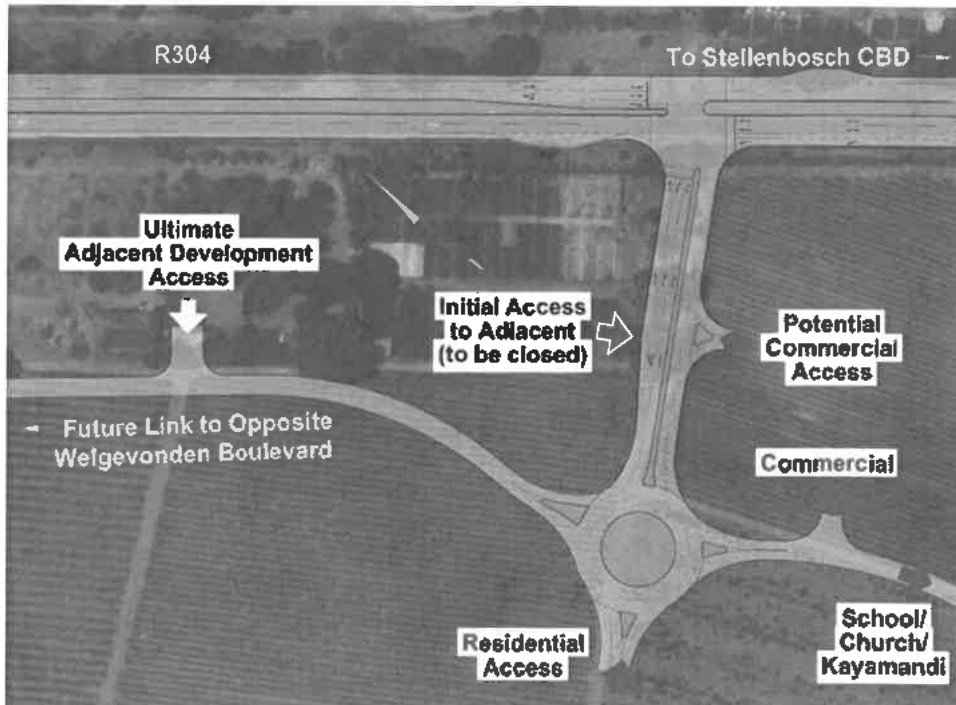


Diagram 5 : Future access (R304 dualed and with development of neighbouring property)

It is anticipated that the access to the school-site will require a roundabout. Detail on access control/layout, maintenance/contractor's access, internal road layouts, refuse removal, parking, etc. will be addressed with the SDPs submitted during further development applications.

5. PUBLIC AND NON-MOTORISED TRANSPORT

5.1 Public Transport

According to information, the R304 is a public transport route. Public transport embayments currently exist along the outbound legs of the R304 at its intersection with Welgevonden Boulevard. With the construction of the access-intersection, it is proposed to also provide public transport embayments along the R304 (outbound legs) – as indicated in *Diagram 2* and *Diagram 4* above.

The abovementioned public transport facilities are considered sufficient to accommodate the proposed residential development

5.2 Non-Motorised Transport (NMT)

A surfaced sidewalk exists along the subject property side of the R304 from beyond Kayamandi (towards the CBD) and beyond the Welgevonden Boulevard-intersection. Surfaced shoulders currently accommodate cyclists. As can be noted on the extract of the Conceptual Design of the dualling of the R304, it is proposed to provide accommodation for cyclists through the access- and Welgevonden Boulevard-intersections by way of cycle-lane between the through- and left-turn lanes.

With the implementation of the access-approach to the R304, it is proposed to provide a sidewalk along both sides of the access road up to and including the furthest access, i.e. access to the church site.

On-site pedestrian accommodation will be discussed in the TISs accompanying the individual SDPs.

The abovementioned NMT-facilities are considered sufficient to accommodate the proposed residential development.

6. CONCLUSIONS

The following can be concluded from the report:

- 1) That this TIA accompanies the Application for Rezoning to Subdivisional Area of Remainder Farm 81/33, situated to the west of the R304, to the north of Kayamandi, and adjacent to Steyn's Nursery, Stellenbosch;
- 2) That the proposed development will consist of a residential portion (1 200 units), a commercial portion (5 000 m² GLA), an educational portion (2 000 learners) and a church site, all of which will obtain access via a public road intersecting the R304 in line with its AMP;
- 3) That the proposed development will have the potential to generate 2 397 AM peak hour trips (986 in, 1 411 out) and 2 046 PM peak hour trips (1 261 in, 785 out);
- 4) That to accommodate the background traffic:
 - a) The dualling of the R304 between the R44 and Bottelary Road is required;
 - b) The intersection lane layout as per the Conceptual Design of the dualling of the R304 is required at the R304/Welgevonden Boulevard intersection;
 - c) The provision of traffic signals, dedicated turning lanes on the R304-approaches (right-turn lane on the northern-approach and left-turn lane on the southern approach) and access approach (right- and left-turn lanes) are considered necessary in addition to the dualling of the R304 as per point 1) above. Should the development become operational prior to the dualling of the R304, the ultimate intersection lane layout as per the dualled R304 is proposed at the R304/Access intersection (*Diagram 2*);
- 5) That to accommodate the proposed development traffic:
 - a) The dualling of the access road between the R304 and the access-roundabout is required;
 - b) An additional dedicated right-turn lane is required on the access road-approach, as well as on the northern R304-approach to the R304/Access intersection, or alternatively, the link towards the R304/Welgevonden Boulevard intersection be completed (instead of the additional dedicated right-turn lane on the R304-approach);
 - c) A roundabout with two circulating lanes is required at the Access Road/Residential Access/Steyn's Nursery Access-intersection, with a shared through-left- and dedicated right-turn lane on the residential access-approach;
- 6) That should the adjacent Steyn's Nursery development occur before the proposed development, the access road is planned to initially be constructed as single carriageway (ultimate eastbound carriageway), serving only the adjacent development, whilst access to Kayamandi will be possible in future when the road is extended;
- 7) That detail on access control/layout, maintenance/contractor's access, internal road layouts, refuse removal, parking, etc. will be addressed with the SDPs (and subsequent TISs) submitted during further development applications; and
- 8) That to accommodate public- and non-motorised transport, public transport embayments be provided along the R304 at its intersection with the

proposed access-approach (outbound legs) and that a sidewalk be provided along both sides of the access road between the R304 and the various accesses.

7. RECOMMENDATIONS

From the above the following are recommended:

- 1) That TISs be compiled with the Site Development Plan submissions for the individual pockets;
- 2) That to accommodate the **background traffic**:
 - a) The dualling of the R304 between the R44 and Bottelary Road is required;
 - b) The intersection lane layout as per the Conceptual Design of the dualling of the R304 is required at the R304/Welgevonden Boulevard intersection;
 - c) The provision of traffic signals, dedicated turning lanes on the R304-approaches (right-turn lane on the northern-approach and left-turn lane on the southern approach) and access approach (right- and left-turn lanes) are considered necessary in addition to the dualling of the R304 as per point a) above. Should the development become operational prior to the dualling of the R304, the ultimate intersection lane layout as per the dualled R304 is proposed at the R304/Access intersection (*Diagram 2*);
- 3) That to accommodate the **proposed development traffic**:
 - a) The dualling of the access road between the R304 and the access-roundabout is required;
 - b) An additional dedicated right-turn lane is required on the access road-approach, and, either:
 - i. An additional dedicated right-turn lane on the northern R304-approach to the R304/Access intersection; or
 - ii. Alternatively, the road link to the R304/Welgevonden Boulevard intersection be completed;
 - c) A roundabout with two circulating lanes is required at the Access Road/Residential Access/Steyn's Nursery Access-intersection, with a shared through-left- and dedicated right-turn lane on the residential access-approach; and
- 4) That to accommodate public- and non-motorised transport, public transport embayments be provided along the R304 at its intersection with the proposed access-approach (outbound legs) and that a sidewalk be provided along the proposed development-side of the access-approach between the R304 and the access.

In accordance with the *Road Master Planning: Stellenbosch* of Stellenbosch Municipality's Development Charges Policy, upgrades to the R304 and the parallel link road between Kayamandi and the R304/Welgevonden Boulevard intersection can be offset against Development Charges (DCs) payable.

We trust that the Traffic Impact Assessment will be to your satisfaction and will gladly provide any additional information required on request.

Yours faithfully



Yolandi Obermeyer (B. Eng Civil)
ICE GROUP (STELLENBOSCH)



Piet van Blerk Pr. Eng
ICE GROUP (STELLENBOSCH)

Attachments

Locality Plan

- Figure 1** Available AM/PM Peak Hour Traffic Volumes (Thursday, 14 January 2016)
- Figure 2** Estimated 2024 AM/PM Peak Hour Traffic Volumes (including annual traffic growth and surrounding development)
- Figure 3** Distribution of Traffic Generated by Proposed Development
- Figure 4** Expected 2024 AM/PM Peak Hour Traffic Volumes (including annual traffic growth, surrounding development and proposed development)



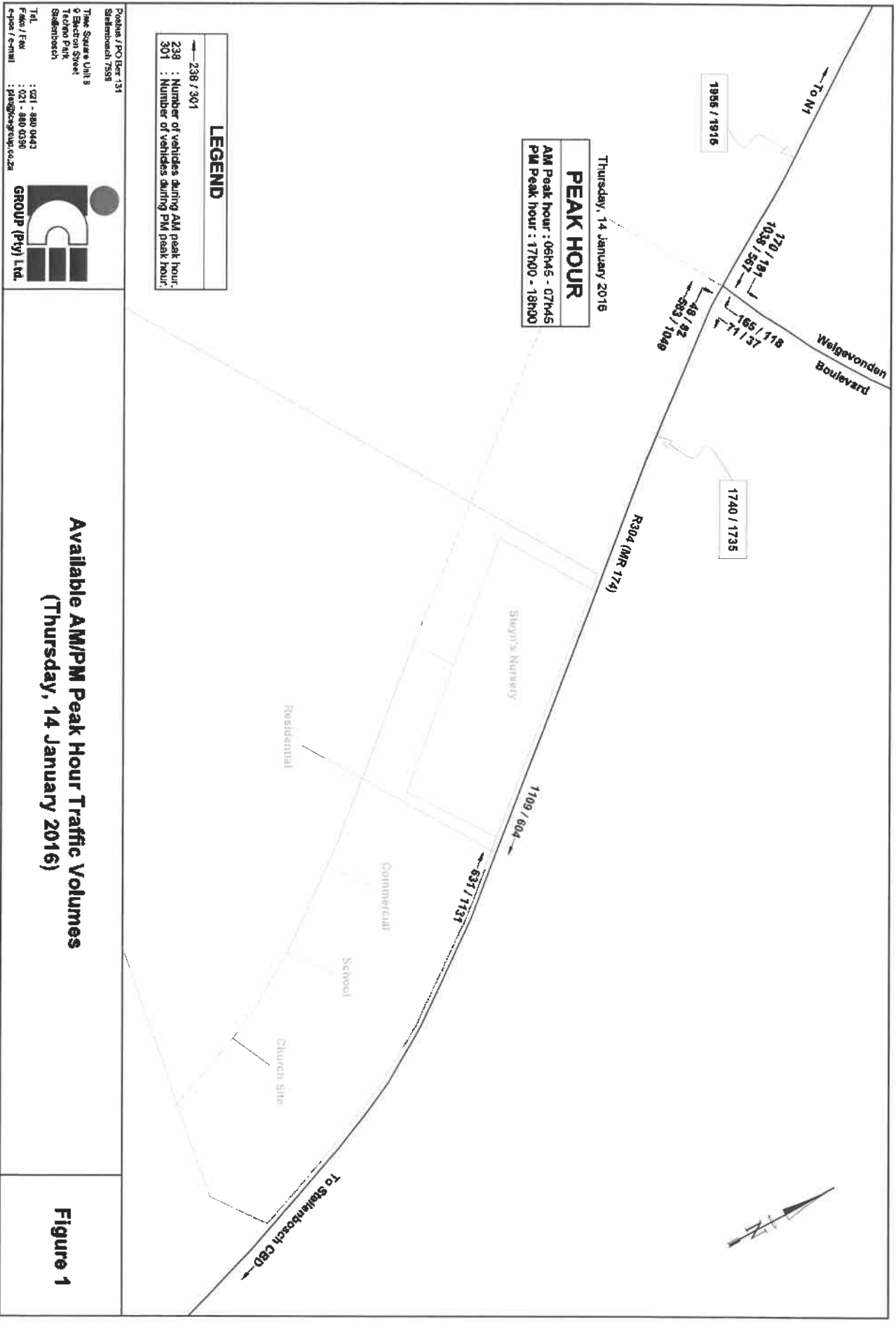
Poebus / PO Box 131
Stellenbosch 7599

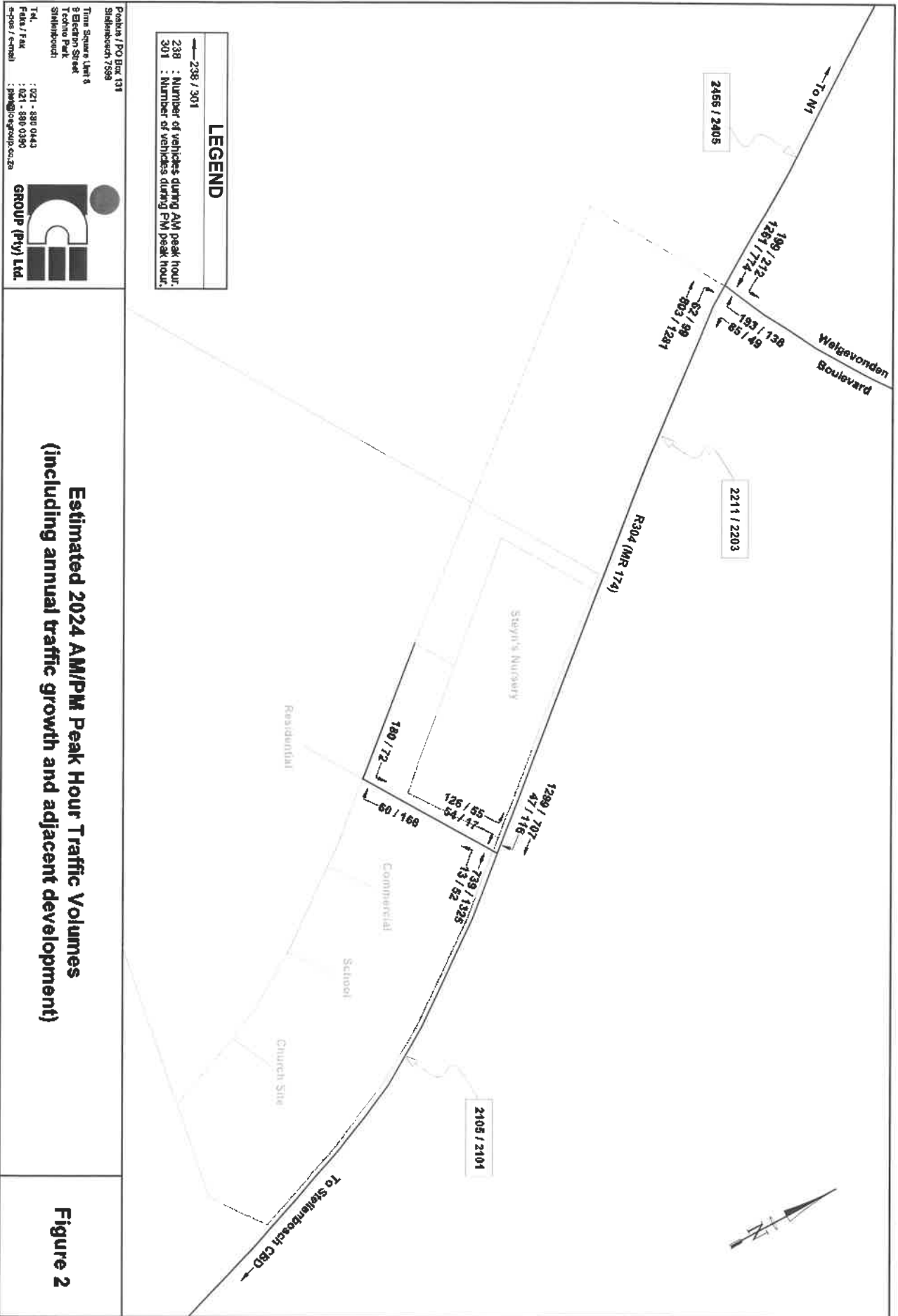
Time Square Unit 8
9 Election Street
Techma Park
Stellenbosch 7600

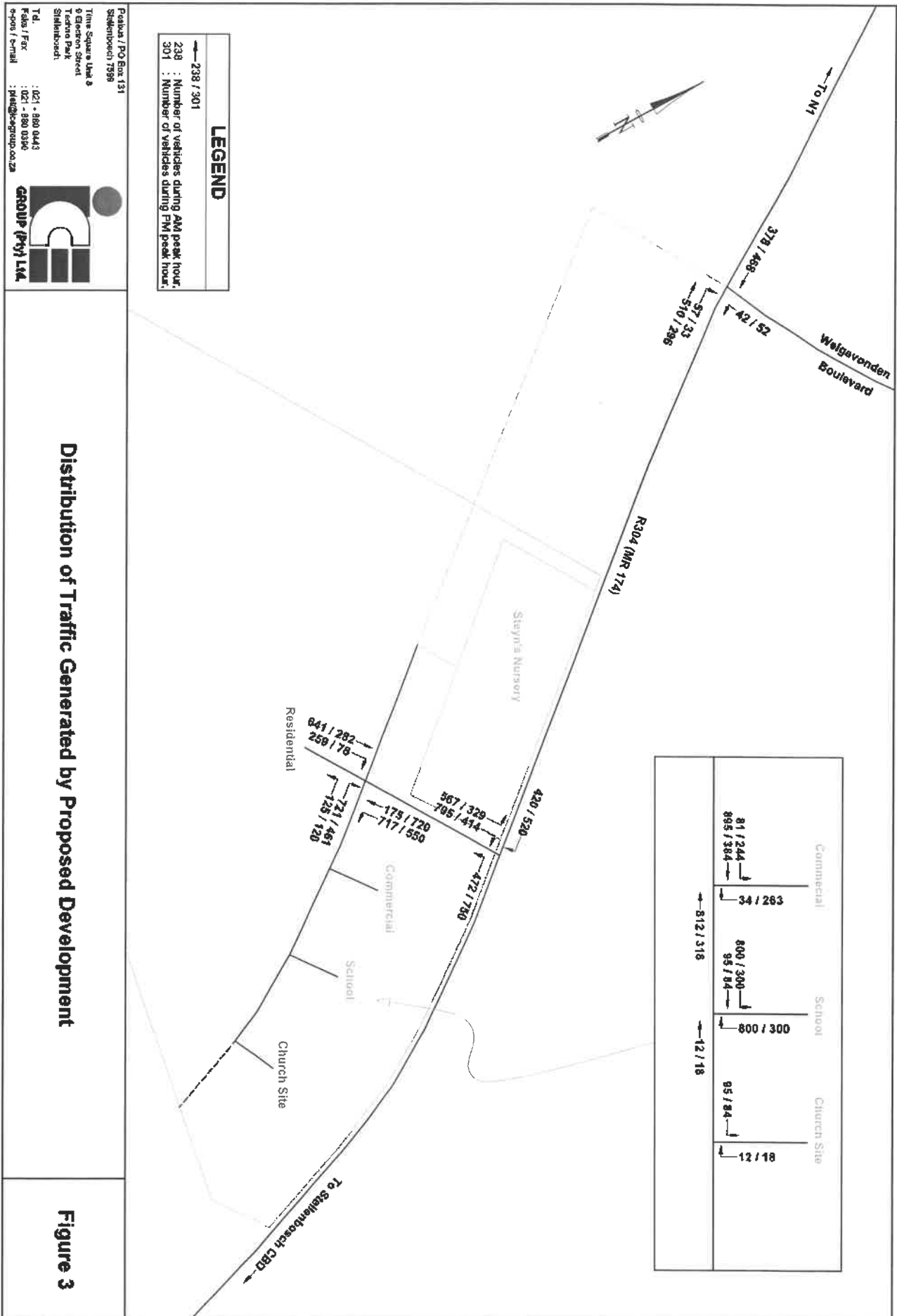
Tel. : 021 - 890 0443
Faks / Fax : 021 - 890 0390
e-pos / e-mail : piet@icogroup.co.za



Locality Plan





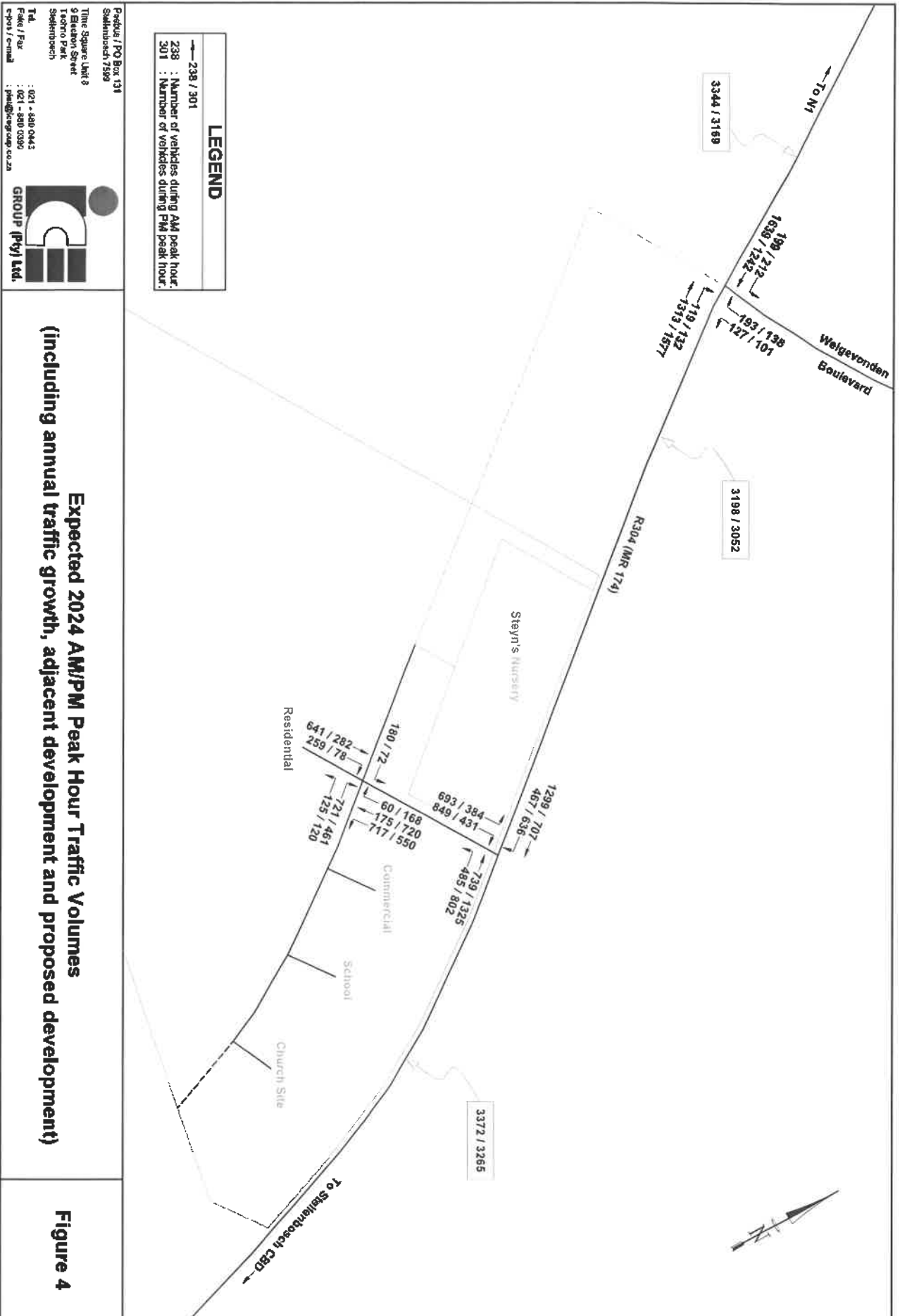


Distribution of Traffic Generated by Proposed Development

Figure 3

Peabax / PO Box 131
 Stellenbosch 7598
 Tl. : 021 - 880 0443
 Faks / Fax : 021 - 880 0340
 e-pos / e-mail : peab@cgroup.co.za







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ANNEXURE M

VISUAL IMPACT ASSESSMENT FORMS PART OF THIS REPORT AS
REQUESTED BY HERITAGE WESTERN CAPE IN TERMS OF THE HIA

HWC CASE: 19032707AS0402E

Heritage Impact Assessment

Remainder of Portion 33 of Farm 81, Cloetesdal,

Stellenbosch

newinbosch
N E I G H B O U R H O O D



Submitted in terms of section 38(8) of the National Heritage Resources Act, 1999
(Act 25 of 1999)

Submitted by

Lize Malan and David Gibbs

September 2020

PO Box 3421, Matieland, 7602, C: 083 440 0953

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Annexure B	Criteria for Establishing Heritage Significance
Annexure C	Public Consultation – Phase 1 responses
Annexure D	Urban Design Framework (Osmond Lange Architects)
Annexure E	I&APs invited to comment on BAR & summary of process and comments

1 INTRODUCTION

This report presents a heritage impact assessment (HIA) for the proposed development of the remainder of Portion 33 of Farm 81, Cloetesdal. The site measuring 48,9ha in total is situated to the north of Stellenbosch, on the R304 just beyond Watergang Farm, which abuts Kayamandi. The development concept entails a mix of residential and commercial development in accordance with the spatial planning for this part of Stellenbosch. The HIA is submitted in terms of Section 38(8) of the National Heritage Resources Act, as the development is also subject to the requirements of the National Environmental Management Act.

2 HIA PROCESS

Following on the submission of a Notification of Intent to Develop, HWC requested a heritage impact assessment that assesses the visual impact of the development on the cultural landscape and includes design indicators (Refer to Annexure A for a copy of the HWC response).

In consultation with the Impact Assessment Committee (IACom) of HWC, it was agreed that a two phase HIA process would be suitable for the site and the nature of the proposed development. Thus in November of 2019 a Phase One HIA report was submitted to HWC for their endorsement, after circulation to the Stellenbosch Municipality, the Stellenbosch Interest Group and Stellenbosch Heritage Foundation for comment. HWC endorsed the findings of the Phase One report, which explored the suitability of the site for development, the heritage resources associated with the site and included indicators for the eventual development of the site. (A copy of the interim response from HWC is attached in Annexure A).

This report now presents the complete HIA report, including the entire Phase One report, excluding the original Sections 11 and 12, and Phase Two of the HIA, which essentially assesses the proposal and alternative. The original Sections 11 and 12 of the Phase One report addressed comments on the Phase One report and provided a short conclusion to the Phase One work respectively. The comments on the Phase One report by the Stellenbosch Municipality and Stellenbosch Interest Group are attached in Annexure C of this report. No other changes were made to the Phase One report, except in Section 6, which has been updated to reflect the revised SDF for the Stellenbosch Municipality that has since been approved by the Stellenbosch Council.

3 THE SITE AND ITS CONTEXT

The site is located to the north of Kayamandi along the R304 between Stellenbosch and the N1. The farm, Watergang, recently acquired by the Stellenbosch Municipality for housing development is located immediately to the south of the site. A plant nursery is located to the north-east of the site with farmland to the north and west of the site. To the east of the site on the other side of R304, there is new high-density development in the form of townhouses and blocks of flats to the north-east and east of the site. Beyond this development and the railway line, which runs parallel to the R304, lies the suburb of Cloetesville, which has its origins in Cloetesdal farm.



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

The site slopes down from west to east, offering views to the north and east, with swallow valleys, accommodating natural drainage to the north and south of the site. Devon valley lies beyond the flat ridgeline to west of the site. The Plankenbrug River runs in the north-south-valley to the east of the site.



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

The site itself is triangular, with the Steyn's nursery, having been "cut-out" from the north eastern corner. Access to the site is taken off the R304, leading to the Grappa shed function venue (a converted barn), a day care facility and housing units. The homestead further up the hill, is now used as offices and a pre-school. Workers' cottages are located on the southern boundary of the site, adjacent to the Louisenhof cellar complex (located on Watergang farm). The site is planted with vineyards. A portion of the southern boundary is planted with a pine tree windbreak and the eastern boundary is lined with olive trees.

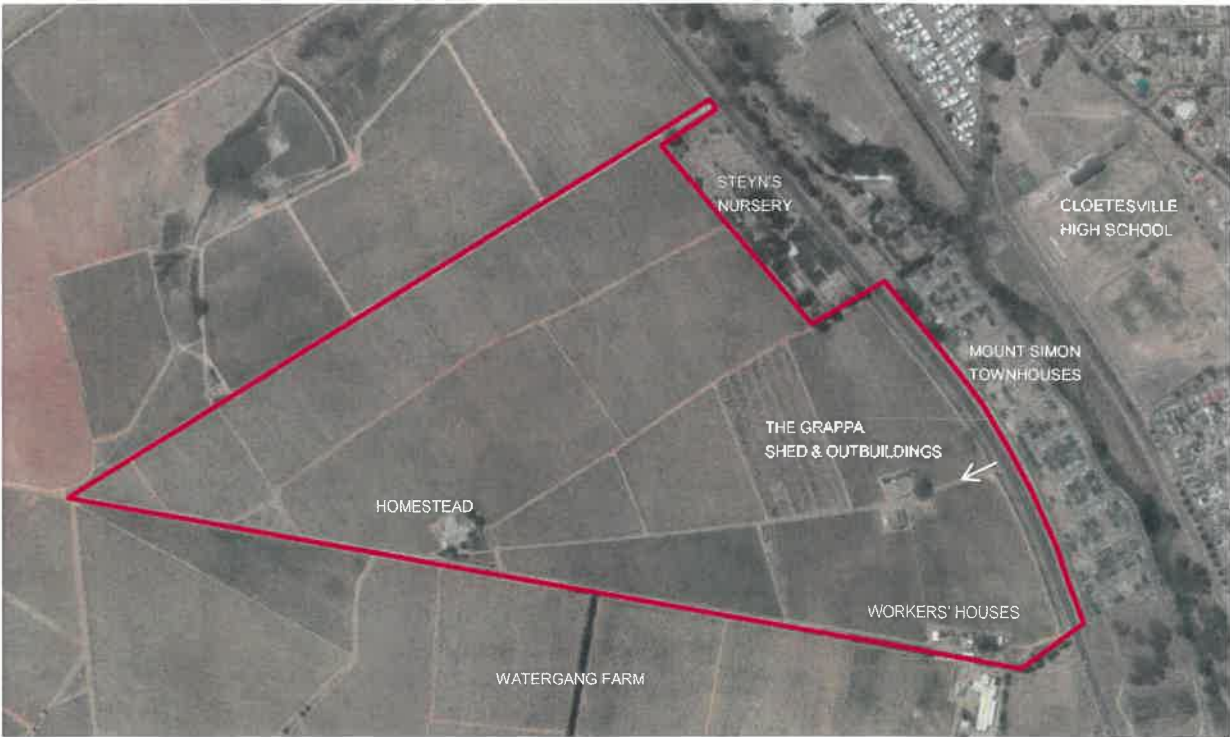


Figure 3 Aerial view of the site (Source: Cape Farm Mapper)



Photograph 1 Access to the site from the R304, with the function venue visible (refer also to photographs 10-14)



Photograph 2 Late 20th century house further up the hill, now used as a pre-school and offices



Photograph 3 Workers' cottages located to the south-east of the site on the boundary with Watergang farm



Photograph 4 Steyn's nursery, viewed from the R 304 looking south – the site is thus to the right and behind the trees



Photograph 5 Nuutgevonden housing complex, at the intersection of the R 304 and Welgevonden Boulevard (north-east of the site)



Photograph 6 Mount Simon housing development directly opposite the site, on the other side of the R304.



Photograph 7 **Louisenhof Cellar buildings immediately to the south of the site on Watergang farm**
(Source: Google Streetview)



Photograph 8 **Pine windbreak on southern boundary of the site, viewed from the homestead**



Photograph 9 **Olive trees along the eastern boundary of the site**

4 ASSUMPTIONS AND LIMITATIONS

4.1 Availability of Information

This report is based on the information that was available at the time of writing. All material by others informing this assessment, including historical and planning/land use background information from earlier applications, is assumed to be accurate and a true reflection of the issues governing the property and its proposed redevelopment.

4.2 Statement of Significance

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

4.3 Impacts beyond the Site Boundaries

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

5 METHODOLOGY

The methodology followed to prepare this report entailed the following:

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

6 LEGAL CONTEXT

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

A Notification of Intent to Development was submitted, as Section of 38(1)(d) of the NHRA requires the submission of a notification of intent to develop (NID) when the proposed development entails rezoning of site larger than 10 000m² and section 38(1)(c)(i) requires a NID for a development that will change the character of a site exceeding 5 000m² in extent. This report follows the record of decision of HWC in response to the NID, which required a Heritage Impact Assessment (HIA) which should fulfil the requirements of Section 38(3) of the NHRA. In the ROD, HWC noted that the visual impact of the development on the cultural landscape must be assessed and that design indicators must be included in the assessment. A copy of the response from HWC is attached in Annexure A. Note that it is not the intention to prepare a stand-alone VIA – instead one of the co-authors of this HIA, is a visual specialist, Mr David Gibbs and thus visual issues are integrated into HIA from the outset.

No other sections of the NHRA are applicable as the site does not fall within a declared conservation area or a current heritage protection area, is not a Provincial Heritage Site, and it is unlikely that any of the structures on the property are older than 60 years.

6.2 National Environmental Management Act (Act 107 of 1998) (NEMA)

The National Environmental Management Act (Act No. 107 of 1998), as amended, (NEMA) makes provision for the identification and assessment of activities that are potentially detrimental to the environment and which require authorization from the relevant authorities based on the findings of an environmental impact assessment. NEMA is a national act, which is enforced by the Department of Environmental Affairs (DEA). However, these powers are delegated in the Western Cape to the Department of Environmental Affairs and Development Planning (DEA&DP). DEA&DP will consider the comments of HWC in response to the HIA prior to issuing environmental authorisation in response to the proposed activities.

In terms of the 2014 Environmental Impact Assessment Regulations (GN R. No. 982, GN R No. 983, GN R. No. 984 and GN R. No. 985 published in terms of section 24 of NEMA, the following proposed activities trigger the need for authorization in terms of NEMA:

- (28) *Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture or afforestation on or after 01 April 1998 and where such development will occur outside an urban area, where the total land to be developed is bigger than 1 hectare.*
Stellenbosch Municipal Land Use Planning By-Law (2015) (SMPBL)

6.3 Land Use Planning Requirements

A rezoning and subdivision application for the remainder of Portion 33 of the Farm 81, Cloetesdal, will be submitted to the local authority in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law (2015)(SMPBL) and the Stellenbosch Zoning Regulations (2019), to rezone the site from Agricultural and Rural zone to Subdivisional Area and in terms of Section 15.2(d) of the of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the subdivision of Farm 81/33, Stellenbosch into Conventional Residential zone erven, Multi-unit Residential zone erven, Local Business zone erven, Education zone erven, Community zone erven, Utility Services zone erven and Private Open Space zone erven.

7 POLICY CONTEXT

The policy context is critical to determine the desirability of the development of the site. The site forms the core of land that has been earmarked by the municipality for the so-called northern extension of the town, where the intention is to accommodate housing for lower- and middle-income groups. Figure 4 below indicates the location of the site, in the middle of this extension area. The planned development extends to the intersection of the R304 with Welgevonden Boulevard, i.e. the valley to the north of the site. The western point of the site marks the extent of the western boundary. The Stellenbosch Council confirmed their support for this plan at a Council meeting in 2017 where they indicated that the planning process should proceed "with the aim of creating an integrated human settlement".

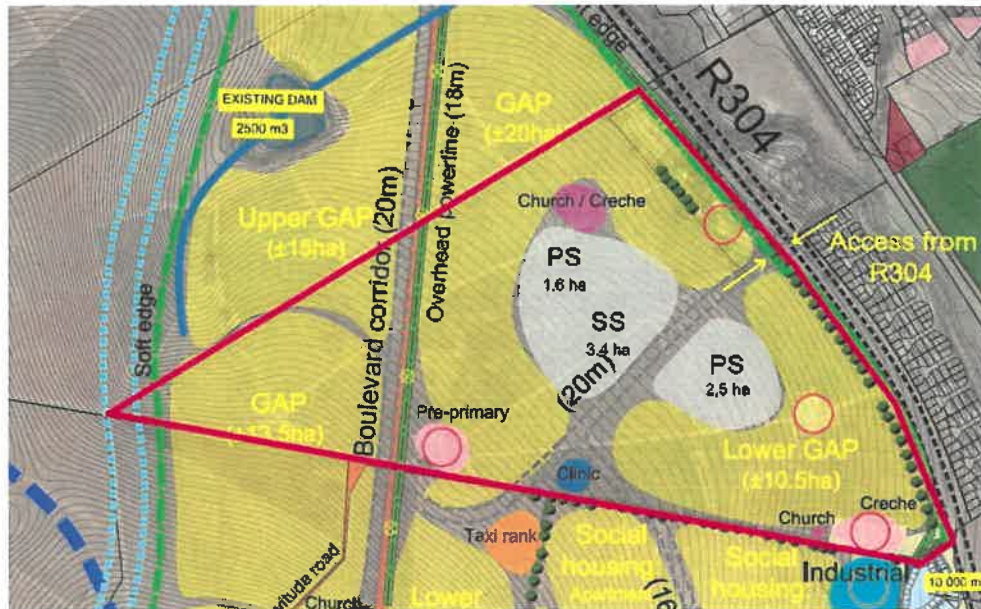


Figure 4 Extract from Northern Extension Plan (2017)

The latest Spatial Development Framework for Stellenbosch as well the planning for the Adam Tas Corridor, endorses high density development of the site, as means to create affordable housing opportunities for the town, and to densify along a development corridor that is aimed at achieving greater integration in Stellenbosch. Should the vision of the Adam Tas corridor, an ambitious collaboration between the public and private sectors, be realised, it will bring about significant socio-economic opportunities for the town of Stellenbosch and change the structure of the town to achieve greater equity and social-cohesion. Figure 5 below illustrates the concept for the Adam Tas corridor, as presented in the latest SDF document.

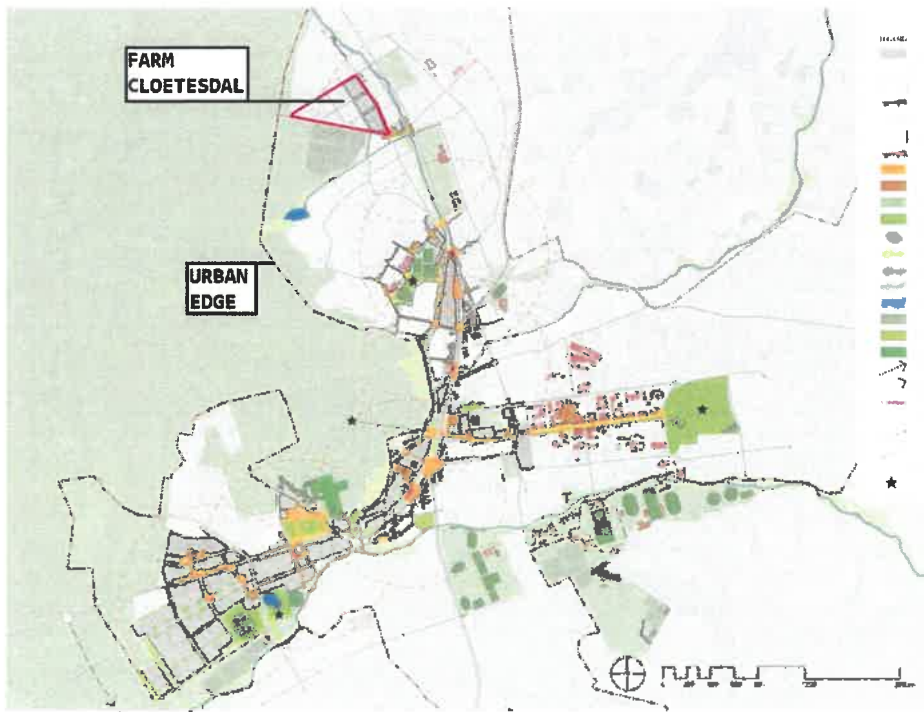


Figure 54 Adam Tas Corridor Concept

Figure 5 The Adam Tas Corridor Concept, as presented in the latest SDF document - the subject site is outlined in red.

Following on the above, development of the site is advocated in the SDF document for mixed use community and residential infill and the portion bordering the R304 is indicated as strategic in terms of development opportunities. The R304 is identified by the MSDF as a “primary development axis / transport corridor”, which should “should be explored for new high-density mixed-use infill development” (MSDF, p. 55 &58). Furthermore the document states that: “Ideally, Kayamandi should not be extended beyond the northern reach of Cloeteville (with Welgevonden Boulevard as the northern edge) and its reach to the east should be minimized as far as possible (in other words, a band of development along the R304 should be promoted)” (MSDF, p67).

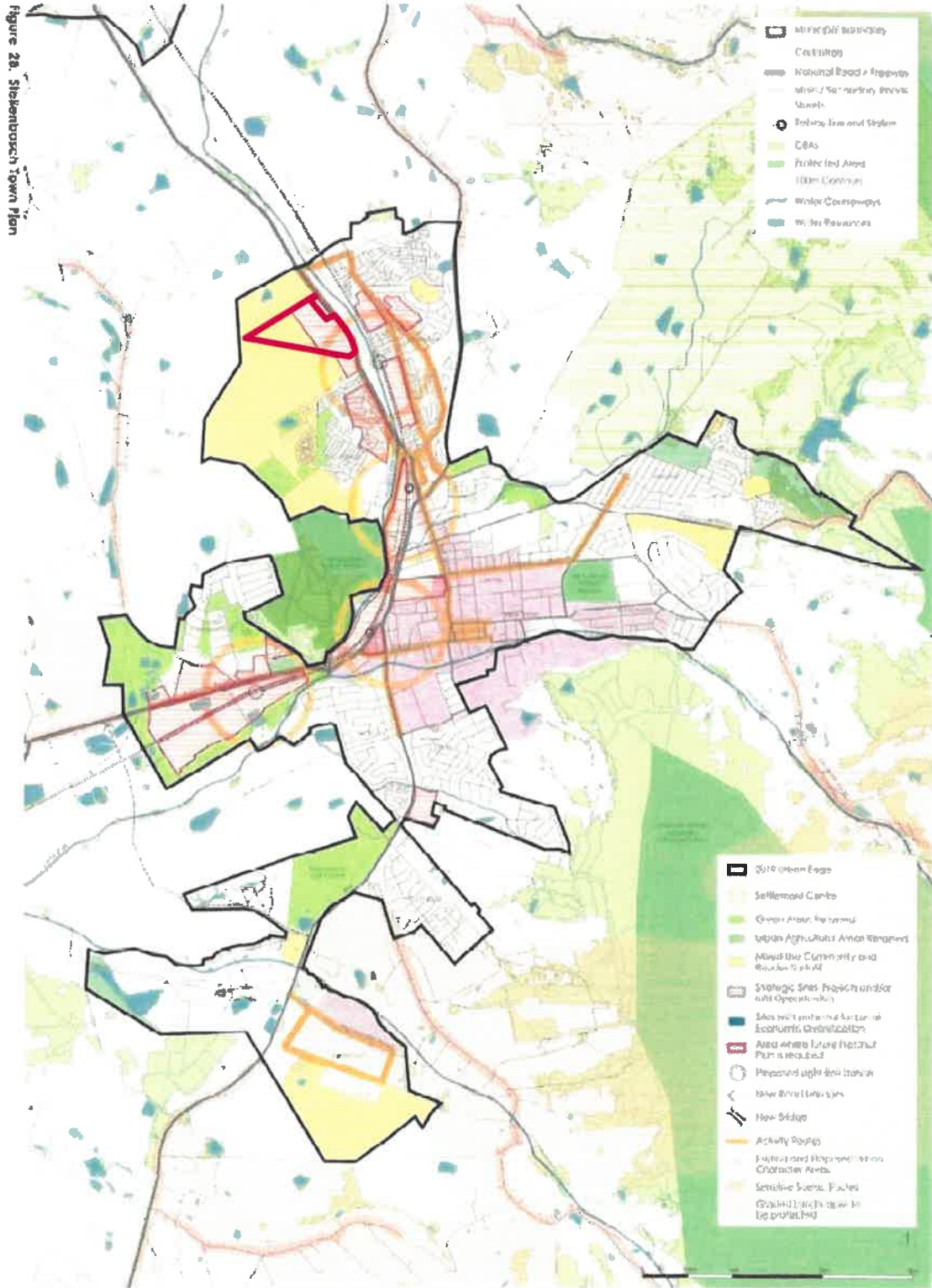


Figure 6 Figure 28 from approved Stellenbosch SDF, the framework for Stellenbosch (November 2019) – the subject site is outlined in red.

8 HISTORIC BACKGROUND

It is likely that there would have been early and middle stone age activity on the site given the evidence found of such activity in the larger Stellenbosch area. At the time of the establishment of the refreshment station at the Cape in 1652, the larger Eerste River valley would have formed part of the seasonal grazing of the Khoenkhoen. By 1679, when Stellenbosch was founded by Simon van der Stel, the Khoenkhoen were being displaced from their traditional grazing areas (Mountain, 2003). The first farm in this valley was granted in 1679, and between 1680 and 1691, 57 farms were granted in the area (Smuts, 1979, 68). In 1692, a number of properties were granted along, what is now known as the Plankenbrug River, including De Deckers Vallei and a "seker stuk land" granted to Lambert Lammertz van Hof, Aan't Pad granted to Guiliam du Toit and Nooitgedacht granted to Matthijs Greeff.

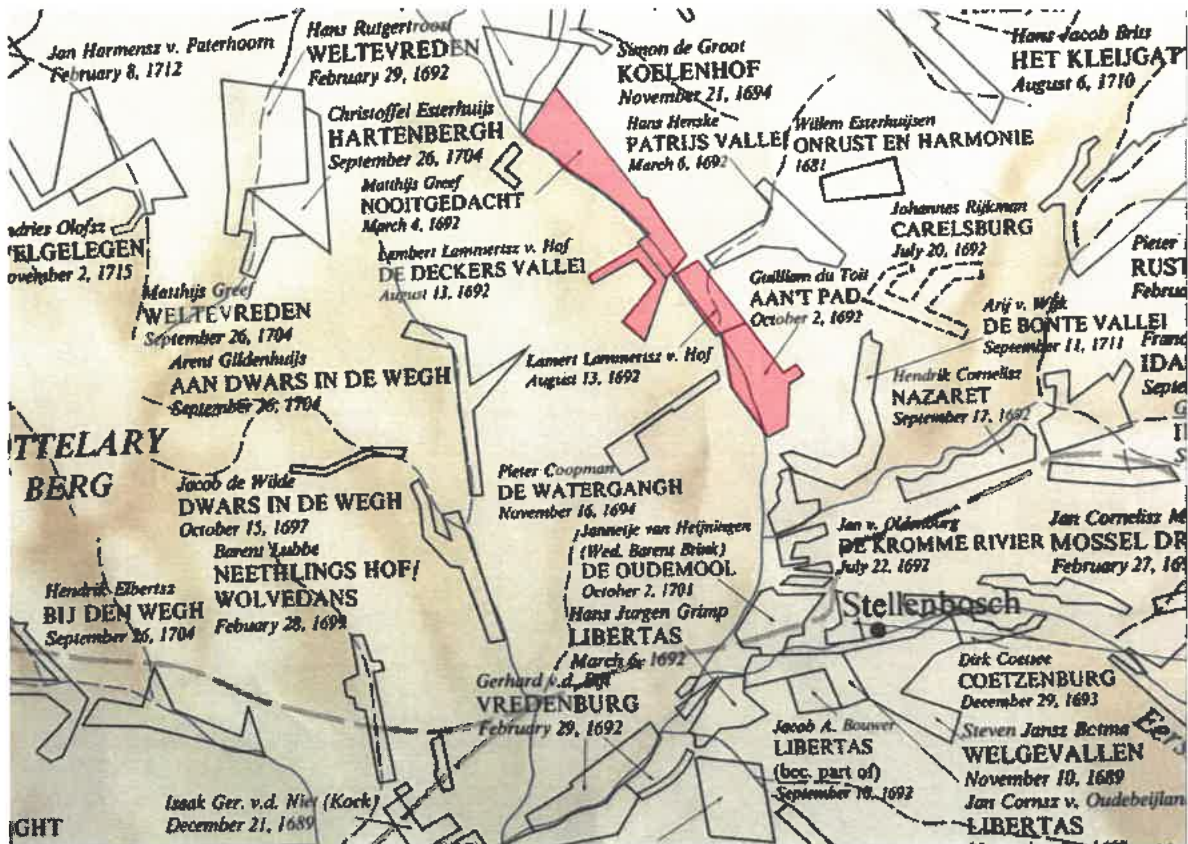


Figure 7 Early freehold land grants to individuals 1657-1750 - map extract (Guelke, 1987)

The farm, Cloetesdal, was created in 1926 through the consolidation of inter alia portions of De Deckers Vallei and Nooitgedacht, as well as Aan't Pad and the unnamed portion of land granted to Lammertz van Hof and registered to the estate of the late PA Myburgh. Most of these portions comprising the consolidated farm came into the hands of the Cloete family in the early 1700s. In 1723 Jacob Kloete, acquired De Deckers Vallei as well as the unnamed piece of land, mentioned above. He also acquired Nooitgedacht through his marriage to the widow of Johannes Loubser. These properties were all inherited by his son, Hendrik Cloete, a wealthy Cape farmer who became the owner of Groot Constantia. In 1833 Aan't Pad was regranted to Andries Christoffel Cloete and by 1835 he had also acquired the portions De Deckers Vallei, a portion of the unnamed land, Portion 3 of Nooitgedacht and Portion 1 of Farm 92, all portions at that stage already in the Cloete family. It seems that it was at this point that the name Cloetesdal was introduced. As is indicated on the diagram below, the homestead and werf were located on the portion, Aan't Pad to the east of the Plankenbrug River and most sources indicate that Aan't Pad later became Cloetesdal (i.e. this portion was the core of the farm).

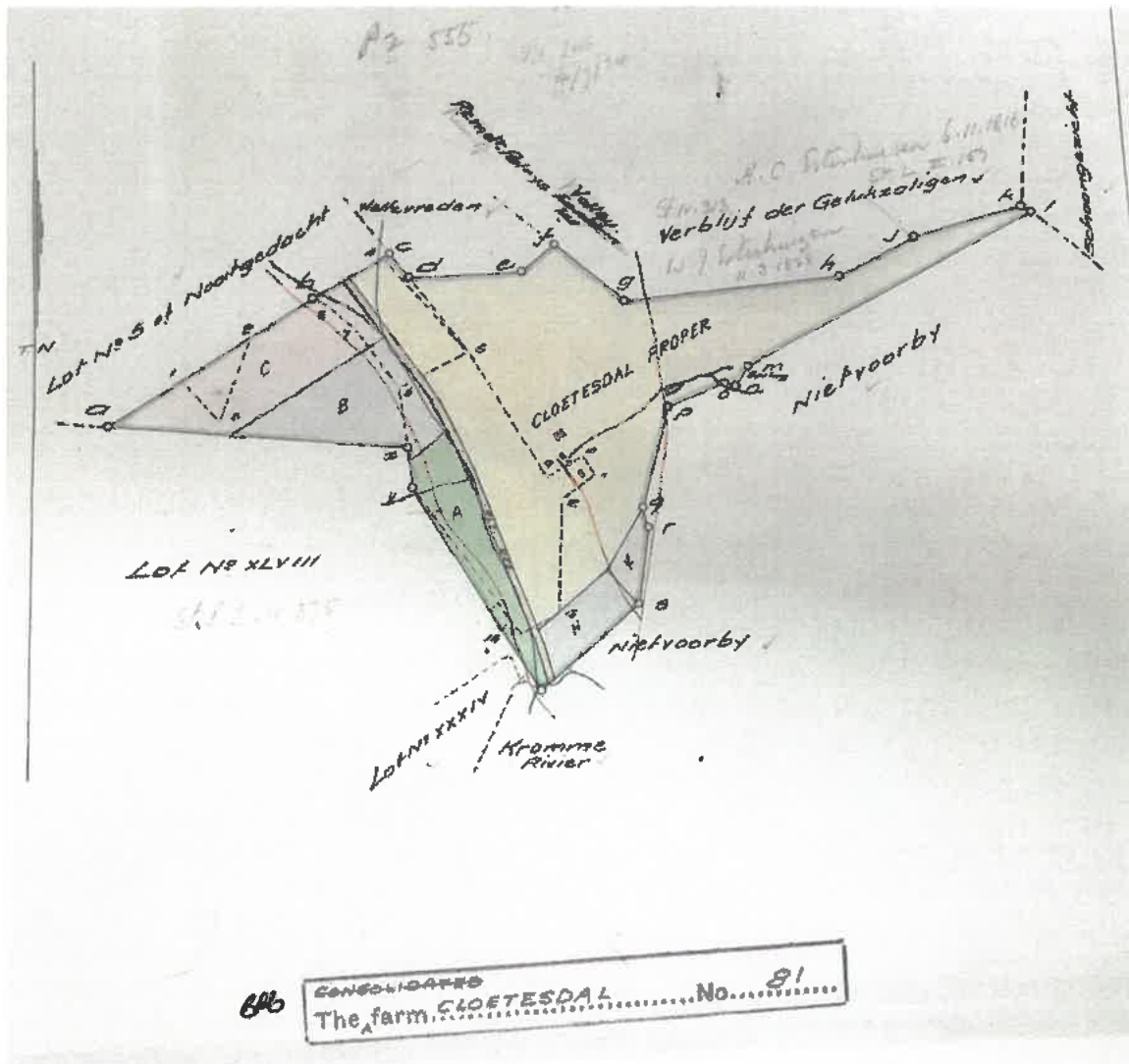


Figure 8 Extract from diagram A 2781/1926 of Farm 81, Stellenbosch – Cloetesdal

Following the consolidation in 1926 of the portions noted above to create Cloetesdal, significant portions of the farm were sold off in 1927. Portion 33 has its origins Portions 3 and 4, subdivided in 1927. Portion 3 was acquired by Mendel Zetler and Portion 4 by Jacobus Johannes Basson Myburgh. The latter portion passed hands several times, whilst portion 3 stayed in the Zetler family till 1979, when portion 33 was created and acquired by Marostica (Pty) Ltd. The property was acquired by the Alberto Costa Trust in 2001. Erf 15898, Stellenbosch, now the Mount Simon development, was divided from the farm in 2009. The bulk of Portion 1, known as Cloetesdal Proper, located to the east of the Plankenbrug River was acquired by the Stellenbosch Municipality in the early 1960s to create housing for families displaced from the centre of Stellenbosch as a result of the Group Areas Act (Giliomee, 2018) - a suburb known as Cloetesville.

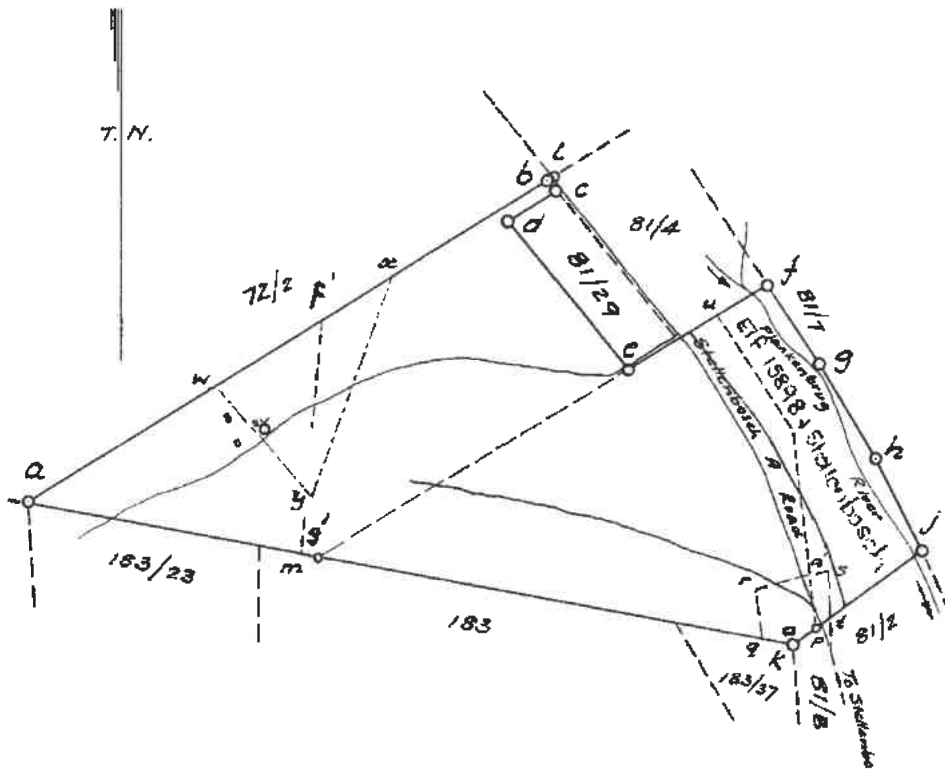


Figure 9 Extract from the SG Diagram 6941/1975 of Portion 33 of Farm 81, Stellenbosch

9 HERITAGE RESOURCES AND SIGNIFICANCE

9.1 Introduction

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

9.2 Establishing the significance of the site

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

- Architectural value

The only structure on the site that could possibly have some architectural value is a small rectangular building with pitched roof, possibly originally Victorian workers' housing, but much altered. The Stellenbosch Heritage inventory refers to series of sheds which seems to be the function venue with smaller sheds below and highly unlikely to be Victorian as indicated. The published photograph is of the row-house building referred to above. These buildings are graded as IIIc, but are in the authors' opinion not conservation worthy. It does seem however that the authors confused the property in question with Cloetesdal Proper, i.e. formerly Aan't Pad, which is located to the east of the Plankenbrug River, of which the heavily restored homestead is now enclosed in suburb of Cloeteville, when they referenced Fransen (2004), in their write-up.



Photograph 10 Possible Victorian row house – much altered.



Photograph 11 Shed behind row-house, used for church services



Photograph 12 Large barn/shed used as function venue, with smaller barn and cottage located immediately down slope



Photograph 13 Large barn/shed used as function venue, with smaller barn and cottage located immediately down slope



Photograph 14 Large barn/shed used as function venue, with smaller barn and cottage located immediately down slope

- Historical value

Although the larger Cloetesdal farm, at one stage included some of the early land grants in Stellenbosch, such as Aan't Pad, the bulk of Portion 33 of Farm 81, consist of later grants and acquisitions. Although some of the owners of Cloetesdal, such as the Cloetes and Melcks (who owned

Cloetesdal Proper in mid 1700s) were important historic figures in Stellenbosch, the werf of Cloetesdal farm with whom these figures would be associated was located to the east of the Plankenbrug River on Cloetesdal Proper. The oldest buildings on the property seem to be the Victorian barn structures referred to above. The property thus has limited historical value.

- **Spiritual, linguistic & scientific value**

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

- **Archaeological value**

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

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

9.3 Contextual significance

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

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

The contextual significance of the site is mainly related to its visible location in a rural landscape at the entrance to Stellenbosch when approaching from the north. As noted earlier the site is located in an area of early colonial settlement, but very few of the historic werfs have survived. Figure 10 below from the Stellenbosch Heritage Inventory (2018) indicates the graded heritage resources in the vicinity of the site. Weltrevede werf, not visible from the site and Nooitgedacht werf, also not visible, both retain magnificent Cape Dutch gabled homesteads as part of their werfs and are Grade II resources. Along the R304 to the north of the site, there is a series of werfs dating to the early 20th century (1930s to 1950s) situated mid-slope on eastern side of the Bottelary Hills overlooking the road and valley to the east. Monterosso, closest to the site has been graded IIIB and the other IIIC. It is noted that there are in fact two werfs on Monterosso, both worthy of grading. Resources identified in Kayamandi to the south of the site, include a series of typical free-standing houses dating to the 1940-50s and landmark café, possibly dating to the 1960s – these resources are regarded as having high social, community and associational value.



Photograph 15 Monterosso werf 1 (closest to site)



Photograph 16 Monterosso werf 2



Photograph 17 Corbett Malan Werf

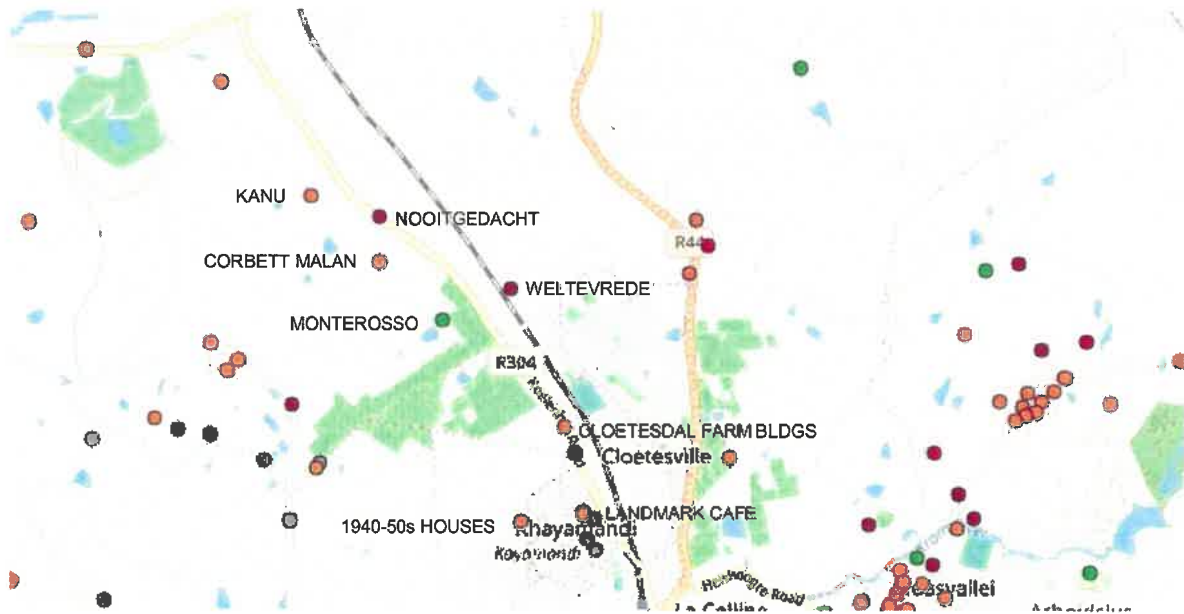


Figure 10 Extract from the Stellenbosch Heritage Inventory Online Map - with heritage resources layer switched on (Source: <http://stellenboschheritage.co.za/smhs/map/#15/-33.9535/18.7989> - accessed 29/10/2019)

• **Identified landscape value**

In addition to the individual heritage resources identified in the Stellenbosch Heritage Inventory, this inventory has also identified and classified landscapes in terms of heritage significance. The site falls within the Bottelary Hills area, which in turn is divided into three large characters areas.



Figure 11 The character areas of the Bottelary Hills area – the site falls within the Devon Valley area shaded on the diagram.

The larger character area is called Devon Valley and thus is largely concerned with the valley located beyond the ridgeline to the west of the site. The site is located in unit B05 - a long strip of land abutting the R304.

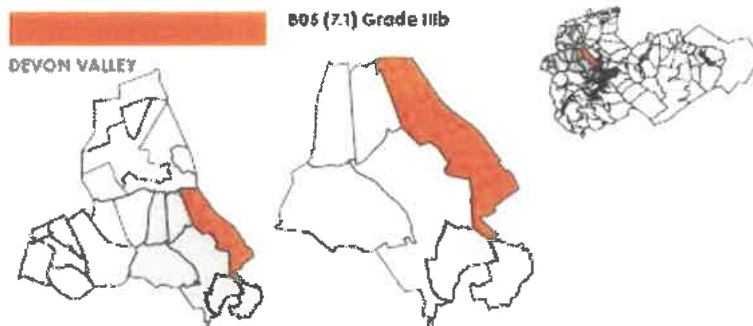


Figure 12 Location of land unit B05 as per the Stellenbosch Heritage Inventory 2018

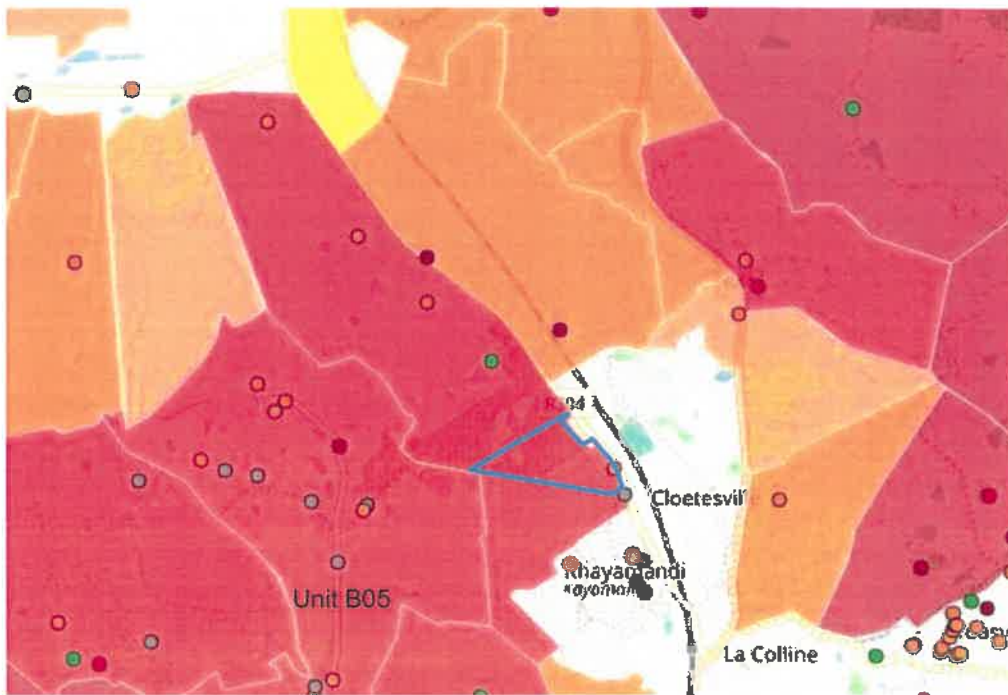


Figure 13 Extract from the Stellenbosch Heritage Inventory Online Map – with heritage resources and landscape units layers switched on (Source: <http://stellenboschheritage.co.za/smhs/map/#15/-33.9535/18.7989> - accessed 29/10/2019)

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

Following on the assessment of the land unit, the implications for heritage management are illustrated by the conservation systems layers. The site falls within a green transition zone. In these zones, almost all forms of urban development, particularly mono-functional security estates and gated communities should be avoided. It would seem that urban development could be considered where integrated planning ideals are pursued. The Lynedoch eco-village is suggested as a successful model of creating integrated communities (In this regard, the authors would note that this village is also gated). Note that the R304 is not indicated as a scenic route.

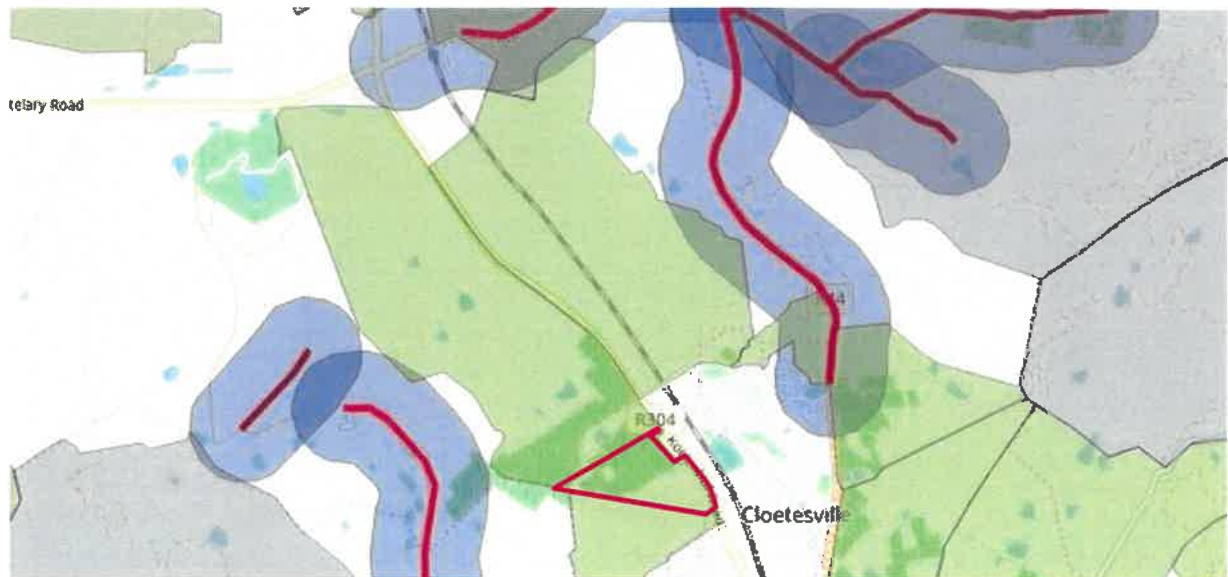


Figure 14 Extract from the Stellenbosch Heritage Inventory Online Map – with conservation systems layers switched on (Source: <http://stellenboschheritage.co.za/smhs/map/#15/-33.9535/18.7989> - accessed 29/10/2019)

- **Visual resources**

The location of the site on lower slopes facing the R304, makes it part of the rural landscape experience when travelling to and from Stellenbosch in this road. Although this road has not been identified as a scenic route, it could be argued that the site does at present contribute to the sense of the Cape Winelands, as it is covered in vineyards with treed werf nodes typical of this landscape. This sense is diluted by the recent high-density urban development to the east of the R304, unmitigated by planting with visibility exacerbated by uniformity of form and finishes. When approaching from the south, the site is shielded by a dense windbreak of pine trees along the southern boundary. Along the eastern boundary is a row of olive trees, that have not achieved sufficient height to screen the site but is also unlikely to ever reach such heights. Approaching from the north, the agricultural landscape, including the low north-facing planted slopes of the site, is visible to one's left in the fore and middle-ground as one passes Kana on the right until one reaches Steyn's nursery. This heavily planted site shields the site from view for a distance. It is noted that a large number of exotic trees on this site is not particularly appropriate in this landscape. Past this site, the lower slope is visible through the line of olives.



Photograph 18 View onto the site form opposite the entrance to Monterosso (just past Kana small holding)

The site will also be visible from urban areas across the valley, such as Cloeteville, Welgevonden and the new highly visible Weltevreden Hills Estate. Note that the site is not visible from the Devon Valley.



Photograph 19 View from the homestead to the east onto Cloeteville and Welgevonden

In summary then, although not of exceptional aesthetic quality, the planted site should be considered as part of continuous landscape playing an important part in the experience of entering Stellenbosch. The transition between urban and rural is currently being encroached to the south of the site, where informal structures are expanding onto Watergang farm, to the detriment of the visual experience.

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

Although the site has very little intrinsic heritage significance, development of the site could impact on the experience of the rural landscape as one approaches Stellenbosch along the R304. In this regard it is noted that this experience is already impacted by new high-density development to the east of R304 and the encroachment of development on Watergang farm. As a result, it is argued that the IIIb grading for the site is overstating its significance and the suggested grading is IIIc.

9.4 Summarized Heritage Statement

The site is primarily of spatial (contextual aesthetic) significance relating to its visible location in a relatively intact rural/agricultural landscape although some portions are earmarked for development. The property has no known scientific, historical, social, spiritual, or linguistic value, and none of the buildings on the site have architectural significance. Following on the above the site, largely because of its open unbuilt nature, could possibly be graded IIIc for its contribution to the larger agricultural landscape.

10 HERITAGE INDICATORS

10.1 Introduction

The preparation of heritage/design indicators for future development pre-supposes that such development is appropriate in principle. In this instance the specific circumstances relating to the property and proposed development model are of particular relevance in deciding this matter.

- **Viability of the farm as an agricultural concern**

Cloetesdal and Watergang (which accommodates the Louisenhof Wine Cellar) have been negatively affected by the steady growth of Kayamandi and the resultant encroachment on the farm Watergang. The farmer-owners of both these farms have fallen victim to fatal attacks, which has had a severe impact on the value of the properties as going farming concerns. As it currently stands Cloetesdal is rented out at no cost, just to ensure continued activity on the farm and prevent invasions. Both farms are also subject to theft of equipment, vines and infrastructure. Watergang, which has been the site of land invasions, is not farmed anymore and has recently been purchased by the Stellenbosch Municipality to accommodate the large housing backlog experienced in Kayamandi. Once this land has been developed it is likely that Cloetesdal could fall victim to land invasions. In the long term this could obviously create a situation of rolling erosion of the rural/productive agricultural landscape and could not in itself be regarded as motivation for development. If development of Cloetesdal could place a limit to further development of rural/agricultural land, then development could be regarded as a positive outcome for preservation of the cultural landscape.



Photograph 20 View of Watergang (commonly known as Louisenhof) and its interface with Kayamandi – the invaded land is situated at the crest of the hill.



Figure 145 Area of Watergang recently invaded by people seeking housing opportunities (Source: <https://gosouth.co.za/w-cape-ministers-of-agriculture-and-community-safety-on-recent-farm-killing>)

- **Spatial planning and development model**

As noted in section 6 of this report, this land along with Watergang farm and a portion of land to its north have been earmarked for development in the policy planning for the Stellenbosch municipality for some time now, albeit that the extent of land increased from 2010 to the present.

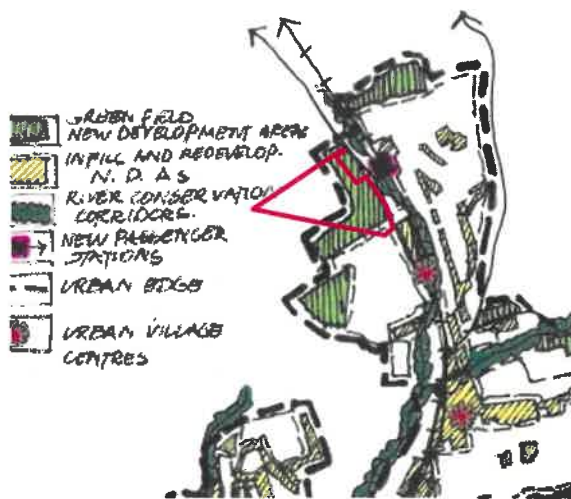


Figure 16 2010 SDF urban edge as approved by Council



Figure 15 2017 SDF urban edge as approved by Council

Crucially, the site has been identified as part of the larger Adam Tas development corridor – an ambitious catalytic project aimed at transforming the spatial structure of the town and creating socio-economic opportunities for a broad spectrum of people, particularly the low to middle income groups as a means to address the structural inequality of the town – refer to Figure 5 above. This plan does indicate high density development along the R304 for the site, with lower densities further up the slope. Should development of this land be able to provide in the need for the so-called gap market and the lower middle and middle income group, which currently is not accommodated in the Stellenbosch housing market, the contribution of the development to the socio-economic balance of the town could trump the loss of productive land, that is in any case already financially unviable.

In this regard it is noted that a recent market study commissioned by Similan, has confirmed that there is a significant market for FLISP¹ housing (for households with a monthly income between R3 501 to R22 000) and bonded units. In particular it is recommended that housing ranging from R350 000 for one-bedroom apartments to approximately R1,4M for free standing houses be provided – a product not currently readily available in Stellenbosch at this price (Demacon, 2019). Similan, who specialises in development for lower income groups, anticipates that a large percentage of potential buyers in this price range will come from areas such Kayamandi and Cloeteville, where people are forced into rental stock, often in backyards, because there is no housing stock available in their affordability range.

- **Intrinsic heritage value of the site**

As set out in section 8 above, the site has no intrinsic heritage resources that would warrant a hold on development.

For these reasons, the no-go option for developing the site is not regarded as realistic.

¹ Finance Linked Individual Subsidy Programme

As the value of the property lies in its relationship with its broader spatial context, rather than its own particular aesthetic or intrinsic merits, it follows that design priorities for future development should focus primarily on impacts affecting the surrounding landscape. In this regard the following should be noted:

- Development of the site will be visible from the R304 on the approach to Stellenbosch and although this route is not a designated scenic route, it will irreversibly change the entrance to Stellenbosch from this important access route.
- The development will be visible from across the valley from Cloetesville and Welgevonden.

10.2 Cultural landscape analysis

Following on the findings of section 9.1 above, a comprehensive analysis of the cultural landscape context of the site was undertaken to underpin the formulation of design indicators for the site. The following diagrams explore the relationships between landform, drainage, cultivation and settlement in order to understand the inherent logic of the cultural landscape response to natural informants.

By applying the logic of existing cultural landscape responses to natural place informants, planning and design may begin to reflect similar patterns, enabling new development proposals to unfold as a continuation of the local place-making tradition, fitting comfortably within the contextual fabric, and contributing positively to the cultural landscape, as a contemporary layer of intervention, rather than intruding into or imposing upon the landscape as an alien element.

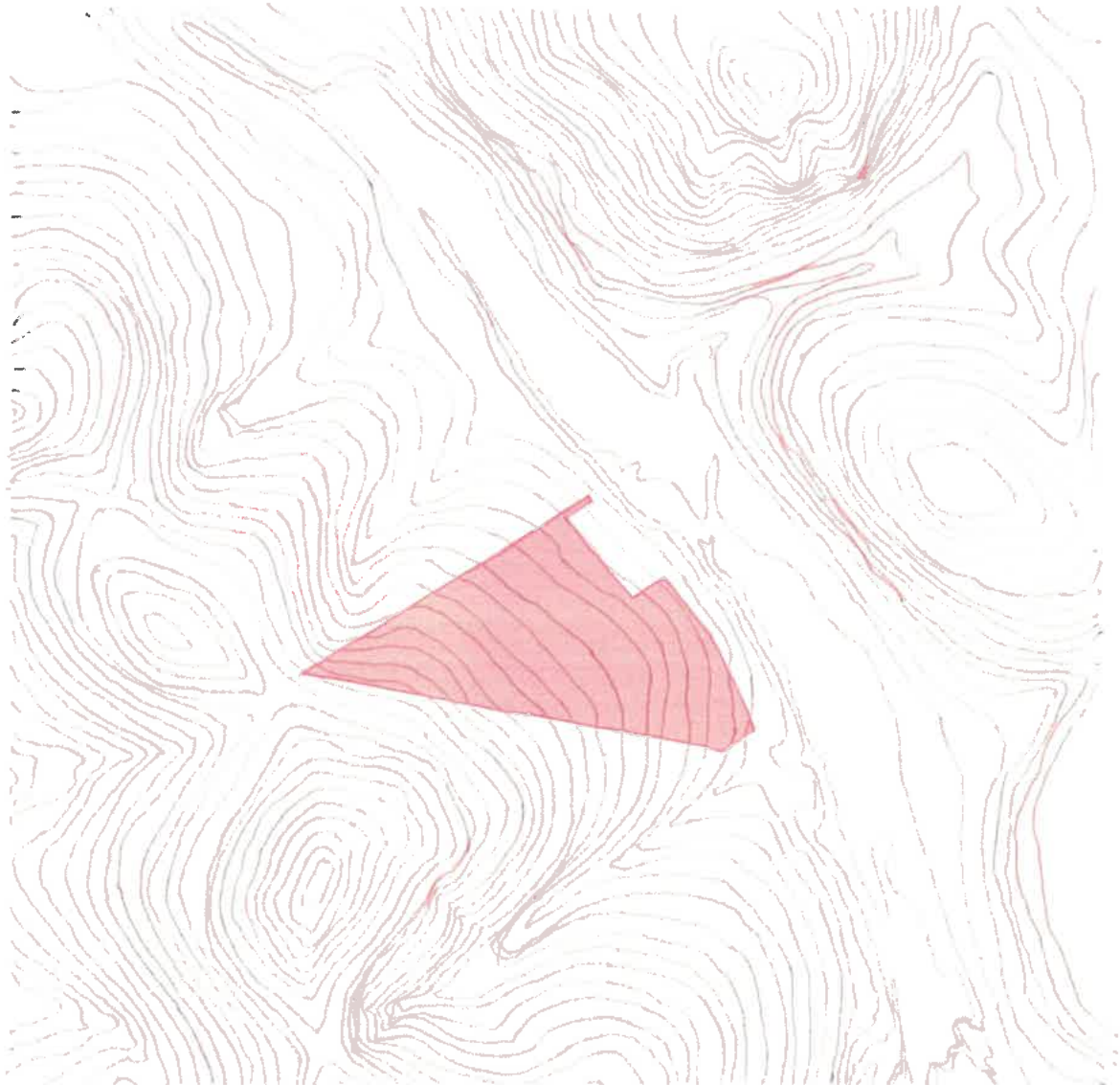


Figure 18 Landform context (subject site shaded red)

Figure 18 (Landform context) above indicates the position of the site with respect to landform, by distilling the shape of the landscape as described by contours at 5m intervals. The site lies on a fairly continuous slope between two valleys, below the crest of the adjacent hills which form a ridge or spine towards the west. The western-most corner of the site gestures towards the saddle (or neck) between two hills.

The aspect of site itself is orientated generally towards the north-east, facing the Plankenbrug River valley. As the site folds into the drainage course immediately north-west and south east, the western-most portions tend towards a north-facing aspect, and the eastern portions begin to tend towards an east-facing aspect.

The contour diagram is the basic tool for interpreting landform components, as explored in figures 19 and 20 that follow.

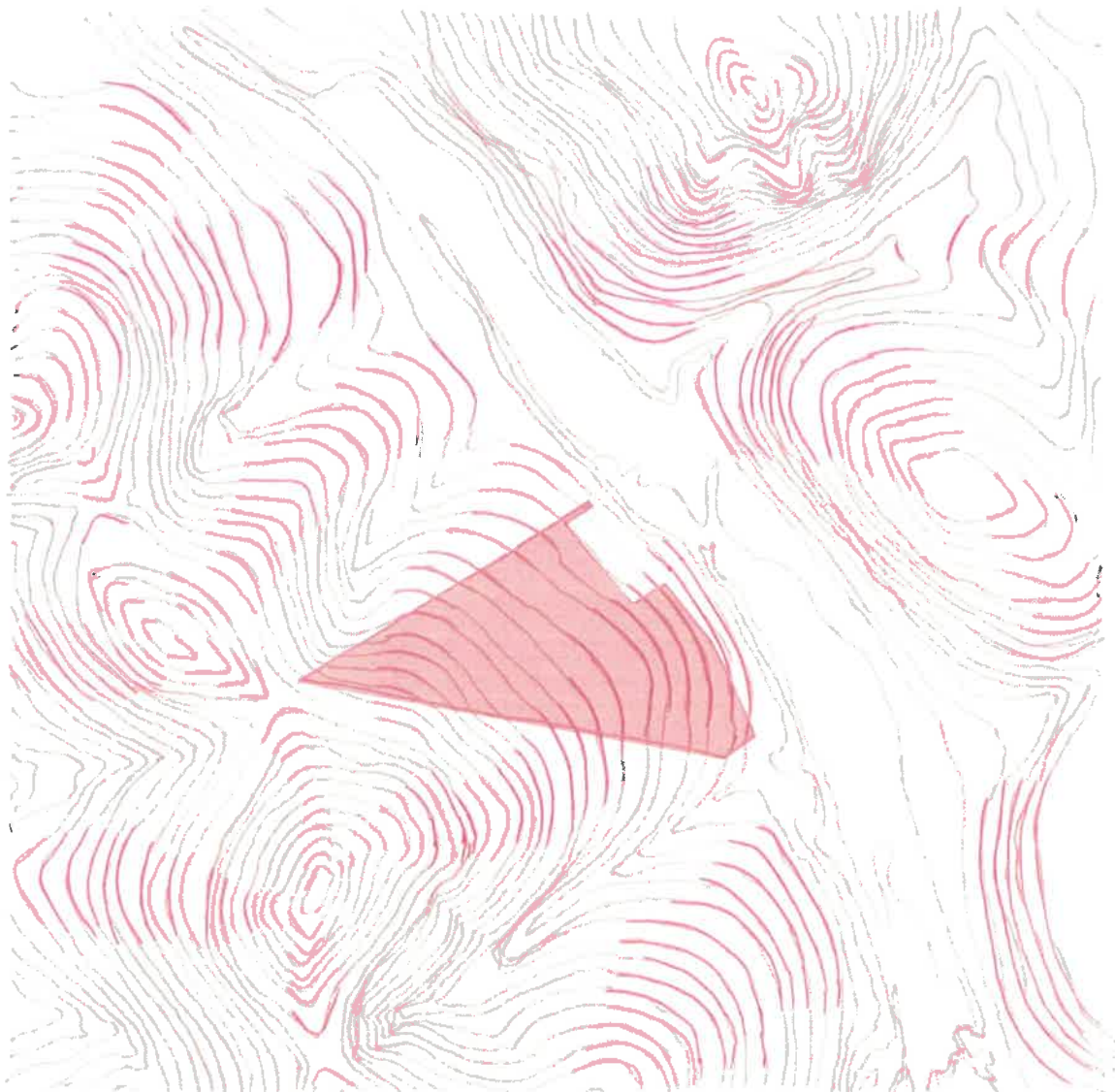


Figure 19 Landform interpretation: ridgelines (subject site shaded red)

Figure 19 above emphasizes the 'ridgelines' (i.e. instances in which the contour lines bend point downhill). The diagram indicates in red the portions of the contour lines which form ridges, which act both as watersheds (as they define catchment areas) and as view-sheds as they define view catchment areas.

Whereas the site slopes fairly evenly along a broad, north-east facing ridge, the contours bend to form two ridges with different aspects within the site boundaries: one begins as north-facing and then tends towards the north east, the other begins (west of the site) as east-facing, and gradually becomes north-east facing as it the drops in elevation. These subtle differences in aspect have implication for microclimate, and can affect comfort levels with respect to temperature – for example, north-facing slopes tend to be warmer for longer than east facing slopes, as they receive direct sunlight throughout the day.

As it approaches the peak of the hill-top from which it originates, the ridge upon which the site lies generally become steeper with increased elevation.

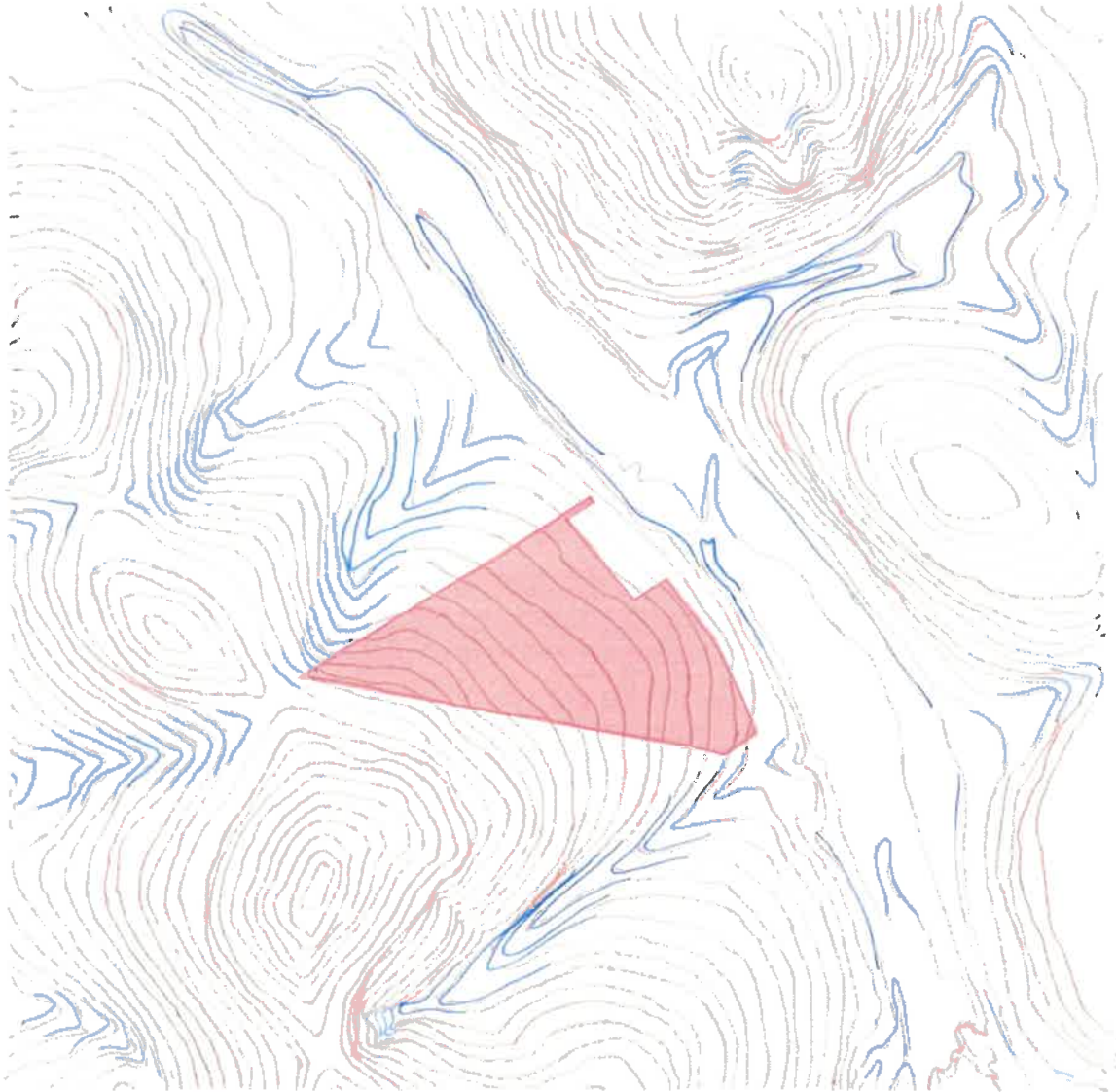


Figure 20 Landform interpretation: valleys (subject site shaded red)

Figure 20 highlights the portions of the contours which describe 'valleys' (the inverse of the previous diagram) i.e. instances in which the contours line bend and point 'uphill'.

These valley formations act as conduits for drainage and concentrate flows of water towards the valley floor. Valleys and ridges work in tandem and form hierarchical patterns: primary ridges describe primary valleys, secondary ridges describe secondary valleys, which form tributaries of primary valleys, and so on.

The weathering of the site over time through erosion has given rise to deeply incised valley slopes which form dendritic patterns. Whereas these secondary valleys may be dry during the summer months, they are likely to form seasonal streams during the wet winter months.

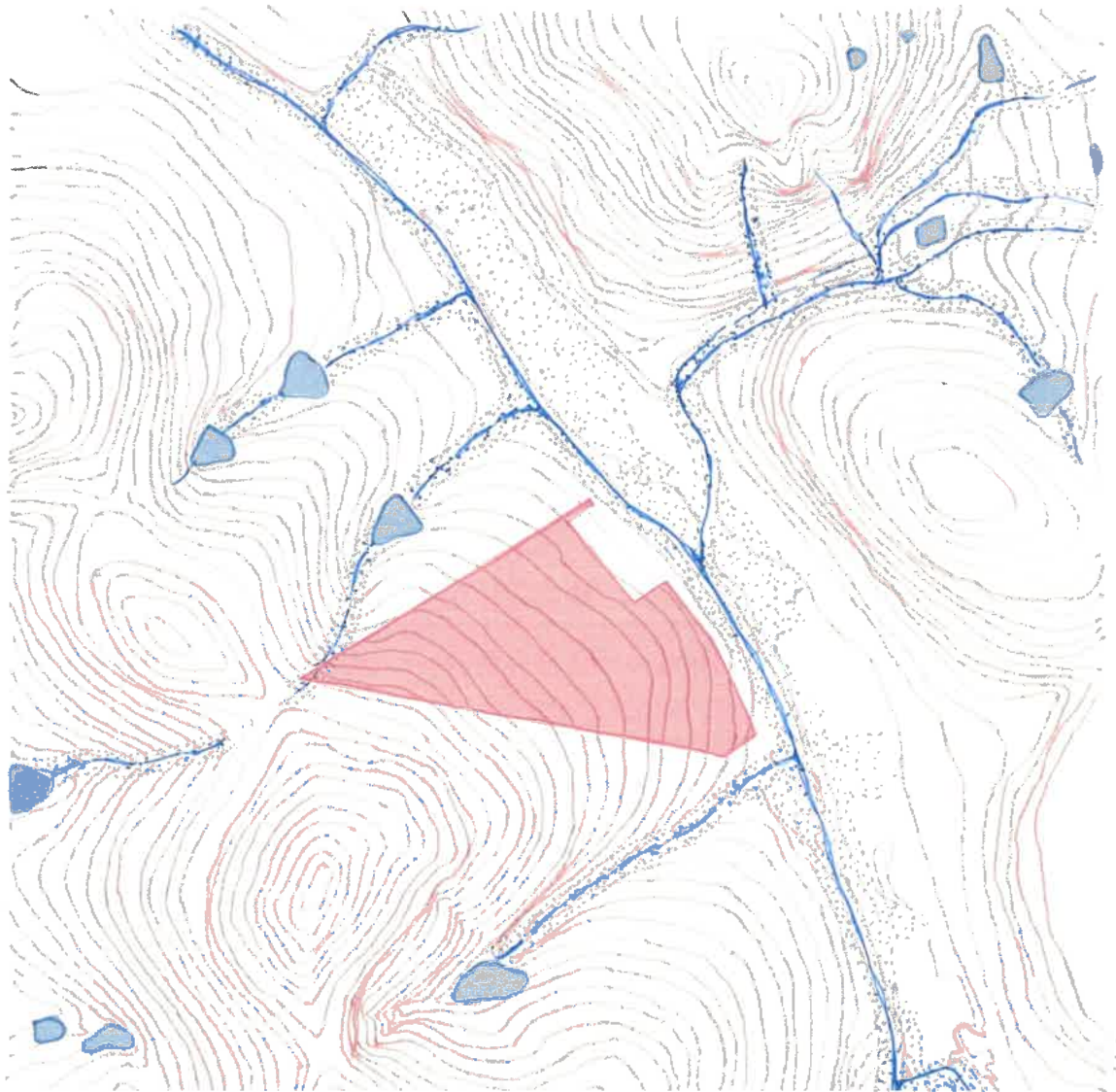


Figure 17 Blue systems: drainage corridors (subject site shaded red)

Figure 21 above indicates the logic of locating farm dams and reservoirs along drainage course within valleys formed by the contours. These constructed elements have been located where they are most likely to fill with storm-water runoff during the wet season.

Access to a reliable source of water is a precondition for the establishment of agriculture and permanent settlement. The farm dams and reservoirs form nodal points along the drainage corridors, which act as linear ecological connectors, form a biodiversity network.

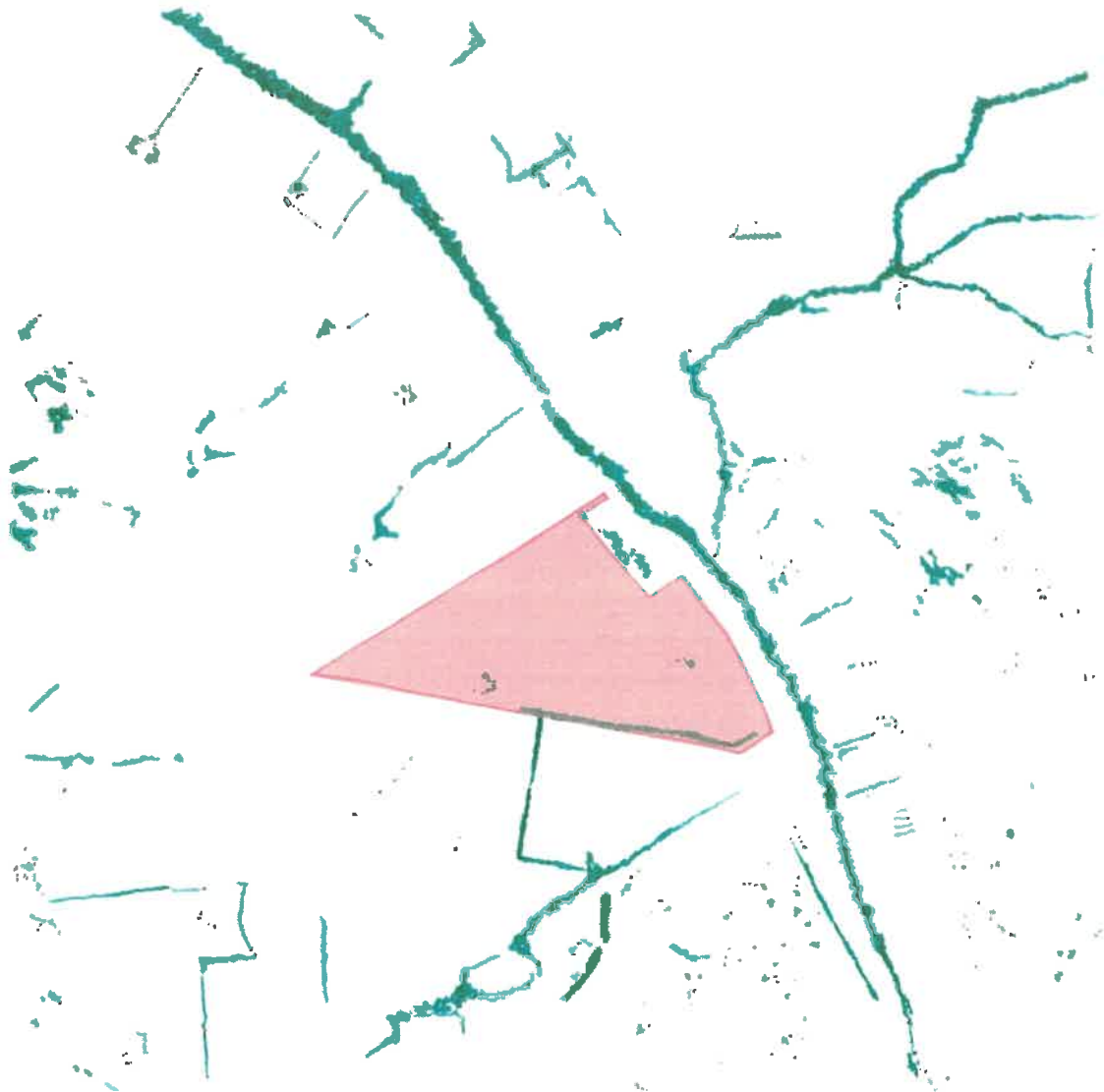


Figure 18 Green structure: linear elements (subject site shaded red)

Figure 22 draws of the linear elements formed by riparian corridors (vegetation which has intensified along drainage courses and river valleys, where access to water is greatest) as well wind-break hedgerows, tree avenues and werf clusters.

The diagram indicates that this particular cultural landscape is not heavily endowed with linear windbreak avenues, (apart from the one along the southern boundary of the site), but that clusters of trees and short avenues running upslope towards farm werfs are more typical patterns.

Note that the farm werf clusters are located approximately 100 metres upslope from the primary river corridor, forming a series of clustered groupings.

The dominant linear pattern above is the continuous river corridor, which acts as primary structuring device.

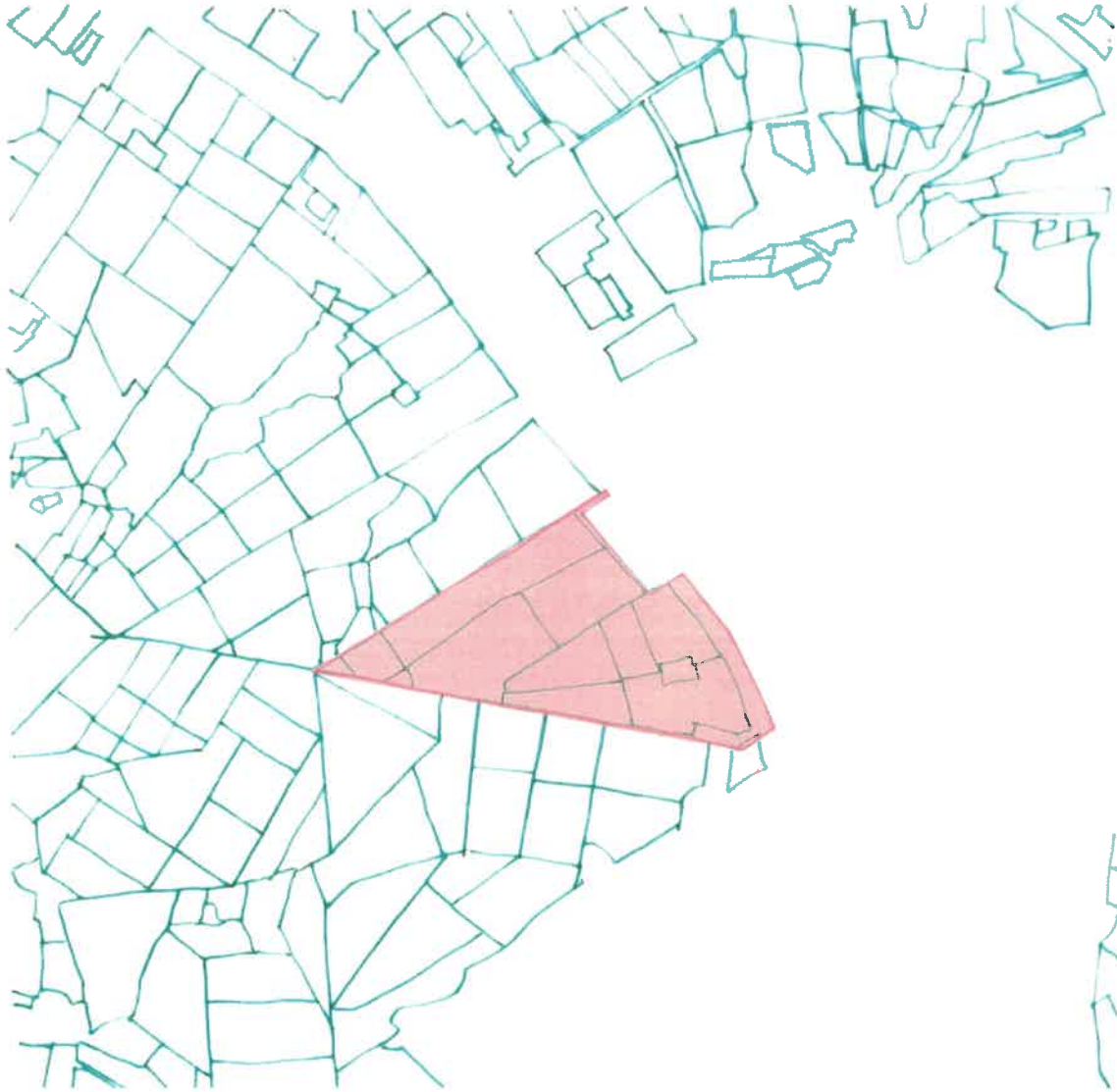


Figure 19 Green matrix: field geometries (subject site shaded red)

Figure 23 above outlines the patterns of field, vineyards and orchards which lend texture and grain to the cultural landscape. The patterns tend to be geometric and rectilinear, reflecting farming efficiencies, apart from where the edges become more organic in response to river corridors and drainage lines.

There are clearly parent portions (evidenced by more continuous straight lines) which have been subdivided into smaller farm portions. Farm werfs are evident as nodal points which punctuate and interrupt some of the primary alignments.

Also evident is the manner in which primary alignments gesture downslope towards the river valley and in places radiate around hill-tops.

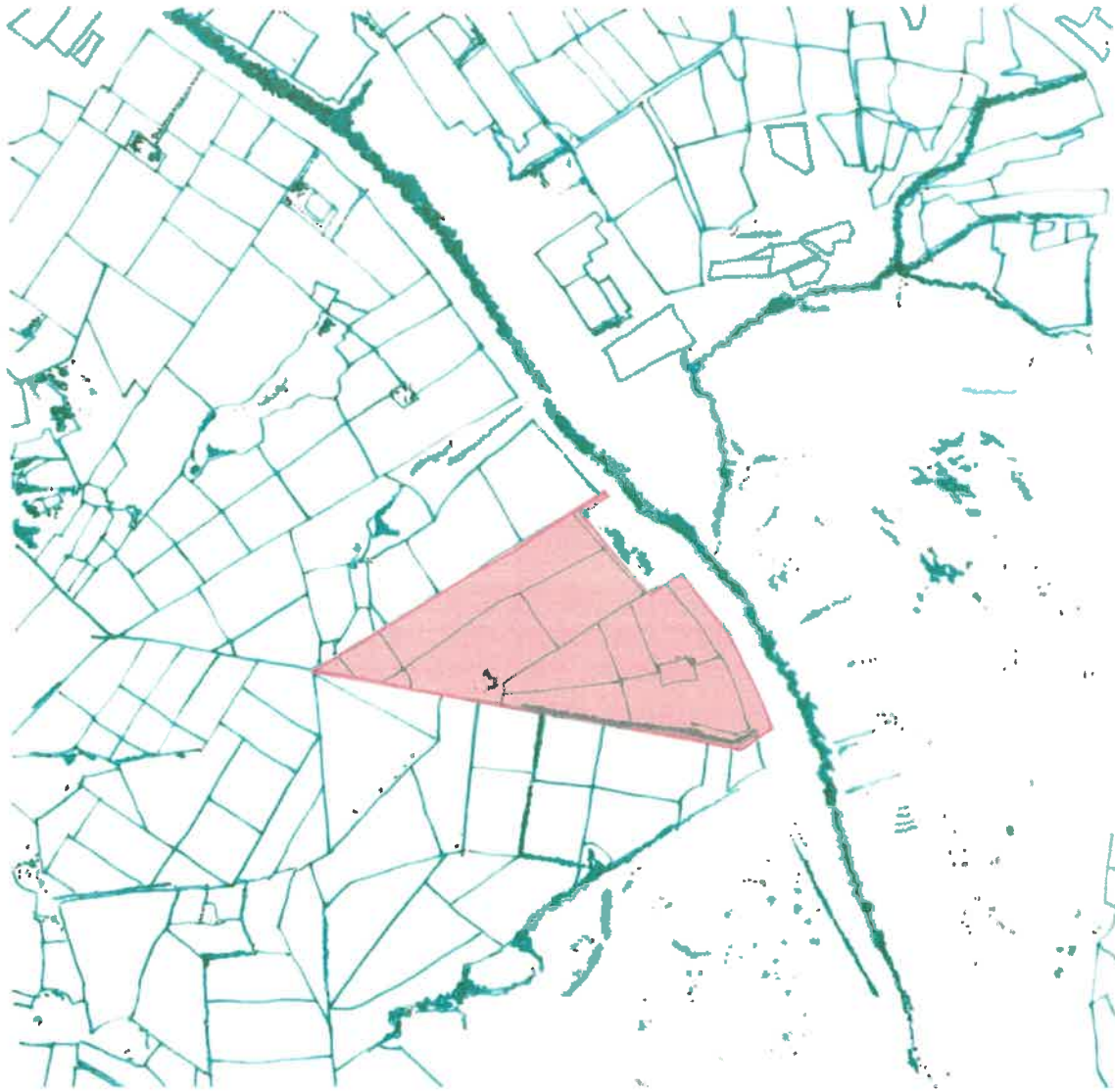


Figure 20 Green systems: composite (subject site shaded red)

The composite green systems diagram (Figure 24 above) reflects a fairly open and visually exposed agricultural landscape, in which clustered groups of trees at farm werfs are more typical than linear rows of trees forming avenues leading up to nodal points or as windbreaks at the edges of farm fields.

At a more detailed level, the texture of the landscape would be revealed as a product of parallel rows of vineyard and orchard of vegetation.

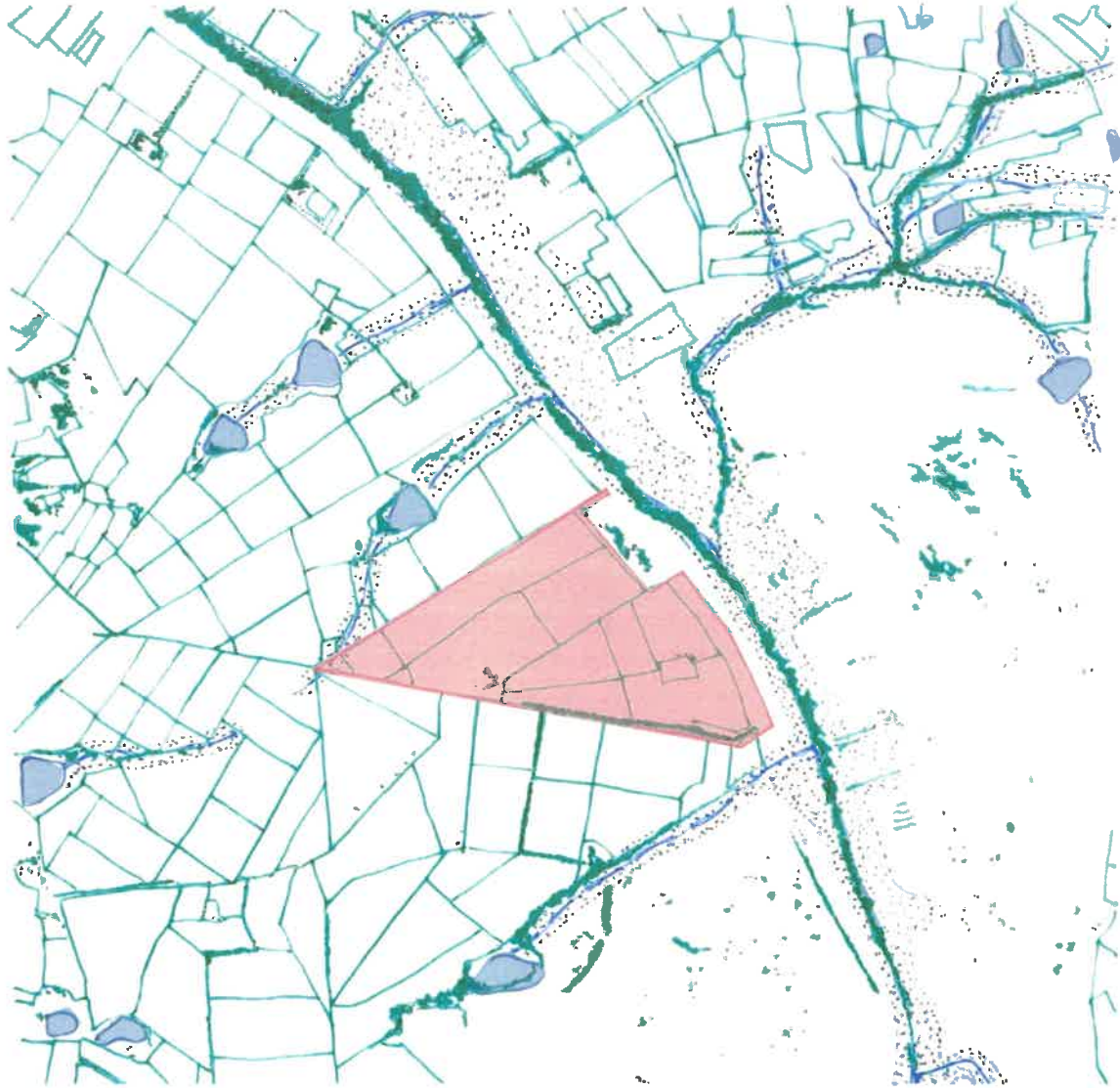


Figure 215 Green and blue systems: composite (subject site shaded red)

The composite green and blue systems diagram (Figure 25 above) reveals a landscape largely transformed (adapted, controlled, and managed) through agricultural practice, with natural drainage patterns modified through the construction of farm dams and reservoirs within drainage courses.

Vegetation patterns also tend to emphasize the presence of water, with green areas intensifying with readily available water supplies, especially along drainage channels and river corridors.

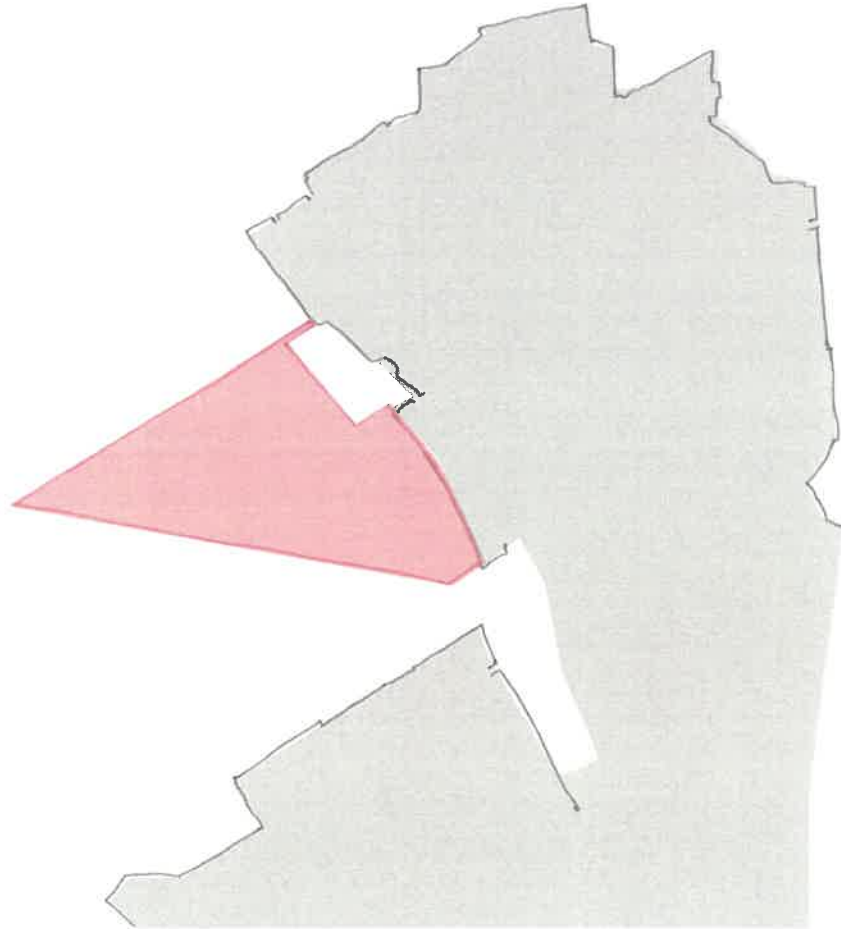


Figure 22 Grey systems: urban | rural interface (subject site shaded red)

The subject site lies at the interface between the urban and the rural, with most of the site falling within the urban edge. The pattern reflects that areas of land which are more gently sloped, at lower elevations tend to become urbanized before the mid and upper slopes, which require more engineering.

Farmland has become urbanized and, in many instances, agricultural patterns have given way to urban patterns.

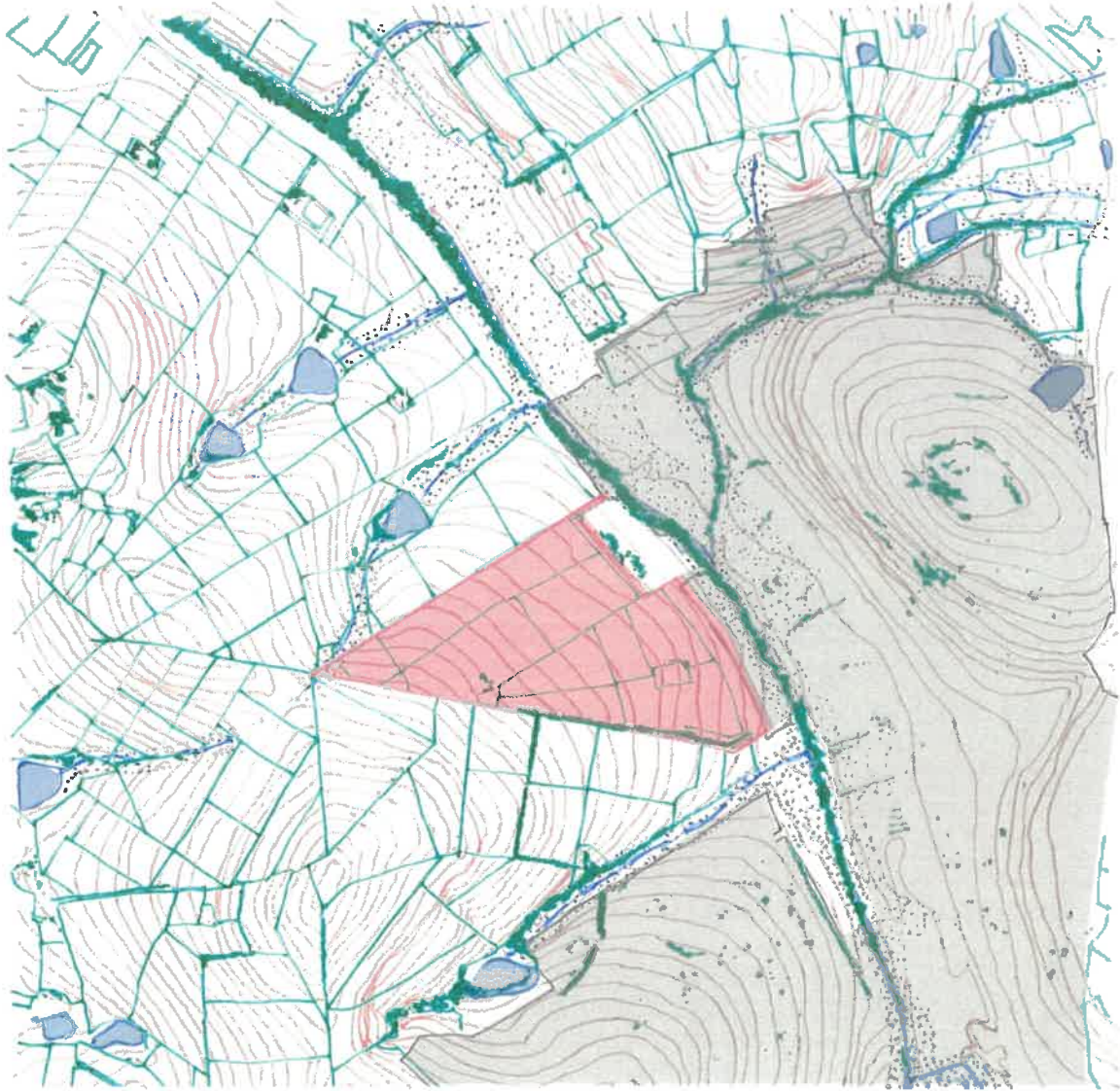


Figure 23 Cultural Landscape: composite diagram (subject site shaded red)

The diagram above clearly reveals the site at the interface between the urban and the rural, and at the interface between river valley and sloped foothills.

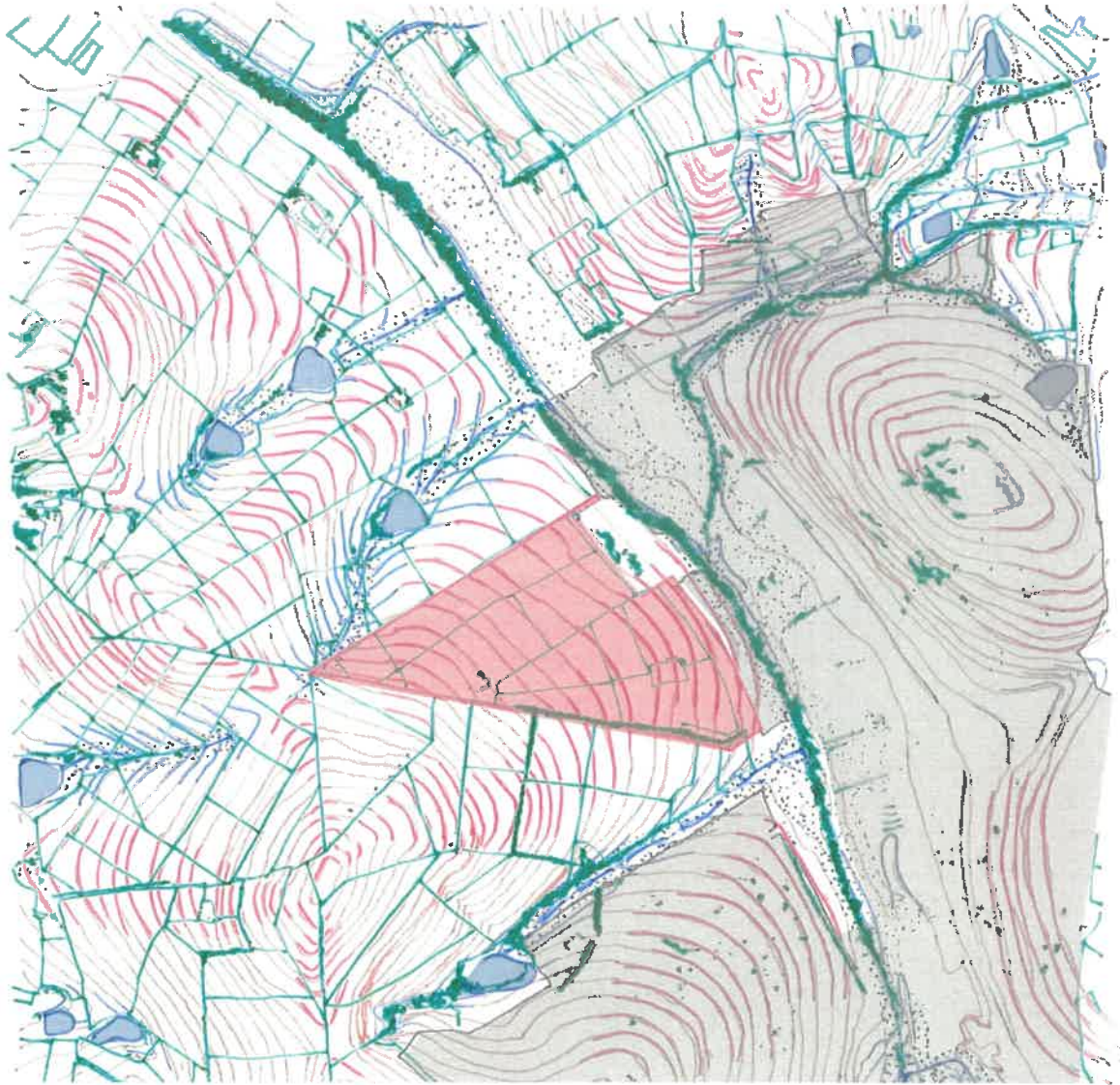


Figure 24 Cultural Landscape: Interpretation (subject site shaded red)

As the site lies within the transition zone between two landscape character domains (that of the rural and that of the urban); the site could act as mediator, with some portions reflecting more urban qualities, (especially those immediately adjacent areas which already form part of the urban realm); whereas other portions may belong more properly to the rural landscape (notably those more continuous with the adjacent farmland), and those located further upslope, where the gradient of the terrain become steeper, which gesture towards mountain 'wilderness' beyond.

Those portions of the site located immediately adjacent to drainage corridors should reflect a more ecological quality and contribute towards the biodiversity network.

10.3 Indicators

Following on the above the following indicators should guide development on the site:

- **Development that will stem encroachment from the south**

One of the strong motivations for the development of the site is that it should stem encroachment onto productive agricultural land and the cultural landscape from the south. This would mean ensuring that poor communities are not located on the urban edge, which places an undue burden on such communities to access socio-economic opportunities, and at the same time and more importantly creating housing opportunities for a range of income groups particularly at the lower end of the income spectrum that would in the long term address the problem of informal settlement.

- **Development that will lead to greater integration and equity in the Stellenbosch community**

Although it could be argued that this is not strictly speaking a heritage matter, the argument is made that a portion of the cultural landscape is being sacrificed for the socio-economic benefits that it will deliver. In this instance the nature of the development does become a heritage matter. Without entering into an in depth analysis of the socio-economic problems facing the town of Stellenbosch, it is common cause that inequity and a lack of opportunity at the low to middle end of the housing market, has led to skewed socio-economic dynamics, to the detriment of the town and its heritage resources.

- **Integrated development**

Following 9.3.2 above, the development of the site will form part of a larger plan – the so-called northern extension of the town as well as the Adam Tas Corridor. If the aims of these projects are to be realised the development will have to be integrated in terms of land use and connection to the urban area to south and possibly to the north in future. An insular mono-functional low density security estate aimed at the upper middle class would be totally inappropriate and not warrant the loss of rural/agricultural land.

The layout of the development should also take note and reference the pattern of mid-slope werfs situated along the R304 to the north of the site. For instance, a central node/s with direct access from the R304 and clustered tree planting, situated mid-slope would be an appropriate reference to this pattern.

- **Northern edge treatment**

The interface with the rural/agricultural land on the northern boundary of the site will be critical issue from a visual impact perspective. Generally speaking there would be two choices in devising this interface – either a hard built edge or a softer edge that seeks to create a more gradual transition between urban rural, often through the lowering of densities, lower built form, the introduction of green spaces and extensive landscaping. In this instance it is argued that the development of the site could never be hidden from users of the R304 and thus it is suggested that a hybrid of a hard edge softened by clusters of trees, reflecting on the numerous farm werfs that characterise the landscape, is implemented. Although the slope is fairly flat when viewed from the R304 it is also suggested that building heights on this edge higher up on the slope should be kept to a single storey, whereas two stories could be accommodated lower down – this to be tested with photomontages. Dealing with this edge is particularly challenging as the land to the north has also in the past been earmarked for development, but there is no indication if and when such development would go ahead. It is thus further suggested that the design could make provision for further densification along this edge, should eventual development to north screen such densification adequately.

- **Higher densities and taller buildings to be concentrated on eastern portion of the site**

Following on 9.3.1-3, it is evident that the development will have to accommodate various typologies of built form at a relatively high average density (it is generally accepted that 25du/ha is the minimum requirement to support services such as public transport). The bulk of the intensified multi-storey urban development should be kept to the lower slopes on the eastern portion of the site.

- **Building Scale, Form and Materials**

Whereas the site can accommodate development, built form must respond to and respect traditional patterns in scale, form and materials without mimicking or direct copying of these patterns. The underlying purpose is to ensure that new development is knitted into the broader landscape, rather than becoming self-referential and visually dominant. Building heights could vary between single and four storeys, and in some instances smaller elements could possibly extend to five storeys. In general, the built form should be diverse in design, materials and colour scheme, including roof colours, to avoid the visual impact of uniformity. Because of the relative size of the site, as well as its elevated position, the development should be broken-up with generous green spaces to reduce the cumulative impact of densely clustered buildings, and to allow for the continuity of open space to connect the site into the broader cultural landscape. The layout should also respond to the topography of the site to minimize cut and fill for building platforms as well as roadways, and to provide for suitable stormwater drainage (possibly absorbed into the green areas) to prevent erosion.

- **Planting patterns and landscaping**

With regard to landscaping the following indicators are suggested:

- Landscaping should be informal, with a variety of trees scattered throughout to soften visual impact.
- Clusters of trees at key points referencing farm werfs will be appropriate.
- Treed avenues giving access to the site, similar to entrance roads to farms will be appropriate.
- Windbreaks are not common within this particular part of the Winelands and thus the use of single-species tree lines at regular intervals is not recommended. It is nevertheless suggested that the existing windbreak on the southern boundary of the site be retained.
- With respect to street trees, these can be planted in irregular rhythms and spacing (for informality) and reflect a variety of appropriate species, rather than single species avenues.
- All fencing should be entirely visually permeable.

11 DEVELOPMENT PROPOSAL

11.1 Alternative 1 - Preferred development option

The preferred development option for the land is illustrated by Figure 30. It entails a large mixed use development with a variety of housing options, recreation areas, commercial uses, support facilities such as a pre-school and provision for a new school site, and a place of worship to be accommodated in existing structures on the site. The developers describe the development as a "neighbourhood" where people of all age groups and income ranges can make a home. The development will specifically provide for housing in price range that is currently not available in Stellenbosch. A summary of the development proposal is provided below, and the complete urban design framework is attached in Annexure D.

- Residential

In total, 1 152 housing units will be accommodated in free standing single houses, row and cluster housing and apartment buildings.

The apartment buildings which will accommodate approximately 600 units will be located on the lower slopes of the sites roughly in a north-south band on a flatter area of the site, just beyond the school and church sites and the Steyn's nursery site. Apartment buildings will range from three to four storeys, and units will range from studio size to three bedroomed penthouses. Row housing, cluster housing and stand-alone housing will be provided on the upper slopes. Plots for the row houses will an average size of 170m², 245m² for the cluster houses and 300m² for the stand-alone houses.

The higher density two storey row housing units will be located along east-west collector roads making use of the slope to create a stepped development. The one to two cluster houses will be arranged along woon-erven, creating linear "werfs" and the guidelines will allow for an additional flatlet on site for use by elderly parents or students. The one to two storey stand-alone units will be largely concentrated along the shorter north-south local access roads. On the northern boundary these units are clustered to form smaller "werfs".

- Commercial

Commercial uses, including retail and offices, will be located at the entrance to the site, on sites on either side of the central axis of the development so as to be accessible to both residents of the neighbourhood and users of the R304. The intention is to provide for convenience shopping, services, and work opportunities (offices) close to home for residents of the northern extension of Stellenbosch, including Kayamandi and Cloeteville. The total area of these sites comes to 13 653m² and the estimated commercial floor area to be development is approximately 3750m². Some retail floor space will also be provided on the ground floor of the apartment buildings at the entrance to the site.

- Community uses

The development makes provision for a new school site of approximately 60 000m² that will accommodate a primary and secondary school with sports fields. This site is located to the south-east of the site, adjacent to the R304, and will help buffer the impact of traffic noise on the residential areas behind. The church, currently making use of existing facilities on the site, will be accommodated on a site of approximately 20 000m² adjacent to the school site and will continue to use the existing buildings.

The focus of community life for the residents will be the current pre-school facility, accommodated in the existing manor house, to be retained, enlarged, and complemented by a large public park. In addition to



Figure 25 Extract from landscaping plan (CNdV Landscape Architects)

the pre-school to be retained in the existing building, a small restaurant and shop will be added – A on the diagram. A small function venue/gathering place will be accommodated in a new building just below the existing house – B on the diagram. This area could be regarded as main “werf” of the development and has been given prominence by its placement as the focal point of the main access road into the neighbourhood.

- **Recreation and open space**

The large park area referred to above is intended for active and passive recreation, market gardening and social events. In addition, the development is served by a network of green spaces and woon-erven that offer visual amenity and opportunities for passive and active recreation. The highest point of the development will be a public park that will serve as a destination for runners, walkers and bikers and will offer views onto the Stellenbosch Valley and its mountain backdrop. The high voltage power line that crosses the site will be accommodated in a green belt. A large recreation area with a dam that will double as a storm water collection point, will serve the apartment buildings to the north of the access road.

- **Access, circulation, and services**

The main access to the site will be from the R304 at a point roughly in the middle of the eastern boundary. This access route will take the form of treed boulevard that will create a distinct sense of place upon entering the neighbourhood. The boulevard affords access the commercial and community uses on the site. The remainder of the site is accessed through a hierarchy of streets that provide vehicular access to dwelling units, mostly oriented to following the contours of the site. Importantly the road network makes provision for two connections to future development to the south of site on Watergang farm, and the potential future development of the remainder of the land identified for development in the Stellenbosch SDF to the north of the site. The road network will also provide access to proposed redeveloped Steyn’s Nursery site.

The road network will accommodate storm water drainage and as noted a large dam on the lower portion of the site will act as a detention pond.

A small plot for utility services has been provided for close the entrance, where an electrical substation will be accommodated.

- **Landscaping**

The landscaping concept is intended to relate to traditional Cape landscapes, including both agricultural and natural landscapes. Figure 30 overleaf illustrates the landscaping plan.

The framework which responds to the topography of the site, in particular drainage routes, existing trees and climatic factors such as the prevailing winds, is conceptualised at two scales – the larger network of communal spaces and the smaller scale “werf” spaces of the development. The landscaping plan will provide for a variety of active and passive uses aimed at all age groups – with productive vegetable gardens and orchards; walking and cycling routes; sporting facilities such as a tennis and

soccer courts, a communal swimming pool and outdoor gym equipment; play areas for children; picnic lawns and gazebo, view sites, a jetty and deck at the dam and a large multi-functional lawn for events. The landscape plan will also include indigenous forests and a corridor of indigenous fynbos along the power line servitude that will support biodiversity such as bees, and other insects and smaller animal species.

The following principles/guidelines underpin the landscaping plan:

- Use of non-potable water through the recycling of storm and grey water. The large storage dam will play a key role in this system.
 - Amelioration of micro-climate conditions through the planting of wind breaks and use of shading devices such as vines and pergolas to protect against UV exposure.
 - Use of low maintenance materials and agricultural elements, such as olive tree orchards with low water requirements and indigenous planting.
 - Hard landscaping will have a rural/natural feel – for instance roads and pathways will be paved in warm greys and browns using local materials; FSC approved hardwoods will be used for decks, jetties and swale crossings and informal pathways will have a gravel or laterite surface.
 - Roads will be lined with avenues of trees with the main boulevard lined by five rows of trees.
 - Planting will be mainly indigenous, although certain trees, such as fruit trees for orchard planting, oaks and pencil cypresses and roses, flowering plants and hedges for feature planting will be allowed. These will be specified in a planting list for homeowners on the estate.
 - Outdoor lighting will be kept to a minimum – with only low-level pedestrian lighting and reserved up-lighting in communal spaces. Pole top lighting will not be allowed to spill up wards. Spotlights, neon lights and coloured lighting will not be allowed.
- **Development model**

The intention is that the site will be developed through a "Package of Plans" approach, which entails the establishment of a framework for development and a basket of rights up front, followed by detailed planning and design, including SDPs for precincts as the development rights are taken up. The urban design framework will provide parameters for the layout and built form of the precincts.

Residential plots will be sold with full title, whilst apartments will be sold with sectional title and each block will have its own body corporate. The developers will retain control of the sale of the full title units, and development of the row housing, whilst some of the plots for the apartment buildings may be sold onto other developers – this will inter alia ensure variation in the built form and design. As such the developers will be responsible for the construction of all roads, services and parks and the implementation of the landscaping for the development. Owners of residential units, including body corporates for the apartments will be members of an overarching homeowners' association that will enforce architectural design guidelines for the various components of the development.



Figure 30 Preferred development option (Osmond Lange Architects)

11.2 Alternative 2

Alternative 2, illustrated in Figure 32 overleaf, has a similar land use mix as the preferred development alternative. This alternative provides for 968 units of which 205 are allocated to single dwellings, 283 to row housing and 480 to apartments. Apartment blocks are concentrated in a strip to the east of the site, just beyond the school and church sites and the Steyn's Nursery site. Row housing is concentrated along the green strips and the boundaries of the site, with single units mostly located on the inside of the ring road clustered in cul-de-sacs. Alternative 2 provides for service station of 4 663m² at the entrance to the site, and a small retail area of 3 233m² adjacent to the access road. Similar to the preferred alternative, this alternative also provides for a school and church in the south-eastern part of the site. Alternative 2 provides for only one access to the site, from the R304 with no provision for future connections to the north and south. Provision for recreation/open space is largely concentrated in a green belt that runs in north-south direction roughly through the middle of the site.

Alternative 2 is an earlier design iteration, discarded because:

- the various housing typologies were too segregated.
- it did not make sufficient provision for green space and pedestrian movement.
- another 8ha was added to the west of the site.
- the design would be difficult and expensive to execute due to the steepness of the site and curved roads.
- the northern boundary interface was regarded as monotonous and not appropriate in the context; and
- not enough green space was provided on the eastern boundary.

11.3 No go-option

The viability of the no-go option has already been considered in Section 10.1 of the report. In summary the following is noted:

- The property is no longer viable as an agricultural concern due to the encroachment of informal housing from the south. In the absence of formal development, the site is likely to be invaded by informal settlement, with negative impacts on the cultural landscape.
- The site forms part of an important development corridor for the town of Stellenbosch, that is earmarked to change to socio-economic landscape in Stellenbosch – the proposed development will contribute to achieving the vision of a more equitable and integrated community by providing opportunities to those layers of society currently not catered for in Stellenbosch.
- No development will likely result in the eventual invasion of the land by informal dwellers, and although informal settlement is not per se problematic; in this location the impact on the cultural landscape is likely to be severely negative.

The no-go option is thus not regarded as a realistic prospect.

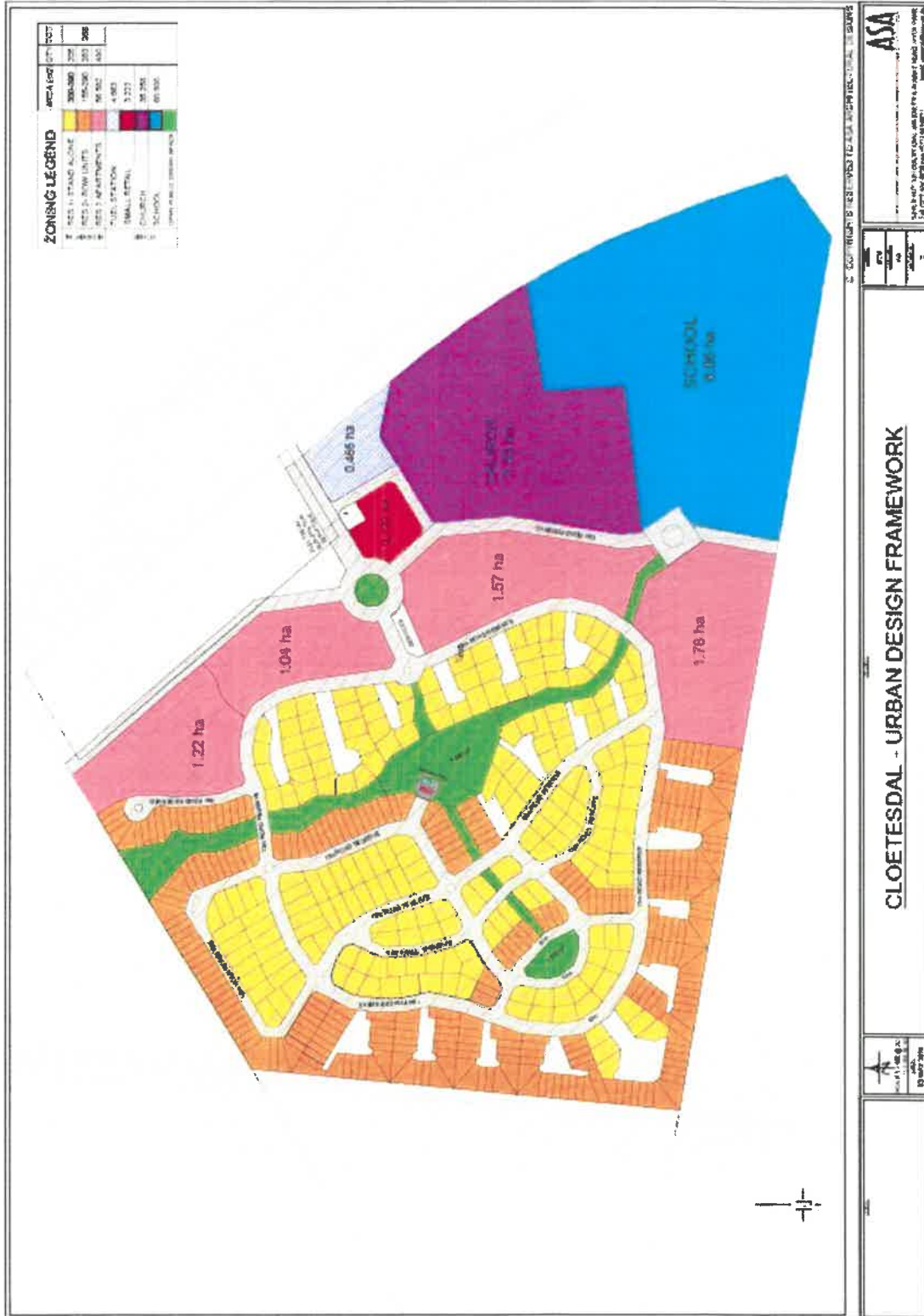


Figure 32 Alternative 2 Layout

HIA: Rem Pt 33 of Farm 81, Stellenbosch

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12 SOCIO-ECONOMIC IMPACTS

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

- The total value of the development is currently estimated at just more than R1 billion to be invested in the local economy. This will include bulk infrastructure contribution in the order of R96 million to be paid to the Municipality and an annual municipal tax contribution of approximately R7,3 million.
- It is likely to create significantly more jobs during the construction and operations phases than is currently offered by the property as a struggling agriculture and events concern. It is estimated that 1000 jobs will be created during construction. The employment opportunities during the operational phase have not been quantified.
- It will create housing opportunities for middle income groups in Stellenbosch, who are unable to access to appropriate housing, because the pace of delivery of partially subsidised housing is too slow, or because housing in the price range of R650 000 to R2,8M is extremely scarce in Stellenbosch.
- It will create alternative opportunities for schooling at the northern end of Stellenbosch as well as access to services and goods in close proximity to a significant portion of the community thus reducing the cost of transport.

13 ASSESSMENT OF PROPOSALS

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

13.1 Assessment against heritage indicators

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

As noted by IACom at the time that Phase 1 of the HIA was being considered, some of the indicators are not strictly speaking related to heritage issues and in some instances it is noted that realisation of some of the indicators are not entirely in the hands of this development.

- **Development that will stem encroachment from the south**

The proposed development will certainly stem the encroachment of informal settlement and illegal land occupation from the south. Having said this, curbing/controlling the spread of informal structures to the south-west of the site (i.e. towards the crest of the hill on what is now municipal land), will be responsibility of the Municipality.

- **Development that will lead to greater integration and equity in the Stellenbosch community**

The proposed development is aimed at a socio-economic market segment not generally provided for in Stellenbosch. The scale of the development will create opportunities for a significant number of home buyers in the low to middle income market that will contribute towards a more balanced community.

- **Integrated development**

The development proposal makes provision for physical integration with future development to the north and south of site through road connections. In addition, the school, church and commercial uses, will create opportunities for social integration with surrounding communities.

- **Northern edge treatment**

The treatment of the northern edge of the development is crucial to reducing the visual impact of the development as viewed from the R304 – this view is regarded as the key impact on the cultural landscape. As suggested in the indicators, the built form along this edge has been broken up to create clusters of green similar to the treed werfs that are characteristic of the wider landscape. The lower lying eastern portion of the boundary is to be planted with a row trees – this also seems appropriate to screen and soften the view onto the taller and denser apartment blocks. There is some concern regarding the portion of development on the upper slope that is totally unscreened. The visibility and impact of this will be considered in the assessment of the 3D modelling to the development discussed in the section to follow.

- **Higher densities and taller buildings to be concentrated on eastern portion of the site**

The layout clearly conforms to this indicator. It is also noted that an overall gross density of 27du/ha has been achieved with the layout, which will make for development that generally conforms to the principles for development set out in SPLUMA.

- **Building Scale, Form and Materials**

The scale and form of development is generally considered to be acceptable in that building heights have been kept acceptably low and the layout has allowed for sufficient planting. The layout also works well with the topography, with not much cut and fill that will be needed for buildings.

The bulk of the apartment buildings could however be problematic if not sufficiently articulated and broken up. In addition, the finishes of buildings and roofscapes will be an important determinant of visual impact. The developers have indicated their preferences in this regard – the intention is to create as much variety as possible within a set range. They have stated that they would like the development to look as if it has developed over years in an organic way (i.e. like a typical neighbourhood). Thus a range of colours for plastered finishes will be allowed, as well as other finishes such as painted bricks, washed brick panels, exposed brick, concrete, selective use of cladding such as wood and local stone. With regard to roofscapes, a variety of pitches and roof coverings will be allowed using both tiles and sheeting, with colour options to be restricted to greys and black.

The above is regarded as entirely appropriate provided that allowed colours and finishes are muted earth tones, reflective finishes are not allowed, reflective white finishes is either disallowed or strictly controlled to avoid large reflective clusters and variation between individual buildings are enforced. Guidelines for the built form of the apartment buildings will also be required. These are to set out in detail in architectural guidelines to be enforced by the local authority in conjunction with the homeowners' association.

- **Planting patterns and landscaping**

The landscaping plan conforms largely to the indicators. The only point of concern is the concept of windbreaks noted in the landscaping plan, which is not regarded as typical of this particular area. It is noted that there are some linear plantings along the roadways and the lower portion of the northern boundary. These are not regarded as problematic as the planting along the roadways will always be viewed at an angle from the R304 and with the relatively dense building footprint in between filling in the spaces at trunk level will not be read as linear. The line of planting on the northern boundary is relatively short and definitely required as a screen to the apartment buildings behind.

The indicators also called for all fencing to be visually permeable. The proposal does anticipate portions of solid fencing between individual properties to allow for privacy and this is in fact acceptable as the contribution of such fencing to the overall visual impact will be minimal. Guidelines for internal fencing should ensure that adequate tree planting remains possible. All external fencing of the development should be visually permeable.

13.2 Assessment of impact on cultural landscape

In order to assess the impact of the proposal on the cultural landscape, a 3D model of the proposed development and its surrounds was prepared, and two viewpoints have been selected for modelling. These viewpoints are all located along the R304 and reflect views onto the site as you approach the town of Stellenbosch.



Figure 27 Key viewpoints for modelling of proposed development (VP 1 & VP 2) - Source: Google Earth

- VP1: On the R304 opposite Monterossa werf – the threshold spot from where the site will come into view to the right from a distance of approximately 1km.
- VP2: On the R304 at the intersection with Welgevonden Boulevard at approximately 400m from the site.

These are reflected in the photomontages (by) as follows:

- The current situation
- As per the above, but including the proposed built form (unmitigated view)
- As per the above but including tree planting and landscape treatment as mitigation of the visual impact.
- As per above, but also reflecting colour variations in the finishes of the buildings (as opposed to the reflective white with black roofs)



Figure 28 Viewpoint 1 from R 304 showing (A) current status (no development); (B) proposal unmitigated (buildings only); (C) proposal with landscape mitigation; (D) proposal with architectural mitigation added



Figure 29 Viewpoint 2 from R 304 showing (A) current status (no development); (B) proposal unmitigated (buildings only); (C) proposal with landscape mitigation (D) proposal with landscape and architectural mitigation

The figures above (Figures 34 and 35) give an impression of the visual impacts that can be anticipated by the proposed development, as well as the degree to which the visual impacts can be mitigated, primarily through landscaping. In each case,

A represents the existing view, namely an open, unbuilt site in the middle distance or forming part of a background view – note the photographs for these views have been taken using a 50mm focal length as is generally accepted as the standard when undertaking visual impact assessments;

B indicates the insertion of the proposed buildings, (without mitigation) – an immediate, noticeable change to the site (i.e. visual impact), but occupying only a small percentage of the field of view²;

C reflects the mitigation of the visual impact through tree planting, screening vegetation and other landscape measures, in which the new buildings become partially obscured or shaded, having the sense of being more embedded and settled;

D reflects additional mitigation through introducing muted tones for the finishes of the buildings as opposed to the reflective white buildings with black roofs.

The Phase 1 report postulated that development on the upper slopes along the northern boundary may have to be restricted to single storey units, depending on the outcome of the modelling. It is the opinion of the authors that two storey units, as seen in the modeling are acceptable even with limited screening as mentioned in the discussion in Section 13.1 above.

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

It should be noted that whereas the site itself has moderate visual significance, the cultural landscape context within which it is located has greater significance.

Whereas the development will have an immediate visual impact (in that a noticeable change will be perceived) with suitable mitigation, the visual impacts can be reduced. This impact is assessed to be of a **high significance** (unmitigated) reducing to **moderate (short term) to low significance (long term) with mitigation**. The modelling already includes the proposal for the development of the Steyn's Nursery site, but not the possible development of the land immediately to the north of the site, also indicated for development in the planning for the Stellenbosch Municipality. Such development will reduce the visual impact of the currently development significantly.

Strict adherence to heritage and environmental conservation and management controls, in the detail design and during the construction phases of the development (including sufficient hoarding, lighting and signage, as well as noise and dust control for occupational health and safety), should be enforced.

The implementation of landscape measures and architectural controls should be a fundamental requirement; and would be considered to be effective mitigation of the visual impacts.

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

² Note that the model also includes the proposed development of the Steyn's Nursery site to the north-east of the site and thus gives better indication of the likely cumulative impact of development.

Potential impact on the cultural landscape character		
Reduction of agricultural open space, intrusion of built form, lighting, reflection		
Impact	Description	
Nature of impact	negative: unmitigated impacts would detract from the receiving environment	
	<ul style="list-style-type: none"> <i>cultural landscape agricultural context</i> 	
	<ul style="list-style-type: none"> <i>rural transition to urban</i> 	
Type of impact	Direct, and cumulative (adding to existing development)	
Recommended mitigation measures	Description	
Impact avoidance/ prevention	Unavoidable	
Impact minimization	Planning of development to respond positively to visual / heritage considerations	
Rehabilitation/ restoration/ repair	Architectural measures (form / scale / massing / materials / textures)	
Compensation/ offset	Landscape measures (screen tree planting / internal open space / view corridors)	
Degree to which the impact can be mitigated	Medium to high	
Degree to which the impact can be reversed	Low	
Degree to which the impact may cause irreplaceable loss of resources	Medium	
Assessment of impact	Rating before mitigation	Rating after mitigation
Extent of impact	Local	Local
Duration of impact	Long Term	Medium (until landscape matures)
Intensity of impact	Medium	Medium to low
Probability of occurrence	Definite	Definite
Level of confidence in prediction	High	High
Significance	Rating before mitigation	Rating after mitigation
Significance	High to medium (adverse)	Medium to low (beneficial)

14 CONSULTATION AND COMMENTS

The complete HIA was advertised for comment as part of the second round of advertising of the Basic Assessment Report that has been prepared as part of the NEMA application process, by Guillaume Nel Environmental Consultants. The advertising period ran from during 23 July to 28 August 2020. A complete list of the interested and affected parties that were invited to comment is attached in Annexure E, as well as a summary of the process and comments received. This included the Stellenbosch Interest Group, the Stellenbosch Heritage Foundation and the Stellenbosch Municipality's Heritage Officer. No comments related to heritage issues were received.

15 FINDINGS AND RECOMMENDATIONS

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

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

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

- The landscaping plan is further detailed to *inter alia* specify tree sizes to be planted. It is important that trees of an adequate height are planted from the onset to reduce potential visual impacts – thus tree heights must be specified in the landscaping plan. The landscaping plan must be submitted to the Stellenbosch Municipality for approval.
- Architectural guidelines for the whole development to realize the intentions of the urban design framework and the heritage indicators set out in section 10 of this report are prepared. The following aspects will need to be addressed:
 - Height restrictions for all buildings across the site as indicated in the proposed SDP. It is however noted that the indicators stated that certain smaller elements of the four storey buildings may extend to five storeys. This is regarded as appropriate to mark key points/intersections in the development and should be controlled through the guidelines.
 - Massing and articulation of the apartment blocks – monolithic blocks are to be disallowed and the guidelines must specify the extent of articulation in detail.
 - Roof shape and colour to ensure variation in design and colour throughout the development, but keeping the colour palette to neutral greys and black
 - Finishes of buildings, using plaster and paint in muted neutral earth tones (no highly reflective white), concrete or stone, with restricted or prohibited use of metal cladding.
 - Openings with restrictions on large reflecting surfaces, and shading of openings, particularly to the east.
 - Lighting, services, security features and signage to be low key and/or not visible as may be appropriate (refer to indicators)
 - Fencing – use of visually permeable fencing on perimeter with werf walls allowed for internal boundaries, provided that screening tree planting is accommodated.

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

16 REFERENCES

Deeds office records

Demacon, 2019: Cloetesdal Residential Development, Market Study and Recommendations

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

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

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

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

<https://gosouth.co.za/w-cape-ministers-of-agriculture-and-community-safety-on-recent-farm-killing/>

(visited 08/10/2019)

ANNEXURE A:

Response to NID and interim comment on Phase One of HIA



Our Ref: HM/STELLENBOSCH/PORTRON 3 OF FARM CLOETSDAL 81
Case No: 19032707A50402E
Enquiries: Andrew September
E-mail: andrew.september@westerncape.gov.za
Tel: 021 453 9543
Date: 10 April 2019

Luanel Visage
 45 Fabrik Street
 Paarl
 7646

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 278 of 2003

NOTIFICATION OF INTENT TO DEVELOP: PROPOSED MIXED-USE DEVELOPMENT ON THE REMAINDER OF PORTION 33 OF FARM CLOETSDAL 81, STELLENBOSCH, SUBMITTED IN TERMS OF SECTION 38(2) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 19032707A50402E

The matter under review is as follows:

Heritage Western Cape is in receipt of your application for the above matter received on 02 April 2019. This matter was discussed at the Heritage Officers' meeting held on 08 April 2019.

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. The HIA must have specific reference to the following:

- visual impacts of the proposed development on the cultural landscape (i.e. Cape Winelands Rural Cultural Landscape)
- integrated results of a detailed public participation process

The required HIA must have an integrated set of recommendations.

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

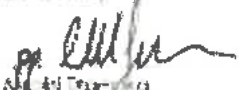
Please note, should you require the HIA to be submitted as a Phased HIA, a written request must be submitted to HWC prior to submission. HWC reserves the right to determine whether a phased HIA is acceptable on a case-by-case basis.

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

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,


 Andrew September
 Chief Executive Officer, Heritage Western Cape

www.westerncape.gov.za/ops

Street Address		Postal Address	
Tel:	021 453 9543	Fax:	021 453 9543
Street/Postal:	45 Fabrik Street, Paarl, 7646	Country:	South Africa
Tel:	021 453 9543		

Our Ref: HM/STELLENBOSCH/REM OF PTN 33 OF FARM 81
 Case No.: 19070813AS0719M
 Enquiries: Andrew September
 E-mail: andrew.september@westerncape.gov.za
 Tel: 021 483 9543
 Date: 19 December 2019

Lize Malan
 PO Box 3421
 Motieland
 7602



INTERIM RESPONSE
 in terms of Section 38(B) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape
 Provincial Gazette 4061, Notice 298 of 2003

HERITAGE IMPACT ASSESSMENT: PROPOSED MIXED-USE DEVELOPMENT ON THE REMAINDER OF PORTION 33 OF FARM 81, CLOETESDAL, STELLENBOSCH, SUBMITTED IN TERMS OF SECTION 38(B) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 19070813AS0719M

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.

INTERIM RESPONSE

The Committee endorsed the identification of heritage resources and the heritage indicators in the Phase 1 HIA in principle. A Phase 2 HIA, including an urban design component, is awaited.

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

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

Yours faithfully


 Dikaxaki Dlamini
 Chief Executive Officer, Heritage Western Cape

ANNEXURE B:
Criteria for Establishing Heritage Significance

Criteria for Establishing Heritage Significance

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

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

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

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

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

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

ANNEXURE C:
Comments on Phase 1 Report
(attached as separate files in electronic version)

ANNEXURE D:

Urban Design Framework (Osmond Lange Architects)

(attached as separate files in electronic version)

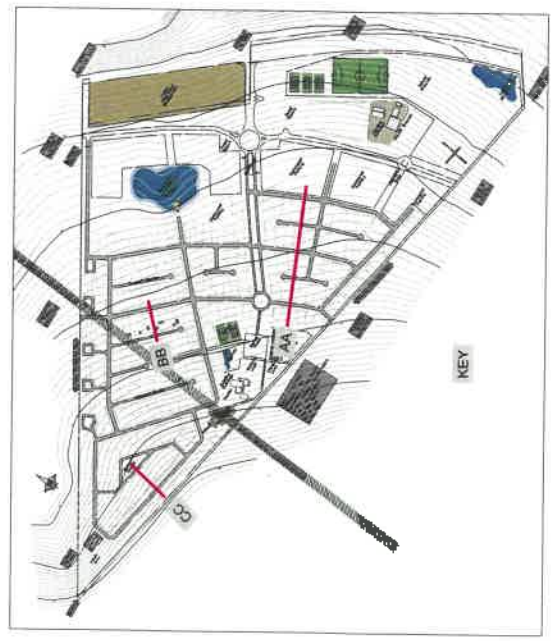
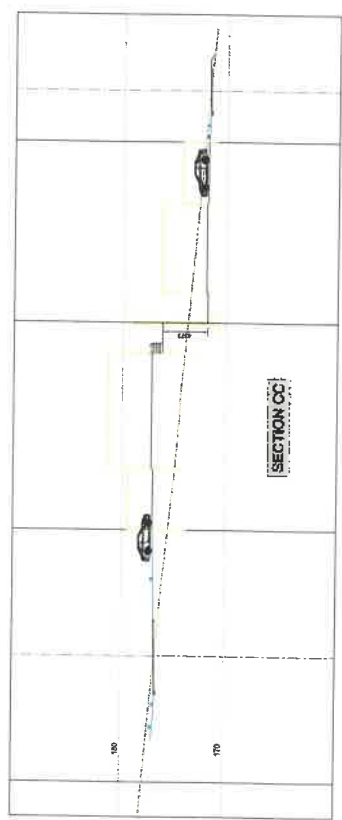
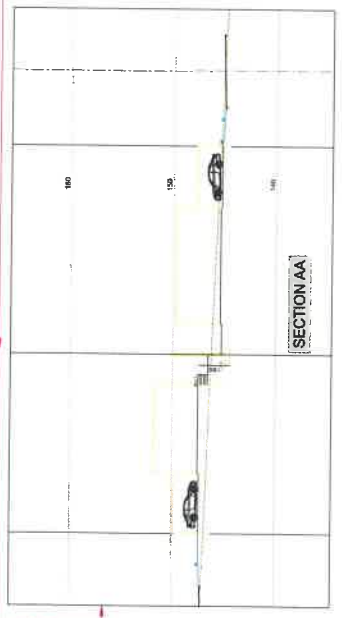
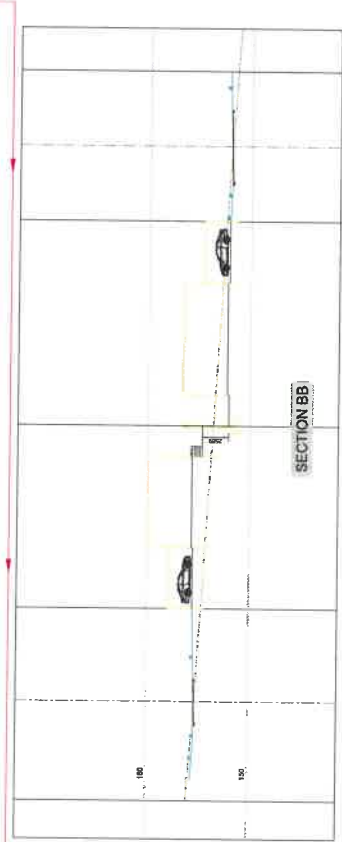
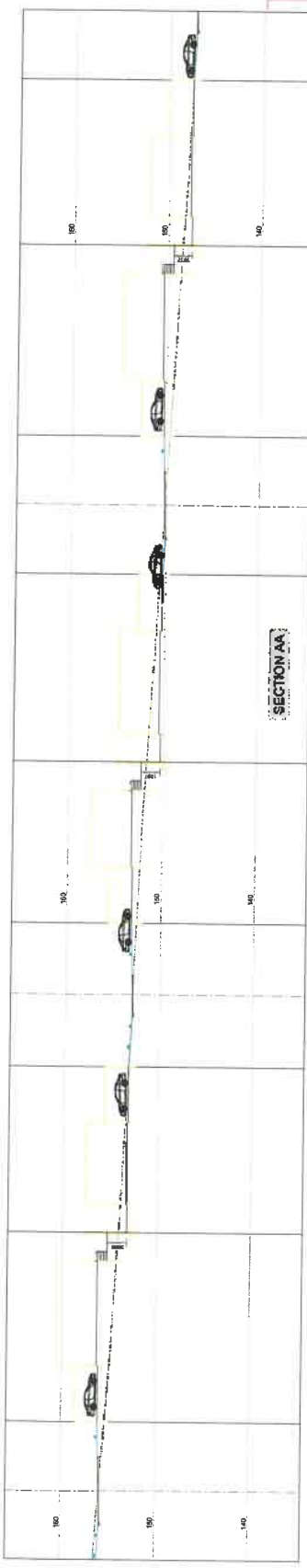
ANNEXURE E:

I&APs invited to comment on BAR & summary of process and comments
(attached as separate files in electronic version)



ANNEXURE N

NOTES:



AMENDMENTS		DATE
No.	DESCRIPTION	
1	ISSUE FOR PERMITS	
2	ISSUE FOR CONSTRUCTION	
3	ISSUE FOR OCCUPANCY	
4	ISSUE FOR FINAL	

DATE OF ISSUE: 2020-04-13
BART/SENEKAL PRC.
 BART/SENEKAL INC.
 CIVIL & STRUCTURAL CONSULTING
 101 WILSON AVENUE
 STE 100
 STERLING HEIGHTS, MI 48310-1000
 TEL: 588-8888
 FAX: 588-8889
 WWW.BARTSENEKAL.COM

newinbosch
 N E I G H B O R H O O D
 DEVELOPMENT ON
 FARM 81733, CLOETESDAL,
 STELLENBOSCH
 TYPICAL SECTIONS

SCALE	1:2000	SHEET OF 1 SHEETS
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AMENDMENTS		DATE
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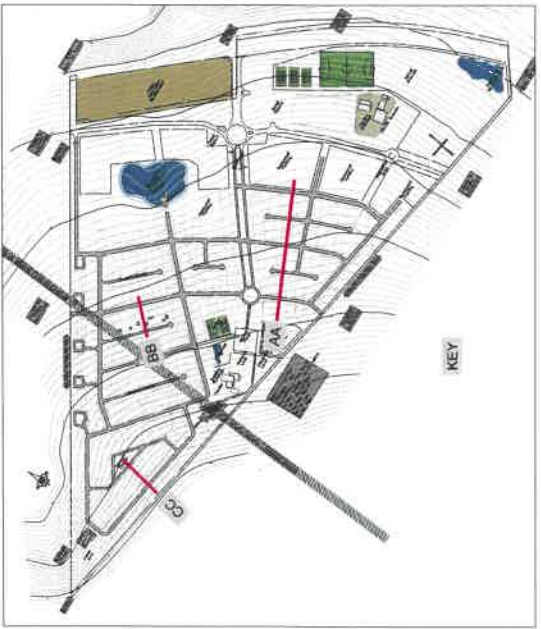
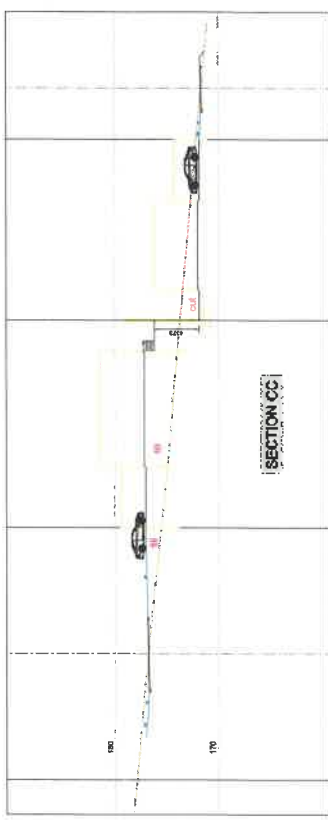
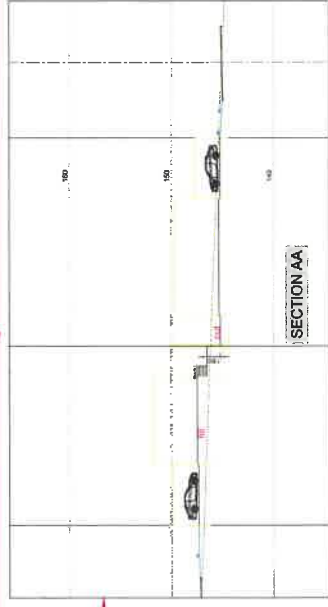
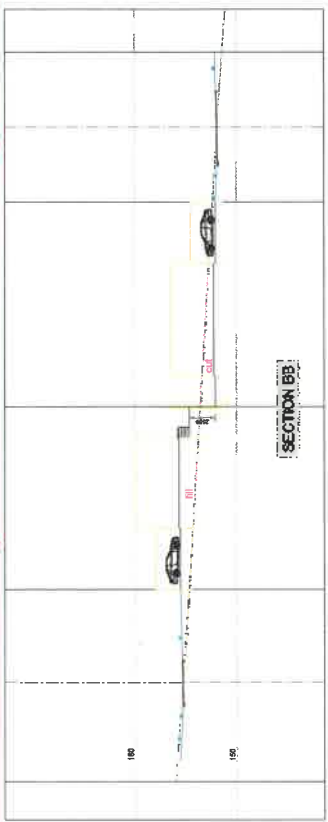
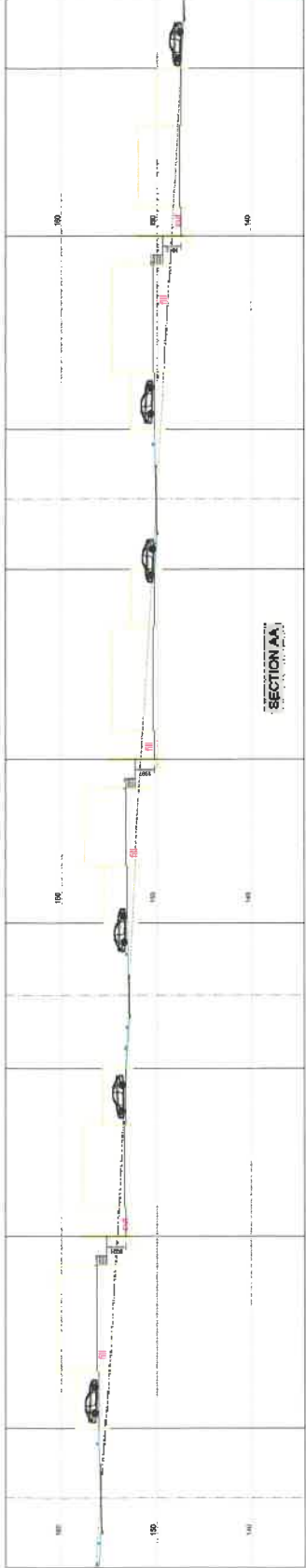

E. J. J. van der Merwe
 Eng. No. 16879
BART GENERAL ENG.


BART GENERAL INC.
 CIVIL & STRUCTURAL CONSULTING
 ENGINEERS
 1111 WILSON ROAD
 STELLENBOSCH 7700
 TEL: 021 885 4444
 FAX: 021 885 4445

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 STELLENBOSCH
 TYPICAL SECTIONS

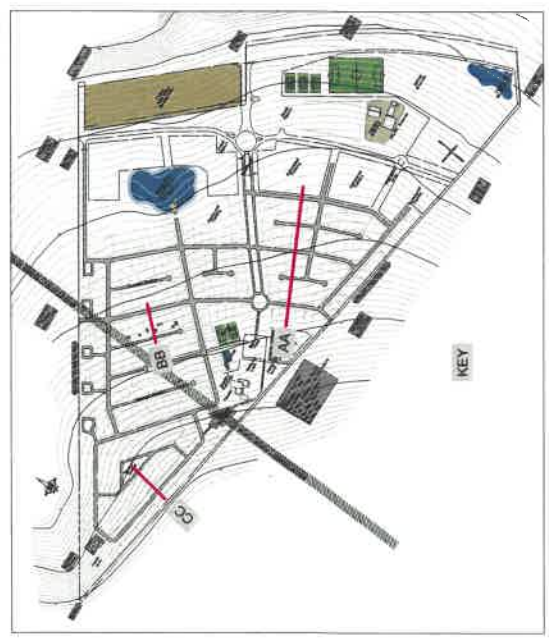
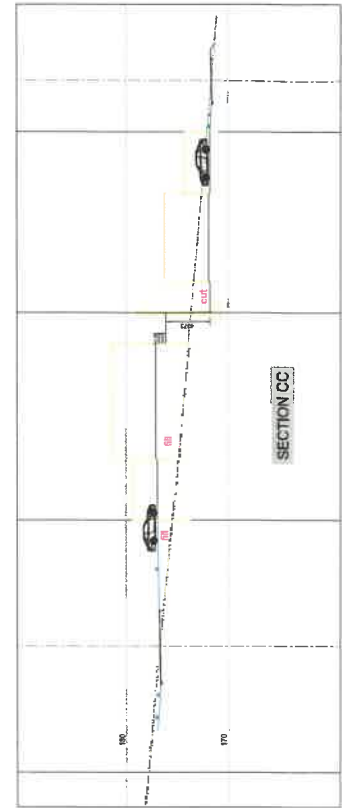
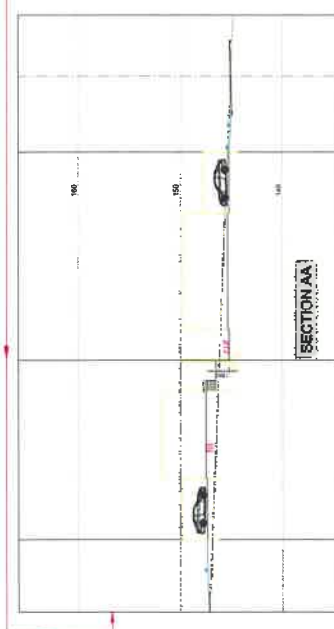
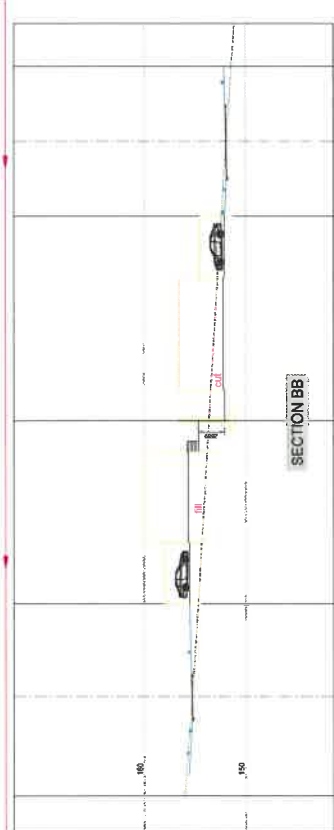
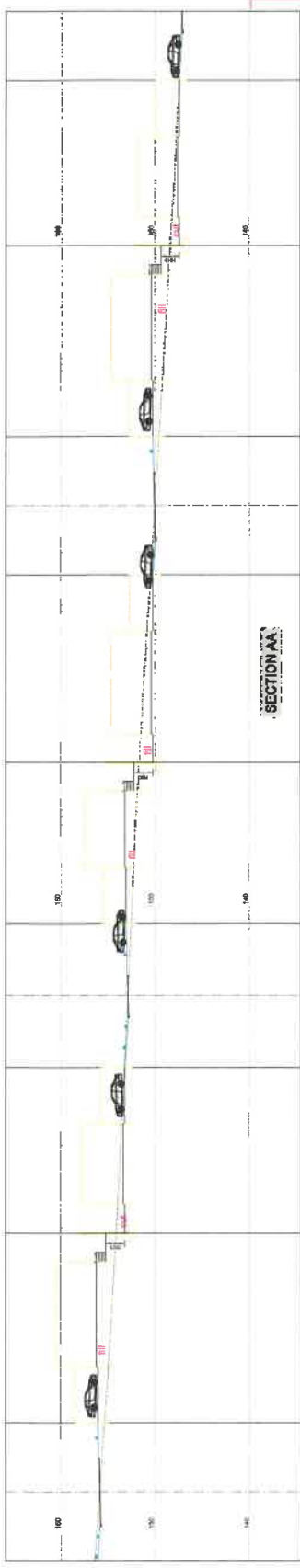
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DATE OF PREPARED: 2020-04-19
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 CIVIL & STRUCTURAL CONSULTING



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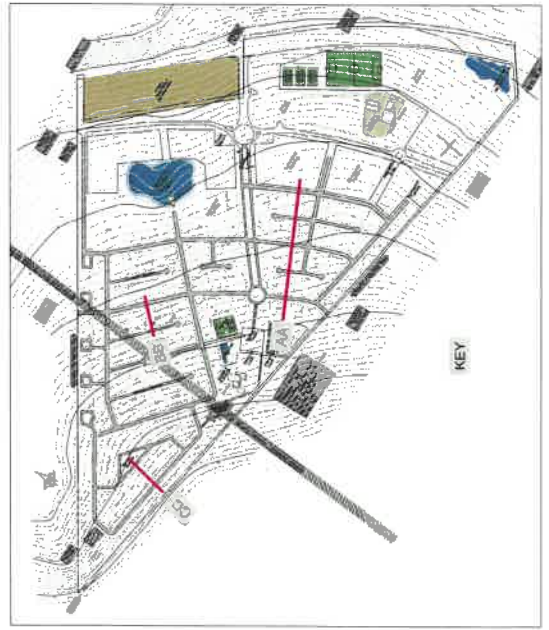
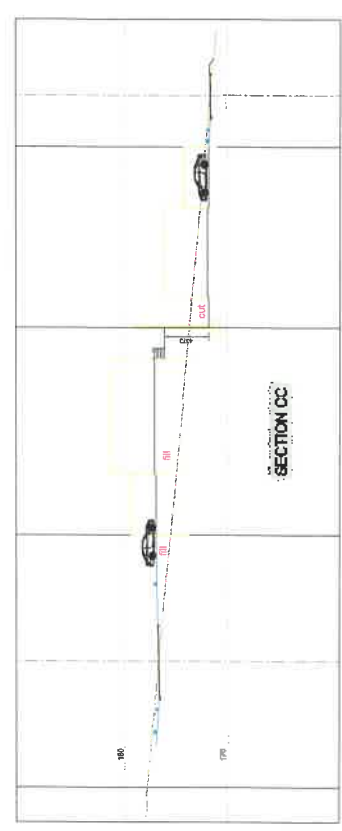
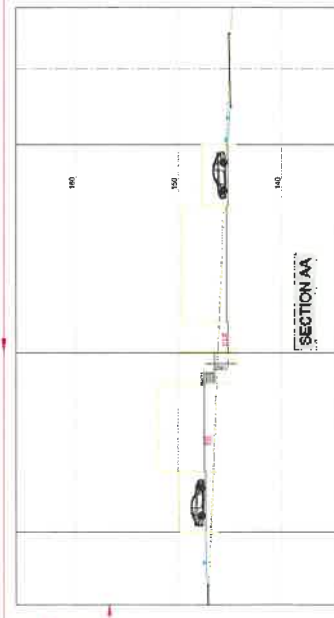
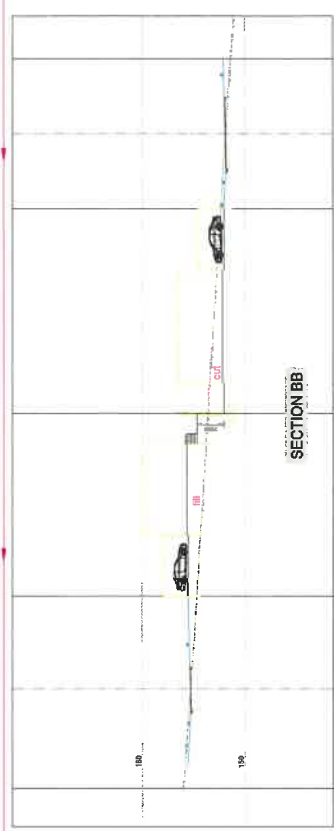
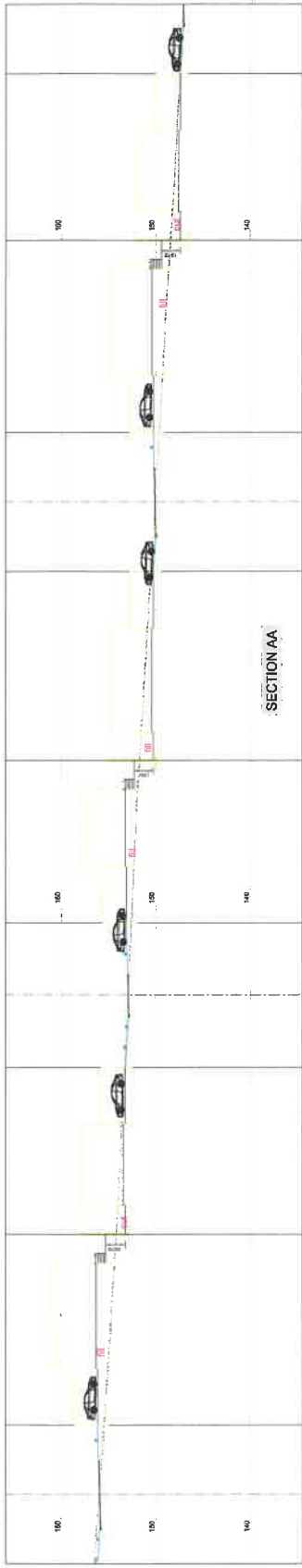
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ANNEXURE O

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9	ISSUED FOR TENDER		
10	ISSUED FOR TENDER		

DATE OF PREPARED: 2020-04-13

BART GENERAL INC.
Civil & Structural Consulting
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16666
17777
18888
19999



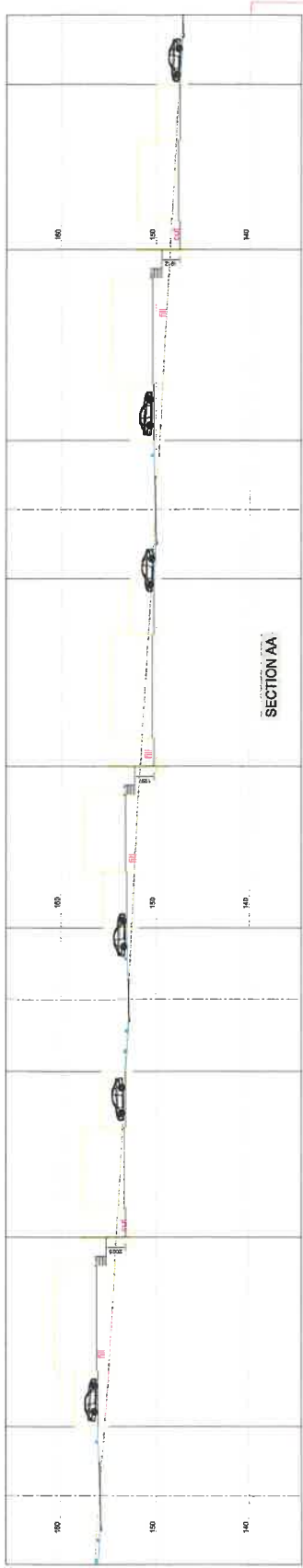
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DEVELOPMENT ON
FARM 81/23, CLOETESDAL,
STELLENBOSCH
TYPICAL SECTIONS

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SHEET NO. OF SHEETS	15 OF 15

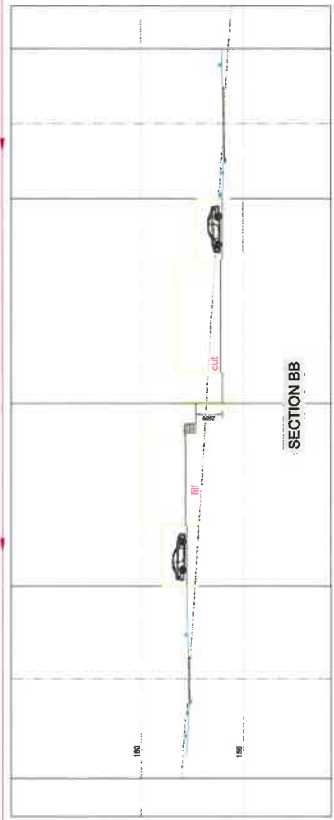
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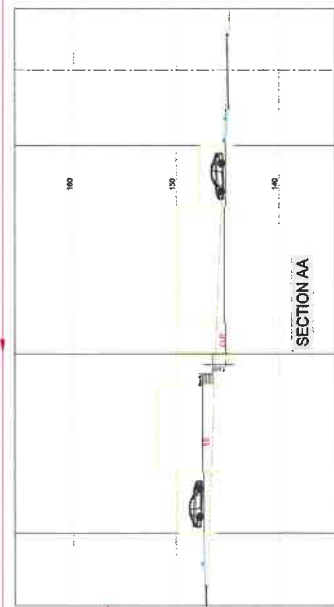
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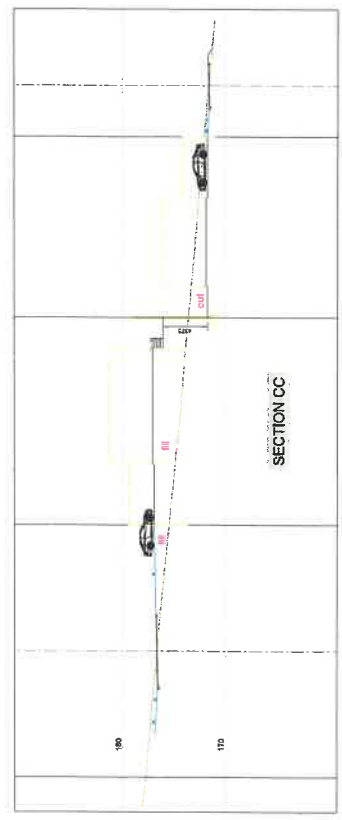
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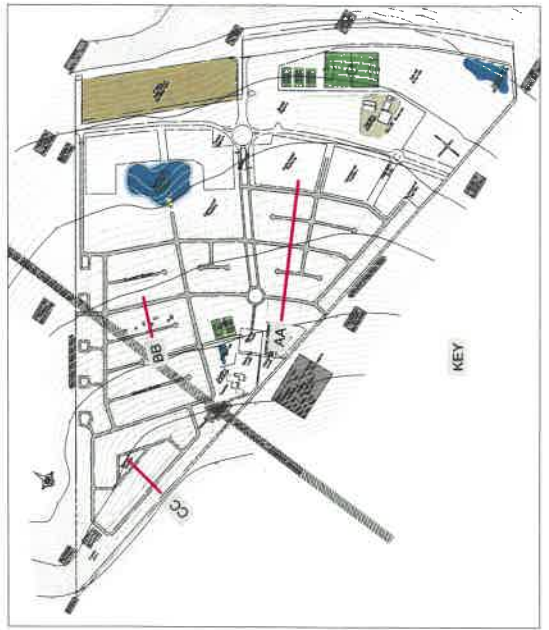
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SECTION AA



SECTION CC



KEY

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DATE OF PREPAREDNESS: 2020-04-13
BART SENEMAL INC.
 CIVIL & STRUCTURAL CONSULTING



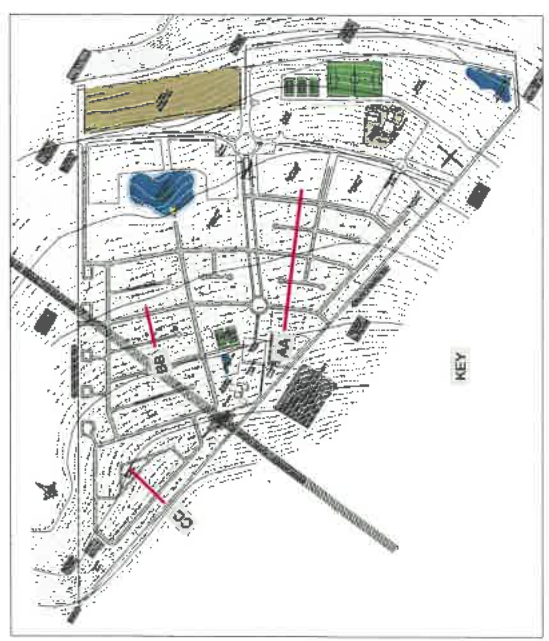
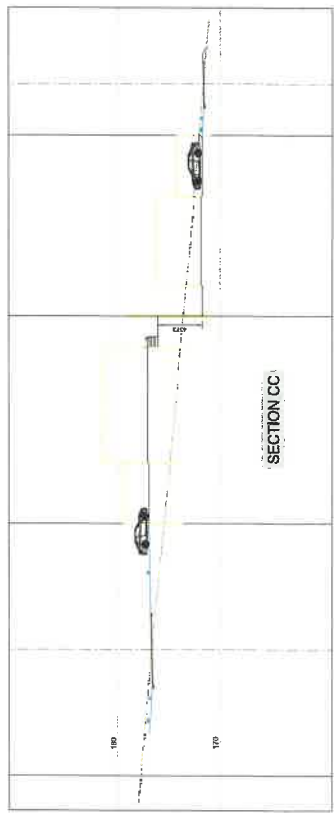
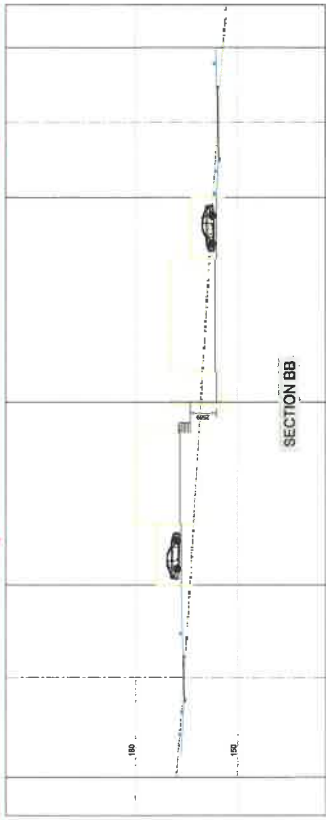
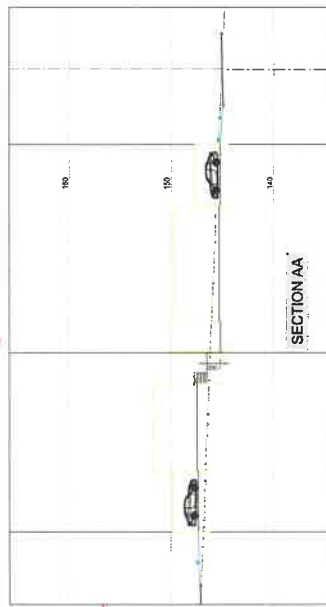
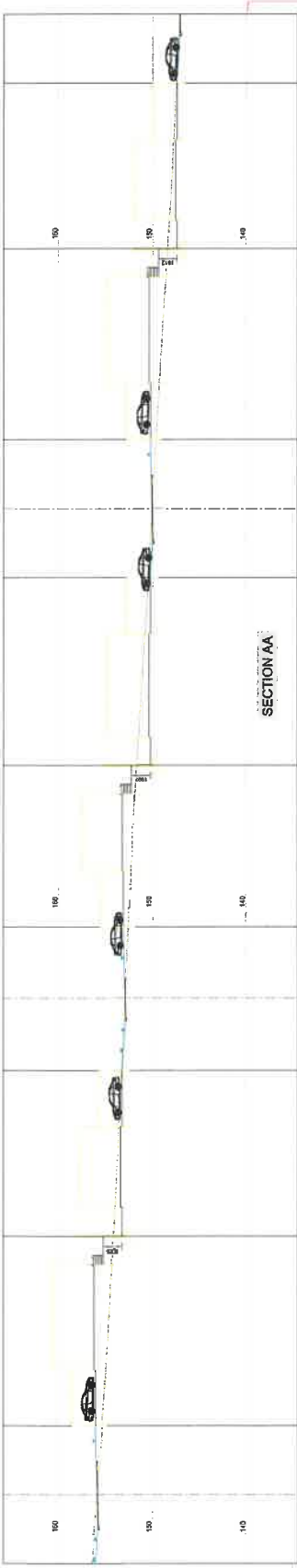
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 FARM 81/33, CLOETESDAL,
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 TYPICAL SECTIONS

DATE: 15/05/2020
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PROJECT: 1399/15

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NOTES:



AMENDMENTS		REV.	DATE

DRAWN BY: *L. S. S. S.*
 CHECKED BY: *L. S. S. S.*
 DATE: 2020-04-13

SART/GENERAL INC.
 Civil & Structural Consulting Engineers
 1185-1195 BROADWAY, 3RD FLOOR
 STELLENBOSCH, 7800
 TEL: 021-885-9194

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 MEESONBURGH

DEVELOPMENT ON
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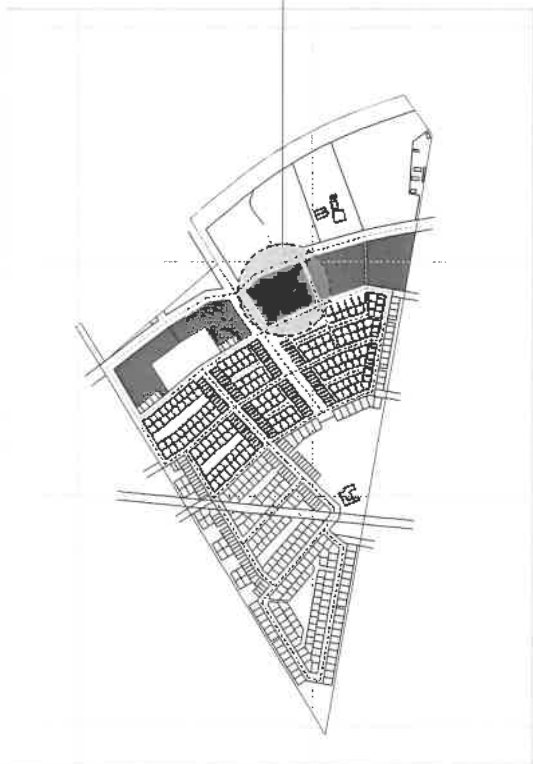
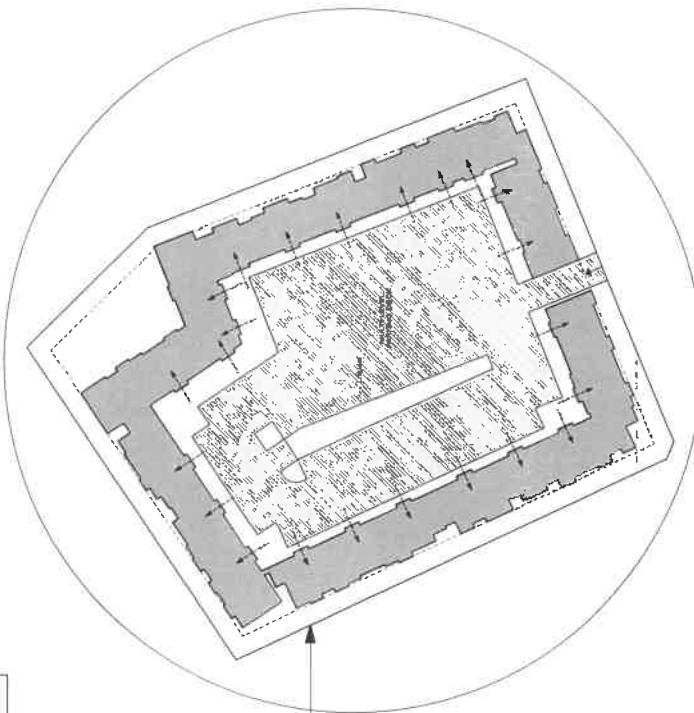
STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

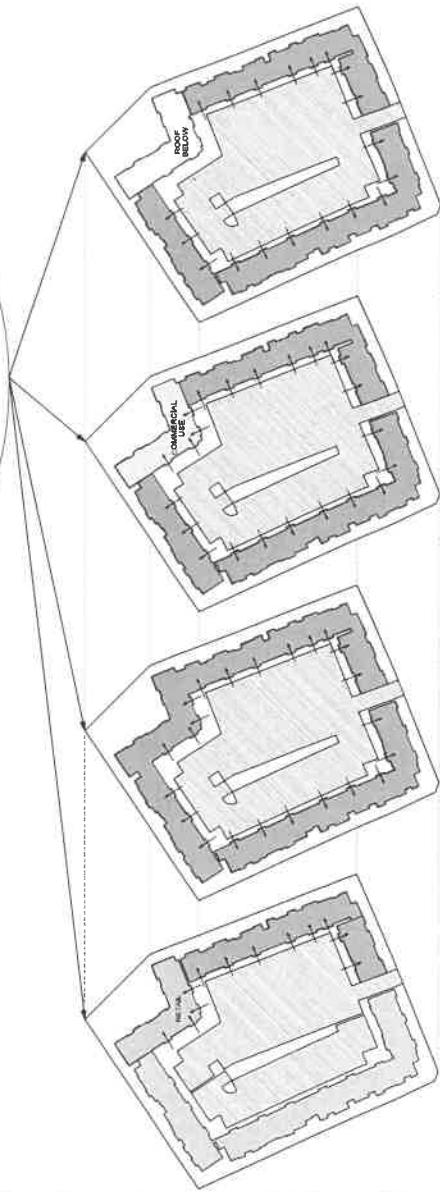
ANNEXURE P

DEVELOPMENT PARAMETERS TABLE

Zoning	Maximals
Land Use	Apartments
FH Size	11 780m ²
Maximum Building Area	3720m ²
Maximum Coverage	21%
Maximum FSR	1.0
Ground Building Lines	4.5m
Over-site Parking	21

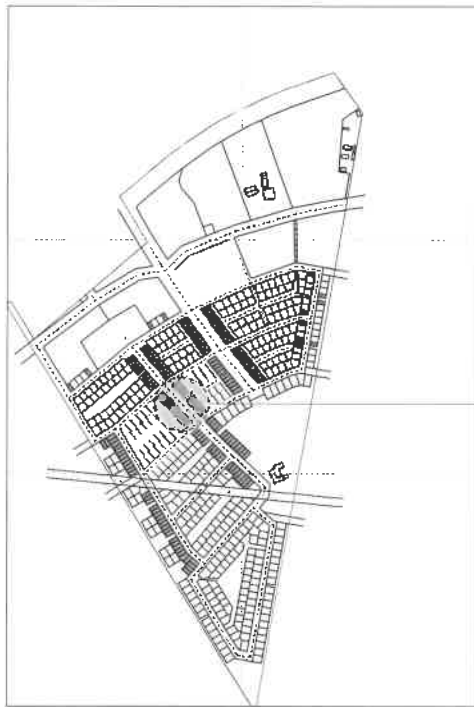


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APARTMENT TYPOLOGY

TYPICAL ROW UNIT TYPES :

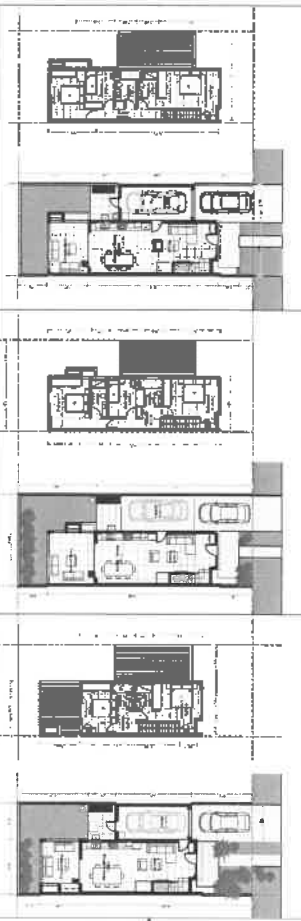


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LOCALITY MAP

DEVELOPMENT PARAMETERS TABLE

Zone	RESIDENTIAL
Land Use	Residential
Lot Size - 20x7.5m	450m ²
Maximum Building Area (GFA)	100% (0%)
Maximum Coverage	50% (0%)
Maximum FRC	100 (0%)
Street Building Line	2.0m
Rear Building Line	1.0m
Common Building Line	4m
On-Site Parking	?



Unit R1

Covered Patio	15.72
Carport	25.00
Unit - Floor	66.25
Unit - Ground	151.07 m ²

Unit R3

Covered Patio	12.22
Unit - Ground	46.71
Unit - Floor	66.09
Unit - Ground	140.02 m ²

Unit R5

Covered Patio	19.04
Carport	20.00
Unit - Floor	81.83
Unit - Ground	156.04 m ²



Unit R1

Covered Patio	18.53
Unit - Floor	41.28
Unit - Ground	59.81 m ²

Unit R2

Covered Patio	15.34
Unit - Floor	41.28
Unit - Ground	56.62
Unit - Ground	112.69 m ²

Unit R3

Covered Patio	15.72
Unit - Floor	41.28
Unit - Ground	45.58
Unit - Ground	111.07 m ²

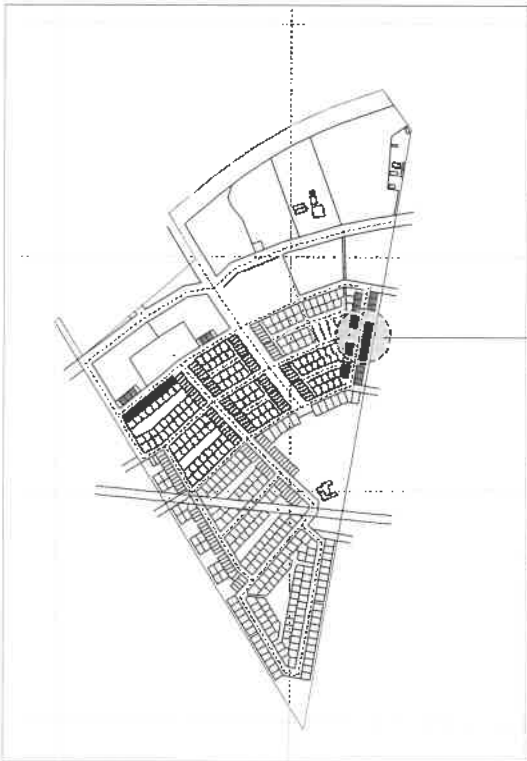
TYPICAL STREET CONFIGURATION

TYPICAL FLISP UNIT:

DEVELOPMENT
PARAMETERS TABLE

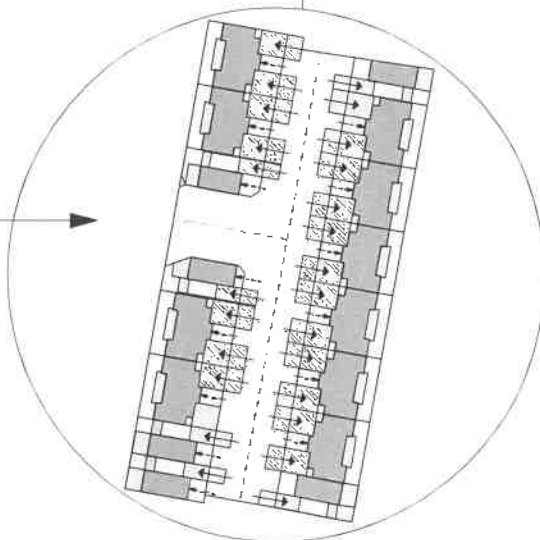
Zoning	Max Unit Per Plot Area	Plot Area Minimum (sqm)
Land Use	20	2000
ErP Bldg - 173,15,20	20	2000
Maximum Building Area	40%	
Maximum Coverage	40%	
Maximum FFL	1.1	
Street Building Line	6m	
Road Building Line	6m	
Common Building Line	6m	
Overhead Parking	4	

Block E1	0.53
Block 2 - Free	0.53
Block 4 - Free	0.53
Covered Park 1 - Covered	0.53
Covered Park 3 - Covered	0.53
Unit 1 - Covered	0.53
Unit 2 - Covered	0.53
Unit 3 - Free	0.53
Unit 4 - Free	0.53
Total	228,34 m²



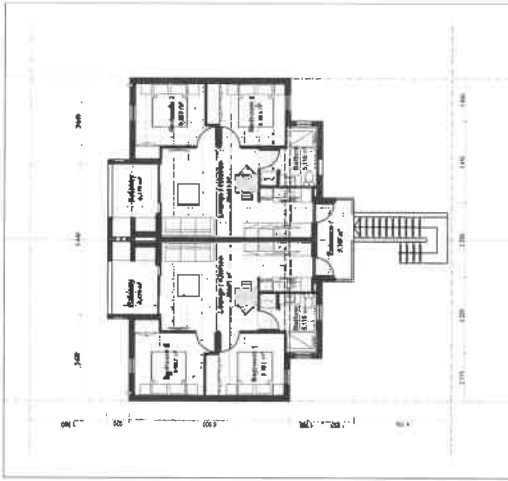
LOCALITY MAP

SCALE 1:5000

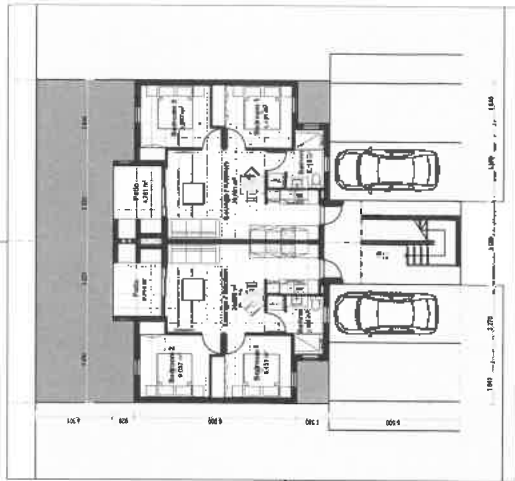


TYPICAL STREET CONFIGURATION

FLISP UNIT TYPOLOGY



FIRST STOREY



GROUND STOREY

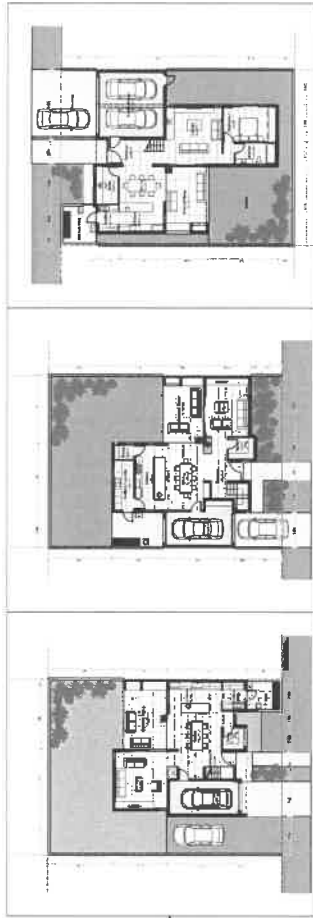
TYPICAL CLUSTER UNIT TYPES:



Unit S3a	
Covered Patio	18,11
Garage	21,19
Unit - First	112,85
Unit - Ground	149,218 m ²

Unit S3b	
Covered Patio	20,00
Garage	20,85
Unit - First	177,87
Unit - Ground	198,323 m ²

Unit S3c	
Covered Patio	15,51
Garage	20,74
Unit - First	96,86
Unit - Ground	72,15
Unit - Ground	168,07 m ²



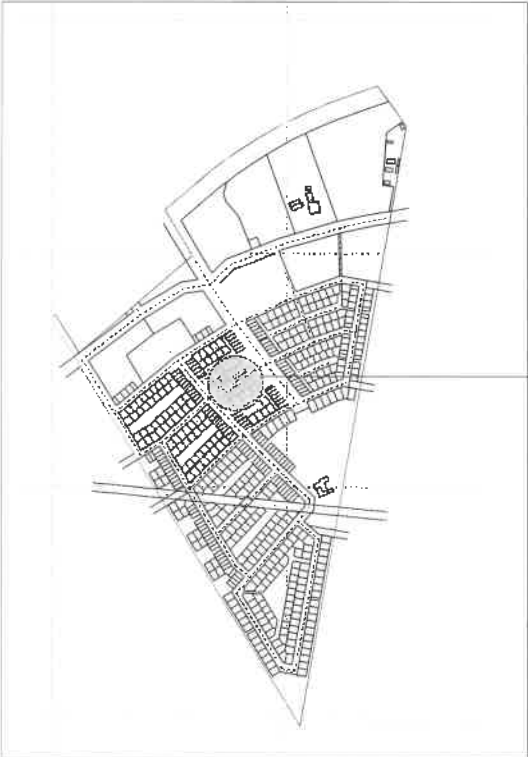
Unit S4	
Covered Patio	23,01
Garage	19,01
Unit - First	97,33
Unit - Ground	9,25
Unit - Ground	179,79 m ²

Unit S5	
Covered Patio	25,00
Garage	25,71
Unit - First	25,75
Unit - Ground	25,81
Unit - Ground	208,80 m ²

Unit S6a	
Covered Patio	21,45
Garage	25,70
Unit - First	88,00
Unit - Ground	96,10
Unit - Ground	221,12 m ²

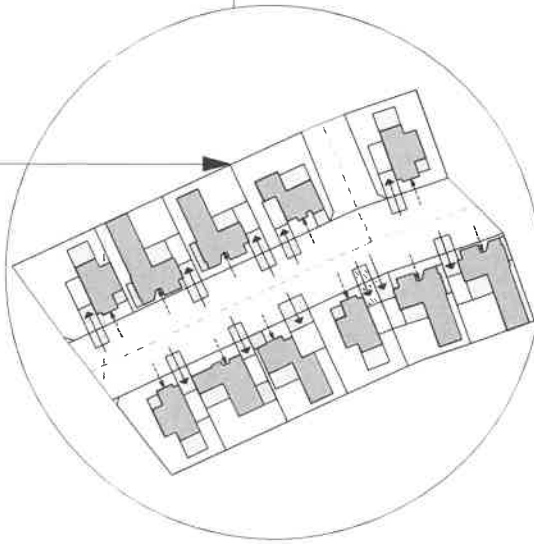
DEVELOPMENT PARAMETERS TABLE

Zoning	Net Unit Residential	Qualifying House
Land Use	skew	
B/L Slope - 10G/1m	12m ²	
Maximum Building Area	40,02	
Maximum Coverage	50%	
Maximum FSR	0,5	
Site Building Use	Um	
Row Building Use	Um	
Common Building Use	Um	
On-Site Parking	8m	



LOCALITY MAP

SCALE 1:5000



TYPICAL STREET CONFIGURATION

SINGLE RESIDENTIAL HOUSE UNIT TYPOLOGY