

NOTICE OF MUNICIPAL PLANNING TRIBUNAL MEETING OF STELLENBOSCH MUNICIPALITY FRIDAY, 2022-04-22 FROM 10:00-15:00

VOLUME 1



NOTICE OF MUNICIPAL PLANNING TRIBUNAL MEETING OF STELLENBOSCH MUNICIPALITY FRIDAY, 2022-04-22 FROM 10:00-15:00

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

2022-04-22

Chairperson

Dr DJ Du Plessis

Deputy-Chairperson

Ms C Havenga

External Members

Mr C Rabie

Dr R Pool-Stanvliet

Mrs H Crooijmans-Lemmer

Mr J Knight

Mr E Delport

Internal Members

Mr M Williams - Senior Legal Advisor

Mr A van der Merwe: Senior Manager - Community Services

Mr C Alexander: Senior Manager - Development Planning

Mrs M Francis: Senior Manager - Infrastructure Planning, Development and

Implementation, Directorate Infrastructure Services

Technical Advisor

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

Notice is hereby given in terms of Section 75(1) of the Stellenbosch Municipality Land Use Planning By-Law (2015), of the Municipal Planning Tribunal Meeting which will be via MS TEAMS (Virtual Meeting) on FRIDAY, 2022-04-22 from 10h00-15:00 to consider the items on the Agenda.

Dr DJ Du Plessis

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



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MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON FRIDAY, 18TH OF MARCH 2022 via MS TEAMS

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

2022-03-18

Chairperson

Dr DJ Du Plessis

Deputy Chairperson

Ms C Havenga

External Members

Mr C Rabie

Dr R Pool-Stanvliet

Mrs H Crooijmans-Lemmer

Mr E Delport

Mr J Knight

<u>Internal Members</u>

Mr A van der Merwe: Senior Manager - Community Services

Mr C Alexander: Senior Manager-Development Planning

Mr M Williams: Legal Advisor

Technical Advisor

Mr K Munro: Director - Development Management, Department Environmental

Affairs and Development Planning

Officials

Mrs C Kriel: Manager: Land -Use Management

Mr P April: Senior Town Planner

Mr R Fooy: Senior Town Planner

Ms B Zondo: Senior Town Planner

Ms N Dafeti: Town Planner

Ms O Sims: Administrative Officer

Ms Lenacia Kamineth: Senior Administrative Officer

Mr Colin Taylor: Infrastructure Services

ITEM	SUBJECT
SMPT 01/03/22	OPENING AND WELCOME
	Chairperson Du Plessis welcomed all.
SMPT 02/03/22	LEAVE OF ABSENCE
	Mr Stiaan Carstens Mrs Myra Francis
SMPT 03/03/22	DISCLOSURE OF INTERESTS
	Mr Craig Alexander informed the meeting that he is responsible for the development of the LED Hub on Erf 2751 and recused himself from participating in the decision.

SMPT 04/03/22	MINUTES OF THE PREVIOUS MEETING DATED 21 JANUARY 2022
	The minutes of the previous meeting was noted.

	MATTERS FOR CONSIDERATION
SMPT	APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE DEEDS CONDITIONS
05/03/22	AND CONSENT USE ON FARM NO 1653, PAARL DIVISION (LU/9520)
	Discussion:
	a) Chairperson Du Plessis handed over to Mrs Dafeti to provide a short
	summary of the application.
	b) It was indicated that the Power of Attorney was not included in the
	report although it is on file.
	c) A copy of the Power of Attorney was reflected on the screen and
	although the delegation at the time is questioned, it is noted that

- the document was signed by the Stellenbosch Municipality which gives legal effect to it. It may have been signed by the wrong person, however, it is a binding document.
- d) Reference was made to the Oudekraal Judgment and Mr Williams recommended that the item be referred back to the Administration until such time he can confirm that Mr Smit did in fact had the delegation to sign the Power of Attorney.
- e) A request was made that where the property belongs to the Municipality, the Power of Attorney as well as the delegations must be included in the meeting Agenda to give clarity to the MPT.
- f) Reference was made to the objections received and questions were raised on how and where towers will be allowed in future, as well as whether the towers can be used by more than one operator.
- g) It was stated that the Municipal Telecommunication Policy does not identify the areas or preferred radius where cell masts could be constructed.

UNANIMOUSLY RESOLVED:

- That the application in terms of Section 15 of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Farm No. 1653, Paarl Division for:
- 1.1. the **removal of the restrictive title deed conditions** in terms of section 15(2)(f) of said bylaw; and
- 1.2. a Consent Use in terms of Section 15(2)(o) of said bylaw to allow for a 15m high freestanding base telecommunication station with associated equipment

BE REFERRED BACK to address concerns raised.

2. Matters to be addressed:

- 2.1 Confirm whether Mr Smit had the delegation to sign the Power of Attorney.
- 2.2 Indicate the positions of other existing towers in the vicinity.
- 2.3 Provide proof with substantive data of the need for additional towers in the area.

SMPT 06/03/22

APPLICATION FOR CLOSURE OF PUBLIC PLACE ERF 16489, STELLENBOSCH (LU/12577)

Discussion:

- a) Chairperson Du Plessis handed over to Ms Zondo to provide a summary of the application before the Tribunal.
- b) Questions of clarity were raised on the position of the existing and proposed road as indicated on the map.
- c) The proposed road referred to is a 7-metre road which is quite narrow and members indicated that an NMT road for cyclists and pedestrians was preferred as Stellenbosch Municipality is talking about improving their pedestrian infrastructure. This can be incorporated in the conditions should it be approved.
- d) Mr Taylor indicated that this road will be an NMT road in future and that this road was looked at as a drop and go area for the school learners.
- e) Mr Rabie enquired whether a conveyancer certificate was on file and it was indicated that a conveyancer certificate was not submitted.
- f) The location of power lines that runs across the property, and the indication thereof on the map were questioned and Mr Taylor confirmed that the red lines indicate the electricity cables.
- g) It was suggested that in light of the fact that the Municipality already made the decision to transfer the property to the Western Cape Education Department that condition 3.5 be omitted.
- h) It was confirmed that an agreement was put in place in terms of the transfer costs.

UNANIMOUSLY RESOLVED:

- The application made in terms of Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated October 2015, on Erf 16489, Stellenbosch for the:
- 1.1 Closure of a public place in terms of Section 15 (2) (n) of the said Bylaw, 2015, in order to close a portion of Erf 16489 as indicated on the development plan, Drawing PROP SUB-REV1 dated 31 March 2021;

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

2. **CONDITIONS** of Approval:

- 2.1 The approval applies only to the application under consideration as indicated on Drawing: PROP SUB-REV1, Ref: ERF16489, dated 31 March 2021, drawn by Fbv professional land surveyors and 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 be undertaken in accordance with the plan, Drawing PROP SUB-REV1 and dated 31 March 2021 attached as **ANNEXURE C**.
- 2.3 The applicant to inform the Surveyor-General of the closure of the public place in order to amend the diagram accordingly.
- 2.4 An agreement be entered into with the Municipality to address the conditions as imposed by the **Directorate Infrastructure Services** in their letter dated 19 August 2021 and attached as **ANNEXURE K**.
- 3. The reasons for the above decision are as follows:

- 3.1 The scale and nature of the proposal will not compromise the existing character of the surrounding landscape.
- 3.2 The proposal gives effect to a decision by Council to alienate and transfer the land to the Western Cape Government for education purposes.
- 3.3 The implementation of the proposal will reflect the actual use of the land in the current context.

4. Matters to be noted:

- 4.1 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.
- 4.2 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.
- 4.3 The alteration of a public street and consolidation of a closed public place with the abutting Erf 16491 in terms of Section 24(1)(e) and Section 24(1)(d) of the said Bylaw will be decided by the authorised employee.
- 4.4 The zoning of Portion A to be resolved after the closure of the public place.

SMPT 07/03/22

APPLICATION FOR REZONING AND PARTIAL CLOSURE OF A PUBLIC PLACE AND A TEMPORARY DEPARTURE ON ERF 2751, STELLENBOSCH (LU/10301)

Discussion:

a) Chairperson Du Plessis announced the next item on the agenda, where to MPT member Mr Alexander indicated that he wishes to recuse himself and will not participate in the discussion, as this falls within his Department.

- b) Chairperson noted Mr Alexander's request and handed over to Mr April to provide a short summary of the application.
- c) Mr Delport stated that the building is next to a river and he did not see anything in the report with regard to the floodlines and it was noted that there were no alterations to the existing buildings and therefore there was no need to refer to flood lines.
- d) Mr van der Merwe indicated that there are a number of oak trees on the site and he recommended that the oak trees must be maintained and it was stated that there is a lease agreement in place which stipulates the maintenance of the property.
- e) Members seeked clarity on the Power of Attorney and Mr Alexander indicated that there is no third party involved which makes it different than the previous application but Mr Williams stated that the same principle applies as in the previous application and that the delegation at the time needs to be confirmed.

UNANIMOUSLY RESOLVED:

- That the applications in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015:
- 1.1 for **a temporary departure** in terms of Section 15(2)(c) of the said bylaw in order to use Erf 2751, Stellenbosch and a portion of the road known as "Die Laan" for a one-day event (Heritage festival) on 24 September for five years (2021 2026).
- 1.2 Closure of a public place in order to close a part of the Public Open Space being Lease Area 1 (1020m²) and Lease Area 2 (1517m²) over Erf 2751, Stellenbosch in terms of Section 15(2)(n) of the said bylaw.
- 1.3 **Rezoning of Lease Area 1** (1020m²) over Erf 2751, Stellenbosch from Public Open Space to Local Authority (Public Parking Area) in order to accommodate a public parking area, in terms of Section 15(2)(a) of the said bylaw.

1.4 **Rezoning of Lease Area 2** (1517m²) over Erf 2751, Stellenbosch from Public Open Space to General Business, in terms of Section 15(2)(a) of the said bylaw, to establish a Local Economic Development (LED) Hub to accommodate a restaurant, tourist craft and art shops and offices in support of entrepreneurs and start-up businesses.

BE REFERRED BACK to the administration in order to confirm whether Mr Smit had the delegation to sign the Power of Attorney.

SMPT 08/03/22

APPLICATION FOR REZONING TO SUBDIVISIONAL AREA & SUBDIVISION OF FARM NO. 1202/54, JOHANNESDAL, PAARL DIVISION (LU/12632)

Discussion:

- a) The Chairperson handed over to Ms Guntz to provide a summary of the application.
- b) Mr Knight wanted clarity in respect of the open spaces as well as the drainage system to which Mrs Guntz provided clarity.
- c) Chairperson Du Plessis noted there are two entrances to the property and enquired which entrance will be used: the entrance from the east or from the south and it was confirmed that the entrance on the south which is Protea Road that is already constructed, will be used.
- d) The possible connection between the existing cul de sac (adjacent development) and the new cul de sac was questioned and it was requested that the engineer and officials address the concerns.
- e) The steep slope is noted and whether it will it be accessible for a refuse removal truck was questioned and Mr Taylor confirmed that the turning of a refuse truck was modelled and it was found accessible.
- f) The type of structure next to the Logie Development was questioned and it was confirmed that it is a residential structure.

UNANIMOUSLY RESOLVED:

- 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 subdivisional 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 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 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 the 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 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 includes 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.
- 2.10 A detailed landscape plan including a comprehensive plant list be submitted and that the landscaping be implemented prior to the first property being transferred.

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 Johannesdal, 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.

3.7 The proposed development is integrated with the surrounding urban structure.

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**.

SMPT 09/03/22

APPLICATION FOR REZONING, SUBDIVISION, APPROVAL OF DEVELOPMENT NAME, APPROVAL OF SITE DEVELOPMENT PLAN AND ALLOCATION OF STREET NAMES AND NUMBERS, ON FARM 81/33, STELLENBOSCH (LU/10917)

Discussion:

- a) Chairperson announced the last application which served before the Tribunal on the 21st of January 2021. It was referred back to the Administration for additional information.
- b) He handed over to Mr Fooy to provide a summary of the application.

- c) Dr Pool-Stanvliet referred to traffic congestion within Stellenbosch, in specific the R304 road. She stated that this development will add to further traffic congestion in the future. She also emphasised the fact that the duelling of the R304 has been noted as a requirement for this development. Dr Pool-Stanvliet noted her concerns with regard to the traffic congestion that will not be alleviated if not addressed.
- d) Mrs Crooijmans-Lemmer stressed the importance of NMT in this area. She enquired whether the proposed development as it stands reflects the spirit of the draft ATC Development Guidelines.
- e) Mr Alexander replied that the Adam Tas Corridor Development Guidelines is in its final stages. Proposals were put forward for non-motorised transport (NMT). There are continuous discussions with PRASA with regard to the road.
- f) Mr Fooy stated one of the concerns listed by the MPT was inclusionary housing where houses will range between R1.5 R1.9 million.
- g) Mr Munro stated there is a financial feasibility that will drive the developer. The developer will need to finance the complete block of flats which will not always be possible due to financial constraints.
- h) Mr Rabie stated this is a big development area with a limited number of shops and with very little open space development, which is a big concern. He further stated that the application was made for a certain layout plan and the MPT previously requested additional information. The application was however not re-advertised.

UNANIMOUSLY RESOLVED:

- 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 ±20,1ha 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 ±1,33ha in extent for retail purposes;
- 1.1.3 One (1) x **Education Zone** erf measuring ±5,26ha in extent for purposes of a school;
- 1.1.4 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;
- 1.1.5 Eight (8) x **Utility Services Zone** erven measuring ±4,29ha in extent for purposes of a public road and authority use;
- 1.1.6 Forty-One (41) x Private Open Space Zone erven measuring ±12,81ha 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.

- 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:
 - a) Newly allocated erf numbers
 - b) Co-ordinates
 - c) Survey dimensions
 - d) Street names and numbering
- 2.3 The landscaping within each phase of the development 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 Development of individual phases are not necessarily required 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 individual phases includes 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 Each site development plan for the individual phases includes a detailed NMT plan that will ensure that the NMT infrastructure adequately addresses the needs of the residents, is compliant with the norms and standards applicable to such infrastructure, and aligned with the Municipality's proposed NMT network for the area as outlined in the NMT Masterplan.
- 2.11 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.)
- 2.12 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.
- 2.13 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).
- 2.14 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) + $\pm 65 = \pm 1265$ residential units}.
- 2.15 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).
- 2.16 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.
- 2.17 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.

- 2.18 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.
- 2.19 The conditions of approval as imposed by the Road Network Management Directorate of the Department of Transport and Public Works be complied with to the satisfaction of said department, as attached as ANNEXURE I.
- 2.20 An agreement on the provision of Inclusionary Housing opportunities in pursuance of settlement restructuring be concluded with the Municipality prior to the approval of any building plans.

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.
- 3.4 In terms of section 52 of the Land Use Planning Bylaw, 2015 the Municipality may require the advertisement of an application if any amendments are proposed. Although the amended plan increases

the density of the development it is not regarded as substantial and the advertisement of the amended application was not required.

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.
SMPT	OTHER MATTERS
SMPT 10/03/22	OTHER MATTERS
	OTHER MATTERS The next meeting is scheduled for 22 April 2022.

Dr D du Plessis

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL

Mrs C Havenga

DEPUTY CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



STELLENBOSCH PRIEL FRANSCHHOEK

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PLANNING REPORT: LAND USE AND LAND DEVELOPMENT APPLICATION:

APPLICATION FOR REZONING, SUBDIVISION, CONSENT USE, DEPARTURES, APPROVAL OF DEVELOPMENT NAME, APPROVAL OF SITE DEVELOPMENT PLAN AND ALLOCATION OF STREET NAMES AND NUMBERS:

ERF 14601, STELLENBOSCH.

Application Reference	File Ref: 14601 (LU/11728)	Application Date	2020/08/14
		Last day for comments or additional information	2022/04/05

PART A: APPLICANT DETAILS			
First name(s) & Surname	Christine Havenga		
Company name	First Plan Town and Regional Planning		
SACPLAN registration number	A/945/1997		
Registered owner(s)	Catwalk Investments 385 (Pty) Ltd	Is the applicant properly authorised to submit the application	Yes

PART B: PROPERTY DETAILS			
Property description	Erf 14601	Town/ City	Stellenbosch
Physical address	Distillery Road, Stelle	enbosch (See APPEN	NDIX 1)
Extent (m² /ha)	2,6905ha²	Current	Industrial Zone
Existing Development and Current land use	Industrial buildings and manor house		
Any unauthorised land use/building work	None filed.		
Title Deed No.	T18368/2006		

PART C: APPLICATION DETAILS

Application was initially made for:

- Application is made in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015 dated 20 October 2015,
 - a) for the rezoning of Erf 14601, Stellenbosch from Industrial Zone to Subdivisional Area in terms Section 15(2)(a) allowing for;
 - (i) one (1) Mixed-Use Zone property, consisting of 259 dwelling units in 3 to 5 storey blocks of flats and for private road purposes,
 - (ii) two (2) Mixed-Use Zone properties for commercial/office uses and
 - (iii) one (1) Public Road and Parking Zone property for public road purposes.

Applications(s)

- b) for the subdivision of Erf 14601, Stellenbosch into 4 portions of Portion 1 (±20493m² - Mixed-Use Zone), Portion 2 (±1424m² - Mixed-Use Zone), Portion 3 (±2626m² - for a 13.90m road reserve zoned Public Road and Parking Zone) and Portion 4 (±2362m² - Mixed-Use Zone) in terms of Section 15(2)(d).
- c) for departure in terms of Section 15(2)(b) on Portion 1 (Mixed-Use Zone erf) to relax;
 - (i) the common building line (adjacent to Erf 7602) from 4.5m to 3.0m for Residential Block 4.
 - (ii) the common building line (adjacent to Erf 7602) from 4.5m to 3.0m for Residential Block 3.
 - (iii) the common building line (adjacent to the newly created Portion 2) from 4.5m to 2.5m for Residential Block 6.
 - (iv) the common and street building line (adjacent to the newly created Portion 2 and Portion 3) from 4.5m to 0m to allow the

- ablution/changing room facility for the pool and volleyball court.
- (v) the street building line (adjacent to the newly created Portion 3) from 4.5m to 1.5m to allow the Mill House.
- (vi) the street building line (adjacent to the newly created Portion3) from 4.5m to 3.0m to allow for Residential Block 5.
- d) in terms of Section 15(2)(g) of Land Use Planning By-law for a permission to permit in terms Section 106 of the Zoning Scheme By-law flats on the ground floor of all residential building blocks in the mixed-use zone.
- e) in terms of Section 15(2)(o) of Land Use Planning By-law for a consent use to allow a Place of Entertainment (pub) in the existing storage facility located on Portion 4.
- f) in terms of Section 98 of Land Use Planning By-law for the approval of street names (Extension of Distillery Street) and allocation of street numbers.
- 2. Application is also made for;
 - a) the approval of the development name.
 - b) the approval of an overall Site Development Plan (SDP), an SDP for the Residential Precinct (The Mill) and an SDP for the Business Precinct (Manor house and the deli/pub)
 - c) Development Phases plan.
 - d) The landscaping plans.

See APPENDIX 2.

Note: These plans and submission are the amended proposals after advertising and consideration of comments received. The original submission could be found in ANNEXURE 12 of the applicant motivation attached as **APPENDIX 3** to this report.

Additional information submitted by the applicant after previous MPT resolution:

This application has been referred back to the administration at an MPT meeting held on 19 November 2021.

1.1 The Stellenbosch Municipal Planning Tribunal (MPT) at the meeting of 19 November 2021 resolved as follows:

"The application for REZONING, SUBDIVISION, CONSENT USE, DEPARTURES, PERMISSION, APPROVAL OF DEVELOPMENT NAME, APPROVAL OF SITE DEVELOPMENT PLAN AND ALLOCATION OF STREET NAMES AND NUMBERS: ERF 14601, STELLENBOSCH (LU/11728), be referred back to the administration in order for the applicant to address the concerns raised by the Stellenbosch Municipal Planning Tribunal regarding the following matters as soon as possible for urgent finalisation:

- a) To review the proposal to provide for Inclusionary Housing where 20% of the units fall within the earmarked price bracket which will form the basis for an agreement with the Municipality on the implementation and management thereof.
- b) The provision, development and management of the public open space system next to the Plankenberg River with public access points between the public road and open space system.
- c) The minimum width of the Distillery public road extension with due consideration of the provision for NMT requirements.
- d) The need for the pedestrian bridge to serve as additional access between the development and town.
- e) To revise the proposal for the provision of flats on the ground floor to facilitate the development of active public streetscapes and places."
- 1.2 The applicant subsequently submitted the following additional information (See **APPENDIX 12** for the applicants detailed response):

In summary;

a) The applicant now proposed 87units of 28m² (studios units) as part of the revised 285 residential units. Inclusionary housing subsequently forming 31% of the total amount of unites.

- b) The registration of two (2) pedestrian access servitudes in favor of the general public and the local authority are now proposed.
- c) A 16m road reserve is proposed, with a 3m NMT facility on the northern side of the road and a 2m wide sidewalk on the other side of the road.
- d) The applicant is prepared to contribute to the design and construction of such a bridge through development contributions, as confirmed by the Director: Infrastructure services.
- e) The applicant amended the Development Plans in accordance therewith in order that the ground floor of all buildings bordering the public road are now non-residential resulting in an active public streetscape and place.

2. To be considered by the MPT:

- a) In the additional motivation submitted the applicant expressed the view that the legal opinion of DHM Land Law Specialists which form part of their previous response on the inclusivity of the development was not "discussed in any detail and the applicant's legal opinion was neither mentioned nor referred to."
- b) On the previous MPT discussion around provision to be made for a unit mix of inclusionary housing options the applicant responded as follows;

"Resulting from the requirements of the Municipality and the MPT with regard to inclusionary housing, the unit mix of the residential component of the Mixed-Use development on Portion 1 changed. A total of 87 Inclusionary Housing Units (studio units) are now provided. The Stellenbosch Zoning Scheme does not have a parking provision category for studio units and it is accepted that the parking requirement of a 1-bedroom flat unit will apply – thus 1 bay per unit and 0.5 visitor bays.

There is currently no parking ratio requirement for Inclusionary Housing Units in the Stellenbosch Zoning Scheme and no draft Inclusionary Housing Policy is available yet for the Stellenbosch Municipal area. Due to the nature of these studio units and the financial position of future residents thereof it is accepted that these units will not require the same parking ratio as normal one-bedroom units."

The proposed 87 inclusionary housing options of 28m² each, will subsequently from the information supplied only consist of single bedroom units.

c) The amount of residential opportunities has increased from 259 to 285, more than was advertised and also require certain parking departures due to the increase in unit numbers. The amendments made to the plans to accommodate the required 16m Distillery Road reserve extension also requires new permanent departure for existing buildings along this road.

The MPT's attention is drawn to the following;

Section 52(1) of the Stellenbosch Municipal Land Use Planning By-law (2015) makes provision for an applicant to amend his or her application at any time before the approval of the application;

- (i) At the applicant's own initiative;
- (ii) As a result of a comments submitted during the notice process; or
- (iii) At the request of the Municipality

In this regard the municipal decision-making authority (the MPT) requested additional information, which require amendments to the proposed development plans.

Section 52(2) of the said bylaw stipulates that if an amendment to an application is material, the municipality must give notice of the amendment of all municipal departments and other organs of state and request them to submit comments on the amendments within 21 days. It can be confirmed that considering the amendments to the Development Plans and subdivisional plans around the historical buildings, the applicant requested revised comments from Heritage Western Cape, who approved the amended plans in a letter dated 01 April 2022 (See **APPENDIX 15**). Considering that the Municipal Infrastructure Directorate were satisfy with a 13m road reserve in the initial correspondence, the revised 16m road reserve was discussed with the department. The applicant in the response indicated that the revised proposal that conforms to the NMT requirements was in principle acceptable for the departmental officials. A typical cross section as discussed with the Municipal Engineering Section has been attached to the applicant additional information in **APPENDIX 12**.

Section 52(3) of the said bylaw further stipulates that if an amendment to an application is material, the Municipality may require that further notices be published or served. It's this departmental view that the additional number of units will not increase the bulk of the development advertised. The increase in the number of units (which is supported by the ATC densification principles), the subsequent required parking and building departures would not material impact negatively on any interested and affected party and do not require any further advertising.

- d) The proposed registration of two (2) pedestrian access servitudes in favour of the general public and the local authority now proposed, adequately address the concerns raised at the MPT relating to provision of either subdivided units or servitudes registered to alienate the access to the river from the development. The developer undertakes to develop and landscape the public servitudes themselves. No further advertising was also warranted in this regard, as these features was advertised on the initial plans submitted.
- e) The proposed 16m road reserve proposed, with a 3m NMT facility on the northern side of the road and a 2m wide sidewalk on the other side of the road was discussed with the municipal engineering section and the proposal subsequently presents was informed by these discussions.
- f) The applicant is prepared to contribute to the design and construction of such a bridge through development contributions, as confirmed by the Director: Infrastructure services.
- g) The applicant amended the Development Plans in order that the ground floor of all buildings bordering and with direct access the public road is now non-residential, resulting in an active public streetscape and place. These proposals were also resubmitted to Heritage Western Cape who approved the amended plans and subsequently the interaction of the new street scape, with not only the heritage related aspects but as well as the impact of the streetscape now created along this access road on the new, as well as heritage buildings.
- h) All other response on the MPT discussions is covered in the applicant's additional information listed in **APPENDIX 12**.

Revised application submitted by the applicant for consideration:

- In terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning Bylaw 2015; for the
 the Rezoning of Erf 14601, Stellenbosch from Industrial Zone to Subdivisional Area allowing for
 Mixed-Use Zone (285 dwelling units within six 3 to 5 storey blocks of flats, some commercial/office
 uses and private roads) and a Public Roads and Parking Zone.
- 2. In terms of Section 15(2)(d) of the said bylaw; for the Subdivision of Erf 14601 Stellenbosch into 4 portions, namely Portion 1 (± 2,0291 ha Mixed-Use Zone), Portion 2 (± 1 320 m² Mixed-Use Zone), Portion 3 (± 3 200 m² Public Roads and Parking Zone) and Portion 4 (± 2 090 m² Mixed Use Zone) as per proposed Subdivision Plan nr FP/0220/977 Rev3, dated 14 February 2022.

The subdivision also makes provision for the registration of two servitudes:

- a) A pedestrian access servitude in favour of the general public and local authority on the south-eastern boundary of the property.
- b) 3 m wide pedestrian access servitude in favour of the general public and local authority on the south -eastern boundary of the property.
- 3. In terms of Section 15(2)(b) of the said bylaw; for the following permanent departures:
 - 3.1 Portion 1 (Mixed Use Development flats and commercial land uses)
 - (a) To relax the common building line (adjacent to Erf 7602) from 4.5m to 3.0m for Block 3, 4 and 6).
 - (a) To relax the street building line (adjacent to the newly created Portion 3) from 4.5m to 1.5m to allow for the Mill House.
 - (b) To provide 405 parking bays in lieu of 454 parking bays for the residential (flats) components of the Mixed-Use development on Portion 1
 - 3.2 Portion 2 (Manor House)
 - (a) To provide 22 parking bays in lieu of 24 parking bays.
 - 3.3 Portion 4 (The Shed)
 - (a) To provide 22 parking bays in lieu of 27 parking bays.

- 4. In terms of Section 15(g); Permission to allow for flats on the ground floors in a Mixed-Use Zone for Blocks 1, 2, 3 and 4 and partially for blocks 5 and 6 on Portion 1.
- 5. In terms of Section 15(o); a Consent Use to allow a Place of Entertainment (pub) within a Mixed-Use Zone on Portion 2 (Manor House).
- 6. In terms of Section 98; Approval of the Name of the Development. The development will be known as The Mill.
- 7. In terms of Section 15(g); Approval of Site Development Plan Package (attached as APPENDIX 14), containing the following plans;
 - (a) Overall Site Development Plan, plan number ABN E/01/AR/0010, dated 15 February 2022, RevB
 - (b) Site Development Plan for the Residential Precinct ("The Mill") located on Portion 1 of Erf 14601 Stellenbosch, plan number ABNE-01-AR-0011, dated 15 February 2022, Rev B
 - (c) Site Development Plan for the Business Precinct (manor house and the deli/pub) located on Portion 2 of Erf 14601 Stellenbosch, plan number ABNE/01/AR/0012, dated 15 February 2022, Rev B
 - (d) Access and Parking Layout Plan, plan number ABNE-01-AR-0013, dated 15 February 2022, Rev B
 - (e) Phasing Plan, plan number ABNE-01-AR-0015, dated 15 February 2022, Rev B
 - (f) General Elevations ABNE-01-AR-3000, dated 15 February 2022, Rev B

The development proposal for Erf 14601, Stellenbosch makes provision for a mixed-use development comprising;

Purpose of Application: Background and motivation of Applicant

- A sectional title scheme of 285 residential units together with private recreational facilities;
- The repurposing of an existing warehouse as a deli/bistro/publinked with a large outdoor piazza to the commercial/retail component of the Bosmans Business Centre on the adjacent Erf 6201 which will provided a vibrant social hub for the precinct, and
- The inclusion of the existing Manor House on a separate erf to be used for commercial purposes.

	The proposed development will contribute to a balanced mixed-use area and it is anticipated that the development itself will act as a catalyst for the Bosmans Crossing precinct with the occupants of the Bosmans
Business Centre choosing to reside in the residential compin a safe-live-work-study-play safe neighbourhood.	
	Due to the size and scale the development has the critical mass to transform the Bosmans Crossing precinct into a vibrant, safe community orientated walkable neighbourhood in accordance with the principles of the Stellenbosch Integrated Development Plan (IDP), the Stellenbosch Municipal Spatial Development Framework (MSDF) and the Adam Tas Corridor (ATC) catalytic initiative and provide a access through the property to the adjacent Bergkelder site.
	See APPENDIX 3 for the applicant's motivational report.
	It should be noted that the initial proposal made provision for 253 residential unit, was amended to 259 units after the development plans was amended and now again amended to 285 units.
Pre-consultation	Yes
	The portfolio of evidence was received by the municipality on 10 September 2021.
Public participation, and external departmental comments and response	The applicant advertised the application in the "Eikestadnuus", onsite and notices sent to all identified interested and affected parties on 24 September 2020 for 30days. One objection/comment was received within the prescribed 30day period from the Stellenbosch Interest Group. See APPENDIX 4 for the applicants Portfolio of Evidence for the objection and comments on the objection from the applicant.
	The application was also advertised to the following external departments;

- Heritage Western Cape took a resolution on 21 July 2021 to endorse
 the recommendations in the HIA and supplementary report prepared
 by Cindy Postlethwayt and Chris Snelling dated June 202021, subject
 to certain conditions (See APPENDIX 5);
 - The submission of building plans for any future proposed alterations to the "Manor" House to HWC for approval, prior to the submission of final building plans.
 - The submission of building plans for any future alterations/additions to the warehouse to HWC for approval, prior to the submission of final building plans.
 - The retention and display of the mill workings within the Mill House.
 - Archaeological monitoring of the subsurface excavations when demolition of the large warehouse occurs, to confirm the presence or footprint of the original mill remains.
- 4. The Director: Development Management from the Department of Environmental Affairs and Development Planning on 01/12/2020 recommended the application for approval but that the Site Development Plan Package, which should include the inclusionary housing institutional arrangements should only be considered at a later stage when all concerns have been addressed and the applicant demonstrate compliance with the SDF. See APPENDIX 6.
- 5. The Department of Transport and Public Works in a letter dated 15 December 2020 objected to the application, but should the concerns raised by them in the letter be addressed in a revised Traffic Impact Assessment, that they would be willing to review their comments. See APPENDIX 7. The revised TIA make recommendation on a second dedicated left-turn lane on the Oude Libertas Street-approached and provision of traffic signals on the Oude Libertas Street/Distillery Road/Flamingo Road intersection. Subsequently addressing some of the concerns from the department. No revised comments were however obtained from the subject department.

The applications were internally advertised by the department to Directorate: Infrastructure Services (Civil and Electrical), The Directorate: Community Service (Environmental Planner), Spatial Planning, the Ward and Portfolio Councillors on 17 September 2020 via email.

Comments received

- The application was recommended for approval by the Spatial Planning Section, but that the Site Development Plan only be considered at a later stage, once the concerns in their report is addressed appropriately. See ANNEXURE 8 for the recommendation from the department.
- 2. The Directorate: Infrastructure Services (Civil and Electrical) recommended the application for approval subject to certain conditions. See **ANNEXURE 9**.

Comments from internal service departments

It should be noted that the applicant responded on certain conditions of the engineering department; In short requested the following amendments;

- Building plan approval and construction activities to commence prior to the repairs havening been completed should an alternative access be identified if necessary.
 - In-lieu of the conditions that no construction may commence before repairs to the Bosman Crossing Bridge is completed.
- The condition that requires the developer to take the development rights in 2 years, be amended to 5 years which is aligned to the town planning validity period.
- Credit should be given for the buildings classified as General Industrial – light or at the very least the Manor House which is to be retained in its existing format should be credited as Local

Business – office and the remaining buildings as Warehousing which appears to be a new classification in terms of the 2021-2021 tariff Book.

These amendments could be address in a final service level agreement between the developer and the municipality.

- The Department of Community Services (Environmental Planner)
 have no objection to the application, subject to certain conditions.
 See ANNEXURE 10.
- 4. No comments were received from the Ward and Portfolio Councillor.

PART D: ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

OUTCOME OF PUBLIC PARTICIPATION PROCESS;

Objections/Comments received (See **ANNEXURE 8** in the applicants Portfolio of Evidence {POE} attached as **APPENDIX 4**);

• **Stellenbosch Interest Group** did not formally object, but commented that they are "hesitant that a blanket approval be given for the following reasons;

"It is the concern of SIG that this development has been submitted prior to the finalisation of the Adam Tas Corridor Spatial Development Framework (the municipality is in the process of appointing a consultant to prepare this SDF). This type of piecemeal planning approach is not conducive to protecting heritage landscapes. We are of the opinion that all the built environment heritage in the Adam Tas Corridor should first be identified, mapped and then all proposed new developments (such as this application) should holistically be planned for in the context of the Adam Tas Corridor SDF."

Applicant's comments (See APPENDIX 4 for the POE);

A heritage Impact Assessment was undertaken, addressing the history, the archaeology, heritage context, relevant policy and identified heritage resources and approved by Heritage Western Cape on 21 July 2021. Notwithstanding the afore-mentioned, there was extensive consultation with the consultants appointed for the Adam Tas Local SDF, the Spatial Planning Section of the Municipality as well as the adjacent property owners. It was further recommended by the ATC project team that the Municipality may consider lead projects to commence development prior to completion and adoption of the individual Precinct Plans of the ATC – if it is considered that the specific project will contribute to the overall development objectives for the area, do not impede future opportunity, and assist in learning about and enabling future rollout of development in the area.

The opinion is held that this project went through and intensive process of negotiation and discussion with all relevant role players and would play an important role to kick start development within the ATC in a sustainable and positive manner.

DEPARTMENTAL ASSESSMENT:

The subject land portions are currently occupied by extensive industrial buildings to be demolished and historically significant buildings to be retained. It is located in an area characterized by a mixed of land uses, which includes winery, office, warehousing, industrial, residential and general business activities. See site photos attached as **APPENDIX 11**.

The proposal:

The proposal entails the rezoning of Erf 14601, Stellenbosch from industrial to mixed-use zone and public road purposes. The development proposal will include residential and business sites;

• Residential

- > 84 two (2) bedroom units
- > 57 small three (3) bedroom units
- > 42 large three (3) bedroom units
- > 15 one (1) bedroom units
- 87 inclusionary housing units
- In total 285 residential opportunities, representing 140units/ha

Business GLA

- > 475m² for Blocks 5 and 6
- > 592m² for Manor house

- > 684m² for Shed
- > 42m² commercial amenities
- **Clubhouse** of 85m² for private amenities to the residential scheme.
- Parking will be provided as required in the zoning scheme bylaw (454 required and 405 provided) with subsequently departures applied for.
- Height of buildings will not exceed 6 storeys as provided by the zoning scheme by-law, considering that 3 to 5 storey buildings are proposed, with the highest building set-back on the north-western side of the development, in the back drop of the mountain.

Access to the property:

Access is obtained from the Adams Tas Road, over Oude Libertas onto Distillery Road which ends at Erf 14601, Stellenbosch. A historical single lane bridge (See photos in APPENDIX 12) over a river grant, access to the development property. The municipality is currently in the process to ensure that safe access could be obtained for specifically construction vehicles over the subject bridge, with the intend to upgrade the bridge to provide dual access lanes. The traffic impact assessment proposed additional upgrades at the Flamingo and Distillery Street intersection and at the Adam Tas and Oude Libertas intersection, which was not objected to by the applicant or the municipality. The proposals were supported by the Municipal Engineering's Directorate.

A 13m public road reserve is also proposed over Erf 14601, Stellenbosch linking up to the Bergkelder site to the north of the property, to provide a future road link for new developments. This road reserve was regarded as sufficient provision for the required road class category by the municipal engineers.

Concerns from SIG and objection from Provincial Roads Authority:

No objections were raised against the development concept from surrounding properties, although concerns were raised by the Stellenbosch Interest Group that the application is premature in the context of the Adam Tas Corridor for which the compilation of a Local SDF is still in process. It is confirmed that the municipality is currently in process to finalize a Local Spatial Development Framework for the Adam Tas Corridor, of which this property forms part. In the absence of a policy, the municipality may not prohibit the applicant from applying and is obligated to proceed with advertising, assessing and make a recommendation for a decision on any application received. Hence this application before the decision maker.

An objection, which was not addresses in the Portfolio of Evidence from the applicant, was also received from the Department of Transport and Public Works dated 15 December 2020 (See APPPENDIX 7). They however indicated that should the concerns raised by them in the letter, be

addressed in a revised Traffic Impact Assessment, that they would be willing to review their comments. As previously mentioned, the revised TIA made recommendations on a second dedicated left-turn lane on the Oude Libertas Street-approach to Adam Tas Road intersection and provision of traffic signals on the Oude Libertas Street/Distillery Road/Flamingo Road intersection, subsequently addressing some of the concerns from the subject department. Although no revised comments were however obtained from the subject roads department, it's this departments opinion that full consideration was given in the municipal engineering comments to deal with the concern of the Provincial Roads Authority at the Adam Tas road intersection. The Provincial Roads Authority's consent must in any event be obtained for any work to be done at the Adam Tas Road intersection. It would therefore be advisable that the Provincial Roads Authorities approval be obtained by the applicant/owners and all conditions be adhered too, should this application be considered for approval by the municipal decision maker.

Content of the Municipal Spatial Development Framework (MSDF) and inclusionary housing requirements in the context of the Adam Tas Corridor.

These MSDF principles will assist with the processing of development applications, demonstrating conformance with different sectoral policies, etc.

Erf 14601, Stellenbosch is located in the Adam Tas Corridor as described by the Municipal Spatial Development Framework (2019) and currently only have access over the Distillery Road to the Adam Tas Road intersection. The MSDF identify the area (the property is located in), as a catalytic site for significant new mixed-use development, with a high-density urban district and strong internal and external public and NMT connections. This proposal tends to present such a proposal, with 285 residential opportunities at ±140 units/ha and the provision of office space, retail and other business premises, which is supported by most interested and affected parties. Although not in the form presented in this application and specifically the provision of inclusionary housing options.

As mentioned the subject site is located in the Adam Tas Corridor for which the municipality has not yet approved a Local Spatial Development Framework (LSDF). The MSDF however identify the area as the conceptual focus point of new town building, west of the old Stellenbosch Town and Central Business District (CBD). Most of the Adam Tas Corridor sites (this site included) is in private ownership, with a purely commercial approach to redevelopment of the land, which may not be in the best interest of the town. The MSDF stipulates that the Adam Tas Corridor is the most significant redevelopment opportunity within the town, which offers the opportunity to accommodate many

more residents within Stellenbosch town and alleviating the pressure of developing lower density residential development area on the periphery of the town on agricultural land. A proposed residential density ratio of ± 140 units/ha would significantly provide in this need.

Concerns was however raised by the Department of Environmental Affair and Development Plan and the Municipal Spatial Panning Section in particular, on the "inclusivity" of infill housing opportunities proposed in this application and whether it conforms to the prescriptions of the MSDF. These views were challenged by a legal opinion submitted as part of the response but the applicant in the portfolio of evidence in **APPENDIX 4**. Inclusivity in the MSDF refers to the extent to which housing is provided for **different income and demographic groups** in developments.

It should be noted that the initial single bedroom units to accommodate specifically students (see page 52 & 53 of the applicant's motivation attached as **APPENDIX 3**) and was amended to ±44 one-bedroom/studio apartments (see **APPENDIX 2**) that would assist in broadening the range of housing typologies, enabling access to a greater range of income groups in order to contribute to the inclusivity of housing opportunities as requested. This has now been increased to 87 units.

The concept and requirements of "inclusionary housing" has not been clearly define in the MSDF and subsequently make compliance monitoring and consideration of the proposal submitted, difficult to assess. The municipality is however currently in process to provide clarity on this matter with the compilation and approval of an "Inclusionary Housing/Zoning Policy".

All relevant provincial or municipal policy provisions relating to "Inclusionary Housing" is also still in draft stage; which includes the Draft Western Cape Inclusionary Housing Policy Framework, Adam Tas Local Area Spatial Development Framework (in progress); Adam Tas Overlay Zone (under discussion) and Draft Stellenbosch Municipality "Inclusionary Zoning Policy".

The provision of an inclusionary housing policy at local municipal level, stems from the Integrated Urban Development Framework (IUDF) approved in 2016, which is a policy initiative of the Government of South Africa, coordinated by the Department of Cooperative Governance and Traditional Affairs (CoGTA). The IUDF seeks to foster a shared understanding across government and society about how best to manage urbanisation and achieve the goals of economic development, job creation and improved living conditions. The IUDF states that "An inclusionary housing policy should be developed that incentivises property developers to include a level of affordable housing in their developments".

In the absence of municipal approved policy provisions in this regard, the municipal decision maker is now challenged to find a balance approached in the financial needs of the developer and the social needs of the community, when considering this application. All in the interest of liveable, safe, resource-efficient developments and towns that are socially integrated and economically inclusive, where residents actively participate in urban life. Once we all accept that spatial redistribution is necessary in Stellenbosch town, the next question is, What is the practical ways to implement it?

The applicant noted that the amended application provides for a general residential development on one erf, which could accommodate everyone irrespective of age, gender, occupation, nationality, ethnic background, sexual orientation, etc.

The question now arises; What is inclusionary housing?

The Draft Western Cape Inclusionary Housing Policy Framework provides the following explanation;

- Inclusionary housing requires new private developments in certain well-located areas with high property values, to include some housing units that are affordable (available for rent or sale at prices below the price point of the rest of the development and surrounding developments) – or to contribute towards affordable housing in well located areas in other ways.
- These affordable units are made available for rental or purchase by people who qualify based on their income and other criteria agreed to between the developer and the municipality.
- This requirement is imposed by a municipality as a condition attached to the approval to grant additional development rights to a developer.

From the above it is clear that in the absence of guidance from an approved municipal inclusionary housing policy, that negotiations will need to be entered into between the developer and municipality to determine the income grouping (beneficiary) and other criteria that will make buyers eligible to apply for an inclusionary unit in a specific development and the number of units to be provided in the development. Including for discussion and agreement will need to be measures to secure this affordable housing unit in the long term, ensuring that it is not sold or sub-let in the open market. Possible options will include restrictive title deed conditions or the option to sell it back to the developer, at what ratio, unit value and other requirements to provide it, without the viability of the development being compromised by the imposition of requested inclusionary housing contributions.

No discussion in this regard has taken place between the municipality and the developer to date to concludes this as part of this decision and it is therefore proposed that such a platform be created by a condition of approval, which is not deemed unreasonable for the municipal decision maker to impose. The content of the condition will be explained further in the report.

Consideration of site development plans.

Considering the above proposed negotiations that needs to be entered into between the municipality and the developer, it is therefore proposed that the development proposal plans not be consider in this assessment as final "site development plans" as requested. That the rezoning of Erf 14601, Stellenbosch from Industrial Zone to Subdivisional Area allowing for the three (3) Mixed-Use Zone properties consisting of 3 to 5 storey blocks of flats, commercial/office uses and private road purposes and one (1) Public Road and Parking Zone be recommended for approved, subject to a specific condition around agreements to be reach between the developer and municipality around inclusionary housing options and final approval of Site Developments Plans (SDP's) that address any final urban design proposals from the discussions.

Section 113 of the Zoning Scheme Bylaw (2019) makes provision for the municipality to request a site development plan for any new development, which shall be approved prior to a building plan submission and shall include a parking layout and landscape plan. We are therefore of the opinion that the SDP's may still be submitted, considered and approved before final building plans are considered.

Basis for imposing proposed condition of approval relating to the implementation of inclusionary housing in the subject development;

Rezoning is an action or process of assigning land or property to a different category of restrictions on use and development rights. In these instances, from Industrial to Mixed-use (business). Rezoning is therefore not an inherit right and there is no way to rezone a property without careful consideration all public participation process, relevant legislation, policies provisions and imposing reasonable conditions, as has been done in this regard. The need for the rezoning of this properties arise considering that the property rights have changed around this property (Industrial to business) and subsequently the market demands have change.

The Constitution:

• The right to housing is enshrined in section 26 of the Country's Constitution, which states that:

- > Everyone has a right to have access to adequate housing.
- > The state must take reasonable legislative and other measures within its available resources to achieve the progressive realisation of this right.
- The powers granted to municipalities under the said Constitution to regulate municipal planning provide sufficient authority to impose an inclusionary housing requirement.

Spatial Planning and Land Use Management (SPLUMA)

SPLUMA's provides the framework under which municipalities may regulate land use, and by
implication, implement inclusionary housing. One of the objectives of SPLUMA as stipulated in
Section 3 of the act are to ensure that the system of spatial planning and land use
management promotes social and economic inclusion.

Western Cape Land Use Planning Act (LUPA)

• LUPA stipulates in section 40(2) that when a municipality approve a land use application, that they may impose conditions relating to (d) settlement restructuring. The inclusion of inclusionary housing proposals in new intended developments, is a mild form of settlement restructuring to provide affordable housing options in developments in or close to the towns Central Business District. Inclusionary housing is therefore not directly referenced in LUPA, but provide principles that can promote the concept of inclusionary housing.

Stellenbosch Municipal Land Use Planning By-law

• In Section 66(2)(d) of the said by-law, it is reiterated that the municipality may impose conditions of approval relating to (d) settlement restructuring as explained above.

The principle objective and vision of the Adam Tas Corridor as per the MSDF is to restructure the thinking around spatial integration, broadening affordable opportunities for a range of stakeholders in developments, to create people orientated developments and walkable environments, etc. with the main intend to establish inclusive communities, without compromising the viability of any development.

The proposal for a high density mixed-uses development is therefore conformant with the prescriptions for the Adam Tas Corridor in terms of the MSDF, with only one shortcoming relating to its inclusivity, which could be address with negotiations between the municipality and the developer.

From the above it's the department opinion that this municipality has the legal responsibility to manage its zoning scheme, other bylaws and land use rights to be obtained by it, in a way that promotes social inclusion and spatial justice. This is however not a shift in the constitutional responsibility of this municipality, being transferred onto the developer, but rather the introduction of an innovative way to mitigate against an unhealthy pattern of exclusionary developments that keeps or pushes working-class people out of well-located economic nodes in Stellenbosch Town specifically, to achieve spatial justice. Both developer and municipality have a responsibility to achieve these goals and hence the proposal to recommend the development rights, but that the final detail of the contributions to inclusionary housing options and Site Development Plans be discussed and negotiated between the developer and the municipality.

A common misconception is that inclusionary housing is a municipal housing delivery tool. It is actually intended as a planning and land use mechanism, municipalities can implement to oblige private developers to provide affordable housing at below market rates in new residential or mixed-use developments. This is a different approach to the state-assisted housing programmes, whereas inclusionary housing units is provided in private developments, without the private sector taking over the obligation of the municipality or government.

Notwithstanding the legal opinion express in the applicant's comments on the comments by the Municipal Spatial Planning Section and the Department of Environmental Affairs and Development Planning, this department is still of the opinion that it would still be reasonable for the municipal decision-maker to impose a condition of approval to create a platform for negotiating the finer details of the principle on which inclusionary housing must be implemented in this development.

Intended condition of approval should the application be deemed desirable by the decision maker, without the approval of a site development plan, which needs to be submitted for consideration and approval prior to building plan submission.

The main intend of such a condition will be to create a platform for the developer and the municipality to reach an agreement around inclusionary housing options, its beneficiation and measures to ensure that such affordable inclusionary housing options are not lost in the free market after a while.

It would therefore be proposed that the following wording be considered for inclusion;

- The developer and the municipality, represented by the Director: Planning and Economic
 Development or his delegated official, enter into an agreement on the satisfactorily provision
 of inclusionary housing within 12 months from final notification of the approval and prior to the
 submission of building plans, which agreement must inter alia, but not necessarily limited
 thereto, address the following matters:
 - the percentage and form of affordable/inclusionary housing options:
 - the designated income group;
 - the measures to ensure that the designated inclusionary housing units be retained for the designated income groups;
 - the measures to ensure that affordability be retained over the long term to prevent the units from being traded on the open market.

Consent use for a permission to permit flats on the ground floor.

Application is made in terms of Section 15(2)(g) of Land Use Planning By-law for a permission to permit in terms Section 106 of the Zoning Scheme By-law flats on the ground floors in a Mixed-Use Zone for Blocks 1, 2, 3 and 4 and partially for blocks 5 and 6 on Portion 1.

The intend of the Adam Tas Corridor is to create mixed use and high-density developments, with a predominantly vertical land use mix that includes both business and residential use in one building block, with active ground floors and positive street edges. The conversion of the ground floor business use partially on Portion 5 and 6 and fully on Portion 1 to 4 is supported, considering that Portions 1 to 4 will form part of a purely residential complex with no interface with the main access arterial (Distillery Road), while the business component on Portions 5 and 6, which have direct access of Distillery Road will still be implemented. The proposal therefore does not substantially deviate from the intend of the Adam Tas Corridor to create multifunctional, active and vibrant street typologies. The current application is subsequently recommended for approval.

Site Development Plans (SDP):

A site development plan is described as a plan which illustrates the overall proposed development sufficiently to allow the Municipality to enable a decision to be made when it accompanies an application, and to assist with the approval of a building plan, and the plan may serve as the development parameters of an approved consent use or additional use. These plans are therefore best considered and approved after all land uses, parameters, layout plans, etc. is finalized after all

relevant discussions and negotiations was concluded. The SDP will therefore be used as the tool to implement final approval for the development application.

The development proposal plans, landscaping plans, development names do not therefore present an application requiring approval in terms of Section 15 of the Stellenbosch Municipal Land Use Planning Bylaw (2015).

It could be finalised should the development concept be approved and the finer details for a "Site Development Plan" as contemplated in terms of Section 16 of the Stellenbosch Municipal Zoning Scheme Bylaw (2019) is approved, after discussions between the relevant municipal departments and the developer. The "Site Development Plan" must therefore be submitted for approval prior to building plan submission, as required in terms of Section 113 of the Stellenbosch Municipal Zoning Scheme Bylaw (2019). The Development Plans submitted with the revised submission is however detail enough and illustrates the overall proposed development sufficiently to allow the decision maker to consider it simultaneously with this application.

Departures applied for:

The building line departures to which no objection was received, could be recommended for approval as no neighbouring property will be negatively affected by it. Should after consideration of the SDP the layout of the buildings and its location be altered and require a further building line departure, the finalization and approval of the SDP could also still be used to finalise those departure applications as well, if needed.

The parking relaxations required with the increase in inclusionary residential units within the residential complex and the minor shortfall for business buildings along Distillery Road, would not impact negatively on the traffic flow on Distillery Road and could be recommended for approval.

PART E: SUMMARY OF KEY FINDINGS OF ASSESSMENT

After considering and weighing all the relevant information the evaluation of the subject land use and land development applications concludes that:

The development proposal for a high-density mixed-use development on Erf 14601,
 Stellenbosch, with minor parking shortfalls, is not out of character in the context of or contradictory to the development principals of the Adam Tas Corridor.

- Although municipal water services could only be assured once the Papegaaiberg reservoir is complete in 2024 (See Municipal Engineering comment), the completion timeframe will be within the standard municipal validity period of 5years after final notification and any approval.
- Provision is made for a link road to make provision for public access to link-up with future road infrastructure for the Adam Tas Corridor and subsequently providing better integrated movement systems.
- Current access difficulties over a single historical bridge (in Distillery Street) is in process of upgrading by the municipal engineering section to provide in the access needs of the entire Adam Tas Corridor.
- The density and heights of buildings will not detract from the aesthetic appearance of the development site and the area, consider the surrounding 4 to 5 storey buildings and the fact that the property is situated in the backdrop of the Papegaaiberg.
- The proposal promotes and clearly defined functional integration of public places, spaces and public pedestrian access to the river system, as addressed in the Subdivisional and Site Development Plans submitted.
- The alignment of the proposed public road will facilitate pedestrian and other access to the Stellenbosch Station and other public transport systems.
- By retaining the historical buildings, the development retains elements of the area which
 contributes to the history and place character, but could better contribute to the
 establishment of new public places, which can contribute to cultural development in the
 area. These detailed urban design principles could be negotiated and discussed in
 engagements between the municipality and the developer, within the confines of the
 propose development bulk and zoning scheme restrictions where needed.
- A condition of approval to put a platform in place for negotiations between the municipality and the developer, providing the developer some flexibility in terms of managing intended inclusionary housing units, do not seems unreasonable in the context of this development. The developer already amended the initial site development plans to increase the one-bedroom units (which they define as affordable options) from 44 to 87 units, which now represents more than 20% of the development as previously proposed. Conformance to the general requirements and principles of inclusionary housing units must however still be discussed and agree upon between the aforementioned stakeholders. The developer could be set the option to either retain the units and managed it as rental homes or sold, with a title deed condition restricting the resale to the intended designated "affordable housing" market

- households. Meaning those units can only be sold to those falling within the affordable housing bracket, identified in discussions.
- The applicant's contention that the rezoning of the property to Subdivisional Area and the approval of the subdivision, departures and consent use without the approval of the Site Development Plans is of no benefit to the applicant as the applicant is unable to act hereon, is incorrect. The purpose of a site development plan is to regulate additional matters that have not already been covered in any earlier conditions of approval or the applicable zoning scheme regulations/development parameters. Such matters would typically include the final positioning of buildings (including building footprints and parking), architectural details, the general layout and configuration of a site, street layout, conceptual landscaping, etc. within the confines of the approved zoning rights. The SDP in no way confers the right for the commencement of development, but only a tool to finalize the development rights for implementation before building plan submission. As previously mentioned the Developments Plans submitted generally conforms to the requirements of an SDP should the municipal decision maker be in position to make an informed decision on the submitted revised application details.
- Development Proposal Plans, Landscaping plans, Development names does not represent an application in terms of Section 15 of the Stellenbosch Municipal Land Use Planning Bylaw (2015) and could be incorporated in a final Site Development Plan should it be required for approval by the decision maker.
- The applications for the phasing of the residential development and the street naming and numbering cannot be considered, seeing that no proposals in that regard was submitted in the application documentation, although it has been applied for and advertised by the applicant. The phasing of the development could also be approved as part of the Site Development Plan.
- Considering the applicants response and contesting of certain conditions of the engineering department, it is recommended that the developer entered into a service-level agreement with the municipality, considering and containing the bulk of the information in the engineering comment and also affording them the opportunity to amend certain conditions in their initial comment if they intend to amend it based on the additional information and should final site development plans be required other than once submitted with the revised/additional information before the MPT.

Considering the subject land uses, land development proposals, the provisions of the Land Use Planning By-law, other relevant policies, comments and response received and the above planning

assessment, the application is not undesirable or inconsistent with relevant legislation, planning principles, available policies and guidelines, but require an engagement and agreement between the developer and the municipality around the implementation of affordable inclusionary housing options in the development and is subsequently recommended for approval.

PART F: RECOMMENDATION

- 1. That the following applications made in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 14601, Stellenbosch, namely:
 - 1.1. Rezoning in terms Section 15(2)(a) of Erf 14601, Stellenbosch from Industrial Zone to Subdivisional Area allowing for;
 - 1.1.1. Three (3) Mixed-Use Zone properties for business and flats, inclusive of roads:
 - (a) Portion 1 (±20291m²)
 - (b) Portion 2 (±1320m²)
 - (c) Portion 4 (±2090m²);
 - 1.1.2. One (1) Public Road and Parking Zone property for public road purposes (Portion $3 = \pm 3200$ m²).
 - 1.2. Subdivision in terms of Section 15(2)(d) of Erf 14601, Stellenbosch into 4 portions, as depicted in subdivisions plan dated 14 February 2022, File Number FP/0220/977, drawn by First Plan Town Planners, namely;
 - 1.2.1. Portion 1 (±20291m² Mixed-Use Zone),
 - 1.2.2. Portion 2 (±1320m² Mixed-Use Zone),
 - 1.2.3. Portion 3 (±3200m² for a 16m road reserve zoned Public Road and Parking Zone) and
 - 1.2.4. Portion 4 (±2090m² Mixed-Use Zone).
 - 1.2.5. The registration of a 3m wide pedestrian servitude on the southern boundary of Portion1, in favor of the general public and the municipality.
 - 1.2.6. The registration of a pedestrian access servitude which average from 2.8m to 6m on the western boundary of Portion 1, in favor of the general public and the municipality.
 - 1.3. Departures in terms of Section 15(2)(b) on Portion 1 (Mixed-Use Zone erf), as indicated on the plans described as "SDP_OVERALL", "SDP_RESIDENTIAL", "SDP_BUSINESS PREMISES" and "SDP_PARKING" dated 15/02/2022 and drawn by Boogerman Partners attached as part of APPENDIX 13, to relax on;

Portion 1 (Mixed Use Development – flats and commercial land uses)

- 1.3.1. To relax the common building line (adjacent to Erf 7602) from 4.5m to 3.0m for Block 3, 4 and 6.
- 1.3.2. To relax the street building line (adjacent to the newly created Portion 3) from 4.5m to 1.5m to allow for the Mill House.
- 1.3.3. To provide 405 parking bays in lieu of 454 parking bays for the residential (flats) components of the Mixed-Use development on Portion 1.

Portion 2 (Manor House)

1.3.5 To provide only 22 parking bays in lieu of 24 parking bays.

Portion 4 (The Shed)

- 1.3.6 To provide 22 parking bays in lieu of 27 parking bays.
- 1.4. Consent Use in terms of Section 15(2)(o) of Land Use Planning By-law to allow a Place of Entertainment (pub) in the existing storage facility located on Portion 4.
- 1.5. A permission required in terms of the zoning scheme, in terms of Section 15(g); to allow for flats on the ground floors in a Mixed-Use Zone for Blocks 1, 2, 3 and 4 and partially for blocks 5 and 6 on Portion 1.

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

2. Conditions of approval:

- 2.1. The approval applies only to the rezoning, subdivision, departures and consent use in question (See **APPENDIX 13 and 14**) and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council and external authorities.
- 2.2. The development be undertaken in accordance with the Subdivisional Plan dated 14 February 2022, File Number FP/0220/977 and attached as **APPENDIX 13**.
- 2.3. An electronic copy (shp, dwg, dxf) of the approved General Plan be submitted to the Directorate Planning and Economic Development for record purposes, which plan must indicate the following information:

- a) Newly allocated erf numbers
- b) Co-ordinates
- c) Survey dimensions
- d) Street names and numbering
- 2.4. A phasing plan which indicates the spatial phasing and associated timeframe of the development be submitted to the Municipality for approval.
- 2.5. All land designated for the provision of municipal service infrastructure and amenities on the subdivision plan must 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 will be for the account of the applicant/developer.
- 2.6. The servitude rights for pedestrian right of way in favor of the general public and the municipality be registered in the title deeds of the applicable property/ies on registration.
- 2.7. A service agreement regarding the responsibilities for the provision of engineering services be entered into with the Municipality prior to the construction of any Engineering services or infrastructure in terms of Section 66(3) and Section 82(4) of the said Bylaw, which service agreement must include and comply with the conditions as imposed by the Directorate Infrastructure Services in their letter attached as APPENDIIX 9.
- 2.8. Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.
- 2.9. Should the full extent of permissible development rights, as approved herein-above, not be implemented initially or development is phased, a pro rata Development Charges will be levied in accordance with the extent to which the development rights will be implemented, provided that the remaining development contributions will be levied for the remaining permissible development rights when implemented in future. Remaining Development Charges will be levied in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.
- 2.10. A detailed site development plan as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2019 be submitted for approval to the Municipality prior to the submission of any building plans, which site development plan must satisfactorily address, but are not necessarily limited to, all the conditions of this approval, compliance with relevant development parameters of the said Bylaw, any relevant matters relating to Section 16(4) of

the said Bylaw, and the following specific matters to illustrate the conformity of the development to any prevailing principles of the Adam Tas Corridor development:

- 2.10.1. Development parameters conforming to the zoning scheme provisions and taking the principles of the Adam Tas Corridor into account,
- 2.10.2. provide and promote strong internal and external public and NMT connections with the surrounding area,
- 2.10.3. provide adequate social facilities for the daily retail needs of residents,
- 2.10.4. an 16m road reserve to provide sufficient space for a dedicated NMT to ensure that public transport and NMT routes are addressed pro-actively,
- 2.10.5. provide a public open space system next to the Plankenberg River with public access points between the public road and open space system.
- 2.11. Building plans be submitted for all changes of use in the existing buildings and which building plan(s) must be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.
- 2.12. The revised Traffic Impact Assessment be submitted to the Western Cape Government: Transport and Public Works for their consideration, their recommendations be considered with the finalization of the service-level agreement with the municipality, if need to, and all conditions be adhered to.
- 2.13. Building plans for any future proposed alterations to the "Manor" House and the warehouse building be submitted to Heritage Western Cape for approval, prior to the submission of final building plans to the Municipality for approval.
- 2.14. Archaeological monitoring of the subsurface excavations when demolition of the large warehouse occurs, to confirm the presence or footprint of the original mill remains.
- 2.15. The retention and display of the mill workings within the Mill House to the satisfaction of Heritage Western Cape.
- 2.16. Landscaping plan (as part of the site development plan) be submitted for approval by the Municipality prior to the registration of the first property or the submission of any building plan application, whichever occurs first.
- 2.17. The approved landscaping plan be implemented at the cost of the developer and to the satisfaction of the municipality prior to 50% of the erven be transferred or 50% of building plans be approved, whichever occurs first. Such landscaping plan to illustrate the use of suitable indigenous vegetation.
- 2.18. The developer contacts the Municipal Department: Community Services whilst the site is being prepared for construction and access to the river is imposed, to identify trees and biomass to

- be removed and implement such maintenance work prior to the implementation of the proposed development.
- 2.19. Blocks 5, 6 and the Manor House may not be fenced in to impede the access of the business interface with Distillery Road.
- 2.20. The developer and the municipality, represented by the Director: Planning and Economic Development or his delegated official, enter into an agreement on the satisfactorily provision of inclusionary housing within 12 months from final notification of the approval and prior to the submission of building plans, which agreement must inter alia, but not necessarily limited thereto, address the following matters:
 - 2.19.1 The proposed development must contain a fair and reasonable number of dwelling units, of no less than 31%, falling within the affordability thresholds for rental or ownership within the new mixed-use development (i.e. 87 units out of the 285 dwelling units proposed).
 - 2.19.2 The inclusionary housing units must be provided on-site as part of the market-related development i.e. in the same building or on the same land parcel and should be spread throughout the development as indicated on the subject Site Development Plan.
 - 2.19.3 Building plans submitted in terms of the National Building Regulations and Building Standards Act No. 103 of 1977 shall indicate the location of the units.
 - 2.19.4 The type of housing typologies of the inclusionary housing units will be bachelor/studio units with a minimum floor area of 28m², and each unit must include at least one bedroom, a kitchen, and a bathroom.
 - 2.19.5 Units must be spread throughout the development and its architectural style of the units should be similar to the rest of the development, with differences in the interior allowed.
 - 2.19.6 Residents of the inclusionary housing units must have indiscriminate access to all entrances and amenities of the development; and –
 - 2.19.7 The inclusionary housing units are not intended for community residential buildings, communes, employee housing, hostels, and less formal residential. The inclusionary housing units should only be used for permanent residence and excludes any of the land uses associated with transient guest (i.e. home lodging, bed and breakfast, hotel, tourist accommodation establishment, tourist dwelling units, etc.)
 - 2.19.8 The inclusionary housing units will be reserved for qualifying recipients with a total combined monthly household income with a maximum of R15 000 (social housing) for rental, and R3 501 to R22 000 (FLISP subsidy measure) or to a maximum of the Financial Services Charter Measure as defined and updated yearly for ownership (e.g. R26 100 2020 rates);

- a) Monthly rent or repayments may not be more than 30% of the total monthly household income; and
- b) The sale price or rental amount may not escalate annually beyond inflation, based on the Consumer Price Index (CPIX) as published by StatsSA.
- 2.19.9 The inclusionary housing units must be retained as such in perpetuity using a suitable management mechanism, to the satisfaction of the Director: Planning and Economic Development.
 - a) Prior to the approval of any building plan, the developer shall submit to the Director: Planning and Economic Development for approval, a mechanism to ensure the abovementioned condition (insert condition nr.), as well as the affordability criteria of the qualifying recipients. The approval mechanism shall be implemented to the satisfaction of the Director prior to the occupation of any building on the relevant portion.
 - b) If rented, the qualifying household income criteria and rent may not escalate annually beyond inflation (based on the CPIX). Lease agreements need to ensure that the tenants are subject to annual income certification and the units as allocated remains available to the intended income group; or
 - c) If sold, a restrictive condition must be included in the deed of sale capping the sale price to comply with the definition of affordability and must only be sold to preapproved buyers that meet the affordability criteria.
 - d) Approval on resale prices of units needs to be sought from the Director: Planning and Economic Development before such a transaction take place.
- 2.19.10 The developer or managing agent (HOA or Body Corporate) must provide the Director: Planning and Economic Development with the list of registered inclusionary housing units, annually.
- 2.19.11 If in due course, the Stellenbosch Municipal policy on Inclusionary Zoning is adopted and the provisions and requirements thereof are preferred to the above conditions, the developer/owner has the option (but no obligation) to adopt and adhere to the policy requirements instead.
- 3. The reasons for the above decision are as follows:
 - 3.1. The development proposal for a high-density mixed-use development on Erf 14601, Stellenbosch, with minor parking shortfalls, is not out of character in the context of the identified Adam Tas Corridor initiative and are subsequently promoted by the principles of the Stellenbosch Municipal Spatial Development Framework.
 - 3.2. Access to the property is obtained over existing public road infrastructure which are in process of being upgraded to standards that will provide safe access to the proposed development,

while the proposed development also makes provision for new road infrastructure to improved road linkage, movement collector streets and accesses to the property and the Adam Tas Corridor.

- 3.3. Provision has been made for Inclusionary Housing as subsidized student rental accommodation.
- 3.4. The development of a public open space system next to the Plankenberg River with public access points between the public road and open space system and the provision for flats on the ground floor facilitate the development of active public streetscapes and places.

4. Matters to be noted:

- 4.1 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.
- 4.2 The subdivision only comes into effect once all suspensive conditions or relevant legislative provisions have been complied with.
- 4.3 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.
- 4.4 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.
- 4.5 Development proposal plans, landscaping plans and development names does not represent application requiring an approval in terms of Section 15 of the Stellenbosch Municipal Land Use Planning Bylaw (2015) and could all be finalized with the submission of the Site Development Plans for considering an approval, prior to the building plan submission.
- 4.6 Application for the Approval of the development's name: The Mill and the naming and numbering of streets as per the Street Naming and Numbering Plan, be obtained from the Authorised Official.
- 4.7 The land use shall not create any undue noise or be a nuisance to the neighbourhood and that precautionary measures be taken in order to avoid environmental noise pollution in terms of the Noise Control Regulations (PN627 dated 20 November 1998) made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).
- 4.8 The selling or supply of liquor to non-guests of the place of entertainment is prohibited and the operation of video games or pinball tables is not permitted on the premises.

PART G: APPENDICES

APPENDIX 1 -	Locality Plan
APPENDIX 2 -	Proposed Subdivisional, Zoning Plan and Development Plans
APPENDIX 3 -	Applicant's motivational report
APPENDIX 4 -	Portfolio of Evidence from applicant
APPENDIX 5 -	Heritage Western Cape consent letter
APPENDIX 6 -	Department of Environmental Affairs and Development
	Planning comment
APPENDIX 7 -	Department of Transport and Public Works objection letter.
APPENDIX 8 -	Spatial Planning Section
APPENDIX 9 -	Comments from Directorate: Infrastructure Services
APPENDIX 10 -	Department of Community Services (Environmental Planner)
APPENDIX 11 -	Site and area photo's
APPENDIX 12 -	Additional information from applicant
APPENDIX 13 -	Revised subdivision plan.
APPENDIX 14 -	Revised Development Plans.
APPENDIX 15 -	Revised approval from Heritage Western Cape.

PART H: COMPILATION OF PLANNING APPLICATION ASSESSMENT REPORT

APPLICATION FOR REZONING, SUBDIVISION, CONSENT USE, DEPARTURES, APPROVAL OF DEVELOPMENT NAME, APPROVAL OF SITE DEVELOPMENT PLAN AND ALLOCATION OF STREET NAMES AND NUMBERS:

ERF 14601, STELLENBOSCH.

<u>Author of Planning Assessment Report and recommended Categorisation of the Application for Authorised Decision Maker:</u>

<u>Category:</u> A(d)3, B(2), D(c)(2), O(2) <u>Decision Making Authority</u>: SMPT

Rational: Mainly rezoning to Sub-Divisional Area. Objections/Concerns from interested and

affected party on the application.

Name: Pedro April

Capacity: Senior Town Planner

SACPLAN Registration:

Signature:

Date: 07/04/2022

PART I: SUBMISSION OF PLANNING APPLICATION ASSESSMENT REPORT

LAND USE AND LAND DEVELOPMENT APPLICATION:

APPLICATION FOR REZONING, SUBDIVISION, CONSENT USE, DEPARTURES, APPROVAL OF
DEVELOPMENT NAME, APPROVAL OF SITE DEVELOPMENT PLAN AND
ALLOCATION OF STREET NAMES AND NUMBERS:

ERF 14601, STELLENBOSCH.

<u>Authorised Employee to assess and make a recommendation on a land use and land development application for consideration by the authorised decision maker:</u>

As the duly authorised official in terms of Section 56 of the Stellenbosch Municipal Land Use Planning Bylaw (2015) to assess the above 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:

<u>Category:</u> A(d)3, B(2), D(c)(2), O(2) <u>Decision Making Authority</u>: SMPT

Rational: Mainly rezoning to Sub-Divisional Area. Objections/Concerns from interested and

affected party on the application.

Name: Stiaan Carstens

Capacity: Senior Manager: Development Management

SACPLAN Registration: A\\SS\

Signature:

Date:

PART J: ADMINISTRATION OF PLANNING APPLICATION ASSESSMENT REPORT

LAND USE AND LAND DEVELOPMENT APPLICATION:

APPLICATION FOR REZONING, SUBDIVISION, CONSENT USE, DEPARTURES, APPROVAL OF DEVELOPMENT NAME, APPROVAL OF SITE DEVELOPMENT PLAN AND **ALLOCATION OF STREET NAMES AND NUMBERS:**

ERF 14601, 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: 22 April 2022

Name: LENACIA KAMINETA

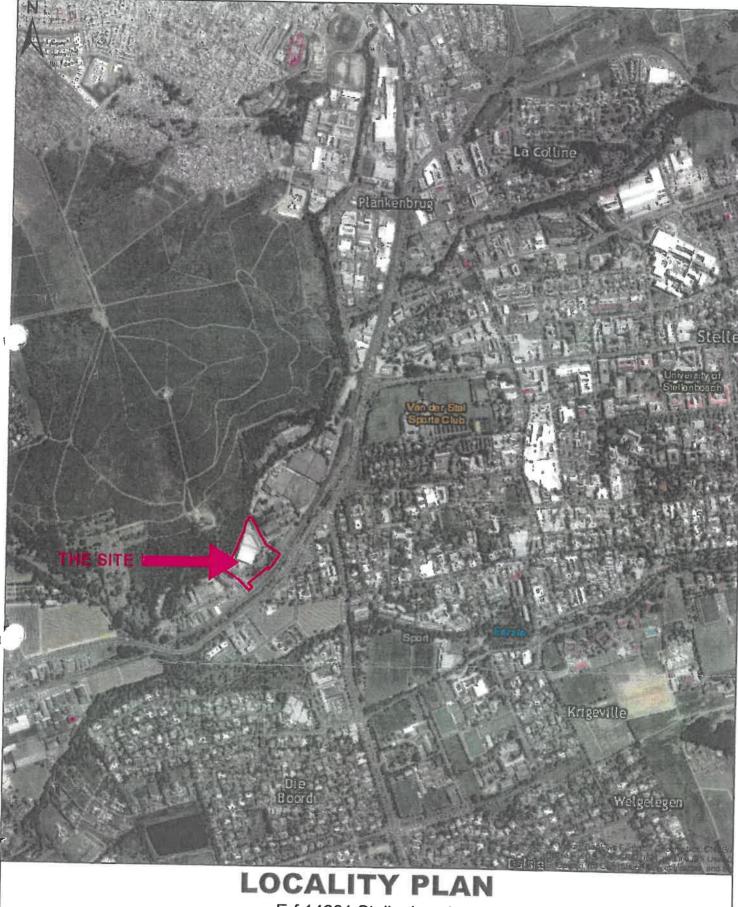
Capacity: Serior Administrative Officer

Signature: LAMINETY.

Date: 01.04.2022

APPENDIX 1

Locality Plan



Erf 14601 Stellenbosch

DATE June 2020 FILE FP/0220/977 CLIENT Catwalk Investments 385m (Pty)Ltd. ANNEX



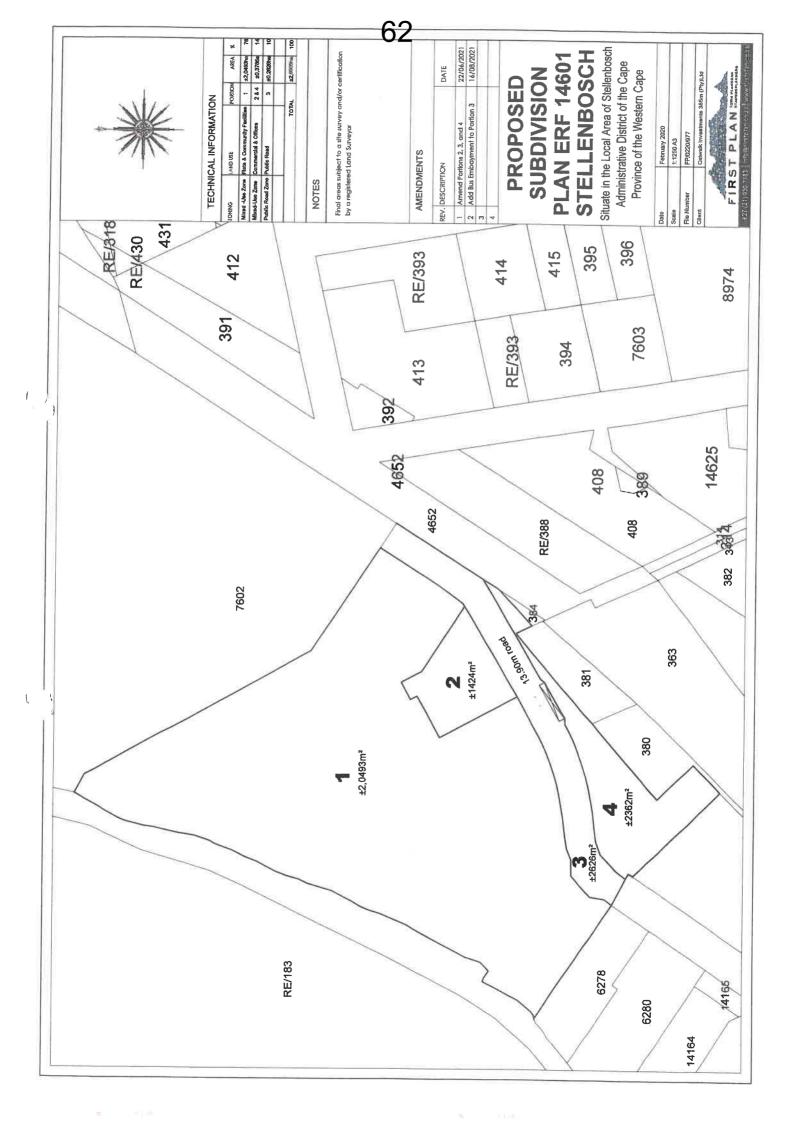
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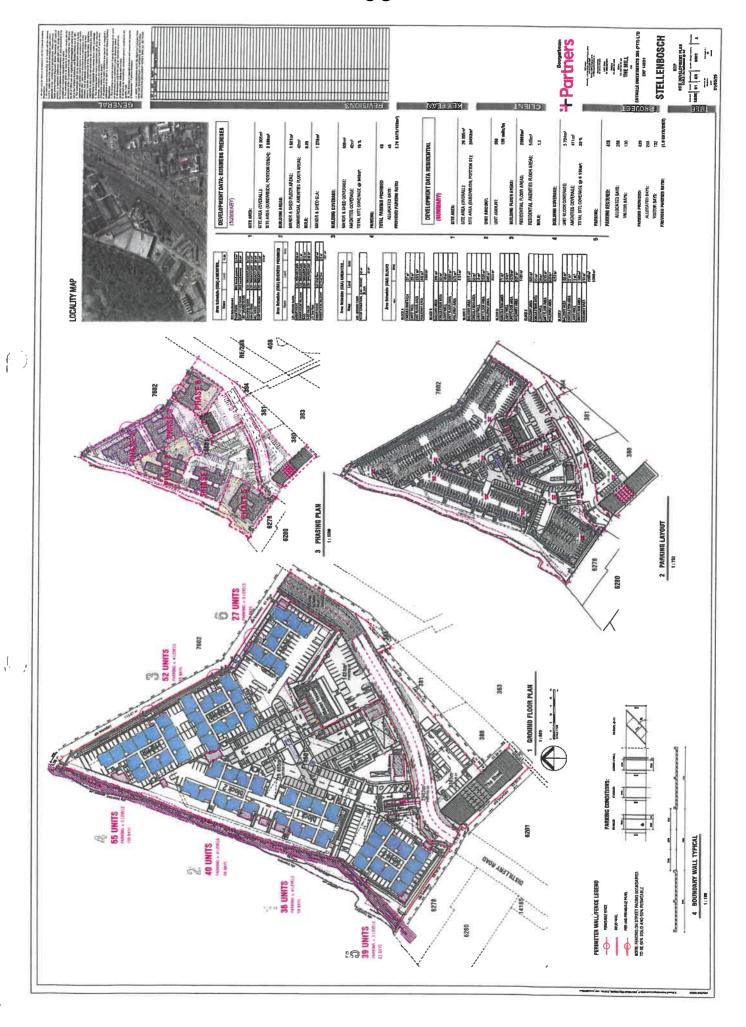
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TOWN AND REGIONAL PLANNERS
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Email: gideon.roos@firstplan.co.za
Tel: 021 930 7183 Faxc 021 930 7210

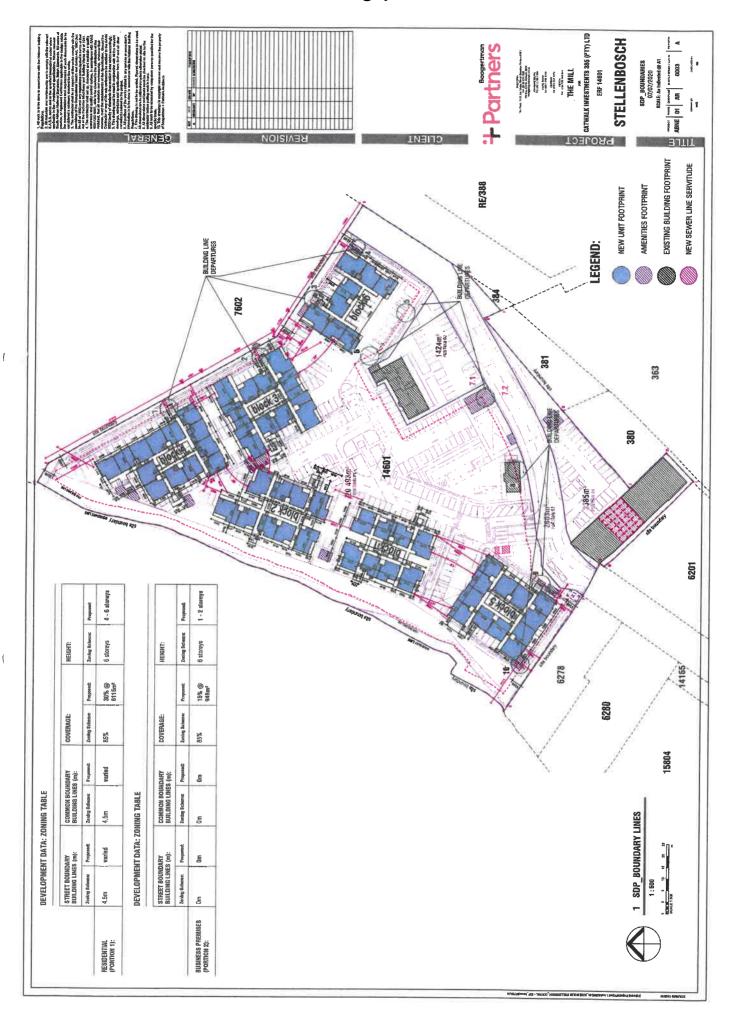


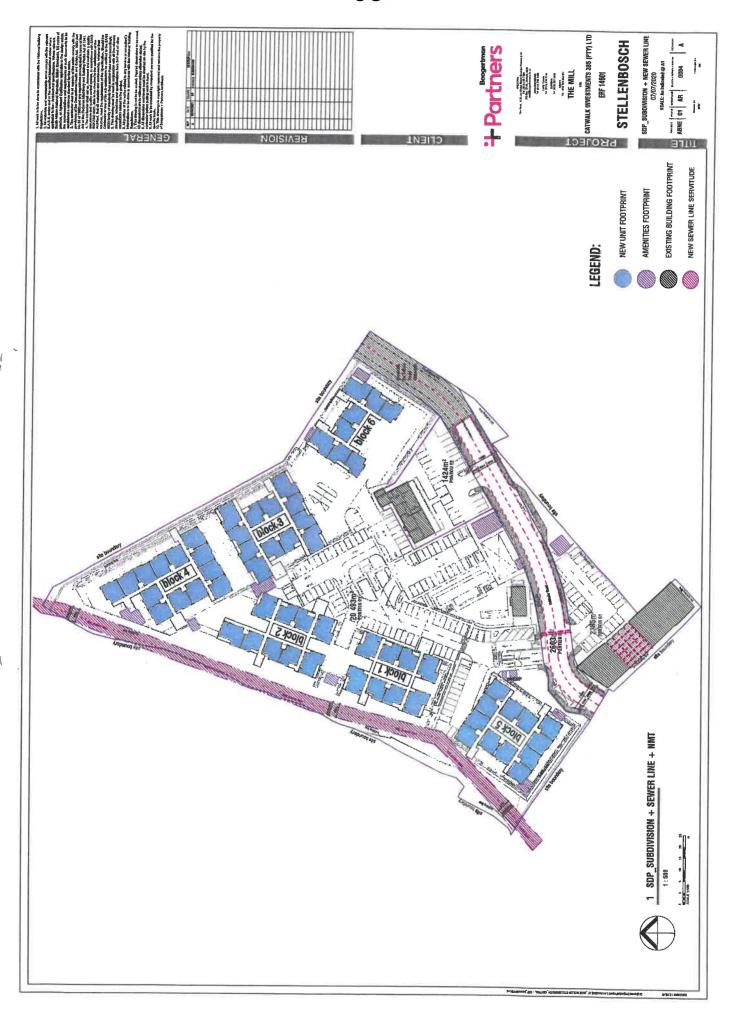
APPENDIX 2

Proposed Subdivisional, Zoning Plan and SDP

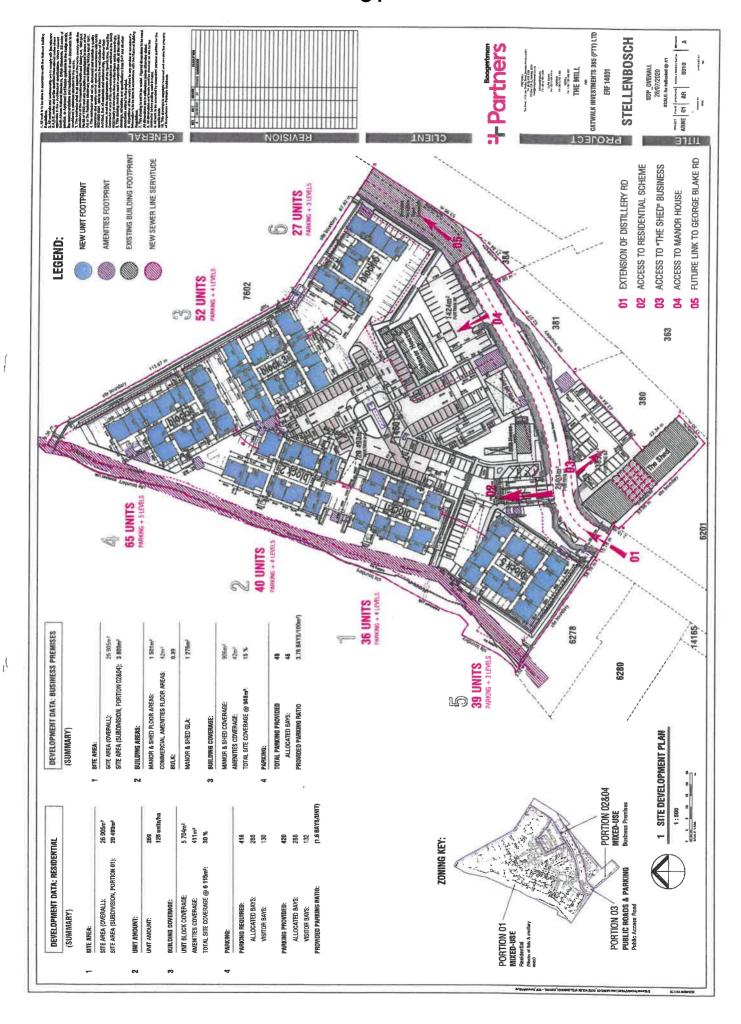


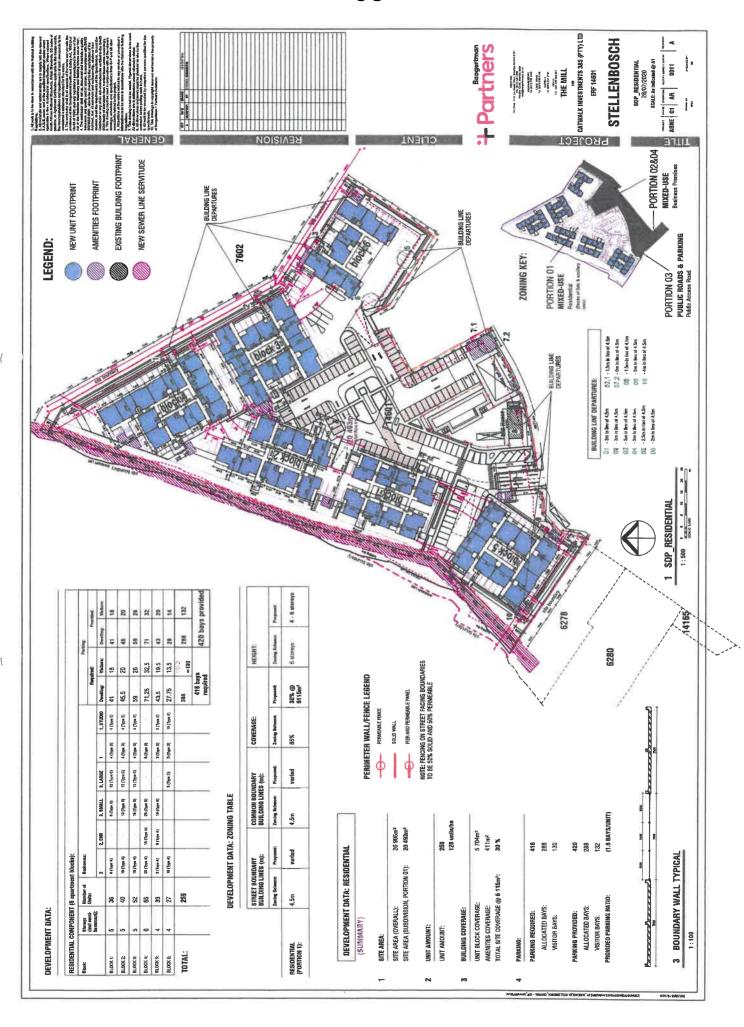


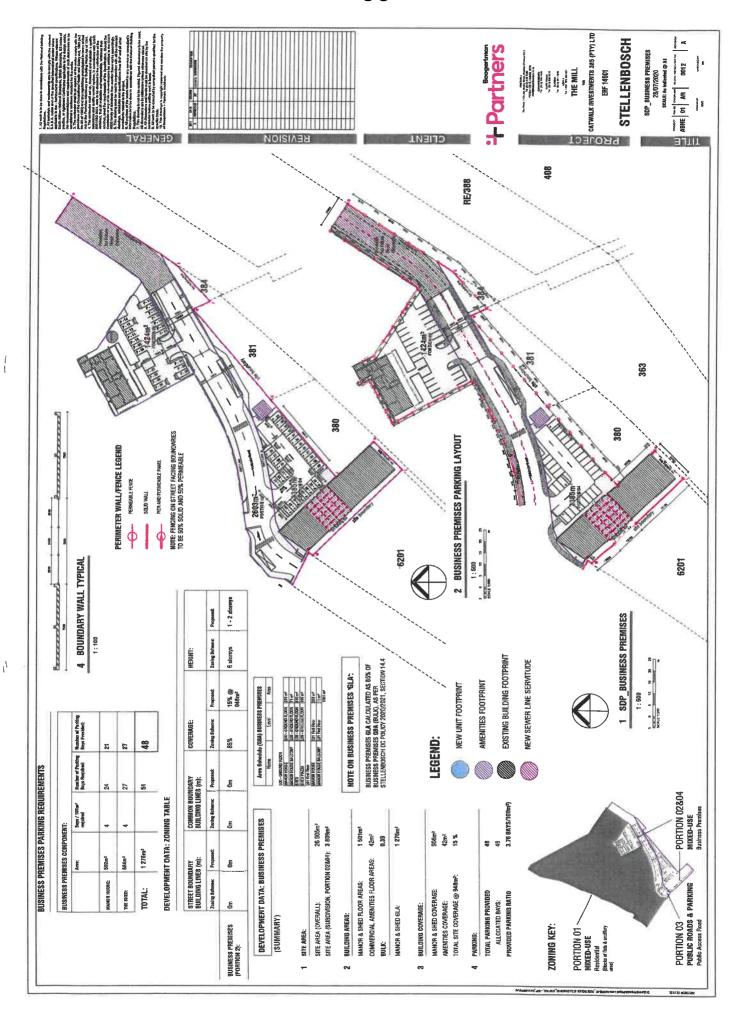


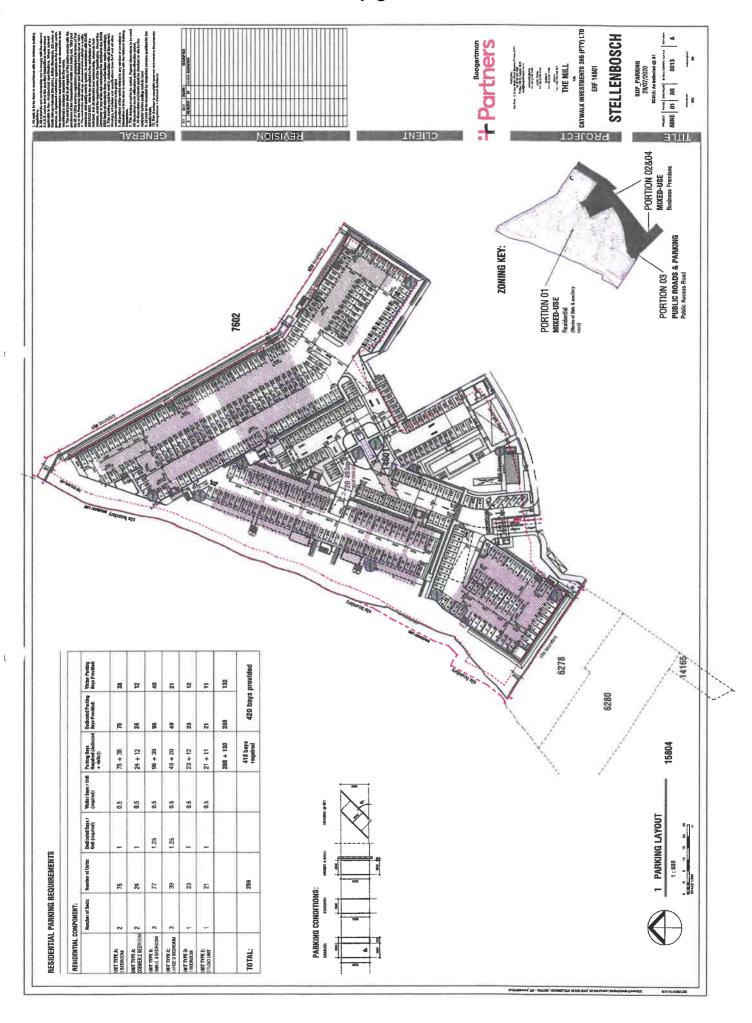




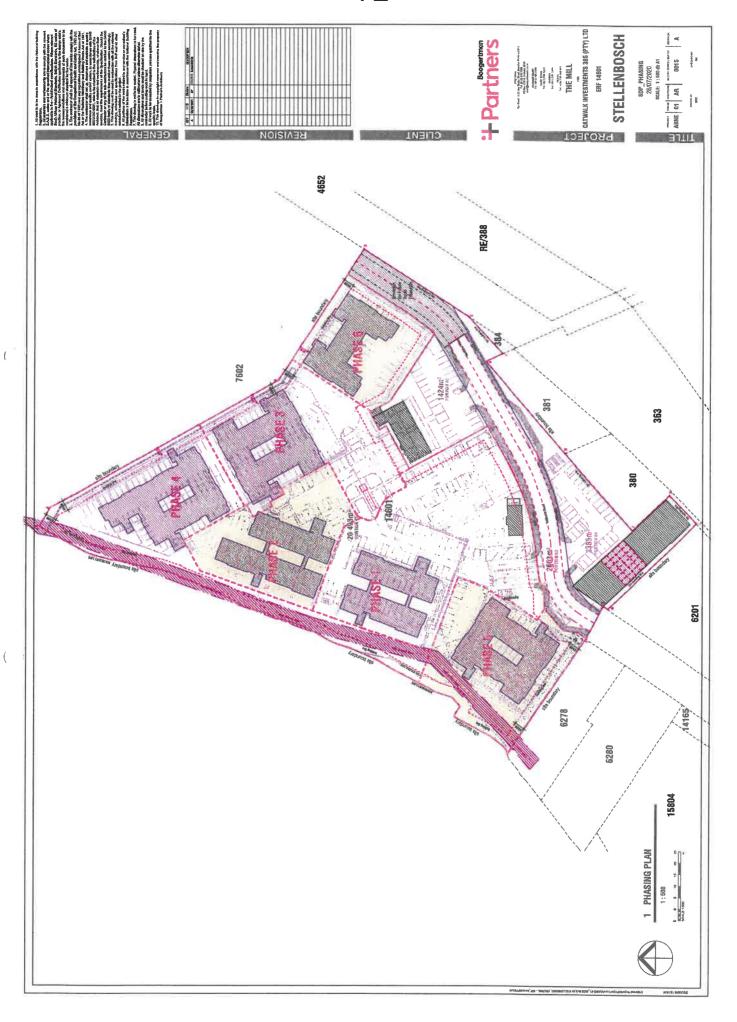


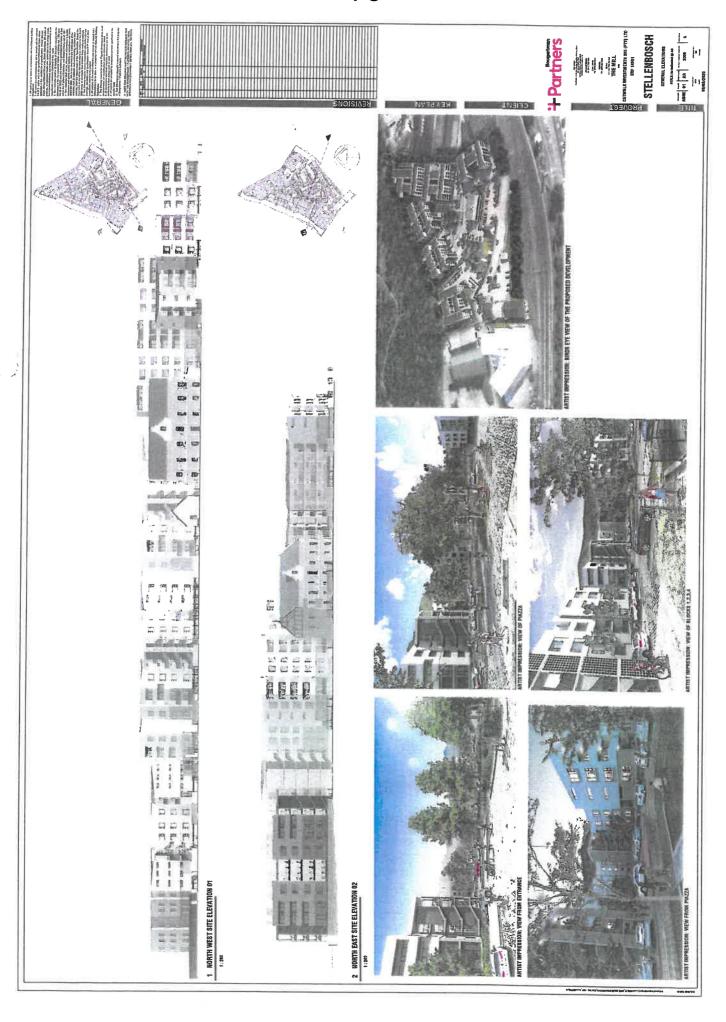












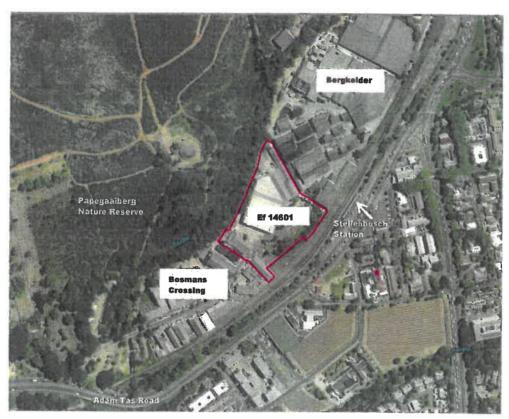


APPENDIX 3

Applicant's motivational report

APPLICATION FOR REZONING, SUBDIVISION, CONSENT USE AND DEPARTURES

ERF 14601, STELLENBOSCH



Client: Catwalk Investments 385 (Pty) Ltd

Applicant: First Plan Town Planners

Reference: FP/0215/772

Date: August 2020 Rev 1



APPLICATION FOR REZONING, SUBDIVISION, CONSENT USE AND DEPARTURES ERF 14601, STELLENBOSCH

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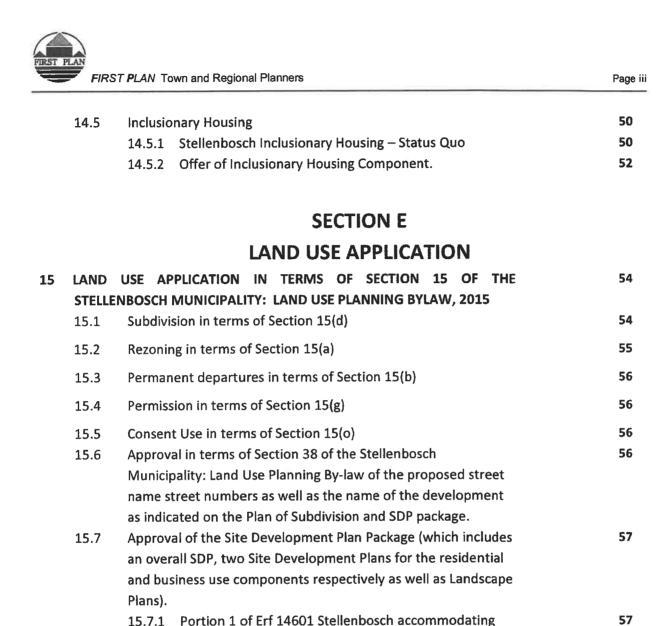
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Erf 14601 Stellenbosch FP/0215/772

Development Name

14.4

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the residential sectional title scheme 15.7.2 Portion 2 of Erf 14601 Stellenbosch, business uses

Compliance with Stellenbosch Zoning Scheme By-Law

15.7.3 Approval of a Phasing Plan

15.8

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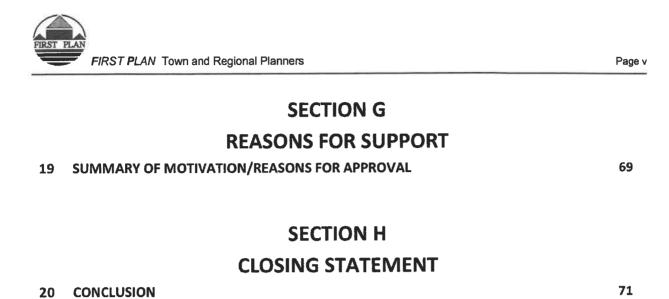
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Erf 14601 Stellenbosch

APPLICATION FOR REZONING, SUBDIVISION, CONSENT USE AND DEPARTURES ERF 14601, STELLENBOSCH

SECTION A EXECUTIVE SUMMARY

1. SUMMARY OF PROPERTY DETAIL

Table 1: Property details

Property description (in accordance with Title Deed)	Erf 14601, Stellenbosch
Property address	Distillery Road, Stellenbosch
Surveyor General Erf Diagrams	SG no. 2474/2004
Site extent	2.6905 ha
Registered owner	Catwalk Investments 385 (Pty) Ltd
Current zoning	Industrial Zone
Overlay Zone applicable	No
Applicable zoning	Stellenbosch Municipality Zoning Scheme By-Law (2019)
Existing buildings on the property	Warehouses and buildings used for office purposes – approximate GLA 11 000m ²
Current Land Use	Warehouses, Manufacture and offices
Title Deed number and date	T18368/2006, dated 7 April 2006
Restrictive title conditions applicable	No (Refer to Annexure 10: Conveyancer Certificate)
Third party conditions applicable	No(Refer to Annexure 10: Conveyancer Certificate)
Unauthorised land use/building work	No
Heritage Compliant	An NID has been submitted and a draft HIA is in the process of being prepared for public participation whereafter the HIA will be submitted to the HWC for a ROD (Refer to Annexure 19: Heritage RNID)
NÉMA Compliant	The proposed development does not trigger any of the listed activities in the regulations of the National Environmental Management Act, 1998 and no further environmental studies are required. This has been confirmed by an independent environmental consultant. (Refer to Annexure 18: Environmental opinion letter)

FIRST PLAN Town and Regional Planners



2. APPLICATION DESCRIPTION

First Plan Town and Regional Planners, under power of attorney, were appointed to prepare and submit the following application in terms of the Stellenbosch Municipality: Land Use Planning Bylaw, 2015 promulgated by Notice Number 345/2015, dated 20 October 2015. Copies of the Power of Attorney/Company Resolution and Land Use Application Form are attached as Annexures 1 & 2 respectively.

- 2.1. In terms of Section 15(2)(a); the Rezoning of Erf 14601, Stellenbosch from Industrial Zone to Subdivisional Area allowing for Mixed-Use Zone (253 dwelling units within six 3- to 5-storey blocks of flats, some commercial/office uses and private roads) and a Public Roads and Parking Zone.
- 2.2. In terms of Section 15(2)(d); the Subdivision of Erf 14601 Stellenbosch into 3 portions, namely Portion 1 (± 2,0493 m² Mixed-Use Zone), Portion 2 (± 5 798 m² Mixed-Use Zone) and Portion 3 (± 614 m² Public Roads and Parking Zone) as per proposed Subdivision Plan nr FP/0220/977, dated February 2020, attached as Annexure 10.
- 2.3. In terms of Section 15(2)(b) the following permanent departures:
 - To relax the common building line (adjacent to Erf 7602) from 4.5m to 3.0m for Block 4.
 - To relax the common building line (adjacent to Erf 7602) from 4.5m to 3.0m for Block 3.
 - To relax the common building line (adjacent to newly created Portion2) from 4.5m to 2.5m for Block 6.
 - To relax the common building line (adjacent to newly created Portion 2) from 4.5m to 0.0m to allow for the ablution/changing room facility for the pool and volleyball court.
 - To relax the common building line (adjacent to the newly created Portion 2) from 4.5m to 1.5m to allow for the Mill House.
 - To relax the street building line (adjacent to the newly created Portion 2) from 4.5m to 3.0m to allow for Block 5.
- 2.4. In terms of Section 15(g); Permission to allow for flats on the ground floor in a Mixed-Use Zone.
- 2.5. In terms of Section 15(o); a Consent Use to allow a Place of Entertainment (pub) within a Mixed Use Zone.
- 2.6 In terms of Section 98; Approval of the proposed Street Names (extension of Distillery Road), additional Street Numbers and the Name of the Development as per the proposed Subdivision Plan nr FP/0220/977, dated February 2020, attached as Annexure 12.
- 2.6. In terms of Section 15(g); Approval of Site Development Plan Package (attached as Annexure 13), containing the following plans;
 - Overall Site Development Plan, plan nr ABNE/01/AR/0010, dated 7 July 2020;
 - Site Development Plan for the Residential Precinct ("The Mill") located on Portion 1 of Erf 14601 Stellenbosch, plan nr ABNE/01/AR/0011 dated 7 July 2020;
 - Site Development Plan for the business precinct (manor house and the deli/pub) located on Portion 2 of Erf 14601 Stellenbosch, plan nr ABNE/01/AR/0012, dated 7 July 2020;
 - Access and Parking Layout Plan, plan nr ABNE/01/AR/0013, dated 7 July 2020;
 - Phasing Plan, plan number ABNE/01/AR/0015, dated 7 July 2020
 - Elevations and 3D images, plan nr ABNE/01/AR/3000; and
 - Landscaping Plans, LAN/sdp1:-09/07/2020.



3. DEVELOPMENT OVERVIEW

3.1. Development Context

The subject property, Erf 14601, is situated in the Bosmans Crossing precinct which was redeveloped in the mid 2000's with the original development application having been approved in 2003 and an amendment approved in 2006. The development was based on "a sound urban renewal and urban design concept" with the purpose of transforming the old KWV Industrial warehouse site into a vibrant node of associated residential and commercial opportunities.

The proposal was supported at the time by, amongst others, the SIG who commented that "the proposals were considered very sound and are wholeheartedly supported. The possible link of Dorp Street through the development is supported".

The Planning Department supported the proposal noting that "this Department is therefore of the opinion that the application to re-develop the site into a mixed land use area can hold huge benefits towards the urban renewal design of the area concerned" and that they "strongly believe that the development could play a significant role in the re-vitalization of this Light Industrial site" and that the "proposed commercial and residential activities will create new life to the area with positive spinoffs"

Redevelopment of the precinct proceeded in accordance with the initial proposals and subsequent applications which initiated the urban renewal of the precinct – the precinct is currently in the process of being transformed into a vibrant mixed use node as originally envisaged.

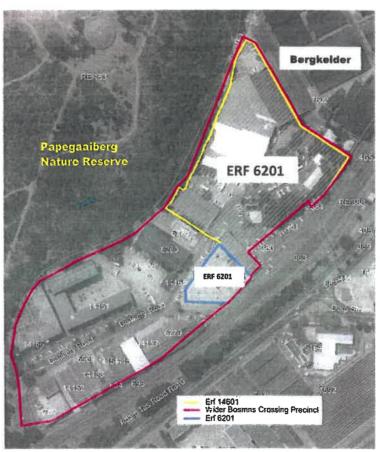


Fig 1. Bosmans Crossing Precinct 2020

3.2. Development Concept

The applicant is in the process of developing the adjacent site, Erf 6201, for commercial purposes with a GLA of approximately 5000m², to be known as Bosmans Business Centre, which once completed will have a significant impact on the commercial "component" of the precinct.

The subject property together with Erf 6201 is 29 544m² in extent which area is greater than the remainder of the Bosmans Crossing precinct which measures 21 907m² – the development proposal should therefore be considered in the context of the entire precinct rather than within the confines of the subject property. The proposal is to compliment the increased commercial capacity of +- 5 000m² at the Bosmans Business Centre with the development of residential units with limited further commercial space.

The development proposal comprises;

- a sectional title scheme of 253 residential units together with private recreational facilities
- the repurposing of an existing warehouse into a "vibey" "hip" deli/bistro/pub along the lines of the De Warenmarkt in Stellenbosch - linked with a large outdoor piazza to the commercial/retail component of the Bosmans Business Centre which will provide a vibrant social hub for the precinct, and
- the inclusion of the existing Manor House on a separate erf to be used for commercial purposes – the building is suitable for the hospitality/restaurant industry as well as general commercial use.

The proposed development will contribute to a balanced mixed use area and it is anticipated that the development itself will act as a catalyst for the precinct with the occupants of the Bosmans Business Centre choosing to reside in the residential component resulting in a safe - live - work - study - play safe neighbourhood.

Due to its size and scale the development has the critical mass to transform the entire Bosmans Crossing precinct into a vibrant, safe community orientated walkable neighbourhood in accordance with the principles of Stellenbosch Integrated Development Plan (IDP), the Stellenbosch Municipal Spatial Development Framework (MSDF) and the Adam Tas Corridor (ATC) catalytic initiative.

3.3. Linkages

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As acknowledged in the MSDF (ATC Initiative) Bosmans Crossing is currently not well integrated with the rest of Stellenbosch largely due to the barrier/severance effect of the railway and Adam Tas Road

The proposal includes for the provision of a pedestrian/cycle NMT bridge over the railway line linking the precinct to the lower Dorp Street precinct, which itself is earmarked to be transformed, and makes provision for access through the property to the adjacent Bergkelder site.

The precinct will therefore be linked into and integrated with the rest of Stellenbosch by connecting into Stellenbosch's planned Non-Motorised Transport (NMT) network in accordance with the approved Comprehensive Integrated Transport Plan (CITP).

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FIRST PLAN Town and Regional Planners

3.4. Policy

The proposed development is a "brownfields" development comprising densification in an area identified for densification within the urban edge and is consistent with the approved Stellenbosch Fourth Generation 2017 – 2022 Integrated Development Plan (IDP) (approved 2019) and the Stellenbosch Municipal Spatial Development Framework (MSDF) (approved by Council on 11 November 2019).

The property lies in the centre of the ATC "Catalytic initiative" which is described as

- o "the most strategically located land in Stellenbosch"
- "in simple terms, the concept is to launch the restructuring of Stellenbosch town through the redevelopment of the Adam Tas Corridor"
- "the central district is the largest, including Bosmans Crossing, the Bergkelder, and the Van der Stel Sports complex. Here, development should be the most intense, comprising a mix of commercial, institutional, and high density residential use."

The development application is consistent with ATC initiative as included in the MSDF.

SECTION B

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BACKGROUND INFORMATION

PROPERTY BACKGROUND

The property was originally the site of the Oude Molen Brandy Distillery in the early 1900's and later the distribution centre for Gilbeys Distillers and Vintners.

Significant changes were made on the property when Gilbeys redeveloped the site in the early 1990's - a total of 27 buildings were demolished and the large warehouse complex constructed

Catwalk Investments 385 (Pty) Ltd purchased the property in 2006 with the intention of redeveloping the property in line with the redevelopment of the precinct as described below.

5. PRECINCT BACKGROUND

The Bosmans Crossing precinct was redeveloped in the mid 2000's with the original development application having been approved in 2003 and an amendment approved in 2006.

The development was based on "a sound urban renewal and urban design concept" with the purpose of transforming the old KWV Industrial warehouse site into a vibrant node of associated residential and commercial opportunities.

The proposal was supported at the time by, amongst others, the Stellenbosch Interest Group (SIG) who commented that "the proposals were considered very sound and are wholeheartedly supported. The possible link of Dorp Street through the development is supported".

The Planning Department supported the proposal noting that "this Department is therefore of the opinion that the application to re-develop the site into a mixed land use area can hold huge benefits towards the urban renewal design of the area concerned" and that they "strongly believe that the development could play a significant role in the re-vitalization of this Light Industrial site" and that the "proposed commercial and residential activities will create new life to the area with positive spin-offs"

Redevelopment of the precinct proceeded in accordance with the initial proposals and subsequent applications which initiated the urban renewal of the precinct - the precinct is currently in the process of being transformed into a vibrant mixed use node as originally envisaged.

At the time of application, August 2020- the Bosmans Business Centre comprising ± 5 000m² of commercial space was being developed on Erf 6201 by the applicant and the Bosmans Club comprising 41 sectional title residential units together with +- 750m² of commercial space was being developed on Erf 15804 by Vertikal Developments (Pty) Ltd – both development were due for completion by end 2020.

6. **BACKGROUND TO DEVELOPMENT PROPOSAL**

No formal applications for redevelopment of the property have been submitted to date, however, several proposals which, inter alia, explored various uses such as expo centres, storage facilities, accommodation, guesthouses, multi-functional halls, auditoriums and warehousing have been considered.



FIRST PLAN Town and Regional Planners

Catwalk Investments 385 (Pty) Ltd resolved in 2012 to submit an application for the redevelopment of the property as a mixed use development comprising residential sectional title units together with commercial space.

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The above application has been actively pursued since 2012 with the Municipality having been engaged in such process however although the development concept was supported in principle a formal application was not submitted due to various obstacles having been encountered - refer to Annexure 3: Chronological Background.

The development application was delayed by, inter alia;

- 2012 2016 a moratorium on all development applications serviced by the Stellenbosch Waste Water Treatment Works (SWWTW) due to a lack of capacity at such works and insufficient municipal funding to maintain and add future capacity.
- 2016 -2019 delays in the adoption of the Integrated Zoning Scheme (IZS) and clarity on spatial 0 policy which included the 2016 Adam Tas Transit Orientated Development (TOD) proposal which was then superseded by the Adam Tas Corridor (ACT) initiative – the IZS was finally approved and implemented and the ATC included in the approved MSDF in November 2019.

7. PRE-APPLICATION CONSULTATIONS

The development application is the result of various engagements between the owners/developer, the applicant and various departments of the Stellenbosch Municipality as well as with adjacent land owners since 2012 as mentioned above.

The process has included the following pre-application meetings/engagements - Refer to Annexure 4: Preapplication Consultation Record.

7.1. 21/06/2012 - Meeting with Stellenbosch planners

The proposed development of a mixed use development was discussed which proposal received a positive reception however the applicant was alerted to capacity constraints at the Stellenbosch Waste Water Treatment Works (SWWTW) and notified of a moratorium on all future applications until such time as sufficient capacity had been secured.

7.2. 14/10/2016 - Formal Pre application meeting

Refer to Annexure 4: Minutes of Pre-Application Consultation Meeting with Stellenbosch Municipality Held on 24 October 2016.

The development proposal was presented to representatives of the Land Use Management and **Engineering Services Departments.**

The development proposal was considered to be compliant with the proposals of the Stellenbosch Municipal Spatial Development Framework in which the area was identified for infill densification.

Notwithstanding the above the applicant was advised to wait for the approval and implementation of the Integrated Zoning Scheme which was expected early in 2017 in order that the application could be submitted in terms of the new scheme.

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FIRST PLAN Town and Regional Planners

7.3. 04/12/2018 - Meeting with Spatial Planning to discuss the application

Applicant informed of the Adam Tas Corridor (ATC) initiative and advised to consult with Messrs Stephen Boshoff & Kelvin Campbell who were "heading" the ACT initiative.

7.4. 11/12/2018 - Meeting held with Messrs Boshoff & Campbell

ACT initiative discussed and proposed development concept presented which was supported in principle by Messrs Boshoff & Campbell.

Applicant noted their concerns regarding the time frames given the time elapsed since the first development proposal consultation in 2012 and were assured that an application in terms of the ATC initiative would be able to be submitted by as early as mid 2019.

7.5. 21/10/2019 - Bi-lateral meeting with the "ATC committee"

The ATC committee provided an update on the ATC project which was currently in the pre-feasibility phase and noted that the purpose of the meeting was to explore the views of the various stakeholders and to allow stakeholders to raise their concerns and state their vision for the ATC Initiative in order for the parties to establish common interest.

The applicant was informed that an Interim Steering Committee had been formed and to date the committee had engaged with STIAS, the Stellenbosch Municipality, University of Stellenbosch, Remgro, Distell and the Western Cape Government

The applicant gave an overview of their development proposal and noted their major concerns as;

- O Timeframes the recent past experience of the planning process in Stellenbosch unfortunately did not augur well for the future; and
- The absence of an approved Inclusionary Housing Policy adopted in accordance with the SPLUMA principle of good administration

7.6. 20/02/2020 - Pre-application meeting with Town Planning & Engineering Departments.

Following the approval and implementation of the Stellenbosch Zoning Scheme By-Law 2019 in November 2019 the applicant resolved to submit their development application without further delay.

An official pre-application meeting was held on 20 February 2020 - Refer to Annexure 4.

The applicant was advised that, inter alia;

- The principle of the proposed development should be tested with the ATC team and comment or notes/minutes of such meeting should be attached to the application;
- They should consult with the owners, Distell, of the neighbouring property, Bergkelder, regarding access proposals; and
- Although there was currently no approved Inclusionary Housing policy some form of inclusionary housing should be offered on a voluntary basis.



7.7. 09/04/2020 - Meeting with Adam Tas Corridor Steering Committee

In accordance with the above advice a meeting, remote due to the Covid 19 epidemic, was held on 09 April 2020 – Refer to **Annexure 4**.

The applicant was advised to, inter alia;

- Assess the comments as per the minutes and consider implications/possible amendments to existing proposal where possible;
- Meet with Distell to discuss proposed possible linkages with the Bergkelder site;
- arrange a follow-up pre-application consultation with Stellenbosch Planning prior to final submission.

7.8. 12/06/2020 - Meeting with Distell

A meeting with Distell (represented by Johannes Esterhuizen, JE), owners of the adjacent Bergkelder site, was held on 12 June 2020 to discuss the proposed development and possible linkages with the Bergkelder site – See attached Annexure 4. Notes of meeting with Distell 12/06/2020.

JE confirmed the intention was for Distell to develop the Bergkelder property in conjunction with a joint venture partner. Distell had called for proposals from a number of developers however the response/interest was less enthusiastic than expected.

At the time of the meeting a JV partner had not yet been secured and no development plan was available although it was confirmed that the BK development would most likely be a mixed land use proposal with some residential, offices and commercial activities.

In the absence of a development plan for the Bergkelder property it was agreed that provision for a possible future linkage road would be provided by means of;

- a) The proposed future road through the applicant site as detailed on the site development plan; or alternatively
- b) A road within the PRASA reserve on the eastern boundary of the Oude Molen & Bergkelder properties which both parties agreed was the preferred route.

Should the above options not be feasible the parties would need to reach agreement on the alignment of the road if deemed necessary.

7.9. Final pre-application consultation meeting with municipality

Due to the Covid 19 epidemic no pre-application meetings were possible with the relevant officials of the Municipality. A request for a pre-application scrutiny was submitted which included the proposed Site Development Package. The application was discussed at an internal meeting of the Directorate Planning during the week of 20-24 July 2020. A letter of feedback, dated 27 July 2020, was received which confirms that the submission has been duly scrutinized for the intended land use development application and that it can be formally submitted for processing—Refer to **Annexure** 4.

SECTION C

PROPERTY DETAILS AND CONTEXT

8. PROPERTY DETAILS

8.1. Property Information

Table 2: Property information

Property description (in accordance with Title Deed)	Erf 14601, Stellenbosch		
Property address	Distillery Rd Stellenbosch		
Surveyor General Erf Diagrams	SG No 2474/2004 – attached as Annexure 8		
Site extent	2,6905 ha		
Registered owner	Catwalk Investments 385 (Pty) Ltd		
Title Deed number and date	T18368/2006 dated 07 April 2006 attached as Annexure 9		
Restrictive title conditions applicable	Nil – Refer to Conveyancer Certificate prepared by Bil Tolken and Hendrikse Attorneys – attached as Annexure 10		
Encumbrances	Registered Bond – Refer to Bondholders Consent attached as Annexure 11		

8.2. Site Description & Improvements

The property is a well-developed industrial site with existing buildings measuring approximately 11 650m² comprising 8 760m² of warehousing and 2 890m² of offices and "other". Refer to aerial photograph (Figure 2) and photographs below.

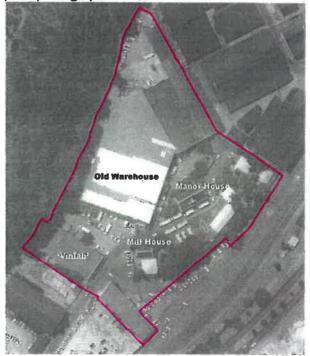


Fig 2 Site Improvements





Fig 3 Property Entrance



Fig 4 Manor House



Fig 5 Mill House



Fig 6 ""Shed"



Fig 7 Ex Vinlab



Fig 8 Main Warehouse



Fig 9 Main Warehouse



9. LOCALITY AND CONTEXT

9.1. Macro Context

The property is located within the Bosmans Crossing precinct which is situated within the western edge of the town within the urban edge of Stellenbosch and outside the historic core – the Stellenbosch Urban Conservation Area Overlay Zone.

Bosmans Crossing is located between Adam Tas Road/railway line and the Plankenbrug/Papagaaiberg Nature Reserve.



Fig 10 Site in the context of Stellenbosch



9.2. Micro Context

The property is situated in Bosmans Crossing at the termination of Distillery Road. The property is bordered by Bosmans Crossing to the south, the Plankenbrug River/Papagaaiberg Nature Reserve to the west, the Bergkelder Industrial property to the north and the railway line/Adam Tas Rd to the east.

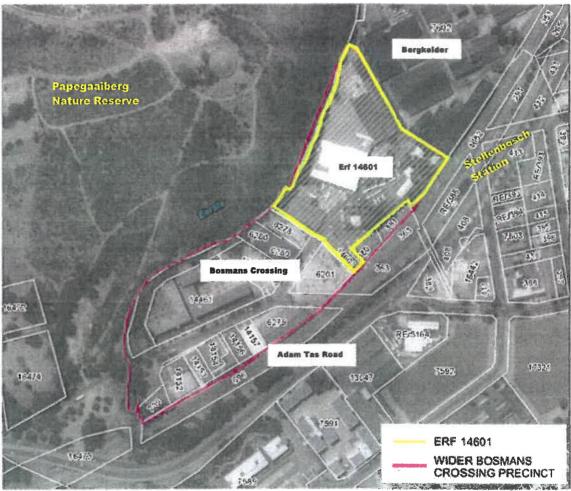


Fig 11 Micro Context

The Bosmans Crossing precinct was redeveloped in the mid 2000's with the original development application having been approved in 2003 and amendment approved in 2006.

The original development was based on "a sound urban renewal and urban design concept" with the purpose of transforming the old KWV Industrial warehouse site into a vibrant node of associated residential and commercial opportunities.

The proposal was supported at the time by, amongst others, the SIG who commented that "the proposals were considered very sound and are wholeheartedly supported. The possible link of Dorp Street through the development is supported".

The Planning Department supported the proposal noting that "this Department is therefore of the opinion that the application to re-develop the site into a mixed land use area can hold huge benefits towards the urban renewal design of the area concerned" and that they "strongly believe that the development could play a significant role in the re-vitalization of this Light Industrial site" and that the "proposed commercial and residential activities will create new life to the area with positive spinoffs".

Redevelopment of the precinct proceeded in accordance with the initial proposals and subsequent applications which initiated the urban renewal of the precinct - the precinct is currently in the process of being transformed into a vibrant mixed use node as originally envisaged - refer to zonings & land uses below.

9.3. **Adam Tas Corridor**

The property is located in the "Central District" of the Adam Tas Corridor which is described, in the approved Spatial Development Framework (SDF), as being "the largest, including Bosman's Crossing, the Bergkelder, and the Van der Stel Sports complex. Here, development should be the most intense, comprising a mix of commercial, institutional, and high density residential use"

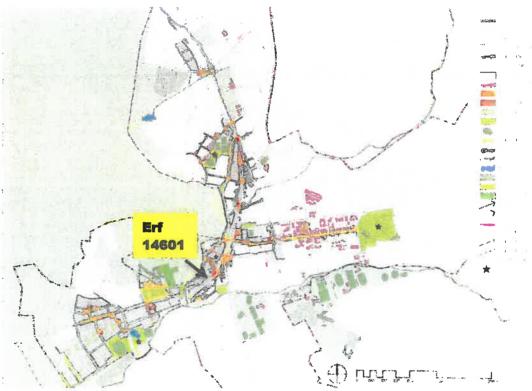


Fig 12 Adam Tas Corridor Concept (source: Stellenbosch SDF, 2019)

10. ZONINGS AND LAND USES

10.1. Zoning

The newly approved Stellenbosch Municipality Zoning Scheme By-Law, 2019 is applicable. The site was originally zoned for Wine Industry in terms of the former Stellenbosch Zoning Scheme. It has been converted to Industrial Zone in terms of the new Zoning Scheme By-Law.

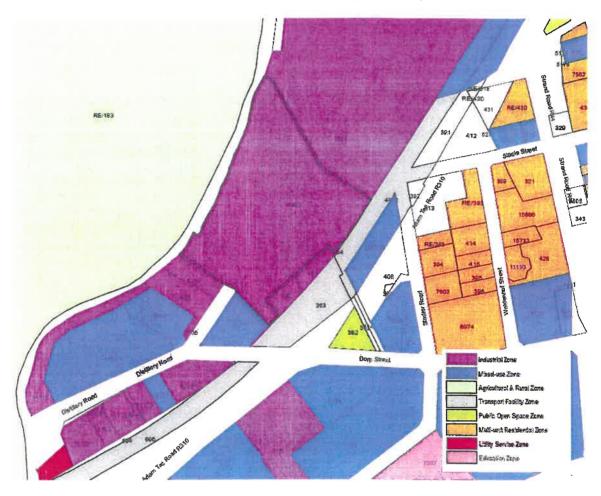


Figure 13: Zoning Map

The properties to the south in the Bosmans Crossing precinct are zoned for a combination of Industrial and Mixed Use purposes.

The properties to the east are generally zoned for Mixed Use and Multi Residential purposes.

Properties to the north of the site are zoned and used for Industrial Purposes and includes primarily the Bergkelder complex.

To the west of the site is the Papagaaiberg Nature Area, zoned for Agricultural/Rural purposes. The area has been declared a nature reserve in terms of Section 23 of the National Environmental Management: Protected Areas Act, 57 of 2003.

10.2. Land Uses

10.2.1. Bosmans Crossing Precinct

As mentioned above the redevelopment of the Bosmans Crossing precinct proceeded in accordance with the initial mid 2000 proposals and subsequent applications which initiated the urban renewal of the precinct.

The precinct is currently in the process of being transformed into a vibrant mixed use node as originally envisaged.

These properties are utilized for a variety of mixed land uses such as light industrial, distribution, offices, professional services, laboratories, winery's, distillery's, apartments, gymnasiums, shops, bakeries and restaurants, etc.

Table 3: Bosmans Crossing Precinct Land Uses

Erf	Res Units	Commercial	Industrial	Comment
14601	253	1.200m²		Subject property - proposed
14461	102	2 732m²		The initial mixed use redevelopment
15804	41	738m²		Bosmans Club currently under construction with completion due end 2020
6280		Since State of the		Redeveloped - Hillebrand logistics
6278				Redeveloped - Vinlab wine laboratory
6201		5 000m²		Bosmans Business Centre currently being developed by the applicant with completion due end 2020
6279				Redeveloped - Pane e Vino Restaurant and Wine Producers
14157				Original building - Antiques & vintage furniture
14156		water the little		Original building – Stellakaya Winery
14154				Original building - Sculpture foundry
14153			IN SECURIOR	Original building - Craft Gin distillery
14152	TE USAN			Original building – gutted by fire



Fig 15: Existing mixed-use land uses in Bosmans Crossing



At the time of application the Bosmans Club, comprising 41 residential units with 740m2 of commercial space was being developed by Vertikal Developments (Pty) Ltd with completion due by the end of 2020.

Further to the above the applicant is in the process of developing the adjacent site, Erf 6201, which has a Mixed Use zoning, for commercial purposes with a GLA of approximately 5 000 m2, to be known as Bosmans Business Centre which is due for completion by end of 2020.



Fig 16: Development of Erf 6201 (left crane) with Erf 14601 in the foreground.

The Business Centre, once completed, will have a significant impact on the commercial 'component' of the precinct.

10.2.2. Subject Property

The property was originally the site of the Oude Molen Brandy Distillery in the early 1900's and later the distribution centre for Gilbeys Distillers and Vintners.

Significant changes were made on the property when Gilbeys redeveloped the site in the early 1990's – a total of 27 buildings were demolished and the large warehouse complex constructed.

The site consists of a complex of mainly industrial buildings, warehouses, blacktop surfaces together with the Manor and Mill Houses – refer to paragraph 8.2, Site Description and Improvements above.

Table 4: Permitted, existing and proposed building areas

7	Extent	Floor Area	Coverage	Height	Bulk
Zoning	26 905 m²				
Permitted current Zoning & Us	ie				
Previous Scheme	Wine Ind	na	75%	3	60 536
Current	Industrial	na	75%	4	80 715
Existing buildings		na	37%	2	10 794
Proposed Zoning & Use					
Permitted	MUZ	na	85%	6	137 216
Proposed		89%	29%	4 & 5	23 933

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The property is currently underutilised as an industrial property due to, inter alia, the decision in 2012 to redevelop the property as herein proposed and the location within an urban renewal precinct.

11. HERITAGE

The subject property has some historical value and has been linked with early brandy production in South Africa.

The 'Manor House' (original farm house), although much altered and containing little or none of the original fabric, is a fine building and can be considered to be associated with the beginnings of the brandy industry in South Africa.

A portion of the historic Mill Stream, an old but rather neglected element of the town's history, used for powering a number of watermills in Stellenbosch, is now channelled through the site in an underground pipe.

The Mill House is a replica mill constructed in 1965.

The proposed development of the property triggers Sections 38(1)(c)(i) and (d) of the National Heritage Resource Act (NHRA) and accordingly a Notification of Intent to Develop (NID) was submitted to Heritage Western Cape (HWC) in 2015.

HWC required that a Heritage Impact Assessment (HIA) be conducted – refer to Section G of this report and Section 38 of the National Heritage Resource Act, 1999.

12. RELEVANT SPATIAL POLICY

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The development guidelines of the following spatial policies need to be taken into consideration in any new development within the Stellenbosch Municipal area.

- Provincial Spatial Development Framework
- The Stellenbosch Integrated Development Plan (2017 2022) and policies resulting from the approval of the Integrated Development Plan, including:
 - o The Stellenbosch Municipality Spatial Development Framework (November 2019)
 - The Adam Tas Catalytic Initiative (included in the approved 2019 Stellenbosch SDF)
 - Stellenbosch Municipality Comprehensive Integrated Transport Plan 2016 2020

Compliance with the guidelines/recommendations of these policies, as required in terms of Section 61 of the Stellenbosch Municipal Planning Bylaw, 2015, has been dealt with under cover of Section F of this report.

SECTION D

DEVELOPMENT PROPOSAL

13. DEVELOPMENT PHILOSOPHY AND INFORMANTS

The approach adopted was to ensure that the proposed development acknowledged, responded to and was guided by the macro and micro informants with regards to the value and location of the property in terms of the economic, natural and built environments.

A number of studies were undertaken, including an Urban Design Framework by Piet Louw & Dave Dewar in Association, to identify such informants which were identified as;

13.1. Viability

As the proposed development is a commercial property venture funded by shareholders capital an absolute prerequisite was that the development proposal should be sustainable, viable and should optimise the economic value of the asset within an acceptable risk profile.

Extensive market research was undertaken in order to determine the most suitable form of development in order satisfy this prerequisite

In terms of such research and taking the indicators below into consideration the decision was reached that a mixed use development comprising both residential and commercial opportunities was the most appropriate type of development on the property.

In order to offer flexibility and sustainability it was decided that the development should not be targeted at a specific market segment but rather as a broader general residential sectional title scheme – from past experience such schemes are generally sought after by first time homeowners, young working professionals, young couples, single parents, mature/post graduate students and empty nesters all having similar spatial and security requirements.

It is envisaged that the units will be in demand from the occupants of the adjacent Bosmans Business Centre which will contribute to a safe – live – work – play walkable neighbourhood.

13.2. Policy

The development proposal should be aligned and consistent with legislation and approved local policy.

The following policies were identified as being of particular relevance;

- The 4th Generation Integrated Development Plan 2017 2022 First Amendment adopted August 2019
- The Stellenbosch Municipality Spatial Development Plan approved by Council on 11 November 2019 with particular reference to the Adam Tas Corridor Catalytic Initiative (ATC) documented therein.

o The Stellenbosch Municipality Zoning Scheme By-Law 2019 implemented in November 2019

The development application has been delayed for some eight years pending finalisation of policy and adoption of the Stellenbosch Municipality Zoning Scheme By-Law 2019.

In addition to the above policies the proposed development was informed by the various preapplication engagements with municipal officials, consultants and stakeholders between 2012 and present – refer to paragraph 7. Pre-Application Consultations on page 13.

13.3. Macro Contextual Framework

A macro contextual analysis was undertaken in order to

- Integrate the property into the broader systems of Stellenbosch;
- o identify high level constraints and informants and
- o understand capacities in terms of land and infrastructure.

The property is located within the central district of the ATC which;

- o describes the ATC area as "the most strategically located land in Stellenbosch town", and
- o states that "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 Papagaaiberg from the disused Cape Sawmills site in the west to Kayamandi and Cloetesville in the north." and
- describes the central district as "the largest, including Bosman's Crossing, the Bergkelder, and the Van der Stell Sports complex. Here, development should be the most intense, comprising a mix of commercial, institutional, and high density residential use"

13.4. Precinct and Environs

A precinct and local environs contextual analysis was undertaken to ensure integration of the proposed development with the surrounding urban fabric and natural systems which included;

- investigating whether there were positive aspects in the precinct which could be used to the benefit of the development and
- investigating whether there were needs/opportunities in the precinct which could be satisfied/accommodated in the development

As before mentioned the redevelopment of the Bosmans Crossing precinct commenced in the mid 2000's and the precinct is currently in the process of being transformed into a vibrant mixed use node as originally envisaged.

The completion of the Bosmans Business Centre, on the adjacent Erf 6201, comprising approximately 5 000 m² of GLA will have a significant impact on the commercial property supply within the precinct.

The subject property together with Erf 6201 is greater than the remainder of the Bosmans Crossing precinct. The development proposal should therefore be considered in the context of the entire precinct rather than within the confines of the subject property and should take cognisance of and complement the precinct generally.

13.5. Site Specific Features

The natural and built features of the site itself were investigated in order to determine and identify those features which would inform the development and design proposal including, inter alia;

- The scale and natural features of the property, the
- Urban design factors, which included gateways, landmarks, view-cones and axial alignments, the
- o Composite constraints including "no-go areas" (if any), "tread lightly areas" (if any) and optimum development zones and the
- Existing built infrastructure.

The following informants were identified in conjunction with the heritage resource indicators mentioned below;

- o sight lines from lower Dorp Street and Adam Tas Road towards Papegaaiberg and towards the Manor House and Mill House,
- o significant trees on site
- o the historical alignments of the existing buildings
- o and the possibility/option to "express" portions of the Mill stream which is currently piped underground as part of the stormwater system.



Figure 18: Composite heritage related constraints and informants Dewar & Louw Oude Molen Urban Design Framework, 2016

These informants were all addressed during the design process.

13.6. Heritage Informants

Heritage practitioners, Chris Snelling and Cindy Postlethwayt, were, from the very outset, engaged to identify the heritage resource indicators, which would include any significant historic and/or archaeological resources that were pertinent to the site and surrounds.

Once identified such indicators were used to determine the development responses that needed to be taken into account in the planning process with every step having been guided by such indicators.

A Notification of Intent to Develop (NID) was submitted to Heritage Western Cape (HWC) in 2015 – Refer to Annexure 19 – Heritage RNID and a Draft Heritage impact Assessment (HIA) is in the process of being completed for the public participation process whereafter the HIA will be submitted to HWC for an ROD.

13.7. Spatial Linkages

The Bosmans Crossing precinct forms the western edge to the town but is not well integrated with the rest of Stellenbosch, largely because of the barrier/ severance effect of the R44 and the railway line.

Numerous alternative vehicular access options have been investigated including the provision for signalised access off the Adam Tas Road (Arup Report 2005), lowering of the railway line (Royal Haskoning DHV STOD Report 2014 revised 2016) and "lighter rail stock — possibly in the form of a "tram system" — "offering the advantage of safe at grade crossing of the rail line" (Stellenbosch MSDF approved November 2019).

Notwithstanding the above investigations the most viable alternative access would appear to be a Non-Motorised Transport (NMT) bridge catering for pedestrians and cyclists linking the Lower Dorp and Bosmans Crossing precincts and linking Bosmans Crossing into the greater proposed Stellenbosch NMT system as included in the Heritage record of decision for the widening of Lower Dorp Street.

The development of the Bosmans Business Centre (BBC) on Erf 6201 and the proposed development have assumed this NMT linkage and have promoted NMT accordingly—the BBC building incorporates secure storage for bicycles together with showers on all floors for cyclists.

13.8 The extension of Distillery Road as an activity road

The repurposing of an existing warehouse into a deli/bistro/pub — along the lines of the De Warenmarkt in Stellenbosch - linked with a large outdoor piazza to the commercial/retail component of the adjacent Bosmans Business Centre as well as the use of the existing Manor House for commercial purposes (considered suitable for a variety of commercial uses including, inter alia, the hospitality/restaurant industry as well as general commercial use) will ensure an active interface on the proposed future extension of Distillery Road.

13.9 Infrastructural services

The availability of infrastructural services was investigated with the initial application having been delayed between 2012 and 2016 due a moratorium on all new development at the time due to the lack of capacity at the Stellenbosch Waste Water Treatment Works. (SWWTW).



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14. DEVELOPMENT PROPOSAL

Having identified the macro and micro informants as above the development proposal was formulated in response to and was guided by such informants - the resultant proposal being a mixed use development comprising;

- o a sectional title scheme of +- 253 two and three bedroom residential units together with private recreational facilities;
- the repurposing of an existing warehouse into a "vibey" "hip" deli/bistro/pub along the lines of the De Warenmarkt in Stellenbosch - linked with a large outdoor piazza to the business/retail component of the adjacent Bosmans Business Centre which will provide a vibrant social hub for the precinct, and
- the inclusion of the existing Manor House on a separate erf to be used for business purposes which is suitable for a variety of commercial uses including, inter alia, the hospitality/restaurant industry as well as general commercial use.



Fig 19: Development Proposal

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The development will contribute to a balanced mixed use precinct - it is anticipated that the development itself will act as a catalyst for the precinct with the occupants of the Bosmans Business Centre choosing to reside in the residential component resulting in a safe - live - work - study - play neighbourhood.

Due to its size and scale the development has the critical mass to transform the entire Bosmans Crossing precinct into a vibrant, safe community orientated walkable neighbourhood.

The development will therefor offer residential and business opportunities within a transport-orientated, mixed use, high density development favouring access by pedestrians and cyclists which will contribute to a compact, less sprawling town that promotes public transport, and pedestrianism which is consistent with the principles as defined in the approved Stellenbosch MSDF.

14.1. Master Plan

Refer to Annexure 13 Site Development Plan Package for the Master Plan together with detailed layouts of the proposal

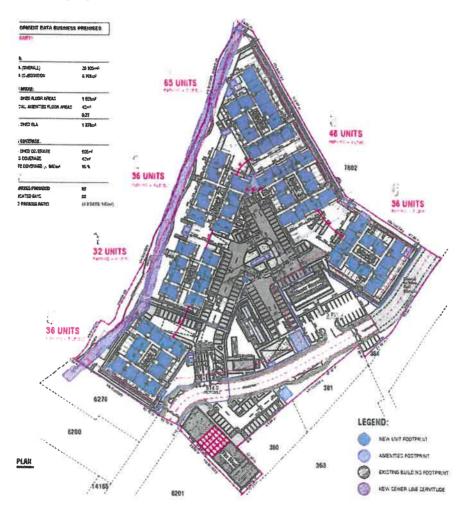
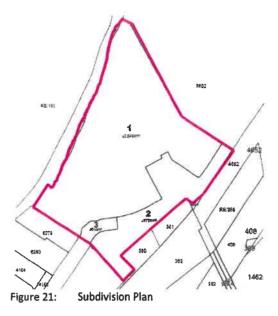


Fig 20: Site Master Plan

The property will initially be subdivided into three portions in order to accommodate the residential scheme and business development on separate erven together with a portion of public road providing access to the two portions.



Provision has been made to further subdivide the business portion, Ptn 2, in order to provide access through the property if so required.

14.1.1. Scope & Scale

a) Residential

The Residential scheme will comprise six residential buildings with a total of +- 253 apartments together with private amenities.

Table 5 Residential data

	Levels above semi- basement *	Storeys	Unit Types			
Residential Buildings			A" 2 Bed 62m²	8 ⁸ 3 Bed 61m ²	C 3 Bed 84m²	Total
Block 1	4	5	16	0	16	32
Block 2	4	5	20	0	16	36
Block 3	4	5	32	0	16	48
Block 4	5	6	0	65	0	65
Block 5	3	4	0	36	0	36
Block 6	3	4	27	0	9	36
			95	101	57	253

 $[\]ensuremath{^{*}}$ In terms of the zoning scheme the semi-basement is deemed to be a storey

The residential development data can be summarised as follows;

- Overall site area 26 905m² proposed residential subdivision 20 493m².
- Gross building area residential units 21 968m² & amenities 553m² = Total 22 521m².
- The residential coverage 6 081 m² (unit block coverage) and 411 m² (amenities) which is 32 % coverage of the proposed residential subdivision (existing coverage of total site 37%)

[&]quot;Unit Types A & B are interchangeable in order to provide flexibility according to market demand

- The development will range between 4 and 6 storeys note in terms of the zoning scheme the semi basement parking is deemed a storey.
- The existing Mill House will be converted into a private gym facility with a swimming pool for the exclusive use of the residential complex.
- Parking will be a combination of open surface parking and semi-basement parking. In accordance with the zoning parameters applicable, a total of 419 parking bays are required - 293 dedicated & 127 visitors. 420 parking bays have been provided.

b) Business premises

The commercial component comprises the repurposing of two existing buildings, namely the Manor House and the "Shed" which both front onto the proposed extension of Distillery Road which will contribute to the intended activity character of the road.

o Manor House

The existing double storey Manor House will be utilized for business purposes – the building lends itself to a variety of uses in the hospitality and general commercial sectors.

Should access be required/provided through the property the Manor House will be accommodated on a separate subdivision fronting onto such public road.

Extensive internal renovations to the Manor House were undertaken by Gilbeys Distillers and Vintners in the 1990's when the house was converted into a modern commercial office — should further renovations be required a separate application will be submitted as required.



Fig 22 Existing Manor House

o The Shed

The existing single storey warehouse at the entrance of the development (south eastern corner) will be repurposed as a deli/bistro/pub along the lines of the De Warenmarkt in Stellenbosch.

The intention is to "open up" part of the building creating a piazza which will link to the commercial/retail component of the Bosmans Business Centre (on the adjacent Erf 6201).

It is envisaged that "the Shed" will become a vibrant social hub within the precinct enabling residents to entertain and socialise within a safe walkable neighbourhood — such a facility is currently lacking within the precinct which currently does not include any form of "after hours" activities.

The Shed is located on the proposed extension of Distillery Road opposite the entrance to the proposed residential scheme.



Fig 23 Existing Shed

The success of the commercial component is dependent on the increased number of people residing in the precinct as provide for in the residential scheme the attraction of which will be enhanced by the provision of commercial/entertainment facilities within a safe walkable neighbourhood.

The business premises data can be summarised as follows;

- Overall site area 26 905m² proposed business subdivision including provision for future road access through the property 5 798m².
- Bulk 1 501m² & amenities 42m² = Total 1 543m².
- o Gross leasable area 1 276m².

- The business coverage is 946 m² which is 16 % coverage of the proposed business subdivision including provision for future road access through the property (existing coverage of total site 37%)
- Parking for the business component is provided at grade directly in front of each building – 47 bays required and 51 bays provided.

14.1.2. Site Development Plan

The development philosophy and informants, as discussed in Section D above, were all acknowledged and addressed during the design process

a. Residential



14165

Fig 24: SDP - Residential

Site lines and relationship between buildings

Particular emphasis was placed on re-establishing the site lines between Adam Tas Road, and the historically significant buildings on site and creating a view corridor towards the Papegaaiberg.

The relationship between the three existing structures was deemed important as their collective identity would uphold historic proportions and legacy against a new, more contemporary architecture.



Fig 25: SDP - Three-D modelling of the proposed development

As much as the contemporary architecture endeavours to simplify itself in order to emphasise the old, so too the old must be given a unified, linked identity with which to stand in contrast to the new - in order to achieve this, site lines between the old structures have been kept clean to enable them to be seen together.

Residential block layout and central "courtyard"

The residential blocks are designed as clusters rather than linear rows which;

- creates a sense of community and reduces the overwhelming scale of long row-style residential blocks,
- hides circulation space and back-of-house facades from the outside putting all main facades on the exterior of the block and
- optimises parking layouts and vehicular circulation.

The blocks are positioned on the western boundary, fronting the Plankenbrug River, and the northern boundary which together with the three existing structures creates a central courtyard accommodating limited parking and recreational amenities.

Numerous walkways and planter walls have been introduced to treat the central open space as a courtyard. The roads and walkways will be treated with different paving materials, to invoke the feeling of cobbled courtyards together with extensive landscaping.

The Mill House is incorporated as the central recreational hub of the scheme adjacent to the swimming pool and central "activity space".



Figures 26 - 29: 3D modelling of the proposed development

Access Control

Access control and security measures are included to the common property and sectional title units which are located on a single cadastral erf which should not be confused with a "gated village" which incorporates numbers of individual erven within a security estate.

Parking

Parking levels are partially submerged in semi basements which are surrounded by planted 'werf 'walls in order to hide the majority of cars from view.

The planted "werf" walls hides the columns and make the buildings seem anchored/grounded, to depart from the 'floating/ hovering' principles of Modernist architecture and to add greenery in the vertical plane.

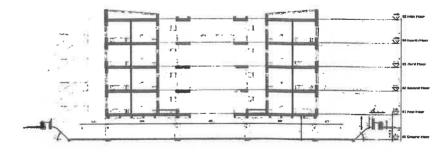


Fig 30: Semi basement parking & "werf" wall



Height & density

The heights and datum lines of existing structures were used as loose reference points in determining the scale of new structures - the blocks situated adjacent the Papegaaiberg are of a greater height and density than those adjacent to the Manor House.

The buildings on site become higher from the railway line towards the foot of Papegaaiberg which creates a gradual visual experience when the development is viewed from Adam Tas Road, with the buildings in the foreground being the lowest and the buildings at the back, with the Papegaaiberg as a backdrop, being the tallest.

Millstream

The Mill Stream is currently diverted in an underground storm water pipe running through the property below the main warehouse and dispelling water into the Plankenbrug River.

In order to celebrate the canal culture of old Stellenbosch the stream has been expressed by means of a water feature that runs through the development into the Plankenbrug River — Refer to Annexure 13, Landscape Development and Design Philosophy

Access through the property

The original Urban Design Framework prepared in 2016 preceded the ATC initiative and the closing down of the Bergkelder industrial complex.

The proposals for the Bergkelder site are currently unknown/undetermined however provision for access through the property, linking the Bergkelder site to Bosmans Crossing, has been made if so required.

The provision of a public road through the property would be subject to agreement being reached between the various stakeholders.

Plankenbrug Sewer Pipeline Servitude

The Plankenbrug sewer pipeline was installed, by the Municipality, through the property in 2017 along the western boundary between the existing main warehouse and the Plankenbrug River.

The pipeline was installed prior to the registration of a servitude the terms and conditions of which still need to be agreed between the Municipality and the applicant.

Notwithstanding the above provision has been made for a 6m servitude in accordance with the Municipal notice dated 03 May 2017 and subsequent discussions between the Municipality and the applicant.

b. Business

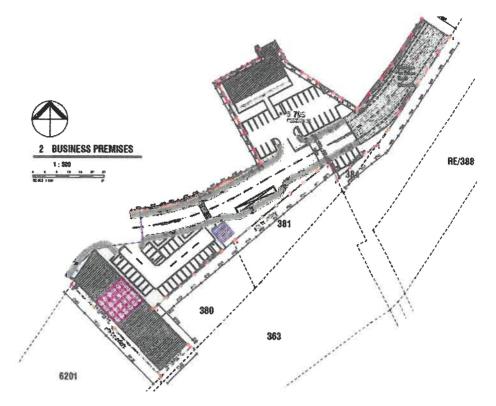


Fig 31: SDP - Business Premises

14.1.3. Architectural Ethos

The approach taken with regards to the architectural design was to respect the proximity of historically significant sites and styles and to draw inspiration where deemed appropriate — Refer to Annexure 14, Oude Molen Architectural Design Ethos.

The surrounding architecture in Bosmans Crossing is mostly industrial whereas the Manor House, Mill House and warehouses on the property incorporate a hybrid architecture visually reminiscent of Cape Dutch - the site itself is therefore predominantly "Cape" in style.

The challenge for the new development would be to marry the two styles in an appropriate ratio of the historically appropriate Cape architectural references for the Manor and Mill Houses on site, and Industrial for the surrounding character of the immediate context.

The parameters of homes built in the Cape Dutch style held a very particular balance and so when applied to larger buildings, the balance between length, width and height had to be carefully altered throughout the change of scale which was difficult, and made the maintaining of the classic orders and principles problematic.

As modernism as an architectural style rose in popularity across the world, the Western Cape adopted a version influenced by its own Cape aesthetic. This is well observed in the works of famous South African Architects like Pius Pahl and Roelof Uytenbogaardt - the forms of these two styles differed significantly, but the similarities in material and colour

allowed the new style to fit into the historic context which is how the Cape style was introduced to architecture that outgrew the historic farmstead scale.

Multiple storey buildings adopted the form and design of the Modern Style, whilst staying true to the palate and intention of the Cape Style.

There are many appropriate examples of these contemporary three storey apartment buildings in the heart of Stellenbosch. They abandoned the original Baroque ornamentations of the original Cape Dutch gables, in favour of cleaner lines and simpler forms, whilst maintaining similar materials and finishes with which to blend into the historical context.

The intention is to use the new architecture as backdrop-architecture to the existing Manor and Mill Houses, in an attempt to emphasise their classical forms and principles without overshadowing them and drawing attention away from the site's historical character enhancing not copying









Figures 32 - 35: Interpretation of new Architecture

This is achieved by using traditional Cape colours and tonal similarities combined with a form that is more contemporary in its presentation which creates a simplistic architecture that is simple in form, but rich in texture and material application.

14.2. Transport, Access and Roads

Refer to Annexure 15, Traffic Impact Assessment prepared by the ICE Group.

14.2.1. Access and internal road circulation

Access is obtained from Distillery Road, via Oude Libertas Street, both classified as Class 4-roads - distillery Road currently terminates at the subject property boundary.

A future road link to George Blake Road via the subject property (and via the Bergkelder Site) has been provided for should such a link be required.

At a meeting held with the Stellenbosch Municipality in January 2020, attended by Messrs Johan Fullard, Nigel Winter and Roscoe Bergstedt, with the consultant traffic engineers Piet van Blerk and Yolandi Obermeyer, it was agreed that a 13 metre road reserve will suffice for this possible future road link traversing the subject property. The said road reserve is to accommodate a 7,4 metre blacktop, with minimum 2,4 metre NMT-facilities along both sides of the road (wider where additional space exists within the road reserve).

The existing "Bosmans Crossing" bridge across the Plankenbrug River at the entrance to the Bosmans Crossing precinct has limitations with regard to capacity. The Municipality have confirmed, email dated April 2020, that consultants have been appointed to design a new bridge and that the project has been placed on the new capital budget due for approval by Council at the end of May 2020

The current proposal is to provide access to the Residential Scheme and the business component by an extension of Distillery Road into the subject property.

Should a link road through the property be required, and as provided for, three access points are proposed – access to the residential scheme and access to the two business components. To address traffic calming measures it is proposed that the access intersections be raised.

Access to the Residential Scheme

Access to the residential scheme is provided on the left hand side some 30 meters along the Distillery Road extension.

The controlled entrance will be set back approximately 20 meters from the access intersection and will comprise two incoming lanes and an exit lane.

Internal circulation will be via the isle widths provided between parking bays, which measure 7,0 metres which are considered sufficient to accommodate the two-way traffic expected on-site

A refuse embayment is proposed at the entrance to the Residential Scheme although the intention is that refuse collection will be contracted privately – the embayment will also function as a Public Transport embayment.

Access to "The Shed" business development

Uncontrolled access to "The Shed" is provided directly opposite the access to the Residential Scheme.

A refuse embayment is proposed which will also be able to function as public transport embayment.

o Manor House business development

Uncontrolled access to The Manor House is provided +- 80m to the east of The Shed access.

A refuse embayment is proposed which will also be able to function as public transport embayment.

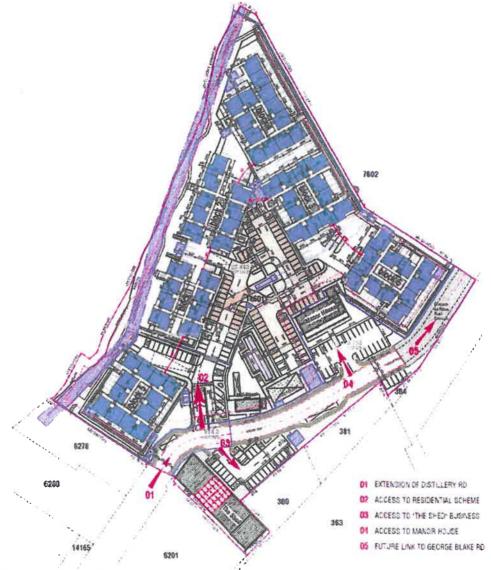


Fig 36: Access and Internal Circulation

14.2.2. Parking.

Parking has been provided in accordance with the scheme regulations.

Table 6: Parking provision

Residential	No of Beds	No of Units	Bays/Unit	Bays Required	Provided
Unit Type A	2	95	1	95	
Unit Type B	3	101	1.25	126	
Unit Type C	3	57	1.25	71	
Total		253		293	293
Visitors	0.5			127	127
Total				419	420
Commercial		GLA	Bays/100 m ²	Bays Required	Provided
Manor House		592	4	24	28
Shed		684	4	27	27
Total				51	55

14.2.3. Traffic Impact Assessment

Refer to Annexure 15 Traffic Impact Assessment prepared by the ICE Group which can be summarised as follows:

- Analysis of Available Peak Hour Volumes current excluding future and proposed development
 - o Adam Tas Road/Oude Libertas Street intersection

Although relatively congested during peak times, unacceptable service levels are not yet experienced.

o Oude Libertas Street/Distillery Road/Flamingo Road intersection

According to the Sidra analyses, acceptable service levels A and above were experienced at this intersection during the available peak hours.

- b) Analysis of Estimated Peak Hour Volumes including future development but excluding proposed development
 - o Adam Tas Road/Oude Libertas Street intersection

To accommodate the estimated 2025 peak hour traffic volumes (background traffic including surrounding development but excluding the proposed development) at the Adam Tas Road/Oude Libertas Street intersection, the Erf 15804-upgrades will be required, as well as a continuous left-slip lane on the Oude Libertas Road- approach, and the consideration of a third through lane along Adam Tas Road, or a bypass road (as per the Saw Mills-recommendations).

o Oude Libertas Street/Distillery Road/Flamingo Road intersection

To accommodate the estimated 2025 peak hour traffic volumes (background traffic including surrounding development but excluding the proposed development) at the Oude Libertas Street/Distillery Road/Flamingo Road intersection, the provision of traffic signals be considered.

c) Analysis of Expected Peak Hour Volumes – including future development and including the proposed development

The upgrades required to accommodate the background traffic should be sufficient to accommodate the addition of the proposed development traffic.

The report concluded, inter alia:

- a) That the proposed development has the potential to generate 271 AM peak hour trips (76 in, 195 out) and 339 PM peak hour trips (222 in, 117 out), which will have a lesser impact on the external road network than the industrial rights;
- b) That to accommodate the proposed development-traffic, no upgrades additional to those required to accommodate the background traffic is considered necessary;
- c) That provision has been made should the overall road network require a link between the existing Bosman's Crossing area and George Blake Road by way of a future road link (extension of Distillery Road) to George Blake Road via the subject property (13 metre road reserve as agreed upon with Stellenbosch Municipality: 7,4 metre blacktop road with minimum 2,4 metre NMT facilities along both sides);
- d) That the existing bridge across the river, currently the only access to the Bosman's Crossing area, has limitations with regard to capacity, but that according to information, consultants have been appointed by Stellenbosch Municipality to investigate required upgrades;
- e) That a pedestrian bridge over the railway line, and possibly over Adam Tas Road, is planned, which will be an important link between Bosman's Crossing and the eastern side of the railway line in order to provide a more direct (and shorter) route for NMT towards Stellenbosch CBD bridge included in Lower Dorp Street duelling proposal (as part of the heritage application).



And recommended that to accommodate the background traffic:

- a) Adam Tas Road/Oude Libertas Street intersection:
 - A continuous left- slip lane on the Oude Libertas Street-approach be considered, and
 - consideration be given to a third through lane along Adam Tas Road, or a bypass road (both as per the Saw Mills-recommendations);
- b) Oude Libertas Street/Distillery Road/Flamingo Road intersection
 - a. The provision of traffic signals be considered.

As Adam Tas Road is a Class 2-road, and as the upgrades required are as result of background traffic, the cost of the recommended upgrades should be offset against Development Contributions

14.2.4. Non-Motorised Transport (NMT)

The residential scheme has been designed to encourage the use of bicycles by the provision of storage facilities as has the adjacent Bosmans Business Centre which includes secure bicycle storage together with showers on each floor for cyclists.

NMT pathways and public transport embayments have been allowed for along the proposed extension of Distillery Road traversing the subject property.

However ultimately the actual usage and success is dependent on the linkage into the greater NMT system and the extent and success of such system.

a) Walkable Neighbourhood

There is a symbiotic relationship between residential and retail/commercial development with residential development generally preceding retail/commercial development in an area/precinct. Retail/commercial feasibility studies are largely reliant on the supply and relevant demand drivers of the "catchment area" of the proposed development. The approval of sites by National chains/franchises is dependent on such data—people are a catalyst to commercial/retail development.

The redevelopment of the Bosmans Crossing precinct commenced in the mid 2000's and the precinct is currently in the process of being transformed into a vibrant mixed use node as originally envisaged. However, to date, there are insufficient residents residing in the precinct to justify the feasibility of retail/entertainment with no businesses currently being open after office hours - the applicant has had first-hand experience in attempting to attract a national retailer to the area with the current demand proving insufficient.

The area of the subject property together with Erf 6201, developed by the applicant, is greater than the remainder of the Bosmans Crossing precinct. Due

Erf 14601 Stellenbosch

to its size and scale the proposed development has the critical mass to add sufficient residents to make retail and entertainment businesses in the precinct viable.

Further to the above the applicant is currently developing the Bosmans Business Centre, +- 5 000m2 of commercial GLA, on the adjacent site and it is envisaged that many of the occupants will choose to reside in the precinct.

The development of the Bosmans Business Centre and the proposed development of the subject property will transform the area into a diverse balanced mixed use precinct which will result in a safe community orientated live — work — study — play — walkable neighbourhood which is the ultimate form of NMT.

The intention is to improve the security of the entire precinct through the establishment of a Special Rated Area (SRA) and the deployment of the latest security technologies to further foster the walkable neighbourhood.

b) NMT Bridge

As acknowledged in the MSDF (ATC Initiative) Bosmans Crossing is currently not well integrated with the rest of Stellenbosch largely due to the barrier/severance effect of the railway and Adam Tas Road

The proposal is for a Non-Motorised Transport (NMT) bridge, catering for pedestrians and cyclists, over the railway line linking the precinct to the Lower Dorp Street precinct and into the greater proposed Stellenbosch NMT network in accordance with the Comprehensive Integrated Transport Plan (CITP).

The proposal is for the NMT bridge to follow the original alignment of Dorp Street, a portion of which lies on the western side of the railway line in Bosmans Crossing connecting into Distillery Road — as depicted in red in Fig 37 below.



Fig 37: Schematic of the proposed NMT Bridge over the railway line linking Bosmans Crossing to Lower Dorp Street – red line and linkage into existing cycle path – yellow line.



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The Record of Decision (ROD) for the Heritage approval for the proposed widening of the Lower Dorp Street – Case No 15031805GT0313E December 2015 – included a condition that "the historical alignment must be retained. The continuity must be improved by the construction of a pedestrian/cycle bridge over the railway line and a cobble stone or paved strip over Adam Tas Road: the practical execution thereof still to be confirmed by the effected parties."

Further to the above the proposed NMT Bridge has the following support;

- At a meeting with representatives of PRASA in 2012, 08/05/2012, 16/05/2012 & 17/05/2012, which included a site visit, it was confirmed that a road servitude existed and that the bridge would be deemed to be "a street to street" access requiring Municipal approval.
- o The Municipalities support for the bridge was confirmed at a meeting in November 2014 followed by a written request by the ICE Group, as requested by the Municipality, that the proposed pedestrian/cycle bridge be included in the Stellenbosch Municipalities NMT plan which was being finalised at the time.
- The Municipality recently confirmed, email dated April 2020, that "A pedestrian bridge over the railway line located between Stellenbosch Station and Dorp Street, linking existing NMT routes along Adam Tas with proposed NMT routes in the Bosmans crossing area, is certainly desirable. The Municipality's Non-Motorized Transport (NMT) Masterplan is currently being reviewed and updated, and this bridge is included in this Master Plan." and that "We intend to incorporate the pedestrian bridge as Developments within Bosmans crossing and along the Adam Tas Corridor unfold"

The proposed bridge will have a significant impact on linking Bosmans Crossing with the Stellenbosch NMT system and due to its close proximity to central Stellenbosch is likely to encourage the use of NMT by the residents.

c) Existing Cycle Route

A NMT cycle path exists along Distillery Road, which links with the NMT cycle path along Adam Tas Road via Oude Libertas Road.

Limited capital expenditure would be required to link the cycle path on Distillery Road directly with the existing cycle path on Adam Tas Road by constructing a cycle path, +- 80m, across the open grass area as indicated in yellow in Fig 37 above which would reduce cycling into town by +- 1,7km (round trip 3,4km)

The cycle path on Adam Tas Road forms part of the Primary Network of the Long Term Cycle Network as depicted in Fig 38 below and a link therein will access the entire proposed Stellenbosch cycle network.



Fig 38 Stellenbosch Long Term Cycle Network (Stellenbosch Municipality 2015)

14.2.5. Public Transport (PT)

The main Public Transport modes serving Stellenbosch are rail, Minibus Taxi (MBT) and e-hailing services such as Uber.

The Stellenbosch Railway Station is situated directly opposite the subject property however the railway station is not accessible in the absence of a bridge over the railway line.

The proposed NMT Bridge will provide direct access to the railway station which in turn acts as a hub for, and links in with, the Stellenbosch Public Transport system.

The current Uber rate is R7,50/km with a minimum trip fee of R25 which provides for a trip of approximately 3 km. With the NMT Bridge connecting into Lower Dorp Street central Stellenbosch is accessible within 3km and the minimum trip fee.

Table 7: Travel distances from Erf 14601

Destination	Travel distance from Adam Tas/Lower Dorp Street junction.			
Stellenbosch Town Hall	1,5km			
Neelsie Student Union	2 km			
Die Boord Shopping Centre	1km			

14.3. Availability of Municipal Services

14.3.1. Civil Engineering Services

Refer to Annexure 16: Civil Engineering Services Report prepared by Engineering Advice & Services Western Cape (Pty) Ltd.

The initial investigation into the servicing of the proposed development confirmed the following:

- Access to the site will be from the existing Distillery Road.
- An existing 150 mm diameter water main will serve the development.
- The internal sewer network for the development will gravitate to existing 500 mm diameter bulk sewer.
- The proposed development will not require the treatment of storm water to control quantity.
- Treatment of storm water to improve the quality will be incorporated in landscaping.
- The proposed development will reduce the demand on the Municipal Services compared to the current rights that are in place.

It can, therefore, be concluded that the proposed development on Erf 14601, Stellenbosch can be serviced from existing infrastructure

14.3.2. Electrical Services

Refer to Annexure 17: Electrical Services Report prepared by Johann de Bruyn Consulting Engineers.

The consulting engineers had a pre-submission meeting with the Electrical Department of the Municipality on 4 March 2020. The minutes of this meeting forms part of the report.

• Existing Services on the Site

The existing electrical services on site mainly consist of an 11 kV feeder cable, an 11 kV switchgear unit, a transformer and low voltage distribution cables and switchboards.

Bulk Supply Infrastructure

No transmission/distribution of electricity at a voltage exceeding 11,000 volt (11 kV) will be required in this instance.

The existing bulk supply infrastructure in the vicinity of the site consists of 11 kV substations interconnected with 11 kV underground cables managed by Stellenbosch Municipality (the Supply Authority). The existing infrastructure of the supply authority



has sufficient capacity for the proposed development (see minutes of meeting attached hereto).

The bulk electricity supply to the subdivision will consist of an 11 kV underground feeder cable terminated onto an 11 kV metering unit near the main entrance to Erf 14601. This metering unit will be the point of supply to Erf 14601 where the responsibility of the supply authority will terminate.

• The Proposed Scheme

The existing 11 kV bulk electrical supply cable will either be rerouted to the new supply point or disconnected as prescribed by the supply authority. The existing ring main unit will be disconnected and returned to the supply authority. The remaining electrical services on the site will become redundant and replaced with new.

The proposed services in the development downstream of the bulk supply point will consist of underground cables generally installed along roads and driveways. Medium voltage (11 kV) cables will be routed to miniature substations strategically positioned in the development, from where low voltage cables will be routed to distribution pillars, distribution kiosks, meter boxes or the like through the development.

Metering will be by means of energy dispensers (pre-payment meters) installed in consumers' premises.

Street and site lights will consist of decorative poles fitted with post-top luminaires with energy efficient lamps and glare prevention reflectors.

No servitudes will be required for electrical services.

• Phasing of the Development

The electrical services can be designed to accommodate phasing of the development if required.

Bulk Services Levies and Contributions

Bulk services levies will be payable to the supply authority in respect of the bulk supply. These levies will be determined according to the current policy of the supply authority and at the appropriate time.

• Maintenance of Services

The internal electrical services and street lighting will not be taken over by the supply authority. Upon completion of construction, all such electrical services will be handed over to the Body Corporate who will be responsible for the maintenance thereof.



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14.4. Development Name

The obvious name for the development would be Oude Molen, named after the original brandy distillery, and the name by which the property is currently known.

However it is evident that this name is often confused by the following:

- a) The Oude Molen Private Student Organisation (PSO) at the University of Stellenbosch
- b) The Oude Molen Brandy Distillery in Elgin the proprietors of the Oude Molen trademark; and
- c) Numerous properties in and near Stellenbosch which have similar names or derivatives of the name.

The intention is therefor to name the scheme "The Mill", with the Mill House at the entrance, which is likely to be succeeded by @ Bosmans Crossing i.e The Mill @ Bosmans Crossing.

14.5. INCLUSIONARY HOUSING

14.5.1. Stellenbosch Inclusionary Housing - Status Quo

The principle of spatial justice, included in the Spatial Planning Land Use Act (SPLUMA), which requires that Municipal Spatial Development Frameworks (MSDF's), policies, mechanisms/land use schemes, land use management systems etc address the principle of spatial justice is acknowledged however such principles need to be applied in the adoption of such policies/systems - the intention is not for the principle of spatial justice to be applied on a discretionary ad hoc basis which would be in conflict with the requirements of MSDF's and the principle of good governance as noted below.

The legislative/regulatory framework governing land use and spatial planning provides for municipalities to adopt an Inclusionary Housing Policy - SPLUMA specifies the requirements to identify designated areas where a national and provincial inclusionary housing policy may be applicable.

Inclusionary housing policies are applicable in many developed countries, requiring large new developments to make some contribution to the provision of affordable housing. There are a range of different policies including mandatory, voluntary and targeted policies however the following issues are central to all successful policies;

- Inclusionary Housing must promote a partnership approach between the public and private sector towards the development of affordable housing.
- o Inclusionary Housing should not act as a disincentive for the private sector to invest in residential, or commercial development.
- o Inclusionary Housing policies should incentivise the private sector to provide an element of affordable housing by means of offering "alternative value" "international best practice shows that offering developers density bonuses or



proactive up-zoning, as well as the fast-tracking of the development management approvals process are the two most effective incentives in the context of inclusionary housing."

- Winning broad public support for new Inclusionary Housing Policies is essential to both the short-term prospects of adopting a successful policy and to the longterm success of the program.
- Inclusionary Housing policies need to be clearly defined and need to prescribe clear rules in order to promote a predictable investment environment.

The 4th Generation Integrated Development Plan (2017 – 2022) and the MSDF approved by council in 2019 identify the need to "develop an inclusionary housing policy and guidelines" however Stellenbosch, has not as yet, embarked on the process of adopting an Inclusionary Housing Policy.

The "voluntary approach" referred to must be distinguished from a "Voluntary Inclusionary Housing Policy" which is a policy whereby developers elect to participate in order to benefit from known incentives defined in such policy — in such instances the development of affordable housing units is not compulsory but is based on willing partners to a mutually beneficial arrangement.

The apparent "moral suasion" /voluntary ad hoc approach seemingly adopted by the municipality is contrary to the requirements of SPLUMA that, inter alia, require municipal spatial development frameworks to;

- "provide clear and accessible information to the public and private sector and provide direction for investment purposes"; and
- "promote a rational and predictable land development environment to create trust and stimulate investment"

The SPLUMA principle of Good Governance, refer to 17.5 below, requires;

- "That the preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them"; and
- "Policies, legislation and procedures must be clearly set in order to inform and empower members of the public".

The Stellenbosch Municipalities approach to attempt to coerce "ad hoc voluntary" affordable housing as part of a development application in the absence of an Inclusionary Housing Policy is unworkable and in direct conflict with the provisions of SPLUMA.



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The Stellenbosch Municipal Planning Tribunal (SMPT) has acknowledged the absence of an Inclusionary Housing Policy and the need for such a policy — the minutes of the SMPT meeting on 31 January 2020 note, in dealing with land use applications in the Dennesig Area, that - "The issue of inclusionary housing was specifically addressed. As there is currently no Council Policy available in this regard, it was recommended that it be made a condition of approval that inclusionary housing should be investigated in a proposed new development to expand housing opportunity for a broader range of income groups, particularily in settlements within Stellenbosch. The Tribunal requested to be provided with future feedback on this matter. The Tribunal further requested that the formulation of a municipal inclusionary housing policy be made a priority by the Spatial Planning Section."

The approval of the abovementioned applications included the condition that - "Inclusionary housing component be included to expand housing opportunity for a broader range of income groups"—there is no clarity on what constitutes an "Inclusionary housing component" and/or how compliance with this condition will be ajudicated and by whom.

14.5.2. Offer of Inclusionary Housing Component.

Notwithstanding the absence of an Inclusionary Housing Policy and as a measure of it's social responsibility the applicant is willing to volantarily provide a component of affordable housing within the proposed development.

The applicant has identified the need for affordable student accommodation in Stellenbosch which need is indentified in the MSDF. The MSDF, inter alia, includes to "expand housing opportunity for a broader range of groups – including lower income groups and students – particularily in settlements forming part of the Baden Powell-Adam Tas-R304 corridor" as a proposed spatial policy to implement the strategy to "Develop all settlements as balanced, inclusive, appropiately serviced, communities, negotaible through NMT and exhibiting a positive relationship with surrounding nature and agricultural land" and it includes to "actively support the development of student housing in Stellenbosch town" as a work guideline in support of such policy and further includes the "broadening of residential opportunity for lower income groups, students and the lower middle housing market segments" as a "Development and Land Use Management Focus"

The need for affordable student accommodation is undeniable with many students being unable to "enjoy university life to the full because there is limited residential opportunity for students" as ackowledged in the IDP.



The proposal is to offer subsidised student rental accommodation in accordance with the following principles;

- o 12 three bedroom units (36 beds) will be offered as subsidised student rental accommodation to students at a registered tertiary institution.
- The rental will be linked to the University of Stellenbosch hostel rental which equates to approximately 50% of the open market rental – this will provide an objective manner of determining rental.
- Visitors parking will be provided for the units but no parking will be allocated to the occupants.
- The administration of the "subsidised student rental scheme" needs to be resolved – the proposal is that the scheme be under the administration of the University of Stellenbosch.
- In return the applicant is seeking alternative value in the form of the fast tracking of the application process together with the proposed NMT bridge over the railway line within the regulatory prescripts – this is material to the proposal.

SECTION E LAND USE APPLICATION

- 15. LAND USE APPLICATION IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPALITY: LAND USE PLANNING BYLAW, 2015
 - 15.1. Subdivision in terms of Section 15(d)

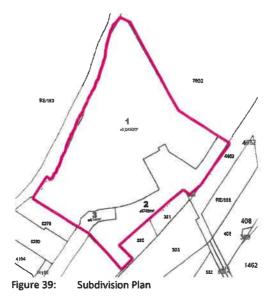
Application is made to subdivide the subject property, Erf 14601 measuring 26 905m² in extent, into three portions;

- Portion 1 ± 20 493 m² to accommodate the residential sectional title scheme comprising
 253 dwelling units together with amenities to be zoned Mixed Use Zone.
- Portion 2 ± 5 798 m² to accommodate the Manor House and "the Shed" to be used for business purposes including offices and restaurant/bistro/pub - to be zoned Mixed Use Zone.

The proposal is to accommodate the Manor House & the Shed on Portion 2 until such time as the "through road" requirements are determined and agreed.

Once determined the Portion can be further subdivided into three Portions in future;

- Portion 2A The Shed
- Portion 2B The Manor House; and
- Portion 2C the extension of Distillery Road through the property.
- Portion 3 ± 614 m² to be public road that will accommodate the extension of Distillery Road providing access to Portions 1 & 2 above.



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15.2. Rezoning in terms of Section 15(a)

The property was originally zoned as 'Wine Industry' in terms of the former Stellenbosch Zoning Scheme. In terms of the new Stellenbosch Municipality Zoning Scheme By-Law the property was allocated an Industrial zoning- which is the current zoning of the subject property — primarily allowing for general manufacturing and large scale warehousing purposes as well as other industrial related activities.

Due to the mixed-use nature of the proposed development, application is now made for the rezoning of Erf 14601 from Industrial Zone to Subdivisional Area allowing for two Mixed-Use Zone erven and one Public Roads and Parking Zone erf.

- O The Mixed-Use Zone was considered to be the most appropriate zoning for the proposed Portions 1 and 2 accommodating both the Oude Molen residential and business premises components and it were confirmed as such with the relevant officials of the Department: Planning & Economic Development of the Municipality during the pre-application consultation. This is also the zoning allocated to the existing mixed-use development in the wider Bosmans Crossing precinct. The proposed Mixed-Use zone allows for a business premises (including shops, markets, restaurants and offices) and flats. This zoning will thus be able to accommodate the different land uses proposed in this development, namely blocks of flats, the clubhouse with pool for the exclusive use of the residential component as well as the proposed commercial land uses (including offices, restaurant(s)/bakery bistro and a local pub)
- A Public Roads and Parking Zoning will be allocated to Portion 3 to accommodate the extension of Distillery Road as a public road into the subject property.

The rights in terms of the current Industrial Zone, the existing buildings and the proposed rights in terms of the application are given in the table below.

Table 8: Permitted, Existing and Proposed building areas

Zoning	Extent 26 905	Floor Area na na	75% 37%	Height 4 2	80 715 10 794
Current Zoning Current Use Proposed Zoning & Use	Industrial Industrial				
Permitted Proposed	MUZ MUZ	na na	85% 29%	6 4 & 5	137 216 23 933



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15.3. Permanent departures in terms of Section 15(b)

The development proposal complies with the all the zoning scheme parameters for a Mixed-Zone except for some building line departures.

Some common boundary line departures are proposed on the northern boundary of the property to accommodate the proposed position of Blocks 4, 3 and 6 of the residential component (Portion 1). A common boundary building line of 2.5m in lieu of 4.5m is proposed. This departure will not affect any existing land use rights of adjacent properties as the buildings will abut a nature reserve and industrial site. A common building line on the eastern boundary (adjacent to the newly created Portion 2) is also required to allow Block 5 to be 3.0m in lieu of 4.5m.

A street building line, adjacent to the newly created Portion 2, of 0.0m in lieu of 4.5m is required for the ablution/changing room facility for the pool and volleyball court. A common building line departure of 1.5m in lieu of 4.5m is also required for the Mill House. These departures will further contribute to an active interface on the possible future extension of Distillery Road.

15.4. Permission in terms of Section 15(g)

Section 106(i) of the Zoning Scheme By-Law states that no flats shall be permitted at ground floor "except with the permission of the Municipality". The intention of promoting non-residential land uses on the ground floor in a Mixed-Use Zone is to allow for the promotion of mixed uses and communal areas on street level.

As the Oude Molen residential precinct will be a private environment not fronting onto a public street, it was felt that it would improve the operational management and security of the residential component if the non-residential land uses are concentrated on the Portion 2 Mixed-Use Zone. This will further ensure that the commercial uses will be accessible to the general public and as such promote the principles of the Adam Tas Corridor as a mixed-use area/corridor where non-residential and residential land uses can be accommodated vertically above each other or horizontally next to one another.

15.5. Consent Use in terms of Section 15(o)

A Place of Entertainment (in this case the proposed pub) is only allowed as a Consent Use within a Mixed Use Zone. In this case the commercial component is separated from the primarily residential component of the development and will not negatively impact thereon or on any other land uses in the immediate vicinity as it will be adjacent to a public road and a railway line.

15.6. Approval in terms of Section 38

Approval of the proposed street name (extension to Distillery Road) and (the additional) street numbers as well as the name of the development as indicated on the Plan of Subdivision and SDP package.



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- 15.7. Approval of the Site Development Plan Package (containing the Landscape Plans and Phasing Plan) attached as Annexure 13.
 - 15.7.1. Proposed Portion 1 of Erf 14601 Stellenbosch accommodating the residential sectional title scheme
 - 15.7.2. Proposed Portion 2 of Erf 14601 Stellenbosch Business Use
 - 15.7.3. Approval of Phasing Plan

Compliance with Stellenbosch Zoning Scheme By-Law 15.8.

Land Use Parameter	Permitted/ Required for	Proposed	Compliance	
	MUZ	Development		
Land Use	Commune	Flats and business	Compliant	
	Business premises (inclu-	premises		
	ding shops, markets,			
	restaurants, office)			
	Clinic			
	Community residential			
	building Extramural			
	facility Flats			
	Guest house, Hostel and,			
	hotel			
	Occasional use			
	Plant nursery		1	
	Public institution Public			
	parking area Private road			
	Tourist dwelling unit			
	Tourist accommodation			
	Welfare institution			
Residential Scheme	Wenare institution	NET THE REPORT OF THE REAL PROPERTY.		
Building Lines				
North	4,5m	2.5m	Departure required	
East	4.5m	0.0m		
Coverage	85%	32%	Compliant	
Height	6 storeys	3-5 storeys	Compliant	
Parking	389	420	Compliant	
usiness Premises		CALLS IN CO. LUCK AS A SALE		
Building Lines	Om	No departures	Compliant	
North			- Compilation	
East				
Coverage	85 %	16 %	Compliant	
Height	6 storeys	1 storey 'The Shed'	Compliant	
B-1-	1 212.2,2	and 2 storeys, 'Manor		
		House'		
Parking	4 bays per 100 m² GLA	1276 m² GLA- 51 bays	Compliant	
i miviii?	- Duya per 100 m Our	51 bays required	Compilatit	
		55 bays provided		

Erf 14601 Stellenbosch

SECTION F COMPLIANCE WITH APPLICABLE POLICY, LEGISLATION AND JOB CREATION

16. STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW 2015

This application is submitted in terms of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, - Chapter V Section 65 (1) provides that when the Municipality considers an application it must, inter alia, have, regard to the following policies;

- a) Matters referred to in section 42 of the Spatial Planning and Land Use Management Act;
- b) The principles referred to in Chapter VI of the Land Use Planning Act; and
- c) The integrated development plan, including the municipal spatial development framework;

16.1. SPATIAL PLANNING LAND USE MANAGEMENT ACT, 2013, (SPLUMA) & LAND USE PLANNING ACT, 2014 (LUPA)

Section 42 (a) of SPLUMA requires that in considering an application a Municipal Planning Tribunal must "be guided by the development principles set out in Chapter 2" which principles are expanded on in Chapter VI of LUPA — the principles being 'Spatial Justice', 'Spatial Sustainability', 'Efficiency', 'Spatial Resilience' and 'Good Administration'

16.1.1. Spatial Justice

The principal of spatial justice, whereby;

- Past spatial and other development imbalances should be redressed through improved access to, and utilisation of, land;
- Spatial development frameworks and policy at all spheres of government should address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements and areas characterised by widespread poverty and deprivation;
- Spatial planning mechanisms, including zoning schemes, should incorporate provisions that enable redress in access to land by disadvantaged communities and persons;
- iv. Land use management systems should include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas and informal settlements;
- Land development procedures must include provisions that accommodate access to, and facilitation of, security of tenure and the incremental upgrading of informal areas;



- A competent authority contemplated in this Act or other relevant authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome of the application; and
- The right of owners to develop land in accordance with current use rights should vii. be recognised.

The principle of spatial justice requires that spatial planning mechanisms, SDF's, spatial policies, land use management systems and land development procedures must address the principle of spatial justice.

There are no provisions as to how this principle may be interpreted and applied to land use applications save that a competent authority in considering an application may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome of the application and a general provision that past spatial and other development imbalances should be redressed through improved access to, and utilisation of, land.

The proposed sectional title development is not targeted at a specific market segment - it is not specifically designed and does not include amenities for a specific market for instance students or retired persons but is designed as a "general" residential sectional title scheme offering a diverse range of two and three bedroom apartments including 57m² two bedroom units, small 61m² three bedroom units and larger 75m² three bedroom units.

It is envisaged that the varying unit sizes will be attractive to a diverse range of income levels which will improve access to opportunities in the central Stellenbosch area.

It is noted that the principle of "Spatial Justice" as contained in SPLUMA and LUPA does not specifically refer to Inclusionary Housing and that Stellenbosch Municipality does not currently have an Inclusionary Housing policy.

Notwithstanding the above the applicant has offered to include an inclusionary housing component subject to certain conditions having been fulfilled - refer to 14.5 Inclusionary Housing above for details thereon.

16.1.2. Spatial Sustainability

The principle of spatial sustainability, whereby spatial planning and land use planning should:

- Promote land development that is spatially compact, resource-frugal and within i. the fiscal, institutional and administrative means of the relevant competent authority in terms of this Act or other relevant authority;
- viii. Ensure that special consideration is given to the protection of prime, unique and high potential agricultural land;



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- ix. Uphold consistency of land use measures in accordance with environmental management instruments;
- x. Promote and stimulate the effective and equitable functioning of land markets;
- xi. Consider current and future costs to all parties for the provision of infrastructure and social services in land developments;
- xii. Promote land development in locations that are sustainable and limit urban sprawl; and
- xiii. Result in communities that are viable.
- xiv. Strive to ensure that the basic needs of all citizens are met in an affordable way;

The proposed development is a brownfield development involving the redevelopment of an underutilised industrial property into a high density mixed use development in accordance with the Adam Tas Corridor initiative which is included as a "catalytic initiative" in terms of the approved 2019 Stellenbosch Municipal Development Framework and therefor by definition satisfies the principle of sustainability

16.1.3. Efficiency

The principle of efficiency, whereby -

- i. Land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities;
- ii. Integrated cities and towns should be developed, whereby
 - a. The social, economic, institutional and physical aspects of land development is integrated;
 - b. Land development in rural and urban areas in support of each other is promoted;
 - c. The availability of residential and employment opportunities in close proximity to, or integrated with, each other is promoted;
 - d. A diverse combination of land uses is promoted.
 - e. The phenomenon of urban sprawl in urban areas is discouraged and the development of more compact towns and cities with denser habitation is promoted.
 - f. The quality and functionality of the public spatial environment is promoted; and
- iii. Policy, administrative practice and legislation should promote speedy land development.

The proposed brownfields high density mixed use development comprising residential and commercial components utilising existing buildings and infrastructure within the urban edge and the Adam Tas Corridor which is deemed a "catalytic initiative" in terms of the approved Stellenbosch MSDF 2019 and accordingly satisfies the principle of efficiency.

It is noted that the principle of efficiency includes a responsibility on the relevant competent authority to ensure that "policy, administrative practice and legislation promote speedy land development."

16.1.4. Spatial Resilience

The principle of spatial resilience, "whereby flexibility in spatial plans, policies and land use management systems is accommodated to ensure sustainable livelihoods in communities most likely to suffer the impact of economic and environmental shocks."

The principal of spatial resilience, as above, places the responsibility on the relevant competent authority to ensure flexibility in spatial plans, policies and land use management systems.

Notwithstanding the responsibility on the relevant authorities the proposed development is "resilient" in that it is not targeted at a specific market but will provide general residential accommodation to a variety of uses within a range of income levels.

16.1.5. Good Administration

The principle of good administration, whereby;

- i. All spheres of government should ensure an integrated approach to land use planning;
- All government departments must provide their sector inputs and comply with any statutory requirements during the preparation or amendment of spatial development framework;
- iii. The requirements of any law relating to land and land use must be met timeously
- iv. The preparation and amendment of spatial plans, policy, zoning schemes and procedures for land development and land use applications, should include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them;
- v. Legislation, procedures and administrative practice relating to land development should be clear, promote predictability, trust and acceptance in order to inform and empower members of the public;
- vi. A spatial development framework, zoning scheme or policy should be developed in phases and each phase in the development thereof should include consultation with the public and relevant organs of state and should be endorsed by the relevant competent authority.
- vii. Decision-making procedures should be designed to minimise negative financial, social, economic or environmental impacts;
- viii. Development application procedures should be efficient and streamlined and timeframes should be adhered to by all parties; and
- ix. Decision-making in all spheres of government should be guided by and give effect to statutory land use planning systems.



The principal of good governance, as above, places the responsibility on the relevant competent and decision-making authorities to ensure compliance therewith.

The applicant has relied on compliance with such principles in reaching its investment decision with specific reliance on the principal that "procedures and administrative practice relating to land development should be clear, promote predictability, trust and acceptance in order to inform and empower members of the public."

Public participation will be undertaken in accordance with Section 44 – 49 of the Stellenbosch Land Use Planning By-law, 2015 as will be agreed with the relevant officials of the Land Use Management Section of the Municipality. The required presubmission meetings took place with the relevant Departments of the Municipality.

16.2. STELLENBOSCH INTEGRATED DEVELOPMENT PLAN (2017 – 2022) AND MUNICIPAL SPATIAL DEVELOPMENT PLAN 2019.

16.2.1. Stellenbosch Integrated Development Plan (2017 – 2022)

The Local Government Municipal Systems Act (MSA) 32 of 2000 mandates South African municipalities to formulate a five-year Integrated Development Plan (IDP) to inform the municipal budget and guide all development within the municipal area. The IDP is considered the Municipality's principle strategic plan that deals with the most critical development needs of the municipal area as well as the critical governance needs of the organisation.

The 4th Generation Integrated Development Plan (2017 - 2022) First Amendment, as prescribed by Section 34 of the MSA was approved by the Stellenbosch Council in August 2019.

In terms of the IDP the vision for the Municipality and the Greater Stellenbosch area is to be the "Valley of Opportunity and Innovation" which vision is supported by the following five strategic focus areas;

- "Valley of Possibility aimed at attracting investment, growing the economy and employment.
- Green and sustainable valley aimed at ensuring that the asset base of the municipality is protected and enhanced.
- Safe Valley aimed at ensuring that its residents are and feel safe.
- Dignified Living aimed at improving conditions for residents through access to education and economic opportunities.
- Good Governance and Compliance aimed at ensuring that the municipality is managed efficiently and effectively to the benefit of all stakeholders."

This vision is reflected in the MSDF which is a "policy statement that seeks to influence the overall spatial distribution of current and future land use within the municipality or



other described regions to give effect to the vision, goals and objectives of the IDP or related business plans of government."

The MSDF provides the Municipality with a single spatial strategy guiding spatial development and accordingly compliance with the MSDF, as below, ensures compliance with the IDP.

16.2.2. Municipal Spatial Development Framework 2019 (MSDF)

The MSDF is a mandatory component of the municipal IDP and "is a public policy statement that seeks to influence the overall spatial distribution of current and future land use within the municipality or other described regions to give effect to the vision. goals and objectives of the IDP or related business plans of government."

The IDP and MSDF are both informed by numerous policy frameworks including, inter alia, the National Development Plan (NDP), the Western Cape Governments Provincial Spatial Development Framework (PSDF), the Greater Cape Metro (GCM) and Regional Spatial Implementation Framework (RSIF)

The MSDF is a "quiding and informing document that indicates the desired spatial form of an area and defines strategies and policies to achieve this. These strategies and policies inform and guide the Land Use Management Systems which includes town planning or zoning schemes, allocating development rights and the procedures and processes for maintaining the maintenance of or changes in development rights."

The significance of the MSDF with regards to land use and development of land is embodied in Sections 12 (2) (b) and 22 (1) of SPLUMA which are unambiguous in providing that;

"12 (2) (b) A spatial development framework adopted in terms of this Act must guide and inform the exercise of any discretion or of any decision taken in terms of this Act or any other law relating to land use and development of land by that sphere of government"; and

22 (1) A Municipal Planning Tribunal or any other authority required or mandated to make a land development decision in terms of this Act or any other law relating to land development may not make a decision which is inconsistent with the municipal spatial development framework"

The Stellenbosch MSDF 2019, prepared in accordance with the provisions of SPLUMA, was approved by the Stellenbosch Council on 11 November 2019.

In terms of the MSDF the concept for spatial development and management of Stellenbosch Municipality comprises seven key tenets;



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- 1: Maintain and grow our natural assets Valuable land areas, including critical biodiversity areas, agricultural land, land affecting the maintenance of water resources, and so on, cannot be built upon extensively, it cannot be the focus for significantly accommodating existing or future settlement need spatially.
- 2: Respect and grow our cultural heritage The areas and spaces built and unbuilt that embody the cultural heritage and opportunity of SM needs to be preserved and exposed further. Some areas and spaces need to be maintained intact, others provide the opportunity for new activity, in turn exposing and enabling new expressions of culture.
- 3: Direct growth to areas of lesser natural and cultural significance as well as movement opportunity Within areas of lesser natural and cultural significance, the focus should be on areas where different modes of transport intersect, specifically places where people on foot or using nonmotorised transport can readily engage with public transport.
- 4: Clarify and respect the different roles and functions of settlements The role and potentials of different settlements in Stellenbosch require clarification. In broad terms, the role of a settlement is determined by its relationship to natural and cultural assets and the capacity of existing infrastructure to accommodate change and growth.
- 5: Clarify and respect the roles and functions of different elements of movement structure - Ensure a balanced approach to transport in SM, appropriately serving regional mobility needs and local level accessibility improvements, aligned with the spatial concept.
- 6: Ensure balanced, sustainable communities Ensure that all settlements are balanced and sustainable, providing for different groups, maintaining minimal development footprints, walkability, and so on.
- 7: Focus collective energy on critical lead projects Harness available energy and resources to focus on a few catalytic areas that offer extensive opportunity fastest and address present risk.

The proposed brownfields high density mixed use safe community orientated walkable neighbourhood development utilising existing buildings and infrastructure within an area identified for densification within the urban edge adjacent to the Stellenbosch train station and linking into the Stellenbosch NMT system is consistent with the above tenets.

Further to the above the "Adam Tas Corridor" together with an "alternative rail service along the Baden Powell Drive – Adam Tas – R304 corridor" have been included as two

of the three catalytic initiatives in the MSDF in accordance with the tenet above to "harness available energy and resources to focus on a few catalytic areas"

16.2.3. Adam Tas Corridor

The area stretching along the R310 and R44 along the foot of the Papegaaiberg from the disused Cape Sawmills site in the west to Kayamandi and Cloetesville in the north, defined as the Adam Tas Corridor (ATC) is described as "the most strategically located land in Stellenbosch" the redevelopment of which "can contribute meaningfully to meeting existing challenges and MSDF objectives"

"In simple terms, the concept is to launch the restructuring of Stellenbosch town through redevelopment of the Adam Tas Corridor"

The ATC is conceptually defined as three areas each linked through a sub-district. The proposed development is located in the Bosmans Crossing precinct which is centrally located within the "central district" which is described as "the largest district where, development should be the most intense, comprising a mix of commercial, institutional, and high density residential use."

At the Municipalities request the applicant met with representatives, at the time, of the Adam Tas Corridor initiative which included;

- 11/12/2018 A meeting with Messrs Boshoff & Campbell, who were at the time the "representatives" of the ATC;
- o 21/10/2019 the ATC committee
- 09/04/2020 the ATC Steering Committee

The applicant presented their development proposal at the above meetings and it was confirmed that the development proposal was consistent with the principles of the ATC initiative.

16.2.4. Stellenbosch Comprehensive Integrated Transport Plan 2016 – 2020 (CITP)

The National Land Transport Act (NLTA), Act 5 of 2009, requires the country's major cities and towns, including Stellenbosch Municipality, to prepare Comprehensive Integrated Transport Plans (CITP) which is considered as a mechanism by which planning authorities can plan for, develop, manage, integrate and provide for all modes of transport in their areas of jurisdiction.

The CITP is compiled for a five year period with the latest CITP having been prepared and adopted by Council for the 2016 – 2020 period which is updated on an annual basis.



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The following areas of strategic interventions have been proposed for Stellenbosch

- "Towards Car Free Living" which refers to strategies that encourage more effective modes of travel such as public transport, NMT and other mechanisms to increase the number of passengers per vehicle;
- "Travel Demand Management" which refers to strategies that manage overall demand for travel during peak periods such congestion pricing and parking management;
- "Infrastructure and Operational Enhancements" which refer to capacity improvements to transport infrastructure but only as part of the overarching transport philosophy in Stellenbosch. Therefore it could include infrastructure interventions such as by-passes or bus/high occupancy lanes; and
- "Optimal Land-Use and Interconnected nodes" which refers to integrated land use and transport planning which supports and promotes transit orientated development (TOD).

The proposed mix use development comprising densification of residential accommodation in close proximity to central Stellenbosch, the railway station (primary public transport node) and local work opportunities together with the proposed NMT bridge linking the Bosmans Crossing precinct to the greater Stellenbosch NMT — see 14.2 above - is directly aligned and consistent with the proposed strategic interventions by encouraging NMT and public transport and optimising land use within the identified Adam Tas Corridor.

16.3. JOB CREATION

It is widely accepted that the most sustainable form of transformation and economic upliftment is through economic development and job creation.

Whilst job creation, per se, may not be a municipal mandate the need to create an enabling environment that is attractive to investors, in order to generate jobs through economic growth, is promoted in the IDP.

According to the Western Cape Property Development Forum for every one million rand spent in construction 4,7 jobs are created with 25% of the total value of construction capital going towards salaries and 17% being spent on the "poorest" unskilled labour — applying these figures to current day costs (June 2020) the proposed development will generate approximately 1 400 jobs with approximately R50 million being spent on unskilled labour.



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The importance of property development as a major employer is recognised by Premier Alan Winde – "The property development and construction sector in the Western Cape is a major employer, and key enabler in creating our future province. Expanding its ability to grow by cutting red tape and making it easier to do business, is a core priority of this government"

In addition to the obligations as prescribed by SPLUMA in the adoption of a municipal spatial development framework and the principle of good administration, as discussed before, the municipality has the ability to encourage investment through

- a) Expediting/fast tracking development applications within the regulatory framework,
- b) reducing "red tape"

Economic growth and job creation through private sector investment is a necessity for sustainable transformation and economic upliftment

17. APPLICATIONS IN TERMS OF OTHER LAWS/LEGISLATION

17.1. ENVIRONMENTAL MANAGEMENT ACT, 1998

The proposed development does not trigger any of the listed activities in the regulations of the National Environmental Management Act, 1998 and no further environmental studies are required. This has been confirmed by an independent environmental consultant. (Refer to Annexure 18: Environmental opinion letter)

17.2. NATIONAL HERITAGE RESOURCES ACT, 1999

The proposed development triggers Sections 38(1)(c)(i) and (d)1 of the National Heritage Resources Act (NHRA) and a Notification of Intent to Develop (NID) was submitted to Heritage Western Cape (HWC) in 2015. In a response dated 13 February 2015 – HWC Case Number 15012102GT0127E - HWC required that a Heritage Impact Assessment (HIA) be undertaken.

Heritage practitioners Chris Snelling and Cindy Postlethwayt were appointed to undertake the HIA in compliance with the above and to ensure that the applicable processes are followed.

The heritage indicators identified in the HIA have been taken into consideration and have informed the planning process – refer to 13.6 above Heritage Informants.

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18. SUMMARY OF COMPLIANCE WITH CRITERIA FOR DECISION-MAKING AS PER CHAPTER V SECTION 65(1) OF THE STELLENBOSCH LAND USE PLANNING BY-LAW 2015.

) When the Municipality considers an atlion it must have regard to the following;	Comment	1	Com _l)liand	3 1 1 1 1 1
(a)	The application submitted in terms of this By-law;					
(b)	The procedure followed in processing the application;	To be confirmed				
(c)	The desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses;	The application is consistent with the approved MSDF	1			
(d)	The comments in response to the notice of application, including comments received from organs of state, municipal departments and the Provincial Minister in terms of section 45 of the Land Use planning Act;	To be confirmed				•
(e)	The response by the applicant, if any, to comments referred investigations to in paragraph (d);	To be confirmed				
(f)	Investigations carried out in terms of other laws that are relevant to consideration of the application	Refer to Section F 17 Applications in terms of NHRA & EMA	1			
(g)	A registered planner's written assessment in respect of an application for	Application prepared by a registered planner	1			
(h)	The impact of the proposed land development on municipal engineering services;	Refer to Section D 14.3 Availability of Municipal Service & Section F 16.2.2 MSDF & 16.2.4 ATC	1			
(i)	The integrated development plan, including the municipal spatial development framework;	Refer to Section F 16.2 Stellenbosch IDP & MSDF	1			
(j)	The integrated development plan and spatial development framework of the district municipality, where applicable;				•	
(k)	The applicable local spatial development frameworks adopted by the Municipality;					
(1)	The applicable structure plans;				0	
(m)	The applicable policies of the Municipality that guide decision making;	The application is consistent with Municipal policies see Section F Compliance with Applicable Policy and Legislation	1			
(n)	The provincial spatial development framework;	See Section F 16.2 IDP & MSDF which are informed by the PSDF	1			
(0)	Where applicable, a regional spatial development framework contemplated in section 18 of the Spatial Planning and Land Use Management Act or provincial regional spatial development framework;	See Section F 16.2 IDP & MSDF which are informed by the RSDF	1			
(p)	The policies, principles and the planning and development norms and criteria set by the national and provincial government;	See Section F Compliance with Applicable Policy and Legislation	1			
(q)	The matters referred to in section 42 of the Spatial Planning and Land Use Management Act;	See Section F 16.1 SPLUMA & LUPA	1			
(r)	The principles referred to in Chapter VI of the Land Use Planning Act; and	See Section F 16.1 SPLUMA & LUPA	1			
(s)	The applicable provisions of the zoning scheme.	See Section E 15.2 Compliance with Stellenbosch Zoning Scheme	1			

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SECTION G REASONS FOR SUPPORT

19. SUMMARY OF MOTIVATION AND REASONS FOR APPROVAL

- i. The development proposal complies with the criteria for decision making and desirability as set out in Section 65 (1) of the Stellenbosch Municipality Land Use Planning By-Law of 2015.
- ii. The development proposal complies with the land use planning principles (spatial justice, spatial sustainability, efficiency, spatial resilience and good administration) referred to in section 59 of the Land Use Planning Act, 3 of 2014.
- iii. The development proposal is consistent with the approved Integrated Development Plan 2017-2021 and the approved Municipal Spatial Development Framework 2019.
- iv. The mixed use proposal for densification of residential accommodation in close proximity to central Stellenbosch, the railway station (primary public transport node) and local work opportunities together with the proposed NMT bridge linking the Bosmans Crossing precinct to the greater Stellenbosch NMT system is consistent with the Stellenbosch Comprehensive Integrated Transport Plan 2016 2020 and will promote and encourage the use of NMT and public transport.
- v. The property is located inside the urban edge where densification and higher density development is encouraged.
- vi. The proposal promotes Council policy as noted in the IDP and MSDF of high-density developments within the Adam Tas Corridor.
- vii. The proposal complies with the guidelines and objectives of the Provincial Spatial Development Framework, the Stellenbosch Integrated Development Plan, the Stellenbosch Municipal Spatial Development Framework and the Stellenbosch Roads Master Plan (which includes the Comprehensive Integrated Transport Plan, the Non-Motorised Transport Plan and Integrated Public Transport Networks).
- viii. The scale and nature of the proposed development is considered to be compatible with the intentions of the Adam Tas Corridor development.
- ix. The proposed development will supply a diverse range of two and three bed residential opportunities which are not targeted at a specific market segment and can accommodate a variety of groups.
- x. The proposal is compatible with the surrounding land uses and built environment and will not have any negative impact on abutting properties or the surrounding area.



FIRST PLAN Town and Regional Planners

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- xi. The proposed mixed use development will create employment opportunities which will contribute to socio-economic upliftment.
- xii. The proposal has taken the heritage indicators into account and there will not be a negative impact on heritage or the bio-physical environment.
- xiii. Sufficient municipal infrastructure is available for the proposed development.
- xiv. The proposal is a high density "brownfields" development which will make optimal use of existing infrastructure.
- xv. The upgrades required/planned to accommodate the background traffic in the vicinity are sufficient to accommodate the proposed development traffic.

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SECTION H

CLOSING STATEMENT

20. CONCLUSION

It is the opinion of *FIRST PLAN* that this application is consistent with the criteria for decision making and desirability as set out in Section 61 of the Stellenbosch Municipality Land Use Planning By-Law of 2015. The development proposal is complies with the land use development principles of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) and is consistent with the approved 2019 Stellenbosch Municipal Spatial Development Framework

It is well known that Stellenbosch has a severe housing backlog. This backlog is especially evident in the continuous growth in weekday commuter trips from Cape Town Metropole and surrounding areas into Stellenbosch. This, in part, reflects increased employment opportunities but also the shortage of affordable local accommodation requiring employees to commute from areas outside Stellenbosch with cheaper housing.

21. RECOMMENDATION

Due to the above-mentioned *FIRST PLAN* Town and Regional Planners therefore believes that the approval of the proposed application will ensure that valuable land within the urban edge will be used to its full potential and in accordance the recommendations of the applicable forward planning policies. We therefore submit that there is no reason that this proposal will impede on anybody's rights as it will lead the way for the optimum use and enhancement of the subject property to the long term benefit of all.

The proposal is consistent with the approved 2019 Stellenbosch MSDF and the relevant decision body of the Stellenbosch Municipality is therefore respectfully requested to support this application for approval.

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ANNEXURE 1

POWER OF ATTORNEY/COMPANY RESOLUTION

REGISTERED OWNER'S CONSENT FORM

WE CATWALK INVESTMENTS 385 (PTY) LTD

Name(s) of registered owner(s)

THE REGISTERED OWNER(S) OF THE FOLLOWING PROPERTY(IES)

ERF 14601 STELLENBOSCH

Property Description

HEREBY CERTIFY THAT AUTHORITY HAS BEEN GRANTED TO

FIRST PLAN TOWN AND REGIONAL PLANNERS

Name of Applicant

IN TERMS OF THE RESOLUTION ENCLOSED HEREWITH TO APPLY FOR A REMOVAL OF RESTRICTIONS/ REZONING/ DEPARTURE/ CONSENT USE/ CONDITIONAL USE/ SUBDIVISION IN RESPECT OF THE ABOVE-MENTIONED PROPERTY(IES) TO ENABLE THE PROPERTY(IES) TO BE UTILISED FOR THE FOLLOWING PURPOSE(S)

REDEVELOPMENT OF A MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL AND BUSINESS USE TOGETHER WITH ASSOCIATED AMENITIES

THE UNDERSIGNED THEREFORE NOMINATES, CONSTITUTES AND APPOINTS THE APPLICANT WITH POWER OF SUBSTITUTION TO BE THE REGISTERED OWNER'S LEGAL REPRESENTATIVE/AGENT AND TO ACT IN THE NAME, PLACE AND STEAD OF THE REGISTERED OWNER IN THE ABOVE REGARD. POWER OF ATTORNEY IS ACCORDINGLY HEREBY GRANTED TO THE APPLICANT TO SIGN ALL CORRESPONDENCE IN RESPECT OF MATTER REFERRED TO ABOVE.

OWNER'S REPRESENTATIVE	Mr Colin Cameron Pollock Stevenson
OWNER'S SIGNATURE	/P-
DATE	28/07/2020

EXTRACT FROM THE MINUTES OF A MEETING OF THE DIRECTORS OF CATWALK INVESTMENTS 385 (PTY) LTD REGISTRATION NUMBER 1999/010786/07, HELD ON 28 JULY 2020

Catwalk Investments 385 (Pty) Ltd wishes to submit an application for the development of Erf 14601 to the Stellenbosch Municipality which application will include, inter alia, an application for the rezoning of the property, the subdivision, consent, permissions and various departures from the zoning scheme

RESOLVED

 That COLIN CAMERON POLLOCK STEVENSON, ID 6302055009082, and/or ROSS ALLAN STEGMANN, ID 6212195130088, are hereby authorized to sign, in their capacities as director, all documents and to do all such things as required and or necessary to give effect to the above.

SIGNED BY

Ross Alan Stegmann

Colin Cameron Pollock Stevenson

ANNEXURE 2 LAND USE APPLICATION FORM



(Se	LAND USE PLANNING APPLICATION FORM 2017 (Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) and other relevant legislation)								
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PART	A: APPLICANT	DETAILS							
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Sumo		Ha	veng	a					
1	pany name	1	\sim	l,	16)	, DI -		
lii ab	plicable)	FIFSE	rian	100	in and r	<u>, egi</u>	onal Plan	161	S
Posto	ıl Address	P.O.	Box 1	5869	5	Postal			
		Panorama					7506		
Email	Christine. havenga @ Firstplan. co.29								
Tel	021 930						01319510	40)
PART	PART B: REGISTERED OWNER(S) DETAILS (If different from applicant)								
_	Registered owner(s) Catwalk Investments 385 (Pty) Ltd					¥.			
Physic	cal address	8 B	erkle	y Ro	od M	aitl	and		
,		8 Berkley Road, Ma					code 74-05		
E-ma	id.	Colir	020	evde	K0.C0.Z	9			
Tel	021 51	0 6720	Fax	n.a,		Cell	082454	03	21
PART	C: PROPERTY I	DETAILS (in acc	ordance wi	th title dee	d)				
Erf / Erven / Farm No. Portion(s) if Farm			Allotment area	S	tellenbo	scl	h		
		Disti	llery	Road	d, Stelle	enbo	osch		
Physic	cal Address		7						
Curre	Current Zoning Industrial Extent a. 1905 pd/ ha Are there existing buildings?				14				

Applicable		-	(2019)				
Zoning Scheme	St	CC	Henbosch Municipality Zoning Scheme By-ka				
Current Land Use	1		rehouses + buildings used for office purpose				
litle Deed							
number and	T		T18368/2006, dated 7april 2006				
date			110368 [2006] 84 524				
Attached			Any Restrictions ito the Attached Conveyance's Certificate? If yes, please list				
Conveyance's	X	- 1	condition(s) as per certificate				
Certificate			condition(s) as per cermicare				
Are the restrictive			If Yes, list the party(ies):				
conditions in	1.						
avour of a third	'	X					
oarty(ies)?							
s the property			If Yes, list the bondholder(s):				
encumbered by	X	X Invested					
a bond?							
ls the property			If Yes, kindly attach a power of attorney from the Manager Property				
owned by		X	Management				
Council?	1 1						
			If Yes, kindly indicate which section are				
s the building		1	Is the building triggered by the which section are				
ocated within		اريد	l l l l l l l l l l l l l l l l l l l				
the historical		X	older than 60 National Heritage Act, 1999 attached the relevant				
core?			(Act 25 of 1999) ¹ vant permit if				
			applicable.				
Any existing unau	horize	d b	ouildings and/or land use If yes, is this application to legalize				
on the subject pro	perty(i	es) ?	the building / land use ² ?				
Are there any n	endin	a c	court case(s) / order(s) Are there any land claim(s)				
relating to the sub	1		Type distriction of the subject to				
ciding to the sub	peci pi	ope	property(ies)?				
ART D: PRE-APPLIC	CATION	V C	ONSULTATION				
Has there been ar			If Yes, please attach the minutes of the pre-application consultation.				
application consu	Itation	Ś	X consultation.				
ABT E. LAND HEE	SI AARAD	N.O.	APPLICATIONS AND APPLICATION FEES PAYABLE				
	-	-	SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)				
		_	Cost are obtainable from the Council Approved tariffs ³				
		_					
-							
			t departure from the development parameters of the zoning scheme granted on a temporary basis to utilise land for a purpose not permitted in terms of				
			granted on a temporary basis to utilise latta for a purpose flot permitted in terms of the zoning applicable to the land;				
15/2\/d\ a s	npqivid	SiOn	of land that is not exempted in terms of section 24, including the registration of a				
x servitude or							
	1000	44.55					

All applications triggered by section 38(1)(a)-(e) in terms of the National Heritage Resources Act. 1999 (Act 25 of 1999) may not be processed without a permit issued by the relevant department

No application may be submitted to legalize unauthorised building work and or land use on the property if a notice have been served in terms of Section 87(2)(a), and until such time a Section 91 Compliance Certificate have been issued in terms of the Stellenbosch Land Use Planning By-law (2015)

http://www.stellenbosch.gov.za/documents/idp-budget/2017-2/4873-appendix-3-tariff-book-2017-2018/file

15(2)(g) a permission required in terms of the zoning scheme; 15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval; 15(2)(g) an extension of the validity period of an approval 15(2)(g) an approval of an overlay zone as contemplated in the zoning scheme; 15(2)(g) an approval of an overlay zone as contemplated in the zoning scheme; 15(2)(g) an amendment or cancellation of an approved subdivision plan or part thereof, including general plan or diagram; 15(2)(g) a permission required in terms of a condition of approval; 15(2)(g) a determination of a zoning; 15(2)(g) a closure of a public place or part thereof; X 15(2)(g) a consent use contemplated in the zoning scheme; 15(2)(g) an occasional use of land; 15(2)(g) an occasional use of land; 15(2)(g) to disestablish a home owner's association 15(2)(g) to rectify a failure by a home owner's association to meet its obligations in respect of the conver or maintenance of services; 15(2)(g) a permission required for the reconstruction of an existing building that constitutes an conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substant part of the building. 15(2)(g) When the Municipality on its own initiative intends to conduct land development or an activitical intendence of the conformal power of the building. 15(2)(g) Amendment of Site Development Plan 15(2)(g) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines OTHER APPLICATIONS Other (specify): Approval of SDP Package R		15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit;							
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Name & Sumame/Company name (details of party responsible for payment)	Colin Stevenson Catwalk Investments 385(Pty) Ltd
Postal Address	
Vat Number (where applicable)	

	Street	From	m	То	m
	Street	From	m	To	m
Building line encroachment	Side	From	m	То	m
	Side	from	m	To	m
	Aggregate side	From	m	To	m
	Rear	From	m	To	m
Exceeding permissible site coverage		From	%	To	%
Exceeding maximum permitted bulk / floor factor / no of habitable rooms		From		То	
Exceeding height restriction		From	m	То	m
Exceeding maximum storey height		From	m	То	m
Consent/Conditional Use/Spe					
To permit a Placeof	Entertaim				
To permit a Placeof in terms of Section	Entertaim				
To permit a Placeof	Entertain of the	of s	Zon	ing Scheme	Regulation
To permit a Placeof in terms of Section	Entertain of the	of so	ection	15c2	e Regulation

The rezoning of Erf 14-bol from Industrial Zone to Subdivisional area, allowing for Mixed-use Zone (253) dwelling units with six 3- to 5-storey blocks of flats.

The subdivision of the erf in 3 portions (Portion 1-0) Mixed Use Zone containing the residential component, Portion 2 a Business Pemisess and Portion 3 to be a public road which would occammodate the extion of Distillery Road.

Some permanent departures from the building lines

- Same permanent departures from the building lines.
- A consent use + special permission in tems of 25 cheme.
- Approval of SDP- Package.

PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION

Complete the following checklist and attach all the information and documentation relevant to the proposal. Failure to submit all information and documentation required will result in the application being deemed incomplete.

Information and documentation required

W	14	Powe	r of attorney / Owner's consent if	T _v	,	N	Rondh	nolder's consent (if applicable)
×	14		cant is not owner	77	K	1 7	DONG	
×	14	Resolution or other proof that applicant is authorised to act on behalf of a juristic person				M		of any other relevant right held in nd concerned
×	N	Written motivation pertaining to the need and desirability of the proposal		7)	X	N	S.G. d or A3	iagram / General plan extract (A4 only)
×	N	Local	ity plan (A4 or A3 only) to scale	, Y	X	7		evelopment plan or conceptua t plan (A4 or A3 only) to scale
×	И	Proposed subdivision plan (A4 or A3 only) to scale		Y		N	requir	of agreement or permission for ed servitude
×	N	Proof of payment of application fees			X	N	of the	of registered ownership (Full copy title deed)
X	1	Conv	eyancer's certificate	n	X	ħi		es of pre-application consultation ng (if applicable)
Por	Н ЕОГ И	NX duc A\M	Consolidation plan (A4 or A3 only) to scale Street name and numbering plan (A4 or A3 only) to scale	Y	×	† 1	N/A	Land use plan / Zoning plan (A4 or A3 only) to scale
X	N	N/A	Landscaping / Tree plan (A4 or A3 only) to scale	Y		one o	14/4	1 : 50 / 1:100 Flood line determination (plan / report) (A- or A3 only) to scale
·	Н	NX	Abutting owner's consent	Y		 	NA	Home Owners' Association consent
(×	И	N/A	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD)	Y	×	7-7-7 Ans	н/а	Services Report or indication of a municipal services / registered servitudes
Ý	1-1	NX	Copy of original approval and conditions of approval	Y		N	NX	Proof of failure of Home owner association
(14	NX	Proof of lawful use right	Y		N	υX	Any additional documents of information required as listed in the pre-application consultation form / minutes
/ X	N	М\V	Required number of documentation copies	Y	×	М	H/A	Other (specify) Confir modif

(Electronic Submission)

Consultant

Page 5 of 7

PART	H: AUI	HORISATION(S) SUBJECT TO OR BEING CON	SIDERED I	N TERA	AS OF OTHER LEGISLATION		
		If required, has application for EIA / HIA / TIA / TIS / MHIA approval been	Specific Environmental Management Act(s) (SEMA (e.g. Environmental Conservation Act, 1989 (Act 7 of 1989)				
×		made? If yes, attach documents / plans / proof of submission etc.	=	×	National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)		
-	×	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)		11/X	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)		
×	210-	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)		17%	National Water Act, 1998 (Act 36 of 1998)		
2	×	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations		×	Other (specify)		
X	1,0	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)					
1	×	Do you want to follow an integrated of Stellenbosch Municipality Land Use Planni			ocedure in terms of section 44(1) of the res, please altach motivation.		

SECTION I: DECLARATION

I hereby wish to confirm the following:

- 1. That the information contained in this application form and accompanying documentation is complete and correct.
- I'm aware that it is an offense in terms of section 86(1)(e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.
- 3. I am properly authorized to make this application on behalf of the owner and that a copy of the relevant power of attorney or consent is attached hereto.
- 4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
- I confirm that the relevant fitle deed(s) have been read and that there are no restrictive title deed'
 restrictions, which impact on this application, or alternatively an application for removal/suspension or
 amendment forms part of this submission.
- 6. I confirm that I have made known all information relating to possible Land / Restitution Claims against the application property.
- 7. It is the owner's responsibility to ensure that approval is not sought for a building or land use which will be in conflict with any applicable law.
- 8. The Municipality assesses an application on the information submitted and declarations made by the owner or on his behalf on the basis that it accepts the information so submitted and declarations so made to be correct, true and accurate.
- Approval granted by the Municipality on information or declarations that are incorrect, false or misleading may be liable to be declared invalid and set aside which may render any building or development pursuant thereto illegal.
- 10. The Municipality will not be liable to the owner for any economic loss suffered in consequence of approval granted on incorrect, false or misleading information or declarations being set aside.
- 11. Information and declarations include any information submitted or declarations made on behalf of the owner by a Competent Person/professional person including such information submitted or

declarations made as to his or her qualification as a Competent person and/or registration as a professional. A person who provides any information or certificate required in terms of Regulation A19 of the 12. National Building Regulations and Building Standards Act No 103 of 1977 which he or she knows to be incomplete or false shall be guilty of an offence and shall be prosecuted accordingly. A person who supplies particulars, information or answers in a land use application in terms of the 13. Stellenbosch Municipality Land Use Planning By-law knowing it to be incorrect, false or misleading or not believing them to be correct shall be guilty of an offence and shall be prosecuted accordingly. 14. The Municipality will refer a complaint to the professional council or similar body with whom a Competent Person/professional person is registered in the event that it has reason to believe that information submitted or declaration/s made by such Competent Person/professional person is incorrect, false or misleading. Applicant's signature: blowenga 30 July 2020 Full name: Christine Havenga

Professional capacity:

Professional Town Plancer

CSACPLAN Reg nr. A |945 | 1997

FOR OFFICE USE ONLY

Date received:

Received By:

ANNEXURE 3 CHRONOLOGICAL BACKGROUND

BACKGROUND TO DEVELOPMENT APPLICATION ON ERF 14601 STELLENBOSCH – "OUDE MOLEN"

1. 2012 -

- Current shareholders bought into the scheme with the intention of developing a mixed use development on the property comprising residential and commercial/retail.
- 21/06/2012 Meeting with Stellenbosch planners—received a positive reception re proposal but alerted to possible service constraints.
- Advised that Integrated Zoning Scheme(IZS) would be adopted imminently
- o TIA completed proposed development viable from a traffic perspective
- Services Capacity report completed sewer/waste water capacity constraints at SWWTW.
- Advised that there was a moratorium on all new development due to the lack of capacity at the SWWTW
- 06/09/2012 Meeting with Basil Davidson (BD), Director Planning, re moratorium –
 BD supportive of the development proposal & willing to try and find a solution re capacity constraints at SWWTW.

2. 2016 --

- Advised that SWWTW upgrade likely to be completed by end 2016 and moratorium on applications lifted.
- Messrs Louw & Dewar commissioned to prepare an Urban Design Framework (UDF) to be used as the basis of a rezoning application.
- o 14/04/2016 -UDF presented to Spatial Planning positive response.
- 14/10/2016 Pre application meeting planners requested that density be increased and noted that they would support an increase in height to 5 storeys and a reduction in parking requirements - see Annexure ____
- Advised to wait for the implementation of the IZS which would come into effect early 2017

3. 2017 -

1

- Implementation of IZS delayed advised that the IZS would now be adopted early 2018
- Decision to wait for the adoption of the IZS prior to submitting development application

4. 2018 -

- o Made aware of Distell's intention to shut down the Bergkelder production site.
- Met with Distell (06/02/2018, 13/04/2018 & 08/08/2018) to discuss their intentions in order to make changes to development proposal if necessary
- Messrs Louw & Dewar requested to amend UDF accordingly.
- Implementation of IZS once again delayed advised that IZS definitely would come into effect January 2019
- o Meeting with planners to discuss Erf Rem 6201 & Erf 14601
- o Follow up meeting scheduled 04/12/2018 with Spatial Planning to discuss Erf 14601 application informed of the Adam Tas Corridor (ATC) Initiative & advised to

- consult with Messrs Stephen Boshoff (SB), Kelvin Campbell (KC) who were "heading" the ACT initiative.
- 11/12/2018 meeting held with Messrs Boshoff & Campbell ACT initiative discussed and proposed development concept presented which was supported in principle.

5. 2019

- o 28/01/2019 follow up meeting with Spatial Planning to discuss the application after having met with Messrs Boshoff & Campbell as above
- 15/05/2019 met with Distell to discuss development proposal and possible future access through Oude Molen
- 30/04/2019 submitted written comment on draft IDP/SDF setting out concerns regarding, inter alia, time frames and implementation of the ATC, absence of an inclusionary housing policy, delays in the approval/adoption of the IZS and delays in the implementation of the NMT.
- 28/05/2019 IZS finally approved at Council meeting –to be implemented on 01/11/2019 – advised that applications in terms of the IZS could only be submitted after implementation.
- o 21/10/2019 invited to a bi-lateral meeting with the "ATC committee"
- 28/11/2019 ATC Bi Lateral Plenary concerns with regards to the co-operation of the LA, lack of an inclusionary housing policy & timeframes raised.

6. 2020

- 20/02/2020 pre-application meeting with Town Planning & Engineering see
 Annexure 4
- o 09/04/2020 Meeting with Adam Tas Corridor Committee see Annexure 4
- 12/06/2020 Meeting with Distell with regards to the future plans for the Bergkelder site – see Annexure 4.
- o 27/07/2020 Final Pre-Application Scrutiny Feedback see Annexure 4.

ANNEXURE 4

PRE-APPLICATION CONSULTATION RECORD

ERF 14601 STELLENBOSCH

MINUTES OF PRE-APPLICATION CONSULTATION MEETING WITH STELLENBOSCH MUNICIPALITY HELD ON 24 OCTOBER 2016 AT STELLENBOSCH

ATTENDEES:

Department/Company	Name	E-mail address	Contact nr
Stellenbosch Municipality	Tyrone King	tyrone.king@stellenbosch.gov.za	021 808 8214
Stellenbosch Municipality	Robert Foey	Robert.foey@stellenbosch.gov.za	021 808 8680
Stellenbosch Municipality	Hedre	pieter.wasserman@capetown.gov.za	021 808 8674
	Dednam		
Catwalk Investments	Colin	colin@zevdevco.co.za	082 454 0321
	Stevenson		
ICE	Piet van Blerk	piet@icegroup.co.za	083 230 7321
ICE	Malcolm	malcom@icegroup.co.za	083 626 2306
	Cerfonteyn		
First Plan	Christine	christine.havenga@firstplan.co.za	073 1951 040
	Havenga		
First Plan	Gideon Roos	gideon.roos@firstplan.co.za	082 451 0444

A copy of the attendance list is attached as Annexure 1 to the minutes.

1. The Development Concept and Urban Design Framework for Erf 14601 Stellenbosch (Oude Molen Site) were presented by Gideon Roos and Colin Stevenson.

2. Challenges and positives with regard to the site

The site is perceived to be divorced from the town by the railway line and next to an industrial area. Currently it has only one access point from Distillers Road. Access can however significantly be improved by providing a pedestrian/bicycle bridge across the railway line and possibly towards Lower Dorp Street.

The relative isolation of the site has some advantages from a security point of view. The site is also big enough to provide a critical mass through a proper development that can convert the site into a mini-suburb.

3. Proposed land uses

The site is currently covered by old storage and industrial buildings. The old manor house, mill house (although not authentic) and mill stream (although piped at this stage) will be incorporated as primary features in the development proposal.

The draft development concept currently makes provision for a mixed use development of ± 225 residential units/apartments and a commercial component.

4. Adjacent site

The incorporation of the adjacent site is being investigated and one option is to develop it as either a private tertiary educational facility or additional educational facilities for Stellenbosch University. Should this realise, this will become a more student orientated development, with a bigger focus on student accommodation. It is however not designed as exclusive student accommodation as the development must be able to respond to future market demands.

5. Density and height

The current proposal makes provision for three storeys. Robert Foey indicated that the municipality would prefer higher densities on the site as it was identified for densification. Hedre Dednam supported this view. They would thus be willing to support additional height in the development. This will also provide a desirable background for the manor house.

A traffic study will amongst other indicators, also provide an indication of the desirable density of the site. There is currently only one access point from Distillery Drive, a bicycle and pedestrian access/crossing over the railway line to Adam Tas Road however forms part of the development proposal.

6. Parking

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The current parking provision is in line with the parameters of the Stellenbosch Zoning Scheme, market demand however needs to be taken into consideration. The municipality is willing to discuss deviations from the parking requirements. The intention is to create a vehicle free residential area with parking being provided in parking garages on the periphery of the site abutting the industrial developments of Bergkelder to ensure an effective interface between the two land uses.

7. Engineering services

Timeframes of the current sewage pipeline upgrading process in the area needs to be taken into consideration. The current target date for additional capacity by way of the new sewerage infrastructure provided by the municipality is July 2019 (Phase 2 of Plankenbrug outfall sewer). There is, however, capacity in terms of the existing actual usage on the property. There is at this stage not any spare capacity for any additional demand/usage, unless confirmed otherwise by a GLS analysis. In all likelihood a GLS report for sewer and water network analysis will be required — this can be discussed at a later stage when more detail of the development is available, but prior to submission of town planning application.

An overall engineering masterplan for the site is required to inform the SDP layout i.e. to ensure that future development blocks/buildings/erven do not clash with existing services.

SDP must make allowance for SW attenuation as well as refuse room (if it is to be a private development with private roads and services).

SM engineering report template to be used – indicates important engineering aspects to be addressed for the purposes of town planning approval. See attached.

Find Link to SM design guidelines below.

http://www.stellenbosch.gov.za/about-us/documents/municipal-policy/engineering-services/stellenbosch-municipality-design-guidelines-and-minimum-standards-for-civil-engineering-services-revision-no-0-june-2015

8. Environmental and heritage issues

Although the proposed development triggered none of the listed activities in terms of National Environmental Act, an environmental consultant oversees the project. A Heritage Impact Assessment if being done by Chris Schelling and the heritage indicators will be incorporated in the design concept.

9. Nature of land use application

The development proposal is considered to be compliant with the proposals of the Stellenbosch Spatial Development Framework in which the area is identified for infill densification.

An overall Masterplan/Development Framework will be submitted, giving an indication of the basic design concepts, heights, GLA, densities, coverage etc. This plan needs to provide information regarding the different phases of the project. It was not intended to submit a final SDP as part of the rezoning and subdivision application, but rather a master plan for the development. Detailed Site Developments will only be submitted during the different phases of the project after rezoning and subdivision approval. A so-called "basket of rights" approach will thus be followed and this approach was supported by the relevant officials present.

Application will be made for a rezoning to Subdivisional Area to allow for General Business and General Residential uses in terms of the Bylaw. It is expected that the new Zoning Scheme will be approved by July 2017. The parameters of the new Zoning Scheme can be used to motivate any deviations from the existing Zoning Scheme's parameters.

The municipality's street name policy needs to be taken into consideration.

Different ownership options and the possible subdivision of the site into a residential and commercial component respectively are still being investigated.

ANNEXURE 1 ATTENDANCE LIST

PRE-APPLICATION CONSULTATION DEVELOPMENT OF OUDE MOLEN ERF 14601 STELLENBOSCH

MONDAY 24 OCTOBER 2016 AT 09:30 12T FLOOR / TOWN PLANNING / STELLENBOSCH

LIST OF ATTENDANCE

1		LISTOFATI	ENUANCE	
	Name	Representing	e-mail	Contact Number
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MINUTES

PRE-APPLICATION CONSULTATION OUDE MOLEN – ERF 14601 STELLENBOSCH THURSDAY 20 FEBRUARY 2020 at 09:00 STELLENBOSCH TOWN PLANNING / 3RD FLOOR / EIKESTAD MALL STELLENBOSCH

1. ATTENDANCE

1.1. Invited and in attendance:

NAME	ORGANIZATION
Colin Stevenson	Catwalk Investments
Gideon Roos	First Plan Town Planners
Aelene Rummel	First Plan Town Planners
Piet van Blerk	ICE Transportation Engineers
Johan de Bruyn	JbB Electrical Engineers
Johan De Villiers	JdV Landscape Architects
Werner van Zyl	Boogertman Architects
George du Plessis	EAS Civil Engineers
Stiaan Carstens	Stellenbosch Municipality – Town Planning

Robert Fooy	Stellenbosch Municipality – Town Planning	
Tyrone King	Stellenbosch Municipality – Engineering Services	
Nombulelo Zwane	Stellenbosch Electrical Services	

1.2. Invited and not present

NAME	ORGANIZATION	
Mark Benson	Stellenbosch Municipality	
Adriaan Kurtz	Stellenbosch Municipality	
Johan Fullard	Stellenbosch Municipality	

The copy of the attendance list is attached as Annexure 1 to the minutes.

2. INTRODUCTION

2.1. Purpose of the Meeting

The development background and concept for Erf 14601, Stellenbosch (Oude Molen Site) were presented by Colin Stevenson. Mention was made to previous meetings and the last pre-application consultation of 2016, where-after the proposal was held back due to the lack of any spare sewer capacity and the integrated Stellenbosch Zoning Scheme's approval that was deemed imminent at that stage. It was however made clear that from an investment point of view, an application now has to be finalised and submitted and that any further delays must be avoided.

The purpose of the meeting is therefore to discuss the relevant status quo issues and policy applicable to the subject property and its surrounds, to test the development concepts in principle and to determine the minimum requirements and process to be followed for the necessary applications to be submitted.

3. STATUS QUO

1)

3.1. Existing Activities

Gideon Roos and Colin Stevenson provided a background to the subject property being zoned industrial and formerly used by Gilbeys Distillers. The buildings are no longer used for industrial purposes and currently occupied on a short to medium term lease basis.

It has also been acknowledged that there are buildings of heritage significant on the site, specifically the Old Manor House with the Mill House (rebuilt) with some limited value — both to be incorporated into the proposal.

3.2. Applicable Policy

Gideon Roos confirmed that it was the intention of the development to comply with policy and by doing so – to cooperate with the municipality to ensure a most appropriate and desirable development. The two most important aspects of policy to comply with being:

3.2.1. SDF

- Urban infill within the urban edge to optimise development
- Exclusive student accommodation to be avoided.

3.2.2. ATC

- Approved as part of the SDF
- No detail land use proposals
- To comply with principles of access, linkages etc.

3.2.3. Inclusive Housing

· It has been confirmed that no such policy has to date been approved

3.3. Existing Zoning

The property was zoned Wine Industry in terms of former Stellenbosch Zoning Scheme, but has now been allocated with an Industrial Zoning in terms of new Stellenbosch Municipality Zoning Scheme By-Law.

4. DEVELOPMENT PROPOSAL

4.1. Mixed Use Development

Werner van Zyl introduced the development concept: The concept currently makes provision for a mixed use development of ±249 residential units and some commercial uses.

4.1.1 Residential

A typical perimeter block design philosophy has been followed with residential buildings flanking the boundaries of the site with a central courtyard accommodating limited parking and central facilities. Currently 6 blocks of residential units totalling ±249 units have been accommodated. Parking has mainly been accommodated in basement/semi-basement areas with some additional open parking on ground level. The units range between 2 x bedrooms and 3 x bedrooms. A clubhouse with amenities including swimming pool for the exclusive use of residents/tenants have also be accommodated. The old Mill house will feature as the clubhouse facility.

4.1.2 Commercial

Two buildings will be converted for commercial uses, including offices, restaurant(s)/bakery/bistro and a local pub. The Manor House will be the central focal point of the development.

4.2. Access, future roads and linkages;

- Proposed access from Distillery Road via the Distell Traffic light Intersection.
- A portion of the subject property will be subdivided and rezoned for public road this will give access to the 2
 portions of Mixed Use. The access proposal is in accordance with the principles of the ATC.

 Space will also be reserved in accordance with the ATC concepts across the site for a possible future link with Bergkelder and beyond. This link will not be subdivided as part of the application but will be available in future, should it be required.

5. APPLICATIONS TO BE LODGED

- 5.1. Rezoning to Subdivisional Area to permit 2 Portions zoned Mixed Use Zone and a portion Zoned Public Road.
- 5.2. Subdivision into 3 portions, 2 Mixed Use Zone Portions and 1 Public Road.
- 5.3. Special consent to allow residential on ground floor in the Mixed Use Zone.
- 5.4. Site Development Plan (including Landscape Plan) & phasing of the blocks.
- 5.5. Possible departures subject to final SDP

6. SUPPORT DOCUMENTATION

6.1. Heritage: NID/HIA

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This will be included as Heritage consultants have done reports in terms of the Mill house and Manor House.

6.2. Traffic: TIA/TIS

This will be included as additional reports to the application.

6.3. Municipal Services Reports

Civil & electrical services reports will be included

6.4. SDP & architecture

Architectural reports, elevations and typical units

6.5. Landscape Plans

To form part of the SDP package

PROCESS TO FOLLOW 7.

GENERAL 7.

Questions from Municipal Officials

Stiaan Carstens:

- Confirmed that the principle of proposed development to be tested with the ATC team their comment or notes/minutes of such meeting to be attached to application.
- Request clarity on the connectivity with the adjacent property (Bergkelder) the alignment of the future road.
- There should be some comment from Bergkeider on the access proposals and referenced in our application.
- Address a possible concern that the development is mostly residential and therefore sterilizing the land for any other uses
- Connectivity to the existing station, concerns about the NMT and the station relocation. NMT linkages important to indicate
- Indicate different housing options although inclusionary housing has not yet been approved as a Municipal Policy - some form of inclusionary housing should be offered on a voluntary basis

- Density & heights: Why only 4 storeys? Higher densities encouraged.
- River: Require some indication of maintenance on the river edge.
- Basement Level parking: To confirm compliance with Zoning Scheme Regulations Units: To indicate on SDP as typical units allowing for flexibility in floor layouts.
- NMT: Reference to NMT and promotion of bicycle and foot traffic important. Departures from parking requirements also supported. To include non- motorised plan.
- Final meeting: Requested final meeting to discuss application memorandum prior to official submission

- Tyrone King: Sewer line servitude to be indicated
- Landscaping within sewer servitude to be cleared with municipal engineering
- Capacities and detail to be dealt with as internal comments after submission of application

Electrical
 Johan de Bruyn voiced his frustration with an absence of any communication from the Municipal Electrical Services. Nombulelo offered to assist.

8. CLOSE

ACTION MINUTES MEETING BETWEEN THE OUDE MOLEN (OM) PROJECT TEAM, ATC-TEAM AND STELLENBOSCH PLANNING 9 APRIL 2020 AT 12:00 VIA MS-TEAMS

ITEM	DESCRIPTION CIRCULATION/INVITED			
1.				
1.1.	ATTENDANCE			
	NAME	ORGANIZATION		
	Piet van Zyl (PvZ)	DEA&DP		
	Kobus Munro (KM)	DEA&DP		
	Cathy Stone (CS)	DEA&DP		
	Stiaan Carstens (SC)	Stellenbosch Land Use Planning		
	Colin Stevenson (CCPS)	Developer		
	Christine Havenga (CH)	First Plan		
	Gideon Roos (GR)	First Plan		
1.2.	APOLOGIES/ABSENT			
	Craig Alexander	Stellenbosch Spatial Planning		
	Jerry-Lee Mowers	Stellenbosch Engineering		
	Johannes Esterhuizen	Distell		
2.	OPENING AND PURPOSE OF THE MEETING			
	 PvZ opened the meeting and welcomed every-one, acknowledged the information circulated to all by CH and confirmed that this be used as basis for the discussion. He further stated that he had an individual discussion with Johannes Esterhuizen from Distell and it was agreed that he would not attend today's meeting and that a new meeting between Distell and the project team need to be arranged before submission of the application. PvZ further acknowledged that the said info contextualises the precinct well, that it reflects the key aspects of the ATC policy and although strongly residential in character – that it seems to be in keeping with the overall principles of the ATC. With that as background – GR was requested to present the overall concept for discussion CCPS highlighted that development concepts have been considered 			

in close consultation with the local authority and its ever changing officials since 2012. Various obstacles have been faced in the past i.e. a lack of sewerage capacity, ATC-policies to be concluded, the new Zoning Scheme By-Law to be approved etc. and that a decision was taken by the land owners to proceed with an application as further delays cannot be afforded.

3. OVERVIEW OF DEVELOPMENT CONCEPT

- GR thanked everybody for the opportunity especially for:
 - SC for the last pre-application consultation, his support and his recommendation for this ATC meeting
 - o PvZ for arranging this ATC MS-Teams Meeting
- GR further confirmed the applicant's understanding of the ATC policy currently being a high level policy with little individual & site specific guidelines
- Presentation & discussion will therefore focus on the broad policy principles and not on detail design, zoning parameters etc. and that no decisions will be expected from this meeting, but that it is the goal of the applicant to test the proposals against the ATC policy and to reach consensus as to its compliance thereto – especially when considering the developer's intensions to submit an application in line with policy.
- GR further indicated that the focus of the discussion will be on the following 3 main aspects – that is:
 - o The mixed land use nature of the proposal
 - The linkages to be provided and
 - The aspect of inclusionary housing
- On this point CCPS noted that there is no official Inclusionary Housing Policy for Stellenbosch and it therefore cannot be enforced but that it will be considered on a voluntary basis – to be discussed later in the meeting.
- GR then presented the development proposal on the basis of the attached document and highlighted the following aspects:
- Development background/Context
 - The subject property (Erf 14601) is located in the Bosmans Crossing Precinct, currently accommodating a mix of various land uses including ±102 residential units, and various commercial uses including logistics, Vinlab, restaurants, antiques, shops, winery, sculpture/art, gin distillery etc., as well as the two most recent developments comprising of a further ±5000m² commercial (also our client's development) and 41 residential units.
 - With that in mind, the development will be based on sound urban renewal and an urban design concept as well as various other specialist inputs.
 - Intension to create a vibrant mixed-use node with residential and commercial opportunities
- The Development Concept
 - The development will comprise of:
 - ±253 residential units supported by the necessary open

- space and recreational facilities
- Two commercial entities, one being a "vibey/hip" deli/bistro/pub in a repurposed old warehouse and some commercial uses in the form of offices/hospitality uses/restaurants in the old manor house
- In light of the balance of existing land uses in the Bosmans Crossing Precinct it is believed that these additional uses will be a suitable mix to compliment and strengthen the existing node.
- A copy of the draft development concept is attached as Annexure a to the minutes.

• The Linkages Provided

- Two primary linkages have been acknowledged/provided for:
 - The extension of Distillery Road through the site to the boundary with the Bergkelder site. This will allow the further extension to Plankenberg in future.
 - The pedestrian/cycle bridge across the railway line/Adam Tas Road towards Dorp Street. Provision has already been made for this in the Lower Dorp Street Approvals and this will provide a practical link towards the station and the CBD

The accommodation of Inclusionary Housing

Although Inclusionary Housing has not been approved as an official policy by Stellenbosch Municipality, mention was made of this during previous ATC meetings and the previous preapplication consultation. The project team acknowledges this and confirm that potential options are currently being investigated and if included will be on a voluntary basis and in exchange for "alternate value" as per discussions with Kelvin Campbell and Steve Boshoff.

4. COMMENTS FROM ATC

PvZ

- Linkages important and acknowledged
- Potential problem with position of the extension of Distillery Road into the Bergkelder site due to the position of a conservation worthy building on their property. CCPS to meet with Distell to obtain their comment
- Mention was also made to the recently approved Dennesig development and the way inclusive housing was handled as possible precedent to apply here – refer to KM for more detail

KM

- Various land owners involved in Dennesig and an Urban Design Framework and TIA drafted by consultants jointly appointed by the municipality and the developers to ensure integration amongst the different land use applications.
- This caused some minor amendment by individual developers to accommodate/coordinate open space and linkages and to improve NMT
- This might also be necessary here as linkages need better understanding

SC

Confirmed in-principle support of the development

- o 2 aspects however questioned:
 - Size and nature of gated residential component
 - Nature of land uses along Distillery Road Extension as it seems to be a mobility route rather than a activity route

GR

- Provision of commercial uses along and onto Distillery Rd extension to promote its activity function – therefore not seen as mobility route
- Residential uses behind community and commercial uses along Distillery Rd extension – should therefore not compromise this principle

PvZ

 Suggestion made to consider initial subdivision to Subdivisional Area with detail applications (SDP's etc.) to follow later

CCPS

 Developer ready for detail application and not to follow extended process – intension to submit rezoning and detail SDP's to expedite approvals. Cannot afford further delays with initial application to subdivisional area and later applications to follow.

CS

 Refer to dilemma that Oude Molen is ready for application but Distell on the Bergkelder not and the difficulty to coordinate linkages and Inclusionary Housing in such instance

KM

 Refer to consistency with handling of river edge between all developers adjacent to the river

CCPS

- Confirmed that units front onto river edge not the back of the development
- o Access however problematic due to steep slopes/cliffs

PvZ

- Refer to intention of the Municipality to upgrade ATC to Local SDF
- Developers however cannot wait for SDF to be completed & approved – need to proceed with application(s) while Local SF unfolds
- CCPS therefore needs to consult with Bergkelder as to linkages onto/through the Bergkelder site

CCPS

- Confirm various previous meetings with Distell since 2014 and little progress as they are not yet ready with any development proposals on site
- Johannes Esterhuizen (Distell) had noted that although the proposed road alignment "clashed" with a heritage worth building on the Bergkelder site the intention was for the road to be accommodated within the PRASA rail reserve. – PvZ noted that CS had previous experience in dealing with PRASA and could possibly assist.

SC

o Recommended that a final pre-application consultation be

scheduled with Stellenbosch Municipality to discuss implications of this meeting prior to submission of official application

CCPS

- o Referred to Kelvin Campbell's approach of "start by starting" and not waiting for the "grand master plan" which would be outdated by the time of implementation - PvZ acknowledged this.
- o Land owners cannot afford further delays, need to apply their mind and submit an application

CS

- Referred to the MSDF Table 31 Proposed Spatial Policies which included "Expand housing opportunity for a broader range of groups - including lower income groups and students particularly in settlements forming part of the Baden Powell-Adam Tas-304 corridor" and believed that such reference was sufficient to impose inclusionary housing however she acknowledged that the associated "Work Guidelines" were to "Develop an inclusionary housing policy and guidelines" - CCPS noted his disagreement with this contention and referred the matter to later debate.
- Stated that inclusionary housingmust be considered not debateable.
- Suggested not to fight this and to include some inclusionary housing on a mutually acceptable basis
- Ideally should be in the form of rental accommodation
- Target market not subsidy housing but permanently employed families (teachers, police staff, government officials etc.) that can afford monthly rent
- Might include student accommodation at affordable levels
- Municipality currently working on official policy with DAG and Province

SC

- o All research refers to requirements that such be mutually beneficial i.e. additional rights/streamlined application and approval procedures etc.
- Need to be based on sound business principles

5. CONCLUSION AND WAY FORWARD

- Developer to above assess comments and consider implications/possible amendments to existing concepts where possible
- Developer to arrange meeting with Distell to discuss proposed linkages with the Bergkelder site
- Developer to arrange follow-up pre-application consultation with Stellenbosch Planning. SC to invite the necessary officials to such meeting
- Stellenbosch to approach PRASA to negotiate possible availability of rail reserve for future road linkage past the Bergkelder site

CLOSE With that, everybody were thanked for their participation and the meeting was adjourned

MEETING NOTES PROPOSED DEVELORMENT OF OUDE MOLEN ERF 14601 STELLENBOSCH VIA ZOOM 11:00 ON 12 JUNE 2020

ITEM	DESCRIPTION				
1.	ATTENDANCE				
Carried Carr	NAME	ORGANIZATION			
	Colin Stevenson (CS)	Catwalk Investments 385 (Pty)Ltd			
	Johannes Esterhuizen (JE)	Distell			
	Christine Havenga (CH)	First Plan			
	Gideon Roos (GR)	First Plan			
2.	OPENING AND PURPOSE OF THE	MEETING			
3.	CS confirmed the purpose of the purpose of the purpose of the proposals and the intended a proposals and the intended a To obtain an update from JE (BK) site and any progress development and To discuss scenarios to according to the purpose of th	To discuss scenarios to accommodate a possible future link road parallel to Adam Tas as indicated in the Adam Tas Corridor Proposals (ATC)			
	JE confirmed that: Some background research preliminary site assessments warehouse in the south eas Oude Molen site was current subject to further assessment Distell decided to follow a surrounding the site and not to A RFP was issued, but unfort the market For that reason and due to development decisions have will be taken soon No detailed development plaunlikely that any will be available that the BK development will be available.	Some background research has been done by Distell to inform preliminary site assessments and development proposals – the warehouse in the south eastern corner of the site abutting the Oude Molen site was currently deemed to be "heritage worthy" subject to further assessment. Distell decided to follow a JV process due to sensitivities surrounding the site and not to sell outright to a developer A RFP was issued, but unfortunately with a limited response from the market For that reason and due to the current economical climate - no development decisions have been taken and it is unlikely that any			

- In response to JE feedback, CS confirmed that the OM development proposals are generally still in accordance to that previously discussed with Distell i.e. mixed-use precinct with residential units, the old manner house accommodating commercial uses and the old shed at the entrance to the OM site to also accommodated some commercial/retail uses.
- Of specific importance is that in accordance to recommendations of the ATC – provision should be made for a possible future road link from Bosman's Crossing past/through the OM and BK sites towards the Plankenburg Industrial area.
- Various options were discussed to accommodate such possible future link but due to the fact that a detail development proposal has not yet been finalised for the BK site, a detail road alignment through the BK site will not be possible at this stage or any time soon
- Both parties agreed that in terms of the latest OM master plan, sufficient provision has been made on OM to accommodate a possible future road link towards Plankenburg via:
 - The area provided on OM and
 - From there to follow a future route to be determined by Distell via the BK site or
 - Via the PRASA reserve on the southeastern boundary of the OM & BK sites.
- It was agreed that the latter routing was the preferred route by both parties
- Should the above options not be feasible the parties would need to reach agreement on the alignment of the road if deemed necessary.

4. CLOSE

With that the meeting was adjourned



PRE-APPLICATION SCRUTINY FEEDBACK

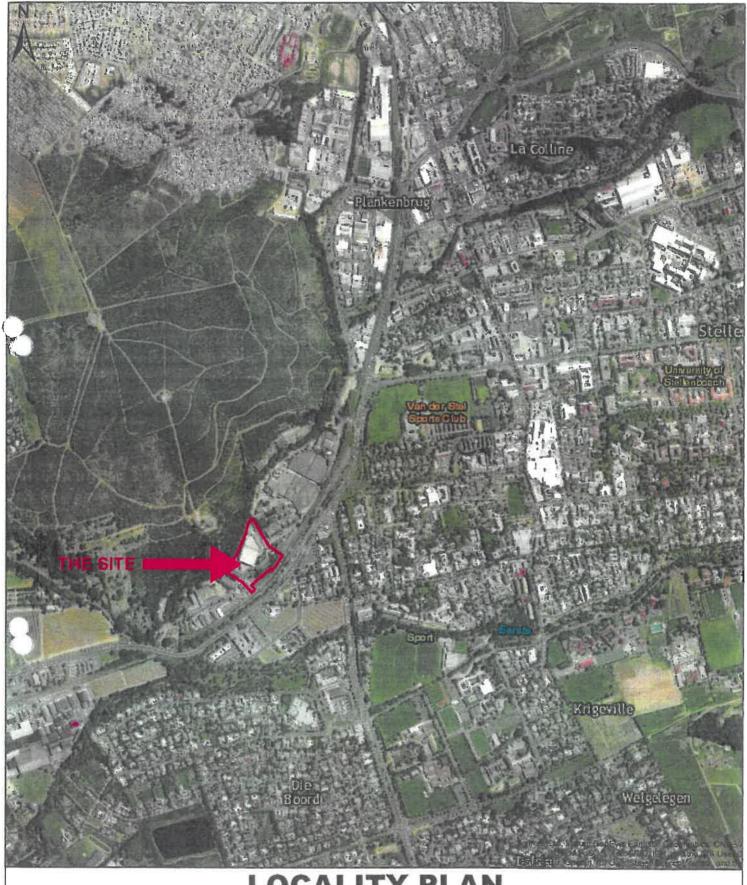
<u>Feedback: Pre-Application Scrutiny – Erf 14601 Stellenbosch, Oude Molen.</u>

- 1. Your pre-application scrutiny submission on the above property dated **01/07/2020**, refers.
 - 2. Your submission has been duly scrutinized for your intended land use development application <u>can be formally submitted for processing.</u>
- 3. 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)
- 4. 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.
- 5. 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.
- 6. For any enquiries on this correspondence please respond by e-mail to the writer hereof.

Kind regards

27/07/2020

ANNEXURE 5 LOCALITY PLAN



LOCALITY PLAN

Erf 14601 Stellenbosch

DATE	June 2020	FILE	FP/0220)/977
CLIENT	Catwalk Investments 385m (Pty)Ltd.		ANNEX	_



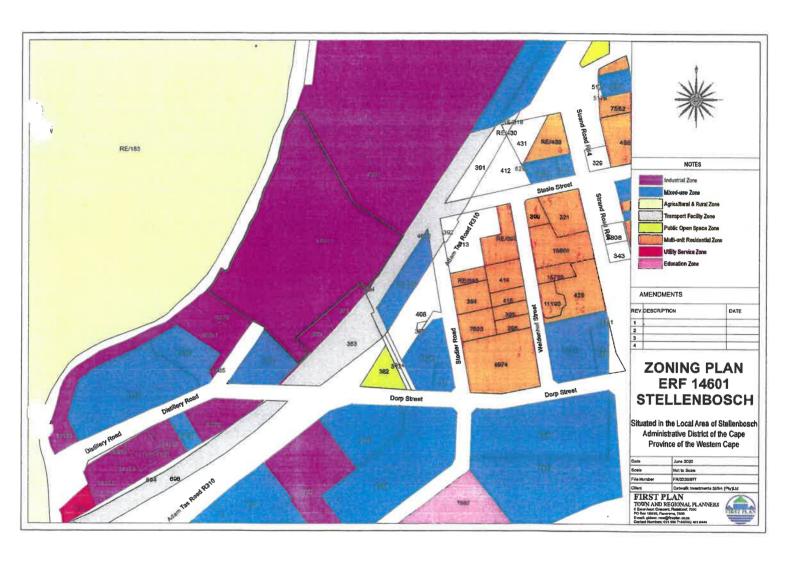
NOT TO SCALE

FIRST PLAN

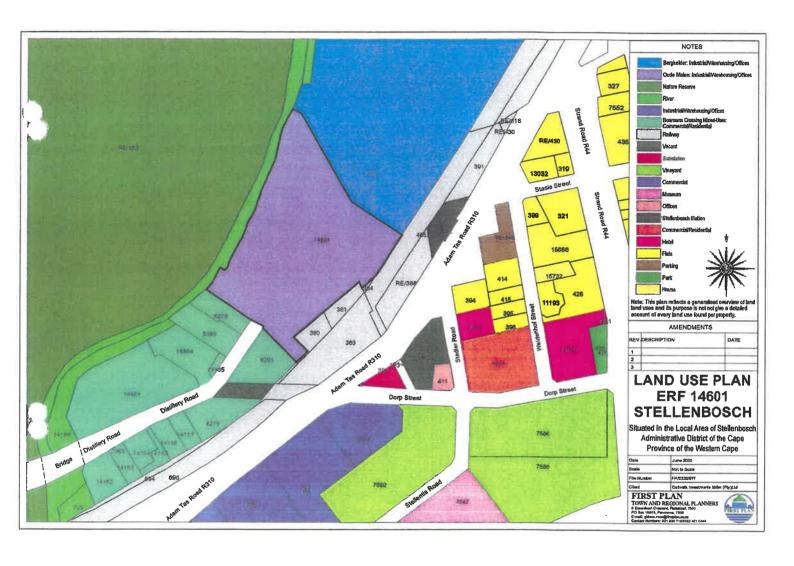
TOWN AND REGIONAL PLANNERS
8 Essenhout Crescent, Plattekloof, 7500
PO Box 15865, Panorama, 7506
Email: gidaon.roos@firstplan.co.za
Tel: 021 930 7183 Fax: 021 930 7210



ZONING PLAN OF SURROUNDING AREA



LAND USE PLAN OF SURROUNDING AREA



DIAGRAM

Friedlaender, Burger & Volkmann - Land Surveyors

S.G. No.

2474/2004 Approved.

Show alrang

for

Surveyor - General Date: 2004-06-18

SHEET 1 OF 2 SHEETS

Servitude Note:

The line s1s2s3s4s5 represents the middle of a servitude sewer vide Diagram No. 5903/1939 (Erf 386), D/T 1940-15-743.

Components:

- The figure A b middle of Mill Stream c D E F G H J 1e N P q Papagaais River s
 Mill Stream t inner edge Papagaais River g left bank of Plankenbrug River r
 represents Erf 9557 Stellenbosch, vide Dgm. No. 1035/1989, D/T 1990 54624
- 2. The figure 1e K L M represents Erf 14600 Stellenbosch vide Dgm. No.2473/2004, D/T

The figure A b middle of Mill Stream c D E F G H J K L M N P q Papagaais River s
Mill Stream t inner edge Papagaais River g left bank of Plankenbrug River r
represents 2,6905 hectares of land, being

ERF 14601 STELLENBOSCH and comprises 1. and 2. as above

Situate in the Stellenbosch Municipality Administrative District of Stellenbosch Compiled in May 2004 by me

Province of Western Cape

PLS 0080 D P Burger

Pr Land Surveyor

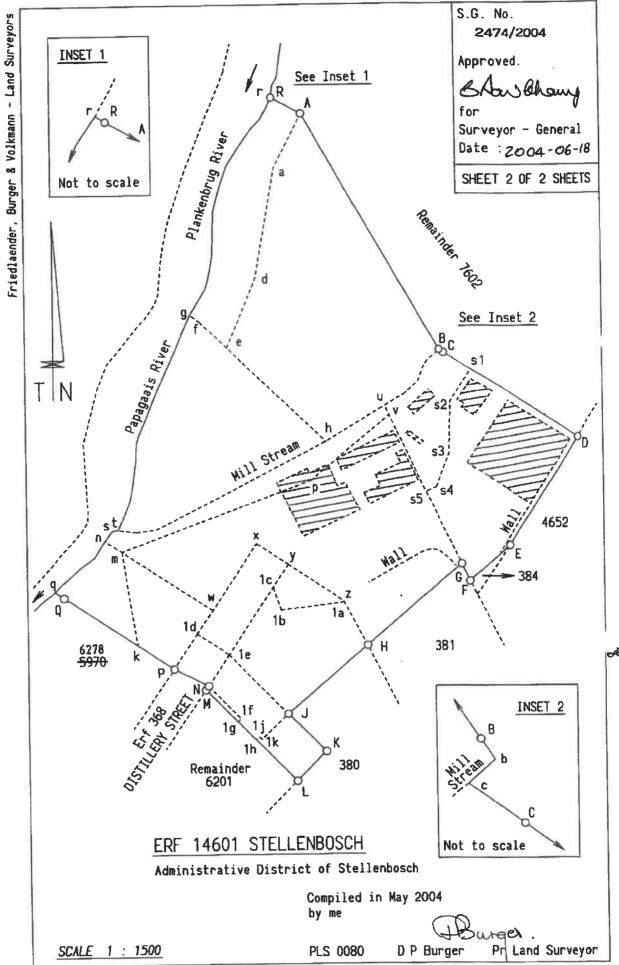
This diagram is annexed to Noction 1/2004

Dated i.f.o.

The original diagrams are as quoted above S.R. No. Compiled Comp. BHSZ-1364(6963)

BHSZ-1362(6961)

Registrar of Deeds LPI: CO670022



TITLE DEED

192

117 Cluver Markotter inc Cluver Marketter Building Mill Street Stellenbosch 7600

JEE

Prepared by me

CONVEYANCER AL DE WAAL

1000018368/2006

VIR VERDERE ENDOSSEMENTE SIEN BLADSY WITHER ENDORSEMENT SEE PAGE..... EED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

READAN FATTAME

appeared before me, REGISTRAR OF DEEDS, at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at STELLENBOSCH on 19 January 2006 or sted to him by

VINFRUCO (PROPRIETARY) LIMITED No. 1995/006343/07





- (a) The remaining extent of Portion D of Estate Neethling's Ville, situate in the Municipality and Division of Stellenbosch
 Measuring as such: Two(2)Morgen twenty three thousand eight hundred and fifty six decimal eight (23 856,8) square feet
- (b) Certain piece of land being Portion 1 of Lot No.2000 situate as above Measuring: Fifty thousand two hundred and ninety eight (50 298) square feet Held by the Transferor Company under paragraphs (II) and (I) of the said Deed of Transfer No.9681 dated 19 July 1945; and
- Certain piece of land situate as above, being Portion 2 of Lot N.O 2000
 Measuring: Five thousand three hundred and fifty (5 350) square feet
 Held by the Transferor Company under Deed of Transfer No. 18451 dated this day, shall in connection with the proposed scheme to pump the "SPENT WINE" and all other waste waters from the cellars and stores from the said landed properties of the Transferor company be entitled to a right-of-way (10)ten feet width over the said Portion J (a portion of Portion D) of Estate Neethling's Vine for purpose of laying down a pipeline.

The course of the said right-of-way shall be along the North-Western boundary of the said Portion J, which said boundary is marked a f e d on the Diagram (No.6464/48) of the aforesaid landed property.

For purposes of laying down the said pipeline and thereafter keeping same in repair, the Transferor Company shall at all reasonable times have the right of ingress to and egress from the said abovementioned landed properties of the Transferee Company."

- (ii) (A) To the conditions referred to in Deed of Grant issued under the provisions of Act No.9 of 1879 on 10 November 1915 (Stellenbosch Freeholds Vo 18 No.26);
 - (B) To the condition contained in the abovementioned Grant namely:-"Subject, however, to all such duties and regulations as either are already or shall in future be established with regard to such lands."
 - (C) To the terms of a servitude referred to in an endorsement dated 14 November 1949 cm Deed of Transfer No. T744/1940, reading as follows:-

"By Not. Deed No 497/49 dated 24.10.49 the owner and its successors in title of Ptn. 1 of Lot 2000 & Remainder of Ptn.D held by Trf 9581/45 and ptn 2 of Lot 2000 held by Trf 18451/49 shall be entitled to a 10ft. right of way over (a) Lot D along boundary c, Papegaai's River, d' on Diagram

A

733/1906 (b) Annex Oude Molen along boundary b, inner edge of Papegaai's River, c' on Diagram 3267/20, (c) Remaining extent of Lot C along boundary 1, Papegaai's River m, on Diagram 732/1906 held by Paras. 1,2 & 4 hereof for the purpose of laying a pipeline and with ancillary rights as will more fully appear on reference to said N ot. Deed a copy of which is annexed hereto."

(D) To the terms of a servitude referred to in an endorsement dated 14th November 1949 on Deed of Transfer No. T.744/1940 reading as follows:-

"By Deed of Trf. 18451/49 dd 14.11.49 Ptn 2 of Lot 2000 as conveyed thereby subject to conditions relating to: construction & laying of concrete pipes, silt sumps, manholes, a siphon, prohibition against the erection of buildings without consent, laying of galvanized pipe for domestic water, the costs of the Remainder of Para. 3 and Paras. 1,2, 4 hereof. Subject to conditions as will more fully appear on reference to said Deed of Transfer."

- (iii) (A) To the conditions as are referred to in Deed of Transfer No. T 4112/1939
 - (B) To the condition referred to in the endorsement dated 31 January 1940 on the Deed of Transfer No.T.4112/1939, reading:-

"By Deed of Trf. No.743 dated 31.1.1940 under Condition 3 thereof the owner of the ppty thereby conveyed is given the right by means of underground pipes over the ppty held under Para 5 hereof to connect with & discharge effluent into the Oude Molen Sewage System to Municipal Drainage System subject to conditions as will more fully appear from the said Deed."

(C) To the terms of a servitude referred to in an endorsement dated 14 November 1949 on Deed of Transfer No. T 744/1940, reading as follows:-

"By Not.Deed No. 497/49 dated ?4.10.49 the owner and its successors in title of Ptn 1 of Lot 2000 & remains at of Ptn D held by Tfr 9681/45 and Ptn 2 of Lot 2000 held by Tfr 18451/49 shall be entitled to a loft.right of way over (a) Lot D along boundary c, Papegaai's River, d' on Diagram 733/1906 (b) Annex Oude Molen along boundary b, inner edge of Papegaai's River, c' on Diagram 32/7/20, (c) Remaining Extent of Lot C along boundary apegaai's River iii, on Diagram 732/1906 held by P. as. 1,2,8 4 hereof for the purposes of laying a pipeline and with ancillary rights

as will more fully appear on reference to said Not.Deed a copy of which is annexed hereto."

(D) To the terms of a servitude referred to in an endorsement dated 14th November 1949 on Deed of Transfer No. 744/1940 reading as follows:-

A

"By Deed of Trf. 18451/49 dd 14.11.49 Ptn 2 of Lot 2000 as conveyed thereby subject to conditions relating to: construction & laying of concrete pipes, sut sumps, manholes, a siphon, prohibition against the erection of buildings without consent, laying of galvanized pipe for domestic water, the costs of the above vorks & access to the said ppty in favoul- of the property held by Remainder of Para.3 and Paras. 1,2, & 4 hereof. Subject to conditions as will more fully appear on reference to the said Deed of Transfer."

- (iv) (A) To the terms of a servitude referred to in Deed of Transfer No. T 6525/1921.
 - To the terms of a servitude referred to in an endorsement (B) dated 14 November 1949 on Deed of Transfer No. T. 744/1940, reading as follows: "By Not Deed No 497/49 dated 24.10.49 the owner and its successors in title of Ptn. 1 of Lot 2000 & Remainder of Ptn. D held by Tf. 9681/45 and Ptn. 2 of Lot 2000 held by Tfr 18451/49 shall be entitled to a loft. Right of way over (a) Lot D along boundary c, Papegaai's Rvier, d' on Diagram . 733/1906 (b) Annex Oude Molen along boundary b, inner edge of Papegaai's river, c' on Diagram 3267/20; (c) Remaining extent of Lot C along boundary 1, Papegaal's River m, on Diagram 732/1906 held b. Paras. 1,2, & 4. hereof for the purpose of laying a pipeline and with ancillary rights as will more fully appear on reference to said not. Deed a copy of which is annexed hereto."
 - (C) To the terms of servitude referred to in an endorsement dated 14th November 1949 on Deed of Transfer No T744/1940 reading as follows:

"By Deed of Trf. 18451/49 dd.14.11.49 Ptn.2 of Lot 2000 as conveyed thereby subject to conditions relating to: construction & laying of concrete pipes, silt sumps, manholes, a siphon, prohibition against the erection of buildings without consent, laying of galvanized pipe for domestic water, the costs of the above works & access to the said ppty in favour of the property held by Remainder of para. 3 and Paras 1,2, & 4 hereof. Subject to conditions as will more fully appear on reference to sai. Deed of Transfer II.

- (v) To such conditions as are referred to in Certificate of Registered Title No. T 8150/1907.
- (vi) (A) To such conditions as are referred to in Deed of Transfer No. T 742/1940.
 - (B) TO and WITH THE BENEFIT of the conditions set forth in Dead of Transfer N O.T 743/1940 viz:
 - "1. That the transferee and its successors in title as owners of the property above described shall be entitled to use the road crossing the remainder along

A

its South Eastern boundary and leading to the Railway Crossing as indicated on the diagram of said Lot N 0.2000 and the diagram annexed thereto, the said remainder being transferred this day to R Santhagens Cape (Proprietary) Limited No. 744.

2. That the transferee and its successors in title as owners of the property above described shall be entitled to a right of way over the strip of land forming part of the remainder of Lot 2000 between the boundary of the property above described and the Mill Stream, and over the Mill Stream, but only for the purpose of providing access to any land which the abovenamed transferee or its successors in title may acquire from C M Neethling (whose Deed of

Transferor is No. 11908 of 23rd October 1919) or his successors in title – the position of the said right of way to be agreed upon between the owners of the above described property and the remainder when this condition comes into operation.

The transferee and its successors in title as owners 3. of the property above described shall have the right by means of underground Lipes over the remainder of Lot 2000 and the remainder of Lot C held by Appearer's Principal under the said Transfer No. 4112, to connect with and discharge effluent into the Oude Molen Sewage System -for conveyance by means of such sewage system to the Municipal Drainage System, provided, however, that the abovementioned transferee and its successors in title shall be liable for any costs incurred in the removal of any obstruction or stoppage of the Oude Molen drainage pipes caused by the discharge of effluent from the property above described. The sewer for the purpose of discharging such effluent is marked I'p g r s t" on the diagram of the property above described and is also indicated on the diagram of Lot 2000."

(The line marked n.o.p.q.r on the sair Diagram No.3316/82 represents the middle of the abovementioned servitude sewer)

- 4. The transferee and its successors in title as owners of the property above Described shall have the right by means of underground pipes to be laid over the remainder of said Lot No.2000 to connect with the water mains of the Stellenbosch Municipal Council. The pipe line is marked m n o on the said diagram and is also shown on the diagram of the remainder of Lot 2000.
- 5. That the transferee and its successors in title as owners of the property above described shall leave an open space of a width of 16 feet between the



buildings on the property above described and the remainder of Lot No 2000; and the abovenamed transferee and its successors in title shall not have the right to erect any building or other structures thereon. The Appearer's Principal and her successors in title as owners of the remainder of the said Lot No.2000 shall have access to the said space for the purpose of effecting repairs to the building on the said remainder."

- To the terms of a servitude referred to in an endorcement dated 14 November 1949 on Deed of Transfer No. T.744/1940, reading as follows: "By Deed of Trf. 18451/49 dd 14.11.49 Ptn. 2 of Lot 200") as conveyed thereby subject to conditions relating to: construction & laying of concrete pipes, silt pumps, manholes, a siphon, prohibition against the erection of buildings without consent, laying of galvanized pipe for domestic water, the costs of the above works & access to the said ppty in favour of the property held by Remainder of para.3 and Paras. 1, 2 & 4 hereof. Subject to conditions as will more fully appear on reference to said Deed of Transfer."
- (vii) To the following conditions contained in Deed of Grant issued on 8 October is 12 (Stellenbosch Freeholds Volume 8 No.22) reading:

"Subject, however, to all such duties and regulations ns either are already or shall in future be establised with regard to such lands."

- (viii) To such conditions as are mentioned or referred to in Deed of Transfer No. T.49778/1980.
- Insofar as the figure leMPld on said Diagram No. 2474/2004 is concerned:-

SUBJECT to the conditions as are mentioned or referred to in Certificate of Registered Title No T8150/1907.

- 3. Insofar as the figure Aadeg left bank of Plankenbrug river r' on said Diagram No. 2474/2004 is concerned:-
- A. SUBJECT to the conditions referred to in the Deed of Grant issued in terms of the provisions of Act 9 of 1879 on 10th November 1915 (Stellenbosch Freeholds Volume 8 No.26).



B. SUBJECT FURTHER to the following condition contained in Deed of Grant dated 10th November 1915 (Stellenbosch Freeholds Volume 8 No.26) namely:

"Subject, however, to all such duties and regulations as either are already or shall in future be established with regard to such lands."

C. SUBJECT FURTHER to the condition mentioned in the Deed of Servitude dated 6th November 1942 annexed to Deed of Transfer No. T.11908/1919 and referred to in the endorsement thereon dated 9th December 1942 which endorsement reads as follows:

"By Notarial Deed No.276/1942, dated 6.11.1942, the owner of the remainder of the land held hereunder cedes, assigns and transers to and in favour of the Council of the Municipality of Stellenbosch, all such waterrights he is entitled to under certain Water Court Order dated 5.12.1918 and 12.8.1919 of District No.1, as will more fully appear on reference to the said Notarial Deed, copy annexed hereto."

D. ENTITLED FURTHER to the benefit of the Servitudes referred to in the two endorsements both dated 14th November 1949 on Deed of Trnasfer No. T 9681/1945, namely:

"By Notarial Deed No. 497/49 dated 24/10/1949, the owner and its successors in title of Portion 1 of Lot 2000, the Remainder of Portion D held by Paras. 1 & 11 hereof and Portion 2 of Lot 2000 held by Tfr. 18451/49 shall be entitled to right of way 10 feet (3,15 metre) wide over:-

- (a) Lot D along boundary C. Papegaai's river, d, on Diagram 733/1906.
- (b) Annex Oude Molen along boundary b, inner edge of Papegaai's River, c, on Diagram 3267/20.
- (c) Remaining extent of Lot C along boundary 1, Papegaai's River, m, on Diagram 723/1906 held by Paras. 1,2 & 4 of Tfr. 744/1940 for the purpose of laying a pipeline, with ancillary rights, as will more fully appear on reference to said Notarial Deed, a copy of which is annexed hereto.

"By Deed of Transfer No.18452/49 dated 14.11.49 Portion 1 of Lot 2000 and the Remainder of Portion D held by Paras. 1 & 11 hereof and Portion 2 of Lot 2000 held by "fr. No. 18451/49 are entitled to a right of way 10 feet (3,15 metres) wide along the North

Western boundary of Portion J conveyed this day by Transfer 18452/49 which right of way is along the boundary marked a.f.e.d on Diagram 6464/46, for the purpose of laying a pipeline, with ancillary rights, as will more fully appear on reference to said Deed of Transfer."

E. SUBJECT FURTHER as mentioned in Deed of Transfer T47251/2000 to the following special condition contained in Deed of Sale dated 18th September 1989 entered into between the Purchaser and the Seller, namely:

"Verder onderhewig daaraan dat alle verkeer na Erf 9556 Stellenbosch oor die Verkoper se eiendom gestaak word vanaf datum van oordrag."

4. Insofar as the figure leJikijihigifN on diagram S.G. No.2474/2004 is concerned

SUBJECT to the conditions referred to in Deed of Transfer No. T3818 dated the 29 June 1915.

Insofar as the figure NIfigM and the figure InlijikJKL on diagram S.G. No 2475/2004 is concerned

SUBJECT to the conditions referred to in Deed of Transfer No. T4896 dated the 15 July 1910.

6. Insofar as the figure le JKLIhigM on diagram S.G. No. 2474/2003 is concerned.

- (a) Entitled in terms of Deed of Transfer No. T34430/1994 to a servitude and of access over portion of Erf 6279 Paarl, held by Deed of Transfer No. T34430/1994, represented by the figure abcB on Diagram No. 10931/93 annexed hereto as will more fully appear from the said Deed of Transfer.
- (b) Subject as mentioned in Deed of Transfer No. T105670/2004 to a service servitude 2 metres wide parallel to the line DC on diagram S.G. No 2473/2004 which represents the southern boundary in favour of the remainder of Erf 6201 Stellenbosch in the Municipality and Division of Stellenbosch Province of the Western Cape; Measuring 2639 square metres and held by Deed of Transfer T108308/2003. (which servitude southern boundary is indicated by the line ML on diagram S.G. No. 2474/2004).

Page 10

A

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

VINFRUCO (PROPRIETARY) LIMITED No. 1995/006343/07

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

CATWALK INVESTMENTS 385 (FROPRIETARY) LIMITED No. 1999/010786/07

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R20 000 000,00 (TWENTY 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 2006

Town on 15 MARCH

q.q.

In my presence

REGISTRAR OF DEEDS

BY VIRTUE OF COURT ORDER CASE No. 8671/2013 dd 20 /06/2014

THE WITHIN RESTRICTIVE CONDITION OF FREE ALIENATION, LEASE AGREEMENT AND PRE-EMPTIVE RIGHT IS HEREBY CANCELLED AS BY COURT ORDER ABOVE. IR.O. K2778 2013 S.

FILED AS BC...... (1)

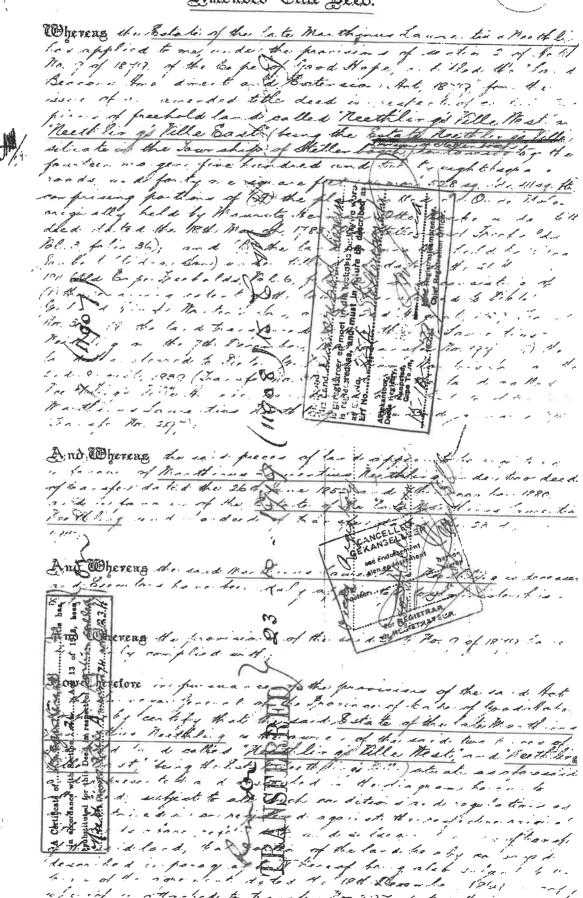
AS WILL MORE FULLY APPEAR IN SAID COURT ORDER.

DEEDS OFFICE

CAPE TOWN

REGISTRAR OF DEEDS

Amended Title Beed.



for way 1915, registered in favour of the foresent as in the far his wall referred to in the said agreement for grittale and the property transferred to the Botto to of the lette I. S. It to forest the forest former factly with per absorber to dispose of an alienate the same in perfectivity, with per absorber to dispose of an alienate the same in substant, manner and to my think properly subject to were to all such duties and regulation as either a a locally or deline to the established will regard to such the such the such sectablished

And Chat by winter of these presents the dard Late to of the late Wanthing on the assignment is and he expected shall be on to the there to

In Witness whereof I the said durveyor to call of the. " come of bape of Good Hope, have believed to the compress to

Elms Bone and signed at loope Low on this the 10% day of November, 1915.

Sale Remains ND

Allowish bowden

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-12-

T18368/2006

By virtue of Notaria	I Deed of Servitude No K_	000000278/2013	S, dated 11
March 2013 the wi	thin mentioned property b	peing Erf 14601 Stellenbos	ch is subject to
restraint against ali	enation in favour of the Sl	nofar Christian Church (So	uth Africa).
As will more fully a	ppear from said notarial d	eed.	
Deeds Registry Cape Town	2013 -04- 05	Registrar of	Deeds

VA00001422/2013

-11- 206 T18368/2006

Certified a true copy of the duplicate original filed of record in this Registry, issued to serve in place of the original thereof under the provisions of Deeds Regulation No. 68

Deeds Registry Cape Town

2013 -03- 0 4----

Registrar of Deeds





1

DEED OF TRANSFER

PASSED IN FAVOUR OF

Willem Daniel Matherbe

11 3831

Registrar of Deeds Office,

Cape Town, ...

. 190

DEMPERS & VAN RYNEVELD,
Attorneys, Notaries and Conveyancers,
Chiappini Chambers.
113, St. George's Street,

Cape Town.

94

9

OF TRANSFER, VIRTUE OF A POWER OF ATTORNEY Prepared by DEMPERS & VAN RYNEVELD, Conbepuncers. know all Men whom it may concern, That CORNELIUS NICOLAAS GROENE WALD appeared before my Registrar of Deeds, he being did authorised thereto by a Power of Attarky, dated the day of down and granted to him by me;—and the said Appearer Where, DO acknou to be er Present had truly and legally sold, and He, the said Appearer, in his capacity as Attorney, aforesaid, this by these Presents. Gede and Transfer in full and free Property, to and on W Heir thereto, thus so accordin of the P subscrib 5 as

209 lock II and whith was Wherefore the Appearer, his said eqpacity, renouncing all the Right and Title Appearer, in his said here bfore had to the Premises 6 ONSWINGER saud his said acknowledged and declared to be entirely dispossessed of, and disentitled to, the same; and that, by virtue of these Presents, the said Meirs, Executors, Administrators, or Assigns, now A and henceforth shall be entitled thereto, conformably to local custom; moreover promising to free and warrant the Property thus sold and transferred, as also to lear it from all Encumbrances and Hypothecations, according to Law;—Government lowever reserving its Right;—and finally noknowledging to be satisfactorily paid the whole to he satisfactorily paid the whole of the Purchase Money, amounting to a Sum of In witness whereof, I, the faid Registrar, together with the Appearer, q.q., have subscribed to these presents, and have caused the Seal of office to be affixed thereto. Thus done and executed at the Office of the Registrar of Deeds, in Cape Town, Cape of Good Hope, on the Day of the Month of & Chi. , in the Year of Our Our Lord One Thousand Nine Hundred and In my presence

062D 11 1910



DEED OF TRANSFER

PASSED IN FAVOUR OF

William Charles Winshaw

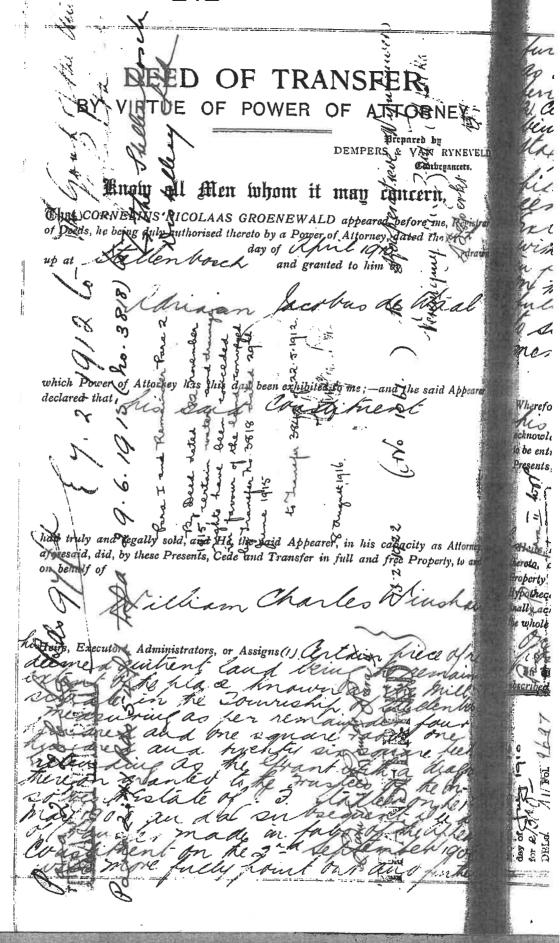
gistrar of Deeds Office,

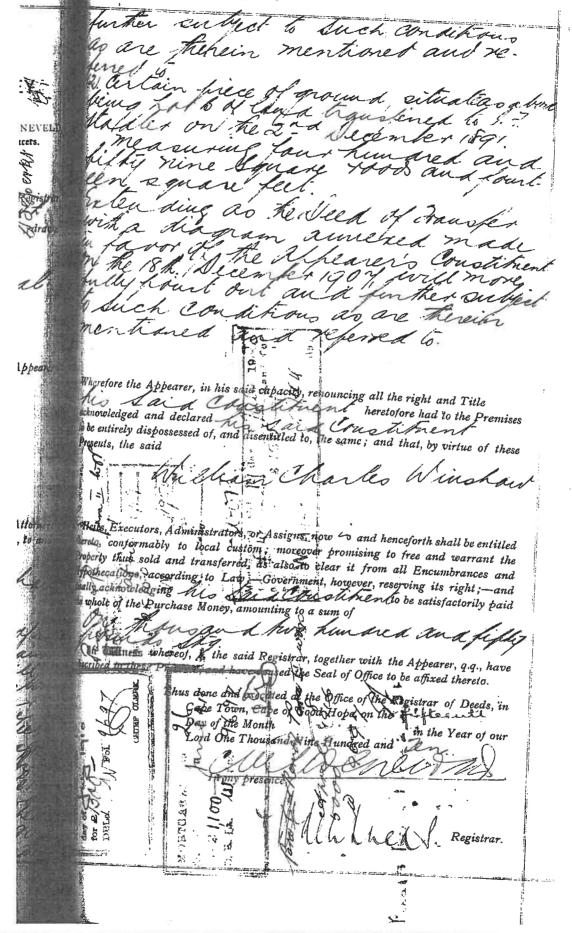
Cape Town,

. 19

PERS & VAN RYNEVELD,
Attorneys, Notaries and Conveyancers,
Chiappini Chambers,
113, St. George's Street,

Cape Town.





i

ODGEL.

JUN .

Deed of Transfer.

J. BENNIE KAYSER.

Attorney, Notary and Conveyancer, CAPE TOWN, it sheirs, executors, administrators or assigns

()

A PIECE of ground situate in the Town and Division of Stellenbosch, being Lot B., a portion of Lot B trans-ferred to A. J. de Waal on 18th December 1907, lastly transferred to the Appearer's Principal on the 15th July 1910.

STELLENBOSCH DISTILLERY LIMITED

feet 11 sq. rds. 54 sq. The square sq

The abo

N! 24

The N:

Stelle trons

Bounde

This diag

T. MASKEW MILLER. STATIONER, CAPETOWN. AS WILL more fully appear from the annexed diagram and subject to such conditions as are mentioned or referred to in the aforesaid deeds of transfer.

Therefore the said Appearer, renouncing all the right and title his said principal heretofore had to the premises, did, in consequence, also acknowledge his said principal to be entirely dispossessed of, and disentitled to, the same; and that, by virtue of these presents, the said

STELLENBOSCH DISTILLERY LIMITED

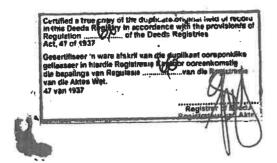
its heirs; executers; administrators, or assigns, now is, and henceforth shall be entitled thereto, conformably to local custom; moreover promising to free and warrant the property thus transferred, as also to clear it from all encumbrances and hypothecations according to the laws respecting the purchase and sale of landed property:—Government, however, reserving its right:—and, finally, acknowledging to be satisfactorily paid the whole of the purchase money, amounting to the sum of

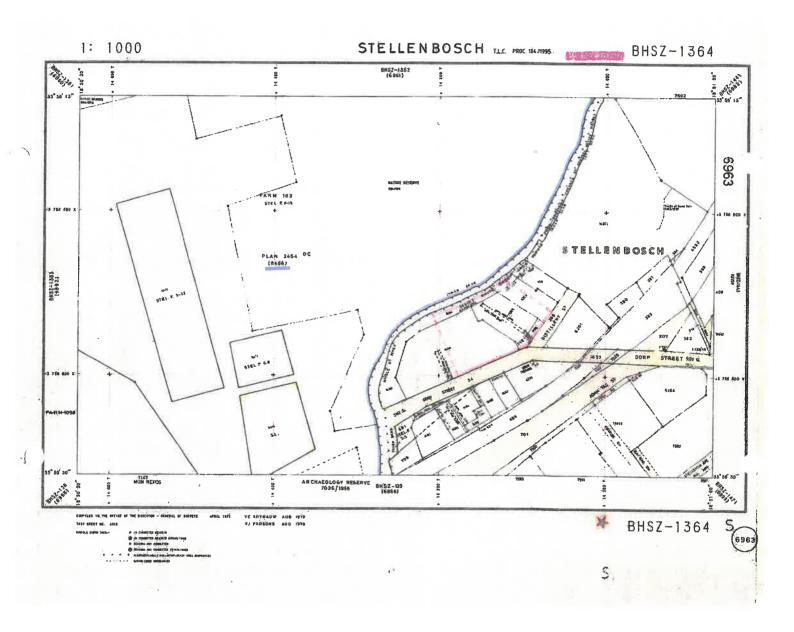
FIVE HUNDRED POUNDS STEELING (£500)

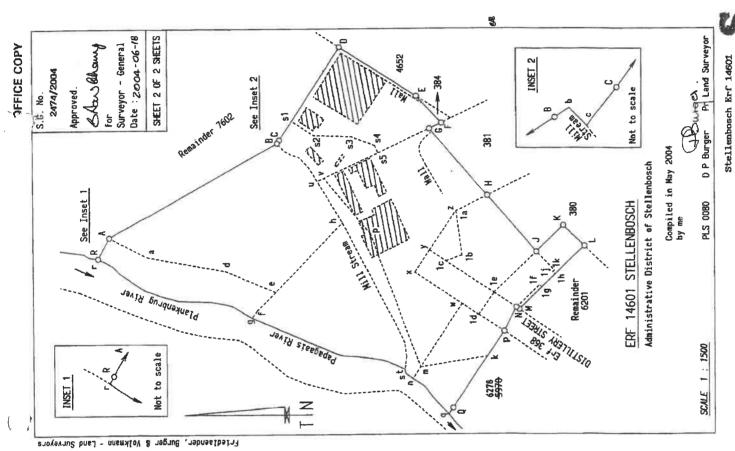
In Mitness whereof, 1, the said Registrar, together with the Appearer, q.q., have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

in the Province of the Cape of Good Hope in the Union of South Africa, on the in the ear of our Lord one thousand nine hundred and Registrar of Deeds.

Registrar of Deeds.









OFFICE COPY	Ī
S.G. No.	
2474/2004	
for Surveyor - General	
Date : 20	~
SHEET 1 OF 2 SHEETS	S
Servitude Note: The line s1s2s3s4s5 represents the middle of a servitude sewer view of 5903/1939 (Frf 386), D/T 1940-15-743.	
c of Will Stream c D E F G H J 1e N P q Papagaais Riv edge Papagaais River g left bank of Plankenbrug Riven	
represents Erf 9557 Stellenbosch, vide Dgm. No. 1035/1989, D/7 1980 54624 2. The figure 1e K L M represents Erf 14600 Stellenbosch vide Dgm. No.2473/2004, D/7	
The figure A b middle of Mill Stream c D E F G H J K L M N P q Papagaais River s Mill Stream t inner edge Papagaais River g left bank of Plankenbrug River r . represents 2,6905 hectares	ō
ERF 14601 STELLENBOSCH and comprises 1, and 2, as above	
Situate in the Stellenbosch Municipality Administrative District of Stellenbosch Province of Western Cape	9
PLS 0080 D	É
iagram is annexed to The original diagrams are File No. S/2649/96 as quoted above S.R. No. Compiled Comp. BHSZ-1364(699	
i.f.a. BHSZ-1362(6961)	
-	7

Fi: Cus/cusc Stellemposch Erf 14601

ANNEXURE 10

CONVEYANCER CERTIFICATE

Ingelyf • Incorporated
Reg. No.: 1996/010313/21

Prokureurs Notarisse & Aktebesorgers
Attorneys Notaries & Conveyancers

STELLENBOSCH MUNICIPALITY

BY HAND

Datum / Date 23/06/2020

Ons verw / Our ref

IT/CHRISTELLE/XFI1171

christellek@billtolken.co.za Direct Tel: 021 944 3060 U verw / Your ref

Dear Sir

RE: CONVEYANCER CERTIFICATE - ERF 14601 STELLENBOSCH

We refer to the above matter wherein we have been requested to prepare a Conveyancer Certificate.

For the sake of clarity we wish to highlight certain conditions contained in the holding title, Deed of Transfer No. T18368/2006, to clarify same.

Such conditions have no negative impact on the intended development of the property.

1. Condition 6(a) on page 9 of the title:

The condition incorrectly refers to Erf 6279 Paarl and should read Erf 6279 Stellenbosch.

The right of way is off-site on erf 6279 below Dorp Street, as indicated on noting sheet 6963 in purple.

2. Condition 6(b) on page 9 of the title

This service servitude is indicated by the line M L on diagram S.G. No. 2474/2004 and in blue on the aforesaid noting sheet 6963.

The servitude runs along the common boundary between erf 14601 and Erf 6201 Stellenbosch.

3. Condition 1(4) on page 2 and 3 of the title, (ii) (C) on page 3 and 4, (iii) (C) on page 4 and (iv) (B) on page 5

These servitude conditions, repeated in the various paragraphs, are not indicated on diagram S.G. No. 2474/2004, but are included as title conditions. For your ease of reference, the location thereof is indicated in green on the noting sheet 6963 and the

1 Sarel Cilliers Street/ -Straat, Beliville 7530, Kaap / Cape
Posbus /PO Box 687 Sanlamhof 7532

Tel (021) 944 3000 • Fax (021) 945 1120 • Conveyancing e-mail christellek@billtolken.co.za

AKTEBUS/DEEDS OFFICE BOX 10 • DOCEX 10 • BELLVILLE

Direkteure / Directors JJ van Blerk BA LLB, WJ Tolken B Comm LLB, PJ Delport BA LLB,

LJ Kritzinger BA LLB IRDP, M Torné B Comm LLB, I Hendrikse LLB, XP Mbiyo LLB, CC Williams LLB

Associaat / Associate E Vrey B Comm LLB

Professionale Assistant C Wessels LLB

Konsultant / Consultant EJ Hendrikse BA LLB

servitude runs along the line q r on Diagram S.G. No. 2474.2004 next to the Plankenbrug / Pappegaais River.

4. Condition (vi) (B) 2 (right of way):

This condition should no longer appear in the title deed as Lot No. 2000 now forms part of the consolidated property and the conditions should have lapsed by virtue of merger. One does not require any servitude over your own property.

5. Condition (vi) (D) 3 Sewerage

This sewerage line is indicated by the figure s1 s2 s3 s4 s5 on Diagram S.G. No. 2474/2004 and was initially imposed over Lot 2000, which now forms part of the consolidated property. This condition should have been deleted from the title by virtue of merger when the properties were consolidated. It is no longer applicable. One does not require any servitude over your own property.

6. Condition (vi) (B) 4 (Water mains)

This condition should no longer appear in the title deed as Lot No. 2000 now forms part of the consolidated property and the condition should have lapsed by virtue of merger. One does not require any servitude over your own property.

7. Condition (vi) (B) 5 Building Lines

This area relates to the buildings bordering the line u G F on Diagram S.G. No. 2474/2004.

As remainder of Lot 2000 forms part of the consolidated property this condition should have been removed by virtue of merger. It is no longer applicable.

We trust that the above provide some clarity, but should you require any further clarification, please do not resitate to contact me.

ours faithfully

BILL TOLKEN HENDRIKSE INC.

Per/ IWAN TOLKEN



CONVEYANCER CERTIFICATE

I/We

WILLEM JOHANNES TOLKEN

(conveyancer's name and surname)

Practising at:

BILL TOLKEN HENDRIKSE INC 1 SAREL CILLIERS STREET BELLVILLE 7530

(firm and place of practice)

In respect of:

ERF 14601 STELLENBOSCH

IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH

PROVINCE WESTERN CAPE

IN EXTENT: 2, 6905 (TWO COMMA SIX NINE ZERO FIVE) hectares

Held by Deed of Transfer No. T18368/2006

(full property description (erf / farm) as it appears in title deed of same)

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

- 1. DEED OF TRANSFER NO. T18368/2006
- 2. DEED OF GRANT DATED 10/11/1915 (STELLENBOSCH FREEHOLDS VOLUME 8 NO. 26).
- 3. DEED OF TRANSFER NO. T8150/1907
- 4. DEED OF TRANSFER NO. T4896/1910.
- DEED OF TRANSFER NO. T3818/1915

For example Deed of Transfer T12345/2000 or Certificate of Registered Sectional Title ST1234/2000 (description of title deed number and date)

1



A. IDENTIFY RESTRICTIVE TITLE CONDITIONS (if any)

Categories		Are there deed restriction	conditions are found
		(indicate below)	
1.	Use of land		N C
2.	Building lines	*	No. of the second secon
3.	Height	*	N.
4.	Number of Dwellings	10 X 4 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	N : -
5.	Bulk floor area	*	N-S
6.	Coverage/built upon area		
7.	Subdivision	*	N Company of the Comp
	Servitudes that may be		81.6 3104
8.	registered over or in favour	¥	N ×
	of the property		
9.	Other Restrictive Conditions		SEE COVERING LETTER DATED 23/6/2020

Y



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

In respect of which it was found that there *are/arc no restrictive conditions with reference to Section 33(4) (a, b or c) of the Land Use Planning By law (2015) registered against such property (les) prohibiting it from being utilised/developed for the following purposes (as elaborated in the accompanying application):

a.,	Organ(s) of State that might have an interest in the restrictive condition	NOT APPLICABLE
b.	A person whose rights or legitimate expectations will be affected by the removal/suspension/amendment of a restriction condition:	
c.	All persons mentioned in the deed for whose benefit the restrictive condition applies	

C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BEADDRESSED

(please tick appropriate box)

Application in terms of		Action by way of court order (Submit	
Section 15 of the Stellenbosch Municipal		Copy of the Court	
Land Use Planning By-	Signed	Order)	ring- plat it
Law (2015)	Agreement)		Land the second

Signed at BELLVILLE on this 23 of June 2020 Full names and surname: WILLEM JOHANNES TOLKEN Signature:

> **PO BOX 687 SANLAMHOF** 7532

> > Firm Postal Address:

BILL TOLKEN HENDRIKSE ING/INC Kinti SAREL CILLIERS STREET STRAAP 4P BELLVILLE 17530 Initial here

TEL: 021 944 300

Tel: 021 944 3000

Email: iwan@billtolken.co.za

Cell: 083 457 5588

ANNEXURE 11

BOND HOLDERS CONSENT



Private Banking Investec Bank Limited

36 Hans Strijdom Avenue Foreshore Cape Town 8001 PO Box 1826 Cape Town 8000 South Africa T +27 (0) 21 416 1000 F +27 (0) 21 416 1001

31 July 2020

Bill Tolken Hendrikse 1 Sarel Cilliers Street Bellville 7530

Your ref: Iwan / Heila

Our ref: Angie Fullard (411513/001)

BONDHOLDERS CONSENT: CATWALK INV 385 PTY LTD

PROPERTY: ERF 14601 STELLENBOSCH

We refer to the above matter and hereby confirm the following:-

As bondholders of the abovementioned property, we hereby consent to the Rezoning application being made in terms of Section 15 of the Stellenbosch Municipality: Land Use Planning Bylaw 2015.

We trust you find the above to be in order.

Yours Faithfully INVESTEC BANK LIMITED

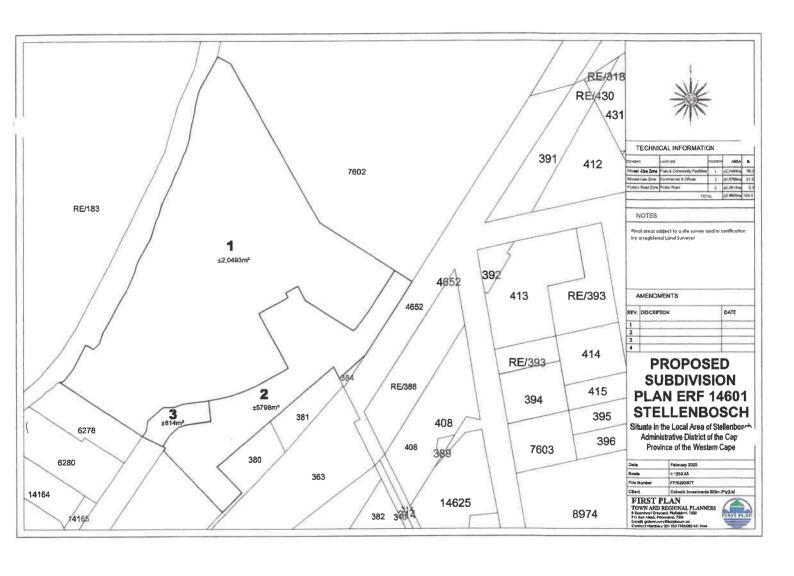
FOR AND ON BEHALF OF INVESTEC BANK LIMITED

FOR AND ON BEHALF OF INVESTEC BANK LIMITED

Cash Investments | Foreign Exchange | Personal Finance | Transactional Banking

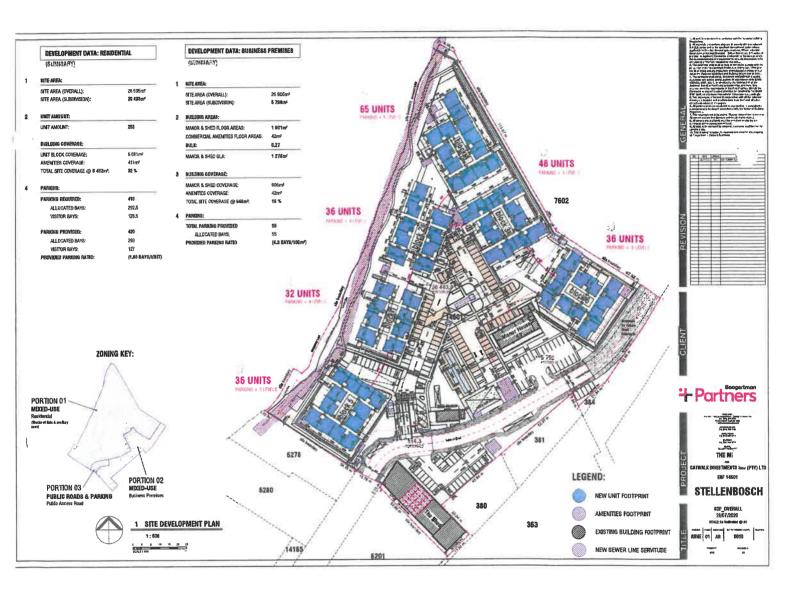
investec Private Banking, a division of Investec Bank Limited registration number 1969/004763/06. Investec Private Banking is committed to the Code of Banking Practice as regulated by the Ombudsman for Banking Services, Copies of the Code and the Ombudsman's details are available on request or visit www.investec.com. A registered credit provider registration number NCRCP9.

ANNEXURE 12 SUBDIVISION PLAN

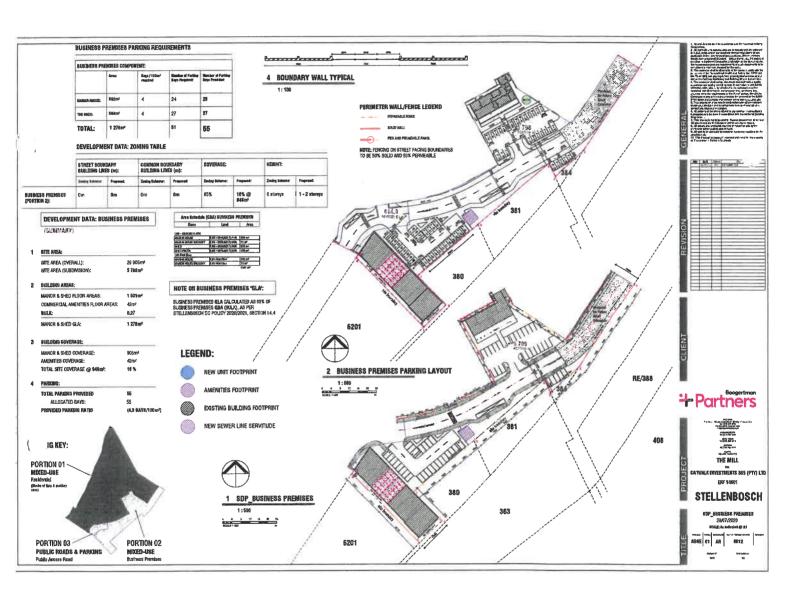


ANNEXURE 13

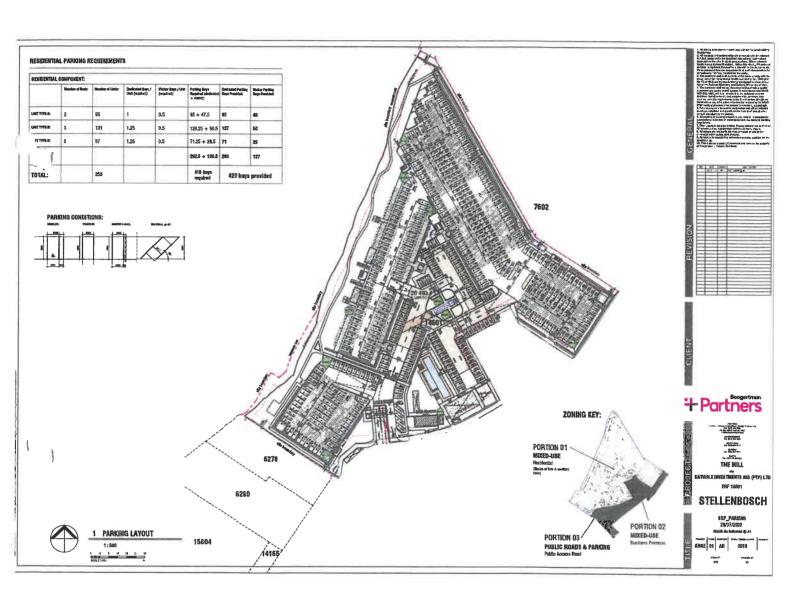
SITE DEVELOPMENT PLAN PACKAGE







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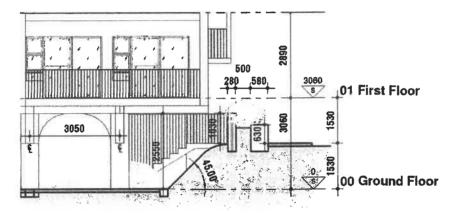






Erf 14601 - Landscape Development - Design Philosophy

The development is situated in Stellenbosch. The buildings are built in the Cape Dutch style, mixed with French Baroque & Rococo. To reduce the impact of the proposed 4-6 storey apartment blocks, the building parking facility were lowered to 1,5m below natural ground level. Parking levels are partially submerged in semi basements which are surrounded by planted 'werf' walls. The planted "werf" walls hide the columns and make the buildings seem anchored/grounded, to depart from the 'floating/ hovering' principles of Modernist architecture and to add greenery in the vertical plane. See section below.



To integrate the old and the new buildings, a traditional village central square was created, with a raised water feature, with the raised pond edges doubling-up as seating.

The water, sourced from the old mills stream, will flow from the raised feature along a "leivoor" through the development, where it will discharge into the existing underground storm water pipe system. The "leivoor" will also collect surface storm water and divert it into the existing storm water system. The water features will symbolise the old mill stream that previously meandered through the property. The village square will be planted with lawn and edges with large Water Oaks, with benches below. Parts of the vehicular roads have been paved with grass blocks to extend/enlarge the central green square. The permeability of the grass block will also aid with the supplementing of the ground water.

The village square will not only be appreciated on ground level, but also when viewing down from the apartments.

The Plankenburg River on the western boundary of the development is a major feature that will visually be integrated with the development, by erecting transparent palisade fencing, lightly covered with creeper plants to provide a certain amount of privacy. Informal walkways will meander through the shrubbery with seating under shade trees, orientated towards the Plankenburg River.

The traditional lawn commonage has been positioned on the western side of the old Mill House

and links up with the green village square. The commonage will be utilised for active recreation facilities and apartment owner's social gathers i.e.; festivals, markets etc. to enhance the community spirit. Additional active recreation facilities will be introduced into the commonage, i.e., a volleyball court and a Boules court.

There are significant amounts of mature trees (indigenous and exotic) on the site which will be retained where possible, but by the lowering the apartment block parking levels, many of the trees will have to be removed or transplanted. According to the tree study dated 6 February 2015, there is a total of 98 trees of which 13 trees are recommended to be retained, 48 trees labelled as "may be retained or removed" and 37 trees recommended to be removed.

The 2 existing Celtis africana –White Stinkwoods trees located close to the buildings; roots will be trimmed back (gradual process, over 6 month period) and agricultural trenches will be installed between the building and tree to ensure that the new root growth of the existing trees will not damage any of the new surrounding structures. Several of the trees area deciduous and will be transplanted in winter during the dormant periods.

The 2 Platanus acerifolia (London plane), 1 Sterlitzia nicolii — Wild Banana and 2 Ficus nitida (Indian laurel) can also be successfully transplanted, but should not be transplanted close to buildings, as they have destructive root systems, but they are excellent shade trees, ideal when grouped in the commonage.

The 7 Cinnamomum camphor – Camphor tree will be transplanted into 2000lt containers and removed off site by tree specialists and could be traded for large Water Oaks. Camphor trees take 2-3 years to recover when transplanted. 50% of the remaining trees that have to be removed are categorised as aliens; Schinus spp., Grevillea robausta, Yucca spp., Araucaria heterophylla. Ligustrum spp. and Melaleaca spp. Tree palette/selection will be minimalistic and true to the Cape Dutch Era. The English oaks (Quercus robur) have been replaced with the much hardier Water Oak (Quercus nigra) which are not prone to be infested by the Italian bug/aphids and the oaks are also water wise. White Stinkwood (Celtis africana/sinensis) will also be established in the larger open spaces. The mature trees that are retained and transplanted will be established in clusters to aid with the fragmenting and reducing the dominance of the new apartment blocks. One large shade tree will also be planted between every 2 outdoor parking bays. Where possible the shrub, creeper and groundcover plant material will be endemic to the region and shade loving. The planting palette directly around the manor house and old mill will be more traditional to the era.

The landscape theme envisaged is of buildings located in a densely planted parkland. Lawn areas will be limited to active recreation areas.

Oude Molen - Proposed planting palette for additional plant material:

1.0)Trees:

1.1) Exotic trees

Quercus nigra - Water Oak

1.2) Indigenous trees:

Celtis Africana – Wit Stink wood Olea capensis spp.macrocarpa – Wild Olive Syzygium guineense – Water Pear

2.0) Shrubs &restios:

Asparagus densiflorus Mazeppa
Blechnum tabulare - Fern
Cyperus textilis – Mat Sedge
Elegia capensis – Fountain reed
Halleria lucida - Forest fuchsia
Hypoestes aristata – Ribbon Bush
Plectranthus ecklonii – Medley Wood
Rhodocoma capensis – Low Cape reed
Tarchonanthus camphoratus – Wild Camphor

3.0) Bulbs:

Agapanthus praecox – Agapanthus Chlorophytum saundersiae Kniphofia praecox – Red Hot Poker Tulbaghia violacea – Wild Garlic Zantedeschia aethiopica – Arum Lily

4.0 Creepers:

Jasminum multipartitum – Star Jasmine Senecio tamoides – Canary creeper

5.0 Groundcover plants:

Asystasia gangetica Cliffortia ferruginea – Glastee Gazania rigens – Strand Gousblom Isolepis ludwigii – Low shade grass/reed Justica petiolaris - Kissing Leaves Plectranthus ciliates Combretum erythrophyllum- Vaderland Wilger Podocarpus falcatus – Outeniekwa YellowWood Vachellia xanthophloea – Fever tree

Barleria obtusa
Coleonema album – Confetti
Duvernoia adhatodoides – Pistol Bush
Elegia tectorum – Dakriet
Helichrysum petiolare – Kooigoed
Mackaya bella - Forest Bell Bush
Portulacaria afra – Spekboom
Searsia crenata – Dune Cross Berry

Clivia miniata - Clivia Dietes grandiflora – Blue Wild Iris Scadoxus puniceus - Paint Brush Wachendorfia thyrsiflora – Red Root

Rhoicissus digitata - Bobbejaandruif.

Chlorophytum comosum var. – Hen & Chickens Falkia repens - Oortjie
Hypoestes forskaolii- White Ribbon Bush
Osteospermum fruticosum – Rankmagriet
Phygelius capensis – Cape Fuchsia
Sutera cordata

ANNEXURE 14

OUDE MOLEN ARCHITECTURAL ETHOS

ARCHITECTURAL DESIGN ETHOS

A compiled rationale of contemporary design choices in a historical context_

Draft 08 _ 06/04/2020





INTRODUCTION

Stellenbosch holds a considerable visual archive of the Cape Dutch Vernacular aesthetic within its rural townscape. For years, the style has remained influential to new architecture in the immediate context, especially to refurbishments that are in visual proximity to Cape Dutch buildings. It is widely acknowledged that Cape Town was the birth place of Cape Dutch. However, as 'n growing city, it has been a receptacle for other styles of architecture over the years, becoming an eclectic tapestry of many classical aesthetics (Georgian, Victorian, Edwardian, Art Deco, Modern etc.). Stellenbosch stayed, for the most part, truer to the original Cape Dutch vision because of its rural scale. And so it is within this rural scale and historical context, that the intervention is proposed. The intention is to respect the proximity of historical sites and styles, and to draw inspiration where deemed appropriate.

RAILWAY LINE SEVERANCE

When the railway line adjacent the site was first built, it split the town fabric in half, placing an industrial zone to the North West and leaving a predominantly residential zone to the South East of the line. Being placed amongst a newly demarcated Industrial Zone, Oude Molen took on the necessary character, slowly abandoning its agricultural roots in favour of industry. It became a prominent Brandy Distillery. As a result, the site gradually became eclectic in its architectural style and function over the years. Oude Molen homestead is an eclectic and eccentric Cape Dutch Revival building with elements of Victorian and Edwardian. To respond to its surroundings, the site had to hold industrial function within an eclectic, historical aesthetic. Whilst the rest of the area (now known as Bosman's Crossing) comfortably adopted the industrial style of architecture in the absence of contextual influences, Oude Molen developed under the guise of industrial architecture incorporating vernacular proportions and materials.

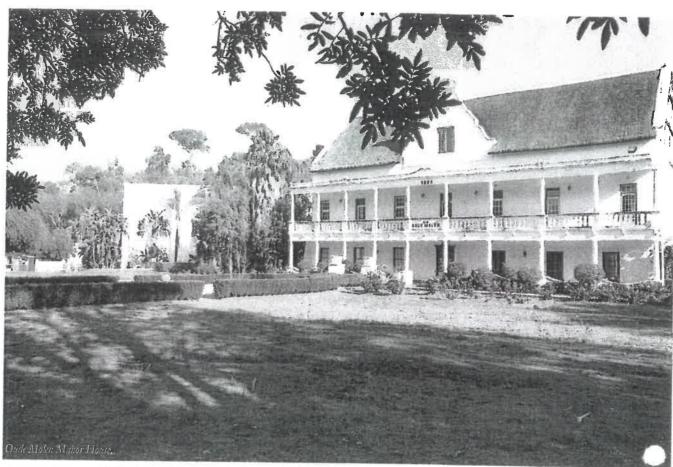


The site is positioned North West of the railway line, separated from the main town that lies to the East.

CAPE DUTCH REVIVAL

Originally, the Cape Dutch and Cape Dutch Revival styles applied to houses, homesteads and stables, governed by particular widths and heights, in turn informed by the spanning and compression capabilities of the available materials at the time. This brought with it a particular set of rules in terms of height, scale and proportion. The parameters of homes built in this style, always held a very particular balance. And so, when applied to larger buildings, the balance between length, width and height had to be carefully altered throughout the change of scale.

This was difficult, and made the maintaining of the classic orders and principles problematic. By a happy coincidence, the advancement of technology and the global introduction of Modernism, allowed South Africa to adopt a version of the global style that complimented the historic Cape architectural references.





MACRO CONTEXT

As Modernism as an architectural style rose in popularity across the world, the Western Cape adopted a version of it influenced by its own Cape Dutch aesthetic. This is well observed in the works of famous South African Architects like Pius Pahl and Roelof Uytenbogaardt. The forms of these two styles differed significantly, but the similarities in material and colour allowed the new style to fit into the historic context. This is how Cape Dutch materiality was introduced to architecture that outgrew the historic farmstead scale. Multiple storey buildings adopted the form and design of the Modern Style, whilst staying true to the palate

There are many appropriate examples of these contemporary 3-storey apartment buildings in the heart of Stellenbosch. They abandoned the original Baroque ornamentations of the original Cape Dutch gables, in favour of cleaner lines and simpler forms, whilst maintaining similar materials and finishes with which to blend into the historical context.

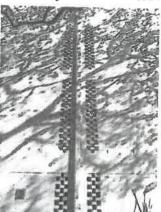
Case Studies from Stellenbosch CBD:



Bastmolen Apartments, Mark Road.



Bastmolen Apartments, Mark Road.



Sybrand Mankadan Building, Dorp Street.



Stillewater + Helderwaters, Ou Strandpad Road.

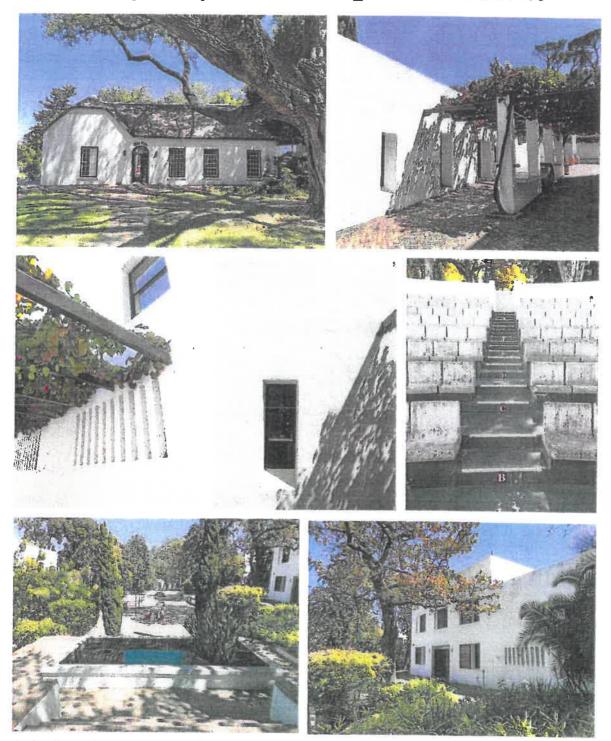


Sybrand Mankadan Building, Dorp Street.



Sybrand Mankadan Building, Dorp Street.

PRECINCT[WERF] PRECEDENT _ OUDE LIBERTAS



Oude Libertas incorporates a similar design ethos to the current proposal at Oude Molen, and both sites are in close proximity to each other; making it an appropriate case study.

OUDE LIBERTAS:

- 1) Holds contemporary architecture that reinterprets the vernacular Cape Dutch Style. The contemporary buildings are juxtaposed with historically significant Cape Dutch buildings on the same site.
- 2) Incorporates the 'werf'-layout to surround a central piazza for recreational use.
- 3) Reinterprets Cape Dutch proportions in contemporary modules.
- 4) Introduces the pedestrian scale of a historic Cape Dutch town with numerous footpaths and walkways.
- 5) Introduces the piazza and amphitheatre as nodes of social interaction.
- 6) Modernizes the use of timber and the iconic pergolas of the wine lands context.
- 7) Keeps closely to the Cape Dutch colour- and material palate.



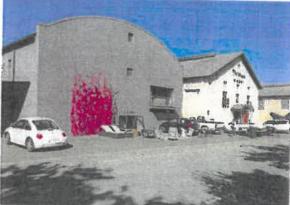
lest: Piazza of Bosman's Crossing. below: Pane e Vino sood & wine bar



below: Archway entrance of Bosman's Crossing. below right: View of buildings facing piazza.







MICRO CONTEXT

With the exception of the Manor House and Mill House on the site itself, the surrounding architecture is mostly industrial (owing to historic industrial zoning). In addition to these 2 structures, there are also 3 warehouses / shed structures on site (only one earmarked for retention). These don't take on the industrial character of the surroundings, but incorporate a hybrid architecture visually reminiscent of Cape Dutch. The site itself, therefore, is predominantly Cape Dutch Revival in style.

In contrast, the surrounding industrial character of the area introduced different materials into the context and set different tones for future buildings to follow. Here we find a greater use of facebrick and colour, compared to the mostly white and thatch/painted zinc palate of classic Cape Dutch in the town centre. We also find a greater use of steel and concrete, which aren't used in the historic Cape Dutch style.

The challenge for the new development would be to marry the contextual styles in an appropriate ratio: Eclectic Classical Revival for the Manor and Mill Houses on site, and Industrial for the surrounding character of the immediate context. Similar marriages of style have been successful in the centre of town, and will serve as appropriate inspiration.



above 1+2: Industrial character of non-residential buildings along Distillery Road.

SETTING THE BACKDROP

The intention is to use the new architecture as backdrop-architecture to the existing Manor and Mill Houses, in an attempt to emphasise their Classical forms and principles without overshadowing them and drawing attention away from the site's historical character.

This is achieved by using traditional Cape colours and tonal similarities combined with a form that is more contemporary and simple in its presentation. Concurrently, sufficient principles are drawn from the industrial micro context in the form of monopitch roofs, facebrick and sundry metalwork in mimicry of industrial steel. This creates a simplistic architecture that is simple in form, but rich in texture and material application; simultaneously reminding of the rich material usage and careful ornamentation of the historical style without copying it, and calling on the functionality and simplicity of the contemporary and industrial architecture in the context.







Intended interpretation of new architecture .

ENHANCING_NOT COPYING

SIMPLE LINES, SIMPLE PALATE_

Using the Cape palate combined with a more contemporary form, emphasises the historic buildings without overshadowing them. Simultaneously, keeping the new architecture simple in form will speak to the principles of its time, and make visible the entire legacy of the site; to show how the old feeds into, and inspires, the new. Due to the scale and height of the Cape style, it lends itself [predominantly] to horizontal proportions. Of course, some verandas and colonnades do introduce a vertical proportion, but this is the exception rather than the rule. With contemporary Cape Dutch reinterpretations, the scale lends itself more to horizontality. As such, the intervention proposes a similar approach.

COLOUR PALATE

All existing buildings on site (Manor House, Mill House, Shed, warehouses) have a subdued colour palate: the iconic Cape Dutch White. In order to blend in with the holistic site aesthetic, a similarly light colour palate is proposed. The intervention is to incorporate whites and greys in the majority of its facades. In order to link to the surrounding industrial context, minimal amounts of facebrick and sundry metalwork is to be used in selected areas. Any darker or brighter colours would threaten to overpower the existing structures.

BLOCK LAYOUT

The residential units are proposed in circular clusters, rather than linear rows. The rationale behind this is multi-faceted:

- It mimics the historical Cape 'Werf'-layout; where the manor, servant's quarters, stables and outhouses etc. were often clustered around a central courtyard/plain.
- 2) It creates a sense of community and reduces the overwhelming scale of overlong row-style residential blocks.
- 3) It reduces travelling distances.
- 4) It hides circulation space and back-of-house facades from the outside ground-viewer, putting all main facades on the outside of the block.
- 5) It optimises parking layouts and vehicular circulation.

ROOF DESIGN_

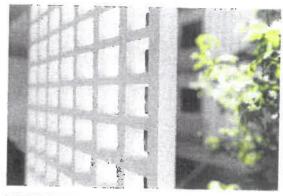
The new architecture will incorporate monopitch roofs, to allow the intervention to have a simpler silhouette, and subsequently make the pitched silhouette of the existing heritage buildings stand out. This reinforces the intention for the new buildings to be used as back-drop architecture to the existing Manor and Mill Houses.

PARKING + LANDSCAPING_

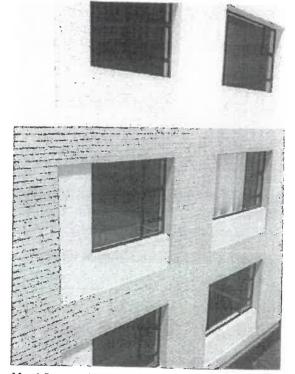
Parking levels are partially submerged and surrounded by planted 'werf'-walls. The submergence of parking is done in order to hide the majority of cars from the view of pedestrians, and create the illusion of a vehicular-free, landscaped piazza. The addition of planted 'werf'-walls hide the remainder of column heads and make the buildings seem anchored/grounded, to depart from the 'floating/hovering' principles of Modernist architecture. It also adds greenery in the vertical plane and distorts the Natural Ground Level, to create further interest.

PIAZZA AREA

Road surfaces and pedestrian walkways in the large, centralised area, will be paved and treated with different materials and additional landscaping, to create a public piazza. The intention is to break down the scale of a vehicular dominant city- or townscape, and introduce a more pedestrian friendly scale and environment. This reintroduces the 'werf'-layout on a larger/secondary scale to that of the blocks themselves, and further corresponds to the rural scale of the surrounding context.







Materiality proposal for new architecture.

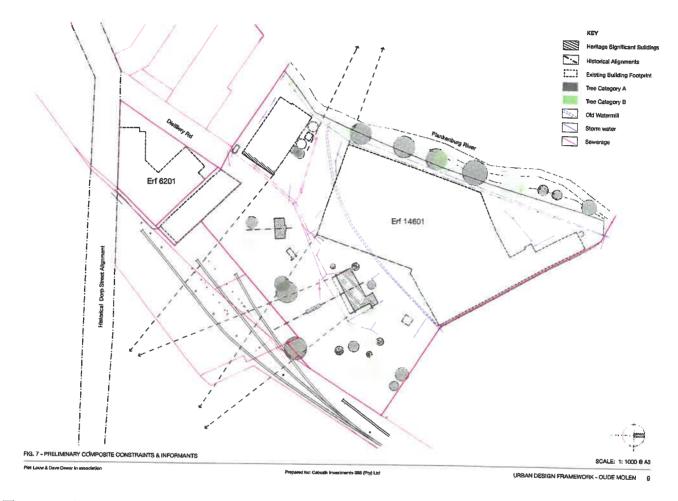
INCREASED HEIGHT / DENSITY NEXT TO ONDERPAPEGAAIBERG_

To match the height conditions on site, the blocks situated adjacent the Onderpapegaaiberg boundary line will be of a greater height and density than those adjacent the Manor House. In so doing, the buildings on site will become higher from the railway line towards the foot of Onderpapegaaiberg. This will create a gradual visual experience when the development is viewed from Adam Tas Road, with the buildings in the foreground being the lowest and the buildings at the back, against Onderpapegaaiberg, being the tallest.

CONSIDERATIONS TOWARDS SITE

THE SITE DEVELOPMENT PLAN

The Urban Design Framework that was prepared in July 2016, documented site informants to take into account during the urban – and landscape planning of the precinct. The most prominent of these were the view lines toward, and from, the Manor and Mill Houses (see image below), the significant trees on site, the historical alignments of the existing buildings, and the Mill Stream.



These were all addressed and adhered to during the design process. Particular emphasis was placed on re-establishing the site lines between Adam Tas Road, and the historically significant buildings on site; placing no structures between them, and exploring a permeable fence solution along the railway boundary.

In an attempt to improve accessibility to, and from, the site, a future through-road was designed into the precinct layout, which would link Distillery Road with the adjacent site to the North, through the Oude Molen Precinct. An official demarcation of such a road as 'public' is of course dependent on a land purchase agreement between the owner and the Municipality. However, to allow for such an intervention, the possibility has been considered.

In conjunction with view lines, the relational spaces between separate existing structures, and between new architecture and existing structures, are equally as important. These will be the spaces that define the relationship between the different styles, and form the majority of the public and recreational space across the site. As a result, particular emphasis was placed on these in-between spaces, and which building facades oppose/front neighbouring structures. This is particularly relevant where new architecture is adjacent existing buildings; ensuring that new façades that will be read next to historic ones, compliment historic elements without detracting from them.

The heights and datum lines of existing structures were used as loose reference points in determining the scale of new structures. For instance, the heights of the buildings increase gradually from the railway line towards Onderpapegaaiberg. The buildings closest to the existing structures are the lowest (to match the historic scale), and the buildings against Onderpapegaaiberg, are the tallest.

1)

ANNEXURE 15 TRAFFIC IMPACT ASSESSMENT

Contact Address:

iCE Group (Stellenbosch),

P O Box 131, Stellenbosch, 7599 Tel No: +27 (0) 21 880 0443 Fax No: +27 (0) 21 880 0390 e-mail: piet@icegroup.co.za



Consulting Services

- Civil Engineering Services
- Roads

Traffic Engineering

Contact Person: Piet van Bierk

Your Ref:

Erf 14601, Stellenbosch

Our Ref:

iCE/S/849A

Date: 7 July 2020

First Plan Town and Regional Planners

P.O. Box 15865 PANORAMA 7506

Attention: Ms Christine Havenga

Madam

APPLICATION FOR SUBDIVISION AND REZONING OF ERF 14601, STELLENBOSCH: TRAFFIC IMPACT ASSESSMENT

This company was appointed to prepare a Traffic Impact Assessment (TIA) for the proposed development on Erf 14601, Stellenbosch.

1. BACKGROUND AND LOCALITY

The subject property is situated to the northeast of the existing Bosman's Crossing Square-development, Stellenbosch. See the attached *Locality Plan*.

According to information the property is zoned Industrial Zone with a permitted bulk of 80 715 m² under the primary rights, with approximately 12 000 m² thereof developed and operational as industrial buildings.

Previous TIAs were compiled by this company for development proposals on the subject property, with the latest dated 12 February 2013 (Ref: iCE/B/849).

As far as could be established, the Saw Mills- and Bosman's Crossing Erf 15804 (previously Erven 14163 & 14164)- development applications have been submitted/approved in the area. The TIAs for the said developments were thus considered for the purpose of traffic analyses. The adjacent Erf 6201 is also currently under construction, which, according to information obtained from Stellenbosch Municipality, will be 4 854 m² GLA offices. The location of the said developments is indicated on the attached *Locality Plan*.

This TIA accompanies the Application for Subdivision and Rezoning of Erf 14601, Stellenbosch.

2. PROPOSED DEVELOPMENT

2.1 Proposed Development

The proposed development on the subject property will include the following:

Residential Business

2-Bedroom Apartments: 95 units Offices (Manor House): 592 m²

3-Bedroom Apartments: 158 units Retail (Shed): 205 m²

Clubhouse (Mill House): 85 m² Restaurant (Shed): 479 m²

Tel: 021 8800 443 Fax: 021 8800 390

Stellenbosch office:

P.J.Van Blerk, PrEng.

Directors:

iCE Group (Overberg) t/a iCE Group (Stellenbosch)

Reg No: 2006/133238/23



The proposed clubhouse will be a private amenity to the residential scheme. See the attached **Site Development Plans** prepared by **Boogertman and Partners Architects**.

2.2 Access to the Property

Access to the property is currently obtained from Distillery Road, where the said road terminates. The access-position is proposed to remain. See the photo below. Detail on access will be further discussed in *paragraph 4*.

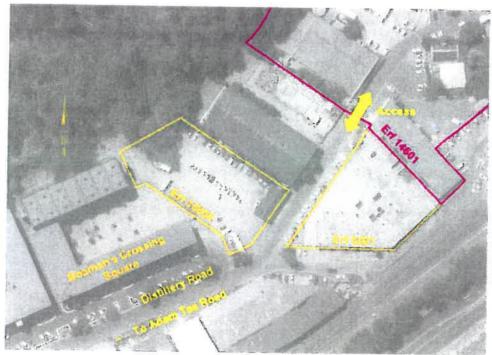


Photo 1: Existing access to the subject property

3. TRAFFIC

3.1 Available Traffic

Traffic counts were previously conducted at the Adam Tas Road/Oude Libertas Street- and Oude Libertas Street/Distillery Road/Flamingo Road intersections on Thursday, 3 August 2017 from 06h00 to 08h00 and again from 16h00 to 18h00. The peak hour volumes derived from these counts are indicated in *Figure 1* attached.

3.2 Traffic Growth

Historic peak hour traffic counts at the Adam Tas Road/Oude Libertas Street intersection were obtained from a previous project in the area. From the said counts, an average traffic growth rate of 2% per annum was calculated along Adam Tas Road, with peak hour traffic along Oude Libertas Street remaining relatively constant. A 2% per annum growth in traffic along Adam Tas Road was thus applied. For the purpose of traffic analyses, a five-year projection was applied. The available 2017 peak hour volumes were thus increased by 2% per annum for eight (8) years to obtain 2025 peak hour volumes.

To account for surrounding development in the area, the traffic that can potentially be generated by the Saw Mills- and Erf 15804-developments (as per their respective TIAs) and the adjacent Erf 6201-development (based on its GLA as obtained from Stellenbosch Municipality), were added to the traffic volumes as discussed above, to obtain the estimated 2025 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 applied to calculate the peak hour traffic that can potentially be generated by the proposed development. The following rates were applied:

Land use	Rate	In/Out	Rate	In/Out
Single Dwelling	1,0 trip per unit	25/75	1,0 trip per unit	70/30
Restaurant	n/a		8,0 trips per 100 m ²	65/35
Offices	2,1 trips per 100 m ²	85/15	2,1 trips per 100 m ²	20/80
Retail*	4,0 trips per 100 m ²	65/35	22,67 trips per 100 m ²	50/50
*Based on the TMH17	7 formulas: $0.6 \times \left[1 + \frac{6}{1 + m^2/35}\right]$	00 & 3,4	$1\times\left[1+\frac{6}{1+m^2/3500}\right]$	

The TMH17 further suggests trip generation adjustment factors for mixed use developments. For the retail- and restaurant uses a 10% reduction is suggested, and for the office use 20%.

Based on the above, the peak hour traffic that can potentially be generated by the proposed development was calculated as follows:

	AM Peak Hour Trips		PM Peak Hour Trips			
Land use	Total	In	Out	Total	In	Out
Residential (253 units)	253	63	190	253	177	76
Retail (205 m² GLA)	8	5	3	42	21	21
Offices (592 m² GLA)	10	8	2	10	2	8
Restaurant (479 m² GLA)	0	0	0	34	22	12
	271	76	195	339	222	117

As mentioned in *paragraph 1*, TIAs were previously compiled for development proposals on the subject property. The latest TIA contained a potential trip generation of 276 AM peak hour trips (80 in, 196 out) and 339 PM peak hour trips (232 in, 107 out). The existing industrial rights mentioned in *paragraph 1* above, has the potential to generate 484 peak hour trips (based on the trip generation rate contained in the TMH17). The potential peak hour traffic as calculated above can thus be expected to have a lesser impact on the external road network than the industrial rights.

3.4 Traffic Distribution

From the subject property, the proposed development-traffic was distributed towards the Adam Tas Road/Oude Libertas Street intersection via Distillery Road and Oude Libertas Street. At the Adam Tas Road/Oude Libertas Street intersection, the proposed development traffic was distributed to/from Adam Tas Road based on the



existing directional split in traffic at the said intersection. See the distributed peak hour traffic in *Figure 3* attached.

3.5 Traffic Analysis

Traffic analyses of the intersections were done by means of the Sidra Intersection 8.0 software. Link volumes were analysed based on the Highway Capacity Manual method. Service levels A to D are considered acceptable, with D the critical. In congested areas, service level E is also considered acceptable.

The intersections analysed consist of lane layouts as follows:

Adam Tas Road/Oude Libertas Street intersection:

This intersection is currently signalised with dedicated right-turn lanes on the Adam Tas Road-approaches. See the lane layout below.

The Erf 15804-development's Conditions of Approval include the construction of a dedicated left-turn lane along the western Adam Tas Road-approach, and the extension of the existing dedicated right-turn lane along the eastern Adam Tas Road-approach. A Services Agreement was signed between Stellenbosch Municipality and the Developer of the said development to implement the required upgrades in lieu of Development Contributions.

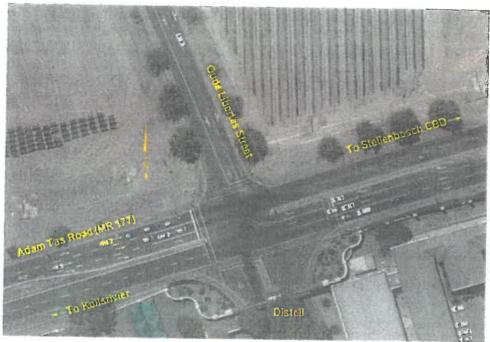


Photo 2: Existing Adam Tas Road/Oude Libertas Street intersection lane layout

Oude Libertas Street/Distillery Road/Flamingo Road intersection:

This intersection is currently a T-intersection, with stop-control on the right-turn movement on the Distillery Road-approach, yield-control on the left-turn movement on the Distillery Road-approach, as well as the right-turn movement on the Oude Libertas Street-approach and the Flamingo Road-approach. Free-flow conditions are experienced on the Oude Libertas Street-approach towards Flamingo Road. See the lane layout below.



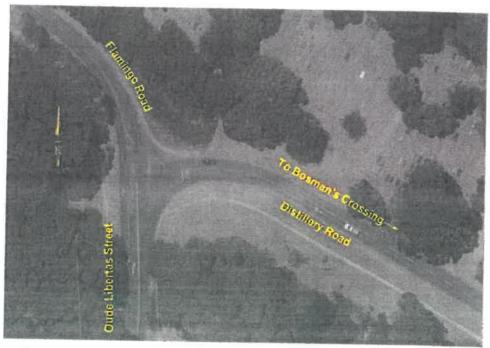


Photo 3: Existing Oude Libertas Street/Distillery Road/Flamingo Road intersection lane layout

3.5.1 Analysis of Available Peak Hour Volumes (excluding proposed development)

Adam Tas Road/Oude Libertas Street intersection:

According to the Sidra analyses, intersection levels of service C were experienced at this intersection during the available peak hours, with acceptable service levels D and above experienced on all movements.

It was noticed on-site (at the time of the traffic counts) that, although relatively congested during peak times, unacceptable service levels are not yet experienced.

Oude Libertas Street/Distillery Road/Flamingo Road intersection:

According to the Sidra analyses, acceptable service levels A and above were experienced at this intersection during the available peak hours.

3.5.2 Analysis of Estimated Peak Hour Volumes (excluding proposed development)

Adam Tas Road/Oude Libertas Street intersection:

As previously mentioned, upgrades to this intersection are to be implemented with the development of Erf 15804. With the said upgrades in place, services levels F can be expected along Adam Tas Road (eastbound) during the estimated AM peak hour, and along Adam Tas Road (westbound) during the PM peak hour. Unacceptable service levels are also anticipated on the left-turn movement on the Oude Libertas Road-approach and on the right-turn movement on the eastern Adam Tas Road-approach. To accommodate the large turning volumes, an additional dedicated right-turn lane is considered necessary on the eastern Adam Tas Road-approach, and a continuous left-slip lane on the Oude Libertas Road-approach, both of which will necessitate additional exit lanes on Oude Libertas Road and Adam Tas Road, respectively. As discussed in the TIA for the Saw Mills development, to accommodate the background traffic, a third through lane along Adam Tas Road (eastbound) is required irrespective of any developments in the area, or a bypass such as the potential Stellenbosch Western Bypass Road.



It can thus be concluded that to accommodate the estimated 2025 peak hour traffic volumes (background traffic including surrounding development) at the Adam Tas Road/Oude Libertas Street intersection, the Erf 15804-upgrades will be required, as well as a continuous left-slip lane on the Oude Libertas Roadapproach, and the consideration of a third through lane along Adam Tas Road, or a bypass road (as per the Saw Mills-recommendations).

Oude Libertas Street/Distillery Road/Flamingo Road intersection:

With the addition of the surrounding development traffic, upgrades to this intersection will be required to accommodate the additional turning movements to/from the Bosman's Crossing area. To accommodate the said traffic, either a roundabout or traffic signals is considered necessary at this intersection. As result of the topography and the existing trees, however, a roundabout does not seem to be a viable option. It is thus suggested that traffic signals at this intersection be considered. The provision of traffic signals will also address the existing sight distance issues at the intersection.

With traffic signals, acceptable service levels can be expected on all movements during the estimated peak hours.

It can thus be concluded that to accommodate the estimated 2025 peak hour traffic volumes (background traffic including surrounding development) at the Oude Libertas Street/Distillery Road/Flamingo Road intersection, the provision of traffic signals be considered.

3.5.3 Analysis 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 2025 peak hour volumes, i.e. background traffic (*Figure 2*) to obtain the expected 2025 peak hour volumes (*Figure 4*).

With the addition of the proposed development traffic, similar results can be expected at the Adam Tas Road/Oude Libertas Street- and Oude Libertas Street/Distillery Road/Flamingo Road intersections, as discussed above (estimated peak hours).

It can thus be expected that the upgrades required to accommodate the background traffic should be sufficient to accommodate the addition of the proposed development traffic.

4. GEOMETRY

As previously mentioned, access will be obtained from Distillery Road, via Oude Libertas Street. According to information, both are classified as Class 4-roads.

Provision has been made should the overall road network require a link between the existing Bosman's Crossing area and George Blake Road — as previously mentioned, Distillery Road currently terminates at the subject property boundary. A future road link to George Blake Road will thus be via the subject property (and via the Bergkelder Site). During a meeting held at Stellenbosch Municipality on Thursday, 23 January 2020, with messrs Johan Fullard, Nigell Winter and Roscoe Bergstedt, and our mr Piet van Blerk and ms Yolandi Obermeyer, it was agreed that a 13 metre road reserve will suffice for this future road link traversing the subject property. The said road reserve is to accommodate a 7,4 metre blacktop road, with minimum 2,4 metre NMT-facilities along both sides of the road (wider where additional space exists within the road reserve).

The existing bridge across the river has limitations with regard to capacity. According to information, consultants have been appointed by Stellenbosch Municipality to investigate the upgrades required to improve the bridge across the river (along Distillery Road), which currently provides the only access to the Bosman's Crossing area.



Three accesses are proposed along the road traversing the subject property. Access to the residential portion and access to the commercial portion are proposed opposite one another, with access to the remaining commercial portion \pm 80 metres east thereof. To address traffic calming along this road, it is suggested that the two access-intersections be raised.

Security controls (gates/booms) are proposed to the residential portion only, which will be set back 20 metres from the edge of the road traversing the property. Two lanes in (3,0 metres wide each) and one lane out (4,2 metres wide) will be provided at the said security controlled access. This is considered sufficient to accommodate emergency vehicles (4,0 metres required). The accesses to the two commercial parking areas will not be security controlled, therefore stacking at these accesses should not be problematic.

Internal circulation will be via the isle widths provided behind parking bays, which measure 7,0 metres and thus considered sufficient to accommodate the two-way traffic expected on-site.

Refuse rooms are proposed at the accesses along the road traversing the subject property, with accompanying embayments for refuse vehicles. The intention is that in future, when the said road is extended up to George Blake Road, the proposed embayments function as public transport embayments as well. Ultimately, refuse vehicles will be able to continue along the proposed road traversing the subject property. Until such a time that the said road is constructed up to George Blake Street, space will be available for refuse vehicles to turn, at the point where the road initially terminates. According to the developer, it is the intention that refuse removal be handled privately.

5. PARKING

5.1 Parking Requirement

The parking requirements for the proposed land uses as contained in the Stellenbosch Municipality Zoning Scheme Regulations (2019), are as follows:

Flats* 1- & 2-bedroom

1,5 bay/dwelling unit

3-bedroom

1,75 bays/dwelling unit

4 or more-bedroom

2,0 bays/dwelling unit

*These rates include 0,5 bays/dwelling unit for visitors

Commercial

4,0 bays per 100 m² GLA

Based on the said rates, the following parking requirement will be applicable:

Residential	Units	Bays	Business	GLA	Bays
2-Bedroom Apartments	95	142,5	Offices	592	23,68
3-Bedroom Apartments	158	276,5	Retail	205	8,2
			Restaurant	479	19,16
Su	ubtotal	419		Subtotal	51,04

5.2 Parking Provided

Parking is proposed at-grade, with the majority of parking to the residential units at semi-basement level below the residential buildings. As per the attached plans, 420 bays will be provided on the residential portion of the development and 55 bays on the business portion of the development. Spaces for the accommodation of bicycle



parking/storage is also indicated on the attached plans, over and above the required parking.

Based on the requirements set out above, the parking provided is thus considered sufficient.

5.3 Parking Dimensions/Layout

Parking bays provided consist of dimensions in line with normal parking standards, i.e. 2,5 by 5,0 metre bays, with bays adjacent to walls 2,85 metres wide. Parking bays adjacent to columns measure 2,5 metres in width from the face of the columns, which is acceptable. Parking bays accessible to the physically disabled consist of 3,5 metre widths, which is in line with SANS 10400. The isle widths provided behind 90-degree parking bays are minimum 7,0 metres, which is considered sufficient. Four (4) parking bays are provided at an angle along the exit lane of the residential access — the isle width behind these bays (4,2 metres) is sufficient for angled parking (45-degrees) along a one-way section.

6. PUBLIC AND NON-MOTORISED TRANSPORT (NMT)

6.1 Non-Motorised Transport

An NMT-path exists along the south western side of Distillery Road, which links with the NMT-facility along Adam Tas Road ('Cape Winelands NMT Route') to the southwest of the road-over-river bridge. The only means of crossing the river is thus the said bridge.

A pedestrian bridge over the railway line, and possibly over Adam Tas Road, is planned. This bridge will be an important link between Bosman's Crossing and the eastern side of the railway line in order to provide a more direct (and shorter) route for NMT towards Stellenbosch CBD. According to information, the said bridge was also included in the proposal to dual Lower Dorp Street (as part of the heritage application). The schematic position of the bridge is indicated below — the means of connecting with the facilities along Adam Tas Road is not yet final (i.e. stairs/ramps/etc.).

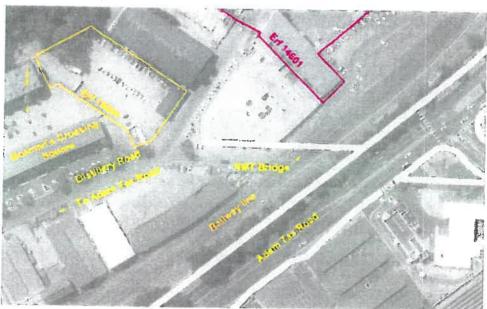


Diagram 1: Schematic position of NMT bridge over the railway line to directly link the Bosman's Crossing area with the existing NMT along Adam Tas Road

As discussed in paragraph 4 above, NMT-facilities of minimum 2,4 metres (as agreed upon with Stellenbosch Municipality) will be allowed for along both sides of



the extension of Distillery Road, traversing the subject property. The proposed development will thus be linked to the existing NMT routes in the area.

On-site pedestrian accommodation is by way of paths linking the residential buildings to the clubhouse and to the external NMT-facilities.

6.2 Public Transport

The main public transport modes serving Stellenbosch are rail, minibus taxi (MBT) and e-hailing services such as Uber.

The Stellenbosch Railway Station is situated directly opposite the subject property however the railway station is not accessible in the absence of a bridge over the railway line.

The proposed NMT bridge will provide direct access to the railway station which, in turn, acts as a hub for, and links in with the Stellenbosch Public Transport.

As far as could be established, no further public transport facilities exist in the immediate vicinity of the proposed development. As indicated on the attached plans, embayments are proposed along the proposed road traversing the subject property. As mentioned in *paragraph 4* above, space will be available to turn where the said road initially terminates.

7. CONCLUSIONS

The following can be concluded from the report:

- That the TIA accompanies the application for subdivision and rezoning of Erf 14601, situated to the northeast of the existing Bosman's Crossing Squaredevelopment, Stellenbosch;
- 2) That according to information, the property is zoned Industrial, with permitted bulk of 80 715 m² under the primary rights, with approximately 12 000 m² thereof developed and operation as industrial buildings;
- 3) That the development is proposed to consist of 253 apartments (two- and three-bedroom) with accompanying clubhouse, as well as 1 276 commercial space (offices, retail, restaurant), with access from Distillery Road, where the road currently terminates;
- 4) That the proposed development has the potential to generate 271 AM peak hour trips (76 in, 195 out) and 339 PM peak hour trips (222 in, 117 out), which will have a lesser impact on the external road network than the industrial rights;
- 5) That to accommodate the background traffic:
 - Adam Tas Road/Oude Libertas Street intersection: A continuous leftslip lane on the Oude Libertas Street-approach be considered, and consideration be given to a third through lane along Adam Tas Road, or a bypass road (both as per the Saw Mills-recommendations);
 - b) Oude Libertas Street/Distillery Road/Flamingo Road intersection: The provision of traffic signals be considered;
- That to accommodate the proposed development-traffic, no upgrades additional to those required to accommodate the background traffic is considered necessary;
- 7) That provision has been made should the overall road network require a link between the existing Bosman's Crossing area and George Blake Road by way of a future road link (extension of Distillery Road) to George Blake Road via the subject property (13 metre road reserve as agreed upon with Stellenbosch Municipality: 7,4 metre blacktop road with minimum 2,4 metre NMT facilities along both sides);



- 8) That the existing bridge across the river, currently the only access to the Bosman's Crossing area, has limitations with regard to capacity, but that according to information, consultants have been appointed by Stellenbosch Municipality to investigate required upgrades;
- 9) That three accesses are proposed to the development portions along the road traversing the subject property: access to the residential portion and to a commercial portion opposite one another, with access to the remaining commercial portion ± 80 metres east thereof;
- 10) That security controls are proposed to the residential portion only, set back 20 metres from the edge of the road traversing the property, with two lanes in (3,0 metres wide each) and one lane out (4,2 metres wide);
- 11) That internal circulation will be via the isle widths provided behind parking bays, which measure 7,0 metres and thus considered sufficient to accommodate the two-way traffic expected on-site;
- 12) That refuse removal will be handled privately, and that refuse rooms are proposed at the accesses along the road traversing the subject property, with accompanying embayments for refuse vehicles, with space available to turn until such a time that the road is extended to intersection with George Blake Road;
- 13) That 419 parking bays are required for the residential portion and 51 bays for the business portion, and that 420 bays are provided on the residential site and 55 bays on the business site, with facilities for bicycles over and above the requirements, thus sufficient parking based on the Stellenbosch Municipality Zoning Scheme Regulations, and that parking bay dimensions are in line with normal parking standards;
- 14) That an NMT-path exists along the south western side of Distillery Road, which links with the NMT-facility along Adam Tas Road ('Cape Winelands NMT Route') to the southwest of the road-over-river bridge, with the only means of crossing the river being the said bridge, that 2,4 metre wide NMT-facilities will be provided along both sides of the extension of Distillery Road traversing the subject property, and that on-site pedestrian accommodation is linked to the external NMT-facilities;
- 15) That a pedestrian bridge over the railway line, and possibly over Adam Tas Road, is planned, which will be an important link between Bosman's Crossing and the eastern side of the railway line in order to provide a more direct (and shorter) route for NMT towards Stellenbosch CBD bridge included in Lower Dorp Street dualling proposal (as part of the heritage application); and
- 16) That the Stellenbosch Railway Station is situated directly opposite the subject property however not accessible in the absence of a bridge over the railway line, and that embayments for public transport are proposed along the road traversing the subject property.



8. RECOMMENDATIONS

From the above the following are recommended:

- 1) That to accommodate the background traffic:
 - a) Adam Tas Road/Oude Libertas Street intersection: A continuous leftslip lane on the Oude Libertas Street-approach be considered, and consideration be given to a third through lane along Adam Tas Road, or a bypass road (both as per the Saw Mills-recommendations); and
 - b) Oude Libertas Street/Distillery Road/Flamingo Road intersection: The provision of traffic signals be considered.

As Adam Tas Road is a Class 2-road, and as the upgrades required are as result of background traffic, it is the opinion that the cost of the recommended upgrades be offset against Development Contributions 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

Site Development Plans (Boogertman and Partners Architects):

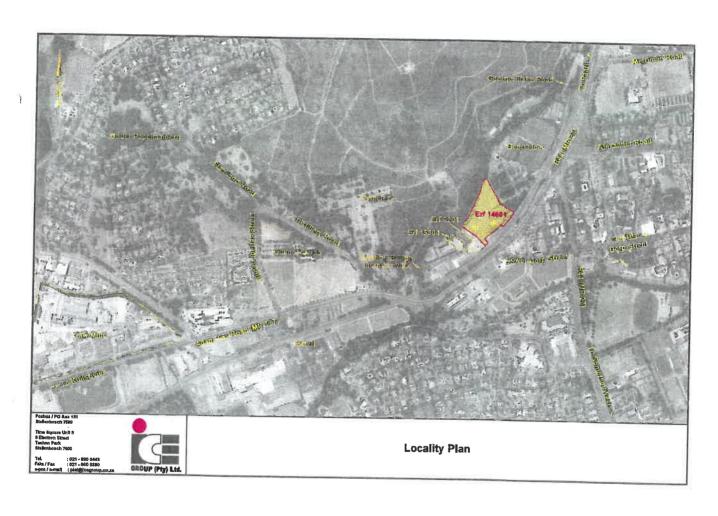
SDP RESIDENTIAL

SDP_BUSINESS PREMISES

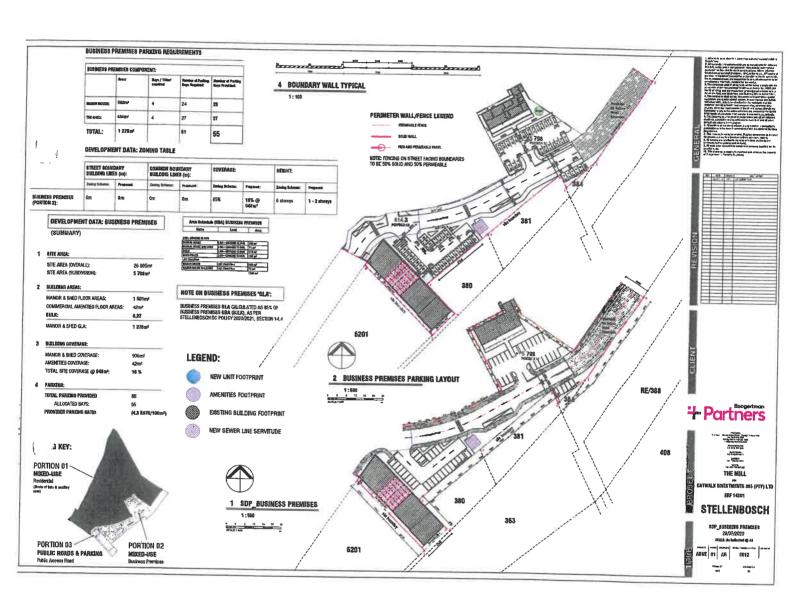
PARKING LAYOUT

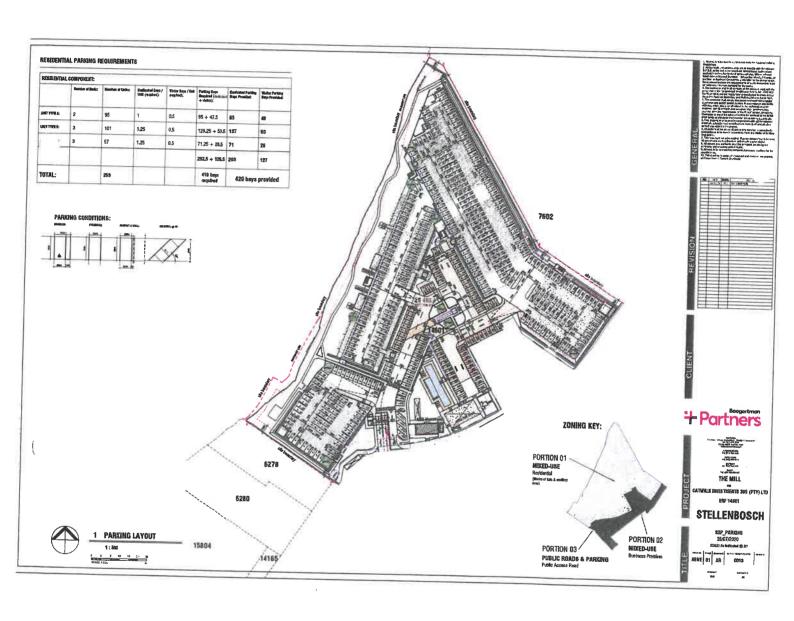
- Figure 1 Available AM/PM Peak Hour Traffic Volumes (Thursday, 3 August 2017)
- Figure 2 Estimated 2025 AM/PM Peak Hour Traffic Volumes (including 2% per annum traffic growth and surrounding development)
- Figure 3 Distribution of Traffic Generated by Proposed Development
- Figure 4 Expected 2025 AM/PM Peak Hour Traffic Volumes (including 2% per annum traffic growth, surrounding development and proposed development)

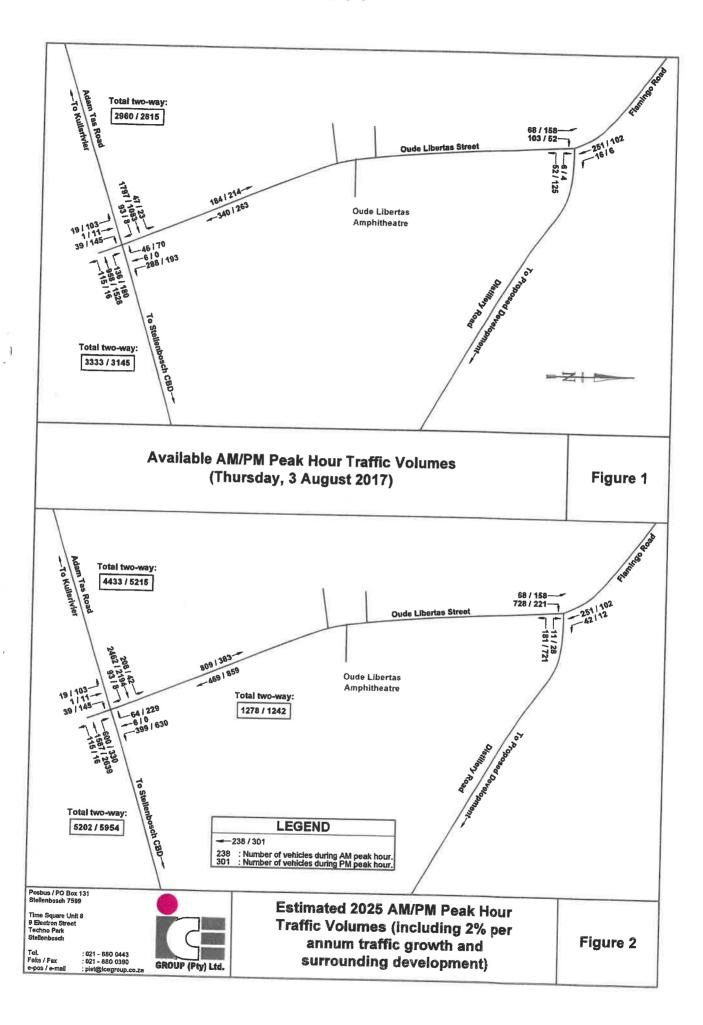












ANNEXURE 16

CIVIL ENGINEERING SERVICES REPORT

CATWALK INVESTMENTS 385 (Pty) Ltd

OUDE MOLEN: ERF 14601, STELLENBOSCH

Preliminary Services Report

Prepared by:

Engineering Advice & Services Western Cape (Pty) Ltd 57 Reitz Street Audas Estate Somerset West 7130

Tel: 082 562 2296

June 2020

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1. BACKGROUND

Engineering Advice & Services was appointed by **CATWALK INVESTMENTS 385 (Pty) Ltd** for the planning and design of Municipal Services to **Erf 14601, Stellenbosch**. This report is based on a site development plan prepared by **Boorgertman Partners** and aims to provide an overview for the provision of Civil Services to the proposed development.

2. DESCRIPTION OF THE SITE AND ACCESS

The proposed development is located on Erf 14601, in Stellenbosch, approximately 27180m² in size. It is located adjacent top Adam Tas Road, within Stellenbosch, and accessible from Distillery Road.



Figure 1: Locality Plan

The current zoning on the erf is industrial with a bulk permissible building area of approximately $80\ 000\ m^2$. The proposed development will consist of 253 residential units and a small commercial component that will reduce the demand on the Municipal Services compared to the current zoning and rights that are in place.

3. SITE TOPOGRAPHY

There are currently existing buildings on the site that will be demolished to accommodate the new residential units. The existing Manor House and Shed will be retained and developed into the commercial component of the site.

The existing Water, Sewer and Stormwater connection points are indicated in **Annexure A**.

4. ENGINEERING SERVICES

4.1 APPLICABLE SPECIFICATIONS AND DESIGN GUIDELINES

The local authority, Stellenbosch Municipality, has special design requirements and criteria applicable to the provision of engineering services over and above that provided in the following guidelines:

The "New Red Book" - Guidelines for Human Settlement Planning and Design

➤ UTG - Urban Transport Guidelines

> SARTSM - South African Road Traffic Signs Manual

SANS (SABS) 1200 - South African National Standards

4.2 **AUTHORITY**

The Local Authority is Stellenbosch Municipality.

4.3 ARCHITECTURE

Boorgertman Partners is addressing the Site Development Plan.

4.4 CIVIL INFRASTRUCTURE

Engineering Advice & Services is addressing all civil infrastructure.

4.5 ROAD INFRASTRUCTURE

Engineering Advice & Services is addressing all road infrastructure.

5. WATER SUPPLY

Refer to Annexure B.

An existing 150mm water main is located in Distillery Street. The development will be served with a 110mm diameter uPVC ring main that will connect to this existing 150mm water main.

5.1 DOMESTIC SUPPLY DEMAND

The domestic water supply to the apartment blocks and retail area will connect from the 110mm diameter ring main. The water supply requirements are estimated according the design guidelines from the RED BOOK.

The Annual Average Daily Demand (AADD) = AADD (Residential) + AADD (Commercial) = $(400 \times 253) + (650 \times 14.63)$ = 110 710 I/day

Where:

Residential units = 253AADD (Residential) = 400 l/dayCommercial gross floor area = 1.463 m^2

AADD (Commercial) = 650 l/day per 100 m² of gross floor area

The peak factor (PF) = 2.2

The estimated Peak Daily Flow (PDF) = $110710 \times 2.2 / 86400$

= 2.82 l/s

5.2 FIRE DEMAND

Fire hydrants and fire hose reels will be provided at strategic positions inside the development in accordance with regulations. The fire supply to the apartment blocks will be from 110mm diameter uPVC connections that will connect to the 110mm uPVC ring main.

6. SEWERAGE SYSTEM

Refer to Annexure B.

An existing 500mm diameter uPVC bulk sewer is located on the Western boundary of the site. The development will be served by a 160mm diameter uPVC Class 34 sewer pipe network that will connect into the existing 500mm uPVC bulk sewer.

6.1 DOMESTIC SEWERAGE DEMAND

Sewage from the apartment blocks and retail areas will gravitate via a number of 110mm diameter uPVC Class 34 connections into the 160mm diameter uPVC main system located in the roads and parking areas. These will ultimately lead to the proposed municipal connection.

The estimated Peak Wet Weather Flow (PWWF) = 3.6 l/s

Where:

1

Average Daily Flow rate = 1.3 l/s Peak Factor (PF) = 2.5 Stormwater Infiltration = 15%

7. STORMWATER MANAGEMENT

The proposed development would not require the treatment of stormwater to control quantity. The layout of the proposed development will reduce the hard surface areas and therefore post development flows will be less than the pre-development flows.

The treatment of stormwater to improve quality will be incorporated in the landscape design through permeable paving and open channels that will treat the stormwater to the required standard.

7.1 STORMWATER NETWORK

Stormwater from the site will sheet flow over the roads and parking areas to open channels that will discharge into stormwater catch pits. An underground stormwater system consisting of 375mm diameter class 100D concrete pipes will convey the stormwater from the catch pits to discharge into the adjacent Plankenburg River.

7.2 OVERLAND ESCAPE ROUTES

Overland escape routes will be provided to ensure that there are no trapped low points. If the underground system gets blocked, the stormwater will be led towards discharge points leading into the adjacent Plankenburg River. The 1:10 year storm and the 1:50 year storm will be accommodated overland.

8. ROADS AND ACCESS

8.1 ACCESS

)

Refer to Annexure B.

Access to the development will be from Distillery Road with a one lane in and one lane out configuration. This main artery will be joined by additional access roads that reach all the individual blocks and units of the development.

8.2 INTERNAL ROADWAYS

The internal road network will be asphalt surfacing with a combination of block paving for the blocks and parking areas.

8

9. CONCLUSION

The initial investigation into the servicing of the proposed development on Erf 14601 in Stellenbosch confirmed the following:

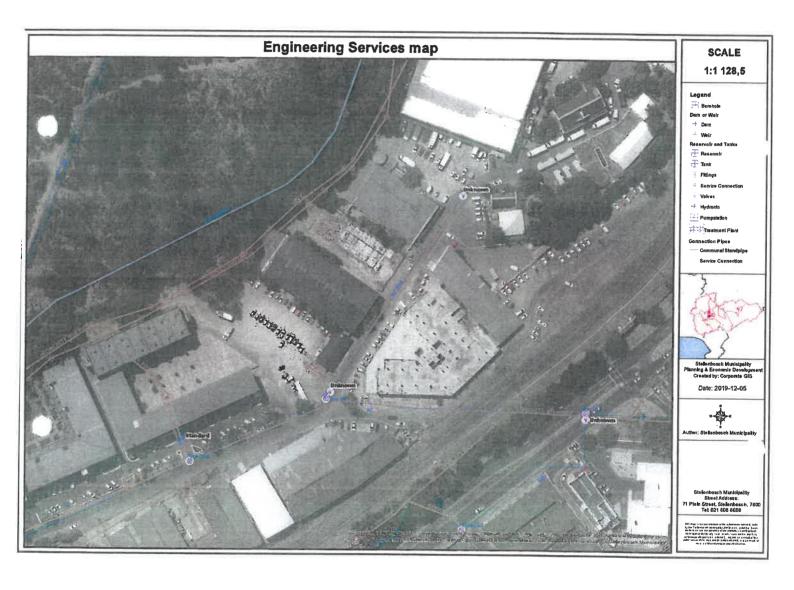
- Access to the site will be from the existing Distillery Road.
- An existing 150mm diameter water main will serve the development.
- The internal sewer network for the development will gravitate to existing 500mm diameter bulk sewer.
- The proposed development would not require the treatment of stormwater to control quantity.
- Treatment of stormwater to improve the quality will be incorporated in landscaping.
- The proposed development will reduce the demand on the Municipal Services compared to the current rights that are in place.

It can, therefore, be concluded that the proposed development, Oude Molen, on Erf 14601, Stellenbosch can be serviced from existing infrastructure.

9

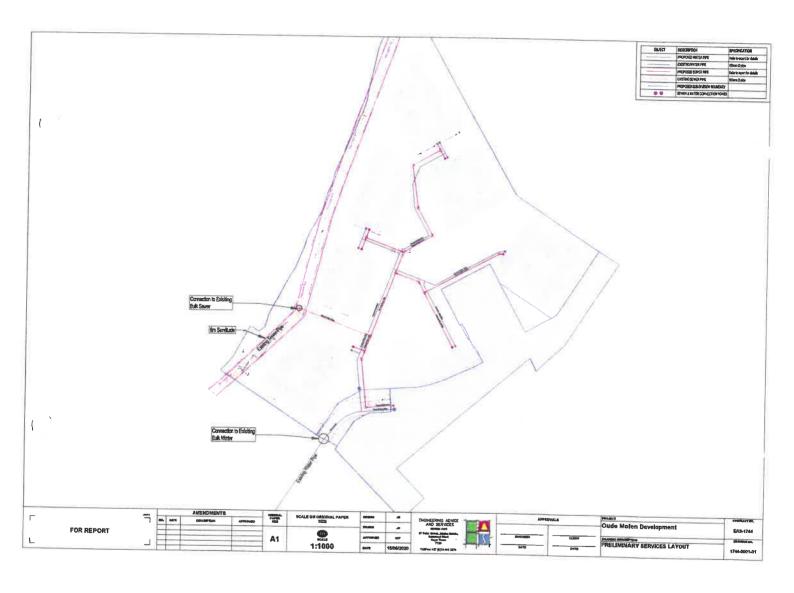
ANNEXURE A

EXISTING SERVICES LAYOUT



ANNEXURE B

PRELIMINARY SERVICES LAYOUT



ANNEXURE 17 ELECTRICAL SERVICES REPORT

Office 412 Riverside Lofts Tygerfalls Boulevard Bellville 7535

PO Box 943 Durbanville 7550

Tel +27 21 948 9584

Mobile +27 82 372 2685

jdb@jdbce.co.za



PROPOSED DEVELOPMENT ON ERF 14601 STELLENBOSCH (OUDE MOLEN) MINUTES OF PLANNING MEETING HELD ON 4 MARCH 2020

AT STELLENBOSCH MUNICIPALITY ELECTRICITY DEPARTMENT 71 PLEIN STREET STELLENBOSCH

1 ATTENDANCE AND APOLOGIES

Present Nombulelo Zwane Mark Benson Lourens de Lange Terence Miles Greg Nimb Christiaan Kleynhans Sandiso Ndika Victor Dyusha	NZ MB LdL TM GN CK SN VD	S/bosch Municipality S/bosch Municipality S/bosch Municipality S/bosch Municipality S/bosch Municipality S/bosch Municipality S/bosch Municipality S/bosch Municipality	Nombulelo.Zwane@stellenbosch.gov.za Mark.Benson@stellenbosch.gov.za Lourens.Delange@stellenbosch.gov.za	021 808-8333 021 808 8770 021 808 8302	076 3046984 083 607 6232
Johann de Bruyn	JdB	JdB Consulting Eng	jdb@jdbce.co.za	082 372 2685	021 948 9584

Apologies

_	ITEM	ACTION
1 a b	WELCOME AND INTRODUCTION Nombulelo welcomes all to the meeting and allows everybody to introduce themselves.	
2	ATTENDANCE AND APOLOGIES	
а	No apologies were received.	1
3 a	MINUTES OF PREVIOUS MEETING Not applicable.	
4	DISCUSSION	
a	Nombulelo welcomes Johann and asks him to introduce the project to the meeting.	
b	Johann gives a brief introduction to the project i.e. locality, site development plan and composition (being 249 residential units plus approximately 1285 m ² of offices/shops). The estimated maximum demand is 917 kVA.	МВ
:	The development will consist of two erven, one for 249 sectional title residential units and another for the commercial portion (offices, deli, etc). No phasing of the development is envisaged at this stage.	All
ı	Oude Molen is envisaged as a private development and all internal roads and services will be private.	All
	Johann must include details of the proposed metering of tenants and the proposed tariffs in his submission. Tariffs must be approved by Stellenbosch Municipality.	JdB
		Jub
	Johann shows a picture of the location of the existing RMU and requests details of the existing RMU and 11 kV feeder cable as well as a drawing indicating the cable route.	MB
;	It is confirmed that the site is currently on a bulk supply metered at 11 kV. The meeting agrees that the only practical means to facilitate the new supply to the development is by means of a bulk supply metered at 11 kV. Stellenbosch Municipality requires a space of 5m x 3m for an outdoor metering unit. An indoor metering unit can be considered. Johann will take this up with the architect and will include details of the proposed bulk	

	supply point and metering in his submission.	∥ JdB
		Jub
h	Stellenbosch Municipality requires 24 hour access to the bulk supply point with space to park a service vehicle.	JdB
i	Stellenbosch Municipality requests that the diesel tank outside the existing RMU room be relocated.	JdB
j	Stellenbosch Municipality to forward the specification of the RMU and metering equipment to Johann.	MB/VD
k	Current indications are that construction will commence by mid 2022 and that the new supply will be required by December 2022.	Ali
1	Stellenbosch Municipality will advise the notified maximum demand of the current supply to Johann.	МВ
m	Development contributions will be charged for additional capacity required by the development. This will be payable upon approval of the application.	JdB
		Jub
n	Stellenbosch Municipality will advise the current contribution rates to Johann.	МВ
0	Johann must include an energy management plan in the application to Stellenbosch Municipality.	JdB

ANNEXURE 18 ENVIRONMENTAL OPINION



Johan Neethling Environmental Services cc

ENVIRONMENTAL IMPACT ASSESSMENTS

Our ref: JN 43/12

Your ref:

24 June 2020

Mr Gideon Roos Messrs First Plan Town and Regional Planners P O Box 15865 Panorama 7506

Dear Mr Roos

OPINION ON ENVIRONMENTAL AUTHORISATION AND LISTED ACTIVITIES IN TERMS OF EIA REGULATIONS 2014, AS AMENDED: MIXED USE DEVELOPMENT, OUDE MOLEN, ERF 14601, STELLENBOSCH

I refer to our recent Zoom meeting and discussions around the SDP and the possible triggering of listed activities in terms of the EIA Regulations 2014, as amended.

The site has been developed over many years and used for semi-industrial purposes, mainly in the liquor industry. This resulted in the site being hardened and built-up. There are some buildings and features of historic importance such as the Manor House and Mill House, the latter having been previously demolished and rebuilt in a different location during the 1960's. These are being dealt with by the Heritage Consultant and will be incorporated into the proposed development.

The historic Stellenbosch Millstream (Meulsloot) is a diversion from the Eerste River. It runs through the town and formed a network of historic watercourses that used to serve a number of water mills. The present alignment of the stream, as an open water course, ends at the intersection of Alexander Road and Du Toit Road . From there it is piped under Adam Tass Road, the railway line and the adjacent Bergkelder site and buildings, before entering the Oude Molen site. It traverses the site as a pipe under the whole site and buildings before discharging into the Planckenbrug River.

The development proposals for the Oude Molen site indicate a break in the mill stream pipe where it enters the site on the boundary with the Bergkelder site and the creation of a small pond before continuing as a pipe.

A shallow escape storm water channel is proposed from this pond along the boundary of the site to the Planckenbrug River. This will act as an emergency overflow should the volume of storm water overwhelm the capacity of the pipe further into the Oude Molen Site.

As part of the development proposal sections of the pipe across the site will be returned to a surface water feature as part of landscaping. This channel and remaining sections of pipe will continue to discharge into the Planckenbrug River at existing locations.

It is my strong opinion that the proposals for development of the Oude Molen Site, Erf 14601, Stellenbosch will not trigger any of the listed activities in the EIA Regulations 2014, as amended. The only caveat is not moving more than 10m^2 of material at the discharge points into the Planckenbrug River of the escape channel and millstream outlet, combined

Yours sincerely

Johan Neethling

ANuthling

for JNES

HERITAGE RNID

Our Ref: HM\CAPE WINELANDS\STELLENBOSCH\REM ERF 6201 AND ERF 14601

Enquiries Guy Thomas

Date:

13 February 2015

Tel: Email:

guv.thcmas@westerncape.gov.z

Case No: Auto IDs:

15012102GT0127E 3031 - 3612

ilita labboati Erfonis Heritage

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP In terms of section 38(2) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

Mr Chris Snelling Attention:

021 483 9685

8 Ringwood Drive.

Pinelands. Cape Town

7450

CASE NUMBER: 15012102GT0127E

NID: PROPOSED DEVELOPMEN ON REM ERF 6201 AND ERF 14601, "OUDE MOLEN"DISTILLERY ROAD,

STELLENBOSCH

The matter above has reference.

Your NID received on 27 January 2015 was tabled and the following was discussed:

- 1. The properties will be rezoned and consolidated to form a single erf with a zoning of general bussiness or general residential. The site will be developed into a mixed use development including student housing retail and office space.
- 2. The previous warehouse may need to be demolished, while the older significant buildings wil be reused.
- 3. The site has significant built fabric, and may have significant archaeological resources.

Requirement:

- 1. Since there is reason to believe that heritage resources will be impacted upon, HWC requires an HIA in terms of S. 38(3) of the NHRA (Act 25 of 1999) assessing the impacts on the following heritage resources which it has identified; Built fabric and potential archaeological resources.
- 2. An HIA is required consisting of an archaeological study, as well as the submission of an urban design component.
- 3. Conservation bodies registered in the area, as well as any other I&APS must be consulted.
- An integrated set of recommendations is required.

Page 1 of 2

www.capegateway.gov.za/culture sport

Street Address: Frotes Assumpted Hulding, Green Horset Square, Cape Town, 2000 - Postal Address: Private Baig X7067, Cape Town 800 - Fox (22" (U)2) 455 9862 - E-mill: hwc/Sjegwc.govza Streetedros figures Assetence-gabbe. Greenferreligion, Kalephod 3510 - Posedies: Privatikok X9067 Kalepsias, SKG - Fox +27 (6)21 488 9342 - E-pos hiveleggive genze

Our Ref: HM\CAPE WINELANDS\STELLENBOSCH\REM ERF 6201 AND ERF 14601

Enquiries Guy Thomas

021 483 9685

Date: 13 February 2015

guy.thomas@westerncape.gov.z Auto IDs:

B flolk

Case No: 15012102GT0127E

3031 - 3612



Terms and Conditions:

Heritage Western Cape reserves the right to request additional information as required. This letter does not constitute conclusion of processes under the National Heritage Resources Act (Act 25 of 1999). These processes may only proceed further once the contents of this letter have been adhered to. Please note that no final documentation may be submitted to the Environmental Authority until the process under the NHRA has been concluded.

Should you have any further queries, please contact the official above and quote the case number above.

Yours faithfully

Tel:

Email:

Andrew B Hall

Chief Executive Officer

Heritage Western Cape

Page 2 of 2

www.capogateway.gav.za/culture_sport

APPENDIX 4

Portfolio of Evidence from applicant



Ons Verw./Our Ref: FP/0215/772 U Verw./ Your Ref: (LU/11728)

Datum/Date:

10 September 2021

Stellenbosch Municipality

Town Planning Department Town House Complex Plein Street Stellenbosch 7600 South Africa

Dear Ms Newman

ERF 14601 STELLENBOSCH: PORTFOLIO OF EVIDENCE AND RESPONSE TO OBJECTIONS AND COMMENTS

- 1. With reference to the above subject (LU/11728) and your e-mails of earlier, the following.
- 2. As requested, please find herewith the complete Portfolio of Evidence and Response to objections and Comments printed and in hard copy format.
- 3. We trust that this will be in order and are now looking forward to the final evaluation and approvals.

4. If there are however any additional information required, or further clarity needed please advise and we will respond immediately.

Yours faithfully

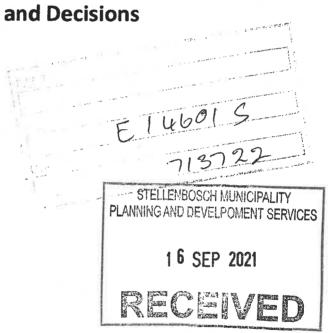
Gideon Roos

FIRST PLAN TOWN PLANNERS

Erf 14601 Oude Molen Stellenbosch

Table of Context

- Portfolio of Evidence
- Responses to the Comments and Objections
- Revised Subdivision Plan
- Revised Traffic Impact Assessment
- Revised Landscaping Plan
- Revised Site Development Plan
- Heritage Impact Assessment
 - Supplementary Report
 - IACom Resolutions and Decisions





SIELLENDUSCH

STELLENBOSCH . PNIEL . FRANSCHHOEK

MUNISIPALITEIT . UMASIPALA . MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

www.stellenbosch.gov.za/planning-portal/

SUBMIT COMPLETED FORM TO RELEVANT LAND USE MANAGEMENT ADMINISTRATOR

	PORTFOLIO C	NING APPLICATION OF EVIDENCE (PC	DE) CHECK	LIST AND	DECLAR	ATIO	NI.
Erf / Farm no	Erf 14601,	Portion(s)	1.4	Allotment Area	Stellenk		
Owner/ Applicant	Catwalk Inves	tments 385 (Pty) Ltd Regional Planners	d/First	.U/#	LU/11/7	28	
Notice Period	From:			o:			
				OWNE	R/APPLIC	ANT	
CONFIR	MATION OR DOC	UMENTATION SUBA	AITTED	YES		N / A	ADMIN VERIF
The declarati	_			See Annexure	e 1		V
 Applicant co duly undertak 	nfirms that the p en as instructed	public participation and attached	n process we	as 🗸			V
		art date and closu	re date	See Annexure			W
(80 ddys for m	unicipai departri	nplies with the req nents and organs o	f state)	Notices to Govern- ment 15 Sept to 23		Land to the second seco	
kept on site f	or the full durat	e site notice was on of the public	placed and participation	See Annexure	3		V
ривііс рапісір	ation process att	an notices) in res ached	spect of the	See Annexure copy of newspaper notice			
oof of notices pu	blished						
op and one from	m across the stre			See Annexure 3 photo evidence of site notice			V
Wording of the	advertisement a	ccurate and copy	attached	See Annexure 5			V
Proof of notices	published (publi	cation date visible)	See Annexure 6 Notice in Eikestad			V

	September 2020	
Proof of notices served	2020	
10. Wording of notice accurate and example attached	See Annexure 5 example of notice	V
11. Proof of all notices served to neighbouring properties attached	See Annexure 7 List of registered mails sent to adjacent land owners and proof of e-mails sent	
attached	See Annexure 7	V
3. Proof of all notices served to municipal departments and organs of state (government dept's and entities) atta ched	Mun. sent notices to internal department . Copy of notice to Gov.Departments See Annexure 7	
omments received		
and comments received affached, including in	See Annexure 8	V
received (must also be attached to POE)	See Annexure 9	V
. Consent from abutting property owners obtained and attached	None	None
S	See Letter of Response	

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.

COMPLETED AND SIGNED DECLARATION

COMPLETE AND SIGN THE FOLLOWING DECLARATION

DECLARATION

I, (full names & surname)Christine Havenga
and ID No:6610010119089, as the Applicant for the above application, hereby confirms:
 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; 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 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 on3 August 2021 atDurbanville Date Place
Signature
For office use only CHECKED BY ADMINISTRATIVE OFFICER Addoctor

COPY OF E-MAIL INFORMING THE MUNICIPALITY REGARDING THE PUBLIC PARTICIPATION PROCESS

From: Christine.havenga@firstplan.co.za [mailto:christine.havenga@firstplan.co.za]

Sent: 20 September 2020 10:13 PM

To: 'Salome Newman'; 'Ulrich.Vonmolendorff@stellenbosch.gov.za'

Cc: 'gideon.roos@firstplan.co.za'; 'Colin Stevenson'; 'Bulelwa Mdoda'; 'Robert Fooy'

Subject: RE: Instructions to advertise: Erf 14601, Stellenbosch

Hallo Salome and Ulrich

- I want to confirm that the advertisement of this application for Erf 14601 Stellenbosch will be in the Eikestad News on 24 September 2020 and we will send out the other notices to the listed interested and affected parties simultaneously. See attached proof of the notice in the Eikestad News.
- Attached is an example of a letter to a Government Department and a letter to the Interested and Affected Parties.
- If you can please provide clarity with regard to the nature of the on-site notice. You sent us the new proforma for such a notice and I added the notice into it not sure if it is adequate. Do we also put in our contact details or only this reference to your website?
- Underneath is a WeTransfer link to a pdf document of the town planning application with all the Annexures
 for your website. As well as a separate document which is only the town planning report. I will also mail a
 copy of the SDP and Subdivision Plan which are good quality as the combined document is compressed.

https://we.tl/t-ETunKF771P

If you can then please confirm with regard to the on-site notice.

Thank you very much for your assistance.

Kind regards

Christine



Christine Havenga
FIRST PLAN Stads- en Streekbeplanners / Town and Regional Planners
Posbus/P O Box 15865 Panorama 7506 Suid-Afrika/South Africa
Tef: 027 (0)21 930-7183 Sel/Mobile. 073 195 1040
E-pos/E-mail christine havenga@firstplen.co.za



	Sent. Sun 2020/09/20 10:13:	
	Stekkun MOTICE First Plan Erf 14601, 400000, 2016. EW240920, p.dl	
The instruction to any other for 1400. Heavy light I case		
	orize Follow Up -	
Message	Bolette Bespind Constitution to advertise En 14801 Stellenbosch Norte Englishpdf	Hatlo Salorne and Ulrich

- I went to confirm that the advertisement of this application for Erf 14601 Stellenbosch will be in the Elkestad News on 24 Saptember 2020 and we will send out the other notices to the listed interested and affected parties simultaniquisty. See attached proof of
 - Attached is an example of a letter to a Government Department and a letter to the Interested and Affected Parties.
- if you can please provide Clarity with regard to the nature of the on-site notice. You sent us the new pro forma for such a notice and I added the notice into it—not sure if it is adequate. Do we also put in our contact details or only this reference to your
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https://we.ti/t-ETunKF771p

If you can then please confirm with regard to the on-site notice.

Thank you very rauch for your assistance.

Kind regards

Christine

FRST PLAN Strate and Streetbegrammers I Town and Reground Planners.
Peabuser O Box 1588 Personanna 1795 Seld-Arhite/South Anne 16-70, 1007 Seld-1907 Seld-Arhite/South Anne 16-70, 1007 Seld-1907 Seld-Arhite/South Anne 16-70

The shall and any first strates which is an easily strate the state of the desirement of the entire strate is confident and the strate the shall be only placed as a second strate the shall be shall be shall be shall be only upon of a strate to be opposited or the entire the white a shall be shall be

PROOF OF ON SITE NOTICE

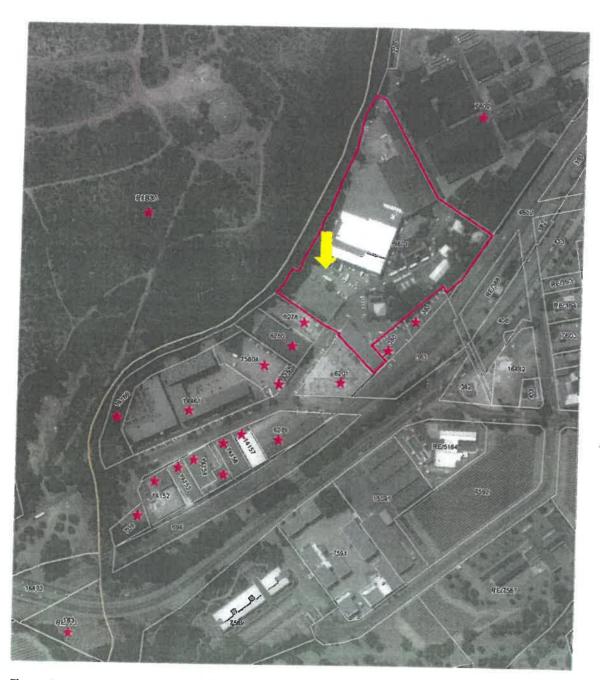


Figure 1: Plan indicating position of the on-site notice (yellow arrow) and the properties notified as per the instructions of the municipality



Figure 2: Position of the on-site notice at entrance gate to Erf 14601



Figure 3: Close up of the on-site notice at entrance gate to Erf 14601

From: Berta Hayes [mailto:bertahayes@mweb.co.za]

Sent: 26 October 2020 07:25 PM

To: 'Christine.havenga@firstplan.co.za'; info@stellenboschinterestgroup.org

Subject: RE: APPLICATION FOR REZONING, SUBDIVISION, CONSENT USE, DEPARTURES, STREET NAMES AND

NUMBERING AND SITE DEVELOPMENT PLAN: ERF 14601, STELLENBOSCH

Beste Christine

Hierdie epos is net om seker te maak dat jy die Belangegroep se kommentaar wat van ons Info-adres gestuur het, betyds ontvang.

Groete

Berta Hayes

(Sekretaresse)

From: Christine.havenga@firstplan.co.za [mailto:christine.havenga@firstplan.co.za]

Sent: Monday, 26 October 2020 15:36

To: info@stellenboschinterestgroup.org; bertahayes@mweb.co.za

Subject: APPLICATION FOR REZONING, SUBDIVISION, CONSENT USE, DEPARTURES, STREET NAMES AND

NUMBERING AND SITE DEVELOPMENT PLAN: ERF 14601, STELLENBOSCH

Beste mev Hayes

Ek heg die kennisgewing aan soos dit in die koerant verskyn het met al die besonderhede en verwysigingsnommers. Ek sit sommer die word een ook by vir "cut and paste" doeleindes!

Vriendelike groete

Christine



Christine Havenga
FIRST PLAN Stads- en Streekbeplanners / Town and Regional Planners
Posbus/P O Box 15865 Panorama 7506 Suid-Afrika/South Africa
Tel: 027 (0)21 930-7183 Sel/Mobile: 073 195 1040
E-pos/E-mail. christine havenga@firstplan.co.za



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WORDING OF NOTICE

FIRST PLAN BK/CC (Reg no: 2000/002213/23)



STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Lede/Members: P A Beukes SS(SA) BA M(SS) G J Roos BA Hons(BA) M(SS)

Applicant Reference Number: FP/0215/772

Date: 25 September 2020

REGISTERED MAIL

Spoornet Property Management

Transnet

PO Box 36

Cape Town

8000

To Whom it may concern

NOTICE OF LAND DEVELOPMENT APPLICATION TO INTRESTED AND AFFECTED PARTIES FOR COMMENT

Neem asseblief kennis dat hierdie kennisgewing in Afrikaans hieronder volg.

The following land use application in terms of the Stellenbosch Land Use Planning Bylaw, 2015, refers:

Application Property Address:

Distillery Road, Stellenbosch

Application Property Number:

Erf 14601, Stellenbosch

Applicant:

First Plan Town and Regional Planners,

Telephone number 021 930 7210, E-mail address info@firstplan.co.za

Owner:

Catwalk Investments 385 (Pty) Ltd, Telephone number 082 454 0321,

E-mail address colin@zevdevco.co.za

Application Type:

Application for Rezoning, Subdivision, Consent Use,

Departures, Street Names and Numbering and Site

Development Plan

The following application in terms of the Stellenbosch Municipality: Land Use Planning Bylaw, 2015 promulgated by Notice Number 345/2015, dated 20 October 2015.

- 1. In terms of Section 15(2)(a); the Rezoning of Erf 14601, Stellenbosch from Industrial Zone to Subdivisional Area allowing for Mixed-Use Zone (253 dwelling units within six building consisting of 3 to 5 storey blocks of flats, commercial/office uses and private road purposes) and a Public Roads and Parking Zone.
- In terms of Section 15(2)(d); the Subdivision of Erf 14601 Stellenbosch into 3 portions, namely Portion 1 (± 2,0493 m² - Mixed-Use Zone), Portion 2 (± 5 798 m² - Mixed-Use Zone) and Portion 3 (± 614 m² - Public Roads and Parking Zone) as per proposed Subdivision Plan.
- In terms of Section 15(2)(b) for the following permanent departures:
 - To relax the common building line (adjacent to Erf 7602) from 4.5 m to 3.0m for Block 4.
 - To relax the common building line (adjacent to Erf 7602) from 4.5m to 3.0m
 - To relax the common building line (adjacent to newly created Portion2) from 4.5m to 2.5m for Block 6.
 - To relax the common building line (adjacent to newly created Portion 2) from 4.5m to 0.0m to allow for the ablution/changing room facility for the pool and volleyball court.
 - To relax the common building line (adjacent to the newly created Portion 2) from
 4.5m to 1.5m to allow for the Mill House.
 - To relax the street building line (adjacent to the newly created Portion 2) 3.0m to allow for Block 5.
- 4. In terms of Section 15(b) for a Departure to allow for flats on the ground floor in a Mixed-Use Zone.
- 5. In terms of Section 15(o); a Consent Use to allow a Place of Entertainment (pub) within a Mixed Use Zone. (To use the Existing Storage facility / Industrial Building in phase 2 for place a place of Entertainment / Pub)

- 6. In terms of Section 98; Approval of the proposed Street Names (extension of Distillery Road), additional Street Numbers and the Name of the Development as per the proposed Subdivision Plan.
- 7. In terms of Section 15(g); Approval of the attached Site Development Plan Package containing the following plans;
 - Overall Site Development Plan
 - Site Development Plan for the Residential Precinct ("The Mill")
 - Site Development Plan for the business precinct (manor house and the deli/pub)
 - Access and Parking Layout Plan
 - Phasing Plan
 - Landscaping Plans

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/documents/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 <u>to the Applicant</u> by electronic mail as follows: (First Plan Town and Regional Planners, e-mail address <u>info@firstplan.co.za</u>).

The comments must be submitted within 60 days from the date of this notice to be received on or before the closing date of 23 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 021 930 7183 during normal office hours.

Yours faithfully

Christine Havenga

FIRST PLAN TOWN AND REGIONAL PLANNERS

PROOF OF NOTICE IN NEWSPAPER

Page 14 of 17

NETWERK24 GRATIS | FREE Nuus net vir jou sedert 1950 BOEDELS | VEILINGS | BETREKKINGS | KENNISGEWINGS ESTATES | AUCTIONS | VACANCIES | OFFICIAL NOTICES

2 X POSITIONS FOR GENERAL WORKER / TRACTOR DRIVER FOR WINE GROUP IN STELLENBOSCH

- Execution of spray programme as per instructions Record keeping and storage of pesticides according to WIETA / IPW regulations General duties in vineyard and on farm
- General duties in vineyard and on farm quirements: Experience in similar position / courses completed Valid Tractor license / PDP beneficial Min 3 years' experience Min Grade 8 No criminal record

- Please forward CV to accounts@lavenir.co.za by 01/10/2020 including 3 references

LOST TITLE DEED

Notice is hereby givcn in terms of Regulation 88 of the Deeds Registries Act. 1937, of the intention to apoly for the issue of a certified copy of Deed of Transfer 139997/2017 passed by MARTINIQUE ELLIS (PREVIOUSLY GROENEWALD), IDENTITY NUMBER 8911050069087, MARRIED OUT OF COMMUNITY OF PROPERY in favour of RUDOLPH PHILIP BOTHA. IDENTITY NUMBER 81524503 1082. MARRIED OUT OF COMMUNITY OF PROPERTY in respect of

ERF 54 LONGLANDS IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH PROVINCE OF WESTERN CAPE

which said Deed of Transfer has been lost or destroyed.

All persons having objection to the issue of such copy are hereby required to lodge the same in writing with the REGISTRAR OF DEEDs at ROOM 1216, 12TH FLOOR, 90 PLEN STREET, CART TOWN within two weeks after the date of the first publication of this restriction.

Dated at STELLELBOSCH on the 31 AUGUST 2020

Applicant: RUDOLPH PHILIP BOTHA c'o JOOSTE HESWICK INC Address: 12 Papegasi Street, Stellenbosch, 7600 F-mail address; jdr@jhlaw.co.za Contact.number: 021 833 3043



BETTER INCOMINER

IMPORTANT NOTICE

- The Department of Social Development, Drakenstein The Department of Social Development, Drakenstein Local Office, is requesting Mr Nkosikho Zweni, who was last seen in Kayamandr. Stellenbosch to urgentify contact the social worker, Ms Y. Mgushelwana on 021 8711 682 or of Rembrandt Mall, Lady Grey Stract, Paarl, during office hours (07H30-16H00) or fax O21 872 0049. He is allegedly a close relative of a femala child born during 2012.
- The Department of Social Development, Drakenstein Local Office, is requesting Mr Mfundo Mkhatshane, who was last soon in Kayamandi, Stellenbosch to urgently contact the social worker, Ms Y. Mgusholwana on 021 8711 682 or at Rembrandt Mall, Lady. Grey Street, Poerl, during office hours (0/H50-16H00) or for 021 872 0049. He is allegedly a close relative of a male child born during 2006.
- The Department of Social Development, Drakenstein Local Office, is requesting Mrs Thandiswa Gabi, who was last seen in Franschhoek, stellenbosch to urgently contact the social worker, Ms Y, Mgushelwana on 021 8711 632 or at Rembrandt Msll, Lady Grey Street, Paarl, during office nours (07H30-16H00) or fax 021 872 0049. She is allegediy a close relative of a female child born during 2002.
- 4. The Department of Social Development, Drakenstein The Department of Social Development, Drakenstein Local Office, is industrial Jason Swarts who was last seen in Franschhoek to urgently contact the social worker. Ms M. Willemse on 021 8711 682 or at Rembrandt Mall. Lady Grey Streat, Paarl, during office hours (07H30-16H00) or fax 021 872 0049. He is allegedly a close relitive of a famale child born during 2007.
- The Department of Social Development, Drakenstein The Department of Social Development, Drakenstein Local Office, is requesting Nikelwa Ngubo who was last open in Keyamandi, Stellonbosch to urgently contact the social worker. Ms Y: Mgusholwana on 021 8/II 682 or at Rombrandt Mall, Ludy Grey Stroet, Paerl, during office hours (07H30-16H00) or fax 021 872 0049. She is allegedly a close relative of a female child born during 2017.
- The Department of Social Development, Drakenstein Local Office, is requesting Ms Felisity Williams who was last seen in Franschhoek, Stellenbosch and Pearl surrounds to urgently contact the social worker, Ms. J. Layman on 021 871 682 or at Rembrandt Mail, Lady Grey Street, Pearl, during office hours (07H50-16H00) or fax 021 872 0049. She is allegedly a close relative of three female children local during 2009, 2013 and 2018. born during 2009, 2013 and 2018,



STELLENBOSCH STELLENBOSCH · PRIEL · FRANSCHHOEK MUNISIPALITEIT . UMASIPALA . MUNICIPALITY

NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

APPLICATION FOR REZONING, SUBDIVISION, CONSENT USE, DEPARTURES, STREET NAMES AND NUMBERING AND SITE DEVELOPMENT PLAN: ERF 14601, STELLENBOSCH

Application Aridress

Distillery Road, Stellenbosch

Applicant

First Plan Town and Regional Planners, telephone number 021 930 7210, e-mail address info@first.plan.co.za

Catwalk Investments 385 (Pty) Ltd. (elephone number 082 454 0321, e-mail address colin@zevdev_co.co.za

The following application in terms of the Stellenbosch Municipality: Land Use Planning Bylaw, 2015 promulgated by Notice Number 345/2015, dated 20 October 2015.

- In terms of Section 15(2)(a); the Rezoning of Erf 14601, Stellenbosch from Industrial Zone to Subdivisional Area allowing for Mixed-Use Zone (253 dwelling units within six building consisting of 3 to 5 storey blocks of flats, commercial/office uses and private road purposes) and a Public Roads and Parking Zone.
- In terms of Section 15[2](d); the Subdivision of Erf 14601 Stellenbosch into 3 portions, namely Portion 1 (± 2,0493 m² Mixed-Use Zone), Portion 2 (± 5,798 m² Mixed-Use Zone) and Portion 3 (± 614 m² Public Roads and Parking Zone) as per proposed Subdivision Plan.
- In terms of Section 15(2)(b) for the following permanent departures:

- To relax the common building line (adjacent to Erf 7602) from 4.5 m to 3.0 m for Block 4.

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 To relax the common building line (adjacent to newly created Portions) from 4.5 m to 2.5 m for Block 6.

 To relax the common building line (adjacent) to newly created Portions) from 4.5 m to 9.0 m to allow for the abtulion/changing room facility for the pool and volleybell court.
- the pool and valley betterunt.
 To relax the common building line (adjacent to the newly created Portion 2) from 4.6m to 1.5m to allow for the Mill House.
 To relax the street building line (adjacent to the newly created Portion 2) 3.0m to allow for Block 5.
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- In terms of Section 15(o); a Consent Use to allow a Place of Entertainment (pub) within a Mixed Use Zone. (To use the Existing Storage facility / Industrial Building in phase 2 for place a place of Entertainment (Pub)
- In terms of Section 96; Approval of the proposed Street Names (extension of Distitlery Road), additional Street Numbers and the Name of the Development as per the proposed Subdivision Plan.
- In terms of Section 15(g): Approval of the attached Site Development Plan Package containing the following plans;

 Overall Site Development Plan for the Residential Precinct ("The Mit")

 Site Development Plan for the business precinct (manor house and the dell/pub)

 Access and Parking Layout Plan
- Phasing Plan Landscaping Plans

Notice is hereby given in items 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.ogu.ex/alpanning/documents/stanning-retice/alpan-ter-spst/explore-solverspstrespins. If the website or documents cannot be accessed, an electronic copy of the application can be requised from the Applicant.

Written comments, which must include like reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person in the application, may be submitted in terms of Section 5.0 of the said Bytaw to the Applicant by electronic mail as follows; (Firstplan Town and Regional Planners, e-mail info@firstplan.co.za).

The comments must be submitted within 30 days from the date of this notice to be received an or before the closing date of 26 Octobe

For any enquiries on the Application or the above requirements, or if you are unable to write and for submit your comments as provided for, you may similable the Applicant for assistance at the e-mail address provided or telephonically at 021 930 7183 during normal office hours.

KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA

AANSOEK VIR HERSONERING, ONDERVERDELING, VERGUNNINGSGEBRUIK, AFWYKINGS, STRAATNAME EN NOMMERS EN 'N TERREINONTWIKKELINGSPLAN: ERF 14601, STELLENBOSCH

Adres van eiendom:

Distifleryweg, Stellenbasch

Aansoeker

First Plan Stads- en Streekbeplanners, telefoon nommer 021 930 7210, e-pos adres info@firstplan.co.za

Catvalk Investments 385 (Pty) Ltd, telephone number 082 454 0321, e-mail address colin@zevdevco.co.za

- Die volgende aansoek in Ierme van die Siellenbosch Munisipallieit: Verordening op Grondgebruikbeplanning, 2015 afgekondig deur Kerrüsgewingnommer 345/2015, gedaber 20 (Mober 2015).

 In Ierme van Afkela 15(2)(4) die Hersonering von Eri 14601, Stellenbosch vanaf Industriële Sone na 'n Onderverdelingsarea wat vorstiening naar vir 'n Gemengde Gebruik Sone (25 voorneenhede wat voorsien voord in 6 geboute beslaande uit 3 tot 5 verdrepring blokke woonstelle. In Ierme van Afkela 15(2)(4): die Onderverdelingser in Openbare Pad en Parkeer Sone.

 2. In Ierme van Afkela 15(2)(d): die Onderverdeling van Eri 14601 (Stellenbosch in 3 gedeelte, naamlik Gedeelte 1 (± 2,0493 m² Gemengde Gebruik Sone), Gedeelte 2 (± 5 788 m² Gemengde Gebruik Sone) en Gedeelte 3 (± 614 m² Openbare Pad en Parkeer Sone) soos per die

- Gebruik Sone), Gedeella 2 (± 5 798 m² Gemengde Gebruik Sone) en Gedeelte 3 (± 614 m² Openbare Pad en Parkeer Sone) soos par die Internet van Artikel 15(2/to) vir die volgende permanente stwykings:

 Om die gemeenskaplike boulyn (saengrensend aan Ert 7502) te verslag vanst 4.5m na 3.0m vir Blok 4.

 Om die gemeenskaplike boulyn (saengrensend aan Ert 7502) te verslag vanst 4.5m na 3.0m vir Blok 3.

 Om die gemeenskaplike boulyn (saengrensend aan Ert 7502) te verslag vanst 4.5m na 3.0m vir Blok 3.

 Om die gemeenskaplike boulyn (saengrensend aan die nuutgeskepte Gedeelte 2) te verslag vanst 4.5m na 2.5m vir Blok 6.

 Om die gemeenskaplike boulyn (saengrensend aan die nuutgeskepte Gedeelte 2) te verslag vanst 4.5m na 2.5m om die ablusie/kleedkamer tasiliseli vir die svermbad en vlugbalbaan toe te last.

 Om die gemeenskaplike boulyn (saengrensend aan die nuutgeskepte Gedeelte 2) te verslag vanst 4.5m na 2.5m om die ablusie/kleedkamer tasiliseli vir die svermbad en vlugbalbaan toe te last.

 Om die gemeenskaplike boulyn (saengrensend aan die nuutgeskepte Gedeelte 2) te verslag vanst 4.5m tot 1.5m om die Mill House toe te last.

- Om die gemeenskaginke boutlyn (sangrensend aan die nuutgeskepte Gedeelte 2) te verslap vanaf 4.5m tot 1.5m om die Mill House toe te Om die straatboutyn (sangrensend aan die nuutgeskepte Gedeelte 2) te verslap vanaf 4.5m tot 1.5m om die Mill House toe te Om die straatboutyn (sangrensend aan die nuutgeskepte Gedeelte 2) te verslap vanaf 4.5m tot 1.5m om mir Blok 5 toe te laat tierne van Artikel 15(b) vir in permanente Arkyking om voonstelte toe te laat pot die groonduber van in Gemengde Gebruik Sone. In terme van Artikel 15(b) vir in permanente Arkyking om voonstelte toe te laat pot die groonduber van in Gemengde Gebruik Sone toe te laat 1.6m die bestaande storeslielte/industriele gebruin Fase 2 te benut as in Piek van Vermaakk (sooeg) binne in Gemengde Gebruik Sone toe te laat. fom die bestaande storeslielte/industriele gebruin Fase 2 te benut as in Piek van Vermaakk (sooeg) binne in Gemengde Gebruik Sone toe te laat. fom die hier van fase van Artikel 196; Gedekeuring van die voorgestelds Straatname (verlenging van Distillar) wegt, addisionele Straatnommers en die Nasm in terme van Artikel 15(g); Gedekeuring van die aangehegte Terreinontwikkelingsplan van die aangehegte Terreinontwikkelingsplan van die Pieker van die Verlenging van die aangehegte Terreinontwikkelingsplan van die Pieker van die Pieker van die Verlenging van die aangehegte Terreinontwikkelingsplan van die Pieker van die Verlenging van di

Kennis word hiermee gegee in terme van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is bestikbaar vir insae op die Beplannings Portsaal van die Stellenbosch Munisipaliteit se Webluste vir die tydsduur van die publieke deelname proses by die volgende adreis tilgte, "www.stellenbosch.gov.za/denving/deurments_planning-mides-jand-vie-sappikalope-besch.gov.za/denving/deurments_planning-mides-jand-vie-sappikalope-besch.gov.za/denving/deurments_planning-mides-jand-vie-sappikalope-beschbaarte ein. kan die Aansoeker versoek war 'n elektroniese beskibbaart ein. kan die Aansoeker versoek war 'n elektroniese beskibbaart ein. kan die Aansoeker versoek war 'n elektroniese beskibbaart ein. kan die Aansoeker versoek war 'n elektroniese beskibbaart ein. kan die Aansoeker versoek war 'n elektroniese beskibbaart ein. kan die Aansoeker versoek war 'n elektroniese beskibbaart ein. kan die Aansoeker versoek war 'n elektroniese beskibbaart ein. kan die Aansoeker versoek war 'n elektroniese beskibbaart ein.

Skriftelike kommentaar, w.at besonderhede ten opsigts van die verwysings nommer van de aansoek, die name, fisiese adres en kontak besonderhede van die persoon vat die kommentaar lewer, die redes vir die kommentaar, en de belang van die persoon vat die kommentaar lewer in die aansoek, kan ingedien word in tenne van Afrike 150 van genoemde Verordeninge aan die Aansoeker by wyse van elektroniese pos as volg: First Plan Stads- en Streekbeplanners, e-pos schresinfo@firstplan.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 25 Oktober 2020.

indien daar enige navrae op die aansoek of bovermelde veroistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of rie kommentaar op die syse te lewer soos voorsienning gemaak is nile, kan die Aansoeker geskakel word vir bystand by die ermeldie elektroniese pos adres of telefonias by 021 930 7210 gedurende normale kantoor ure.

PROOF OF REGISTERED LETTERS AND E-MAILS SENT TO IDENTIFIED INTERESTED AND AFFECTED PARTIES AND GOVERNMENT DEPARTMENTS

List of REGISTERED LETTERS

Full tracking and tracing Name and address of sender:

First Plan Town and Regional Planners, PO Box 15865, Panorama, 7506, South Africa

No	Name and Address of addressee	Registration Sticker
1	Stellenbosch Municipality Erf 709 P O Box 17, Stellenbosch, 7599	REGISTERED LETTER (with a damatic laurance optica) SharoCartSet 41F352Anwa.sapa.co.za CUSTOMER COPY 301028R
2	Gerald Esau / Piet Smit Erf 5969 P O Box 17, Stellenbosch, 7599	REGISTERED LETTER Shano Called Til Swaw, sapo.co.za CUSTOMER COPY 301028R
3	Gerald Esau (Director) / Piet Smit Erf 14166 P O Box 17, Stellenbosch, 7599	REGISTERED LETTER (http://someoisco.numera.org/lon) ShadCall/0808 117502 www.supo.co.zz CUSTOMER COPY 301028R
4	Mrs. M Ackhurst Department Engineering Services P O Box 17, Stellenbosch, 7599	REGISTERED LETTER (with a domestic insurance option) Share Cart 583977302 herens supace.ze CUSTOMER COPY 30-1028R
5	HWB Nolan Erf 14461 P O Box 617, Strand, 7139	REGISTERED LETTER (with a domestic invariance option) ShuroSist 5983479982 Avvev. sapo.co.zo CUSTOMER COPY 301028R
5	PK Freese & Zr Long Erf 14461, Nella Payne Unit 7C, Bosmans Crossing, Stellenbosch, 7600	REGISTERED LETTER from a domestic insurance option) Sherocal 2007 177502 www.sapa.co.za CUSTOMER COPY 301028R
7	MA Hepburn & JE Tompkins Erf 14461, 10 Welgevallen Street, Stellenbosch, 7600	REGISTERED LETTER (with a domestic higherance option) Shabell 1990 1992 www.sapo.co.za CUSTOMER COPY 301028R
ı	B Raats Erf 14461 P O Box 2068, Dennesig, 7601	REGISTERED LETTER (with a domestic insurance ention) ShanDCS(1988) 1795(2) www.sapa.co.za CUSTOMER COPY 301028R
	JA Teubes Erf 14461 P O Box 12419, Die Boord, 7613	REGISTERED LETTER (with a domeste traumers option) (Shan5SA198397FFFFF www.sspo.co.za CUSTOMER COPY 391028R
0	LC Wilkins Erf 14461 P O Box 354, Tulbach, 6025	REGISTERED LETTER (with a downedth insurance option) Shame@if@800000000000000000000000000000000000

Date:	
First Plan Stamp:	Post Office stamp

OBJECTION FROM STELLENBOSCH INTEREST GROUP



Belangegroep Stellenbosch Interest Group

26 October 2020

Application Reference: LU/11728

The Applicant
First Plan Town and Regional Planners
info@firstplan.co.za

Dear Sir/Madam

Application for Rezoning, Subdivision, Consent Use, Departures, Street Names and Numbering and Site Development Plan, Oude Molen, Erf 14601, Stellenbosch

The Stellenbosch Interest Group (SIG) wishes to comment as follows on the proposal:

The property is of historical significance because it is the site where water from the mill stream watered the fourth mill before joining the Plankenbrug River, and where the brandy industry in South Africa originated. In view of this historic uniqueness SIG is hesitant that a blanket approval be given at this stage for the proposed development for the following reason:

It is the concern of SIG that this development has been submitted prior to the finalisation of the Adam Tas Corridor Spatial Development Framework (the municipality is in the process of appointing a consultant to prepare this SDF). This type of piecemeal planning approach is not conducive to protecting heritage landscapes. We are of the opinion that all the built environment heritage in the Adam Tas Corridor should first be identified, mapped and then all proposed new developments (such as this application) should holistically be planned for in the context of the Adam Tas Corridor SDF.

Kind regards

Patricia Botha (Chairperson)

PEBote

DEPARTMENTAL COMMENTS FROM STELLENBOSCH MUNICIPALITY AND WESTERN
CAPE PROVINCIAL DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND
DEVELOPMENT PLANNING



DIRECTORATE: DEVELOPMENT MANAGEMENT (REGION 2)

Helene.Janser @westerncape.gov.za Tel: +27 21 483 3544 Fax: +27 21 483 3633 1 Dorp Street, Cape Town, 8000 www.westerncape.gov.za/eadp

REFERENCE: 15/3/2/12/BS2

Stellenbosch Municipality PO Box 17 STELLENBOSCH 7599

FOR ATTENTION: SENIOR MANAGER - DEVELOPMENT MANGEMENT

PROPOSED LAND DEVELOPMENT APPLICATION: ERF 14601, STELLENBOSCH (ADAM TAS CORRIDOR)

- 1. Your request for comment, dated 3 November 2020, has reference.
- The matter at hand relates to the development proposal for Erf 14601 Stellenbosch which makes provision for a mixed-use development comprising:
 - A sectional title scheme of 253 residential units, together with private recreational facilities;
 - The repurposing of an existing warehouse as a deli/bistro/pub linked with a large outdoor piazza to the commercial/retail component of the Bosmans Business Centre on the adjacent Erf 6201; and
 - The inclusion of the existing Manor House on a separate erf to be used for commercial purposes.
- 3. Whilst this Directorate has no in-principle objection to the proposed development of the property as part of the greater Adam Tas Corridor, it is essential that, in the absence of a Precinct Plan, the proposed development sets the tone and contributes progressively toward the vision as set out in the Stellenbosch Municipal Spatial Development Framework (MSDF) with regards to the Adam Tas Corridor and doesn't place the burden of meeting the objectives for the Corridor as set out in the MSDF to future developments.

- 4. One of seven principles or concepts advocated in the MSDF, geared towards the common good, is the infill and redevelopment of existing settled areas. The inclusivity of infill housing, referring to the extent to which the housing provides for different income and demographic groups, is considered paramount. This is particularly so for the Adam Tas Corridor and it is the reason why as a Directorate we question the provision of only 2- or 3-bedroom apartments in this development proposal. Including studio and/ or one bedroom apartments would increase the diversity of family types being catered for and affordability. Accommodating different income groups and family types is highlighted as a need in the MSDF.
- The applicant's view that Stellenbosch Municipality is trying to coerce "ad hoc 5. voluntary" affordable housing as part of a development application in the absence of an Inclusionary Housing Policy, which the applicant feels is in direct conflict with the provisions of SPLUMA, is not supported by this Directorate. Whilst there may not currently be an Inclusionary Housing Policy in place at the Municipality, the MSDF provides numerous statements regarding the need for inclusionary housing. One such statement is in section 6.9 "Catalytic Initiatives-Adam Tas Corridor", the statement is made that "A range of housing types in the form of apartments should be provided accommodating different income groups and family types". It is the view of this Directorate that the need for inclusionary housing is set out logically and clearly in the MSDF and should this development not comply with this provision in the MSDF, would be inconsistent with the MSDF and could be refused. In this regard, this Directorate is disappointed in the quantum of the contribution for inclusionary housing which is put forward by the applicant. Out of approximately 253 units, 12 have been put forward for inclusionary housing purposes, which amounts to 4.7% of the total number of units. We doubt whether this proposal could be regarded as being in compliance with the MSDF.
- 6. Other than the quantum of inclusionary housing put forward in this proposal, the nature of the inclusionary housing requires a great deal more consideration. The applicant states that the units will be rented out to students and that this should be managed through Stellenbosch University as part of their residence offering. There is however an inadequate understanding of how the institutional arrangements will work e.g. will the units be given to the University to own and manage? How will it

be ensured that the students accommodated in these units are actually economically marginalized students? If the units are simply rented to any students this will not further the principle of spatial transformation, nor will it increase inclusivity in the town. This Directorate is of the opinion that whilst the application should go ahead, further detail and resolution on how this will be implemented should be provided in the Site Development Plan (SDP) around inclusionary housing, before the SDP is approved.

- In return for the voluntary provision of inclusionary housing, the applicant is seeking alternative value in the form of the fast-tracking of the application process together with the proposed NMT bridge over the railway line within the regulatory prescripts.
- 8. The provision of inclusionary housing and the building of the pedestrian bridge should not be linked. The pedestrian bridge is needed to support non-motorised transport (NMT) which itself is a priority objective in the Adam Tas Corridor. The pedestrian bridge over the railway line, linking the existing NMT routes along Adam Tas with proposed NMT routes in the Bosman's crossing area, is crucial for the vision of the Corridor and it is maintained that the applicant should contribute to the costs of building the infrastructure (in this case the bridge) that supports the new development in the forms of a Development Contribution or Services Agreement.
- 9. NMT is a key component in the development of the Adam Tas Corridor. This proposed development needs to set the tone and show leadership in support of NMT, which requires that this important pedestrian linkage should come at the start of the development. The MSDF has provided policy certainty for properties along the Adam Tas Corridor in particular, with the result that the risk faced by the developer is limited. The upzoning of the property in question is possible because the planning framework is in place as a result of the SDF. In return the applicant should contribute to what is needed in the area e.g. the pedestrian bridge and inclusionary housing but independently of one another.
- 10. Given the emphasis placed on Non-Motorised Transport in the MSDF for a more effective distribution of traffic, the adoption of conventional standards for the provision of parking will enable a car-driven environment and may undermine the focus on increased pedestrian-orientation.

- Several applications for departures from the prescribed norms for the provision of parking were considered favourably in recent applications for high-density development on the eastern side of the Adam Tas Corridor, in the Dennesig neighbourhood. It was argued that the proposal would contribute positively to improve conditions for walking and NMT within Stellenbosch town and would set a precedent for future pedestrian-focused developments in town.
- 12. The MSDF further states that in Stellenbosch town, it is doubtful whether the desired form of compact, diverse, inclusive, and walkable settlements will be achieved without parallel supportive initiatives to manage the unimpeded use of private vehicles.
- 13. Given the location of the subject property on the outer edge of the municipal urban edge, along the foot of the Papegaaiberg Nature Reserve, higher densities with an increased height would be encouraged. The Zoning Scheme prescribes a maximum height of 6 storeys for buildings within the Mixed-Use Zone and yet Blocks 1, 2 and 5 that directly abut the Plankenbrug River where the impact would be the least, are only 5 and 4 storeys respectively.
- 14. The MSDF proposes improved public continuity, access and space along the Plankenbrug River corridors and the matter of maintaining a sense of continuity along the length of the Plankenbrug River was raised with the Oude Molen Project Team in the past. This Directorate would ultimately advocate for the registration of a public Right of Way servitude along the length of the Plankenbrug River created in favour of the general public. The buildings must be located on the site in such a way that sufficient space is provided to accommodate a pedestrian walkway along the river.
- 15. Whilst this would be premature at this stage, it is suggested that the registration of a public servitude be made conditional to the approval of the application, but that said condition be suspended until such time as it would be practicable to implement.
- 16. In consideration of the above, this Directorate recommends that the application for the rezoning to Subdivisional area and the subsequent subdivision, departures and consent use to allow a Place of Entertainment within a Mixed Use Zone be approved, but that the Site Development Plan Package, which should include the

inclusionary housing institutional arrangements should only be considered at a later stage when all concerns have been addressed. As a condition of approval of the rezoning the MPT should consider requesting the applicant to demonstrate through the SDP how the development would comply with the MSDF provisions, specifically:

- (Table 31 P106) "Strategy: Develop all settlements as balanced, inclusive, appropriately serviced, communities, negotiable through NMT and exhibiting a positive relationship with surrounding nature and agricultural land.
- Spatial Policy: Expand housing opportunity for a broader range of groups –
 including lower income groups and students particularly in settlements
 forming part of the Baden Powell-Adam Tas-R304 corridor.
- Given the limited income of a large proportion of the population, a settlement structure and form prioritizing walking and public and NMT, should be pursued (Table 12)
- 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.....(p67)

We trust that the above is in order. Should you wish to engage further on any of these aspects please liaise with Helene Janser (contact details on the cover of this communication).

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)

INTEROFFICE MEMORANDUM





DEPARTMENT: COMMUNITY SERVICES

Stellenbosch Municipality, 123 Merriman Avenue, Stellenbosch, 7599

To:	Administrative Officer: Land Use Management Salome Newman	From:	Senior Environmental Planner: Schalk van der Merwe
CC:	Manager: Community Services Albert van der Merwe	Date:	08 October 2020
Re:	APPLICATION FOR REZONING, SUBDIVISION, CONSENT USE AND DEPARTURES, ERF 1460 STELLENBOSCH (LU/11728)		

The above application refers. From an environmental planning point of view this department has no objection to the approval of the application on condition that:

- All the activities on site, during construction and thereafter, comply with the Western Cape Noise Control Regulations.
- 2. Suitable indigenous vegetation be used for the implementation of the landscaping plan.

The following for consideration:

A number of alien and alien invasive tree species are found on the eastern and western bank of the relevant section of the Plankenbrug River, some of which presents a potential risk to life and property (due to their position, size and height) should they fall naturally or be felled. Should the application be approved it may be advisable for the developer to contact the Department: Community Services, Stellenbosch Municipality, and use the opportunity, whilst the site is being prepared for construction and access to the river is improved, to identify trees and biomass to be removed and implement such maintenance work prior to the implementation of the proposed development.

J. 1

S VD MERWE SENIOR ENVIRONMENTAL PLANNER: COMMUNITY SERVICES



STELLENBOSCH STELLENBOSCH · PNIEL · FRANSCHORK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Spatial Planning, Heritage and Environment

To

Manager: Development Management

From

Manager: Spatial Planning

Reference:

Erf 14601; Oude Molen; Stellenbosch

LU Nr

LU/11728

Date

9 March 2021

Re

Application for rezoning, subdivision, consent use and departure;

Oude Molen

Your request for comment on the above application dated 17 September 2020 refers.

APPLICATION:

The application under consideration is for the following:

- 1. The Rezoning of Erf 14601, Stellenbosch from Industrial Zone to Subdivisional Area in terms of Section 15(2)(a) of the Stellenbosch Municipality Land Use Planning By-Law (The By-Law) allowing for Mixed-Use Zone (253 dwelling units within six 3- to s-storey blocks of flats, some commercial/office uses and private roads) and Public Roads and Parking Zone.
- 2. The Subdivision of Erf 14601 Stellenbosch in terms of Section 15(2)(d) of the By-Law into 3 portions, namely:
 - a. Portion 1 (±2,0493 m2 Mixed-Use Zone)
 - b. Portion 2 (±5 798 m2 Mixed-Use Zone)
 - c. Portion 3 (± 614 m' Public Roads and Parking Zone)
- 3. To relax the common building line (adjacent to Erf 7502) from 4.5m to 3.0m for Block 4.
- 4. To relax the common building line (adjacent to Erf 7502) from 4.5m to 3.0m for Block 3.
- 5. To relax the common building line (adjacent to newly created Portion2) from 4.5m to 2.5m for Block 5.
- To relax the common building line (adjacent to newly created Portion 2) from 4.5m to 0.0m to allow for the ablution/changing room facility for the pool and volleyball court.
- 7. To relax the common building line (adjacent to the newly created Portion 2) from 4.5m to 1.5m to allow for the Mill House.

- 8. To relax the street building line (adjacent to the newly created Portion 2) from 4.5m to 3.0m to allow for Block 5.
- 9. Permission to allow for flats on the ground floor in a Mixed-Use Zone in terms of Section 15(B) of the By-Law.
- 10. In terms of Section 15(o); A Consent Use to allow a Place of Entertainment (pub) within a Mixed-Use Zone in terms of Section 15(o) of the By-Law.
- 11. Approval of the proposed street names (extension of Distillery Road), additional street numbers and the name of the development in terms of Section 98 of the By-Law.
- 12. Approval of the site development plan package in terms of Section 15(g) of the By-Law.

PROPERTY DESCRIPTION:

The property is located within the Bosman's Crossing precinct at the western edge of Stellenbosch town adjacent to the Plankenbrug River and at the foot of Papagaaiberg Nature Reserve. Erf 14601 is bordered by Bosman's Crossing to the south, the Plankenbrug River and Papagaaiberg Nature Reserve to the west, the Bergkelder Industrial property to the north and the railway line/Adam Tas Road to the east. The location of Erf 14601 is shown in **Figure.1** below.

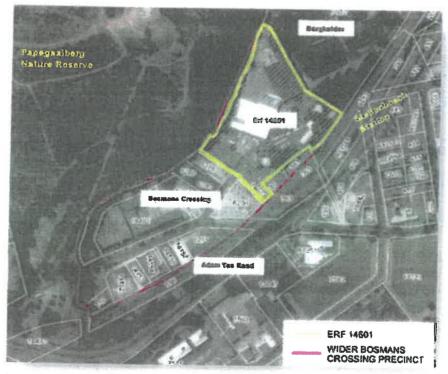


Fig. 1 Locational Plan

The property is a well-developed industrial site with existing buildings measuring 11 650m² comprising 8 760m² of warehousing and 2 890m² of offices and "other."

The only access to the property is obtained at Distillery Road via Oude Libertas Street and across the Plankenbrug. Distillery Road terminates at the property. The site was originally zoned for Wine Industry in terms of the former Stellenbosch Zoning Scheme but has been converted to Industrial Zone in terms of the new Zoning Scheme By-Law.

POLICY CONTEXT:

1. NATIONAL DEVELOPMENT PLAN (NDP)

The National Development Plan's (NDP) key objectives to be achieved by the year 2030 are to eliminate income poverty and reduce inequality. The following NDP spatial priorities are relevant to the planning of Klapmuts:

a) Urban and Rural Transformation:

Spatial transformation is advocated given the enormous costs imposed by existing spatial divides. The NDP recognises that achieving this is a complex long-term process. The NDP's human settlement targets are more people living closer to their places of work; better quality public transport; and more jobs in proximity to townships. To achieve these targets, it advocates strong measures to prevent further development of housing in marginal places, increased urban densities to support public transport, incentivising economic activity in and adjacent to townships; and engaging the private sector in the gap housing market. The NDP also targets the development of a more inclusive and integrated rural economy. Its rural strategy is based on land reform, agrarian transformation, livelihood and employment creation, and strong environmental safeguards.

b) Improving Infrastructure:

The NDP identifies infrastructure as essential for development and prioritises upgrading informal settlements on suitably located land; rolling out public transport systems; improving freight logistics; augmenting water supplies; diversifying the energy mix towards gas (i.e., imported liquid natural gas and finding domestic gas reserves) and renewables; and rolling-out broadband access.

c) Building Environmental Sustainability and Resilience:

"South Africa's primary approach to adapting to climate change is to strengthen the nation's economic and societal resilience. This includes ensuring that all sectors of society are more resilient to the future impacts of climate-change by decreasing poverty and inequality; creating employment; increasing levels of education and promoting skills development; improving health care and maintaining the integrity of ecosystems and the many services that they provide" [NDP 2012, p209]. The long-term strategy is to transition to a low carbon economy.

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.

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. 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.

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.

The MSDF as it relates to the subject property shown in Figure 2 below.



Fig 2. MSDF (Stellenbosch)

In terms of the MSDF Stellenbosch town will remain the major settlement within the municipality; a 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. Retaining what is special in Stellenbosch town requires change. The town has grown significantly as a place of study, work, and tourism, while perhaps inadequately providing residential opportunity for all groups, and certainly lacking adequate provision of public transport and NMT options.

Managing residential growth of the town, through providing more inclusive housing at higher densities than the norm, is vital. This can and must bring significant reductions in commuting by private vehicles to and within Stellenbosch town, and provide the preconditions for sustainable public transport and NMT to and within the town.

The last core principle of the MSDF attempts to focus energy on a few catalytic areas that offer extensive opportunity and address present risk. The most significant redevelopment opportunity within Stellenbosch town is the Adam Tas Corridor, stretching from the Droë Dyke and the Old Sawmill sites in the west along Adam Tas

Road and the railway line, to Kayamandi, the R304, and Cloetesville in the north. Large industrial spaces – currently disused or to be vacated over time – exist here. Redevelopment offers the opportunity to accommodate many more residents within Stellenbosch town, without a negative impact on agricultural land, nature areas, historically significant precincts, or "choice" lower density residential areas.

In simple terms, the Adam Tas Corridor 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 Cloetesville 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 central district – in which werf 14601 is located - is the largest, and includes Bosman's Crossing, Oude Molen, the Bergkelder, and the Van der Stell Sports complex. Here, development should be the most intense, comprising a mix of commercial, institutional, and high-density residential use. The "seam" between this district and west Stellenbosch is Die Braak and Rhenish complex. The southern and central districts are linked through Oude Libertas. Oude Libertas remains a public place, although some infill development (comprising additional public/ educational facilities) is possible.

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:

- 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.

A process to draft a local spatial development framework is currently in process and it is envisaged that the process will also produce an overlay zone that gives a clear indication of additional land use rights. In the absence of such policy documents all applications must be considered by the municipality based on the policy direction currently given by the MSDF and the initial work done on the ATC.

To this end, the following spatial principles are critical:

The development must specifically support the following spatial principles:

- Spatial restructuring and justice: The project must challenge past spatial and other development imbalances through improved access to and use of land and the inclusion of persons and areas that were previously excluded.
- 2. Resource efficiency: Land development must optimise the use of land, existing structures, and infrastructure, and actively seek alternative, environmentally responsible servicing solutions, including non-motorised transport.
- Contextual aptness: The project must recognise the special structure and form of Stellenbosch town, current access limitations, and the need to protect environmental resources, historic elements and precincts of value while accommodating further growth and expanded opportunity.
- 4. Flexibility and responsiveness: Land development processes must ensure both certainty of rights and over time.

THE APPLICATION:

In essence the development entails a mixed-use development consisting of:

- a sectional title scheme of ±253 two- and three-bedroom residential units together with private recreational facilities.
- the repurposing of an existing warehouse into a "vibey" "hip" dell/bistro/pub-linked with a large outdoor piazza to the business/retail component of the adjacent Bosman's Business Centre which will provide a vibrant social hub for the precinct; and
- the inclusion of the existing Manor House on a separate erf to be used for business purposes which is suitable for a variety of commercial uses including, inter alia, the hospitality/restaurant industry as well as general commercial use.

It is envisaged by the developer that the development will offer residential and business opportunities within a transport-orientated, mixed-use, high density development favouring access by pedestrians and cyclists which will contribute to a

compact, less sprawling town that promotes public transport and pedestrianization which will be according to the principles as set out in the MSDF.

DISCUSSION:

The application must be evaluated against current legislative directives — the Spluma principles, - the MSDF and the goals for the development properties within the Adam Tas Corridor. In terms of the MSDF and the goals of the ATC, the development must contribute substantially to the development of the ATC as an integrated, inclusive environment for living, work, and enjoyment; a place which embodies what constitutes good, equitable, and efficient settlement, and supports national, provincial, and municipal policy.

It is essential that, in the absence of a precinct plan, the proposed development sets the tone and contributes progressively toward the vision as set out in the Stellenbosch Municipal Spatial Development Framework (MSDF) with regards to the Adam Tas Corridor and does not place the burden of meeting the objectives for the Corridor as set out in the MSDF to future developments. The project must enable expanded opportunity for all partners and stakeholders over and above what exists today. This applies to all dimensions of "value add", including returns on investment, community access to opportunity, facilities, and so on.

1. The Principle of Spatial Justice

The SPATIAL JUSTICE principle requires that past spatial and development imbalances should be redressed through improved access to and utilisation of land. It requires that persons which were previously excluded (especially the poor) must be included in land use planning policies, especially to address widespread poverty and deprivation. Access to land for all (including disadvantaged communities should be facilitated.

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.
- 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 residential component of the proposed development is located on a separate erf to be subdivided (measuring 2,0493 ha) and will consist of 253 individual residential units - arranged in a configuration of 6 blocks varying in hight from 4-6 storeys. This equates to a residential density of ± 123 units/ha. The residential units consist of 2-or 3-bedroom apartments only.

The proposed density is in line with the of the requirements of the MSDF and ATC that higher densities should be the norm. It must be noted that the increase in density is aimed at providing compact, walkable urban centres that supports NMT and a reduction of private motor vehicles on the one hand and to improve efficient use of land and bulk services on the other. Of equal importance is the notion that the higher density should cater for different typologies of housing catering for a broader range of income and demographic groups. Higher density does not necessarily lead to inclusive outcomes. As argued elsewhere in this report, 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. Consideration should thus be given to a broader variety of housing typologies with, for example bachelor's flats and one-bedroom flats included in the mix of typologies.

Seeing that it is the explicit intention of the MSDF and ATC to transform the spatial form of Stellenbosch and to integrate communities in this well-located precinct, and in view of the nature of the proposed inclusionary housing component, it is questioned if the increased density will support and promote inclusionary housing and particularly the notion of integrating communities.

Although the municipality does not yet have an approved inclusionary housing policy, the MSDF provides numerous statements regarding the need for inclusionary housing. This department supports the view of the Directorate: Development Management in their letter dated 1/12/2020 that, if the proposal does not address the need for inclusionary housing adequately, this development will not comply with this provision in the MSDF and would be inconsistent with the MSDF and could be refused. It is also questioned if the proposal to reserve (only) 12 out of 235 units for students as "inclusionary housing" can be regarded as being in compliance with the

MSDF. The department is of the view that this proposal is inadequate and must be revisited to comply with the requirements of the MSDF.

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. Gated developments do not promote integration with the immediate surroundings i.e., Bosman's Crossing nor does it promote integration in the wider context of the ATC. Security is however a factor that cannot be ignored and must be acknowledged.

This department is therefor of the view that the proposed development does not address the issue of housing opportunity for a varied and broader range of income groups successfully and therefor did not address the principle spatial justice adequately.

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.

However, developing at higher densities does not 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.
- All housing projects should consider the availability of social facilities and the daily retail needs of residents.

- 4. Overall, development should be mixed, high density and favor access by pedestrians and cyclists.
- Promote public and NMT routes (design of all roads provide for appropriate NMT movement)
- 6. Provide and maintain a system of accessible social facilities, integrated with public space and public and NMT routes.

The proposed development proposes significant densification within a "brown fields" development and will contribute to urban compaction and the prevention of urban sprawl – both objectives identified in the MSDF.

However, densification and compaction - particularly in relation to this centrally located precinct, goes hand in hand with the development and provision of public transport and NMT. Despite its location adjacent to the R44 and the railway line, the development is cut off from the rest of Stellenbosch town by the very same infrastructure. The only safe and user-friendly access to the site is via Distillery Road and mostly accessible by private motor vehicle. This is acknowledged in the application through the provision of parking facilities at a ratio prescribed by the IZS. One of the incentives and goals of the ATC is to promote public transport and NMT to reduce the overall use of private vehicles with a view to reduce the amount of traffic in Stellenbosch. The MSDF promotes a high-density urban precinct with "strong internal and external public and NMT connections."

Although the applicant makes provision for a pedestrian bridge over the R44 to connect with lower Dorp Street and provides space for NMT in the road reserve, the fact is that these facilities do not exist at present and will not be put in place by this development. Until such a time, and if the pedestrian bridge is constructed, the development will not contribute to the goal of promoting NMT and public transport. In fact, the development will operate as an extended cul-de sac- with all incoming and out-going traffic accessing the site via distillery Road and across the Plakenbrug River.

The bridge over the Plankenbrug River, is in our view, not adequate to accommodate the traffic generated by the development. Not only when the development is completed but also during the process of construction. All vehicle and particularly heavy vehicles necessary for construction will access Bosman's Crossing via Distillery Road and across the existing Plakenbrug. The bridge is of significant heritage value as it was the original crossing for Dorp Street. A heritage impact assessment was commissioned to widen the bridge to accommodate the increased traffic. A permit for the upgrade and widening of the Plakenbrug Bridge was issued by Heritage Western Cape on 18 February 2021.

The MSDF promotes strong internal and external links to the surrounding environment. Despite the location of Papagaaiberg Nature Reserve directly to the west of the property and adjacent Plakenbrug River, the development turns it back on these environmental assets and does not provide a link with it. Understandably there might be concerns for safety and about the quality of the water in the Plakenbrug. However, these assets are public amenities that will be developed and improved through the ATC development concept and should be accessible to the broader public as well as the future residents of the development. The SDP should take these public amenities into consideration and provide appropriate space for public use and access as should incorporate such assets in the design of the buildings.

A positive proposal is the provision of a future road link to the Bergkelder development despite uncertainty of the exact alignment of such a road. Considering the emphasis placed by Importantly, the development proposes a public road to link into the future development of the Bergkelder site to the north of the site in future to link this precinct with the rest of the ATC. This future link is critical for the future development of the ATC.

In view of the emphasis placed by the MSDF and ATC on public transport and NMT in the ATC it is questioned if a road reserve of 13 meters will be sufficient to accommodate an extensive and well-planned NMT route which will form the backbone of the NMT route through the entire precinct. Provision is made for 2m wide pavements on both sides of the road which is, in our view, inadequate for the provision of a separate dedicated cycle route and walkway as well as space for street trees, streetlights and street signs. NMT should not be viewed as simply a hard top pavement but must be designed as a movement route on its own separate from the roadway.

The development proposal does not include design proposals to address the critical need for NMT and public transport. This aspect of the design should be revisited and possibly revised to accommodate appropriate NMT infrastructure.

The extension of Distillery Road appears not to include the future road link in totality. As the extension of Distillery Road is critical for the further development of the ATC this road reserve must be a public road and must be subdivided and transferred to the municipality to ensure unobstructed access for further development.

Due to its isolated location to the west of the R44 and railway line, the development is not linked with the central business district of Stellenbosch. The original alignment of Dorp Street used to run past the property. It appears that the extension of Dorp Street along its original alignment is not feasibly. However, a link across this infrastructure barrier is critical to integrate the development of this precinct with the

CBD and to give NMT access to the town. One of the ways to achieve a NMT connection between the development and the town is by way of a pedestrian/cycle bridge. The appropriate place to do so is along the original alignment of Dorp Street, hence the condition of approval by Heritage Western Cape. As this structure will benefit the development of the ATC in general, it cannot be expected of the developer to fund and construct such a bride. It would be expected that the developer contributes to the design and construction of such a bridge though development contributions. In the absence of such facility, crossing this infrastructure barrier safely remains impossible and will residents be obliged to make use of private transport.

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.

Social and recreational facilities are provided but are accessible for residents only. This emphasizes the importance of public access along the Plakenbrug River and link

to Papagaaiberg Nature Reserve in future and the reconfiguration of the proposed residential buildings along the river edge.

Commercial facilities are provided for on a separate property and will be accessible to the public. Some commercial facilities are also located in Bosman's crossing and will benefit from the new development.

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 principle of Spatial Resilience was discussed extensively in the previous paragraphs. It refers mostly to flexibility in land use planning and policies. In the absence of a proper ATC LSDF or precinct plan, care must be taken to ensure that the development of the ACT can in future alignment to the current development on the one hand, and on the proposed development must be able to align seamlessly with future development envisaged. The provision of alternative accesses, possible road links, appropriate NMT facilities and a public open space system accessible to the public are issues that refer to this principle.

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.

Reference from the MSDF

- 1. Significant partnerships between major institutions across sectors. A purely commercial approach to redevelopment of the land may not be in the best interest of the town.
- 2. Prepare a Local Spatial Development Framework for the ATC.

The development falls within the ATC for which a LSDF is currently being drafted. Aspects relating to the future link road, pedestrian bridge, Plakenbrug Bridge and NMT facilities are mutual issues that must be planned, funded, and implemented amongst the various landowners, developers, and government jointly. Any development located within this area must contributions to such infrastructure in future. This development can act as a catalyst to set the broader development in motion but cannot isolate itself from future planning interventions and possible negotiates and agreements.

CONCLUSION:

The proposed development of Erf 14601 is located within an area designated by the MSDF as a catalytic project with specific outcomes notably an integrated, inclusive environment for living, work, and enjoyment; a place which embodies our best knowledge in what constitutes good, equitable, and efficient settlement, and supports national, provincial, and municipal policy. To this extent it has a role to play in providing an opportunity for spatial transformation and the implementation of a pedestrian orientated, mixed-use area that will provide employment opportunities and accessible social facilities. In the absence of an approved LSDF or Precinct plan, the development proposal must be seen as to contribute to these goals in practical terms and must be able to merge seamlessly with future developments.

The department is of the view that the development does conform to some of the objectives such as the provision of a high-density development with some commercial activities attached but does not succeed to address in particular the issue of inclusive housing opportunities; does not provide tangible benefits to the stated vision of public transport and NMT and does not contribute notably in

creating strong linkages with the immediate surrounding area and specifically the town of Stellenbosch as well as the Plakenbrug River. As such the development does not live up to the promise of "offering residential and business opportunities within a transport-orientated, mixed-use, high density development favouring access by pedestrians and cyclists which will contribute to a compact, less sprawling town that promotes public transport and pedestrianization which will be according to the principles as set out in the MSDF."

It is acknowledged that some of the issues are difficult to provide in absence of a clear precinct plan and furthermore, it is acknowledged that the proposal is to an extent in line with the future vision of the ACT. As such, this department is of the opinion that the application can be supported in principle and that the outstanding issue can be negotiated and addressed further. The luxury to have planning certainty does not exist at present and further development proposals will have the benefit of enhanced planning certainty.

RECOMMENDATION:

To assist the developer in achieving the goals of the ACT the department concurs with the recommendation of the Directorate: Development Management that the rezoning of the property to subdivisional area is supported and that the subsequent subdivision, departures, and consent use to allow a place of entertainment within a mixed-use zone be approved but that the Site Development Plan only be considered later once the issues identified in the report are addressed appropriately. In this regard the applicant must, through the Site Development Plan demonstrate the following:

- How will the development contribute substantially to inclusivity of infill housing opportunity – referring to the extent to which the housing is provided for different income and demographic groups. It is questioned if the increased density will support and promote inclusionary housing and particularly the notion of integrating communities.
- 2. Proposals as to broaden the range of housing typologies, enabling access for a range of income groups.
- 3. How the development of the property as part of the ATC will provide and promote strong internal and external public and NMT connections with the surrounding area and the lower Dorp Street area.
- 4. How the development will provide adequate social facilities for the daily retail needs of residents.
- 5. The development proposal does not include design proposals to address the critical need for NMT and public transport. It is questioned if a road reserve of

13 meters will be sufficient to accommodate an extensive and well-planned dedicated NMT route which will form the backbone of the NMT route in the ATC. This aspect of the design needs greater attention and must be revised to ensure that public transport and NMT are addressed properly and pro-actively.

- 6. The importance of public access along the Plakenbrug River and link to Papagaaiberg Nature Reserve do not receive adequate attention in the development proposal and must be revised to ensure public access to these amenities, possibly by ways of servitudes and the reconfiguration of the proposed residential buildings along the river edge.
- 7. Vehicle access is of paramount importance must by clarified with regards to the timeline for the construction of the Plakenbrug Bridge and the contribution of the development to the pedestrian bridge linking Bosman's Crossing with lower Dorp Street.

BJG de la Bat

MANAGER: SPATIAL PLANNING

Holal Jub



MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES
DIRECTORAT: INFRASTRUCTURE SERVICES

3 0 00 1 2020

TO

The Director: Planning and Development

FOR ATTENTION

Salome Newman

FROM

Manager: Development (Infrastructure

Services)

AUTHOR

Tyrone King

DATE

30 October 2020

RE.

Erf 14601: Oude Molen redevelopment: 253 flats + 1 276m2

FILE NR

Business GLA

YOUR REF

LU/11728

OUR REF

2060 CIVIL LU

SCA: N' E 14601 S

Herewith our preliminary comments. Can the applicant please address these issues before the application can be further evaluated and/or approved.

Civil Engineering and roads:

- Water Network: A water capacity analysis report (GLS) is required to confirm which bulk water upgrades are triggered by the proposed development.
- b. Roads Network: The following comments from the Manager: Traffic Engineering, Mr Nigell Winter: Comments refer to TIA done by iCE Group (ref: iCE/s/849A) dated 7 July 2020:
 - please investigate a traffic circle at the Oude Libertas\Distillery Road\
 Flamingo Road intersection and make a recommendation in the TIS.
 - Proposed parking bays P24 P28 on erf 384 is not supported Please amend SDP accordingly.

iii. Please provide high level layout drawings of each proposed upgrade + a cost estimate.

2. <u>Site Development Plan – please indicate the following elements / dimensions clearly on the SDP</u>

- indicate a stacking distance of minimum 20m from the edge of the road traversing the property – as recommended in the TIA;
- b. Indicate that the access to the residential portion shall have as a minimum two lanes in (3m wide each) and one lane out (4.2m wide) – as recommended in the TIA. To accommodate emergency vehicles, at least one lane should be 4.0 metres wide and have a minimum height clearance of 4.3 m.
- c. indicate how provision will be made for a 3-point turning head in front of the entrance gate (or a similar turning facility) in order to enable a vehicle to turn around that is not allowed entrance;
- d. the general position of the refuse room on the SDP is acceptable the exact position and details must be determined in conjunction with the Municipality at detail design stage;

thing

TYRONE KING Pr Tech Eng

MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

https://stellenboschgov.sharepoint.com/sites/DevServices/Shared Documents/2.0 DEVELOPMENT/09 Developments/2060 (TK) Erf. 14601 Stellenbosch (LU-11729); (Quide Moten). C/2060 (TK) Erf. 14601 Stellenbosch (LU-11729); (Qui



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 August 2021

RE.

Erf 14601: Oude Molen redevelopment: 259 flats + 1 276m2

Business GLA

YOUR REF

LU/11728

OUR REF

2060 CIVIL LU

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

- Motivation report by First Plan, dated August 2020 Rev 1;
- Proposed Site Development Plan No. SDP Overall drawing by Bogertman Partners Rev A dated 6 Aug 2021;
- Proposed subdivision plan Rev 2 dated 16/08/2021 by First Plan;
- Traffic Impact Assessment (TIA) by ICE Group, dated 10 Aug 2021;
- Clarification letter in by First Plan dated 10 August 2021 (in response to our Memo dated 30 Oct 2020);
- Traffic Engineering clarification letter by UDS, dated 28 July 2021 regarding road upgrades and SDP matters;
- Water and Sewer capacity analysis report by GLS, dated 17 March 2021;
- Report on Civil Engineering Services, by Engineering Advice & Services Western Cape, dated June 2020;

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

Total Units:

259 flats

Total GLA:

1 276m²

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

This document consists of the following sections:

A. Definitions

- B. Recommendation to decision making authority
- C. Specific conditions of approval: These conditions must be complied with before clearance certificate, building plan or occupation certificate approval; whichever is applicable to the development in question.
- D. General conditions of approval: These conditions must be adhered to during implementation of the development to ensure responsible development takes place. If there is a contradiction between the specific and general conditions, the specific conditions will prevail:

A. Definitions

- 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-intitle 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:

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

C. Specific conditions of approval

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

b. Water Network:

- i. There is insufficient capacity in the Papegaaiberg reservoir to accommodate new developments in this catchment area. An additional 10ML reservoir is required to accommodate additional development. Provision has been made on the 2012/22-2023/24 budget for this reservoir under the "New Reservoir & Pipeline: Vlottenburg" project, which includes the Papegaaiberg reservoir:
- 2021/22 R40m ex VAT
- 2022/23 R38m ex VAT
- 2023/24 R26m ex VAT

Please note that this budget allocation might change in the coming years, depending on council's re-prioritization of projects.

Although there is not enough spare capacity to accommodate new developments in this catchment area, it is recognized that this erf does have existing buildings of 11 208m2 GLA. This equates to a water demand of 44kl/day. Therefore, this rezoning application can be approved, but building plans in excess of a water demand of 44kl/day will only be approved if a contractor has been appointed for the construction of the Papegaaiberg reservoir and occupation certificates for any buildings in access of this 44kl/day water demand will only be approved once the reservoir has been commissioned. At this stage, completion is expected to be in June 2024, but this may change should the municipal budget be re-prioritised. The Developer must plan the implementation of his development accordingly.

In order to manage the above, each building plan submission must be accompanied by a professional engineer's report confirming the cumulative water demand of the development that will be generated by that building plan.

- ii. There is sufficient capacity in the bulk water reticulation network in the vicinity of the development to accommodate the development. A suitable connection point will be identified during detail design drawing approval stage. The Developer will be responsible for any link water pipelines between the development and the municipal network.
- c. Sewer Network: There is sufficient capacity in the bulk sewer reticulation network to accommodate the proposed development:
 - i. The development will connect to the existing 500mm diameter Plankenbrug Outfall Sewer on the western boundary of the site. The exact position and detail of the connection must be determined during detail design drawing approval stage.
- d. Roads Network: The items as indicated in the TIA must be constructed:
 - i. As indicated on the subdivision plan: a public road reserve 13m wide must be subdivided from Erf 14601 and zoned as "public road", which will be a future link to George Blake road via the subject property. It is envisaged that the actual road must have a 7.4m blacktop with minimum 2.4m NMT facilities along both sides of the road (wider where additional space exists within the

road reserve). Details of the road are to be finalized at detail design stage before construction commences.

ii. If not implemented timeously by the already approved Erf 15804 Development, then the following upgrades needs to be done: A dedicated left-turn lane along the western Adam Tas Road approach and the extension of the existing dedicated right turn lane along the eastern Adam Tas Road approach.

Estimated cost: R 1 200 000 ex VAT (as per Erf 15804 DC Services Agreement)

Funding: Can be offset from DC's

When: Must be completed before occupation certificate approval.

iii. Adam Tas Road / Oude Libertas Street intersection: a continuous left-slip lane on the Oude Libertas Street approach;

Estimated cost: R 1 600 000 ex VAT

Funding: Can be offset from DCs – this road section forms part of future link road through the Plankenbrug industrial area.

When: Must be completed before occupation certificate approval.



Diagram 3: Schematic layout of proposed upgrade at Adam Tas Road/Oude Libertas Street inters

iv. Oude Libertas Street/Distillery Road/Flamingo Road intersection: The provision of traffic signal and road widening o define a left turn lane. Please note that a traffic circle is also considered as an alternative — the final alternative will be agreed at detail design stage.

Estimated cost: R 2 300 000 ex VAT

Funding: Can be offset from DCs – this road section forms part of future link road through the Plankenbrug industrial area.

When: Must be completed before occupation certificate approval.



Diagram 2: Schematic layout of proposed upgrade at Oude Libertas Street/Distillery Road/Flamingo Road

v. Bosmans Crossing Bridge Repair: The municipality is currently doing structural repairs to this bridge. No construction activities may commence before these repairs have been completed. Building plan approval will therefore not be issued prior to the Senior Manager: Roads, Transport, Stormwater & Traffic Engineering has given the go-ahead.

e. Stormwater Network:

i. Overland escape routes must be provided in the final engineering design to ensure that there are no trapped low points on the site. If the system gets blocked, the stormwater must be led towards discharge points leading into the adjacent Plankenbrug River.

ii. 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:

- 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; clavton.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.

g. Funding source breakdown (all costs excl VAT):

Total DCs available for civil services (excl Community facilities)	R 7 469 562
Upgrad	les cost
Adam Tas Road / Oude Libertas Street intersection: a continuous left-slip lane	R 1 600 000
on the Oude Libertas Street approach	
Oude Libertas Street/Distillery Road/Flamingo Road intersection: The provision of traffic signal and road	R 2 300 000

widening o define a left turn lane.	
If not implemented timeously by the already approved Erf 15804 Development, then the following upgrades needs to be done: A dedicated left-turn lane along the western Adam Tas Road approach and the extension of the existing dedicated right turn lane along the eastern Adam Tas Road approach.	
Total cost	R 5 100 000
Surplus	R 2 369 562
Comment	Based on the estimates, there are sufficient DCs to cover the costs of the upgrades to be done in lieu of DCs

- 5. that the upgrades mentioned above be met by the "Developer" before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates (whichever comes first) will be given or on discretion of the Directorate: Infrastructure Services, the "Developer" furnish the Council with a bank guarantee equal to the value of the outstanding construction work as certified by an independent engineering professional, prior to a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law being given;
- 6. Bulk infrastructure projects not on municipal budget: Bulk projects not on municipal budget: Any of the projects listed above, that are not currently on the Municipality's approved budget will be the Developer's responsibility to implement. Where upgrades may be offset against the Development Charges, and should the Development Charges be sufficient, the "Developer" may enter into a Services Agreement with the "Municipality" to do these upgrades in-lieu of Development Charges. Should the Development Charges not be sufficient, the Developer may decide to cover the shortfall. If the Developer is not in a position to cover the shortfall, then the implementation of the development must be re-planned around the availability of the bulk services in question. Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates will not be supported by the Directorate: Engineering Services for this development if all bulk services are not available.

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 as reflected on the DC calculation sheet, 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.
- 12. that the Development Charges levy be paid by the "Developer" per phase -
 - prior to the approval of any building- and/or services plans;
- 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 259 units, or which might lead to an increase in the Gross Leasable Area i.e. a GLA of more than 1 276 m², or a change in land use on which the current DC calc is based, 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. that security gates are only proposed at the residential portion and provision must be made for a stacking distance of +/- 20m – as indicated on the SDP;
- 16. the access to the residential portion shall have as a minimum two lanes in (3.25m wide each) and one lane out (4.9m wide) as indicated on the SDP. To accommodate emergency vehicles, at least one lane should be 4, 0 metres wide and have a minimum height clearance of 4.3 m.
- 17. The accesses to the two commercial parking areas will not be security controlled, therefore stacking at these accesses are not required;
- 18. that provision be made for a refuse room as per the specification of the standard development conditions below – the exact position and details must be clearly indicated on the building plans submitted for approval;
- 19. that provision be made for a refuse embayment off the roadway/sidewalk to accommodate refuse removal. This must be clearly indicated on the engineering drawings and building plans when submitted for approval. The specifications of such embayment shall be as per the standard development conditions below;
- 20. that if the "Developer" reaches agreement with the Municipality to remove the waste by private contractor, provision must still be made for a refuse room should this function in future revert back to the "Municipality";
- 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 all internal roads to the development 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. The 13m public road will be the Municipality's responsibility;

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 of the residential portion, the and at the entrance to the business portion and 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.

Servitudes

26. The 6m sewer servitude indicated on the western boundary must be indicated on all building plans and engineering drawings;

Floodplain Management

27. that the 1:50 and 1:100 year flood lines of the Plankenbrug River be shown on all plans submitted. The flood lines are to be verified by a suitably qualified registered engineering professional. Where flood lines have not previously been determined, the "Developer" must procure the services of a suitably qualified registered engineering professional to undertake such determinations at his/her own cost. No new development will be allowed under the 1:100 year flood line;

Roads

28. that the "Developer", at his/her cost, implement the recommendations of the approved Traffic Impact Assessment, 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;

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

Electricity

- 30. 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:
- 31. 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;
- 32. 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;
- 33. 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.
- 34. that the "Developer" must ensure that he / she has an acceptable public liability insurance policy in place;

- 35. 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;
- 36. 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;
- 37. 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);
- 38. 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;
- 39. 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;
 - 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

- 40. 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";
- 41. that even if a Site Development Plan is approved by this letter of approval, a further <u>fully detailed</u> 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;
- 42. 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;

43. 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

- 44. 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;
- 45. 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;
- 46. 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;
- 47. 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;
- 48. that construction of services may only commence after municipal approval has been obtained;
- 49. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "Engineer";
- 50. 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;
- 51. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal and external services;

- 52. that all the internal civil services (water, sewer and stormwater), be indicated on the necessary building plans for approval by the Directorate: Infrastructure Services;
- 53. 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;
- 54. 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 Bylaw will be issued (prior to transfer of individual units or utilization of buildings);
- 55. 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;
- 56. 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;
- that the "Developer" shall adhere to the specifications of Telkom (SA) and or any other telecommunications service provider;
- 58. that the "Developer" shall be responsible for the cost for any surveying and registration of servitudes regarding services on the property;
- 59. 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;
- 60. 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".

- that the developer takes cognizance of applicable tariffs by Council in respect of availability of services and minimum tariffs payable;
- 62. 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 accoupied 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

- 63. 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;
- 64. 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;
- 65. 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

66. 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.

- 67. 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;
- 68. 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;
- 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;
- 70. 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.
- 71. 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;
- 72. that no overland discharge of stormwater will be allowed into a public road for erven with catchment areas of more than 1500m² and for which it is agreed that no detention facilities are required. The "Developer" needs to connect to the nearest piped municipal stormwater system with a stormwater erf connection which may not exceed a diameter of 300mm.

Roads

- 73. that, where applicable, the application must be submitted to the District Roads Engineer for comment and conditions. Any conditions set by the District Roads Engineer will be applicable;
- that no access control will be allowed in public roads;
- 75. that, prior to commencement of any demolition / construction work, a traffic accommodation plan for the surrounding roads must be submitted to the Directorate: Infrastructure Services for

approval, and that the approved plan be implemented by the "Developer", at his/her cost, to the standards of the Directorate: Infrastructure Services;

76. that 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;

Wayleaves

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

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

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

Solid Waste

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

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

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

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

- Each party's (Developer/Owner's Association/Home Owner) responsibilities w.r.t.
 waste management and waste minimization should be clearly defined in such constitution
- A set of penalties for non-compliance should be stipulated in the Constitution
- 86. that it be noted that the Solid Waste Branch will not enter private property, private roads or any access controlled properties for the removal of solid waste;

- 87. that the "Developer" must apply and get approval from the Municipality's Solid Waste Department for a waste removal service prior to clearance certificate or occupation certificate (where clearance not applicable). Contact person: Senior Manager: Solid Waste (021 808 8241; clayton.hendricks@stellenbosch.gov.za)
- 88. that should it not be an option for the "Municipality" to enter into an agreement with the "Developer" due to capacity constraints, the "Developer" will have to enter into a service agreement with a service provider approved by the "Municipality" prior to clearance certificate or occupation certificate (where clearance not applicable);
- 89. that if the "Developer" removes the waste by private service provider, provision must still be made for a refuse room should this function in future revert back to the "Municipality";
- 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;
- Access shall be provided with a minimum travelable surface of 5 meters width and a minimum corner radii of 5 meters;
- 92. 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;
- 93. Minimum turning circle radius shall be 11 meters to the center line of the vehicle;
- Road foundation shall be designed to carry a single axle load of 8.2 tons;
- 95. Refuse storage areas are to be provided for all premises other than single residential erven;
- 96. 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;

- 97. 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;
- 98. 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 \(\) Municipal wheelie bin;
- 99. 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;
- 100. 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;
- 101. All black 85 \(\ext{t refuse bins or black refuse bags is in the process of being replaced with 240 \(\ext{t 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

- 102. 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;
- 103. 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
- 104. Building specifications for refuse storage area:

Floo

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

Walls and Roof

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

Ventilation and Lighting

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

Water Supply and Drainage

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

- 105. 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;
- 106. 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;
- 107. 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;
- 108. Refuse should not be visible from a street or public place. Suitable screen walls may be required in certain instances;
- 109. Access must be denied to unauthorized persons, and refuse storage areas should be designed to incorporate adequate security for this purpose;

110. 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

- 111. The "Developer" shall provide the "Municipality" with:
 - a. a complete set of as-built paper plans, signed by a professional registered engineer;
 - 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;
 - 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;
- 112. 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";
- 113. 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;
- 114. 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;

115. 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";

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

- 116. It is specifically agreed that the "Developer" undertakes to comply with all conditions of approval as laid down by the "Municipality" before occupation certificates shall be issued, unless otherwise agreed herein;
- 117. that the "Municipality" reserves the right to withhold any occupation certificate until such time as the "Developer" has complied with conditions set out in this contract with which he/she is in default. Any failure to pay monies payable in terms of this contract within 30 (thirty) days after an account has been rendered shall be regarded as a breach of this agreement and the "Municipality" reserves the right to withhold any occupation certificate until such time as the amount owing has been paid;
- 118. The onus will be on the "Developer" and or his professional team to ensure that all land-use conditions have been complied with before submitting an application for an occupation certificate in terms of the National Building Regulations. Verifying documentation (proof of payment in respect of Development Charges, services installation, etc.) must be submitted as part of the application before an application will be accepted by this Directorate;

Avoidance of waste, nuisance and risk

119. Where in the opinion of the "Municipality" a nuisance, health or other risk to the public is caused due to construction activities and/or a lack of maintenance of any service, the

"Municipality" may give the "Developer" and or OWNER'S ASSOCIATION written notice to remedy the defect failing which the "Municipality" may carry out the work itself or have it carried out, at the cost of the "Developer" and or OWNER'S ASSOCIATION.

TYRONE KING Pr Tech Eng

MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

W.2.0 DEVELOPMENT\00 Developments\2060 (TK) Erf 14601 Stellenbosch (LU-11728) (Oude Molen), C\2060 (TK) Erf 14601 Stellenbosch (LU-11728) (Oude Molen).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.

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

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ELETRICITY SERVICES: CONDITIONS OF APPROVAL Erf 14601

GENERAL COMMENT:

1. Development Bulk Levy Contributions are payable

CONDITIONS

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

3. The development's specifications must be submitted to Stellenbosch Municipality

(Engineering Services) for approval. i.e.

a) The design of the electrical distribution system

b) The location of substations(s) and related equipment.

4. A separate distribution board/s shall be provided for municipal switchgear and metering. (Shall be accessible & lockable). Pre-paid metering systems shall be installed in domestic dwellings.

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

6. Appropriate caution shall be taken during construction, to prevent damage to existing service cables and electrical equipment in the vicinity, should damage occur, the applicant will be liable for the cost involved for repairing damages.

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

over inspection.

- 8. No electricity supply will be switched on (energised) if the Development contributions, take-over Inspection and Certificate(s) of Compliance are outstanding.
- 9. All new developments and upgrades of supplies to existing projects are subject to SANS 10400-XA energy savings and efficiency implementations such as:
 - Solar water Heating or Heat Pumps in Dwellings

- Energy efficient lighting systems

- Roof insulation with right R-value calculations .

- In large building developments;

- -Control Air condition equipment tied to alternative efficiency systems
- -Preheat at least 50% of hotwater with alternative energy saving sources

-All hot water pipes to be clad with insulation with R-value of 1

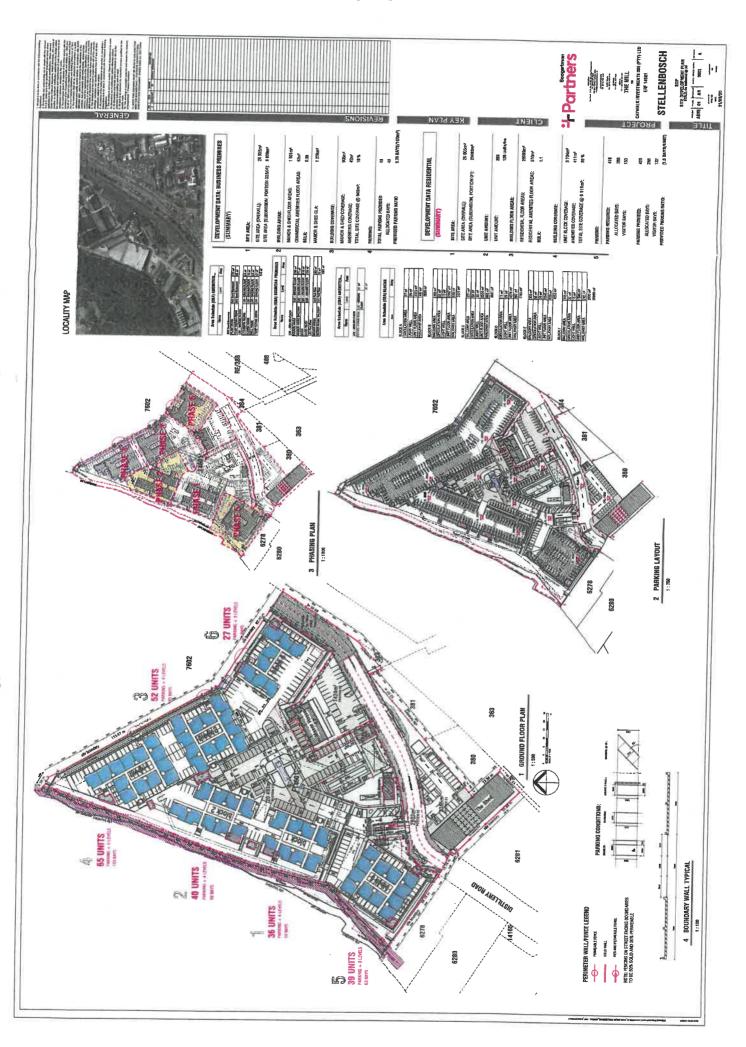
-Provide a professional engineer's certificate to proof that energy saving measures is not feasible.

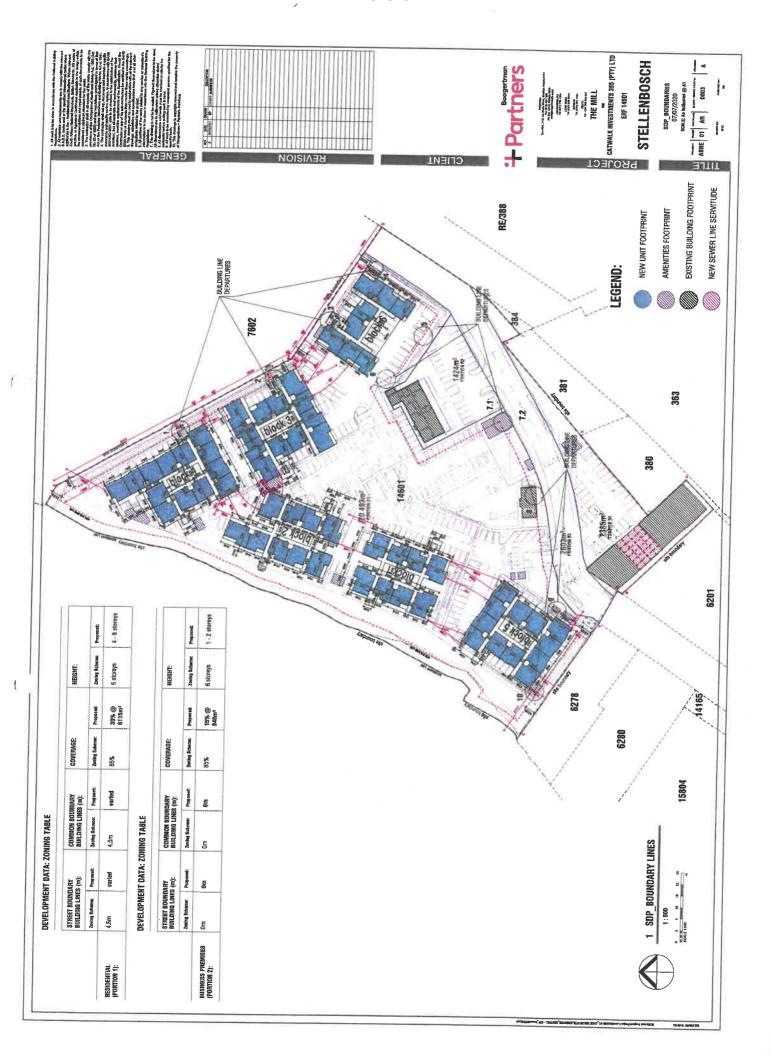
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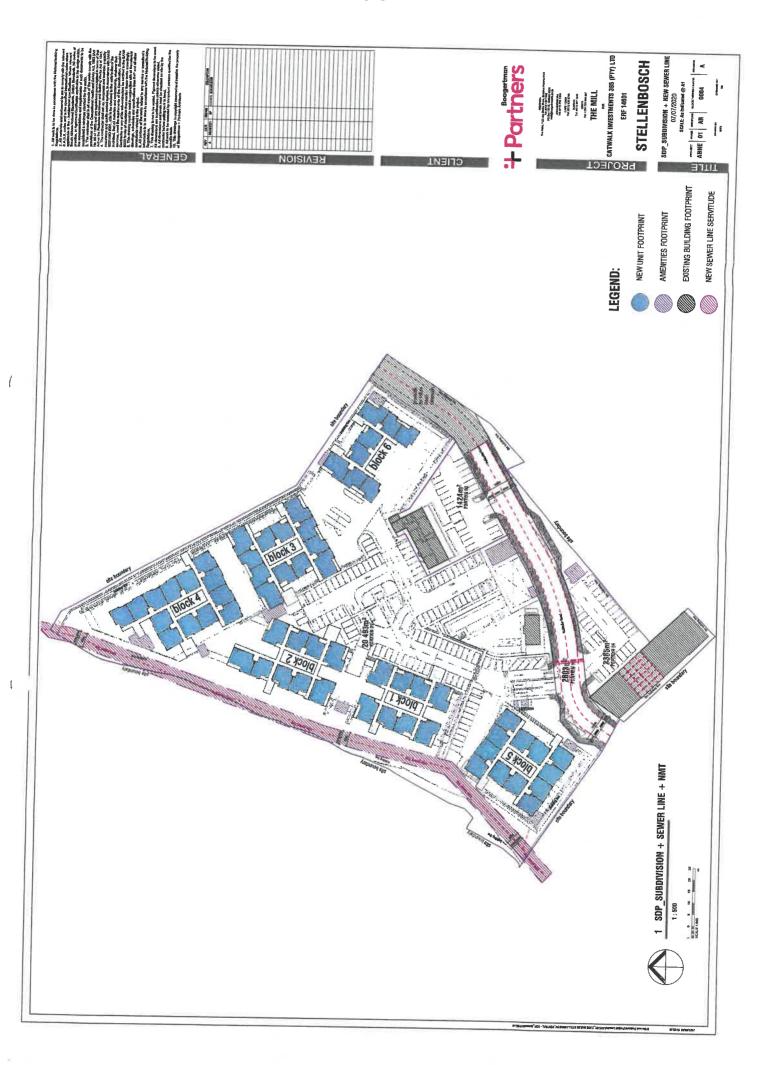
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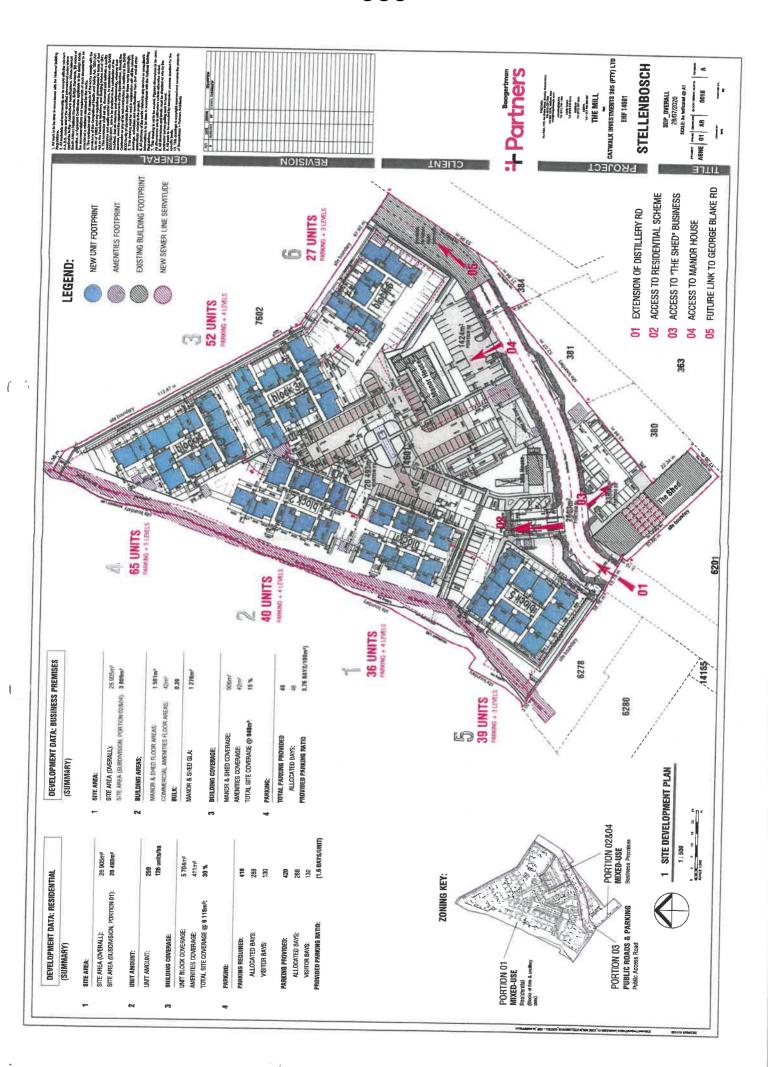
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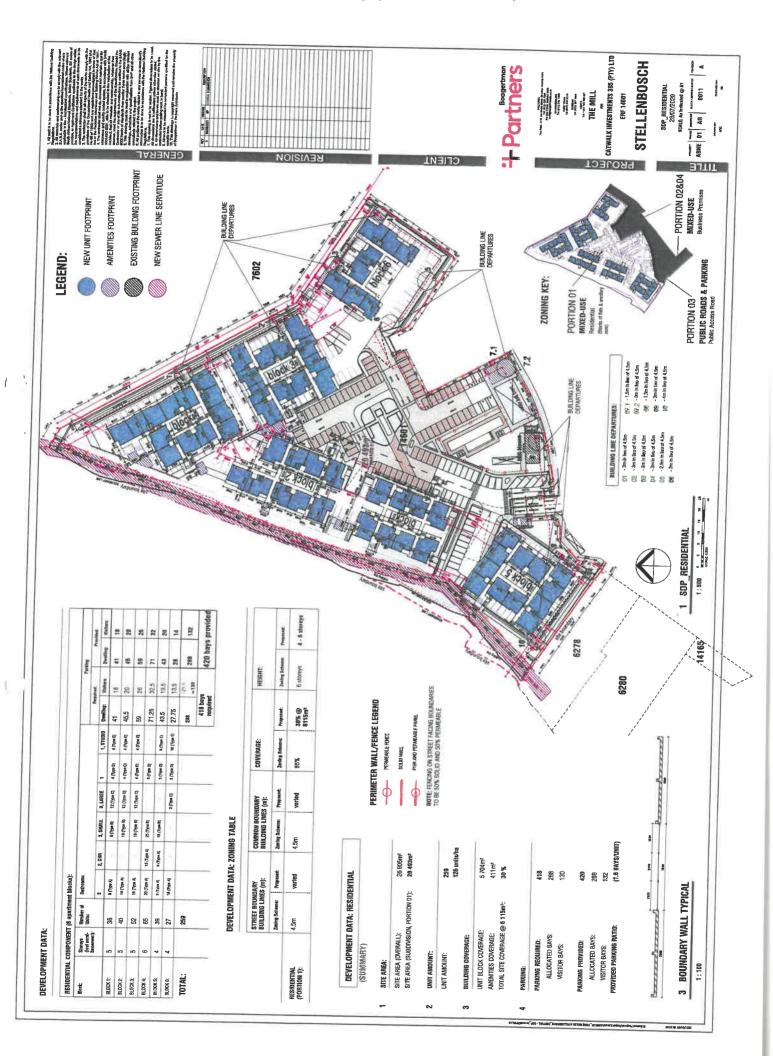


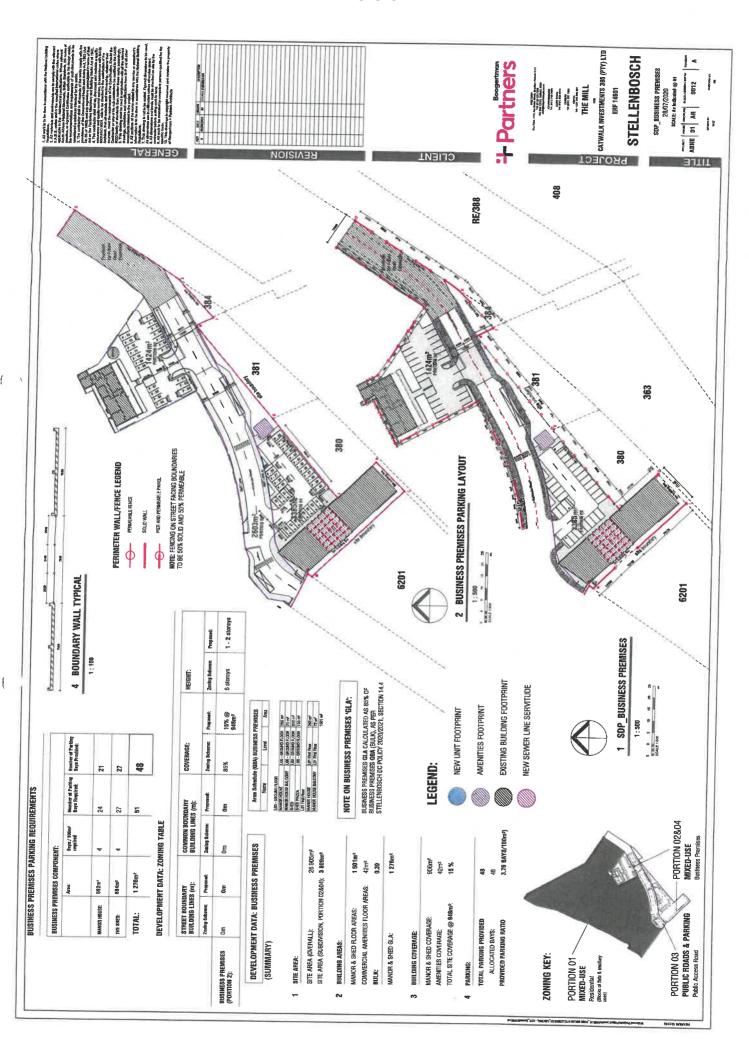


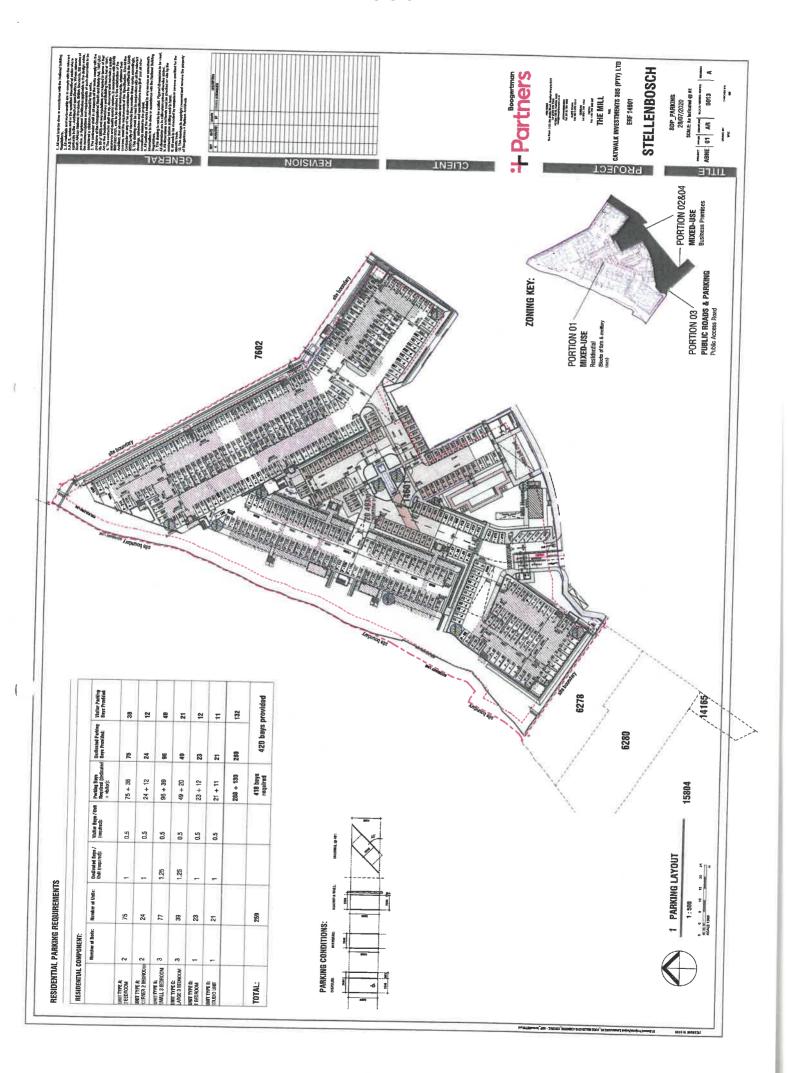


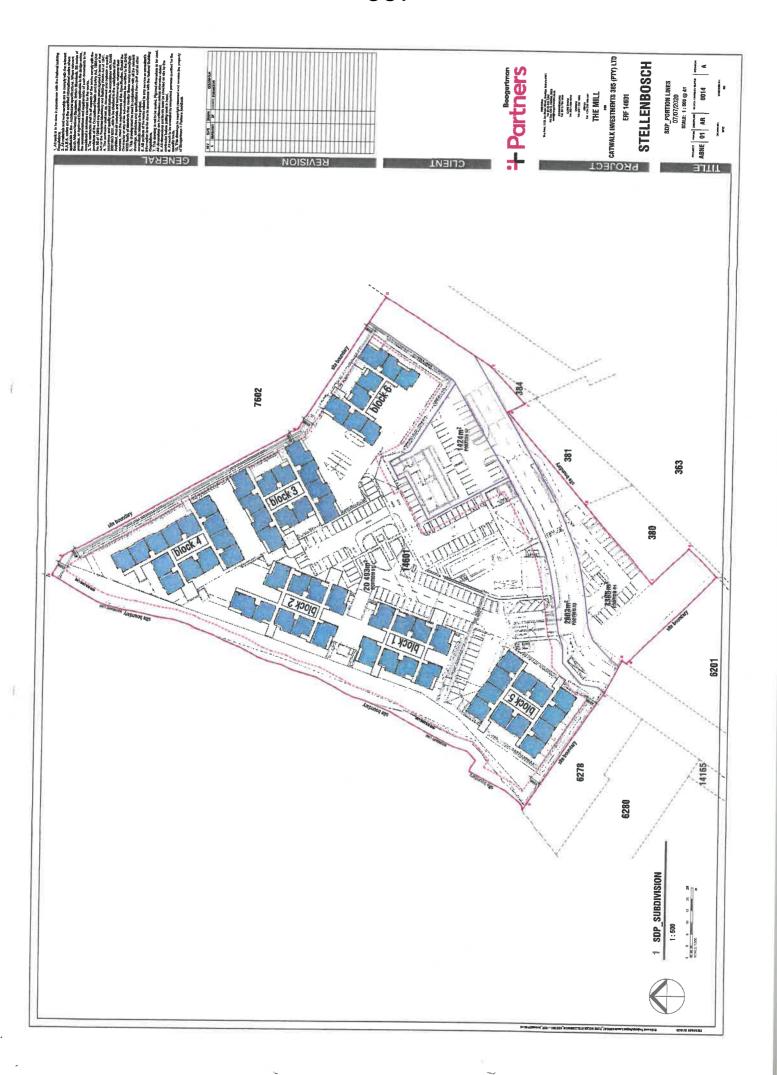




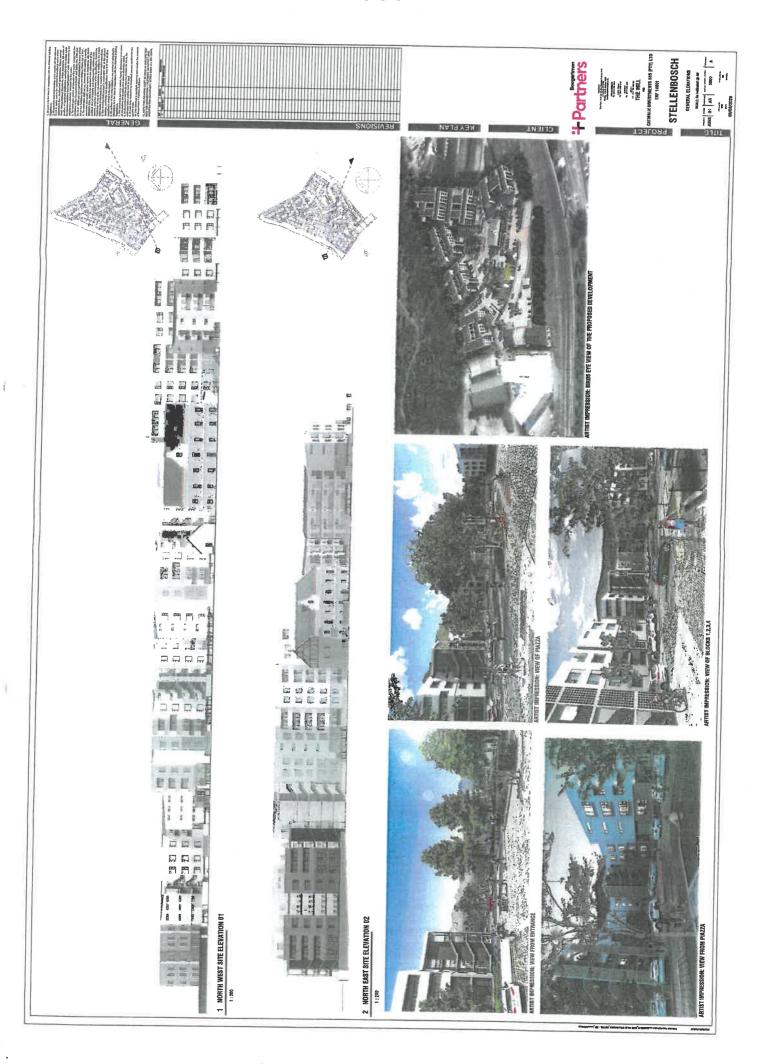




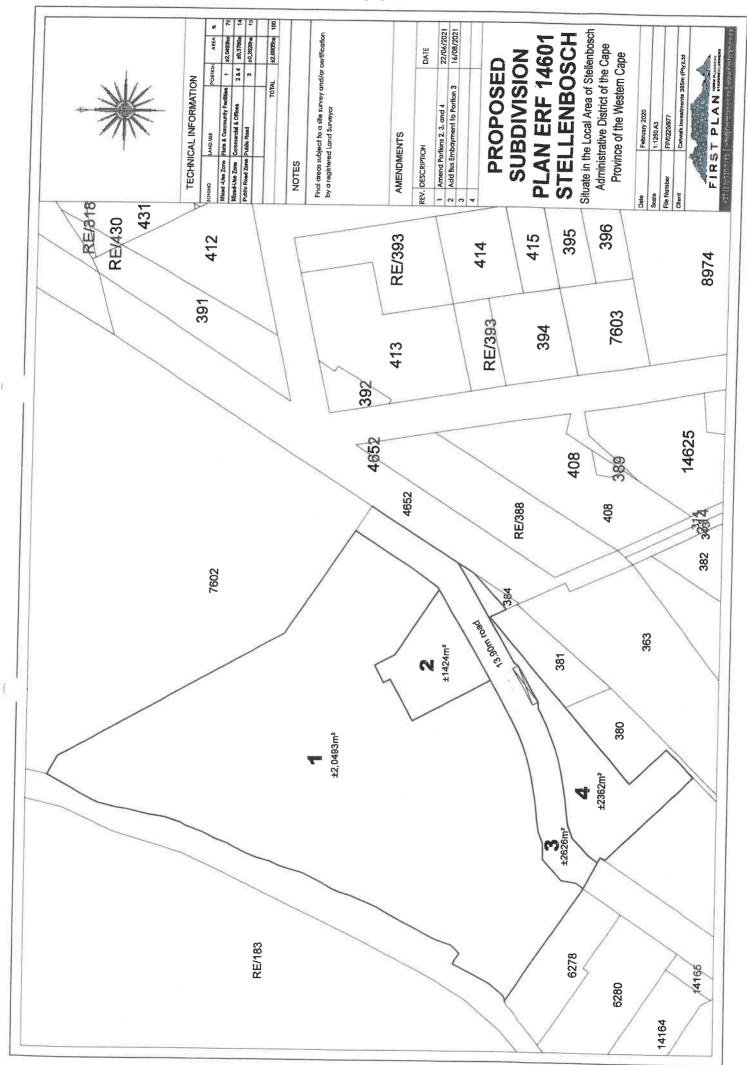








Proposed Subdivision Plan Erf 14601 Stellenbosch



Revised Traffic Impact Assessment

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

Contact Person: Piet van Blerk

Your Ref:

Erf 14601, Stellenbosch

Our Ref:

iCE/S/849A

GROUP (Pty) Ltd.

Date: 10 August 2021

First Plan Town and Regional Planners

P.O. Box 15865 PANORAMA

7506

Attention: Ms Christine Havenga

Madam

APPLICATION FOR SUBDIVISION AND REZONING OF ERF 14601, STELLENBOSCH: TRAFFIC IMPACT ASSESSMENT

This company was appointed to prepare a Traffic Impact Assessment (TIA) for the proposed development on Erf 14601, Stellenbosch.

1. BACKGROUND AND LOCALITY

The subject property is situated to the northeast of the existing Bosman's Crossing Square-development, Stellenbosch. See the attached *Locality Plan*.

According to information the property is zoned Industrial Zone with a permitted bulk of $80\,715~\text{m}^2$ under the primary rights, with approximately $12\,000~\text{m}^2$ thereof developed and operational as industrial buildings.

Previous TIAs were compiled by this company for development proposals on the subject property, with the latest dated 12 February 2013 (Ref: iCE/B/849).

As far as could be established, the Saw Mills- and Bosman's Crossing Erf 15804 (previously Erven 14163 & 14164)- development applications have been submitted/approved in the area. The TIAs for the said developments were thus considered for the purpose of traffic analyses. The adjacent Erf 6201 is also currently under construction, which, according to information obtained from Stellenbosch Municipality, will be 4 854 m² GLA offices. The location of the said developments is indicated on the attached *Locality Plan*.

This TIA accompanies the Application for Subdivision and Rezoning of Erf 14601, Stellenbosch.

Consulting Services

- Civil Engineering Services
- Roads
- Traffic Engineering

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



2. PROPOSED DEVELOPMENT

2.1 Proposed Development

The proposed development on the subject property will include the following:

Residential

Business

1-Bedroom/Studio Apartments: 44 units

Offices (Manor House): 592 m2

2-Bedroom Apartments: 99 units

Retail (Shed): 205 m²

3-Bedroom Apartments: 116 units

Restaurant (Shed): 479 m²

Clubhouse (Mill House): 85 m²

The proposed clubhouse will be a private amenity to the residential scheme. See the attached **Site Development Plans** prepared by **Boogertman and Partners Architects**.

2.2 Access to the Property

Access to the property is currently obtained from Distillery Road, where the said road terminates. The access-position is proposed to remain. See the photo below. Detail on access will be further discussed in *paragraph 4*.



Photo 1: Existing access to the subject property

3. TRAFFIC

3.1 Available Traffic

Traffic counts were previously conducted at the Adam Tas Road/Oude Libertas Street- and Oude Libertas Street/Distillery Road/Flamingo Road intersections on Thursday, 3 August 2017 from 06h00 to 08h00 and again from 16h00 to 18h00. The peak hour volumes derived from these counts are indicated in *Figure 1* attached.



3.2 Traffic Growth

Historic peak hour traffic counts at the Adam Tas Road/Oude Libertas Street intersection were obtained from a previous project in the area. From the said counts, an average traffic growth rate of 2% per annum was calculated along Adam Tas Road, with peak hour traffic along Oude Libertas Street remaining relatively constant. A 2% per annum growth in traffic along Adam Tas Road was thus applied. For the purpose of traffic analyses, a five-year projection was applied. The available 2017 peak hour volumes were thus increased by 2% per annum for eight (8) years to obtain 2025 peak hour volumes.

To account for surrounding development in the area, the traffic that can potentially be generated by the Saw Mills- and Erf 15804-developments (as per their respective TIAs) and the adjacent Erf 6201-development (based on its GLA as obtained from Stellenbosch Municipality), were added to the traffic volumes as discussed above, to obtain the estimated 2025 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 applied to calculate the peak hour traffic that can potentially be generated by the proposed development. The following rates were applied:

Land use	Rate	In/Out	Rate	In/Out	
Townhouse	0,85 trips per unit	25/75	0,85 trips per unit	70/30	
Single Dwelling	1,0 trip per unit	25/75	1,0 trip per unit	70/30	
Restaurant	n/a		8,0 trips per 100 m ²	65/35	
Offices	2,1 trips per 100 m ²	85/15	2,1 trips per 100 m ²	20/80	
Retail*	4,0 trips per 100 m²	65/35	22,67 trips per 100 m ²	50/50	
*Based on the TMH17 formulas: $0.6 \times \left[1 + \frac{6}{1 + m^2/3500}\right] & 3.4 \times \left[1 + \frac{6}{1 + m^2/3500}\right]$					

For the purpose of trip generation calculations, the townhouse trip generation rate was applied to the one-bedroom apartments, whilst the single dwelling unit rate was applied to the two- and three-bedroom apartments.

The TMH17 further suggests trip generation adjustment factors for mixed use developments. For the retail- and restaurant uses a 10% reduction is suggested, and for the office use 20%.

Based on the above, the peak hour traffic that can potentially be generated by the proposed development was calculated as follows:

	AM Peak Hour Trips		PM Peak Hour Trips		Trips	
Land use	Total	In	Out	Total	In	Out
One-bedroom (44 units)	37	9	28	37	26	11
Two-bedroom (99 units)	99	25	74	99	69	30
Three-bedroom (116 units)	116	29	87	116	81	35
Retail (205 m² GLA)	8	5	3	42	21	21
Offices (592 m² GLA)	10	8	2	10	2	8
Restaurant (479 m² GLA)	0	0	0	34	22	12
	270	76	194	338	221	117

As mentioned in *paragraph 1*, TIAs were previously compiled for development proposals on the subject property. The latest TIA contained a potential trip generation of 276 AM peak hour trips (80 in, 196 out) and 339 PM peak hour trips (232 in, 107 out). The existing industrial rights mentioned in *paragraph 1* above, has the potential to generate 484 peak hour trips (based on the trip generation rate contained in the TMH17). The potential peak hour traffic as calculated above can thus be expected to have a lesser impact on the external road network than the industrial rights.

3.4 Traffic Distribution

From the subject property, the proposed development-traffic was distributed towards the Adam Tas Road/Oude Libertas Street intersection via Distillery Road and Oude Libertas Street. At the Adam Tas Road/Oude Libertas Street intersection, the proposed development traffic was distributed to/from Adam Tas Road based on the existing directional split in traffic at the said intersection. See the distributed peak hour traffic in *Figure 3* attached.

3.5 Traffic Analysis

Traffic analyses of the intersections were done by means of the Sidra Intersection 8.0 software. Link volumes were analysed based on the Highway Capacity Manual method. Service levels A to D are considered acceptable, with D the critical. In congested areas, service level E is also considered acceptable.

The intersections analysed consist of lane layouts as follows:

Adam Tas Road/Oude Libertas Street intersection:

This intersection is currently signalised with dedicated right-turn lanes on the Adam Tas Road-approaches. See the lane layout below.

The Erf 15804-development's Conditions of Approval include the construction of a dedicated left-turn lane along the western Adam Tas Road-approach, and the extension of the existing dedicated right-turn lane along the eastern Adam Tas Road-approach. A Services Agreement was signed between Stellenbosch



Municipality and the Developer of the said development to implement the required upgrades in lieu of Development Contributions.

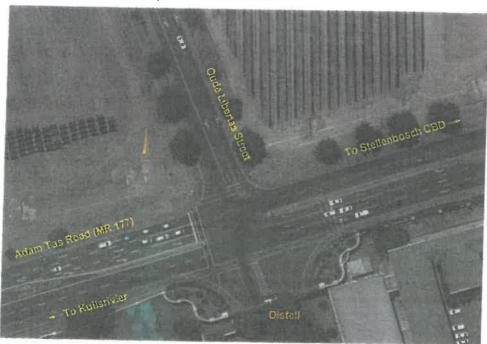


Photo 2: Existing Adam Tas Road/Oude Libertas Street intersection lane layout

Oude Libertas Street/Distillery Road/Flamingo Road intersection:

This intersection is currently a T-intersection, with stop-control on the right-turn movement on the Distillery Road-approach, yield-control on the left-turn movement on the Distillery Road-approach, as well as the right-turn movement on the Oude Libertas Street-approach and the Flamingo Road-approach. Free-flow conditions are experienced on the Oude Libertas Street-approach towards Flamingo Road. See the lane layout below.

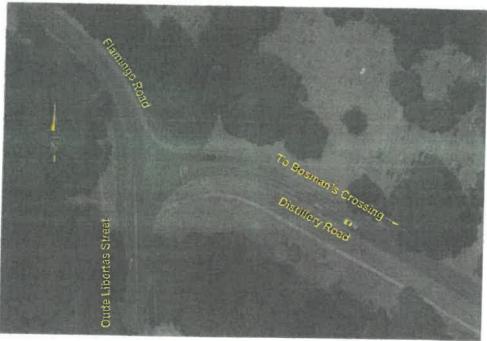


Photo 3: Existing Oude Libertas Street/Distillery Road/Flamingo Road intersection lane layout



3.5.1 Analysis of Available Peak Hour Volumes (excluding proposed development)

Adam Tas Road/Oude Libertas Street intersection:

According to the Sidra analyses, intersection levels of service C were experienced at this intersection during the available peak hours, with acceptable service levels D and above experienced on all movements.

It was noticed on-site (at the time of the traffic counts) that, although relatively congested during peak times, unacceptable service levels are not yet experienced.

Oude Libertas Street/Distillery Road/Flamingo Road intersection:

According to the Sidra analyses, acceptable service levels A and above were experienced at this intersection during the available peak hours.

3.5.2 Analysis of Estimated Peak Hour Volumes (excluding proposed development)

Adam Tas Road/Oude Libertas Street intersection:

As previously mentioned, upgrades to this intersection are to be implemented with the development of Erf 15804. With the said upgrades in place, services levels F can be expected along Adam Tas Road (eastbound) during the estimated AM peak hour, and along Adam Tas Road (westbound) during the PM peak hour. Unacceptable service levels are also anticipated on the left-turn movement on the Oude Libertas Road-approach and on the right-turn movement on the eastern Adam Tas Road-approach. To accommodate the large turning volumes, a second dedicated left-turn lane on the Oude Libertas Road-approach is suggested. An additional dedicated right-turn lane could in future be considered on the eastern Adam Tas Road-approach. As discussed in the TIA for the Saw Mills development, to accommodate the background traffic, a third through lane along Adam Tas Road (eastbound) is required irrespective of any developments in the area, or a bypass such as the potential Stellenbosch Western Bypass Road as alternative.

It can thus be concluded that to accommodate the estimated 2025 peak hour traffic volumes (background traffic including surrounding development) at the Adam Tas Road/Oude Libertas Street intersection, the Erf 15804-upgrades will be required, as well as a second dedicated left-turn lane on the Oude Libertas Road-approach, and that consideration be given by the Road Authorities to a third through lane along Adam Tas Road, or a bypass road (as per the Saw Mills-recommendations).

Oude Libertas Street/Distillery Road/Flamingo Road intersection:

With the addition of the surrounding development traffic, upgrades to this intersection will be required to accommodate the additional turning movements to/from the Bosman's Crossing area. To accommodate the said traffic, either a roundabout or traffic signals is considered necessary at this intersection. As result of the topography and the existing trees, however, a roundabout does not seem to be a viable option. It is thus suggested that traffic signals at this intersection be considered. The provision of traffic signals will also address the existing sight distance issues at the intersection.

With traffic signals, acceptable service levels can be expected on all movements during the estimated peak hours.

It can thus be concluded that to accommodate the estimated 2025 peak hour traffic volumes (background traffic including surrounding development) at the Oude Libertas Street/Distillery Road/Flamingo Road intersection, the provision of traffic signals be considered.



3.5.3 Analysis 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 2025 peak hour volumes, i.e. background traffic (*Figure 2*) to obtain the expected 2025 peak hour volumes (*Figure 4*).

With the addition of the proposed development traffic, similar results can be expected at the Adam Tas Road/Oude Libertas Street- and Oude Libertas Street/Distillery Road/Flamingo Road intersections, as discussed above (estimated peak hours).

It can thus be expected that the upgrades required to accommodate the background traffic should be sufficient to accommodate the addition of the proposed development traffic.

4. GEOMETRY

As previously mentioned, access will be obtained from Distillery Road, via Oude Libertas Street. According to information, both are classified as Class 4-roads.

Provision has been made should the overall road network require a link between the existing Bosman's Crossing area and George Blake Road — as previously mentioned, Distillery Road currently terminates at the subject property boundary. A future road link to George Blake Road will thus be via the subject property (and via the Bergkelder Site). During a meeting held at Stellenbosch Municipality on Thursday, 23 January 2020, with messrs Johan Fullard, Nigell Winter and Roscoe Bergstedt, and our mr Piet van Blerk and ms Yolandi Obermeyer, it was agreed that a 13 metre road reserve will suffice for this future road link traversing the subject property. The said road reserve is to accommodate a 7,4 metre blacktop road, with minimum 2,4 metre NMT-facilities along both sides of the road (wider where additional space exists within the road reserve).

The existing bridge across the river has limitations with regard to capacity. According to information, consultants have been appointed by Stellenbosch Municipality to investigate the upgrades required to improve the bridge across the river (along Distillery Road), which currently provides the only access to the Bosman's Crossing area.

Three accesses are proposed along the road traversing the subject property. Access to the residential portion and access to the commercial portion are proposed opposite one another, with access to the remaining commercial portion \pm 80 metres east thereof. To address traffic calming along this road, it is suggested that the two access-intersections be raised.

Security controls (gates/booms) are proposed to the residential portion only, which will be set back 20 metres from the edge of the road traversing the property. Two lanes in (3,0 metres wide each) and one lane out (4,2 metres wide) will be provided at the said security controlled access. This is considered sufficient to accommodate emergency vehicles (4,0 metres required). The accesses to the two commercial parking areas will not be security controlled, therefore stacking at these accesses should not be problematic.

Internal circulation will be via the isle widths provided behind parking bays, which measure 7,0 metres and thus considered sufficient to accommodate the two-way traffic expected on-site.

Refuse rooms are proposed at the accesses along the road traversing the subject property, with accompanying embayments for refuse vehicles. The intention is that in future, when the said road is extended up to George Blake Road, the proposed embayments function as public transport embayments as well. Ultimately, refuse vehicles will be able to continue along the proposed road traversing the subject property. Until such a time that the said road is constructed up to George Blake Street, space will be available for refuse vehicles to turn, at the point where the road



initially terminates. According to the developer, it is the intention that refuse removal be handled privately.

5. PARKING

5.1 Parking Requirement

The parking requirements for the proposed land uses as contained in the Stellenbosch Municipality Zoning Scheme Regulations (2019), are as follows:

Flats* 1- & 2-bedroom

1,5 bay/dwelling unit

3-bedroom

1,75 bays/dwelling unit

4 or more-bedroom

2,0 bays/dwelling unit

Commercial

4,0 bays per 100 m² GLA

Based on the said rates, the following parking requirement will be applicable:

Residential	Units	Bays	Business	GLA	Bays
1-Bedroom Apartments 44		66,0	Offices	592	23,68
2-Bedroom Apartments 99		148,5	Retail	205	8,20
3-Bedroom Apartments 116		203,0	Restaurant	479	19,16
Subtotal		417,5		Subtotal	51,04
Total				468,5	4 ≈ 469

5.2 Parking Provided

Parking is proposed at-grade, with the majority of parking to the residential units at semi-basement level below the residential buildings. As per the attached plans, 420 bays will be provided on the residential portion of the development and 48 bays on the business portion of the development, i.e. 468 bays total.

Spaces for the accommodation of bicycle parking/storage is indicated on the attached plans, over and above the required parking. Furthermore, similar to the reduction in trip generation as result of the mixed-use concept, it can be expected that fewer vehicular parking bays would be required on the commercial site as it can be expected that residents of the proposed development (as well as surrounding residents) would walk to the commercial facilities. Based on the shared parking principles of the *Access Management Guidelines* (AMG) of *Western Cape Government* (WCG), maximum parking bays required in this node (residential plus commercial) calculates to 433 bays.

Based on the above, the total parking provided is considered sufficient.

5.3 Parking Dimensions/Layout

Parking bays provided consist of dimensions in line with normal parking standards, i.e. 2,5 by 5,0 metre bays, with bays adjacent to walls 2,85 metres wide. Parking bays adjacent to columns measure 2,5 metres in width from the face of the columns, which is acceptable. Parking bays accessible to the physically disabled consist of 3,5 metre widths, which is in line with SANS 10400. The isle widths provided behind 90-degree parking bays are minimum 7,0 metres, which is considered sufficient. Four (4) parking bays are provided at an angle along the exit lane of the residential



^{*}These rates include 0,5 bays/dwelling unit for visitors

access - the isle width behind these bays (4,2 metres) is sufficient for angled parking (45-degrees) along a one-way section.

6. PUBLIC AND NON-MOTORISED TRANSPORT (NMT)

6.1 Non-Motorised Transport

An NMT-path exists along the south western side of Distillery Road, which links with the NMT-facility along Adam Tas Road ('Cape Winelands NMT Route') to the southwest of the road-over-river bridge. The only means of crossing the river is thus the said bridge.

A pedestrian bridge over the railway line, and possibly over Adam Tas Road, is planned. This bridge will be an important link between Bosman's Crossing and the eastern side of the railway line in order to provide a more direct (and shorter) route for NMT towards Stellenbosch CBD. According to information, the said bridge was also included in the proposal to dual Lower Dorp Street (as part of the heritage application). The schematic position of the bridge is indicated below – the means of connecting with the facilities along Adam Tas Road is not yet final (i.e. stairs/ramps/etc.).



Diagram 1: Schematic position of NMT bridge over the railway line to directly link the Bosman's Crossing area with the existing NMT along Adam Tas Road

As discussed in *paragraph 4* above, NMT-facilities of minimum 2,4 metres (as agreed upon with Stellenbosch Municipality) will be allowed for along both sides of the extension of Distillery Road, traversing the subject property. The proposed development will thus be linked to the existing NMT routes in the area.

On-site pedestrian accommodation is by way of paths linking the residential buildings to the clubhouse and to the external NMT-facilities.

6.2 Public Transport

The main public transport modes serving Stellenbosch are rail, minibus taxi (MBT) and e-hailing services such as Uber.

The Stellenbosch Railway Station is situated directly opposite the subject property however the railway station is not accessible in the absence of a bridge over the railway line.



The proposed NMT bridge will provide direct access to the railway station which, in turn, acts as a hub for, and links in with the Stellenbosch Public Transport.

As far as could be established, no further public transport facilities exist in the immediate vicinity of the proposed development. As indicated on the attached plans, embayments are proposed along the proposed road traversing the subject property. As mentioned in *paragraph 4* above, space will be available to turn where the said road initially terminates.

7. CONCLUSIONS

The following can be concluded from the report:

- That the TIA accompanies the application for subdivision and rezoning of Erf 14601, situated to the northeast of the existing Bosman's Crossing Squaredevelopment, Stellenbosch;
- That according to information, the property is zoned Industrial, with permitted bulk of 80 715 m² under the primary rights, with approximately 12 000 m² thereof developed and operation as industrial buildings;
- 3) That the development is proposed to consist of 259 apartments (one-, two-and three-bedroom) with accompanying clubhouse, as well as 1 276 commercial space (offices, retail, restaurant), with access from Distillery Road, where the road currently terminates;
- 4) That the proposed development has the potential to generate 270 AM peak hour trips (76 in, 194 out) and 338 PM peak hour trips (221 in, 117 out), which will have a lesser impact on the external road network than the industrial rights;
- 5) That to accommodate the background traffic:
 - Adam Tas Road/Oude Libertas Street intersection: A second dedicated left-turn lane on the Oude Libertas Street-approach be provided, and consideration be given by the Road Authorities to a third through lane along Adam Tas Road, or a bypass road (both as per the Saw Millsrecommendations);
 - b) Oude Libertas Street/Distillery Road/Flamingo Road intersection: The provision of traffic signals be considered;
- That to accommodate the proposed development-traffic, no upgrades additional to those required to accommodate the background traffic is considered necessary;
- 7) That provision has been made should the overall road network require a link between the existing Bosman's Crossing area and George Blake Road by way of a future road link (extension of Distillery Road) to George Blake Road via the subject property (13 metre road reserve as agreed upon with Stellenbosch Municipality: 7,4 metre blacktop road with minimum 2,4 metre NMT facilities along both sides);
- 8) That the existing bridge across the river, currently the only access to the Bosman's Crossing area, has limitations with regard to capacity, but that according to information, consultants have been appointed by Stellenbosch Municipality to investigate required upgrades;
- 9) That three accesses are proposed to the development portions along the road traversing the subject property: access to the residential portion and to a commercial portion opposite one another, with access to the remaining commercial portion ± 80 metres east thereof;
- 10) That security controls are proposed to the residential portion only, set back 20 metres from the edge of the road traversing the property, with two lanes in (3,0 metres wide each) and one lane out (4,2 metres wide);



- 11) That internal circulation will be via the isle widths provided behind parking bays, which measure 7,0 metres and thus considered sufficient to accommodate the two-way traffic expected on-site;
- 12) That refuse removal will be handled privately, and that refuse rooms are proposed at the accesses along the road traversing the subject property, with accompanying embayments for refuse vehicles, with space available to turn until such a time that the road is extended to intersection with George Blake Road;
- 13) That 418 parking bays are required for the residential portion and 51 bays for the business portion, that 420 bays are provided on the residential site and 48 bays on the business site, with facilities for bicycles over and above the requirements, that the parking provided is considered sufficient based on shared parking principles, and that parking bay dimensions are in line with normal parking standards;
- 14) That an NMT-path exists along the south western side of Distillery Road, which links with the NMT-facility along Adam Tas Road ('Cape Winelands NMT Route') to the southwest of the road-over-river bridge, with the only means of crossing the river being the said bridge, that 2,4 metre wide NMT-facilities will be provided along both sides of the extension of Distillery Road traversing the subject property, and that on-site pedestrian accommodation is linked to the external NMT-facilities;
- 15) That a pedestrian bridge over the railway line, and possibly over Adam Tas Road, is planned, which will be an important link between Bosman's Crossing and the eastern side of the railway line in order to provide a more direct (and shorter) route for NMT towards Stellenbosch CBD bridge included in Lower Dorp Street dualling proposal (as part of the heritage application); and
- 16) That the Stellenbosch Railway Station is situated directly opposite the subject property however not accessible in the absence of a bridge over the railway line, and that embayments for public transport are proposed along the road traversing the subject property.

8. RECOMMENDATIONS

From the above the following are recommended:

- 1) That to accommodate the background traffic:
 - Adam Tas Road/Oude Libertas Street intersection: A second dedicated left-turn lane on the Oude Libertas Street-approach be provided; and
 - b) Oude Libertas Street/Distillery Road/Flamingo Road intersection: The provision of traffic signals be considered.

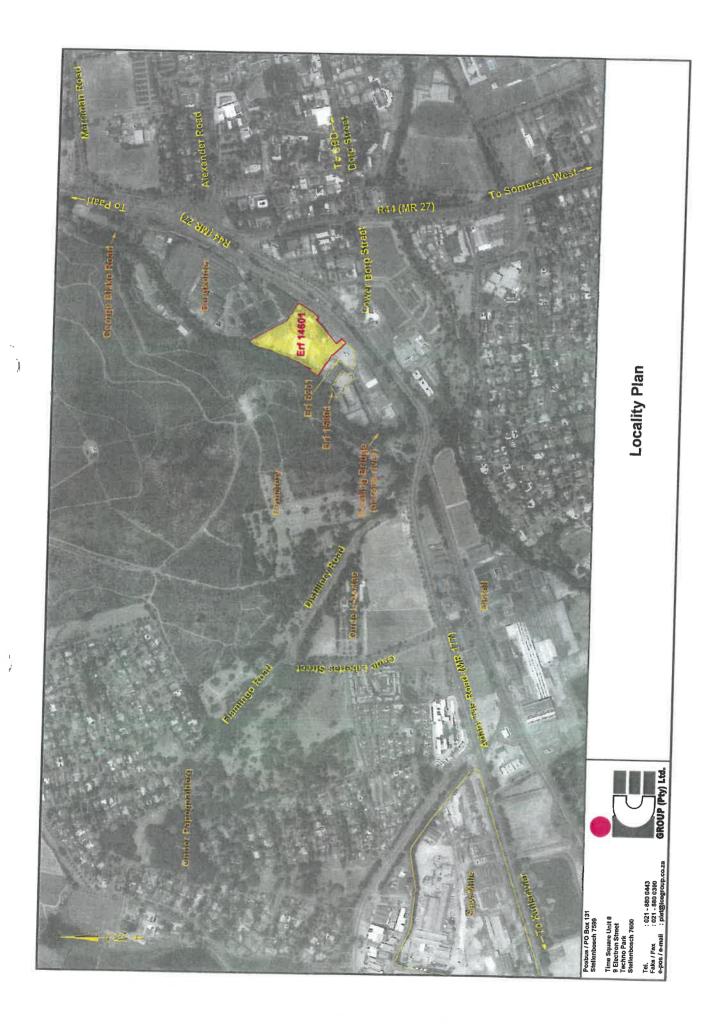
As Adam Tas Road is a Class 2-road, and as the upgrades required are as result of background traffic, it is the opinion that the cost of the recommended upgrades be offset against Development Contributions payable.

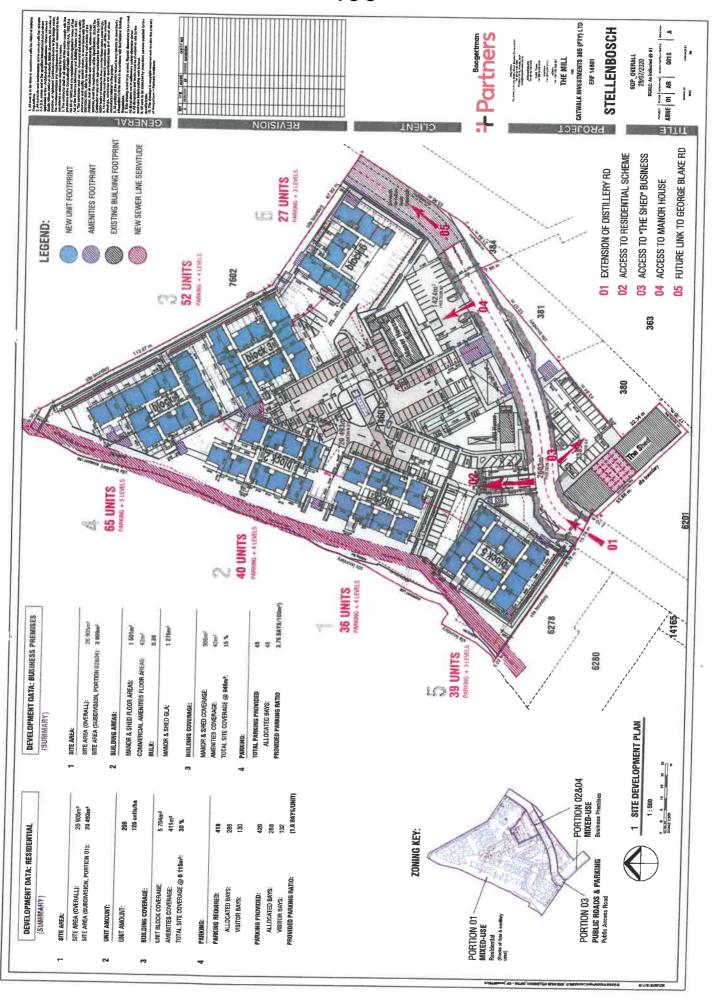
We trust that the Traffic Impact Assessment will be to your satisfaction and will gladly provide any additional information required on request.

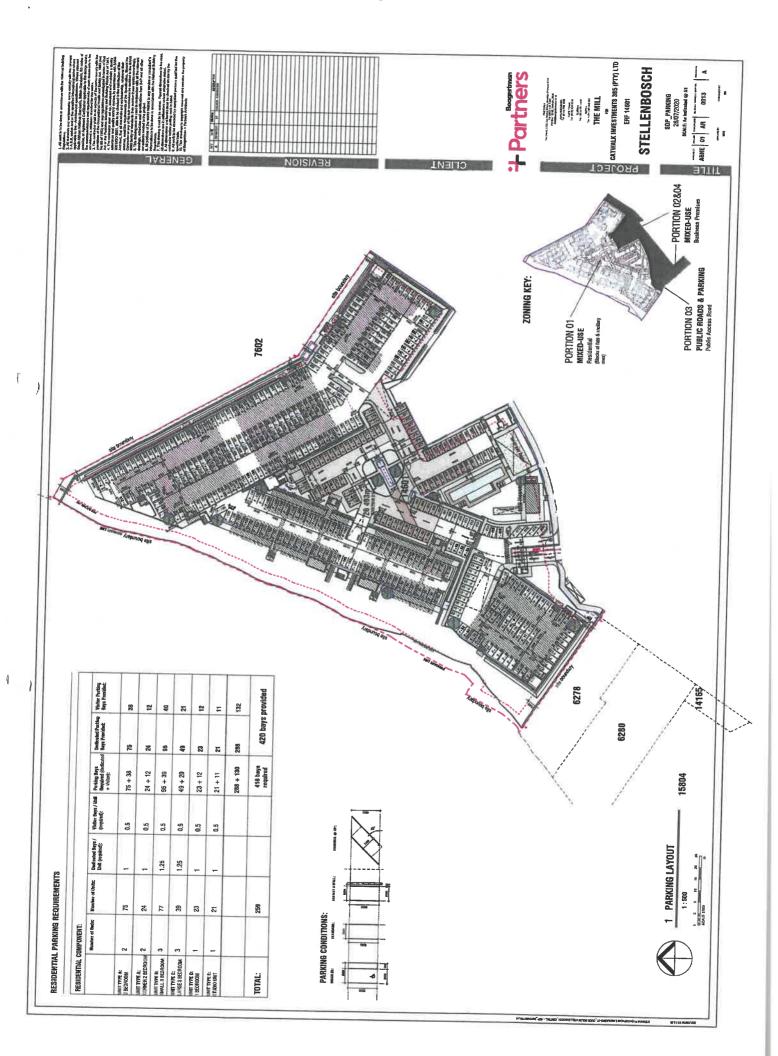
Yours faithfully

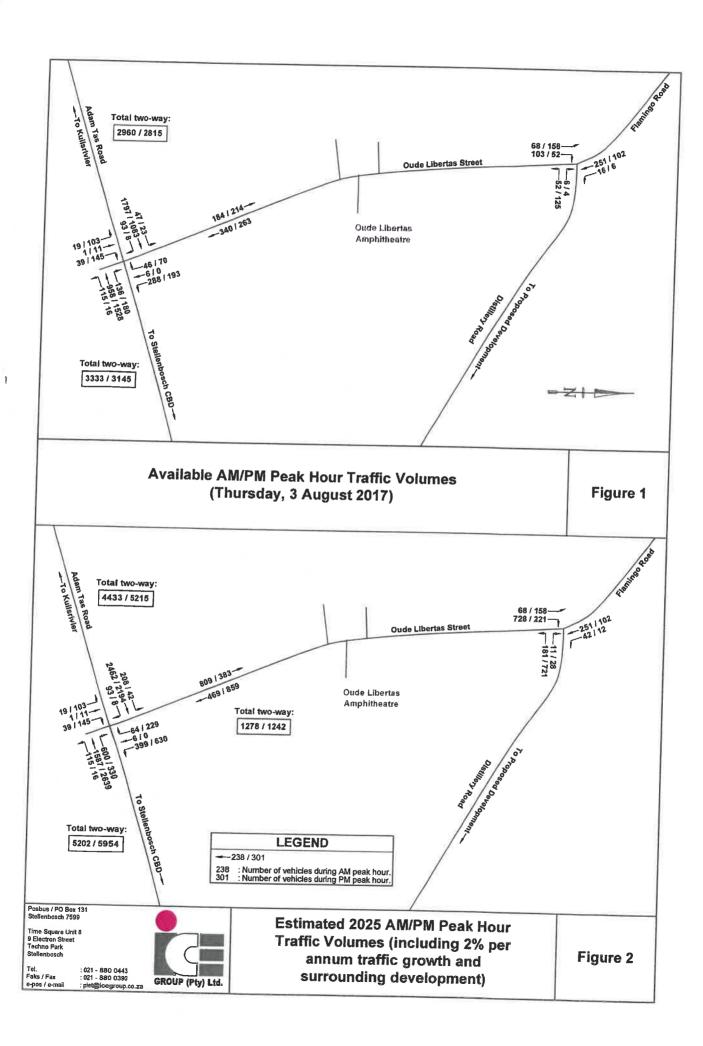
Yolandi Obermeyer (B. Eng Civil) iCE GROUP (STELLENBOSCH)

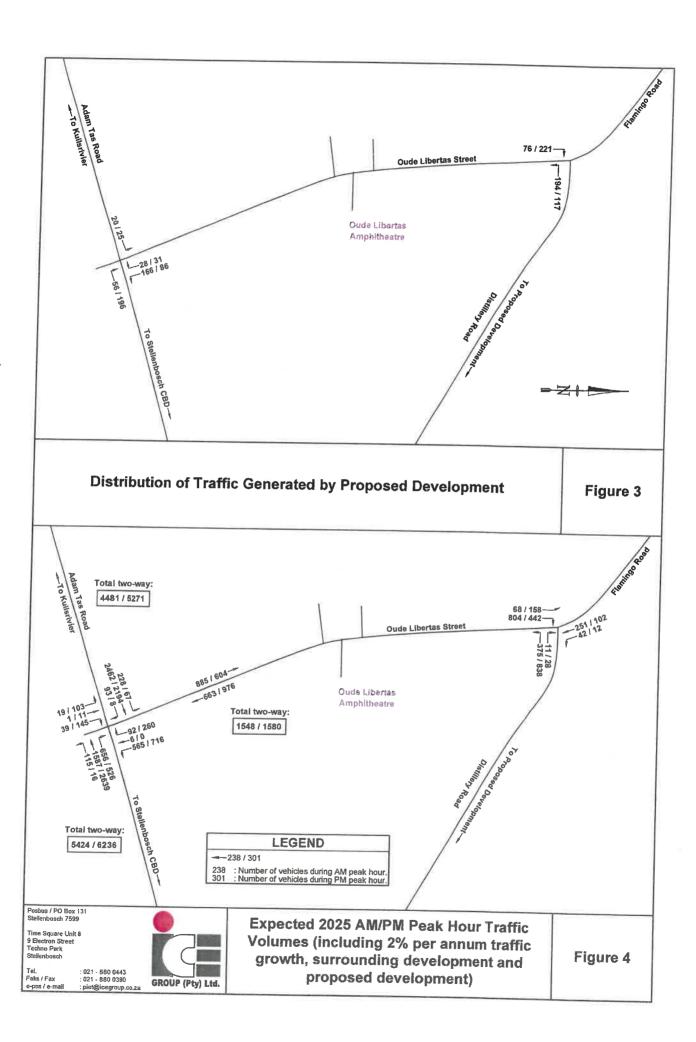


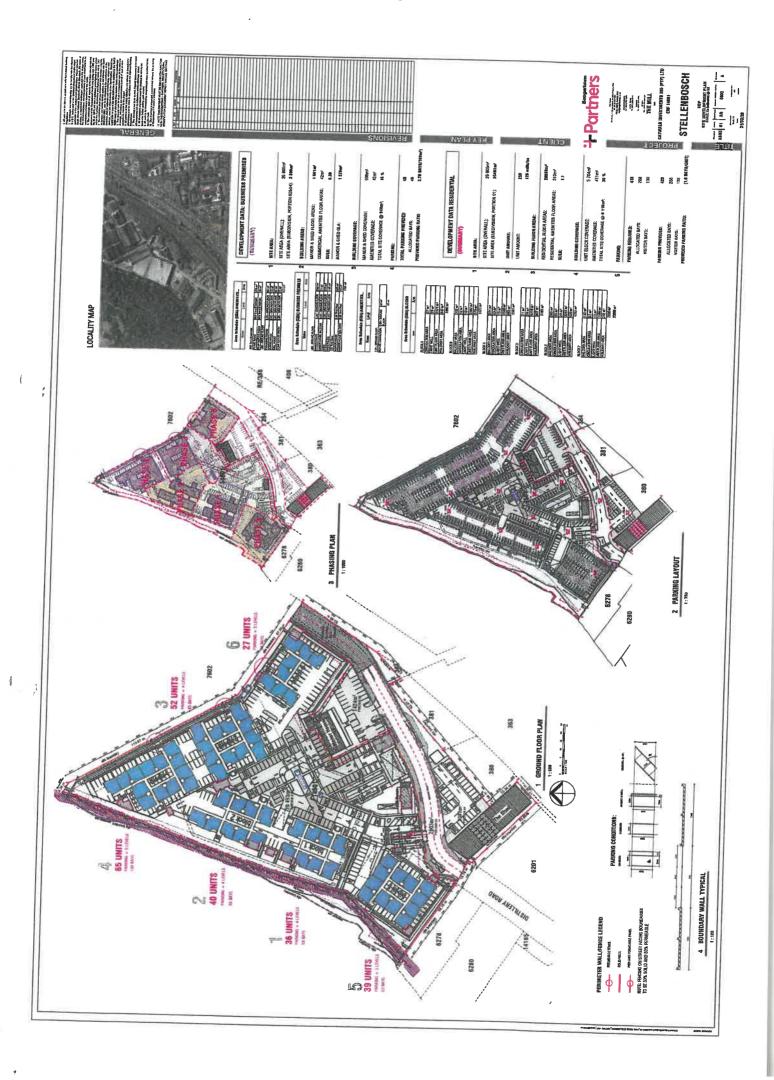


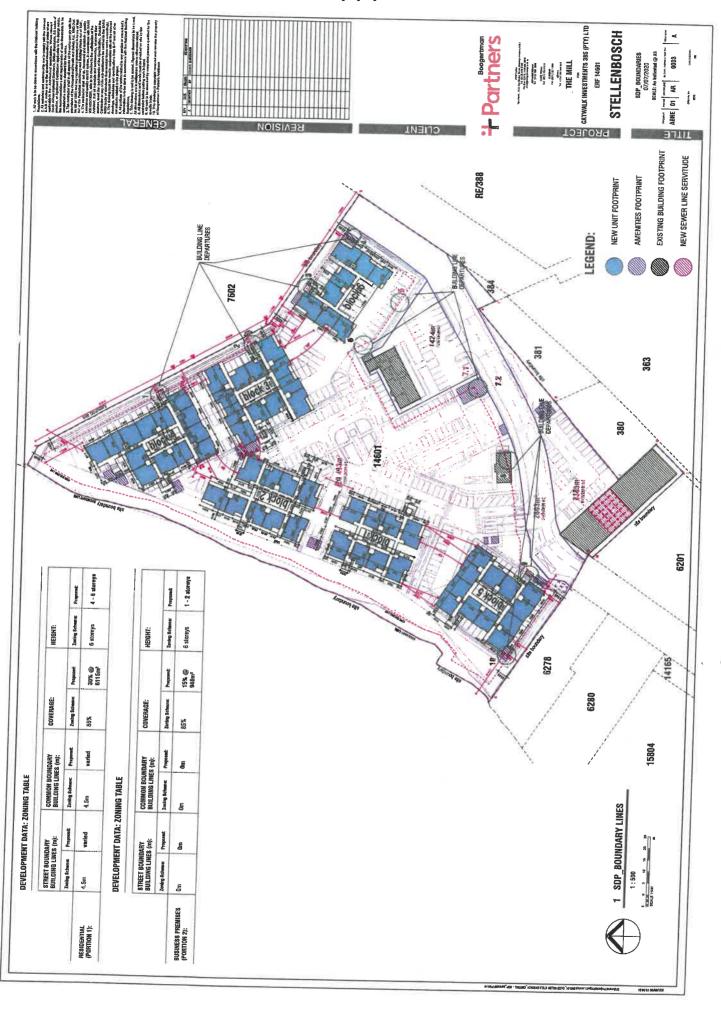


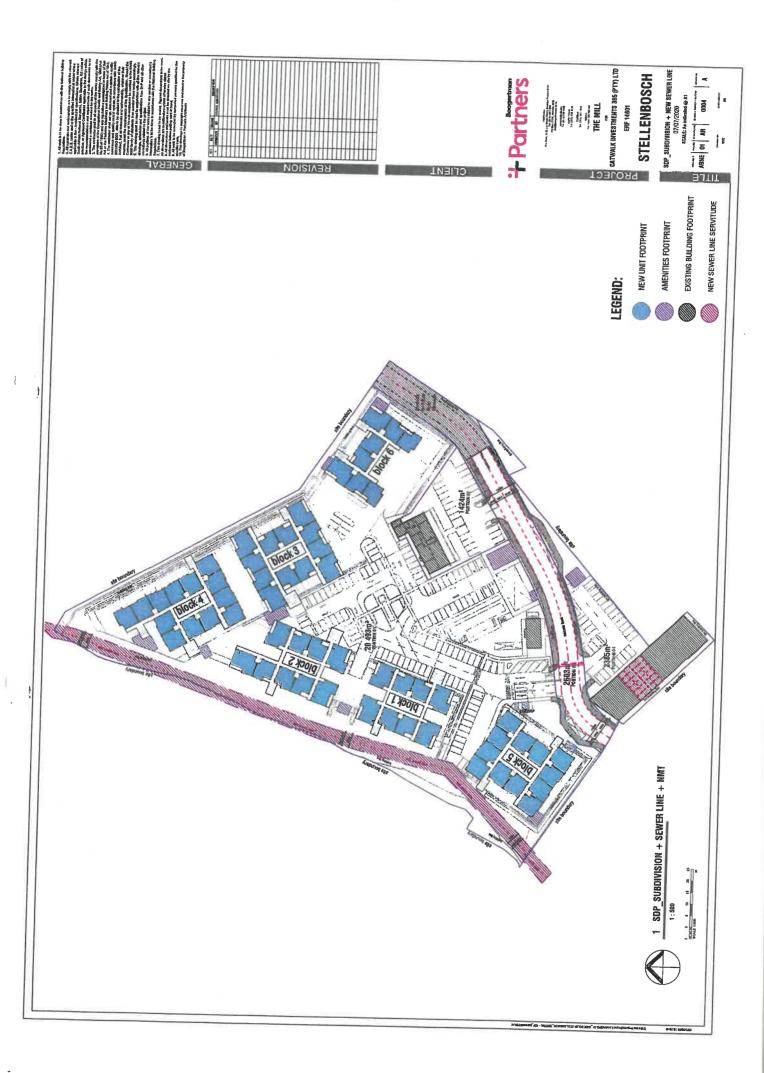


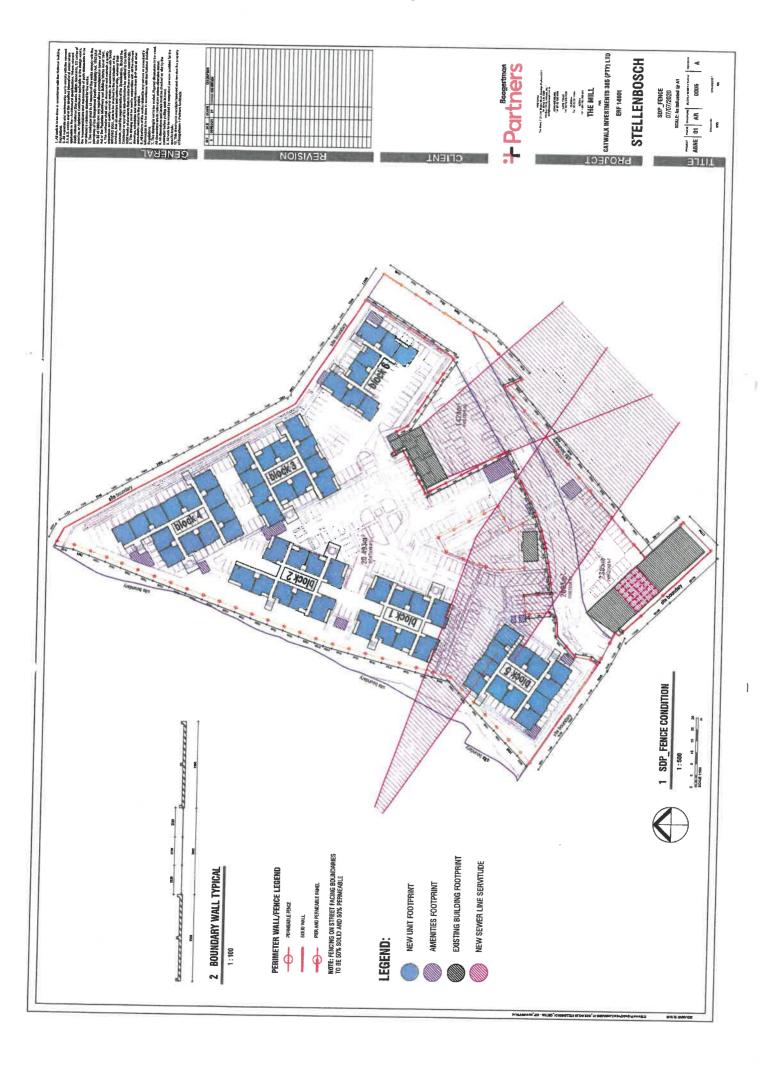


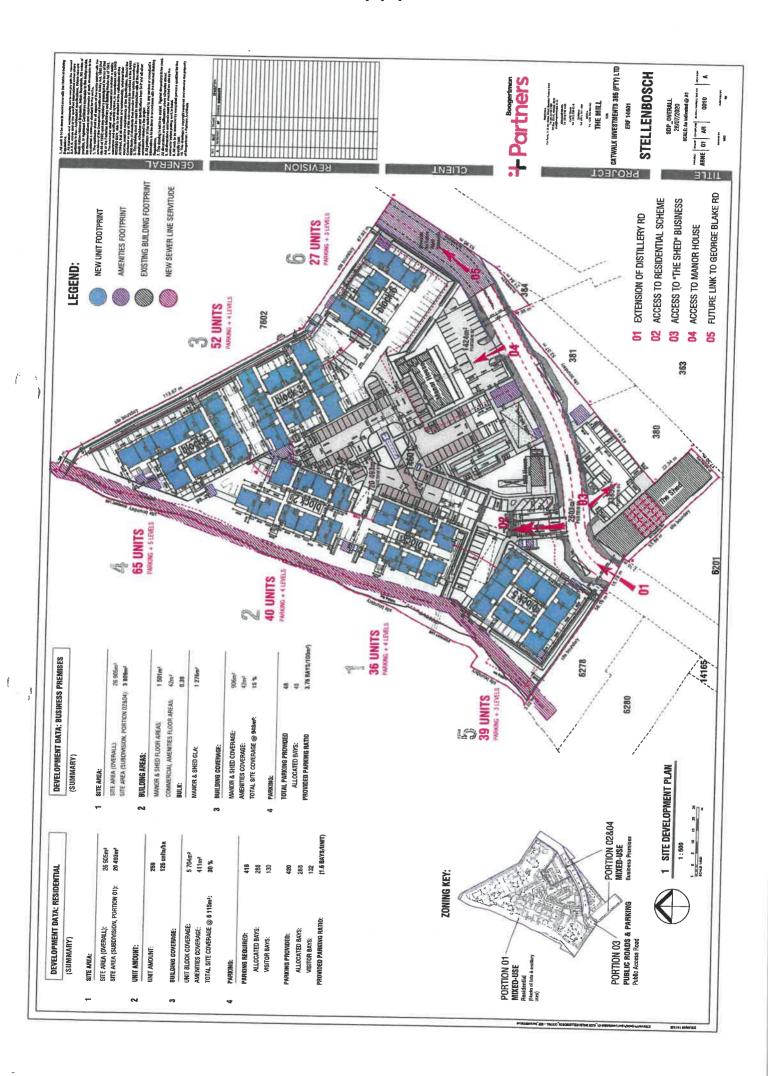


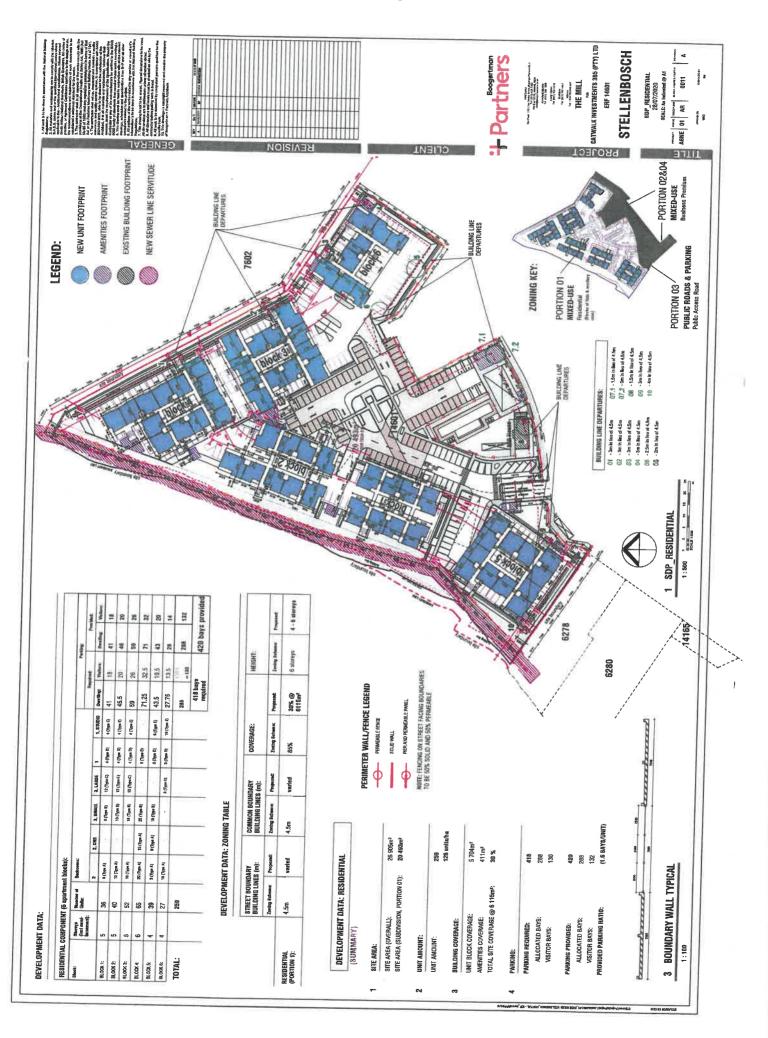


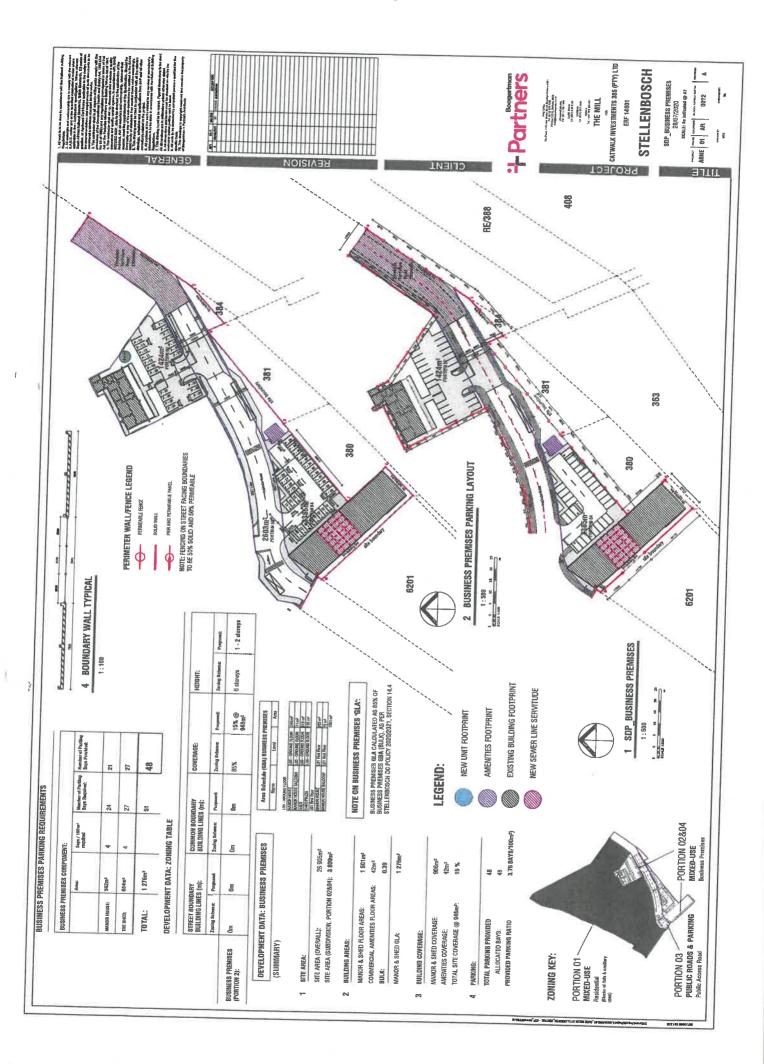


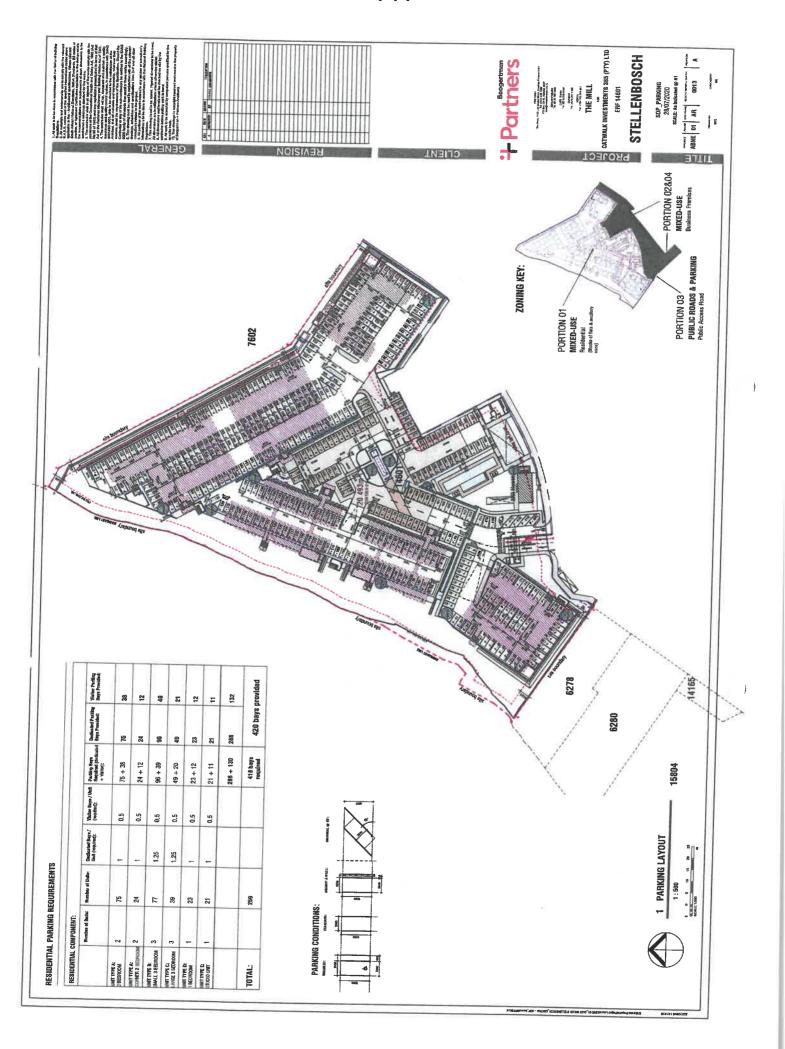






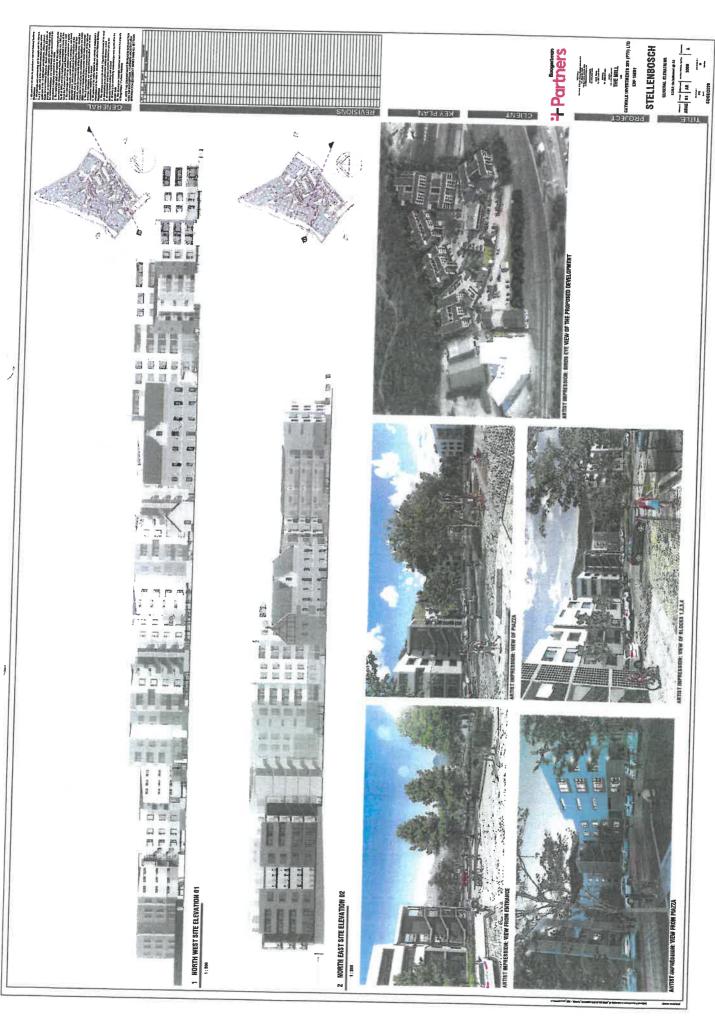












Landscape Site Development Plan





Verw/Ref: FP/0215/772

8 September 2021

:Date/Datum

The Municipal Manager
The Director: Planning and Economic Development
Stellenbosch Municipality
P O Box 17
STELLENBOSCH
7599

Application Number: LU/11/728

Dear Sir/Madam

ERF 14601, STELLENBOSCH (THE MILL)

APPLICATION FOR REZONING, SUBDIVISION, CONSENT USE AND DEPARTURES

- 1. The above mentioned application on Erf 14601 Stellenbosch (The Mill Development) refers.
- 2. The application was advertised in the Eikestadnuus of 26 September 2020 whilst notices by means of registered letters and e-mails were sent out to a number of interested and affected parties identified by the Directorate Planning and Economic Development of the Municipality. —An on-site notice was also put up at the entrance to the site. The commenting period for said application yielded only a single external response, namely from the Stellenbosch Interest Group.

Comments were received from some of the internal departments of Stellenbosch Municipality (Infrastructure Services, Community Services and Spatial Planning) as well as from the Western Cape Provincial Department of Environmental Affairs and Development Planning: Directorate: Development Management.

- 3. Resulting from the comments received, the following documents and plans were amended and revised copies thereof are submitted with this response.
- 3.1 An amended Site Development Plan Package (6 August 2021)
- 3.2 An amended Subdivision Plan (16 August 2021)
- 3.3 An amended Master Landscaping Plan (4 August 2021)

3.4 An amended Traffic Impact Assessment (10 August 2021)

3.5 Final approved Heritage Impact Assessment

- **4.** All these comments are summarized and addressed in the Table on the next page. It should be noted that as the comments from the Municipality's Spatial Planning Section and those of the Directorate Development Management are overlapping it will be addressed simultaneously to prevent duplication in the response.
- 5. The following Appendixes are attached to this letter:

Appendix A: Adopted resolutions and decisions of the meeting of the IACOM of HWC held on 21 July 2021 confirming approval of HIA

Appendix B: Letter of UDS Africa to Directorate Infrastructure Services

Appendix C: Letter of First Plan Town and Regional Planners to Directorate Infrastructure Services

Appendix D: Response to Conditions of Approval of Directorate Infrastructure Services

Appendix E: Response to Site Development Plan Approval Process

Appendix F: Inclusivity Response and Legal Opinion

Appendix G: Response to Non-Motorised Transport

Appendix H: Response Senior Manager Roads, Transport, Stormwater And Traffic Engineering Regrding Pedestrian Crossing Over The Railway Linefor The Bosman's Crossing Area

Appendix I: Balanced Neighbourhood Response

1	EXTERNAL COMMENTS FROM INTERESTED AND AFFECTED PARTIES			
	STELLENBOSCH INTEREST GROUP			
	OBJECTION/COMMENT	RESPONSE		
1.1	The property is of historical significance because it is the site where water from the mill stream watered the fourth mill before joining the Plankenbrug River, and	A Heritage Impact Assessment (HIA) was undertaken by Cindy Postlethwayt and Chris Snelling and submitted to Heritage Western Cape (HWC) in terms of the provisions of the National Heritage Resource Act (NHRA)		
	where the brandy industry in South Africa originated. In view of this historic uniqueness	The HIA addressed the history, the archaeology, heritage context, relevant policy and identified the heritage resources and significance thereof in order to identify the heritage resource indicators and complete the impact accounts.		
	SIG is hesitant that a blanket approval be given at this stage for the proposed development for the following reason: They are concerned that this development has been submitted prior to the finalisation of the	indicators and complete the impact assessment. The HIA was referred back to applicant with comment which comments were addressed through the amendment of the SDP as detailed in the Supplementary report which was tabled and approved by the Impact Assessment Committee (IACOM) at their meeting held on 21 July 2021 – Refer to Appendix A: Adopted Resolutions and Decisions of the Meeting of the IACOM of HWC held on 21 July 2021. A copy of the approved HIA will be provided		
	Adam Tas Corridor Spatial Development Framework. This type of piecemeal planning approach is not conducive to protecting heritage landscapes. They are of the opinion that all the built environment heritage in the	Further to the above he identified heritage resources on the site and the heritage indicators for development on Erf 14601 (Oude Molen node) have been incorporated into the draft Stellenbosch Adam Tas Corridor Local Spatial Development Framework Heritage Considerations prepared by Nicolas Baumnn and Sarah Winter.		
	Adam Tas Corridor should first be identified, mapped and then all proposed newdevelopments (such as this application) should holistically be planned for in the context of the Adam Tas Corridor SDF.	This application was submitted in August 2020 after a long process of consultation with the municipality since 2012. — Refer to Annexure 3 of the Town Planning Motivation Report. It is not reasonable to expect that it be held back until the Adam Tas Corridor Local SDP has been finalized. Consultants have only been appointed at the beginning of 2021.		
		Notwithstanding the above, there was extensive consultation with the consultants appointed for the Adam Tas Local SDF, the Spatial Planning Section of the Municipality as well as adjacent property owners. The Spatial Planning Section of the Municipality has in the meantime prepared some interim guidelines to access current applications along the Adam Tas Corridor. They evaluated the application in terms of these guidelines and submitted a response to the application which will be addressed in pagraph 2.		
		It was further recommended by the ATC project team that the Municipality may consider lead projects to commence development prior to completion and adoption of the individual		

,						
2.	STELLENBOSCH MUNICIPALITY	Precinct Plans of the ATC – if it is considered that the specific project will contribute to the overall development objectives for the area, do not impede future opportunity, and assist in learning about and enabling future roll-out of development in the area. The opinion is held that this project went through an intensive process of negotiation and discussions with all the relevant role players and would play an important role to kick start development within the ATC in a sustainable and positive manner.				
2.1	DIRECTORATE: INFRASTRUCTURE SERVICES					
	An initial comment was received on 30 October 2020 requiring some issues to be addressed and additional information. These issues were addressed and a revised comment dated 19 August 2 was issued confirming support of the application subject to certain conditions of approval. Cop both comments are attached as part of Annexure 9 of the Portfolio of Evidence.					
2.1.1	OBJECTION/COMMENT	RESPONSE				
	Memo dated 30 October 2020 – copy attached as Annexure A, requesting that the applicant address the following issues in order for the application to be further evaluated and/or approved. O Water Network: A water capacity analysis report (GLS) was requested to confirm which bulk water upgrades are triggered by the proposed development O Roads Network: Comments from the Manager: Traffic Engineering, Mr Nigell Winter: with reference to the TIA done by iCE Group (ref: iCE/s/849A) dated 7 July 2020: O Site Development Plan –	All issues raised where satisfactorily addressed by the applicant with amended SDP, Subdivision Plan and TIA having been submitted An updated memo dated 19 August 2021 superceding the initial memo was issued by the Directorate Infrastructre Services – see below.				
	requests to indicate certain elements and dimensions clearly on the SDP					

2.1.2 Memo dated 19 August 2021 – copy attached as Annexure 9.

The development is recommended for approval, subject to the conditions as detailed in the memo.

The applicant wishes to respond to certain of the conditions as follows:

Condition

v. Bosmans Crossing Bridge Repair: The municipality is currently doing structural repairs to this bridge. No construction activities may commence before these repairs have been completed. Building plan approval will therefore not be issued prior to the Senior Manager: Roads, Transport, Stormwater & Traffic Engineering has given the go-ahead.

Response

We seek clarity on the timing of the completion of the structural repairs and the intention of the condition to withhold building plan approval and construction activities.

It should be noted that the property is currently developed as an industrial property within its existing rights which need to be taken into account.

- a. the property currently has approx. 11 200m2 of existing industrial buildings and in accordance with the previous zoning of wine industry the permitted bulk under the primary rights was 60 536 m2 and now 80 715m2 in terms of the Planning By Law.
- b. The traffic impact on the bridge needs to take into account with the proposed change of use and permitted bulk from Industrial to residential & commercial the change of use will place a lesser load on the bridge 6m & 12m container trucks as well as Superlink trucks currently service the property.

The condition should be amended to at least allow for

- a) building plan approval, and
- construction activities to commence prior to the repairs having been completed should an alternative access be identified if necessary

Condition

32. 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;

Response

It is acknowledged that this is a "standard condition" imposed by Infrastructural Services however in this instance the confirmation of the availability of services "lapses" even before the development can proceed in accordance with Condition 4.b Water Network which restricts the development of property until such time as the Papegaaiberg reservoir has been completed which is expected to be in June 2024.

The condition should be amended to 5 years to align with the town planning approval validity period.

Condition

Development Charges

11. that the Development Charges levy to the amount as reflected on the DC calculation sheet, 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.

Response

The applicant is not in agreement with the Development Charge calculation as it is of the opinion that the relevant legislation and as determined by Council's Policy provides for Development Charges "in respect of land development applications which will result in an intensification of land use which in turn leads to an increase in the use of or need for municipal bulk engineering services infrastructure" – the application is well within the existing rights with regards to the municipal bulk engineering services infrastructure.

Notwithstanding the above the DC calculation provides for credit to be given for the existing built infrastructure (not existing rights) – 11 208m2 – based on a classification of "General Industrial – Heavy" which is the incorrect classification for the existing zoning, use and infrastructure on the property.

The existing buildings include 9 470m2 of warehousing and associated office space with the remaining 1 738m2 being other including wine laboratory and the Manor House (661m2).

Credit should be given for the buildings classified as General Industrial – Light or at the very least the Manor House which is to be retained in its's existing format should be credited as Local Business – office and the remaining buildings as Warehousing which appears to be a new classification in terms of the 2021-2022 tariff Book.

2.2 Community Services (Environmental Section)

This department has no objection to the approval of the application subject to:

(A copy of the response is attached as part of Annexure 9 the Portfolio of Evidence)

- All the activities on site, during construction and thereafter, comply with the Western Cape Noise Control Regulations.
- Suitable indigenous vegetation be used for the implementation of the landscaping plan.

A number of alien and alien invasive tree species are found on the eastern and western bank of the relevant section of the Plankenbrug River, some of which presents a potential risk to life and property (due to their position, size and height) should they fall naturally or be felled.

Should the application be approved it may be advisable for the developer to contact the Department: Community Services, Stellenbosch Municipality, and use the opportunity, whilst the site is being prepared for construction and access to the river is improved, to identify trees and biomass to be removed and implement such maintenance work prior to the implementation of the proposed development.

The developer will comply with these conditions of approval.

A Landscaping Plan and plant specie list has been submitted with the application and complies with the requirements with regard to suitable indigenous planting as required by this Directorate. This plan has since been amended to address some issues raised by the Spatial Planning Section and the Provincial Department of Environmental Affairs and Development Planning. This amended Landscaping Plan will be resubmitted to the Municipality.

The applicant has agreed to contact the Department: Community Services, Stellenbosch Municipality, in order to identify trees and biomass to be removed and implement such maintenance work prior to the implementation of the proposed development.

3. Stellenbosch Municipality Spatial Planning (SMSP) and Directorate Development Management (Provincial Government Western Cape) (PGWC)

Both the Spatial Planning Section and the Provincial Directorate of Development Management support the development in principle. It was indicated that being part of the greater ATC, it is essential that, in the absence of a Precinct Plan, the proposed development sets the tone and contributes progressively toward the MSDF vision for the ATC and does not compromise future developments. Copies of these comments are attached as as part of Annexure 9 of the Portfolio of Evidence.

Refer to **Appendix E** for a comprehensive response which can be summarised as follows:

- The rezoning of the property to Subdivisional Area and the approval of the subdivision, departures and consent use without the approval of the SDP is of no benefit to the applicant as the applicant is unable to act hereon.
- The application has been delayed since 2012 by firstly a moratorium on all development applications serviced by the SWWTW due to a lack of capacity at such works and consequently by delays in the

It was recommended that the application for the rezoning to Subdivisional area and the subsequent subdivision, departures and consent use to allow a Place of Entertainment within a Mixed Use Zone be approved, but that the Site Development Plan only be considered later once the issues identified in the reports are addressed appropriately.

In this regard the applicant must address the items listed – 3.1 to 3.6 - below in the SDP.

It was indicated that as a condition of approval of the rezoning the MPT should consider requesting the applicant to demonstrate through the SDP how the development would comply with the MSDF provisions, below adoption of the IZS (finally adopted in November 2019) and clarity on spatial policy which has included the 2016 TOD proposal which was then superseded by the Adam ATC initiative.

- The applicant has repeatedly since 2018 raised their concern that the ATC initiative would delay their development application and has been repeatedly assured that this would not be the case.
- Protracted permission processes and delays in the process are the greatest contribution to the high property prices in Stellenbosch.
- The applicant has considered the comments received and has responded to such comments including the amendment of the SDP in order to address the issues identified.
- The applicant has invested considerable resources in preparing the development application together with the SDP, which amended SDP has already received Heritage approval, and requests that the application for the approval of the amended SDP together with the supporting responses be processed as submitted.

SUMMARY OF COMMENTS

RESPONSE BY DEVELOPER

3.1 Inclusivity

SMSP - How will the development contribute substantially inclusivity of infill housing opportunity - referring to the extent to which the housing is provided for different income and demographic groups? It is questioned if the increased density will support and promote inclusionary housing and particularly the notion of integrating communities.

PGWC - Demonstrate through the SDP how the development would satisfy - The inclusivity of infill housing opportunity – referring to

Refer to Appendix F for a comprehensive response which can be summarised as follows;

- "Inclusionary housing" is topical however the only reference to Inclusionary Housing in the MSDF is the need to develop an Inclusionary Housing Policy and Guidelines – which the Municipality has not done
- "inclusivity of infill housing opportunity", as referenced in the MSDF, is defined by the Municipality as " referring to the extent to which the housing is provided for different income and demographic groups"
- The proposed development is a general residential development which is not targeted at a specific demographic group but will provide housing opportunities for all

the extent to which the housing provides for different income and demographic groups – whether as part of the Adam Tas Corridor or.....(p67)

SMSP - Proposals as to broaden the range of housing typologies, enabling access for a range of income groups

PGWC - Expand housing opportunity for a broader range of groups - including lower income groups and students - particularly in settlements forming part of the ATC.

demographic groups irrespective of age, gender, occupation, nationality, ethnic background, sexual orientation etc.

- The diverse range of housing typologies will enable access to a range of income groups.
- The applicant's offer of a subsidised affordable housing component was rejected outright by the Western Cape Government and by Stellenbosch Municipality as being inadequate and by the Municipality failing to adhere to regulatory timeframes in processing the application.
- The Municipality cannot force the applicant to include more "inclusionary housing units", as
 - The Draft Western Cape Inclusionary Housing Policy Framework (DWCIHPF) which aims to provide the legal framework and policy basis for municipal inclusionary housing policy and prescribes what has to be done prior to the introduction of a municipal Inclusionary Housing Policy has yet to be approved and adopted.
 - In the absence of a policy there is no clear policy direction and there are no guidelines or norms and standards against which to evaluate inclusivity – how does one demonstrate compliance with a non-existent "standard" – in accordance with the Planning By-Law "Conditions requiring a standard to be met must specifically refer to an approved or published standard"
 - The 2019 MSDF fails to identify the designated areas where a national or provincial inclusionary housing policy may be applicable, as required by SPLUMA and referred to in the DWCIHPF.
- The applicant sought legal opinion in order to get clarity on the comments and recommendations of the WCG & Municipality – the opinion concluded that the Municipality could not lawfully refuse the current land use applications based on its interpretation of municipal policy (the MSDF) if the applicant was not prepared to amend its development proposals to provide for more "inclusionary housing units".
- Notwithstanding the above the proposal has been amended to further broaden the range of housing typologies by including studio & one bedroom apartments, as requested, enabling access to a greater range of income groups in order to contribute to the inclusivity of housing opportunities as requested.

3.2 Promote Non Motorised Transport

PWCG - Given the limited income of a large proportion of the population, a settlement structure and form prioritizing walking and public and NMT, should be pursued (Table 12)

SMSP - How the development of the property as part of the ATC will provide and promote strong internal and external public and NMT connections with the surrounding area and the lower Dorp Street area Refer to Appendix G for a comprehensive response which can be summarised as follows;

The application demonstrates how the development, as part of the ATC will provide and promote strong internal and external public and NMT connections with the surrounding area and the lower Dorp Street which includes;

Providing accommodation in direct proximity to commercial work space and recreational/retail facilities - transforming the area into a diverse balanced mixed use precinct resulting in a safe community orientated - live - work - study - play - walkable neighbourhood which is the ultimate form of NMT.

- Making provision for a public road linking Bosmans Crossing with the future development of the Bergkelder property as envisaged in the ATC proposal – this link road is crucial to the principle and success of the ATC initiative.
- o Promoting and incentivising of the use of bicycles by the residents by providing bicycle storage facilities and a "bicycle friendly environment" as has been demonstrated at the BBC where the applicant has entered into a MOU with the Bicycle Mobility Consortium to "promote non-motorised transport in and around Stellenbosch and to provide access between the Stellenbosch centre and Bosmans Crossing precinct" as part of the Provincial Sustainable Transport Plan
- Actively engaging with the Municipality engineering directorate to expedite the proposed pedestrian/cycle bridge over the railway line.
- Proposing a viable alternative prior to the bridge being completed by linking the existing NMT cycle path along Adam Tas Road to Bosmans Crossing by "formalising" the pathway, +- 80m, across the open grass area.
- Further to the above the applicant proposes;
 - To explore the possibility of linking into the "Remgro Eerste River Pathway" initiative.
 - To enhance safety by including sufficient lighting and exploring the establishment of a SRA/CID for the precinct to improve safety and promote NMT.
 - To explore the viability of including a communal "bicycle sharing scheme" for occupants of the residential scheme.

3.3 Non Motorised Transport Design Proposals

SMSP - The development proposal does not include design proposals to address the critical need for NMT and public transport. It is questioned if a road reserve of 13 meters will be sufficient to accommodate an extensive and well-planned dedicated NMT route which will form the backbone of the NMT route in the ATC. This aspect of the design needs greater attention and must be revised to ensure that public transport and NMT are addressed properly and pro-actively.

At a meeting held with the Stellenbosch Municipality in January 2020, attended by Messrs Johan Fullard, Nigel Winter and Roscoe Bergstedt, with the consultant traffic engineers Piet van Blerk and Yolandi Obermeyer, it was agreed that a 13 metre road reserve will suffice for this possible future road link traversing the subject property. The said road reserve is to accommodate a 7,4 metre blacktop, with minimum 2,4 metre NMT-facilities along both sides of the road.

The matter was further discussed with the relevant officials in 2021 following comments from the engineering department who have once again confoirmed compliance with engineering standards.

An amended Subdivision Plan and Site Development Plan were submitted confirming the 13 m width of the road reserve. These plans will also be formally re-submitted to Land Use Planning with this response.

An amended TIA was submitted confirming this road and NMT design proposal. The Directorate Infrastructure Services confirmed that they are satisfied with the recommendations of the amended TIA. Refer to their letter of support dated 19 August 2021 attached as part of Annexure 9 of the Portfolio of Evidence.

3.4 Plakenburg Bridge

SMSP - Vehicle access is of paramount importance must by clarified with regards to the timeline for the construction of the Plakenbrug Bridge and the contribution of the development to the pedestrian bridge linking Bosman's Crossing with lower Dorp Street.

Mr Johan Fullard (Senior Manager: Roads, Transport, Stormwater & Traffic Engineering) confirmed in an email dated 04 August 2021 – "We are currently at evaluation stage, and may be in a position to make an award within month, thereafter there is an appeal period. Possible start of construction in September / October." – with reference to September/October 2021. Refer to the attached copy of this e-mail, **Appendix H**.

Mr Johan Fullard (Senior Manager: Roads, Transport, Stormwater & Traffic Engineering) confirmed in an email dated 15 April 2020 – "A pedestrian bridge over the railway line located between Stellenbosch Station and Dorp Street, linking existing NMT routes along Adam Tas with proposed NMT routes in the Bosmans crossing area, is certainly desirable. The Municipality's Non-Motorized Transport (NMT) Masterplan is currently being reviewed and updated, and this bridge is included in this Master Plan.

We have reviewed conceptual plans of the bridge, however preliminary and detailed drawings, associated in principal approvals (on the exact location and type of structure) are the next steps required going forward. We intend to incorporate the pedestrian bridge as Developments within Bosmans crossing and along the Adam Tas Corridor unfold, it is most likely that the bridge will be implemented through Development Contributions from these developments."

3.5 Balanced neighbourhood requirement

The applicant should demonstrate, through the SDP, how the development would satisfy the following MSDF provisions;

- PWCG (Table 31 P106)
 "Strategy: Develop all
 settlements as balanced,
 inclusive, appropriately
 serviced, communities,
 negotiable through NMT and
 exhibiting a positive
 relationship with surrounding
 nature and agricultural land.
- SMSP How the development will provide adequate social facilities for the daily retail needs of residents.

Refer to Appendix I for a comprehensive response which can be summarised as follows;

- The proposed development is a commercial property venture funded by shareholders capital which needs to be sustainable and viable - "The best interests of the local authority (and society generally) lie in the success of the development." (The Supreme Court of Appeal in Municipality of Stellenbosch v Shelf-Line 104 (Pty) Ltd)
- The viability and sustainability of commercial property is reliant on sufficient residents residing in the precinct – Bosmans Crossing requires more residents to improve the viability of the existing commercial space.
- The applicant has recently completed the Bosmans Business Centre (BBC) on the adjacent property comprising 5 440m² of GLA the viability of which was considered in conjunction with the proposed development.
- The development proposal should be considered in the context of the entire precinct rather than within the confines of the subject property – the addition of a further 1 500m² is considered to be the appropriate balance to achieve a viable, sustainable mixed use precinct.
- It is envisaged that many of the occupants of the BBC will choose to reside in the proposed development resulting in a live – work – study – play safe neighbourhood.
- The development will contribute an amount of R3 327 227 in respect of Community Services in accordance with the proposed Development Contributions.

3.6 Public footpath along the Plankenbrug River

SMSP - The importance of public access along the Plakenbrug River and link to Papagaaiberg Nature Reserve do not receive adequate attention in the development proposal and must be revised to ensure public access to these amenities, possibly by ways of servitudes and the reconfiguration of the proposed residential buildings along the river edge

There is currently no "public access" along the Plankenbrug River and no link to the Papagaaiberg Nature Reserve through the property due to the steep embankment on the western bank of the river.

The SDP and Landscape Plan have been amended by changing the position of the boundary fence on the eastern boundary of the proposed new sewer line servitude to allow for a public footpath along the Plankenbrug River. This will assist to ensure a web of green and visual connectivity between the Papegaaiberg and the Plankenburg riverine corridor.

This walkway will also assist to enhance the integration with the public realm and open space system of the town to ensure a

continuity of green; a continuous network of public open space integrated with the water network.

The boundary fence along this side of the river be permeable which would assist to enhance security on this footpath.

APPENDIX A

ADOPTED RESOLUTIONS AND DECISIONS OF THE MEETING OF THE IACOM OF HWC HELD ON 21 JULY 2021 CONFIRMING APPROVAL OF HIA

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, 21 July 2021



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 Redevelopment of the Historic Complex as an Agri-Tourism Facility, Phase 2 on Farm 956, Donkerhoek, Simondium, Paarl: MA
 HM/ CAPE WINELANDS / DRAKENSTEIN / PAARL/ FARM 956

Case No: 20030508SB1020E

RECORD OF DECISION:

The Committee supported the proposals as contained within the additional information pack dated 29 June 2021, inclusive of the Arcon June 2021 Method Statement & Model Specifications, Square One landscape details and planting strategies, Open City architectural detailed drawings and finishes schedules.

The HIA dated February 2021 and prepared by Aikman Associates with the supplementary information pack referred to above, as collated by Open City Architects, is together confirmed as meeting the requirements of S38(3) of the NHRA. Therefore, the development may proceed, subject to the following conditions:

- Monitoring methodology as indicated in the Archaeological Impact Assessment (AIA) (phase 1 dated 2020 prepared by Hearth Heritage) and Fabric Analysis Report dated January 2021 prepared by Hearth Heritage, and the final Spatial Development Plan (SDP) to be submitted to APM
- 2. Submission of interim and monitoring reports prior to and during construction which should update the Committee on detail development work and findings.
- 3. Submission of close-out report within 30 days of practical completion

The above authorisation is valid for a period of five years from the date of notification to the applicant thereof in writing. This period may be extended for good reason shown, provided that an application for extension stating the reasons is made prior to the expiration of the five-year period.

SB

13.2 Erf 14601, Oude Molen, Stellenbosch: MA HM/STELLEBOSCH/ERF 14601

Case No: 20101911KB1020E

RECORD OF DECISION:

The Committee resolved to endorse the HIA and Supplementary Report prepared by Cindy Postlethwayt and Chris Snelling dated June 2021 as meeting the requirements of S38(3) of the NHRA. The Committee supported the recommendations of the HIA and Supplementary report (p 11) as follows:

- 1. The submission of building plans for any future proposed alterations to the "Manor" House to HWC for approval, prior to the submission of final building plans:
- 2. The submission of building plans for any future alterations/additions to the warehouse to HWC for approval, prior to the submission of final building plans.
- 3. The retention and display of the mill workings within the Mill House.
- Archaeological monitoring of the subsurface excavations when demolition of the large warehouse occurs, to confirm the presence or footprint of the original mill remains.

The above authorisation is valid for a period of five years from the date of notification to the applicant thereof in writing. This period may be extended for good reason shown, provided that an application for extension stating the reasons is made prior to the expiration of the five-year period.

ΚB

13.3 Proposed Development of Remainder Farm 1054, Klein Goederust, Franschhoek: NM HM/CAPE WINELANDS/ STELLENBOSCH / FRANSCHHOEK/ FARM 1054

Case No: 20120229TZ1203E

FURTHER REQUIREMENTS:

The Committee resolved to undertake a site inspection on 13 August 2021 (DG, RF, SW and MS).

SB

- 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 Residential Development on a 23d/ha Land, Consisting of a Variety of Residential Typologies of Varying Heights within a Gated Precinct with single access on Ptn 8 of Farm Ronwe 851, Paarl: MA

HM/CAPE WINELANDS/ DRAKENSTEIN/ PAARL / PTN 8 OF FARM 851

Case No: 17062709HB0804E

FINAL COMMENT:

The Committee endorsed the HIA prepared by Graham Jacobs and dated May 2021 as meeting the requirements of S38(3) of the NHRA. The Committee supports preferred development alternative 2 as indicated within figure 15 (drawing numbered A525, dated 07/05/2021) subject to conditions as indicated within section 10.2 of the HIA:

- That HWC allow the following detailed aspects of the proposals to be submitted to Drakenstein Municipality (Land Use Planning: Heritage Resources Sub-Section) for negotiation and final approval as part of the planning application, given that the subject site falls within a local authority heritage area, and that this local authority does have the necessary heritagerelated resources and expertise:
 - a. A general statement regarding the lighting strategy to be employed to minimize nighttime light spillover. This would include details regarding lighting design/light standards/lighting bollards as set out in the heritage indicators and informed by Section 6.3.3 of the Visual Impact Assessment (VIA) report.
 - b. A general statement regarding the policy to be adopted for the installation of satellite dishes, TV aerials and other installations with potential to affect the development skyline.
 - c. A general policy statement and details regarding signage proposed for the development.
 - d. A general policy statement and particulars regarding the manner in which the property is to be secured, especially along the Lustigan and Wemmershoek Road boundaries if any further security measures other than those already endorsed by HWC, are proposed.
 - e. The preparation (by a SACLAP-registered professional) of a Landscape Development Plan in accordance with the requirements of the VIA specialist and including, as a minimum, the following:
 - (i) Locating on this Landscape Development Plan: -The various tree species as currently proposed in the landscaping plan Dwg. A525 dated 2021/05/07 by Daffonchio Architects; and-The various plant species and other surfacing details as currently proposed in the landscaping plan Dwg. A525 dated 2021/05/07 by Daffonchio Architects with particular attention to the Lustigan and Wemmershoek Road/R301boundaries in order to meet the requirements in the VIA for more detail regarding the proposed 'buffer strips' along these roads;
 - (ii) Providing typical sections, at minimum 1:100 scale, through the above-mentioned roadways up to the first buildings within the site to better understand, in terms of the VIA requirements, the relative scale, landform and screen planting volumes, as well as proposed boundary treatment;
 - (iii) Indicating the proposed roof plans of all individual buildings on the property to better understand as a quantum, the relationship of the proposed tree canopies with the new built forms;

15.3 Proposed Development on Portion 14 of Schryvershoek Farm 362, Langebaan Lagoon,

Saldanha Bay: NM

HM/WEST COAST/ SALDANHA BAY / PTN 14 OF 362

Case No: 21012504SB

FURTHERE REQUIREMENTS:

The Committee requires the resubmission of a complete HIA which meets the requirements of S38(3) of the NHRA. This HIA is to address (amongst others):

- 1. Archaeology.
- 2. Palaeontology.
- 3. Cultural landscape.
- 4. Parameters for development to be clearly articulated.

SB

15.4 Proposed Various Mixed-Use Developments on Farm 1450, 1276. 1277, Ptn 5 of 382, Rhebokskloof Wine Estate, Paarl: NM HM/ CAPE WINELANDS / DRAKENSTEIN / FARM 1450, 1276, 1277, PTN 5 OF 382

Case No: 21061407SB0621E

FURTHER REQUIREMENTS:

The Committee resolve to undertake a site inspection on 13 August 2021 (DG, RF and MS).

SB

Proposed Rezoning for Group Housing, Eco Estate Plots, a Small Apartment, etc. on REM of Cape Farm 1529 and Erf 5112, Kommetjie: NM
HM/ CAPE TOWN METROPOLITAN/ KOMMETJIE/ RE 1529 & ERF 5112

Case No: 21062408JW0625E

FINAL COMMENT:

The Committee endorsed the HIA and associated documentation as prepared by Cindy Postlethwayt and dated May 2021 as meeting the requirements of \$38(3) of the NHRA. The Committee supports the recommendations and findings of the HIA (refer to p 56 of the HIA):

- 1. HWC fossil finds, and accidental finds of human remains protocol to be included in the environmental authorisations;
- 2. The implementation in all important respects of the mitigations outlined in Section 13 of this report;
- During the construction phase, archaeological and paleontological monitoring of any
 earthworks and deep trenching so that in the event of paleontological or archaeological
 material being encountered e.g. bones, stone artefacts, trace fossils or wetland deposits,
 work is to be stopped in that area immediately, and reported to the heritage authority (HWC)
 for further consideration.

The above authorisations are valid for a period of five years from the date of notification to the applicant thereof in writing. This period may be extended for good reason shown, provided that

Adopted IACom Resolutions and Decisions_21 July 2021

an application for extension stating the reasons is made prior to the expiration of the five-year period.

AM

15.6 Proposed re-purpose of York Farm Cottages (Boschendal), R310, Dwars River Valley, Farm 11_1674, Stellenbosch: NM

HM/ CAPE WINELANDS / STELLENBOSCH/ FARM 11/1674

Case No: 20032005SB0331E

INTERIM COMMENT:

The Committee provisionally supports the HIA and approach prepared by Rennie Scurr Adendorff and dated 22 June 2021 as well as APM comments on the AIA. HWC awaits submission of final HIA (inclusive of the public participation process) to comply with S38(3) of the NHRA.

SB

Proposed Consolidation, Subdivision and Rezoning to create a Large Residential Development Goede Verwachting Development, Remainder Farm 869; Portion 3 Farm 870; Farm 866; Farm 867; Farm 868; Farm 1054; and Portion 2 of Farm 870, Sir Lowry: NM HM/ CAPE TOWN METROPOLITAN/ OLD SIR LOWRY / REM FARM 869, PTN 3/870, 866, 867, 868, 1054, PTN 2/870

Case No: 21062404SB0625E

FURTHER REQUIREMENTS:

The Committee resolved to undertake a site inspection on 13 August 2021 (DG, SW, RF and MS).

SB

15.8 Proposed Subdivision for Prospective residential Units on Erf 177476, Main Road, St. James: MA

HM/ST JAMES/ERF 177476

Case No: 17090415AS0914M

FINAL COMMENT:

The Committee resolved to endorse the revised HIA prepared by Prof Peters dated 30 June 2021 as meeting the requirements of S38(3) of the NHRA. The Committee supports the recommendations of the HIA as conditions of approval, listed as follows:

- The sub-division of Lot 177476 into three portions as conforming with the cadastral character of its 'identity area';
- The landscaping proposals for visually mitigating the impact of the stone retaining walls of the
 platform for the residence proposed for Portion 3 (to plans approved by the City of Cape Town
 on 13th June 2017) as serving to soften, recede and cohere with the townscape of St James
 to an acceptable degree;

Adopted IACom Resolutions and Decisions_21 July 2021

22	SECTION 3	8(8)	OTHER LEGISLATION FINAL	COMMENT
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- **22.1** None
- 23. SECTION 27 PROVINCIAL HERITAGE SITES
- 23.1 None
- 24. ADVICE
- **24.1** None
- 25 SECTION 42 HERITAGE AGREEMENTS
- **25.1** None
- 26. OTHER
- 26.1 Draft Conservation Management Plan (CMP) for Bains Kloof, Wellington: MA HM/ CAPE WINELANDS/ DRAKENSTINE/ WELLINGTON/ BAINS KLOOF PASS

Case No: 19050303SB0619E

HELD OVER:

The matter is deferred to the next IACom meeting.

SB

27 Adoption of decisions and resolutions

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

APPENDIX B

LETTER OF UDS AFRICA TO DIRECTORATE INFRASTRUCTURE SERVICES

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

Contact Person: Piet van Blerk

Your Ref:

Erf 14601, Stellenbosch

Our Ref:

iCE/S/849A

Date: 10 August 2021

First Plan Town and Regional Planners

P.O. Box 15865 PANORAMA

7506

Attention: Ms Christine Havenga

Madam

APPLICATION FOR SUBDIVISION AND REZONING OF ERF 14601, STELLENBOSCH: TRAFFIC IMPACT ASSESSMENT

This company was appointed to prepare a Traffic Impact Assessment (TIA) for the proposed development on Erf 14601, Stellenbosch.

1. BACKGROUND AND LOCALITY

The subject property is situated to the northeast of the existing Bosman's Crossing Square-development, Stellenbosch. See the attached *Locality Plan*.

According to information the property is zoned Industrial Zone with a permitted bulk of $80\,715~\text{m}^2$ under the primary rights, with approximately $12\,000~\text{m}^2$ thereof developed and operational as industrial buildings.

Previous TIAs were compiled by this company for development proposals on the subject property, with the latest dated 12 February 2013 (Ref: iCE/B/849).

As far as could be established, the Saw Mills- and Bosman's Crossing Erf 15804 (previously Erven 14163 & 14164)- development applications have been submitted/approved in the area. The TIAs for the said developments were thus considered for the purpose of traffic analyses. The adjacent Erf 6201 is also currently under construction, which, according to information obtained from Stellenbosch Municipality, will be 4 854 m² GLA offices. The location of the said developments is indicated on the attached *Locality Plan*.

This TIA accompanies the Application for Subdivision and Rezoning of Erf 14601, Stellenbosch.

Consulting Services

- · Civil Engineering Services
 - Roads

GROUP (Pty) Ltd

Traffic Engineering

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



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2. PROPOSED DEVELOPMENT

2.1 Proposed Development

The proposed development on the subject property will include the following:

Residential Business

1-Bedroom/Studio Apartments: 44 units Offices (Manor House): 592 m²

2-Bedroom Apartments: 99 units Retail (Shed): 205 m²

3-Bedroom Apartments: 116 units Restaurant (Shed): 479 m²

Clubhouse (Mill House): 85 m²

The proposed clubhouse will be a private amenity to the residential scheme. See the attached **Site Development Plans** prepared by Boogertman and Partners Architects.

2.2 Access to the Property

Access to the property is currently obtained from Distillery Road, where the said road terminates. The access-position is proposed to remain. See the photo below. Detail on access will be further discussed in *paragraph 4*.



Photo 1: Existing access to the subject property

3. TRAFFIC

3.1 Available Traffic

Traffic counts were previously conducted at the Adam Tas Road/Oude Libertas Street- and Oude Libertas Street/Distillery Road/Flamingo Road intersections on Thursday, 3 August 2017 from 06h00 to 08h00 and again from 16h00 to 18h00. The peak hour volumes derived from these counts are indicated in *Figure 1* attached.



3.2 Traffic Growth

Historic peak hour traffic counts at the Adam Tas Road/Oude Libertas Street intersection were obtained from a previous project in the area. From the said counts, an average traffic growth rate of 2% per annum was calculated along Adam Tas Road, with peak hour traffic along Oude Libertas Street remaining relatively constant. A 2% per annum growth in traffic along Adam Tas Road was thus applied. For the purpose of traffic analyses, a five-year projection was applied. The available 2017 peak hour volumes were thus increased by 2% per annum for eight (8) years to obtain 2025 peak hour volumes.

To account for surrounding development in the area, the traffic that can potentially be generated by the Saw Mills- and Erf 15804-developments (as per their respective TIAs) and the adjacent Erf 6201-development (based on its GLA as obtained from Stellenbosch Municipality), were added to the traffic volumes as discussed above, to obtain the estimated 2025 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 applied to calculate the peak hour traffic that can potentially be generated by the proposed development. The following rates were applied:

Land use	Rate	In/Out	Rate	In/Out			
Townhouse	0,85 trips per unit	25/75	0,85 trips per unit	70/30			
Single Dwelling	1,0 trip per unit	25/75	1,0 trip per unit	70/30			
Restaurant	n/a		8,0 trips per 100 m²	65/35			
Offices	2,1 trips per 100 m²	85/15	2,1 trips per 100 m ²	20/80			
Retail*	4,0 trips per 100 m²	65/35	22,67 trips per 100 m²	50/50			
*Based on the TMH17 formulas: $0.6 \times \left[1 + \frac{6}{1 + m^2/3500}\right] & 3.4 \times \left[1 + \frac{6}{1 + m^2/3500}\right]$							

For the purpose of trip generation calculations, the townhouse trip generation rate was applied to the one-bedroom apartments, whilst the single dwelling unit rate was applied to the two- and three-bedroom apartments.

The TMH17 further suggests trip generation adjustment factors for mixed use developments. For the retail- and restaurant uses a 10% reduction is suggested, and for the office use 20%.

Based on the above, the peak hour traffic that can potentially be generated by the proposed development was calculated as follows:



	AM Peak Hour Trips			PM Peak Hour Trips		
Land use	Total	In	Out	Total	In	Out
One-bedroom (44 units)	37	9	28	37	26	11
Two-bedroom (99 units)	99	25	74	99	69	30
Three-bedroom (116 units)	116	29	87	116	81	35
Retail (205 m² GLA)	8	5	3	42	21	21
Offices (592 m² GLA)	10	8	2	10	2	8
Restaurant (479 m² GLA)	0	0	0	34	22	12
	270	76	194	338	221	117

As mentioned in *paragraph 1*, TIAs were previously compiled for development proposals on the subject property. The latest TIA contained a potential trip generation of 276 AM peak hour trips (80 in, 196 out) and 339 PM peak hour trips (232 in, 107 out). The existing industrial rights mentioned in *paragraph 1* above, has the potential to generate 484 peak hour trips (based on the trip generation rate contained in the TMH17). The potential peak hour traffic as calculated above can thus be expected to have a lesser impact on the external road network than the industrial rights.

3.4 Traffic Distribution

From the subject property, the proposed development-traffic was distributed towards the Adam Tas Road/Oude Libertas Street intersection via Distillery Road and Oude Libertas Street. At the Adam Tas Road/Oude Libertas Street intersection, the proposed development traffic was distributed to/from Adam Tas Road based on the existing directional split in traffic at the said intersection. See the distributed peak hour traffic in *Figure 3* attached.

3.5 Traffic Analysis

Traffic analyses of the intersections were done by means of the Sidra Intersection 8.0 software. Link volumes were analysed based on the Highway Capacity Manual method. Service levels A to D are considered acceptable, with D the critical. In congested areas, service level E is also considered acceptable.

The intersections analysed consist of lane layouts as follows:

Adam Tas Road/Oude Libertas Street intersection:

This intersection is currently signalised with dedicated right-turn lanes on the Adam Tas Road-approaches. See the lane layout below.

The Erf 15804-development's Conditions of Approval include the construction of a dedicated left-turn lane along the western Adam Tas Road-approach, and the extension of the existing dedicated right-turn lane along the eastern Adam Tas Road-approach. A Services Agreement was signed between Stellenbosch



Municipality and the Developer of the said development to implement the required upgrades in lieu of Development Contributions.

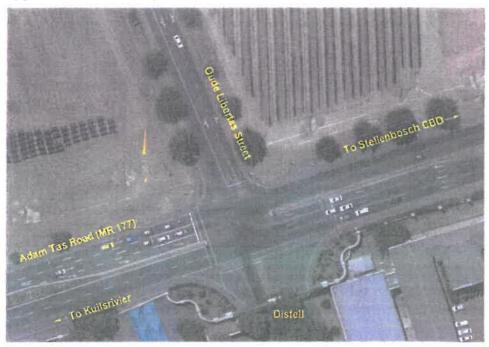


Photo 2: Existing Adam Tas Road/Oude Libertas Street intersection lane layout Oude Libertas Street/Distillery Road/Flamingo Road intersection:

This intersection is currently a T-intersection, with stop-control on the right-turn movement on the Distillery Road-approach, yield-control on the left-turn movement on the Distillery Road-approach, as well as the right-turn movement on the Oude Libertas Street-approach and the Flamingo Road-approach. Free-flow conditions are experienced on the Oude Libertas Street-approach towards Flamingo Road. See the lane layout below.

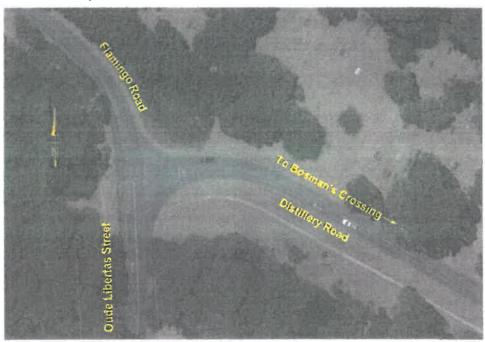


Photo 3: Existing Oude Libertas Street/Distillery Road/Flamingo Road intersection lane layout



3.5.1 Analysis of Available Peak Hour Volumes (excluding proposed development)

Adam Tas Road/Oude Libertas Street intersection:

According to the Sidra analyses, intersection levels of service C were experienced at this intersection during the available peak hours, with acceptable service levels D and above experienced on all movements.

It was noticed on-site (at the time of the traffic counts) that, although relatively congested during peak times, unacceptable service levels are not yet experienced.

Oude Libertas Street/Distillery Road/Flamingo Road intersection:

According to the Sidra analyses, acceptable service levels A and above were experienced at this intersection during the available peak hours.

3.5.2 Analysis of Estimated Peak Hour Volumes (excluding proposed development)

Adam Tas Road/Oude Libertas Street intersection:

As previously mentioned, upgrades to this intersection are to be implemented with the development of Erf 15804. With the said upgrades in place, services levels F can be expected along Adam Tas Road (eastbound) during the estimated AM peak hour, and along Adam Tas Road (westbound) during the PM peak hour. Unacceptable service levels are also anticipated on the left-turn movement on the Oude Libertas Road-approach and on the right-turn movement on the eastern Adam Tas Road-approach. To accommodate the large turning volumes, a second dedicated left-turn lane on the Oude Libertas Road-approach is suggested. An additional dedicated right-turn lane could in future be considered on the eastern Adam Tas Road-approach. As discussed in the TIA for the Saw Mills development, to accommodate the background traffic, a third through lane along Adam Tas Road (eastbound) is required irrespective of any developments in the area, or a bypass such as the potential Stellenbosch Western Bypass Road as alternative.

It can thus be concluded that to accommodate the estimated 2025 peak hour traffic volumes (background traffic including surrounding development) at the Adam Tas Road/Oude Libertas Street intersection, the Erf 15804-upgrades will be required, as well as a second dedicated left-turn lane on the Oude Libertas Road-approach, and that consideration be given by the Road Authorities to a third through lane along Adam Tas Road, or a bypass road (as per the Saw Mills-recommendations).

Oude Libertas Street/Distillery Road/Flamingo Road intersection:

With the addition of the surrounding development traffic, upgrades to this intersection will be required to accommodate the additional turning movements to/from the Bosman's Crossing area. To accommodate the said traffic, either a roundabout or traffic signals is considered necessary at this intersection. As result of the topography and the existing trees, however, a roundabout does not seem to be a viable option. It is thus suggested that traffic signals at this intersection be considered. The provision of traffic signals will also address the existing sight distance issues at the intersection.

With traffic signals, acceptable service levels can be expected on all movements during the estimated peak hours.

It can thus be concluded that to accommodate the estimated 2025 peak hour traffic volumes (background traffic including surrounding development) at the Oude Libertas Street/Distillery Road/Flamingo Road intersection, the provision of traffic signals be considered.



3.5.3 Analysis 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 2025 peak hour volumes, i.e. background traffic (*Figure 2*) to obtain the expected 2025 peak hour volumes (*Figure 4*).

With the addition of the proposed development traffic, similar results can be expected at the Adam Tas Road/Oude Libertas Street- and Oude Libertas Street/Distillery Road/Flamingo Road intersections, as discussed above (estimated peak hours).

It can thus be expected that the upgrades required to accommodate the background traffic should be sufficient to accommodate the addition of the proposed development traffic.

4. GEOMETRY

As previously mentioned, access will be obtained from Distillery Road, via Oude Libertas Street. According to information, both are classified as Class 4-roads.

Provision has been made should the overall road network require a link between the existing Bosman's Crossing area and George Blake Road — as previously mentioned, Distillery Road currently terminates at the subject property boundary. A future road link to George Blake Road will thus be via the subject property (and via the Bergkelder Site). During a meeting held at Stellenbosch Municipality on Thursday, 23 January 2020, with messrs Johan Fullard, Nigell Winter and Roscoe Bergstedt, and our mr Piet van Blerk and ms Yolandi Obermeyer, it was agreed that a 13 metre road reserve will suffice for this future road link traversing the subject property. The said road reserve is to accommodate a 7,4 metre blacktop road, with minimum 2,4 metre NMT-facilities along both sides of the road (wider where additional space exists within the road reserve).

The existing bridge across the river has limitations with regard to capacity. According to information, consultants have been appointed by Stellenbosch Municipality to investigate the upgrades required to improve the bridge across the river (along Distillery Road), which currently provides the only access to the Bosman's Crossing area.

Three accesses are proposed along the road traversing the subject property. Access to the residential portion and access to the commercial portion are proposed opposite one another, with access to the remaining commercial portion ± 80 metres east thereof. To address traffic calming along this road, it is suggested that the two access-intersections be raised.

Security controls (gates/booms) are proposed to the residential portion only, which will be set back 20 metres from the edge of the road traversing the property. Two lanes in (3,0 metres wide each) and one lane out (4,2 metres wide) will be provided at the said security controlled access. This is considered sufficient to accommodate emergency vehicles (4,0 metres required). The accesses to the two commercial parking areas will not be security controlled, therefore stacking at these accesses should not be problematic.

Internal circulation will be via the isle widths provided behind parking bays, which measure 7,0 metres and thus considered sufficient to accommodate the two-way traffic expected on-site.

Refuse rooms are proposed at the accesses along the road traversing the subject property, with accompanying embayments for refuse vehicles. The intention is that in future, when the said road is extended up to George Blake Road, the proposed embayments function as public transport embayments as well. Ultimately, refuse vehicles will be able to continue along the proposed road traversing the subject property. Until such a time that the said road is constructed up to George Blake Street, space will be available for refuse vehicles to turn, at the point where the road



initially terminates. According to the developer, it is the intention that refuse removal be handled privately.

5. PARKING

5.1 Parking Requirement

The parking requirements for the proposed land uses as contained in the Stellenbosch Municipality Zoning Scheme Regulations (2019), are as follows:

Flats* 1- & 2-bedroom

1,5 bay/dwelling unit

3-bedroom

1,75 bays/dwelling unit

4 or more-bedroom

2,0 bays/dwelling unit

Commercial

4,0 bays per 100 m² GLA

Based on the said rates, the following parking requirement will be applicable:

	Residential	Units	Bays	Business	GLA	Bays
	1-Bedroom Apartments	44	66,0	Offices	592	23,68
	2-Bedroom Apartments	99	148,5	Retail	205	8,20
	3-Bedroom Apartments	116	203,0	Restaurant	479	19,16
Subtotal		417,5		Subtotal	51,04	
	Total				468,	54 ≈ 469

5.2 Parking Provided

Parking is proposed at-grade, with the majority of parking to the residential units at semi-basement level below the residential buildings. As per the attached plans, 420 bays will be provided on the residential portion of the development and 48 bays on the business portion of the development, i.e. 468 bays total.

Spaces for the accommodation of bicycle parking/storage is indicated on the attached plans, over and above the required parking. Furthermore, similar to the reduction in trip generation as result of the mixed-use concept, it can be expected that fewer vehicular parking bays would be required on the commercial site as it can be expected that residents of the proposed development (as well as surrounding residents) would walk to the commercial facilities. Based on the shared parking principles of the Access Management Guidelines (AMG) of Western Cape Government (WCG), maximum parking bays required in this node (residential plus commercial) calculates to 433 bays.

Based on the above, the total parking provided is considered sufficient.

5.3 Parking Dimensions/Layout

Parking bays provided consist of dimensions in line with normal parking standards, i.e. 2,5 by 5,0 metre bays, with bays adjacent to walls 2,85 metres wide. Parking bays adjacent to columns measure 2,5 metres in width from the face of the columns, which is acceptable. Parking bays accessible to the physically disabled consist of 3,5 metre widths, which is in line with SANS 10400. The isle widths provided behind 90-degree parking bays are minimum 7,0 metres, which is considered sufficient. Four (4) parking bays are provided at an angle along the exit lane of the residential



^{*}These rates include 0,5 bays/dwelling unit for visitors

access – the isle width behind these bays (4,2 metres) is sufficient for angled parking (45-degrees) along a one-way section.

6. PUBLIC AND NON-MOTORISED TRANSPORT (NMT)

6.1 Non-Motorised Transport

An NMT-path exists along the south western side of Distillery Road, which links with the NMT-facility along Adam Tas Road ('Cape Winelands NMT Route') to the southwest of the road-over-river bridge. The only means of crossing the river is thus the said bridge.

A pedestrian bridge over the railway line, and possibly over Adam Tas Road, is planned. This bridge will be an important link between Bosman's Crossing and the eastern side of the railway line in order to provide a more direct (and shorter) route for NMT towards Stellenbosch CBD. According to information, the said bridge was also included in the proposal to dual Lower Dorp Street (as part of the heritage application). The schematic position of the bridge is indicated below – the means of connecting with the facilities along Adam Tas Road is not yet final (i.e. stairs/ramps/etc.).



Diagram 1 : Schematic position of NMT bridge over the railway line to directly link the Bosman's Crossing area with the existing NMT along Adam Tas Road

As discussed in *paragraph 4* above, NMT-facilities of minimum 2,4 metres (as agreed upon with Stellenbosch Municipality) will be allowed for along both sides of the extension of Distillery Road, traversing the subject property. The proposed development will thus be linked to the existing NMT routes in the area.

On-site pedestrian accommodation is by way of paths linking the residential buildings to the clubhouse and to the external NMT-facilities.

6.2 Public Transport

The main public transport modes serving Stellenbosch are rail, minibus taxi (MBT) and e-hailing services such as Uber.

The Stellenbosch Railway Station is situated directly opposite the subject property however the railway station is not accessible in the absence of a bridge over the railway line.



The proposed NMT bridge will provide direct access to the railway station which, in turn, acts as a hub for, and links in with the Stellenbosch Public Transport.

As far as could be established, no further public transport facilities exist in the immediate vicinity of the proposed development. As indicated on the attached plans, embayments are proposed along the proposed road traversing the subject property. As mentioned in *paragraph 4* above, space will be available to turn where the said road initially terminates.

7. CONCLUSIONS

The following can be concluded from the report:

- That the TIA accompanies the application for subdivision and rezoning of Erf 14601, situated to the northeast of the existing Bosman's Crossing Squaredevelopment, Stellenbosch;
- That according to information, the property is zoned Industrial, with permitted bulk of 80 715 m² under the primary rights, with approximately 12 000 m² thereof developed and operation as industrial buildings;
- 3) That the development is proposed to consist of 259 apartments (one-, two-and three-bedroom) with accompanying clubhouse, as well as 1 276 commercial space (offices, retail, restaurant), with access from Distillery Road, where the road currently terminates;
- 4) That the proposed development has the potential to generate 270 AM peak hour trips (76 in, 194 out) and 338 PM peak hour trips (221 in, 117 out), which will have a lesser impact on the external road network than the industrial rights;
- 5) That to accommodate the background traffic:
 - Adam Tas Road/Oude Libertas Street intersection: A second dedicated left-turn lane on the Oude Libertas Street-approach be provided, and consideration be given by the Road Authorities to a third through lane along Adam Tas Road, or a bypass road (both as per the Saw Millsrecommendations);
 - b) Oude Libertas Street/Distillery Road/Flamingo Road intersection: The provision of traffic signals be considered:
- That to accommodate the proposed development-traffic, no upgrades additional to those required to accommodate the background traffic is considered necessary;
- 7) That provision has been made should the overall road network require a link between the existing Bosman's Crossing area and George Blake Road by way of a future road link (extension of Distillery Road) to George Blake Road via the subject property (13 metre road reserve as agreed upon with Stellenbosch Municipality: 7,4 metre blacktop road with minimum 2,4 metre NMT facilities along both sides);
- 8) That the existing bridge across the river, currently the only access to the Bosman's Crossing area, has limitations with regard to capacity, but that according to information, consultants have been appointed by Stellenbosch Municipality to investigate required upgrades;
- 9) That three accesses are proposed to the development portions along the road traversing the subject property: access to the residential portion and to a commercial portion opposite one another, with access to the remaining commercial portion ± 80 metres east thereof;
- 10) That security controls are proposed to the residential portion only, set back 20 metres from the edge of the road traversing the property, with two lanes in (3,0 metres wide each) and one lane out (4,2 metres wide);



- 11) That internal circulation will be via the isle widths provided behind parking bays, which measure 7,0 metres and thus considered sufficient to accommodate the two-way traffic expected on-site;
- 12) That refuse removal will be handled privately, and that refuse rooms are proposed at the accesses along the road traversing the subject property, with accompanying embayments for refuse vehicles, with space available to turn until such a time that the road is extended to intersection with George Blake Road;
- 13) That 418 parking bays are required for the residential portion and 51 bays for the business portion, that 420 bays are provided on the residential site and 48 bays on the business site, with facilities for bicycles over and above the requirements, that the parking provided is considered sufficient based on shared parking principles, and that parking bay dimensions are in line with normal parking standards;
- 14) That an NMT-path exists along the south western side of Distillery Road, which links with the NMT-facility along Adam Tas Road ('Cape Winelands NMT Route') to the southwest of the road-over-river bridge, with the only means of crossing the river being the said bridge, that 2,4 metre wide NMT-facilities will be provided along both sides of the extension of Distillery Road traversing the subject property, and that on-site pedestrian accommodation is linked to the external NMT-facilities;
- 15) That a pedestrian bridge over the railway line, and possibly over Adam Tas Road, is planned, which will be an important link between Bosman's Crossing and the eastern side of the railway line in order to provide a more direct (and shorter) route for NMT towards Stellenbosch CBD bridge included in Lower Dorp Street dualling proposal (as part of the heritage application); and
- 16) That the Stellenbosch Railway Station is situated directly opposite the subject property however not accessible in the absence of a bridge over the railway line, and that embayments for public transport are proposed along the road traversing the subject property.

8. RECOMMENDATIONS

1

From the above the following are recommended:

- 1) That to accommodate the background traffic:
 - a) Adam Tas Road/Oude Libertas Street intersection: A second dedicated left-turn lane on the Oude Libertas Street-approach be provided; and
 - Oude Libertas Street/Distillery Road/Flamingo Road intersection: The provision of traffic signals be considered.

As Adam Tas Road is a Class 2-road, and as the upgrades required are as result of background traffic, it is the opinion that the cost of the recommended upgrades be offset against Development Contributions 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)

Attachments

Locality Plan

Site Development Plans (Boogertman and Partners Architects):

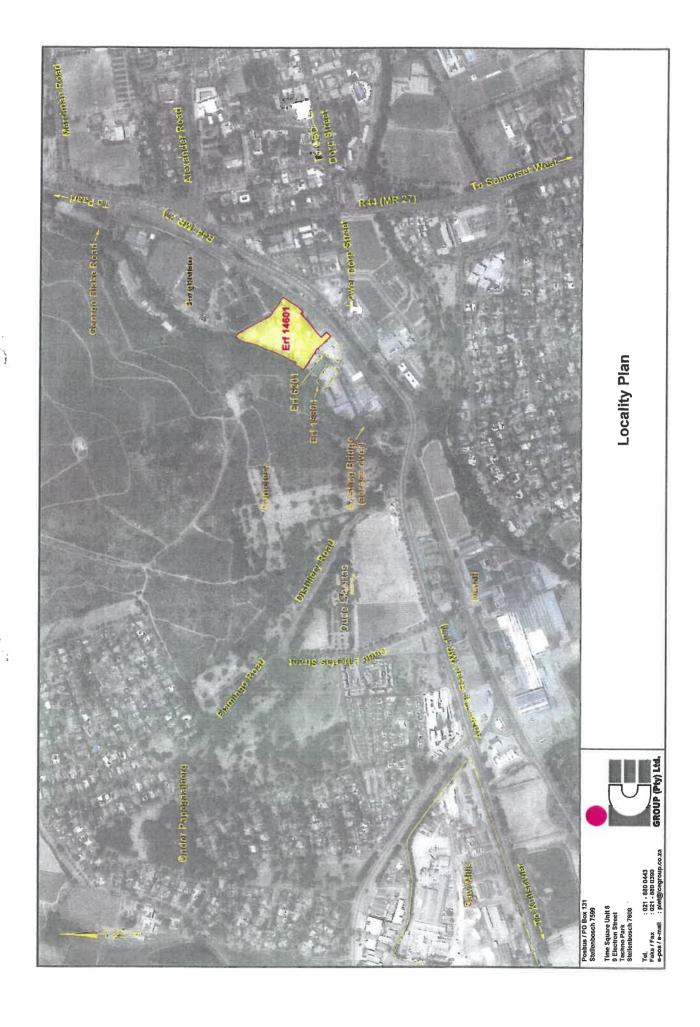
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SDP_PARKING

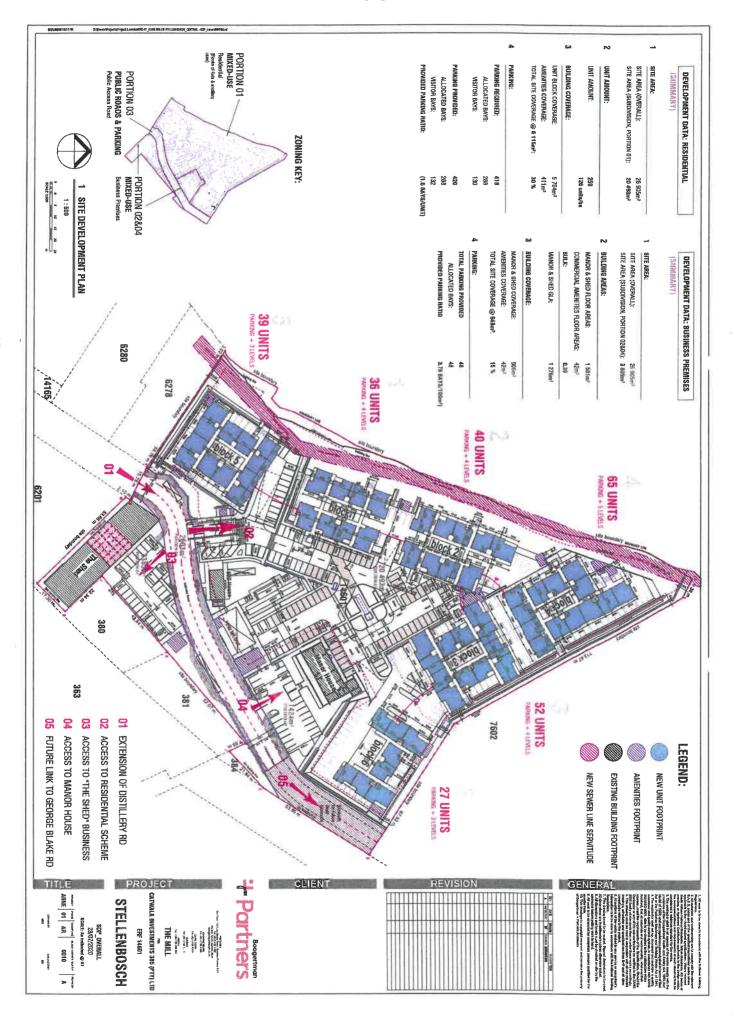
SDP_BUSINESS PREMISES

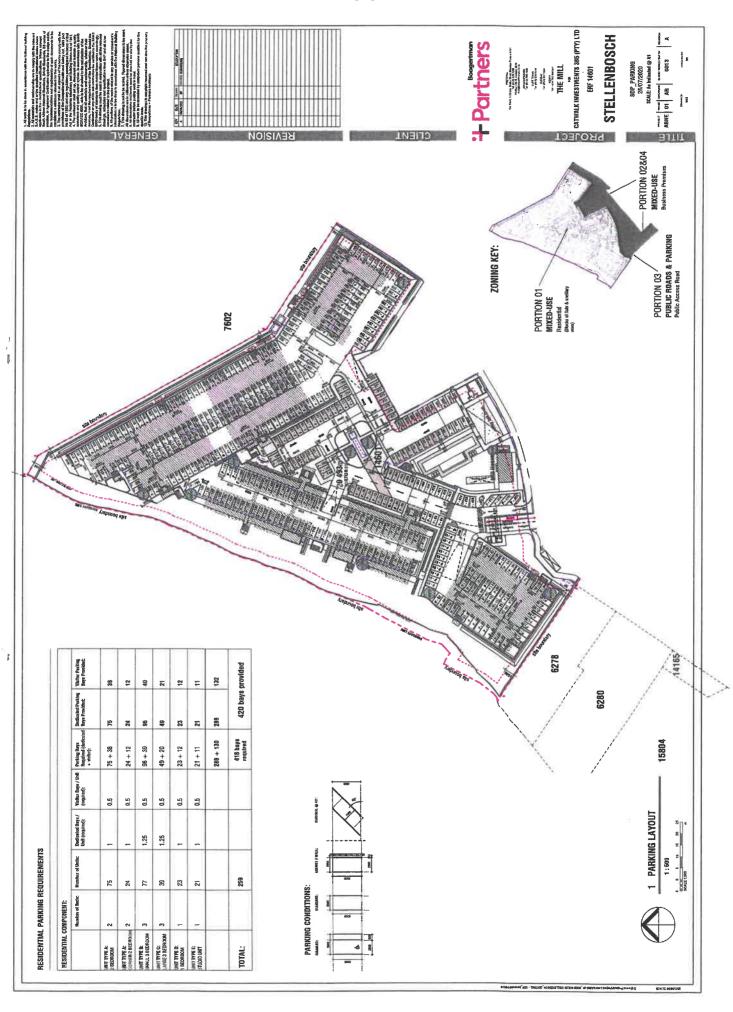
- Figure 1 Available AM/PM Peak Hour Traffic Volumes (Thursday, 3 August 2017)
- Figure 2 Estimated 2025 AM/PM Peak Hour Traffic Volumes (including 2% per annum traffic growth and surrounding development)
- Figure 3 Distribution of Traffic Generated by Proposed Development
- Figure 4 Expected 2025 AM/PM Peak Hour Traffic Volumes (including 2% per annum traffic growth, surrounding development and proposed development)

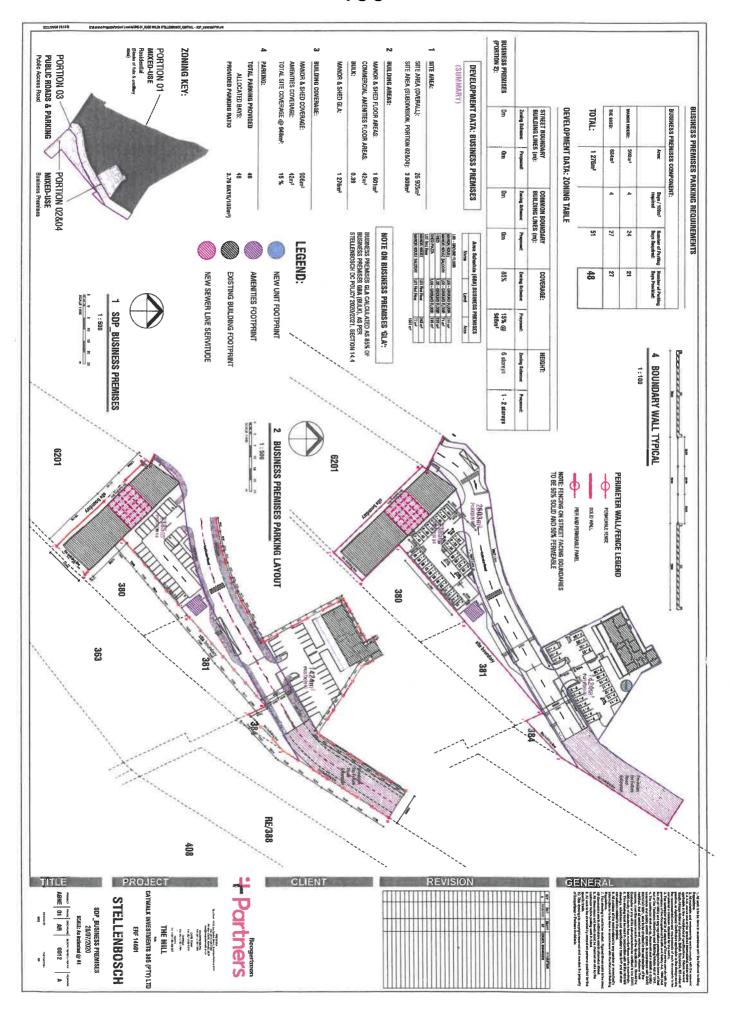


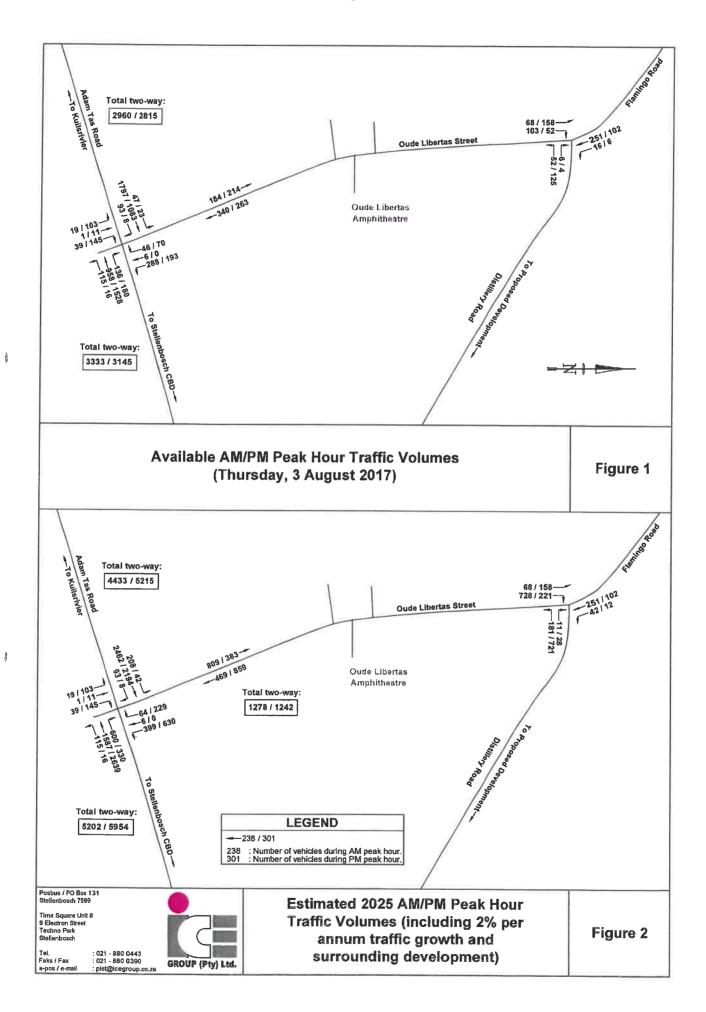


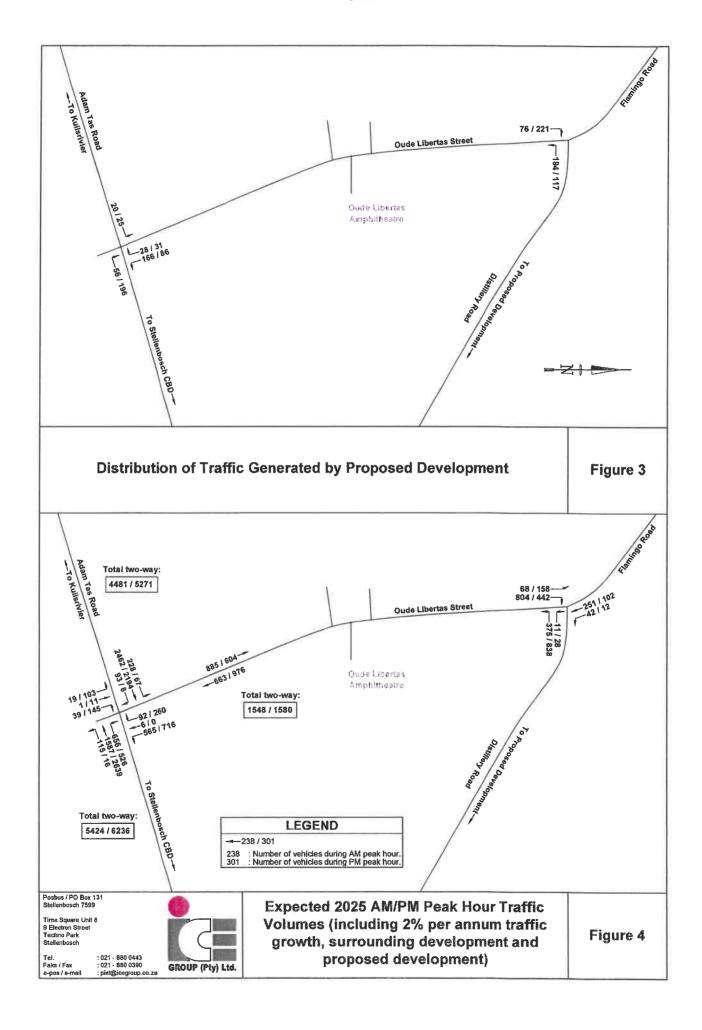
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APPENDIX C

LETTER OF FIRST PLAN TOWN AND REGIONAL PLANNERS TO DIRECTORATE INFRASTRUCTURE SERVICES



Verw/Ref: FP/0215/772 10 August 2021 :Date/Datum

For Attention: Mr Tyrone King

Manager: Development (Infrastructure Services)

P O Box 17 STELLENBOSCH

7599

Application Number: LU/11/728

Municipality File Reference Number: Erf 14601, Stellenbosch

Dear Mr King

ERF 14601 STELLENBOSCH (OUDE MOLEN DEVELOPMENT) APPLICATION FOR REZONING, SUBDIVISION AND SOME OTHER APPLICATIONS

- 1. I refer to your memo dated 30 October 2020 in which you listed certain issues to be addressed before the application can be further evaluated and/or approved. As well as to a meeting you had with UDS Africa regarding the issues raised in this memo 3 August 2021.
- 2. The following issues were raised in your memo:

2.1 Civil Engineering and Roads

- It was indicated that a water capacity analysis report (GLS) is required to confirm which bulk water upgrades are triggered by the proposed development.
- The following comments by the Manager: Traffic Engineering, Mr Nigell Winter needs to be addressed:

- (i) Investigate a traffic circle at the Oude Libertas/Distillery Road/Flamingo Road intersection and make a recommendation in the TIS.
- (ii) Proposed parking bays P24 P28 on Erf 384 is not supported amend SDP accordingly.
- (iii) Provide high level drawings of each proposed upgrade and a const estimate

2.2 Site Development Plan

The following elements/dimensions should be indicated clearly on the SDP:

- a. indicate a stacking distance of minimum 20m from the edge of the road traversing the property as recommended in the TIA;
- b. Indicate that the access to the residential portionshall have as a minimum two lanes in (3 m wide each) and one lane out (4.2 m wide) as recommended in the TIA. To accommodate emergency vehicles, at least one lane should be 4.0 metres wide and have a minimum height clearance of 4.3 m.
- c. Indicate how provision will be made for a 3-point head in front of the entrance gate (or a similar turning facility) in order to enable a vehicle to turn around that is not allowed entrance.
- d. The general position of the refuse room on the SDP is acceptable the exact position and details must be determined in conjunction with the Municipality at detail design stage.

2.3 Further issues raised

- In a further e-mail, dated 22 June 2021, it was indicated that a public road reserve 13 m wide must be subdivided from Erf 14601 and zoned as "Public Road", which will be a future link to George Blake road via the subject property. This is indicated on the SDP, but not on the subdivision plan. The Subdivision Plan needs to be amended accordingly accordingly.
- 3. These issues have been addressed as follows:

3.1 Water Capacity Analysis

Engineering Advice & Services (Pty) Ltd, the project engineers, submitted a Capacity Analysis Report (GLS) to the municipality. The issue of water capacity for the project was also discussed with Mr Adriaan Kurtz of the Municipality.

Additional information regarding the existing land use rights of Erf 14601 has been provided in a letter dated 22 April 2021 from Mr George du Plessis of Engineering Advice & Services (Pty) Ltd. A copy of this letter is attached as **Annexure 1**. Also please see the attached As Built Footprint Plan of the existing building on Erf 14601 and the calculations by Boogertman Architects to confirm the GLA of the existing buildings on the site which have been built in accordance with the current Industrial zoning applicable to the site. Please see **Annexure 2**.

In an e-mail, dated 22 June 2021, you confirmed that Mr Kurtz provided feedback on the Papegaaiberg reservoir on which this development is dependant. He confirmed that a budget has been allocated for the construction of the reservoir under the "New Reservoir & Pipeline: Vlottenburg" bulk water project. This will allow you to support the rezoning application. It was further stated that approval will be subject to a contractor being appointed for the Papegaaiberg reservoir before the municipaly will approve Building Plans and the reservoir must be completed before Occupation Certificates are approved.

3.2 Roads

UDS Africa had a meeting with yourself on 3 August 2021 and also presented you with a written response regarding the Civil Engineering and Roads and Site Development Issues, attached as **Annexure 3**. They also discussed these issues with Nigell Winter. In an e-mail dated 3 August 2021 to them you confirmed that you are satisfied that the issued raised by your Department have been adequately addressed.

You further requested that the final Site Development Plan (August 2021) be submitted to you. A copy of the amended SDP is attached as **Annexure 4**. All the issues raised in your initial response have been addressed in the SDP. Except for the amendments you required, it should also be noted that there have been some minor amendments to the original SDP submitted resulting from the heritage process and the approval of the Heritage Impact Assessment for the proposed development. This primarily applies to Block 6 and the parking/landscape outlay in front of the Manor House site.

A copy of the amended **Traffic Impact Assessment** will be sent to you by UDS Africa on 10 August 2021.

3.3 Subdivision Plan

The Subdivision Plan was amended to reflect a public road reserve of 13 m as a separate erf. Please see the attached amended **Subdivision Plan**, **Annexure 5**.

4. I trust this would put you in a position to confirm your support for this application to us so that the town planners can proceed with their report writing. Should you have any further queries, please do not hesitate to contact me.

Yours faithfully

Christine Havenga

FIRST PLAN TOWN AND REGIONAL PLANNERS

ANNEXURE 1

LETTER CONFIRMING EXISTING LAND USE RIGHTS ON ERF 14601
STELLENBOSCH



Engineering Advice and Services Western Cape (Pty) Ltd

Cape Town Office: Cell: 082 562 2296 Fax: (086) 683 9899 E-mail: george@easwc.co.za 57 Reitz Street Audas Estate

SOMERSET WEST, 7130

www.easbe.co.za

22 April 2021

Manager: Development Infrastructure Services 71 Plein Street Stellenbosch 7600

Attention Mr T King

Dear Sir

<u>PROPOSED MIXED-USE DEVELOPMENT ON ERF 14601, STELLENBOSCH – BULK WATER DEMAND</u>

Your request regarding the bulk water demand for the proposed development refers.

1. Current Zoning Rights

The current zoning for Erf 14601, Stellenbosch is Industrial in terms of the Zoning Plans for the Stellenbosch Zoning Scheme of 2019. Please see attached for the relevant zoning plan.

The erf diagram confirms the size of Erf 14601 to be 2.6906 ha. Please see attached the erf diagrams.

In terms of the zoning regulations, you are allowed 75% coverage on the erf with up to four storeys height to be developed. Please see below an extract from the zoning regulations.

27 September 2019

Provinsie Wes-Kaap: Buitengewone Provinsiale Koerant 8153

85

May 2019

(7) The Municipality may request that a pre-electromagnetic radiation test be commissioned to accompany the application.

123. Building development parameters in this zone

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

Building type	Street boundary building lines (m)	Common boundary building lines (m)	Coverage/Floor area	Height	
All buildings	3m	0m 3m if abutting another zone	75% coverage	4 storeys	
Employee housing	3m	0m	75m² floor area		

Therefore the allowable bulk development area is:

• 2.6906 ha x 0.75 (coverage) x 4 (storeys permitted) = 80.718m²

2. Proposed Development

The proposed mixed-use development will consist of 253 residential units and 1543m² of Business and Commercial area. Please see attached the proposed development layout.

3. Water Demand

The water demand for the current Industrial Zoning Rights were calculated as follows:

• 80.718m² Industrial area @ 0.4 kL/d/100 m² = **322.8** kL/d

The water demand for the proposed development were calculated as follows:

•	253 Flats @ 0.45kl/d/unit	=	113.9 kL/d
•	1 543m ² Business/Commercial area @ 0.4 kL/d/100 m ²	=	_242 kL/d
	Total	=	120.1 kL/d

4. Conclusion

The proposed new development's water demand is less than half of what the existing Zoning Rights' water demand is and therefore will significantly reduce the impact on the water distribution zone and existing Papegaaiberg reservoir.

If you have any questions regarding the above, please don't hesitate to contact the writer

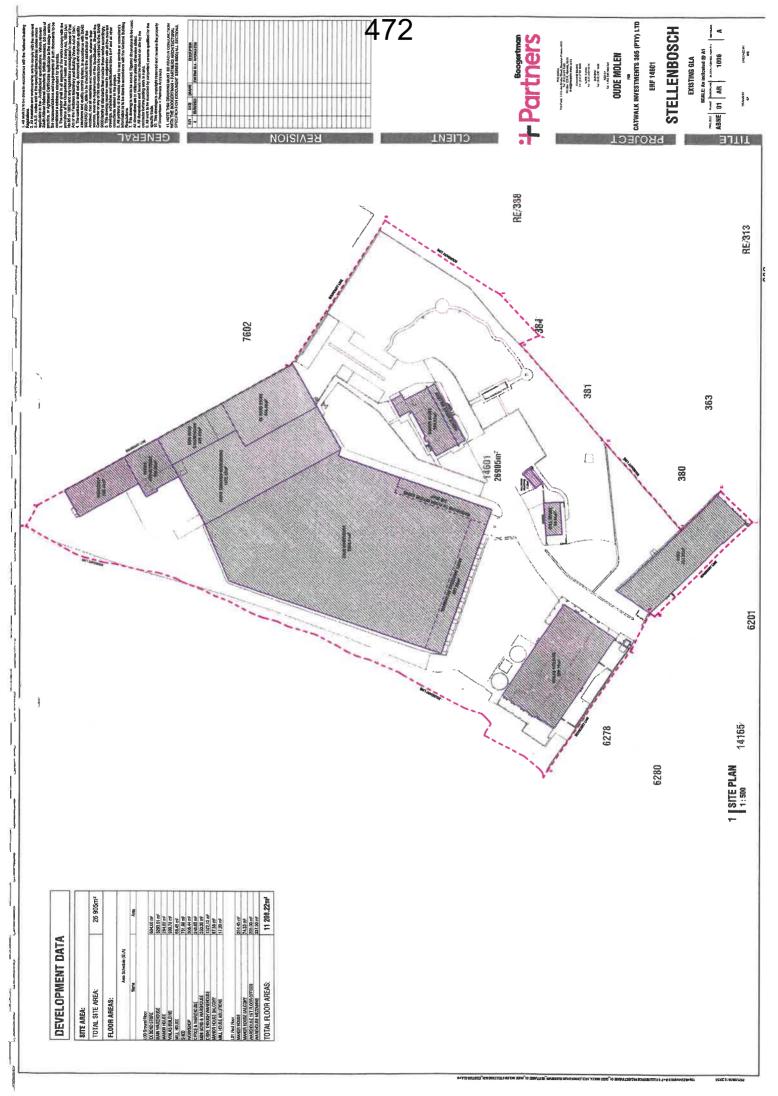
Yours sincerely

George du Plessis Pr Eng

for Engineering Advice & Services Western Cape (Pty) Ltd

ANNEXURE 2

PLAN CONFIRMED EXISTING GLA OF AS BUILT BUILDINGS ON ERF 14601 STELLENBOSCH



ANNEXURE 3

LETTER FROM UDS AFRICA REGARDING AMENDMENTS TO SDP



head office

Unit 8, Time Square Building 9 Electron Street, Techno Park Stellenbosch

PO Box 50487 V&A Waterfront

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urban development solutions





Date: 28 July 2021

Our Ref: UDS/Reports/TIS/Comments

First Plan Town and Regional Planners P.O. Box 15865 , PANORAMA 7506

ATTENTION: Ms Christine Havenga

Dear Madam,

APPLICATION FOR SUBDIVISION AND REZONING OF ERF 14601, STELLENBOSCH: TRAFFIC IMPACT ASSESSMENT: RESPONSE TO MUNICIPAL COMMENTS ON APPLICATION

Your request for input towards the comments received from Stellenbosch Municipality, Directorate: Infrastructure Services (*Ref: LU/11728; 2060 CIVIL LU; 30 Oct 2020*), refers. This letter serves to address the traffic related comments contained in the said memo.

Comment received were based on the Traffic Impact Assessment (TIA) compiled by iCE Group (Ref: iCE/S/849A, dated: 7 July 2020), submitted to accompany the application for the development of Erf 14601, Stellenbosch.

The numbering hereafter, corresponds to the numbering contained in the abovementioned memo.

1. b. i) Traffic Circle at Oude Libertas/Distillery Road/Flamingo Road intersection:

As discussed in the TIA, either a roundabout or traffic signals at this intersection was considered. As result of the topography and the existing trees, a roundabout does not seem to be a viable option. It was therefore suggested that traffic signals be considered, which would also address existing sight distance issues at the intersection.

Especially as trucks currently travel, and will remain travelling, via this intersection, a potential roundabout would have to be designed as to ensure that loaded trucks do not lose their cargo whilst turning. The inscribed diameter of the roundabout would also have to accommodate large trucks. Therefore, traffic signals were considered a more practical solution.

It is the opinion that should further investigation into the two options be required, this be done during the design stage of the upgrade.

1. b. ii) Parking bays P24-28 on Erf 384 not supported:

The said parking bays are situated on the subject property, adjacent to Erf 384 – see *Diagram 1* below. According to information, the intention was to use these bays until such a time that the road is extended to link with George Blake Road, at which stage 90-degree bays along the road would no longer be supported.



Diagram 1: SDP Extract - parking bays 24-28 adjacent to Erf 384

As per discussions with Stellenbosch Municipality, similar parking bays were not supported further west along the road, either. It is thus suggested that these bays be removed, or alternatively, that one or two parallel bays rather be provided.

1. b. iii) High level layout and cost estimate of each proposed upgrade:

The two upgrades recommended in the TIA to accommodate the background traffic are the provision of traffic signals at the Oude Libertas Street/Distillery Road/Flamingo Road intersection, and the consideration of a continuous left-slip lane on the Oude Libertas Street-approach to its intersection with Adam Tas Road. It was furthermore suggested that a third through lane along Adam Tas Road, or a bypass road (both as per the Saw Mills Development recommendations) be considered to improve conditions for the area.

Oude Libertas Street/Distillery Road/Flamingo Road intersection:

With the provision of traffic signals at this intersection, it would be suggested that some road widening be done to define a short left-turn lane along the Distillery Road-approach. See a schematic layout below. The high level estimated cost of such an upgrade calculates to \pm R 2 300 000.00 (including 10%)

contingencies, professional fees, health & safety, environmental control officer, topographical survey and monitoring of construction; excluding 15% VAT).



Diagram 2 : Schematic layout of proposed upgrade at Oude Libertas Street/Distillery Road/Flamingo Road intersection

As far as could be established, pedestrian paths currently exist, separated from the roads, along the south of Distillery Road and to the west of Flamingo Road/Oude Libertas Street in the vicinity of this intersection. With the provision of traffic signals, a safer pedestrian crossing as indicated above is thus possible across Oude Libertas Street to connect the abovementioned paths.

Adam Tas Road/Oude Libertas Street intersection:

This intersection is currently being upgraded by the neighbouring development by way of a dedicated left-turn lane along the western Adam Tas Road-approach, and the extension of the dedicated right-turn lane along the eastern Adam Tas Road-approach.

The TIA recommended that a continuous left-slip lane be considered along the Oude Libertas Street-approach. However, based on further investigation, the said proposal would most likely result in issues with the existing public transport embayment along the eastbound outbound Adam Tas Road-leg. As mitigation, it is suggested that a second dedicated left-turn lane rather be considered. See a schematic layout below. The high level estimated cost of such an upgrade calculates to \pm R 1 600 000.00 (including 10% contingencies, professional fees, health & safety, environmental control officer, topographical survey and monitoring of construction; excluding 15% VAT).



Diagram 3: Schematic layout of proposed upgrade at Adam Tas Road/Oude Libertas Street intersection

With the construction of the additional turning lane, minor extension of the existing public transport embayment might also be required as schematically indicated above.

2. a) Indicate stacking distance of minimum 20m – as recommended in TIA:

Please refer to the *Parking Layout* plan attached to the TIA – an extract thereof is included in *Diagram* 4 below.

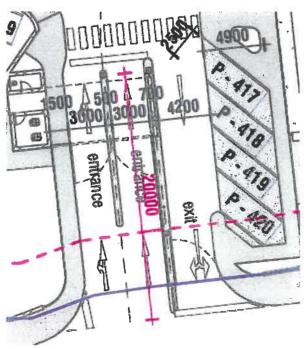


Diagram 4: SDP Extract – 20m stacking and lane widths indicated at security controlled access

2. b) Indicate access lanes as recommended in TIA:

The lane layout at the access, as discussed in the TIA, is indicated on the *Parking Layout* plan attached to the TIA – an extract thereof is included in *Diagram 4* above.

2. c) Indicate provision for 3-point turning head in front of entrance gate:

Based on the layout, the concern with providing a turning facility in front of the entrance is that the vehicle not allowed access would not be able to reverse to turn around when another vehicle is queuing in line behind it. It is therefore expected that vehicles not allowed access, will be instructed by the security guard at the gatehouse to travel through the security booms and make a u-turn as to exit via the booms.

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,

Compiled by: Yolandi Obermeyer (B Eng)

UDS AFRICA

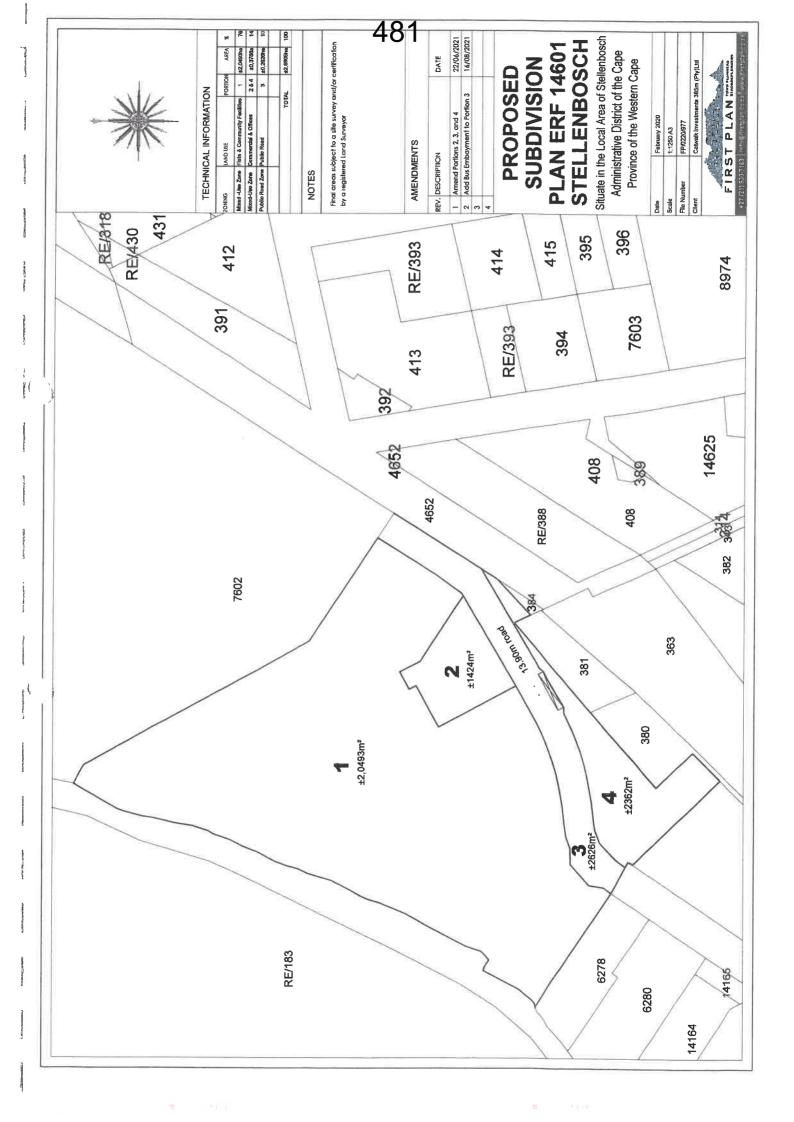


ANNEXURE 4

AMENDED SDP PACKAGE FOR ERF 14601 STELLENBOSCH

ANNEXURE 5

AMENDED SUBDIVISION PLAN FOR ERF 14601 STELLENBOSCH



APPENDIX D

RESPONSE TO CONDITIONS OF APPROVAL OF DIRECTORATE INFRASTRUCTURE SERVICES

Condition

v. Bosmans Crossing Bridge Repair: The municipality is currently doing structural repairs to this bridge. No construction activities may commence before these repairs have been completed. Building plan approval will therefore not be issued prior to the Senior Manager: Roads, Transport, Stormwater & Traffic Engineering has given the go-ahead.

Response

We seek clarity on the timing of the completion of the structural repairs and the intention of the condition to withhold building plan approval and construction activities.

It should be noted that the property is currently developed as an industrial property within its existing rights which need to be taken into account.

- a. the property currently has approx. 11 200m² of existing industrial buildings and in accordance with the previous zoning of wine industry the permitted bulk under the primary rights was 60 536 m² and now 80 715m² in terms of the Planning By Law.
- b. The traffic impact on the bridge needs to take into account with the proposed change of use and permitted bulk from Industrial to residential & commercial – the change of use will place a lesser load on the bridge - 6m & 12m container trucks as well as Superlink trucks currently service the property.

The condition should be amended to at least allow for

- a) building plan approval, and
- b) construction activities to commence prior to the repairs having been completed should an alternative access be identified if necessary

Condition

32. 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 replanned 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;

Response

It is acknowledged that this is a "standard condition" imposed by Infrastructural Services however in this instance the confirmation of the availability of services "lapses" even before the development can proceed in accordance with Condition 4.b Water Network which restricts the development of property until such time as the Papegaaiberg reservoir has been completed which is expected to be in June 2024.

The condition should be amended to 5 years to align with the town planning approval validity period.

Condition

Development Charges

11. that the Development Charges levy to the amount as reflected on the DC calculation sheet, 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.

Response

The applicant is not in agreement with the Development Charge calculation as it is of the opinion that the relevant legislation and as determined by Council's Policy provides for Development Charges "in respect of land development applications which will result in an intensification of land use which in turn leads to an increase in the use of or need for municipal bulk engineering services infrastructure" — the application is well within the existing rights with regards to the municipal bulk engineering services infrastructure.

Notwithstanding the above the DC calculation provides for credit to be given for the existing built infrastructure (not existing rights) $-11\,208\text{m}^2$ – based on a classification of "General Industrial – Heavy" which is the incorrect classification for the existing zoning, use and infrastructure on the property.

The existing buildings include 9 470m² of warehousing and associated office space with the remaining 1 738m² being other including wine laboratory and the Manor House (661m²).

Credit should be given for the buildings classified as General Industrial – Light or at the very least the Manor House which is to be retained in its's existing format should be credited as Local Business – office and the remaining buildings as Warehousing which appears to be a new classification in terms of the 2021-2022 tariff Book.

APPENDIX E

RESPONSE TO SITE DEVELOPMENT PLAN APPROVAL PROCESS

COMMENT

WCG

In consideration of the above, this Directorate recommends that the application for the rezoning to Subdivisional area and the subsequent subdivision, departures and consent use to allow a Place of Entertainment within a Mixed Use Zone be approved, but that the Site Development Plan Package, which should include the inclusionary housing institutional arrangements should only be considered at a later stage when all concerns have been addressed. As a condition of approval of the rezoning the MPT should consider requesting the applicant to demonstrate through the SDP how the development would comply with the MSDF provisions,

SM

To assist the developer in achieving the goals of the ACT the department concurs with the recommendation of the Directorate: Development Management that the rezoning of the property to Subdivisional area is supported and that the subsequent subdivision, departures, and consent use to allow a place of entertainment within a mixed-use zone be approved but that the Site Development Plan only be considered later once the issues identified in the report are addressed appropriately

RESPONSE

1. Discussion

The rezoning of the property to Subdivisional Area and the approval of the subdivision, departures and consent use to allow a place of entertainment within a mixed-use zone without the approval of the SDP is of no benefit to the applicant as the applicant is unable to act hereon.

The applicant has considered the comments received and has responded to such comments including the amendment of the SDP in order to address the issues identified.

The applicant has invested considerable resources in preparing the development application together with the SDP, which SDP has already received Heritage approval, and requests that the application for the approval of the amended SDP together with the supporting responses be processed as submitted.

Development Proposal Time frames

Refer to 6. Background to Development Proposal (Pg 12) & 7. Pre Application Consultation (Pg 13) together with Annexure 3: Chronological Background in the application.

The applicant has engaged the Municipality with regards the proposed application since 2012 and although the development concept was supported the development application was delayed by, inter alia:

- 2012 2016 a moratorium on all development applications serviced by the Stellenbosch Waste Water Treatment Works due to a lack of capacity at such works and insufficient municipal funding to maintain and add future capacity.
- 2016 -2019 delays in the adoption of the Integrated Zoning Scheme (2012 2019) and clarity on spatial policy which included the 2016 Adam Tas Transit Orientated Development proposal which was then superseded by the Adam Tas Corridor initiative — the IZS was finally approved and implemented and the ATC included in the approved MSDF in November 2019.

Concerns raised that ATC would result in further delays to development applications.

The applicant has, since the inception of the ATC initiative in 2018, been concerned that the ATC would result in delays to its pending development application and has repeatedly made known its concerns;

- o 11/12/2018 Meeting held with Messrs Boshoff & Campbell Applicant noted their concerns regarding the time frames given the time elapsed since the first development proposal consultation in 2012 they were assured that an application in terms of the ATC initiative would be able to be submitted by as April 2019. the applicant was assured that the ATC would not be reliant on "grand master plans" that would be outdated by the time they were approved and implemented but the ATC concept was based on the concept of "to start by starting and learn by doing, using our first small steps to inform the next, and so on"
- 30/04/2019 Written response to the Public Participation process for the MSDF the
 applicant expressed their concerns that the ATC would result in further delays to
 development applications the municipalities response was "it is not the intent of the ATC
 initiative to delay development"
- 21/10/2019 Bi-lateral meeting with the "ATC committee" Applicant noted their concerns regarding the time frames – they were assured that there was no need for the application to be delayed and that the project could possibly "kick start" the ATC initiative.
- 26/11/2019 Letter to the "ATC committee"
- 09/04/2020 Meeting with Adam Tas Corridor Steering Committee applicant raised their concerns re the time frames a suggestion was made to consider initial subdivision to Subdivisional Area with detail applications (SDP's etc.) to follow later this was discussed and the applicant noted their concerns with regards to further delays and noted that they were ready to submit a detailed application inclusive of a SDP.

Delays as a cost driver in property development

One of the greatest cost components of property development is the cost of land and the associated holding costs which costs are passed on to the end-user affecting the affordability of the end product – this is acknowledged in the Draft Western Cape Inclusionary Housing Policy Framework May 2021;

"It is also acknowledged that ongoing systemic improvements to the efficiency of planning permissions process across national, provincial and local government and a review of the standards applied is essential to ensure that these processes stop being cost drivers in property development. This generally affects viability, supply and affordability, and leads to leaking value that could otherwise be directed towards better, more inclusive urban performance outcomes. This is a fundamental precondition for a policy framework such as this. Efforts are ongoing to improve the WCG's permissions processes, while also supporting municipalities to improve their own systems and lobbying national government to address its own areas of weakness. Protracted permissions processes, conflicting policies, onerous development rules (such as parking ratios) or conditions, and poor urban management in the precinct within which the development sits are all risks that are priced into the cost of finance for a development which are passed on to the end-user, affecting the affordability of the end product."

Protracted permissions processes and conflicting policies are indeed the greatest contribution to the high property prices in Stellenbosch.

To illustrate the cost of delays the land cost in this application, including holding costs calculated at the prime lending interest rate but excluding maintenance, rates & taxes and security etc for the period 2012 to now has escalated by 220% (237% at Prime +1) – these holding costs together with margin thereon have to be passed on to the end user.

2. Closing Statement

- The rezoning of the property to Subdivisional Area and the approval of the subdivision, departures and consent use without the approval of the SDP is of no benefit to the applicant as the applicant is unable to act hereon.
- o The application has been delayed since 2012 by firstly a moratorium on all development applications serviced by the SWWTW due to a lack of capacity at such works and consequently by delays in the adoption of the IZS (finally adopted in November 2019) and clarity on spatial policy which has included the 2016 TOD proposal which was then superseded by the Adam ATC initiative.
- The applicant has repeatedly since 2018 raised their concern that the ATC initiative would delay their development application and has been repeatedly assured that this would not be the case.
- Protracted permission processes and delays in the process are the greatest contribution to the high property prices in Stellenbosch.
- o The applicant has considered the comments received and has responded to such comments including the amendment of the SDP in order to address the issues identified.
- The applicant has invested considerable resources in preparing the development application together with the SDP, which amended SDP has already received Heritage approval, and requests that the application for the approval of the amended SDP together with the supporting responses be processed as submitted.

APPENDIX F

INCLUSIVITY RESPONSE AND LEGAL OPINION

COMMENT

WDG - As a condition of approval of the rezoning the MPT should consider requesting the applicant to demonstrate through the SDP how the development would comply with the MSDF provisions, specifically:

SM - In this regard the applicant must, through the Site Development Plan demonstrate the following:

WDG

- Spatial Policy: Expand housing opportunity for a broader range of groups including lower income groups and students – particularly in settlements forming part of the Baden Powell-Adam Tas-R304 corridor.
- 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.....(p67)

SM

- How will the development contribute substantially to inclusivity of infill housing opportunity referring to the extent to which the housing is provided for different income and demographic
 groups? It is questioned if the increased density will support and promote inclusionary
 housing and particularly the notion of integrating communities.
- 2. Proposals as to broaden the range of housing typologies, enabling access for a range of income groups.

RESPONSE

1. Discussion

Application

The principal of inclusive housing referring to the extent to which the proposed housing provided for different income and demographic groups was specifically addressed in the application – Refer to Section F - 16.1.1 Spatial Justice (Page 58) in the application.

"The proposed sectional title development is not targeted at a specific market segment - (i.e specific demographic group) — it is not specifically designed and does not include amenities for a specific market for instance students or retired persons but is designed as a "general" residential sectional title scheme offering a diverse range of two and three bedroom apartments including 57m2 two bedroom units, small 61m2 three bedroom units and larger 75m2 three bedroom units.

It is envisaged that the varying unit sizes will be attractive to a diverse range of income levels which will improve access to opportunities in the central Stellenbosch area."

Notwithstanding the above the applicant offered to include a subsidised affordable housing component comprising 12 three bedroom units (36 beds) which would be offered as subsidised student rental accommodation to students at a registered tertiary institution at a rental linked to the University of Stellenbosch hostel rental which equates to approximately 50% of the open market rental.

In return the applicant sought alternative value in the form of the fast tracking of the application process together with the proposed NMT Bridge over the railway line within the regulatory prescripts which was deemed material to the proposal. **Refer to 14.5 Inclusionary Housing (Page 50) in the application.**

Despite the applicant being unaware of any other developer voluntarily offering subsidised accommodation as part of their application the offer was rejected outright by the Western Cape Government and by Stellenbosch Municipality as being inadequate — without any reference to what would be considered adequate — and through the actions of the Municipality by failing to adhere to regulatory prescripts in processing the application by failing to adhere to the time frames as prescribed in the By law.

Draft Western Cape Inclusionary Housing Policy Framework

The Draft Western Cape Inclusionary Housing Policy Framework (DWCIHPF) was only advertised for public participation in May 2021 with the closing dates for comments being 12 July 2021.

"The aims of this Policy Framework are:

- i. To further the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA's) principles of spatial justice, sustainability and efficiency and it expectation of provincial inclusionary housing policy. It provides a policy rationale for the application of inclusionary housing provisions in land use planning permissions given by municipalities in the Western Cape;
- ii. To assist municipalities and promote consistency between municipalities, providing a framework to guide them in developing their own regulatory tools by:
 - Providing direction as to the goal, purpose and intended outcomes of inclusionary housing;
 - Providing definitional clarity and certainty;
 - Providing the legal framework and a policy basis for municipal inclusionary housing policy and regulation
 - Identifying the key research required to design a policy;
 - Introducing and explaining policy principles;
 - Clarifying the context within which inclusionary housing policies would be feasible /appropriate; and

Identifying the policy elements and choices that municipal inclusionary housing policy and regulation will need to determine and their institutional implications.

iii. To build public support for inclusionary housing by being clear about who it aims to benefit, the rationale for inclusionary housing and the approach that should be taken to introducing inclusionary housing provisions. It also aims to promote good governance by contributing to policy consistency and predictability – a key concern and risk for the property development sector – across the Western Cape."

The DWCIHPF deals at length with

- On what basis inclusionary housing can be applied in the Western Cape;
- how inclusionary housing can be introduced in municipalities and what should be done first;
 and
- o the policy considerations?

And, inter alia, recommends that the Municipal Planning By-Law be amended to include a specific enabling provision for the municipality to impose an inclusionary housing requirement and although it states that the implementation of a municipal inclusionary housing policy is not

contingent on such an amendment - "it is empahasised that, in such instances, the municipality must ensure the legality of its decision with reference to the specific application in question and the empowering provisions of its by-law."

The Stellenbosch Municipality cannot have complied with the requirements as set out in the Western Cape Inclusionary Housing Policy Framework prior to the finalisatio and adoption thereof.

Further to the above it has been confirmed, in the published FAQ and in the virtual workshop held on 31 May 2021 that the Inclusionary Housing Policy Framework will not be applied retrospectively.

Legal Opinion

In the absence of an Inclusionary Housing Policy and associated guidelines there is a lack of clarity and confusion as to what constitutes Inclusionary Housing and whether the Municipality is currently empowered to insist on "Inclusionary housing" as part of a development application—the approved 2019 MSDF itself only refers to "Inclusionary Housing" per se on 2 occasions (Inclusivity is mentioned on 3 occasions and Inclusive on 49 occasions) - Table 31 Pages 106 & 107 — Work Guidelines - Proposed MSDF Policies — dealing with the need for the Municipality to develop a Inclusionary Housing Policy & Guidelines which the Municipality has yet to do.

It is noteworthy that the approved 2019 MSDF does not "identify the designated areas where a national or provincial inclusionary housing policy may be applicable" as required in terms of Section 21 (i) of SPLUMA. The Draft Western Cape Inclusionary Housing Policy Framework — see above — provides that - "municipalities should ensure that their MSDFs that are to be tabled for adoption by the new Councils in 2022 include the designation of areas for the application of an inclusionary housing policy" and gives direction on how they should proceed.

Although inclusionary housing is topical without clear policy direction and guidelines there is currently no norm or standard against which to evaluate inclusivity and accordingly it is not possible to "demonstrate" compliance with the MSDF in the absence of such clear definition of what constitutes an inclusionary housing unit and what the quantum norm is?

In an attempt to understand the recommendations of the WCG & Municipality and to get clarity thereon the applicant sought legal opinion on the comments/recommendations received — Refer to Annexure 1 - Legal Opinion.

Having considered the matter;

- a) According to the requirement of accountable government that the exercise of public power must conform to the <u>doctrine of legality</u>.
- b) In the context of the <u>proper role of policies and guidelines</u> in the evaluation of land use applications; and
- c) The requirement of the rule of law that the exercise of public power by the Executive and other functionaries should not be arbitrary

The legal opinion concluded that the Municipality could not lawfully refuse the current land use applications based on its interpretation of municipal policy (the MSDF) if the applicant was not prepared to amend its development proposals to provide for more "inclusionary housing units".

Status Quo

The attempt to enforce a non-existent Inclusionary Housing Policy in accordance with a MSDF that fails to identify the designated areas where a national or provincial inclusionary housing policy may

be applicable, as required by SPLUMA, and prior to the finalisation of the Western Cape Inclusionary Housing Policy Framework which aims to provide the legal framework and policy basis for municipal inclusionary housing policy and regulation is clearly premature.

Further to the above Clause 66 (9) - Conditions of Approval of the Stellenbosch Municipal Planning By-law requires that – "Conditions requiring a standard to be met must specifically refer to an approved or published standard"

There is currently no approved or published standard for what constitutes inclusionary housing in Stellenbosch.

"inclusivity of infill housing opportunity" is currently defined by the Municipality as "referring to the extent to which the housing is provided for different income and demographic groups"

2. Amendment of SDP

Notwithstanding the above the applicant has resolved to amend the development proposal to further broaden the range of housing typologies enabling access for a greater range of income groups in order to contribute to the inclusivity of housing opportunities as requested.

Range of Housing Typologies - Original application

The original application comprised

95 Two bedroom apartments

101 Small three bedroom apartments

57 Larger three bedroom apartments

as follow;

4	Levels above semi- basement	Storeys		11 10		
Residential Buildings			A# 2 Bed	8* 3 Bed 58	C 3 Bed 77	Total
A DA MARKET			58			
Block 1	4	5	16	0	16	32
Block 2	4	5	20	0	16	36
Block 3	4	5	32	0	16	48
Block 4	5	6	0	65	0	65
Block 5	3	4	0	36	0	36
Block 6	3	4	27	0	9	36
			95	101	57	253

The principle behind the "typologies" adopted was that of shared accommodation which offers the most affordable accommodation - living on one's own in a studio or one bedroom apartment as opposed to sharing a 2 or 3 bedroom apartment is a luxury.

The majority of developments in Stellenbosch have provided studio & one bedroom apartments — the applicant is of the opinion that this market is adequately provided for and has noted that the planning authorities have commented previously that the studio & one bedroom units are over supplied.

The provision of small 3 bedroom apartments -58 m2 & 77m2 - ,which is not the typical offering, makes provision for efficient affordable accommodation attractive to a diverse range of income groups.

Studio and one bedroom apartments are the most expensive forms of accommodation when considering accommodation on a cost/bed basis as each bed requires a living area, a bathroom and a kitchen which spaces & costs are distributed between 2 or 3 bedrooms in 2 & 3 bedroom apartments respectively – furthermore the circulation space to bedroom ratio is increased in Studio and one bedroom apartments.

Range of Housing Typologies - Proposed Amendment

Notwithstanding the above the proposal has been amended to further broaden the range of housing typologies by including studio & one bedroom apartments, as requested, enabling access for a greater range of income groups in order to contribute to the inclusivity of housing opportunities as requested.

The amended proposal comprises

- 21 Studio apartments
- 23 One Bedroom apartments
- 99 Two bedroom apartments
- 77 Small three bedroom apartments
- 39 Larger three bedroom apartments

as follows

Residential Buildings	Levels above semi- basement		Unit Types														
		Storeys	A 2 Bed 58 m ² 2 Bed	B 3 Bed (small) 58 m ² 3 Bed	3 Bed 77 m ² 3 Bed	D 1 Bed 45 m ² 1 Bed	E Studio 28 m ² 1 Bed	Total									
									Block 1	4	5	8	8	12	4	4	36
									Block 2	4	5	10	10	12	4	4	40
									Block 3	4	5	16	16	12	4	4	52
Block 4	5	6	35	25	0	5	0	65									
Block 5	3	4	12	18	0	3	6	39									
Block 6	3	4	18	0	3	3	3	27									
			99	77	39	23	21	259									

The apartments have been designed on a modular basis which allows the apartments to be interchanged, within the same building envelope, as follows;

o Unit Types A (2 Bed) & B (Small 3 Bed) - are interchangeable and can be converted into 2 x studio units within the same envelope

- Further to the above corner positioned Unit Types A & B (32 instances) can be converted to 1 Bed Units
- o Unit Type C (Large 3 Bed) can be converted to 1 x 1 Bed & 1 x Studio

The above flexibility increases the "resilience" of the development by allowing for the apartment mix to be amended to suit the market demand if required - "The best interests of the local authority (and society generally) lie in the success of the development." (The Supreme Court of Appeal in Municipality of Stellenbosch v Shelf-Line 104 (Pty) Ltd)

Different Demographic Groups

It is reiterated that — as already stated in the application - the proposed sectional title development is not targeted at a specific demographic group — it is not specifically designed and does not include amenities for a specific demographic group for instance students or retired persons but is designed as a "general" residential sectional title scheme **providing housing opportunities for all demographic groups** including age, gender, occupation, nationality, ethnic background, sexual orientation etc.

3. Closing Statement

- "Inclusionary housing" is topical however the only reference to Inclusionary Housing in the MSDF is the need to develop an Inclusionary Housing Policy and Guidelines – which the Municipality has not done
- "inclusivity of infill housing opportunity", as referenced in the MSDF, is defined by the Municipality as "referring to the extent to which the housing is provided for different income and demographic groups"
- The proposed development is a general residential development which is not targeted at a specific demographic group but will provide housing opportunities for all demographic groups irrespective of age, gender, occupation, nationality, ethnic background, sexual orientation etc.
- o The diverse range of housing typologies will enable access to a range of income groups.
- The applicant's offer of a subsidised affordable housing component was rejected outright by the Western Cape Government and by Stellenbosch Municipality as being inadequate and by the Municipality failing to adhere to regulatory timeframes in processing the application.
- The Municipality cannot force the applicant to include more "inclusionary housing units", as
 - The Draft Western Cape Inclusionary Housing Policy Framework (DWCIHPF) which aims
 to provide the legal framework and policy basis for municipal inclusionary housing policy
 and prescribes what has to be done prior to the introduction of a municipal Inclusionary
 Housing Policy has yet to be approved and adopted.
 - In the absence of a policy there is no clear policy direction and there are no guidelines or norms and standards against which to evaluate inclusivity – how does one demonstrate

compliance with a non-existent "standard" – in accordance with the Planning By-Law "Conditions requiring a standard to be met must specifically refer to an approved or published standard"

- The 2019 MSDF fails to identify the designated areas where a national or provincial inclusionary housing policy may be applicable, as required by SPLUMA and referred to in the DWCIHPF.
- o The applicant sought legal opinion in order to get clarity on the comments and recommendations of the WCG & Municipality – the opinion concluded that the Municipality could not lawfully refuse the current land use applications based on its interpretation of municipal policy (the MSDF) if the applicant was not prepared to amend its development proposals to provide for more "inclusionary housing units".
- Notwithstanding the above the proposal has been amended to further broaden the range of housing typologies by including studio & one bedroom apartments, as requested, enabling access to a greater range of income groups in order to contribute to the inclusivity of housing opportunities as requested.

ANNEXURE 1

DHM
du plessis • hofmeyr • malan
land law specialists

MEMORANDUM

TO

CATWALK INVESTMENTS 385 (PTY) LTD

ABOUT

INCLUSIONARY HOUSING REQUIREMENTS MADE

RELATING TO THE DEVELOPMENT OF ERF 14601 STELLENBOSCH

LEGALLY PRIVILEGED AND CONFIDENTIAL

PREPARED FOR THE RENDERING OF LEGAL ADVICE

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Introduction

- 1. Consultant is Catwalk Investments 385 (Pty) Ltd (the "Company").
- 2. The Company applied to Stellenbosch Municipality (the "Municipality") for certain land use approvals (rezoning, subdivision, consent use & departures) to permit a mixed-use development on Erf 14601 Stellenbosch (the "Property").
- 3. The mixed-use development will *inter alia* comprise 253 dwelling units within six 3- to 5-storey blocks of flats, some commercial/ office uses and private roads.
 - 3.1. The proposed housing development is not targeted at a specific market segment but has been designed to provide housing for all demographic groups (including age, gender, occupation, nationality, ethnic background, sexual orientation and so forth).
 - 3.2. It includes a voluntary subsidised housing component as well as different "housing typologies. The current proposal is to offer 57m² 2 Bed apartments, 61m² 3-bedroom apartments, and 75m² 3-bedroom apartments. The principle behind the "typologies" adopted was that of shared accommodation which offers the most affordable accommodation.
 - 3.3. The provision of small 3-bedroom apartments (61m² and 75m²) is not the typical offering but provides for efficient affordable housing attractive to a diverse range of income groups.
 - 3.4. The majority of existing developments in Stellenbosch provide Studio and one-bedroom apartments and this market is adequately catered for.
 - 3.5. It is noteworthy that Studio and one-bedroom apartments are the most expensive forms of housing when considering accommodation on a cost/bed basis. Each bed requires a living area, a bathroom and a kitchen which spaces and costs are distributed between 2 or 3 bedrooms in 2 and 3-bedroom apartments.
 - 3.6. In addition, the circulation space to bedroom ratio is increased in studio and one-bedroom apartments. Living on one's own in a Studio or one-bedroom apartment as opposed to sharing a 2 or 3-bedroom apartment is a luxury.
- 4. It is noteworthy that Consultant, in a letter of **30 April 2019** to the Municipality, commented on the draft 2019 Municipal Spatial Development Framework



("MSDF"), inter alia pointing out that the municipal attempt to introduce "inclusionary housing" without a clear policy having been adopted after following an informed and extensive public participation process, will be unworkable and unacceptable.

- 5. The Municipality referred the land use applications to the Western Cape Department of Environmental Affairs and Development Planning (the "Department") for comment. The following are extracts from a letter dated 1 December 2020 that the Department's Director: Development Management (Region 2) directed to Municipality in reply. [Emphasis added].
 - 5.1. "One of seven principles or concepts advocated in the MSDF, geared towards the common good, is the infill and redevelopment of existing settled areas. The inclusivity of infill housing, referring to the extent to which the housing provides for <u>different income and demographic groups</u>, is considered paramount. This is particularly so for the Adam Tas Corridor and it is the reason why as a Directorate we question the provision of only 2- or 3-bedroom apartments in this development proposal. Including <u>studio and/or one-bedroom</u> apartments would increase the diversity of family types being catered for and affordability. Accommodating different income groups and family types is highlighted as a need in the MSDF.
 - 5.2. The applicant's view that Stellenbosch Municipality is trying to coerce "ad hoc voluntary" affordable housing as part of a development application in the <u>absence of an Inclusionary Housing Policy</u>, which the applicant feels is in direct conflict with the provisions of SPLUMA, is not supported by this Directorate. Whilst there may not currently be an Inclusionary Housing Policy in place at the Municipality, the MSDF provides <u>numerous statements</u> regarding the need for inclusionary housing. One such statement is in section 6.9 "Catalytic Initiatives- Adam Tas Corridor", the statement is made that "A range of housing types in the form of apartments should be provided accommodating different income groups and family types".

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5.3. It is the view of this Directorate that the need for inclusionary housing is set out logically and clearly in the MSDF and should this development not comply with this provision in the MSDF, would be inconsistent with the MSDF and could be refused. In this regard, this Directorate is disappointed in the quantum of the contribution for inclusionary housing which is put forward by the applicant. Out of approximately 253 units, 12 have been put forward for inclusionary housing purposes, which amounts to 4.7% of the total number of



units. <u>We doubt</u> whether this proposal could be regarded as being in compliance with the MSDF.

6. The Municipality's Manager: Spatial Planning, in a memorandum dated **9**March 2021 to the Municipal Manager: Development Management, inter alia stated the following:

"Although the Municipality does not yet have an approved inclusionary housing policy, the MSDF provides numerous statements regarding the need for inclusionary housing. This department supports the view of the Directorate: Development Management in their letter dated 1/12/2020 that, if the proposal does not address the need for inclusionary housing adequately, this development will not comply with this provision in the MSDF and would be inconsistent with the MSDF and could be refused.

It is <u>also questioned</u> if the proposal to reserve (only) 12 out of 235 units for students as "inclusionary housing" can be regarded as being in compliance with the MSDF. This department is of the view that the proposal is inadequate and must be revisited to comply with the requirements of the MSDF. ... This department is therefore of the view that the proposed development does not address the issue of housing opportunity for a varied and broader range of income groups successfully and therefore did not address the principle of spatial justice adequately."

Opinion requested

- 7. The provincial and municipal comments that the application "could be refused" due to suspected non-compliance with policy, is regarded as a veiled threat. It may be an attempt to coerce Consultant to provide more inclusionary housing in the proposed development than that which the planning authority may lawfully require by way of condition of approval.
- 8. Consultant is rightfully concerned that the comments made by provincial and municipal officials, doubting whether the proposal can be regarded as being MSDF compliant, may lead to extensive delays in obtaining final approval of the land use applications concerned.
 - 8.1. It is noteworthy that the Department has in fact <u>recommended</u> that the application for the rezoning to Subdivisional area and the subsequent subdivision, departures and consent use to allow a Place of Entertainment within a Mixed-Use Zone, be approved.
 - 8.2. However, it suggested "...that the Site Development Plan Package, which should include the inclusionary housing institutional arrangements should only be considered at a later stage when all concerns have been addressed. As a condition of approval of the



rezoning the MPT should consider requesting the applicant to demonstrate through the SDP how the development would comply with the MSDF provisions, specifically:

- 8.2.1. (Table 31 P106) "Strategy: Develop all settlements as balanced, inclusive, appropriately serviced, communities, negotiable through NMT and exhibiting a positive relationship with surrounding nature and agricultural land.
- 8.2.2. Spatial Policy: Expand housing opportunity for a broader range of groups including <u>lower income groups and students</u> particularly in settlements forming part of the Baden Powell-Adam Tas-R304 corridor.

and so forth.

The crisp question is basically whether the Municipality may lawfully refuse the current land use applications based on its interpretation of municipal policy (the MSDF) if Consultant is not prepared to amend its development proposals to provide for more inclusionary housing units. I have been asked to consider the relevant set of facts and to produce a legal opinion in this matter.

Structure of memorandum

- 10. This memorandum deals with the proper approach to adopt in the evaluation of the current land use applications. The structure of this memorandum is as follows:
 - 10.1. First, I deal with the requirement of accountable government that the exercise of public power must conform to the <u>doctrine of legality</u>. I point out, with reference to case law, that a local government may only act within the powers lawfully conferred upon it and that the Municipality is not empowered by legislation to require as a condition of approval that Consultant must provide inclusionary housing in the development.
 - 10.2. Secondly, I explain the <u>proper role of policies</u> and guidelines in the evaluation of land use applications, as both the provincial and municipal commentators focussed fairly narrowly on policy. More particularly, I will point out that policy determinations cannot override, amend or be in conflict with laws (including subordinate legislation). The Municipality is frankly not able to elevate policy to the level of legislation or to employ policy in an attempt to overcome lawful constraints on its statutory powers.
 - 10.3. Thirdly, I deal with the requirement of the rule of law that the exercise



of public power by the Executive and other functionaries should not be arbitrary. Decisions reached may not be irrational but must be rationally related to the purpose for which the power was given, otherwise they are in effect arbitrary and inconsistent with this requirement. I inter alia point out that although inclusionary housing is topical, there is no clear definition of what exactly qualifies as inclusionary housing. Furthermore, that there is no norm or standard (quantities, ratio and threshold) against which to impose a quantum in the absence of clear policy direction. To impose a quantum requirement at this stage, with no clear policy in place, would be arbitrary.

10.4. Lastly, I make a few concluding comments.

Doctrine of legality

- 11. The doctrine of legality is an essential component of the rule of law. [1] The power to approve or refuse land use applications and to impose conditions of approval, is unquestionably a <u>public</u> power bestowed upon local authorities. As such, its exercise must conform to the doctrine of legality.
- 12. It is a trite principle of our law that the legislature and the executive in every sphere are constrained by the principle that they may exercise no power and perform no function beyond that conferred upon them by law. [2]
- 13. It is also a well-established principle of South African law that powers given to a public body for one purpose cannot be used for ulterior purposes which are not contemplated at the time when the powers were confirmed. [3]
- 14. Good intentions and public benefits are insufficient. As Baxter mentions on p. 511: "It does not help that the improper purpose which the public authority sought to achieve was well intentioned, or even that it would benefit the public."
- 15. The Municipality derives its ability to impose conditions from section 40 (1) of the Western Cape: Land Use Planning Act, 3 of 2014 ("LUPA") and it must follow the principles contained therein. It cannot impose unrelated conditions.
- 16. Section 40 (1) of LUPA provides: "When a municipality approves a land use application subject to conditions, the conditions must be <u>reasonable</u>

See Baxter, Lawrence. 1984. <u>Administrative Law</u>. Juta & Co, Ltd: Cape Town on p. 508.



Fedsure Life Assurance Ltd v Greater Johannesburg Transitional Metropolitan Council 1999 (1) SA 374 (CC) para 40.

² <u>Fedsure Life</u> at par [58]. See also <u>Minister of Education v Harris</u> 2001 (4) SA 1297 (CC) at par [9] to [13].

conditions and <u>must arise</u> from the approval of the proposed utilisation of land."

- 17. It is illogical to argue that the need for inclusionary housing arises from the proposed use of the Property. See in this regard the findings made in the judgments handed down in the Longlands [4] and Arabella [5] matters.
 - 17.1. In the <u>Longlands</u> matter the Court found that the decision-maker, when imposing conditions in relation to the provision of "gap housing" in the proposed development, acted beyond the powers conferred on her by law.
 - 17.2. In paragraph 68 of the <u>Arabella</u> judgement the Court agreed that the WCPSDF policy cannot by executive decision be converted into a relevant consideration when interpreting a power conferred by national legislation. It held that a condition imposed by the Minister requiring the provision of social housing in the development was beyond the scope of authorisation to be given under the legislation and that the imposition of the condition was thus ultra vires her powers.

Rational, not arbitrary decisions

- 18. A public body created to serve the public's interest must perform its functions openly and transparently and only reach decisions which are <u>not irrational or arbitrary</u>. That is consistent with a culture of justifications and a central principle of accountable governance.
- 19. In the Constitutional Court, [4] Chaskalson P said:

"It is a requirement of the rule of law that the exercise of public power by the Executive and other functionaries should <u>not be arbitrary</u>. Decisions must be rationally related to the purpose for which the power was given, otherwise they are in effect arbitrary and inconsistent with this requirement. It follows that in order to pass constitutional scrutiny the exercise of public power by the Executive and other functionaries must, at least, comply with this requirement. If it does not, it falls short of the standards demanded by our Constitution for such action.

In <u>Pharmaceutical Manufacturers Association of SA: In re Ex parte President of the Republic of South Africa</u> 2000 (2) SA 674 (CC) at par [85].



SLC Property Group (Pty) Ltd & Ano. V The Minister of Environmental Affairs and Economic Development (Western Cape) & Ano [2008] 1 All SAQ 627 (C) herein referred to as "Longlands".

Hangklip/Kleinmond Federation of Ratepayers Association v The Minister for Environmental Planning and Economic Development: Western Cape and Others 2009 JDR 1036 (WCC) referred to herein as "Arabella".

The imposition of a condition which is aimed at the implementation of a housing policy is <u>not rationally related to the purpose</u> for which the powers under ECA were given. Moreover, the condition that was imposed is not rationally related to, nor is it based on or derived from information placed before the first respondent in terms of the procedures prescribed in ECA and the Regulations made under ECA."

20. Of relevance also is the following passage from the same judgment of Chaskalson P in the Constitutional Court. [7]

"Rationality in this sense (i.e. objective rationality) is a minimum threshold requirement applicable to the exercise of all public power by members of the Executive and other functionaries. Action that fails to pass this threshold is inconsistent with the requirements of our Constitution and therefore unlawful. ... As long as the purpose sought to be achieved by the exercise of public power is within the authority of the functionary, and as long as the functionary's decision, viewed objectively, is rational, a Court cannot interfere with the decision simply because it disagrees with it or considers that the power was exercised inappropriately. ..." (Emphasis supplied].

- The Municipality has no inclusionary housing policy. The closest that it gets to policy guidelines relating to this topic, is the numerous vague statements regarding the <u>need</u> for inclusionary housing in the MSDF.
 - 21.1. The MSDF, however, contains no clear definition of the various types of housing that will qualify and do not qualify as "inclusionary" housing. It boggles the mind that the Department can express "disappointment in the quantum of the contribution for inclusionary housing which is put forward by the applicant". On what basis has it been decided which units qualify as inclusionary housing units and which units do not qualify? Consultant maintains that shared affordable accommodation, as provided for, caters for different income and demographic groups and is to be preferred over luxury "exclusive" and much more expensive studio and one-bedroom apartments.
 - 21.2. More importantly though, the MSDF does not prescribe any norms and standards in this regard. How then is it possible to assess compliance or otherwise with policy requirements? If there is no direct policy that says how inclusionary housing is to be created, then how is the developer supposed to abide by non-existent norms and standards?
 - 21.3. Moreover, how can it be expected of the applicant to "demonstrate" compliance with the MSDF in the absence of clear definitions of what

Par. [90] at 709 D-F.



constitutes an inclusionary housing unit and what the quantum norm is? The suggested requirement that the applicant should demonstrate compliance would constitute unreasonable administrative action, should the suggestion be adopted.

- 22. Although inclusionary housing is topical and the need for inclusionary housing is acknowledged, there is no norm or standard against which to impose a quantum without a clear policy direction of how to go about it. In the absence of a clear policy framework with measure of quantum, the imposition of conditions (assuming for discussion purposes that that such requirements may lawfully be imposed which, as I have indicated, the Municipality may not lawfully do in any event), would be arbitrary. [8] The imposition of such a condition would have the effect of not following due process and would therefore also be undemocratic. [9..]
- 23. The type of condition of approval suggested by the Department (namely that the applicant be requested to demonstrate through the SDP how the development would comply with the MSDF provisions relating to inclusionary housing) reminds strongly of the requirement made by minister Essop in the reported Arabella-case. She required the applicant to clarify its social responsibility, with reference to its contribution to social housing. As mentioned, the Court held that she acted beyond her powers when she imposed a condition requiring the provision on social housing. In any event, it is not for the applicant to demonstrate compliance with vague policy statements dealing with "need" but otherwise with uncertain content.

Proper role of policies

- 24. Essentially all policy documents are aspirational in nature. The formulation and adoption of policy documents is a valuable tool of government, especially true in the sphere of land use and planning. Planning policy is and remains only a guideline. [10]
- 25. The primary objects of a policy are to achieve reasonable and consistent decision-making and to provide a guide, and a <u>measure of certainty</u> to the public; and to avoid case-by-case and fresh enquiry into every identical request or need for the exercise of public power.

See <u>Arun Property Development (Pty) Ltd v City of Cape Town</u> 2015 (2) SA 584 (CC) at par. 47.



The decision-maker is required to heed s 6(2)(f)(ii) of the Promotion of Administrative Justice Act, 3 of 2000 ("PAJA"). Administrative action is required to be rationally connected to the information before the decision-maker.

In terms of section 195(1)(e) of the National Constitution the public administration is required to encouraged public participation in policy making. To exclude the public from this process will be in conflict with constitutional requirements.

- 26. Both the provincial and municipal officials that commented on the land use applications have relied heavily of the MSDF policy document. The wording of section 26(e) of the Municipal Systems Act, 32 of 2000, is important for it describes the intended character of MSDFs, namely the provision of "basic guidelines" for a land use management system for the municipality. The notion of basic guidelines and the ordinary import of the word "framework" which in the relevant context donates a skeleton or supporting structure, makes it plain that what Parliament had in mind was a broad-brush instrument, not a detailed regulatory document like zoning schemes under the planning legislation.
- 27. The following words of Harms JA are apposite to Pinnacle Point's use of the WCPSDF in the case reported as <u>Akani Garden Route (Pty) Ltd v Pinnacle Point Casino (Pty) Ltd 2001</u> (4) SA 501 (SCA) at par [6] and [7].

"I prefer to begin by stating the obvious, namely that laws, regulations and rules are legislative instruments, whereas policy determinations are not. As a matter of sound government, in order to bind the public, policy should normally be reflected in such instruments. Policy determinations cannot override, amend or be in conflict with laws (including subordinate legislation). Otherwise, the separation between Legislature and Executive will disappear In this case, however, it seems that the provincial legislature intended to elevate policy determinations to the level of subordinate legislation ..."

- 28. In short, even if the MSDF contained a clear definition of what comprises inclusionary housing and stipulated norms and standards that should be complied with in respect thereof (which is not the case), it will not be necessary to act consistently with those requirements if by law, the municipality may not lawfully impose conditions requiring the provision of such units in a proposed development.
- 29. As pointed out, such a requirement will be *ultra vires* and irrational in the given set of facts and I do not doubt that if it were to be made or the application were to be refused due to "non-compliance" with policy statements, it will fall to be set aside on the ground that in imposing it, the municipality exceeded the powers conferred upon it under LUPA and acted irrationally.

Concluding comments

30. The National Constitution as the supreme law of the Republic [11] is the logical point of departure for any exploration of the maze of statutory provisions that

Section 1 of the Constitution.



apply within the field of land use matters. It should inform the decisions to be taken in relation to the land use applications concerned.

- 31. The departure point in the evaluation of any land use application is therefore not policy guidelines. The decision-maker is required to see the matter through the prism of the country's Constitution and the fundamental rights enjoyed by all under the Constitution.
- 32. Our National Constitution enjoins local government to promote social and economic development and requires the public administration to be fundamentally development-orientated to ensure that it works towards its constitutional objects and contribute to the progressive realisation of the fundamental constitutional rights. [12]
- 33. The authorities are required to assume new roles and attitudes towards the way they conduct business to comply with constitutional imperatives. A blinkered approach is not helpful.
- 34. The Supreme Court of Appeal in <u>Municipality of Stellenbosch v Shelf-Line 104</u>

 (Pty) Ltd [13] pointed out that township development is an economic speculation that holds serious implications for both the developer and the public authority. The developer must balance the costs involved in the acquisition of the land and legal, planning, marketing and infrastructural development expenses, against a prediction of future market conditions, the potential of the land, competing developments, and so on. The **best interests** of the local authority (and society generally) lie in the success of the development.
- 35. It would therefore be a sad day indeed if the Municipality would nevertheless decide to act outside its powers by imposing any form of ad hoc condition that would be totally arbitrary and will indeed have a negative impact on not only Consultant but the many others that stand to benefit positively from the proposed development.

36. I advise accordingly.

Kind regards.

DU PLESSIS HOFMEYR MALAN INC

PER:

JOHAN DU PLESSIS

¹² See sections 152(1)(c) and 195 (1)(c).

¹³ 2012 (1) SA 599 (SCA) at para [20]

APPENDIX G

RESPONSE TO NON MOTORISED TRANSPORT

COMMENT

WDG - As a condition of approval of the rezoning the MPT should consider requesting the applicant to demonstrate through the SDP how the development would comply with the MSDF provisions, specifically:

SM - In this regard the applicant must, through the Site Development Plan demonstrate the following:

WDG

• Given the limited income of a large proportion of the population, a settlement structure and form prioritizing walking and public and NMT, should be pursued (Table 12)

SM

 Item 3 - How the development of the property as part of the ATC will provide and promote strong internal and external public and NMT connections with the surrounding area and the lower Dorp Street area.

RESPONSE

1. Discussion

Application

The principle of walkable neighbourhoods and the use of Non-Motorised and Public transport is fully supported by the applicant – refer to 14.2.4 Non-Motorised Transport (Page 44 – 47) & 14.2.5 Public Transport (Page 47) in the Application.

The application demonstrates how the development, as part of the ATC will provide and promote strong internal and external public and NMT connections with the surrounding area and the lower Dorp Street by inter alia:

o Providing accommodation in direct proximity to commercial work space and recreational/retail facilities.

The proposed development together with the recently completed Bosmans Business Centre will transform the area into a diverse balanced mixed use precinct which will result in a safe community orientated - live - work - study - play - walkable neighbourhood which is the ultimate form of NMT - see "balanced neighbourhood" below.



Recently completed Bosmans Business Centre

The intention is to improve the security of the entire precinct through the establishment of a Special Rated Area (SRA) and the deployment of the latest security technologies to further foster the walkable neighbourhood.

 Making provision for a public "through road" linking Bosmans Crossing with the future development of the Bergkelder property as envisaged in the ATC proposal – this link road is crucial to the principle and success of the ATC initiative.

Should the property be retained as an industrial property and be further developed for industrial purposes, in accordance with the existing rights, the opportunity to provide a link road as envisaged in the ATC initiative would be lost.

 Promoting and incentivising of the use of bicycles by the residents by providing bicycle storage facilities and a "bicycle friendly environment".

The applicant has demonstrated their commitment to the promotion of cycling as a means of linking the Bosmans Crossing precinct with greater Stellenbosch at the adjacent Bosmans Business Centre development which was completed in Dec 2020 by the provision of secure bicycle storage facilities and his/hers showering facilities for cyclists on each tenant floor.

Further to the above the applicant applied for and has been allocated bicycles as part of the **Provincial Sustainable Transport Plan** and has entered into a MOU with the **Bicycle Mobility Consortium** to "promote non-motorised transport in and around Stellenbosch and to provide access between the Stellenbosch centre and Bosmans Crossing precinct"



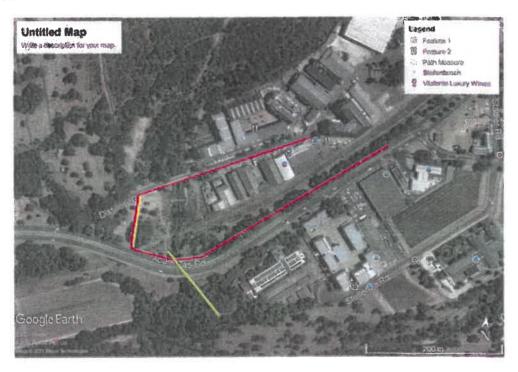
BMC bicycles at Bosmans Business Centre to promote NMT

- o Actively engaging with the Municipality engineering directorate to expedite the proposed pedestrian/cycle bridge over the railway line.
 - Further to the engagements already mentioned in the application in an email dated 09 July 2021 the Senior Manager Roads, Transport, Stormwater & Traffic Engineering,. Mr Johan Fullard, once again confirmed "It is the intention to have a pedestrian crossing for the Bosman's crossing area."
- Proposing an alternative prior to the above-mentioned bridge being completed by linking the existing NMT cycle path along Adam Tas Road to Bosmans Crossing and the Distillery road cycle path by means of constructing a cycle path, +- 80m, across the open grass area as indicated in application – see below for further detail.

Timing of the proposed pedestrian/cycle bridge over the railway line

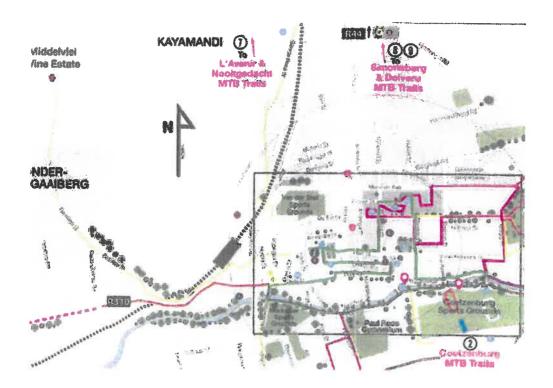
Spatial Planning have expressed an opinion that — ""Although the applicant makes provision for a pedestrian bridge over the R44 to connect with lower Dorp Street and provides space for NMT in the road reserve, the fact is that these facilities do not exist at present and will not be put in place by this development. Until such a time, and if the pedestrian bridge is constructed, the development will not contribute to the goal of promoting NMT and public transport."

The above statement fails to acknowledge the viable alternative of simply linking the NMT cycle path along Adam Tas Road to Bosmans Crossing and the Distillery road cycle path by means of constructing a cycle path, +- 80m, across the open grass area as mentioned in the application – see below



The red line indicates the existing cycle path along Adam Tas Road and Distillery Road with the proposed link of +- 80m indicated in yellow.

The cycle paths along Adam Tas Road & Distillery Street are indicated, in yellow, on the Stellenbosch Cycling Map below.



In the absence of a bridge the proposed alternative route is a viable alternative which is only +-750m longer to Dorp Street than a direct bridge across the railway line.

Further to the above the opportunity exists to link the Bosmans Crossing precinct with the "Remgro Eerste River initiative" – which includes a "safe pathway" from DE Boord all the way to Coetzenberg - as indicated in green in the above figure.

Spatial Planning further contends that in the absence of a pedestrian bridge — "In fact, the development will operate as an extended cul-de sac- with all incoming and out-going traffic accessing the site via distillery Road and across the Plankenbrug River." — which is factually incorrect as the proposed pedestrian bridge is not related to the "incoming and out-going traffic" — as stated above and in the application provision has been made for a "through road" linking Bosmans Crossing with the future development of the Bergkelder property as envisaged in the ATC proposal.

From: Johan Fullard [mailto:Johan.Fullard@stellenbosch.gov.za]

Sent: Wednesday, 04 August 2021 12:07

To: Yolandi Obermeyer <yolandi@udsafrica.co.za> **Subject:** RE: Plankenbrug Bridge - Bosmans Crossing

Hi Yolandi

We are currently at evaluation stage, and may be in a position to make an award within month, thereafter there is a appeal period. Possible start of construction in September / October.

Kind Regards



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APPENDIX I

BALANCED NEIGHBOURHOOD RESPONSE

COMMENT

WDG - As a condition of approval of the rezoning the MPT should consider requesting the applicant to demonstrate through the SDP how the development would comply with the MSDF provisions, specifically:

SM - In this regard the applicant must, through the Site Development Plan demonstrate the following:

WDG

 (Table 31 P106) "Strategy: Develop all settlements as balanced, inclusive, appropriately serviced, communities, negotiable through NMT and exhibiting a positive relationship with surrounding nature and agricultural land.

SM

Item 4 - How the development will provide adequate social facilities for the daily retail needs
of residents.

RESPONSE

1. Discussion

The proposed development is a commercial property venture funded by shareholders capital and accordingly the development proposal needs to be sustainable and viable.

Further to the above the success of the development is in the best interests of all parties - "The best interests of the local authority (and society generally) lie in the success of the development." (The Supreme Court of Appeal in Municipality of Stellenbosch v Shelf-Line 104 (Pty) Ltd)

As noted in the application there is a symbiotic relationship between residential and retail/commercial development with residential development generally preceding retail/commercial development in an area/precinct. Retail/commercial feasibility studies are largely reliant on the supply and relevant demand drivers of the "catchment area" of the proposed development. The approval of sites by National chains/franchises is dependent on such data—people are a catalyst to commercial/retail development.

The redevelopment of the Bosmans Crossing precinct commenced in the mid 2000's and the precinct is currently in the process of being transformed into a vibrant mixed use node as originally envisaged. However, to date, there are insufficient residents residing in the precinct to justify the feasibility of retail/entertainment with no businesses currently being open after office hours.

The applicant has recently completed the development of the Bosmans Business Centre (BBC) on the adjacent property — Erf 6201- comprising 5 440m2 of GLA including 4 911m2 of commercial office space and 529m2 of retail space on the ground floor — it should be noted that the building remained incomplete for some ten years — 2010 to 2020 — as the completion thereof was not considered viable

The viability of completing the BBC development was considered in conjunction with the development of the subject property in order to achieve a balanced mix of residential to

commercial space – the applicant would not have considered the development of the BBC building in isolation – hence the reason why the development stood incomplete for some ten years.

The development proposal should therefore be considered in the context of the entire precinct rather than within the confines of the subject property. The proposal is to compliment the increased commercial capacity of +- 5 500m² at the Bosmans Business Centre with the development of residential units with additional appropriate retail space.

The development application makes provision for a further +- 1 500m² of commercial space in the Shed and Manor House which together with the BBC building will add a further +- 7 000m² of commercial space to the precinct — note the existing Bosmans Crossing Square development comprises 2 732m² of commercial space.

Further to the above a further +-670m2 of commercial space has been added with the recent completion of the Bosmans Club development.

The success of the commercial component is dependent on the increased number of people residing in the precinct to make the commercial/retail space viable – the applicant has had first-hand experience as the retail space in the BBC building remains vacant with various potential tenants having considered and declined to let the space due to insufficient "foot count" in the precinct – as far as the applicant is aware the +-670m2 of retail space in the Bosmans Club also remains vacant.

Further to the above the recommendation from the Directorate Infrastructure Services provides for a Development Contribution amount of R3 327 227 in respect of Community Services.

2. Closing Statement

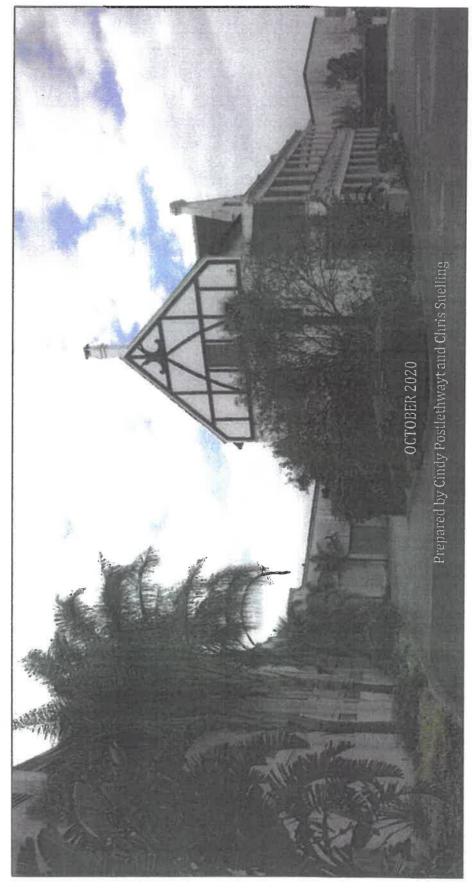
- The proposed development is a commercial property venture funded by shareholders capital which needs to be sustainable and viable "The best interests of the local authority (and society generally) lie in the success of the development." (The Supreme Court of Appeal in Municipality of Stellenbosch v Shelf-Line 104 (Pty) Ltd)
- The viability and sustainability of commercial property is reliant on sufficient residents residing in the precinct – Bosmans Crossing requires more residents to improve the viability of the existing commercial space.
- The applicant has recently completed the Bosmans Business Centre (BBC) on the adjacent property comprising 5 440m² of GLA the viability of which was considered in conjunction with the proposed development.
- The development proposal should be considered in the context of the entire precinct rather than within the confines of the subject property – the addition of a further 1 500m² is considered to be the appropriate balance to achieve a viable, sustainable mixed use precinct.
- o It is envisaged that many of the occupants of the BBC will choose to reside in the proposed development resulting in a live work study play safe neighbourhood.

 The development will contribute an amount of R3 327 227 in respect of Community Services in accordance with the proposed Development Contributions.

TO BE SUBMITTED TO HERITAGE WESTERN CAPE IN TERMS OF THE PROVISIONS OF SECTION 38(4) OF THE NATIONAL HERITAGE RESOURCES ACT. HERITAGE IMPACT ASSESSMENT

PROPOSED REDEVELOPMENT OF OUDE MOLEN - ERF 14601 STELLENBOSCH

HWC Case Number:15012102GT0127E



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Figure 1: Site in the context of Stellenbosch (Cape Farm Mapper CFM)



Figure 2: Site in the context of Stellenbosch historic core and proposed HPO

Background

of the National Heritage Resources Act (NHRA). Accordingly, a in a response dated 13 February 2015, HWC required that a Heritage Notification of Intent to Develop (NID) for Erf 14601 and Rem Erf 6201, Stellenbosch was submitted to Heritage Western Cape (HWC) in 2015. Impact Assessment (HIA) be conducted, including an archaeological The proposed development of the site triggers Sections 38(1)(c)(i)(d)¹ study and urban design component. It is to be noted that as a result of design development in the intervening period, Rem Erf 6201 is no longer included in the development parcel and this HIA is conducted in respect of Erf 14601 only, although the Scope of Work remains the same.

Property Details

east. It is also just outside of the Stellenbosch Historical Core. The Erf 14601 (the property concerned) is 2,71981ha in extent and located in Stellenbosch at the termination of Distillery Road. The site is bordered by the Papagaaiberg on the west, and Adam Tas Road on the owner of the property is Catwalk Investments 385 (Pty) Ltd.

Nature of Submission

It is proposed to rezone erf 14601 in order to accommodate a mixed use development comprising general residential apartments and some associated commercial space. A warehouse older than 60 years, the reconstructed mill and the historic manor house are to be retained within the new development.

PCNSE TO NOTIFICATION OF INTENT TO DEVELOP 13 February 2015 HINCAPE WINELANDSISTELLENBOSCHREN ERF 6201 AND ERF 14651 Case No: Auto IDs: In terms of se garrithonas@ Enquiries Guy Thomas Tel: 021 483 9685 Our Ret: Tel: Emeli:

Mr Chris Snelling

3 Ringwood Drive

Cape Town

GASE NURBER: 15012102GT0127E MID: PROGSED PEVELOPMEN ON REIB ERF 6201 AND ERF 14601, "CUIDE NOLENTBISTILIERY ROAD, STELLENGOSCH

The matter above has naference

Your NID received on 27 January 2015 was tabled and the following was discussed

The properties will be rezoned and consolidated to form a single off with a zorwing of general

2. The previous warehouse may need to be demokshed, while the older significant buildings will be

The sile has significant built fabric, and may have significant archaeological resources.

HIA in terms of S. 38(3) of the NHRA (Act 25 of 1998) assessing the impacts on the following heritage resources which it has identified; Bulli fabric and potential archaeological resources.

2. An HIA is required consisting of an archaeological study, as well as the submission of an urban design component.

Conservation bodies registered in the area, as well as any other I&APS must be consulted.

1. An integrated set of recomm-

¹ The development was noted as changing the character of the site, which is larger than 5,000m² hence 38(1)(c)(i), and requiring the rezoning of an area larger than 10,000m2, hence section 38(1)(d)



Figure 3: Locality (CFM)

4. Statutory Processes

The proposed development will not trigger any Listed Activities in terms of the EIA Regulations promulgated on 8 December 2014. This HIA is therefore conducted in terms of Section 38(4) of the NHRA.

In terms of the requirements of the Stellenbosch Municipality Land Use Planning By-law the proposed development will require, *inter alia*, the subdivision and rezoning of the property from Industrial Zone (Wine Industry in terms of the previous Zoning Scheme) to Mixed Use Zone.

Methodology

This HIA has been structured to fulfil the requirements of Section 38(3) of the NHRA and to respond to the requirements of HWC. The public participation process followed that prescribed by HWC.

The following sources of material have been consulted:

- Historical reports and maps
- Historical aerial and orthophoto search at National Geo-Spatial Information Directorate
- Deeds Office & Surveyor General records search
- Secondary sources (listed in references)
- On-site inspection (internal and external)

The project team includes, inter alia:

- HIA Practitioners: Cindy Postlethwayt & Chris Snelling
 - Archaeologist: Tim Hart ACO & Associates Urban Design input: D Dewar & P Louw
 - Architecture: Boogertman & Partners
- Town Planning: FirstPlan

Historical Background

As the property has a history of some significance, first as a mill site and later as the site where the early distilling of quality brandy took place, the proposed development requires some sensitivity to those historical aspects that are still present at the site.

The Oude Molen site was the location of the fourth, and last, of the mills that played an important role in the shaping of Stellenbosch town, with a network of millstreams that still flow through the town. The original mill was built in 1821, however, the property appears to have been cultivated as a wine farm until the property was acquired by Rene Santhagens c1905. The mill was de-commissioned in 1910. The millstream at Oude Molen was diverted underground, although it is unclear when this happened – in the in the 1960s or 1990s.

Figure 4: Map of the historical mill-stream and original mills with Oude Molen (Fourth Mill) circled (J van Schoor, redrawn Walton1974:42).

"In the 20th century Oude Molen gained fame as the Nation's first distillery of good quality brandy. Up to the start of the 20th century South African brandy was stilled using a variety of home grown recipes and equipment, probably best described as being in the class of "mampoer" or "witblitz". The development of true brandy is associated with a Frenchman named Rene Santhagens who immigrated with his family to South Africa in 1899 in answer to an advertisement by Sammy Marks who desired to improve the quality of local liquor in Pretoria. The South African War disrupted Santhagens' plans, however after the conflict he returned to the Cape where he worked as a distiller eventually purchasing Oude Molen (circa 1905) where he and his wife established a distillery. After some years the Santhagens enjoyed success becoming well known figures in (colonial) Cape Society. After Rene Santhagens died in 1937, his wife Laure Santhagens continued the business until it was finally taken over by Gilbeys distillery and

Vintners." (ACO) The site was subsequently sold by Gilbeys who moved their operations to Elgin in 20032.

Significant changes were made on the property when Gilbeys re-developed the site in the 1990s. A total of 27 buildings were demolished, and a large warehouse complex was constructed (see page 8 for details). The millstream was also diverted underground during construction.

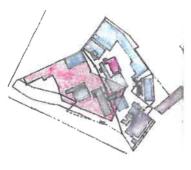
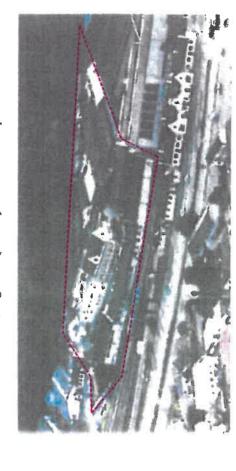


Figure 5 (right, above): The teal structures are those that were demolished in 1990; Figure 6 (below): Oude Molen prior to 1990



Van Ryn's date back to 1845 with the pioneer Jan Van Ryn's – he earned the distillery's first elsewhere prior to establishing Oude Molen- the importance of Oude Molen has been exaggerated for marketing purposes. The Van Ryn brand marketers for example claim the same: "The story of international award in 1884". The brandy industry did not originate at Oude Molen – although this does not alter the articulation of heritage significance. communication as follows: There were many leading lights in the development of SA brandy. Whilst René Santhagens was a significant character in the history of SA brandy he was not the "origin" of the SA brandy industry and nor was Oude Molen – he himself produced brandy ² It is noted that this reflects marketing information provided by Gilbeys itself. The current owners of the Oude Molen brand and the Oude Molen Distillery in Elgin have indicated in personal

7 Page

The editor interviewed dosigner, Rowan Dunstan

The upgrading of two facilities for Gilbeys in Stellenbosch

Two newly completed upgrading projects undertaken simultaneously, were opened officially on 22 February. Both are located on sensitive sites in a part of the country where South Africa's built heritage is taken seriously.

Despite a fight budget the designer has sought not to destroy building fabrics of merit, to therefore sixthing architectural elements and to incorporate those in new buildings and exten-sions so as to establish a unifying language.

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Cape Town

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Africa was processed.
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with all the working parts, which was
oparated by the mild stream which
the original water wheel
the stream of the form of acrist surveys.

The brief

company and exploit the visibility of the site. Professional beam Designers Designers Project designer Project designer Project designer Rower Durant Survect Projects Survectural engineers Electrical engineers

Work marked at the beginning of 18 and selective demolition was necess so that company activities were not The rationalisation required the denrithion of 27 buildings and the The project The rationalisa

The nittle stream which flows through. The nittle stream which flows grounds effect as Adem. The Road, was effected and pipels for flow beneath the wavelooses floor. The water wheel, while relation for the state wheel, while relation for original parts, now requiris were electricated careacys causes the neithvast it. The forch antipolicy required the warehouse to be a recomment of the might be wall parts level. This wolump cases as a single leviney for most off me high to wall parts level. This wolump cases as a single leviney for most off me cases are a single leviney for most off me cases are a single leviney for most off an antipolicy agent from measurine office space created atmig the west described and fee were distance along the south fencile. sething, part of an existing warebouse, and emother bridding to be used as a missum, were to be ottshind.

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Ghoe, Distilers & Vertrers (Phyl.Ld Project managers Offrisor Projects Main comfrector Distilers & Stree (Oute britishe site) Cornçans Belding (Servans site)

The congrete frame warehouse is rectangular in plan and at its east end adjoins at an angle, part of an existing

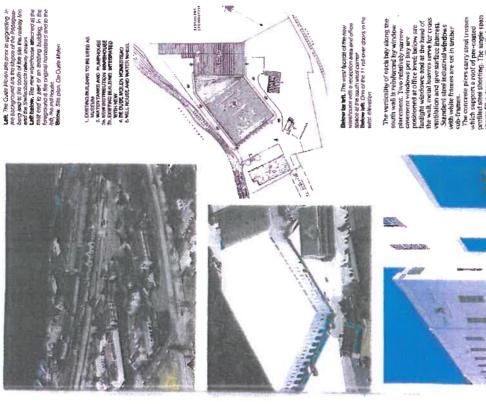
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Overall the brief required that the upgrading enhances the image of the



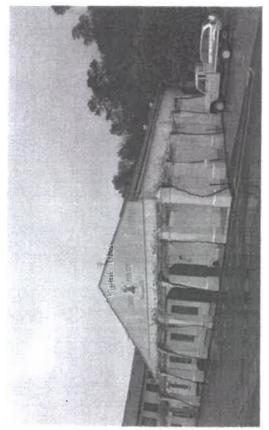
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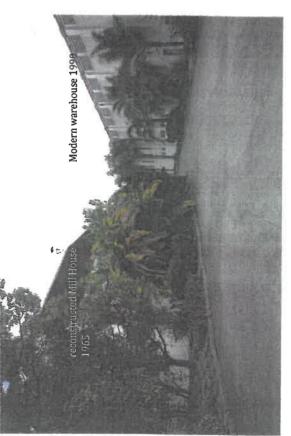
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Extract from Architect & Builder March 1990 pp 74 - 75

















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Archaeology

An archaeological assessment of the site was conducted by ACO & Associates in a report dated June 2015. The report is included in full in Appendix A. Extracts are made as follows:

1 Structures

"The study area consists of the old Gilbeys Distillery – a complex of mainly industrial buildings, big sheds and blacktop surfaces. Heritage structures on the site include an overshot watermill (recent replica) and the old farm house which was previously used by Gilbeys as their offices"

"The original Farm House (of which some fabric may survive) was built in the early 18th century and substantially altered with a first floor being added by Rene Santhagens in 1923. A major characteristic of the site is its position on the Stellenbosch Mill Stream at its confluence with the Plankenbrug River. The mill stream was diverted from a weir on the Eerste Rivier and was used for powering a number of watermills in Stellenbosch. According to James Walton a mill was built at Oude Molen in 1821 – one of the last mills to be built in the area."

"The mill on the property is a 1960's reconstruction which was built in a different location to the original. The overshot water wheel and sluice is modern while the interior workings appear to have been "borrowed" from an older mill – origin unknown. Why the working mill replica was built is a mystery – perhaps it was Gilbeys trying to reinforce the Oude Molen brand. Nonetheless the replica appears in the book on the subject by Chester O Staples who states that it was situated close to the graves of Malay and Indonesian immigrants. When Gilbeys assumed control of the site, it would appear that it was significantly transformed. Many of the old farm buildings and outbuildings (including the original mill and early distillery) that were visible on a 1953 aerial photograph were demolished. The mill stream was largely lost to sight being

channelled through an underground drain and a very large shed was built over much of the area occupied by earlier buildings."

The Mill Stream

'During the 17th and 18th centuries Stellenbosch strove to be a selfsufficient community as Cape Town was far away enough to be an inconvenient journey. Hence the business of mills and milling played a stream was constructed to divert water from a weir on the Eerste River through Stellenbosch. Its construction commenced circa 1690, the use of the water strictly governed so that the mills were kept running even in dry season. In all, 4 mills were constructed on the stream, many of which according to the late James Walton (1974) utilised the overshot an iron wheel which until recently (1974) had survived. It would appear that the Oude Molen mill was relatively unsuccessful. It no stream has survived in Stellenbosch albeit somewhat neglected and role and age in the area. Walton who described the stream as it was a number of years ago, remarks on its charm and the various dams and stream has been buried within a drain and is no longer visible. It exits critical role in converting local produce to an edible form. The mill uncelebrated which is unfortunate considering its important historical weirs that controlled or diverted flow. At the Oude Molen site the mill into the Plankenbrug River rather unceremoniously via an anonymous method of driving the wheel. The mill at Oude Molen being built in 1821 was the most recent built in the area. It was apparently equipped with longer stands after having gone into a period of dereliction, The mill ooking concrete pipe...." On the basis of an investigation of historical survey diagrams, indications are that the pipe line probably generally follows the old course of the mill stream (although the location of neither the pipeline nor the original mill stream can be confirmed – pers comms T Hart 14 Oct 2019). Clearly the mill stream has been damaged irreparably by 20th century development. The proponent was not responsible for this and is under no obligation to rectify this situation. Certainly the presence

of the mill stream is not a fatal flaw for redevelopment in heritage terms.

Bridging or building over the mill stream in its current state is acceptable. Expression of the history of the mill stream and incorporating this as a design feature is a voluntary action, but the opportunity could add interest to the proposed new development.

The existing mill on the site appears to contain workings that are old even though the wheel and mill house is modern. The machinery is conservation-worthy and therefore should be retained *in situ*.

.3 Human Remains

depicted in a popular and unreferenced book on mills by Chester 0 "The issue of the possibility of human remains on the site has arisen as a result of the comment in a caption to an image of the existing mill as Staples (Staples 2006) in which he refers to the site being built close to the graves of Malay and Indonesian immigrants. This statement was of great concern considering that the development proposal will involve has been lodged with Stellenbosch Museum, however staff have no immediate knowledge of the "Staples archive" or are not aware of the landscape transformation. After some difficulty, Mr Staples was contacted in the hopes that he would reveal his sources of information. He said he did not keep his notes but had deposited some material with the Stellenbosch Museum. Hereafter our emails were no longer responded to and we could communicate with him no further. A query site being used as a place of burial in the past. Perusal of title deeds pertaining to the site offered no further clues; furthermore, there were no accounts of human remains being found during recent excavations or a structure with a basement (now semi completed)

It was subsequently assumed that the supposed proximity of human remains to the site related to the nearby Papagaaiberg Cemetery on the slopes of the hill of that name. This large multi-denominational

cemetery lies some 500 m from the Oude Molen site. A deeds search has indicated that the cemetery was formally declared in 1907 which indicates that its use began informally and was declared a formal cemetery retrospectively. We believe it is quite possible that there were parts of the Papagaaiberg that were used early on for graves other than Dutch Reformed Church denomination, which may be the source of the rumour.

If there was clearer evidence of there being human remains on site, predevelopment trial excavations would be recommended, however the evidence to date is tenuous and not yet independently verified.

With respect to the possibility of finding human remains on site, the following should be noted:

- Evidence is scant.
- Indications are that development work should proceed, however, should human bone be encountered during bulk excavation, the area must be cordoned off and the matter reported to Heritage Western Cape, an Archaeologist and the South African Police services. Parties must meet on site together and to ensure that there is no evidence of foul play and an emergency exhumation permit (in the case of historic remains) be applied for and issued.
- The presence of a large burial ground found accidently during construction is a major problem in a development scenario human remains are culturally and politically charged, technically quite difficult to excavate and thereafter need to be reburied or stored at a suitable institution. This is an expensive and time consuming operation. There is always a risk of this occurring, especially in South Africa where past political situations resulted in many members of the population being buried outside of formal cemeteries on farms and vacant land where public memory of use of a place as a burial ground lapses after a generation or two. In the case of this site, indications are that it would be exceptional on a site that has been developed to this

Other archaeological material

presume that it was located close to the mill stream. Many of the have formed components of the original farm were demolished (Figure 5). One of these was possibly the original mill. The jewel in the crown, show exactly which building was the original watermill, one can outbuildings appear to have been demolished to make way for the large Gilbeys shed which presently occupies a significant portion of the site close to the old farmhouse. It is not known how deep previous demolition activities extended below surface - some demolitions signature of the mill exists below the hard surface on site or under the When Gilbeys took over the site, numerous outbuildings which may the homestead, which is thought to incorporate fabric from original farm house, was spared. Whilst the historic aerial photographs do not involve destruction to foundation depth, while others remove buildings to ground level only. There is a possibility that the archaeological arge shed. If so, this is technically protected as archaeological material under section 35 of the National Heritage Resources Act. It can however remain buried. There is an intention to demolish the large shed to ground level or deeper which means that impacts to these archaeological signatures may occur. Figure 7 shows the relative footprints of the earlier buildings, those coloured *brown* may be the original mill. Unfortunately since it cannot be identified with any certainty, we do not know the relative significance of these specific older structures and are unable to suggest specific targets for excavation other than to recommend the following:

After the big shed is demolished, and only if the ground surface is to be excavated, before any basement excavations follow would be a suitable time to conduct exploratory excavations to identify and explore the nature of footings and foundations. If the mill is identified, its significance should be assessed and finds measured

up and recorded. Only the mill is regarded as being of significance – all other buildings will form part of the 20thC industrial layer and are not considered worthy of recording (Pers Comms T Hart 14 October 2019).

- Basement excavations only in the above regard should be monitored by an archaeologist.
- The principle of building over structures has been accepted by the compliance authority in the past once the nature of the historic mill structure is known and recorded.

Conclusion

The Oude Molen site is a historically significant place that has suffered in the past from fairly unsympathetic approaches to its heritage significance. New redevelopment of the site may be supported as this will help bring to the fore the gems of the place such as the main farm house and its setting that have been dwarfed by industrial development of the 1960's. The other area of interest on the site is the Stellenbosch Mill Stream, a very old but rather neglected element of the town's history that is now channelled through the site in an underground pipe that appears to follow the original course of the mill stream very closely. While the law obliges the developer not to damage heritage that is above or below ground, he is under no obligation to restore the mill stream. However, location and expression of a portion of it will add value to the interest and historic significance of the precinct.

At present there is no evidence to support the caption in the book by Chester O Staples that describes the existing mill as being close to a burial ground and Mr Staples himself has not been able to supply evidence in support of this assertion. Hence for the purposes of the study this information must be considered heresay and that Staples may have alluded to the nearby Papagaaiberg cemetery. Needless to say it is necessary to always be vigilant (especially in South Africa) as lost cemeteries associated with historic towns are always a possibility. Given the paucity of information it is suggested that the development

project should continue and that should human remains be found, these be relocated under an emergency permit.

There are other possible archaeological sensitivities on site as well. It is known that the original mill was demolished, however it is not clear when this happened or whether any of the numerous outbuildings that were demolished in the 1960's were in fact the mill. The archaeological signatures of these structures lie under and around the big shed which has a reinforced concrete floor. The only opportunity to get to explore these features will be after the big shed is demolished. It is suggested that exploratory work take place at this time and in combination with monitoring the significance of these structures can be explored."

Figure 7 (top right): Historical features of the site (ACO) Figure 8 (bottom right): Context

. Context

Figure 8 situates Oude Molen within the wider context. The site is within a small industrial/general business area located between a primarily residential part of Stellenbosch and the undeveloped Papagaaiberg that leads into the rural surrounds of the district. As a property with some historical references, Oude Molen is situated at the end of Distillery Road, testament to the long-standing association of this area with the Oude Molen distillery and other similar industries.

A number of the surrounding erven (including the adjoining erf Rem 6201) however, have been zoned for Mixed Use indicating the ongoing changing character of the area. Given the loss of historical industrial associations, re-development of Oude Molen in this context is appropriate although retention of some of the associational references is possible and desirable.

The railway and thereafter tree lined Adam Tas Road separates the residential zone to the east from the site. Adam Tas Road currently



disconnects the site from the residential area, however consideration is being given to linking the erven to Adam Tas Road by opening up a visual corridor, and possibly with new access points.

. Relevant Policy

The site is situated outside the Stellenbosch Historical Core and in terms of the 2018 Stellenbosch Municipality Heritage Survey, no heritage resources are identified on or around the site. This is considered an oversight as there are clearly heritage resources and even the Stellenbosch Railway station has not been included as a heritage resource.

In terms of the approved 2019 Stellenbosch MSDF, the site is inside the Urban Edge and is situated on the proposed Adam Tas Corridor (ATC), a catalytic project, critically linked to the railway line and station, the extensive re-development of which could contribute meaningfully to meeting existing municipal challenges and MSDF objectives.

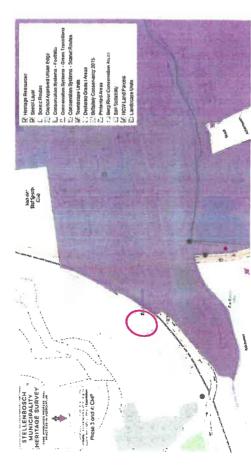


Figure 9: Stellenbosch Municipality Heritage Survey



Figure 10: Stellenbosch Historical Core survey 2012



Figure 11: Adam Tas Corridor Concept 2019

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The MSDF, as it refers to the ATC notes as follows: a) "The most strategically located land in Stellenbosch town."

 b) "In simple terms, the concept is to launch the restructuring of Stellenbosch town through redevelopment of the Adam Tas Corridor"
 c) "Conceptually the Adam Tas Corridor is the focus of new town building"

This has been significant in guiding the development proposal

), Identification & Significance of Heritage Resources

Although there have been significant changes at the Oude Molen site it still has some historical significance as the location of the fourth mill in Stellenbosch. It has also been associated historically with the production of quality brandy, although this is not in and of itself necessarily a basis for significance³. This section examines the site specifically in respect of the heritage resources still present at Oude Molen and in the context.

The relevance of the site as the location of the fourth mill house can be considered as tenuous if one considers that the millstream has essentially become an underground stormwater drain, the original mill house demolished, and a replica mill house (1965) has been constructed away from its original location.

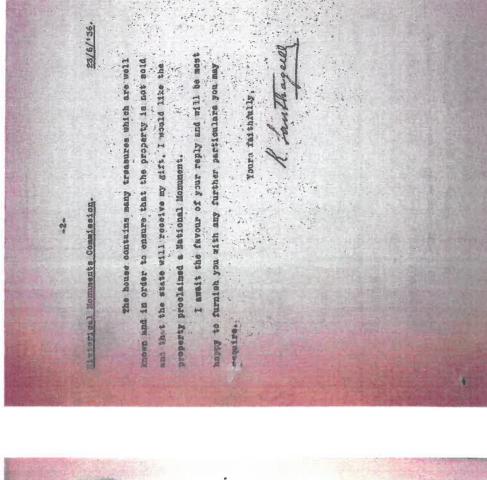
Nevertheless, the protected status of the mill stream ties the site to the historical millstream network of Stellenbosch, and even though it has been reconstructed, the mill house adds to this connection. Even the name 'Oude Molen' reflects its history as the location of the fourth mill. Rather than significant resources in and of themselves, they could perhaps be considered as *opportunities* in the redevelopment of the site.

More visually prominent on site is the early to late 20^{th} century industrial history of the site as the distillery for early fine brandy

produced in South Africa. In 1936 Rene Santhagens requested that the house be bequeathed to the state and declared a national monument. He stated that the house was built by the VOC, and was a fine example of late 17th century Dutch architecture (original letter below). However, the representative of the Historic Monuments Commission who assessed the site in the 1930's pointed out that the house had been practically rebuilt and the contents were reproductions. Ultimately he advised against accepting the bequest albeit it is understood that certain of the furniture was eventually housed in the Stellenbosch Museum. Nonetheless, the building is considered significant, and although the style can be best described as eclectic, it is a fine building and is associated with the early brandy industry in South Africa.

Figure 12: The overshot Millwheel at Oude Molen (Hofmeyer 1967)

3 see note 2 on page 7



Letter from Santhagens to the Historical Monuments Commission 1936

The house was built by the East India Company and of my wife and myself to bequeath my home "Die Oude Molen" I have decided and arranged that after the death waich I still retain the water righte, being referred to . is mentioned in the Diary of Adam Tas, the mater mill, of and the building to true to type of the late 17th century. The second storey was built by me after having received advice from the Director of the Museum Amsterday 23rd June, DISTILLET & WINE METCHA Secretary, Eleterical Monuments Commission, ANGWERED PECEIVED ONTVANG 27-6-1936 to the State. The same & Call Address: Call Address Call Address All (Heat Office) RS/S. of Holland. Donr Sir,

Structure A:

Warehouse

Date unknown (visible in 1953 aerial photograph).

Proposed Grade IIIC (limited associational significance)

Proposed Grade IIIC (some associational significance and some

Mill House (reconstruction)

Structure I:

Constructed 1965

historical interior mill workings, origin unknown)

Earmarked for retention

Earmarked for retention

Structure B:

Main distribution warehouse, Constructed 1990

No Heritage Significance

Earmarked for demolition and supported

Structure C:

Drive through warehouse

Constructed 1990

No Heritage Significance

Earmarked for demolition and supported

Structures D to G:

Workshops and warehousing

Post 1960s

No Heritage Significance

Earmarked for demolition and supported

Structure H:

Warehouse & offices. Commonly known as the "Vinlab", although Vinlab

has subsequently moved off-site. Constructed 1923

Proposed Grade IIIC (some associational significance) Earmarked for demolition and supported

Structure I:

Manor House

Constructed 1925

Proposed Grade IIIA

Earmarked for retention

Manor house

kri/karm number	Date Built		Type of Building	The second secon	4
14601	1925		Historical residence currently used as office and conference venue	rrently used as office	
Style	Architectural Period		Present NHRA protection	tion	A STATE OF THE STA
	Eclectic combination of stylistic 18th century C Victorian and Edwardian architectural features	rlistic 18th century Cape Dutch, chitectural features	General Protection in terms of Section 34 only	terms of Section 34	
Street Address	Alterations		Use		
Date of Survey	Not investigated, however it appe	t appears the 1925 structure is	Zoning		
	largely intact		Industrial		
lanuary 2015					
Name of the Building	General Evaluation		Previous Survey and Grading if Applicable	Suggest Grading	
Santhagens Manor house			ungraded	IIIA	
Description	History		Social History		Date of Photographs: January 2015
Two story residence with a	An original farmhouse may have	have built in the 18th century,			The Control of the Co
balcony on the first floor		anted by the VOC (presumably			
overlaying the veranda. It					
has a typical cape Dutch entirely or the alterations by Kene gable, and on the building's left little or none of the original fa	entirely or the alterations by Kene left little or none of the original fa	y Kene Santnagens in the 1920s inal fabric that is visible.			
side, Tudor style gabling.					
Significance in terms of the NHR Act	NHR Act				
Very	Significant	Some No Significance	Not Cance Assessed	sed	
Historical		×			
Rarity		x			· · · · · · · · · · · · · · · · · · ·
Aesthetic	X				
Technological		x			
Cultural		×			
Social History			×		
Slave History			ă ×	potentially only by	The state of the s

Mill House

Erf/Farm Number	r Date Built	Built		Type of Building		
14601	1965			18th century mill replica	ica	
Style	Archi	Architectural Period		Present NHRA protection	ction	
	Copy	of 18th century agricu	Copy of 18th century agricultural outbuilding (mill house)	e) None		
Street Address	Alter	Alterations		Use		
				Informal museum		
Date of Survey				Zoning		
				Industrial		
January 2015						Man White
Name of the Building		General Evaluation		Previous Survey and Grading if Applicable	nd Suggest Grading	11111111111111111111111111111111111111
Mill House	The s origin The o interio	The structure is thought to be a original Oude Molen mill but this h. The overshot water wheel and slu interior workings appear to have bolder mill – origin unknown.	The structure is thought to be a reconstruction of the original Oude Molen mill but this has not been ascertained. The overshot water wheel and sluice is modern while the interior workings appear to have been "borrowed" from an older mill – origin unknown	he Ungraded ed. he an	IIIC (associational significance)	
Decription	History	LA.		Social History		Date of Photographs: January 2015
						1
Significance in terms of the NHR Act	ms of the NHR	Act				
) i	Very	Significant	Some No Significance Cign	No Not	Not	
Historical	Emirant				7000	
Rarity			×			
Aesthetic			×			
Technological			×			
Cultural			X			
Social History			X			
Slave History				asso	X potentially only by association with the site	

'Vinlab' warehouse

	fices	rotection		100				A Suggest Grading	IIIC (associational significance)	Social History Date of Photographs: 22 July 2019							Sed							potentially only by
Type of Building	Warehouse and offices	Present NHRA protection	Section 34	Use	Office space	4		Previous Survey & Grading	_	Social						Not	Significance Assessed		×	×	×	×	х	×
Date Built	1923	Architectural Period		Alterations	Likely continuous internal adaptions,	modern pergolas, fixtures, fittings, doors, windows.		General Evaluation	No period or unique industrial architectural or other heritage features	History						Significant Some No	Significance							
Erf/Farm Number	14601	Style		Street Address	Likel	Date of Survey mod	uly 2019	Name of the Building	Vinlab No archi	Description	An asymmetrical warehouse with	peripheral office accommodation to one	side and the rear. All windows and doors	are modern, many of the internal walls are of a later construction or dry wall.	Significance in terms of the NHR Act	Verv	ficant	Historical	Rarity	Aesthetic	Technological	Cultural	Social History	Slave History

Warehouse

	Older then 60 years		Warehouse			The same of the sa
	Architectural Period		Present NHRA protection	otection		1
			S34		The state of the s	
Street Address	Alterations		Use		No.	
			Warehouse		1	のでする いるところの はの
Date of Survey			Zoning		1	の できる
			Industrial			a-
22 July 2019						でな場合を発生した。 サード
Name of the Building	General Evaluation		Previous Survey and Suggested Grading If Applicable Grading	and Suggested		
			Ungraded			
Description	History		Social History	[industrial form]	Date of Photographs:	23 July 2019
Standard industrial warehouse,					Z	
single roomed, pitched asbestos roof, steel frame roof trusses						
Significance in terms of the NHR Act	Act					
Very	Significant	Some	No	Not		
Historical		×				No. of the last of
			Х			
Aesthetic			X			
Technological			X			
			Х			
Social History			X			
Slave History				×		

Figure 17: the gable on the Manor House

1925

The eclectic Manor House is the most significant heritage resource on site. Constructed in 1925 by Santhagen when he finally managed to successfully distil fine brandy, it is said to have been an enlargement of a single storey tin roofed structure (E Bolsmann), and is clearly designed as a grand statement.

1



Figure 15: an early photograph of the Manor House (undated). Note the unusually close proximity of the adjoining warehouse (see also historical aerial photograph 16 below) and the walkway between them. Santhagens is said to have wanted to walk from his bedroom to his



Figure 18: the current rather bleak immediate context of the Manor

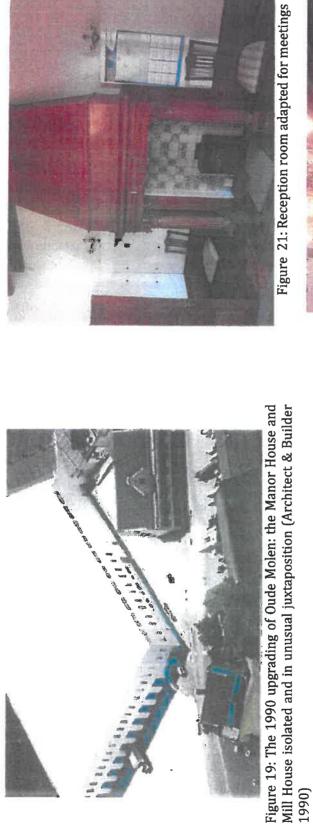


Figure 21: Reception room adapted for meetings

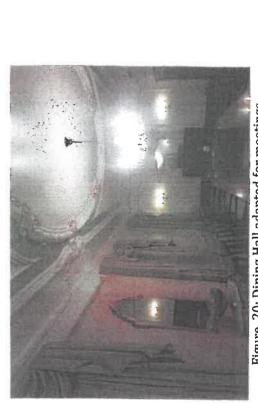


Figure 20: Dining Hall adapted for meetings



Figure 22: adaptions for current uses have not always been sympathetic but are generally reversible





Figure 23: Hallway

pierced by an arrow, as a reminder of the parrot shooting competition introduced by residents of Stellenbosch at an annual pageant to honour Simon van der Stel. It was held at the foot of the Papagaaiberg near the site of the Oude Molen distillery. The emblem and its motto 'Touchant toujours le but" ('Always hitting the mark') are on the gable of the 'Vinlab' warehouse and modern distribution warehouse. It remains the Santhagen also designed a rather curious trademark depicting a parrot emblem of the Oude Molen Distillery in Grabouw. (http://www.oudemolen.co.za)

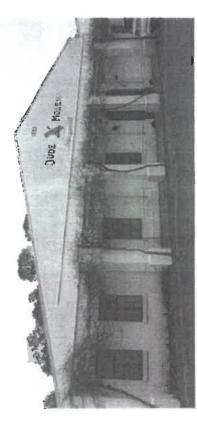


Figure 25: The 'Vinlab' warehouse displaying the Oude Molen Distillery emblem.



Figure 26: The 'Mill House' in context



Figure 27: The 'Mill House"

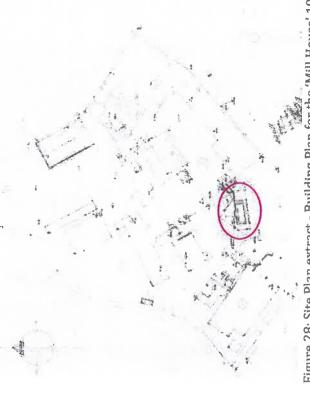


Figure 28: Site Plan extract - Building Plan for the 'Mill House' 1966

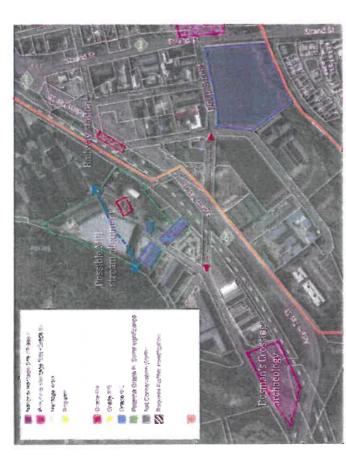


Figure 29: Heritage resources and significance



Figure 30: Historical alignment of Dorp Street 1938 aerial,

Contextual heritage resources are few and include the Stellenbosch Railway station (IIIA) and the archaeological site at Bosman's Crossing (PHS). Although truncated with the construction of Adam Tas (1960s?), the historic alignment of Dorp Street and approach to Stellenbosch, was situated to the south of the site.

11. Heritage Resource Indicators

In general, there is a paucity of heritage resources on site: the historic Oude Molen industrial complex and mill stream were significantly and irrevocably transformed in 1990 and the Manor house remains the only authentic link to its history as well as holding intrinsic heritage value.

Although currently isolated, the significance and presence of the building provides a place-making opportunity, which could conceivably be more closely associated with the Mill House and *possibly* the old Mill Stream alignment, although, as has been noted, this was diverted into a stormwater drain many years ago and has no remaining visible presence on site. The expression of a portion of it could add value to the interest and historic significance of the precinct, but building over it in its current state is acceptable.

There is no direct historical visual-spatial link between the Manor House and the Mill House but the creation of a contextually appropriate visual spatial connection between them could highlight these structures as signature elements of history and place and is encouraged.

Development immediately around the area of the manor house, should be limited in terms of scale and height etc. in order not visually overwhelm or dominate the structure. The ridge and eaves line of the building should be used as an informant in this regard. Furthermore, a sufficient 'breathing space' (5 – 10m) to allow for the display of this structure is preferred, although historically it was surrounded by the extremely close proximity of industrial buildings.

In summary, heritage indicators are listed as follows:

- Retention of the view cones through the site from Adam Tas to the Papagaaiberg to be framed and retained appropriately. A palisade fence currently lines the boundary on the Adam Tas side. This fencing offers uninterrupted views onto the site. It is recommended that any changes to boundary infrastructure continues to promote visual access, particularly from the significant visual corridors
 - Development has historically lined the railway boundary of the property. This could be re-instated provided view corridors are retained and the relationship to the Manor House and Mill house not compromised by unsympathetic rear facades.
- The manor house must be retained. It is an attractive structure, albeit architecturally eclectic, and it relates to the industrial heritage of the site. It has distinctive interior features (wooden flooring, cornicing etc.), should be preserved, and any alterations and/or changes should be reversible. Ideally, it could be viewed as a centre-piece of the re-developed site with an enhanced relationship to its surroundings.
- Spaces about manor house: It is recommended that the eaves and ridge height of the Manor house are used as appropriate height and scaling informants, and that no structures proposed in the immediate vicinity of the manor house should exceed the ridge height of the manor house.
- Although the 'Mill House' (and wheel) is a 1966 reproduction and is not located on the site of the original mill, it appears to contain workings at least some of which are old. The machinery therefore should be retained *in situ*. This will enhance the memory of the site's history as the location of the fourth mill.

- The interior of the 'Mill House' should remain a reproduction of a 18th century mill. However, it can be re-purposed to enhance usage.
- Historically there has been no visual connection between the Mill House and Manor House, although clarifying the historical associations is encouraged in the re-development.
 - The Vinlab warehouse is the only remaining direct reference to the historic industrial use of the site. However, it has no intrinsic significance and it would be difficult to argue for its retention.
 - The Warehouse older than 60 years is of very low heritage significance and could be demolished, although its form does provide a visual reminder of the site's industrial past. It was not originally part of the Oude Molen site, having been cadastrally integrated into the site in 2009. It formed part of a complex of three warehouse, two of which HWC have approved for demolition to make way for a new development on the adjoining

property.

Figure 31: 1953

adjoining

warehouses now
demolished

Framing the
entrance to the
site in the



manner in which the two warehouses currently express should be reinforced, as should the framing of the view from the entrance onto the manor house and Mill House.

Limited expression or celebration of the Mill stream (which precise original alignment has not been ascertained with any accuracy) could be regarded as an opportunity in site design but is not a requirement.

The original treed edge to the river on the northern boundary has been destroyed by the recent Municipal sewer installation. Replanting this edge would be encouraged.

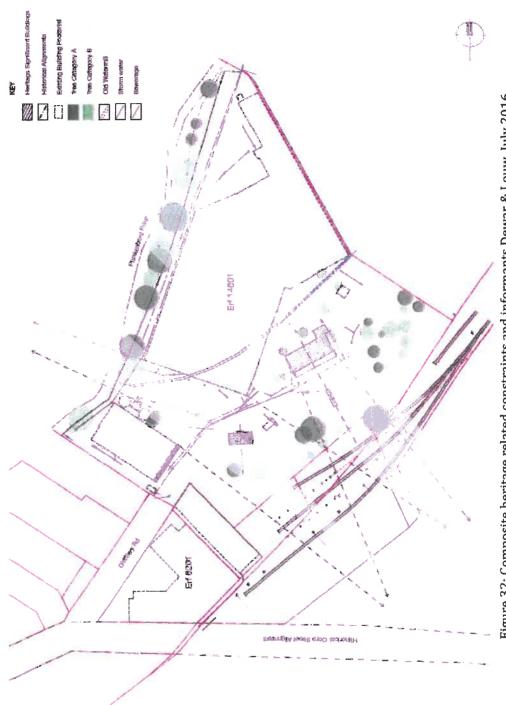


Figure 32: Composite heritage related constraints and informants Dewar & Louw July 2016

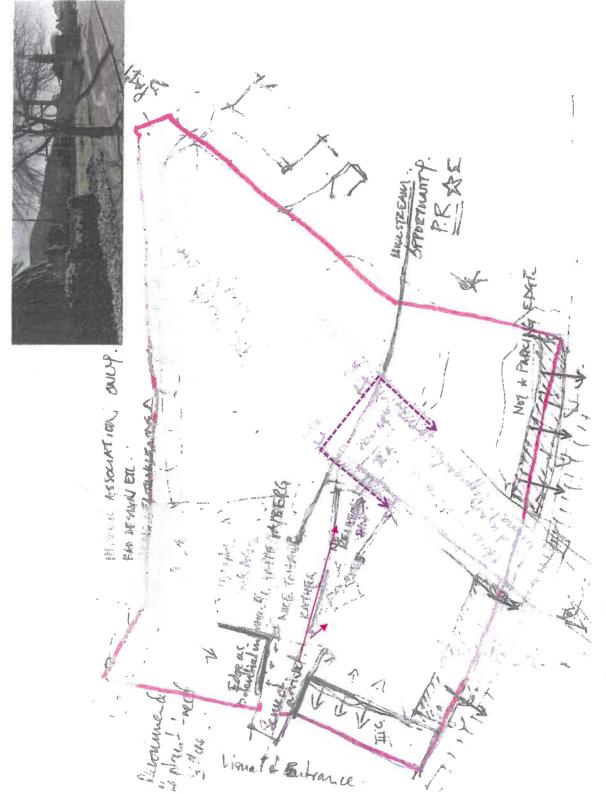


Figure 33: Sketch: updated composite heritage related constraints and informants

2. Development Proposal

It is the intention of the applicant to redevelop the Oude Molen site as a mixed use development comprising sectional title residential units and commercial space. Of the structures older than 60 years, only the Vinlab Warehouse' is to be demolished.

The development concept is described as follows: "The applicant is in the process of developing the adjacent site, Erf 6201, for commercial purposes with a GLA of approximately 5 000m², to be known as Bosmans Business Centre, which once completed will have a significant impact on the commercial "component" of the precinct.

The subject property together with Erf 6201 is 29 544m² in extent which area is greater than the remainder of the Bosman's Crossing Precinct which measures 21 907m² – the development proposal should therefore be considered in the context of the entire precinct rather than within the confines of the subject property. The proposal is to compliment the increased commercial capacity of +- 5 000m² at the Bosman's Business Centre with the development of residential units with limited further commercial space.

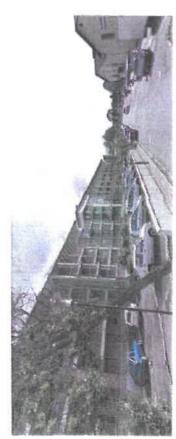


Figure 34: The mixed use Bosman's Crossing Precinct (First Plan)

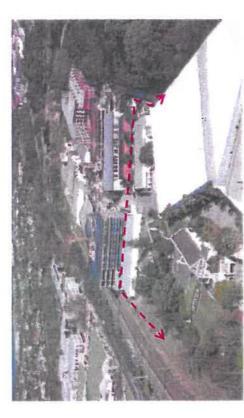


Figure 35: Development of Bosman's Business Centre (left crane), erf 14601 – the subject property – in the foreground (First Plan)

The development proposal comprises:

- a sectional title scheme of approximately 253 residential units together with private recreational facilities
- the repurposing of an existing warehouse into a deli/bistro/pub

 along the lines of the De Warenmarkt in Stellenbosch linked
 with a large outdoor piazza to the commercial/retail component
 of the Bosman's Business Centre which will provide a vibrant social hub for the precinct, and
- the inclusion of the existing Manor House on a separate erf to be used for commercial purposes the building is suitable for the hospitality/restaurant industry as well as general commercial use.

The proposed development will contribute to a balanced mixed use area and it is anticipated that the development itself will act as a catalyst for the precinct with the occupants of the Bosman's Business

Centre choosing to reside in the residential component resulting in a safe - live - work - study - play neighbourhood.

Due to its size and scale the development has the critical mass to transform the entire Bosman's Crossing precinct into a vibrant, safe community orientated walkable neighbourhood in accordance with the principles of the Adam Tas Corridor (ATC) catalytic initiative as defined in the approved Stellenbosch Spatial Development Framework (SDF).

As acknowledged by the ATC initiative Bosman's Crossing is currently not well integrated with the rest of Stellenbosch largely due to the barrier/severance effect of the railway and Adam Tas Road and accordingly the proposal includes for the provision of a pedestrian/cycle bridge over the railway line linking the precinct to the lower Dorp Street precinct which itself is planned to be transformed.

The precinct will therefore be linked into and integrated with the rest of Stellenbosch by connecting into Stellenbosch's planned Non-Motorised Transport (NMT) network in accordance with the approved Comprehensive Integrated Transport Plan (CITP)"

Redevelopment of the larger Bosman's Crossing precinct has been underway since the early 2000's, and the precinct is in the process of being transformed into a vibrant mixed use node as envisaged and illustrated below.

Comment	Subject property	The initial mixed use redevelopment	Bosman's Club currently under construction with completion due end 2020	Redeveloped – Hillebrand logistics	Redeveloped - Vinlab wine laboratory
Ind					
Commercial		2 732m²	738m²		
Res Units		102	41		
Erf	14601	14461	15804	6280	6278

5 000m² Bosman's Business Centre currently being
developed by the applicant with completion due end 2020
Redeveloped - Pane e Vino Restaurant and Wine Producers
Original building - Antiques & vintage furniture
Original building - Winery
Original building - Sculpture foundry
Original building - Craft Gin distillery
Original building – gutted by fire
Original buildi

	Q2 (30)				
	Vie of	(a) (a)			(197 <u>60)</u>
	Viren				
1			B = 555 C (m2 x) # 544	1952 1952 1952	
)S	
				6.639	

Figure 36: The site in the context of Bosman's Crossing Mixed Use Precinct

A Preliminary Urban Design Framework (included in full in Appendix C) was commissioned of Piet Louw and Dave Dewar to respond to the heritage indicators. Although the development proposal included in said report has subsequently been amended, the design principles have continued to inform the proposal.

The development incorporates 6 residential blocks comprising a number of apartment buildings varying between 4 and 6 storeys in height, serviced by a recreational hub around and incorporating the Mill House. The Manor House and warehouse on the southern corner of the property at its entrance are to be utilised for commercial purposes. The development proposal is included in full in <u>Appendices D1</u> (the SDP); <u>D2</u> (the Architectural Design Ethos); and <u>D3</u> (the Landscape Plan). Extracts are included as follows:

The most prominent design informants were the view lines toward, and from, the Manor and Mill Houses, the significant trees on site, the historical alignments of the existing buildings, and the Mill Stream.

Particular emphasis was placed on re-establishing the site lines between Adam Tas Road, and the historically significant buildings on site; placing no structures between them, and exploring a permeable fence solution along the railway boundary.

iew lines

In conjunction with view lines, the relational spaces between separate existing structures, and between new architecture and existing structures, are equally as important. These will be the spaces that define the relationship between the different styles, and form the majority of the public and recreational space across the site. As a result, particular emphasis was placed on these in-between spaces, and which building facades oppose/front neighbouring structures. This is particularly relevant where new architecture is adjacent existing buildings; ensuring that new façades that will be read next to historic ones, compliment historic elements without detracting from them.

The heights and datum lines of existing structures were used as loose reference points in determining the scale of new structures. For instance, the heights of the buildings increase gradually from the railway line towards Onderpapegaaiberg. The buildings closest to the existing structures are the lowest (to match the historic scale), and the buildings against Onderpapegaaiberg, are the tallest.

A well-established centre point of the site, prior to any intervention, is the Mill House and its surrounding 'werf' walls. To keep to this character, the Mill House will once again be utilised as a central, recreational hub of the scheme. It will sit adjacent the pool and change rooms, where it will be incorporated as part of the central 'activity space'.

The existing 'werf'-walls will be reinterpreted around the residential blocks as planter-walls: a double skin wall with soil and vegetation sandwiched between. This will distract from the Modernist style of 'floating buildings' on columns, by hiding the tops of the semi-basement columns and creating the illusion of buildings that are grounded. It also brings the scale down, by distorting the Natural Ground Level line, and removing the intimidation of floating structures.

The Manor House

The Manor House will be for commercial use without specific demarcations in tenancy (it could be hospitality, offices etc.) Its section of the site will form part of the commercial portion of the precinct, with the intention of fronting the [possible future] public road. Minor changes will be made to the site surrounding the Manor House, including the demolition of the fountain – built in 1989 - for a more practical use of the space. It is proposed to refurbish the House at some point in the future, although this is also dependent on future tenant requirements. This should be subject to future HWC consent.

The Mill House

The Mill House will be converted into a centralised recreational building, to serve the activity zone next to it (pool and change rooms). It will become a centralised 'node' of activity for the residential portion of the scheme.

The warehouse/shed

The warehouse/shed will become the new social centre of the scheme to the commercial portion of the precinct, being adjacent the new commercial building on the neighbouring site. The intention is to 'carve' a thoroughfare through the building, towards the site beyond; creating a piazza-link between Oude Molen and its neighbouring building to the South. The new off-site building will be a hub of activity, informing the choice to include such functions as deli/bistro/pub into the newly renovated Shed.

Spatial Relationships

The relationships between these three existing historic structures are important, as their collective identity will have to uphold historic proportions and legacy against a new, much more contemporary architecture. Therefore, as much as the contemporary architecture endeavours to simplify itself in order to emphasise the old, so too the old must be given a unified, linked identity with which to stand in contrast to the new. In order to achieve this, all site lines between the old structures have been kept clean, to ensure that visitors and pedestrians will mostly see all three together from all the most important angles on site. That way the historic character of the site will be captured simultaneously from most viewpoints.

Mill Stream

As the name 'Oude Molen' suggests, in conjunction with the presence of a 'Mill House' on site, the Mill Stream has always been a prominent feature of the historic industry in the area. It was the only way of creating kinetic energy with which to accomplish industrial scale tasks.

However, with the introduction of improved technology, and the construction of the large shed in the late 80's, the use of water as industrial tool fell out of favour. The stream was diverted to an underground storm water pipe running below the new warehouse, and dispelling water into the Plankenburg River.

In order to celebrate the canal culture of the old town, it is the intention to re-introduce the character of the Mill Stream on site, and design a water feature among the buildings.

Level' definition

The Residential blocks all follow a similar level methodology. In order to minimise the visual impact of vehicles on site, all parking levels are half submerged below Natural Ground Level, to an approximate depth of 1500mm. The topmost halves of all parking levels will continue to protrude approximately 1500mm above Natural Ground. These columns will be hidden behind planted 'werf' walls, to create the illusion of grounded buildings.

Architecture

The intention is to use the new architecture as backdrop-architecture to the existing Manor and Mill Houses, in an attempt to emphasise their classical forms and principles without overshadowing them and drawing attention away from the site's historical character.

This is achieved by using traditional Cape colours and tonal similarities combined with a form that is more contemporary and simple in its presentation. Concurrently, sufficient principles are drawn from the industrial micro context in the form of monopitch roofs, facebrick and sundry metalwork in mimicry of industrial steel. This creates an architecture that is simple in form, but rich in texture and material application; simultaneously reminding of the rich material usage and careful ornamentation of the historical style without copying it, and calling on the functionality and simplicity of the contemporary and industrial architecture in the context.

Block Layout

The residential units are proposed in circular clusters, rather than linear rows. The rationale behind this is multi-faceted:

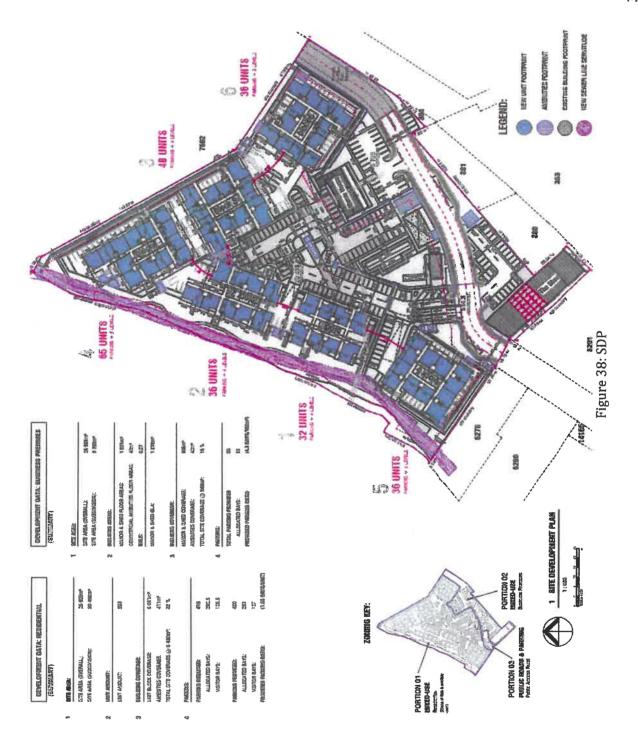
- 1) It mimics the historical Cape 'Werf' layout; where the manor, servant's quarters, stables and outhouses etc. were often clustered around a central courtyard/plain.
- 2) It creates a sense of community and reduces the overwhelming scale of overlong row-style residential blocks.
 - 3) It reduces travelling distances.
- 4) It hides circulation space and back-of-house facades from the outside ground-viewer, putting all main facades on the outside of the block.
 5) It optimises parking layouts and vehicular circulation.

Piazza Area_

Road surfaces and pedestrian walkways in the large, centralised area, will be paved and treated with different materials and additional landscaping, to create a public piazza. The intention is to break down the scale of a vehicular dominant city- or townscape, and introduce a more pedestrian friendly scale and environment. This reintroduces the 'werf '-layout on a larger/secondary scale to that of the blocks themselves, and further corresponds to the rural scale of the surrounding context.

Figure 37 (below): 3D modelling of the proposed development





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Properties

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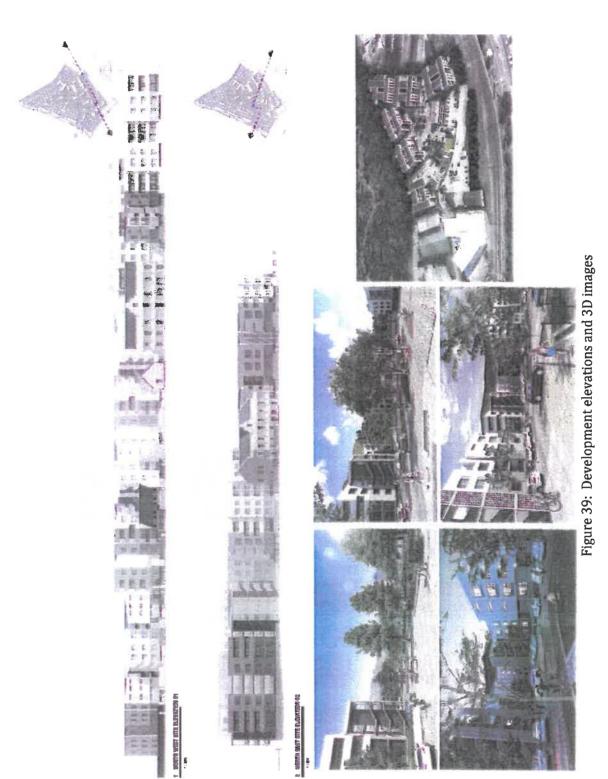




Figure 40: Landscape Master Plan

Landscaping

The water, sourced from the old mill stream, will flow from the raised feature along a "leivoor" through the development, where it will discharge into the existing underground storm water pipe system. The "leivoor" will also collect surface storm water and divert it into the existing storm water system. The water features will symbolise the old mill stream that previously meandered through the property.

The village square will be planted with lawn and edges with large Water Oaks, with benches below. Parts of the vehicular roads have been paved with grass blocks to extend/enlarge the central green square. The permeability of the grass block will also aid with the supplementing of the ground water.

The Plankenburg River on the western boundary of the development is a major feature that will visually be integrated with the development, by erecting transparent palisade fencing, lightly covered with creeper plants to provide a certain amount of privacy. Informal walkways will meander through the shrubbery with seating under shade trees, orientated towards the Plankenburg River.

The traditional lawn commonage has been positioned on the western side of the old Mill House and links up with the green village square. The commonage will be utilised for active recreation facilities and apartment owner's social gathers i.e.; festivals, markets etc. to enhance the community spirit. Additional active recreation facilities will be introduced into the commonage, i.e., a volleyball court and a Boules court.

There are significant amounts of mature trees (indigenous and exotic) on the site which will be retained where possible, but by the lowering the apartment block parking levels, many of the trees will have to be removed or transplanted. The mature trees that are retained and transplanted will be established in clusters to aid with the fragmenting and reducing the dominance of the new apartment blocks. One large

shade tree will also be planted between every 2 outdoor parking bays. Where possible the shrub, creeper and groundcover plant material will be endemic to the region and shade loving. The planting palette directly around the manor house and old mill will be more traditional to the era.

13. Impact Assessment

13.1 Impact assessment

In general, the development proposal has been assessed as being particularly responsive to the heritage indicators in all respects and has

enlivened and added greatly to the historicity of the site. Illustrations property and open views are maintained across to the Manor House and through to the Papagaaiberg (which is in reality more prominent than indicated Retention of the view cones through the site from Adam Tas to the Papagaaiberg; promote proposed along the railway line frontage of the Response to indicator: no new buildings are Development indicator & Response Conformity with indicator

in the 3D graphics)

visual access

railway boundary of the property. This could be re-instated provided view corridors are retained and the relationship to the Manor Development has historically lined the House and Mill house not compromised by Response to indicator: no new buildings are proposed along the railway line frontage of the property.

Conformity with indicator

unsympathetic rear facades.

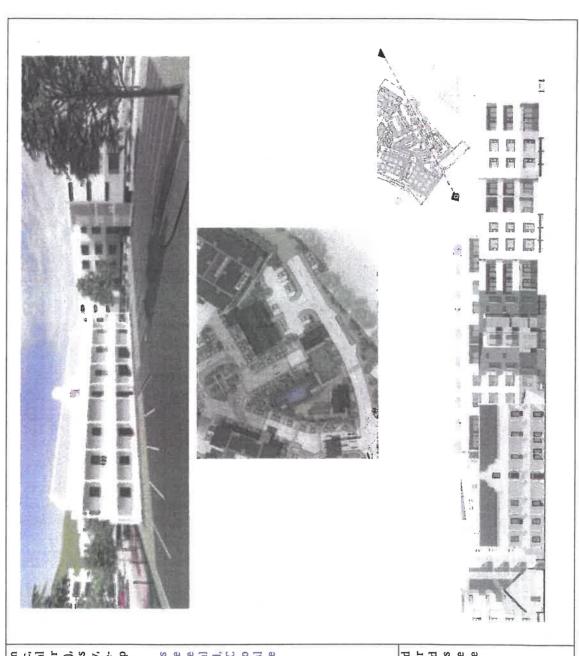
40 | Page

The manor house must be retained. It is an heritage of the site. It has distinctive interior should be preserved, and any alterations and/or changes should be reversible. Ideally, it could be viewed as a centre-piece of the redeveloped site with an enhanced relationship attractive albeit architecturally eclectic, structure, and it relates to the industrial features (wooden flooring, cornicing etc.), to its surroundings. 'n

Response to indicator: The Manor House remains a prominent feature of the development, with the space about it opened up and framed more the background residential the details of which are to be for later HWC approval. The relationship of the Manor House to component has been established to showcase the development. It is to be retained and refurbished, the Mill House, being at the heart of the residential appropriately by heritage of the site

Conformity with indicator

house are used as appropriate height and scaling informants, and that no structures proposed in the immediate vicinity of the manor house should exceed the ridge Spaces about manor house: It is recommended that the eaves and ridge height of the Manor height of the manor house. 4.



Conformity with indicator

This will enhance the memory of the site's Although the 'Mill House' (and wheel) is a site of the original mill, it appears to contain workings at least some of which are old. The 1966 reproduction and is not located on the machinery therefore should be retained in situ. history as the location of the fourth mill. ស

Response to indicator: To be retained and the building re-purposed as a club-house. Conformity with indicator. Retention of mill workings to be conditioned The interior of the 'Mill House' should remain a reproduction of a 18th century mill. However, it can be re-purposed to enhance usage.

Conformity with indicator.

House, although clarifying the historical connection between the Mill House and Manor 7. Historically there has been no visual the reassociations is encouraged in development.

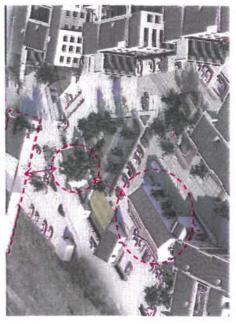
established through open social centre of the development. As a result, the historic character of the site will be captured simultaneously from most to indicator: Visual connection viewpoints Response

Conformity with indicator,

of the site. However, it has no intrinsic significance and it would be difficult to argue for its retention. 8. The Vinlab warehouse is the only remaining direct reference to the historic industrial use

Response to indicator: Vinlab warehouse is to be demolished.





Conformity with indicator: demolition supported given very low significance.

9. The Warehouse older than 60 years is of very low heritage significance and could be demolished, although its form does provide a visual reminder of the site's industrial past. It was not originally part of the Oude Molen site, having been cadastrally integrated into the site in 2009. It formed part of a complex of three warehouse, two of which HWC have approved for demolition to make way for a new development on the adjoining property.

Response to indicator: the warehouse is to be retained as a new social, commercial centre of the scheme The intention is to 'carve' a thoroughfare through the building, towards the site beyond; creating a piazza-link between Oude Molen and its neighbouring building to the South.

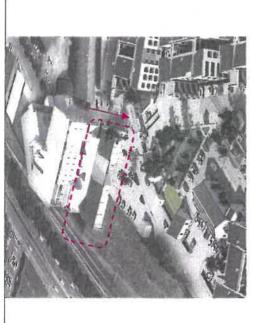
Conformity with indicator: partial retention and re-purposing supported given very low significance.

10. Framing the entrance to the site in the manner in which the two warehouses currently express should be reinforced, as should the framing of the view from the entrance onto the manor house and Mill House.

Conformity with indicator -see responses above and associated graphics

11. Limited expression or celebration of the Mill stream (which precise original alignment has not been ascertained with any accuracy) could be regarded as an opportunity in site design but is not a requirement.

Response to the indicator: The memory of the Old Mill Stream has been viewed as an opportunity in site design and incorporated into the heart of the







development - a traditional village central square with a raised water feature, the raised pond edges doubling-up as seating. The water, sourced from the old mills stream, will flow from the raised feature along a "leivoor" through the development, where it will discharge into the existing underground storm water pipe system. The "leivoor" will also collect surface storm water and divert it into the existing storm water system. The water features will symbolise the old mill stream that previously meandered through the property.

Conformity with Indicator.

12. The original treed edge to the river on the northern boundary has been destroyed by the recent Municipal sewer installation. Replanting this edge would be encouraged.

Response to the indicator: The Plankenburg River has been viewed as a major feature that will visually be integrated with the development, by erecting transparent palisade fencing, lightly covered with creeper plants to provide a certain amount of privacy. Informal walkways will meander through the shrubbery with seating under new shade trees, orientated towards the Plankenburg River.

Conformity with indicator.

13.2 Sustainable Socio-economic benefits

A specialist report in this regard was not commissioned. However, the development is in accordance with the proposals to re-purpose and revitalise the Adam Tas Corridor – a proposed catalytic project, the extensive re-development of which could contribute meaningfully to meeting the existing municipal challenges and MSDF objectives and critically linked to the railway line and station.

Construction will create temporary jobs in this sector; and the development will provide increased employment opportunities and a range of housing opportunities in the context of a shortage of affordable local accommodation.

Moreover, as a measure of it's social responsibility the applicant is voluntarily providing a component of affordable student housing within the proposed development. 12 three bedroom units (36 beds) will be offered as subsidised student rental accommodation to students at a registered tertiary institution, the rental of which will be linked to the University of Stellenbosch hostel rental which equates to approximately 50% of the open market rental.

Finally, it is proposed to construct a Non-Motorised Transport (NMT) bridge, catering for pedestrians and cyclists, over the railway line linking the precinct to the Lower Dorp Street precinct and into the greater proposed Stellenbosch NMT network. The NMT bridge is to follow the original alignment of Dorp Street, a portion of which lies on the western side of the railway line in Bosman's Crossing connecting into Distillery Road. This is in accordance with an HWC Record of Decision approving the proposed widening of the Lower Dorp Street—(Case No 15031805GT0313E December 2015), subject to a condition that "the historical alignment must be retained. The continuity must be improved by the construction of a pedestrian/cycle bridge over the

railway line and a cobble stone or paved strip over Adam Tas Road: the practical execution thereof still to be confirmed by the effected parties."

14. Public Participation

Appendix E provides supporting information. The registered Conservation Bodies (Stellenbosch Heritage Foundation – SHF - and Stellenbosch Interest Group - SIG) and the Stellenbosch Municipality were given the opportunity to comment on this application. In addition, two public notices were placed on the affected property and in the local newspaper Eikestadnuus.

Both SIG and the Stellenbosch Municipality officials B de la Bat and K Makati, acknowledged receipt of the advert.

SHF noted they did not support the proposal and the SIG noted that they were "hesitant that a blanket approval be given". The comments are appended in full in Appendix E and summarised and responded to below. The Stellenbosch Municipality did not provide comment and it is assumed that this indicates support.

SIG comment

(1) A clear indication of the historical background of the site and its contribution to the development of the brandy industry should be provided, as well as how the proposed development will recognise this history. There must also be clarity on how the history of the historic mill and mill stream will be commemorated on the site.

Response:

This has all been provided in the HIA, it is not clear how a full reading of the document could have elicited such a comment. Indeed, the SHF comment congratulates the authors for the *thorough* historical investigation. The historical associations of the site are articulated in this report on pages 6 – 14.

With regard to reference to this historical association in the development proposal, refer to Indicators 5, 6, 7 and 11 on pages 42 - 43 and associated development response. The proposal is assessed as having met all these indicators satisfactorily, particularly in view of the significance accorded to this association: -

"Although there have been significant changes at the Oude Molen site it still has some historical significance as the location of the fourth mill in Stellenbosch. It has also been associated historically with the production of quality brandy, although this is not in and of itself necessarily a basis for significance. This section examines the site specifically in respect of the heritage resources still present at Oude Molen and in the context.

The relevance of the site as the location of the fourth mill house can be considered as tenuous if one considers that the millstream has essentially become an underground stormwater drain, the original mill house demolished, and a replica mill house (1965) has been constructed away from its original location.

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Nevertheless, the protected status of the mill stream ties the site to the historical millstream network of Stellenbosch, and even though it has been reconstructed, the mill house adds to this connection. Even the name 'Oude Molen' reflects its history as the location of the fourth mill. Rather than significant resources in and of themselves, they could perhaps be considered as *opportunities* in the redevelopment of the site." (p16)

Finally, it is noted that the proposal is an improvement on the initial Urban Design Framework (UDF) in that the sight line between Mill House and Manor House has been maintained – this has not historically been so, not was it so in the UDF despite this being one of the initial heritage indicators – the final SDP was amended to satisfy this indicator.

(2) SIG is of the opinion that the proposed three-storey structure (with height in line with the roof ridge of the historic house) will be too close to the historic Oude Molen. According to the SDP the distance is about 4m. The new buildings should thus be set back much further from the historic structure.

Response:

As the report illustrates, the Manor House has historically been located in unusually close proximity of the adjoining warehouse and fronted and back by a wall of industrial buildings (see photographs 15 and 16

 $^{^4\,\}mathrm{D}$ Hooper, Chairman of E Snell & Co, pers comms with project manager C Stevenson

⁵ see note 2 on page 7

on page 24). The Manor House remains a prominent feature of the development, with the foreground and space about it opened up and framed more appropriately by the background residential development, which does not overpower the building in scale or massing. This is an improvement upon its historical condition. The heritage indicators have been met in this regard.

(3) It is the concern of SIG that this development has been submitted prior to the finalisation of the Adam Tas Corridor Spatial Development Framework (ATC) (the municipality is in the process of appointing a consultant to prepare this SDF). This type of piecemeal planning approach is not conducive to protecting heritage landscapes. We are of the opinion that all the built environment heritage in the Adam Tas Corridor should first be identified, mapped and then all proposed new developments (such as this application) should holistically be planned for in the context of the Adam Tas Corridor SDF.

Response:

This development application has been in process since 2012, and has been delayed initially due a moratorium imposed as a result of capacity constraints at the Stellenbosch Waste Water Treatment Works; then pending the finalisation of the Stellenbosch Zoning Bylaw, and finally pending an outcome from the Adam Tas Corridor development concept.

The applicant has held a number of meetings (2018; 2019 and 2020) with the Adam Tas Corridor Steering Committee. The approach of the Committee ultimately was that development should not be delayed by the finalisation of a "master plan" but projects should proceed that conform to the principles established through the planning process. They noted that the development proposal for this site would be able to proceed in April 2019.

It is not reasonable nor legal to delay all work pending the outcome of planning processes that are many years in the making. Regardless,

sufficient direction has been established by the visioning work completed to date:

- Adam Tas Corridor Development Concept, May 2019, compiled by GAPP, Built Environment Partners, Smart Urbanism and Design Space Africa
- Adam Tas Corridor Bulk Infrastructure Review and Proposed Phasing, June 2019
- Adam Tas Corridor Land Use Schedule and Density Projects, 2019

Finally, it is to be noted that in response to sustained high levels of demand for well-located housing and development in a town with limited opportunities due to urban and rural landscape heritage sensitivities, the ATC (as a well located, but less heritage sensitive area) has been identified as the Stellenbosch Municipality's emerging urban transformation district. This vision is to create an integrated urban development corridor that is livable, safe, resource efficient, socially integrated, economically inclusive and globally competitive. The corridor falls within the municipality's Restructuring Zone.

(4) This part of Stellenbosch is particularly rich in Earlier Stone Age tools, formerly referred to as Stellenbosch Culture. It is therefore disappointing that no information about the prehistorical history of the area of which the site forms part is included. This is a major shortcoming that requires attention.

Response:

In response to this specific assertion, ACO notes as follows: It was difficult to identify Early Stone Age material at Oude Molen due to the extensive surface hardening on the site. ACO inspected limited trial excavations as well but made no local observations. Bosman's crossing is famous as in 1899, crude Early Stone Age artefacts were found there by Louis Perringuey. The European archaeological community was shocked as this was evidence of the antiquity of "man" in Africa, as it was thought at that time that Africa was far too backward and humans

SHF comment

(1) We would like to congratulate the team on a very thorough investigation into the history of this very important site as mentioned in the HIA "The Oude Molen site is a historically significant place that has suffered in the past from fairly unsympathetic approaches to its heritage significance'

Response:

Since the nature of heritage significance should inform the extent to which heritage issues should guide development of this site, it should be noted that the SHF overstates the heritage significance of the site. This is detailed in Section 10 of this report, and portions restated in the preceding response to SIG comments on page 46. In summary, aside from the associations, the presence of significant heritage resources on site is limited and the site's history represents more in the way of opportunities.

(2)The applicant should demonstrate how the development accords with the principles of the Adam Tas Corridor and the SDF. It is the cumulative effect of development that impacts on heritage. The character of Stellenbosch is so important to the long term survival of this special town. In our opinion HWC cannot evaluate applications for development on an ad hoc and isolated basis.

Response:

This is not a heritage matter and will be assessed as part of the planning application. See also the response to a similar query from SIG outlined above on pages 46 and 47.

(3) The architectural ethos and language are appropriate and good architectural precedent referenced. However, the relationship between building and site does not completely reflect the quality of the precedent studied. For example, although the Sybrand Mankadan building is elevated on columns to allow parking below, the building is not disconnected from the landscape on the public facade.

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Response:

This is not a heritage matter and will be assessed as part of the planning application.

(4) The Urban Design Framework responds very well to the heritage resources on the site. However, the final proposal does not align with it, and it is a cause for concern that many of the valuable urban mapping conclusions are not visible in the current proposal. For example, the sensitive massing solution suggested in the Urban Design Framework is not evident in the final layout. Also, note the uncomfortable junction between the Oude Molen Manor House and its neighbour to the north.

Response:

The Urban Design Framework (UDF) proposed and supported an earlier development proposal which is no longer relevant. However, the principles established in that report were extrapolated into the HIA and incorporated into the heritage indicators. Indeed, the heritage informants for the UDF were determined by Mr Snelling, a heritage practitioner in this application These requirements have been met, as expressed on pages 40 – 44 in this report.

The following figures illustrate that the current proposal is considerably more sympathetic than that under consideration in the urban design report. Key elements of the urban design and heritage informants have been more adequately resolved, including maintaining view corridors through to the Papagaaiberg and from Adam Tas Road; establishing a visual relationship between the Manor House and reconstructed Mill house; and expression of the original Mill Steam.

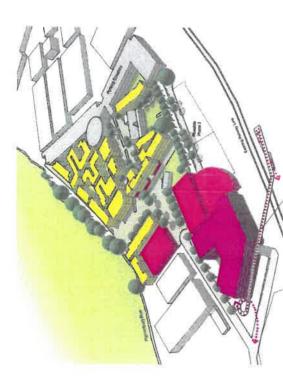


Figure 41: Proposal proposed and supported by the UDF.



Figure 42: Current application

(5) The landscaping does not fully complement the heritage resources, especially the Oude Molen Manor House appears to be cut-off from its surrounding landscape and almost entirely surrounded by hard landscape/ parking. Many of the trees that have been retained, are in such tight spaces and shaded by buildings that they will probably not thrive or even survive?

Care should be taken not to completely sever the buildings from the landscape and fragmenting the landscape surrounding the heritage resources. How will the lighting of these parking spaces work and how will it impact on the experience and sense of the place?

Response:

The current context of the Manor is very unsympathetic and has limited landscaping. This is equally true of the historical context of this building. To reiterate, it originally had an unusually close proximity to an adjoining warehouse and fronted and back by a wall of industrial buildings (see photograph 15 and 16 on page 24); and the 1990 redevelopment of the site extended this harsh context. The revised proposals provide a new focus on this building, along with a new relationship to the other historical elements or references on the site, supported by a landscape plan that, in so far as it addresses heritage issues, is considered appropriate. The SHF comments provide no evidence that the Manor House significance has been negatively impacted.

(6) The SDF promotes mix-use development. We do not believe that this proposal promotes mix-use development.

Response:

This is not a heritage related comment.

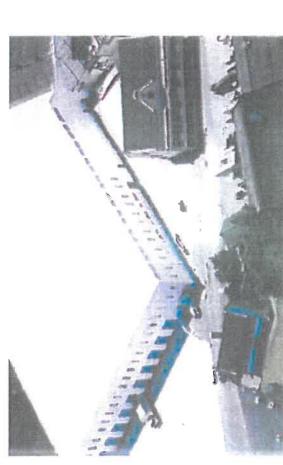


Figure 42: Oude Molen 1990



Figure 43: part of the current landscape context of the building

(7) We would like to obtain the Traffic assessment study as 235 new residential units will have a definite impact on the current traffic situation.

Response:

This is not a heritage related comment.

(8) The NMT bridge linking the scheme to the lower end of Dorp Street is commendable and will enable walkability. Has it been translated from the Urban Design framework to the proposal?

Response:

Noted. As the report states on page 45, this is in accordance with an HWC Record of Decision approving the proposed widening of the Lower Dorp Street.

(9) There seems to be a lack of sympathy with the scale, massing, layout and idiom of the proposed residential blocks, the landscape, heritage buildings and fine urban fabric of Stellenbosch.

Response:

The SHF don't take into account either the principles and intentions of the ATC, the existing site conditions or indeed the development pattern already established in the Bosman's Crossing Precinct. Most recently, Catwalk Investments are in the proces of completing the large building adjacent to the property, and there is another directly opposite under construction.

See the current extent of development in this Precinct on Page 33, photographs illustrating the context in figures 44 – 51 and the adjoining development in figure 52.

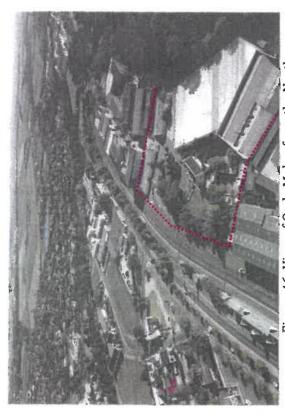


Figure 46: View of Oude Molen from the North

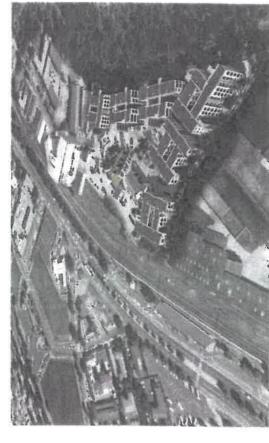


Figure 47: Rendering of proposed development from the North

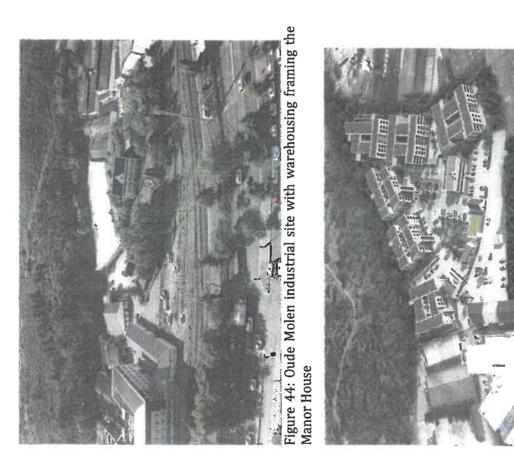


Figure 45: similar perspective, rendering of proposed development.



Figure 48: Oude Molen from above



Figure 49: The broader precinct right of Adam Tas Road. Bergkelder - foreground, Oude Molen - centre, Bosman's Crossing - background



Figure 51: Development underway adjacent to site (September 2020)



Figure 52: aerial view of Manor House from Adam Tas Road, although it is noted the actual view to the passer by almost entirely obscures the Manor House (see page 40 for at-grade views from Adam Tas).

15. Recommendations

It is recommended that Heritage Western Cape:

- Endorses this report as having met the requirements of Section 38(3) of the NHRA;
- In terms of Section 38(4) of the NHRA approves the proposed demolition of the 'Vinlab warehouse' on Erf 14601;
- In terms of Section 38(4) of the NHRA approves the subdivision, rezoning and Site Development Plan for the property, as indicated on the plans appended to this report as Annexure D;

Subject to:

- The submission of building plans for any future proposed alterations to the Manor House to HWC for approval;
 - The retention and display of the mill workings in Mill House;
- Archaeological monitoring of the large warehouse if there are to be subsurface excavations, to confirm the presence or otherwise of the original mill remains.

References

Architect & Builder March 1990 :The upgrading of two facilities for Gilbeys in Stellenbosch

Bolsmann E (undated): Brief history of Oude Molen (source unknown)

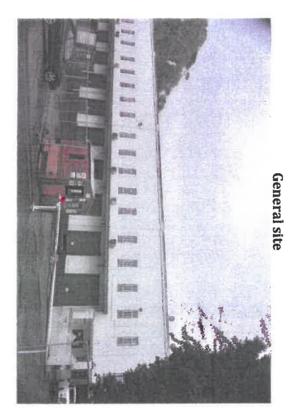
Hofmeyer A (1967) Die meulsloot Die kleurige geskiedenis van die molenwater en die korenmeule van ou-Stellenbosch

http://www.oudemolen.co.za

APPENDIX A: Archaeological Report

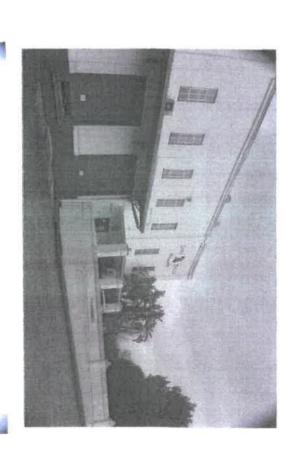
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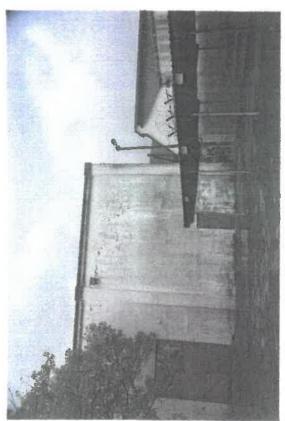


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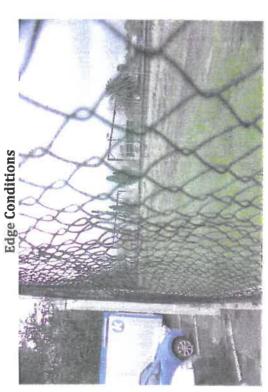












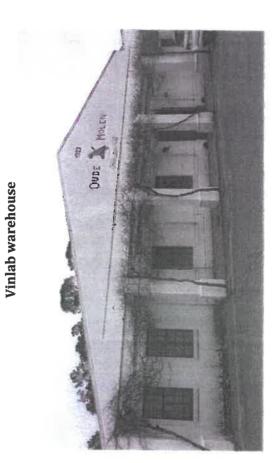






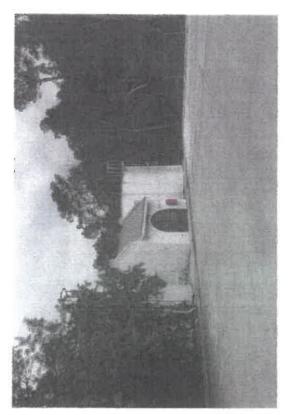


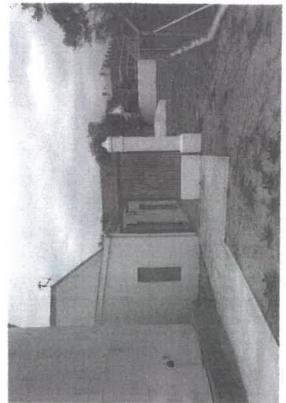


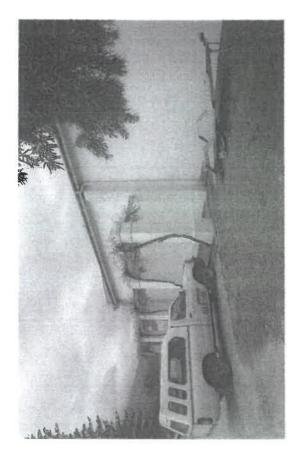


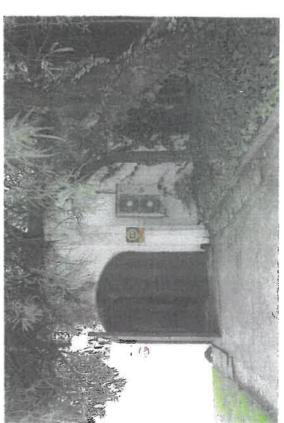




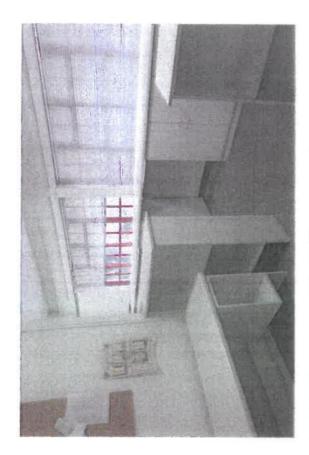


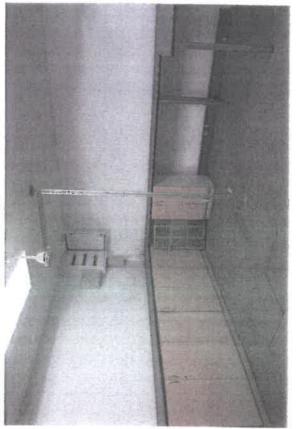






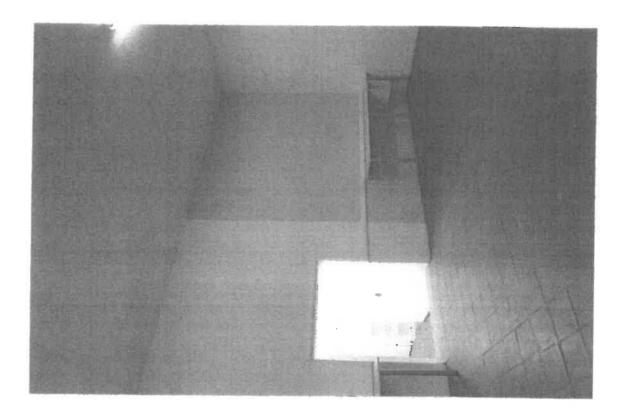


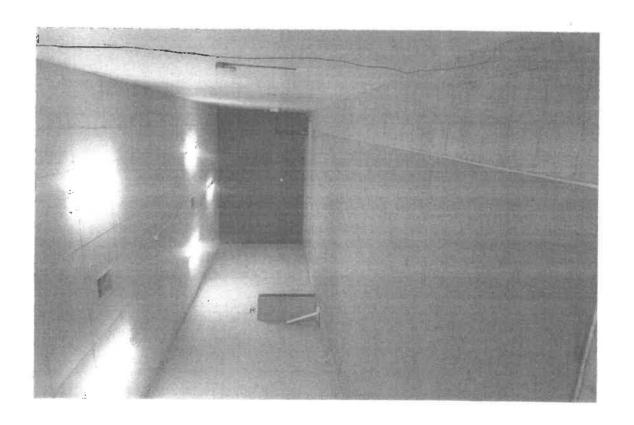




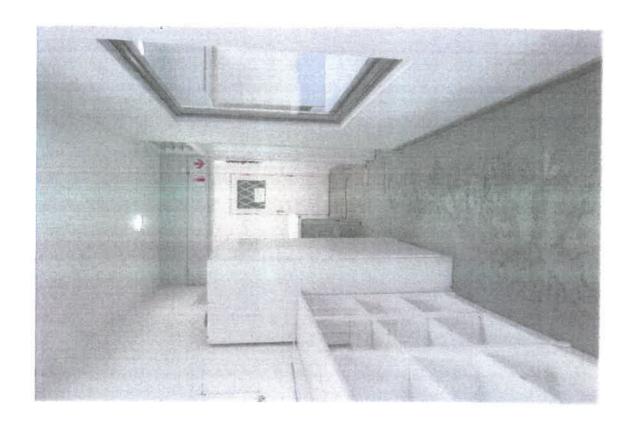






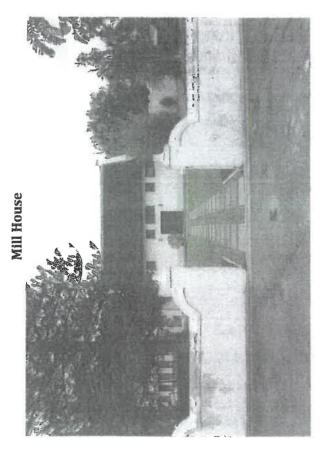


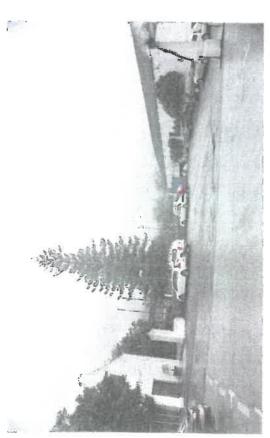




























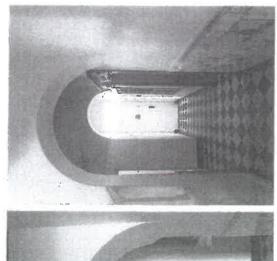


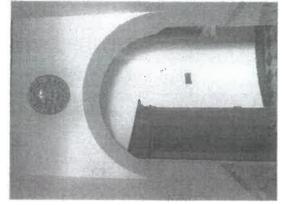
Manor House





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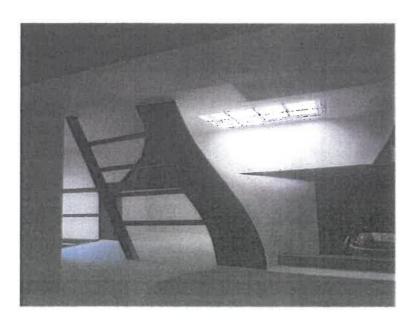










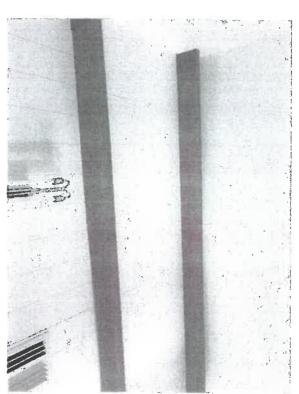












APPENDIX C: Preliminary Urban Design Framework

APPENDIX D1: SDP

APPENDIX D2: Architectural Design Ethos

APPENDIX D3: Landscape Master Plan

APPENDIX E: Public Participation

 From:
 Cindo Positethway

 To:
 "Lindv@cchenface.co.za".

 Bcc:
 "Lendv@cchenface.co.za": "Kaizer.Malati@stellenbosch.gov.za": "Lobiasaticka@gmall.com".

 "Lhainperson@stellenbosch.entrace.co.za": "Info@stellenbosch.gov.za": "Info@stellenbosch.gov.z

NOTICE APPLICATION IN TERMS OF THE NATIONAL HERITAGE RESOURCES ACT (NHRA), 1999, ACT 25 OF 1999

Notice is hereby given that an application in terms of Section 38(4) of the NHRA will be submitted to Heritage Western Cape regarding the following property:

OUDE MOLEN - ERF 14601 STELLENBOSCH

LOCAL/ DISTRICT MUNICIPALITY: Stellenbosch Municipality STREET ADDRESS: Distillery Road Stellenbosch Short Description of the work to be done: It is proposed to rezone the property to accommodate a mixed use development of apartments and some commercial uses. A warehouse older than 60 years, the reconstructed mill and the historic manor house are to be retained.

Members of the public and interested and Affected Parties are invited to comment on the application. A copy of the draft documentation can be downloaded for scrutiny from Dropbox. Please Cfrl + Click on the following link:

https://www.dropbox.com/sh/dgmkie7q20qxb2y/AADsXaZPjoecD9z_JcVG9SpFa?dl=0

Any person vishing to object or comment on heritage grounds to the application must make such comment fobjection in writing to Ms. C Postlethwayt at cindy@cpheritage.co.za on or before 12 October 2020.

Kindly note that objections or comments that are not made on heritage grounds will not be considered. Late objections/comments received after 12 October 2020 may be ignored.

Notice date: 10 September 2020

NOTICE APPLICATION IN TERMS OF THE NATIONAL HERITAGE RESOURCES ACT (NHRA), 1999, ACT 25 OF 1999

(

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Short Description of the work to be done; it is proposed to rezone the property to accommodate a mixed use development of apartments and some commercial uses. A warehouse older than 60 years, the reconstructed mill and the historic manor house are to be retained.

Members of the public and interested and Affected Parties are invited to comment on the application. A copy of the draft documentation can be downloaded for scrutiny from Dropbox. Please Ctrl + Click on the following fink:

https://www.dropbox.com/shidgmkle7g20gxb2y/AADsXaZPjoecD9z_JcVG9SpFa?dl=0

Any person wishing to object or comment on heritage grounds to the application must make such comment lobjection in writing to Ms. C Postlethwayt at <u>cindw@coheritade.co.za</u> on or before 12 October 2020.

Kindly note that objections or comments that are not made on heritage grounds will not be considered. Late objections/comments received after 12 October 2020 may be ignored.

Notice date: 10 September 2020



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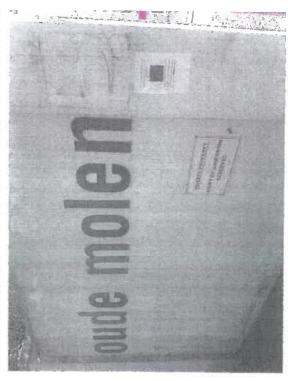
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NOTICE APPLICATION IN TERMS OF THE NATIONAL HERITAGE RESOURCES ACT (NHRA), 1999, ACT 25 OF 1999

Notice is hereby given that an application in terms of Section 38(4) of the National Heritage Resources Act will be submitted to Heritage Western Cape regarding OUDE MOLEN - ERF 44601 DISTILLERY ROAD STELLENBOSCH

It is proposed to rezone to accommodate a mixed use development of apartments and some commercial. A warehouse older than 60 years, the reconstructed mill and the historic manor house are to be retained.

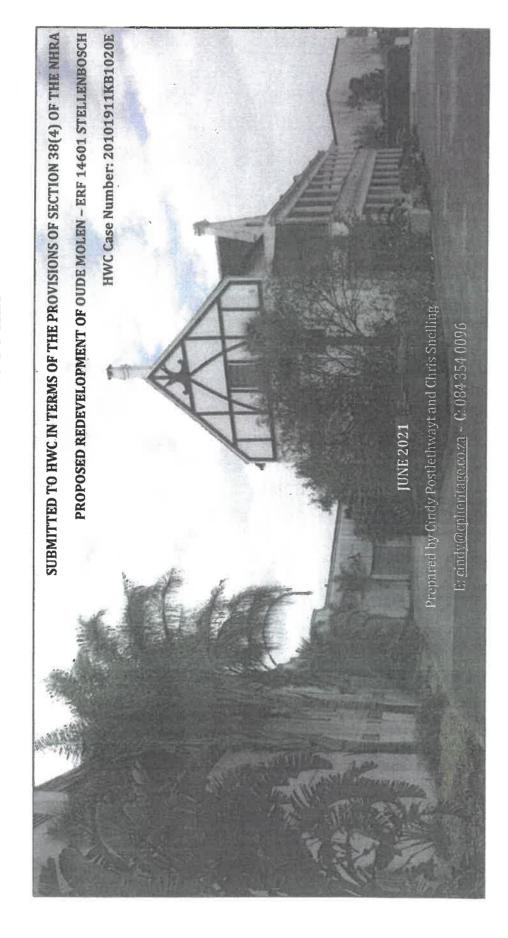
Members of the public and Interested and Affected Parties are invited to comment on the application. An electronic copy of the application can be obtained from Ms. C Postlethwayt at cindy@cpheritage.co.za

Any person wishing to object or comment on heritage grounds to the application must make such comment lobjection in writing to Ms. C Postlethwayt at <u>cindy@cpheritage.co.za</u> on or **before 12 October 2020**

Kindly note that objections or comments that are not made on heritage grounds will not be considered. Late objections/comments received after 12 October 2020 may be ignored.



SUPPLEMENTARY REPORT TO HIA



4.4.27.27

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Figure 1: Site in the context of Stellenbosch (Cape Farm Mapper CFM)



Background

Following a site visit, on 9 December 2020, Heritage Western Cape's Impact Assessment Committee (HWC IACom) considered a Heritage Impact Assessment submitted for decision in terms of section 38(4) in respect of the proposed development of Erf 14601, Oude Molen, Stellenbosch.

Figure 3 (right top): Site Development Plan, as submitted

Figure 4 (right bottom): 3D modelling of the proposed development, as submitted.

In a letter dated 23 December 2021, HWC issued a response indicating further requirements were necessary:

"Revised proposal to be submitted addressing the concerns with respect to:

- Block 6 scale, form, relationship and orientation to be informed by particular context
 - Industrial entrance building retention of front portion.
 - Landscape of forecourt to homestead"

Block 6 and its relationship to the Manor House is indicated on Figure 4 with an arrow.

This Supplementary Report to the HIA is submitted in response to the further requirements of the IACom. The submission is to be read against the background of the HIA Report dated October 2020 and it is assumed IACom will be able to refer to that documentation.





Revisions

l Block 6

IACom expressed specific concerns regarding the proximity of apartment block 6 in relation to the adjoining Manor House, graded IIIA.

As background to the findings of the HIA in support of this proximate relationship, it is reiterated, the Manor House has always been situated in very close proximity to the industrial buildings on site and its significance cannot be ascribed to contextual issues, as the following photographs illustrate. It is thus not clear to what extent negative heritage impacts can be attributed to the 2020 proposal.



Figure 5: an early photograph of the Manor House (undated). Note the unusually close proximity of the adjoining warehouse (see also Figure 6) and the walkway between them. Santhagens is said to have wanted to walk from his bedroom to his office



Figure 6: Prior to the 1990 re-development, the Manor House historically also faced onto a wall of industrial buildings (undated photograph Architect & Builder 1990 – approximately 27 building were demolished in 1989 and the photo is assumed to be around this date)



Figure 7: The current rather bleak immediate context of the Manor House

Nonetheless, the developer has agreed to re-design Block 6 to accommodate these considerations, on the understanding that the parking and circulation must be retained as proposed; and the units so affected have been relocated to the rear of the site. The revised SDP, 3D modelling and a comparative visual analysis are included as <u>Annexures</u> A1, A2 and A3.

In reviewing the proposals, the project architects note that the Urban Design Framework documented site informants to take into account during the urban and landscape planning of the precinct. The most prominent of these were the view lines toward, and from, the Manor and Mill Houses. Particular emphasis was placed on establishing new site lines between Adam Tas Road, and the historically significant buildings on site; placing no structures between them and framing them where needed.

In conjunction with view lines, the relational spaces between separate existing structures, and between new architecture and existing structures, are equally as important. These spaces that define the relationship between the different styles, form the majority of the public and recreational space across the site. As a result, particular emphasis was placed on these in-between spaces, and which building facades oppose or front neighbouring structures. This is relevant where new architecture is adjacent to existing buildings; ensuring that new façades that will be read next to historic ones and compliment historic elements without detracting from them.

The heights and datum lines of existing structures were used as loose reference points in determining the scale of new structures. For instance, the heights of the buildings increase gradually from the railway line towards Onderpapegaaiberg. The buildings closest to the existing structures are the lowest (to match the historic scale), and the buildings against Onderpapegaaiberg, are the tallest.

Reviewing the proposals for Block 6 in accordance with the IACom comments, the architects have substantially reduced the footprint of the proposed building 6 and repositioned the building away from the existing Manor House. This not only addressed the scale difference between old and new, it also improves the sight lines towards and from the Manor House significantly. There is also more room for softening the spaces around the existing building and 'greening' the backdrop of the structures. The revised building footprint creates a courtyard that opens up towards the Manor House and allows for trees to be planted between the Manor House and the proposed building 6.



Figure 8: 3D modelling of the proposed development, as revised.

The heritage practitioners are of the opinion that the revised proposals represent a considerable improvement on the contextual relationship of the new development to the Manor House and support the revised proposals in this regard.

2.2 Retention of the front portion of the Vinlab warehouse

In its discussion, the Committee noted that Oude Molen has heritage significance as an industrial site and one of the first commercial brandy distilleries in South Africa. It further noted that this history is depicted in plaster embellishments on two of the remaining industrial buildings, one of which is strategically positioned at the entry point to the property, with strong sightlines to the mill and the manor house beyond. Informal minutes of the IACom discussion taken by the heritage practitioners expand further: The Vinlab building was acknowledged as having no intrinsic architectural significance, but with the plaster embellishment, it characterises the historic industrial use of the site and helps 'tell the story'. It was proposed that the "front 5m or so" of the building with the trademark, be retained as a memory, although new development could be situated behind this.

The developer has determined that it is neither practical nor economic to retain the front façade of this building. Instead, it is suggested that the plaster embellishment could be relocated to the warehouse older than 60 years located on the eastern edge of the entry point, opposite the Vinlab warehouse, and which is to be retained to provide a commercial component in the development.

The heritage practitioners are supportive of this proposal on the following grounds:

- The Vinlab building has been graded IIIC for associational significance only, it has no period or unique industrial architectural or other heritage features of any significance, and has undergone considerable alterations and additions.
- 'Facadism' is not generally accepted heritage practice currently and the minimal heritage significance of the Vinlab warehouse does not warrant such an onerous requirement there would be no rational relationship between the retained façade and the building behind;
 - The plaster embellishment was a rather curious trademark designed by Santhagen, as a reminder of the parrot shooting

competition introduced by residents of Stellenbosch at an annual pageant to honour Simon van der Stel. The emblem and its motto are on the gable of the 'Vinlab' warehouse and modern distribution warehouse. It remains the emblem of the Oude Molen Distillery in Grabouw. It is not clear when the plaster embellishment on the Vinlab warehouse was placed as the building itself has undergone considerable alterations and additions, including to the front façade. Moreover, one of the new warehouses erected in 1990 includes, in the south-western corner within which were situated the reception area and office space, the same embellishment on its façade, designed as part of the public marketing of the then Gilbey's Distillery.

The warehouse on the eastern side of the site entrance is equally the point from which visual links are made with the Mill House, and, once the vegetation is cleared, with a portion of the Manor House. If the plaster embellishment is to be retained, or recreated, as it has been in the past, this is a more suitable option, especially since this building is to be retained and repurposed as a deli, pub, restaurant etc – retaining the warehouse character – and it would be more appropriate to place the plaster embellishment on a warehouse – with associated proportions – than to retain a façade of 5m with the embellishment.



Figure 9: The Oude Molen site prior to the 1990 redevelopment (Architect & Builder March 1990), there is no visible plaster trademark embellishment n the Vinlab warehouse. A pergola and additional openings were subsequently added to the front façade.



Figure 10 (left): The west façade of the 1990 warehouse taken immediately after its construction (Architect & Builder March 1990) Figure 11 (below): The plaster embellishment on the warehouse constructed in 1990



OUDE



Figure 13: The warehouse to be retained and repurposed, at the entrance to the site, with the recently completed new development in the background.



Figure 14: Entrance to the site, the Vinlab warehouse foreground left, the warehouse to be retained foreground right, Mill House in the midbackground (the Manor House cannot be seen at this point).

2.3 Landscaping of the Manor House forecourt

As background to the findings of the HIA in support of the parking and landscaping proposals for the Manor House forecourt, it is noted IACom asserts that the Manor House is "strategically positioned with an ornate forecourt. The geometry of the Manor House and this forecourt are significant indicators".

This is disputed however, as historically, the Manor House has never had a forecourt, and neither was it landscaped. Indeed, even following the 1990 redevelopment of the site, the Manor House appears to have initially fronted onto nothing more than a car park, servicing the industrial buildings in its foreground.

The current landscaping fronting the Manor House is modest, designed for practicality and cannot be regarded as an 'ornate' forecourt.

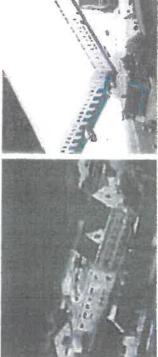


Figure 15 (above left) and 16 (above right): illustrating the forecourt to the Manor house historically and post 1990 respectively.

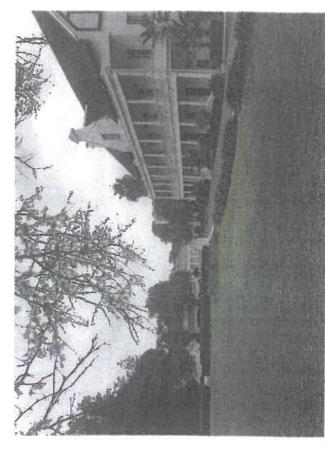


Figure 17: Current landscaping in front of the Manor House

Since the Manor House will comprise one of the commercial components of the redeveloped site, it is to be subdivided from the remainder of the property in the future, and will be fronting the proposed link route through the site to the remainder of the proposed Adam Tas Corridor redevelopment (a requirement of the Municipality and the Corridor redevelopment concept). The parking is front of the manor is acceptable in this context.

It is however acknowledged that by virtue of the development proposal the Manor House is now given more prominence and a degree of landmark status never enjoyed previously. As such it is agreed that the landscaping of this area should more appropriately reference its new context, screen the Manor House from the proposed link road, and improve upon what is currently a rather bleak garden area.

The revised landscape plan proposes softening the spaces around the existing building and 'greening' the backdrop of the structures. The revised building footprint of Block 6 allows for trees to be planted between it and the Manor House. Views from Dorp Street will not obscured and a tree avenue on either side of the house accentuates the focal node/manor house. No trees are to be placed directly in front of the house to avoid screening off the view onto the house. The pedestrian entrance paving to the Manor House is enlarged to make the water feature a bolder statement and allows space for a natural biofilter and bubbler jet. The paving material of the pedestrian paved area extends through the vehicular paving to define the axis and view line onto the Manor House. The shrub planting will be formal hedges, height not exceeding 1m. A service path has been allowed to the back of the manor house. The proposed revised layout creates a formal frontage to the manor house, in keeping with the rural cape vernacular.

It should, as suggested by IACom, mitigate against the potential alienation/isolation of the building by the surrounding parking (although it is to be framed by much more sympathetic development

than is currently (and historically) the case. The revised Landscape SDP Plan, sketch and mood board are included as <u>Annexures B1, B2 and B3</u> (and are supported by the heritage practitioners).

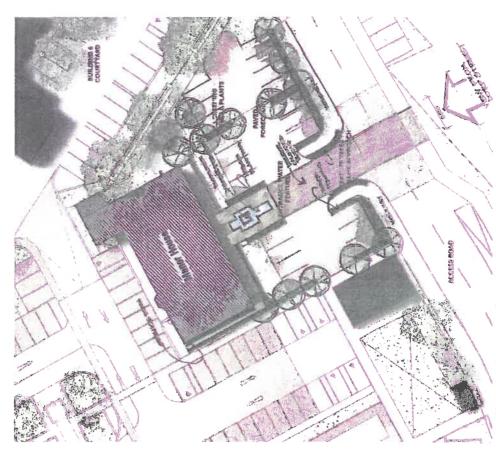


Figure 18: Revised landscape concept Manor House Forecourt

Conclusion

The revised proposals for the site will have no negative heritage related impacts; will, in the opinion of these assessors, improve upon the original proposal and are considered to have adequately addressed the concerns of HWC.

Recommendation

It is recommended that Heritage Western Cape:

- Endorses the HIA dated October 2020, read with this Supplementary Report dated June 2021, as having met the requirements of Section 38(3) of the NHRA;
- In terms of Section 38(4) of the NHRA approves the proposed demolition of the 'Vinlab warehouse' on Erf 14601;
- In terms of Section 38(4) of the NHRA approves the proposed development provided it is generally (in all heritage related matters) in accordance with the Site Development Plan and Landscape SDP Plan for the property, as revised in this Supplementary Report and appended as Annexures A and B;

Subject to:

- The submission of building plans for any future proposed alterations to the Manor House to HWC for approval, prior to the submission of final building plans;
- The submission of building plans for any future alterations/additions to the warehouse to HWC for approval, prior to the submission of final building plans.
 - The retention and display of the mill workings in Mill House;
- Archaeological monitoring of the demolition of the large warehouse if there are to be subsurface excavations, to confirm the presence or otherwise of the original mill remains.

ANNEXURE A: revised proposals Block 6

(included as separate e-files)

APPENDIX 5

Heritage Western Cape consent letter

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, 21 July 2021



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 Redevelopment of the Historic Complex as an Agri-Tourism Facility, Phase 2 on Farm 956, Donkerhoek, Simondium, Paarl: MA
 HM/ CAPE WINELANDS / DRAKENSTEIN / PAARL/ FARM 956

Case No: 20030508SB1020E

RECORD OF DECISION:

The Committee supported the proposals as contained within the additional information pack dated 29 June 2021, inclusive of the Arcon June 2021 Method Statement & Model Specifications, Square One landscape details and planting strategies, Open City architectural detailed drawings and finishes schedules.

The HIA dated February 2021 and prepared by Aikman Associates with the supplementary information pack referred to above, as collated by Open City Architects, is together confirmed as meeting the requirements of S38(3) of the NHRA. Therefore, the development may proceed, subject to the following conditions:

- Monitoring methodology as indicated in the Archaeological Impact Assessment (AIA) (phase 1 dated 2020 prepared by Hearth Heritage) and Fabric Analysis Report dated January 2021 prepared by Hearth Heritage, and the final Spatial Development Plan (SDP)to be submitted to APM
- 2. Submission of interim and monitoring reports prior to and during construction which should update the Committee on detail development work and findings.
- 3. Submission of close-out report within 30 days of practical completion

The above authorisation is valid for a period of five years from the date of notification to the applicant thereof in writing. This period may be extended for good reason shown, provided that an application for extension stating the reasons is made prior to the expiration of the five-year period.

SB

13.2 Erf 14601, Oude Molen, Stellenbosch: MA HM/STELLEBOSCH/ERF 14601

Case No: 20101911KB1020E

RECORD OF DECISION:

The Committee resolved to endorse the HIA and Supplementary Report prepared by Cindy Postlethwayt and Chris Snelling dated June 2021 as meeting the requirements of S38(3) of the NHRA. The Committee supported the recommendations of the HIA and Supplementary report (p 11) as follows:

- 1. The submission of building plans for any future proposed alterations to the "Manor" House to HWC for approval, prior to the submission of final building plans:
- 2. The submission of building plans for any future alterations/additions to the warehouse to HWC for approval, prior to the submission of final building plans.
- 3. The retention and display of the mill workings within the Mill House.
- 4. Archaeological monitoring of the subsurface excavations when demolition of the large warehouse occurs, to confirm the presence or footprint of the original mill remains.

The above authorisation is valid for a period of five years from the date of notification to the applicant thereof in writing. This period may be extended for good reason shown, provided that an application for extension stating the reasons is made prior to the expiration of the five-year period.

KB

13.3 Proposed Development of Remainder Farm, 1054, Klein Goederust, Franschhoek: NM HM/CAPE WINELANDS/ STELLENBOSCH / FRANSCHHOEK/ FARM 1054

Case No: 20120229TZ1203E

FURTHER REQUIREMENTS:

The Committee resolved to undertake a site inspection on 13 August 2021 (DG, RF, SW and MS).

SB

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 Residential Development on a 23d/ha Land, Consisting of a Variety of Residential Typologies of Varying Heights within a Gated Precinct with single access on Ptn 8 of Farm Ronwe 851, Paarl: MA

HM/CAPE WINELANDS/ DRAKENSTEIN/ PAARL / PTN 8 OF FARM 851

Case No: 17062709HB0804E

FINAL COMMENT:

The Committee endorsed the HIA prepared by Graham Jacobs and dated May 2021 as meeting the requirements of S38(3) of the NHRA. The Committee supports preferred development alternative 2 as indicated within figure 15 (drawing numbered A525, dated 07/05/2021) subject to conditions as indicated within section 10.2 of the HIA:

- That HWC allow the following detailed aspects of the proposals to be submitted to Drakenstein Municipality (Land Use Planning: Heritage Resources Sub-Section) for negotiation and final approval as part of the planning application, given that the subject site falls within a local authority heritage area, and that this local authority does have the necessary heritagerelated resources and expertise:
 - a. A general statement regarding the lighting strategy to be employed to minimize nighttime light spillover. This would include details regarding lighting design/light standards/lighting bollards as set out in the heritage indicators and informed by Section 6.3.3 of the Visual Impact Assessment (VIA) report.
 - b. A general statement regarding the policy to be adopted for the installation of satellite dishes, TV aerials and other installations with potential to affect the development skyline.
 - c. A general policy statement and details regarding signage proposed for the development.
 - d. A general policy statement and particulars regarding the manner in which the property is to be secured, especially along the Lustigan and Wemmershoek Road boundaries if any further security measures other than those already endorsed by HWC, are proposed.
 - e. The preparation (by a SACLAP-registered professional) of a Landscape Development Plan in accordance with the requirements of the VIA specialist and including, as a minimum, the following:
 - (i) Locating on this Landscape Development Plan: -The various tree species as currently proposed in the landscaping plan Dwg. A525 dated 2021/05/07 by Daffonchio Architects; and-The various plant species and other surfacing details as currently proposed in the landscaping plan Dwg. A525 dated 2021/05/07 by Daffonchio Architects with particular attention to the Lustigan and Wemmershoek Road/R301boundaries in order to meet the requirements in the VIA for more detail regarding the proposed 'buffer strips' along these roads;
 - (ii) Providing typical sections, at minimum 1:100 scale, through the above-mentioned roadways up to the first buildings within the site to better understand, in terms of the VIA requirements, the relative scale, landform and screen planting volumes, as well as proposed boundary treatment;
 - (iii) Indicating the proposed roof plans of all individual buildings on the property to better understand as a quantum, the relationship of the proposed tree canopies with the new built forms;

- (iv) Providing more particulars regarding the proposed soft landscaping treatment of the 30m wide buffer strip interface with the R301/Wemmershoek Road and the interface with Lustigan Road: all to retain/sustain rural qualities, where possible;
- (v) Providing details of proposed pedestrian pathways (including suggested materials) along the outer edges of the property;
- (vi) Providing particulars regarding parking areas if/where visible from Wemmershoek and Lustigan Roads to mitigate reflected glare from windshields and negative visual impacts from continuous paved surfaces;
- (vii) Providing more details of the storm water strategy with regard to the open, planted channels and swales (as recommended in the VIA) where affecting visual impacts along Wemmershoek and Lustigan Roads;
- (viii) A requirement that all trees planted (roots to be established in minimum 80-100L bags) have a clear stem height of 1,8m minimum and a minimum girth of approximately 60mm or as otherwise advised by a qualified arborist in conjunction with the local authority;
- (ix) Particulars regarding the mature heights of the various proposed tree species and the time spans for those heights to be reached; and
- (x) A requirement that present ground levels of existing trees be retained around their bases to the satisfaction of a qualified arborist to ensure their survival and continued health.

AM

15.2 Amended Part II to Juno Wind Energy Facility on the Remainder of Farm De Boom 273,

Vredendal: MA

HM/WEST COAST/ VREENDAL/REM OF DE BOOM 273

Case No: 21021103SM0312E

FINAL COMMENT:

The Committee confirms that the requirements of S38(3) of the NHRA have been met. The Committee supports the recommendations within the HIA report (ref page 55-56) and endorses the APM comments as follows:

- 1. The Sandlaagte River Valley should be avoided in totality with no infrastructure placed within 500 m of the centre of the valley;
- 2. Measures to reduce the visual impacts on the landscape as identified in the VIA should be implemented (e.g. minimising disturbance, minimising lighting, ensuring rehabilitation); and
- Should any buried human remains or unknown archaeological or palaeontological heritage
 resources be uncovered during the construction phase, work must cease in that area and HWC
 must be contacted regarding the appropriate way forward.

SB

15.3 Proposed Development on Portion 14 of Schryvershoek Farm 362, Langebaan Lagoon, Saldanha Bay: NM

HM/WEST COAST/ SALDANHA BAY / PTN 14 OF 362

Case No: 21012504SB

FURTHERE REQUIREMENTS:

The Committee requires the resubmission of a complete HIA which meets the requirements of S38(3) of the NHRA. This HIA is to address (amongst others):

- 1. Archaeology.
- 2. Palaeontology.
- 3. Cultural landscape.
- 4. Parameters for development to be clearly articulated.

SB

15.4 Proposed Various Mixed-Use Developments on Farm 1450, 1276. 1277, Ptn 5 of 382, Rhebokskloof Wine Estate, Paarl: NM HM/ CAPE WINELANDS / DRAKENSTEIN / FARM 1450, 1276, 1277, PTN 5 OF 382

Case No: 21061407SB0621E

FURTHER REQUIREMENTS:

The Committee resolve to undertake a site inspection on 13 August 2021 (DG, RF and MS).

SB

Proposed Rezoning for Group Housing, Eco Estate Plots, a Small Apartment, etc. on REM of Cape Farm 1529 and Erf 5112, Kommetjie: NM
HM/ CAPE TOWN METROPOLITAN/ KOMMETJIE/ RE 1529 & ERF 5112

Case No: 21062408JW0625E

FINAL COMMENT:

The Committee endorsed the HIA and associated documentation as prepared by Cindy Postlethwayt and dated May 2021 as meeting the requirements of \$38(3) of the NHRA. The Committee supports the recommendations and findings of the HIA (refer to p 56 of the HIA):

- 1. HWC fossil finds, and accidental finds of human remains protocol to be included in the environmental authorisations;
- 2. The implementation in all important respects of the mitigations outlined in Section 13 of this report;
- 3. During the construction phase, archaeological and paleontological monitoring of any earthworks and deep trenching so that in the event of paleontological or archaeological material being encountered e.g. bones, stone artefacts, trace fossils or wetland deposits, work is to be stopped in that area immediately, and reported to the heritage authority (HWC) for further consideration.

The above authorisations are valid for a period of five years from the date of notification to the applicant thereof in writing. This period may be extended for good reason shown, provided that

Adopted IACom Resolutions and Decisions_21 July 2021

an application for extension stating the reasons is made prior to the expiration of the five-year period.

AM

15.6 Proposed re-purpose of York Farm Cottages (Boschendal), R310, Dwars River Valley, Farm 11_1674, Stellenbosch: NM

HM/ CAPE WINELANDS / STELLENBOSCH/ FARM 11/1674

Case No: 20032005SB0331E

INTERIM COMMENT:

The Committee provisionally supports the HIA and approach prepared by Rennie Scurr Adendorff and dated 22 June 2021 as well as APM comments on the AIA. HWC awaits submission of final HIA (inclusive of the public participation process) to comply with \$38(3) of the NHRA.

SB

Proposed Consolidation, Subdivision and Rezoning to create a Large Residential Development Goede Verwachting Development, Remainder Farm 869; Portion 3 Farm 870; Farm 866; Farm 867; Farm 868; Farm 1054; and Portion 2 of Farm 870, Sir Lowry: NM HM/ CAPE TOWN METROPOLITAN/ OLD SIR LOWRY / REM FARM 869, PTN 3/870, 866, 867, 868, 1054, PTN 2/870

Case No: 21062404SB0625E

FURTHER REQUIREMENTS:

The Committee resolved to undertake a site inspection on 13 August 2021 (DG, SW, RF and MS).

SB

15.8 Proposed Subdivision for Prospective residential Units on Erf 177476, Main Road, St. James:

HM/ST JAMES/ERF 177476

Case No: 17090415AS0914M

FINAL COMMENT:

The Committee resolved to endorse the revised HIA prepared by Prof Peters dated 30 June 2021 as meeting the requirements of S38(3) of the NHRA. The Committee supports the recommendations of the HIA as conditions of approval, listed as follows:

- 1. The sub-division of Lot 177476 into three portions as conforming with the cadastral character of its 'identity area';
- The landscaping proposals for visually mitigating the impact of the stone retaining walls of the
 platform for the residence proposed for Portion 3 (to plans approved by the City of Cape Town
 on 13th June 2017) as serving to soften, recede and cohere with the townscape of St James
 to an acceptable degree;

- 3. Endorse the topographically-sensitive design for the proposed residence on Portion 2 (Appendix B) as being appropriate for development of the site abutting the natural environment with ravine and seasonal stream, and that in terms of Section 38(4)(a) consent is given for the development to proceed; and that;
- 4. Any development for Portion 1 be subjected to the prescribed approval processes in its time. However, that the conceptual proposals as articulated in Appendix D respond positively to the environmental and contextual constraints of Portion 1 and provide an acceptable basis for its development, and;
- 5. At the hand of the Heritage Indicator for Design formulated in 2.1.4 (a), above, the Design Indicators contained in Appendix F, and the need expressed by IACom to bind the current owner's successors in title to certain restrictions in order to mitigate the heritage impact of the proposed development, it is recommended that the particular points extracted from the Guidelines in 1.1(e) are incorporated into the conditions for the approval of subdivision, and as such, are to be registered against the title deeds of the Portions resulting from the subdivision.

The Committee recommends that the subdivision approval be subject to restrictive conditions applicable to portion 1 and that these be informed by the heritage indicators as set out in the supplementary heritage report dated 30 June 2021 and included in the title deed for portion 1.

The above authorisations are valid for a period of five years from the date of notification to the applicant thereof in writing. This period may be extended for good reason shown, provided that an application for extension stating the reasons is made prior to the expiration of the five-year period.

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	I FINAL COMMENT
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- **22.1** None
- 23. SECTION 27 PROVINCIAL HERITAGE SITES
- 23.1 None
- 24. ADVICE
- **24.1** None
- 25 SECTION 42 HERITAGE AGREEMENTS
- **25.1** None
- 26. OTHER
- 26.1 Draft Conservation Management Plan (CMP) for Bains Kloof, Wellington: MA HM/ CAPE WINELANDS/ DRAKENSTINE/ WELLINGTON/ BAINS KLOOF PASS

Case No: 19050303SB0619E

HELD OVER:

The matter is deferred to the next IACom meeting.

SB

27 Adoption of decisions and resolutions

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

APPENDIX 6

Department of Environmental Affairs and Development
Planning comment



DIRECTORATE: DEVELOPMENT MANAGEMENT (REGION 2)

Helene.Janser @westerncape.gov.za Tel: +27 21 483 3544 Fax: +27 21 483 3633 1 Dorp Street, Cape Town, 8000 www.westerncape.gov.za/eadp

REFERENCE: 15/3/2/12/BS2

Stellenbosch Municipality PO Box 17 STELLENBOSCH 7599

FOR ATTENTION: SENIOR MANAGER - DEVELOPMENT MANGEMENT

PROPOSED LAND DEVELOPMENT APPLICATION: ERF 14601, STELLENBOSCH (ADAM TAS CORRIDOR)

- 1. Your request for comment, dated 3 November 2020, has reference.
- 2. The matter at hand relates to the development proposal for Erf 14601 Stellenbosch which makes provision for a mixed-use development comprising:
 - A sectional title scheme of 253 residential units, together with private recreational facilities;
 - The repurposing of an existing warehouse as a deli/bistro/pub linked with a large outdoor piazza to the commercial/retail component of the Bosmans Business Centre on the adjacent Erf 6201; and
 - The inclusion of the existing Manor House on a separate erf to be used for commercial purposes.
- 3. Whilst this Directorate has no in-principle objection to the proposed development of the property as part of the greater Adam Tas Corridor, it is essential that, in the absence of a Precinct Plan, the proposed development sets the tone and contributes progressively toward the vision as set out in the Stellenbosch Municipal Spatial Development Framework (MSDF) with regards to the Adam Tas Corridor and doesn't place the burden of meeting the objectives for the Corridor as set out in the MSDF to future developments.

- 4. One of seven principles or concepts advocated in the MSDF, geared towards the common good, is the infill and redevelopment of existing settled areas. The inclusivity of infill housing, referring to the extent to which the housing provides for different income and demographic groups, is considered paramount. This is particularly so for the Adam Tas Corridor and it is the reason why as a Directorate we question the provision of only 2- or 3-bedroom apartments in this development proposal. Including studio and/ or one bedroom apartments would increase the diversity of family types being catered for and affordability. Accommodating different income groups and family types is highlighted as a need in the MSDF.
- 5. The applicant's view that Stellenbosch Municipality is trying to coerce "ad hoc voluntary" affordable housing as part of a development application in the absence of an Inclusionary Housing Policy, which the applicant feels is in direct conflict with the provisions of SPLUMA, is not supported by this Directorate. Whilst there may not currently be an Inclusionary Housing Policy in place at the Municipality, the MSDF provides numerous statements regarding the need for inclusionary housing. One such statement is in section 6.9 "Catalytic Initiatives-Adam Tas Corridor", the statement is made that "A range of housing types in the form of apartments should be provided accommodating different income groups and family types". It is the view of this Directorate that the need for inclusionary housing is set out logically and clearly in the MSDF and should this development not comply with this provision in the MSDF, would be inconsistent with the MSDF and could be refused. In this regard, this Directorate is disappointed in the quantum of the contribution for inclusionary housing which is put forward by the applicant. Out of approximately 253 units, 12 have been put forward for inclusionary housing purposes, which amounts to 4.7% of the total number of units. We doubt whether this proposal could be regarded as being in compliance with the MSDF.
- 6. Other than the quantum of inclusionary housing put forward in this proposal, the nature of the inclusionary housing requires a great deal more consideration. The applicant states that the units will be rented out to students and that this should be managed through Stellenbosch University as part of their residence offering. There is however an inadequate understanding of how the institutional arrangements will work e.g. will the units be given to the University to own and manage? How will it

be ensured that the students accommodated in these units are actually economically marginalized students? If the units are simply rented to any students this will not further the principle of spatial transformation, nor will it increase inclusivity in the town. This Directorate is of the opinion that whilst the application should go ahead, further detail and resolution on how this will be implemented should be provided in the Site Development Plan (SDP) around inclusionary housing, before the SDP is approved.

- 7. In return for the voluntary provision of inclusionary housing, the applicant is seeking alternative value in the form of the fast-tracking of the application process together with the proposed NMT bridge over the railway line within the regulatory prescripts.
- 8. The provision of inclusionary housing and the building of the pedestrian bridge should not be linked. The pedestrian bridge is needed to support non-motorised transport (NMT) which itself is a priority objective in the Adam Tas Corridor. The pedestrian bridge over the railway line, linking the existing NMT routes along Adam Tas with proposed NMT routes in the Bosman's crossing area, is crucial for the vision of the Corridor and it is maintained that the applicant should contribute to the costs of building the infrastructure (in this case the bridge) that supports the new development in the forms of a Development Contribution or Services Agreement.
- 9. NMT is a key component in the development of the Adam Tas Corridor. This proposed development needs to set the tone and show leadership in support of NMT, which requires that this important pedestrian linkage should come at the start of the development. The MSDF has provided policy certainty for properties along the Adam Tas Corridor in particular, with the result that the risk faced by the developer is limited. The upzoning of the property in question is possible because the planning framework is in place as a result of the SDF. In return the applicant should contribute to what is needed in the area e.g. the pedestrian bridge and inclusionary housing but independently of one another.
- 10. Given the emphasis placed on Non-Motorised Transport in the MSDF for a more effective distribution of traffic, the adoption of conventional standards for the provision of parking will enable a car-driven environment and may undermine the focus on increased pedestrian-orientation.

- 11. Several applications for departures from the prescribed norms for the provision of parking were considered favourably in recent applications for high-density development on the eastern side of the Adam Tas Corridor, in the Dennesig neighbourhood. It was argued that the proposal would contribute positively to improve conditions for walking and NMT within Stellenbosch town and would set a precedent for future pedestrian-focused developments in town.
- 12. The MSDF further states that in Stellenbosch town, it is doubtful whether the desired form of compact, diverse, inclusive, and walkable settlements will be achieved without parallel supportive initiatives to manage the unimpeded use of private vehicles.
- 13. Given the location of the subject property on the outer edge of the municipal urban edge, along the foot of the Papegaaiberg Nature Reserve, higher densities with an increased height would be encouraged. The Zoning Scheme prescribes a maximum height of 6 storeys for buildings within the Mixed-Use Zone and yet Blocks 1, 2 and 5 that directly abut the Plankenbrug River where the impact would be the least, are only 5 and 4 storeys respectively.
- 14. The MSDF proposes improved public continuity, access and space along the Plankenbrug River corridors and the matter of maintaining a sense of continuity along the length of the Plankenbrug River was raised with the Oude Molen Project Team in the past. This Directorate would ultimately advocate for the registration of a public Right of Way servitude along the length of the Plankenbrug River created in favour of the general public. The buildings must be located on the site in such a way that sufficient space is provided to accommodate a pedestrian walkway along the river.
- 15. Whilst this would be premature at this stage, it is suggested that the registration of a public servitude be made conditional to the approval of the application, but that said condition be suspended until such time as it would be practicable to implement.
- 16. In consideration of the above, this Directorate recommends that the application for the rezoning to Subdivisional area and the subsequent subdivision, departures and consent use to allow a Place of Entertainment within a Mixed Use Zone be approved, but that the Site Development Plan Package, which should include the

inclusionary housing institutional arrangements should only be considered at a later stage when all concerns have been addressed. As a condition of approval of the rezoning the MPT should consider requesting the applicant to demonstrate through the SDP how the development would comply with the MSDF provisions, specifically:

- (Table 31 P106) "Strategy: Develop all settlements as balanced, inclusive, appropriately serviced, communities, negotiable through NMT and exhibiting a positive relationship with surrounding nature and agricultural land.
- Spatial Policy: Expand housing opportunity for a broader range of groups –
 including lower income groups and students particularly in settlements
 forming part of the Baden Powell-Adam Tas-R304 corridor.
- Given the limited income of a large proportion of the population, a settlement structure and form prioritizing walking and public and NMT, should be pursued (Table 12)
- 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.....(p67)

We trust that the above is in order. Should you wish to engage further on any of these aspects please liaise with Helene Janser (contact details on the cover of this communication).

Kobus Munro

Digitally signed by Kobus Munro Date: 2020.12.01 12:04:56 +02'00'

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)

APPENDIX 7

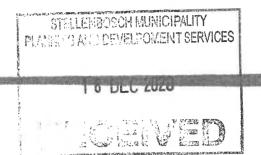
Department of Transport and Public Works objection letter.





ROAD NETWORK MANAGEMENT

Email: Grace.Swanepoel@westerncape.gov.za tel: +27 21 483 4669 Rm 335, 9 Dorp Street, Cape Town, 8001 PO Box 2603, Cape Town, 8000



REFERENCE: TPW (Job 28200) ENQUIRIES: Ms GD Swanepoel DATE: 15 December 2020

Director: Planning and Economic Development

Stellenbosch Municipality

PO Box 17 STELLENBOSCH 7599

Attention: Mr U von Molendorff

Dear Sir

FILE NR:	The state of the s		_

SCAN NR:			
And the latest services and the supplement of the latest services and the supplement of the latest services and the latest services are the latest services and the latest services are the latest ser	E	146015	
COLLABOR	ATOR NR:		
-		100195	

ERF 14601 STELLENBOSCH: MAIN ROAD 177 ADAM TAS ROAD: APPLICATION FOR REZONING, SUBDIVISION, CONSENT USE, DEPARTURES AND SITE DEVELOPMENT PLAN

- 1. Letter from Ms Christine Havenga of First Plan Town and Regional Planners, ref. FP/0215/772, Stellenbosch Municipal Reference No. LU/11728, dated 25 September 2020, addressed to Head of Department, Department of Transport and Public Works, refers.
- 2. We note that this Branch's comments in terms of the statutory 60 day limit were due on 23 November. Unfortunately, the letter was misplaced in the Department and was only allocated to the appropriate member of staff on 30 November 2020. We apologise for the late submission and trust nevertheless that this Branch's comments will be included in the processing of this application.
- 3. Erf 14601 Stellenbosch is located on the north-west side of the Stellenbosch railway line and is accessed from Distillery Road, which connects via Oude Libertas Road to Main Road 177, Adam Tas Road.
- 4. The application is for the following:
- 4.1 Rezoning of Erf 14601, Stellenbosch from Industrial Zone to Subdivisional Area in order to allow for a Mixed Use Zone comprising 253 dwelling units in six apartment blocks, commercial / office uses and private roads and Public Roads and Parking Zone;
- 4.2 Subdivision of Erf 14601 into two mixed use portions and a portion with public roads and parking;

- 4.3 Departures in respect of building lines and ground floor flats in a mixed use zone;
- 4.4 Consent Use to allow a Place of Entertainment (pub) in a mixed use zone and
- 4.5 Approval of the Site Development Plan.
- 5. The concerns to this Branch relate only to the impact of generated traffic on Adam Tas Road and other provincial roads connecting with it. The traffic generated by the proposed development is estimated in the Traffic Impact Assessment (TIA) to be 76 inbound and 195 outbound vehicle trips in the morning peak hour, and 222 inbound and 117 outbound trips in the evening peak.
- 6. The only intersection on Adam Tas Road which was analysed in the TIA was at Oude Libertas Road. The TIA concludes that no upgrades are required to this intersection over and above those required for background traffic growth and the proposed Sawmills development. This Branch is concerned that the impact of the generated traffic on Adam Tas Road intersections with Dorp Street, the R44 Blersch Street (Main Road 27), Alexander Road and Merriman (Main Road 175) should also be considered, taking into account short- and long-term proposals to upgrade and increase the capacity of Adam Tas Road.
- 7. The TIA indicates a proposal for a pedestrian and cycle bridge over the railway line and possibly also over Adam Tas Road be considered. This Branch considers this proposal to be an essential element of the redevelopment of the entire Bosmans Crossing area. Such a bridge would also provide access to the station. It is considered important for both safety and efficiency that the bridge extend across Adam Tas Road. The TIA does not appear to have taken into account the potential transfer of trips from car to NMT, or the possible northward extension of Distillery Road, or the overall development of the Bosman's Crossing area. It is important that the application for Erf 14601 is seen in the context of planning for the entire Adam Tas Corridor.
- 8. This Branch objects to the land use application for Erf 14601 as detailed above and in the land use application documents.
- 9. Should the concerns raised above be addressed in a revised Traffic Impact Assessment, this Branch would be willing to review its comments on the application in respect of Erf 14601 Stellenbosch.

Yours faithfully

SW CARSTENS

For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT

ENDORSEMENTS

- Stellenbosch Municipality
 Attention: Mr Ulrich von Molendorff (e-mail)
- First Plan Town & Regional Planners
 Attention: Ms Christine Havenga (e-mail: info@firstplan.co.za)
- District Roads Engineer
 Paarl
- 4. Mr Elroy Smith (e-mail)
- Cape Winelands District Municipality
 Attention: Mr Aubrey Stevens (e-mail)
- 6. Mr SW Carstens (e-mail)
- 7. Mr H Thompson (e-mail)
- 8. Mr B du Preez (e-mail)

APPENDIX 8

Spatial Planning Section





MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Spatial Planning, Heritage and Environment

Manager: Development Management

From

Manager: Spatial Planning

Reference

Erf 14601; Oude Molen; Stellenbosch

LU Nr

LU/11728

Date

9 March 2021

Re

APPLICATION:

Application for rezoning, subdivision, consent use land FILE NR:

Oude Molen

STELLENGOSCH MUNICIPALITY PLANNING AND DEVELPOMENT SERVICE

1 2 MAR 2021

Your request for comment on the above application dated 17 September 2020 refers.

F.14601

SCAN NR:

The application under consideration is for the following OLLABORATOR NR

- 1. The Rezoning of Erf 14601, Stellenbosch from Industrial Zone to Subdivisional Area in terms of Section 15(2)(a) of the Stellenbosch Municipality Land Use Planning By-Law (The By-Law) allowing for Mixed-Use Zone (253 dwelling units within six 3- to s-storey blocks of flats, some commercial/office uses and private
- 2. The Subdivision of Erf 14601 Stellenbosch in terms of Section 15(2)(d) of the By-Law into 3 portions, namely:
 - a. Portion 1 (±2,0493 m2 Mixed-Use Zone)

roads) and Public Roads and Parking Zone.

- b. Portion 2 (±5 798 m2 Mixed-Use Zone)
- c. Portion 3 (± 614 m' Public Roads and Parking Zone)
- 3. To relax the common building line (adjacent to Erf 7502) from 4.5m to 3.0m for Block 4.
- 4. To relax the common building line (adjacent to Erf 7502) from 4.5m to 3.0m for Block 3.
- 5. To relax the common building line (adjacent to newly created Portion2) from 4.5m to 2.5m for Block 5.
- 6. To relax the common building line (adjacent to newly created Portion 2) from 4.5m to 0.0m to allow for the ablution/changing room facility for the pool and volleyball court.
- 7. To relax the common building line (adjacent to the newly created Portion 2) from 4.5m to 1.5m to allow for the Mill House.

- 8. To relax the street building line (adjacent to the newly created Portion 2) from 4.5m to 3.0m to allow for Block 5.
- 9. Permission to allow for flats on the ground floor in a Mixed-Use Zone in terms of Section 15(B) of the By-Law.
- 10. In terms of Section 15(o); A Consent Use to allow a Place of Entertainment (pub) within a Mixed-Use Zone in terms of Section 15(o) of the By-Law.
- 11. Approval of the proposed street names (extension of Distillery Road), additional street numbers and the name of the development in terms of Section 98 of the By-Law.
- 12. Approval of the site development plan package in terms of Section 15(g) of the By-Law.

PROPERTY DESCRIPTION:

The property is located within the Bosman's Crossing precinct at the western edge of Stellenbosch town adjacent to the Plankenbrug River and at the foot of Papagaaiberg Nature Reserve. Erf 14601 is bordered by Bosman's Crossing to the south, the Plankenbrug River and Papagaaiberg Nature Reserve to the west, the Bergkelder Industrial property to the north and the railway line/Adam Tas Road to the east. The location of Erf 14601 is shown in **Figure.1** below.

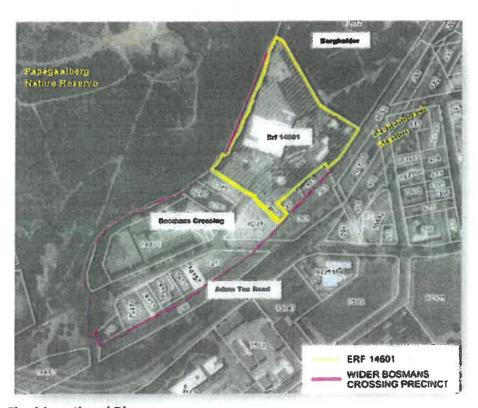


Fig. 1 Locational Plan

The property is a well-developed industrial site with existing buildings measuring 11 650m² comprising 8 760m² of warehousing and 2 890m² of offices and "other."

The only access to the property is obtained at Distillery Road via Oude Libertas Street and across the Plankenbrug. Distillery Road terminates at the property. The site was originally zoned for Wine Industry in terms of the former Stellenbosch Zoning Scheme but has been converted to Industrial Zone in terms of the new Zoning Scheme By-Law.

POLICY CONTEXT:

1. NATIONAL DEVELOPMENT PLAN (NDP)

The National Development Plan's (NDP) key objectives to be achieved by the year 2030 are to eliminate income poverty and reduce inequality. The following NDP spatial priorities are relevant to the planning of Klapmuts:

a) Urban and Rural Transformation:

Spatial transformation is advocated given the enormous costs imposed by existing spatial divides. The NDP recognises that achieving this is a complex long-term process. The NDP's human settlement targets are more people living closer to their places of work; better quality public transport; and more jobs in proximity to townships. To achieve these targets, it advocates strong measures to prevent further development of housing in marginal places, increased urban densities to support public transport, incentivising economic activity in and adjacent to townships; and engaging the private sector in the gap housing market. The NDP also targets the development of a more inclusive and integrated rural economy. Its rural strategy is based on land reform, agrarian transformation, livelihood and employment creation, and strong environmental safeguards.

b) Improving Infrastructure:

The NDP identifies infrastructure as essential for development and prioritises upgrading informal settlements on suitably located land; rolling out public transport systems; improving freight logistics; augmenting water supplies; diversifying the energy mix towards gas (i.e., imported liquid natural gas and finding domestic gas reserves) and renewables; and rolling-out broadband access.

c) Building Environmental Sustainability and Resilience:

"South Africa's primary approach to adapting to climate change is to strengthen the nation's economic and societal resilience. This includes ensuring that all sectors of society are more resilient to the future impacts of climate-change by decreasing poverty and inequality; creating employment; increasing levels of education and promoting skills development; improving health care and maintaining the integrity of ecosystems and the many services that they provide" [NDP 2012, p209]. The long-term strategy is to transition to a low carbon economy.

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.

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. 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.

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.
- 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.

The MSDF as it relates to the subject property shown in Figure 2 below.

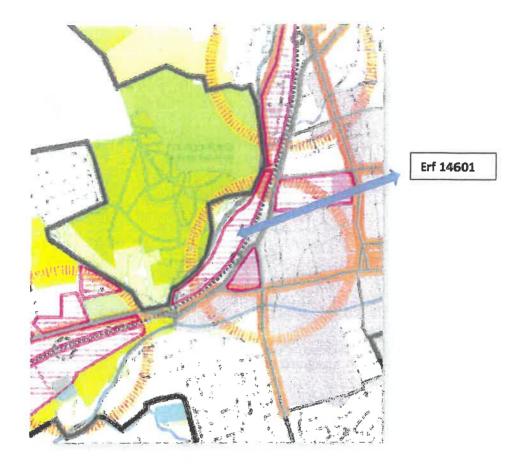


Fig 2. MSDF (Stellenbosch)

In terms of the MSDF Stellenbosch town will remain the major settlement within the municipality; a 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. Retaining what is special in Stellenbosch town requires change. The town has grown significantly as a place of study, work, and tourism, while perhaps inadequately providing residential opportunity for all groups, and certainly lacking adequate provision of public transport and NMT options.

Managing residential growth of the town, through providing more inclusive housing at higher densities than the norm, is vital. This can and must bring significant reductions in commuting by private vehicles to and within Stellenbosch town, and provide the preconditions for sustainable public transport and NMT to and within the town.

The last core principle of the MSDF attempts to focus energy on a few catalytic areas that offer extensive opportunity and address present risk. The most significant redevelopment opportunity within Stellenbosch town is the Adam Tas Corridor, stretching from the Droë Dyke and the Old Sawmill sites in the west along Adam Tas

Road and the railway line, to Kayamandi, the R304, and Cloetesville in the north. Large industrial spaces – currently disused or to be vacated over time – exist here. Redevelopment offers the opportunity to accommodate many more residents within Stellenbosch town, without a negative impact on agricultural land, nature areas, historically significant precincts, or "choice" lower density residential areas.

In simple terms, the Adam Tas Corridor 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 Cloetesville 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 central district — in which werf 14601 is located - is the largest, and includes Bosman's Crossing, Oude Molen, the Bergkelder, and the Van der Stell Sports complex. Here, development should be the most intense, comprising a mix of commercial, institutional, and high-density residential use. The "seam" between this district and west Stellenbosch is Die Braak and Rhenish complex. The southern and central districts are linked through Oude Libertas. Oude Libertas remains a public place, although some infill development (comprising additional public/ educational facilities) is possible.

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*:

- 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.

A process to draft a local spatial development framework is currently in process and it is envisaged that the process will also produce an overlay zone that gives a clear indication of additional land use rights. In the absence of such policy documents all applications must be considered by the municipality based on the policy direction currently given by the MSDF and the initial work done on the ATC.

To this end, the following spatial principles are critical:

The development must specifically support the following spatial principles:

- 1. Spatial restructuring and justice: The project must challenge past spatial and other development imbalances through improved access to and use of land and the inclusion of persons and areas that were previously excluded.
- 2. Resource efficiency: Land development must optimise the use of land, existing structures, and infrastructure, and actively seek alternative, environmentally responsible servicing solutions, including non-motorised transport.
- Contextual aptness: The project must recognise the special structure and form of Stellenbosch town, current access limitations, and the need to protect environmental resources, historic elements and precincts of value while accommodating further growth and expanded opportunity.
- 4. Flexibility and responsiveness: Land development processes must ensure both certainty of rights and over time.

THE APPLICATION:

In essence the development entails a mixed-use development consisting of:

- a sectional title scheme of ±253 two- and three-bedroom residential units together with private recreational facilities.
- the repurposing of an existing warehouse into a "vibey" "hip" dell/bistro/pub linked with a large outdoor piazza to the business/retail component of the adjacent Bosman's Business Centre which will provide a vibrant social hub for the precinct; and
- the inclusion of the existing Manor House on a separate erf to be used for business purposes which is suitable for a variety of commercial uses including, inter alia, the hospitality/restaurant industry as well as general commercial use.

It is envisaged by the developer that the development will offer residential and business opportunities within a transport-orientated, mixed-use, high density development favouring access by pedestrians and cyclists which will contribute to a compact, less sprawling town that promotes public transport and pedestrianization which will be according to the principles as set out in the MSDF.

DISCUSSION:

The application must be evaluated against current legislative directives — the Spluma principles, - the MSDF and the goals for the development properties within the Adam Tas Corridor. In terms of the MSDF and the goals of the ATC, the development must contribute substantially to the development of the ATC as an integrated, inclusive environment for living, work, and enjoyment; a place which embodies what constitutes good, equitable, and efficient settlement, and supports national, provincial, and municipal policy.

It is essential that, in the absence of a precinct plan, the proposed development sets the tone and contributes progressively toward the vision as set out in the Stellenbosch Municipal Spatial Development Framework (MSDF) with regards to the Adam Tas Corridor and does not place the burden of meeting the objectives for the Corridor as set out in the MSDF to future developments. The project must enable expanded opportunity for all partners and stakeholders over and above what exists today. This applies to all dimensions of "value add", including returns on investment, community access to opportunity, facilities, and so on.

1. The Principle of Spatial Justice

The SPATIAL JUSTICE principle requires that past spatial and development imbalances should be redressed through improved access to and utilisation of land. It requires that persons which were previously excluded (especially the poor) must be included in land use planning policies, especially to address widespread poverty and deprivation. Access to land for all (including disadvantaged communities should be facilitated.

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.
- 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 residential component of the proposed development is located on a separate erf to be subdivided (measuring 2,0493 ha) and will consist of 253 individual residential units - arranged in a configuration of 6 blocks varying in hight from 4-6 storeys. This equates to a residential density of ± 123 units/ha. The residential units consist of 2-or 3-bedroom apartments only.

The proposed density is in line with the of the requirements of the MSDF and ATC that higher densities should be the norm. It must be noted that the increase in density is aimed at providing compact, walkable urban centres that supports NMT and a reduction of private motor vehicles on the one hand and to improve efficient use of land and bulk services on the other. Of equal importance is the notion that the higher density should cater for different typologies of housing catering for a broader range of income and demographic groups. Higher density does not necessarily lead to inclusive outcomes. As argued elsewhere in this report, 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. Consideration should thus be given to a broader variety of housing typologies with, for example bachelor's flats and one-bedroom flats included in the mix of typologies.

Seeing that it is the explicit intention of the MSDF and ATC to transform the spatial form of Stellenbosch and to integrate communities in this well-located precinct, and in view of the nature of the proposed inclusionary housing component, it is questioned if the increased density will support and promote inclusionary housing and particularly the notion of integrating communities.

Although the municipality does not yet have an approved inclusionary housing policy, the MSDF provides numerous statements regarding the need for inclusionary housing. This department supports the view of the Directorate: Development Management in their letter dated 1/12/2020 that, if the proposal does not address the need for inclusionary housing adequately, this development will not comply with this provision in the MSDF and would be inconsistent with the MSDF and could be refused. It is also questioned if the proposal to reserve (only) 12 out of 235 units for students as "inclusionary housing" can be regarded as being in compliance with the

MSDF. The department is of the view that this proposal is inadequate and must be revisited to comply with the requirements of the MSDF.

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. Gated developments do not promote integration with the immediate surroundings i.e., Bosman's Crossing nor does it promote integration in the wider context of the ATC. Security is however a factor that cannot be ignored and must be acknowledged.

This department is therefor of the view that the proposed development does not address the issue of housing opportunity for a varied and broader range of income groups successfully and therefor did not address the principle spatial justice adequately.

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.

However, developing at higher densities does not 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. Overall, development should be mixed, high density and favor access by pedestrians and cyclists.
- 5. Promote public and NMT routes (design of all roads provide for appropriate NMT movement)
- 6. Provide and maintain a system of accessible social facilities, integrated with public space and public and NMT routes.

The proposed development proposes significant densification within a "brown fields" development and will contribute to urban compaction and the prevention of urban sprawl – both objectives identified in the MSDF.

However, densification and compaction - particularly in relation to this centrally located precinct, goes hand in hand with the development and provision of public transport and NMT. Despite its location adjacent to the R44 and the railway line, the development is cut off from the rest of Stellenbosch town by the very same infrastructure. The only safe and user-friendly access to the site is via Distillery Road and mostly accessible by private motor vehicle. This is acknowledged in the application through the provision of parking facilities at a ratio prescribed by the IZS. One of the incentives and goals of the ATC is to promote public transport and NMT to reduce the overall use of private vehicles with a view to reduce the amount of traffic in Stellenbosch. The MSDF promotes a high-density urban precinct with "strong internal and external public and NMT connections."

Although the applicant makes provision for a pedestrian bridge over the R44 to connect with lower Dorp Street and provides space for NMT in the road reserve, the fact is that these facilities do not exist at present and will not be put in place by this development. Until such a time, and if the pedestrian bridge is constructed, the development will not contribute to the goal of promoting NMT and public transport. In fact, the development will operate as an extended cul-de sac- with all incoming and out-going traffic accessing the site via distillery Road and across the Plakenbrug River.

The bridge over the Plankenbrug River, is in our view, not adequate to accommodate the traffic generated by the development. Not only when the development is completed but also during the process of construction. All vehicle and particularly heavy vehicles necessary for construction will access Bosman's Crossing via Distillery Road and across the existing Plakenbrug. The bridge is of significant heritage value as it was the original crossing for Dorp Street. A heritage impact assessment was commissioned to widen the bridge to accommodate the increased traffic. A permit for the upgrade and widening of the Plakenbrug Bridge was issued by Heritage Western Cape on 18 February 2021.

The MSDF promotes strong internal and external links to the surrounding environment. Despite the location of Papagaaiberg Nature Reserve directly to the west of the property and adjacent Plakenbrug River, the development turns it back on these environmental assets and does not provide a link with it. Understandably there might be concerns for safety and about the quality of the water in the Plakenbrug. However, these assets are public amenities that will be developed and improved through the ATC development concept and should be accessible to the broader public as well as the future residents of the development. The SDP should take these public amenities into consideration and provide appropriate space for public use and access as should incorporate such assets in the design of the buildings.

A positive proposal is the provision of a future road link to the Bergkelder development despite uncertainty of the exact alignment of such a road. Considering the emphasis placed by Importantly, the development proposes a public road to link into the future development of the Bergkelder site to the north of the site in future to link this precinct with the rest of the ATC. This future link is critical for the future development of the ATC.

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In view of the emphasis placed by the MSDF and ATC on public transport and NMT in the ATC it is questioned if a road reserve of 13 meters will be sufficient to accommodate an extensive and well-planned NMT route which will form the backbone of the NMT route through the entire precinct. Provision is made for 2m wide pavements on both sides of the road which is, in our view, inadequate for the provision of a separate dedicated cycle route and walkway as well as space for street trees, streetlights and street signs. NMT should not be viewed as simply a hard top pavement but must be designed as a movement route on its own separate from the roadway.

The development proposal does not include design proposals to address the critical need for NMT and public transport. This aspect of the design should be revisited and possibly revised to accommodate appropriate NMT infrastructure.

The extension of Distillery Road appears not to include the future road link in totality. As the extension of Distillery Road is critical for the further development of the ATC this road reserve must be a public road and must be subdivided and transferred to the municipality to ensure unobstructed access for further development.

Due to its isolated location to the west of the R44 and railway line, the development is not linked with the central business district of Stellenbosch. The original alignment of Dorp Street used to run past the property. It appears that the extension of Dorp Street along its original alignment is not feasibly. However, a link across this infrastructure barrier is critical to integrate the development of this precinct with the

CBD and to give NMT access to the town. One of the ways to achieve a NMT connection between the development and the town is by way of a pedestrian/cycle bridge. The appropriate place to do so is along the original alignment of Dorp Street, hence the condition of approval by Heritage Western Cape. As this structure will benefit the development of the ATC in general, it cannot be expected of the developer to fund and construct such a bride. It would be expected that the developer contributes to the design and construction of such a bridge though development contributions. In the absence of such facility, crossing this infrastructure barrier safely remains impossible and will residents be obliged to make use of private transport.

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:

- 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.

Social and recreational facilities are provided but are accessible for residents only. This emphasizes the importance of public access along the Plakenbrug River and link

to Papagaaiberg Nature Reserve in future and the reconfiguration of the proposed residential buildings along the river edge.

Commercial facilities are provided for on a separate property and will be accessible to the public. Some commercial facilities are also located in Bosman's crossing and will benefit from the new development.

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 principle of Spatial Resilience was discussed extensively in the previous paragraphs. It refers mostly to flexibility in land use planning and policies. In the absence of a proper ATC LSDF or precinct plan, care must be taken to ensure that the development of the ACT can in future alignment to the current development on the one hand, and on the proposed development must be able to align seamlessly with future development envisaged. The provision of alternative accesses, possible road links, appropriate NMT facilities and a public open space system accessible to the public are issues that refer to this principle.

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.

Reference from the MSDF

- Significant partnerships between major institutions across sectors. A purely commercial approach to redevelopment of the land may not be in the best interest of the town.
- 2. Prepare a Local Spatial Development Framework for the ATC.

The development falls within the ATC for which a LSDF is currently being drafted. Aspects relating to the future link road, pedestrian bridge, Plakenbrug Bridge and NMT facilities are mutual issues that must be planned, funded, and implemented amongst the various landowners, developers, and government jointly. Any development located within this area must contributions to such infrastructure in future. This development can act as a catalyst to set the broader development in motion but cannot isolate itself from future planning interventions and possible negotiates and agreements.

CONCLUSION:

The proposed development of Erf 14601 is located within an area designated by the MSDF as a catalytic project with specific outcomes notably an integrated, inclusive environment for living, work, and enjoyment; a place which embodies our best knowledge in what constitutes good, equitable, and efficient settlement, and supports national, provincial, and municipal policy. To this extent it has a role to play in providing an opportunity for spatial transformation and the implementation of a pedestrian orientated, mixed-use area that will provide employment opportunities and accessible social facilities. In the absence of an approved LSDF or Precinct plan, the development proposal must be seen as to contribute to these goals in practical terms and must be able to merge seamlessly with future developments.

The department is of the view that the development does conform to some of the objectives such as the provision of a high-density development with some commercial activities attached but does not succeed to address in particular the issue of inclusive housing opportunities; does not provide tangible benefits to the stated vision of public transport and NMT and does not contribute notably in

creating strong linkages with the immediate surrounding area and specifically the town of Stellenbosch as well as the Plakenbrug River. As such the development does not live up to the promise of "offering residential and business opportunities within a transport-orientated, mixed-use, high density development favouring access by pedestrians and cyclists which will contribute to a compact, less sprawling town that promotes public transport and pedestrianization which will be according to the principles as set out in the MSDF."

It is acknowledged that some of the issues are difficult to provide in absence of a clear precinct plan and furthermore, it is acknowledged that the proposal is to an extent in line with the future vision of the ACT. As such, this department is of the opinion that the application can be supported in principle and that the outstanding issue can be negotiated and addressed further. The luxury to have planning certainty does not exist at present and further development proposals will have the benefit of enhanced planning certainty.

RECOMMENDATION:

To assist the developer in achieving the goals of the ACT the department concurs with the recommendation of the Directorate: Development Management that the rezoning of the property to subdivisional area is supported and that the subsequent subdivision, departures, and consent use to allow a place of entertainment within a mixed-use zone be approved but that the Site Development Plan only be considered later once the issues identified in the report are addressed appropriately. In this regard the applicant must, through the Site Development Plan demonstrate the following:

- How will the development contribute substantially to inclusivity of infill housing opportunity – referring to the extent to which the housing is provided for different income and demographic groups. It is questioned if the increased density will support and promote inclusionary housing and particularly the notion of integrating communities.
- 2. Proposals as to broaden the range of housing typologies, enabling access for a range of income groups.
- 3. How the development of the property as part of the ATC will provide and promote strong internal and external public and NMT connections with the surrounding area and the lower Dorp Street area.
- 4. How the development will provide adequate social facilities for the daily retail needs of residents.
- 5. The development proposal does not include design proposals to address the critical need for NMT and public transport. It is questioned if a road reserve of

- 13 meters will be sufficient to accommodate an extensive and well-planned dedicated NMT route which will form the backbone of the NMT route in the ATC. This aspect of the design needs greater attention and must be revised to ensure that public transport and NMT are addressed properly and pro-actively.
- 6. The importance of public access along the Plakenbrug River and link to Papagaaiberg Nature Reserve do not receive adequate attention in the development proposal and must be revised to ensure public access to these amenities, possibly by ways of servitudes and the reconfiguration of the proposed residential buildings along the river edge.
- 7. Vehicle access is of paramount importance must by clarified with regards to the timeline for the construction of the Plakenbrug Bridge and the contribution of the development to the pedestrian bridge linking Bosman's Crossing with lower Dorp Street.

BJG de la Bat

MANAGER: SPATIAL PLANNING

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APPENDIX 9

Comments from Directorate: Infrastructure 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 August 2021

RE.

Erf 14601: Oude Molen redevelopment: 259 flats + 1 276m2

Business GLA

YOUR REF

LU/11728

OUR REF

2060 CIVIL LU

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

- Motivation report by First Plan, dated August 2020 Rev 1;
- Proposed Site Development Plan No. SDP Overall drawing by Bogertman Partners Rev A dated 6 Aug 2021;
- Proposed subdivision plan Rev 2 dated 16/08/2021 by First Plan;
- Traffic Impact Assessment (TIA) by ICE Group, dated 10 Aug 2021;
- Clarification letter in by First Plan dated 10 August 2021 (in response to our Memo dated 30 Oct 2020);
- Traffic Engineering clarification letter by UDS, dated 28 July 2021 regarding road upgrades and SDP matters;
- Water and Sewer capacity analysis report by GLS, dated 17 March 2021;
- Report on Civil Engineering Services, by Engineering Advice & Services Western Cape, dated June 2020;

Although there is not enough spare capacity to accommodate new developments in this catchment area, it is recognized that this erf does have existing buildings of 11 208m2 GLA. This equates to a water demand of 44kl/day. Therefore, this rezoning application can be approved, but building plans in excess of a water demand of 44kl/day will only be approved if a contractor has been appointed for the construction of the Papegaaiberg reservoir and occupation certificates for any buildings in access of this 44kl/day water demand will only be approved once the reservoir has been commissioned. At this stage, completion is expected to be in June 2024, but this may change should the municipal budget be re-prioritised. The Developer must plan the implementation of his development accordingly.

In order to manage the above, each building plan submission must be accompanied by a professional engineer's report confirming the cumulative water demand of the development that will be generated by that building plan.

- ii. There is sufficient capacity in the bulk water reticulation network in the vicinity of the development to accommodate the development. A suitable connection point will be identified during detail design drawing approval stage. The Developer will be responsible for any link water pipelines between the development and the municipal network.
- c. Sewer Network: There is sufficient capacity in the bulk sewer reticulation network to accommodate the proposed development:
 - i. The development will connect to the existing 500mm diameter Plankenbrug Outfall Sewer on the western boundary of the site. The exact position and detail of the connection must be determined during detail design drawing approval stage.
- d. Roads Network: The items as indicated in the TIA must be constructed:
 - i. As indicated on the subdivision plan: a public road reserve 13m wide must be subdivided from Erf 14601 and zoned as "public road", which will be a future link to George Blake road via the subject property. It is envisaged that the actual road must have a 7.4m blacktop with minimum 2.4m NMT facilities along both sides of the road (wider where additional space exists within the

road reserve). Details of the road are to be finalized at detail design stage before construction commences.

ii. If not implemented timeously by the already approved Erf 15804 Development, then the following upgrades needs to be done: A dedicated left-turn lane along the western Adam Tas Road approach and the extension of the existing dedicated right turn lane along the eastern Adam Tas Road approach.

Estimated cost: R 1 200 000 ex VAT (as per Erf 15804 DC Services Agreement)

Funding: Can be offset from DC's

When: Must be completed before occupation certificate approval.

iii. Adam Tas Road / Oude Libertas Street intersection: a continuous left-slip lane on the Oude Libertas Street approach;

Estimated cost: R 1 600 000 ex VAT

Funding: Can be offset from DCs – this road section forms part of future link road through the Plankenbrug industrial area.

When: Must be completed before occupation certificate approval.



Diagram 3: Schematic layout of proposed upgrade at Adam Tas Road/Oude Libertas Street inters

iv. Oude Libertas Street/Distillery Road/Flamingo Road intersection: The provision of traffic signal and road widening o define a left turn lane. Please note that a traffic circle is also considered as an alternative – the final alternative will be agreed at detail design stage.

Estimated cost: R 2 300 000 ex VAT

Funding: Can be offset from DCs – this road section forms part of future link road through the Plankenbrug industrial area.

When: Must be completed before occupation certificate approval.

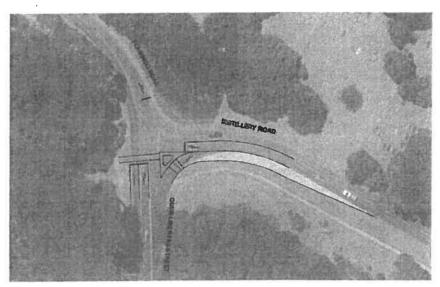


Diagram 2 : Schematic layout of proposed upgrade at Oude Libertas Street/Distillery Road/Flamingo Road intersection

v. Bosmans Crossing Bridge Repair: The municipality is currently doing structural repairs to this bridge. No construction activities may commence before these repairs have been completed. Building plan approval will therefore not be issued prior to the Senior Manager: Roads, Transport, Stormwater & Traffic Engineering has given the go-ahead.

e. Stormwater Network:

i. Overland escape routes must be provided in the final engineering design to ensure that there are no trapped low points on the site. If the system gets blocked, the stormwater must be led towards discharge points leading into the adjacent Plankenbrug River.

ii. 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:

- 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.

g. Funding source breakdown (all costs excl VAT):

Total DCs available for civil services	
(excl Community facilities)	R 7 469 562
Upgrad	les cost
Adam Tas Road / Oude Libertas Street	R 1 600 000
intersection: a continuous left-slip lane	
on the Oude Libertas Street approach	
Oude Libertas Street/Distillery	R 2 300 000
Road/Flamingo Road intersection: The	
provision of traffic signal and road	

Erf 14601: Rezoning and Subdivision (Oude Molen redevelopment)

widening o define a left turn lane.	
If not implemented timeously by the	R 1 200 000
already approved Erf 15804	
Development, then the following	
upgrades needs to be done: A dedicated	
left-turn lane along the western Adam	
Tas Road approach and the extension of	
the existing dedicated right turn lane	
along the eastern Adam Tas Road	
approach.	
Total cost	R 5 100 000
Surplus	R 2 369 562
Comment	Based on the estimates, there are
	sufficient DCs to cover the costs of
	the upgrades to be done in lieu of DCs

- 5. that the upgrades mentioned above be met by the "Developer" before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates (whichever comes first) will be given or on discretion of the Directorate: Infrastructure Services, the "Developer" furnish the Council with a bank guarantee equal to the value of the outstanding construction work as certified by an independent engineering professional, prior to a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law being given;
- 6. Bulk infrastructure projects not on municipal budget: Bulk projects not on municipal budget: Any of the projects listed above, that are not currently on the Municipality's approved budget will be the Developer's responsibility to implement. Where upgrades may be offset against the Development Charges, and should the Development Charges be sufficient, the "Developer" may enter into a Services Agreement with the "Municipality" to do these upgrades in-lieu of Development Charges. Should the Development Charges not be sufficient, the Developer may decide to cover the shortfall. If the Developer is not in a position to cover the shortfall, then the implementation of the development must be re-planned around the availability of the bulk services in question. Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates will not be supported by the Directorate: Engineering Services for this development if all bulk services are not available.

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 as reflected on the DC calculation sheet, 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.
- 12. that the Development Charges levy be paid by the "Developer" per phase -
 - prior to the approval of any building- and/or services plans;
- 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 259 units, or which might lead to an increase in the Gross Leasable Area i.e. a GLA of more than 1 276 m², or a change in land use on which the current DC calc is based, 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;

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

Electricity

- 30. 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:
- 31. 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;
- 32. 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;
- 33. 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.
- 34. that the "Developer" must ensure that he / she has an acceptable public liability insurance policy in place;

- 35. 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;
- 36. 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;
- 37. 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);
- 38. 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;
- 39. 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;

- 67. 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;
- 68. 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;
- 69. 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;
- 70. 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.
- 71. 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;
- 72. that no overland discharge of stormwater will be allowed into a public road for erven with catchment areas of more than 1500m² and for which it is agreed that no detention facilities are required. The "Developer" needs to connect to the nearest piped municipal stormwater system with a stormwater erf connection which may not exceed a diameter of 300mm.

Roads

- 73. that, where applicable, the application must be submitted to the District Roads Engineer for comment and conditions. Any conditions set by the District Roads Engineer will be applicable;
- 74. that no access control will be allowed in public roads;
- 75. that, prior to commencement of any demolition / construction work, a traffic accommodation plan for the surrounding roads must be submitted to the Directorate: Infrastructure Services for

approval, and that the approved plan be implemented by the "Developer", at his/her cost, to the standards of the Directorate: Infrastructure Services;

76. that 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;

Wayleaves

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

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

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

Solid Waste

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

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

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

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

- Each party's (Developer/Owner's Association/Home Owner) responsibilities w.r.t.
 waste management and waste minimization should be clearly defined in such constitution
- A set of penalties for non-compliance should be stipulated in the Constitution
- 86. that it be noted that the Solid Waste Branch will not enter private property, private roads or any access controlled properties for the removal of solid waste;

- 87. that the "Developer" must apply and get approval from the Municipality's Solid Waste Department for a waste removal service prior to clearance certificate or occupation certificate (where clearance not applicable). Contact person: Senior Manager: Solid Waste (021 808 8241; clayton.hendricks@stellenbosch.gov.za)
- 88. that should it not be an option for the "Municipality" to enter into an agreement with the "Developer" due to capacity constraints, the "Developer" will have to enter into a service agreement with a service provider approved by the "Municipality" prior to clearance certificate or occupation certificate (where clearance not applicable);
- 89. that if the "Developer" removes the waste by private service provider, provision must still be made for a refuse room should this function in future revert back to the "Municipality";
- 90. Access to all properties via public roads shall be provided in such a way that collection vehicles can complete the beats with a continuous forward movement;
- 91. Access shall be provided with a minimum travelable surface of 5 meters width and a minimum corner radii of 5 meters;
- 92. 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;
- 93. Minimum turning circle radius shall be 11 meters to the center line of the vehicle;
- 94. Road foundation shall be designed to carry a single axle load of 8.2 tons;
- 95. Refuse storage areas are to be provided for all premises other than single residential erven;
- 96. 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;

- 97. 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;
- 98. 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 \(\ext{Municipal wheelie bin;} \)
- 99. 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;
- 100. 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;
- 101. All black 85 \(\ell\) refuse bins or black refuse bags is in the process of being replaced with 240 \(\ell\) 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

- 102. 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;
- 103. 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
- 104. Building specifications for refuse storage area:

Floor

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

Walls and Roof

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

Ventilation and Lighting

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

Water Supply and Drainage

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

- 105. 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;
- 106. 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;
- 107. 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;
- 108. Refuse should not be visible from a street or public place. Suitable screen walls may be required in certain instances:
- 109. Access must be denied to unauthorized persons, and refuse storage areas should be designed to incorporate adequate security for this purpose;

110. 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

- 111. The "Developer" shall provide the "Municipality" with:
 - a. a complete set of as-built paper plans, signed by a professional registered engineer;
 - 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;
 - 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;
 - 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;
- 112. 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";
- 113. 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;
- 114. 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;

115. 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";

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

- 116. It is specifically agreed that the "Developer" undertakes to comply with all conditions of approval as laid down by the "Municipality" before occupation certificates shall be issued, unless otherwise agreed herein;
- 117. that the "Municipality" reserves the right to withhold any occupation certificate until such time as the "Developer" has complied with conditions set out in this contract with which he/she is in default. Any failure to pay monies payable in terms of this contract within 30 (thirty) days after an account has been rendered shall be regarded as a breach of this agreement and the "Municipality" reserves the right to withhold any occupation certificate until such time as the amount owing has been paid;
- 118. The onus will be on the "Developer" and or his professional team to ensure that all land-use conditions have been complied with before submitting an application for an occupation certificate in terms of the National Building Regulations. Verifying documentation (proof of payment in respect of Development Charges, services installation, etc.) must be submitted as part of the application before an application will be accepted by this Directorate;

Avoidance of waste, nuisance and risk

119. Where in the opinion of the "Municipality" a nuisance, health or other risk to the public is caused due to construction activities and/or a lack of maintenance of any service, the

"Municipality" may give the "Developer" and or OWNER'S ASSOCIATION written notice to remedy the defect failing which the "Municipality" may carry out the work itself or have it carried out, at the cost of the "Developer" and or OWNER'S ASSOCIATION.

TYRONE KING Pr Tech Eng

MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

W:2.0 DEVELOPMENT\00 Developments\2060 (TK) Erf 14601 Stellenbosch (LU-11728) (Oude Molen), C\2060 (TK) Erf 14601 Stellenbosch (LU-11728) (Oude Molen), 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	Where applicable, polygon with complex name (mention
BOUNDARIES	whether gated or not and if so, where gates are)
SUBURB	Polygon with suburb name, where new suburb / township extension created
ESTATE	Where applicable, polygon with estate name (mention whether gated or not and if so, where gates are)

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

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

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

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

Datum : Hartebeeshoek WGS 84

Projection : Transverse Mercator

Central Longitude/Meridian 19

False easting: 0.00000000

• False northing: 0.00000000

Central meridian: 19.00000000

Scale factor: 1.00000000

Origin latitude: 0.00000000

Linear unit : Meter

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			APPLICA	APPLICATION INFORMATION				
Application Number	2060 Civil LU; LU-11728							
Date	Tuesday, 10/Aug/2021							
Financial Year	2021/22					,		
Erf Location	Bielenbesch Town						THE REAL PROPERTY AND ADDRESS OF THE PERSON.	THE PARTY OF THE P
EriNo	14501 (Oude Molen development)	opment)						
Erf Size (m²)								
Suburb								
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		Water	Sewer	Storm-water	Solid-Waste	Roads	Community Facilities	Totals
Unit(s)		kl/day	ш	ha*C	tweek	trips/day	person	
Total Increased Services Usage	61	76.822	68.838	0.493	6.387	602.93	602.9	
Total Development Charges before Deductions	fore Deductions	R 2 085 240.77	R 1 792 088.05	R 50 379.74	R 339 317.45	R 3 375 435.38	R 3 327 227,30	R 10 969 688,69
Total Deductions								
Total Payable (excluding VAT)		R 2 085 240.77	R 1 792 088.05	R 50 379.74	R 339 317.45	R 3-375 435.38	R 3 327 227.30	R 10 969 688.69
VAT		R 312 786.12	R 268 813.21	R 7 556.96	R 50 897.62	R 506 315.31	R 499 084.09	R 1 645 453.30
Total Payable (including VAT)		R 2 398 026.88	R 2 060 901,26	R 57 936.71	R 390 215.06	R 3 881 750.69	R 3 826 311.39	R 12 615 141.99
			APPLIC	APPLICANT INFORMATION				
Application Processed by:				Ϋ́	Tyrone King			
Signature								
Date				As	As above			
Amount Paid:								
Date Payment Received								
Receipt Number								

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ELETRICITY SERVICES: CONDITIONS OF APPROVAL Erf 14601

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 takeover inspection.
- 8. No electricity supply will be switched on (energised) if the Development contributions, take-over Inspection and Certificate(s) of Compliance are outstanding.
- 9. All new developments and upgrades of supplies to existing projects are subject to SANS 10400-XA energy savings and efficiency implementations such as:
 - Solar water Heating or Heat Pumps in Dwellings

- Energy efficient lighting systems

- Roof insulation with right R-value calculations .

- In large building developments;

- -Control Air condition equipment tied to alternative efficiency systems
- -Preheat at least 50% of hotwater with alternative energy saving sources
- -All hot water pipes to be clad with insulation with R-value of 1
- -Provide a professional engineer's certificate to proof that energy saving measures is not feasible.

Bradley Williams

Date.....25/09/2020.....

Signiture /

APPENDIX 10

Department of Community Services (Environmental Planner)

INTEROFFICE MEMORANDUM



STELLENBOSCH STELLENBOSCH • PRIEL • FRANSCHROEK MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

DEPARTMENT: COMMUNITY SERVICES

Stellenbosch Municipality, 123 Merriman Avenue, Stellenbosch, 7599

To:	Administrative Officer: Land Use Management Salome Newman	From:	Senior Environmental Planner: Schalk van der Merwe
CC:	Manager: Community Services Albert van der Merwe	Date:	08 October 2020
Re:	APPLICATION FOR REZONING, SÜBDIVISION, COI STELLENBOSCH (LU/11728)	NSENT U	SE AND DEPARTURES, ERF 14601,

The above application refers. From an environmental planning point of view this department has no objection to the approval of the application on condition that:

- All the activities on site, during construction and thereafter, comply with the Western Cape Noise Control Regulations.
- 2. Suitable indigenous vegetation be used for the implementation of the landscaping plan.

The following for consideration:

A number of alien and alien invasive tree species are found on the eastern and western bank of the relevant section of the Plankenbrug River, some of which presents a potential risk to life and property (due to their position, size and height) should they fall naturally or be felled. Should the application be approved it may be advisable for the developer to contact the Department: Community Services, Stellenbosch Municipality, and use the opportunity, whilst the site is being prepared for construction and access to the river is improved, to identify trees and biomass to be removed and implement such maintenance work prior to the implementation of the proposed development.

S VD MERWE

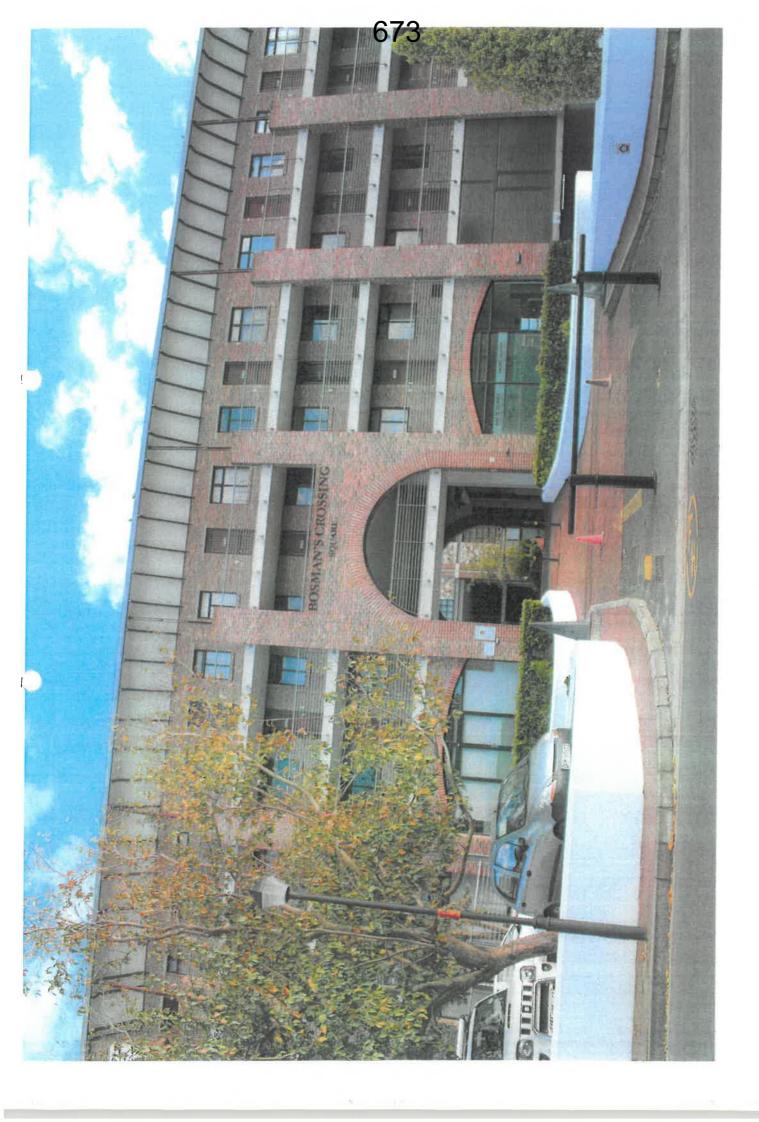
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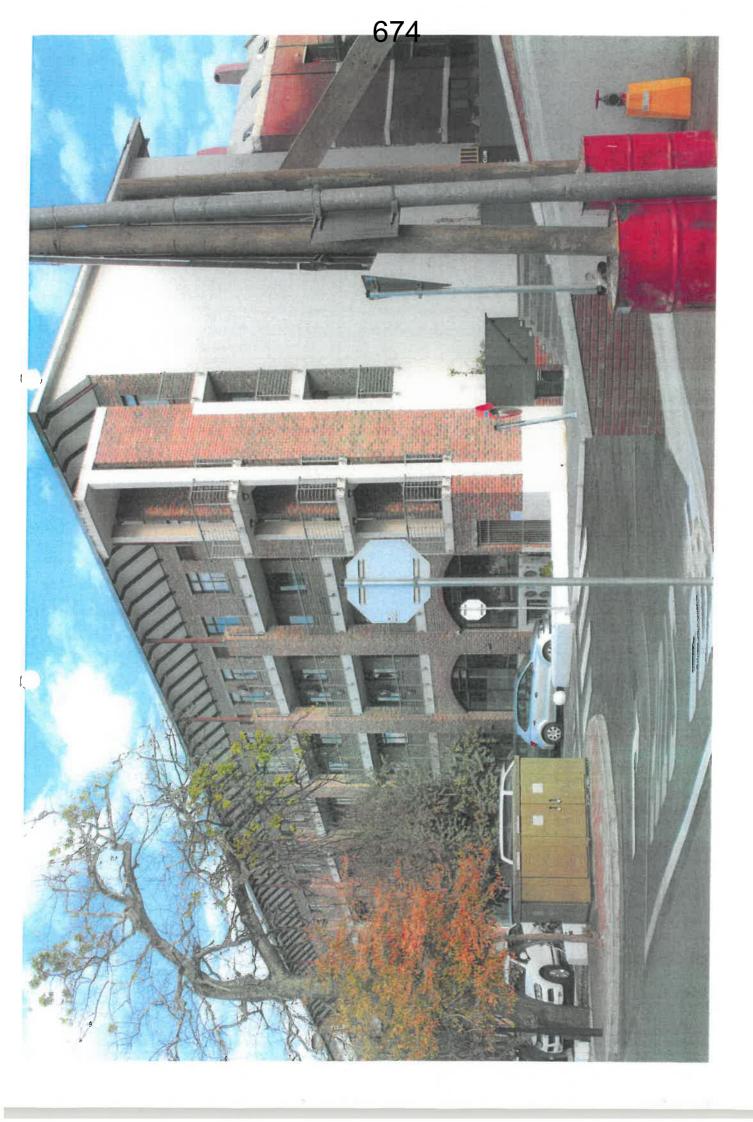
COMMUNITY SERVICES

APPENDIX 11

Site and area photo's

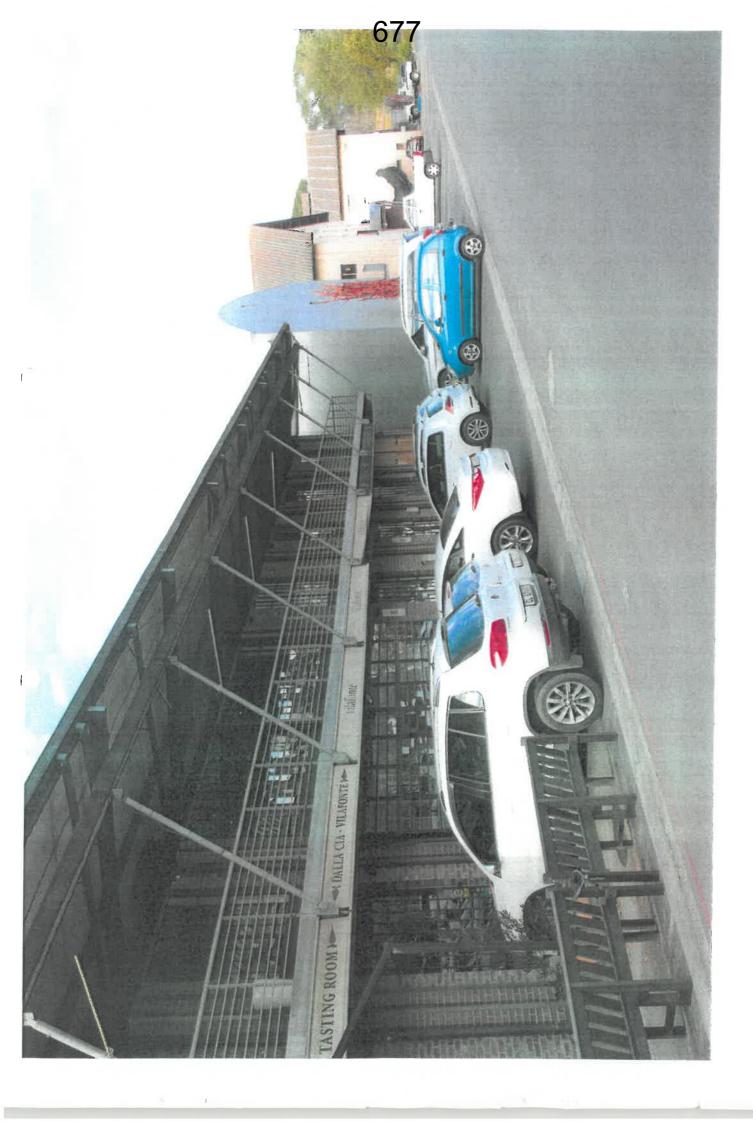


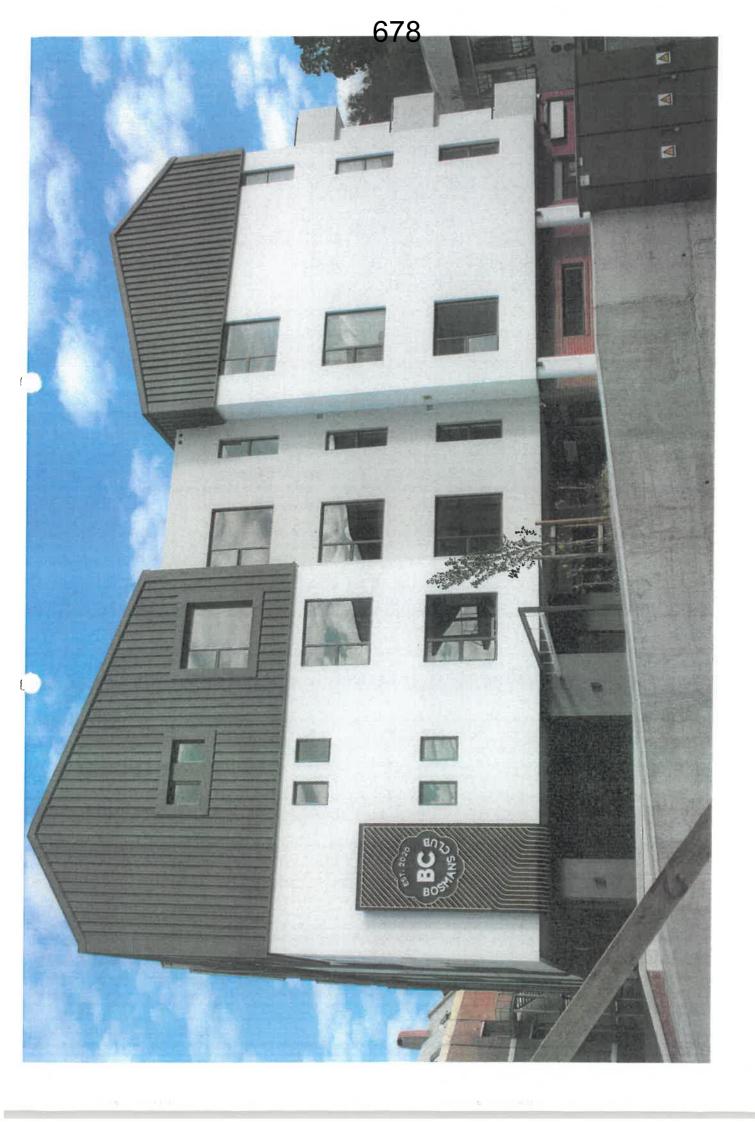








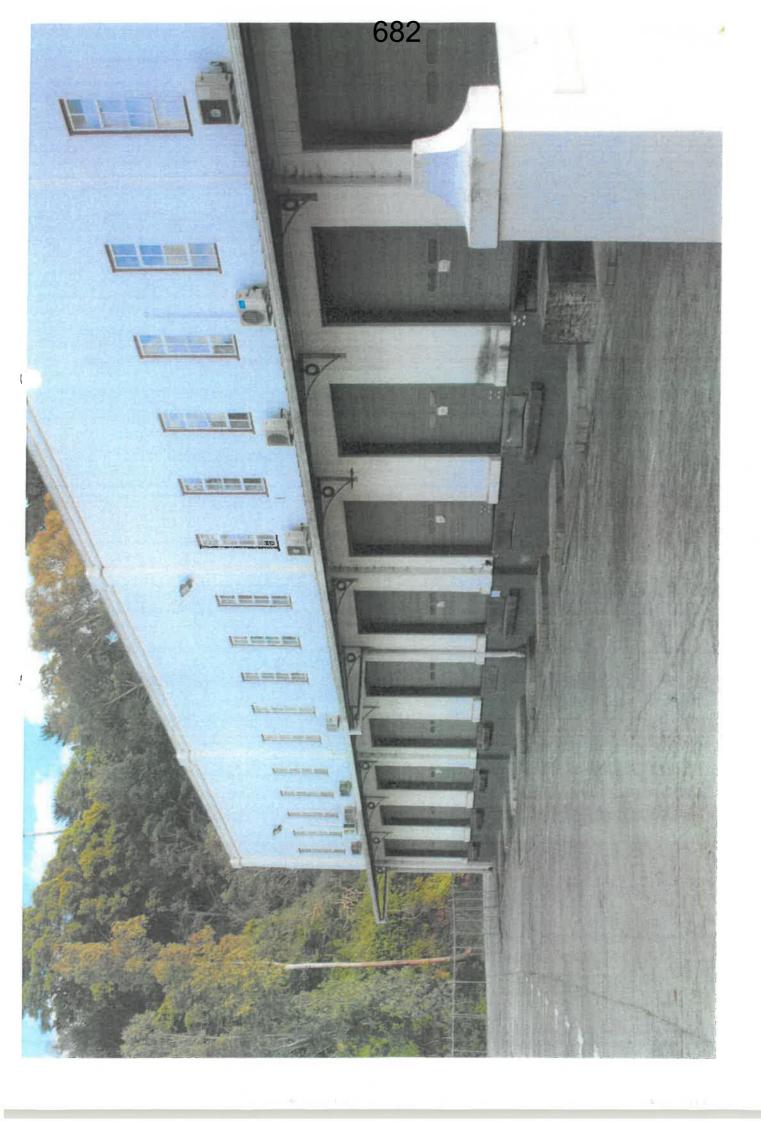


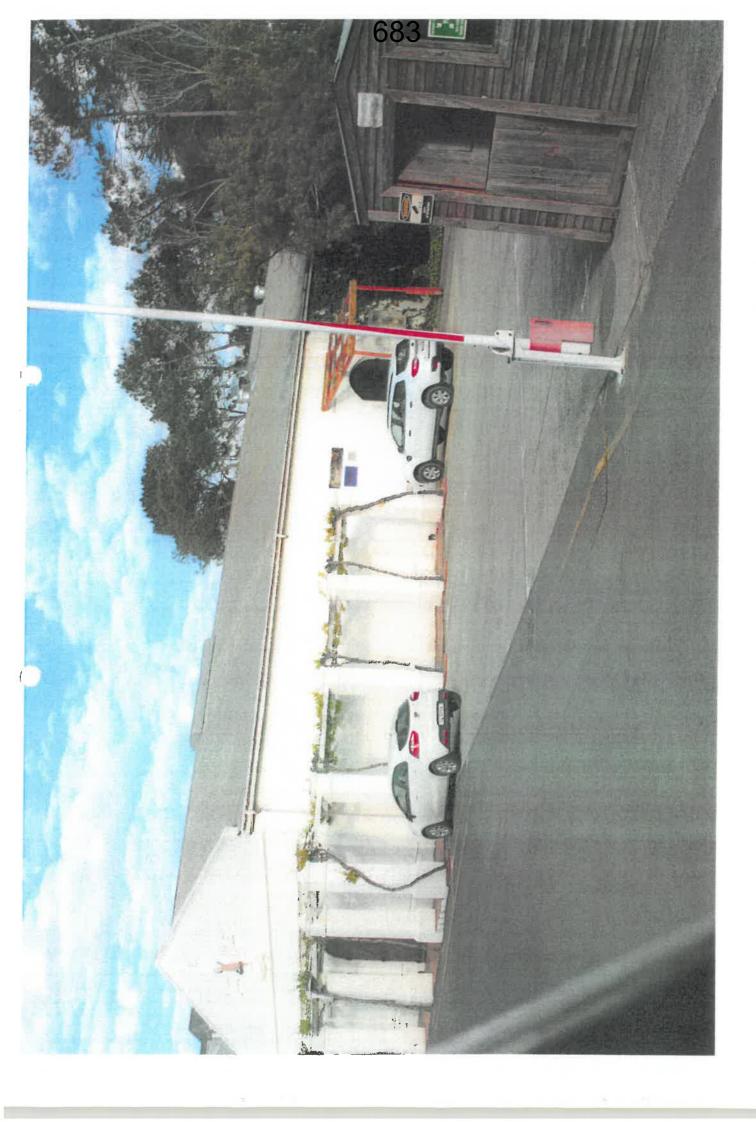


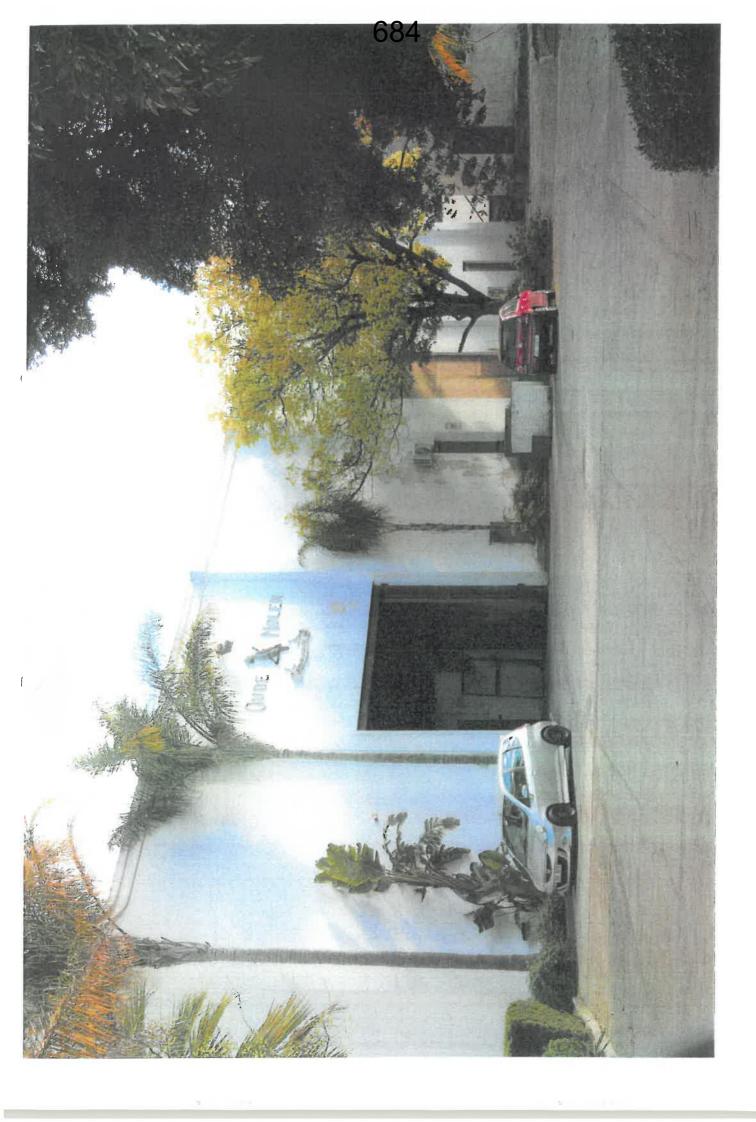
















APPENDIX 12

Revised/Additional information from applicant



FP/0215/772

17 February 2022 :Date/Datum

Verw/Ref:

For Attention: Mr Pedro April

The Director: Planning and Economic Development

Stellenbosch Municipality

P O Box 17

STELLENBOSCH

7599

Dear Mr April

ERF 14601, STELLENBOSCH (THE MILL): APPLICATION FOR REZONING. SUBDIVISION, CONSENT USE AND DEPARTURES

Application Number: LU/11/728

The above mentioned application on Erf 14601 Stellenbosch (The Mill Development) was discussed at the Stellenbosch Planning Tribunal Meeting of 19 November 2021. At the meeting it was decided that the application be referred back to the Stellenbosch Municipality Administration in order for the applicant to address the underneath concerns raised by the Stellenbosch Municipal Planning Tribunal regarding the following:

To review the proposal to provide for Inclusionary Housing where 20 % of the (i) units fall within the earmarked price bracket which will form the basis for an agreement with the Municipality on the implementation and management thereof.

- (ii) The provision, development and management of the public open space system next to the Plankenberg River with public access points between the public road and open space system.
- (iii) The minimum width of the Distillery public road extension with due consideration of the provision for NMT requirements.
- (iv) The need for the pedestrian bridge to serve as additional access between the development and town.
- (v) To revise the proposal for the provision of flats on the ground floor to facilitate the development of active public streetscapes and places.

As a result of the above, the development proposal for Erf 14601 Stellenbosch has been revised. A new Site Development Plan Package, Subdivision Plan and Landscaping Plan were prepared which were discussed with the Planning Section of the Municipality on 31 January 2022. It was confirmed that the revised proposal addresses the concerns raised at the Municipal Planning Tribunal.

As the previous design concept was the result of a lengthy approval process at Heritage Western Cape, the revised plans were also discussed with the Heritage Consultants of the project team who recommended some minor alterations and additional mitigation measures to minimize any impacts of the proposed new accesses and parking areas on the heritage resources on the site, e.g. the impact thereof on the visibility of the Manor House from Distillery Road and the visual linkage between the Manor House and the Mill House. The revised design proposal will be resubmitted to Heritage Western Cape. This process will run concurrently with the resubmission of the land use application at the municipality to prevent any further delays.

The revised development proposal's response to the issues raised at the Tribunal meeting are discussed underneath:

1. PROVISION OF AN INCLUSIONARY HOUSING COMPONENT

1.1 Background

noted:

- a) Application submitted August 2020
 Inclusivity was specifically addressed in the application with the following
 - i) The absence of an Inclusionary Housing Policy and the need for such a policy as requested by the MPT - (MPT Minutes 30 January 2020) and by the applicant in a letter to Spatial Planning 30 April 2019
 - ii) Imposing conditions with regards to "inclusionary housing" in the absence of an approved policy was contrary to the requirements of SPLUMA that, inter alia, required MSDF's to
 - a. "provide clear and accessible information to the public and private sector and provide direction for investment purposes"; and
 - b. "promote a rational and predictable land development environment to create trust and stimulate investment"
 - iii) The SPLUMA principle of Good Governance requires;
 - a. "That the preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them"; and
 - b. "Policies, legislation and procedures must be clearly set in order to inform and empower members of the public".
 - iv) The application was consistent with the inclusivity principles of the MSDF to the extent to which the proposed housing provided for different income and demographic groups.

Notwithstanding the above the applicant voluntarily offered to include a subsidised affordable housing component comprising 12 three bedroom units (36 beds) which would be offered as subsidised student rental accommodation at approximately 50% of the open market rental.

The voluntary offer addressed a need as **specifically identified in the MSDF**, the applicable policy, which stated, inter alia, that there was a need to

"expand housing opportunities for a broader range of groups – including lower income groups and students – particularly in settlements forming part of the Baden Powell-Adam Tas – R304 corridor."

b) Comments and Responses

The applicant's offer of a subsidised affordable housing component was rejected outright by the Western Cape Government (WCG) and by Stellenbosch Municipality (SM) as being inadequate and the applicant was requested to broaden the range of housing typologies, to enable access for a broader range of income groups.

The applicant sought legal opinion in order to get clarity on the comments and recommendations of the WCG & SM – the opinion concluded that the Municipality could not lawfully refuse the current land use applications based on its interpretation of municipal policy (the MSDF) if the applicant was not prepared to amend its development proposals to provide for more "inclusionary housing units".

Notwithstanding the above, in an attempt to reach agreement, the applicant amended the proposal to

- i) Further broaden the range of housing typologies by including studio & one bedroom apartments enabling access to an even greater range of income groups in order to contribute to the inclusivity of housing opportunities as defined in the MSDF and as requested, and
- ii) To increase the offer of subsidised student rental accommodation to 20 three-bedroom units (60 beds approximately 10% of the total proposed beds to be developed).

c) MPT Meeting 19 November 2021.

The rationale for and approach to inclusionary housing was discussed with the following noted;

- i) given the lack of an approved municipal policy on inclusionary housing sentiments were raised that it would be unfair to include this aspect at such a late stage of the application
- ii) The willingness of the applicant to consider an inclusionary housing component was acknowledged, but the provision of subsidised student accommodation only was not viewed as adequately addressing the need for inclusionary housing despite the need for affordable student housing being specifically identified within the ATC

The legality of insisting on inclusionary housing in the absence of an inclusionary housing policy, although questioned, was not discussed in any detail and the applicants' legal opinion was neither mentioned nor referred to.

The matter was referred back in order for the applicant to "review the proposal to provide for Inclusionary Housing where 20% of the units fall within the earmarked price bracket which would form the basis for an agreement with the Municipality on the implementation and management thereof."

1.2 Proposal

Stellenbosch Municipality does not have an inclusionary housing policy - the primary objects of a policy are to achieve reasonable and consistent decision-making and to provide a guide, and a measure of certainty to the public in order to ensure that decisions are;

- objective and not subjective
- rational and not irrational
- based on pre determine criteria and not arbitrary
- not biased or prejudiced
- fair and reasonable

and ultimately lawful as required in terms of administrative justice.

In the absence of a clear policy framework;

- there is no clear definition of the various types of housing that do qualify and do not qualify as "inclusionary" housing;
- there is no norm or standard (quantities, ratio and threshold) against which to impose a quantum; and
- there is no agreed/determined "earmarked price bracket" as referred to by the MPT.

It is accordingly not possible to objectively/rationally assess compliance or otherwise with policy requirements which are undetermined.

In the absence of approved policy the applicant consulted/searched broadly in an attempt to identify **objective criteria applicable to inclusionary housing in South Africa** in order to formulate a proposal which could be objectively assessed in order to avoid subjective/arbitrary assessment.

The City of Johannesburg is the **first and only** municipality in South Africa to have adopted an Inclusionary Housing Policy, namely the "INCLUSIONARY HOUSING Incentives, Regulations and Mechanisms" (21 February 2019)

The policy was informed by a number of legal frameworks, including

- the Spatial Planning and Land Use Management Act (SPLUMA), 2013 (No. 16 of 2013)
- the National Development Plan (National Planning Commission, 2012); and
- the Integrated Urban Development Framework (IUDF) which states "An inclusionary housing policy should be developed that incentivises property developers to include a level of affordable housing in their developments (COGTA, 2016, p. 66).

and is accordingly deemed to be compliant with national policy and legislation.

In the absence of any other approved policy in the country and in order to facilitate objective assessment in accordance with criteria that is deemed compliant with national policy and legislation, and which therefore satisfies the Municipalities legislative mandate, the applicant proposes to revise its inclusionary housing offer whereby 30% of units will be provided in accordance

with the City of Johannesburg policy - INCLUSIONARY HOUSING Incentives, Regulations and Mechanisms" (CJIHP) (21 February 2019) Option 2 — as in the table below.

The following is relevant;

- ❖ 87 inclusionary housing units, as defined in the CJIHP, are provided representing 31% of the total units.
- Although the number of units has increased from 253 to 285 the units are accommodated within the same building envelope as that as originally advertised without any increase in floor area/bulk, coverage or height.
- Although the number of units has increased the number of occupants/beds has reduced.

Residential Buildings	Storeys	Unit Types					
		A 2 Bed 58m ²	B 3 Bed (small) 58m ²	C 3 Bed 77m ²	1 Bed	E Inclusionary Housing 28m ²	Total
Block 2	5	16	4	16	0	0	36
Block 3	6	28	8	10	10	18	74
Block 4	6	28	31	0	0	12	71
Block 5	4	0	10	0	0	32	42
Block 6	4	0	0	0	5	25	30
Proposed Unit Mix		84	57	42	15	87	285
Proposed % of Total Units		29%	20%	15%	5%	31%	100%
Sectional Area		4 872	3 306	3 234	675	2 436	14523
% of Sectional Area		34%	23%	22%	5%	17%	100%
Parking Requirements per unit (Stellenbosch IZS)					CC.		
Allocated		1.00	1.25	1.25	1.00	1.00	
Visitors		0.50	0.50	0.50	0.50	0.50	
Parking Bays required							
Allocated		84	71	53	15	87	310
Visitors		42	29	21	8	44	144
	Total						454

(Johannesburg Inclusionary						
Housing Policy)						
Allocated	1.00	1.25	1.25	1.00	0.50	
Visitors	0.50	0.50	0.50	0.50	0.25	
Inclusionary Housing departure (JIHP)						
Allocated	0	0	0	0	-44	-44
Visitors	0	0	0	0	-22	-22
Total						-65
Parking required after Inclusionary Housing departure						
Allocated	84	71	53	15	44	266
Visitors	42	29	21	8	22	121
Total						387
Parking Bays Provided						
Allocated						276
Visitors						129
Total			Walan Sa			405

2. OPEN SPACE NEXT TO PLANKENBRUG RIVER AND ACCESS POINTS BETWEEN DISTILLERY ROAD AND THIS WALKWAY

2.1 Background

In response to the Municipality's Spatial Planning's comment that – "The registration of a public Right of Way servitude along the length of the Plankenbrug River in favour of the general public should be created. The buildings must be located on the site in such a way that sufficient space is provided to accommodate a pedestrian walkway along the river." – the applicant amended the SDP to comply with such request.

The SDP and Landscape Plan were amended by

- shifting the western boundary fence to align with the eastern boundary of the proposed new sewer servitude to allow for a continuous landscape and pathway along the Plankenbrug River to be accommodated within the proposed 6m sewer servitude, and
- including the pathway as part of the landscape plan to be implemented by the applicant at their cost.



Public Right of Way servitude along the length of the Plankenbrug River in favour of the general public

The above was misunderstood by the MPT and unfortunately the applicant was not given the opportunity to clarify the matter.

2.2 Response

The SDP has been further amended to provide public access to the river pathway through the provision of a pathway from Distillery Street to the river along the southern boundary of the property.

For the sake of clarity both pathways are to be accommodated within public access servitudes and are to be implemented at the applicants cost.



Pathway connection from Distillery Road to river footpath

3. DISTILLERY ROAD EXTENSION WIDTH

The minimum width of the Distillery public road extension with due consideration of the provision for NMT requirements.

3.1 Background

Provision was made for a public road reserve of 13 meter wide as a future link to George Blake road in order to accommodate a 7,4 metre blacktop with 2,4 meter NMT facilities along both sides as agreed with the municipal engineering department, Messrs Johan Fullard, Nigel Winter and Roscoe Bergstedt, at a meeting held on 23rd January 2020.

Following comments from municipal Spatial Planning section in March 2021 that the road reserve width was insufficient the matter was referred back to the engineering department who, on no less than a further four occasions, confirmed in writing that the reserve width of 13 metres was sufficient to accommodate the NMT requirements and compliant with engineering standards - the vehicle bridge over the Plankenbrug River, currently under construction for the municipality, is 13 meters wide designed on the same module as the proposed road reserve.

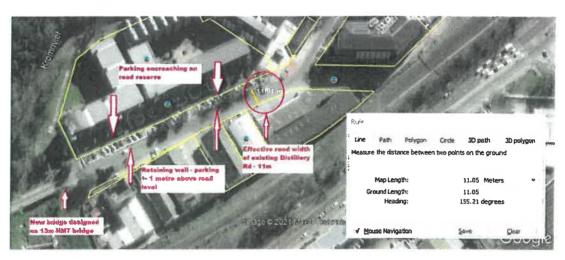
The Manager Development Infrastructural Services in their Memo to the Director Planning & Development dated 19 August 2021 recommended that the development be **approved** subject to, inter alia,

"a public road reserve 13m wide must be subdivided from Erf 14601 and zoned "public road", which will be a future link to George Blake road via the subject property. It is envisaged that the actual road must have a 7,4m blacktop with minimum 2,4m NMT facilities along both sides of the road".

Although the Town Planning departmental assessment acknowledged that the 13m road reserve "was regarded as sufficient provision for the required road class by the municipal engineers" this was not brought to the attention of the MPT when the matter was debated at the MPT hearing on 19 November 2021.

Further to the above although the existing Distillery Street road reserve is ± 16 m (50 Cape Feet -15,74m) the effective width has been reduced to ± 12 m by the encroachment of the parking to the existing buildings on the west side which

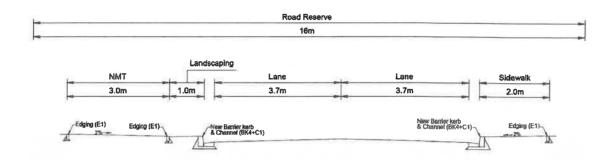
are located within the road reserve at approximately a meter above road level as indicated below



3.2 Proposal

Notwithstanding the above in an attempt to satisfy the municipal Spatial Planning section and to reach agreement the applicant has amended the proposed road width to 16m which is similar to the theoretical width and wider than the effective width of Distillery Street and the new bridge to be constructed over Plankenbrug River.

The Stellenbosch Municipality requirements for class 4-roads (which Distillery Road is classified as) calls for a road reserve of 16 metres. The SDP was updated to accommodate a 16 metre road reserve traversing the subject property. The updated cross-section suggested, as can be seen on the updated SDP, includes the provision of a 3,0 metre NMT facility along the northern side of the road (separated from the road by way of landscaping), as well as a 2,0 metre wide sidewalk along the other side of the road. See a typical cross-section on the next page as discussed with the Engineering Department.



Typical Section for NMT

4. PEDESTRIAN BRIDGE

The need for the pedestrian bridge to serve as additional access between the development and town.

4.1 Background

The applicant has actively engaged with the various parties, including The Stellenbosch Municipality departments of Town Planning and Engineering, PRASA and the various ATC representative bodies, since 2012 in an attempt to expedite the construction of a pedestrian/cycle bridge over the railway line at the termination of Dorp Street.

Such engagement has included;

- a) 2012 Discussions and a site visit with PRASA regarding the principal of a bridge - PRASA confirmed that the road reserve extended over the railway line and accordingly the bridge would be regarded as a "street to street" access which was a municipal matter.
- b) 2012 Early discussions with the Stellenbosch Municipal planning department, Basil Davidson, who confirmed that the planning department was in favour of a bridge.
- c) 2014 The written request by the applicant to include the proposed bridge in the Stellenbosch NMT Plan being compiled at the time following a meeting with EJ Wentzel & Dupré Lombard re the proposal
- d) 2015 A pedestrian/cycle bridge was made a heritage condition of approval for the duelling of the Lower Dorp Street which was a condition of approval for the Remgro & Woodmill developments.

- e) 2018 a bridge over the railway line was proposed from the inception of the Adam Tas Corridor this was confirmed in the ATC proposals and in meetings with the ATC team in December 2018.
- f) 2019 the desirability was again confirmed at bi-lateral discussions with the ATC team in October 2019.
- g) 2020 engagement with the Senior Manager Roads, Transport, Stormwater & Traffic Engineering Infrastructure Services, Johan Fullard, in an attempt to get the process underway the applicant was informed that;

"A pedestrian bridge over the railway line located between Stellenbosch Station and Dorp Street, linking existing NMT routes along Adam Tas with proposed NMT routes in the Bosmans crossing area, is certainly desirable. The Municipality's Non-Motorized Transport (NMT) Masterplan is currently being reviewed and updated, and this bridge is included in this Master Plan."

"We intend to incorporate the pedestrian bridge as Developments within Bosmans crossing and along the Adam Tas Corridor unfold, it is most likely that the bridge will be implemented through Development Contributions from these developments"

h) 2021 – further engagement with the Director Infrastructure Service, Deon Louw, and Senior Manager Roads, Transport, Stormwater & Traffic Engineering Infrastructure Services, Johan Fullard, regarding the Stellenbosch NMT draft masterplan 2020 and the proposed timing of the bridge over the railway line.

4.2 Response

The applicant is in full support of a bridge over the railway line as envisaged and, as demonstrated above, has been actively attempting to expedite the provision thereof.

However whilst the applicant will contribute to the design and construction of such a bridge though development contributions – as confirmed by the Directorate Engineering services – the timing and process is beyond its control which is the responsibility of the municipality through its NMT Master Plan.

Spatial Planning in their memo dated 9 March 2021 themselves noted that;

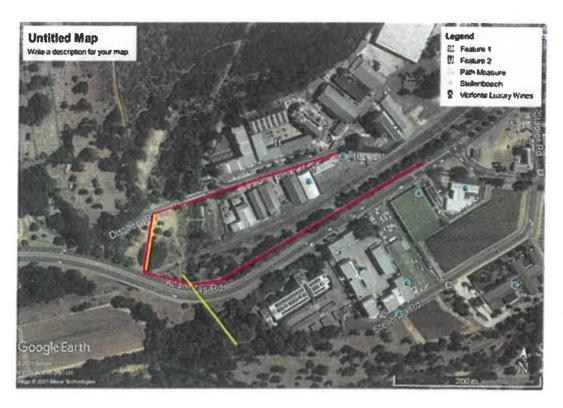
"As this structure will benefit the development of the ATC in general, it cannot be expected of the developer to fund and construct such a bridge." and

"Aspects relating to the future link road, pedestrian bridge, Plakenbrug Bridge and NMT facilities are mutual issues that must be planned, funded, and implemented amongst the various landowners, developers, and government jointly."

The Directorate Engineering services has confirmed that it is the intention to incorporate the bridge as developments in the Bosman Crossing and Adam Tas Corridor unfold as opposed to the bridge being a requirement for the developments to proceed i.e development would predate the bridge with the bridge only being implemented once sufficient development had occurred – this was again confirmed by Johan Fullard at the MPT hearing on 19 November 2021.

It would therefore be unreasonable to require the bridge to be implemented prior to approval of the development.

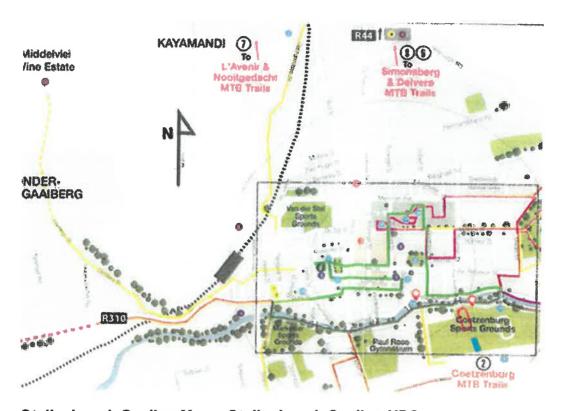
Notwithstanding the above the applicant has proposed a viable alternative as an interim measure pending the construction of the bridge by simply linking the NMT cycle path along Adam Tas Road to Bosmans Crossing and the Distillery road cycle path by means of constructing a cycle path, +- 80m, across the open grass area as below.



Proposed pedestrian link between Adam Tas Rd and Bosmans Crossing

The red line indicates the existing cycle path along Adam Tas Road with the proposed link of +- 80m indicated in yellow.

The cycle paths along Adam Tas Road & Distillery Street are indicated, in yellow, on the Stellenbosch Cycling Map below.



Stellenbosch Cycling Map - Stellenbosch Cycling NPC

Further to the above the opportunity exists to link the Bosmans Crossing precinct with the "Remgro Eerste River initiative" – which includes a "safe pathway" from De Boord all the way to Coetzenberg - as indicated in green in the above figure.

5. INTERACTIVE STREET SCAPE

To revise the proposal for the provision of flats on the ground floor to facilitate the development of active public streetscapes and places.

5.1 Background

The MPT were of the opinion that the provision of flats on the ground floor of all residential buildings, especially those adjacent to the public street, prevented the development of the public road into an active streetscape.

However the provision of flats on the ground floor for residential blocks that don't border the public road or access points could be supported.

5.2 Response

The applicant has acknowledged the sentiments expressed and has amended the SDP in accordance therewith in order that the **ground floor of all buildings bordering the public road** are now non-residential resulting in an active public streetscape and place.

The amendment includes the following;

- a) The setting back of Block 5 to accommodate commercial use on the ground floor with off street parking provided in front of the building.
- b) The shifting of the entrance to the sectional title scheme to the centre of the property adjacent to the Manor House in accordance with road design criteria
- c) The setting back of Block 6 to accommodate commercial use on the ground floor with off street parking provided in front of the building.
- d) Combining the road access to the parking in front of the Manor House and Block 6.



Interactive street interface on Distillery Road. Note non-residential land uses on the ground floors of Blocks 5 and 6 and the Manor House and Shed.

6. REVISED LAND USE APPLICATION IN TERMS OF THE STELLENBOSCH LAN USE PLANNING BYLAW, 2015

The above described amendments to the development proposal as per the decision of the MTP requires some minor alterations to the nature of the land use application. This is set out underneath. It was further agreed at the MTP meeting that the Administration did consider the amendments to the initial application and it was viewed that the amendments will not be material in light of the ATC initiative and objectives.

The proposed amendments to the development proposal primarily pertains to the following:

- 6.1 The number of residential units increases from 253 dwelling units to 285 units.
- 6.2 The access points on Distillery Road have been changed to accommodate the parking areas for the business land uses on the ground floors of Blocks 5 and 6 and for the business uses to be accommodated in The Shed and the Manor House.
- 6.3 The above requires some minor amendments to the Subdivision Plan.
- 6.4 Less building line departures are required.
- 6.5 Parking departures are required due to the revised development proposal to allow additional business uses on the ground floors of blocks 5 and 6 and the new unit mix of the residential component to allow for more inclusionary housing units.
 - Due to the revised layout and access points, a parking departure is required for the business uses accommodated in respectively The Shed and the Manor House. This is a mixed-use development and the business uses will cater to a great extent for the residents of the new residential development and their visitors. The principle of

shared parking thus applies. Provision is made for various modes of NMT in the development proposal which will assist to discourage the use of private vehicles requiring parking. It is also foreseen that residents of the inclusionary housing component will not own their own vehicles and will walk to the business component.

Resulting from the requirements of the Municipality and the MPT with regard to inclusionary housing, the unit mix of the residential component of the Mixed Use development on Portion 1 changed. A total of 87 Inclusionary Housing Units (studio units) are now provided. The Stellenbosch Zoning Scheme does not have a parking provision category for studio units and it is accepted that the parking requirement of a 1-bedroom flat unit will apply – thus 1 bay per unit and 0.5 visitor bays.

There is currently no parking ratio requirement for Inclusionary Housing Units in the Stellenbosch Zoning Scheme and no draft Inclusionary Housing Policy is available yet for the Stellenbosch Municipal area. Due to the nature of these studio units and the financial position of future residents thereof it is accepted that these units will not require the same parking ratio as normal one-bedroom units.

It was agreed at the MPT meeting that a reduction in parking bays can be considered due to the larger Inclusionary Housing component. The draft Western Cape Inclusionary Housing Policy Framework of May 2021 also specifically refers to reductions in parking requirements as an incentive for the provision of Inclusionary Housing. The only approved Inclusionary Housing Policy in South Africa, namely the Johannesburg Inclusionary Housing Policy of 2019 states that "Inclusionary Housing units will be subject to half of the parking requirements indicated by the applicable town planning/land use scheme or prevailing spatial policy for the area; unless stated otherwise by the relevant roads authority".

The parking departures have also been addressed in the Addendum to the Traffic Impact Assessment. It was confirmed that the proposed departures are acceptable for the proposed development.

- 6.6 Revised application in terms of the Land Use Planning Bylaw: (revisions are highlighted)
- 1.1. In terms of Section 15(2)(a); the <u>Rezoning</u> of Erf 14601, Stellenbosch from Industrial Zone to Subdivisional Area allowing for Mixed-Use Zone (285 dwelling units within six 3- to 5-storey blocks of flats, some commercial/office uses and private roads) and a Public Roads and Parking Zone.
- 1.2. In terms of Section 15(2)(d); the <u>Subdivision</u> of Erf 14601 Stellenbosch into 4 portions, namely Portion 1 (± 2,0291 ha Mixed-Use Zone), Portion 2 (± 1 320 m² Mixed-Use Zone), Portion 3 (± 3 200 m² Public Roads and Parking Zone) and Portion 4 (± 2 090 m² Mixed Use Zone) as per proposed Subdivision Plan nr FP/0220/977 Rev3, dated February 2020.

The subdivision also makes provision for the registration of two servitudes:

- ❖ A pedestrian access servitude in favour of the general public and local authority on the south-eastern boundary of the property.
- 3 m wide pedestrian access servitude in favour of the general public and local authority on the north-eastern boundary of the property.
- 1.3. In terms of Section 15(2)(b) the following permanent departures:
- 1.3.1 Portion 1 (Mixed Use Development flats and commercial land uses)

Street building line

❖ To relax the common building line (adjacent to Erf 7602) from 4.5m to 3.0m for Block 4.

- ❖ To relax the common building line (adjacent to Erf 7602) from 4.5m to 3.0m for Block 3.
- ❖ To relax the common building line (adjacent to the newly created Portion 2) from 4.5m to 1.5m to allow for the Mill House.

Parking departures

❖ To provide 405 in lieu of 454 bays for the residential (flats) components of the Mixed Use development on Portion 1

1.3.1 Portion 2 (Manor House

To provide 22 parking bays in lieu of 24 parking bays

1.3.1 Portion 4 (The Shed)

- To provide 22 parking bays in lieu of 27 parking bays
- **1.4.** In terms of Section 15(g); Permission to allow for flats on the ground floors in a Mixed-Use Zone for Blocks 1, 2, 3 and 4 on Portion 1
- **1.5.** In terms of Section 15(o); a <u>Consent Use</u> to allow a Place of Entertainment (pub) within a Mixed Use Zone on Portion 2 (Manor House).
- 1.6 In terms of Section 98; <u>Approval of the Name of the Development</u>. The development will be known as The Mill.
- 1.7 In terms of Section 15(g); <u>Approval of Site Development Plan Package</u> (attached as Annexure 13), containing the following plans;
 - ❖ Overall Site Development Plan, plan number ABNE/01/AR/0010, dated 15 February 2022, Rev B

- ❖ Site Development Plan for the Residential Precinct ("The Mill") located on Portion 1 of Erf 14601 Stellenbosch, plan number ABNE-01-AR-0011, dated 15 February 2022, Rev B
- ❖ Site Development Plan for the Business Precinct (manor house and the deli/pub) located on Portion 2 of Erf 14601 Stellenbosch, plan number ABNE/01/AR/0012, dated 15 February 2022, Rev B
- ❖ Access and Parking Layout Plan, plan number ABNE-01-AR-0013, dated 15 February 2022, Rev B
- ❖ Phasing Plan, plan number ABNE-01-AR-0015, dated 15 February 2022, Rev B
- ❖ General Elevations ABNE-01-AR-3000, dated 15 February 2022, Rev B

7. RESUBMITTED PLANS AND STUDIES

The following revised documentation and plans are submitted with this response:

- 7.1 A revised Site Development Plan Package also containing some 3-D images of the proposed improved mixed use interface on Distillery Road.
- 7.2 An amended Subdivision Plan.
- 7.3 An amended Landscaping Plan
- 7.4 An Addendum to the Traffic Impact Study
- 7.5 Amended Heritage Impact Assessment
- 7.6 A copy of the approved Johannesburg Inclusionary Policy, 2019

8. CLOSING STATEMENT

Time Frame

The application has been delayed since 2012 by the initial lack of capacity at the Stellenbosch Waste Water Treatment Works and thereafter by the delays in adopting policy in terms of which the application was to be submitted.

"An application in terms of the new IZS can be evaluated and motivated only when the new IZS has been approved and adopted by Council ... " – B de la Bat Manager: Spatial Planning, Heritage and Environment 2018

SPLUMA, adopted in 2013, requires that each Municipality must, after public consultation, adopt and approve a single land use scheme for its entire municipal area - the IZS was finally approved and adopted in November 2019 – the process having taken 5 years from commencement in 2014.

The application was submitted in August 2020 and no decision has as yet been made despite no objections having been received.

Delays in permission process are recognised as a major "cost – driver" in the development process with the increased costs ultimately having to be passed onto the consumer.

"Protracted permission processes, conflicting policies, onerous development rules or conditions are all risks that are priced into the cost of finance for a development which are passed on to the end user affecting the affordability of the end product" – Draft WC Inclusionary Housing Policy Framework May 2021.

Unemployment, Economic Investment and Job Creation

November 2021

"South Africa's unemployment rate hit a new record high of 34.9% in the third quarter ... Statistics South Africa (Stats SA) Under the expanded definition, which includes discouraged jobseekers, the rate rose 2.2 percentage points to a shocking 46.6%.

This means almost half of the economically active population has no job. **And the youth unemployment rate is now 66.5%** under the narrower definition, which is surely a recipe for social and political unrest." – Daily Maverick 30 November 2021

It is widely accepted that the only way to create employment is through economic investment and growth.

There is a clarion call from all three spheres of government to create an enabling environment to encourage economic investment which will result in economic growth and job creation.

National Government – "Without growth there will be no decent employment opportunities and without jobs there will be no meaningful improvement of the lives of our citizens" – Cyril Ramaphosa SONA 2021

Provincial Government – "We have always been clear that job creation must be led by the private sector. As government, our role is **to create the fertile environment in which the private sector thrives**, and job creation can grow." – Alan Winde Feb 2021.

Local Government – "Mostly it is important to create an environment attractive to investment and conducive to economic growth" – Executive Mayor Gesie van Deventer Adjustment Budget speech 24 February 2021

Policy

Policy certainty is recognised as the major driver of the economic investment needed to induce higher levels of economic growth and job creation

Policy certainty is one of the fundamental structural reforms needed in SA as it will have a marked impact on investor's decisions" — Tito Mboweni former finance minister 2022.

Reducing uncertainty requires the creation of a credible economic environment that provides a predictable outlook for investors.

Our National Constitution -

"enjoins local government to promote social and economic development and requires the public administration to be fundamentally development-orientated..."

SPLUMA requires that municipalities

- "provide clear and accessible information to the public and private sector and provide direction for investment purposes"; and
- "promote a rational and predictable land development environment to create trust and stimulate investment" and that
- * "Policies, legislation and procedures must be clearly set in order to inform and empower members of the public".

Assessment in accordance with existing approved adopted policy

Notwithstanding the applicant having received a legal opinion which concluded that –

"The Municipality could not lawfully refuse the current land use applications based on its interpretation of municipal policy (the MSDF) if Consultant is not prepared to amend its development proposals to provide for more inclusionary housing units."

And that the town planners report concluded;

"The proposal for a high density mixed-uses development is therefore conformant with the prescriptions for the Adam Tas Corridor in terms of the MSDF, with only one shortcoming relating to its inclusivity, which could be addressed with negotiations between the municipality and the developer." and

"Considering the subject land uses, land development proposals, the provisions of the Land Use Planning By-law, other relevant policies, comments and response received and the above planning assessment, the application is not undesirable or inconsistent with relevant legislation, planning principles, available policies and guidelines, but require an agreement between the developer and the municipality around the implementation of affordable inclusionary housing options in the development and is subsequently partially recommended for approval.".

The applicant has acceded to the MPT's request and has addressed all matters referred back to the applicant following the MPT meeting on 19 November 2022.

The applicant respectfully requests that the application now be assessed and approved in accordance approved adopted policy and not in accordance with criteria of drafts policies that are yet to be subject to public participation, approval and final adoption – applying such policies would indeed pre-empt the outcome rendering the process null and void.

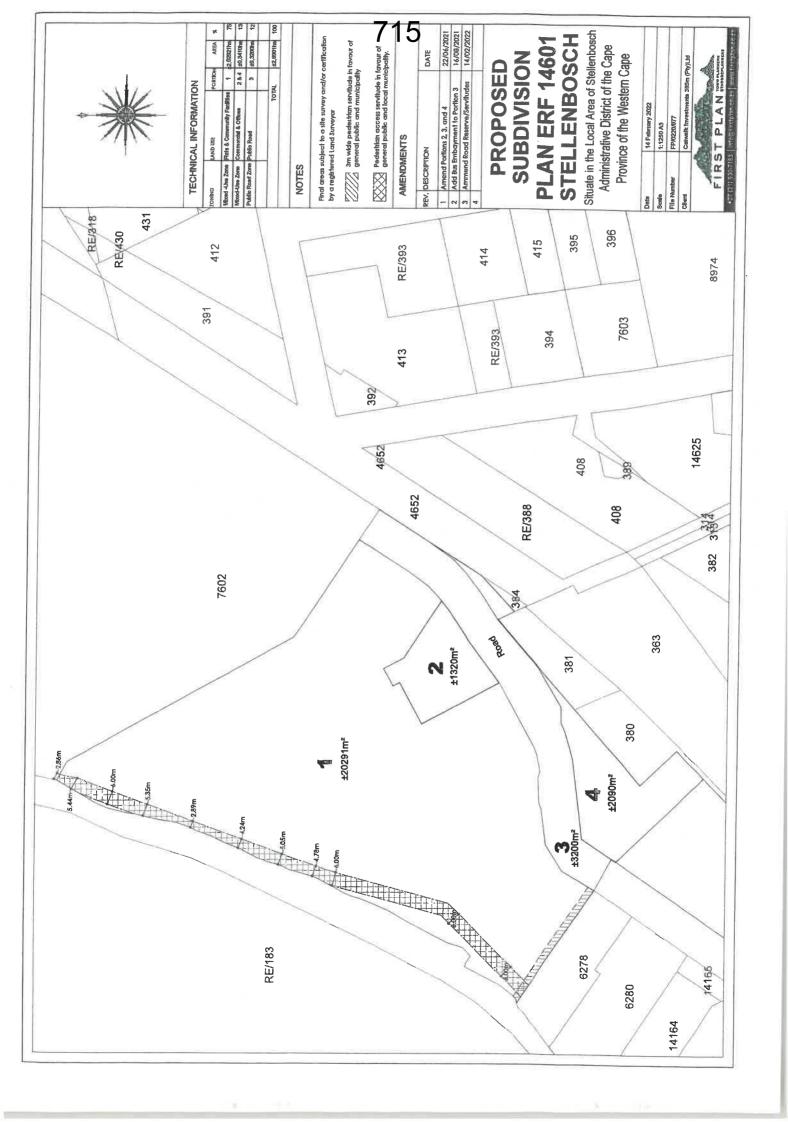
It is trusted that the revised Site Development Plan Package, Subdivision Plan and Landscaping Plan would allow you to finalise a report to the next meeting (March 2022) of the MTP to take a decision. Should you require any further information, please do not hesitate to contact the writer.

Yours faithfully

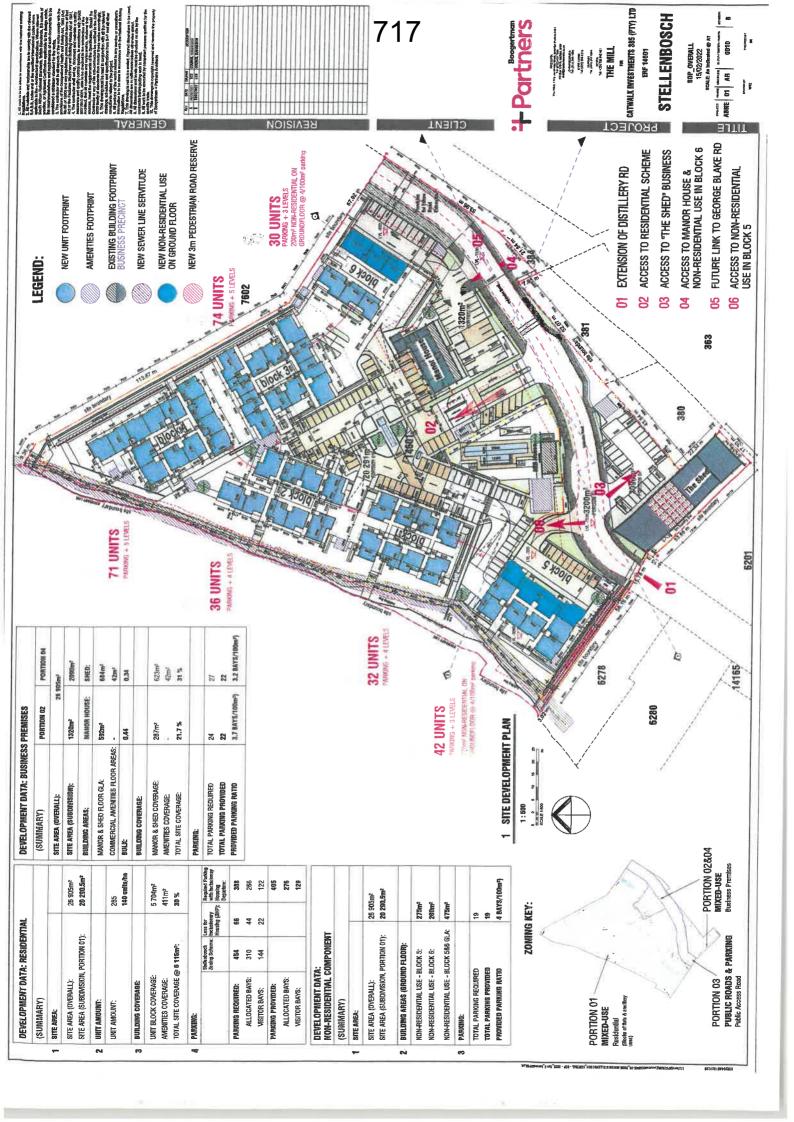
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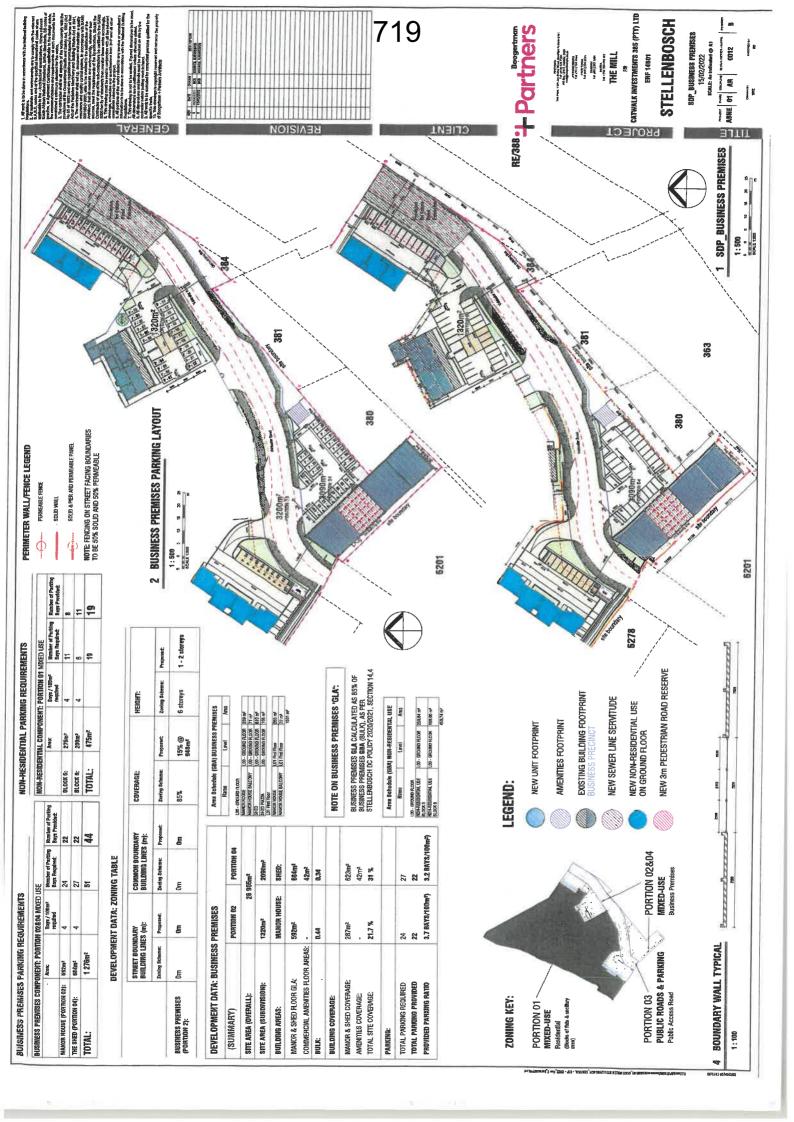
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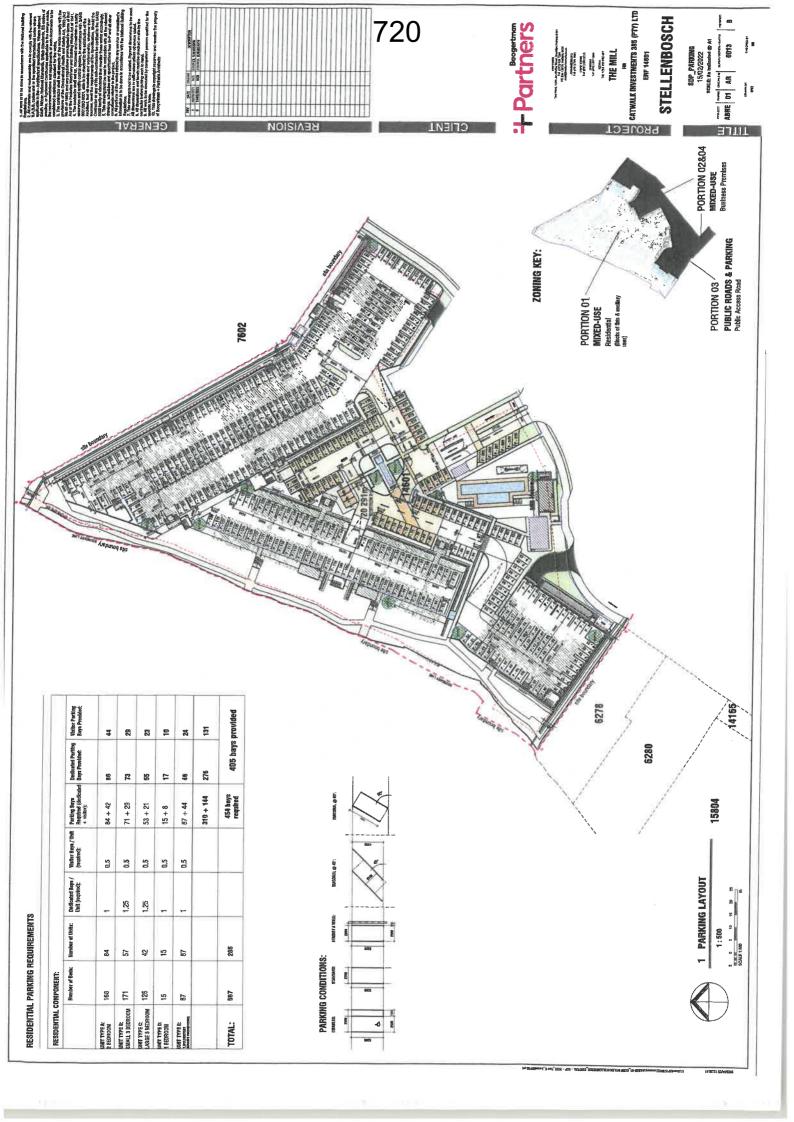


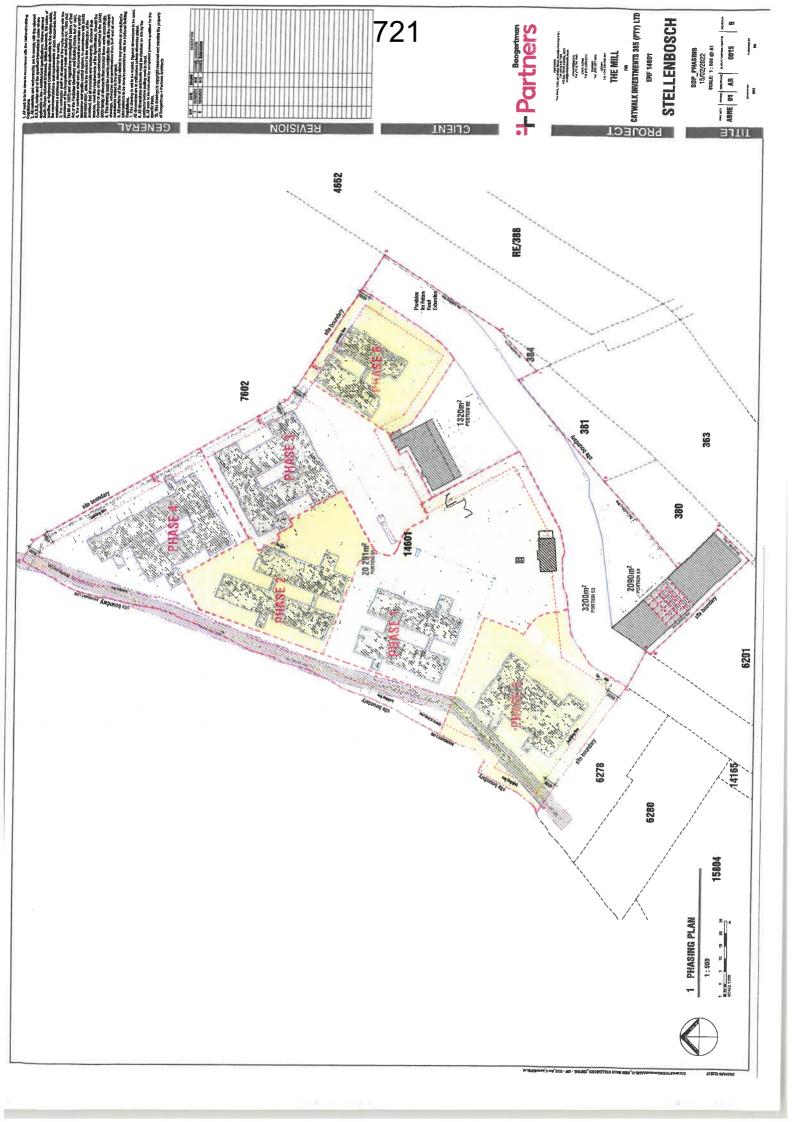
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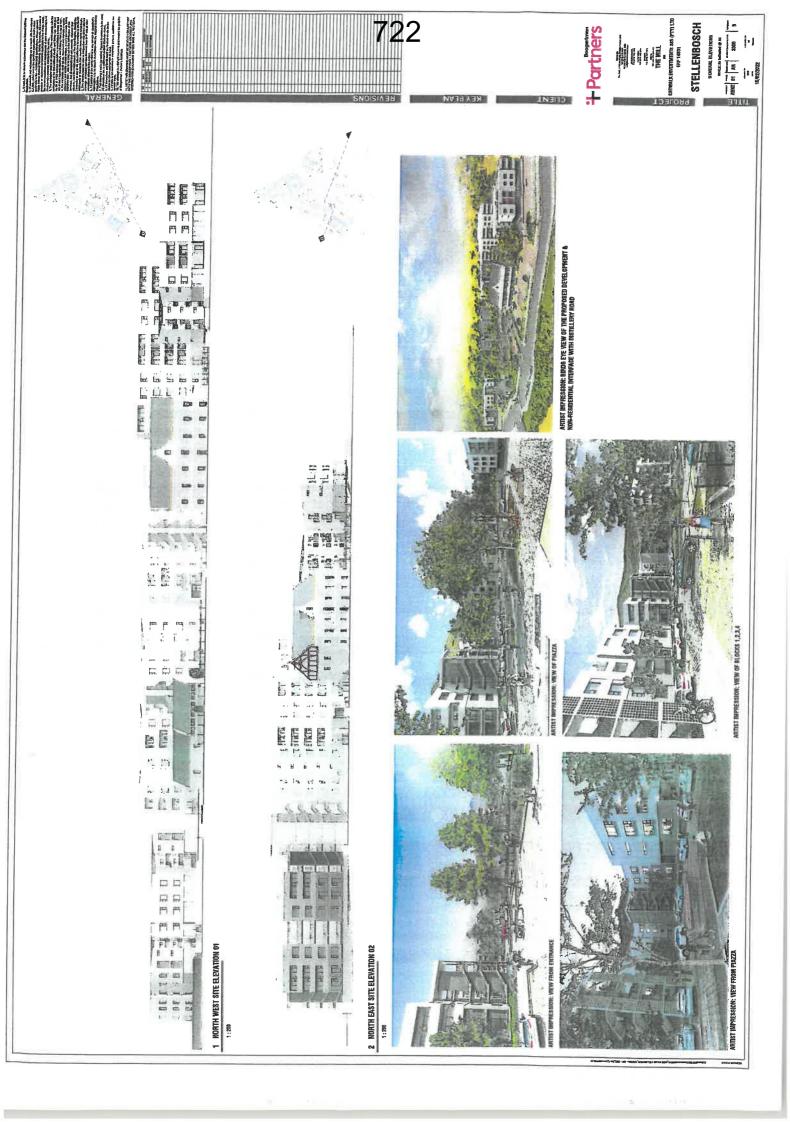




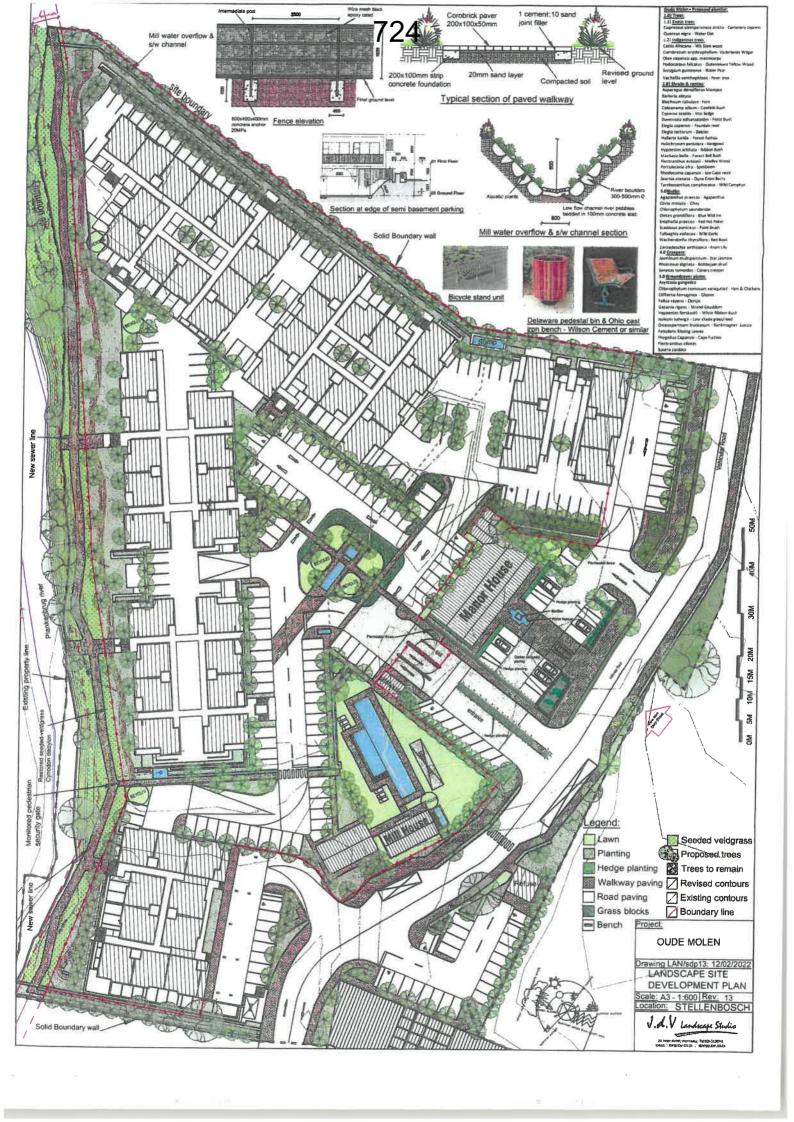


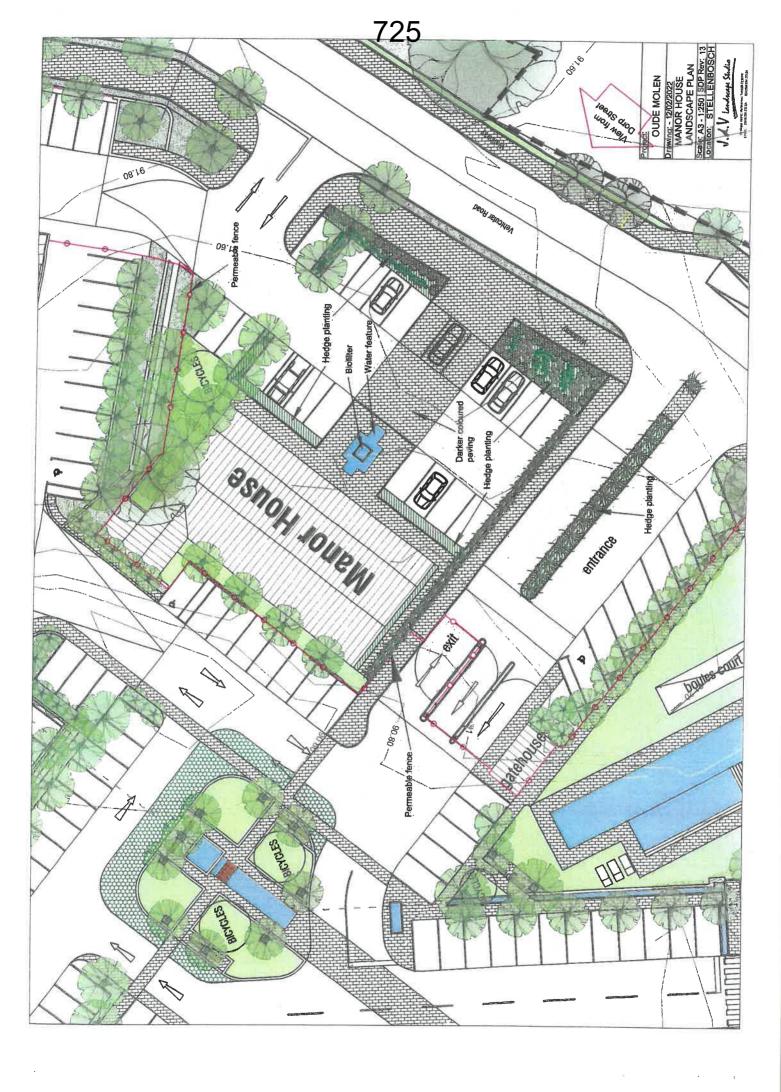






LANDSCAPING PLAN





TIA ADDENDUM



Date: 17 February 2022

Our Ref: UDS/Reports/TIA/Addendum

First Plan Town and Regional Planners P.O. Box 15865 PANORAMA 7506

ATTENTION: Ms Christine Havenga

Dear Madam,

APPLICATION FOR SUBDIVISION AND REZONING OF ERF 14601, STELLENBOSCH: ADDENDUM TO TRAFFIC IMPACT ASSESSMENTS COMPILED TO DATE

Your request for the relevant input towards the application, with regard to the traffic impact of the development proposal, refers.

1. BACKGROUND

The following documents have been prepared by this company (then iCE Group), accompanying the abovementioned land use application submitted to Stellenbosch Municipality (SM):

Traffic Impact Assessment (TIA) iCE/S/849A, 7 July 2020

iCE/S/849A, 10 August 2021

Letter on SM comments

UDS, 28 July 2021

The application was referred to the Municipal Planning Tribunal (MPT), where the discussion resulted in points to be addressed by the applicant. The Site Development Plan (SDP) has subsequently been updated. The updated SDP is attached hereto for ease of reference.

The traffic related points will be addressed hereafter.

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2. MPT COMMENTS

2.1 Interface with Distillery Road

The MPT comment was that non-residential uses should be provided on the ground floors of the two residential blocks abutting the public road. The SDP was updated to include the request – this change resulted in a change in the proposed accesses along Distillery Road, as the change in ground floor uses now require parking to be accessed from the public road, as opposed to the previous configuration where parking to these floors were provided within the security controlled residential parking area.

Detail on this will be discussed in paragraph 3 below.

2.2 Pedestrian link between Distillery Road and the river

The MPT comment was that public access should be available between Distillery Road and the river. A pedestrian path was subsequently provided along the western boundary of the site.

This change has an impact on the accommodation made for NMT along and across Distillery Road. This will be addressed in *paragraph 3* below.

2.3 Distillery Road: road reserve width

The future extension of Distillery Road towards George Blake Road traverses the subject property. A public road reserve should thus be allowed for through the proposed development. As discussed in the TIAs prepared for the proposed development to date, it was agreed with the SM engineers, during the initial planning stages of the development proposal, that a 13 metre road reserve will be sufficient to accommodate the road and NMT facilities required along this route. This was partly based on the available space along the existing section of Distillery Road, as well as the cross-section applied to the detail planning of the bridge upgrade (Distillery Road over the Plankenbrug River).

However, during the MPT meeting it was stated by the planning officials that the road reserve previously agreed on with the engineers is no longer considered sufficient, and a wider road reserve should be provided.

The Stellenbosch Municipality requirements for class 4-roads (which Distillery Road is classified as) calls for a road reserve of 16 metres. The SDP was updated to accommodate a 16 metre road reserve traversing the subject property. The updated cross-section suggested, as can be seen on the updated SDP, includes the provision of a 3,0 metre NMT facility along the northern side of the road (separated from the road by way of landscaping), as well as a 2,0 metre wide sidewalk along the other side of the road. See a typical cross-section in *Diagram 1* below.

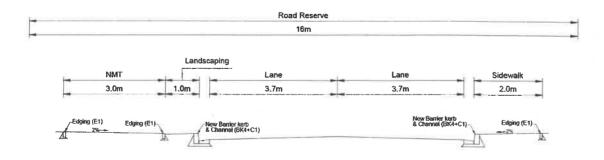


Diagram 1: Typical cross-section

The road reserve was furthermore slightly widened at positions where public transport embayments are provided. This is considered sufficient to address the comments of the MPT.

2.4 NMT bridge across railway line

According to information, the design of the pending upgrade to the bridge, includes a width of approximately 13 metres to accommodate two lanes of vehicular traffic (one lane per direction) as well as sidewalks to accommodate non-motorised transport. The latest information obtained includes a 7,4 metre blacktop width road, with 2,4 metre sidewalk/NMT paths along both sides of the road crossing the river.

According to the consultants involved, contractors have been appointed and construction is underway.

3. CHANGES TO SDP

3.1 Extension of Distillery Road

As result of the comments received to date, the SDP has undergone multiple iterations. This subsequently resulted in the initial conceptual horisontal layout of the public road traversing the property to be impacted on. During the design stage, it should be ensured that the road ties in with the existing Distillery Road (of which this road is an extension), and also that the design conforms to the geometric standards and requirements of Stellenbosch Municipality.

Raised pedestrian crossings will also be required along this section of road to accommodate NMT across the road, as well as address sight distance from the accesses along the road. Two positions are schematically indicated on the updated SDP. The detail thereof will be confirmed during further design of the road.

3.2 Accesses along Distillery Road

In order to provide the parking required for the ground floor commercial facilities now provided, the accesses previously considered along the Distillery Road extension changed. Previously, access to the residential parking was provided opposite the first commercial access, whilst a second access to the remaining commercial was to be provided \pm 80 metres east thereof. The updated proposal has the new small-commercial access opposite the original commercial access, whilst the residential access moved further east (\pm 60 metres thereof), and the remaining commercial access east thereof (\pm 45 metres).

These newly proposed accesses along the future extension of Distillery Road, are considered sufficiently spaced in the context of the area.

3.3 Land use mix/trip generation

The updated land use mix resulting from the requested changes to the SDP, are as follows:

Land Uses	Previous		Updated	
Inclusionary Housing (studio units)	n/a		87 units	
One-bedroom units	44 units		15 units	
Two-bedroom units	99 units		84 units	
Three-bedroom units	116 units	[259 unit total]	99 units	[285 unit total]
Commercial	1 276 m ² GL	A	1 751 m ² G	iLA

As the unit-mix was changed to include fewer three-bedroom units, and more one-bedroom units (for which less significant trip generation rates were applied), the total trip generation of the proposed development can be expected to remain similar to that previously assessed in the TIAs. The impact of the updated unit/land use mix on the external road network is considered to remain marginally in line with that previously analysed. The recommendations made in the TIAs compiled for the application, with regard to external road upgrades, thus remains applicable.

3.4 Parking

3.4.1 Proposed Parking Provision

The updated unit mix of the residential apartments includes 'inclusionary housing' which, according to the project team, is generally provided with/requires less parking than the previously considered standard apartments. The one-, two- and three bedroom units are provided with the number of parking bays as per the Municipal Standards, whilst the inclusionary housing apartments are provided with a lesser ratio. The principles of the City of Johannesburg policy on inclusionary housing was applied by the project team, as Stellenbosch Municipality does not currently have one. The said policy states that half the parking requirement of standard apartments applies for inclusionary housing units. For the inclusionary housing units, 0,5 bays per unit plus 0,25 bays per unit for visitors were therefore applied, i.e. 0,75 bays per unit (as opposed to the 1,5 bays per unit standard requirement). As per the SDP, 405 parking bays are provided to the residential portion of the development.

Based on the said requirements and policies, sufficient parking is thus provided to the residential portion.

The commercial parking requirement is 4,0 bays per 100 m² GLA, however, it can be expected that shared parking principles would apply between the residential and commercial uses. As per the SDP, 44 parking bays are provided to the main commercial portions, plus 19 for the remainder, i.e. 63 bays. The shortfall of parking based on the standard requirements are thus not expected to be problematic. See the shared parking alternative, based on the principles of the *Access Management Guidelines* (AMG) of Western Cape Government: Transport and Public Works below.

3.4.2 Shared Parking Principle

The AMG suggests that, "where a mixed development consists of more than one land use type it may be possible for land use components to share a common parking area and thereby reduce the amount of parking that would be required to serve the independent uses". The AMG suggests an hourly distribution of parking demands per land use (e.g. residential, retail, etc.), on which the peak hourly demand for the proposed development is determined.

Standard Residential Requirements:

One- and two bedroom	186 units	1,5 bays per unit	279 bays
Three bedroom	99 units	1,75 bays per unit	173,25 bays
Subtotal	285 units		452,25 bays

Standard Commercial Requirements:

	. ==		
Commercial	1 751 m ² GLA	4 bays per 100 m ² GLA	70,04 bays

Standard Total Requirements:

Residential285 units452,25 baysCommercial1 751 m² GLA70,04 baysTotal522,29 bays

Shared Parking:

Time	Parking b	Total		
Time	Office	Retail	Residential	Total
6:00	1	0	452	454
7:00	13	1	407	421
8:00	32	4	384	421
9:00	41	10	362	412
10:00	43	18	339	400
11:00	43	23	317	383
12:00	38	26	294	358
13:00	38	27	317	382
14:00	43	26	317	385
15:00	43	25	317	384
16:00	38	25	339	402
17:00	21	26	384	432
18:00	11	26	407	444
19:00	4	26	439	<u>469</u>
20:00	3	22	443	468
21:00	1	14	448	463
22:00	0	8	452	461

Based on the information provided above (standard parking requirements and AMG shared parking principles), a total of 469 parking bays would be required for the proposed mixed-use development. The 468 parking bays provided (405 bays residential plus 63 bays commercial) can thus be considered sufficient.

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,

Compiled by: Yolandi Obermeyer (B Eng)

UDS AFRICA

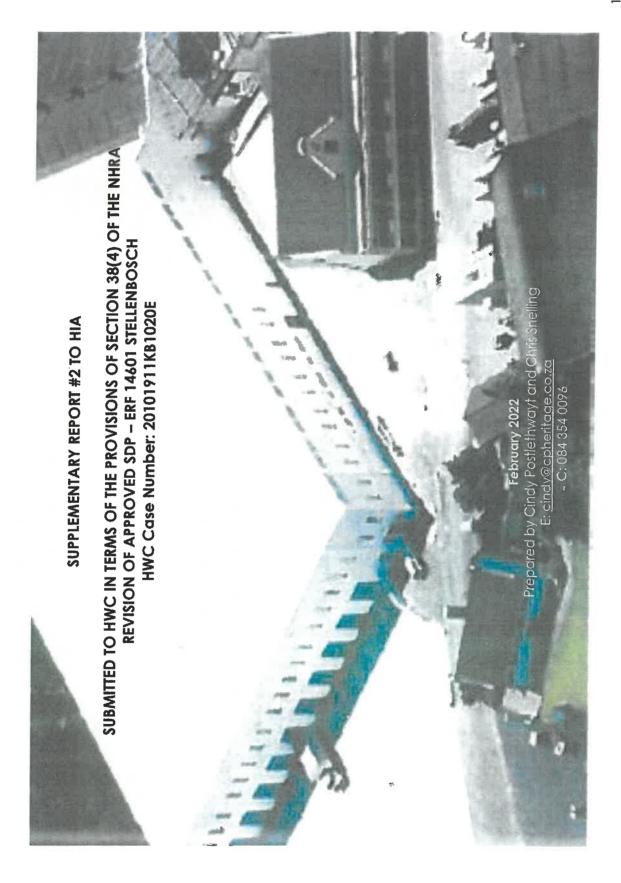


Attachments:

Site Development Plan (SDP_OVERALL)



HIA ADDENDUM



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Figure 1: Site in the context of Stellenbosch (Cape Farm Mapper CFM)



Figure 2: Erf 14601 in context

Background

At its meeting 21 July 2022, Heritage Western Cape's Impact Assessment Committee (HWC IACom) resolved to endorse the HIA and Supplementary Report for the proposed redevelopment of Erf 14601 Stellenbosch (Oude Molen) prepared by Cindy Postlethwayt and Chris Snelling dated June 2021. The Committee supported the recommendations of the HIA and Supplementary report which stipulated as follows:

- Endorses the HIA dated October 2020, read with this Supplementary Report dated June 2021, as having met the requirements of Section 38(3) of the NHRA;
 - In terms of Section 38(4) of the NHRA approves the proposed demolition of the 'Vinlab warehouse' on Erf 14601;
- In terms of Section 38(4) of the NHRA approves the proposed development provided it is generally (in all heritage related matters) in accordance with the Site Development Plan and Landscape SDP Plan for the property, as revised in this Supplementary Report and appended as Annexures A and B;

Subject to:

- 1. The submission of building plans for any future proposed alterations to the "Manor" House to HWC for approval, prior to the submission of final building plans.
- . The submission of building plans for any future alterations/additions to the warehouse to HWC for approval, prior to the submission of final building plans.
 - 3. The retention and display of the mill workings within the Mill
- 4. Archaeological monitoring of the subsurface excavations when demolition of the large warehouse occurs, to confirm the presence or footprint of the original mill remains.

The above authorisation is valid for a period of five years from the date of notification to the applicant thereof in writing!.

Subsequently, the planning application was submitted to the Stellenbosch Municipality. In considering the item at their meeting on 19 November 2021, the Stellenbosch Municipal Planning Tribunal (MPT) referred the matter back to the applicant to address the following concerns further:

- The provision for 20% Inclusionary Housing.
- The provision, development and management of the public open space system next to the Plankenberg River with public access points between the public road and open space system.
 - 3. The minimum width of the Distillery public road to be increased.
 - 4. The provision of a pedestrian bridge over the railway line.
- 5. The provision of commercial uses on the ground floors of the apartment blocks fronting Distillery Road (and the requisite parking) in order to promote an active streetscape.

Purpose of this Report

The SDP for the proposed development of Erf 14601 has had to be revised to respond to the requirements of the Stellenbosch MTP. Although most of the changes do not impact upon heritage matters, there has been an amendment proposed for the circulation in the immediate vicinity of the Manor House which potentially stands to impact upon the identified heritage resource. The revised SDP is accordingly presented and assessed for heritage related impacts and HWC is requested to consider the revision for approval. The submission is to be read against the background of the HIA Report dated October 2020 and Supplementary Report dated June 2021 and it is assumed IACom will be able to refer to that documentation.

It is noted that at the time of writing the applicant has still not received the Record of Decision in writing from HWC, despite repeated attempts to action this.

HWC approved SDP

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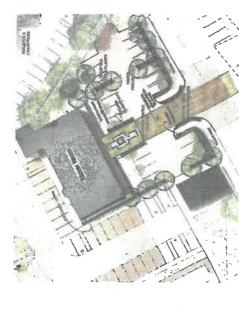


Figure 5: Approved landscape concept Manor House Forecourt



4. Proposed revisions as relevant

The MTP-required amendment that potentially stands to impact upon the Oude Molen Manor House is that pertaining to the requirement for ground floor commercial use in all buildings fronting Distillery Road and the concomitant requirement for revised parking and access.

The revisions have also required the setback of Block 6 from Distillery Road.

4.1 Design development

A number of options for parking and access were explored but none were able to satisfactorily meet the pragmatic requirements for separation of access between the residential (private) and commercial (public) uses on the site. The options proposed and discarded are illustrated below.

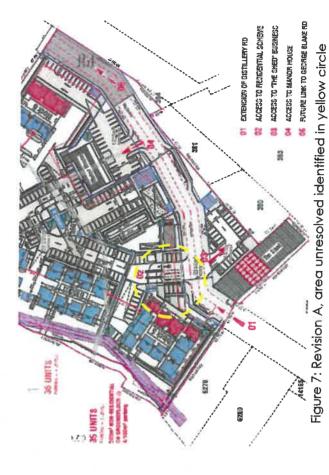


Figure 6: Approved Landscape Master Plan

CAS FUTURE LINK TO GETAGE BLAKE NO OF ACCES TO THE CHED' BUSINESS ME ACCESS TO REDICENTAL SCHEME OF STENDICH OF DISTILLERY RD DA ADOESS TO MASKOP HOUSE 9 Figure 8: Revision B 25 UNITS 3

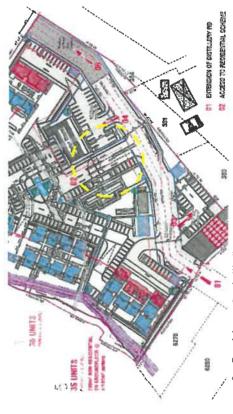


Figure 9: Revision C, initially presented to these assessors, which proposed a new entrance to the residential component of the development immediately west of the Manor House.

Preferred alternative

of the location of the new gatehouse vis-à-vis the Manor House, the scale of a security entrance booms, the loss of landscaping and Reservations were expressed by these authors to Revision C in respect reduced curtilage. In response to these concerns, a revised preferred alternative The gatehouse and entrance control has been set back (Annexure A) has been presented as follows:

- further from the front elevation of the Manor House;
- The entrance security is to be a simplified boom control, with no overhead canopy
- road and access control with the approved landscape plan A revised landscaping proposal integrates the new access for the manor forecourt







Clearview Security fence Security fe



Figure 15: 3D modelling, non-residential interface with Distillery Road

. Assessment of the proposed revision

The proposed revision is supported on the following basis:

- The setback of Block 6 is considered to be an improvement upon the approved SDP. It is noted that IACom previously expressed concerns regarding the placement of Block 6 which were satisfactorily addressed and accepted in the first Supplementary Report dated June 2021. The current proposal for Block 6 further addresses these by further reducing the scale and set back of the building which opens up views of the Manor House and increases the curtilage.
- The removal of the building originally intended to be a clubhouse in order to provide for the proposed residential access road has opened up views of the Manor House from Distillery Road eastbound and has also allowed for a more direct visual connection between the two primary heritage resources on site: the Manor House and the Mill House, which does not currently exist.
 - The gatehouse does not compete visually with the Manor House, being set back from the line of the front façade and modest in scale.
 - The entrance boom will not have an overhead canopy, minimising visual intrusion.
- The revised landscaping plan extends the landscaping principles across the new access road to enhance the forecourt

Conclusion

The revised proposals for the site will have no negative heritage related impacts; will, in the opinion of these assessors, improve upon the original proposal; and are considered to have adequately addressed the heritage considerations. The revisions to the SDP, in so far as they may impact upon heritage resources, is supported.

Recommendation

It is recommended that Heritage Western Cape, in terms of Section 38(4) of the NHRA, approves the proposed revisions to the SDP in so far as it relates to heritage matters and appended as Annexure A, on condition that if an overhead canopy to the gatehouse entrance is to be constructed in the future, this must be to the satisfaction of HWC.

JOHANNESBURG POLICY



INCLUSIONARY HOUSING Incentives, Regulations and Mechanisms

This document outlines the requirements, incentives, regulations and mechanisms for implementing inclusionary housing in the City of Johannesburg

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1. Definitions

Inclusionary Housing: A housing programme that, through conditions attached to land use rights approvals, requires private developers to dedicate a certain percentage¹ of new housing developments to low income and low middle income households, or to households that may not otherwise afford to live in those developments.

Council: means the municipal council and legislative authority of the City as contemplated in section 157 of the Constitution.

Development: As defined in the City of Johannesburg Municipal Planning By-law, 2016.

Dwelling Unit: As per the Johannesburg Land Use Scheme 2018. Also referred to as "unit" or "units" in this framework. Can also include "dwelling house" as per the Johannesburg Land Use Scheme 2018, in this document.

Floor Area Ratio (FAR): As per the Johannesburg Land Use Scheme 2018.

Floor Area: As per the Johannesburg Land Use Scheme 2018.

Land Development Application: As defined in the City of Johannesburg Municipal Planning By-law, 2016. Also referred to as "application" in this Framework.

Low-Middle Income: Households earning R7000 per month or less.

Market Units: Dwelling units that a developer would ordinarily build to sell or rent out on the open market. Market units are the units in a development that are not part of the inclusionary housing component.

Property: As per the Johannesburg Land Use Scheme 2018.

Residential Floor Area: The portion of floor area in a development used for residential dwelling units.

Rezoning: As defined in the City of Johannesburg Municipal Planning By-law, 2016.

Township Establishment: As defined in the City of Johannesburg Municipal Planning Bylaw, 2016.

Township: As defined in the City of Johannesburg Municipal Planning By-law, 2016.

¹ In this document, a minimum of 30% of inclusionary units is required in each option provided.

Page 2 of 22

2. Introduction

This Framework gets its legislative and policy impetus from a number of legal frameworks, including the Spatial Planning and Land Use Management Act, 2013 (No. 16 of 2013), the National Development Plan (National Planning Commission, 2012), and the City of Johannesburg Spatial Development Framework 2040 (City of Johannesburg, 2016) and the Integrated Urban Development Framework (IUDF) which states "An inclusionary housing policy should be developed that incentivises property developers to include a level of affordable housing in their developments (COGTA, 2016, p. 66).

The Johannesburg SDF 2040 took a bold step to call for inclusionary housing while the framework of implementation was being drafted stating:

"Until such time as the Gauteng Inclusionary Housing Bill is adopted or the proposed City of Johannesburg Inclusionary Housing Policy is drafted and adopted by council, all new residential or mixed use developments of 10 residential units or more must include at least 20% affordable inclusionary housing." (City of Johannesburg, 2016, p. 141)

The City has identified a critical need for this framework; this is based on a number of objectives that have been identified which are linked to the City's legislative mandate.

Firstly, the Framework presents one of the many tools aimed at addressing the stark inequalities in Johannesburg. These inequalities are engrained in space and to a large extent still represent the apartheid spatial design of the City. There is a significant backlog of housing for low income households, with this demand often in inadequate informal housing. Many of the city's poor residents still live in predominantly residential areas on the edges of the City (formerly segregated 'townships'), far from economic opportunities and social amenities. The post-apartheid era has seen very limited mixing of households across the city, both in terms of race and income. Thus, this framework aims to increase the supply of lower income housing, create more of a mix of income groups across new developments in the city, and create more affordable housing in areas that are well located in terms of access to jobs and amenities.

Secondly, the framework will serve as a mechanism for land value capture in favour of the City and its residents. Council is mandated to administer and award development rights within the City. The awarding of such rights usually results in an increase in value. This increase in value should not only be enjoyed by the property owner, but should benefit the wider City and its residents, as per the principles outlined in SPLUMA.

Linked to inequalities that prevail in Johannesburg, the Framework aims to create more of a mix of income groups in private housing developments. This is informed by its role as articulated in the Section 9 (1) (f) of the Housing Act 1997 (Act No. 107 of 1997) cited below as:

- (1) Every municipality must, as part of the municipality's process of integrated development planning, take all reasonable and necessary steps within the framework of national and provincial housing legislation and policy to-
- (f) Initiate plan, co-ordinate, facilitate, promote and enable appropriate housing development in its area of jurisdiction.

In order for Council to achieve this desired outcome, strong partnerships with the private sector are needed. This Framework therefore aims to facilitate and grow those partnerships in terms of the delivery of more affordable housing. Supporting mixed-income housing development can serve as an effective means of improving the quality of the affordable housing stock and can play an important role in re-stitching the city's social fabric.

Thirdly, the Framework aims to enable the City to leverage on infrastructure investments it and other spheres of government make to ensure that such investments benefit large and diverse portions of the population, effecting spatial transformation. This is in line with outcome 2 of the City's 2018/19 Integrated Development Plan: An inclusive society with enhanced quality of life that provides meaningful redress through pro-poor development (City of Johannesburg, 2018).

In essence, Inclusionary Housing as introduced in this framework of implementation is seen as a mechanism that would facilitate a move towards a more inclusive, efficient and effective City. The Framework thus provides requirements and conditions for inclusionary housing and details the different options available for implementing inclusionary housing. Importantly, a calculator has been developed to provide a basis for inclusionary housing proposals and negotiations between the Council and the private sector.

3. Requirements and Conditions for Inclusionary Housing

3.1. General Requirements and Conditions

- 3.1.1. Inclusionary housing is mandatory for any development application under the jurisdiction of the City of Johannesburg Metropolitan Municipality that includes 20 dwelling units or more. Different options (and associated incentives) are given for inclusionary housing that developers may choose from. In each option, a minimum of 30% of the total units must be for inclusionary housing.
- 3.1.2. Inclusionary housing requirements are triggered by land development applications. As such, the Framework does not affect existing, approved land use rights.
- 3.1.3. When inclusionary housing is applicable, it will be implemented as a condition for development (in land use/development approvals) by the City of Johannesburg. The City may take action against developers/owners who do not comply with the conditions for inclusionary housing outlined in land use/development approvals, as with any condition of approval.
- 3.1.4. This inclusionary housing framework is designed to provide accommodation for rental or ownership. It is intended for dwelling units, not residential buildings (as per the Johannesburg Land Use Scheme 2018).
- 3.1.5. All conditions for inclusionary housing will be in place for perpetuity, or until repealed by a Council resolution.
- 3.1.6. Any development control bonus contemplated in this document, will be over and above the allowable development controls as per the prevailing and relevant spatial policy. As such, development controls as per prevailing spatial policies must be determined first, with bonus controls added to that determination.

3.2. Voluntary Implementation

3.2.1. A developer developing below the threshold of 20 units, but who meets the criteria for one of the inclusionary housing options in this framework, may still benefit from the incentives associated with the option chosen.

3.3. Starting Date and Review Period of this Framework of Implementation

- 3.3.1. The mandatory part of this Framework will come into effect 90 days from its adoption by Council. Developers who would like to voluntarily participate, may submit inclusionary housing applications before the 90 days have lapsed.
- 3.3.2. The Framework will be reviewed as and when Council deems it appropriate. The review will assess the success of the Framework and make relevant changes if any. Reviews shall follow due process.

3.4. Location of Inclusionary Housing

- 3.4.1. Inclusionary housing requirements and incentives are applicable across the whole area of the City of Johannesburg Metropolitan Municipality. Developments with inclusionary housing are subject to normal land development policy and processes in the City (including the Spatial Development Framework and the Municipal Planning By-Law 2016) other than the bonuses and incentives outlined in this document.
- 3.4.2. Inclusionary housing units must be built on the same site or in the same township (in the case of a township establishment) as the market units being provided.
- 3.4.3. Besides the incentives outlined in this document, incentives from other policies and/or legislation, where applicable, can be applied.

3.5. Conditions associated with Inclusionary Housing Incentives

3.5.1. Incentives or requirements for inclusionary housing laid out in this framework may not be retrospectively applied to land use/development applications that were approved before the adoption of this framework by Council.

- 3.5.2. If any density or development control bonus is sought that was not included in the initial land development application and advertisement, then readvertisement will be required. All inclusionary housing land development applications (and any accompanying technical reports and advertisement) should thus include the full development controls and densities (including bonuses and the inclusionary housing component). Applications should indicate the full development controls and density applied for, and a breakdown of the market and inclusionary units, and their respective development controls and FAR (See section 6 for examples).
- 3.5.3. Advertisements need only include the full controls (including bonuses and total units²) applied for.

² Total units are market and inclusionary units added together.

4. Options for inclusionary housing

A number of options for inclusionary housing are available to developers. In any application for 20 dwelling units or more, one of the following inclusionary housing options must be included.

Table 1 below is a summary of options, and details are given later in the document.

Table 1: Inclusionary Housing options

Option	Description	Details	Incentives (summary)
Option 1	30% of Dwelling Units are:	Social Housing; or FLISP Housing; or Housing with a rental cap: R2100 per month (2018 prices).	Increase in FAR equal to the total % of inclusionary housing (max 50% increase). Increase in density (in du/ha) to accommodate the extra units. Parking reduction for inclusionary units.
Option 2	10% of the total residential floor area is made up of small units. At least 30% of total units in the development must be inclusionary housing.	Minimum: 18m2 Maximum: 30m2 Average: 24m2	Increase in FAR to accommodate the 10% floor area for IH. Increase in density (in du/ha) to accommodate the extra units. Parking reduction for inclusionary units.
Option 3	20% of the total residential floor area is made up of units that are 50% of the average market unit size. At least 30% of total units in the development must be inclusionary	Maximum: 150m2 Minimum: 18m2	Increase in FAR to accommodate the 20% floor area for IH. Increase in density (in du/ha) to accommodate the extra units.
Option 4	housing. To the satisfaction (in Planning, City of Johann		nsformation and Spatial

4.1. Option 1: 30% Social Housing, FLISP, or Capped Rent

For this option, 30% of total units in the development must be Social Housing, Finance Linked Individual Subsidy Programme (FLISP) housing or housing with rentals capped at R2100 a month in 2018 prices. A mix of these three types of units will also be allowed, as long as they add up to 30% of units across the entire development. Details on each of these is included under relevant headings below.

4.1.1. Incentives for Option 1

At least 30% of the total units in the development must be inclusionary housing to benefit from the incentives below (e.g. 14 market units, 6 inclusionary housing units, and total 20 units)

- a) An increase in the allowable residential floor area (through an increase in the floor area ratio) equal to the percentage of inclusionary housing in the development. The maximum increase in floor area is 50%. The FAR bonus may be used for an increase in height or coverage, or a combination of the two. For example, in a development of 70 market units and 30 inclusionary units (total of 100) a 30% increase in FAR will be awarded.
- b) Density (in dwelling units per hectare) must be increased so that the inclusionary housing units included are over and above the allowable density in the relevant, prevailing spatial policy for the area (to a maximum of 50% increase).
- c) Inclusionary housing units will be subject to half of the parking requirements indicated by the applicable town planning/land use scheme or prevailing spatial policy for the area; unless stated otherwise by the relevant roads authority.

4.1.2. Social Housing

- a) Social Housing that complies with the Social Housing Act (No. 16 of 2008) and the Social Housing Regulatory Authority as a part of a development containing or not containing market units, will be considered inclusionary housing under Option 1.
- b) Minimum design requirements:
 - As per the Social Housing Act (No. 16 of 2008) and the Social Housing Regulatory Authority.
 - ii. Must have the same outward appearance as market units on the same property, or in the same development.

- iii. Must share common spaces, such as entrances, lifts, communal spaces, shared amenities, with market units in the same development or property. Access to these common facilities must be unconstrained for all residents.
- c) Once built, inclusionary housing units must remain inclusionary for perpetuity, or until repealed by a Council resolution.

4.1.3. FLISP Housing

- a) Dwelling units that qualify under the Finance Linked Individual Subsidy Program (FLISP), and are sold to recipients of a FLISP subsidy, will be considered inclusionary housing under Option 1.
- b) Developers must provide proof, to the Director City Transformation and Spatial Planning, within 3 months of transfer of ownership taking place that the inclusionary units were sold to a recipient of the FLISP. This proof must be provided for each inclusionary unit sold.
- c) Minimum design requirements for FLISP housing:
 - i. Must include a private bathroom (within the unit, with access only from within that unit) with a minimum of a toilet, shower and basin.
 - ii. Must meet the size requirements in the Johannesburg Land Use Scheme 2018 (7 square metres of habitable space per person) and be a minimum of 18 square metres per unit.
 - iii. Must have the same outward appearance as market units on the same property, or in the same development.
 - iv. Must share common spaces, such as entrances, lifts, communal spaces, shared amenities, with market units in the same development or property. Access to these common facilities must be unconstrained for all residents.

4.1.4. Private ownership with capped rentals

a) Units where rentals, including levees but excluding utility bills, do not exceed R2100 a month³ (for 2018) will be considered as inclusionary housing under Option 1. Prices may be corrected for inflation using yearly consumer price inflation rates for housing in urban areas, published annually by Statistics South Africa.

³ This is based on 30% of R7000 household income. This amount is from the Johannesburg Spatial Development Framework 2040, section 8.1.2.

- b) In the case of private ownership and rentals, annual audited reports (with personal details of tenants excluded) must be provided to the Director, City Transformation and Spatial Planning, City of Johannesburg, and made publically available, showing that the rental amounts charged (for inclusionary housing units) are in line with the price brackets defined above. Annual Reports must be published on the 1st of July each year. These reports need only contain the inclusionary component of the development, and not market units.
 Documents that are publically available must be placed on an online repository that is openly accessible to any party who may be interested in the information.
- c) Once built, inclusionary housing units must remain inclusionary for perpetuity, or until repealed by a Council resolution.
- d) Minimum design requirements for rent capped housing:
 - i. Must include a private bathroom (within the unit, with access only from within that unit) with a minimum of a toilet, shower and basin.
 - ii. Must meet the size requirements in the Johannesburg Land Use Scheme2018 (7 square metres of habitable space per person) and be a minimum of18 square metres per unit.
 - iii. Must have the same outward appearance as market units on the same property, or in the same development.
 - iv. Must share common spaces, such as entrances, lifts, communal spaces, shared amenities, with market units in the same development or property.

 Access to these common facilities must be unconstrained for all residents.

4.2. Option 2: 10% of Residential Floor Area for Units Averaging 24m²

- 4.2.1. Option 2 only applies to areas in the City where a density of 60 dwelling units per hectare or more is supported in the prevailing spatial policy before inclusionary bonuses are applied.
- 4.2.2. In this option, in developments of 20 units or more, 10% of the total residential floor area must be made up of units that are a minimum of 18m², a maximum of 30m² and average 24m². These are the inclusionary units under option 2.
- 4.2.3. At least 30% of total units in the development must be for inclusionary housing as defined immediately above.
- 4.2.4. Inclusionary units in option 2 may be rented out or sold on the open market.
- 4.2.5. Inclusionary units in option 2 may not be consolidated or subdivided. This condition must be added to the title deed of each inclusionary unit, in the case of sectional title or freehold development.

4.2.6. Incentives for Option 2

- a) To qualify for these incentives, at least 10% of the total residential floor area in the development must be made up of units that are minimum of 18m², a maximum of 30m² and average 24m², and at least 30% of units across the development should be inclusionary units.
- b) An increase in FAR which would allow the 10% inclusionary housing floor area to be over and above the floor area as allowed by the prevailing spatial policy. The FAR bonus may be used for an increase in height or coverage, or a combination of the two. To allow for this, the allowable floor area (as per prevailing spatial policy) must be multiplied by 1.111.⁴
- c) Density (in dwelling units per hectare) must be increased so that the inclusionary housing units included are over and above the allowable density in the relevant, prevailing spatial policy for the area.
- d) Inclusionary housing units will be subject to half of the parking requirements indicated by the applicable town planning/land use scheme or prevailing spatial policy for the area; unless stated otherwise by the relevant roads authority.

⁴ Multiplier to ensure the added FAR makes up 10% of the new total $=\frac{1}{(1-10\%)}$

4.2.7. Minimum Design Requirements for Option 2

- a) Must include a private bathroom (within the unit, with access only from within that unit) with a minimum of a toilet, shower and basin.
- b) Must meet the size requirements in the Johannesburg Land Use Scheme 2018 (7 square metres of habitable space per person) and be a minimum of 18 square metres per unit.
- c) Must have the same outward appearance as market units on the same property, or in the same development.
- d) Must share common spaces, such as entrances, lifts, communal spaces, shared amenities, with market units in the same development or property. Access to these common facilities must be unconstrained for all residents.

4.3. Option 3: 20% of Residential Floor Area for Smaller Units

- 4.3.1. In this option, in developments of 20 units or more, 20% of the total residential floor area must be made up of units that are 50% of the average size of market units in the same development, with a maximum of 150m² and a minimum of 18m² per inclusionary unit. These are the inclusionary housing units under option 3.
- 4.3.2. At least 30% of total units in the development must be for inclusionary housing as defined immediately above.
- 4.3.3. Inclusionary units in Option 3 may be rented out or sold on the open market.
- 4.3.4. Inclusionary units in Option 3 may not be consolidated or subdivided. This condition must be added to the title deed of each inclusionary unit, in the case of sectional title or freehold development.

4.3.5. Incentives for Option 3

- a) To qualify for these incentives, at least 20% of the total residential floor area in the development must be made up of units that are 50% of the size of market units in the same development, with a maximum of 150m² and a minimum of 18m² per inclusionary unit, and at least 30% of units across the development should be inclusionary units.
- b) An increase in FAR which would allow the 20% inclusionary housing floor area to be over and above the floor area as allowed by the prevailing spatial policy. The FAR bonus may be used for an increase in height or coverage, or a combination of the two. To achieve this, the allowable floor area (as per the prevailing spatial policy) must be multiplied by 1.25.⁵
- c) Density (in dwelling units per hectare) must be increased so that the inclusionary housing units included, are over and above the allowable density in the relevant, prevailing spatial policy for the area.
- d) No specific parking reduction is given for Option 3. If a parking reduction is sought, it should be motivated and applied for in the relevant development application.

⁵ Multiplier to ensure the added FAR makes up 20% of the new total = $\frac{1}{(1-20\%)}$

4.3.6. Minimum Design Requirements for Option 3

- a) Must include a private bathroom (within the unit, with access only from within that unit) with a minimum of a toilet, shower and basin.
- b) Must meet the size requirements in the Johannesburg Land Use Scheme 2018
 (7 square metres of habitable space per person) and be a minimum of 18 square metres per unit.
- c) Must have the same outward appearance as market units on the same property, or in the same development.
- d) Must share common spaces, such as entrances, lifts, communal spaces, shared amenities, with market units in the same development or property. Access to these common facilities must be unconstrained for all residents.

4.4. Option 4: To the Satisfaction of Council

- 4.4.1. Applicants may request a negotiated outcome for inclusionary housing that deviates slightly from the options 1 to 3. This request must be made in writing to the Director, City Transformation and Spatial Planning. The request must include:
 - a) Particulars of the application including erf description, current land use rights and applied for rights.
 - b) Reasons why options 1, 2 or 3 are not desirable/suitable/possible in the application.
 - c) Proposal for how inclusionary housing will be accommodated.

- 4.4.2. The Director, City Transformation and Spatial Planning (or a delegated representative from the directorate) shall then, in writing, accept, reject or propose an amendment to the Inclusionary Housing proposal put forward. If necessary, a meeting may be requested by the Director or their delegated representative.
- 4.4.3. Once agreed, the Director (or delegated official) shall, in writing, provide the agreed upon parameters for inclusionary housing in the development, to the applicant and Land Use Management.
- 4.4.4. The letter shall refer to the inclusionary housing component of the application only, and not the merits of the application. As such, it will not guarantee approval from Land Use Management, who must assess the merits of the application as normal.
- 4.4.5. No incentives or development bonuses, other than those contained in this or any other relevant Council-approved policy or legislation, may be awarded under Option 4 by City Transformation and Spatial Planning.

5. Works Cited

- City of Johannesburg. (2016, June 23). Spatial Development Framework 2040. Retrieved from City of Johannesburg: http://bit.ly/joburg-sdf-16
- City of Johannesburg. (2018). 2018/19 IDP. Retrieved from City of Johannesburg: http://bit.ly/CoJ-IDP-18-19
- COGTA. (2016). Integrated Urban Development Framework. Retrieved November 26, 2016, from The Ministry of Cooperative Governance and Traditional Affairs: http://bit.ly/IUDF_SA
- National Planning Commission. (2012). *National Development Plan 2030: Our future make it work.* Retrieved from South African Government: http://bit.ly/NDP_2030

6. Example of options 1, 2 and 3

The example below takes place in the following setting, with the following example controls applied for:

Application Site		0.2	ha	
Size		2 000	m2)
Non-Res Floor Area	%			
Ancillary use to res	%	or		m2
Proposed Units		20	uni	ts
Proposed Inclusionary Units (option 1 only)		9	uni	ts
Minimum Inclusionary Units (option 1 only)		9		
Percentage Inclusionary (option 1)	3	1.03%		
Height Sought		3		Floors
Coverage Sought		50%		%
FAR Applied For		1.50		
Total Units Proposed		29	tot	al units
Density Market Units		100.0	du	per ha
Total Density		145.0	du	per ha

Then, suppose the allowable controls per the prevailing policy in the area would support: 100 du/ha, 3 floors and 40% coverage, giving 1.2 FAR. The following would apply per spatial policy (without inclusionary housing).

2. Example Allo	wable Contro Policy nclusionary h	
Density	100	du per ha
Units Allowed	20	units
Height	3	floors
Coverage	40%	
FAR	1.20	
		square
Floor Area	2 400	metres
Parking (res)	1.333	bays per unit
Parking (non-		bays per
Res)		100m2

Then the following three options could be chosen from with the requirements for inclusionary housing, and associated bonuses in FAR, density and parking:

Option 1 Option 2 20 market 9 inclusionary 150 29 total 11 inclusionary 160 inclusionary 160 inclusionary 160 inclusionary 160 inclusionary 170 inclus	Option 3 Option 3 du/ha
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------

Approved by Council on 21 Feb 2019

	Option 1	Oution 2	
	THORACO	Option 2	Option 3
	At least 9 units (the inclusionary units)	A maximum of 18 market units may be	A maximum of 19 market units may be
	must be Social Housing, FLISP housing, or	built. The total combined extent of the	built. The total combined extent of the
	rent capped housing as per the	market units may not exceed 2400	market units may not exceed 2400
	Inclusionary Housing Policy 2019.	square metres giving an average of 133	square metres giving an average of 126
		square metres per unit.	square metres per unit.
General			
Conditions		11 inclusionary housing units must be	10 inclusionary housing units must be
		built. These units must meet the	built. These units must meet the
		following size requirements: 24 avg.	following size requirements: 60 max. 18
		(min. 18 max. 30) square metres. The	min. square metres per unit. The
		combined extent of the inclusionary	combined extent of the inclusionary
		housing units may not exceed 267	housing units may not exceed 600
		square metres.	square metres.

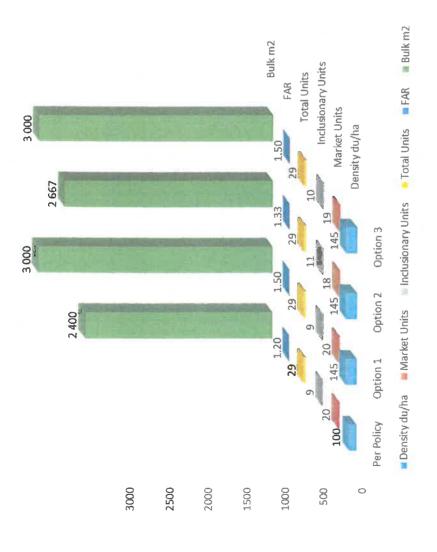
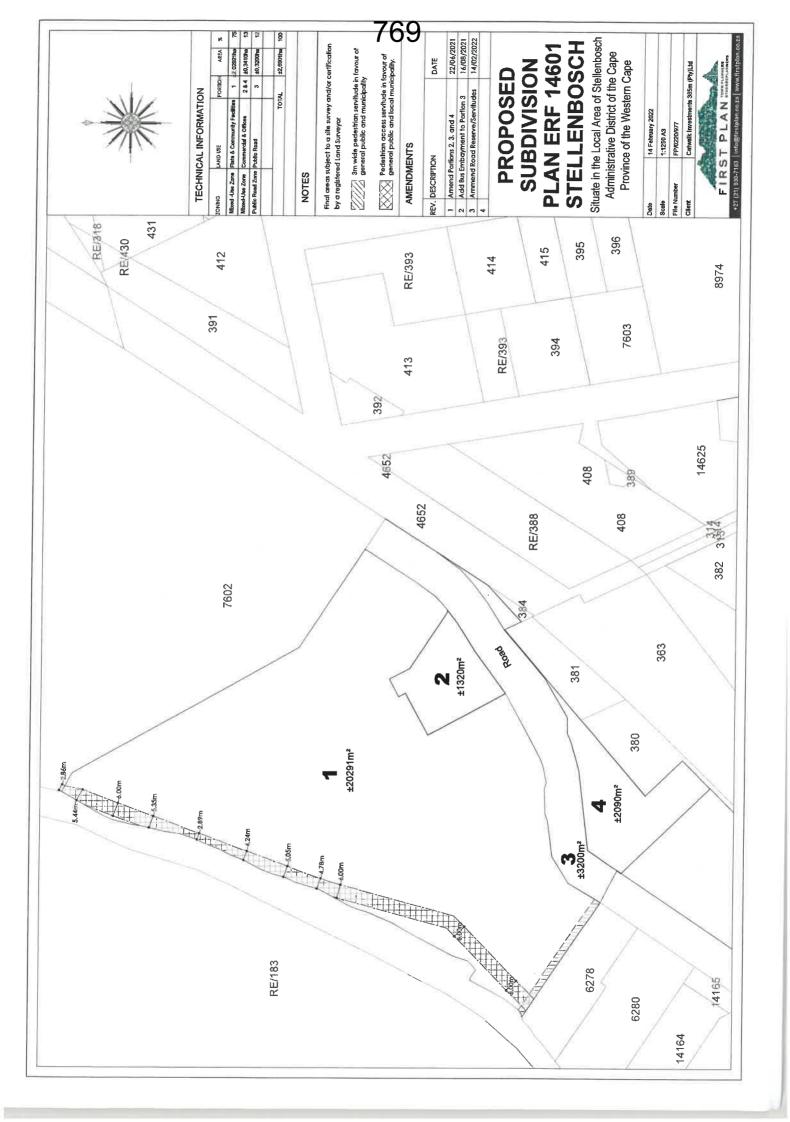


Figure 1: Comparison of Examples

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APPENDIX 13

Revised subdivision plan.

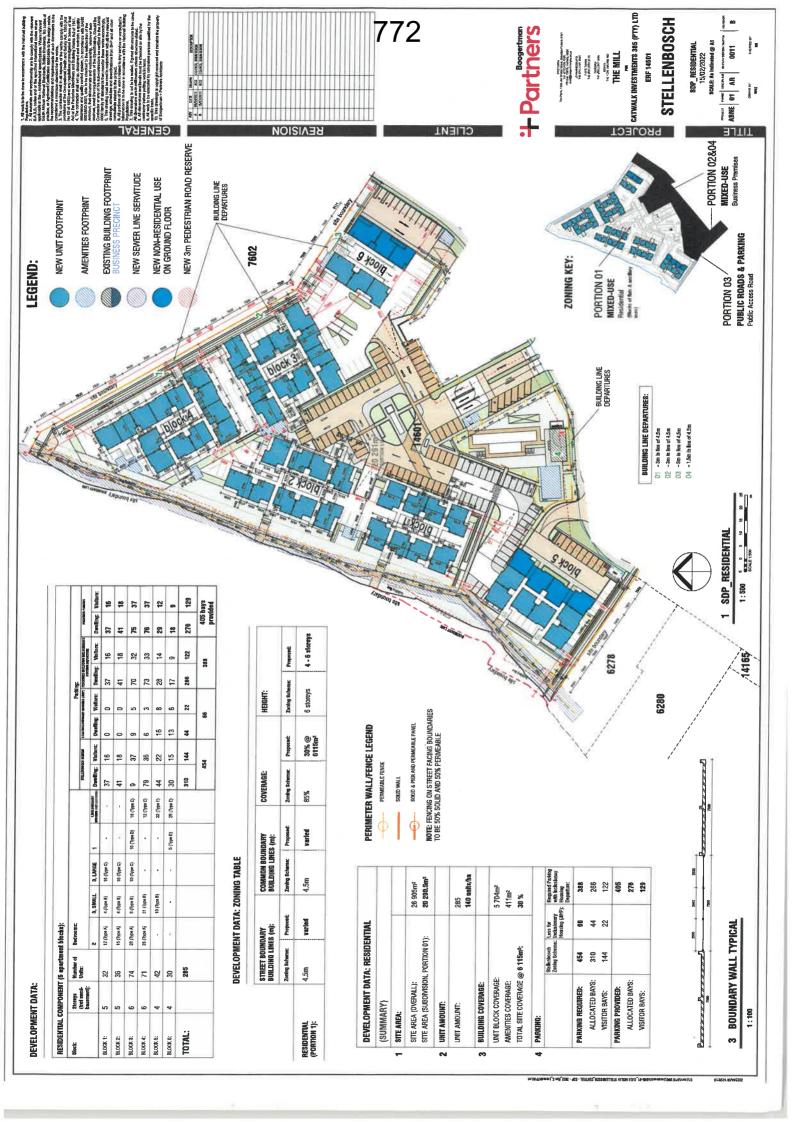


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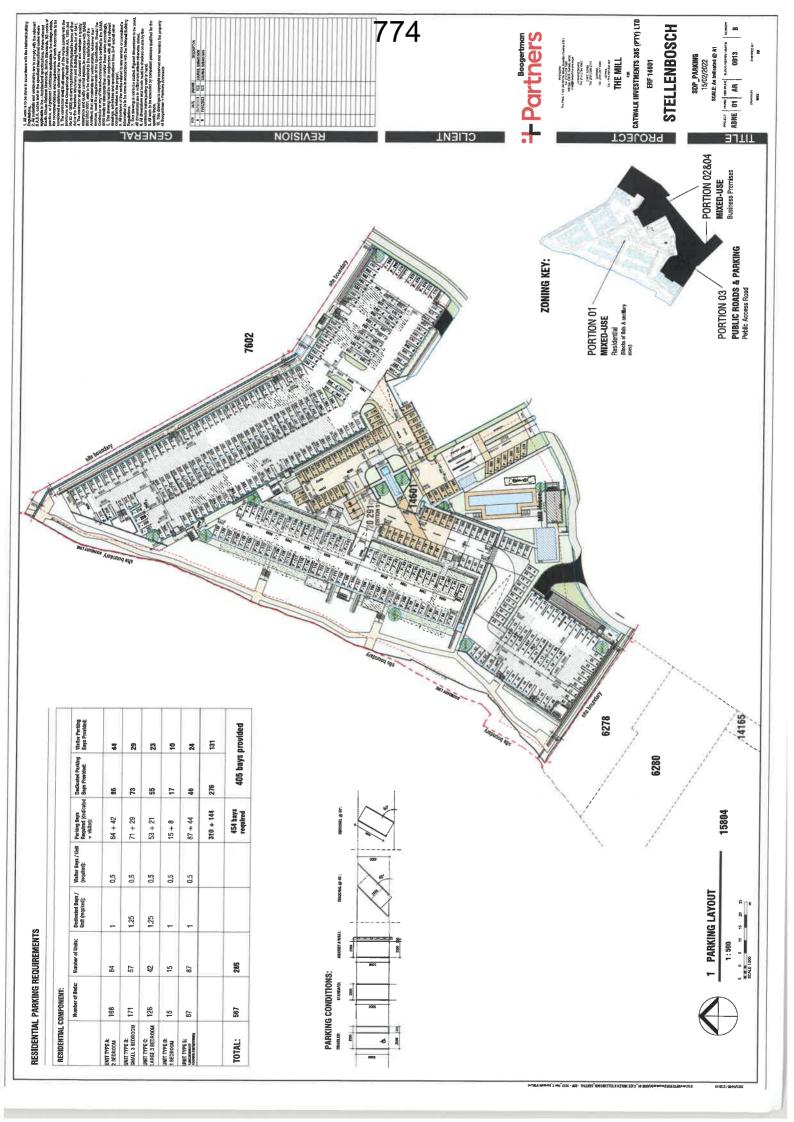
APPENDIX 14

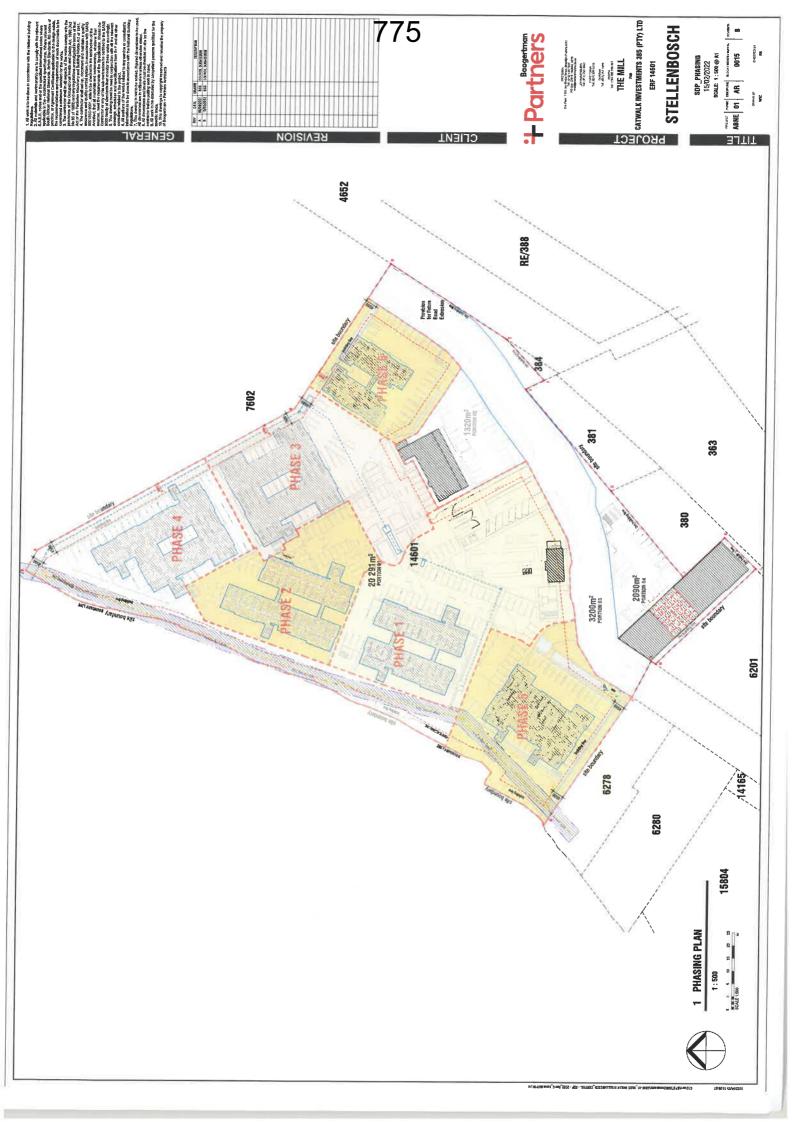
Revised Development Plans.

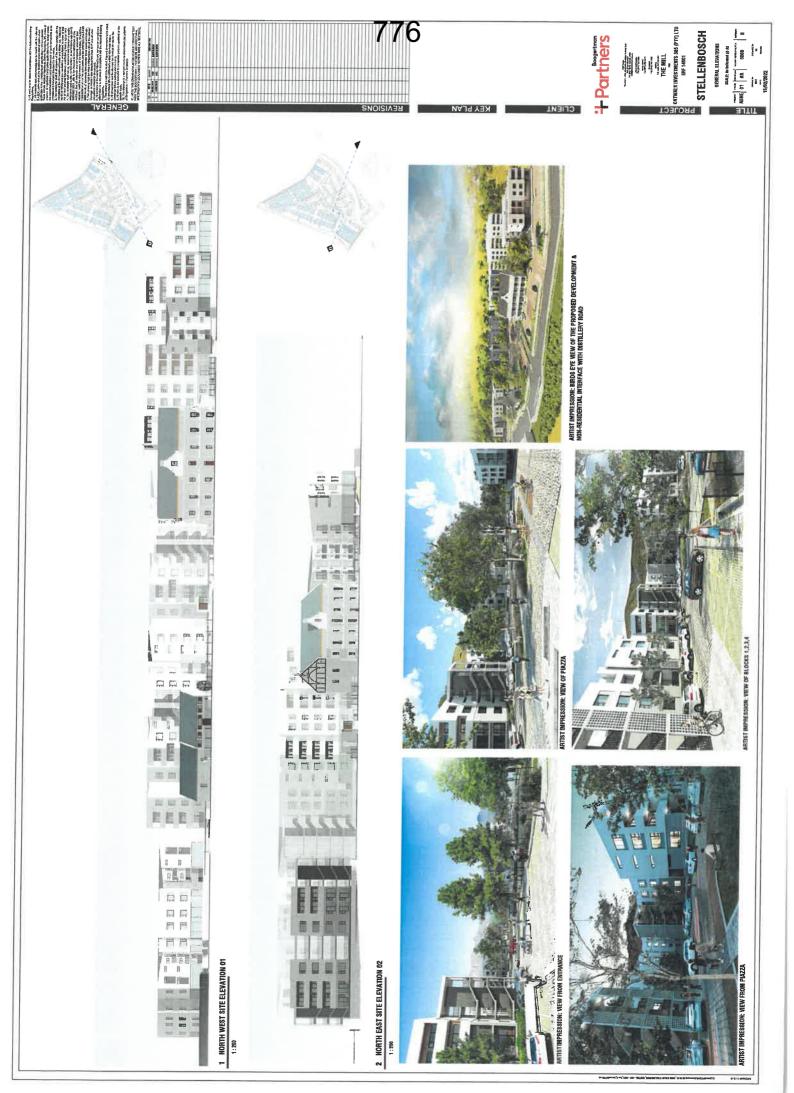












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APPENDIX 15

Revised approval from Heritage Western Cape.

Our Ref:

HM/CAPE WINELANDS/ STELLEBOSCH/ERF 14601

Case No.:

20101911KB1020E Khanvisile Bonile

Enquiries: E-mail:

Khanyisile.Bonile@westerncape.gov.za

Tel:

021 483 5959

C/O Cindy Postlethwayt Oude Molen Stellenbosch



RECORD OF DECISION:

In terms of Section 38(4) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

PROPOSED REVISED SITE DEVELOPMENT PLAN (SDP) FOR THE RE-DEVELOPMENT ON ERF 14601, OUDE MOLEN, STELLENBOSCH, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999).

CASE NUMBER: 20101911KB1020E

The matter above has reference.

This matter was discussed at the Impact Assessment Committee (IACom) meeting held on 14 March 2022.

RECORD OF DECISION:

The Committee resolved to endorse the supplementary documentation and revised SDP drawing number 0010 Rev B dated 28 July 2020 as meeting requirements of S38(3) of the NHRA.

NOTE:

- This decision is subject to an appeal period of 14 working days.
- Appeals to HWC are to be submitted to HWC.Appeals@westerncape.gov.za
- The applicant is required to inform any party who has expressed a bona fide interest in any heritage-related aspect of this record of decision. The appeal period shall be taken from the date above. It should be noted that for an appeal to be deemed valid it must refer to the decision, it must be submitted by the due date and it must set out the grounds of the appeal. Appeals must be addressed to the official named above and it is the responsibility of the appellant to confirm that the appeal has been received within the appeal period.
- Work may NOT be initiated during this 14 days appeal period.
- If any archaeological material or evidence of burials is discovered during earth-moving activities all works must be stopped and Heritage Western Cape must be notified immediately.
- This approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.
- A copy of this permit must be displayed in a prominent place on the site until the permitted work is completed.

Should you have any further queries, please contact the official above and quote the case number.

Colette Scheermeyer

Deputy Director



www.westerncape.gov.za/cas

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