



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

NOTICE OF MUNICIPAL PLANNING

**TRIBUNAL MEETING OF
STELLENBOSCH MUNICIPALITY**

FRIDAY, 2023-08-25 FROM 10:00-15:00



**NOTICE OF MUNICIPAL PLANNING TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2023-08-25 FROM 10:00-15:00**

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

2023-08-25

Chairperson

Mrs H Crooijmans-Lemmer

Deputy-Chairperson

Mr Van Zyl

External Members

Mrs Christine Havenga

Mr Dane Leo

Mr Stephen Boshoff

Internal Members

Mr A Barnes: Director - Planning and Economic Development

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 held at the **Paradyskloof Clubhouse, Paradyskloof, Stellenbosch on FRIDAY, 2023-08-25 from 10h00-15:00** to consider the items on the Agenda.*

Mrs H Crooijmans-Lemmer

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



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MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 26 MAY 2023**MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING
HELD ON FRIDAY, 26 MAY 2023 AT THE PARADYSKLOOF CLUBHOUSE (DIE BOS),
PARADYSKLOOF, STELLENBOSCH**

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

2023-05-26

Chairperson

Dr DJ Du Plessis

Deputy Chairperson

Mrs C Havenga

External Members

Dr R Pool-Stanvliet

Mrs H Crooijmans-Lemmer

Internal Members

Mr C Alexander: Senior Manager-Development Planning

Mr M Williams: Senior Legal Advisor

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

Technical Advisor

Mr K Munro: Director - Development Management, Department Environmental Affairs and Development Planning

Officials

Mr S Carstens: Senior Manager – Development Management

Mrs C Kriel: Manager: Land Use Management

Ms B Zondo: Senior Town Planner

Mrs L Engelbrecht: Senior Town Planner

Mr R Fooy: Senior Town Planner

Ms O Sims: Administrative Officer: MPT

Ms L Kamineth: Senior Administrative Officer: MPT

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 26 MAY 2023

ITEM	SUBJECT
SMPT 01/05/23	OPENING AND WELCOME
	Chairperson Du Plessis welcomed all.
SMPT 02/05/23	LEAVE OF ABSENCE
	Mr C Rabie Mr E Delport Mr A van der Merwe
SMPT 03/05/23	DISCLOSURE OF INTERESTS
	Deputy Chairperson Havenga indicated to Chairperson Du Plessis that she has an interest in respect of Item 5.1 on the MPT agenda and will therefore not participate in any discussions relating to item 5.1
SMPT 04/05/23	MINUTES OF THE PREVIOUS MEETING DATED 31 MARCH 2023
	The minutes of the previous meeting was noted.
	MATTERS FOR CONSIDERATION
SMPT 05/05/23	APPLICATION IN TERMS OF SECTION 15(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2015 FOR THE CONSOLIDATION OF UNREGISTERED ERF 718 AND ERF 3099, KAYAMANDI, STELLENBOSCH (LU/15322).
	<ul style="list-style-type: none"> a. Chairperson Du Plessis welcomed all members and officials present b. The Chairperson handed over to Mr Fooy to give a brief introduction of the application that served before the Tribunal. c. Mr Williams requested that a copy of the title deed must always be included with the application.

d. Mr Fooy confirmed that the title deed is on file.

UNANIMOUSLY RESOLVED

1. That the application in terms of Section 15(2)(e) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for the **consolidation** of unregistered Erf 718 and Erf 3099, Kaya Mandi, Stellenbosch.

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 By-law:

2.1. The approval only applies to the proposed consolidation under consideration, as indicated on the consolidation diagram, dated January 2023, GP SG No. 7988/4991 and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

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

2.3. The consolidation be undertaken in accordance with the consolidation diagram dated, January 2023, GP SG No. 7988/4991 as attached as **Annexure B** of this report.

2.4. The consolidation be registered prior to any building plans being submitted and approved.

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

	<p>3.1. Approval of the consolidation will not result in any additional land use rights being granted which would have a negatively impact on the surrounding properties / area.</p> <p>3.2. The consolidation will enable the improvement and upgrading of an existing community facility and result in more community related services being made available to the community.</p> <p>3.3. The proposal complies with the guidelines and objectives of the Stellenbosch Municipality Spatial Development Framework.</p>
<p>SMPT 06/05/23</p>	<p>APPLICATION FOR CONSOLIDATION, REZONING, SUBDIVISION AND DEPARTURES ON ERF 298 & 252 RAITHBY (LU/10035).</p> <p>a. Chairperson Du Plessis handed over to Ms Zondo to give a brief introduction of the application.</p> <p>b. Concerns were raised that a gated community will affect the character of the of the area, and whether the application satisfies the proposals for Raithby outlined in the SDF.</p> <p>c. Ms Zondo indicated that there are already similar developments to this application in Raithby.</p> <p>d. An in-depth discussion followed between the members of the Tribunal in respect of the link road and gated dwellings.</p> <p>e. Dr Pool-Stanvliet stated that she is not in support of gated dwellings.</p> <p>UNANIMOUSLY RESOLVED</p> <p>1. That the following applications in terms of Section 15 (2) of the Stellenbosch Municipality Land Use Planning By-law, promulgated by notice number 354/2015, dated October 2015, on Erf 298 & 252, Raithby for:</p> <p>1.1 Consolidation of Erf 298 and Erf 252 to create one land unit of 5, 2625 ha in extent in terms of Section 15 (2) (e) of the said by-law.</p> <p>1.2 Rezoning of the consolidated land unit in terms of Section 15 (2)</p>

(a) of the said by-law from Agriculture and Rural Zone to Subdivisional Zone in order to facilitate the proposed development making provision for the following land uses:

a) 32 x **Multi-unit Residential Zone** erven limited to Group Housing in order to permit 32 conventional detached dwellings to the total extent of ± 1.61 ha and as depicted by erven 1 - 32 on the subject subdivision plan.

b) 30 x **Multi-unit Residential Zone** erven limited to Group Housing in order to permit 30 semi-detached dwellings to the total extent of ± 0.52 ha, and as depicted by erven 36 - 65 on the subject subdivision plan.

c) 2 x **Multi-unit Residential Zone** erven limited to flats with a maximum of two storeys and to a total extent of ± 1.13 ha, and as depicted by erven 69 and 70 on the subject subdivision plan.

d) 5 x **Private Open Space Zone** erven limited open space use to a total extent of ± 0.98 ha, and as depicted by erven 33, 34, 66 – 68 on the subject subdivision plan, and which includes a clubhouse on erf 67 as depicted on the subject subdivision plan.

e) 1 x **Private Open Space Zone** erf limited to private road use to a total extent of ± 0.33 ha, and as depicted by erf 35 on the subject subdivision plan.

f) 1 x **Utility Services Zone** erf limited to utility service use to a total extent of ± 0.002 ha, and as depicted by erf 71 on the subject subdivision plan.

g) 1 x **Private Open Space Zone** erf limited to limited to use as a private road, gatehouse, refuse room and open space to a total extent of ± 0.69 ha, and as depicted by erf 72 on the subject subdivision plan.

1.3 **Subdivision** of the consolidated land unit in terms of Section 15 (2) (d) of the said by-law to accommodate the proposed development of the subdivision zone in accordance with subdivision plan and inclusive of servitudes.

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

2. Conditions of Approval:

2.1 The approval applies only to the proposed development under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

2.2 The development be undertaken in accordance with the zoning plan referenced as JOB No. 4387 Figure 10 (24 May 2023, REV 1).

2.3 The development be undertaken in accordance with the Subdivision and Phasing Plan referenced as JOB No. 4387 Figure 10 (24 May 2023, REV 1) and Figure 12 (March 2020), drawn by Planning Partners attached as **Annexure C**.

2.4 The servitude rights be registered in the title deeds of the applicable property/ies on registration.

- 2.5 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
- 2.6 An owner's association for the subject development be established in terms of section 29(1) of the subject Bylaw.
- 2.7 The to be established Newlands Estate owner's association be subject to the Newlands Owners Association constitution dated July 2019 attached as **Annexure U**.
- 2.8 All common property, inclusive of private road/s and open space/s and land required for services by the owners' association, be transferred at their cost by the applicant to the owners' association, prior to or simultaneously with the transfer or registration of the first land unit or prior to the first building plan approval, whichever occurs first.
- 2.9 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.
- 2.10 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.

2.11 The conditions imposed by the Directorate Infrastructure Services as contained in their letter with reference 2007 CIVIL LU and dated 13 November 2022, attached as **Annexure I**, be complied with.

2.12 A service agreement regarding the responsibilities for the provision of engineering services be entered into with the Municipality prior to the construction of any Engineering services or infrastructure in terms of Section 66(3) and Section 82(4) of the said Bylaw, which service agreement must include and comply with the conditions as imposed by the Directorate Infrastructure Services in their letter with reference 2007 CIVIL LU and dated 13 November 2022 and attached as **Annexure I**.

2.13 The development be designed and undertaken to the satisfaction of the Municipality in accordance with the design guidelines for the Newlands Estate attached as **Annexure U**.

2.14 The design guidelines for the Newlands Estate attached as **Annexure U** be amended to cater for the whole development, including the private open space areas, semi-detached dwellings and flats, and to be submitted and approved by the Municipality prior to the registration of the first property or the submission of any building plan application. Alternatively, new

design guidelines for the subject areas be submitted and approved by the Municipality prior to the registration of the first property or the submission of any building plan application.

2.15 Detailed site development plans as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2019 be submitted to the Municipality for approval prior to the submission of any building plans on any land unit used for private open space or flat purposes, which site development plans must satisfactorily address, but are not necessarily limited to, all the conditions of this approval, compliance with relevant development parameters of the said Bylaw, and any relevant matters relating to Section 16(4) of the said Bylaw and specifically illustrate the conformity of the development to the recommendations of the Heritage Impact Assessment, February 2021 and the Visual Impact Assessment, November 2018.

2.16 Sufficient on-site parking be provided in accordance with the provisions of the subject Zoning Scheme Bylaw and to be illustrated on the subject site development plan of the development to the satisfaction of the Municipality.

2.17 Landscaping plan as part of the site development plan be submitted and approved by the Municipality prior to the registration of the first property or the submission of any building plan application, whichever occurs first.

2.18 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.

2.19 The conditions imposed by the Department of Transport and Public Works: Western Cape as contained in their memos

dated 03 May 2020, (Job 16944), 22 June 2022 & 27 May 2022 attached as **Annexure J**, be complied with before the issuing of a Section 28 Certification.

3. Matters to be noted:

- 3.1 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.
- 3.2 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.
- 3.3 The subdivision only comes into effect once all suspensive conditions or relevant legislative provisions have been complied with (per phase).
- 3.4 Building plans 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.
- 3.5 The approval for the naming and numbering of streets be obtained from the delegated functionary as a separated decision.
- 3.6 An agreement for the emergency access/exit to Wagner Street via Erf 290 (portion of road as per the Surveyor-General) to be entered into with the owner of subject land unit.
- 3.7 The conditions imposed by the Department of Environmental Affairs and Development Planning (Development

Management) as contained in their letter dated 25 May 2022, attached as **Annexure L**, be complied with.

3.8 The conditions imposed by the Western Cape Government: Water & Sanitation as contained in their letter dated 23 December 2020, attached as **Annexure O**, be complied with.

3.9 The conditions imposed by the health inspector: Cape Winelands District Municipality as contained in their email dated 05 August 2020, attached as **Annexure K**, be complied with.

3.10 The conditions imposed by the Heritage Western Cape as contained in their letter dated 05 July 2021, attached as **Annexure G**, be complied with.

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

4.1 The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape considering that it will offer residential opportunities in the area.

4.2 The proposed development constitutes infill development and is not inconsistent with the principles of the SDF.

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

5. That the following applications in terms of Section 15 (2)(b) of the Stellenbosch Municipality Land Use Planning By-law, promulgated by notice number 354/2015, dated October 2015, on Erf 298 & 252, Raithby for:

5.1 **Permanent Departures** for the following departures: -

	<p>a) To permit a ground floor common boundary line at the north-western internal common boundary on portion 69 from 4.5m to 3.8m</p> <p>b) To permit a first-floor common boundary line at the north-western internal common boundary on portion 69 from 4.5m to 3.8m</p> <p>c) To permit a ground floor common boundary line at the south-western internal common boundary on portion 70 from 4.5m to 3.8m</p> <p>d) To permit a first-floor common boundary line at the south-western internal common boundary on portion 70 from 4.5m to 3.5m</p> <p>e) To permit a ground floor common boundary line at the south-eastern internal common boundary on portion 70 from 4.5m to 3.1m</p> <p>f) To permit a first-floor common boundary line at the south-eastern internal common boundary on portion 70 from 4.5m to 3.1m</p> <p>BE REFUSED in terms of Section 60 for the following reasons:</p> <p>5.2. The scale, extent and design of the apartment buildings for the flats are not known as no elevations or site plans have been submitted with the application and the proposed departures can only be evaluated once a site development plan and/or floor layout plan has been submitted.</p>
<p>SMPT 07/05/23</p>	<p>APPLICATION FOR REZONING, SUBDIVISION, ADOPTION OF THE DEVELOPMENT'S NAME AND STREET NAMING AND NUMBERING, ARCHITECTURAL GUIDELINES AND HOMEOWNERS ASSOCIATION'S CONSTITUTION: REMAINDER ERF 1, LONGLANDS (LU/11470).</p> <p>a. Chairperson Du Plessis handed over to Mrs Engelbrecht to give a brief introduction of the application that served before the Tribunal.</p> <p>b. Mrs Havenga thanked the relevant official for a well written report.</p>

- c. Mrs Crooijmans-Lemmer referred to the objection received relating to access to the dam.
- d. Mrs Engelbrecht referred to the aerial photo on page 171 and confirmed that the dam will not be part of the new development, hence the objector will still have access to the dam.
- e. Mrs Crooijmans-Lemmer enquired whether the Developer upheld his promise to build low-cost housing.
- f. Mrs Francis confirmed that the Developer built 140 low-cost housing units as promised.
- g. An in-depth discussion followed between the members of the Tribunal in respect of access to the proposed development.

UNANIMOUSLY RESOLVED

1. That the following application in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Remainder Erf 1, Longlands, 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) Two-hundred and fifty-five (255) x **Conventional Residential Zone** erven (erven 1 – 255) and approximately 14ha in extent, for dwelling houses;
- b) One (1) x **Community Zone erf** (portion 256) and approximately 1,84ha in extent, for a clubhouse and ancillary use purposes;
- c) Thirteen (13) x **Private Open Space Zone** erven (257-269) and approximately 7,35ha in extent, for private open space purposes.

- d) One (1) x **Private Open Zone** erf (portion 270) and approximately 5,59ha in extent for private road purposes.
- e) Three (3) x **Utilize Services Zone** erven (271-273) and approximately 10,97ha in extent for public road and authority zone.
- f) One (1) x **Agriculture and Rural Zone** (portion 274) and approximately 20,50ha in extent for agricultural purposes.

1.2 The **subdivision** in terms of Section 15(2)(d) of the said Bylaw of said property to allow for a residential development in accordance with the sub-divisional zone above with associated servitudes.

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 only applies to the proposed rezoning and subdivision under consideration, as indicated on the referenced, Subdivision Plan 4 A & B, dated 03 March 2020, and drawn by TV3 Architects and Town Planners, attached as ANNEXURE C and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

2.2 The development be undertaken in accordance with the subdivision plan as referenced Subdivision Plan 4 A & B, dated 03 March 2020, and drawn by TV3 Architects and Town Planners and attached as **ANNEXURE C**.

- 2.3 New erf diagrams or general plans for the newly created land units be submitted to this municipality for clearance and record purposes.
- 2.4 The applicant submits an electronic copy (shp,dwg,dxf) of the General Plan which was preliminary approved by the SG. The following information must be indicated:
- a) Newly allocated Erf Numbers
 - b) Co-ordinates
 - c) Survey Dimensions
 - d) Street names (if approved by Council)
- 2.5 All servitudes be registered in the title deeds of the applicable property on registration.
- 2.6 An owner's association for the subject development be established in terms of section 29(1) of the subject Bylaw
- 2.7 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.
- 2.8 All common property, inclusive of private road/s and open space/s and land required for services by the owner's association, be transferred at their cost by the applicant to the owners' association, prior to or simultaneously with the transfer or registration of the first land unit or prior to the first building plan approval, whichever occurs first.
- 2.9 All land designated for the provision of municipal service infrastructure and amenities 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 will be for the account of the applicant/developer.

2.10 Portions 271 & 272 (Public Roads) to be transferred to the Department of Transport and Public Works.

2.11 A Landscaping Plan be submitted and approved by the Municipality prior to the registration of the first property or the submission of any building plan application, whichever occurs first. The landscaping plan must take the conditions of Heritage Western Cape into consideration (see **ANNEXURE T** for letter dated 19 December 2019).

2.12 The development and buildings be designed and undertaken to the satisfaction of the Municipality in accordance with the architectural guidelines attached as **ANNEXURE U**.

2.13 The conditions imposed by the **Department of Transport and Public Works** in their letter dated 31 May 2021, attached as **ANNEXURE M**, except for conditions 6.9 – 6.11, be complied with to the satisfaction of said department.

2.14 The conditions imposed by the **Manager: Spatial Planning** in their memo dated 26 September 2022, attached as **Annexure O**, be adhered to.

2.15 The conditions imposed by the **Director: Engineering Services** in their memo dated 05 July 2021, 22 January 2021 and 18 February 2022, attached as **ANNEXURE P**, be adhered to.

2.16 A service agreement regarding the responsibilities for the provision of engineering services be entered into with the Municipality prior to the construction of any engineering

services or infrastructure in terms of Section 66(3) and Section 82(4) of the said Bylaw, which service agreement must include and comply with the conditions as imposed by the **Directorate Infrastructure Services** in their memo dated 05 July 2021 and 18 February 2022, and attached as **ANNEXURE P**.

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 Directorate Infrastructure Services.

2.18 The conditions imposed by **Heritage Western Cape** in their letter dated 19 December 2019, attached as **ANNEXURE T**, be adhere to.

2.19 Building plans 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.

3. Reasons for the approval are as follows:

3.1 The subject property is situated within the urban edge of Vlottenburg and is not inconsistent with the principles of the MSDF.

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

3.3 The proposal is not in conflict with the character of the area as it will complement and support the existing developments particular the Vlottenburg area as a whole and the greater Stellenbosch Municipal Area in general.

- 3.4 The proposed use will not have a negative impact on high potential agricultural land and will not contribute to urban sprawl.
- 3.5 The proposed development will be landscaped to soften the estate's visual impact.
- 3.6 The proposed development will have a positive impact on the town's local economy as it indirectly will create new employment opportunities during the construction phase.

4. Matters to be noted:

- 4.1 That the approval on the name of the development and the naming and numbering of streets as per the proposed subdivision plan, be decided by the delegated official.
- 4.2 Compliance to the conditions of the Environmental Authorisation, dated 25 July 2022 and 27 March 2007, attached as ANNEXURE L.
- 4.3 The requirements stated in letter 16/2/7/G200/A/8 by the Department of Water and Sanitation, attached as ANNEXURE K, be adhered to.
- 4.4 Conditions 6.9 – 6.11 by the Department of Transport and Public Works in their letter dated 31 May 2021, attached as ANNEXURE M, be noted.
- 4.5 The conditions imposed by the Cape Winelands District Municipality (Health Services) in their email dated 06 August 2020, attached as Annexure N, be adhered to.
- 4.6 Building plans be approved by the Municipality prior to any building work commencing.

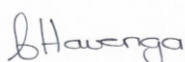
<p>SMPT 08/05/23</p>	<p>APPLICATION FOR SUBDIVISION FOR ERF 3721, ONDERPAPSTELLENBOSCH</p> <p>a. Chairperson Du Plessis handed over to Mrs Engelbrecht to give a brief introduction of the application which was council owned property.</p> <p>b. A discussion followed between the members of the Tribunal in respect of the item before the Tribunal.</p> <p>UNANIMOUSLY RESOLVED</p> <p>1. That the application in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for the Subdivision of Erf 3721, Onder-Papegaaiberg, Stellenbosch into six (6) portions measuring $\pm 986\text{m}^2$ in extent (erf 4809); $\pm 987\text{m}^2$ in extent (erf 4810); $\pm 987\text{m}^2$ in extent (erf 4811); $\pm 1056\text{m}^2$ in extent (erf 4812); $\pm 1056\text{m}^2$ in extent (erf 4813); and $\pm 1056\text{m}^2$ in extent (erf 4814).</p> <p>BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.</p> <p>2. The approval is subject to the following conditions imposed in terms of Section 66 of the said By-law:</p> <p>2.1. The approval only applies to the proposed subdivision and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.</p> <p>2.2. 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.</p> <p>2.3. The development be implemented in accordance with the subdivision plan attached as Annexure B.</p>
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	<p>2.4. The Surveyor General approved diagrams of the newly created units be submitted to this Local Authority (Stellenbosch Municipality) for clearance and record purposes.</p> <p>3. The reasons for the above decision are as follows:</p> <p>3.1. Approval of the subdivision will not result in any additional land use rights being granted which would have a negatively impact on the surrounding properties / area.</p> <p>3.2. The primary objective of the subdivision is to allow for the properties to be registered with the Surveyor-General and thereby enabling the municipality to transfer ownership of the registered properties.</p> <p>3.3. The proposal complies with the guidelines and objectives of the Stellenbosch Municipality Spatial Development Framework.</p>
<p>SMPT 09/05/23</p>	<p>OTHER MATTERS</p> <p>Chairperson Du Plessis concluded the meeting by stating that he worked well with the Tribunal over the last 3 and a half years. He wanted to take this opportunity to thank everyone for what he viewed as a positive experience and has learnt a lot from the Tribunal.</p> <p>Mr Carstens, on behalf of the Municipality wanted to thank the Chairperson, the Tribunal members and Mr Munro for their services over the last couple of years and enjoyed working with the Tribunal.</p> <p style="text-align: center;">The Meeting Adjourned.</p>



Dr D du Plessis

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



Mrs C Havenga

DEPUTY- CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



FARM 716/27, KLAPMUTS

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STELLENBOSCH MUNICIPALITY			
PLANNING REPORT: LAND USE AND LAND DEVELOPMENT APPLICATION: APPLICATION FOR REZONING AND SUBDIVISION ON FARM 716/27 KLAPMUTS			
Application Reference	File Ref: LU/12309	Application Date	2021/01/09
		Last day for comments or additional information	2023/08/03

PART A: APPLICANT DETAILS			
First name(s) & Surname	Pierre Jordan		
Company name	Active Planning Solutions		
SACPLAN registration number	Not provided		
Registered owner(s)	Exclusive access Trading 459 Pty Ltd	Is the applicant properly authorised to submit the application	Yes

PART B: PROPERTY DETAILS			
Property description	Farm 716/27	Administrative District	Klapmuts
Physical address	Wagner Street (See Annexure A)		
Extent (m ² /ha)	17 131 m ²	Nearest town	Stellenbosch
Existing Development and Current land use	Vacant		
Any unauthorised land use/building work	None		
Title Deed Nr.	T44096/2008 (See Annexure B)		
Current zoning and approved land use rights as per zoning scheme bylaw 2019	Agriculture and Rural Zone		

PART C: APPLICATION DETAILS

Applications(s)	<p>1. An application is made in terms of Section 15 (2) of the Stellenbosch Municipality Land Use Planning By-law, promulgated by notice number 354/2015, dated October 2015, on Farm 716/27 Klapmuts for the following:</p> <p>1.1 Rezoning in terms of Section 15 (2) (a) of the said by-law from Agriculture and Rural Zone to Subdivisional Area Zone in order to facilitate the proposed development.</p> <p>1.2 Subdivision of the rezoned land unit in terms of Section 15 (2) (d) of the said by-law in accordance with the proposed subdivisional plan.</p> <p>2. Other applications</p> <p>2.1 Application in terms of Section 98 of the Stellenbosch Municipal Land Use Planning By-Law (2015) for the naming and numbering of streets as per the proposed street names and numbering plan.</p> <p>2.2 Application in terms of Section 29 of the Stellenbosch Municipal Land Use Planning By-Law, 2015 for the Approval of the development's Diemer Estate Architectural Guidelines.</p> <p>2.3 The approval of Diemer Estate Homeowners Association and Constitution.</p>
Purpose of Application	The applicant intends to establish residential development comprising of 40 group housing.
Pre-consultation	Pre-scrutiny application completed.

PART D: APPLICATION BACKGROUND

1. Location of property

The subject property is located north of the R101 and east of R44 in Klapmuts. Access to the property is proposed through a 14.95m road servitude which is a combination of Erf 1383 (an existing 5.5m wide road) and Heaford Street Road reserve (9.45m).

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

The subject property is located in Klapmuts, whereby its immediate context is residential development (Rozenmeer estate) to the west, old historic church building, and a number of businesses uses to the south along R101. To the north is the farms which are not actively farmed and to the east towards R44 is the butterfly world farm (tourist facility).

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

The subject property is currently vacant.

PART E: APPLICATION OVERVIEW AND MOTIVATION (See Annexure D)

The subject property falls within the urban edge and is earmarked for infill development according to the approved SDF. The proposal is deemed to be consistent with the approved SDF. The proposal for medium density development is definitely deemed a bankable proposal and will support a private investment initiative while also contributing to the development of Klapmuts.

The area of $\pm 1,7$ ha makes it not viable agricultural unit for large scale farming purposes and at best it could be motivated as a non-agricultural holding for small scale farming, if it had potential in terms of location, soil type and water carrying capacity. There is no indication that the property was ever used for agricultural purposes and the land capability and dryland potential are highly debatable in terms its viability in the long term. The proposal aligns with the SDF, the Section 36 (6) of LUPA and SPLUMA principles. Furthermore, the proposal aligns with by any means of providing housing development that will ensure employment to the local community and also providing housing to the middle-income market. This will ensure capital investment necessary to contribute to the upgrading of informal areas.

PART F: PUBLIC PARTICIPATION, COMMENTS AND RESPONSE

1. Process followed

The applicant has notified the internal and external departments, advertised in the local newspaper and notified (by serving of notices) all interested and affected parties, as well as community organizations and also placed notices on the property. The advertising period was from **01 April 2021** to **10 May 2021**. (See **Annexure E**). **Two** objections received (See **Annexure F**).

2. Public & stakeholder inputs

The following objection received: (See **Annexure F**)

- a) Mr Gerhard Erasmus on behalf of the owner of Farm 716/57
- b) Carel van Wyk on behalf of Uyakhula Trust, owners of Farm 716/5

Summary of the objections/comments received and the applicant's response (See **Annexure F**)

OBJECTIONS RECEIVED FROM INTERESTED AND AFFECTED PARTIES	ISSUES RAISED	APPLICANT'S RESPONSE
<p>a) Mr Gerhard Erasmus on behalf of the owner of Farm 716/57</p>	<p>Although the development proposal for Farm 716/27 indicates a possible link with Farm 716/57, the proposal is indicated as an access-controlled development. The suggestion is that an attempt is made to discuss and resolve this issue and a withdrawal could be considered.</p>	<p>A revised SDP and plan of subdivision indicating the 15m wide public access to farm 716/57 that addresses the objection.</p>
<p>b) Carel van Wyk on behalf of Uyakhula Trust, owners of Farm 716/5</p>	<p>All planning processes should accommodate future land use changes, even beyond the application and status quo. The suggested layout will landlock Farm 716/5 with the planned widening of the R44. Besides the fact that the layout is designed to allow future access to the neighbouring properties to the north, a full and proper consideration to accommodate the inclusion of any further extension is questioned.</p> <p>The traffic statement is inadequate, and the application should include a full traffic study that includes properties to the north. Furthermore, the extend of the neighbouring properties be forced to be part of a specific Home Owners Association is questioned.</p>	<p>A revised SDP and Subdivision plan to address the objector's concerns. Farm 716/5 was sold to a developer that intends developing it in the near future, and such objections are now irrelevant even without change of ownership. The new owner has conveyed with the subject property owner that is satisfied with the revised layout that allows 15m wide public access to the northern properties.</p>

3. Government related inputs received.

- a) **Heritage Western Cape** commented on the proposal (see **Annexure J** for letter dated 12 October 2020).
- b) The **Western Cape Government: Water & Sanitation** has no objection against the proposal subject to conditions (see **Annexure L** for letter dated 23 July 2021).
- c) The **Department of Environmental Affairs and Development Planning** indicated that Environmental Authorization is not required (see **Annexure K** for letter dated 02 June 2021). The **Department of Environmental Affairs and Development Planning (Development Management)** has no principle objection to the proposal (see **Annexure K** for letter dated 28 April 2021).
- d) The **Department of Transport and Public Works: Western Cape** supported the application (see **Annexure M** for letter dated 15 June 2022).

4. Comments from internal service departments

- a) The **Manager: Spatial Planning** supported the application (see **Annexure G** for memo dated 14 July 2022).
- b) The **Manager: Community services (Senior Environmental Planner)** supported the application subject to conditions (see **Annexure I** for letter dated 18 March 2021).
- c) The **Directorate: Infrastructure Services** supported the proposal subject to conditions (see **Annexure H** for memo dated 05 July 2023).

PART G: ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

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

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

- Stellenbosch Municipality Land Use Planning Bylaw, 2015
- Stellenbosch Municipality Spatial Development Framework, 2019
- Provincial Spatial Development Framework, 2019
- SPLUMA and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)
- National Environmental Management Act (NEMA), 1998 (Act 107 of 1998)

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

2.1 Applicable MSDF and LSDF's

The proposed development is located inside the approved urban edge of the Klapmuts node and identified as a Strategic site, project and/or infill opportunity in terms of the approved Stellenbosch Municipal Spatial Development Framework (MSDF).

2.2 Applicable planning policies and guidelines

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

2.3 Service infrastructure capacity and sustainability

In terms of engineering services, a report done by Broadco Consulting dated 27 August 2020 (See **Annexure N**) focussing on the provision of civil engineering services. The report concluded that it is envisaged that the services for the development will be completed in a single phase, and service plans will be submitted for approval. The material and design specifications will comply with the Stellenbosch Municipality Minimum Design Standards. The findings above indicated that the additional impact the proposed development will have on the existing infrastructure and surroundings will be minor and should be supported in general.

An Electrical Engineering Services Report was done by Lyners and Associates dated 04 September 2020 (See **Annexure N**) investigating the electricity supply capacity. The report concluded that the area to be developed falls within the electricity supply area of Eskom and electrical services will therefore be provided from the nearest Eskom network with adequate capacity. All designs, materials and equipment to be used as well as installation practices will therefore be based on Eskom's guidelines for new electricity networks.

A report was done by gls Consulting dated 09 November 2018 (See **Annexure N**) regarding the capacity analysis of the bulk water & sewer services, the report concluded that the existing water systems has sufficient capacity to accommodate the proposed development.

Furthermore, the Infrastructure Services Directorate indicated that there is currently insufficient capacity at the Klapmuts Waste Water Treatment Works (WWTW) for this development. Budget has however been approved by Council to increase the capacity of the WWTW over the next three financial years (2023/24-2025/26). Completion of this upgrade project is anticipated to be in June 2026. The subdivision clearance will only be approved once the project is completed, and capacity is confirmed by Water Services (See **Annexure H**).

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

- 2.4.1 A **Traffic Impact Study** was done by Deca Consulting engineers, dated 14 October 2020 to investigate the expected transport related impacts the proposed development will have on the existing road network in the area. The report concluded that the development will have a low transport impact (See **Annexure O**).
- 2.4.2 A **Botanical Assessment** dated April 2018 was done by Bergwind botanical surveys & tours and confirmed that the development of the site from a botanical perspective is supported (See **Annexure P**).

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

The proposed development is for the rezoning of Farm 716/27 from Agriculture and Rural Zone to Subdivisional Area Zone in order to facilitate the proposed development, and the subdivision of the rezoned land unit into 40 residential units in order to accommodate a group housing development. The development will comprise of 40 Multi-unit Residential Zone erven (Group Housing) (9115 m²), and land zoned as Private Open Space (Private Road) (3476 m²) & (Private Open Space) (2021 m²), Utility Services Zone (Substation) (15 m²), and Public Roads & Parking zone (Public Road) (2504 m²). The proposal also includes an application for Departure from the 95m building restriction in terms of Act 21 of 1940 along the R44 to 5m. However, the application is not required as the restriction is not indicated on the title deed as well as on the conveyance certificate.

The application also includes the application for the establishment of Diemer Estate owner's association and the approval of their constitution thereof. The main access to the development is proposed through a 14.95m road servitude which is a combination of Erf 1383 (an existing 5.5m wide road) and Heaford Street Road reserve (9.45m).

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

3.1 Combability with surrounding properties

The subject property is in Klapmuts, whereby its immediate context is a mix of residential, commercial as well as industrial uses. A number of the surrounding properties are residential such as its immediate residential development Rozenmeer estate. The proposed development proposes a residential development which represents a residential expansion of Klapmuts and does not potentially negatively impact properties in the immediate surroundings but instead offer an alternative residential opportunity and optimise the use of vacant land within the urban edge.

3.2 Impact on existing rights

The proposal will not have a detrimental impact on the existing rights of the neighbouring properties as they are characterised by residential development. The privacy and views of the neighbouring owners will not be compromised. The proposed zoning of the property is Multi-unit Residential Zone, and the proposed dwellings will be constructed in accordance with the parameters of the zoning scheme by-law. Should a future owner decide to deviate from the parameters of the zoning scheme, a public participation process will follow, at that stage.

3.3 Impact on safety, health and wellbeing of the surrounding community

There is no reason to believe that the proposed development will result in any changes to the safety and security in the area.

3.4 Positive impact on economy

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

4. Assessment of comments on application

The proposed development is located inside the approved urban edge of the Klapmuts node and identified as a Strategic site, project and/or infill opportunity in terms of the approved Stellenbosch Municipal Spatial Development Framework (MSDF).

The objections received against the subject development proposal suggested that the neighboring vacant properties will be landlocked should a possible link or access to Farm 716/27 & Farm 716/5 not be provided in the proposal layout. A revised Site Development Plan and plan of subdivision indicating the 15m wide public access to farm 716/57 that addresses the objections was submitted for considerations (See **Annexure C**). The concerns raised by the objectors were addressed.

All other comments were addressed in the report as well as in additional studies that were done (e.g., TIA). Moreover, all the other internal and external department's comments were taken into account and will be imposed as conditions of approval, if necessary.

5. Additional planning evaluation for removal of restrictions

Not applicable to this application.

PART H: SUMMARY OF KEY FINDINGS OF ASSESSMENT

After having independently considered and weighted all the relevant information the evaluation of the subject land use and land development application concludes that the proposed development as submitted can be supported from a land use planning point of view for the following reasons.

- The subject property is located within the approved urban edge of Klapmuts, and infill development and densification are encouraged in terms of the MSDF.
- The proposal is not out of character and compatible with the surrounding and current land uses.
- The proposed development comprises a group housing development that makes provision for private open space and allows for a public road to provide access to the neighbouring property to the north.
- The proposed development will have an indirect positive impact on the town's local economy as it will create new residential opportunities and employment opportunities during the construction phase.

- o There is currently insufficient capacity at the Klappmuts Waste Water Treatment Works (WWTW) for this development. The subdivision clearance will only be approved once the project is completed, and capacity is confirmed by Water Services.
- o The Diemer Home Owners Association constitution conforms with Section 29 (3) of the Stellenbosch Municipality Municipal Land Use Planning By- Law, 2023.

PART I: RECOMMENDATION

1. That the application in terms of Section 15 (2) of the Stellenbosch Municipality Land Use Planning By-law, promulgated by notice number 354/2015, dated October 2015, on Farm 716/27 Klappmuts for the following:
 - 1.1 **Rezoning** of Farm 716/27 in terms of Section 15 (2) (a) of the said by-law from Agriculture and Rural Zone to Subdivisional Area Zone in order to facilitate the proposed development to allow for the following uses:
 - a) 40 Multi-Unit Residential Zone erven (Group housing) erven ($\pm 9115 \text{ m}^2$)
 - b) 3 Private Open Space Zone erven (private open space) erven ($\pm 2021 \text{ m}^2$) & (Private Road) ($\pm 3476 \text{ m}^2$)
 - c) 1 Utility Services Zone erf (Substation) ($\pm 15 \text{ m}^2$)
 - d) 1 Public Roads & Parking Zone erf (Public Road) ($\pm 2504 \text{ m}^2$)
 - 1.2 **Subdivision** of the rezoned land unit in terms of Section 15 (2) (d) of the said by-law in accordance with Subdivisional Plan No: APS/KLAP/SUB1E drawn by Pierre Jordan (Active Planning Solutions) dated July 2023 attached as **Annexure C**.

BE APPROVED in terms of Section 60 of the said bylaw, subject to conditions in terms of Section 66 of the said Bylaw;

2. Conditions of Approval:

- 2.1 The approval applies only to the proposed development under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
- 2.2 The development be undertaken in accordance with the Subdivisional Plan No: APS/KLAP/SUB1E drawn by Pierre Jordan (Active Planning Solutions) dated July 2023 attached as **Annexure C**.
- 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 An owner's association for the subject development be established in terms of section 29(1) of the subject Bylaw.
- 2.5 The to be established Diemer Estate owner's association be subject to the Diemer Owners Association constitution dated November 2020 attached as **Annexure U**.
- 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 their cost by the applicant to the owners' association, prior to or simultaneously with the transfer or registration of the first land unit or prior to the first building plan approval, whichever occurs first.
- 2.7 All land designated for the provision of municipal service infrastructure and amenities 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 will be for the account of the applicant/developer.
- 2.8 All building structures of the development be designed and undertaken to the satisfaction of the Municipality in accordance with the Diemer Estate Architectural Guidelines and attached as **Annexure Q**.
- 2.9 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 letter by the Directorate Infrastructure Services with reference 2147 CIVIL LU and dated 05 July 2023 and attached as **Annexure H**.
- 2.10 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.
- 2.11 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.

2.12 The 14.95m wide public road reserve in favour of the proposed development be registered with the transfer or registration of the first land unit.

2.13 The development be implemented substantially in accordance with the Site Development Plan referenced as drawing No: 27/716_DE_SDP) and dated 30.05.2022 and attached as **Annexure R**.

2.14 The conditions imposed by the Manager: Community services (Senior Environmental Planner) as contained in their memo dated 18 March 2021, attached as **Annexure I**, be complied with.

3. Matters to be noted:

3.1 The permanent departure application is not required as the restriction in terms of Act 21 of 1940 is not indicated on the subject property's title deed.

3.2 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.

3.3 All engineering services and infrastructure as required in terms of the conditions and services agreement be complied with to the satisfaction of the municipality and/ or the relevant authority prior to the issuing of a Section 28 Certification.

3.4 The subdivision only comes into effect once all suspensive conditions or relevant legislative provisions have been complied with.

3.5 Building plans 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.

3.6 The approval for the naming and numbering of streets as per the proposed subdivision plan, be obtained from the delegated functionary as a separated decision.

3.7 The conditions imposed by the Western Cape Government: Water & Sanitation as contained in their letter dated 23 July 2021, attached as **Annexure L**, be complied with.

3.8 Necessary legal steps to be taken by the Municipality to force the deconstruction of the buildings/structures on the road reserve of Heaford street.

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

- 4.1 The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape considering that it will in fact offer residential opportunities in the area.
- 4.2 The proposed development constitutes infill development and in line with the principles of the SDF.
- 4.3 There will be no negative impact on existing infrastructure and additional traffic can be accommodated on the local road network.

PART J: ANNEXURES

- ANNEXURE A:** Locality Plan
- ANNEXURE B:** Title Deeds
- ANNEXURE C:** Subdivisional Plan
- ANNEXURE D:** Applicant's motivation
- ANNEXURE E:** Proof of Evidence (Public Participation, General Plan & Affidavit)
- ANNEXURE F:** Objections, & response to objections from applicant
- ANNEXURE G:** Comments from the Manager: Spatial Planning
- ANNEXURE H:** Comments from the Directorate: Infrastructure Services
- ANNEXURE I:** Comments from the Manager: Community Services
- ANNEXURE J:** Comments from Heritage Western Cape
- ANNEXURE K:** Comments from the Department of Environmental Affairs and Development Planning
- ANNEXURE L:** Comments from Western Cape Government: Water & Sanitation
- ANNEXURE M:** Comments from the Department of Transport and Public Works
- ANNEXURE N:** Civil Engineering and Electric bulk services report
- ANNEXURE O:** Traffic Impact Assessment
- ANNEXURE P:** Botanical Assessment
- ANNEXURE Q:** Diemer Estate Design Guidelines + Diemer Estate Owners Association Constitution
- ANNEXURE R:** Site Development Plan

PART K: ASSESSMENT OF THE LAND USE AND LAND DEVELOPMENT APPLICATION**APPLICATION FOR REZONING AND SUBDIVISION ON FARM 716/27 KLAPMUTS****AUTHOR OF PLANNING ASSESSMENT REPORT****NAME:** B. ZONDO**CAPACITY:** SENIOR TOWN PLANNER**SACPLAN REGISTRATION:** C/8589/2017**SIGNATURE:** **DATE:** 10/08/2023**REVIEW AND RECOMMENDED BY PROFESSIONAL TOWN AND REGIONAL PLANNER****NAME:** C KRIEL**CAPACITY:** MANAGER: LAND USE MANAGEMENT**SACPLAN REGISTRATION:** A/212/10**SIGNATURE:** **DATE:** 10-08-2023

PART L: SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT**APPLICATION FOR REZONING AND SUBDIVISION ON FARM 716/27 KLAPMUTS****Authorised Employee to assess and make a recommendation on a land use and land development application for consideration by the authorised decision maker:**

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

In terms of the Categorisation Model duly approved in terms of Section 69(1) of the said Bylaw vide Item 11.8.1 and dated 24 May 2023, the subject application is categorised as follows:

Category: A(c)(2), D(c) (2),

Decision Making Authority: SMPT

Rational: The application is for the rezoning to subdivisinal area and has objections.

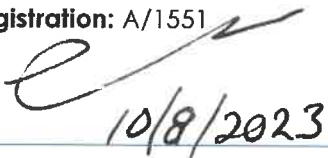
Name: S CARSTENS

Capacity: SENIOR MANAGER: DEVELOPMENT MANAGEMENT

SACPLAN Registration: A/1551

Signature:

Date:



10/8/2023

PART M: SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT**APPLICATION FOR REZONING AND SUBDIVISION ON FARM 716/27 KLAPMUTS****Administrator to Authorised Official / Municipal Planning Tribunal:**

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

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

Date: **26 August 2023**

Name: *LENACIA DAVIES*

Capacity: *SENIOR ADMINISTRATIVE OFFICER*

Signature: *DAVIES.*

Date: *11. 08. 2023*

ANNEXURE A: LOCALITY PLAN

Locality: Portion 27 of Farm 716

- Legend
- Farm Portions
 - Erf



- Legend**
-  Farm Portions
 -  Erf

Map Center: Lon: 18°52'9"E
Lat: 33°48'9.3"S

Scale: 1:4 514

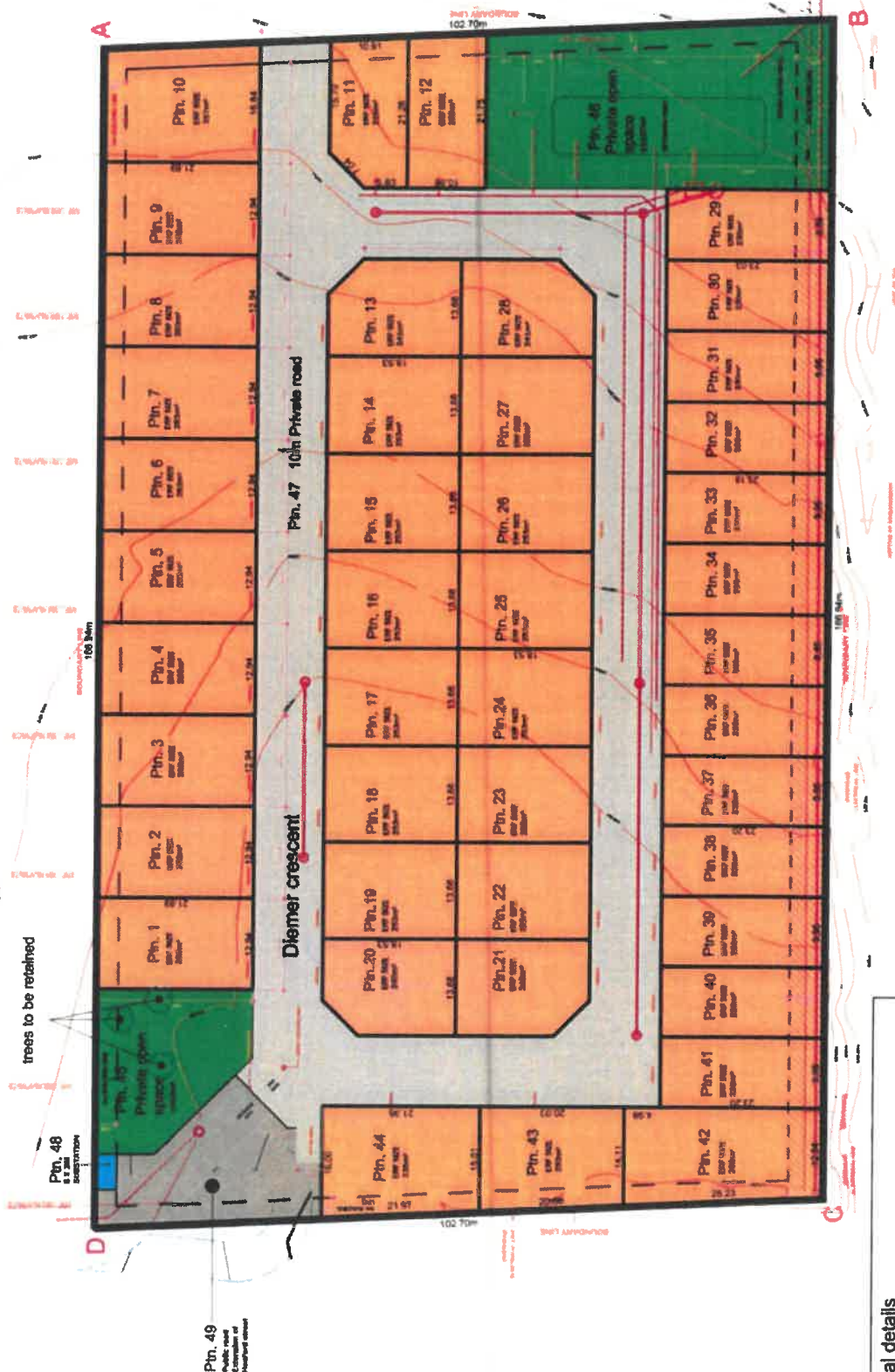
Date created: June 12, 2023



FOR YOU
Agriculture



PLAN OF SUBDIVISION: PORTION 27 OF THE FARM 716, KLAPMUTS



Technical details

By-law 2019	Land Use	No. of portions	Pin no.	Size m ²	%
Multi use residential zone	Group housing	44	1-44	11126	65
Multi use residential zone	Private road	1	47	404	23
Private Open Space zone	Parks	2	45-46	1526	9
Utility services zone	Substation	1	48	15	1
Public roads zone	Public access	1	49	419	2
TOTAL		49		17131	100

Pierre Jordaan
Active Planning Solutions
 Cell: 079 528 9179
 Email: activeplanningolutions@gmail.com



DATE: October 2020
 REF NO. APS/KLAP/SUB1A
 SCALE 1:600

ANNEXURE B: TITLE DEEDS

11

STBB SMITH TABATA BUCHANAN BOYES
5 High Street
Rosenpark
Bellville
7530
Telephone Number 021-9433800

Prepared by me

[Handwritten Signature]
CONVEYANCER
STETTLER JGG
FERRIRA H

FEE
R. 250.00

T 044096 / 08

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

ELÉNE GROENEWALD

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 Cape Town on 12 May 2008 granted to him by

The Trustees for the time being of THE ISADORE J. HODES FAMILY TRUST
No. 179/1985

DATA / CAPTURE
09 JUL 2008
NCAPALL

DATA / VERIFY
17 JUL 2008
LARNEY F

FOR FURTHER ENDORSEMENTS
SEE PAGE 4

[Handwritten Signature]

Page 2

And the appearer declared that his said principal had, on 31 March 2008, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

EXCLUSIVE ACCESS TRADING 450 (PTY) LTD
Registration No. 2006/032797/07

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

PORTION 27 (PORTION OF PORTION 3) OF THE FARM GROENFONTEIN ANNEX Nr 716, in the Drakenstein Municipality, Division Paarl, Western Cape Province

IN EXTENT 1,7131 (SEVENTEEN THOUSAND ONE HUNDRED AND THIRTY ONE) HECTARES

FIRST TRANSFERRED by Deed of Transfer No. T18991/1956 with diagram No. 4300/56 relating thereto and **HELD** by Deed of Transfer no. T42612/1991.

A SUBJECT to the conditions referred to in Deed of Transfer No. T18991/1956.

B SUBJECT FURTHER to the term of a Servitude, an endorsement whereof dated 3rd March 1950 appears on deed of Transfer No. T8581/1945, reading:

"By Deed of Transfer No. T2654/1950 dated this day the properties thereby transferred are subject to the following condition in favour of the properties paras. 1 and 4 held hereunder:

That the properties thereby transferred shall not be used for holding public auction sales or livestock, thereon.

As will more fully appear on reference to said Deed of Transfer."



Page 3

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

The Trustees for the time being of THE ISADORE J. HODES FAMILY TRUST
No. 179/1985

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

EXCLUSIVE ACCESS TRADING 459 (PTY) LTD
Registration No. 2006/032797/07

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 R2 700 100,00 (TWO MILLION SEVEN HUNDRED THOUSAND ONE HUNDRED RAND).

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

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at Cape Town on

2008

30 June



q.q.

In my presence



REGISTRAR OF DEEDS



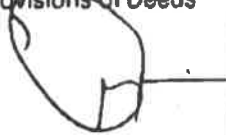
- 4 -

VA 0002670 / 2015

T 44 096 / 08

Certified a true copy of the duplicate original filed or record in this Registry, issued to serve in place of the original thereof under the provisions of Deeds Regulation No. 68 (1)

Deeds Registry
Cape Town



.....
Asst. Registrar of Deeds

07 APR 2015

STELLENBOSCH
STELLENBOSCH * PNIEL * FRANSCHHOEK
MUNISIPALITEIT * UMASIPALA * MUNICIPALITY

CONVEYANCER CERTIFICATE

I Petrus Johannes Badenhorst LPCM 79012
(conveyancer's name and surname)

Practising at:

Laubscher and Hattingh Inc.

1st Floor Imperial Terrances, Tyger Waterfront, Bellville

(firm and place of practice)

In respect of:

Erf Portion 27 (Portion of Portion 3) of the Farm Groenfontein Annex Nr. 716, in the Stellenbosch Municipality, Division Paarl, Western Cape Province.

In Extent 1,7131 (One comma seven one three one) Hectares. Held by Deed of Transfer T044096/08

(full property description (erffarm) as it appear 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 T 44096/2008 dated 30 June 2008
2. Deed of Transfer T 18991/1956



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A. IDENTITY RESTRICTIVE TITLE CONDITIONS (if any)

Categories		Are there deed restrictions (indicate below)		Title Deed and Clause number if restrictive conditions are found
1.	Use of Land	Y	N✓	
2.	Building Line	Y	N✓	
3.	Height	Y	N✓	
4.	Number of Dwellings	Y	N✓	
5.	Bulk floor Area	Y	N✓	
6.	Coverage/Built upon area	Y	N✓	
7.	Subdivision	Y	N✓	
8.	Servitudes that may be registered over or in favour of the property	Y	N✓	
9.	Other Restrictive Conditions	Y	N✓	



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B. INDICATED AFFECTED PARTIES AS PER TITLE DEED

In respect of which it was found that there are 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 (ies) prohibiting it from being utilised/developed for the following purposes (as elaborated in accompanying application):

a.	Organ (s) of State the might have an interest in the restrictive condition.	N/A
b.	A person whose rights or legitimate expectations will be affected by the removal/suspension/amendment of a restriction condition.	None
c.	All persons mentioned in the deed for whose benefit the restrictive condition applies	None

**C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED –
N/A**

(Please tick appropriate box)

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

Signed at Bellville on 19th of October 2020.

Full names and Surname: Petrus Johannes Badenhorst LPCM 79012

Signature:



**PETRUS JOHANNES
BADENHORST
LPCM 79012**

<p align="center"><i>Firm Postal Address</i> LAUBSCHER & HATTINGH INGELYF POSBUS 2332 BELLVILLE</p>	<p align="center"><i>Kindly endorse certificate by affixing official stamp here and initial here</i> LAUBSCHER & HATTINGH INC/ING 1st Floor, Imperial Terraces Tyger Waterfront Bellville 7530 Tel: 021 944 2400</p>
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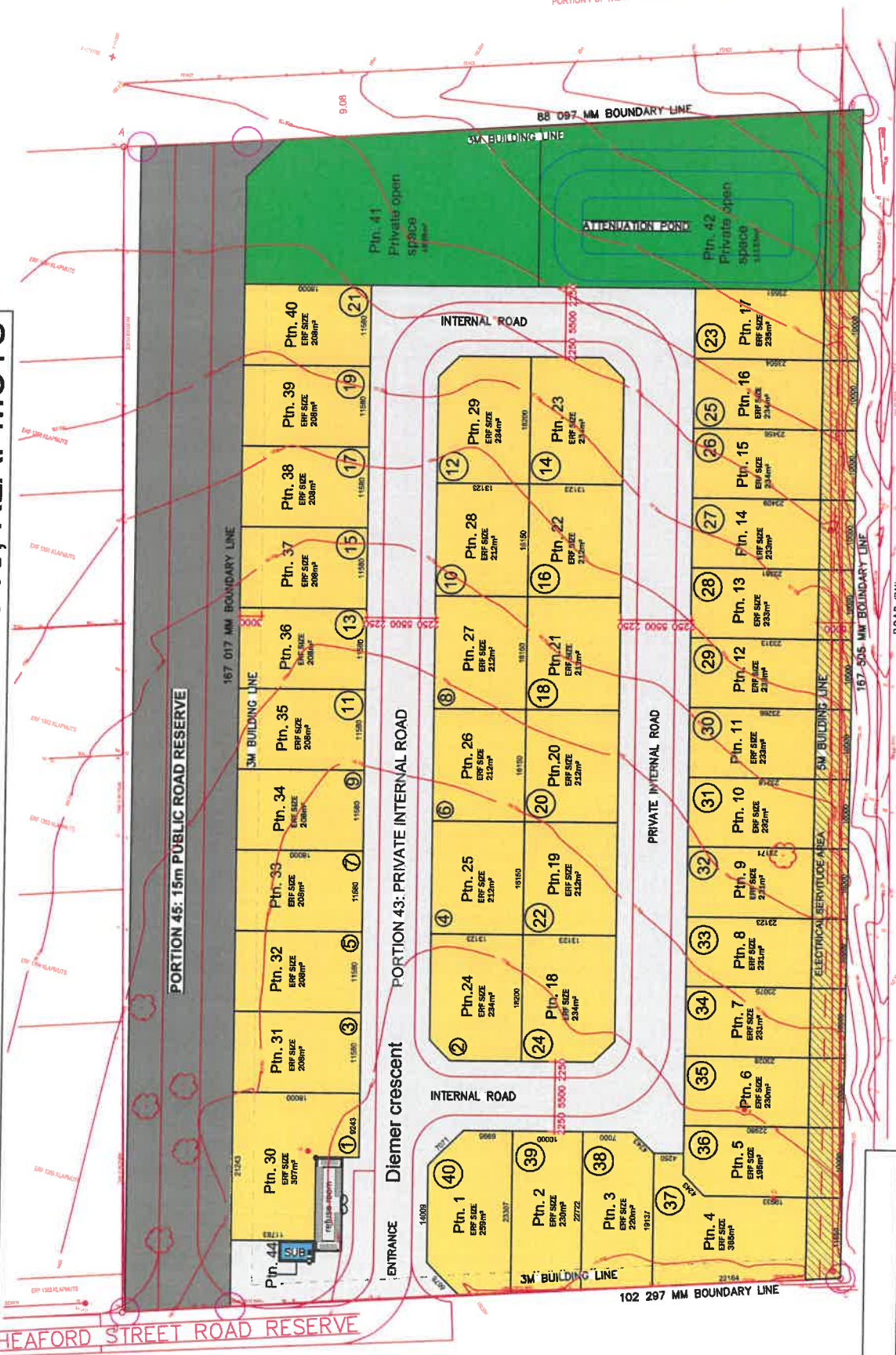
Tel: 021 9442400
 Cell: 082 286 5310

E-mail: piet@lhatorneys.co.za

ANNEXURE C: SUBDIVISIONAL PLAN

PLAN OF SUBDIVISION: PORTION 27 OF THE FARM 716, KLAPMUTS

PORTION 7 OF THE FARM GROENFONTEIN ANNEX No.716



Technical details		No. of portions	Ptn no.	Size m ²	%
By- law 2019					
Zonings					
Multi use residential zone		40	1-40	9115	53
Private Open Space zone		2	41-42	2021	11
Private Open Space zone		1	43	3476	20
Utility services zone		1	44	15	1
Public roads & parking zone		1	45	2504	15
TOTAL		45		17131	100

Additional notes:

- ① Proposed street numbering



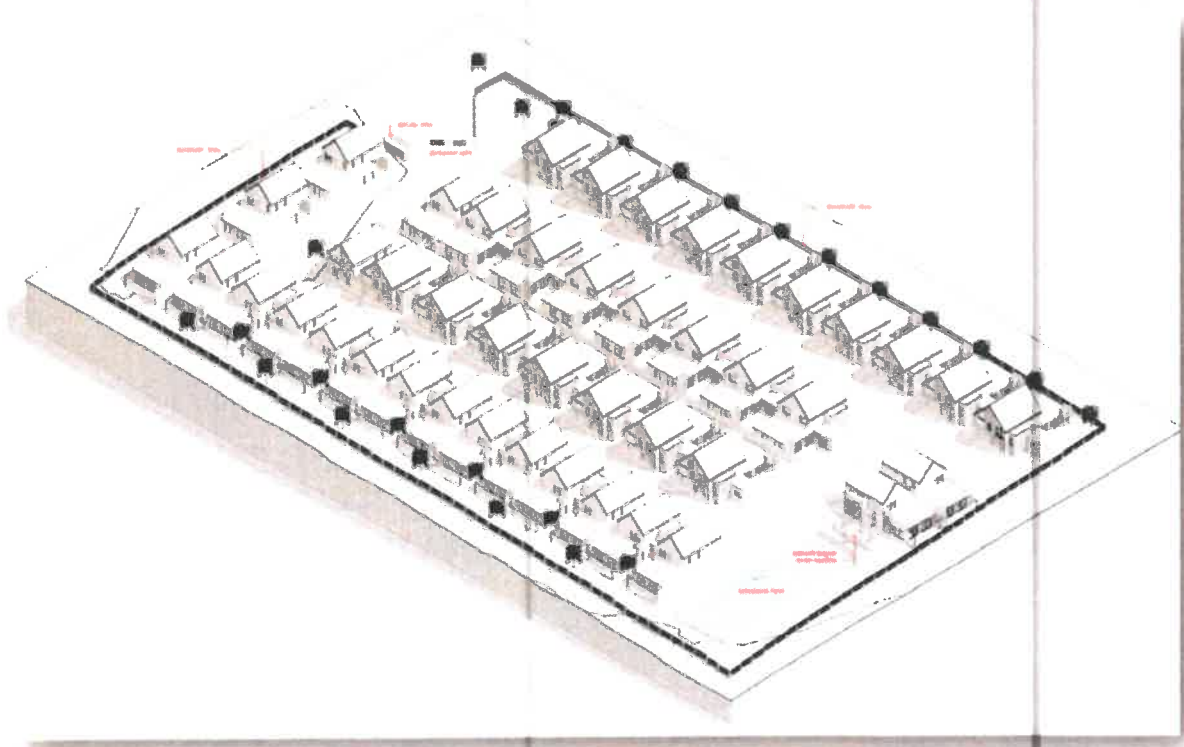
DATE: July 2023
 REF NO. APS/KLAP/SUB1E
 SCALE 1:600

ANNEXURE D: APPLICANT'S MOTIVATION

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MOTIVATIONAL MEMORANDUM

DIEMER ESTATE

***Application for the Rezoning & Subdivision of Portion 27
of the Farm 716, Klapmuts***



Date: October 2020

Ref: Klap/27_716/APSv1

Cell: 079 528 9179

Pierre Jordaan

Email: pierre@activeplanning.co.za

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8. APPLICATION DETAILS
9. LEGISLATIVE REQUIREMENTS
10. PLANNING POLICY
11. RESTRICTIONS
12. REQUIRED CONSULTATION & PUBLIC PARTICIPATION
13. THE DEVELOPMENT OF PORTION 27 OF THE FARM 716 – DIEMER ESTATE
 - a. Development Scheme Parameters
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 - c. Architecture
 - d. Access
 - e. HOA
 - f. Viability
 - g. Sustainability
 - h. Desirability in terms of Section 65(1)(c) of the Stellenbosch Municipal Planning By-law 2015
14. SUPPORTING MOTIVATION
15. SUMMARY

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ADDENDA

1. POWER OF ATTORNEY
2. COMPANY RESOLUTION
3. TITLE DEEDS
4. GENERAL PLAN / DIAGRAM
5. CONVEYANCER'S CERTIFICATE
6. BOTANICAL SURVEY
7. HERITAGE SUPPORT CONFIRMATION
8. PRE- CONSULTATION OUTCOME
9. CIVIL SERVICES REPORTS / GLS & ELECTRICAL
10. TRAFFIC IMPACT STATEMENT
11. HOME OWNER'S ASSOCIATION CONSTITUTION
12. APPLICATION FORM

PLANS

1. LOCALITY
2. TOPOGRAPHICAL SURVEY
3. PLAN OF SUBDIVISION
4. SITE DEVELOPMENT PLAN

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1. INTRODUCTION

This firm was appointed by Mr W Wucherpfennig, representing Exclusive Access Trading 459 (Pty.) Ltd. to handle all town planning related actions required to have Portion 27 of the Farm 716, Klapmuts, rezoned and subdivided. The Power of Attorney and Company Resolution to this effect is attached as **Addendum 1** and **2** respectively.

2. PURPOSE

It is the purpose of this memorandum to apply for the following:

- The **Rezoning** of Portion 27 of Farm 716, Klapmuts from Agricultural Zone to Subdivisional Overlay zone to accommodate Group housing units, private open spaces, private road, a public road and substation in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-law of 2019.
- The **Subdivision** of Portion 27 of Farm 716, Klapmuts into 49 new portions in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-law of 2019.
- a **Departure** from the 95m building restriction in terms of Act 21 of 1940 along the R44 to 5m.
- Approval of the **Home Owner's Association**.
- Approval of the street name "**Diemer crescent**"

3. PROPERTY & TITLE DEED DETAILS

Portion 27 of the Farm 716, Klapmuts

SIZE: Portion 27	1,7131ha
OWNER:	Exclusive Access Trading 459 (Pty.) Ltd.
TITLE DEED NO:	T4409608
BORDERS: NORTH	Portion 5 of Farm 716 (Agricultural land)
SOUTH	Re/714 (Heaford street)
EAST	Re/751 (R44)
WEST	Erf 1349 to 1355
T-DEED RESTRICTIONS:	None (see Conveyance's certificate)

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	attached as Addendum 5)
DIAGRAM NO:	4300/56
ZONING:	Agricultural zone

Title deed and Diagram attached as **Addendum 3** and **4** respectively.

4. LOCATION

Portion 27 of the Farm 716 here in after called the **property** is situated north of the R101 and east of the R44 in the town of Klapmuts in the Stellenbosch Municipal area demarcation (See **Figure 1** below). The locality plan is attached as **Plan 1**



Figure 1: Local context

5. PHYSICAL FEATURES

It is evident from the topographical survey attached as **Plan 2** that the property is relatively flat with a slight fall from the south to the north at a slope of $\pm 1:36$. The Botanical survey attached as **Addendum 6** has the following to say about the vegetation:

The vegetation of Portion 27 of Groenfontein Annex 716, Paarl (Klapmuts) is in poor condition and cannot be described as Swartland Granite Renosterveld any longer due to historical transformation over an apparent long period. The vegetation was

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sampled at ten waypoints to attempt to cover all variation in the vegetation on the site. The western part of the site has a grassy low stratum and has few shrubs. This is attributed to clearing and possible maintenance of this area as a firebreak for the adjoining Rozenmeer residential area. From roughly one-third of the width of the site (long-axis ; N-S) westwards, the site has a shrub and tree upper stratum (most of the trees are alien invasives) with a herbaceous understorey. In general the study area is highly disturbed and no longer supports intact Swartland Granite Renosterveld. The indigenous species that are present are remnants of renosterveld but in no way constitute a functional plant community. The presence of an abundance of species such as *Stoebe plumosa* and *Athanasia trifurcata* attests to the high level of disturbance and ultimate transformation of the site. As noted above, there may be remnant populations of geophytes but their presence would only be detected in the winter and spring to early summer. Even so, these populations are predicted to be highly degraded. If present, it is proposed that such plants should be moved to a safe haven where their future is secured. No matter what the future of Portion 27 of Groenfontein Annex 716, Paarl (Klapmuts) may be in terms of development, it is currently degrading rapidly and restoration is not a feasible option. A large area of the site is invaded by woody alien invasive trees, notably *Acacia saligna* and *Acacia mearnsii* but also a single *Pinus radiata* tree. There has been a steady but rapid invasion by these *Acacia* trees since 2011 to the present and it is predicted that if they are not actively cleared soon their increase will be exponential. However, even if the trees are cleared, the condition of the site would not improve to any great extent.



Photo 1: View from the middle of the property with the shrubs and *Acacia* evident

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Photo 2: View of the access from Heaford street with the disturbed nature of the property in terms of the dumping of building rubble evident



Photo 3: View of highly degraded condition of the site with rubbish being dumped illegally

6. SURROUNDING LAND USE

The property is vacant. Land use in the area is largely heterogeneous due to the mixed nature thereof. The most prevalent land use are residential (Rozenmeer Estate) to the west, the old historic church building and a number of business use to the south along the R101. To the north is Portion 5 of the Farm 716 which is not actively

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farmed and to the east is the R44 (Adam Tas road) with Butterfly World and some limited agricultural use to the east there of.



Figure 3: Surrounding land use

7. SURROUNDING ZONINGS

The property is currently zoned for Agricultural use but has never been used for that purpose. It is surrounded by multi-unit residential (Rozenmeer estate), community (church) and business (Saverite) zonings.

8. APPLICATION DETAILS

The purpose of this application is:

- The **Rezoning** of Portion 27 of Farm 716, Klapmuts from Agricultural Zone to **Subdivisional Overlay zone** to accommodate Group housing units, private open spaces, private road, a public road and substation in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-law of 2019.
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- a **Departure** from the 95m building restriction in terms of Act 21 of 1940 along the R44 to 5m.
- Approval of the **Home Owner's Association**.
- Approval of the street name "**Diemer crescent**"

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9. LEGISLATIVE REQUIREMENTS

The only additional legal criteria to be considered as required in terms of the relevant legislation supporting this application in terms of the Stellenbosch Municipal Planning By-law of 2019 is the following:

- Heritage Impact in terms of the National heritage Resources Act 25 of 1999

Section 38 trigger

S38(1)(c) Any development or activity that will change the character of a site -

- | |
|--|
| <input checked="" type="checkbox"/> (i) exceeding 5 000m ² in extent; |
|--|

Although the above activity is triggered the following is presented as mitigation;

- There are no buildings older than 60 years
- The proposed properties are located outside the Klapmuts "old town" with its linked Heritage importance.

The required Notice of Intent was also submitted to Heritage Western Cape and a supportive Record of Decision received attached as **Addendum 7**.

- National Environmental Management Act (NEMA) 107 of 1998 (Amended 2014):

Listing Notice 1

No impact in terms of NEMA is foreseen due to the following:

- The property is located within the urban development area (adopted urban edge)
- The property is less than 1ha in size.
- The development is within the urban edge and less than 5ha in size.

27.	The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—
	<ul style="list-style-type: none"> (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.

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28.	Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, <u>game farming</u> , <u>equestrian purposes</u> or afforestation on or after 01 April 1998 and where such development:
	<p>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</p> <p>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</p> <p>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</p>

- Act 70 of 1970 (the subdivision of Agricultural land):
Confirmation was received from Provincial Government that the property is not exempted from the provisions of Act 70 of 1970 and will therefore have to be submitted to the National and Provincial departments of Agriculture for approval in terms of the act.

Eisenburg and NDA are therefore requested to grant the exemption from the provisions of Act 70 of 1970 due to the following motivational factors:

Inclusion in the Spatial Development Framework for infill development



Figure 4: Extract from the approved Klapmuts Spatial Plan indicating Portion 27 of Farm 716 as a strategic site earmarked for residential infill
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Please note the fact that Elsenburg being the Provincial legislative body representing Agriculture as well as the National Department were included as interested and affected parties as part of the approval of the 2019 Klapmuts Spatial Development Framework and as such had knowledge of the facts that this property was earmarked for residential infill development and included within the urban edge.

Land Capability:

According to the Elsenburg Cape Farm Mapper system and its resources layer the following is derived:



Figure 5: Land capability

Conclusion:

The property has a low to moderate capability with a medium sensitivity category grading with sensitivity context limited to commercial scale wind and solar PV installations.

According to the LAND CAPABILITY & THE PRESERVATION AND DEVELOPMENT OF AGRICULTURAL LAND BILL (PDALB) land capability can be defined as follows;

Land capability" means the most intensive long-term use of land for purposes of rainfed farming, determined by the interaction of climate, soil and terrain.

If the grading of low to moderate is contextualized in terms of the definition it means that intensive long term farming has very little chance of success.

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Dry land potential:

According to the Elsenburg Cape Farm Mapper system and its resources layer the following is derived:



Figure 6: Dry land potential

Conclusion:

Dryland farming is defined as follows;

Dryland farming is frequently defined as crop production in areas with less than 500 mm of annual precipitation, but this definition omits a critical component of the equation, evaporation potential. Operatively, dryland farming is practiced where annual potential water evaporation exceeds annual precipitation.

Despite the classification of the property as having a very high potential it is not supported by the soil type as per the following soil classification;

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LAND TYPE	LANDUSE	STATUS	Ownership (acre)	Number (acre)	Remarks	Remarks	Remarks	Remarks	Remarks	Remarks
1	1	1	1	1	1	1	1	1	1	1
Notes: 1. The land is classified as not being available for farming which further supports the notion that the land is not susceptible for long term viable farming purposes.										
Design: 1. The land is classified as not being available for farming which further supports the notion that the land is not susceptible for long term viable farming purposes.										
Design: 1. The land is classified as not being available for farming which further supports the notion that the land is not susceptible for long term viable farming purposes.										

Figure 7: Soil type classification

The soil type consisting of mainly sandstone acts as an aquifer which does not hold water for long there for it will not be able to store the water during the rainy season for use in summer for dry land farming purposes.

Also note that the property is classified as not being available for farming which further supports the notion that the land is not susceptible for long term viable farming purposes.

Historical considerations:

According to the records and word of mouth confirmation the property has never been used for agricultural purpose. To further support this I draw attention to the aerial photos below from 2005 and 2008. In both instances there are no indications that the property was ever ploughed or under tunnels.

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Figure 8: 2005 aerial image



Figure 9: 2008 aerial image

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Conclusion:

- There is no indication that the property was ever used for agricultural purposes.
- The property falls within the urban edge and is earmarked for infill development according to the approved SDF.
- The land capability and dryland potential are highly debatable in terms of its viability in the long term.
- The area of $\pm 1,7$ ha makes it a non-viable agricultural unit for large scale farming purposes and at best it could be motivated as an agricultural holding for small scale farming, if it had the potential in terms of location, soil type and water carrying capability.

10. PLANNING POLICY

Stellenbosch Spatial Development Framework (2019):

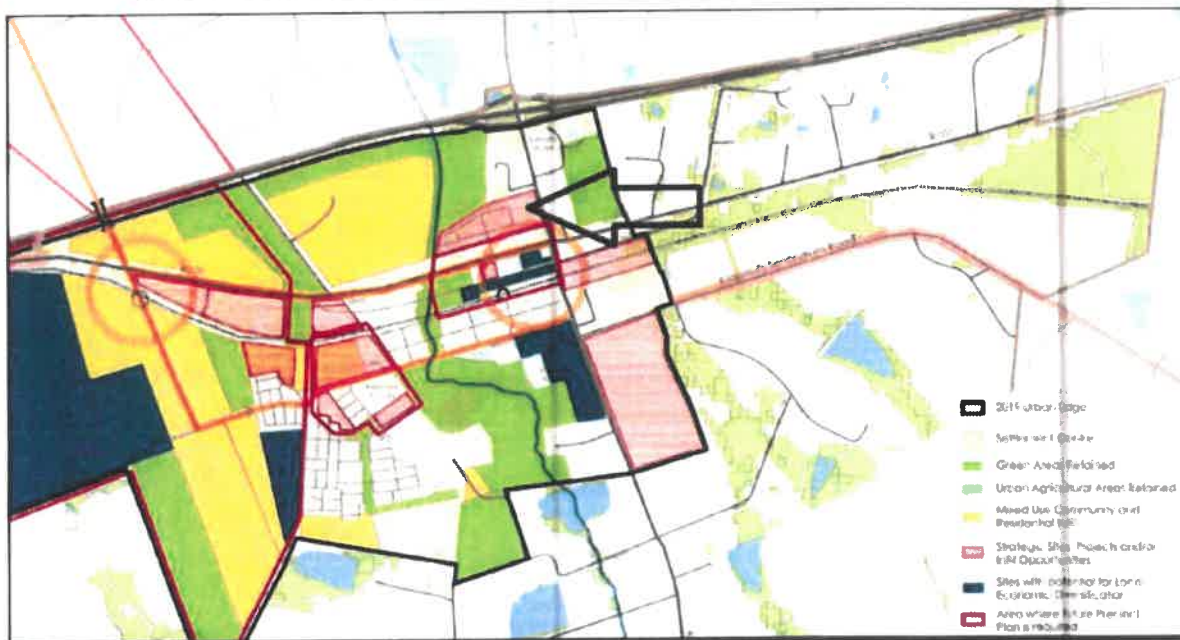


Figure 10: Extract from the Spatial Plan

The proposal is deemed to be consistent with the SDP approved in November 2019 in terms of the following objectives:

- *The proposal pro-actively support higher density infill residential opportunity in Klappmuts South as per the designation on the extract.*
- *It supports the containment of the footprint of Klappmuts as far as possible within the existing urban edge.*

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- *It intends to retain and actively support mixed use redevelopment and building within the town centre and surrounding areas, comprising living space above active street fronts by means of the housing proposal.*
- *It aims to assist and provide a development opportunity for small/ emerging entrepreneurs.*
- *It will support the provision of a NMT (non motorised transport) routes along the R44 by providing a pedestrian route along the road reserve of the R44 therefor supporting the SDF.*
- *It improves public and community facilities and places (e.g. through clustering, framing them with infill development to improve edges and surveillance, prioritization for landscaping, especially along the R44 verge.*
- *It takes careful consideration of providing a high-end, gated residential development along the R44 in an area earmarked for infill development therefor capitalising on the private vehicular accessibility of Klapmuts.*

The proposed development of Portion 27 of Farm 716 will therefor support the above mentioned principles by providing a viable and sustainable medium density housing opportunity in Klapmuts south along the R44 and therefor being highly accessible and visible entering into Klapmuts south from the National road.

Metropolitan Spatial Development Framework:

The MSDF, aligned with higher level settlement development policy, identifies Klapmuts as a place with significant development opportunity. A previous study – aimed at establishing Klapmuts as a "special economic development area" – has created high expectations among land owners, and numerous requests for urban edge adjustments. It is not the purpose of the MSDF to prepare a LSDF for Klapmuts. Rather, the MSDF sets out to identify the overall role of and core principles for the future development and management of Klapmuts. The MSDF expresses concern about the extent of development projected through the previous study for both Klapmuts south and north (in the case of the north, DM commissioned a LSDF for the area east of Farm 736/RE). In many cases, there appears to be limited evidence of "bankable" business cases for the extent of development proposed. The MSDF therefor cautions against extensive adjustments beyond the current urban edge. The focus should rather be on supporting the implementation of projects achievable

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over the planning period, and careful further phasing of future development based on bankable development proposals.

This proposal for medium density residential infill development is definitely deemed a bankable proposal and will support a private investment initiative while also contributing to the development of Klapmuts south.

Provincial Spatial Development Framework

The Western Cape: Provincial Spatial Development Framework (PSDF), 2005 makes numerous proposals that impact on Klapmuts. It proposes the encouragement of growth of specific settlements with high potential and high need, arguing that these should receive significant fixed infrastructure investment. Klapmuts has been identified by the Growth Potential of Towns in the Western Cape Study as an area with high development potential and high need. Strategies from the WC: PSDF that are specific to Cape Winelands

District Municipality include:

- *Protection of intensive agricultural and scenic areas from low density estates through delineating urban edges.*
- *Urban restructuring.*
- *Optimise strong transport linkages.*
- *Support agriculture, agri-industry and tourism as economic drivers.*

Cape Winelands Spatial Development Framework

The Cape Winelands SDF (CWSDF) identifies Klapmuts as a 'rural town'. Rural towns are focused towards serving the daily needs of the local population. These towns are key agricultural and social support centres.

Rural towns play a number of significant roles:

- *Service provision to the rural hinterlands.*
- *Capture income that would otherwise be channelled out of the region.*
- *Innovation diffusion – sites of social interaction and knowledge transfer.*
- *Agricultural industry, processing and related activities.*

Rural towns are also the focus of 'social capital' investment (i.e. education programmes, skills development programmes, local economic development

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programmes etc) and limited capital investment to the facilities and services needed to support these projects and programmes.

In addition the CWSDF:

- Promotes access to agricultural land for emerging farmers, especially in and adjacent to rural towns and hamlets.
- Discourages urban sprawl and promotes densification and intensification of urban activities within an urban edge.
- Promotes linking local open space systems with the larger/rural open space.
- Discourages the provision of 'stand alone' facilities.

Klapmuts Urban Design Manual

The Klapmuts Urban Design Manual intends to put in place numerous guidelines that attempt to ensure that future urban development enhances, rather than detracts from the character of the area. It identifies a number of precincts and applies specific planning concepts (paths, nodes, landmarks, edges, districts and gateways) that should be promoted within each precinct. Proposals are also made in terms of land-uses and activity zones, build to lines and internal spaces, character of streets, squares and parks, the pattern of public buildings and focal points, landscaping and views, as well as an urban design plan. The guidelines only consider the more established parts of the settlement, north of Merchant Street and South of Heaford street. The Klapmuts SDF should build on those proposals that are still applicable in the context of changing trends

Spatial Planning and Land Use Management Act (SPLUMA)

The principles of SPLUMA are;

SPATIAL JUSTICE:

- Past spatial and other development imbalances must be redressed through improved access to and use of land.
- Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.
- Land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas.

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The proposal aligns with the above by means of providing a housing development that will ensure employment to the local community and also provide housing to the middle income market. This will ensure capital investment necessary to contribute to the upgrading of informal areas.

SPATIAL EFFICIENCY:

- Land development must optimise the use of existing resources and infrastructure.
- Decision-making procedures must be designed to minimise negative financial, social, economic or environmental impacts.

The proposal aligns with the above in terms of providing a residential infill opportunity which supports optimized use of the existing infrastructure and resources in terms of access and proximity to a workforce in need of employment. It also has no negative financial, social, economic or environmental impacts as it is an infill proposal within the urban edge.

SPATIAL SUSTAINABILITY:

- Special consideration must be given to the protection of prime and unique agricultural land.
- Land use issues must be dealt consistently in accordance with environmental management instruments.
- Land use management and planning must promote and stimulate the effective and equitable functioning of land markets.
- Land development should only be promoted in locations that are sustainable, limit urban sprawl, and result in communities that are viable.

The proposal is deemed to be consistent with the above mentioned principles due to the following supporting criteria:

- **The proposal constitutes infill development and is there for located within the urban fabric of Klapmuts within a designated and adopted urban edge with no impact on the agricultural resources.**
- **The proposal is deemed to have no environmental impact as supported by the Botanical assessment attached.**
- **The proposal will conform to the principle of effectively functioning land markets as it provides an opportunity for a developer or investor's to invest in a**

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housing development where the return on investment exceeds the capital investment by some margin due to the growing nature of Klapmuts and the future investment potential being unlocked in the north of Klapmuts in terms of the Distell and Stellenbosch satellite campus developments.

- **The proposal limits urban sprawl as it constitutes infill, is sustainable due to the housing typology it represents and is viable due to the growing urban nature of the area.**

SPATIAL RESILIENCE:

- **Spatial plans, policies and land use management systems must be flexible to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.**

The proposal is aligned with the Spatial Development Framework proposals and is there for deemed to be consistent with SPLUMA in terms of the spatial resilience principle.

GOOD ADMINISTRATION:

The successful submission and public participation to obtain eventual approval will be in accordance with all legislative requirements in terms of the By-law and Policies related to the area and there for the support and approval will in fact mean the principle of good administration is upheld.

Land Use Planning Act of 2014 (LUPA)

This Act has the following purpose;

To consolidate legislation in the Province pertaining to provincial planning, regional planning and development, urban and rural development, regulation, support and monitoring of municipal planning and regulation of public places and municipal roads arising from subdivisions; to make provision for provincial spatial development frameworks; to provide for minimum standards for, and the efficient coordination of, spatial development frameworks; to provide for minimum norms and standards for effective municipal development management; to regulate provincial development management; to regulate the effect of land development on agriculture; to provide for land use planning principles; to repeal certain old-order laws; and to provide for matters incidental thereto.

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Section 36 (6) of LUPA states:

(6) When a municipality approves a rezoning for a purpose that includes subdivision, it must impose conditions making provision for at least—

- (a) density requirements;
- (b) main land uses and the extent thereof; and
- (c) a detailed phasing plan or a framework including—
 - (i) main transport routes;
 - (ii) main land uses;
 - (iii) bulk infrastructure;
 - (iv) requirements of organs of state;
 - (v) public open space requirements; and
 - (vi) physical development constraints.

The proposal is aligned with the criteria of Section 36 (6) of LUPA due to the following:

- **It meets density requirements at a density of 26 units/ha**
- **It complements the surrounding residential land use nature of the area**
- **It will not be a phased development but will address all infrastructure and meet all development management scheme requirements**
- **There are no physical development constraints that need mitigation due to the degraded nature of the site**

The proposal is aligned with the Klapmuts Spatial Plan guidelines and is there for deemed to be in conformance with the criteria and principles of LUPA.

11. RESTRICTIONS

Legal restrictions:

No legal restrictions exist that need to be addressed. The title deeds were investigated by a conveyancer for any restrictive conditions and none were found as per the conveyance's certificate attached as **Addendum 5**.

Physical restrictions:

No physical features exist on the properties due to the fact that it will be addressed in the construction phase. The Botanical Report has the following conclusion AND RECOMMENDATIONS;

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· The original vegetation that occurred at Portion 27 of Groenfontein Annex 716, Paarl (Klapmuts) was Swartland Granite Renosterveld. This vegetation was historically removed but when that occurred is not known.

· The study area or site is now heavily degraded to the point of being transformed and in my opinion no longer has any botanical or conservation value, except for a few geophytes which should be saved.

· Ecological processes have been severely compromised and they would only become truly functional again if the site were to be restored to near-natural or natural condition. This is unlikely to happen and the isolated, low-connectivity condition of the study area is a major factor working against the usefulness of the site for conservation.

· Approximately two-thirds of the site is classified as CBA1 in the WCBSP 2017. It is my conclusion that this classification is totally erroneous. There is no habitat on the site that justifies this classification. It is not even worthy of CBA2 or ESA1 status.

· Based on ground-truthed observations and taking all ecological and other indicators into consideration, it is my view that the site is suitable for development with no major constraints. There would not be loss of 300 m² of indigenous vegetation (Swartland Granite Renosterveld) and therefore Listing Notice 3, Activity 12 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended and the Environmental Impact Assessment Regulations, 2014, would not be triggered.

· It is recommended that a Search & Rescue operation should be undertaken in the appropriate season to locate and save any surviving geophytes that may occur on the site.

Please note that the trees identified by the Botanist for retention in the design were accommodated successfully in a Private Open Space as per the Plan of Subdivision attached as Plan 3.

Built restrictions:

No built restrictions exist due to the property being vacant.

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12. REQUIRED CONSULTATION & PUBLIC PARTICIPATION

Proof of pre- submission consultation is required in terms of the Stellenbosch Municipal Land Use Planning By-law of 2015. This consultation was undertaken by means of meeting at the offices of the Municipality with the resultant approval of the Minutes as record of the outcome attached as **Addendum 8**.

13. THE DEVELOPMENT OF PORTION 27 OF THE FARM 716

To facilitate the implementation of the proposed Site Development Plan attached as **Plan 4** it is necessary to **Rezone** Portion 27/716 from Agricultural Zone to Sub-divisional Overlay zone to accommodate Group housing units, private open spaces, private road, a public road and a substation.



Figure 11: Proposed Site Development Plan

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The sub divisional area overlay zone will consist of 49 new portions in accordance with the Plan of Subdivision attached as **Plan 3**;

The property will be subdivided into;

- 44 Group housing units of 3 types (A, B & C) on an average portion size of $\pm 260\text{m}^2$
- 1 Private road (Diemer crescent)
- 2 Private parks totaling 1525m^2
- 1 electrical substation site of $5 \times 3\text{m}$
- 1 Public access road giving access from Heaford street

a. DEVELOPMENT SCHEME PARAMETERS

The development parameters in the Multi Use residential zone for group housing purposes are as follows:

(If the development proposal conforms it will be **Yes** or **No**)

By- Law regulation:	Proposal conform:
Coverage:	Yes
50%	37,3%
Density:	Yes
Aim for 25 du/ha	
To be determined by the SDP and Confirmed by council	26 du/ha
Height:	Yes
2 storeys	2 storeys with pitched roofs
External street building line:	Yes
3m on the R44 (Adam Tas road)	5m

Note:

A Departure is required from the 95m building restriction along the R44 due to it being a Provincial road.

This departure can be mitigated by the fact that this section of the R44 is actually called Adam Tas road and falls under the jurisdiction of the Municipality as it is included within the endorsed urban edge of Klapmuts. The Municipality should by right be the custodian to decide about the legality of the departure in terms of its Development Scheme provisions.

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Common boundary building line:

External 3m

Internal 0m

Yes

3m

0m

Parking

1 bay per group house / 1 bay for visitors = 88 bays

Yes

44 garages and

44 onsite parking bays @ 1 per unit

Outdoor space

25m² / unit

Yes

a minimum of 102m² private garden space on the smallest portion being Portion 11. All the other portions have less of a coverage and more private outdoor space measuring at least 2 meters x 5 meters.

b. SERVICES

Services capacity, connections and detail are discussed in the Civil Services Reports attached as **Addendum 9**.

These investigations have the followings conclusions and recommendations;

Broadco;

It is envisaged that the services for the development will be completed in a single phase, and service plans will be submitted for approval. The material and design specifications will comply with the Stellenbosch Municipality's Minimum Design Standards. The findings above indicates that the additional impact the proposed development will have on the existing infrastructure and surrounds will be minor and should be supported in general.

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GLS;

The developer of portion 27 of Farm 716 in Klapmuts may be liable for the payment of a Development Contribution (as calculated by Stellenbosch Municipality) for bulk water and sewer infrastructure as per Council Policy.

The existing water system has insufficient capacity to accommodate the proposed development.

The minimum requirements to accommodate the proposed development in the existing water system are master plan items SKW1.1, SKW1.2, SKW1.3 & SKW1.12 to improve network conveyance to the proposed development, in order to comply with the pressure and fire flow criteria as set out in the water master plan.

Master plan items 1, SKW1.18, SKW1.19 & SKW1.20 are not required as minimum items in order to accommodate the proposed development, but it is recommended that these items are also implemented in order to reduce high static pressures in the existing system and to improve network redundancy and conveyance to the proposed development.

In the Sewer Master Plan it is proposed that development on Farm 716/27 is accommodated in the proposed Klapmuts Main PS drainage area.

The minimum requirements to accommodate the proposed development in the proposed Klapmuts Main PS drainage area (as proposed in the Sewer Master Plan) are link service item 2 and master plan items SKS1.13 & SKS1.14.

Lyners;

Eskom proposes a new miniature substation to be connected with 11kV underground cable along Heaford Street from the existing miniature substation situated in Brounger Street near the entrance at the adjacent Rozenmeer estate. The proposed position for the new miniature substation is on the open space at the development entrance before the access gate. Low voltage(LV) cables will be laid from the minisub to the development.

A 5 x 3m miniature substation site must be registered in favour of Eskom on the open space as part of the public road reserve.

The developer is responsible for the 11kV external cable connection from the existing minisub.

The developer will install the low voltage distribution network within the development - feeder cables, distribution kiosks and house connection cables.

Pierre Jordaan

Cell: 079 528 9179

Email: pierre@activeplanning.co.za

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c. ARCHITECTURE

The architectural theme will be uniform and in accordance with the attached:

- Unit types A, B & C
- Cross sections & elevations
- 3d illustration of the Site Development

The theme is single garage duplex units ranging from 168m² to 214m² in size with high pitched roofs as per the unit type plans attached to the Site Development Plan.



Figure 12: Proposed unit elevations from the internal access road in the form of Diemer crescent

The architectural styling serves as a clear portrait of the crisp and fresh approach followed to propose a modern contemporary style of architecture without being monotonous in nature but to also provide in the styling and affordability needs of the medium income market it targets.

It is then with this goal in mind that low maintenance, single garage units is incorporated in the design. This serves the following purposes:

- It will attract younger up and coming buyers in the market to the development therefor it serves a marketing purpose.
- The surrounding area does not have a homogenous architectural style or density except for the Rosenmeer development to the west which in all honesty caters for a different market segment and there for have a different style and purpose. There for this proposed design with more modernised finishes will not detract or impact on the architectural nature of the built environment.

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- The design will serve a rejuvenating purpose which along with the infill planning policy initiative also have a major role to play in the upliftment of an existing old established missed use area with regards to aesthetics and style to prevent degeneration due to archaic and heterogenous architectural styles being implemented.

d. ACCESS

Erf 1383 is an existing 5.5m wide property next to the Heaford Street road reserve. It was subdivided from the neighbouring Rosenmeer Development for road widening purposes to form part of the Heaford Street road reserve. A new 5.5m wide public access road will be constructed from Brounger Street to the development. The development will have a gated entrance and a refuse truck turning facility will be provided in front of the entrance gate for refuse collection.

A 10m wide private road reserve (**Diemer crescent**) will be provided inside the development, with a 5.5m wide surfaced road. The layout is designed to allow future access to the neighbouring properties to the north, should they wish to form part of the development in the future.

The above roads will be designed to comply with the Stellenbosch Minimum Design Standards.

A traffic statement of the impact of the development on the adjacent roads in the area is attached as **Addendum 10**.

e. HOME OWNER'S ASSOCIATION

a Home Owner's Constitution attached as **Addendum 11** is presented for approval as per Section 15(2)(l) of the Stellenbosch Municipal Planning By-law of 2015.

f. VIABILITY

The development proposal is deemed viable due to the following supporting factors:

- It provides quality medium density middle income housing in a rapidly expanding area under development pressure without losing sight of the value adding potential of architecturally sound design principles.
- It supports the Local and Provincial Planning strategies with regards to infill and urban densification.

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- It supports the rejuvenation strategy needed to maintain residential neighbourhoods with differing densities and heterogeneous land use.
- It does not impact negatively on the built or natural environment but it fits into and compliments the intensified residential use nature of the area to the west in the form of the Rosenmeer residential development.
- It provides a higher density alternative to the lower density urban area to the south of the R101 which supports the integration of housing densities and intensified land use as initiatives of the local planning policy.
- It will provide housing to the investor's which is exceedingly eager to invest in Klapmuts due to the establishment of Distell and the relocation of The Stellenbosch IT campus to Klapmuts seen as major investment drivers.

g. SUSTAINABILITY

The development proposal is considered sustainable due to the following supporting factors:

- It will add value to the current vacant property in favour of the owner and future investors in the estate.
- This will contribute to the effective functioning of the roads infrastructure planning for the area.
- It will have no negative impact on the surrounding built or natural environment due to the fact that it constitutes a residential infill opportunity.
- It will not have any additional impacts in terms of traffic safety as is evident from the findings of the TIS.
- It will not negatively affect any existing services and / or infrastructure elements in the surrounding area but will rather give way to the installation of services to the area opening it up for further development to the north with the provision of linking infrastructure.

h. DESIRABILITY in terms of SECTION 65(1)(c) of the STELLENBOSCH MUNICIPAL PLANNING BY- LAW (2015)

The following criteria are deemed as desirability factors to be considered in the motivation of the development proposal:

(motivation in support in bolded italics)

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- economic impact;

The proposal will ensure that the Diemer Estate development proposal be implemented at a time when the middle income housing economy in the Western Cape is on an upwards curve and therefore will be seen as having a positive impact on the Provincial economy. It will furthermore cater for the needs of a growing tier of the housing market due to the inability to afford housing in the exiting Klapmuts residential areas due to inflated property prices and large erven with maintenance burdens. It will also provide investors the opportunity to acquire property with the future growth and expansion of Klapmuts as the economic drivers.

- social impact;

It will have a social impact as it provides an opportunity for housing at a time when the need for medium income housing in this market bracket is rising. The added Security through access control, stylish Architectural design and functional open spaces will have an immense social impact as these are socially binding factors which combine to produce a safer environment.

- scale of the capital investment;

The scale of the return on the owner's investment will exceed the capital input due to the fact that the investment opportunity is in a residential market for which a need exist in Klapmuts.

- Compatibility with surrounding uses;

The proposal is seen as compatible with similar use to the west in the form of the Rozenmeer development. The surrounding land use character has no uniform pattern so compatibility is reserved to the existing residential developments and the future areas of residential expansion to the north of the property.

- Impact on the external engineering services;

The services reports all confirm that the additional impact the proposed development will have on the existing infrastructure and surrounds will be minor and should be supported in general.

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

The implementation of the development proposal will add to the safety, health and wellbeing of the community in so far as it will support the built area and add numbers to the community which in itself aids community safety. The utilization of large

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underutilized properties for infill development reduces the possibility of these spaces degrading or being used by vagrants and criminal elements.

Impact on heritage:

No impact exists and no mitigation is needed as is evident from the email confirmation from HWC attached as Addendum 11.

➤ Impact on the biophysical environment;

The proposal is in an area of largely urban nature and expanding urban development along to the south and west. There for the biophysical environment has slowly transpired to a mostly built environment with the existing degrading due to non-use. The subject property is not located in a natural area with any sensitive characteristics as can be supported by the Botanical report already discussed.

➤ Traffic impacts, parking, access and other transport related considerations;

The Traffic Impact Statement has the following conclusions;

- *The proposed development is situated north-west of the R44 (MR00027) / R101 (MR00189) intersection and south of the N1 (NR00101) in Klapmuts. The development is bordered by the R44 to the east and the Rozenmeer residential development to the west;*
- *There are plans for the upgrading of both the R44 and R101 by the Western Cape Provincial Government and for the upgrading of the N1 / R44 interchange by SANRAL;*
- *The development will consist of 44 town houses;*
- *The development will gain access off Brounger Street. The **access complies** with the relevant spacing requirements;*
- *No access road currently exists and the proposed access road design is shown in Figure 3;*
- *The intersections expected to be affected the most by the proposed development are the R44 / R101, R101 / Brounger Street and the intersections at the R44 / N1 interchange;*
- *All the affected intersections currently operate at acceptable levels of service;*
- *The proposed development has the potential to generate 37 trips during the AM peak hour (9 in, 28 out) and 37 trips during the PM peak hour (26 in, 11 out);*

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- *The analysis of the affected intersections with background year 2025 traffic volumes indicates that two of the four intersections will operate at unacceptable levels of services;*
 - *It is proposed that the R44 / R101 intersection be improved to the layout shown in Diagram 1 as a short-term solution;*
 - *The analysis of the affected intersections with the development trips added and the new proposed intersection layouts indicates that all movements at all intersections will operate at **acceptable levels of service**;*
 - *The provision of 88 off-street parking spaces and garages will be **sufficient** for the proposed development;*
 - *A refuse truck detour is proposed to accommodate the solid waste management of the development and is shown in Figure 8;*
 - *It is anticipated that only a small number of public and no motorised transport trips will be generated by the proposed development. A sidewalk is proposed on n at least one side of the access road. **No public transport upgrades** are proposed.*
- whether the imposition of conditions can mitigate an adverse impact of the proposed land use.

The conditions of the approval will be the result of due process and all the necessary requirements in terms of this and other legislative processes will be adhered to as required by the process as prescribed by the By-law and LUPA.

14. SUPPORTING MOTIVATION

With all the above mentioned motivational criteria supporting a development proposal that would have a highly positive impact on the local economy as well complimenting the built nature of the receiving environment, no negative impacts are envisaged which would affect the potential of **Diemer Estate** to be developed with the subsequent establishment of an infill development aligned with Local Spatial Planning policies. It is the aim of the client to create a contemporary though viable and affordable product which would add to the value and character of the area as well as being a solid opportunity for a return on both his investment as well the investment of potential first time home owners in the middle income market.

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15. SUMMARY

This application for the development and implementation of **Diemer Estate** with the subsequent rezoning and subdivision are therefore seen favourable as it will have no negative impact on the surrounding built environment but will ensure the most viable and sustainable development implementation of a non- viable underutilized and vacant property which will deliver the best product to the growing residential market ensuring the best economic return on investment. It is therefore encouraged and recommended for approval.

Pierre Jordaan

for **Active Planning Solutions**

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



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DEPARTMENT OF DEVELOPMENT MANAGEMENT

LAND DEVELOPMENT APPLICATION:

PUBLIC PARTICIPATION PROCESS PORTFOLIO OF EVIDENCE CHECKLIST AND DECLARATION

Erf/Erven Farm no	Farm 716	Portion(s) if farm	Portion 27	Allotment Area	Klapmuts		
Owner/ Applicant	Active Planning Solutions			LU/#	12309		
Notice Period	From:	1 April 2021		To:	10 May 2021		
CONFIRMATION OR DOCUMENTATION SUBMITTED				OWNER/APPLICANT			ADMIN VERIFY
				YES	NO	N/A	
1. The declaration is duly signed				X			✓
2. Applicant confirms that the public participation process was duly undertaken as instructed and attached to this POE.				X			✓
3. Approval for notices were obtained prior to the public participation process and attached to this POE.				X			✓
4. Municipality informed of the start date and closure date.				X			✓
5. The advertisement period complies with the required 30 days (60 days for state entities).				X			✓
6. If applicable, confirms that the site notice was placed and kept on site for the duration of the public participation process.				X			✓
7. All communications (other than notices) in respect of the public participation process attached.				X			✓
Proof of notices published							
8. If applicable, photo evidence to confirm site notice.				X			✓
9. Wording of the advertisement accurate as approved & attached.				X			✓
10. Proof of notices published (Publication date visible)				X			✓
Proof of notices served							
11. Wording of notice accurate as approved and attached				X			✓
12. Proof of all notices served to neighbouring properties attached				X			✓
13. Proof of all notices to Interest & Community Groups attached				X			✓
14. Proof of all notices to Govt. Dept's and Entities attached				X			✓
Comments received							
15. All objections/comments received attached				X			✓
16. All comments from internal Municipal Departments received (must also be attached to POE).				X			✓
17. Applicant's comments on all the objections attached				X			✓

Please complete and sign the following declaration on above:

DECLARATION

I, (full names & surname) _____ Pierre Jordaan on behalf of Active Planning Solutions _____

and ID #: 8804685779983, as the Applicant for the above application,

hereby confirms that the public participation process for the subject application was duly undertaken in accordance with the instruction for such process and the associated requirements stipulated in the Stellenbosch Municipal Land Use Planning Bylaw, and that the information contained in the above checklist and the accompanied information and documentation in the portfolio of evidence for the concluded public participation process, are accurate and complete:

Duly signed by the APPLICANT _____ Pierre Jordaan _____ on this date/ month/ year 02/03/2023


_____ at place _____ Dtrekka Farm, Koelenhof _____



_____ 02/03/2023 _____

Signature Applicant

Date

<i>For office use only</i>	
CHECKED BY ADMINISTRATIVE OFFICER	
CHECKED BY TOWN PLANNER	
DATE VERIFIED	12/04/2023

NOTES TO BE RECORDED:

NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

APPLICATION TYPE:

REZONING, SUBDIVISION, DEPARTURE, APPROVAL OF HOME OWNER'S ASSOCIATION AND APPROVAL OF THE NAME OF THE DEVELOPMENT (DIEMER ESTATE), STREET NAME (DIEMER CRESCENT), STREET NUMBERS AND ARCHITECTURAL GUIDELINE

Application Address: **PORTION 27 OF THE FARM 716, KLAPMUTS**

Applicant:

ACTIVE PLANNING SOLUTIONS

Cell: 079 528 9179

Email: pierre@activeplanning.co.za

Owner:

Exclusive Access Trading 459 (Pty.) Ltd.

Cell: 0614946847

Application Reference: **LU/12309**

Description of land development application:

- The **Rezoning** of Portion 27 of Farm 716, Klappmuts from Agricultural Zone to Subdivisional Overlay zone to accommodate Group housing units, private open spaces, private road, a public road and substation in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-law of 2015.
- The **Subdivision** of Portion 27 of Farm 716, Klappmuts into 49 new portions in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-law of 2015.
- a **Departure** from the 95m building restriction in terms of Act 21 of 1940 along the R44 to 5m.
- Approval of the **Home Owner's Association**.
- Approval of the street name "**Diemer crescent**" and **street numbers**
- Approval of the **Architectural Guidelines**

Notice is hereby given in terms of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/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.

Written comments, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person in the application, may be submitted in terms of Section 50 of the said Bylaw to the Applicant by electronic mail as follows: **Pierre Jordaan c/o Active Planning Solutions / cell: 079 528 9179 / email: pierre@activeplanning.co.za**

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **10 May 2021**

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 **079 528 9179** during normal office hours.

KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA

AANSOEK TÍPE: **HERSONERING, ONDERVERDELING, AFWYKING, GOEDKEURING VAN HUISEIENAARSVERENIGING GRONDWET EN GOEDKEURING VAN DIE NAAM VAN DIE ONTWIKKELING (DIEMER LANDGOED), STRAATNAAM (DIEMER SINGEL), STRAATNOMMERS AND ARGITEKTONIESE RIGLYNE**

Adres van eiendom: **GEDEELTE 27 VAN DIE PLAAS 718, KLAPMUTS**

Aansoeker:
Active Planning Solutions
Selnommer: 079 528 9179
Epos: pierre@activeplanning.co.za

Eienaar:
Exclusive Access Trading 459 (Pty.) Ltd.
Selnommer: 0614946847

Aansoek Verwysing: **LU/12309**

Beskrywing van grondontwikkelingsaansoek:

- Die **Hersonering** van Gedeelte 27 van die Plaas 716, Klapmuts, van Landbou Sone na Onderverdelingsgebied oorlegsone ten einde Groepsbehuising, privaat oopruimtes, privaatpad, publieke pad en 'n substasie te vestig in terme van Artikel 15(2)(a) van die Stellenbosch Munisipale Beplanningsverordening van 2015.
- Die **Onderverdeling** van Gedeelte 27 van die Plaas 716, Klapmuts in 49 nuwe gedeeltes in terme van Artikel 15(2)(d) van die Stellenbosch Munisipale Beplanningsverordening van 2015.
- **Afwyking** van die 95m boubeperkingslyn langs die R44 na 5m in terme van Wet 21 van 1940.
- Goedkeuring van die Diemer Landgoed **Huiseienaarsvereniging** se Grondwet.
- Goedkeuring van die straatnaam "**Diemer singel**" en **straatnommers**
- Goedkeuring van die **Argitektoniese riglyne**

Kennis word hiermee gegee in terme van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydskuur van die publieke deelname proses by die volgende adres: [\[https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements\]](https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements). Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie beskikbaar te stel.

Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, kan ingedien word in terme van Artikel 50 van genoemde Verordeninge aan die Aansoeker by wyse van elektroniese pos as volg: **Pierre Jordaan** vir **Active Planning Solutions** / selnommer: **079 528 9179** / epos: **pierre@activeplanning.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 **10 Mei 2021**

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by **079 528 9179** gedurende normale kantoor ure.

4/1/2021

Gmail - PORTION 27 OF THE FARM 716, KLAPMUTS



Pierre Jordaan <activeplanningsolutions@gmail.com>

PORTION 27 OF THE FARM 716, KLAPMUTS

Pierre Jordaan <pierre@activeplanning.co.za>

1 April 2021 at 17:07

To: llouw@mab.co.za




Dear Mr Louw / Owner erf 716

Please find attached notice for your information.

Hope you find this in order.

Pierre Jordaan
for *Active Planning Solutions*
Cell: 079 528 9179
Website: <https://activeplanning.co.za>

3 attachments

-  **Brief_Louw_erf 716.pdf**
57K
-  **Locality_compressed (1).pdf**
725K
-  **Site Development Plan_compressed (1).pdf**
5821K

4/1/2021

Gmail - PORTION 27 OF THE FARM 716, KLAPMUTS



Pierre Jordaan <activeplanningsolutions@gmail.com>

PORTION 27 OF THE FARM 716, KLAPMUTS

Pierre Jordaan <pierre@activeplanning.co.za>




1 April 2021 at 17:13

To: duvelop@mweb.vo.za

Dear Owner erf ¹³⁵²~~1351~~ & 1354
[Quoted text hidden]

1352 & 1354

3 attachments

-  **Locality_compressed (1).pdf**
725K
-  **Site Development Plan_compressed (1).pdf**
5821K
-  **Brief_Shelfline_ erf 1354.pdf**
57K



Pierre Jordaan <activeplanningsolutions@gmail.com>

PORTION 27 OF THE FARM 716, KLAPMUTS

Pierre Jordaan <pierre@activeplanning.co.za>
To: helenahbrink@gmail.com 1351

1 April 2021 at 17:15

Correct letter attached.




Regards

Pierre Jordaan
for **Active Planning Solutions**
Cell: 079 528 9179
Website: <https://activeplanning.co.za>

EJ 1351

[Quoted text hidden]

3 attachments

-  **Locality_compressed (1).pdf**
725K
-  **Site Development Plan_compressed (1).pdf**
5821K
-  **Brief_Brink_ erf 1351.pdf**
57K



Pierre Jordaan <activeplanningsolutions@gmail.com>

PORTION 27 OF THE FARM 716, KLAPMUTS

Pierre Jordaan <pierre@activeplanning.co.za>
To: ljcastaldo@hotmail.com

1 April 2021 at 17:15

Correct letter attached.

1350




Regards

Pierre Jordaan
for *Active Planning Solutions*
Cell: 079 528 9179
Website: <https://activeplanning.co.za>

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

From: **Pierre Jordaan** <pierre@activeplanning.co.za>
Date: Thu, 1 Apr 2021 at 17:10
Subject: Fwd: PORTION 27 OF THE FARM 716, KLAPMUTS
To: <ljcastaldo@hotmail.com>
[Quoted text hidden]

3 attachments

-  **Locality_compressed (1).pdf**
725K
-  **Site Development Plan_compressed (1).pdf**
5821K
-  **Brief_Castaldo_erf 1350.pdf**
57K



Pierre Jordaan <activeplanningsolutions@gmail.com>

PORTION 27 OF THE FARM 716, KLAPMUTS

Pierre Jordaan <pierre@activeplanning.co.za>
To: jacquesdk7@gmail.com

1 April 2021 at 17:16

Correct letter attached.

1349




Regards

Pierre Jordaan
for *Active Planning Solutions*
Cell: 079 528 9179
Website: <https://activeplanning.co.za>

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

From: Pierre Jordaan <pierre@activeplanning.co.za>
Date: Thu, 1 Apr 2021 at 17:08
Subject: Fwd: PORTION 27 OF THE FARM 716, KLAPMUTS
To: <jacquesdk7@gmail.com>
[Quoted text hidden]

3 attachments

-  **Locality_compressed (1).pdf**
725K
-  **Site Development Plan_compressed (1).pdf**
5821K
-  **Brief_De Klerk_ erf 1349.pdf**
57K

4/1/2021

Gmail - PORTION 27 OF THE FARM 716, KLAPMUTS



Pierre Jordaan <activeplanningsolutions@gmail.com>

PORTION 27 OF THE FARM 716, KLAPMUTS

Pierre Jordaan <pierre@activeplanning.co.za>

1 April 2021 at 17:18

To: elmari@bakkiecentre.co.za

Dear Mr / Mrs EC Pretorius / Owner erf 1353

[Quoted text hidden]

3 attachments**Locality_compressed (1).pdf**

725K

**Site Development Plan_compressed (1).pdf**

5821K

**Brief_Pretorius_erf 1353.pdf**

56K

4/1/2021

Gmail - PORTION 27 OF THE FARM 716, KLAPMUTS



Pierre Jordaan <activeplanningsolutions@gmail.com>

PORTION 27 OF THE FARM 716, KLAPMUTS

Pierre Jordaan <pierre@activeplanning.co.za>




1 April 2021 at 17:20

To: elmar@bakkiecentre.co.za

Dear Owner erf 1355

[Quoted text hidden]

3 attachments

-  **Locality_compressed (1).pdf**
725K
-  **Site Development Plan_compressed (1).pdf**
5821K
-  **Brief_Kulu_erf 1355.pdf**
56K



Pierre Jordaan <activeplanningsolutions@gmail.com>

PORTION 27 OF THE FARM 716, KLAPMUTS

Pierre Jordaan <pierre@activeplanning.co.za>

1 April 2021 at 17:21

To: zelpy5126@gmail.com

Dear Owner erf 271

[Quoted text hidden]

3 attachments**Locality_compressed (1).pdf**

725K

**Site Development Plan_compressed (1).pdf**

5821K

**Brief_Zelpy_erf 271.pdf**

57K



Pierre Jordaan <activeplanningsolutions@gmail.com>

PORTION 27 OF THE FARM 716, KLAPMUTS

Pierre Jordaan <pierre@activeplanning.co.za>




1 April 2021 at 17:23

To: law@cliff.co.za

Dear Mr / Mrs van Rhyn / Owner erf 755 & 756

[Quoted text hidden]

3 attachments

-  **Locality_compressed (1).pdf**
725K
-  **Site Development Plan_compressed (1).pdf**
5821K
-  **Brief_van Rhyn_erf 755.pdf**
57K

NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

Neem asseblief kennis dat hierdie kennisgewing in Afrikaans hieronder volg.

Mnr / Me S & E Jacobs

51 Moses street

Klapmuts

7625

Erf 714

The following land use application in terms of the Stellenbosch Land Use Planning Bylaw, 2015, refers:

APPLICATION TYPE:

REZONING, SUBDIVISION, DEPARTURE, APPROVAL OF HOME OWNER'S ASSOCIATION AND APPROVAL OF THE NAME OF THE DEVELOPMENT (DIEMER ESTATE), STREET NAME (DIEMER CRESCENT), STREET NUMBERS AND ARCHITECTURAL GUIDELINE

Application Address: **PORTION 27 OF THE FARM 716, KLAPMUTS**

Applicant:

ACTIVE PLANNING SOLUTIONS

Cell: 079 528 9179

Email: pierre@activeplanning.co.za

Owner:

Exclusive Access Trading 459 (Pty.) Ltd.

Cell: 0614946847

Application Reference: **LU/12309**

Description of land development application:

- The **Rezoning** of Portion 27 of Farm 716, Klapmuts from Agricultural Zone to Subdivisional Overlay zone to accommodate Group housing units, private open spaces, private road, a public road and substation in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-law of 2015.
- The **Subdivision** of Portion 27 of Farm 716, Klapmuts into 49 new portions in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-law of 2015.
- a **Departure** from the 95m building restriction in terms of Act 21 of 1940 along the R44 to 5m.
- Approval of the **Home Owner's Association**.
- Approval of the street name "**Diemer crescent**" and **street numbers**
- Approval of the **Architectural Guidelines**

Notice is hereby given in terms of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/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.

Written comments, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person in the application, may be submitted in terms of Section 50 of the said Bylaw to the Applicant by electronic mail as follows: **Pierre Jordaan c/o Active Planning Solutions / cell: 079 528 9179 / email: pierre@activeplanning.co.za**

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **10 May 2021**

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 **079 528 9179** during normal office hours.

KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA

AANSOEK TIPE: **HERSONERING, ONDERVERDELING, AFWYKING, GOEDKEURING VAN HUISEIENAARSVERENIGING GRONDWET EN GOEDKEURING VAN DIE NAAM VAN DIE ONTWIKKELING (DIEMER LANDGOED), STRAATNAAM (DIEMER SINGEL), STRAATNOMMERS AND ARGITEKTONIESE RIGLYNE**

Adres van eiendom: **GEDEELTE 27 VAN DIE PLAAS 718, KLAPMUTS**

Aansoeker:

Active Planning Solutions

Selnommer: 079 528 9179

Epos: pierre@activeplanning.co.za

Eienaar:

Exclusive Access Trading 459 (Pty.) Ltd.

Selnommer: 0614946847

Aansoek Verwysing: **LU/12309**

Beskrywing van grondontwikkelaarsaansoek:

- Die **Hersonering** van Gedeelte 27 van die Plaas 716, Klappmuts, van Landbou Sone na Onderverdelingsgebied oortegsone ten einde Groepsbehuising, privaat oopruimtes, privaatpad, publieke pad en 'n substasie te vestig in terme van Artikel 15(2)(a) van die Stellenbosch Munisipale Beplanningsverordening van 2015.
- Die **Onderverdeling** van Gedeelte 27 van die Plaas 716, Klappmuts in 49 nuwe gedeeltes in terme van Artikel 15(2)(d) van die Stellenbosch Munisipale Beplanningsverordening van 2015.
- **Afwyking** van die 95m boubeperkingslyn langs die R44 na 5m in terme van Wet 21 van 1940.
- Goedkeuring van die Diemer Landgoed **Huiseienaarsvereniging** se Grondwet.
- Goedkeuring van die straatnaam "**Diemer singel**" en **straatnommers**
- Goedkeuring van die **Argitektoniese riglyne**

Kennis word hiermee gegee in terme van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydskedule van die publieke deelname proses by die volgende adres: [<https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>]. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie beskikbaar te stel.

Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, kan ingedien word in terme van Artikel 50 van genoemde Verordeninge aan die Aansoeker by wyse van elektroniese pos as volg: **Pierre Jordaan** vir **Active Planning Solutions** / selnommer: **079 528 9179** / epos: **pierre@activeplanning.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 **10 Mei 2021**

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by **079 528 9179** gedurende normale kantoor ure.

REGISTERED LETTER
GEREGISTREERDE BRIEF

(with an insurance option/met 'n versekeringsopsie)



Post Office

Full tracking and tracing/Volledige volg en spoor

Addressed to/Geadresseer aan

MR/MS S A E Jacobs
Noses Street 51
Kleynwants

Postcode 7625
Postkode

The value of the contents of this letter is as indicated and compensation is not payable for a letter received unconditionally. Compensation is limited to R100.00. No compensation is payable without documentary proof. Optional insurance up to R2 000.00 is available and applies to domestic registered letters only.

Waardevan die inhoud van hierdie brief is soos aangedui en vergoeding sal nie betaal word vir wat sonder voorbehoud ontvang word nie. Vergoeding is beperk tot R100.00. Geen vergoeding dokumentêre bewys betaalbaar nie. Opsionele versekering tot R2 000.00 is beskikbaar en binne landse geregistreerde briewe van toepassing.

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Insurance/Versekering R
Total/Totaal R

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Versekerde waarde van Inhoud R

Enquiries/Navrae
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Tolvry nommer
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Paraar van
aanem
beamp
OLD OAK
Date

FILE 714





STELLENBOSCH
MUNICIPALITY



NOTICE

**PENDING: LAND USE
DEVELOPMENT APPLICATION**

PLEASE CONSULT THE PLANNING PORTAL OF THE
MUNICIPALITY AT: www.stellenbosch.gov.za
FOR MORE ON THE APPLICATION AT THIS STREET ADDRESS



NOTICE
2019/2020 DRAFT ANNUAL REPORT

Notice is hereby given in terms of Section 127(2) of the Municipal Finance Management Act (MFMA) that the Executive Mayor tabled the 2019/2020 Draft Annual Report at a Council Meeting held on 31 March 2021. In terms of Section 127(5) of the MFMA, read together with Section 46 of the Municipal Systems Act, the Draft Annual Report is now released for public comment.

The Draft Annual Report will be available for perusal during normal office hours and also after hours at libraries that offer after hour services, at the following venues:

- All public libraries in Paarl, Paarl East, Mbekweni and Wellington;
- Thusing Multi-Purpose Centres in Mbekweni and Paarl East; and
- Municipal Offices at Paarl Civic Centre, Paarl East, Mbekweni, Wellington, Gouda and Saron.

The Draft Annual Report will also be available on the Municipal Website: www.drakenstein.gov.za (Statutory Disclosures / Performance Management / Annual Report / 2019-2020).

Members of the public are welcome to submit written comments and representations of the Draft Annual Report to the Chief Financial Officer, PO Box 1, Paarl, 7646; by email: ronetia.cupido@drakenstein.gov.za. Written comments must be received by not later than 21 April 2021 at 23:59. For any further information please contact Ms Ronetia Cupido at (021) 8074553

Verbal Submissions: Members of the public who are unable to write, may come to the Office of the Chief Financial Officer (2nd floor, Civic Centre, corner of Market Street and Berg River Boulevard, Paarl) during office hours where Ms Ronetia Cupido will assist him / her to transcribe his / her comments.

The Municipal Public Accounts Committee (MPAC) of Council will consider all written comments received by 21 April 2021. Please indicate in your written comments if you would wish to appear before the MPAC to motivate your comments. A notice of the MPAC meeting will accordingly be issued to you.

DR JH LEIBBRANDT
CITY MANAGER
Paarl Post - 01/04/2021



KENNISGEWING
2019/2020 KONSEP JAARVERSLAG

Kennis geskied hiermee KONSEP Artikel 127(2) van die Munisipale Finansiële Bestuurswet (MFBW) dat die Uitvoerende Burgemeester die 2019/2020 Konsep Jaarverslag in die Raad ter tafel gelê het tydens 'n Raadsvergadering gehou op 31 Maart 2021. Kragtens Artikel 127(5) van die MFBW, saamgelees met Artikel 46 van die Munisipale Stelselwet, word die Konsep Jaarverslag nou vrygestel vir publieke kommentaar.

Die Konsep Jaarverslag lê ter insae gedurende normale kantoorure asook na-ure by biblioteke wat na-ure dienste lewer, by die volgende plekke:

- Alle openbare biblioteke in die Paarl, Paarl-Oos, Mbekweni en Wellington;
- Thusing Veeldoelige Sentrums in Mbekweni en Paarl-Oos; en
- Paarl Burgersentrum, Paarl-Oos, Mbekweni, Wellington, Gouda en Saron munisipale kantore.

Die Konsep Jaarverslag is ook beskikbaar op die Munisipale Webwerf: www.drakenstein.gov.za (Statutory Disclosures / Performance Management / Annual Report / 2019-2020).

Lede van die publiek is welkom om skriftelike vertoë en kommentaar op die Konsep Jaarverslag te rig aan die Hoof Finansiële Beampte, Posbus 1, Paarl, 7646; per e-pos: ronetia.cupido@drakenstein.gov.za teen nie later as 21 April 2021 om 23:59. Vir enige verdere inligting kan Me Ronetia Cupido by telefoon (021) 8074553 gekontak word.

Mondelinge Voorleggings: Lede van die publiek wie nie kan skryf nie, kan gedurende kantoor ure die Kantoor van die Hoof Finansiële Beampte (2de vloer, Burgersentrum, hoek van Marktstraat en Bergwifer Boulevard, Paarl) besoek waar Me Ronetia Cupido vir hom / haar sal help om sy / haar kommentaar op skrif te stel.

Die Munisipale Openbare Rekeninge Komitee (MORK) van die Raad sal alle kommentaar ontvang teen 21 April 2021 oorweeg. Enige persoon moet in sy / haar skriftelike kommentaar aandui of hy / sy voor die MORK wil verskyn om u kommentaar en vertoë te motiveer. 'n Kennisgewing van die MORK vergadering sal dienoreenkomstig aan u uitgereik word.

DR JH LEIBBRANDT
STADSBESTUURDER
Paarl Post - 01/04/2021

AMPTELIKES | BETREKKINGS

VOERTUIG-FINANSIERING

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- Geen deposito
- Geen bestuurderslisensie

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www.veertuigfinansiering.co.za
E-pos: beoordelings@veertuigfinansiering.co.za

VACANCY AVAILABLE

Duties include the following, but not limited to:

- Pastel • PAYC • Debtors/Creditors • General Office Duties

Key expertise:

- Strong communication skills • Attention to detail
- Excellent planning and organising skills

Please forward a copy of your CV with a motivation letter and a recent photo to jaco@cumpsyelectrical.co.za stating salary and notice period.

Cape Winelands District Municipality strives towards rendering a dynamic and effective service to the community under its jurisdiction. As an Employment Equity Employer, we currently offer the following vacancy to an appropriately qualified and experienced individual:

CHIEF ENVIRONMENTAL HEALTH PRACTITIONER

Responsibilities: • Manage, organise and control an effective municipal health service to ensure that the requirements of the National Health Act, Foodstuffs, Cosmetics and Disinfectants Act and Section 24 of the Constitution of the Republic of South Africa, namely the right to a healthy environment, are met. • Manage and supervise the implementation of policies, statutory requirements, programmes and work procedures associated with the key performance indicators related to environmental health and air quality, designed to create awareness and reduce environmental degradation as well as health risks. • Manage and control financial resources and expenditure within the geographical area of responsibility in line with delegated authority to incur reasonable expenses related to the activities of the Division: Municipal Health Services, as well as assets and equipment assigned and acquired. • Coordinate specific administrative and reporting requirements associated with the key performance and result indicators of the Division: Municipal Health Services.

Requirements: • National Diploma in Environmental Health or equivalent. • Proof of current registration with the Health Professions Council of South Africa (HPCSA). • At least five years' managerial experience in a similar post in a municipal environment. • Valid Code EB driver's licence. • Computer literacy. • Managerial and supervisory skills. • Excellent verbal and written proficiency in at least two of the three official languages of the Western Cape Province.

Salary band: R418 308 to R542 964 per annum
Post level: T14
This post can be considered for participation in the Transport Allowance Scheme for Essential Users

Work centre and reference: Stellenbosch (912)
Closing date for applications: 09 April 2021 at 15:00

Fringe benefits include: pension/retirement fund, medical scheme, group life insurance, 13th cheque and a non-pensionable accommodation allowance. Details regarding the comprehensive list of fringe benefits are available on request.

The closing date for applications is regarded the date on which minimum requirements as stipulated in this advertisement should be met by the applicant. No supplementary documents will be accepted after the closing date. Applicants must acquire the prescribed application form from Ms SM Morris on Tel. 021 888 5159 and Mr KC Morris on Tel. 021 888 5120. Duly completed applications, accompanied by originally certified true copies of qualification certificates (degrees, diplomas, certificates, school certificates, etc.) as well as required driver's licences, Professional Drivers' Permits and registration certificates from professional bodies, where applicable, are to be forwarded to the Municipal Manager, Cape Winelands District Municipality, P.O. Box 1490, Stellenbosch 7659, in a sealed envelope and endorsed with the relevant post name on the envelope.

It should be noted that applications that do not adhere to the above-mentioned prescriptions will not be considered, neither will late, faxed and/or electronically applications be considered.

Please note that, should no feedback be received by 31 July 2021, candidates may assume that their applications have been unsuccessful!

Canvassing will disqualify a candidate.



NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

APPLICATION TYPE: REZONING, SUBDIVISION, DEPARTURE, APPROVAL OF HOME OWNER'S ASSOCIATION AND APPROVAL OF THE NAME OF THE DEVELOPMENT (DIEMER ESTATE), STREET NAME (DIEMER CRESCENT), STREET NUMBERS AND ARCHITECTURAL GUIDELINE

Application Address: PORTION 27 OF THE FARM 716, KLAMPUTS

Applicant:
ACTIVE PLANNING SOLUTIONS
Cell: 079 528 9179
Email: pierre@activeplanning.co.za

Owner:
Exclusive Access Trading 459 (Pty.) Ltd.
Cell: 061 494 6847
Application Reference: WJ/12309

Description of land development application:

- The Rezoning of Portion 27 of Farm 716, Klamputs from Agricultural Zone to Subdivisional Overlay zone to accommodate Group housing units, private open spaces, private road, a public road and substation in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-law of 2015.
- The Subdivision of Portion 27 of Farm 716, Klamputs into 49 new portions in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-law of 2015.
- a Departure from the 95m building restriction in terms of Act 21 of 1940 along the R44 to 5m.
- Approval of the Home Owner's Association.
- Approval of the street name "Diemer crescent"

Notices are hereby given in terms of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address:

<https://www.stellenbosch.gov.za/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.

Written comments, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person in the application, may be submitted in terms of Section 50 of the said Bylaw to the Applicant by electronic mail as follows: Pierre Jordaen c/o Active Planning Solutions / cell: 079 528 9179 / email: pierre@activeplanning.co.za

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of 10 May 2021.

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 079 528 9179 during normal office hours.

KENNISGEWING VAN GRONDONTWIKKELINGSAAFSOEK IN DIE STELLENBOSCH MUNISIPALE AREA

AAFSOEK TPE: HERSONERING, ONDERVERDELING, AFWYKING, GOEDKEURING VAN HUISEIAARSVERENIGING GRONDWET EN GOEDKEURING VAN DIE NAAM VAN DIE ONTWIKKELING (DIEMER LANGGOED), STRAATNAAM (DIEMER SINGEL), STRAATNUMMERS AND ARGITEKTONIESE RIGLYNE

Adres van eiendom: GEDEELTE 27 VAN DIE PLAAS 718, KLAMPUTS

Aansoeker:
Active Planning Solutions
Selnummer: 079 528 9179
E-pos: pierre@activeplanning.co.za

Eienaar:
Exclusive Access Trading 459 (Pty.) Ltd.
Selnummer: 061 494 6847
Aansoek Verwysing: WJ/12309

Beskrywing van grondontwikkelingsaansoek:

- Die Hersonering van Gedeelte 27 van die Plaas 716, Klamputs, van Landbou Sone na Onderverdelingsgebied oorleë tot ten einde Groepsbehuising, privaat oopruimtes, privaatpad, publieke pad en 'n substaie te vestig in terme van Artikel 15(2)(a) van die Stellenbosch Munisipale Beplanningsverordening van 2015
- Die Onderverdeling van Gedeelte 27 van die Plaas 716, Klamputs in 49 nuwe gedeeltes in terme van Artikel 15(2)(d) van die Stellenbosch Munisipale Beplanningsverordening van 2015
- Afwyking van die 95m boubeperkingslyn langs die R44 na 5m in terme van Wet 21 van 1940.
- Goedkeuring van die Diemer Landgoed Huiseiaarsvereniging se Grondwet.
- Goedkeuring van die straatnaam "Diemersingel"

Kennis word hiermee gegee in terme van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsvuur van die publieke deelname proses by die volgende adres: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie beskikbaar te stel.

Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, kan ingedien word in terme van Artikel 50 van genoemde Verordeninge aan die Aansoeker by wyse van elektroniese pos as volg: Pierre Jordaen c/o Active Planning Solutions / selnummer: 079 528 9179 / e-pos: pierre@activeplanning.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 10 Mei 2021.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by 079 528 9179 gedurende normale kantoor ure.



FINANSIËLE & LONEKLERK

Lategan's Sementwerke in WELLINGTON, het 'n loopbaangeleentheid vir 'n Finansiële & Loneklerk.

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Belangstellende aansoekers wat aan bogenoemde voldoen, kan die volledige advertensie met die posbeskrywing saamra by sales@lategans.co.za vir aandag Jan-Hendrik Nyburgh of skelstel 021 873 1154.

Sluitingsdatum: 9 April 2021.

LEWIS COETZEE TRUTER ATTORNEYS

BOEDELKENNISGEWING

In die boedel van wyle AMELIA GERRYS identifikasienommer: 380926 0091 088 Van: Malanstraat 11, Wellington wie oorde is op 27 Oktober 2019 Boedelnommer: 22592/2019

Kennis geskied hiermee dat die Eerste en Finale Likwidasië- en Distribusierekening in bogenoemde boedel ter insae sal lê by die kantore van die Meester te KAAPSTAD en 'n afskrif by die Landdrukskantoor Wellington vir 'n tydperk van 21 dae gereken vanaf Donderdag, 1 April 2021.

Indien binne genoemde tydperk geen beswaar daarteen by die Meesterskantoor ingedien word nie, gaan die Eksekuteur oor tot die uitbetaling ingevolge gemelde rekenings.

LEWIS COETZEE & TRUTER
KERKSTRAAT 17, POSTBUS 30
WELLINGTON
7654

**ANNEXURE F: OBJECTIONS, & RESPONSE TO OBJECTIONS
FROM APPLICANT**

PLANNING
SERVICES
BEPLANNINGS
DIENSTE

8 Glaudina Crescent
Parow 7500
Fax. 086 – 621 5474
Tel. 084 - 955 1060
planserv@icon.co.za

Electronic transmission to: pierre@activeplanning.co.za
Copies to: contact.stellenbosch@stellenbosch.gov.za
louw@mweb.co.za
piet@lhattorneys.co.za

Application reference Nr.: LU/12309
Transmission date: 28 April 2021

**STELLENBOSCH MUNICIPAL LAND-USE PLANNING BY-LAW (2015)
FOR PORTION 27 OF FARM 716, KLAPMUTS
“DIEMER ESTATE” DEVELOPMENT**

Attention: Pierre Jordaan

Sir

We act in this matter on behalf of the owners of Portion 57 of Farm 716 Klappmuts, and refer to the advertising of the above-mentioned application.

We herewith object to an approval of the application, based on the following reasons:

The development proposal is not in line with the “*Future Upgrading Proposals for MR27*” that is attached as “*Appendix B1 – Part 1 of 5*” of the “*NEMA Environmental Authorisation 9 May 2016*” with “*EIA Reference Number 16/3/1/1/B4/23/1043/12*” (Extract copied below).



The plan indicates a "left only" intersection with the R44, and a "Relocated Access" (in yellow) indicated over Farm 716/27. This effectively means that the relevant portion of Farm 716/57 is dependent on the "Relocated Access" for an exit route. Note that the plan resulted from an extensive public participation process that also involved the owners of Farm 716/27. As such we submit that that the relocated access route carries an agreed formal status.

Also note the approved development (24 town house units – visible on the above plan) on the relevant portion of Farm 716/57 that is isolated by the existing dam from an access to the west. We submit that this situation necessitated the relocated access route.

Although the development proposal for Farm 716/27 indicate a possible link with Farm 716/57, the proposal is indicated as an access controlled development. We are therefore left without any other option but to object to approval of the application.

We do suggest however that an attempt is made to discuss and resolve this issue, whereupon we can consider to withdraw the objection.

Please do not hesitate to contact us for any queries in this regard.

Regards



GERHARD ERASMUS
Cell. 084 955 1060

GERHARD ERASMUS
B.SC M.TRP



Pierre Jordaan <activeplanningsolutions@gmail.com>

**Objections to the current layout of the rezoning and subdivision of 27/716,
application LU/12309**

3 messages

Carel Van Wyk <carel@bakkiecentre.co.za>
To: pierre@activeplanning.co.za
Cc: edrich1@bakkiecentre.co.za, gielie@duvelop.co.za

10 May 2021 at 16:28

LU/12309

Carel Pieter van Wyk

31 Batis Street, Durbanville, 7550

carel@bakkiecentre.co.za

0725072716 / 021 9392177

Access to farm 5/716

On behalf of uyaKhulu uyaKhulu Trust, owners of portion 5/716.

We would like to object to the proposed layout as is.

All planning processes should accommodate future land-use changes, even beyond the application and status quo. The suggested layout will Landlock our farm 5/716 with the planned widening of the R44.

SANRAL has initiated and completed a full public participation process, in connection with the upgrade of the R 44. After public participation and meetings with all affected owners including and specifically, the owners of 27/716, the access and exit to these properties were relocated to the western side of portion 27/716.

Besides the fact that "The layout is designed to allow future access to the neighbouring properties to the north". We question the fact that full and proper consideration has been given to accommodate the inclusion of any further extension, should this be true. A Traffic Statement is inadequate, and the application should include a full Traffic Study that includes the properties to the North.

We also question to what extent we or anyone can be forced to be part of a specific Homeowners Association.

Yours truly.

Carel van Wyk

Professional Accountant (SA)

072 507 2716

Carel Van Wyk <carel@bakkiecentre.co.za>
To: giellie@duvelop.co.za, edrich1@bakkiecentre.co.za
Cc: pierre@activeplanning.co.za

10 May 2021 at 16:29

LU/12309

Carel Pieter van Wyk

31 Batis Street, Durbanville, 7550

carel@bakkiecentre.co.za

0725072716 / 021 9392177

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We also question to what extent we or anyone can be forced to be part of a specific Homeowners Association.

5/10/2021

Gmail - Objections to the current layout of the rezoning and subdivision of 27/716, application LU/12309

Yours truly.

Carel van Wyk**Professional Accountant (SA)****072 507 2716**

Pierre Jordaan <pierre@activeplanning.co.za>
To: **Willie Wucherpfennig** <wuchersww@gmail.com>

10 May 2021 at 16:44

FYI

Beswaartyd sluit vandag vir omliggende eienaars volgens my epos kennisgewing.
EK neem aan dit is een van Gielie se mense.

Groete

Pierre Jordaan
for **Active Planning Solutions**
Cell: 079 528 9179
Website: <https://activeplanning.co.za>

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

From: **Carel Van Wyk** <carel@bakkiecentre.co.za>
Date: Mon, 10 May 2021 at 16:28
Subject: Objections to the current layout of the rezoning and subdivision of 27/716, application LU/12309
To: <pierre@activeplanning.co.za>
Cc: <edrich1@bakkiecentre.co.za>, <gielie@duvelop.co.za>

LU/12309

Carel Pieter van Wyk

31 Batis Street, Durbanville, 7550

carel@bakkiecentre.co.za

0725072716 / 021 9392177

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We also question to what extent we or anyone can be forced to be part of a specific Homeowners Association.

Yours truly,

Carel van Wyk

Professional Accountant (SA)

072 507 2716



Pierre Jordaan <activeplanningsolutions@gmail.com>

RE: Plaas 716/26 Klapmuts

planserv@icon.co.za <planserv@icon.co.za>

7 April 2022 at 09:42

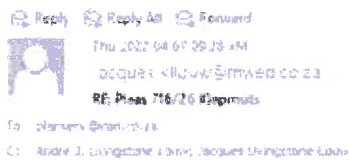
Reply-To: planserv@icon.co.za

To: Pierre Jordaan <pierre@activeplanning.co.za>

Cc: Willie Wucherpfennig <wuchersww@gmail.com>, Piet Badenhorst - Laubscher & Hattingh Attorneys <piet@lhattorneys.co.za>, Jacques Livingstone Louw <louw@mweb.co.za>, "Andre J. Livingstone-Louw" <0828874179a@gmail.com>

Hallo Pierre

Ek het sopas die volgende bevestiging per Epos van my kliënt gekry dat gekry dat die beswaar teruggetrek kan word, en "copy" vir hulle in by hierdie korrespondensie:



Hallo Gerhard

Bale dankie vir jou waardevolle insette. Ek en Andre het dit bespreek en voel bevredig om derhalwe ons beswaar soos aangeteken dan terug te trek

Hartlik dank

Jacques (en Andre)

Waterlicht Trust
 Postbus 20
 Klapmuts
 7625

Andre J Livingstone-Louw
 Sel: 082 887 4179
 Epos: ajlivingstone-louw@vodanet.co.za

Jacques E. Livingstone-Louw
 Sel: 083 459 5974
 Epos: louw@mweb.co.za

[Quoted text hidden]



Active Planning Solutions

for professional Town & Regional

Planning services

REF	CLIENT NO
F 716/27 P	
TELEPHONE NO	746388

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

15 MAR 2023

RECEIVED

Date: 02 March 2023

Electronic Submission

LUMS Case id: LUMS 12309

Attention: Ms Nicole Katts

Reply to Departmental Comments:

APPLICATION FOR REZONING & SUBDIVISION: PORTION 27 OF THE FARM 716, KLAPMUTS

With reference to the Municipality's internal departmental comments find this office's response to the summarized comments and issues received as well as this office's response to the public objections with attachments in support. Please find this firm's response in bold italics beneath each concern / objection.

Departmental response;

- Directorate Infrastructure Services (letter dated 14 May 2021)

Comment:

Please amend the layout to make provision for a 14.95m road reserve to cater for access to the erven to the north.

This road reserve must be a public and be indicated as such on the subdivision diagrams.

This public road reserve is also required to allow for future link services to the north lying erven.

See attached amended SDP and Plan of Subdivision to address the above.

Comment:

If available, please provide the comments from the Provincial Roads Authority.

See attached comment.

Comment:

The proposal is to discharge the SW from the development into the existing R44 side drain.

Please note that the Developer will be responsible to obtain approval from the provincial roads authority for this arrangement.

Noted, the Project Civil Engineer will ensure that the necessary approval is obtained.

- Directorate Infrastructure Services (letter dated 21 February 2023)

Comment:

The Klapmuts WWTW has a current capacity of 2.4Ml/day. Unfortunately, taking into account the existing developments and new developments already approved, there is not sufficient spare capacity to accommodate the proposed development.



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Noted, unfortunate that capacity was not reserved when the application was accepted. My client will however enter into a services level agreement to ensure capacity is reserved as soon as the budget allows.

Comment:

Access Road for Farm 716/27: Heaford Street: Erf 1383 is an existing 5.5m wide property next to the Heaford Street Road reserve (9.45m). It was subdivided from the neighbouring Rosenmeer Development for road widening purposes to form a part of the Heaford Street Road reserve, which will give a total road reserve width of 14.95m. The developer will be responsible for registering this public road reserve and formalizing the access road with minimum a blacktop width of 6.8m.

Noted and accepted.

Comment:

In order to give adequate access to the developments to the north, a 15m wide public road reserve, as indicated on Proposed Civil Services (Private Services) Drawing No BC021-A100 Rev A dated 2021-08-05 by Broadco Consulting must be created as part of the subdivision.

See attached amended SDP and Plan of Subdivision to address the above.

Comment:

The other civil engineering concerns related to the land use application have been addressed, but the final subdivision plan and SDP must be aligned with the engineering services layout attached please.

See attached Final SDP and Plan of Subdivision mostly aligned with the Engineering Services Layout.

- **Community Services**

Comment:

From a noise control perspective, the owner or developer must recognize the fact that the relevant property is located in an area with a mix use, including industries and that used for utility services. It also borders two major roads. The residual noise level (all-encompassing) sound in a given situation at a given time, measured as the reading on an integrated impulse meter for a total period of at least 10 minutes (Western Cape Noise Control Regulations, 2013) may be higher compared to other urban or residential areas. This factor, that should influence the design and layout of the proposed housing units, must be included in the architectural guidelines and considered during the design of the said units. Landscaping along the perimeter of the development must also be considered as a measure to mitigate potential noise related disturbances.



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The above input is noted. The official should however note that most of the "old" Klappmuts residential area is situated between the railway line and the Main road which also pose the same perceived noise. Despite this the area is still growing and new residential building emerge next to industrial related use. Also note the fact that the existing Rozenmeer development to the west will be subjected to the same noise and yet all the houses are sold. As anyone living next to a noise generating use will tell you, you get used to it fairly quickly. We will however take cognizance of the input and ask the architect to come up with some mitigating solutions that might be cost effectively attained without changing the architectural style or feel of the development.

Comment:

Activities on site, during construction and thereafter, must comply with the Western Cape Noise Control Regulations.

Noted and accepted.

Comment:

During construction the owner, developer or any agent acting on his/her behalf must take all reasonable steps to prevent nuisance caused by dust in accordance with the National Dust Control Regulations.

Noted and accepted.

- **Spatial Planning**

Comment:

From a spatial perspective this department supports the proposed development.

- **WCG Transport and Public Works**

Comment:

This Branch offers no objection to the proposed rezoning and subdivision of Portion 27 of Farm 716, Klappmuts on condition that the legal processes of Stellenbosch Municipality are completed. As Controlling Authority in terms of Act 21 of 1940, this Branch approves the subdivision

- **Directorate: Development Management (Region 2)**

Comment:

This Directorate has no in principle objection to the rezoning of land that supports the intensification of land use in line with the SDF and contributes towards providing housing opportunities for a range of income groups.



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- **Department of Environmental Affairs and Development Planning**

Comment:

The Department's aforementioned correspondence highlighted listed activities that might be triggered by the proposed development, namely Activities 27 of Listing Notice 1 and Activity 12 of Listing Notice 3 of the NEMA EIA Regulations, 2014. Based on the findings of the Botanical Impact Assessment, compiled by Bergwind Botanical Surveys and Tours, dated April 2018, the proposed development would not result in the clearance of 300m² or more of indigenous vegetation, namely Swartland Granite Renosterveld vegetation, which is classified as critically endangered. **Please be advised that Activity 27 of Listing Notice 1 and Activity 12 of Listing Notice 3 will therefore not be triggered by the proposed development. Environmental Authorisation is therefore not required from this Department prior to the proposed development.**

- **Department of Water & Sanitation**

Comment:

After evaluating the abovementioned application, you are hereby informed that the Department has no objection against your proposed activities subject to the following conditions:

My client accepts these conditions.

This application was legally advertised for the regulatory period and individual notices were also served on the surrounding affected property owners either by email or registered post (see proof attached hereto). At the closing date for the submission of comments (2) two objections were received from the following interested and affected parties;

Note this office's response in bold below each summarized objection;

Mr Gerhard Erasmus on behalf of the landowner of Portion 57 of the Farm 716, Klappmuts

Objections:

Although the development proposal for Farm 716/27 indicate a possible link with Farm 716/57, the proposal is indicated as an access controlled development. We are therefore left without any other option but to object to approval of the application.

We do suggest however that an attempt is made to discuss and resolve this issue, whereupon we can consider to withdraw the objection.

Please see the revised SDp and Plan of Subdivision attached indicating the 15m wide public access to Portion 57/716 that addresses the objection. Also see the attached withdrawal of this objection based on these amended plans.

Pierre Jordaan

Cell: 079 528 9179

Email: pierre@activeplanning.co.za



Active Planning Solutions
*for professional Town & Regional
 Planning services*

Carel van Wyk

31 Batis street, Durbanville

On behalf of Uyakhulu Trust, owners of Portion 5/716

Objections:

All planning processes should accommodate future land-use changes, even beyond the application and status quo. The suggested layout will Landlock our farm 5/716 with the planned widening of the R44.

SANRAL has initiated and completed a full public participation process, in connection with the upgrade of the R 44. After public participation and meetings with all affected owners including and specifically, the owners of 27/716, the access and exit to these properties were relocated to the western side of portion 27/716.

Besides the fact that "The layout is designed to allow future access to the neighbouring properties to the north". We question the fact that full and proper consideration has been given to accommodate the inclusion of any further extension, should this be true. A Traffic Statement is inadequate, and the application should include a full Traffic Study that includes the properties to the North.

We also question to what extent we or anyone can be forced to be part of a specific Homeowners Association

Please note that Portion 5 of farm 716 was sold to a developer that intends developing it in the near future. Also note that the attached revised SDP and Plan of Subdivision address the above issues comprehensively and as such the objections are now irrelevant even without change of ownership.

The new land owner has orally conveyed to my client that he is satisfied with the revised layout that allows a 15m wide public access to the northern properties.

Conclusion:

This firm is of the opinion that the revised SDp and Plan of Subdivison attached adeqoutely addresses all Departmental and Public issues / objections even though it meant that my client loses an extensive portion of developable land that majorly influenced the viability of the development. Despite this Diemer Estate with 40 new portions as a secured private estate is presented for approval taking inot account all the negatively impacting factors showered onto my client during this process, with the unavailability of sewer treatment plant capacity the latest in speedbumps. Please positively assess the presented and mitigated end product and cooperate to reach a decision soonest.



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Attached supportive documentation;

- **LUMS TE POE Checklist Affidavid_completed**
- **Notice to IAP's**
- **Email advertising proof**
- **Proof of registered post to Mr & Mrs Jacobs**
- **Proof of on-site notice**
- **Registered Post advertising proof**
- **List of Departmental comments**
- **List of objections**
- **Withdrawal of one objection**
- **Final amended Plan of Subdivision**
- **Final amended Site Development Plan**

I trust you find this response and the attached addenda adequately addressing all concerns and further supporting a positive recommendation and outcome.

Pierre Jordaan

**ANNEXURE G: COMMENTS FROM THE MANAGER: SPATIAL
PLANNING**



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Spatial Planning

To : Manager: Land Use Management
 From : Manager: Spatial Planning
 Reference : Farm 716/27, Paarl
 LU No : LU/12309
 Date : 14 July 2022
 Re : Application for rezoning, subdivision, departure and approval of HOA on Farm 716/27, Paarl (Klapmuts) DIEMER ESTATE

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

Please note that this formal comment replaces our comment per e-mail dated 20 May 2021 where we had concerns with regards to the access road and open space provided. The client and consultant had meetings with the relevant road engineers to finalize and agree on the proposed road design.

Application is made for the following:

- **Rezoning** from Agriculture and Rural Zone to Subdivisional area in order to allow for the proposed following uses:
 - 44 Multi-unit Residential zone erven (Group housing)
 - 2 Private Open Space Zone erven (Private Open Space)
 - 1 Transport facilities zone erven (Private Road)
 - 1 Utility Services zone erven (Substation)
 - 1 Public roads and Parking zone erven (Public road)
- **Subdivision** in accordance with the proposed Subdivisional plan.
- **Departure** to relax the street and common boundaries building line from 5m to 3m.
- **Approval of Home Owners Association**, name of the development (**Diemer Estate**), street name (Diemer crescent) and street numbers.

1) Opinion/reasoning:

The new approved Municipal Spatial Development Framework for the WC024 area was approved by Council in November 2019 and recognises that the spatial decisions and actions of many make what settlements are.

In terms of this approved document, seven principles need to be considered:

1. Maintain and grow the assets of Stellenbosch Municipality's natural environment and farming areas;
2. Respect and grow cultural heritage;
3. Direct growth to areas of lesser natural and cultural significance as well as movement opportunity;
4. Clarify and respect the different roles and potentials of existing settlements;

5. Clarify and respect the roles and functions of different elements of movement structure;
6. Ensure balanced, sustainable communities;
7. Focus collective energy on a few catalytic lead projects.

With the enactment of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), a new planning regime was introduced in South Africa. It replaced disparate apartheid era laws with a coherent legislative system as the foundation for all spatial planning and land use management activities in South Africa. It seeks to promote consistency and uniformity in procedures and decision-making. Other objectives include addressing historical spatial imbalances and the integration of the principles of sustainable development into land use and planning regulatory tools and legislative instruments.

Chapter 2 of SPLUMA sets out the development principles that must guide the preparation, adoption and implementation of any SDF, policy or by-law concerning spatial planning and the development or use of land. These principles are the following:

- Spatial Justice
- Spatial Efficiency
- Spatial Sustainability
- Spatial Resilience
- Good Administration

The subject property is located inside the urban edge of the Klapmuts node and identified as a **Strategic Site, Project and/or Infill Opportunity** in terms of the approved MSDF. The following guidelines are applicable for Klapmuts:

- Klapmuts is identified as a spatial area for priority development over the MSDF planning period and the development of an "innovation precinct" or "smart city" in Klapmuts South should be supported.
- As a general principle, contain the footprint of Klapmuts as far as possible within the existing urban edge.
- Retain and actively support mixed use redevelopment and building within the town centre and surrounding areas, comprising living space above active street fronts.
- Pro-actively support higher density infill residential opportunity in Klapmuts South and ensure that housing in Klapmuts South provides for a range of income groups.

2) Supported / not supported:

From a spatial perspective this department supports the proposed development.



BJG de la Bat
MANAGER: SPATIAL PLANNING

**ANNEXURE H: COMMENTS FROM THE DIRECTORATE:
INFRASTRUCTURE SERVICES**



MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES
DIREKTORAAT: INFRASTRUKTUURDIENSTE

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

FOR ATTENTION : **Nicole Katts**

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

AUTHOR : **Tyrone King**

DATE : **5 July 2023**

RE. : **Farm 716/27, Klappmuts: Subdivision for 44 Group Housing Erven**

YOUR REF : **LU/12309**

OUR REF : **2147 CIVIL LU**

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

- Proposed Civil Services (Private Services) Drawing No BC021-A100 Rev A dated 2021-08-05 by Broadco Consulting (**Annexure: Services**);
- Proposed Site Development Plan Drawing No. 27/716_DE_SPD Rev 0 dated 30.05.2022 by Architech;
- Proposed Subdivision Plan No. APS/KLAP/SUB1C by Active Planning Solutions, dated March 2023;
- Traffic Impact Assessment (TIA) by DECA, dated 14 October 2020;
- Report on Civil Engineering Services, by Broadco Consulting, dated 2020-08-27;

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

- **Total Units:** 40 No group housing erven

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

PROPOSED REZONING AND SUBDIVISION OF FARM 716-27 FOR 40 GROUP HOUSING ERVEN

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

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

B. Recommendation:

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

PROPOSED REZONING AND SUBDIVISION OF FARM 716-27 FOR 40 GROUP HOUSING ERVEN**C. Specific conditions of approval**

4. that the following upgrades are required to accommodate the development. No taking up of proposed rights including Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates (whichever comes first) will be allowed until the following upgrades have been completed and/or conditions have been complied with:
- a. **Klapmuts WWTW (Waste Water Treatment Works):** There is currently insufficient capacity at the WWTW for this development. Budget has however been approved by Council to increase the capacity of the WWTW over the next three financial years (2023/24 – 2025/26). Completion of this upgrade project is anticipated to be in June 2026. Please note that this date is given in good faith, but is subject to change should unforeseen events occur. Subdivision clearance will only be approved once the project is completed and capacity is confirmed by Water Services.
 - b. **Water Network:**
 - i. The development can connect to the existing 150mm diameter municipal water line in Old Paarl Road (Voortrekker Road - R101) (**Annexure: Services**). A link water main must be constructed along Brounger and Heaford Street towards the development. The size and route of the pipeline will be re-visited at detail design stage when the Developer must submit detail engineering drawings for approval. The link water line will be for the Developers cost.
 - ii. (Refer to **Annexure: Water**): The Municipality has approved budget to implement the external water upgrades SKW 1.1, SKW1.2, SKW1.3 and SKW 1.12 as shown on the GLS water master plan. These items are in the process of being upgraded by the Municipality.
 - iii. (Refer to **Annexure: Water**): Master plan items 1, SKW1.18, SKW1.19 & SKW1.20 are not currently deemed as minimum items in order to accommodate the proposed development, but would be beneficial in order to reduce high static pressures in the existing system and to improve network redundancy and conveyance to the proposed development. A final decision on

PROPOSED REZONING AND SUBDIVISION OF FARM 716-27 FOR 40 GROUP HOUSING ERVEN

what upgrades are required will be made when the detail engineering drawings are submitted for approval and based on the status of the water network at that point in time. Should these be identified as critical by the Water Services department, it will need to be completed before subdivision clearance.

c. **Sewer Network:** There is sufficient capacity in the bulk sewer reticulation network to accommodate the proposed development.

- i. Although the preferred position for the sewer connection is at the future 160 mm diameter outfall sewer to the north, the Water Services department has agreed that a connection can be made to the existing 160mm sewer along Heaford Street, to the south of the development. This connection will be via a private pump station and rising main. If the existing line in Heaford Street is a private line, it must be made public, as it will be located in the new proposed road reserve – the Developer will be responsible for any negotiations with Rosenmeer, should it be their private line. No subdivision clearance will be issued prior to proof of such an agreement being reached. This connection point will however be an interim measure, and when the sewer infrastructure to the north is available, the Developer will have to connect to it, at his cost, and abandon the interim connection.

d. **Roads Network:**

- i. Any upgrades or conditions identified by the Provincial Roads Authority must be completed before subdivision clearance.
- ii. Access Road for Farm 716/27: Heaford Street: Erf 1383 is an existing 5.5m wide property next to the Heaford Street Road reserve (9.45m). It was subdivided from the neighboring Rosenmeer Development for road widening purposes to form a part of the Heaford Street Road reserve, which will give a total road reserve width of 14.95m. The access road with a minimum blacktop width of 6.8m must be formalized. The creation of this 14.95m public road reserve as well as the physical construction of the access road must be completed before subdivision clearance.
Funding: The construction of this road will be for the Developer's responsibility and cost.

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- iii. Access Road for future developments to the north (Farms 716/31, and 716/5): It is acknowledged that the design for the dualling of the R44 was done by AECOM in 2014 for the Western Cape Government and according to "Future Upgrading Proposals for MR27 (AECOM Drawing No. J015057-01-10-001-P-0 Rev 08 dated 15 August 2014), a left-in / left-out is provided for these north lying erven. It will however not accommodate right turning movements. This is why an adequate access through Farm 716-27 is important.

In order to give adequate access to the developments to the north, a 15m wide public road reserve, as indicated on Proposed Civil Services (Private Services) Drawing No BC021-A100 Rev A dated 2021-08-05 by Broadco Consulting (**Annexure: Services**) must be created and transferred to the Municipality prior to subdivision clearance.

e. Stormwater Network:

- i. that the consulting engineer, appointed by the "*Developer*", analyses the existing stormwater systems and determine the expected stormwater run-off for the proposed development, for both the minor and the major storm event. Should the existing municipal stormwater system not be able to accommodate the expected stormwater run-off, the difference between the pre- and post-development stormwater run-off must be accommodated on site, or the existing system must be upgraded to the required capacity at the cost of the "*Developer*" and to the standards and satisfaction of the Directorate: Infrastructure Services. The aforementioned stormwater analysis is to be submitted concurrent with the detail services plans for approval;
- ii. The proposal is to discharge the SW from the development into the existing R44 side drain. The Developer will be responsible to obtain approval from the provincial roads authority for this arrangement.

f. Solid Waste:

- i. The Municipality will provide a solid waste removal service, unless agreed otherwise in writing the Solid Waste Department;
- ii. For large spoil volumes from excavations, to be generated during the construction of this development, will not be accepted at the Stellenbosch

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landfill site. The Developer will have to indicate and provide evidence of safe re-use or proper disposal at an alternative, licensed facility. This evidence must be presented to the Manager: Solid Waste (021 808 8241; clayton.hendricks@ Stellenbosch.gov.za), before building plan approval and before implementation of the development. Clean rubble can be utilized by the Municipality and will be accepted free of charge, providing it meets the required specification.

5. that the upgrades mentioned above be met by the "*Developer*" before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates (whichever comes first) will be given or on discretion of the Directorate: Infrastructure Services, the "*Developer*" furnish the Council with a bank guarantee equal to the value of the outstanding construction work as certified by an independent engineering professional, prior to a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law being given;

Development Charges

6. that the "*Developer*" hereby acknowledges that Development Charges are payable towards the following bulk civil services: water, sewerage, roads, stormwater, solid waste and community facilities as per Council's Policy;
7. that the "*Developer*" hereby acknowledges that the development charges levy as determined by the "Municipality" and or the applicable scheme tariffs will be paid by the "*Developer*" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy, should this land-use application be approved;
8. that the "*Developer*" accepts that the Development Charges will be subject to annual adjustment up to date of payment. The amount payable will therefore be the amount as calculated according to the applicable tariff structure at the time that payment is made;
9. that the "*Developer*" may enter into an engineering services agreement with the "*Municipality*" to install or upgrade bulk municipal services at an agreed cost, to be off-set against Development Charges payable in respect of bulk civil engineering services;

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10. that the Development Charges as reflected on the DC calculation (**Annexure DC**), be paid by the "*Developer*" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy.
11. that the Development Charges levy be paid by the "*Developer*" per phase –
 - prior to the approval of Section 28 Certification in terms of the Stellenbosch Municipal Land
12. that the development shall be substantially in conformance with the Site Development Plan submitted in terms of this application. Any amendments and/or additions to the Site Development Plan, once approved, which might lead to an increase in the number of units i.e. more than **40** units, will result in the recalculation of the Development Charges;
13. Bulk infrastructure Development Charges and repayments are subject to VAT and are further subject to the provisions and rates contained in the Act on Value Added Tax of 1991 (Act 89 of 1991) as amended;
14. The Municipality may approach the Developer at any stage, before completion of the Development, to implement any infrastructure / community facilities, in lieu of DCs payable, should the need for such infrastructure / facilities be identified;
15. that the "*Developer*" will enter into an Engineering Services Agreement with the "*Municipality*" in respect of the implementation of any infrastructure or community facilities to be implemented in lieu of DCs if the need for such infrastructure is identified at any stage by the Municipality;

Site Development Plan

16. that the access design its lane widths and stacking distance, be generally in accordance with the Proposed Site Development Plan Drawing No. 27/716_DE_SPD Rev 0 dated 30.05.2022 by Architech SDP;
17. that provision be made for a refuse room as per the specification of the standard development conditions below – **the general position of the refuse room on the SDP is acceptable** – the exact position and details must be determined in conjunction with the Municipality at detail design stage.

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18. that if the "Developer" reaches agreement with the Municipality to remove the waste by private contractor, provision must still be made for a refuse room should this function in future revert back to the "Municipality";
19. that 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

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

Internal- and Link Services

21. that the "Developer", at his/her cost, construct the internal (on-site) municipal civil services for the development, as well as any link (service between internal and available bulk municipal service) municipal services that need to be provided. These services must be completed before subdivision clearance;
22. Any alterations to existing services necessitated by the new development will be for the Developer's cost;

Bulk Water Meter

23. that the "Developer" shall install a bulk water meter conforming to the specifications of the Directorate: Engineering Services at his cost at the entrance gate and that clearance will only be issued if the bulk watermeter is installed, a municipal account for the said meter is activated and the consumer deposit has been paid;

Roads

24. 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

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requirement of the TIA is in conflict with one of the conditions of approval, the conditions of approval shall govern;

Damage to municipal infrastructure and assets

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

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

26. 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;
27. 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.
28. that the "*Developer*" must ensure that he / she has an acceptable public liability insurance policy in place;

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29. 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;
30. 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;
31. 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);
32. that the "*Developer*" takes cognizance and accepts the following:
 - a.) that no construction of any civil engineering services may commence before approval of internal – and external civil engineering services drawings;
 - b.) that no approval of internal – and external civil engineering services drawings will be given before land-use and or SDP approval is obtained;
 - c.) that no approval of internal – and external civil engineering services drawings will be given before the "*Developer*" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party;
 - d.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before land-use and or SDP approval is obtained;
 - e.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before the approval of internal – and external civil engineering services drawings;
 - f.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law is issued unless the "*Developer*" obtains the approval of the "*Engineer*" for construction work of his development parallel with the provision of the bulk services.

Site Development Plan

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

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34. that even if a Site Development Plan is approved by this letter of approval, a further fully detailed site plan be submitted for approval prior to the approval of engineering services plans and or building- and/or services plans to allow for the setting of requirements, specifications and conditions related to civil engineering services. Such Plan is to be substantially in accordance with the approved application and or subdivision plan and or precinct plan and or site plan, etc. and is to include a layout plan showing the position of all roads, road reserve widths, sidewalks, parking areas with dimensions, loading areas, access points, stacking distances at gates, refuse removal arrangements, allocation of uses, position and orientation of all buildings, the allocation of public and private open spaces, building development parameters, the required number of parking bays, stormwater detention facilities, connection points to municipal water- and sewer services, updated land-use diagram and possible servitudes;
35. that if the fully detailed Site Development Plan, as mentioned in the above item, contradicts the approved Site Development Plan, the "Developer" will be responsible for the amendment thereof and any costs associated therewith;
36. that an amended Site Development Plan be submitted for approval prior to the approval of building plans for new buildings not indicated on the Site Development Plan applicable to this application and or changes to existing buildings or re-development thereof;

Internal- and Link Services

37. that the Directorate: Infrastructure Services may require the "Developer" to construct internal municipal services and/or link services to a higher capacity than warranted by the project, for purposes of allowing other existing or future developments to also utilise such services. The costs of providing services to a higher capacity could be offset against the Development Charges payable in respect of bulk civil engineering services if approved by the Directorate: Infrastructure Services;
38. that the detailed design and location of access points, circulation, parking, loading - and pedestrian facilities, etc., shall be generally in accordance with the approved Site Development Plan and / or Subdivision Plan applicable to this application;

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39. that plans of all the internal civil services and such municipal link services as required by the Directorate: Infrastructure Services be prepared and signed by a Registered Engineering Professional before being submitted to the aforementioned Directorate for approval;
40. that construction of services may only commence after municipal approval has been obtained;
41. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "Engineer";
42. that the "Developer" ensures that his/her design engineer is aware of the Stellenbosch Municipality Design Guidelines & Minimum Standards for Civil Engineering Services (as amended) and that the design and construction/alteration of all civil engineering infrastructure shall be generally in accordance with this document, unless otherwise agreed with the Engineer. The said document is available in electronic format on request;
43. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal – and external services;
44. that all the internal civil services (water, sewer and stormwater), be indicated on the necessary building plans for approval by the Directorate: Infrastructure Services;
45. that prior to the issuing of the Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1, all internal - and link services be inspected for approval by the "Engineer" on request by the "Developer's" Consulting Engineer;
46. that a Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1 be issued before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be issued (prior to transfer of individual units or utilization of buildings);
47. that Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will only be issued if the bulk watermeter is installed, a municipal account for the said meter is activated and the consumer deposit has been paid;
48. that a complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer be submitted to the "Engineer" on request;

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49. that the "*Developer*" shall adhere to the specifications of Telkom (SA) and or any other telecommunications service provider;
50. that the "*Developer*" shall be responsible for the cost for any surveying and registration of servitudes regarding services on the property;
51. that the "*Developer*" be liable for all damages caused to existing civil and electrical services of the "*Municipality*" relevant to this development. It is the responsibility of the contractor and/or sub-contractor of the "*Developer*" to determine the location of existing civil and electrical services;
52. that all connections to the existing services be made by the "*Developer*" under direct supervision of the "*Engineer*" or as otherwise agreed and all cost will be for the account of the "*Developer*".
53. that the developer takes cognizance of applicable tariffs by Council in respect of availability of services and minimum tariffs payable;

Servitudes

54. 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;
55. 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;
56. 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

57. Taking into account the recent water crisis, and associated increase in borehole usage, it is important that the groundwater be recharged as much as possible. One way of achieving the above is to consider using Sustainable Drainage Systems (SuDS) approach wrt SW

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management. From Red Book: "SuDS constitute an approach towards managing stormwater runoff that aims to reduce downstream flooding, allow infiltration into the ground, minimise pollution, improve the quality of stormwater, reduce pollution in water bodies, and enhance biodiversity. Rather than merely collecting and discarding stormwater through a system of pipes and culverts, this approach recognises that stormwater could be a resource." The Developer is encouraged to implement SuDS principles that are practical and easily implementable. Details of such systems can be discussed and agreed with the Municipality and must be indicated on the engineering drawings.

58. 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;
59. 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;
60. that the design engineer needs to apply his/her mind to ensure a design that will promote a sustainable urban drainage system which will reduce the impacts of stormwater on receiving aquatic environments;
61. 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;
62. 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;
63. that for larger developments, industrial developments or developments near water courses a stormwater management plan for the proposed development area, for both the minor and

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major storm events, be compiled and submitted for approval to the Directorate: Infrastructure Services.

64. 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;
65. that in the case of a sectional title development, the internal stormwater layout be indicated on the necessary building plans to be submitted for approval.
66. 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

67. 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;
68. that no access control will be allowed in public roads;
69. that the layout must make provision for all deliveries to take place on-site. Movement of delivery vehicles may not have a negative impact on vehicular – and pedestrian movement on public roads and or public sidewalks;
70. The design and lay-out of the development must be such that emergency vehicles can easily drive through and turn around where necessary;
71. 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;
72. 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;

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

Wayleaves

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

Solid Waste

78. 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;

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- 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

79. 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;
80. 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)
81. 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);
82. 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";
83. 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;
84. Access shall be provided with a minimum travelable surface of 5 meters width and a minimum corner radii of 5 meters;
85. 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

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- 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;
86. Minimum turning circle radius shall be 11 meters to the center line of the vehicle;
 87. Road foundation shall be designed to carry a single axle load of 8.2 tons;
 88. Refuse storage areas are to be provided for all premises other than single residential erven;
 89. 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;
 90. 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;
 91. The refuse storage area shall be large enough to store all receptacles needed for refuse disposal on the premises, including all material intended to recycling. No household waste is allowed to be disposed / stored without a proper 240 ℓ Municipal wheelie bin;
 92. 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;
 93. 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;
 94. All black 85 ℓ refuse bins or black refuse bags is in the process of being replaced with 240 ℓ black municipal wheeled containers engraved with WC024 in front, and consequently refuse storage areas should be designed to cater for these containers. The dimensions of these containers are:

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

95. 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;
96. 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

97. 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.

98. 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;
99. 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

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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;

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

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

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105. 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";
106. 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;
107. 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;
108. Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law shall not be issued unless said services have been inspected by the "Engineer" and written clearance given, by the "Engineer";

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

109. It is specifically agreed that the "Developer" undertakes to comply with all conditions of approval as laid down by the "Municipality" before clearance certificates shall be issued, unless otherwise agreed herein;
110. that the "Municipality" reserves the right to withhold any clearance certificate until such time as the "Developer" has complied with conditions set out in this contract with which he/she is in default. Any failure to pay monies payable in terms of this contract within 30 (thirty) days after an account has been rendered shall be regarded as a breach of this agreement and the "Municipality" reserves the right to withhold any clearance certificate until such time as the amount owing has been paid;
111. that clearance will only be given per phase and the onus is on the "Developer" to phase his development accordingly;
112. **The onus will be on the "Developer" and or his professional team to ensure that all land-use conditions have been complied with before submitting an application for a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law. Verifying documentation (proof of payment in respect of Development Charges,**

PROPOSED REZONING AND SUBDIVISION OF FARM 716-27 FOR 40 GROUP HOUSING ERVEN

services installation, etc.) must be submitted as part of the application before an application will be accepted by this Directorate;

113. that any application for Certificate of Clearance will only be supported by the "Engineer" once all relevant as-built detail, as reflected in the item "AS-BUILT's" of this document, is submitted to the "Engineer" and approved by the "Engineer".

Avoidance of waste, nuisance and risk

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

Streetlighting

115. The "Developer" will be responsible for the design and construction at his own expense of all internal street lighting services and street lighting on link roads leading to his development (excluding Class 1, 2 and 3 Roads) according to specifications determined by the municipality's Manager: Electrical Services and under the supervision of the consulting engineer, appointed by the "Developer";
116. Prior to commencing with the design of street lighting services, the consulting electrical engineer, as appointed by the "Developer" must acquaint himself with, and clarify with the municipality's Manager: Electrical Engineering, the standards of materials and design requirements to be complied with and possible cost of connections to existing services;
117. The final design of the complete internal street lighting network of the development must be submitted by the consulting electrical engineer, as appointed by the "Developer", to the municipality's Manager: Electrical Engineering for approval before any construction work commences;
118. Any defect with the street lighting services constructed by the "Developer" which may occur during the defects liability period of 12 (TWELVE) months and which occurs as a result of defective workmanship and/or materials must be rectified immediately / on the same day the defect was brought to the attention of the consulting electrical engineer, appointed by the

PROPOSED REZONING AND SUBDIVISION OF FARM 716-27 FOR 40 GROUP HOUSING ERVEN

"Developer". Should the necessary repair work not be done within the said time the *"Municipality"* reserves the right to carry out the repair work at the cost of the *"Developer"*;

119. The maintenance and servicing of all private internal street lighting shall be the responsibility and to the cost of the "Developer" and or Home Owner's Association.



TYRONE KING Pr Tech Eng

MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

W:\2.0 DEVELOPMENT\01 Land Use applications\2147 (TK) Farm 716-27 Paarl (LU-12309), Klapmuts - Coenie Beneke\2147 (TK) Farm 716-27 Paarl (LU-12309), Klapmuts - Coenie Beneke_2 (approved).doc



MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES
DIREKTORAAT: INFRASTRUKTUURDIENSTE

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

FOR ATTENTION : **Nicole Katts**

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

AUTHOR : **Tyrone King**

DATE : **14 May 2021**

RE. : **Farm 716/27, Klapmuts: Subdivision for 44 Group Housing Erven**

YOUR REF : **LU/12309**

OUR REF : **2147 CIVIL LU**

Herewith find our initial comments. The applicant must please address these so the application can be further evaluated and approved:

1. Refer to the comments from the Manager: Traffic Engineering (**Annexure: Traffic Eng**):
 - a. Please amend the layout to make provision for a 14.95m road reserve to cater for access to the erven to the north.
 - b. This road reserve must be a public and be indicated as such on the subdivision diagrams.
 - c. This public road reserve is also required to allow for future link services to the north lying erven.

2. If available, please provide the comments from the Provincial Roads Authority.

Tyrone King

From: Nigell Winter
Sent: Friday, 14 May 2021 11:41
To: Tyrone King
Subject: RE: FOLLOW UP: COMMENTS - FARM 716/27 KLAPMUTS

Dear Tyrone, after perusing the TIA and Civil Engineering Services Report – my comments are as followed;

The below snip from the CES Report by Broadco Consulting Ref BC021-01

5.1 ROADS

Erf 1383 is an existing 5.5m wide property next to the Heaford Street road reserve. It was subdivided from the neighbouring Rosenmeer Development for road widening purposes to form part of the Heaford Street road reserve.

A new 5.5m wide public access road will be constructed from Brounger Street to the development. The development will have a gated entrance and a refuse truck turning facility will be provided in front of the entrance gate for refuse collection.

A 10m wide private road reserve will be provided inside the development, with a 5.5m wide surfaced road. The layout is designed to allow future access to the neighbouring properties to the north, should they wish to form part of the development in the future.

The above roads will be designed to comply with the Stellenbosch Minimum Design Standards.

A traffic statement of the impact of the development on the adjacent roads in the area is currently being completed and will form part of the application.

My concern is the future road connection to the proposed north erven\properties development... and the above 3rd paragraph reference to "...10m wide private road reserve will be provided inside the development..." and the further statement of "... allow future access to the neighbouring properties to the north, should they wish to form part of the development in the future.."

The TIA is STILL with regard to the future access of the neighbouring northern properties and the effect of that future traffic through this proposed development.

According to the a snip it from the drawing "Future Upgrading Proposals for MR27 (AECOM drawing no. J01057-01-10-001-P-08 dated 15 Aug 2014".... A public road is proposed between Rozenmeer Development and this development, as a public road to service the proposed future northern development is indicated a yellow line. The existing road reserve to the proposed development is 14,95m and thus recommended that the road reserve to the future northern erven also be kept at a minimum of 14,95m.

PROPOSED REZONING AND SUBDIVISION OF FARM 716-27 FOR 40 GROUP HOUSING ERVEN

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

PROPOSED REZONING AND SUBDIVISION OF FARM 716-27 FOR 40 GROUP HOUSING ERVEN

Municipality standard as follows:

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

LEGEND:

- Stormwater Pipe
- Stormwater Mainhole
- Stormwater Stage Catch Pit
- Headwall
- Foul Sewer Pipe (Gravel)
- Foul Sewer Pipe (Ribbon)
- Foul Sewer Mainhole
- Water Pipe
- Water Risk Meter 60mm

No.	Date	Revision made

Client: Maree 3 Trust

Project:

DEVELOPMENT OF FARM
716/27, KLAPMUTS



Drawing Title:

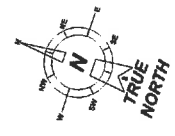
PROPOSED CIVIL SERVICES (PRIVATE SERVICES)

Issue:

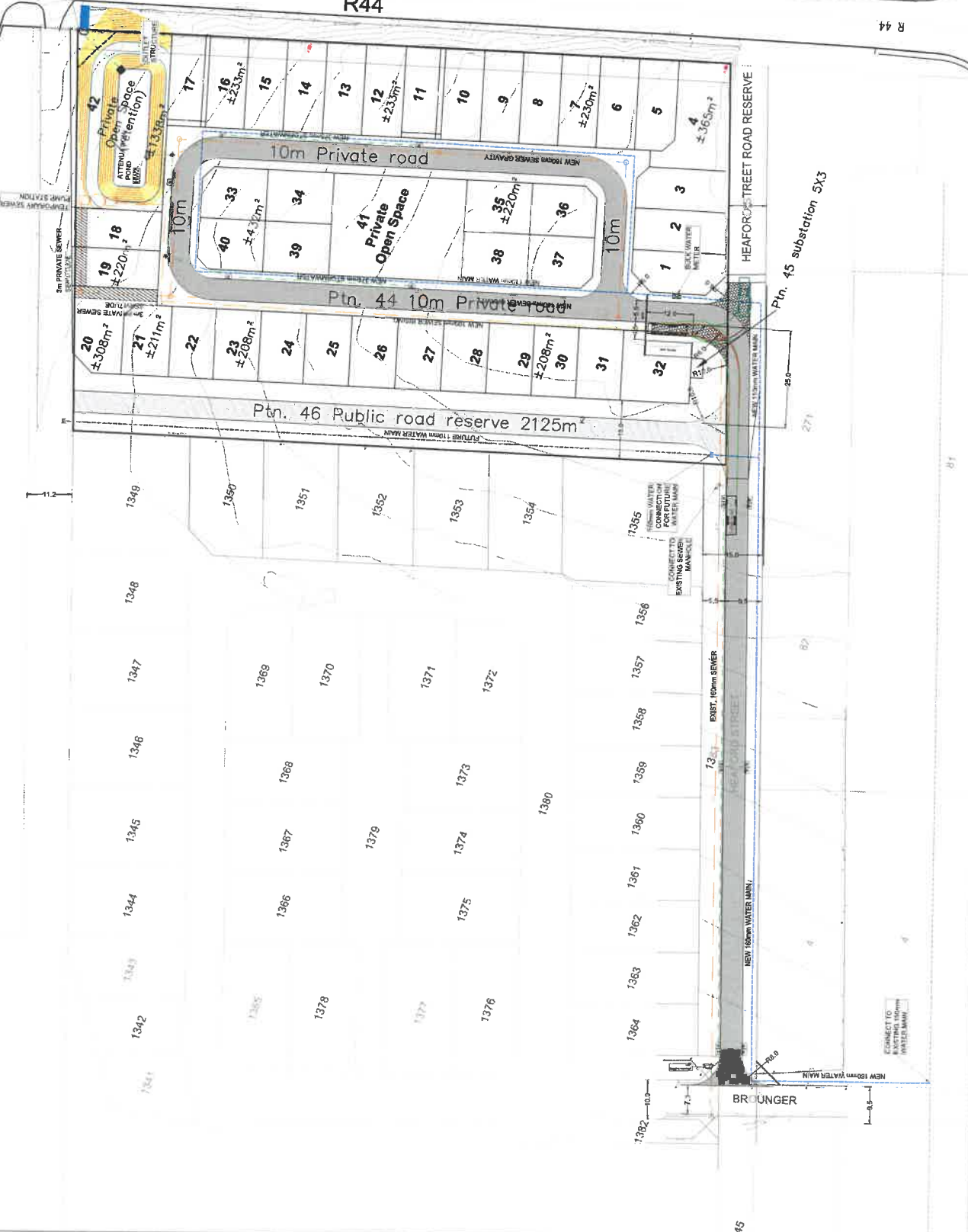
FOR SDP APPLICATION

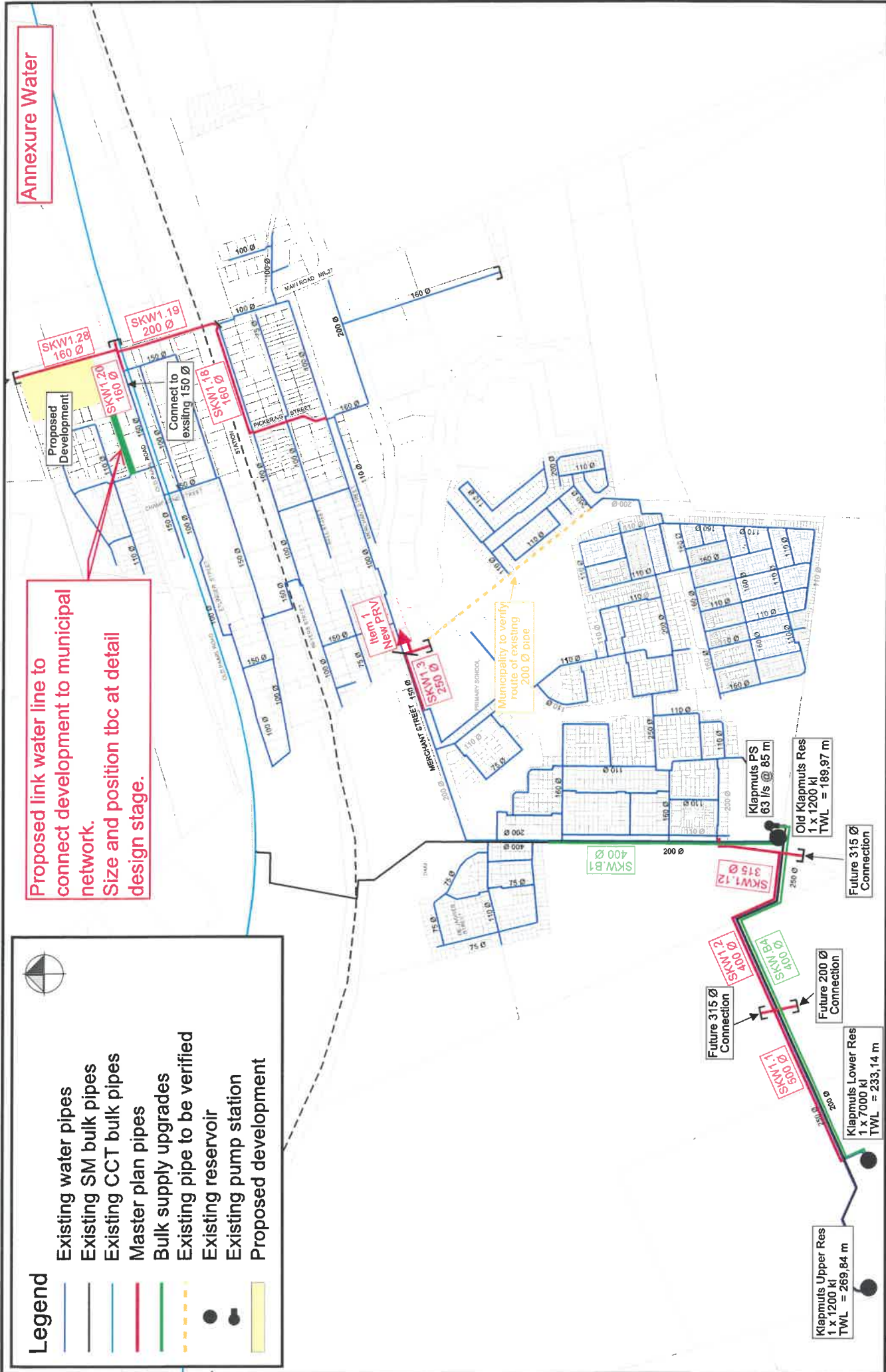
Date:	2021-08-05	Designed:	C Baneke
Drawn:	C Baneke	Checked:	C Baneke
Scale:	1:500 (A1)		

Drawing No.:	BC021-A100	Revision:	A
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DISCHARGE POND DEVELOPMENT TO EXISTING POND FOR TREATMENT





Annexure Water

Proposed link water line to connect development to municipal network.
Size and position tbc at detail design stage.

Legend

- Existing water pipes
- Existing SM bulk pipes
- Existing CCT bulk pipes
- Master plan pipes
- Bulk supply upgrades
- Existing pipe to be verified
- Existing reservoir
- Existing pump station
- Proposed development

Figure 1 (Final)
Proposed Development
Ptn 27 of Farm 716 - Klappmuts
Water Master Plan



November 2018
Development : Portion 27 of Farm 716 - Klappmuts





Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number:	2147 (TK) Farm 716-27 Paant (LU-12309), Klipmuts
Development Name:	
Date:	05 July 2023
Financial Year:	2023/2024
Erf Location (Select from 7 Locations):	Klappmuts
Erf Region (Select Urban or Rural):	Urban
Erf No. / Farm No.:	Farm 716-27
DC Parameters Reference:	Proposed Subdivision Plan No. AFS/KLAP/SUB1C by Active Planning Solutions, dated March 2023

SUMMARY OF DC CALCULATION									
Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Community	Totals	
Unit(s):	kl/day	kl/day	ha°C	t/week	trips/day		persons		
Total Increased Services Usage:	24	20	0.72	1.6	150		160		
Total Service Usage Reduction:	0	0	0	0	0.0		0		
Total Service Usage after Reduction:	24.00	20.00	0.72000	1.600	150.0		160		
Charges before adjusting for positive only, before Deductions	R 234 667.16	R 636 930.55	R 50 081.74	R 156 498.59	R 891 116.94	R 1 969 294.98	R 617 212.26	R 2 586 507.23	
Charges adjusted for positive only, before Deductions	R 234 667.16	R 636 930.55	R 50 081.74	R 156 498.59	R 891 116.94	R 1 969 294.98	R 617 212.26	R 2 586 507.23	
Total Deductions:	R -	R -	R -	R -	R -	R -	R -	R -	
Total Development Charges Payable (excluding VAT):	R 234 667.16	R 636 930.55	R 50 081.74	R 156 498.59	R 891 116.94	R 1 969 294.98	R 617 212.26	R 2 586 507.23	
VAT:	R 35 200.07	R 95 539.58	R 7 512.26	R 23 474.79	R 133 667.54	R 295 394.25	R 92 561.84	R 387 976.09	
Total Development Charges Payable (including VAT):	R 269 867.24	R 732 470.13	R 57 594.00	R 179 973.38	R 1 024 784.48	R 2 264 689.23	R 709 794.09	R 2 974 483.32	

APPLICANT INFORMATION	
Application Processed by:	Tyrone King
Signature:	
Notes:	

Klapmuts

Land Use Category	Unit Type	Existing Usage		Proposed New Usage		Increased Usage Amount	Development Charge Levied (excl VAT)						Community	Total	
		Area (m2)	Unit Amount	Area (m2)	Unit Amount		Result	Water	Sewer	Stormwater	Solid Waste	Roads & Transport			Sub Total (Civil Eng Services)
	Unit	Area (m2)	Unit Amount	Area (m2)	Unit Amount	Result	Yes	Yes	Yes	Yes	Yes	Yes	Yes		
Residential	Single Residential >1000m2	du				0	R	R	R	R	R	R	R	R	
	Single Residential >500m2	du				0	R	R	R	R	R	R	R	R	
	Single Residential >250m2	du				0	R	R	R	R	R	R	R	R	
	Single Residential <250m2	du				0	R	R	R	R	R	R	R	R	
	Second Dwelling	du				0	R	R	R	R	R	R	R	R	
	Less Formal Residential	du				0	R	R	R	R	R	R	R	R	
Accommodation	Group Residential	du			40	40	R	636 930.55	50 081.74	156 498.59	891 116.94	R	1 969 294.88	R 617 212.26	2 586 507.23
	Apartments	du				0	R	R	R	R	R	R	R	R	
	Retirement Village	du				0	R	R	R	R	R	R	R	R	
	Old age home	du				0	R	R	R	R	R	R	R	R	
	Student Accommodation/Commune/Hostels	rooms				0	R	R	R	R	R	R	R	R	
	Guest House	rooms				0	R	R	R	R	R	R	R	R	
	Converted Guest House	rooms				0	R	R	R	R	R	R	R	R	
	Hotel, Residential	rooms				0	R	R	R	R	R	R	R	R	
	General Business	m2 GLA				0	R	R	R	R	R	R	R	R	
	Office	m2 GLA				0	R	R	R	R	R	R	R	R	
Commercial	Retail/Shop	m2 GLA				0	R	R	R	R	R	R	R	R	
	Restaurant	m2 GLA				0	R	R	R	R	R	R	R	R	
	Outdoor Dining/Function Area (area)	m2 GLA				0	R	R	R	R	R	R	R	R	
	Outdoor Dining/Function Area (persons)	persons				0	R	R	R	R	R	R	R	R	
	Conference Facility/Place of assembly	m2 GLA				0	R	R	R	R	R	R	R	R	
	Hospital/Clinical/Medical Rooms	m2 GLA				0	R	R	R	R	R	R	R	R	
	University/College	student				0	R	R	R	R	R	R	R	R	
	School/Day Care	student				0	R	R	R	R	R	R	R	R	
	Industrial - light	m2 GLA				0	R	R	R	R	R	R	R	R	
	Industrial - heavy	m2 GLA				0	R	R	R	R	R	R	R	R	
Industrial	Warehousing/Light Manufacturing	m2 GLA				0	R	R	R	R	R	R	R	R	
	Storage Facilities	unit				0	R	R	R	R	R	R	R	R	
	Open Space/Natural Environment/Utility Site	ha				0.0000	R	R	R	R	R	R	R	R	
	Roads and Parking	ha				0.0000	R	R	R	R	R	R	R	R	
	To be calculated (Based on equivalent demands)	n/a				0	R	R	R	R	R	R	R	R	
Other	n/a				0	R	R	R	R	R	R	R	R		
	Total Area:	0			0										

Category	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Community	Total
Charges before adjusting for positive only, before Deductions	R 234 667.16	R 636 930.55	R 50 081.74	R 156 498.59	R 891 116.94	R 1 969 294.88	R 617 212.26	R 2 586 507.23
Charges adjusted for positive only, before Deductions	R 234 667.16	R 636 930.55	R 50 081.74	R 156 498.59	R 891 116.94	R 1 969 294.88	R 617 212.26	R 2 586 507.23
Deductions per service (from usage reductions)	R -	R -	R -	R -	R -	R -	R -	R -
Discount Deduction (%)	Percentage: 0.00%							
Additional Deduction per service - from Service Agreement (sum)	R -	R -	R -	R -	R -	R -	R -	R -
Sub Total after Adjustments and Deductions (excluding VAT)	R 234 667.16	R 636 930.55	R 50 081.74	R 156 498.59	R 891 116.94	R 1 969 294.88	R 617 212.26	R 2 586 507.23
VAT	R 35 200.07	R 95 599.58	R 7 512.26	R 23 474.79	R 133 667.54	R 285 384.25	R 92 551.64	R 387 976.09
Total Development Charges	R 269 867.24	R 732 470.13	R 57 594.00	R 179 973.38	R 1 024 794.48	R 2 254 689.23	R 709 794.09	R 2 974 483.32



MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES
DIREKTORAAT: INFRASTRUKTUURDIENSTE

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

FOR ATTENTION : **Nicole Katts**

FROM : **Director: Infrastructure Services**

DATE : **21 February 2023**

RE. : **Farm 716/27, Klapmuts: Subdivision for 44 Group Housing**
Erven

YOUR REF : **LU/12309**

OUR REF : **2147 CIVIL LU**

This is an update to the Memo dated 06 July 2022. This Memo is in response to Town Planning's request to provide an updated comment based on the current infrastructure status.

Comments from Water Services (Senior Manager: Paul Joubert)

The Klapmuts WWTW has a current capacity of 2.4Ml/day. Unfortunately, taking into account the existing developments and new developments already approved, there is not sufficient spare capacity to accommodate the proposed development. The Table below is the latest budget for the upgrade of Klapmuts WWTW.

Development	Name	Strategic Focus Area	2022/2023	2023/2024	2024/2025	MTREF Total
Water and Wastewater Services: Sanitation	Upgrade of WWTW: Klapmuts	Dignified Living	959 650	15 040 350	-	16 000 000

The funds for 2022/23 and 2023/24 Financial Years will be used for the design of the full upgrade and the construction of phase 1. Phase 1 will not result in capacity increase, as both Phase 1 and Phase 2 process units are needed for this. The current funding is unfortunately not sufficient for Phase 2 and the municipality is in the process of allocating additional budget to complete the upgrade.

Approval for the development can only be given once the additional funds are approved by Council. The budget review and approval process for 2023/24 – 2025/26 is currently underway and we await the outcome thereof.

LEGEND:

- Stormwater Pipe
- Stormwater Manhole
- Stormwater Single Catch Pit
- Headwall
- Fault Sewer Pipe (Gravity)
- Fault Sewer Pipe (Pump)
- Foul Sewer Manhole
- Water Pipe
- Water B.A. Meter 50mm

No.	Date	Revisions made
		Maree 3 Trust

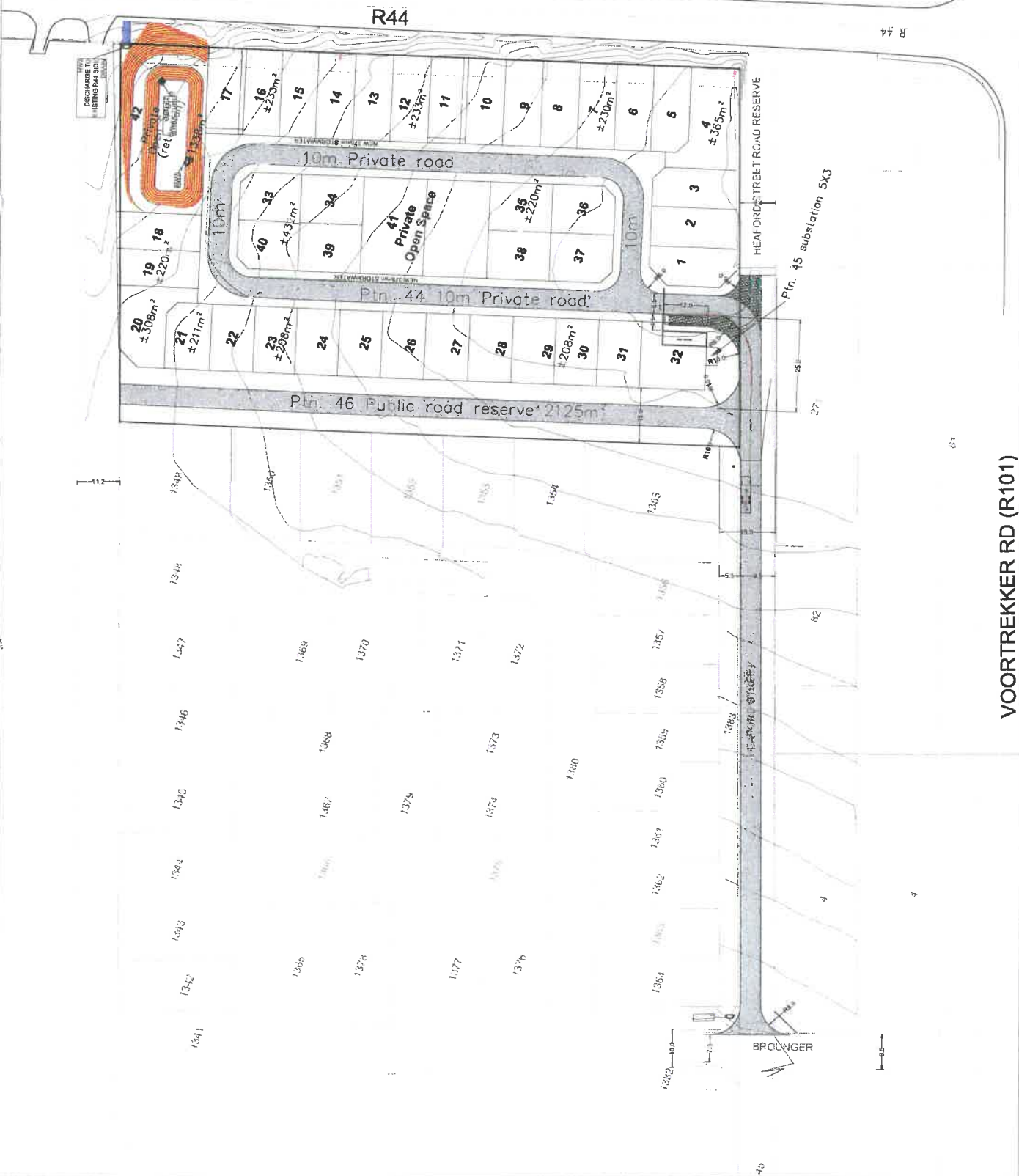
PROJECT:
**DEVELOPMENT OF FARM
 716/27, KLAPMUTS**

Broadco Consulting
 107A, LINDSAY AVENUE, BLOEMFONTEIN, 9501
 Tel: 051 433 1234
 Fax: 051 433 1235
 Email: info@broadco.co.za
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Drawing Title:
**PROPOSED CIVIL
 SERVICES
 (PRIVATE SERVICES)**

Issue:
FOR SDP APPLICATION

Drawn:	2021-05-04	Designed:	C Berekhe
Checked:		Checked:	C Berekhe
Scale:	1:500 (A1)		
Drawing No.:	BC021-A100	Revision:	2



VOORTREKKER RD (R101)

ANNEXURE I: COMMENTS FROM THE MANAGER: COMMUNITY SERVICES

INTEROFFICE
MEMORANDUM



STELLENBOSCH
STELLENBOSCH • STADT • STADS • STADS
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

DEPARTMENT: COMMUNITY SERVICES
Stellenbosch Municipality, 123 Meriman Avenue, Stellenbosch, 7599

To:	Administrative Officer: Land Use Management Nicole Katts	From:	Senior Environmental Planner: Schalk van der Merwe
CC:	Manager: Community Services Albert van der Merwe	Date:	18 March 2021
Re:	APPLICATION FOR THE REZONING AND SUBDIVISION OF PORTION 27 OF THE FARM 716, KLAPMUTS – LU/12309		

The above application refers. From an environmental planning point of view this department has no objection to the approval of the application subject to the following:

1. From a noise control perspective, the owner or developer must recognize the fact that the relevant property is located in an area with a mix use, including industries and that used for utility services. It also borders two major roads. The residual noise level (all-encompassing sound in a given situation at a given time, measured as the reading on an integrated impulse sound level meter for a total period of at least 10 minutes [Western Cape Noise Control Regulations, 2013]) may be higher compared to other urban or residential areas. This factor, that should influence the design and layout of the proposed housing units, must be included in the architectural guidelines and considered during the design of the said units. Landscaping along the perimeter of the development must also be considered as a measure to mitigate potential noise related disturbances.
2. Activities on site, during construction and thereafter, must comply with the Western Cape Noise Control Regulations.
3. During construction the owner, developer or any agent acting on his/her behalf, must take all reasonable steps to prevent nuisance caused by dust in accordance with the National Dust Control Regulations.

SvdMerwe
S V D MERWE
SENIOR ENVIRONMENTAL PLANNER:
COMMUNITY SERVICES

FILE NR:	
SCAN NR:	F 716 / 27 P
COLLABORATOR:	



ANNEXURE J: COMMENTS FROM HERITAGE WESTERN CAPE



Our Ref: HM/CAPE WINELANDS/DRAKENSTEIN/KLAPMUTS/PTN 27/716
Case No.: 20050502SB1001E
Enquiries: Stephanie-Anne Barnardt
E-mail: stephanie.barnardt@westerncape.gov.za
Tel: 021 483 5959
Date: 16 October 2020

Exclusive Access Trading 459 Pty. Ltd.
 Laubscher and Hattingh Attorneys
 Imperial Terrace
 Tyger Waterfront
 Bellville
 7530
 wuchersww@gmail.com

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL
In terms of Section 38(2) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape
Provincial Gazette 6061, Notice 298 of 2003

NOTIFICATION OF INTENT TO DEVELOP: PROPOSED RESIDENTIAL DEVELOPMENT ON PTN 27/716, KLAPMUTS, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 20050502SB1001E

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received on 2 October 2020. This matter was discussed at the Heritage Officers meeting held on 12 October 2020.

You are hereby notified that, since there is no reason to believe that the proposed residential development on Ptn 27/716, Klappmuts will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately and Heritage Western Cape must be notified without delay.

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

Yours faithfully

pp.

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

www.westerncape.gov.za/cas

Street Address: Protea Assurance Building, Green Market Square, Cape Town, 8000 • Postal Address: P.O. Box 1665, Cape Town, 8000
 • Tel: +27 (0)21 483 5959 • E-mail: ceoheritage@westerncape.gov.za

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

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

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



Department of Environmental Affairs and Development Planning
Bernadette Osborne
 Development Management: Region 1
Bernadette.Osborne@westerncape.gov.za | Tel: 021 483 3679

REFERENCE: 16/3/3/6/B4/23/1088/21
DATE OF ISSUE: 2/6/2021

Active Planning Solutions
 Cell: 079 528 9179
 E-mail: pierre@activeplanning.co.za

ATTENTION: PIERRE JORDAAN

Dear Sir

THE APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE PROPOSED REZONING AND SUBDIVISION OF PORTION 27 OF THE FARM NO. 716, KLAPMUTS.

1. The electronic copy of the abovementioned document received by the Department on 25 March 2021, this Department's response issued on 29 April 2021 and the additional information received electronically on 30 April 2021, refer.
2. The Department's aforementioned correspondence highlighted listed activities that might be triggered by the proposed development, namely Activities 27 of Listing Notice 1 and Activity 12 of Listing Notice 3 of the NEMA EIA Regulations, 2014. Based on the findings of the Botanical Impact Assessment, compiled by Bergwind Botanical Surveys and Tours, dated April 2018, the proposed development would not result in the clearance of 300m² or more of indigenous vegetation, namely Swartland Granite Renosterveld vegetation, which is classified as critically endangered. Please be advised that Activity 27 of Listing Notice 1 and Activity 12 of Listing Notice 3 will therefore not be triggered by the proposed development. Environmental Authorisation is therefore not required from this Department prior to the proposed development.
3. However, should any revision of the proposed development constitute a listed activity(ies) in terms of the NEMA EIA Regulations, 2014 as defined in Listing Notices 1, 2 and 3 an application must be submitted and environmental authorisation obtained before such activity(ies) may commence.
4. The applicant must comply with any other statutory requirements that may be applicable to the development.
5. The applicant is reminded of his/her general duty of care and the remediation of environmental damage, Section 28(1) of NEMA specifically states that –*“Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or*

cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."

6. This Department reserves the right to revise its initial comments and request further information from you based on any new or revised information received.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully

Andrea
Thomas

Digitally signed by
Andrea Thomas
Date: 2021.06.02
11:02:24 +02'00'

pp HEAD OF COMPONENT

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: (1) Mr Schalk van der Merwe (Stellenbosch Municipality)

E-mail: Schalk.VanderMerwe@stellenbosch.gov.za

**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

Active Planning Solutions
e-mail: pierre@activeplanning.co.za

ATTENTION: PIERRE JORDAAN

APPLICATION FOR REZONING, SUBDIVISION & DEPARTURE: PORTION 27 OF FARM 716, PAARL DIVISION

1. Your request for comment, dated 25 March 2021, refers.
2. The application as submitted is made for the rezoning of Farm 716/27, Paarl Division from Agriculture and Rural Zone to Subdivisional Area in order to allow for the following uses:
 - o 44 group housing units on average portion size of 260m²
 - o 2 Private Open Space erven totalling 1 525m²
 - o 1 private road (Diemer Crescent)
 - o 1 electrical substation
 - o 1 Public Road giving access to the development
3. The application further entails the subdivision of the property as per proposed Site Development Plan and a departure to relax the street and common building lines.
4. The development of Klapmuts has been identified in the approved Stellenbosch Municipal Spatial Development Framework (2019) as a Catalytic Initiative that offers extensive inclusive opportunity. The proposed developed is aligned with the SDF and is located inside the urban edge, on land earmarked for infill opportunities.
5. This Directorate has no in principle objection to the rezoning of land that supports the intensification of land use in line with the SDF and contributes towards providing housing opportunities for a range of income groups.

6. The Department reserves the right to amend its comment should any additional information be obtained.

Kobus Munro

Digitally signed by Kobus Munro
Date: 2021.04.28 14:08:29 +02'00'

DIRECTOR: DEVELOPMENT MANAGEMENT REGION 2

**ANNEXURE L: COMMENTS FROM WESTERN CAPE GOVERNMENT:
WATER & SANITATION**



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

WESTERN CAPE REGION
Private Bag X16, Sanlamhof, 7532
52 Voortrekker Road, Bellville, 7530

☎ 021 941 6039
📠 021 941 6082
📞 082 370 2708

✉ Mr. Nkosinathi Mkonto
📁 16/2/7/G200/A/8
💻 mkonton@dws.gov.za

Attention: Pierre Jordaan

Active Planning Solutions
No 1 Vredeveld
BRACKENFELL SOUTH
7560

Dear Sir

APPLICATION FOR REZONING, SUBDIVISION: PORTION 27 OF THE FARM 716, KLAPMUTS

The Department acknowledges receipt of your report dated October 2020 for the above mentioned activity.

After evaluating the abovementioned application, you are hereby informed that the Department has no objection against your proposed activities subject to the following conditions:

1. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use and pollution management must be adhered to.
2. All relevant sections and regulations of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) must be adhered to.
3. No additional use of surface water and/or storage of water is permitted, unless the applicant has formally obtained an authorisation from this Department in terms of Section 22 of the National Water Act (Act 36 of 1998).
4. No activities may take place within a buffer area of 500m boundary radius of a wetland system without formal authorisation thereto obtained from this Department.





water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

CONTINUATION PAGE: (page. 2/2).

5. No permanent structures may be constructed within the 1:100 year flood line or 100m from the edge of the riparian habitat of a watercourse.
6. If any property that receives water from an Irrigation Board or Water User Association is subdivided, sold or consolidated, the Board or Association and this Department must be notified within sixty (60) days after the said transaction took place.
7. Please note that if the subdivision will affect the allocation of a water use as registered by this Department, the owner(s) of the new property(ies) must enter into a written mutual agreement to determine each property's share in any allocated water or water use and this must be communicated to this Department.
8. If this subdivision (or consolidation) will affect the allocation of a water use as licences by this Department, the Licencee must contact the Department for the amendment of this licence. This will also be necessary if the property description changes. The Licencee must provide full details of all changes in respect of the properties to the Responsible Authority within 60 days of said change taking place.
9. It is the duty of the applicant(s) to ensure that all servitudes of aqueduct, access and storage to give effect to the apportionment of water uses has been agreed upon prior amongst the property owners and formally registered with the Deeds of Office to give affect thereto upon approval of the application.

The Department reserves the right to revise its initial comments and request additional information that may arise from correspondence and/or upon inspection.

Should you have any queries, please do not hesitate to contact Nkosinathi Mkonto at the contact details provided above.

Yours faithfully

Nelisa Ndobeni

REGIONAL HEAD: WESTERN CAPE

Signed by: Nelisa Ndobeni

Designation: Control Environmental Officer

Date: 23 July 2021



NATIONAL DEVELOPMENT PLAN
Our Future - make it work

**ANNEXURE M: COMMENTS FROM THE DEPARTMENT OF TRANSPORT
AND PUBLIC WORKS**



Ref: TPW/CFS/RP/LUD/REZ/SUB-10/441 (Job 17225)

Active Planning Solutions

11 Blackstone Estate

C/o Brackenfell Boulevard & Vredeveld Street

Sonkring

BRACKENFELL

7560

Attention: Mr Pierre Jordaan

Dear Sir

PORTION 27 OF FARM 716 PAARL, KLAPMUTS: MAIN ROAD 189 (R101 OLD PAARL ROAD) AND MAIN ROAD 27 (R55 ADAM TAS STREET): APPLICATION FOR REZONING AND SUBDIVISION

1. The following refer:
 - 1.1. Your e-mail ref. Klap/27_716/APSv1 dated 25 March 2021 and attached land use application;
 - 1.2. This Branch's letter of comment to Stellenbosch Municipality on the above application, ref. TPW (Job 17225), dated 14 May 2021;
 - 1.3. Your revised SDP for the subject property, Plan BC021-A100 Rev.Z dated 2021-05-04, received from Liezl DuPlooy of DECA by e-mail on 10 June 2021;
 - 1.4. This Branch's letter to DECA dated 15 July 2021, cc (*inter alia*) Active Planning Solutions and Stellenbosch Municipality;
 - 1.5. This Branch's letter to Active Planning Solutions dated 16 September 2021;
 - 1.6. Minutes of the M/S Teams meeting on 26 October 2021 between the Applicants and their professional teams and Messrs Thompson and Burger of this Branch;
 - 1.7. E-mail from Douw Lourens of DECA to Evan Burger dated 26 November 2021 with attached preliminary design drawings;
 - 1.8. Your email to Michael Hendrickse of this Branch's Chief Directorate: Design dated 8 December 2021;
 - 1.9. This Branch's letter to Active Planning Solutions dated 17 December 2021;
 - 1.10. Your e-mail to Vanessa Stoffels of this Branch, dated 25 March 2022;
 - 1.11. Stellenbosch Municipality's letter ref. Farm716/3 Klapmuts, dated 23 May 2022

2. As requested in point 4 of this Branch's letter (item 1.9), we have received written confirmation (item 1.11) that Stellenbosch Municipality is taking legal steps to force the deconstruction of the buildings/structures on the road reserve of Heaford Street.
3. This Branch offers no objection to the proposed rezoning and subdivision of Portion 27 of Farm 716, Klapmuts on condition that the legal processes of Stellenbosch Municipality are completed.
4. As Controlling Authority in terms of Act 21 of 1940, this Branch approves the subdivision

Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: ROADS

DATE: 15 June 2022

ENDORSEMENTS

1. Stellenbosch Municipality

Attention: Mrs U van Molendorff (e-mail: Ulrich.vonmolendorff@stellenbosch.gov.za);

Mr N Winter (e-mail: Nigell.Winter@stellenbosch.gov.za);

Mr J Fullards (e-mail: Johan.Fullard@stellenbosch.gov.za);

Mr T King (e-mail: Tyrone.King@stellenbosch.gov.za);

2. Active Planning Solutions

Attention: Mr P Jordaan (e-mail: Pierre@activeplanning.co.za);

3. District Roads Engineer

Paarl

3. Mr E Smith (e-mail)

4. Mrs S du Preez (e-mail)

5. Mr E Burger (e-mail)

6. Mr SW Carstens (e-mail)

**ANNEXURE N: CIVIL ENGINEERING AND ELECTRIC BULK SERVICES
REPORT**

Ref: BC021-01

Active Planning Solutions

2020-08-27

Attention: Pierre Jordaan

**PROPOSED DEVELOPMENT, PORTION 27 OF FARM 716, HEAFORD STREET, KLAPMUTS
CIVIL ENGINEERING SERVICES REPORT**

1. LOCATION

Portion 27 of Farm 716 is situated next to the R44 in Klapmuts north of Voortrekker Road(R101). The 1.70Ha property is currently undeveloped and there is currently no dedicated access to the property. An existing 9.45m wide road reserve (Heaford Street) exists from Brounger Street to the site, and will be utilised for future access to the proposed development.

**FIGURE 1: LOCALITY PLAN**

2. PROPOSED DEVELOPMENT

The proposed development entails the sub-division of the main property to make provision for 43 new group housing properties, a private open space and a private road. Civil engineering services will be provided to service the proposed private development.

3. TOPOGRAPHY

The site drains at an adequate gradient, of approximately 3.7%, in a northern direction towards the neighbouring property and the R44 road reserve, situated to the east of the property.

4. GEOTECHNICAL CONDITIONS

No geological investigation has been completed, but appears to be typically coarse sand to fine gravel, with the water table not expected within 1.5m below natural ground level. Although no visible rock outcrops were noticed, lower lying rock conditions can be expected.

5. PROPOSED SERVICES:

5.1 ROADS

Erf 1383 is an existing 5.5m wide property next to the Heaford Street road reserve. It was subdivided from the neighbouring Rosenmeer Development for road widening purposes to form part of the Heaford Street road reserve.

A new 5.5m wide public access road will be constructed from Brounger Street to the development. The development will have a gated entrance and a refuse truck turning facility will be provided in front of the entrance gate for refuse collection.

A 10m wide private road reserve will be provided inside the development, with a 5.5m wide surfaced road. The layout is designed to allow future access to the neighbouring properties to the north, should they wish to form part of the development in the future.

The above roads will be designed to comply with the Stellenbosch Minimum Design Standards.

A traffic statement of the impact of the development on the adjacent roads in the area is currently being completed and will form part of the application.

5.2 STORMWATER MANAGEMENT

Stellenbosch Municipality requires that the following stormwater attenuation criteria be met for the proposed development:

- Provide 24hr extended detention for the 1:1 year 24 hour duration storm
- Provide post-development attenuation to pre-development peaks for storm events ranging from 1:5 year to the 1:50 year storm events.
- Provide controlled discharge of the 1:100 year storm event to safely discharge the peak outflow from the development to protect downstream floodplains and developments from the adverse impacts of extreme floods, as well as help in evaluating the effect that the 1:100 year storm event will have on the stormwater management system.

METHODOLOGY

Rainfall figures supplied by the City of Cape Town, allowing for climate change, have been used for calculation purposes. (Table 1)

Grid Position						Return Period	Event Duration/Rainfall (inc CC Factor)
Latitude		Longitude		MAP	Altitude		Min
Degree	Minute	Degree	Minute	mm/y	msl	y	1440
33	48	18	52	617	155	2	54.5
33	48	18	52	617	155	5	73.0
33	48	18	52	617	155	10	86.6
33	48	18	52	617	155	20	100.7
33	48	18	52	617	155	50	120.5
33	48	18	52	617	155	100	136.7
33	48	18	52	617	155	200	154.0

Table 1: RAINFALL FIGURES

EXISTING CONDITIONS

The site is undeveloped and consist of mainly grass veld conditions with a few large trees at the future entrance in the south-west corner. The site currently drains overland in a northerly direction towards the neighbouring property and the R44 road reserve to the east. Except for a side drain to the R44, there is no formal stormwater system for the property to drain to.



FIGURE 2: R44 SIDE DRAIN TOWARDS THE N1

The R44 side drain, drains in a northern direction towards the N1 national road where it discharges into an underground stormwater pipe culvert crossing the N1.



FIGURE 3: N1 PIPE CULVERT

The Heaford Street road reserve is also currently undeveloped. A stormwater grass channel exist in the adjacent road widening strip, erf 1383, traversing the road reserve from the site to Bronger Street, where it discharges to the existing stormwater system.



FIGURE 4: ERF 1383 GRASS CHANNEL

PRE-DEVELOPMENT

The pre-development runoff peaks for the development site, have been estimated by using the Autodesk Stormwater and Sanitary Analysis software by means of the EPASWMM modelling method for a 24hr duration storm. The development site has been modelled as 1 catchment at existing conditions. The results are listed in Table 2.

TABLE 2 PRE-DEVELOPMENT SWMM MODEL PARAMETERS

RETURN PERIOD (YRS)	2	5	10	50	100
PEAK (l/s)	18.5	50.58	81.75	167.31	211.65
NOTE:					
1. The catchment area is 17125m ² .					
2. The runoff factor is CN 77.					
3. The peak flows have been determined by the SWMM method.					

POST-DEVELOPMENT

As mentioned before, will the property be subdivided into 43 single residential group housing erven, private open space and a private road reserve.

An underground piped system, with a minimum pipe diameter of 375mm, will be designed to safely convey stormwater runoff for storms of up to the 1:5YR recurrence interval from the developed site to an onsite attenuation pond. The pond will be a dry attenuation pond with a controlled outlet structure, containing a series of orifices to discharge stormwater runoff at pre-development flowrates from the site through an outfall pipe and channel to the existing side drain in the R44 road reserve. An outlet structure will be constructed where the outfall pipe discharges from the site into an Armorflex lined channel draining to the R44 side drain.

An emergency spillway will also be provided from the pond to safely convey stormwater to the outfall channel in case of blockages that might occur at the outlet structure.

On completion of the project, a Stormwater Management Operations and Maintenance Manual will be handed over to the Home Owners Association through a training session, to ensure that the private stormwater system is properly maintained and fully functional.

For post development calculation purposes, the property is divided into 2 sub-catchments with a weighted CN factor of 87. Refer to the attached Proposed Civil Services Layout plan BC21-A100.

Pre- and Post-Development peak flows have been calculated, and the results are summarized in Table 3 below and illustrated in Figure 5.

STORM	2YR	5YR	10YR	50YR	100YR
POST DEVELOPMENT (l/s)	18.28	49.49	76.63	161	213
PRE DEVELOPMENT (l/s)	18.50	50.58	81.75	167	212
POND VOLUME (m ³)	157	198	227	300	320
POND WATER DEPTH (m)	0.61	0.73	0.80	0.98	1.03

TABLE 3: PRE- vs POST-DEVELOPMENT FLOWS AND POND INFO

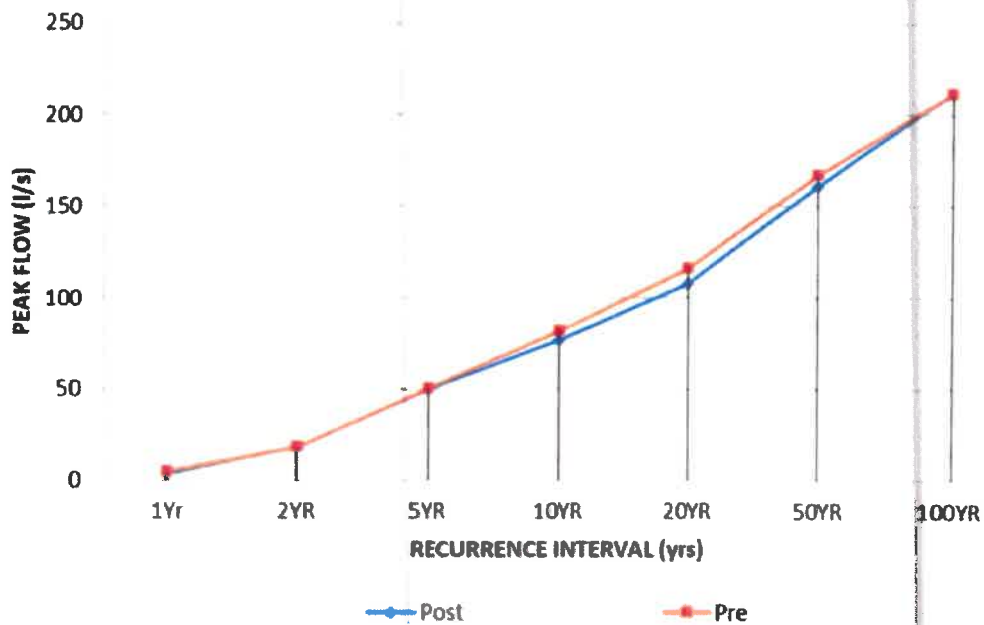


FIGURE 5: PRE- vs POST-DEVELOPMENT FLOW COMPARISON

Stormwater from Heaford Street will be conveyed through an underground piped system to Bonger Street where it will tie into the existing stormwater network.

5.3 FOUL SEWER

The sewer master plan indicates that there is a future sewer main outfall and pump station planned on Farm 716 Portion 31 to the north. The project is however not planned for the near future and it is proposed that a temporary pump station be constructed on the open space next to the proposed stormwater attenuation pond with an option to connect to the future outfall main. The pump station will then pump to an existing 160mm diameter sewer main situated in the road widening erf, erf 1383, next to the Heaford Street road reserve.

The pump station will have a dual pump system with a sump equipped to accommodate additional emergency storage capacity of 4 hours at the average flow rate for the development.

The attached GLS report indicates that the existing sewer system has adequate capacity for the additional flow from the development. Refer to the attached GLS Report dated 3 August 2018.

5.4 WATER

From the GLS report it is proposed that the development connects to the existing 150mm water main in Voortrekker Road. A new 160mm Ø main will then be constructed along Bounger and Heaford Street to the development.

The development will be supplied with an 80mm bulk water meter at the entrance, with a 110mm diameter internal reticulation system.

The adjacent properties to the north will have an option to form part of the development or to install a separate connection from Voortrekker Road along the R44.

The GLS report indicates that there is sufficient capacity in the existing water reticulation network, but that there are some areas with high flow velocities between 1.5 and 2.0m/s. From the report various upgrades proposed which will have to be confirmed by council.

The GLS report also indicates that the Klapumuts bulk supply system has sufficient capacity to accommodate the proposed development. Refer to the attached GLS Report dated 9 November 2018.

5.5 SOLID WASTE

A refuse bin room will be allowed for at the entrance with a loading and turning facility for the refuse truck on the outside of the development.

5.6 TELECOMMUNICATION

Telecommunication sleeves will be allowed for from Bounger Street to the development with connection points to each property.

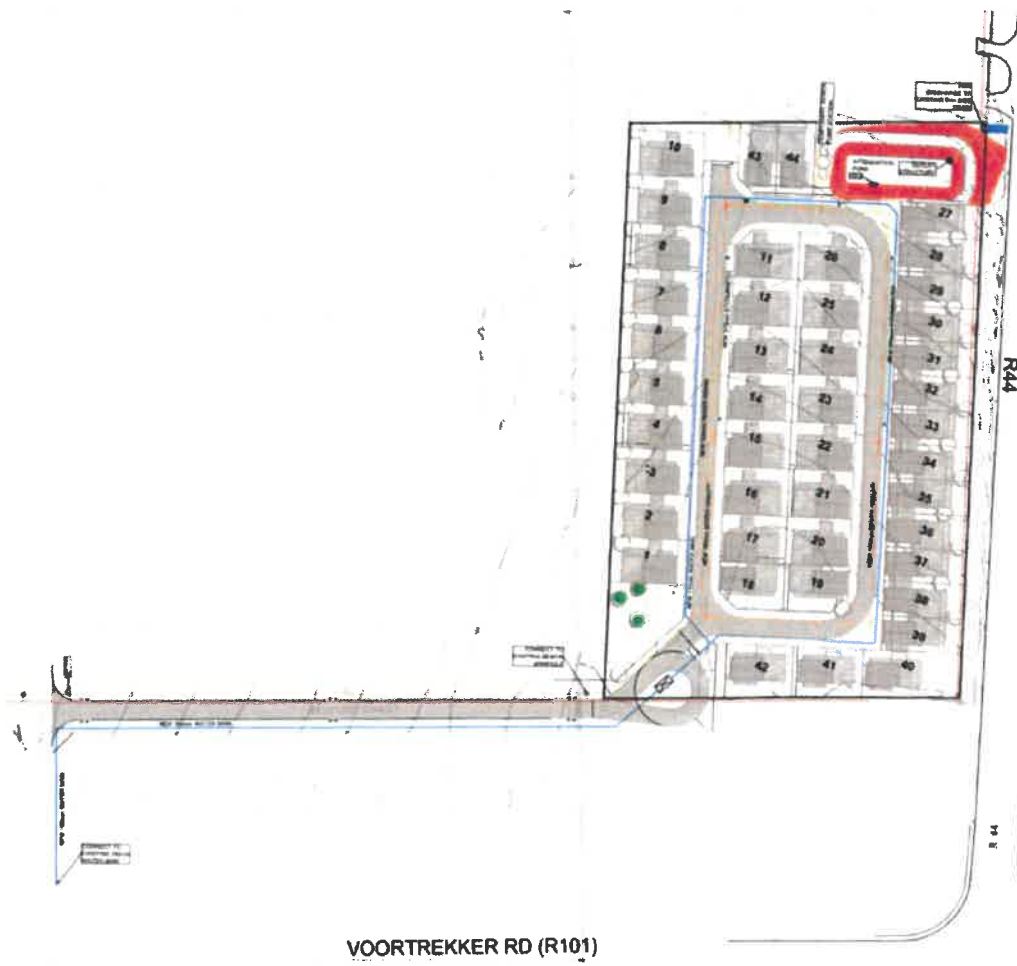
It is envisaged that the services for the development will be completed in a single phase, and service plans will be submitted for approval. The material and design specifications will comply with the Stellenbosch Municipality's Minimum Design Standards.

The findings above indicates that the additional impact the proposed development will have on the existing infrastructure and surrounds will be minor and should be supported in general.

Yours sincerely



CS Beneke Pr Tech Eng



	Sewer Pipe
	Stormwater Pipe
	Water Pipe
	Gas Pipe
	Electricity Pipe
	Telephone Pipe
	Cable TV Pipe
	Fire Alarm Pipe
	Fire Hydrant
	Manhole
	Valve
	Check Valve
	Air Valve
	Gate Valve
	Flange Valve
	Plug Valve
	Ball Valve
	Butterfly Valve
	Diaphragm Valve
	Knife Gate Valve
	Plug Valve
	Ball Valve
	Butterfly Valve
	Diaphragm Valve
	Knife Gate Valve

Client: Maree 3 Trust

Project: DEVELOPMENT OF FARM 71627, KLAPMUTS

Drawn By: Broadco Consulting

Scale: PROPOSED CIVIL SERVICES (PRIVATE SERVICES)

FOR SDP APPLICATION

Date: 2013-02-14
 Drawn: C. Smit
 Checked: E. Smit
 Scale: 1:500 (A1)

Drawing No: BC021-A100
 Revision: A

Caring
Innovative
Focussed

Neil

LYNERS

and Associates (RF) (Pty) Ltd



Consulting Engineers & Project Managers

Our reference : E19044/COR/CN/cn/01

Your reference :

Postal Address: PO Box 4901, TYGERVALLEY, 7536

Street Address: Office 2, Ground Floor, Riverside Place,
South Gate Entrance, Carl Cronjé Drive,
Tyger Valley Waterfront, BELLVILLE, 7530

Tel: +27 (0)21 914 0300 / Fax: +27 (0)21 914 0437

E-mail: bellville@lynerns.co.za / Website: www.lynerns.co.za

04 September 2020

Active Planning Solutions
On behalf of the Developers

Attention: Mr. Pierre Jordaan

Dear Sir

ELECTRICAL SERVICES FOR PORTION 27 OF FARM 716, KLAPMUTS: ELECTRICAL ENGINEERING SERVICES REPORT

1.1 SUPPLY AREA

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

All designs, materials and equipment to be used as well as installation practices will therefore be based on Eskom's guidelines for new electricity networks.

The electrical network will be handed over to Eskom once completed, who will then be responsible for the operation and maintenance thereof. While the area streetlighting network in the private gated development will become the asset of the homeowner's association for maintenance and repairs.

1.2 MAXIMUM DEMAND

Based on the latest proposed layout drawing with filename coenie sdp V8-Edited-Layout1 recently received from Broadco Consulting – copy attached hereto, the estimated maximum demand for this development is calculated at 189.8 kVA / 261A three-phase when applying a 4 kVA after diversity maximum demand (ADMD) per connection for the 44 proposed subdivided townhouse erven.

An allowance is included for the private general supply for the entrance access gate motor and non-municipal/Eskom – privately metered area streetlights. An 60A / 13.8 kVA single-phase connection is proposed for the general supply – an electrical allowance for the temporary private sewer pump station must still be confirmed at a later stage and included with the electrical loading calculation.

1.3 SUPPLY POINT

Eskom proposes a new miniature substation to be connected with 11kV underground cable along Heaford Street from the existing miniature substation situated in Brounger Street near the entrance at the adjacent Rozenmeer estate. The proposed position for the new miniature substation is on the open space at the development entrance before the access gate. Low voltage (LV) cables will be laid from the minisub to the development.

A 5 x 3m miniature substation site must be registered in favour of Eskom on the open space as part of the public road reserve.

The developer is responsible for the 11kV external cable connection from the existing minisub.

The developer will install the low voltage distribution network within the development - feeder cables, distribution kiosks and house connection cables.

1.4 LOW VOLTAGE NETWORK

The low voltage network will consist of aluminium cables. All networks will be designed, and the installation thereof supervised by a registered Professional Electrical Engineer.

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

1.5 SCOPE OF WORK

In order to supply this new development on Portion 27 of Fam 716, Klapmuts with adequate and reliable electricity supply, the following preliminary scope of work is proposed:

- i) New 11kV cable connection and minisub by developer
- ii) New low voltage distribution network by the developer

1.6 BULK ELECTRICITY INFRASTRUCTURE CONTRIBUTION

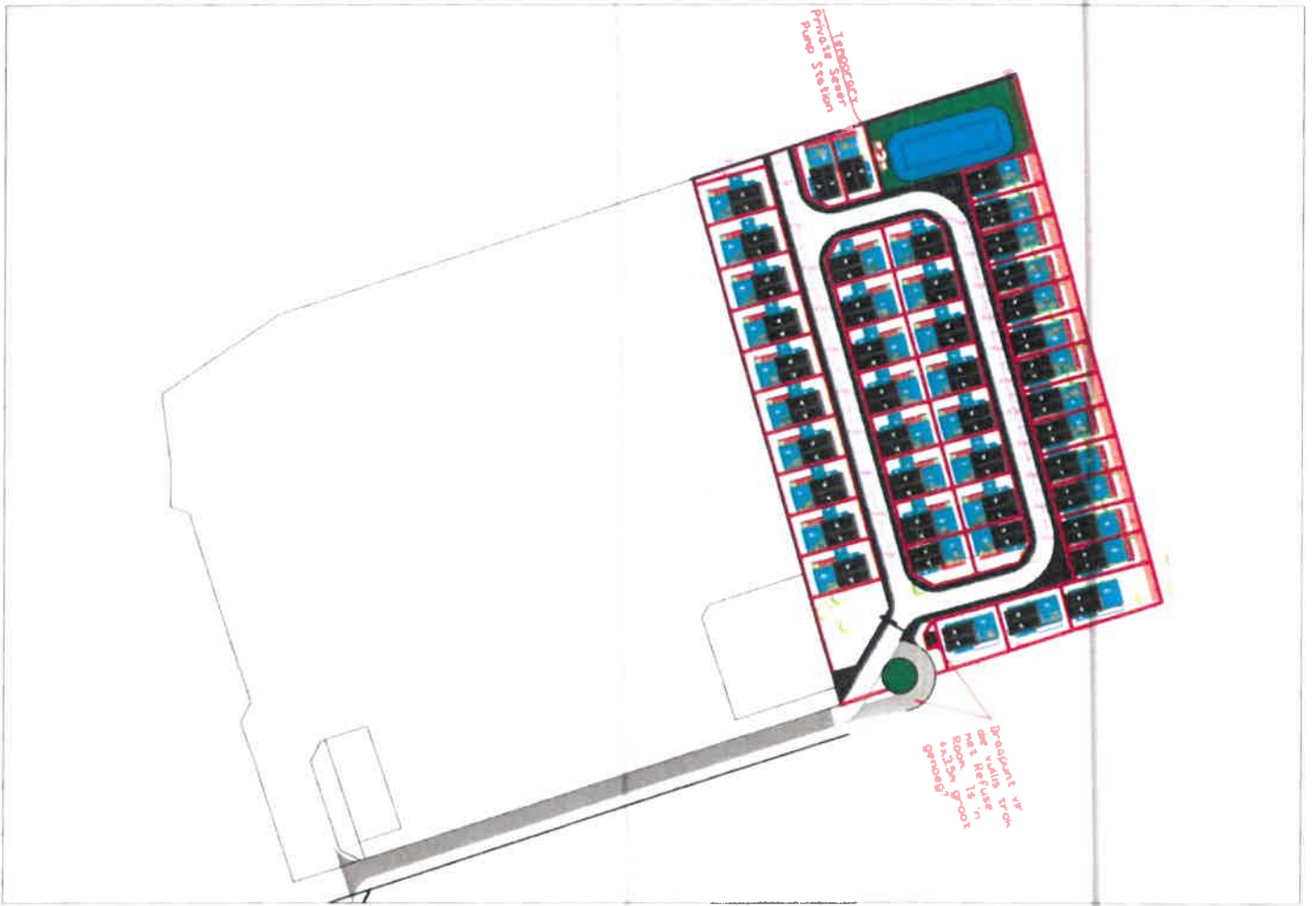
Bulk Infrastructure Contributions (BICLs) known as Eskom Shared Network Costs (SNCs) and a Connection Fee will be payable for the total development.

Should you require any more information or detail, please do not hesitate to contact the undersigned.

Yours faithfully



Cobus Nel
LYNERS





9 November 2018

Broadco Consulting
The Crest Office Park
DURBANVILLE
7550

Attention: Mr Coenie Beneke

Dear Sir

DEVELOPMENT OF PORTION 27 OF FARM 716, KLAPMUTS: CAPACITY ANALYSIS OF THE BULK WATER & SEWER SERVICES

Your request regarding comments on the bulk water and sewer supply to the proposed development (development on portion 27 of Farm 716, Klappmuts), refers.

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

The proposed development was conceptually taken into consideration for the June 2017 master plans for the water and sewer networks as a section of future development area K13.

1. WATER DISTRIBUTION SYSTEM

1.1 Distribution zone

The master planning indicated that the proposed development area should be accommodated in the existing Klappmuts Lower reservoir zone. The connection to the existing system should be done on the existing 150 mm diameter pipe parallel to Old Paarl Road, as shown of Figure 1 attached.

The proposed development is situated inside the water priority area.

1.2 Water demand

The original water analysis for the master plan was performed with a total annual average daily demand (AADD) for the proposed development (future development area K13 in the June 2017 water master plan) of 30,75 kℓ/d.

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

- 38 residential units @ 0,6 kℓ/d/unit = 22,8 kℓ/d
- Fire flow criteria (Moderate risk) = 25 ℓ/s @ 10 m

GLS Consulting (Pty) Ltd

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

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

www.eoh.co.za | www.gls.co.za

GLS Consulting (Pty) Ltd is a member of the EOH Group of Companies. EOH is a member of the EOH Group of Companies.

an **EOH** company

1.3. *Present situation*Network conveyance

The existing 250 mm Ø main supply pipe from the Klappmuts Lower reservoir to the existing reticulation network and the 150 mm Ø pipe in Merchant Street (see Figure 1 attached), which supplies water from the Klappmuts Lower network to the proposed development, currently experience high flow velocities (between 1,5 and 2,0 m/s) with high energy losses through these pipes during peak demand conditions.

Accommodation of the development in the present system will consequently require upgrading of these pipes to comply with the pressure and fire flow criteria as set out in the master plan.

Furthermore, as part of efforts to reduce the unaccounted for water (UAW) and existing water demand in the Stellenbosch Municipality, the installation of a new PRV in Merchant Street will also be required.

Reservoir capacity

The criteria for total reservoir volume used in the Stellenbosch Municipality Water Master Plan is 48 hours of the AADD (of the reservoir supply zone). The existing reservoir volume available at the Klappmuts Lower reservoir is sufficient to accommodate the proposed development.

Bulk supply

The Klappmuts Lower reservoir is supplied with bulk water through a pump station (located at the Old Klappmuts reservoir) and a 200 mm diameter dedicated supply pipeline. The Old Klappmuts reservoir (which acts as a sump for the pump station) is supplied with bulk water from the City of Cape Town's (CCT) Wemmershoek bulk system through a dedicated 400 mm pipe (new section) and 200 mm pipe (old section).

The existing bulk system has sufficient capacity to accommodate the proposed development, but it is however proposed in the water master plan for Klappmuts that the old 200 mm diameter bulk pipeline between the Wemmershoek pipeline and the Old Klappmuts reservoir is reinforced with a parallel 400 mm diameter pipe in the near future.

1.4 *Implementation of the master plan*

The following master plan items will be required to reinforce the existing Klappmuts reticulation network in order to accommodate the proposed development together with other future development areas.

Network upgrade

• SKW1.1	: 365 m x 500 mm Ø parallel reinforcement of main pipe	R	2 046 000 *
• SKW1.2	: 420 m x 400 mm Ø parallel reinforcement of main pipe	R	1 851 000 *
• SKW1.3	: 130 m x 250 mm Ø parallel reinforcement of main pipe	R	334 000 *
• SKW1.12	: 150 m x 315 mm Ø parallel reinforcement of main pipe	R	513 000 *
• SKW1.18	: 430 m x 160 mm Ø new supply pipe	R	577 000 *
• SKW1.19	: 225 m x 200 mm Ø new supply pipe (including railway-crossing)	R	1 105 000 *
• SKW1.20	: 50 m x 160 mm Ø new supply pipe	R	98 000 *
• SKW1.28 **	: 230 m x 160 mm Ø new supply pipe	R	325 000 *
• Item 1	: New PRV on 160 mm Ø pipe	R	216 000 *
	Total	R	7 065 000 *

Accommodation of the development in the future system (together with other future development areas), will require upgrading of the existing bulk system as set out in the master plan.

Bulk supply (Phase 1 upgrades)

- SSW.B1 : 500 m x 400 mm Ø parallel reinforcement of main pipe R 2 345 000 *

Bulk supply (Phase 2 upgrades)

- SSW.B4 : 875 m x 400 mm Ø parallel reinforcement of main pipe R 4 069 000 *

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

(** Master plan item SKW1.28 is required in future to accommodate potential future development areas to the north of the proposed development and provision should be made for a pipeline servitude (in favour of Stellenbosch Municipality) to accommodate this pipeline in future).

Take note that the routes of the proposed pipelines are schematically shown on Figure 1 attached, but have to be finalised subsequent to detail pipeline route investigations.

1.5. *Minimum items required*

The minimum requirements to accommodate the proposed development in the existing water system are master plan items SKW1.1, SKW1.2, SKW1.3 & SKW1.12 to improve network conveyance to the proposed development, in order to comply with the pressure and fire flow criteria as set out in the water master plan.

Master plan items 1, SKW1.18, SKW1.19 & SKW1.20 are not required as minimum items in order to accommodate the proposed development, but it is recommended that these items are also implemented in order to reduce high static pressures in the existing system and to improve network redundancy and conveyance to the proposed development.

2. SEWER NETWORK2.1 *Drainage area*

The development falls within the future Klapmuts Main Pump Station (PS) drainage area. However, if it is possible to gravitate to the existing outfall sewer to the south of the development, the development can be accommodated in the existing Klapmuts PS 1 drainage area.

The recommended position for the sewer connection for the proposed development is at the future 160 mm diameter outfall sewer to the North of the development that gravitates to the future Klapmuts Main PS that pumps to the Klapmuts Waste Water Treatment Works (WWTWs). Alternatively, if possible, at the existing 160 mm diameter sewer to the South of the development, as shown on Figure 2 attached.

The development is inside the sewer priority area.

2.2 *Sewer flow*

In the original sewer master plan, the peak day dry weather flow (PDDWF) for the proposed development area (future area K13 in the June 2017 sewer master plan) was calculated at 24,8 kℓ/d.

For this re-analysis, the peak day dry weather flow (PDDWF) for the proposed development was calculated as 15,96 kℓ/d.

2.3 Present situation

The existing sewer system has sufficient capacity to accommodate the proposed development if it is possible to connect to the existing outfall sewer to the south of the development.

In the Sewer Master Plan it is however proposed that sewage from the proposed development area should gravitate through a new 160 mm diameter outfall sewer to the proposed Klapmuts Main PS.

The following link services item will be required to connect the proposed development to the proposed Klapmuts Main PS:

Link services

- Item 2 : 322 m x 160 mm Ø new outfall sewer R 652 000 *

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

Take note that the route of the proposed pipeline is schematically shown on Figure 2 attached, but has to be finalised subsequent to a detail pipeline route investigation.

2.4 Implementation of the sewer master plan

The accommodation of the proposed development within the proposed Klapmuts Main PS drainage area requires the construction of a new main sewer PS, located at the lowest point next to N1 (southern side) and the R44 main Road (western side), as shown on Figure 2 attached.

In the sewer master plan for Klapmuts it is proposed that the existing Klapmuts pumping stations 1, 2, & 3 are decommissioned in the future and that sewage from their respective drainage areas are then redirected to this proposed Klapmuts Main PS.

The first phase of these bulk sewer upgrades is to decommission the existing Klapmuts PS 1, redirect sewage from the Klapmuts PS 1 drainage area to the proposed Klapmuts Main PS, and construct the Klapmuts Main PS and an accompanying 315 mm rising main:

Bulk sewer upgrades (Phase 1)

• SKS1.8	: 960 m x 400 mm Ø New diversion sewer	R	3 621 000 *
• SKS1.13	: New 50 l/s Klapmuts Main PS	R	3 536 000 *
• SKS1.14	: 1 382 m x 315 mm Ø New rising main	R	4 129 000 *
• SKS5.2	: 45 m x 160 mm Ø New diversion sewer	R	251 000 *
• SKS5.3	: Decommission existing Klapmuts PS 1	R	75 000 *
	Total	R	11 612 000 *

The second phase of the bulk sewer upgrades is to decommission the existing Klapmuts PS 2 and redirect sewage from the Klapmuts PS 2 drainage area to the new Klapmuts Main PS drainage area.

Bulk sewer upgrades (Phase 2)

• SKS1.7	: 220 m x 400 mm Ø New diversion sewer	R	1 129 000 *
• SKS6.2	: 40 m x 250 mm Ø New diversion sewer	R	191 000 *
• SKS6.3	: Decommission existing Klapmuts PS 2	R	75 000 *
	Total	R	1 395 000 *

The last phase of the bulk sewer upgrades is to decommission the existing Klapmuts PS 3 and redirect sewage from the Klapmuts PS 3 drainage area to the proposed Klapmuts Main PS.

Bulk sewer upgrades (Phase 3)

• SKS1.12	: 1 075 m x 160 mm Ø New diversion sewer	R	2 969 000 *
• SKS7.3	: Decommission existing Klapmuts PS 3	R	75 000 *
	Total	R	3 044 000 *

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

Take note that the routes of the proposed bulk sewer upgrades are schematically shown on Figure 2 attached, but have to be finalised subsequent to detail pipeline route investigations.

2.5 Minimum items required

The existing sewer system has sufficient capacity to accommodate the proposed development if it is possible for the internal sewer system of the development to gravitate to the existing sewer infrastructure to the south of Farm 716/27.

The minimum requirements to accommodate the proposed development in the proposed Klapmuts Main PS drainage area (as proposed in the Sewer Master Plan) are link service item 2 and master plan items SKS1.13 & SKS1.14.

3. CONCLUSION

The developer of portion 27 of Farm 716 in Klapmuts may be liable for the payment of a Development Contribution (as calculated by Stellenbosch Municipality) for bulk water and sewer infrastructure as per Council Policy.

The existing water system has insufficient capacity to accommodate the proposed development.

The minimum requirements to accommodate the proposed development in the existing water system are master plan items SKW1.1, SKW1.2, SKW1.3 & SKW1.12 to improve network conveyance to the proposed development, in order to comply with the pressure and fire flow criteria as set out in the water master plan.

Master plan items 1, SKW1.18, SKW1.19 & SKW1.20 are not required as minimum items in order to accommodate the proposed development, but it is recommended that these items are also implemented in order to reduce high static pressures in the existing system and to improve network redundancy and conveyance to the proposed development.

In the Sewer Master Plan it is proposed that development on Farm 716/27 is accommodated in the proposed Klapmuts Main PS drainage area.

The minimum requirements to accommodate the proposed development in the proposed Klapmuts Main PS drainage area (as proposed in the Sewer Master Plan) are link service item 2 and master plan items SKS1.13 & SKS1.14.

We trust you find this of value.

Yours sincerely

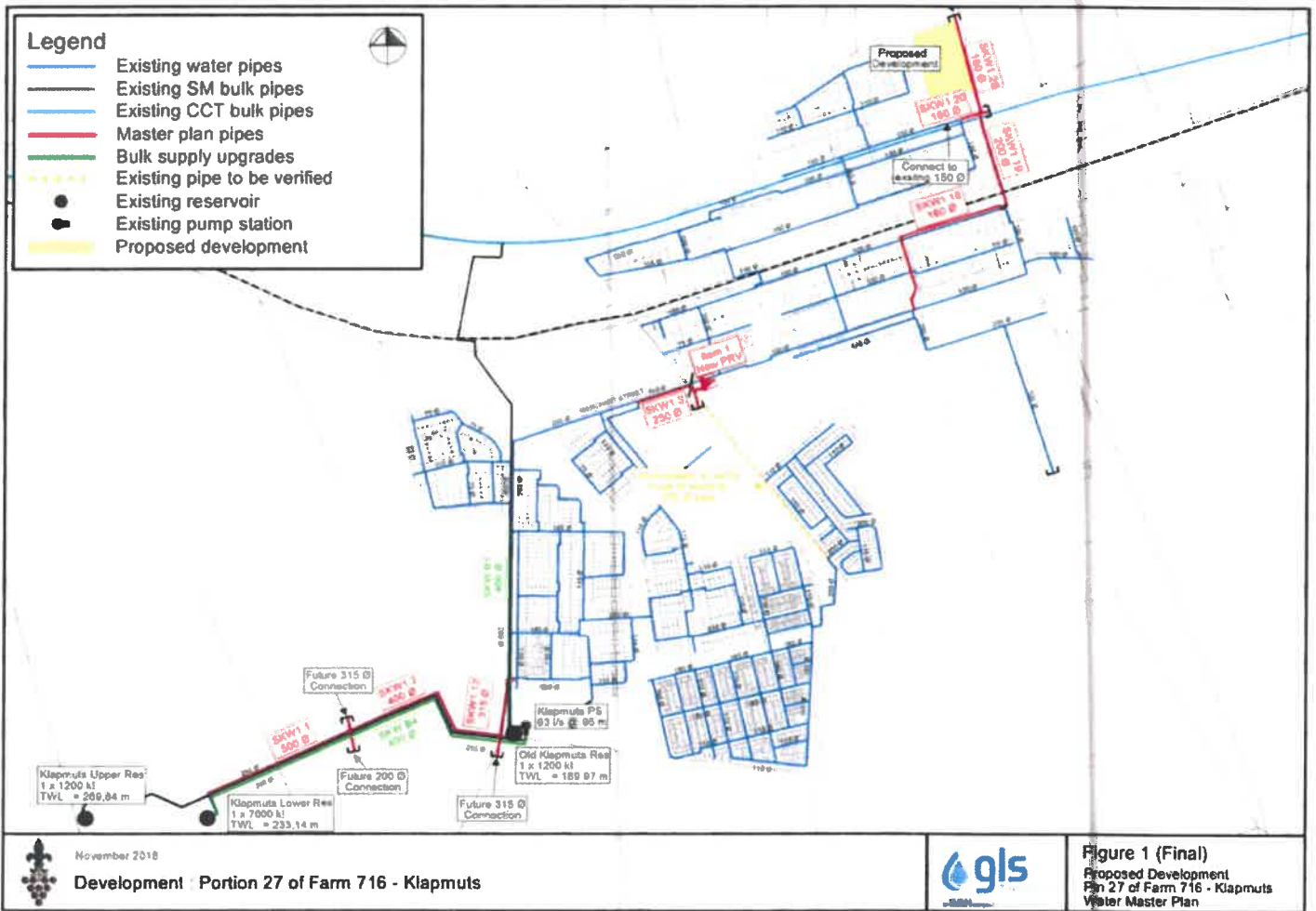
GLS CONSULTING (PTY) LTD
REG. NO.: 2007/003039/07

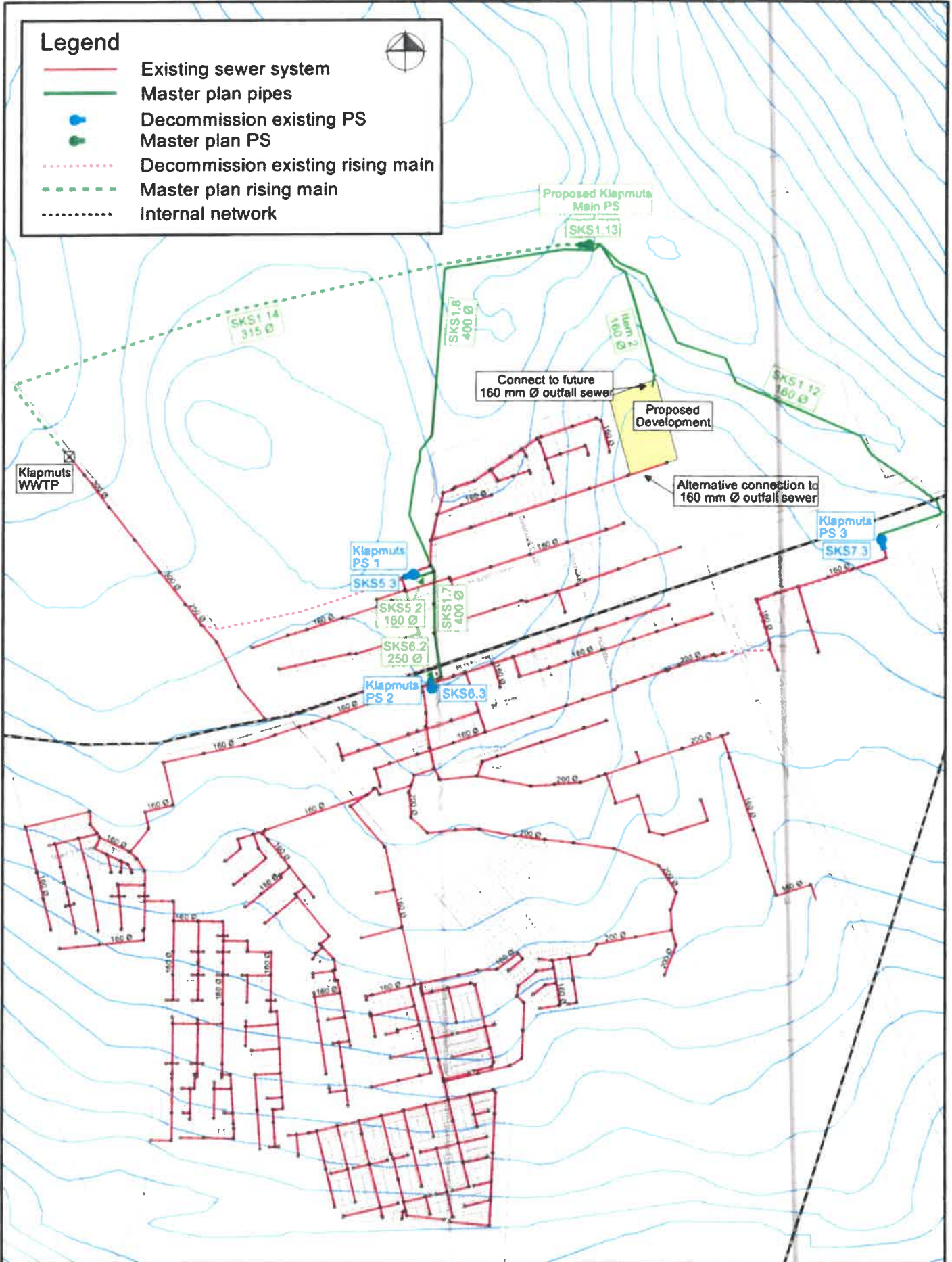


Per: PC DU PLESSIS

cc. The Director
Directorate: Engineering Services
Stellenbosch Municipality
P. O. Box 17
STELLENBOSCH
7599

Attention: Mr Adriaan Kurtz





Legend

- Existing sewer system
- Master plan pipes
- Decommission existing PS
- Master plan PS
- - - Decommission existing rising main
- - - Master plan rising main
- - - - - Internal network



November 2018

Development : Portion 27 of Farm 716 - Klapmuts



Figure 2 (Final)

Proposed Development
Ptn 27 of Farm 716 - Klapmuts
Sewer Master Plan



GENERAL NOTES FOR CONTRACTOR DEVELOPER OWNER:
 Quality of materials and workmanship to comply with the relevant U.S.A. requirements under the U.S.A. CONTRACT DOCUMENTS OF ARCHITECTURE. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.

CONTRACTOR NOTICE:
 The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.

This is signed at Stockholm on the ... 2019
 Name of signatory at Stockholm on the ... 2019

STUDIO ARCHITECTURE
 CLIENT SIGNATURE

Client Name
MT3 PROPERTY DEVELOPERS

Sheet Name
Site Coverage



Date	Issue Date
Project number	117000000102
Drawn by	Author
Checked by	Checker
	A108
Scale	As indicated

STORIES	HEIGHT	AREA	PERCENTAGE
1	1.00m	1000.00	10.00%
2	2.00m	2000.00	20.00%
3	3.00m	3000.00	30.00%
4	4.00m	4000.00	40.00%
5	5.00m	5000.00	50.00%
6	6.00m	6000.00	60.00%
7	7.00m	7000.00	70.00%
8	8.00m	8000.00	80.00%
9	9.00m	9000.00	90.00%
10	10.00m	10000.00	100.00%

1 SITE DEVELOPMENT PLAN
 SCALE 1:250



1:250



CONTRACT NOTICE

The client, MT3 Property Developers, has authorized ARCHITEK STUDIO INC. to prepare the architectural drawings for the Ground Floor Plan of the project. The drawings are to be used for the purpose of obtaining a building permit and for construction purposes only. The client is responsible for ensuring that the drawings are used for the intended purpose and for any other legal requirements. ARCHITEK STUDIO INC. is not responsible for any errors or omissions in the drawings or for any consequences arising from the use of the drawings. The client is responsible for obtaining all necessary permits and for ensuring that the drawings are used in accordance with all applicable laws and regulations. ARCHITEK STUDIO INC. is not responsible for any delays or costs incurred by the client as a result of any such requirements. The client is responsible for providing all necessary information and documents to ARCHITEK STUDIO INC. in a timely manner. ARCHITEK STUDIO INC. is not responsible for any information provided by the client that is incorrect or incomplete. ARCHITEK STUDIO INC. is not responsible for any changes to the drawings or for any additional work required as a result of any such changes. ARCHITEK STUDIO INC. is not responsible for any costs incurred by the client as a result of any such changes. ARCHITEK STUDIO INC. is not responsible for any delays or costs incurred by the client as a result of any such changes. ARCHITEK STUDIO INC. is not responsible for any information provided by the client that is incorrect or incomplete. ARCHITEK STUDIO INC. is not responsible for any changes to the drawings or for any additional work required as a result of any such changes. ARCHITEK STUDIO INC. is not responsible for any costs incurred by the client as a result of any such changes. ARCHITEK STUDIO INC. is not responsible for any delays or costs incurred by the client as a result of any such changes.

CLIENT SIGNATURE

 CLIENT SIGNATURE

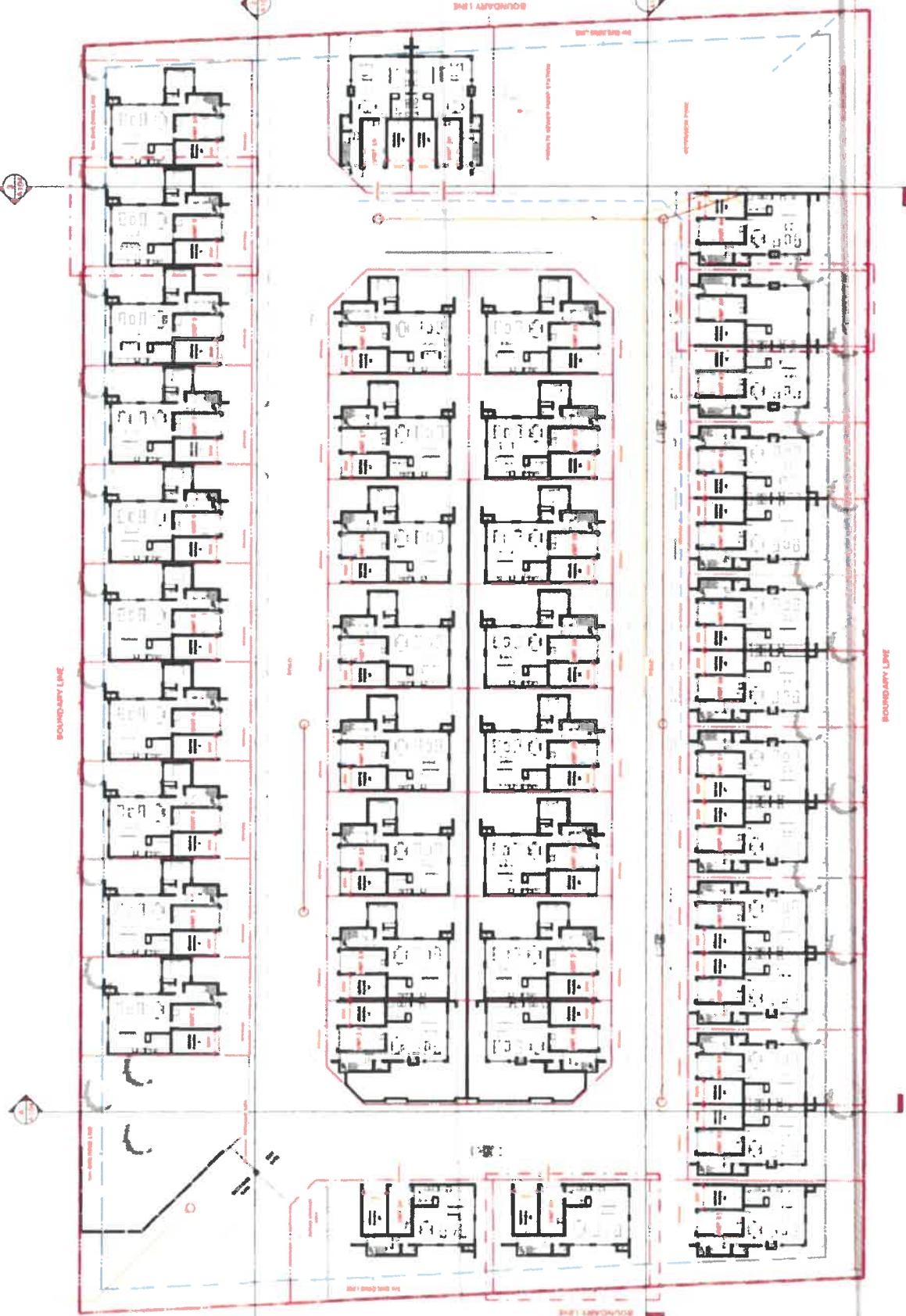
ARCHITECT SIGNATURE

 ARCHITECT SIGNATURE

Client Name
MT3 PROPERTY DEVELOPERS

Sheet Name
Ground Floor Plan

Project Number	MT3-00000102
Date	Issue Date
Drawn by	Author
Checked by	Checker
Scale	A100
Scale	1 : 250



1
 Ground Floor
 SCALE 1 : 250



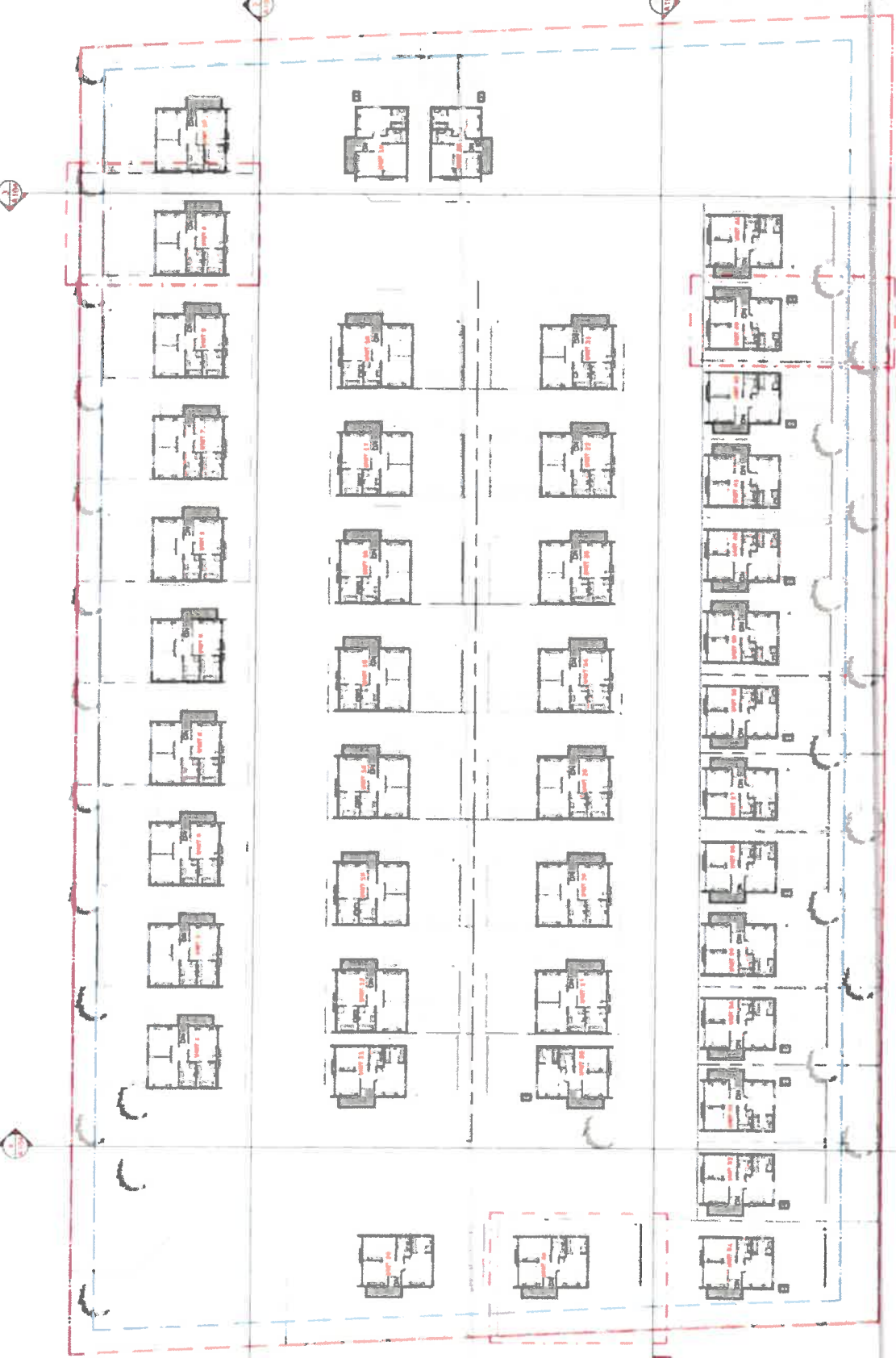
QUALITY ARCHITECTURAL CONSTRUCTION REQUIRES CAREFUL COORDINATION OF ALL TRADES AND CONTRACTORS TO COMPLETE THE PROJECT. ARCHITEK PLYWOOD ARCHITECTURE, INC. IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS OR CONTRACTORS. ARCHITEK PLYWOOD ARCHITECTURE, INC. IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS OR CONTRACTORS.

CONTRACTOR NOTICE: THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AGENCIES. ARCHITEK PLYWOOD ARCHITECTURE, INC. IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS OR CONTRACTORS.

THIS IS A SIGNED AND DATED DOCUMENT ON THE DATE OF 10/15/13 BY ARCHITEK PLYWOOD ARCHITECTURE, INC. FOR THE PROJECT OF MT3 PROPERTY DEVELOPERS.

CLIENT NAME: MT3 PROPERTY DEVELOPERS

SHEET NAME: First Floor Plan



1 SCALE 1/8" = 1'-0"

1

Project Number	MT30000702
Date	Issue Date
Drawn by	Author
Checked by	Checker
A101	
Scale	1 : 250

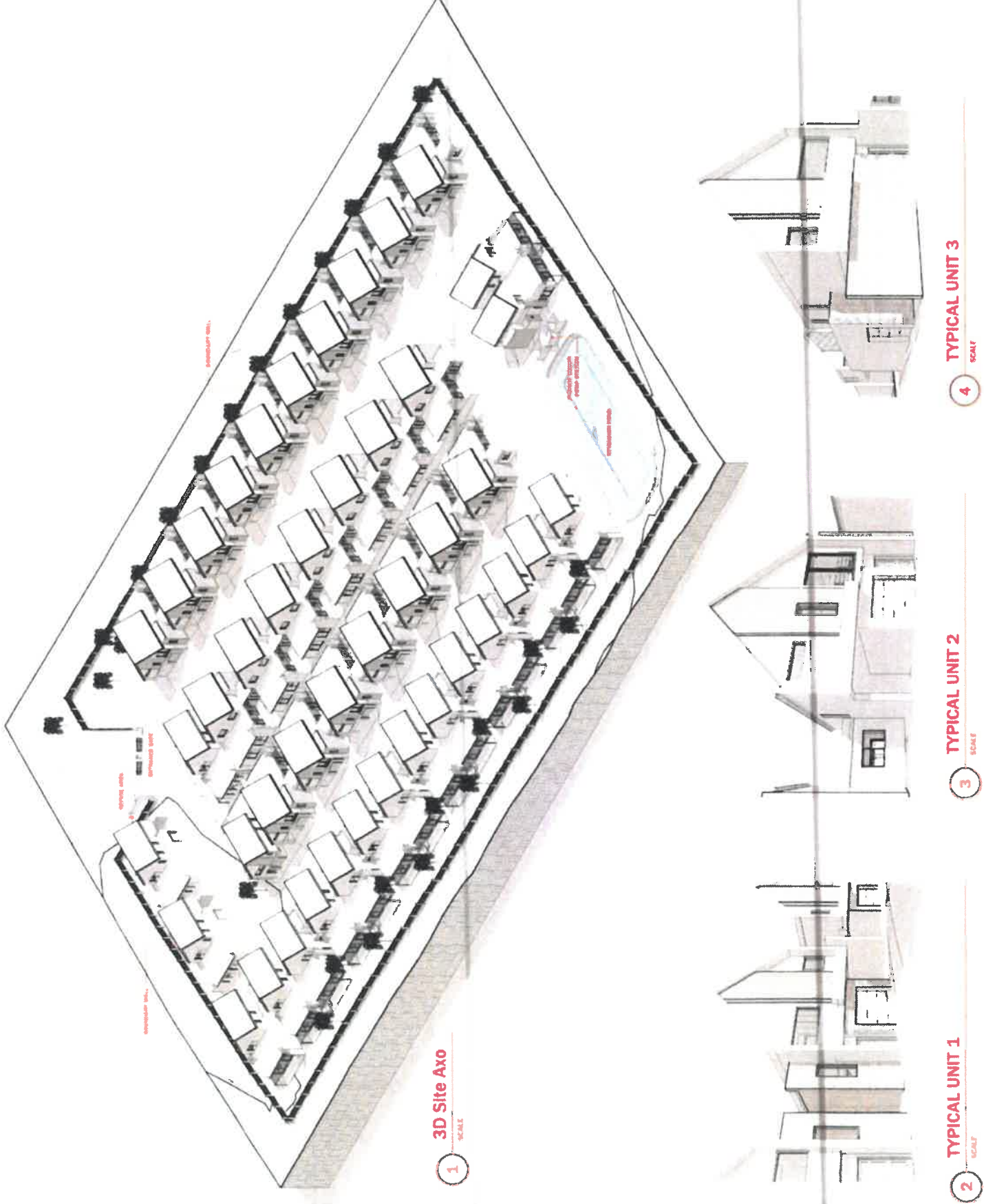


GENERAL NOTES FOR CONSTRUCTION DEVELOPMENT CONCEPT

Quality of materials and workmanship are essential to the success of this project. The contractor shall ensure that all materials and workmanship meet the requirements of the contract documents and the applicable building codes. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities. The contractor shall ensure that the project is completed within the specified time frame and budget. The contractor shall be responsible for maintaining the site and ensuring the safety of all personnel and the public. The contractor shall be responsible for the removal and disposal of all waste materials. The contractor shall be responsible for the protection of all existing structures and utilities. The contractor shall be responsible for the installation of all new structures and utilities. The contractor shall be responsible for the completion of all work in accordance with the contract documents and the applicable building codes. The contractor shall be responsible for the maintenance and repair of all work until the project is completed. The contractor shall be responsible for the payment of all taxes and fees. The contractor shall be responsible for the insurance of all work. The contractor shall be responsible for the bonding of all work. The contractor shall be responsible for the completion of all work in accordance with the contract documents and the applicable building codes. The contractor shall be responsible for the maintenance and repair of all work until the project is completed. The contractor shall be responsible for the payment of all taxes and fees. The contractor shall be responsible for the insurance of all work. The contractor shall be responsible for the bonding of all work.

CONTRACTOR'S NOTE

The drawings are prepared for the contractor's use only. The contractor shall be responsible for the interpretation of the drawings and the coordination of the work. The contractor shall be responsible for the completion of all work in accordance with the contract documents and the applicable building codes. The contractor shall be responsible for the maintenance and repair of all work until the project is completed. The contractor shall be responsible for the payment of all taxes and fees. The contractor shall be responsible for the insurance of all work. The contractor shall be responsible for the bonding of all work.



1 3D Site Axo
SCALE

2 TYPICAL UNIT 1
SCALE

3 TYPICAL UNIT 2
SCALE

4 TYPICAL UNIT 3
SCALE

Client Name
MT3 PROPERTY DEVELOPERS

Sheet Name
3D VIEWS

Project Number	MT3/2023/012
Date	Issue Date
Drawn by	Author
Checked by	Checker
A102	
Scale	



QUALITY OF SERVICE AND COMMITMENT TO EXCELLENCE IN ARCHITECTURE... ARCHITEK BY ARCHITECTS AND DESIGNERS

COMPETITIVE SERVICE... ARCHITEK BY ARCHITECTS AND DESIGNERS

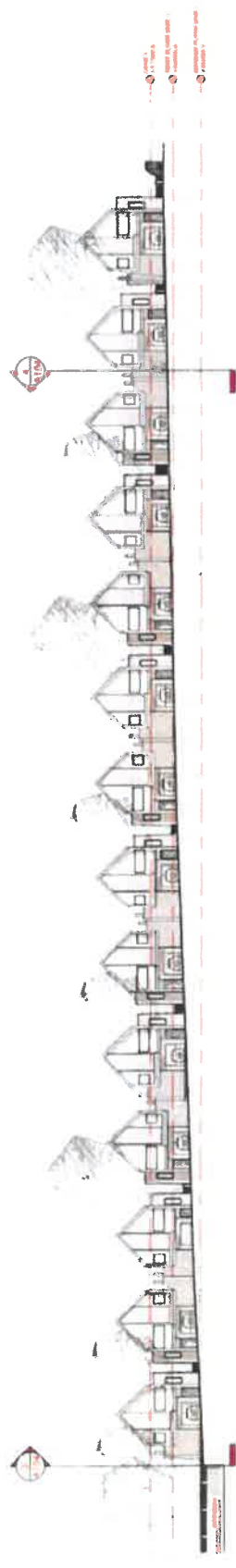
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PROJECT INFORMATION... ARCHITEK BY ARCHITECTS AND DESIGNERS

Client Name: MT3 PROPERTY DEVELOPERS

Cross Sections table with Project number, Date, Drawn by, Checked by, and Scale

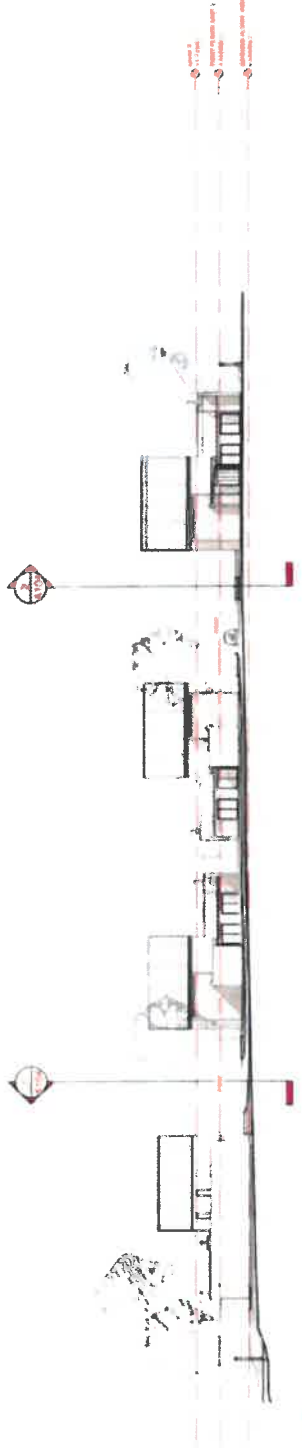
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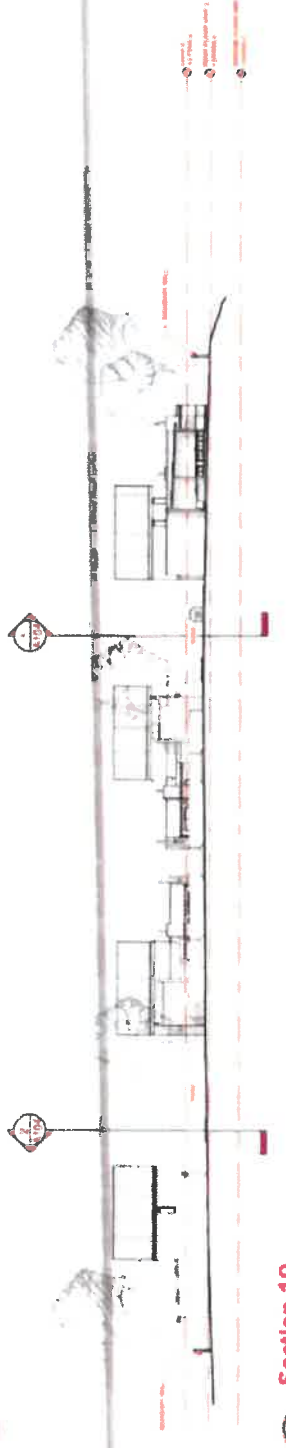
Section 16 SCALE 1 : 250



Section 17 SCALE 1 : 250



Section 18 SCALE 1 : 250



Section 19 SCALE 1 : 250



GENERAL NOTES FOR ARCHITECTURAL DEVELOPMENT

Quality of construction and materials to comply with the approved drawings and specifications. The contractor shall be responsible for the selection of materials and workmanship. The contractor shall be responsible for the selection of materials and workmanship. The contractor shall be responsible for the selection of materials and workmanship.

CONSTRUCTION NOTES

The drawings are prepared for the purpose of construction. The drawings are prepared for the purpose of construction. The drawings are prepared for the purpose of construction. The drawings are prepared for the purpose of construction.

DESIGN NOTE

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STUDIO ARCHITECTURE

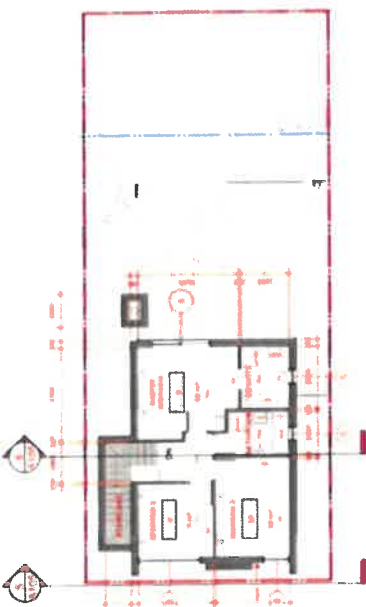
ARCHITECT

Client Name
MT3 PROPERTY DEVELOPERS

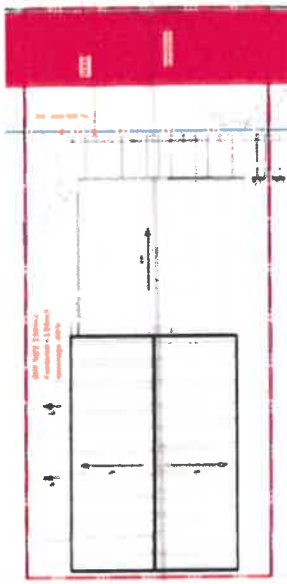
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Drawn by
Checked by

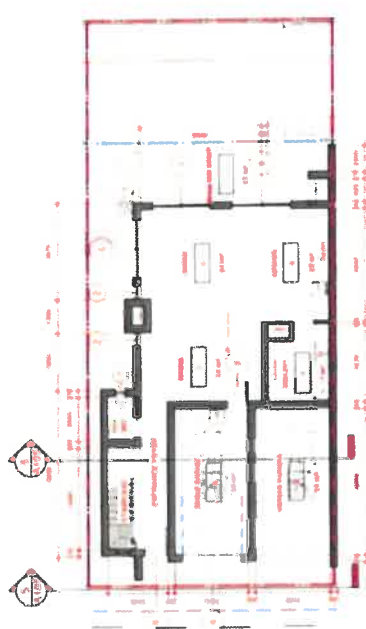
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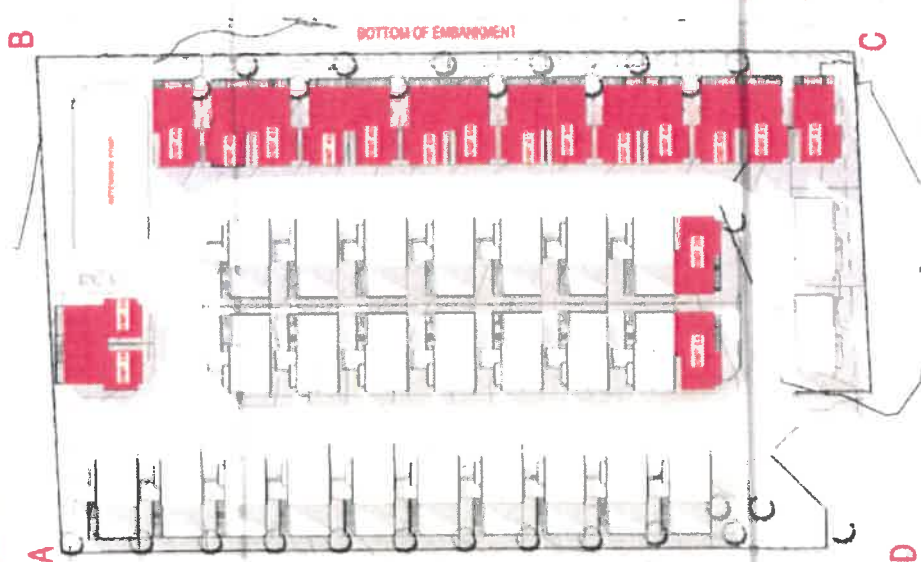
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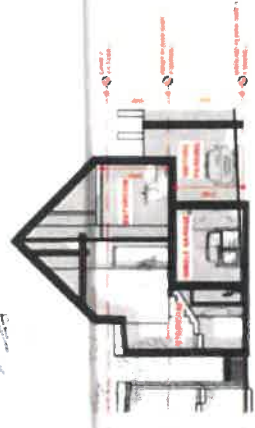
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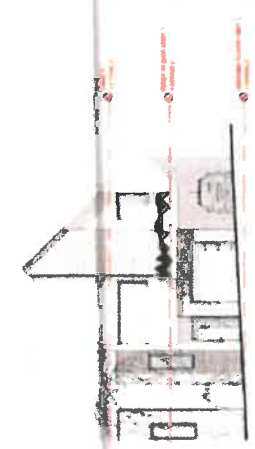
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1 URBAN LAYOUT
SCALE: 1:500



6 Section 6
SCALE: 1:100



5 Section 7
SCALE: 1:100



ARCHITECTS
 Quality of materials and workmanship is essential to the success of any building project. We are committed to the highest standards of quality and craftsmanship in all our work. We use only the finest materials and the most skilled tradespeople to ensure that every building we create is a masterpiece of design and construction.

DECLARATION OF WORK
 The Client hereby declares that the information provided in the contract documents is true and correct to the best of their knowledge and belief. The Client also declares that they have read and understood the terms and conditions of the contract documents and agree to be bound by them.

CLIENT SIGNATURE

 Name of Client
 Date: _____

ARCHITECT SIGNATURE

 Name of Architect
 Date: _____

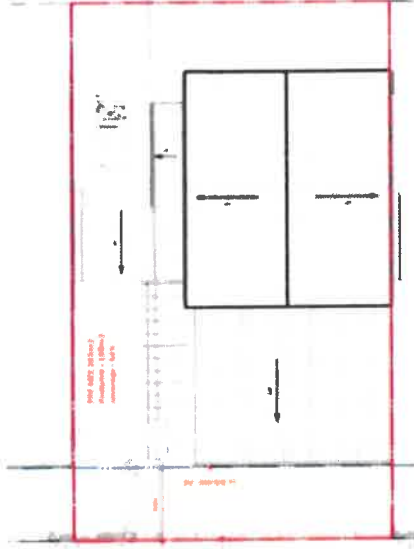
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 MT3 PROPERTY DEVELOPERS

SHEET NAME
 UNIT TYPE 2

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Drawn By	Author
Checked By	Checker
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Scale	As Indicated



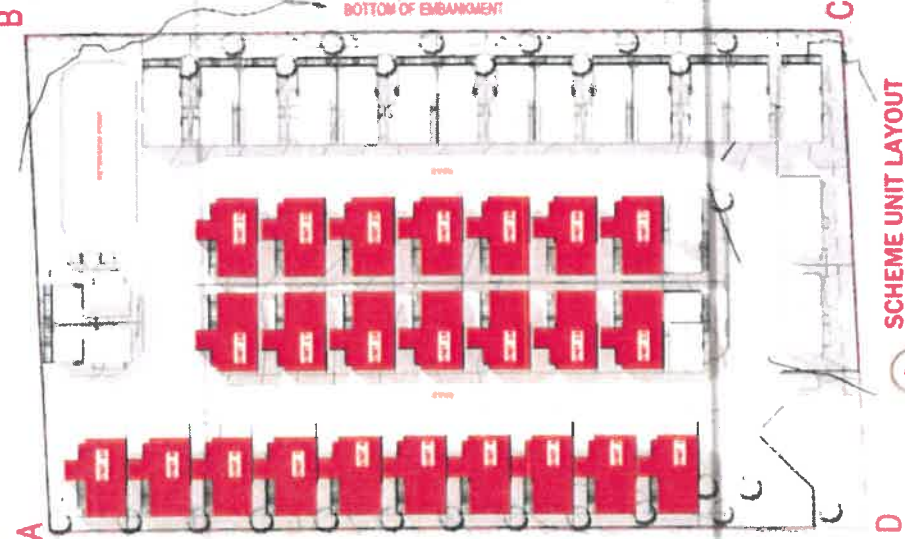
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2 Site UNIT 2
 SCALE 1:100



1 GROUND FLOOR UNIT 2
 SCALE 1:100



6 SCHEME UNIT LAYOUT
 SCALE 1:500



4 Section 5
 SCALE 1:100



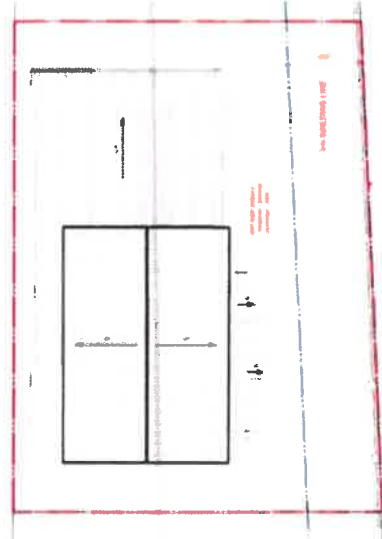
5 Section 15
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GENERAL NOTES FOR CONTRACTOR DEVELOPER OWNER
 1. All work shall be in accordance with the relevant building codes and standards as applicable to the project location.
 2. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.
 3. The contractor shall ensure that all work is completed in accordance with the approved drawings and specifications.
 4. The contractor shall maintain access to all existing services and structures on the site.
 5. The contractor shall be responsible for the safety of all workers and the public during the construction process.
 6. The contractor shall provide regular progress reports to the client.
 7. The contractor shall be responsible for the disposal of all waste materials.
 8. The contractor shall ensure that the site is left in a clean and safe condition at the end of the project.
 9. The contractor shall be responsible for the protection of all existing trees and landscaping on the site.
 10. The contractor shall be responsible for the installation of all fire safety equipment and systems.
 11. The contractor shall be responsible for the installation of all security systems and equipment.
 12. The contractor shall be responsible for the installation of all energy efficient lighting and appliances.
 13. The contractor shall be responsible for the installation of all water saving devices and fixtures.
 14. The contractor shall be responsible for the installation of all soundproofing and acoustic treatment.
 15. The contractor shall be responsible for the installation of all ventilation and air conditioning systems.
 16. The contractor shall be responsible for the installation of all heating and cooling systems.
 17. The contractor shall be responsible for the installation of all electrical and plumbing systems.
 18. The contractor shall be responsible for the installation of all structural and foundation work.
 19. The contractor shall be responsible for the installation of all exterior cladding and finishes.
 20. The contractor shall be responsible for the installation of all interior finishes and fixtures.
 21. The contractor shall be responsible for the installation of all landscaping and garden work.
 22. The contractor shall be responsible for the installation of all site furniture and amenities.
 23. The contractor shall be responsible for the installation of all site signage and wayfinding.
 24. The contractor shall be responsible for the installation of all site security and access control.
 25. The contractor shall be responsible for the installation of all site drainage and water management systems.
 26. The contractor shall be responsible for the installation of all site lighting and illumination.
 27. The contractor shall be responsible for the installation of all site sound and noise control measures.
 28. The contractor shall be responsible for the installation of all site air quality and ventilation measures.
 29. The contractor shall be responsible for the installation of all site energy and sustainability measures.
 30. The contractor shall be responsible for the installation of all site health and safety measures.
 31. The contractor shall be responsible for the installation of all site accessibility and inclusive design measures.
 32. The contractor shall be responsible for the installation of all site sustainability and green building measures.
 33. The contractor shall be responsible for the installation of all site social and community measures.
 34. The contractor shall be responsible for the installation of all site cultural and heritage measures.
 35. The contractor shall be responsible for the installation of all site historical and archaeological measures.
 36. The contractor shall be responsible for the installation of all site environmental and ecological measures.
 37. The contractor shall be responsible for the installation of all site climate and weather measures.
 38. The contractor shall be responsible for the installation of all site seismic and earthquake measures.
 39. The contractor shall be responsible for the installation of all site fire and smoke measures.
 40. The contractor shall be responsible for the installation of all site flood and water measures.
 41. The contractor shall be responsible for the installation of all site wind and storm measures.
 42. The contractor shall be responsible for the installation of all site snow and ice measures.
 43. The contractor shall be responsible for the installation of all site pest and insect measures.
 44. The contractor shall be responsible for the installation of all site mold and mildew measures.
 45. The contractor shall be responsible for the installation of all site allergen and asthma measures.
 46. The contractor shall be responsible for the installation of all site noise and vibration measures.
 47. The contractor shall be responsible for the installation of all site air pollution and dust measures.
 48. The contractor shall be responsible for the installation of all site water quality and quantity measures.
 49. The contractor shall be responsible for the installation of all site soil and ground conditions measures.
 50. The contractor shall be responsible for the installation of all site geotechnical and foundation measures.
 51. The contractor shall be responsible for the installation of all site structural and load bearing measures.
 52. The contractor shall be responsible for the installation of all site fire and structural measures.
 53. The contractor shall be responsible for the installation of all site wind and structural measures.
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 77. The contractor shall be responsible for the installation of all site air pollution and structural measures.
 78. The contractor shall be responsible for the installation of all site water quality and structural measures.
 79. The contractor shall be responsible for the installation of all site soil and structural measures.
 80. The contractor shall be responsible for the installation of all site geotechnical and structural measures.
 81. The contractor shall be responsible for the installation of all site structural and load bearing measures.
 82. The contractor shall be responsible for the installation of all site fire and structural measures.
 83. The contractor shall be responsible for the installation of all site wind and structural measures.
 84. The contractor shall be responsible for the installation of all site seismic and structural measures.
 85. The contractor shall be responsible for the installation of all site flood and structural measures.
 86. The contractor shall be responsible for the installation of all site wind and structural measures.
 87. The contractor shall be responsible for the installation of all site snow and structural measures.
 88. The contractor shall be responsible for the installation of all site pest and structural measures.
 89. The contractor shall be responsible for the installation of all site mold and structural measures.
 90. The contractor shall be responsible for the installation of all site allergen and structural measures.
 91. The contractor shall be responsible for the installation of all site noise and structural measures.
 92. The contractor shall be responsible for the installation of all site air pollution and structural measures.
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 94. The contractor shall be responsible for the installation of all site soil and structural measures.
 95. The contractor shall be responsible for the installation of all site geotechnical and structural measures.
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 98. The contractor shall be responsible for the installation of all site wind and structural measures.
 99. The contractor shall be responsible for the installation of all site seismic and structural measures.
 100. The contractor shall be responsible for the installation of all site flood and structural measures.



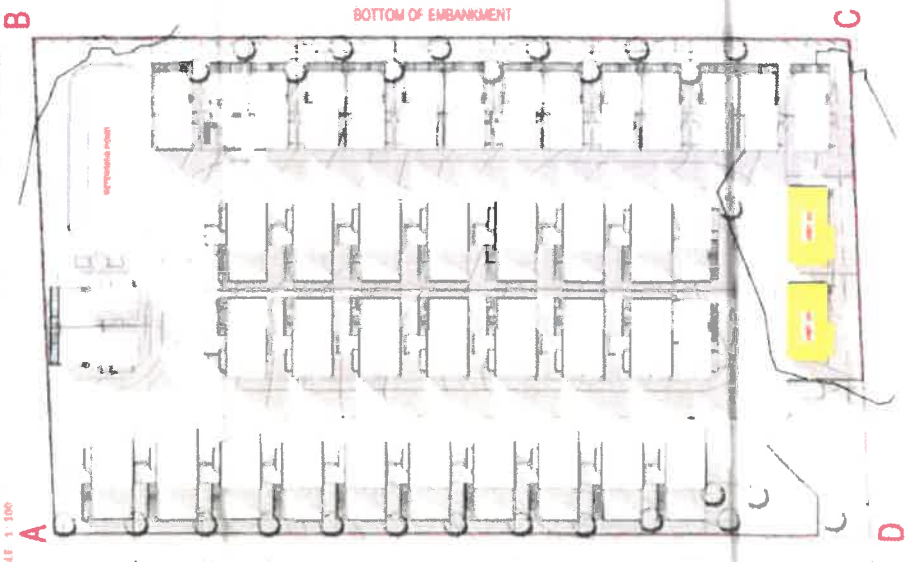
2 FIRST FLOOR UNIT 3
SCALE 1:100



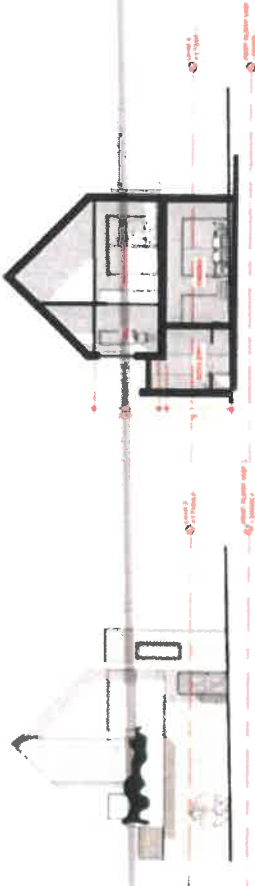
4 Site UNIT 3
SCALE 1:100



3 GROUND FLOOR UNIT 3
SCALE 1:100



1 SCHEME UNIT LAYOUT
SCALE 1:500



5 Section 21
SCALE 1:100

6 Section 22
SCALE 1:100

Client Name
MT3 PROPERTY DEVELOPERS

Sheet Name
UNIT TYPE 3

Product Number	MT3/20/0100
Date	Issue Date
Drawn By	Author
Checked By	Checker

Scale
As indicated

2021/10/13 10:50:29

ANNEXURE O: TRAFFIC IMPACT ASSESSMENT



Contact Person: **Liezl du Plooy (Tel: 082 338 6466)**
 Our Ref: **D336**
 Date: **14 October 2020**

Stellenbosch Municipality
 Private Bag X5043
 Stellenbosch
 7599

For attention: **Mr. Nigell Winter**

Sir

TRANSPORT IMPACT ASSESSMENT FOR THE PROPOSED DEVELOPMENT ON PORTION 27 OF FARM 716, KLAPMUTS

This transport impact assessment accompanies the development application for the above-mentioned property.

1. BACKGROUND

Deca Consulting Engineers were appointed by Active Planning Solutions to investigate the transport impact of the proposed residential development on Portion 27 of Farm 716, Klappmuts. The proposed development is situated north-west of the R44 (MR00027) / R101 (MR00189) intersection and south of the N1 (NR00101) in Klappmuts. The development is bordered by the R44 to the east and the Rozenmeer residential development to the west. The location is shown in the attached *Figure 1*.

2. DEVELOPMENT PROPOSAL

The proposed development will consist of 44 town houses. The site is approximately 1,71 hectares in size. The proposed layout is shown on the attached *Ground Floor Plan (Studio Architecture Drawing No. A100 dated 9 October 2020)*.

3. EXISTING ROADS AND PROPOSED UPGRADING

Roads that will be affected most by the proposed development include the R44, R101, Bronger Street and, to a lesser extent, the N1 / R44 interchange. According to the 2016 Western Cape Government Access Management Guidelines, the R44 can be classified as a Major Arterial (Class 2), the R101 can be classified as a Minor Arterial (Class 3) and Bronger Street as a Local Street (Class 5).

The Western Cape Government has plans to upgrade the R44 to a divided four-lane road between the N1 (Km 51,77) and Stellenbosch (Km 36,2). The design for the dualling was done by AECOM in 2014. The design serves as guideline for all future accesses off the R44. Please refer to the attached drawing entitled *Future Upgrading Proposals for MR27 (AECOM Drawing No. J015057-01-10-001-P-0 Rev 08 dated 15 August 2014)*.

There are also plans to upgrade the R101 (MR27). This entails the dualling of the road to provide two lanes per direction. Additional lanes are proposed at the R44 / R101 intersection, and roundabouts are proposed at the R101 / Bronger Street and R101 / Groenfontein Road

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intersections. The proposed layout is shown on the attached *Future Upgrading Proposals for MR27* drawing (AECOM Drawing No. J01057-01-10-005-P-03 Rev 03, dated 2 May 2013).

The South African National Roads Agency Ltd (SANRAL's) planning for the N1 / N2 toll project shows no changes to the N1 / R44 interchange. An earlier design, however, does show the existing single span N1 bridge will be replaced by a four-span bridge to accommodate the dualling of the R44. Existing ramps are to remain unchanged, but the terminals of the east-facing ramps will be adapted to suit the new R44 carriageway. The design mentions that the ramps will remain stop-controlled. These details are shown on the attached *Klapmuts Interchange Layout Plan* (NRA Plan No. N01_012_D1702/H1/18A Rev 01, SANRAL, 31 January 2003).

4. PROPOSED SITE ACCESS

The design for the dualling of the R44 shows that a left in / left out may in future be provided at a point directly to the north of the proposed development. There is a registered 10-metre wide right of way servitude at that position, leading from the R44 to Uitkoms Dam and the Farm Groenfontein Annex (Remainder of Portion 7 of Farm 716). The Farm 716/27 Site Development Plan shows that the internal road can eventually be extended to the servitude at such time as a formal road is constructed along the servitude. This will most likely happen when the neighbouring property to the north, Portion 5 of Farm 716, is developed.

A 15-metre wide right of way servitude also runs from the south-western corner of Portion 27 of Farm 716 westbound and intersects with Brounger Street, so that access can be gained off of Brounger Street for future developments east and north of Rozenmeer. These road servitudes can be seen in *Figure 2*. The Farm 716/27 will initially obtain access via Brounger Street and the 15-metre servitude only.

The Brounger Street / servitude road intersection is located approximately 70 metres north from the R101 / Brounger Street intersection and 50 metres south of the Brounger Street / Rozenmeer Street intersection. According to the 2008 AECOM Klapmuts Master Plan, the roadside environment of Klapmuts can currently be viewed as semi-rural, but the environment is expected to change to intermediate as the Klapmuts area continues to develop. Brounger Street can be classified as a Local Street (Class 5). According to the 2016 Western Cape Government Access Management Guidelines a minimum spacing of 40 metres is required between high-volume driveways off Class 5 roads in an intermediate roadside environment. The 70-metre access spacing thus complies with the spacing requirement.

There is currently no road between Brounger Street and the proposed development access. It is proposed that a two-lane undivided road with a 6,8-metre blacktop width be constructed from the Brounger Street intersection up to the development access. Bellmouths should have a minimum radius of 6 metres. The City of Cape Town Minimum Standard for Civil Engineering Services in Townships document was used as a guideline for the parameters of the access road, but it was adjusted in accordance with access roads in the vicinity of the development. The proposed access road can be seen in *Figure 3*.

5. EXISTING TRAFFIC AND SERVICE LEVELS

The intersections expected to be affected the most by the proposed development are the R44 / R101, R101 / Brounger Street and the intersections at the N1 / R44 interchange.

Twelve-hour traffic counts were carried out on Wednesday 4 March 2020 for the R44 / R101 and the N1 / R44 interchange intersections. This was just before the National State of Disaster Level 5 was implemented by the Covid Command Council on 23 March 2020. The traffic counts taken on the 4th of March may therefore not be an accurate reflection of normal traffic

flows, due to many companies already implementing the remote working policy. The R44 / R101 intersection was recounted on Tuesday 29 September 2020. The R101 / Brounger Street intersection was counted on the same day. The on-and off-ramp to the N1 were not recounted due to the low impact the development will have on these intersections.

The three-hour traffic counts in the morning and four-hour traffic counts in the afternoon on 29 September 2020 yielded an AM peak hour between 07:30 and 08:30 for the R101 / Brounger Street intersection and an AM peak hour between 07:00 and 08:00 for the R101 / R44 intersection. The PM peak hour was observed between 16:45 and 17:45 for both these intersections. The April and September 2020 traffic volumes were used to analyse the intersections with the SIDRA computer programme to obtain existing service levels. Service levels give an indication of the delays experienced at an intersection. A level of service A represents a short delay, while a level of service F represents unacceptably long delays. A level of service D is generally used as the lowest acceptable standard for overall intersection operation. The results of the SIDRA analysis are discussed below.

R44 / R101 intersection: The SIDRA analysis of this four-legged signalised intersection was analysed with existing 2020 traffic volumes. The analysis indicates that the intersection operates at a level of service B during the AM peak hour and a level of service C during the PM peak hour.

R101 / Brounger Street intersection: This four-legged intersection has free flow on the R101 and stop control on Brounger Street. The SIDRA analysis with existing 2020 traffic volumes indicates that all movements currently operate at a level of service A during both the AM and PM peak hours.

R44 / N1 interchange:

Off-ramp from Paarl / R44 / On-ramp to Cape Town: This four-legged intersection has free flow on the R101 and stop control on the off-ramp from Paarl. The SIDRA analysis with existing 2020 traffic volumes indicates that all movements operate at a level of service C or better during the AM and PM peak hours.

Off-ramp from Paarl / R44 / On-ramp to Cape Town: This four-legged intersection has free flow on the R101 and stop control on the off-ramp from Cape Town. The SIDRA analysis with existing 2020 traffic volumes indicates that all movements operate at a level of service B or better during the AM and PM peak hours. In practice, some delays are experienced by vehicles wanting to turn right onto the R44.

Existing 2020 traffic volumes and service levels are shown in *Figure 4*.

6. BACKGROUND TRAFFIC

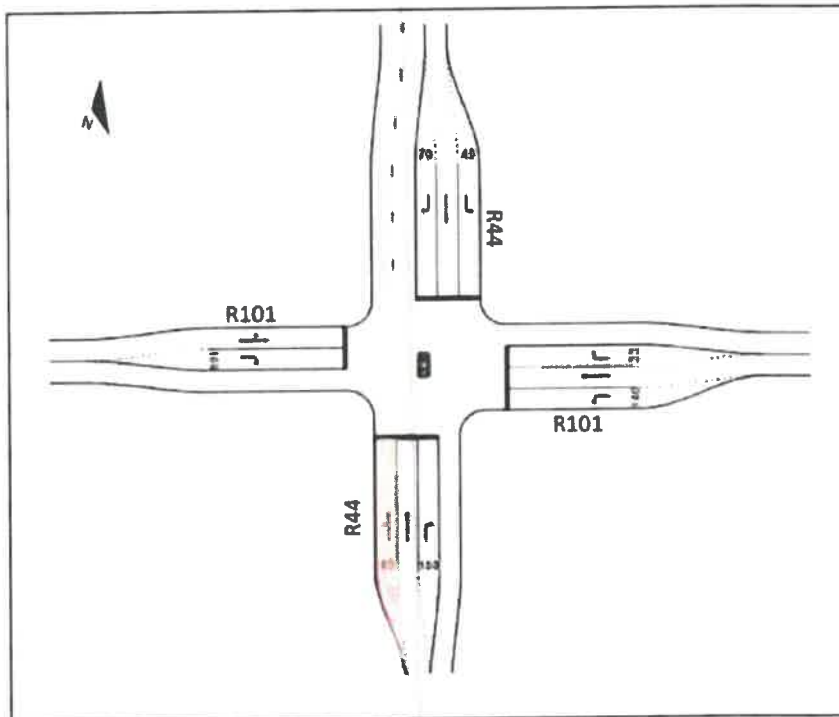
The proposed development is expected to be completed by 2025. Existing traffic volumes were increased by 3.25% per annum (rate obtained from the *Road Network Information System, Growth Rate Chart for MR00027, km 51.15*) to obtain expected 2025 traffic volumes.

The intersections were again analysed with SIDRA to determine the baseline traffic situation against which the impact of the development could be measured. The results of the analysis are discussed below.

R44 / R101 intersection: The analysis indicates that the intersection will operate at a level of service B during the AM peak hour and a level of service F during the PM peak hour with background year 2025 traffic volumes. The unacceptable level of service during the PM peak hour occurs on north-and westbound movements on the southern approach. The dualling of the R44 and upgrading of the intersection as shown in the attached AECOM *Drawing No.*

J015057-01-10-001-P-0 has no commencement date and is anticipated to not be in the near future. To improve the intersection level of service it is proposed that the intersection layout be improved as shown in *Diagram 1*. With the new proposed intersection layout, the intersection will operate at a level of service B during both the AM and PM peak hours. The levels of service will improve further with the layout as per AECOM's design.

Diagram 1: Proposed new layout for the R44 / R101 intersection



R44 / Brongers Street intersection: The analysis indicates that all movements will continue to operate at a level of service A during the AM and PM peak hours with background year 2025 traffic volumes. According to the AECOM R101 upgrading this intersection will be changed to a roundabout. With the new proposed layout all movements will also operate at a level of service A during the AM and PM peak hours.

R44 / N1 interchange:

Off-ramp from Paarl / R44 / On-ramp to Cape Town: The analysis indicates that the PM level of service for the northern approach will deteriorate to an F with the year 2025 background traffic volumes. All other movements will operate at a level of service C or better during the AM and PM peak hours. Although the SANRAL design for the upgrading of the N1 / R44 interchange indicates that the ramp terminals will remain stop-controlled, it is suggested that traffic signals should rather be provided to ensure acceptable service levels for all movements.

Off-ramp from Paarl / R44 / On-ramp to Cape Town: The analysis indicates that all movements will continue to operate at a level of service B or better during the AM and PM peak hours with the background year 2025 traffic volumes.

Year 2025 background traffic volumes and levels of service are shown in *Figure 5*.

7. TRIP GENERATION

The South African COTO TMH17 Trip Data Manual recommends a Trip Generation Rate (TGR) for townhouses as 0.85 trips per unit for both the AM and PM peak hours with a 25:75 in:out split during the morning peak hour and a 70:30 in:out split during the afternoon peak hour. The trip generation potential of the proposed residential development is shown in *Table 1*.

Table 1: Trip Generation Potential of the proposed development

Land use	Total Units	TGR	% In	% Out	Total	Trips In	Trips out
AM							
Town Houses	44	0.85	25%	75%	37	9	28
TOTAL					37	9	28
PM							
Town Houses	44	0.85	70%	30%	37	26	11
TOTAL					37	26	11

8. TRIP DISTRIBUTION

The trips generated by the proposed development were distributed onto Brounger Street assuming that 95% of the trips will turn south towards the R101 and only 5% will turn towards the Rozenmeer residential development. From there the generated trips were distributed onto the surrounding road network according to existing directional splits. The trip distribution is shown in *Figure 6*.

9. TRAFFIC IMPACT

The trips generated by the proposed development were added to the background traffic volumes to determine the expected total number of trips on the affected intersections of the road network after completion of the proposed development. The affected intersections were again analysed with the SIDRA computer programme to determine the expected service levels.

R44 / R101 intersection: The analysis indicates that the intersection will operate at a level of service B during the AM and PM peak hours with total 2025 traffic volumes and improved intersection layout shown in *Diagram 1*.

R44 / Brounger Street intersection: The analysis indicates that all movements will continue to operate at a level of service A during both the AM and PM peak hours with total 2025 traffic volumes.

R44 / N1 interchange:

Off-ramp from Paarl / R44 / On-ramp to Cape Town: Traffic from the Farm 716/27 development will increase traffic volumes through this intersection by 0.5% during the AM peak hour and by 0.3% during the PM peak hour. The analysis indicates that the northern approach will continue to operate at a level of service C during the morning peak hour and a level of service F during the afternoon peak hour with the existing intersection layout. All the other movements will continue to operate at a level of service B or better during both the AM and PM peak hours with total 2025 traffic volumes.

Off-ramp from Paarl / R44 / On-ramp to Cape Town: Traffic from the Farm 716/27 development will increase traffic volumes through this intersection by 0.4% during the AM peak hour and by 0.3% during the PM peak hour. The analysis with total 2025 traffic volumes indicates that all movements will continue to operate at a level of service B or better during the AM and PM peak hours.

The proposed development will have a low impact on the surrounding road network. Please see attached *Figure 7* for the expected total traffic volumes and levels of service of 2025.

10. PARKING AND INTERNAL ROADS

The minimum off-street parking ratio for the proposed development as indicated by the 2019 Stellenbosch Municipality Zoning Scheme By-Law are listed in *Table 2*.

Table 2: Parking requirements for the proposed development

Land use	Parking required per unit	Units	Total parking required
Group Housing	2	44	88
Total			88

The *Ground Floor Plan* shows that each of the 44 units will have a garage as well as an on-site parking bay, which means that the development will comply with the municipal requirement. The sizes of all parking bays should be in accordance with the latest edition of the South African Road Traffic Signs Manual.

The City of Cape Town Minimum Standard for Civil Engineering Services in Townships document was used as a guideline to evaluate the internal roads. The internal road can be classified as a single title (HOA-owned) private road (two-way) and should have a minimum blacktop width of 5,5 metres and bellmouth radii of 5 metres. This width will still be sufficient if the road has to become the throughfare to the adjoining RE/716/7.

The document also indicates that a minimum stacking space in front of the access gate for a development of this size is 12 metres. The access gate to the proposed development is situated on the proposed new access road which only serves the development. The refuse truck detour is situated approximately 31 metres from the access gate. The access gate complies with the minimum stacking requirements.

The Minimum Requirements for Waste Collections published by the City of Cape Town's Solid Waste Management Collections Department on 25 March 2019 was used to evaluate the refuse truck detour as shown on the SDP. The minimum requirements state that a turning circle radius of 11 metres shall apply with a minimum travelable surface of 5 metres. The refuse truck detour and dimensions are shown in *Figure 3*. A swept path analysis was run to ensure that a refuse truck will be able to manoeuvre along the refuse truck detour in a continuous forward movement. The analysis can be seen in *Figure 8*.

11. PUBLIC TRANSPORT AND NON-MOTORISED TRANSPORT

The proposed development is situated in Klappmuts, which is a fast developing area, but still relatively small with no formal taxi rank. Public transport services include mini-bus taxis and railway transport. The Klappmuts train station is situated at the northern end of Brounger Street, approximately 400 metres from the proposed development. It is anticipated that the development will generate a small number of public transport trips and no public transport improvements are required.

The development is expected to generate a small number of non-motorised trips. The non-motorised trips that will be generated will walk along Brounger Street from the railway station. Brounger Street has no paved walkways. It is proposed that a sidewalk be constructed on at least one side of the proposed access road from Brounger Street until the access gate, as shown in *Figure 3*.

12. CONCLUSIONS

It can be concluded that the proposed Klapmuts residential development on Portion 27 of Farm 716. Klapmuts will have a low transport impact. Other conclusions drawn from the transport impact assessment may be summarised as follows:

- The proposed development is situated north-west of the R44 (MR00027) / R101 (MR00189) intersection and south of the N1 (NR00101) in Klapmuts. The development is bordered by the R44 to the east and the Rozenmeer residential development to the west;
- There are plans for the upgrading of both the R44 and R101 by the Western Cape Provincial Government and for the upgrading of the N1 / R44 interchange by SANRAL;
- The development will consist of 44 town houses;
- The development will gain access off Brounger Street. The access complies with the relevant spacing requirements;
- No access road currently exists and the proposed access road design is shown in *Figure 3*;
- The intersections expected to be affected the most by the proposed development are the R44 / R101, R101 / Brounger Street and the intersections at the R44 / N1 interchange;
- All the affected intersections currently operate at acceptable levels of service;
- The proposed development has the potential to generate 37 trips during the AM peak hour (9 in, 28 out) and 37 trips during the PM peak hour (26 in, 11 out);
- The analysis of the affected intersections with background year 2025 traffic volumes indicates that two of the four intersections will operate at unacceptable levels of services;
- It is proposed that the R44 / R101 intersection be improved to the layout shown in *Diagram 1* as a short-term solution;
- The analysis of the affected intersections with the development trips added and the new proposed intersection layouts indicates that all movements at all intersections will operate at acceptable levels of service;
- The provision of 88 off-street parking spaces and garages will be sufficient for the proposed development;
- A refuse truck detour is proposed to accommodate the solid waste management of the development and is shown in *Figure 8*;
- It is anticipated that only a small number of public and no motorised transport trips will be generated by the proposed development. A sidewalk is proposed on at least one side of the access road. No public transport upgrades are proposed.

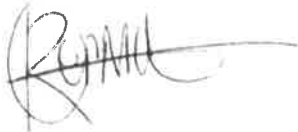
13. RECOMMENDATIONS

The recommendations made in the transport impact assessment may be summarised as follows:

- It is proposed that an access road with a refuse truck detour should be constructed within the road reserve to the south of the development as shown in *Figure 3*;
- It is proposed that a paved walkway be constructed on at least one side of the access road from Bronger Street up to the access gate;
- The R44 / R101 intersection will operate at unacceptable levels of service with the background year 2025 traffic volumes and it is proposed that the intersection be improved to the layout shown in *Diagram 1* as a short-term solution until the layout is upgraded as per the attached *Future Upgrading Proposals for MR27 (AECOM Drawing No. J015057-01-10-001-P-0)*. The upgrade is necessitated by background traffic growth (not development trips) and the improvements will therefore be the responsibility of the Western Cape Provincial Roads Engineer;
- Parking bay dimensions should be in accordance with the latest edition of the South African Road Traffic Signs Manual;
- It is proposed that all internal roads be designed with a minimum black top width of 5,5 meters and bellmouth radii of 5 meters in accordance with the City of Cape Town Minimum Standard for Civil Engineering Services in Townships document.

We trust that you will find this transport impact assessment in order. Please contact the undersigned should there be any queries.

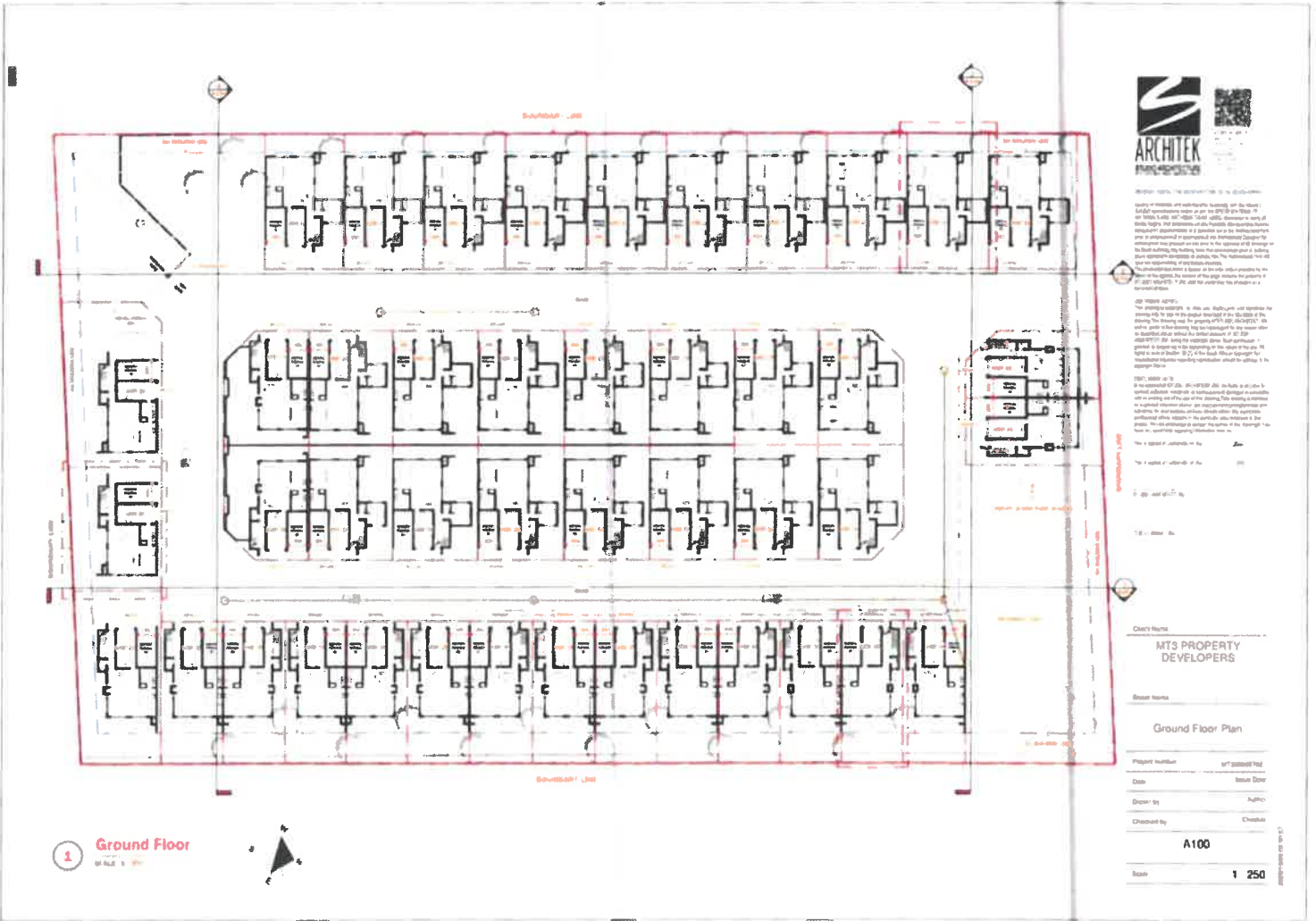
Yours truly,



Renette Opperman (B. Eng Civil)
On behalf of: Deca



Liezl du Plooy (M.Eng Pr.Eng)



NOTES: 1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED. 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED. 4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED. 5. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED. 6. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED. 7. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED. 8. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED. 9. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED. 10. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED.

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Client Name
MTS PROPERTY DEVELOPERS

Project Name
Ground Floor Plan

Property Number
MTS/2000/001

Date
10/10/2010

Drawn by
Aglio

Checked by
Chetana

Scale
1:250

10/10/2010 10:00 AM



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KLAPMUTS RESIDENTIAL DEVELOPMENT
PORTION 27 OF FARM 716
KLAPMUTS

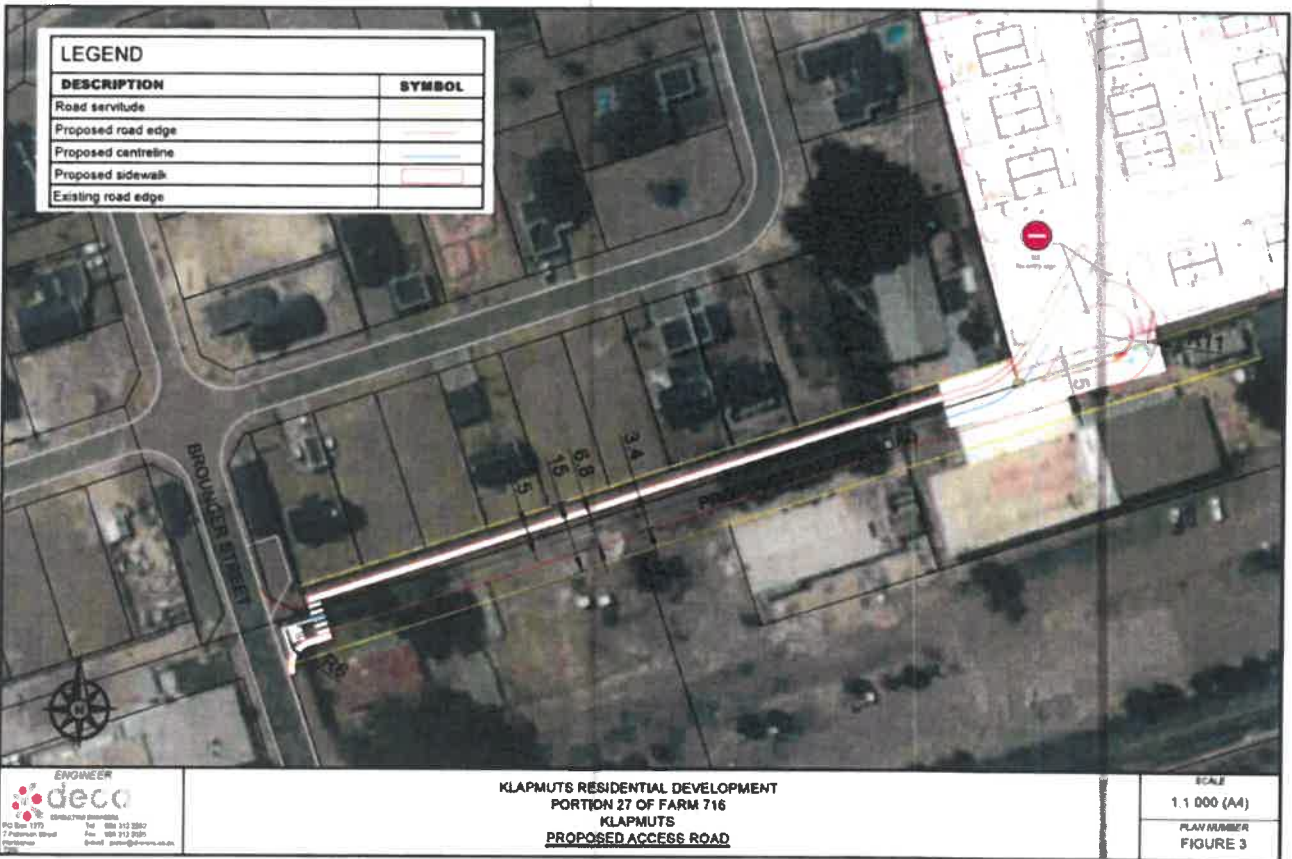
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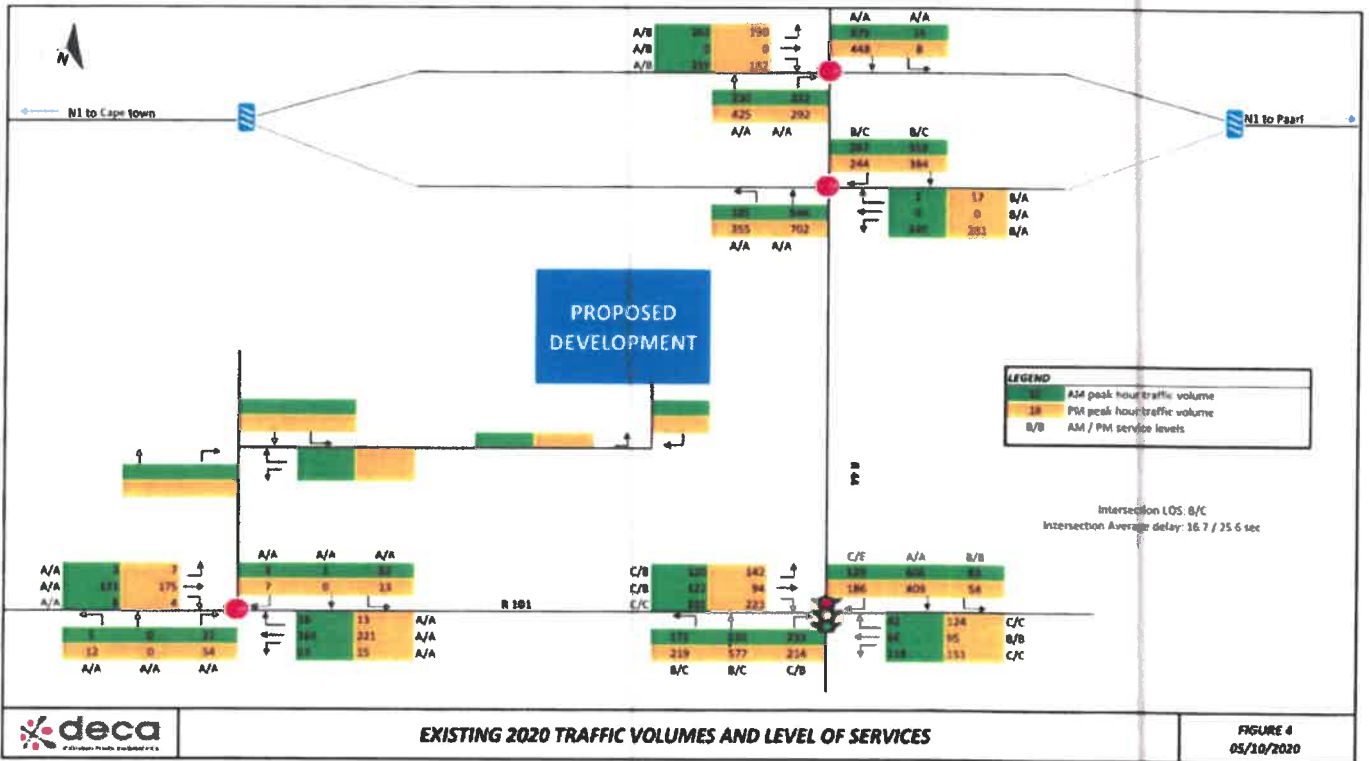


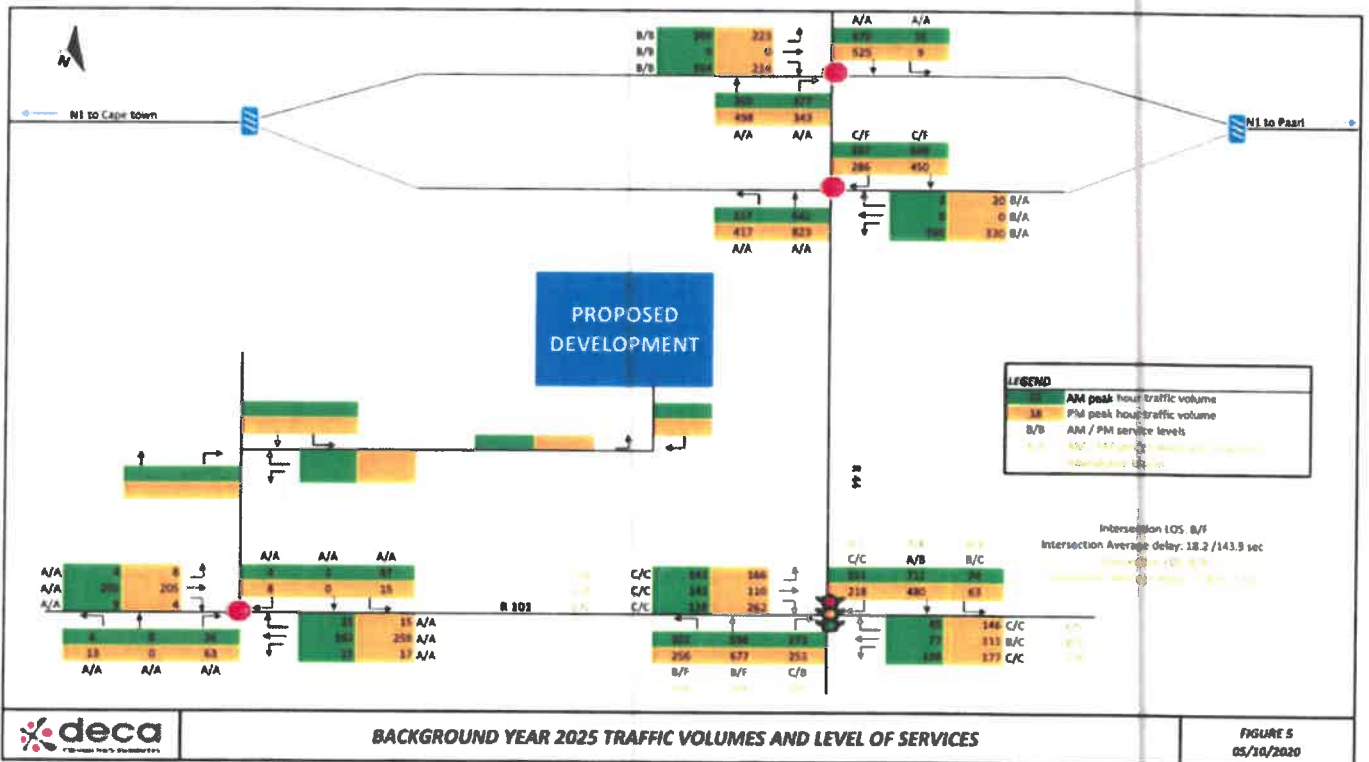
ENGINEER
deca
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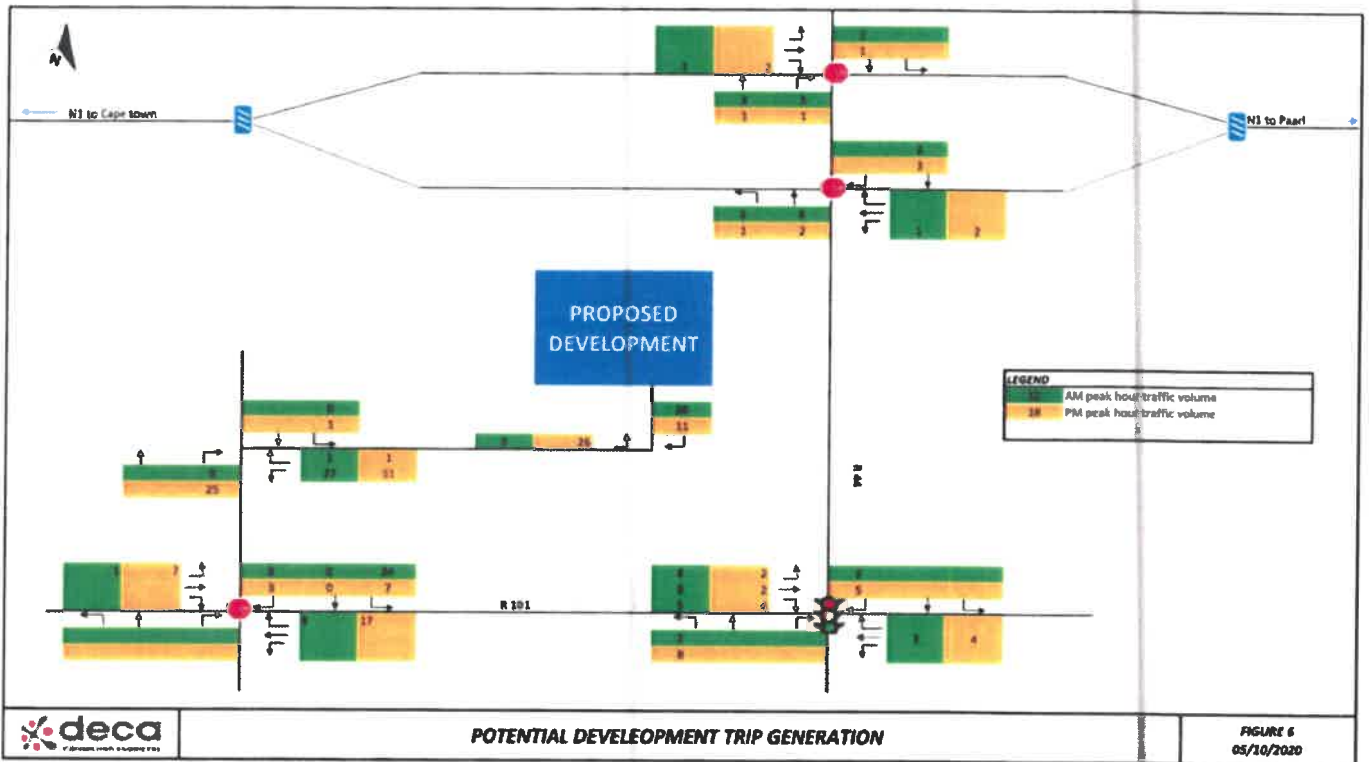
KLAMUTS RESIDENTIAL DEVELOPMENT
PORTION 27 OF FARM 716
KLAMUTS
ROAD SERVITUDE IN VICINITY OF DEVELOPMENT

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PLAN NUMBER
FIGURE 2



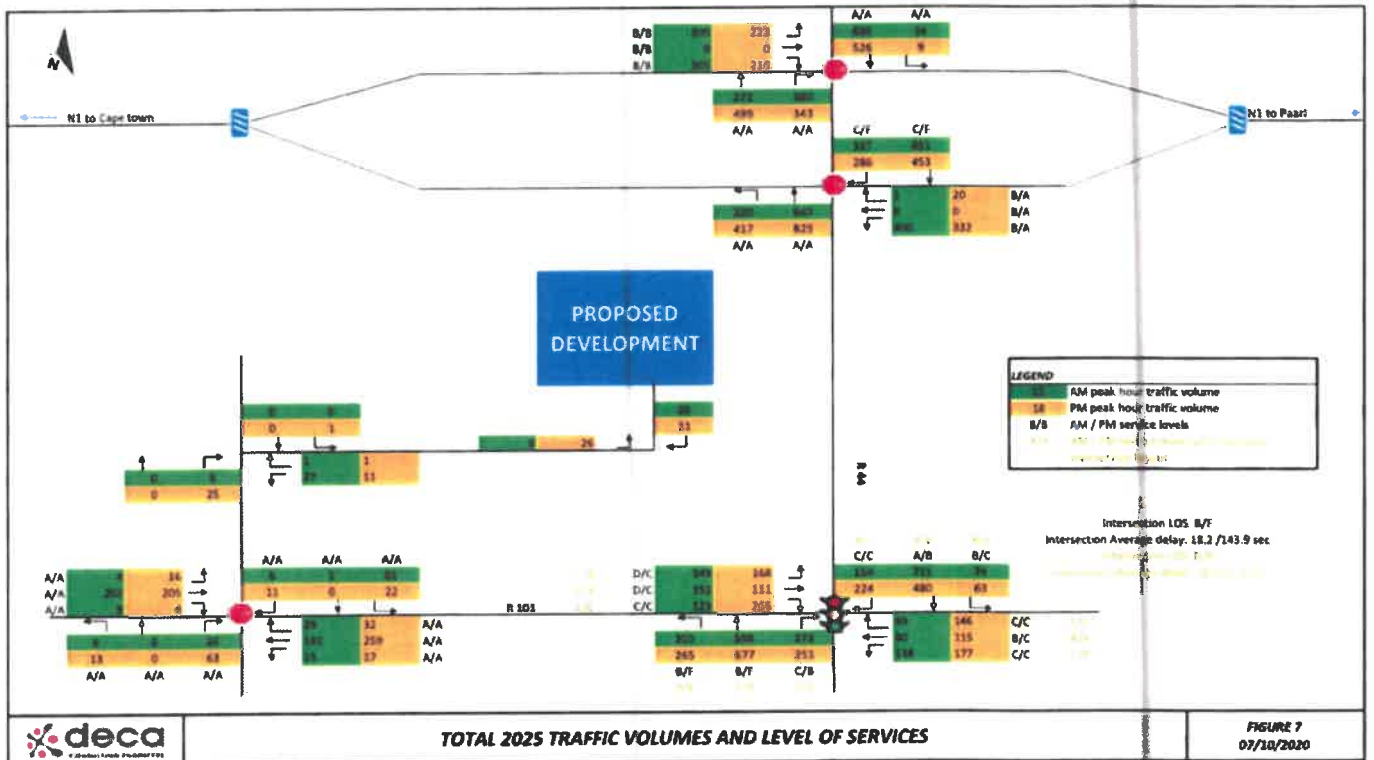


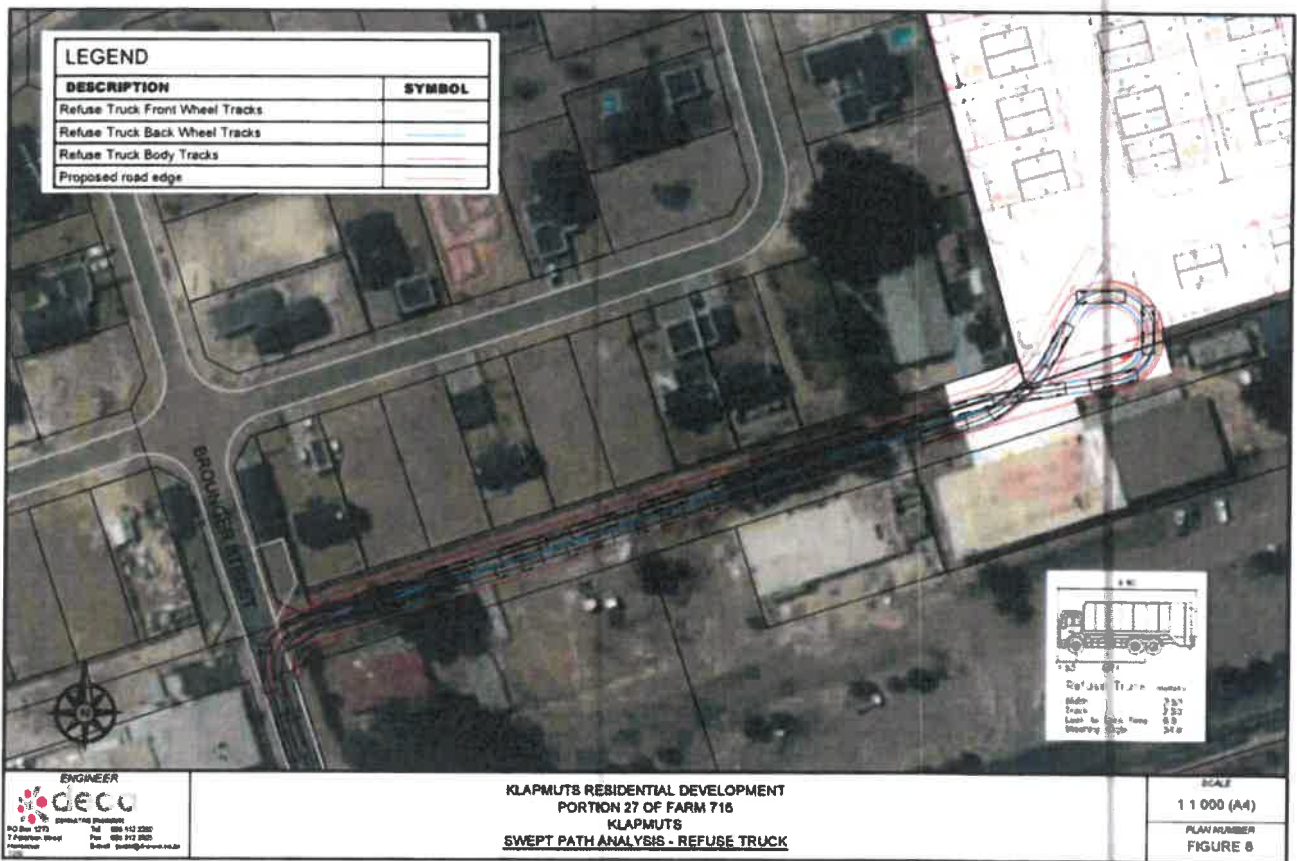




POTENTIAL DEVELOPEMENT TRIP GENERATION

FIGURE 6
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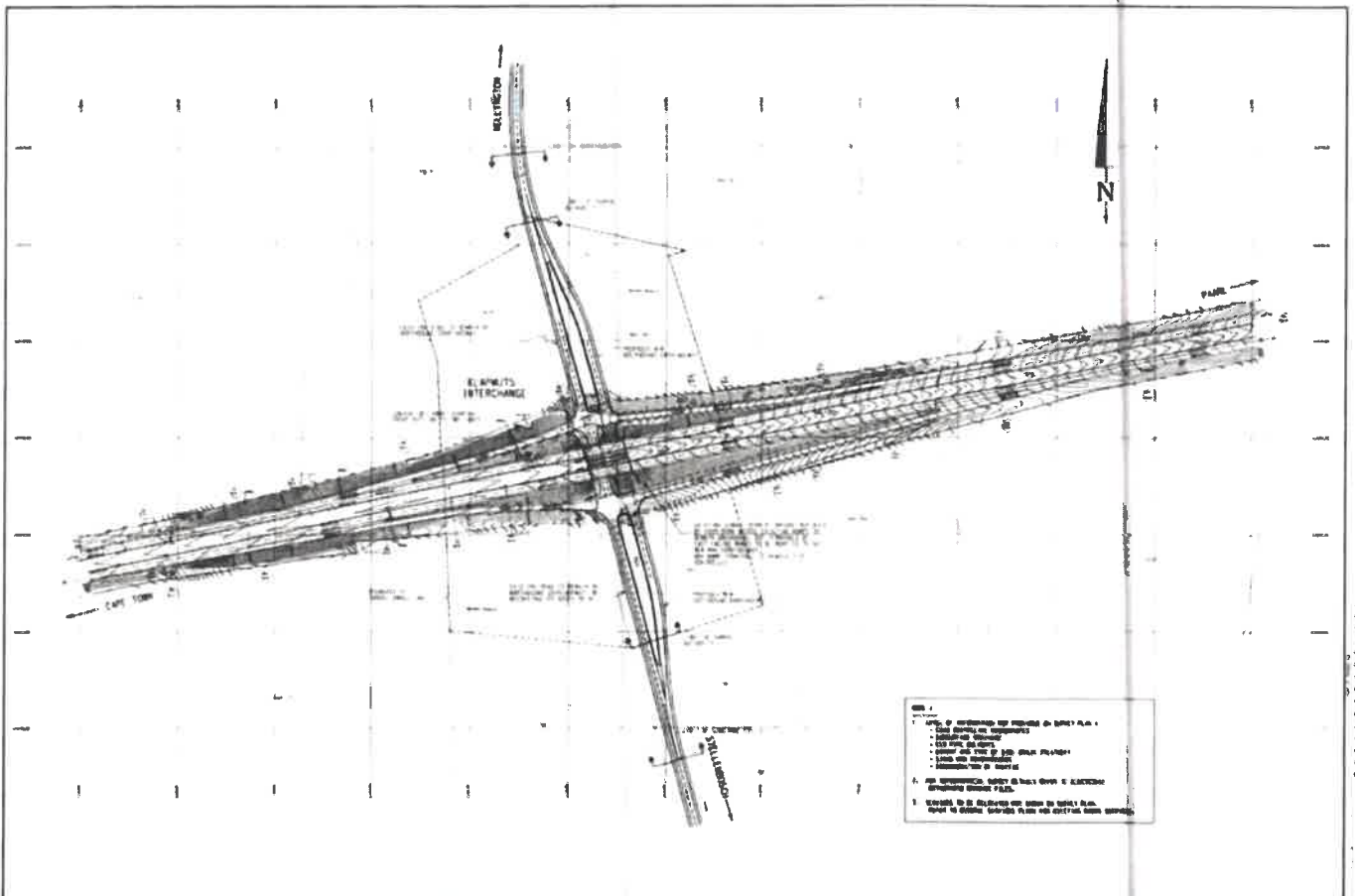
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DESCRIPTION	SYMBOL
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Refuse Truck Back Wheel Tracks	
Refuse Truck Body Tracks	
Proposed road edge	



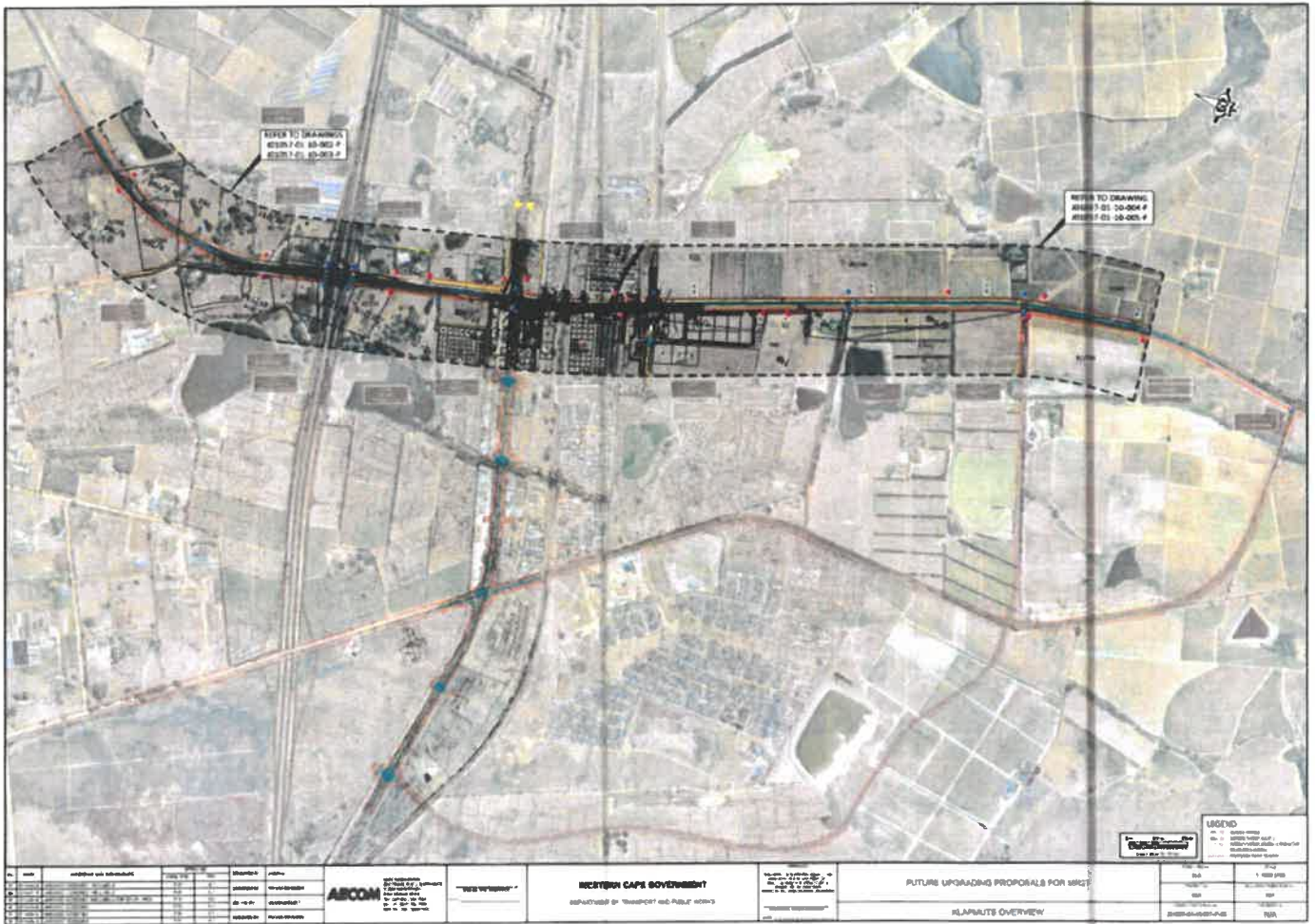
ENGINEER
CECC
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 Auckland Email: greg@cecc.co.nz

KLAPMUTS RESIDENTIAL DEVELOPMENT
PORTION 27 OF FARM 716
KLAPMUTS
SWEPT PATH ANALYSIS - REFUSE TRUCK

SCALE
1 : 1 000 (A4)
PLAN NUMBER
FIGURE 8



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ELAPWITS INTERCHANGE LAYOUT PLAN									



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ANNEXURE P: BOTANICAL ASSESSMENT

**Botanical Assessment
of Portion 27 of Groenfontein Annex
716, Paarl at Klapmuts,
Drakenstein Municipality
Western Cape Province**



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Fax: 086-517-3806

Report prepared for Active Planning Solutions

April 2018

National Legislation and Regulations governing this report

This is a 'specialist report' and is compiled in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended, and the Environmental Impact Assessment Regulations, 2014.

Appointment of Specialist

Bergwind Botanical Surveys & Tours CC was appointed by Mr Pierre Jordaan of Active Planning Solutions to provide specialist botanical consulting services for the proposed development of Portion 27 of Groenfontein Annex 716, Paarl at Klapmuts, Drakenstein Municipality, Western Cape Province. The consulting services comprise a botanical assessment of the flora and vegetation in the designated study area.

Details of Specialists

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Professional registration: South African Council for Natural Scientific Professions No.
400094/06

Expertise

Dr David J. McDonald:

- Qualifications: BSc. Hons. (Botany), MSc (Botany) and PhD (Botany).
- Botanical ecologist with over 37 years' experience in the field of Vegetation Science.
- Founded Bergwind Botanical Surveys & Tours CC in 2006.
- Has conducted over 400 specialist botanical / ecological studies.
- Has published numerous scientific papers and attended numerous conferences both nationally and internationally (details available on request).

Botanical Assessment: Portion 27 of Ggroenfontein Annex 716, Paarl (Klapmuts) Western Cape Province

Independence

The views expressed in the document are the objective, independent views of Dr McDonald and the survey was carried out under the aegis of Bergwind Botanical Surveys and Tours CC. Neither Dr McDonald nor Bergwind Botanical Surveys and Tours CC have any business, personal, financial or other interest in the proposed development apart from fair remuneration for the work performed.

Conditions relating to this report

The content of this report is based on the author's best scientific and professional knowledge as well as available information. Bergwind Botanical Surveys & Tours CC, its staff and appointed associates, reserve the right to modify the report in any way deemed fit should new, relevant or previously unavailable or undisclosed information become known to the author from on-going research or further work in this field, or pertaining to this investigation.

This report must not be altered or added to without the prior written consent of the authors. This also refers to electronic copies of the report, which are supplied for the purposes of inclusion as part of other reports, including main reports. Similarly, any recommendations, statements or conclusions drawn from or based on this report must make reference to this report. If these form part of a main report relating to this investigation or report, this report must be included in its entirety as an appendix or separate section to the main report.

Botanical Assessment: Portion 27 of Ggroenfontein Annex 716, Paarl (Klapmuts) Western Cape Province

THE SPECIALIST

I, David Jury McDonald, as the appointed specialist hereby declare/affirm the correctness of the information provided or to be provided as part of the application, and that I:

- in terms of the general requirement to be independent:
 - other than fair remuneration for work performed/to be performed in terms of this application, have no business, financial, personal or other interest in the activity or application and that there are no circumstances that may compromise my objectivity; or
 - am not independent, but another specialist that meets the general requirements set out in Regulation 13 have been appointed to review my work (Note: a declaration by the review specialist must be submitted);
- in terms of the remainder of the general requirements for a specialist, am fully aware of and meet all of the requirements and that failure to comply with any the requirements may result in disqualification;
- have disclosed/will disclose, to the applicant, the Department and interested and affected parties, all material information that have or may have the potential to influence the decision of the Department or the objectivity of any report, plan or document prepared or to be prepared as part of the application;
- have ensured/will ensure that information containing all relevant facts in respect of the application was/will be distributed or was/will be made available to interested and affected parties and the public and that participation by interested and affected parties was/will be facilitated in such a manner that all interested and affected parties were/will be provided with a reasonable opportunity to participate and to provide comments;
- have ensured/will ensure that the comments of all interested and affected parties were/will be considered, recorded and submitted to the Department in respect of the application;
- have ensured/will ensure the inclusion of inputs and recommendations from the specialist reports in respect of the application, where relevant;
- have kept/will keep a register of all interested and affected parties that participate/d in the public participation process; and
- am aware that a false declaration is an offence in terms of regulation 48 of the 2014 NEMA EIA Regulations.



Signature of the specialist:

Name of company: Bergwind Botanical Surveys & Tours CC.....

Date:12 April 018.....

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1. Introduction

Portion 27 of Groentfontein Annex 716, Paarl at Klapmuts is under consideration for development for residential purposes. The proposed property sub-division and building activities would potentially impact natural vegetation and an investigation to determine the state of the vegetation was required to inform an application for Environmental Authorization (EA) in terms of the National Environmental Management Act (Act 107 of 1998), EIA Regulations (2014) as amended. Active Planning Solutions appointed Bergwind Botanical Surveys & Tours CC to carry out the botanical assessment for the proposed development.

2. Terms of Reference

2.1. Terms of Reference

Botanical assessments must follow guidelines set out in the following documents:

- Department of Environmental Affairs and Development Planning (DEA&DP) Guidelines for Involving Biodiversity Specialists in the EIA Process (Brownlie, 2005);
- Ecosystem Guidelines for Environmental Assessment in the Western Cape (Cadman *et al.*, 2016);
- The requirements of CapeNature for providing comments on urban, agricultural, environmental, mine planning and water-use related applications (Turner, 2013); and
- Appendix 6 of the Environmental Impact Assessment Regulations, 2014 (Government Gazette, 2014).

2.2. Specific Terms of Reference

- Identify and describe biodiversity patterns at community and ecosystem level (main vegetation type, plant communities in the vicinity and threatened/vulnerable ecosystems), at species level (threatened Red List species, presence of alien species) and in terms of significant landscape features;
- Describe the sensitivity of the site and its environs and map these resources;
- Identify potential impacts associated with the no development option, in addition to direct, indirect and cumulative impacts; and
- Review previous botanical work applicable to the area and any relevant biodiversity plans, specifically the 2017 Western Cape Biodiversity Spatial Plan (CapeNature, 2017).

Botanical Assessment: Portion 27 of Groenfontein Annex 716, Paarl (Klapmuts) Western Cape Province

3. The Study Area

3.1. Locality

Portion 27 of Groenfontein Annex 716 Paarl (the study area) is alongside the R44 at Klapmuts in the Drakenstein Municipality. It is rectangular in shape, covers 1.7 ha and is close to the intersection of the R44 with the R101 (Old Paarl Road) and thus close to the 'centre' of Klapmuts. It is almost opposite the well-known tourist attraction, Butterfly World (Figure 1). The location of the study area is shown on a Google Earth™ aerial image in Figure 2a with magnified views of the same in a sequence of historical images from 2005 to 2018 in Figures 2b, 2c, 2d and 2e.

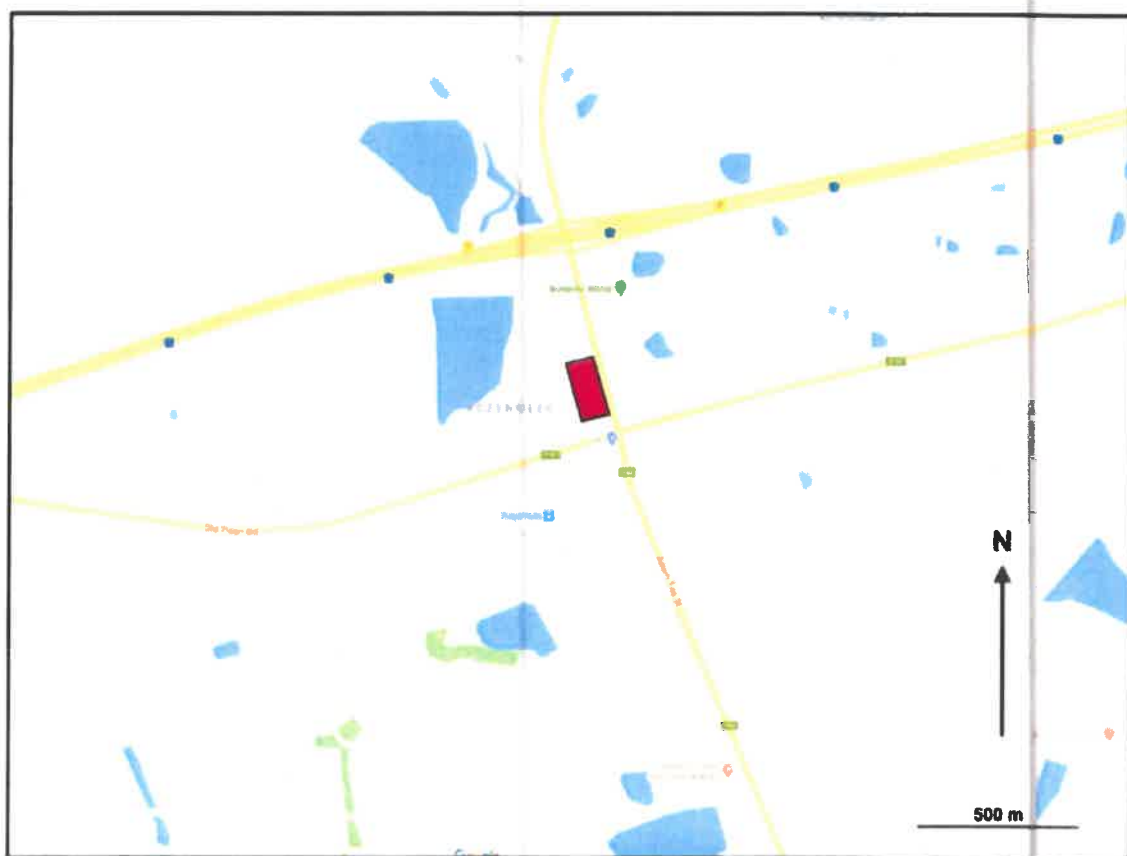


Figure 1. General locality map with the Klapmuts study area marked as a red rectangle.

Botanical Assessment: Portion 27 of Groenfontein Annex 716, Paarl (Klapmuts) Western Cape Province



Figure 2a. Google Earth™ satellite image showing the study area (red shading) south of the N1 national highway and alongside the R44.

Botanical Assessment: Portion 27 of Groenfontein Annex 716, Paarl (Klapmuts) Western Cape Province



Figure 2b. The study area (red outline) in 2005.



Figure 2c. The study area (red outline) in 2009.

Botanical Assessment: Portion 27 of Groenfontein Annex 716, Paarl (Klapmuts) Western Cape Province



Figure 2d. The study area (red outline) in 2011.



Figure 2e. The study area (red outline) in 2018.

3.2 Topography and geology

The study area is underlain by the Stellenbosch Batholith of the Cape Granite Suite. This is evident from the soil which has a gravelly texture from the decomposed granite. The topography of the study is even (flat) with no undulations but with a slight slope to the north. In the broader context the study area is located on a ridge of granite. This is evident since to the east and west are areas with alluvium that formerly supported Swartland Alluvium Fynbos.

3.3 Climate

Klapmuts has a temperate climate, described as a Mediterranean-type climate with hot, dry summers and cool wet winters. The highest average monthly rainfall occurs in June with more than 90 mm falling. The lowest rainfall is in February with less than 10 mm. The lowest mean minimum temperature is experienced in July (7°C) and the highest mean maximum temperature occurs in February (31°C).

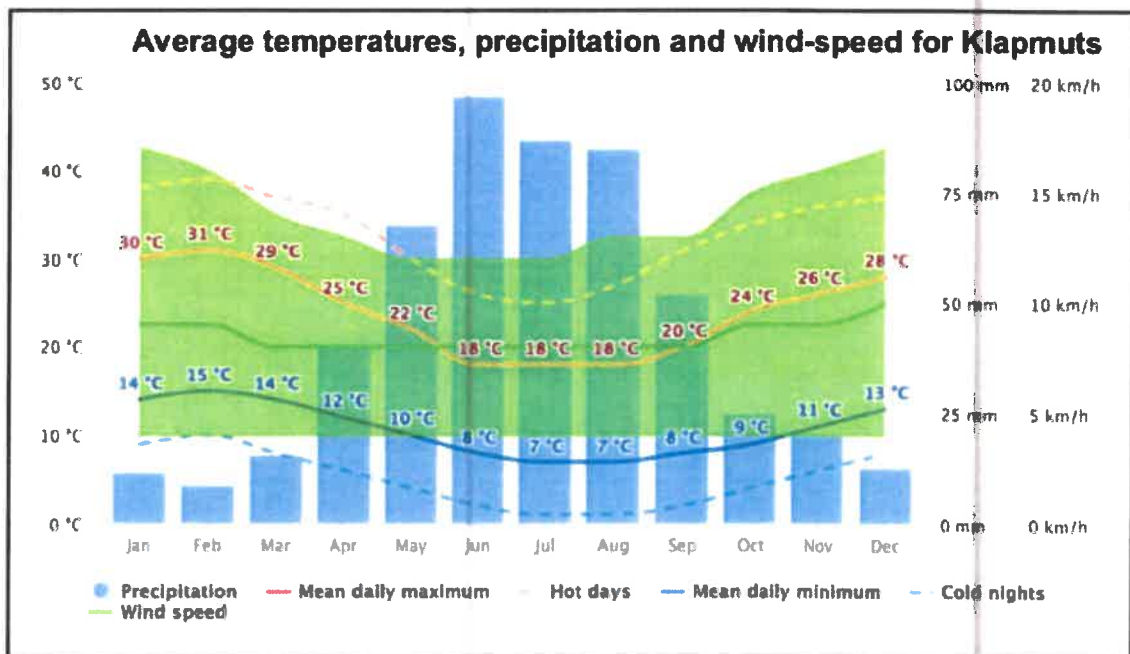


Figure 3. Climate diagram for Klapmuts showing average temperatures, precipitation and wind-speed for a 30-year period.

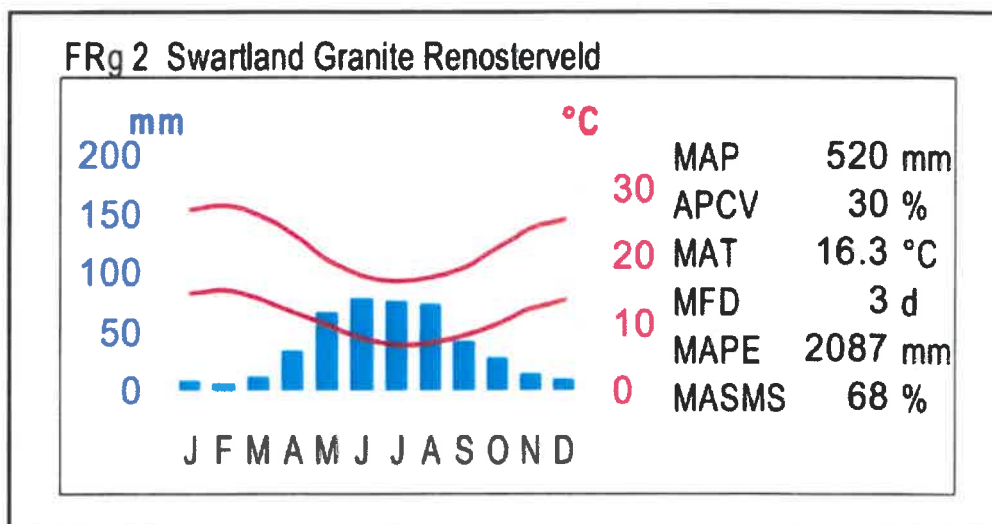


Figure 4. Climate diagram for Swartland Granite Renosterveld the only vegetation type in the study area (Rebello *et al.* in Mucina & Rutherford, 2006) showing MAP – Mean Annual Precipitation; APCV = Annual Precipitation Coefficient of Variance; MAT = Mean Annual Temperature; MFD = Mean Frost Days; MAPE = Mean Annual Potential Evaporation; MASMA = Mean Annual Soil Moisture Stress.

4. Evaluation Method

The site was visited on 1 February 2018 for a duration of approximately 3 hours and surveyed on foot. The vegetation was recorded at sample waypoints logged with a Garmin GPSmap 62s (Figure 5). Sample photographs were geo-referenced. The sensitivity of the habitat was determined using the following criteria:

- *Ecological condition:* this is the actual condition of the various habitats, which considers (1) quality of the vegetation; (2) species composition; (3) disturbance regime; (4) degree of intactness; (5) the spatial connectivity of the site with adjoining habitats; (6) and non-botanical elements that form part of the broader biodiversity picture and that inform the degree to which the botanical component supports biodiversity.

Botanical Assessment: Portion 27 of Groenfontein Annex 716, Paarl (Klapmuts) Western Cape Province

- *Ecosystem status:* Informed by the List of Threatened Terrestrial Ecosystems (Government Gazette, 2011) and CapeNature's (2013) updated ecosystem status based on criterion A1 only (irreversible loss of habitat). The ecosystems are based on the vegetation types in *The Vegetation of South Africa, Lesotho and Swaziland* (Mucina & Rutherford, 2006).
- *Biodiversity planning:* The 2017 Western Cape Biodiversity Spatial Plan (CapeNature, 2017) with specific reference to the Stellenbosch Municipality, is important for determining the conservation importance of the designated habitat. Ground-truthing is an essential component in terms of determining the habitat condition.
- *Important species:* The presence or absence of threatened (i.e. Red List) and ecologically important species informs the ecological condition and sensitivity of the site.
- *Botanical literature:* This was used to gain a better local contextual understanding of the botanical importance of the site.



Figure 5. Google Earth™ aerial image of the study area (red outline) with the sample track shown in light blue, with waypoints KLP#.

5. Limitations and assumptions

Two main limitations were identified. Firstly, lack of knowledge of the history of the site. It is assumed to have been disturbed by some form of agriculture or used as a smallholding where animals were kept and grazed. Foundations of a rudimentary dwelling were found in the south-west corner of the study area and historical aerial images indicate significant historical disturbance on the site (see Figures 2b, 2c & 2d). What is clear, however, is that the original vegetation that would have occurred on the site was already largely disturbed prior to 2005 (date of available historical Google Earth™ imagery). It appears that there was successive degradation of the vegetation over the intervening years until the present.

The second limitation was the season of the study. The site was extremely dry, not only due to the prevailing dry summer conditions but due to a long drought in the Western Cape Province. The summer-dry conditions severely limited observations of winter- and spring-flowering geophytes and none were recorded in the survey. It is possible that such species may persist on the site but given the generally disturbed conditions, the chances of finding such species in large number, even in optimal climatic conditions, are predicted to be not great. The author found *Micranthus tubulosus* on the site in early summer on previous occasion which indeed points to the possibility of some other geophytes being present.

6. The Vegetation

6.1 General description

According to *The Vegetation of South Africa, Lesotho and Swaziland* (Rebello *et al.* 2006 in Mucina & Rutherford, 2006) the study area supports a single vegetation type, namely Swartland Granite Renosterveld (Figure 6). This was confirmed by the presence of a few renosterveld species but no intact plant community.

Rebello *et al.* (2006) record that Swartland Granite Renosterveld is distributed in discrete patches in the Swartland and Boland, depending on the occurrence of granite-derived soils, mostly of Glenrosa and Mispah forms. The vegetation consists of a mosaic of grasslands/herblands and medium dense microphyllus shrublands dominated by renosterbos. These authors provide a substantial list of plant species for this vegetation type which was used as a guide in this study.

6.2. The Vegetation of Portion 27 of Groenfontein Annex 716, Paarl (Klapmuts)

The vegetation of Portion 27 of Groenfontein Annex 716, Paarl (Klapmuts) is in poor condition and cannot be described as Swartland Granite Renosterveld any longer due to historical transformation over an apparent long period. The vegetation was sampled at ten waypoints to attempt to cover all variation in the vegetation on the site. The western part of the site has a grassy low stratum and has few shrubs. This is attributed to clearing and possible maintenance of this area as a firebreak for the adjoining Rozenmeer residential area. From roughly one-third of the width of the site (long-axis ; N-S) westwards, the site has a shrub and tree upper stratum (most of the trees are alien invasives) with a herbaceous understorey.

In general the study area is **highly disturbed and no longer supports intact Swartland Granite Renosterveld**. The indigenous species that are present are remnants of renosterveld but in no way constitute a functional plant community. The presence of an abundance of species such as *Stoebe plumosa* and *Athanasia trifurcata* attests to the high level of disturbance and ultimate transformation of the site.


As noted above, there may be remnant populations of geophytes but their presence would only be detected in the winter and spring to early summer. Even so, these populations are predicted to be highly degraded. If present, it is proposed that such plants should be moved to a safe haven where their future is secured. No matter what the future of Portion 27 of Groenfontein Annex 716, Paarl (Klapmuts) may be in terms of development, it is currently degrading rapidly and restoration is not a feasible option.

A large area of the site is invaded by woody alien invasive trees, notably *Acacia saligna* and *Acacia mearnsii* but also a single *Pinus radiata* tree. There has been a steady but rapid invasion by these *Acacia* trees since 2011 to the present (compare Figure 2d with Figure 2e) and it is predicted that if they are not actively cleared soon their increase will be exponential. However, even if the trees are cleared, the condition of the site would not improve to any great extent.



Further description of the vegetation as found at the respective waypoints is given in Table 1.

Botanical Assessment: Portion 27 of Groenfontein Annex 716, Paarl (Klapmuts) Western Cape Province



Table 1. Waypoints, notes and illustrations recorded at Portion 27 of Groenfontein Annex 716, Paarl (Klapmuts)

Waypoints and Coordinates	Descriptive Notes	Illustration
<p>KLP 1</p> <p>S 33° 48' 06.4"</p> <p>E 18° 52' 17.1"</p>	<p>This waypoint is on the northern boundary of the site along a cleared track. This area is the most disturbed, with very little natural vegetation left. Conditions were extremely dry at the time of survey, no annuals or geophytes are visible.</p> <p>The invasive alien tree <i>Acacia saligna</i> occurs in a vigorous stand, with a few saplings of the invasive <i>A. mearnsii</i>.</p> <p>Stumps are found of large invasive alien trees that were cleared. Some of the felled stumps of <i>A. saligna</i> and <i>A. mearnsii</i> are resprouting.</p> <p>The soil consists of coarse gravelly sand, invaded by exotic grasses (<i>Avena sativa</i>, <i>Bromus sp.</i>, <i>Briza minor</i>) and pioneer grasses (<i>Cynodon dactylon</i>, <i>Eragrostis curvula</i>).</p> <p>Some burnt logs were probably dumped as the site does not appear to have burnt recently.</p> <p>The shrub <i>Athanasia trifurcata</i> is common, indicative of disturbance. <i>Ursinia cf. nana</i> was recorded as well.</p>	



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<p>KLP 2</p> <p>S 33° 48' 07.1" E 18° 52' 16.2"</p>	<p>Located mid-way across the northern end of the site, this waypoint was recorded at a stand of young black wattle saplings (<i>Acacia mearnsii</i>). Most were resprouting from stumps and were probably cut for firewood.</p> <p>The pioneer shrub <i>Athanasia trifurcata</i> is abundant.</p> <p>The presence of the Willow Karee (<i>Searsia angustifolia</i>), typical of riparian environments, could indicate seasonally wet conditions.</p>	
<p>KLP 3</p> <p>S 33° 48' 07.9" E 18° 52' 14.5"</p>	<p>This waypoint is near the fence at the northern end of the western boundary. Mole-rats are highly active in the gravelly sandy soil. Woody invasives are few towards the south-western half of the site. The vegetation here is dominated by grasses with scattered dwarf shrubs.</p> <p>The main grasses recorded are the indigenous pioneer species <i>Eragrostis curvula</i> and <i>Cynodon dactylon</i>, together with the exotic <i>Avena sativa</i> and <i>Bromus spp.</i></p> <p>Shrubs include <i>Helichrysum sp.</i>, <i>Leysera gnaphalodes</i>, <i>Thesium sp.</i>, <i>Stoebe plumosa</i> and a few thigh-high specimens of <i>Passerina corymbosa</i>. The exotic forbs <i>Echium sp.</i> and <i>Trifolium lanceolatum</i> are also present.</p> <p>Very few invasive trees on the western side of the site.</p>	



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<p>KLP 4</p> <p>S 33° 48' 09.3" E 18° 52' 15.0"</p>	<p>This waypoint is further south from waypoint KLP3, along the western boundary. It marks the location of a few shrubby trees of <i>Searsia sp.</i> up to 3 m tall.</p> <p>The exotic weed <i>Echium plantagineum</i> is abundant but dry at this time of the year. The pioneer forb <i>Plantago lanceolata</i> is common and <i>Hermannia sp.</i> was recorded as well.</p> <p>Builders' rubble has been dumped in places.</p>	
<p>KLP 5</p> <p>S 33° 48' 11.6" E 18° 52' 15.8"</p>	<p>Near the southern end of the western boundary, there is a concrete slab with three large <i>Ficus cf. natalensis</i> trees. The slab was the floor of the rudimentary dwelling mentioned in the text.</p> <p>Other invasive alien trees occur, including Suriname Cherry (<i>Eugenia sp.</i>), Syringa (<i>Melia azedarach</i>) and Port Jackson Willow (<i>Acacia saligna</i>). The invasive Kikuyu grass (<i>Pennisetum clandestinum</i>) covers the ground.</p> <p>The area under the trees is highly disturbed</p> <p>One mature Outeniqua Yellowwood tree (<i>Podocarpus falcatus</i>) occurs.</p>	


Botanical Assessment: Portion 27 of Groenfontein Annex 716, Paarl (Klapmuts) Western Cape Province

<p>KLP 6</p> <p>S 33° 48' 12.1" E 18° 52' 17.1"</p>	<p>This waypoint is on the southern boundary of the site. This area is highly disturbed and invaded by exotic grasses (<i>Avena fatua</i>, <i>Pennisetum clandestinum</i>), forming the dominant vegetation together with <i>Eragrostis curvula</i> and <i>Plantago lanceolata</i>.</p> <p>Invasive Port Jackson Willow <i>Acacia saligna</i> is present, as well as a few black wattle saplings (<i>A. mearnsii</i>). Large trees have been felled, most likely <i>A. saligna</i> and <i>A. mearnsii</i>. Invasive Periwinkle (<i>Vinca</i> sp.), a garden escape, also occurs.</p> <p>Some renosterbos (<i>Elytropappus rhinocerotis</i>) is found here and a stand of <i>Stoebe plumosa</i> reflecting disturbance was noted</p> <p>This area is being used by vagrants and is heavily littered.</p>	
<p>KLP 7</p> <p>S 33° 48' 10.4" E 18° 52' 18.1"</p>	<p>A little further north of waypoint KLP6, this waypoint is located in a dense stand of black wattle (<i>Acacia mearnsii</i>), Port Jackson Willow (<i>A. saligna</i>) and <i>Stoebe plumosa</i>, with a large amount of litter and excrement.</p> <p>Shrubs recorded include <i>Athanasia trifurcata</i>, <i>Passerina corymbosa</i>, <i>Aspalathus cordata</i>, <i>Helichrysum pandurifolium</i>, <i>Cliffortia juniperina</i>, <i>Osteospermum incanum</i>.</p>	

Botanical Assessment: Portion 27 of Groenfontein Annex 716, Paarl (Klapmuts) Western Cape Province

<p>KLP 8</p> <p>S 33° 48' 09.5" E 18° 52' 17.4"</p>	<p>This waypoint is towards the centre of the site where a remnant stand of natural vegetation occurs, dominated by <i>Passerina corymbosa</i> and <i>Athanasia trifurcata</i>. Other major species are <i>Osteospermum incanum</i>, <i>Stoebe plumosa</i> and <i>Aspalathus cordata</i>.</p> <p>The weedy exotic grass <i>Briza minor</i> is present as well.</p>	
<p>KLP 9</p> <p>S 33° 48' 08.3" E 18° 52' 17.5"</p>	<p>Towards the north-eastern section of the site, this waypoint marks the location of a dense, almost monospecific stand of <i>Athanasia trifurcata</i>.</p> <p>Dense stands of Port Jackson Willow (<i>Acacia saligna</i>) occur both to the north and to the south of this patch.</p>	

Botanical Assessment: Portion 27 of Groenfontein Annex 716, Paarl (Klapmuts) Western Cape Province

<p>KLP 10 S 33° 48' 09.7" E 18° 52' 18.7"</p>	<p>At this waypoint a single Pine tree (<i>Pinus radiata</i>) grows along the southern portion of the eastern boundary.</p>	
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Botanical Assessment: Portion 27 of Groenfontein Annex 716, Paarl (Klapmuts) Western Cape Province



Figure 6. Portion of the Vegetation Map of South Africa, Lesotho & Swaziland (Mucina *et al.* 2005; SANBI 2012) overlaid on Google Earth™ imagery with the Klapmuts study area outlined in red, within Swartland Granite Renosterveld.

7. Conservation Status

The List of Threatened Terrestrial Ecosystems (Government Gazette, 2011) lists Swartland Granite Renosterveld as a CRITICALLY ENDANGERED A1 & D1 vegetation type (or ecosystem). It is thus important that any area that supports this vegetation type should be conserved to achieve conservation targets. However, the opposite is true if the site is transformed. If in the past a site supported a critically endangered vegetation type but no longer does so, it serves no conservation value unless it can be rehabilitated.

The 2017 WCBSF Handbook (Pool-Stanvliet *et al.*, 2017) distinguishes between the various conservation planning categories. Critical Biodiversity Areas are habitats with high biodiversity and ecological value. These include areas that are likely to be in a natural condition (CBA 1) and those that are potentially degraded or represent secondary vegetation (CBA 2). Ecological Support Areas are essential for meeting biodiversity targets. They play an important role in supporting the functioning of Protected Areas or CBAs and are often vital for delivering ecosystem services. A distinction is made between ESAs that are still likely to be functional (i.e. in a natural, near-natural or moderately degraded condition; (ESA 1) and Ecological Support Areas that are severely degraded, or have no natural cover remaining, and therefore require restoration (ESA 2).

Examination of the Critical Biodiversity Areas map from the *2017 Western Cape Biodiversity Spatial Plan* (CapeNature, 2017) indicates that the Klapmuts study area is mapped such that approximately two-thirds of the site is classified as a Critical Biodiversity Area 1 (CBA1) (Figure 7). In my opinion this classification and mapping is completely wrong and this assertion is supported by my observations in the field. There is no habitat in the study area that warrants CBA1 status or even CBA2 or ESA1 status.

In addition to the above, the site has VERY LOW botanical sensitivity. It is poorly connected to other areas of Swartland Granite Renosterveld and it is my view that in its current state and given its location it has VERY LOW conservation value. It is in such a poor state that restoration would not be feasible.

The only matter of concern is the presence of large trees, including protected *Podocarpus falcatus* (Outeniqua Yellowwood) which was obviously planted at the former dwelling. This

Botanical Assessment: Portion 27 of Groenfontein Annex 716, Paarl (Klapmuts) Western Cape Province

tree is protected by the National Forests Act 1998 (Act No. 84 of 1998) and a permit would be required for it to be disturbed in any way.

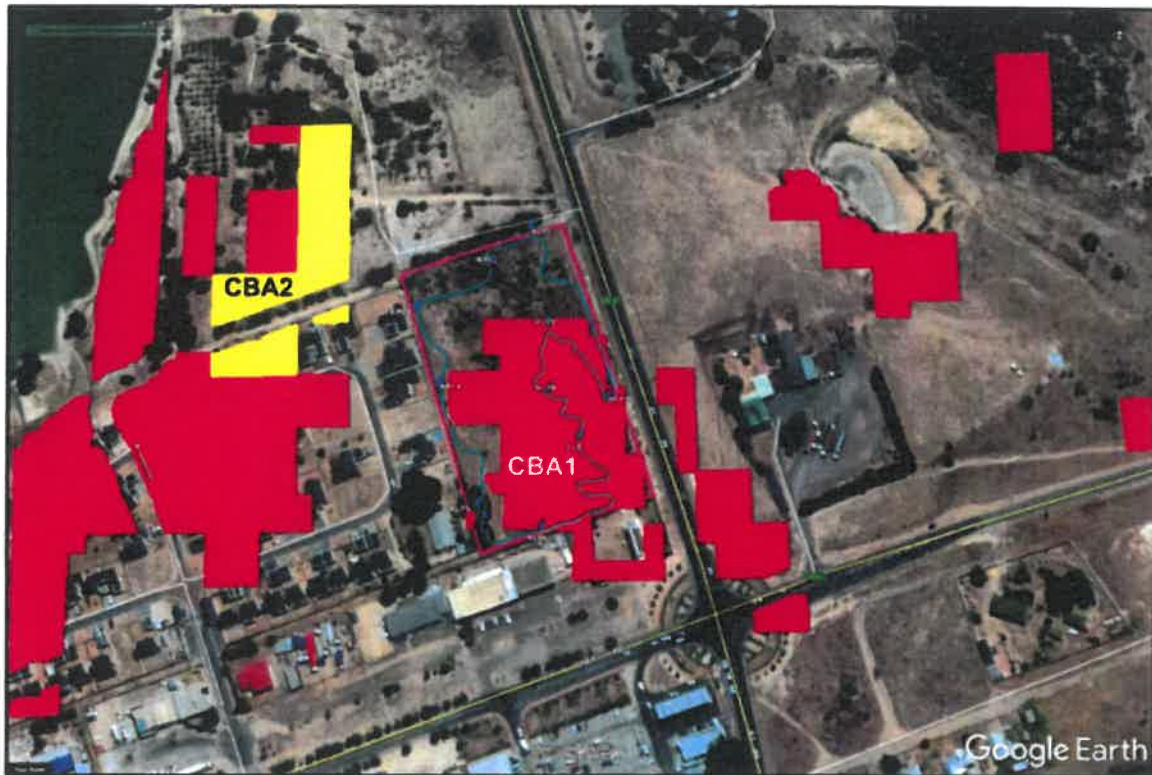


Figure 7. WC BSP 2017 map of Critical Biodiversity Areas overlaid on a Google Earth™ aerial image of the study area (pink boundary). Approximately two-thirds of the study area is classified as CBA1.

8. Impact Assessment

The impact assessment is a measure of the impacts likely to occur on the affected environment, specifically the vegetation, ecological processes, important species and habitats. They are considered for (a) the 'No Go' scenario and (b) the direct, indirect and cumulative impacts of the proposed residential development.

8.1. 'No Go' or No Development Scenario

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The 'No Go' or no development scenario considers the impact of the site being left without active change. It assumes that there would only be change due to environmental effects and it is a prediction of the future state of the affected area if no construction take place. Impacts relating to the No Go option (e.g. lack of clearing of alien invasive trees) are likely to result in further degradation vegetation and habitat in the study area, notwithstanding that it is already highly degraded. If nothing is done on the site the impact would be **Low Negative** but if the alien vegetation is removed, the negative impact would be marginally less so **Low Positive**.

8.2. Direct impacts

Direct impacts are those that would occur as a direct result of the development of the site. Direct impacts are assessed for the construction and 'No Go' alternatives in Tables 1 and 2 according to the following:

- Loss of vegetation type – including intact vegetation, ecologically important species and species of conservation concern.
- Loss of ecological processes – associated with the loss of intact vegetation, ecologically important species and species of conservation concern.

Loss of vegetation is assessed in relation to the vegetation type and ecological processes. With regard to the proposed development, most of the impact has already occurred by historical transformation. Further loss from the area that has such low ecological condition is likely to result in very little further negative impact. The impact of development of the site is thus rated as **Low Negative** (Table 1).

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Table 1. Impact and Significance: Loss of vegetation and ecological processes resulting from the proposed development of the site.

CRITERIA	'NO GO' ALTERNATIVE		PROPOSED CONSTRUCTION ACTIVITIES	
	WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION
Loss of vegetation and species				
Extent	Local	Local	Local	Local
Duration	Permanent	Permanent	Permanent	Permanent
Intensity	Low	Medium	Low	Low
Probability of occurrence	High	High	High	High
Confidence	High	High	High	High
Significance	Low negative	Low positive	Low negative	Low negative
Proposed mitigation:				
Nature of Cumulative impact	Loss of Swartland Granite Renosterveld		Loss of Swartland Granite Renosterveld	
Cumulative impact prior to mitigation	Low		Low	
Degree to which impact can be reversed	Low		Very Low	
Degree to which impact may cause irreplaceable loss of resources	Low		Low	
Degree to which impact can be mitigated	Low		Low	
Proposed mitigation	Clearing of alien invasives		Search and rescue of geophytes	
Cumulative impact post mitigation	Low		Low	
Significance of cumulative impact (broad scale) after mitigation	Low		Low	

Ecological processes have already been significantly compromised in the study area. There is low connectivity and the habitat is extremely degraded. The existing vegetation cover still offers cover for birds and mammals and mole-rat activity was noted. However, the overall impression, (added to by the abuse of the site by vagrants), is that the site is ecologically dysfunctional. It would take considerable effort to restore the habitat to its near-natural condition and only then would ecological functions re-activate. Given the isolated location, and consequent lack of connectivity of the site, it would not even be beneficial to be conserved as a 'stepping-stone' site to enhance ecological functionality in a broader context. In short, the site may be described as 'ecologically doomed' with prevailing High Negative impacts in the 'No Go' condition and predicted equally High Negative impacts by any form of development since then ecological processes could never be restored at a local level (Table 2).

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Table 2. Impact and Significance: Loss of ecological processes resulting from the proposed development

CRITERIA	'NO GO' ALTERNATIVE		PROPOSED DEVELOPMENT	
	WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION
Extent	Local	Local	Local	Local
Duration	Medium-term	Medium-term	Permanent	Permanent
Intensity	High	Medium	High	High
Probability of occurrence	High	High	High	High
Confidence	High	High	High	High
Significance	High negative	Medium negative	High negative	High negative
Proposed mitigation: No mitigation would be possible for loss of ecological processes in the development scenario				
Nature of Cumulative impact		Loss of ecological processes	Loss of ecological processes	
Cumulative impact prior to mitigation		Low	Low	
Degree to which impact can be reversed		Low	Low	
Degree to which impact may cause irreplaceable loss of resources		Low	Low	
Degree to which impact can be mitigated		Low	Low	
Proposed mitigation		Clearing of alien invasives	No mitigation possible	
Cumulative impact post mitigation		Low	Low	
Significance of cumulative impact (broad scale) after mitigation		Low	Low	

8.3. Mitigation

Mitigation options are generally considered in terms of the following hierarchy: (1) avoidance, (2) minimization, (3) restoration and (4) offsets. In this instance, there is very little that can be done to change the already extremely poor condition of the study area. Even removal of the alien trees would not enhance the state of the site very much.

The only mitigation that is recommended and that may be feasible would be to conduct Search & Rescue of geophytes. The site is in such poor condition that it would probably be best to remove and relocate geophytes to an existing conservation area where Swartland Granite Renosterveld if found.

8.4. Indirect impacts

Indirect impacts are those that do not occur as a direct result of the activity on the site but that occur further away. No indirect impacts were identified in this instance.

8.5. Cumulative impacts

Cumulative impacts are those impacts linked to increased loss of vegetation type or the ecosystems listed in the National List of Threatened Terrestrial Ecosystems (Government Gazette, 2011). Cumulative impacts are assessed as the overall impact of loss of habitat in relation to loss of the same or similar habitat at a local scale due to past, present and future habitat loss. The area at Portion 27 of Groenfontein Annex 716, Paarl (Klapmuts) in my view would make no contribution to achieving conservation targets for Swartland Granite Renosterveld. Cumulative impact on this vegetation type at the site are VERY LOW because the site is already transformed.

9. Conclusions and recommendations

- The original vegetation that occurred at Portion 27 of Groenfontein Annex 716, Paarl (Klapmuts) was Swartland Granite Renosterveld. This vegetation was historically removed but when that occurred is not known.
- The study area or site is now heavily degraded to the point of being transformed and in my opinion no longer has any botanical or conservation value, except for a few geophytes which should be saved.
- Ecological processes have been severely compromised and they would only become truly functional again if the site were to be restored to near-natural or natural condition. This is unlikely to happen and the isolated, low-connectivity condition of the study area is a major factor working against the usefulness of the site for conservation.
- Approximately two-thirds of the site is classified as CBA1 in the WCBSP 2017. It is my conclusion that this classification is totally erroneous. There is no habitat on the site that justifies this classification. It is not even worthy of CBA2 or ESA1 status.
- Based on ground-truthed observations and taking all ecological and other indicators into consideration, it is my view that the site is suitable for development with no major constraints. There would not be loss of 300 m² of indigenous vegetation (Swartland Granite Renosterveld) and therefore Listing Notice 3, Activity 12 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended and the Environmental Impact Assessment Regulations, 2014, would not be triggered.
- It is recommended that a Search & Rescue operation should be undertaken in the appropriate season to locate and save any surviving geophytes that may occur on the site.

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- A permit would be required from the Department of Agriculture, Fisheries and Forestry for disturbance or removal of the yellowwood tree on the site since it is a protected tree.
- Given that the entire site would be developed, an Environmental Management Programme (EMPr) would not be required.
- The development of the site from a botanical perspective is supported.

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Report submitted: 12 April 2018

Botanical Assessment: Portion 27 of Groenfontein Annex 716, Paarl (Klapmuts) Western Cape Province

Appendix 1: Botanical Assessment Content Requirements of Specialist Reports, as prescribed by Appendix 6 of GN R326

Regulation	Content as required by NEMA	Specialist Report Section/Annexure Reference
1 (1) (a)	(i) The specialist who prepared the report; and	Cover & Page 1
	(ii) The expertise of that specialist to compile a specialist report, including a CV	Page 1 & Appendix 3
1 (1) (b)	A declaration that the specialist is independent in a form as may be specified by the competent authority	Page 4
1 (1) (c)	An indication of the scope of, and purpose for which, the report is prepared	Page 6
1 (1)(cA)	An indication of the quality and age of base data used for the specialist report	Page 12
1 (1)(cB)	A description of existing impacts on the site, cumulative impacts of the proposed development and levels of acceptable change	Page 28
1 (1) (d)	The duration, date and season of the site investigation and the relevance of the season to the outcome of the assessment	Page 12
1 (1) (e)	A description of the methodology adopted in preparing the report or carrying out the specialised process inclusive of equipment and modelling used	Page 12
1 (1) (f)	Details of an assessment of the specific identified sensitivity of the site related to the proposed activity or activities and its associated structures and infrastructure, inclusive of a site plan identifying site alternatives	Pages 15 & 23
1 (1) (g)	An identification of any areas to be avoided, including buffers	Not applicable
1 (1) (h)	A map superimposing the activity including the associated structures and infrastructure on the environmental sensitivities of the site including areas to be avoided, including buffers	Pages 8, 9 & 10
1 (1) (i)	A description of any assumptions made and any uncertainties or gaps in knowledge	Page 14
1 (1) (j)	A description of the findings and potential implications of such findings on the impact of the proposed activity or activities	Pages 14-- 28
1 (1) (k)	Any mitigation measures for inclusion in the EMPr	Page 27
1 (1) (l)	Any conditions for inclusion in the environmental authorisation	Pages 27 & 28
1 (1) (m)	Any monitoring requirements for inclusion in the EMPr or environmental authorisation	Not applicable
1 (1) (n)	(i) whether the proposed activity, activities or portions thereof should be authorised; and	Page 28
	(iA) regarding the acceptability of the proposed activity or activities; and	Page 28

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Regulation	Content as required by NEMA	Specialist Report Section/Annexure Reference
	(ii) If the opinion is that the proposed activity, activities or portions thereof should be authorised, any avoidance, management and mitigation measures that should be included in the EMPr, and where applicable, the closure plan	Not applicable
1 (1) (o)	A description of any consultation process that was undertaken during the course of preparing the specialist report	Not applicable
1 (1) (p)	A summary and copies of any comments received during any consultation process and where applicable, all responses thereto	Not applicable
1 (1) (q)	Any other information requested by the competent authority	Not applicable

Appendix 2: Impact Assessment Methodology

The assessment of impacts needs to include the determination of the following:

- The nature of the impact – see Table A.1
- The magnitude (or severity) of the impact – see Table A.2
- The likelihood of the impact occurring - see Table A.2

The degree of confidence in the assessment must also be reflected.

Table A.1 Impact assessment terminology

Term	Definition
<i>Impact nature</i>	
Positive	An impact that is considered to represent an improvement on the baseline or introduces a positive change.
Negative	An impact that is considered to represent an adverse change from the baseline, or introduces a new undesirable factor.
Direct impact	Impacts that result from a direct interaction between a planned project activity and the receiving environment/receptors (e.g. between occupation of a site and the pre-existing habitats or between an effluent discharge and receiving water quality).
Indirect impact	Impacts that result from other activities that are encouraged to happen as a consequence of the Project (e.g. in-migration for employment placing a demand on resources).
Cumulative impact	Impacts that act together with other impacts (including those from concurrent or planned future third party activities) to affect the same resources and/or receptors as the Project.

Assessing significance

There is no statutory definition of 'significance' and its determination is, therefore, somewhat subjective. However, it is generally accepted that significance is a function of the magnitude of the impact and the likelihood of the impact occurring. The criteria used to determine significance are summarized in *Table 1.2*

Table A.2 Significance criteria

<i>Impact magnitude</i>	
Extent	<p><i>On-site</i> – impacts that are limited to the boundaries of the rail reserve, yard or substation site.</p> <p><i>Local</i> – impacts that affect an area in a radius of 20km around the development site.</p> <p><i>Regional</i> – impacts that affect regionally important environmental resources or are experienced at a regional scale as determined by administrative boundaries, habitat type/ecosystem.</p> <p><i>National</i> – impacts that affect nationally important environmental resources or affect an area that is nationally important/ or have macro-economic consequences.</p>
Duration	<p><i>Temporary</i> – impacts are predicted to be of short duration and intermitten/occasional.</p> <p><i>Short-term</i> – impacts that are predicted to last only for the duration of the construction period.</p> <p><i>Long-term</i> – impacts that will continue for the life of the Project, but ceases when the Project stops operating.</p> <p><i>Permanent</i> – impacts that cause a permanent change in the affected receptor or resource (e.g. removal or destruction of ecological habitat) that endures substantially beyond the Project lifetime.</p>
Intensity	BIOPHYSICAL ENVIRONMENT: <i>Intensity can be considered in terms of the sensitivity of the biodiversity receptor (ie. habitats, species or communities).</i>

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	<p>Negligible – the impact on the environment is not detectable. Low – the impact affects the environment in such a way that natural functions and processes are not affected. Medium – where the affected environment is altered but natural functions and processes continue, albeit in a modified way. High – where natural functions or processes are altered to the extent that it will temporarily or permanently cease.</p> <p><i>Where appropriate, national and/or international standards are to be used as a measure of the impact. Specialist studies should attempt to quantify the magnitude of impacts and outline the rationale used.</i></p> <p>SOCIO-ECONOMIC ENVIRONMENT: <i>Intensity can be considered in terms of the ability of project affected people/communities to adapt to changes brought about by the Project.</i></p> <p>Negligible – there is no perceptible change to people's livelihood Low - People/communities are able to adapt with relative ease and maintain pre-impact livelihoods. Medium - Able to adapt with some difficulty and maintain pre-impact livelihoods but only with a degree of support. High - Those affected will not be able to adapt to changes and continue to maintain-pre impact livelihoods.</p>
<i>Impact likelihood (Probability)</i>	
Negligible	The impact does not occur.
Low	The impact may possibly occur.
Medium	Impact is likely to occur under most conditions.
High	Impact will definitely occur.

Once a rating is determined for magnitude and likelihood, the following matrix can be used to determine the impact significance.

Table A.3 Example of significance rating matrix

SIGNIFICANCE RATING					
	LIKELIHOOD	Negligible	Low	Medium	High
MAGNITUDE	Negligible	Negligible	Negligible	Low	Low
	Low	Negligible	Negligible	Low	Low
	Medium	Negligible	Low	Medium	Medium
	High	Low	Medium	High	High

In Table A.4, the various definitions for significance of an impact is given.

Table A.4 Significance definitions

Significance definitions	
Negligible significance	An impact of negligible significance (or an insignificant impact) is where a resource or receptor (including people) will not be affected in any way by a particular activity, or the predicted effect is deemed to be 'negligible' or 'imperceptible' or is indistinguishable from natural background variations.
Minor significance	An impact of minor significance is one where an effect will be experienced, but the impact magnitude is sufficiently small (with and without mitigation) and well within accepted standards, and/or the receptor is of low sensitivity/value.
Moderate significance	An impact of moderate significance is one within accepted limits and standards. The emphasis for moderate impacts is on demonstrating that the impact has been reduced to a level that is as low as reasonably practicable (ALARP). This does not necessarily mean that 'moderate' impacts have to be

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	reduced to 'minor' impacts, but that moderate impacts are being managed effectively and efficiently.
Major significance	An impact of major significance is one where an accepted limit or standard may be exceeded, or large magnitude impacts occur to highly valued/sensitive resource/receptors. A goal of the EIA process is to get to a position where the Project does not have any major residual impacts, certainly not ones that would endure into the long term or extend over a large area. However, for some aspects there may be major residual impacts after all practicable mitigation options have been exhausted (i.e. ALARP has been applied). An example might be the visual impact of a development. It is then the function of regulators and stakeholders to weigh such negative factors against the positive factors such as employment, in coming to a decision on the Project.

Once the significance of the impact has been determined, it is important to qualify the **degree of confidence** in the assessment. Confidence in the prediction is associated with any uncertainties, for example, where information is insufficient to assess the impact. Degree of confidence can be expressed as low, medium or high.

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Appendix 3. Curriculum Vitae

Dr David Jury McDonald Pr.Sci.Nat.

Name of Firm: Bergwind Botanical Surveys & Tours CC. (Independent consultant)

Work and Home Address: 14 A Thomson Road, Claremont, 7708

Tel: (021) 671-4056 **Mobile:** 082-8764051 **Fax:** 086-517-3806

E-mail: dave@bergwind.co.za

Website: www.bergwind.co.za

Profession: Botanist / Vegetation Ecologist / Consultant / Tour Guide

Date of Birth: 7 August 1956

Employment history:

- 19 years with National Botanical Institute (now SA National Biodiversity Institute) as researcher in vegetation ecology.
- Five years as Deputy Director / Director Botanical & Communication Programmes of the Botanical Society of South Africa
- Twelve years as private independent Botanical Specialist consultant (Bergwind Botanical Surveys & Tours CC)

Nationality: South African (ID No. 560807 5018 080)

Languages: English (home language) – speak, read and write
Afrikaans – speak, read and write

Membership in Professional Societies:

- South Africa Association of Botanists
- International Association for Impact Assessment (SA)
- South African Council for Natural Scientific Professions (**Ecological Science, Registration No. 400094/06**)
- Field Guides Association of Southern Africa

Key Qualifications :

- Qualified with a M. Sc. (1983) in Botany and a PhD in Botany (Vegetation Ecology) (1995) at the University of Cape Town.
- Research in Cape fynbos ecosystems and more specifically mountain ecosystems.
- From 1995 to 2000 managed the Vegetation Map of South Africa Project (National Botanical Institute)
- Conducted botanical survey work for AfriDev Consultants for the Mohale and Katse Dam projects in Lesotho from 1995 to 2002. A large component of this work was the analysis of data collected by teams of botanists.

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- **Director: Botanical & Communication Programmes** of the Botanical Society of South Africa (2000—2005), responsible for communications and publications; involved with conservation advocacy particularly with respect to impacts of development on centres of plant endemism.
- Further tasks involved the day-to-day management of a large non-profit environmental organisation.
- **Independent botanical consultant** (2005 – to present) over 300 projects have been completed related to environmental impact assessments in the Western, Southern and Northern Cape, Karoo and Lesotho. A list of reports (or selected reports for scrutiny) is available on request.

Higher Education

Degrees obtained
and major subjects passed:

B.Sc. (1977), University of Natal, Pietermaritzburg
Botany III
Entomology II (Third year course)

B.Sc. Hons. (1978) University of Natal, Pietermaritzburg
Botany (Ecology /Physiology)

M.Sc. - (Botany), University of Cape Town, 1983.
Thesis title: 'The vegetation of Swartboschkloof,
Jonkershoek, Cape Province'.

PhD (Botany), University of Cape Town, 1995.
Thesis title: 'Phytogeography endemism and diversity of
the fynbos of the southern Langeberg'.

Certificate of Tourism: Guiding (Culture: Local)
Level: 4 Code: TGC7 (Registered Tour Guide: WC
2969).

Employment Record:

January 2006 – present: Independent specialist botanical consultant and tour guide in own
company: **Bergwind Botanical Surveys & Tours CC**

August 2000 - 2005 : Deputy Director, later Director Botanical & Communication
Programmes, Botanical Society of South Africa

January 1981 – July 2000 : Research Scientist (Vegetation Ecology) at National
Botanical Institute

January 1979—Dec 1980 : National Military Service

Further information is available on website: www.bergwind.co.za

ANNEXURE Q: DIEMER ESTATE DESIGN GUIDELINES + DIEMER ESTATE OWNERS ASSOCIATION CONSTITUTION

**CONSTITUTION
OF THE
DIEMER ESTATE
HOME OWNERS' ASSOCIATION**

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1. DEFINITIONS

In the Constitution and unless inconsistent with the context, the following words and expressions shall have the meanings hereby assigned to them:

- 1.1 'Alienate' shall mean to divest of ownership of an Erf, or part thereof, or share therein, by way of sale, exchange, donation, deed, intestate succession, will, cession, assignment, court order, insolvency, liquidation, prescription, expropriation or otherwise and 'Alienation' shall have a corresponding meaning.
- 1.2 'Annexures' shall mean the annexures to the Constitution, as may be prepared and amended from time to time, that apply to the Diemer Estate Home Owner's Association that are incorporated into the Constitution including the Rules that regulate conduct on the estate and the annexures set out therein as follows:
- 1.2.1 the Security Policy contained in Annexure A (to be drafted by Trustees);
- 1.2.2 the Contractors' Code of Conduct contained in Annexure B (to be drafted by Trustees);
- 1.2.3 the Building Guidelines as contained in Annexure C (to be drafted by Trustees);
- 1.2.4 the Rules of the Disciplinary Committee contained in Annexure D (to be drafted by Trustees); and
- 1.2.5 the Site Development Plan contained in Annexure E (to be approved by Municipality).
- 1.3 'Architect/s' shall mean the architect/s of the Association from time to time.
- 1.4 'Association' shall mean the Diemer Estate Home Owners' Association.
- 1.5 'Auditors' shall mean the auditors of the Association from time to time.
- 1.6 'Budget' shall mean the estimate of income and expenditure of the Association in respect of a financial year.

- 1.7 'Business Day' shall mean a weekday other than a Saturday, Sunday or a Public Holiday officially recognised in the Republic of South Africa.
- 1.8 'Chairperson' shall mean the chairperson of the Association and of the Trustees from time to time.
- 1.9 'Common Property' shall mean Remainder of Portion 27 of the Farm Groenfontein Annex Number 716, in the Stellenbosch Municipality, Division Paarl, Western Cape Province, comprising the private road and private open space in the Development, inclusive of all Services thereon or thereunder.
- 1.10 'Constitution' shall mean this Constitution of the Association, including the Annexures thereto, as may be amended from time to time.
- 1.11 'Design Guidelines' shall mean the architectural and landscaping guidelines of the Association referred to in clause 10 of the Constitution and contained in Annexure A hereto, and as may be amended from time to time.
- 1.12 'Developer' shall mean Exclusive Access Trading (Pty) Ltd (Registration No. 2006/032797/07).
- 1.13 'Development' shall mean the Development known as Diemer Estate resulting from the subdivisions of Erf Portion 27 of the Farm Groenfontein Annex Number 716, in the Stellenbosch Municipality, Division Paarl, Western Cape Province, as per Annexure E.
- 1.14 'Development Management Scheme' shall mean the Development Management Scheme as contemplated in the Municipality's Planning By-Law from time to time.
- 1.15 'Disciplinary Committee' shall mean a committee formed by the Trustees and Members to consider any member violation of the Constitution.
- 1.16 'Electronic Communication' shall have the meaning set out in section 1 of the

Electronic Communications and Transactions Act.

- 1.17 'Electronic Communications and Transactions Act' shall mean the Electronic Communications and Transactions Act, No. 25 of 2002, as amended from time to time and any regulations made and in force thereunder and includes any substituted legislation.
- 1.18 'Erven' shall mean the Erven in the Development, but excluding the Common Property and 'Erf' shall mean any one of them.
- 1.19 'Financial Institution' shall mean a registered financial institution as defined in section 1 of the Financial Institutions (Protection of Funds) Act.
- 1.20 'Financial Institutions (Protection of Funds) Act' shall mean the Financial Institutions (Protection of Funds) Act, No. 28 of 2001, as amended from time to time and any regulations made and in force thereunder and includes any substituted legislation.
- 1.21 'Improvements' shall mean any buildings or structures constructed or to be constructed on an Erf, including any alterations, additions or attachments to any existing buildings and/or structures on an Erf, and changes to external finishes, material and/or the colour scheme: provided that the a foregoing shall not give rise to any right or expectation to erect any building or structure that is not in accordance with the approvals, the Design Guidelines and/or the plans that have been duly approved in accordance with the requirements of the Constitution.
- 1.22 'Income Tax Act, shall mean the Income Tax Act, No. 58 of 1962 as amended from time to time and any regulations made and in force thereunder and includes any substituted legislation.
- 1.23 'Internal Engineering Service' shall mean the system for the provision of water, electricity, gas, roads or storm water drainage, or collection and removal of solid waste or sewerage, within the Development operated by the Association, but excluding any internal engineering service which may be the responsibility of the

Municipality.

- 1.24 'Invitees' shall mean the family members, guests, visitors, workers, contractors, agents, service providers, or other invitees of Members or Lessees, present in the Development.
- 1.25 'In writing' shall mean written, printed or lithographed or partly one and partly the other, and other modes of representing or producing words in visible form, including Electronic Communication.
- 1.26 'Juristic person' shall mean a company, close corporation, trust or other legal or juristic person.
- 1.27 'Lessee' shall mean the lessee and/or other occupant in respect of a Property in the Development, including the Invitees of the Lessee or other occupant.
- 1.28 'Levies' shall mean the contributions payable by the Members to the Association in terms of clause 13 of the Constitution, including annual levies (ordinary levies) and special levies.
- 1.29 'Local Authority' shall mean the local authority having jurisdiction over the Development.
- 1.30 'Managing Agent' shall mean any person or juristic person appointed by the Association as an independent contractor to undertake any of the administrative functions of the Association.
- 1.31 'Member' shall mean a member of the Association, meaning every registered owner of an Erf. If an owner consists of more than 1 (one) person such persons shall jointly constitute one Member and shall be jointly and severally liable in solidum for all obligations in terms of this Constitution. In the event of a Company, Close Corporation, Club or Trust, (being the registered owner of the erf), the entity shall be the member that may be represented by an individual who is a director, member or

trustee of the entity, and duly authorised to act as such.

- 1.32 'Municipality' shall mean the Stellenbosch Municipality as defined in the Stellenbosch Municipality Land Use Planning By-Law and its successors in title.
- 1.33 'Municipality's Planning By-Law' shall mean the Stellenbosch Municipality Land-Use Planning By-Law, 2015 as may be amended from time to time.
- 1.34 'Ordinary Resolution' shall mean a resolution passed at a general meeting of the Association, whether on a show of hands or on a poll, by an ordinary majority of the total votes represented at such meeting by the Members present in person or by proxy.
- 1.35 'Owner' shall mean the registered owner of an Erf.
- 1.36 'Prime Rate' shall mean the prime bank overdraft rate of interest charged by the Association's bank from time to time and more commonly known as its prime rate (in the case of a dispute, the rate may be certified by any manager or assistant manager of any branch of the said bank whose certificate shall be final and binding on the Members).
- 1.37 'Property' shall mean an Erf together with the Improvements thereon, generically referred to in respect of an Owner.
- 1.38 'Rules' shall mean the Rules, including Conduct Rules, the Trustees may make from time to time referred to in clause 11 of the Constitution and contained in Annexure A hereto.
- 1.39 'Reserve Account' shall mean an investment account that is managed by the Trustees of the Association to provide for future financial expenses that the Association will be responsible for.
- 1.40 'Services' shall mean the Internal Engineering Service, the main electrical

infrastructure, the main security perimeter wall and security infrastructure, and the other Services located within the Common Property or to be rendered in respect of the Association.

- 1.41 'Trustees' shall mean the trustees of the Association collectively from time to time and includes alternate and co-opted Trustees and 'Trustee' shall mean one of them.

2. INTERPRETATION

- 2.1 In the interpretation of the Constitution, unless the context otherwise indicates:
- 2.1.1 the clause headings are for convenience of reference and shall be disregarded in construing the Constitution;
 - 2.1.2 words importing the singular number shall include the plural and the converse shall also apply;
 - 2.1.3 a reference to any one gender shall include the other genders;
 - 2.1.4 a reference to natural persons shall include juristic persons and the converse shall also apply; and
 - 2.1.5 a reference to 'person' shall include 'juristic person';
 - 2.1.6 words and expressions defined in any sub-clause shall, for the purpose of the clause to which that sub-clause forms part of, and in subsequent clauses, bear the meaning assigned to such words and expressions in such sub-clause;
 - 2.1.7 when any number of days is prescribed in the Constitution, the same shall be reckoned exclusively of the first and inclusively of the last day unless the last day falls on a Saturday, Sunday or proclaimed public holiday in the Republic of South Africa, in which event the last day shall be the next succeeding day

which is not a Saturday, Sunday or public holiday;

2.1.8 where figures are referred to in words and in numerals, if there is any conflict between the two, the words shall prevail;

2.1.9 the Annexures to the Constitution shall be deemed to be incorporated in and form part of the Constitution.

2.2 If any provision of the Constitution is in conflict or inconsistent with any law, the invalidity of any such provision shall not affect the validity of the remainder of the provisions of the Constitution.

2.3 If any provision in a definition in the Constitution is a substantive provision conferring rights or imposing obligations on any of the Members then, notwithstanding that it is only in the definition clause of the Constitution, effect shall be given to it as if it were a substantive provision in the body of the Constitution.

2.4 If any provision in the Design Guidelines or the Rules is in conflict with any provision of the Constitution, the relevant provision of the Constitution shall prevail.

3. ESTABLISHMENT OF THE ASSOCIATION

3.1 The Association will come into existence simultaneously with the first registration of transfer of an Erf from the Developer to a Registered Owner, as contemplated in Section 29(5) of the By-Law.

4. STATUS OF THE ASSOCIATION

4.1 The Association is a juristic person, has perpetual succession and is capable of suing and being sued.

4.2 The Association is established as a non-profit making institution for the purposes and objects set out in the Constitution. The Association shall not be for profit, but for the

collective benefit and mutual interests of its Members.

- 4.3 No part of the income of the Association may be paid or refunded to any Member, except to settle any debt to such Member that the Association may have. No Member in his personal capacity shall have any right, title or interest to or in the funds or assets of the Association which shall vest in and be controlled by the Trustees on behalf of the Members according to the objects of the Association.
- 4.4 The Association has the right to acquire, hold, lease and alienate property, both movable and immovable.
- 4.5 The sole object of the Association is to manage the collective interests common to all its Members, which includes expenditure applicable to the Common Property of the Development and the collection of Levies for which such Members are liable.
- 4.6 The Association is not permitted to distribute its funds to any person other than to a similar association of persons.
- 4.7 On dissolution the remaining assets must be distributed to a similar association of persons, which is also exempt from income tax in terms of section 10(1)(e)(iii) of the Income Tax Act.
- 4.8 Funds available for investment may only be invested or re-invested with registered financial institutions as defined in section 1 of the Financial Institutions (Protection of Funds) Act, No. 28 of 2001.
- 4.9 The Association is not or was not knowingly a party to, or does not knowingly permit or has not knowingly permitted itself to be used as part of any transaction, operation or scheme of which the sole or main purpose is or was the reduction, postponement or avoidance of liability for any tax, duty or levy which, but for such transaction, operation or scheme, would have been or would have become payable by any person under the Income Tax Act or any other Act administered by the Commissioner for the South African Revenue Services.

- 4.10 The Association shall submit annual returns of income tax together with financial statements to the South African Revenue Services or similar relevant government departments as required.
- 4.11 Any amendments to clause 4 of the Constitution must be submitted to the Commissioner for the South African Revenue Services for scrutiny and or further action as the Commissioner may direct.

5. OBJECTS OF THE ASSOCIATION

The objects of the Association are to:

- 5.1 act in accordance with the collective mutual interests of the Members;
- 5.2 control, administer and manage the Common Property, Services and amenities in respect of the Development and the buildings on land under the Association's control for the benefit of all the Members;
- 5.3 take ownership of the Common Property and Internal Engineering Services as may be required;
- 5.4 enforce certain conditions of subdivision approval or management plans listed in the conditions, as may be applicable;
- 5.5 manage, repair, maintain, and improve and, where applicable, to insure the Common Property and all property and facilities belonging to the Association or falling under its control;
- 5.6 manage, repair, maintain, including renewal or upgrading where necessary, the Services serving the Development and the provision and installation of further Services to the Development as may be necessary;

- 5.7 control and maintain the main security perimeter wall in respect of the Development, but excluding the painting of the portions of the security perimeter wall facing private Properties and generally provide a secure environment for the Members by implementing, controlling and enhancing security systems in respect of the Development;
- 5.8 provide for:
- 5.8.1 the establishment of the Association upon the transfer of the first Erf arising from the subdivision or part thereof;
 - 5.8.2 the Association to be a juristic person, to have perpetual succession to be capable of suing and of being sued;
 - 5.8.3 Membership of the Association by the owners of Erven in the Development who shall be jointly liable for the expenditure incurred in connection with the Association;
 - 5.8.4 the recovery of expenditure incurred in connection with the Association from its Members;
 - 5.8.5 where relevant, any further development which must form part of the Association and the procedures for incorporating the development;
 - 5.8.6 the regulation of annual general meetings of the Members;
 - 5.8.7 the prohibition of the transfer of an Erf unless the consent of the Association has been obtained and the grounds upon which such consent may be refused;
 - 5.8.8 arrangements for the transfer of an Erf in the event that the Association ceases to function;

- 5.8.9 the Association's implementation and enforcement of the provisions of clauses 5.8.1 to 5.8.8 of the Constitution;
- 5.9 administer and enforce compliance with the provisions of the Constitution;
- 5.10 provide for the control, administration and management of Design Guidelines for Improvements and landscaping in respect of Erven;
- 5.11 monitor and control improvements and landscaping within the Development;
- 5.12 provide for Rules and policies to control the use and enjoyment of the Common Property and to ensure good standards of conduct by persons in respect of the Development;
- 5.13 enter into agreements as may be necessary to provide amenities and Services for the benefit of the Members and to enter into any agreements in pursuance of the objects of the Association;
- 5.14 establish a fund for expenses of the Association, including provision for a reserve account to provide for future expenses and contingencies and to determine and collect Levies for the purpose of the said fund from the Members;
- 5.15 control the Alienation, transfer, letting and use of Erven within the Development;
- 5.16 take action as deemed necessary by the Trustees in relation to the non-compliance by any Member or Lessee with any provisions of the Constitution and to impose penalties upon Members in respect of contraventions;
- 5.17 promote, advance and protect the interest of Members generally in regard to the Development;
- 5.18 generally do all such things as may be necessary or requisite to give effect to and implement and enforce the objects of the Association and to do all such things

ancillary or incidental to the objects;

6. FUNCTIONS AND POWERS OF THE ASSOCIATION

6.1 The Association shall exercise the powers and perform the functions as set out in the Constitution and such ancillary functions as may be necessary in pursuit of its objects.

6.2 The functions of the Association shall include to:

6.2.1 establish a levy fund of the Association sufficient in the opinion of the Association to meet the expenditure of the Association;

6.2.2 raise and determine levies payable by the Members as contributions to the levy fund;

6.2.3 establish a reserve account of the Association that is sufficient in the opinion of the Association to meet the future expenditure of the Association;

6.2.4 raise and determine reserve account contributions to be included in the Levies payable by the Members as contributions to the reserve account fund;

6.2.5 open and operate an account or accounts with registered South African commercial banks and Financial Institutions;

6.2.6 take up insurance for the Association as may be required including, but not limited to:

6.2.6.1 insure the buildings, improvements, amenities and Services in respect of the Common Property against such risks as the Association may determine;

6.2.6.2 take up public liability insurance in respect of the Common Property and Services;

- 6.2.6.3 procure a fidelity guarantee; and
 - 6.2.6.4 insure the payment of Levies due by the Members to the Association;
 - 6.2.7 pay the premiums on any policy of insurance affected by it;
 - 6.2.8 repair and maintain the Common Property and Services; and
 - 6.2.9 comply with any notice or order by any competent authority requiring any repair to, or work in respect of, the Common Property and/or Services and to ensure compliance with any law relating to the Common Property and/or Services.
- 6.3 The powers of the Association shall include the power to:
- 6.3.1 purchase, hire, or otherwise acquire movable property and to insure, sell, let, or otherwise dispose of movable property;
 - 6.3.2 control and maintain the Common Property and to establish on the Common Property such Services, improvements, amenities, lawns or gardens as may be required and to register servitudes;
 - 6.3.3 apply for licenses and other rights enabling the Association to deal with its property in any lawful manner;
 - 6.3.4 add to, amend, repeal or substitute the provisions of the Constitution and the Annexures hereto from time to time, based on any requirement or need that may arise in future in order to address the purposes of the Association in accordance with the provisions of clause 44 the Constitution;
 - 6.3.5 sell and cede any obligation due to the Association, including but not limited

- to claims for levies, contributions, charges, penalties and fees, and to agree to the terms of such transactions;
- 6.3.6 donate moneys subject to such donation being to the benefit of the Association .
- 6.3.7 invest surplus moneys of the levy and reserve account fund;
- 6.3.8 employ, dismiss and remunerate employees and professional advisors and to establish and contribute to pension-, provident-, medical aid and other similar funds for the benefit of its employees;
- 6.3.9 appoint such agents or contractors as it deems fit;
- 6.3.10 sue and be sued in the name of the Association and to obtain the services of attorneys and advocates or any other professional person for the aforementioned purpose;
- 6.3.11 enter into agreements for the supply of Services, equipment or property to the Development;
- 6.3.12 enter into any agreement necessary to achieve the objects of the Association or to further the interest of the Association;
- 6.3.13 recover by legal process any levies or moneys due by Members or former Members to the Association;
- 6.3.14 impose upon Members penalties in respect of contraventions of the provisions of the Constitution and to recover such reasonable penalties (that are commensurate with the violation) from its Members or former Members by legal process; and
- 6.3.15 do all things necessary or required to achieve the objects of the Association,

and to further and promote the interests of Members and to implement and enforce the powers conferred on the Association in terms of the Constitution.

7. MEMBERSHIP OF THE ASSOCIATION

- 7.1 The Association shall have as its Members every registered owner of an Erf in the Development. Membership of the Association shall be automatic and compulsory for every registered owner of an Erf and such membership shall commence simultaneously with registration of transfer of such Erf into the name of the transferee in the Deeds Office. When a Member ceases to be the registered owner of an erf, he shall automatically cease to be a Member of the Association.
- 7.2 In the event of co-ownership of an Erf, all the co-owners of the Erf shall be deemed jointly and severally to be one Member of the Association.
- 7.3 Where any person is the registered owner of more than one erf, such person shall be regarded as a Member, and shall have the rights and obligations of a Member, in respect of each Erf registered in such person's name.

8. OBLIGATIONS OF MEMBERS

- 8.1 Every Member is obliged to comply with:
- 8.1.1 the provisions of the Constitution, the Design Guidelines and the Rules;
 - 8.1.2 Any directive given or resolution passed by the Association and/or the Trustees in implementing or enforcing the provisions of the Constitution.
 - 8.1.3 Any regulation passed by the Association or the Trustees in enforcing the provisions of the Constitution.
- 8.2 A Member may not resign from the Association.

- 8.3 Members shall be jointly liable for reasonable expenditure incurred in connection with the Association according to the provisions of the Constitution. The Association shall recover expenditure incurred in connection with the Association from its Members in the form of levies in accordance with the provisions of the Constitution.
- 8.4 A Member shall not be entitled to alienate his Erf or apply to the Registrar of Deeds, Cape Town, for the registration of transfer of his Erf, without the prior written consent of the Trustees having been obtained, which consent may, subject to the conditions contained in clause 8.6, not unreasonably be withheld.
- 8.5 The Association may refuse such written consent in terms of clause 8.4 above if:
- 8.5.1 the levies and other amounts due to the Association in respect of the Erf have not been paid or payment thereof has not been secured to the satisfaction of the Trustees, or
 - 8.5.2 the Member is substantially in breach of provision of the Constitution to an extent reasonably justifying the withholding of such consent, or
 - 8.5.3 the Member has constructed a building or development that exceeds the maximum Floor Space approved by the Municipality or which is not in compliance with the Development Management Scheme.
- 8.6 The written consent referred to in clause 8.5 above may be signed by the Chairperson or by a Trustee or by the Managing Agent duly authorised thereto. The Trustees may determine a reasonable fee to be charged for the issuing of the written consent.
- 8.7 No Member shall apply to the Municipality for the rezoning, subdivision, consent, use, departure or any other amendment of any condition of approval relating to his Property in terms of any law governing development rights or use rights with a view to procuring a variation or amendment or substitution of use rights and shall not be entitled to use his Property for any purpose other than the permitted use applicable

upon establishment of the Development without the prior written consent of the Trustees and the Municipality and subject to compliance with the conditions imposed by the Trustees and the Municipality.

- 8.8 The Constitution and the duties of a Member in relation to the use, occupation and enjoyment of his Property and the use and enjoyment of the Common Property shall be binding on all Members and Lessees. It shall be the duty of a Member to ensure compliance with the provisions of the Constitution by his Invitees and the Lessees of his Property. Members shall ensure that their lease agreements incorporate provisions to the effect that the Lessee shall be obliged to comply with the provisions of the Constitution, and that a breach of the provisions of the Constitution by the Lessee shall constitute a breach of the lease agreement, which will entitle the Owner (lessor) to terminate the lease agreement by written notice.
- 8.9 All Lessees and invitees shall be obliged to comply with the provisions of the Constitution, notwithstanding any provision to the contrary contained in, or the absence of provisions, in any lease or any grant of rights of occupancy.
- 8.10 Occupation and use of a Property in the Development shall, at all times, be in compliance with the Development Management Scheme. No Member or Lessee shall use any Property or building or allow any other person to use such Property or building for any purpose not permitted by the Development Management Scheme. No building may be occupied which has not been approved of by the Trustees as being complete and compliant with the provisions of the Design Guidelines. No business may be conducted from a Property in the Development, necessitating employees, clients and/or customers entering the Development.
- 8.11 In the event of a lessee or invitee of a member causing damage to common property, the member concerned shall cooperate with the Association in any form of action taken by the Association in order to recover any damages which the Association may have suffered as a result thereof.
- 8.12 A Member shall:

- 8.12.1 maintain his Erf and Improvements in a state of good repair and in a clean and neat condition, in compliance with the Design Guidelines;
- 8.12.2 establish and maintain a garden in respect of his Erf according to a standard acceptable to the Trustees and shall maintain the road verge bordering his Erf in a clean and neat condition;
- 8.12.3 maintain the boundary walls in respect of his Erf inclusive of regular painting thereof, and including the painting of the portions of the security perimeter wall in respect of the Development facing his Erf.
- 8.13 If a Member fails to maintain his Erf and improvements, garden, or road verge bordering his erf, or the external and boundary walling in respect of his Erf in terms of clause 8.12 above and any such failure persists, a process will be initiated to remedy the violation as set out in the Disciplinary Policy of the Association that is incorporated into this Constitution. Costs incurred by the Association in relation to such process shall be due and payable by the Member upon demand and, failing which, the costs may be added to the Member's levy statement and the costs may be recovered from the Member in the same manner as applies to arrear levies, together with interest at the rate applicable to levies.
- 8.14 Every Member shall:
- 8.14.1 ensure that the existing colour scheme conforms to the colour standards set by the Trustees in respect of his Property and any change thereof must be approved in terms of clause 9 of this Constitution;
- 8.14.2 adhere strictly to the terms of servitudes in respect of his Property, if applicable;
- 8.14.3 permit access to any Services or to the security perimeter by persons authorised in writing by the Association; and

- 8.14.4 not erect any Improvement or structure over the Services.
- 8.15 A Member, lessee, invitee or any other person shall not cause any form of disturbance or nuisance on or in any property forming part of the estate and any such conduct shall be subject the disciplinary powers invested in the Association.
- 8.16 A Member shall not erect or permit the erection of any advertising boards on any Erf without the written approval of the Trustees. A Member shall not during the construction of Improvements, permit the erection of more than one (1) advertising board on an Erf and such permitted board shall not have a surface area exceeding 1 (one) square metre and shall be removed immediately upon conclusion of the building contract for the Improvements.
- 8.17 A Member shall procure adequate insurance in respect of the improvements to his Erf, and, if requested by the Trustees, shall furnish proof of such insurance to them. In the event of the total- or partial destruction of an improvement, the Member must, within a reasonable time period, reinstate the Improvements in accordance with the Design Guidelines and in accordance with building plans to be approved by the Trustees.

9. IMPROVEMENTS AND LANDSCAPING BY MEMBERS

- 9.1 No Member may commence with the construction of an improvement in respect of his Erf or of any other item included in the Design Guidelines without the written approval of the Trustees, and without the approval of the building plans in respect of the Improvements by the Trustees and by the Municipality.
- 9.2 Subject to clause 9.3 below, the Trustees will only approve the building plans in respect of improvements if they are satisfied that the proposed improvements comply with the Design Guidelines for the purpose of which the Trustees shall be the sole arbitrator and their decision shall be final and binding on the Member. The Trustees may submit the building plans to an Architect appointed by them for his scrutiny and

advice.

- 9.3 To obtain the written approval of the Trustees in terms of clause 9.1 above a Member shall:
- 9.3.1 apply to the Trustees in writing;
- 9.3.2 where applicable, submit building plans, and such additional documents as may be required, to the Trustees for examination and approval; and
- 9.3.3 pay a reasonable scrutiny fee and any further charges payable to the Architect and other costs incurred by the Trustees.
- 9.4 No Member shall submit any building plans to the Municipality without prior approval of the building plans by the Trustees.
- 9.5 Once the Trustees have approved the building plans, the Member shall submit the building plans to the Municipality for approval.
- 9.6 Having obtained the approval of the Municipality, the Member shall:
- 9.6.1 pay the building deposit as required by the Trustees from time to time; and
- 9.6.2 comply with all terms, conditions and changes required by the Trustees and the conditions and standards imposed by the Municipality insofar as these may be additional to the requirements of the Design Guidelines read with the building plans.
- 9.7 Any dispute relating to the Design Guidelines and/or proposed improvements may be referred to the Association's Disciplinary Committee (constituted as set out in Annexure D hereto) which shall be supplemented by a member with legal qualifications (if necessary). The Disciplinary Committee will consult an independent architect agreed to by the parties to the dispute who shall act as an expert. The

Disciplinary Committee is authorised to act as an arbitrating body to resolve the dispute. The decision of the Disciplinary Committee will be binding on the parties to the dispute.

- 9.8 In the event of any Improvements being erected in contravention of the building plans or the Design Guidelines, the Trustees shall be entitled to do whatever is necessary to rectify the contravention, that shall include the right to obtain a Court Order rectifying such contravention in which event the Member shall be liable to pay the costs occasioned by such legal action on a scale of Attorney and own client.
- 9.9 No Member or Lessee shall erect any fence or wall or any other structure on an Erf or remove same without the prior written consent of the Trustees.
- 9.10 All landscaping and Improvements shall be of approved design and sound construction and shall comply with the provisions of the Design Guidelines.
- 9.11 Each Member shall, when applying to the Trustees for their approval in terms of clause 9.1 above, pay a building deposit to the Association, in the amount determined by the Trustees from time to time, which amount shall be retained by the Association until completion of construction to the satisfaction of the Trustees.
- 9.12 Upon completion of construction, the Trustees shall, if they are satisfied that no damage has been caused by the Member or his contractors to the Common Property, and that the Improvements were constructed in accordance with the approved building plans, release the building deposit to the Member, excluding any interest thereon which will accrue to the Association.
- 9.13 In the event of Improvements not complying with the building plans and/or damages having been caused to the Common Property, the Trustees shall by written notice inform the Member that the building deposit shall be retained until the Improvements have been rectified and/or the damages have been repaired to their satisfaction and/or that the building deposit will be utilised by the Association to repair the damages.

10. DESIGN GUIDELINES

10.1 The Trustees may amend the Design Guidelines from time to time subject to the directions given or restrictions imposed by the Members at a general meeting of the Association.

10.2 The Design Guidelines may include provisions governing:

10.2.1 the architectural design and standard of Improvements, and aesthetic requirements, and the material to be used, in respect of Improvements;

10.2.2 the relationship of Improvements to adjacent Common Property;

10.2.3 the maintenance of Improvements;

10.2.4 building activities within the Development; and

10.2.5 landscaping within the Development.

10.3 Having regard to the contents of the Design Guidelines, the Trustees shall have the power to:

10.3.1 administer the Design Guidelines;

10.3.2 perform such acts as are necessary to accomplish the purposes expressed or implied in the Constitution, including but not limited to:

10.3.2.1 the examination and approval of building plans for the construction of Improvements; and

10.3.2.2 the evaluation of landscaping proposals;

- 10.3.3 appoint an Architect and such advisors as may be necessary with such powers and duties as may be delegated by the Trustees;
 - 10.3.4 impose a scrutiny fee on the Members as may be required by the Architect to scrutinise the building plans and such other further charges as may be necessary to consult with professionals; and
 - 10.3.5 require a building deposit from the Members.
- 10.4 Subject to the directions given or restrictions imposed by the Members at general meetings, the Design Guidelines may be added to, amended, substituted, or repealed from time to time by a resolution of the Trustees, provided that:
- 10.4.1 the Design Guidelines shall not introduce more restrictive development rules or land uses than provided in the Development Management Scheme;
 - 10.4.2 in the event of the provisions of the Design Guidelines being amended or added to and such amendment or addition materially affects any further development of Erven the Trustees shall by written notice inform all Members of the amendment to the Design Guidelines; and
 - 10.4.3 the amended Design Guidelines shall be lodged with the Municipality.

11. RULES

- 11.1 The Trustees may formulate and issue and amend Rules from time to time, subject to the directions given or restrictions imposed by the Members at general meetings of the Association.
- 11.2 The Rules may include:
 - 11.2.1 the use and enjoyment of Properties, and restrictions on the use and enjoyment thereof;

- 11.2.2 the use and enjoyment of the Common Property and amenities of the Development, and restrictions on the use and enjoyment thereof;
- 11.2.3 the conduct of persons generally within the Development, and to prevent a nuisance to owners and lessees;
- 11.2.4 requirements and conditions relating to the keeping of pets on Properties;
- 11.2.5 the appearance of improvements and landscaping;
- 11.2.6 the letting of Properties;
- 11.2.7 the security measures applicable to the Development;
- 11.2.8 the control of traffic and parking in the Development;
- 11.2.9 refuse disposal and prohibiting littering;

and generally any other provisions in furtherance and promotion of the objects of the Association or which would be to the benefit of the Association and the Members.

- 11.3 The Trustees may formulate and issue and amend the Rules from time to time, subject to the directions given or restrictions imposed by the Members at general meetings of the Association. The Members shall be bound by the Rules.
- 11.4 Rules may be formulated, issued and amended from time to time for the following purposes:
 - 11.4.1 as to the resolution of disputes generally;
 - 11.4.2 for the furtherance and promotion of the objects of the Association and for the better management of the affairs of the Association;

11.4.3 for setting out processes and procedures relating to conducting disciplinary processes against members who transgress the conduct rules and regulatory measures formulated in terms of the Constitution;

11.4.4 for the advancement of the interests of Members;

11.4.5 for the conduct of Trustees at meetings of the Trustees and general meetings of the Association; and

11.4.6 to assist it in administering and governing its activities generally.

12. LEVY FUND AND BUDGET

12.1 The Trustees shall establish and maintain a levy fund for the purpose of meeting all expenses of the Association for the control, management and administration of the common property and the services and amenities in respect of the Development and for the payment of all expenses necessary or reasonably incurred in connection with the management of the Association and its affairs.

12.2 The Trustees shall estimate the amount which will be required by the Association to meet its expenses during each financial year. Any deficiency incurred during the preceding financial year, and an estimate of an amount to be held in reserve to meet anticipated future expenditure not of an annual nature, shall be taken into consideration in determination of the levy.

12.3 The Trustees shall at least one (1) month before the end of each financial year, prepare and finalise the budget of the Association for the ensuing financial year. The budget and the levy proposed for the next financial year shall be tabled at the annual general meeting for the consideration of the Members.

12.4 The trustees shall maintain a reserve account to provide for foreseeable future financial expenses that the Association will be responsible for. The level of such a

reserve account will be directed by the members at the Annual General Meeting . Trustees will take such a provision to build up the reserve account into account when determining the levy for the next financial year.

13. DETERMINATION OF LEVIES

- 13.1 Before the end of each financial year, the Trustees shall determine the annual levies due by the Members for the ensuing financial year by apportioning the budget to Members as annual levies equally in respect of every erf in the Development. The annual levy may include a contribution to the Reserve Account to cover foreseeable future expenses that the Association will be responsible for. The Trustees shall, by making a resolution to such effect, determine the annual levies due by the Members.
- 13.2 The annual levies determined in terms of clause 13.1 shall become effective or due from the date of passing of the Trustees' resolution. The annual levies shall be paid in equal monthly instalments over a period of twelve (12) months, monthly in advance, on or before the 1st (first) day of every succeeding month of the financial year. If any Member defaults in the payment of any monthly instalment, the balance of the annual levy due by the Member in respect of the financial year shall become immediately payable.
- 13.3 Notwithstanding the general principles applicable to the apportionment of the Levies as stipulated in clause 13.1, the Trustees shall be entitled to recover a contribution from a Member toward water and sewerage, in accordance with his water meter reading and toward refuse disposal, in accordance with the apportionment made by the Municipality.
- 13.4 Where payment of any debt due by a Member is made by way of cheque or debit order, and such cheque is referred to drawer for any reason whatsoever, and/or if such debit order is unpaid for any reason whatsoever, the Trustees shall be entitled, in their sole discretion, to levy reasonable administration charge in respect of each such occurrence in an amount to be determined by the Trustees from time to time.

- 13.5 The Trustees may, from time to time, impose special levies upon Members in respect of all expenses, which have not been included in the budget, provided they shall first obtain the authorisation of the Members by ordinary resolution. Special levies shall become due from the date of passing of the Trustees' resolution and shall be apportioned to Members in accordance with clause 13.1 above. Special levies shall be payable in one sum or in such instalments and at such time or times as the Trustees shall determine.
- 13.6 Upon taking transfer of an erf, the new Member shall become liable to the Association for the payment of the Levies in respect of the erf. No Member shall be entitled to transfer his erf until the Trustees have certified that the Member has, at the date of transfer, paid all amounts owing by him to the Association, or has made provision for such payment to the satisfaction of the Trustees.
- 13.7 Liability for the payment of Levies to the Association shall vest in the owners of erven. Where any erf is owned by more than one person, all the registered owners of that erf shall be jointly and severally liable for the due performance of any obligation to the Association.
- 13.8 If a Member fails to pay his levies in full to the Association on the due date, the Association may institute an action for the recovery thereof in any competent court.
- 13.9 Members shall be liable for payment of interest on arrear levies and outstanding amounts at the prime rate plus six percent (6%). Interest calculated at the determined rate is recoverable from the date on which the amount is due and payable to the date of payment, both days inclusive.
- 13.10 A Member shall be liable for and shall pay all costs, including all legal costs on the scale as between attorney and own client together with collection commission, advocates' fees, administrative costs and all other expenses and charges, incurred by the Association in obtaining recovery of arrear levies, penalties, damage or other amounts due to the Association, or in enforcing compliance with the provisions of the Constitution. Such costs and expenses may be added to the owner's levy account and

recovered in the same manner as applies to arrear Levies, together with interest at the rate applicable to levies.

- 13.11 All moneys received from a Member towards his levy account, shall be apportioned firstly towards interest, then towards legal- and other administrative costs, and then towards levies or other service charges.

14. THE TRUSTEES OF THE ASSOCIATION

- 14.1 The Trustees shall be elected at each annual general meeting of the Association by Ordinary Resolution. The Association may from time to time determine the number of Trustees at the annual general meeting, provided that there shall be at least three (3) Trustees.

- 14.2 A Trustee shall be an individual and needs to be a Member of the Association, and may include duly authorised representatives of Members who are juristic persons.

- 14.3 A Trustee shall, by accepting his appointment as such, be deemed to have agreed to be bound by the provisions of the Constitution and shall at all times act in good faith in the interest of the Association.

- 14.4 Subject to the provisions of clause 14.5, each Trustee shall continue to hold office until the next annual general meeting of the Association following his appointment, at which meeting each Trustee shall be deemed to have retired from office as such but will be eligible for re-election.

- 14.5 A Trustee shall be deemed to have vacated his office as such upon:

14.5.1 his estate being sequestrated, whether provisionally or finally or upon his surrendering his estate;

14.5.2 his making any arrangement or compromise with his creditors;

- 14.5.3 his conviction for any offence involving dishonesty;
 - 14.5.4 his becoming of unsound mind or being found mentally handicapped;
 - 14.5.5 his resigning from such office in writing;
 - 14.5.6 his death;
 - 14.5.7 him not meeting the requirements of being director of a company in terms of the Companies Act
 - 14.5.8 his being removed from office by an Ordinary Resolution of the Members; or
 - 14.5.9 his being in arrears with his Levies or any other amounts due to the Association for one (1)month, or more.
 - 14.5.10 his fellow Trustees having had a vote of no confidence in him.**
- 14.6 Notwithstanding the fact that a Trustee shall be deemed to have vacated his office as provided in clause 14.5, anything done by such Trustee in the capacity of a Trustee in good faith shall be valid until the fact that he is no longer a Trustee has been recorded in the minutes of the meeting of the Trustees.
- 14.7 Should the office of a Trustee fall vacant prior to an annual general meeting, the vacancy in question may be filled by the remaining Trustees. The person so appointed shall hold office until the next annual general meeting following his appointment.
- 14.8 Within seven (7) days of the holding of each annual general meeting of the Association, the Trustees shall meet and shall elect from their own number the Chairperson who shall hold office until the annual general meeting held next after his appointment, provided that the office of Chairperson shall automatically be vacated by the Trustee holding such office upon his ceasing to be a Trustee for any reason. In the event of any vacancy occurring in the office of Chairperson, the Trustees shall

meet as soon as reasonably possible to appoint one of their number as a replacement in such office.

- 14.9 Save as otherwise provided in the Constitution, the Chairperson shall preside at all meetings of the Trustees and at all general meetings of the Association and shall perform all duties incidental to the office of Chairperson and such other duties as may be prescribed by a resolution of the Trustees or by an ordinary resolution of the Members.
- 14.10 The Chairperson may allow or refuse to allow guests to speak at any meetings of the Trustees and general meetings of the Association. A Member or the duly authorized representative of a Member or the spouse of a Member (who is also a Member) must be allowed to speak at any general meeting of the Association, subject to the discretion of the Chairperson as regard to time constraints and the order of the meeting.
- 14.11 Members and duly authorized representatives (i.e. Directors, Members or Trustees) of Members that are juristic persons may attend Trustees' meetings and may speak on any matter on the agenda, but they are not entitled to propose any motion or to vote; provided that such persons are not entitled to attend those parts of Trustee meetings that deal with —
- 14.11.1 discussions of contraventions of the Constitution; or
- 14.11.2 any other matters in respect of which the Trustees resolve that the presence of any such persons would unreasonably interfere with the interests of the Association or any person's privacy.

15. FUNCTIONS, POWERS AND DUTIES OF THE TRUSTEES

- 15.1 The functions, powers and duties of the Association shall, subject to the provisions of the Constitution and to any directions given or restrictions imposed by ordinary

resolution at general meetings, be performed and exercised by the Trustees.

- 15.2 Without detracting from the scope of the additional duties specified in the Constitution, the Trustees shall perform the functions referred to in clause 6.2 of the Constitution.
- 15.3 The Trustees shall do all things reasonably necessary for the control, management and administration of the Development in terms of the powers conferred upon the Association by clause 6.3 of the Constitution.
- 15.4 The Trustees shall have the right to vary, cancel or modify any of their decisions and resolutions from time to time.
- 15.5 All Trustees must disclose any conflict of interest that they may have in relation to the Association.
- 15.6 The Trustees shall have the right to co-opt any member as a Trustee. A co-opted Trustee shall enjoy all the powers and be subject to all the obligations of the Trustees provided that such co-opted Trustee shall only serve until the next annual general meeting.
- 15.7 The Trustees shall do all things reasonably necessary for the enforcement of the Constitution. The Trustees may, should they so decide, investigate any suspected or alleged breach by any Member or Lessee of the Constitution in such reasonable manner as they shall decide from time to time.
- 15.8 Without in any way limiting the powers granted the powers of the Trustees shall include:
- 15.8.1 to appoint for and on behalf of the Association, such agents and employees as they deem fit in connection with the control, management and administration of the Development and common property and the exercise and performance of any of the powers and duties of the Association;

- 15.8.2 the determination of what constitutes appropriate standards for residential living, in compliance with the Rules;
- 15.8.3 the determination of what constitutes appropriate standards for Improvements and landscaping in compliance with the Design Guidelines;
- 15.8.4 to require any Member, who shall be obliged, to repaint or renovate his property if in the reasonable opinion of the Trustees such property requires essential repairs or have become dilapidated;
- 15.8.5 entering into agreements with third parties on behalf of the Association for any purpose of the Association;
- 15.8.6 form a disciplinary committee from the existing trustees and members to conduct disciplinary hearings of members in relation to violations relating to any provision of the Constitution or Rules with the power to prescribe the process that should be followed to resolve a dispute with a member including the power to impose a fine for such a transgression.
- 15.8.7 regulate relations between members themselves, between members and the Association;
- 15.8.8 delegate to one or more Trustees such of their powers and duties as they deem fit and at any time to revoke such delegation;
- 15.8.9 form committees for the performance of designated tasks on behalf of the Trustees;
- 15.8.10 institute, conduct, defend, compound or abandon any legal proceedings by or against the Association or otherwise concerning the affairs of the Association and agree to time and terms for payment or satisfaction of any debts due or of any claims or demands made by or against the Association;

- 15.8.11 impose, upon members, penalties for contraventions by members or their invitees or lessee or the invitees of the lessee of any provision contained in the Constitution and to recover, by legal action or otherwise, such penalties from its members or former members; and
- 15.8.12 generally do all acts and deeds as might be required necessary, conducive, ancillary or incidental to the attainment or furtherance of the objects and powers of the Association.
- 15.9 Each Trustee shall stand in a fiduciary relationship to the Association. A Trustee shall be disqualified from voting at a meeting of the Trustees in respect of any contract or proposed contract or any litigation or proposed litigation or any dispute with the Association by virtue of any interest he may have therein.
- 15.10 No agreement concluded on behalf of the Association shall be valid and binding unless it is signed by one (1) Trustee specifically appointed as authorised signatory in terms of a resolution of the Trustees.
- 15.11 Trustees shall be entitled to be repaid all reasonable expenses incurred by them in or about the performance of their duties as Trustees and/or as Chairperson, as the case may be, in good faith. Unless otherwise determined by an ordinary resolution, Trustees shall not be entitled to any other remuneration, fees or salary in respect of the performance of such duties. No Trustee shall be capable of being employed by the Association in such Trustee's professional capacity.
- 15.12 Trustees may not make loans on behalf of the Association to Members or to themselves.
- 16. PROCEEDINGS OF THE TRUSTEES**
- 16.1 The Trustees may meet for the dispatch of business, adjourn and otherwise regulate their meetings as they deem fit, subject to the provisions of the Constitution.

- 16.2 Meetings of the Trustees shall be held at least once every three (3) months, whenever reasonably required.
- 16.3 The Chairperson may at any time call a Trustee meeting by giving all other Trustees not less than seven (7) days' written notice of the time and place of the meeting and by setting out an agenda for the meeting, provided that:
- 16.3.1 in cases of urgency, such shorter notice as is reasonable in the circumstances may be given; and
- 16.3.2 notice need not be given to any Trustee who is absent from the Republic of South Africa.
- 16.4 A Trustee may, provided that he has the support in writing of one (1) other Trustee, at any time call a Trustee meeting by giving all other Trustees not less than seven (7) days' written notice of the time and place of the meeting and by setting out an agenda for the meeting, provided that:
- 16.4.1 in cases of urgency, such shorter notice as is reasonable in the circumstances may be given; and
- 16.4.2 notice need not be given to any Trustee who is absent from the Republic of South Africa.
- 16.5 It is sufficient if the notice is transmitted electronically directly to the Trustees in a manner and form such that the notice can conveniently be printed by the recipient within a reasonable time and at a reasonable cost.
- 16.6 The quorum necessary for the holding of any meeting of the Trustees shall be fifty percent (50%) of the Trustees present personally, with a minimum of two (2) Trustees. If no quorum is present within fifteen (15) minutes after the time for commencement of the Trustee meeting, then it shall stand adjourned for the same time and place on

the following business day and, if at such adjourned meeting of the Trustees, a quorum is not present within thirty (30) minutes after the time appointed for the meeting, the Trustees then present, with a minimum of two (2) Trustees, shall be a quorum.

- 16.7 Any resolution of the Trustees shall be carried by an ordinary majority of all votes cast and each Trustee shall have one (1) vote. In the case of an equality of votes for and against a resolution, the Chairperson shall have a second or casting vote.
- 16.8 The Chairperson shall preside as such at all meetings of the Trustees provided that, should at any meeting of the Trustees, the Chairperson not be present within fifteen (15) minutes after the time appointed for the holding thereof, those present of the Trustees shall vote to appoint a Chairperson for the meeting who shall thereupon exercise all the powers and duties of the Chairperson in relation to such meeting.
- 16.9 The Trustees shall:
- 16.9.1 ensure that minutes are taken of every meeting of the Trustees, although not necessarily word for word, which minutes shall be reduced to writing without undue delay after the meeting has closed and shall after being approved by the Trustees be certified as correct by the Chairperson of the meeting;
- 16.9.2 cause the minutes of meetings of the Trustees to be kept in perpetuity; and
- 16.9.3 on the written application of a Member, the Trustees shall make minutes of their proceedings available for inspection by or on behalf of the applicant, during reasonable hours on business days and/or furnish them with the copies as may be required, against payment of the requisite reasonable charges to defray incurred expenses.
- 16.10 All resolutions recorded in the minutes of any meeting of the Trustees shall be valid and of full force and effect as therein recorded with effect from the passing of such resolutions and until varied or rescinded, but no resolution or purported resolution of

the Trustees shall be of any force or effect or shall be binding upon the Members or any of the Trustees, unless such resolution is competent within the powers of the Trustees.

16.11 Save as otherwise provided in the Constitution, the proceedings at any meeting of the Trustees shall be conducted in such reasonable manner and form as the Chairperson of the meeting shall decide.

16.12 A resolution signed by all the Trustees present for the time being in the Republic of South Africa shall be valid in all respects as if it had been duly passed at a meeting of the Trustees duly convened.

16.13 A Trustee may be represented at a meeting of Trustees by a proxy provided such proxy is a Trustee.

16.14 The instrument appointing a proxy shall be in writing and signed by the Trustee concerned but need not be in any particular form. The proxy shall be deposited with the Chairperson at any time before the time appointed for the commencement of a meeting and shall be valid only for such meeting or any adjournment thereof.

17. MANAGING AGENT

17.1 The Trustees shall, in addition to the powers contained herein, have the power from time to time, if deemed necessary, to appoint in terms of a written contract, a Managing Agent to control, manage and administer the Development and to exercise such powers and duties as may be entrusted to the Managing Agent, including the power to collect levies due to the Association.

17.2 The Trustees shall ensure that there is included in the contract of appointment of a Managing Agent a provision to the effect that if the Managing Agent is in breach of conduct which at common law would justify the termination of a contract between master and servant and mandator and mandatee, the Trustees may, without notice, cancel such contract of employment or mandate and the Managing Agent shall have

no claim whatsoever the Trustees and/or the Association as a result of such cancellation.

18. GENERAL MEETINGS OF THE ASSOCIATION

18.1 The first general meeting of the Association will be held within sixty (60) days from transfer of the first Erf. The Association shall each year within 6 (six) months of each financial year-end of the Association hold an annual general meeting. Such annual general meetings shall be held on such date and at such time and place, subject to the foregoing provisions, as the Trustees shall decide from time to time.

18.2 All general meetings other than annual general meetings shall be called general meetings.

18.3 The Trustees may, whenever they deem fit, convene a special general meeting. A special general meeting shall also be convened on a request made by the Members representing not less than twenty five percent (25%) of the votes. Should the Trustees fail to convene a special general meeting by written notice within fourteen (14) days of such request, the Members may convene the general meeting themselves with at least fourteen (14) days' written notice to all Members in terms of clause 19 of this Constitution.

19. NOTICE OF GENERAL MEETINGS

19.1 An annual general meeting or special general meeting of the Association shall be called by not less than fourteen (14) days' written notice to all Members and Trustees. The notice shall specify the place, day, hour and business of the meeting.

19.2 A general meeting of the Association shall, notwithstanding that it is called by shorter notice than that specified in the Constitution, be deemed to have been duly called if it is agreed to by the Members holding not less than sixty percent (60%) of the votes.

19.3 The accidental omission to give notice of any meeting or any resolution or to present

any document required to be given or sent in terms of the Constitution, shall not invalidate the proceedings at, or any resolution passed at, any meeting.

- 19.4 The non-receipt of a notice of a meeting by any person entitled to receive notice shall not invalidate the proceedings at, or any resolution passed at, any meeting.

20. PROXIES AT GENERAL MEETINGS

- 20.1 A Member may be represented at a general meeting by a proxy, who must be a Member of the Association.

- 20.2 The instrument appointing a proxy shall be in writing signed by the Member concerned or his appointed agent, duly authorised in writing, but need not be in any particular form, provided that:

20.2.1 where a Member is more than one person, any one of those persons may sign the instrument appointing a proxy on such Member's behalf;

20.2.2 where a Member is a company, the proxy may be signed by a director of such company, duly authorised thereto by a resolution of the directors of the company;

20.2.3 where a Member is a close corporation, the proxy may be signed by a member of such close corporation, duly authorised thereto by a resolution of the members of the close corporation;

20.2.4 where a Member is a trust, the proxy may be signed by a Trustee of such trust, duly authorised thereto by a resolution of the Trustees of the trust;

20.2.5 where a Member is an association of persons or a club, the proxy may be signed by a committee member or the secretary, duly authorised thereto by a resolution of the committee of the association or the committee of the club.

20.3 The instrument appointing a proxy and the power of attorney or other authority under which it is signed (if any) shall be deposited at the *domicile* address of the Association, either by hand or by post, or shall be transmitted by facsimile or by electronic mail to the fax number or e-mail address of the Association, or shall be handed to the Chairperson at any time before the time appointed for the commencement of the general meeting. The authorising resolution referred to in clause 20.2 above shall not be required to be submitted to the Association. Notwithstanding the foregoing, the Chairperson of the meeting may agree to accept a proxy tendered at any time during the general meeting.

20.4 The instrument appointing a proxy shall be valid only for the specific meeting or the adjournment thereof.

21. QUORUM AT GENERAL MEETINGS

21.1 No business shall be transacted at any general meeting unless a quorum is present when the meeting proceeds to business and when any resolution is to be passed. The quorum necessary for the holding of any meeting shall be the number of Members holding at least twenty percent (20%) of the votes of the Members.

21.2 If, within thirty (30) minutes after the time appointed for the commencement of the general meeting, a quorum is not present, the meeting, if convened on the requisition of the Members, shall be dissolved. In all other cases the general meeting shall stand adjourned to the same day in the next week at the same place and time and, if at such adjourned meeting, a quorum is not present, the Members present in person or by proxy shall constitute a quorum.

22. AGENDA AT ANNUAL GENERAL MEETINGS

The following matters shall be dealt with at every annual general meeting:

22.1 the approval of the minutes of the previous annual general meeting of the

Association;

- 22.2 the consideration of the Chairperson's report;
- 22.3 the determination of the number of Trustees and the election of Trustees;
- 22.4 the consideration of the financial statements of the Association for the preceding financial year;
- 22.5 the consideration of the budget, approved by the Trustees and the annual levies or ordinary levies payable, as determined by the Trustees;
- 22.6 the appointment of the Auditors;
- 22.7 the consideration of any ordinary resolution proposed for adoption by a Member, and the voting upon any such ordinary resolutions, provided that prior notice shall be given of the ordinary resolutions in as far as may be possible;
- 22.8 the giving of directions to or the imposing of restrictions on the Trustees; and
- 22.9 any other business pertinent to such meeting.

23. PROCEDURE AT GENERAL MEETINGS

- 23.1 The Chairperson shall preside as such at all general meetings provided that should he not be present within fifteen (15) minutes after the time appointed for the holding thereof, then the Members present at such meetings shall vote to appoint a Chairperson for the meeting who shall thereupon exercise all the powers and duties of the Chairperson in relation to such meeting.
- 23.2 The Chairperson may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn a meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting

other than the business that might have been transacted at the meeting from which the adjournment took place. No notice need to be given of the adjourned meeting save for an announcement at the meeting of the date, time and venue of the adjourned meeting unless the meeting is to be adjourned for thirty (30) days or more, in which event notice is to be given in the same manner as for the original meeting. Only business left uncompleted at the original meeting may be transacted at the adjourned meeting.

- 23.3 Save as otherwise provided in the Constitution, the proceedings at any general meeting shall be conducted in such reasonable manner and form as the Chairperson of the meeting shall decide.

24. VOTING AT GENERAL MEETINGS

- 24.1 Subject to clause 24.6 below, at every general meeting, every Member present in person or by proxy and entitled to vote shall on a show of hands and on a poll have one (1) vote per erf registered in his name, provided that where an erf is registered in more than one person's name, they shall jointly have one (1) vote and the vote shall be exercised by one person only.
- 24.2 At any general meeting, an ordinary resolution put to the vote at the meeting shall be decided on a show of hands, unless before or on the declaration of the result of the show of hands, a poll is demanded by any Member. If a poll is demanded, it shall be taken in such manner as the Chairperson directs and the result of the poll shall be deemed to be the ordinary resolution of the meeting at which the poll was demanded.
- 24.3 No vote may be exercised in respect of an Erf, where the Member is in arrears with his Levies or any other amounts due to the Association for more than two (2) months and the Member concerned or the duly authorised representative of the Member that is a juristic person shall not be entitled to be appointed as a Trustee.
- 24.4 At any general meeting, an ordinary resolution put to the vote at the meeting shall be

decided on an ordinary majority of votes represented by Members entitled to vote thereon present in person or by proxy in accordance with the value of votes recorded in clause 24.1 above.

- 24.5 Voting on any question of adjournment shall be decided by an ordinary resolution on a show of hands.
- 24.6 Unless any Member present in person or by proxy at the meeting shall, before closure of the meeting, have objected to any declaration made by the Chairperson of the meeting as to the result of any voting at the meeting, or to the propriety or validity of the procedure at such meeting, such declaration by the Chairperson shall be deemed to be a true and correct statement of the voting and the meeting shall be deemed to have been validly constituted and conducted and an entry in the minutes of the Association to the effect that any motion has been carried or lost, with or without a record of the number of votes recorded in favour of or against such motion, shall be conclusive evidence of the resolution so recorded if such entry conforms with the declaration made by the Chairperson of the meeting as to the result of any voting at the meeting.

25. MINUTES OF GENERAL MEETINGS

- 25.1 The Trustees shall ensure that minutes are taken of every general meeting of the Association, although not necessarily word for word, which minutes shall be reduced to writing without undue delay after the general meeting has closed and shall after having been approved by the Members at the following general meeting, be certified as correct by the Chairperson of the meeting.
- 25.2 The Trustees shall keep all minutes of general meetings of the Association in perpetuity.
- 25.3 On the written application of a Member, the Trustees shall make the minutes of general meetings available for inspection by or on behalf of the applicant during reasonable hours on Business Days and/or furnish them with the copies as may be

required against payment of the requisite reasonable charges to defray incurred expenses.

- 25.4 All resolutions recorded in the minutes of any general meetings of the Association shall be valid and of full force and effect as therein recorded, with effect from the passing of such resolutions and until varied or rescinded, but no resolution or purported resolution of the Association shall be of any force or effect, or shall be binding upon the Members or any of the Trustees, unless such resolution is competent within the powers of the Association.

26. FINANCIAL YEAR OF THE ASSOCIATION

Unless otherwise decided at a general meeting or by the Trustees, the financial year of the Association shall run from the first day of March in each year to the last day of February of the following year.

27. BOOKS OF ACCOUNT AND FINANCIAL STATEMENTS

- 27.1 The Trustees shall cause proper books of account and records to be kept so as fairly to explain the transactions and financial position of the Association.
- 27.2 At each annual general meeting the Trustees shall lay before the meeting financial statements for the immediately preceding financial year of the Association. The financial statements shall be drawn up in accordance with generally accepted accounting practice and shall be accompanied by such additional reports as may be necessary at the discretion of the Trustees. Copies of the financial statements and reports shall be attached to the notice convening each annual general meeting.
- 27.3 The Trustees shall cause all books of account and records to be retained for a period of seven (7) years after completion of the transactions, acts or operations to which they relate.
- 27.4 On the written application of a Member, the Trustees shall make all or any of the

financial statements, books of account and records available for inspection by or on behalf of the applicant during reasonable hours on Business Days and/or furnish them with the copies as may be required against payment of the requisite reasonable charges to defray charges incurred.

28. DEPOSIT AND INVESTMENT OF FUNDS

- 28.1** The Trustees shall cause all moneys received by the Association to be deposited to the credit of an account or accounts with a registered South African commercial bank in the name of the Association. Subject to any directions given or restrictions imposed by the Members at general meetings of the Association, moneys shall only be withdrawn from the bank account for the purpose of payment of the expenses of the Association or for investment purposes.
- 28.2** The Trustees shall have the ability to invest no more than 50% of the Reserve Account created in terms of clause 12.4 in a conservative equity investment fund in a Collective Investment Scheme in terms of the Collective Investment Schemes Act. The balance should be invested in a fixed interest bearing account in a Bank or Money Market account in a Collective Investment Scheme in terms of the Collective Investment Schemes Act.
- 28.3** The Trustees may authorise a Managing Agent to administer and operate the accounts referred to in clause 28.1 above, subject to such conditions and restrictions as they may impose.
- 28.4** Any funds not immediately required for disbursements may be invested in a savings account, money market account or similar account with any registered South African commercial bank or with a Financial Institution approved by the Trustees from time to time.
- 28.5** The Association shall use interest on moneys invested for any lawful purpose in the interest of the Association.

29. AUDIT

29.1 Once at least in respect of every financial year, the accounts of the Association shall be examined and the correctness of the financial statements be ascertained by the Auditors.

29.2 The duties of the Auditors shall be regulated in accordance with general practise and applicable professional standards in terms of the Auditing Profession Act, No. 26 of 2005.

30. INDEMNITY OF THE TRUSTEES

30.1 All the Trustees shall be indemnified by the Association against any liabilities incurred by them in good faith in their capacities as such, as well as for all costs, losses and expenses (including travelling expenses) which they may incur or become liable for, by reason of any authorised contract entered into, or any authorised act or deed done, in the discharge of any of their duties and, without detracting from the generality thereof, whether defending any proceedings, civil or criminal or otherwise in which relief is granted by a court.

30.2 A Trustee shall not be liable for the acts, or omissions, of the Auditors or of any of the other Trustees or for any loss or expense sustained or incurred by the Association through the insufficiency or deficiency of any security in or upon which moneys of the Association are invested, or for loss or damage arising from the insolvency or wrongful act of any person with whom any moneys, securities or effects are deposited, or for any loss or damage occasioned by any error of judgement or oversight on his part or for any loss, damage or misfortune of whatsoever nature occurring in the execution of his duties or in relation thereto, unless occurring as a result of lack of good faith, breach of duty or breach of trust.

30.3 The indemnity referred to in this clause 30 shall not apply in favour of the Managing Agent.

31. DEFAMATION PRIVILEGE

Every Member of the Association and every Trustee shall be deemed by virtue of his membership or, as the case may be, his holding office as a Trustee, to have waived as against every other Member, the Chairperson, every other Trustee, the Auditors, and everybody else engaged to perform the function or duty on behalf of or for the benefit of the Association, or the Trustees, or any sub-committee, all claims and rights of action which such Member or Trustee might otherwise have had in law arising as a result of any statement, report, complaint, or notice of, or concerning such Member or Trustee, or any reference to such Member or Trustee, made at any meeting of the Trustees or general meeting, or otherwise in the performance or exercise of any right, function, duty, power or trust, within the ambit of the Constitution, being a statement, report, complaint, notice or reference defamatory to such Member or Trustee, or otherwise injurious to the dignity, reputation, business or financial interest of such Member or Trustee, whether such statement be true or false, unless made in bad faith or resulting from gross negligence.

32. EXCLUSION OF LIABILITY

- 32.1 Any Member or other person present in the Development or on the Common Property or using any of the amenities or services of the Association does so entirely at their own risk.
- 32.2 No Member or other person shall have any claim against the Association, the Trustees, the Managing Agent, or any agents, employees or contractors of the Association, of whatsoever nature arising from such use of the Association's amenities. Any claim of a Member or any other person shall be limited to the amount actually recovered by the Association from the receipt of proceeds of any general public indemnity liability insurance, if any. If and to the extent that the Association does not have any such public indemnity liability insurance, no such person shall have any claim against the Association.
- 32.3 The Association, the Trustees, the Managing Agent or any of the agents, employees or

contractors of the Association shall not be liable for any loss (including consequential loss), injury, loss of life or damage to person or property of any nature whatsoever which any Member or other person whatsoever may sustain:

32.3.1 by reason of any defect in or state of disrepair of the Common Property, or any amenities, facilities, services or property of the Association, or any part thereof, or any fittings, fixtures, equipment or appurtenances of whatsoever nature therein, notwithstanding that such effect or state of disrepair may be due to or occasioned wholly or in part by any act or omission (whether negligent or otherwise) of the Association, the Trustees, the Managing Agent, or any of the agents, employees or contractors of the Association; or

32.3.2 directly or indirectly, in or about the Development (including, without limiting the generality of the foregoing, the Common Property and any property of the Association, whether such injury, loss or damage be due to theft, the action of rain, wind, hail, lightning, explosion, spontaneous combustion, gas, fire water leakage, seepage, cessation or interruption of or defect in any electric, gas, fuel, water, sanitary, telephone, air conditioning or other Services to the Development (irrespective of the cause thereof), or be due to or occasioned wholly or in part by any act or omission (whether negligent or otherwise) of the Association, the Trustees, the Managing Agent, or any of the Association's agent's, employees or contractors, or be due to riots, strikes, civil commotion or any other cause whatsoever.

32.4 The Members undertake in favour of the Association, as soon as practical, to notify their Lessee and their Invitees, of the provisions of this clause 32, and to take all such steps required and/or necessary to ensure that such persons agree hereto in writing in such form as the Trustees may from time to time determine so as to enable the Association to accept the benefits hereof at any time without notice to such person.

32.5 Every Member individually hereby fully and completely indemnifies and holds harmless the Association against all claims of whatsoever nature and howsoever arising which may be brought against the Association by the Member, the Lessee of

his Property or any Invitee of the Member or Lessee, or any other person present within the Development at the invitation of or under the control of the Member concerned, notwithstanding the nature of such claim.

32.6 The Association shall not be liable for any costs of suit in any legal proceedings instituted against it in any court or arbitration forum or other tribunal by any Member. The exclusion herein contained will not apply if the proceedings in question are founded on any conduct of the Association or its representatives or employees which is alleged by the claimant, and found by the court, arbitrator or tribunal, as the case may be to be mala fide or wilfully wrongful or based on gross negligence.

32.7 The Association shall not be liable for any damage suffered by a Member or Lessee or any other person present in the Development by reason of power surges.

33. COMMON PROPERTY

33.1 The Association has obtained ownership of the common property. The Trustees shall control and manage the common property and the Services, common landscaping, irrigation and amenities in respect of the common property.

33.2 The Trustees shall maintain the common property in a state of good and serviceable repair.

33.3 The Trustees may subject to the directions given or restrictions imposed on the Trustees by ordinary resolution at a general meeting of the Association:

33.3.1 construct improvements on the common property, or remove improvements;

33.3.2 repair, maintain, upgrade and provide Services in respect of the common property; and

33.3.3 enter into agreements with service providers or other persons in respect of the common property.

33.4 Neither the whole nor any portion of the common property shall be sold, alienated or otherwise disposed of, subdivided, mortgaged, or subjected to any servitudes or other rights to be registered in the Deeds Registry, save as specified in the conditions of establishment, without the sanction of a special resolution and subject to the approval of the Municipality.

33.5 The Trustees shall control the access to and use of the common property and the facilities and Services of the Association. Owners and Lessee shall comply with the Rules and the reasonable conditions imposed from time to time by the Trustees relating to the use and enjoyment of the common property and the facilities and services of the Association.

34. **INSURANCE**

34.1 The Trustees shall insure the buildings, improvements, amenities and Services in respect of the Common Property to the full replacement value of such items, subject to negotiation of such excess, premiums and insurance rates as in the opinion of the Trustees are most beneficial to the Members, against such risks determined by the Trustees or as may be directed by an Ordinary Resolution.

34.2 The Trustees shall procure, at the cost of the Association, general public indemnity liability insurance in respect of the Common Property and Services in such amounts and on such terms as the Trustees may from time to time determine or as may be directed by the Members in general meeting.

34.3 When entering into agreement with services providers relating to funds of the Association the Trustees must ensure that such a services provider provides proof of fidelity insurance to ensure that the Association shall be refunded for any loss of money belonging to the Association or for which it is responsible, should such loss be sustained as a result of any act of fraud or dishonesty committed by any insured person being any person contracted or employed by the Association.

34.4 The Trustees may insure against the risk of the non-payment by Members of Levies due to the Association.

34.5 The Members may by an Ordinary Resolution direct the Trustees to insure against such other risks as they may determine.

35. SERVICES

35.1 The Association shall obtain ownership of the Internal Engineering Services. The Association shall maintain and where necessary upgrade the Services in respect of the Development subject to the conditions imposed by the Municipality. The Association shall repair and maintain the main security perimeter wall in respect of the Development.

35.2 The Association controls and maintains the main security perimeter wall in respect of the Development, but excluding the painting of the portions of the security perimeter wall facing private Properties which shall be the responsibility of the Owners of the Properties concerned to paint.

36. DOMICILIUM OF THE ASSOCIATION AND OF MEMBERS

36.2 The Trustees shall from time to time determine the address constituting the *domicilium citandi et executandi* of the Association, subject to the following:

36.2.1 such address shall be the address of the Chairperson, or the address of a Trustee residing within the Development, or shall be the address of any duly appointed Managing Agent;

36.2.2 the Trustees shall give notice to all Members of any change of such address.

36.3 The *domicilium citandi et executandi* of a Member shall be the street address of the Member's Erf.

36.4 A Member may by written notice to the Association alter his *domicilium*, provided that such new address may not be a post office box or *post restante* and provided that such address shall be situated within the Republic of South Africa and shall not be effective until fourteen (14) days after receipt of such notice by the Association.

37. DELIVERY AND ELECTRONIC TRANSMISSION OF NOTICES

37.1 A notice by the Association to any Member in terms of the Constitution shall be in writing and shall be delivered to the Member, either by hand or by prepaid post properly addressed to the Member at his *domicilium citandi et executandi*. It shall be competent to transmit the notice to a Member by telefax or electronic communication (e-mail) where the telefax number or e-mail address of the Member is recorded with the Association.

37.2 Any notice to a Member:

37.2.1 if delivered by prepaid post in a correctly addressed envelope to his *domicilium citandi et executandi*, shall be deemed to have been received on the 5th day after the date when the notice was posted; or

37.2.2 if delivered by hand to the Member, or to a responsible person at the *domicilium citandi et executandi* of the Member, shall be deemed to have been received on the day of delivery; or

37.2.3 if successfully transmitted by telefax to the recorded telefax number of the Member, shall be deemed to have been received on the first (1st) Business Day after the date of transmission; or

37.2.4 sent by e-mail to the recorded e-mail address of the Member, shall be deemed to have been received on the first (1st) Business Day after the date of transmission.

37.3 Notwithstanding anything to the contrary herein contained, a written notice actually received by a Member shall be regarded as adequate written notice to such Member notwithstanding that it was not delivered in accordance with clause 37.1 above.

38. BREACH OF THE CONSTITUTION

38.1 The Trustees may on behalf of and in the name of the Association institute legal proceedings against Members who are in breach of any of the provisions of the Constitution.

38.2 If a Member commits a breach of a provision of the Constitution by failing to pay on due date any Levies, penalties or any other amounts payable by him to the Association and remains in default for more than thirty (30) days, the Trustees may, on behalf of the Association, institute legal proceedings against such Member in any court of competent jurisdiction for payment of such overdue Levies, penalties or other amounts.

38.3 Save for clause 38.2 above, if a Member commits any other breach of any provision of the Constitution and fails to commence to remedy that breach within a period of fourteen (14) days' after the receipt of written notice to that effect by the Trustees, and to complete the remedying of such breach within a reasonable time or as may be specified in the notice, then the Trustees shall be entitled on behalf of the Association, without prejudice to any other rights or remedies which the Trustees, or the Association, or any other Member, may have in terms of the Constitution, or in law, including the right to claim damages, to:

38.3.1 enter upon the Property to take such action as may be reasonably required to remedy the breach and the Member concerned shall be liable to the Association for all costs reasonably incurred, which costs shall be due and payable upon demand, and/or

38.3.2 institute legal proceedings in any court of competent jurisdiction for such relief as the Trustees may consider necessary, and/or

38.3.3 institute proceedings with a competent Ombud for such relief as the Trustees may consider necessary.

38.4 In the event that the Trustees institute proceedings against a Member in terms of the foregoing provisions, the Trustees shall be entitled to recover from such Member all legal costs incurred by the them, including attorney and own client charges, tracing fees and collection commission.

39. IMPOSITION OF PENALTIES

39.1 If the conduct of a Member or Lessee or the Invitees of a Member or Lessee constitute/s a nuisance in the opinion of the Trustees or a contravention of a provision of the Constitution, the Trustees shall by written notice inform the Member of the nuisance or contravention and warn the Member that if he, or the Lessee of his Property or the Invitees of the Member or Lessee fails to remedy the contravention, or persist in, or repeats such conduct or contravention, a penalty will be imposed on the Member.

39.2 If, notwithstanding the written notice in terms of clause 39.1 above, the Member or Lessee fails to remedy the contravention or persist in or repeats such conduct or contravention, the Trustees may, constitute a disciplinary committee that will be empowered to impose a reasonable penalty on the Member.

39.3 The penalty imposed in terms of clause 39.2 above, shall become due on the date of the written notice and must be paid within thirty (30) days of the date of the written notice. Should the penalty remain unpaid, it shall be added to the Member's levy statement and shall be recovered from the Member in the same manner as applies to arrear Levies, together with interest at the rate applicable to arrear levies.

39.4 The Trustees shall, from time to time, determine the amounts of penalties in respect of the various contraventions and in respect of first and successive contraventions, subject to the directions given or restrictions imposed by the Members at general

meetings of the Association.

- 39.5 A penalty may be imposed in respect of each separate contravention. In the event of a continuing contravention, the Member shall be deemed to be guilty of a separate contravention for every twenty four (24) hours or part thereof during which such contravention continues and shall be liable for a penalty in respect of each such separate contravention.
- 39.6 A Member may within thirty (30) days of the date of the written notice in terms of clause 39.2 submit an objection with a motivation against the penalty imposed to the Trustees.
- 39.7 Upon receipt of the objection, the Trustees may:
- 39.7.1 withdraw or reduce the penalty; or
 - 39.7.2 schedule a meeting of the Trustees for the purpose of considering the objection and invite the Member to attend.
- 39.8 At the said meeting of the Trustees referred to in clause 39.7.2 above, the Member shall have the right to:
- 39.8.1 present his case;
 - 39.8.2 present any evidence, including the calling of witnesses to substantiate his case;
 - 39.8.3 cross-examine any person called as a witness in support of the charge;
 - 39.8.4 have access to documents produced in evidence; and
 - 39.8.5 produce mitigating factors.

39.9 The failure of the Member charged to attend the meeting of the Trustees referred to in clause 39.7.2 shall not render the proceedings at the meeting void. Should the Member or his representative not attend the meeting of the Trustees without providing a reasonable request for postponement, the Trustees may in their sole discretion continue with the meeting of the Trustees and consider the objection in the absence of the Member.

39.10 Upon the conclusion of the meeting of the Trustees, the Trustees shall deliberate the evidence, and if so resolved, they may:

39.10.1 uphold the penalty; or

39.10.2 withdraw or reduce the penalty.

40. ARBITRATION

40.1 Should any dispute, question or difference arise between Members or between a Member and the Trustees out of or in regard to:

40.1.1 the interpretation of;

40.1.2 the effect of;

40.1.3 their respective rights or obligations under;

40.1.4 a breach of (save for non-payment of Levies or any other amount due by a Member in terms of the Constitution),

the Constitution, such dispute shall be decided by arbitration in the manner set out in this clause 40.

40.2 The arbitration referred to in clause 40.1 shall:

- 40.2.1 be conducted in an informal summary manner on the basis that it shall not be necessary to observe or carry out either the usual formalities or procedures relating to pleadings or discovery or the strict rules of evidence; and
- 40.2.2 commence as soon as is reasonably possible after it is demanded and with a view to it being concluded within thirty (30) days after it is demanded; and
- 40.2.3 be held in accordance with the provisions of the Arbitration Act, No. 41 of 1965 (as amended from time to time) except insofar as the provisions of this clause 40 shall apply.
- 40.3 The arbitrator shall be a practising advocate or attorney of not less than five (5) years standing appointed by agreement between the parties to the arbitration within seven (7) Business Days of being called upon to make such appointment and, failing such agreement within the period, be appointed by the President of the Legal Practice Council, or their successors in title.
- 40.4 The arbitrator shall in giving his award have regard to the principles contained in the Constitution and he shall decide the matter as submitted to him according to what he considers just and equitable in the circumstances and, therefore, the strict rules of Law need not be observed or be taken into account by him in arriving at his decision. The arbitrator's decision shall be presented within ten (10) business days after the completion of the arbitration in a written document and he shall state the reasons for his decision therein. The arbitrator may determine that the cost of the arbitration be paid either by one or other of the disputing parties or by the Association as he in his sole discretion may deem fit.
- 40.5 The decision of the arbitrator made at such arbitration proceedings:
- 40.5.1 shall be final and binding on the parties to the arbitration;
- 40.5.2 shall be carried into effect immediately; and

40.5.3 may upon application by a party or by the Association be made an order of any Court that has jurisdiction over the parties or property.

40.6 The above remedies subsist without prejudice to the right of any party to institute an action or launch an application in a court of competent jurisdiction or to institute proceedings in terms of the Community Schemes Ombud Service Act, No. 9 of 2011.

40.7 The above remedies subsist without prejudice to the right of any party to refer any matter in dispute to the Members for their decision.

41. FAILURE OF ASSOCIATION TO MEET ITS OBLIGATIONS

41.1 If the Association fails to meet an obligation in this Constitution and the Municipality believes that the community is adversely affected by the failure, the Municipality may take appropriate action to rectify the failure. The Municipality may recover any expenditure in respect of the action contemplated above from the Association or the Members, who shall be jointly liable. The amount of any expenditure so recovered shall be considered to be expenditure incurred in connection with the Association for the purposes of recovering expenditure incurred in connection with the Association from its Members.

41.2 If the Association ceases to function effectively or to carry out its obligations, the Municipality or any affected person, including a member of the association, may apply–

41.2.1 to dissolve the association subject to –

- (i) the amendment of the conditions of approval to remove the obligation to establish an owners' association; and
- (ii) **the amendment of title conditions pertaining to the owners' association, to remove any obligation in respect of an owners' association.**

41.2.2 in terms of Section 15(2)(r) of the Municipal By-Law for appropriate action by the Municipality to rectify a failure of the owners' association to meet any of its obligations in respect of the control over or maintenance services; or

41.2.3 the High Court to appointing an administrator who must exercise the powers of the owners' association to the exclusion of the owners' association.

41.3 If the Association is dissolved, the Members must jointly pay the costs of:

41.3.1 the transfer to the Municipality of the Association's property, including the Common Property and Internal Engineering Services;

41.3.2 the upgrading of the Internal Engineering Services to the standards of the Municipality.

41.4 In the event that the Association has ceased to function and an owner wishes to transfer an Erf in that event, the owner must obtain the consent of at least sixty percent (60%) of the Members of the Association, which consent is deemed to be the consent of the Association, unless the Owner has been duly authorised in terms of clause 42.1 of the Constitution.

42. WINDING UP OF ASSOCIATION

42.1 The Association may be wound up by an order of the Western Cape High Court or by a resolution passed at a general meeting of the Association, by ninety five percent (95%) of the total votes represented at such meeting by the Members present in person or by proxy and provided that:

42.1.1 the aforesaid resolution shall include arrangements for the transfer of Erven and Common Property, in the event that the Association ceases to function; and

42.1.2 the Municipality consents thereto in writing.

42.2 In the event of such winding up, it shall be the duty of the Trustees to comply with the conditions imposed in terms of the resolution, by the Municipality and/or the Western Cape High Court, as the case may be.

42.3 If the Association is dissolved, the Members must jointly pay the costs of:

42.3.1 the transfer to the Municipality of the Association's property, including the Common Property and Internal Engineering Services;

42.3.2 the upgrading of the Internal Engineering Services to the standards of the Municipality.

43. AMENDMENT OF THE CONSTITUTION AND ANNEXURES

43.1 The provisions of the Constitution may be added to, amended, substituted, or repealed from time to time by an ordinary resolution of at least 51% of the Members passed at a general meeting called for the specific purpose. The notice of such meeting or the annexure to such notice shall specify the proposed addition, amendment, or substitution of a provision of the Constitution, or the provision of the Constitution to be repealed.

43.2 The Constitution and any amendment thereof must be lodged with the Municipality and the latest copy duly lodged with the Municipality, and which the Municipality has approved in terms of Section 29(6) of the Municipality's Planning By-Law, shall be presumed to contain the operative provisions of the Constitution.

43.3 The Municipality is exempt from liability for any damage which may be caused by its certification of the Constitution or an amendment thereof or by the loss of a Constitution of the Association lodged with the Municipality.

43.4 The Design Guidelines may be compiled, added to, amended, substituted or repealed

from time to time by a resolution of the Trustees, subject to the provisions of clause 11 hereof. Any amendments to the Design Guidelines shall be lodged with the Municipality.

43.5 The Rules and processes to be followed by a Disciplinary Committee may be compiled, added to, amended, substituted or repealed from time to time by a resolution of the Trustees.

43.6 The Rules may be compiled, added to, amended, substituted or repealed from time to time by a resolution of the Trustees.

--- END ---

ANNEXURE R: SITE DEVELOPMENT PLAN

NOTES

1. ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED ARE IN METERS.

2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND OTHER RELEVANT AGENCIES.

3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND OTHER RELEVANT AGENCIES.

4. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND OTHER RELEVANT AGENCIES.

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10. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND OTHER RELEVANT AGENCIES.

SITE INFORMATION

Suburb name: **Starmus**

ErP number: **Permit 22 of Form 716**

Total area of site: **17141**

Zoning application: **Group Housing**

ZONING REQUIREMENTS FOR GROUP HOUSING

STAIRWAY MINIMUM WALKWAY WIDTH: 1.2m

Building lines: **50% - 8070.5**
21% - 4518.7

Coverage Permissible: **50% - 8070.5**

Coverage Achieved: **21% - 4518.7**

Building lines: **5m (Main 72a Road / 194)**
5m (Main 72a Road / 194)

External building line regulations: **5m**

Internal building line proposals: **0m**

Height restrictions: **2 storeys**

Maximum height: **2 storeys**

Height Proposed: **2 storeys with pitched roof (5m)**

Recreational Area: **2023sqm**

Acquired recreational area: **2023sqm**

Attenuation Pond: **40 Bins**

Refuse Area: **52.5sqm Refuse Room**

Parking: **40 Bins**

Parking Proposed: **40 Bins**

Garage: **38 double 2.4m**

Visitor Parking Achieved: **40 on site parking**

Total Parking Achieved: **40 parking**

FOR INFORMATION ONLY

ARCHITECT

1411 14th Street, Suite 100, Vancouver, BC V6A 1S1

PH: 604.681.1111

WWW.ARCHITECT.COM

Project: **STARMUS**

Drawing: **NO. 2201 DE DEVELOPMENT PLAN**

NO.	REVISION	DATE	BY	CHKD.
001	ISSUE FOR PERMIT	15/03/2024	ARCHITECT	ARCHITECT
002	REVISED PERMIT	15/03/2024	ARCHITECT	ARCHITECT



- 40 RESIDENTIAL DWELLINGS**
- UNIT TYPE A (15 Units)
 - UNIT TYPE B (6 Units)
 - UNIT TYPE C (10 Units)
 - UNIT TYPE D (12 Units)
 - SPECIAL UNITS (2 Units)
- SERVITUDE**
- EXTERIOR BUILDING LINES**
- RESIDENTIAL GARDEN AREA**
- PRIVATE OPEN SPACE**
- ATTENUATION POND**
- DREWWAYS**



SITE DEVELOPMENT PLAN

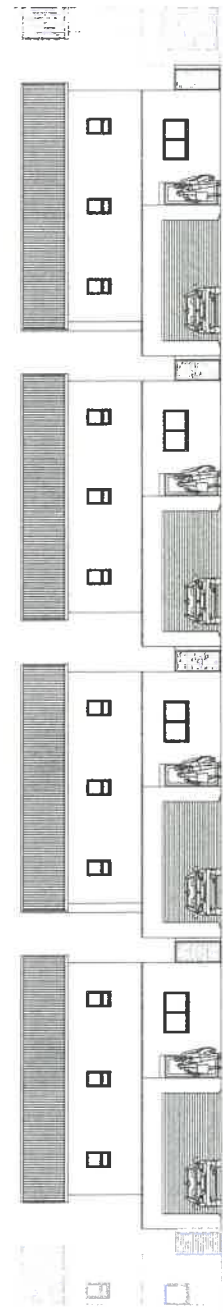
PUBLIC ROAD RESERVE

ATTENUATION POND

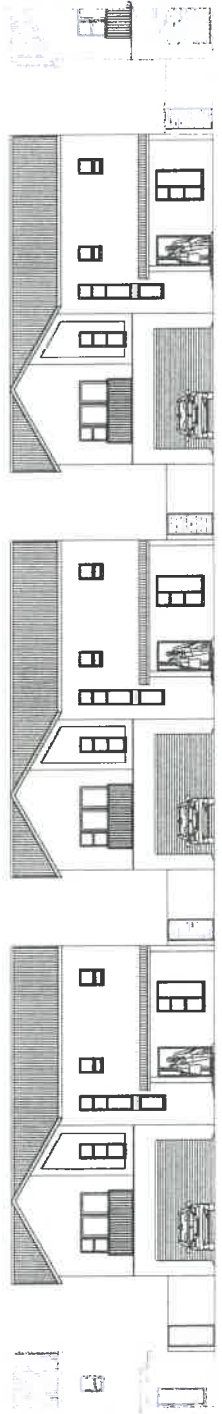
PRIVATE OPEN SPACE

NOTES

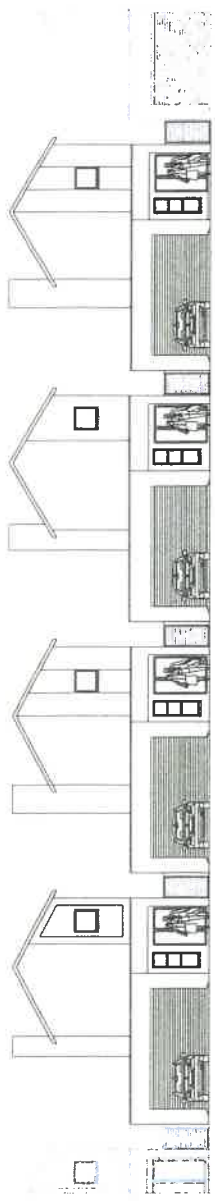
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXISTING CONDITIONS AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.



STREET ELEVATION 1
SCALE: 1/8" = 1'-0"



STREET ELEVATION 2
SCALE: 1/8" = 1'-0"



STREET ELEVATION 3
SCALE: 1/8" = 1'-0"

SITE INFORMATION	
Subplot Name:	Lot 10, Block 10, Subplot 10
Project Name:	Project 10, Block 10, Subplot 10
Address:	1000 Main Street, City, State, Zip
Owner:	John Doe, 1234 Main Street, City, State, Zip
Design Requirements for Specific Conditions:	See attached documents for detailed requirements.
Building Area:	1000 sq ft
Lot Area:	5000 sq ft
Coverage Allowed:	20% - 4000 sq ft
Building Height:	Maximum height: 2 stories
Setback Requirements:	Front: 10 ft, Side: 5 ft, Rear: 5 ft
Other Requirements:	See attached documents for detailed requirements.

FOR INFORMATION ONLY

1000 Main Street, City, State, Zip

ARCHITECT

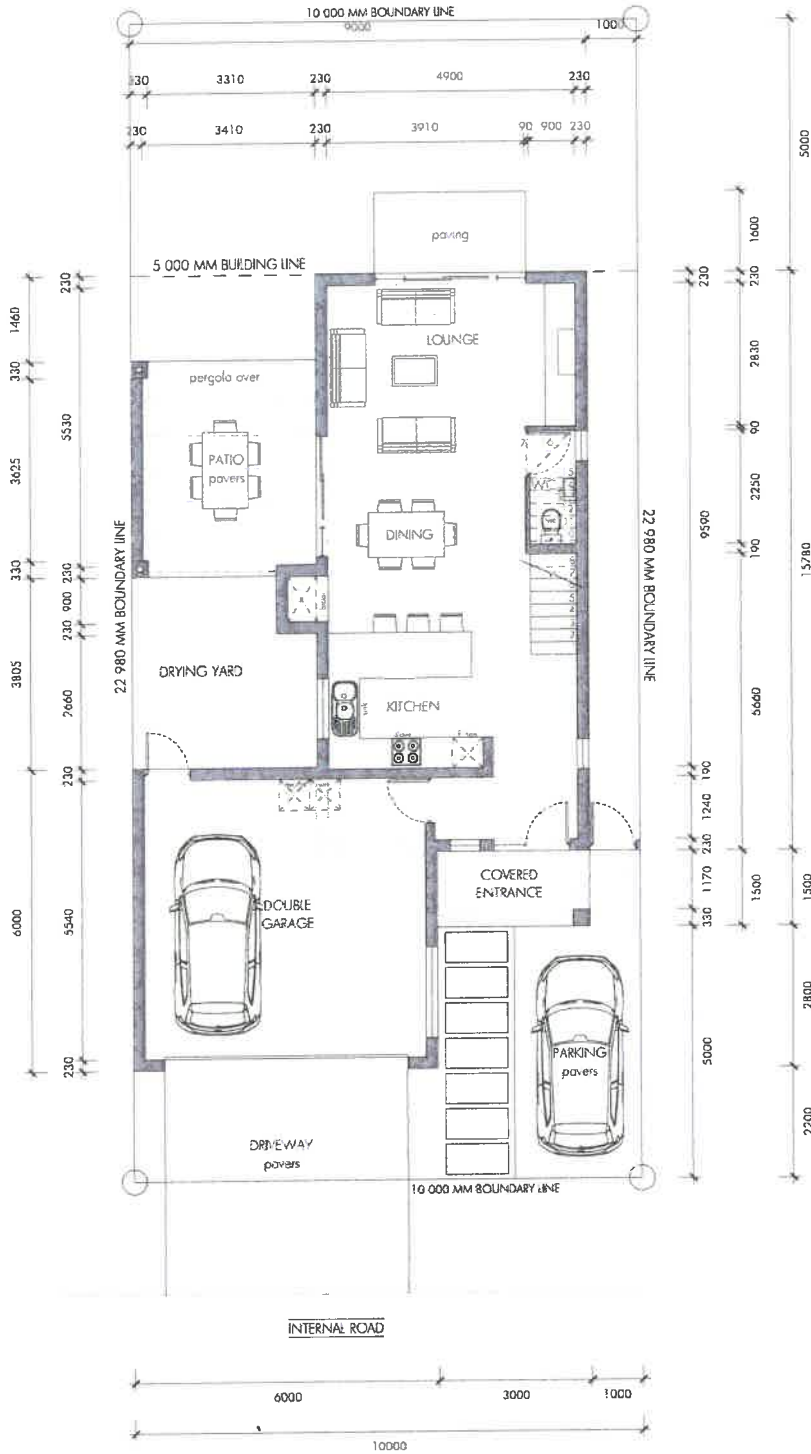
1234 Main Street, City, State, Zip

Project: 1000 Main Street, City, State, Zip

Drawing: REFERENCE ELEVATIONS

DATE:	10/01/2023	SCALE:	1/8" = 1'-0"	NO.	A1
DESIGNER:	J. Doe	CHECKED:	M. Smith	DATE:	10/01/2023
DRAWN:	J. Doe	APPROVED:	M. Smith	PROJECT:	1000 Main Street, City, State, Zip
NO.	001	DATE:	10/01/2023	SCALE:	1/8" = 1'-0"

KLAPMUTS - UNIT TYPE A1

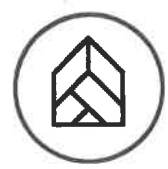


UNIT TYPE A1 - GROUND FLOOR
SCALE 1:100

KLAPMUTS

AREA SCHEDULE - UNIT TYPE A1

ERF:	(VARIES)	229.8 sqm
GARAGE :		35.1 sqm
GROUND FLOOR :		59.5 sqm
FIRST FLOOR :		57.4 sqm
COVERED ENTRANCE :		4.5 sqm
PERGOLA PATIO :		15.4 sqm
SUB-TOTAL DWELLING:		116.9 sqm
(excl garage and patios)		
TOTAL DWELLING:		171.9 sqm

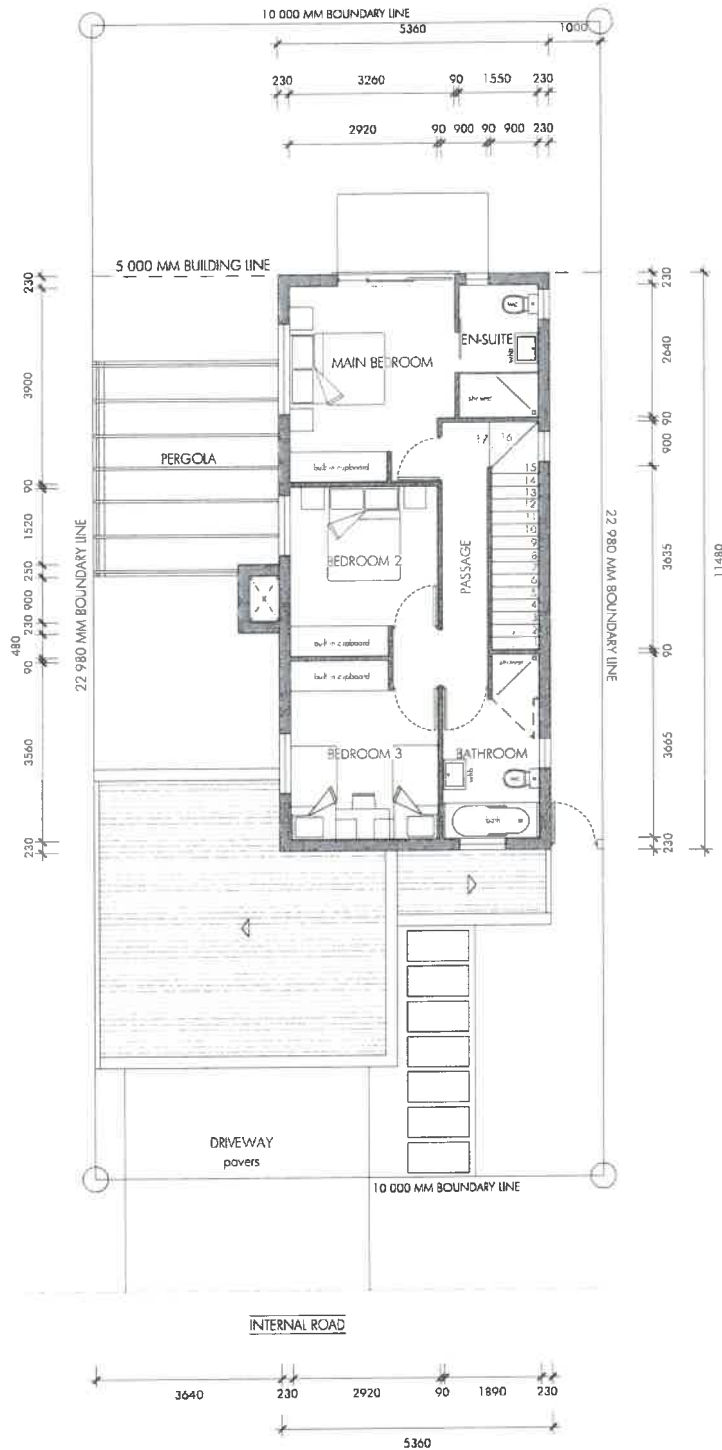


ARCHITECH
Unit 18, 1 Bricklane Road, Devonbasch,
Batelary Road, Koelenhof, Stellenbosch
021 823 7676 | info@architech.co.za

- 40 RESIDENTIAL DWELLINGS
- SITE TYPE 2 (x 5) (UNIT A)
 - SITE TYPE 3 (x 4) (UNIT B)
 - SITE TYPE 1 (x 10) (UNIT C)
 - SITE TYPE 4 (x 12) (UNIT D)
 - SPECIAL UNITS (x 3)

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DIMENSIONS COULD VARY SLIGHTLY DUE TO THE NATURE OF PROJECT

KLAPMUTS - UNIT TYPE A1

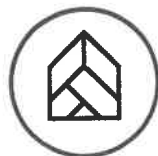


UNIT TYPE A1 - FIRST FLOOR
SCALE 1:100

KLAPMUTS

AREA SCHEDULE - UNIT TYPE A1

ERF:	(VARIES)	229.8 sqm
GARAGE :		35.1 sqm
GROUND FLOOR :		59.5 sqm
FIRST FLOOR :		57.4 sqm
COVERED ENTRANCE :		4.5 sqm
PERGOLA PATIO :		15.4 sqm
SUB-TOTAL DWELLING:		116.9 sqm
	(excl garage and patios)	
TOTAL DWELLING:		171.9 sqm



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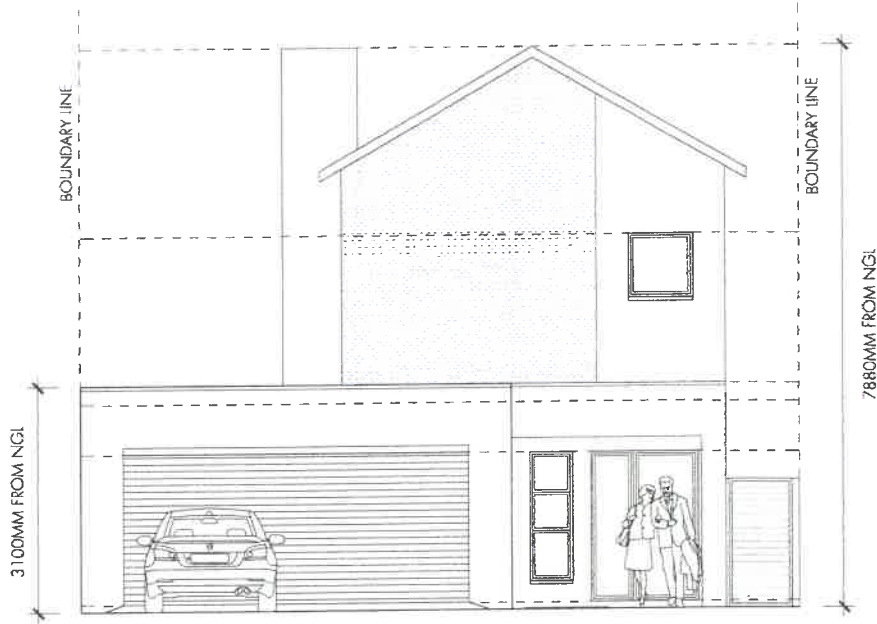
40 RESIDENTIAL DWELLINGS

- SITE TYPE 2 (x 5) (UNIT A1)
- SITE TYPE 3 (x 4) (UNIT B)
- SITE TYPE 1 (x 10) (UNIT C)
- SITE TYPE 4 (x 12) (UNIT D)
- SPECIAL UNITS (x 7)

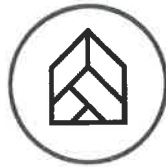
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KLAPMUTS - UNIT TYPE A1



TYPICAL STREET ELEVATION - TYPE A1
SCALE 1:100



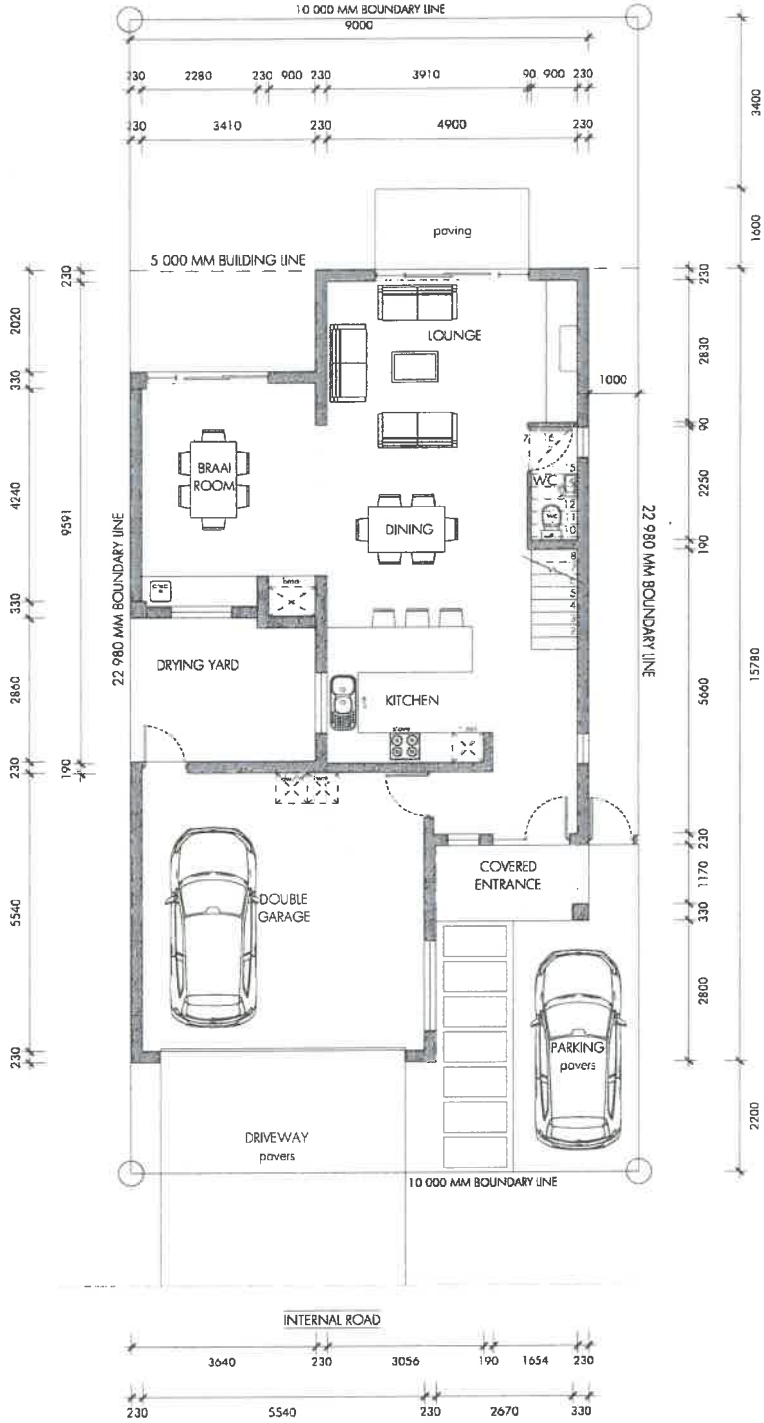
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KLAPMUTS - UNIT TYPE A2

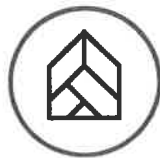


UNIT TYPE A2 - GROUND FLOOR
SCALE 1:100

KLAPMUTS

AREA SCHEDULE - UNIT TYPE A2

ERF:	(VARIES)	229.8 sqm
GARAGE :		35.1 sqm
GROUND FLOOR :		76.4 sqm
FIRST FLOOR :		57.4 sqm
COVERED ENTRANCE :		4.5 sqm
SUB-TOTAL DWELLING:		133.8 sqm
	(excl garage and patios)	
TOTAL DWELLING:		173.4 sqm



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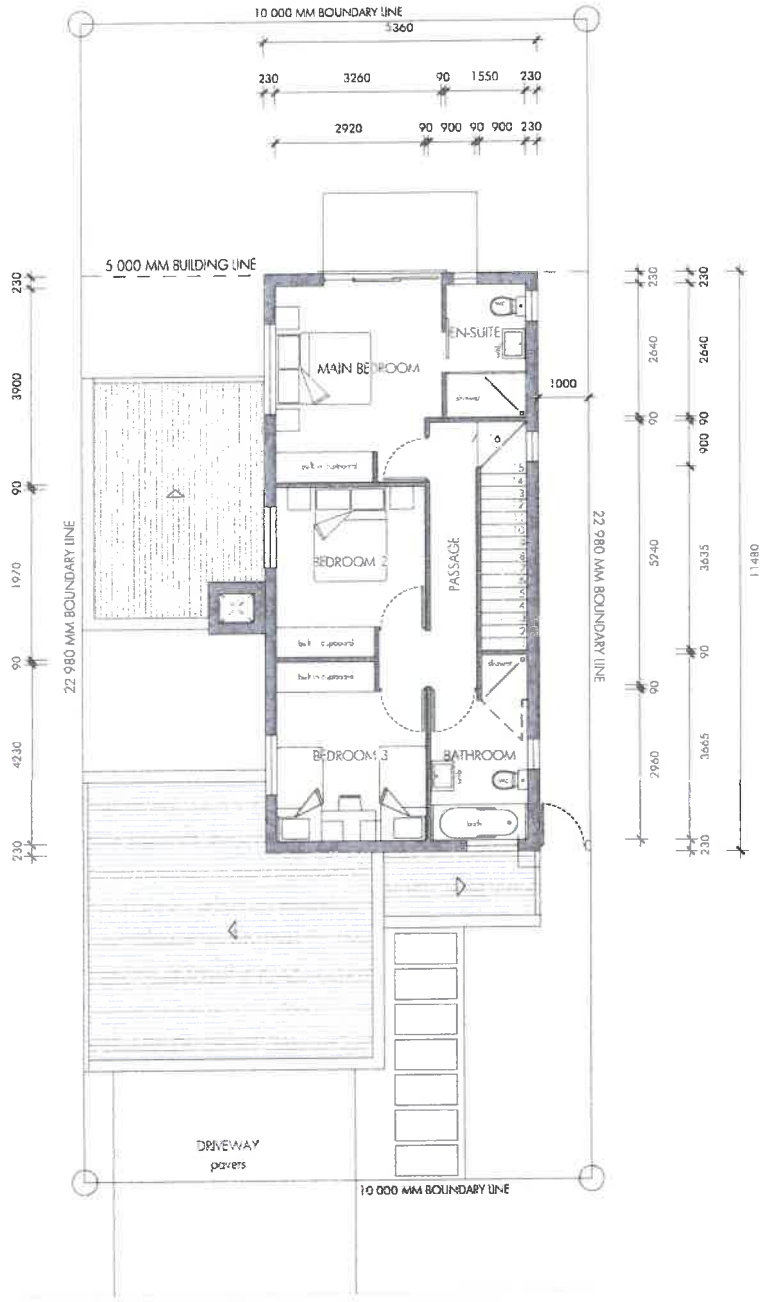
40 RESIDENTIAL DWELLINGS

- SITE TYPE 2 (x 5) [UNIT A2]
- SITE TYPE 3 (x 6) [UNIT B]
- SITE TYPE 1 (x 10) [UNIT C]
- SITE TYPE 4 (x 12) [UNIT D]
- SPECIAL UNITS (x 3)

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KLAPMUTS - UNIT TYPE A2

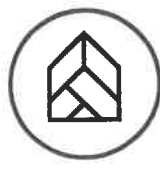


UNIT TYPE A2 - FIRST FLOOR
SCALE 1:100

KLAPMUTS

AREA SCHEDULE - UNIT TYPE A2

ERF:	(VARIES)	229.8 sqm
GARAGE :		35.1 sqm
GROUND FLOOR :		76.4 sqm
FIRST FLOOR :		57.4 sqm
COVERED ENTRANCE :		4.5 sqm
SUB-TOTAL DWELLING:		133.8 sqm
	(excl garage and patios)	
TOTAL DWELLING:		173.4 sqm

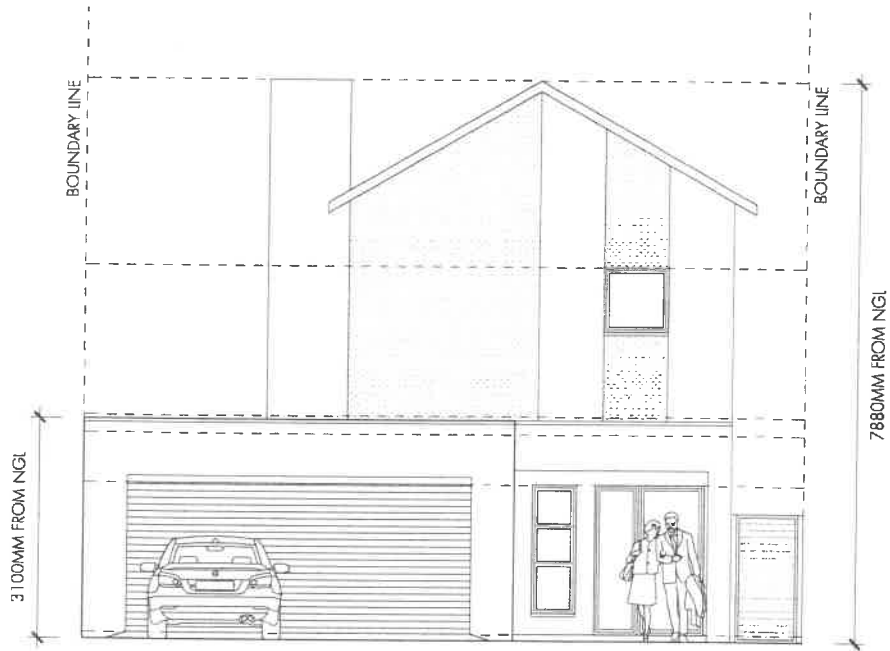


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- 40 RESIDENTIAL DWELLINGS
- SITE TYPE 2 (x 5) (UNIT A)
 - SITE TYPE 3 (x 6) (UNIT B)
 - SITE TYPE 1 (x 10) (UNIT C)
 - SITE TYPE 4 (x 12) (UNIT D)
 - SPECIAL UNITS (x 3)

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KLAPMUTS - UNIT TYPE A2



TYPICAL STREET ELEVATION - TYPE A2
SCALE 1:100



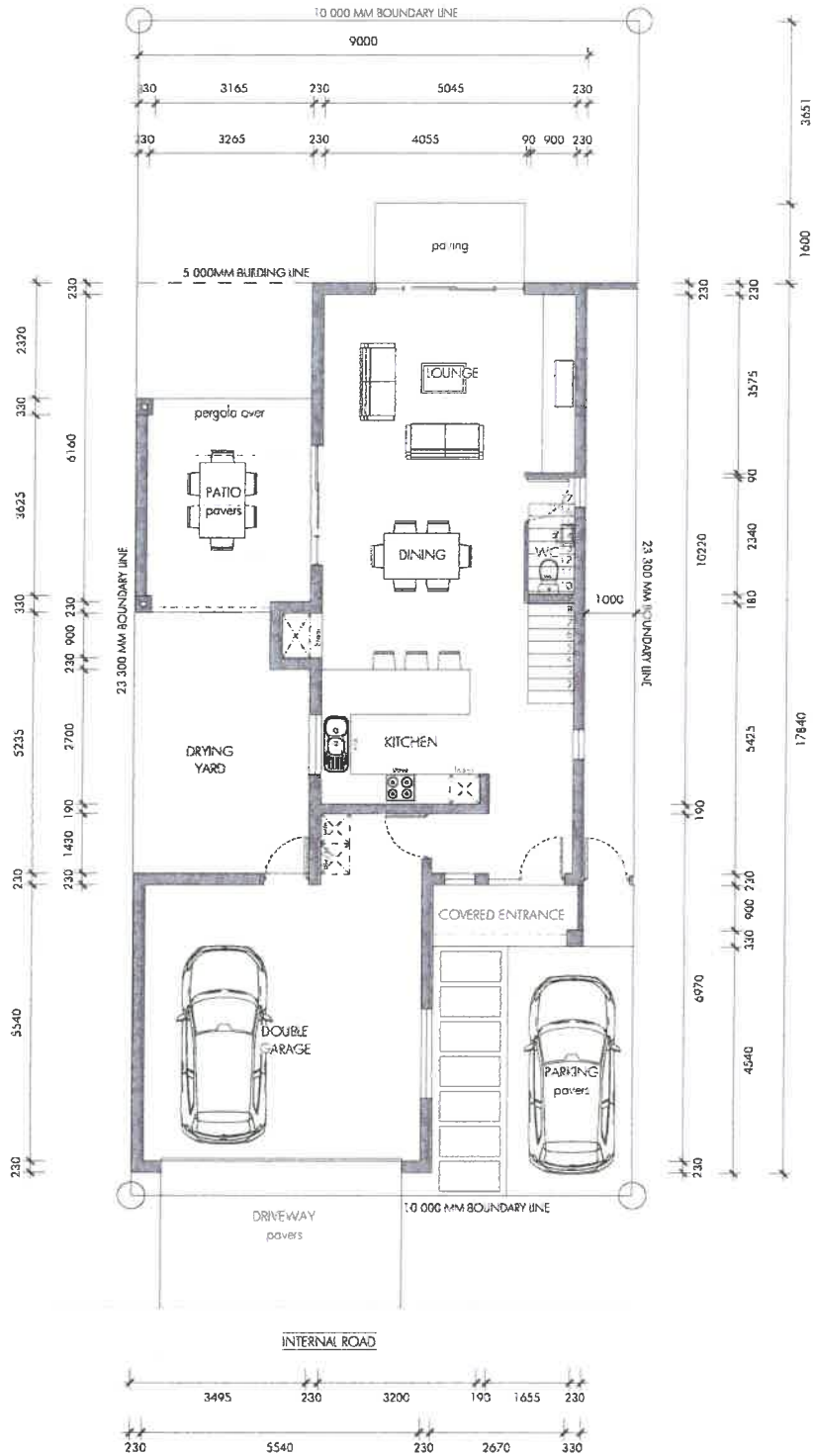
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KLAPMUTS - UNIT TYPE B1



UNIT TYPE B1 - GROUND FLOOR
SCALE 1:100

KLAPMUTS

AREA SCHEDULE - UNIT TYPE B1

ERF:	(VARIES)	235.2 sqm
GARAGE :		35.4 sqm
GROUND FLOOR :		67.5 sqm
FIRST FLOOR :		62.8 sqm
COVERED ENTRANCE :		3.6 sqm
PERGOLA PATIO :		14.8 sqm
SUB-TOTAL DWELLING:		<u>130.3 sqm</u>
	(excl garage and patios)	
TOTAL DWELLING:		<u>184.1 sqm</u>



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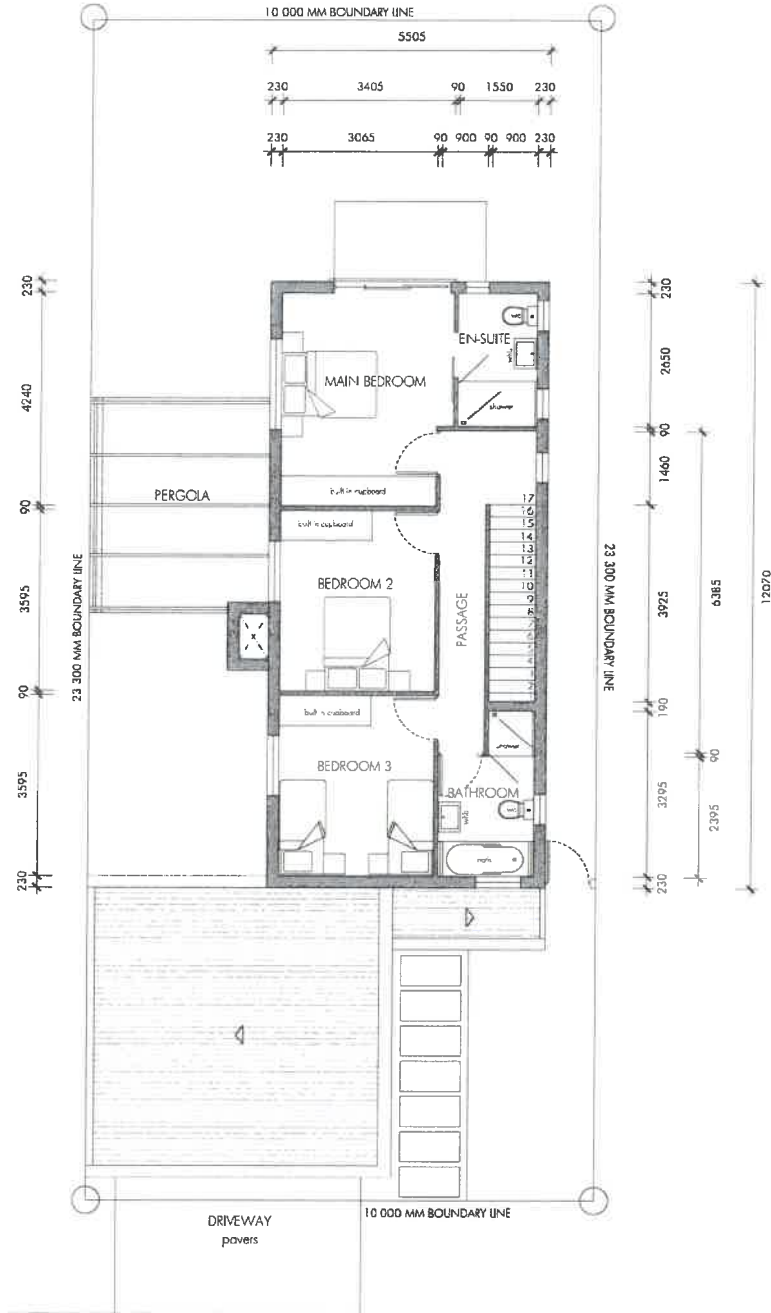
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40 RESIDENTIAL DWELLINGS

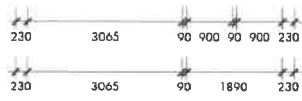
- SITE TYPE 2 (x 8) (UNIT A1)
- SITE TYPE 3 (x 4) (UNIT B1)
- SITE TYPE 1 (x 10) (UNIT C1)
- SITE TYPE 4 (x 12) (UNIT D1)
- SPECIAL UNITS (x 2)

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KLAPMUTS - UNIT TYPE B1



INTERNAL ROAD



UNIT TYPE B1 - FIRST FLOOR
SCALE 1:100

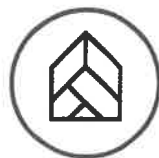
KLAPMUTS

AREA SCHEDULE - UNIT TYPE B1

ERF:	(VARIES)	235.2 sqm
GARAGE :		35.4 sqm
GROUND FLOOR :		67.5 sqm
FIRST FLOOR :		62.8 sqm
COVERED ENTRANCE :		3.6 sqm
PERGOLA PATIO :		14.8 sqm

SUB-TOTAL DWELLING: 130.3 sqm
(excl garage and patios)

TOTAL DWELLING: 184.1 sqm



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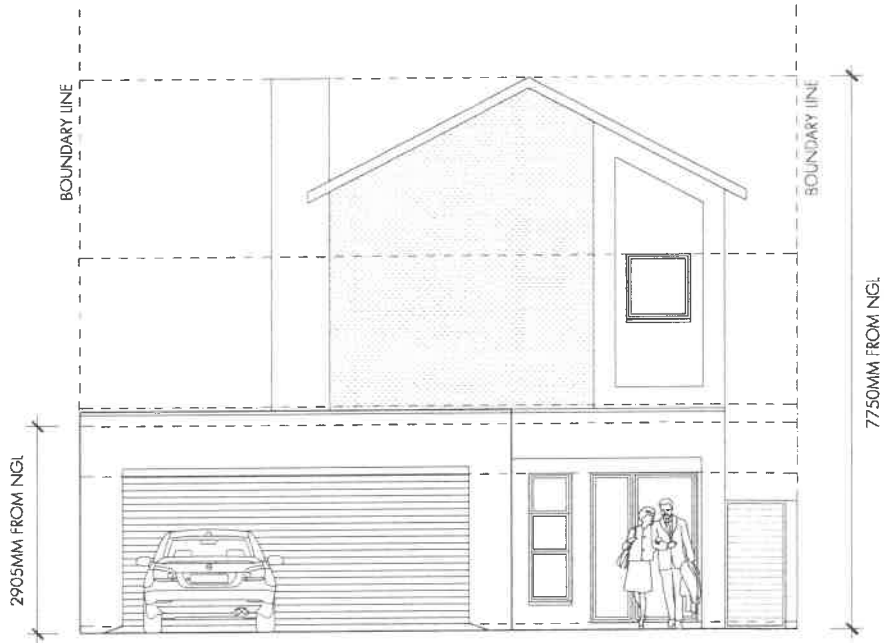
40 RESIDENTIAL DWELLINGS

- SITE TYPE 2 (n 5) (UNIT A1)
- SITE TYPE 3 (n 6) (UNIT B1)
- SITE TYPE 1 (n 12) (UNIT C1)
- SITE TYPE 4 (n 12) (UNIT D1)
- SPECIAL UNITS (n 3)

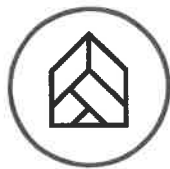
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KLAPMUTS - UNIT TYPE B1



TYPICAL STREET ELEVATION - TYPE B1
SCALE 1:100



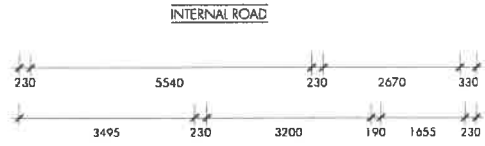
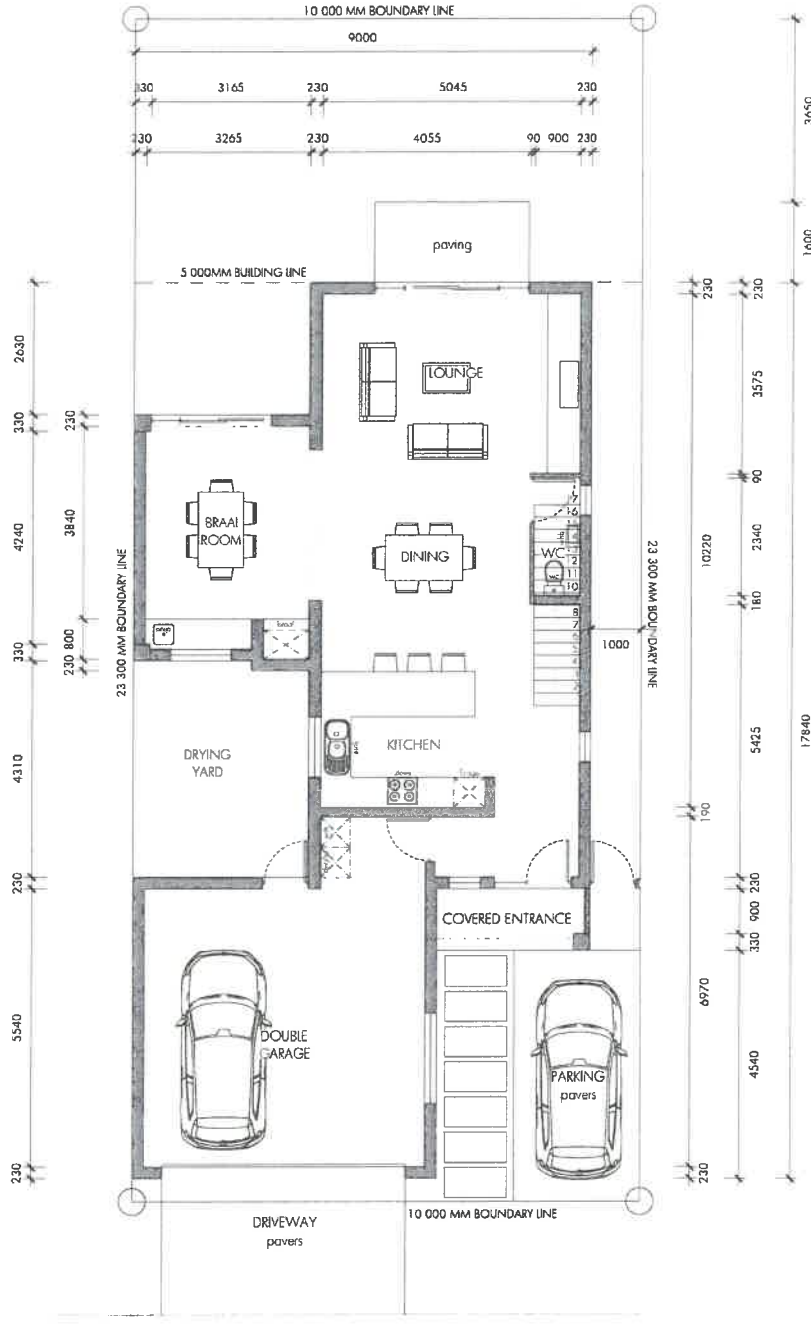
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KLAPMUTS - UNIT TYPE B2



UNIT TYPE B2 - GROUND FLOOR
SCALE 1:100

KLAPMUTS

AREA SCHEDULE - UNIT TYPE B2

ERF:	(VARIES)	235.2 sqm
GARAGE :		35.4 sqm
GROUND FLOOR :		83.7 sqm
FIRST FLOOR :		62.8 sqm
COVERED ENTRANCE :		3.6 sqm
SUB-TOTAL DWELLING:		146.5 sqm (excl garage and patios)
TOTAL DWELLING:		185.5 sqm



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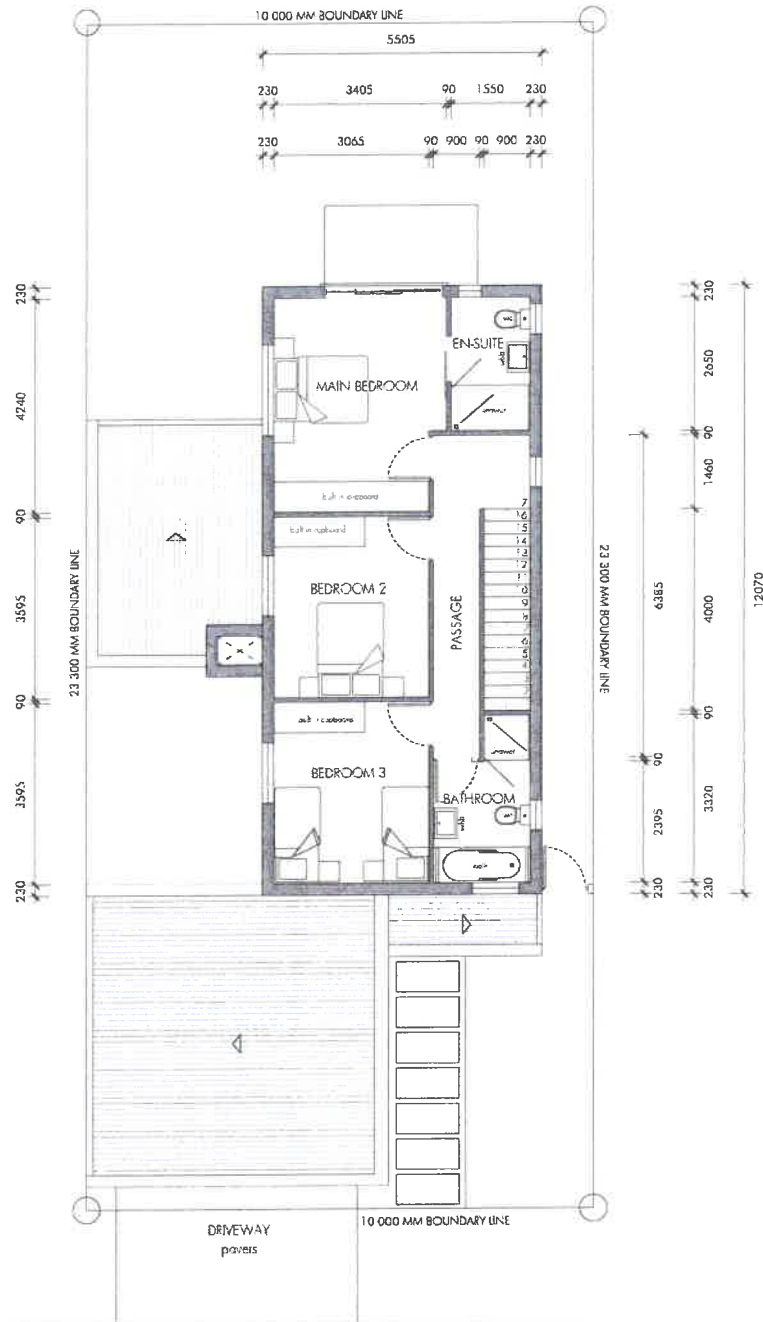
40 RESIDENTIAL DWELLINGS

- SITE TYPE 2 (x 5) (UNIT A)
- SITE TYPE 3 (x 6) (UNIT B)
- SITE TYPE 1 (x 10) (UNIT C)
- SITE TYPE 4 (x 12) (UNIT D)
- SPECIAL UNITS (x 2)

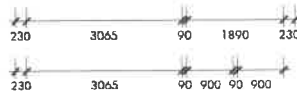
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KLAPMUTS - UNIT TYPE B2



INTERNAL ROAD



UNIT TYPE B2 - FIRST FLOOR

SCALE 1:100



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40 RESIDENTIAL DWELLINGS

- SITE TYPE 2 (x 5) (UNIT A)
- SITE TYPE 3 (x 6) (UNIT B)
- SITE TYPE 1 (x 18) (UNIT C)
- SITE TYPE 4 (x 12) (UNIT D)
- SPECIAL UNITS (x 2)

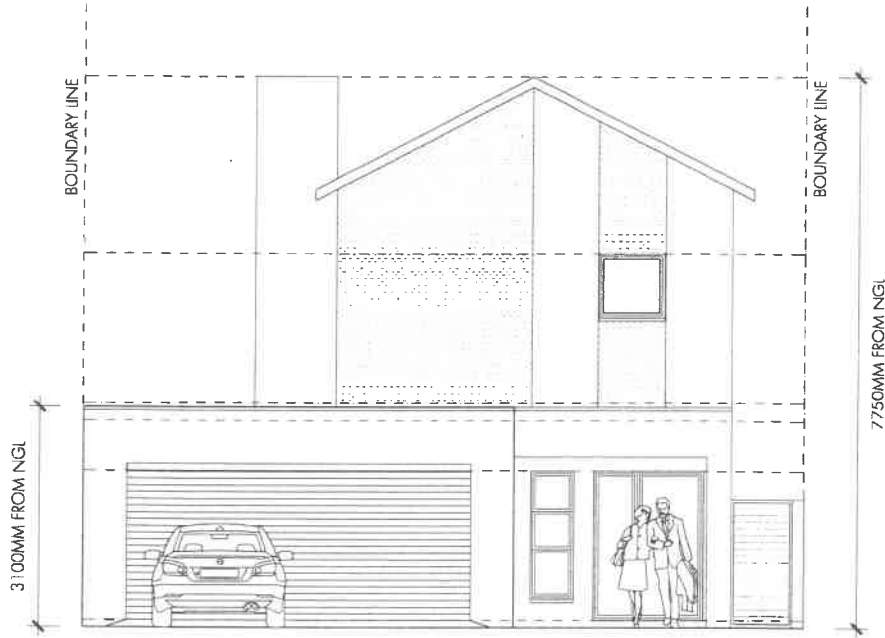
AREA SCHEDULE - UNIT TYPE B2

ERF:	(VARIES)	235.2 sqm
GARAGE :		35.4 sqm
GROUND FLOOR :		83.7 sqm
FIRST FLOOR :		62.8 sqm
COVERED ENTRANCE :		3.6 sqm
SUB-TOTAL DWELLING:		146.5 sqm
	(excl garage and patios)	
TOTAL DWELLING:		185.5 sqm

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KLAPMUTS - UNIT TYPE B2



TYPICAL STREET ELEVATION - TYPE B2
SCALE 1:100



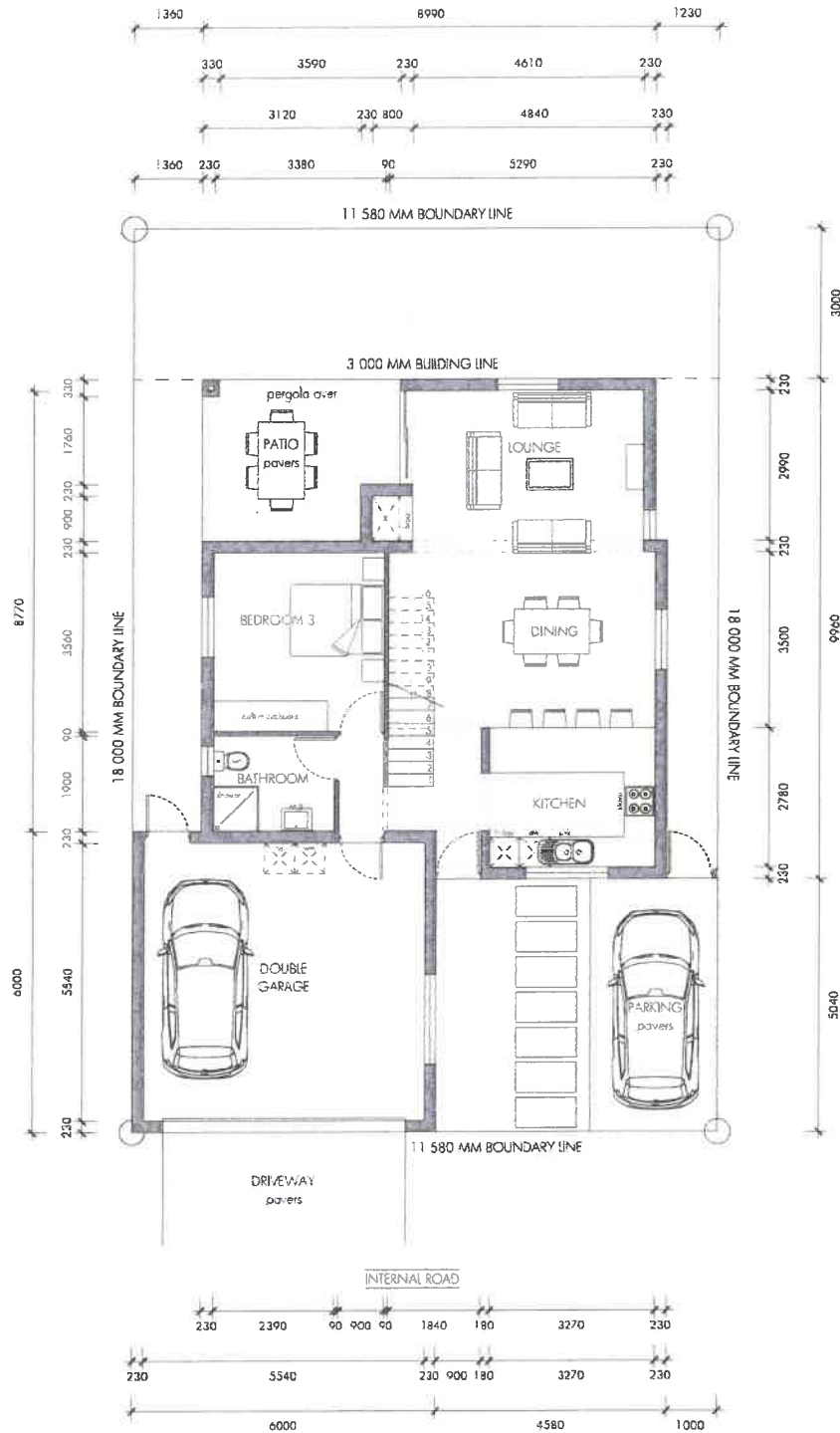
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KLAPMUTS - UNIT TYPE C1

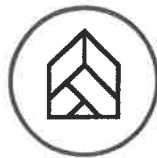


UNIT TYPE C1 - GROUND FLOOR
SCALE 1:100

KLAPMUTS

AREA SCHEDULE - UNIT TYPE C1

ERF:	(VARIES)	208.4 sqm
GARAGE :		34.9 sqm
GROUND FLOOR :		75.9 sqm
FIRST FLOOR :		55.2 sqm
PERGOLA PATIO :		11.7 sqm
COVERED ENTRANCE :		10.5 sqm
SUB-TOTAL DWELLING:		131.1 sqm
	(excl garage and patios)	
TOTAL DWELLING:		188.2 sqm



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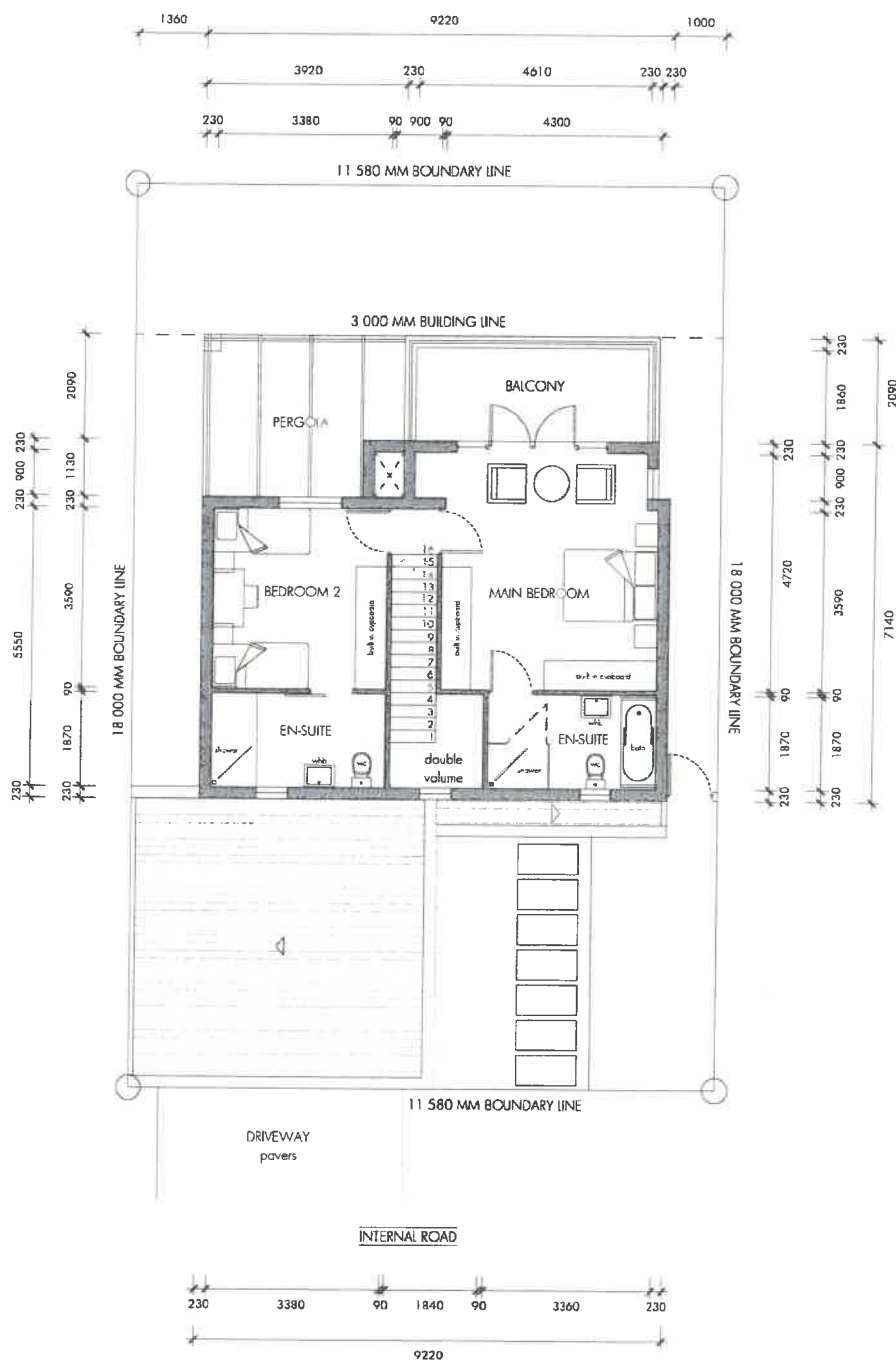
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40 RESIDENTIAL DWELLINGS

- SITE TYPE 2 (x 5) (UNIT A)
- SITE TYPE 3 (x 4) (UNIT B)
- SITE TYPE 1 (x 10) (UNIT C)
- SITE TYPE 4 (x 12) (UNIT D)
- SPECIAL UNITS (x 3)

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KLAPMUTS - UNIT TYPE C1



UNIT TYPE C1 - FIRST FLOOR

SCALE 1:100

KLAPMUTS

AREA SCHEDULE - UNIT TYPE C1

ERF:	(VARIES)	208.4 sqm
GARAGE :		34.9 sqm
GROUND FLOOR :		75.9 sqm
FIRST FLOOR :		55.2 sqm
PERGOLA PATIO :		11.7 sqm
COVERED ENTRANCE :		10.5 sqm
SUB-TOTAL DWELLING:		131.1 sqm
	(excl garage and patios)	
TOTAL DWELLING:		188.2 sqm



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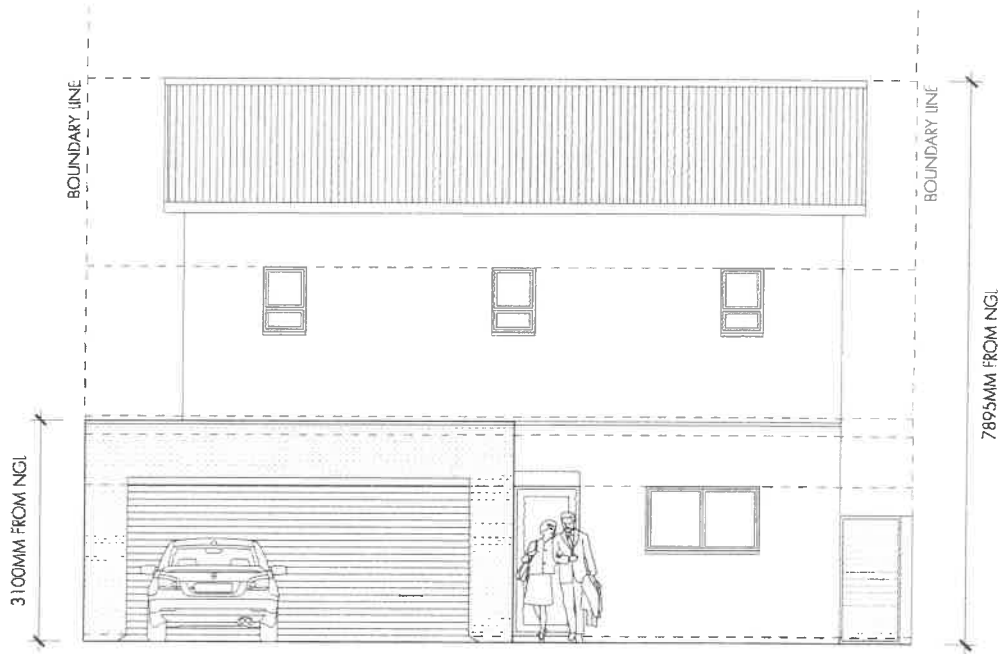
40 RESIDENTIAL DWELLINGS

- SITE TYPE 2 (x 5) (UNIT A)
- SITE TYPE 3 (x 6) (UNIT B)
- SITE TYPE 1 (x 10) (UNIT C)
- SITE TYPE 4 (x 12) (UNIT D)
- SPECIAL UNITS (x 8)

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KLAPMUTS - UNIT TYPE C1



TYPICAL STREET ELEVATION - TYPE C1
SCALE 1:100



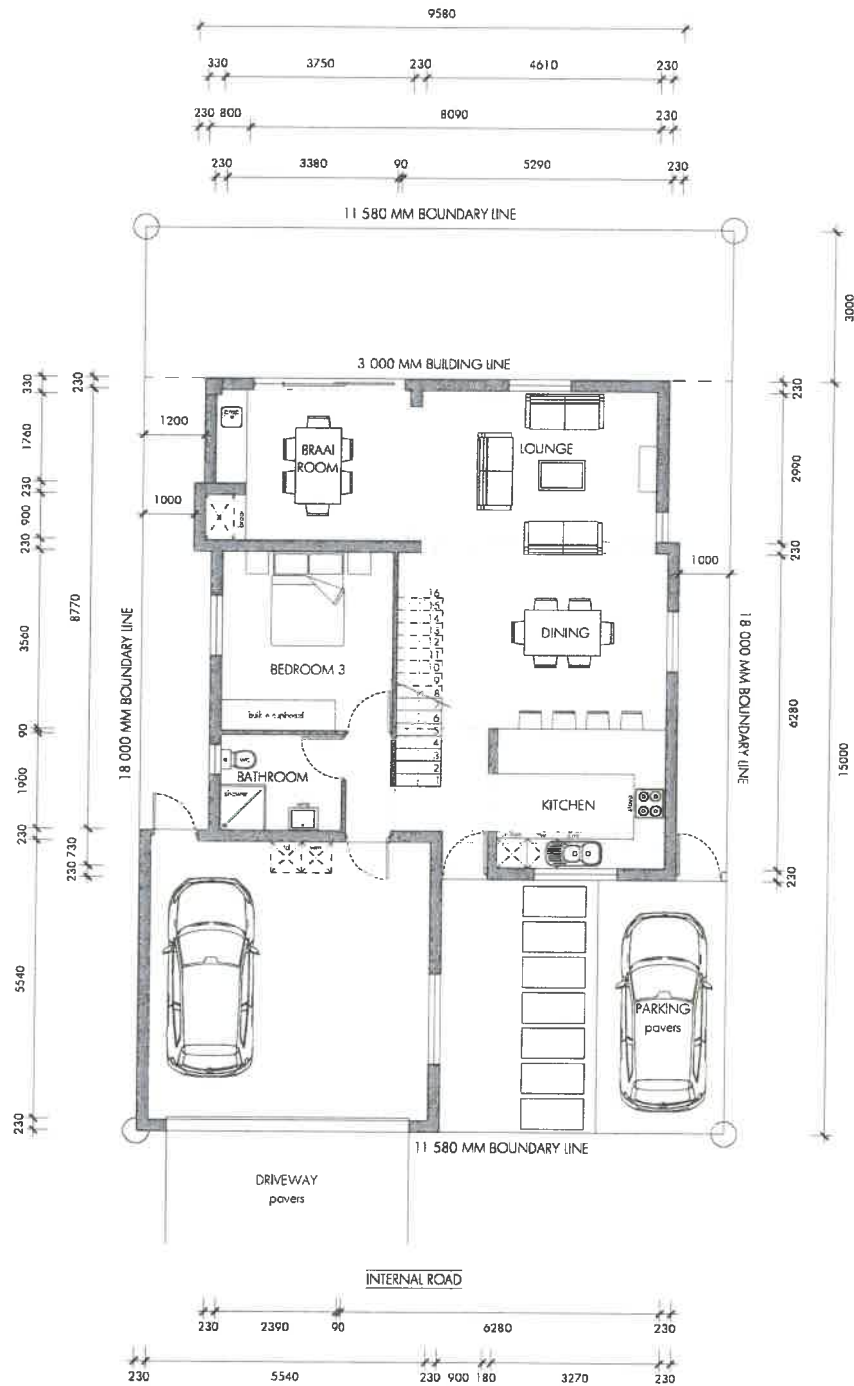
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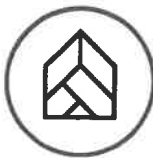


UNIT TYPE C2 - GROUND FLOOR
SCALE 1 : 100

KLAPMUTS

AREA SCHEDULE - UNIT TYPE C2

ERF:	(VARIES)	208.4 sqm
GARAGE :		34.9 sqm
GROUND FLOOR :		88.9 sqm
FIRST FLOOR :		55.2 sqm
COVERED ENTRANCE :		10.5 sqm
SUB-TOTAL DWELLING:		144 sqm
	(excl garage and patios)	
TOTAL DWELLING:		189.5 sqm



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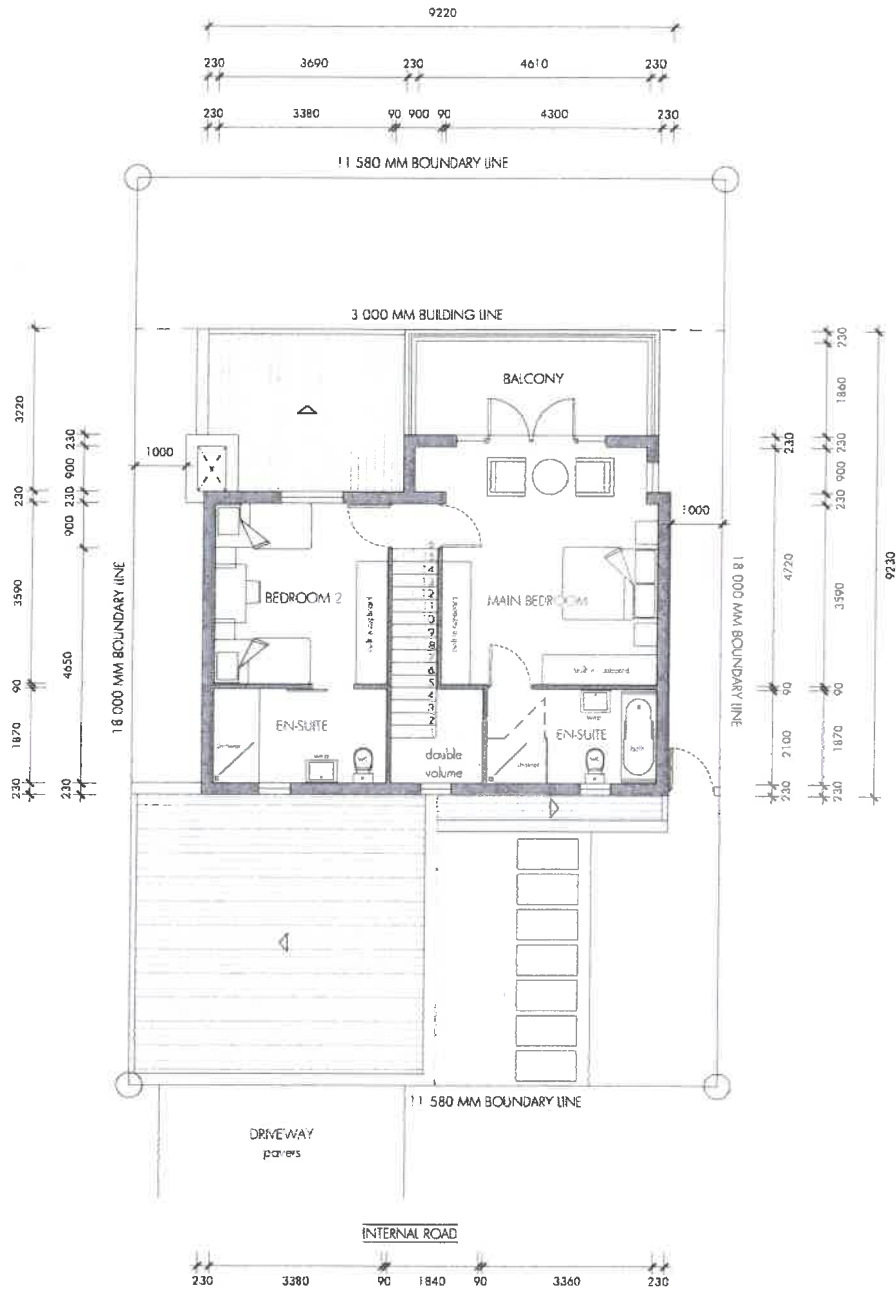
40 RESIDENTIAL DWELLINGS

- SITE TYPE 2 (x 5) (UNIT A)
- SITE TYPE 3 (x 6) (UNIT B)
- SITE TYPE 1 (x 10) (UNIT C)
- SITE TYPE 4 (x 12) (UNIT D)
- SPECIAL UNITS (x 3)

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KLAPMUTS - UNIT TYPE C2



UNIT TYPE C2 - FIRST FLOOR
SCALE 1:100

KLAPMUTS

AREA SCHEDULE - UNIT TYPE C2

ERF:	(VARIES)	208.4 sqm
GARAGE :		34.9 sqm
GROUND FLOOR :		88.9 sqm
FIRST FLOOR :		55.2 sqm
COVERED ENTRANCE :		10.5 sqm
SUB-TOTAL DWELLING:	144 sqm	(excl garage and patios)
TOTAL DWELLING:	189.5 sqm	



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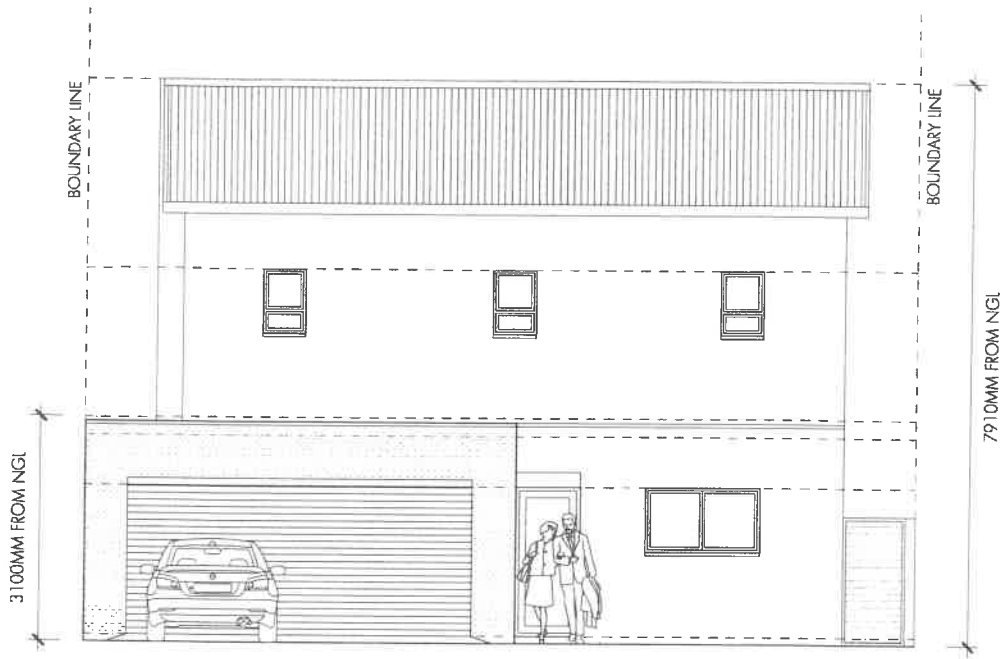
40 RESIDENTIAL DWELLINGS

- SITE TYPE 2 (x 5) UNIT A1
- SITE TYPE 3 (x 10) UNIT B1
- SITE TYPE 1 (x 10) UNIT C2
- SITE TYPE 4 (x 17) UNIT D1
- SPECIAL UNITS (x 11)

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KLAPMUTS - UNIT TYPE C2



TYPICAL STREET ELEVATION - TYPE C2
SCALE 1:100



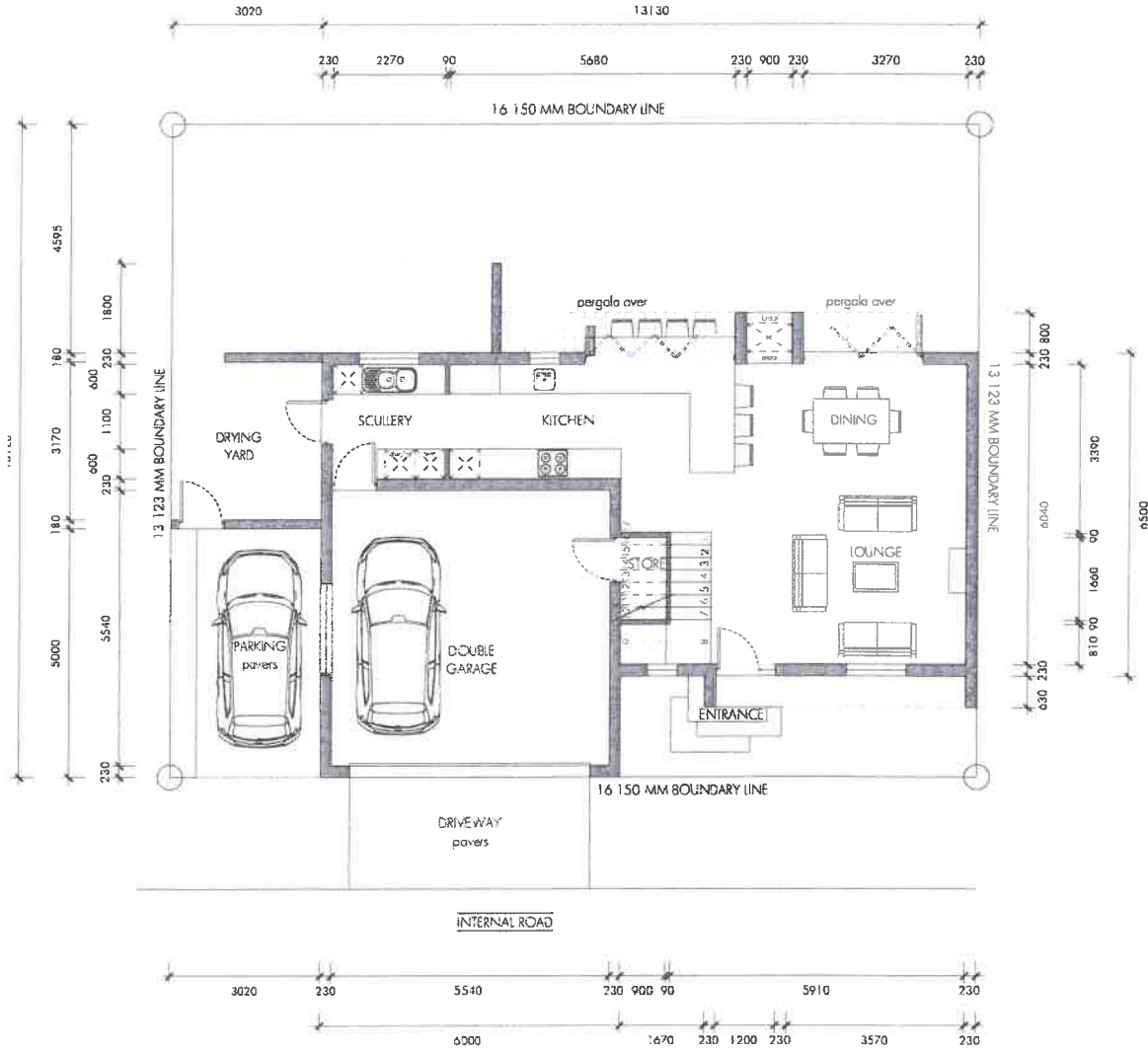
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KLAPMUTS - UNIT TYPE D



UNIT TYPE D - GROUND FLOOR
SCALE 1:100

KLAPMUTS

AREA SCHEDULE - UNIT TYPE D

ERF:	(VARIES)	211.9 sqm
GARAGE :		33.7 sqm
GROUND FLOOR :		64.8 sqm
FIRST FLOOR :		92.8 sqm
COVERED ENTRANCE :		1 sqm
SUB-TOTAL DWELLING:		<u>157.6 sqm</u>
	(excl garage and patios)	
TOTAL DWELLING:		<u>192.3 sqm</u>



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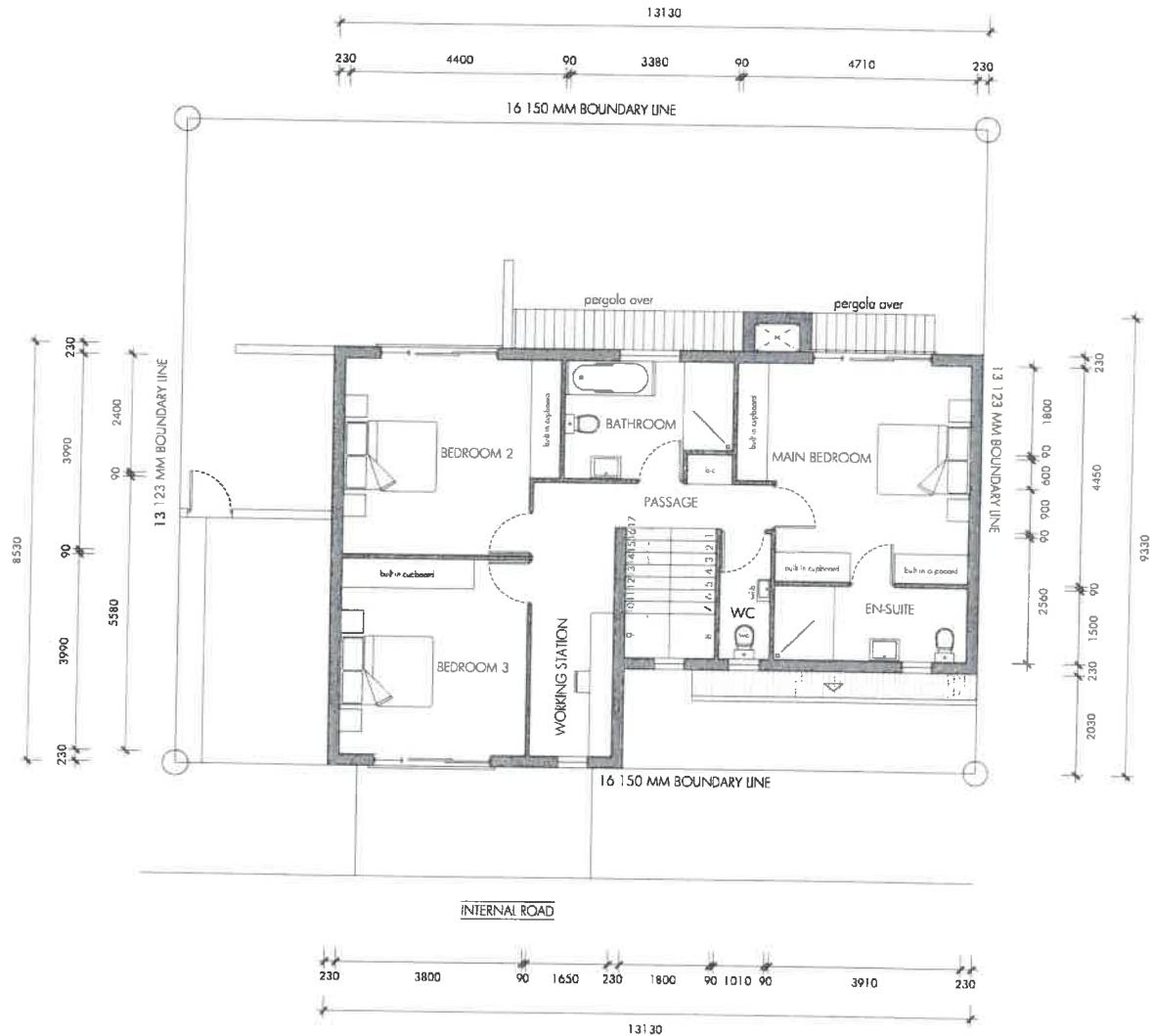
40 RESIDENTIAL DWELLINGS

- SITE TYPE 2 (x 5) (UNIT A)
- SITE TYPE 3 (x 4) (UNIT B)
- SITE TYPE 1 (x 10) (UNIT C)
- SITE TYPE 4 (x 12) (UNIT D)
- SPECIAL UNITS (x 3)

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KLAPMUTS - UNIT TYPE D



UNIT TYPE D - FIRST FLOOR
SCALE 1:100

KLAPMUTS

AREA SCHEDULE - UNIT TYPE D

ERF:	(VARIES)	211.9 sqm
GARAGE :		33.7 sqm
GROUND FLOOR :		64.8 sqm
FIRST FLOOR :		92.8 sqm
COVERED ENTRANCE :		1 sqm
SUB-TOTAL DWELLING:		157.6 sqm (excl garage and patios)
TOTAL DWELLING:		192.3 sqm



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Unit 18, 1 Bricklane Road, Devanbosch,
Battlery Road, Koelantshof, Stellenbosch
021 823 7676 | info@architech.co.za

40 RESIDENTIAL DWELLINGS

- SITE TYPE 2 (x 5) (UNIT A)
- SITE TYPE 3 (x 6) (UNIT B)
- SITE TYPE 1 (x 10) (UNIT C)
- SITE TYPE 4 (x 12) (UNIT D)
- SPECIAL UNITS (x 3)

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DIMENSIONS COULD VARY SLIGHTLY DUE TO THE NATURE OF PROJECT.

KLAPMUTS - UNIT TYPE D



TYPICAL STREET ELEVATION - TYPE D
SCALE 1:100



ARCHITECH

Unit 1B, 1 Bricklane Road, Devanbosch,
Batelary Road, Koelenhof, Stellenbosch
021 823 7676 | info@architech.co.za

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DIMENSIONS COULD VARY SLIGHTLY DUE TO THE NATURE OF PROJECT.



FARM 1460/84 PAARL

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STELLENBOSCH
 STELLENBOSCH • PNIEL • FRANSCHHOEK
 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

THE STELLENBOSCH MUNICIPALITY			
PLANNING REPORT: LAND USE AND LAND DEVELOPMENT APPLICATION: APPLICATION FOR TEMPORARY DEPARTURE ON FARM 1460/84 PAARL FARMS (PREVIOUSLY UNREGISTERED PORTION 82)			
Application Reference number	File Ref: LU/4715	Application Date	2016/06/15
		Last day for comments or additional information	2023/03/24

PART A: APPLICANT DETAILS			
First name(s) & Surname	Marnus Botha		
Company name	David Hellig & Abrahamse Professional Land Surveyors		
SACPLAN registration number	Not provided		
Registered owner(s)	Pickstone & Sons (Pty) Ltd	Is the applicant properly authorised to submit the application	Yes

PART B: PROPERTY DETAILS			
Property description	Farm 1460/82 (previously unregistered portion 82)	Town/ City	Paarl Division
Physical address	Main Road 191 (R45) (See Annexure A)		
Extent (m ² /ha)	16.1672 ha	Nearest Town	Franschhoek
Existing Development and Current land use	Agriculture		
Any unauthorised land use/building work	None		
Title Deed Nr.	T45830/1991 (See Annexure B)		
Current zoning and approved land use rights as per Zoning Scheme Bylaw 2019	Agriculture and Rural zone		

PART C: APPLICATION DETAILS	
Application(s)	<p>Application is made in terms of Stellenbosch Municipal Land Use Planning By-law, promulgated by notice number 354/2015, dated 20 October 2015, on Farm 1460/84 (previously unregistered portion 82) Paarl Division for:</p> <ol style="list-style-type: none"> 1. Temporary Departure in terms of Section 15 (2) (c) of the Land Use Planning By-law in order to utilise the unused and vacant portion of the existing building as Psychiatric Clinic.
Purpose of Application: Background and motivation of Applicant	<p><u>Purpose of Application</u> The applicant intends to utilise the unused and vacant portion of the existing building as Psychiatric Clinic.</p> <p><u>Existing Development and Current uses</u> The following uses currently exist on the property:</p> <ol style="list-style-type: none"> a) Manor house b) Additional dwelling units <p><u>Motivation</u> The proposed psychiatric clinic will be located in a portion of an existing vacant building on the subject property. This portion of the building measuring $\pm 176 \text{ m}^2$ in extent has a rectangular shape and will comprise a reception area ($\pm 21 \text{ m}^2$), five offices (varying from 10-13 m^2 each), centrally located kitchen and ablution area ($\pm 15 \text{ m}^2$) and a gallery area ($\pm 40 \text{ m}^2$) which serves as access to the individual offices and reception area. The architectural integrity of the existing building and interface with the surrounding buildings will be respected and no significant changes are proposed. Adequate provision will be made for informal parking in an open area under the trees located next to the subject building for the patients and staff. Since the activities will be confined to the inside of the existing building, the topography of the property will have no impact on the proposed land uses.</p> <p>No additional services or infrastructure will be required to accommodate the proposed land uses and no form of disturbance or pollution will occur. Furthermore, since the proposed land uses will be confined to an existing building footprint and no changes to the rest of the subject land unit are proposed, no impact is expected on the surrounding properties or existing character of the area.</p>
Pre-consultation	None
Public participation, comments and response	<p>The applicant has, in terms of Section 45 of the Stellenbosch Municipality Land Use Planning By-Law, advertised the application by serving registered notices to the interested and affected parties. The public participation commenced on the 20 February 2017 and closing on the 22 March 2017. Two objections received for this application.</p>

	<p>The following objections were received: (See Annexure F)</p> <ul style="list-style-type: none"> a) Western Cape Department: Agriculture b) Western Cape Department: Transport and Public Works <p><u>Summary of the objections received:</u></p> <p>The objections are mainly focused on the following: -</p> <ul style="list-style-type: none"> a) The access requirements for previous application that have not been implemented. b) The proposed application is regarded as opportunistic as it does not meet the requirements of desirability from an agricultural perspective. <p><u>The Response by the applicant are summarised below: (See Annexure F for full response)</u></p> <ul style="list-style-type: none"> a) The comments provided by the Western Cape department of Agriculture are not relevant since the matters pertaining to planning are municipal decision. The Western Cape department of Agriculture do not have jurisdiction over matters pertaining to municipal planning. b) There appears to be inconsistency in commenting by the Western Cape department of Agriculture in terms of similar types of applications where they supported consent use applications which are of permanent nature whilst in this particular instance do not support a temporary land use right for a period of 5 years. Therefore, the comments from the Western Cape department of Agriculture should be disregarded. <p>The application was not concluded after the public participation due to the planner allocated the report resigned and the file was sent back to Registry without any report written. The applicant did not follow up on the progress. The office recently became aware of this matter and contacted the applicant. The applicant confirmed that the application must be finalised. (See Annexure E for email from applicant).</p>
Comments from internal service departments	<p>The application was circulated to relevant internal and external departments and the following departments gave comments:</p> <p>The Manger: Spatial Planning supported the proposal subject to conditions (See Annexure H for memo dated 10 April 2017).</p> <p>The Director: Engineering Services recommended the application for approval subject to conditions (See Annexure G for Memo dated 11 April 2017).</p> <p>The Cape Winelands District: Health recommended the application for approval subject to conditions (See Annexure K for letter dated 18 April 2017).</p>

	<p>The Manager: Building Development Management recommended the application for approval subject to conditions (See Annexure I for Memo dated 23 March 2017).</p> <p>The Manager: Property Management supported the application (See Annexure J for Memo dated 29 March 2017).</p> <p>The Western Cape Department: Transport and Public Works objects to the application (See Annexure M for Memo dated 28 March 2017).</p> <p>The Western Cape Department: Agriculture objects to the application (See Annexure L for letter dated 26 April 2017).</p>
--	---

PART D: ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

Assessment of grounds of the land use and land development application

ASSESSMENT OF GROUNDS OF THE LAND USE AND LAND DEVELOPMENT APPLICATION				
#	Criteria	Yes	No	Partly
1.	The proposal is not inconsistent with the Stellenbosch Municipal Spatial Development Framework, 2019		X	
2.	The proposal is not inconsistent with the Cape Winelands District Municipal Spatial Development Framework, 2019		X	
3.	The proposal is guided by the development principles of SPLUMA	X		
4.	The proposal is not inconsistent with relevant / known national and provincial policies	X		
5.	The proposal is not in contravention of environmental legislation	X		
6.	The proposal is not inconsistent with the land use principles of LUPA namely spatial justice, spatial sustainability, efficiency, spatial resilience and good administration	X		
7.	The proposal is in line with the provisions of the Stellenbosch Municipal Zoning Scheme Bylaw, 2019		X	

The proposed application is for a Temporary Departure in order to utilise the unused and vacant portion of the existing building as Psychiatric Clinic. The proposed portion of the existing building to be utilised as psychiatric clinic is $\pm 176\text{m}^2$ and will compromise of a reception area ($\pm 21\text{ m}^2$ in extent), five offices (varying from $10\text{-}13\text{m}^2$ each), centrally located kitchen and ablution area ($\pm 15\text{ m}^2$) and a gallery area ($\pm 40\text{ m}^2$) which

serves as access to the individual offices and reception area. Adequate provision will be made for informal parking in an open area under the trees.

The current land use of the property comprises of a manor house with two existing long and narrow farm building on each flank. There are active agricultural activities located on the property. The subject property is located in a predominantly agricultural area, with mixed land uses such as Rhodes group (agricultural and industrial zone) and police station adjacent to the property.

Desirability of the proposal and assessment of comments on application

The subject property is located within the approved urban edge of the Groot Drakenstein node in terms of the approved MSDP, 2015. There is no significant changes within the SDF policy from 2015 to 2023 particularly the Groot Drakenstein node which might impact on the desirability or suitability of the proposed activity. It is however submitted that this proposal concept in this context is not desirable. Even though the SDF indicates the Groot Drakenstein node earmarked for mixed use community and residential infill, See Figure 1, the subject property is indicated as earmarked for open green (incl. agriculture), see Figure 2 (Dwars river valley concept), only the adjacent properties that are earmarked for future development.

DWARS RIVER VALLEY FRAMEWORK

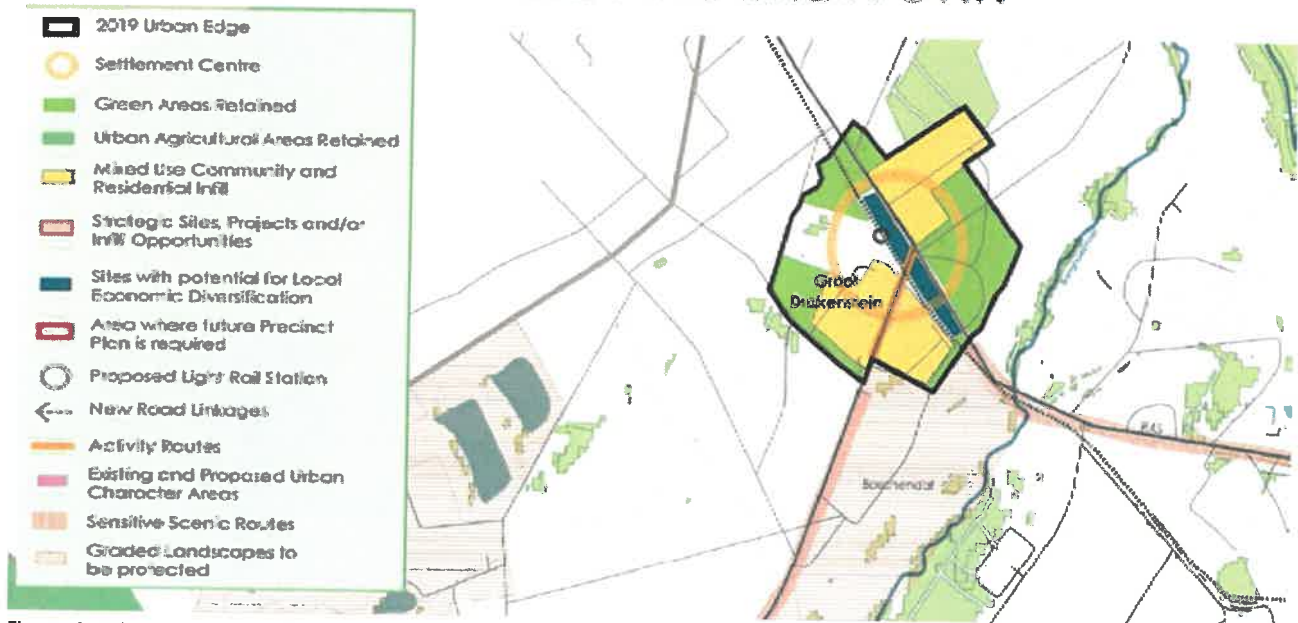


Figure 1: Extract from page 68 of the SMSDF, 2023

DWARS RIVER VALLEY CONCEPT



Figure 2: Extract from Page 91 of SMSDF, 2023

The MSDF further indicates that rural bound businesses of appropriate location and scale to complement farming operations and not to compromise the environment, agricultural sustainability, the scenic, heritage and cultural landscape. The application is located with an urban edge; however, the application proposal is not consistent with the character of the surrounding landscape and do not complement the agricultural rural context.

The principles of the MSDF indicates that only activities that are appropriate in a rural context, generate positive socio-economic returns and do not compromise the environment or ability of the municipality to deliver on its mandate is supported. This property is within the urban edge but since it is an urban use it is not suitable in the rural landscape. Consultation rooms are not regarded as compatible to agricultural activities and seen as ancillary uses in the agriculture and rural zone category in the zoning scheme. Therefore, the proposal is inconsistency with the MSDF, and site-specific motivation was not provided by the applicant.

The applicant did not motivate why the proposal cannot be accommodated in an appropriate zoning and in an urban area. A land use in an agricultural area which is meant to be accommodated in an urban area will attract more people to travel from urban to rural which will increase more traffic in rural areas. Even though the proposal entails the use of existing buildings, the improvement on buildings to accommodate this temporary use might impact the future agricultural use of the buildings. Therefore, the concerns by the objectors are accepted as the proposal is not suitable for agricultural cultural landscape. Moreover, the access requirements have not been implemented as indicated by the Department of Transport and Public Works in their letter (See **Annexure M**).

PART E: SUMMARY OF KEY FINDINGS OF ASSESSMENT

1. After having independently considered and weighted all the relevant information the evaluation of the subject land use and land development application concludes that the proposed development as submitted cannot be supported from a land use planning point of view for the following reasons.
 - a) The subject property is located within the approved urban edge of the Groot Drakenstein node in terms of the approved MSDF.
 - b) The proposed application is not suited in an agricultural area and inconsistent with the activities in the surrounding agricultural landscape.
 - c) The proposal is not accommodated in the zoning scheme provisions.
 - d) Sufficient access requirements for the proposal has not been met.
 - e) The proposal may give rise to similar future proposals which is not suitable in the rural landscape.
 - f) The long time period since the public participation was undertaken does not impact on the desirability or suitability of the proposed activity in the rural context.
 - g) The proposal is inconsistency with the MSDF, and site-specific motivation was not provided by the applicant.

PART F: RECOMMENDATION

1. That the application in terms of Section 15 (2) of Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated October 2015, on Farm 1460/84 (previously unregistered portion 82) Paarl Division for a:
 - 1.1 **Temporary Departure** in terms of Section 15 (2) (c) of the said By-law in order to utilise the unused and vacant portion of the existing building as Psychiatric Clinic; -

BE REFUSED in terms of Section 60 of the said bylaw,
2. The reasons for the above decision are as follows:
 - 2.1 The proposed application is not suited in the rural landscape and inconsistent with the activities in the surrounding agricultural landscape.
 - 2.2 The proposal is inconsistency with the MSDF, and site-specific motivation was not provided by the applicant.
 - 2.3 Sufficient access requirements for the proposal has not been met.

PART G: ANNEXURES

ANNEXURE A:	Locality plan
ANNEXURE B:	Title Deed
ANNEXURE C:	Applicant's motivation
ANNEXURE D:	Site Development Plan
ANNEXURE E:	Proof of Evidence (Public Participation, General Plan & Affidavit)
ANNEXURE F:	Objections and Applicants response thereto
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ANNEXURE J:	Comments from the Manager: Property Management
ANNEXURE K:	Comments from Cape Winelands District: Health
ANNEXURE L:	Comments from the Western Cape Government: Agriculture
ANNEXURE M:	Comments from the Western Cape Government: Transport and Public Works

PART H: ASSESSMENT OF THE LAND USE AND LAND DEVELOPMENT APPLICATION

APPLICATION FOR TEMPORARY DEPARTURE ON FARM 1460/84 PAARL FARMS (PREVIOUSLY UNREGISTERED PORTION 82)

AUTHOR OF PLANNING ASSESSMENT REPORT

Name: B Zondo

Capacity: Senior Town Planner

SACPLAN Registration: C/8589/2017

Signature: 

Date: 11/08/2023

REVIEW AND RECOMMENDED BY PROFESSIONAL TOWN AND REGIONAL PLANNER

Name: C Kriel

Capacity: Manager: Land Use Management

SACPLAN Registration: A/212/10

Signature: 

Date: 11/08/2023

PART I: SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT**APPLICATION FOR TEMPORARY DEPARTURE ON FARM 1460/84 PAARL FARMS (PREVIOUSLY UNREGISTERED PORTION 82)****Authorised Employee to assess and make a recommendation on a land use and land development application for consideration by the authorised decision maker:**

As the duly authorised official in terms of Section 56 of the Stellenbosch Municipal Land Use Planning Bylaw (2023) to assess and make a recommendation on the above planning application, the subject planning report is hereby submitted for consideration to the duly authorised decision maker in accordance with the Categorisation Model for Land Use and Land Development Applications as approved by the Stellenbosch Municipality in accordance with Section 69(1) of the said Bylaw.

In terms of the Categorisation Model duly approved in terms of Section 69(1) of the said Bylaw vide 11.8.1 and dated 24 May 2023, the subject application is categorised as follows:

Category: C4

Decision Making Authority: SMPT

Rational: Finding of justified grounds for inconsistencies with relevant Council, policies and plans and there are objections from interested and affected parties.

Name:

Steenie Carter

Capacity:

SMDM

SACPLAN Registration:

A/1551

Signature:

Date:

[Signature]
11/8/2023

PART J: SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT**APPLICATION FOR TEMPORARY DEPARTURE ON FARM 1460/84 PAARL FARMS
(PREVIOUSLY UNREGISTERED PORTION 82)****Administrator to Authorised Official / Municipal Planning Tribunal:**

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

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

Date: **26 August 2023**

Name: *LENALIA DAVIOS*

Capacity: *SENIOR ADMINISTRATIVE OFFICER*

Signature: *DAVIO*

Date: *11.08.2023*

ANNEXURE A: LOCALITY PLAN

ANNEXURE B: TITLE DEED

copy

24

Prepared by me:

M. Torrance
CONVEYANCER
TORRINGTON, M J

VIR ENDOSSEMENTE KYK BLADSY 6
FOR ENDORSEMENTS SEE PAGE.....

T 45828-04

CERTIFICATE OF REGISTERED TITLE

Issued under the provisions of Section 43 of the Deeds
Registries Act No. 47/1937 as amended

WHEREAS

PICKSTONE AND SON (PROPRIETARY) LIMITED
(Co. No. 05/39279/07)

have applied for the issue to them of a Certificate
of Registered Title under Section 43 of the Deeds
Registries Act 1937, in respect of the undermentioned
land, being portion of the land registered in its
name under Certificate of Consolidated Title No. T-45828-04

J

- 2 -

NOW, therefore, in pursuance of the provisions of the said Act, I, the Registrar of Deeds at Cape Town, do hereby certify that the said PICKSTONE AND SON (PROPRIETARY) LIMITED (No. 05/39279/07), White Group, or assigns is the registered owner of :

PORTION 1 OF THE FARM DELTAMEER NO. 1460, in the Division of Paarl;

IN EXTENT: 16,1672 (Sixteen comma One Six Seven Two) Hectares;

AS WILL APPEAR from the annexed Diagram No. 9140/90 and held by Certificate of Consolidated Title No. T 45829191

1. AS REGARDS THE FIGURE A B n m on attached Diagram No. 9140/90:

SUBJECT to the conditions referred to in the endorsement dated 17 March 1931 on Deed of Transfer No. T6238/1922 which reads as follows:

g.

- 3 -

(ii) To the conditions referred to in the Endorsement of Servitude dated 17th March 1931 on Deed of Transfer No. T6238/1922, which said Endorsement reads as follows:

"The within described land is subject to a servitude with regard to apportionment of water in terms of an Order of the Water Court (Water Court District No. 1 dated 13th May 1921) as will more fully appear on reference to the copy of the said Order annexed hereto."

2. AS REGARDS THE FIGURES n C x M and m x C Middle of water furrow D on the attached Diagram No. 9139/90.

A. SUBJECT to the conditions referred to in Certificate of Registered Title No. T2785/1952.

B. SUBJECT FURTHER to the conditions referred to in the endorsement of servitude dated 17 March 1931 on Deed of Transfer No. T6238/1922 which endorsement reads as follows:

"The within described land is subject to a servitude with regard to apportionment of water in terms of an order of the Water Court (Water Court District No. 1 dated 13 May 1921) as will more fully appear on reference to the copy of said Order annexed hereto."

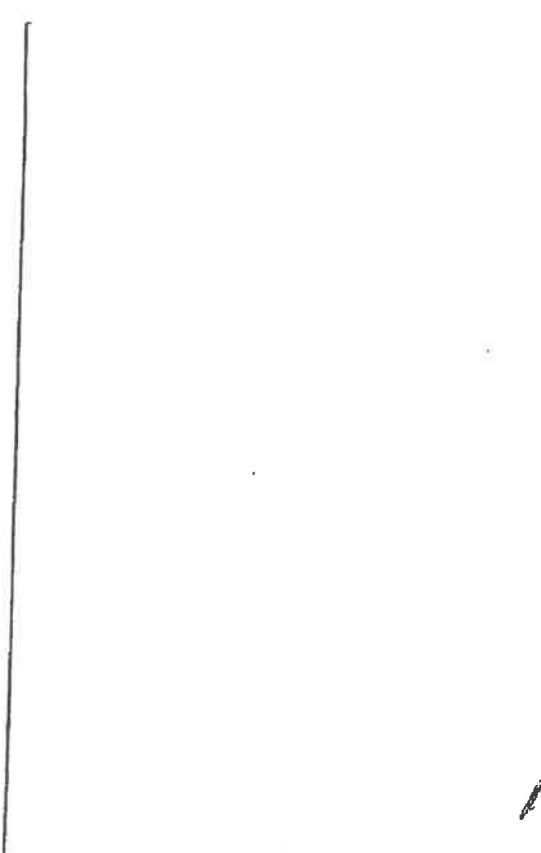
C. SUBJECT FURTHER to the following condition contained in Certificate of Uniform Title No. T4291/1944, reading as follows:

4

"That the Government shall at all times have the right to resume a portion of the whole of the said land if required for public purposes on payment of such sum of money in compensation as may be mutually agreed upon by the parties concerned, or failing such agreement, as may be determined by arbitration."

- D. ENTITLED to the benefit of the conditions referred to in paragraph (a) of the endorsement of servitude dated 31 March 1944 on Certificate of Uniform Title No. T4291/1944, the relevant portion of which endorsement reads as follows:

"By T No. 4292/1944 (para 2) the transferee and its successors in title to the land thereby conveyed (para 2) shall be debarred from erecting any buildings within a distance of 62,97 metres from those portions of the South Eastern Boundary of the land thereby conveyed (para 2) and lettered f.g. and h.y. on the diagram No. 3769/42 thereunto annexed."

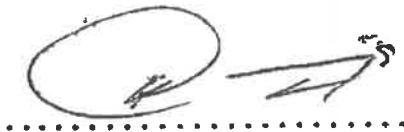


- 5 -

AND that by virtue of these presents the said PICKSTONE AND SON (PROPRIETARY) LIMITED (No. 05/39279/07) or assigns now is and henceforth shall be entitled thereto conformably to local custom, the State, however, reserving its rights.

IN WITNESS whereof I, the said Registrar, have subscribed to these presents, and have caused the seal of office to be affixed thereto.

THUS DONE and executed at the Office of the Registrar of Deeds at CAPE TOWN on this 26 day of JULY 1991.



.....

REGISTRAR OF DEEDS



6

BC 41596191 w.o.p.

Artikel Section.....	43 (1)	Wet No. 47 van 1937 Act No. 47 of 1937
Verbind deur Verband No. Mortgaged by Bond No.....	B20043 88	BC 52890191
gedateer dated.....	12/4/1988 vir for R500000,00	RELEASED ON THEE
P.R. Ek.....	Fol.....	Asst.-Registrateur Asst. Registrar
Aktekantoor, Deeds Office, Kaapstad/Cape Town.	26 07 91	

13 09 91

BC 41597191 w.o.p.

Artikel Section.....	43 (1)	Wet No. 47 van 1937 Act No. 47 of 1937
Verbind deur Verband No. Mortgaged by Bond No.....	B23511 83	BC 528931191
gedateer dated.....	5/11/1983 vir for R300000	ON THEE/RELEASED
P.R. Ek.....	Fol.....	Asst.-registrateur Asst. Registrar
Aktekantoor, Deeds Office, Kaapstad/Cape Town.	26 07 91	

13 09 91

VIR ENDOSSEMENTE KYK BLADSY
FOR ENDORSEMENTS SEE PAGE

1

BC 41598191 w.o.p.

Artikel Section.....	43 (1)	Wet No. 47 van 1937 Act No. 47 of 1937
Verbind deur Verband No. Mortgaged by Bond No.....	B27006 89	BC 52892191
gedateer dated.....	23/5/1989 vir for R1,000,000,00	ON THEE/RELEASED
P.R. Ek.....	Fol.....	Asst.-registrateur Asst. Registrar
Aktekantoor, Deeds Office, Kaapstad/Cape Town.	26 07 91	

13 09 91

BC 41599191 w.o.p.

Artikel Section.....	43 (1)	Wet No. 47 van 1937 Act No. 47 of 1937
Verbind deur Verband No. Mortgaged by Bond No.....	B13546 86	BC 52891191
gedateer dated.....	3/4/1986 vir for R200000,00	ON THEE/RELEASED
P.R. Ek.....	Fol.....	Asst.-registrateur Asst. Registrar
Aktekantoor, Deeds Office, Kaapstad/Cape Town.	26 07 91	

13 09 91

1

(26)

For well of ...

not ...

ENTITLED to a servitude water pipeline 3 (Three) metres wide to pump water from the Berg River, as contained in Deed of Transfer No. T 45834191 /1991 registered this day, together with such ancillary rights as regards access and maintenance as may be reasonable or normal under the circumstances, in favour of Portion 1 of the Farm Deltameer No. 1460, in the Division of Paarl, in extent 16,1672 Hectares: the centre line whereof is indicated by the line S1 T1 U1 on Diagram No. 9143/90, and it is a condition of the servitude that the positioning of the pump on the Berg River may be changed from time to time.



DEEDS OFFICE
CAPE TOWN

REGISTRAR OF DEEDS

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ENDOSSEMENTS SEE PAGE

8

8

By Deed of Transfer
 No. T 27334/93+ the within
 property is entitled to a
 servitude water pipeline
 3 metres wide to convey
 water over the property on
 such terms and conditions
 and situations as the
 registered owners may
 require in its sole discretion
 over Portion 5 of the farm
 Deltaneer no. 1460 meas
 12,3653 Ha held by Deed of
 Transfer 27334/93 as well more
 fully appear from the said
 Deed of Transfer

Deeds Office
 Cape Town
 23 03 93

[Signature]
 Registrar of
 Deeds

For end. see P 9.

By Notarial Deed No K 387/99

the within Property is entitled to a servitude right of way, as indicated by the Plan ABCDEFGHIJK on said servitude diagram No 2005/97

OVER REMAINDER OF THE FARM No 1475 HELD BY T 74351 /91

As will more fully appear from the said Notarial Deed.

DEEDS REGISTRY

CAPE TOWN

2
REGISTRAR OF DEEDS

29 04 99

ONTREKING DEUR	EXPROPRIATION BY
Provincial Administration: WESTERN CAPE	
VAN AF A PTN. OF PTN. OF THE FARM DELTAICER No. 1460	
AFDOOT ONGEVEER/MEASURING APPROXIMATELY 7633 M ²	
EX 11/95	
29 04 99	REGISTRATEUR VAN AKTES

not subject

30

BY Notarial Deed No. K 19/2002 dated 12 November 2001

the within property is

ENTITLED to the following servitude over the Remainder of the Farm Lekkerwyn No. 997, in the Stellenbosch Municipality, Division of Paarl, Western Cape Province, in extent 25,6960 Hectares held by Deed of Transfer No. T 2582/1902 (Para 26):

"A 3 metre pipeline servitude from the middle of the water furrow at a to the middle of the Dwars River at s, the line aA represents the northern, the line ABCDEFGHJK represents the north western, the line KMM represents the northern and the line NPQRSs represents the north eastern boundary of such servitude as depicted on servitude diagram SG9598/1996 annexed thereto. Where limited by the property boundary, the aforesaid servitude extends to the property boundary."

SUBJECT to conditions as will more fully appear on reference to said Notarial Deed.

2002-01-14
DEEDS OFFICE
CAPE TOWN

Handwritten signature

Handwritten signature
REGISTRAR OF DEEDS

DIE IDENTIFISERNOMMER VAN DIE	THE IDENTITY NUMBER OF THE
IS VERANDER NA	HAS BEEN CHANGED TO
1950	039279/07
2002-01-14	REGISTRAR OF DEEDS CAPE TOWN

11
DIE KANTOOR VAN DIE DEEDSREGISTRAR
IN DIE WEDERSE KANTOOR VAN DIE DEEDSREGISTRAR

Enlargement

BY VIRTUE OF NOTARIAL DEED NO.

K1200/03 2003 DATED 6/02/03 THE
ROUTE OF THE SERVITUDE PIPELINE IN
ENLARGEMENT DATED 23/03/93 ON PG 8
HAS BEEN DETERMINED AS DEPICTED BY
THE FIGURES ON SERVITUS DIAGRAMS 9599/96
AS WILL MORE FULLY APPEAR FROM SAID
NOTARIAL DEED.


DEEDS OFFICE
CAPE TOWN

2003-03-11

RECEIVED AT
DEEDS.

~~10~~ 12

Ptn. 80 Meas. 2,4369 ha

GETRANSPORTEER AAN		TRANSFERRED TO	
ALLEE. BUELE		ESTATE (Pty) LTD	
RESTANT/REMAINDER 13, 1303 ha			
T 000058795/2011			
2011-10-21			
		REGISTRAR	

Remainder

10.

NOTARIAL DEED OF SERVITUDE



000000962 / 2011

By virtue of Notarial Deed of Servitude No. K.....S dated 5th August 2011

The within property is entitled to:

1.1a right of access in perpetuity by way of the servitude road 7metres

wide, the centre line whereof is depicted by the line AB on servitude diagram No.1591/2010

1.2 a right of access by way of servitude road 5metres wide, the centre line whereof is depicted by the

Line cd on servitude diagram No.1591/2010

Subject to ancillary rights and in particular a specific proviso to subdivision contained therein

1.3 a servitude in perpetuity to drain storm water by way of the servitude furrow 2metres wide

(which may at the election of Pickstone and its successors in title be replaced by underground pipes)

as depicted by the curvilinear lines ef and gh on servitude diagram No.1591/2010

Subject to ancillary rights

Over The Farm No.1758 meas.83,7412 ha held by Certificate of Registered Title

No. 000058796 / 2011

Consolidated

Registrar of Deeds

Deeds Office

Cape Town

2011-10-21

ANNEXURE C: APPLICANT'S MOTIVATION

**Temporary Land Use Departure on
Portion 82, a portion of Portion 1 of
the Farm Deltameer No 1460
Paarl**

OUR REF: P2416/90(13)A1

Compiled by:

David Hellig & Abrahamse
Professional Land Surveyors

JUNE 2016

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Plans

1. Site Plan No 2
2. Temporary Land Use Departure Plan No 1
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Annexures

1. Power of Attorney & Company Resolution
2. Copy of Title Deed No T45830/1991
3. Land Use description
4. Pre-Consultation documents
5. Application form

1. INTRODUCTION

1.1 Application

The following application is hereby formally submitted :

- (i) In terms of **Section 15(2)(c)** of the **Stellenbosch Municipality Land Use Planning By-Law (August 2015)** for a **Temporary Land Use Departure** on unregistered Portion 82 of the Farm Deltameer No 1460 Paarl to permit the utilisation of a portion of an existing building as a Psychiatric Clinic. Detail pertaining to the proposed land use will be discussed in Section 3 of this report and is described in detail in the attached document dated 10-05-2016.

1.2 Report

The purpose of this report is as follows:

- (i) To collate all the relevant information with regard to the proposed temporary land use departure into one document;
- (ii) To present the relevant information with regard to the natural and manmade environment; and
- (iii) To motivate the desirability of the proposed application as contemplated in Section 65 of the **Stellenbosch Municipality Land Use Planning By-Law (August 2015)**.

2. BACKGROUND WITH REGARD TO THE PROPERTY

2.1 Owner/Applicant

DR SIMON PICKSTONE-TAYLOR duly authorized by **MESSRS PICKSTONE & SON (PTY) LTD**, owners of the Remainder of Portion 1 of the Farm Deltameer No 1460 Paarl appointed *David Hellig & Abrahamse Professional Land Surveyors* to prepare and submit the required planning permission application for the proposed Temporary Land Use Departure to the relevant Statutory Authorities for approval (*Power of Attorney and Company Resolution attached*).

2.2 Description

The subject land unit is described as **Portion 82** (being an unregistered portion of Portion 1) of the **Farm Deltameer No 1460 Paarl** situated in the jurisdiction of Stellenbosch Municipality, Administrative Division of Paarl, Province Western Cape measuring **7,8271ha** in extent. It should be noted that Portion 82 is however registerable since Portion 80 has been subsequently registered and therefore the previous subdivisional approval in respect of Portions 80 – 82 are valid in perpetuity.

2.3 Title Deed

Portion 1 of the Farm Deltameer No 1460 Paarl is currently held by **PICKSTONE & SON (PTY) LTD** vide Title Deed No **T45830/1991**.

The Title Deed contains no restrictive conditions that will prevent the proposed temporary land use on the subject property (*Copy of Title Deed attached*).

2.4 Location

The subject property is located on the lower eastern foothills of the Simonsberg Mountains north of Simondium. The property is situated on the south-eastern corner of the intersection of Main Road 191 (R45) and Main Road 172 (Helshoogte Road) (R310) abutting Allee Bleue Estate with access directly from Main Road 191 via an existing entrance to the Lekkerwijn Manor House complex.

Main Road 191 (R45) serves as a primary road running in a north/south direction parallel with Main Road 27 (R44) to the west of Simonsberg and Main Road 201 (R301) (Wemmershoek Road) to the east of the Berg River and links Simondium to the north with Franschhoek to the south-east. Main Road 172 (R310) (Helshoogte Road) runs east/west and serves as the main road linking the R45 through Pniel and Johannesdal with Stellenbosch to the west.

The subject land unit is centrally located and enjoys high accessibility from all directions; hence the inclusion thereof into the urban edge for the Groot Drakenstein area. The large volumes of traffic along the R45 towards Franschhoek as well as the traffic from Stellenbosch via Main Road 172 create a unique opportunity for a development node at this intersection. It is for this reason that the property has been included into the Spatial Development Framework as a future development node in the Groot Drakenstein area.

Since the proposed temporary land use will be confined to a portion of an existing building and no new development is proposed as a result of this application, no negative impact is expected and the land use can therefore be regarded as compliant with what is normally accepted within a development node.

Due to the small scale of the proposed temporary land use, the existing access to the subject property will be more than sufficient to accommodate the expected traffic flow.

2.5 Existing zoning and land uses

2.5.1 Existing zoning and land use rights

The subject land unit is subject to the Zoning Scheme Regulations promulgated in terms of Section 8 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and the Stellenbosch Municipality has confirmed that the subject property is currently zoned for **Agriculture Zone I** purposes.

In terms of the new Regulations that were promulgated in terms of Section 9(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and which were published in the Provincial Gazette (P.N. 359/2009) dated 2 October 2009 the definition of Agriculture as the primary land use in terms of Agricultural Zone I zoning, is defined as follows:

“Agriculture means –

- (a) the cultivation of land for raising crops and other plants, including plantations, or*
- (b) the breeding of animals, including –*
 - (i) any form of farming activity, for example stock, bee or bird farming, or*
 - (ii) any stud farm or farm for the keeping or breeding of animals, or*
 - (iii) a riding school, or*
 - (iv) running a game farm on an extensive basis, or*
- (c) natural veld,*

and comprise only those activities and buildings that directly relate to the main farming activities on the farm, but does not include abattoirs, feedpen farming, aquaculture or other defined consent uses."

Since the proposed temporary land use departure will be confined to a portion of an existing building on the subject property, no changes or any impact are expected to the existing agricultural activities or agricultural potential of the property.

2.5.2 Existing land uses

The improvements on the subject land unit viz Portion 82 of the Farm Deltameer No 1460 Paarl, comprise a manor house with two existing long and narrow farm buildings on each flank. A portion of one of these farm buildings (northern building) is the subject of this application. The farmstead complex is enclosed by a low boundary wall, typical of a Boland Farm creating an enclosed area behind the manor house.

Despite the fact that the subject property is zoned for agricultural purposes, no intensive agricultural activities are located thereon.

3. PROPOSED DEVELOPMENT

It is the intention of the Applicant and the purpose of this report to optimise the existing unused and vacant portion of an existing building on the subject property for establishing a Professional Child and Adolescent Psychiatric Professional Practice. The proposed Psychiatric Clinic will provide specialised professional services for children, adolescents and individuals with Autism and their families. This will be the first established centre of its kind in South-Africa, and indeed Africa.

The proposed activities, the need and rationale for establishing such a facility on the subject land unit, are described in detail in the attached document dated 10-05-2016 prepared by Dr Ben Truter Clinical Psychologist, Paarl Practice.

The proposed **Psychiatric Clinic** will be located in a portion of an existing vacant building on the subject property. This portion of the building measuring $\pm 176\text{m}^2$ in extent has a rectangular shape and will comprise a **reception area ($\pm 21\text{m}^2$)**, **five offices (varying from 10 - 13m² each)**, centrally located **kitchen and ablution area ($\pm 15\text{m}^2$)** and a **gallery area ($\pm 40\text{m}^2$)** which serves as access to the individual offices and reception area. Entrance to the proposed clinic will be through new steel framed infill glazing doors immediately behind the existing garage double doors at the end of the existing building. The architectural integrity of the existing building and interface with the surrounding buildings will be respected and no significant changes are proposed. Adequate provision will be made for informal parking in an open area under the trees located next to the subject building for the patients and staff. Since only five consulting rooms are proposed, the number of vehicles visiting the clinic will be minimal.

4. PROPOSED TEMPORARY DEPARTURE

The proposed activities do not form part of the primary land use rights under Agriculture Zone I zoning and it is therefore necessary that formal application be made to accommodate the proposed land uses. According to the Stellenbosch Municipality during the compulsory pre-application consultation process, the proposed activities will not require a permanent land use right but will only be permitted as a Temporary Land Use Departure for a period of five years.

In terms of Section 18(1)(b) of the **Stellenbosch Municipality Land Use Planning By-Law (August 2015)** an Applicant may submit a formal application,

"...to utilize land on a temporary basis for a purpose not permitted in terms of the primary rights of the zoning applicable to the land for a period not exceeding five years".

Since the nature of the proposed activities is not directly related to the agricultural activities on the property, despite the fact that no physical changes are proposed, no permanent use right can be awarded; hence the application for a temporary departure.

To facilitate this change in land use rights, the following formal application is therefore required:

- In terms of **Section 15(2)(c) of the Stellenbosch Municipality Land Use Planning By-Law (August 2015)** for a **Temporary Land Use Departure** on Portion 82 of the Farm Deltameer No 1460 Paarl in order to utilise a portion of an existing building on the subject land unit as a Psychiatric Clinic.

Ms Sarah Winter, Heritage Consultant has been appointed to attend to the application required in terms of Section 34 of the National Heritage Resources Act for submission to Heritage Western Cape for approval.

5. DESIRABILITY OF THE APPLICATION

In terms of Section 65(c) of the Stellenbosch Municipality Land Use Planning By-Law, August 2015, the proposed utilisation of the land must be desirable.

The concept of “desirability” in a land use planning context and as contemplated in Section 65(c) of the Stellenbosch Municipality Land Use Planning By-Law, can be described as the “degree of acceptability” of the specific land use(s) on a said property within an existing natural or manmade environment and the guideline proposals included in the relevant spatial development framework plans and policies, and municipal engineering services in so far as it relates to desirability, or on the basis of its effect on existing rights and the biophysical environment concerned.

The desirability of this application for a Temporary Departure on unregistered Portion 82 of the the Farm Deltameer No 1460 Paarl will be discussed with regard to the following aspects:

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

5.1 Physical characteristics

5.1.1 Topography

Despite the fact that the subject property is located on the lower eastern foothills of the Simonsberg Mountains, the property enjoys a level gradient with no particular slope. Since the activities will be confined to the inside of the existing building, the topography of the property will have no impact on the proposed land uses.

There are no physical features or topographical constraints on the property which will prevent the use of the farm building for the proposed activities.

5.1.2 Climate

The subject property is located in the Drakenstein Valley north of Simondium and forms part of the Mediterranean climate system of the Western Cape. The area is known for its cold and wet winters and dry warm summers. The wind is predominantly north-westerly during the winter months and strong south-easterly in the summer time.

We are of the opinion that the proposed land uses will have no impact on the existing micro climate of the area.

5.1.3 Ecological characteristics

Since all activities will be confined to the inside of the existing farm building, no natural vegetation or ecological habitats will be affected.

5.2 Character of the area

The subject land unit is located at the intersection of the R310 and R45 routes east of Pniel and south of Simondium. Although the subject land unit is zoned for agricultural purposes, no intensive agricultural activities are located on the property. There are however various other land uses present in the area which include Rhodes Foods Group (office and pack shed precinct), Police station, Old Railway station buildings, Alle Bleue Wine Farm, and Meerlust farms which portray the area as having a mixed use character.

Since the subject land unit is located at the intersection, the Stellenbosch Spatial Development Framework which was approved by Council in 2013, has identified the subject land unit as being part of the future urban node and is therefore included into the demarcated urban edge for the Groot Drakenstein Area.

This inclusion will optimise the use of the subject land unit and facilitate other land uses than agriculture thereon. The land unit can therefore with great success be used for urban related activities as envisaged in the spatial planning policies. The fact that the subject property is located within this proposed urban space, supports the proposed temporary departure.

The subject building is approximately 180m from the R45 and is not visible from this route. This unique location and tranquil environment is one of the main reasons behind the proposed location for the Psychiatric Clinic.

In light of the aforementioned we are of the opinion that the proposed temporary departure will fit in with the urban node as proposed by the approved spatial planning documentation and will not have any detrimental impact on the existing character of the area.

5.3 Location and Accessibility

The subject land unit is located almost halfway between Simondium along R45 to the north and Pniel along R310 to the west. The land unit is situated at the R45 and R310 intersection and enjoys easy access.

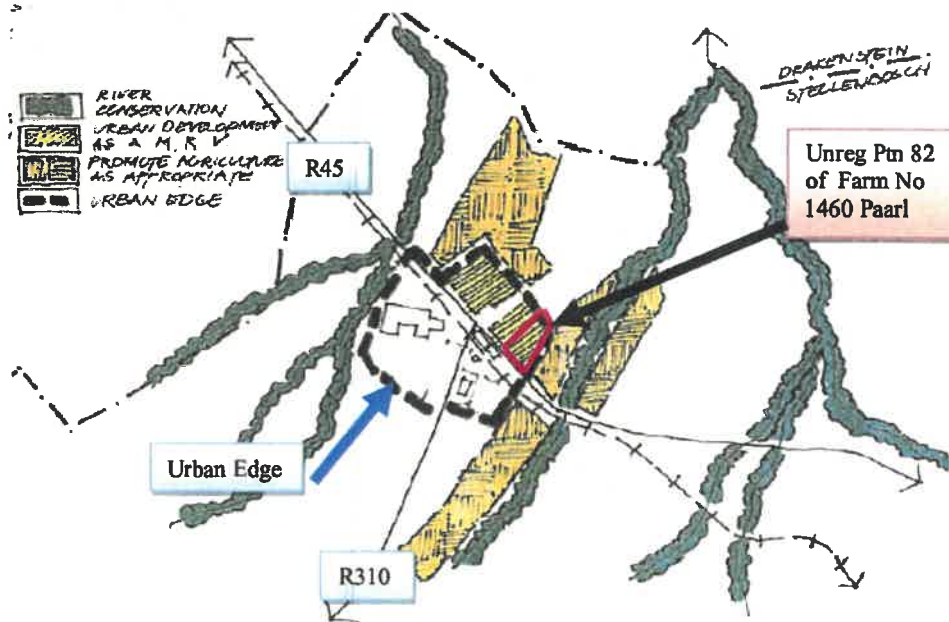
The subject land unit currently has an existing access located approximately 400m south of the R45 and R310 intersection along the R45. This existing access is more than sufficient to accommodate the small amount of traffic which will be generated as a result of this application. No new entrances or any changes to the existing entrance will be required.

5.4 Spatial Planning Policies

The subject land unit is located within the area of jurisdiction of the Stellenbosch Municipality. According to the existing spatial planning policy

document, the Stellenbosch Municipal Spatial Development Framework (SMSDF) which was adopted by Council in 2013, the subject land unit is located within the proposed urban edge for Groot-Drakenstein Area and future development node around the R45 and R310 intersection. Despite the fact that there are at present limited development at this intersection, it is a strategic location for future urban related activities which can be developed with limited physical or technical constraints.

The spatial planning documentation also recommends future lateral growth along the roadside towards the north. While one of the objectives of the Western Cape Spatial Development Framework deals with future settlement patterns being located in areas of high economic potential, this intersection between Franschhoek and Stellenbosch has extremely high development potential.



GROOT DRAKENSTEIN PROPOSALS



Existing approved urban edge of Groot Drakenstein Area

5.5 Provision of services

Since the proposed activities will be confined to the existing farm building on the subject land unit which is already provided with the necessary services and infrastructure, no additional services or infrastructure will be required to accommodate the proposed land uses.

Suffice to say, that from a services point of view the proposed temporary use of the farm building for a Psychiatric Clinic, can be deemed desirable.

6. CONCLUSION

From the aforementioned it is clear that the proposed temporary departure proposed on Portion 82 of the Farm Deltameer No 1460 Paarl in order to permit the utilisation of a portion of an existing farm building as a Psychiatric Clinic by the applicant, is considered compliant with Section 65 of the Stellenbosch Municipality Land Use Planning By-Law and in particular Section 65(1)(c) thereof.

Since the proposed land uses will be confined to an existing building footprint and no changes to the rest of the subject land unit are proposed, no impact is expected on the surrounding properties or existing character of the area. Since the activities comprise consulting rooms, no form of disturbance or pollution will occur. Access to the existing building on the subject property will be via an existing road from an existing approved entrance onto Main Road No 191. Since the existing building is already provided with the necessary services and infrastructure, no additional services or infrastructure will be required.

I trust that the application for a **Temporary Land Use Departure** on Portion 82 of the Farm Deltameer No 1460 Paarl in order to establish consulting rooms within a portion of an existing farm building for the purposes of a specialised Psychiatric Clinic as depicted on the attached plans, will be approved.

Ben Truter

Clinical Psychologist

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10th May 2016
Groot-Drakenstein

Rationale for the Proposed Development at Erven 1460 ; Farm 'Deltameer'; Groot Drakenstein

This proposal is for the establishment of an integrated facility for children, adolescents and individuals with Autism and their families in the Simondium/Franschoek/Drakenstein area of the Western Cape. This would be the first established centre of its' precise kind in South Africa, and indeed, Africa. The facility would be ideally placed within an accessible keypoint with a natural, heritage environment, such as that offered by the Lekkerwijn estate. This document seeks to a) illustrate the need for such a specialist facility in the Western Cape (and indeed in Africa); and b) illustrate the rationale for situating such a facility at the proposed site.

Current Practice:

Currently, the primary parties behind the project (Ben Truter and Dr Simon Pickstone-Taylor) work within a team that is situated on Paarl Main Road. This is a rented facility and the team (several Clinical Psychologists; the Specialist Child and Adolescent Psychiatrist and the Developmental Paediatrician work from this facility. The referrals to the team are for two primary reasons: a) a request for diagnosis; and b) referrals for intervention – within the family and all domains of their immediate environment. Referrals are primarily from the Paediatric Neurologists; Specialist Child Units (without the capacity to identify or intervene with ASD); and other Paediatricians; Psychiatrists and Community Resources.

The facility has a primary inherent shortcoming in capacity in that there are simply no further rooms to rent. This has placed significant restrictions on the extent to which a) we are able to meet the needs of our existing caseload. This caseload is constituted by both families with access to private healthcare and families with no access to medical aid or similar. There is no state-funded or resourced unit for Autism in this area. The inability to service our existing caseload (because we do not have the physical space to accommodate further Clinical or support staff); as well as our exponentially-increasing waiting-list has been of great concern to us. We need a space that is constructed with Autism in mind (because of the broad constellation of sensory factors that must be considered when conceiving a space for ASD); one that allows for space for accommodating the relevant professionals; and one that is rurally-based – due to the significant number of research-based outdoor interventions that should be offered. We also believe very strongly in making such a Specialist facility accessible to individuals and families who are without private healthcare funding, and can do so meaningfully, if our capacity is extended.

The first stage would be the use of an identified and unused stable building on Lekkerwijn estate as a temporary clinic. This would allow for interim relief; and would constitute a suitable facility whilst a primary (new) facility is planned. Therefore, an application for temporary zoning relief/departure for the stable buildings on Lekkerwijn would be made to allow for the converted garage and adjacent rooms to be utilized.

The Focus Area: Autism as a Developmental Crisis Area

Autism is a neurodevelopmental disorder. This means that the development of the brain and wider nervous system in people with autism differs from typical neurodevelopment; and this divergent neurological functioning is present prior to birth. Because of this difference in development, the way in which people with autism think and process information differs to that of the majority of people within the typical population. In particular, this difference affects:

- the ability to communicate effectively;
- the ability to secure and maintain effective relationships;
- the ability to think and act flexibly;
- the perception and management of sensory stimuli

Prevalence and incidence studies posit that approximately 1 In 45 (latest US Centre for Disease Control Figures) children are born with a condition on the Autistic Spectrum. Whilst there are no formal completed incidence studies in South Africa, these

rates are considered to be reasonably constant worldwide, through race, ethnic and cultural groupings. There are no boundaries as to who is affected and where.

Autism Spectrum Conditions constitute the fastest-growing developmental condition or disability in mankind's history, at present, according to the Centre for Disease Control in the United States. Furthermore, Autism is having a bigger cost impact on national economies than any other medical condition. The LSE (London School of Economics) recently (2015) published research indicating that Autism costs the United Kingdom more (in terms of treatment and intervention, lost earnings and care and support) than heart disease, cancer and strokes combined. Annually, 32 Billion Pounds is spent in the treatment, intervention and support of individuals with Autism; where 12 Billion Pounds is spent on Cancer and Cancer-related treatments and interventions. Indeed, JAMA (The Journal of the American Medical Association) describes Autism as 'the most expensive medical condition to treat'. Currently, the need for continued and further research in the field of Autism remains profound. Alongside this, international best practice models – (from the United Kingdom, United States, the EU and other economically developed spheres, such as Australia and New Zealand). have focussed on national best-practice guidelines, in the context of national centres of excellence and expertise, to assess, diagnose and support children (and their families) and individuals (across the life-span) with Autism. Currently, such centres have been able to provide the following:

- Diagnostic and assessment services;
- Family-based intervention models;
- Appropriate and evidence based specialist early intervention;
- Access to specialist intervention support;
- The provision of evidence and research-based best practice support;
- Support, training and guidance for professionals;
- The direct implementation of ASD-appropriate interventions across the life-span and environmental supports.

The South African Context:

In South Africa, service provision is both thinly-spread across isolated services; there is little to no comprehensive post-diagnostic support (especially beyond the early childhood phase); and there is a dire shortage of appropriately trained diagnostic professionals. Indeed, diagnostic practice (which allows infants to access early intervention – which is prognostically imperative) is limited. Whilst major progress has been made with the presence of esteemed international authorities such as Professor Petrus de Vries (Sue Struengmann Professor of Child and Adolescent Psychiatry at UCT) in our midst; in practical terms, families struggle to:

- Access a team-based comprehensive diagnostic assessment using international best practice diagnostic practice;
- Access a family-based setting where intervention, and post diagnostic support is situated in one centre; and where families can receive the support they require.
- Access support across the life-span; as well as the appropriate associated needs – such as the group and family-based interventions.
- Similarly, the provision of a best practice intervention – an intensive environmental intervention around the child or individual remains largely inaccessible to most – due to a paucity of appropriate skills, resources, guidance and access to coordinated, and child-based team intervention.

Currently, facilities are usually present for one 'strand' or aspect of the intervention process; and where these are available, they are usually available to very few; after very considerable waiting times; and they focus on one 'branch' of the intervention process. Aside from individual education-based state facilities (such as Vera School in Cape Town) and private facilities which focus or adhere to specific intervention approaches (such as SNAP or REACCH or the STAR School); or advocacy and support bodies.

The Proposed Development as a Response to the needs of individuals (with ASD) and their families:

A parallel ideal facility is the Els Center for Excellence in Florida, United States (construction commenced in March, 2014).

At present there is no facility in South Africa which provides an all-in-one:

- Diagnostic assessment based on international best practice in a team setting;
- Immediate and appropriate (to each presenting child) intervention support in all domains of need;
- Access to a full and inter-related clinical, therapeutic and education team;
- Interface between diagnostic practice, education and family-based intervention;
- Life-span supports for individuals on the Autistic Spectrum.

The proposed development at Lekkerwijn would constitute a continental 'first'; in that it would indeed be the first facility of its kind in Africa, and would allow for a coordinated, and excellence-based comprehensive centre to be placed in the Groot Drakenstein area. The Centre would also take every necessary step to retain and strengthen all relevant relationships with National and International Universities.

General Mental Health Services

While Autism would be the primary focus of much of the work undertaken by the team of clinicians working at Lekkerwijn in these offices, the clinicians would also be able to provide generic mental health services to patients. There is a dire need for Child & Adolescent Mental Services throughout South Africa, but particularly outside major cities. At present there are only about 25 child & adolescent psychiatrists practicing in South Africa, most of almost all of whom are practice in the major cities such as Cape Town , Johannesburg and Pretoria. There is considerable evidence to show that Child & Adolescent Mental Health Services are best offered by a multi-disciplinary team. There are no such services available outside Cape Town in the Cape Province, in private or state (in fact there is no state child & adolescent psychiatrist available further than Tygerberg hospital in the Western Cape). The clinicians working at Lekkerwijn would provide an excellent and much needed mental health service for young people, both fee paying and those without sufficient financial resources, giving particular priority to those living locally. Dr Simon Pickstone-Taylor, who is a Lekkerwijn trust beneficiary and the trustees of this trust are choosing to have Lekkerwijn's land used for this purpose as they wish the local under-privileged community to benefit from Lekkerwijn, particularly in the form of better mental health services.

Dr Simon Pickstone-Taylor
Consultant Child and Adolescent Psychiatrist
Consultant Adult Psychiatrist

Ben Truter
Clinical Psychologist

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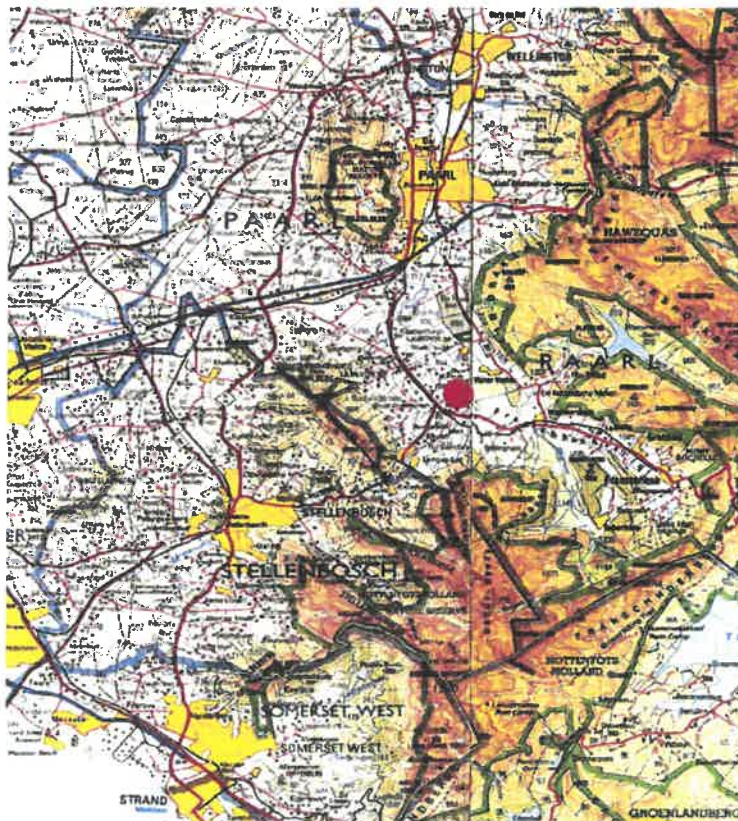
12th May 2016

Attention: Heritage Western Cape

**PROPOSED ALTERATIONS TO BARN OUTBUILDING, PORTION 1 OF FARM NO 1460,
LEKKERWIJN, GROOT DRAKENSTEIN (STUCTURE OLDER THAN 60 YEARS)**

A. INTRODUCTION

Sarah Winter has been appointed by the owners of Lekkerwijn to assist with a National Heritage Resources Act (NHRA; Act 25 of 1999) Section 34 application to Heritage Western Cape (HWC). The application is for alterations to a barn forming part of the historical werf at Lekkerwijn. The property is located close to the intersection of the R45 and R310 at Groot Drakenstein and falls within the Stellenbosch Municipality. It is located within the Grade I Cape Winelands Cultural Landscape. The proposals are for the adaptive reuse of a section of the barn for use as a clinic including a reception space and five consulting rooms.



*Figure 1: Regional Scale
Location Plan*

B. SITE DESCRIPTION

The property is currently used as a guest house and function venue.

The barn which is the subject of this application is one of two outbuildings defining the werf to the north-east of the homestead. It is currently largely used as storage space, with stables and a guest cottage located towards the northern-eastern end. The stables and guest cottage are not affected by the proposals.

The section of the barn impacted by the proposals includes the southernmost space used as a garage since 1912. This section including the gable end was entirely rebuilt with a concrete ceiling after being destroyed by a fire in 1912 (Simon Pickstone-Taylor pers.com). This space is proposed as the reception and offices 1 and 2. Next to the garage is a storeroom which is proposed as a kitchenette and bathrooms. A second storeroom is proposed as office 3.

The room under the gable is referred to as the coach house. In c 1912 new barn openings were inserted to accommodate carriages, still presently stored here. It was also used to store saddles and horse tack after the adjacent stables were installed at the same time (Simon Pickstone-Taylor pers.com). Fixtures for hanging and storing horse tack still remain. This space is proposed as offices 4 and 5.

The exact age of the barn is unknown. Photographic evidence of the barn c1900 shows a pre-existing gable that is a typical 'Swartland' gable. The early 19th century was a period of great agricultural prosperity at the Cape and is typically associated with the augmentation and formalization of many farm werfs. The current gable is dated 1912 and is a replica of the front gable of the homestead, built to replace the earlier one after it was destroyed in the 1912 fire (Simon Pickstone-Taylor pers.com).

Surviving period joinery dates to c 1912 and includes teak double casements, simple doors and stables made of stinkwood. In c 1990 the timber floors between the stables and the garage were replaced with cement screed floors and the ceilings replaced with SA pine. The barn doors to the garage and coach house were also replaced at this time (Simon Pickstone-Taylor pers.com; plans for alterations to the barn dated c 1990).

Pre-application fabric analysis including plaster removal and detailed historical research may assist in establishing the age and detailed chronological development of the building. However, this is considered unnecessary given the nature and extent of the proposals and their minimal impact on historical fabric. The recording and documentation of historical fabric revealed during construction should be included as a condition of approval.

C. HISTORICAL OVERVIEW

Lekkerwijn was first granted in 1690 to Arie Lekkerwijn (Henri L'Eccevent). For the first half of the 18th century, Lekkerwijn belonged to the same owners as two adjacent farms, Meerrust (now Alle Bleue) and Eenzaamheid. In 1774 it was transferred alone to Sybrand Vermeulen and in 1769 to Willem Petrus van Nieuwkerken, his son-in-law. The mid-18th century house built by Vermeulen probably forms part of the present homestead. Its front gable is dated 1834 and was probably added by Jacobus Stephanus de Villiers, owner 1806-1850 (Fransen 2004).

The history of Lekkerwijn is closely associated with the family genealogy and history of the de Villiers and Pickstone families. Abraham de Villiers was an early owner of Lekkerwijn and his descendants continued to live there for over 200 years. HEV Pickstone acquired the farm in 1900 and it is still in the ownership of the Pickstone family, with the werf currently being used as a guest house and function venue (Pickstone-Taylor pers.com)

In 1895 Lekkerwijn was bought to be included in an innovative agricultural scheme, Rhodes Fruit Farms (RFF). HEV Pickstone was the originator of the scheme. In 1900 Cecil John Rhodes granted HEV Pickstone a mortgage bond to buy the homestead as his personal residence, excluding the arable land. Either prior to or during the RFF period the central portion of the barn was used as a post office (Pickstone-Taylor pers.com). In the description of an Arthur Gribble photograph c1900 it is referred to as '*Thatched roof building with gable used as central office, Rhodes Fruit Farms*' (Pickstone-Taylor pers.com, CA/AG7522).

After Rhodes died in 1902, HEV Pickstone continued to manage RFF until 1905. He retained his independence from his famous financial backer and was respected and regarded as one of the pioneers of the export fruit industry and dried fruit industry (Pickstone-Taylor pers.com).

The homestead was consistently worked on by Herbert Baker from 1899 through to the 1920s, when it was finalized to its present structure (Pickstone-Taylor pers.com). The work to the homestead over this period is very well researched and documented. The outbuildings including the barn/stables and wine cellar are less well documented. There are no drawings of these outbuildings in the Baker collection at the UCT Manuscripts and Archives. The joinery of the barn reflects the Baker period. However, there is no suggestion that that he was responsible for the c1912 work.

D. HERITAGE SIGNIFICANCE

Lekkerwijn is of high heritage significance worthy of grade II heritage status in terms of the NHRA three tier grading system. It has historical significance for its association with a pattern of early colonial settlement and expansion in the Drakenstein Valley dating to the late 17th century. It has strong associations with HEV Pickstone and his significant role in the development of the export fruit and dried fruit industries during the early 20th century.

The homestead has high architectural significance for its intact T-shaped house dating from the early 19th century, possibly earlier. It also reflects the work of Herbert Baker, who was responsible for a number of alterations and additions to the homestead including the double-storey addition to the east of the 'T'.

The werf as a whole has formal aesthetic qualities with its symmetrical layout around a werf space, the axial alignment of the approach road with the front gable of the homestead, werf walling and treed setting. It exhibits characteristic elements of a Cape farm werf tradition evolved over more than three centuries.

It has social significance for its strong genealogical and family associations; the de Villiers family who owned the property for over 200 years and the Pickstone family who has owned the property since 1900.

The werf forms part of a collection of significant historical werfs strung out in relation to the Dwars and Berg Rivers. This collection contributes significantly to the Grade I Cape Winelands Cultural Landscape.

The barn has significance in contributing to the spatial qualities of the werf. It retains some period features dating to the early 20th century, e.g. gables, teak casements, stinkwood stables. The historical barn-like character of the building has been retained in terms of the nature and scale of openings facing onto the werf and south-west gable end, e.g. stable and barn doors.

E. MOTIVATION FOR THE PROPOSALS

The applicant's motivation for the proposals is attached as Annexure 3. Outlined below is the motivation for the nature and extent of the architectural interventions provided by Stephen Dugmore and Karin Strom Architects (SDKS).

The clients would like to make use of the south-west portion of the existing outbuilding comprising the northern wing of the werf at Lekkerwijn as office space for psychiatric counselling. The clients have established that there is a pressing need for such a facility in the greater Drakenstein/Simondium/Franschoek area. The building and the location lends itself to this purpose.

The proposal is as follows:

- The portion of building proposed for the new offices is currently utilised as temporary storage space. The proposed adaptive re-use as office space would bring new life to the building.
- With exception of the necessary addition of 3 new windows in the north-west facade, the architectural approach is to keep the exterior of the building in its current form and maintain the current detailing. Maintenance and repair work will be done to the existing walls, windows and doors as necessary.
- The 3 new proposed windows in the north-west wall will be made to match the existing casement windows.
- It is proposed that new glazed doors be added behind the 2 sets of existing externally sliding timber garage doors in order to properly seal the interior spaces and allow for light penetration to the related spaces. The existing timber sliding doors and rails are maintained.
- Internally, the existing plastered brick walls are maintained in their current positions. Two of these walls have new openings cut into them to allow for necessary internal circulation along the length of the building. The third wall has an existing opening which is utilised for the same purpose.
- New walls that serve as space divisions for the proposed offices, toilets and kitchenette are made of timber drywall construction. This differentiates new work from old as well as easily accommodating any potential removal of these internal walls should this become necessary at some future point. The new drywalls generally stop short of the existing walls and the ceiling with new glazed inserts acting as 'gaskets' between these elements. This allows the depth of the space to be read at ceiling level as well as further differentiating newly inserted structure from old.
- The existing boarded and pole ceilings are maintained along with the more recently added suspended concrete slab.
- Floors are existing concrete/screeds which will be maintained and repaired as necessary
- A new kitchenette is provided in the space currently housing the fireplace hearth, which gains new life as a feature of this room. New toilets required by regulation are provided alongside.

F. ASSESSMENT OF PROPOSALS

The proposed adaptive reuse of a section of the barn as a clinic will contribute to the long term sustainable use of the building which is currently largely used as storage space.

More specific heritage implications of the proposals are assessed below.

F.1 Historic fabric implications

The underlying purpose of the proposals is to minimize physical interventions to historic fabric. Physical interventions to historic fabric are limited to two small new openings to the internal walls and three new windows on the north-west façade. Limited penetration of old external wall fabric will be required to link drainage from the bathrooms to a new septic drain. The dry-wall partitions will preclude the introduction of new foundations.

The historic fabric of the south-east, south-west and north-east facades of the building will not be impacted except for the insertion of glazed doors behind the existing garage and coach house sliding doors.

- (i) It is important to ensure that the 'making good' of interventions is as compatible with the old fabric as possible. Therefore only lime mortars and renders are to be used.
- (ii) Most new services should not be chased into the old walls but rather mounted proud of the old walls and concealed.
- (iii) Most new joinery and fittings should be free-standing to avoid fastening into old fabric.
- (iv) Historic fabric uncovered during the construction process should be recorded and photographed and included in a close-out report prepared by the architects.

F.2 Legibility of historical fabric and internal layout

The 5 offices have been carefully configured to retain the linear quality of the internal space with the provision of a generous gallery space along the south-east length of the building. The legibility of the historic fabric has been maintained by the contemporary nature of the new work including the use of steel framed glazed doors, timber dry-walls and the drywalls being separated from the existing walls and the ceiling with new glazed inserts acting as 'gaskets' between these elements.

The proposed new windows on the north-west façade to match existing should be date stamped on inconspicuous parts of the relevant window frames.

F.3 Werf character

The proposed interventions to the barn will not impact the main facade of the building and its relationship with the central werf space.

No formal structured parking is envisaged with parking for staff and patients accommodated under the trees of the pin oak avenue to the west of the barn. This area is already used for parking for functions and is effectively screened from view from the werf.

G. RECOMMENDATIONS

It is recommended that approval for the proposals be granted in terms of Section 34 of the NHRA subject to the following conditions:

- The development is accordance with the plans, sections and elevations (Drawing L6J3-LA-002).
- Only lime mortars and renders are to be used in the 'making good' of new interventions.
- Most new services should not be chased into the old walls but rather mounted proud of the old walls and concealed.
- Most new joinery and fittings should be free-standing to avoid fastening into old fabric.
- Historic fabric uncovered during the construction process should be recorded and photographed by the principal architects and included in a close-out report submitted to HWC within 30 days of practical completion.

Sarah Winter

LIST OF FIGURES

- Figure 1: Regional Scale Location Plan*
Figure 2: Local Scale Location Plan
Figure 3: Werf Scale Location Plan
Figure 4.1: Photographic Survey
Figure 4.2: Photographic Survey
Figure 5: Arthur Elliot Photographic c1900

LIST OF APPENDICES

- Annexure 1: Title deed*
Annexure 2: Power of Attorney
Annexure 3: Applicant's motivation

REFERENCES & BIBLIOGRAPHY

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 Brooke Simon, Phillida (1987). A Concise Guide to Cape Dutch Houses. 135 Cape Homes of Historical and Architectural Interest. Struik
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 Marais, P.G. (1970). Bulletin no 13. Contribution of Harry Ernest Victor Pickstone to the Fruit Industry. Food and Fruit Research Industry.
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 Smuts, Frans (ed) (1979). Stellenbosch Three Centuries, Commemorative Volume. Stellenbosch Town Council
 Stander (1983). Tree of Life – The Story of Cape Fruit. Deciduous Fruit Board

Personal communications

Email correspondence with Simon Pickstone-Taylor on history of the barn and its use over time
 Motivation prepared by Simon Pickstone-Taylor on the heritage significance of Lekkerwijn including references and bibliography

Cape Archives

Arthur Gribble Collection CA/AG/7522

Previous plans

Plans for the alterations of the barn/stable c 1990



Figure 2: Local Scale Location Plan; Lekkerwijn werf situated on Portion 1 of 1460



Figure 3: Werf Scale Location Plan



4.1.1 View across the werf looking southwards towards the rear of the homestead with the barn located to the far right



4.1.2 Front elevation of the T-shaped homestead



4.1.3 South-east facing front elevation and north-east gable end of the barn; the section to the right of the gable including the stables and guest cottage will not be affected by the proposals



4.1.4 South-east facing front elevation and south-west facing gable end of the barn; the section affected by the proposals includes, left to right, the garage, a storeroom, a second storeroom and the coach house

Figure 4.1 Photographic Survey



4.2.1 Entrance to stables; stable doors and sidelights c 1912



4.2.2 Stinkwood stables c 1912



4.2.3 Gable c 1912 with barn doors c 1990; similar doors to garage



4.2.6 Pine ceilings in spaces between garage and stables



4.2.5 Typical double casements c 1912



4.2.4 Typical stable doors on south-east facing front elevation

Figure 4.2 Photographic Survey

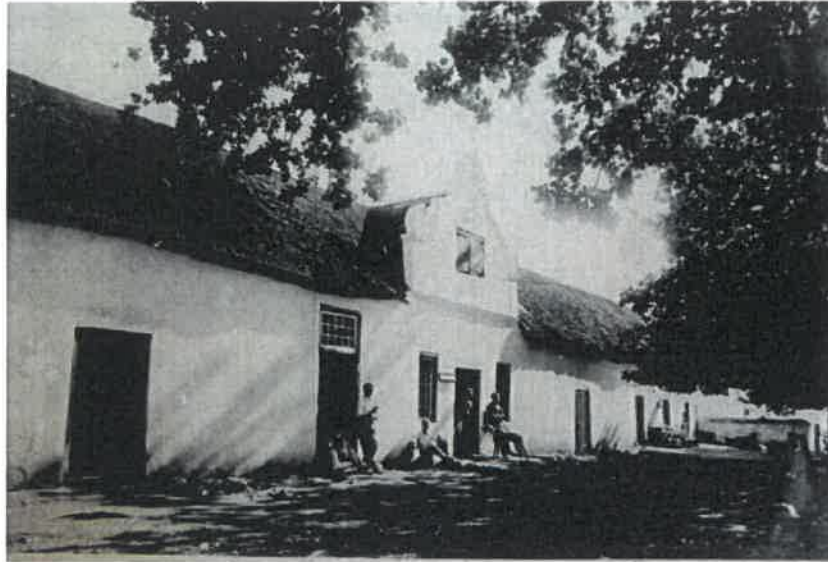
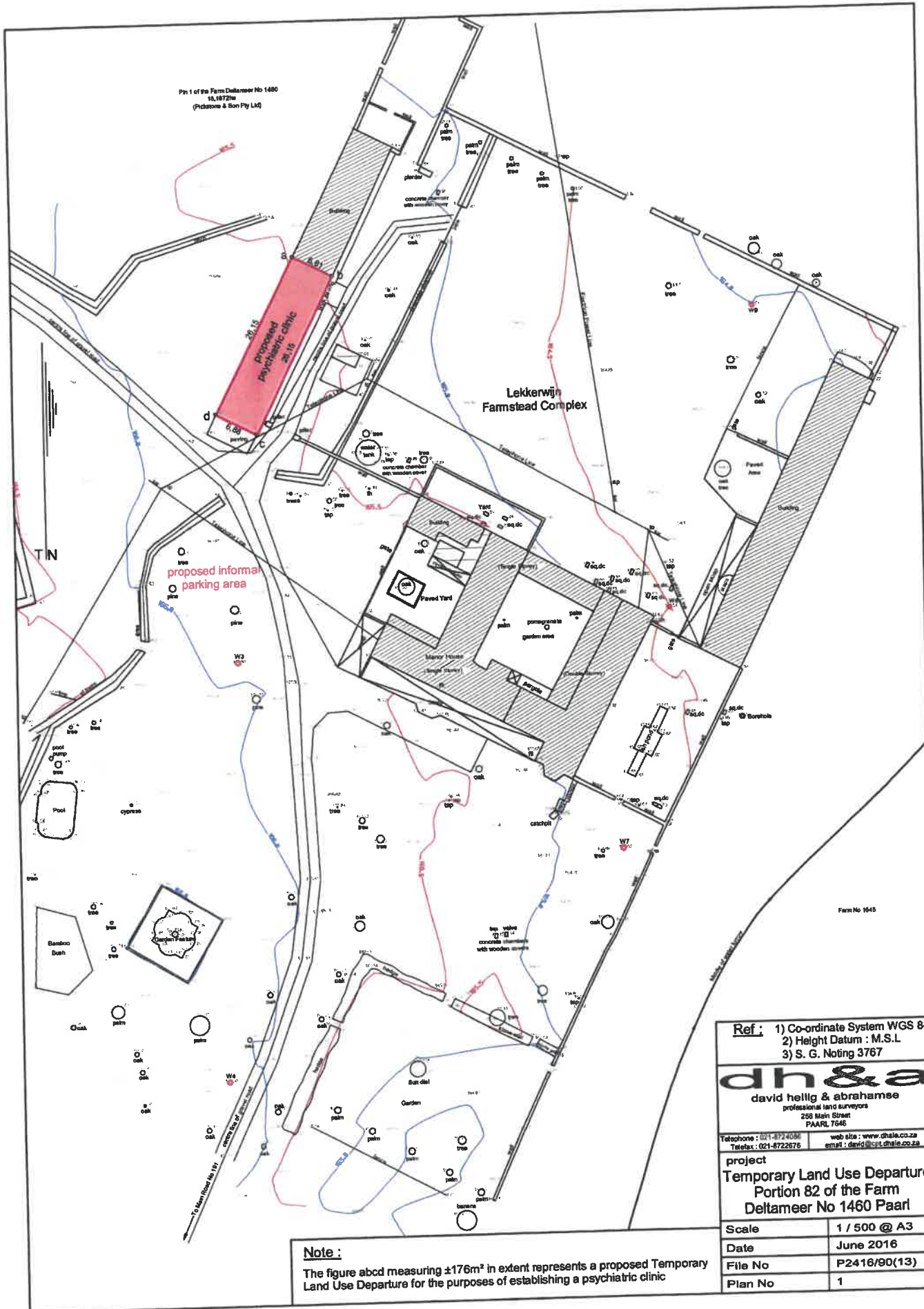


Figure 5: Arthur Gribble photograph c 1900 above showing the barn with a thatched roof and pre-existing gable when the building was used as an office by Rhodes Fruit Farms. The photograph below is taken from a similar perspective to illustrate changes to the building since c 1900 (CA/AG7522)

ANNEXURE D: SITE DEVELOPMENT PLAN



Part 1 of the Farm Deltameer No 1460
16,1872ha
(Pickstone & Son Pty Ltd)

Lekkerwijn
Farmstead Complex

Ref: 1) Co-ordinate System WGS 84
2) Height Datum : M.S.L
3) S. G. Noting 3767

dh&a
david heilig & abrahamee
professional land surveyors
258 Main Street
PAARL 7646

Telephone : (021) 872 4086 web site : www.dh&a.co.za
Telefax : 021-8722876 email : david@cpj.dh&a.co.za

project
Temporary Land Use Departure
Portion 82 of the Farm
Deltameer No 1460 Paarl

Scale	1 / 500 @ A3
Date	June 2016
File No	P2416/90(13)
Plan No	1

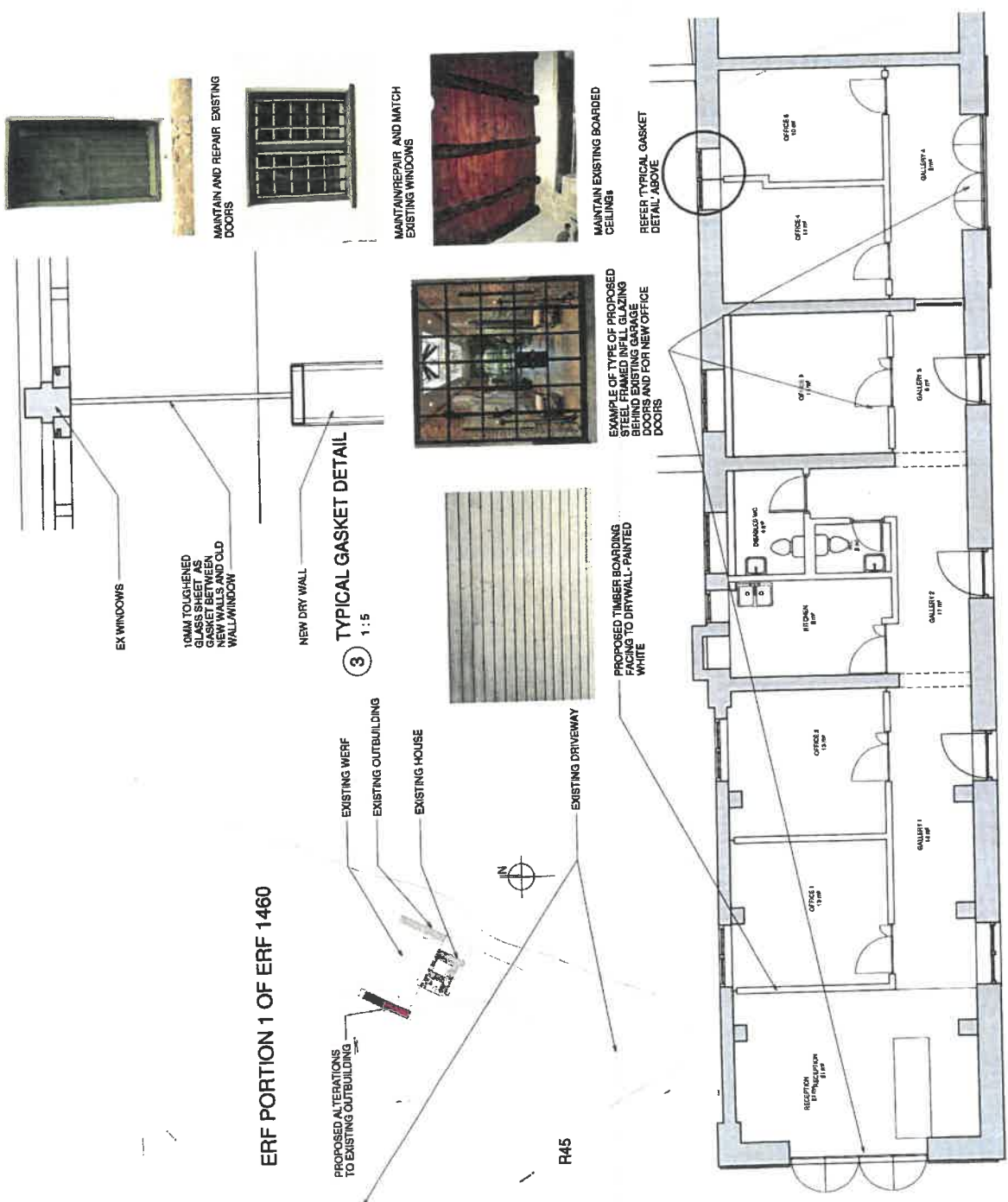
Note :
The figure abcd measuring ±176m² in extent represents a proposed Temporary Land Use Departure for the purposes of establishing a psychiatric clinic

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PROJECT DATA
 Project Name: ERF PORTION 1 OF ERF 1460
 Client: WENDY MAY PICKSTONE
 Address: Leikienwijn Junction of the R45 and R310, Groot-Drakenstein, W. Cape, 7880
 Drawing: SITE PLAN-HERITAGE
 Date: 10/05/2016
 Scale: As indicated
 Drawn by: Author
 Status: Final
 Drawing number: L6.03-LA-001

architect's signature - S. Dignam (pr. arch 6029)
 client signature
 Sdks architects
 41 Dreyers Avenue, Cape Town, 7708
 Tel: 021 448 3020
 www.sdks.co.za

No.	Description	Date



ERF PORTION 1 OF ERF 1460

1 site plan 1:2000

2 HERITAGE KEY PLAN 1:50



MANTAIN AND REPAIR EXISTING DOORS



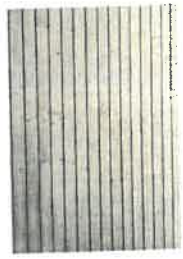
MANTAIN REPAIR AND MATCH EXISTING WINDOWS



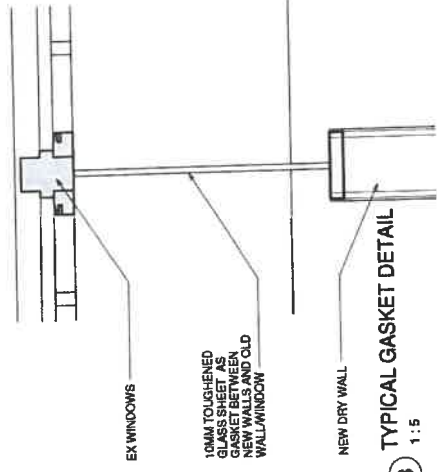
MANTAIN EXISTING BOARDED CEILING



EXAMPLE OF TYPE OF PROPOSED REINFORCED INFL. GLAZING BEHIND EXISTING GARAGE DOORS AND FOR NEW OFFICE DOORS



PROPOSED TIMBER BOARDING FACING TO DRYWALL - PAINTED WHITE



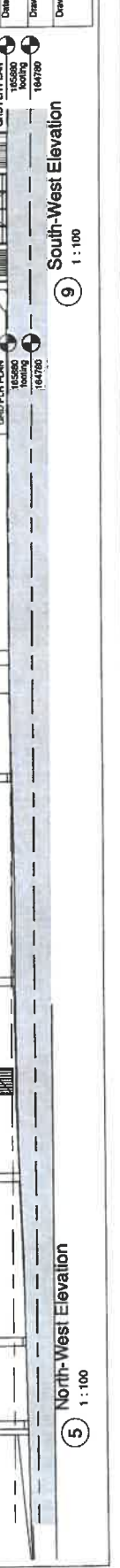
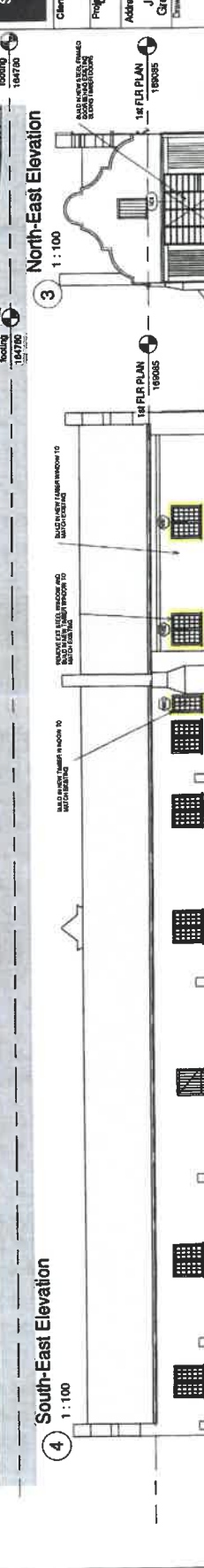
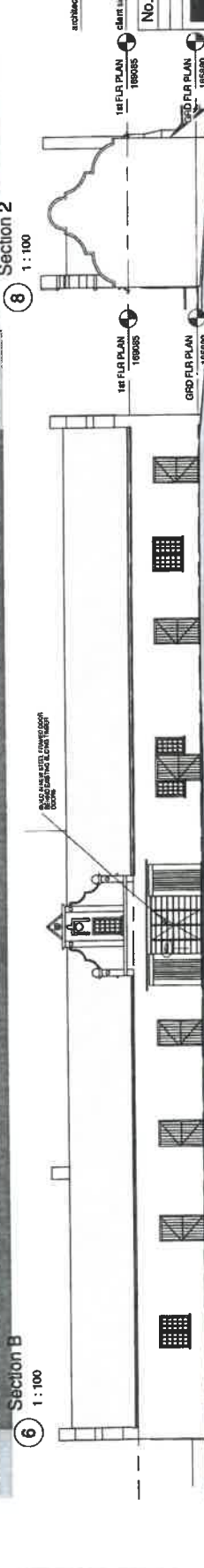
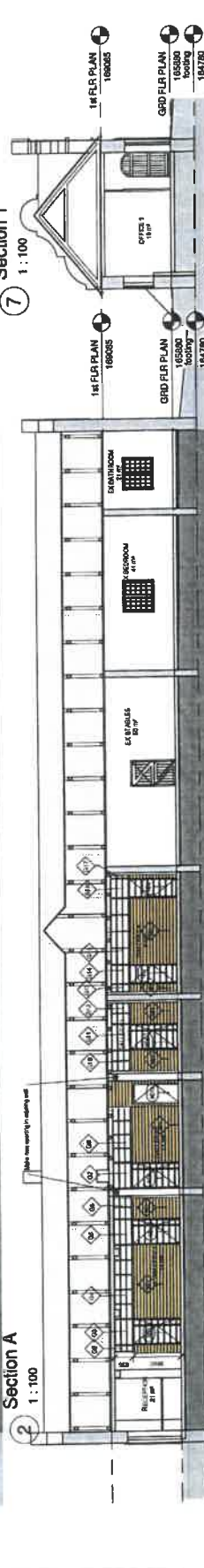
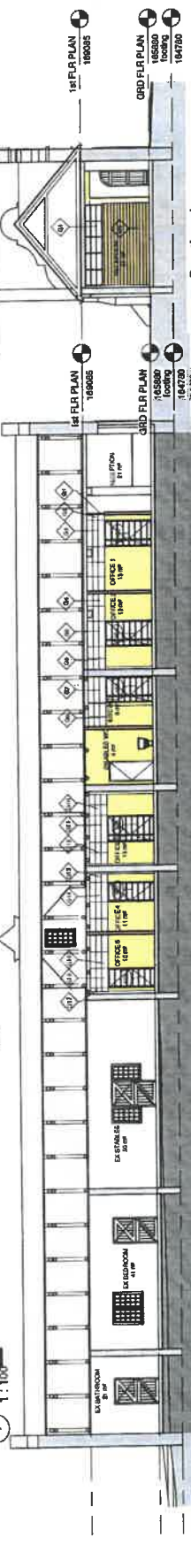
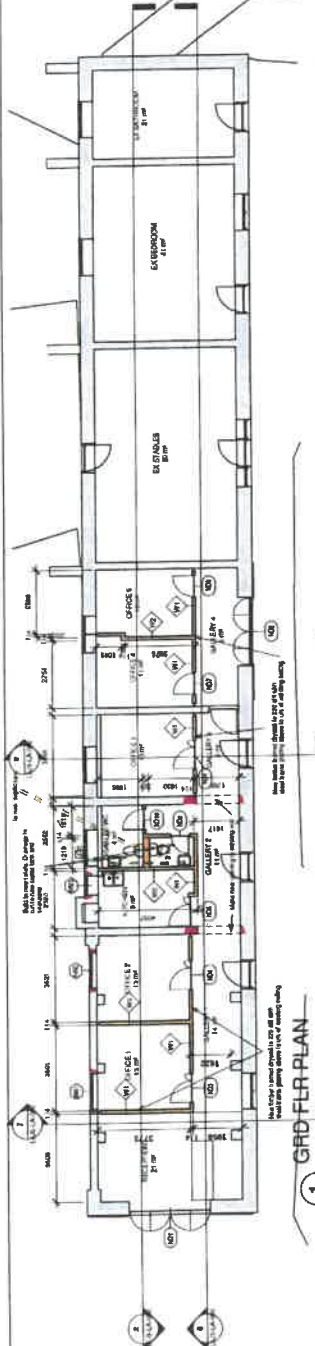
TYPICAL GASKET DETAIL 1:1.5

NOTE

Indicated dimensions are shown in parentheses to indicate, at minimum, the overall dimensions of the building. All dimensions are shown in feet and inches. The architect is not responsible for the accuracy of the dimensions shown on this drawing. It is the responsibility of the contractor to verify all dimensions and conditions on site before construction.

Wall Schedule

Item	Description	Length	Area	Notes
01	STEEL FRAMED GLAZING	2660	782	1 1/2" x 1 1/2" x 1/4"
02	STEEL FRAMED GLAZING	215	636	1 1/2" x 1 1/2" x 1/4"
03	STEEL FRAMED GLAZING	536	1596	1 1/2" x 1 1/2" x 1/4"
04	STEEL FRAMED GLAZING	536	1596	1 1/2" x 1 1/2" x 1/4"
05	STEEL FRAMED GLAZING	1208	3624	1 1/2" x 1 1/2" x 1/4"
06	STEEL FRAMED GLAZING	1138	3414	1 1/2" x 1 1/2" x 1/4"
07	STEEL FRAMED GLAZING	1208	3624	1 1/2" x 1 1/2" x 1/4"
08	STEEL FRAMED GLAZING	1208	3624	1 1/2" x 1 1/2" x 1/4"
09	STEEL FRAMED GLAZING	1208	3624	1 1/2" x 1 1/2" x 1/4"
10	STEEL FRAMED GLAZING	1208	3624	1 1/2" x 1 1/2" x 1/4"
11	STEEL FRAMED GLAZING	1208	3624	1 1/2" x 1 1/2" x 1/4"
12	STEEL FRAMED GLAZING	1208	3624	1 1/2" x 1 1/2" x 1/4"
13	STEEL FRAMED GLAZING	1208	3624	1 1/2" x 1 1/2" x 1/4"
14	STEEL FRAMED GLAZING	1208	3624	1 1/2" x 1 1/2" x 1/4"
15	STEEL FRAMED GLAZING	1208	3624	1 1/2" x 1 1/2" x 1/4"
16	STEEL FRAMED GLAZING	1208	3624	1 1/2" x 1 1/2" x 1/4"
17	STEEL FRAMED GLAZING	1208	3624	1 1/2" x 1 1/2" x 1/4"
18	STEEL FRAMED GLAZING	1208	3624	1 1/2" x 1 1/2" x 1/4"
19	STEEL FRAMED GLAZING	1208	3624	1 1/2" x 1 1/2" x 1/4"
20	STEEL FRAMED GLAZING	1208	3624	1 1/2" x 1 1/2" x 1/4"



architect signature - S. Dugmore (for arch 5028)

client signature - Wendy May Pickstone

No.	Description	Date

sdk architects
 2200 N. 10th St.
 Suite 100
 Phoenix, AZ 85016

Client: **WENDY MAY PICKSTONE**
 Project: **Wendy May Pickstone**
 Address: **Lakewood Junction of the P&G and P&G, Grand-Draughtery, W. Capon, 7680**
 Drawing: **PLANS SECTIONS AND ELEVATIONS**
 Date: 11/10
 Scale: 1:100
 Drawn by: Author
 Status: L6J3-LA-002

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

Bongiwe Zondo

From: Spencer Dreyer <Spencer@dhaa.co.za>
Sent: Friday, 24 March 2023 14:51
To: Bongiwe Zondo
Cc: david@dhaa.co.za; plan
Subject: [EX] Application on Farm 1460/82

Our Ref : P2416/90(13)A2
Your Ref : Farm 1460/82, Paarl Division; LU/4715

Hi Bongiwe

**APPLICATION IN TERMS OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW, 2015:
PROPOSED TEMPORARY LAND USE DEPARTURE ON PORTION 82 OF THE FARM DELTAMEER NO 1460 PAARL**

Your e-mail dated 17-03-2023 enquiring whether the applicant intends proceeding with the land refers.

We have not communicated any instructions to yourselves to the contrary in respect of the withdrawal of the land use planning application.

Please advise of the outstanding requirements to enable you to finalise the application.

I look forward to hearing from you.

Regards

Spencer Dreyer

David Hellig & Abrahamse

Land Surveyors

258 Main Street
PAARL 7646
P O Box 18 PAARL 7622
Telephone : (021) 872 4086

Bongiwe Zondo

From: Bongiwe Zondo
Sent: Friday, 17 March 2023 12:57
To: Charlene Williams; Daniel Meyer
Subject: FW: Application on Farm 1460/82

Morning,

Please file.



Kind regards,

Bongiwe Zondo

Senior Town Planner

Land Use Management

Planning & Economic Development

T: +27 21 808 8951

1st Floor, NPK Building, 20 Plein Street

Stellenbosch, 7600

www.stellenbosch.gov.za



From: Bongiwe Zondo
Sent: Thursday, 09 February 2023 09:44
To: plan <plan@dhaa.co.za>
Subject: Application on Farm 1460/82

Morning Marnus Botha/ Spencer Dreyer

Kindly confirm if you still want to proceed with the application for Temporary Departure for Psychiatric clinic.



Kind regards,

Bongiwe Zondo

Senior Town Planner

Land Use Management

Planning & Economic Development

T: +27 21 808 8951

1st Floor, NPK Building, 20 Plein Street

Stellenbosch, 7600

www.stellenbosch.gov.za



Charlene Williams

F 1460/82 P

From: Ulrich Vonmolendoff
Sent: 23 February 2017 09:08 AM
To: Charlene Williams
Subject: FW: [EX] PROPOSED TEMPORARY LAND USE DEPARTURE ON PORTION 82 OF THE FARM DELTAMEER NO 1460 PAARL
Attachments: Registered post_list and slip.PDF; Letter_External_Agriculture.pdf; Letter_External_Roads.pdf; Notice to affected persons (Afrikaans Applicant Advertising).pdf; Notice to affected persons (English Applicant advertising).pdf; Site Notice Afrikaans.pdf; Site Notice English.pdf; SITE NOTICES_PHOTOS.pdf

Regards**Ulrich von Molendorff**

Senior Administrative Officer
 Planning & Economic Development

T: +27 21 808 8682 • F: +27 21 886 6899 • Email : ulrich.vonmolendorff@stellenbosch.gov.za
 Plein Street, Stellenbosch, 7600 • PO Box 17, Stellenbosch, 7599
www.stellenbosch.gov.za



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FILE NR:	
SCAN NR:	F 1460/825
COLLABORATOR NR:	

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

From: plan@dhale.co.za [mailto:plan@dhale.co.za]
Sent: 20 February 2017 04:03 PM
To: Ulrich Vonmolendoff; Bulelwa Mdoda
Subject: [EX] PROPOSED TEMPORARY LAND USE DEPARTURE ON PORTION 82 OF THE FARM DELTAMEER NO 1460 PAARL

Our Ref: P2416/90(13)A1
 Application Number: LU/4715
 Municipal Reference Number: Farm 1460/82, Paarl

Hi Ulrich and Bulelwa

**APPLICATION IN TERMS OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW, 2015:
 PROPOSED TEMPORARY LAND USE DEPARTURE ON PORTION 82 OF THE FARM DELTAMEER NO 1460 PAARL**

Your e-mail dated 13-02-2017 refers.

I herewith inform that the public participation process has commenced, the 30-day commenting and/or objection period starting on 20-02-2017 and closing on 22-03-2017.

The following public participation actions have been attended to:

1. Notices sent to the identified surrounding land owners and interested and/or affected parties.
2. Notices put up on site.

I attach herewith the following for your information and attention:

1. Proof of registered post sent on 20-02-2017.
2. Copies of the covering letters of the notices sent to the identified surrounding land owners and/or affected parties.
3. Copies of notices put up on site.
4. Photos of notices put up on site.

The full portfolio of evidence including the requested signed affidavit, completed checklist, all comments and objections received, unclaimed post and all other relevant information will be provided to you after conclusion of the public participation process.

Please acknowledge receipt in writing of this e-mail and attachments.

Kind regards

Naudica

David Hellig & Abrahamse

Professional Land Surveyors

258 Main Street

PAARL 7646

☒ P O Box 18 PAARL 7622

Telephone : (021) 872 4086

List of SIGNATURE-on-DELIVERY LETTERS
 Lys van HANDTEKENING-met-AFLEWERING-BRIEWE
 (No compensation payable / Geen vergoeding betaalbaar nie)

Delivery tracing only / Slegs afleweringstracing

Name and address of sender
David Hellig & Abrahamse, Land Surveyors
 P O Box 18
 7622

Naudica Gerber
 P2416/90(13)A1

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

No	Erf No	Name and address of addressee	Affix Track and Trace customer copy
1	Farm No 895/3 Paarl	Transnet SOC Ltd c/o J F Boshoff P O Box 36 CAPE TOWN 8000	INTERNATIONAL INSURED PARCEL ShareCall 0800 111 502 www.trackandtrace.co.za CV 003 537 385 ZA CUSTOMER COPY
2	Farm No 1674/10 Paarl	Boschendal (Pty) Ltd P O Box 25 GROOT DRAKENSTEIN 7680	INTERNATIONAL INSURED PARCEL ShareCall 0800 111 502 www.trackandtrace.co.za CV 003 537 592 ZA CUSTOMER COPY
3	Farm No 991/1 Paarl	Republic of South-Africa Department of Public Works Private Bag X9027 CAPE TOWN 8000	INTERNATIONAL INSURED PARCEL ShareCall 0800 111 502 www.trackandtrace.co.za CV 003 537 629 ZA CUSTOMER COPY
4	Farm No 1631/4 Paarl	Rhodes Food Group (Pty) Ltd Private Bag X3040 Paarl 7620	INTERNATIONAL INSURED PARCEL ShareCall 0800 111 502 www.trackandtrace.co.za CV 003 537 495 ZA CUSTOMER COPY
5	Farm No 1674/15 Paarl	Dwars River Packers (Pty) Ltd P O Box 45 GROOT DRAKENSTEIN 7680	INTERNATIONAL INSURED PARCEL ShareCall 0800 111 502 www.trackandtrace.co.za CV 003 537 500 ZA CUSTOMER COPY
6	Farm No 1004 Paarl	Anglican Church of SA Diocese of Cape Town P O Box 12 GROOT DRAKENSTEIN 7680	INTERNATIONAL INSURED PARCEL ShareCall 0800 111 502 www.trackandtrace.co.za CV 003 537 575 ZA CUSTOMER COPY
7	Farm No 1732 Paarl	National Government of the Republic of South-Africa Department of Land Development and Land Reform Private Bag X5069 STELLENBOSCH 7599 Attention: Ms Vanessa Frantz	INTERNATIONAL INSURED PARCEL ShareCall 0800 111 502 www.trackandtrace.co.za CV 003 537 589 ZA CUSTOMER COPY
8	Farm No 1460/35 Paarl	Zandvliet Delta Farming (Pty) Ltd P O Box 123 GROOT DRAKENSTEIN 7680	INTERNATIONAL INSURED PARCEL ShareCall 0800 111 502 www.trackandtrace.co.za CV 003 537 601 ZA CUSTOMER COPY
9	Farm No 1758 Paarl	Allee Bleue Estate (Pty) Ltd P O Box 100 GROOT DRAKENSTEIN 7680	INTERNATIONAL INSURED PARCEL ShareCall 0800 111 502 www.trackandtrace.co.za CV 003 537 561 ZA CUSTOMER COPY
10	Farm No 1006/1	National Department of Public Works Private Bag X9027 CAPE TOWN 8000 Attention: V Sebolai	INTERNATIONAL INSURED PARCEL ShareCall 0800 111 502 www.trackandtrace.co.za CV 003 537 632 ZA CUSTOMER COPY

11	Farm No 1006/4 Paarl	R45 Trust P O Box 57 SIMONDIUM 7670	INTERNATIONAL INSURED PARCEL ShareCall 0860 111 502 CV 003 537 646 Z.A CUSTOMER COPY
12		Clr Aldridge Frazenburg 25 Forrel Crescent Mooiwater FRANSCHHOEK 7690	INTERNATIONAL INSURED PARCEL ShareCall 0860 111 502 CV 003 537 685 Z.A CUSTOMER COPY
13		Franschhoek Trust & Ratepayers Association The Garden House 29 De Wet Street FRANSCHHOEK 7690 Attention: S Schaffer	INTERNATIONAL INSURED PARCEL ShareCall 0860 111 502 CV 003 537 677 Z.A CUSTOMER COPY

Number of letters posted

13

Date stamp

Signature of accepting officer



Datumstempel

David Hellig & Abrahamse

Land Surveyors • Landmeters

DAVID SAMUEL HELLIG
B.Sc., B.Sc. (Land Survey), PR.L. (SA)
SPENCER GRAHAM DREYER
B.Sc. (Survey), PR.L. (SA)

At Cape Town
RICHARD CLIFTON ABRAHAMSE
B.Sc. (Survey), PR.L. (SA)

258 Main Street/Hoofstraat
PAARL 7646

☒ P O Box 18 PAARL 7622
Posbus 18 PAARL 7622

Telephone/Telefoon : (021) 872 4086
e-mail : david@cpt.dhale.co.za

Application Number: LU/4715

Municipal File Reference Number: Farm 1460/82, Paarl

Applicant Reference Number: P2416/90(13)A1

Enquiries: David Hellig & Abrahamse, Professional Land Surveyors, 021 872 4086, plan@dhale.co.za

Date: 20 February 2017

REGISTERED MAIL

Department of Transport and Public Works
Deputy Director-General: Roads Infrastructure
P O Box 2603
CAPE TOWN
8000
Attention: Ms Grace Swanepoel

Madam

TEMPORARY LAND USE DEPARTURE: PORTION 82 OF THE FARM DELTAMEER NO 1460 PAARL

1. The Stellenbosch Municipality has received an application for a departure on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land. This temporary departure is required to enable the utilisation of a portion of an existing building on the subject land unit as a psychiatric clinic in terms of sections 15 of the Stellenbosch Municipal Land Use Planning By-law. Attached please find a copy of the application.
2. Kindly provide your written comments on the application in terms of section 51(2) of the said legislation within 60 days of receipt of this letter. Your comments should be addressed **simultaneously to both the applicant and the municipality** in one of the following manners:

APPLICANT	MUNICIPALITY
Registered mail or normal mail	
David Hellig & Abrahamse P O Box 18 Paarl 7622	Director: Planning and Economic Development Stellenbosch Municipality P O Box 17 Stellenbosch 7599
Or faxed / e-mailed to	
plan@dhale.co.za	021 886 6899
Or hand delivered to	
David Hellig & Abrahamse 258 Main Road Paarl	Planning Advice Centre, Municipal offices, Plein Street, Stellenbosch

3. Should no comments be received, it will be deemed that you have no comment.

Yours sincerely
DAVID HELLIG & ABRAHAMSE



PER: NAUDICA GERBER
Pr. Pln. A/2237/2015

David Hellig & Abrahamse

Land Surveyors • Landmeters

DAVID SAMUEL HELDIG
B.Sc., B.Sc. (Land Survey), PR.L. (SA)
SPENCER GRAHAM DREYER
B.Sc. (Survey), PR.L. (SA)

At Cape Town
RICHARD CLIFTON ABRAHAMSE
B.Sc. (Survey), PR.L. (SA)

258 Main Street/Hoofstraat
PAARL 7646

✉ P O Box 18 PAARL 7622
Posbus 18 PAARL 7622

Telephone/Telefoon : (021) 872 4086
e-mail : david@cpt.dhale.co.za

Application Number: LU/4715
Municipal File Reference Number: Farm 1460/82, Paarl
Applicant Reference Number: P2416/90(13)A1
Enquiries: David Hellig & Abrahamse, Professional Land Surveyors
Contact No: 021 872 4086
Email address: plan@dhale.co.za
Date: 20 February 2017

REGISTERED MAIL

Transhet SOC Ltd (Farm No 895/3 Paarl)
c/o J F Boshoff
P O Box 36
CAPE TOWN
8000

Dear Sir/Madam

TEMPORARY LAND USE DEPARTURE: PORTION 82 OF THE FARM DELTAMEER NO 1460 PAARL

Applicant:	David Hellig & Abrahamse Professional Land Surveyors (plan@dhale.co.za)
Owner:	Pickstone & Son (Pty) Ltd (c/o david@cpt.dhale.co.za)
Application number:	LU/4715
Reference number:	Farm 1460/82, Paarl
Property Description:	Portion 82 of the Farm Deltameer No 1460 Paarl
Physical Address:	Intersection of the R45 and the R310 Helshoogte Road
Detailed description of proposal:	The matter for consideration is an application (in terms of section 15(2)(c) of the Stellenbosch Municipal Land Use Planning By-Law) for a departure on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land. This temporary departure is required to enable the utilisation of a portion of an existing building on the subject land unit as a psychiatric clinic.

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

APPLICANT
Registered mail or normal mail
David Hellig & Abrahamse P O Box 18 Paarl 7622
Or hand delivered to
David Hellig & Abrahamse 258 Main Road Paarl, 7646
Or e-mailed to
plan@dhale.co.za

All comments, quoting the application number, reference number, your name, address or contact details, your interest in the application and reasons for comments should be received by the above party on or before 30 days from the date of publication of this notice (closing date thus being 22 March 2017). Telephonic enquiries can be made to the applicant, DAVID HELDIG & ABRAHAMSE at 021 872 4086. Any comment/objection received after aforementioned closing date will be considered invalid. Any person who cannot write will be assisted by a Municipal official by transcribing their comments.

Yours sincerely
DAVID HELDIG & ABRAHAMSE



PER : NAUDICA GERBER
Pr. Pin. A/2237/2015

David Hellig & Abrahamse

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258 Main Street/Hoofstraat
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Posbus 18 PAARL 7622

Telephone/Telefoon : (021) 872 4086
e-mail : david@cpt.dhale.co.za

Application Number: LU/4715
Municipal File Reference Number: Farm 1460/82, Paarl
Applicant Reference Number: P2416/90(13)A1
Enquiries: David Hellig & Abrahamse, Professional Land Surveyors
Contact No: 021 872 4086
Email address: plan@dhale.co.za
Date: 20 February 2017

REGISTERED MAIL

Boschendal (Pty) Ltd (Farm No 1674/10 Paarl)
P O Box 25
GROOT DRAKENSTEIN
7680

Dear Sir/Madam

TEMPORARY LAND USE DEPARTURE: PORTION 82 OF THE FARM DELTAMEER NO 1460 PAARL

Applicant:	David Hellig & Abrahamse Professional Land Surveyors (plan@dhale.co.za)
Owner:	Pickstone & Son (Pty) Ltd (c/o david@cpt.dhale.co.za)
Application number:	LU/4715
Reference number:	Farm 1460/82, Paarl
Property Description:	Portion 82 of the Farm Deltameer No 1460 Paarl
Physical Address:	Intersection of the R45 and the R310 Helshoogte Road
Detailed description of proposal:	The matter for consideration is an application (in terms of section 15(2)(c) of the Stellenbosch Municipal Land Use Planning By-Law) for a departure on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land. This temporary departure is required to enable the utilisation of a portion of an existing building on the subject land unit as a psychiatric clinic.

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Yours sincerely
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PER : NAUDICA GERBER
Pr. Pln. A/2237/2015

David Hellig & Abrahamse

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Telephone/Telefoon : (021) 872 4086
e-mail : david@cpt.dhale.co.za

Application Number: LU/4715
Municipal File Reference Number: Farm 1460/82, Paarl
Applicant Reference Number: P2416/90(13)A1
Enquiries: David Hellig & Abrahamse, Professional Land Surveyors
Contact No: 021 872 4086
Email address: plan@dhale.co.za
Date: 20 February 2017

REGISTERED MAIL

Republic of South-Africa (Farm No 991/1 Paarl)
Department of Public Works
Private Bag X9027
CAPE TOWN
8000

Dear Sir/Madam

TEMPORARY LAND USE DEPARTURE: PORTION 82 OF THE FARM DELTAMEER NO 1460 PAARL

Applicant:	David Hellig & Abrahamse Professional Land Surveyors (plan@dhale.co.za)
Owner:	Pickstone & Son (Pty) Ltd (c/o david@cpt.dhale.co.za)
Application number:	LU/4715
Reference number:	Farm 1460/82, Paarl
Property Description:	Portion 82 of the Farm Deltameer No 1460 Paarl
Physical Address:	Intersection of the R45 and the R310 Helshoogte Road
Detailed description of proposal:	The matter for consideration is an application (in terms of section 15(2)(c) of the Stellenbosch Municipal Land Use Planning By-Law) for a departure on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land. This temporary departure is required to enable the utilisation of a portion of an existing building on the subject land unit as a psychiatric clinic.

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PER : NAUDICA GERBER
Pr. Pin. A/2237/2015

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 Posbus 18 PAARL 7622

Telephone/Telefoon : (021) 872 4086

e-mail : david@cpt.dhale.co.za

Application Number: LU/4715

Municipal File Reference Number: Farm 1460/82, Paarl

Applicant Reference Number: P2416/90(13)A1

Enquiries: David Hellig & Abrahamse, Professional Land Surveyors

Contact No: 021 872 4086

Email address: plan@dhale.co.za

Date: 20 February 2017

REGISTERED MAIL

Rhodes Food Group (Pty) Ltd (Farm No 1631/4 Paarl)
 Private Bag X3040
 Paarl
 7620

Dear Sir/Madam

TEMPORARY LAND USE DEPARTURE: PORTION 82 OF THE FARM DELTAMEER NO 1460 PAARL


Applicant:	David Hellig & Abrahamse Professional Land Surveyors (plan@dhale.co.za)
Owner:	Pickstone & Son (Pty) Ltd (c/o david@cpt.dhale.co.za)
Application number:	LU/4715
Reference number:	Farm 1460/82, Paarl
Property Description:	Portion 82 of the Farm Deltameer No 1460 Paarl
Physical Address:	Intersection of the R45 and the R310 Helshoogte Road
Detailed description of proposal:	The matter for consideration is an application (in terms of section 15(2)(c) of the Stellenbosch Municipal Land Use Planning By-Law) for a departure on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land. This temporary departure is required to enable the utilisation of a portion of an existing building on the subject land unit as a psychiatric clinic.

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Or e-mailed to
plan@dhale.co.za

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Yours sincerely
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PER NAUDICA GERBER
Pr. Pln. A/2237/2015

David Hellig & Abrahamse

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Telephone/Telefoon : (021) 872 4086
e-mail : david@cpt.dhale.co.za

Application Number: LU/4715
Municipal File Reference Number: Farm 1460/82, Paarl
Applicant Reference Number: P2416/90(13)A1
Enquiries: David Hellig & Abrahamse, Professional Land Surveyors
Contact No: 021 872 4086
Email address: plan@dhale.co.za
Date: 20 February 2017

REGISTERED MAIL

Dwars River Packers (Pty) Ltd (Farm No 1674/15 Paarl)
P O Box 45
GROOT DRAKENSTEIN
7680

Dear Sir/Madam

TEMPORARY LAND USE DEPARTURE: PORTION 82 OF THE FARM DELTAMEER NO 1460 PAARL

Applicant:	David Hellig & Abrahamse Professional Land Surveyors (plan@dhale.co.za)
Owner:	Pickstone & Son (Pty) Ltd (c/o david@cpt.dhale.co.za)
Application number:	LU/4715
Reference number:	Farm 1460/82, Paarl
Property Description:	Portion 82 of the Farm Deltameer No 1460 Paarl
Physical Address:	Intersection of the R45 and the R310 Helshoogte Road
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Yours sincerely
DAVID HELDIG & ABRAHAMSE



GER : NAUDICA GERBER
Pr. Pln. A/2237/2015

David Hellig & Abrahamse

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✉ P O Box 18 PAARL 7622
Posbus 18 PAARL 7622

Telephone/Telefoon : (021) 872 4086
e-mail : david@cpt.dhale.co.za

Application Number: LU/4715
Municipal File Reference Number: Farm 1460/82, Paarl
Applicant Reference Number: P2416/90(13)A1
Enquiries: David Hellig & Abrahamse, Professional Land Surveyors
Contact No: 021 872 4086
Email address: plan@dhale.co.za
Date: 20 February 2017

REGISTERED MAIL

Anglican Church of SA Diocese of Cape Town (Farm No 1004 Paarl)
P O Box 12
GROOT DRAKENSTEIN
7680

Dear Sir/Madam

TEMPORARY LAND USE DEPARTURE: PORTION 82 OF THE FARM DELTAMEER NO 1460 PAARL

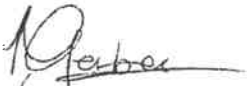
Applicant:	David Hellig & Abrahamse Professional Land Surveyors (plan@dhale.co.za)
Owner:	Pickstone & Son (Pty) Ltd (c/o david@cpt.dhale.co.za)
Application number:	LU/4715
Reference number:	Farm 1460/82, Paarl
Property Description:	Portion 82 of the Farm Deltameer No 1460 Paarl
Physical Address:	Intersection of the R45 and the R310 Helshoogte Road
Detailed description of proposal:	The matter for consideration is an application (in terms of section 15(2)(c) of the Stellenbosch Municipal Land Use Planning By-Law) for a departure on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land. This temporary departure is required to enable the utilisation of a portion of an existing building on the subject land unit as a psychiatric clinic.

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Registered mail or normal mail
David Hellig & Abrahamse P O Box 18 Paarl 7622
Or hand delivered to
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plan@dhale.co.za

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Yours sincerely
DAVID HELDIG & ABRAHAMSE



GER : NAUDICA GERBER
Pr. Pln. A/2237/2015

David Hellig & Abrahamse

Land Surveyors • Landmeters

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e-mail : david@cpt.dhale.co.za

Application Number: LU/4715
Municipal File Reference Number: Farm 1460/82, Paarl
Applicant Reference Number: P2416/90(13)A1
Enquiries: David Hellig & Abrahamse, Professional Land Surveyors
Contact No: 021 872 4086
Email address: plan@dhale.co.za
Date: 20 February 2017

REGISTERED MAIL

National Government of the Republic of South-Africa (Farm No 1732 Paarl)
Department of Land Development and Land Reform
Private Bag X5069
STELLENBOSCH
7599

Attention: Ms Vannesa Frantz

Dear Sir/Madam

TEMPORARY LAND USE DEPARTURE: PORTION 82 OF THE FARM DELTAMEER NO 1460 PAARL

Applicant:	David Hellig & Abrahamse Professional Land Surveyors (plan@dhale.co.za)
Owner:	Pickstone & Son (Pty) Ltd (c/o david@cpt.dhale.co.za)
Application number:	LU/4715
Reference number:	Farm 1460/82, Paarl
Property Description:	Portion 82 of the Farm Deltameer No 1460 Paarl
Physical Address:	Intersection of the R45 and the R310 Helshoogte Road
Detailed description of proposal:	The matter for consideration is an application (in terms of section 15(2)(c) of the Stellenbosch Municipal Land Use Planning By-Law) for a departure on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land. This temporary departure is required to enable the utilisation of a portion of an existing building on the subject land unit as a psychiatric clinic.

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GER : NAUDICA GERBER
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Application Number: LU/4715
Municipal File Reference Number: Farm 1460/82, Paarl
Applicant Reference Number: P2416/90(13)A1
Enquiries: David Hellig & Abrahamse, Professional Land Surveyors
Contact No: 021 872 4086
Email address: plan@dhale.co.za
Date: 20 February 2017

REGISTERED MAIL

Zandvliet Delta Farming (Pty) Ltd (Farm No 1460/35 Paarl)
P O Box 123
GROOT DRAKENSTEIN
7680

Dear Sir/Madam

TEMPORARY LAND USE DEPARTURE: PORTION 82 OF THE FARM DELTAMEER NO 1460 PAARL

Applicant:	David Hellig & Abrahamse Professional Land Surveyors (plan@dhale.co.za)
Owner:	Pickstone & Son (Pty) Ltd (c/o david@cpt.dhale.co.za)
Application number:	LU/4715
Reference number:	Farm 1460/82, Paarl
Property Description:	Portion 82 of the Farm Deltameer No 1460 Paarl
Physical Address:	Intersection of the R45 and the R310 Helshoogte Road
Detailed description of proposal:	The matter for consideration is an application (in terms of section 15(2)(c) of the Stellenbosch Municipal Land Use Planning By-Law) for a departure on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land. This temporary departure is required to enable the utilisation of a portion of an existing building on the subject land unit as a psychiatric clinic.

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PER: NAUDICA GERBER
Pr. Pln. A/2237/2015

David Hellig & Abrahamse

Land Surveyors • Landmeters

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PAARL 7646

✉ P O Box 18 PAARL 7622
Posbus 18 PAARL 7622

Telephone/Telefoon : (021) 872 4086
e-mail : david@cpt.dhale.co.za

Application Number: LU/4715
Municipal File Reference Number: Farm 1460/82, Paarl
Applicant Reference Number: P2416/90(13)A1
Enquiries: David Hellig & Abrahamse, Professional Land Surveyors
Contact No: 021 872 4086
Email address: plan@dhale.co.za
Date: 20 February 2017

REGISTERED MAIL

Allee Bleue Estate (Pty) Ltd (Farm No 1758 Paarl)
P O Box 100
GROOT DRAKENSTEIN
7680

Dear Sir/Madam

TEMPORARY LAND USE DEPARTURE: PORTION 82 OF THE FARM DELTAMEER NO 1460 PAARL


Applicant:	David Hellig & Abrahamse Professional Land Surveyors (plan@dhale.co.za)
Owner:	Pickstone & Son (Pty) Ltd (c/o david@cpt.dhale.co.za)
Application number:	LU/4715
Reference number:	Farm 1460/82, Paarl
Property Description:	Portion 82 of the Farm Deltameer No 1460 Paarl
Physical Address:	Intersection of the R45 and the R310 Helshoogte Road
Detailed description of proposal:	The matter for consideration is an application (in terms of section 15(2)(c) of the Stellenbosch Municipal Land Use Planning By-Law) for a departure on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land. This temporary departure is required to enable the utilisation of a portion of an existing building on the subject land unit as a psychiatric clinic.

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

APPLICANT
Registered mail or normal mail
David Hellig & Abrahamse P O Box 18 Paarl 7622
Or hand delivered to
David Hellig & Abrahamse 258 Main Road Paarl, 7646
Or e-mailed to
plan@dhale.co.za

All comments, quoting the application number, reference number, your name, address or contact details, your interest in the application and reasons for comments should be received by the above party on or before 30 days from the date of publication of this notice (closing date thus being 22 March 2017). Telephonic enquiries can be made to the applicant, DAVID HELLIG & ABRAHAMSE at 021 872 4086. Any comment/objection received after aforementioned closing date will be considered invalid. Any person who cannot write will be assisted by a Municipal official by transcribing their comments.

Yours sincerely
DAVID HELLIG & ABRAHAMSE



PER: NAUDICA GERBER
Pr. Pln. A/2237/2015

David Hellig & Abrahamse

Land Surveyors • Landmeters

DAVID SAMUEL HELDIG
B.Sc., B.Sc. (Land Survey), PR.L. (SA)
SPENCER GRAHAM DREYER
B.Sc. (Survey), PR.L. (SA)

At Cape Town
RICHARD CLIFTON ABRAHAMSE
B.Sc. (Survey), PR.L. (SA)

258 Main Street/Hoofstraat
PAARL 7646

☒ P O Box 18 PAARL 7622
Posbus 18 PAARL 7622

Telephone/Telefoon : (021) 872 4086
e-mail : david@cpt.dhale.co.za

Application Number: LU/4715
Municipal File Reference Number: Farm 1460/82, Paarl
Applicant Reference Number: P2416/90(13)A1
Enquiries: David Hellig & Abrahamse, Professional Land Surveyors
Contact No: 021 872 4086
Email address: plan@dhale.co.za
Date: 20 February 2017

REGISTERED MAIL

National Department of Public Works (Farm No 1006/1)
Private Bag X9027
CAPE TOWN
8000
Attention: V Sebolai

Dear Sir/Madam

TEMPORARY LAND USE DEPARTURE: PORTION 82 OF THE FARM DELTAMEER NO 1460 PAARL

Applicant:	David Hellig & Abrahamse Professional Land Surveyors (plan@dhale.co.za)
Owner:	Pickstone & Son (Pty) Ltd (c/o david@cpt.dhale.co.za)
Application number:	LU/4715
Reference number:	Farm 1460/82, Paarl
Property Description:	Portion 82 of the Farm Deltameer No 1460 Paarl
Physical Address:	Intersection of the R45 and the R310 Helshoogte Road
Detailed description of proposal:	The matter for consideration is an application (in terms of section 15(2)(c) of the Stellenbosch Municipal Land Use Planning By-Law) for a departure on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land. This temporary departure is required to enable the utilisation of a portion of an existing building on the subject land unit as a psychiatric clinic.

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

APPLICANT
Registered mail or normal mail
David Hellig & Abrahamse P O Box 18 Paarl 7622
Or hand delivered to
David Hellig & Abrahamse 258 Main Road Paarl, 7646
Or e-mailed to
plan@dhale.co.za

All comments, quoting the application number, reference number, your name, address or contact details, your interest in the application and reasons for comments should be received by the above party on or before 30 days from the date of publication of this notice (closing date thus being 22 March 2017). Telephonic enquiries can be made to the applicant, DAVID HELLIG & ABRAHAMSE at 021 872 4086. Any comment/objection received after aforementioned closing date will be considered invalid. Any person who cannot write will be assisted by a Municipal official by transcribing their comments.

Yours sincerely
DAVID HELLIG & ABRAHAMSE



PER NAUDICA GERBER
Pr. Pln. A/2237/2015

David Hellig & Abrahamse

Land Surveyors • Landmeters

DAVID SAMUEL HELLIG
B.Sc., B.Sc. (Land Survey), PR.L. (SA)
SPENCER GRAHAM DREYER
B.Sc. (Survey), PR.L. (SA)

At Cape Town
RICHARD CLIFTON ABRAHAMSE
B.Sc. (Survey), PR.L. (SA)

258 Main Street/Hoofstraat
PAARL 7646

✉ P O Box 18 PAARL 7622
Posbus 18 PAARL 7622

Telephone/Telefoon : (021) 872 4086
e-mail : david@cpt.dhale.co.za

Application Number: LU/4715
Municipal File Reference Number: Farm 1460/82, Paarl
Applicant Reference Number: P2416/90(13)A1
Enquiries: David Hellig & Abrahamse, Professional Land Surveyors
Contact No: 021 872 4086
Email address: plan@dhale.co.za
Date: 20 February 2017

REGISTERED MAIL

R45 Trust (Farm No 1006/4 Paarl)
P O Box 57
SIMONDIUM
7670

Dear Sir/Madam

TEMPORARY LAND USE DEPARTURE: PORTION 82 OF THE FARM DELTAMEER NO 1460 PAARL

Applicant:	David Hellig & Abrahamse Professional Land Surveyors (plan@dhale.co.za)
Owner:	Pickstone & Son (Pty) Ltd (c/o david@cpt.dhale.co.za)
Application number:	LU/4715
Reference number:	Farm 1460/82, Paarl
Property Description:	Portion 82 of the Farm Deltameer No 1460 Paarl
Physical Address:	Intersection of the R45 and the R310 Helshoogte Road
Detailed description of proposal:	The matter for consideration is an application (in terms of section 15(2)(c) of the Stellenbosch Municipal Land Use Planning By-Law) for a departure on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land. This temporary departure is required to enable the utilisation of a portion of an existing building on the subject land unit as a psychiatric clinic.

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

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Registered mail or normal mail
David Hellig & Abrahamse P O Box 18 Paarl 7622
Or hand delivered to
David Hellig & Abrahamse 258 Main Road Paarl, 7646
Or e-mailed to
plan@dhale.co.za

All comments, quoting the application number, reference number, your name, address or contact details, your interest in the application and reasons for comments should be received by the above party on or before 30 days from the date of publication of this notice (closing date thus being 22 March 2017). Telephonic enquiries can be made to the applicant, DAVID HELIG & ABRAHAMSE at 021 872 4086. Any comment/objection received after aforementioned closing date will be considered invalid. Any person who cannot write will be assisted by a Municipal official by transcribing their comments.

Yours sincerely
DAVID HELIG & ABRAHAMSE



GER : NAUDICA GERBER
Pr. Pln. A/2237/2015

David Hellig & Abrahamse

Land Surveyors • Landmeters

DAVID SAMUEL HELLIG
B.Sc., B.Sc. (Land Survey), PR.L. (SA)
SPENCER GRAHAM DREYER
B.Sc. (Survey), PR.L. (SA)

At Cape Town
RICHARD CLIFTON ABRAHAMSE
B.Sc. (Survey), PR.L. (SA)

258 Main Street/Hoofstraat
PAARL 7646

☒ P O Box 18 PAARL 7622
Posbus 18 PAARL 7622

Telephone/Telefoon : (021) 872 4086
e-mail : david@cpt.dhale.co.za

Application Number: LU/4715
Municipal File Reference Number: Farm 1460/82, Paarl
Applicant Reference Number: P2416/90(13)A1
Enquiries: David Hellig & Abrahamse, Professional Land Surveyors
Contact No: 021 872 4086
Email address: plan@dhale.co.za
Date: 20 February 2017

REGISTERED MAIL

Clr Aldridge Frazenburg
25 Forrel Crescent
Mooiwater
FRANSCHHOEK
7690

Dear Sir/Madam

TEMPORARY LAND USE DEPARTURE: PORTION 82 OF THE FARM DELTAMEER NO 1460 PAARL

Applicant:	David Hellig & Abrahamse Professional Land Surveyors (plan@dhale.co.za)
Owner:	Pickstone & Son (Pty) Ltd (c/o david@cpt.dhale.co.za)
Application number:	LU/4715
Reference number:	Farm 1460/82, Paarl
Property Description:	Portion 82 of the Farm Deltameer No 1460 Paarl
Physical Address:	Intersection of the R45 and the R310 Helshoogte Road
Detailed description of proposal:	The matter for consideration is an application (in terms of section 15(2)(c) of the Stellenbosch Municipal Land Use Planning By-Law) for a departure on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land. This temporary departure is required to enable the utilisation of a portion of an existing building on the subject land unit as a psychiatric clinic.

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Registered mail or normal mail
David Hellig & Abrahamse P O Box 18 Paarl 7622
Or hand delivered to
David Hellig & Abrahamse 258 Main Road Paarl, 7646
Or e-mailed to
plan@dhale.co.za

All comments, quoting the application number, reference number, your name, address or contact details, your interest in the application and reasons for comments should be received by the above party on or before 30 days from the date of publication of this notice (closing date thus being 22 March 2017). Telephonic enquiries can be made to the applicant, DAVID HELLIG & ABRAHAMSE at 021 872 4086. Any comment/objection received after aforementioned closing date will be considered invalid. Any person who cannot write will be assisted by a Municipal official by transcribing their comments.

Yours sincerely
DAVID HELLIG & ABRAHAMSE



PER NAUDICA GERBER
Pr. Pln. A/2237/2015

David Hellig & Abrahamse

Land Surveyors • Landmeters

DAVID SAMUEL HELLIG
B.Sc., B.Sc. (Land Survey), PR.L. (SA)
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B.Sc. (Survey), PR.L. (SA)

At Cape Town
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B.Sc. (Survey), PR.L. (SA)

258 Main Street/Hoofstraat
PAARL 7646

✉ P O Box 18 PAARL 7622
Posbus 18 PAARL 7622

Telephone/Telefoon : (021) 872 4086
e-mail : david@cpt.dhale.co.za

Application Number: LU/4715
Municipal File Reference Number: Farm 1460/82, Paarl
Applicant Reference Number: P2416/90(13)A1
Enquiries: David Hellig & Abrahamse, Professional Land Surveyors
Contact No: 021 872 4086
Email address: plan@dhale.co.za
Date: 20 February 2017

REGISTERED MAIL

Franschhoek Trust & Ratepayers Association
The Garden House
29 De Wet Street
FRANSCHHOEK
7690
Attention: S Schaffer

Dear Sir/Madam

TEMPORARY LAND USE DEPARTURE: PORTION 82 OF THE FARM DELTAMEER NO 1460 PAARL


Applicant:	David Hellig & Abrahamse Professional Land Surveyors (plan@dhale.co.za)
Owner:	Pickstone & Son (Pty) Ltd (c/o david@cpt.dhale.co.za)
Application number:	LU/4715
Reference number:	Farm 1460/82, Paarl
Property Description:	Portion 82 of the Farm Deltameer No 1460 Paarl
Physical Address:	Intersection of the R45 and the R310 Helshoogte Road
Detailed description of proposal:	The matter for consideration is an application (in terms of section 15(2)(c) of the Stellenbosch Municipal Land Use Planning By-Law) for a departure on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land. This temporary departure is required to enable the utilisation of a portion of an existing building on the subject land unit as a psychiatric clinic.

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

APPLICANT
Registered mail or normal mail
David Hellig & Abrahamse P O Box 18 Paarl 7622
Or hand delivered to
David Hellig & Abrahamse 258 Main Road Paarl, 7646
Or e-mailed to
plan@dhale.co.za

All comments, quoting the application number, reference number, your name, address or contact details, your interest in the application and reasons for comments should be received by the above party on or before 30 days from the date of publication of this notice (closing date thus being 22 March 2017). Telephonic enquiries can be made to the applicant, DAVID HELLIG & ABRAHAMSE at 021 872 4086. Any comment/objection received after aforementioned closing date will be considered invalid. Any person who cannot write will be assisted by a Municipal official by transcribing their comments.

Yours sincerely
DAVID HELLIG & ABRAHAMSE



PER NAUDICA GERBER
Pr. Pln. A/2237/2015

STELLENBOSCH MUNISIPALITEIT

**AANSOEK VIR 'N TYDELIKE GRONDGEBRUIKS-AFWYKING:
GEDEELTE 82 VAN DIE PLAAS DELTAMEER NO 1460 PAARL**

Aansoeker:	David Hellig & Abrahamse, Professionele Landmeters (plan@dhale.co.za)
Eienaar:	Pickstone & Son (Edms) Bpk
Aansoeknommer:	LU/4715
Verwysingsnommer:	Farm 1460/82, Paarl
Eiendomsbeskrywing:	Gedeelte 82 van die Plaas Deltameer No 1460 Paarl
Fisiese Adres:	Kruising van die R45 en die R310 Helshoogte Pad
Beskrywing van aansoek:	Die aansoek vir oorweging is 'n aansoek (ingevolge artikel 15(2)(c) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning) vir die afwyking op 'n tydelike grondslag om grond vir 'n doel aan te wend wat nie toegelaat word ingevolge die primêre regte van die sonering van toepassing op die grond nie. Hierdie tydelike grondgebruiks-afwyking het ten doel om 'n gedeelte van 'n bestaande gebou op die eiendom as 'n psigiatriese kliniek te gebruik.

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

AANSOEKER
Geregistreerde of gewone pos
David Hellig & Abrahamse Posbus 18 Paarl 7622
Of per hand afgelewer aan
David Hellig & Abrahamse Hoofstraat Nr 258 Paarl, 7646
Of per e-pos gelewer aan
plan@dhale.co.za

Alle kommentare moet op of voor 30 dae vanaf die datum van publikasie van hierdie kennisgewing, met vermelding van die aansoeknommer, verwysingsnommer, u naam, adres en kontakbesonderhede, belangstelling in die aansoek en redes vir kommentaar, deur die bogemelde party ontvang word. Telefoniese navrae kan aan die aansoeker, DAVID HELLIG & ABRAHAMSE by 021 872 4086 gerig word. Enige kommentaar/beswaar ontvang na die voormelde sluitingsdatum (22 Maart 2017) sal as ongeldig geag word. Enige persoon wat nie kan skryf nie sal deur 'n Munisipale-amptenaar bygestaan word om hul kommentaar op skrif te stel.

DATUM : 20-02-2017

David Hellig & Abrahamse

Land Surveyors • Landmeters

DAVID SAMUEL HELDIG
B.Sc., B.Sc. (Land Survey), PR.L. (SA)
SPENCER GRAHAM DREYER
B.Sc. (Survey), PR.L. (SA)

At Cape Town
RICHARD CLIFTON ABRAHAMSE
B.Sc. (Survey), PR.L. (SA)

258 Main Street/Hoofstraat
PAARL 7646

✉ P O Box 18 PAARL 7622
Posbus 18 PAARL 7622

Telephone/Telefoon : (021) 872 4086
e-mail : david@cpt.dhale.co.za

Application Number: LU/4715
Municipal File Reference Number: Farm 1460/82, Paarl
Applicant Reference Number: P2416/90(13)A1
Enquiries: David Hellig & Abrahamse, Professional Land Surveyors, 021 872 4086, plan@dhale.co.za
Date: 20 February 2017

REGISTERED MAIL

Department of Agriculture
Private Bag X1
ELSENBURG
7607
Attention: Mr Cor van der Walt

Sir/Madam

TEMPORARY LAND USE DEPARTURE: PORTION 82 OF THE FARM DELTAMEER NO 1460 PAARL

- The Stellenbosch Municipality has received an application for a departure on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land. This temporary departure is required to enable the utilisation of a portion of an existing building on the subject land unit as a psychiatric clinic in terms of sections 15 of the Stellenbosch Municipal Land Use Planning By-law. Attached please find a copy of the application.
- Kindly provide your written comments on the application in terms of section 51(2) of the said legislation within 60 days of receipt of this letter. Your comments should be addressed **simultaneously to both the applicant and the municipality** in one of the following manners:

APPLICANT	MUNICIPALITY
Registered mail or normal mail	
David Hellig & Abrahamse P O Box 18 Paarl 7622	Director: Planning and Economic Development Stellenbosch Municipality P O Box 17 Stellenbosch 7599
Or faxed / e-mailed to	
plan@dhale.co.za	021 886 6899
Or hand delivered to	
David Hellig & Abrahamse 258 Main Road Paarl	Planning Advice Centre, Municipal offices, Plein Street, Stellenbosch

- Should no comments be received, it will be deemed that you have no comment.

Yours sincerely
DAVID HELDIG & ABRAHAMSE



PER: NAUDICA GERBER
Pr. Pln. A/2237/2015

David Hellig & Abrahamse

Land Surveyors • Landmeters

DAVID SAMUEL HELLIG
B.Sc., B.Sc. (Land Survey), PR.L. (SA)
SPENCER GRAHAM DREYER
B.Sc. (Survey), PR.L. (SA)

At Cape Town
RICHARD CLIFTON ABRAHAMSE
B.Sc. (Survey), PR.L. (SA)

258 Main Street/Hoofstraat
PAARL 7646

✉ P O Box 18 PAARL 7622
Posbus 18 PAARL 7622

Telephone/Telefoon : (021) 872 4086

e-mail : david@cpt.dhale.co.za

Aansoeknommer: LU/4715
Munisipale Lêerverwysingsnommer: Farm 1460/82, Paarl
Aansoeker Verwysingsnommer: P2416/90(13)A1
Navrae: David Hellig & Abrahamse, Professionele Landmeters
Kontaknommer: 021 872 4086
E-pos adres: plan@dhale.co.za
Datum: 20 Februarie 2017

GEREGISTREERDE POS

Transnet SOC Ltd (Plaas No 895/3 Paarl)
c/o J F Boshoff
Posbus 36
KAAPSTAD
8000

Geagte Heer/Dame

TYDELIKE GRONDGEBRUIKS-AFWYKING: GEDEELTE 82 VAN DIE PLAAS DELTAMEER NO 1460 PAARL

Aansoeker:	David Hellig & Abrahamse, Professionele Landmeters (plan@dhale.co.za)
Eienaar:	Pickstone & Son (Edms) Bpk (david@cpt.dhale.co.za)
Aansoeknommer:	LU/4715
Verwysingsnommer:	Farm 1460/82, Paarl
Eiendomsbeskrywing:	Gedeelte 82 van die Plaas Deltameer No 1460 Paarl
Fisiese Adres:	Kruising van die R45 en die R310 Helshoogte Pad
Beskrywing van aansoek:	Die aansoek vir oorweging is 'n aansoek (ingevolge artikel 15(2)(c) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning) vir die afwyking op 'n tydelike grondslag om grond vir 'n doel aan te wend wat nie toegelaat word ingevolge die primêre regte van die sonering van toepassing op die grond nie. Hierdie tydelike grondgebruiks-afwyking het ten doel om 'n gedeelte van 'n bestaande gebou op die eiendom as 'n psigiatriese kliniek te gebruik.

Kennis geskied hiermee ingevolge die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning dat die bogenoemde aansoek ontvang is en gedurende weksdae tussen 08:30 en 13:30 by die Beplanningsadvieskantoor by Stellenbosch Munisipaliteit, Pleinstraat, Stellenbosch ter insae lê.

Enige geskrewe kommentare/besware, met volledige redes daarvoor, moet ingevolge artikel 50 van die genoemde wetgewing aan die aansoeker op een van die volgende wyses geadresseer word:

AANSOEKER
Geregistreerde of gewone pos
David Hellig & Abrahamse Posbus 18 Paarl 7622
Of per hand afgelewer aan
David Hellig & Abrahamse Hoofstraat Nr. 258 Paarl, 7646
Of per e-pos gelewer aan
plan@dhale.co.za

Alle kommentare moet op of voor 30 dae vanaf die datum van publikasie van hierdie kennisgewing (sluitingsdatum dus 22 Maart 2017), met vermelding van die aansoeknommer, verwysingsnommer, u naam, adres en kontakbesonderhede, belangstelling in die aansoek en redes vir kommentaar, deur die bogemelde party ontvang word. Telefoniese navrae kan aan die aansoeker, DAVID HELLIG & ABRAHAMSE by 021 872 4086 gerig word. Enige kommentaar/beswaar ontvang na die voormelde sluitingsdatum sal as ongeldig geag word. Enige persoon wat nie kan skryf nie sal deur 'n Munisipale-amptenaar bygestaan word om hul kommentaar op skrif te stel.

Die Uwe
DAVID HELLIG & ABRAHAMSE



PER : NAUDICA GERBER
Pr. Ph. A/2237/2015

David Hellig & Abrahamse

Land Surveyors • Landmeters

DAVID SAMUEL HELLIG
B.Sc., B.Sc. (Land Survey), PR.L. (SA)
SPENCER GRAHAM DREYER
B.Sc. (Survey), PR.L. (SA)

At Cape Town
RICHARD CLIFTON ABRAHAMSE
B.Sc. (Survey), PR.L. (SA)

258 Main Street/Hoofstraat
PAARL 7646

☒ P O Box 18 PAARL 7622
Posbus 18 PAARL 7622

Telephone/Telefoon : (021) 872 4086
e-mail : david@cpt.dhale.co.za

Aansoeknommer: LU/4715
Munisipale Lêerverwysingsnommer: Farm 1460/82, Paarl
Aansoeker Verwysingsnommer: P2416/90(13)A1
Navrae: David Hellig & Abrahamse, Professionele Landmeters
Kontaknommer: 021 872 4086
E-pos adres: plan@dhale.co.za
Datum: 20 Februarie 2017

GEREGISTREERDE POS

Boschendal (Edms) Bpk (Plaas No 1674/10 Paarl)
Posbus 25
GROOT DRAKENSTEIN
7680

Geagte Heer/Dame

TYDELIKE GRONDGEBRUIKS-AFWYKING: GEDEELTE 82 VAN DIE PLAAS DELTAMEER NO 1460 PAARL

Aansoeker:	David Hellig & Abrahamse, Professionele Landmeters (plan@dhale.co.za)
Eienaar:	Pickstone & Son (Edms) Bpk (david@cpt.dhale.co.za)
Aansoeknommer:	LU/4715
Verwysingsnommer:	Farm 1460/82, Paarl
Eiendomsbeskrywing:	Gedeelte 82 van die Plaas Deltameer No 1460 Paarl
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AANSOEKER
Geregistreerde of gewone pos
David Hellig & Abrahamse Posbus 18 Paarl 7622
Of per hand afgelewer aan
David Hellig & Abrahamse Hoofstraat Nr. 258 Paarl, 7646
Of per e-pos gelewer aan
plan@dhale.co.za

Alle kommentare moet op of voor 30 dae vanaf die datum van publikasie van hierdie kennisgewing (sluitingsdatum dus 22 Maart 2017), met vermelding van die aansoeknommer, verwysingsnommer, u naam, adres en kontakbesonderhede, belangstelling in die aansoek en redes vir kommentaar, deur die bogemelde party ontvang word. Telefoniese navrae kan aan die aansoeker, DAVID HELLIG & ABRAHAMSE by 021 872 4086 gerig word. Enige kommentaar/beswaar ontvang na die voormelde sluitingsdatum sal as ongeldig geag word. Enige persoon wat nie kan skryf nie sal deur 'n Munisipale-amptenaar bygestaan word om hul kommentaar op skrif te stel.

Die Uwe
DAVID HELLIG & ABRAHAMSE



PER : NAUDICA GERBER
Pr. Ptn. A/2237/2015

David Hellig & Abrahamse

Land Surveyors • Landmeters

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At Cape Town
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258 Main Street/Hoofstraat
PAARL 7646

✉ P O Box 18 PAARL 7622
Posbus 18 PAARL 7622

Telephone/Telefoon : (021) 872 4086
e-mail : david@cpt.dhale.co.za

Aansoeknommer: LU/4715
Munisipale Lêerverwysingsnommer: Farm 1460/82, Paarl
Aansoeker Verwysingsnommer: P2416/90(13)A1
Navrae: David Hellig & Abrahamse, Professionele Landmeters
Kontaknommer: 021 872 4086
E-pos adres: plan@dhale.co.za
Datum: 20 Februarie 2017

GEREGISTREERDE POS

Republiek van Suid-Afrika (Plaas No 991/1 Paarl)
Departement van Publieke Werke
Privaatsak X9027
KAAPSTAD
8000

Geagte Heer/Dame

TYDELIKE GRONDGEBRUIKS-AFWYKING: GEDEELTE 82 VAN DIE PLAAS DELTAMEER NO 1460 PAARL

Aansoeker:	David Hellig & Abrahamse, Professionele Landmeters (plan@dhale.co.za)
Eienaar:	Pickstone & Son (Edms) Bpk (david@cpt.dhale.co.za)
Aansoeknommer:	LU/4715
Verwysingsnommer:	Farm 1460/82, Paarl
Eiendomsbeskrywing:	Gedeelte 82 van die Plaas Deltameer No 1460 Paarl
Fisiese Adres:	Kruising van die R45 en die R310 Helshoogte Pad
Beskrywing van aansoek:	Die aansoek vir oorweging is 'n aansoek (ingevolge artikel 15(2)(c) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning) vir die afwyking op 'n tydelike grondslag om grond vir 'n doel aan te wend wat nie toegelaat word ingevolge die primêre regte van die sonering van toepassing op die grond nie. Hierdie tydelike grondgebruiks-afwyking het ten doel om 'n gedeelte van 'n bestaande gebou op die eiendom as 'n psigiatrisie kliniek te gebruik.


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Die Uwe
DAVID HELLIG & ABRAHAMSE



PER : NAUDICA GERBER
Pr. Fin. A/2237/2015

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Telephone/Telefoon : (021) 872 4086
 e-mail : david@cpt.dhale.co.za

Aansoeknommer: LU/4715
 Municipale Lêerverwysingsnommer: Farm 1460/82, Paarl
 Aansoeker Verwysingsnommer: P2416/90(13)A1
 Navrae: David Hellig & Abrahamse, Professionele Landmeters
 Kontaknommer: 021 872 4086
 E-pos adres: plan@dhale.co.za
 Datum: 20 Februarie 2017

GEREGISTREERDE POS

Rhodes Food Group (Edms) Bpk (Plaas No 1631/4 Paarl)
 Privaatsak X3040
 Paarl
 7620

Geagte Heer/Dame

TYDELIKE GRONDGEBRUIKS-AFWYKING: GEDEELTE 82 VAN DIE PLAAS DELTAMEER NO 1460 PAARL

Aansoeker:	David Hellig & Abrahamse, Professionele Landmeters (plan@dhale.co.za)
Eienaar:	Pickstone & Son (Edms) Bpk (david@cpt.dhale.co.za)
Aansoeknommer:	LU/4715
Verwysingsnommer:	Farm 1460/82, Paarl
Eiendomsbeskrywing:	Gedeelte 82 van die Plaas Deltameer No 1460 Paarl
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Navrae: David Hellig & Abrahamse, Professionele Landmeters
Kontaknommer: 021 872 4086
E-pos adres: plan@dhale.co.za
Datum: 20 Februarie 2017

GEREGISTREERDE POS

Dwars River Packers (Edms) Bpk (Plaas No 1674/15 Paarl)
Posbus 45
GROOT DRAKENSTEIN
7680

Geagte Heer/Dame

TYDELIKE GRONDGEBRUIKS-AFWYKING: GEDEELTE 82 VAN DIE PLAAS DELTAMEER NO 1460 PAARL

Aansoeker:	David Hellig & Abrahamse, Professionele Landmeters (plan@dhale.co.za)
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Aansoeker Verwysingsnommer: P2416/90(13)A1
Navrae: David Hellig & Abrahamse, Professionele Landmeters
Kontaknommer: 021 872 4086
E-pos adres: plan@dhale.co.za
Datum: 20 Februarie 2017

GEREGISTREERDE POS

Anglikaanse Kerk van SA Diocese van Kaapstad (Plaas No 1004 Paarl)
Posbus 12
GROOT DRAKENSTEIN
7680

Geagte Heer/Dame

TYDELIKE GRONDGEBRUIKS-AFWYKING: GEDEELTE 82 VAN DIE PLAAS DELTAMEER NO 1460 PAARL

Aansoeker:	David Hellig & Abrahamse, Professionele Landmeters (plan@dhale.co.za)
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 Kontaknommer: 021 872 4086
 E-pos adres: plan@dhale.co.za
 Datum: 20 Februarie 2017

GEREGISTREERDE POS

Nasionale Regering van die Republiek van Suid-Afrika (Plaas No 1732 Paarl)
 Departement van Grondontwikkeling en -hervorming
 Privaatsak X5069
 STELLENBOSCH
 7599
 Aandag: Me Vannesa Frantz

Geagte Heer/Dame

TYDELIKE GRONDGEBRUIKS-AFWYKING: GEDEELTE 82 VAN DIE PLAAS DELTAMEER NO 1460 PAARL

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Aansoeker Verwysingsnommer: P2416/90(13)A1
Navrae: David Hellig & Abrahamse, Professionele Landmeters
Kontaknommer: 021 872 4086
E-pos adres: plan@dhale.co.za
Datum: 20 Februarie 2017

GEREGISTREERDE POS

Zandvliet Delta Farming (Edms) Bpk (Plaas No 1460/35 Paarl)
Posbus 123
GROOT DRAKENSTEIN
7680

Geagte Heer/Dame

TYDELIKE GRONDGEBRUIKS-AFWYKING: GEDEELTE 82 VAN DIE PLAAS DELTAMEER NO 1460 PAARL

Aansoeker: David Hellig & Abrahamse, Professionele Landmeters
(plan@dhale.co.za)

Eienaar: Pickstone & Son (Edms) Bpk
(david@cpt.dhale.co.za)

Aansoeknommer: LU/4715

Verwysingsnommer: Farm 1460/82, Paarl

Eiendomsbeskrywing: Gedeelte 82 van die Plaas Deltameer No 1460 Paarl

Fisiese Adres: Kruising van die R45 en die R310 Helshoogte Pad

Beskrywing van aansoek: Die aansoek vir oorweging is 'n aansoek (ingevolge artikel 15(2)(c) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning) vir die afwyking op 'n tydelike grondslag om grond vir 'n doel aan te wend wat nie toegelaat word ingevolge die primêre regte van die sonering van toepassing op die grond nie. Hierdie tydelike grondgebruiks-afwyking het ten doel om 'n gedeelte van 'n bestaande gebou op die eiendom as 'n psigiatrisiese kliniek te gebruik.

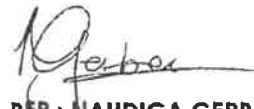
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Of per e-pos gelewer aan
plan@dhale.co.za

Alle kommentare moet op of voor 30 dae vanaf die datum van publikasie van hierdie kennisgewing (sluitingsdatum dus 22 Maart 2017), met vermelding van die aansoeknommer, verwysingsnommer, u naam, adres en kontakbesonderhede, belangstelling in die aansoek en redes vir kommentaar, deur die bogemelde party ontvang word. Telefoniese navrae kan aan die aansoeker, DAVID HELLIG & ABRAHAMSE by 021 872 4086 gerig word. Enige kommentaar/beswaar ontvang na die voormelde sluitingsdatum sal as ongeldig geag word. Enige persoon wat nie kan skryf nie sal deur 'n Munisipale-amptenaar bygestaan word om hul kommentaar op skrif te stel.

Die Uwe
DAVID HELLIG & ABRAHAMSE



PER : NAUDICA GERBER
Pr. Ph. A/2237/2015

David Hellig & Abrahamse**Land Surveyors • Landmeters**

DAVID SAMUEL HELDIG
 B.Sc., B.Sc. (Land Survey), PR.L. (SA)
 SPENCER GRAHAM DREYER
 B.Sc. (Survey), PR.L. (SA)

At Cape Town
 RICHARD CLIFTON ABRAHAMSE
 B.Sc. (Survey), PR.L. (SA)

258 Main Street/Hoofstraat
 PAARL 7646

✉ P O Box 18 PAARL 7622
 Posbus 18 PAARL 7622

Telephone/Telefoon : (021) 872 4086
 e-mail : david@cpt.dhale.co.za

Aansoeknommer: LU/4715
 Munisipale Lêerverwysingsnommer: Farm 1460/82, Paarl
 Aansoeker Verwysingsnommer: P2416/90(13)A1
 Navrae: David Hellig & Abrahamse, Professionele Landmeters
 Kontaknommer: 021 872 4086
 E-pos adres: plan@dhale.co.za
 Datum: 20 Februarie 2017

GEREGISTREERDE POS

Allee Bleue Estate (Edms) Bpk (Plaas No 1758 Paarl)
 Posbus 100
 GROOT DRAKENSTEIN
 7680

Geagte Heer/Dame

TYDELIKE GRONDGEBRUIKS-AFWYKING: GEDEELTE 82 VAN DIE PLAAS DELTAMEER NO 1460 PAARL

Aansoeker:	David Hellig & Abrahamse, Professionele Landmeters (plan@dhale.co.za)
Eienaar:	Pickstone & Son (Edms) Bpk (david@cpt.dhale.co.za)
Aansoeknommer:	LU/4715
Verwysingsnommer:	Farm 1460/82, Paarl
Eiendomsbeskrywing:	Gedeelte 82 van die Plaas Deltameer No 1460 Paarl
Fisiese Adres:	Kruising van die R45 en die R310 Helshoogte Pad
Beskrywing van aansoek:	Die aansoek vir oorweging is 'n aansoek (ingevolge artikel 15(2)(c) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning) vir die afwyking op 'n tydelike grondslag om grond vir 'n doel aan te wend wat nie toegelaat word ingevolge die primêre regte van die sonering van toepassing op die grond nie. Hierdie tydelike grondgebruiks-afwyking het ten doel om 'n gedeelte van 'n bestaande gebou op die eiendom as 'n psigiatriese kliniek te gebruik.

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AANSOEKER
Geregistreerde of gewone pos
David Hellig & Abrahamse Posbus 18 Paarl 7622
Of per hand afgelewer aan
David Hellig & Abrahamse Hoofstraat Nr. 258 Paarl, 7646
Of per e-pos gelewer aan
plan@dhale.co.za

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PER : NAUDICA GERBER
Pr. Prt. A/2237/2015

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☒ P O Box 18 PAARL 7622
Posbus 18 PAARL 7622

Telephone/Telefoon : (021) 872 4086
e-mail : david@cpt.dhale.co.za

Aansoeknommer: LU/4715
Munisipale Lêerverwysingsnommer: Farm 1460/82, Paarl
Aansoeker Verwysingsnommer: P2416/90(13)A1
Navrae: David Hellig & Abrahamse, Professionele Landmeters
Kontaknommer: 021 872 4086
E-pos adres: plan@dhale.co.za
Datum: 20 Februarie 2017

GEREGISTREERDE POS

Nasionale Departement van Publieke Werke (Plaas No 1006/1)
Privaatsak X9027
KAAPSTAD
8000
Aandag: V Sebolai

Geagte Heer/Dame

TYDELIKE GRONDGEBRUIKS-AFWYKING: GEDEELTE 82 VAN DIE PLAAS DELTAMEER NO 1460 PAARL

Aansoeker:	David Hellig & Abrahamse, Professionele Landmeters (plan@dhale.co.za)
Eienaar:	Pickstone & Son (Edms) Bpk (david@cpt.dhale.co.za)
Aansoeknommer:	LU/4715
Verwysingsnommer:	Farm 1460/82, Paarl
Eiendomsbeskrywing:	Gedeelte 82 van die Plaas Deltameer No 1460 Paarl
Fisiese Adres:	Kruising van die R45 en die R310 Helshoogte Pad
Beskrywing van aansoek:	Die aansoek vir oorweging is 'n aansoek (ingevolge artikel 15(2)(c) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning) vir die afwyking op 'n tydelike grondslag om grond vir 'n doel aan te wend wat nie toegelaat word ingevolge die primêre regte van die sonering van toepassing op die grond nie. Hierdie tydelike grondgebruiks-afwyking het ten doel om 'n gedeelte van 'n bestaande gebou op die eiendom as 'n psigiatrisie kliniek te gebruik.

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Geregistreerde of gewone pos
David Hellig & Abrahamse Posbus 18 Paarl 7622
Of per hand afgelewer aan
David Hellig & Abrahamse Hoofstraat Nr. 258 Paarl, 7646
Of per e-pos gelewer aan
plan@dhale.co.za

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Die Uwe
DAVID HELLIG & ABRAHAMSE



PER : NAUDICA GERBER
Pr. Ptn. A/2237/2015

David Hellig & Abrahamse

Land Surveyors • Landmeters

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Navrae: David Hellig & Abrahamse, Professionele Landmeters
Kontaknommer: 021 872 4086
E-pos adres: plan@dhale.co.za
Datum: 20 Februarie 2017

GEREGISTREERDE POS

R45 Trust (Plaas No 1006/4 Paarl)
Posbus 57
SIMONDIUM
7670

Geagte Heer/Dame

TYDELIKE GRONDGEBRUIKS-AFWYKING: GEDEELTE 82 VAN DIE PLAAS DELTAMEER NO 1460 PAARL

Aansoeker: David Hellig & Abrahamse, Professionele Landmeters
(plan@dhale.co.za)

Eienaar: Pickstone & Son (Edms) Bpk
(david@cpt.dhale.co.za)

Aansoeknommer: LU/4715

Verwysingsnommer: Farm 1460/82, Paarl

Eiendomsbeskrywing: Gedeelte 82 van die Plaas Deltameer No 1460 Paarl

Fisiese Adres: Kruising van die R45 en die R310 Helshoogte Pad

Beskrywing van aansoek: Die aansoek vir oorweging is 'n aansoek (ingevolge artikel 15(2)(c) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning) vir die afwyking op 'n tydelike grondslag om grond vir 'n doel aan te wend wat nie toegelaat word ingevolge die primêre regte van die sonering van toepassing op die grond nie. Hierdie tydelike grondgebruiks-afwyking het ten doel om 'n gedeelte van 'n bestaande gebou op die eiendom as 'n psigiatrisie kliniek te gebruik.

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Of per hand afgelewer aan
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Of per e-pos gelewer aan
plan@dhale.co.za

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David Hellig & Abrahamse

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Aansoeker Verwysingsnommer: P2416/90(13)A1
Navrae: David Hellig & Abrahamse, Professionele Landmeters
Kontaknommer: 021 872 4086
E-pos adres: plan@dhale.co.za
Datum: 20 Februarie 2017

GEREGISTREERDE POS

Raadslid Aldridge Frazenburg
Forrel Crescent No 25
Mooiwater
FRANSCHHOEK
7690

Geagte Heer/Dame

TYDELIKE GRONDGEBRUIKS-AFWYKING: GEDEELTE 82 VAN DIE PLAAS DELTAMEER NO 1460 PAARL

Aansoeker:	David Hellig & Abrahamse, Professionele Landmeters (plan@dhale.co.za)
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Of per hand afgelewer aan
David Hellig & Abrahamse Hoofstraat Nr. 258 Paarl, 7646
Of per e-pos gelewer aan
plan@dhale.co.za

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David Hellig & Abrahamse

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Aansoeker Verwysingsnommer: P2416/90(13)A1
Navrae: David Hellig & Abrahamse, Professionele Landmeters
Kontaknommer: 021 872 4086
E-pos adres: plan@dhale.co.za
Datum: 20 Februarie 2017

GEREGISTREERDE POS

Franschhoek Trust & Ratepayers Association
The Garden House
De Wetstraat No 29
FRANSCHHOEK
7690
Aandag: S Schaffer

Geagte Heer/Dame

TYDELIKE GRONDGEBRUIKS-AFWYKING: GEDEELTE 82 VAN DIE PLAAS DELTAMEER NO 1460 PAARL

Aansoeker:	David Hellig & Abrahamse, Professionele Landmeters (plan@dhale.co.za)
Eienaar:	Pickstone & Son (Edms) Bpk (david@cpt.dhale.co.za)
Aansoeknommer:	LU/4715
Verwysingsnommer:	Farm 1460/82, Paarl
Eiendomsbeskrywing:	Gedeelte 82 van die Plaas Deltameer No 1460 Paarl
Fisiese Adres:	Kruising van die R45 en die R310 Helshoogte Pad
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Die Uwe
DAVID HELLIG & ABRAHAMSE



PER : NAUDICA GERBER
Pr. Ph. A/2237/2015

SITE NOTICES



STELLENBOSCH MUNICIPALITY

**APPLICATION FOR A TEMPORARY LAND USE DEPARTURE:
PORTION 82 OF THE FARM DELTAMEER NO 1460 PAARL**

Applicant: David Hellig & Abrahamse, Professional Land Surveyors (plan@dhale.co.za)

Owner: Pickstone & Son (Pty) Ltd

Application Number: LU/4715

Reference Number: Farm 1460/82, Paarl

Property Description: Portion 82 of the Farm Deltameer No 1460 Paarl

Physical Address: Intersection of the R45 and the R310 Helshoogte Road

Description of proposal: The matter for consideration is an application (in terms of section 15(2)(c) of the Stellenbosch Municipal Land Use Planning By-Law) for a departure on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land. This temporary departure is required to enable the utilisation of a portion of an existing building on the subject land unit as a **psychiatric clinic**.

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

APPLICANT	
Registered mail or normal mail	
David Hellig & Abrahamse P O Box 18 Paarl 7622	
Or hand delivered to	
David Hellig & Abrahamse 258 Main Road Paarl, 7646	
Or e-mailed to	
plan@dhale.co.za	

All comments, quoting the application number, reference number, your name, address or contact details, your interest in the application and reasons for comments should be received by the above party on or before 30 days from the date of publication of this notice. Telephonic enquiries can be made to the applicant, DAVID HELLIG & ABRAHAMSE at 021 872 4086. The Municipality may refuse to accept comment received after the closing date (being 22 March 2017). Any person who cannot write will be assisted by a Municipal official by transcribing their comments.

DATE : 20-02-2017

Charlene Williams

1460/82.

From: Ulrich Vonmolendoff
Sent: 27 March 2017 04:17 PM
To: Charlene Williams
Subject: FW: PROPOSED TEMPORARY LAND USE DEPARTURE ON PORTION 82 OF THE FARM DELTAMEER NO 1460 PAARL
Attachments: Unclaimed mail.PDF

Regards**Ulrich von Molendoff**

Senior Administrative Officer

Planning & Economic Development

T: +27 21 808 8682 • F: +27 21 886 6899 • Email : ulrich.vonmolendoff@stellenbosch.gov.za

Plein Street, Stellenbosch, 7600 • PO Box 17, Stellenbosch, 7599

www.stellenbosch.gov.za

STELLENBOSCH
 MUNICIPALITY
 BEPLANNING



FILE NO	
SCANNED	
COLLABORATION	F 1460/82S

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

From: Naudica [mailto:plan@dhaa.co.za]**Sent:** 27 March 2017 04:09 PM**To:** Ulrich Vonmolendoff; Bulelwa Mdoda**Subject:** [EX] PROPOSED TEMPORARY LAND USE DEPARTURE ON PORTION 82 OF THE FARM DELTAMEER NO 1460 PAARL

Our Ref: P2416/90(13)A1

Application Number: LU/4715

Municipal Reference Number: Farm 1460/82, Paarl

Hi Ulrich and Bulelwa

**APPLICATION IN TERMS OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW, 2015:
 PROPOSED TEMPORARY LAND USE DEPARTURE ON PORTION 82 OF THE FARM DELTAMEER NO 1460 PAARL**

My Portfolio of Evidence dated 23-03-2017 refers.

I attach herewith copies of the unclaimed registered mail.

Please acknowledge receipt in writing of this e-mail and attachment.

Kind regards

Naudica

David Hellig & Abrahamse

Professional Land Surveyors

258 Main Street

PAARL 7646

☒ P O Box 18 PAARL 7622

Telephone : (021) 872 4086

17/12/02

UNDELIVERED PARCEL
 RETURN TO: 17/12/02
 17/12/02

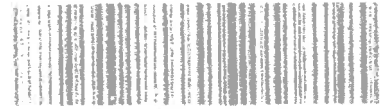
National Government of the Republic of South Africa
 Department of Land Development and Land Reform
 Private Bag X5069
 STELLENBOSCH
 7599
 Attention: Ms Vannesa Frantz

INTERNATIONAL INSURED
 PARCEL

R Full tracking and tracing
 Enquiries:
 ShareCall 0800 811 502 (Mon-Fri 08:00-17:00)
 CV 001 537 589 ZA

1st

CV 001 537 589 ZA



D

CV 001 537 589 ZA

RECIPIENT NAME (Please print clearly)

3-DAY DELIVERY

A

CV 001 537 589 ZA



327725
 24/3

UNDELIVERED ONAFGELEWER NON-DISTRIBUE **Post Office**

<input type="checkbox"/> UNKNOWN ADDRESSEE INKOMING A CETTE ADRESSE	<input checked="" type="checkbox"/> UNCLAIMED PARCEL/PAKKEET EN VOORAFRANC
<input type="checkbox"/> NO SUCH NUMBER NIE SO 'N NUMMER NIE NUMMER N' EXISTE PAS	<input type="checkbox"/> RETURNED BY/RETORNEERDE
<input type="checkbox"/> NO SUCH STREET NIE SO 'N STRAAT NIE RUE N' EXISTE PAS	<input type="checkbox"/> BOX CLOSED/POSBOS GESLOT/BOITE FERMEE
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RETURN CHARGE PAYABLE / TERUGSENDKOSTE BETAALDAAR / FRAIS DE RETOUR PAYABLE

R

DATE / DATUM / DATE

WT 2463 701397

David Hellig & Abrahamse
 Land Surveyors/Landmeters
 P.O. Box 18, 258 Main Street, Paarl 7622

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FRANSCHHOEK
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PAID
REFUSED
INCLUDED



ANNEXURE F: OBJECTIONS AND APPLICANTS RESPONSE THERETO



**Western Cape
Government**

Transport and Public Works

ROAD NETWORK MANAGEMENT

Email: Grace.Swanepoel@westerncape.gov.za

tel: +27 21 483 4669

Rm 335, 9 Dorp Street, Cape Town, 8001

PO Box 2603, Cape Town, 8000

1460/82 P-

REFERENCE: 16/9/6/1-25/199 (Job 24738)

ENQUIRIES: Ms GD Swanepoel

DATE: 28 March 2017

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

FILE NR:	E 1460/82 P
SCAN NR:	
COLLABORATOR NR:	506589

07 APR 2017

MUNICIPALITY · MUNISIPALITEIT
STELLENBOSCH
CENTRALE
PLANNING AND ENVIRONMENT
RECORDS
MUNICIPALITY/MUNISIPALITEIT
STELLENBOSCH
BEPLANNING EN OMGEWING

Attention: Mr U von Molendörff

Dear Sir

APPLICATION FOR TEMPORARY LAND USE DEPARTURE: PORTION 82 OF THE FARM DELTAMEER 1460 PAARL

1. The letter to this Branch from Messrs David Hellig & Abrahamse, Application No LU/4715, Municipal File Reference No Farm 1460/82, Paarl and Applicant Reference No P2416/90(13)A1, dated 20 February 2017 refers.
2. The subject property is located on the north-east side of Main Road 191 (R45) approximately 140m to 440m south-east of Main Road 172 (Helshoogte Road).
3. This application is for a temporary land use departure on Portion 82, a portion of the Farm Deltameer No 1460 Paarl, to permit the use of an existing building on the property as a psychiatric clinic.
4. This Branch's records indicate that in 2012 an application for a consent use and temporary departure to allow guest houses and conference facilities on the property was conditionally approved by this Branch. The conditions included *inter alia* the permanent closure of the existing access roads at km9.89 and km10.26 on Main Road 191 and the provision of a new access road at ±km10.09, opposite the access to the Factory Food Shop associated with the Rhodes Fruit Farms factory.
5. A site visit indicated that while the access at km9.89 had been permanently closed and fenced, the access to the property was now via the access at km10.26. Sight distance at this access is sub-standard. The signage at this property entrance as well as the Farm's website (Lekkerwijn Historic Country Guesthouse) indicate that it is functioning as a guest house, wedding venue and conference facility, notwithstanding the fact that the access requirements have not been implemented.

6. As Approving Authority for Main Road 191 this Branch objects to this application on the grounds that the requirements set out in our letter 13/3/5/1-10/114 (Job 17219) dated 30 July 2012 in relation to an earlier application for the property have not been implemented. If these conditions are fully implemented to the satisfaction of this Branch, an application to withdraw the objection to the current application may then be considered.

Yours faithfully



ML WATTERS
For **CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT**



Western Cape
Government

Agriculture

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

OUR REFERENCE : 20/9/2/5/4/1100
YOUR REFERENCE : LU/4715
ENQUIRIES : Cor van der Walt

David Hellig & Abrahamse Land Surveyors
PO Box 18
PAARL
7622

Att: David Hellig

**PROPOSED TEMPORARY DEPARTURE: DIVISION PAARL
PORTION 82 OF THE FARM DELTAMEER NO 1460**

Your application of 20 February 2017 has reference.

The Western Cape Department of Agriculture (WCDoA) considers this proposal intrusive and to be institutional in nature and a use suited within the urban edge.

The temporary land use departure for this intended use is regarded as opportunistic as it does not meet the requirements of "desirability" from an agricultural perspective.

This will set a serious precedent in similar-type applications and therefore the WCDoA does not support the application.

Please note:

- That this is only a recommendation to the relevant deciding Authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970.

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely



AS ROUX Pr Eng

DIRECTOR: SUSTAINABLE RESOURCE MANAGEMENT

26/4/17

Copies:

Stellenbosch Municipality

PO Box 17

STELLENBOSCH

7599

Department of Environmental Affairs & Development Planning

1 Dorp Street

Cape Town

8000

Directorate Land Use and Sustainable Resource Management

National Department of Agriculture

Private Bag X 120

PRETORIA

0001



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

F

OUR REFERENCE : 20/9/2/5/4/1100
20/9/2/5/4/1096
YOUR REFERENCE : -
ENQUIRIES : Cor van der Walt



David Hellig & Abrahamse Land Surveyors
PO Box 18
PAARL
7622

FILE NR:	F 1460 / 82 P
SCAN NR:	
COLLABORATOR NR:	546782

Att: David Hellig

PROPOSED TEMPORARY DEPARTURE: DIVISION PAARL
PORTION 82 OF THE FARM DELTAMEER NO 1460
PROPOSED CONSENT USE: DIVISION PAARL
PORTION 20 OF THE FARM NO 501

Your email dated 13 September 2017 and letter dated 26/04/2017, have reference.

In both applications you referred to in your email of 13 September 2017, the Western Cape Department of Agriculture (WCDoA) based its findings on generally accepted principles related to planning as opposed to merely the impact the proposed development has on agriculture. The WCDoA has regular discussions with the Department of Environmental Affairs and Development Planning (DEA&DP) and the Local Authorities pertaining to what would be permissible in the rural area.

A consent use for tourist facilities is generally accepted as being complementary to Agricultural Zone 1 and a means by which to diversify and supplement an agricultural land owner's income.

In the case of a temporary (land use) departure, a development proposal would depart from the land uses permitted in a specific zoning category to enable an activity not currently provided for in the scheme to take place or allow the use of a premises for another or additional purpose on a temporary basis. Provision has, however, been made for a clinic within Institution Zone III (Section 8 Zoning Scheme).

Given the fact that neither the Section 8 Zoning Scheme, nor the Draft Stellenbosch Zoning Scheme By-law make provision for a clinic to be allowed as of right or as a consent use within a rural area is indicative of the fact that institutional uses are best suited in an urban environment, whether temporary or permanent.

Dr Ben Truter (Clinical Psychologist) states in his report that an unused stable building would be utilised as the temporary clinic. Due to the inherent temporary status of the rights, the subject premises must be capable of reverting back to its primary land use after expiry of the departure, which in terms of the Stellenbosch Municipal By-Law, 2015, can only be approved once for a period not exceeding 5 years. As such, temporary land uses are not appropriate in cases where expensive capital investment or extensive modification of buildings and facilities are required to accommodate the new use.

Regardless of the size of the property or whether the use is of a temporary or permanent nature, the WCDoA does not in principle support institutional uses on agricultural land and remains of the opinion that this will set a precedent for similar applications for uses better suited to urban area.

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.

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

Yours sincerely



Mr. F.J. Steyn

ACTING DIRECTOR: SUSTAINABLE RESOURCE MANAGEMENT

2017-10-02

Copies:

Stellenbosch Municipality (Land Use: Hedré Dednam)

PO Box 17

STELLENBOSCH

7599

Department of Environmental Affairs (Helene Janser)

1 Dorp Street

Cape Town

8000

Department of Environmental Affairs & Development Planning (Kobus Munro)

1 Dorp Street

Cape Town

8000



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

OUR REFERENCE : 20/9/2/5/4/1100
YOUR REFERENCE : -
ENQUIRIES : Cor van der Walt

Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599



Att: Annecke Hardouin

PROPOSED TEMPORARY DEPARTURE: DIVISION PAARL
PORTION 82 OF THE FARM DELTAMEER NO 1460
PROPOSED CONSENT USE: DIVISION PAARL
PORTION 20 OF THE FARM NO 501

FILE NR:	1-1460/82 P
SCAN NR:	
COLLABORATOR NR:	623063

Your email of 09 October 2018 has reference.

The Western Cape Department of Agriculture (WCDoA) noted the applicant's objection to your decision based on our comments dated 09 October 2018.

Despite the argument of the applicant the WCDoA's comments remains unchanged as per letter dated 2017-10-02 addressed to David Hellig Abrahamse Land Surveyors. The WCDoA has the right to comment in terms of the constitution and relevant planning policies as concurrent function in matters pertaining to land use on land zoned agricultural. It is also the right of the Local Authority to take the comments into account if aligned with policies and legislation. In this case our comments aligns with the Stellenbosch Planning and Zoning by-laws which is applicable in terms of SPLUMA to ensure an integrated, uniform and cooperative framework and not as Mr. Dreyer from DHA Land Surveyors argues in terms of Section 2 and 3 of SPLUMA that you should take a decision apart from

the comments of Interested and Affected Parties. The view of the WCDoA is that the Stellenbosch Municipality took this decision as prescribed by SPLUMA and is binding.

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely



Mr. CJ van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2018-12-06

Charlene Williams

From: David Hellig <DAVID@dhaa.co.za>
Sent: 24 August 2017 09:02 AM
To: Cor van der Walt (CorvdW@elsenburg.com)
Cc: Charlene Williams
Subject: [EX] TEMPORARY LAND USE DEPARTURE : PORTION 82 OF THE FARM DELTAMEER NO 1460 PAARL
Attachments: DOC052.PDF
Importance: High

Our Ref: P2416/90(13)A2
 Your Ref: 20/9/2/5/4/1100

Hi Cor

**APPLICATION IN TERMS OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW, 2015:
 TEMPORARY LAND USE DEPARTURE : PORTION 82 OF THE FARM DELTAMEER NO 1460 PAARL**

Your letter vide Ref. 20/9/2/5/4/1100 dated 26-04-2017, a copy of which is attached herewith for your ease of reference, refers.

I cannot agree with your comments and would like to discuss them with you when we meet on Monday 28-08-2017 at 12H00.

The proposed **temporary land use departure** to use a portion of an existing building with a floor area of \pm 176 square metres, situated **within** the Lekkerwijn Farmstead Complex for the purposes of a Psychiatric Clinic, to be operated by the land owner, who himself is a Psychiatrist, and a professional partner, will not be intrusive to agriculture nor is it opportunistic as alleged by you in your letter.

It will not impact on the agricultural potential of the subject land unit and will have limited traffic impact.

Should the applicant not wish to include a professional partner in the running of the psychiatric clinic, the use would be in line with "*Occupational Practice*" being a primary right, as contemplated in Section 4.9 of the Section 8 Zoning Scheme Regulations and no planning permission approval would be have been required.

I therefore request that you re-consider your comments and support the application for a temporary land use departure.

Looking forward to discussing the matter with you on Monday.

Regards

David

**David Hellig & Abrahamse
 Professional Land Surveyors**

258 Main Street
 PAARL 7646
 P O Box 18 PAARL 7622
 Telephone : (021) 872 4086
 david@dhaa.co.za
 www.dhale.co.za



FILE NR:	
SCAN NR:	F 1460/82P
COLLABORATOR NR:	

Annecke/Akhona

Daniel Meyer

From: Annecke Hardouin
Sent: 28 September 2018 02:53 PM
To: Daniel Meyer
Subject: FW: LU/4715 : Farm 1460/82, Paarl Division

Hi Daan,

Plaas op leër vir my asb.

*Kind regards,*

Annecke Hardouin
 Land Use Management
 Planning & Economic Development

T: +27 21 808 8673 | F: +27 21 886 6899
 3rd floor, Eikestad Mall, Andringa Street
 Stellenbosch, 7600
 PO Box 17, Stellenbosch, 7599
www.stellenbosch.gov.za



FIL NR:	
SCAN NR:	F 1460/82P
COLLABORATOR NR:	



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

From: Spencer Dreyer [mailto:Spencer@dhaa.co.za]
Sent: Thursday, 27 September 2018 19:28
To: Akhona Gwintsa; Annecke Hardouin
Cc: Marnus Botha; David Hellig
Subject: [EX] LU/4715 : Farm 1460/82, Paarl Division

Our Ref : P2416/90(13)A2
 Your Ref : LU/4715 : Farm 1460/82, Paarl Division

Hi Akhona

**APPLICATION FOR A TEMPORARY LAND USE DEPARTURE :
 PORTION 82 OF THE FARM DELTAMEER NO 1460 PAARL**

Your letter vide Ref LU/4715 dated 5-09-2018 refers.

I hereby respond to the comments received from the Department of Agriculture, WCG as follows :

Firstly I would like to place on record my objection to the following statement contained in your letter.

".....in which case the Council will have no alternative but to refuse the proposal"

As prescribed in terms of the planning legislative planning framework, *Council* is legally obliged to objectively consider each land use planning application in terms of the merits of each individual application and base their

decisions on the principles of desirability detailed in terms of SPLUMA, LUPA and your Municipal Land Use Planning By-law.

The inference made by this statement is that the failure of the applicant to respond and / or the comments of Western Cape Department of Agriculture automatically provides your Council with no option but to refuse the application. This casts serious doubt on *Council's* objectivity and bias in applying it's mind to assessing the application in terms of all the development principles contained in section 65(c) of the Stellenbosch Municipal Land Use Planning By-law.

SPLUMA dictates that all matters pertaining to spatial planning, land use, land use management and land development are a municipal planning competence and regards the municipality as the decision making authority on all matters related thereto, in so far as the Constitution regulates municipal planning.

SPLUMA also confers certain rights and responsibilities on the municipality in respect of the adoption, management and implementation of various forward planning documents which regulate and guide land development such as an SDF, IDP, Land Use Management Schemes, etc. The purpose of which is to facilitate effective performance of municipal duties in respect of municipal planning. The determination of zoning parameters and land use restrictions pertaining to agricultural land within the jurisdiction of a municipality is the sole responsibility of that particular municipality. In terms of SPLUMA any decision making authority regarding the approval of any proposed deviation to the parameters of the Land Use Management Scheme vests solely with the municipality.

The following sections quoted from SPLUMA below highlight some of the pertinent legal responsibilities and obligations placed on municipalities in respect of the preparation and adoption of spatial development frameworks and land use management schemes to guide and regulate land use management in a particular municipality. The below also highlights the obligations and responsibilities placed on other spheres of government in participating in the processes for the adoption of these policy and regulatory policies as prescribed in SPLUMA governing municipal decision making in order to ensure an integrated, uniform and cooperative framework.

Application of the Act

2(2) Except as provided for in this Act, no legislation not repealed by this Act may prescribe an alternative or parallel mechanism, measure, institution or system on spatial planning, land use, land use management and land development in a manner inconsistent with the provisions of this Act.

Objects of the Act

3(a) provide for a uniform, effective and comprehensive system of spatial planning and land use management for the Republic;

3(d) provide for sustainable and efficient use of land;

3(e) provide for cooperative government and intergovernmental relations amongst the national, provincial and local spheres of government; and

Preparation of spatial development frameworks

12(1) The national and provincial spheres of government and each municipality must prepare spatial development framework that –

(a) Interpret and represent the spatial development vision of the responsible sphere of government and competent authority;

12(2)(a) The national government, a provincial government and a municipality must participate in the spatial planning and land use management processes that impact on each other to ensure that the plans and programmes are coordinated, consistent and in harmony with each other

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

12(5) A municipal spatial development framework must assist in integrating, coordinating, aligning and expressing development policies and plans emanating from the various sectors of the spheres of government as they apply within the municipal area

Preparation of municipal spatial development frameworks

20(1) The Municipal Council of a municipality must by notice in the Provincial Gazette adopt a municipal spatial development framework for the municipality.

Content of municipal spatial development framework

21 A municipal spatial development framework must –

21(a) give effect to the development principles and applicable norms and standards set out in Chapter 2;

Municipal land use planning

33(1) Except as provided for in this Act, all land development applications must be submitted to a municipality as the authority of first instance

In light of the above, I hereby re-emphasise the following motivations already contained in our land use application :

Land Use Scheme

The Section 8 Zoning Scheme Regulations specifically make provision for a Temporary Land Use Departure to accommodate appropriate utilization of land which are not permitted as a primary right on a temporary basis. The approval of such land use applications is not precedent setting since permanent land use rights are not conferred.

Municipal Spatial Development Framework

The subject land unit is situated within the urban edge of the Groot-Drakenstein Area being a future development node due to its strategic location at the intersection of the R45 and R310 and identified for future urban related uses.

It is my considered opinion that the comments provided by the Western Cape Department of Agriculture are not relevant in this particular case, since they concern matters pertaining to planning which are a municipal decision making competence and are not limited to agricultural related matters. The Western Cape Department of Agriculture do not have jurisdiction over matters pertaining to municipal planning and are interfering in the competence of planning decision making being the sole responsibility of the Municipality.

There also appears to be inconsistency in commenting by the Western Cape Department of Agriculture in terms of similar types of applications ie in many cases the Western Cape Department of Agriculture have supported Consent Use Applications which are of a permanent nature whilst in this particular instance do not support a temporary land use right for a period of 5 years.

The land use proposal will not adversely impact on any agricultural resource, potential or productivity, noting the scale of the proposal which is accommodated within an existing building footprint.

The proposal is comprehensively motivated in the documentation submitted as part of the planning application in terms of desirability, development principles, merit and the objectives contained in terms of the Spatial Development Framework.

In light of the above, it is my contention that the comments of the Western Cape Department of Agriculture should be disregarded.

Regards

Spencer Dreyer

David Hellig & Abrahamse

Land Surveyors

258 Main Street

PAARL 7646

P O Box 18 PAARL 7622

Telephone : (021) 872 4086

**ANNEXURE G: COMMENTS FROM THE DIRECTORATE:
INFRASTRUCTURE SERVICES**



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INGENIEURSDIENSTE
DIRECTORATE: ENGINEERING SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag Ulrich von Molendorff
From ▫ Van: Tyrone King (Development Services and Project Management)
Date ▫ Datum: 11 April 2017
Our Ref ▫ Ons Verw: Lupo 1395
Re ▫ Insake: Farm 1460/82: Temporary departure for Psychiatric Clinic

The application is for the following items:

- i. Temporary departure to utilize a portion of an existing building as a Psychiatric Clinic (offices)

Comments from the Directorate Engineering Services i.e Roads + Stormwater, Water Services, Traffic Engineering and Development Services will be reflected in this memo and is to be regarded as development conditions to be reflected in the land-use approval.

The application is recommended for approval, **subject to the following conditions:**

- a) Paragraph 5.5 of the motivation report confirms that the required services are already in place.
- b) There will be an increase sewer run-off due to the intended use and septic tanks are no longer accepted by the Municipality. The septic tank indicated on Drawing Number L6J3-LA-002 must therefore be replaced by a more environmentally friendly option such as a conservancy tank and must be clearly indicated on the building plans.
- c) Wastewater and sewage may not pollute any groundwater, stormwater or surface water.
- d) The potable water must be stored and distributed in such a manner that it complies with the SANS 241 Drinking Water Quality Standards.

- e) Sufficient parking must be provided and indicated on the SDP at building plan submission stage.
- f) The registration of any servitudes required to ensure access to the proposed development will be the responsibility of the Owner.
- g) The application has to be referred to the District Roads Engineer for comments and conditions.
- h) All the conditions set by the District Roads Engineer will be applicable.



TYRONE KING Pr Tech Eng
HEAD: DEVELOPMENT SERVICES AND PROJECT MANAGEMENT (ENGINEERING SERVICES)

W:\AAUSERS\Tyrone\DS\Dev Applications\1395 - Farm 1460-82, Parri (Psychiatric Clinic)\1395 - Farm 1460-82, Parri (Psychiatric Clinic).doc

INTERDEPARTMENTAL CIRCULATION FORM

L&ER VERW/ REF	FILE FARM 1460/82 PAARL	DATUM DATE	20/03/2017
AANSOEKNUMMER/APPLICATION NUMBER		LU/4715	
MEMO AAN/ TO :			
Director : Engineering Services			
<input checked="" type="checkbox"/> Manager : Electrical Department			
Manager : Building Development Management			
Manager : Fire Services			
Director : LED			
Manager: Spatial Planning / Heritage / Environment / Signage			
Manager: Health Department (Winelands Health)			
Manager: LED			
Manager : Property Management			
Application	Application is made in terms of Section 15(2)(c) of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015 for a temporary departure to utilise portion of an existing building as a Psychiatric Clinic (offices)		
Adres / Address	Main Road 191 (R45)		
Aansoek Datum / Application Date	15 June 2016		
Aansoeker / Applicant	David Hellig Abrahamse		

Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil oplê indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.

Geliewe die memorandum per hand aan my terug te besorg voor of op: 20/04/2017
Please hand deliver the memorandum to me on or before :

U von Molendorff
For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT



ALGEMENE KOMMENTAAR / GENERAL COMMENT:

Gen:

VOORWAARDES/CONDITIONS :

Elektrisiteit in Estuar verspreidings gebied

[Signature]
HANDTEKENING / SIGNATURE

3/4/2017
DATUM / DATE

ANNEXURE H: COMMENTS FROM THE MANAGER: SPATIAL PLANNING



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Spatial Planning, Heritage and Environment

To : Head: Customer Interface & Administration
From : Manager: Spatial Planning, Heritage & Environment
Date : 10 April 2017
Re : Application for temporary departure: Farm 1460/82, Paarl

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

1) Opinion / reasoning:

The subject property is located within the approved urban edge of the Groot Drakenstein node in terms of the approved MSDF.

2) Supported / not supported:

The proposed application is therefore supported.



3) Additional comments:

- A permit from Heritage Western Cape if the building is older than 60 years and if any additions are done to the existing building.

B de la Bat

B de la Bat

MANAGER: SPATIAL PLANNING, HERITAGE AND ENVIRONMENT

FILE NR:	F 1460/82 P
SCAN NR:	
COLLABORATOR NR:	507807

**ANNEXURE I: COMMENTS FROM THE MANAGER: BUILDING
DEVELOPMENT MANAGEMENT**

INTERDEPARTMENTAL CIRCULATION FORM

LêER VERW/ REF	FILE FARM 1460/82 PAARL	DATUM DATE	20/03/2017
----------------	-------------------------	------------	------------

AANSOEKNUMMER/APPLICATION NUMBER : U/4715

MEMO AAN/ TO :

- Director : Engineering Services
- Manager : Electrical Department
- X Manager : Building Development Management**
- Manager : Fire Services
- Director : LED
- Manager: Spatial Planning / Heritage / Environment / Signage
- Manager: Health Department (Winelands Health)
- Manager: LED
- Manager : Property Management

Application Application is made in terms of Section 15(2)(c) of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015 for a temporary departure to utilise portion of an existing building as a Psychiatric Clinic (offices)

Adres / Address Main Road 191 (R45)

Aansoek Datum / Application Date 15 June 2016

Aansoeker / Applicant David Hellig Abrahamse



Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Indien my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil opleë indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.

Geliewe die memorandum per hand aan my terug te besorg voor of op: **20/04/2017**
Please hand deliver the memorandum to me on or before :

J von Molendorff
For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

ALGEMENE KOMMENTAAR / GENERAL COMMENT:

The new Psychiatric Clinic must comply with Part 5 of the National Building Regulations (Persons with Disability) → No objection

VOORWAARDES/CONDITIONS :

FILE NR: F 1460/82 P

SCAN:

COLLABORATION NR: 50224

HANDTEKENING / SIGNATURE	DATUM / DATE
<i>[Signature]</i>	20/3/2017

**ANNEXURE J: COMMENTS FROM THE MANAGER: PROPERTY
MANAGEMENT**

INTERDEPARTMENTAL CIRCULATION FORM

LÊER VERW/ REF	FILE FARM 1460/82 PAARL	DATUM DATE	20/03/2017
AANSOEKNUMMER/APPLICATION NUMBER		LU/4715	
MEMO AAN/ TO :			
Director : Engineering Services			
Manager : Electrical Department			
Manager : Building Development Management			
Manager : Fire Services			
Director : LED			
Manager: Spatial Planning / Heritage / Environment / Signage			
Manager: Health Department (Winelands Health)			
Manager: LED			



X Manager : Property Management

Application	Application is made in terms of Section 15(2)(c) of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015 for a temporary departure to utilise portion of an existing building as a Psychiatric Clinic (offices)
Adres / Address	Main Road 191 (R45)
Aansoek Datum / Application Date	15 June 2016
Aansoeker / Applicant	David Hellig Abrahamse

Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil opleë indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.

Geliewe die memorandum per hand aan my terug te besorg voor of op: **20/04/2017**
Please hand deliver the memorandum to me on or before :

FILE NR:	
SCAN NR:	F1460/82P
COLLABORATOR NR:	

U von Molendorff
For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

ALGEMENE KOMMENTAAR / GENERAL COMMENT:

.....
Supported

VOORWAARDES/CONDITIONS :

.....
None


HANDTEKENING / SIGNATURE	DATUM / DATE
<i>[Signature]</i>	2017.03.29

**ANNEXURE K: COMMENTS FROM CAPE WINELANDS DISTRICT:
HEALTH**

516

15

INTERDEPARTMENTAL CIRCULATION FORM

LêER VERW/ REF	FILE FARM 1460/82 PAA	DATUM DATE	20/03/2017
AANSOEKNUMMER/APPLICATION NUMBER		LU/4715	
MEMO AAN/ TO :			
Director : Engineering Services			
Manager : Electrical Department			
Manager : Building Development Management			
Manager : Fire Services			
Director : LED			
Manager: Spatial Planning / Heritage / Environment / Signage			
X Manager: Health Department (Winelands Health)			
Manager: LED			
Manager : Property Management			

Application	Application is made in terms of Section 15(2)(c) of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015 for a temporary departure to utilise portion of an existing building as a Psychiatric Clinic (offices)
Adres / Address	Main Road 191 (R45)
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Aansoeker / Applicant	David Hellig Abrahamse

Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil oplê indien die aansoek goedgekeur word.

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Geliewe die memorandum per hand aan my terug te besorg voor of op: **20/04/2017**
 Please hand deliver the memorandum to me on or before :

U von Molendorff
 For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

FILE NR:	F 1460/82 P
SCAN NR:	
COLLABORATOR NR:	511668

ALGEMENE KOMMENTAAR / GENERAL COMMENT:

.....


.....

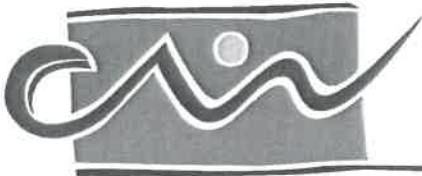
.....

.....

VOORWAARDES/CONDITIONS :

See attached letter with comments.

 HANDTEKENING / SIGNATURE	18/4/2017 DATUM / DATE
--	---------------------------



CAPE WINELANDS DISTRICT

MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

NAVRAE/ENQUIRIES/IMIBUZO:
TELEFOON/TELEPHONE/UMNXEBA:
FAKS/FAX/iFEKSI:
E-POS/E-MAIL/iE-MAIL:
U VERW/YOUR REF/iREF YAKHO:
ONS VERW/OUR REF/iREF YETHU:

Mnr. M. Mathee
021-8711001
021-8721277
mathee@capewinelands.gov.za
Farm 1460/82 Paarl
Plaas No. 1460/82

Alexanderstraat 46 Alexander Street
☒ 100
STELLENBOSCH
7599

18 April 2017

Die Munisipale Bestuurder
Stellenbosch Munisipaliteit
Posbus 17
STELLENBOSCH
7599



Meneer

AANSOEK OM TYDELIKE AFWYKING : PLAAS 1460/82, PAARL AFDELING

U skrywe gedateer 20 Maart 2017, insake bogenoemde, het betrekking.

Hierdie aansoek kan vanuit 'n omgewingsgesondheidsoogpunt aanbeveel word vir goedkeuring, mits daar aan die volgende voorwaardes voldoen word:

- 1) Riooluitvloei sal beskikbaar word volgens spesifikasies, voorwaardes en goedkeuring van die Departement Water en Sanitasie.
- 2) Drinkwatervoorraad op die perseel sal ten alle tye moet voldoen aan die minimum bakteriologiese en chemiese standaarde soos bepaal deur SABS241.
- 3) Vullisversameling en-verwydering sal ten alle tye op so 'n wyse geskied dat dit nie 'n gesondheidsoorlas tot gevolg sal hê nie.
- 4) Alle mediese afval wat op die perseel gegenereer word, moet deur 'n spesialis mediese afvalverwyderaar beskikbaar word en sodanige bewys moet deur eienaar gehou word.
- 5) Die areas waar voedsel op die perseel voorberei mag word, vir gebruik deur pasiënte, moet voldoen aan die minimum vereistes vir voedselhanteringspersele soos bepaal deur Regulasie R962 (Regulasies m.b.t. die Algemene Higiënevereistes vir Voedselpersele) in terme van die Wet op Voedingsmiddels – Wet 54 van 1972. Genoemde voedselhanteringsperseel mag onder geen omstandighede bedryf word nie, alvorens daar nie eers aansoek gedoen is by die Omgewingsgesondheidsdepartement van die Kaapse Wynland Distriksmunisipaliteit, om 'n Geskikheidsertifikaat nie. Hierdie sertifikaat sal

Alle korrespondensie moet aan die Munisipale Bestuurder gerig word/

All correspondence to be addressed to the Municipal Manager/Yonke imbalelwano mayithunyelwe kuMlawuli kaMasipala
Telefoon/Telephone/Umnxeba: 0861 265 263 • E-pos/E-mail/iE-mail: admin@capewinelands.gov.za • Faks/Fax/iFeksi: 023 342 8442

alleenlik uitgereik word indien die perseel sou voldoen aan die vereistes van Regulasie R962.

- 6) Daar geen gesondheidsoorlaste aanwesig mag wees op die perseel nie, soos bepaal deur die Verordeninge insake Munisipale Gesondheid: Kaapse Wynland Distriksmunisipaliteit (gedateer 15 Februarie 2010)

Die uwe



nms. Munisipale Bestuurder

**ANNEXURE L: COMMENTS FROM THE WESTERN CAPE GOVERNMENT:
AGRICULTURE**



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

OUR REFERENCE : 20/9/2/5/4/1100
YOUR REFERENCE : LU/4715
ENQUIRIES : Cor van der Walt

David Hellig & Abrahamse Land Surveyors
PO Box 18
PAARL
7622

Att: David Hellig

**PROPOSED TEMPORARY DEPARTURE: DIVISION PAARL
PORTION 82 OF THE FARM DELTAMEER NO 1460**

Your application of 20 February 2017 has reference.

The Western Cape Department of Agriculture (WCDoA) considers this proposal intrusive and to be institutional in nature and a use suited within the urban edge.

The temporary land use departure for this intended use is regarded as opportunistic as it does not meet the requirements of "desirability" from an agricultural perspective.

This will set a serious precedent in similar-type applications and therefore the WCDoA does not support the application.

Please note:

- That this is only a recommendation to the relevant deciding Authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970.

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely



AS ROUX Pr Eng

DIRECTOR: SUSTAINABLE RESOURCE MANAGEMENT

26/4/17

Copies:

Stellenbosch Municipality

PO Box 17

STELLENBOSCH

7599

Department of Environmental Affairs & Development Planning

1 Dorp Street

Cape Town

8000

Directorate Land Use and Sustainable Resource Management

National Department of Agriculture

Private Bag X 120

PRETORIA

0001



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

F

OUR REFERENCE : 20/9/2/5/4/1100
20/9/2/5/4/1096
YOUR REFERENCE : -
ENQUIRIES : Cor van der Walt



David Hellig & Abrahamse Land Surveyors
PO Box 18
PAARL
7622

FILE NR:	F 1460 / 82 P
SCAN NR:	
COLLABORATOR NR:	546782

Att: David Hellig

PROPOSED TEMPORARY DEPARTURE: DIVISION PAARL
PORTION 82 OF THE FARM DELTAMEER NO 1460
PROPOSED CONSENT USE: DIVISION PAARL
PORTION 20 OF THE FARM NO 501

Your email dated 13 September 2017 and letter dated 26/04/2017, have reference.

In both applications you referred to in your email of 13 September 2017, the Western Cape Department of Agriculture (WCDoA) based its findings on generally accepted principles related to planning as opposed to merely the impact the proposed development has on agriculture. The WCDoA has regular discussions with the Department of Environmental Affairs and Development Planning (DEA&DP) and the Local Authorities pertaining to what would be permissible in the rural area.

A consent use for tourist facilities is generally accepted as being complementary to Agricultural Zone 1 and a means by which to diversify and supplement an agricultural land owner's income.

In the case of a temporary (land use) departure, a development proposal would depart from the land uses permitted in a specific zoning category to enable an activity not currently provided for in the scheme to take place or allow the use of a premises for another or additional purpose on a temporary basis. Provision has, however, been made for a clinic within Institution Zone III (Section 8 Zoning Scheme).

Given the fact that neither the Section 8 Zoning Scheme, nor the Draft Stellenbosch Zoning Scheme By-law make provision for a clinic to be allowed as of right or as a consent use within a rural area is indicative of the fact that institutional uses are best suited in an urban environment, whether temporary or permanent.

Dr Ben Truter (Clinical Psychologist) states in his report that an unused stable building would be utilised as the temporary clinic. Due to the inherent temporary status of the rights, the subject premises must be capable of reverting back to its primary land use after expiry of the departure, which in terms of the Stellenbosch Municipal By-Law, 2015, can only be approved once for a period not exceeding 5 years. As such, temporary land uses are not appropriate in cases where expensive capital investment or extensive modification of buildings and facilities are required to accommodate the new use.

Regardless of the size of the property or whether the use is of a temporary or permanent nature, the WCDoA does not in principle support institutional uses on agricultural land and remains of the opinion that this will set a precedent for similar applications for uses better suited to urban area.

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.

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

Yours sincerely



Mr. FJ Steyn

ACTING DIRECTOR: SUSTAINABLE RESOURCE MANAGEMENT

2017-10-02

Copies:

Stellenbosch Municipality (Land Use: Hedré Dednam)

PO Box 17

STELLENBOSCH

7599

Department of Environmental Affairs (Helene Janser)

1 Dorp Street

Cape Town

8000

Department of Environmental Affairs & Development Planning (Kobus Munro)

1 Dorp Street

Cape Town

8000



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

OUR REFERENCE : 20/9/2/5/4/1100
YOUR REFERENCE : -
ENQUIRIES : Cor van der Walt

Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599



Att: Annecke Hardouin

PROPOSED TEMPORARY DEPARTURE: DIVISION PAARL
PORTION 82 OF THE FARM DELTAMEER NO 1460
PROPOSED CONSENT USE: DIVISION PAARL
PORTION 20 OF THE FARM NO 501

FILE NR:

1-1460/82 P

SCAN NR:

COLLABORATOR NR:

623063

Your email of 09 October 2018 has reference.

The Western Cape Department of Agriculture (WCDoA) noted the applicant's objection to your decision based on our comments dated 09 October 2018.

Despite the argument of the applicant the WCDoA's comments remains unchanged as per letter dated 2017-10-02 addressed to David Hellig Abrahamse Land Surveyors. The WCDoA has the right to comment in terms of the constitution and relevant planning policies as concurrent function in matters pertaining to land use on land zoned agricultural. It is also the right of the Local Authority to take the comments into account if aligned with policies and legislation. In this case our comments aligns with the Stellenbosch Planning and Zoning by-laws which is applicable in terms of SPLUMA to ensure an integrated, uniform and cooperative framework and not as Mr. Dreyer from DHA Land Surveyors argues in terms of Section 2 and 3 of SPLUMA that you should take a decision apart from

the comments of Interested and Affected Parties. The view of the WCDoA is that the Stellenbosch Municipality took this decision as prescribed by SPLUMA and is binding.

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely



Mr. CJ van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2018-12-06

**ANNEXURE M: COMMENTS FROM THE WESTERN CAPE GOVERNMENT:
TRANSPORT AND PUBLIC WORKS**



Western Cape
Government

Transport and Public Works

ROAD NETWORK MANAGEMENT

Email: Grace.Swanepoel@westerncape.gov.za

tel: +27 21 483 4669

Rm 335, 9 Dorp Street, Cape Town, 8001

PO Box 2603, Cape Town, 8000

1460/82 P.

REFERENCE: 16/9/6/1-25/199 (Job 24738)

ENQUIRIES: Ms GD Swanepoel

DATE: 28 March 2017

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

FILE NR:	E 1460/82 P
SCAN NR:	
COLLABORATOR NR:	506589

U1 ADD 2017

MUNICIPALITY · MUNISIPALITEIT
CENTRA
PLANNING AND ENVIRONMENT
RECORDED 07 APR 2017
MUNICIPALITY/MUNISIPALITEIT
STELLENBOSCH
BEPLANNING EN OMGEWING

Attention: Mr U von Molendorff

Dear Sir

APPLICATION FOR TEMPORARY LAND USE DEPARTURE: PORTION 82 OF THE FARM DELTAMEER 1460 PAARL

1. The letter to this Branch from Messrs David Hellig & Abrahamse, Application No LU/4715, Municipal File Reference No Farm 1460/82, Paarl and Applicant Reference No P2416/90(13)A1, dated 20 February 2017 refers.
2. The subject property is located on the north-east side of Main Road 191 (R45) approximately 140m to 440m south-east of Main Road 172 (Helshoogte Road).
3. This application is for a temporary land use departure on Portion 82, a portion of the Farm Deltameer No 1460 Paarl, to permit the use of an existing building on the property as a psychiatric clinic.
4. This Branch's records indicate that in 2012 an application for a consent use and temporary departure to allow guest houses and conference facilities on the property was conditionally approved by this Branch. The conditions included *inter alia* the permanent closure of the existing access roads at km9.89 and km10.26 on Main Road 191 and the provision of a new access road at ±km10.09, opposite the access to the Factory Food Shop associated with the Rhodes Fruit Farms factory.
5. A site visit indicated that while the access at km9.89 had been permanently closed and fenced, the access to the property was now via the access at km10.26. Sight distance at this access is sub-standard. The signage at this property entrance as well as the Farm's website (Lekkerwijn Historic Country Guesthouse) indicate that it is functioning as a guest house, wedding venue and conference facility, notwithstanding the fact that the access requirements have not been implemented.

6. As Approving Authority for Main Road 191 this Branch objects to this application on the grounds that the requirements set out in our letter 13/3/5/1-10/114 (Job 17219) dated 30 July 2012 in relation to an earlier application for the property have not been implemented. If these conditions are fully implemented to the satisfaction of this Branch, an application to withdraw the objection to the current application may then be considered.

Yours faithfully



ML WATTERS
For **CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT**