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**NOTICE OF MUNICIPAL PLANNING
TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2023-05-26 FROM 10:00-15:00**

VOLUME 1



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MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 31 MARCH 2023**MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING
HELD ON FRIDAY, 31ST OF MARCH 2023 via MS TEAMS**

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

2023-03-31

Chairperson

Dr DJ Du Plessis

Deputy Chairperson

Mrs C Havenga

External Members

Mr C Rabie

Dr R Pool-Stanvliet

Mrs H Crooijmans-Lemmer

Mr E Delport

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

Mr A van der Merwe: Senior Manager: Community Services

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

Ms L Guntz: Senior Town Planner

Mr R Fooy: Senior Town Planner

Mrs N Dafeti: Town Planner

Mr G Goosen: Town Planner

Ms T Mazana: Town Planner

Ms O Sims: Administrative Officer: MPT

Ms L Kamineth: Senior Administrative Officer: MPT

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 31 MARCH 2023

ITEM	SUBJECT
SMPT 01/03/23	OPENING AND WELCOME
	Chairperson Du Plessis welcomed all.
SMPT 02/03/23	LEAVE OF ABSENCE
SMPT 03/03/23	DISCLOSURE OF INTERESTS
	None received
SMPT 04/03/23	MINUTES OF THE PREVIOUS MEETING DATED 27 JANUARY 2023
	The minutes of the previous meeting was noted.
	MATTERS FOR CONSIDERATION
SMPT 05/03/23	<p>APPLICATION FOR DEPARTURE IN TERMS OF SECTION 15(2)(B) OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BY-LAW IN ORDER TO ALLOW A 1,2M HIGH VIBRACRETE WALL ON THE STREET BOUNDARIES OF ERVEN 16863-16898 & 16900-17029, STELLENBOSCH (LU/14880)</p> <p>a. Chairperson Du Plessis handed over to Mrs Dafeti to give a brief introduction of the application that served before the Tribunal.</p> <p>b. A discussion followed with regard to the reason for the solid concrete wall along the street front. Mrs Dafeti indicated that the wall was built for safety and privacy purposes. Cost is also a consideration as it is a Council housing project.</p> <p>c. Members further questioned the reason why the application served before the Tribunal and whether any objections were received. Mr Carstens indicated that objections are not always a qualifying factor whether an item serves before an MPT and in this instance</p>

the property is Council owned land and there is a qualification in the Land Use Planning By-law that any application on Council owned land, the decision must be taken by the MPT.

- d. Mrs Crooijmans-Lemmer referred to the Stellenbosch Zoning Scheme which states that 50% of the boundary wall needs to be visually permeable and indicated that based on the pictures provided it seemed that the boundary wall does not comply.
- e. Mrs Kriel indicated that part of the application is the cost implications, and this was discussed with the Developers as palisade fencing is very costly, hence the vibracrete walls became an option.
- f. Deputy Chairperson Havenga stated that she made a site-visit to the property and the privacy of occupants must be taken into consideration as there is no other outdoor space available.
- g. Mr Rabie stated that this is a new development and enquired whether there was ever a consideration to paint the boundary walls to which Mrs Kriel replied that it was a cost factor considering this is a GAP housing project.
- h. Dr Pool-Stanvliet enquired about the possibility of planting trees to soften the street scape to which Mrs Kriel stated that this is done by another Department. Mr Carstens further indicated that putting trees on pavements and sidewalks will restrict movements of occupants or a person in a wheelchair.
- i. Mrs Crooijmans-Lemmer referred to pictures on page 47 of the agenda and stated that she would like to congratulate the Municipality on this housing project.

UNANIMOUSLY RESOLVED:

- 1.1 That the following departure applications in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Erf 16863-16898 & 16900-17029, Stellenbosch, namely:

1.1.1 To depart from the provisions of Section 23(4) of the Stellenbosch Municipality Zoning Scheme By-Law, 2019 in order to allow a 1,2m high vibracrete wall on the street boundaries of Erf 16863-16898 & 16900-17029, Stellenbosch

BE APPROVED in terms of Section 60 of the said By-law and subject to conditions of approval.

1.2 The approval is subject to the following conditions imposed in terms of Section 66 of said By-law:

1.2.1 The approval will lapse if not implemented / confirmed within five years from the date of final notification of approval of the application.

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

1.2.3 The development be undertaken generally in accordance with the site plan as referenced drawing no. 301 dated 19 August 2022 and drawn by Oscar Schmidt Architecture and attached as Annexure C.

1.2.4 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.

1.2.5 The approval granted not be contradictory to any other legislation which has a bearing on the use of the property, and should any other legislation be applicable and be more restrictive, then the most restrictive conditions will apply.

1.2.6 Building plans be generally in accordance with the site plan as referenced drawing no. 301, dated 19 August 2022

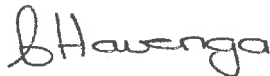
MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 31 MARCH 2023

	<p>and drawn by Oscar Schmidt Architecture and attached as Annexure C.</p> <p>1.2.7 The vibracrete walls all have matching exposed aggregate finish on the street side.</p> <p>1.3 The reasons for the above decision are as follows:</p> <p>1.3.1 The proposed development is in line with the existing land use of the property and will thus not impact negatively on the character of the area.</p> <p>1.3.2 Due to the nature of the housing project, it can be considered as acceptable as it is more cost effective and provides more safety and privacy.</p>
<p>SMPT 06/03/23</p>	<p>OTHER MATTERS</p> <p>Chairperson Du Plessis announced that the next MPT meeting will take place on the 05th of May and as it might be the last MPT meeting for the current members, he requested that the meeting be held in-person. Mr Carstens indicated that he will motivate that the meeting will be held in person.</p> <p>Chairperson further thanked all members for attending.</p> <p>The meeting adjourned.</p>



Dr D du Plessis

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



te

Mrs C Havenga

DEPUTY- CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



ERF 718 AND ERF 3099, KAYAMANDI STELLENBOSCH

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DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

PLANNING EVALUATION REPORT: 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, KAYA MANDI, STELLENBOSCH.

PART A: APPLICATION DETAILS			
1	Application Reference	File Ref: LU/15322	
2	Application Date	31/03/2023	
3	Last day for comments or additional information	15/04/2023	
4	Property Description	unregistered Erf 718 & Erf 3099, Kayamandi	
5	Current zoning and approved land use rights	Community Zone	
6	Application	Consolidation of the two properties	
PART B: ASSESSMENT CHECKLIST			
	Consideration criteria	Yes / No	Comments, if any
1	Accurate processed followed	No	Condonation required
2	Conditions imposed by departments	N/A	
3	Objections received	N/A	
4	Proposal complies with applicable laws, policies, guidelines and/or technical requirements	YES	
5	Constitution of a HOA – Section 29 SDP - Section 65(2) Extension of a validity period - Section 67(2) Additional use - Section 13 of the Zoning Scheme	N/A	
5	Nature and scope of proposed land use application		
	<p>The Provincial Government Western Cape (Department of Health) intends to upgrade and extend the existing Provincial clinic in Kaya Mandi (located on Erf 3099 in Setona Street) onto the adjacent property, unregistered Erf 718 (a Portion of Erf 707) Kaya Mandi which is owned by the Stellenbosch Municipality. An agreement was reached between the Stellenbosch Municipality and the Provincial Government for the transfer of the property unregistered Erf 718, to the Provincial Administration.</p>		

	The one property is still registered in the name of the municipality and thus the decision making Authority is the Municipal Planning Tribunal. The power of attorney is attached to this report for ease of reference, as Annexure D .
6	Contextual and locations considerations in determining the merits of the development
	<p>The two properties are located within Kaya Mandi in Stellenbosch and erf 3099 is currently developed with a clinic, both properties have a Community Zoning, which makes provision for the use of the property for community facilities as proposed by the applicant.</p> <p>The proposed consolidation will not facilitate any additional land use rights but only make provision for the two properties to be optimally developed as one land unit. The proposal will also have no impact on the existing development parameters as the zoning of the two properties will not be altered by the approval of the proposal.</p> <p>The proposal was not advertised to surrounding affected property owners or circulated to the relevant internal departments as the consolidation of the two properties will only facilitate the further development of the consolidated property for community related facilities.</p>

PART C: RECOMMENDATION

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 Bylaw:
 - 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 shall 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 must be registered prior to any building plans being submitted and approved.

3. The reasons for the above decision are as follows:
- 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.
 - 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.
 - 3.3. The proposal complies with the guidelines and objectives of the Stellenbosch Municipality Spatial Development Framework.

4.

PART D: ANNEXURES

ANNEXURE A:	Locality Plan
ANNEXURE B:	Consolidation Plan
ANNEXURE C:	Applicant's Motivation
ANNEXURE D:	Power of Attorney

PART E: ASSESSMENT OF APPLICATION

The proposed land use and land development application has been duly evaluated in terms of process and desirability with the recommendation for consideration.

Name: R FOOY

Capacity: Senior Town Planner

SACPLAN Registration:

Signature:



Date: 09/05/2023

PART F: REVIEW AND SUBMISSION OF APPLICATION

The recommendation for decision is hereby submitted for consideration to the 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 approved in terms of Section 69(1) of the said Bylaw vide Item 7.7.1 and dated 8 April 2020, the subject application is categorised as follows:

Category: MPT

Decision Making Authority: MPT

Rational: Comply with the SDF and relevant Council policies, guidelines and plans.

Name:

Stiaan Carstens

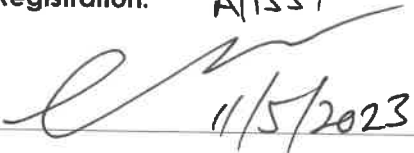
Capacity:

SMDM

SACPLAN Registration:

A/1551

Signature:



Date:

11/5/2023

PART G: ADMINISTRATION OF PLANNING APPLICATION ASSESSMENT REPORT**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, KAYA MANDI, STELLENBOSCH.****Administrator to Stellenbosch Municipal Planning Tribunal:**

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

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

Date: 26 MAY 2023

Name: LENACIA KAMINETI

Capacity: SENIOR ADMINISTRATIVE OFFICER

Signature: KAMINETI

Date: 12.05.2023

PART H: CONDONATIONS OF ERRORS OR OMISSIONS DURING THE PROCESSING OF THE PLANNING APPLICATION FOR:

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, KAYA MANDI, STELLENBOSCH.

Authorised Official to condone errors or omissions

As the duly authorised official the error in the processing of the land use and land development application to not advertise it as required in terms of section 46.(1)(d) of the Stellenbosch Municipal Land Use Planning By-law (2015)

BE CONDONED in terms of section 63(2) of the said Bylaw.

Reason for the decision:

- (i) It does not have a material adverse effect as the consolidation will not result in any additional land use rights being granted, will enable the improvement and upgrading of an existing community facility and result in more community related services being made available to the community.

Name: *Anthony Barnes*

Capacity: *Director: Planning & Economic Development*

Signature: 

Date: 11/05/2023







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ANNEXURE A



Legend

-  Study Area
-  Scenic Routes
-  Scenic Routes
-  Major Roads

Ref: Stellenbosch Municipality 2020 GIS Data



Kayamandi Clinic

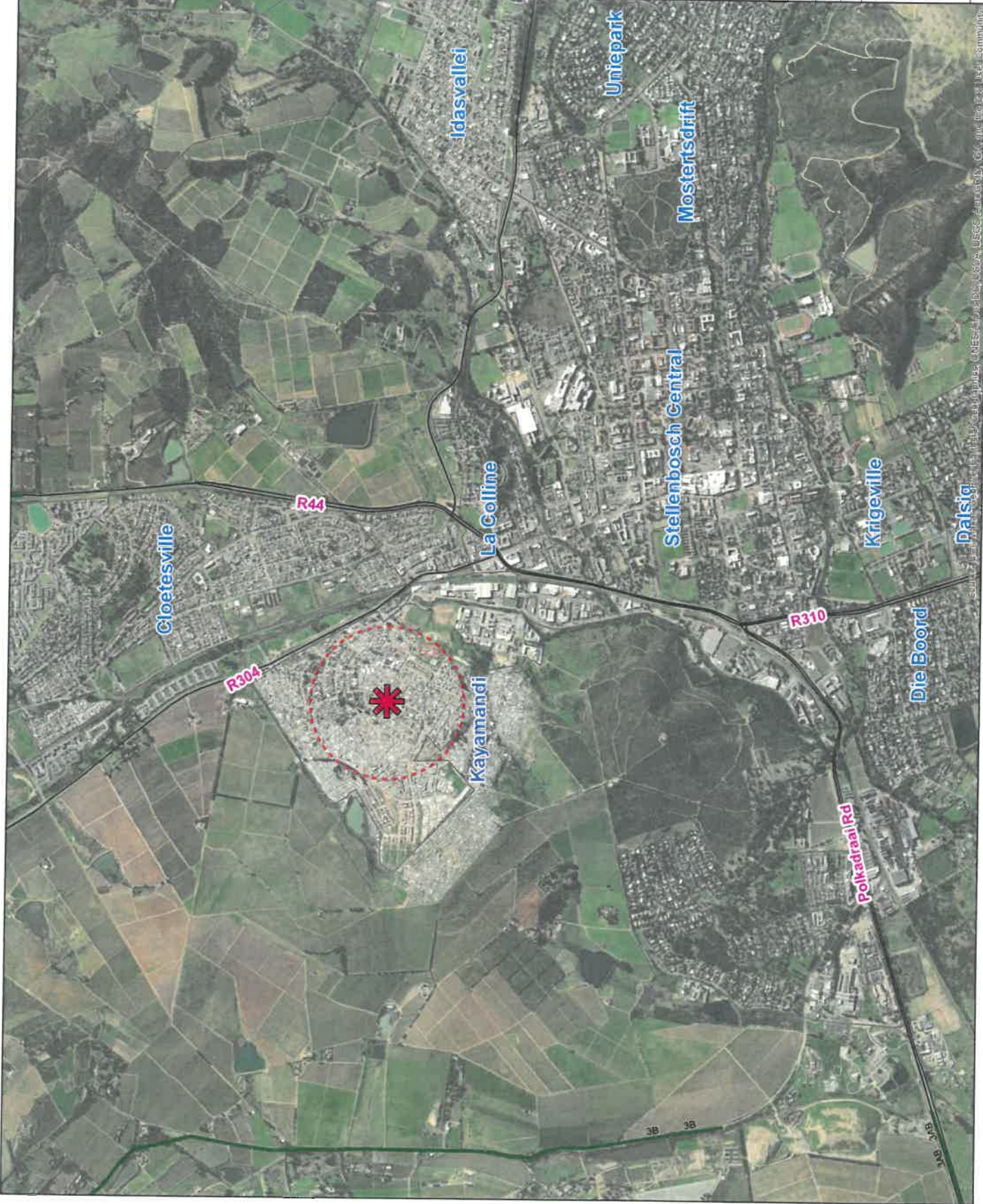
Fig 2: Regional Locality



SUSTAINABLE PLANNING SOLUTIONS
 Potchefstroom Town D Regional Executive
 Address: 121 Steyn Street, Potchefstroom, North West
 Tel: (018) 551 8111 Fax: (018) 551 8112
 Email: info@sp-solutions.co.za
 www.sp-solutions.co.za

Project ref #: 14 010

24 May 2022





Legend

- Study Area
- Cadastral

Ref. Stellenbosch Municipality 2019 GIS Data

SCALE at A3 1:1000

0 0.0075 0.015 0.03 Kilometers



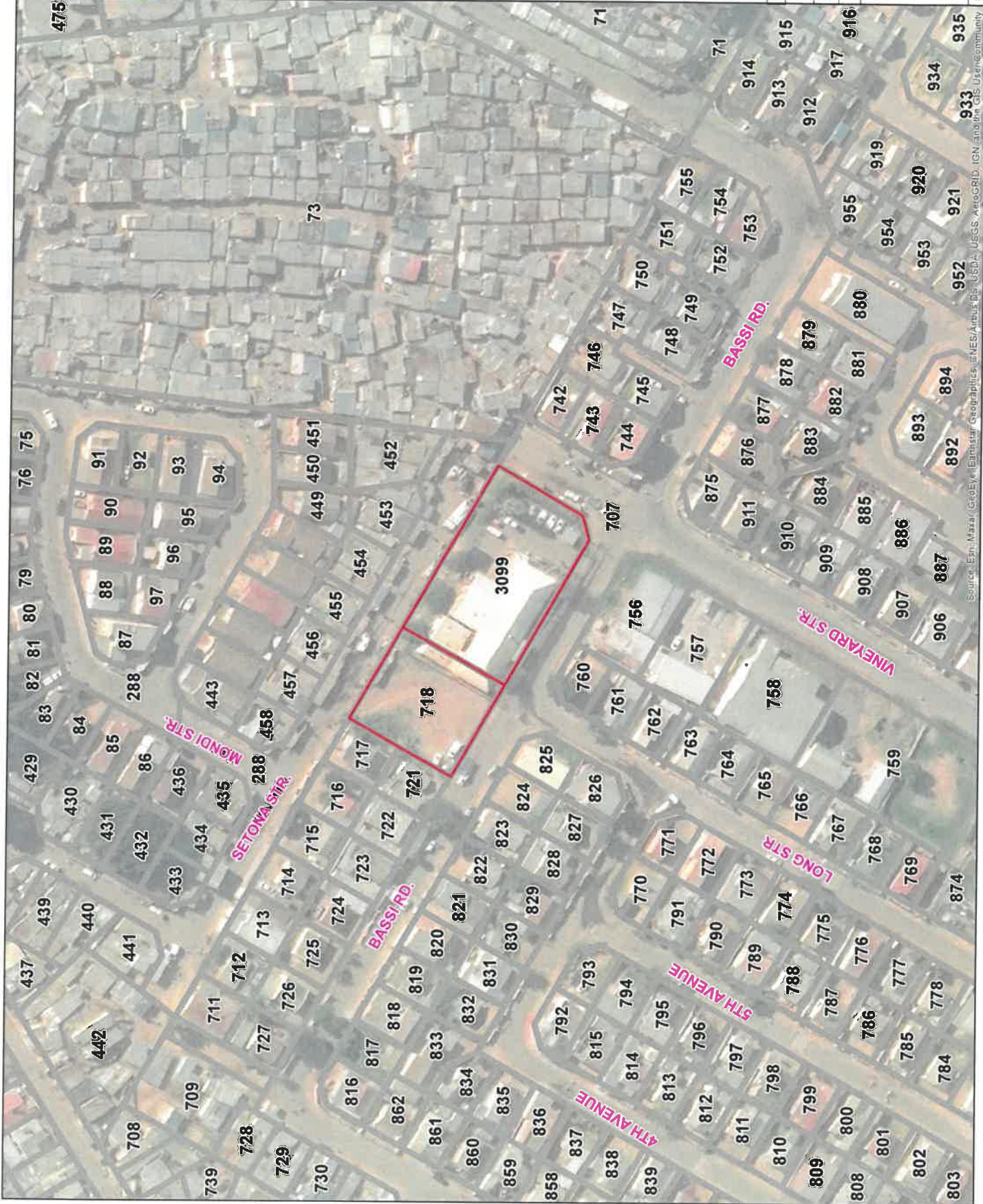
Kayamandi Clinic

Fig 3: Aerial



Project ref. n. 14.010

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus, DigitalGlobe, GeoEye, IGN, AerGRID, IGN, and the GIS User Community



24 May 2022



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ANNEXURE B

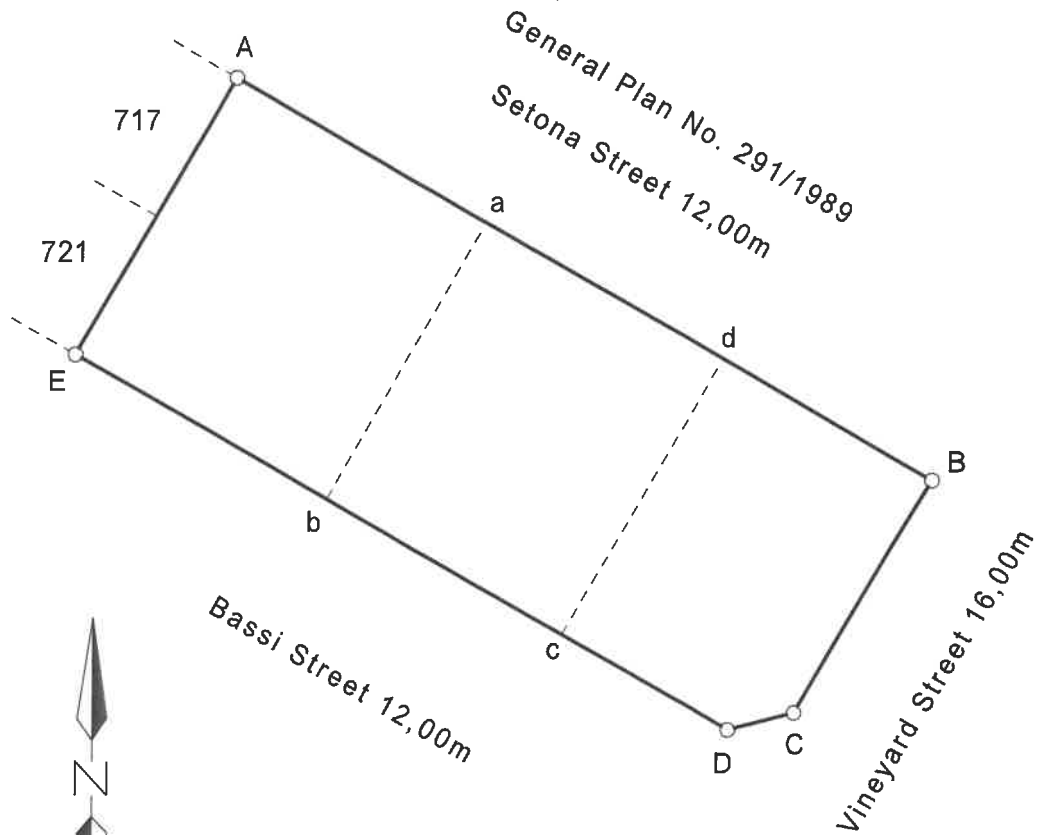
Components:

- 1. The figure AabE represents Erf 718 Kaya Mandi Vide General Plan No. 7988/1991
- 2. The figure aBCDb represents Erf 3099 Kaya Mandi vide S.G. Dia. 1281/2013 D/T No.

SG No.

Approved

for SURVEYOR-GENERAL



Scale : 1 / 750

The figure ABCDE represents 2722 square metres of land, being

Erf 5105 Kaya Mandi (comprising 1 and 2 above)

situate in the Stellenbosch Munisipality Administrative District of Stellenbosch

LA van Dyk

LA van Dyk

Professional Land Surveyor
Registration Number: PLS 1069

Western Cape Province
Framed in January 2023 by me

This Diagram is annexed to No.

Registrar of Deeds

File:
S.R. No. Framed
GP SG No. 7988/1991
Comp BHSZ-11 (M3168)
LPI No. C0670025

Erf 5105 Kaya Mandi



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ANNEXURE C

SECTION D

CONSOLIDATION APPLICATION

5. BACKGROUND AND NATURE OF APPLICATION

As indicated earlier in the report, the Provincial Government Western Cape (Department of Health) intends to upgrade and extend the existing Provincial clinic in Kaya Mandi (located on Erf 3099) onto the adjacent property, Erf 718 (a Portion of Erf 707) Kaya Mandi which is owned by Stellenbosch Municipality. An agreement was reached between Stellenbosch Municipality and the Provincial Government for the transfer of the property to Province. This process has been concluded and the Council decision made the transfer of Erf 718 subject to the Provincial Government be responsible for the rezoning and consolidation of Erf 718.

The rezoning requirement was based on a Zoning Certificate issued by Stellenbosch Municipality to the Provincial Government on 7 October 2019 which stated that the property was zoned Institutional Zone II which did not allow for a clinic site. At that stage the former Stellenbosch Zoning Scheme was still in place as the new one was only implemented in November 2019.

Resulting from the process of converting of zoning on repealed zoning maps, Erf 718 Kaya Mandi got a Community Zoning in terms of the new Zoning Scheme which allows for a clinic use as a primary land use right. In terms of the online Stellenbosch Zoning Map, Erf 3099 has a Less Formal Residential zoning which allows for "other social purposes" which would include a clinic facility. It was, however, confirmed during the pre-application consultation that both properties in fact have a Community zoning and a rezoning application is thus no longer required. (See **Annexure 4, Pre-application Record.**)

The purpose of the current land use application is thus to apply for the consolidation of Erf 718 with Erf 3099 as per the Council resolution to enable the extended Provincial clinic building to be located on one erf. Aerial photographs (Google Earth and Cape Farm Mapper, 2023) show that the existing clinic is encroaching over the common erf boundary and the consolidation would also rectify this situation. A copy of the **proposed Consolidation Diagram** is attached as **Annexure 8**. The newly created erf is named Unregistered Erf 5105 Kaya Mandi and would be $\pm 2\,722\text{m}^2$ in extent.

The consolidation will have advantages in terms of the administration of the property and would have no negative impact on any of the adjacent property owners but would allow for the enlargement and upgrading of an important local community facility.

6. PARKING AND ACCESS

The main vehicle and pedestrian access to the existing clinic on Erf 3099 is from Bassi Street while there is also an unutilised (currently closed) vehicle and pedestrian access from Setona Street. There is an on-site parking area for the existing clinic facility on Erf 3099. The site is well served by public transport (busses and mini-bus taxis) and many of the nearby residents are able to walk to the facility.



Figure 9: *Aerial photograph showing the main vehicle and pedestrian access to the existing clinic on Erf 3099 and the tarred parking area providing safe on-site parking within the enclosed site*

The intended upgrading and expansion of the existing clinic facility would require the submission of building plans. Future access and parking requirements will be addressed as part of this approval process.



Figure 10: Main vehicle and pedestrian access to clinic from Bassi Street

7. AVAILABILITY OF MUNICIPAL SERVICES

The subject properties are located within a fully developed urban area where bulk services are available for the proposed upgrading of the existing clinic facility. The impact on the existing municipal services would be negligible.

SECTION F

REASONS FOR SUPPORT

9. SUMMARY OF MOTIVATION/REASONS FOR SUPPORT

- The development proposal complies with the criteria for decision making and desirability as set out in Section 65 of the Stellenbosch Municipality Land Use Planning By-Law of 2015.
- The development proposal is in line with the land use development principles of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014).
- The proposal complies with the guidelines and objectives of the Stellenbosch Municipality Spatial Development Framework.
- The consolidation of the subject properties will enable the Provincial Government Western Cape's Department of Health to expand and upgrade the existing Provincial clinic to the benefit of the local Kaya Mandi community.
- There are no restrictive title deed conditions prohibiting the proposed consolidation.
- There will be no negative impact on heritage or the bio-physical environment.
- The consolidation will enable the improvement and upgrading of an existing community facility and it will not cause any negative traffic related impacts.
- Adequate on-site parking can be provided.
- Adequate services capacity is available.



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ANNEXURE D



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POWER OF ATTORNEY STELLENBOSCH MUNICIPALITY

I, the undersigned, **GARALDINE METTLER** in my capacity as **Municipal Manager** of **Stellenbosch Municipality**, being the owner of unregistered erf 718, Kayamandi (being a portion of erf 707, Kayamandi) by virtue of Title Deed, T59361/2002, duly authorized thereto, do hereby nominate, constitute and appoint the **Department of Transport and Public Works: Western Cape Government** (The Applicant) or any person delegated/appointed by them for that purpose, with power of substitution, to be our lawful agent in our name, place and stead, to:

- a) Apply for the necessary rezoning; consolidation and related planning permission/authorisation in terms of the Stellenbosch Municipal Land Use Planning By-Law (2015);
 - b) Submit building plans; and
 - c) To gain access to the site for planning and construction purposes,
- in order to enable them to construct a clinic on erf 718, Kayamandi.;

This Power of Attorney does not bind the Municipality to approve and/or condone any application that may be submitted on their behalf.

This done and signed at Stellenbosch on this, the 14th day of December2021

AS WITNESS

1. 

2. 



**Municipal Manager: Stellenbosch
Municipality (Duly authorized)**



**Western Cape
Government**

POWER OF ATTORNEY

1. I the undersigned, **Pakama Mlandu**, in my capacity as **Acting Head of Component: Immovable Asset Management** in the **Department of Transport and Public Works** and duly authorized thereto, assign special power of Attorney to **Christine Havenga & Associates** to act and on behalf of the **Western Cape Government**, the properties known as **Erf 718 Kaya Mandi and Erf 3099 Kaya Mandi** (the properties), as its lawful agent with full power and authority and in its name and benefits in fulfilling the following:

- 1.1. To act as Agents in the name of the **Western Cape Government** as the owner, with regards to submitting applications forms as well as plans to the local Municipality for approval for **Consolidation** of the abovementioned properties.
2. Any cost incurred from the actions identified in Clause 1.1 above, will be for the accounts of the Agent.
3. Furthermore, the Agent has free and full access to the property to attain the actions identified in Clause 1.1 above
4. This Power of the Attorney is subject to the condition that a copy of the approved building plans be submitted to the Custodian prior to the construction of the said structure.
5. This Power of Attorney may, in the sole and unfettered discretion of the Western Cape Government, be withdrawn at any time.
6. I further validate and ratify everything the Agent shall do or purport by virtue of this Power of Attorney on behalf of the Western Cape Government

Signed at **CAPE TOWN** on the _____ day of _____ 2023 in the presence of the undersigned witnesses.

FOR THE WESTERN CAPE GOVERNMENT

Signature: _____
Digitally signed
by Pakama
Mlandu
Date: 2023.02.07
14:52:48 +02'00'

Name: Pakama Mlandu

IMMOVABLE ASSEST MANAGEMENT

AS WITNESS

1. _____ 

2. _____



ERF 298& 252 RAITHBY

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ANNEXURE U: Newlands Estate Design Guidelines + Newlands Owners Association Constitution	413-442



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PLANNING REPORT: LAND USE AND LAND DEVELOPMENT APPLICATION: APPLICATION FOR CONSOLIDATION, REZONING, SUBDIVISION AND DEPARTURES ON ERF 298 & 252 RAITHBY			
Application Reference	File Ref: LU/10035	Application Date	2019/08/06
		Last day for comments or additional information	2023/02/22

PART A: APPLICANT DETAILS			
First name(s) & Surname	Mauritz van den Heever		
Company name	Planning Partners Town Planners		
SACPLAN registration number	Not provided		
Registered owner(s)	Annandale road properties Pty Ltd	Is the applicant properly authorised to submit the application	Yes

PART B: PROPERTY DETAILS			
Property description	Erf 298 & 252	Administrative District	Raithby
Physical address	Wagner Street (See Annexure A)		
Extent (m ² /ha)	Erf 298 – 4.8027 ha Erf 252 – 0.4598 ha	Nearest town	Jamestown
Existing Development and Current land use	Vacant with the exception of Erf 252 (consists of three dwellings)		
Any unauthorised land use/building work	None		
Title Deed Nr.	Erf 298 – T59185/2016 Erf 252 – T00867/2020 (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)

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 Erf 298 & 252, Raithby for the following:
 - 1.1 **Consolidation** of Erf 298 and 252 to create one land unit of 5, 2625 ha in extent in terms of Section 15 (2) (e) of the said by-law.
 - 1.2 **Rezoning** of the consolidated land unit in terms of Section 15 (2) (a) of the said by-law from Agriculture and Rural Zone to Multi-unit Residential Zone in order to facilitate the proposed development.
 - 1.3 **Subdivision** of the rezoned land unit in terms of Section 15 (2) (d) of the said by-law into 116 Residential unit in order to accommodate group housing and flats development.
 - 1.4 **Permanent Departures** in terms of Section 15 (2)(b) of the said by-law for the following departures: -
 - 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,
 - 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,
 - 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,
 - 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,
 - 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,
 - 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>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 Newlands Estate Architectural Guidelines.</p> <p>2.3 The approval of the phasing plan as per phasing plan.</p> <p>2.4 The approval of Newlands Homeowners Association and Constitution.</p>
Purpose of Application	The applicant intends to establish residential development comprising of 116 group housing.
Pre-consultation	Pre-scrutiny application completed

PART D: APPLICATION BACKGROUND

1. Location of property

The subject properties are located in the western end of the Raithby village. Erf 252 is located to the north and adjacent to Watson Way and Erf 298 is located adjacent to and to the north of Erf 252. Existing access to Erf 252 is from Watson Way and Erf 298 is via Erf 290 (a portion of road as per the Surveyor General) and Wagner Street that connects with Watson Way approximately 60m to the southeast.

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

The subject properties are located in Raithby, whereby its immediate context is a mix of smaller agricultural small holdings and the urban setting of the Raithby village, it is surrounded by rural character land uses.

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

Existing development occurs to the east and south of the site, while rural and agricultural land is located towards the north and west.

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

The proposed development has been designed to provide a legible, quality environment for its future inhabitants and the wider Raithby town. The development proposal for the site of a mixed residential development is consistent with the guiding principles as contained in the PSDF. In relation to Raithby, the SMSDF states that areas for residential densification and infill should focus on undeveloped land within the urban edge. The site represents such an opportunity. The property has no allocated water from the Wynland Water uses Association, which means that irrigated agriculture will not be possible. The agricultural land capability study indicated that the proposed properties are not a sustainable and economically viable agricultural unit.

The development proposal increases density through creating a self-contained arrangement of scaled housing opportunities linked to one another and sharing defined and contained open spaces to facilitate the creation of a community and identity. This proposal opens up visually to the surrounding agricultural environment and respond as a village, containing a variety of scales within the landscape, embracing the vistas and adjacent uses rather than as a walled encroachment of suburbia into the surrounding agricultural landscape. The proposed development would not in visual terms, detract from the visual qualities of the local landscape and townscape character, either quantitatively or qualitatively. The proposed development would not in visual terms, detract from the visual qualities of the local landscape and townscape character, either quantitatively or qualitatively. Furthermore, the proposed development can be adequately serviced with civil and electrical services.

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 **13 August 2020** to **14 September 2020**. (See **Annexure E**). One objection received (See **Annexure F**).

2. Public & stakeholder inputs

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

- a) Mrs JM Cairncross (Farm 616/1)

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
Mrs JM Cairncross (Farm 616/1)	A. High Density and Cramming	This comment is incorrect. All development components are provided with sufficient parking that complies with the provisions of the Stellenbosch Municipality: Zoning Scheme By-Law, 2019 (the "zoning scheme").
	Insufficient parking	All parking relating to the residential erven and units is located on-site, i.e. within the development. There will be no spill-over of residents' parked vehicles into or along Watson Way.
	Intense on-street parking pressure on Watson Way	The only parking provision along Watson Way is that of a dedicated embayment for a refuse vehicle to ensure the safe collection of refuse.
	Highway safety	It is presumed reference is made to Watson Way. It should be noted that access to the proposed development is off Watson Way via a private road and access infrastructure (2 entering lanes). The access infrastructure is placed approximately 27m away from the property boundary with Watson Way, ensuring sufficient vehicle stacking distance.
	Cramming in low-density road	Further, ICE Group undertook a traffic study for the development proposal. The traffic study is in support of the proposals.
	Open space would be small	Watson Way is not a low-density road. It is the main road through Raitlby. Providing the main access to the proposed development from this main road is desirable as opposed to other lower order residential roads.
		This is an incorrect statement. Each residential erf is provided with its own private garden or open space and substantial open spaces are provided around the apartment buildings.
		In addition to this, a large open space ('village green') is provided in the centre of the site. Linkages to other open space areas are also provided, including the open space portions along the boundary of the development.

OBJECTIONS RECEIVED FROM INTERESTED AND AFFECTED PARTIES	ISSUES RAISED	APPLICANT'S RESPONSE
	Alter the fabric of the area	<p>The proposed development will change the character of the larger site from fallow land to residential development. It will however not affect the sense of community and church-going spirit of Raithby as claimed.</p> <p>It should be noted that the Stellenbosch Municipal Spatial Development Framework (SMSDF), and specifically the Spatial Plan for Raithby, indicates the site as being within the urban edge of Raithby and demarcates Erf 252 as forming part of the existing cadastral fabric of Raithby and Erf 298 demarcated as "Mixed Use Community and Residential Infill".</p> <p>Although Stellenbosch has grown, it has been unsuccessful in addressing current and future housing needs. The demand for housing is increasing faster than housing provision. Furthermore, a visual impact assessment (VIA) and heritage impact assessment (HIA) have been undertaken for the proposal.</p>
	Double storey buildings is out of character-overlooking, loss of privacy and visually overbearing	<p>Double storey dwellings are not out of character for Raithby. Various dwellings in Raithby are double storey, as permitted by the zoning scheme. The proposals do not lead to overlooking and loss of privacy and are not visually overbearing.</p>
	Layout and siting is inappropriate and unsympathetic to the local environment	<p>This is an unsubstantiated comment. Please refer to the two previous responses in this regard.</p>
B. Electrical Services, Sewerage, Noise Pollution, Disturbances	Excavation work – adverse impact upon the stability of existing structures and eco-system	<p>This is an unsubstantiated comment. There will be no adverse impact on the stability of existing structures or the eco-system. All construction related activities will be managed via a construction environmental management plan (CEMP).</p>

OBJECTIONS RECEIVED FROM INTERESTED AND AFFECTED PARTIES	ISSUES RAISED	APPLICANT'S RESPONSE
	<p>Sewerage – already under pressure</p> <p>Electrical services – municipality has failed to respond with immediate effect with regards to broken/fused streetlamps</p> <p>Would lead to the loss of green space and increased pollution, disturbance, traffic noise and nuisance</p>	<p>An assessment of civil engineering services has been carried out by EKCON Engineers. The existing sewer network has sufficient capacity to accommodate the proposed development. All internal sewer infrastructure will be provided by the developer.</p> <p>This comment relates to operational issues that are unrelated to the current application and is not a comment relating to the provision of electrical supply to the proposed development.</p> <p>An assessment of electrical engineering services has been carried out by De Villiers & Moore. The report concludes that the proposed development can be adequately serviced.</p> <p>The SMSDF, and specifically the Spatial Plan for Raithby, indicates the site as being within the urban edge of Raithby and demarcates Erf 252 as forming part of the existing cadastral fabric of Raithby and Erf 298 demarcated as "Mixed Use Community and Residential Infill".</p> <p>All potential impacts have been assessed. No substantial detrimental impact has been identified on the natural or built environment. No impacts will be generated by the proposed development that are not normally associated with residential neighbourhoods.</p>
<p>C. Detrimental Impact upon Residential Amenities</p>	<p>Would be out of character – scale and proportions of surrounding buildings</p> <p>Properties along Watson Way are characterised by large plots</p>	<p>Already covered in section A.</p> <p>The PSDF and SMSDF promote higher densities and more compact settlement footprints. Large residential properties, as found in a number of locations within Raithby, are no longer regarded as sustainable for achieving growth management objectives.</p>

OBJECTIONS RECEIVED FROM INTERESTED AND AFFECTED PARTIES	ISSUES RAISED	APPLICANT'S RESPONSE
	<p>A quiet, private, peaceful and undisturbed local environment will be impacted</p>	<p>This is an unsubstantiated comment. The SMSDF, and specifically the Spatial Plan for Raithby, indicates the site as being within the urban edge of Raithby and demarcates Erf 252 as forming part of the existing cadastral fabric of Raithby and Erf 298 demarcated as "Mixed Use Community and Residential Infill".</p> <p>All potential impacts have been assessed. No substantial detrimental impact has been identified on the natural or built environment. No impacts will be generated by the proposed development that are not normally associated with residential neighbourhoods.</p>

3. Government related inputs received

- a) **Heritage Western Cape** supported the proposal and the HIA dated May 2021 (see **Annexure G** for letter dated 05 July 2021).
- b) The **Agriculture, Land Reform and Rural Development** has no objection against the proposal (see **Annexure M** for letter dated 17 May 2021).
- c) The **Western Cape Government: Agriculture** has no objection against the proposal (see **Annexure N** for letter dated 15 October 2020).
- d) The **Western Cape Government: Water & Sanitation** has no objection against the proposal subject to conditions (see **Annexure O** for letter dated 23 December 2020).
- e) The **Department of Environmental Affairs and Development Planning (Development Management)** granted Environmental authorization subject to certain conditions (see **Annexure L** for letter dated 11 November 2021).
- f) The **Department of Transport and Public Works: Western Cape** supported the application subject to conditions (see **Annexure J** for letter dated 03 May 2022).

4. Comments from internal service departments

- a) The **Manager: Spatial Planning** supported the application (see **Annexure H** for memo dated 15 September 2020).
- b) The **Health inspector: Cape Winelands District Municipality** supported the application (see **Annexure K** for email dated 06 August 2020).
- c) The **Directorate: Infrastructure Services** supported the proposal subject to conditions (see **Annexure I** for memo dated 13 November 2022).

PART G: ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

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

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

- o Stellenbosch Municipality Land Use Planning Bylaw, 2015
- o Stellenbosch Municipality Spatial Development Framework, 2019
- o Provincial Spatial Development Framework, 2019
- o SPLUMA and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)
- o National Environmental Management Act (NEMA), 1998 (Act 107 of 1998)
- o National Heritage Resources Act, 1999 (Act 25 of 1999)

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 Raithby node and earmarked for the purposes of mixed-use community and residential infill. Densification and infill development are supported and encouraged 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 Ekcon Engineers & Project Managers (See **Annexure P**) focussing on the provision of civil engineering services. The report concluded that the developer may be liable for the payment of a Development Contributions (as calculated by Stellenbosch Municipality) for bulk water and sewer infrastructure as per Council Policy. The minimum items required to accommodate the proposed development in the existing water system are master plan items SRW 1.8 (in order to connect the development to the existing water network) and master plan items SRW 1.2, SRW 1.3 and SRW 1.5 to improve network conveyance to the development. If the SM is however supplied with water directly from the Faure service reservoir (as opposed to from the existing Raithby reservoir), implementation of master plan items SRW 1.2, SRW 1.3 and SRW 1.5 will not be required as minimum items to accommodate the proposed development in the existing system. The existing sewer network has sufficient capacity to accommodate the proposed development.

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

- 2.4.1 A **Traffic Impact Study** was done by iCE Group Pty Ltd, dated 04 March 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 TIA is in support of the proposed development and suggested few recommendations (See **Annexure T**).
- 2.4.2 A **Visual Impact Assessment**, dated March 2020 was done by Karen Hansen landscape architects and confirmed that the proposed development would not in visual terms, detract from the visual qualities of the local landscape and townscape character, either quantitatively or qualitatively (See **Annexure R**).
- 2.4.3 A **Land Capability Study** dated February 2017 was done by Agrimotion and confirmed that the soil and climatic feature recorded at Erf 298 Raithby is situated to support perennial crop production. However, the size of the area together with the fact that no additional irrigation water is allocated to the property

implies that Erf 298 cannot be seen as sustainable and economically viable agricultural unit. (See **Annexure S**).

2.4.4 A **Heritage Impact Assessment** was done by Cindy Postethwayt, professional Heritage Practitioner dated March 2020 (See **Annexure Q**) and it was recommended that in terms of section 38 (8) of the NHRA, HWC support the proposed development and allow the development to proceed to next phase, provided that:

- a) The development is substantially in accordance with the layout described in the report as the preferred alternative, the associated landscape concept plan and Newlands Estate Design Guidelines, as appended to the report,
- b) The mitigation measures described in this report are implemented in full in all important respects.

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

The proposed development is for the consolidation of Erf 298 and 252 to create one land unit of 5.2625 ha in extent, rezoning of the consolidated land unit from Agricultural and Rural Zone to Multi-unit Residential Zone in order to facilitate the proposed development, subdivision of the rezoned land unit into 116 residential units in order to accommodate a group housing development. The development will comprise of 116 Multi-unit Residential Zone (Group housing and flats). The proposal makes provision for a total of 32 conventional detached dwellings in a group housing format with residential erven ranging from approximately 400 m² to 1080 m² in extent (average extend of approximately 500 m²), a total of 30 semi-detached/row houses in a group housing format with plots approximately 170m² in extent and a total of 54 apartment spread over 5 detached, double storey buildings (ground + first floor).

The proposed development also includes common boundary building line departures relating to the flats/apartments are applied for. The objectives of the building lines are mainly to achieve adequate air and light provision, safety and privacy. The proposal also entails a clubhouse which will be located in a central position within the development. In terms of open space, a large open space (village green) is provided in the centre of the site and opens space to be provided on individual residential erven, the layout provided for approximately 1 ha of open space.

Furthermore, the development proposal requires that the following servitudes be created in favour of the Homeowner's Association: -

- o 3.0m wide services servitude along the north-western boundaries of Portions 6,7 & 8.
- o 3.5m wide right of way and landscape servitude along the south-eastern and south-western boundaries of Portion 69.
- o 3.0m wide right of way and landscape servitude along the south-eastern boundary of Portion 70.
- o 3.0m wide services servitude along the south-western boundary of Portion 30.
- o 3.0m wide services servitude along the south-eastern and south-western boundaries of Portion 31.
- o 5.0m wide services servitude along the south-eastern boundary of Portion 32.

The main access to the development is proposed off Watson Way (class 4 road) and to facilitate this access to the proposed development from Watson Way, it is proposed to demolish the south-western dwelling and its outbuildings on Erf 252. A second emergency access/exit is provided via Erf 290 (portion of road as per

the surveyor general) and Wagner Street to the southeast. Moreover, it is proposed to implement the development in 6 phases (Phases A-F), as well as street names and numbering.

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

3.1 Combability with surrounding properties

The subject properties are located in Raithby, whereby its immediate context is a mix of smaller agricultural small holdings and the urban setting of the Raithby village, it is surrounded by rural character land uses. The proposed development proposes a residential development which represents a residential expansion of Raithby village and does not potentially negatively impact properties in the immediate surroundings instead will optimise an alternative residential opportunity.

3.2 Impact on existing rights

The proposal will not have a detrimental impact on the existing rights of the neighbouring properties as the character of the area, privacy, amenity, views etc will not be compromised. The proposed zoning of the properties are 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.

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. The application for the departure of building lines and setbacks of the two storey buildings can only be evaluated once a site development plan and/or floor layout plan has been submitted.

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 proposal is consistent with the principles and objectives contained in the Stellenbosch MSDF, which state that due to the housing demand within the Stellenbosch municipal area the concept of infill development and redevelopment of land within the urban edge is encouraged. Any future development proposal will also have to adhere to the applicable spatial plans, the Stellenbosch Municipality by-law and zoning schemes. The proposal was also supported by the Manager: Spatial Planning as it is located within the urban edge, indicated for purposes of mixed-use community and residential infill and compliant with the provisions of the approved MSDF.

According to the Stellenbosch SDF, gated communities are considered unfavorable as they have the potential to exacerbate inequality and segregation. The SDF indicates that "gated residential development is not favored. Public components of development should remain public, enabling integration of neighborhoods and through movement. However, taking into considerations that the subject properties are located on the border of Raithby urban edge, no integration is required and encouraged, hence a gated community can be supported.

The concerns regarding the capacity of services such as water, sewerage and electricity, in terms of engineering services, a report done by Ekcon Engineers & Project Managers focusing on the provision of civil engineering services confirms that the required basic civil engineering services for the proposed development, i.e. portable water, sewerage and solid waste removal can be accommodated by the Stellenbosch Municipality in their existing infrastructure. Furthermore, an electrical bulk services report was done to confirm on the availability of the electrical bulk supply on the subject property, the report confirmed that the proposed development will have no detrimental effect on the quality of supply to the existing consumers due to the fact that the development will be supplied by its own substations.

The concerns regarding the high density and cramming, the proposal has undertaken a heritage impact assessment (HIA) and visual impact assessment (VIA) which confirmed that the proposed development would not detract from the visual qualities of the local landscape and townscape character. Furthermore, the proposal will follow the mitigation measures as proposed in the reports.

The concerns regarding the increased traffic, noise pollution, disturbances, a traffic impact assessment report was conducted, and the report concluded that the TIA is in support of the proposed development and suggested few recommendations which will ensure that no more negative impact with regards to increased traffic or any other disturbance in the area.

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 Raithby, and infill development and densification are encouraged in terms of the MSDF.
- The proposed development is not out of character and compatible with the surrounding and current land uses.
- The proposed development will have a positive impact on the town's local economy as it will create many new employment opportunities during the construction phase.

- The basic civil engineering services (potable water, sewerage and solid waste removal) can be accommodated for the proposed development.
- The land uses applied for are supported although the approach to vest the scope of land uses with a single zoning category, i.e Multi-Unit Residential, and which in some instances does not provide for some of the proposed land uses, cannot be supported. Even through the zoning of multi-Residential provide for the scope of housing typologies, it is not desirable to apply this zoning category as the vehicle to establish the full array of proposed land uses when it represents a typical township establishment where multiple types of land uses will be accommodated. For the accurate interpretation of land use rights that will ensure the proper management of applicable land uses and development parameters, the individual land use rights need to be vested and for which purpose the proper mechanism for township establishment by means of a subdivisional overlay zone must be applied. It must be noted that this approach will still deliver the exact development proposal with associated land uses that was inherently applied for, but through the proper mechanism of township establishment. This approach will require that a revised subdivision plan with the proper zonings will be required for endorsement.
- The applicant has given consent that the application may be presented for consideration on the basis of a rezoning to subdivisional area and the corresponding land uses and have submitted a new subdivision plan for such purpose to facilitate such decision (See **Annexure C**).
- By concluding the application on the basis of a rezoning to subdivisional area will not have any impact on the outcome of the application as it does not change any aspect of any land use rights which was presented for consideration, and which may result from approving same.
- No site plan, elevations or floor layout plans for the apartment buildings / flats have been submitted. In the absence of this information the application for the departure of building lines cannot be sensibly considered. An application for these departures can only be considered if accompanied by supporting design guidelines and/ or site development plans for the subject land units.

PART I: RECOMMENDATION

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:
 - 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.
 - 1.2 **Rezoning** of the consolidated land unit in terms of Section 15 (2) (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 A revised zoning map reflecting the zonings as approved be submitted for endorsement.
- 2.3 The development be undertaken in accordance with the Subdivision and Phasing Plan referenced as JOB No. 4387 Figure 10 (May 2023) 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 his 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.
- 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 in fact offer residential opportunities in the area.

- 4.2 The proposed development constitutes infill development and is 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.
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: -

- 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,
- 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,
- 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,
- 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,
- 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,
- 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,

NOT BE APPROVED in terms of Section 60 for the following reasons:

- 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.

PART J: ANNEXURES

ANNEXURE A: Locality and Concept Plans

ANNEXURE B: Title Deeds

ANNEXURE C: Proposed Development Plans

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 Heritage Western Cape

- ANNEXURE H:** Comments from the Manager: Spatial Planning
ANNEXURE I: Comments from the Directorate: Infrastructure Services
ANNEXURE J: Comments from the Department of Transport and Public Works
ANNEXURE K: Comments from the Cape Winelands District Municipality: Health services
ANNEXURE L: Comments from the Department of Environmental Affairs and Development Planning
ANNEXURE M: Comments from Department of Agriculture, Land Reform and Rural Development
ANNEXURE N: Comments from Western Cape Government: Agriculture
ANNEXURE O: Comments from Western Cape Government: Water & Sanitation
ANNEXURE P: Civil Engineering and Electric bulk services report
ANNEXURE Q: Heritage Impact Assessment
ANNEXURE R: Visual Impact Assessment
ANNEXURE S: Land Capability Study
ANNEXURE T: Traffic Impact Assessment
ANNEXURE U: Newlands Estate Design Guidelines + Newlands Owners Association Constitution

PART K: ASSESSMENT OF THE LAND USE AND LAND DEVELOPMENT APPLICATION

**APPLICATION FOR CONSOLIDATION, REZONING, SUBDIVISION AND DEPARTURES ON ERF 298 & 252
RAITHBY**

AUTHOR OF PLANNING ASSESSMENT REPORT

NAME: B. ZONDO

CAPACITY: SENIOR TOWN PLANNER

SACPLAN REGISTRATION: C/8589/2017

SIGNATURE: 

DATE: 11/05/2023

REVIEW AND RECOMMENDED BY PROFESSIONAL TOWN AND REGIONAL PLANNER

NAME: C KRIEL

CAPACITY: MANAGER: LAND USE MANAGEMENT

SACPLAN REGISTRATION: A/212/10

SIGNATURE: 

DATE: 11-05-2023

PART L: SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT**APPLICATION FOR CONSOLIDATION, REZONING, SUBDIVISION AND DEPARTURES ON ERF 298 & 252
RAITHBY****Authorised Employee to assess and make a recommendation on a land use and land development application for consideration by the authorised decision maker:**

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

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

Category: A(d)(2), B (2), D(c) (2), E (c) (2)

Decision Making Authority: SMPT

Rational: The application is for the subdivision of land for a property larger than 10 000m², included a rezoning to subdivisinal area and includes subdivision of more than two resulting erven and has objections.

Name: S CARSTENS

Capacity: SENIOR MANAGER: DEVELOPMENT MANAGEMENT

SACPLAN Registration: A/1551

Signature:

Date:

[Handwritten Signature]
12/5/2023

PART M: SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT**APPLICATION FOR CONSOLIDATION, REZONING, SUBDIVISION AND DEPARTURES ON ERF
298 & 252 RATHBY****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 May 2023**

Name: *LENACIA KAMINETHA*

Capacity: *SENIOR ADMINISTRATIVE OFFICER*

Signature: *[Handwritten Signature]*

Date: *12.05.2023*

ANNEXURE A: LOCALITY AND CONCEPT PLANS

ERF 252 RAITHYB



SCALE 1:9 027,98	52 	Stellenbosch Municipality Planning & Economic Development Created by: Corporate GIS	Date: 2023/04/26		Author: Stellenbosch Municipality	Stellenbosch Municipality Street Address: 71 Plein Street, Stellenbosch, 7600 Tel: 021 808 8658		<small>This map is a representation of the information contained in the GIS database and is not to be used for any purpose other than that for which it was created. The user assumes all responsibility for any errors or omissions in the data and for any damage or loss resulting from the use of the information contained in this map.</small>
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32	CONVENTIONAL DETACHED DWELLINGS (Group Housing)		OPEN SPACE / LANDSCAPING		EXISTING BUILDINGS
30	SEMI-DETACHED / ROW HOUSES (Group Housing)		STORMWATER RETENTION (Schematic)		GARAGE
54	FLATS / APARTMENTS (Ground & 1st floor)		CLUB HOUSE		PARKING BAYS
116	TOTAL No. of RESIDENTIAL UNITS		ELECTRICAL SUBSTATION		THE SITE

ERVEN 298 & 252, RAITHBY STELLENBOSCH

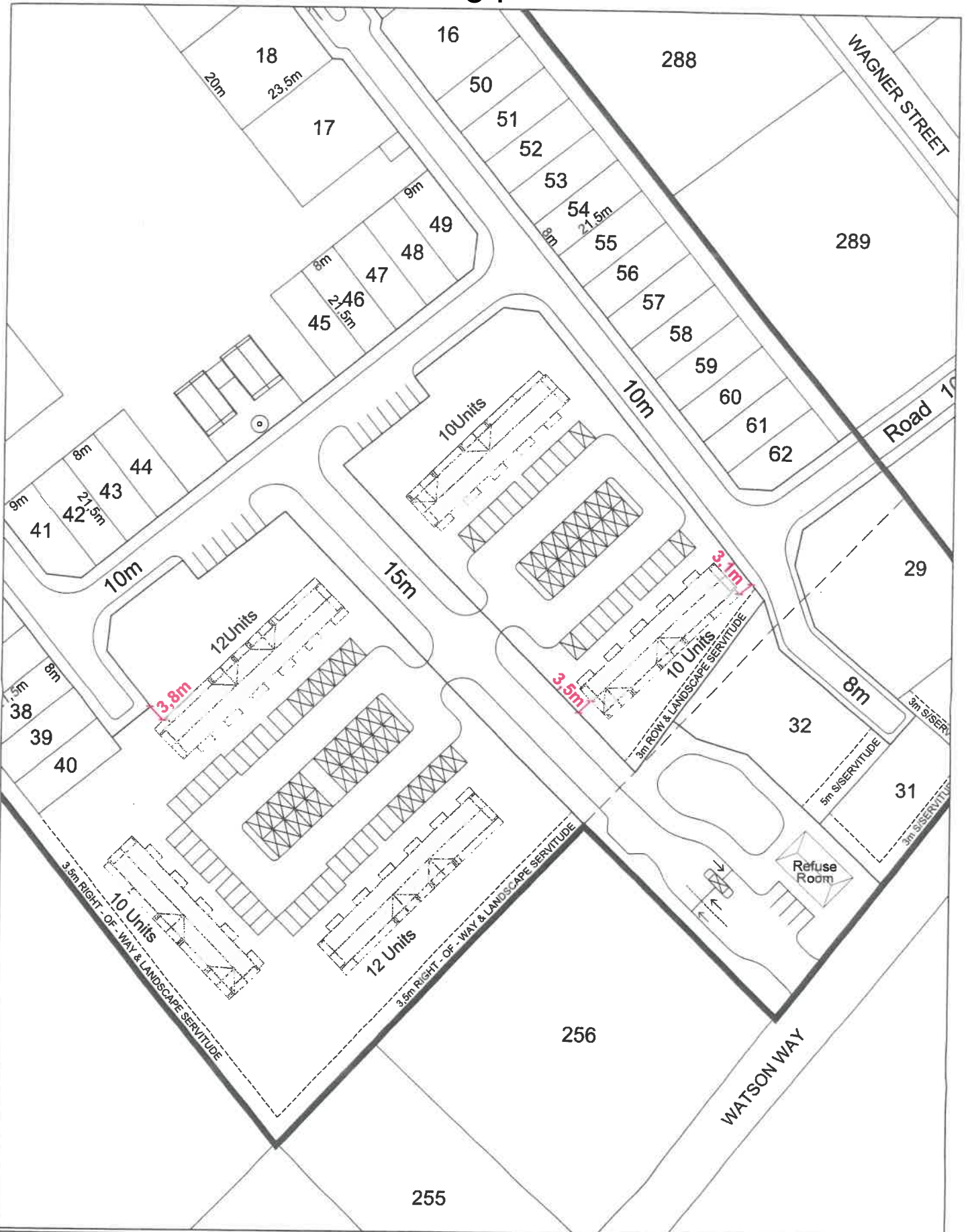
PREFERRED DEVELOPMENT CONCEPT

SCALE 1:1250

JOB No. 4387
MARCH 2020

PLANNING PARTNERS

Figure 6



 THE SITE

**ERVEN 298 & 252, RAITHBY
STELLENBOSCH**

**PROPOSED BUILDING LINE
DEPARTURES**


SCALE 1:1000

**PLANNING
PARTNERS** 

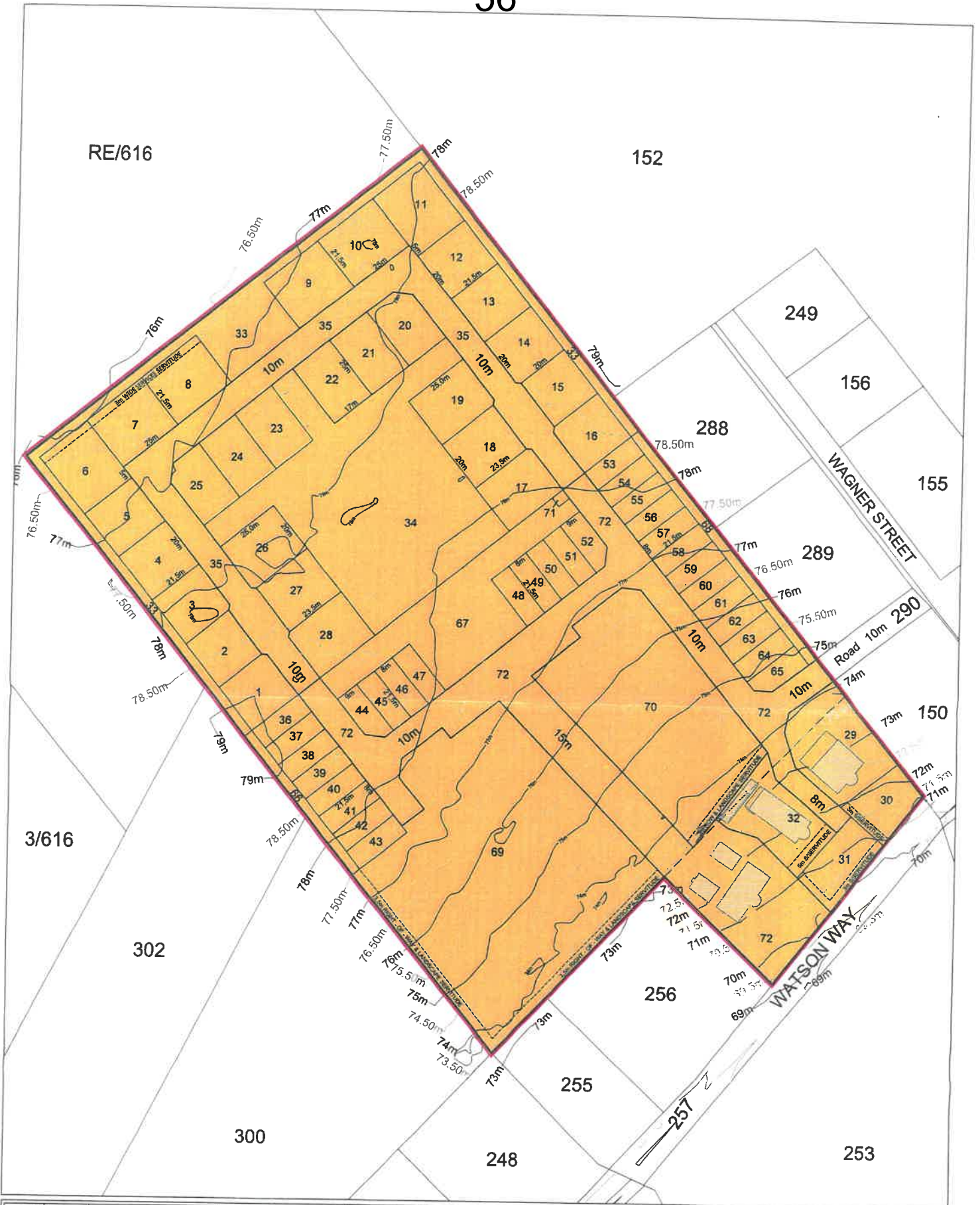
JOB No. 4387
MARCH 2020

Figure 11



- CONSOLIDATED PROPERTY
(Consolidation of Erven 298 and 252 Raithby)
- 31 SUBDIVISION / PORTION NUMBERS
- 15 STREET NUMBERING

ERVEN 298 & 252, RAITHBY	
PROPOSED STREET NAMES AND NUMBERING	
 SCALE 1:1250	 PLANNING PARTNERS
JOB No. 4387 MARCH 2020	Figure 13



COLOUR CODE	PORTION NUMBERS	ZONING	LAND USE	NO. OF PTNS.	AREA (ha)	% OF AREA
	1 - 32	MULTI-UNIT RESIDENTIAL ZONE	GROUP HOUSING (Detached Dwellings)	32	1,61	31
	33, 34	MULTI-UNIT RESIDENTIAL ZONE	GROUP HOUSING (Private Open Space)	2	0,73	14
	35	MULTI-UNIT RESIDENTIAL ZONE	GROUP HOUSING (Private Road)	1	0,33	6
	36 - 65	MULTI-UNIT RESIDENTIAL ZONE	GROUP HOUSING (Semi-detached/Row Houses)	30	0,52	10
	66 - 68	MULTI-UNIT RESIDENTIAL ZONE	GROUP HOUSING (Private Open Space, Clubhouse)	3	0,25	5
	69, 70	MULTI-UNIT RESIDENTIAL ZONE	APARTMENTS/FLATS	2	1,13	21
	71	MULTI-UNIT RESIDENTIAL ZONE	GROUP HOUSING (Electrical Substation)	1	0,002	-
	72	MULTI-UNIT RESIDENTIAL ZONE	GROUP HOUSING (Private Road, Gatehouse, Refuse Room, Private Open Space)	1	0,69	13
			TOTAL	72	5,26	100

CONSOLIDATED PROPERTY (Consolidation of Erven 298 and 252 Raithby)

EXISTING BUILDINGS

- NOTES:
1. ALL AREAS AND DIMENSIONS ARE APPROXIMATE
 2. ALL CADASTRAL INFORMATION TO BE CONFIRMED BY A REGISTERED LAND SURVEYOR
 3. SITE SURVEY: FRIEDLANDER, BURGER & VOLKMAN 28 APRIL 2018, 24 NOVEMBER 2018 & DECEMBER 2019
 4. CONTOUR INTERVALS : 0,8m

ERVEN 298 & 252, RAITHBY

PROPOSED PLAN OF SUBDIVISION OF CONSOLIDATED PROPERTY

SCALE 1:1250

PLANNING PARTNERS

JOB No. 4387
MARCH 2020

Figure 10

ANNEXURE B: TITLE DEEDS

184

Snyders & Genote
 Huisingstraat 10
 Somerset-Wes
 7130

Opgestel deur my

Abelluis

TRANSPORTBESORGER
 ALOÏS CILLIERS

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. <i>8000.00.00</i>	R. <i>2 293.00</i>
Reason for exemption	Category Exemption.....	Exemption i t o. Sec/Reg..... Act/Proc.....

DATA / VERIFY
 23-01-2020
 PHUMFELI A. M. M. M. M.

T 000000867 / 2020

TRANSPORTAKTE

HIERBY WORD BEKEND GEMAAK DAT

DRISKE OLIVIER

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

**DIE TRUSTEES INDERTYD VAN DIE
 DENYSSEN FAMILIE TRUST**

Meestersverwysingsnommer IT 1888/2005

geteken te SOMERSET-WES op 25 NOVEMBER 2019

23-01-2020
 AT-J. D. M. M.

[Handwritten mark]

al

En genoemde Komparant het verklaar dat haar prinsipaal, op 30 Oktober 2019, waarlik en wettiglik verkoop by Privaat ooreenkoms, en dat sy, in haar voorgenoemde hoedanigheid hierby sedeer en transporteer aan en ten gunste van

ANNANDALE ROAD PROPERTIES PROPRIETARY LIMITED

Registrasienommer 2009/014097/07

diese Opvolgers in titel of Regverkrygendes, in volkome en vrye eiendom

ERF 252 RAITHY

IN DIE STELLENBOSCH MUNISIPALITEIT

AFDELING STELLENBOSCH

PROVINSIE VAN DIE WES-KAAP

GROOT 4598 (VIER DUISEND VYF HONDERD AGT EN NEGENTIG) Vierkante Meter

AANVANKLIK GEREKISTREER kragtens Sertifikaat van Geregistreeerde Title No T 44016/1997 met Algemene Plan SG No. 1375/1996 wat daarop betrekking het en **GEHOU** kragtens Transportakte No T 78662/2005

- A. **ONDERHEWIG** wat betref die gedeelte gemerk abcmkg op gemelde Kaart No 2623/1959 aan die voorwaardes waarna verwys word in Transportakte No T 454 gedateer 17 Januarie 1920.
- B. **ONDERHEWIG VERDER** wat betref die gedeelte gemerk hklmde op gemelde Kaart No 2523/1959 aan die voorwaardes waarna verwys word in die Sertifikaat van Gekonsolideerde Title No 14352 gedateer 14 Oktober 1959.
- C. **ONDERHEWIG VERDER** wat betref die geheel van die eiendom hiermee getranspoteer aan die volgende voorwaardes soos opgelê deur die Administrateur van die Kaap Provinsie kragtens Artikel 9 van Ordonnansie 33 van 1934 by die goedkeuring van die betrokke onderverdeling, soos vervat in Transportakte no T 44028/1985.

ale

1. Die eienaar van hierdie erf is verplig om sonder betaling van vergoeding, toe te laat dat elektrisiteits-, telefoon- en televisiekabels en/of -drade, hoof- en ander waterpype en die rioolvuil en dreinerings, insluitende stormwater van enige ander erf of erwe, oor hierdie erf gevoer word indien die deur die plaaslike owerheid nodig geag word, en wel op die wyse en plek wat van tyd tot tyd redelikenwys vereis word. Dit sluit die reg op toegang te alle tye tot die eiendom in met die doel om enige werke met betrekking tot bogenoemde aan te lê, te verwyder of te inspekteer.
2. Die eienaar van hierdie erf is verplig om sonder vergoeding op die erf die materiaal te ontvang of uitgrawings op die erf toe te laat al na vereis word, sodat die volle breedte van die straat gebruik kan word weens die verskil tussen die hoogte van die straat soos finaal aangelê en die erf tensy hy verkies om steunmure te bou tot genoeg van en binne 'n tydperk wat die plaaslike owerheid bepaal.

8

ab

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

**DIE TRUSTEES INDERTYD VAN DIE
DENYSSSEN FAMILIE TRUST**

Meestersverwysingsnommer IT 1888/2005

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

ANNANDALE ROAD PROPERTIES PROPRIETARY LIMITED

Registrasienommer 2009/014097/07

diese Opvolgers in titel of Regverkrygendes, tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat en ten slotte erken dit dat die verkoopprijs die bedrag van R8 000 000,00 (AGT MILJOEN RAND) beloop.

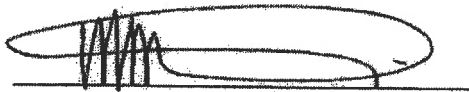
TEN BEWYSE WAARVAN ek, genoemde Registrateur, tesame met die Komparant hierdie Akte onderteken en dit met die Ampseël bekragtig het.

ALDUS GEDOEN EN VERLY op die Kantoor van die REGISTRATEUR VAN AKTES te
KAAPSTAD op hede die 16 JAN 2020



q.q.

In my teenwoordigheid



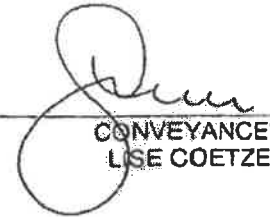
REGISTRATEUR VAN AKTES



340

DYKES VAN HEERDEN SLABBERT
HOPKINS
Unit E4/2
Edward IV
120-122 Edward Road
Bellville 7530
South Africa

Prepared by me


CONVEYANCER
LISE COETZEE

Particulars		Amount	Order fee
Purchase price/Value	R 5 000 000,00		R 650,00
Mortgage Capital Amount	R		R
Reason for exemption	Exempt in o Cat..... section..... Act.....		

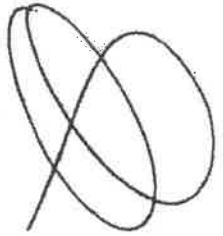
T 000059185 / 2016

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT
LISE COETZEE

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 RAITHBY on 23 AUGUST 2016 granted to him by

ELAINE MIRIAM DELPORT
Identity Number 311208 0040 08 2
Unmarried



DATA / VERIFY
21 OCT 2016
LAWNEY FATGEYAH

DATA / CAPTURE
10 OCT 2016
MOTLATYAMBANA KOLISO

And the appearer declared that his said principal had, on 3 May 2016, 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:

ANNANDALE ROAD PROPERTIES PROPRIETARY LIMITED
Registration Number 2009/014097/07

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

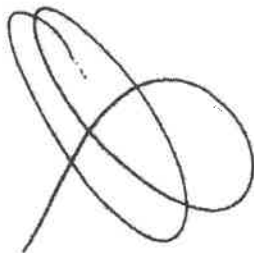
ERF 298 RAITHY
IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH
PROVINCE OF THE WESTERN CAPE

IN EXTENT 4,8027 (FOUR COMMA EIGHT ZERO TWO SEVEN) Hectares

FIRST TRANSFERRED by Certificate of Consolidated Title Number
T12646/2013 with Diagram No. 5496/2006 relating thereto and held by Deed
of Partition Transfer Number T12650/2013

- I. As regards to the figure A x y E on Diagram Number 5496/2006.
 - A. SUBJECT to the conditions as are referred to in Deed of Transfer T5085/1942.
 - B.
 - C.
 - D.
 - E.

- II. As regards to the figure x B C D y on Diagram Number 5496/2006.
 - A. SUBJECT to such conditions as are referred to in Deed of Transfer Number T5085/1942.
 - B.
 - C.
 - D.



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

ELAINE MIRIAM DELPORT, Unmarried

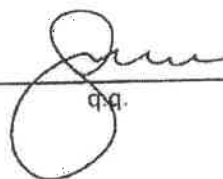
heretofore had to the premises, did in consequence also acknowledge her to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

ANNANDALE ROAD PROPERTIES PROPRIETARY LIMITED
Registration number 2009/014097/07


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 R5 000 000,00 (FIVE MILLION RAND).

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

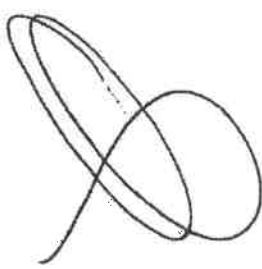
THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 2016-09-28 2016



In my presence



REGISTRAR OF DEEDS





Our ref: JH/13546

Your ref:

Date: 24 February 2020

CONVEYANCER'S CERTIFICATE

I, the undersigned,

CASPER JACOBUS HEUNIS

a conveyancer, practicing at Snymers & Associates, 10 Huisig Street, Somerset West, hereby certify that I have caused the examination of the following title deeds:

1. Stellenbosch Quitrents Volume 17, No 23, dated 10 January 1887;
2. Deed of Transfer No 1442, dated 19 March 1915;
3. Deed of Transfer No 454, dated 17 January 1920, and
4. Certificate of Consolidated Title No 14352, dated 14 October 1959,

in respect of:

ERF 252 RAITBY

In the Stellenbosch Municipality

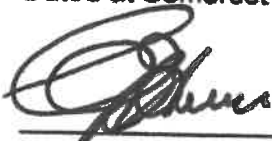
Stellenbosch Division

Province of the Western Cape

In extent: 4 598 square metres

As a result of the information obtained, I hereby certify that I am satisfied that there are no conditions in the title deed restricting the use, rezoning or subdivision of the property.

Dated at Somerset West on 24 February 2020.



CONVEYANCER

Owner: Craig Snymers LLB LLM

Consultants: Jakkie Heunis BComm LLB | Alois Cilliers BA LLM | Phillip Hayes BA LLB Assisted by: Joubert Malan LLB | Driske Olivier BA LLB

CONVEYANCER'S CERTIFICATE

I, the undersigned,

CASPER JACOBUS HEUNIS

a conveyancer, practicing at Snyders & Associates, 10 Huisling Street, Somerset West, hereby certify that I have caused the examination of the following title deeds:

1. Stellenbosch Quitrents Volume 17, No 4, dated 26 June 1885;
2. Deed of Transfer No 8870, dated 5 November 1917;
3. Deed of Transfer No 8369, dated 22 August 1929;
4. Deed of Transfer No 8371, dated 22 August 1929;
5. Deed of Transfer No T 5055/1942, and
6. Deed of Partition Transfer No T 12650/2013,

in respect of:

ERF 298 RAITHBY
 In the Winelands District Municipality
 Stellenbosch Division
 Province of the Western Cape

In extent: 4,8027 hectares

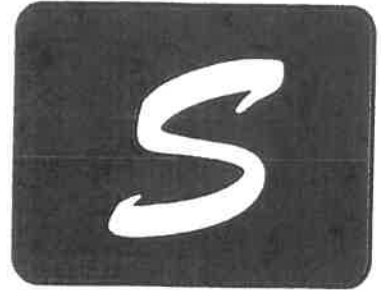
As a result of the information obtained, I hereby certify that I am satisfied that there are no conditions in the title deed restricting the use, rezoning or subdivision of the property.

Dated at Somerset West on 19 August 2016.



CONVEYANCER

SNYDERS & ASSOCIATES



SNYDERS & GENOTE

Attorneys Conveyancers Notaries
 Prokureurs Aktebesorgers Notarisse

Street Address Postal Address

10 Huisling Street
 Somerset West
 7130

P O Box 838
 Somerset West
 7129

Straatadres

Posadres

Huislingstraat 10
 Somerset-Wes
 7130

Posbus 838
 Somerset-Wes
 7129

Docex

Docex 8
 Somerset West / Somerset-Wes

☎ 021 851 1555

☎ 021 852 1956

🌐 info@helderlaw.co.za

Owner
 Eienaar

Craig Snyders

LLB LLM

Consultants
 Konsultante

Jakkie Heunis
 Aloys Cilliers

B Comm LLB
 BA LLB LLM

Assisted by
 Bygestaan deur

Driske Olivier

BA LLB

SYE Meter	RIGTINGS -HOEKE	KORDINATE Y Stelsel NG 19° X		L G No 1533/2003	
		KONSTANTE	+0,00		+3 700 000,00
AB	43,78	232 16 30	A	+18 677,03	+66 339,37
BC	120,00	141 14 40	B	+18 642,40	+66 312,59
CD	2,00	232 16 30	C	+18 717,53	+66 219,01
DE	188,17	321 14 40	D	+18 715,94	+66 217,79
EF	0,80	44 50 20	E	+18 598,15	+66 364,52
FG	58,27	141 14 40	F	+18 598,72	+66 365,09
GH	44,97	52 16 30	G	+18 635,19	+66 319,65
HA	10,00	141 10 20	H	+18 670,76	+66 347,16
		<u>Verbindings</u>			
EJ	8,21	141 14 40	J	+18 603,29	+66 358,12
FK	8,30	141 14 40	K	+18 603,91	+66 358,62

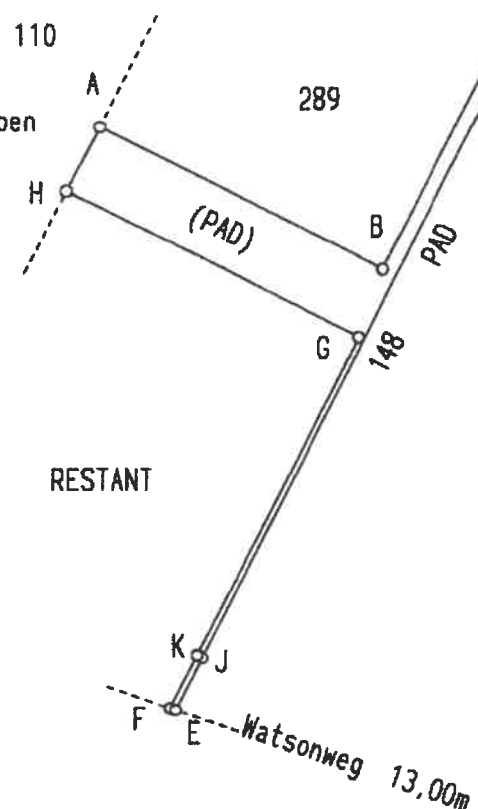
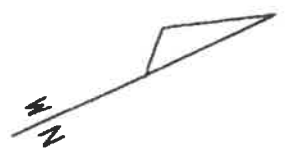
Goedgekeur
T. Luwan
 nms Landmeter-generaal
 2003.05.16

(67) STEL 3 Δ +21 266,03 +67 324,40
 (68) STEL 6 Δ +18 834,68 +64 041,96

Bakenbeskrywings

E, F - Nie gebaken
 A, B, C, G, H, J, K - 12mm Ysterpen
 D - 50mm Ysterpyp

VRYGESTEL VAN DIE BEPALINGS
 VAN WET 70 VAN 1970
 ARTIKEL 1 (9)



SKAAL 1 1000

Die figuur A B C D E F G H

stel voor 744 vierkante meter

grond, synde

ERF 2 9 0 'n gedeelte van Erf 150 RAITHBY

Gelee in die Munisipaliteit en
 Administratiewe Distrik Stellenbosch

Provinsie Wes-Kaap

Opgemeet in April 2003
 deur my

N. Loubser
 N Loubser 0892

Pr Landmeter

Hierdie kaart is geheg aan No gedateer t g v Registrateur van Aktes	Die oorspronklike kaart is No A1 9 /1926 geheg aan Transport No 1926- -3523	Leer No STEL 607 M S No B 713/2003 Komp AHND-2294 (M4353) -P&I -LPI C0670018 LPI
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ANNEXURE C: PROPOSED DEVELOPMENT PLANS



COLOUR CODE	PORTION NUMBERS	LAND USE	NO. OF PTNS.	AREA (ha)	% OF AREA
	1 - 32	GROUP HOUSING (Detached Dwellings)	32	1,61	31
	33, 34	GROUP HOUSING (Private Open Space)	2	0,73	14
	35	GROUP HOUSING (Private Road)	1	0,33	6
	36 - 65	GROUP HOUSING (Semi-detached/Row Houses)	30	0,62	10
	68 - 68	GROUP HOUSING (Private Open Space, Clubhouse)	3	0,26	5
	69, 70	APARTMENTS/FLATS	2	1,13	21
	71	GROUP HOUSING (Electrical Substation)	1	0,002	-
	72	GROUP HOUSING (Private Road, Gatehouse, Refuse Room, Private Open Space)	1	0,68	13
	TOTAL		72	5,26	100

 CONSOLIDATED PROPERTY (Consolidation of Erven 298 and 252 Raithby)

 EXISTING BUILDINGS

- NOTES:
1. ALL AREAS AND DIMENSIONS ARE APPROXIMATE
 2. ALL CADASTRAL INFORMATION TO BE CONFIRMED BY A REGISTERED LAND SURVEYOR
 3. SITE SURVEY: FRIEDLANDER, BURGER & VOLKMAN 28 APRIL 2016, 24 NOVEMBER 2016 & DECEMBER 2019
 4. CONTOUR INTERVALS: 0,6m

ERVEN 298 & 252, RAITHBY

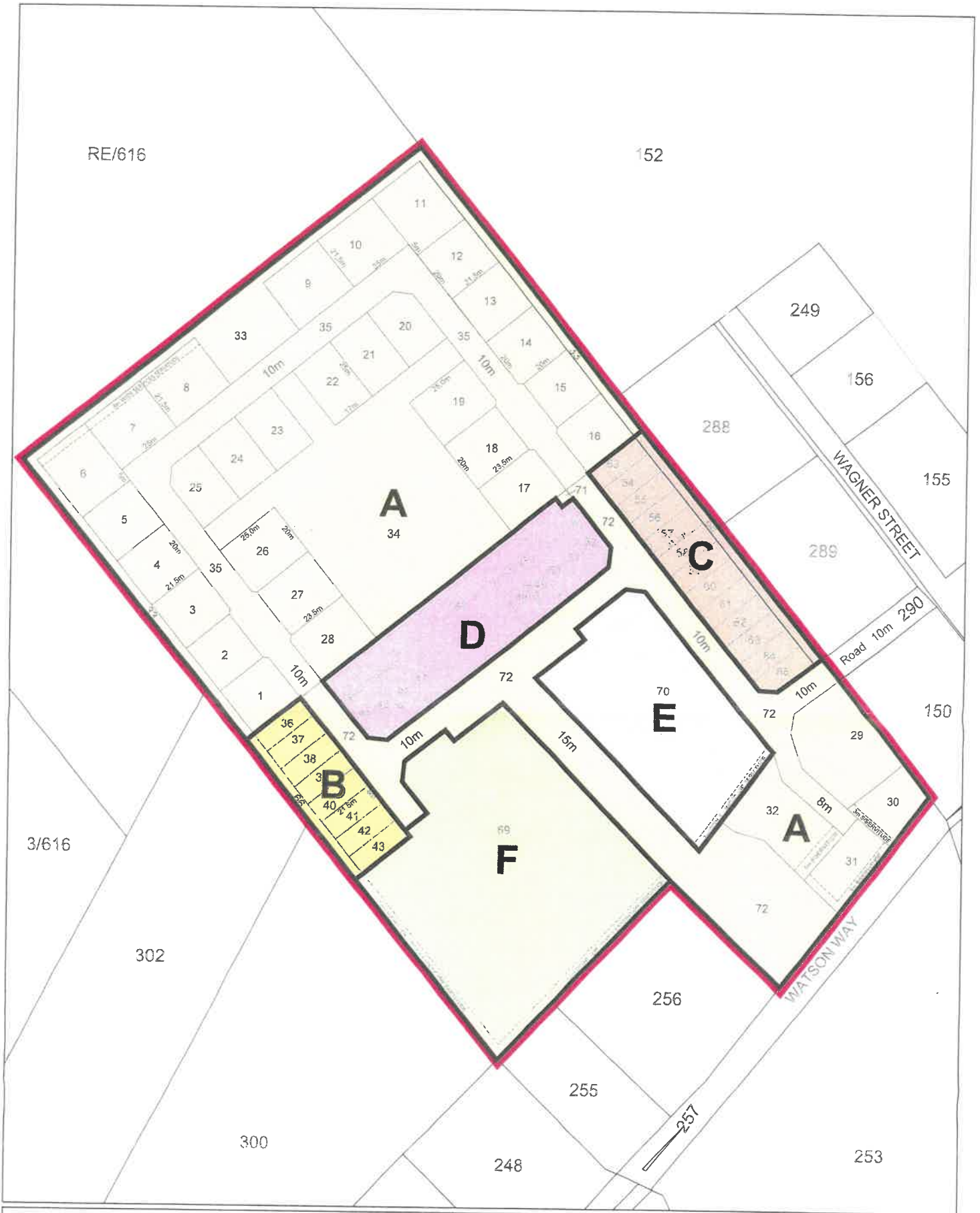
PROPOSED PLAN OF SUBDIVISION OF CONSOLIDATED PROPERTY



SCALE 1:1250



PLANNING PARTNERS

JOB No. 4387
MAY 2023

Figure 10



 **CONSOLIDATED PROPERTY**
(Consolidation of Erven 298 and 252
Raithby)

 **A - F PHASING**

**ERVEN 298 & 252, RAITHBY
STELLENBOSCH**

PROPOSED PHASING


SCALE 1:1250

**PLANNING
PARTNERS** 

**JOB No. 4387
MARCH 2020**

Figure 12

ANNEXURE D: APPLICANT'S MOTIVATION

**ERVEN 298 & 252, RAITHBY
(Newlands Estate)**

**Composite Application for Consolidation, Rezoning,
Subdivision & Building Line Departures**

Prepared by:



Planning Partners (Pty) Ltd
PO Box 4866, Cape Town
Email: admin@planpart.co.za
Tel: 021 418 0510

For:
Annandale Road Properties (Pty) Ltd

Our Ref: 4387
Submitted: July 2019
As amended: May 2020

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 - 1.2 Development Facilitation Team
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 - 2.4 Current Zoning
 - 2.5 Site Survey and Topography
- 3. PLANNING DIRECTIVES**
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- H Agricultural Land Capability Study – Agrimotion Consulting, February 2017
- I Proposed Architectural Design Guidelines, March 2020
- J Proposed Landscape Concept
- K Proposed Owners' Association Constitution
- L Visual Impact Assessment – Karen Hansen Landscape Architect & Visual Impact Assessments, March 2020
- M Heritage Impact Assessment – Cindy Postlethwayt, May 2020
- N Civil Services Report – EKCON Engineers, March 2020
- O Electrical Services Report – De Villiers & Moore, February 2020
- P Traffic Impact Statement – ICE Group, March 2020

1. INTRODUCTION

1.1 The Brief and Applications Submitted

Planning Partners has been appointed by Annandale Road Properties (Pty) Ltd, the owner of Erven 298 and 252 Raithby, to apply for the establishment of a residential development on the property.

In this regard, the following composite application is submitted to the Stellenbosch Municipality in terms of the provisions of the Stellenbosch Municipality Land Use Planning By-Law, 2015:

- a) **Consolidation** of Erven 298 and 252, Raithby [Section 15(2)(e) of the Land Use Planning By-Law].
- b) **Rezoning** of the consolidated property (consolidation of Erven 298 and 252, Raithby) from *Agriculture and Rural Zone* to *Multi-Unit Residential Zone* for the purposes of group housing and flats [Section 15(2)(a) of the Land Use Planning By-Law].
- c) **Subdivision** of the consolidated property (consolidation of Erven 298 and 252, Raithby) for the purposes of 70 group housing erven (32 detached dwellings, 30 semi-detached / row houses, 1 electrical substation, 5 private open space and 2 private roads) and 2 flats erven [Section 15(2)(d) of the Land Use Planning By-Law].
- d) **Departures** from Section 83(2) of the Stellenbosch Municipality: Zoning Scheme By-Law, 2019 pertaining to the common boundary building line regulations for flats [Section 15(2)(b) of the Land Use Planning By-Law]. The following departures are applied for:
 - A departure from Section 83(2) of the Stellenbosch Municipality: Zoning Scheme By-Law, 2019 to permit a ground floor common boundary building line of 3,8m in lieu of 4,5m at the north-western internal common boundary of Portion 69;
 - A departure from Section 83(2) of the Stellenbosch Municipality: Zoning Scheme By-Law, 2019 to permit a first floor common boundary building line of 3,8m in lieu of 4,5m at the north-western internal common boundary of Portion 69;
 - A departure from Section 83(2) of the Stellenbosch Municipality: Zoning Scheme By-Law, 2019 to permit a ground floor common boundary building line of 3,5m in lieu of 4,5m at the south-western internal common boundary of Portion 70;
 - A departure from Section 83(2) of the Stellenbosch Municipality: Zoning Scheme By-Law, 2019 to permit a first floor common boundary building line of 3,5m in lieu of 4,5m at the south-western internal common boundary of Portion 70;
 - A departure from Section 83(2) of the Stellenbosch Municipality: Zoning Scheme By-Law, 2019 to permit a ground floor common boundary building line of 3,1m in lieu of 4,5m at the south-eastern internal common boundary of Portion 70;
 - A departure from Section 83(2) of the Stellenbosch Municipality: Zoning Scheme By-Law, 2019 to permit a first floor common boundary building line of 3,1m in lieu of 4,5m at the south-eastern internal common boundary of Portion 70.
- e) Approval of an **Owners' Association Constitution and Design Guidelines** [Section 29(3) of the Land Use Planning By-Law].
- f) Approval of **street names and numbering** [Section 98(1) of the Land Use Planning By-Law].

This report serves to motivate the abovementioned composite application and is accompanied by copies of the prescribed application forms (**Annexure A**), power of attorney (**Annexure B**), property diagrams (**Annexure C**), S.G. noting sheet (**Annexure D**), copy of title deeds (**Annexure E**), conveyancer's certificates (**Annexure F**) and other relevant documentation (annexed hereto).

Please note that a Basic Assessment application process is also being undertaken in terms of the provisions of the National Environmental Management Act, 1998 in furtherance of an Environmental Authorisation from the Department of Environmental Affairs & Development Planning (DEA&DP). Submission in terms of the provisions of the National Heritage Resources Act, 1999 will also be made to Heritage Western Cape (HWC).

As Erf 252 is subject to the provisions of the Advertising on Roads and Ribbon Development Act, 1940 the consent from the relevant Roads Authority will also be sought in terms of this Act.

Further, although the erven are located within the urban edge of Raithby and are part of the Raithby township, as the erven are still zoned *Agriculture and Rural Zone* application in terms of the provisions of the Subdivision of Agricultural Land Act, 1970 will be made to the Department of Agriculture, Forestry and Fisheries.

1.2 Development Facilitation Team

A multi-disciplinary team has been assembled to undertake the required composite application and to provide specialist input in a number of fields. Specialist consultants have been appointed to consider and assess issues pertaining to *inter alia* botany, agricultural potential, architecture, visual impact, heritage impact, traffic impact, civil engineering and electrical engineering. The team consists of the following members:

- | | |
|--|--|
| • Owner / Developer | - Annandale Road Properties (Pty) Ltd |
| • Conveyancer | - Snyders & Associates |
| • Site Survey | - Friedlaender, Burger & Volkmann |
| • Town Planning & Landscape Architecture | - Planning Partners |
| • Architecture | - Boogertman & Partners |
| • Engineering (Civil) | - EKCON Engineers |
| • Engineering (Electrical) | - De Villiers & Moore |
| • Engineering (Traffic) | - ICE Group |
| • Environmental Assessment Practitioner | - Doug Jeffery Environmental Consultants |
| • Botany | - Bergwind Botanical Surveys & Tours |
| • Agricultural Potential | - Agrimotion Consulting |
| • Visual Impact | - Karen Hansen Landscape Architect & Visual Impact Assessments |
| • Heritage Impact | - Cindy Postlethway |

2. THE SITE

2.1 Locality and Context

The settlement of Raithby is located to the west of the R44, some 3 km northwest of Somerset West (refer to **Figure 1** below). Raithby is a small, but developing village that has established on both sides of Watson Way, the main road through Raithby. Raithby is a linear settlement with relatively short side roads leading off Watson Way. The village is residential in nature and includes a sport field, church and primary school.

Raithby is a historic mission settlement established in c1844 on Erf 114 (SG361/1851). Erven 298 and 252 however never formed part of the mission station and were privately held land to the west of the mission station landholdings.

Erven 298 and 252 are situated in the western end of the village. Erf 252 is located to the north and adjacent to Watson Way and Erf 298 is located adjacent to and to the north of Erf 252. Existing

residential development occurs to the east and south of the site, while rural and agricultural land is located towards the north and west.

Existing access to Erf 252 is from Watson Way and access to Erf 298 is via Erf 290 (a portion of road as per the Surveyor General) and Wagner Street that connects with Watson Way approximately 60m to the southeast (refer to **Figure 2** below).

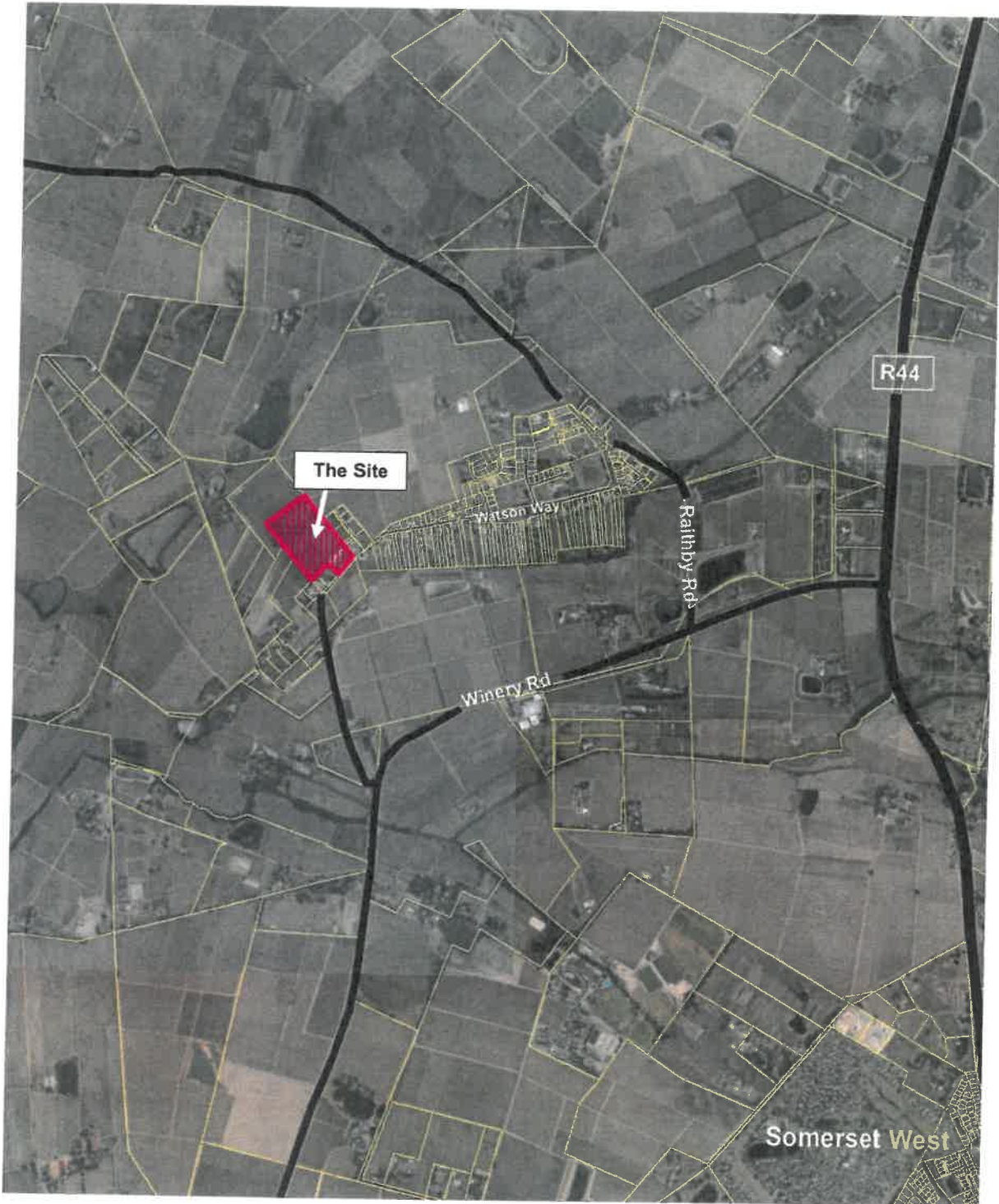


Figure 1: Locality



Figure 2: Aerial View

2.2 Cadastral Information, Extent and Ownership

The cadastral configuration of Erven 252 and 298, as well as the surrounding properties, is shown in **Figure 3**. Erf 252 was subdivided off Erf 122 during 1996 and Erf 298 is a 2006 consolidation of Erven 296 and 297. Copies of the property diagrams, Surveyor General's noting sheet and title deeds are attached as **Annexures C, D and E** respectively. **Table 1** below provides a summary of the property details of the two erven.

Table 1: Summary of Property Details

Property	Extent (ha)	Ownership	Title Deed	S.G. Diagram No.
Erf 252, Raithby	0,4598	Annandale Road Properties (Pty) Ltd	T867/2020	1375/1996
Erf 298, Raithby	4,8027	Annandale Road Properties (Pty) Ltd	T59185/2016	5496/2006
Total	5,2625			

From the Surveyor-General's noting sheet, it is noted that the properties are located within the Raithby Local Area (Proc. 18/1969). The properties are regarded as part of the Raithby township.

No conditions of title were detected in the title deeds that would prohibit the use of the properties for residential or other township purposes (refer to the Conveyancer's Certificates attached as **Annexure F**).

2.3 Current Land Use

Erf 252 contains three dwellings and related outbuildings (refer to **Figure 2** above and **Figure 4** below). Erf 298 is vacant. Alien vegetation and pioneer vegetation species are present. The previous landowner has advised that no agriculture activities have taken place on the property within the past 26 years.

The eastern, south-eastern and southern property boundaries abut residential development. The north-eastern, north-western and south-western property boundaries adjoin agricultural land. The abutting agriculture land uses are mainly vines, with some grazing and fallow land.

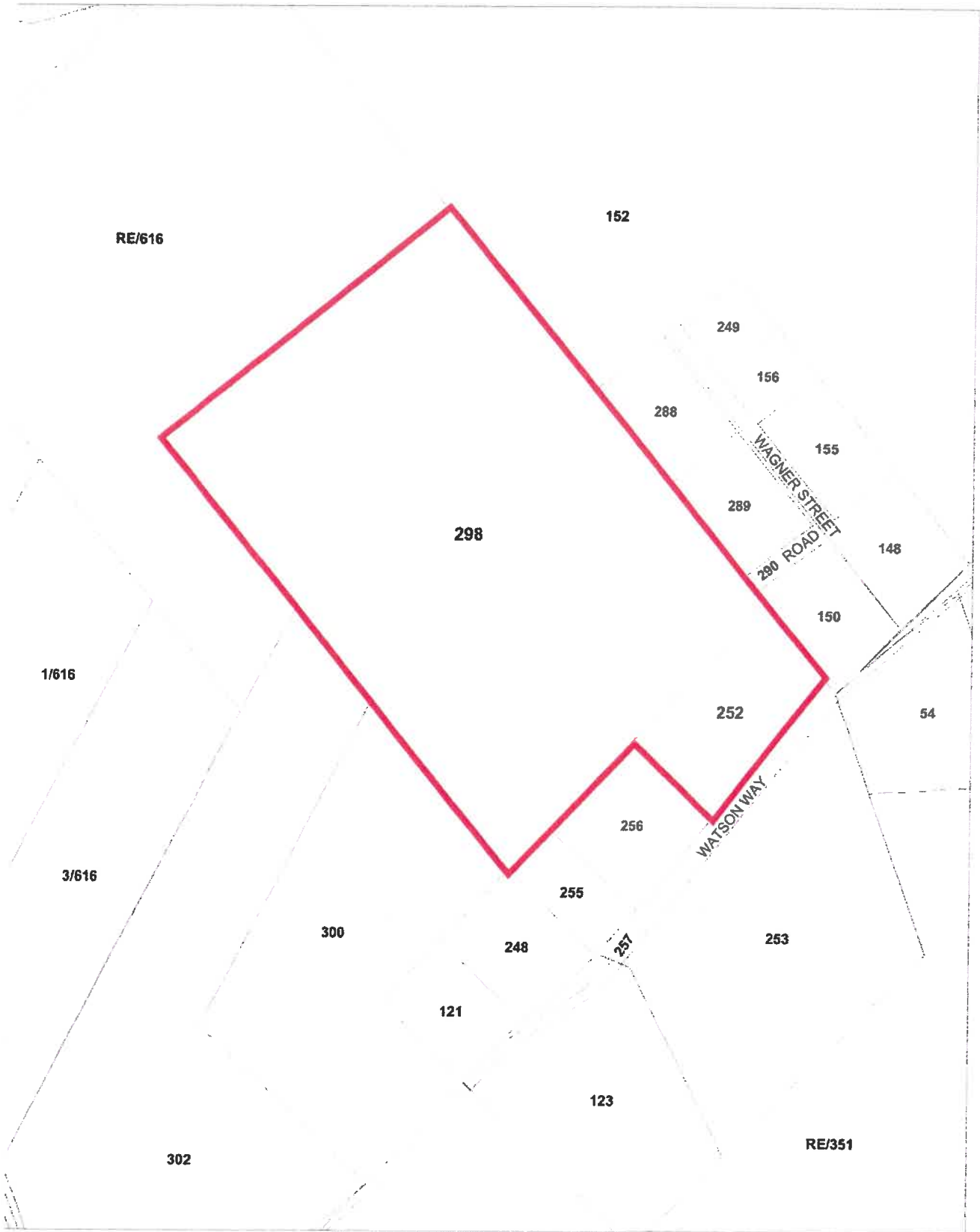
2.4 Current Zoning

Although the erven are located within the urban edge and are part of the Raithby township, the erven are still zoned *Agriculture and Rural Zone* in accordance with the provisions of the Stellenbosch Municipality: Zoning Scheme By-Law, 2019. The site would therefore need to be rezoned to an appropriate zoning before it may be utilised for township development purposes.

2.5 Site Survey and Topography

Friedlaender, Burger & Volkmann conducted surveys of the properties (refer to **Figure 4**). Erf 298 is gently sloping with a southwest - northeast stretching watershed located more or less across the centre of the property. The property slopes down in a south-eastern direction from approximately the 78m contour height to the 73m contour and conversely in a north-western direction from approximately the 78m contour height to the 76m contour. A number of alien vegetation bush clumps and trees have been identified, which alien vegetation has subsequently been cleared on instruction by the Stellenbosch Municipality.

The slope on Erf 252 continues in a south-eastern and southern direction to Watson Way to approximately the 69,5m contour height at the southern corner of the property.



 THE SITE (ERVEN 298 & 252)

ERVEN 298 & 252
RAITHBY

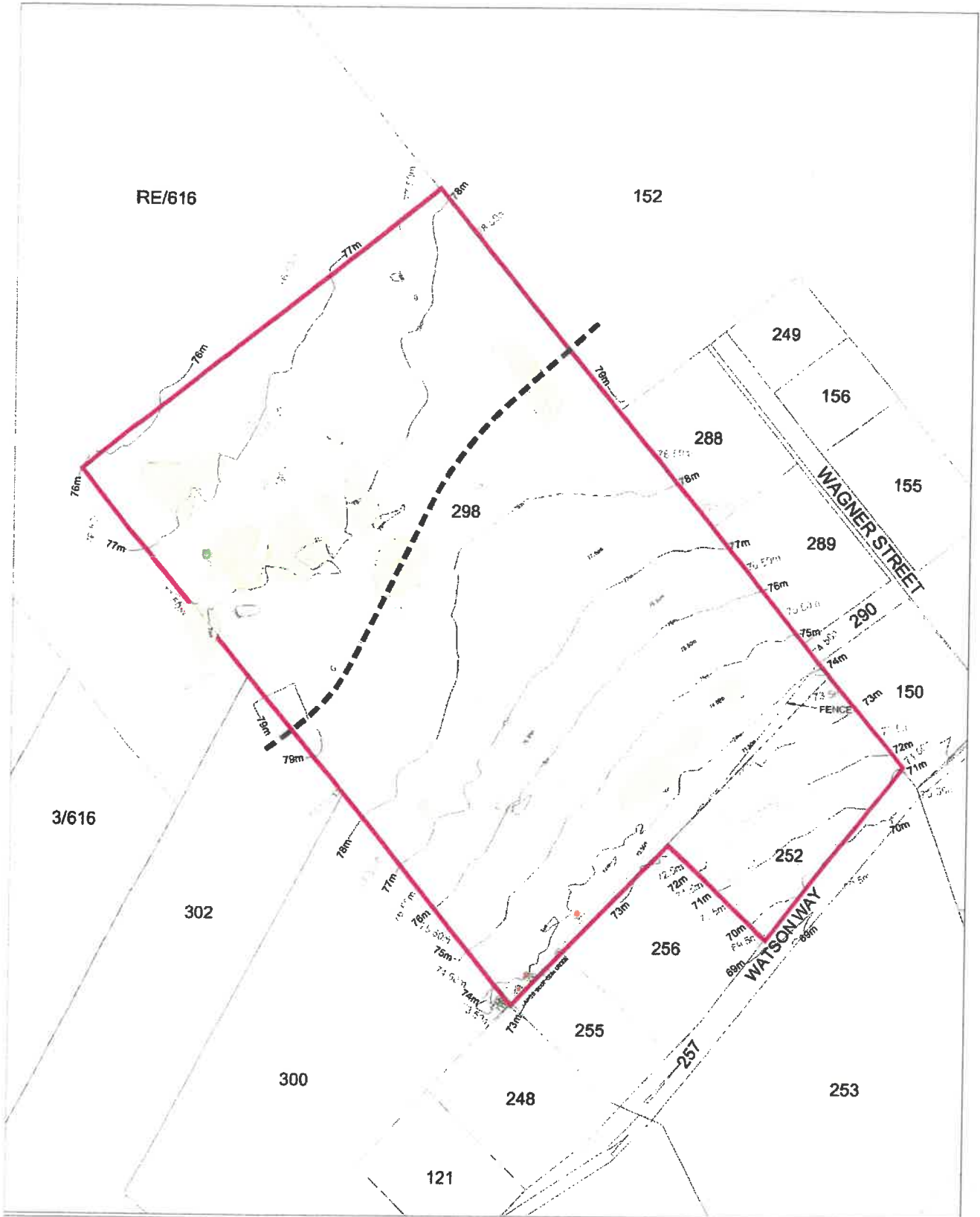
CADASTRAL MAP





SCALE 1:2500

PLANNING PARTNERS 

FEBRUARY 2020



Figure 3



-  BUSH (Alien Vegetation)
-  TREES (Alien Vegetation)
-  WATERSHED (Planning Partners)

-  THE SITE (ERVEN 298 & 252)
-  EXISTING BUILDINGS

Source :
 FRIEDLAENDER, BURGER & VOLKMANN
 28 APRIL 2015, 24 NOVEMBER 2016 &
 DECEMBER 2019

ERVEN 298 & 252 RAITHBY	
SITE SURVEY	
 SCALE 1:2000	 PLANNING PARTNERS
FEBRUARY 2020	Figure 4

3. PLANNING DIRECTIVES

3.1 Western Cape Provincial Spatial Development Framework (2014)

The guiding principle of the Western Cape Provincial Spatial Development Framework (PSDF) is sustainable development. Accepted international consensus is that *sustainability* consists of three pillars, often referred to as the “*triple bottom line*”, namely “*economic efficiency / prosperity*”, “*ecological integrity*” and “*social equity*”. The triple bottom line propagates an holistic approach.

The overall policy objective of the PSDF is therefore to secure environmentally sustainable development and the use of natural resources while promoting socio-economic development of the Western Cape Province. The **aim** of the PSDF is to:

- Give spatial expression to the National Development Plan and provincial (i.e. OneCape 2040) development agendas;
- Serve as basis for co-ordinating, integrating and aligning 'on the ground' delivery of national and provincial departmental programmes;
- Support municipalities to fulfil their municipal planning mandate in line with the national and provincial agendas;
- Communicate government's spatial development intentions to the private sector and civil society.

The PSDF is based on a number of **guiding principles** that are relevant to the proposed development namely:

- Spatial justice;
- Sustainability and resilience;
- Spatial efficiency;
- Accessibility;
- Quality and liveability.

A. Spatial justice

A socially just society is based on the principles of equality, solidarity and inclusion. While equal opportunity targets everyone in the community, social justice targets the marginalised and disadvantaged groups in society. Past spatial and other development imbalances should be redressed through improved access to and use of land by disadvantaged communities.

The proposed development does not specifically address spatial justice through, e.g. the provision of low-cost housing. It should however be noted that the proposed development will diversify the residential mix and products offered by the site and the wider Raithby town. This will assist in diversifying the market segments that the proposed development and town will be able to serve.

It is likely that the development of the properties will make a positive contribution to the value of surrounding properties, a large proportion held by previously disadvantaged individuals, with the associated economic benefits of better returns and improved access to capital.

B. Sustainability and resilience

Land development should be spatially compact, resource-frugal, compatible with cultural and scenic landscapes and should not involve the conversion of high potential agricultural land or compromise eco-systems. Resilience is about the capacity to withstand shocks and disturbances such as climate change or economic crises, and to use such events to catalyse

renewal, novelty and innovation. The focus should be on creating complex, diverse and resilient spatial systems that are sustainable in all contexts.

It should be noted that the proposed development –

- Is spatially compact (taking the property's surrounding context into account);
- Falls within the urban edge;
- Does not compromise eco-systems (refer to subsection 4.1 below);
- Does not compromise viable agricultural land (refer to subsection 4.2 below).

Specialist assessment conducted by both the heritage and visual impact assessment practitioners show that the development of the site is compatible with the surrounding cultural and scenic landscapes (refer to sections 7 and 8 below).

C. Spatial efficiency

Efficiency relates to the form of settlements and use of resources - compaction as opposed to sprawl and mixed-use as opposed to mono-functional land uses. When a settlement is compact, higher densities provide thresholds to reduce overall energy and resource use and lower user costs.

The proposed development –

- Is spatially efficient;
- Diversifies the residential options offered by the site and the larger Raithby town.

D. Accessibility

Improving access to services, facilities, employment and recreation, including improving the choice of safe and efficient living environments is essential to achieving the stated settlement transitions of the NDP and OneCape 2040.

E. Quality and liveability

The quality of an environment directly contributes to its liveability. A good environment is one that is legible, diverse, varied and unique. The legibility of a space is contributed to by the existence of landmarks such as notable buildings and landscaping or well-defined public space, as well as the legibility and structure of its street networks. Diverse environments provide a variety of opportunities, experiences and choice. The more varied a place, the more valued because of the individual qualities that make it distinctive from other places.

Liveable settlements feature a balance between individual and community, of logic and feeling, of order and random incident. In many cases, a development or town's public realm provides coherence and order, while private ventures introduce variety and interest. One condition benefits from the other. The quality of space can define the liveability of a place. They need to be safe and attractive.

The proposed development has been designed to provide a legible, quality environment for its future inhabitants and the wider Raithby town.

The PDSF states that in order to secure a more sustainable future for the Province, it is important that settlement planning and infrastructure investment achieve *inter alia*:

- Higher densities;
- A shift from a suburban to urban development model;
- More compact settlement footprints to minimise environmental impacts, reduce the costs and time impacts of travel and enhance provincial and municipal financial sustainability in relation to the provision and maintenance of infrastructure, facilities and services.

The PSDF notes that by prioritising a more compact urban form through investment and development decisions, settlements in the Western Cape can become more inclusionary, widening the range of opportunities for all.

The development proposal for the site of a mixed residential development is consistent with the guiding principles as contained in the PSDF.

3.2 Stellenbosch Municipal SDF (2019)

The Stellenbosch Municipal Spatial Development Framework (SMSDF) was approved by the Stellenbosch Council on 11 November 2019. The SMSDF forms part of the approved Stellenbosch Integrated Development Plan (IDP) and constitutes the spatial development framework for the Stellenbosch municipal area in terms of the provisions of the Municipal Systems Act, 2000 (MSA), Spatial Planning and Land Use Management Act, 2013 (SPLUMA), the Western Cape Land Use Planning Act (LUPA) and the Stellenbosch Municipality Land Use Planning By-Law, 2015.

The 'Guiding Concept' (October 2018) underpinning the SMSDF notes *inter alia* the following:

- Poverty has deepened and key sectors, which traditionally accommodated unskilled workers, show slow growth;
- Infrastructure backlogs exist;
- The need for housing and shelter, both for the lower income groups and those with employment, has not been adequately met;
- The Municipality does not have the resources to fundamentally reverse backlogs or negative trends in shelter or infrastructure needs;
- Although Stellenbosch has grown, it has been unsuccessful in addressing current and future housing needs. The demand for housing is increasing faster than housing provision.

The Stellenbosch municipal area has a current housing need of more than 25 000 housing units [SMSDF status quo (2018)]. This need includes all socio-economic groups. To put this into perspective, the current housing stock in the municipal area would need to be doubled to meet this demand. Raithby has a modest, but valuable role to play in addressing this need.

The SMSDF promotes higher densities as it enables *inter alia* efficiency in resource utilisation (e.g. land), efficiency in infrastructure provision and the thresholds for entrepreneurship development.

In relation to Raithby, the SMSDF states that areas for residential densification and infill should focus on undeveloped land within the urban edge. The site represents such an opportunity.

The spatial plan for Raithby (refer to **Figure 5**) indicates *inter alia* the following:

- Erven 252 and 298 are both located within the urban edge of Raithby;
- Erf 252 is indicated as forming part of the existing cadastral fabric of Raithby and Erf 298 is specifically demarcated as "Mixed Use Community and Residential Infill";
- Watson Way is indicated as a "Main / Secondary Road";
- A "New Road Linkage" to Erf 298 is indicated at its south-eastern boundary;
- Erven 252 and 298 are not part of the "Urban Agricultural Areas Retained", the "Critical Biodiversity Areas" or "Green Areas Retained";
- Erven 252 and 298 are located outside of the "Existing and Proposed Urban Character Areas".

The development proposal for the site of a mixed residential development, with its ancillary communal facilities, is consistent with the directives of the SMSDF.

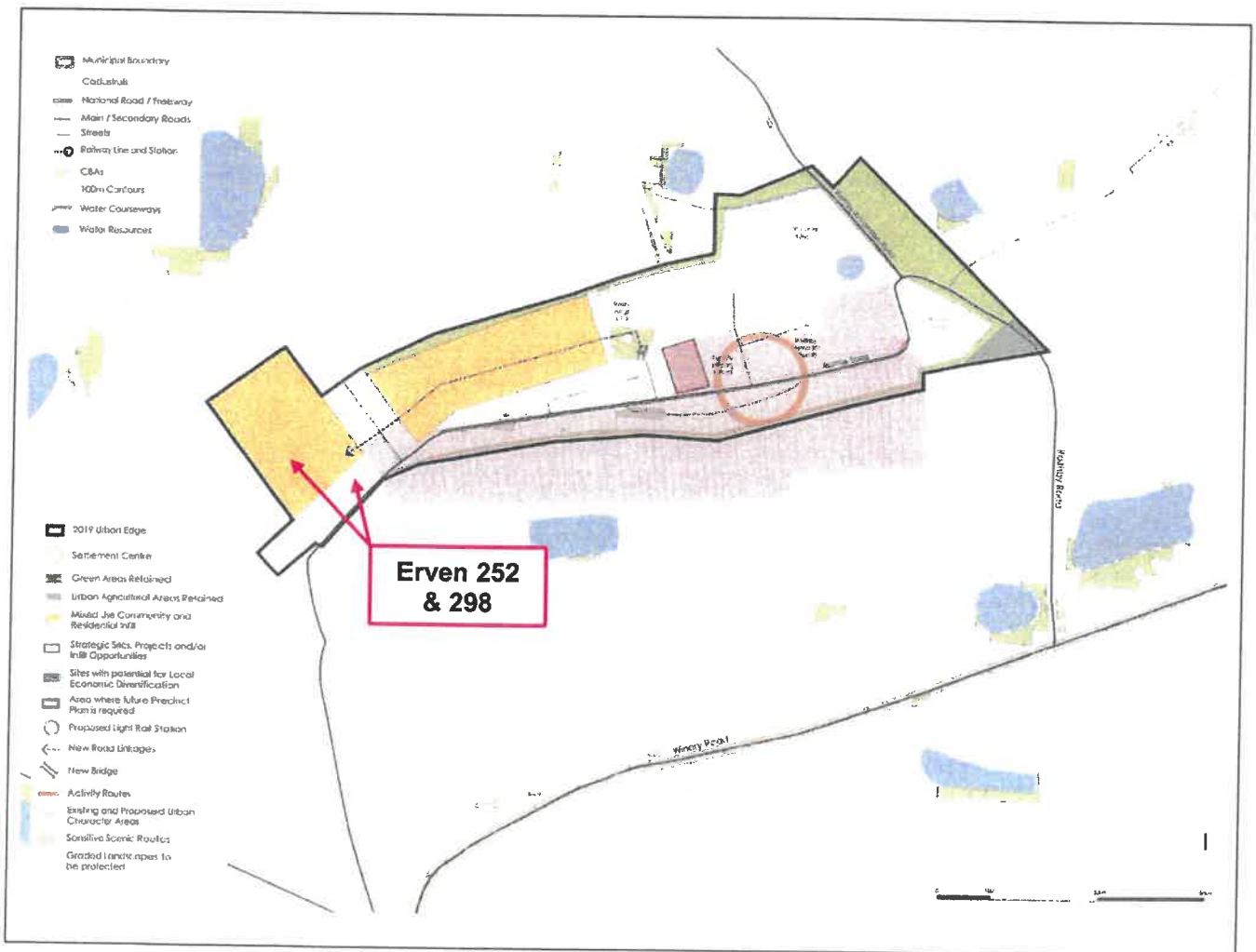


Figure 5: SMSDF (November 2019) – Raithby Plan

4. ASSESSMENT OF NATURAL ENVIRONMENT & AGRICULTURAL LAND

4.1 Botany

Dr D.J. McDonald from Bergwind Botanical Surveys & Tours investigated the vegetation type and condition thereof at the property and more specifically Erf 298 (refer to **Annexure G**). Erf 252 is already developed for residential purposes.

The investigation includes the following **findings** and **conclusion**:

- The original vegetation that would have occurred at the property is Swartland Granite Renosterveld, however the property shows clear signs of having been cultivated in the past;
- The remains of exotic fodder lupins, as well as many other exotic weeds, now inhabit the site;
- Stands of woody alien invasive *Acacia saligna* (Port Jackson Willow) occur with scattered individuals of *Acacia mearnsii* (black wattle) also present;
- Only two indigenous species of note were recorded namely *Stoebe plumosa* (slangbos) and *Helichrysum pandurifolium* (ear-leaf strawflower). These species colonise disturbed sites as pioneer species in secondary regrowth after disturbance and are therefore good indicators of previous disturbance;
- Based on the field observations it was concluded that the property is entirely transformed and although now lying fallow is not showing any signs of reverting to a natural condition;
- It is doubtful that natural Swartland Granite Renosterveld would ever return unaided;
- The development of the property would not negatively impact any natural plant community.

4.2 Agricultural Potential

An agricultural land capability study comprising of both a climate and soil investigation was conducted by Agrimotion Consulting (refer to **Annexure H**). The purpose of the study was to establish the potential of the land for commercial agriculture as opposed to township development.

The study includes *inter alia* the following **findings**:

- Two soil forms were observed, namely Glenrosa (Gs) and Cartref (Cf);
- The soils were found to contain limitations in terms of soil structure, wetness and acidity;
- To be able to transform the existing soil body at Erf 298 into an economically productive agricultural unit, the following amelioration practices would be required –
 - Deep soil tillage;
 - Drainage;
 - Ridging, and if salinity problems are detected, the ridges would also need to be actively leached;
 - Amelioration through addition of lime and/or fertilizers as determined from the soil analysis.
- The property has no allocated water from the Wynland Water Users' Association, which means that irrigated agriculture will not be possible. Although dryland (non-irrigated cultivation of crops)

grains might be a possibility, the limited size of the property means that grain production would not be an economically viable option;

- Regardless of the annual rainfall quantity, the majority of the rain is received during the winter months when deciduous fruit trees and vines are in dormancy. As a result, supplementary irrigation is applied to be able to provide the crop with water during critical phenological phases, such as cell enlargement. In the Stellenbosch area all of the commercial fruit producers and the majority of vine producers make use of irrigation. There are still some vine producers who apply a dryland approach, although in these farming systems, draglines are used to supplement the crop water requirements 2-3 times during the season. If water is not received *via* pipeline, collection and storage dams need to be present from which irrigation water can be obtained.

The study **concludes** as follows:

- Medium low to low potential soils are prevalent across the property. A dense clayrich saprolite layer, which occurs at depths of 40-60cm from the soil surface, will restrict root penetration and water infiltration and thereby limit the effective useable soil depth. In addition, excessive signs of soil wetness occur throughout the area alluding to the occurrence of waterlogged soil conditions during wetter periods of the year. Acidic soil conditions were also detected from the chemical soil analyses;
- Although the initial investigation indicates that the soils are marginally suited to the cultivation of perennial crops, appropriate soil preparation and amelioration techniques (e.g. deep soil tillage, ridging, drainage, liming) can serve to significantly improve the soils ability to sustain perennial crop production;
- From the evaluated climatic data it is evident that the climatic conditions important for perennial crop production at the property does not adversely differ from five of the major fruit and vine producing areas in the Western Cape. As a result, climate cannot be seen as a direct constraint for crop production in this area. What is however important and something that significantly reduces the sustainability of the site as a productive agricultural unit, is the fact that no additional water is allocated to the property. Although the annual total rainfall in the area is close to adequate to support vine requirements, the distribution of the rainfall implies that supplementary irrigation would need to be provided during certain stages of the growing season. In the case of vines, the predicted amount is around 250-300mm per year. Although this is a relatively low water requirement that can be applied by means of a dragline irrigation system, the fact that no water can be stored on or actively pumped to the property means that no irrigated agriculture can take place;
- The soil and climatic features recorded is suited to support perennial crop production with active improvement to soil conditions. **However, the size of the area together with the fact that no additional irrigation water is allocated to the property imply that Erf 298 cannot be seen as a sustainable and economically viable agricultural unit.**

In summary, the agricultural land capability study has therefore found that:

- Erf 298 is not a sustainable agricultural unit; and
- Erf 298 is not an economically viable agricultural unit.

The aforementioned is also evident from the fact that no agricultural activities have taken place on the property for at least the preceding 26 years.

5. THE PROPOSAL

5.1 Development Concept

The proposed development (refer to **Figure 6** – to scale at A3 paper size) can be described as a residential estate containing a variety of residential options (with a total of 116 residential opportunities), arranged around a large, central open space as well as other connected open spaces and landscaped areas.

The proposed land uses and layout are informed by *inter alia* planning policies and directives, the residential character of Raithby, the site's topographical characteristics and the surrounding rural environment.

The proposal is aimed at:

- Realising the development potential of this portion of Raithby as reflected in planning directives and policy;
- Efficient utilisation of land, resources and services;
- Providing greater spatial compactness;
- Establishing a safe, efficient and attractive residential environment;
- Providing a mix of residential types;
- Diversifying the market segments that the proposed development will be able to serve;
- Creating an effective relationship between appropriate density, building height and landscaping to respond to the character of a 'rural town' and achieve a positive visual absorption rating;
- Providing a 'transition' in terms of residential topology and density between conventional residential neighbourhoods to the east and south and rural land towards the north;
- Creating a sense of community by providing a centrally located open space, circular access road and clubhouse;
- Providing suitable open space areas and linkages that may accommodate active (e.g. integrated footpath system) and passive functions;
- Utilising views towards rural and agricultural landscapes.

5.2 Proposed Land Uses

5.2.1 Detached Dwellings (Group Housing)

The proposal makes provision for a total of 32 conventional detached dwellings in a group housing format with residential erven ranging from approximately 400m² to 1080m² in extent (average extent of approximately 500m²). It is envisaged that these erven will receive a zoning of *Multi-Unit Residential Zone* (i.e. part of a group housing scheme).

Due consideration has been given to taking advantage of views and optimum orientation, with all erven fronting or backing onto open space or rural areas.

The detached dwellings, representing the lowest residential density type, purposefully forms the interface with rural and agricultural properties located towards the northwest, north and northeast. Further, four detached dwelling erven form the interface with Watson Way to reflect the conventional residential topology along Watson Way further to the east. Two existing dwellings are to be retained and accommodated on two of these erven.

The detached dwellings will be subject to the proposed architectural design guidelines that are attached as **Annexure I** (also refer to subsection 5.4 below).

5.2.2 Semi-Detached / Row Houses (Group Housing)

The proposal makes provision for a total of 30 semi-detached / row houses in a group housing format. These plots are approximately 170m² in extent. It is envisaged that these plots will receive a zoning of *Multi-Unit Residential Zone* (i.e. part of a group housing scheme).

The proposed semi-detached / row houses are positioned towards the south of the watershed, which portion of the property forms an interface with the existing urban development of Raithby.

The final design and layout of the semi-detached / row house units will be managed by a detailed Site Development Plan(s) to be submitted to the Stellenbosch Municipality for approval as a subsequent stage of the application process.

The design of these residential units will be evaluated separately by a design review committee (DRC) as specified in the architectural design guidelines and shall conform to the overall intent of the guidelines in respect of general elements, forms and finishes to the extent that the DRC consider necessary to ensure continuity of the overall visual intent.

5.2.3 Apartments / Flats

The proposal makes provision for a total of 54 apartments, spread over 5 detached, double storey buildings (ground + first floor). It is envisaged that the portions of the site accommodating the apartments will receive a zoning of *Multi-Unit Residential Zone*.

The proposed apartments are positioned in the southern portion of the site, i.e. south of the watershed and closest to existing properties and Watson Way.

Parking is provided as a combination of garages and parking bays. The 54 unit apartment component provides 108 parking/garaging opportunities (i.e. a parking ratio 2 bays/unit).

In the context of providing an apartment component that constitutes appropriate densification in terms of character and scale, the layout and design are directed at:

- Minimising potential massing of buildings –
 - this is achieved by breaking the 54 apartments up into 5 detached buildings, interspersed with open space;
- Minimising potential height of the buildings –
 - this is achieved by only providing double storey buildings, i.e. ground and first floor;
- Minimising the potential visual impact of buildings –
 - this is achieved by minimizing the massing of buildings, minimizing their height, setting the buildings back from existing erven to the south, implementing appropriate architectural treatment (e.g. colour schemes, etc.) and providing screen planting;
- Integrating the buildings with its surrounds –
 - this is achieved by minimizing the massing of buildings, minimizing their height, setting the buildings back from existing erven to the south, implementing appropriate architectural treatment (e.g. colour schemes, etc.) and providing appropriate landscaping and planting.

The final design of the apartments will be managed by a detailed Site Development Plan(s) to be submitted to the Stellenbosch Municipality for approval as a subsequent stage of the application process.

As with the semi-detached / row houses, the design of the apartments will be evaluated separately by a design review committee (DRC) as specified in the architectural design guidelines and shall conform with the overall intent of the guidelines in respect of general elements, forms and finishes to the extent that the DRC consider necessary to ensure continuity of the overall visual intent.

5.2.4 Clubhouse

The proposed clubhouse is located in a central position within the development, fronting onto the centrally located open space forming the 'village green'. The clubhouse will contain communal facilities for utilisation by residents of the development. The clubhouse purposefully forms a focal point at the end of the main internal access road.

5.2.5 Open Space

Excluding the substantial open spaces provided around the apartment buildings and open space to be provided on individual residential erven, the layout provides for approximately 1 ha of open space.

A large open space ('village green') is provided in the centre of the site. This open space is surrounded by conventional detached dwellings, semi-detached / row houses and the proposed clubhouse, contributing to the creation of a sense of community, safety and an attractive living environment.

Linkages to other open space areas are also provided. These linkages will facilitate an integrated footpath system. Two stormwater detention ponds are provided and form an integral design component within the open space system.

5.3 Development Density

The PSDF and SMSDF promote higher densities and more compact settlement footprints. Large residential properties, as found in a number of locations within Raithby, are no longer regarded as sustainable for achieving growth management objectives.

The development concept is directed at providing a mix of residential types (i.e. detached dwellings, semi-detached / row houses and apartments) resulting in a gross residential density of 22 du/ha for the site. However, the proposed layout and position of development components represent a transition in terms of residential topology and density as one moves from the southeast to the northwest across the property.

5.4 Architectural Design

5.4.1 Design Indicators and Responses

- **Rural village identity and relationship to the agricultural context**

The development proposal increases density through creating a self-contained arrangement of scaled housing opportunities linked to one another and sharing defined and contained open spaces to facilitate the creation of a community and identity. The proposal opens up visually to the surrounding agricultural environment and responds as a village, containing a variety of scales within the landscape, embracing the vistas and adjacent uses rather than as a walled encroachment of suburbia into the surrounding agricultural landscape. The proposed design guidelines, through control of the perimeter, walling heights and planting, reinforces this connection and creates an environment which, while controlled and self-contained, recognises and connects with the surrounding agricultural context.

- **Architectural character**

The proposal takes its cues from its location and the traditional colours, forms and arrangements of the winelands. These key elements are (also refer to **Plate 1** below):

Form – The repetition and arrangement of simple pitched forms with gabled ends creating a distinct and homogenous roofscape and an articulation of the surfaces with long sides and short ends.

Roofscape – The roofscape is intended as a series of simple barn like pitched roofs with a narrow colour and texture range creating variety within a defined range. This scale homogeneity of form and colour assists in the potential for the built form to recede into the receiving environment.

Surface articulation – Common to the winelands model of more wall than window, the walls are to be largely solid with any penetrations having a vertical proportion. To reinforce the impression of solidity, large openings or glass areas are shaded or recessed to not be read as a part of the external envelope.

Colour – The proposal stipulates the use of a narrow range of off-white colour to reduce glare while still recognising the development's location within the wider context of the winelands. Relief of any monotony is created through the use of surface texture and shading devices.

Boundary definition and walls – A critical feature of the traditional landscape is the definition of space by low walls rather than the suburban 2m+ perimeter boundary treatment. By allowing the creation of an external security perimeter the proposal allows the owners to retain low werf type walls to define properties where required and creates a more visually permeable environment. This has the benefit of increasing the dominance of greenspace and creating a less claustrophobic streetscape.

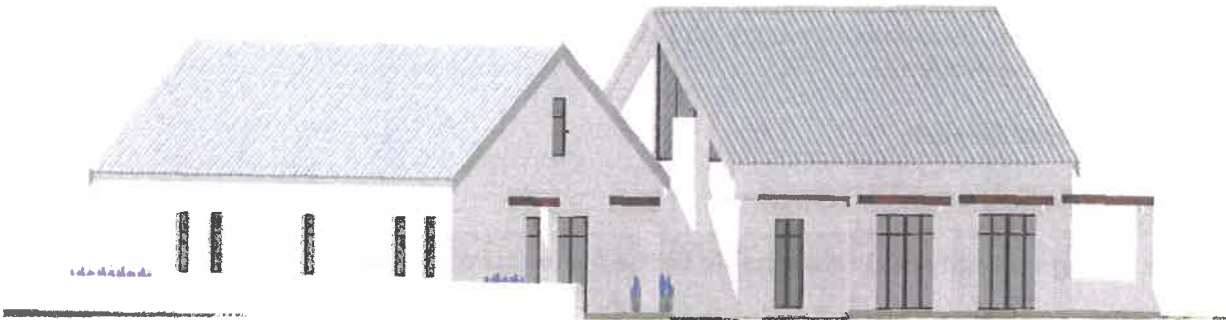


Plate 1: Typical forms, massing and colours possible within the guideline

The proposal controls key elements to create identity through visual continuity, while allowing sufficient latitude to encourage individual expression and variety to prevent the visual stasis of repetition.

- **Placemaking**

On a fine grained scale the proposal creates an environment with a distinct architectural language. The intent is that each building should, while meeting the broad principles, be a unique expression and response to the specific site context, as well as the varying requirements of the people within the community that will occupy the spaces.

Within the larger scale, the proposal is developed to have a respectful character, referencing the historic context through forms, colour and arrangement and seeking to mitigate the extent of building through an arrangement of green spaces and the encouragement of planting as both a visual foreground and a shading device over time.

5.4.2 Architectural Design Guidelines

Architectural design will be controlled in the general interest of the aesthetics of the development and the visual impact of the project as a whole. The proposed architectural design guidelines for the detached dwellings are attached as **Annexure I**. Building materials, finishes and colour schemes, the street and environmental interfaces, as well as the size and composition of buildings will *inter alia* be controlled. This will ensure a distinctive architectural form within the context of a residential/rural setting.

The developer (initially) and thereafter the Home Owners Association and controlling architects, through a DRC will ensure that the architectural design guidelines are complied with during the design and construction phases.

The semi-detached / row houses and apartments shall be evaluated separately by the DRC and shall conform with the overall intent of the guidelines in respect of general elements, forms and finishes to the extent that the DRC consider necessary to ensure continuity of the overall visual intent.

The final design and layout of the semi-detached / row house units and apartments will be managed by detailed Site Development Plans to be submitted to the Stellenbosch Municipality for approval as a subsequent stage of the application process.

5.5 Landscape Concept

5.5.1 Landscaping Philosophy

The overarching landscaping philosophy is one of reference to the rural context and agricultural planting patterns that characterise the farms, werfs and garden settings of the Cape Dutch homesteads of the Cape Winelands. The landscaping approach therefore incorporates elements of avenues, windbreaks and orchard planting as screening mechanisms, with understory planting mimicking meadows and open spaces incorporating elements of formalised gardens within increasing formalisation focused on the central meeting place represented by the clubhouse (refer to **Figure 7** below and **Annexure J**).



Figure 7: Proposed Landscape Concept

Placed against an agricultural background, reference is made to the local context of the rural hamlet of Raithby, which is characterised by established trees providing glimpses of roofs from a distance. This visual landscape is mimicked through a layered system of proposed avenue, orchard and screen planting that incorporates the formalised agricultural pattern into the development as a mechanism to mitigate the potential visual impact of the extension of the settlement. Once matured, the screen planting will integrate and knit the proposed development with the existing landscape character of Raithby.

Internally the landscaping response is proposed as a structured framework of avenue planting along movement networks throughout the development, either as street tree planting or tree sheltered pedestrianised pathways that give access to residences and a series of interconnected passive and active spaces designed for exploring, learning and play. These include a centralised kick-about, small pocket parks with play structures and formal gardens located around the clubhouse. Inclusion of hedges, werrf walls and meadows reflect the agricultural homestead planting elements throughout and serve to define spaces and enhance visual permeability towards open space components.

5.5.2 Landscaping Design Guidelines

In order to ensure the establishment of a quality environment, the management of the interface between the proposed development and existing development, between roads and development, between development and open spaces and between development and rural areas is essential.

Conceptual landscaping proposals include *inter alia* (refer to **Figure 7** above and **Annexure J**):

- Planting along the perimeter of the site to mitigate visual impact and manage the interface with the surrounding environment;

- Linear tree planting at strategic positions within the site to mitigate visual impact;
- Verge planting;
- Hedges and werf walls;
- Pergolas, benches and play equipment;
- Integrated footpath system.

Attention to hard and soft landscaping will be provided. This would be in the form of a Landscape Master Plan and landscape guidelines.

The developer (initially) and thereafter the Home Owners' Association, controlling architects and landscape architects will ensure that the guidelines are complied with during the design, construction and operational phases.

5.6 Access

Watson Way can be classified as a Class 4-road, whilst Wagner Street can be classified as a Class 5-road.

The main access to the development is proposed off Watson Way. To facilitate this access to the proposed development from Watson Way, it is proposed to demolish the south-western dwelling and its outbuildings on Erf 252.

Two entrance lanes (one visitors, one residents) have been provided at the main entrance to the development. The visitor entrance lane will be 4m wide to allow for emergency vehicles to enter/exit the development and the residents' entrance lane will be 3m wide. The main exit lane will be 3m wide. Stacking of $\pm 27m$ has been provided to the edge of Watson Way.

A second, emergency access / exit is provided to Watson Way *via* Erf 290 (portion of road as per the Surveyor General) and Wagner Street to the southeast. This access / exit point corresponds with the position of the "New Road Linkage" to Erf 298 as indicated by the SMSDF.

Existing traffic calming along Watson Way has been addressed by way of speed humps situated to the east and west of the proposed access and the Watson Way/Wagner Street intersection at intervals of 120 to 200m. Surfaced sidewalks exist along both sides of Watson Way in the vicinity of the subject property.

The main access road upon entering the proposed development consists of a 6,0m surfaced width, within a 15m road reserve. Internal streets consist of minimum 5,5m widths (surfaced). The road reserves within which the said streets are accommodated are 10m wide, with localised widening where required. Radii in the vicinity of the residential erven are 8,0m whilst minimum radii in the vicinity of the apartment buildings are 5,0m.

Internal access to the various residential properties is provided *via* a circular road system. Together with the centrally located open space and clubhouse, the circular route assists in creating a sense of community.

Traffic calming within the proposed development is provided *via* (refer to **Figure 7** above and **Annexure J**):

- Raising the internal intersection in front of the clubhouse;
- Providing raised pedestrian crossings;
- Widening the internal street at two positions with a median island.

A refuse room is proposed at the main access before the access control is reached, with accompanying embayment along the northern side of Watson Way (outbound leg of the access intersection) with direct access to the refuse room.

ICE Group undertook a traffic study for the development proposal and proposed access arrangements (refer to **Annexure P** and section 10 below).

5.7 Owners' Association

It is proposed that an Owners' Association be established in terms of the provisions of the Stellenbosch Municipality Land Use Planning By-Law. Each owner of a registered residential immovable property will be a member of the Owners' Association. The proposed Constitution of the Owners' Association is attached as **Annexure K**. The objects of the Owners' Association are *inter alia* to:

- Exercise control over and maintain communal buildings, services and amenities;
- Take ownership of all common property;
- Exercise control over the design guidelines of the buildings and erven in the development;
- Enforce the conditions of approval or management plans as imposed by the Stellenbosch Municipality or other authorities when approving the development.

6. PLANNING PROCESS

6.1 Process

An integrated planning process involving a multi-disciplinary project team has been followed. The proposed development has been informed by this process.

6.2 Alternatives

Alternatives have been considered as part of the planning process. In this regard, it should be noted that '*alternatives*' should constitute '*feasible*' and '*reasonable*' proposals.

Existing planning policies and directives, the site's topographical and biophysical characteristics and its surrounding environment were identified as important components to inform the development that should take place on the site.

Alternative development proposals, differing in the type of land uses and number of residential erven / units, have been generated.

6.2.1 Initial Concept

An initial development proposal was formulated (refer to **Figure 8** below). This initial proposal extends the existing conventional detached residential development format in Raithby, albeit on smaller cadastral properties. The proposal was generated with limited site survey information being available and before scoping was undertaken with the Stellenbosch Municipality. At this stage, Erf 252 did not form part of the site.

The main components of this concept consist of the following:

- A total of 62 conventional detached dwellings (erven ± 500m² in extent);
- A clubhouse in close proximity to the entrance;
- Centrally located open space forming a 'village green';
- Access *via* existing road reserves that connect to Watson Way to the southeast;

- Circular internal access road.

A sense of community is pursued by the centrally located open space, circular access road and clubhouse.



Figure 8: Initial Development Concept

6.2.2 Alternative 1 Development Concept

As more information became available (e.g. detailed site survey, visual baseline study, heritage baseline study, etc.) and initial scoping with authorities took place, the development concept was amended to constitute the following (refer to **Figure 9** below):

- A total of 107 residential units:
 - 30 detached dwellings (properties \pm 400m² - 500m² in extent);
 - 27 town housing erven/units, semi-detached / row houses (properties \pm 170m² in extent);
 - 50 apartment units, spread over 5 detached, double storey buildings (ground + first floor);
- A clubhouse located in a central position;
- Centrally located open space forming a 'village green', connected to other open space areas;
- Integrated footpath system;
- Access *via* existing road reserves that connect to Watson Way to the southeast;
- Internal access roads;
- One internal electrical substation site;
- Provision for centralised refuse collection.

This development concept differs from the initial concept as follows:

- The types of residential erven and units offered were diversified. This assisted in diversifying the market segments that the proposed development will be able to serve;
- The total number of residential units could be increased, thereby promoting densification and more efficient use of resources and land as promoted by the PSDF and SMSDF;
- Stormwater would be retained on site, which stormwater management will form part of an integrated open space system;
- More space for tree planting along the ridgeline / watershed could be created to break up the scale of the built form;
- The inclusion of dedicated planting along the perimeter of the site to mitigate visual impact and manage the interface with the surrounding environment;
- Provision of an integrated footpath system;
- Traffic calming measures (i.e. median islands) were introduced in the two longer, southeast-northwest stretching roads at its highest geographical position (watershed). It was also proposed to introduce tree planting in the centre medians to brake the linear form of the roads and soften the skyline.

At this stage, Erf 252 did not form part of the site.



Figure 9: Alternative 1 Development Concept

6.2.3 Preferred Development Concept

The acquisition of Erf 252 provided an opportunity to provide access to the proposed development directly from Watson Way and increasing the area available for residential development.

The development concept was amended to constitute the following (refer to **Figure 6** above):

- A total of 116 residential units (an increase of 9 residential units):
 - 32 detached dwellings (erven \pm 400m² to 1080m² in extent, average extent of \pm 500m²);
 - 30 semi-detached / row houses (properties \pm 170m² in extent);
 - 54 apartment units, spread over 5 detached, double storey buildings (ground + first floor);
- A clubhouse located in a central position;
- Centrally located open space forming a 'village green', connected to other open space areas;
- Integrated footpath system;
- Main access *via* Watson Way and a secondary, emergency access / exit provided *via* Erf 290 (portion of road) and Wagner Street;
- Internal access roads;
- One internal electrical substation site;
- Provision for refuse collection along Watson Way.

The preferred alternative indicates that the inclusion of Erf 252 has *inter alia* the following advantages:

- Main access obtained directly *via* Watson Way, i.e. traffic removed from lower order residential roads and better exposure and orientation;
- Refuse collection now directly along Watson Way;
- Improved legibility of the road network;
- Improved layout and urban design;
- A centrally located main, internal access road;
- Apartment component now fragmented into two sections (western and eastern);
- A second, emergency access / exit is now possible;
- An increase in the total number of residential units offered (the Stellenbosch municipal area has a huge housing need);
- Simplification of stormwater management within the site and the eventual connection to the existing system along Watson Way.

7. VISUAL IMPACT

Karen Hansen Landscape Architect & Visual Impact Assessments undertook a visual impact assessment (VIA) for the development proposal (refer to **Annexure L**).

The assessment concluded that the proposed development would not detract from the visual qualities of the local landscape and townscape character, either quantitatively or qualitatively.

The assessment includes *inter alia* the following **key findings, proposed mitigation measures, conclusion and recommendation**:

Key Findings:

- The site is located close to the western edge of the village, but there is no sense of a 'gateway' where 'arrival' is experienced.

- Developing a residential estate within and directly adjacent to a residential village should fit in well if the interfaces with adjacent land uses are addressed with care and visual and physical links between the surrounds and the new development are achieved.
- The character of the local landscape and townscape is deemed to be able to accommodate this change, which is the extension of the residential built form.
- The proposed land use is considered to have low sensitivity as there are few properties within the village and also few in outlying areas which would be impacted locally.
- The Preferred and the Alternative 1 layouts scored similarly in their degree of impact. However, the use of Erf 252 to increase the area originally proposed, which was only Erf 298, has not only provided for some more dwelling units, but has also enabled an extended site to provide more space for retention ponds and tree planting.
- The Preferred layout is assessed as integrating well into a village character due to the shared boundary with Watson Way, while the Alternative layout would utilise only Wagner Road.
- Reference to the visual envelope shows that the extent of the potential visual influence of the proposed development over the village and outlying properties on farmland is moderate to low due to shielding by local trees and terrain.
- The proposed development can be easily visually absorbed (visual absorption capacity rating - high).
- The extent of the impact would be local.
- Local visual sensitivity is assessed as low. The existing residential 'neighbours' are sensitive receptors, however these concerns have been addressed under 'Mitigation'.
- The visual impact has been initially rated as moderate eventually reducing to low when mitigation measures would be established. This is due to the location and the nature of the proposed development. The impact would be expected to reduce further when the trees establish.

Proposed Mitigation Measures:

- Environmental management plans (EMPs)
- Built form –
 - Following discussion with all design team members, Planning Partners has developed an appropriate layout, refer to the Preferred Development Concept and the Landscape Concept Plan for all the external works, which illustrates proposals considered very appropriate to mitigate the visual impact.
 - Similarly, Boogertman & Partners has provided a built form design that is considered visually appropriate in the context of this village in its winelands setting.
 - Shielding planting and a maximum of two storied buildings would ensure that receptors in the village and beyond to the east and south would be shielded and the development would appear to be integrated into the village.
 - External massing of the built form is proposed to be of a series of simple elevations to better reflect the semi-rural setting.
 - The rooflines of the proposed development would be eventually broken up as trees became established.
 - Means have been offered to shield the proposed erven facing onto the north and west by providing an edge treatment comprising a 2m perimeter track and a 1.5m wide strip of planting along the boundaries adjacent agricultural land uses to break up the visual impact of the built form.
 - The use of building finishes in a narrow range of off-white colours under simple pitched roofs with gable ends is considered visually appropriate.
 - The use of pergolas on north and west facing elevations would reduce sunlight bounce off windows.
 - Any levels changes, or 'cut and fill' along the site boundaries should be avoided if possible.

- Boundary treatments should be consistent and visually permeable. Fencing in black, Cochrane 'Clear Vu', is proposed; and closer to adjacent built form masonry pillars and vertical metal rails is proposed; walls between houses would be in the 'werf' character.
 - Materials for internal vehicle and pedestrian circulation would be more rural in character, such as can be achieved by neutral coloured interlocking concrete block with exposed aggregate finishes and/or clay pavers.
- Planting –
 - The proposals illustrated in the proposed Landscape Concept Plan show how the proposed planting can provide a significant interface between the new build and the agriculture areas, particularly because there are local trees with which spatial links to new planting could be developed.
 - Design guidelines for residents, with an emphasis on indigenous plants, are recommended.
- Lighting –
 - Security lighting should be designed to respond only to public and private safety, and to reduce light pollution.
 - Illuminating the driveways should be avoided.
- Construction period –
 - The construction period should be kept to a minimum, with due care to local residents and road users. There should be no out-of-normal-hours working due to the proximity of houses.
 - The site vehicle entrance should have adequate traffic control measures, signage and dust control measures.
 - Controls on the location of materials, storage, etc., should be enforced to ensure that they are contained within the actual development area boundaries.
 - No fires to be allowed.
 - No litter and no contaminants to be allowed to enter the environment.
 - Excess materials and all waste to be removed from the construction areas.
 - Finite dates for commencement to completion should be imposed with penalties to ensure that the timeframe is not so open-ended that the visual impact of construction extends unreasonably.
- Operational period –
 - The visual impact during the operational period should be mitigated by: maintenance of the built form, boundary treatments and planting.
 - Design Guidelines: all aspects of the external works should be in compliance.
- Management and monitoring programs –
 - The monitoring program(s) included in the EMP(s) should ensure monitoring compliance with the visual mitigation measures.

Conclusion and Recommendation:

- The proposed development would not in visual terms, detract from the visual qualities of the local landscape and townscape character, either quantitatively or qualitatively.
- It is the finding of this assessment that the Preferred layout, which is a combination of units not exceeding two stories in height, along with open spaces, tree planting, and a physical and spatial connection to Watson Way, would be visually acceptable and could proceed, if the proposed mitigation measures are undertaken. These mitigation measures are desirable as they improve the acceptability of the development and should be included as conditions of authorisation.

8. HERITAGE IMPACT

Cindy Postlethwayt undertook a heritage impact assessment (HIA) for the development proposal (refer to **Annexure M**).

The assessment concluded that there is a reasonable expectation that residential development could be considered on the property as a whole and with mitigation as proposed, the proposed development is found to be generally acceptable.

The assessment includes *inter alia* the following **key findings, proposed mitigation measures, conclusion and recommendation**:

Key Findings:

- Erven 298 and 252 never formed part of the Mission Station but was privately held land immediately adjoining the Mission Station landholdings.
- Very little remains of the vernacular mission station architecture and most properties have been substantially altered with no reference to historical origins.
- The cross-section of Watson Way is wide and, together with low density development, creates a distinct lack of intimacy and coherence in the streetscape.
- The village is well treed.
- The landscape character of the development site is rural/peripheral residential in character.
- This site is deemed to possess limited visual value, which is derived from its rural character.
- The landscape around Raithby is a modest agricultural landscape across a gently rolling rural landscape, with none of the visual drama of the agricultural landscapes at the foothills of the Helderberg and Stellenbosch mountain ranges.
- Grading of heritage significance –
 - In terms of the Stellenbosch Heritage Inventory Management Plan (SHI), Raithby is situated in a broader landscape of proposed Grade IIIB significance. Raithby is an historic mission settlement, a portion of which is proposed as a Conservation Area, Grade IIIA.
 - The Site: proposed Grade IIIC
 - The site straddles an area not deemed conservation worthy. The site has no intrinsic significance nor historical associations and has not formed part of the Raithby Mission Station. It has limited visual value. However, by virtue of its rural character and its elevation, and with a ridgeline crossing the site, it forms both a contextual backdrop to Raithby and separates it from the rural area behind and to the north of the village.
 - Raithby historic area – proposed Grade IIIA (SHI)
 - The village retains distinct and legible elements of its mission town layout, especially in its garden plots to the river and linear development. However, more particularly it has significant social/historical associations with slavery.
 - Surrounding landscape – proposed Grade IIIB (SHI)
 - It is a largely unspoilt, relatively isolated rural area, although not, it is contended by the HIA, especially vivid or significant in visual or cultural landscape aspects.
- The site is situated wholly within the urban edge and similarly is indicated in the SMSDF as available for urban development (Mixed Use Community and Residential Infill).
- There is a reasonable expectation that residential development could be considered on the property as a whole.
- Heritage indicators, which should guide development of the site, are as follows –
 - Inclusivity
 - Protection of existing mission settlement morphology
 - Limiting intrusion in the agricultural landscape
 - Retention of rural village qualities

- Preferred Alternative:
 - The proposed development is residential in character but differs from other new estate development in the area in that it offers a variety of cost and lifestyle opportunities, from apartments to town houses to small single residential opportunities. It is assumed this will facilitate a mixed income profile more in keeping with the existing community rather than attracting only high income residents from outside the community.
 - The current population in Raithby does not provide the thresholds to support higher levels of business uses. The village is also functionally isolated. Increasing the number of residents in the settlement will support local businesses and may generate opportunities for new businesses and services.
 - There is no direct impact upon the existing historic settlement structure.
 - Reference to the Visual Envelope shows that the extent of the potential visual influence of the proposed works over the village and outlying properties on farmland is *moderate to low* due to shielding by local trees and terrain. The visual nature of the landscape would be altered within the zone of visual influence of the proposed development to a degree rated as *medium*. However, the VIA concludes that overall the proposed land use is considered to have *low* sensitivity as there are few properties within the village and also few in outlying areas which would be impacted locally.
 - The proposed property sizes are smaller than the freehold properties in the village, although a concept figure ground does illustrate that the built form is unlikely to be substantially out of keeping with that existing. Lower densities would result in a more suburban form which is not desirable in a small village.
 - Ultimately, the proposal is for a residential development within a mainly residential village and given the limited visual impacts, could blend in with care and be *moderately appropriate* provided the interfaces with adjacent land uses are addressed with care. With mitigation, the development impact could be viewed as *moderate-low*.
- No Go Alternative:
 - Refusal of this application is unlikely to revert the land to agricultural use and it will remain fallow. This cannot be desirable in the long term and thus whilst the immediate impact of the No Go Alternative against all heritage indicators, including the intensity of visual impact upon the local landscape will be *low*, the longer term impacts are likely to be *negative*.
 - Retention of the status quo on this site is likely to be undesirable in the longer term.

Proposed Mitigation Measures:

- Many of the suggested mitigation measures raised during design development have been incorporated into the Preferred Alternative layout, the Design Guidelines and the Landscape Concept Plan and approval of the development should be linked to these proposals. They include –
 - Design Guidelines that are not too prescriptive and therefore allow for a degree of variation in the built form, which will improve the integration with the existing village.
 - External massing of the built form is encouraged to be a series of simple elevations under simple pitched roofs with gable ends to better reflect the semi-rural setting of this development.
 - Shielding planting at the perimeter, dense internal tree planting and a maximum of two storied buildings ensure that receptors in the village and beyond to the east and south would be shielded and the development would appear to be integrated into the village.
 - Several homesteads to the north and west would have a view of the proposed development, but it would be a foreshortened view. The rooflines of the proposed development would be eventually broken up as trees in the open spaces become established. The width of the planted buffer along the perimeter will also break up the visual impact of the built form.
 - Internal walls are in the 'werf' character.
 - Residential driveway materials are to be clay brick pavers, exposed aggregate surface beds with a brown aggregate or a combination of these two materials in patterns.

- Exposed granite interlocking pavers are to be used for the internal road finish, providing a more rural finish.
- Perimeter boundary treatments propose Cochrane 'Clear Vu' where the property borders the rural surrounds and a solid wall where bordering existing residential erven.
- Levels changes or 'cut and fill' along the site boundaries should be avoided if possible.

Conclusion and Recommendation:

- With mitigation, the overall impact of the Preferred Alternative upon heritage resources will be visually acceptable and moderate-low. This may reduce to low when the trees are established.
- There may be sustainable, long term positive benefits for the local economy, which outweigh any negative impacts upon heritage resources.
- On the basis of this assessment, it is recommended that, in terms of section 38(8) of the NHRA, HWC support the proposed development and allow the development to proceed to the next phase, provided –
 - The development is substantially in accordance with the layout described in this report as the Preferred Alternative; and the associated Landscape Concept Plan; and Newlands Estate Design Guidelines.
 - The mitigation measures are implemented in full in all important respects.

9. ENGINEERING SERVICES

9.1 Civil Engineering

An assessment of civil engineering services has been carried out by EKCON Engineers (refer to **Annexure N**). The report concludes that the proposed development can be adequately serviced. Pertinent aspects of the report are highlighted below.

9.1.1 Water

The total Annual Average Daily Water Demand (AADD) and instantaneous (peak) flow from the development were calculated as 58,5 kl/day with a peak demand of 8,13 l/s.

In terms of the report provided by GLS Consulting, the master planning indicates that this development should be accommodated in the Raithby reservoir water distribution zone. The existing Raithby reservoir currently has insufficient storage capacity (24 hours of the AADD of the reservoir supply zone) to supply Raithby and the proposed development. However, Stellenbosch Municipality has also acquired additional capacity from the Faure service reservoir from City of Cape Town, which will be sufficient to accommodate the proposed development along with other future developments within the settlement.

The only master plan item to be implemented by the developer is SRW 1.8 (128m of 110mm diameter new water pipe) to bring the supply water point to the development.

Internally, the proposed development will be provided with 110mmØ class 16 water mains. Single residential erven will be provided with individual meters and a single bulk meter will be provided for the apartments/flats.

The development will be provided with water saving/reducing devices such as dual flush toilet cisterns, reduced toilet cistern volume and low flow showerheads.

External fire hydrants are expected to be provided in terms of SANS 0400. Flow of 20l/s at 3bar pressure is required for the operation of these hydrants.

9.1.2 Sewerage

The Peak Day Dry Weather Flow (PDDWF) for the proposed development was calculated as 41,0 kl/day.

The development falls within the existing Raithby drainage area. The report from GLS Consulting indicates the proposed connection through Erf 255 on the south-western corner of the site, however EKCON Engineers propose to connect through Erf 252 to the sewer along Watson Way. The existing sewer network has sufficient capacity to accommodate the proposed development.

The internal sewer network will be a water borne gravity sanitation system. Main sewer lines will be 160mmØ uPVC pipes (Class 34) with 110mmØ building connections.

At the meeting held with municipal officials it was noted that there might be capacity problems at the Raithby Waste Water Treatment Plant (the plant has an existing treatment capacity of 150 kl/day) to accept the additional flow from the proposed development and that some upgrading might be required and could potentially be funded from development contributions.

Subsequent to the above meeting, EKCON Engineers have had extensive dealings with Stellenbosch Municipality and Becon Watertech (the installers of the existing plant) regarding the current capacity and proposed upgrade. The proposal is to expand the existing treatment plant with 5 additional rotating biological contactors, bringing the total treatment capacity at the plant to 300 kl/day. An additional secondary settling chamber will also have to be provided and the last section of 150m pipe must be upgraded including the flow meter.

The anticipated daily sewerage flow of 41,0 kl/day for the development is dealt with sufficiently with the additional capacity of 150 kl/day generated by the proposed upgrade, with additional spare capacity provided.

9.1.3 Stormwater

The site is divided into two sub-catchments with a watershed running in an east-west direction through the property. For ease of reference, reference is made below to the 'northern' and 'southern' catchment.

Northern catchment:

The northern catchment is approximately 17 350m² in extent. The predevelopment run-off was calculated as follows:

Return Period (Years), T	2	5	10	20	50	100
Peak Flow (m ³ /s), QT=CTITA/3.6	0,025	0,037	0,048	0,065	0,105	0,202

The post development run-off was calculated as follows:

Return Period (Years), T	2	5	10	20	50	100
Peak Flow (m ³ /s), QT=CTITA/3.6	0,087	0,125	0,151	0,217	0,263	0,352

A stormwater attenuation pond is proposed at the approximate mid-point of the northern boundary to create a visual focal point for the development. The depth of the pond will be lowered sufficiently to accept water from the north-western corner of the site, which is the lowest point. A surface channel will be created along the inside of the boundary to direct the run-off from the most northern row of erven into the attenuation pond.

The attenuation pond will attenuate the peak flows to the pre-development run-off. The outlet structure of the pond will be designed such that this will mimic the pre-development flows. The attenuation volume required is 86m³. The top water level is estimated to be around 76,50m with a permanent water level (overflow level) of around 75,50m. The permanent water depth will be around 74,5m (minimum of 1m deep).

From the pond outlet structure an underground pipe will be laid to convey the stormwater towards the lower attenuation pond proposed at the entrance to the development in the southern catchment (storms in excess of a 1:50 year storm event).

Southern catchment:

The southern catchment is approximately 33 440m² in extent. The predevelopment run-off was calculated as follows:

Return Period (Years), T	2	5	10	20	50	100
Peak Flow (m ³ /s), QT=CTITA/3.6	0,047	0,070	0,092	0,117	0,172	0,236

The post development run-off was calculated as follows:

Return Period (Years), T	2	5	10	20	50	100
Peak Flow (m ³ /s), QT=CTITA/3.6	0,251	0,324	0,387	0,430	0,512	0,580

A stormwater attenuation pond is proposed next to the main entrance to the development. All stormwater will be directed and discharged into the pond by means of underground pipes (minor system) and overland via road surfaces (major system).

The attenuation pond will attenuate the peak flows to the pre-development run-off. The outlet structure of the pond will be designed such that this will mimic the pre-development flows. From the pond outlet structure an underground pipe will be laid to connect to the existing stormwater pipe along Watson Way. The municipal system discharges into a natural stream located just south of Watson Way.

The predevelopment flow from the northern catchment will be discharged, and flow through the main attenuation pond. The total attenuation volume required is 285m³.

The attenuation pond is proposed as a dry pond with a top water level of around 71,25m (1:50 year recurrence interval level) and invert level of 69,0m.

The pond will be provided with an emergency spill way, which will discharge onto the road surface into Watson Way in a major storm event in excess of the 1:50 year recurrence interval or in the unlikely event that the stormwater outlet pipe gets blocked.

9.1.4 Refuse

A refuse room is proposed at the main access before the access control is reached, with accompanying embayment along the northern side of Watson Way (outbound leg of the access intersection) with direct access to the refuse room.

9.2 Electrical Engineering

An assessment of electrical engineering services has been carried out by De Villiers & Moore (refer to **Annexure O**). The report concludes that the proposed development can be adequately serviced. Pertinent aspects of the report are highlighted below.

Eskom is the supply authority in the area and the existing 11kV overhead lines belong to Eskom.

The after diversity maximum demand of the proposed development has been estimated to be 482kVA.

The existing 11kV overhead lines in the immediate vicinity of the development will not be able to be used due to the fact that the tying in onto the overhead lines will require traversing private property as well as wetlands. The routes also have extensive trees along the way.

In order to supply the proposed development, the following bulk service upgrading will be required:

- 11kV Distribution Cabling –
 - The point of supply to the proposed development will be transformer point F48A7174 from where a new 185mm² x 3c (Al) 11kV XLPE cable will be required to be laid along the road reserve to the development. In this way the property will be integrated into the existing network in the area.
 - The pole mounted transformer at point F48A7174 will be replaced with a new Type B 315kVA 11000/400V mini-substation complete with SF6 ring main unit.
 - The existing 95mm² x 3c (Cu) 11kV PILC cable will be terminated to the one isolator switch on the ring main unit.
 - The new 185mm² x 3c (Al) 11kV XLPE cable will be terminated to the other isolator and laid in the road reserve to the development, a distance of approximately 700m.
 - The existing overhead line currently feeding transformer point F48A7174 will be removed once the above-mentioned infrastructure is in place.
 - The development's internal ring feed will be a 185mm² x 3c (Al) 11kV XLPE cable to match the incomer and will supply mini-substations situated at identified load centres within the development.
 - All the above-mentioned work will be for the account of the developer.
- Metering –
 - Metering will be done on a per erf basis.

The impact of supplying the proposed electrical services can be summarised as follows:

- Impact on Existing Electricity Consumers –
 - The development will have no detrimental effect on the quality of supply to existing consumers due to the fact that the development will be supplied by its own substations, which in turn will be supplied from a completely upgraded 11kV system of adequate capacity from the new point of supply, namely transformer point F48A7174.
- Impact on Distribution Authority's Operating Costs –
 - The development will have no negative effect on the electrical costs of the distribution authority due to the fact that the complete electrical infrastructure required for the development will be supplied and installed by the developer.

- Impact on the Environment –

- The proposed network will improve supply to the area due to the replacement of a length of the existing overhead power line with an underground cable.
- The external and internal electrical distribution network will be designed to blend in with the development as a whole as well as the surrounding environment. Services will be located within the road reserves to prevent additional disturbances.
- The internal electrical infrastructure design will take into account energy saving technologies, which may include load control, the use of energy efficient lighting and the use of alternative means of water heating.

10. TRAFFIC IMPACT

ICE Group undertook a traffic study for the development proposal (refer to **Annexure P**). The assessment includes *inter alia* the following **key findings, conclusions and recommendations**:

- The proposed development has the potential to generate 108 peak hour trips (27 in, 81 out during the AM peak hour and 75 in, 33 out during the PM peak hour);
- Traffic calming exists along Watson Way in the form of speed humps in the vicinity of the subject property;
- Based on the traffic analyses, dedicated turning lanes are not required along Watson Way at the access-intersection. However, according to the warrants as per the Road Access Guidelines of the Western Cape Government, a dedicated right-turn lane might be required along Watson Way at the said intersection, but it is recommended that a dedicated right-turn lane rather be provided along Winery Road at the eastern access to Raithby and that the said upgrade be implemented by way of development contributions payable and/or additional funding by the roads authorities;
- The security controlled access will consist of two lanes in (3,0m and 4,0m in width) and one lane out (3,0m wide) which will be able to accommodate emergency vehicles as well (4,0m horizontal clearance required) and that available stacking between the proposed security controls and the edge of Watson Way is ± 27 metres, which is considered sufficient for the proposed development;
- The internal streets consist of minimum 5,5m surfaced widths and minimum 5,0m radii, which should be sufficient for the proposed residential development;
- It could be considered providing raised pedestrian crossings at positions in line with the open spaces to provide traffic calming along the internal streets;
- A refuse room is provided at the access, with accompanying embayment for refuse vehicles along Watson Way (outbound leg at the access-intersection);
- Sufficient parking will be provided, with additional parking bays to the outside of the security controlled access. The dimensions of parking provided are considered sufficient;
- Surfaced sidewalks exist along both sides of Watson Way in the vicinity of the subject property;
- The refuse embayment provided at the access could be used for public transport purposes if required;
- It is not considered necessary to provide additional formal public- or non-motorised transport facilities as result of the proposed development;
- The traffic study is in support of an application for rezoning and subdivision of Erven 298 and 252.

11. PROPOSED CONSOLIDATION

It is proposed to consolidate Erven 298 and 252, Raithby to form one consolidated site for Newlands Estate, as facilitated by Section 15(2)(e) of the Stellenbosch Municipal Land Use Planning By-Law.

The incorporation of Erf 252 into the development site facilitates the following:

- Main access obtained directly via Watson Way, i.e. traffic removed from lower order residential roads and better exposure and orientation;
- Refuse collection now directly along Watson Way;
- Improved legibility of the road network;
- Improved layout and urban design;
- A centrally located main, internal access road;
- Apartment component now fragmented into two sections (western and eastern);
- An increase in the total number of residential units offered (the Stellenbosch municipal area has a huge housing need);
- Simplification of stormwater management within the site and the eventual connection to the existing system along Watson Way.

12. PROPOSED REZONING

As Erven 252 and 298 is currently zoned *Agriculture and Rural Zone*, the consolidated property needs to be rezoned to an appropriate zoning to facilitate its development for residential purposes. It is therefore proposed to rezone the consolidated property (consolidation of Erven 298 and 252, Raithby) from *Agriculture and Rural Zone* to *Multi-Unit Residential Zone* for the purposes of group housing and flats, as facilitated by Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law.

13. PROPOSED SUBDIVISION

It is proposed to subdivide the consolidated property (consolidation of Erven 298 and 252, Raithby) for the purposes of 70 group housing erven (32 detached dwellings, 30 semi-detached / row houses, 1 electrical substation, 5 private open space and 2 private road portions) and 2 flats erven, as facilitated by Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law.

Please refer to **Figure 10** below (to scale at A3 paper size) for the proposed Plan of Subdivision for the consolidated property. The proposed subdivision has been guided by the development concept (**Figure 6** above). **Table 2** below provides the schedule of the subdivision.

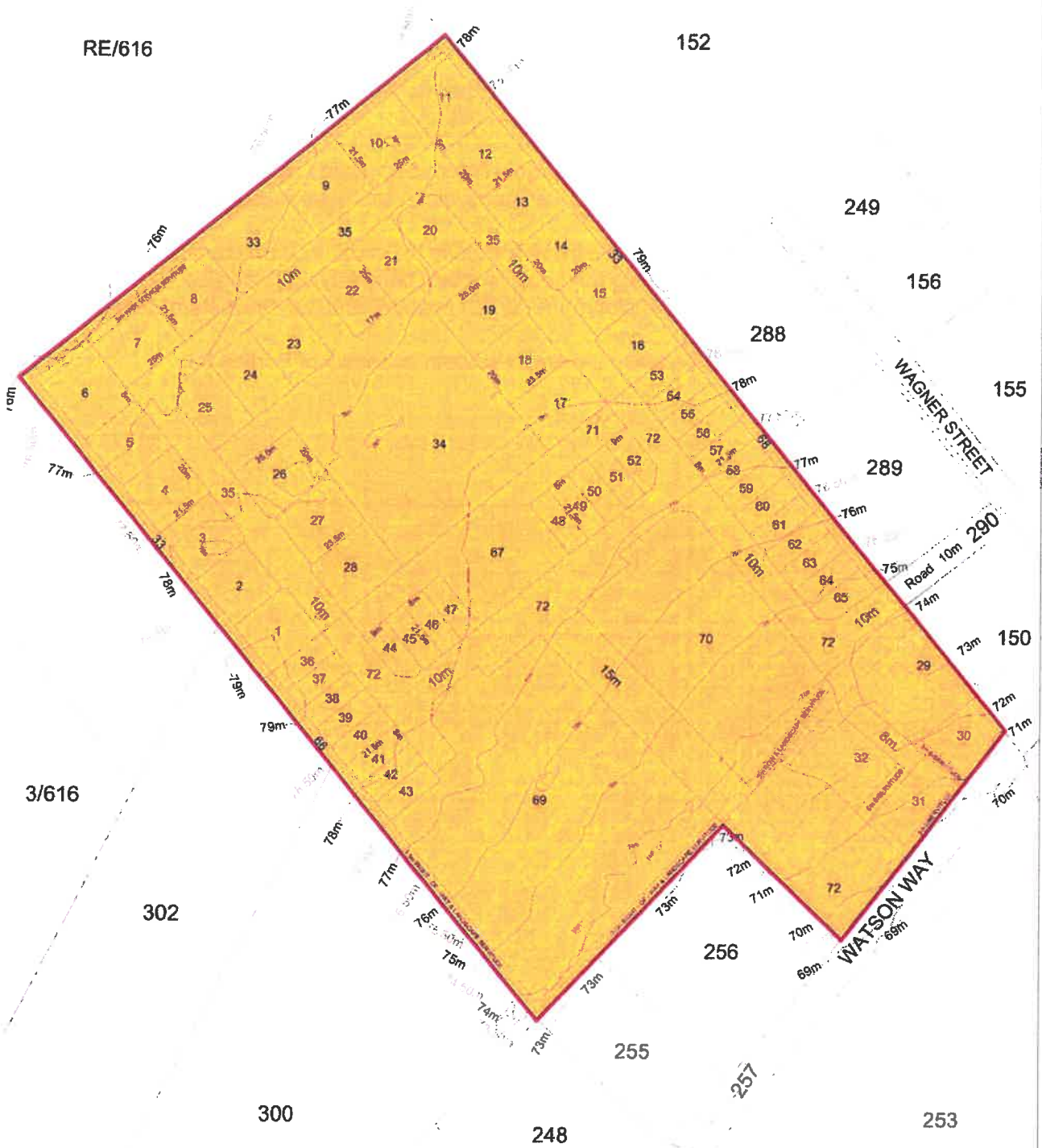
Table 2: Schedule of Subdivision of Consolidated Property

Portion No.	Zoning	Land Use	No. of Portions	Approx. Area (ha)	% of Area
1 - 32	Multi-Unit Residential Zone	group housing (detached dwellings)	32	1,61	31
33, 34	Multi-Unit Residential Zone	group housing (private open space)	2	0,73	14
35	Multi-Unit Residential Zone	group housing (private road)	1	0,33	6
36 - 65	Multi-Unit Residential Zone	group housing (semi-detached / row houses)	30	0,52	10
66 - 68	Multi-Unit Residential Zone	group housing (private open space, clubhouse)	3	0,25	5
69, 70	Multi-Unit Residential Zone	apartments / flats	2	1,13	21

71	Multi-Unit Residential Zone	group housing (electrical substation)	1	0,002	-
72	Multi-Unit Residential Zone	group housing (private road, gatehouse, refuse room, private open space)	1	0,69	13
Total			72	5,26	100

The development proposal requires that the following servitudes be created in favour of the Owners' Association, as indicated on the proposed plan of subdivision:

- 3,0m wide services servitude along the north-western boundaries of Portions 6, 7 and 8;
- 3,5m wide right-of-way and landscape servitude along the south-eastern and south-western boundaries of Portion 69;
- 3,0m wide right-of-way and landscape servitude along the south-eastern boundary of Portion 70;
- 3,0m wide services servitude along the south-western boundary of Portion 30;
- 3,0m wide services servitude along the south-eastern and south-western boundaries of Portion 31;
- 5,0m wide services servitude along the south-eastern boundary of Portion 32.



COLOR CODE	PORTION NUMBERS	ZONING	LAND USE	NO. OF PTKS	AREA (ha)	% OF AREA
	1 - 32	MULTI-UNIT RESIDENTIAL ZONE	GROUP HOUSING (Detached Dwellings)	32	1,61	31
	33, 34	MULTI-UNIT RESIDENTIAL ZONE	GROUP HOUSING (Private Open Space)	2	0,73	14
	35	MULTI-UNIT RESIDENTIAL ZONE	GROUP HOUSING (Private Road)	1	0,23	5
	36 - 65	MULTI-UNIT RESIDENTIAL ZONE	GROUP HOUSING (Semi-detached/Row Houses)	30	0,92	10
	66 - 69	MULTI-UNIT RESIDENTIAL ZONE	GROUP HOUSING (Private Open Space, Cuckoo-house)	3	0,26	5
	69, 70	MULTI-UNIT RESIDENTIAL ZONE	APARTMENTS/FLATS	2	1,13	21
	71	MULTI-UNIT RESIDENTIAL ZONE	GROUP HOUSING (Electrical Substation)	1	0,082	—
	72	MULTI-UNIT RESIDENTIAL ZONE	GROUP HOUSING (Private Road, Carthouse, Refuse Room, Private Open Space)	1	0,69	13
			TOTAL	72	5,25	100

CONSOLIDATED PROPERTY
(Consolidation of Erven 298 and 252 Raithby)

EXISTING BUILDINGS

NOTES:

- ALL AREAS AND DIMENSIONS ARE APPROXIMATE
- ALL CADASTRAL INFORMATION TO BE CONFIRMED BY A REGISTERED LAND SURVEYOR
- SITE SURVEY: FRIEDLANDER, BURGER & VOLKMAN 28 APRIL 2018, 30 NOVEMBER 2018 & DECEMBER 2019
- CONTOUR INTERVALS: 0,8m

ERVEN 298 & 252, RAITHBY

PROPOSED PLAN OF SUBDIVISION OF CONSOLIDATED PROPERTY

SCALE 1:1250

JOB No. 4387 MARCH 2020

PLANNING PARTNERS

Figure 10

14. PROPOSED DEPARTURES

The following common boundary building line departures relating to the flats / apartments are applied for, as facilitated by Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law (refer to **Figure 11**):

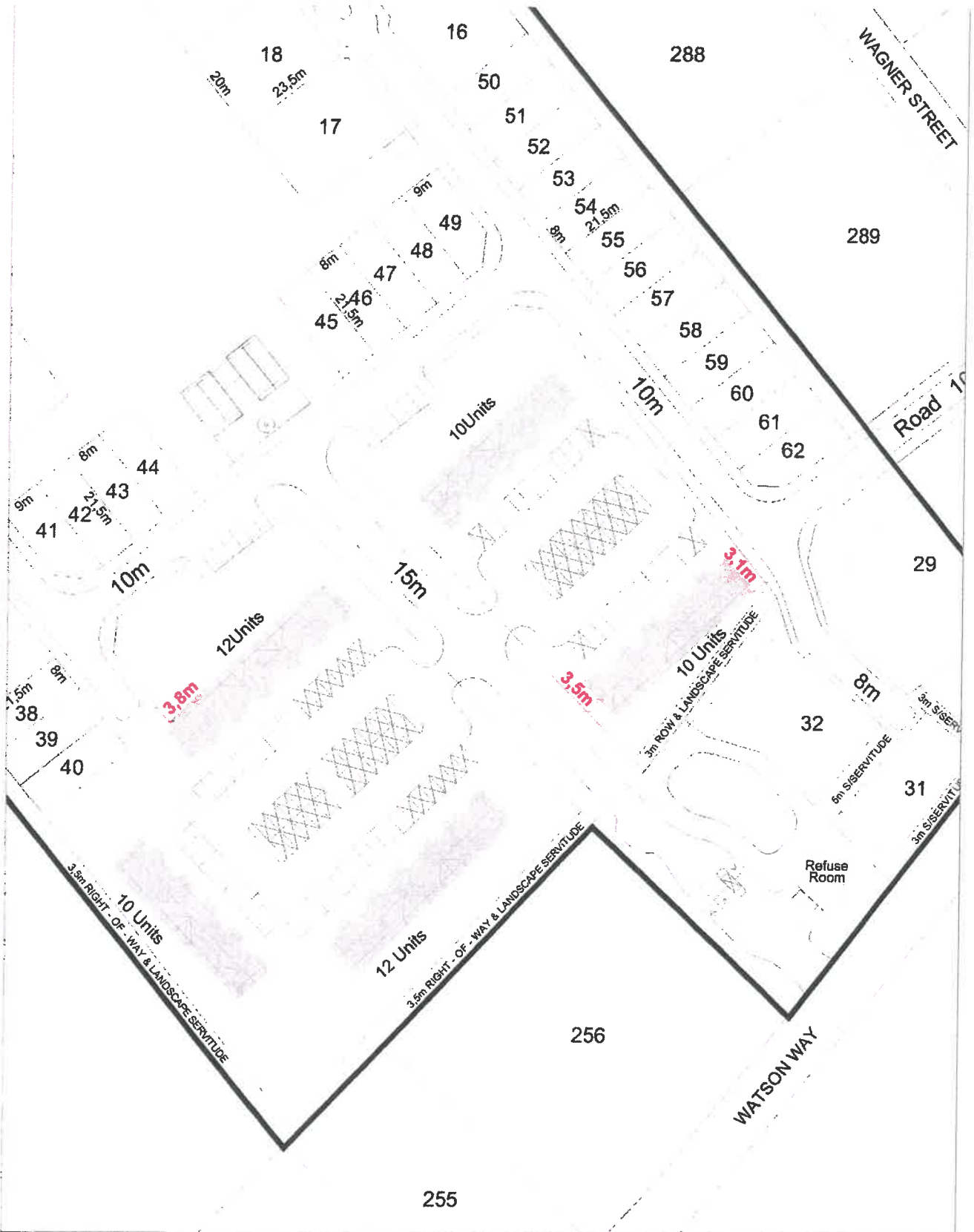
- A departure from Section 83(2) of the Stellenbosch Municipality: Zoning Scheme By-Law, 2019 to permit a ground floor common boundary building line of 3,8m in lieu of 4,5m at the north-western internal common boundary of Portion 69;
- A departure from Section 83(2) of the Stellenbosch Municipality: Zoning Scheme By-Law, 2019 to permit a first floor common boundary building line of 3,8m in lieu of 4,5m at the north-western internal common boundary of Portion 69;
- A departure from Section 83(2) of the Stellenbosch Municipality: Zoning Scheme By-Law, 2019 to permit a ground floor common boundary building line of 3,5m in lieu of 4,5m at the south-western internal common boundary of Portion 70;
- A departure from Section 83(2) of the Stellenbosch Municipality: Zoning Scheme By-Law, 2019 to permit a first floor common boundary building line of 3,5m in lieu of 4,5m at the south-western internal common boundary of Portion 70;
- A departure from Section 83(2) of the Stellenbosch Municipality: Zoning Scheme By-Law, 2019 to permit a ground floor common boundary building line of 3,1m in lieu of 4,5m at the south-eastern internal common boundary of Portion 70;
- A departure from Section 83(2) of the Stellenbosch Municipality: Zoning Scheme By-Law, 2019 to permit a first floor common boundary building line of 3,1m in lieu of 4,5m at the south-eastern internal common boundary of Portion 70.

Building lines are mainly applied to achieve the following objectives:

- Adequate *air* provision;
- Adequate *light* provision;
- *Safety*; and
- *Privacy*.

The following should be noted regarding the proposed common boundary building line departures:

- All the proposed common boundary building line departures are internal to the proposed development;
- The boundaries along the perimeter of Newlands Estate, i.e. adjacent common property boundaries, are not affected;
- The proposed development has been designed as an integrated scheme, subject to strict urban form and guidelines;
- All the affected common boundaries form an interface with the internal private road system. None of the proposed departures adjoins properties that contain residential units;
- The proposed apartment / flat buildings are only double storey structures (i.e. ground and 1st floor);
- The built form will not be overbearing;
- The allowable coverage as prescribed by the zoning scheme regulations is not being exceeded with the implementation of the proposed building line departures. The potential massing of the buildings is therefore not increased by the proposed departures;
- Landscaping (e.g. vegetation planting) will be implemented on the affected common boundaries;
- All properties will be provided with adequate *air*, *light*, *safety* and *privacy*;
- Neither the general public nor the Stellenbosch Municipality will be adversely affected by these departures.



THE SITE

ERVEN 298 & 252, RAITHBY STELLENBOSCH

PROPOSED BUILDING LINE DEPARTURES



SCALE 1:1000

JOB No. 4387 MARCH 2020

PLANNING PARTNERS



Figure 11

15. PROPOSED PHASING

It is proposed to implement the development in 6 phases (Phases A - F). The proposed phasing is illustrated in **Figure 12** below and **Table 3**.

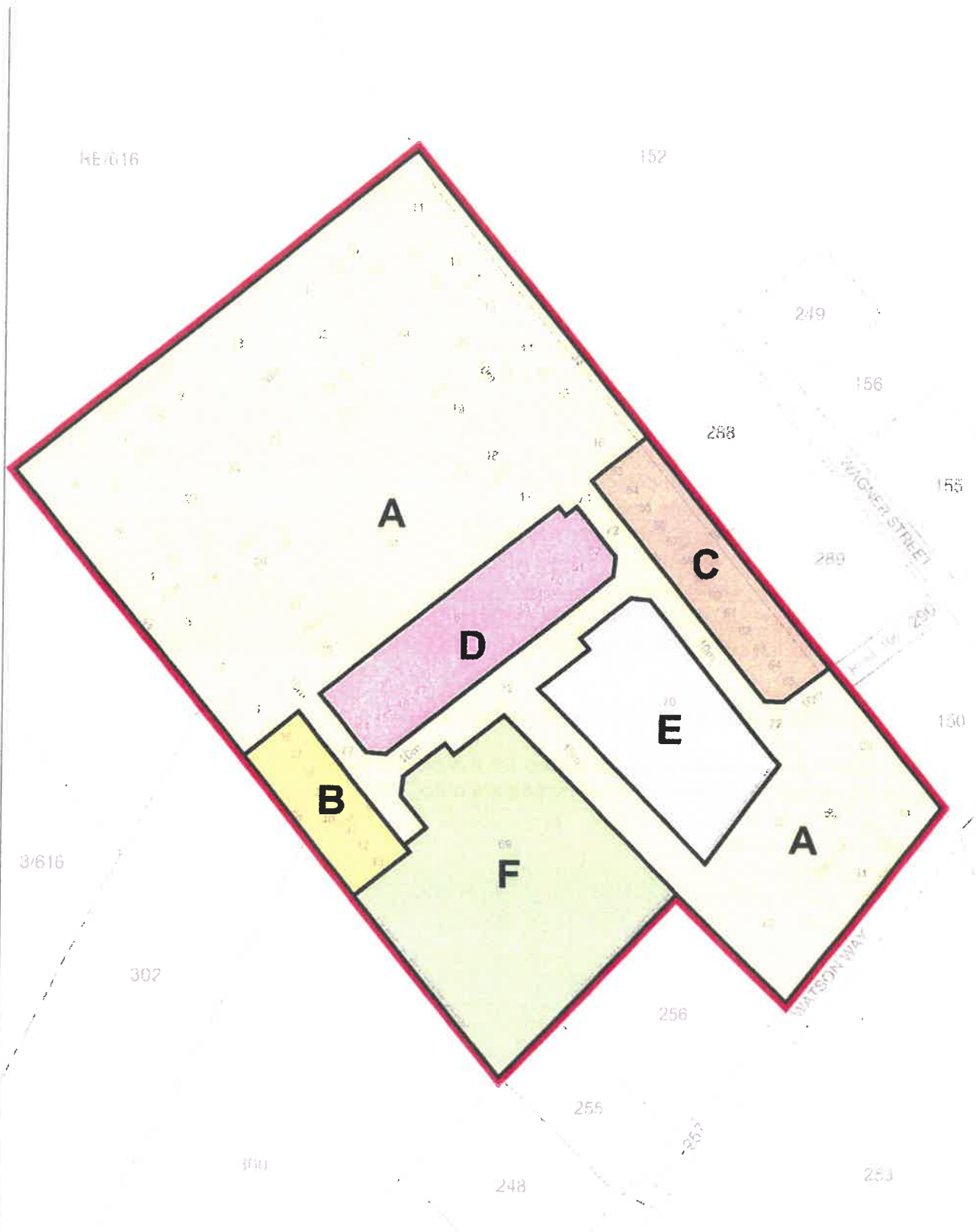
Table 3: Proposed Phasing


Phase	Components
A	<ul style="list-style-type: none"> • entrance road • entrance infrastructure • refuse room • all internal access roads • 1 electrical substation • 2 stormwater retention dams • 32 detached dwelling erven • 2 private open spaces
B	<ul style="list-style-type: none"> • 8 semi-detached / row houses • 1 private open space
C	<ul style="list-style-type: none"> • 13 semi-detached / row houses • 1 private open space
D	<ul style="list-style-type: none"> • 9 semi-detached / row houses • 1 private open space • clubhouse
E	<ul style="list-style-type: none"> • 20 apartments / flats with associated circulation route, garaging and parking
F	<ul style="list-style-type: none"> • 34 apartments / flats with associated circulation route, garaging and parking


16. PROPOSED STREET NAMES AND NUMBERING

Street names and numbering are proposed for the private roads within the development (refer to **Figure 13** below). The following street names are proposed:

- Newlands Avenue;
- Park Avenue;
- Mountain View Drive;
- Link Road.



 **CONSOLIDATED PROPERTY**
(Consolidation of Erven 298 and 252
Raithby)

 **PHASING**

**ERVEN 298 & 252, RAITHBY
STELLENBOSCH**

PROPOSED PHASING


SCALE 1:1250
JOB No. 4387
MARCH 2020



Figure 12



CONSOLIDATED PROPERTY
(Consolidation of Erven 298 and 252
Raithby)

31 SUBDIVISION / PORTION
NUMBERS

15 STREET NUMBERING

ERVEN 298 & 252, RAITHBY

**PROPOSED STREET NAMES
AND NUMBERING**


SCALE 1:1250

JOB No. 4387
MARCH 2020

PLANNING
PARTNERS



Figure 13

17. OTHER STATUTORY REQUIREMENTS

There are several statutes that influence the use of this land. A number of applications, directed to various authorities, are required. These can to some extent run in parallel, although some cannot be finalised until specific prior steps have been taken.

17.1 Advertising on Roads and Ribbon Development Act, 1940

As Erf 252 is subject to the provisions of this Act, the consent from the relevant Roads Authority will need to be sought in terms of this Act.

17.2 National Environmental Management Act, 1998

The regulations promulgated under the National Environmental Management Act (NEMA) contain a number of listed activities for which environmental authorisation is required from the DEA&DP in order to undertake such an activity.

A Basic Assessment application process is being undertaken by an independent environmental consultant, being Messrs Doug Jeffery Environmental Consultants, in terms of the provisions of NEMA in furtherance of an Environmental Authorisation from the Department.

17.3 National Heritage Resources Act, 1999

The National Heritage Resources Act (NHRA) makes provision for heritage assessments under Section 38. The Act also contains a number of listed activities for which an application to undertake such an activity must be made. The environmental assessment process in terms of NEMA mentioned above is recognised by the NHRA. Submission in terms of the provisions of the NHRA will also be made to HWC.

17.4 Subdivision of Agricultural Land Act, 1970

Where agricultural land as defined by the Subdivision of Agricultural Land Act (SALA) is to be subdivided, approval is required from the National Minister of Agriculture in terms of the provisions of the SALA. Although the erven are located within the urban edge and are part of the Raithby township, as the erven are still zoned *Agriculture and Rural Zone*, the provisions of this Act apply. Submission in terms of the provisions of the SALA will be made to the Department of Agriculture, Forestry and Fisheries.

18. CONCLUSION

Planning Partners has been appointed by Annandale Road Properties (Pty) Ltd, the owner of Erven 252 and 298 Raithby, to apply for the establishment of a residential development on the property.

An integrated planning process involving a multi-disciplinary project team has been undertaken. The proposed development has been informed by this process.

The proposed land uses and layout are informed by *inter alia* planning policies and directives, the residential character of Raithby, the site's topographical characteristics and the surrounding rural environment.

The proposed development can be described as a residential estate containing a variety of residential options, arranged around a large, central open space as well as other connected open spaces and landscaped areas.

In conclusion, the following should be noted in support of the composite application:

- The demand for housing within the Stellenbosch Municipal area is increasing faster than housing provision. The Stellenbosch municipal area has an estimated shortage of around 25 000 housing units. This need includes all socio-economic groups. The current housing stock in the municipal area would need to be doubled to meet this demand. Raithby has a modest, but valuable local role to play in addressing this need;
- Erven 252 and 298 were included in the Raithby Local Area through proclamation and are part of the Raithby township;
- The PSDF and SMSDF promotes densification and more efficient use of resources and land;
- Planning policy directs that development should be spatially compact, efficient and resource-frugal;
- The approved SMSDF indicates that Erven 252 and 298 are located *within the urban edge of Raithby*;
- The approved SMSDF indicates Erf 252 as forming part of the existing cadastral fabric of Raithby and Erf 298 is specifically demarcated as "*Mixed Use Community and Residential Infill*";
- Erven 252 and 298 are not part of the "*Urban Agricultural Areas Retained*", the "*Critical Biodiversity Areas*" or "*Green Areas Retained*";
- Erven 252 and 298 are located outside of the "*Existing and Proposed Urban Character Areas*";
- The proposal is aimed at:
 - Realising the development potential of this portion of Raithby as reflected in planning directives and policy;
 - Efficient utilisation of land, resources and services;
 - Providing greater spatial compactness;
 - Establishing a safe, efficient and attractive residential environment;
 - Providing a mix of residential types;
 - Diversifying the market segments that the proposed development will be able to serve;
 - Creating an effective relationship between appropriate density, building height and landscaping to respond to the character of a 'rural town' and achieve a positive visual absorption rating;
 - Providing a 'transition' in terms of residential topology and density between conventional residential neighbourhoods to the east and south and rural land towards the north;
 - Creating a sense of community by providing a centrally located open space, circular access road and clubhouse;
 - Providing suitable open space areas and linkages that may accommodate active (e.g. integrated footpath system) and passive functions;
 - Utilising views towards rural and agricultural landscapes.
- The development proposal for the site of a mixed residential development is consistent with the guiding principles as contained in the PSDF;
- The proposed development of the property for mixed residential purposes addresses a number of issues identified in the SMSDF. The proposal is regarded as consistent with the directives of the SMSDF;

- The SMSDF has placed an emphasis on the protection of the natural environment, agricultural land and heritage resources. In this regard:
 - From a botanical perspective, the property is entirely transformed and although now lying fallow is not showing any signs of reverting to a natural condition;
 - The development of the property would not negatively impact any conservation worthy vegetation or eco-system;
 - No agriculture activities have taken place on the property within the past 26 years;
 - *Medium low to low* potential soils are prevalent across the property;
 - The agricultural land capability study has confirmed that Erf 298 does not constitute a sustainable agricultural;
 - The agricultural land capability study has confirmed that Erf 298 does not constitute an economically viable agricultural unit;
 - From a visual impact standpoint, the property can be considered for residential purposes;
 - From an heritage impact standpoint, the property can be considered for residential purposes;
 - Not utilising the site to its full potential for township purposes will displace development pressure on other properties, which properties may be sensitive from a natural, agricultural, visual and heritage perspective.
- The property is largely vacant and underutilised, and is currently not making a productive contribution to the economy and wellbeing of Raithby nor the larger Stellenbosch area;
- The proposed development can be adequately serviced with civil services;
- The proposed development can be adequately serviced with electrical services;
- The traffic study is in support of the development proposal;
- A need for residential development has been identified and the desirability of such residential development at the property has been indicated.

The development proposal has demonstrated that it complies with the criteria as contained in Section 65 of the Stellenbosch Municipality Land Use Planning By-Law *inter alia* the municipal spatial development framework; the test of desirability; that existing rights are not detrimentally impacted; that the preservation of the natural and developed environment concerned has been given due consideration; and that the safety and welfare of members of the communities concerned will not be affected in a detrimental manner.

Given the above, it is recommended that the Stellenbosch Council and other relevant authorities approve the composite application.

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



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DEPARTMENT OF DEVELOPMENT MANAGEMENT

LAND DEVELOPMENT APPLICATION:

PUBLIC PARTICIPATION PROCESS PORTFOLIO OF EVIDENCE CHECKLIST AND DECLARATION

Erf/Erven Farm no	Erven 252 & 298	Portion(s) if farm	Allotment Area	Raithby		
Owner/Applicant	Planning Partners on behalf of Annandale Road Properties (Pty) Ltd		LU/#	LU/10035		
Notice Period	From:	13 August 2020	To:	14 September 2020		
CONFIRMATION OR DOCUMENTATION SUBMITTED			OWNER/APPLICANT			ADMIN VERIFY
			YES	NO	N/A	
1. The declaration is duly signed			x			
2. Applicant confirms that the public participation process was duly undertaken as instructed and attached to this POE.			x			
3. Approval for notices were obtained prior to the public participation process and attached to this POE.			x			
4. Municipality informed of the start date and closure date.			x			
5. The advertisement period complies with the required 30 days (60 days for state entities).			x			
6. If applicable, confirms that the site notice was placed and kept on site for the duration of the public participation process.			x			
7. All communications (other than notices) in respect of the public participation process attached.			x			
Proof of notices published						
8. If applicable, photo evidence to confirm site notice.			x			
9. Wording of the advertisement accurate as approved & attached.			x			
10. Proof of notices published (Publication date visible)			x			
Proof of notices served						
11. Wording of notice accurate as approved and attached			x			
12. Proof of all notices served to neighbouring properties attached			x			
13. Proof of all notices to Interest & Community Groups attached			x			
14. Proof of all notices to Govt. Dept's and Entities attached			x			
Comments received						
15. All objections/comments received attached			x			
16. All comments from internal Municipal Departments received (must also be attached to POE).				x		
17. Applicant's comments on all the objections attached			x			

Please complete and sign the following declaration on above:

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0861 small ads

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Tel/fax: 021 887 0516

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- Inspeksie-nakomingsertifikaat
- Boorgatpomp en Motors
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- Gratis kwotasie en advies
- Na-ure-diens

Stiaan Nic Smit
Tel: 021 886 9044 / Faks: 021 886 9043
E-pos: info@neuschelctrical.co.za
Na-ure: 084 952 0630
Lappanstraat 4, Tennantville, STELLENBOSCH

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BESTORWE BOEDERVILING

In opdrag van die esekuteur, Boedel Wyle EG Muller, verkoop ons:

GOEDGELEË WOONHUIS IN IDASVALLEI, STELLENBOSCH

DATUM: Dinsdag 11 august 2020
TYD: 11:00
PLEK: Dahliastraat 40, Idasvallei

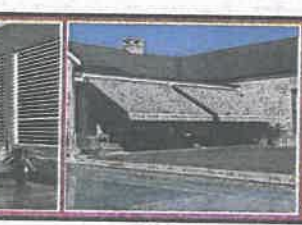
EIENDOMSBEKRYWING:
Stewige woonhuis van gepfeilerde steen in gewilde area. Vier slaapkamers (een meele badkamer en eie ingang); Sit/et kamer, kombuis, 2de badkamer met bad, stort en wasbak, aparte toilet, waskamer en buite toilet en wastrog. Tandem motorhuis. Erfgrootte 407m². Omheïn.

DRINGENDE VERKOPING
GEEN RESERWEPREYS NIE. (Ondatshwing aan bekwagting deur die esekuteur)
GROOT WINSKOOP WORD VERWAG

Nota:
Die koperis nie aanspreeklik vir enige agterstalige belastingis nie. Vroeë okkupasie moontlik.

Verkoopsvoorwaardes:
10% deposito asook afslaaerskommisste op die dag van die velling by wyse van EFT betaling of banktjek.
Waarborg vir die balansbinne 30 dae.
ID en bewys van woonadres nodig vir registrasie. Geen registrasiefuul nie.

Besigtig en registrasie: Vanaf 10:00 op die dag van die velling.
Nawraes: Dan van Zyl 082 458 3867 / danvanzy149@gmail.com



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NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

CONSOLIDATION, REZONING, SUBDIVISION & DEPARTURES: ERVEN 298 & 252, RAITHYB

Application Address: 252 Watson Way / Erven 298 & 252, Raithyb

Applicant: Planning Partners, PO Box 4866, Cape Town 8000, tel: 021 418 0510, mauritz@planpart.co.za

E-mail: mauritz@planpart.co.za

Owner: Annandale Road Properties (Pty) Ltd, PO Box 2479, Somerset West 7129

Application Reference: LU/10035

Description of land development application:
Application is made for the establishment of a residential development on the property -

- Consolidation of Erven 298 and 252, Raithyb in terms of Section 15(2)(e) of the Stellenbosch Municipality: Land Use Planning By-Law, 2015.
- Rezoning of the consolidated property (consolidation of Erven 298 and 252, Raithyb) from Agriculture and Rural Zone to Subdivisional Area for the purposes of the proposed development in terms of Section 15(2)(a) of the Stellenbosch Municipality: Land Use Planning By-Law, 2015.
- Subdivision of the consolidated property (consolidation of Erven 298 and 252, Raithyb) for the purposes of 70 group housing erven (32 detached dwellings, 30 semi-detached / row houses, 1 electrical substation, 5 private open space and 2 private roads) and 2 flats erven in terms of Section 15(2)(d) of the Stellenbosch Municipality: Land Use Planning By-Law, 2015.
- Departures from Section 83(2) of the Stellenbosch Municipality: Zoning Scheme By-Law, 2019 pertaining to the common boundary building line regulations for flats in terms of Section 15(2)(b) of the Stellenbosch Municipality: Land Use Planning By-Law, 2015. The following departures are applied for:
 - A departure to permit a ground floor common boundary building line of 3,8m in lieu of 4,5m at the north-western internal common boundary of proposed Portion 69;
 - A departure to permit a first floor common boundary building line of 3,8m in lieu of 4,5m at the north-western internal common boundary of proposed Portion 69;
 - A departure to permit a ground floor common boundary building line of 3,5m in lieu of 4,5m at the south-western internal common boundary of proposed Portion 70;
 - A departure to permit a first floor common boundary building line of 3,5m in lieu of 4,5m at the south-western internal common boundary of proposed Portion 70;
 - A departure to permit a ground floor common boundary building line of 3,1m in lieu of 4,5m at the south-eastern internal common boundary of proposed Portion 70;
 - A departure to permit a first floor common boundary building line of 3,1m in lieu of 4,5m at the south-eastern internal common boundary of proposed Portion 70.
- Approval of an Owners' Association Constitution and Design Guidelines in terms of Section 29(3) of the Stellenbosch Municipality: Land Use Planning By-Law, 2015.
- Approval of internal street names and numbering in terms of Section 98(1) of the Stellenbosch Municipality: Land Use Planning By-Law, 2015.

Notice is hereby given in terms of the said Bylaws that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/documents/planning-and-building-plans/planning-portal>. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

Written comments, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person in the application, may be submitted in terms of Section 50 of the said Bylaw to the Applicant by electronic mail as follows:
e-mail: mauritz@planpart.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 14 September 2020.

For any enquiries on the Application or the above requirements; or if you are unable to write and/or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at 021 418 0510 during normal office hours.

KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA

KONSOLIDASIE, HERSONERING, ONDERVERDELING & AFWYKINGS: ERWE 298 & 252, RAITHYB

Adres van eiendom: Watsonweg 252 / Erwe 298 & 252, Raithyb

Aansoeker: Planning Partners, Posbus 4866, Kaapstad 8000, tel: 021 418 0510, mauritz@planpart.co.za

E-pos: mauritz@planpart.co.za

Eienaar: Annandale Road Properties (Pty) Ltd, Posbus 2479, Somerset-Wes 7129

Aansoek Verwysing: LU/10035

Beskrywing van grondontwikkelingsaansoek:
Aansoek word gedoen vir 'n residensiële ontwikkeling op die eiendom -

- Konsolidasie van Erwe 298 en 252, Raithyb in terme van Artikel 16(2)(e) van die Stellenbosch Verordening o Grondgebruikbeplanning, 2015.
- Hersonering van die gekonsolideerde eiendom (konsolidasie van Erwe 298 en 252, Raithyb) vanaf "Agriculture and Rural Zone" na "Onderverdelingsgebied" vir die doeleindes van die voorgestelde ontwikkeling in terme van Artikel 15(2)(a) van die Stellenbosch Verordening o Grondgebruikbeplanning, 2015.
- Onderverdeling van die gekonsolideerde eiendom (konsolidasie van Erwe 298 en 252, Raithyb) vir die doeleindes van 70 groepbehuisingserwe (32 vrystaande wonings, 30 half-vrystaande wonings / ryhuise, 1 elektriese-substasie, 5 private opruimtes en 2 privaat paaie) en 2 woonstelervne in terme van Artikel 15(2)(d) van die Stellenbosch Verordening o Grondgebruikbeplanning, 2015.
- Afwykinge van Artikel 83(2) van die Stellenbosch Soneringskema Verordening, 2019 met betrekking op die gemeenskaplike grens boulynregulasies vir woonstelle in terme van Artikel 15(2)(b) van die Stellenbosch Verordening o Grondgebruikbeplanning, 2015. Aansoek word gedoen vir die volgende afwykings:
 - 'n Afwyking om 'n grondvloer gemeenskaplike grens boulyn van 3,8m toe te laat in plaas van 4,5m by die noordwestelike interne gemeenskaplike grens van voorgestelde Gedeelte 69;
 - 'n Afwyking om 'n eerstevloer gemeenskaplike grens boulyn van 3,8m toe te laat in plaas van 4,5m by die noordwestelike interne gemeenskaplike grens van voorgestelde Gedeelte 69;
 - 'n Afwyking om 'n grondvloer gemeenskaplike grens boulyn van 3,5m toe te laat in plaas van 4,5m by die suidwestelike interne gemeenskaplike grens van voorgestelde Gedeelte 70;
 - 'n Afwyking om 'n eerstevloer gemeenskaplike grens boulyn van 3,5m toe te laat in plaas van 4,5m by die suidwestelike interne gemeenskaplike grens van voorgestelde Gedeelte 70;
 - 'n Afwyking om 'n grondvloer gemeenskaplike grens boulyn van 3,1m toe te laat in plaas van 4,5m by die suidoostelike interne gemeenskaplike grens van voorgestelde Gedeelte 70;
 - 'n Afwyking om 'n eerstevloer gemeenskaplike grens boulyn van 3,1m toe te laat in plaas van 4,5m by die suidoostelike interne gemeenskaplike grens van voorgestelde Gedeelte 70.
- Goedgekeuring vir 'n Huiseleraarsverenigingskonstitusie en Ontwerpriglyne in terme van Artikel 29(3) van die Stellenbosch Verordening o Grondgebruikbeplanning, 2015.
- Goedgekeuring vir interne straatname en straatnomsers in terme van Artikel 98(1) van die Stellenbosch Verordening o Grondgebruikbeplanning, 2015.

Kennis word hiermee gegee in terme van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipale gebied is vir oewerwing. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres <https://www.stellenbosch.gov.za/documents/planning-and-building-plans/planning-portal>. Indien die webtuiste of tersaaklik dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie beskikbaar te stel.

Skriflike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, kan ingedien word in terme van Artikel 50 van genoemde Verordeninge aan die Aansoek by wyse van elektroniese pos as volg:
e-pos: mauritz@planpart.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 14 September 2020.

Indien daar enige navraes op die aansoek of bovermelde veristes 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 Aansoek geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by 021 418 0510 gedurende normale kantoor ure.

DECLARATION

I, (full names & surname) Christiaan Mauritz van den Hoever

and ID #: [REDACTED], as the Applicant for the above application,

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

Duly signed by the APPLICANT C.M. van den Hoever on this date/ month/ year

12 November 2020 at place Cape Town

[Signature]
Signature Applicant

12/11/2020
Date

<i>For office use only</i>	
CHECKED BY ADMINISTRATIVE OFFICER	<u>J Newman 22.2.2023.</u>
CHECKED BY TOWN PLANNER	
DATE VERIFIED	

NOTES TO BE RECORDED:





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NOTICE

**PENDING: LAND USE
DEVELOPMENT APPLICATION**

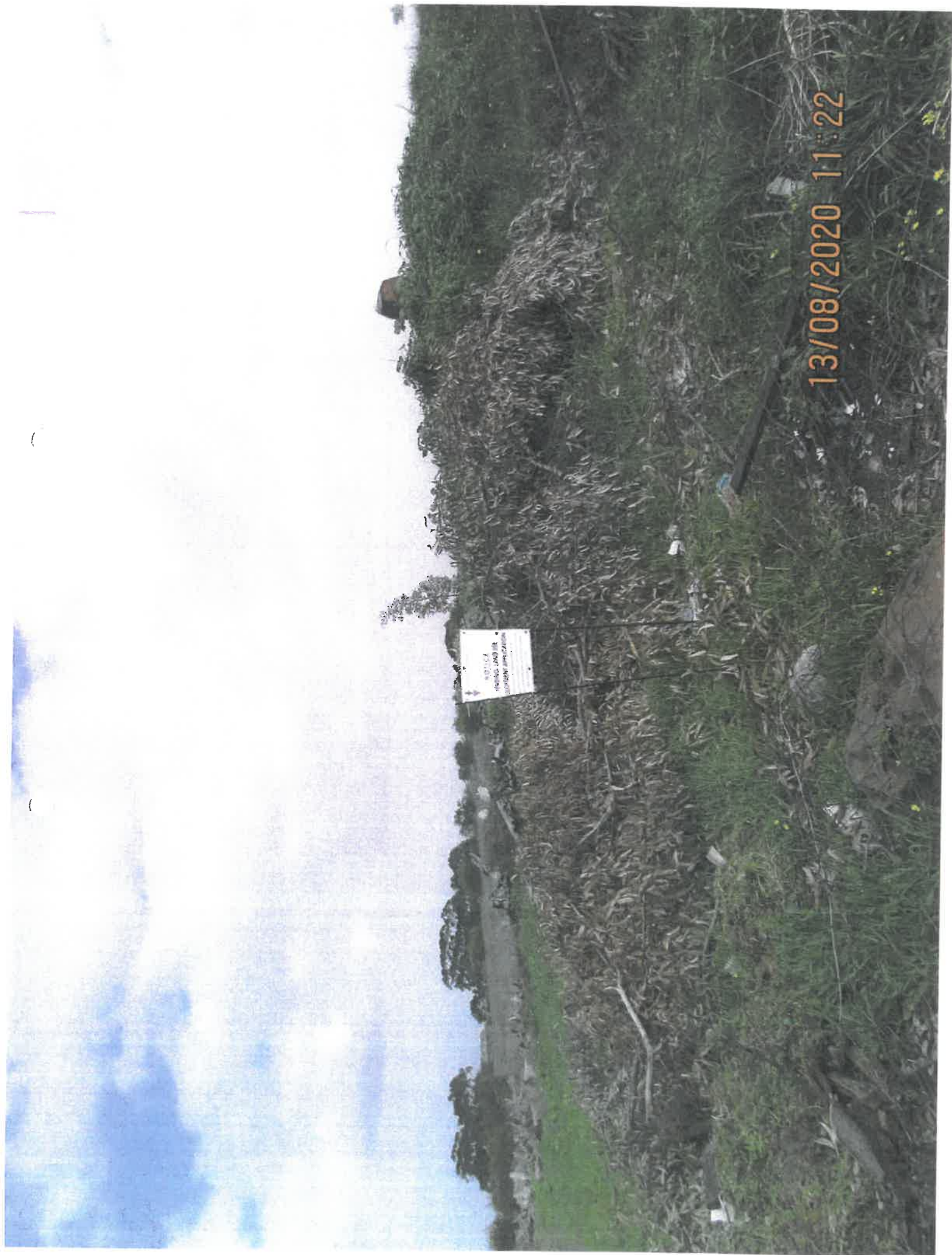
PLEASE CONSULT THE PLANNING PORTAL ON THE

STELLENBOSCH MUNICIPAL WEBSITE (www.stellenbosch.gov.za)

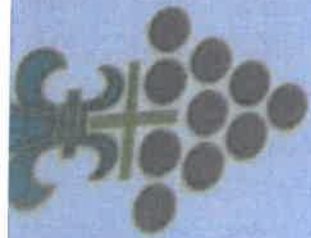
FOR DETAILS ON THE APPLICATION AT THIS STREET ADDRESS

Application Reference: LU/10035

13/08/2020 11:05



13/08/2020 11:22



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NOTICE

**PENDING: LAND USE
DEVELOPMENT APPLICATION**

PLEASE CONSULT THE PLANNING PORTAL ON THE
STELLENBOSCH MUNICIPAL WEBSITE (www.stellenbosch.gov.za)
FOR DETAILS ON THE APPLICATION AT THIS STREET ADDRESS
Application Reference: LU/10035

13/08/2020 11:21

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

J.M Cairncross
24 Newfeldt street
Gelvan Park
Port Elizabeth
6020
Cell no: 0731052681
Lynncairncross22@gmail.com

Date: 12 October 2020

Planning Partners
PO Box 4866
Cape Town
8000
Tel: 021 418 0510
Email: mauritz@planpart.co.za

Dear Mr Mauritz van den Heever

RE: Application Reference: NO LU/10035

Application Property Address: 252 Watson Way, Raithby

Application Property Number: Erven 298 & 252, Raithby

Application Type: Consolidation, Rezoning, Subdivision & Departures

We wish to make you aware of a number of strong objections that we have with regard to the proposed development for the establishment of a residential development on the consolidation property (Erven 298 and 252, Raithby; Address: 252 Watson Way, Raithby), Application reference: NO LU/10035. As an adjacent neighbour to the site of the proposed development (Landowner of Erven 1/616), we are of the view that the proposed development will have a serious impact on our standard of living. Our specific objections are as follows:

High density and cramming of small farming village

- The proposed development (116 residential units), by reason of its scale and bulk, does not provide sufficient parking space. In addition to this, there is already inefficient public transport



(Firgrove train station) and intense on-street parking pressure on Watson way. We believe the scale of housing will damage both residential amenity and highway safety.

- Raithby is a small farming village with a strong sense of community and church-going spirit. The proposed dwelling would significantly alter the fabric of the area and amount to serious 'cramming' in what is a low-density road.
- The applicant states that the proposed dwelling would have open space surrounding all dwellings. The nature of the plots means that the open space would actually be very small for a 54 unit double-storey dwelling, 32 conventional detached dwellings and 30 semi-detached/row houses, particularly compared with the large plots typically enjoyed by the surrounding properties in the area.
- The layout and siting, both in itself and relation to adjoining buildings, spaces, and views, is inappropriate and unsympathetic to the appearance and character of the local environment and small farming community.
- The erection of a double-storey buildings is out of character with the layout of development in the area by reason of overlooking, loss of privacy and visually overbearing impact.

Electrical services, Sewerage, Noise pollution, disturbances

- We have serious concerns about the impact the proposed works could have on the stability of our property (Landowner of Erven 1/616). Any excavation work could have a serious adverse impact upon the stability of the existing structures and local eco-system.
- We have serious concerns about the impact the proposed works could have on the stability of our property (Landowner of Erven 1/616). Any excavation work could have a serious adverse impact on future developments. The design of double-story apartments of the proposed development does not afford adequate privacy as an adjacent neighbour to new development.
- We have concerns about the impact of the proposed development on surrounding properties in terms of sewerage. The applicant states that the proposed development supports adequately serviced sewerage. But we would like to point out that the sewerage system located in Raithby is already under pressure, leaking into borehole water and the proposal of new developments would place immense amount of pressure on the existing structure and maintenance.
- The applicant states that the proposed development can be adequately supported with electrical engineering services. But we would like to point out that on countless occasions the

municipality has failed to respond with immediate effect with regards to broken/fused streetlamps in the area of Raithby.

- The proposed development would not result in a benefit in environmental and landscape terms, to the contrary it would lead to the loss of valuable green space and the potential for increased pollution, disturbance, noise traffic, nuisance to the detriment of neighbour's residential amenity.

Detrimental impact upon residential amenities

- It does not respect local environment and street pattern or, in particular, the scale and proportions of surrounding buildings, and would be entirely out of the character of the area, to the detriment of the local environment.
- The properties along Watson way are typically characterised by large plots with large spacing between. The proposed Conventional detached Dwellings (Group housing) and Semi-Detached/Row houses (Group Housing) would be 3.3 m from the boundary wall designated as Landscape servitude and 0 m distance between each other.
- The proposed Conventional detached dwellings and semi-detached/Row houses pay no mention to garage/parking space whilst Flats/Apartments (54 units) were each provided with a total of 1 parking and 1 garage site per unit. Access to proposed property accordance to parking availability and space would be extremely limited.
- We believe that the proposed development would have a dominating impact on this small farming community and their right to a quiet, private, peaceful, and undisturbed local environment

I trust that the above objections will be taken fully into account in determining this application. I feel the proposal for the consolidation, subdivision & departures especially the Re-zoning of agricultural land is not in the best interest of the citizens of Raithby and their descendants

Yours sincerely,

Mrs J.M. Cairncross

J.M. Cairncross
12/10/20

[Signature]

Our Ref: 4387

12 November 2020

Stellenbosch Municipality
 Directorate: Planning & Economic Development
 Land Use Management Section
 Plein Street
 STELLENBOSCH
 7600



Brickworks, Suite F03, 13 Brickfield Road, Salt River
 PO Box 4866, Cape Town 8000, South Africa
 Tel: +27 (0) 21 418 0510
 E-mail: admin@planpart.co.za
 Website: www.planpart.co.za

For Attention: Ms Salome Newman
 via e-mail: Salome.Newman@stellenbosch.gov.za

Dear Madam

APPL. NO. LU/10035: ERVEN 298 & 252, RAITHBY – PORTFOLIO OF EVIDENCE AND RESPONSE TO COMMENTS RECEIVED

The abovementioned application and your letter dated 14 July 2020 refer.

1. PORTFOLIO OF EVIDENCE

Please find herewith the required Portfolio of Evidence, which includes the following documentation:

1. Signed Portfolio of Evidence Checklist and Declaration / Affidavit;
2. Instruction to advertise - approval of notices;
3. Notice of dates;
4. Copy of the advertisement that was placed in the Eikestadnuus on 13 August 2020;
5. List of community organisations / interest groups and surrounding property owners that received notices, copies of all such notices, copy of supplementary documentation that accompanied all notices and evidence that the notices were issued via registered mail;
6. List of external government departments that received notices, copies of all such notices, copy of supplementary documentation that accompanied all notices and evidence that the notices were issued via registered mail;
7. Photographs taken on site of the notice boards (4 photographs);
8. List of all comments received with copies of all such comments (1 comment and 1 objection received);
9. Confirmation form DEA&DP, Directorate: Development Management that no LUPA application is required;
10. Applicant's responding comment on comments received (see below).

2. RESPONSE TO COMMENTS RECEIVED

2.1 Introduction

Confirmation that the application was complete was obtained from Stellenbosch Municipality on 14 July 2020.

As instructed by the Directorate: Planning & Economic Development, 3 community organisations / interest groups and 15 surrounding property owners were notified of the application by means of registered mail. Site notices were also erected on site for a 30 day period from 13 August 2020 to 14 September 2020.

An advertisement / notice of the application was placed in the Eikestadnuus of 13 August 2020.

As instructed by the Directorate: Planning & Economic Development, 5 external government departments were notified of the application by means of registered mail. The closing date for comments was 12 October 2020.

Although the closing date for comments was 12 October 2020, all comments received to date have been considered in this response.

2.2 Comments Received

Only 2 comments have been received, one of which represents an objection. These are as follows:

Comment from Organs of State - External

- Comment from the Department of Environmental Affairs & Development Planning (DEA&DP) in its letter dated 23 October 2020 (Reference: 16/3/3/6/B4/45/1213/20).

Note that DEA&DP, Directorate: Development Management has confirmed that no LUPA application is required (see point 9 above under the Portfolio of Evidence).

No further comment or response has been received from any of the other Government Departments invited to comment on the application. We note from Section 51(2) of the Stellenbosch Municipality: Land Use Planning By-Law that an organ of state that has been invited to comment on an application must do so within 60 days.

Comment from the Public

- Objection from Mrs JM Cairncross, the owner of Farm 616/1, in a letter dated 12 October 2020.

Comment from Municipal Departments

Although requested, to date no comments have been received from municipal departments within the Stellenbosch Municipality.

We note that Section 51(1) of the Stellenbosch Municipality: Land Use Planning By-Law states that "..., the Municipality must, simultaneously with the notification to the applicant that an application is complete as contemplated in section 41(1)(c)(i) or (2) cause notice of the application together with a copy of the application concerned to be given to every

municipal department and organ of state that has an interest in the application and request their comment on the application.”

Accordingly, municipal departments have now had 4 months to consider and provide comment on the application.

2.3 Response by Applicant

2.3.1 Comment from DEA&DP

The content of this letter is noted.

Of specific note is the following:

- The Department has not indicated an objection to the application.
- The Department acknowledges that a Notice of Intent to submit an application in terms of the NEMA EIA Regulations, 2014 for the proposed development was submitted to the Department. That submission has a reference number of 16/3/3/6/7/1/B4/45/1246/20.
- The activity may not commence prior to an environmental authorisation being granted by the Department.
- The applicant must comply with any statutory requirements that may be applicable to the undertaking of the activity.

2.3.2 Objection from Mrs JM Cairncross (Farm 616/1)

The owner of Portion 1 of the Farm 616 has submitted an objection to the application. The location of Farm 616/1 in relation to the proposed development property is indicated in **Diagram 1** below. It can be noted that Farm 616/1 is not located directly adjacent to the proposed development site.

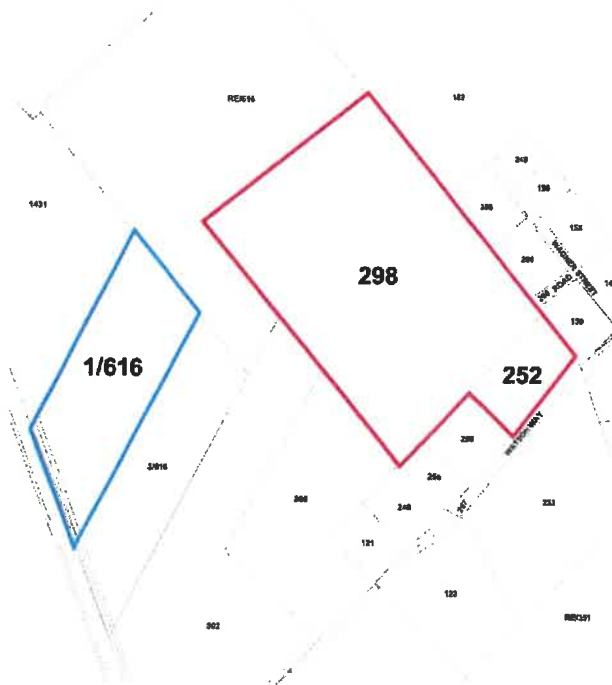


Diagram 1: Location of Farm 616/1 in relation to the proposed development

The applicant's responding comment on the objection is arranged in a summary of the main issues/topics and sub-issues identified in the objection. The objector's original written submission is however also attached to this response.

A. High Density and Cramming

A.1 Insufficient parking

This comment is incorrect. All development components are provided with sufficient parking that complies with the provisions of the Stellenbosch Municipality: Zoning Scheme By-Law, 2019 (the "zoning scheme").

A.2 Intense on-street parking pressure on Watson Way

All parking relating to the residential erven and units is located on-site, i.e. within the development. There will be no spill-over of residents' parked vehicles into or along Watson Way.

The only parking provision along Watson Way is that of a dedicated embayment for a refuse vehicle to ensure the safe collection of refuse.

A.3 Highway safety

It is presumed reference is made to Watson Way. It should be noted that access to the proposed development is off Watson Way via a private road and access infrastructure (2 entering lanes). The access infrastructure is placed approximately 27m away from the property boundary with Watson Way, ensuring sufficient vehicle stacking distance.

Further, ICE Group undertook a traffic study for the development proposal. The traffic study is in support of the proposals.

A.4 Cramming in low-density road

Watson Way is not a low density road. It is the main road through Raithby. Providing the main access to the proposed development from this main road is desirable as opposed to other lower order residential roads.

A.5 Open space would be small

This is an incorrect statement. Each residential erf is provided with its own private garden or open space and substantial open spaces are provided around the apartment buildings.

In addition to this, a large open space ('village green') is provided in the centre of the site. Linkages to other open space areas are also provided, including the open space portions along the boundary of the development. These linkages will facilitate landscaping and an integrated footpath system along the perimeter of the development (please refer to **Figures 6 and 7** below, as also contained in the applicant's motivation report).



32	CONVENTIONAL DETACHED DWELLINGS (Group Housing)
30	SEMI-DETACHED / ROW HOUSES (Group Housing)
54	FLATS / APARTMENTS (Ground & 1st floor)
116	TOTAL No. of RESIDENTIAL UNITS

	OPEN SPACE / LANDSCAPING
	STORMWATER RETENTION (Schematic)
	CLUB HOUSE
	ELECTRICAL SUBSTATION

	EXISTING BUILDINGS
	GARAGE
	PARKING BAYS
	THE SITE

ERVEN 298 & 252, RAITHYB STELLENBOSCH

PREFERRED DEVELOPMENT CONCEPT

SCALE 1:1250
 JOB No. 4387
 MARCH 2020



Figure 6



Figure 7: Proposed Landscape Concept

A.6 Alter the fabric of the area

The proposed development will change the character of the larger site from fallow land to residential development. It will however not affect the sense of community and church-going spirit of Raithby as claimed.

It should be noted that the Stellenbosch Municipal Spatial Development Framework (SMSDF), and specifically the Spatial Plan for Raithby, indicates the site as being within the urban edge of Raithby and demarcates Erf 252 as forming part of the existing cadastral fabric of Raithby and Erf 298 demarcated as “Mixed Use Community and Residential Infill”.

The ‘Guiding Concept’ (October 2018) underpinning the SMSDF notes *inter alia* the following:

- The need for housing and shelter, both for the lower income groups and those with employment, has not been adequately met;
- Although Stellenbosch has grown, it has been unsuccessful in addressing current and future housing needs. The demand for housing is increasing faster than housing provision.

The Stellenbosch municipal area has a current housing need of more than 25 000 housing units. To put this into perspective, the current housing stock in the municipal area would need to be doubled to meet this demand. Raithby has a modest, but valuable role to play in addressing this need.

The PSDF and SMSDF promote higher densities and more compact settlement footprints. Large residential properties, as found in a number of locations within Raithby, are no longer regarded as sustainable for achieving growth management objectives.

The proposed land uses, position of development components (layout considerations), architectural design and landscaping proposals form critical components of the proposals.

A visual impact assessment (VIA) and heritage impact assessment (HIA) have been undertaken for the proposal. The VIA concluded that the proposed development would not detract from the visual qualities of the local landscape and townscape character, either quantitatively or qualitatively. The HIA concluded that there is a reasonable expectation that residential development could be considered on the property as a whole and with mitigation as proposed, the proposed development is found to be acceptable.

A.7 Double storey buildings is out of character – overlooking, loss of privacy and visually overbearing

Double storey dwellings are not out of character for Raithby. Various dwellings in Raithby are double storey, as permitted by the zoning scheme.

The proposals do not lead to overlooking and loss of privacy and are not visually overbearing. In this regard, the following should be noted (please also refer to **Figures 6 and 7** as contained in the applicant's motivation report):

- All the proposed residential dwellings are placed further away from the site's boundary than required by the zoning scheme.
- In addition to placing dwellings further away from the site's boundary than required by the zoning scheme, substantial landscaping (planting) is proposed along the perimeter of the development.
- The larger detached dwelling erven, representing the lowest residential density type, purposefully forms the interface with rural and agricultural properties located towards the northwest, north and northeast.
- Four larger detached dwelling erven, representing the lowest residential density type, form the interface with Watson Way to reflect the conventional residential topology along Watson Way further to the east.
- In the context of providing an apartment component that constitutes appropriate densification in terms of character and scale, the layout and design thereof are directed at:
 - Minimising potential massing of buildings – this is achieved by breaking the 54 apartments up into 5 detached buildings, interspersed with open space;
 - Minimising potential height of the buildings – this is achieved by only providing double storey buildings, i.e. ground and first floor;
 - Minimising the potential visual impact of buildings and integrating the buildings with its surrounds – this is achieved by minimizing the massing of buildings, minimizing their height, setting the buildings back from existing

surrounding erven, implementing appropriate architectural treatment (e.g. colour schemes, etc.) and providing landscaping and screen planting.

Please also refer to the findings of the VIA and HIA as highlighted above.

A.8 Layout and siting is inappropriate and unsympathetic to the local environment

This is an unsubstantiated comment. Please refer to the two previous responses in this regard.

B. Electrical Services, Sewerage, Noise Pollution, Disturbances

B.1 Excavation work – adverse impact upon the stability of existing structures and eco-system

This is an unsubstantiated comment. There will be no adverse impact on the stability of existing structures or the eco-system. All construction related activities will be managed via a construction environmental management plan (CEMP).

B.2 Sewerage – already under pressure

An assessment of civil engineering services has been carried out by EKCON Engineers. The existing sewer network has sufficient capacity to accommodate the proposed development. All internal sewer infrastructure will be provided by the developer.

At a meeting held with municipal officials it was noted that there might be capacity problems at the Raithby Waste Water Treatment Plant (the plant has an existing treatment capacity of 150 kl/day) to accept the additional flow from the proposed development and that some upgrading might be required and could potentially be funded from development contributions.

Subsequent to the abovementioned meeting, EKCON Engineers have had extensive dealings with Stellenbosch Municipality and Becon Watertech (the installers of the existing plant) regarding the current capacity and proposed upgrade. The proposal is to expand the existing treatment plant with 5 additional rotating biological contactors, bringing the total treatment capacity at the plant to 300 kl/day. An additional secondary settling chamber will also be provided and the last section of 150m pipe will be upgraded including the flow meter.

The anticipated daily sewerage flow of 41 kl/day for the development is dealt with sufficiently with the additional capacity of 150 kl/day generated by the proposed upgrade, with additional spare capacity provided.

B.3 Electrical services – municipality has failed to respond with immediate effect with regards to broken/fused streetlamps

This comment relates to operational issues that are unrelated to the current application and is not a comment relating to the provision of electrical supply to the proposed development.

An assessment of electrical engineering services has been carried out by De Villiers & Moore. The report concludes that the proposed development can be adequately serviced.

The development will have no detrimental effect on the quality of supply to existing consumers due to the fact that the development will be supplied by its own substations, which in turn will be supplied from a completely upgraded 11kV system of adequate capacity from a new point of supply, namely transformer point F48A7174.

B.4 Would lead to the loss of green space and increased pollution, disturbance, traffic noise and nuisance

The SMSDF, and specifically the Spatial Plan for Raithby, indicates the site as being within the urban edge of Raithby and demarcates Erf 252 as forming part of the existing cadastral fabric of Raithby and Erf 298 demarcated as “Mixed Use Community and Residential Infill”.

All potential impacts have been assessed. No substantial detrimental impact has been identified on the natural or built environment. No impacts will be generated by the proposed development that are not normally associated with residential neighbourhoods.

C. Detrimental Impact upon Residential Amenities

C.1 Would be out of character – scale and proportions of surrounding buildings

In this regard, please refer to the responses at A.6 and A.7 above.

C.2 Properties along Watson Way are characterised by large plots

The PSDF and SMSDF promote higher densities and more compact settlement footprints. Large residential properties, as found in a number of locations within Raithby, are no longer regarded as sustainable for achieving growth management objectives.

Notwithstanding the above, four larger detached dwelling erven, representing the lowest residential density type, form the interface with Watson Way to reflect the conventional residential topology along Watson Way further to the east. There will only be two dwellings facing onto Watson Way, as is currently the case (note that one of the existing structures on Erf 252 will be demolished to make way for the new access, with the access infrastructure set back from Watson Way).

C.3 A quiet, private, peaceful and undisturbed local environment will be impacted

This is an unsubstantiated comment. The SMSDF, and specifically the Spatial Plan for Raithby, indicates the site as being within the urban edge of Raithby and demarcates Erf 252 as forming part of the existing cadastral fabric of Raithby and Erf 298 demarcated as “Mixed Use Community and Residential Infill”.

All potential impacts have been assessed. No substantial detrimental impact has been identified on the natural or built environment. No impacts will be generated by the proposed development that are not normally associated with residential neighbourhoods.

Please kindly confirm that the Stellenbosch Municipality will proceed with processing the application in the absence of organs of state that have failed to comment or respond within the mandatory comment period prescribed in Section 51(2) of the Stellenbosch Municipality: Land Use Planning By-Law.

Further, could you please provide us with the comments from municipal departments within the Stellenbosch Municipality, if these have been submitted, so that we may deal with these in an expedient manner?

We trust that you will find the above in order, but please do not hesitate to contact us should we be of further assistance in this regard.

Yours Faithfully



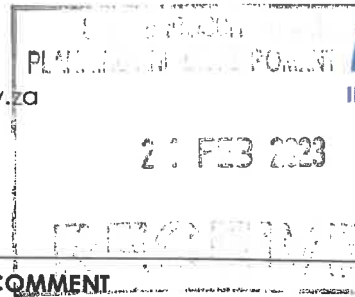
Mauritz van den Heever
PLANNING PARTNERS

- Cc. 1. Stellenbosch Municipality, Planning & Economic Development – Ms Bongiwe Zondo
(via e-mail: Bongiwe.Zondo@stellenbosch.gov.za)
2. Annandale Road Properties (Pty) Ltd – Mr. Nicholas Horwood
(via e-mail: njehorwood@mweb.co.za)

ANNEXURE G: COMMENTS FROM HERITAGE WESTERN CAPE

Our Ref: HM/CAPE WINELANDS/ STELLENBOSCH/
RAITHBY/ ERVEN 252 & 298
Case No.: 17110208WD1103E
Enquiries: Stephanie-Anne Barnardt
E-mail: stephanie.barnardt@westerncape.gov.za
Tel: 021 483 5959

Cindy Postlethwayt
cindy@cpheritage.co.za



FINAL COMMENT

In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

HERITAGE IMPACT ASSESSMENT: PROPOSED MIXED RESIDENTIAL DEVELOPMENT ON ERVEN 252 & 298 RAITHBY, STELLENBOSCH, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 17110208WD1103E

The matter above has reference.

This matter was discussed at the Heritage Officer Meeting (HOMs) meeting held on 1 July 2021.

FINAL COMMENT

The Committee endorsed the HIA dated May 2021 prepared Cindy Postlethwayt and the recommendation on page 44 as meeting the requirements of Section 38 (3) with the following conditions:

1. The development is substantially in accordance with the layout described in this report as the Preferred Alternative; associated Landscape Concept Plan; and Newlands Estate Design Guidelines, as appended to this Report in Annexure D;
2. The mitigation measures described in this Report are implemented in full in all important respects.

HWC reserves the right to request additional information as required.

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

.....
Colette Scheermeyer
Deputy Director



Bongiwe Zondo

From: Mauritz van den Heever <Mauritz@planpart.co.za>
Sent: Wednesday, 26 April 2023 10:08
To: Cindy Postlethwayt
Cc: Bongiwe Zondo; Lisa van Aarde
Subject: [EX] RE: Application No. LU/10035 (Erven 298 & 252, Raithby)
Attachments: HWC Final Comment HOMS minutes RE_ Case Number_ 17110208WD1103E.pdf

Dear Bongiwe

Please see below and attached as received from the project heritage practitioner.

Although the final comment from HWC notes a date of May 2021, the crux of the matter is **"But there is no doubt that it is the Feb 2021 HIA HWC saw and supported, and the conditions included in the HIA are included in the DEADP RoD conditions of authorisation."**

Kind regards

Mauritz van den Heever
 Senior Associate



Planning Partners

TOWN AND REGIONAL PLANNING, PROJECT PLANNING, LANDSCAPE ARCHITECTURE, MASTER PLANNING
 Addr: Suite F03, 1st Floor, 97 Durham Avenue, Salt River, Cape Town 7525. Postal Addr: PO Box 4866, Cape Town 8000
 Tel: +27 (0)21 418 0510
 E-mail: mauritz@planpart.co.za
 Website: www.planpart.co.za

From: Cindy Postlethwayt <Cindy@cpheritage.co.za>
Sent: 26 April 2023 08:14 AM
To: Mauritz van den Heever <Mauritz@planpart.co.za>
Cc: Bongiwe Zondo <Bongiwe.Zondo@stellenbosch.gov.za>; Lisa van Aarde <Lisa@planpart.co.za>
Subject: RE: Application No. LU/10035 (Erven 298 & 252, Raithby)

Hi Maurtiz, answers in line below

From: Mauritz van den Heever <Mauritz@planpart.co.za>
Sent: Tuesday, April 25, 2023 5:11 PM
To: Cindy Postlethwayt <Cindy@cpheritage.co.za>
Cc: Bongiwe Zondo <Bongiwe.Zondo@stellenbosch.gov.za>; Lisa van Aarde <Lisa@planpart.co.za>
Subject: RE: Application No. LU/10035 (Erven 298 & 252, Raithby)

Dear Cindy

Thank you for the documentation received via WeTransfer.

I note the following:

- The HIA document included in the transfer is titled Pre-Application Draft HIA dated February 2021. **Correct, this is the last version of the HIA**
- IACOM considered the submission on 10 March 2021.
- A site visit was held on 13 April 2021.

- IACOM considered the submission again on 14 April 2021, after the aforementioned site visit. IACOM issued an Interim Comment "The Committee supported the pre-application HIA as the proposal will not impact upon on heritage resources of significance."
- The HOMS meeting took place on 1 July 2021.

The final comment by HWC (copy attached) refers to a HIA dated May 2021. Taking the abovementioned dates into account, was reference to May 2021 made in error, or is there a HIA dated May 2021?

I have attached an email trail which tracks what happened. The NEMA pre-application phase process is designed to allow HWC to comment on an application that has already been through PPP. The NEMA application phase is too legally time constrained to allow this to occur, so HWC has to comment on the final Draft BAR (with associated specialist reports) at the same time as other I&APS. This is usually handled entirely by the EAP (Adel in this case), she submitted the final Draft BAR for comment pretty soon after the Interim Comment, I was not party to the submission, did not make any further changes to the HIA, and don't have the full documentation. But I assume she simply included the HIA dated Feb 2021, because HWC had already made a positive Interim Comment, so it should have been a formality. As a result, there was a bit of a muddle as HWC officials misunderstood the submission and I seem to have stepped in to clarify. HOMS then issued the Final Comment, they have delegated powers to do so as IACOM had already issued a positive Interim Comment. They may be referring to the date of the BAR which was submitted, or they may have erred in the date of the HIA. But there is no doubt that that it is the Feb 2021 HIA HWC saw and supported, and the conditions included in the HIA are included in the DEADP RoD conditions of authorisation.

Please advise.

Kind regards

Mauritz van den Heever
Senior Associate



Planning Partners

TOWN AND REGIONAL PLANNING, PROJECT PLANNING, LANDSCAPE ARCHITECTURE, MASTER PLANNING

Addr: Suite F03, 1st Floor, 97 Durham Avenue, Salt River, Cape Town 7525. Postal Addr: PO Box 4866, Cape Town 8000

Tel: +27 (0)21 418 0510

E-mail: mauritz@planpart.co.za

Website: www.planpart.co.za

From: Cindy Postlethwayt <Cindy@cpheritage.co.za>

Sent: 21 April 2023 04:08 PM

To: Mauritz van den Heever <Mauritz@planpart.co.za>; Doug Jeffery <doug@dougjeff.co.za>

Cc: Bongwiwe Zondo <Bongwiwe.Zondo@stellenbosch.gov.za>; Lisa van Aarde <Lisa@planpart.co.za>

Subject: RE: Application No. LU/10035 (Erven 298 & 252, Raithby)

Yes, there is a later one, submitted for the final phase. I will wetransfer to Mauritz, Doug and Bongwiwe

Regards

Cindy

Cindy Postlethwayt PHP (APHP), MCRP (UCT)

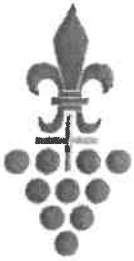
HERITAGE – POLICY & STRATEGY – TOWN PLANNING

e cindy@cpheritage.co.za cell 084 354 0096

7 Ritchie Ave Kenilworth Cape Town 7708

www.cindypostlethwayt.com

**ANNEXURE H: 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 : **Erf 298, Raithby**

LU No : **LU/11035**

Date : **15 September 2020**

Re : **Application for rezoning, subdivision and departures on Erf 298, Raithby**

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

17 SEP 2020

RECEIVED

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

1) Opinion/reasoning:

The subject property is located in an urban area within ~~the urban edge and within the~~ residential area of Raithby. The final MSDF has been approved in November 2019 and includes the whole of the property into the urban edge. It is indicated for the purposes of "mixed use community and residential infill"

Densification and infill development are supported and encouraged in terms of the approved Stellenbosch Municipal Spatial Development Framework (MSDF).

2) Supported / not supported:

This department supports the application, as the proposed development makes provision for a variety of residential options and is not in conflict with the character of the surrounding area.

BJG de la Bat
MANAGER: SPATIAL PLANNING

FILE NR:

SCAN NR:

E 298 RB

COLLABORATOR NR:

693353

ANNEXURE I: COMMENTS FROM THE DIRECTORATE: INFRASTRUCTURE SERVICES



151
MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES
DIREKTORAAT: INFRASTRUKTUURDIENSTE

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

FOR ATTENTION : **Nicole Katts**

FROM : **Director: Infrastructure Services**

AUTHOR : **Shane Chandaka**

DATE : **13 November 2022**

RE. : **Erf 298 & 252 land use application: rezoning, subdivision and regulations departures**

YOUR REF : **LU/10035**

OUR REF : **2007 CIVIL LU**

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

- The abovementioned amended application dated 17 June 2020 and motivation report by Planning Partners, dated May 2020;
- Preferred Development Concept Plan (Job) No. 4387, by Planning Partners, dated March 2020;
- Report on Civil Engineering Services, by EKCON Consulting, dated 30 March 2020;
- Water and sewer capacity analysis report, by GLS, dated 4 December 2018;
- Transport Impact Statement by ICE Group, dated 4 March 2020;

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

- Erf size: 5.2625 Ha
- Total Units: 116 residential units: 32 detached dwellings (group housing), 30 semi-detached/row houses (group housing) and 54 flats/ apartments.
- Total GLA: 121 m² (Club house)

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 ERF 298 & 252 RAITHBY

The engineering conditions consist of the following:

- A. Definitions (this document)
- B. Recommendation to decision making authority (this document)
- 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. (this document)
- D. General conditions of approval: These conditions must be adhered to during implementation of the development to ensure responsible development takes place. If there is a contradiction between the specific and general conditions, the specific conditions will prevail:

A. <u>Definitions</u>

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

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

PROPOSED REZONING AND SUBDIVISION OF ERF 298 & 252 RAITHBY

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. **Raithby WWTW (Waste Water Treatment Works):** The proposed development falls within the catchment area of the existing Raithby WWTW (Waste Water Treatment Works). There is currently insufficient capacity at the WWTW for the proposed development. However, the Municipality does not currently have budget for the upgrading works, however these upgrades can be funded by development. Any DCs short fall must be funded by the developer.

The items as indicated in the Raithby WWTW upgrading statement by EKCON Consulting dated 27 January 2022 are required in order to ensure that the WWTW has sufficient capacity for proposed development.

- i. These items included new sludge pump, replace roto-valve, install new additional rotating biological contactor, and installation of inlet & outlet flow meters. Final scope of work to be include in the engineering services agreement.

Estimated cost: R 824 309*

Funding: Can be offset from DCs

Subdivision clearance will only be given when the required spare capacity is available at the Raithby WWTW, as confirmed by our Water Services department.

(* EKCON Consulting statement including P & G, Contingencies and Fees, but excluding VAT - Year 2021/22 Rand Value. This is a rough estimate, which does not include major unforeseen costs).

- b. **Water Network:** See Annexure A (Figure 1) attached:

There is sufficient capacity in the bulk water reticulation network to accommodate the proposed development as indicated in the GLS capacity analysis of the bulk water and sewer services dated 4 December 2018:

PROPOSED REZONING AND SUBDIVISION OF ERF 298 & 252 RAITHBY

- i. The Developer will be responsible for any link pipelines between the development and the municipal network.
- ii. SRW 1.8: Link service 128m x 110 mm Ø New water pipe
Estimated cost: R 131 000*
Funding: The link water line will be for the Developers cost

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

- c. **Sewer Network:** There is sufficient capacity in the bulk sewer reticulation network to accommodate the proposed development as indicated in the GLS capacity analysis of the bulk water and sewer services dated 4 December 2018:

- i. The Developer will be responsible for any link pipelines between the development and the municipal network.
- ii. The development will connect to the existing 150mm diameter municipal sewer line in Watson Way (refer to Annexure B). The link sewer line will be for the Developers cost.

- d. **Stormwater Network:**

- i. that the consulting engineer, appointed by the "Developer", analyses the existing stormwater systems and determine the expected stormwater run-off for the proposed development, for both the minor and the major storm event. Should the existing municipal stormwater system not be able to accommodate the expected stormwater run-off, the difference between the pre- and post-development stormwater run-off must be accommodated on site, or the existing system must be upgraded to the required capacity at the cost of the "Developer" and to the standards and satisfaction of the Directorate: Infrastructure Services. The aforementioned stormwater analysis is to be submitted concurrent with the detail services plans for approval;

PROPOSED REZONING AND SUBDIVISION OF ERF 298 & 252 RAITHBY

e. Solid Waste:

- i. The Municipality will provide a solid waste removal service, unless agreed otherwise in writing the Solid Waste Department;
- ii. For large spoil volumes from excavations, to be generated during the construction of this development, will not be accepted at the Stellenbosch landfill site. The Developer will have to indicate and provide evidence of safe re-use or proper disposal at an alternative, licensed facility. This evidence must be presented to the Manager: Solid Waste (021 808 8241; clayton.hendricks@stellenbosch.gov.za), before building plan approval and before implementation of the development. Clean rubble can be utilized by the Municipality and will be accepted free of charge, providing it meets the required specification.

f. Funding source breakdown (all costs excl VAT):

Total DCs available for civil services (excl Community facilities)	Total phases combined: R 6 007 149.63
Upgrades cost	
Upgrade of Raithby WWTW	R 824 309.00
Total cost	R 824 309.00
Surplus	R 5 185 840.63
Comment	Based on the estimates, there are sufficient DCs to cover the costs of the upgrades to be done in lieu of DCs

5. that the upgrades mentioned above be met by the "*Developer*" before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates (whichever comes first) will be given or on discretion of the Directorate: Infrastructure Services, the "*Developer*" furnish the Council with a bank guarantee equal to the value of the outstanding construction work as certified by an independent engineering professional, prior to a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law being given;
6. **Bulk infrastructure projects not on municipal budget:** Bulk projects not on municipal budget: Any of the projects listed above, that are not currently on the Municipality's approved budget will be the Developer's responsibility to implement. Where upgrades may be offset against the Development Charges, and should the Development Charges be sufficient, the

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"Developer" may enter into a Services Agreement with the "Municipality" to do these upgrades in-lieu of Development Charges. Should the Development Charges not be sufficient, the Developer may decide to cover the shortfall. The shortfall, if funded by the Developer, may be recovered by the Developer in terms of the provisions of the DC policy. If the Developer is not in a position to cover the shortfall, then the implementation of the development must be re-planned around the availability of the bulk services in question. Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates will not be supported by the Directorate: Engineering Services for this development if all bulk services are not available.

Development Charges

7. that the "*Developer*" hereby acknowledges that Development Charges are payable towards the following bulk civil services: water, sewerage, roads, stormwater, solid waste and community facilities as per Council's Policy;
8. that the "*Developer*" hereby acknowledges that the development charges levy as determined by the "Municipality" and or the applicable scheme tariffs will be paid by the "*Developer*" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy, should this land-use application be approved;
9. that the "*Developer*" accepts that the Development Charges will be subject to annual adjustment up to date of payment. The amount payable will therefore be the amount as calculated according to the applicable tariff structure at the time that payment is made;
10. that the "*Developer*" may enter into an engineering services agreement with the "*Municipality*" to install or upgrade bulk municipal services at an agreed cost, to be off-set against Development Charges payable in respect of bulk civil engineering services;
11. that the Development Charges levy to the amount of R 7 598 307.05 (Excluding VAT) as reflected on the DC calculation sheet, dated 7 December 2022, and attached herewith as **Annexure DC**, be paid by the "*Developer*" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy.

Based on the 2022/2023 tariff structure and the proposed lay-out, the following amounts are payable:

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12. that the Development Charges levy be paid by the "*Developer*" per phase –
 - prior to the approval of any building- and/or services plans in the case of a Sectional title erf in that phase or where a clearance certificate is not applicable and/or;
 - prior to the approval of Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law in all cases;
13. that the development shall be substantially in conformance with the Site Development Plan submitted in terms of this application. Any amendments and/or additions to the Site Development Plan, once approved, which might lead to an increase in the number of units i.e. more than 116 units, and which might lead to an increase in the Gross Leasable Area i.e. a GLA of more than 121 m², will result in the recalculation of the Development Charges;
14. Bulk infrastructure Development Charges and repayments are subject to VAT and are further subject to the provisions and rates contained in the Act on Value Added Tax of 1991 (Act 89 of 1991) as amended;
15. 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;
16. 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: These requirements must be addressed on any engineering drawings or building plans submitted for approval

17. that the stacking distance must be provided in general accordance with the layout as per Preferred Development Concept Plan (Job) No. 4387, by Planning Partners, dated March 2020;
18. 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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19. 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";
20. that any amendments to cadastral layout and or site-development plan to accommodate the above requirements will be for the cost of the "Developer" as these configurations were not available at land-use application stage;

Ownership and Responsibility of services

21. that it be noted that as per Preferred Development Concept Plan (Job) No. 4387, by Planning Partners, dated March 2020, the roads are reflected as private roads. Therefor all internal services on the said erf will be regarded as private services and will be maintained by the "Developer" and or Owner's Association;

Internal- and Link Services

22. 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;
23. Any alterations to existing services necessitated by the new development will be for the Developer's cost;

Bulk Water Meter

24. 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;

Servitudes

25. Should any servitude be applicable, 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;

PROPOSED REZONING AND SUBDIVISION OF ERF 298 & 252 RAITHBY**Roads**

26. that the "*Developer*", at his/her cost, implement the recommendations of the approved Traffic Impact Statement by ICE Group (PTY) Ltd, dated 4 March 2020, and where required, a sound Traffic Management Plan to ensure traffic safety shall be submitted for approval by the Directorate: Infrastructure Services and the approved management plan shall be implemented by the "*Developer*", at his/her cost. If any requirement of the TIA is in conflict with one of the conditions of approval, the conditions of approval shall govern;
27. that access to the property concerned shall be via Watson Way, with Wagner Street providing emergency access;
28. that on-site parking be provided by the owner of the property in the ratio as prescribed by the zoning scheme;
29. that the "*Developer*" approach the Provincial Administration: Western Cape (District Roads Engineer) for their input with regard to the impact and proposals made to the upgrading of the Winery Rd (MR166) and Raithby Rd (DR1039) - eastern intersection 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;

Electricity

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

Damage to municipal infrastructure and assets

31. 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. For this purpose, the Developer shall make a photographic record that clearly indicates the status of the municipal and private infrastructure before construction commences. Should this not be available as proof (or other reasonable and acceptable proof is provided) that any damage was caused pre-development, then the developer will be liable for repairing the damage;

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

32. that should the "*Developer*" not take up his rights for whatever reason within two years from the date of this memo, a revised Engineering report addressing services capacities and reflecting infrastructure amendments during the two-year period, must be submitted to the Directorate: Infrastructure Services by the "*Developer*" for further comment and conditions. Should this revised Engineering report confirm that available services capacities is not sufficient to accommodate this development, then the implementation of the development must be re-planned around the availability of bulk services as any clearances for the development will not be supported by the Directorate: Infrastructure Services for this development if bulk services are not available upon occupation or taking up of proposed rights;
33. that the "*Developer*" indemnifies and keep the "*Municipality*" indemnified against all actions, proceedings, costs, damages, expenses, claims and demands (including claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the municipalities' services or apparatus or otherwise) arising out of the establishment of the development, the provision of services to the development or the use of servitude areas or municipal property, for a period that shall commence on the date that the installation of services to the development are commenced with and shall expire after completion of the maintenance period.
34. that the "*Developer*" must ensure that he / she has an acceptable public liability insurance policy in place;
35. that, if applicable, the "*Developer*" approach the Provincial Administration: Western Cape (District Roads Engineer) for their input and that the conditions as set by the Provincial Administration: Western Cape be adhered to before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be issued;
36. that the "*Developer*" informs the project team for the proposed development (i.e. engineers, architects, etc.) of all the relevant conditions contained in this approval;

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37. that the General Conditions of Contract for Construction Works (GCC) applicable to all civil engineering services construction work related to this development, will be the SAICE 3rd Edition (2015);
38. Should the "Developer" wish to discuss the possibility of proceeding with construction work parallel with the provision of the bulk services listed above, he must present a motivation and an implementation plan to the "Engineer" for his consideration and approval. The implementation plan should include items like programmes for the construction of the internal services and the building construction. Only if the programme clearly indicates that occupation is planned after completion of the bulk services, will approval be considered. If such proposal is approved, it must still be noted that no occupation certificate will be issued prior to the completion and commissioning of the bulk services. Therefore should the proposal for proceeding with the development's construction work parallel with the provision of the bulk services be agreed to, the onus is on the "Developer" to keep up to date with the status in respect of capacity at infrastructure listed above in order for the "Developer" to programme the construction of his/her development and make necessary adjustments if and when required. **The Developer is also responsible for stipulating this condition in any purchase contracts with buyers of the properties;**
39. that the "Developer" takes cognizance and accepts the following:
- a.) that no construction of any civil engineering services may commence before approval of internal – and external civil engineering services drawings;
 - b.) that no approval of internal – and external civil engineering services drawings will be given before land-use and or SDP approval is obtained;
 - c.) that no approval of internal – and external civil engineering services drawings will be given before the "Developer" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party;
 - d.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before land-use and or SDP approval is obtained;
 - e.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before the approval of internal – and external civil engineering services drawings;
 - f.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law is issued unless the "Developer" obtains the

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approval of the "Engineer" for construction work of his development parallel with the provision of the bulk services.

Site Development Plan

40. that it is recognized that the normal Site Development Plan, submitted as part of the land-use application, is compiled during a very early stage of the development and will lack engineering detail that may result in a later change of the Site Development Plan. Any later changes will be to the cost of the "Developer";
41. that even if a Site Development Plan is approved by this letter of approval, a further 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;
42. that if the fully detailed Site Development Plan, as mentioned in the above item, contradicts the approved Site Development Plan, the "Developer" will be responsible for the amendment thereof and any costs associated therewith;
43. that an amended Site Development Plan be submitted for approval prior to the approval of building plans for new buildings not indicated on the Site Development Plan applicable to this application and or changes to existing buildings or re-development thereof;

Internal- and Link Services

44. that the "Developer", at his/her cost, construct the internal (on-site) municipal civil services for the development, as well as any link (service between internal and available bulk municipal service) municipal services that need to be provided;

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45. that the Directorate: Infrastructure Services may require the "*Developer*" to construct internal municipal services and/or link services to a higher capacity than warranted by the project, for purposes of allowing other existing or future developments to also utilise such services. The costs of providing services to a higher capacity could be offset against the Development Charges payable in respect of bulk civil engineering services if approved by the Directorate: Infrastructure Services;
46. that the detailed design and location of access points, circulation, parking, loading - and pedestrian facilities, etc., shall be generally in accordance with the approved Site Development Plan and / or Subdivision Plan applicable to this application;
47. that plans of all the internal civil services and such municipal link services as required by the Directorate: Infrastructure Services be prepared and signed by a Registered Engineering Professional before being submitted to the aforementioned Directorate for approval;
48. that construction of services may only commence after municipal approval has been obtained;
49. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "*Engineer*";
50. that the "*Developer*" ensures that his/her design engineer is aware of the Stellenbosch Municipality Design Guidelines & Minimum Standards for Civil Engineering Services (as amended) and that the design and construction/alteration of all civil engineering infrastructure shall be generally in accordance with this document, unless otherwise agreed with the Engineer. The said document is available in electronic format on request;
51. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal – and external services;
52. that all the internal civil services (water, sewer and stormwater), be indicated on the necessary building plans for approval by the Directorate: Infrastructure Services;
53. that prior to the issuing of the Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1, all internal - and link services be inspected for approval by the "*Engineer*" on request by the "*Developer's*" Consulting Engineer;

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54. that a Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1 be issued before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be issued (prior to transfer of individual units or utilization of buildings);
55. that Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will only be issued if the bulk watermeter is installed, a municipal account for the said meter is activated and the consumer deposit has been paid;
56. that a complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer be submitted to the “Engineer” on request;
57. that the “Developer” shall adhere to the specifications of Telkom (SA) and or any other telecommunications service provider;
58. that the “Developer” shall be responsible for the cost for any surveying and registration of servitudes regarding services on the property;
59. that the “Developer” be liable for all damages caused to existing civil and electrical services of the “Municipality” relevant to this development. It is the responsibility of the contractor and/or sub-contractor of the “Developer” to determine the location of existing civil and electrical services;
60. that all connections to the existing services be made by the “Developer” under direct supervision of the “Engineer” or as otherwise agreed and all cost will be for the account of the “Developer”.
61. that the developer takes cognizance of applicable tariffs by Council in respect of availability of services and minimum tariffs payable;
62. that the “Developer”, at his/her cost, will be responsible for the maintenance of all the internal (on-site) municipal – and private civil engineering services constructed for this development until at least 80% of the development units (i.e. houses, flats or GLA) is constructed and occupied whereafter the services will be formally handed over to the Owner’s Association, in respect of private services, and to the Municipality in respect of public services;

PROPOSED REZONING AND SUBDIVISION OF ERF 298 & 252 RAITHBY**Servitudes**

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

Stormwater Management

66. Taking into account the recent water crisis, and associated increase in borehole usage, it is important that the groundwater be recharged as much as possible. One way of achieving the above is to consider using Sustainable Drainage Systems (SuDS) approach wrt SW management. From Red Book: "SuDS constitute an approach towards managing stormwater runoff that aims to reduce downstream flooding, allow infiltration into the ground, minimise pollution, improve the quality of stormwater, reduce pollution in water bodies, and enhance biodiversity. Rather than merely collecting and discarding stormwater through a system of pipes and culverts, this approach recognises that stormwater could be a resource." The Developer is encouraged to implement SuDS principles that are practical and easily implementable. Details of such systems can be discussed and agreed with the Municipality and must be indicated on the engineering drawings.
67. that the geometric design of the roads and/or parking areas ensure that no trapped low-points are created with regard to stormwater management. All stormwater to be routed to the nearest formalized municipal system;
68. that overland stormwater escape routes be provided in the cadastral layout at all low points in the road layout, or that the vertical alignment of the road design be adjusted in order for the roads to function as overland stormwater escape routes. If this necessitates an amendment of the cadastral layout, it must be done by the "*Developer*", at his/her cost, to the standards of the Directorate: Infrastructure Services;

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69. 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;
70. 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;
71. 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;
72. that for larger developments, industrial developments or developments near water courses a stormwater management plan for the proposed development area, for both the minor and major storm events, be compiled and submitted for approval to the Directorate: Infrastructure Services.
73. 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;
74. 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.
75. 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

76. 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;

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77. that no access control will be allowed in public roads;
78. 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;
79. The design and lay-out of the development must be such that emergency vehicles can easily drive through and turn around where necessary;
80. 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;
81. 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;
82. 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;
83. that the access road to the existing facility be kept in an acceptable condition, i.e. maintained to a standard which will result in a comfortable ride for a standard passenger vehicle and to a standard which will not endanger the lives or property of road users;
84. that the parking area be provided with a permanent surface and be clearly demarcated and accessible. Plans of the parking layout, pavement layerworks and stormwater drainage are to be approved by the Directorate: Infrastructure Services before commencement of construction and that the construction of the parking area be to the standards of the Directorate: Infrastructure Services;
85. that no parking be allowed in the road reserve;

Wayleaves

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86. 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;
87. that wayleaves will only be issued after approval of relevant engineering design drawings;
88. that it is the Developer's responsibility to obtain wayleaves from any other authorities/service provider's who's services may be affected.

Owner's Association (Home Owner's Association or Body Corporate)

89. that an Owner's Association be established in accordance with the provisions of section 29 of the Stellenbosch Municipal Land Use Planning By-law and shall come into being upon the separate registration or transfer of the first deducted land unit arising from this subdivision;
90. that the Owner's Association take transfer of the private roads simultaneously with the transfer or separate registration of the first deducted land portion in such phase;
91. that in addition to the responsibilities set out in **section 29** of the Stellenbosch Municipal Land Use Planning By-law, the Owner's Association also be responsible for the maintenance of the private roads, street lighting, open spaces, retention facilities and all internal civil services;
92. that the Constitution of the Owner's Association specifically empower the Association to deal with the maintenance of the roads, street lighting, open spaces, retention facilities and all internal civil services;
93. that the Constitution of the Owner's Association specifically describes the responsibility of the Owner's Association to deal with refuse removal as described in the "Solid Waste" section of this document;

Rural areas: Water and Sewerage

94. That all private developments be supplied with a bulk water meter/connection point, registered in the name of the "Developer" of the Home Owner's Association, prior to transfer or commencement of building works;
95. That all engineering services for private developments comply with the same standards and procedures as above and the Home Owner's Association be responsible for the maintenance of internal private services;

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96. That bulk connection points for services (water, sewer, stormwater and access) be provided in the public road reserve.

Solid Waste

97. The reduction, reuse and recycle approach should be considered to waste management:

- Households to reduce waste produced
- Re-use resources wherever possible
- Recycle appropriately

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

- Procedures should be stipulated for the collection and sorting of recyclable materials;
- Provision should be made for centralized containers for recyclable materials including cardboard, glass, metal, and plastic and green waste;
- A service provider should be appointed to collect recyclable waste. Such service provider must be legally compliant in terms of all Environmental Legislation and/or approved by the Municipality's Solid Waste Management Department;
- Procedures for removal of waste (materials that cannot be reused or recycled) from the site should be stipulated;
- General visual monitoring should be undertaken to identify if these measures are being adhered to;
- Record shall be kept of any steps taken to address reports of dumping or poor waste management within the Development;

Where an Owner's Association is to be established in accordance with the provisions of section 29 of the Stellenbosch Municipal Land Use Planning By-law, the Constitution of the Owner's Association shall incorporate the above in the Constitution and:

- Each party's (Developer/Owner's Association/Home Owner) responsibilities w.r.t. waste management and waste minimization should be clearly defined in such constitution
- A set of penalties for non-compliance should be stipulated in the Constitution

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98. 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;
99. 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)
100. 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);
101. 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*";
102. 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;
103. Access shall be provided with a minimum travelable surface of 5 meters width and a minimum corner radii of 5 meters;
104. Maximum depth of cul-de-sac shall be 20 meters or 3 erven, whichever is the lesser. Where this requirement is exceeded, it will be necessary to construct a turning circle with a minimum turning circle radius of 11m or, alternatively – a turning shunt as per the Directorate: Infrastructure Services' specifications. With respect to the latter, on street parking are to be prohibited by way of "red lines" painted on the road surface as well as "no parking" signboards as a single parked vehicle can render these latter circles and shunts useless;
105. Minimum turning circle radius shall be 11 meters to the center line of the vehicle;
106. Road foundation shall be designed to carry a single axle load of 8.2 tons;
107. Refuse storage areas are to be provided for all premises other than single residential erven;

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108. 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;
109. 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;
110. 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;
111. 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;
112. 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;
113. All black 85 l refuse bins or black refuse bags is in the process of being replaced with 240 l black municipal wheeled containers engraved with WC024 in front, and consequently refuse storage areas should be designed to cater for these containers. The dimensions of these containers are:
- Commercial and Domestic : 585 mm wide x 730 mm deep x 1100 mm high
114. 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;
115. 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
116. Building specifications for refuse storage area:

Floor

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

Walls and Roof

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

Ventilation and Lighting

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

Water Supply and Drainage

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

117. 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;
118. A refuse bay with minimum dimensions of 15 meters in length x 2, 5 meters in width plus 45 degrees splay entrance, on a public street, must be provided where either traffic flows or traffic sight lines are affected. The refuse bays must be positioned such that the rear of the parked refuse vehicle is closest to the refuse collection area;
119. 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;
120. Refuse should not be visible from a street or public place. Suitable screen walls may be required in certain instances;

PROPOSED REZONING AND SUBDIVISION OF ERF 298 & 252 RAITHBY

121. Access must be denied to unauthorized persons, and refuse storage areas should be designed to incorporate adequate security for this purpose;
122. 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

123. The "*Developer*" shall provide the "*Municipality*" with:
- a. a complete set of as-built paper plans, signed by a professional registered engineer;
 - b. a CD/DVD containing the signed as-built plans in an electronic DXF-file format, reflecting compatible layers and formats as will be requested by the "*Engineer*" and is reflected herewith as Annexure X;
 - c. a completed Asset Verification Sheet in Excell format, reflecting the compositization of municipal services installed as part of the development. The Asset Verification Sheet will have to be according to the IMQS format, as to be supplied by the "*Engineer*", and is to be verified as correct by a professional registered engineer;
 - d. a complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer;
 - e. Written verification by the developer's consulting engineer that all professional fees in respect of the planning, design and supervision of any services to be taken over by the "*Municipality*" are fully paid;
124. 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*";
125. The Consulting Civil Engineer of the "*Developer*" shall certify that the location and position of the installed services are in accordance with the plans submitted for each of the services detailed below;

PROPOSED REZONING AND SUBDIVISION OF ERF 298 & 252 RAITHBY

126. 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;
127. 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

128. 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;
129. 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;
130. that clearance will only be given per phase and the onus is on the "Developer" to phase his development accordingly;
131. The onus will be on the "Developer" and or his professional team to ensure that all land-use conditions have been complied with before submitting an application for a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law. Verifying documentation (proof of payment in respect of Development Charges, services installation, etc.) must be submitted as part of the application before an application will be accepted by this Directorate;
132. 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".

Occupation Certificate in terms of Section 14 of the the National Building Regulations and Building Standards Act 103 of 1977 (where a subdivision and clearance certificate is not applicable)

PROPOSED REZONING AND SUBDIVISION OF ERF 298 & 252 RAITHBY

133. It is specifically agreed that the "*Developer*" undertakes to comply with all conditions of approval as laid down by the "*Municipality*" before occupation certificates shall be issued, unless otherwise agreed herein;
134. that the "*Municipality*" reserves the right to withhold any occupation certificate until such time as the "*Developer*" has complied with conditions set out in this contract with which he/she is in default. Any failure to pay monies payable in terms of this contract within 30 (thirty) days after an account has been rendered shall be regarded as a breach of this agreement and the "*Municipality*" reserves the right to withhold any occupation certificate until such time as the amount owing has been paid;
135. **The onus will be on the "Developer" and or his professional team to ensure that all land-use conditions have been complied with before submitting an application for an occupation certificate in terms of the National Building Regulations. Verifying documentation (proof of payment in respect of Development Charges, services installation, etc.) must be submitted as part of the application before an application will be accepted by this Directorate;**

Avoidance of waste, nuisance and risk

136. 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

137. 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*";
138. 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;

PROPOSED REZONING AND SUBDIVISION OF ERF 298 & 252 RAITHBY

139. 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;
140. Any defect with the street lighting services constructed by the "Developer" which may occur during the defects liability period of 12 (TWELVE) months and which occurs as a result of defective workmanship and/or materials must be rectified immediately / on the same day the defect was brought to the attention of the consulting electrical engineer, appointed by the "Developer". Should the necessary repair work not be done within the said time the "Municipality" reserves the right to carry out the repair work at the cost of the "Developer";
141. 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.



SHANE CHANDAKA 14/12/2022
DIRECTOR: INFRASTRUCTURE SERVICES

PROPOSED REZONING AND SUBDIVISION OF ERF 298 & 252 RAITHBY

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 ERF 298 & 252 RAITHBY

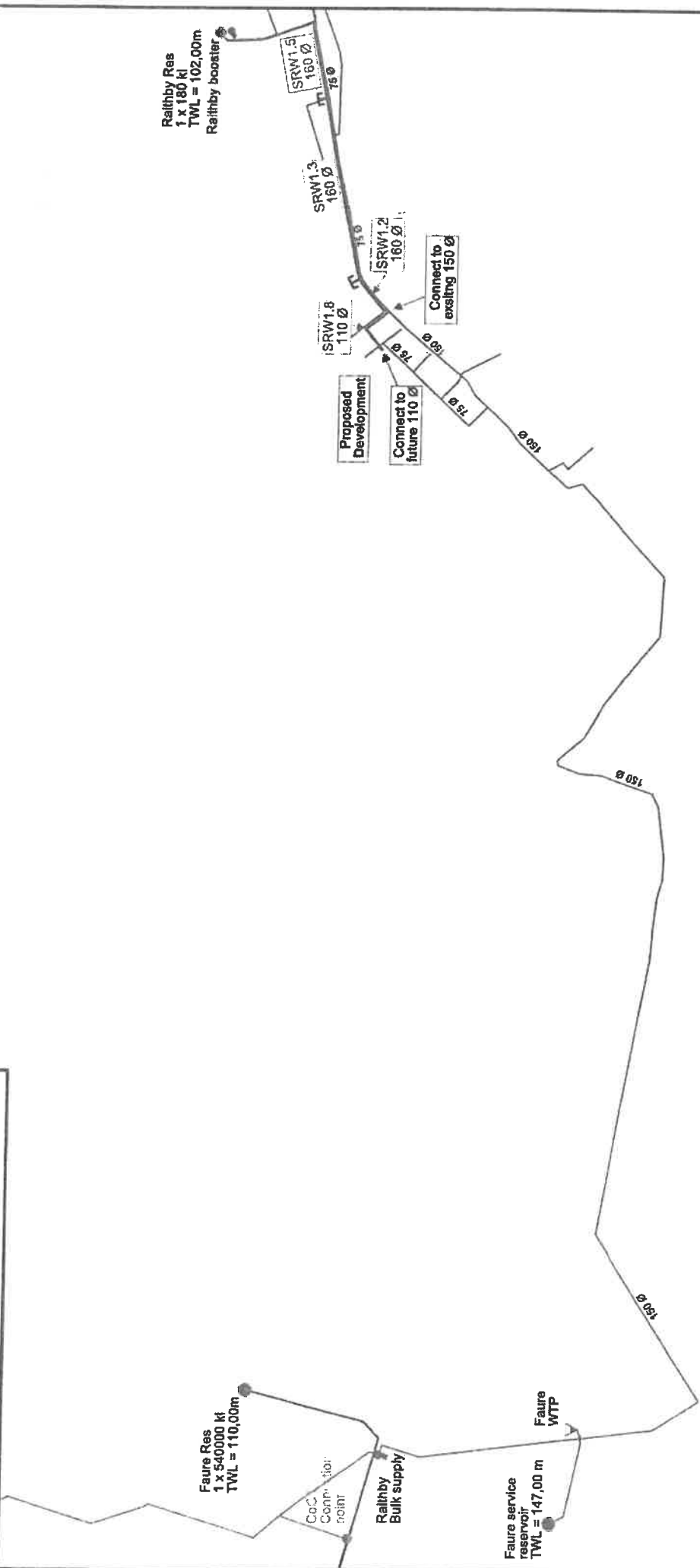
Municipality standard as follows:

- 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

Annexure A

Legend

- Existing water pipes
- Existing CCT bulk pipes
- Master plan pipes
- Existing reservoir
- Existing pump station
- Proposed development



November 2018

Development : Erf 298 - Raithby



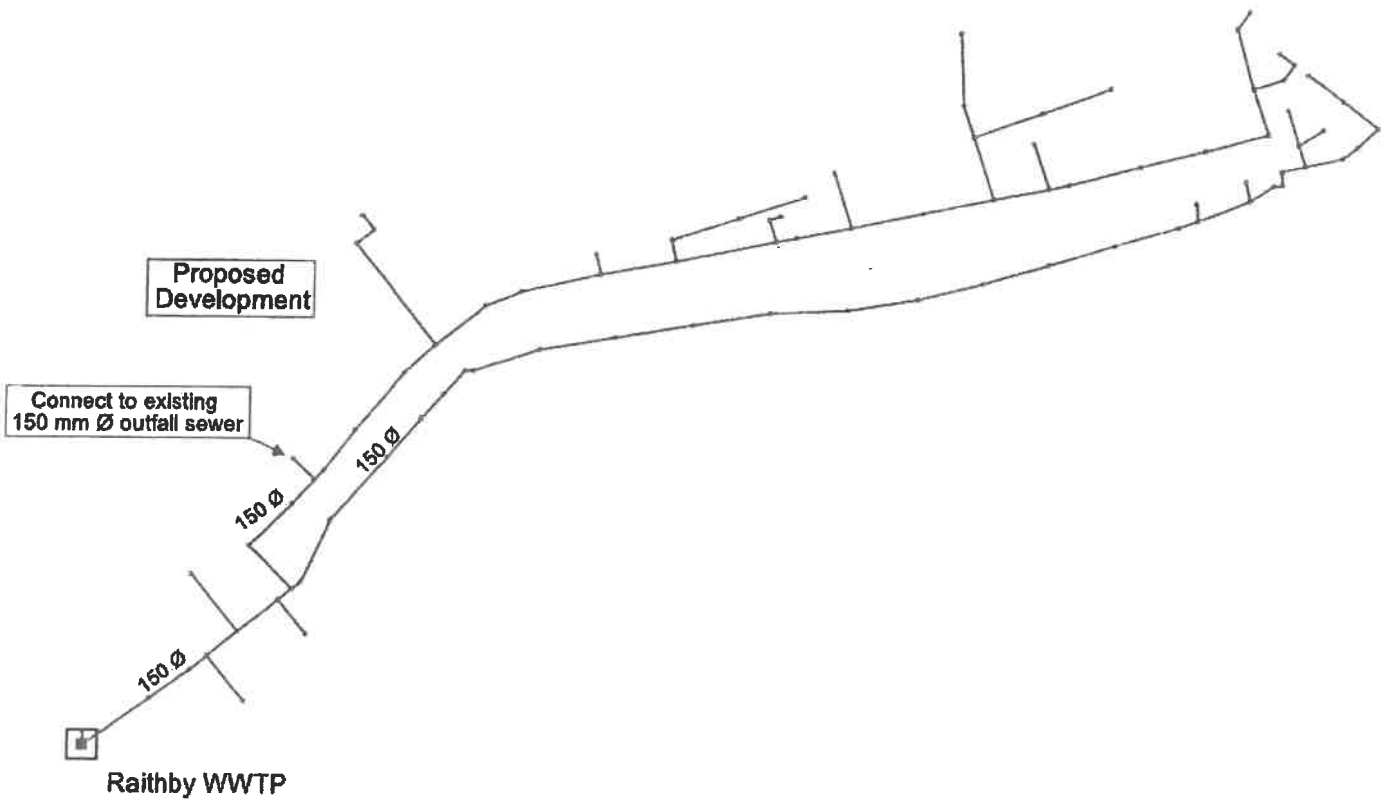
Figure 1
Proposed Development
Erf 298 - Raithby
Water Master Plan

Legend

-  Existing sewer system
-  Proposed development



Annexure B



December 2018

Development : Erf 298 - Raithby



Figure 2

Proposed Development
Erf 298 - Raithby
Sewer Master Plan

Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number:	LU-10035
Development Name:	Amandala Road Properties (Pty) Ltd
Date:	07 December 2022
Financial Year:	2022/2023
Erf Location (Select from 7 Locations):	Rairiby
Vehicle Ownership (Select Normal or Low):	Normal
Erf Region (Select Urban or Rural):	Urban
Erf No:	298
DC Parameters Reference:	Total Development

SUMMARY OF DC CALCULATION							
Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Community	Totals
Unit(s):	l/day	kl/day	ha°C	t/week	trips/day	persons	
Total Increased Services Usage:	60,784	52,3235	1,518236	4,6242	383,05	461,21	
Total Service Usage Reduction:	0	0	0	0	0,0	0	
Total Service Usage after Reduction:	60,78	52,32	1,51824	4,624	383,1	461	
Total Development Charges before Deductions:	R 589 058,09	R 637 549,53	R 324 803,15	R 405 098,42	R 4 070 640,45	R 1 591 157,42	R 7 598 307,05
Total Deductions:	R -	R -	R -	R -	R -	R -	R -
Total Payable (excluding VAT):	R 589 058,09	R 637 549,53	R 324 803,15	R 405 098,42	R 4 070 640,45	R 1 591 157,42	R 7 598 307,05
VAT:	R 85 358,71	R 95 632,43	R 48 720,47	R 60 764,76	R 610 596,07	R 238 673,61	R 1 139 746,06
Total Payable (including VAT):	R 654 416,80	R 733 181,96	R 373 523,62	R 465 863,18	R 4 681 236,52	R 1 829 831,03	R 8 738 053,11

APPLICANT INFORMATION	
Application Processed by:	C. Taylor
Signature:	
Notes:	

Ratepayer	Land Use Category <small>Classification</small>	Unit Type	Existing Usage		Proposed New Usage		Increased Usage Amount	Development Charges (incl VAT)						Total	
			Area (m ²)	Unit Amount	Area (m ²)	Unit Amount		Water	Sewer	Solid Waste	Roads & Transport	Community			
	Single Residential >1000m ²	du		11,224		0	0	11,224	R	0	0	0	0	0	0
	Single Residential >500m ²	du				0	0		R						
	Single Residential <500m ²	du				0	0		R						
	Second Dwelling	du				0	0		R						
	Low Form Residential	du				0	0		R						
	Group Residential	du				0	0		R						
	Apartment	du				0	0		R						
	Retirement Village	du				0	0		R						
	Other Home	du				0	0		R						
	Student Accommodation/College	rooms				0	0		R						
	Rooms	rooms				0	0		R						
	Guest House	rooms				0	0		R						
	Health Residential	rooms				0	0		R						
	General Business	rooms				0	0		R						
	Office	m ² GLA				0	0		R						
	Research	m ² GLA				0	0		R						
	Manufacturing	m ² GLA				0	0		R						
	Conference Facility/Office of assembly	m ² GLA				0	0		R						
	Apprenticeship/Technical Rooms	m ² GLA				0	0		R						
	School/University/College Day Care	student				0	0		R						
	Industrial - light	m ² GLA				0	0		R						
	Industrial - heavy	m ² GLA				0	0		R						
	Warehouse/Big Manufacturing	m ² GLA				0	0		R						
	Public Open Space	ha				0	0		R						
	Private Open Space	ha				0	0		R						
	Natural Environment	ha				0	0		R						
	Public Roads and Parks	ha				0	0		R						
	To be calculated	ha				0	0		R						
	Other (Based on equivalent demands)	ha				0	0		R						
	Total Area		0			0									
	Total Area					0									
	Total Development Charges before Deductions														
	Deductions per article (Amount)														
	Additional Deductions per article - from Service Agreement (s.163)														
	Total														
	VAT														
	Total														

Annexure: Electrical Engineering

Raitby 298

GENERAL COMMENT:

1. Outside Stellenbosch area of supply.
2. All Electrical requirements should be directed to Eskom.

CONDITIONS

3. All electrical work to comply with SANS142 and Municipal Bylaws.

Bradley Williams

Date.....25/09/2020.....

Signature 

ANNEXURE J:
COMMENTS FROM THE DEPARTMENT OF TRANSPORT AND PUBLIC
WORKS



Ref: TPW/CFS/RP/LUD/REZ/SUB-25/384 (Job 16944)

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr Ulrich von Molendorff

Dear Sir

MAIN ROAD 166 WINERY ROAD, DIVISIONAL ROAD 1039 RAITHBY ROAD AND MINOR ROAD 4232 RAITHBY ROAD: ERVEN 252 AND 298 RAITHBY: APPLICATION FOR CONSOLIDATION, REZONING, SUBDIVISION AND DEPARTURES

1. The following refer:
 - 1.1 Undated land use application by Planning Partners (Pty) Ltd, land use application no. LU/10035 (Stellenbosch Municipality), received by this Branch on 10 September 2020;
 - 1.2 This Branch's letter of comment, ref. TPW (Job 16944) dated 14 December 2020, objecting to the land use application on the basis that the traffic and road safety issues had not been adequately addressed in the Traffic Impact Statement submitted;
 - 1.3 E-mail from Mr H Thompson of this Branch to Ms A Groenewald regarding the draft BAR, dated 1 July 2021;
 - 1.4 E-mail exchanges between Mr M van den Heever of Planning Partners, Ms Y Obermeyer of UDS Africa and Mr H Thompson of this Branch between 24 March 2022 and 4 April 2022;
 - 1.5 E-mail from Ms Y Obermeyer to Mr H Thompson dated 14 April 2022 with revised traffic counts and data analysis.
2. The revised traffic data and analyses provides sufficient confirmation that the access from Main Road 166 Winery Road to Minor Road 4232 Raithby Road carries very little traffic and is unlikely to be a significant concern going forward. It is, however, recommended that the need for additional warning signage be considered for westbound traffic approaching Minor Road 4232 on Raithby Road westbound, as there is minimal passing space to the left of any vehicles turning right, and the horizontal curve reduces stopping sight distance.

3. The review of right turn warrants indicates that the right turn from Main Road 166 Winery Road into Divisional Road 1039 Raithby Road is at or close to justifying a turn lane. The proposed development will significantly increase the need for this lane, and this Branch has not budgeted for such a facility in the short term. It will therefore be necessary for the Applicant to provide a turn lane from MR166 to ensure that the additional traffic does not create a safety hazard.
4. This Branch offers no objection to the proposed land use development on Erven 252 and 298 Raithby as detailed in the land use application, subject to the following:
 - 4.1 The installation of a dedicated right turn lane on Main Road 166 Winery Road for westbound right turners into Divisional Road 1039 Raithby Road. The Applicant shall accept in writing to be responsible for all costs associated with the design and implementation of the required road upgrades.
 - 4.2 The design of the road widening, right turn lane and access road widening (if required) shall be carried out by an appropriately registered person in accordance with this Department's design guidelines and requirements. Detailed drawings of the road geometry, pavement / materials, drainage and road markings shall be submitted to this Branch's Design Directorate for approval and approved prior to the commencement of construction (Ms MK Hofmeyr, Melanie.Hofmeyr@westerncape.gov.za).
 - 4.3 Detailed construction drawings and proposals for traffic accommodation during construction shall be submitted for approval to the District Roads Engineer not less than two weeks prior to the intended date of commencement of construction.
 - 4.4 The Applicant's consultant or contractor shall accept the handing over of the site in writing from the Road Authority prior to construction.
 - 4.5 An adequate level of supervision by a Registered Engineer or Engineering Technologist must be provided for the full duration of the works.
 - 4.6 The Applicant shall be responsible for the safe and easy passage of public traffic past and/or over the site of which he has occupation. To this end he must take all necessary precautions to protect road users and facilitate the flow of traffic.
 - 4.7 Every effort must be made to ensure that temporary signage is maintained, and that courtesy is extended to the travelling public at all times.
 - 4.8 Stormwater systems affected by the works shall be kept functional at all times.
 - 4.9 The Applicant must maintain the site of which he has occupation in good order and repair.

- 4.10 All works shall be completed to the satisfaction of the District Roads Engineer. Any costs associated with the repair or reconstruction of rejected works shall be for the Applicant's account.
- 4.11 On completion of the works, the District Roads Engineer shall accept in writing the handing over of the site from the Applicant, who shall advise the DRE two weeks in advance of the intended completion date.
- 4.12 As built drawings shall be sent to this Branch's Chief Directorates Planning (Ms V Stoffels, e-mail: Vanessa.Stoffels@westerncape.gov.za) and Design (Mr M Hendrickse, e-mail: Michael.Hendrickse2@westerncape.gov.za) no later than one calendar month after completion of the works.
5. The approval is for roadworks within the provincial road reserve boundary of Main Road 166 and does not exempt the Applicant from any other legislation.

Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: ROADS

DATE: 3 May 2022

ENDORSEMENTS

1. Stellenbosch Municipality
Attention: Mr U von Molendorff (e-mail: Ulrich.vonMolendorff@stellenbosch.gov.za)
2. Planning Partners
Attention: Mr M van den Heever (e-mail: Mauritz@planpart.co.za)
3. UDS Africa
Attention: Mr P van Blerk (e-mail: Piet@udsafrika.co.za);
Ms Y Obermeyer (e-mail: Yolandi@udsafrika.co.za)
4. District Roads Engineer
Paarl
5. Mr E Smith (e-mail)
6. Mr B Du Preez (e-mail)
7. Ms S Bothma (e-mail)
8. Mr M Hendrickse (e-mail)
9. Mr S Carstens (e-mail)
10. Mr H Thompson (e-mail)



**Western Cape
Government**

Transport and Public Works

Vanessa Stoffels

Chief Directorate: Road Planning

Vanessa.Stoffels@westerncape.gov.za | Tel: 021 483 4669

Ref: TPW/CFS/RP/LUD/REZ/SUB-25/384 (Job 16944)

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr Ulrich von Molendorff

**MAIN ROAD 166, DIVISIONAL ROAD 1039 AND MINOR ROAD 4232: ERVEN 252 AND 298
RAITHBY: APPLICATION FOR CONSOLIDATION, REZONING, SUBDIVISION AND DEPARTURES**

1. The following refer:
 - 1.1. Our letter TPW/CFS/RP/LUD/REZ/SUB-25/384 (Job 16944) dated 3 May 2022; and
 - 1.2. The email request from UDS Africa to this Branch dated 25 May 2022.
2. Herewith this Branch amends Condition 4.1 in our letter above to read as follows: The installation of a dedicated right turn lane on Main Road 166 for the right turners into Divisional Road 1039. As this Branch has not budgeted for any road upgrades at this intersection in the short term, all cost associated with the design and implementation thereof would have to be for the account of local authority/developer.

Yours Sincerely

pp 

SW CARSTENS
For **DEPUTY DIRECTOR-GENERAL: ROADS**
DATE: 22 June 2022

ENDORSEMENTS

1. Stellenbosch Municipality
Attention: Mr U von Molendorff (e-mail: Ulrich.vonmolendorff@stellenbosch.gov.za)
2. UDS Africa
Attention: Mr P van Blerk (e-mail: piet@udsafrika.co.za)
3. District Roads Engineer: Paarl
4. Mr M E Smith (e-mail)
5. Mrs S du Preez (email)
6. Mr SW Carstens (e-mail)
7. Mr B du Preez (e-mail)



**Western Cape
Government**

Transport and Public Works

Vanessa Stoffels

Chief Directorate: Road Planning

Vanessa.Stoffels@westerncape.gov.za | Tel: 021 483 4669

Ref: TPW/CFS/RP/LUD/REZ/SUB-25/384 (Job 16944)

Planning Partners

PO Box 4866

CAPE TOWN

8000

Attention: Mr M van den Heever

Dear Sir

MAIN ROAD 166 WINERY ROAD, DIVISIONAL ROAD 1039 RAITHBY ROAD AND MINOR ROAD 4232 RAITHBY ROAD: ERVEN 252 AND 298 RAITHBY: APPLICATION FOR CONSOLIDATION, REZONING, SUBDIVISION AND DEPARTURES

1. The following refer:
 - 1.1 This Branch's letter TPW/CFS/RP/LUD/REZ/SUB-25/384 (Job 16944) dated 3 May 2022;
 - 1.3 Your e-mail to Mr H Thompson of this Branch dated 26 May 2022 with attachments.
2. The property diagram for Erf 252 Raithby, S.G. No. 1375/1996, contains an endorsement reading: "This Portion is subject to conditions referred to in Sect. 11(6) of Act 21/1940."
3. The subject property takes access from a municipal street and is some distance from the nearest proclaimed / building restriction road. This Branch does not require retention of the endorsement on S.G. Diagram No.1375/1996 relating to Act 21/1940.
4. In light of the above, this Branch as Controlling Authority in terms of Act 21/1940 gives its consent to the endorsement on Diagram No. S.G. 1375/1996 being repealed and not carried over to any new Title Deeds or S.G. diagrams that may be created as a result of the planned consolidation and subdivision of Erven 252 and 298 Raithby as detailed in the land use application.
5. The consent given in paragraph 4 above does not change any requirement of this Branch's letter of 3 May 2022, referenced in 1.1 above, which shall remain applicable in its entirety.

Yours Sincerely

SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: ROADS

DATE: 27 May 2022

ENDORSEMENTS

1. Stellenbosch Municipality
Attention: Mr U von Molendorff (e-mail: Ulrich.vonMolendorff@stellenbosch.gov.za)
2. Planning Partners
Attention: Mr M van den Heever (e-mail: Mauritz@planpart.co.za)
3. Ms S Bothma (e-mail)
4. Mr S Carstens (e-mail)
5. Mr H Thompson (e-mail)

**ROAD NETWORK MANAGEMENT**

Email: Grace.Swanepoel@westerncape.gov.za

tel: +27 21 483 4669

Rm 335, 9 Dorp Street, Cape Town, 8001

PO Box 2603, Cape Town, 8000

REFERENCE: TPW (Job 16944)
ENQUIRIES: Ms GD Swanepoel
DATE: 14 December 2020

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

Attention: Mr U von Molendorff

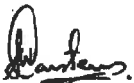
Dear Sir

ERVEN 298 AND 252, RAITHBY: MAIN ROAD 166 WINERY ROAD, DIVISIONAL ROAD 1039 AND MINOR ROAD 4232: APPLICATION FOR CONSOLIDATION, REZONING, SUBDIVISION AND DEPARTURES

1. Undated letter addressed to the Deputy Director-General: Roads Infrastructure, Department of Transport & Public Works from Mr Mauritz van den Heever of Planning Partners, land use application number LU/10035 (Stellenbosch Municipality), received by the Department on 10 September 2020, with link to documents via the Municipality's Planning Portal, refers.
2. The subject properties are located in the village of Raithby, ±14km south of the centre of Stellenbosch.
3. The application is for:
 - 3.1 Consolidation of erven 298 and 252, Raithby;
 - 3.2 Rezoning of the consolidated property from Agricultural and Rural Zone to Subdivisional Area;
 - 3.3 Subdivision of the consolidated property in order to develop 116 residential units comprising a mix of single erven, group housing and apartments and
 - 3.4 Departures in relation to building lines.
4. The subject property will take access from Watson Way, a municipal street which connects with Divisional Road 1039 to the east and with Minor Road 4232 to the west. Both DR1039 and OP4232 connect with Main Road 166 Winery Road, which in turn connects with Main Road 27 (the R44) to the east and with Main Road 165, the M9, to the south-west.

5. Since the majority of homes in Raithby are closer to DR1039 than to OP4232 and Stellenbosch/Somerset West is likely to attract more trips than areas to the south-west, it is probable that the DR1039/MR166 intersection carries most of the trips leaving Raithby in the peaks. The counts used in the Traffic Impact Statement are 2015 RNIS counts; however, there are 2018 RNIS counts available, which are significantly higher. These are two-way counts and evidently no other counts were conducted and no analyses of the intersections with Main Road 166 have been provided. It is considered possible that in the afternoon peak, the turn volumes may be close to or even above the warrant requirements for a right turn lane from MR166 into DR1039. If that is the case, the additional trips could well create the need for a right turn lane. While the Traffic Impact Statement (TIS) suggests that a right turn lane be provided, this is not based on application of the Access Management Guidelines to recent traffic counts including turn movements at the DR1039 intersection.
6. It is, however, also possible that residents of the new development may prefer to use OP4232 rather than DR1039 to reach their homes, since although that route is slightly longer, it is less developed and avoids the traffic calming measures through Raithby. In this event, they will turn right from MR166 into OP4232 at the end of a fairly tight right hand bend with an 80km/h speed limit and restricted forward visibility for following vehicles and limited space for following vehicles to pass on the left (there is a drainage channel close to the edge of pavement). This could be a road safety hazard. For vehicles entering Main Road 166 and turning right, the shoulder sight distance looking left is also limited.
7. This Branch objects to the land use application for Erven 298 and 252, Raithby due to safety and operational concerns and inadequate information regarding the two accesses onto Main Road 166.
8. If the Applicant should submit a revised traffic study addressing the concerns regarding the two intersections on Main Road 166, this Branch may be willing to review its objection to the application. Traffic counts should be conducted after the start of the 2021 school term and adjusted taking into account the potential impact of the change of travel patterns due to the Covid pandemic. The 2018 RNIS count data, available online, could serve as a base traffic level, with the count data potentially providing the current trip distribution. The right turn lane warrants in the Access Management Guidelines 2020 should be applied. The safety of right turns at Minor Road 4232 should also be reviewed and if warranted, potential mitigation measures should be investigated.

Yours faithfully



SW CARSTENS
For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT

ENDORSEMENTS

1. Stellenbosch Municipality
Attention: Mr Ulrich von Molendorff (e-mail: ulrich.vonmolendorff@stellenbosch.gov.za)

2. Planning Partners
Attention: Mr Mauritz van den Heever (e-mail: Mauritz@planpart.co.za)

3. UDS Africa
Attention: Mr Piet van Blerk (e-mail: piet@udsafrika.co.za)

4. District Roads Engineer
Paarl

5. Mr Elroy Smith (e-mail)

6. Cape Winelands District Municipality
Attention: Mr Aubrey Stevens (e-mail: aubrey@capewinelands.gov.za)

7. Mr SW Carstens (e-mail)

8. Mr HW Thompson (e-mail)

ANNEXURE K:
COMMENTS FROM THE CAPE WINELANDS DISTRICT MUNICIPALITY:
HEALTH SERVICES

Charlene Williams

FILE NR:	OUTGOING POST
4f 298 RB	
COLLABORATOR NR: 689967	

From: Salome Newman
Sent: 06 August 2020 02:44 PM
To: Charlene Williams
Subject: FW: ERF 298 Raithby :APPLICATION FOR DEPARTURES, REZONING, SUBDIVISION AND CONSOLIDATION : DEPARTMENTAL COMMENT - HEALTH SERVICES

Print en plaas op die leer asb

From: Leandre Candice Davids [mailto:leandre@capewinelands.gov.za]
Sent: 06 August 2020 12:59 PM
To: Salome Newman
Cc: Fabian van Wyk; Tracey-Lee Mouton
Subject: [EX] ERF 298 Raithby :APPLICATION FOR DEPARTURES, REZONING, SUBDIVISION AND CONSOLIDATION : DEPARTMENTAL COMMENT - HEALTH SERVICES



ERF 298, RAITHNY: APPLIACTION FOR REZONING, SUBDIVISION AND REGUALTION DEPARTURES

From an environmental health perspective, this application may be recommended for approval; provided that the following conditions are complied with:

1. Environmental pollution
 - 1.1 No pollution such as water, air, dust or noise pollution may occur on any part of the premises during the operational phase of the proposed residential development. Proper preventative measures must be put in place beforehand.
2. Potable water/Storm water
 - 2.1 The quality of the potable water on the premises must at all times comply with the minimum bacteriological and chemical standards for potable water, as determined by SANS code 241.
3. Solid waste disposal
 - 3.1 Refuse collection and storage must be done in a way that will not cause a health nuisance.
4. Sewerage/Sanitary facilities
 - 4.1 The sewerage system from the proposed development must be connected to an approved sewerage system according to Stellenbosch Municipality's specifications, conditions and approval.
 - 4.2 Sewage disposal on the premises must at all times take place in a nuisance-free manner and shall be the owner's responsibility.
5. General conditions
 - 5.1 This Department reserves the right to set further requirements during the operational phase.

Please contact me if you have any further questions or comments in this regard.

Yours faithfully



Leandre Davids
HEALTH OFFICER/INSPECTOR
for MUNICIPAL MANAGER

Leandre Candice Davids
Environmental Health Practitioner
Cape Winelands District Municipality



C/o Langenhoven and Bird Street
Stellenbosch 7600,



021 888 5814



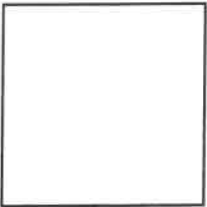
021 887 9365



leandre@capewinelands.gov.za



www.capewinelands.gov.za



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



Western Cape
Government

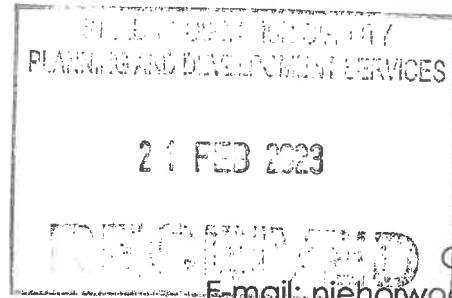
Ministry of Local Government,
Environmental Affairs & Development Planning

Tel: +27 21 483 3721

Email: DEADP.Appeals@westerncape.gov.za

Reference: 14/3/1/B4/45/0566/21

Mr. Nicholas Horwood
Annandale Road Properties (Pty) Ltd.
P. O. Box 2479
SOMERSET WEST
7129



Cell: 082 550 6300

E-mail: njhorwood@mweb.co.za

Dear Mr. Horwood

APPEAL LODGED IN TERMS OF SECTION 43(2) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AGAINST THE ENVIRONMENTAL AUTHORISATION GRANTED FOR THE PROPOSED DEVELOPMENT OF A RESIDENTIAL ESTATE AND ASSOCIATED INFRASTRUCTURE ON ERVEN 252 AND 298, RAITHBY

1. The Appeal lodged against the Environmental Authorisation ("EA") granted on 11 November 2021, Correction Notice dated 16 November 2021 and your Responding Statement dated 13 December 2021, refer:
2. After careful consideration of the Appeal, as well as supporting documentation received, in terms of section 43(2) of the *National Environmental Management Act, 1998 (Act No. 107 of 1998)* ("NEMA") and regulation 7(3) of the *2014 National Appeal Regulations*, I have decided to **dismiss** the Appeal and **confirm** the abovementioned decision of the Delegated Competent Authority granted on 11 November 2021.
3. The abovementioned EA and the conditions under which the authorisation was granted must be complied with.
4. **AMENDMENTS/EXCLUSIONS TO THE ENVIRONMENTAL AUTHORISATION:**
 - 4.1. Section E9 & E10, and Section G of the EA is excluded from this authorisation.
 - 4.2. The following conditions of the EA are substituted and must be complied with:

SECTION E: CONDITIONS

Condition E3:

*"The holder must commence with the Listed Activities on site within a period of **five (5) years** from the date of issue of this Appeal Environmental Authorisation."*

Condition E8:

"The holder must in writing, within 14 (fourteen) calendar days of the date of this Appeal decision notify all registered Interested and Affected Parties ("I&APs") of –

- 8.1 *The outcome of the appeal;*
- 8.2 *The reasons for the decision;*
- 8.3 *The date of the decision."*

5. **REASONS FOR THIS APPEAL DECISION:**

The reasons for dismissing the Appeal and confirming the EA are contained in the EA and the following are additional reasons for the decision:

Appeal ground 1: Need and desirability

- 5.1. Regulation 18 of the current 2014 Environmental Impact Assessment ("EIA") Regulations requires the Competent Authority to consider the need and desirability aspects of the proposed activity when an application for EA is submitted for consideration.
- 5.2. The DEA&DP's Guideline on Need and Desirability states that the consideration of "need and desirability" in EIA decision-making requires consideration of the strategic context of the development proposal along with the broader societal needs and the public interest. This guideline was consulted and adhered to while undertaking the basic assessment process.
- 5.3. The need and desirability aspects were dealt with in the BAR as follows:
 - 5.3.1. The preferred alternative can be described as a residential estate containing a variety of residential options (with a total of 116 residential opportunities), arranged around a large, central open space as well as other connected open spaces and landscaped areas. The proposed land uses, and layout are informed by *inter alia* planning policies and directives, the residential character of Raithby, the site's topographical characteristics and the surrounding rural environment. The proposal is aimed at:
 - 5.3.1.1. Realising the development potential of this portion of Raithby as reflected in planning directives and policy;
 - 5.3.1.2. Efficient utilisation of land, resources and services;
 - 5.3.1.3. Providing greater spatial compactness;
 - 5.3.1.4. Establishing a safe, efficient and attractive residential environment;
 - 5.3.1.5. Providing a mix of residential types;
 - 5.3.1.6. Diversifying the market segments that the proposed development will be able to serve;
 - 5.3.1.7. Creating an effective relationship between appropriate density, building height and landscaping to respond to the character of a 'rural town' and achieve a positive visual absorption rating;
 - 5.3.1.8. Providing a 'transition' in terms of residential topology and density between conventional residential neighborhoods to the east and south and rural land towards the north;
 - 5.3.1.9. Creating a sense of community by providing a centrally located open space, circular access road and clubhouse;
 - 5.3.1.10. Providing suitable open space areas and linkages that may accommodate active (e.g. integrated footpath system) and passive functions; and
 - 5.3.1.11. Utilising views towards rural and agricultural landscapes.
 - 5.3.2. The demand for housing within the Stellenbosch Municipal area is increasing faster than housing provision. The Stellenbosch municipal area has an estimated shortage of around 25,000 housing units. This need includes all socio-economic groups. The current housing stock in the municipal area would need to be doubled to meet this demand. Raithby has a modest, but valuable local role to play in addressing this need.
 - 5.3.3. Erven 252 and 298 were included in the Raithby Local Area through proclamation and are part of the Raithby township.
 - 5.3.4. The Provincial Spatial Development Framework ("PSDF") and Stellenbosch Municipal Spatial Development Framework ("SDF") promotes densification and more efficient use of resources and land. The applicable planning policy directs that development should be spatially compact, efficient and resource frugal. The approved Stellenbosch Municipal SDF indicates that Erven 252 and 298 are located within the urban edge of Raithby. The approved Stellenbosch Municipal SDF also indicates Erf No. 252 as forming part of the existing cadastral fabric of Raithby and Erf No. 298 is specifically demarcated as "*Mixed Use Community and Residential Infill*".
 - 5.3.5. Erven 252 and 298 are not part of the "*Urban Agricultural Areas Retained*", the "*Critical Biodiversity Areas*" or "*Green Areas Retained*".

- 5.3.6. Erven 252 and 298 are located outside of the "Existing and Proposed Urban Character Areas".
- 5.3.7. The proposal of a mixed residential development is consistent with the guiding principles as contained in the PSDF.
- 5.3.8. The proposed development of the property for mixed residential purposes addresses a number of issues identified in the Stellenbosch Municipal SDF. The proposal is regarded as consistent with the directives of the Stellenbosch Municipal SDF.
- 5.3.9. No agricultural activities have taken place on the property within the past 26 years. Medium low to low potential soils are prevalent across the property. The Agricultural Land Capability Study has confirmed that Erf No. 298 does not constitute a sustainable agricultural, nor an economically viable agricultural unit.
- 5.3.10. From a botanical perspective, the property is entirely transformed and although now lying fallow is not showing any signs of reverting to a natural condition. The development of the property would not negatively impact any conservation worthy vegetation or eco-system.
- 5.3.11. The property is largely vacant and underutilised and is currently not making a productive contribution to the economy, and wellbeing of Raithby nor the larger Stellenbosch area.
- 5.3.12. If all mitigation measures recommended in the specialist Visual Impact Assessment ("VIA") are implemented the residual impact would be of a residential development set into an existing landscape with effective visual, physical and spatial links to the surrounding land uses. The proposed development would have carefully resolved edge treatments which would create a successful interface between the proposed and existing uses. The extent of the visual impact would not reduce or expand, but the absorption capacity and the compatibility ratings would increase. The local visual landscape quality would not be negatively impacted upon.
- 5.3.13. The overall impact upon heritage resources will be visually acceptable and moderate-low considering that all recommended mitigation measures are implemented.
- 5.3.14. A need for residential development has been identified and the desirability of such residential development in the specific location has been indicated.
- 5.3.15. Although the site is located within the urban edge and are part of the Raithby township, the erven are still zoned Agriculture and Rural Zone in accordance with the provisions of the Stellenbosch Municipality: Zoning Scheme By-Law, 2019. The site would therefore need to be rezoned to an appropriate zoning before it may be utilised for township development purposes.
- 5.3.16. An application in terms of the provisions of the *Subdivision of Agricultural Land Act, 1970* (Act No. 70 of 1970) was submitted to the Department of Agriculture, Land Reform and Rural Development. On 17 May 2021, the Department of Agriculture, Land Reform and Rural Development issued a letter stating that, from an agricultural point of view, the Department has no objection against the proposed rezoning of Erf No. 298 and Erf No. 252 Raithby.
- 5.3.17. The guiding principle of the Western Cape PSDF is sustainable development and has been complied with by the proposed development. Accepted international consensus is that *sustainability* consists of three pillars, often referred to as the "triple bottom line", namely "economic efficiency / prosperity", "ecological integrity" and "social equity". The triple bottom line propagates a holistic approach.
- 5.3.18. The overall policy objective of the PSDF is therefore to secure environmentally sustainable development and the use of natural resources while promoting socio-economic development of the Western Cape Province.
- 5.3.19. The Stellenbosch Municipal SDF forms part of the approved Stellenbosch Integrated Development Plan ("IDP") and constitutes the spatial development framework for the Stellenbosch municipal area in terms of the provisions of the *Local Government: Municipal Systems Act, 2000 (MSA)*, *Spatial Planning and Land Use Management Act*,

2013 ("SPLUMA"), the Western Cape Land Use Planning Act ("LUPA") and the Stellenbosch Municipality Land Use Planning By-Law, 2015.

- 5.3.20. The 'Guiding Concept' (October 2018) underpinning the Stellenbosch Municipal SDF notes *inter alia* the following:
- 5.3.20.1. Poverty has deepened and key sectors, which traditionally accommodated unskilled workers, show slow growth;
 - 5.3.20.2. Infrastructure backlogs exist;
 - 5.3.20.3. The need for housing and shelter, both for the lower income groups and those with employment, has not been adequately met;
 - 5.3.20.4. The Municipality does not have the resources to fundamentally reverse backlogs or negative trends in shelter or infrastructure needs; and
 - 5.3.20.5. Although Stellenbosch has grown, it has been unsuccessful in addressing current and future housing needs. The demand for housing is increasing faster than housing provision.
- 5.3.21. The Stellenbosch Municipal SDF promotes higher densities as it enables *inter alia* efficiency in resource utilisation (e.g. land), efficiency in infrastructure provision and the thresholds for entrepreneurship development.
- 5.3.22. In relation to Raithby, the Stellenbosch Municipal SDF states that areas for residential densification and infill should focus on undeveloped land within the urban edge. The site represents such an opportunity.
- 5.3.23. The spatial plan for Raithby indicates *inter alia* the following:
- 5.3.23.1. Erven 252 and 298 are both located within the urban edge of Raithby;
 - 5.3.23.2. Erf No. 252 is indicated as forming part of the existing cadastral fabric of Raithby and Erf No. 298 is specifically demarcated as "Mixed Use Community and Residential Infill";
 - 5.3.23.3. Watson Way is indicated as a "Main / Secondary Road";
 - 5.3.23.4. A "New Road Linkage" to Erf No. 298 is indicated at its south-eastern boundary;
- 5.3.24. The proposed development of a mixed residential development and associated infrastructure is consistent with the directives of the Stellenbosch Municipal SDF.
- 5.4. As informed by Section E of the Final BAR, the Need and Desirability Table attached as Appendix K of the Final BAR and the Planning Report, the need and desirability is considered under paragraph 3.1 of the reasons for the EA.
- 5.5. It is concurred with the Responding Statements that the need and desirability aspects have been addressed.
- 5.6. Considering the above, the need and desirability aspects were adequately considered in the Final BAR.

Appeal ground 2: Inadequate and incorrect information related to the assessment of alternatives

- 5.7. When considering an application for an EA, the competent authority must, take into account all relevant factors, including where appropriate, any feasible and reasonable alternatives to the activity, and any feasible and reasonable modifications or changes to the activity that may minimise harm to the environment.
- 5.8. When the interested and affected parties questioned the late inclusion of the proposed site into the urban edge, it was responded in the comments and responses report that:
- 5.8.1. As indicated by the approved Stellenbosch Municipal SDF, the property is located within the urban edge of Raithby and specifically demarcated for the purposes of "Mixed Use Community and Residential Infill".
 - 5.8.2. Based on the field observations, it was concluded that the property is entirely transformed and although now lying fallow is not showing any signs of reverting to a natural condition.

- 5.8.3. The drafting and approval of the SDF followed its own statutory process by the Stellenbosch Municipality and its appointed consultants. It was not under the control of the applicant or its consultants.
- 5.8.4. The SDF approved by the Stellenbosch Council on 11 November 2019 is the statutory SDF.
- 5.8.5. The development proposal has followed an integrated planning process involving a multi-disciplinary project team. The development proposal has given due consideration to *inter alia* authority directives and policy, the surrounding environment, the biophysical characteristics of the site, visual and heritage considerations.
- 5.8.6. The proposed development complies with the principles of the PSDF and SDF.
- 5.9. It is concurred with the Responding Statement that:
- 5.9.1. The drafting and approval of the Stellenbosch Municipal SDF is a process managed by the Stellenbosch Council and other relevant authorities and is not under the control of the applicant or the consultants of this application. The cyclical revision of the SDF has followed a separate process as prescribed by the relevant legislative instruments, led by the Stellenbosch Council and its appointed consultants.
- 5.9.2. The spatial plans contained in the SDF give effect to the directives of the Stellenbosch IDP and the principles and policies as contained in the SDF. As indicated above, the SDF clearly indicates the site as being located within the urban edge of Raithby and specifically demarcated as "Mixed Use Community and Residential Infill".
- 5.9.3. The proposed development is specific to the site as the proposed land uses and layout were informed by planning policies and directives, the residential character of Raithby, the site's topographical characteristics and the surrounding rural environment.
- 5.9.4. After considering and assessing the potential environmental impacts associated with the proposed development, it was found that the proposed development will not have any significant or detrimental impacts on any environmental aspects that could result in any fatal flaws. All impacts identified can be mitigated to acceptable levels of significance.
- 5.9.5. The proposed development aligns with most of the Stellenbosch Municipality's policies and guidelines. The Stellenbosch Municipal SDF has placed an emphasis on the protection of the natural environment, agricultural land and heritage resources.
- 5.9.6. The SDF elements provided in the table above associated with environmental aspects are – Critical Biodiversity Areas ("CBAs"), Ecological Support Areas ("ESAs") and Protected Areas; watercourses; agricultural land; urban edge; scenic landscapes, scenic routes, special places; historical and culturally significant precincts and places. All of these elements were considered when the preferred alternative was formulated.
- 5.9.7. There are no CBA, ESA, Protected areas, or watercourses present on site. The proposed development will therefore not impact on any biophysical aspects.
- 5.9.8. Section I of the Final BAR describes that the site is located within the urban edge. Erf No. 252 is already developed with three modern residential dwellings and forms part of the existing cadastral fabric of Raithby and Erf No. 298 is specifically demarcated as "Mixed Use Community and Residential Infill".
- 5.9.9. The applicant adequately assessed two Layout/Design alternatives (in addition to the initial development concept) as well as the mandatory 'no-go' alternative and this is acceptable in terms of Section 24O(1)(b)(iv) of the NEMA. The information contained in the Final BAR, Section G, describes the methodology used to determine and rank the environmental impacts and risks associated with each of the alternatives. These alternatives were comparatively assessed in terms of the impact assessment tables, as included in the BAR. Both the positive and negative impacts associated with the alternatives have been addressed in the BAR.
- 5.9.10. The assessment of alternatives was therefore deemed adequate by this Directorate at the time of making the decision to authorise the applicant's preferred alternative.
- 5.9.11. It must be noted that the decision to include Erf No. 298, Raithby within the urban edge of Raithby is the prerogative of the Stellenbosch Municipality, as this planning matter is a

municipal competency for which the Department (and consequently, this Directorate) has no legislative powers/jurisdiction.

- 5.9.12. The reasons for the Competent Authority authorising the residential development are not solely based on the site being located within the municipal urban edge, as approved by the Stellenbosch Municipality in the SDF. A full list of reasons for authorising the residential development is listed in Annexure 3 of the EA which outline the key factors affecting the decision. These key factors entailed the need and desirability, heritage resources, visual impacts, botanical impacts, soil potential and traffic impacts of the proposed residential development.
- 5.10. Considering the above, adequate consideration has been afforded to the proposed site and no further alternative site should be investigated.

Appeal ground 3: Unacceptable impact on the agricultural potential of the land and the rural landscape

- 5.11. When the interested and affected parties raised this issue during the basic assessment process, it was responded in the comments and responses report as follows:
- 5.11.1. The agricultural land capability study conducted by Agrimotion Consulting found that the property is not a sustainable agricultural unit nor an economically viable agricultural unit.
- 5.11.2. The VIA has *inter alia* found that the character of the local landscape and townscape is deemed to be able to accommodate this change, which is the extension of the residential built form. Further, the local visual sensitivity is assessed as low. The existing residential neighbours are sensitive receptors, however concerns have been addressed under 'Mitigation'.
- 5.11.3. The Heritage Impact Assessment ("HIA") has *inter alia* found that proposal could blend in with care and be moderately appropriate provided the interfaces with adjacent land uses are addressed with care. With mitigation, the development impact could be viewed as moderate-low.
- 5.11.4. It should be noted that the recommended mitigation measures regarding the interfaces with adjacent land uses, as recommended by the visual and heritage impact consultants, have been implemented by the project town planner, architect and landscape architect, to the satisfaction of the visual and heritage impact consultants.
- 5.11.5. It is acknowledged that the landscape and townscape character of Erf 289 will change if the proposed development is authorized, and actioned. A wall and tree planting is proposed along the west boundary of Erf 289 to mitigate the impact.
- 5.12. It is concurred with the Responding Statements that:
- 5.12.1. After considering and assessing the potential environmental impacts associated with the proposed development, it was concluded that the proposed development is not expected to have any significant detrimental impacts on any environmental aspects that could result in any fatal flaws. All impacts identified can be mitigated.
- 5.12.2. The proposed development aligns with the Stellenbosch Municipality's planning directives. The Stellenbosch Municipality's SDF has placed an emphasis on the protection of the natural environment, agricultural land and heritage resources. In this regard:
- 5.12.2.1. No agricultural activities have taken place on the property within the past 26 years;
- 5.12.2.2. From a botanical perspective, the property is entirely transformed and although now lying fallow is not showing any signs of reverting to a natural condition;
- 5.12.2.3. The development of the property would not negatively impact any conservation worthy vegetation or eco-system;
- 5.12.2.4. Medium low to low potential soils are prevalent across the property;
- 5.12.2.5. The limited size of the property, together with the fact that no irrigation water is allocated to the property, imply that Erven 298 and 252 cannot be seen as a sustainable and economically viable agricultural unit;

- 5.12.2.6. From a visual impact standpoint, the property can be considered for residential purposes;
- 5.12.2.7. From a heritage impact standpoint, the property can be considered for residential purposes;
- 5.12.2.8. Not utilising Erven 298 and 252 to its full potential for township purposes will displace development pressure on other properties, which properties may be sensitive from a natural, agricultural, visual and heritage perspective;
- 5.12.2.9. The property is vacant and underutilised, and is currently not making a productive contribution to the economy and wellbeing of Raithby nor the larger Stellenbosch area; and
- 5.12.2.10. A need for residential development has been identified and the desirability of such residential development at the property has been indicated.
- 5.12.3. The Agricultural Land Capability Study (compiled by Agrimotion Consulting, dated 17 February 2017), concluded that Erf No. 298, Raithby is suited to support perennial-crop production through appropriate soil preparation and amelioration techniques (deep soil tillage, ridging, drainage, and liming). Additionally, however, due to the size of the property and the fact that no additional irrigation water is allocated to the property, the specialist is of the opinion that Erf No. 298, Raithby is not deemed to be a sustainable agricultural unit.
- 5.12.4. The character of Raithby and the surrounding environment has received due consideration by the proposals and specialist consultants. The potential impact of the proposed development in terms the cultural heritage and the visual character of Raithby has been assessed. A VIA and HIA were *inter alia* undertaken. The VIA concluded that the proposed development would not detract from the visual qualities of the local landscape and townscape character, either quantitatively or qualitatively. Additionally, it is the opinion of the visual specialist that the proposed development assimilates into a village character due to the combination of dwelling typologies and the use of open space areas with landscaping. As observed by the figure-ground diagram contained in the VIA, the footprints of the buildings are deemed to be in keeping with the overall form and character of Raithby. The development is therefore not regarded as setting a precedent nor is the development deemed to be visually obtrusive.
- 5.12.5. The HIA states that "*Ultimately, the proposal is for a residential development within a mainly residential village and given the limited visual impacts, could blend in with care and be moderately appropriate provided the interfaces with adjacent land uses are addressed with care. With mitigation, the development impact could be viewed as moderate-low.*" The HIA Report (compiled by Cindy Postlethwayt dated May 2021), confirmed that the site has no intrinsic significance nor historical associations, has not formed part of the Raithby historical settlement, and although a ridgeline traverses the site, limited visual value from the site exists.
- 5.12.6. The application was assessed by Heritage Western Cape [by both the Impact Assessment Committee ("IACom") and the Heritage Officer Meeting ("HOMs")]. HWC supported the HIA "*as the proposal will not impact upon on heritage resources of significance.*"
- 5.12.7. Furthermore, the final comment from Heritage Western Cape IACom dated 5 July 2021, endorsed the recommendations of the HIA, as meeting the requirements of Section 38(3) of the *National Heritage Resources Act, 1999 (Act No. 25 of 1999)* with the following conditions:
- 5.12.7.1. The development must remain substantially in accordance with the layout described in the HIA, as the Preferred Alternative, associated Landscape Concept Plan, and Newlands Estate Design Guidelines; and
- 5.12.7.2. The mitigation measures described in the HIA are implemented in full.
- 5.12.8. The Botanical Statement (compiled by Bergwind Botanical Surveys and Tours, dated 23 November 2016), concluded that the site has been subjected to past cultivation

activities, with only two indigenous species recorded during the site visit. Additionally, the botanist concluded that the site is entirely transformed and although currently lying fallow, is not showing any signs of reverting back to its natural state.

- 5.12.9. Furthermore, CapeNature, confirmed in correspondence (dated 4 June 2021), that the site has been cultivated, has stands of alien Port Jackson trees and that although some pioneer vegetation exists on the site, the vegetation is not representative of Critically Endangered Swartland Granite Renosterveld vegetation, which would have originally occurred on the site, offered no objection to the proposed residential development on the site.
- 5.13. Considering the above, the impacts on the agricultural potential of the land and the rural landscape have been adequately addressed.

6. **CONCLUSION:**

In view of the above, the NEMA principles, compliance with the conditions stipulated in the Appeal EA and compliance with the conditions of the EMPr, the proposed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and any potentially detrimental environmental impacts resulting from the activities can be mitigated to acceptable levels.

7. **DISCLAIMER:**

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this EA shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Since I have discharged my decision-making powers when making the decision, I am *functus officio* in this regard. My decision is final and your only recourse, should a person still be aggrieved by my decision, is to apply to the Western Cape High Court to review my decision.

Sincerely,



A BREDELL

**WESTERN CAPE MINISTER OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

DATE: 25/5/2022

Copied to:

Mr Z. Toefy (DEA&DP)

Email: Zaahir.Toefy@westerncape.gov.za

Ms. A. Groenewald (Doug Jeffery Environmental Consultants (Pty) Ltd)

Email: adel@dougjeff.co.za

Mr. Bernabe de la Bat (Stellenbosch Municipality)

Email: Bernabe.delaBat@stellenbosch.gov.za

EIA REFERENCE: 16/3/3/1/B4/45/1027/21
NEAS REFERENCE: WCP/EIA/0000915/2021
DATE: 11 November 2021

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE PROPOSED DEVELOPMENT OF A RESIDENTIAL ESTATE AND ASSOCIATED INFRASTRUCTURE ON ERVEN 252 AND 298, RAITHBY

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the Listed Activities specified in section B below with respect to the preferred Alternative that is described in the Basic Assessment Report ("BAR") received by the Department on 29 July 2021.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Annandale Road Properties (Pty) Ltd.
c/o Mr. Nicholas Horwood
P. O. Box 2479
SOMERSET WEST
7129

Cell: 082 550 6300
E-mail: njehorwood@mweb.co.za

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the holder**".

B. LISTED ACTIVITIES AUTHORISED

Listed Activities	Project Description
<p>Listing Notice 1</p> <p>Activity Number: 27 Activity Description: <i>"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—</i> <i>(i) the undertaking of a linear activity; or</i> <i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan."</i></p>	<p>The proposed development site of 5,2ha contains indigenous vegetation comprising of pioneer species scattered across the site, as a result of the complete transformation of the site by past agricultural activities and residential development.</p>
<p>Listing Notice 1</p> <p>Activity Number: 28 Activity Description: <i>"Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</i> <i>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares;</i> <i>or</i> <i>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</i> <i>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes."</i></p>	<p>The proposed development comprises residential development on land previously used for agriculture.</p>
<p>Listing Notice 3</p> <p>Activity Number: 4 Activity Description: <i>"The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i></p> <p>i. Western Cape</p> <p>i. Areas zoned for use as public open space or equivalent zoning;</p> <p>ii. Areas outside urban areas; (aa) Areas containing indigenous vegetation; (bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</p> <p>iii. Inside urban areas: (aa) Areas zoned for conservation use; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority."</p>	<p>The proposed development entails the development of internal roads wider than 4m on land containing indigenous vegetation.</p>

The abovementioned Listed Activities are hereinafter referred to as "**the Listed Activities**".

The holder is herein authorised to undertake the following alternative that includes the Listed Activities relating to the development:

The proposed development of a residential estate and associated infrastructure on Erven 252 and 298, Raithby, which entails the following:

- 116 residential units consisting of the following typologies:

A total of 32 conventional detached residential dwellings with residential erven ranging between approximately 400m² and 1080m²;

A total of 30 semi-detached residential dwellings of approximately 170m² in extent; and

A total of 54 apartments units made up of five (5) two-storey detached buildings with a minimum of 108 parking bays;

- A Club House;
- Open space / landscaping; and
- Associated infrastructure (stormwater pond, pipelines and electrical infrastructure).

C. SITE DESCRIPTION AND LOCATION

The Listed Activities will be undertaken on Erven 252 and 298, Raithby.

The SG 21-digit codes are given below:

Erf 252, Raithby	C06700180000025200000
Erf 298, Raithby	C06700180000029800000

The co-ordinates of the site are given below:

Site	Latitude (S)	Longitude (E)
Erf 252, Raithby	34° 1' 28.49" S	18° 47' 51.93" E
Erf 298, Raithby	34° 1' 25.84" S	18° 47' 46.82" E

Refer to Annexure 1: Locality Map(s). Refer to Annexure 2: Site Development Plan(s).

The above property is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Doug Jeffery Environmental Consultants (Pty) Ltd.
 Ms. Adél Groenewald
 P. O. Box 44
KLAPMUTS
 7625

Tel.: (021) 872 5272

E-mail: adel@dougjeff.co.za

E. CONDITIONS OF ENVIRONMENTAL AUTHORISATION

Scope of Authorisation

1. The holder is authorised to undertake the Listed Activities specified in Section B above in accordance with and restricted to the Preferred Alternative described in Section B above.

2. The holder must commence with the Listed Activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the Competent Authority.
3. The holder must commence with the Listed Activities on site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
4. The development must be concluded within **ten (10) years** from the date of commencement of the Listed Activities.
5. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including an implementing agent, sub-contractor, employee or any person rendering a service to the holder.
6. Any changes to, or deviations from the scope of the alternative described in section B above must be approved in writing by the Competent Authority before such changes or deviations may be implemented. In assessing whether or not to grant such approval, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written Notice to the Competent Authority

7. A written notice of seven (7) calendar days must be given to the Competent Authority before construction work can be commenced with.
 - 7.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 7.2. The notice must include proof of compliance with the following conditions described herein:

Conditions: 8, 9 and 14

Notification of Environmental Authorisation and Administration of Appeal

8. The holder must in writing, within fourteen (14) calendar days of the date of this decision–
 - 8.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - 8.1.1. the decision reached on the application;
 - 8.1.2. the reasons for the decision as included in Annexure 3;
 - 8.1.3. the date of the decision; and
 - 8.1.4. the date when the decision was issued.
 - 8.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
 - 8.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 8.4. provide the registered I&APs with the:
 - 8.4.1. name of the holder (entity) of this Environmental Authorisation,
 - 8.4.2. name of the responsible person for this Environmental Authorisation,
 - 8.4.3. postal address of the holder,
 - 8.4.4. telephonic and fax details of the holder,
 - 8.4.5. e-mail address, if any, of the holder,

- 8.4.6. contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeals Regulations, 2014 (as amended).

Commencement

9. The Listed Activities, including site preparation, must not be commenced with within (20) twenty calendar days from the date the applicant notifies the registered I&APs of this decision.
10. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

Management of Activities

11. The draft Environmental Management Programme ("EMPr") (submitted as part of the final BAR on 29 July 2021), is hereby approved and must be implemented.
12. The Agricultural Design Guidelines and Landscape Master Plan must be implemented.
13. The EMPr, Architectural Design Guidelines and Landscape Master Plan must be included in all contract documentation for all phases of implementation.

Monitoring

14. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") before the Listed Activities can be commenced with, to ensure compliance with the EMPr and the conditions contained herein.
15. A copy of the Environmental Authorisation, EMPr, ECO reports, audit reports and compliance monitoring reports must be kept at the contractor's site office and must be made available to any authorised official of the Competent Authority on request.
16. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see the reports for the purposes of assessing and/or auditing compliance with the conditions contained herein.

Auditing

17. In terms of Regulation 34 of the EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and the updated Rehabilitation Plan. Environmental audit reports must be compiled and be submitted to the Competent Authority. Environmental audit reports must be prepared by an independent person and must contain all the information required in Appendix 7 of the EIA Regulations, 2014 (as amended).
18. The audit reports must be compiled and subsequently submitted to the Department in the following manner:
 - 18.1. An audit report must be submitted to the Competent Authority within **three (3) months** after construction commence.
 - 18.2. A final audit report must be submitted within **three (3) months** after the development is completed.

19. The audit report must indicate compliance status with the conditions of this Environmental Authorisation, and the EMPr and make recommendations for improved environmental management.
20. The holder must, within **seven (7) calendar days** of the submission of the audit report to the Competent Authority, notify all registered I&APs of the submission and make the audit report available to any registered I&AP on request.

Specific Conditions

21. Should any heritage remains be exposed during excavations or any other actions on the site, this must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include, *inter alia*, meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

22. A qualified archaeologist and/or paleontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
23. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed.
24. All noise and sounds generated during the construction phase must comply with the relevant SANS codes and standards and the relevant noise regulations.
25. Dust suppression methods must be used to mitigate dust during the development phase. No potable water may be used for dust suppression. Alternative dust suppression methods (such as shade netting screens and/or straw stabilisation, etc.) must instead be implemented.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the Listed Activities.
2. Non-compliance with any Condition of this Environmental Authorisation or EMPr may render the holder liable for criminal prosecution.
3. If the holder does not commence with the Listed Activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be lodged with the Competent Authority.
4. An application for amendment of the Environmental Authorisation must be submitted to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

5. Please note that an amendment of the Environmental Authorisation is not required for a change in the contact details of the holder. In such a case, the Competent Authority must only be notified of such changes.
6. The manner and frequency for updating the EMPr must be as follows:
 - 6.1. Amendments to the EMPr must be made in accordance with Regulations 35 to 37 of GN No. R.982 (as amended) or any relevant legislation that may be applicable at the time.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (as amended).

1. An appellant (if the holder of the decision) must, within twenty (20) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker, *i.e.*, the Competent Authority that issued the decision.
2. An appellant (if not the holder of the decision) must, within twenty (20) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker, *i.e.*, the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the Appeal Authority and the appellant within twenty (20) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel.: 021 483 2659)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority at the address listed above and/or via e-mail to DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Authority at: Tel.: (021) 483 3721, E-mail: DEADP.Appeals@westerncape.gov.za or URL: <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

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

Yours faithfully

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT – REGION 1

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 11 NOVEMBER 2021

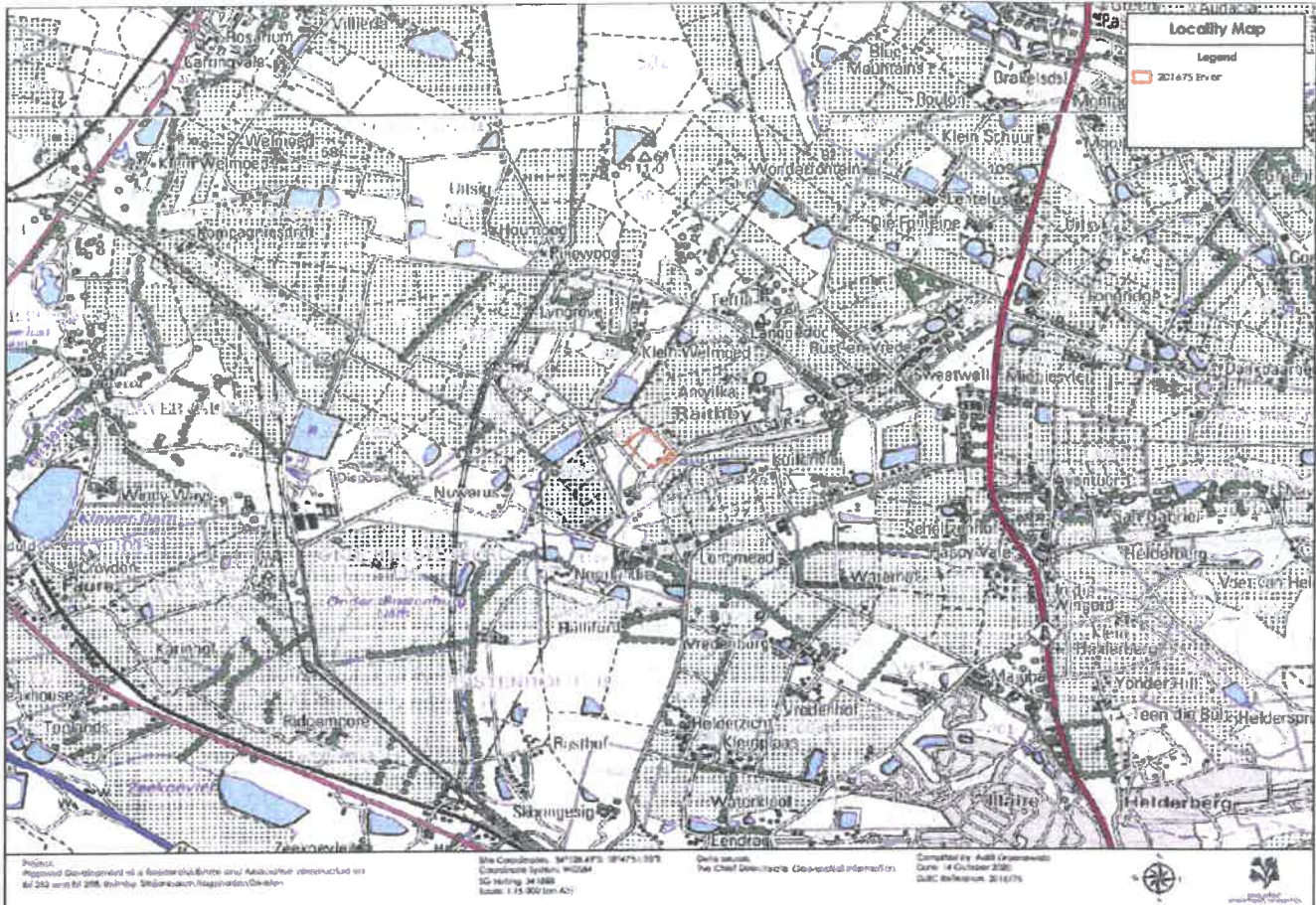
CC: Ms. Adél Groenewald (Doug Jeffery Environmental Consultants (Pty) Ltd) E-mail: adel@dougjeff.co.za
Mr. Bernabe de la Bat (Stellenbosch Municipality) E-mail: Bernabe.deLaBat@stellenbosch.gov.za

FOR OFFICIAL USE ONLY:

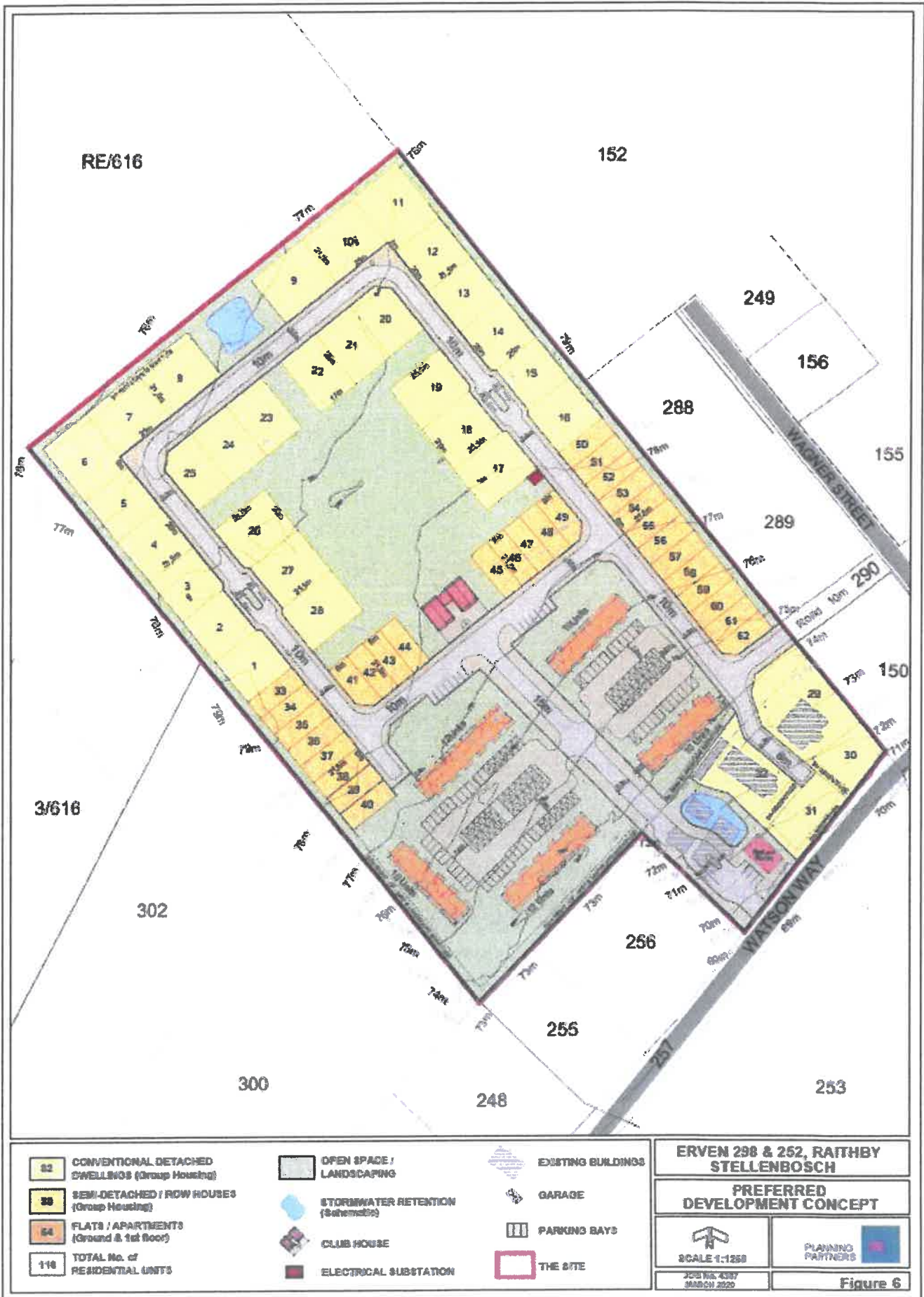
EIA REFERENCE NUMBER: 16/3/3/1/B4/45/1027/21

NEAS REFERENCE NUMBER: WCP/EIA/0000915/2021

ANNEXURE 1: LOCALITY MAP(S)



ANNEXURE 2: SITE DEVELOPMENT PLAN(S)





ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, *inter alia*, the following:

- a) The information contained in the Application Form received by the Department on 1 June 2021, and the EMPr submitted together with the final BAR for decision-making on 29 July 2021;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Need and Desirability and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- d) The comments received from I&APs and the responses thereto, included in the BAR;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) No site visit was conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Public Participation

- Identification of and engagement with I&APs;
- Fixing a site notice at the entrance to the site on 18 November 2020. An additional site notice was fixed at a local shop called Raithby Stores (13 Watson Way, Raithby);
- Giving written notice (e-mail and post) to potential I&APs, owners, and occupiers of land adjacent to the site, the Ward councilor, ratepayers association, the Municipality, Organs of State and State Departments having jurisdiction in respect of any aspect of the activity;
- The placing of newspaper advertisements (one in English and one in Afrikaans) in the 'District Mail' on 19 November 2020;
- Making the pre-application BAR available to I&APs for comment from 19 November 2020 to 11 January 2021; and
- Making the draft BAR available to I&APs for comment from 3 June 2021 to 5 July 2021.

The Department is satisfied that the PPP that was followed met the minimum legal requirements. Amongst others, concerns were raised with respect to pressure on services, additional traffic and sense of place. All the comments raised, and responses thereto were included in the comments and responses report.

Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address significant concerns raised.

2. Alternatives

Preferred Development Alternative (Herewith Authorised)

The Preferred Alternative entails the development of a residential estate and associated infrastructure on Erven 252 and 298, Raithby, which includes the following:

- 116 residential units consisting of the following typologies:

A total of 32 conventional detached residential dwellings with residential erven ranging between approximately 400m² and 1080m²;

A total of 30 semi-detached residential dwellings of approximately 170m² in extent; and

A total of 54 apartments units made up of five (5) two-storey detached buildings with a minimum of 108 parking bays;

- A Club House;
- Open space / landscaping; and
- Associated infrastructure (stormwater pond, pipelines and electrical infrastructure).

This alternative is preferred, as it will allow for more residential opportunities to be realised.

Initial Development Concept

The initial development proposal maintains the existing conventional detached residential development form of Raithby, albeit on smaller cadastral erven.

The main components of this concept consist of the following:

- A total of 62 detached dwellings with erven of approximately 500m² in extent;
- A clubhouse in close proximity to the entrance of the site;
- A centrally located open space forming a 'village green';
- Access proposed to be taken from existing road reserves that connect to Watson Way to the southeast of the site; and
- A circular internal access road.

This alternative was conceptualised based on limited site survey information prior to scoping being undertaken with the Stellenbosch Municipality. It was not deemed desirable, as it did not take into consideration the forward planning vision of the Stellenbosch Municipality.

Layout/Design Alternative 1

This alternative, conceptualised following a detailed site survey, visual baseline study, heritage baseline study and initial scoping with relevant authorities, comprises the following:

- A total of 107 residential units;
- 30 detached dwellings (properties will vary between 400m² - 500m² in extent);
- 27 town housing erven/units, semi-detached/row houses (properties will be approximately 170m² in extent);
- 50 apartment units, spread over 5 detached, double storey buildings (ground and first floor);
- A club house located in a central position;
- Centrally located open space forming a 'village green', connected to other open space areas;
- Integrated footpath system;
- Access via existing road reserves that connect to Watson Way to the southeast;
- Internal access roads;
- One internal electrical substation site; and
- Provision for centralised refuse collection.

This alternative was not preferred, as at this stage Erf 252, Raithby did not form part of the proposed development.

'No-Go' Alternative

The 'No-Go' alternative of not proceeding with the development of a residential estate and associated infrastructure on Erven 252 and 298, Raithby was considered. The positive impacts of the development proposal include the provision of employment opportunities and additional housing opportunities for different socio-economic groups, which are benefits that will not be realised with the 'No-Go' alternative. The development proposal was informed by various specialist studies that culminated in the design/ layout of the preferred alternative. All potential impacts identified in the specialist studies will be mitigated to acceptable levels. The 'No-Go' Alternative was therefore deemed undesirable.

3. Key Factors Affecting the Decision

3.1 Need and Desirability

The subject properties fall within the municipal urban edge of Raithby. The proposal is consistent with the Stellenbosch Municipality's Spatial Development Framework ("SDF"), which earmarks the land for urban development. The proposed development will assist in alleviating the housing shortage in the area, and is in line with the relevant municipal planning principles related to urban densification.

The Stellenbosch Municipality confirmed in correspondence (dated 1 December 2020) that sufficient capacity exists to provide the proposed development with water, sewage treatment and solid waste disposal services.

Eskom has confirmed in correspondence (dated 9 July 2021) that sufficient capacity exists to provide the proposed development with electricity supply.

3.2 Heritage Resources

According to the Heritage Impact Assessment ("HIA") Report (compiled by Cindy Postlethway dated May 2021), the site has no intrinsic significance nor historical associations and has not formed part of the Raithby historical settlement. Although a ridgeline traverses the site, limited visual value from the site exists. The rural character and elevation establishes a contextual backdrop to Raithby and separates the site from the rural area behind and to the north of the urban fabric of Raithby. The site will be developed in a manner sensitive to the historic character of Raithby.

The interim comment from Heritage Western Cape Impact Assessment Committee ("IACom") (dated 12 May 2021), stated that the committee supported the pre-application HIA, as the proposal will not impact on heritage resources of significance. The final comment from Heritage Western Cape IACom dated 5 July 2021, endorsed the recommendations of the HIA (compiled by Ms. Cindy Postlethway and dated May 2021), as meeting the requirements of Section 38(3) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) with the following conditions:

- The development must remain substantially in accordance with the layout described in the HIA, as the Preferred Alternative, associated Landscape Concept Plan, and Newlands Estate Design Guidelines; and
- The mitigation measures described in the HIA are implemented in full.

The visual sensitivity of the site is deemed to be of moderate-low significance, with mitigation. Heritage indicators included in the HIA, which will guide development of the site, are included as conditions of this Environmental Authorisation and provisions of the EMPr.

Additionally, the applicant will comply with Conditions 21 and 22 of this Environmental Authorisation. This will help to ensure the protection of any heritage resources that may be encountered on the site.

3.3 Visual Impacts

According to the Visual Impact Assessment (dated March 2020 and compiled by Ms. Karen Hansen), the proposed development would not detract from the visual qualities of the local landscape and townscape character, either quantitatively or qualitatively.

The preferred layout alternative ensures the proposed development assimilates into a village character due to the combination of dwelling typologies and the use of open space areas with landscaping. Additionally, a wall, as well as tree planting are proposed along the western boundary of Erf 289, Raithby and clustered tree planting is proposed to channel vistas from

strategic locations to mitigate the visual impact of the proposed development. The visual specialist deemed the proposed development to have a local visual sensitivity rating of low and to be visually acceptable, with the implementation of mitigation measures.

The mitigation measures recommended by the visual specialist have been included in the EMPr and has guided the formulation of the Landscaping Master Plan to minimise potential negative visual impacts.

3.4 Botanical Impacts

According to the botanical statement (compiled by Bergwind Botanical Surveys and Tours, dated 23 November 2016), the site has been subjected to past cultivation activities. Only two indigenous species were recorded during the site visit, namely; *Stoebe plumosa* (Slangbos) and *Helichrysum pandurifolium* (Ear-Leaf Strawflower). The botanist concluded that the site is entirely transformed and although currently lying fallow, is not showing any signs of reverting back to its natural state.

CapeNature confirmed in correspondence (dated 4 June 2021), that the site has been cultivated, has stands of alien Port Jackson trees and that although some pioneer vegetation exists on the site, the vegetation is not representative of Critically Endangered Swartland Granite Renosterveld vegetation, which would have originally occurred on the site.

3.5 Soil Potential

According to the Agricultural Land Capability Study (compiled by Agrimotion Consulting, dated 17 February 2017), medium low to low potential soils are prevalent across Erf 298, Raithby. A dense clay-rich saprolite layer which occurs at depths varying between 40cm and 60cm from the soil surface will restrict root penetration and water infiltration and thereby limit the effective useable soil depth. In addition, excessive signs of soil wetness occur throughout the area alluding to the occurrence of waterlogged soil conditions during wetter periods of the year. Acidic soil conditions were also detected from the chemical soil analyses. Erf 298, Raithby is suited to support perennial-crop production through appropriate soil preparation and amelioration techniques (deep soil tillage, ridging, drainage, and liming). However, due to the size of the property and the fact that no additional irrigation water is allocated to the property, the Erf is not deemed to be a sustainable agricultural unit.

Additionally, the Department of Agriculture, Land Reform and Rural Development, in correspondence dated 17 May 2021, indicated that they have no objection to the proposed rezoning of Erven 298 and 252, Raithby from an agricultural perspective.

3.6 Traffic Impacts

According to the Traffic Impact Statement (compiled by Mr. Piet van Blerk of iCE Group, dated 4 March 2020), the proposed development has the potential to generate 108 peak hour trips, with access to the site obtained from Watson Way, and emergency access via Wagner Street. Adequate traffic calming exists along Watson Way. A raised pedestrian crossing exists across Watson Way between the school and public open space to accommodate scholars crossing the road. The report identified specific upgrades to accommodate the additional traffic as a result of the proposed development. These upgrades will be implemented by the holder of the Environmental Authorisation.

These mitigation measures have been included in the EMPr to minimise potential negative impacts.

The development proposal will result in both negative and positive impacts.

Negative impacts include:

- Loss of some natural vegetation (pioneer species) during site preparation; and

- Construction related impacts, such as dust, noise and visual intrusion during the construction phase.

Positive impacts include:

- The creation of temporary employment and business opportunities;
- The promotion of densification and more efficient use of resources and land;
- The introduction of traffic calming measures for added pedestrian safety; and
- The creation of housing opportunities with for different socio-economic groups to assist in diversifying the residential market.

4. **National Environmental Management Act, 1998 (Act No. 107 of 1998) Principles**

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all Organs of State, serve as guidelines by reference to which any Organ of State must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activity (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between Organs of State through conflict resolution procedures; and
- the selection of the best practicable environmental option.

5. **Conclusion**

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the authorised listed activities will not conflict with the general objectives of Integrated Environmental Management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the undertaking of the listed activities can be mitigated to acceptable levels.

-----END-----



Department of Environmental Affairs and Development Planning
Ntanganedzeni Mabasa
 Development Management: Region 1
Ntanganedzeni.Mabasa@westerncape.gov.za | Tel: 021 483 2803

REFERENCE: 16/3/3/6/B4/45/1213/20
ENQUIRIES: Ntanganedzeni Mabasa
DATE: 23/10/2020

The Board of Directors
 Planning Partners
 P.O Box 4866
CAPE TOWN
 8000

Attention: Mr. Mauritz Van Den Heever

Cell: 021 418 0510
 Email: mauritz@planpart.co.za

Dear Sir

APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR APPLICATION FOR THE PROPOSED CONSOLIDATION, REZONING, SUBDIVISION AND DEPARTURES ON ERVEN NO. 252 AND NO. 298, RAITHBY, STELLENBOSCH.

1. The electronic copy of the abovementioned documents, as received by this Department on the 28 September 2020, refer.
2. This letter serves as an acknowledgement of receipt of the correspondence by this Department.
3. The Department hereby confirms the following:
 - 3.1 A Notice of Intent to submit an application in terms of the NEMA EIA Regulations, 2014 for the abovementioned proposed development was submitted to the Department on 15 October 2020.
 - 3.2 The Departmental reference number is 16/3/3/6/7/1/B4/45/1246/20 and the case officer is Ms Ayesha Hamdulay.
4. You are required to quote the abovementioned reference number in any future correspondence in respect of the application to the Department.
5. Please note that the activity may not commence prior to an environmental authorisation being granted by the Department.

6. The applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.
7. The Department reserves the right to revise or withdraw comments or request further information based on any information received.

Yours faithfully



HEAD OF COMPONENT

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

cc: (1) Bernabe De LaBat (Stellenbosch Municipality) Email: Bernabe.DeLaBat@stellenbosch.gov.za

**ANNEXURE M: COMMENTS FROM DEPARTMENT OF AGRICULTURE, LAND
REFORM AND RURAL DEVELOPMENT**



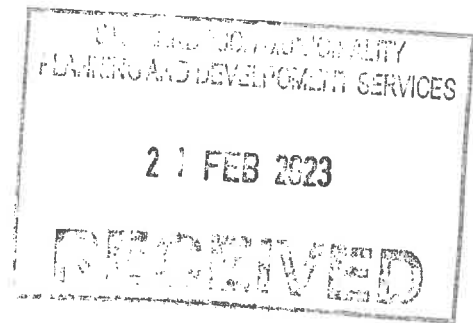
**agriculture, land reform
& rural development**

Department:
Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA

Private Bag X120, Pretoria, 0001
Delpen Building, C/o Annie Botha & Union Street, Riviera, 0084

From: Directorate Land Use and Soil Management
Tel: 012-319-7678 Fax: 012-329-5938
Enquiries: Helpdesk Ref: 2020_09_0095

Planning Partners
P.O. Box 4866
CAPE TOWN
8000



Attention: M van Heever

**APPLICATION IN TERMS OF THE SUBDIVISION OF AGRICULTURAL LAND ACT,
1970: APPLICATION FOR REZONING OF ERF 298 AND ERF 252 (PORTION OF ERF
122) RAITHBY, DIVISION STELLENBOSCH, WESTERN CAPE PROVINCE**

Your e-mail Mauritz van Heever dated 23 November 2020 refers.

This Department has no objection against the proposed rezoning of the abovementioned properties from an agricultural point of view.

The formal consent shall be issued upon receipt of the completed application form and rezoning approval from the municipality.

Yours faithfully

DR. E. M. MODISANE
**ACTING DEPUTY DIRECTOR-GENERAL: AGRICULTURAL PRODUCTION, HEALTH AND
FOOD SAFETY, NATURAL RESOURCES AND DISASTER MANAGEMENT**
DATE: 17/1/2021

CC: Land Use and Soil Management Private Bag X 2 SANLAMHOF 7532
CC: Mr Brandon Layman Landuse Management Department of Agriculture: Western Cape Private Bag x 1 ELSENBURG 7607

**ANNEXURE N: COMMENTS FROM 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 : 20/9/2/5/6/684
YOUR REFERENCE : LU/10035
ENQUIRIES : Cor van der Walt

Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Att: Mr. De la Bat

**APPLICATION FOR SUBDIVISION, CONSOLIDATION, REZONING AND DEPARTURE:
DIVISION STELLENBOSCH**

ERVEN NO 298

ERVEN NO 252

Your application received by our office on 8 August 2020 has reference.

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

Please note:

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

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

Yours sincerely



Mr. CJ van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2020-10-15

Copies:

Planning Partners

PO Box 4866

CAPE TOWN

8000

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

**ANNEXURE O: 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

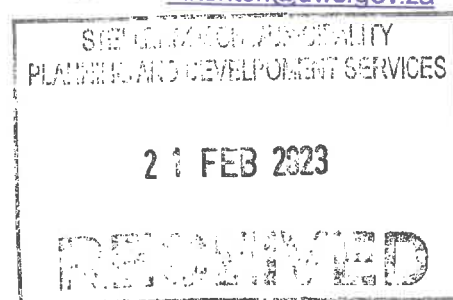
☎ 021 941 6039
📠 021 941 6082
📞 082 370 2708

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

Attention: Mauritz van der Heever

Planning Partners
P O Box 4866
CAPE TOWN
8000

Dear Sir/ Madam



**APPLICATION FOR CONSOLIDATION, REZONING, SUBDIVISION AND DEPARTURES:
ERVEN 298 AND 252, RAITHYB**

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

REGIONAL HEAD: WESTERN CAPE

Signed by: Nelisa Ndobeni

Designation: Control Environmental Officer

Date: 23 December 2020



NATIONAL DEVELOPMENT PLAN
Our Future - make it work

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



PROPOSED REZONING OF ERF 298, RAITHBY

CIVIL ENGINEERING SERVICES REPORT

DESCRIPTION	TABLE OF CONTENTS	PAGE NO
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1. INTRODUCTION

1.1 Terms of Reference

EKCON (Pty) Ltd has been appointed by Annandale Road Properties (Pty) Ltd to investigate and report on the effect of the proposed rezoning of erf 298 Raithby on the surrounding civil engineering services infrastructure.

1.2 Location of property

Raithby is a small rural township located approximately 10km south-west of Stellenbosch and falls under the jurisdiction of Stellenbosch Municipality.

Erf 298 is located on the western edge of the township just north of Watson Way.

1.3 Topography

A watershed running in an east-west direction through the property divides the property into two catchments: one draining in an north-westerly and the other into a south-easterly direction.

The southern catchment has a fall of approximately 4m towards the southern boundary with an average slope of 4,83% (1:26).

The northern catchment has a fall of approximately 2m towards the northern boundary with an average slope of 1,15% (1:87).

1.4 Existing structures

No existing structures are located on the property.

1.5 Existing services on the property

As far as we could establish no existing services are located on the property.

2. PROPOSED DEVELOPMENT

The property is currently zoned as Agricultural with a site area of 48 025m² (4,8 hectares).

The proposed development will consist of the following:

- Multi-storey apartment blocks: 50 apartments/flat units
- Town houses: 27 number
- Single Residential erven: 30

A pre-application meeting was held with officials from Stellenbosch Municipality on 21st November 2018 to discuss the provision of services to the development and the proposals hereunder as based on these discussions.

All the information in this report is based on the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book) published by the Department of Community Development, the Guidelines for Human Settlement Planning and Design (Red Book) published by the CSIR and Construction Technology, as well as the capacity analysis report provided by GLS Consulting dated 3 December 2018, bound as Appendix A into this report.

3. WATER PROVISION

3.1 Average daily water demand

The Annual Average Daily Water Demand (AADD) and instantaneous (peak) flow from the development is calculated as follows (Based on Guidelines for Human Settlement Planning and Design - "Red Book"):

Apartments/flats: 50no @ 450l/day/unit	=	22,5kl/day
Town houses: 27no @ 500l/day/unit	=	18,0kl/day
Single Residential: 30no @ 600l/day	=	13,5kl/day
Total AADD		53,0kl/day
Equivalent Erven: 53 000 ÷ 1,000	=	53
Peak Factor: Figure 9.11 – Red Book	=	12,0
Domestic Peak Flow: 22,000 ÷ (24 x 60 x 60) x 15	=	7.36 l/s
Allowance for Fire Hydrant Flow (NBR)	=	20 l/s

The expected total AADD is 53,0kl/day with a peak demand of 7,36 l/s.

The development will be provided with water saving/reducing devices such as dual flush toilet cisterns, reduced toilet cistern volume and low flow showerheads. The landscaping of the development will be done utilizing indigenous waterwise vegetation. Alternative water sources for irrigation purposes will be investigated and implemented where possible.

External fire hydrants are expected to be provided in terms of SANS 0400. Flow of 20l/s at 3bar pressure is required for the operation of these hydrants.

3.2 Connection to existing external system

In terms of the report provided by GLS Consulting the master planning indicated that this development should be accommodated in the Raithby reservoir water distribution zone. The existing Raithby reservoir currently has insufficient storage capacity (24 hours of the AADD of the reservoir supply zone) to supply Raithby and the proposed development. However Stellenbosch Municipality has acquired additional capacity from the Faure service reservoir from City of Cape Town which will be sufficient to accommodate the proposed development along with other future developments.

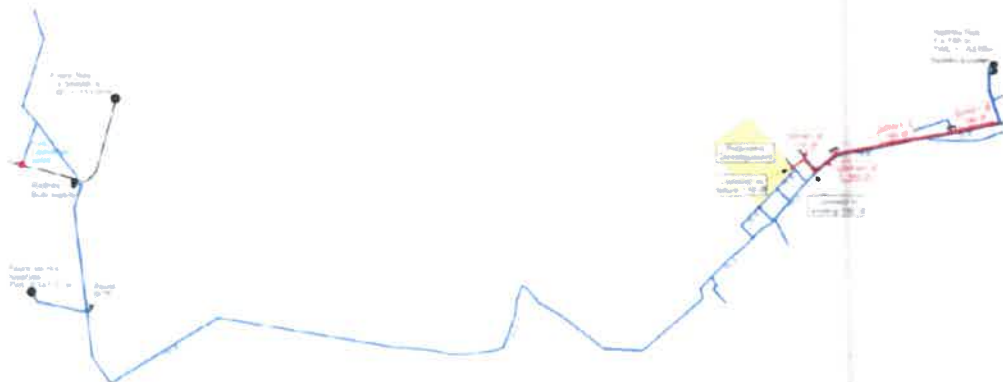


Figure 1: Existing water supply to Raithby from the CoCT Faure Service Reservoir

The only master plan item to be implemented by the developer is SRW 1.8 (128m of 110mm diameter new water pipe) to bring the supply water point to the development.

3.3 Internal distribution system

The proposed development will be provided with 110mmØ class 16 water mains internally. Single residential erven will be provided with individual meters and a single bulk meter will be provided for the general residential portion of the site.

4. SEWERAGE

4.1 Average daily sewer flow

As per the GLS report in the original master plan, the peak day dry weather flow (PDDWF) for the proposed development area was calculated at 36,27kl/d. For the re-analysis taking into account the current development proposals the PDDWF for the proposed development was calculated as 37,10 kl/day.

4.2 Internal sewer network

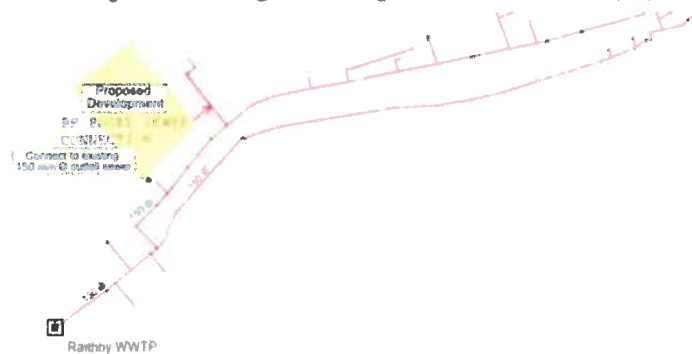
The internal sewer network will be water borne gravity sanitation system. Main sewer lines will be 160mmØ uPVC pipes (Class 34) with 110mmØ building connections.

4.3 Connection to external sewer network

The development falls within the existing Raithby drainage area. The report from GLS Consulting indicates the proposed connection through erf 255 on the south-western corner of the site. Unfortunately no servitude has been provided for this connection and the owner has not agreed to a servitude crossing their property to provide a connection point for the proposed development.

It is therefore recommended to connect to the existing sewer pipe at the intersection between Wagner Street and Watson Way. The existing sewer network has sufficient capacity to accommodate the proposed development.

At the meeting held with municipal officials it was noted that there might be capacity problems at the Raithby Waste Water Treatment Plant but that the plant capacity could be increased with a relative small upgrade which could be funded from the Development Contributions. Below is figure 2 indicating the existing sewer reticulation and proposed sewer connection:



5. STORMWATER

As noted under point 1.3 above the site is divided into two sub-catchments with a watershed running in an east-west direction through the property. For ease of reference we refer in the following text to the northern and southern catchment.

The Mean Annual Precipitation (MAP) and 24 hour rainfall depths for Raithby have been determined from Weather Bureau Stations: Somerset West (nr 5605), Stellenbosch (nr 21655) and Eersterivier (nr 21330) and are based on the Technical Report TR 102 published by the Department of Environment Affairs (Directorate of Water Affairs): South African Storm Rainfall by P.T. Adamson as below:

24 Hour Rainfall depth			
	Somerset West	Eersterivier	Stellenbosch
MAP	606	477	678
1:2	45	37	45
1:5	59	49	59
1:10	69	59	69
1:20	79	69	79
1:50	94	83	94
1:100	106	95	106

Interestingly, although the MAP for Stellenbosch is higher than Somerset West, the 24 hour rainfall depth for these two rain stations are exactly the same. For the purposes of the stormwater calculation at Raithby the Stellenbosch and Somerset West rainfall depths have been used.

Northern catchment:

The northern catchment is approximately 17 350m² is area. The predevelopment run-off is calculated to be as follows (refer Appendix B):

Return Period (Years), T	2	5	10	20	50	100
Peak Flow (m ³ /s), $Q_p = C_p I_p A / 3.6$	0,025	0,037	0,048	0,065	0,105	0,202

For the post-development scenario the northern catchment can be divided into the following areas:

- Green/open landscaped areas: 4 600m²
- Road reserves: 2 620m²
- Erven: 10 130m²

The post development run-off is calculated as follows:

Return Period (Years), T	2	5	10	20	50	100
Peak Flow (m ³ /s), $Q_T = C_T A / 3.6$	0,087	0,125	0,151	0,217	0,263	0,352

A stormwater attenuation pond is proposed at the approximate mid-point of the northern boundary to create a visual focal point for the development. The depth of the pond will be lowered sufficiently to accept water from the north-western corner of the site, which is the lowest point. A surface channel will be created along the inside of the boundary to direct the run-off from the most northern row of erven into the attenuation pond.

The attenuation pond will attenuate the peak flows to the pre-development run-off. The outlet structure of the pond will be designed such that this will mimic the pre-development flows. From the pond outlet structure an underground pipe will be laid to convey the stormwater towards the lower attenuation pond proposed at the entrance to the development in the southern catchment.

The attenuation volume required is 86m³ (refer appendix B for calculation). The area provided for the pond is 470m².

The top water level is estimated to be around 76,50m with a permanent water level (overflow level) of around 75,50m. The permanent water depth will be around 74,5m (minimum of 1m deep).

The road level at the pond will be dropped locally (including kerbs/road edge) to level 76,75m to act as an overland escape route draining in a southerly direction. The services servitude area will be re-shaped to create a slight fall on a southerly direction for an overland escape for storms in excess of a 1:50 year storm event or, in the unlikely event that the stormwater outlet pipe gets blocked.

Southern catchment:

The southern catchment is approximately 30 350m² is area. The predevelopment run-off is calculated to be as follows (refer Appendix B):

Return Period (Years), T	2	5	10	20	50	100
Peak Flow (m ³ /s), $Q_T = C_T I A / 3.6$	0,047	0,070	0,092	0,117	0,172	0,236

For the post-development scenario the southern catchment can be divided into the following areas:

- Green/open landscaped areas: 10 650m²
- Road reserves: 7 660m²
- Parking areas: 750m²
- Erven: 7 695m²
- Buildings (roof and paved areas) 2 500m²
- Clubhouse and refuse room 545m²
- Pond: 550m²

The post development run-off is calculated as follows:

Return Period (Years), T	2	5	10	20	50	100
Peak Flow (m ³ /s), $Q_T = C_T I A / 3.6$	0,221	0,284	0,339	0,378	0,450	0,509

A stormwater attenuation pond is proposed at the main entrance to the development. The outflow from the pond will be restricted to the 1:50 year predevelopment flow from the southern catchment only (0,171m³/s). The predevelopment flow from the northern catchment will be discharged into the main attenuation pond.

The attenuation volume required is 650m³ (refer appendix B for calculation). The area provided for the pond is approximately 550m². The top water level is estimated to be around 74,0m with an attenuation depth of around 1,25m.

The attenuated stormwater flow will be discharged via an underground 425mm diameter stormwater pipe along the access road to Wagner street and connect to the existing municipal stormwater system along Watson Way. The municipal system discharges into a natural stream located just south of Watson Way.

Both attenuation ponds have been indicated on the layout plan for the development.

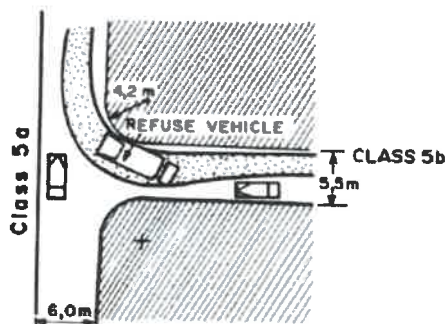
6. ACCESS

Access to the development will be from Watson Way/Raithby Road via Wagner Street and through erf 290 (zoned for road purposes) to the site.

Watson Way/Raithby Road is classed a Residential Access Collector (Class 5a) with a road width of 5,5m. The road has been provided with mountable kerbs and pedestrian sidewalks on both sides.

Wagner Street can be classed as an Access Cul-de-sac (Class 5c) and has a road width of approximately 4,5m. The section of Wagner street providing access to the development will be classed a Residential Access Loop (Class 5b) with a recommended width of 5,5m. It is therefore recommended that Wagner Street be widened in an easterly direction to a minimum width of 5,5m up to the entrance to the development.

The access road to the development (through erf 290) should also be constructed to a width of 5,5m. A minimum radius of 4,2m should be provided at all intersections to allow for the turning movement of a refused truck as per below:



At the main entrance to the development a traffic circle of 23m diameter has been provided. The minimum prescribed diameter for a turning head in residential areas is 21m, which is sufficient to accommodate a refuse truck.

An embayment for refuse collection has been provided of the side of the turning head next to the refuse room.

Two entrance lanes (one visitor, one residents) have been provided at the main entrance gate to the development. The visitor entrance lane as well as the exit lane has been indicated

as 4m wide to allow for emergency vehicles to enter/exit the development. The second entry lane provided for residents has been indicated as 3m wide.

Stacking of minimum 12m has been provided directly in front of both entrances (visitors and residents). Further stacking inside the traffic circle is possible. The roadway is currently indicated as 7m wide which will allow a further double lane of seven vehicles each to stack inside the traffic circle without obstructing the exit.

Internal roads are proposed classed as Access Cul-de-Sac (Class 5c) or lower order roads and are proposed as minimum 5,5m wide. Where off street parking is provided the road width will be increased to 7,5m.

The access to the property has been assessed in the traffic study included as part of the application.

7. CONCLUSION

From the above it is evident that civil engineering services can be provided for the proposed rezoning of the property.



**K J F RAIMOND Pr Tech Eng
for EKCON (Pty) Ltd**

APPENDIX A

GLS Capacity Analysis



4 December 2018

EKCON (Pty) Ltd
163 Uys Krige Drive
PLATTEKLOOF
7500

Attention: Mr Erik Raimond

Dear Sir

DEVELOPMENT OF ERF 298, RAITHBY : CAPACITY ANALYSIS OF THE BULK WATER & SEWER SERVICES

Your request regarding comments on the bulk water and sewer supply to the proposed development (Erf 298, Raithby), 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 R3.

1. WATER DISTRIBUTION SYSTEM

1.1 Distribution zone

The master planning indicated that this development area should be accommodated in the Raithby reservoir water distribution zone. The connection to the existing system should be done on the existing 150 mm diameter pipe, as shown on Figure 1 attached.

The 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 (a section of future development area R3 in the June 2017 water master plan) of 54,46 kℓ/d.

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

- | | | |
|--|---|------------------|
| • 50 Flats @ 450 ℓ/d/unit | = | 22,5 kℓ/d |
| • 30 Residential units @ 600 ℓ/d/unit | = | 18,0 kℓ/d |
| • 27 Town housing units @ 500 ℓ/d/unit | = | <u>13,5 kℓ/d</u> |
| Total | = | 53,0 kℓ/d |
| • Fire flow criteria (Moderate risk) | = | 25 ℓ/s @ 7 m |

1.3. Present situation

1.3.1 Network capacity

Raithby is currently fed from the Raithby reservoir which is to the East of the development. A section of pipe from the reservoir to the development is currently a 75 mm diameter and it is proposed that this section of pipe be upgraded in order to accommodate the proposed development.

Stellenbosch Municipality (SM) is however currently busy negotiating with City of Cape Town (CoCT) to acquire a portion of the existing Faure service reservoir for their use. This will mean that the town will be supplied from the Faure service reservoir (West of the development) and the section of 75 mm pipe will not affect the proposed development.

1.3.2 Reservoir capacity

The criteria for total reservoir volume used in the Stellenbosch Water Master Plan is 48 hours of the AADD (of the reservoir supply zone). The existing Raithby reservoir currently has insufficient storage capacity, however the storage capacity that will be acquired from the CoCT's Faure service reservoir will be sufficient to accommodate the proposed development along with other future developments.

1.4 Master plan

The following link service item is required to connect the proposed development to the existing water network.

Link service

SRW1.8	: 128 m x 110 mm Ø New water pipe	R	131 000 *
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Network upgrade

• SRW1.2	: 97 m x 160 mm Ø parallel reinforcement pipe	R	140 000 *
• SRW1.3	: 421 m x 160 mm Ø parallel reinforcement pipe	R	549 000 *
• SRW1.5	: 171 m x 160 mm Ø parallel reinforcement pipe	R	233 000 *
		Total	R 922 000 *

(* 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 pipelines are schematically shown on Figure 2 attached, but have to be finalised subsequent to detail pipeline route investigations.

1.5 Minimum requirements

The minimum items required to accommodate the proposed development in the existing water system are master plan items SRW1.8 (in order to connect the development to the existing water network) and master plan items SRW1.2, SRW1.3 and SRW1.5 to improve network conveyance to the development.

If the SM is however supplied with water directly from the Faure service reservoir (as opposed to from the existing Raithby reservoir), implementation of master plan items SRW1.2, SRW1.3 and SRW1.5 will not be required as minimum items to accommodate the proposed development in the existing system.

2. SEWER NETWORK

2.1 Drainage area

The development falls within the existing Raithby drainage area. The recommended position for the sewer connection for the proposed development is at the existing 150 mm diameter outfall sewer in, as shown on Figure 3 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 R3 in the June 2017 sewer master plan) was calculated at 36,27 kℓ/d.

For this re-analysis, the PDDWF for the proposed development was calculated as 37,10 kℓ/d.

2.3 Present situation

Network capacity

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

Waste water treatment capacity

The capacity of the Wastewater Treatment Plant (WWTP) in Raithby is beyond the scope of this investigation.

3. CONCLUSION

The developer of Erf 298 in Raithby 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 minimum items required to accommodate the proposed development in the existing water system are master plan items SRW1.8 (in order to connect the development to the existing water network) and master plan items SRW1.2, SRW1.3 and SRW1.5 to improve network conveyance to the development.

If the SM is however supplied with water directly from the Faure service reservoir (as opposed to from the existing Raithby reservoir), implementation of master plan items SRW1.2, SRW1.3 and SRW1.5 will not be required as minimum items to accommodate the proposed development in the existing system.

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

We trust you find this of value.

Yours sincerely

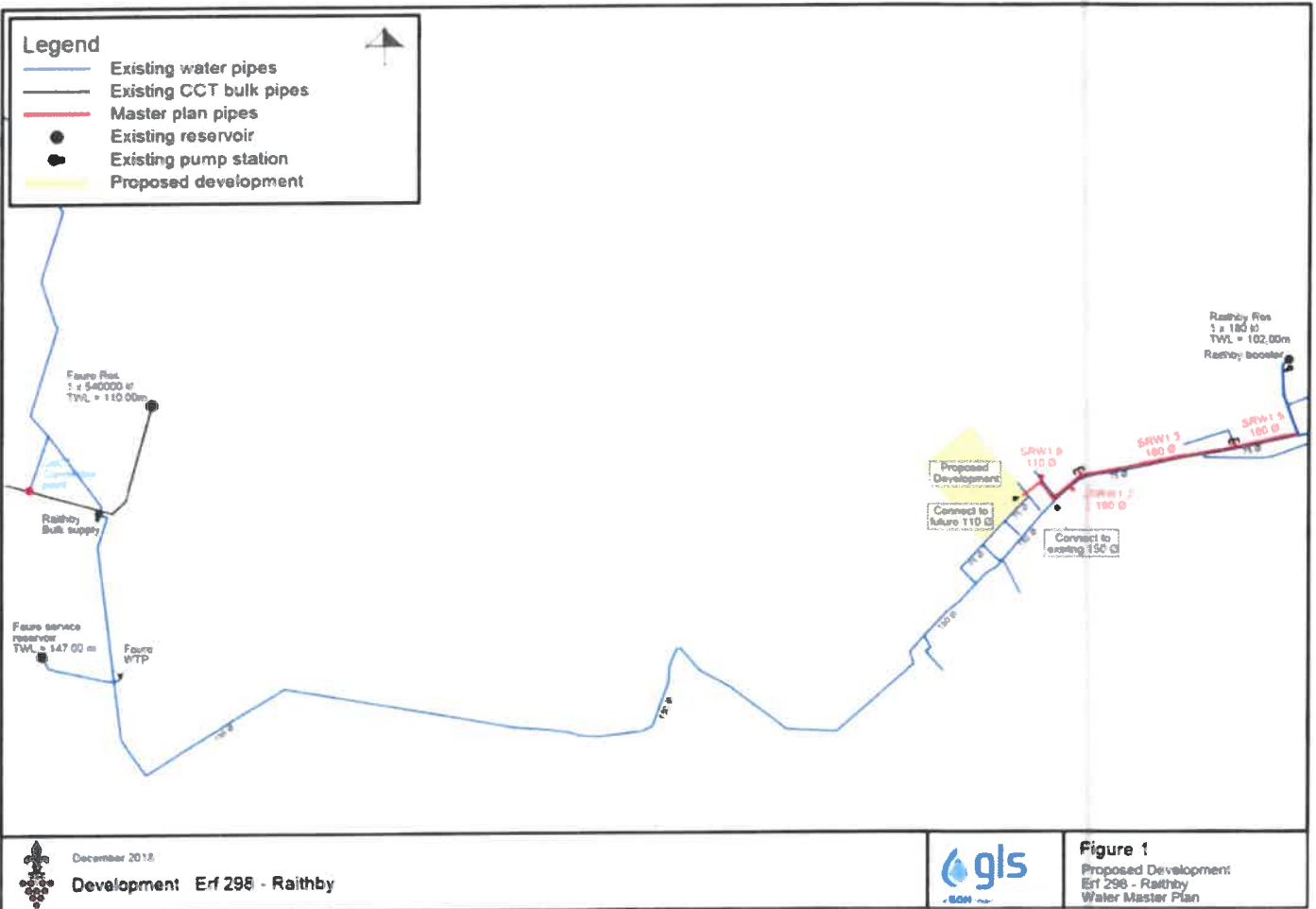
GLS CONSULTING (PTY) LTD
REG. NO.: 2007/003039/07



Per: PC DU PLESSIS

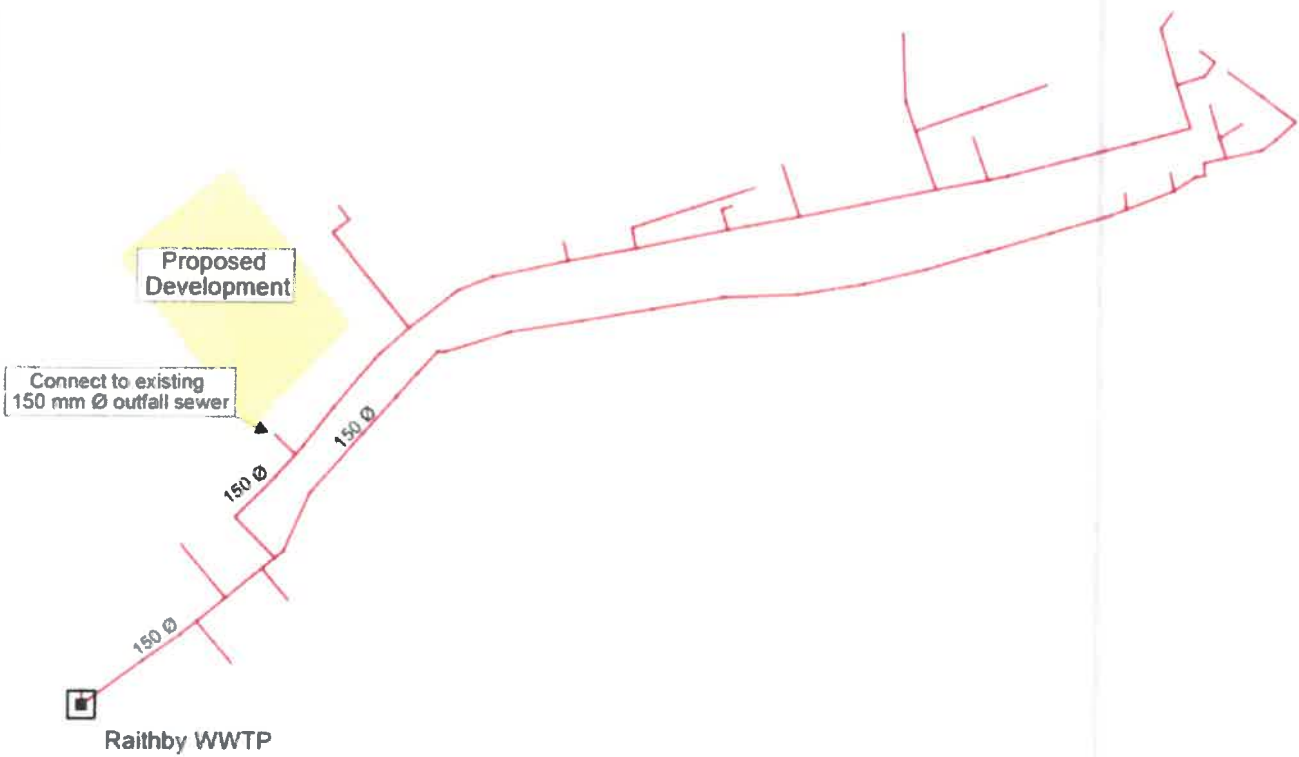
cc. The Director
Directorate: Public Works
Stellenbosch Municipality
P.O. Box 17
STELLENBOSCH
7599

Attention: Mr Adriaan Kurtz



Legend

- Existing sewer system
- Proposed development



December 2018

Development : Erf 298 - Raithby



Figure 2

Proposed Development
Erf 298 - Raithby
Sewer Master Plan

APPENDIX B

Stormwater Calculations

RATIONAL METHOD
STORMWATER CALCULATION

Description of Catchment		Raithby: Southern Catchment Predevelopment						
River Detail								
Calculated By		Erik Raimond			Date	2015/03/07		
Physical Characteristics								
Size of Catchment (A)	0,0304	km ²	Rainfall Region					
Longest Watercourse (L)	0,223	km	Area Distribution Factors (%)					
Average Slope (S _{av})	0,0247	m/m						
Dolomite Area (D ₁₀)	0	%	Rural (α)	Urban (β)	Lakes (Rural)			
Mean Annual Rainfall (MAR)#	600	mm	100	0	0			
Rural ①			Urban ②					
Surface Slope	%	Factor	C ₁	Description	%	Factor	C ₁	
Vleis and Pans	0	0,03	0	Lawns				
Flat Areas	100	0,08	0,08	Sandy, flat (<2%)	0	0,1	0	
Hilly	0	0,16	0	Sandy, steep (>7%)	0	0,2	0	
Steep Areas	0	0,26	0	Heavy Soil, flat (<2%)	0	0,17	0	
Total	100		0,08	Heavy Soil, steep (>7%)	0	0,35	0	
Permeability	%	Factor	C _p	Residential Areas				
Very Permeable	0	0,04	0	Houses	0	0,5	0	
Permeable	0	0,08	0	Flats	0	0,7	0	
Semi-Permeable	100	0,16	0,16	Industry				
Impermeable	0	0,26	0	Light Industry	100	0,8	0	
Total	100		0,16	Heavy Industry	0	0,9	0	
Vegetation	%	Factor	C _v	Business				
Thick Bush and Plantation	0	0,04	0	City Centre	0	0,95	0	
Light Bush and Farm-Lands	100	0,11	0,11	Suburban	0	0,7	0	
Grasslands	0	0,21	0	Streets	0	0,95	0	
No Vegetation	0	0,28	0	Maximum Flood	0	1	0	
Total	100		0,11	Total (C ₂)	100		0	
Time of Concentration (T _c)				Notes: The time of concentration for a defined				
Overland Flow ③	Defined Watercourse			will always be used as long as r = 0. As soon a value for r is defined (from table 3C.3) the point intensity will be calculated with the overland flow time of concentration.				
$T_c = 0.604 \left(\frac{rL}{\sqrt{S_{av}}} \right)^{0.467}$		$T_c = \left(\frac{0.87L^2}{1000S_{av}} \right)^{0.385}$						
r =	0,3							
0,405	hours	0,087	hours					
Run-Off Coefficient								
Return Period (Years), T	2	5	10	20	50	100	Max	
Run-Off Coefficient, C ₁ (C ₁ = C ₁ + C _p + C _v)	0,3500	0,3500	0,3500	0,3500	0,3500	0,3500	0,3500	
Adjusted for Dolomitic Areas, D ₁₀ (= C ₁ (1 - D ₁₀) + C ₁ D ₁₀ (Σ(D _{10max} × C _{1max})))	0,3500	0,3500	0,3500	0,3500	0,3500	0,3500	0,3500	
Adjustment Factor for Initial Saturation, F ₁ ④	Flat & Permeable		0,5	0,55	0,6	0,67	0,83	1
Adjusted run-off Coefficient, C _{1T} (= C _{1D} × F ₁)	0,1750	0,1925	0,2100	0,2345	0,2905	0,3500	0,3500	
Combined run-off Coefficient, C _T (= αC _{1T} + βC ₂ + γC ₃)	0,1750	0,1925	0,2100	0,2345	0,2905	0,3500	0,3500	
Rainfall								
Return Period (Years), T	2	5	10	20	50	100	Max	
Point Rainfall (mm), P _T	12	16	19	23	30	48	0	
Point Intensity (mm/hour), P _T (= P _T /T _c)	29,60	39,47	46,87	56,74	74,01	118,42	0,00	
Area Reduction Factor (%), ARF _T	100	100	100	100	100	100	0	
Average Intensity (mm/hour), I _T (= P _T × ARF _T)	29,60	39,47	46,87	56,74	74,01	118,42	0,00	
Return Period (Years), T	2	5	10	20	50	100	Max	
Peak Flow (m ³ /s), Q _T = C _T I _T A/3.5	0,044	0,064	0,083	0,112	0,182	0,350	0,000	

RATIONAL METHOD STORMWATER CALCULATION

Description of Catchment		Raithby: Southern Catchment Postdevelopment					
River Detail							
Calculated By		Erik Raimond			Date	2015/03/07	
Physical Characteristics							
Size of Catchment (A)	0,0304	km ²	Rainfall Region				
Longest Watercourse (L)	0,223	km	Area Distribution Factors (%)				
Average Slope (S _{av})	0,0247	m/m	Rural (α)	Urban (β)	Lakes (Rural)		
Dolomite Area (D _{th})	0	%	0	100	0		
Mean Annual Rainfall (MAR)#	600	mm					
Rural ①			Urban ②				
Surface Slope	%	Factor	C_s	Description	%	Factor	C₂
Vleis and Pans	0	0,03	0	Lawns			
Flat Areas	100	0,08	0,08	Sandy, flat (<2%)	35	0,1	0,035
Hilly	0	0,16	0	Sandy, steep (>7%)	0	0,2	0
Steep Areas	0	0,26	0	Heavy Soil, flat (<2%)	0	0,17	0
Total	100		0,08	Heavy Soil, steep (>7%)	0	0,35	0
Permeability	%	Factor	C_p	Residential Areas			
Very Permeable	0	0,04	0	Houses	25	0,6	0,15
Permeable	100	0,08	0,08	Flats	10,7	0,95	0,10165
Semi-Permeable	0	0,16	0,16	Industry			
Impermeable	0	0,26	0	Light Industry	0	0,8	0
Total	100		0,24	Heavy Industry	0	0,9	0
Vegetation	%	Factor	C_v	Business			
Thick Bush and Plantation	0	0,04	0	City Centre	0	0,95	0
Light Bush and Farm-Lands	100	0,11	0,11	Suburban	25	0,7	0,175
Grasslands	0	0,21	0	Streets	4,3	0,95	0,04085
No Vegetation	0	0,28	0	Maximum Flood	0	1	0
Total	100		0,11	Total (C₂)	100		0,5025
Time of Concentration (T_c)			Notes: The time of concentration for a defined				
Overland Flow ③	Defined Watercourse		will always be used as long as r = 0. As soon a value for r is defined				
$T_c = 0.604 \left(\frac{rL}{\sqrt{S_{av}}} \right)^{0.467}$	$T_c = \left(\frac{0.87L^2}{1000S_{av}} \right)^{0.385}$		(from table 3C.3) the point intensity will be calculated with the				
r =	0,3		overland flow time of concentration.				
0,180	hours	0,087	hours				
Run-Off Coefficient							
Return Period (Years), T	2	5	10	20	50	100	Max
Run-Off Coefficient, C ₁ (C ₁ = C _s + C _p + C _v)	0,4300	0,4300	0,4300	0,4300	0,4300	0,4300	0,4300
Adjusted for Dolomitic Areas, D _{1D} (= C ₁ (1 - D _{th}) + C ₁ D _{th} (Σ(D _{factor} × C _{2D})))④	0,4300	0,4300	0,4300	0,4300	0,4300	0,4300	0,4300
Adjustment factor for Initial Saturation, F ₁ ⑤	0,5	0,55	0,6	0,67	0,83	1	1
Adjusted run-off Coefficient, C _{1T} (= C _{1D} × F ₁)	0,2150	0,2365	0,2580	0,2881	0,3569	0,4300	0,4300
Combined run-off Coefficient, C _T (= αC _{1T} + βC ₂ + γC ₃)	0,5025	0,5025	0,5025	0,5025	0,5025	0,5025	0,5025
Rainfall							
Return Period (Years), T	2	5	10	20	50	100	Max
Point Rainfall (mm), P _T	12	16	19	23	30	48	0
Point Intensity (mm/hour), P _{IT} (= P _T /T _c)	52,00	67,00	80,00	89,00	106,00	120,00	0,00
Area Reduction Factor (%), AR _{FT}	100	100	100	100	100	100	0
Average Intensity (mm/hour), I _T (= P _{IT} × AR _{FT})	52,00	67,00	80,00	89,00	106,00	120,00	0,00
Return Period (Years), T	2	5	10	20	50	100	Max
Peak Flow (m ³ /s), Q _T = C _T I _T A/3.6	0,221	0,284	0,339	0,378	0,450	0,509	0,000

**Pre-Development
Stormwater Runoff**

Area 30350 m²
C 0,2905
I₅₀: 70 mm/h
Q_{pre} = 0,171 m³/s

**Post-Development
Stormwater Runoff**

Area 47700 m²
C 0,5
I₅₀: 106 mm/h
Q_{post} = 0,702 m³/s

Detention Volume Required as per the Modified Rational Method

t _d (min)	t _d (s)	I ₅₀ (mm/h)	Q _p (m ³ /s)	Q ₀ (m ³ /s)	S _d (m ³)
5	300	146	0,967	0,171	208,915
30	1800	60	0,398	0,171	505,663
60	3600	39	0,258	0,171	566,021
90	5400	32	0,212	0,171	626,380
120	7200	25	0,166	0,171	519,788

Area = 0,0477 km (Size of Catchment)
L = 0,18 km (Longest Watercourse)
S_{av} = 0,0168 m/m (Average Slope)
C = 0,5 (Run-Off Coefficient)
T_c = 0,18 h (Time of Concentration)

with

t_d as the design storm duration,

I₅₀ as the design storm intensity for a 1:50 year return period,

Q_p as the peak discharge,

Q₀ as the allowable peak outflow rate = pre development run-off

and S_d as the detention volume required.

From the above the required detention volume = 650 m³

RATIONAL METHOD
STORMWATER CALCULATION

Description of Catchment		Raithby: Northen Catchment Predevelopment					
River Detail							
Calculated By		Erik Raimond			Date	2015/03/07	
Physical Characteristics							
Size of Catchment (A)	0,01735	km ²	Rainfall Region				
Longest Watercourse (L)	0,18	km	Area Distribution Factors (%)				
Average Slope (S _{av})	0,0168	m/m					
Dolomite Area (D _{do})	0	%	Rural (α)	Urban (β)	Lakes (Rural)		
Mean Annual Rainfall (MAR)#	600	mm	100	0	0		
Rural ①			Urban ②				
Surface Slope	%	Factor	C _s	Description	%	Factor	C ₂
Vleis and Pans	0	0,03	0	Lawns			
Flat Areas	100	0,08	0,08	Sandy, flat (<2%)	0	0,1	0
Hilly	0	0,16	0	Sandy, steep (>7%)	0	0,2	0
Steep Areas	0	0,26	0	Heavy Soil, flat (<2%)	0	0,17	0
Total	100		0,08	Heavy Soil, steep (>7%)	0	0,35	0
Permeability	%	Factor	C _p	Residential Areas			
Very Permeable	0	0,04	0	Houses	0	0,5	0
Permeable	0	0,08	0	Flats	0	0,7	0
Semi-Permeable	100	0,16	0,16	Industry			
Impermeable	0	0,26	0	Light Industry	100	0,8	0
Total	100		0,16	Heavy Industry	0	0,9	0
Vegetation	%	Factor	C _v	Business			
Thick Bush and Plantation	0	0,04	0	City Centre	0	0,95	0
Light Bush and Farm-Lands	100	0,11	0,11	Suburban	0	0,7	0
Grasslands	0	0,21	0	Streets	0	0,95	0
No Vegetation	0	0,28	0	Maximum Flood	0	1	0
Total	100		0,11	Total (C ₂)	100		0
Time of Concentration (T_c)				Notes: The time of concentration for a defined			
Overland Flow (L)		Defined Watercourse		will always be used as long as r = 0. As soon a value for r is defined (from table 3C.3) the point intensity will be calculated with the overland flow time of concentration.			
$T_c = 0.604 \left(\frac{rL}{\sqrt{S_{av}}} \right)^{0.467}$		$T_c = \left(\frac{0.87L^2}{1000S_{av}} \right)^{0.385}$					
L =	0,3						
0,401	hours	0,085	hours				
Run-Off Coefficient							
Return Period (Years), T	2	5	10	20	50	100	Max
Run-Off Coefficient, C ₁ (C ₁ = C _s + C _p + C _v)	0,3500	0,3500	0,3500	0,3500	0,3500	0,3500	0,3500
Adjusted for Dolomitic Areas, D ₁₀ (= C ₁ (1 - D _{do}) + C ₁ D _{do} (Σ(D _{10max} × C ₁₀)))#	0,3500	0,3500	0,3500	0,3500	0,3500	0,3500	0,3500
Adjustment Factor for Initial Saturation, F _i ①	0,5	0,55	0,6	0,67	0,83	1	1
Adjusted run-off Coefficient, C _{1T} (= C ₁₀ × F _i)	0,1750	0,1925	0,2100	0,2345	0,2905	0,3500	0,3500
Combined run-off Coefficient, C ₁ (= αC _{1T} + βC ₂ + γC ₃)	0,1750	0,1925	0,2100	0,2345	0,2905	0,3500	0,3500
Rainfall							
Return Period (Years), T	2	5	10	20	50	100	Max
Point Rainfall (mm), P _T	17	16	19	23	30	48	0
Point Intensity (mm/hour), P _T (= P _T /T _c)	32,00	43,00	52,00	59,00	70,00	80,00	0,00
Area Reduction Factor (%), ARF _T	100	100	100	100	100	100	0
Average Intensity (mm/hour), I _T (= P _T × ARF _T)	32,00	43,00	52,00	59,00	70,00	80,00	0,00
Return Period (Years), T	2	5	10	20	50	100	Max
Peak Flow (m ³ /s), Q _T =C ₁ I _T A/3.6	0,027	0,040	0,053	0,067	0,098	0,135	0,000

RATIONAL METHOD
STORMWATER CALCULATION

Description of Catchment		Raithby Northern Catchment Postdevelopment					
River Detail							
Calculated By		Erik Raimond			Date	2015/03/07	
Physical Characteristics							
Size of Catchment (A)	0,01735	km ²	Rainfall Region				
Longest Watercourse (L)	0,18	km	Area Distribution Factors (%)				
Average Slope (S _{av})	0,0168	m/m	Rural (α)	Urban (β)	Lakes (Rural)		
Dolomite Area (D _d)	0	%	0	100	0		
Mean Annual Rainfall (MAR)#	600	mm					
Rural ①			Urban ②				
Surface Slope	%	Factor	C _s	Description	%	Factor	C ₂
Vleis and Pans	0	0,03	0	Lawns			
Flat Areas	100	0,08	0,08	Sandy, flat (<2%)	26,5	0,1	0,0265
Hilly	0	0,16	0	Sandy, steep (>7%)	0	0,2	0
Steep Areas	0	0,26	0	Heavy Soil, flat (<2%)	0	0,17	0
Total	100		0,08	Heavy Soil, steep (>7%)	0	0,35	0
Permeability	%	Factor	C _p	Residential Areas			
Very Permeable	0	0,04	0	Houses	58,4	0,6	0,3504
Permeable	0	0,08	0	Flats	0	0,7	0
Semi-Permeable	100	0,16	0,16	Industry			
Impermeable	0	0,26	0	Light Industry	0	0,8	0
Total	100		0,16	Heavy Industry	0	0,9	0
Vegetation	%	Factor	C _v	Business			
Thick Bush and Plantation	0	0,04	0	City Centre	0	0,95	0
Light Bush and Farm-Lands	100	0,11	0,11	Suburban	15,1	0,7	0,1057
Grasslands	0	0,21	0	Streets	0	0,95	0
No Vegetation	0	0,28	0	Maximum Flood	0	1	0
Total	100		0,11	Total (C ₂)	100		0,4826
Time of Concentration (T _c)				Notes: The time of concentration for a defined			
Overland Flow ③	Defined Watercourse			will always be used as long as r = 0. As soon a value for r is defined (from table 3C.3) the point intensity will be calculated with the overland flow time of concentration.			
$T_c = 0.604 \left(\frac{rL}{\sqrt{S_{av}}} \right)^{0.467}$	$T_c = \left(\frac{0.87L^2}{1000S_{av}} \right)^{0.385}$						
r = 0,3							
0,200	hours	0,085	hours				
Run-Off Coefficient							
Return Period (Years), T	2	5	10	20	50	100	Max
Run-Off Coefficient, C ₁ (C ₁ = C _s + C _p + C _v)	0,3500	0,3500	0,3500	0,3500	0,3500	0,3500	0,3500
Adjusted for Dolomitic Areas, D ₁₀ (= C ₁ (1 - D _d) + C ₁ D _d (Σ(D _{factor} × C _{1d})))④	0,3500	0,3500	0,3500	0,3500	0,3500	0,3500	0,3500
Adjustment Factor for Initial Saturation, F _i ⑤ Flat & Permeable	0,5	0,55	0,6	0,67	0,83	1	1
Adjusted run-off Coefficient, C _{1T} (= C ₁₀ × F _i)	0,1750	0,1925	0,2100	0,2345	0,2905	0,3500	0,3500
Combined run-off Coefficient, C _T (= αC _{1T} + βC ₂ + γC ₃)	0,4826	0,4826	0,4826	0,4826	0,4826	0,4826	0,4826
Rainfall							
Return Period (Years), T	2	5	10	20	50	100	Max
Point Rainfall (mm), P _T	12	16	19	23	30	48	0
Point Intensity (mm/hour), P _{IT} (= P _T /T _c)	52,00	67,00	80,00	89,00	106,00	120,00	0,00
Area Reduction Factor (%), ARF _T	100	100	100	100	100	100	0
Average Intensity (mm/hour), I _T (= P _{IT} × ARF _T)	52,00	67,00	80,00	89,00	106,00	120,00	0,00
Return Period (Years), T	2	5	10	20	50	100	Max
Peak Flow (m ³ /s), Q _T =C _T I _T A/3.6	0,121	0,156	0,186	0,207	0,247	0,279	0,000

Pre-Development Stormwater Runoff	
Area	17350 m ²
C	0.2905
150	70 mm/h
pre	0.036 m/s

Post-Development Stormwater Runoff	
Area	17350 m ²
C	0.4826
150	100 mm/h
post	0.247 m/s

Detention Volume Required as per the Modified Rational Method					
t _d (min)	t _d (s)	I ₅₀ (mm/h)	Q _p (m ³ /s)	Q ₀ (m ³ /s)	S _d (m ³)
5	300	146	0.340	0.098	55,419
10	600	91.51	0.213	0.098	66,550
15	900	72.11	0.169	0.098	70,390
20	1200	61.11	0.144	0.098	71,047
25	1500	54.53	0.127	0.098	84,988
30	1800	49.08	0.114	0.098	85,520
35	2100	44.97	0.105	0.098	84,991
40	2400	41.69	0.097	0.098	83,359
45	2700	39	0.091	0.098	80,856
50	3000	36.74	0.085	0.098	77,599
55	3300	34.8	0.081	0.098	73,643
60	3600	33.13	0.077	0.098	69,242
65	3900	31.66	0.074	0.098	64,324
70	4200	30.36	0.071	0.098	59,015

Area = 0.01735 km	{Size of Catchment}
L = 0.18 km	{Longest Watercourse}
S _{av} = 0.0168 m/m	{Average Slope}
C = 0.4826	{Run-Off Coefficient}
T _c = 0.18 h	{Time of Concentration}

with

t_d as the design storm duration,
I₅₀ as the design storm intensity for a 1:50 year return period,
Q_p as the peak discharge,
Q₀ as the allowable peak outflow rate = pre development run-off
and S_d as the detention volume required.

From the above the required detention volume = 86 m³

APPENDIX C

DRAWINGS:

Figure 1: Conceptual Roads and Stormwater Layout

Figure 2: Conceptual Sewer and Water Layout

EKCON

ANNANDALE ROAD

ERF 298, RAITHBY

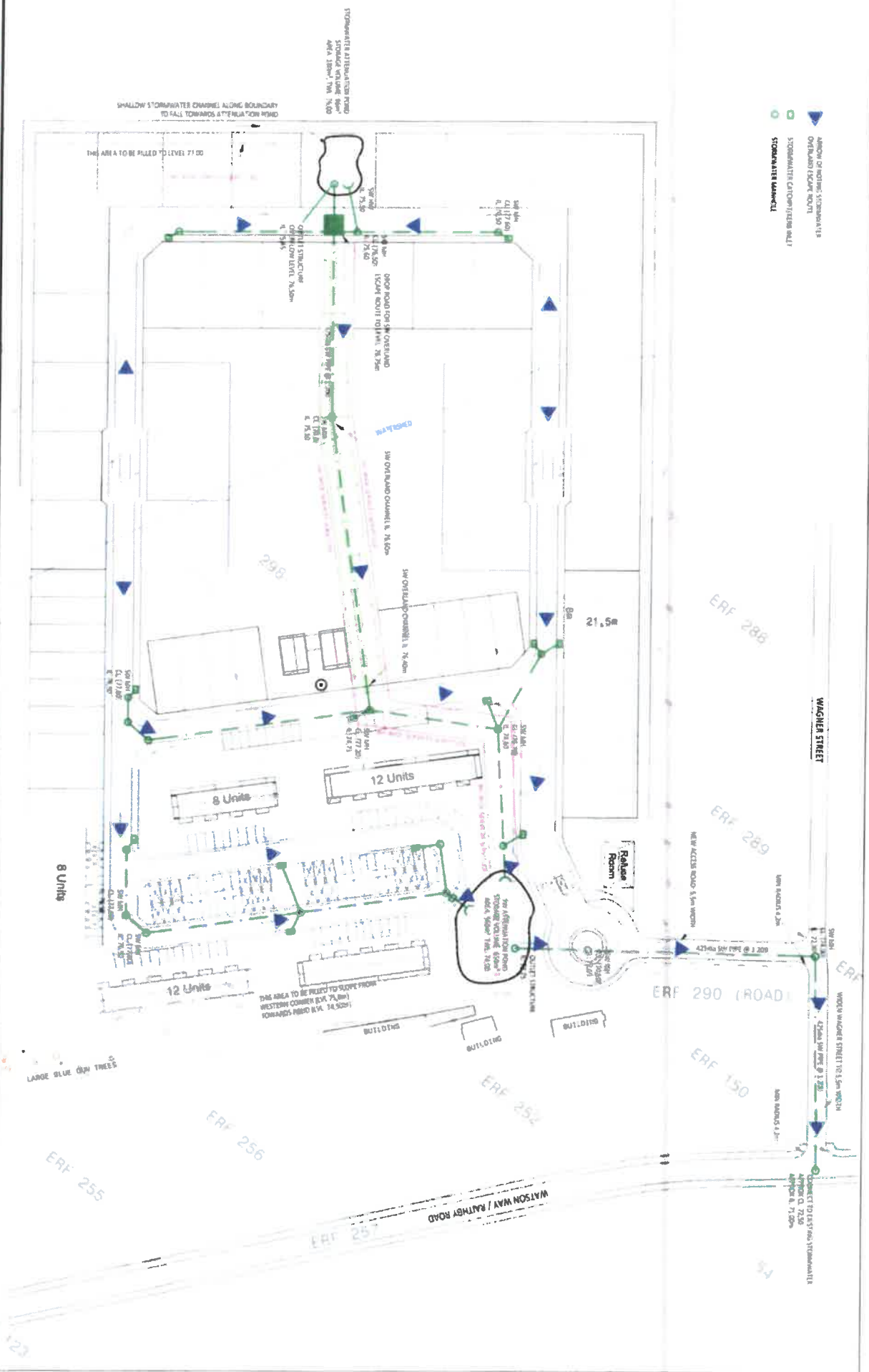
FIGURE 1. PROPOSED ROAD AND STORMWATER LAYOUT

1:1000

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FOR INFORMATION



- ▶ APPROXIMATE LOCATION OF OVERLAYS ESCAPE ROUTE
- STORMWATER CAPTURE/STREET SLOPE
- STORMWATER CHANNEL

SHALLOW STORMWATER CHANNELS ALONG BOUNDARY TO FALL TOWARDS ANNANDALE ROAD

THIS AREA TO BE FILLED TO LEVEL 71.00

THIS AREA TO BE REGRADED TO SLOPE FROM WESTERN CORNER (E.V. 74.00m) TOWARDS ROAD (E.V. 74.50m)

STORMWATER AT THIS LOCATION FROM STORMWATER CHANNELS FROM ADJACENT ERF'S, 70m, 70.00

OPEN STRUCTURE ON LOW LEVEL 70.50m

GRASS ROAD FOR EXISTING ESCAPE ROUTE TO ERF 298

150mm DIA CHANNEL @ 74.50m

150mm DIA CHANNEL @ 74.50m

150mm DIA CHANNEL @ 74.50m

425mm dia pipe @ 1.200

425mm dia pipe @ 1.200

425mm dia pipe @ 1.200

CONNECT TO EAST SIDE STORMWATER

ANNANDALE ROAD (E.V. 72.50) APPROX. @ 71.00m

ANNANDALE ROAD (E.V. 72.50) APPROX. @ 71.00m

ANNANDALE ROAD (E.V. 72.50) APPROX. @ 71.00m

ANNANDALE ROAD (E.V. 72.50) APPROX. @ 71.00m

EKCON

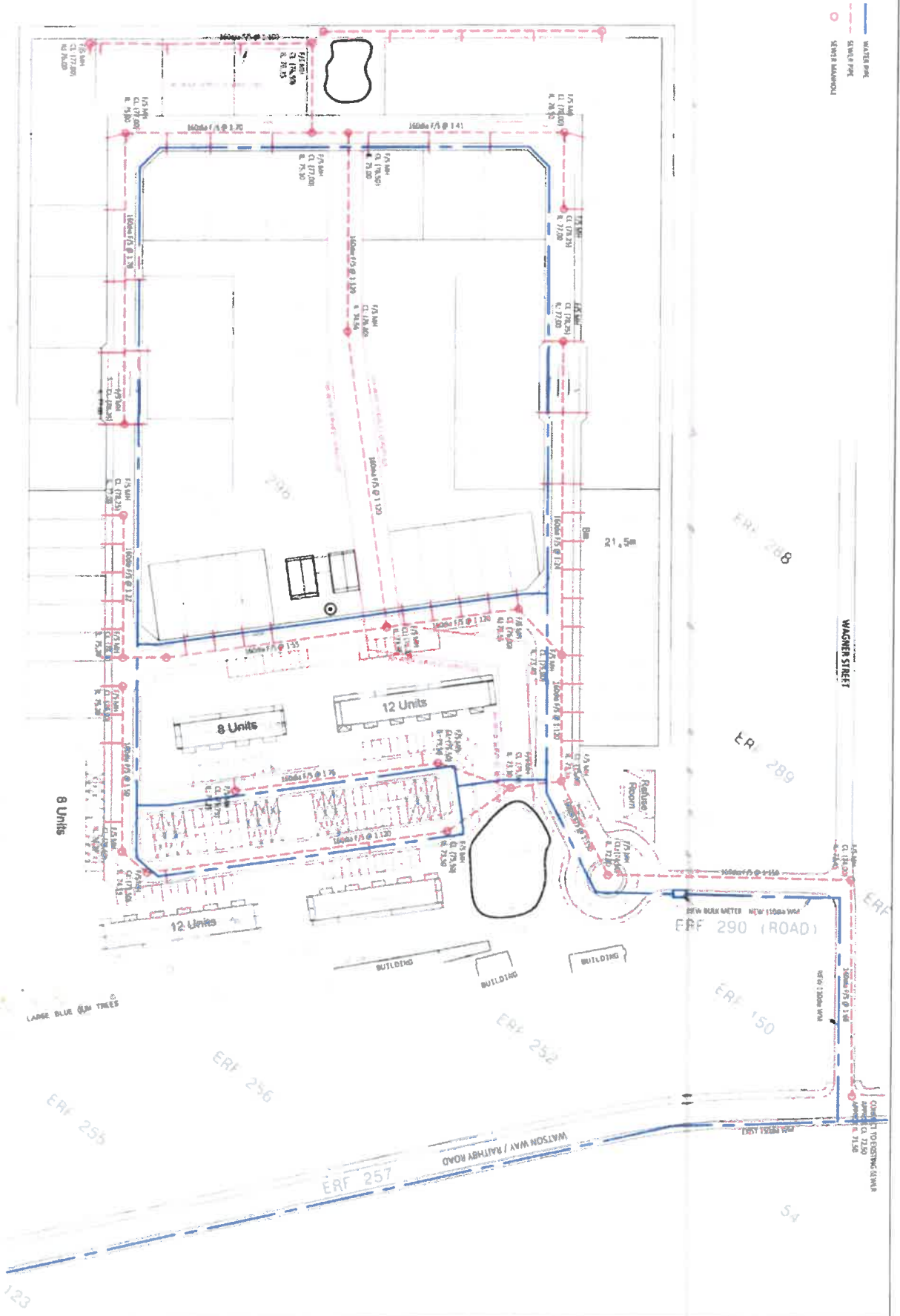
ANNANDALE ROAD
ERF 298, RAITHBY

FIGURE 2: PROPOSED
SEWER & WATER LAYOUT

1:1000

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— WATER PIPE
- - - SEWER PIPE
○ SEWER MANHOLE

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CONSULTING ENGINEERS ELECTRICAL, MECHANICAL, ENERGY

Reg No 99/006693/07

Our Ref: R4666ML003
Date: 2018-06-20

Your Ref:

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RAITHBY: ERF 298 ELECTRICAL BULK SERVICES REPORT

SCOPE

De Villiers & Moore have been appointed by Annandale Road Properties (Pty) Ltd to compile a report on the availability of the electrical bulk supply to the site.

The report covers the medium voltage bulk electrical supply to Erf 298, Raithby.

The electrical bulk supply requirements are based on the development proposal document dated May 2018, prepared by Planning Partners and in particular the site layout as contained in the document.

It is noted that the requirements detailed below have been discussed with various roleplayers at Eskom, who are the supply authority in the area.

NOTIFIED MAXIMUM DEMAND

The estimated after diversity maximum demand of 446kVA for the development has been based on the following table:

Type	Area (m ²)	No	ADMD	Total (kVA)
Single Residential	400-550	30	4,0	120
Town Housing	200	26	3,5	91
Apartments/Flats	5 blocks	50	3,5	175
Clubhouse		1	50,0	50
Street Lighting/Pumps etc		1	10,0	10
Total				446 kVA

Based on this notified maximum demand we obtained the following confirmation from Eskom by way of an email on 6 June 2018.

EXISTING MUNICIPAL NETWORK

11kV Overhead Lines

The existing overhead lines in the area belong to Eskom.

PROPOSED ELECTRICITY DISTRIBUTION NETWORK

In order to supply the proposed development, the following bulk service upgrading will be required to be done. (Refer to attached sketch)

1. 11kV Distribution Cabling

- a) The existing 11kV overhead lines in the immediate vicinity of the development will not be able to be used due to the fact that the tying in onto the overhead lines will require traversing private property as well as wetlands. The routes also have extensive trees along the way

Registered Member : Consulting Engineers South Africa (CESA)



DIRECTORS: A. H. SILBERBAUER Pr Tech Eng R. G. HALL Pr Eng B.Sc. Eng C. H. KOCH Pr Eng B.Eng T. H. HEYNS Pr Tech Eng
W. J. BADENHORST Pr Tech Eng

ASSOCIATE: G. F. ARENDSE Pr Tech Eng

- b) The point of supply to the development will be transformer point F48A7174 from where a new 185mm² x 3c (Al) 11kV XLPE cable will be required to be laid along the road reserve to Erf 298. In this way the Raithby development will be integrated into the existing network in the area.
- c) The pole mounted transformer at point F48A7174 will be replaced with a new Type B 315kVA 11000/400V mini-substation complete with SF6 ring main unit.
- d) The existing 95mm² x 3c (Cu) 11kV PILC cable will be terminated to the one isolator switch on the ring main unit.
- e) The new 185mm² x 3c (Al) 11kV XLPE cable will be terminated to the other isolator and laid in the road reserve to erf 298, a distance of approximately 700m.
- f) The existing overhead line currently feeding transformer point F48A7174 will be removed once the above-mentioned infrastructure is in place.
- g) The development's internal ring feed will be a 185mm² x 3c (Al) 11kV XLPE cable to match the incomer and will supply mini-substations situated at the identified load centres within the development.
- h) All the above-mentioned work will be for the account of the Developer.

2. Metering

- a) Metering will be done on a per erf basis.

IMPACT

1. Impact on Existing Electricity Consumers

The development will have no detrimental effect on the quality of supply to the existing consumers due to the fact that the development will be supplied by its own substations which in turn will be supplied from a completely upgraded 11kV system of adequate capacity from the new point of supply, namely transformer point F48A7174.

2) Impact on Distribution Authority Operating Costs

The development will have no negative effect on the electrical costs of the distribution authority, due to the fact that the complete electrical infrastructure required for the development will be supplied and installed by the Developer.

3) Impact on the Environment

The proposed network will improve the area due to the replacement of a length existing overhead power line with underground cable. The entire external and internal electrical distribution network will be designed carefully to blend in with the development as a whole as well as the natural environment.

Services will be located within the road reserves to prevent additional disturbances of vegetation.

The internal electrical infrastructure design will take into account energy saving technologies which may include load control, the use of energy efficient lighting for both domestic and commercial use and the use of alternative means of water heating.

Yours faithfully



R G HALL Pr Eng
DE VILLIERS & MOORE (PTY) LTD



RAITHBY: ERF 298

ELECTRICAL BULK SUPPLY INTENT



CONSULTING ENGINEERS
RAADGEWENDE INGENIEURS

Pr.Eng.
Pr.Ing.

de villiers & moore (Pty)Ltd.

DATE
DATUM 2018-06-20

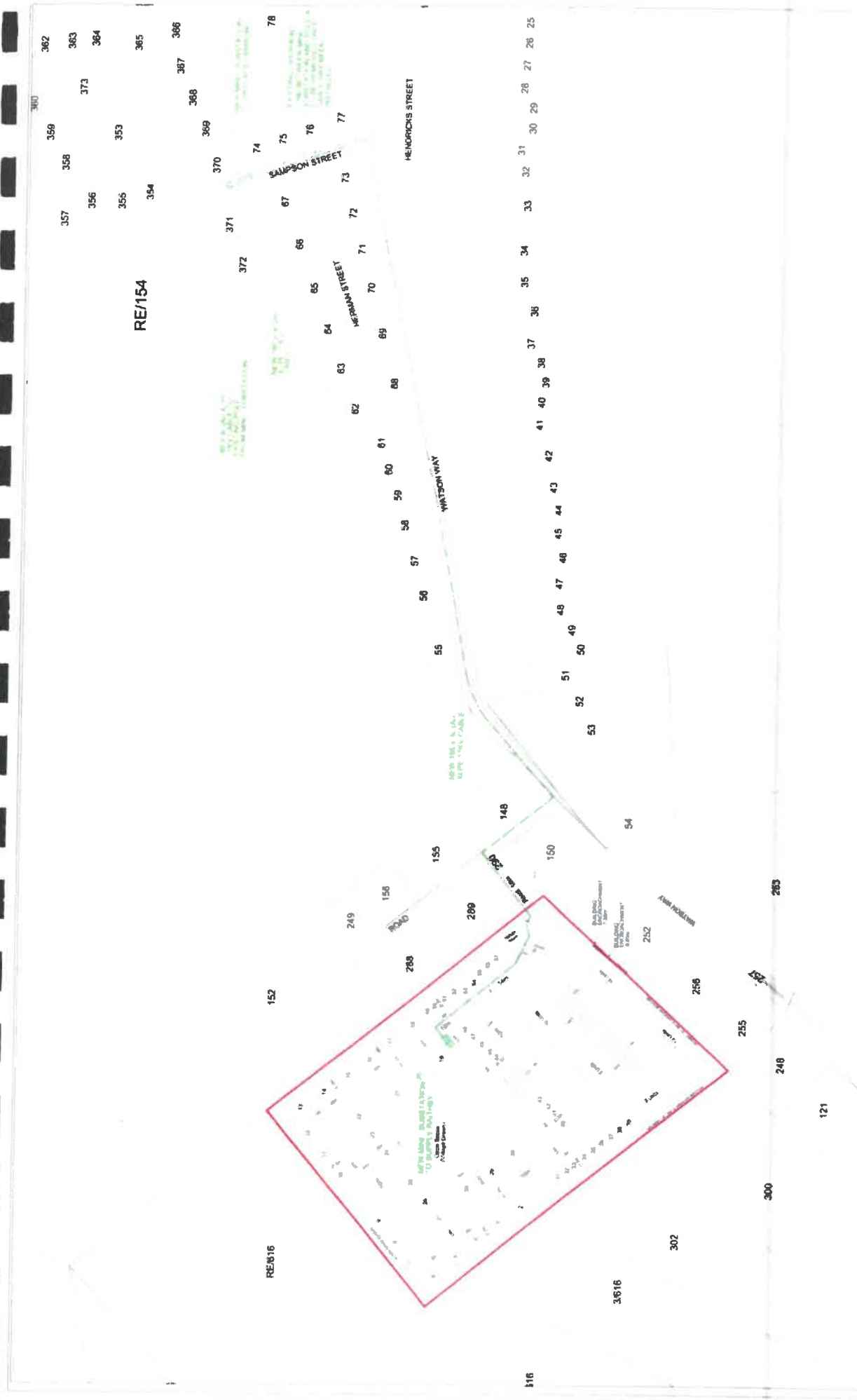
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FOR INFORMATION

<p>ANNANDALE PROPERTIES</p> <p>RAITHBY ERF 298</p>		<p>ELECTRICAL INSTALLATION BULK SUPPLY INTENT</p>	
<p>ANNANDALE PROPERTIES</p> <p>121</p>		<p>ANNANDALE PROPERTIES</p> <p>121</p>	

ANNANDALE PROPERTIES

121

ANNANDALE PROPERTIES

121

ANNEXURE Q: HERITAGE IMPACT ASSESSMENT

**PRE-APPLICATION DRAFT HERITAGE IMPACT ASSESSMENT
PROPOSED DEVELOPMENT OF ERVEN 252 & 298 RAITHBY**

Submitted in terms of Section 38(8) of the NHRA;

HWC Reference: 17110208WD1103E; DEA&DP Reference: 16/3/3/6/7/1/B4/45/1246/20

FEBRUARY 2021

Prepared by Cindy Postlethwayt, Professional Heritage Practitioner

Cindy Postlethwayt

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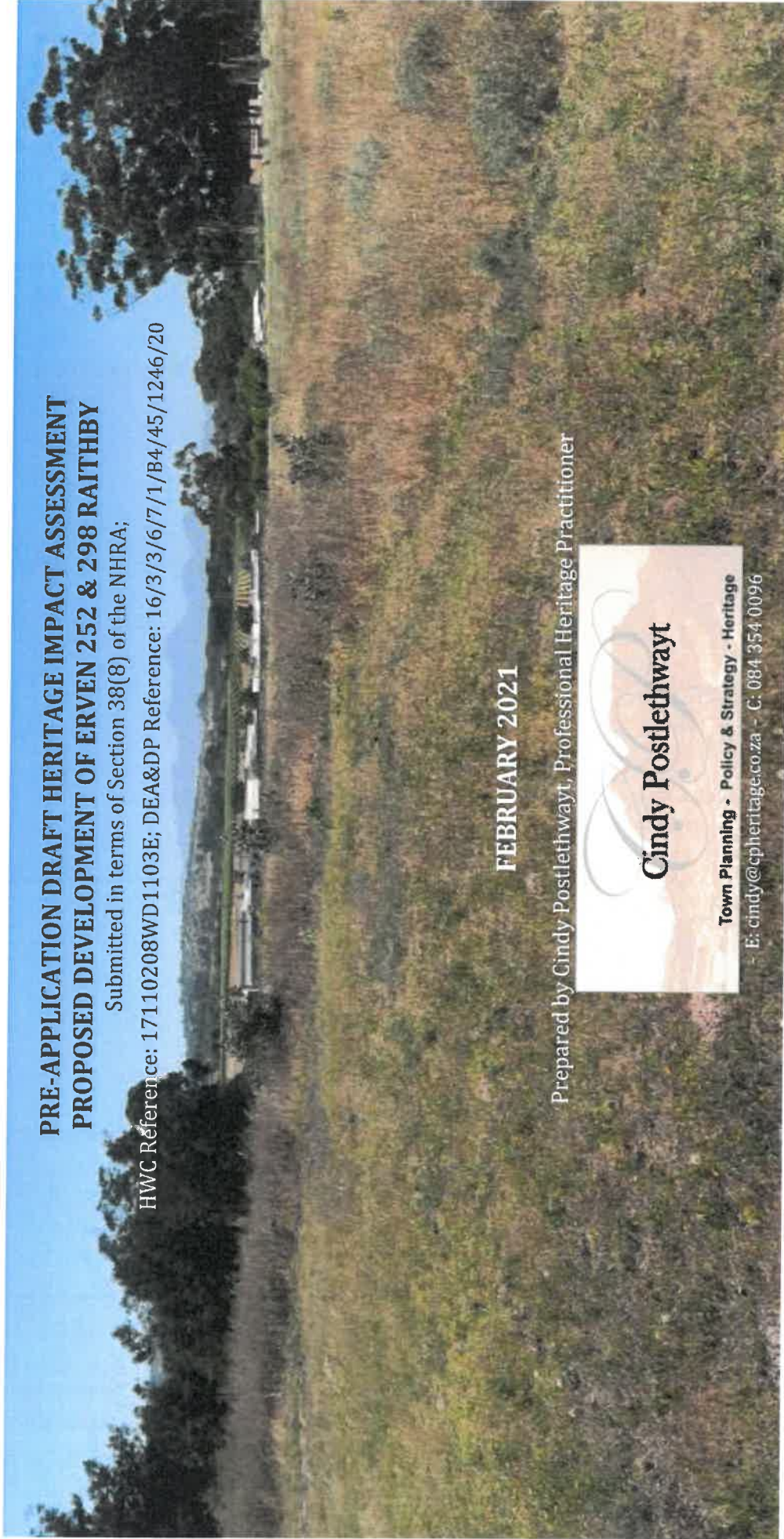


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Cindy Postlethwayt hereby declares that I have no conflicts of interest related to the work of this report. Specifically, I declare that I have no personal financial interests in the property and/or development being assessed in this report, and that I have no personal or financial connections to the relevant property owners, developers or financiers of the development. I declare that the opinions expressed in this report are my own and a true reflection of my professional expertise.

All intellectual property rights and copyright associated with Cindy Postlethwayt's services are reserved, and project deliverables, including hard and electronic copies of reports, maps, data, and photographs, may not be modified or incorporated into subsequent reports in any form, or by any means, without accurate referencing to this work. Any recommendations, statements or conclusions drawn from, or based upon, this report, must be accurate and make reference to the source.

1. Property details

Raithby is a small, rural village in the Moddergat region, north-west of Somerset West and north of Firgrove. It is relatively inaccessible, being located off Winery road which runs through the farmlands and links Old Main Road, Firgrove, with the R44 between Somerset West and Stellenbosch. The property concerned, erven 252 and 298 Raithby, is situated off both Watson Way and Wagner Street in the western portion of the village. It is intended to develop the site for residential purposes.

The total landholding is 5.261ha in extent. It is undeveloped.



Figure 2: Site in the context of Raithby (CFM)

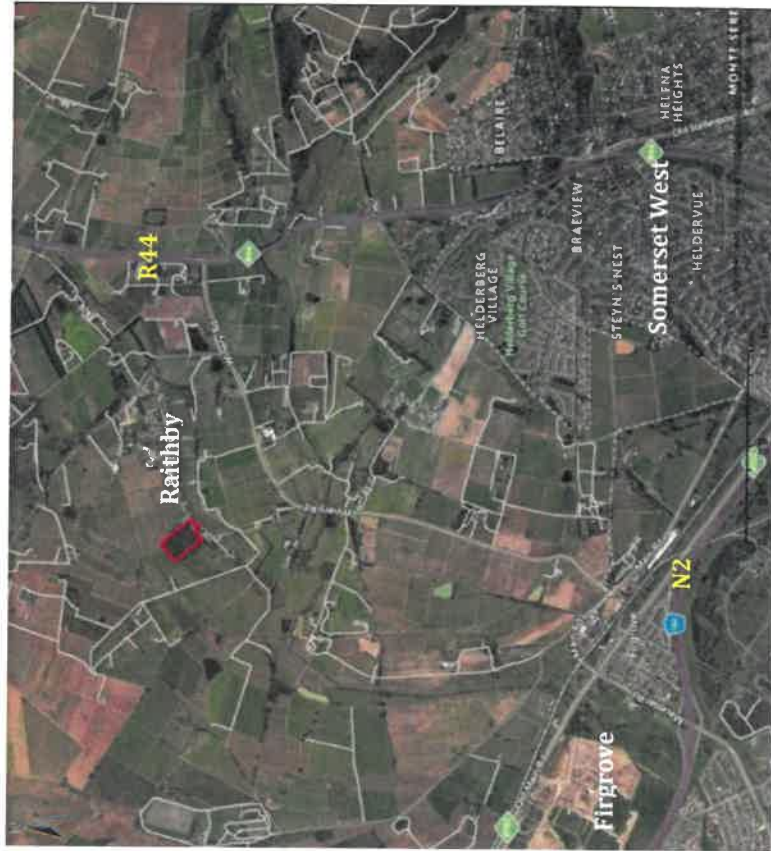


Figure 1: Regional locality (Cape Farm Mapper CFM)

On 20 November 2017, HWC issued a response to the NID (*Annexure A*), requiring a Heritage Impact Assessment (HIA) which is to address the requirements of section 38(3) of the NHRA with specific reference to the following:

- A visual impact study;
 - A landscaping plan;
 - Suggested alternatives.
- Comments of the relevant Conservation Bodies and Municipality must be requested.

Since a Basic Assessment (BA) is required in terms of the NEMA regulations, this HIA is prepared and submitted in terms of s38(8) of the NHRA. The project will run under the 2014 EIA Regulations Process Flow.

2.2 Rezoning requirements

The site is zoned for agricultural purposes. A rezoning to enable a variety of residential land uses (single residential, townhouses and apartments) is required to facilitate the proposed development.



Figure 4: Raithby and site zoning. Note the single residential erven adjoining the site are also zoned for agricultural purposes.



Figure 3: Site (CFM)

2. Legal requirements

2.1 NHRA legal requirements

A Notification of Intent to Develop (NID) for this proposal was submitted to Heritage Western Cape (HWC) in terms of sections 38(1)(a), (c)(i) and (d) of the National Heritage Resources Act No. 25 of 1999 (NHRA).

3. Methodology

Ultimately this HIA will be structured to fulfil the requirements of Section 38(3) of the NHRA and to respond to the requirements of HWC. However, a phased approach to the BA will be followed, with a pre-application and application phase. At this stage, the report is in the pre-application phase.

This report is therefore to be submitted for *Pre-application Interim Comment*.

In terms of the DEA&DP Guidelines for Involving Visual and Aesthetic Specialists in EIA processes, a Level 3 Visual Impact Assessment (VIA) is required. A Level 3 assessment assumes, on the basis of a matrix of specified conditions, that a moderate visual impact could be expected and does not require complete 3D modelling and simulations, with and without mitigation.

In addition to the I&APs registered as part of the NEMA process, the following I&APs have been included with a specific interest in heritage matters: the Stellenbosch Interest Group and the Stellenbosch Heritage Foundation as the registered Conservation Bodies in the area; and the Stellenbosch Municipality. The comments will be considered for incorporation into the findings and recommendations of the HIA.

Information was gathered during site inspections and documentary research of literary and official sources on the site and surrounding area. Documentary research was undertaken of records of the Municipality, the Deeds Office, the Surveyor General and the Chief Directorate: Surveys and Mapping.

The project team includes, inter alia:

- HIA Practitioner: Cindy Postlethwayt
- Environmental practitioners: Doug Jeffrey Environmental Consultants

- Visual Impact Assessment: Karen Hansen
- Town Planning: Planning Partners
- Landscaping: Planning Partners
- Architecture: Boogertman & Partners
- Land Capability Study: Agrimotion

4. Assumptions and Limitations

The information and assessments supplied by others are assumed to be accurate and a fair representation of the proposed development. It is assumed all relevant information has been disclosed.

The information and deductions in this report are based on information received from the client's representatives, as well as research and fieldwork by the specialists.

5. Policy

5.1 Heritage

In terms of the approved Stellenbosch Heritage Inventory Management Plan (SHI), Raithby is situated in a broader landscape of proposed Grade IIIB significance. Raithby is an historic mission settlement, with a distinctive townscape character. It is the settlement within the Stellenbosch Municipality that most strongly retains its characteristic 'Mission Town' structure and pattern. The historical townscape is proposed as a Conservation Area, Grade IIIA. The R44 is identified as a Rural Scenic Route Overlay Zone in terms of the proposed Stellenbosch Municipality Zoning Scheme Bylaw. Winery Road is proposed as a Scenic Route.

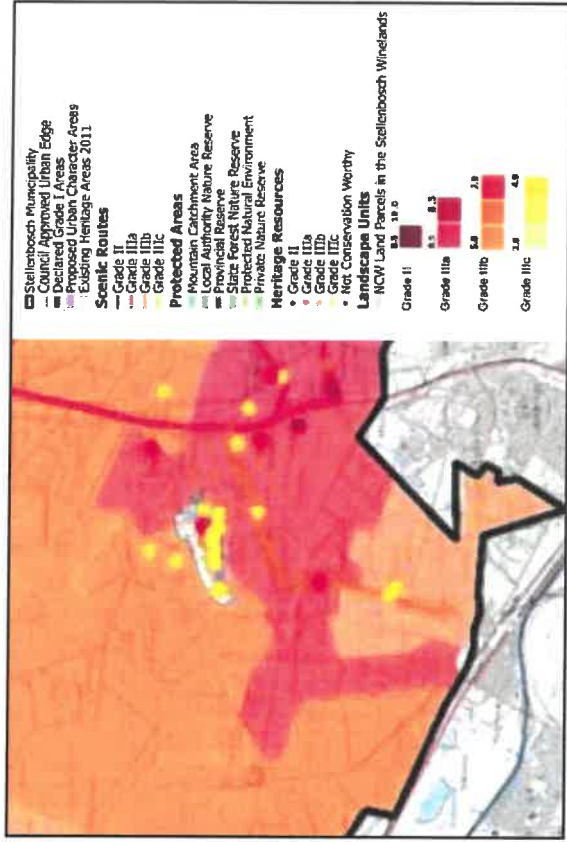


Figure 6: Stellenbosch Municipal Heritage Inventory map (Extract - SHI). Raithby is situated in a landscape of proposed IIB significance.



Figure 7: Heritage Resources & proposed Conservation Area (SHI), site identified

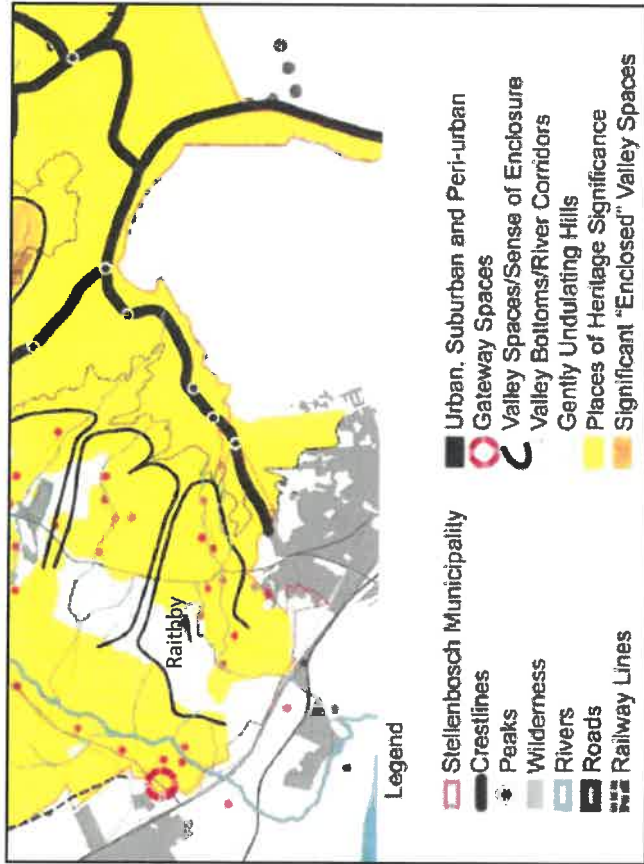


Figure 5: Composite Diagram - the patterns of high heritage significance. Raithby is not within this landscape area (Extract - SHI)

5.2 Planning

The Stellenbosch Municipal Spatial Development Framework (SMSDF) was approved by the Stellenbosch Council on 11 November 2019. The ‘Guiding Concept’ (October 2018) underpinning the SMSDF notes *inter alia* the following:

- Poverty has deepened and key sectors, which traditionally accommodated unskilled workers, show slow growth;
- Infrastructure backlogs exist;
- The need for housing and shelter, both for the lower income groups and those with employment, has not been adequately met;
- The Municipality does not have the resources to fundamentally reverse backlogs or negative trends in shelter or infrastructure needs;
- Although Stellenbosch has grown, it has been unsuccessful in addressing current and future housing needs. The demand for housing is increasing faster than housing provision.

The Stellenbosch municipal area has a current housing need of more than 25 000 housing units [SMSDF status quo (2018)]. This need includes all socio-economic groups. To put this into perspective, the current housing stock in the municipal area would need to be doubled to meet this demand. Raithby has a modest, but valuable role to play in addressing this need.

In relation to Raithby, the SMSDF states that areas for residential densification and infill should focus on undeveloped land within the urban edge. The site represents such an opportunity. The spatial plan for Raithby indicates *inter alia* the following:

- Erven 252 and 298 are both located *within the urban edge of Raithby*;
- Erf 252 is indicated as forming part of the existing cadastral fabric of Raithby and Erf 298 is specifically demarcated as “Mixed Use Community and Residential Infill”;
- Watson Way is indicated as a “Main / Secondary Road”;

- A “New Road Linkage” to Erf 298 is indicated at its south-eastern boundary;
- Erven 252 and 298 are not part of the “Urban Agricultural Areas Retained”, the “Critical Biodiversity Areas” or “Green Areas Retained”;
- Erven 252 and 298 are located outside of the “Existing and Proposed Urban Character Areas”.

The development proposal for the site of a mixed residential development, with its ancillary communal facilities, is consistent with the directives of the SMSDF.

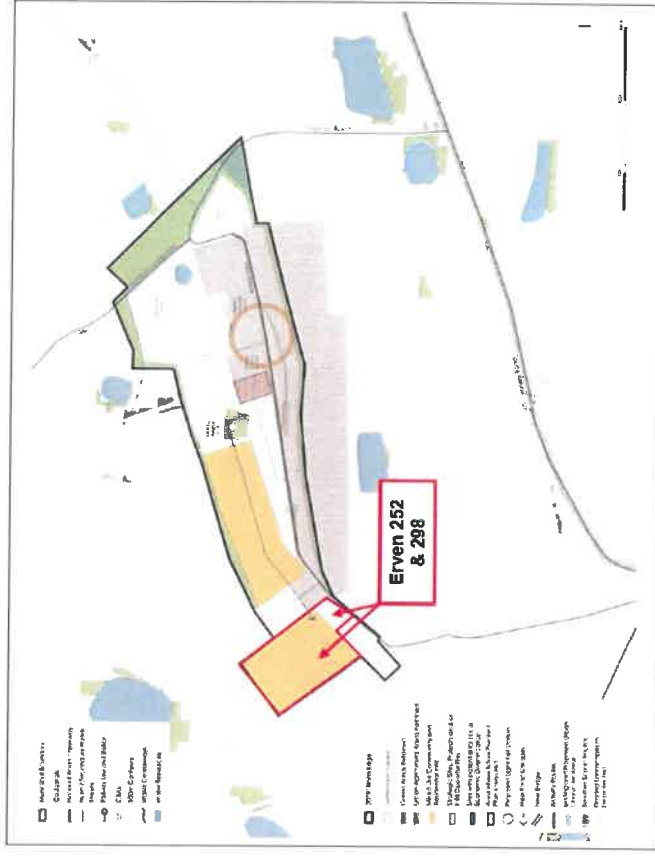


Figure 8: SMSDF (November 2019) – Raithby Plan (Planning Partners).

6. Historical Background

6.1 Raithby Mission

The following is an extract from the Draft Stellenbosch Rural Area Plan: "It can be argued that the Cape rural landscape such as described in tourism brochures or the Cape Winelands World Heritage Site Nomination is a physical manifestation, in many ways, of the historical aspirations of land owners to material status and consumption...."

Agriculture in this region (and SA as a whole) has historically relied on two constant factors: (largely) white ownership of land and creating and maintaining supplies of cheap labour. However, in the early colonial period the pioneer farmers were not wealthy. From the beginning, the population of the newly formed Stellenbosch district comprised local farmers, slaves and free blacks. Initially 'slaves' was a loose description of indentured labour and when these 'slaves' had served the Dutch East India Company in the Cape for the allotted time, they were given grants of land on which to settle ('free blacks'). Farming was small scale, mixed commercial by both white and free black ownership of land. Although it is assumed the latter were substantially less in numbers, there are a number of historic farms recorded as having been owned by free blacks who were active and respected members of the pioneer community (many of whom owned slaves themselves) ...

The farms were always heavily dependent upon slave labour: "throughout the eighteenth century over 90% of arable producers owned at least one slave, a remarkably high proportion. But the slaves were not the only labourers on the farms. As the eighteenth century progressed, the indigenous Khoisan of the Cape were increasingly robbed of any independent access to grazing lands and hunting territories. As a result, they were forced to become labourers on the

farms. By 1806, even in the largely arable Stellenbosch and Drakenstein districts, over 30 percent of the labour force was Khoikhoi."¹ ...

1838 saw the emancipation of slaves, although at the Cape slaves had to be apprenticed to their former owners, generally for 4 years. Little was changed under these circumstances. Many owners brought their apprentice labourers before the courts, usually for disobedience or desertion and punishments were harsh....

In this context, a number of Mission Stations began to be established in the Cape to provide for emancipated slaves and the severely impacted Khoisan population. In the Stellenbosch area, the mission stations of Pniel in 1843 and Raithby in c1844 were established. A common feature of these settlements was that the residents would generally still work on the surrounding farms and use their spare time to cultivate their own plots provided in the settlements along the water courses.....



Figure 9: Raithby layout still illustrating the long garden plots linked to each of the original erven, a common pattern in Mission Towns

¹ Ross: 1993: 2

Although subject to strict discipline imposed by the Mission Stations, they provided a significant element of freedom for its ex-slave inhabitants who could experience family life, live in their own homes, keep livestock and grow crops in their own gardens. However, they were unable to provide sufficient opportunity for independent farming or other sources of work and these areas tended to function as labour reservoirs for the farmers since seasonal employment was the only way to make a living....

The differentiation of labour between those who remained on the farms and those who resided on the Mission stations and other labour-based settlements gradually began to impact upon relative socio-economic conditions. Whilst poverty was endemic in all these groups, those who were not tied to the farms began to have access to education and training which allowed at least the descendants of the original inhabitants to work their way out of their status as agricultural labourers. Those who remained on the farms had little opportunity to escape grinding poverty and alcoholism that characterised much of the rural areas of the Cape.

The association of class and colour that became entrenched in South African is particularly evident in rural areas and Stellenbosch is no exception. The process by which people of colour were dispossessed and marginalised was entrenched though Apartheid policies and the Group Areas reinforced this by declaring the Mission towns Rural Coloured Areas in 1968. Despite political, social and economic changes in SA since 1994, poverty, inequality and social conditions in the rural areas remain unacceptable: this then is the heritage of the disenfranchised.”

The establishment of Raithby occurred in a formative period of the Methodist church in South Africa. The Reverend Barnabas Shaw (1788 - 1857) was an English born Wesleyan Methodist missionary, regarded as the founder of Methodism and of its first mission

stations in South Africa, beginning at Leliefontein. Following his work in Leliefontein, he returned to Cape Town from 1826 – 1837. “This was a formative period in the church’s development, when S(haw) followed what has proved to be a master plan. Between Simon’s Town, where a church was built, and Cape Town, where S(haw) erected his second church, in Burg street (1831), there was a series of preaching places such as Kalk Bay, Diep River, Wynberg and Rondebosch. The Klipfontein chapel on the Cape flats was opened and the work was extended to Hottentot’s Holland, Stellenbosch and Caledon. Worship was also conducted in prisons (including Robben Island), road camps, ships in harbour and private houses. Open-air preaching, though initially opposed by the police, became recognized as a right. Though ably assisted, S(haw) was the dominant figure until ill-health necessitated rest.

After six years in England (1837-43), preaching, addressing missionary gatherings and publishing his partly autobiographical Memorials, S(haw) returned to lighter duties in the Stellenbosch circuit. Repeating a successful project at Hottentot’s Holland, he bought ground near Stellenbosch which he named Raithby, as a settlement for the rehabilitation of homeless freed slaves. Despite early difficulties his aims were attained and Raithby became, and is, a progressive village.

... He retired in 1854 and died three years later.”²

Raithby was established on Erf 114 (SG361/1851), previously portions of Freehold land (Old Stellenbosch Freeholds 1- 131) granted in 1699. Various references indicate that the land purchased by Rev. Shaw was renamed ‘Raithby’ after a benefactor, a Mrs Brackenbury of Raithby Hall in Yorkshire, England donated £100 to buy three morgen of ground and a house for the mission station. “The land was subsequently rented to about 800 freed slaves so that they could work on the surrounding farms

² Heather MacAlister e-mail correspondence 2015

and use their spare time to cultivate their own plots. Many of the 600 descendants of the freed slaves still occupy the Raithby cottages in the town”³.

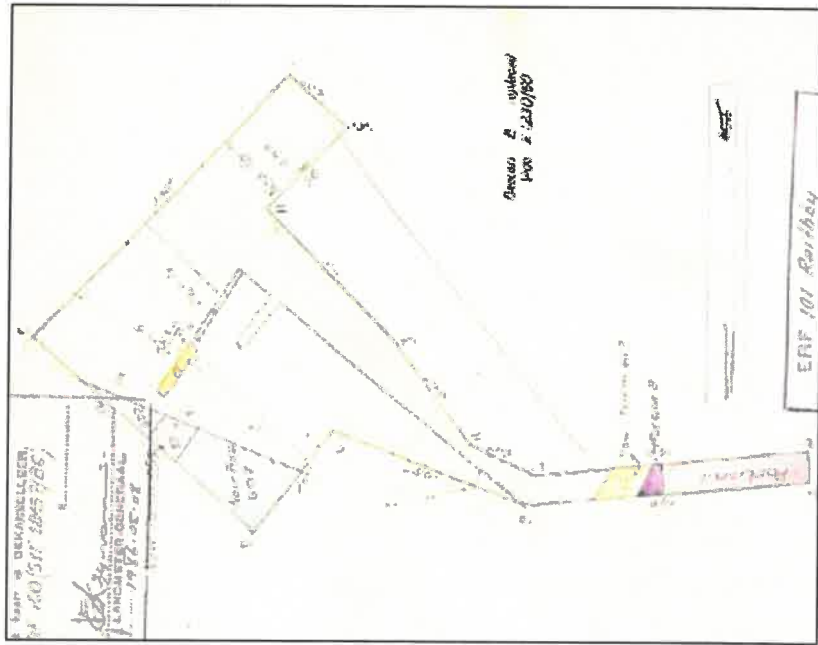


Figure 10: SG 27/1699, portion of which was the precursor of Raithby

³ <https://www.iol.co.za/travel/south-africa/western-cape/secret-visit-to-slave-of-the-vines-1736750>

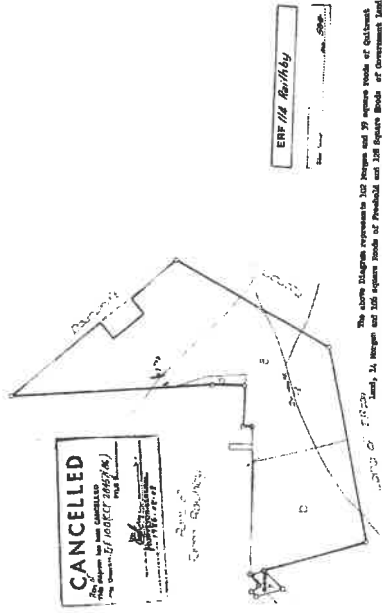


Figure 11: Land purchased by Rev. Shaw for the purpose of establishing the Mission Station which became known as Raithby (SG 361/1851)

The land ownership of Raithby has not been tracked, but it would appear that the church may have retained ownership of much of the land until 1983, when some of the land was formally subdivided, presumably for the purpose of transfer to the descendants of the mission station.

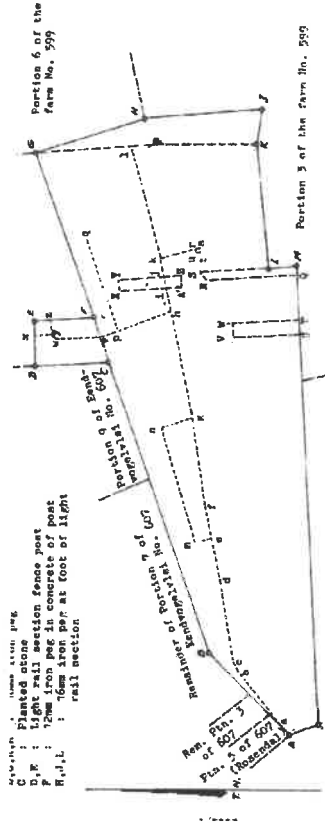


Figure 12: SG9931/1983 preparation for subdivision

6.2 Site

Erf 298, the larger portion of property concerned, never formed part of the Mission Station but was privately held land immediately adjoining the Mission Station landholdings.

It is a 2006 consolidation of Erf 296 and 297. Erf 297 was subdivided in 2006 from Erf 110 (SG1885/1884), itself part of a Stellenbosch Quitrent 17- 4 of 1885, granted to Delpont.

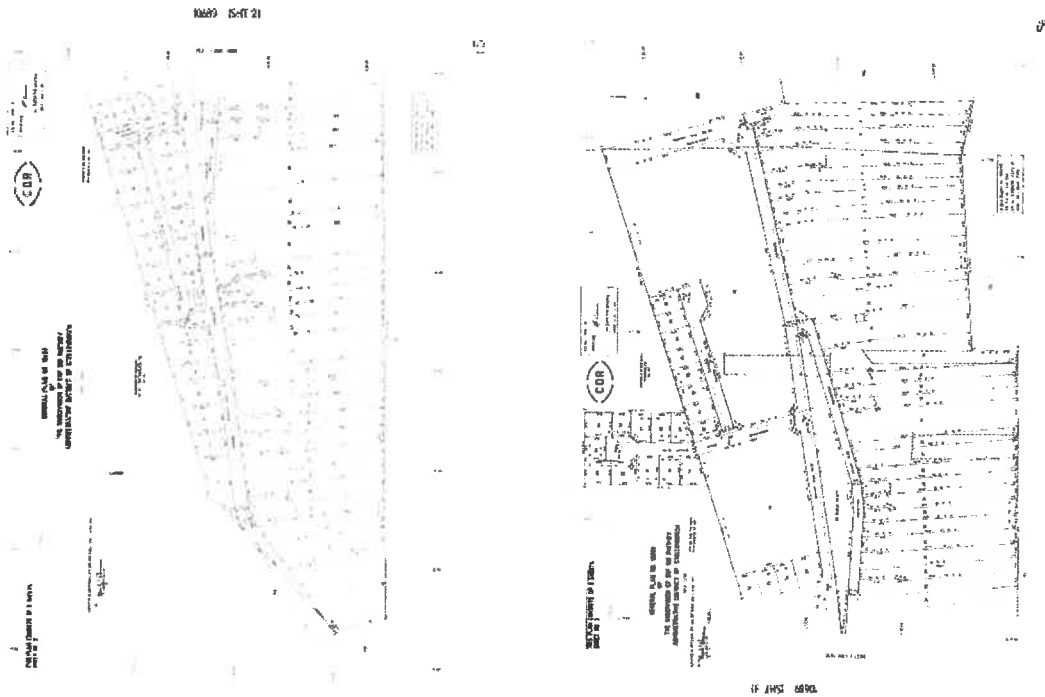


Figure 13: General Plan 10689 SG 9932/1983

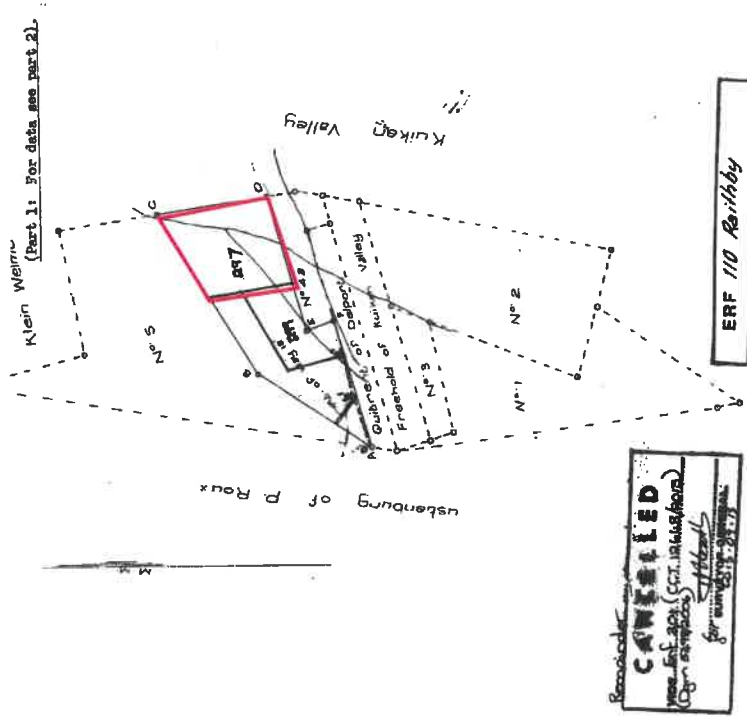


Figure 14: SG1885/1884 – Erf 297

Erf 296 was in turn a portion of Farm 5 of the Farm 616 (SG6329/1937), itself a portion of the Stellenbosch Quitrent 21/17 granted to J Berman in 1901 and sold to JJ Delpoit in 1918. Successive generations of the Delpoit family have owned this and much of the surrounding land since at least 1885, and sold the property concerned to the current owner in 2013 (Deeds Office records). It is understood that the Delpoit family continue to be significant landowners of the immediately surrounding properties.

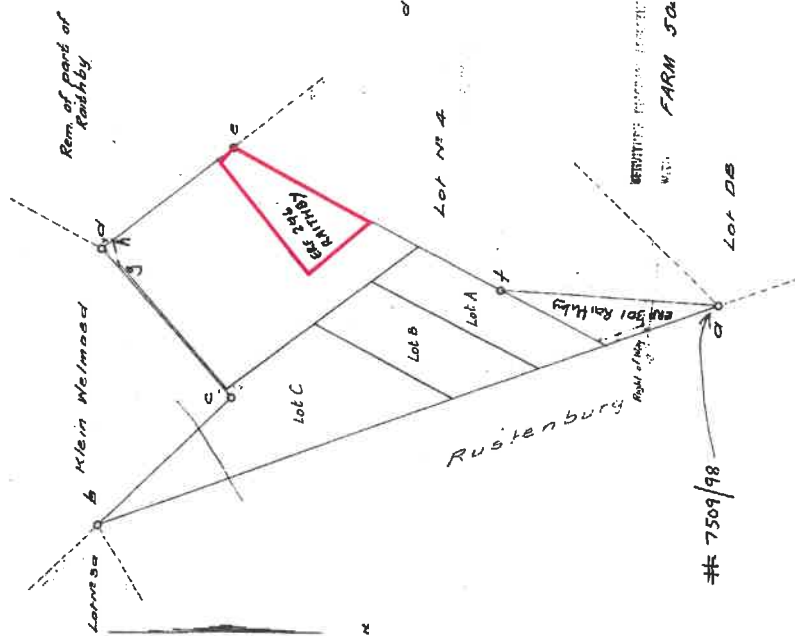


Figure 15: SG 6329/1937 – Erf 296

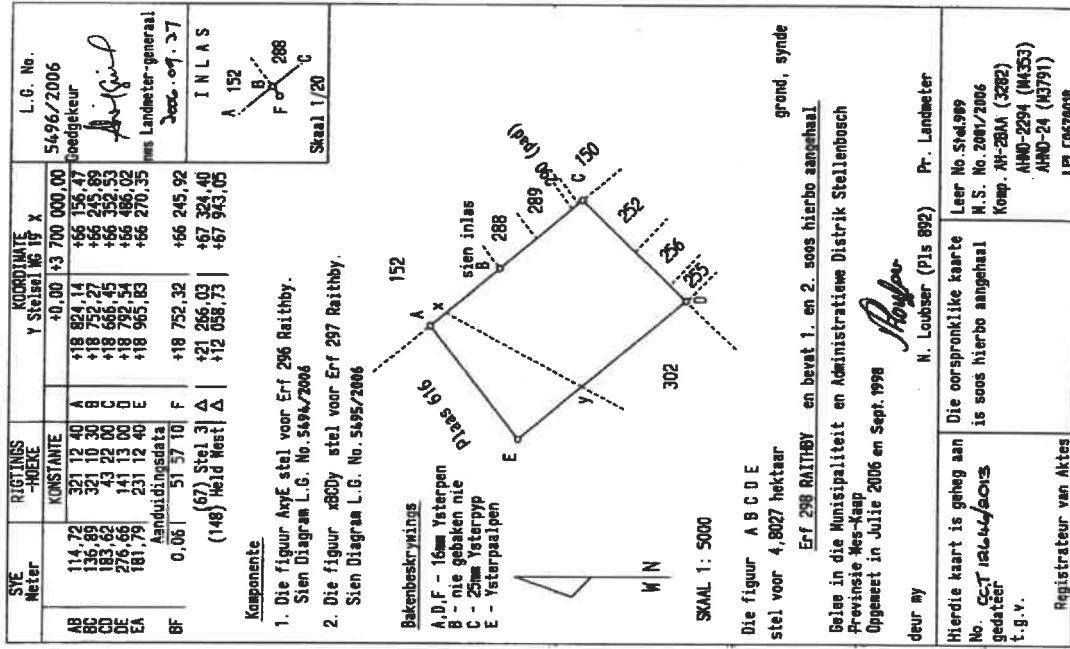


Figure 16: 2006 consolidation of Erven 296 and 297 to form Erf 298 (SG5496/2006)

Erf 252 was equally never part of the core Raithby Mission landholdings and also formed part of the early Delpoort landholdings. Originally it formed part of Erf 120 (Stel Q 17.23; SG1886/1884), which was subdivided further in 1959 (Erf 122) and sold under separate title in 1996 (SG2623/1959 and 1375/1996)

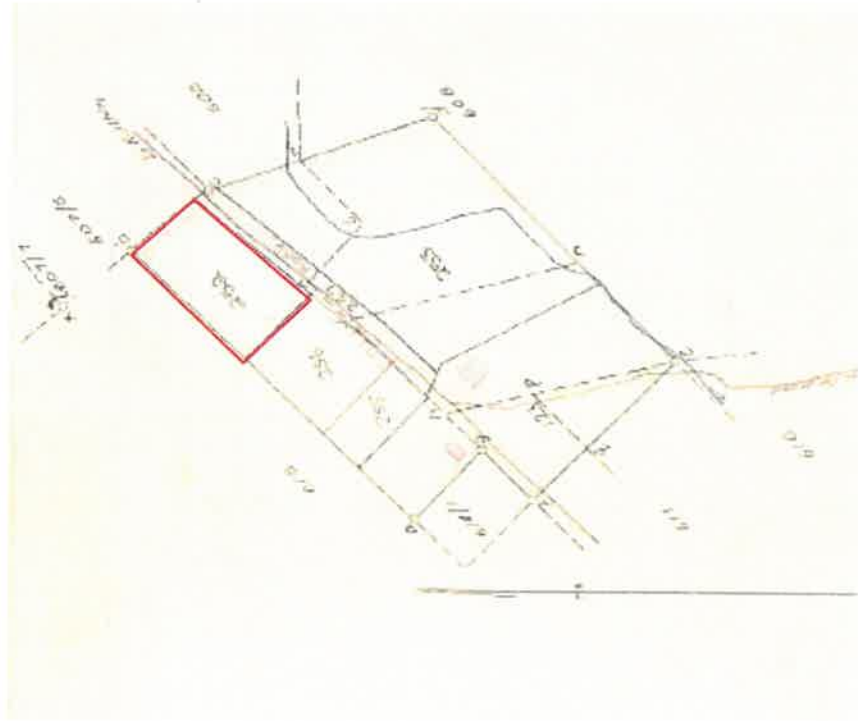


Figure 17: SG2623/1959. It is noted that there were no structures on the property at this time. A number of historical structures on other properties may have been demolished with the road widening.



Figure 18: The property concerned outlined in red, the core Raithby Mission Station landholding outlined in yellow.

7. Settlement character

Raithby remains a small, functionally isolated rural hamlet, located at some distance from the main road and rail routes. It is accessible via an access road (Watson Way) leading off Winery Road, the latter a rural access road through the Moddergat region north of Firgrove. It is a mixed income settlement. Besides a school, church and small shop, it is an entirely dormitory settlement – no doubt in part a legacy of its mission station origins.

The 2011 SA Census counts a total village population at 908 in 217 households. The average household size is 4. Formal dwellings constitute 91.3% of the total, of which 61.4% are either owned or being paid off. Servicing levels are relatively good. 31.9% of the population older than 20 have matric, and 14.1% have higher education. The population profile is largely designated 'coloured', in keeping with its mission station and Group Areas designation legacy. Income levels are generally modest although mixed.

Group	Percentage
Black African	7.2%
Coloured	83.9%
Indian/Asian	0.2%
White	8.4%
Other	0.3%

Figure19: Racial profile 2011 Census

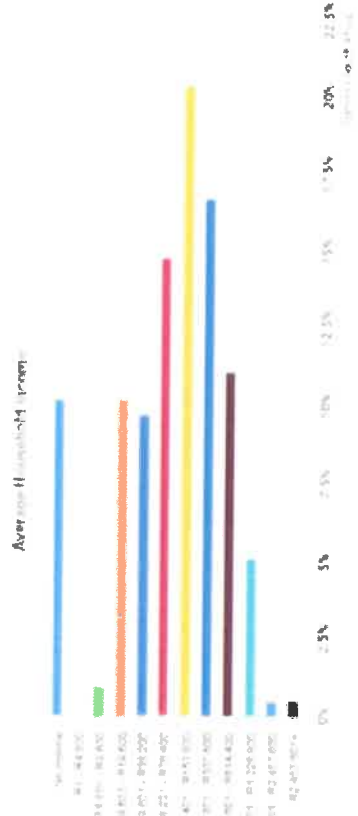


Figure 20: Income levels 2011 Census

There is no easily available information regarding sources of employment. Clearly most residents must be employed outside the village, and it is not clear to what extent the mission plots are still utilised for subsistence purposes –many plots appear to no longer be tilled. It is also not clear to what extent employment in agriculture still plays a significant role, although the SDF notes that the area “serves a number of farms in the vicinity”.

The village stretches for just over a kilometre along Watson Way, with gently horizontal and vertical curves and is largely linear in layout, with very few side streets. The rectangular Methodist church dates from c1900 (Hansen 2004). In the west part of the village some 19th-century flat roofed cottages survived until recently, and there are some corrugated iron cottages (Fransen 2004). However, very little now remains of the vernacular mission station architecture and most properties have been substantially altered with no reference to historical origins. The cross-section of Watson Way is wide, and, together with low density development, creates a distinct lack of intimacy and coherence in the streetscape. However, the village is well treed and properties are generally single storied.



Figure 21: Raithby Settlement structure (SHIMP)

setup that made so much sense initially is also affected; their communities disintegrate, the settlements become dormitory towns for people with jobs elsewhere.”⁴

With increased demand for reasonably priced residential accommodation in the Stellenbosch winelands, Raithby is now coming under pressure for middle income housing. A few gated middle – high income residential estates have been developed in recent years, and generally unsympathetic to the character of this small rural hamlet, and not visually integrated into the existing settlement form. Nevertheless, the mission spatial structure is still clearly discernible and intact – “therefore this spatial ensemble is deserving of the highest level of heritage protection. It is rare to find a 19th century Cape Mission Settlement with such a clear, intact and discernible spatial structure, and therefore this spatial ensemble is deserving of the highest level of heritage protection. Already, gated housing developments are encroaching on the town to the north-east – it is critical that they do not erode the clear structure, pattern and context of the settlement.

The special and rare character of Raithby as a townscape unit is created by the juxtaposition of the riverine corridor, the “water erf” plots, the cottages lining Raithby Road and Hendricks Street, the commonage and the school and church precinct. Importantly, it is also the visually clear rise of the hills above the school and church, and the cultivated slopes on the other side of the river, which provide visual containment and an agricultural context to the settlement as a whole.”⁵



Figure 22: Raithby’s distinct mission station settlement structure (CFM)

The long narrow strips of mission allocated garden land (water erwe) are located along the fertile soils at the valley bottom of the river running parallel to Watson Way and Winery road and the original dwellings were located hard up on the upper side along Watson Way and Hendriks Street. “Because of the conservatism that is perhaps inherent in ecclesiastical institutions, and of the resultant absence of commercial intrusions, most of the Cape’s mission settlements were long amongst the best-preserved towns or villages. Their mission *werwe* are still unique environments. But in a changing society, the initial agricultural

⁴ H Fransen (2006) p123

⁵ Appendix 4 SHI Townscape Character Units p19



Figures 23 - 25 left and above: The very few remaining historical vernacular cottages along Watson Way, the water werwe to the rear



Figures 29 - 30: Watson Way west and east bound respectively



Figures 26 - 28 above: More typical modern buildings in Raithby



Figure 31: Methodist church along Watson Way



Figures 34 - 35 above: Western entrance to Raithby



Figures 32 - 33 above: Raithby Vines at the eastern entrance to Raithby
(www.nweng.co.za)

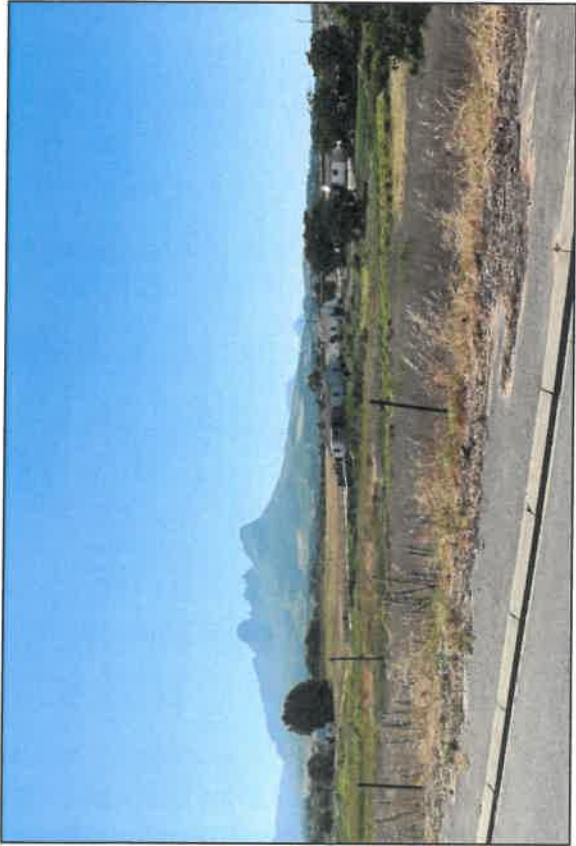


Figure 36: First garden plots visible from western entrance to Raithby

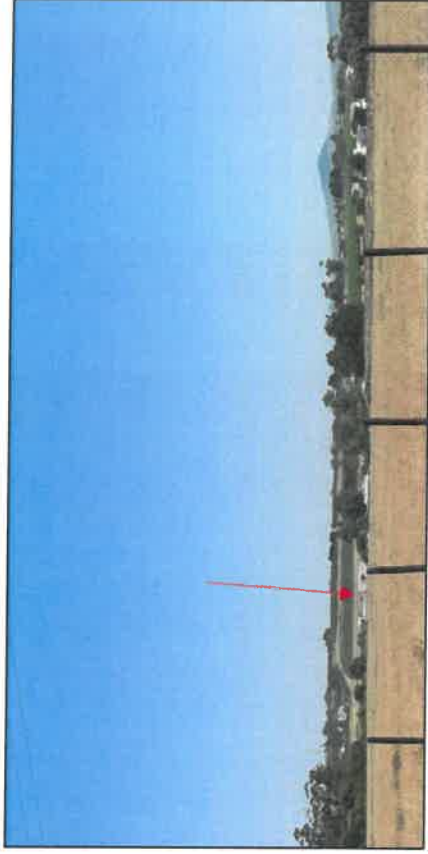


Figure 37: The site as backdrop. Western Raithby from Winery Road, the site identified in front of the vineyards and the buildings on erf 252 visible directly in front of the open land.

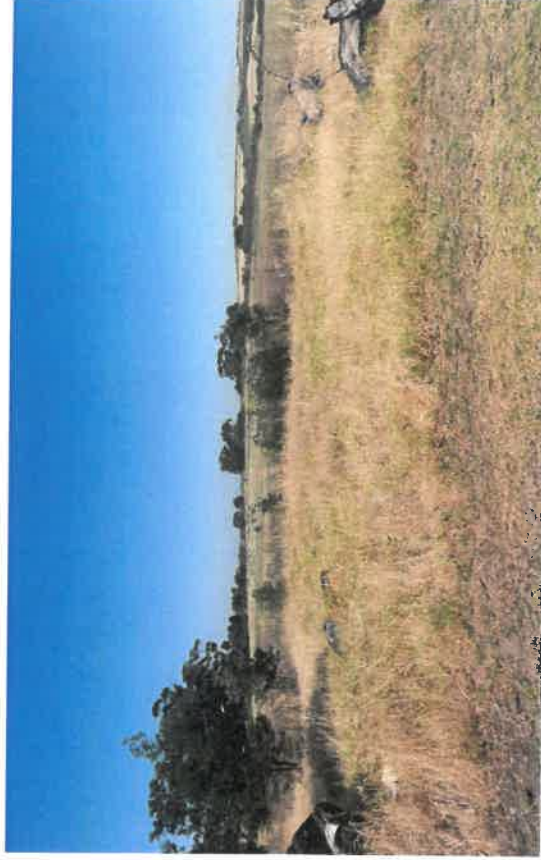


Figure 38: Erf 298 from its eastern boundary, west facing

8. Landscape character

8.1 Site

Erf 298, rectangular and just under 5ha in extent, is located away from Watson Road, accessible via Wagner Street. It has no distinctive features, and whilst historical aeriels indicate it must have been under agricultural production in the past, it is now fallow. However, it is situated on a ridgeline that forms a backdrop element to Raithby in a generally gently undulating landscape and as a result, is visible at a distance. The south-eastern property boundary abuts residential and office development and vacant land. The northeast, northwest and southwest property boundaries adjoin agricultural land. The agriculture land uses are mainly vines, with some grazing and fallow land.

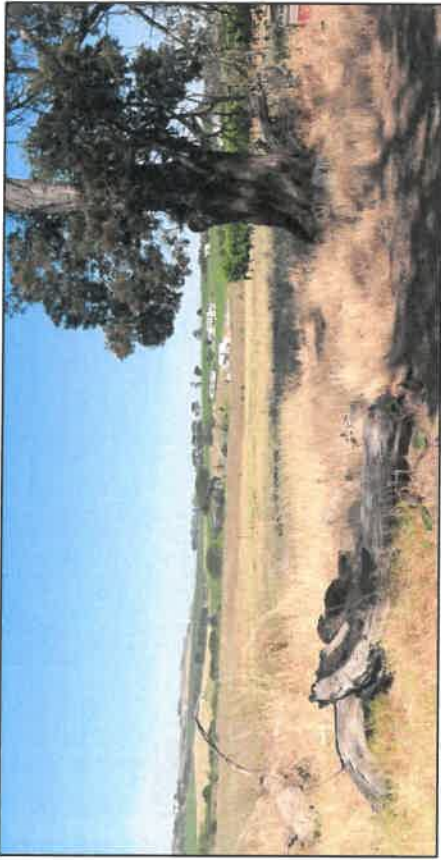


Figure 39: Rural backdrop northwards from Erf 298 eastern boundary



Figure 40: Across Erf 298 looking south towards the properties on Watson Way, including erf 252.



Figures 41 & 42 above: Wagner street is currently largely undeveloped and enclosed by vineyards to the north and east and Erf 298 to the west

Erf 252 takes its access from the main road through the settlement, Watson Way, and clearly forms part of the urban landscape. It is developed with three single storey residential buildings, the earliest constructed after 1999, and two more recent structures built in 2010.



Figure 43: Erf 252, identifiable by the distinctive boundary wall, from Watson Way westbound



Figure 44: Erf 252, main residence (Google earth image 2010), Erf 298 along the ridgeline to the rear



Figure 45: Erf 252 (Google earth image 2019). Portion of Erf 298 to the rear is indicated in dash line

A Land Capability Study for Erf 298 (Agrimotion 2017) finds as follows: "Medium low to low potential soils are prevalent across Erf 298 in Raithby, Stellenbosch. A dense clay-rich saprolite layer which occurs at depths of 40 – 60cm from the soil surface will restrict root penetration and water infiltration and thereby limit the effective usable soil depth. In addition, excessive signs of soil wetness occurs throughout the area eluding to the occurrence of waterlogged soil conditions during wetter periods of the year. Acidic soil conditions were also detected from the chemical soil analysis.

Although the initial investigation indicates that the soils are marginally suited to the cultivation of perennial crops, appropriate soil preparation and amelioration techniques (e.g. deep soil tillage, ridging, draining, liming) can serve to significantly improve the soils ability to sustain perennial crop production. In the area adjacent to Erf 298, vines are being actively cultivated as evidence thereof, climate cannot be seen as

a direct constraint to crop production in this area. What is however important that significantly reduces the sustainability of the site as a productive agricultural unit, is the fact that no additional water is allocated to the property ... the fact that no water can be stored or actively pumped to the property means that no irrigated agriculture can take place. An irrigation system is necessary to supplement the vine water requirement and increase the productivity of a vineyard.

In conclusion, the soil and climatic features recorded at Erf 298 in Raithby is suited to support perennial crop production. However, the size of the property, together with the fact that no additional irrigation water is allocated to the property implies that Erf 298 cannot be seen as a sustainable and economically viable agricultural unit.”⁶

It should be noted that Erf 298 (and its associated parent portions) was subdivided into this non-economic unit by 2006. The previous land owner has advised that no agriculture activities have taken place on the property within the past 25 years.

The site is gently sloping with a southwest - northeast stretching watershed located more or less across the centre of the property. The site slopes down in a south-eastern direction from approximately the 78m contour height to the 73m contour and conversely in a north-western direction from approximately the 78m contour height to the 76m contour.

A number of alien vegetation bush clumps and trees have been identified, which alien vegetation has subsequently been cleared on instruction by the Stellenbosch Municipality.



Figure 46: Site survey

⁶ Agrimotion (2017): p11

The VIA (included as Annexure B) notes as follows:

“This is a transformed site, having been used for agriculture in the past; the trees are felled, and it is open and visually exposed. There is little to signal its location in the wider landscape, but from the centre of the site which is highest, there are long views north and south, lateral views are rather more constrained...

Due to the open nature of the site, it is visually exposed to some directly adjacent development and terrain; exposure reduces with distance. The site has an identifiable sense of place derived from proximity to houses, by being in the less built-up end of the village, and with views of fields and mountains.” (p7)

“This site is deemed to possess limited visual value, which is derived from its rural character.... The landscape character of the development site is rural/peripheral residential in character, with little visual clutter. The landscape character of the immediate locality and beyond the village is open, arable land mainly under grapes.” (p13)



Figure 47: the view from the east side of the river, looking over the river corridor, across Erf 252 Watson Way, and onto Erf 298, partly beyond the trees and offices. (Source Hansen)

8.2 Context



Figure 48: Early settlement of the region: 01-13 Cape-Malmesbury Southern Districts 1880-1900 (Trig Survey)

Raithby is situated amongst the rolling hills of the Eerste River basin and is a “special node within this landscape” (SHI). It formed part of what was, in 1850, the Moddergat ward (*wyk*). Some of the earliest farms in the vicinity (although at some distance) include:

- Scholzenhof/Zandberg now Ken Forrester, Winery Road/R44
- Happy Vale (Verdruk-my-Niet), off the R44, a significant landmark
- Vredenberg off Winery Road

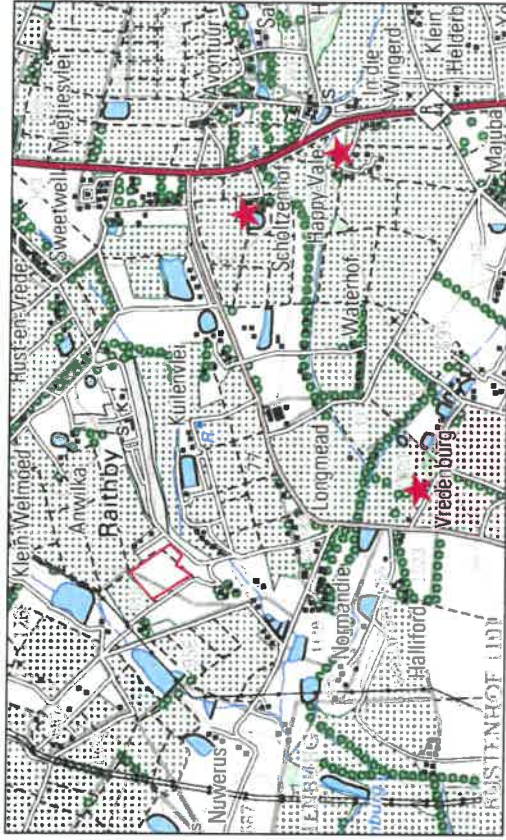


Figure 51: Historical farms in the vicinity of Raithby

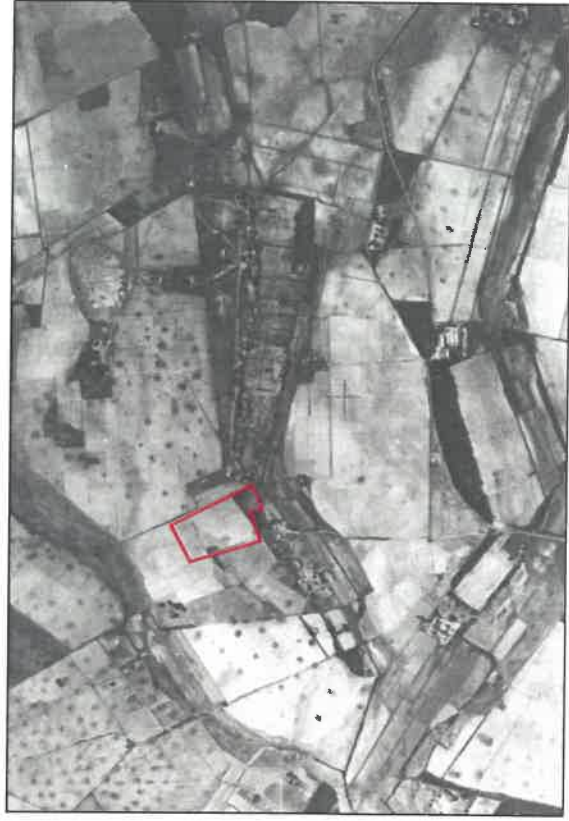


Figure 52: 1938 aerial (126_089_12522) (Trigonometrical Survey)

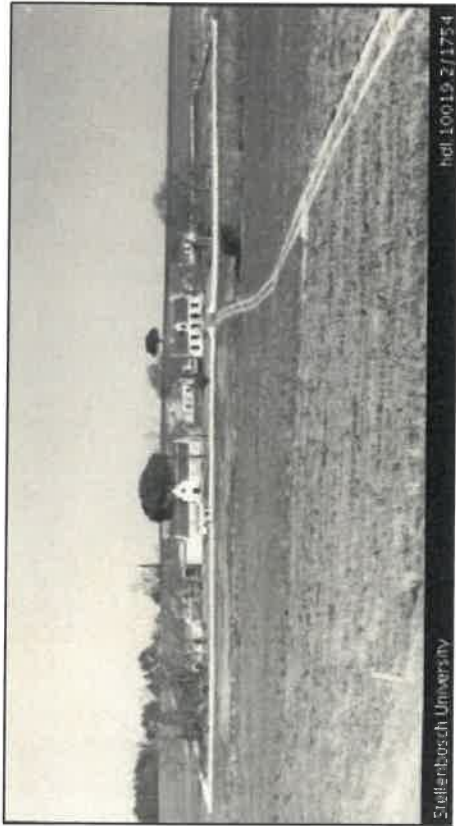


Figure 49: Happy Vale (Andre Pretorius Collection)



Figure 50: Vredenberg (Andre Pretorius Collection)

Historical aerials illustrate that the landscape around Raithby (and indeed Raithby itself) has remained largely unchanged since 1938. It is a modest agricultural landscape across a gently rolling rural landscape, with none of the visual drama of the agricultural landscapes at the foothills of the Helderberg and Stellenbosch Mountain ranges. Vineyards comprise the majority of farming activity.



Figure 53: 1944 1:50 000 Topocadastral map 3418BB (Trig Survey)



Figure 54: 1953 aerial (335_008_06101) (Trigonometrical Survey)



Figure 55: 2013 Crop census (CFM) indicating that vineyards predominate in this agricultural area, and vegetable gardening takes place on the Raithby water werwe. The site is identified with a red star.



Figure 56: Raithby in its agricultural context, from Winery Road. The village is well integrated into its context through dense tree planting and its restricted linear footprint below the ridgeline at its 'back'.



Figure 57: Contours and slope (CFM) (site bordered red, Raithby bordered yellow)



Figure 58: Landscape immediately north of Raithby, taken from Erf 298

9. Heritage Resources & significance

The grading of heritage significance is based on the criteria for significance used in the NHRA (Annexure C).

The site: The site straddles an area not deemed conservation worthy, and is included in the Urban Edge. The site has no intrinsic significance nor historical associations and has not formed part of the Raithby historical settlement. It has limited visual value.

The development site is located close to the western edge of the village, but there is no sense of a ‘gateway’ where ‘arrival’ could be experienced.

However by virtue of its rural character and its elevation, and with a ridgeline crossing the site, it forms both a contextual backdrop to Raithby and separates it from the rural area behind and to the north of the village. Grade IIIC is suggested.

Raithby historic area: proposed Grade IIIA – the village retains distinct and legible elements of its mission town layout, especially in its garden plots and linear development. However, more importantly it has significant social/historical associations with slavery.

The surrounding landscape: SHI proposed Grade IIIB. It is a largely unspoilt, relatively isolated rural area, although not, it is argued by this author, especially vivid or significant in visual or cultural landscape aspects. The visual significance of much of the local area is somewhat constrained by folds in the landscape and the trees.

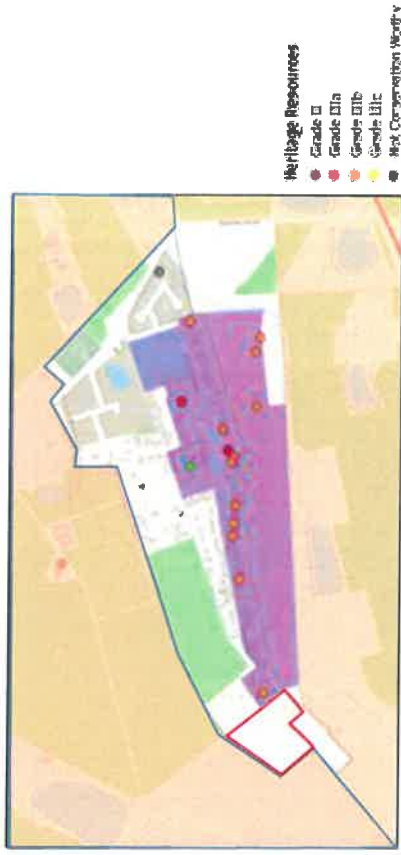


Figure 59: Site in the context of identified heritage resources. The purple area identifies the proposed Heritage Area.

10. Development Indicators

The site is situated wholly within the Urban Edge and is indicated in the SDF as ‘Mixed Use Community and Residential Infill’. Residential development in some form and to some extent is therefore to be expected and can be considered.

Heritage indicators which should guide development of the site are as follows:

1. *Inclusivity:* Mission towns in SA are of great historical social significance, providing shelter and viable land for subsistence agriculture at a time when land was almost entirely alienated for white usufruct. Residence on mission land was not however without complication. It is important that development in Raithby does not compound historical inequalities, respects the local community and does not exclude.
2. *Protection of existing mission settlement morphology:* The clear structure, pattern and context of the historical settlement should not be eroded. In particular, the garden plots and links to residences, and the core civic area must be retained as an essential

feature of the settlement and as indicative of its historical origins as a mission settlement.

3. *Limiting intrusion in the agricultural landscape:* Development of the site must be understood in terms of its relationship to the broader context, wherein the dominance of the surrounding rural landscape is a key consideration. The visually clear rise of the hills and cultivated slopes north and south of the village provide visual containment and an agricultural context to Raithby.

Given the elevation of the site, development of the site could intrude upon the scenic qualities of near and far views towards Raithby and these should not be compromised. Mitigation measures should make the development as visually unobtrusive as possible (through planting, restriction of height, and building massing and layout).

4. *Retention of rural village qualities:* Although the site is situated within the Urban Edge, the setting is rural village rather than urban and the proposed development needs to recognise this rural sense of place in the design, density and layout of the proposed use.

A compact development footprint, with well-defined edges must be retained to avoid visually cluttering and eroding the agricultural landscape. Particular attention must be paid to sensitive edge treatment where the property borders agricultural land. Hard boundary treatment, over-scaled and architecturally inappropriate entrances, road engineering interventions that undermine the rural/village qualities of the route and visual clutter caused by a proliferation of signage must be avoided.

Development patterns, density, scale and building typologies should respond to the rural settlement patterns of Raithby and avoid urban and suburban development patterns.

Traditional planting patterns should be maintained, reinforced or, if necessary, replaced, with linear tree planting at the property boundaries and clumps of mature trees within the site.

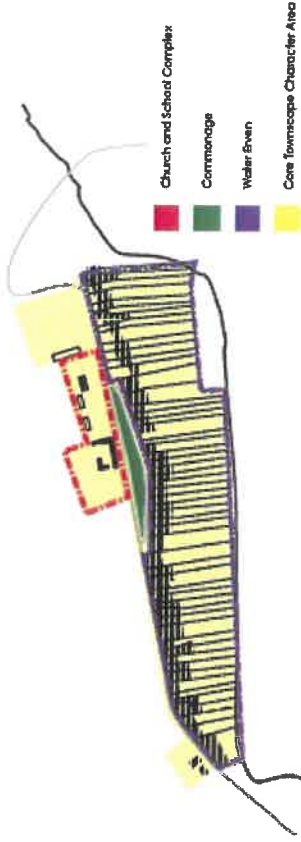


Figure 60: Raithby historical core: Special streets, places and buildings (SHI)

11. Development Proposal

Development alternatives to be assessed include:

No Go alternative

This is where the development does not proceed, and the land remains in its present condition or, at best, is put to agricultural use or single rural residential use in terms of its current land use rights.

Alternative discarded

This is an early version of the design development and initially only included Erf 298. The layout offered one residential typology in a residential estate:

- *Residential Zone 1:* 62 freehold erven, evenly distributed across the site. There would be off-street parking and private space around each property.

- *Private Open Space*: entirely in the centre of the site, overlooked by many of the erven, and which may also include a club house.
- *External Works treatment*: to include tree planting in groups within the private open space and along the short internal access road.
- *Access*: from adjacent erf 290 on Wagner Road, into a simplified circular internal network parallel with the site boundaries.

Design development subsequently precluded this option and it is not to be assessed.



Figure 61: Alternative discarded (Planning Partners May 2016)

Alternative 1:

The initial development concept was amended with the input of the various specialists, including the visual and heritage assessors, to constitute the following:

- A total of 107 residential units, comprising:
 - 30 conventional detached dwellings (properties ± 400m² - 500m² in extent);
 - 27 town housing erven/units, semi-detached / row houses (properties ± 170m² in extent);
 - 50 apartment units, spread over 5 detached, double storey buildings (ground + first floor);
 - A clubhouse located in a central position;
 - Centrally located open space forming a 'village green', connected to other open space areas;

This development concept differs from the initial concept as follows:

- The types of residential erven and units offered were diversified. This assisted in diversifying the market segments that the proposed development will be able to serve;
- The total number of residential units could be increased, thereby promoting densification and more efficient use of resources and land as promoted by the PSDF and SMSDF;
- More space for tree planting along the ridgeline / watershed could be created to break up the scale of the built form;
- The inclusion of dedicated planting along the perimeter of the site to mitigate visual impact and manage the interface with the surrounding environment;

At this stage, Erf 252 did not form part of the site.

Detached Dwellings (Group Housing)

A total of 32 conventional detached dwellings in a group housing format with residential erven ranging from approximately 400m² to 1080m² in extent. Due consideration has been given to taking advantage of views and optimum orientation, with all erven fronting or backing onto open space or rural areas. The detached dwellings, representing the lowest residential density type, purposefully forms the interface with rural and agricultural properties located towards the northwest, north and northeast. Further, four detached dwelling erven form the interface with Watson Way to reflect the conventional residential topology along Watson Way further to the east. Two existing dwellings are to be retained and accommodated on Erf 252.

Semi-Detached / Row Houses (Group Housing)

A total of 30 semi-detached / row houses in a group housing format. These plots are approximately 170m² in extent. They are positioned towards the south of the watershed, which portion of the property forms an interface with the existing urban development of Raithby. The final design and layout of these units will be managed by a detailed Site Development Plan(s) to be submitted to the Stellenbosch Municipality for approval as a subsequent stage of the application process. The design of these residential units will be evaluated separately by a design review committee (DRC) as specified in the architectural design guidelines and shall conform to the overall intent of the guidelines in respect of general elements, forms and finishes to the extent that the DRC consider necessary to ensure continuity of the overall visual intent.

Apartments / Flats

A total of 54 apartments, spread over 5 detached, double storey buildings (ground and first floor). The proposed apartments are positioned in the southern portion of the site, i.e. south of the watershed and closest to existing properties and Watson Way. In the context of providing an apartment component that constitutes appropriate



Figure 62: Alternative 1 (Planning Partners May 2018)

Preferred alternative (Newlands Estate):

The preferred layout (Annexure D) now includes erf 252, is a residential estate with primary access off Watson Way through Erf 252, and a secondary access from Wagner Road, with a mixed typology of residential opportunities:

densification in terms of character and scale, the layout and design are directed at:

- Minimising potential massing of buildings – this is achieved by breaking the 54 apartments up into 5 detached buildings, interspersed with open space;
- Minimising potential height of the buildings – this is achieved by only providing double storey buildings, i.e. ground and first floor;
- Minimising the potential visual impact of buildings – this is achieved by minimizing the massing of buildings, minimizing their height, setting the buildings back from existing erven to the south, implementing appropriate architectural treatment (e.g. colour schemes, etc.) and providing screen planting;
- Integrating the buildings with its surrounds – this is achieved by minimizing the massing of buildings, minimizing their height, setting the buildings back from existing erven to the south, implementing appropriate architectural treatment (e.g. colour schemes, etc.) and providing appropriate landscaping and planting.

The final design of the apartments will be managed by a detailed Site Development Plan(s) to be submitted to the Stellenbosch Municipality for approval as a subsequent stage of the application process. As with the semi-detached / row houses, the design of the apartments will be evaluated separately by a design review committee (DRC) as specified in the architectural design guidelines and shall conform with the overall intent of the guidelines in respect of general elements, forms and finishes to the extent that the DRC consider necessary to ensure continuity of the overall visual intent.

Clubhouse

The proposed clubhouse is located in a central position within the development, fronting onto the centrally located open space forming the 'village green'. The clubhouse will contain communal facilities for

utilisation by residents of the development. The clubhouse purposefully forms a focal point at the end of the main internal access road.

Open Space

A large open space ('village green') is provided in the centre of the site. This open space is surrounded by conventional detached dwellings, semi-detached / row houses and the proposed clubhouse, contributing to the creation of a sense of community, safety and an attractive living environment. Linkages to other open space areas are also provided. These linkages will facilitate an integrated footpath system. Two stormwater detention ponds are provided and form an integral design component within the open space system.

Architectural Design Indicators and Responses

Rural village identity and relationship to the agricultural context

The development proposal increases density through creating a self-contained arrangement of scaled housing opportunities linked to one another and sharing defined and contained open spaces to facilitate the creation of a community and identity. The proposal opens up visually to the surrounding agricultural environment and responds as a village, containing a variety of scales within the landscape, embracing the vistas and adjacent uses rather than as a walled encroachment of suburbia into the surrounding agricultural landscape. The proposed design guidelines, through control of the perimeter, walling heights and planting, reinforces this connection and creates an environment which, while controlled and self-contained, recognises and connects with the surrounding agricultural context.

Architectural character

The proposal takes its cues from its location and the traditional colours, forms and arrangements of the winelands. These key elements are:

Form – The repetition and arrangement of simple pitched forms with gabled ends creating a distinct and homogenous roofscape and an articulation of the surfaces with long sides and short ends.

Roofscape – The roofscape is intended as a series of simple barn like pitched roofs with a narrow colour and texture range creating variety within a defined range. This scale homogeneity of form and colour assists in the potential for the built form to recede into the receiving environment.

Surface articulation – Common to the winelands model of more wall than window, the walls are to be largely solid with any penetrations having a vertical proportion. To reinforce the impression of solidity, large openings or glass areas are shaded or recessed to not be read as a part of the external envelope.

Colour – The proposal stipulates the use of a narrow range of off-white colour to reduce glare while still recognising the development's location within the wider context of the winelands. Relief of any monotony is created through the use of surface texture and shading devices.

Boundary definition and walls – A critical feature of the traditional landscape is the definition of space by low walls rather than the suburban 2m+ perimeter boundary treatment. By allowing the creation of an external security perimeter the proposal allows the owners to retain low wurf type walls to define properties where required and creates a more visually permeable environment. This has the benefit of increasing the dominance of greenspace and creating a less claustrophobic streetscape.

The proposal controls key elements to create identity through visual continuity, while allowing sufficient latitude to encourage individual expression and variety to prevent the visual stasis of repetition.

Place making

On a fine grained scale the proposal creates an environment with a distinct architectural language. The intent is that each building should, while meeting the broad principles, be a unique expression and response to the specific site context, as well as the varying requirements of the people within the community that will occupy the spaces.

Within the larger scale, the proposal is developed to have a respectful character, referencing the historic context through forms, colour and arrangement and seeking to mitigate the extent of building through an arrangement of green spaces and the encouragement of planting as both a visual foreground and a shading device over time.

Architectural Design Guidelines

Architectural design will be controlled in the general interest of the aesthetics of the development and the visual impact of the project as a whole. Building materials, finishes and colour schemes, the street and environmental interfaces, as well as the size and composition of buildings will *inter alia* be controlled. This will ensure a distinctive architectural form within the context of a residential/rural setting.

Design Guidelines accompany the layout plan (Newlands Estate, Design Guidelines March 2020 - Rev C), appended to this report in Annexure D.

The landscaping philosophy refers to the rural context and agricultural planting patterns that characterise the farms, werfs and garden settings of the Cape Winelands. The landscaping approach therefore incorporates elements of avenues, windbreaks and orchard planting as screening mechanisms, with understory planting mimicking meadows and open spaces incorporating elements of formalised gardens within increasing formalisation focused on the central meeting place represented by the clubhouse



Figure 63: an illustration of the preferred development concept presented as a 3D image, viewed with Watson Way in the foreground. (Boogertman and Partners, Architects)

- The Design Guidelines include stipulations, *inter alia*, as follows:
- In respect of all buildings, maximum height to roof apex to be 8.5m from natural ground level.
 - Roofs to be 30° to 45° pitch. Roof articulation to be simple forms with gabled ends and overhanging eaves or bargeboards
 - Windows and doors to be vertically proportioned.
 - Pergolas to be permitted.
 - Lighting would be designed to be low level, or under the verandas.
 - Roofing materials to be steel or slate, dark grey or silver blue.



Figure 64: Preferred Alternative (Planning Partners March 2020)

- Walls to be smooth or fair-face, in white and off-white; windows and doors would be white or any shade of grey.
- Driveways to be in-situ exposed brown aggregate edging and patterns in clay pavers.
- Clearview fencing along the perimeter where the development adjoins the rural landscape; and solid walling where it adjoins existing residential erven.

Proposed erven boundaries would be contiguous with the site boundaries except where they lie adjacent to existing residential erven. The proposed erven would generally be at a density greater than adjacent properties and would vary in extent.



Figure 65: Conceptual aesthetics: Single Residential (Boogertman)



Figure 66: Landscape Plan (Planning Partners)

12. Heritage Impact Assessment

As has been indicated, in principle, residential development of the site can be considered. It is located within the Urban Edge.

The property has not been farmed in decades. The Land Capability Study does indicate that soil and climate conditions make it suitable for perennial crop production. However, it also notes that the size of the property, together with the fact that no irrigation water is allocated to the property means that Erf 298 cannot be seen as a sustainable and economically viable agricultural unit.

Since Erf 298 was subdivided into this non-economic unit in 2006, the pre-conditions limiting agricultural use are long standing and the only reason it remained undeveloped is because it remained part of a larger landholding. As soon as the cadastral unit was sold in 2013, it inevitably precipitated a proposed change of use.

Although the land is zoned for Agriculture, all other surrounding single residential and commercial properties in the urban area are also zoned Agriculture (see Figure 4). Moreover, in a letter to the Stellenbosch Municipality dated 2008-12-11, the PGWC Department of Agriculture supported the then proposed rezoning and subdivision of Erf 298 for residential purposes on the basis of the statements of the property was within the urban edge; within the boundaries of the Old Local Area; and had been vacant for the past 15 years (Annexure E).

It is therefore the position of this author that there is a reasonable expectation that residential development could be considered on the property as a whole. This support is given on the understanding that the new development is executed in a controlled manner sensitive to the historic character of the town.

No Go Alternative:

Refusal of this application is unlikely to revert the land to agricultural use and it will remain fallow. This cannot be desirable in the long term and thus whilst the immediate impact of this option against all heritage indicators, including the intensity of visual impact upon the local landscape will be **low**, the longer term impacts are likely to be **negative**.

Development Alternatives

Assessment of the proposed development alternatives against the heritage indicators follows

Indicator 1: Inclusivity

Alternative 1 & Preferred Alternative

The proposed development is residential in character but differs from other new estate development in the area in that it offers a variety of cost and lifestyle opportunities, from apartments to town houses to small single residential opportunities. It is assumed this will facilitate a mixed income profile more in keeping with the existing community rather than attracting only high income residents from outside the community.

Further to this indicator, it is noted in the SDF that the current population in Raithby does not provide the thresholds to support higher levels of business uses. It is also functionally isolated. Hence the continued dormitory town profile. Increasing the number of residents in the settlement will support local businesses and may generate opportunities for new businesses and services. The likelihood of negative impacts are therefore assessed as **low**.

Indicator 2: Protection of existing mission settlement morphology
Alternative 1 & Preferred Alternative

The site has never formed part of the historic core of Raithby, although it has been owned by a local family for generations, who continue to live in the village. It is peripheral in character. "The site can be seen from parts of the village; visual signposts to signal its exact location are few, but local trees assist with placing the site in the landscape. Its significance can be measured by its spatial relationship with the village and its degree of visual exposure. The significance of much of the local area is somewhat constrained by folds in the landscape and the trees.

The development site is located close to the western edge of the village, but there is no sense of a 'gateway' where 'arrival' could be experienced." (VIA)

There is no direct impact upon existing historic settlement structure. Impacts are therefore assessed as **low**.

Indicator 3: Limiting intrusion in the agricultural landscape:
Alternative 1 & Preferred Alternative

The VIA⁷ indicates as follows:

The landscape character of the development site is rural/peripheral residential in character, with little visual clutter. The landscape character of the immediate locality and beyond the village is open, arable land mainly under grapes.

The site can be seen from parts of the village; visual signposts to signal its exact location are few, but local trees assist with placing the site in the landscape. Its significance can be measured by its spatial relationship with the village and its degree of visual exposure.

⁷ Direct extracts but re-ordered to address heritage indicators more directly

Significant Issues affecting visibility:

- The nature of the site location: visually exposed to farmland and to parts of the village
- The proposed uses, the scale, density, and the finishes of the proposed built form

Significant potential receptors are likely to be:

- Residential and other receptors in the village
- Receptors living and working in local agricultural areas
- Users of Watson Way
- Receptors in the wider landscape such as Winery Road and the R44

Depending on the terrain and the number of shielding objects, the site of the proposed development could be visible to properties on agricultural land around the north-west, north, and north-east up to 1km. Within the village, up to 250m. And to the south-east, south, and south-west, up to 1.2km. From the site, the area of the R44 around Bredell Road can be seen, but road users would not be able to pick out the site at that 3km distance.

With reference to Figure 67:

- The areas located within the broken lines would be expected to experience a relatively clear line of sight to the proposed development; not all locations would have an unimpeded view, but the development could be visible.
- There would be a view from the high ground to the west, from Faure Water treatment works, receptors would be the road users and people working there.
- There would be a view from homesteads to the north and west, though some buildings have shielding trees on their properties.
- The views from the village would be constrained by built form and trees.

The view extends south west to include a portion of Winery Road

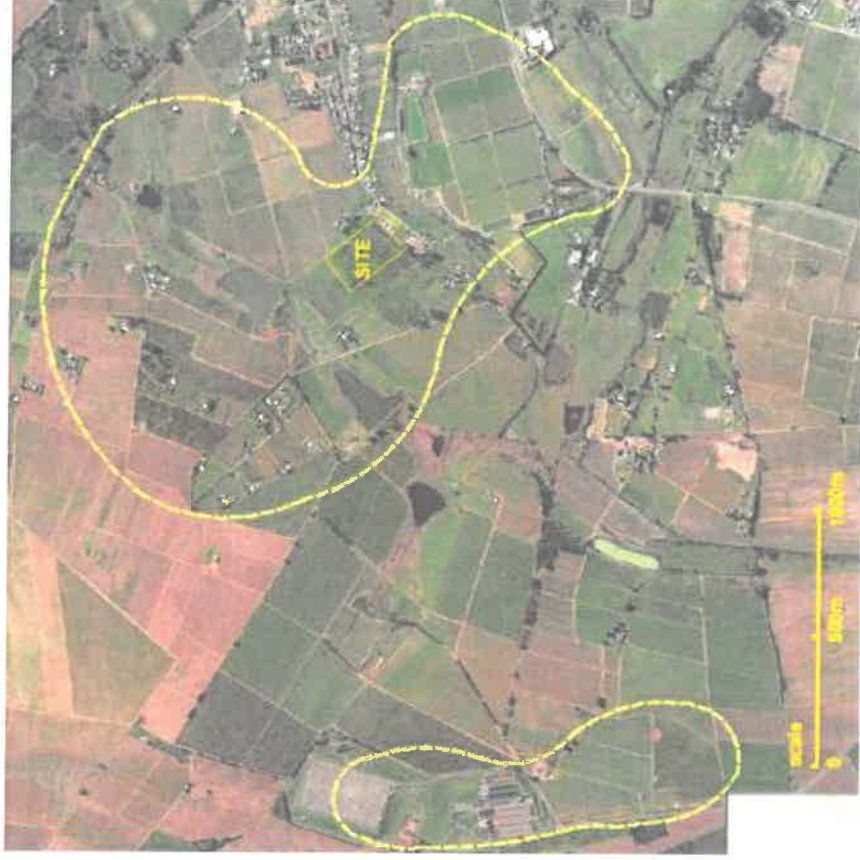


Figure 67: the visual envelope determining the visibility of the site and the proposed development on the site (Hansen)

Erf 298, by virtue of being undeveloped, the site has no visual clutter and the proposed development of either alternative would inevitably provide visual clutter. The local site character of erf 252 would not

change as this erf is already built up. The proposed land use is considered to have **low** sensitivity as there are few properties within the village and also few in outlying areas which would be impacted locally.

Receptors living and working in local agriculture areas, within 1 000m: Homesteads to the west and north and lying in an open landscape, have been assessed in terms of their distance from the closest part of the site, for their elevation and their degree of clear line of sight without shielding objects. Based on these criteria, there would be about 20 affected homesteads, of which 7 would be considered to experience a probable impact rated **low** due to distance and shielding.



Figure 68: The view from homesteads to the west of the preferred layout (3D rendered images of the preferred layout - Boogertman)



Figure 69: The view from homesteads to the north west of Alternative 1 (Boogertman)



Figure 70: The view from homesteads to the north west of the preferred layout (Boogertman)

To the south, a farmstead or group of agriculture related buildings on several erven, located between Wynnakkedraai Road and Watson Way, about 280m away and whose view would be intermittent due to trees.

Farmsteads on the east side of the river, some market gardening. They would have relatively clear line of sight, one group 250m away and one, 600m away.

The visual impact on all of these properties of both Alternative 1 and the preferred development would be **moderate for those directly adjacent and low for those at a greater distance**. It is anticipated that the development would be broken up by tree planting, as described in the landscape plan, and also by local existing trees, and the terrain.



Figure 71: from the centre of the site, a group of homesteads in the landscape to the north west and within 700m is inter-visible; there are other homesteads, somewhat further away (Hansen)



Figure 72: the view for receptors on the east side of the river, looking over the river corridor, through the vacant erf on Watson Way, and into the site, partly beyond the trees and offices (Hansen)



Figure 73: Preferred alternative. This rendered image (Boogertman) is from the farmsteads on the east side of the river with a relatively clear line of sight, one group 250m away and one, 600m away. There would be a view through the vacant erf between the site and Watson Way to the 2 storey apartments, with single residential beyond, and the proposed tree planting

Receptors in the wider landscape such as Winery Road and the R44 Winery Road, close to 'Helderberg Wijnmakerij', 1.2km away: the users of the building would have a foreshortened view; road users would have to be looking sideways.

Winery Road, south of the site and between 1km and 1.4km distant: there would be a partial view for road users and other receptors, through trees.

R44, at the corner with Bredell Road/Klein Helderberg Road; users of the small centre, including a bike shop, could have a distant view about 3km away, which is considered too far to register an impact. There are scenic corridors along the R44, with views over rural farmland, however road users would not be visually aware due to distance.

Receptors accessing Faure Water Scheme on a road not considered publicly accessible would have a limited, foreshortened view, 2km away. The village is difficult to pick out in the landscape, but the development itself could be more visible.

The zone of visual influence for both layouts is assessed as **low**.

Summary

Reference to the Visual Envelope shows that the extent of the potential visual influence of the proposed works over the village and outlying properties on farmland is **moderate to low** due to shielding by local trees and terrain.

The visual nature of the landscape would be altered within the zone of visual influence of the proposed development to a degree rated as **medium**.

However, the VIA concludes that overall the proposed land use is considered to have low sensitivity as there are few properties within the village and also few in outlying areas which would be impacted locally.

Indicator 4: Retention of rural village qualities:
Alternative 1 & Preferred Alternative

In general, the layout and development of 107 (Alternative 1) or 116 (Preferred alternative) residential opportunities on a single site simultaneously will inevitably result in a heterogeneous development quite distinct from a village which has developed in a more organic manner over time. This will differentiate it from the traditional patterns of development, compounded by the provision of a single perimeter treatment and access point. The number of units could increase the number of residents in the village by possibly a third again. In this context, an estate development in whatever form (including both alternatives) will look somewhat out of place and must therefore have an impact, considered **medium-high**. However infill development tends not to be organic and security and lifestyle considerations are real issues for many. There are other factors which mitigate this impact, including visibility.

The property sizes in either Alternative 1 or the Preferred Alternative are smaller than the freehold properties in the village, although a concept figure ground does illustrate that the built form in either instance is unlikely to be substantially out of keeping with that existing. Lower densities would result in a more suburban form which is not desirable in a small village.

In both Alternative 1 and the Preferred layout, due to the density of the development, it could provide the focus of the view, (**high**), within 250m. Within 1km, the exposure would be **moderate**. The site character of Erf 298 will change from rural to residential.

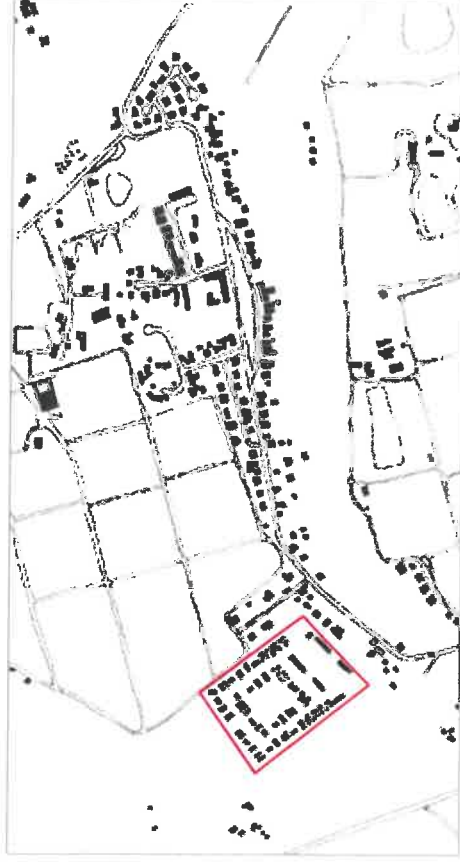


Figure 74: Alternative 1: concept figure ground plan (Planning Partners).

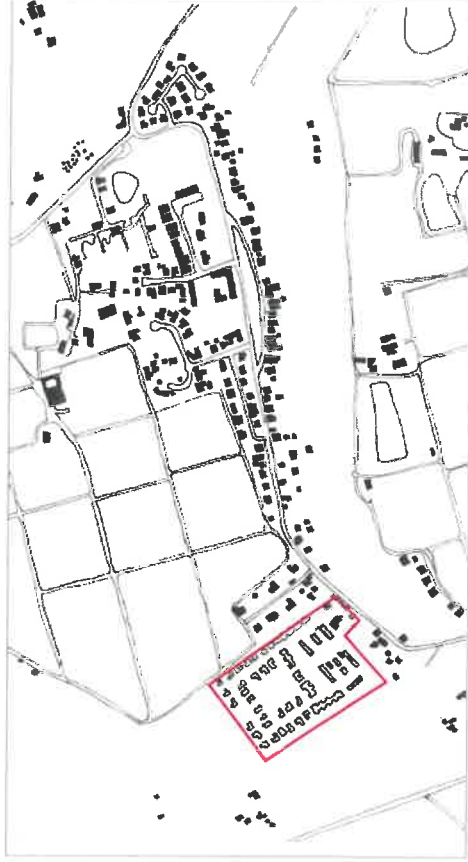


Figure 75: Preferred Alternative concept figure ground plan (Planning Partners). The historical linearity of built form has already pushed north and east following a fragmented layout with short roads, *cul de sacs*, and reduced access and legibility.

The village is fairly densely built up, and mainly residential, with other institutions. In either alternative, affected residents would be (in total up to 20 erven):

- Those living and/or working between the site and Watson Way; 3 residential erven; and 3 residential erven to the immediate south-west
- Those living and/or working on Wagner Road on 2 of the erven
- Those living and/or working along Watson Way, to the immediate north-east, within a distance of about 170m, up to 10 erven

The impact on these properties of the alternative 1 layout: an immediate view of larger one and two storey dwellings on erven smaller than those locally. No shielding trees are proposed.

The impact on these properties of the preferred layout: an immediate view of smaller two storey apartment units with shielding from proposed trees.

These local receptors would experience a change in local landscape and townscape character, from rural to suburban.

The zone of visual influence all the proposed development typologies in both alternatives is assessed as **moderate** due to proximity. However, there will be a lower impact on Watson Way with Alternative 1 since the status quo is retained. With the exception of the gateway into the development however, this difference is marginal.



Figure 76: a view from Watson Way into the site from the immediate west; the site is partly shielded by buildings (Hansen)



Figure 77: Alternative 1. This rendered image (Boogertman) is from a similar location to above - the vacant erf allows an open view of the proposed development, although this may eventually be developed.



Figure 80: a view from Watson Way towards the site from the immediate east; the site is partly shielded by buildings and planting (Hansen)



Figure 81: Preferred Alternative. This rendered image (Boogertman) is from a point on Watson Way that includes the existing house at the corner of Watson and Wagner and mainly shows the single residential, and the proposed tree planting.



Figure 78: Preferred Alternative. This rendered image (Boogertman) is from a similar location to that above - the vacant erf allows an open view of the proposed development, although this may eventually be developed.



Figure 79: Preferred Alternative. This rendered image (Boogertman) shows the vacant erf and access to the site from Watson Way.

In either alternative, and in respect of travel through the village along Watson Way, users travelling south to north would only become visually aware of the site and its development at the point of arrival. This would be due to surrounding buildings, terrain, and trees.

Users travelling north to south would be visually aware for a distance of about 170m as the road turns direction and the junction with Wagner Road would be evident.

Amandelpad that provides access for many of the homesteads, does not provide a view of the site.

The zone of visual influence for all the proposed development typologies is assessed as **low**



Figure 82: traveling northwards towards the site, 250m away; the site is shielded by buildings and trees. At this location, the first buildings of Raithby are seen, yet there is no sense of a gateway, or point of arrival (Hansen)



Figure 83: Preferred alternative. This rendering (Boogertman) reveals the layout in its local context, approaching the site, but the view would not be as open as this, there are trees and buildings between the site and the viewer.



Figure 84: travelling northwards towards the site, 450m away; the site is largely shielded by trees and terrain, but the development would be visible (Hansen)

In summary, reference to the Visual Envelope shows that the extent of the potential visual influence of the proposed works over the village is **moderate to low** due to shielding by local trees and terrain.

Ultimately, both alternatives are for residential development within a mainly residential village, and, given the limited visual impacts, could blend in with care and be **moderately appropriate** provided the interfaces with adjacent land uses are addressed with care. With mitigation, the development could be viewed as **Moderate-Low**

The development could be visually experienced as additive. There may be cumulative impacts as a result of precedent set and this will pose a risk to the adjacent agricultural land and the existing village footprint. However, this may be a low risk given the particular circumstances of this property, whereby the urban edge appears to run through it rather than alongside its boundaries.

13. Mitigation

Many of the suggested mitigation measures raised during design development have been incorporated into the Preferred Alternative layout, the Design Guidelines and the Landscape Plan and approval of the development should be linked to these proposals. They include:

- Design Guidelines that are not too prescriptive and therefore allow for a degree of variation in the built form which will improve the integration with the existing village;
- External massing of the built form is encouraged to be a series of simple elevations under simple pitched roofs with gable ends to better reflect the semi-rural setting of this development;
- Shielding planting at the perimeter, dense internal tree planting and a maximum of two storied buildings ensure that receptors in the village and beyond to the east and south would be shielded and the development would appear to be integrated into the village.

- Several homesteads to the north and west would have a clear view of the proposed development, but it would be a foreshortened view. The rooflines of the proposed development would be eventually broken up as trees in the open space beyond, became established. The width of the planted buffer and perimeter track along the perimeter will also break up the visual impact of the built form.
- Internal walls are in the 'werf' character.
- Any levels changes, or 'cut and fill' along the site boundaries should be avoided if possible.
- Boundary treatments should be solid walling at urban interfaces along the south-eastern, southern, and south-western boundaries. Along Watson Way, a 50% permeable treatment of solid wall and palisade fencing. Along rural interfaces, the more permeable masonry pillars and vertical steel railings.
- Residential driveway materials are to be clay brick pavers (colour - open), exposed aggregate surface beds with a brown aggregate or a combination of these two materials in patterns.
- Exposed granite interlocking pavers are to be used for the internal road finish, providing a more rural finish.

The appearance of the development from Watson Way would be of a controlled security entrance, with refuse store and single residential erven.

Levels changes, or 'cut and fill' along the site boundaries should expressly be avoided if possible.

With mitigation, the extent of the visual impact would not reduce or expand, but the absorption capacity and the compatibility ratings would increase. The local visual landscape quality would not be negatively impacted upon.

Summary Impact Assessment Tables in accordance with DE&DP requirements are included in Appendix F.

14. Impacts relative to sustainable socio-economic development

A socio-economic survey has not specifically been commissioned for this project. A brief description of the socio-economic character as can be established from easily available information has been included in Section 7 since it is inherently related to the mission settlement history and structure.

Of relevance, it is re-iterated that the current population in Raithby does not provide the thresholds to support higher levels of business uses. The village is also functionally isolated. Increasing the number of residents in the settlement will support local businesses and may generate opportunities for new businesses and services. Moreover, retention of the status quo on this site is likely to be undesirable in the longer term.

15. Public Comment

In accordance with the NEMA regulations, two rounds of public consultation and authority review will be undertaken (i.e. on the pre-application BAR and the draft BAR).

This report has been advertised as a component of the pre-application Draft Basic Assessment Report to registered I&APs, including the Stellenbosch Municipality and registered conservation bodies - the Stellenbosch Interest Group and the Stellenbosch Heritage Foundation. All comments are included in the Pre-application Draft BAR Comments and Response Report (C&RR), appended hereto as Annexure G.

Most of the substantive comments relate to planning and environmental matters. No comments were made directly to the findings of the HIA. Some relevant comments in respect of the HIA include:

- The Stellenbosch Municipality has no objection in principle, to the proposal, subject to a number of conditions.
- The Stellenbosch Interest Group (SIG) indicate that they are not, in principle opposed to the proposed densification of development on Erf 252 Raithby. The SIG, however, considers the late inclusion of Erf 298 Raithby into the urban edge of the approved November 2019 Municipal Spatial Development Framework (MSDF) to be unfortunate and counter-productive to the principles contained in the MSDF. They are of the opinion that the development of erf 298 should not be proceeded with on the grounds that it is contrary to the MSDF. The Planning Team have responded to these matters in the C&RR.
- Patrick Cockayne, an adjoining neighbour, objects on the grounds, *inter alia*, the the proposal represents a complete departure from the rural nature of the area and the lifestyle choices that this affords. "There is a strong sense of community and mutual respect here. You must be aware that Raithby was established with a grant from an aristocrat and philanthropist in Raithby, England, through the Methodist church, to purchase this land and hand it over to freed slaves following the abolition of slavery in the British Empire in 1834. Many of the current residents are the successors to those early beneficiaries. This history is important ... and the irony of your intent to build a gated village of "Cape vernacular" houses physically isolated from the rest of the community does not escape me. The village has retained a sense of uniqueness. It is one of only a very few settlements where people almost always greet one another when passing by. Most children and youth in the village also treat visitors and residents alike with respect and courtesy. There is a discernible sense of pride in Raithby's difference." The response of this heritage practitioner thereto is included in the C&RR.

16. Recommendations

It is the finding of this assessment that, with mitigation, the overall impact of the preferred alternative upon heritage resources will be visually acceptable and Moderate-Low. This may reduce to Low when the trees are established.

On the basis of this assessment, it is recommended that, in terms of section 38(8) of the NHRA, HWC support the proposed development and allow the development to proceed to the next phase, provided:

- the development is substantially in accordance with the layout described in this report as the Preferred Alternative; associated Landscape Concept Plan; and Newlands Estate Design Guidelines, as appended to this Report in Annexure D;
- The mitigation measures described in this Report are implemented in full in all important respects.

The Interim Comments of HWC's IACom for the pre-application NEMA process are requested in this regard.

References

- Agrimotion (February 2017): Land Capability Study Erf 298 Raithby, Stellenbosch
- CnDV (2016)(unpublished): Draft Stellenbosch Rural Area Survey
- H Fransen (2004) The Old Buildings of the Cape
- H Fransen (2006) Old Towns and Villages of the Cape
- H MacAlister (email 2015) Leliefontein in Northern Cape
- R Ross (1993) Emancipation & economy of Cape Colony
- Stellenbosch Heritage Inventory Management Plan (SHIMP) Phase 3 Report (May 2018)
- Stellenbosch Municipality Spatial Development Framework (31 May 2017)
- www.digital.lib.sun.ac.za (University of Stellenbosch Andre Pretorius Collection)
- www.iol.co.za
- www.kenforresterwines.com

ANNEXURE B: Visual Impact Assessment

(separate e-file)

ANNEXURE C: Criteria heritage significance

Cultural significance is defined as: aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance. The national estate includes, inter alia, places, buildings, and structures of cultural significance; historical settlements and townscapes; and landscapes and natural features of cultural significance (NHRA)

Section 3(3) of the NHRA identifies criteria for assessing the significance of a place. In respect of those values relevant to this property, a place has heritage significance, inter alia, because of:

- a) Historical value
 - It is important in the community or pattern of history (including in the evolution of cultural landscapes and settlement patterns; association with events, developments or cultural phases) or illustrates an historical period
 - It has a strong or special association with the life or work of a person, group or organisation of importance in history
 - its strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;
 - It has significance relating to the history of slavery
 - b) Architectural value
 - i. It is significant to architectural or design history or is the work of a major architect or builder
 - ii. It is an important example of a building type, style or period
 - iii. It possesses special features, fine details or workmanship
 - c) Aesthetic value

It is important in exhibiting particular aesthetic characteristics valued by a community or cultural group
- (including its contribution to the aesthetic values of the setting demonstrated by a landmark quality or having an impact on important vistas or otherwise contributing to the identified aesthetic qualities of the cultural environs or the natural landscape within which it is located)
- d) Social value
 - i. It is associated with economic, social or religious activity
 - ii. It is significant to public memory
 - iii. It is associated with living heritage (cultural traditions, public culture, oral history, performance or ritual)
 - e) Spiritual value
 - i. It is associated with religious activity and/or phenomena
 - ii. It is significant to a particular group relating to spiritual events and/or activities
 - f) Linguistic value
 - i. It is associated with the custodianship and/or sustainability of a particular language or events associated with that language
 - ii. It is significant to a particular group relating to the evolution and/or dissemination of a particular language
 - g) Technical/Scientific value
 - i. Its possession of uncommon, rare or endangered aspects of South Africa's natural or cultural heritage
 - ii. Its potential to yield information that will contribute to an understanding of South Africa's natural or cultural heritage;
 - iii. Its importance in demonstrating a high degree of creative or technical achievement at a particular period;
 - iv. It is important to archaeology, palaeontology, geology or biology

ANNEXURE D: Newlands Estate Preferred Alternative

(separate e-file)

ANNEXURE F: Summary Impact Assessment Tables

CONSTRUCTION PHASE: BOTH ALTERNATIVE 1 AND PREFERRED

Potential impact and risk:	On heritage resources identified
Nature of impact:	None
Extent and duration of impact:	n/a
Consequence of impact or risk:	Negative impact on heritage resources and landscape
Probability of occurrence:	Unlikely
Degree to which the impact may cause irreplaceable loss of resources:	Low
Degree to which the impact can be reversed:	Low
Indirect impacts:	None, construction activity in and of itself will have no direct or indirect impacts
Cumulative impact prior to mitigation:	None
Significance rating of impact prior to mitigation	None
Degree to which the impact can be avoided:	n/a
Degree to which the impact can be managed:	n/a No impacts to be managed
Degree to which the impact can be mitigated:	n/a
Proposed mitigation:	n/a
Residual impacts:	Change of local landscape character
Cumulative impact post mitigation:	None
Significance rating of impact after mitigation	None

OPERATIONAL PHASE: BOTH ALTERNATIVE 1 AND PREFERRED

Potential impact and risk:	Social and economic
Nature of impact:	Indirect exclusion of local residents by virtue of pricing (intangible)
Extent and duration of impact:	Local; short to medium term
Consequence of impact or risk:	Lack of integration
Probability of occurrence:	Moderate to Low
Degree to which the impact may cause irreplaceable loss of resources:	Low
Degree to which the impact can be reversed:	Low
Indirect impacts:	Loss of social cohesion in ex-mission town
Cumulative impact prior to mitigation:	Low
Significance rating of impact prior to mitigation	Low
Degree to which the impact can be avoided:	Moderate. Differentiated target market already included in layout.
Degree to which the impact can be managed:	Low
Degree to which the impact can be mitigated:	Moderate. Differentiated target market already included in layout.
Proposed mitigation:	none
Residual impacts:	As per indirect impacts
Cumulative impact post mitigation:	Low
Significance rating of impact after mitigation	Low

Potential impact and risk:	Protection of existing mission settlement morphology:
Nature of impact:	Impact upon core historical area
Extent and duration of impact:	Local, medium to long term
Consequence of impact or risk:	Undermining integrity of historic core
Probability of occurrence:	None
Degree to which the impact may cause irreplaceable loss of resources:	Low
Degree to which the impact can be reversed:	n/a
Indirect impacts:	None, the site is situated outside the historic core
Cumulative impact prior to mitigation:	n/a
Significance rating of impact prior to mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Low
Degree to which the impact can be avoided:	n/a
Degree to which the impact can be managed:	n/a
Degree to which the impact can be mitigated:	n/a
Proposed mitigation:	n/a
Residual impacts:	None
Cumulative impact post mitigation:	n/a
Significance rating of impact after mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	n/a

Potential impact and risk:	Limiting intrusion in the agricultural landscape
Nature of impact:	Loss of rural landscape, intrusion of rural backdrop defining the village
Extent and duration of impact:	Local, medium to long term
Consequence of impact or risk:	Undermining rural landscape, negative impact on local residents of change to scenic resources
Probability of occurrence:	Highly Probable
Degree to which the impact may cause irreplaceable loss of resources:	Moderate, visual and scenic resources would be negatively affected
Degree to which the impact can be reversed:	Low
Indirect impacts:	Precedent for extension of urban edge and loss of immediate rural landscape
Cumulative impact prior to mitigation:	Precedent for extension of urban edge and loss of immediate rural landscape. Development can be seen as additive
Significance rating of impact prior to mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Medium
Degree to which the impact can be avoided:	Low. Requires development to be restricted south-east of the watershed on site.
Degree to which the impact can be managed:	Low
Degree to which the impact can be mitigated:	Moderate
Proposed mitigation:	Boundary treatment, density, landscaping
Residual impacts:	The rural landscape will be permanently altered
Cumulative impact post mitigation:	If this proposal is seen to establish a precedent, pressure for development in other areas. Development can be seen as additive
Significance rating of impact after mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Moderate-low

Potential impact and risk:	Retention of rural village qualities:
Nature of impact:	Relatively large scale suburban/urban development in very small village will disrupt rural qualities
Extent and duration of impact:	Local, medium to long term
Consequence of impact or risk:	Loss of rural village character
Probability of occurrence:	Moderate
Degree to which the impact may cause irreplaceable loss of resources:	Moderate
Degree to which the impact can be reversed:	Low
Indirect impacts:	Precedent set for altering the quality of living in the village
Cumulative impact prior to mitigation:	Precedent set for altering the quality of living in the village
Significance rating of impact prior to mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Medium-high
Degree to which the impact can be avoided:	Moderate. Development should reflect existing village qualities i.t.o scale, density, etc.
Degree to which the impact can be managed:	Low
Degree to which the impact can be mitigated:	Moderate
Proposed mitigation:	Boundary treatment, density, landscaping
Residual impacts:	None
Cumulative impact post mitigation:	None
Significance rating of impact after mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Moderate-Low

ANNEXURE G: I&AP comments

(separate e-file)

ANNEXURE R: VISUAL IMPACT ASSESSMENT

**ERF 298, RAITHBY, STELLENBOSCH.
PROPOSED RESIDENTIAL DEVELOPMENT**

DEA+DP REF NR:

VISUAL IMPACT ASSESSMENT: DRAFT
22 November 2018

For

Doug Jeffery Environmental Consultants
PO Box 44, Klapmuts, 7625

On behalf of: **Annandale Properties (Pty) Ltd**



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**Visual Impact Assessment for
ERF 298, RAITHBY, STELLENBOSCH
PROPOSED RESIDENTIAL DEVELOPMENT**

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Abbreviations used in the Report:

Asl: above sea level. m: metres. DEA+DP: Department of Environmental Affairs and Development Planning



Bibliography:

- The Guidelines, Provincial Government of the Western Cape, DEADP, June 2005.
- Guidelines for Landscape and Visual Impact Assessment, (GLVIA). 3rd Ed. LI UK 2013.
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- Preliminary Draft Heritage Inventory of large scale Landscape Areas in the rural domain of the Stellenbosch Municipality Informing Proposed Heritage Areas. Prepared by Cape Winelands Professional Practices. January 2017

EXECUTIVE SUMMARY

This Visual Impact Assessment concerns a proposed residential development on Erf 298 in the village of Raithby, Stellenbosch. Raithby is accessed off Winery Road which connects directly with the R44 between Stellenbosch and Somerset West.

The site is located on the north-western part of the village. The current zoning is Agriculture, the site is unused at present. The precise location of the urban edge on the site and within the immediate locality is undetermined at this time.

The application to develop is made in terms of the National Environmental Management Act (Act 107 of 1998) and the National Heritage Resources Act 1999.

The Environmental Impact Assessment is being undertaken by Doug Jeffery Environmental Consultants, (DJEC), Klapmuts, W Cape. The client has appointed Karen Hansen, Landscape Architect and an independent Visual Impact Assessment practitioner, to provide this study for this development; K Hansen's detailed CV and Experience is set out in Addendum 3.

The Site and the Proposed Land Uses

Raithby is a Mission village and is mainly single storey residential with some new residential and some commercial and institutional uses. The local landscape setting is agricultural and quite well treed. The site is gently sloping and visible to some receptors living in the village, as well as local farm houses and transport corridors. No protected landscapes are inter-visible with the site.

The proponent proposes to develop the site for a mix of two storey residential typologies and open space and presented a *preferred* and an *alternative* layout for assessment.

Visual Sensitivity

Local residents in the village and on farms, and the village townscape, are considered sensitive receptors.



The character of the local landscape and townscape, is deemed to be able to accommodate this change, viz. the extension of residential built form.

Visual Statement

The *preferred* and the *alternative 1* layouts scored similarly in their degree of impact as the salient features of the proposed layouts differed mainly in their internal design, but the *preferred* layout is one which would integrate more easily into a village character due to the mix of house types and use of open spaces.

The visual envelope is limited within the village due to the clutter of built form, but opens out in agricultural areas; tree groups play a significant role in channelling the vistas from some locations.

Visual Impact Rating

The visual impact has been initially rated as moderate eventually reducing to moderate-low when mitigation measures would be established; this is due to the location and the nature of the proposed development. The impact would be expected to reduce to low when the trees establish.

Conclusion

The proposed development would not in visual terms, detract from the visual qualities of the local landscape and townscape character, either quantitatively or qualitatively.

Note is taken of the visual implications of the proposed rezoning to Sub-divisional area to enable the range of residential land uses that would be required to facilitate the proposed development.

Authorisation, Opinion and Recommendation

It is the finding of this assessment that the *preferred* layout, which is a combination of units not exceeding two stories in height, along with open space and tree planting, would be visually acceptable and could proceed, if mitigation measures would be undertaken. These measures are desirable as they improve the acceptability of the development, and they should be included as conditions of authorisation.



1.0 INTRODUCTION

1.1 General

This Visual Impact Assessment concerns a proposed residential development on Erf 298 in the village of Raithby, Stellenbosch.

The site is located on the north-western part of the village. The current zoning is Agriculture; a rezoning to sub-divisional would be required to enable a range of residential land uses. The site appears to be unused at present. The precise location of the urban edge on the site and within the immediate locality is undetermined at this time.

The application to develop is made in terms of the National Environmental Management Act (Act 107 of 1998) and the National Heritage Resources Act 1999.

1.2 Brief

To undertake a level III visual impact assessment of a development site for residential use within the village of Raithby.

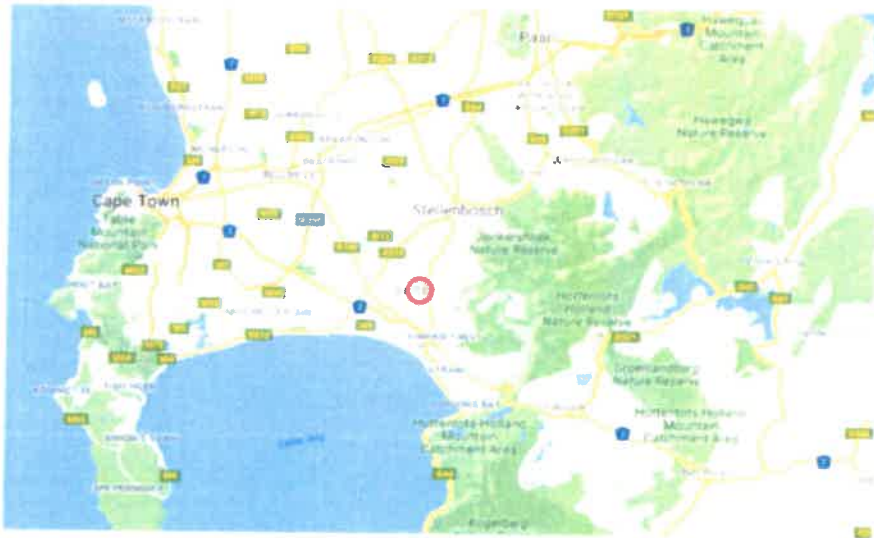


Figure 1.1 location of Raithby, (red circle), in relation to Cape Town, 50km away, the N1 and N2. Source: Google maps/Hansen

1.3 Personnel

The Environmental Impact Assessment is being undertaken by Doug Jeffery Environmental Consultants, (DJEC), Klipmuts, W Cape. The client has appointed Karen Hansen, Landscape

Architect and an independent Visual Impact Assessment practitioner, to provide this study for this development; K Hansen's detailed CV and Experience is set out in Addendum 5.

1.4 Declaration of Interest

K Hansen has expertise in conducting the specialist report including knowledge of regulations and any guidelines that have relevance to the proposed activity.

K Hansen acts as the independent specialist and will perform the work in an objective manner, even if this results in views and findings that are not favourable to the client.

K Hansen will comply with the Act, regulations and all other applicable legislation and undertakes to disclose to the client and the competent authority all material information in her possession that reasonably has or may have the potential of influencing any decision to be taken with respect to the property by the competent authority; and the objectivity of any report, plan or document to be prepared by her for submission to the competent authority.

K. Hansen



Figure 1.2 location of Raithby in relation to its hinterland, The Cape Winelands. It is located just off the R44 between Stellenbosch and Somerset West in a predominately rural area. Source: Google maps/Hansen



Figure 1.3, the location of Erf 298 in relation to Raithby; located in the western portion of this linear village; access is obtained from Wagner Road to its immediate east. North upward Source: DJEC



Figure 1.4, yellow line: the apparent built-up area in relation to the development site; magenta line: the site. Notable is the historic erven pattern between the road through the village, and the river, as well as recent developments, ('New Build'), to the east. The village footprint has widened out from the original linear form. Source Cape Form Mapper/Hansen



Figure 1.5 the concept figure ground plan, which can be read with Figure 1.4, and illustrates the location of existing built form in Raithby, including the proposed development currently being assessed. The original linearity of the village can be seen, as well as the later additions on the east side of the village.
Source: Planning Partners



2.0 STUDY TERMS OF REFERENCE AND METHODOLOGY

2.1 Specialist Report Content and Terms of Reference for this VIA

The specialist will consider baseline data and identify and assess impacts according to predefined rating scales. The specialist will also suggest optional or essential ways in which to mitigate negative impacts, enhance positive impacts and consider cumulative effects.

- Provide details of
 - the specialist who prepared the report; and
 - the expertise of that specialist to compile a specialist report including a curriculum vita;
- A declaration that the specialist is independent;
- An indication of the scope of, and the purpose for which, the report was prepared;
- The date and season of the site investigation and the relevance of the season to the outcome of the assessment;
- A reasoned opinion:
 - as to whether the proposed activity or portions thereof should be authorised;
 - if the opinion is that the proposed activity or portions thereof should be authorised, any avoidance, management and mitigation measures and where applicable, the closure plan;
- A description of any consultation process that was undertaken during the course of preparing the specialist report
- Identify issues raised relating to visual, aesthetic and scenic resources through any existing reports, and site visits. The study takes into account the expected community response.
- Describe the receiving environment and the proposed project in terms of landscape and townscape types, and character and also land use patterns.
- Describe the sense of place and contributing factors (spatial and non-spatial).
- Establish the view catchment area, view corridors, viewpoints and receptors.
- Determine the relative visibility or visual intrusion of the proposed project.
- Determine the relative compatibility or conflict of the project with the surrounding landscape and land uses in terms of visibility.
- Determine significant/sensitive receptors.
- Indicate potential visual impacts using established criteria and including:
 - Potential lighting impacts at night
 - Consideration of impacts at the construction phase
 - Consideration of cumulative impacts potentially arising from other possible development projects locally
- Describe alternatives, including the no-go, mitigation measures and monitoring programs; provide expert opinion on any issue in their field of expertise that they deem necessary in order to avoid potential detrimental impacts.
- Highlight the constraints and opportunities of the project in terms of its potential visual impacts, in so doing accounting also for constraints and opportunities of the development alternative and the 'no development' alternative; and prepare a constraints plan associated with each option.

- Reference all sources of information and literature consulted.
- Use mapping and photos as appropriate.
- Include an executive summary to the report.

2.2 Methodology

2.2.1 *The sequence of work employed in this Study*

A desktop survey using 1:50,000 topographical survey maps to assess the site setting, to identify landform, landscape, townscape and habitation patterns and assess the possible viewshed. Aerial photography, Google Earth, and Google Mapping were used to assist in this part of the study. Global Mapper, a GIS data processing application and spatial management tool, was used to start the visual envelope definition process.

Following the desktop information gathering process, site visits were undertaken to test the conclusions of the terrain analysis, to identify sensitive receptors, to appraise the local landscape and townscape.

2.2.2 *Written and Drawn Material was made available:*

- Proposed Development, prepared by Planning Partners, Sep 2017
- Alternative 1 Development, prepared by Planning Partners, May 2016
- Aerial View A4 prepared by Planning Partners, Sep 2016

And information received in emails.

2.2.3 *Receiving Site*

The receiving site was assessed, and also areas of the locality from where the site appeared to be likely to be visible, notably built-up areas, local roads, adjacent lands and undeveloped areas.

This study was conducted between September 2017 and January 2018. The weather on the days of the site visits was open. An effective VIA is not limited to any particular season, but must be undertaken in open weather with open visibility.

A photographic survey of the site and parts of the surrounding areas was carried out; this determined the extent of the visibility of the proposed development.

- The visual impacts were evaluated using standard criteria such as geographic view-sheds and viewing distances as well as qualitative criteria such as compatibility with the existing landscape and townscape character and settlement pattern; referring to 'The Guidelines, Provincial Government of the Western Cape, DEADP, June 2005'.
- Potentially sensitive areas were assessed. Mitigation measures were evaluated.

2.2.4 *Determination of the Theoretical Viewshed*

The theoretical viewshed has been determined in two ways for this study. The locality has been thoroughly explored in publicly accessible areas and photographed from places where the view appeared to be significant.

Global Mapper software was used to generate view-sheds by inputting building height; (a view-shed is the potential area visually impacted upon by an object in the landscape and is determined by inputting data such as heights of viewer and object, distance apart, and the terrain). This terrain analysis software provides detailed information on the terrain, transportation routes and centres of habitation, but not on lesser elements in the landscape



that can delineate a view, such as houses, trees and buildings. The resulting analysis was useful, especially for topographical analysis, but has been ground truthed.

2.3 Key Issues

Some of the issues relating to visual concerns arising from the assessment of the site and the proposed development will be:

- The potential visibility of the development
- The ability of the landscape and townscape to absorb the development
- The local landscape and townscape character
- The potential negative visual impact during the construction phase
- The potential visual impacts during the life of the project
- The consideration of alternatives
- Cumulative Impacts and Possible Mitigation measures to reduce impacts

2.4 Rating Criteria

Assessment Methodologies which will be followed in this study are those stated in the DEA+DP Guidelines and set out in Addendum 1, and those in use by the specialist in Addendum 2.

2.5 Assumptions and Limitations

The information and deductions in this report are based on information received from the clients' representatives, as well as research and fieldwork by the specialist.

2.6 Alternatives

There are **two activity alternatives**, residential development, and the No-Go Alternative.

There are **two site layout alternatives**: *Preferred*, offering a mix of residential typologies, and *Alternative 1*, offering a simpler layout with single residential erven only. Alternatives may emerge at the conclusion of the assessment.

There is no site location *alternative*, apart from the study site.



3.0 DEVELOPMENT SITE

3.1 Raithby

Raithby is a small, but developing village in an agricultural area. It was a Mission settlement. It has established on both sides of Raithby Road/Watson Road, both ends of which connect with Winery Road, which is accessed off the R44, Stellenbosch-Somerset West. It is a traditionally linear settlement; side roads off the main road are short.

Raithby is about 7.5km south of Stellenbosch, and 4.5km from Somerset West.

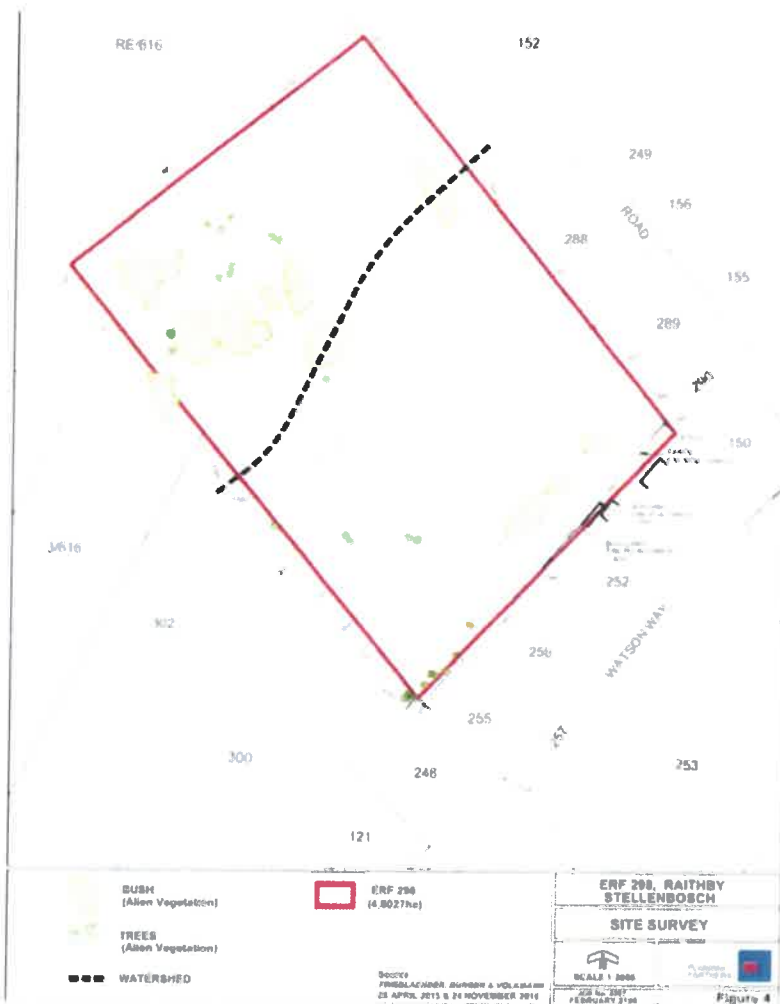


Figure 3.1, site survey, contours, watershed line, and main vegetation groups.
 Source Friedlaender, Burger and Volkmann



3.2 The Site

Erf 298 is 4.8027ha in extent, rectangular in shape, aligned north-west/south-east, and the proposed land use would be for residential purposes. It lies at the west end of the village. The site is an undeveloped area, previously used for agriculture, and now vacant. It is disconnected from the main road through the village by residential, and undeveloped erven.

North-east, north-west, and south-west boundaries adjoin agricultural land; the south-east boundary adjoins office development, residential, and undeveloped land.

3.3 Access

The proposed access road would utilise an adjacent, undeveloped, erf 290, and from an existing, adjacent residential road, Wagner Road, linking directly on to Watson Way, (the road through the village).

3.4 The Visual Qualities of the Site

This is a transformed site, having been used for agriculture in the past; the trees are felled, and it is open and visually exposed. There is little to signal its location in the wider landscape, but from the centre of the site which is highest, there are long views north and south, lateral views are rather more constrained.

3.5 Sense of Place

Due to the open nature of the site, it is visually exposed to adjacent village development and terrain; exposure reduces with distance. The site has an identifiable sense of place derived from its agriculture setting, its peripheral location in the village, and its views of fields, areas of the village, the valley landscape and mountains beyond.



4.0 PROJECT DESCRIPTION

The applicant proposes to develop Erf 298 Raithby for residential purposes.

4.1 Preferred Layout

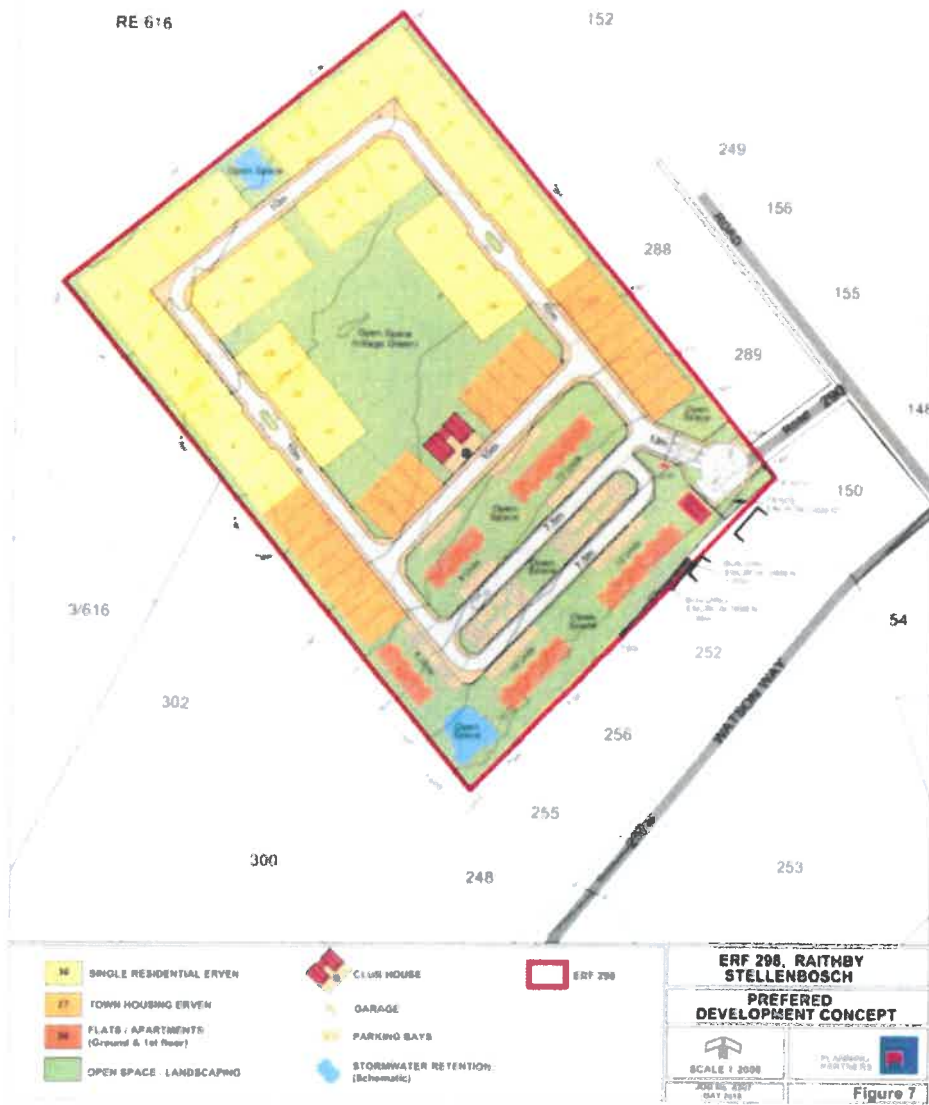


Figure 4.1, preferred layout, prepared by Planning Partners, Cape Town September 2017 illustrating the residential typologies; single residential, town housing and apartments. *Source Planning Partners*



The *preferred layout* offers a mix of the following residential typologies:

- **Residential Zone I:** 30nr. freehold erven, in the north half of the site, (light yellow blocks), forming the interface adjacent rural properties. There would be off-street parking and private space. Height to roof apex to be 8.5m from natural ground level. Roofs to be 30° to 45° pitch. Windows and doors to be vertically proportioned. Pergolas to be permitted.
- **Residential Zone III:** 27 town housing units in the centre of the site, (deep yellow blocks), and which may be semi-detached. There would be off-street parking and private space in smaller plots
- **Residential Zone IV:** 50nr. sectional title, walk up units, (ground and first floor apartments), (orange blocks), in the southern portion of the site, and closest to existing properties and Watson Way, and with ground level garage parking.
- **Private Open Space:** in the centre of the site, overlooked by Zone I and Zone III properties and which includes a club house. Also, there would be several additional open space pockets.
- **External Works treatment:** to include tree planting along internal roads, along the south site boundary and within the open space pockets. A storm water retention pond is shown on the south-west corner
- **Access:** from adjacent erf 290 on Wagner Road, via a proposed site traffic circle into an internal network parallel with the site boundaries. Footpaths are proposed through the open spaces.

Lighting would be designed to be low level, or under the verandahs; roofing materials to be steel or slate, dark grey or silver blue; walls to be smooth or fair-face, in white and off-white; windows and doors would be white or any shade of grey. Driveways to be in-situ exposed brown aggregate edging and patterns in clay pavers.

The *preferred layout* offers a range of typologies and an open space network for which the planning layout offers a potentially attractive living environment. Proposed erven boundaries would be contiguous with the site boundaries except where they lie adjacent to existing residential erven. The proposed erven would generally be at a density greater than adjacent properties and would vary in extent.

4.2 Alternative 1

The *alternative layout* offers one residential typology,

- **Residential Zone I:** 62nr. freehold erven, through all of the site. There would be off-street parking and private space around each property.
- **Private Open Space:** entirely in the centre of the site, overlooked by many of the erven, and which may also include a club house. No additional open space pockets are proposed
- **External Works treatment:** to include tree planting in groups within the private open space and along the short internal access road. No storm water retention pond would be included
- **Access:** from adjacent erf 290 on Wagner Road, into a simplified circular internal network parallel with the site boundaries. No footpaths are proposed through the open space.

The *alternative* layout is simpler in design and provides for lines of single residential erven with off street parking, external private space, in a standard layout; accessed by a straight road. The proposed erven would be regular in extent and at a density greater than adjacent properties.

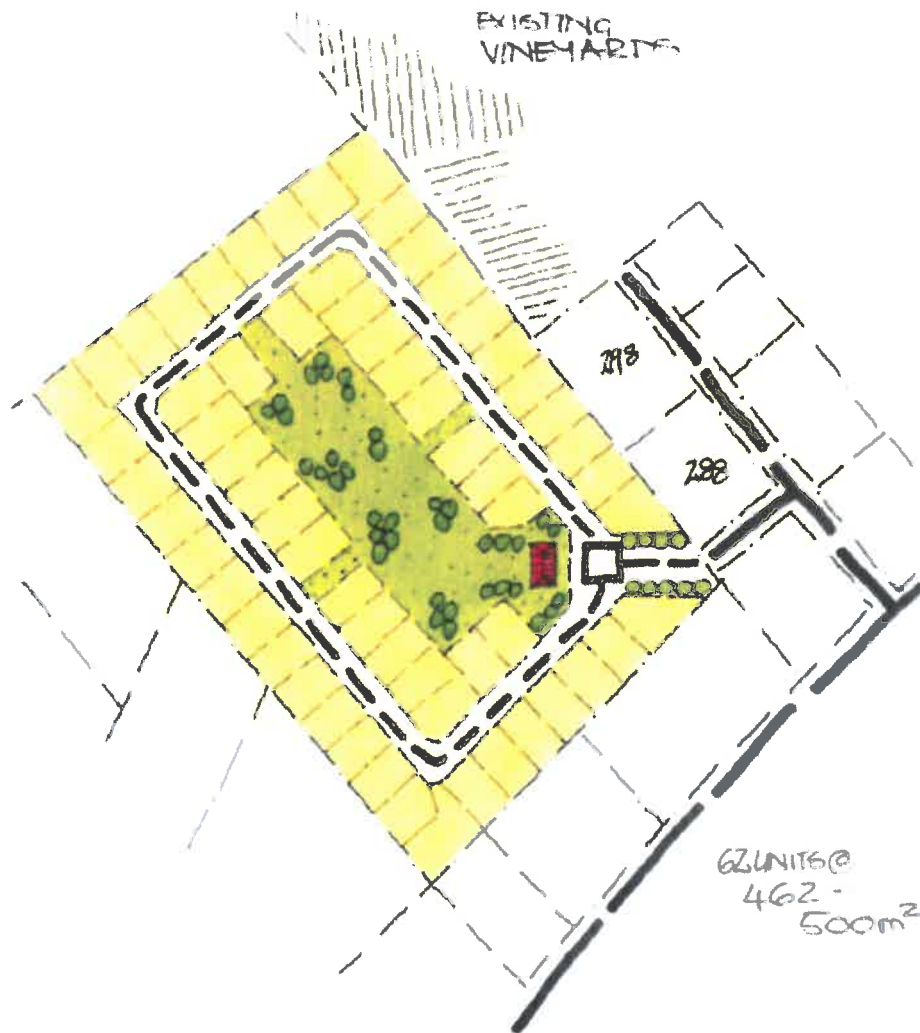


Figure 4.2 Alternative 1 layout, with 62 units, (residential zone 1), a club house, access road, and open space, prepared by Planning Partners, Cape Town May 2016. Source Planning Partners

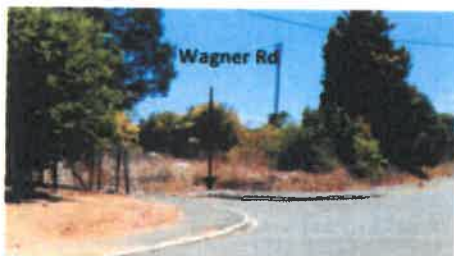


Figure 4.3, an example of a single residential unit, and an illustration of the preferred layout, prepared by Boogertman and Partners, Architects



3632

Figure 4.4, Erf 290 to provide access from Wagner Road, looking towards the site. Source Hansen



3638



3639

Figure 4.5 the junction of Wagner Road with Watson Way, from the west, and the east. Source Hansen

4. 3 No Go Alternative

This is where the development does not proceed, and the ground remains in its present condition. Existing land uses would continue. The ground might be developed, in all or in part, in the future. The level of risk attached to the *no-go alternative* is defined as:

- The sub-economic use of unused land may continue in the short to medium term, but it may not attract the same level of investment as presently
- The land might be subject to access by vehicles and people in an uncontrolled manner.



5.0 NATURE OF THE RECEIVING ENVIRONMENT

5.1 General

Landscape and Townscape Character is the distinct and recognisable pattern of elements that occur consistently in landscape and townscape types, and how this pattern is perceived. It reflects discrete combinations of geology, landform, soils, vegetation, river systems, land use and the story of human settlement. It defines the identifiable 'sense of place'.

This section defines the character of the environment that would receive the development.

5.2 The Setting

Raithby is mainly residential, with institutions such as a school, a church and offices adjacent, or close, to the site; the erven vary in size from small-holdings to single residential, most houses are one storey without steeply pitched roofs. Some have traditional architecture features, and some have been modernised. The local landscape is variable in terrain, and well treed.

The village is about 1km long on a road with gentle horizontal and vertical curves (Raithby Road/Watson Road), the eastern section has broadened out where there is a new housing development under construction, 'Raithby Vines'. The proposed development is in the western end of the village and on the north side of the road. Originally the village had a linear layout, along the road, with erven extending, narrowly, down to the watercourse.

The site was previously used for agriculture, and is now vacant. It is disconnected from the main road through the village by residential and vacant erven; the site under discussion is therefore 60m from Watson Way.

Beyond the village, are small holdings, some of which are residential, and some tourism related.

The setting is rural/peripheral residential in character, (see para.5.9)

5.3 Transport network

The site would be accessed through an undeveloped adjacent erf, which connects this site to Wagner Road, an adjacent, short, residential road, which connects with Watson Way, thereafter to Winery Road and the R44.

5.4 Topography and Watercourses

The site lies between 76m and 82m asl., with a barely perceptible ridge across the centre. Watson Way is higher towards the east and lower towards the west. There is higher ground almost right around the village in a gently undulating landscape; the terrain opens out towards the south-west. The site slopes on an incline from its south-east edge, (closest to the main road) up to its centre and from where it slopes imperceptibly down towards its north-west boundary.



The local water course is a non-perennial stream that flows from east to west in the shallow valley to the immediate south of the village, beyond which is an open and undulating agriculture landscape with a backdrop of the Jonkershoek mountains.

5.5 Protected Landscapes

The site is within the Cape Winelands Biosphere Reserve, but there are no other protected landscapes, CBAs or ESAs, close to the site, or that would be directly affected by any development. (information from Cape Farm Mapper).

5.6 Vegetation

The site is located in the critically endangered Swartland Granite Renosterveld, but although the site is not utilised at present, it is transformed, like most of the land around it. There are some Eucalyptus trees locally. Some site trees have been felled, the ground flora is both indigenous and non-indigenous. Within 1km there are groups of trees established around homesteads. along field boundaries and within the village.

5.7 Local Land Uses

The agriculture land uses are mainly wine grapes, with some grazing, vegetable growing and some under-utilised land. Power lines cross the landscape.

There are residential, commercial, institutional and agricultural uses in the village within 1km.

5.8 Landscape Value

A landscape may be valued for many reasons, which may include landscape quality, scenic quality, tranquillity, wilderness value, consensus about its importance either nationally or locally, and other conservation interests and cultural associations.

The site lies in the Cape Winelands, acknowledged widely as an example of a significant cultural landscape, deriving from the impacts of human settlements and viticulture, and from the unique landscape character of mountains and riverine plains.

The village of Raithby is a good example of a mission village, its slave heritage and the specific vernacular architecture, deriving from those influences. It is notable that several of the earliest farm grants were given out in this locality.

This site itself is deemed to possess limited visual value, but its setting has significant cultural associations derived from the history of the village.



5.9 Landscape Character

The landscape character of the development site is rural/peripheral residential in character, with little visual clutter. The landscape character of the immediate locality and beyond the village is open, undulating arable land, well treed, with homesteads, and mainly under grapes.

5.10 Visual Significance of the site, and the area

The site can be seen from parts of the village; visual signposts to signal its exact location are few, but local trees assist with placing the site in the landscape. Its significance can be measured by its spatial relationship with the village and its degree of visual exposure. The significance of much of the local area is somewhat constrained by folds in the landscape and the trees.

The development site is located close to the western edge of the village, but there is no sense of a 'gateway' where 'arrival' could be experienced.



6.0 VISUAL IMPACT ASSESSMENT

6.1. Viewshed Envelope definition

This refers to the theoretical outer-most extent of the area from which an object, (in this case the whole development site), may be seen. Visibility can be obscured in part or in whole by objects within the viewshed such as existing buildings, trees, or landform.

Objects can also appear to be obscured by distance, where an object can seem to blend into its background by virtue of the distance between it and the viewer.

6.1.1 Significant Issues affecting visibility:

- The nature of the site location: visually exposed to farmland and to parts of the village
- The proposed uses, the scale, density, and the finishes of the proposed built form

6.2 Significant Receptors likely to be affected

Significant potential receptors are likely to be:

- Residential and other receptors in the village
- Receptors living and working in local agricultural areas
- Users of Watson Way
- Receptors in the wider landscape such as Winery Road and the R44

All potential receptor locations were tested on site.

6.3 View Catchment Areas

6.3.1 Defining a correct viewing distance

In order to arrive at a correct distance from which the proposed development would be visible given local conditions, the visibility of the site was assessed from adjacent habitations and potentially sensitive receptors. Assumptions on proposed land use were made.

Assumptions: a residential development on this site would take the form of an estate, would have a boundary treatment, communal space, and would be up to two storeys in height.

Depending on the terrain and the number of shielding objects, the site of the proposed development could be visible to properties on agricultural land around the north-west, north, and north-east up to 1km. Within the village, up to 250m. And to the south-east, south, and south-west, up to 1.2km. From the site, the area of the R44 around Bredell Road can be seen, but road users would not be able to pick out the site at that 3km distance.

6.3.2 The visual envelope



Figure 6.1 the visual envelope determining the visibility of the site and the proposed development on the site. Source Cape Farm Mapper base/Hansen

- The areas located within the broken lines would be expected to experience a relatively clear line of sight to the proposed development; not all locations would have an unimpeded view, but the development could be visible.
- There would be a view from the high ground to the west, from Faure Water treatment works, receptors would be the road users and people working there.
- There would be a view from homesteads to the north and west, though some buildings have shielding trees on their properties.
- The views from the village would be constrained by built form and trees.
- The view extends south west to include a portion of Winery Road



6.4 Visibility of the Proposed Development

6.4.1 Factors affecting Visibility

The visibility of the proposed development would be constrained by some tree cover, built form, and would be partly shielded by variations in local topography. The degree to which the development would be visible is determined by its extent, height, disposition on the site, and the finishes of the buildings, and is moderated by:

- distances over which this development would be seen.
- weather and season conditions
- surrounding land uses and land cover in the local landscape

Other key issues are:

Visual effects: *The site has virtually no visual clutter; the proposed development would provide visual clutter.*

Visual order: *The proposed development could offer visual order from beyond the site as it would be disposed as a response to urban planning principles and will in part create a visible pattern.*

Visual composition: *The proposed development has the potential to offer some composition opportunities in creating linkages with adjacent uses.*

6.4.2 Localities from which the development would be seen:

- Residential receptors in the village and in agricultural areas
- Road users

6.4.3 No-Go Alternative

As the visual envelope is defined by the edge of the development site, the visibility of the Preferred and the No-Go Alternative, are deemed to be similar.

6.4.4 Lighting

Visible lighting within the development and from security lighting at night could be expected to influence visibility.

6.4.5 Construction Period

The construction access would be the same as that for the operational period, and which would therefore be within the defined visual envelope. The Construction period could also be expected to affect Raithby Road and beyond, with increased traffic delivering materials etc., to the site and which could be beyond the defined visual envelope. There may also be lay-down area(s) within the development site, visible within 200m.

6.5 Visual Exposure

Visual Exposure is based on the distance from the project to selected viewpoints. Exposure or Visual Impact tends to diminish exponentially with distance

- *high exposure: dominant or clearly noticeable, the focus of the view*
- *moderate exposure: recognisable to the viewer*
- *low exposure: not particularly noticeable to the viewer*



Preferred layout: due to the density of the development, it could provide the focus of the view, (high), within 250m. Within 1km, the exposure would be moderate.

Alternative 1 layout: although the development appears to be at a lower density, it could provide the focus of the view, (high), within 250m. Within 1km, the exposure would be moderate.

6.6 Extent of the Visual Impact

Rates the impact in terms of the geographical area that will be influenced by the visual impact:

- *no impact: no visual impact*
- *site specific: visual impact is small, generally confined to the site*
- *local: the site and the immediate surrounding area, (2km)*
- *regional: affects more than 2km radius*

6.6.1 Extent of Impact of Preferred Layouts

The extent of the impact for both layouts would be local, reducing during periods of poor light, dusk, dawn; (see note above on security lighting). This has been assessed theoretically with terrain analysis software and ground truthed.

6.6.2 Extent of Impact of the Construction Period

The extent of the impact upon roads around the site would be local.

6.6.3 Extent of Impact of the No-Go Alternative

The extent of the impact would be local.

6.7 Zones of Visual Influence

Describes the areas visually influenced by the proposed development, and assesses the amount of influence

- *non-existent: the site cannot be seen from surrounding areas*
- *low: the development is largely shielded from view by topography, planting, distance or buildings*
- *moderate: the development is partially shielded*
- *high: the development influences the view strongly and acts as a visual focus*

6.7.1 Residential and other receptors within the village, within about 250m

The village is fairly densely built up, and mainly residential, with other institutions. Affected residents would be (In total up to 20 erven):

- Those living and/or working between the site and Watson Way; 3 residential erven; and 3 residential erven to the immediate south-west
- Those living and/or working on Wagner Road on 2 of the erven
- Those living and/or working along Watson Way, to the immediate north-east, within a distance of about 170m, up to 10 erven

The impact on these properties of the *preferred* layout: an immediate view of smaller two storey apartment units with shielding from proposed trees.

The impact on these properties of the *alternative 1* layout: an immediate view of larger one and two storey dwellings on erven smaller than those locally. No shielding trees are proposed.

These local receptors would experience a change in local landscape and townscape character, from rural to suburban.

The zone of visual influence all the proposed development typologies is assessed as moderate due to proximity.



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Figure 6.2 a view from Watson Way into the site from the immediate west; the site is partly shielded by buildings. Source Hansen



Figure 6.3 is one of a number of 3D rendered images of the preferred layout created by Boogertman and Partners, Architects, Cape Town.

This rendered image is from a similar location to the Figure 6.2 image; the vacant erf allows an open view of the proposed development

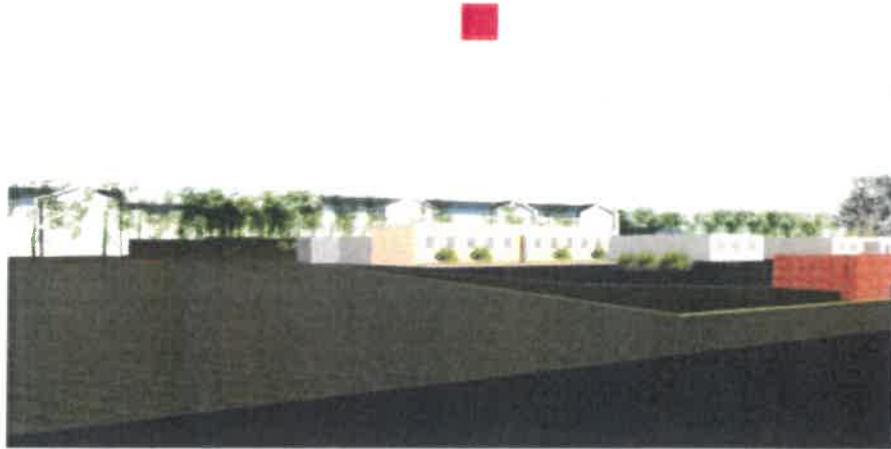


Figure 6.4 is one of a number of 3D rendered images of the preferred layout created by Boogertman and Partners, Architects, Cape Town. This rendered image is from the vacant erf between the site and Watson Way and shows the 2 storey apartments, with single residential beyond, and the proposed tree planting



3650
Figure 6.5 a view from Watson Way towards the site from the immediate east; the site is partly shielded by buildings and planting. Source Hansen



Figure 6.6 is the one of a number of 3D rendered images of the preferred layout created by Boogertman and Partners, Architects, Cape Town.



This rendered image is from a point on Watson Way that includes the existing house at the corner of Watson and Wagner and mainly shows the single residential, and the proposed tree planting.

6.7.2 Receptors living and working in local agriculture areas, within 1000m

Homesteads to the west and north and lying in an open landscape, have been assessed in terms of their distance from the closest part of the site, for their elevation and their degree of clear line of sight without shielding objects. Based on these criteria, there would be about 20 affected homesteads, of which 7 would be considered to experience a probable impact rated moderate.



Figure 6.7 is one of a number of 3D rendered images of the preferred layout created by Boogertman and Partners, Architects, Cape Town

The view from homesteads to the west of the preferred layout.



Figure 6.8 is one of a number of 3D rendered images of the preferred layout created by Boogertman and Partners, Architects, Cape Town

The view from homesteads to the north west of the preferred layout.

To the south, a farmstead or group of agriculture related buildings on several erven, located between Wynmakkerdraai Road and Watson Way, about 280m away and whose view would be intermittent due to trees.

Farmsteads on the east side of the river, some market gardening. Would have relatively clear line of sight, one group 250m away and one, 600m away.



The impact on these properties of the *preferred* layout: a view of a variety of residential typologies which would eventually appear to be broken up by the introduction of pockets and areas of open space, and by proposed tree planting, when established.

For receptors to the north and west, the impact of the proposed open space and the proposed trees would be less due to the erven boundaries being along the site boundary so there might not be much to shield the view.

The impact on these properties of the *alternative 1* layout: a view of larger one and two storey dwellings on erven smaller than those locally. No shielding trees are proposed; the visual impact of the open space provision would be limited as it would be itself shielded by the surrounding housing.

These local receptors would experience a change in local landscape and townscape character, from rural to suburban.

The zone of visual influence all the proposed development typologies is assessed as moderate due to the visual impact of the change of land use from agriculture to residential.



11

Figure 6.9 from the centre of the site, a group of homesteads in the landscape to the north west and within 700m is inter-visible; there are other homesteads, somewhat further away. *Source Hansen*



3654

Figure 6.10 the view for receptors on the east side of the river, looking over the river corridor, through the vacant erf on Watson Way, and into the site, partly beyond the trees and offices. *Source Hansen*



Figure 6.11 is one of a number of 3D rendered images of the preferred layout created by Boogertman and Partners, Architects, Cape Town.

This rendered image is from the farmsteads on the east side of the river with a relatively clear line of sight, one group 250m away and one, 600m away. There would be a view through the vacant erf between the site and Watson Way to the 2 storey apartments, with single residential beyond, and the proposed tree planting

6.7.3 Users of Raithby Road, Watson Way

- Users travelling south to north would only become visually aware of the site and its development at the point of arrival. This would be due to surrounding buildings, terrain, and trees.
- Users travelling north to south would be visually aware for a distance of about 170m as the road turns direction and the junction with Wagner Road would be evident.
- Amandelpad that provides access for many of the homesteads, does not provide a view of the site.

The zone of visual influence for all the proposed development typologies is assessed as low



3630

Figure 6.12 traveling northwards towards the site, 250m away; the site is shielded by buildings and trees. At this location, the first buildings of Raithby are seen, yet there is no sense of a gateway, or point of arrival. *Source Hansen*



Figure 6.13 is one of a number of 3D rendered images of the preferred layout created by Boogertman and Partners, Architects, Cape Town

This rendering reveals the layout from a similar location as Figure 6.6 but, the view would not be as open as this, there would be trees and buildings between the site and the viewer,



3627

Figure 6.14 travelling northwards towards the site, 450m away; the site is largely shielded by trees and terrain, but the development would be visible. *Source Hansen*



Figure 6.15 is the one of a number of 3D rendered images of the preferred layout created by Boogertman and Partners, Architects, Cape Town

The view from Helderberg Wijnmakerij, on Winery Road, without the local context of trees.

6.7.4 Receptors in the wider landscape such as Winery Road and the R44

- Winery Road, close to 'Helderberg Wijnmakerij', 1.2km away: the users of the building would have a foreshortened view; road users would have to be looking sideways.
- Winery Road, south of the site and between 1km and 1.4km distant; there would be a partial view for road users and other receptors, through trees.
- R44, at the corner with Bredell Road/Klein Helderberg Road; users of the small centre, including a bike shop, could have a distant view about 3km away, which is considered too far to register an impact. There are scenic corridors along the R44, with views over rural farmland, however road users would not be visually aware due to distance.
- Receptors accessing Faure Water Scheme on a road not considered publicly accessible would have a limited, foreshortened view, 2km away. The village is difficult to pick out in the landscape, but the development itself could be more visible.

The zone of visual influence for both layouts is assessed as low

6.7.5 Summary

Reference to the Visual Envelope shows that the extent of the potential visual influence of the proposed works over the village and outlying properties on farmland is moderate to low due to shielding by local trees and terrain.

6.8 Visual Absorption Capacity

This refers to the ability of the surrounding area to visually absorb the development. In this assessment, high is a positive and low is a negative.

- *low: the area cannot visually absorb the development*
- *medium: the area can absorb the development to a degree but it will look somewhat out of place*
- *high: the area can easily visually absorb the development*



6.8.1 Residential Development

Preferred layout: a residential development offering a range of dwelling types and integrated open spaces within a mainly residential village, could be absorbed to a degree, but it would look somewhat out of place due to the density and the extent of the site.

Alternative 1 layout: a residential development offering residential zone I single erven and open space within a mainly residential village, could be absorbed to a degree, but it would look somewhat out of place due to the density and the extent of the site.

6.8.2 No-Go Alternative

The visual absorption capacity is rated high, because there would be no change in the local landscape.

6.9 Compatibility with Surrounding Landscape

This refers to the extent to which the proposed development and land usage is in line with the surrounding development and land usage.

- *appropriate: the development will fit in well with the surrounding landscape*
- *moderately appropriate: the development can blend in, but to a lesser degree and only with care*
- *inappropriate: the development introduces new elements into the landscape that do not fit in.*

6.9.1 Residential Development

Preferred layout: a residential development offering a range of dwelling types and integrated open spaces within a mainly residential village, could blend in with care and be moderately appropriate.

Alternative 1 layout: a residential development offering residential zone I single erven and open space within a mainly residential village, could blend in with care and be moderately appropriate.

Developing a residential estate within and directly adjacent to a residential village should fit in well if the interfaces with adjacent land uses are addressed with care. If improved visual and physical links between the surrounds and the new development can be achieved the compatibility ratings would be reviewed.

6.9.2 No-Go Alternative

The land usage would continue to be appropriate, within the context of other rural land in the locality.

6.10 Intensity/Magnitude of the Visual Impact

This refers to the degree to which the visual nature of the landscape will be altered, whether the potential impact would be destructive or benign.

- low: natural or social functions are negligibly altered, or unaltered*
- medium: natural or social functions are slightly altered*



high: natural or social functions are severely or notably altered, and to the extent that the impact intrudes noticeably into the landscape

6.10.1 Site Landscape; Residential Development

The site landscape is already transformed and the degree of potential impact on the visual nature of the landscape would therefore be moderated. Natural and social functions would be slightly altered, and the intensity is rated as medium.

6.10.2 Beyond the Site

The visual nature of the landscape would be altered within the zone of visual influence of the proposed development to a degree rated as medium.

6.10.3 No-Go Alternative

The intensity of visual impact on the site and local landscape would be low.

6.10.4 Construction Period

The intensity would be medium due to the visual disturbance caused by construction vehicles, construction platforms and materials storage. However, this would take place over a defined time period (i.e. the impact would be temporary).

6.10.5 Conclusion

The Intensity is summarised from the foregoing as medium as natural functions would be slightly altered.

6.11 Duration of the Visual Impact

The duration of the impact upon its surroundings

- *short term: 18 months or less*
- *medium term: up to 3 years*
- *permanent: where the impact, either by natural processes or by human intervention will be permanent*

The duration of the development is intended to be as long term as any similar development and to extend beyond 20 years; it will not be transient. The duration is judged to be permanent.

6.12 Probability

The degree of possibility of the visual impact occurring:

- *improbable, where the possibility of the impact occurring is very low;*
- *probable, where there is a distinct possibility that the impact will occur;*
- *highly probable, where it is most likely that the impact will occur; or*
- *definite, where the impact will occur regardless of any prevention measures.*

These ratings will be assigned to each impact in the tables in section 7



P1

Figure 6.16 a view of the village from an elevated part of the site in its centre and looking south east, the visible houses are those between the site and Watson Way; existing trees offer screening. Source Hansen

6.13 Significance of the Visual Impact of the proposed development as a whole

Examining the impacts of extent, intensity, and duration allows an assessment of the significance to be made. Ratings range from Very Low, Low, Medium, High, to Very high (see Addendum 2).

The consequence of the **Construction period** visual impact is assessed as a combination of:

- *the extent of the impact (paragraph. 6.6, (local))*
- *the intensity/magnitude of the impact, (paragraph. 6.10, (medium)).*
- *The duration of the impact (paragraph 6.11, (short term))*

The overall significance of the *proposed development* during the Construction period is assessed as very low as there would be short term change in the local landscape and this change would be of medium intensity.

The consequence of the **Operational period** visual impact is assessed as a combination of:

- *the extent of the impact (paragraph. 6.6, (local))*
- *the intensity/magnitude of the impact, (paragraph. 6.10, (medium)).*
- *The duration of the impact (paragraph 6.11, (long term))*

The overall significance of the *proposed development* during the Operational Period is assessed as medium as there would be long term change in the local landscape and this change would be of medium intensity.

6.14 Impact on Irreplaceable Resources

The resources which can be considered irreplaceable due to their visual qualities are:

- The loss of 'green space' currently experienced by local residents, people in local employment, people using local transport corridors
- The impact on the local flora and fauna

Responses to these issues are within Section 8 of this report, 'Mitigation'.

6.15 Potential Direct, Indirect, and Cumulative Visual Impacts.

Direct Impacts: primary impacts

Indirect Impacts: occur later in time or at a different place

Cumulative impacts (incremental impacts of the activity and other past, present and future activities on a common resource)

- *Negligible: (impact insignificant/no impact)*
- *Low: there is still significant capacity of the environmental resources within the geographic area to respond to change and withstand further stress*
- *Medium: the capacity of the environmental resources within the geographic area to respond to change and withstand further stress is reduced*
- *High: the capacity of the environmental resources within the geographic area to respond to change and withstand further stress has been or is close to being exceeded*

6.15.1 Direct impacts during the Construction period

- Visible construction activity over a defined time period
- Additional construction activity lighting
- Disturbance during the construction period

6.15.2 Indirect impacts during the Construction period

- None noted

6.15.3 Cumulative impacts during the Construction period

- None noted

6.15.4 Conclusion

This site is rated low: the capacity of the environmental resources within the local geographic area to respond to change and withstand further stress remains significant.

6.15.5 Direct impacts during the Operational period

- Additional development within the village
- Change in views of vacant agricultural land to increased residential development
- Additional residential lighting and traffic movements

6.15.6 Indirect impacts during the Operational period

- None noted

6.15.7 Cumulative impacts during the Operational period

The development could be visually experienced as additive.

6.15.8 Conclusion

This site is rated low: there would still be sufficient capacity of the environmental resources within the local geographic area to respond to change and withstand further stress.



6.16 Visual Sensitivity Assessment

6.16.1 General

Landscape and townscape character sensitivity, is defined as: "the sensitivity of the landscape as a whole, in terms of its overall character, its quality and condition, the aesthetic aspects of its character, and the sensitivity of individual elements contributing to the landscape".

Source: GLVIA, LI, UK, 2013.

Assessment of the overall sensitivity of the local townscape and landscape character to this development is based on the relative ability of the locality to respond to and, where appropriate, accommodate, change of a particular type; in this case, a residential development.

6.16.2 Areas and Users of high sensitivity

The locally sensitive sites in need of protection are

- Sensitive receptors, locally
- There are no protected landscapes locally

6.16.3 Conclusion

The local site character would change to a residential land use with increased 'visual clutter'. The proposed land use is considered to have low sensitivity as there are few properties within the village and also few in outlying areas which would be impacted locally.

The existing residential 'neighbours' are sensitive receptors and these concerns will be addressed in Section 7, 'Mitigation'. Local visual sensitivity is assessed as low.

Mountain views for local receptors would not be negatively affected by a residential development with units no higher than two stories.

6.17 Viewpoints and Images.

The images were created on site and within the surrounding landscape during the morning and afternoon in November and December 2017 and from locations where the development site would be deemed to be visible. The weather was clear and open, and deemed to be typical. The camera was set at a focal length deemed to be as close to natural eye experience as possible. No filters were used. Panoramic images have been overlapped and stitched.

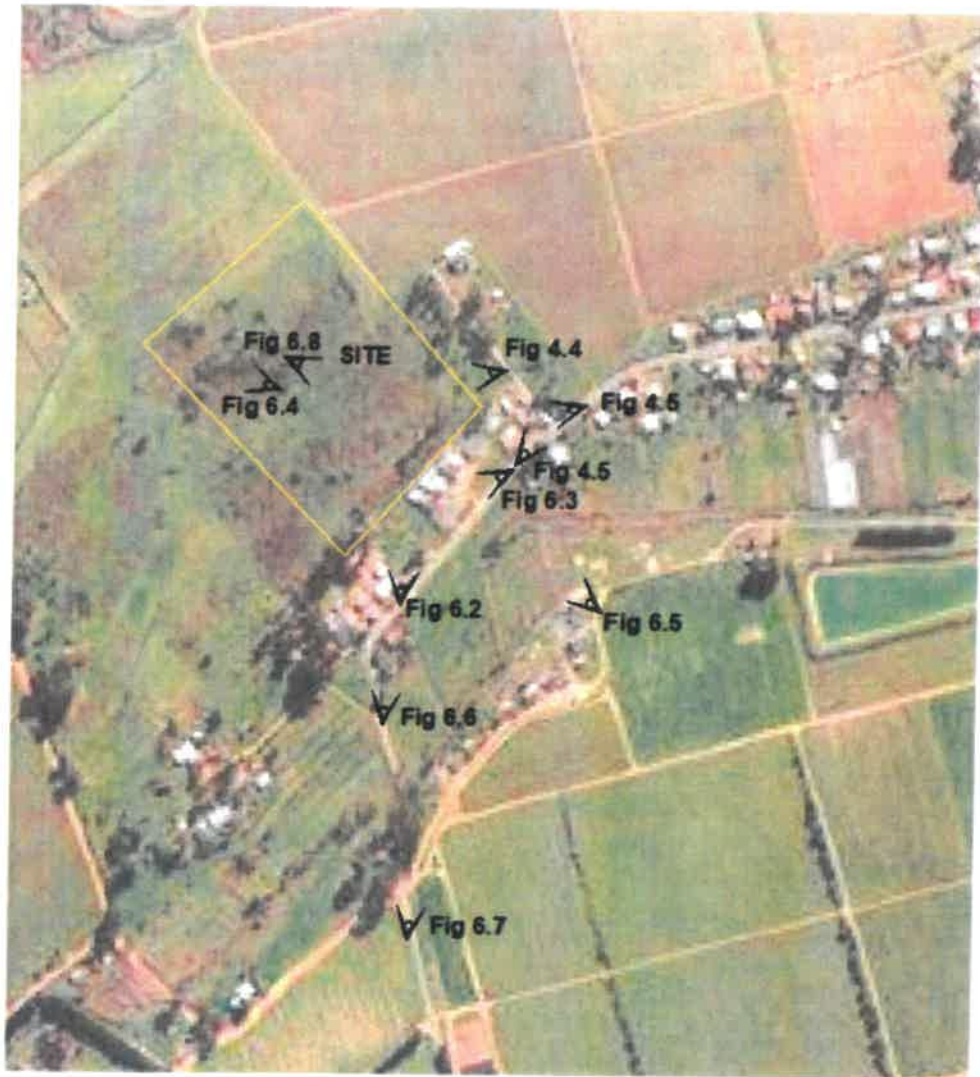


Figure 6.17 the locations from which the report images were taken. *Source: cape farm mapper/Hansen*

7.0 MITIGATION MEASURES

7.1 Environmental Management Plan

An environmental management plan should be drawn up to set out principles for the implementation of the visual mitigation measures. The proponent is required to demonstrate that these measures are included in the design and construction phase. The responsibilities of an Environmental Control Officer on this site are noted in para. 7.6.2.

7.2 Project elements to be addressed in the Design period

7.2.1 Built form

Integrating new built form into the village, as illustrated in the preferred layout, requires that the landscape/townscape character of the immediate setting is respected.

Following discussion with all design team members, Planning Partners has developed an appropriate layout, refer to Addendum 1, for all the external works which illustrates proposals considered very appropriate to mitigate the visual impact. Similarly, Boogertman and Partners, Architects, has provided a built form design that is considered visually appropriate in the context of this village in its winelands setting.

Shielding planting and a maximum of two storied buildings would ensure that receptors in the village and beyond to the east and south would be shielded and the development would appear to be integrated into the village. External massing of the built form is proposed to be of a series of simple elevations to better reflect the semi-rural setting of this development.

Several homesteads to the north and west would have a clear view of the proposed development, but it would be a foreshortened view. The rooflines of the proposed development would be eventually broken up as trees in the open space beyond, became established. Means have been offered to shield the proposed erven facing onto the north and west by providing an edge treatment comprising a 2m perimeter track and a 1.5m wide strip of planting along the boundaries adjacent agricultural land uses to break up the visual impact of the built form.

The use of building finishes in a narrow range of off-white colours under simple pitched roofs with gable ends is considered visually appropriate. The use of pergolas on north and west facing elevations would reduce sunlight bounce off windows. Any levels changes, or 'cut and fill' along the site boundaries should be avoided if possible. Boundary treatments should be consistent and visually permeable. Fencing in black, Cochrane 'Clear Vu', is proposed; and closer to adjacent built form masonry pillars and vertical metal rails is proposed; walls between houses would be in the 'werf' character.

Materials for internal vehicle and pedestrian circulation would be more rural in character, such as can be achieved by neutral coloured interlocking concrete block with exposed aggregate finishes and/or clay pavers.

A storm water retention pond served by swales is considered an advantage of the *preferred* layout, as retention of any run-off water onsite could aid the establishment of vegetation.

The potential visual impact would therefore be managed by site specific mitigation measures, such as finishing colours and materials and shielding measures for receptors to the north and west.

7.2.2 Planting

The proposals illustrated in Addendum 1 show how the proposed planting can provide a significant interface between the new build and the agriculture areas, particularly because there are local trees with which spatial links to new planting could be developed. Locally indigenous species should be used within the open space areas.

Design guidelines for residents are recommended, to ensure the use of indigenous planting and an acceptable planting palette within gardens.

7.2.3 Vehicle Access

The potential visual impact accruing from vehicle access during construction and operational periods has been assessed and it is noted that Wagner Road is narrow, and that may slow the traffic, affecting Watson Way. No other new vehicle roads beyond the site are proposed. No mitigation measures are proposed.

7.2.4 Lighting

Security lighting should be designed to respond only to public and private safety, and to reduce light pollution. Illuminating the driveways should be avoided. These measures are to reduce the visual impact of lighting at night.

7.3 Construction Period

7.3.1 Duration

The construction period should be kept to a minimum, and with due care to local residents and road users. There should be no out-of-normal-hours working due to the proximity of houses. The site vehicle entrance should have adequate traffic control measures, signage, and dust control measures. These measures are to reduce visual impact.

7.3.2 Site Control

Controls on the **location of materials storage**, etc, should be enforced to ensure that they are contained within the actual development area boundaries. In addition, no fires to be allowed, no litter and no contaminants to be allowed to enter the environment. **Excess materials and all waste** to be removed from the construction areas. These measures are to reduce visual impact.

7.3.3 Programme

No information is to hand at the time of writing about the anticipated programme from commencement to completion. Finite dates should be imposed with penalties to ensure that the timeframe is not so open-ended that the visual impact of construction extends unreasonably.

7.4 Operational Period

The visual impact of the completed development during the operational period should be mitigated by: maintenance of the built form, boundary treatments, and planting. Relevant to these issues is reference to the Raithby Design Guidelines, February 2018, Revision A, and all

subsequent revisions, prepared by Boogertman and Partners, Architects, with which all aspects of the external works should be in full compliance.

7.5 Conclusion

If all identified mitigation measures listed above are implemented the residual impact would be of a residential development set into an existing landscape with effective visual, physical and spatial links to the surrounding land uses. The proposed development would have carefully resolved edge treatments which would create a successful interface between the proposed and existing uses. The extent of the visual impact would not reduce or expand, but the absorption capacity and the compatibility ratings would increase. The local visual landscape quality would not be negatively impacted upon.

7.6 Management and monitoring programmes

7.6.1 Measures for the Environmental Management Programme

Project component/s: List of project components affecting the objective:

- Extent of the project and access to it.
- Quantity, and specification of the built form.
- Proximity and nature of sensitive receptors.

Potential Impact: potential environmental impact if objective is not met:

- Detrimental change of local landscape character.
- Negative impacts from proximity of the development to adjacent houses and other residential users
- Cumulative impacts.

Activities: which could impact on achieving the objective of a visually acceptable installation:

- Implementation of an Environmental Management Plan.
- Site management to Construction Industry Guidelines.
- Road access with adequate sightlines and traffic control measures as required.
- Use of quality design in the built form and external works.
- Undertaking of the mitigation measures which could be included as conditions of authorisation as they have been designed to improve the acceptability of the development.

Mitigation: Target/Objective

- Incorporation of recommendations in the Mitigation measures.
- Careful management of interfaces with surrounding landscape

7.6.2 Performance Indicators and Monitoring

Performance Indicator: The key indicators would be the qualities of the receiving environment and the definition of the impacts predicted. Reference to the VIA indicates the nature of the anticipated impacts and the ability of the landscape to absorb the development.

Monitoring

- Baseline Monitoring: all plans to be reviewed timeously by bodies responsible for aesthetics

- Construction Phase Monitoring: Environmental Control Officer to monitor the specified visual management actions
- Operational Phase Monitoring: continued assessment of the aesthetic aspects, such as building colours/cladding, lighting, screening of clutter, project expansion

The monitoring program included in the EMP should ensure monitoring compliance with the visual mitigation measures to address operational phase visual impacts.

7.7 Visual Impact Assessment Tables

See Addendum 2 for an explanation of the new edition of the DEA+DP Impact Tables

Table 7.1 CONSTRUCTION PHASE: BOTH PREFERRED AND ALTERNATIVE LAYOUTS

Potential impact and risk:	
Nature of impact:	Visual intrusion of construction vehicles and activities on site, locally including lighting; disturbance to adjacent residential areas
Extent and duration of impact:	Local, short term
Consequence of impact or risk:	Negative impact on local residents of the proposed changes to the local visual and scenic resources
Probability of occurrence:	Definite
Degree to which the impact may cause irreplaceable loss of resources:	Low, in the short term, visual and scenic resources would be negatively affected
Degree to which the impact can be reversed:	Low
Indirect impacts:	None, apart from the short- term increase in vehicle movements servicing the construction site
Cumulative impact prior to mitigation:	Low, none
Significance rating of impact prior to mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Low
Degree to which the impact can be avoided:	Low
Degree to which the impact can be managed:	Moderate
Degree to which the impact can be mitigated:	Moderate
Proposed mitigation:	Establish screening structures to shield construction works from sensitive receptors; good traffic and site management. Keeping construction period as short as reasonable
Residual impacts:	Change of local landscape character; some limited but permanent ground contamination could occur.
Cumulative impact post mitigation:	None
Significance rating of impact after mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Very Low

TABLE 7.2 OPERATIONAL PHASE: PREFERRED LAYOUT

Potential impact and risk:	
Nature of impact:	Impact on local receptors of the change in site character from rural to residential
Extent and duration of impact:	Local, long term
Consequence of impact or risk:	Negative impact on local residents of the proposed changes to the local visual and scenic resources
Probability of occurrence:	Highly probable
Degree to which the impact may cause irreplaceable loss of resources:	Moderate in the long term, visual and scenic resources would be negatively affected
Degree to which the impact can be reversed:	Low, the development could be de-commissioned and the site cleared but there could be ground contamination
Indirect impacts:	none
Cumulative impact prior to mitigation:	The development could be visually experienced as additive
Significance rating of impact prior to mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Medium
Degree to which the impact can be avoided:	Low
Degree to which the impact can be managed:	Moderate
Degree to which the impact can be mitigated:	Moderate
Proposed mitigation:	Architectural detailing and external works design to be as agreed, lighting, tree and shrub planting.
Residual impacts:	Change of site and local landscape character; impacts on flora
Cumulative impact post mitigation:	Unaffected by mitigation measures
Significance rating of impact after mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Moderate low

TABLE 7.3 OPERATIONAL PHASE: ALTERNATIVE LAYOUT

Potential impact and risk:	
Nature of impact:	Impact on local receptors of the change in site character from rural to residential
Extent and duration of impact:	Local, long term
Consequence of impact or risk:	Negative impact on local residents of the proposed changes to the local visual and scenic resources
Probability of occurrence:	Highly probable
Degree to which the impact may cause irreplaceable loss of resources:	Moderate
Degree to which the impact can be reversed:	Low, the development could be de-commissioned, and the site cleared but there could be ground contamination
Indirect impacts:	none
Cumulative impact prior to mitigation:	The development could be visually experienced as additive
Significance rating of impact prior to mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Medium
Degree to which the impact can be avoided:	Low
Degree to which the impact can be managed:	Moderate
Degree to which the impact can be mitigated:	Moderate
Proposed mitigation:	Colours, finishes and detail of buildings and roofscapes, development edge treatment, lighting, tree and shrub planting.
Residual impacts:	Change of site and local landscape character; impacts on flora
Cumulative impact post mitigation:	Unaffected by mitigation measures
Significance rating of impact after mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Moderate low



8.0 CONCLUSIONS AND RECOMMENDATIONS

8.1 Visual Statement

The project would provide for a new residential development on a transformed site previously used for agriculture in the village of Raithby. The site lies at the west of the town, at the interface of urban/suburban land uses with agriculture land uses; The precise location of the urban edge on the site and within the immediate locality is undetermined at this time. It is a moderately visually exposed and open site, and close to residential areas.

The proponent proposes to develop the site for a mix of two storey residential typologies and open space and presented a *preferred* and an *alternative* layout for assessment.

Certain areas in Raithby village would be impacted upon, and also homesteads in the wider agricultural areas. These impacts would be moderated by shielding elements such as built form, trees and terrain.

The visual impact has been rated as medium but while the recommended mitigation measures would have a significant effect on moderating the degree of visual impact and should be undertaken, they cannot lessen the impact to a significant degree. This is due to the relative exposure of the site, its scale, and the nature of the proposed land uses.

The extent of the visual impact would reduce, and the absorption capacity and the compatibility ratings would increase. The local visual landscape quality would not be negatively impacted upon.

8.2 Visual Sensitivity


The local site character would change from agriculture to a residential development; it would also change from an open, uncluttered and calm setting for adjacent users, to a cluttered, very busy peri-urban setting.

The character of the local landscape, peripheral residential, is deemed to be able to accommodate this change in principle. The local sensitive receptors are adjacent residential areas and homesteads.

8.3 Alternatives

The *preferred* layout illustrated a mix of dwelling types integrated by open space provision and tree planting. The *alternative 1* layout proposed one dwelling type, and less well integrated open space provision in a simplified layout.

Both layouts scored similarly in their degree of impact as the salient features of the proposed layouts differed only in their internal design, but the *preferred* layout is one which would



integrate more easily into a village character due to the mix of house types and use of open spaces. Its layout would be in accord with 'local idiom' as identified in the locality.

8.4 Visual Impact Rating

The visual impact has been rated as moderate eventually reducing to moderate-low with mitigation; this would be due to the location and the nature of the proposed development. The impact would be expected to reduce to low when the trees establish.

8.5 Mitigation

Mitigation measures were proposed in order to reduce the impact for village receptors and for homesteads in the north and west. The *preferred* layout offered more opportunities to address the issues around edge treatments that could better ensure the assimilation of the proposal into the built fabric of the village and to allow the development to settle effectively into the local landscape.

8.6 Conclusion

While the establishment of this residential development in this location would result in an initial visual impact rating of moderate, this would reduce to moderate-low when the mitigation measures are undertaken and, with habituation, the significance of the visual impact for sensitive receptors could eventually reduce further.

Note is taken of the visual implications of the proposed rezoning to Sub-divisional area to enable a range of residential land uses that would be required to facilitate the proposed development.

The visual effect of foreshortening for receptors from the south and the north is such that a lesser number of receptors would be visually aware of the extended site. The development of this erf in this location could possibly pose a risk in the future to the preservation of adjacent agricultural land, to the historic village footprint and to its townscape character.

8.7 Authorisation, Opinion, Recommendation

It is the finding of this assessment that the *Preferred* layout and design would be visually acceptable and could proceed, if mitigation measures would be undertaken. These measures are desirable as they improve the acceptability of the development and they should be included as conditions of authorisation.



Addendum 1: Landscape Concept Plan, Rev B, June 2018 prepared by Planning Partners





Addendum 2: DEA+P Assessment Ratings and Definitions

Criteria Required by:

The Guidelines, Provincial Government of the Western Cape, DEADP, June 2005:

Visual Impact Assessments: Definitions and Ratings

Referred to are criteria specific to visual impact assessments referred to in the DEA&DP guideline document and which are as follows:

Viewshed

The viewshed refers to the theoretical outer-most extent of the area from which an object may be seen. Visibility can be obscured in part or in whole by objects within the viewshed such as existing buildings, trees, or landform.

Rating – not rated, a description given

Visibility of the Site

A description of the actual places within the view shed from which the site can be seen; significant views are discussed

Rating: not rated, a description given

The Extent of the Visual Impact

Rates the impact in terms of the geographical area that will be influenced by the visual impact

Ratings:

- no impact: no visual impact
- limited: visual impact is small, generally confined to the site
- local: the site and the immediate surrounding area, (1-5km)
- sub-regional: a greater area is influenced, (5-10km)
- regional: the influence extends to an entire region
- national: the influence has national importance and extends beyond boundaries

Visual exposure

Visual exposure refers to the visibility of the project site in terms of the capacity of the surrounding landscape to offer screening. This is determined by the topography, tree cover, buildings, etc.

Ratings:

- no exposure: the site is hidden by topography, planting, etc
- low: the site is largely hidden
- medium: the site is partially hidden
- high: there is little in the surrounding landscape that can shield the development from view

Zones of visual influence

Describes the areas visually influenced by the proposed development, and assesses the amount of influence

Ratings:

- non-existent: the site cannot be seen from surrounding areas
- low: the development is largely shielded from view by topography, planting, etc
- moderate: the development is partially shielded
- high: the development strongly influences the view and acts as a visual focus



Visual Absorption Capacity

This refers to the ability of the surrounding area to visually absorb the development. In this assessment, high is a positive and low is a negative

Ratings:

- low: the area cannot visually absorb the development
- medium: the area can absorb the development to a degree but it will look somewhat out of place
- high: the area can easily visually absorb the development

Compatibility with Surrounding Landscape

This refers to the extent to which the proposed development and land usage is in line with the surrounding development and land usage.

Ratings:

- appropriate: the development will fit in well with the surrounding landscape
- moderately appropriate: the development can blend in, but to a lesser degree and only with care
- inappropriate: the development introduces new elements into the landscape that do not fit in.

Intensity or Magnitude, of Visual Impact

This refers to the degree to which the visual nature of the landscape will be altered.

Ratings:

- low: the impact is noticeable but does not act as a strong focus in the landscape
- moderate: the landscape's visual nature is altered in a way that is noticeable
- high: the visual impact of the development intrudes into the landscape in a noticeable way

Duration of visual Impact

The duration of the impact upon its surroundings

Ratings:

- temporary: one year or less
- short term: one to five years
- medium term: five to fifteen years
- long term: more than fifteen years

Significance of the Visual Impact

This rating combines the other ratings and looks at the overall impact

Ratings:

- very low: the visual impacts will be limited to the site itself
- low: the impacts will be local, and/or in the short term
- moderate: the impacts will be experienced locally and may lead to permanent change in the local landscape
- high: these impacts will be experienced over a wide area, or sub regionally and will be irreversible

Potential Cumulative Visual Impacts

Looks at the accretion of similar developments over time

Ratings: not rated, a description given

**Addendum 3: Explanation of the New Edition of the
DEA+DP Impact Tables. See Section 7**

Consequence of impact or risk	Historically answered under "Nature of impact". The consequence of impact or risk will be explained under a new section.
Indirect impacts	A new section added to impact table to explain indirect impacts. Indirect impacts are secondary impacts and usually occur at a different place or time. Specialists will need to elaborate on any indirect or secondary impacts of proposed activities. If there are no indirect impacts specialist will need to briefly explain so.
Degree to which impact can be avoided	Specialists will need to explain whether there are any impacts that can be avoided and how they can be avoided (Example: demarcation of no-go areas)
Degree to which impact can be managed	Specialists will need to explain whether there are any impacts that can be managed and how they will be managed (Example: clearance of alien vegetation)
Residual impacts	Residual impacts are those impacts that remain following the implementation of mitigation measures. Residual impacts will need to be identified and discussed by the specialist. If there are no residual impacts, specialist will need to briefly explain that the activity will have no residual impacts.

Addendum 4: KHLA Assessment Ratings and Definitions

Criteria	Rating Scales
Cumulative Impacts (incremental impacts of the activity and other past, present and future activities on a common resource)	<ul style="list-style-type: none"> • Negligible: (impact insignificant/no impact) • Low: there is still significant capacity of the environmental resources within the geographic area to respond to change and withstand further stress • Medium: the capacity of the environmental resources within the geographic area to respond to change and withstand further stress is reduced • High: the capacity of the environmental resources within the geographic area to respond to change and withstand further stress has been or is close to being exceeded
Nature	<ul style="list-style-type: none"> • Positive • Negative • Neutral
Extent (the spatial limit of the impact)	<ul style="list-style-type: none"> • Local: extending only as far as the site and its immediate surroundings, within 5km • Regional: Western Cape • National: South Africa • International
Intensity (the severity of the impact)	<ul style="list-style-type: none"> • Low: where the impact affects the environment in such a way that natural, cultural and social functions and processes are not affected • Medium: where the affected environment is altered but natural, cultural and social functions and processes continue albeit in a modified way • High: where natural, cultural or social functions and processes are altered to the extent that the impact intrudes noticeably into the landscape
Duration (the predicted lifetime of the impact)	<ul style="list-style-type: none"> • Short-term: (0 to 5 years) • Medium term: (5 to 15 years) • Long term: (16 to 30 years) where the impact will cease after the operational life of the activity either because of natural processes or by human intervention. • Permanent: where the mitigation either by natural processes or by human intervention will not occur in such a way or in such a time span that the impact can be considered transient.
Probability (the likelihood of the impact occurring)	<ul style="list-style-type: none"> • Improbable: where the possibility of the impact occurring is very low • Probable: where there is a good possibility (<50 % chance) that the impact will occur • Highly probable: where it is most likely (50-90 % chance) that the impact will occur • Definite: where the impact will occur regardless of any prevention measures (>90 % chance of occurring)

Non-Reversibility (ability of the impacted environment to return to its pre-impacted state once the cause of the impact has been removed)	<ul style="list-style-type: none"> • Low: (impacted natural, cultural or social functions and processes will return to their pre-impacted state within the short-term) • Medium: (impacted natural, cultural or social functions and processes will return to their pre-impacted state within the medium to long term) • High: (impacted natural, cultural or social functions and processes will never return to their pre-impacted state)
Impact on irreplaceable resources (is an irreplaceable resource impacted upon?)	<ul style="list-style-type: none"> ▪ Yes ▪ No
Confidence level (the specialist's degree of confidence in the predictions and/or the information on which it is based)	<ul style="list-style-type: none"> ▪ High: greater than 70% sure of impact prediction ▪ Medium: between 35 and 70% sure of impact prediction ▪ Low: less than 35% sure of impact prediction

Table 2: Significance rating

Rating	Intensity, Extent and Duration Rating
VERY HIGH	of high intensity at a regional level and endure in the long term; of high intensity at a national level in the medium term; of medium intensity at a national level in the long term.
HIGH	of high intensity at a regional level and endure in the medium term; of high intensity at a national level in the short term; of medium intensity at a national level in the medium term; of low intensity at a national level in the long term; of high intensity at a local level in the long term; of medium intensity at a regional level in the long term.
MEDIUM	of high intensity at a local level and endure in the medium term; of medium intensity at a regional level in the medium term; of high intensity at a regional level in the short term; of medium intensity at a national level in the short term; of medium intensity at a local level in the long term; of low intensity at a national level in the medium term; of low intensity at a regional level in the long term.
LOW	of low intensity at a regional level and endure in the medium term; of low intensity at a national level in the short term; of high intensity at a local level and endure in the short term; of medium intensity at a regional level in the short term; of low intensity at a local level in the long term; of medium intensity at a local level and endure in the medium term.
VERY LOW	of low intensity at a local level and endure in the medium term; of low intensity at a regional level and endure in the short term; of low to medium intensity at a local level and endure in the short term.
NOT APPLICABLE	zero intensity with any combination of extent and duration
UNKNOWN	in certain cases it may not be possible to determine the significance of an impact.



Addendum 5: CV: K Hansen

Karen Hansen, CMLI Independent Consultant Landscape Architect

Qualifications

Chartered Membership of the Landscape Institute, UK, in 1982, registered nr. 11994.
Strathclyde University, Scotland, 1995, course in Environmental Impact Assessment covering the legislative background to, and practice of, Environmental Impact Assessment, with particular reference to Visual Impact Studies.

Experience in South Africa

2010 onward: Consultant Landscape Architect to Viridian Consulting (Pty) Ltd. and Independent Consultant Landscape Architect specialising in, *inter alia*, Visual Assessments
2006 to 2010: Senior Landscape Architect with Viridian Consulting, (Pty) Ltd., Somerset West, undertaking a number of landscape design projects as well as environmental studies.

Experience in UK/Africa

2000 to 2006: Landscape Architect and Team Leader with Glasgow City Council. Master planning, design, implementation of the Heritage Lottery funded urban parks and urban dual carriageways.
1992 to 2000: Partner with Kirklee Landscape Architects, Glasgow, Scotland, undertaking a number of landscape design projects as well as environmental studies.

1985 to 1992: Director of Landscape Architect practice based in Harare, Zimbabwe, undertaking strategic projects for the Ministry of Defence and Infrastructure projects for the Ministry of Public Housing and National Construction.

Environmental Studies: Visual Impact Assessments

Transport corridors

- The VIA was undertaken prior to the design and Implementation of landscape works for major new road, 'Western Distributor Road', Glenrothes, Fife, Scotland. (1996).
- East End Regeneration Route: visual impact assessment leading to strategy decisions for the optimum routing of this new dual carriageway whose construction would act as a driver for change in the East End of Glasgow. (2004).
- Vredenburg, Witteklip, a portion of the proposed Southern Bypass, with Ecoimpact Consulting. (2018)

Forestry/Greenbelt

- Study of landscape aspects of felling and restocking of several areas of existing coniferous woodlands and change to native woodland species in catchment area for West of Scotland Water at Loch Katrine, Strathclyde, Scotland. (1996).
- Environmental Study for Central Scotland Countryside Trust as part of the process to determine future access and tree planting policy in the Greenbelt surrounding Falkirk, Scotland. (1997).

Residential

- Study for a proposed coastal Links Golf Residential Estate, close to the airport at Prestwick, Scotland. (1998).
- A small residential development at L' Avenir Winery, on an exposed and elevated site, Stellenbosch, W Cape. (2007).

- A proposed residential development with open space over 3,460ha at St Helena Bay, W Cape, a core project of the St Helena SDI, with Denis Moss Partnership and D J Environmental Consultants. (2008).
- Phase 2 of De Zalze Residential Golf Estate, for Spier, Stellenbosch with Denis Moss Partnership and D J Environmental Consultants. (2009).
- A proposed security estate in a long established residential suburb, Somerset West, W Cape with Viridian Consulting. (2013).
- Second phase of middle income housing at Haasendal II, Kuilsriver, W Cape with Braaf Environmental Practitioners. (2013).
- Weltevreden Hills Residential Development, Stellenbosch, with Dennis Moss Partnership, Stellenbosch. (2014).
- Farm 85, Patrys Valley, Stellenbosch, a proposed residential development close to Welgevonden and to a building of heritage significance with Denis Moss Partnership, Stellenbosch. (2014).
- Strandfontein, W Cape, proposed residential development with Macroplan, Upington.
- Johannesburg, Pniel, W Cape, Residential Development, Braaf Environmental Practitioners. (2016).
- Paternoster, W Cape, Housing and Contract Nature Reserve, Paternostergroep, Kana Environmental (2016)
- Visual Streetscape study for two dwellings and change to Guesthouse in Franschhoek. (2016)
- Visual Streetscape Study for four proposed dwellings in Franschhoek (2016)
- Visual Constraints Study, Noordhoek, Planning Partners, Amdec Group. (2016)
- Visual Constraints Study and Impact Assessment, Raithby, with Doug Jeffery Environmental Consultants. (2017)
- Residential Apartments, Broadlands, Somerset West, Braaf Environmental. (2017)
- Residential Development, Penzance, Hout Bay, Cameron Consulting, Hout Bay. (2017)
- Eikezicht Development, Apartment Blocks, Brackenfell, with Braaf Environmental. (2018)
- D'Olyfboom development in Paarl, with Aikman Associates Heritage Management. (2018)
- St James, Cape Town, new dwellings on steep, exposed site, with SLR Consulting. (2018)

Mixed uses/Retail

- Mixed Use Development at Mandalay, Khayelitsha, Cape Town. Predominately housing, with some commercial and institutional uses, opposite the railway station; with Braaf Environmental Practitioners. (2009).
- Mixed Use Development, Crammix Brickworks, Cape Town. Change of use to predominately housing, with some commercial and institutional uses, and integrated open space with Denis Moss Partnership and D J Environmental Consultants. (2009).
- A new Retail Mall with car parking, Philippi, Cape Town on a green-field site and close to a major traffic intersection with Power Construction and D J Environmental Consultants. (2011).
- Suider-Paarl Business Park, Paarl, W Cape. Located on the R101 just south of Paarl, and focussing on motor car showrooms with Praktiplan, Paarl. (2013).
- Commercial Development on Farm Welgemoed, Atlantis, W Cape. At the junction of the R304 and Bloembosch Road, outside of the urban edge with Enviro Dinamik. (2013).
- Major new Retail Park, Office Development and Residential Estate in Paarl with Lazercor Developments (Pty) Ltd and Meadowbridge (Pty) Ltd. (2016)
- Paarl Junction, Suider Paarl, with Jan Hanekom Partnership, CP Developments, Gauteng. (2018)
- Bredasdorp, housing, institutional, with Braaf Environmental. (2018)

Transmission Lines

- Eskom 400kV Transmission lines, servitude and screening issues, for De Wijnlanden Residential Estate, Stellenbosch, W Cape with the Residents Association and Eskom. (2009).
- 132kV Transmission Lines to evacuate power generated from a WEF to the south-west of De Aar at Maanhaarberg, direct to Eskom Hydra substation with Aurecon Group. (2011).
- 132kV Transmission Lines to evacuate power generated from a WEF north-east of De Aar at the Eastern Plateau, direct to Bushbuck substation with Aurecon Group. (2011).

- 132kV Transmission Lines to evacuate power generated from a WEF to the north-east of De Aar at the Eastern Plateau, direct to Eskom Hydra substation with Aurecon Group. (2013).

Industry

- Scrap Metal Yard at Blackheath, Cape Town; yard extension and screening concerns with Braaf Environmental Practitioners. (2009).
- Meerlust Wine Estate, Proposed Bottling Plant with Ron Martin Heritage. (2009).
- A proposed industrial estate off the R101 between Paarl and Klapmuts for Agri-Industrial uses with Braaf Environmental Practitioners (2009).
- Proposed large scale signage on warehouse units for Value Logistics at Kraaifontein with FJC Consulting, Cape Town, (2014).
- Geodetic Observatory, Matjiesfontein, with Ecosense, Stellenbosch (2015)
- Canola Processing Plant outside Klapmuts, W Cape, with Ecosense cc, Stellenbosch. (2017)
- Greenhouses for Fruit and Vegetable growing, Aquaculture Facilities, West Coast, with EnviroLogic, Tygervalley, W Cape. (2017)
- Ernita Farm, Wellington, Blueberry Production, Structures, Pumphouse, Aikman Associates. (2017)

Education

- University of Cape Town Middle Campus, Rondebosch, for Urbanscapes, MLH Architects and UCT; to assess impacts derived from change of use of multi-level piazza to new lecture theatre and administration buildings. (2009).

Tourism

- Visual baseline study for tourism development at Kogel Bay Tourist Resort, Western Cape as part of the Development Framework Policy document, for the City of Cape Town. (2009).
- New Airport Hotel, Edinburgh Airport, Scotland, assessment of relationship with other built form on the land-side. (1997).
- Berg River Mouth Development; Vacation Apartments, Laaiplek Harbour, W Cape, with Dudley Janeke Environmental Consultants, Somerset West. (2014)
- Morgenster Wine and Olive Estate, Guest Accommodation, Spa, with Aikman Associates. (2017)
- Lake de la Vie, Port Elizabeth, Guest Accommodation, Habitatlink Consulting. (2017)
- Tourism Centre, Hout Bay, with Khula Environmental Consultants. (2018)

Heritage

- Groote Schuur Estate, Rondebosch, Cape Town, Visual and Heritage Study for the Department of Public Works (2009).
- Worcester Transport Interchange, W Cape, a proposed transport hub in the old centre with Jakupa Architects and Urban Designers, and Cape Winelands Municipality. (2013).
- Bakkerskloof, House, 1792, Somerset West, W Cape, assessment of development works adjacent to historic building with Herman Heunis Family Trust and Heritage Architects. (2013).

Alternative Energy

- Scoping Study for Wind Turbines and Wind Measuring Masts in a number of sites around the N and W Cape with D J Environmental Consultants. (2010).
- Wind Measuring Masts in Vredendal, Worcester, and De Aar with D J Env! Consultants. (2010).
- Wind Farms, Photovoltaic installations and Concentrating Solar Power Installations in six centres in Western and the Northern Cape, (De Aar, Vredendal, Worcester, Bitterfontein/Namaqualand, Springbok, Copperton/Prieska) with D J Environmental Consultants. (2010).
- Photovoltaic Installation in Vredendal, W Cape with D J Environmental Consultants. (2010).
- Wind Farm near Koekenaap, W Cape with Aurecon Group. (2011).
- Wind Farm at Copperton, N Cape with Aurecon Group. (2011).
- Matzikamma Solar Park, Vredendal, W Cape with D J Environmental Consultants. (2011).

- Visual Scoping Study, Photovoltaic Installation, Aggeneys, N Cape with D J Environmental Consultants. (2011).
- Two Wind Farms, Eastern Plateau, De Aar, N Cape with Aurecon Group. (2012).
- Three Photovoltaic Installations, at Paarde Valley, Badenhorst Dam Farm, Annex du Plessis Farm, at De Aar, N Cape with Aurecon Group. (2011).
- Photo-voltaic installation, Hoekplaas Farm, Copperton, N Cape with Aurecon Group. (2012).
- Photo-voltaic installation, Klippgats Pan Farm, Copperton, N Cape with Aurecon Group. (2012).
- Photo-voltaic installation, Struisbult Farm, Copperton, N Cape with Aurecon Group. (2012).
- Wind Farm at Gouda, W Cape with Aurecon Group. (2011).
- Photo-voltaic installation, Stella, NW Province with Savannah Environmental (Pty) Ltd. (2013).
- Photo-voltaic installation, Wolmaransstad, NW Province with Savannah Environmental. (2013).
- Photo-voltaic installation, Boshof, Free State, with Savannah Environmental (Pty) Ltd. (2013).
- Photo-voltaic installation, Hibernia, NW Province, with Savannah Environmental. (2013).
- Photo-voltaic installation, Boundary, Kimberley, Free State, Savannah Environmental. (2013).
- Photo-voltaic installation, Blackwood, Kimberley, Free State, Savannah Environmental. (2013).
- Wind Farm at Springbok, N Cape with Holland Environmental. (2015/17).
- Vredefort, Solar Farm, Touws River, SESCO. (2015).

Mining

- Palmiet Quarry Extension, Grabouw, W Cape with Site Plan Consulting, Strand, W Cape. (2011).
- Abandoned open cast coal mines for British Coal Opencast, at Knockshinnoch Nature Reserve, Ayrshire, Scotland, and other locations, for recreational uses. (1998)
- Elandsfontein Minerals, Mining, Hopfield W Cape, Braaf Environmental Practitioners. (2013-14).
- Velvet Mountain, Malmesbury, mining right for granite aggregate, Femcotech. (2016).

Landscape Planning

- Assessment of Durbanville Inner Valley, comprising six wine estates, and their tourism related developments, residential sites and varying agricultural sectors, analysing potential visual impact from proposed development with Alwyn Laubscher and Associates, Cape Town. (2016)

Karen Hansen has no business, financial, personal or other interest other than fair remuneration for work performed in connection with these studies and there are no circumstances that may compromise her objectivity in pursuing and serving the interests of the public.

Contact Details

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Other Information

BEE Certification: Certified by Empowerdex, Level 4, Exempt Micro Enterprise. PAIA Manual available
Software: Global Mapper Terrain Analysis; Adobe Photoshop, CAD, all Microsoft programs
VAT nr: 4100261926

Banking: Capitec Bank, savings a/c; bank code: 470010; bank a/c: 1305323260, a/c name: KHLA.

April 2018



ANNEXURE S: LAND CAPABILITY STUDY



AGRIMOTION

SCIENTIFIC | INDEPENDENT | PRECISE

LAND CAPABILITY STUDY

Erf 298, Raithby, Stellenbosch

February 2017



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1. INTRODUCTION

A land capability study comprising of both a climate and soil investigation was conducted in February 2017 at Erf 298, Raithby, Stellenbosch (**Appendix A**) by Luan le Roux of Agrimotion Consulting. The purpose of the study was to establish the potential of the land for commercial agriculture as opposed to residential use. This report discusses the terms of reference for the study, the observed soil dynamics and climatic features influential to agricultural production in the area.

This report forms part of the documentation compiled by Doug Jeffrey (*MSc PrSciNat: Certified Environmental Assessment Practitioner*) of Doug Jeffrey Environmental Consultants.

2. TERMS OF REFERENCE

The terms of reference (ToR) for a land capability study as requested by the applicant are stated below. The applicant wished for Agrimotion to work with Doug Jeffrey Environmental Consultants in this regard. The ToR used to determine the commercial agricultural potential for erf 298 are as follows:

- A reconnaissance soil survey of the property in order to establish the soil distribution and limitations in terms of the soils' physical and morphological properties.
- Description of the different soil types in terms of their physical and morphological properties.
- Compilation of a soil map on a suitable scale to describe the natural distribution of the soils.
- Identification of the most important soil physical and/or morphological limitations of the relevant soil types.
- Assessment of chemical soil parameters determined from collected samples.
- Evaluation of the relative suitability of the different soil types for crop cultivation.
- Comparison of long term climatic data (specifically climatic perimeters applicable to perennial crop production) of various fruit and vine producing areas in the Western Cape to that reported for Erf 298 to evaluate the climatic suitability of the area for crop production.

3. METHODOLOGY

Soil potential investigation

Predetermined positions for profile pits were sent through to the client to ensure that the total area is covered and the observations are representative of the entire area under question. The profile pit method is preferred to the soil auger method as the layering and structure can be observed in an undisturbed profile and the exact depth of limitations can be observed.

A total of 7 profile holes were investigated and classified according to the South African soil classification system (Published 1991, revised 2006) and the position of each profile hole was recorded by means of a GPS.

Profile classification entails identifying and distinguishing a specific sequence of **diagnostic soil horizons**. Horizons are horizontal layers which develop as a result of natural soil forming processes either from underlying rock or transported material. Within the South African soil classification system 30 different diagnostic horizons are distinguished. Each diagnostic horizon is the result of a combination of soil forming factors that individually or collectively determine the characteristics of the horizon. In a broad sense, the major soil forming factors can be summarised as climate, topography, parent material and living organisms. Die influence of these factors cause variation in soil structure, chemistry, wetness and the degree of weathering. It must also be noted that the same type of diagnostic horizon can vary quite considerably in terms of its clay content, sand grade, wetness, coarse fragments, depth, structure, colour, etc.

A specific sequence of diagnostic soil horizons determine the **soil form**. A total of 73 soil forms are

defined in the South African soil classification system, each comprised of a unique horizon sequence. With the variation that can occur in each soil form, it is necessary to report all the profile characteristics in a soil code. The soil code is explained in **Appendix D** and the soil forms that were recorded in the surveyed area are described in **Appendix B**.

The soil description for each profile is given in a code format on the soil distribution map (**Appendix C**). The map indicates profile positions, soil distribution, soil potential and suitability. Soils of the same form were grouped and colour-coded based on their potential for the establishment of perennial crops. Where soils from the same form exhibit different potentials, soil bodies were separated by means of a dashed line.

Additional information regarding the chemical attributes of the individual soil types are also supplied and evaluated to assess the influence of soil chemistry on the feasibility of crop production in the area. A single composite soil sample was collected across the area and the following analyses were completed: pH(KCl), resistance (Ohm), exchangeable cations, phosphorous and potassium content (mg/kg) and exchangeable acidity.

The soil properties, physical and chemical limitations and recommended soil management practices are discussed in the report and should be read with the map.

Climate evaluation:

Long term climatic data for the site in question as well as for five other known fruit and vine producing areas in the Western Cape were obtained from Hortec Weather Services. Specific climatic parameters applicable to perennial crop production including average monthly rainfall, maximum and minimum temperature, cold unit (CU) accumulation and number of growing degree days (GDD) were determined for erf 298 and compared to that of the five other sites to be able to evaluate the climatic suitability of the area.

4. SOIL POTENTIAL

4.1 SOIL FORMS CLASSIFIED AT ERF 298

Two (2) different soil forms were observed during the survey. The specific horizon sequence of each soil type is as follows:

Glenrosa (Gs)

Orthic A horizon (ot)
Lithocutanic B horizon (lw)
Unspecified material

Cartref (Cf)

Orthic A horizon (ot)
E horizon (E/gs)
Lithocutanic B horizon (lw)

See **Appendix B** for a detailed description of these soils according to South African Soil Taxonomy (Soil Classification Working Group, 1991).

See **Appendix C** for a map indicating the distribution of these soils. In addition, Appendix C also comprises of Table C1 indicating the soil codes as recorded in the field as well as a description of how to interpret the provided soil code.

Feel free to contact Agrimotion if further guidance regarding the interpretation of the soil code is required.

4.2 SOIL SUITABILITY & POTENTIAL RATING

A soil potential is awarded to each classified soil profile according to the observations made in the field. The soil potential ranges between 1 (very poor) to 10 (exceptional) and it serves as an indication of the soil's capacity to sustain fruit production in its current natural state. Different soils are more or less suitable for different crop or cultivar types, depending on the plant's natural capacity to cope with different soil conditions. What has to be kept in mind is that various cultivation practices can be applied to the soil (e.g. soil preparation, ridging, drainage) to improve the soil's suitability for the cultivation of a specific crop.

The soil potential distributions for Erf 298 is shown in Appendix C. All of the observed soils fall within the medium low to low suitability class and comprise of similar limitations to crop production. The results for the chemical soil analyses are attached in Appendix E. The soil's suitability is briefly described in Table 1 below.

Table 1. Soil potential description and suitability classes for Erf 298, Raithby.

Soil Potential & Suitability Class	General description of soils	Soil types & Area distribution (%)
4-5 Medium Low	The topsoils are bleached, have a prominent coarse sand fraction and contain 5-10% clay and 10% coarse fragments. The subsoils predominantly comprise of lithocutanic B horizons that vary between partially weathered shale or clay-rich saprolite and coarser B horizons which contain more coarse fragments and plinthic concretions. In some parts the lithocutanic B is also overlain by an E horizon (Cartref soil forms). The dense subsoil horizons restrict root penetration and water infiltration which implies that the effective useable soil depth is 30-50cm. Prominent signs of wetness are present in all of the subsoils and represent the major limitation to crop production in the area. Chemically the soils have low pH values, as would be expected due to the high annual rainfall.	Glenrosa (47%) Cartref (33%)
3-4 Low	The topsoils are bleached, have a prominent coarse sand fraction and contain 5-10% clay and 10% coarse fragments. The subsoils predominantly comprise of lithocutanic B horizons that vary between partially weathered shale or clay-rich saprolite and coarser B horizons which contain more coarse fragments and plinthic concretions. In some parts the lithocutanic B is also overlain by an E horizon (Cartref soil forms). The dense subsoil horizons restrict root penetration and water infiltration which implies that the effective useable soil depth is 20-40cm. Prominent signs of wetness are present in all of the subsoils and represent the major limitation to crop production in the area. Chemically the soils have low pH values, as would be expected due to the high annual rainfall.	Cartref (20%)

Table 2. Summary per suitability class for Erf 298, Raithby.

Suitability Class	Limitation	% of observations	Approx. Area (ha)
4-5 Medium Low	<ul style="list-style-type: none"> Partially weathered shale which form dense clay-rich layers that restrict root penetration and water infiltration (50-60cm). Water build-up within and on top of the clayey layers that result in anaerobic soil conditions within the plant root zone. Acidic soil conditions that obstruct plant nutrient uptake. 	80	3.8
3-4 Low	<ul style="list-style-type: none"> Partially weathered shale which form a dense clay-rich layer that restrict root penetration and water infiltration (40cm). Water build-up within and on top of the clayey layers that result in anaerobic soil conditions within the plant root zone. Acidic soil conditions that obstruct plant nutrient uptake. 	20	1.0

4.3 GENERAL DESCRIPTION OF THE CLASSIFIED SOILS

Although similar soil forms were recorded across the classified area, variations in the depth and consistency of the subsoil horizons dictate the suitability of the soil for crop production. Prominent signs of wetness were also observed in all of the profiles and represent one of the major limitations to crop production in the area.

The topsoil across the classified area is fairly uniform and extent to depths of between 20-30cm. These soil horizons exhibit a bleached (pale, greyish) colour and comprise of a coarse sand fraction. In addition, the topsoils also contain 5-10% clay and approximately 10% coarse fragments.

The subsoils comprise primarily of lithocutanic B horizons. Per definition, these horizons represent partially weathered parent rock that can either develop into clay-rich saprolite layers (lo/lw) or rocky horizons that contain a higher coarse fraction (ro/rw). In both cases the horizon can impose a physical restriction to root penetration and water infiltration. Further distinctions can also be made based on the tendency of the horizon to become saturated with water (lw/sw). In the case of Erf 298, the observed lithocutanic horizons around profile 2 and 6 contain plinthic concretions together with a higher coarse fraction and represent less of a limitation to root penetration and water infiltration than around profile 1, 3, 4, 5 and 7 where dense clay-rich layers are present. In both variants excessive signs of wetness are present within the top 60cm of the soil surface. In some parts the lithocutanic B is also overlain by an E horizon (Cartref soil forms). These horizons develop due to the build-up and lateral flow of water on a restrictive subsoil layer. This E horizon increases the effective useable soil depth which is restricted to between 20cm and 50cm across the classified area.

The soils will need to be prepared (deep loosening action, ridging) and ameliorated (lime) correctly to make crop production viable in the area.



Figure 1. The typical Glenrosa soils observed at Erf 298, Raithby.

4.4 SOIL LIMITATIONS

The soils described above have been grouped into suitability classes for specifically the cultivation of perennial crops, based on the limitations present within each observation. The limitations are described below.

4.4.1 Soil structure

Soil structure is a function of the type and amount of clay in the soil coupled with alternating wetting and drying cycles. Where structure is present, it can represent an impenetrable layer to roots and water. Under wetter conditions the soil tends to expand or swell, which choke any roots present. Upon drying out these soils shrink again and crack, ripping away from the roots and potentially damaging the root in the process. In the case of the classified soil on Erf 298, the dense clay-rich layers exhibit massive structural development which will restrict root penetration and water infiltration.

4.4.2 Wetness

Waterlogging within the plant root zone is extremely detrimental to crop production. When soils become saturated with water, oxygen is displaced from the soil pores resulting in a decrease in the rate of diffusion at the root-soil interface. Roots need oxygen for cellular respiration which is the essential

process responsible for nutrient absorption, energy production and growth in the plant. Nutrient leaching and nutrient loss are also more significant in soils with a wetter moisture regime. Soil temperature is also generally lower in wet soils, which contribute to lower nutrient uptake levels (optimum soil temperature for nutrient uptake is between 18-23°C) and lagging phenological stages during the growing season. Wetter soils also represent more favourable conditions for the emergence and spread of pathogens that cause root damage and root rot.

4.4.3 Acidic soil conditions

As is generally the case in areas that receive an excess of 400-500mm per year, the soils are acidic (pH < 5.5). Most plant nutrients become unavailable for uptake from the soil at low pH values resulting in stunted plant growth and yield reductions.

4.5 AMELIORATION AND SOIL PREPARATION

To be able to transform the existing soil body at Erf 298 into an economically productive agricultural unit, the following amelioration practices would be required:

- Deep soil tillage to:
 - a. Loosen the soil at depth and break up partially weathered rock layers using a **rip action**. This will serve to improve root penetration, water infiltration and drainage.
 - b. **Mixing action** using a winged (posterior) tine implement, which will allow topsoil to be mixed down into the subsoil (and not *vice versa*) to improve chemical and physical soil uniformity.
- Drainage to reduce the risk free water in the plant root zone and salinification in soils with poor drainage.
- Ridging to increase the root able volume of soil. If salinity problems are detected, the ridges would also need to be actively leached.
- Amelioration through addition of lime and/or fertilizers as determined from the soil analysis.

5. CLIMATE EVALUATION

The focus of the climate evaluation was perennial crops due to the intensive irrigation requirements of many annual cash crops such as vegetables. Erf 298 has no allocated water from the Wynland Water Users' Association, which means that irrigated agriculture will not be possible (see **Appendix F**). Although dryland (non-irrigated cultivation of crops) grains might be a possibility, the limited size of the property means that grain production would not be an economically viable option.

As the basis of the climate evaluation, long term climatic data was obtained from existing weather stations in and around Clanwilliam, Montagu, Rawsonville, Robertson and the Paarl/Wellington area. These areas are all well-known wine and fruit producing areas and as a result, provide some reference for what the climatic requirements would be for commercial perennial crop production. Similar long term weather data was also obtained for Erf 298 in Raithby, Stellenbosch to determine what climatic aspects are in agreement and would support the production of perennial crops. Rainfall, maximum and minimum temperature, cold unit accumulation and the number of growing degree days were deemed to be the most significant aspects applicable to crop production in the area.

5.1 RAINFALL

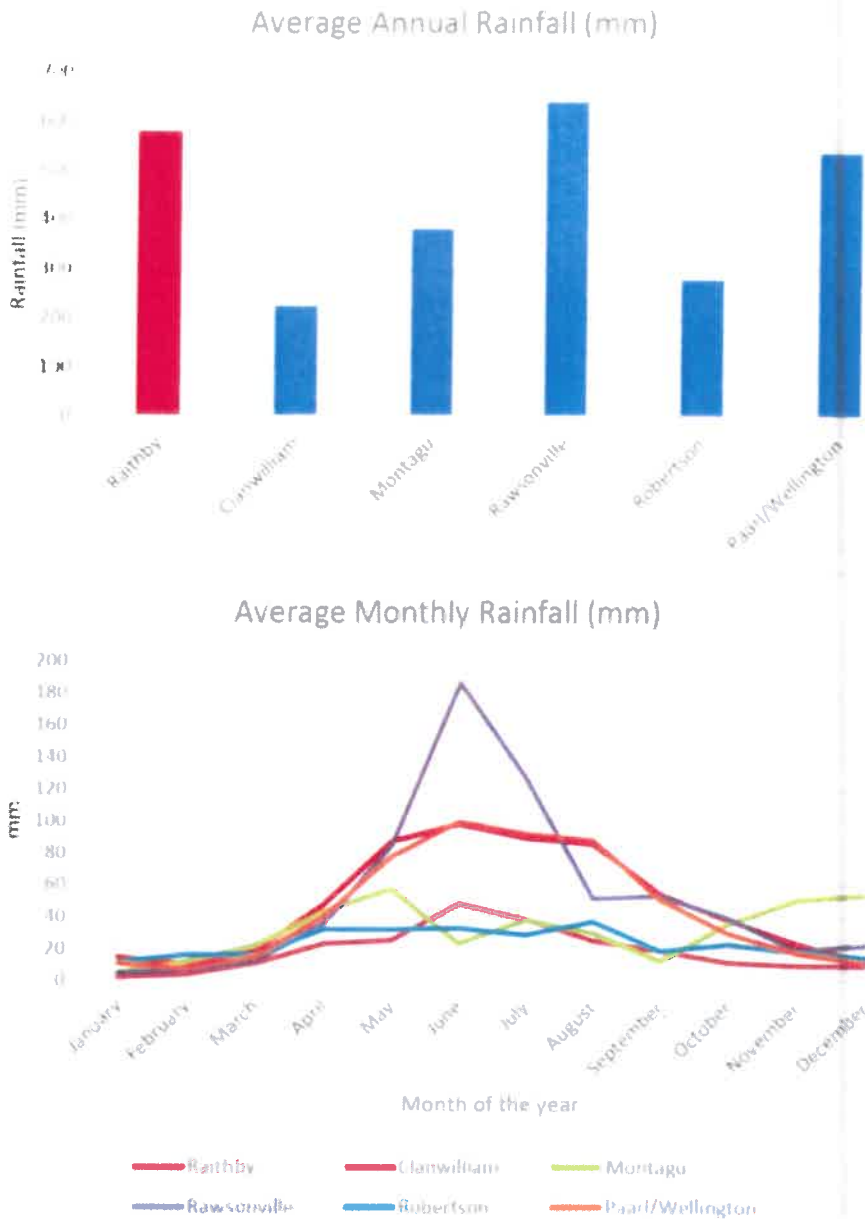


Figure 2. Average annual rainfall figures together with average monthly rainfall distribution for Erf 298, Raithby (red), compared to that of Clanwilliam, Montagu, Rawsonville, Robertson and the Paarl/Wellington area.

Erf 298 receives an annual average rainfall of 550-600mm which is similar to that of Rawsonville and Paarl but noticeably higher than that of Clanwilliam, Montagu and Robertson. Regardless of the annual rainfall quantity, the majority of the rain is received during the winter months when deciduous fruit trees and vines are in dormancy. As a result, supplementary irrigation is applied in all of the above-listed areas to be able to provide the crop with water during critical phenological phases such as cell enlargement. In the Stellenbosch area all of the commercial fruit producers and the majority of vine producers make use of irrigation. There are still some vine producers which apply a dryland approach although in these farming systems, draglines are used to supplement the crop water requirements 2-3

times during the season. If water is not received via pipeline, collection and storage dams need to be present from which irrigation water can be obtained.

5.2 MAXIMUM AND MINIMUM TEMPERATURE

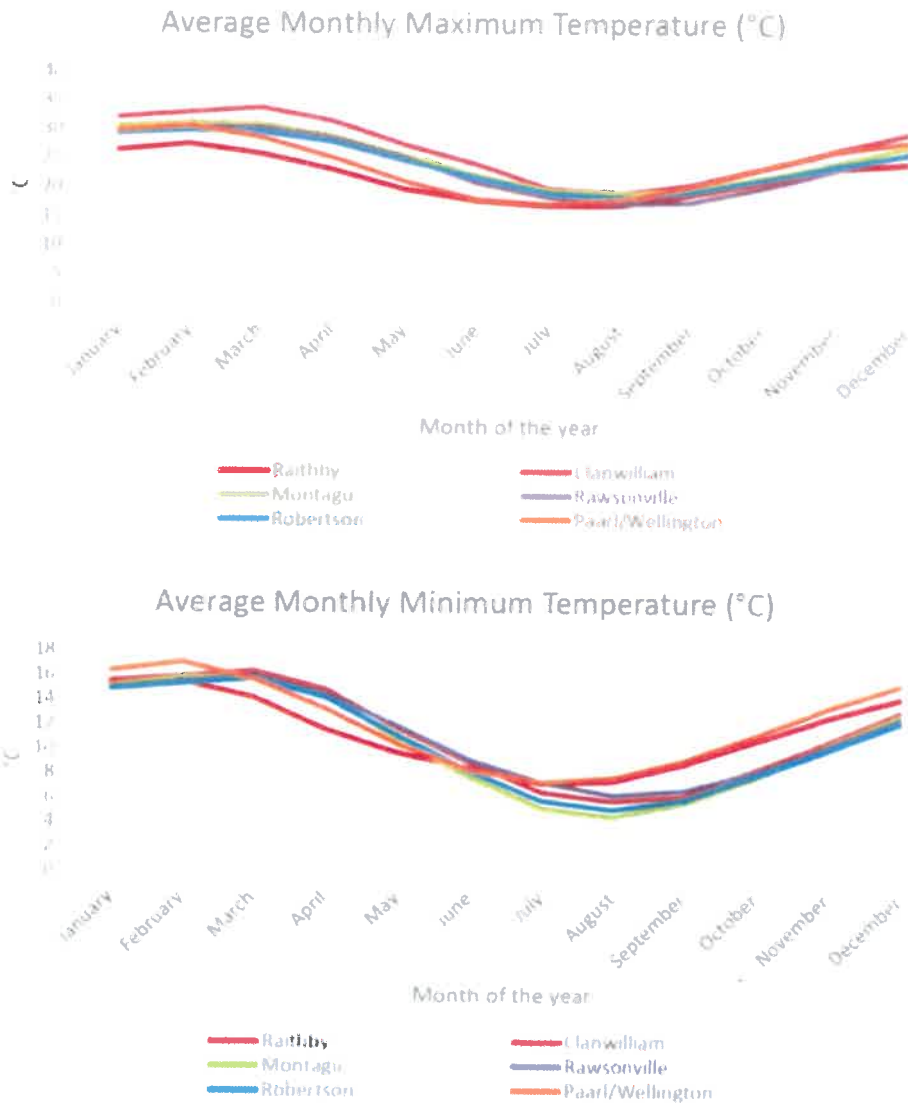


Figure 3. Average monthly maximum and minimum temperatures for Erf 298, Raithby (red), compared to that of Clanwilliam, Montagu, Rawsonville, Robertson and the Paarl/Wellington area.

Average monthly minimum and maximum temperatures are all fairly similar between the sites. What is noticeable is that maximum temperatures in late summer and autumn is lower in the Raithby area compared to the rest of the sites. The minimum temperatures in late summer and autumn follow a similar trend although the temperatures during spring and early summer are high and comparative to the Clanwilliam area. In summary, the proximity of the site to the coast results in a slightly colder climate compared to the other sites.

5.3 COLD UNIT (CU) ACCUMULATION

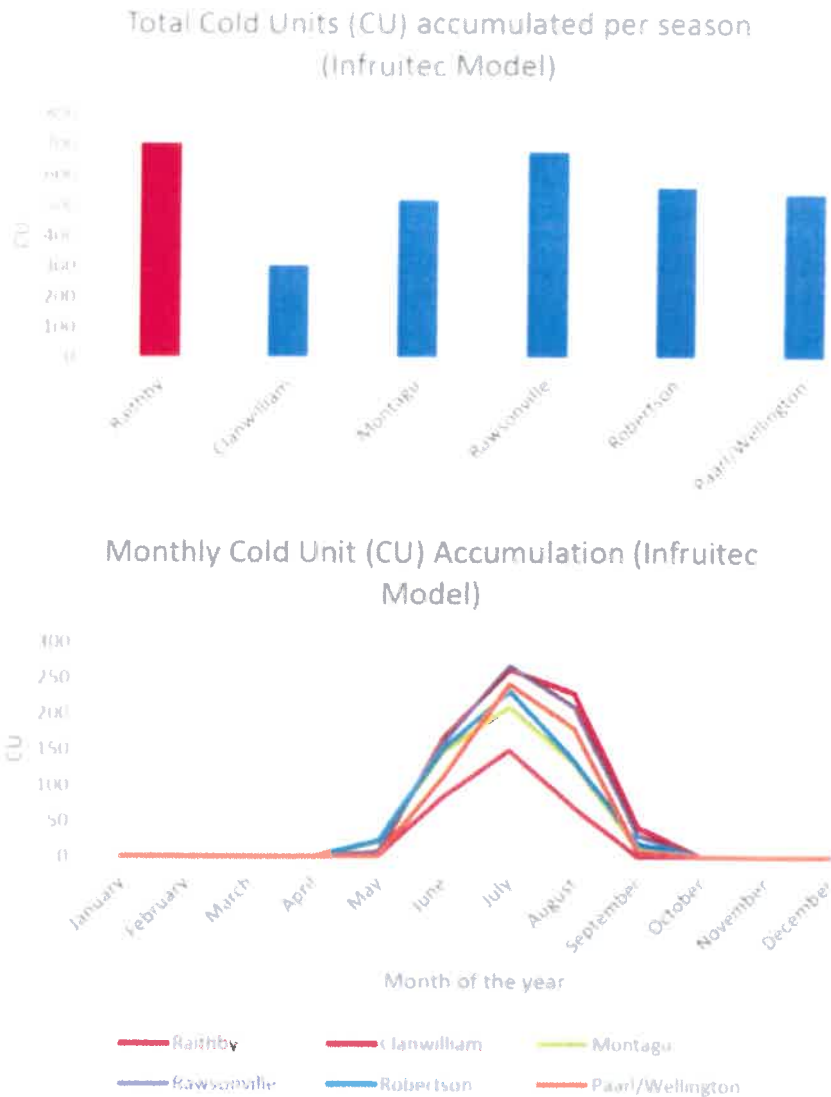


Figure 4. Total seasonal accumulation of cold units and the monthly cold unit accumulation for Erf 298, Raithby (red), compared to that of Clanwilliam, Montagu, Rawsonville, Robertson and the Paarl/Wellington area.

Winter temperatures influence the growth and development of buds as well as the flower quantity and quality of deciduous fruits and vines. As a result, various models have been developed to quantify winter cold. The model most commonly used in South Africa is the Infruited model. According to this model cold units (CU) are accumulated based on the number of hours between 1.4°C and 12.4°C.

From Figure 4 it is obvious that cold unit accumulation takes place during the winter, reaching its peak in July. Noticeably, Raithby and Rawsonville accumulates more cold units than the other areas making it more suited to crop types with higher chilling requirements.

5.4 GROWING DEGREE DAYS (GDD)

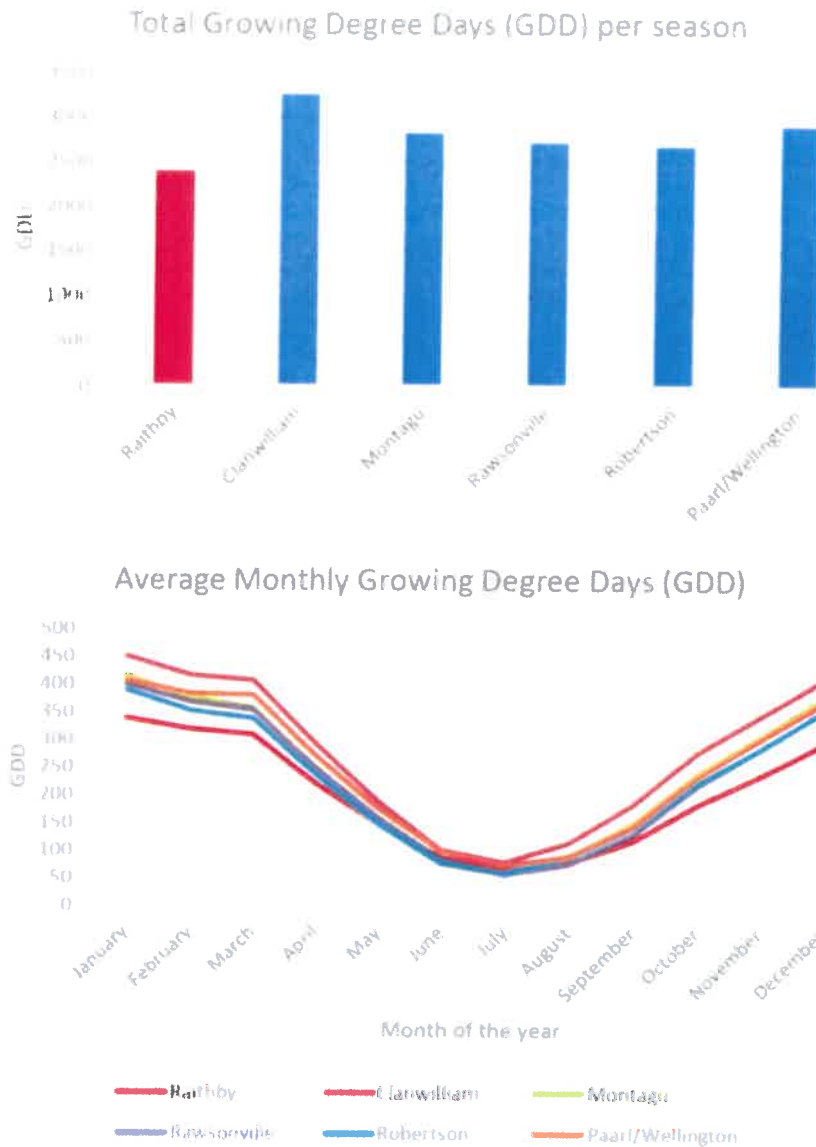


Figure 5. Total number as well as the average monthly growing degree days for Erf 298, Raithby (red), compared to that of Clanwilliam, Montagu, Rawsonville, Robertson and the Paarl/Wellington area.

Growing degree days (GDD) represent a measurement that quantifies optimal temperature conditions (usually between 10°C and 30°C) ideally suited for perennial crop growth.

As expected from the lower minimum and maximum temperatures as well as the higher cold unit accumulation for Erf 298 at Raithby, this site will have less growing degree days than all of the other sites. This again implies that crops more suited to slightly colder climates would be the better choice for this area.

6. SUMMARY & CONCLUSION

Medium low to low potential soils are prevalent across Erf 298 in Raithby, Stellenbosch. A dense clay-rich saprolite layer which occurs at depths of 40-60cm from the soil surface will restrict root penetration and water infiltration and thereby limit the effective useable soil depth. In addition, excessive signs of soil wetness occurs throughout the area eluding to the occurrence of waterlogged soil conditions during wetter periods of the year. Acidic soil conditions were also detected from the chemical soil analyses.

Although the initial investigation indicates that the soils are marginally suited to the cultivation of perennial crops, appropriate soil preparation and amelioration techniques (e.g. deep soil tillage, ridging, drainage, liming) can serve to significantly approve the soils ability to sustain perennial crop production. In the area adjacent to Erf 298, vines are being actively cultivated as evidence thereof (Figure 6).



Figure 6. A photograph of the vineyards adjacent to the eastern side of Erf 298.

From the evaluated climatic data it is evident that the climatic conditions important for perennial crop production at Erf 298 does not adversely differ from five of the mayor fruit and vine producing areas in the Western Cape. As a result, climate cannot be seen as a direct constraint for crop production in this area. What is however important and something that significantly reduces the sustainability of the site as a productive agricultural unit, is the fact that no additional water is allocated to the property. Although the annual total rainfall in the area is close to adequate to support vine requirements, the distribution of the rainfall implies that supplementary irrigation would need to be provided during certain stages of the growing season. In the case of vines, the predicted amount is around 250-300mm per year. Although this is a relatively low water requirement that can be applied by means of a dragline irrigation system, the fact that no water can be stored on or actively pumped to the property means that no irrigated agriculture can take place. Figure 6 is a photograph of the vineyards adjacent to Erf 298. From the photo it is clear that a irrigation system in the form of dripper lines is used to supplement the vine water requirement and increase the productivity of the vineyard.

In conclusion, the soil and climatic features recorded at Erf 298 in Raithby is suited to support perennial crop production. However, the size of the area together with the fact that no additional irrigation water is allocated to the property implies that Erf 298 cannot be seen as a sustainable and economically viable agricultural unit.

Luan le Roux

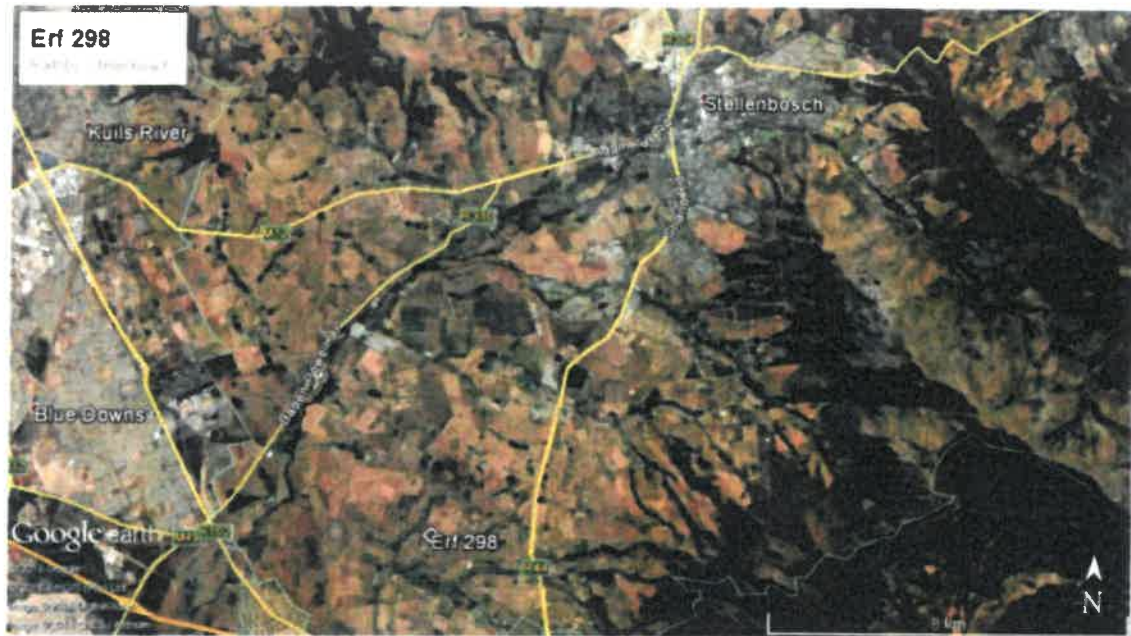
M. Sc. Agric Soil Science (US)

Cand. Sci. Nat (No: 115432/16)

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APPENDIX A – AREA MAP



Appendix A. The location of Erf 298 relative to Stellenbosch and Kuils River in the Western Cape Province of South Africa.

APPENDIX B - DESCRIPTION OF SOIL FORMS OBSERVED AT ERF 298, RAITHBY

Cartref (Cf)

Orthic A horizon (ot):

The orthic A horizon is a topsoil horizon which does not classify as an organic O, humic, vertic or melanic A horizon. It is the most widespread topsoil in South Africa and it exhibits an extensive range of characteristics, which in most instances mimics that of the subsoil. There is nothing specifically limiting or characteristic of this horizon.

E horizon (gs/ys):

An E horizon is a light-coloured, weakly structured subsoil horizon which develops due to the removal of colloidal material (including clay, iron oxides and organic material) from parts of the soil profile. The removal of these soil constituents result in a sandier, coarser texture and also lighter colours compared to the overlying horizon. The mechanism by which colloidal material is removed most commonly constitutes water saturation and lateral flow but can also occur through podzolization. These horizons can be limiting to crops due to their hard setting nature in the dry state, weak water holding capacities, lower fertility status and their tendency to become saturated with water during certain periods of the year.

Lithocutanic B horizon (la/lw/so/sw):

A lithocutanic horizon is a youthful soil horizon that is still in its early stages of development and which consequently possess characteristics of both soil and the underlying rock that the soil is weathering from. With depth this horizon gradually changes to unweathered rock. These horizons exhibit cutanic characteristics (mobile clay and other soil material which form a film or skin around larger soil aggregates) and is not always horizontally continuous within the profile. Lithocutanic B horizons can also vary based on the percentage of rock present in the horizons (hard vs not-hard) and their tendency to become saturated with water. These horizons can impose a physical restriction to root growth.

Glenrosa (Gs)

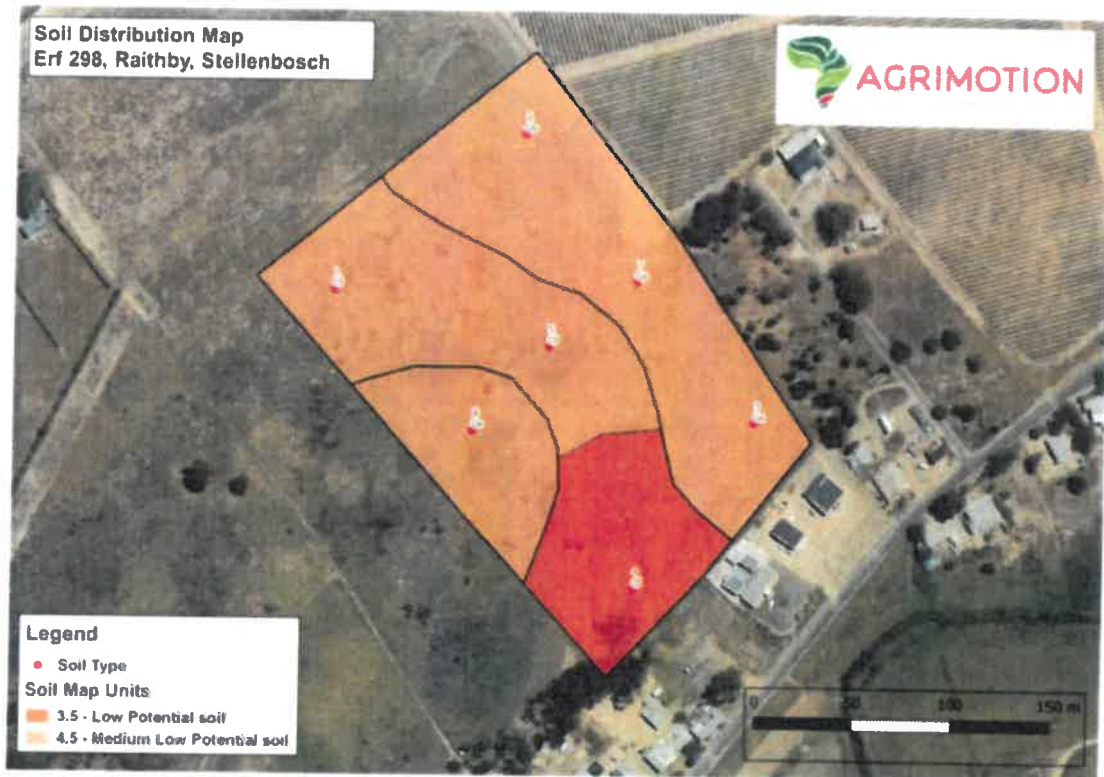
Orthic A horizon (ot):

The orthic A horizon is a topsoil horizon which does not classify as an organic O, humic, vertic or melanic A horizon. It is the most widespread topsoil in South Africa and it exhibits an extensive range of characteristics, which in most instances mimics that of the subsoil. There is nothing specifically limiting or characteristic of this horizon.

Lithocutanic B horizon (la/lw/so/sw):

A lithocutanic horizon is a youthful soil horizon that is still in its early stages of development and which consequently possess characteristics of both soil and the underlying rock that the soil is weathering from. With depth this horizon gradually changes to unweathered rock. These horizons exhibit cutanic characteristics (mobile clay and other soil material which form a film or skin around larger soil aggregates) and is not always horizontally continuous within the profile. Lithocutanic B horizons can also vary based on the percentage of rock present in the horizons (hard vs not-hard) and their tendency to become saturated with water. These horizons can impose a physical restriction to root growth.

APPENDIX C - SOIL DISTRIBUTION MAP



Appendix C. Map indicating the soil type distribution and suitability towards crop production at Erf 298, Raithby. The profile positions as well as the soil form abbreviation is indicated on the map. The lighter orange colour represents soils with a Medium–Low Potential whilst the darker orange colour represents Low potential soils. In general, the soils observed at Erf 298 are marginally suited for crop production in their current natural state. With the correct soil preparation and rootstock selection the entire area can however be cultivated. The colours correlate with Table 1 in Section 4 of the report.

Table C1. Soil codes as described in the field.

Profile Number	Code Above Line	Code Below Line
1	3563 Cf 2200/Tu gc/lw(40) E/ne(12) sw/hp(--)+f5g3 (80/50) (5.0)	f1 Co 2(8) 6/7
2	33 Gs 2221/Dr sw/Hp(--)+f2g4k2 (80/30) (4.5)	f1 Co 2(8) 6
3	353 Gs 2221/Dr gc/lw(40) sw/hp(--)+f4g3 (80/30) (4.0)	f1 Co 2(8) 7
4	343 Cf 2100 lw/gc(40) E(8)+f4 (80/40) (3.5)	f1 Co 2(8) 6/7
5	3563 Cf 2200/Tu gc/lw(40) E/ne(12) sw/hp(--)+f5g3 (80/50) (5.0)	f1 Co 2(8) 6/7
6	22 Gs 2221/Dr Sw/hp(--)+f2g3k3 (80/30) (4.5)	Co 2(8) 6/7
7	353 Gs 2221/Dr gc/lw(40) sw/hp(--)+f4g3 (80/30) (4.0)	f1 Co 2(8) 7

APPENDIX D - DESCRIPTION AND INTERPRETATION OF SOIL CODE

363 Oa 1210/Tu lo/lw(45)+f2g3 ne/yp(20)+f3 (80/30) (6)

f2 me 2(8) 2/3

The information above the line explains the soil type, family and subsoil horizon characteristics.

- 363 : Horizon depths : The first numbers in the soil code provides an indication of the depth at which horizon transitions occur. In the provided example, the A horizon ranges from 0-30cm (with the transition at 30 cm i.e. depth code 3), the B horizon from 30-60cm and the last horizon begins at 60cm. The repeated 3 at the end is used to indicate that coarse fragments start at a depth of 30cm.
- Oa : Soil form : The symbol for the soil form. Each of the 73 soil forms have a unique 2-letter symbol. These symbols, together with the soil form descriptions, are given in appendix B.
- 1210: Soil family: The next four numbers indicate the soil family. It provides additional diagnostic characteristics that are common in a given soil form. This can include the presence of carbonates, soil colour, structure etc.
- /Tu: Transitional form : In many instances a soil profile can possess characteristics similar to that of a variety of soil forms. The dominant horizon characteristics then need to be used to differentiate between the potential soil form options. An alternative soil form can be reported in the soil code using a / after the dominant soil form and family have been established.
- lo/lw: Subsoil horizons: The properties for the subsoil horizons are always provided directly after the soil family code. Each of the diagnostic horizons have a unique 2-letter symbol as indicated in appendix B. If the material found at the bottom of the classified profile cannot be inferred from the soil form, this 2-letter symbol is used to provide further description. In this example, the last horizon is a transition, as indicated with the 'lw'. The horizon abbreviations are provided in appendix B.
- () : Subsoil clay percentage : The clay percentages of the observed subsoil horizons are indicated in brackets after the specific horizon description.
- +f2g3 : Coarse fragments: There are 20% fine coarse fragments (i.e. letter 2) and 30% medium coarse fragments (i.e. letter 3) noted in the last horizon. Symbols & diameter: 'f' for fine (0.2 – 2.5cm), 'g' for medium (2.5 - 7.5cm), 'k' for stone (7.5 – 25cm) and 'r' for rock (25+cm).
- (yp) : Additional horizon properties : Additional properties for each subsoil horizon can be indicated after the specific subsoil horizon description. In the example above the B horizon is hard setting when dry (yp).
- (80/30) : Rip and delve depth: The pair of numbers in brackets indicate the *depth in cm* to which 1) a rip-action can be completed and 2) to which depth the soil can be mixed.
- (6.5) : Soil Potential: The second number in brackets is the soil's potential which is given out of a total of 10. This concept is discussed further in section 4.

The information below the line characterises the topsoil horizon and profile wetness.

- f2 : Coarse Fragments : There are 20% fine coarse fragments in the A horizon.

me :	Sand grade	The A horizon has a medium sand grade. 'me' for medium sand grade, 'fi' for fine sand grade and 'co' for coarse sand grade.
2(8) :	Clay percentage	This indicates that there is an estimated 8% clay in the A horizon.
2/3 :	Soil wetness	The 2/3 class is a soil wetness estimation dependent on the depth at which the signs of wetness were observed, and the period of time that the soil will remain wet for. A wetness class of 1 indicates that the soil in the profile is dry throughout the year. A soil with a wetness class of 9 is saturated with water from a depth of 30cm for the whole year

APPENDIX E - BEMLAB CERTIFICATE OF ANALYSES

APPENDIX F - WATER ALLOCATION: WYNLAND WATER USERS' ASSOCIATION



16 Van der Berg Crescent
Gant's Centre
Strand

Tel (021) 853-1490
Fax (021) 853-1423

E-Mail admin@bemlab.co.za

P O Box 684
Somerset Mall,
7137

Vat Reg Nr 4200161414

Certificate of Analyses

Report No GR7647

Raathby Farm

Soil Analyses Report

Date received 20/02/2017

Date tested 01/03/2017

Orchard No	Lab No	Depth (cm)	Soil	pH (KCl)	Resist (Ohm)	H ⁺ (cmol/kg)	Stone P (mg/kg)		K (mg/kg)	Ex cations (cmol(+)/kg)					C %	Soluble S (mg/kg)
							Bray II	Vol %		Na	K	Ca	Mg			
1.1	7647	30	Loam	4.9	3270	0.88	18	48	33	0.06	0.08	1.29	0.65	0.85	8.59	
1.2	7648	50	Loam	4.1	4650	1.04	1	48	30	0.05	0.08	0.74	0.39	0.71	9.14	

Olsen P will only be reported if the pH \geq 7.0 or specifically requested for analyses

See [analyses interpretation](#) for assistance with interpreting the report and relevance of each analyses

Values in bold are ISO 17025 accredited methods. Refer to website (www.bemlab.co.za) for uncertainty of measurement and the referenced methods

Statement: The reported results may be applied only to samples received. Any recommendations included with this report are based on the assumption that the samples were representative of the block from which they were taken. Samples received in good condition.

Base Saturation

Orchard No	Lab No	Na %	K %	Ca %	Mg %	T-Value (cmol/kg)	Acid Sat %
1.1	7647	2.13	3.06	47.20	23.54	2.74	24.98
1.2	7648	2.22	3.30	32.28	18.99	2.30	45.22

07-03-2017
Date Reported

P Raath
Dr. Pieter Raath
PhD Agric (Soil Science)
General Manager

M van Lill
Marilize van Lill
Mat Dip (Agriculture)
Technical Signatory (Soil, leaves and fruit)

—————END OF REPORT—————



WYNLAND

WATERGEBRUIKERSVERENIGING
WATER USERS' ASSOCIATION

17 January 2017

According to our records the following property of Alida Hoffmann is scheduled with the Wynland Water Users' Association for irrigation water:

Property	Total Listing (ha)
Erf No 298 Raithby	No allocation (0 ha)

One scheduled hectare of irrigation water means a maximum of 4000 m³ per year and is delivered at 2 m³/h/ha A listing.

Kind Regards

Q. Brynard

CEO: Wynland Water

Disclaimer:

We do not guarantee that the scheduling reflects a lawful water use as contemplated by the National Water Act, 1998. We furthermore make no warranties or representations with respect to the content of this document or our records which is provided "as is". We do not accept any liability whatsoever arising from or in any way connected with the use of this information and reliance thereon will be at the sole risk of the user.

ANNEXURE T: TRAFFIC IMPACT ASSESSMENT

Contact Address:
iCE Group (Stellenbosch),
P O Box 131,
Stellenbosch, 7599

Tel No: +27 (0) 21 880 0443
Fax No: +27 (0) 21 880 0390
e-mail: piet@icegroup.co.za



Contact Person: Piet van Blerk
Your Ref: Erf 298, Raithby, Stellenbosch
Our Ref: ICE/S/1293

Date: 18 March 2019

Consulting Services

- Civil Engineering Services
- Roads
- Traffic Engineering

Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr Nigell Winter

Sir

APPLICATION FOR SUBDIVISION AND REZONING OF ERF 298, RAITHBY, STELLENBOSCH: TRAFFIC IMPACT STATEMENT

This company was appointed to prepare a Traffic Impact Statement (TIS) for the proposed residential development on Erf 298, Raithby, Stellenbosch.

1. BACKGROUND AND LOCALITY

The subject property is situated in Raithby, an area between Stellenbosch and Somerset West, to the north of Winery Road (Main Road 166) and west of the R44 (Main Road 27). The area falls within the Stellenbosch Municipal area. See the attached *Locality Plan*.

This TIS is in support of the Application for Subdivision and Rezoning of Erf 298, Raithby, Stellenbosch.

2. PROPOSED DEVELOPMENT

2.1 Proposed Development

The proposed development is that of residential. The development is proposed to consist of 30 single residential erven, 27 town housing erven and 50 apartments, thus a total of 107 residential units. An accompanying club house is also proposed on-site for residents.

See the proposed layout on the attached *Preferred Development Concept* prepared by *Planning Partners*.

The said plan indicates phasing which would result in the single residential erven being developed first, followed by the town housing erven and ultimately the apartments.

2.2 Access to the Property

A formal access to the subject property does not currently exist, although a panhandle (10 metres wide) via Wagner Street is indicated as 'road' on its SG Diagram (Erf 290). Access is thus proposed via the said position via Wagner Street. See the photo below. Detail on access will be further discussed in *paragraph 4*.

Stellenbosch office:
Tel: 021 8800 443
Fax: 021 8800 390

Directors:
P J Van Blerk, PrEng

ICE Group (Overberg) /s/
ICE Group (Stellenbosch)
Reg No 2006/133238/23







Photo 1 : Access to the subject property

3. TRAFFIC

3.1 Available Traffic Volumes

Traffic information in the area was obtained from the *Road Network Information System (RNIS)* of the Western Cape Government (WCG). The available information includes total two-way traffic volumes along Winery Road (Main Road 166), as well as along the 'internal' roads to Raithby, namely, Raithby Road (Divisional Road 1039) and the two Minor Roads (OP 4232 and OP 4233). These volumes are indicated in *Figure 1* below.

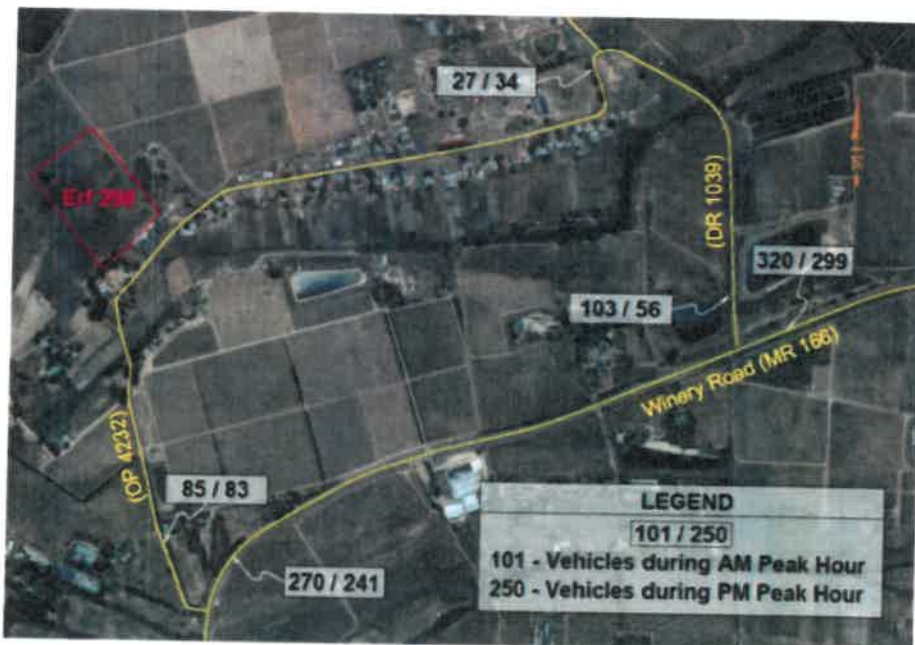


Figure 1 : Available 2015 Peak Hour Traffic Volumes (total two-way)



3.2 Trip Generation

Trip generation rates as contained in the TMH17 *South African Trip Data Manual* was consulted to calculate the peak hour traffic that can potentially be generated by the proposed development. The said manual suggests 1,0 trip per single dwelling unit, 0,85 trips per townhouse and 0,65 trips per apartment, all with 25/75 and 70/30 in/out splits during the AM and PM peak hours, respectively. Based on the location of the area in relation to the closest job opportunities, the rate suggested for apartments was considered too low. For the purpose of traffic analyses, the rate of 1,0 trip per single dwelling unit was applied to the single residential- and town housing erven, whilst the 0,85 per unit-rate was applied to the proposed apartments. Based on this, the following peak hour trip generation is expected:

	Total	In	Out	Total	In	Out
Single Residential (30 erven)	30	8	22	30	21	9
Town Housing (27 erven)	27	7	20	27	19	8
Apartments (50 units)	43	11	32	43	30	13
Total	100	26	74	100	70	30

3.3 Traffic Impact

As indicated in *Figure 1* above, the available traffic along the roads in the vicinity of the subject property is relatively low. Assuming a 40:60 directional split (existing traffic), the impact of the proposed development at the existing intersection of Watson Way and Wagner Street, as indicated in *Photo 1* above, was analysed by way of the Sidra Intersection 8.0 software. According to the said analyses (for the AM and PM peak hours), sufficient capacity exists at this intersection for the addition of the proposed development traffic.

4. GEOMETRY

As previously mentioned, access will be obtained via Wagner Street, which intersects Watson Way. Watson Way can be classified as a Class 4-road, whilst Wagner Street can be classified as a Class 5-road.

Traffic calming along Watson Way has been addressed by way of speed humps situated to the east and west of the Watson Way/Wagner Street intersection (which provides access to subject property) at intervals of 120 to 200 metres.



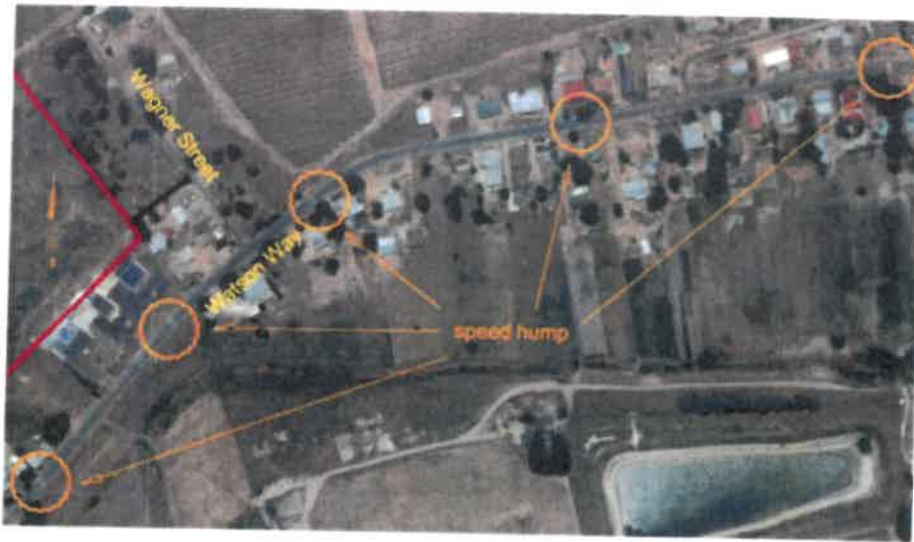


Photo 2 : Location of traffic calming along Watson Way in the vicinity of its intersection with Wagner Street

As discussed above, according to the analyses of the access-intersection, it is not considered necessary to provide dedicated turning lanes along Watson Way. However, based on the warrants for right-turn lanes as per the *Road Access Guidelines* (RAG) of WCG, a dedicated right-turn lane might be warranted. It should be noted that the two accesses to the Raithby area from Winery Road does not currently have dedicated turning lanes. It is the opinion that the provision of a dedicated right-turn lane on Winery Road at the eastern access to Raithby be considered by the roads authorities. The Stellenbosch Municipality could consider using the Development Contributions (DC's) payable for the proposed development to fund the construction thereof as opposed to providing an additional lane along Watson Way. Should the DC's not be sufficient, it is the opinion that Stellenbosch Municipality/WCG considers funding the shortfall to provide the said facility for the Raithby area.

A roundabout is proposed to the outside of the security controlled access. The said roundabout is proposed with a 23 metre inscribed diameter as to accommodate the turning movements of refuse vehicles.

The security controlled access is proposed with two lanes in and one lane out, all measuring 3,0 metres in width. To accommodate emergency vehicles, a horizontal clearance of 4,0 metres is required. It should thus be ensured that no obstruction exist between the two inbound lanes (i.e. $2 \times 3,0 = 6,0$ metres) as to accomplish the required horizontal clearance.

Internal streets consist of minimum 6,0 metre widths (surfaced) which is considered sufficient to accommodate the proposed residential traffic. The road reserves within which the said streets are accommodated are 10 metres wide, with widening at two positions, as well as at the access, where the road reserve measures 14 metres. Radii in the vicinity of the residential erven are 8,0 metres, whilst minimum radii in the vicinity of the apartment buildings are 5,0 metres, which is considered sufficient.

It is anticipated that the widening of the internal street at two positions (with median island) would provide some traffic calming along the internal street, however, as will be discussed in *paragraph 5* below, this could be problematic with regard to the required space behind parking bays. Should traffic calming be required, it could be considered raising the internal intersections, and/or provide raised pedestrian crossings to tie in with the anticipated pedestrian routes between the residential erven and the clubhouse. See a schematic proposal below.



Diagram 1 : Proposed traffic calming along internal streets

A refuse room is indicated at the access to the proposed development. As mentioned above, the roundabout provided at the access will accommodate turning movements of refuse vehicles. An embayment is indicated adjacent to the refuse room to accommodate the refuse vehicles during collection.

5. PARKING

Parking to the single residential- and town housing erven will be provided on the individual erven and thus not indicated on the attached plan. Parking to the apartments will be provided along the internal streets in the vicinity of the apartment-buildings.

5.1 Parking Requirements

According to the Stellenbosch Zoning Scheme Regulations, the following parking requirements are applicable:

Single Residential

Erven between 150 and 400 m² 1,0 bay per erf

Erven larger than 401 m² 2,0 bays per erf

Group Housing (Town Houses) 2,0 bays per unit

General Residential (Apartments)

Apartments larger than 30 m² 1,5 bays per unit

Apartments smaller than 30 m² 1,25 bays per unit

A rate of 2,0 bays per erf is thus applicable to the proposed single residential- and town housing erven.



A total of 104 parking spaces (bays and garages) are indicated on the attached plan, which calculates to approximately 2,0 bays per unit. The number of parking bays provided to the apartments is thus considered sufficient based on the abovementioned requirements.

5.2 Parking Dimensions

As previously mentioned, the parking required on the individual erven is not indicated on the attached plan. To accommodate the required space behind parking bays provided on-site, at least 7,0 metres (preferably 7,5 metres) is required between the erf boundary and the opposite edge of the internal street. This is available along the internal streets, except at the two positions where the street is widened with a median island. The median island should thus either be removed, or the driveway on the individual erf should be positioned along either boundary to ensure sufficient isle width is available.

The parking bays indicated in the vicinity of the apartment-buildings consist of widths and depths in line with normal parking standards (2,5 by 5,0 metres, with bays situated adjacent to walls 2,85 metres wide). The garages indicated measure 3,0 by 6,0 metres which should also be sufficient. The available isle width between the said parking bays are 7,5 metres, which is in line with normal parking standards.

6. PUBLIC- AND NON-MOTORISED TRANSPORT

As far as could be established, no formal public transport facilities exist in the immediate vicinity of the subject property. The refuse embayment provided at the access could be used for public transport purposes if required. It is not considered necessary to provide additional formal public transport facilities as result of the proposed development.

Surfaced sidewalks exist along both sides of Watson Way in the vicinity of the subject property. Sidewalks do not currently exist along Wagner Street. Along with the development of the subject property, it is thus suggested that a sidewalk be provided along the western side of Wagner Street from Watson Way (existing sidewalks) up to the access to the proposed development.

7. CONCLUSIONS AND RECOMMENDATIONS

The following can be concluded from the report:

- 1) That this TIS is in support of the application for subdivision and rezoning of Erf 298, situated in Raithby, an area between Stellenbosch and Somerset West, to the north of Winery Road (Main Road 166) and west of the R44 (Main Road 27);
- 2) That the proposed development will consist of 107 residential units (30 single residential, 27 town housing erven and 50 apartments), with access obtained from Wagner Street via Watson Way;
- 3) That the proposed residential development has the potential to generate 100 peak hour trips (26 in, 74 out during the AM peak hour and 70 in, 30 out during the PM peak hour);
- 4) That traffic calming exists along Watson Way in the form of speed humps in the vicinity of the subject property;
- 5) That based on the traffic analyses, dedicated turning lanes are not required at the Watson Way/Wagner Street intersection, that according to the warrants as per the RAG of WCG a dedicated right-turn lane might be required along Watson Way at the said intersection, but that it is the opinion that a dedicated right-turn lane rather be provided along Winery Road at the eastern access to Raithby and that the said upgrade be implemented by way of DC's payable and/or additional funding by the roads authorities;

- 6) That a roundabout (23 metre inscribed diameter) is proposed upon entering the proposed development to the outside of the security controlled booms, accommodating refuse vehicles towards the refuse embayment provided (between the refuse room and the said roundabout);
- 7) That the security controlled access will consist of two lanes in (2 x 3,0 = 6,0 metres) and one lane out (3,0 metres wide) which should be able to accommodate emergency vehicles (4,0 metre horizontal clearance required);
- 8) That the internal streets consist of minimum 6,0 metre surfaced widths and minimum 5,0 metre radii, which should be sufficient for the proposed residential development;
- 9) That it could be considered providing raised pedestrian crossings at positions in line with the open spaces (towards the clubhouse) to also provide traffic calming along the internal streets;
- 10) That sufficient parking will be provided in line with the Stellenbosch Zoning Scheme Regulations, and that dimensions of parking provided in line with normal parking standards; and
- 11) That it is not considered necessary to provide formal public transport facilities as result of the proposed residential development, but that it be considered providing a sidewalk along the western side of Wagner Street between the proposed development access and tie in with the existing sidewalks along Watson Way.

We trust that the Traffic Impact Statement will be to your satisfaction and will gladly provide any additional information required on request.

Yours faithfully



Yolandi Obermeyer (B. Eng Civil)
ICE GROUP (STELLENBOSCH)



Piet van Blerk Pr. Eng
ICE GROUP (STELLENBOSCH)

Attachments

Locality Plan

Preferred Development Concept (*Planning Partners*)





Project: P12 Site 11
Stellenbosch 7601

1 Farm Erf 206
10 Edelean Street
Stellenbosch

Erf: 071 880 0000
071 880 0000
071 880 0000

ICE
GROUP (Pty) Ltd.

Locality Plan

**ANNEXURE U: NEWLANDS ESTATE DESIGN GUIDELINES +
NEWLANDS OWNERS ASSOCIATION CONSTITUTION**

**NEWLANDS ESTATE
DESIGN GUIDELINES**

NEWLANDS ESTATE, DESIGN GUIDELINES
July 2019 - Rev B

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1. INTRODUCTION

This set of design guidelines controls the architectural and environmental identity of Newlands estate. It has been prepared by the developers and their professional team. The developers, Owners' Association (OA) and Controlling Architects will ensure that the guidelines are complied with during the design and construction phases and thereafter.

The guidelines have been carefully developed so as to establish a timeless and collective architectural identity throughout the Estate without inhibiting the individual owner's creativity and style. Key to the success will be a level of collective identity, which the guidelines prescribe, which reference the historical fabric and forms of the area but allow scope for individual expression in their assembly and arrangement. The elements that form the essence of the identity and the control of these elements are explained in this document.

The control elements are, amongst other things; the covering, pitch and colour of the roofs; exterior paint colours; the street and environmental interfaces; the appearances of the plinths, the appearances of the windows and relationship between buildings. By controlling these elements, the full potential of the Estate will be realised as the individual houses are added, and will in turn, grow the investment that homeowners have made in their property. The erf owner is free to choose his/her own architect subject to the condition that these written and visual guidelines form the basis of the house design and that the rules contained within the document are fully met.

2. SUBMISSION PROCESS:

- 2.1 Meetings of the design review committee (hereinafter referred to as "the DRC") will be convened by the Controlling Architect, and will generally occur once every fortnight (builder's holidays excluded).
- 2.2 Hard copies of the submissions are to be delivered to the Controlling Architects, complete with all required architectural and landscape drawings, completed checklists and proof of payment of the applicable submission fees, by 12h00, at least three working days before the date of the scheduled meeting.
- 2.3 A set of PDF copies of the plans are to be forwarded by the applicant to the Controlling Architect at the same time, to permit circulation to the DRC members before the meeting.
- 2.4 The Controlling Architect will check each submission prior to the meeting and present each submission for discussion, together with his recommendations, to the committee.
- 2.5 The DRC's decision will be communicated to the architect responsible for the design by email within three working days of the date of the meeting.
- 2.6 The revision date of the guideline used in preparing the submission shall to be noted on the submission form.

Controlling Architects:
BOOGERTMAN + PARTNERS ARCHITECTS
 Landline: (021) 930 9210
 Contact Person: Stephen Whitehead
 Email: stephen@boogertmanct.co.za

Controlling Landscape Architects:
PLANNING PARTNERS
 Landline: (021) 4180510
 Contact Person: Jacques Dohse
 Email : jacques@planpart.co.za

3. GENERAL PRINCIPLES

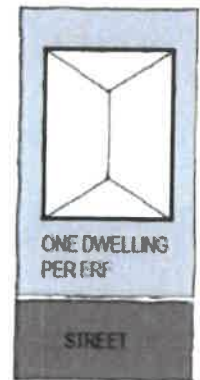
- 3.1 This "design control document" is defined by a body of text (the written guidelines). It contains rules (which are enforceable) and guidelines (which are suggestions and not enforceable) further explained and amplified, where applicable. Where there is any difference in interpretation of the rules the opinion of the Controlling Architect shall be final. (rule)
- 3.2 The constitution requires that homeowners must comply with the architectural, landscaping and environmental controls when houses are designed and built and thereafter.
- 3.3 The approval does not exempt the applicant from any other legislation, bylaws or regulations that may be applicable by any statutory body with control over the estate. (rule)
- 3.4 Any submissions which deviate from these guidelines shall be accompanied by a fully motivated waiver application. Where the Controlling Architect and the duly appointed DRC feel that the waiver will promote good architecture and the interest of the overall built environment, they may approve such waiver. No waiver granted in this process will create a precedent for approval of future waiver applications. (rule)
- 3.5 In order to optimize the manner in which the buildings on the estate use their individual locations it is a requirement that the architect employed by the homeowner visit the site, familiarize themselves with the site constraints and opportunities vis a vis (among others but not limited to) access, existing infrastructure, topography, prevailing weather conditions, summer and winter sun angles, distant views and adjacent views and view corridors. It is also a requirement that a sketch illustrating the analysis of the site and the predominant building responses to the specific site conditions accompany the final building plan submission to illustrate this process. This sketch may be rough but should provide sufficient information to clearly illustrate how the building submission responds to the specific site and may be accompanied by photographs, charts or any other relevant information which informed the design. (rule)
- 3.6 The homeowner is to obtain a survey from a registered land surveyor which shall include any natural features, contours at reasonable intervals, services points, street furniture, trees or services on the sidewalk and extend to any adjoining water bodies or significant natural features material to the design of the home. (rule)
- 3.7 It is a requirement that the property owner engages the services of a registered professional architect (SACAP- PrArch) to carry out the design of any work on the property and that any submission will appear on this registered PrArch's title block and include both the registered persons' registration number and signature.
- 3.8 These design guidelines apply specifically to single residential erven. Any town housing erven, future development areas, apartment sites or other uses may have their own design guidelines (although the landscaping component applies). Note that the Architectural guidelines as set out in this document does not apply to the common areas.
- 3.9 Given the rural nature of the environment homeowners are encouraged to, as far as possible, limit or omit external lighting and preventing "light spill" from patios and homes onto adjoining areas.
- 3.10 Approval of any plans by the DRC shall be valid for a period of 12 months from the date of endorsement. Should construction work not commence within 12 months of the approval, this approval shall be deemed to have lapsed and a new application for approval will be required.

4. PLANNING CONTROLS

4.1 DENSITY, HEIGHT AND COVERAGE OF BUILDINGS

4.1.1 Density:

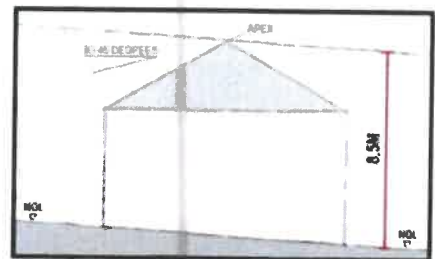
Only one dwelling house per single residential erf is permitted. (rule)



4.1.2 Height:

4.1.2.1 The buildings (excluding chimneys) are limited to a maximum height of 8.5 m measured vertically from natural ground level to the apex or top of any roof.

This is to be determined using the contour plan provided with the submission. (rule)



4.1.2.2 Each plan submission to include the existing and proposed contour levels of the site, as well as a datum level and heights of all concrete surface beds / slabs related back to the contour levels. (rule)

4.1.2.3 Natural ground level (NGL) is defined as being the existing ground level of each site at handover as reflected in the contour plan prepared for the owner by a registered surveyor and any reference to the natural ground level in this document will bear this meaning.

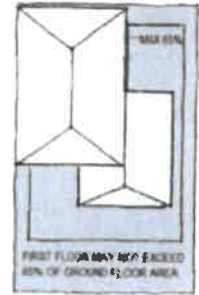
4.1.3 Coverage:

4.1.3.1 All hard-roofed patios, verandas, and similar areas are to be included in all coverage calculations. (rule)

4.1.3.2 The coverage may not exceed 50% of the erf size. (rule)



4.1.3.3 First floor area may not exceed 65% of the ground floor area. (rule)

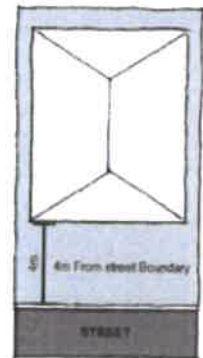


4.1.3.4 It is required that the architects make use of different heights and elements on the street facade to articulate the street facade (rule).

4.2 BUILDING LINES

4.2.1 Street Boundary

4.2.1.1 4 m from the erf boundary for dwelling or any covered area. (rule)



4.2.1.2 2m from erf boundary for pergolas and non-enclosed elements. (rule)

4.2.1.3 Where an erf has frontage onto more than one street the street building setback will apply only along the street from which the homeowner takes vehicular access. Any other boundaries will be subject to setbacks as for side boundaries. (rule)

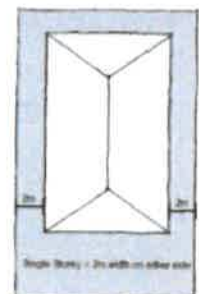
4.2.2 Garages and Covered Parking

4.2.2.1 Garages are to be set back a minimum of 5m from the street boundary or they can be rotated through 90 degrees and set in front of the house. This excludes pergolas and parking areas that are not covered. (rule)

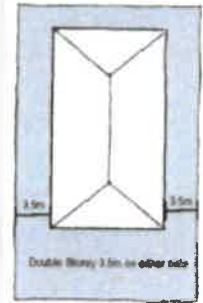


4.2.3 Side Space

4.2.3.1 Single storey 2.0m (minimum). (rule)



4.2.3.2 Double storey 3.5m (minimum) in estate generally. (rule)

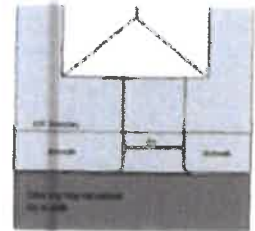


4.2.3.3 Only in unique circumstances will a relaxation of building lines be considered by the DRC and the Controlling Architects. Any such relaxation will still be subject to Local Authority approval.

4.2.3.4 Where property has been consolidated, the total sum of any applicable side spaces along the original side boundaries which separated the consolidated properties shall be provided on the side boundaries of the new property. No side space on the consolidated property may be less than the approved minimum required by the guideline and in addition the total of the side space setbacks provided, when added together, shall total the sum of the original side spaces of the erven which have been consolidated. (rule)

4.3 DRIVEWAYS

4.3.1 The driveway access to the road may not exceed 6m in width where it crosses the sidewalk. Note that the 6m may be split into narrower widths provided that the total sum of the widths does not exceed 6m (rule)



4.3.2 Appearance

3.3.2.1 Driveway materials are to be grey concrete cobbles, exposed aggregate surface beds with a brown aggregate or a combination of these two materials in patterns. (rule)

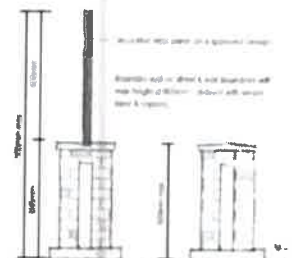
4.3.3 Sleeves

4.3.3.1 Each homeowner shall provide two 100mm PVC sleeves in the sidewalk, 500mm below their drive way complete with draw wires. The sleeves are to be situated alongside one another at 2000mm from the kerb edge and are to extend a minimum of 600mm beyond the edge of the driveway surface. Where the sleeves need to be situated in a different position for any reason the Owners' Association are to be advised and the alternate position agreed in writing by the Owners' Association. (rule)

4.4 BOUNDARY WALLS

4.4.1 Street Facade, boundaries facing onto the Estate perimeter and boundaries facing onto internal green or public open spaces.

4.4.1.1 Low walls with a simple defined base and coping and a maximum height not exceeding 900mm will be permitted along the front and side boundaries. These may be topped with a decorative steel panel in an approved design consisting only of horizontal and vertical elements to match handrails and balustrades (see Clause 4.5). The combined height of the wall and panel shall not exceed 1500mm above the natural ground level. (rule) Full details of the proposed panels must be submitted with the plans for approval.

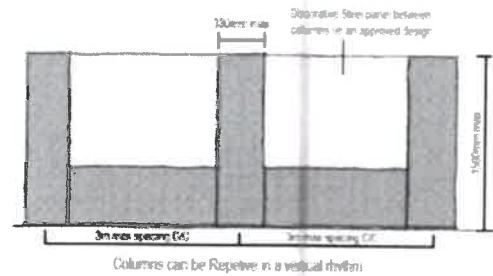


4.4.1.2 No wall exceeding 900mm in height or combination of wall and fence exceeding 1500mm in height will be permitted ahead of a line extending from the plane of the front

façade of the house to the side boundaries except where the DRC considers these to be integral to the design of the house. (rule)

- 4.4.1.3 No gates shall be higher than the adjoining wall and full detail of any gate is required with the submission. (rule)

- 4.4.1.4 Columns are required to boundary walls and are to be repetitive (min 330mm thick) with a decorative coping or capital in a vertical rhythm at max 3m centres specifically where steel panels are being used. (rule)

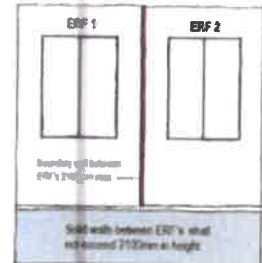


- 4.4.1.5 Any walls facing onto green or public open space shall have a plinth of De Hoop red face brick not less than 200mm above finished ground level to the exterior side (rule)

4.4.2 Side and Rear Boundaries

- 4.4.2.1 Wall types permitted under 4.4.1 will be permitted to the side and rear boundaries. (rule)

- 4.4.2.2 Solid walls between the erven shall not exceed 2100mm in height and any portion of a boundary wall extending beyond the front façade of the house to the roadway is to comply with the requirements of Clause 4.4.1.1. Walls enclosing the drying yard must be 2100mm high solid walls. (rule)



- 4.4.2.3 Where the slope of the natural ground requires it the boundary walls shall be stepped to ensure compliance with the height restrictions relative to the original natural ground level. (rule)
- 4.4.2.4 The total length of boundary walls exceeding 900mm in height may not exceed 20% of the erfs total boundary length. (rule)

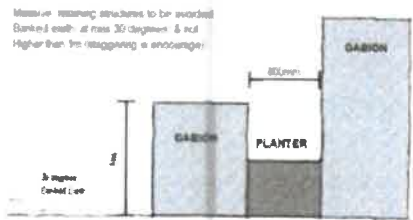
4.4.3 Screen Walls

In certain cases, screen walls between the building line and boundary may be allowed to screen pools and other private areas. The positioning, height and extent of these walls has to be approved by the Owners' Association, with the proviso that no screen wall may be closer than 1m to the side, rear or front boundaries.

- 4.4.4 The full elevations of all boundary walling indicating existing and finished ground levels as well as all applicable wall heights and details of the walls, are required with submission. (rule)

4.5 RETAINING WALLS/STRUCTURES

4.5.1 Retaining structures may be used. Banked earth at 30 degrees may also be used. No banked earth will be higher than 1.0 m in a single slope (staggering is encouraged). Plastered and painted walls to match the house are the only materials permitted for retaining walls with special approval by the DRC. Where these are used they are to be stepped in levels not exceeding 0.5m in height with sufficient horizontal width between steps to allow planting – min 600mm planting space (rule)



4.5.2 No retaining higher than 300mm above NGL will be permitted against any boundary wall (rule)

5. ARCHITECTURAL ELEMENTS AND MATERIALS

5.1 ROOFS

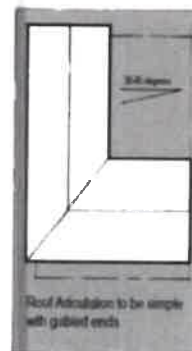
5.1.1 Only the following finishes will be permitted:

- 5.1.1.1 Pre-coloured galvanised ultra matt secret fixed sheet. Colour: Charcoal Grey (rule)
- 5.1.1.2 Natural Slate - Silver Blue.

5.1.2 All rainwater goods which are exposed to be painted to match walls. (rule)

5.1.3 Permitted roof pitches:

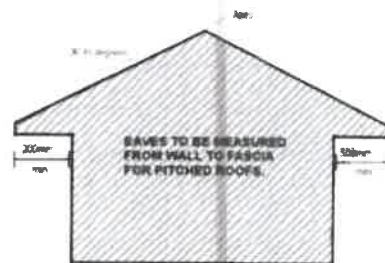
- 5.1.3.1 Primary roofs- 30° or 45°. (rule)
- 5.1.3.2 Flat roofs may be either sheet (max 5 degrees) to match primary roof or concrete slabs, Flat roofs to be fully enclosed by a wall or a parapet wall. (rule)



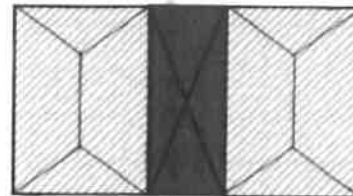
5.1.4 Roof articulation to be simple forms with gabled ends with overhanging eaves or bargeboards (rule).

5.1.5 Vent pipes may not be visible from roadways. (rule)

5.1.6 Eave overhangs to be not less than 200mm and not more than 500mm, measured from wall to fascia for pitched roofs. (rule)



- 5.1.7 Flat roofs will be permitted as linking elements between simple pitched roof forms or to cover verandahs. Flat roofs are not intended as a roofing solution for dwellings and are limited to a total area of 20% of the total area of the roof plan. (rule)



Flat roof no more than 20% of total roof Area
 Is permitted as linking element between two pitched roofs

- 5.1.8 Any PV panel or solar collector panels are to be mounted in the same plane as the roof and frames and brackets are to be coloured to match the roof finish. Installation and extent must be depicted on the submission drawings (rule)

5.2 WALLS

- 5.2.1 The following wall finishes are permitted:

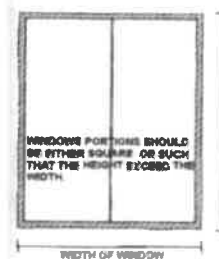
- 5.2.1.1 Smooth plaster and paint. (colour to be Arniston white or alternative approved off-white colour). (rule)
- 5.2.1.2 Painted fair face brickwork will be permitted where used with plastered detail at the discretion of the DRC. (rule)
- 5.2.1.3 Face brick (De Hoop red) plinths will be permitted to max 500mm above finished ground level. (rule)
- 5.2.1.4 Integral coloured rendered wall coatings such as Marmoran, Gama Zenith and Earthcote within the approved palette are permitted. (guideline)

- 5.2.2 Plumbing pipes are to be suitably concealed within walls or ducts and may not be exposed to or visible from any roadway or public space. (rule)

5.3 WINDOWS, SHUTTERS AND DOORS

- 5.3.1 Only aluminium-powder / epoxy coated or uPVC to approval are permitted. Colours to be white, light grey or dark grey. (rule)

- 5.3.2 Window, shopfront and external door openings proportions shall be either square or such that height exceeds width when measured from plaster face to plaster face. (rule)



- 5.3.3 In the event that burglar bars are fitted these must be internal and should be aligned with the windows, mullions and transoms. (rule)

- 5.3.4 Large doors and windows (i.e. wider than high) which are divided by frames into panels of approximately 900mm in width in an accepted vertical format will be permitted where screened or recessed a minimum of 1500mm behind the outer line of a roof overhang, pergola or verandah. (rule)

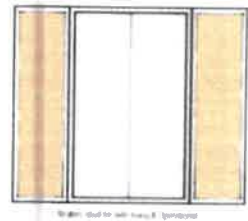


- 5.3.5 Front doors should match balance of external frames. (guideline) Any solid panels to front doors shall be fielded timber to suit the doorframe and finished to match the window frames. (rule)



- 5.3.6 Garage doors shall be single (2440mm wide) doors and be of sectional overhead or tilt up type with horizontal slats or panels. (rule) Additional detail in the form of glazing (glass fanlights) and panels is encouraged but full detail must be submitted for approval where this is envisaged. (rule)

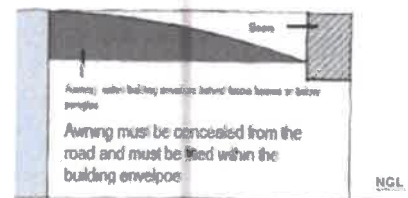
- 5.3.7 Shutters are to be provided to street or public open space facing windows. Shutters shall be side hung, framed and with angled louvres. These shutters must be operational. (rule)



- 5.3.8 Shutter colours are to match wall or be specifically submitted to the DRC for approval. (rule)
 5.3.9 Glazing shall be clear. No heavily coloured or mirrored glass will be permitted. (rule)
 5.3.10 Frameless glazing will be permitted only where screened or recessed as for Clause 4.3.4 (rule).

5.4 AWNINGS

Awnings will be considered, but must be concealed from the road. Fixed or fitted fabric awnings may only be fitted within the building envelope or behind concrete or masonry fascia beams below pergolas. They may not project beyond this extent. These awnings may only be of a single neutral colour and the awning material must be of a uniformly matt finish with the appearance of canvas. (rule) No windows, cut outs, ventilation slots, tassels, scalloped edges or similar functional or decorative modifications will be allowed to the awning. Any awning must be submitted for approval. (rule)



5.5 HANDRAILS AND BALUSTRADES

5.5.1 The following materials will be permitted:

- 5.5.1.1 Aluminium, steel or timber trellis work in decorative horizontal and vertical arrangement where the proportions match those of a typical timber construction. (rule)
 5.5.1.2 Masonry with plastered copings to ground floor only. (rule)

5.5.2 Full design drawings of adequate scale required with submission (min 1:50) (rule)

5.6 COLUMNS AND PILLARS

5.6.1 Masonry columns are to be square and a minimum of 330mm thick. Timber posts and supports will not be permitted (rule)

5.6.2 The following materials are allowed:

- 5.6.2.1 Plaster and paint. (colour as per approved palette - see clause 4.2). (rule)

5.6.2.2 Fair facing in conjunction with smooth plaster. (rule)

5.6.2.3 Face brick in conjunction with plaster and paint with plastered painted coping. (rule)

5.7 PLASTER MOULDINGS

5.7.1 The colour palette and the style of the estate encourage the use of plaster moulding to create relief on the facades. The use of corbelling and banding below eaves and along the line of window head and sill height is required. Simple mouldings around windows/doors, lintels or a level of detail in the window sill is specifically required. (rule)



5.7.2 The use of figurative mouldings or curvilinear moulding elements is expressly excluded. (rule)

5.8 PERGOLAS

5.8.1 A pergola element is mandatory in front of the garage or an equal extent of pergola provided elsewhere on the street facing façade. (rule)

5.8.2 The following materials are allowed:

5.8.2.1 Natural timber (dark stained – mahogany or painted to match wall colour). (rule)

5.8.2.2 Aluminium with ends closed and finished to match (to match wall colour). (rule)

5.8.3 All pergola members to have detailed cuts or shaped ends where not fixed to a wall. (rule)

5.9 CHIMNEYS AND FIRE PLACES

5.9.1 Primary chimneys should be bold of a thick, square or rectangular type (minimum of 1,0m in width in one direction. Plaster or cement copings, and banding details are required. (rule)

5.9.2 Primary chimneys to protrude at a minimum of 1m and a maximum of 2,5m above the roof apex. (rule)

5.9.3 Steel chimney flues will be permitted as secondary elements where they exit through the roof, are coloured to match the roof and are not higher than the adjoining ridge. No flues may exit through walls. (rule)



5.10 EXTERNAL LIGHTING

5.10.1 All external lights, visible from the roadway, and not below a roof overhang, shall be brick lights at 300mm AFFL. Full specification and illustration to be included on submission and fully illustrated on elevations. Floodlights and similar decorative external or garden lighting is not permitted. (rule)

5.10.2 The outside light criteria should be "to see the pool of the light but not the source of the light", i.e. lights below roof overhangs should not be bright and shining towards the streets, neighbours or upwards. (guideline)

5.10.3 The omission of unnecessary external light fittings, use of proximity switching, use of lower output lamps, shielding of light sources from neighbours and all efforts to reduce light spill and light pollution are strongly encouraged. These measures are both as an energy saving strategy and in an effort to maintain the essentially rural character of the estate. (guideline)

5.11 SUNDRY ITEMS

- 5.11.1 No air-conditioner or component of an air conditioning system may be visible from the roadways and public areas and all proposed installations or alternatively positions for future fixing are to be clearly marked and approved on the submission drawings. (rule)
- 5.11.2 Gas installations shall be planned from the outset and in addition to any statutory or by-law requirements these shall be screened or located such that they are not visible from any roadway or public area. All proposed installations are to be clearly marked and approved on the submission drawings. (rule)
- 5.11.3 Water tanks will be permitted to be installed in the following manner, (full detail including water collection to be included on drawings for approval):
- 5.11.3.1 Below ground where fully covered. (rule)
 - 5.11.3.2 Where fully contained within the approved building envelope. (rule)
- 5.11.4 No staff accommodation should be nearer to the street than the main building and must be contained under the same roof or integrated into the overall design.
- 5.11.5 No garden sheds, wendy houses, dog kennels and covered facilities for caravans, boats or trailers are permitted except where specifically approved by the DRC.
- 5.11.6 Solar heating or photovoltaic panels, if used, must be incorporated into the building and form part of the basic structure and should be clearly shown on the approval drawings. The panels should lie in the plane of the roof and all framing and fixing is to be coloured to match the roof.
- 5.11.7 TV aerials, satellite dishes and other exterior items must form part of, and be placed, wherever possible within, the basic structure and are to be clearly shown on the approval drawings.
- 5.11.8 No deviations from the approved drawings will be permitted unless the deviation is re-submitted and approved in writing prior to construction.
- 5.11.9 Mechanical equipment, ducts, pool pumps, etc. must be designed into the buildings and / or adequately enclosed or screened off from view and must be shown on the building plan.

As the building within the residential estate will be constructed over a lengthy time period, the following guidelines have been formulated for the benefit of residents:

6. CONDUCT RULES FOR CONSTRUCTION ACTIVITIES

6.1 CONTRACTORS LABOUR

- 6.1.1 Labour must be an employee of the contractor and only under limited circumstances will casual labour be allowed on site. This shall be at the sole discretion of the OA.
- 6.1.2 All labourers or sub-contractors on site must be registered with the contractor who will keep a full record of all staff on site together with copies of their ID documents and contact details.

6.2 DISCIPLINE

- 6.2.1 The contractor is responsible for the discipline of his labour, sub-contract labour and delivery personnel on site.
- 6.2.2 Labourers are not permitted to walk between the construction site and the entrance / exit gates. Labourers will remain on the site where they are employed, and will not be allowed to move between construction sites on the Estate.
- 6.2.3 The employer of any employee found walking across the green areas, between sites will be spot fined, and the employee liable to instant removal from site.
- 6.2.4 No vehicles will be allowed to cross any part of the green areas, or parkland, or to deviate from roads or recognized road routes. Any vehicle contravening this rule will attract a spot fine, be liable for instant removal from the site and liable for damages sustained.
- 6.2.5 Vehicles with mechanical legs on trailers must use protection for possible road surface damage.
- 6.2.6 Any dispute between the contractor and his employees must be settled outside the boundaries of the Estate.
- 6.2.7 If any employee is found disturbing or endangering the animal, fish or bird life, or is found pilfering, stealing or removing material or goods off site without permission or is involved with any form of violence, the company who employs that person will be removed from the site and both employee and company may be denied the opportunity to undertake any further work on the Estate.
- 6.2.8 The contractor is responsible for all his sub-contractors as well as the deliveries, and any damages caused by his own employees, sub-contractors employed by him or delivery vehicles delivering materials to his site, and he is liable to pay for any damages that may occur on the site. These damages also include damage to kerbs, roads, plants, irrigation and or damage to private property.
- 6.2.9 The OA will have the sole discretion as to the nature, extent and value of these damages, and the identification of respective vehicles and persons. A "Building Performance Deposit" of R 20 000 will be lodged with the OA for this purpose before any construction is to take place.

6.3 HOUSEKEEPING AND TIDINESS

- 6.3.1 The site is to be kept as clean as possible of building rubble and general cleaning and good housekeeping practice must be evident during building operations.
- 6.3.2 No building materials, concrete, dagga, cement or such may be temporarily stored, or mixed or prepared on any of the roadways, kerbs and pavements.
- 6.3.3 Materials that are off loaded by a supplier or contractor may not encroach onto the adjacent site, the pavement or roadway. Where suppliers fail to adhere to this, the responsible contractor shall move the materials accordingly. The contractor is also responsible for the removal of any sand or rubble that may have washed or moved into the road.
- 6.3.4 The contractor is to ensure that the roads and the vicinity of the house site is always kept neat and tidy, including materials or mud or spoil being driven or dropped onto the road or sidewalk.
- 6.3.5 The contractor shall provide adequate facilities for rubbish disposal and ensure that the workers use the provided facilities and that the rubbish is removed every Friday. No rubbish may be burnt or buried on site. No form of paper, cement bags, tile off cuts, ceiling boards, roof tiles, rubble, or the like is to be left lying around, nor be allowed to blow off the site.
- 6.3.6 Accumulation of hardcore for fill shall be neatly piled. With the OA consent on-site disposal dump or spoil zones may be arranged.
- 6.3.7 With the watercourses on the Development, pollution and contamination of groundwater and run-off water is particularly sensitive. Contractors shall ensure special care in their handling, disposal and cleaning up operations with particular note to paint, tile grout, tile adhesive, cement and rhinolite, chemicals, oil and fuel, etc.
- 6.3.8 Fires for cooking or other purposes will not be permitted, and contractors shall ensure approved alternative meal arrangements are made. Contractors must ensure that their employees make no fires for heating purposes.

- 6.3.9 The contractor shall provide approved portable chemical toilet facilities for the workers. Adjacent construction sites may share toilets as approved by the OA. Toilets and changing facilities shall be suitably positioned and screened with forest fence and kept hygienic.
- 6.3.10 One approved building board shall be erected per site, and such board is to be erected neatly in the corner of each site. Boards are to be maintained in a plumb and level position throughout the contract, and must be removed immediately after completion of each house construction. Board layout drawings will be available from the OA and need to be erected before any construction is to take place.
- 6.3.11 No Contractors, sub-contractors or suppliers boards of any kind will be allowed to be placed or displayed on site.
- 6.3.12 Construction materials may only be delivered to the house site on an as-needs daily basis for installation by latest the Friday of the week, and surplus materials must not be allowed to visibly accumulate on the house site.
- 6.3.13 The certificate of completion by the OA requires the building and landscaping to be completed in accordance with the approved drawings and the site to be entirely cleared of all rubble, surplus materials, and be impeccably clean, and the verge re-instate; all to the satisfaction of the OA.
- 6.3.14 Contractor vehicles shall not be parked or left in the roadway, and a screened designated parking area shall be arranged with the OA.

6.4 **CONTRACTORS YARDS, STORAGE AND OFFICES**

- 6.4.1 Allocated areas, as authorized by the OA, may be granted to accredited Contractors for their operational use.
- 6.4.2 A designated bulk storage area could be allocated to the Contractor for his materials, for distribution to house sites. Approved storage sheds and containers, or yards could be allowed on the house site, if no alternative can be found.
- 6.4.3 Access to the site, only through the driveway, and with the landscaping zone fenced off. Parking is only allowed on site.
- 6.4.4 The appearance, management, servicing and qualification for these facilities will be reviewed by the OA and negotiated on an as-need basis.

6.5 **GENERAL**

- 6.5.1 The speed limit is 40 km/h and speeding and reckless driving will not be tolerated. Due care must also be taken by all vehicles not to block the thoroughfare of roads.
- 6.5.2 Noise and dust reduction is essential, and Contractors shall endeavor, whenever possible, to limit unnecessary noise, especially employees talking loudly, shouting or whistling, radios, sirens or hooters, motor revving etc.
- 6.5.3 Contractors are expected to conduct their operation in a reasonable and co-operative manner. Should the OA have any concern with the conduct of the contractor, his sub-contractor or his suppliers and any of their employees, the OA may rectify as deemed necessary and/or reserve the right to suspend building activity, either indefinitely, or until such undesirable conduct is rectified, which it may do so at any time and without notice and without recourse from the owner and/or Contractor and/or sub-contractor, and/or supplier.

7. **BUILDING COMMENCEMENT AND INSPECTION**

The following must be adhered to before building operations may commence:

7.1 **PLAN APPROVAL PROCEDURES AND FEES**

- 7.1.1 On approval of the building plans by the Local Authority the Owner must approach the estate manager or OA agent for payment of the builder's performance deposit of R 20 000 which will be deposited and held in trust (free of interest) by the OA. The deposit amount will be used in event there is a breach or non performance to remove rubble or make good any damage caused by the Contractor or his

sub-contractors or suppliers, including kerbing, landscaping, community services, roads, irrigation etc, and to settle any outstanding spot fines. Following signature of the builders contract between the individual owner and his building contractor, and payment of the deposit by Owner or his Contractor, written permission will be issued to the Owner or his Contractor by the OA to enable the Contractor to access the site.

7.1.2 All Local Authority application, connection, deposits and sundry fees are for the Owners account.

7.1.3 The Controlling Architect or any OA agent may carry out site inspections during the following stages of construction and the Contractor is required in any event to provide photographic record to the OA at each stage before work progresses further:

- Surface bed level
- Completion of roof structure
- Practical completion

The Controlling Architect or any OA agent may at any stage during construction request any reasonable alterations and/or additions to ensure that the general design guidelines as intended for the development are implemented.

7.2 OCCUPATION

7.2.1 Occupation of the premises will only be allowed after the home owner has obtained clearance from the Controlling Architect or OA agent and obtained an occupation certificate from the Local Authority.

Remember that the Local Authority should not process the application for the occupation certificate unless it is accompanied by the clearance certificate which is issued by the Controlling Architect on behalf of the OA.

CONSTITUTION
OF
THE NEWLANDS OWNERS' ASSOCIATION

1. NAME

The name of the association shall be "The Newlands Owners' Association", which is an association established in terms of Section 29 of the Stellenbosch Municipality Land Use Planning By-law.

2. DEFINITIONS

2.1 In this Constitution, unless the context indicates the contrary:

2.1.1 "the Association" shall mean The Newlands Owners' Association;

2.1.2 "the Development Site" shall mean Erf 298 Raithby, in the Stellenbosch Municipality, Stellenbosch Division, Western Cape Province;

2.1.3 "the Developer" shall mean Annandale Road Properties Proprietary Limited, registration number 2009/014097/07, or its successors-in-title;

2.1.4 "Property" shall mean an immovable residential property in the Development;

2.1.5 "person" shall include a company, close corporation, partnership, trust or other association of persons entitled by law to hold title to immovable property;

- 2.1.6 "member" shall mean a member as defined in clause 4.1 hereof;
- 2.1.7 "The Development" shall mean the entire scheme of Development undertaken by the Developer and comprising the land and improvements thereon on the Development Site, and
- 2.1.8 words importing the singular number shall include the plural and the converse shall also apply; the masculine gender shall include the feminine and neuter genders and the neuter gender shall include the masculine and feminine genders.

3. OBJECTS OF ASSOCIATION

- 3.1 The objects of the Association are:
- 3.1.1 to formally represent the collective mutual interest of the Development;
- 3.1.2 to exercise control over and maintain buildings, services or amenities in the Development in accordance with the conditions imposed by the Stellenbosch Municipality when approving the Development;
- 3.1.3 to hold at least one annual meeting with its members;
- 3.1.4 to exercise control over the design guidelines of the buildings and erven in the Development;
- 3.1.5 to take ownership of all common property arising from the subdivision, including:
- 3.1.5.1 Private open spaces;
- 3.1.5.2 Private roads, and
- 3.1.5.3 Land required for services provided by the Association;
- 3.1.6 to enforce the conditions of approval or management plans as imposed by the Stellenbosch Municipality and other authorities when approving the Development;

- 3.1.7 to determine procedures to obtain the consent of the members of the Association to transfer a Property in the Development in the event that the Owners' Association ceases to function, and
- 3.1.8 to implement and enforce the provisions of this Constitution;
- 3.1.9 The maintenance of all civil and electrical services within the Association's property;
- 3.1.10 The promotion and enforcement of standards for community living on the Development Site in such a way that members may derive the maximum collective benefit therefrom;
- 3.1.11 The promotion of acceptable aesthetic, environmental and architectural styles and design criteria for the Development Site in accordance with the relevant architectural and landscaping guidelines in order to achieve harmonious development and maintenance thereof and to control the design, development and maintenance of all properties therein, with particular reference to the Architectural & Landscaping Guidelines and Rules approved by the local authority and as amended from time to time by the Association, and
- 3.1.12 The maintenance of the private open space and related common structures within the Development.

4. **MEMBERS**

- 4.1 Membership of the Association shall be evidenced by registered ownership in the Deeds Registry in Cape Town of a Property. Upon registration of ownership, membership of the Association shall be automatic and members shall be obliged to comply with the provisions of this Constitution. No person shall be entitled to cease to be a member of the Association while remaining the registered owner of a Property in the Development.
- 4.2 Each member shall be entitled to one vote for each Property owned in the Development.

- 4.3 Membership shall be transferred by the registration of a deed of transfer in the Deeds Registry at Cape Town, passing transfer of one or more properties in the Development from the previous member to the new member.
- 4.4 Every member shall pay a monthly levy to the Association, which levy shall be determined by the Association during a general meeting. Until the levies have been determined by the members in general meeting, the levies shall be determined by the Developer.
5. **EXECUTIVE COMMITTEE**
- 5.1 The powers of the Association, other than those to be exercised by the members in a general meeting, shall be exercised by the Executive Committee (Excom).
- 5.2 Excom shall consist of no less than 3 members, who shall all be members of the Association.
- 5.3 Excom shall meet at such time and place as shall be decided by Excom from time to time, provided that it shall meet within 14 days of an Annual General Meeting. Special meetings may be called by the Chairman.
- 5.4 Two Excom members may at any time convene a meeting of Excom by giving to the other Excom member or members no less than 10 days' written notice of the proposed meeting, which notice shall specify the reason for calling such a meeting, provided that in cases of emergency such shorter notice as is reasonable in the circumstances may be given.
- 5.5 Two members shall form a quorum at any meeting of Excom. If at any meeting a quorum is not present within 10 minutes of the appointed time of the meeting, such meeting shall stand adjourned to the same day of the following week at the same time.
- 5.6 If the number of Excom members falls below the number necessary to form a quorum, the remaining members may continue to act but only for the purposes of convening a general meeting of members.

- 5.7 Excom shall keep minutes of meetings held and decisions taken, which minutes shall be tabled at the next Excom meeting and Excom shall make a full annual report at the Annual General Meeting.
- 5.8 At the Annual General Meeting a Chairman, Secretary and Treasurer shall be appointed from the elected Excom members, who shall ipso facto be Chairman, Secretary and Treasurer of the Association. The Chairman, Secretary and Treasurer so elected shall hold office as such until the end of the next ensuing Annual General Meeting.
- 5.9 All management decisions shall be taken by unanimous decision. In the event that consensus cannot be obtained, the chairman shall have a casting as well as a deliberative vote.
- 5.10 The management and administration of the Association shall vest with the Developer until the earlier of:
- 5.10.1 the Developer's decision to hand over the management and administration functions to the members, or
- 5.10.2 the first Annual General Meeting following the registration of transfer of the last remaining Property in the Development from the Developer to a third party purchaser, is held. At such meeting the members shall elect the first Excom.
- 5.11 The Developer or Excom, as the case may be, may exercise all such powers of the Association and do, on behalf of the Association, all such acts as may be exercised and done by the Association itself and as are not by its Constitution required to be exercised or done by the Association in general meeting. Without in any way limiting the generality of the foregoing, such powers shall include but not be limited to the following:
- 5.11.1 The determination of what constitutes appropriate standards for community living in the Development;
- 5.11.2 The performance of such acts as are necessary to accomplish the objects expressed or implied herein;

- 5.11.3 The investment and re-investment of monies of the Association not immediately required, in such manner as may from time to time be determined;
- 5.11.4 The operation of a banking account with all powers required for such operations;
- 5.11.5 The making of, entering into and carrying out of contracts or agreements for any of the purposes of the Association;
- 5.11.6 The employment and payment of agents, servants and any other parties;
- 5.11.7 The making, amendment and repeal of rules which shall be binding upon members as if they form part of this Constitution;
- 5.11.8 The right to sue and to defend actions in the name of the Association and to appoint legal representatives for this purpose, and
- 5.11.9 The performance of such acts as are required to ensure the security of persons and property on the Development Site.
- 5.11.10 Any act performed by Excom members shall, notwithstanding that it is after the performance of the act discovered that there was some defect in the appointment or continuance in office of any Excom member, be as valid as if such Excom member has been duly appointed in office.
- 5.12 Excom members shall not be entitled to any fees or salary in respect of the performance of their duties as Excom members.
- 5.13 No Excom member shall be liable to the Association or to any member thereof, or to any other person whomsoever for any act or omission by him-/herself, by the Association or by its servants or agents. An Excom member shall be indemnified by the Association against any loss or damage suffered by him/her in consequence of any purported liability, provided that such member has, upon the basis of information known to him, or which should reasonably have been known to him, acted in good faith and without gross negligence.

6. GENERAL MEETINGS

- 6.1 Annual General Meetings of members shall be held once in every calendar year at such time and place as may be determined by Excom, but so that no more than 15 months shall be allowed to elapse between any two such successive meetings. The business to be done at the Annual General Meeting shall include:
- 6.1.1 The receipt of a report on the affairs of the Association;
 - 6.1.2 The adoption of the minutes of the previous Annual General Meeting;
 - 6.1.3 The adoption of the balance sheet and accounts;
 - 6.1.4 The consideration of any resolutions concerning the affairs of the Association of which due notice has been given;
 - 6.1.5 The determination of the monthly levy to be charged out against all members of the Association to give proper effect to the carrying out of the objects of the Association for the ensuing year, and
 - 6.1.6 Any other business.
- 6.2 The first Annual General Meeting shall be called by the Developer and shall be held within 180 days from the first transfer of a Property in the Development.
- 6.3 Excom may call an ordinary general meeting of members whenever it thinks fit.
- 6.4 Ordinary general meetings may also be called upon the written request of not less than 10 members, directed to the Chairman of Excom.
- 6.5 An Annual General Meeting shall be convened on not less than 21 days' notice in writing. An ordinary general meeting shall be called by not less than 14 days' notice in writing. The notice shall be inclusive of the day on which it is given and shall specify the place, the day and the hour of the meeting and the general nature of the matters to be discussed.

- 6.6 The accidental omission of giving notice of a meeting to, or the non-receipt of a notice of a meeting by any person entitled to receive such notice, shall not invalidate the proceedings of that meeting.
- 6.7 No matters shall be discussed at any meeting unless a quorum is present when the meeting commences. For all purposes, the quorum shall be members present in person or by proxy and being not less than 13 members.
- 6.8 If within a half hour from the time appointed for the holding of a meeting a quorum is not present, the meeting, if convened at the request of members, shall stand adjourned for half an hour at the same place. If at such adjourned meeting a quorum is still not present, the members present shall be a quorum. In any other instance (other than convened at the request of the members), it shall stand adjourned to the same day in the next week at the same time and place and if at such adjourned meeting a quorum is not present within half an hour from the time appointed for holding the meeting, the members present shall be a quorum.
- 6.9 The Chairman of Excom shall preside at every General Meeting, but if there be no such Chairman, the members present shall choose a Chairman from the members of Excom, or if no such members are present, they shall choose some member present to be chairman of the meeting.
- 6.10 At all general meetings resolutions put to the vote, save for resolutions for the election of a member to Excom or his removal therefrom which shall be decided by ballot, voting shall take place by show of hands unless by majority vote the meeting decides that voting shall be by ballot, in which event the ballot shall take place immediately. Voting, whether by show of hands or by ballot, shall take place in accordance with the following provisions:
- 6.10.1 Each member present in person shall have one vote for every Property registered in his name;
- 6.10.2 Each person present as proxy for a member shall have one vote for each Property registered in the name of the member for whom he is proxy;

- 6.10.3 Each member and person present as proxy for a member shall indicate clearly how he casts each vote to which he is entitled as aforesaid;
- 6.10.4 All resolutions shall, except as otherwise provided herein, be by majority vote of those members present in person or proxy at the meeting and voting; In the event that a majority cannot be obtained, the chairman shall have a casting as well as a deliberative vote.
- 6.10.5 The Chairman of the meeting shall count the votes cast for and against the resolution and shall declare it carried or lost, as the case may be;
- 6.10.6 A declaration by the Chairman of the result of the voting by show of hands or ballot and the entry thereof in the minute book of the Association shall be conclusive evidence of that fact.
- 6.10.7 Votes may be given either personally or by proxy.
- 6.10.8 The instrument appointing a proxy shall be in writing in any form approved by Excom under the hand of the appointer, or if such appointer is a company, under the hand of a duly authorised officer.
- 6.11 Any legal person which is a member of the Association may, by resolution of its directors or other governing body, authorise such person as it thinks fit to act as its representative at any meeting of the Association and the person so authorised shall be entitled to exercise the same powers on behalf of the company which he represent as that company could exercise if it were an individual member of the Association.

7. LEGAL STATUS

- 7.1 The Association shall come into existence upon the registration of transfer from the Developer to a third party of the first Property, but not before the date on which this Constitution is approved by the Stellenbosch Municipality and by the Community Schemes Ombud Service.
- 7.2 The Association shall be a body corporate:

- 7.2.1 with legal personality, capable of suing and being sued in its own name, and
- 7.2.2 none of whose members in their personal capacities shall have any right, title or interest to or in the property, funds or assets of the Association, which shall vest in and be controlled by Excom in terms hereof, and
- 7.2.3 not for profit, but for the benefit of the owners of Property in the Development, and
- 7.2.4 with the right to acquire, hold, lease and alienate property, both movable and immovable.

8. LEVIES

- 8.1 The Association, through Excom, shall be entitled to levy an annual levy to defray the costs of managing and administering the Association and for the provision of services. Such levies may be fixed annually but shall be collected monthly in advance.
- 8.2 The levies shall commence immediately on the registration of transfer.
- 8.3 If a monthly payment due in advance on account of the annual subscription is not paid within 7 (seven) days of the due date, the Association may institute legal proceedings against the member for the recovery thereof. The costs of such proceedings shall be paid by such member on the scale as between attorney and client and shall be added to the levy. Interest will be charged at the prime overdraft rate charged from time to time on overdue amounts from the due date until paid in full. A member whose levy is not paid on due date shall not be entitled to:
 - 8.3.1 vote at any general meeting;
 - 8.3.2 serve on Excom,whilst any payment is outstanding.

8.4 Excom shall cause proper books of accounts of the administration and finance of the Association to be kept at the domicilium of the Association or such other place or places as it may think fit.

8.5 Excom shall cause to be laid before the Association in Annual General Meeting, books of account, balance sheets and reports of the Association.

9. **NOTICES**

9.1 Any notice or communication required or permitted to be given in terms of this Constitution shall be valid and effective only if in writing, but it shall be competent to give notice by telefax or email.

9.2 Any notice to a member:

9.2.1 sent by prepaid registered post to the domicile shall be deemed to have been received on the 7th day after posting (unless the contrary is proved);

9.2.2 delivered by hand to a responsible person during ordinary business hours at the domicile shall be deemed to have been received on the day of delivery;

9.2.3 sent by telefax to the chosen telefax number, shall be deemed to have been received on the date of dispatch unless the contrary is proved, or

9.2.4 sent by email shall be deemed to have been received on the first business day following the date of sending of such email.

9.3 Notwithstanding anything to the contrary herein contained a written notice or communication actually received by a member shall be an adequate written notice or communication notwithstanding that it was not sent to or delivered to the chosen domicile.

10. AMENDMENTS TO CONSTITUTION

Once approved by the Stellenbosch Municipality and the Community Schemes Ombud Service, this Constitution shall not be altered or amended in any way save with the approval of the said municipality and the Community Schemes Ombud Service, after such alteration or amendment has been approved by the members in general meeting.

11. OWNERS' ASSOCIATION CEASES TO FUNCTION

If the association ceases to function or carry out its obligations, Section 30 of the Stellenbosch Municipality Planning By-law shall apply to the Association.

12. PERSONAL LIABILITY OF MEMBERS

No member of the Association shall incur any personal liability in respect of acts done or liabilities incurred by, or on behalf of, the Association.

CERTIFICATES OF APPROVAL

I, the undersigned, hereby certify that this Constitution of The Newlands Owners' Association was this day approved by the Stellenbosch Municipality.

Signed at _____ on the _____ day of _____ 2019.

I, the undersigned, hereby certify that this Constitution of The Newlands Owners' Association was this day approved by the Community Schemes Ombud Service.

Signed at _____ on the _____ day of _____ 2019.
