



STELLENBOSCH

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**NOTICE OF MUNICIPAL PLANNING
TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2020-06-26 FROM 10:00-15:00**

VOLUME 1



**NOTICE OF MUNICIPAL PLANNING TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2020-06-26 FROM 10:00-15:00**

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

2020-06-26

Chairperson

Dr DJ Du Plessis

Deputy-Chairperson

Ms C Havenga

External Members

Mr C Rabie

Dr R Pool-Stanvliet

Mrs H Crooijmans-Lemmer

Mr J Knight

Mr E Delport

Internal Members

Mr B de la Bat: Manager - Spatial Planning

Mr M Williams: Senior Legal Advisor

Mr S van der Merwe: Environmental Planner

Ms J Mowers: Senior Manager: Development, Asset Management and Systems & Project Management Unit (PMU): Infrastructure Services

Ms M Francis: Manager- Project Management Unit

Mr G Cain: Manager- IDP & Performance Management

Mr A van der Merwe: Senior Manager-Community Services

Technical Advisor

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

*Notice is hereby given in terms of Section 75(1) of the Stellenbosch Municipality Land Use Planning By-Law (2015), of the Municipal Planning Tribunal Meeting which will be held via **MS TEAMS (Virtual Meeting)** on **FRIDAY, 2020-06-26** from **10h00-15:00** to consider the items on the Agenda.*

Dr DJ Du Plessis

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



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MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 28 FEBRUARY 2020**- MINUTES-****OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON FRIDAY, 28 FEBRUARY 2020, AT THE STELLENBOSCH LIBRARY HALL, 1ST FLOOR, STELLENBOSCH LIBRARY, PLEIN STREET, STELLENBOSCH AT 10H00**

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

2020-02-28

Chairperson

Dr DJ Du Plessis

Deputy-Chairperson

Ms C Havenga

External Members

Mr C Rabie

Dr R Pool-Stanvliet

Mrs H Crooijmans-Lemmer

Mr J Knight

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Mr S van der Merwe - Environmental Planner

Ms M Francis - Manager: Project Management Unit

Mr G Cain: Manager- IDP & Performance Management

Mr A van der Merwe: Senior Manager-Community Services

Councillor

Esther Groenewald: Mayco: Planning, LED & Corporate Services

Officials

Mr S Carstens- Senior Manager: Development Management

Mr C Alexander - Senior Manager: Development Planning

Mr P April: Acting Manager: Land-Use Management & Senior Town Planner

Mr R Fooy: Senior Town Planner

Ms L Kamineth: Senior Administrative Officer: MPT

Ms O Sims: Administrative Officer: MPT

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ITEM	SUBJECT
SMPT 01/02/20	<p>OPENING AND WELCOME</p> <p>Chairperson Du Plessis welcomed all present to the sitting. He extended a special welcome to Mr Stiaan Carstens who recently joined Stellenbosch Municipality as Senior Manager: Development Management.</p>
SMPT 02/02/20	<p>LEAVE OF ABSENCE</p> <p>Mr Kobus Munro - Technical Advisor</p>
SMPT 03/02/20	<p>DISCLOSURE OF INTERESTS</p> <p>The Chairperson enquired whether any member wanted to declare a conflict of interest regarding any item on the agenda. No conflicts of interest were noted.</p>
SMPT 04/02/20	<p>MINUTES OF THE PREVIOUS MEETINGS DATED 31 JANUARY AND 03 FEBRUARY 2020</p> <p>The minutes of previous meetings were included and noted.</p>
	<p>MATTERS FOR CONSIDERATION</p>
SMPT 05/02/20	<p>APPLICATION FOR REZONING, SUBDIVISION, PHASING OF THE DEVELOPMENT, ESTABLISHMENT OF A HOMEOWNERS ASSOCIATION, APPROVAL OF THE SITE DEVELOPMENT & ARCHITECTURAL GUIDELINES, AND APPROVAL OF THE DEVELOPMENT NAME, STREET NAMES & NUMBERS ON ERF NO. 445, KYLEMORE (LU/7355)</p> <p>Chairperson Du Plessis introduced the first item and handed over to Mr Craig Alexander to present a summary of the application. Chairperson declared the item open for discussion. Dr Pool-Stanvliet referred to page 98 of the agenda which was a letter from the church. She suggested that inclusionary housing be included. The name of the proposed development "Mountain Whisper" was spelled incorrectly. Mr Rabie referred to a previous similar application that was approved by the previous Tribunal. Mr Rabie posed a question as to the width of the area that connects the 2 properties to the open space. Mr van der Merwe enquired whether the application was circulated to the Department of</p>

Water Affairs for comments. Mr Williams stated that as far as new developments in areas such as Kylemore are concerned, the developers must indicate how they will provide for middle income residents of these areas. Mr Alexander stated that inclusionary housing can range from R350 000 to R1,2 million which would still not be affordable to middle income buyers. Mr Williams stated that if the developer was willing to accommodate middle income applicants, and such a condition is not part of the conditions of approval then he is not willing to support the application.

Mrs Crooijmans-Lemmer noted she has a very strong sense from the local community that people would like to be able to stay in areas such as Kylemore. She further indicated that the Tribunal must consider the input of the community. A further in-depth discussion followed between the members of the Tribunal.

UNANIMOUSLY RESOLVED:

1 Approval be granted in terms of Section 60 of the Stellenbosch Municipal Land Use Planning Bylaw, 2015 promulgated by notice number 354/2015, dated 20 October 2015, for:

1.1 **Rezoning** in terms of Section 15(2)(a) of Erf No. 445, Kylemore from Agricultural Zone I to **Subdivisional Area** to accommodate the zonings of Residential Zone III (Town houses erven); Residential Zone II (Group housing erven); and Open Space Zone II (private open space), as per Proposed Subdivision Plan, Plan No. ERF445 KYLEMORE dated October 2017, attached as **Appendix 2**.

1.2 **Subdivision** in terms of Section 15(2)(d) of Erf No. 445, Kylemore into 35 erven to establish twelve (12) Residential Zone III (Town housing) erven, 21 Residential Zone II (Group housing) erven and 2 Open Space Zone II (private road and private open space) erven, as per Proposed Subdivision Plan, Plan No. ERF445 KYLEMORE dated October 2017, attached as **Appendix 2**;

1.3 **Subdivision** in terms of Section 15(2)(d) of Erf No.445,

Kylemore to enable the phasing of the proposed development into two (2) phases, namely Phase 1 consisting of erven 1-6 and 28-33 with a portion of the private road, and the Phase 2 consisting of the Remaining proposed erven, as per Phasing Plan, Plan No. ERF445 KYLEMORE dated October 2018, attached as **Appendix 3**;

2. The approval(s) granted in Section 1. is subject to the following conditions in terms of Section 66 of the above-mentioned by-law;

2.1 The approval applies only to the application in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

2.2 Building plans be approved by this municipality, prior to any building work commencing on site;

2.3 The conditions imposed by the Director: Infrastructure Services, attached as Appendix 10 to this report, be adhered to;

2.4 The perimeter fence to comply with Council's Bylaw relating to Boundary Walls and Fences;

2.5 The applicant submits an electronic copy (shp,dwg,dxf) of the consolidation diagram which was preliminary approved by the SG indicating the newly allocated Erf Numbers, Co-ordinates and Survey Dimensions;

2.6 A certificate of compliance in terms of Section 28 only be granted once all the conditions of approval for the development have been complied with;

2.7 The development be undertaken generally in accordance with the approved site development plan attached as Appendix 4 to this report, Drawing No. 1373/03, Compiled by Bart Senekal Civil & Structural Engineering Consultants;

2.8 The **Establishment of a Homeowners Association** ("HOA") in terms of Section 29(1) for the proposed Mountain Whisper Estate and the constitution of the home owners association be submitted for approval and endorsement;

2.9 A detailed landscaping plan be submitted to the Department of Community Services for approval; The landscaping plan to be implemented to the satisfaction of this Department to the cost of the developer and prior to the issuing of the first occupancy certificate.

2.10 **Architectural Guidelines** for the Mountain Whisper Estate Development be submitted to the Municipality for approval;

2.11 Twelve (12) Residential Zone 2 units to be developed for middle income buyers. A section should be included in the sales agreement with the developer that Kylemore residents should have the first option to buy one of these units at market related valued, should they be interested.

REASONS FOR APPROVAL

1. Land inside of existing and proposed urban settlements should developed to promote densification and infill development to prevent urban sprawl.
2. The location of the subject property lends itself to be developed as an enclosed development.

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	<p>3. The proposal is consistent with the Municipal IDP and SDF and its strategic objectives for the development of existing nodes within Stellenbosch Municipality.</p>
<p>SMPT 06/02/20</p>	<p>APPLICATION FOR CONSENT USE FARM NO 571/6, STELLENBOSCH DIVISION(LU/5680)</p> <p>Chairperson Du Plessis handed over to Mr April to present a summary of the application. Members of the Tribunal posed questions in respect of the application for clarity purposes. An in-depth discussion followed.</p> <p>UNANIMOUSLY RESOLVED:</p> <p>1. Approval be granted in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by PN 354/2015, dated 20 October 2015, for consent use for a tourist facility (Restaurant) and to extend the existing wine tasting and sales facility on Farm No 571/6, Stellenbosch Division.</p> <p>2. The approvals granted are subject to the following conditions in terms of Section 66 of the above-mentioned By-Law;</p> <p>2.1 The approval applies only to the applications for consent use in question for a tourist facility (Restaurant of ±702m²) and to extend the existing wine tasting and sales facility from 100m² to ±500m² on Farm no 571/6, Stellenbosch Division, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;</p> <p>2.2 The following municipal engineering services conditions be adhered to;</p> <p>2.2.1 It is the owner's responsibility to ensure that potable water be stored and distributed in such a manner that it complies with the SANS 241 Drinking Water Quality Standards.</p>

	<p>2.2.2 No building plans be approved if a formal engineering drawing, indicating the sewer reticulation layout including positioning of treatment facilities and outlet of treated water is not submitted simultaneously with the building plan.</p> <p>2.2.3 Proof is provided of approval from the Department of Water and Sanitation for disposal of treated effluent by irrigation/discharge of treated effluent into a water course.</p> <p>2.2.4 A maintenance agreement be entered into between the owner and the Clarus Fusion waste water treatment system service provider and proof thereof be furnished to the Municipality's Water Services Department.</p> <p>2.2.5 Details of additional conservancy tanks be provided and only Stellenbosch Municipality is allowed to empty conservancy tanks.</p> <p>2.2.6 A services contract be entered into with Stellenbosch Municipality to service the conservancy tanks on a regular basis.</p> <p>2.2.7 Wastewater and sewage may not pollute any groundwater, storm water or surface water.</p> <p>2.2.8 No new septic tanks and soak-aways be permitted and the use of existing septic tanks to collect and treat sewage generated by the proposed development is not allowed.</p> <p>2.2.9 Solid waste be removed from the site to a lawful solid waste disposal site in accordance with the requirement of section 26 of the National Environment Management Waste Act 2008 (Act 59 of 2008).</p> <p>2.2.10 Sufficient parking be provided and indicated on the site plan at the building plan submission stage.</p>
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	<p>2.2.11 Development contributions be payable and calculate in terms of the municipal Development Contribution policy for the applicable financial years tariffs.</p> <p>2.2.12 Development Contribution are payable prior to the erf or portion thereof being put to the approved use or building plan approval whichever comes first.</p> <p>2.3 All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use and pollution management be adhered to.</p> <p>2.4 Building plans for all alterations and extensions be submitted to this municipality for approval;</p> <p>2.5 Any proposed extension, maintenance and traffic calming measure on the servitude access road be agreed by the applicants and the owners over which properties these servitudes are aligned as per the title deed conditions. A copy of the agreement be submitted to the Municipality before the construction of building starts.</p> <p>2.6 Application is made for a certificate of acceptability from the Cape Winelands District Municipalities Health Department for all food preparation premises, if not already obtained.</p> <p>2.7 The existing and proposed buildings at all times comply with SANS 10400 - Part S "Facilities for disabled persons" to the satisfaction of the municipal building management department.</p> <p>2.8 All electrical requirements be directed to Eskom, considering that the property falls outside the Stellenbosch area of supply.</p>
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2.9 The proposed landscaping plan to be implemented to the satisfaction of the Department of Community Services, prior to the issuing of the occupancy certificate and should additional landscaping be required in future to soften the visual impact of the proposed structures from the surrounding properties and roads, it be implemented at the cost of the owners;

2.10 Site development plan to be submitted to department for approval

2.11 58 Parking bays to be provided in two phases of 38 for Phase I and 20 Parking bays for phase II as indicated in the development proposal.

REASONS FOR APPROVAL

1. The proposed land use is in conformance with the principles of the Stellenbosch Municipal Spatial Development Framework in relation to agri-tourism activities.
2. The intended facilities and its location on the property will be of a nature that should not be detrimental to the immediate and surrounding areas, if all conditions of approval are complied with.
3. No significant heritage and environmental impacts are envisaged by the development.
4. Existing access point and access road to the property will be used.
5. All parking to be provided will be onsite and adequately screened.
6. Existing services will be used, upgraded or newly built to the satisfaction of the engineering department for the development.

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	<p>7. There are no restrictive title deed conditions registered against the title deed that prohibit the proposed development of the property.</p> <p>8. The proposed land uses are low intensity tourist activities which would not impact negatively on the property and area.</p> <p>9. An agreement has been reached with regards to the maintenance of the access road.</p>
<p>SMPT 07/02/20</p>	<p>APPLICATION FOR REZONING AND PERMANENT DEPARTURES ON ERF 290, FRANSCHHOEK (LU/8817)</p> <p>Chairperson Du Plessis announced items 5.3 and 5.4 on the agenda which were discussed simultaneously. He further stated that the applicants requested to do an oral presentation which was subsequently granted. Chairperson welcomed the applicants Mr Mons and Mr Kinney, as well Ms Borrias who represented the objectors in respect of the application. Oral presentations were made by both parties. Members of the Tribunal posed questions in respect of the application for the purpose of clarity.</p> <p>An in-depth discussion followed between the members of the Tribunal on the application and the following concerns were noted by the members of the MPT:</p> <p>The nature and scale of the proposed development portrayed a function venue and accordingly:</p> <ul style="list-style-type: none"> o The scale of the uses within the proposed building were not in line with the number of beds it intends to serve; o in nature as a standalone facility does not comply with the definition of a guest house facility with a primary use for residential purposes; o the proposed height of the building departs from the provisions with regard to height for the Franschhoek Urban Conservation Zone.

The definition of a guest house as set out by the Stellenbosch Municipality Zoning Scheme By-Law(2019) was intensely discussed:

Guest House (*gaste-huis*) means the use of furnished bedrooms or suites in a dwelling house and/or second dwelling, for the accommodation of transient guests, where accommodation is rented out on an individual room-by-room basis, where no proprietor is required to live on the property as a permanent resident, and where no self-catering facilities are provided, subject to the following:

- o In the zones where this Scheme permits a dwelling house or second dwelling house but not flats or hotel, the scale of any one building may not exceed that of a dwelling house or second dwelling house which would ordinarily accommodate one family and must be able to revert back to a dwelling house when no longer used for a guest house;
- o up to one meeting room and one room for beauty treatments per land unit may be provided on properties which are zoned other than Conventional Residential zone, provided that the facilities may only serve resident guests of that specific land unit, and may not be used by residents of the same enterprise who reside on different land units;
- o at least one communal bathroom shall be provided to guests, but rooms may be an en-suite; one kitchen per dwelling unit will be retained from which the establishment may serve meals to guests who are resident on that same land unit; it is not compulsory for the establishment to have staff present on a 24-hour basis, but the operation may include such staff;
- o a guest house premises may be licensed to sell liquor for consumption on the property in a Local Business zone, Mixed-use Zone, Agriculture and Rural Zone, and Open Space Zone. In any other zones, a consent use application must first be approved before such a license may be issued;

- o a guest house may not include a shop for sale of alcohol for off-site consumption;
- o alcohol may only be served to resident guests and the facility may not include a pub;)

The Tribunal indicated that the following be addressed in the application prior to the application being referred back to the MPT for consideration:

- o Manager facilities be provided onsite;
- o All onsite facilities to be scaled down and the facilities provided are only for guests of the establishment located on the property;
- o The scales of the buildings are to be reduced to comply with the existing residential character of the area as well as the provisions of the Franschhoek Urban Conservation Area. (This includes the setback lines, building lines, coverage, height of the buildings and number of storeys to comply with those of a dwelling house);
- o All parking to be provided onsite and to have minimal impact on the streetscape;
- o Landscaping including outside lighting and boundary walls to be in line with those in the area, existing trees on the property and within the road reserve to be retained.

The Tribunal indicated that the revised application needs to be re-advertised to the objectors for comments.

UNANIMOUSLY RESOLVED:

THE MATTER BE REFERRED BACK TO THE ADMINISTRATION FOR ADDITIONAL INFORMATION AND THAT THE FOLLOWING ASPECTS SHOULD BE ADDRESSED:

1. A revised conveyancer's certificate which is accompanied by the checklist as provided for by the Department;

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	<ol style="list-style-type: none"> 2. The registration of a notarial tie of this property with the guesthouse facilities on Erven 290, 291 and 571 with which it is associated; 3. A revised Site Development Plan which needs to comply with the definition and guidelines as provided for in the definition for a guest house as depicted in the Stellenbosch Municipality Zoning Scheme By-Law November 2019 as a guideline. 4. The provisions of the Franschoek Urban Conservation area be taken into consideration regarding the scale and nature of the development proposal. 5. The revised applications to be re-advertised to the objectors only. 6. A site inspection to be conducted by the members of the Tribunal prior to the revised application serving before the committee Tribunal for consideration.
SMPT 08/02/20	<p>APPLICATION FOR REZONING AND PERMANENT DEPARTURES ON ERF 292, FRANSCHHOEK(LU8817)</p> <p>Items 5.3 and 5.4 of the agenda were discussed simultaneously and be read in conjunction with each other.</p>
SMPT 09/02/20	<p>OTHER MATTERS</p> <p>The Chairperson thanked all for attending the meeting.</p> <p style="text-align: center;">Meeting adjourned at 14h40.</p>


Dr D du Plessis**CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL**

Mrs C Havenga**DEPUTY CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL**



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THE STELLENBOSCH MUNICIPALITY			
PLANNING REPORT: LAND USE AND LAND DEVELOPMENT APPLICATION: APPLICATION FOR SUBDIVISION, FARM NO. 1460/1 PAARL DIVISION			
Application Reference number	File Ref: LU/9000	Application Date	2019/01/29

PART A: APPLICANT DETAILS			
First name(s) & Surname	Marnus Botha		
Company name	David Hellig & Abrahamse Land Surveyors		
SACPLAN registration number	C/8375/2016		
Registered owner(s)	Pickstone & Son (Pty) Ltd	Is the applicant properly authorised to submit the application	Yes

PART B: PROPERTY DETAILS			
Property description	Portion 1 of the Farm Deltameer No. 1460	Town/ City	Paarl
Physical address	Intersection of R45 and R310 Groot Drakenstein, Franschhoek (See Annexure A)		
Extent (m ² /ha)	13,7303 ha	Current zoning	Agriculture Zone 1
Existing Development and Current land use	Agriculture Zone 1		
Any unauthorised land use/building work	None		
Title Deed Nr.	T45830/1991 (See Annexure B)		

PART C: APPLICATION DETAILS	
Applications(s)	<p>Application is made in terms of the Stellenbosch Municipal Land Use Planning By-Law, dated 20 October 2015 for the following:</p> <ul style="list-style-type: none"> a) Cancellation of unregistered subdivisional diagrams (section 15 (2) (k)) in respect of portions 81 and 82 of the Farm Deltameer No. 1460 Paarl Division. b) Subdivision in terms of section 15 (2) (d) of the Remainder of Portion 1 of the Farm Deltameer No. 1460 Paarl Division into: <ul style="list-style-type: none"> Portion A (± 1, 25 hectares in extent) Portion B (±11,58 hectares in extent) The remainder Main Road No 191 (± 0.90 hectares in extent) c) Registration of servitudes over subdivided portions
Purpose of Application	The applicant intends to remodel the two unregistered land units portions 81 & 82 measuring 5,0061 ha and 7,8271 ha in extent respectively into Portion A & B measuring approximately 1,25 ha and 11, 58 ha respectively.
Pre-consultation	None

PART D: APPLICATION BACKGROUND

The subject property is zoned for agricultural purposes, is surrounded by mixed land uses and is situated at the intersection of Main Road 191 (R45) (Simondium – Franshoek) and Mani Road 172 (Helshoogte Road) (310 abutting the Allee Bleue Estate with access directly from an existing entrance onto main Road 191. The property comprises of the Lekkerwijn manor house complex with two existing elongated farm buildings on each flank. The farmstead complex is enclosed by a low werf wall. Other than the Lekkerwijn manor house complex, the land is planted with approximately one hectare of orchards with the balance being largely undeveloped. An application for consent use for purposes of a restaurant was approved on the 29 March 2010.

PART E: APPLICATION OVERVIEW AND MOTIVATION

The proposed subdivision is located within the approved urban edge of the Groot-Drakenstein Area, densification and infill development is encouraged. The application proposal will improve the agricultural viability as the proposal will result in the larger portion (Portion B) containing all the agricultural improvements and existing infrastructure. The application proposal will not impact on the character of the subject land units since no change use is proposed. Furthermore, the application proposal will have no impact on the surrounding environment, neighbouring properties or nearby land uses.

PART F: PUBLIC PARTICIPATION, COMMENTS AND RESPONSE

Notices were served on the interested and affected property owners (**See Annexure M**). The application was circulated to internal departments and all the departments supported the application proposal with standard conditions (**See Annexure G-I**). The application was circulated to external departments and **two** objections were received (**See Annexure J-K**).

Objections from the Department of Agriculture (National and Provincial)

The objections submitted related to mainly the application not promoting the objective of the Subdivision of Agricultural Land Act, Act 70 of 1970.

Response by applicant to comments received (See Annexure E)

The application proposal effectively represent the remodelling of the two unregistered land units 81 and 82 measuring 5,0061 ha and 7,8271 ha respectively into two land units portion A and B measuring 1,25 ha and 11,58 ha respectively, therefore no additional land units are being created. Portion A will be retained for agricultural purposes and is underdeveloped which does not adversely impact on the agricultural potential of the larger agricultural unit. This remodelling of the subject unit will improve the agricultural viability. Furthermore the application proposal will not result in a loss of any viable agricultural land.

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 Spatial Development Plan
- o SPLUMA and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

The application under consideration was submitted in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for a Cancellation of unregistered subdivisional diagrams in terms of section 15 (2) (k) in respect of portions 81 and 82, Subdivision in terms of section 15 (2) (d) of the Remainder of portion 1 of the Farm Deltameer No. 1460 Paarl Division into Portion A ($\pm 1,25$ hectares in extent), Portion B ($\pm 11,58$ hectares in extent) and the remainder Main Road No 191 ($\pm 0,90$ hectares in extent) and Registration of servitudes over subdivided portions. The application is processed in accordance with and in compliance with the prescripts of the Bylaw.

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

Applicable planning policies and guidelines

The application is situated within the urban edge of the Groot Drakenstein development precinct and have been identified for urban development purposes in terms of the Stellenbosch Municipality Spatial Development Plan.

Assessment of application

The subject application property is located within the urban edge of the Groot Drakenstein in terms of which densification and infill development is encouraged. The application proposal does however not indicate the intentions nor include a motivation of the subdivision, and specifically the rationale of how the proposed sub-division will fulfil the objectives of densification or infill development. The Applicant stated that the application will improve the viability of the agricultural land but provides no information or motivation of how the resulting subdivision will promote or improve the agricultural potential and infrastructure.

It is also noted that the property is subject to the Subdivision of Agricultural Land Act, Act 70 of 1970 (SALA), and that both the National as well as the Provincial Departments of Agriculture does not

support the application for the proposed subdivision. It is thus assumed that a SALA approval will not be granted for the proposed subdivision.

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 proposal as submitted cannot be supported from a land use point of view for the following reasons.

- o The application proposal does not indicate the applicant's intentions in subdividing the property.
- o The application proposal does not promote the objective of the Subdivision of Agricultural Land Act, Act 70 of 1970.

The subject land use and land development application is, having regard to the conclusions above, deviates from the relevant legislative and plans and consequently grounds not to support the subject land use and land development application.

PART I: RECOMMENDATION

- 1) That Application made in terms of the Stellenbosch Municipal Land Use Planning By-Law, dated 20 October 2015 for the following applications in respect of the Remainder of portion 1 of the Farm Deltameer No. 1460 (Unregistered Portions 81 and 82 of the Farm Deltameer No. 1460); Paarl Division:
 - a) Cancellation of unregistered subdivisional diagrams in respect of Portions 81 and 82 of the Farm Deltameer No. 1460 in terms of section 15 (2) (k) of the said Bylaw;
 - b) Subdivision in terms of section 15 (2) (d) of the said Bylaw of the Remainder of portion 1 of the Farm Deltameer No. 1460 Paarl Division into:
 - (i) Portion A (\pm 1, 25 hectares in extent)
 - (ii) Portion B (\pm 11,58 hectares in extent)
 - (iii) The remainder Main Road No 191 (\pm 0.90 hectares in extent)
 - c) Registration of servitudes over the subdivided portions as indicated on Plan No3 Rev7 and dated Sept.2018 – Jan 2019;

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

- i. The application proposal provides no rationale of the intentions in subdividing the property and how it will contribute towards the development of the area.
- ii. The application does not promote the objectives of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970).
- iii. No indication was given as to how the subdivision will improve agricultural viability as stated on the application motivation.

PART J: ANNEXURES

ANNEXURE A:	Locality Plan
ANNEXURE B:	Title Deed
ANNEXURE C:	Applicants motivation
ANNEXURE D:	Objections
ANNEXURE E:	Applicants comments on objections
ANNEXURE F:	Site Development Plan
ANNEXURE G:	Comment from the Director: Engineering Services
ANNEXURE H:	Comment from the Manager: Spatial Planning
ANNEXURE I:	Comment from the Electrical Department
ANNEXURE J:	Comments from the Department of Agriculture, Forestry & Fisheries
ANNEXURE K:	Comment from the Western Cape Government: Department of Agriculture
ANNEXURE L:	Comment from the Western Cape Government: Department of Transport and Public Works
ANNEXURE M:	Proof of Evidence (Public Participation, General Plan & Affidavit)

PART K: ASSESSMENT OF THE LAND USE AND LAND DEVELOPMENT APPLICATION**APPLICATION FOR SUBDIVISION ON FARM NO. 1460/1 PAARL DIVISION****AUTHOR OF PLANNING ASSESSMENT REPORT****NAME:** B. ZONDO**CAPACITY:** SENIOR TOWN PLANNER**SACPLAN REGISTRATION:** C/8589/2017**SIGNATURE:** **DATE:** 12/06/2020**REVIEW BY PROFESSIONAL TOWN AND REGIONAL PLANNER****NAME:** S CARSTENS**CAPACITY:** SENIOR MANAGER: DEVELOPMENT MANAGEMENT**SACPLAN REGISTRATION:****SIGNATURE:****DATE:**

PART L: SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT**APPLICATION FOR SUBDIVISION ON FARM NO. 1460/1 PAARL DIVISION****Authorised Employee to assess and make a recommendation on a land use and land development application for consideration by the authorised decision maker:**

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

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

Category: D (c)2

Decision Making Authority: SMPT

Rational: The application property is larger than 10 000m².

Name: *S. Carstens*

Capacity: *SMPTM*

SACPLAN Registration: *A/1551*

Signature: 

Date: *12/6/2020*

ANNEXURE A: Locality Plan

Stellenbosch Map

SCALE
1:4 513,99

Legend

- High Way
- Provincial
- Arterial
- Main
- Street
- Street
- Railway
- Sectional Schemes
- Erven
- District Boundary
- Ocean

25



Stellenbosch Municipality
Planning & Economic Development
Created by: Corporate GIS

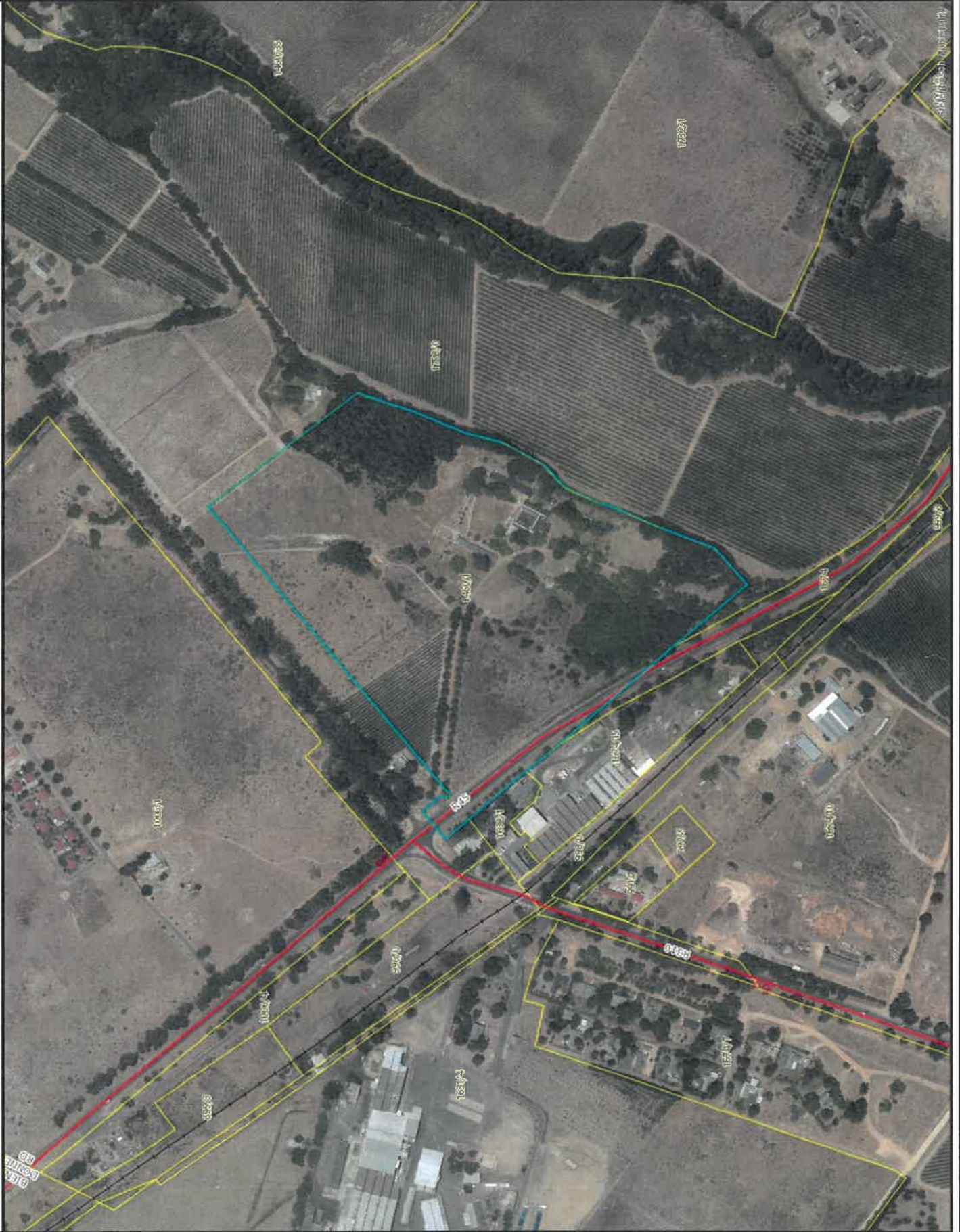
Date: 2020-06-05



Author: Stellenbosch Municipality

Stellenbosch Municipality
Street Address:
71 Plein Street, Stellenbosch, 7600
Tel: 021 808 8658

This map is the reproduction of the information supplied by the Stellenbosch Municipality. It is not to be used for any other purpose without the written consent of the Stellenbosch Municipality. The Stellenbosch Municipality is not responsible for any errors or omissions that may appear in this map. The Stellenbosch Municipality is not responsible for any damage or loss of any kind or for any consequences of any kind arising from the use of this map.



ANNEXURE B: Title Deed

COPY

Prepared by me:

~~Mr. Timm~~
 CONVEYANCER
 TORRINGTON, M J

VJR ENDOSSEMENTE KYK BLADSY 6
 FOR ENDORSEMENTS SEE PAGE _____

T 45828-04

CERTIFICATE OF REGISTERED TITLE

Issued under the provisions of Section 43 of the Deeds
 Registries Act No. 47/1937 as amended

WHEREAS

PICKSTONE AND SON (PROPRIETARY) LIMITED
 (Co. No. 05/39279/07)

have applied for the issue to them of a Certificate
 of Registered Title under Section 43 of the Deeds
 Registries Act 1937, in respect of the undermentioned
 land, being portion of the land registered in its
 name under Certificate of Consolidated Title No. T-45828-04

8

- 2 -

NOW, therefore, in pursuance of the provisions of the said Act, I, the Registrar of Deeds at Cape Town, do hereby certify that the said PICKSTONE AND SON (PROPRIETARY) LIMITED. (No. 05/39279/07), White Group, or assigns is the registered owner of :

PORTION 1 OF THE FARM DELTAMEER NO. 1460, in the Division of Paarl;

IN EXTENT: 16,1672 (Sixteen comma One Six Seven Two) Hectares;

AS WILL APPEAR from the annexed Diagram No. 9140/90 and held by Certificate of Consolidated Title No. T 45829191

1. AS REGARDS THE FIGURE A B n m on attached Diagram No. 9140/90:

SUBJECT to the conditions referred to in the endorsement dated 17 March 1931 on Deed of Transfer No. T6238/1922 which reads as follows:

8

- 3 -

(ii) To the conditions referred to in the Endorsement of Servitude dated 17th March 1931 on Deed of Transfer No. T6238/1922, which said Endorsement reads as follows:

"The within described land is subject to a servitude with regard to apportionment of water in terms of an Order of the Water Court (Water Court District No. 1 dated 13th May 1921) as will more fully appear on reference to the copy of the said Order annexed hereto."

2. AS REGARDS THE FIGURES n C x M and m x C Middle of water furrow D on the attached Diagram No. 9139/90.

A. SUBJECT to the conditions referred to in Certificate of Registered Title No. T2785/1952.

B. SUBJECT FURTHER to the conditions referred to in the endorsement of servitude dated 17 March 1931 on Deed of Transfer No. T6238/1922 which endorsement reads as follows:

"The within described land is subject to a servitude with regard to apportionment of water in terms of an order of the Water Court (Water Court District No. 1 dated 13 May 1921) as will more fully appear on reference to the copy of said Order annexed hereto."

C. SUBJECT FURTHER to the following condition contained in Certificate of Uniform Title No. T4291/1944, reading as follows:

"That the Government shall at all times have the right to resume a portion of the whole of the said land if required for public purposes on payment of such sum of money in compensation as may be mutually agreed upon by the parties concerned, or failing such agreement, as may be determined by arbitration."

- D. ENTITLED to the benefit of the conditions referred to in paragraph (a) of the endorsement of servitude dated 31 March 1944 on Certificate of Uniform Title No. T4291/1944, the relevant portion of which endorsement reads as follows:

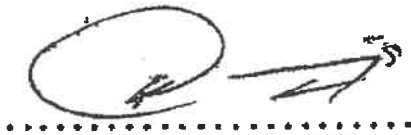
"By T No. 4292/1944 (para 2) the transferee and its successors in title to the land thereby conveyed (para 2) shall be debarred from erecting any buildings within a distance of 62,97 metres from those portions of the South Eastern Boundary of the land thereby conveyed (para 2) and lettered f.g. and h.y. on the diagram No. 3769/42 thereunto annexed."

- 5 -

AND that by virtue of these presents the said PICKSTONE AND SON (PROPRIETARY) LIMITED (No. 05/39279/07) or assigns now is and henceforth shall be entitled thereto conformably to local custom, the State, however, reserving its rights.

IN WITNESS whereof I, the said Registrar, have subscribed to these presents, and have caused the seal of office to be affixed thereto.

THUS DONE and executed at the Office of the Registrar of Deeds at CAPE TOWN on this 26 day of JULY 1991.

A handwritten signature in black ink, consisting of a large, stylized initial 'R' followed by a horizontal line and a flourish.

REGISTRAR OF DEEDS

A handwritten mark or signature in black ink, consisting of a large, stylized initial 'R'.

6

BC 41596191 w.o.p.

Artikel Section	43 (1)	Wet No. 47 van 1937 Act No. 47 of 1937
Verbind deur Verband No. Mortgaged by Bond No.	B20043 88	BC 52890-1919
gedateer dated	12/4/1988 vir for	R500000,00
P.R. Ek.		Fol.
Aktekantoor, Deeds Office, Kaapstad/Cape Town.	26 07 91	Asst.-Registateur Asst. Registrar

RELEASED ON THE F...

13 09 91

BC 41597191 w.o.p.

Artikel Section	43 (1)	Wet No. 47 van 1937 Act No. 47 of 1937
Verbind deur Verband No. Mortgaged by Bond No.	B23511 83	BC 52893/1991
gedateer dated	5/11/1983 vir for	R300000,00
P.R. Ek.		Fol.
Aktekantoor, Deeds Office, Kaapstad/Cape Town.	26 07 91	Asst.-Registateur Asst. Registrar

ON THE F/RELEASED

13 09 91

VIR ENDOSSEMENTE KYK BLADSY
FOR ENDORSEMENTS SEE PAGE

BC 41598191 w.o.p.

Artikel Section	43 (1)	Wet No. 47 van 1937 Act No. 47 of 1937
Verbind deur Verband No. Mortgaged by Bond No.	B27006 89	BC 52892 1991
gedateer dated	23/5/1989 vir for	R1,000000,00
P.R. Ek.		Fol.
Aktekantoor, Deeds Office, Kaapstad/Cape Town.	26 07 91	Asst.-Registateur Asst. Registrar

ON THE F/RELEASED

13 09 91

BC 41599191 w.o.p.

Artikel Section	43 (1)	Wet No. 47 van 1937 Act No. 47 of 1937
Verbind deur Verband No. Mortgaged by Bond No.	B13546 86	BC 52891 1991 /19
gedateer dated	3/4/1986 vir for	R200000,00
P.R. Ek.		Fol.
Aktekantoor, Deeds Office, Kaapstad/Cape Town.	26 07 91	Asst.-Registateur Asst. Registrar

ON THE F/RELEASED

13 09 91

1

(26)

for ... of ...

NOTE

ENTITLED to a servitude water pipeline 3 (Three) metres wide to pump water from the Berg River, as contained in Deed of Transfer No. T 45834191 /1991 registered this day, together with such ancillary rights as regards access and maintenance as may be reasonable or normal under the circumstances, in favour of Portion 1 of the Farm Deltameer No. 1460, in the Division of Paarl, in extent 16,1672 Hectares: the centre line whereof is indicated by the line S1 T1 U1 on Diagram No. 9143/90, and it is a condition of the servitude that the positioning of the pump on the Berg River may be changed from time to time.



DEEDS OFFICE
CAPE TOWN

REGISTRAR OF DEEDS

VIR SPESSEMENTE KYK BLADSY
FOR ENDORSEMENTS SEE PAGE

8

By Deed of Transfer
 No. T 27334/93+ the within
 property is entitled to a
 servitude water pipeline
 3 metres wide to convey
 water over the property on
 such terms and conditions
 and situations as the
 registered owners may
 require in its sole discretion
 over portion 5 of the farm
 Veltamer, no. 1460 area
 12,3653 Ha held by Deed of
 Transfer 27334/93 as well more
 fully appear from the said
 Deed of Transfer
 Deeds Office
 Cape Town
 23.03.93
 Registrar of
 Deeds

For end. see p (9).

By Notarial Deed No K 387/99

the within Property is entitled to a servitude right of way, as indicated

by the Plan ABCDEFGHIJK on said servitude diagram No 2005/91

OVER REMAINDER OF THE FARM NO 1478

HELD BY T 74351 /91

As will more fully appear from the said Notarial Deed.

DEEDS REGISTRY

CAPE TOWN

2
REGISTRAR OF DEEDS

29 04 99

UNTEIENING DEUR	EXPROPRIATION BY
PROVINCIAL ADMINISTRATION: WESTERN CAPE	
VAN AF P. PTN. OF PTN.) OF THE FARM DELTAMER	No. 1460
INHOOF ONGVEER/MEASURING APPROXIMATELY 7633 M ²	
EX 11 95	
29 04 99	REGISTRAR VAN AKTES

not subject

30

BY Notarial Deed No. K 19/2002 dated 12 November 2001

the within property is

ENTITLED to the following servitude over the Remainder of the Farm Lekkerwyn No. 997, in the Stellenbosch Municipality, Division of Paarl, Western Cape Province, in extent 25,6960 Hectares held by Deed of Transfer No. T 2582/1902 (Para 26):

"A 3 metre pipeline servitude from the middle of the water furrow at a to the middle of the Dwars River at s, the line aA represents the northern, the line ABCDEFGHJK represents the north western, the line KMM represents the northern and the line NPQRSS represents the north eastern boundary of such servitude as depicted on servitude diagram SG9598/1996 annexed thereto. Where limited by the property boundary, the aforesaid servitude extends to the property boundary."

SUBJECT to conditions as will more fully appear on reference to said Notarial Deed.

2002-01-14
DEEDS OFFICE
CAPE TOWN

Handwritten signature

lluyg
REGISTRAR OF DEEDS

DIE IDENTIFISERINGSNUMMER VAN DIE IS VERANDER NA 1950	THE IDENTITY NUMBER OF THE HAS BEEN CHANGED TO 039279107
2002-01-14	REGISTRAR OF DEEDS <i>lluyg</i>

PER GOEDKEURDE EN VERVOLGDE
IN DIE DEEDS KANTOOR VAN CAPE TOWN

Endorsement

BY VIRTUE OF NOTARIAL DEED NO.

KC 200/03 2003 DATED 6/02/03 THE
ROUTE OF THE SERVITUDE PIPELINE IN
ENDORSEMENT DATED 23/03/93 ON PG 8
HAS BEEN DETERMINED AS DEPICTED BY
THE FIGURES ON SERVITUD DIAGRAM 9599/96
AS WILL MORE FULLY APPEAR FROM SAID
NOTARIAL DEED.


DEEDS OFFICE
CAPE TOWN

2003-03-11

REGISTER OF
DEEDS

10 12

Ptn. 80 Meas 2,4369 ha

GETRANSPORTEER AAN ALICE BLEUE ESTATE (Pty) LTD		TRANSFERRED TO ALICE BLEUE ESTATE (Pty) LTD	
RESTANT/REMAINDER B, 1203TA			
T 000058795/2011			
2011-10-21-		REGISTRAR	

Handwritten notes at the bottom of the page.

Property Enquiry Details



Property enquiry results for "Paarl, 1460, 1" in the Deeds Registry at "CAPE TOWN"

Property detail:

Deeds registry	CAPE TOWN
Property type	FARM
Farm name	DELTAMEER
Farm number	1460
Portion	1 (REMAINING EXTENT)
Province	WESTERN CAPE
Registration division/Administrative district	PAARL RD
Local authority	WINELANDS DC
Previous description	PTN OF 1460
Diagram deed number	T45830/1991
Extent	16,16.72HA UNKNOWN
LPI Code	C05500000000146000001

Title Deeds detail:

Document	Registration date	Purchase date	Amount	Image Scanned reference	Document copy?
T45830/1991	19910726	-	CRT	20111206 15:08:45	<u>Yes</u>

Owners detail:

Document	Full name	Identity Number	Share	Person Enquiry?
T45830/1991	PICKSTONE & SON PTY LTD	05/39279/07	-	<u>Yes</u>

Endorsements / Encumbrances:

Endorsement / Encumbrance	Holder	Amount	Image Scanned reference	Document copy?
I-4730/2010LG	-	-	20100528 10:28:06	<u>Yes</u>
I-5925/97LG	-	-	-	Not available
I-9947/1991C-45830/1	991T	-	-	Not available
K19/2002S	-	-	2002 0082 3010	<u>Yes</u>
K200/2003S	-	-	2003 0378 4077	<u>Yes</u>
K387/1999S	-	-	1999 0275 1197	<u>Yes</u>

Remainder10:**NOTARIAL DEED OF SERVITUDE**

000000962 / 2011

By virtue of Notarial Deed of Servitude No. K.....S dated 5th August 2011

The within property is entitled to:

1.1a right of access in perpetuity by way of the servitude road 7metres

wide, the centre line whereof is depicted by the line AB on servitude diagram No.1591/2010

1.2 a right of access by way of servitude road 5metres wide, the centre line whereof is depicted by the

Line cd on servitude diagram No.1591/2010

Subject to ancillary rights and in particular a specific proviso to subdivision contained therein

1.3 a servitude in perpetuity to drain storm water by way of the servitude furrow 2metres wide

(which may at the election of Pickstone and its successors in title be replaced by underground pipes)

as depicted by the curvilinear lines ef and gh on servitude diagram No.1591/2010

Subject to ancillary rights

Over The Farm No.1758 meas.83,7412 ha held by Certificate of ^{Consolidated} Registered title
NoT. 000058796 / 2011

Registrar of Deeds

Deeds Office

Cape Town

2011-10-21

ANNEXURE C: Applicants motivation

PLANNING REPORT

PROPOSED SUBDIVISION OF THE REMAINDER OF PORTION 1 OF THE FARM DELTAMEER NO 1460 PAARL

OUR REF: P2416/90(14)

Compiled by:

David Hellig & Abrahamse
Professional Land Surveyors

JANUARY 2019

1. LAND USE DEVELOPMENT APPLICATIONS

The following applications in respect of the subdivision of the **Remainder of Portion 1 of the Farm Deltameer No 1460 Paarl** and the registration of miscellaneous servitudes viz roads, borehole, pipeline and electric cables are hereby formally submitted to the following Statutory Authorities for approval :

- (i) Stellenbosch Municipality in terms of **Section 15(2)(d)** of the **Stellenbosch Municipality Land Use Planning By-Law, 2015**
- (ii) The Department of Agriculture Forestry and Fisheries in terms of the **Subdivision of Agricultural Land Act No 70/1970.**
- (iii) The Department of Transport and Public Works, WCG in terms of the **Roads and Ribbon Development Act No 21/1940.**

2. SUBJECT LAND UNIT**2.1 Ownership**

The Remainder of Portion 1 of the Farm Deltameer No 1460 Paarl measuring 13,7303 hectares in extent is owned by Messrs Pickstone & Son (Pty) Ltd vide Deed of Transfer No T 45830/1991.

The Title Deed contains no restrictive conditions that will prevent the registration of the proposed subdivisions and servitudes in the Deeds Office.

2.2 Previous Statutory Approvals

The following Statutory Approvals in respect of the subdivision of Portion 1 of the Farm Deltameer No 1460 Paarl were previously granted in 2009 / 2010 by the applicable Statutory Authorities :

- Act No 70/1970 Consent No 45158 dated 29-03-2010.
- Act No 21/1940 Approval vide District Roads Engineer Ref PR22/29/105/0941(09) dated 09-12-2009.
- The then Land Use Planning Ordinance No 15/1985 Approval vide Stellenbosch Municipality Ref. Farm 1460/1, Paarl dated 28-09-2009.

The cadastral survey was completed and subdivisional diagrams in respect of Portions 80 – 82 portions of Portion 1 of the Farm Deltameer No 1460 Paarl duly approved by the Surveyor-General, with the registration of transfer of Portion 80 to Messrs Allee Bleue Estate (Pty) Ltd and the simultaneous consolidation with Farms No 1475/1 and Farm No 1734 Paarl to form Farm No 1758 Paarl duly registered in the Deeds Office. Refer to the endorsement on Page 12 of Deed of Transfer No T45850/1991. Portions 81 and 82 have to date never been registered in the Deeds Office and therefore represent unregistered deductions of Portion 1 of the Farm Deltameer No 1460 Paarl.

Due to the registration of transfer of Portion 80, the above mentioned Statutory Approvals have been acted upon and are valid in perpetuity. Portions 81 and 82 portions of Portion 1 of the Farm Deltameer No 1460 Paarl are therefore capable of registration in the Deeds Office based on the current Statutory Approvals and do not require any further planning permission approvals in order to effect registration in the Deeds Office.

2.3 Location

The subject land unit is situated at the intersection of Main Road 191 (R45) (Simondium – Franschhoek) and Main Road 172 (Helshoogte Road) (R310) abutting the Allee Bleue Estate with access directly from an existing entrance onto Main Road 191 via an existing servitude road represented by servitude diagram no 1589/2010.

The subject land unit is centrally located between Simondium, Pniel and Franschhoek and enjoys high accessibility from all directions; hence the inclusion of the surrounding area into the urban edge for the Groot Drakenstein area. The large volumes of traffic along the R45 towards Franschhoek as well as the traffic from Stellenbosch via Main Road 172 create a unique opportunity for a development node at this intersection resulting in its inclusion into the Spatial Development Framework as a future development node in the Groot Drakenstein area.

2.4 Existing zoning and land uses

Existing zoning and land use rights

The subject land unit is subject to the Zoning Scheme Regulations promulgated in terms of Section 8 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and the Stellenbosch Municipality has confirmed that the subject property is currently zoned for **Agriculture Zone I** purposes.

Existing land uses

The improvements on unregistered Portion 82 of the Farm Deltameer No 1460 Paarl, comprise the Lekkerwijn manor house complex with two existing elongated farm buildings on each flank. The farmstead complex is enclosed by a low werf wall.

Subdivision: The Rem. of Portion 1 of the Farm Deltameer No 1460 Paarl

Ref: P2416/90(14)

A temporary land use departure application for the utilisation of a portion of one of these farm buildings (northern building) for a Psychiatric Clinic is currently under consideration by the Stellenbosch Municipality.

Other than the Lekkerwijn manor house complex, the land unit is planted with approximately one hectare of orchards with the balance being largely undeveloped.

Character of the area

There are various other mixed land uses present in the area which include the Rhodes Foods Group (office and pack shed precinct), Police station, Old Railway station buildings, Alle Bleue Wine Farm, Boschendal, Groot Drakenstein Games Club which portray the mixed use character of the development node.

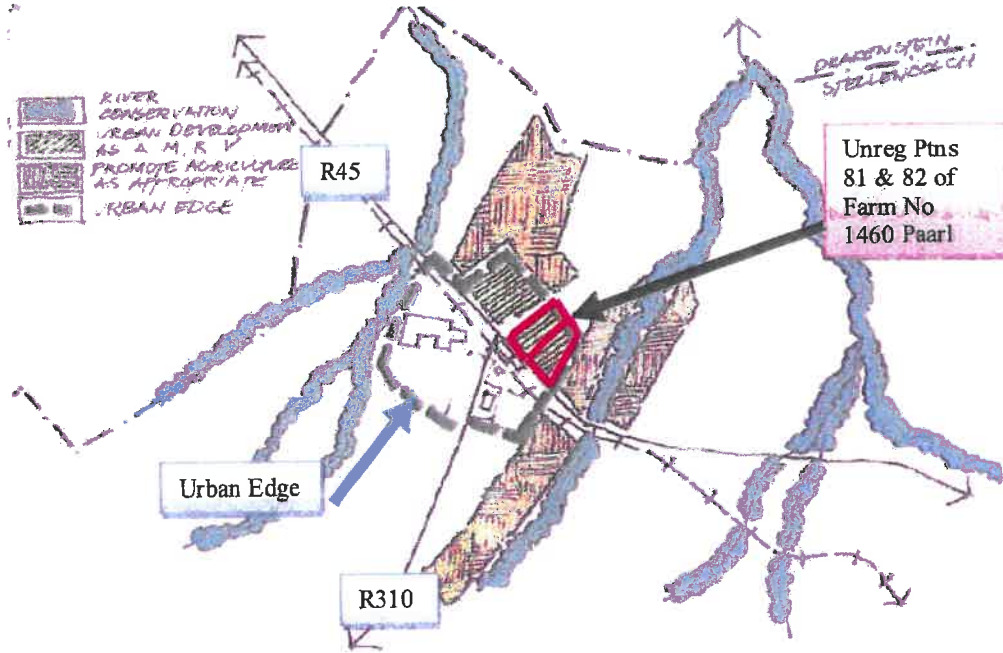
Stellenbosch Municipal Spatial Development Framework

The subject land unit is located within the Groot-Drakenstein Area as a future development node precinct situated at the R45 and R310 intersection and is identified in terms of the Stellenbosch Municipal Spatial Development Framework (SMSDF) as a strategic location for future urban related activities.

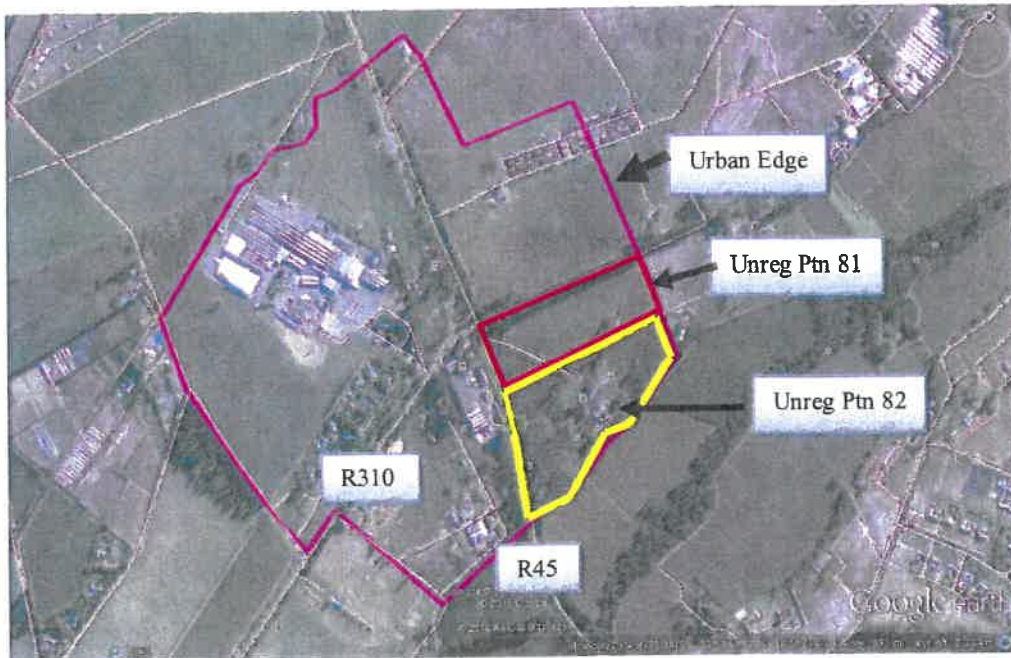
The spatial planning documentation recommends future lateral growth along the roadside towards the north with both unregistered Portions 81 and 82 of the Farm Deltameer No 1460 Paarl being situated within the Groot Drakenstein precinct urban edge and reserved for urban development purposes.

In this regard, the provisions contained in Section 22 of the National Spatial Planning Land Use Management Act which stipulates that planning decision making executed by Municipalities and other Competent Authorities must

be in accordance with an approved Municipal Spatial Development Plan, should be taken note of.



GROOT DRAKENSTEIN PROPOSALS



Existing approved urban edge of Groot Drakenstein Area

3. APPLICATION PROPOSAL**3.1 Cancellation of unregistered subdivisional diagrams**

The unregistered diagrams in respect of Portions 81 and 82 of the Farm Deltameer No 1460 Paarl are to be cancelled and substituted with the following subdivisional proposal.

3.2 Subdivision

The Remainder of Portion 1 of the Farm Deltameer No 1460 Paarl is to be subdivided into :

- a) **Portion A**, measuring approximately 1,25 hectares in extent.
- b) **Portion B**, measuring approximately 11,58 hectares in extent.
- c) **The Remainder of Farm No 1460/1 Paarl**, measuring approximately 0,90 hectares in extent to be transferred to the Department of Transport and Public Works, WCG being part of Main Road No 191.

3.3 Servitudes

- d) Servitude Road 5m wide labelled ab is to be registered over Portion A in favour of Portion B.
- e) Servitude Road 5m wide labelled ac is to be registered over Portion A in favour of Portion B.
- f) Electric Cable Servitude 1m wide labelled de is to be registered over Portion A in favour of Portion B for the transmission of electricity from the Eskom transformer to the submersible pump at the Borehole.
- g) Servitude Borehole 1m in diameter labelled e is to be registered over Portion A in favour of Portion B for the provision of irrigation and potable water.
- h) Servitude Pipeline 2m wide labelled ef is to be registered over Portion A in favour of Portion B for the provision of irrigation and potable water.

6. MOTIVATION

- The application proposal effectively represents the re-modelling of the two unregistered land units viz Portions 81 and 82 respectively measuring 5,0061 and 7,8271 hectares in extent again into two land units viz Portions A and B respectively measuring approximately 1,25 and 11,58 hectares in extent.
- The application proposal will result in the larger portion viz Portion B containing all the agricultural improvements and existing infrastructure. Portion A comprises the lower lying portion of land being undeveloped and does not adversely impact on the agricultural potential of Portion A. All existing infrastructure, agricultural resources and improvements will be retained on the larger portion of land viz Portion B which abuts onto Main Road No 191.
- The re-modelling proposal will improve the agricultural viability compared to the status quo of Portions 81 and 82 being of similar extents.
- The approval of the application will not impact on the character of the subject land units since no change in land use is proposed. The status quo in terms of the land use is being maintained.
- The reconfiguration of the land units will have no impact on the surrounding environment, neighbouring properties or nearby land uses. It serves no negative impact to property values or the character of the neighbouring land units compared to the status quo.
- The land units are situated within the urban edge of the Groot Drakenstein development precinct and have been identified for urban development purposes in terms Stellenbosch Municipal Spatial Development Framework.

PER : M BOTHA

Candidate Planner C/8375/2016

JANUARY 2019

ANNEXURE D: Objections



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Private Bag X120, Pretoria (Tshwane), 0001
Delpen Building, C/o Annie Botha & Union Street, Riviera, 0084

From: Directorate Land Use and Soil Management
Tel: 012-319-7634 Fax: 012-329-5938 E-mail: Thokob@nda.agric.za
Enquiries: Helpdesk Ref: 2019_01_0097

David Hellig & Abrahamse Land Surveyors
P. O. Box 18
PAARL
7622

Attention: David Hellig

ACT 70 OF 1970: APPLICATION FOR SUBDIVISION OF REMAINDER OF PORTION 1 OF THE FARM DELTAMEER NO. 1460, DIVISION PAARL, WESTERN CAPE PROVINCE

Your letter bearing reference P2416/90(14) dated 17 January 2019 refers.

In light of the mandate of the Department to ensure food security it is deemed that the proposed subdivision and creation of a portion measuring approximately 1,25 hectares (Proposed Ptn A) will not promote the objective of the Subdivision of Agricultural Land Act, Act 70 of 1970 and the application is therefore not supported.

It is trusted that you will find the decision in order.

Yours faithfully

MS T.S. CHIPETA
ACTING DEPUTY DIRECTOR GENERAL: FORESTRY AND
NATURAL RESOURCES MANAGEMENT
DELEGATE OF THE MINISTER

DATE: 14/03/19

CC: Land Use and Soil Management, Private Bag x2, SANLAMHOF, 7532
CC: Mr Brandon Layman Land use Management Department of Agriculture: Western Cape Private Bag x 1 ELSENBURG 7607



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

OUR REFERENCE : 20/9/2/5/4/834
YOUR REFERENCE : P2416/90(14)
ENQUIRIES : Cor van der Walt

David Hellig & Abrahamse Land Surveyors
PO Box 18
PAARI
7622

Att: M Botha

PROPOSED SUBDIVISION: DIVISION PAARL
PORTION 1 OF THE FARM DELTAMEER NO 1460

Your application of 17 January 2019 has reference.

The Western Cape Department of Agriculture does not support the application as this will lead to further fragmentation.

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

2019-06-04

Copies:

Directorate Land Use and Sustainable Resource Management

National Department of Agriculture

Private Bag X 120

PRETORIA

0001

Drakenstein Municipality

PO Box 1

PAARL

7622

ANNEXURE E: Applicants comments on objections

Marnus Botha

From: Marnus Botha
Sent: 29 March 2019 09:27 AM
To: 'Annette Geertsema'
Cc: 'FrancinaMO@daff.gov.za'
Subject: PROPOSED SUBDIVISION OF THE REMAINDER OF PORTION 1 OF THE FARM DELTAMEER NO 1460 PAARL
Attachments: DAFF letter 2019_01_0097 (14-03-2019).pdf

Our Ref: P2416/90(14)
 Your Ref: 2019_01_0097

Hi Annette

**APPLICATION IN TERMS OF ACT NO 70/1970:
 PROPOSED SUBDIVISION OF THE REMAINDER OF PORTION 1 OF THE FARM DELTAMEER NO 1460 PAARL**

Your letter vide Ref 2019_01_0097 dated 14-03-2019, a copy of which is attached herewith for your ease of reference, refers.

Your letter in which you advised that your Department does not support the application in respect of the subdivision of the subject land unit to create an opportunity for Messrs Pickstone & Son (Pty) Ltd to form a larger agricultural land unit to comprise all the agricultural improvements and existing infrastructure was based on one reason only, which reads as follows:

- *"In light of the mandate of the Department to ensure food security it is deemed that the proposed subdivision and creation of a portion measuring approximately 1,25 hectares (Proposed Ptn A) will not promote the objective of the Subdivision of Agricultural Land Act, Act No 70 of 1970 and the application is therefore not supported."*

We respectfully disagree with this statement due to the following reasons:

A. APPLICATION PROPOSAL:

- The application proposal effectively represents the re-modelling of **two** unregistered land units viz Portions 81 and 82 respectively measuring 5,0061 and 7,8271 hectares in extent again into **two** land units viz Portions A and B respectively measuring approximately 1,25 and 11,58 hectares in extent. Therefore, no additional land units are being created.
- The application proposal will result in the creation of a larger and more viable agricultural land unit viz Portion B comprising all the existing infrastructure, agricultural resources and improvements.
- Portion A comprises the lower lying portion of land which is to be **retained for agricultural purposes and is undeveloped which does not adversely impact on the agricultural potential of the larger agricultural land unit.**
- The re-modelling of the subject land unit will **improve the agricultural viability** compared to the status quo of Portions 81 and 82 being of similar extents.

B. MUNICIPAL GOVERNMENT (STELLENBOSCH MUNICIPALITY):

- According to the Stellenbosch Municipality Spatial Development Framework (2018), Portions 81 and 82 of the Farm Deltameer No 1460 Paarl is situated in the Groot Drakenstein precinct within the urban edge and earmarked for urban development purposes.
- In this regard, the provisions contained in Section 22 of the National Spatial Planning and Land Use Management Act No 16/2013 which stipulates that planning decision making executed by Municipalities and other Competent Authorities must be in accordance with an approved Municipal Spatial Development Framework, should be taken note of.
- All spheres of government and all organs of state should respect the constitutional status, institutions, powers and functions of government in all other spheres as contained in Chapter 3 of the Constitution. The co-operation from your Department would be much appreciated in complying with the principles of co-operative government and intergovernmental relations. The land use implications for the subject land unit as contained in the Stellenbosch Municipality Spatial Development Framework (2018) should therefore be considered in terms the decision making procedure of your Department.

Furthermore, your letter dated 14-03-2019 provides no specific reasons or motivation to substantiate the claim that the creation of Portion A will not promote the objective of the Subdivision of Agricultural Land Act No 70/1970 and ensure food security in the country.

The application proposal will not result in a loss of any viable agricultural land which is in support of the sole mandate of the Department to protect agricultural land for agricultural purposes to ensure food security in the country.

In light of the above motivation, we kindly request you to reconsider your decision and approve the application in terms of Act No 70/1970.

Please acknowledge receipt in writing of this email and its contents.

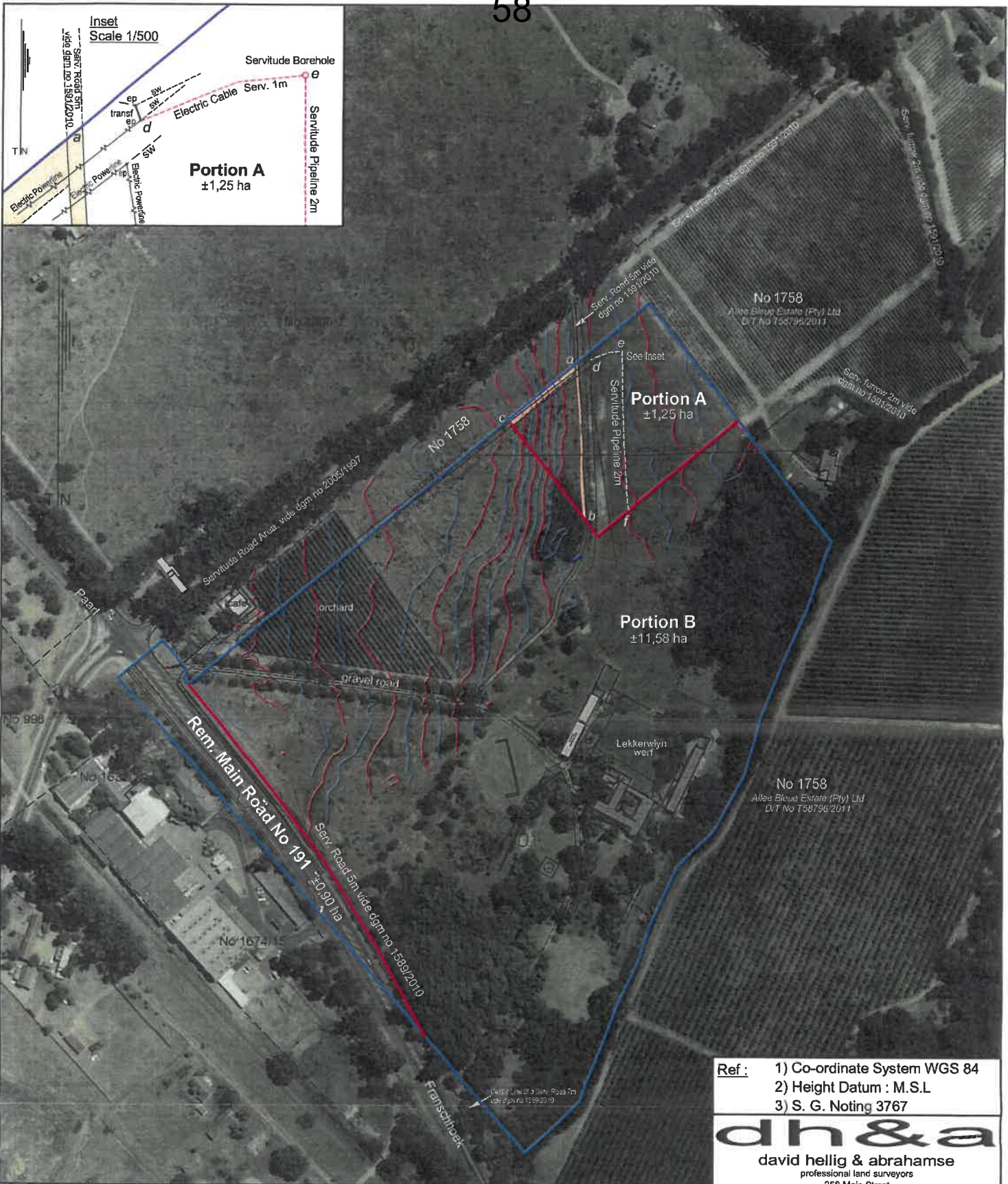
I look forward to hearing from you soonest.

Kind regards

Marnus Botha
Candidate Planner C/8375/2016

Javid Hellig & Abrahamse
Professional Land Surveyors
258 Main Street
PAARL 7646
P O Box 18 PAARL 7622
Telephone : (021) 872 4086
Email : plan@dhaa.co.za
Website : www.dhale.co.za

ANNEXURE F: Site Development Plan



Ref : 1) Co-ordinate System WGS 84
 2) Height Datum : M.S.L
 3) S. G. Noting 3767

dh&a
 david hellig & abrahamse
 professional land surveyors
 258 Main Street
 PAARL 7646

Telephone : 021-8724086 web site : www.dhale.co.za
 email : david@dhale.co.za

project **Plan of Subdivision**

**The Remainder of Portion 1
of the Farm No 1460 Paarl**

Scale	1 / 2500 @ A3
Date	Sept 2018 - Jan 2019
File No	P2416/90(14)
Plan No	3 Rev 7

Notes:

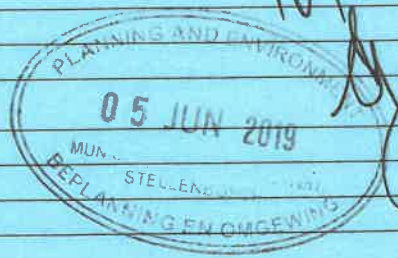
- 1) The unregistered diagrams of Portions 81 and 82 of the Farm No 1460 Paarl are to be cancelled
- 2) The Remainder of Portion 1 of the Farm No 1460 Paarl is to be subdivided into :
 - a) Portion A ± 1,25ha
 - b) Portion B ± 11,58ha
 - c) Rem. Road ± 0,90ha
- 3) Access to Portion A is via existing servitude roads vide diagrams no 2005/1997 and 1591/2010 over adjoining Farm No 1758 Paarl
- 4) Servitude Road 5m wide labelled ab is to be registered over Portion A i.f.o Portion B.
- 5) Servitude Road 5m wide labelled ac is to be registered over Portion A i.f.o Portion B.
- 6) Electric Cable Servitude 1m wide labelled de is to be registered over Portion A i.f.o Portion B.
- 7) Servitude Borehole 1m in diameter labelled e is to be registered over Portion A i.f.o Portion B.
- 8) Servitude Pipeline 2m wide labelled ef is to be registered over Portion A i.f.o Portion B.
- 9) denotes servitude roads

ANNEXURE G: Comment from the Director: Engineering Services

7K
60
Charlene
CIVIL 18/26/19

INTERDEPARTMENTAL CIRCULATION FORM

LêER VERW/ FILE REF	Farm 1460/1, Paarl Division	DATUM DATE	9 April 2019
AANSOEKNUMMER/APPLICATION NUMBER	LU/9000		
MEMO AAN/ TO :			
<input checked="" type="checkbox"/>	Director : Engineering Services		
<input checked="" type="checkbox"/>	Manager : Electrical Department		
	Manager : Building Development Management		
	Manager : Fire Services		
	Director : Corporate Services		
<input checked="" type="checkbox"/>	Manager: Spatial Planning / Heritage / Environment / Signage		
	Manager: Health Department (Winelands Health)		
	Manager: Greening department		
	Manager : Property Management		



Application

1. An application is made in terms of Section 15(2)(k) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the Cancellation of Unregistered Subdivisional Plan in respect of Portion 81 and 82 of the Farm Deltameer No 1460 Paarl
2. An application is made in terms of Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 namely:
 - (a) Subdivision of Remainder of the Remainder of Portion 1 of the Farm Deltameer Farm No 1460 into Portion A measuring (±1.25ha), Portion B measuring (±11.58ha) and the Remainder Main Road No 191 measuring (±0.90ha); and
 - (b) Registration of servitudes over subdivided Portions

Adres / Address c/o R45 and R310

Aansoek Datum / Application Date 29 January 2019

Aansoeker / Applicant David Hellig & Abrahamse Land Surveyors

Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil oplê indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.

Geliewe die memorandum per hand aan my terug te besorg voor of op: 13 Mei 2019 *pend.*
Please hand deliver the memorandum to me on or before : 13 May 2019

A. Hardouin
For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

FILE NR:	
COLLABORATOR NR:	648828

ALGEMENE KOMMENTAAR / GENERAL COMMENT: *ENG SERVICES: NoF 1460/19*

objectie. King

Traffic Engineering: Application is supported. 15/04/2019

VOORWAARDES/CONDITIONS :

.....

.....

HANDTEKENING / SIGNATURE	DATUM / DATE
---------------------------------	---------------------

ANNEXURE H: Comment from the Manager: Spatial Planning



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Spatial Planning, Heritage and Environment

To : Head: Customer Interface & Administration (A Hardouin) *Charlene*

From : Manager: Spatial Planning, Heritage & Environment

Date : 23 May 2019

Re : Application for proposed subdivision and registration of servitudes o Farm 1460/1, Paarl

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

1) Opinion / reasoning:

In terms of the approved MSDF, the subject property is located within the approved urban edge of the Groot Drakenstein node. Densification and infill development is encouraged in terms of the approved MSDF.

2) Supported / not supported:

This department therefore has no objection to the proposal.

FILE NR:	
SEARCH NR:	F 1460/1P
COLLABORATOR NR:	647449

pp. Bening

B de la Bat


MANAGER: SPATIAL PLANNING, HERITAGE AND ENVIRONMENT



ANNEXURE I: Comment from the Electrical Department

64 *Challene*
INTERDEPARTMENTAL CIRCULATION FORM

Sheet 182 9

LêER VERW/ FILE REF	Farm 1460/1, Paarl Division	DATUM DATE	9 April 2019
AANSOEKNUMMER/APPLICATION NUMBER	LU/9000	<i>10/04/2019</i>	
MEMO AAN/ TO :			
<input checked="" type="checkbox"/>	Director : Engineering Services		
<input checked="" type="checkbox"/>	Manager : Electrical Department		
	Manager : Building Development Management		
	Manager : Fire Services		
	Director : Corporate Services		
<input checked="" type="checkbox"/>	Manager: Spatial Planning / Heritage / Environment / Signage		
	Manager: Health Department (Winelands Health)		
	Manager: Greening department		
	Manager : Property Management		

Application

1. An application is made in terms of Section 15(2)(k) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the Cancellation of Unregistered Subdivisional Plan in respect of Portion 81 and 82 of the Farm Deltameer No 1460 Paarl

2. An application is made in terms of Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 namely:

(a) Subdivision of Remainder of the Remainder of Portion 1 of the Farm Deltameer Farm No 1460 into Portion A measuring (±1.25ha), Portion B measuring (±11.58ha) and the Remainder Main Road No 191 measuring (±0.90ha); and

(b) Registration of servitudes over subdivided Portions

Adres / Address c/o R45 and R310

Aansoek Datum / Application Date 29 January 2019

Aansoeker / Applicant David Hellig & Abrahamse Land Surveyors

Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil opleë indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.

Geliewe die memorandum per hand aan my terug te besorg voor of op: 13 Mei 2019
 Please hand deliver the memorandum to me on or before : 13 May 2019

A.Hardouin
 For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

GENERAL COMMENT:

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

FILE NR:	
SCAN NR:	<i>F 1460/1P</i>
COLLABORATOR NR:	<i>648824</i>

CONDITIONS

3. No conditions.

B
HANDTEKENING / SIGNATURE

6/04/2019
DATUM / DATE

**ANNEXURE J: Comments from the Department of Agriculture,
Forestry & Fisheries**



**agriculture,
forestry & fisheries**

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Private Bag X120, Pretoria (Tshwane), 0001
Delpen Building, C/o Annie Botha & Union Street, Riviera, 0084

From: Directorate Land Use and Soil Management
Tel: 012-319-7634 Fax: 012-329-5938 E-mail: Thokob@nda.agric.za
Enquiries: Helpdesk Ref: 2019_01_0097

David Hellig & Abrahamse Land Surveyors
P. O. Box 18
PAARL
7622

Attention: David Hellig

ACT 70 OF 1970: APPLICATION FOR SUBDIVISION OF REMAINDER OF PORTION 1 OF THE FARM DELTAMEER NO. 1460, DIVISION PAARL, WESTERN CAPE PROVINCE

Your letter bearing reference P2416/90(14) dated 17 January 2019 refers.

In light of the mandate of the Department to ensure food security it is deemed that the proposed subdivision and creation of a portion measuring approximately 1,25 hectares (Proposed Ptn A) will not promote the objective of the Subdivision of Agricultural Land Act, Act 70 of 1970 and the application is therefore not supported.

It is trusted that you will find the decision in order.

Yours faithfully

**MS T.S. CHIPETA
ACTING DEPUTY DIRECTOR GENERAL: FORESTRY AND
NATURAL RESOURCES MANAGEMENT
DELEGATE OF THE MINISTER**

DATE: 14/03/19

CC: Land Use and Soil Management, Private Bag x2, SANLAMHOF, 7532
CC: Mr Brandon Layman Land use Management Department of Agriculture: Western Cape Private Bag x 1 ELSENBURG 7607

**ANNEXURE K: Comment from the Western Cape Government:
Department of Agriculture**



Western Cape
Government

Agriculture

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

OUR REFERENCE : 20/9/2/5/4/834
YOUR REFERENCE : P2416/90(14)
ENQUIRIES : Cor van der Walt

David Hellig & Abrahamse Land Surveyors
PO Box 18
PAARI
7622

Att: M Botha

**PROPOSED SUBDIVISION: DIVISION PAARL
PORTION 1 OF THE FARM DELTAMEER NO 1460**

Your application of 17 January 2019 has reference.

The Western Cape Department of Agriculture does not support the application as this will lead to further fragmentation.

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

2019-06-04

Copies:

Directorate Land Use and Sustainable Resource Management
National Department of Agriculture
Private Bag X 120
PRETORIA
0001

Drakenstein Municipality
PO Box 1
PAARL
7622

**ANNEXURE L: Comment from the Western Cape Government:
Department of Transport and Public Works**



ROAD NETWORK MANAGEMENT
 Email: Grace.Swanepoel@westerncape.gov.za
 tel: +27 21 483 4669
 Rm 335, 9 Dorp Street, Cape Town, 8001
 PO Box 2603, Cape Town, 8000

REFERENCE: 16/9/6/1-10/274 (Job 17219)

ENQUIRIES: Ms G D Swanepoel

DATE: 16 April 2019

David Hellig & Abrahamse
 P O Box 18
PAARL
 7622

Attention: Messrs David Hellig/Spencer Dreyer

Dear Sirs

REMAINDER PORTION 1 OF FARM DELTAMEER 1460, PAARL: MAIN ROAD 191: APPLICATION FOR SUBDIVISION

1. Your letter ref. P2416/90(14) dated 17 January 2019 and the attached planning report in respect of the above property refers.
2. The application is for the following:
 - 2.1 Cancellation of the unregistered diagrams of Portions 81 and 82 of the Farm 1460/1 Paarl;
 - 2.2 Subdivision of Farm 1460/1 into three portions:
 - Portion A, ± 1.25 ha in extent, located at the north-west corner of the subject property
 - Portion B, ± 11.58 ha in extent (most of the remainder of the subject property)
 - Remainder Main Road 191 (± 0.90 ha),
 - 2.3 Registration of various servitudes across Portion A in favour of Portion B.
3. It is noted that the portion described as Remainder Main Road 191 reflects the existing (ie. acquired) road reserve, but may not include the full extent of the 32m proclaimed road reserve. In terms of the Advertising on Roads and Ribbon Development Act 21 of 1940, no structure may be erected within 95m of the centre of the proclaimed road reserve. Should this become an urbanised area in the future, a 5m building line beyond the proclaimed road reserve boundary will apply.

4. No indication is given of the applicant's intentions in subdividing the property, however, it is noted that Portion A takes servitude access from the access road to Alle Bleu (Farm 1758 Paarl). This access forms the fourth leg of the intersection of Main Road 191 with the Helshoogte Road, Main Road 172. This intersection is busy at peak times and the form of development which would be approved for Portion A may be constrained, based on the likely scale of traffic generated by it, until the intersection is upgraded. This Branch noted the following in respect of the Boschendal Village development:

"This Department does not have any plans for upgrading Main Road 172 or Main Road 191 in the vicinity of Boschendal Village or the intersection of these two roads in the near future. Road upgrades required by the development shall be at the Applicant's cost. Furthermore, funding will not be provided by this Branch for the required two-lane roundabout at the intersection of Main Roads 172 and 191, including widened approaches and pedestrian crossings. Financing thereof will need to be arranged by the Applicant and/or Stellenbosch Municipality."

5. This Branch offers no objection to the proposed consolidation and subdivision of Portion 1 of the Farm Deltameer 1460, Paarl.
6. In terms of the Advertising on Roads and Ribbon Development Act 21 of 1940, this Branch approves the subdivision of Farm Deltameer 1460 Paarl as detailed in the Planning Report dated December 2018 by Messrs David Hellig & Abrahamse.

Yours faithfully



SW CARSTENS
For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT

ENDORSEMENTS

1. Stellenbosch Municipality
Attention: Mr Ulrich von Molendorff (e-mail)
2. David Hellig & Abrahamse (e-mail: david@dhaa.co.za)
(e-mail: spencer@dhaa.co.za)
3. District Roads Engineer
Paarl
4. Mr SW Carstens (e-mail)
5. Mr H Thompson (e-mail)
6. Mr B du Preez (e-mail)

ANNEXURE M: Proof of Evidence (Public Participation, General Plan & Affidavit)

David Hellig & Abrahamse 75

Land Surveyors • Landmeters

DAVID SAMUEL HELBIG

B.Sc., B.Sc. (Land Survey), PR.L. (SA)

SPENCER GRAHAM DREYER

B.Sc. (Survey), PR.L. (SA)

At Cape Town

RICHARD CLIFTON ABRAHAMSE

B.Sc. (Survey), PR.L. (SA)

BRYAN JAMES HANSEN

B.Sc. (Geomatics), PR.L. (SA)

258 Main Street/Hoofstraat
PAARL 7646

☒ P O Box 18 PAARL 7622

Posbus 18 PAARL 7622

Telephone/Telefoon : (021) 872 4086

e-mail : david@dhaa.co.za

Our Ref : P2416/90(14)PP

24 June 2019

Your Ref: Farm 1460/1, Paarl Division

Application No: LU/9000

The Municipal Manager
Stellenbosch Municipality
P O Box 17
STELLENBOSCH
7599

Attention : Mr Ulrich von Molendorff

Dear Sir

**APPLICATION IN TERMS OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW, 2015:
PROPOSED SUBDIVISION OF THE REMAINDER OF PORTION 1 OF THE FARM DELTAMEER NO
1460 PAARL**

Your letter vide Ref Farm 1460/1, Paarl Division dated 09-04-2019 refers.

I enclose herewith the following documents for your information and attention:

1. Portfolio of Evidence Checklist, duly completed and signed
2. Sworn Affidavit, duly completed and signed
3. Copy of registered letters sent to interested and affected parties
4. Copy of registered letters sent to external departments
5. Original registered slips
6. Unclaimed registered mail
7. Comments and/or Approvals received from external departments
8. All email correspondence in respect of the Application

FILE NR.	
SCAN NR.	F 1460/1 P
COLLABORATOR NR.	65247



Please note that the application was submitted to the following external departments:

1. Department of Agriculture, WCG for comment

2. Department of Water Affairs and Forestry for comment
3. Department of Agriculture (Pretoria) for Approval in terms of Act No 70/1970
4. Department of Transport and Public Works, WCG for approval in terms of Act No 21/1940

Please acknowledge receipt in writing of this letter and enclosures.

Should you require any additional information, please advise.

Yours sincerely
DAVID HELLIG & ABRAHAMSE




PER : M BOTHA
Candidate Planner C/8375/2016




PLANNING & ECONOMIC DEVELOPMENT

PORTFOLIO OF EVIDENCE Applicant advertised CHECKLIST				Date	18-06-2019	
Erf/Erven Farm no	1460	Portion(s) if farm	1	Allotment Area	Paarl	
Owner/ Applicant	Messrs David Hellig & Abrahamse Professional Land Surveyors		LU/number	LU/9000		
INDICATE WHICH OF THE FOLLOWING DOCUMENTATION (WHERE APPLICABLE) IS ATTACHED TO THE PORTFOLIO OF EVIDENCE				OWNER/APPLICANT TO INDICATE		ADMIN OFFICER/ PLANNER VERIFY <input checked="" type="checkbox"/>
				YES	NO	
Affidavit (TEMPLATE ATTACHED)						
1. Is the affidavit signed by a Commissioner of Oaths				X		✓
2. Does the affidavit confirm that the advertising was undertaken in accordance with the said prescriptions?				X		✓
3. Does the affidavit confirm that the notice was placed and kept on site for the duration of the advertising period (from which date to which date)? Notice on site was not required.				N/A		N/A
Proof of publication						
4. In one local newspaper in two official languages (or in those cases where Council has indicated two local newspapers) Notice is newspaper was not required.				N/A		N/A
5. Extract from the newspaper attached (date of publication visible) Notice is newspaper was not required.				N/A		N/A
6. Does the wording fully address the description of the application?				X		
7. <u>If no, define differences:</u> N/A						
8. Advertising period	From	15-04-2019	To	15-05-2019		
9. Does the Advertising period comply with the required 30 days?				X		✓
10. Was Council informed of the commencement date and closure date?				X		✓ (17)
The registered slips in respect of all the registered letters addressed to						
11. A copy of the registered letter addressed to the affected parties				X		✓
12. Are the dates concurring				X		✓
13. A copy of the registered letter addressed to the external departments (where required)				N/A		✓
14. Affected interested and affected parties (registered property owners) (original registered slips)				X		✓
15. Community organisations (original registered slips)				N/A		N/A N/A
16. Ward Councillor (original registered slip)				X		✓

17. External Departments (where required)(original registered slip)	N/A	X		✓
18. Unclaimed registered mail	N/A	X		✓

19. If no to any of the above, define differences : N/A				
20. Were the external departments granted 60 days for comment?		X		✓
Notices placed on the property				
21. Were the notices placed on the property on the same day as the notice in press? Notice on site was not required.		N/A		N/A
22. Have photos been attached? (one close up and one from across the street) Notice on site was not required.		N/A		N/A
23. Was the notice clearly visible on site? Notice on site was not required.		N/A		N/A
24. Were the notices kept on site for the duration of the advertising period? Notice on site was not required.		N/A		N/A
Objections/Comments				
25. From organs of state/external departments must be on a formal letterhead?		X		✓
26. All objections/comments received attached?		X		✓
27. All emails sent or received in respect of this application attached?		X		✓
28. Applicant's comments on the objections attached? No objections were received in respect of the Application.		N/A		No objections received
SIGNED BY APPLICANT/OWNER				

For office use only	
SIGNED BY ADMINISTRATIVE OFFICER	
VERIFIED & SIGNED BY TOWN PLANNER	
DATE VERIFIED	26/07/2019

List of SIGNATURE-on-DELIVERY LETTERS
Lys van HANDTEKENING-met-AFLEWERING-BRIEWE
(No compensation payable / Geen vergoeding betaalbaar nie)

Delivery tracing only / Slegs afleweringsspring

Name and address of sender

David Hellig & Abrahamse Professional Land Surveyors

P O Box 18

PAARL 7622

Enquiries / Navrae

Toll-free number

Tolvry nommer

0800 111 502

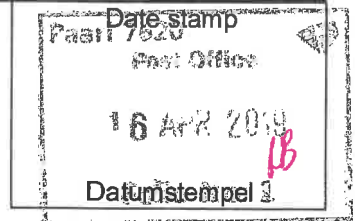
No	Erf No	Name and address of addressee	Affix Track and Trace customer copy
1	<i>Farm No 991/1</i> <i>Farm No 997/5</i> <i>Farm No 1006/1</i>	National Government of the Republic of South Africa National Department of Public Works Private Bag X9027 CAPE TOWN 8000 Attention: V Sebolai	ORDINARY PARCEL PE 950 146 731 ZA A BOOK COPY
2	<i>Farm No 996</i> <i>Farm No 998</i> <i>Farm No 999/3</i>	Messrs Transnet Ltd P O Box 1831 BELLVILLE 7535	ORDINARY PARCEL PE 950 146 714 ZA A BOOK COPY
3	<i>Farm No 1004</i>	Anglican Church of Southern Africa – Diocese of Cape Town P O Box 2708 PAARL 7620	ORDINARY PARCEL PE 950 146 728 ZA A BOOK COPY
4	<i>Farm No 1460/35</i>	Messrs Zandvliet Delta Farming (Pty) Ltd P O Box 123 GROOT DRAKENSTEIN 7680	ORDINARY PARCEL PE 950 146 643 ZA A BOOK COPY
5	<i>Farm No 1631/4</i> <i>Farm No 1632/1</i>	Messrs Rhodes Food Group (Pty) Ltd Private Bag X3040 PAARL 7620	ORDINARY PARCEL PE 950 146 630 ZA A BOOK COPY
6	<i>Farm No 1674/10</i>	Messrs Boschendal (Pty) Ltd P O Box 25 GROOT DRAKENSTEIN 7680	ORDINARY PARCEL PE 950 146 657 ZA A BOOK COPY
7	<i>Farm No 1674/15</i>	Messrs Dwars River Packers (Pty) Ltd P O Box 45 GROOT DRAKENSTEIN 7680	ORDINARY PARCEL PE 950 146 665 ZA A BOOK COPY
8	<i>Farm No 1732</i>	National Government of the Republic of South Africa Department of Land Development and Land Reform Private Bag X5069 STELLENBOSCH 7599	ORDINARY PARCEL PE 950 146 674 ZA A BOOK COPY

9	Farm No 1758	Messrs Allee Bleue Estate (Pty) Ltd P O Box 100 GROOT DRAKENSTEIN 7680	ORDINARY PARCEL PE 950 146 688 ZA A BOOK COPY
10		Cllr C Manuel 394 Botterblom Street LANQUEDOC 7680	ORDINARY PARCEL PE 950 146 705 ZA A BOOK COPY
11		Head of Department Department of Water Affairs & Forestry Private Bag X16 SANLAMHOF 7532	ORDINARY PARCEL PE 572 860 008 ZA A BOOK COPY

Number of letters posted

11

Signature of accepting officer

Rbooy



STELLENBOSCH

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PLANNING REPORT: LAND USE AND LAND DEVELOPMENT APPLICATION: REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION, REZONING, SUBDIVISION, PHASING, STREET NAME AND NUMBERING AND DEPARTURES ON ERF 1692, FRANSCHHOEK

Application Reference number	Erf 1692, Franschhoek (LU/8369)	Application Date	2018/08/31
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PART A: APPLICANT DETAILS

First name(s) & Surname	Tristan Sandwith		
Company name	Headland Planners (Pty) Ltd		
SACPLAN registration number	N/A		
Registered owner(s)	Surry Holmes (Pty) Ltd	Is the applicant properly authorised to submit the application	Yes

PART B: PROPERTY DETAILS

Property description	Erf 1692	Town/ City	Franschhoek
Physical address	Reservoir Street East (see ANNEXURE A)		
Extent (m² /ha)	19 996m ²	Current zoning	Undetermined
Existing Development and Current land use	Vacant		
Any unauthorised land use/building work	N/A		
Title Deed Nr.	T60152/2008 (see ANNEXURE B)		

PART C: APPLICATION DETAILS

<p>Applications(s)</p>	<p>The application is made in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for the following on Erf 1692, Franschhoek:</p> <ol style="list-style-type: none"> 1. The removal of a restrictive title deed condition in terms of Section 15(2)(f) of the said bylaw of condition A.6 as contained in Title Deed Nr. T60152/2008 which reads "<i>that a general right of way from and to the adjoining Crown land over the whole of the land hereby granted is reserved in favour of the Government</i>" 2. The rezoning of the subject property from Undetermined Zone to Subdivisional Area in terms of Section 15(2)(a) of the said Bylaw to allow for the following uses (and in accordance with the land use framework plan and such phasing as depicted in plan with reference "Subdivision Plan/1692/02/1", dated May 2018 and "Phasing/1692/04/02", dated January 2019 November 2019, drawn by Headland Town Planners: <ol style="list-style-type: none"> a) Twenty eight (28) Single Residential zone erven (portions 1- 28) and approximately 0,6061ha in extent for purposes of single dwelling units; b) Three (3) General Residential Zone erven (portions 29-31) and approximately 0,6630ha in extent, for apartment buildings; c) One (1) Business zone property (portion 32) and approximately 0,0908ha in extent, for office purposes; d) Three (3) Private Open Spaces erf (portions 33 and 34 and approximately 0,1321ha in extent for open space purposes and portion 35 approximately 0,5076 in extent for road purposes); and e) The phasing of the development into six (6) phases
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3. The **subdivision** in terms of Section 15(2)(d) of the said bylaw in accordance with the subdivision plan ""Subdivision Plan/1692/02/1", dated May 2018 and "Phasing/1692/04/02", dated January 2019 November 2019, drawn by Headland Town Planners.

4. **Departure** in terms of section 15(2)(b) of the said bylaw:

a) Portion 29

- i) to exceed the permissible coverage from **25%** to **31%**;
- ii) to allow for a minimum street front of **13m** instead of **15m**;
- iii) to relax the common building lines (adjacent to Erf 2850 and Erf 2835, Franschhoek) from **4,6m** to **3,0m** and **2,8m** respectively for building C;
- iv) to relax the common building line (adjacent to Erf 2835, Franschhoek) from **4,6m** to **2,8m** and **3,1m** for building D;
- v) relax the common building line (adjacent to Erf 2835, Franschhoek) from **4,6m** to **3,1m** and **3,3m** for building E;
- vi) relax the common building line (adjacent to Erf 2835, Franschhoek) from **4,6m** to **3,0m** for building F.

b) Portion 30

- i) to exceed the permissible coverage from **25%** to **28%**;
- ii) from the provisions 8.3.5.1 of the Franschhoek Zoning Scheme to permit a building to be constructed on a general residential site abutting a street with of **8,5m** in lieu of **12,5m**;
- iii) relax the street building line (Rue De Vie Street) from **7,6m** to **4,7m** and **3,9m** for building A;
- iv) relax the street building lines (Reservoir & Rue De Vie Streets) from **7,6m** to **4,7m** respectively for building B;
- v) relax the common building line (adjacent to Erf 1693, Franschhoek) from **4,6m** to **3,8m** for building C;
- vi) **4,7m** in lieu of the **11,7m** from the street boundary of Rue De Vie for the portion that is less than 16m wide;

	<p>c) <u>Portion 31</u></p> <p>i) to exceed the permissible coverage of 25% to 37%;</p> <p>ii) to exceed the permissible bulk of 0.4 to 0.74;</p> <p>iii) from the provision 8.3.1 of the Franschoek Zoning Scheme Regulations to permit portion 31 to be 459m² in lieu of 1000m²</p> <p>iv) from the provision 8.3.5.1 of the Franschoek Zoning Scheme Regulations to permit a building to be constructed on a general residential site abutting a street with a width of 8,5m in lieu of 12,5m;</p> <p>v) 7,0m in lieu of 11,7m from the Rue De Vie street boundary;</p> <p>vi) relax the common building line (adjacent to Portion 30) from 4,6m to 3,3m;</p> <p>vii) relax the common building line (adjacent to Portion 33) from 4,6m to 2,1m;</p> <p>viii) relax the common building line (adjacent to Erf 1693, Franschoek) from 4,6m to 3,4m.</p> <p><u>OTHER APPLICATIONS</u></p> <p>5. Application in terms of Section 98 of the Stellenbosch Municipal Land Use Planning By-Law (2015) for the naming of streets (and numbering) as per the proposed subdivision plan.</p> <p>See ANNEXURE C.</p>
<p>Purpose of Application</p>	<p>To obtain approval for a phased development, with residential and commercial components on the property.</p> <p>See ANNEXURE D for motivation.</p>
<p>Pre-consultation</p>	<p>A pre-consultation meeting was held on 21 June 2017 (see ANNEXURE E).</p>

PART D: APPLICATION BACKGROUND

1. Location of property

The site is located in the north-eastern residential area of Franschhoek, approximately 1km north-east of the Huguenot Memorial Museum in Reservoir Street, north of Lambrechts Road (see **ANNEXURE A** for locality plan).

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

The area's context is typically residential in contrast with the tourism (guest houses) type uses found in much of the town. Smaller single residential dwelling along Reservoir Street's southern side and to the north is Fransche Hoek Estate, which consist of larger single dwelling properties. Opposite the site at its eastern boundary is a small group housing development consisting of 18 units not dissimilar in size to the proposed single residential properties. Access to the site is directly from Reservoir Street, future access to the development will take place in accordance with the attached subdivisional plan.

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

No construction has taken place on the subject property but the property is covered with plant species.

4. Overview of any relevant previous planning applications and the outcomes of such applications with copied decisions taken on such applications.

The subject property formed part of Erf 1679, Franschhoek which was approximately 5ha in extent and was owned by the Municipality. The Franschhoek Developers Alliance (Frandevco) proposed to purchase the land to develop the entire property. Erf 1679 was however undergoing a land claim process and approximately 2ha of Erf 1679 was successfully claimed through legal processes by the Franschhoek Claimants Trust (FCT). The portion of land approximately 2ha in extent was then subdivided from Erf 1679 to create Erf 1692.

PART E: APPLICATION OVERVIEW AND MOTIVATION

- The site is located within the urban edge and in an area designated for "urban development" in the SDF.
- The development of the property will promote the inclusive development goals of Stellenbosch SDF.
- The development offers a range of residential opportunities and future commercial GLA in Franschhoek.
- The site contains the development of dwellings for the claimants of a land trust whom own the property. A percentage of the development will remain under the ownership of the claimants, allowing for secure tenure of property for their own use or rental and which is managed by the over-arching property's association.
- No adverse impacts on the rights of surrounding property owners are expected. The development of additional dwellings will bring new stock to the market and arguably improve the value of surrounding land.
- Capacity exists in the Municipal services infrastructure to support the proposed development. Any upgrades required will be supplemented by the development contributions paid by the developer.
- No traffic impact are expected nor any intersection upgrades required as a result of the development.
- The development of unutilized property contributes to improved safety and security and is desirable in terms of forward planning by densifying existing urban areas.
- A hierarchy of body corporates/property owner's associations will manage the development, dealing with all maintenance aspects.
- The initial process leading up to the structuring of the development involved public participation with the neighbouring Fransche Hoek Estate and with the Municipality. The result is a number of design elements which buffer the development from surrounding property owners, mitigating any adverse effects on the rights of said owners.
- A combination of hard and soft open space has been utilized (green spaces and cul-de-sacs) to provide a wealth of defensible open space in the development.
- Buildings are designed in the local vernacular and the visual impact of the apartment buildings proposed has been mitigated by architecturally appearing similar to large dwellings rather than apartment blocks.
- No adverse environmental impacts are expected due to the size of the site.

- The motivation for the regulation departure from the minimum general residential erf size is to provide an independent erf in accordance with the arrangement between the developer and the Franschoek Claimants' Trust. The claimants will have tenure of portion 31 and management will remain the responsibility of the developer.
- The departures sought are in majority "internal" departures applicable to streets inside the development. Only one departure applies to Reservoir Street (Portion 30).
- The design of the development is such that the general residential sites appear similar to large single dwellings rather than flats. This approach necessitates more departures than a single large apartment building would, however the impact of a large building to the neighbours would be considerably more.
- The removal of the restrictive condition is seen to have little impact as it appears to no longer serve the land to which the servitude provided access.

PART F: PUBLIC PARTICIPATION, COMMENTS AND RESPONSE (SEE ANNEXURE F)

1. Process followed

The applicant has, in terms of the said bylaw, notified the external departments, advertised in the local newspaper and notified (serving of notices) all interested and affected parties, as well as community organisations and also placed notices on the property. The advertising period was from **11 April 2019** to **12 June 2019**. Four (4) objections were received (see **ANNEXURE G**).

Methods of advertising				Date published	Closing date for Objections/comments
Press (Paarl Post)	Y	N	N/A	11 April 2019	12 May 2019
Notices	Y	N	N/A	11 April 2019	12 May 2019
Ward councillor	Y	N	N/A	11 April 2019	12 May 2019
On-site display	Y	N	N/A	11 April 2019	12 May 2019
Community organisation(s)	Y	N	N/A	11 April 2019	12 May 2019
State departments	Y	N	N/A	11 April 2019	12 June 2019

Unclaimed letters:

- Ward Councillor
- Erf 1693 - Stellenbosch Municipality
- Erf 1379 - K & LJ Dennis

- Erf 1300 - E J Donnelly
- Erf 1298 - FG & JL Eigelaar
- Erf 3271 - E de Wit & J Kerkstra
- Erf 2849 - Chris van der Merwe Familietrust
- Erf 2844 - PJ Patel
- Erf 2843 - W van Schalkwyk
- Erf 2841 - JA Mitchell
- Erf 2840 - RF Baerveldt & GE Eccles Schoeman
- Erf 2839 - PJ & CR Wilson
- Erf 2838 - RM & DE Stout
- Erf 2836 - E & M du Toit

2. Public & stakeholder inputs

a) Erf 1376, Michiel Visser, 7 Calais Street & Erf 1375, Heather Miller and Pam Morrison, 9 Calais Street

- The relaxation of the boundary restrictions will have a significant impact on the quality of life for the inhabitants of the adjacent properties. Lesser buildings should be planned which will not require relaxation of any boundary.
- Reservoir Road is already extremely busy and dangerous. With the Franschoek Estate entrance that has been moved without any consultation, traffic has increased dramatically and this development will worsen an already bad situation. Speeding is already an issue in this road. There is a lack of signage indicating that Reservoir Road is in essence a cul-de-sac. The access roads to and from the development is totally insufficient and the impact of this on things like safety, traffic volumes, noise has to be considered.
- As this will be a mixed development I doubt this area lends itself to something other than residential buildings.
- The viability of businesses within this development is highly unlikely. There are already premises within Franschoek that is empty and these are in far more relevant locations.
- I doubt whether the current infrastructure elements supporting water, electricity and sewage will be able to handle such a dramatic increase in usage without a significant investment in upgrading said facilities.

b) Victoria Village Home Owners Association

- The HOA does not support this type and scale of the development envisaged on the property. The SDF provides for mix-use development along the Main Road and not on the periphery of the town. The development proposal is not considered to be an appropriate form of densification in light of the surrounding single residential erven and general character of the area.
- Portion 32 is earmarked for business purposes (medical facility and/or office building). The HOA strongly objects to this use which is directly opposite Victoria Village and the surrounding single residential erven. This section of Reservoir Road is not an activity corridor in support of commercial and business related development. The inclusion of business erf makes spatially no sense and will be to the detriment of the surrounding environment.
- The substantial number of departure is a true reflection that the property is being over-developed. The general residential apartments are considered out of scale in relation to the abutting single residential low density area.
- There will be a substantial increase in traffic as a result of the development. An average of 2 cars per household estimates to 150 cars. The development furthermore is not in support and does not facilitate any non-motorised and public transport initiatives as promoted by the Municipality. The lack to provide for these initiatives is a clear indication of the unfitting and inappropriate location of the development proposal on the periphery of the town.

c) Erf 1365, Nicky Handfield, 2 Calais Street

- Relaxing the boundary restrictions will set a precedent and impact Franschoek as a whole.
- The area in question has one small access road, Reservoir Road. It ends in Franschoek Estate, which has already caused a lot of traffic and noise from construction workers. Reservoir Road does not have the capacity to manage all of this traffic.
- The rezoning of the area is impractical and destructive.
- This kind of development will negatively impact on the safety of the residents in the area.

3. Government related inputs received

- a) The **Department of Transport and Public Works** supported the proposal (see **ANNEXURE H** for letter dated 18 June 2019)

- b) The **Department of Environmental Affairs and Development Planning** supported the application – EA granted (see **ANNEXURE I** for letter dated 05 August 2019)
- c) **Heritage Western Cape** supported the proposal (see **ANNEXURE J** for letter dated 15 August 2017)

4. Comments from internal service departments

- a) The **Manager: Fire Services** supported the proposal (see **ANNEXURE K** for memo dated 10 April 2019).
- b) The **Manger: Building Development Management** supported the proposal (see **ANNEXURE L** for memo dated 10 April 2019).
- c) The **Manager: Property Management** supported the proposal (see **ANNEXURE M** for memo dated 10 April 2019).
- d) The **Manager: Health Services (Winelands Health)** supported the proposal (see **ANNEXURE N** for memo dated 15 April 2019)
- e) The **Manager: Spatial Planning** supported the proposal (see **ANNEXURE O** for memo dated 23 May 2019)
- f) The **Manager: Electrical Services** supported the proposal subject to the following conditions (see **ANNEXURE P** for memo dated 03 May 2019):
For services or moving thereof, apply via recoverable cost application.
- g) The **Director: Engineering Services** supported the proposal subject to certain conditions (see **ANNEXURE Q** for memo dated 18 December 2019)

5. Response by Applicant to Comments Received (see **ANNEXURE R**)

Comment on objection of owner of **Erf 1376 & Erf 1375**, Franschhoek

- Given the design of the apartment units (made to appear as pitched dwelling units) the impact of the visual appearance on the streetscape is negligible. The setbacks of the proposed apartments are not dissimilar to that of surrounding properties of which some are as close as 1,4m from an abutting street. Internal departures have no impact on surrounding neighbours.
- The traffic study undertaken has indicated that the roads and intersections will continue to operate at an acceptable level of service with the inclusion of the development.
- Signage on public roads is a function of the Municipality
- The business operation is niche and will provide a small number of offices for general practitioners, travel doctors, specialists, etc. Consultations are occasional and will provide accessible medical facilities for current and future residents alike.
- Certain infrastructure upgrades are proposed as a result of the development proposal and will be implemented by the Municipality with the aid of the development contributions payable.

Comment on objection of **Victoria Village Home Owners Association**

- The most opportune land units available for densification are located, as the subject site, within the urban edge and in places of existing urban development. The scale and architectural design have been applied to match the local vernacular. The spatial development framework supports meaningful densification in order to address the severe housing shortage being experienced in the Municipality as a whole. The provision of a range of dwelling sizes is further supportive of the spatial planning goal.
- The development is residential in nature with the option of a niche medical space to provide services to the neighbourhood.
- The variety in the housing market is well-known to keep the market active, and Franschoek is (for the most part) a town that supports only the affluent. The proposal seeks to provide a greater range of housing opportunities in the town. One must not forget the development is also significant in that it will redress the spatial injustice of the past.
- The development is private and ties into the existing public road network at Reservoir Street.
- The objectors remark is considered their opinion and has not be adequately substantiated. It has been demonstrated that there is merit in the densification of existing urban areas and by doing so, a positive impact on the future of Franschoek.

Comment on objection of owner of **Erf 1365, Franschoek**

- The Municipality is obligated to consider developments in isolation of precedent and rather on the merit in terms of forward planning and policy. Desirability has been proven as such.
- There is no evidence that suggests the proposed development will impact negatively on the value and tourist attraction. In fact, due to an overwhelming conversion rate of existing residential properties into tourist accommodation, the proposed development will contribute to restoring a much-needed balance between residential and tourist accommodation in the town.
- The development will not result in an unfeasible traffic situation according to the professional traffic engineering report.
- The development is residential in nature with a small commercial component aimed at a support role (medical facilities) that will benefit the neighbourhood overall.
- Vacant and underutilized land is considered a safety risk. The development of the property will result in better surveillance in the neighbourhood and 24-hour guards at the access gate will ensure that there is always a security presence in the area.

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/ plans which are considered as relevant to the subject land use and land development application, are as follows:

- Stellenbosch Municipality Land Use Planning Bylaw, 2015
- Franschhoek Zoning Scheme Regulations (at the time of submitting the application)
- Stellenbosch Municipality Spatial Development Framework (2018)

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

2.1 SPLUMA Principles

2.1.1 Spatial Justice:

The development promotes access to ownership of land and it support the goals of the Stellenbosch Spatial Development Framework.

2.1.2 Spatial Sustainability:

The development will make provision for a range of income groups. The development can be seen as infill development and will therefor limit urban sprawl. The proposal has the potential in future to contribute to the financial viability of the municipality.

2.1.3 Efficiency:

The development will contribute to achieving the desired mix of land uses.

2.1.4 Spatial Resilience:

This principle has no direct bearing on the application.

2.1.5 Good Administration:

All relevant spheres of government were consulted and their comments were taken into consideration.

2.2 Applicable MSDF and LSDF's

The subject property is located inside of the approved urban edge of Franschhoek and densification and infill development are encouraged. The proposal conforms to the principles of the SMSDF.

2.3 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 business development and to develop integrated and sustainable settlements.

2.4 Service infrastructure capacity and sustainability

The proposed development falls within the catchment area of the existing Wemmershoek WWTW (Waste Water Treatment Works). There is currently insufficient capacity at the WWTW for the proposed development. However, the Municipality is currently busy with the upgrading of the WWTW to create spare capacity. The current estimated completion date for the project is January 2021. A more accurate date will be available when a contractor has been appointed and an approved programme is available. Clearance for the subdivided erven will only be given when the upgrade has been completed and the required spare capacity is available.

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

- a) A Traffic Impact Assessment was done by Sturgeon Consulting and the proposal is approved from a traffic impact point of view (see **ANNEXURE S**, November 2017).
- b) An **Environmental Authorisation** was issued on 18 April 2018 (see **ANNEXURE I**).
- c) A **Botanical Sensitivity Screening** was done by Khula Environmental Consultants and was concluded that the risk of destroying conservation worthy species is very low (see **ANNEXURE T**, 22 December 2016)
- d) A **civil and geotechnical engineering report** was compiled by APEC Consulting Engineers. The report concluded that the required basic civil engineering services (potable water, sewerage and solid waste removal) can be delivered by the Stellenbosch Municipality once spare capacity has been created (see **ANNEXURE U** , dated June 2018).

2.6 The proposal

The proposed development consist of twenty eight (28) single residential properties, three (3) general residential portions (a total of 46 apartments/flats); one (1) general business portion; two (2) private open space portions and (1) one private road. Access for the residential component will be via an access road from Reservoir Road, opposite Lillie Road. Access will be secured with a boom and security guard. Access to the business component is directly from Reservoir Road.

- a) *The property is subdivided as follows:*

Portion Number	Size/Extent	Proposed Zoning	Description
Portion 1	±227m ²	Single Residential	Dwelling house
Portion 2	±224m ²	Single Residential	Dwelling house
Portion 3	±207m ²	Single Residential	Dwelling house
Portion 4	±189m ²	Single Residential	Dwelling house
Portion 5	±197m ²	Single Residential	Dwelling house
Portion 6	±238m ²	Single Residential	Dwelling house
Portion 7	±189m ²	Single Residential	Dwelling house
Portion 8	±189m ²	Single Residential	Dwelling house
Portion 9	±189m ²	Single Residential	Dwelling house
Portion 10	±189m ²	Single Residential	Dwelling house
Portion 11	±189m ²	Single Residential	Dwelling house
Portion 12	±189m ²	Single Residential	Dwelling house
Portion 13	±189m ²	Single Residential	Dwelling house
Portion 14	±189m ²	Single Residential	Dwelling house
Portion 15	±189m ²	Single Residential	Dwelling house
Portion 16	±250m ²	Single Residential	Dwelling house
Portion 17	±311m ²	Single Residential	Dwelling house
Portion 18	±207m ²	Single Residential	Dwelling house
Portion 19	±207m ²	Single Residential	Dwelling house
Portion 20	±207m ²	Single Residential	Dwelling house
Portion 21	±225m ²	Single Residential	Dwelling house
Portion 22	±225m ²	Single Residential	Dwelling house
Portion 23	±304m ²	Single Residential	Dwelling house
Portion 24	±267m ²	Single Residential	Dwelling house
Portion 25	±198m ²	Single Residential	Dwelling house
Portion 26	±198m ²	Single Residential	Dwelling house
Portion 27	±218m ²	Single Residential	Dwelling house
Portion 28	±279m ²	Single Residential	Dwelling house
Portion 29	±3750m ²	General Residential	Flats (consist of 26 units)
Portion 30	±2421m ²	General Residential	Flats (consist of 16 units)
Portion 31	±459m ²	General Residential	Flats (consist of 4 units)
Portion 32	±908m ²	General Business	Offices for general practitioners
Portion 33	±488m ²	Private Open Space	Private Open Space
Portion 34	±833m ²	Private Open Space	Private Open Space
Portion 35	±5076m ²	Private Road	Private Road

b) Phasing:

The phasing of the development is motivated by the market and the ability of the developer to successfully bring the units to market. The development will be phased as follows:

Phase	Portions	Description
Phase 1	<ul style="list-style-type: none"> • 1 – 5 • 30 • 33, 34; and • the main circulation road (Rue de Vie) to provide access to the general residential sites 	<ul style="list-style-type: none"> • 5 x single residential properties • 16 x apartments • 2 x open spaces • portion of road
Phase 2	<ul style="list-style-type: none"> • 6 – 16 • 31 (claimant's property) • Rue d'Espoir cul-de-sac 	<ul style="list-style-type: none"> • 11 x single residential properties • 4 x apartments • portion of road
Phase 3	<ul style="list-style-type: none"> • 17 – 23; Rue de Paix cul-de-sac 	<ul style="list-style-type: none"> • 7 x single residential properties • portion of road
Phase 4	<ul style="list-style-type: none"> • 24 – 28 Rue de la Santé cul-de-sac 	<ul style="list-style-type: none"> • 5 x single residential properties • portion of road
Phase 5	<ul style="list-style-type: none"> • 29 	<ul style="list-style-type: none"> • 26 x apartments
Phase 6	<ul style="list-style-type: none"> • 32 	<ul style="list-style-type: none"> • 1 x business premises

c) Single Residential erven:

The single residential properties range from $\pm 189\text{m}^2$ to $\pm 311\text{m}^2$ in size. The parameters for these erven are: **4,6m** street building lines; **2,3m** (**1,2m** for sites less than 18m wide) for the side building lines; **3,0m** for the rear building lines; a coverage of **30%** and a height of **two** storeys above ground level. All dwelling houses will be constructed with the zoning scheme parameters in mind and no departures are therefore required.

d) General Residential erven:

The architectural design has been deliberately in keeping with the character of the area. The apartment buildings are designed to resemble larger residential dwelling, being only two stories tall and utilising pitched "house-type" roofs. The total height of the flats will be $\pm 7,9\text{m}$ to the apex. The single residential dwellings and flats will be of the same architectural style.

e) Business erf:

The business premises will provide a small number of offices for general practitioners, specialists, etc. Consultations are occasional and will provide accessible medical facilities for current and future residents alike. The purpose of this zone is to make provision for a low-density commercial use that are compatible with and located within residential areas. This use is compatible with the surrounding residential environment and will enable residents to walk to the facility.

f) Private Open Spaces:

The private open spaces amount to a total of $\pm 1\ 320\text{m}^2$. This area will be used for landscaping and open space for the use of residents. A 2,5m wide pedestrian footpath is provided on the site as a walking path and is kept wide enough to be wheelchair friendly. Portion 33 will also provide a functional role as a storm water detention pond.

g) Parking:

Parking will be provided at the zoning scheme requirement of 2 bays per single residential dwelling. A total of 68 parking bays have been provided for the 46 flats/apartments as indicated on the conceptual site development plan, dated August 2018. At least 1 bay per 25m^2 of business GLA is proposed (a site development plan will be requested before the submission of building plans).

h) Body Corporate and Home Owner's Association Establishment:

A Body Corporate will be established to manage the general residential sites. In addition, the single residential properties will be run by a home owner's association. These management bodies will belong to the principal property owners' association which will deal with all matters pertaining to maintenance and management of the development.

i) Servitude/s:

The existing municipal water line across Erf 1692, Franschhoek must be protected by way of a servitude and must be located in the road reserve of Rue de Vie Road (a condition will be imposed in this regard). Any relocation and servitude cost will be for the Developer's own cost.

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

a) Compatibility with surrounding properties:

With Victoria Village to its south, Village de Reservoir west on Reservoir Street, the medium cost housing development (group housing) and the Franschoek Estate to its north and east, the concept of the development will not detract from the character of the surrounding environment. The proposed development will not detract from the character of the area and should blend in with the surrounding existing land uses.

The Kaap Agri property is also located in Reservoir Street and is zoned for business purposes and comprises of a warehouse and a petrol station. The proposed business zone site for general practitioners will not be out of character and will provide for the convenience of and service to the surrounding residential community.

b) Impact on existing rights:

The proposal will not have a detrimental impact on the existing rights of the neighboring properties as the character of the area, privacy, amenity, views, etc will not be compromised. The development will take the form of the "woonerf" concept which serves both as vehicular access for residents as well as hard open space for children to play.

The departures applied for is to accommodate the block of flats/apartments. The proposed flats will be segmented into smaller buildings and will thus have less impact on the surrounding property owners as it will give the impression of being a double storey, single residential structure (as oppose to one large block of flats located over a building lines). The majority of the building line departures look unto open spaces and will therefore not have a negative impact on the surrounding built environment. The departures with regards to the coverage, bulk, size of a general residential property and street width are all internal departures (within the development) and will not affect the surrounding property owners.

c) Densification:

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

and more effective utilising of the available developable land. The proposed higher density residential development can therefore be deemed desirable.

d) Positive impact on economy:

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, contribute to the upgrading of the town's bulk infrastructure and lead to a significant increase in municipal rates and taxes.

e) Traffic:

The application property is located within the urban edge and densification and infill development is encouraged. Development is thus inevitable and it is clear that any type of development will lead to an increase in traffic. The traffic impact assessment stated that the total peak hour trips likely to be generated by the development in the AM and PM peak hours are 66 total AM and PM trips. The engineering department suggested that certain measuring has to be put in place to calm the movement of speeding traffic.

4. Assessment of comments on application

a) The following is a summary of certain aspects that came out of the objections:

i) Departures applied for will have a negative impact on surrounding environment:

The relaxation of the zoning parameters will not necessarily have a negative impact on the quality of life of the surrounding residents, due to the small scale thereof. Portion 29 borders on the vineyards of Franschoek Estate, Portion 31 border the private open space and tennis court. Only portion 30 borders on the single-dwelling erven in Reservoir Street, but these encroachments will not impact the development in Reservoir Street because the proposed apartments will have the same appearance and height as a double storey house.

ii) Development will lead to increase in traffic in Reservoir Road:

It is important to note that the site is earmarked for urban development and any development will have some influence on the current traffic situation. The traffic impact assessment was

supported by the engineering department of well as the Department of Transport and Public Works. Traffic calming measures will be implemented in Reservoir Street.

lii) The viability of businesses within this development is highly unlikely:

Businesses are not foreign to the area as Erf 502, located to the west of the application property, is zoned for business purposes. The proposal is aimed at establishing offices for general practitioners, travel doctors, specialists, etc. Consultations are occasional and will provide accessible medical facilities for current and future residents alike.

iv) Current infrastructure is not sufficient:

Certain infrastructure upgrades are proposed as a result of the development proposal and will be implemented by the Municipality with the aid of the development contributions payable.

v) Mix-use development along Main Road:

The proposed business zone site is for office purposes for general practitioners (medical consulting rooms) only and will provide for the convenience of and service to the surrounding residential community.

vi) Non-motorised and public transport:

The engineering department requires a 2,4m NMT sidewalk to be constructed along the frontage of Reservoir Street.

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

5. Additional planning evaluation for removal of restrictions

a) *Section 33(5)(a) - Financial or other value of the rights affected:*

It is submitted that the land abutting the property to which the restrictive servitude refers, has been alienated from any state ownership and is now part of a private residential estate. The servitude condition therefore lacks any validity or use to access state land as indicated in the title deed. No value of rights may be infringed upon as a result of removing this condition and deregistering the servitude.

b) *Section 33(5)(b) - Benefits to the holder of such rights in terms of the restrictive condition:*

No benefit is accrued. A servitude is removed which no longer has any meaningful access function.

c) *Section 33(5)(c) - Personal benefits which will accrue to the applicant:*

The claimants, being registered owners of the land, are able to benefit from the successful land claim and develop the property.

d) *Section 33(5)(d) - Social benefit of the restriction remaining in place:*

No social benefit will be retained will be retained by retaining the restrictive condition.

e) *Section 33(5)(e) – Social benefit of the removal, suspension or amendment of the restrictive condition:*

The claimants are able to benefit from the successful land claim and develop the property.

f) *Section 33(5)(f) - Social benefit of the proposal and whether the application will completely remove all rights enjoyed by the beneficiary or only some of those rights:*

The land abutting the property, to which the restrictive servitude refers, has been alienated from any state ownership and is now part of a private residential estate. The servitude condition therefore lacks any validity or use to access state land as indicated in the title deed. No value of rights may be infringed upon as a result of removing this condition and deregistering the servitude.

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 site is located within the urban edge and in an area designated for “urban development” in the SDF.
- The development offers a range of residential opportunities and future commercial GLA in Franschhoek.
- No adverse impacts on the rights of surrounding property owners are expected. The development of additional dwellings will bring new stock to the market and arguably improve the value of surrounding land.

- The development of unutilized property contributes to improved safety and security and is desirable in terms of forward planning by densifying existing urban areas.
- The departures sought are in majority "internal" departures applicable to streets inside the development.
- The design of the development is such that the general residential sites appear similar to large single dwellings rather than flats.
- The removal of the restrictive condition is seen to have little impact as it appears to no longer serve the land to which the servitude provided access.
- The motivation for the regulation departure from the minimum general residential erf size is to provide an independent erf in accordance with the arrangement between the developer and the Franschoek Claimants' Trust. The claimants will have tenure of portion 31 and management will remain the responsibility of the developer.
- The proposed development will not detract from the character of the area and should blend in with the surrounding existing land uses.
- The proposed business zone site for general practitioners will not be out of character and will provide for the convenience of and service to the surrounding residential community.
- The proposal will not have a detrimental impact on the existing rights of the neighboring properties as the character of the area, privacy, amenity, views, etc will not be compromised.
- The proposal will result in a moderate increase in density, which will have minimal impact on the amenities of the adjoining property owners and will not alter the character of the area.
- 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.
- It is submitted that the land abutting the property to which the restrictive servitude refers, has been alienated from any state ownership and is now part of a private residential estate. The servitude condition therefore lacks any validity or use to access state land as indicated in the title deed. No value of rights may be infringed upon as a result of removing this condition and deregistering the servitude.

PART I: RECOMMENDATION

1. That the following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 1692, Franschhoek, namely:
- 1.1 The **removal of a restrictive title deed condition** in terms of Section 15(2)(f) of the said bylaw of condition A.6 as contained in Title Deed Nr. T60152/2008 which reads *"that a general right of way from and to the adjoining Crown land over the whole of the land hereby granted is reserved in favour of the Government.*
- 1.2 The **rezoning** of the subject property from Undetermined Zone to Subdivisional Area in terms of Section 15(2)(a) of the said Bylaw to allow for the following uses (and in accordance with the land use framework plan and such phasing as depicted in plan with reference "Subdivision Plan/1692/02/1", dated May 2018 and "Phasing/1692/04/02", dated January 2019 November 2019, drawn by Headland Town Planners:
- a) Twenty eight (28) Single Residential zone erven (portions 1- 28) and approximately 0,6061ha in extent for purposes of single dwelling units;
 - b) Three (3) General Residential Zone erven (portions 29-31) and approximately 0,6630ha in extent, for apartment buildings;
 - c) One (1) Business zone property (portion 32) and approximately 0,0908ha in extent, for office purposes;
 - d) Three (3) Private Open Spaces erf (portions 33 and 34 and approximately 0,1321ha in extent for open space purposes and portion 35 approximately 0,5076 in extent for road purposes); and
 - e) The phasing of the development into six (6) phases
- 1.2 The **subdivision** in terms of Section 15(2)(d) of the said bylaw in accordance with the subdivision plan ""Subdivision Plan/1692/02/1", dated May 2018 and "Phasing/1692/04/02", dated January 2019 November 2019, drawn by Headland Town Planners.

1.4 **Departure** in terms of section 15(2)(b) of the said bylaw:

a) Portion 29

- i) to exceed the permissible coverage from **25%** to **31%**;
- ii) to allow for a minimum street front of **13m** instead of **15m**;
- iii) to relax the common building lines (adjacent to Erf 2850 and Erf 2835, Franschhoek) from **4,6m** to **3,0m** and **2,8m** respectively for building C;
- iv) to relax the common building line (adjacent to Erf 2835, Franschhoek) from **4,6m** to **2,8m** and **3,1m** for building D;
- v) relax the common building line (adjacent to Erf 2835, Franschhoek) from **4,6m** to **3,1m** and **3,3m** for building E;
- vi) relax the common building line (adjacent to Erf 2835, Franschhoek) from **4,6m** to **3,0m** for building F.

b) Portion 30

- i) to exceed the permissible coverage from **25%** to **28%**;
- ii) from the provisions 8.3.5.1 of the Franschhoek Zoning Scheme to permit a building to be constructed on a general residential site abutting a street with of **8,5m** in lieu of **12,5m**;
- iii) relax the street building line (Rue De Vie Street) from **7,6m** to **4,7m** and **3,9m** for building A;
- iv) relax the street building lines (Reservoir & Rue De Vie Streets) from **7,6m** to **4,7m** respectively for building B;
- v) relax the common building line (adjacent to Erf 1693, Franschhoek) from **4,6m** to **3,8m** for building C;
- vi) **4,7m** in lieu of the **11,7m** from the street boundary of Rue De Vie for the portion that is less than 16m wide;

c) Portion 31

- i) to exceed the permissible coverage of **25%** to **37%**;
- ii) to exceed the permissible bulk of **0.4** to **0.74**;
- iii) from the provision 8.3.1 of the Franschhoek Zoning Scheme Regulations to permit portion 31 to be **459m²** in lieu of **1000m²**
- iv) from the provision 8.3.5.1 of the Franschhoek Zoning Scheme Regulations to permit a building to be constructed on a general residential site abutting a street with a width of **8,5m** in lieu of **12,5m**;
- v) **7,0m** in lieu of **11,7m** from the Rue De Vie street boundary;
- vi) relax the common building line (adjacent to Portion 30) from **4,6m** to **3,3m**;

- vii) relax the common building line (adjacent to Portion 33) from **4,6m** to **2,1m**;
- viii) relax the common building line (adjacent to Erf 1693, Franschhoek) from **4,6m** to **3,4m**.

BE APPROVED in terms of Section 60 of the said Bylaw for the following reasons:

- a) The proposal will develop underutilized land within the urban edge for urban development.
- b) The proposed residential development constitutes infill development and is therefore in line with the principles of the SDF.
- c) The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape.
- d) Additional affordable residential opportunities will be made available within the area.
- e) This development will allow previously disadvantaged individuals Franschhoek Claimants Trust to develop land that has been acquired through a land claim process.
- f) 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.
- g) The proposed business zone site for general practitioners will not be out of character and will provide for the convenience of and service to the surrounding residential community.
- h) As the title restrictions are not for the benefit for any specific property or person, and the development parameters will still be governed by the applicable Zoning Scheme, the deletion of this condition will not negatively impact on the personal benefits of any surrounding property owner within this township development.

2 That such approval BE SUBJECT to the following conditions in terms of Section 66 of the said Bylaw:

- 2.1 The approval only applies to the proposed development in question, as indicated on attached **Subdivision Plan (Plan nr Subdivision/922/1 Revision 1, dated November 2019)** and the **Phasing Plan (Plan nr Phasing/922/1 Revision 1, dated November 2019)** and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

- 2.2 The approval will lapse if not implemented within the timeframe stipulated in the subject Bylaw;
- 2.3 New erf diagrams or general plans for the newly created land units be submitted to this municipality for clearance and record purposes;
- 2.4 The applicant submits an electronic copy (shp,dwg,dxf) of the General Plan which was preliminary approved by the SG. The following information must be indicated:
 - a) Newly allocated Erf Numbers
 - b) Co-ordinates
 - c) Survey Dimensions
 - d) Street names (if approved by Council)
- 2.5 An owners association should be established in terms of Section 29(1) of the said bylaw;
- 2.6 A constitution for the owners association must be submitted for approval to the Municipality and which constitution must take into account the requirements stipulated in Section 29(3) of the said bylaw;
- 2.7 The development guidelines for the development be submitted to Council for approval;
- 2.8 The common property/s must be formally transferred to the Owners' Association by the developer at his cost, and which transfer must take place simultaneously with the transfer of the first portion of the portion of the subdivision as per approved phases;
- 2.9 All open spaces and road which vest in the Council must be transferred to the Council by the developer at his cost, and which transfer must take place simultaneously with the transfer of the first portion of the portion of the subdivision as per approved phases;
- 2.10 The existing municipal water line across Erf 1692, Franschoek must be located in the road reserve of Rue de Vie Road and must be protected by means of registration of a servitude to be undertaken by the developer at his cost prior to the vesting of the development rights.
- 2.11 All new servitude rights must be registered in the title deeds of the applicable property/s;
- 2.12 The rates clearances will only be granted once the conditions of approval. for the individual phases have been complied with;

- 2.13 The conditions imposed by the **Director: Engineering Services** as contained in their memo dated 18 December 2019, attached as **ANNEXURE Q** be complied with;
- 2.14 That development contributions are payable before the transfer of the property or approval of building plans, whichever occurs first, and which amount will be calculated in accordance with the approved council tariffs in force at the time of payment;
- 2.15 A formal application be submitted for the erection of advertising signs and that all signage to be in line with the signage policy of the municipality and be approved by the Municipality prior to any signage being erected;
- 2.16 A Site Development Plan to be submitted for approval to the Directorate of Planning and Economic Development for portions 29, 30, 31 & 32 prior to the submission of any building plans;
- 2.17 That Portion 32 be restricted for the exclusive use of medical consulting rooms (offices for general practitioners, specialists, etc) and with a gross leasable area of $\pm 366\text{m}^2$;
- 2.18 Landscaping to be implemented as per the Conceptual Site Development Plan, dated August 2018, and drawn by Headland Town Planners;
- 2.19 The applicant must after the publication of a notice in the Provincial gazette apply to the Registrar of Deeds to make the appropriate entries in, and endorsements on, any relevant register or title deed to reflect the removal, suspension or amendment of the restrictive conditions;
- 2.20 This approval may not be acted upon prior to the issuing of a certificate of consolidated title and endorsement of the relevant title deed by the Registrar of Deeds.
- 2.21 Consideration should be given to the provision of Inclusionary housing units in order to expand housing opportunity for a broader range of income groups; and
- 2.22 Building plans may only be submitted for approved when all conditions have been complied with.


3 Matters on the application TO BE NOTED:

- 3.1 That the approval on the name of the development and the naming and number of streets as per the proposed subdivision plan, with reference to **ANNEXURE C, BE OBTAINED** from the Executive Mayor of Stellenbosch as the duly authorised decision maker on such matters.
- 3.2 The conditions stated in letter 16/3/3/1/B4/12/1067/18 by the Department of Environmental Affairs and Development Planning, dated 18 April 2018, **BE NOTED**. See **ANNEXURE I**.

PART J: ANNEXURES

ANNEXURE A	:	LOCALITY PLAN
ANNEXURE B	:	COPY OF TITLE DEED & CONVEYANCER CERTIFICATE
ANNEXURE C	:	SUBDIVISIONAL PLAN & PHASING PLAN
ANNEXURE D	:	APPLICANT'S MOTIVATION REPORT
ANNEXURE E	:	PRE-CONSULTATION MINUTES
ANNEXURE F	:	PORTFOLIO OF EVIDENCE
ANNEXURE G	:	OBJECTIONS
ANNEXURE H	:	COMMENT FROM THE DEPARTMENT OF TRANSPORT AND PUBLIC WORKS
ANNEXURE I	:	COMMENT FROM THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING
ANNEXURE J	:	COMMENT FROM HERITAGE WESTERN CAPE
ANNEXURE K	:	COMMENT FROM THE MANAGER: FIRE SERVICES
ANNEXURE L	:	COMMENT FROM THE MANAGER: BUILDING DEVELOPMENT MANAGEMENT
ANNEXURE M	:	COMMENT FROM THE MANAGER: PROPERTY MANAGEMENT
ANNEXURE N	:	COMMENT FROM THE MANAGER: HEALTH SERVICES (WINELANDS HEALTH)
ANNEXURE O	:	COMMENT FROM THE MANAGER: SPATIAL PLANNING
ANNEXURE P	:	COMMENT FROM THE MANAGER: ELECTRICAL SERVICES
ANNEXURE Q	:	COMMENT FROM THE DIRECTOR: ENGINEERING SERVICES
ANNEXURE R	:	RESPONSE ON COMMENTS RECEIVED

- ANNEXURE S : TRAFFIC IMPACT ASSESSMENT
- ANNEXURE T : BOTANICAL SENSITIVITY SCREENING
- ANNEXURE U : CIVIL AND GEOTECHNICAL ENGINEERING REPORT

PART K: COMPILATION OF PLANNING APPLICATION ASSESSMENT REPORT
REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION, REZONING, SUBDIVISION, PHASING, STREET NAME AND NUMBERING AND DEPARTURES ON ERF 1692, FRANSCHHOEK
<u>Author of Planning Assessment Report:</u> Name: Louisa Guntz Capacity: Senior Planner Signature:  Date: 12/06/20

PART I: SUBMISSION OF PLANNING APPLICATION ASSESSMENT REPORT**REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION, REZONING, SUBDIVISION,
PHASING, STREET NAME AND NUMBERING AND DEPARTURES ON ERF 1692,
FRANSCHHOEK****Authorised Employee to assess and make a recommendation on a land use and land development application for consideration by the authorised decision maker:**

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

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

Category: F2; A(d)2; D(c)2; B2

Decision Making Authority: SMPT

Rational: The application is for the subdivision of land for a property larger than 10 000m², and includes a rezoning to subdivisational area and includes subdivision of more than two resulting erven. The application is consistent with the approved MSDF; and not inconsistent with the relevant policies, principles and planning and development norms and standards set by the national and provincial government. However, objections were received from interested and affected property owners.

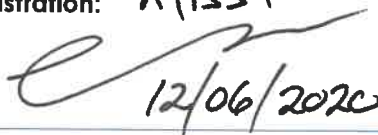
Name: Stiaan Carstens

Capacity: Senior Manager: Development Management

SACPLAN Registration: A/1551

Signature:

Date:


12/06/2020

PART M: ADMINISTRATION OF PLANNING APPLICATION ASSESSMENT REPORT**REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION, REZONING, SUBDIVISION,
PHASING, STREET NAME AND NUMBERING AND DEPARTURES ON ERF 1692,
FRANSCHHOEK****Administrator to Stellenbosch Municipal Planning Tribunal:**

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

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

Date:

Name:

Capacity:

Signature:

Date:

ANNEXURE A

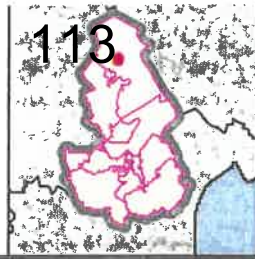
**REMOVAL OF A RESTRICTIVE TITLE DEED
CONDITION, REZONING, SUBDIVISION,
PHASING, STREET NAME AND NUMBERING AND
DEPARTURES ON ERF 1692, FRANSCHHOEK.**

LOCALITY PLAN

Locality Fran - Erf 1692, Franschhoek

SCALE
1:4 513,99

- Legend**
- Even Query Result
 - District Boundary
 - Big Cities, 300,000 - 999,999
 - Big Cities
 - Medium Cities, 100,000 - 299,999
 - Medium Cities
 - Small Cities, < 100,000
 - Small Cities
 - Hamlet
 - Neighbourhood
 - Neighbourhood



Stellenbosch Municipality
Planning & Economic Development
Created by: Corporate GIS
Date: 2018-11-06



Author: Stellenbosch Municipality
Stellenbosch Municipality
Street Address: 7600
71 Plain Street, Stellenbosch, 7600
Tel: 021 808 8658

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ANNEXURE B

**REMOVAL OF A RESTRICTIVE TITLE DEED
CONDITION, REZONING, SUBDIVISION,
PHASING, STREET NAME AND NUMBERING AND
DEPARTURES ON ERF 1692, FRANSCHHOEK**

**COPY OF TITLE DEED AND
CONVEYANCER CERTIFICATE**

307

CTN 1107
 LUCILLE GELDENHUYS
 ATTORNEYS NOTARIES AND CONVEYANCERS
 1ST FL DOR
 DE WET CENTRE
 CNR CHURCH & BIRD STREETS
 STELLENBOSCH
 7600

Prepared by me



CONVEYANCER
 GELDENHUYS L

FEE R. 55.00

T 960152/08

DEED OF TRANSFER**BE IT HEREBY MADE KNOWN THAT****LYNNE BOTHA**

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer
 being duly authorised thereto by a Power of Attorney granted to her by

THE MUNICIPALITY OF STELLENBOSCH

which said Power of Attorney was signed at STELLENBOSCH on 13 November
 2007

DATA / CAPTURE 2008-05-15 ZWELIKE NTOMB

INFORMATION ONLY
 SLEEN VIR INFORMASIEDOELEINDES UITGEREIK

And the said appearer declared that:

WHEREAS the beneficiaries of the Franschoek Claimants Trust, No. IT3780/2004, are land claimants who are, by virtue of a ruling of the Land Claims Commission, entitled to compensation resulting from a successful land claim.

AND WHEREAS, on 16 February 1998, the Franschoek Local Authority (being the predecessor of the Transferor) entered into a Social Accord with a number of organisations, in terms of which it undertook to set aside a certain portion of land in Franschoek for the benefit of the land claimants, in lieu of a contribution by the local authority to the final settlement of Franschoek land claims.

AND WHEREAS the Franschoek Local Authority; the Franschoek Land and Community Restoration Association (FRALCRA) and the Franschoek Development Company (FRANDEVCO (Pty) Ltd) entered into a Sale Agreement on 30 November 2000, in terms whereof, *inter alia* the property referred to below was to be transferred to FRALCRA free of charge, subject to certain terms and conditions;

AND WHEREAS; subsequent to the signing of the aforesaid Agreement, the Stellenbosch Municipality was established in terms of PN 489 of 22 September 2000, in terms whereof Stellenbosch Municipality became the successor in law of Franschoek Local Authority;

AND WHEREAS the **FRANSCHHOEK CLAIMANTS' TRUST** was established on 17 November 2004;

AND WHEREAS the Municipality recognizes the Trustees as being the successor in law of FRALCRA;

AND WHEREAS the parties concluded an agreement on 18 June 2007 to give effect to the above, and in accordance with which is now necessary to transfer ownership in and to the Property to the Trust as provided for therein;

NOW THEREFORE the said Appearer, in her capacity aforesaid, do hereby these presents, cede and transfer to and on behalf of:

**THE TRUSTEES FOR THE TIME BEING OF THE
FRANSCHHOEK CLAIMANTS' TRUST
No. IT3780/2004**

its Successors in Office or assigns, in full and free property:

**ERF 1692 FRANSCHHOEK
IN THE MUNICIPALITY OF STELLENBOSCH
DIVISION PAARL
WESTERN CAPE PROVINCE**

IN EXTENT 1,9996 (ONE COMMA NINE NINE NINE SIX) HECTARES

FIRST TRANSFERRED and still held by Certificate of Registered Title No. T104074/2001 with Diagram SG No 708/2001 annexed thereto

ISSUED FOR INFORMATION ONLY
ALLEEN VIR INFORMASIEDOELEINDES UITGEREIK

A. **SUBJECT to the following conditions contained in Deed of Grant dated 17th November 1927, Paarl Freehold Volume 4, No 7:**

1.
2. **That all roads and thoroughfares over the land, whether or not described in the plan or diagram thereof, shall remain free and uninterrupted unless closed, diverted, or altered by competent authority.**
3. **That all rights to minerals, mineral products, mineral oils, and precious stones, precious or base metals on or under the land hereby granted are expressly reserved to the Crown, together with the right of access to any mines or works undertaken for mining or prospecting purposes by any person duly authorised in that behalf. The land is subject to such further rights as the public or the Government now may or may hereafter have or be entitled to obtain under or by virtue of any law relating to the prospecting, digging, mining or exploitation of minerals, mineral products, mineral oils, precious stones, precious or base metals on or under the land hereby granted, which rights shall not be impaired or in any way affected by the title deed.**
4. **That the land hereby granted shall be subject to all rights and servitudes which now affect, or at any time hereafter may be found to affect the title of the land hereby granted or which may be binding on the Government in respect of the said land as at the date hereof.**
5.
6. **That a general right of way from and to the adjoining Crown land over the whole of the land hereby granted is reserved in favour of the Government.**

ISSUED FOR INFORMATION ONLY
 UITGEREIK VIR INFORMATASIE DOEL

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

THE MUNICIPALITY OF STELLENBOSCH

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

THE TRUSTEES FOR THE TIME BEING OF THE FRANSCHHOEK CLAIMANTS TRUST
No. 3730/2004

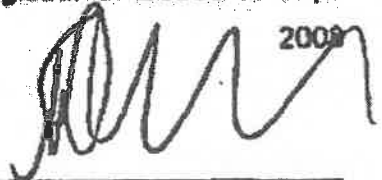
their Successors in Title or Assigns, now is and henceforth shall be entitled thereto conformably to local custom, the State, however reserving its rights, and finally acknowledging that there is no consideration payable by the transferee to the transferor, and that transfer duty has been paid by the transferee on the declared value of R100,00 (ONE HUNDRED RAND).

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

THUS DONE AND EXECUTED at the Office of the Registrar of Deeds at Cape Town on

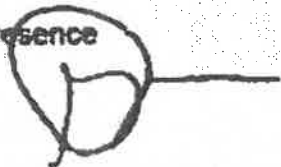
10 September

2009



q.q.

In my presence



REGISTRAR OF DEEDS

ISSUED FOR INFORMATION ONLY
ALLEEN VIR INFORMASIEDOELEINDES UITGEREIK



Of: 2009 Convey 9.4.5.0a



STELLENBOSCH
STELLENDSCHE • FNIL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

CONVEYANCER CERTIFICATE

I/We MAGARITHA ELIZABETH
NORTJÉ

(conveyancer's name and surname)

Practising at:

MARIS MULLER HENDRICKS INCORPORATED
58 Van Riebeeck Road
Kuils River

(firm and place of practice)

In respect of:

ERF 1692 FRANSCHHOEK
IN THE MUNICIPALITY OF STELLENBOSCH
DIVISION PAARL
WESTERN CAPE PROVINCE

(full property description (or / form) as it appear in the deed of sale)

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

NA

1. Deed of Transfer T60152 / 2008
2.
3.
4.
5.
6.
7.
8.

(for example: Deed of Transfer T12345/2008 or Certificate of Mortgage of Bond No ST1234/2010 (the registration of title deed number and date))

NA



A. IDENTIFY RESTRICTIVE TITLE CONDITIONS (if any)

Categories		Are there deed restrictions (indicate below)		Title Deed and Clause number if restrictive conditions are found.
1.	Use of land	Y	<input checked="" type="radio"/> N	
2.	Building lines	Y	<input checked="" type="radio"/> N	
3.	Height	Y	<input checked="" type="radio"/> N	
4.	Number of Dwellings	Y	<input checked="" type="radio"/> N	
5.	Bulk floor area	Y	<input checked="" type="radio"/> N	
6.	Coverage/built upon area	Y	<input checked="" type="radio"/> N	
7.	Subdivision	Y	<input checked="" type="radio"/> N	
8.	Servitudes that may be registered over or in favour of the property	<input checked="" type="radio"/> Y	N	Condition A.6 on page 3 of Deed of Transfer T60152/2008 (General Right of Way)
9.	Other Restrictive Conditions	Y	<input checked="" type="radio"/> N	

ME



NE

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

In respect of which it was found that there ~~are~~ restrictive conditions with reference to Section 53(N) (a, b or c) of the Land Use Planning By-law (2015) registered against such property (as prohibiting it from being utilized/developed for the following purposes (as elaborated in the accompanying application): * see note below

a.	Organ(s) of State that might have an interest in the restrictive condition.	Government (Right of way reserved in favour of Government)
b.	A person whose rights or legitimate expectations will be affected by the removal/suspension/amendment of a restriction condition.	/
c.	All persons mentioned in the deed for whose benefit the restrictive condition applies.	/

C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED

(please tick appropriate box)

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

Signed at Kuils River (Place) on this 20 (Day) JUNE (Month) of 2017.....

MAGARITHA ELIZABETH

Full names and Surname: NORTJÉ

Signature:

Firm Postal Address:
 P.O. Box 36
 Kuils River
 7580

Marais Müller Hendricks Inc.
Wants to be certified by official stamp
KUILS RIVER
 TEL: 021 900 5300
 FAX: 021 903 7405

Tel: 021 900 5300

Email: mareza@maraismuller.co.za

Cell: 021 900 5300

- * 1. Rezoning to Subdivisional Area
- 2. Subdivision

ANNEXURE C

**REMOVAL OF A RESTRICTIVE TITLE DEED
CONDITION, REZONING, SUBDIVISION,
PHASING, STREET NAME AND NUMBERING AND
DEPARTURES ON ERF 1692, FRANSCHHOEK**

SUBDIVISIONAL PLAN & PHASING PLAN

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APPENDIX O

proposed servitude areas

1. all dimensions are subject to final field checking.
2. all distances are in metres.

notes

amendments

BONNE SANTÉ
proposed rezoning and subdivision
of
erf 1692 franschhoek

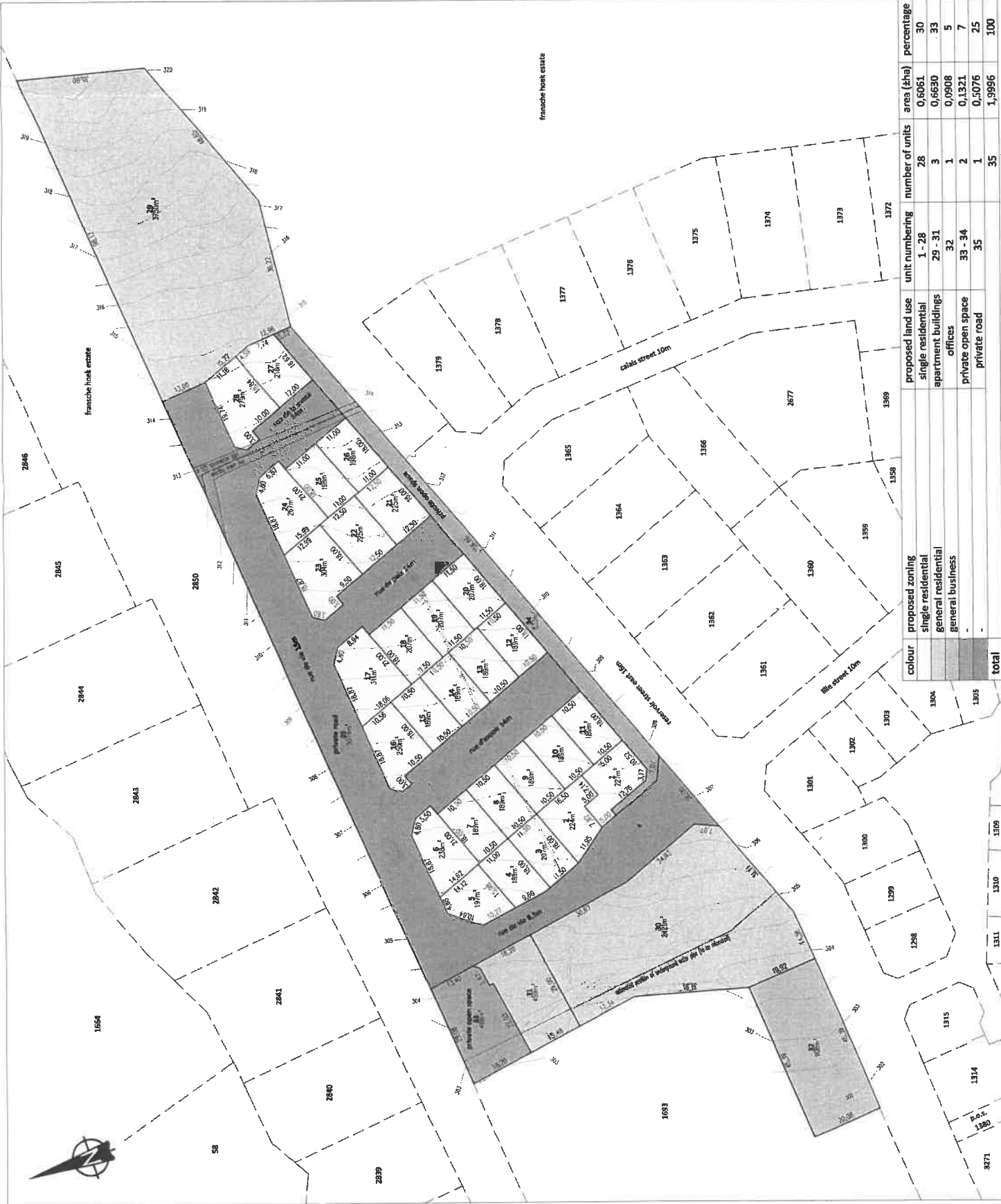
proposed subdivision

surrey holmes developments (pty) ltd

date	1692/02/01
noted by	hi-7cb (x13)
checked by	stallenbosch municipality
scale	1:1000 (A3)
date	may 2018

headland
town planners

p.o. box 176
grabouw 7160
tel: 072 447 2949
www.headland.co.za



proposed zoning	proposed land use	unit numbering	number of units	area (±ha)	percentage
single residential	single residential	1 - 28	28	0,6061	30
general residential	apartment buildings	29 - 31	3	0,6630	33
general business	offices	32	1	0,0908	5
	private open space	33 - 34	2	0,1321	7
	private road	35	1	0,5076	25
total			35	1,9996	100

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APPENDIX B

proposed street numbering

proposed servitude areas

kg

1. all dimensions are subject to final field checking.
2. all distances are in metres.

notes

servitudes

date

title

BONNE SANTÉ
proposed rezoning and subdivision
of
erf 1692 franschhoek

project

drawing

street numbering plan

client

surrey holmes developments (pty) ltd

author

bl-7cb (v13)

1692/02/01-ST

authority

stellenbosch municipality

feh.1692

scale

1:1000 (as)

date

1 january 2019

headland
town planners

p o box 176
greybow 7160
tel: 072 447 2949
www.headland.co.za



proposed zoning	proposed land use	unit numbering	number of units	area (ha)	percentage
single residential	single residential	1 - 28	28	0,6061	30
general residential	apartment buildings	29 - 31	3	0,6630	33
general business	offices	32	1	0,0908	5
	private open space	33 - 34	2	0,1321	7
	private road	35	1	0,5076	25
total			35	1,9996	100

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APPENDIX C

proposed servitude areas



- 1. all dimensions are subject to final field checking.
- 2. all distances are in metres.



notes

amendments

Figure

Date

Project

Drawing

Client

Issue

Author

Scale

Sheet

Location

Date

Project

Drawing

headland
town planners

po box 176
grabouw 7160
tel: 072 447 2949

www.headland.co.za

colour	proposed zoning	proposed land use	unit numbering	number of units	area (ha)	percentage
1304	single residential	single residential	1 - 28	28	0,6065	30
1305	general residential	apartment buildings	29 - 31	3	0,6650	33
		offices	32	1	0,0908	5
		private open space	33 - 34	2	0,1321	7
		private road	35	1	0,5076	25
				35	1,9996	100

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APPENDIX Q

key

1. all dimensions are subject to final field checking.
2. all distances are in metres.
3. 11.7m street building line (section 10.4.3(e)(i) of the zoning scheme regulations).
4. 11.7m street building line measured 16m from the centre of a private road measuring less than 16m (section 10.4.3(e)(i) of the zoning scheme regulations)
5. 7.6m street building line

COVERAGE
 Portion 29: 31% (1168m²)
 Portion 30: 28% (672.5m²)
 Portion 31: 37% (171m²)

notes

amendments

BONNE SANTÉ
 proposed rezoning and subdivision
 of
 erf 1692 francschhoek

departure plan

surrey holmes developments (pty) ltd

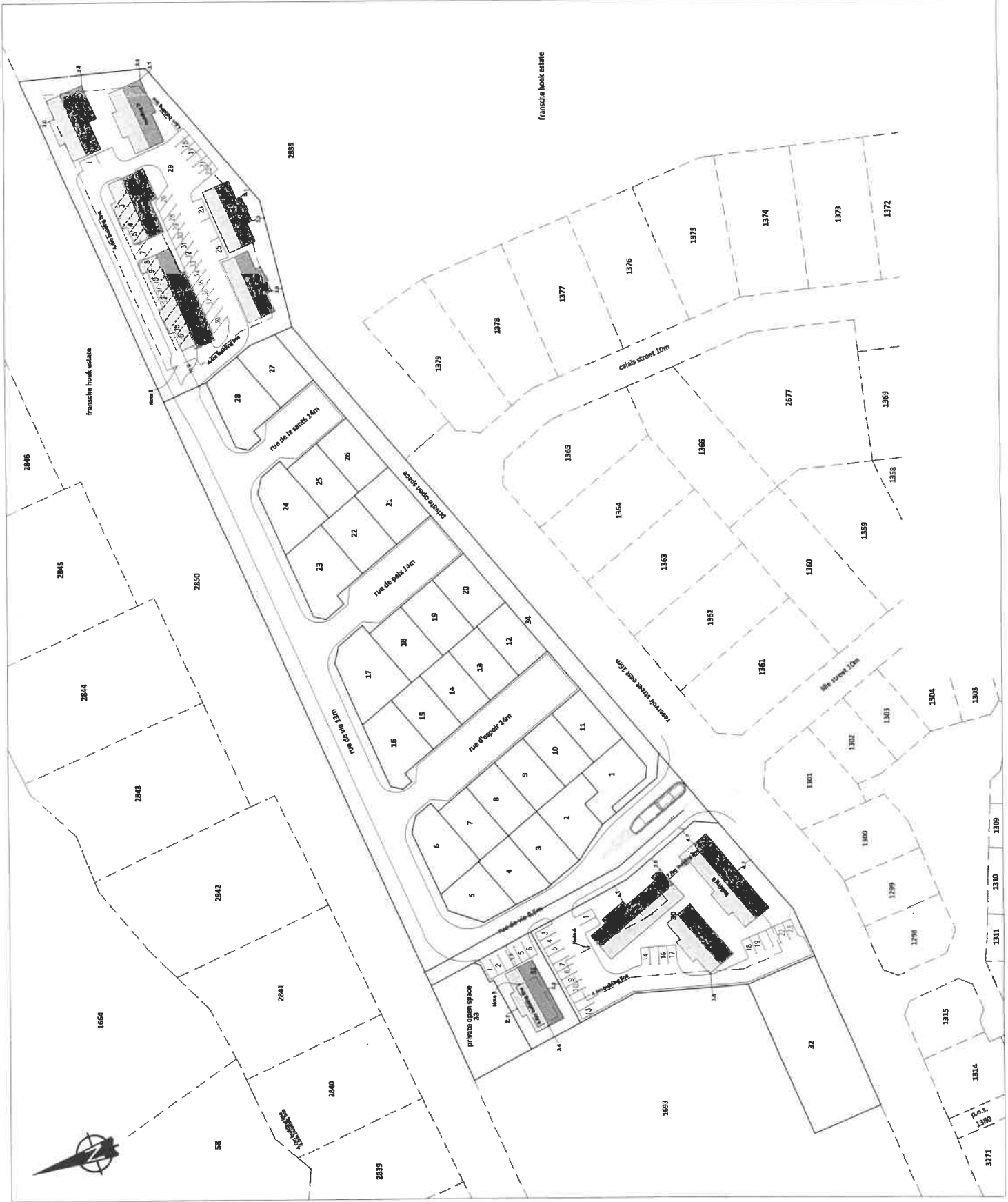
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ref date	1692/05/01
ref no	1692/05/01
ref date	1692/05/01
ref no	1692/05/01
ref date	1692/05/01

headland

TOWN PLANNERS

p.o box 176
 Grabouw 7160
 tel: 072 447 2949

www.headland.co.za



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vehicle circulation

erf numbering

parking bays (numbered per site)

landscaping

culs-de-sac (doubling as open space areas)

traffic calming

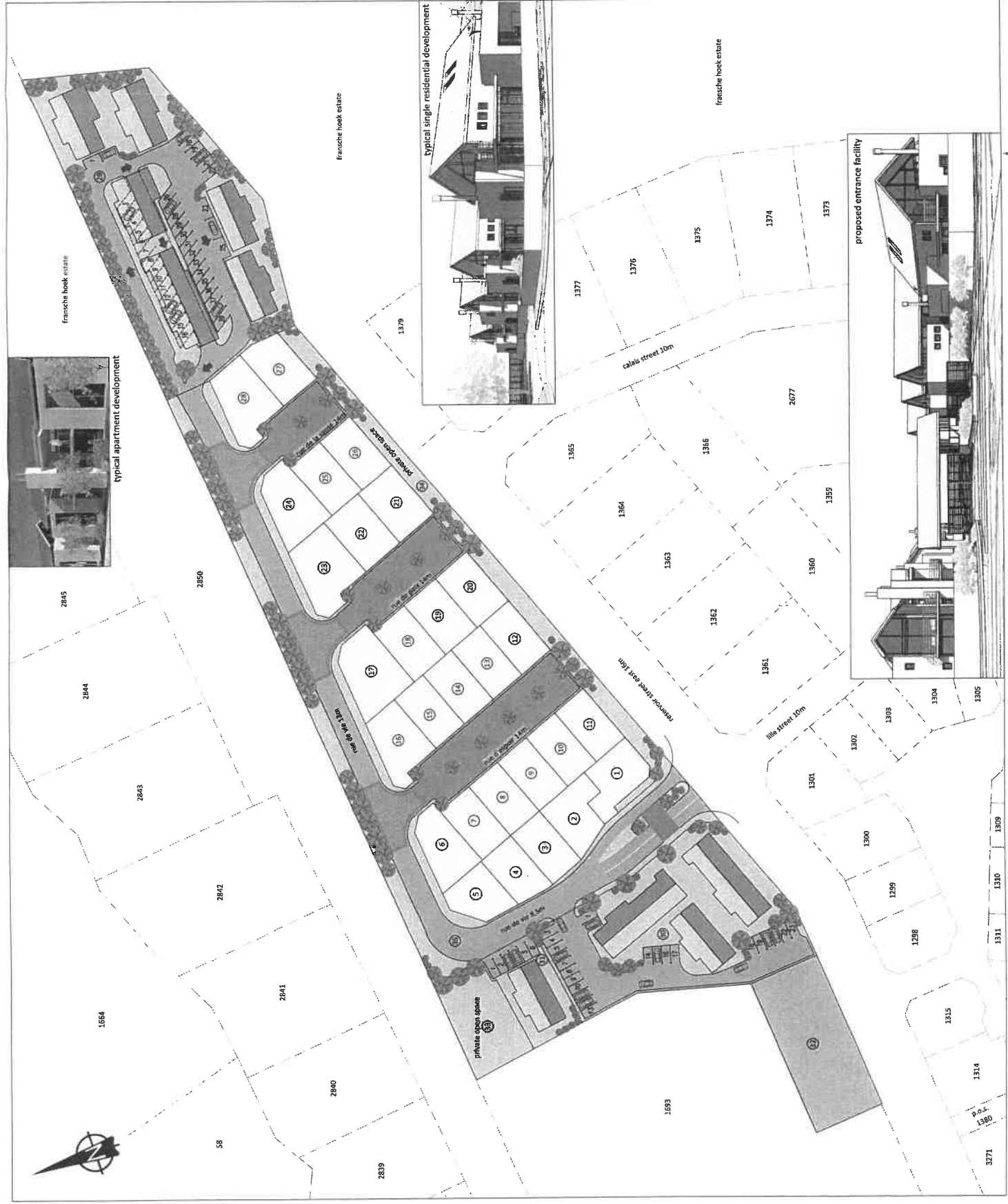
areas to be developed as private open space

business premises (site development to follow at time of building plan submission)

single residential erven (subject to planning by-law regulations)

key

APPENDIX R



notes

amendments

date

figure

BONNE SANTÉ

proposed rezoning and subdivision

of

erf 1692 Franschoek

project

conceptual

site development plan

client

surrey holmes developments (pty) ltd

noting sheet	erf-7cb (x13)	1692/09/01
noting sheet	stellenbosch municipality	fch.1692
scale	1 : 1000 (A3)	august 2018

headland

town planners

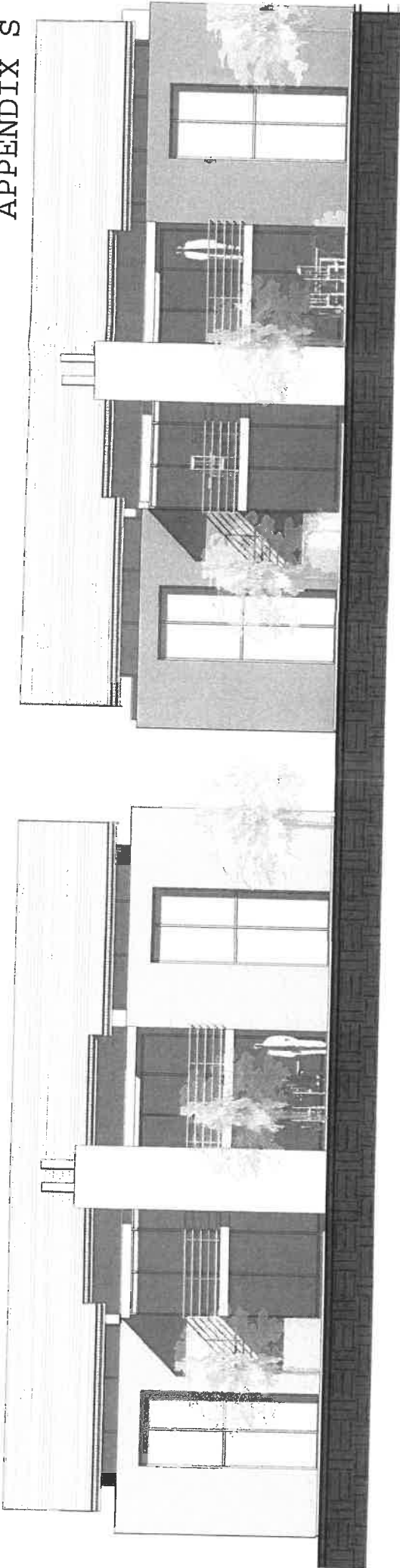
p.o. box 176

grabouw 7160

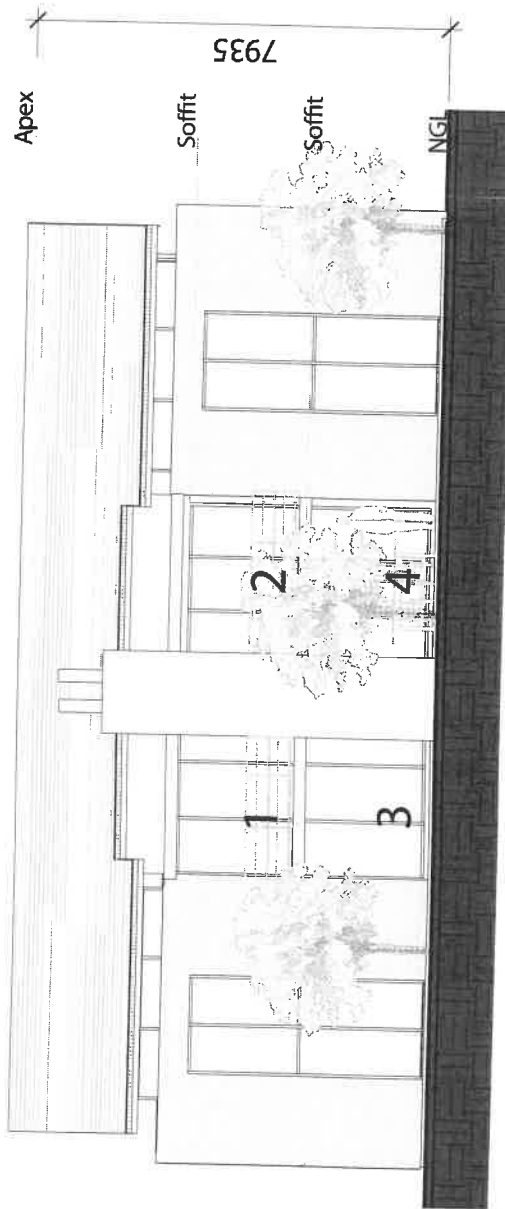
tel: 072 447 2949

www.headland.co.za

APPENDIX S



Elevation
1:100
70-85 m²

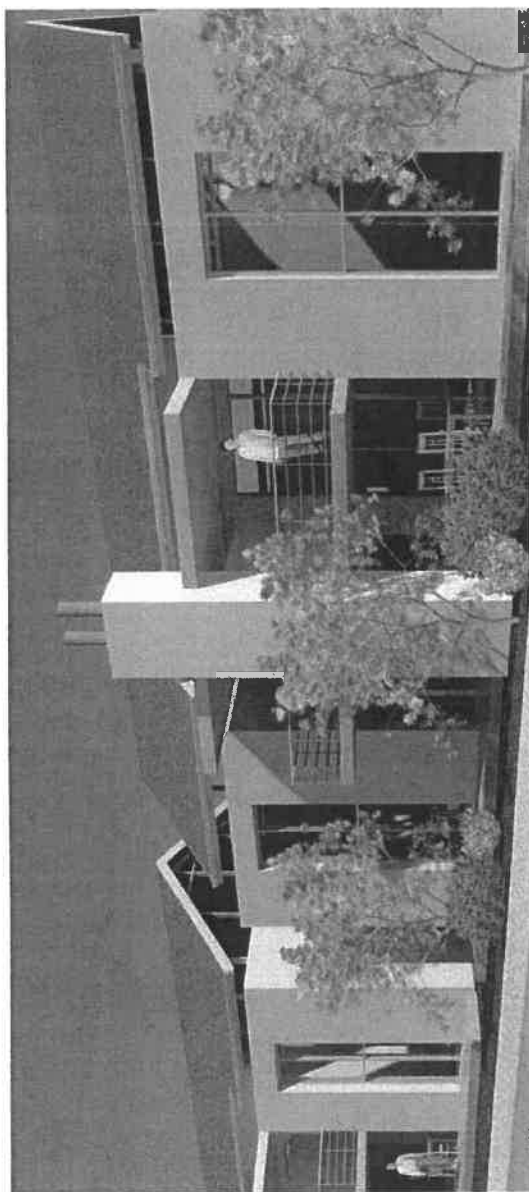
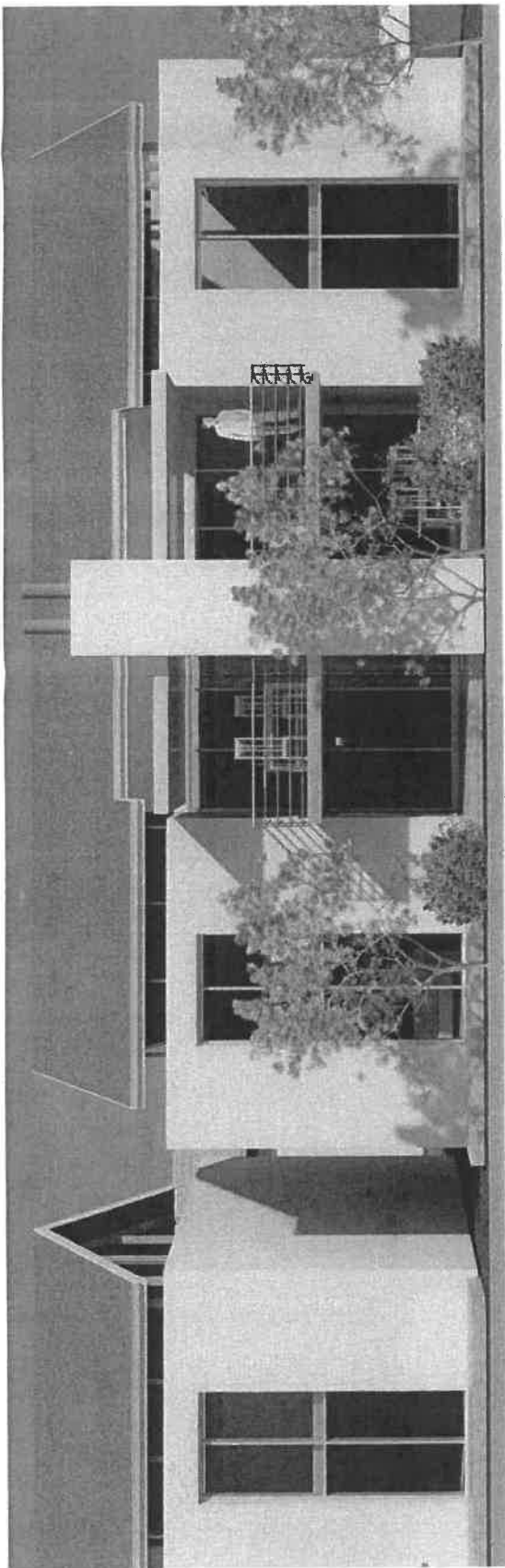


Elevation
1:100
Proposed Residential Project
Erf 1692 Franschhoek

Conceptual Drawings
Residential Project
Erf 1692, Reservoir Rd
FRANSCHHOEK

Drawn:	Moller Argitekto -Prj/Arq/21410
Dwg no:	2017/09
Date:	July 2017
Drawing Title:	Elevation: Higher Density
Sheet:	06

13 Dorcas St.
Stellenbosch
7600
herold@mweb.co.za
cell: 082 453 4645



Typical Perspectives
70-85 m

**Proposed Residential Project
Erf 1692 Franschhoek**

**Conceptual Drawings
Residential Project
Erf 1692, Reservoir Rd
FRANSCHHOEK**

Drawn:

Moller Argitekto R. Arch 21110

13 Drechtly St.
Stellenbosch
www.mollerargitekto.co.za
cell: 083 455 4543

Drawn by:

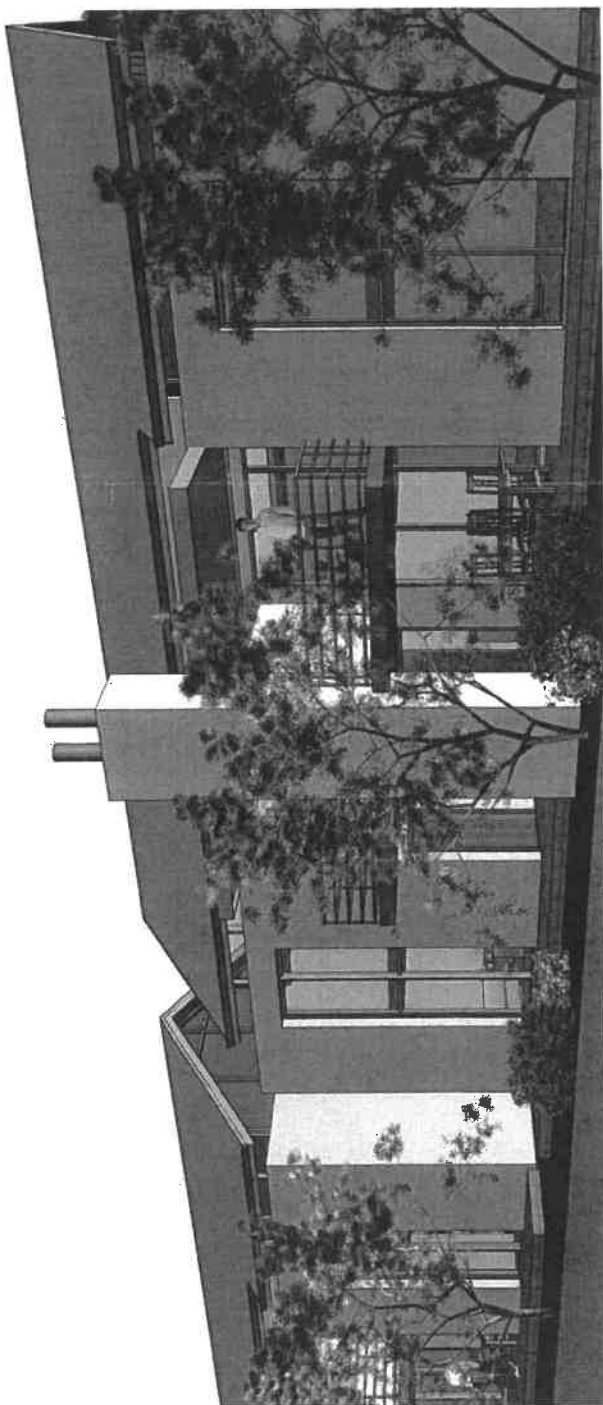
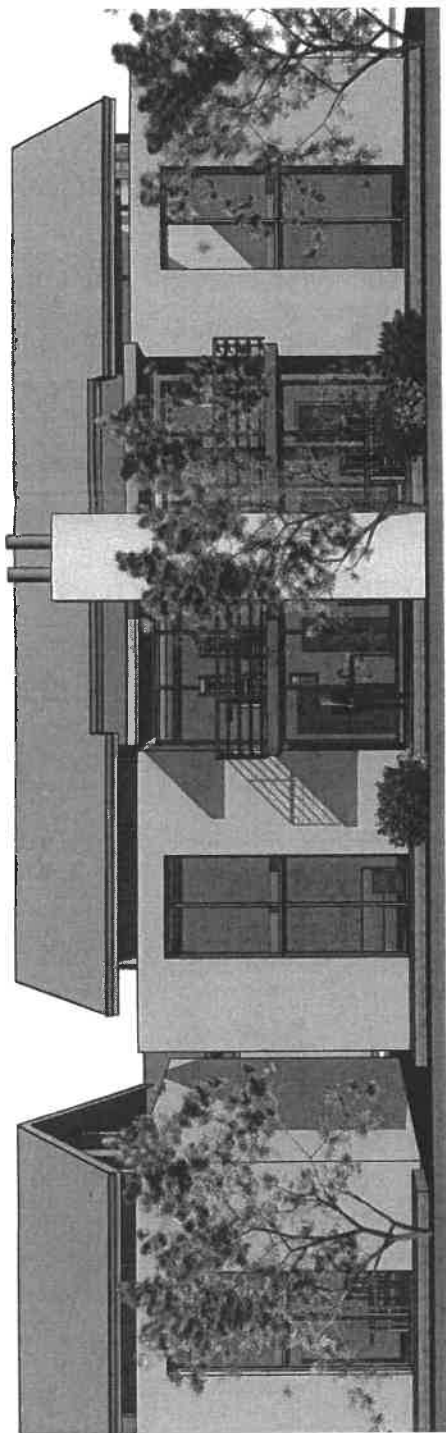
2017/09

Date:

July 2017

Drawing Title: Perspectives: Higher Density

Sheet - 07



Typical Perspectives
70-85 m

**Proposed Residential Project
Erf 1692 Franschhoek**

**Conceptual Drawings
Residential Project
Erf 1692, Reservoir Rd
FRANSCHHOEK**

Drawn:

Moller Argitekto - Pr. Acq. 21410

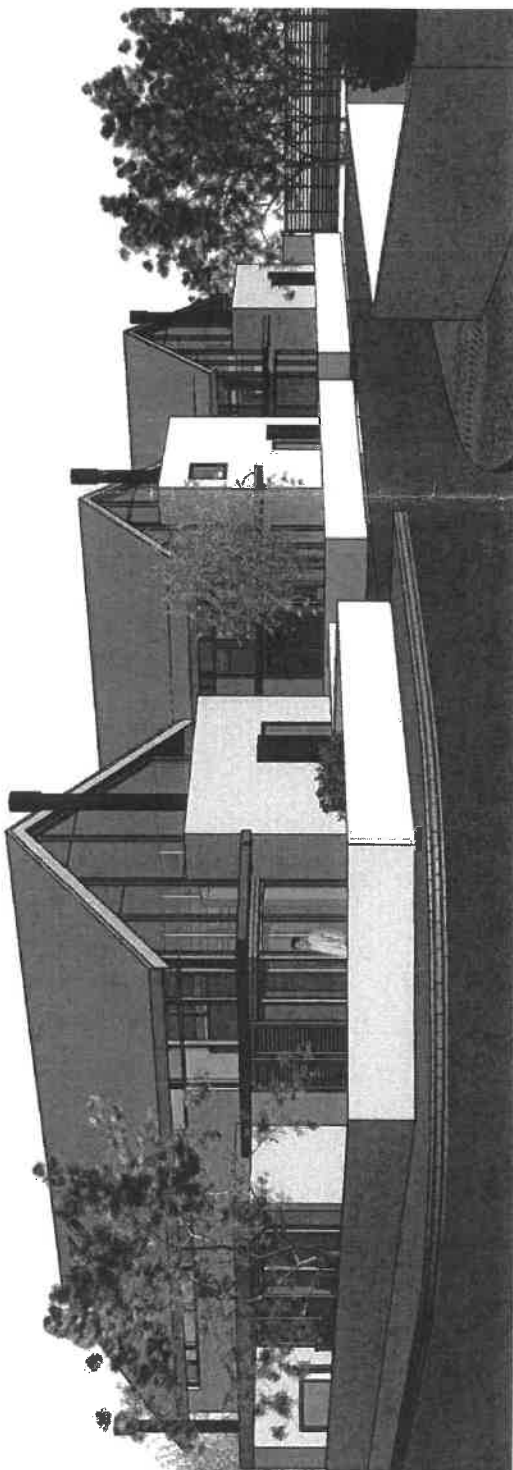
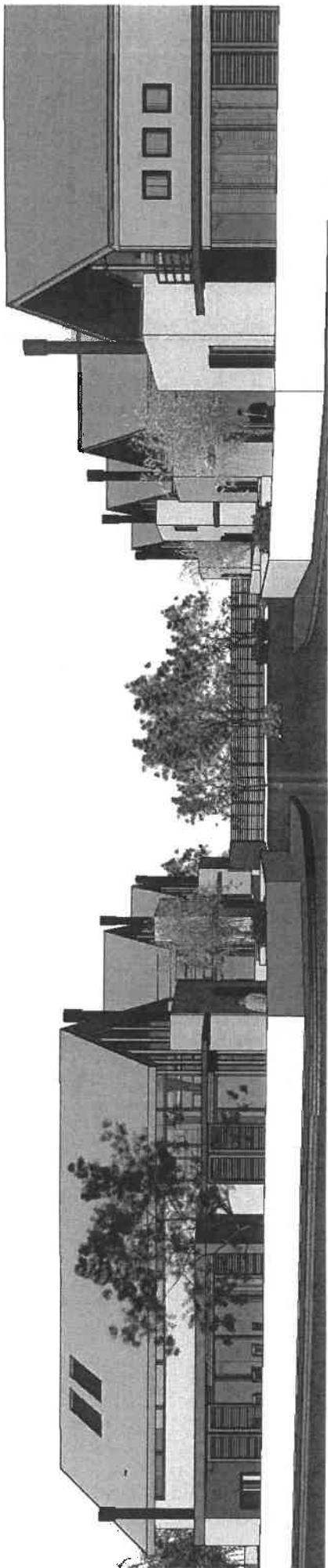
13 Dorothy Str.
Franschhoek
7600
hendrik@mweb.co.za
cell: 083 455 4543

Dwg no: 2017/09

Date: July 2017

Drawing Title: Perspectives: Higher Density

Sheet - 08



Typical Perspectives: Single Residential Housing

Proposed Residential Project Erf 1692 Franschoek

**Conceptual Drawings
Residential Project
Erf 1692, Reservoir Rd
FRANSCHHOEK**

Drawn:	Moller Argitekto	- Pr Arch 21410
Dwg no:	13 Drosty Str. Shellenbosch moller@mnh.co.za cell: 083 465 4643	
Date:	2017/08	
Drawing Title:	Perspectives: Single Residential Housing	
Sheet:	08	

ANNEXURE D

**REMOVAL OF A RESTRICTIVE TITLE DEED
CONDITION, REZONING, SUBDIVISION,
PHASING, STREET NAME AND NUMBERING AND
DEPARTURES ON ERF 1692, FRANSCHHOEK**

APPLICANT'S MOTIVATION REPORT



**REZONING, SUBDIVISION & REMOVAL OF RESTRICTIONS APPLICATIONS:
ERF 1692, RESERVOIR STREET EAST, FRANSCHHOEK**

“BONNE SANTÉ”

1. INTRODUCTION

Erf 1692 (“*the property*”) was granted to the Franschhoek Claimants’ Trust (“*the trust*”) in a land claim process that was concluded in 2007 with the registration of the property in the name of the trust.

The property constitutes one of the few remaining land units with the potential for residential (or similar) development within the town boundaries of Franschhoek.

Surrey Holmes (Pty) Ltd was appointed to develop the property on behalf of the trust, with the intention to both realise the full development potential of the property and to retain a portion of the site under the ownership of the claimants for their future income.

1.1. Pre-application Consultation

A pre-application meeting was held with the Municipality where the proposed development layout was accepted “in-principle” by the Municipal planners.

The design includes a wider road reserve against the northern boundary with Franche Hoek Estate to act as a landscaped buffer. This was an outcome of earlier discussions with the estate management as to their input to the proposed development.

A copy of the pre-application meeting minutes is attached as appendix A.

2. APPLICATIONS

The following land use applications are hereby submitted in order to facilitate the development of the property as envisaged:

- 2.1. Rezoning** of the property in terms of the Stellenbosch Municipality Land Use Planning By-Law, 2015, section 15(2)(a) from “undetermined” to subdivisional area overlay zone for single residential, general residential, general business, private open space and private roads;
- 2.2. Subdivision** of the property in terms of the Stellenbosch Municipality Land Use Planning By-Law, 2015, section 15(2)(d) into 35 portions;
- 2.3. A removal of restrictions application** in terms of section 15(2)(f) of the Stellenbosch Municipal Land Use Planning By-law, 2015, to remove condition A. 6. contained in deed of title no. T60152/2008; and
- 2.4. Permanent departure applications** in terms of section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-law, 2015; section 6.3 refers.

A duly completed and signed application form is attached as appendix B.

3. APPLICANT

Headland Planners (Pty) Ltd have been duly appointed by Surrey Holmes (Pty) Ltd, on behalf of the Franschhoek Claimants’ Trust, to submit the required land use applications on their behalf.

Signed powers of attorney and a resolution letter, from the registered property owners and the appointed developer, are attached as appendices C, D and E respectively.

4. PROPERTY DETAIL

4.1. Property Information

Property Number	Erf 1692, Franschhoek
Property Diagram	706/2001 (appendix F)
Noting Sheet	BI-7CB/X13 (1605) (appendix G)
Title Deed	T60152/2008 (appendix H)
Restrictive Conditions	Yes (see section 4.2 and appendix J)
Extent	1,99976ha
Registered Owner	The Franschhoek Claimants' Trust
Current Zoning	Undetermined Zone
Current Land Use	Vacant, unutilised
Any Unauthorised Building Work/ Land Use	No
Subject to the NEMA	Yes, parallel application underway.
Subject to the NHRA	No, see attached NID approval (appendix K)

4.2. Title Deed Review

A single condition (condition A. 6 on page 3 of Title Deed no. T60152/2008), pertaining to servitude right of way in favour of the Government, was found during the conveyancer's scrutiny of the title deed that holds the property. The condition states:

"That a general right of way from and to the adjoining Crown land over the whole of the land hereby granted is reserved in favour of the Government."

A conveyancer's certificate has been provided as appendix J to this report.

4.3. Site Characteristics

4.3.1. Topography and Drainage

A topographical survey was undertaken by Neil Woodin Surveys. The survey determined that the site slopes gently from east to west offering excellent drainage over the entire site towards Reservoir Street at the northwestern corner. See appendix L.

4.3.2. Existing Vegetation

The property underwent a botanical sensitivity screening by botanist Ross C Turner because the property contains Swartland Alluvial Fynbos (SAF) typical of the area. The outcomes of his assessment are discussed in section 8.5.2 and his report is attached as appendix M.

5. LOCALITY AND CONTEXT

5.1. Locality

The site is located in the northeastern residential area of Franschhoek, approximately 1km northeast of the Huguenot Memorial Museum in Reservoir Street, north of Lambrechts Road. Figure 1 refers.

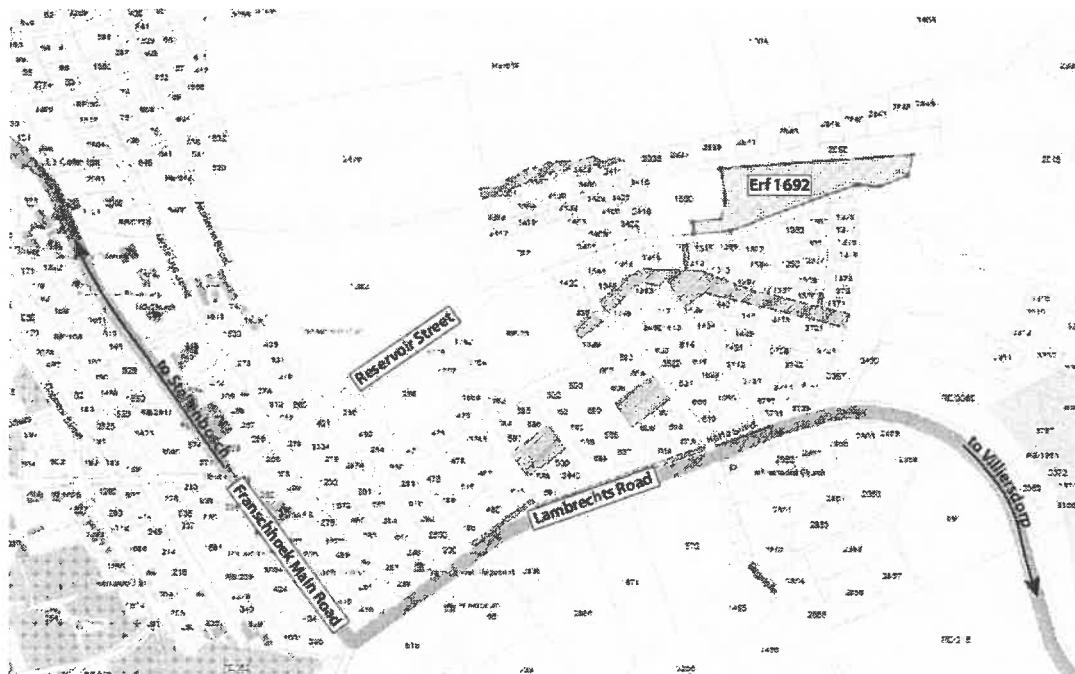


Figure 1: Locality Plan

(source: PlanetGIS)

5.2. Surrounding Land Use Context

The area's context is typically residential in contrast with the tourism (guest houses) type uses found in much of the town. Smaller single residential dwellings line Reservoir Street's southern side (see figure 2) and to the north is Fransche Hoek Estate, which consists of larger single dwelling properties.

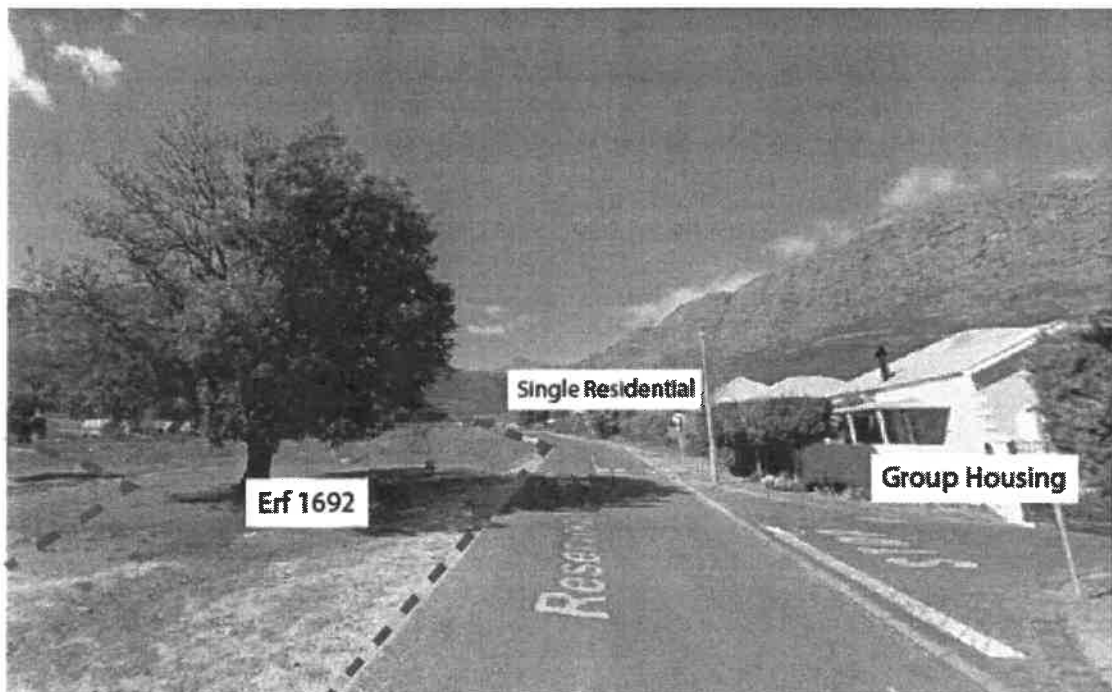


Figure 2: East facing street view of Reservoir Street and surrounding development

Opposite the site at its eastern boundary is a small group housing development consisting of 18 units not dissimilar in size to the proposed single residential properties. See figure 3.



Figure 3: Group housing development to the south of erf 1692

Like much of Franschhoek, the site is easily accessible from the Main Road, the tourist corridor and route west, and also onto Lambrechts Road the major regional route to the east.

5.3. Access

Access to the property is directly from Reservoir Street; future access to the development will take place in accordance with the attached subdivision plan (appendix O).

6. DEVELOPMENT PROPOSAL

6.1. Design Development

A number of filters have been applied to the layout design in order to achieve the most acceptable final proposal. The initial discussions were held with the Municipality in the form of a pre-application meeting held with the town planners and urban design department. Furthermore, the neighbouring Franche Hoek Estate was consulted for their input to the development.

The result in a number of cul-de-sacs, orientating the single residential sites on a contained “play court” or “woonerf” style area that serves both as vehicular access for residents as well as a hard open space for children to play. See appendix O and figure 4.

The participation in design has also resulted in a wider road along the northern boundary of the property. The road reserve need not be 13m wide, however, the provision of a landscaped buffering edge between the neighbouring residential estate and the development was determined to be a considerate part of the design reasoning. Additionally, all parking on the general residential sites has been located so that it is not visible to the neighbours.

Architectural design has been deliberately in keeping with the local character and this concept bridges to the design of the general residential buildings on the general residential portions, 29-31. The apartment buildings are designed to resemble larger residential dwellings, being only 2 stories tall and utilising pitched “house-type” roofs. See appendix S, typical layouts and elevations and figures 4, 5 & 6.

Measures have been taken to calm traffic on the internal roads by means of raised paving at the intersections of the cul-de-sacs and the main access road. This will ensure the safety of users of the cul-de-sacs as hard private open spaces.

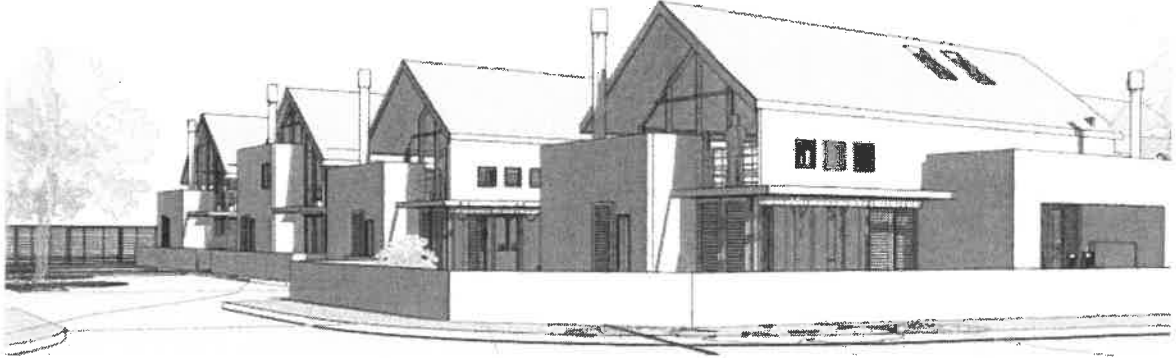


Figure 4: Typical single residential dwellings



Figure 5: Architects rendering of the apartments



Figure 6: Typical apartment elevation

6.2. Subdivision Proposal

It is proposed to rezone the property from undetermined zone to subdivisional area overlay zone, to make provision for:

- 28 single residential erven, ranging in size from 189m² to 311m²;
- 3 general residential erven for apartments of which one is to be developed for the Franschoek Claimant's Trust;
- a general business erf of 908m² for a future business use;
- 2 private open space portions (1321m² combined); and
- private roads.

A subdivision plan (appendix O) has been prepared and is extracted in figure 4.

6.3. Zoning Scheme Requirements and Development Rules

Three different zoning types are utilised for the proposed development, being; single residential zone, general residential zone and private open space. The fourth land use is private roads, which forms the remainder of the property.

In light of the forthcoming Stellenbosch Zoning Scheme By-Law (expected January 2019), the departures applied for are done so with the new scheme regulations in mind. Therefore, wherever possible, departures from the current zoning scheme should be compared to the new scheme parameters because these will effectively negate the certain departures in the future.

6.3.1. Single Residential Zone

The permitted uses are:

- *Primary rights: Dwelling House, and*
- *Uses permitted with Council's special consent: Educational building, places of public worship.*

The parameters of the zoning scheme in terms of development rules are indicated in the following table:

Street Boundary Building Line	4,6 m
Common Boundary Building Line	2,3 m (1,2 m for sites less than 18m wide)
Rear Building Line	3,0 m
Coverage	30%
Height	Two stories above the ground level

Note: All dwelling houses are to be constructed with the zoning scheme parameters in mind. No departures are therefore necessitated for portions 1 – 28.

6.3.2. General Residential Zone

The permitted uses are:

- **Primary rights:** Blocks of flats or other residential buildings, dwellings, dwelling houses, tenements; and
- **Uses permitted with Council's special consent:** Institutional buildings, places of public worship, group housing.

Portions 29 and 30 lie in the zoning scheme's general residential zone 4, for sites larger than 2000m². Portion 31 falls below the minimum size requirement of 1000m² and therefore a regulation departure is required for the property. The parameters of the zoning scheme in terms of development rules are indicated in the following table and departures indicated on the departure plan attached as appendix Q:

Development Rule	Parameter	Compliance/Departure
Street Boundary Building Line	7.6m or 16m from the centre of a street which is less than 16m width	Portion 29: 10.9m No departure Portion 30: See section 6.3.4. Portion 31: See section 6.3.5.
Lateral or Rear Boundary Building Line	4.6m or half the height of the building.	Portion 29: See section 6.3.3. Portion 30: See section 6.3.4. Portion 31: See section 6.3.5.
Coverage	25%	Portion 29: 31% departure Portion 30: 28% departure Portion 31: 37% departure
Floor Factor	Portions 29 & 30: 0.75 Portion 31: 0.4	Portion 29: 0.62 (2336m ²) no departure Portion 30: 0.55 (1345m ²) no departure Portion 31: 0.74 (±342m ²) departure
Minimum Street Front	15m	Portion 29: 13m departure Portion 30: 108m no departure Portion 31: 18m no departure
Height	Portions 29 & 30: unlimited Portion 31: 2 storeys	Two storeys (±7.9m) no departure
Parking	1 bay per dwelling unit	Portion 29: 39 bays (26 units) no departure Portion 30: 23 bays (16 units) no departure Portion 31: 6 bays (4 units) no departure

6.3.3. Departures Required for Portion 29

- 3m and 2.8m in lieu of 4.6m from the northern and eastern common boundaries with erven 2850 and 2835, respectively, for building C;
- 2.8m and 3.1m in lieu of 4.6m from the eastern and southern common boundary with erf 2835 for building D;
- 3.1m and 3.3m in lieu of 4.6m from the southern common boundaries with erf 2835 for building E;
- 3m in lieu of 4.6m from the southern common boundary with erf 2835 for building F.

6.3.4. Departures Required for Portion 30

- Departure from provision 8.5.1 of the Franschhoek Zoning Scheme to permit a building to be constructed on a general residential site abutting a street with a width of 8,5m in lieu of 12,5m.
- 4.7m in lieu of 7.6m from the Reservoir Street Boundary
- 3.9m in lieu of 7.6m from the Rue de Vie street boundary
- 4.7m in lieu of 11.7m from the street boundary of Rue de Vie for the portion that is less than 16m wide
- 3.8m in lieu of 4.6m from the western common boundary with erf 1693, for building C.

6.3.5. Departures Required for Portion 31

- Departure from provision 8.3.1 of the Zoning Scheme to permit portion 31 to be 459m² in lieu of 1000m²;
- Departure from provision 8.5.1 of the Zoning Scheme to permit a building to be constructed on a general residential site abutting a street with a width of 8,5m in lieu of 12,5m;
- 7m in lieu of 11.7m from the Rue de Vie street boundary;
- 3.3m in lieu of 4.6m from the southern common boundary with portion 30;
- 2.1m in lieu of 4.6m from the northern common boundary with portion 33;
- 3.4m in lieu of 4.6m from the western common boundary with erf 1693.

It should be noted that the majority of the required departures are internal of the development and will therefore have little to no impact on the neighbouring properties.

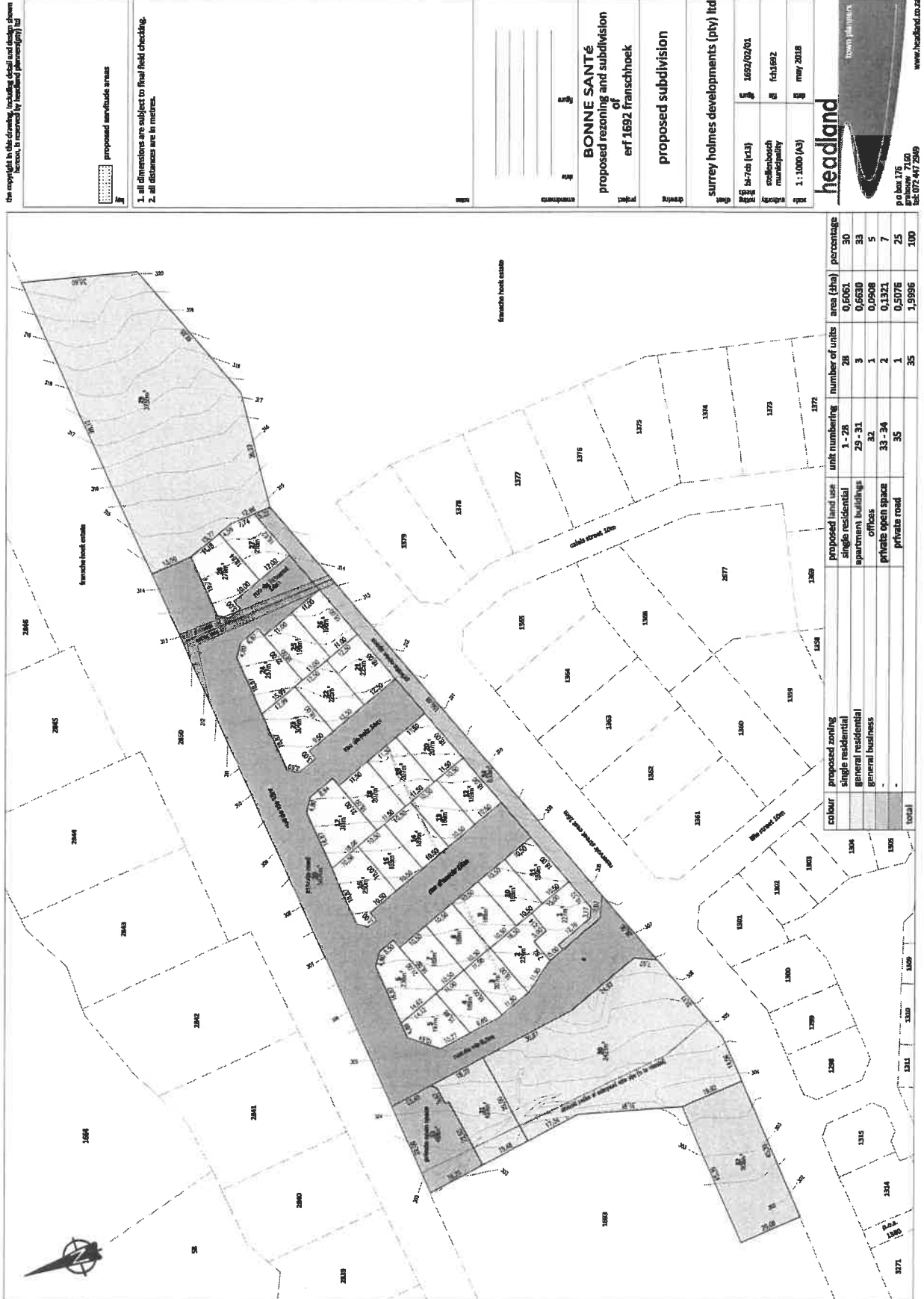


Figure 7: Extract from the proposed subdivision plan (appendix O)

6.4. Proposed Phasing

The subdivision and development will be phased in accordance with the proposed phasing plan, attached as appendix P, as follows:

- **Phase 1:** Portions 1 – 5 & 30, 33 & 34 (private open space) and the main circulation road (Rue de Vie) to provide access to the general residential sites.
 - 5 single residential dwellings; and
 - 16 apartments
- **Phase 2:** Portions 6 – 16 & 31 (claimants' property) and the first cul-de-sac (Rue d'Espoir);
 - 11 single residential dwellings; and
 - 4 apartments
- **Phase 3:** Portions 17 – 23 and the second cul-de-sac (Rue de Paix);
 - 7 single residential dwellings
- **Phase 4:** Portions 24 – 28 and the final cul-de-sac (Rue de la Santé);
 - 5 single residential dwellings
- **Phase 5:** Portion 29 (the large general residential site);
 - 30 apartments
- **Phase 6:** Portion 32 (the general business site)
 - Future business GLA, to be applied according to the zoning scheme regulations.

6.5. Development of Apartments for the Franschoek Claimants' Trust

In accordance with the development agreement between the owners of the property, the Franschoek Claimants' Trust ("the Trust"), and Surrey Holmes (Pty) Ltd, the first portion to be developed will be the apartments to be owned by the Trust and managed by the home owners' association.

Further development of the site will take place in accordance with the proposed development phasing, see section 6.4, "Phase 2".

6.6. Body Corporate & Home Owners' Association Establishment

Two separate Body Corporates are established to manage the two general residential sites. In addition, the single residential properties will be run by a home owners' association. These management bodies will belong to a principal property owners' association which will deal with all matters pertaining to maintenance and management of the development.

The constitutions of the various management bodies are being prepared and will be provided to the Municipality upon completion.

6.7. Conceptual Site Plan

An indicatory site plan has been prepared to show the layout of the general residential sites and the proposed landscaping and circulation. The site plan is attached as appendix R.

6.8. Landscaping and Open Space

Two portions of open space are provided, portions 33 and 34, amounting to $\pm 1320\text{m}^2$. This area will be used for landscaping and open space for the use of residents. A 2.5m wide pedestrian footpath is provided on the site as a walking path and is kept wide enough to be wheelchair friendly. Portion 33 will also provide a functional role as a stormwater detention pond.

Hard private open space has proven desirable as an addition to green open space in developments. Consequently, the layout includes cul-de-sacs that provide safe playing and movement space in front of the single dwellings. Landscaping is to be indigenous and water sensitive. See appendix R.

6.9. Access and Parking

Access for the residential component will be via a secure access road from Reservoir Street opposite Lillie Road. Access will be secured with a boom and security guard and managed in accordance with the homeowners' association constitution. Access to the business component is from Reservoir Street.

Parking will be provided at the zoning scheme requirement of 2 bays per single residential dwelling, at least 1 bay per apartment and 1 bay per 25m² of business GLA. See tabulated parking requirements hereunder. Therefore, no departure from the parking requirements is sought.

Parking	
Single Residential 2 bays/unit):	56 bays
Apartments (1 bay/unit):	58 bays
Offices (1 bay/25m ²):	15 bays
Total:	129 bays

6.10. Refuse Removal

A refuse room is to be provided on each of the general residential sites for the central collection of refuse. The roads are designed in such a way to allow the 28 residential units to be serviced by either a private refuse removal contractor or the Municipal refuse removal vehicles.

7. SPECIALIST REPORTS

7.1. GLS Engineering Services Report

GLS Consulting was commissioned to prepare an engineering services report in respect of the capacity of existing municipal services for the proposed development. The findings and recommendations of the services report are summarised as follows (see appendix T):

- Network upgrades to the existing water services network are recommended to improve network conveyance and to improve pressure at the higher points of the development;
- The sewer network has sufficient capacity to accommodate the proposed development, however, invert levels of the main outfall sewer should be surveyed to confirm the spare capacity;
- The developer may be liable for development contributions for bulk water and sewer infrastructure.

7.2. APEC Engineering Report

A supplementary engineering report was provided by Riaan Swiegers of APEC consulting engineers. The report deals with civil and structural engineering components of the development and may be found attached as appendix U. The recommendations of APEC's report are as follows:

- All structures will comply to the applicable SANS standards and National Building Regulations requirements;
- Mid block terracing will be used to obviate any need for stairs or ramps to the proposed dwelling units on portions 1 – 28, and to counteract the gentle slope of the site;
- Cul-de-sacs provide "play court" pedestrian controlled facilities and therefore speed limits of 30km/h and 20km/h are recommended for the main access road and cul-de-sacs respectively;

- Stormwater is to be retained in the stormwater pond provided on portion 33 in the northwestern corner of the site;
- Sufficient Municipal water supply and sewer treatment capacity is available to support the development;
- Refuse removal is to be via refuse rooms in the general residential developments and kerb-side collection for the 28 single residential units;
- Fire hydrants will be placed within 90m of any building on the development to comply with SANS fire mitigation standards;
- Certain water network upgrades are required by the local authority and will need to be implemented;
- A pressure boosting station will need to be provided for the general residential site on portion 29 in order to supply the top floors with sufficient pressure;
- Sewer infrastructure may be provided in the internal road reserves and connected to the Municipal Sewer main, which has capacity to handle the development's effluent. Any external sewer upgrades are recommended to remain under the control of the Municipality utilising development contributions paid by private developers;
- Harvesting of rain and grey water is proposed, into storage tanks on the various properties proposed. Management of stormwater runoff at the source (roof level) will reduce runoff peaks, leading to a generally more sustainable and less impactful development in terms of stormwater;
- Internal streets will be treated with a 2.5m wide pedestrian walking path that is wheelchair friendly;
- All electrical and communication ducting will be installed by the appointed civil engineering contractor;
- One wheelie bin per 2 apartments is recommended for the general residential sites, and a single wheelie bin for weekly refuse removal is recommended for the single dwelling units;
- A 2.1m high electrified fence is recommended to satisfy safety and security requirements;
- No unmanageable impacts on the built environment are expected as a result of the rezoning and subdivision of the property and therefore Municipal approval is recommended.

7.3. Traffic Impact Assessment and Report

A traffic impact assessment (TIA) was prepared by Sturgeon Consulting Transport Engineers for the development. The outcomes and recommendations of the TIA, which are in support of the development, are summarised in the following bullet points:

- All of the intersections included in the study are expected to operate acceptably with the inclusion of the proposed development;
- No upgrades are required to the surrounding road network as a result of growth in background traffic;
- The residential component should be accessed by two lanes (one for residents and the second for visitors) and have a single exit lane;
- Parking is to be provided at a ratio of 2 bays per dwelling house, 1.25 bays per apartment and 1 bay per 25m² for the office component; and
- No public transport or Non-Motorised Transport (NMT) improvements are required.

The transport engineers have approved the development from a traffic impact point of view. However, they recommend that the access points that are proposed are approved by the Municipality prior to the commencement of construction. The TIA is attached as appendix V.

7.4. Heritage Assessment

A Notification of Intent to Develop (NID) application was submitted to the competent authority (Heritage Western Cape) by a registered heritage practitioner. The NID was approved by the authority who stated that there was no reason to believe that any heritage resources would be impacted upon as a result of the development. A copy of the NID approval is attached as appendix J.

7.5. Environmental Basic Assessment Report and Specialist Studies

7.5.1. Botanical Sensitivity Screening

Ross Turner has prepared the botanical sensitivity screening to inform the basic assessment process. His specialist report is attached as appendix M and his conclusions are summarised as follows:

- The site contains “moderately disturbed” vegetation of the Swartland Alluvium Fynbos (SAF) and Boland Granite Fynbos. Both of which are represented well in formally conserved SAF areas;
- The minimum size for a portion of land containing conservation-worthy plant species is in the range of 4-15 hectares, rendering the site too small and too close to urban development for a controlled burning regime;
- If given conservation status, the vegetation would be prone to fragmentation given the surrounding development;

Any biodiversity corridor in the critical biodiversity area (CBA) would have needed to be established ±16 years ago to have counteracted urban and viticultural sprawl.

7.5.2. Basic Assessment Report and Process

A basic assessment process was required by the competent authority, which will run concurrently with the land use application process.

During the environmental pre-application participation process, Stellenbosch Municipality has supported the development. Their letter is attached as appendix N, see section 8.2.

8. LEGISLATIVE ENVIRONMENT

8.1. The Stellenbosch Municipality Spatial Development Framework, 2012

The principles of the Spatial Development Framework (SDF) for the greater Stellenbosch area provide a guideline to sustainable development, the future urban form and urban growth in the region.

Development principles include the concept of interconnectedness between regional nodes, economic growth and the optimisation of land use. They also cover the responsibility of the area to be custodians of natural resources (the area’s strong agricultural and environmental assets) and the heritage of the region, containing some of the oldest farms in South Africa.

Due to the severe housing shortage that is experienced in the Municipality as a whole, much attention is given in the SDF to densification of existing urban areas and better utilisation of urban land.

8.2. The South African National Heritage Resources Act (NHRA), Act 25 of 1999, and National Environmental Management Act (NEMA), Act 107 of 1998

Due to the size of the development (nearly 2 hectares in extent) a Notification of Intent to Develop (NID) application was required from Heritage Western Cape. The application found that no heritage resources would be impacted upon and NID approval was granted by the heritage authority (see appendix K).

A parallel environmental application (Basic Assessment Report) was submitted by Khula Environmental Consultants on 31 August 2017 to the Western Cape Department of Environmental Affairs and Development Planning. This application process is nearing the end of its public participation process, which was undertaken as a *pre-application* public participation process.

Amongst others, the Stellenbosch Municipality's comments (appendix N) were received in response to the basic assessment report and indicated that due to the site's isolation, state of environmental degradation, and local development potential, that the proposed development was supported in principle.

The outcome of the environmental application will be submitted to the Municipality upon receipt from the competent authority.

8.3. The Western Cape Land Use Planning Act (LUPA), Act 3 of 2014, and the Spatial Planning and Land Use Management Act (SPLUMA), Act 16 of 2013

8.3.1. Consideration is given to the provisions of section 39(5) of the LUPA as follows:

- a) The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;

It is submitted that the land abutting the property to which the restrictive servitude refers, has been alienated from any state ownership and is now part of a private residential estate. The servitude condition therefore lacks any validity or use to access state land as indicated in the title deed. No value of rights may be infringed upon as a result of removing this condition and deregistering the servitude.

- b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;

No benefit is accrued. A servitude is removed which no-longer has any meaningful access function.

- c) the personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is removed, suspended or amended;

The claimants, being registered owners of the land, are able to benefit from the successful land claim and develop the property.

- d) the social benefit of the restrictive condition remaining in place in its existing form;

No social benefit will be retained by retaining the restrictive condition.

- e) the social benefit of the removal, suspension or amendment of the restrictive condition; and

The claimants are able to benefit from the successful land claim and develop the property.

- f) whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.

The removal will completely remove the rights enjoyed by the beneficiary.

8.3.2. Section 47 of the SPLUMA are to be considered when considering the removal of a restrictive condition. The application is deemed as compliant with the provisions of the Act in that it does not materially deprive the beneficiary of any rights (the land adjacent to erf 1692 is privately owned and no longer the property of the state) and therefore rights of access appear to be defunct. The process of notification in terms of subsection 47(4) will be dealt with during public participation of the application.

9. MOTIVATION

9.1. Alignment with the Stellenbosch Spatial Development Framework, 2012

- The site is located within the urban edge and in an area designated “urban development” in the SDF. The pink arrows in figure 5 show planned future urban growth and integration.

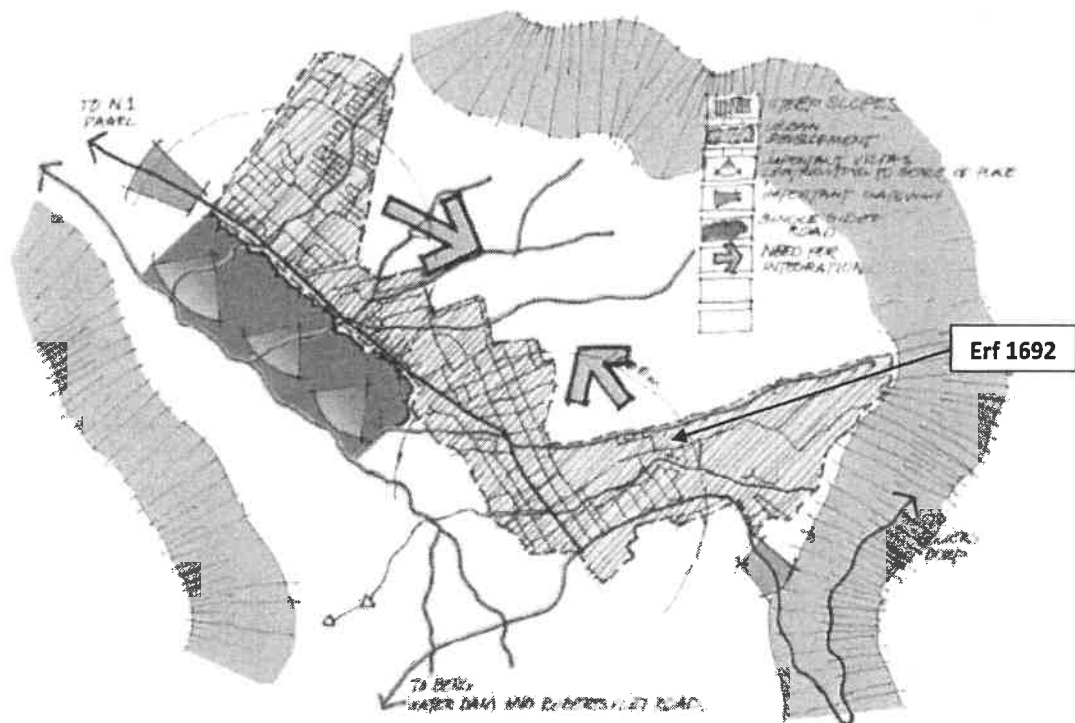


Figure 8: An extract from the Stellenbosch Spatial Development Framework

- The development of the property will promote the inclusive development goals of the Stellenbosch SDF;
- The development offers densification within the urban edge, and the enhanced use of an opportune (yet undeveloped) portion of land in the urban area. See figure 5;
- The development offers a range of residential opportunities and future commercial GLA in Franschhoek;
- The development is therefore seen to be supportive of the SDF's development goals.

9.2. Desirability in terms of the Stellenbosch Municipality Land Use Planning By-Law, 2015

Cognisance is given to section 65 of the Stellenbosch Municipal Planning By-law in respect of the desirability of the development, as follows:

- The development is to be designed with the general character of the area in mind, which contains a range of dwelling types and sizes;
- The site contains the development of dwellings for the claimants of a land trust whom own the property. A percentage of the development will remain under the ownership of the claimants, allowing for secure tenure of property for their own use or rental and which is managed by the over-arching property owners' association;
- No adverse impacts on the rights of surrounding property owners are expected. The development of additional dwellings will bring new stock to the market and arguably improve the value of surrounding land;
- Capacity exists in the Municipal services infrastructure to support the proposed development. Any upgrades required will be supplemented by the development contributions paid by the developer. See section 8.2 for the engineering service report summary;
- No traffic impacts are expected, nor any intersection upgrades required as a result of the development. See section 8.3;
- Development rules for the various proposed zonings are to be complied with so as to not trigger any departure applications. Parking provision is per the requirements of the zoning scheme;
- The development of unutilised property contributes to improved safety and security and is desirable in terms of forward planning by densifying existing urban areas;
- Densification of existing urban areas, and within the urban edge should be supported by Municipalities, especially when keeping with the local character;
- A hierarchy of body corporates/property owners' associations will manage the development, dealing with all maintenance aspects.

9.3. Heritage & Environmental Resources

An environmental Basic Assessment Report (BAR) application process is running in parallel with the land use application. The outcomes of the BAR will be conveyed to the Municipality when these become available.

A Notification of Intent to Develop (NID) application was submitted, and subsequently approved by the competent authority, on the grounds that no heritage resources will be impacted upon (see appendix K).

9.4. Other Motivating Factors

- The initial process leading up to the structuring of the development involved public participation with the neighbouring Fransche Hoek Estate and with the Municipality. The result is a number of design elements which buffer the development from surrounding property owners, mitigating any adverse effects on the rights of said owners;
- A combination of hard and soft open space has been utilised (green spaces and cul-de-sacs) to provide a wealth of defensible open space in the development;

- Buildings are designed in the local vernacular and the visual impact of the apartment buildings proposed has been mitigated by architecturally appearing similar to large dwellings rather than apartment blocks;
- The development has been designed to obviate any need to apply for regulation departures, further minimising any potential risk of impacting on the rights of others;
- No adverse environmental impacts are expected due to the size of the site and that the vegetation species found on the property being well represented in formal conservation areas;
- The development responds well to the provisions of the Stellenbosch By-law on Municipal Planning, the Stellenbosch Spatial Development Framework and the requirements of the Western Cape Land Use Planning Act and the Spatial Planning and Land Use Management Act;
- The motivation for the regulation departure from the minimum general residential erf size is to provide an independent erf in accordance with the arrangement between the developer and the Franschhoek Claimants' Trust. The claimants will have tenure of portion 31, and management will remain the responsibility of the developer;
- The departures sought are in majority "internal" departures applicable to streets inside the development. Only one departure applies to Reservoir Street (portion 30);
- The design of the development is such that the general residential sites appear similar to large single dwellings rather than flats. This approach necessitates more departures than a single large apartment building would, however the impact of a large building to the neighbours would be considerably more.

10. CONCLUSION

The proposed development is the result of a successful land restitution process, providing formerly dispossessed residents with an opportunity to benefit from a yet undeveloped portion of property in Franschhoek.

In addition, the property is well located for the development of additional residential dwellings to augment the housing market in Franschhoek and a range of dwelling types will be made available.

The development does not result in adverse impacts on traffic & transport infrastructure, Municipal civil engineering capacities are available to support the development and no departure applications are required to realise the development, meaning that the negative impact on surrounding rights is almost entirely mitigated.

The development does not constitute an impact on any heritage resources and the specialist botanical examination indicated that the risk of destroying conservation worthy species is very low. However, the finalisation of the environmental Basic Assessment Report will provide a confirmation of any environmental impacts and mitigation thereof.

From a legislative point of view, the development complies with forward planning frameworks, policy and Land Use Planning Legislation at all spheres of Government.

Finally, the removal of the restrictive condition is seen to have little impact as it appears to no longer serve the land to which the servitude provided access.

For these reasons and those contained in the motivation above, the application is submitted for Municipality's favourable consideration.



FCH1692
D
August 2018

HEADLAN
TOWN PLANNERS

po box 176 grabouw 7160
 cell: 082 449 1801
 e-mail: tristan@headland.co.za

Your reference: LU/8369
 Our reference: FCH1692

The Acting Director: Planning & Economic Development
 Stellenbosch Municipality
 P.O. Box 17
 STELLENBOSCH
 7600

Date: 6 March 2019

For Attention: Bulelwa Mdoda

Dear Bulelwa

REZONING, SUBDIVISION & REMOVAL OF RESTRICTIONS APPLICATIONS: ERF 1692, RESERVOIR STREET EAST, FRANSCHHOEK

We refer to your email with the above reference number, dated 30 November 2018 and formal correspondence which has not been received as yet by this office.

The requirements of your email are responded to as follows:

1. Locality plan indicating which interested and affected property owners may be affected by the proposal;

A locality plan is attached as appendix A, which was distributed by the Municipality during a phase of pre-application advertising that was undertaken. The same properties should be consulted during the formal advertising period and an updated contact list is requested from Municipality in the event that ownership has changed.

2. No clear indication is given of how many general residential units are proposed;

The following table indicates the number of general residential units proposed per general residential subdivision as discussed in sections 6.4 & 6.9 of the planning motivation:

Subdivided Portion	Number of General Residential Units
Portion 29	26
Portion 30	16
Portion 31	4
Total	46 apartments

3. Typical floor layout plans for both single residential and general residential units as well as for the business zone property is to be submitted;

Noted. Floor layouts will be provided during the building plan phase. The applications at hand do not necessitate floor layout submissions or deal with departures from the zoning scheme for the single dwelling & business zone portions of the development. Given that the site development plan indicates typical positioning of the general residential buildings, departures from the building line regulations have been applied for where necessary.

4. The proposed boundary wall must comply with the by-law relating to the control of boundary walls and fences, or alternatively an application to deviate from the by-law is to be submitted. Please note that the entrance structures and columns must also comply with the bylaw;

Noted.

5. Applicant must submit the street numbers;

In terms of section 98 of the Stellenbosch Municipal Planning By-Law, 2015, a street naming and numbering plan is provided. Appendix B refers.

6. Applicant must also submit an application for Homeowners Association and Body Corporate;

Noted, the required application will be submitted by the appointed conveyancing attorneys.

7. Landscaping plan is to be submitted;

An indication of landscaping is shown on the submitted Site Development Plan. It is submitted that the approval of a detailed landscaping plan is usually imposed as a condition of approval and is not material to the establishment of the land use rights on the property.

8. The private road does not form part of phase 1 but is divided into 5 phases. The applicant must first get clarification from the Engineering department regarding the practicality of the phasing plan before advertising can take place.

Phasing is motivated by the market and the ability of the developer to successfully bring the units to market. A slight amendment to the phasing plan has been made, with input from the appointed engineer and the Municipality. As such, the phasing is to be in accordance with the phasing plan attached as appendix C.

Appendices

Appendix A – Locality Plan indicating surrounding owners

Appendix B – Street naming and numbering plan

Appendix C – Revised Phasing Plan

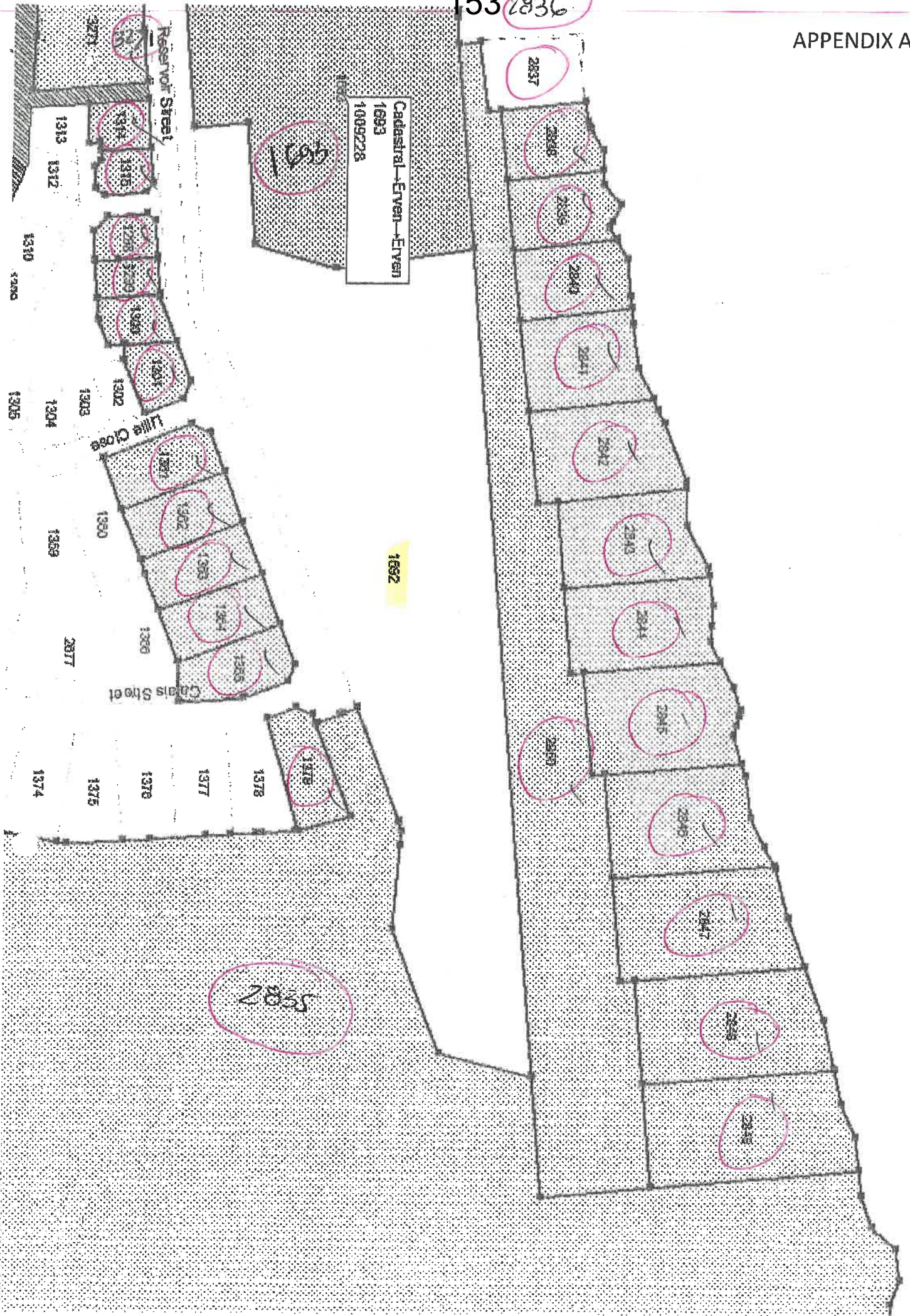
We trust the above is in order and will allow the Municipality to continue to process the application.

Yours Faithfully,



Tristan Sandwith

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APPENDIX B

- 23 proposed street numbering
- proposed servitude areas

1. all dimensions are subject to final field checking.
2. all distances are in metres.

Comments

BONNE SANTÉ
 proposed rezoning and subdivision
 of
 erf 1692 franschhoek

street numbering plan

surrey holmes developments (pty) ltd

Project Ref	bl-7ch (413)	Date	1692/01-5T
Client	franschhoek municipality	Drawn by	fch1692
Scale	1 : 1000 (A3)	Issued	January 2019

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town planners

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APPENDIX C

proposed servitude areas

- 1. all dimensions are subject to final field checking.
- 2. all dimensions are in metres.

BONNE SANTÉ
proposed rezoning and subdivision
of
erf 1692 franschhoek

proposed phasing

surrey holmes developments (pty) ltd

1617th (L13) 1692/04/01

stallenbosch municipality fch1692

1:1000 (A3) January 2019

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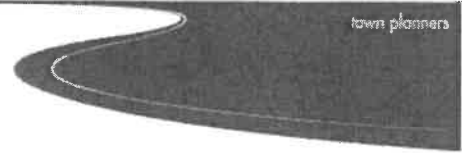
colour	proposed zoning	proposed land use	unit numbering	number of units	area (sha)	percentage
	single residential	single residential	1 - 28	28	0,6061	30
	general residential	apartment buildings	29 - 31	3	0,6630	33
	general business	offices	32	1	0,0908	5
		private open space	33 - 34	2	0,1321	7
		private road	35	1	0,5076	25
	total			35	1,9996	100

ANNEXURE E

**REMOVAL OF A RESTRICTIVE TITLE DEED
CONDITION, REZONING, SUBDIVISION,
PHASING, STREET NAME AND NUMBERING AND
DEPARTURES ON ERF 1692, FRANSCHHOEK**

PRE-CONSULTATION MINUTES

po box 66, vlottenburg, 7604
 tel: 021 462 5681
 cell: 082 449 1801
 e-mail: tristan@headland.co.za



Date: 21 June 2017

MINUTES OF PRE-APPLICATION CONSULTATION: ERF 1692, FRANSCHHOEK AT RESERVOIR STREET

1. IN ATTENDANCE

Michelle Hewitt (MH)	– Surrey Holmes (Client)
Neil Hewitt (NH)	– Surrey Holmes (Client)
Hedré Dednam (HD)	– Stellenbosch Municipality
Lawrence Ramakuwela (LR)	– Stellenbosch Municipality
Hennie Möller (HM)	– Möller Architects
Cor Agenbag (CA)	– Headland Planners
Tristan Sandwith (TS)	– Headland Planners

2. PURPOSE OF MEETING

- Open discussion over final draft site development plan;
- Discuss subdivision and concept of shared open space for combined development;
- Municipal input to plan and way forward in terms of application submission;
- Confirm which zoning scheme to use and parameters of new integrated zoning scheme.

3. DISCUSSION

3.1. Development Proposal Breakdown

- 45 sectional title apartments (General Residential; 16 apartments for claimants' ownership);
- 28 Single Residential properties;
- Medical suites/Medical facility portion.

CA speaks to controlled access that services both General Residential portions and access road to Single Residential properties;

MH & HM – design spec to be implemented throughout development so that it is aesthetically similar and appealing;

CA functional open space that is in line with Zoning Scheme parameters for General Residential portions but serves as a perimeter walking/ exercise area for all residents of single res. and general res. properties;

Medical facility to take its access directly from Reservoir Street.

3.2. Technical Town Planning Remarks

- Services on site must be per Municipal Engineer's specifications;
 - Engineering service report to be included;
 - TIS to be included;
- Stacking space at the entrance to be checked;
- Street Naming and numbering plan to be included in submission (part of subdivision proposal);
- Homeowners' Association constitution to be included – make provision for waste removal solution for all residential properties;

- Architectural Guidelines to be included in submission;
- Land use applications can be submitted and advertised simultaneously to Environmental Authorisation;
- Applicant to undertake advertising:
 - Identify interested & affected parties;
 - Advertise to Franschoek Estate affected owners as well as the Estate HoA.
- TIS to include the residential and general business components;
- Any screening for refuse room/ area on road requires a departure to 0m from street building line regulations.

3.3. Applications to be Submitted

Various departures to be confirmed with Municipality once final plans become available;

Rezoning to Subdivisional Area Overlay zone: 2 General Residential portions, 28 Single Residential portions, 1 General Business portion, private roads, private open space;

Subdivision into various proposed portions;

Consent for medical facilities on General Business portion;

Street Naming and Numbering.

4. **ACTIONS**

- Lawrence (LR) to provide a copy of the zoning map;
- HM to finalise plans for checking and detailed departures;
- CA & TS to finalise application and submit.

FCH1692 Bonne Santé
June 2017

HEADLAND
TOWN PLANNERS

ANNEXURE F

**REMOVAL OF A RESTRICTIVE TITLE DEED
CONDITION, REZONING, SUBDIVISION,
PHASING, STREET NAME AND NUMBERING AND
DEPARTURES ON ERF 1692, FRANSCHHOEK**

PORTFOLIO OF EVIDENCE

23 AUG 2019



STELLENBOSCH
STELLENBOSCH • FNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

RECEIVED PLANNING & ECONOMIC DEVELOPMENT

21

PORTFOLIO OF EVIDENCE				Date		
Applicant advertised				23 August 2019		
CHECKLIST						
Erf/Erven Farm no	1692	Portion(s) if farm		Allotment Area	Franschhoek	
Owner/Applicant	Headland Planners		LU/number	8369		
INDICATE WHICH OF THE FOLLOWING DOCUMENTATION (WHERE APPLICABLE) IS ATTACHED TO THE PORTFOLIO OF EVIDENCE				OWNER/APPLICANT TO INDICATE		ADMIN OFFICER/PLANNER VERIFY
				YES	NO	
Affidavit (TEMPLATE ATTACHED)						
1. Is the affidavit signed by a Commissioner of Oaths				Yes		✓
2. Does the affidavit confirm that the advertising was undertaken in accordance with the said prescriptions?				Yes		✓
3. Does the affidavit confirm that the notice was placed and kept on site for the duration of the advertising period (from which date to which date)?				Yes		✓
Proof of publication						
4. In one local newspaper in two official languages (or in those cases where Council has indicated two local newspapers)				Yes		✓
5. Extract from the newspaper attached (date of publication visible)				Yes		✓
6. Does the wording fully address the description of the application?				Yes		
7. If no, define differences :						
8. Advertising period		From	11 April 2019	To	12 May 2019	
9. Does the Advertising period comply with the required 30 days?				Yes		✓
10. Was Council informed of the commencement date and closure date?				Yes		✓ (1)
The registered slips in respect of all the registered letters addressed to						
11. A copy of the registered letter addressed to the affected parties				Yes		✓
12. Are the dates concurring				Yes	ERF 1692 EH	✓
13. A copy of the registered letter addressed to the external departments (where required)				Yes		✓
14. Affected interested and affected parties (registered property owners) (original registered slips)				Yes		✓
15. Community organisations (original registered slips)				Yes	658446	✓
16. Ward Councillor (original registered slip)				Yes		✓
17. External Departments (where required) (original registered slip)				Yes		✓
18. Unclaimed registered mail				Yes		✓

PLANNING AND ENVIRONMENT
23 AUG 2019
MUNICIPALITY/MUNISIPALITEIT
STELLENBOSCH
PLANNING EN OMGEWING

FILE NR: ERF 1692 EH
SCAN NR:
COLLABORATOR NR: 658446

19. If no to any of the above, define differences :			
20. Were the external departments granted 60 days for comment?	Yes		✓
Notices placed on the property			
21. Were the notices placed on the property on the same day as the notice in press?	Yes		✓
22. Have photos been attached? (one close up and one from across the street)	Yes		✓
23. Was the notice clearly visible on site?	Yes		✓
24. Were the notices kept on site for the duration of the advertising period?	Yes		✓
Objections/Comments			
25. From organs of state/external departments must be on a formal letterhead?	Yes		✓
26. All objections/comments received attached?	Yes		✓
27. All emails sent or received in respect of this application attached?	Yes		✓
28. Applicant's comments on the objections attached?	Yes		✓
SIGNED BY APPLICANT/OWNER	<i>Travis Smith</i>		

<i>For office use only</i>	
SIGNED BY ADMINISTRATIVE OFFICER	<i>[Signature]</i> 28/08/2019
VERIFIED & SIGNED BY TOWN PLANNER	
DATE VERIFIED	

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

Notary Public stamp for Tristan Barry Sandwith, Commission No. 8710285120081, sworn on 2019-04-11. Includes name, rank, and signature.

The Deponent acknowledges that he / she knows and understands the contents of his Affidavit.
Signature: [Signature]
Signed at Stellenbosch 23rd day of 08 2019
At: Stellenbosch 23rd day of 08 2019

- 2. The public notices were prominently displayed and maintained in a legible condition for a continuous period of thirty (30) days from the date of the advertisement as indicated in Section (2) above.
3. A notice containing the requirements as set out in the Stellenbosch Land Use Planning By-Law (2015), was posted per registered mail to all adjoining property owners/occupants/ interested and affected parties, during the same date of the advertising period as specified in Section (2) above.
4. Furthermore, a notice of the application was sent to the relevant intergovernmental State Departments, per registered mail, commencing the same date as in Section (2) above with an additional 30 days (minimum 60 days) for comment.
5. That all comments and objections to the application concerned were forwarded to Stellenbosch Municipality as contemplated in sections 1 - 4 above.

From 11 April 2019 to 12 May 2019

(a) Paarl Post
Was advertised in at least two of the official languages of the Province in the following newspaper(s):

on Erf/ Farm Number: 1692, Franschoek
Reasoning, subdivision and removal of restrictions.

1. The application for:
do hereby declare under oath that:
authorised person through power of attorney
in my capacity as (owner or authorised person through power of attorney):
Identity Number: 8710285120081
I, the undersigned [Full Name (s) and Surname]: Tristan Barry Sandwith

SWORN AFFIDAVIT

- Vir gebou C, 3m en 2,8m in plaas van 4,6m van die noordelike en oostelike gemeenskaplike grense met erf 2835 en 2835 onderskeidelik;
- Vir gebou D, 2,8m en 3,1m in plaas van 4,6m van die oostelike en suidelike gemeenskaplike grense met erf 2835;
- 3,1m en 3,3m in plaas van 4,6m van die suidelike gemeenskaplike grense met erf 2835 vir gebou E;
- Vir gebou F, 3m in plaas van 4,6m van die suidelike gemeenskaplike grense met erf 2835.

Portion 29:

Afwykings:

Die aangeleentheid vir oorweging is 'n aansoek (ingevolge artikel 15 (2) (a), (d) en (f) van die Stellenbosch Munisipale Grondgebruiksbeplannings-verordening) vir die hersonering van die eiendom vanaf onbepaalde sone na onderverdelingsgebied ooreg sone (enkelresidensieel, algemeneresidensieel, algemene besigheid, privaat oopruimte en privaat paaie), onderverdeling in 35 gedeeltes, die opheffing van voorwaarde A.6 vervat in Titeelakte T60152 / 2008, en boulyn afwykings ten einde die voorgestelde residensieel ontwikkeling.

Beskrywing van aansoek:

Fisiese Adres:

Reservoirstraat Oos, Franschhoek

Eiendomsbeskrywing:

Erf 1692, Reservoirstraat, Franschhoek

Verwysingsnommer:

Erf 1692, Franschhoek

Aansoeknommer:

LU/8369

Eienaar:

Surrey Holmes (Bpk) Edms

Aansoeker:

Headland Planners (Bpk) Edms (tristan@headland.co.za)

AANSOEK VIR HERSONERING, ONDERVERDELING, VERWYDERING VAN 'N TITELAKTEVOORWARDE, TOEKENNING VAN STRAATNAME EN PERMANENTE AFWYKINGS: ERF 1692, RESERVOIRSTRAAT, FRANSCHHOEK

Geagte Raadslid Frazenburg:

Raadslid AR Frazenburg
 Forreisingel 25
 Mooiwater
 FRANSCHHOEK
 7690

GEREGISTREERDE POS

Datum: 11 April 2019

E-pos adres: tristan@headland.co.za

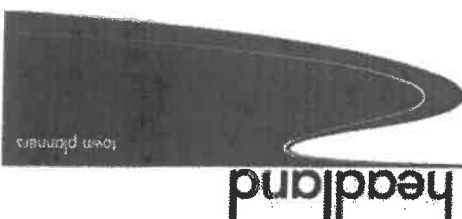
Kontaknommer: 082 449 1801

Navrae: Headland Planners (Bpk) Edms (Tristan Sandwith)

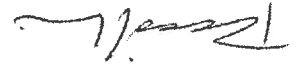
Aansoeker Verwysingsnommer: Erf 1692, Franschhoek

Munisipale Lêerverwysingsnommer: FCH1692

Aansoeknommer: LU/8369



HEADLAND PLANNERS



Die Uwe

Alle kommentare moet op of voor 30 dae vanaf die datum van publikasie van hierdie kennisgewing, met vermelding van die aansoeknommer, verwysingsnommer, u naam, adres en kontakbesonderhede, belangstelling in die aansoek en redes vir kommentaar, deur die bogemelde party ontvang word. Telefoniese navrae kan gedurende kantoorure aan die aansoeker, **Headland Planners**, by 0824491801 gerig word. Enige kommentaar/besware ontvang na die voormelde stuitingsdatum sal as ongedig geag word. Enige persoon wat nie kan skryf nie sal deur 'n Munisipale-amptenaar bygestaan word om hul kommentaar op skrif te stel.

AANSOEKER	
Geregistreerde of gewone pos	Headland Planners (Bpk) Edms (508 Wembley Square, Gardens, Kaapstad, 8001)
Of gefaks aan	086 603 6820
Of per hand afgelower aan	Headland Planners (Bpk) Edms (508 Wembley Square, Gardens, Kaapstad, 8001)
Of per e-pos gelower aan	Headland Planners (Bpk) Edms (tristan@headland.co.za)

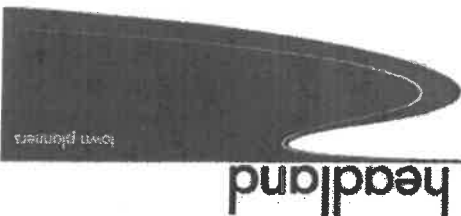
Kennis geskied hiermee ingevolge die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbepaling dat die bogenoemde aansoek ontvang is en gedurende weeksdag tussens 08:30 en 13:30 by die Bepalingskantoor by Stellenbosch Munisipaliteit, Pleinstraat, Stellenbosch ter insae is. Enige geskrewe kommentare/besware, met volledige redes daarvoor, moet ingevolge Artikel 50 van die genoemde wetgewing aan die aansoeker op een van die volgende wyses geadresseer word:

- Afwyking van bepaling 8.3.1 van die Soneringskema om gedeelte 31 toe te laat om 459m² in plaas van 1000m² te wees;
- Afwyking van bepaling 8.5.1 van die Soneringskema om toe te laat dat 'n gebou gebou word op 'n algemene residensiële perseel aangrensend aan 'n straat met 'n breedte van 8,5m in plaas van 12,5m;
- 7m in plaas van 11,7m vanaf die Rue de Vie straatgrens;
- 3,3m in plaas van 4,6m vanaf die suidelike gemeenskaplike grens met gedeelte 30;
- 2,1m in plaas van 4,6m van die noordelike gemeenskaplike grens met gedeelte 33;
- 3,4m in plaas van 4,6m van die westelike gemeenskaplike grens met erf 1693.

Gedeelte 31:

- Afwyking van bepaling 8.5.1 van die Franschhoek Soneringskema om toe te laat dat 'n gebou op 'n algemene residensiële terrein gebou word, aangrensend aan 'n straat met 'n breedte van 8,5m in plaas van 12,5m;
- 4,7m in plaas van 7,6m vanaf die Reservoir straatgrens;
- 3,9m in plaas van 7,6m vanaf die Rue de Vie straatgrens;
- 4,7m in plaas van 11,7m van die Rue de Vie straatgrens vir die gedeelte wat minder as 16m breed is;
- vir gebou C, 3,8m in plaas van 4,6m van die westelike gemeenskaplike grens met erf 1693.

Gedeelte 30:



Application Number: LU/8368
 Our File Reference Number: FCH1692
 Your Reference Number: Erf 1692, Franschoek
 Enquiries: Headland Planners (Pty) Ltd (Tristan Sandwith)
 Contact No: 082 449 1801
 Email address: tristan@headland.co.za
 Date: 11 April 2019

REGISTERED MAIL

Councillor AR Frazenburg
 25 Forrel Crescent
 Mooiwater
 FRANSCHHOEK
 7690

Dear Councillor Frazenburg:

APPLICATION FOR REZONING, SUBDIVISION, REMOVAL OF A TITLE DEED CONDITION, PHASING OF THE DEVELOPMENT, ALLOCATION OF STREET NAMES AND DEPARTURES: ERF 1692, RESERVOIR STREET, FRANSCHHOEK

Applicant: Headland Planners (Pty) Ltd (tristan@headland.co.za)

Owner: Surrey Holmes (Pty) Ltd

Application number: LU/8369

Reference number: Erf 1692, Franschoek

Property Description: Erf 1692, Reservoir Street, Franschoek

Physical Address: Reservoir Street East, Franschoek

Detailed description of proposal:

The matter for consideration is an application (in terms of section 15(2)(a), (d) and (f) of the Stellenbosch Municipal Land Use Planning By-Law) for rezoning of the property from undetermined zone to subdivisional area overlay zone (single residential, general residential, general business, private open space and private roads), subdivision into 35 portions, the removal of the condition A.6 contained in Title Deed T60152/2008, and a building line departures to allow for the proposed residential development.

Departures:

Portion 29:

- 3m and 2.8m in lieu of 4.6m from the northern and eastern common boundaries with even 2850 and 2835, respectively, for building C;
- 2.8m and 3.1m in lieu of 4.6m from the eastern and southern common boundary with erf 2835 for building D;
- 3.1m and 3.3m in lieu of 4.6m from the southern common boundaries with erf 2835 for building E;
- 3m in lieu of 4.6m from the southern common boundary with erf 2835 for building F.

Portion 30:

HEADLAND PLANNERS

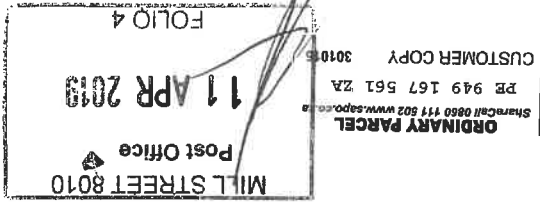
Yours faithfully

All comments, quoting the application number, reference number, your name, address or contact details, your interest in the application and reasons for comments should be received by the above party on or before 30 days from the date of publication of this notice. Telephonic enquiries can be made to the applicant, Headland Planners at 0824491801. Any comment/objection received after aforementioned closing date will be considered invalid. Any person who cannot write will be assisted by a Municipal official by transcribing their comments.

APPLICANT
Registered mail or normal mail
Headland Planners (Pty) Ltd (508 Wembley Square, Gardens, Cape Town, 8001)
Or faxed to
086 603 6820
Or hand delivered to
Headland Planners (Pty) Ltd (508 Wembley Square, Gardens, Cape Town, 8001)
Or e-mailed to
Headland Planners (Pty) Ltd (tristan@headland.co.za)

Notice is hereby given in terms of the Stellenbosch Municipal Land Use Planning By-law that the above mentioned application has been received and is available for inspection during weekdays between 08:30 and 13:30 at the Planning Advice Centre at Stellenbosch Municipality, Plein Street, Stellenbosch. Any written comments/objections, with full reasons therefore, may be addressed in terms of section 50 of the said legislation to the applicant in one of the following manners:

- Departure from provision 8.3.1 of the Zoning Scheme to permit portion 31 to be 459m² in lieu of 1000m²;
 - Departure from provision 8.5.1 of the Zoning Scheme to permit a building to be constructed on a general residential site abutting a street with a width of 8,5m in lieu of 12,5m;
 - 7m in lieu of 11,7m from the Rue de Vie street boundary;
 - 3.3m in lieu of 4.6m from the southern common boundary with portion 30;
 - 2.1m in lieu of 4.6m from the northern common boundary with portion 33;
 - 3.4m in lieu of 4.6m from the western common boundary with erf 1693.
- Portion 31:
- Departure from provision 8.5.1 of the Franschhoek Zoning Scheme to permit a building to be constructed on a general residential site abutting a street with a width of 8,5m in lieu of 12,5m;
 - 4.7m in lieu of 7.6m from the Reservoir Street Boundary;
 - 3.9m in lieu of 7.6m from the Rue de Vie street boundary;
 - 4.7m in lieu of 11.7m from the street boundary of Rue de Vie for the portion that is less than 16m wide;
 - 3.8m in lieu of 4.6m from the western common boundary with erf 1693, for building C.



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1. E & M du Toit (ert 2836)
PO Box 307
FRANSCHHOEK
7690
2. CE Gielen & VF de Leeuw (ert 2837)
C/O VVH
PO Box 168
STELLENBOSCH
7599
3. RM & DE Stout (ert 2838)
PO Box 440
FRANSCHHOEK
7690
4. PJ & CR Wilson (ert 2839)
PO Box 440
FRANSCHHOEK
7690
5. RF Baerveldt & GE Eccles Schoeman (ert 2840)
5 Riverside Lane
Fransche Hoek Estate
FRANSCHHOEK
7690
6. JA Mitchell (ert 2841)
PO Box 57
LA MOTTE
7691
7. P & M Cooper (ert 2842)
7 Riverside Lane
Fransche Hoek Estate
FRANSCHHOEK
7690
8. W van Schalkwyk (ert 2843)
c/o W & I van Schalkwyk
Postnet Suite 4
Private Bag X19
FRANSCHHOEK
7690
9. PJ Patel (2844)
9 Riverside Lane
Fransche Hoek Estate
FRANSCHHOEK
7690
10. MR Knights (ert 2845)
PO Box 389
FRANSCHHOEK
7690
11. Barcerenda Property Holdings (Pty) Ltd (ert 2846)
Postnet Suite 139
Private Bag X19
FRANSCHHOEK
7690
12. JLG Saunders & LDCL Maraschin-Saunders (ert 2847)
PO Box 411384
CRAIGHALL
2024

13. AU Wolmarans & TD Pennington (ert 2848)
PO Box 1399
CRAMERVIEW
2060

14. Chris van der Merwe Family Trust (ert 2849)
36 Waters Edge
Big Bay
BLOUBERG SANDS
7441

15. Stellenbosch Municipality (ert 1693)
PO Box 17
STELLENBOSCH
7599

16. E de Wit & J Kerckstra de Wit (ert 3271)
15 Village du Reservoir
65 Reservoir Street East
FRANSCHHOEK
7690

17. EW & JA Lahner (ert 1314)
17 Victoria Village
69 Reservoir Road
FRANSCHHOEK
7690

18. PP Fogarty & L Woodhouse (ert 1315)
18 Victoria Village
c/o Pam Golding
388 Huguenot Road
FRANSCHHOEK
7690

19. FG & JL Eigelhaar (ert 1298)
1 Victoria Village
69 Reservoirstraat
FRANSCHHOEK
7690

20. AJ & GT Visser (ert 1299)
2 Victoria Village
PO Box 125
FRANSCHHOEK
7690

21. El Donnelly (ert 1300)
39 Watt Street
GORDON'S BAY
7140

22. CH Moore (ert 1301)
c/o Helena
Pam Golding Properties
388 Huguenot Road
FRANSCHHOEK
7690

23. MO Marsh (ert 1361)
PO Box 361
FRANSCHHOEK
7690

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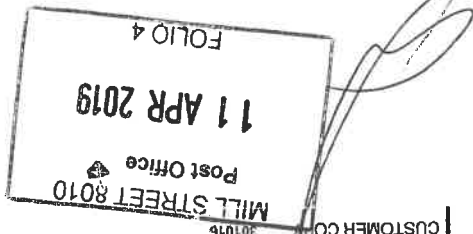
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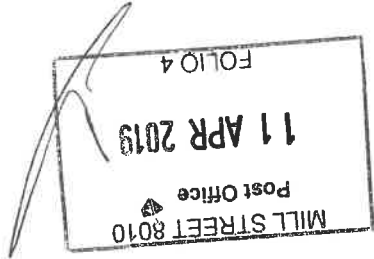
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35. Heritage Western Cape
Private Bag X 9067
CAPE TOWN
8000

Attention: Mare-Liez Oosthuizen

34. Department of Environmental Affairs and Development Planning
Private Bag X 9086
CAPE TOWN
8000

33. Department of Transport and Public Works
Deputy Director-General: Roads Infrastructure
PO Box 2603
CAPE TOWN
8000

32. Councillor AR Frazenburg
25 Forrel Crescent
Moolwater
FRANSCHHOEK
7690

31. Franschoek Heritage and Ratepayers Association
The Garden House
29 De Wet Street
FRANSCHHOEK
7690

30. Fransche Hoek Agricultural Estate H.O. (eff 2850)
PO Box 339
FRANSCHHOEK
7690

29. Fransche Hoek Agricultural Estate H.O. (eff 2835)
PO Box 339
FRANSCHHOEK
7690

28. K & L Dennis (eff 1379)
PO Box 642
FRANSCHHOEK
7690

27. T Beyers (eff 1365)
2 Calais Road
FRANSCHHOEK
7690

26. C Garlick (eff 1364)
PO Box 177
FRANSCHHOEK
7690

25. CM Garlick (eff 1363)
75 Reservoir Street East
FRANSCHHOEK
7690

24. Thinvest CC (eff 1362)
PO Box 315
FRANSCHHOEK
7690

**KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK
IN DIE STELLENBOSCH MUNISIPALE GEBIED**

**AANSOEK VIR HERSONERING, ONDERVERDELING, VERWYDERING VAN 'N
TITELAKTEVOORWAARDE, TOEKENNING VAN STRAATNAME EN PERMANENTE
AFWKYKINGS: ERF 1692, RESERVOIRSTRAAT, FRANSCHHOEK**

Aansoeker:
Eienaar:
Aansoeknommer:
Verwysingsnommer:
Gedeeltesbeskrywing:
Tuisadres:

Headland Planners (Bpk) Edms (tristan@headland.co.za)
Surrey Holmes (Bpk) Edms
LU/8369
Erf 1692, Franschoek
Erf 1692, Reservoirstraat, Franschoek
Reservoirstraat Oos, Franschoek

Beskrywing van aansoek: Die aangeleentheid vir oorweging is 'n aansoek (ingevoelge artikel 15 (2) (a), (d) en (f) van die Stellenbosch Munisipale Grondgebruiksbeplannings-verordening) vir die hersonering van die elendom vanaf onbepaalde sonering (sonering) in 'n onderverdelingsgebied oorleg sone (enkelresidensiële, algemeneresidensiële, algemene besigheid, privaat oopruimte en ander sones), onderverdeling in 35 gedeeltes, die opheffing van voorwaarde A.6 vervat in Titelakte T60152 / 2008, en boulyn afwykings en ander die voorgestelde residensiële ontwikkeling.

AFWKYKINGS:

Portion 29:

- 2,8m in plaas van 3m in plaas van 4,6m van die noordelike en oostelike gemeenskaplike grense met erf 2835 en erf 2836; onopspreekbaar;
- 2,8m en 3,1m in plaas van 4,6m van die oostelike en suidelike gemeenskaplike grens met erf 2835;
- 3,1m en 3,3m in plaas van 4,6m van die suidelike gemeenskaplike grens met erf 2835 vir gebou E;
- 3m in plaas van 4,6m van die suidelike gemeenskaplike grens met erf 2835.

Gedeelte 20:

- Afwyking van bepaling 8.5.1 van die Franschoek Soneringskema om toe te laat dat 'n gebou op 'n algemene residensiële sone gebou word, aangrensend aan 'n straat met 'n breedte van 8,5m in plaas van 12,5m;
- 4,7m in plaas van 7,6m vanaf die Reservoirstraatgrens;
- 3,9m in plaas van 7,6m vanaf die Rue de Vie straatgrens;
- 4,7m in plaas van 11,7m van die Rue de Vie straatgrens vir die gedeelte wat minder as 16m breed is;
- vir gebou C, 3,8m in plaas van 4,6m van die westelike gemeenskaplike grens met erf 1693.

Portion 31:

- Afwyking van bepaling 8.3.1 van die Soneringskema om gedeelte 31 toe te laat om 459m² in plaas van 1000m² te wees;
- Afwyking van bepaling 8.5.1 van die Soneringskema om toe te laat dat 'n gebou gebou word op 'n algemene residensiële sone aangrensend aan 'n straat met 'n breedte van 8,5m in plaas van 12,5m;
- 7m in plaas van 11,7m vanaf die Rue de Vie straatgrens;
- 3,3m in plaas van 4,6m vanaf die suidelike gemeenskaplike grens met gedeelte 30;
- 2,1m in plaas van 4,6m van die noordelike gemeenskaplike grens met gedeelte 33;
- 3,4m in plaas van 4,6m van die westelike gemeenskaplike grens met erf 1693.

Kennis geskied hiermee ingevolge die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning dat die bogenoemde aansoek ontvang is en gedurende weksdae tussen 08:30 en 13:30 by die Beplanningsadvieskantoor by Stellenbosch Munisipaliteit, Pleinstraat, Stellenbosch ter insae lê. Enige geskrewe kommentare/besware, met volledige redes daarvoor, moet ingevolge Artikel 59 van die genoemde wetgewing aan die aansoeker op een van die volgende wyses geadresseer word:

AANSOEKER:

Geregistreerde of gewone pos: Headland Planners (Bpk) Edms (508 Wembley Square, Gardens, Kaapstad, 8001)
Of gefaks aan: 086 603 6820
Of per hand afgelewer aan: Headland Planners (Bpk) Edms (508 Wembley Square, Gardens, Kaapstad, 8001)
Of per e-pos gelewer aan: Headland Planners (Bpk) Edms (tristan@headland.co.za)

Alle kommentare moet op of voor 30 dae vanaf die datum van publikasie van hierdie kennisgewing, met vermelding van die aansoeknommer, verwysingsnommer, u naam, adres en kontakbesonderhede, belangstelling in die aansoek en redes vir kommentaar deur die bogenemde party ontvang word. Telefoniese navrae kan gedurende kantoorure aan die aansoeker, Headland Planners (Bpk) Edms, 0824491801 gerig word. Enige kommentaar/besware ontvang na die voormelde sluitingsdatum sal as ongeldig geag word. Enige persoon wat nie kan skryf nie sal deur 'n Munisipale-amptenaar bygestaan word om hul kommentaar op skrif te stel.

**NOTICE OF LAND DEVELOPMENT APPLICATION
IN THE STELLENBOSCH MUNICIPAL AREA**

**APPLICATION FOR REZONING, SUBDIVISION, REMOVAL OF A TITLE DEED CONDITION,
PHASING OF THE DEVELOPMENT, ALLOCATION OF STREET NAMES AND DEPARTURES:
ERF 1692, RESERVOIR STREET, FRANSCHHOEK**

Applicant: Headland Planners (Pty) Ltd (tristan@headland.co.za)
Owner: Surrey Holmes (Pty) Ltd
Application number: LU/8369
Reference number: Erf 1692, Franschhoek
Property Description: Erf 1692, Reservoir Street, Franschhoek
Physical Address: Reservoir Street East, Franschhoek

Detailed description of proposal: The matter for consideration is an application (in terms of section 15(2)(a), (d) and (f) of the Stellenbosch Municipal Land Use Planning By-Law) for rezoning of the property from undetermined zone to subdivisional area overlay zone (single residential, general residential, general business, private open space and private roads), subdivision into 35 portions, the removal of the condition A.6 contained in Title Deed T60152/2008, and building line departures to allow for the proposed residential development.

DEPARTURES:

Portion 29:

- 3m and 2.8m in lieu of 4.6m from the northern and eastern common boundaries with erven 2850 and 2835, respectively, for building C;
- 2.8m and 3.1m in lieu of 4.6m from the eastern and southern common boundary with erf 2835 for building D;
- 3.1m and 3.8m in lieu of 4.6m from the southern common boundaries with erf 2835 for building E;
- 3m in lieu of 4.6m from the southern common boundary with erf 2835 for building F.

Portion 30:

- Departure from provision 8.5.1 of the Franschhoek Zoning Scheme to permit a building to be constructed on a general residential site abutting a street with a width of 8.5m in lieu of 12.5m;
- 4.7m in lieu of 7.6m from the Reservoir Street boundary
- 3.9m in lieu of 7.6m from the Rue de Vie street boundary
- 4.7m in lieu of 11.7m from the street boundary of Rue de Vie for the portion that is less than 16m wide
- 3.8m in lieu of 4.6m from the western common boundary with erf 1693, for building C.

Portion 31:

- Departure from provision 8.3.1 of the Zoning Scheme to permit portion 31 to be 459m² in lieu of 1000m²;
- Departure from provision 8.5.1 of the Zoning Scheme to permit a building to be constructed on a general residential site abutting a street with a width of 8.5m in lieu of 12.5m;
- 7m in lieu of 11.7m from the Rue de Vie street boundary;
- 3.3m in lieu of 4.6m from the southern common boundary with portion 30;
- 2.1m in lieu of 4.6m from the northern common boundary with portion 33;
- 3.4m in lieu of 4.6m from the western common boundary with erf 1693.

Notice is hereby given in terms of the Stellenbosch Municipal Land Use Planning By-law that the above mentioned application has been received and is available for inspection during weekdays between 08:30 and 13:30 at the Planning Advice Centre at Stellenbosch Municipality, Plain Street, Stellenbosch. Any written comments/objections, with full reasons therefor, may be addressed in terms of section 50 of the said legislation to the applicant in one of the following manners:

APPLICANT:

Registered mail or normal mail: Headland Planners (Pty) Ltd (508 Wembley Square, Gardens, Cape Town, 8001)
Or faxed to: 086 603 6820

Or hand delivered to: Headland Planners (Pty) Ltd (508 Wembley Square, Gardens, Cape Town, 8001)

Or e-mailed to: Headland Planners (Pty) Ltd (tristan@headland.co.za)

All comments, quoting the application number, reference number, your name, address or contact details, your interest in the application and reasons for comments should be received by the above party on or before 30 days from the date of publication of this notice. Telephonic enquiries can be made to the applicant, Headland Planners at 0824491801, during office hours. Any comment/objection received after aforementioned closing date will be considered invalid. Any person who cannot write will be assisted by a Municipal official by transcribing their comments.



NOTICE PERIOD: 11 APRIL 2019 - 12 MAY 2019

**NOTICE OF LAND DEVELOPMENT APPLICATION
IN THE STELLENBOSCH MUNICIPAL AREA**

**APPLICATION FOR REZONING, SUBDIVISION, REMOVAL OF A TITLE DEED CONDITION,
PHASING OF THE DEVELOPMENT, ALLOCATION OF STREET NAMES AND DEPARTURES:
ERF 1692, RESERVOIR STREET, FRANSCHHOEK**

Applicant: Headland Planners (Pty) Ltd (tristan@headland.co.za)
Owner: Surrey Holmes (Pty) Ltd
Application number: LU/8369
Reference number: Erf 1692, Franschhoek
Property Description: Erf 1692, Reservoir Street, Franschhoek
Physical Address: Reservoir Street East, Franschhoek

Detailed description of proposal: The matter for consideration is an application (in terms of section 15(2)(a), (d) and (f) of the Stellenbosch Municipal Land Use Planning By-Law) for rezoning of the property from an undetermined zone to subdivisional area overlay zone (single residential, general residential, general business, private open space and private roads), subdivision into 35 portions, the removal of the condition A.6 contained in Title Deed T60152/2008, and building line departures to allow for the proposed residential development.

DEPARTURES:

Portion 29:

- 3m and 2.8m in lieu of 4.6m from the northern and eastern common boundaries with erven 2850 and 2835, respectively, for building C;
- 2.8m and 3.1m in lieu of 4.6m from the eastern and southern common boundary with erf 2835 for building D;
- 3.1m and 3.3m in lieu of 4.6m from the southern common boundaries with erf 2835 for building E;
- 3m in lieu of 4.6m from the southern common boundary with erf 2835 for building F.

Portion 30:

- Departure from provision 8.5.1 of the Franschhoek Zoning Scheme to permit a building to be constructed on a general residential site abutting a street with a width of 8.5m in lieu of 12.5m;
- 4.7m in lieu of 7.6m from the Reservoir Street Boundary
- 3.9m in lieu of 7.6m from the Rue de Vie street boundary
- 4.7m in lieu of 11.7m from the street boundary of Rue de Vie for the portion that is less than 16m wide
- 3.8m in lieu of 4.6m from the western common boundary with erf 1693, for building C.

Portion 31:

- Departure from provision 8.3.1 of the Zoning Scheme to permit portion 31 to be 459m² in lieu of 1000m²;
- Departure from provision 8.5.1 of the Zoning Scheme to permit a building to be constructed on a general residential site abutting a street with a width of 8.5m in lieu of 12.5m;
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- 3.3m in lieu of 4.6m from the southern common boundary with portion 30;
- 2.1m in lieu of 4.6m from the northern common boundary with portion 33;
- 3.4m in lieu of 4.6m from the western common boundary with erf 1693.

Notice is hereby given in terms of the Stellenbosch Municipal Land Use Planning By-law that the above mentioned application has been received and is available for inspection during weekdays between 08:30 and 13:30 at the Planning Advice Centre at Stellenbosch Municipality, Plein Street, Stellenbosch. Any written comments/objections, with full reasons therefore, may be addressed in terms of section 50 of the said legislation to the applicant in one of the following manners:

APPLICANT:

- Registered mail or normal mail: Headland Planners (Pty) Ltd (508 Wembley Square, Gardens, Cape Town, 8001)
- Or faxed to: 086 603 6820
- Or hand delivered to: Headland Planners (Pty) Ltd (508 Wembley Square, Gardens, Cape Town, 8001)
- Or e-mailed to: Headland Planners (Pty) Ltd (tristan@headland.co.za)

All comments, quoting the application number, reference number, your name, address or contact details, your interest in the application and reasons for comments should be received by the above party on or before 30 days from the date of publication of this notice. Telephonic enquiries can be made to the applicant, Headland Planners at 0824491801, during office hours. Any comment/objection received after aforementioned closing date will be considered invalid. Any person who cannot write will be assisted by a Municipal official by transcribing their comments.

NOTICE PERIOD: 11 APRIL 2019 - 12 MAY 2019

TYDPERK VAN KENNISGEWING: 11 APRIL 2019 - 12 MEI 2019

KENNISGEWING VAN GRONDONTWIKKELINGSAAANSOEK IN DIE STELLENBOSCH MUNISIPALE GEBIED

AANSOEK VIR HERSONERING, ONDERVERDELING, VERWYDERING VAN 'N TITELAKTEVOORWAARDE, TOEKENNING VAN STRAATNAME EN PERMANENTE AFWKYKINGS: ERF 1692, RESERVOIRSTRAAT, FRANSCHHOEK

Aansoeker: Headland Planners (Bpk) Edms (tristan@headland.co.za)
Eienaar: Surrey Holmes (Bpk) Edms
Aansoeknommer: LU/8369
Verwysingsnommer: Erf 1692, Franschhoek
Eiendomsbeskrywing: Erf 1692, Reservoirstraat, Franschhoek
Fisiese Adres: Reservoirstraat Oos, Franschhoek

Beskrywing van aansoek: Die aangeleentheid vir oorweging is 'n aansoek (ingevolge artikel 15 (2) (a), (d) en (f) van die Stellenbosch Munisipale Grondgebruikbeplannings-verordening) vir die hersonering van die eiendom vanaf onbepaalde sone na onderverdelingsgebied oorleg sone (enkelresidensieel, algemeneresidensieel, algemene besigheid, privaat oopruimte of privaat paale), onderverdeling in 35 gedeeltes, die opheffing van voorwaarde A.6 vervat in Titelakte T60152 / 2008, en boulyn afwykings ten einde die voorgestelde residensieel ontwikkeling.

AFWKYKINGS:

Portion 29:

- Vir gebou C, 3m en 2.8m in plaas van 4.6m van die noordelike en oostelike gemeenskaplike grense met erwe 2850 en 2835 onderskeidelik;
- Vir gebou D, 2.8m en 3.1m in plaas van 4.6m van die oostelike en suidelike gemeenskaplike grens met erf 2835;
- 3.1m en 3.3m in plaas van 4.6m van die suidelike gemeenskaplike grens met erf 2835 vir gebou E;
- Vir gebou F, 3m in plaas van 4.6m van die suidelike gemeenskaplike grens met erf 2835.

Gedeelte 30:

- Afwyking van bepaling 8.5.1 van die Franschhoek Soneringskema om toe te laat dat 'n gebou op 'n algemene residensieel terrein gebou word, aangrensend aan 'n straat met 'n breedte van 8,5m in plaas van 12,5m;
- 4.7m in plaas van 7.6m vanaf die Reservoir straatgrens;
- 3.9m in plaas van 7.6m vanaf die Rue de Vie straatgrens;
- 4.7m in plaas van 11.7m van die Rue de Vie straatgrens vir die gedeelte wat minder as 16m breed is;
- vir gebou C, 3.8m in plaas van 4.6m van die westelike gemeenskaplike grens met erf 1693.

Portion 31:

- Afwyking van bepaling 8.3.1 van die Soneringskema om gedeelte 31 toe te laat om 459m² in plaas van 1000m² te wees;
- Afwyking van bepaling 8.5.1 van die Soneringskema om toe te laat dat 'n gebou gebou word op 'n algemene residensieel perseel aangrensend aan 'n straat met 'n breedte van 8,5m in plaas van 12,5m;
- 7m in plaas van 11.7m vanaf die Rue de Vie straatgrens;
- 3.3m in plaas van 4.6m vanaf die suidelike gemeenskaplike grens met gedeelte 30;
- 2.1m in plaas van 4.6m van die noordelike gemeenskaplike grens met gedeelte 33;
- 3.4m in plaas van 4.6m van die westelike gemeenskaplike grens met erf 1693.

Kennis geskied hiermee ingevolge die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning dat die bogenoemde aansoek ontvang is en gedurende wekedae tussen 08:30 en 13:30 by die Beplanningsadvieskantoor by Stellenbosch Munisipaliteit, Pleinstraat, Stellenbosch ter insae lê. Enige geskrewe kommentare/besware, met volledige redes daarvoor, moet ingevolge Artikel 50 van die genoemde wetgewing aan die aansoeker op een van die volgende wyses gedreeseer word:

AANSOEKER:

Geregistreerde of gewone pos: Headland Planners (Bpk) Edms (508 Wembley Square, Gardens, Kaapstad, 8001)

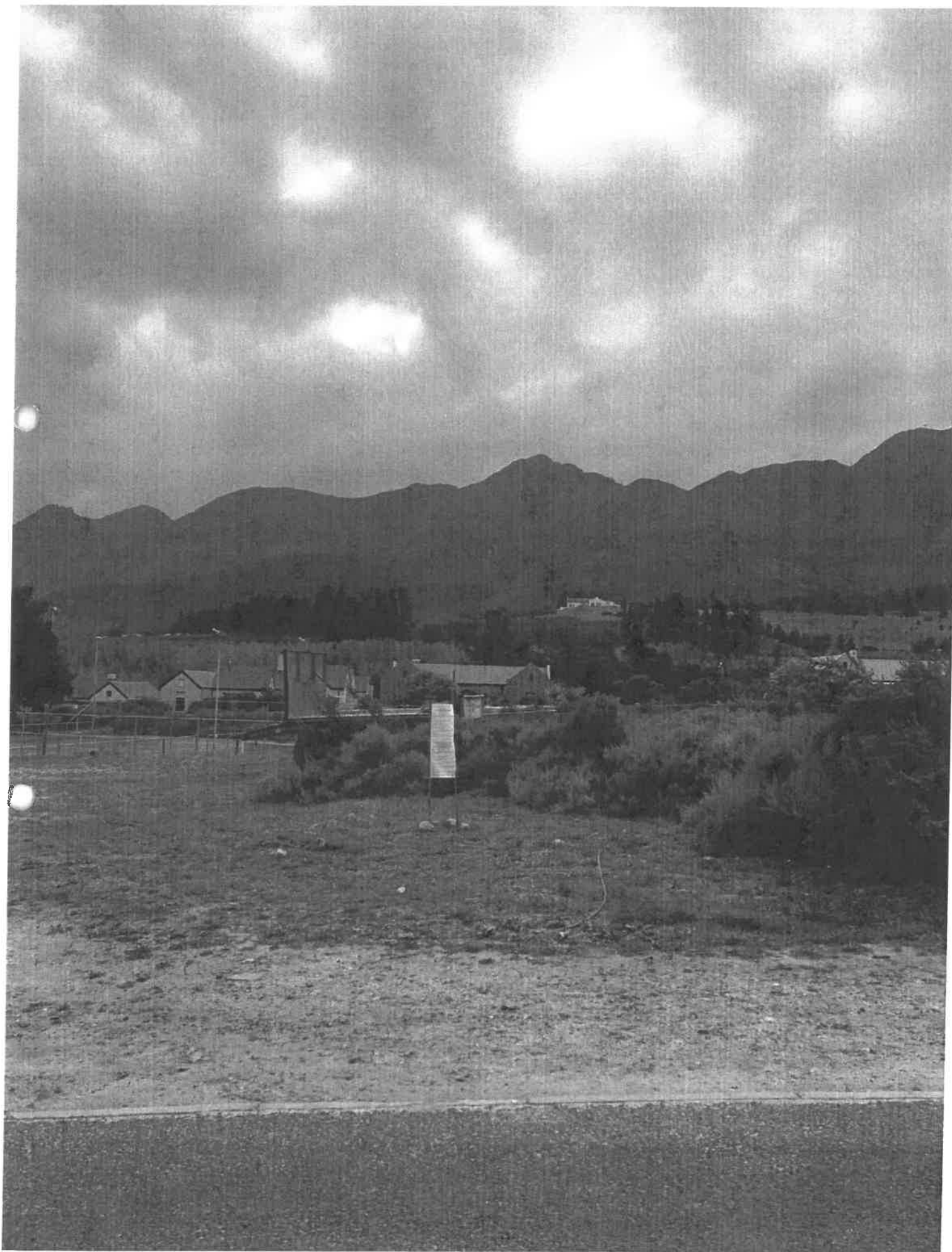
Of gefaks aan: 086 603 6820

Of per hand afgelewer aan: Headland Planners (Bpk) Edms (508 Wembley Square, Gardens, Kaapstad, 8001)

Of per e-pos gelewer aan: Headland Planners (Bpk) Edms (tristan@headland.co.za)

Alle kommentare moet op of voor 30 dae vanaf die datum van publikasie van hierdie kennisgewing, met vermelding van die aansoeknommer, verwysingsnommer, u naam, adres en kontakbesonderhede, belangstelling in die aansoek en redes vir kommentaar, deur die bogenemde party ontvang word. Telefoniese navrae kan gedurende kantoorure aan die aansoeker, Headland Planners, by 0874491801 gerig word. Enige kommentaar/beswaar ontvang na die voormelde sluitingsdatum sal as ongedig geag word. Enige persoon wat nie kan skryf nie sal deur 'n Munisipale-amptenaar bygestaan word om hul kommentaar op skrif te stel.

TYDPERK VAN KENNISGEWING: 11 APRIL 2019 - 12 MEI 2019



ANNEXURE G

**REMOVAL OF A RESTRICTIVE TITLE DEED
CONDITION, REZONING, SUBDIVISION,
PHASING, STREET NAME AND NUMBERING AND
DEPARTURES ON ERF 1692, FRANSCHHOEK**

OBJECTIONS

Thursday, 09 May 2019 at 9:55:35 AM South Africa Standard Time

Subject: Re: Objection: Development: ERF 1692, Reservoir Street, Franschhoek
Date: Thursday, 09 May 2019 at 9:54:29 AM South Africa Standard Time
From: Michiel Visser <mgv006@gmail.com>
To: Tristan Sandwith <tristan@headland.co.za>
Attachments: image003[6].png

No 7 Calais Street

On Thu, May 9, 2019 at 9:48 AM Tristan Sandwith <tristan@headland.co.za> wrote:

Dear Michiel

Your objection is noted and will be responded to in formal channels per the requirements of the Municipality.

Kindly indicate your address in Franschhoek for our records please?

Kind regards,
Tristan Sandwith

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

headland



*Think before you print.
Go Green. There is no Planet B.*



This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

From: Michiel Visser <mgv006@gmail.com>
Date: Wednesday, 08 May 2019 at 2:37 PM
To: Tristan Sandwith <tristan@headland.co.za>
Subject: Objection: Development: ERF 1692, Reservoir Street, Franschhoek

To whom it may concern

Application Number: LU/8367
Reference Number: Erf 1692, Franschhoek

Hereby I, Michiel Visser (property owner within Franschhoek) raise the following objections regarding the planned development:

1. Relaxation of boundary restrictions:

I see no need why any of the boundary restrictions should be relaxed. The relaxation of these restrictions will have a significant impact on the quality of life of the inhabitants of the adjacent properties. I suggest that lesser buildings are planned which will not require relaxation of any boundary.

2. Reservoir Road:

This road is already extremely busy and dangerous. With the Fransche Hoek Estate entrance that have been moved without any consultation, traffic has increased dramatically and this development will worsen an already bad situation. Speeding is already an issue in this road and with increase of the amount of vehicles using this road, I believe an accident is imminent. What makes this situation even worse, is the lack of signage indicating that Reservoir Road is in essence a cul-de-sac. Nobody but residents of the area can use it beyond Lille Street. The lack of signage results in a lot of vehicles having to make a u-turn at the top of Reservoir Street, increasing the likelihood of an accident.

In its current form the access roads to and from the development is totally insufficient and the impact of this on things like safety, traffic volumes, noise, has to be reconsidered urgently.

3. General

As this will be a mixed development i.e. offices, businesses and residential , I doubt this area lends itself to something other than residential buildings.

The viability of businesses within this development is highly unlikely. There are already premises within Franschoek that is empty and these are in far more relevant locations. I do not think the demand for these types of premises in Franschoek is sufficient .

I doubt whether the current infrastructure elements supporting water, electricity and sewage will be able to handle such a dramatic increase in usage without a significant investment in upgrading said facilities.

Yours sincerely

MG Visser

E-mail: mgv006@gmail.com

Friday, 10 May 2019 at 11:28:00 AM South Africa Standard Time

Subject: Objection:Development:ERF 1692,Reservoir Street,Franschhoek
Date: Thursday, 09 May 2019 at 5:34:50 PM South Africa Standard Time
From: Heather <millerheather40@gmail.com>
To: Tristan Sandwith <tristan@headland.co.za>

To whom it may concern

Application Number: LU/8367
Reference Number: Erf 1692, Franschhoek

Hereby We, Heather Miller and Pam Morrison (property owners within Franschhoek) raise the following objections regarding the planned development:

1. Relaxation of boundary restrictions:

We see no need why any of the boundary restrictions should be relaxed. The relaxation of these restrictions will have a significant impact on the quality of life of the inhabitants of the adjacent properties. We suggest that lesser buildings are planned which will not require relaxation of any boundary.

2. Reservoir Road:

This road is already extremely busy and dangerous. With the Fransche Hoek Estate entrance that have been moved without any consultation, traffic has increased dramatically and this development will worsen an already bad situation. Speeding is already an issue in this road and with increase of the amount of vehicles using this road, We believe an accident is imminent. What makes this situation even worse, is the lack of signage indicating that Reservoir Road is in essence a cul-de-sac. Nobody but residents of the area can use it beyond Lille Street. The lack of signage results in a lot of vehicles having to make a u-turn at the top of Reservoir Street, increasing the likelihood of an accident.

In it's current form the access roads to and from the development is totally insufficient and the impact of this on things like safety, traffic volumes, noise, has to be reconsidered urgently.

3. General

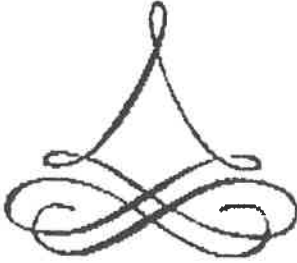
As this will be a mixed development i.e. offices, businesses and residential , we doubt this area lends itself to something other than residential buildings.

The viability of businesses within this development is highly unlikely. There are already premises within Franschhoek that is empty and these are in far more relevant locations. We do not think the demand for these types of premises in Franschhoek is sufficient .

We doubt whether the current infrastructure elements supporting water, electricity and sewage will be able to handle such a dramatic increase in usage without a significant investment in upgrading said facilities.

Yours sincerely

Heather Miller and Pam Morrison
E mail : millerheather40@gmail.com
pammorrison53@gmail.com



VICTORIA VILLAGE Homeowners Association

Administrated by: JPS Trust
201 Valerida Building, 2nd Floor, Piet Retief Street
Stellenbosch
Tel: 021-887 2486
E-mail: charmaine@jpstrust.co.za

Headland Planners (Pty) Ltd
508 Wembley Square
Gardens Cape Town
8001
Email: Tristan@headland.co.za

Dear Sir/Madam

OBJECTION: APPLICATION FOR REZONING, SUBDIVISION, REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, PHASING OF THE DEVELOPMENT, ALLOCATION OF STREET NAMES AND DEPARTURES: ERF 1692 RESERVOIR STREET FRANSCHHOEK (LU/8368)

Your notice dated 11 April 2019 in respect of the above application (Application number 8368) has reference. The Victoria Village Home Owners Association as direct neighbour hereby strongly objects to the proposed developments on the following grounds:

DEVELOPMENT PROPOSAL

EXTENT OF PROPERTY = 1.9996 HA

- 28 Single Residential erven
- 3 General Residential Erven (46 general residential apartments)
- 1 General Business Erf
- Remainder Private Open Space and Private Road

STELLENBOSCH SPATIAL FRAMEWORK

The property is located within the approved urban edge of Franschhoek. Although The Victoria Village Home Owners Association (HOA) generally supports and

understands the concept of densification within the urban edge as to counter urban sprawl and to prevent the loss of agricultural land, the HOA is not in support of the type and scale of the development envisaged on the application property. The SDF for Franschhoek clearly provides for mix-use development along the Main Road and not on the periphery of the town. The development proposal is not considered to be an appropriate form of densification in light of the surrounding single residential erven and general character of the area.

PROPOSAL:

PORTION 32 – ZONING GENERAL BUSINESS

In terms of the Planning documentation available at the Advice Centre it is indicated that the portion is earmarked as a medical facility (Consent use in terms of the General Business zoning). This information (Section 3.1 of the document) is in contradiction with Fig 1692/02/01 dated May 2018 that shows the use of the portion for office purposes. The Home Owners Association in any event strongly objects to the proposed general business erf that is proposed directly opposite Victoria village and the surrounding single residential erven. This section of Reservoir Street is not an activity corridor in support of commercial and business related development. The inclusion of business erf on this portion of property makes spatially no sense and will be to the detriment of the surrounding environment.

PORTIONS 29, 30 & 31 – GENERAL RESIDENTIAL

As stated before the Home Owners Association in principle has no objection to the appropriate development of the property for residential purposes. In terms of the planning application it is clear that the development proposals seek to unlock the maximum development potential of the site. This statement is reflected in the numerous departures being applied (building lines, buildings in relation to street width, minimum erf sizes etc.) The planning regulations with associated development parameters are specifically of importance in the planning of new developments and are legally embedded to safeguard against the over-development of the properties. This is especially of importance in the planning of new greenfield developments.

The substantial number of departures is a true reflection that the property is being over-developed. The General Residential apartments are considered out of scale in relation to the abutting single residential low density area.

TRAFFIC

The findings of the Traffic Impact Study (Sturgeon Consulting) indicated that, all intersections are operating at good levels of service during both the peak hours and no improvements are required to accommodate the growth in background traffic (2022) as well as once all the development traffic is added to the network.

There will be a substantial increase in Traffic as a result of the development. An average of 2 cars per household estimates to 150 cars. The development furthermore is not in support and does not facilitate any non-motorised and public transport initiatives as promoted by the Municipality. The lack to provide for these initiatives is a clear indication of the unfitting and inappropriate location of the development proposal on the periphery of the town.

CONCLUSION

The Victoria Village Home Owners Association does not object to the development of the property but will not give its support for the development presented in its current form. The General Business site is not in character with the surrounding environment with no spatial functionality. The substantial number of departures (Portions 29-31) in respect of the General Residential development) clearly reflects the over-development of the property to the detriment and general well-being and welfare of the surrounding residents. The development will have a huge impact on the quality and livelihood of the neighbourhood and is generally considered to be out of scale with the nature and character of the area.

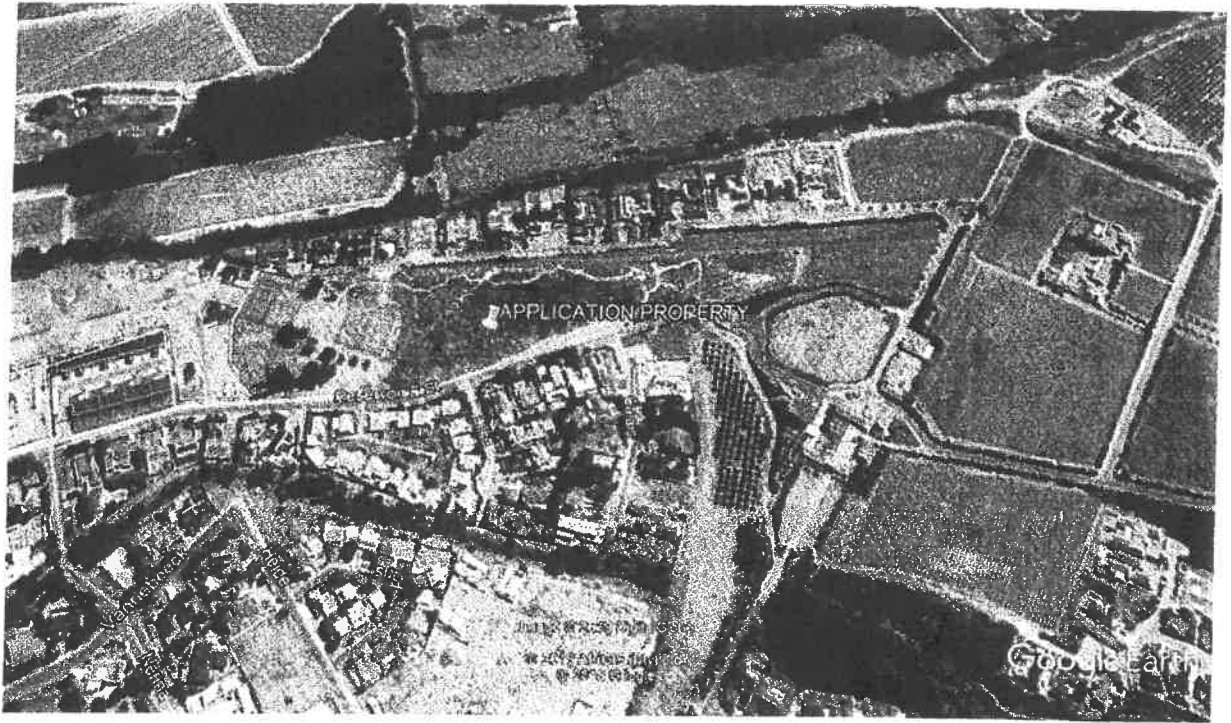
In light of the above it is trusted that the Stellenbosch Municipality will refuse the application thereby protecting the character of the village, the surrounding environment and the general well-being of the community. The application in its current form is not desirable and we strongly oppose the application on Erf 1692 Franschoek.

Yours faithfully



CHAIRPERSON

VICTORIA VILLAGE HOME OWNERS ASSOCIATION



Friday, 10 May 2019 at 1:21:23 PM South Africa Standard Time

Subject: Objection to Development ERF 1692

Date: Friday, 10 May 2019 at 12:32:11 PM South Africa Standard Time

From: Nicky Handfield <nicky@handfield.co.za>

To: Tristan Sandwith <tristan@headland.co.za>

To whom it may concern;

Application number: LU/8367

Reference number: Erf 1692, Franschoek

I Nicky Handfield, owner of 2 Calais Street, object to the planned development in Reservoir Road. My concerns are the following:

Relaxation of boundary restrictions

We are living in a residential area, I can not see any reason to turn it into a high- density business/residential area. Relaxing boundary restrictions will set a precedent and impact Franschoek as a whole. Boundary restrictions are in place for a reason. Franschoek is known as one of the most beautiful valleys in the world, attracting tens of thousands of tourists each year, it is our responsibility to protect this.

Rezoning

The area in question only has one (small) access road – Reservoir Road. It ends at Franschoek Estate, which has already caused a lot of traffic and noise from construction workers, not to mention the rubbish that is left in the road by the workers for residents to pick up. I find the wording of the proposal unclear and therefore, possibly misleading. The clause, "single residential, general residential, general business, private open space and private roads", needs to be clarified. I do not think Reservoir Road has the capacity to manage all this traffic. We are also living in a residential area, not a business area. Calais Street and Lille Streets are both cul-de-sacs and neither of them have signs up indicating this. I, therefore find the rezoning of this area impractical and destructive. There are many open areas in and around Franschoek where this kind of development could work, with out causing so much destruction.

Safety

I believe this kind of development will negatively impact on the residents currently living there. The fact that Franschoek is safe, is a major draw card. Rezoning a residential area for business, will impact us all.

Thank you for your attention.

Yours sincerely

Nicky Handfield

ANNEXURE H

**REMOVAL OF A RESTRICTIVE TITLE DEED
CONDITION, REZONING, SUBDIVISION,
PHASING, STREET NAME AND NUMBERING AND
DEPARTURES ON ERF 1692, FRANSCHHOEK**

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



ROAD NETWORK MANAGEMENT
 Email: Grace.Swanepoel@westerncape.gov.za
 tel: +27 21 483 4669
 Rm 335, 9 Dorp Street, Cape Town, 8001
 PO Box 2603, Cape Town, 8000

REFERENCE: TPW/16/9/6/1-25/316 (Job 26881)

ENQUIRIES: Ms GD Swanepoel

DATE: 18 June 2019

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

Attention: Mr U von Molendorff

Dear Sir

**ERF 1692, RESERVOIR STREET, FRANSCHHOEK: MAIN ROAD 191 (R45 HUGUENOT STREET):
 APPLICATION FOR REZONING, SUBDIVISION, REMOVAL OF A TITLE DEED CONDITION AND
 DEPARTURES**

1. The following refer:
 - 1.1 Letter from Headland Planners, ref. FCH1692, Application No. LU/8368 dated 11 April 2019, with attached application and
 - 1.2 E-mail from Harry Thompson of this Branch to Barend du Preez of Sturgeon Consulting dated 20 May 2019 and reply dated 4 June 2019.
2. Erf 1692 Franschhoek is located on the north-eastern side of the town of Franschhoek, within the urban edge, close to the foot of Franschhoek Pass.
3. The application is for rezoning from "undetermined" to subdivisational area overlay zone for single residential, general business, private open space and private roads; subdivision into 35 portions; removal of a restrictive title deed condition and permanent departures. The development will consist of 28 single residential units, 46 apartments and a small commercial development.
4. The subject property will take access from Reservoir Street. Access to Main Road 191 (the R45) will be at Reservoir Street (onto Huguenot Road) and at Nerina Street (onto Lambrechts Street).

5. As Erf 1692 is entirely within the urban edge of Franschoek and is accessed from municipal streets, the only concern for this Branch would be any impact on Main Road 191. Traffic movement onto Lambrechts Street will be minimal and most traffic generated by the development will access Main Road 191 Huguenot Road via Reservoir Street. The traffic analyses included in the Traffic Impact Assessment by Sturgeon Consulting, including additional analyses requested by this Branch, indicates that the development will not impact negatively on the operation of Main Road 191 or the intersection of Huguenot Road and Reservoir Street.
7. This Branch offers no objection to the application for rezoning, subdivision, removal of title deed condition and departures in respect of Erf 1692 Franschoek as detailed above.

Yours faithfully



SW CARSTENS

For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT

ENDORSEMENTS

1. Stellenbosch Municipality
Attention: Mr Ulrich von Molendorff (e-mail)
2. Headland Planners (e-mail: tristan@headland.co.za)
3. Sturgeon Consulting (e-mail: sarah@sturgeonsa.co.za; barend@sturgeonsa.co.za)
4. District Roads Engineer
Paarl
5. Mr SW Carstens (e-mail)
6. Mr H Thompson (e-mail)

ANNEXURE I

**REMOVAL OF A RESTRICTIVE TITLE DEED
CONDITION, REZONING, SUBDIVISION,
PHASING, STREET NAME AND NUMBERING AND
DEPARTURES ON ERF 1692, FRANSCHHOEK**

**COMMENT FROM THE DEPARTMENT OF
ENVIRONMENTAL AFFAIRS AND
DEVELOPMENT PLANNING (EA)**

REFERENCE: 16/3/3/6/B4/12/1144/19
ENQUIRIES: Lorretta Osborne
DATE: 2019-08-05

The Board of Directors
Headland Planners (Pty) Ltd
508 Wembley Square, Gardens
CAPE TOWN
8001

Fax: (086) 603 6820

Dear Sir/ Madam

APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) WITH RESPECT TO THE APPLICATION FOR REZONING, SUBDIVISION, REMOVAL OF TITLE DEED CONDITION, PHASING DEVELOPMENT, ALLOCATION OF STREET NAMES AND DEPARTURES ON ERF NO. 1692, FRANSCHHOEK

1. The document and the letter dated 11 April 2019, as received by the Department on 17 April 2019 and the Departmental letter issued on 25 April 2019, refer.
2. Following review of the information submitted to the Department, the following is noted:
 - 2.1 Rezoning of the property in terms of Stellenbosch Municipality Land Use Planning By-Law, 2015, Section 15(2)(a) from "undetermined" to subdivisational area overlay zone for single residential, general residential, general business, private open space and private roads;
 - 2.2 Subdivision of the property in terms of the Stellenbosch Municipality Land Use Planning By-Law, 2015, Section 15(2)(d) into 35 portions;
 - 2.3 A removal of restrictions application in terms of Section 15(2)(f) of the Stellenbosch Municipality Land Use Planning By-Law, 2015, to remove condition A.6. contained in deed of title no. T60152/2008; and
 - 2.4 Permanent departure applications in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law, 2015.
3. On 18 April 2019 this Department issued an environmental authorisation for the construction of a mixed-use development on Erf No. 1692, Franschhoek. Please note that this environmental authorisation is still valid in this regard (refer to Annexure A).
4. Please note that the applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.

Kind quote the above-mentioned reference number in any future correspondence in respect of this application.

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

Yours faithfully



HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: Mr S van der Merwe (Stellenbosch Municipality)

Fax: (021) 886 6899



Directorate: Development Management
(Region 1)

EIA REFERENCE: 16/3/3/1/B4/12/1067/18
NEAS REFERENCE: WCP/EIA/0000481/2018
ENQUIRIES: D'mitri Matthews
DATE OF ISSUE: 2018 -04- 18

The Board of Directors
 Surrey Holmes Developments (Pty) Ltd
 Postnet Suite 51
 Private Bag X19
FRANSCHHOEK
 7690

Attention: Ms. M. Hewitt

Tel.: (021) 876 3083
 Fax: (021) 876 3084

Dear Madam

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): CONSTRUCTION OF A MIXED-USE DEVELOPMENT ON ERF NO. 1692, FRANSCHHOEK

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014, (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

MR. ZAHIR HEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Mr. R. Sham (KHULA Environmental Consultants)
 (2) Mr. S. van der Merwe (Stellenbosch Municipality)
 (3) Mr. R. Smart (CapeNature)

Fax: (086) 694 6901
 Fax: (021) 886 6899
 Fax: (021) 866 1523

6th Floor, 1 Dorp Street, Cape Town, 8001
 Tel: +27 21 483 8350 Fax: +27 21 483 3098
 E-mail: D'mitri.Matthews@westerncape.gov.za

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



Directorate: Development Management
(Region 1)

EIA REFERENCE: 16/3/3/1/B4/12/1067/18
NEAS REFERENCE: WCP/EIA/0000481/2018
ENQUIRIES: D'mitri Matthews
DATE OF ISSUE: 2018 -04- 18

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): CONSTRUCTION OF A MIXED-USE DEVELOPMENT ON ERF NO. 1692, FRANSCHHOEK

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 activity specified in Section B below with respect to Alternative 1, described in the Basic Assessment Report ("BAR"), dated December 2018.

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

Surrey Holmes Developments (Pty) Ltd
 % Ms. M. Hewitt
 Postnet Suite 51
 Private Bag X19
FRANSCHHOEK
 7690

Tel.: (021) 876 3083
 Fax: (021) 876 3084

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

6th Floor, 1 Dorp Street, Cape Town, 8001
 Tel: +27 21 483 8350 Fax: +27 21 483 3098
 E-mail: D'mitri.Matthews@westerncape.gov.za

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

B. LIST OF ACTIVITIES AUTHORISED

Listed activities	Activity/Project Description
<p>EIA Regulations Listing Notice 1 of 2014: Activity Number 27: The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</p> <p>(i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>The proposal entails the clearance of more than 1ha of indigenous vegetation.</p>

The abovementioned list is hereinafter referred to as "**the listed activity**".

The holder is herein authorised to undertake the following alternative:

The proposal entails the construction of a mixed-use development, which will include:

- The establishment of 28 Single Residential erven (including 2 parking bays per unit), with a development footprint of approximately 6 000m².
- The establishment of three General Residential erven for apartments (46 units with 68 parking bays) with a development footprint of approximately 6 600m².
- The establishment of a General Business erf (including parking bays) with a development footprint of approximately 900m².
- Establishing two private open space erven with an area of approximately 1 300m².
- The construction of private roads with a development footprint of approximately 5 100m².

C. SITE DESCRIPTION AND LOCATION

The listed activity will be undertaken on Erf No. 1692, Franschoek, at the following co-ordinates:

Latitude (S)	Longitude (E)
33° 54' 27.75"	19° 07' 48.54"

The SG digit codes is: C05500030000169200000

Refer to Annexure 1: Locality Map and Annexure 2: Site Development Plan.

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

KHULA Environmental Consultants
% Mr. R. Sham
34 Atlantic Way
SUN VALLEY
7975

Tel.: (021) 785 1778
Fax: (086) 552 4051

E. CONDITIONS OF AUTHORISATION**Scope of authorisation**

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with, and restricted to, Alternative 1 described in the BAR dated December 2018 at the site as described in Section C above.
2. The holder must commence with the listed activity on site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within **10 years** from the date of commencement of the listed activity.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in Section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, 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

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities. The notice must:
 - 6.1 make clear reference to the site details and EIA Reference number given above; and
 - 6.2 include proof of compliance with the following conditions described herein:

Conditions: 7, 11 and 17

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision—
 - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1 the outcome of the application;
 - 7.1.2 the reasons for the decision as included in Annexure 3;
 - 7.1.3 the date of the decision; and
 - 7.1.4 the date when the decision was issued;
 - 7.2 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 Appeals Regulations, 2014 (as amended) detailed in Section G below;

- 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
- 7.4 provide the registered I&APs with:
- 7.4.1 the name of the holder (entity) of this Environmental Authorisation;
 - 7.4.2 name of the responsible person for this Environmental Authorisation;
 - 7.4.3 postal address of the holder;
 - 7.4.4 telephonic and fax details of the holder;
 - 7.4.5 e-mail address, if any, of the holder; and
 - 7.4.6 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 2014 National Appeals Regulations (as amended).
8. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notifies the registered I&APs of this decision. 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 i.e. the listed activity, including site preparation, must not commence until the appeal is decided.

Management of activity

9. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the EMPr and the conditions contained herein.
12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including on a publicly accessible website.
13. 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 it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

The ECO must conduct fortnightly site audits. Bi-monthly ECO Audit Reports must be submitted to the Competent Authority for the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority three months after construction is completed.

The holder must, within 7 days of the submission of each of the above-mentioned reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

15. Should any heritage remains be exposed during excavations or any other actions on the site, these 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 further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: 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 artefacts 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.

16. A qualified archaeologist and/or palaeontologist 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.
17. A search and rescue exercise must be undertaken by a qualified botanist in August or September, prior to the construction phase commencing and transplanted to a suitable location. Proof of the search and rescue exercise must be submitted to the Department seven days prior to the commencement of construction activities.

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 activity.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation 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.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr must be done in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (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 20 (twenty) calendar days from the date on which 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 20 (twenty) calendar days from the date on which 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 Organs 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 Organs of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) 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 Jaap de Villiers (Tel: 021 483 3721)
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 to the address listed above and/ or via e-mail to Jaap.DeVilliers@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@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/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.

Your interest in the future of our environment is appreciated.

Yours faithfully


MR. Z. ZAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 18/04/2019

CC: (1) Mr. R. Sham (KHULA Environmental Consultants)
(2) Mr. S. van der Merwe (Stellenbosch Municipality)
(3) Mr. R. Smart (CapeNature)

Fax: (086) 694 6901

Fax: (021) 886 6899

Fax: (021) 866 1523

ANNEXURE 1: LOCALITY MAP



Figure 1: Locality map indicating the location of Erf No. 1692, Franschoek.

ANNEXURE 2: SITE DEVELOPMENT PLAN

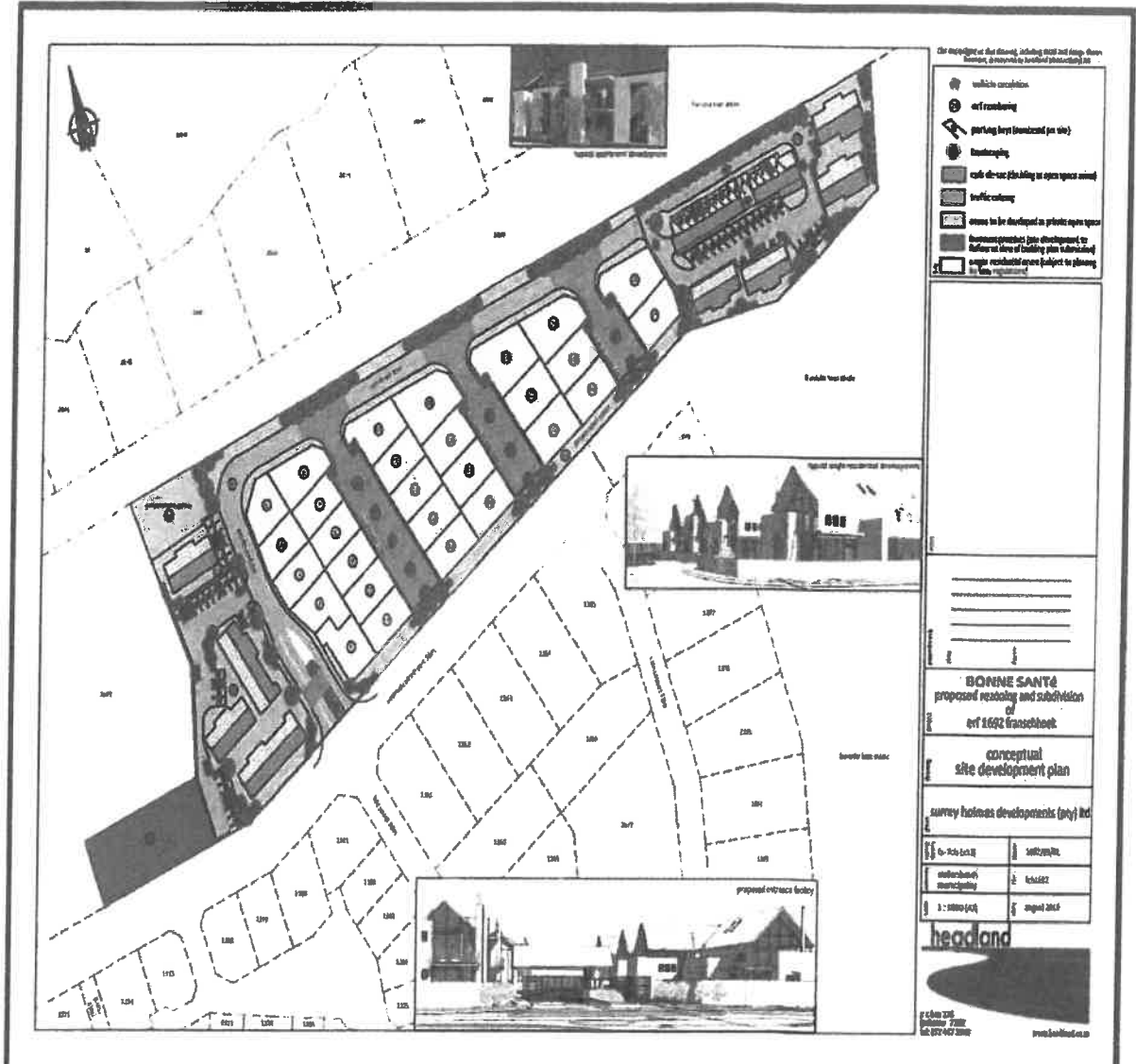


Figure 2: Site Development Plan for the development on Erf No. 1692, Franschoek.

ANNEXURE 2: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, amongst others, the following:

- a) The information contained in the Application Form dated 4 September 2018, the final BAR dated December 2018 and the EMPr submitted together with the final BAR;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013) and Biodiversity Offsets (dated March 2015);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated December 2018; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were 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 during 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

The public participation process included:

- identification of and engagement with I&APs;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activity is to be undertaken, the municipality and ward councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activity, on 30 November 2017, 1 December 2017, 11 October 2018 and 15 October 2018;
- the placing of a newspaper advertisement in the 'Franchhoek Tattler' on 1 December 2017;
- fixing a notice board at the site where the listed activity is to be undertaken on 1 December 2017; and
- making the pre-application draft BAR available to I&APs for public review from 1 December 2017 and the in-process draft BAR from 15 October 2018.

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response report.

The Competent Authority notes the Environmental Assessment Practitioner's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

2. Alternatives

Two layout alternatives were investigated and are discussed below.

Alternative 1 (Herewith Authorised):

This alternative entails the construction of a mixed-use development, which will include:

- The establishment of 28 Single Residential erven (including 2 parking bays per unit), with a development footprint of approximately 6 000m².
- The establishment of three General Residential erven for apartments (46 units with 68 parking bays) with a development footprint of approximately 6 600m².
- The establishment of a General Business erf (including parking bays) with a development footprint of approximately 900m².
- Establishing two private open space erven with an area of approximately 1 300m².
- The construction of private roads with a development footprint of approximately 5 100m².

This alternative is preferred since the visual impact of the development on landowners, north of the site, will be mitigated by the construction of a road with landscaped road verges along the northern boundary of the site.

Alternative 2:

This alternative will comprise:

- The establishment of 43 Single Residential erven with a development footprint of approximately 8 600m².
- The establishment of three General Residential erven with a development footprint of approximately 5 300m².
- A General Business erf with a development footprint of approximately 900m².
- Establishing two private open space erven with an area of approximately 1 700m².
- The construction of private roads with a development footprint of approximately 3 300m².

This alternative is not preferred, since the visual impact of the development on landowners north of the site, will not be mitigated, as residential erven will be located along the northern boundary of the site with no screening as mitigation.

"No-Go" Alternative

The "no-go" option of not developing the site was considered and is not preferred because the opportunity to develop underutilised land that is within the urban edge (and built up area) will not materialise. The opportunity to provide affordable residential opportunities will be lost and both temporary and permanent employment opportunities will not be created.

3. Impact Assessment and Mitigation measures

3.1 Activity Need and Desirability

According to the Stellenbosch Municipal Spatial Development Framework (November 2012) ("SDF"), the site is within the urban edge (and built up area). The proposal seeks to use underutilised land within the urban edge for residential purposes to provide affordable residential opportunities within the area. The development will include an erf for business purposes, which enables an opportunity for residents to reside close to a place of employment. Furthermore, the proposed development will create employment opportunities in both the construction and operational phases.

3.2 Biodiversity and Biophysical Impacts

According to the Western Cape Biodiversity Spatial Plan the site is classified as a Critical Biodiversity Area ("CBA") and comprises Swartland Alluvium Fynbos, an ecosystem listed as critically endangered in terms of Section 52 of the National Environmental Biodiversity Act 2004

(Act No. 10 of 2004) ("NEMBA"). The Botanical Impact Assessment dated November 2017 and the additional information dated 28 November 2018, compiled by Ross Turner, stated that no species of conservation concern were recorded on site. The vegetation on site has been altered due to the site being disturbed in the past (during 2004), when construction activities commenced for the development to the north of the site. Due to the disturbance, the site has been severely degraded and the vegetation on site more resembles Boland Granite Fynbos, an ecosystem listed as vulnerable in terms of section 52 of the NEMBA. Currently, the site is isolated and flanked by residential developments to the north, south and west, and by vineyards to the east. The site has no ecological connectivity to any biodiversity corridors due to the site being isolated by surrounding developments. The assessment concluded that the conservation of Swartland Alluvium Fynbos on Erf No. 1692 is not practical since: the site is small; the vegetation is degraded and is not a good representation of the vegetation type and the probability of controlled burning within an urban area is low. Through the implementation of the search and rescue exercise (Condition 17) associated impacts on sensitive indigenous vegetation will be mitigated.

3.3 Traffic Impacts

The Traffic Impact Assessment dated November 2017 compiled by Sarah Larratt of Sturgeon Consulting, concluded that all the surrounding intersections (Huguenot Road/Reservoir Street; Reservoir Street/Nerina Street; Lambrechts Road/Nerina Street) currently operate at acceptable Levels-of-Service. Taking into account the proposed development and future growth rate, there are no capacity constraints expected, as all intersections will operate at a satisfactory Level-of-Service and there is therefore no upgrades or improvements necessary to accommodate the proposed development.

3.4 Services

In a comment from Stellenbosch Municipality dated 13 September 2018, the following was highlighted:

Water Reticulation:

The existing water reticulation system does not have the capacity to accommodate the development, however, the upgrades proposed to the bulk network by the developer will create the capacity within the water reticulation system.

Bulk Water Supply:

The development will connect to the existing Franschoek reservoir system.

Sewer Reticulation:

The proposed development will connect to the exiting sewer reticulation system in the direct vicinity. Currently the bulk sewer reticulation system has spare capacity to accommodate the development.

Waste Water Treatment:

The Wemmershoek Waste Water Treatment Plant has sufficient spare capacity to accommodate the proposed development.

Solid Waste:

Stellenbosch Municipality will handle all waste as per normal waste removal policy and sufficient capacity is available at the waste disposal site.

The development will result in both negative and positive impacts.

Negative Impacts:

- Indigenous vegetation will be impacted, however, a search and rescue exercise will be undertaken to identify whether species of conservation concern can be transplanted to a suitable area. Furthermore, the site is also isolated and surrounded on all sides by development.
- There will be an increase in noise and dust impacts during the construction phase, however, mitigation measures for these impacts are addressed in the EMPr.

Positive Impacts:

- The proposal will develop underutilised land within the urban edge for urban development.
- Additional affordable residential opportunities will be made available within the area.
- This development will allow previously disadvantaged individuals Franschoek Claimants Trust to develop land that has been acquired through a land claim process.
- Temporary employment opportunities will be created during the construction phase.

4. National Environmental Management Act Principles

The NEMA 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 activities (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 proposed listed activity 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 listed activity can be mitigated to acceptable levels.

-----END-----

creation and community upliftment. The risk of hijacking of vehicles transporting unprocessed abalone en route from the abalone farm to the existing process facility in Hermanus will continue taking place.

3. Impact Assessment and Mitigation measures

3.1 Activities need and desirability

Unprocessed abalone transported to the processing facility in Hermanus has become a target for criminal elements, as the current demand for abalone surpasses the supply of the commodity. Thus there is a need for the on-site processing facility. The development of the abalone processing facility will lead to better biosecurity between the farming area and the processing facility being within the same security area. It will also lead to more efficient operation of the existing Abalone Culture Division, which will increase job security.

3.2 Biodiversity and Biophysical Impacts

The facility will be located on Remainder of Farm Klipfontein No. 711, Danger Point. According to the Botanical Assessment, most of the area is characterized by Overberg Dune Strandveld, which is classified as least threatened in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"). Large portions of the site are mapped as a Critical Biodiversity Area. A search and rescue operation (included in Section E, Condition 18) of all conservation worthy species will be conducted prior to the commencement of construction activities. The remainder of the farm will be managed as a conservation area. The potential impacts on vegetation that may result from the proposed development will be further mitigated by the implementation of the conditions of this Environmental Authorisation and the mitigation measures in the EMPr (accepted in Section E, Condition 9). No freshwater resources occur on site or within the development footprint.

3.3 Construction Phase Impacts, e.g. Noise, Dust

The construction phase of the development will result in dust impacts. However, this impact will be of low significance with the implementation of the mitigation measures in the EMPr.

Noise during the construction phase is anticipated, but will be of a temporary nature and noise during the operational phase will be negligible. With the implementation of mitigation measures from the Environmental Noise Specialist Study, dated March 2018, conducted by Airshed Planning Professionals, the residual noise impact would be of low significance.

3.4 Visual Impact

The development of the building in the lowest depression area and limiting the height restriction to 8m, together with the implementation of the mitigation measures provided in the Visual Impact Assessment, dated August 2018, will minimize the impact on the surrounding environment significantly.

3.5 Traffic Impact

The development of the facility will result in an increase in traffic on the road network during the construction phase and the operational phase. Heavy vehicles will be redirected off Marine Drive via Van Bloemenstein Street, to be upgraded as part of the authorized expansion for the existing

abalone facility (Reference number: 16/3/3/2/E2/4/1027/18). The Traffic Impact Assessment dated July 2018, conducted by Deca Consulting Engineers, concluded that the proposed development will be accommodated subject to the implementation of the recommendations made in the abovementioned Traffic Impact Assessment. These have been included in the EMPr.

The development will result in both negative and positive impacts.

Negative Impacts:

- The development will result in the loss of natural vegetation, which will be effectively mitigated to a low negative significance.
- It was determined that the potential negative impacts during the construction phase of the development, such as noise, traffic and visual impacts, will be of low significance after mitigation.

Positive impacts:

- The development will strengthen the economic viability of the farm and provide additional employment opportunities.
- The risk of hijacking of vehicles transporting unprocessed abalone will be minimised.
- The remainder of the farm will be managed as a conservation area.

4. National Environmental Management Act 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 activities (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, compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

-----END-----



**Western Cape
Government**

Environmental Affairs and
Development Planning

DIRECTORATE: DEVELOPMENT MANAGEMENT
(REGION 1)

REFERENCE: 16/3/3/1/B4/12/1067/18

ENQUIRIES: Mr. D. Matthews

DATE: 04. 12. 2018

The Board of Directors
Surrey Holmes Developments (Pty) Ltd
Postnet Suite 51
Private Bag X19
FRANSCHHOEK
8002

Attention: Ms. M. Hewitt

Dear Sir

FILE NR:	
SCAN NR:	E 1692 FH
COLLABORATOR NR:	620497

04 DEC 2018
MUNICIPALITEIT
STELLENBOSCH
BEPLANNING EN OMGEWING

tel.: (021) 876 3083

fax: (021) 876 3084

THE PROPOSED CONSTRUCTION OF A MIXED-USE DEVELOPMENT ON ERF NO. 1692, FRANSCHHOEK

1. The correspondence dated 3 December 2018, as received by the Department on the same day, refers.
2. The Department notes the following, based on the available information at the Department's disposal:
 - 2.1 The subject property (Erf No. 1692) forms part of Erf No. 23, which was created during the subdivision of the Crown Land in 1926.
 - 2.2 Erf No. 1679 was approximately 5ha in extent, which was owned by Stellenbosch Municipality. Franschhoek Developers Alliance ("Frandevco") proposed to purchase the land to develop the entire property. Erf No. 1679 was however undergoing a land claim process and approximately 2ha of Erf No. 1679 was successfully claimed through legal processes by the Franschhoek Claimants Trust ("FCT"). The portion of land approximately 2ha in extent was then subdivided from Erf No. 1679 to create Erf No. 1692.
 - 2.3 Erf No. 1679 has subsequently been further subdivided to create smaller erven and development has commenced on several of the newly created erven.
 - 2.4 Erf No. 1692 is currently undergoing a basic assessment process to obtain environmental authorisation to establish a mixed-use development.

3. The Department has the following comments:
 - 3.1 It is unclear whether Erf No. 1692 formed part of a larger approved General Plan for Erf No. 23, which may have been set aside for a specific use i.e. residential purposes prior to 1997, when the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") Environmental Impact Assessment ("EIA") Regulations were promulgated. If Erf No. 1692 does form part of an approved General Plan set aside for residential purposes and where construction for residential purposes has already commenced on other parts of the original Erf No. 23, then the proposed development may in fact already be considered to have been commenced with as per the interpretation of Circular 0024/2014, INTERPRETATION OF "COMMENCE" IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA"). The Department therefore requests that the environmental assessment practitioner ("EAP") confirms whether the proposed development has been commenced with in terms of an approved General Plan or whether the proposed development still triggers listed activities in terms of the NEMA EIA Regulations 2014 (as amended).
 - 3.2 If the proposed development does trigger listed activities, then the Department recommends that a site visit between CapeNature and the EAP be arranged as soon as possible to address the disagreement regarding the critical biodiversity area on site and to avoid timeframes not being met.
4. Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
5. Please note that the activity may not commence prior to an environmental authorisation being granted by the Department.
6. The Department reserves the right to revise initial comments and request further information based on the information received.

Yours faithfully



HEAD OF COMPONENT

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Mr R. Sham (KHULA Environmental Consultants)
(2) Mr S. van der Merwe (Stellenbosch Municipality)
(3) Mr R. Smart (CapeNature)

Fax: (086) 694 6901
Fax: (021) 886 6899
Fax: (086) 529 4992

ANNEXURE J

**REMOVAL OF A RESTRICTIVE TITLE DEED
CONDITION, REZONING, SUBDIVISION,
PHASING, STREET NAME AND NUMBERING AND
DEPARTURES ON ERF 1692, FRANSCHHOEK**

**COMMENT FROM HERITAGE WESTERN
CAPE**

Our Ref: HM/ CAPE WINELANDS/ DRAKENSTEIN/ FRANSCHOEK/ ERF 1692
 Case No.: 17072006WD0803E
 Enquiries: Waseefa Dhansay
 E-mail: waseefa.dhansay@westerncape.gov.za
 Tel: 021 483 9533
 Date: 15 August 2017



ILifa leMveli leNtshona Kojoni
 Erfenis Wes-Kaap
 Heritage Western Cape

FRANSCHHOEK CLAIMANTS TRUST
 POSTNET SUIT 51
 PRIVATE BAG X19
 FRANSCHHOEK
 7690

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

NOTIFICATION OF INTENT TO DEVELOP: THE PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 1662, FRANSCHHOEK: SUBMITTED IN TERMS OF SECTION 38(4) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 17072006WD0803E

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received on 3 August 2017. This matter was discussed at the Heritage Officers meeting held on 14 August 2017.

You are hereby notified that, since there is no reason to believe that proposed residential development on Erf 1662, Franschhoek will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

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

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

HWC reserves the right to request additional information as required.

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

Yours faithful

Mx. Mxolisi Dlamuka
 Chief Executive Officer, Heritage Western Cape

www.westerncape.gov.za/cas

Street Address: Protea Assurance Building, Green Market Square, Cape Town, 8000 • Postal Address: Private Bag X9067, Cape Town, 8000
 • Tel: +27 (0)21 483 5959 • E-mail: ceheritage@westerncape.gov.za

Straatadres: Protea Assuransie gebou, Groentemarkplein, Kaapstad, 8000 • Posadres: Private Bag X9067, Kaapstad, 8000
 • Tel: +27 (0)21 483 5959 • E-pos: ceheritage@westerncape.gov.za

ANNEXURE K

**REMOVAL OF A RESTRICTIVE TITLE DEED
CONDITION, REZONING, SUBDIVISION,
PHASING, STREET NAME AND NUMBERING AND
DEPARTURES ON ERF 1692, FRANSCHHOEK**

**COMMENT FROM THE MANAGER: FIRE
SERVICES**

c) **Portion 31**
 i) to exceed the permissible coverage of 25% to 37%;
 ii) to exceed the permissible bulk of 0.4 to 0.74;
 iii) from the provision 8.3.1 of the Franschhoek Zoning Scheme Regulations to permit portion 31 to be 459m² in lieu of 1000m²
 iv) from the provision 8.3. 5.1 of the Franschhoek Zoning Scheme Regulations to permit a building to be constructed on a general residential site abutting a street with a width of 8,5m in lieu of 12,5m;
 v) 7,0m in lieu of 11,7m from the Rue De Vie street boundary;
 vi) relax the common building line (adjacent to Portion 30) from 4,6m to 3,3m;
 vii) relax the common building line (adjacent to Portion 33) from 4,6m to 2,1m;
 viii) relax the common building line (adjacent to Erf 1693, Franschhoek) from 4,6m to 3,4m.

Adres / Address	Reservoir Street, Franschhoek
Aansoek Datum / Application Date	31 August 2018
Aansoeker Applicant	Tristan Sandwith (Headland Planners)

Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil oplê indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.

Geliewe die memorandum per hand aan my terug te besorg voor of op:
 Please hand deliver the memorandum to me on or before : **10 May 2019**

B Mdoda
 For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

ALGEMENE KOMMENTAAR / GENERAL COMMENT: *In order*

VOORWAARDES/CONDITIONS: *Final Requirements will be given when plans are submitted to Council*



HANDTEKENING / SIGNATURE

10/24/2019

DATUM / DATE

ANNEXURE L

**REMOVAL OF A RESTRICTIVE TITLE DEED
CONDITION, REZONING, SUBDIVISION,
PHASING, STREET NAME AND NUMBERING AND
DEPARTURES ON ERF 1692, FRANSCHHOEK**

COMMENT FROM THE MANAGER:
BUILDING DEVELOPMENT
MANAGEMENT

c) **Portion 31**

- i) to exceed the permissible coverage of 25% to 37%;
- ii) to exceed the permissible bulk of 0.4 to 0.74;
- iii) from the provision 8.3.1 of the Franschhoek Zoning Scheme Regulations to permit portion 31 to be 459m² in lieu of 1000m²
- iv) from the provision 8.3. 5.1 of the Franschhoek Zoning Scheme Regulations to permit a building to be constructed on a general residential site abutting a street with a width of 8,5m in lieu of 12,5m;
- v) 7,0m in lieu of 11,7m from the Rue De Vie street boundary;
- vi) relax the common building line (adjacent to Portion 30) from 4,6m to 3,3m;
- vii) relax the common building line (adjacent to Portion 33) from 4,6m to 2,1m;
- viii) relax the common building line (adjacent to Erf 1693, Franschhoek) from 4,6m to 3,4m.

Adres / Address	Reservoir Street, Franschhoek
Aansoek Datum Application Date	31 August 2018
Aansoeker Applicant	Tristan Sandwith (Headland Planners)

Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil oplê indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.

Geliewe die memorandum per hand aan my terug te besorg voor of op:
Please hand deliver the memorandum to me on or before : **10 May 2019**

B Mdoda

For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

ALGEMENE KOMMENTAAR / GENERAL COMMENT:

No objection

VOORWAARDES/CONDITIONS:

HANDTEKENING / SIGNATURE

DATUM / DATE

15/4/2019

ANNEXURE M

**REMOVAL OF A RESTRICTIVE TITLE DEED
CONDITION, REZONING, SUBDIVISION,
PHASING, STREET NAME AND NUMBERING AND
DEPARTURES ON ERF 1692, FRANSCHHOEK**

**COMMENT FROM THE MANAGER:
PROPERTY MANAGEMENT**

	<p>c) Portion 31</p> <p>i) to exceed the permissible coverage of 25% to 37%;</p> <p>ii) to exceed the permissible bulk of 0.4 to 0.74;</p> <p>iii) from the provision 8.3.1 of the Franschhoek Zoning Scheme Regulations to permit portion 31 to be 459m² in lieu of 1000m²</p> <p>iv) from the provision 8.3. 5.1 of the Franschhoek Zoning Scheme Regulations to permit a building to be constructed on a general residential site abutting a street with a width of 8,5m in lieu of 12,5m;</p> <p>v) 7,0m in lieu of 11,7m from the Rue De Vie street boundary;</p> <p>vi) relax the common building line (adjacent to Portion 30) from 4,6m to 3,3m;</p> <p>vii) relax the common building line (adjacent to Portion 33) from 4,6m to 2,1m;</p> <p>viii) relax the common building line (adjacent to Erf 1693, Franschhoek) from 4,6m to 3,4m.</p>
Adres / Address	Reservoir Street, Franschhoek
Aansoek Datum Application Date	31 August 2018
Aansoeker Applicant	Tristan Sandwith (Headland Planners)

Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei aseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil opleë indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.

Geliewe die memorandum per hand aan my terug te besorg voor of op:
Please hand deliver the memorandum to me on or before : **10 May 2019**

B Mdoda

For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

ALGEMENE KOMMENTAAR / GENERAL COMMENT:

No objection to proposed development

VOORWAARDES/CONDITIONS:

None

HANDEKENING / SIGNATURE

DATUM / DATE

2019.04.10

ANNEXURE N

**REMOVAL OF A RESTRICTIVE TITLE DEED
CONDITION, REZONING, SUBDIVISION,
PHASING, STREET NAME AND NUMBERING AND
DEPARTURES ON ERF 1692, FRANSCHHOEK**

**COMMENT FROM THE MANAGER:
HEALTH SERVICES (CAPE WINELANDS)**

c) **Portion 31**

- i) to exceed the permissible coverage of 25% to 37%;
- ii) to exceed the permissible bulk of 0.4 to 0.74;
- iii) from the provision 8.3.1 of the Franschhoek Zoning Scheme Regulations to permit portion 31 to be 459m² in lieu of 1000m²
- iv) from the provision 8.3. 5.1 of the Franschhoek Zoning Scheme Regulations to permit a building to be constructed on a general residential site abutting a street with a width of 8,5m in lieu of 12,5m;
- v) 7,0m in lieu of 11,7m from the Rue De Vie street boundary;
- vi) relax the common building line (adjacent to Portion 30) from 4,6m to 3,3m;
- vii) relax the common building line (adjacent to Portion 33) from 4,6m to 2,1m;
- viii) relax the common building line (adjacent to Erf 1693, Franschhoek) from 4,6m to 3,4m.

Adres / Address	Reservoir Street, Franschhoek
Aansoek Datum Application Date	31 August 2018
Aansoeker Applicant	Tristan Sandwith (Headland Planners)

Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil oplê indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.

Geliewe die memorandum per hand aan my terug te besorg voor of op:
Please hand deliver the memorandum to me on or before : **10 May 2019**

B Mdoda

For **DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT**

ALGEMENE KOMMENTAAR / GENERAL COMMENT:

The Department of Health Services has no objection against this application.

VOORWAARDES/CONDITIONS:


.....
HANDTEKENING / SIGNATURE

15-04-2019
.....
DATUM / DATE

ANNEXURE O

**REMOVAL OF A RESTRICTIVE TITLE DEED
CONDITION, REZONING, SUBDIVISION,
PHASING, STREET NAME AND NUMBERING AND
DEPARTURES ON ERF 1692, FRANSCHHOEK**

**COMMENT FROM THE MANAGER:
SPATIAL PLANNING**



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Spatial Planning, Heritage and Environment

To : Head: Customer Interface & Administration (B Mdoda)
 From : Manager: Spatial Planning, Heritage & Environment
 Date : 23 May 2019
 Re : Application for proposed development on Erf 1692,
 Reservoir Street, Franschhoek

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

1) Opinion / reasoning:

In terms of the approved MSDF, the subject property is located within the approved urban edge of Franschhoek and within a residential area. Densification and infill development is encouraged in terms of the approved MSDF.

2) Supported / not supported:

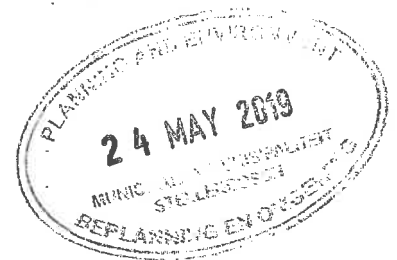
In principle, this department therefore supports residential development and acceptable densification on this property.

B. de la Bat

B de la Bat

MANAGER: SPATIAL PLANNING, HERITAGE AND ENVIRONMENT

FILE NR:	
SCAN NR:	E1692 FM
COLLABORATOR NR:	64749314



ANNEXURE P

**REMOVAL OF A RESTRICTIVE TITLE DEED
CONDITION, REZONING, SUBDIVISION,
PHASING, STREET NAME AND NUMBERING AND
DEPARTURES ON ERF 1692, FRANSCHHOEK**

**COMMENT FROM THE MANAGER:
ELECTRICAL SERVICES**

Elect 1817

22
09/04/2019

INTERDEPARTMENTAL CIRCULATION FORM

LêER VERW/ FILE REF	Erf 1692, Franschhoek	DATE: 01 April 2019
AANSOEKNUMMER/APPLICATION NUMBER	LU/8369	
MEMO AAN/ TO :		
	Director : Traffic Engineer / Engineering Services	
X	Manager : Electrical Department	
	Manager : Building Development Management	
	Manager : Fire Services	
	Manager: Spatial Planning / Heritage / Environment / Signage	
	Manager: Health Department (Winelands Health)	
	Manager: Community Services (Parks): Albert Van Der Merwe	
	Manager: Property Management (P Smit)	
	Chief Financial Officer	
	Legal Services	
	Manager: Local Economic Development	

FILE NR:	
SCAN NR:	E 1692 FH
COLLABORATOR NR:	670282



Application

Application is made in terms of Section 15(2)(f) of the Stellenbosch Municipality Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015 for the **removal of condition** A.6 as contained in Title Deed Nr. T60152/2008 which reads "that a general right of way from and to the adjoining Crown land over the whole of the land hereby granted is reserved in favour of the Government" to allow for the proposed development on Erf1692, Franschoek.

2. Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015 for the **rezoning** of Erf 1692, Franschoek from Undetermine to Subdivisional Area to accommodate 28 single residential erven; three (3) general residential erven; one (1) general business property and three (3) private open spaces.

3. Application is made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015 for the **subdivision** of Erf 1692, Franschoek into 35 portions, namely 28 single residential erven; three (3) general residential erven; one (1) general business property and three (3) private open spaces (two private open space and one private road).

4. Application is made in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015 for the **phasing of the development into six (6) phases** as indicated on drawing nr 169/04/01, drawn by Headland Town Planners, dated July 2018.

5. Application is made to **allocate street names** to the private roads within the development as indicated on drawing nr 169/04/01, drawn by Headland Town Planners, dated July 2018. The following street names have been proposed:

- i) Rue De Vie Road
- ii) Rue D'espair Close
- iii) Rue De Paix Close
- iv) Rue De La Santè Close

6. Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015 for a **permanent departure**:

a) Portion 29

- i) to exceed the permissible coverage from 25% to 31%;
- ii) to allow for a minimum street front of 13m instead of 15m;
- iii) to relax the common building lines (adjacent to Erf 2850 and Erf 2835, Franschoek) from 4,6m to 3,0m and 2,8m respectively for building C;
- iv) to relax the common building line (adjacent to Erf 2835, Franschoek) from 4,6m to 2,8m and 3,1m for building D;
- v) relax the common building line (adjacent to Erf 2835, Franschoek) from 4,6m to 3,1m and 3,3m for building E;
- vi) relax the common building line (adjacent to Erf 2835, Franschoek) from 4,6m to 3,0m for building F.

b) Portion 30

- i) to exceed the permissible coverage from 25% to 28%;
- ii) from the provisions 8.3.5.1 of the Franschoek Zoning Scheme to permit a building to be constructed on a general residential site abutting a street with of 8,5m in lieu of 12,5m;
- iii) relax the street building line (Rue De Vie Street) from 7,6m to 4,7m and 3,9m for building A;
- iv) relax the street building lines (Reservoir & Rue De Vie Streets) from 7,6m to 4,7m respectively for building B;
- v) relax the common building line (adjacent to Erf 1693, Franschoek) from 4,6m to 3,8m for building C;
- vi) 4,7m in lieu of the 11,7m from the street boundary of Rue De Vie for the portion that is less than 16m wide;

c) **Portion 31**
 i) to exceed the permissible coverage of 25% to 37%;
 ii) to exceed the permissible bulk of 0.4 to 0.74;
 iii) from the provision 8.3.1 of the Franschhoek Zoning Scheme Regulations to permit portion 31 to be 459m² in lieu of 1000m²
 iv) from the provision 8.3. 5.1 of the Franschhoek Zoning Scheme Regulations to permit a building to be constructed on a general residential site abutting a street with a width of 8,5m in lieu of 12,5m;
 v) 7,0m in lieu of 11,7m from the Rue De Vie street boundary;
 vi) relax the common building line (adjacent to Portion 30) from 4,6m to 3,3m;
 vii) relax the common building line (adjacent to Portion 33) from 4,6m to 2,1m;
 viii) relax the common building line (adjacent to Erf 1693, Franschhoek) from 4,6m to 3,4m.

Adres / Address Reservoir Street, Franschhoek

Aansoek Datum / Application Date 31 August 2018

Aansoeker Applicant Tristan Sandwith (Headland Planners)

Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil oplê indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.

Geliewe die memorandum per hand aan my terug te besorg voor of op:
 Please hand deliver the memorandum to me on or before : **10 May 2019**

B Mdoda
 For **DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT**

ALGEMENE KOMMENTAAR / GENERAL COMMENT:

None.

VOORWAARDES/CONDITIONS:

For services or making thereof - apply via separate
able each application.



HANDTEKENING / SIGNATURE

3/05/2019

DATUM / DATE

ANNEXURE Q

**REMOVAL OF A RESTRICTIVE TITLE DEED
CONDITION, REZONING, SUBDIVISION,
PHASING, STREET NAME AND NUMBERING AND
DEPARTURES ON ERF 1692, FRANSCHHOEK**

**COMMENT FROM THE DIRECTOR:
ENGINEERING SERVICES**



MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES
DIREKTORAAT: INFRASTRUKTUURDIENSTE

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

FOR ATTENTION : **B Mdoda**

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

AUTHOR : **Tyrone King**

DATE : **18 December 2019**

RE. : **Erf 1692, FH (Bonne Sante): Removal of Servitude, Rezoning, Subdivision, Phasing – 6 phases, Street name approval, permanent departures for 28 single residential erven, 46 flats and 908m² GLA - General Business (Offices)**

YOUR REF : **LU/8369**

OUR REF : **CIVIL 1817**

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

- The abovementioned application dated 31 August 2018 and motivation report by Headland Town Planners dated August 2018;
- Proposed Subdivision Plan Figure 1692/02/01, dated May 2018 by Headland Planners;
- Conceptual Site Development Plan Figure 1692/09/01, dated August 2018 by Headland Planners;
- Proposed Phasing Plan Figure 1692/04/02, dated January 2018 by Headland Planners, submitted by Headland to Bulelwa Mdoda under cover letter dated 6 March 2019;
- GLS water and sewer capacity analysis report dated 26 Aug 2019;
- Traffic Impact Assessment by Sturgeon Consulting dated November 2017;
- Services Report by APEC Consulting Engineers dated June 2018 (REF V331-01-01)
- E-mail from Tristan Sandwidth to Tyrone King dated Tue 2019/10/22 13:10 in which various engineering issues are addressed by the consulting engineer (Riaan Swiegers – APEC)
- Preliminary Design of Civil Engineering Services Drawing 331-01-0002 Rev SC by APEC dated 3 July 2018 (**Annexure B**), showing the access layout

ERF 1692, FH: DEVELOPEMNT OF 28 SINGLE RESIDENTIAL ERVEN, 46 FLATS, AND 908m² OFFICES

Comments from the Directorate: Infrastructure Services i.e. Roads & Stormwater, Water Services, Traffic Engineering and Development Services will be reflected in this memo and is to be regarded as development conditions to be reflected in the land-use approval.

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

- Total Units – Single residential: 28 No
- Total Units – Flats: 46 No
- Total GLA - Offices: 908 m²

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

Definitions

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

ERF 1692, FH: DEVELOPEMNT OF 28 SINGLE RESIDENTIAL ERVEN, 46 FLATS, AND 908m² OFFICES

Recommendation:

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

Conditions specific to this Development:

4. **that the following upgrades are required to accommodate the development.**
- a. **Wemmershoek WWTW:** The proposed development falls within the catchment area of the existing Wemmershoek WWTW (Waste Water Treatment Works). There is currently insufficient capacity at the WWTW for the proposed development. However, the Municipality is currently busy with the upgrading of the WWTW to create spare capacity. The current estimated completion date for the project is **January 2021**. A more accurate date will be available when a Contractor has been appointed and an approved programme is available. Clearance for the subdivided erven will only be given when the upgrade has been completed and the required spare capacity is available.
- b. **Water Network: See Annexure A:**
- i. The development can connect to the existing 100mm diameter municipal water line in either Reservoir Street, as shown in **Annexure A**.
 - ii. Existing municipal water line across erf 1692 to be protected by a servitude and must be located in the road reserve of Rue de Vie Road. Any relocation and servitude cost will be for the Developer's own cost.
 - iii. Item 1: 40 m x 160 mm Ø replace existing 100 mm Ø pipe
Estimated cost: R 81 000*
Funding: Developer's cost – required by the development to improve network conveyance to the development.
 - iv. Item 2: 60 m x 160 mm Ø replace existing 75 mm Ø pipe
Estimated cost: R 103 000*
Funding: Developer's cost – required by the development to improve network conveyance to the development.

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v. Item 3: 140 m x 110 mm Ø replace existing 75 mm Ø pipe
 Estimated cost: R 145 000*
 Funding: Developer's cost – required by the development to improve network conveyance to the development.

vi. Item 4: 100 m x 110 mm Ø new inter-connection pipe
 Estimated cost: R 112 000*
 Funding: Developer's cost – required by the development to improve network conveyance to the development.

(* GLS estimate including P & G, Contingencies and Fees, but excluding VAT - Year 2017/18 Rand Value. This is a rough estimate, which does not include major unforeseen costs).

c. Sewer Network:

- i. The development will connect to the existing 160mm diameter outfall sewer in Reservoir Street. Details of the connection will be agreed upon when engineering drawings are submitted for approval.
- ii. The existing sewer system has sufficient capacity to accommodate the proposed development.

d. Roads Network:

- i. A 2.4m NMT sidewalk must be constructed along the frontage of Reservoir Street. Details to be agreed at engineering drawing approval stage.

To calm the movement of speeding traffic, the developer shall install at his cost:

- ii. A raised intersection at the Reservoir/Lillie Street intersection (access to the residential component)
- iii. A raised intersection at Reservoir Street and the access to the offices (Portion 32) and the existing Victoria Village residential complex

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e. Stormwater Network:

- i. Stormwater discharge is proposed via an existing 450mm diameter pipe that runs to Fransche Hoek Estate (Erf 2850) to the north. Erf 2850 is private and if not already done so, a servitude for the use of the SW pipe must be registered in favour of Erf 1692. An overland escape route for SW to escape, should the pipe be blocked, must also be agreed with the owner of Fransche Hoek Estate and constructed. Written proof of these arrangements are required before engineering construction drawings will be approved. No clearance will be issued if these arrangements are not in place.

f. Devon Valley landfill site:

- i. Due to the limited airspace capacity available, waste arriving at the site needs to be dramatically reduced in order to extend the lifespan of the landfill site. All new developments must have a mandatory separation-at-source programme to encourage recycling, possible organic waste separation to tie in with the municipality's future diversion programme, and adequate storage facilities to enable waste removal.

Development Charges

5. that the Development Charges levy to the amount of R 4 923 026. 60 (Excluding VAT) as reflected on the DC calculation sheet, dated 23 October 2019, 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 2019/2020 tariff structure and the proposed lay-out, the following amounts are payable:

Water	:	R 1 002 991. 01
Sewer	:	R 574 247. 59
Roads	:	R 2 125 406. 25
Stormwater	:	R 65 574. 44
Solid Waste	:	R 184 345. 07
Community Facilities	:	R 970 462. 24
Total (Civil Services) exclusive of VAT:		<u>R 4 923 026. 60</u>

ERF 1692, FH: DEVELOPEMNT OF 28 SINGLE RESIDENTIAL ERVEN, 46 FLATS, AND 908m² OFFICES**Site Development Plan**

6. that the geometric design and layout of the entrance to the development shall be generally in accordance with Preliminary Design of Civil Engineering Services Drawing 331-01-0002 Rev SC by APEC dated 3 July 2018 (**Annexure B**);
7. that provision be made for a stacking distance of 12m as indicated on Preliminary Design of Civil Engineering Services Drawing 331-01-0002 Rev SC by APEC dated 3 July 2018 (**Annexure B**);
8. that sufficient entrance and exit widths will be created at the vehicle access points as indicated on Preliminary Design of Civil Engineering Services Drawing 331-01-0002 Rev SC by APEC dated 3 July 2018 (**Annexure B**): 3.2m + 3.2m entrance + 4.0m exit lanes. To accommodate emergency vehicles, at least one lane should be 4, 0 metres wide and have a minimum height clearance of 4.2m.
9. that provision be made for turning movements for vehicles not allowed access, by allowing turning around inside the gated complex, hence people not allowed in shall however be allowed to enter and make a legal U-turn to the north of the guardhouse under the watch of the security gate personnel;
10. that provision be made for a refuse room as indicated on Preliminary Design of Civil Engineering Services Drawing 331-01-0002 Rev SC by APEC dated 3 July 2018 (**Annexure B**) and as per the specification of the standard development conditions below;
11. that if the "Developer" wishes to remove the waste by private contractor, provision must still be made for a refuse room should this function in future revert back to the "Municipality";
12. municipal refuse vehicles will not enter the private development, therefore provision must be made for a refuse embayment and hardened store area off the roadway/sidewalk to accommodate refuse removal as indicated on Preliminary Design of Civil Engineering Services Drawing 331-01-0002 Rev SC by APEC dated 3 July 2018 (**Annexure B**). This must be clearly indicated on the engineering drawings when submitted for approval;
13. that the internal layout must be able to accommodate continuous forward movement by service trucks and all cul-de-sacs have a minimum of 11 m radius turning circle, to ensure continuous forward movement;

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14. 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

15. that it be noted that as per Subdivision Plan Figure 1692/02/01, dated May 2018 by Headland Planners, the roads are reflected as private roads. Therefor all internal services on the said erf will be regarded as private services and will be maintained by the "Developer" and or Owner's Association;

Bulk Water Meter

16. that the "Developer" shall install a bulk water meter conforming to the specifications of the Directorate: Infrastructure Services at his cost at the entrance gate of all private developments before the practical completion inspection is carried out;

Solid Waste

17. 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 (Mr Saliem Haider; 021 808 8241; saliem.haider@stellenbosch.gov.za), before engineering drawing and/or 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.

Servitudes

18. Existing municipal water line across erf 1692 to be protected by a servitude and must be located in the road reserve of Rue de Vie Road. Any relocation and servitude cost will be for the Developer's own cost.

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19. Stormwater discharge is proposed via an existing 450mm diameter pipe that runs to Fransche Hoek Estate (Erf 2850) to the north. Erf 2850 is private and a servitude for the use of the SW pipe must be registered in favour of Erf 1692. An overland escape route for SW to escape, should the pipe be blocked, must also be agreed with the owner of Fransche Hoek Estate and constructed. These details must be indicated on engineering drawings submitted for approval.
20. 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;
21. These servitudes must be registered prior to clearance of Phase 1 erven. Either proof of registration, or proof of appointment of attorneys will suffice.

Roads

22. that the "Developer", at his/her cost, implement the recommendations of the approved Traffic Impact Assessment by Sturgeon Consulting dated November 2017, 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;
23. that access to the residential component of the development will be from Reservoir East Street opposite Lilie Road and the access to the offices (Portion 32) will be approximately 80m west of this access. The detail design of the accesses must be indicated on the engineering drawings submitted for approval.
24. that the "Developer" will be held liable for any damage to municipal infrastructure within the municipal road reserves, caused as a direct result of the development of the subject property. The "Developer" will therefore be required to carry out the necessary rehabilitation work, at his/her cost, to the standards of the Directorate: Infrastructure Services;
25. that on-site parking be provided by the owner of the property as per the ratios of the applicable zoning scheme;

ERF 1692, FH: DEVELOPEMNT OF 28 SINGLE RESIDENTIAL ERVEN, 46 FLATS, AND 908m² OFFICESStandard development conditions:

26. that the "Developer" will enter into an Engineering Services Agreement with the "Municipality" in respect of the implementation of the infrastructure to be implemented in lieu of DCs as stated above;
27. 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 Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law 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;
28. 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.
29. that the "Developer" must ensure that he / she has an acceptable public liability insurance policy in place;
30. 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;
31. 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;

ERF 1692, FH: DEVELOPEMNT OF 28 SINGLE RESIDENTIAL ERVEN, 46 FLATS, AND 908m² OFFICES

32. 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);
33. 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. 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;
34. that the "Developer" takes cognizance and accepts the following:
 - a.) that no construction of any civil engineering services may commence before approval of internal – and external civil engineering services drawings;
 - b.) that no approval of internal – and external civil engineering services drawings will be given before land-use and or SDP approval is obtained;
 - c.) that no approval of internal – and external civil engineering services drawings will be given before the "Developer" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party;
 - d.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before land-use and or SDP approval is obtained;
 - e.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before the approval of internal – and external civil engineering services drawings;
 - f.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law is issued unless the "Developer" obtains the approval mentioned in condition 33 (for construction work of his development parallel with the provision of the bulk services).

ERF 1692, FH: DEVELOPEMNT OF 28 SINGLE RESIDENTIAL ERVEN, 46 FLATS, AND 908m² OFFICES**Site Development Plan**

35. 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";
36. 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;
37. 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;
38. 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

39. 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;
40. 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

ERF 1692, FH: DEVELOPEMNT OF 28 SINGLE RESIDENTIAL ERVEN, 46 FLATS, AND 908m² OFFICES

Charges payable in respect of bulk civil engineering services if approved by the Directorate: Infrastructure Services;

41. 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;
42. 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;
43. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "Engineer";
44. 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;
45. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal - and external services;
46. that engineering design drawings will only be approved once approval in terms of the Stellenbosch Municipal Land Use Planning By-law is issued;
47. that all the internal civil services (water, sewer and stormwater), be indicated on the necessary building plans for approval by the Directorate: Infrastructure Services;
48. 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;
49. 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);

ERF 1692, FH: DEVELOPEMNT OF 28 SINGLE RESIDENTIAL ERVEN, 46 FLATS, AND 908m² OFFICES

50. 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;
51. 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;
52. that the “Developer” shall adhere to the specifications of Telkom (SA) and or any other telecommunications service provider;
53. that the “Developer” shall be responsible for the cost for any surveying and registration of servitudes regarding services on the property;
54. 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;
55. 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”.
56. that the developer takes cognizance of applicable tariffs by Council in respect of availability of services and minimum tariffs payable;
57. that the “Developer”, at his/her cost, will be responsible for the maintenance of all the internal (on-site) municipal – and private civil engineering services constructed for this development until at least 80% of the development units (i.e. houses, flats or GLA) is constructed and occupied whereafter the services will be formally handed over to the Owner’s Association, in respect of private services, and to the Municipality in respect of public services;

Servitudes

58. 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

ERF 1692, FH: DEVELOPEMNT OF 28 SINGLE RESIDENTIAL ERVEN, 46 FLATS, AND 908m² OFFICES

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;

59. 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;
60. 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

61. 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;
62. 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;
63. 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;
64. 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;
65. 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;

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66. 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.
67. 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;
68. 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.
69. 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

70. 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;
71. that no access control will be allowed in public roads;
72. 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;
73. The design and lay-out of the development must be such that emergency vehicles can easily drive through and turn around where necessary;
74. 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;

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75. 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;
76. that each erf has its own access (drive-way), (*the new access(es) (dropped kerb(s)) to the proposed parking bays be*) constructed to standards as set out by the the Directorate: Infrastructure Services and in line with the Road Access Guideline;
77. 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;
78. 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;

Development Charges

79. 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;
80. 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;
81. that the "*Developer*" immediately familiarise himself with the latest Development Charges applicable to his/her development;
82. that the "*Developer*" accepts that the Development Charges will be subject to annual adjustment up to date of payment. The amount payable will therefore be the amount as calculated according to the applicable tariff structure at the time that payment is made;

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83. 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;
84. 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 and or;
 - prior to the erf or portion thereof being put to the approved use;
85. 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 74 units, or which might lead to an increase in the Gross Leasable Area i.e. a GLA of more than 908 m², will result in the recalculation of the Development Charges;
86. 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;

Wayleaves

87. 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;
88. that wayleaves will only be issued after approval of relevant engineering design drawings;
89. 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)

90. 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;
91. 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;

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92. 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;
93. 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;
94. that the Constitution of the Owner's Association specifically describes the responsibility of the Owner's Association to deal with refuse removal as described in the "Solid Waste" section of this document;

Solid Waste

95. 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;

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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
96. 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;
 97. that the "Developer" must apply and get approval from the Municipality's Solid Waste Department for a waste removal service prior to clearance certificate or occupation certificate (where clearance not applicable). Contact person Mr Saliem Haider, 021 808 8241; saliem.haider@stellenbosch.gov.za;
 98. 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);
 99. that if the "Developer" wishes to remove the waste by private contractor, provision must still be made for a refuse room should this function in future revert back to the "Municipality";
 100. 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;
 101. Access shall be provided with a minimum travelable surface of 5 meters width and a minimum corner radii of 5 meters;
 102. 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;

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103. Minimum turning circle radius shall be 11 meters to the center line of the vehicle;
104. Road foundation shall be designed to carry a single axle load of 8.2 tons;
105. Refuse storage areas are to be provided for all premises other than single residential erven;
106. 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;
107. 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;
108. 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;
109. 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;
110. 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;
111. 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
112. 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;

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113. 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
114. Building specifications for refuse storage area:
- Floor**
- The floor shall be concrete, screened to a smooth surface and rounded to a height of 75mm around the perimeter. The floor shall be graded and drained to a floor trap (See: Water Supply and Drainage).
- Walls and Roof**
- The Refuse Storage Area shall be roofed to prevent any rainwater from entering. The walls shall be constructed of brick, concrete or similar and painted with light color high gloss enamel. The height of the room to the ceiling shall be not less than 2.21 meters.
- Ventilation and Lighting**
- The refuse storage area shall be adequately lit and ventilated. The room shall be provided with a lockable door which shall be fitted with an efficient self-closing devise. The door and ventilated area shall be at least 3 metres from any door or window of a habitable room. Adequate artificial lighting is required in the storage area.
- Water Supply and Drainage**
- A tap shall be provided in the refuse storage area for washing containers and cleaning spillage. The floor should be drained towards a 100 mm floor trap linked to a drainage pipe which discharges to a sewer gully outside the building. In some cases a grease gully may be required.
115. 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;
116. 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;
117. Refuse should not be visible from a street or public place. Suitable screen walls may be required in certain instances;

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123. 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;
124. 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

125. 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;
126. 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;
127. that clearance will only be given per phase and the onus is on the "Developer" to phase his development accordingly;
128. 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;
129. that any application for Certificate of Clearance will only be supported by the "Engineer" once all relevant as-built detail, as reflected in the item "AS-BUILT's" of this document, is submitted to the "Engineer" and approved by the "Engineer".

Avoidance of waste, nuisance and risk

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130. 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

131. 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";
132. 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;
133. 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;
134. 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";
135. The maintenance and servicing of all private internal street lighting shall be the responsibility and to the cost of the "Developer" and or Home Owner's Association.

**TYRONE KING Pr Tech Eng****MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)**

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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.

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Layer name	Content
TITLE	Title information, including any endorsements and references
NOTES	All noted information, both from the owner / surveyor and SG
PARENT_PROPLINES	Parent property lines
PARENT_PROPNUM	Parent erf number (or portion number)
PROPLINES	New portion boundaries
PROPANNO	New erf numbers
SERVLINES	Servitude polygons
SERVANNO	Servitude type
STREET_NAMES	Road centre lines with street names
STREET_NUMBERS	Points with street numbers
COMPLEX BOUNDARIES	Where applicable, polygon with complex name (mention whether gated or not and if so, where gates are)
SUBURB	Polygon with suburb name, where new suburb / township extension created
ESTATE	Where applicable, polygon with estate name (mention whether gated or not and if so, where gates are)

When data is provided in a .shp format it is mandatory that the .shx, .dbf, files should accompany the shapefile. The prj file containing the projection information must also accompany the shapefile.

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

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

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

- Datum : Hartebeeshoek WGS 84
- Projection : Transverse Mercator
- Central Longitude/Meridian 19
- False easting : 0.00000000
- False northing : 0.00000000

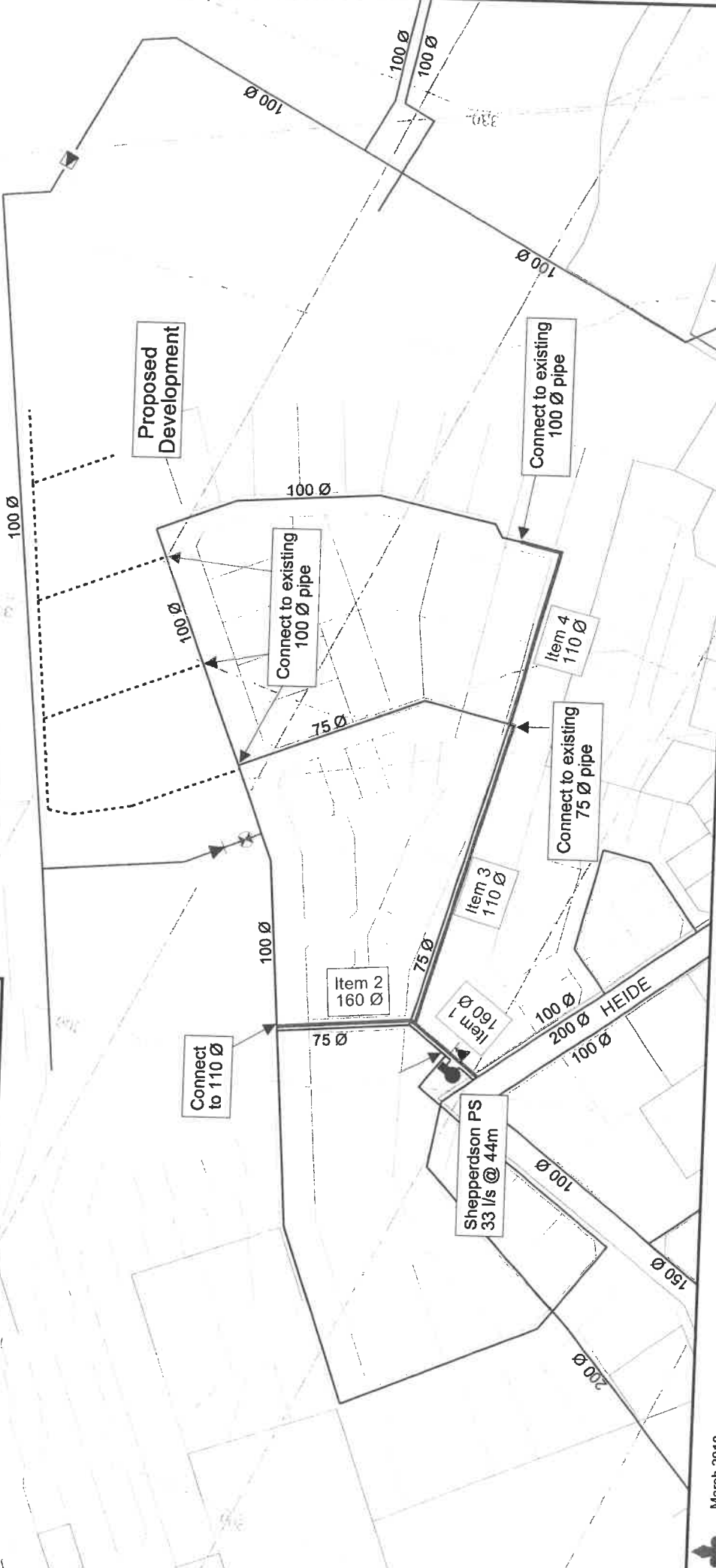
ERF 1692, FH: DEVELOPEMNT OF 28 SINGLE RESIDENTIAL ERVEN, 46 FLATS, AND 908m² OFFICES

- Central meridian : 19.00000000
- Scale factor : 1.00000000
- Origin latitude : 0.00000000
- Linear unit : Meter

FRANSCHHOEK WATER

Legend

- Franschoek reservoir zone
- Franschoek Estate (private pipes)
- Raw water pipe
- - - Internal pipes (schematically)
- Master plan pipes
- Existing reservoir
- Existing pump station
- Existing PRV
- - - Proposed development



255

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12000

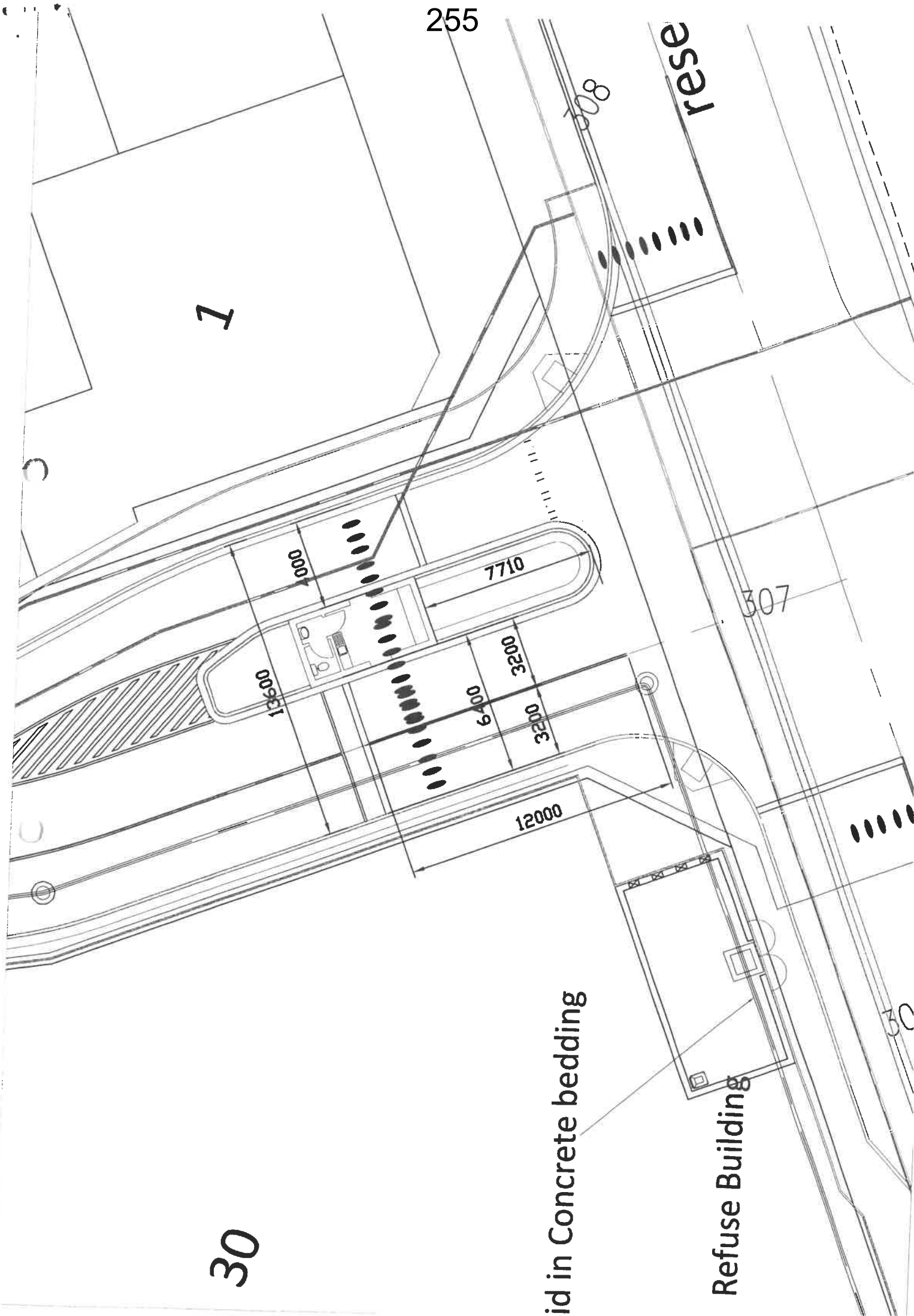
307

id in Concrete bedding

Refuse Building

30

30



Stellenbosch Municipality - Development Charge Calculation



APPLICATION INFORMATION

Application Number	Civil LU 1817 (town Planning - LU/8369)
Date	Wednesday, 23/Oct/2019
Financial Year	2019-20
Erf Location	Parade Street
Erf No	
Erf Size (m ²)	
Suburb	
Applicant	
Approved Building Plan No.	Proposed Subdivision Plan 1692/02/01 by Headland, dated May 2018. Apartment units (46) confirmed in Headland letter to Bulelwa Mdoda dated 6 March 2019. Therefore 28 single res + 46 flats

SUMMARY OF DC CALCULATION

Units	Water	Sewer	Storm-water	ha°C	Solid-Waste	Roads	Community/ Facilities	Totals
	kl/day	kl/day	kl/day	ha°C	t/week	trips/day	person	
Total Increased Services Usage	41.132	35.578		0.945	3.323	320.22	320.2	
Total Development Charges before Deductions	R 1 002 991.01	R 574 247.59	R 65 574.44		R 184 345.07	R 2 125 406.25	R 970 462.24	R 4 923 026.60
Total Deductions								
Total Payable (excluding VAT)	R 1 002 991.01	R 574 247.59	R 65 574.44		R 184 345.07	R 2 125 406.25	R 970 462.24	R 4 923 026.60
VAT	R 150 448.65	R 86 137.14	R 9 836.17		R 27 651.76	R 318 810.94	R 145 569.34	R 738 453.99
Total Payable (including VAT)	R 1 153 439.66	R 660 384.73	R 75 410.60		R 211 996.84	R 2 444 217.18	R 1 116 031.58	R 5 661 480.59

APPLICANT INFORMATION

Application Processed by:	Tyrone King
Signature	
Date	
Amount Paid:	As Above
Date Payment Received	
Receipt Number	

Franschhoek

Land Use Category	Unit Type	Existing Usage		Proposed New Usage		Increased Usage	Development Charge Invoiced (incl VAT)					Total													
		area (m2)	du/ha	area (m2)	du/ha		Water	Sewer	Storm-water	Solid-Waste	Roads		Community Facilities												
		du/ha	% GLA	du/ha	% GLA	du/ha	% GLA	du/ha	% GLA	du/ha	% GLA	du/ha	% GLA	du/ha	% GLA	du/ha	% GLA	du/ha	% GLA	du/ha	% GLA	du/ha	% GLA		
Residential	Single Residential >1000m2	du	0%	0	0%	0	0%	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-		
	Single Residential >500m2	du	0%	0	0%	0	0%	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-		
	Single Residential >250m2	du	0%	0	0%	0	0%	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-		
	Single Residential <250m2	du	0%	0	0%	0	0%	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-		
	Less Formal Residential >250m2	du	0%	0	0%	0	0%	R	409 662.77	R	225 967.35	R	34 986.36	R	62 128.82	R	722 883.39	R	722 883.39	R	722 883.39	R	362 262.97	R	1 817 891.65
	Less Formal Residential <250m2	du	0%	0	0%	0	0%	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Group Residential >250m2	du	0%	0	0%	0	0%	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Group Residential <250m2	du	0%	0	0%	0	0%	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Medium Density Residential >250m2	du	0%	0	0%	0	0%	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Medium Density Residential <250m2	du	0%	0	0%	0	0%	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Commercial	High Density Residential - flats	du	0%	46	0%	46	0%	R	504 763.05	R	296 985.66	R	25 545.60	R	102 068.77	R	816 470.97	R	816 470.97	R	595 146.31	R	2 340 980.35	R	-
	High Density Residential - student rooms	du	0%	0	0%	0	0%	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Local Business - office	m2 GLA	0%	908	0%	908	0%	R	88 565.19	R	51 294.59	R	5 042.48	R	20 147.49	R	586 051.89	R	586 051.89	R	13 052.97	R	764 154.60	R	-
	Local Business - retail	m2 GLA	0%	0	0%	0	0%	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	General Business - office	m2 GLA	0%	0	0%	0	0%	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	General Business - retail	m2 GLA	0%	0	0%	0	0%	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Community	m2 GLA	0%	0	0%	0	0%	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Education	m2 GLA	0%	0	0%	0	0%	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Light Industrial	m2 GLA	0%	0	0%	0	0%	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	General Industrial - light	m2 GLA	0%	0	0%	0	0%	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Industrial	General Industrial - heavy	m2 GLA	0%	0	0%	0	0%	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Medium Industrial - heavy	m2 GLA	0%	0	0%	0	0%	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Medium Industrial - heavy	m2 GLA	0%	0	0%	0	0%	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Resort	m2 GLA	0%	0	0%	0	0%	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Public Open Space	m2	0%	0	0%	0	0%	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Private Open Space	m2	0%	0	0%	0	0%	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Natural Environment	m2	0%	0	0%	0	0%	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Utility Services	m2 GLA	0%	0	0%	0	0%	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Public Roads and Parking	m2	0%	0	0%	0	0%	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	Transport Facility	m2	0%	0	0%	0	0%	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
Special	Limited Use	m2	0%	0	0%	0	0%	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-	R	-
	To be calculated based on equivalent demands																								
		0		0		0		0		0		0		0		0		0		0		0		0	

*** displays red if not equal to existing area

Category	Water	Sewer	Storm-water	Solid-Waste	Roads	Community Facilities	Total
Residential	R1 002 991.01	R574 247.59	R65 574.41	R184 345.07	R2 125 406.25	970 462.24	R4 923 026.60
Commercial	R150 448.65	R86 137.14	R9 836.17	R27 651.76	R318 810.94	970 462.24	R0.00
Industrial	R1 153 439.66	R660 384.73	R75 410.60	R211 996.84	R2 444 217.18	145 569.34	R4 923 026.60
Other							R738 453.99
Special							R5 661 480.59
Total	R1 002 991.01	R574 247.59	R65 574.41	R184 345.07	R2 125 406.25	970 462.24	R4 923 026.60

* du = dwelling unit, GLA=Gross lettable area.
 Total Development Charges before Deductions
 % Deductions per service (%)
 Additional Deduction per service (amount)
 Sub-Total after Deductions (excluding VAT)
 VAT
 Total

ANNEXURE R

**REMOVAL OF A RESTRICTIVE TITLE DEED
CONDITION, REZONING, SUBDIVISION,
PHASING, STREET NAME AND NUMBERING AND
DEPARTURES ON ERF 1692, FRANSCHHOEK**

RESPONSE ON COMMENTS RECEIVED

po box 176 grabouw 7160
 cell: 082 449 1801
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Your reference: LU/8369
 Our reference: FCH1692

The Acting Director: Planning & Economic Development
 Stellenbosch Municipality
 P.O. Box 17
 STELLENBOSCH
 7600

Date: 23 August 2019

For Attention: Bulelwa Mdoda

Dear Bulelwa

**RESPONSE TO PUBLIC AND DEPARTMENTAL COMMENT: REZONING, SUBDIVISION & REMOVAL OF RESTRICTIONS:
 ERF 1692, RESERVOIR STREET EAST, FRANSCHHOEK**

The above application, submitted on 10 July 2018 and revised on 31 August 2018, has reference.

The application was advertised, in accordance with the Municipality's *submission protocol and public participation requirements* memorandum, by means of registered letters to interested and affected parties ("I & APs"), civic organisations and state departments and a site notice placed on the property.

The application was advertised for 30 days to I & APs and civic organisations from 11 April to 12 May 2019 and for 60 days to external state departments from 11 April to 12 June 2019. During this public participation period, 4 letters of objection were received from the public and form a component of the portfolio of evidence submitted to Municipality. The public comment is summarised and responded to in section 1 hereunder.

It should be noted that objections 1 & 2 are copied verbatim and are therefore dealt with simultaneously.

The Municipality's internal engineering branch has commented on the application and a subsequent meeting with Tyrone King and Colin Taylor of the municipal engineering branch was held on the 21st of May 2019. Various requirements were set out by the officials and have been dealt with subsequently. Section 2.1 refers.

Comment has also been received from the Western Cape Road Network Management Department and the Department of Environmental Affairs and Development Planning (Western Cape Government). The departmental comment is summarised and responded to in section 2.2.

1. SUMMARISED PUBLIC COMMENT AND RESPONSE

Details of public objectors

1. MW Visser – 7 Calais Street, Franschhoek (erf 1376)
2. H Miller & P Morrison – 9 Calais Street, Franschhoek (erf 1375)
3. Victoria Village Homeowners' Association
4. Nicky Handfield – 2 Calais Street, Franschhoek (erf 1365)

A map indicating the location of the objectors (outlined in red) relative to the development property (outlined in blue) has been depicted on the following map, figure 1 refers.

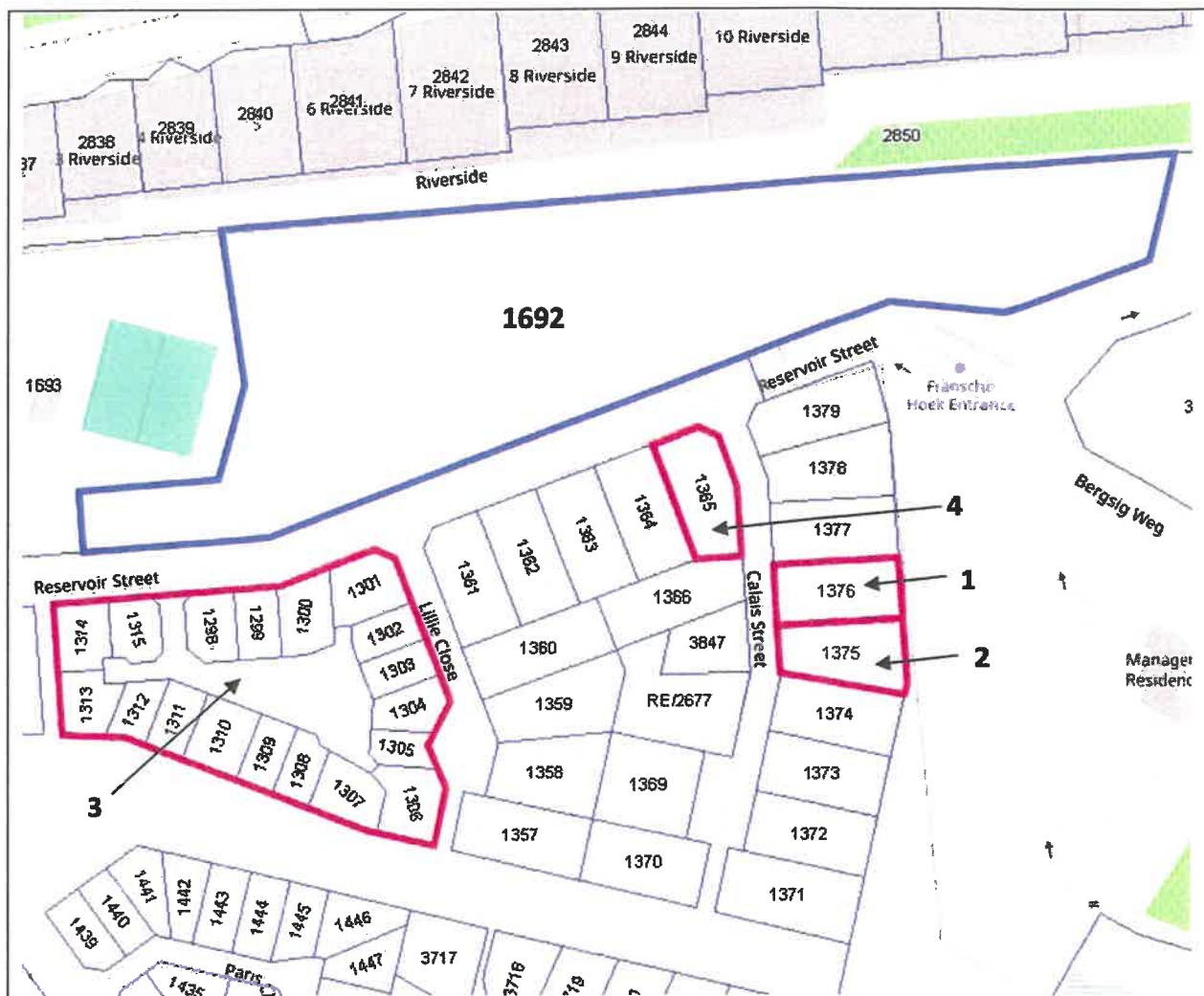


Figure 1: Map indicating location of objectors

Summarised Comment	Response
Objectors 1 & 2 – MW Visser and H Miller & P Morrison	
1.1. The relaxation of the building lines will have a significant impact on the quality of life of the adjacent property owners. Lesser buildings should be planned which do not require relaxation of building lines.	Given the design of the apartment units (made to appear as pitched dwelling houses) the impact of the visual appearance on the streetscape is negligible. The setbacks of the proposed apartments are not dissimilar to that of surrounding properties of which some are as close as 1.4m from an abutting street. Internal departures (against the inner private road) will have no impact on surrounding neighbours.
1.2. Reservoir Road is already extremely busy and the proposal will result in a worsened traffic situation.	The traffic study undertaken has indicated that the roads and intersections will continue to operate at an acceptable level of service with the inclusion of the development.
1.3. Speeding is an issue and accidents are felt to be a risk as a result of a lack of signage. Access is limited to residents beyond Lille Street resulting in vehicles having to U-turn, further increasing the accident risk.	Signage on public roads is a function of the Municipality.
1.4. In its current form, the access roads to and from the development are insufficient and the safety, traffic volume and noise have to be reconsidered urgently.	See 1.2 above.

1.5. The mixed use proposal does not lend itself to the area and viability of businesses within the development are highly unlikely due to lack of demand.	The business operation is niche and will provide a small number of offices for general practitioners, travel doctors, specialists, etc. Consultations are occasional and will provide accessible medical facilities for current and future residents alike.
1.6. Infrastructure upgrades are thought to be required in order to support the increase in development.	Certain infrastructure upgrades are proposed as a result of the development proposal and will be implemented by the Municipality with the aid of the development contributions (DCs) payable.
Objector 3 – The Victoria Village Homeowners’ Association	
1.7. The development proposal is not considered to be of an appropriate type and scale of densification in comparison to surrounding single residential development. The Franschhoek SDF clearly provides for mixed-use development along main road.	The most opportune land units available for densification are located, as the subject site is, within the urban edge and in places of existing urban development. The scale and architectural design have been applied to match the local vernacular. The spatial development framework supports meaningful densification in order to address the severe housing shortage being experienced in the Municipality as a whole. The provision of a range of dwelling sizes is further supportive of this spatial planning goal.
1.8. The general business zoning of portion 32 contradicts the planning documentation which reserves the portion for a medical facility. Reservoir Street is not an activity corridor and cannot support commercial and business-related development. The inclusion of a business use makes no spatial sense and will be to the detriment of the surrounding environment.	See 1.5 above. The development is residential in nature with the option of a niche medical space to provide services to the neighbourhood.
1.9. The density of the general residential and departures required are an indication that the property is being over-developed. The apartments are considered out of scale with the abutting single residential area.	Variety in the housing market is well-known to keep the market active, and Franschhoek is (for the most part) a town that supports only the affluent. The proposal seeks to provide a greater range of housing opportunities in the town. One must not forget the development is also significant in that it will redress the spatial injustice of the past. The claimants whom own the property are able to realise a better way of life as a result of the development.
1.10. There will be a substantial increase in traffic as a result of the development and no support of non-motorised/public transport has been provided.	See 1.2. above. The development is private and ties into the existing public road network at Reservoir Street.
1.11. As a result of the departures, scale and inclusion of a general business site, the development is considered undesirable and is opposed.	The objectors remark is considered their opinion and has not be adequately substantiated. It has been demonstrated that there is merit in the densification of existing urban areas and by doing so, a positive impact on the future of Franschhoek.

Objector 4 – N Handfield	
1.12. Relaxation of boundary restrictions will set a precedent that will impact Franschoek as a whole.	As previously discussed, the development setbacks are not dissimilar to that of the surrounding area. Furthermore, the Municipality is obliged to consider developments in isolation of precedent and rather on the merit in terms of forward planning and policy. Desirability has been proven as such.
1.13. It is important to protect the value and tourist attraction of the valley.	There is no evidence that suggests the proposed development will impact negatively on the value and tourist attraction. In fact, due to an overwhelming conversion rate of existing residential properties into tourist accommodation, the proposed development will contribute to restoring a much-needed balance between residential and tourist accommodation in the town.
1.14. The traffic generated by the proposed development, in addition to that of the Fransche Hoek estate cannot be supported by Reservoir Road.	See 1.2 above. The development will not result in an unfeasible traffic situation according to the professional traffic engineering report.
1.15. The area is residential, and the rezoning is considered impractical and destructive.	The development is residential in nature with a small commercial component aimed at a support role (medical facilities) that will benefit the neighbourhood overall.
1.16. The development will result in a less safe environment for residents and the rezoning for business will impact residents' safety.	Vacant and underutilised land is considered a safety risk. The development of the property will result in better surveillance in the neighbourhood and 24-hour guards at the access gate will ensure that there is always a security presence in the area.

2. RESPONSE TO INTERNAL AND STATE DEPARTMENT COMMENT

2.1. Stellenbosch Municipality Internal Comment

- 2.1.1. Stacking distance at entrance gate. Must align with TIA recommendation (12m from edge of sidewalk to gate).

Noted. A revision has been made to allow for the Department's stacking distance. The revised site development plan and engineering layout, appendices A & B respectively, refer.

- 2.1.2. Lane widths at entrance / exit. Must align with TIA recommendation.

A lane width to allow for emergency vehicles has been provided. The revised site development plan and engineering layout, appendices A & B, refer.

- 2.1.3. Turning and exiting space in front of the entrance gate in order to enable vehicles not allowed entrance to turn around. We do not want these vehicles to cause an obstruction at the entrance gate.

Additional space has been allocated to allow for security guards to control turning vehicles inside the development. The revised site development plan and engineering layout, appendices A & B respectively, refer.

- 2.1.4. As this is a private development, the municipal refuse vehicle will not enter the development. A refuse room and a refuse embayment must be provided – please indicate this on the SDP. The following guidelines apply: that provision be made for a refuse embayment off the

roadway/sidewalk to accommodate refuse removal from the refuse room. (Embayment to be minimum 15m x 2.5m). The refuse embayment design at new Le Bourgette development in Reservoir Street can be considered at Erf 1692, as this design allows the embayment to also be used to address 1.3 and 1.4 above.

A refuse room and embayment have been provided according to municipal requirements and in accordance with the meeting held on the 21st May 2019. The revised site development plan and engineering layout, appendices A & B respectively, refer.

2.1.5. Indicate on the SDP the parking calcs for each general residential erf.

The calculations have been provided, appendix A, the revised site development plan refers.

2.1.6. Insert a table with the breakdown of the development parameters (land use + flat/residential units + GLA + erf areas) – overall and per Phase. This is required for the DC calcs.

The table has been provided, appendix A, the revised site development plan refers.

2.1.7. Rue de vie is indicated as a 8.5m RR. Minimum is 10m. Please amend.

Noted. The revision has been made, appendices A & B, the revised site development plan and engineering layout respectively, refer.

2.1.8. GLS report requires that a section of the main outfall sewer be surveyed in order to verify that there is adequate spare capacity available to accommodate the development. Can you please provide the survey to GLS so that the capacity can be confirmed?

The requested survey has been undertaken by Johan Louw of Neil Woodin Surveys and supplied to GLS via the Municipality.

GLS has run their analysis of the revised survey invert levels and confirmed that sufficient capacity exists. Their confirmation, attached as appendix C, refers.

2.1.9. Stormwater discharge from the detention pond is proposed via an existing 450mm diameter pipe that runs to Fransche Hoek Private Estate (Erf 2850) to the north. Where does the pipe connect to and is there sufficient capacity? Conditions of approval will be that a servitude for the use of the SW pipe must be registered in favour of Erf 1692 (if not already done). An overland escape route for SW to escape, should the pipe be blocked, must also be agreed with the owner of Fransche Hoek Estate and constructed. Please confirm if any discussion on this topic have been held with Fransche Hoek estate and the outcome thereof.

Capacity has been confirmed by GLS after provision of the surveyed stormwater and sewer services. Appendix C refers.

2.2. Comment from State Departments

- **The Department of Environmental Affairs and Development Planning** has granted an environmental authorisation for the development in their letter dated 2018-04-18. The letter forms a component of the portfolio of evidence submitted to the Municipality.

Furthermore, the department has responded to the 60-day circulation with their letter dated 5 August 2019. The letter amounts to a confirmation of the validity of the environmental authorisation and is attached in the portfolio of evidence.

- **Heritage Western Cape** has approved a Notification of Intent to Develop application. A copy of the approval is included in the portfolio of evidence.
- **The Western Cape Government: Road Network Management Branch** offers no objection to the proposed development.

3. CONCLUSION

The objections raised by the I & APs are not of a significant nature to warrant any changes to the development as envisaged. The merits of densification and providing additional residential housing opportunities are substantial and are in support of the spatial planning goals of the Municipal Spatial Development Framework.

The application carries the additional weight of land restitution and righting the failings of the past system of racial segregation and disempowerment of the apartheid government.

Municipal engineering concerns have been resolved in a separate consultation with the officials and on provision of the required information to GLS to confirm that capacity is available.

Provincial environmental, heritage and transport authorities are satisfied and have consequently offered their approval of the development.

We trust the above is in order and will allow the Municipality to continue to process the application.

Yours Faithfully,



Tristan Sandwith

HEADLAND
TOWN PLANNERS

ANNEXURE S

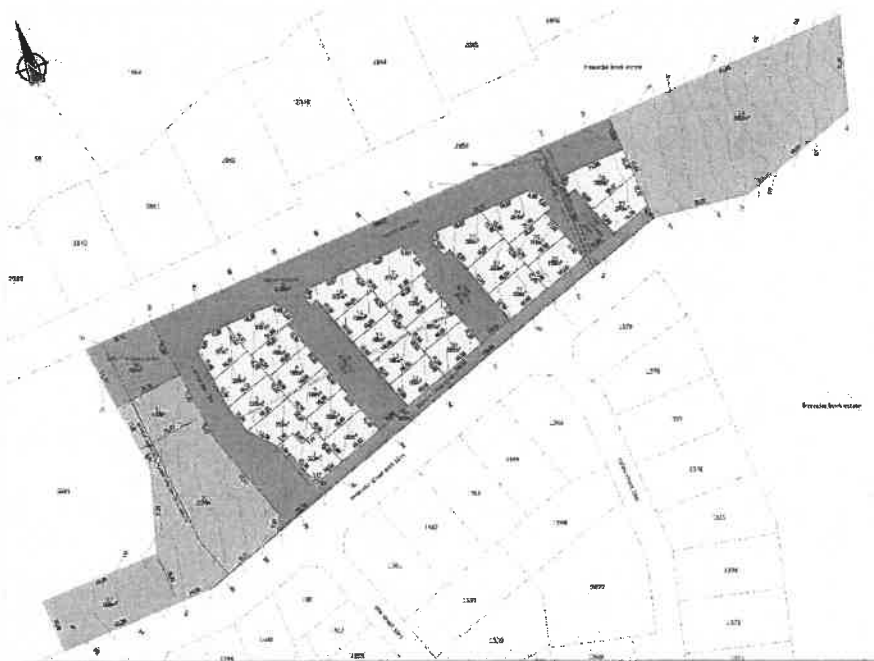
**REMOVAL OF A RESTRICTIVE TITLE DEED
CONDITION, REZONING, SUBDIVISION,
PHASING, STREET NAME AND NUMBERING AND
DEPARTURES ON ERF 1692, FRANSCHHOEK**

TRAFFIC IMPACT ASSESSMENT

PROPOSED RESIDENTIAL & COMMERCIAL DEVELOPMENT (ERF 1692), FRANSCHHOEK

Traffic Impact Assessment

LOCATED ERF 1692 IN FRANSCHHOEK,
WESTERN CAPE



Project No. : STUR0202

**NOVEMBER
2017**

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TRANSPORT PLANNING AND TRAFFIC ENGINEERING

DOCUMENT CONTROL SHEET

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		SIGNATURE 	SIGNATURE 
9 November 2017	Final	NAME Sarah Larratt, Pr. Tech Eng	NAME Barend du Preez, Pr. Eng
		SIGNATURE 	SIGNATURE 
TITLE: ERF 1692 FOR PROPOSED RESIDENTIAL & COMMERCIAL DEVELOPMENT, FRANSCHHOEK: TRAFFIC IMPACT ASSESSMENT			
CARRIED OUT BY: Sturgeon Consulting Postnet Suite #347 Private Bag x1 Melkbosstrand 7437 Tel: +27 21 553 4167 Fax: +27 86 559 5327 Email: barend@sturgeonsa.co.za		COMMISSIONED BY: Headland Town Planners PO Box 66 Vlottenburg 7604 Cor Agenbag Email: cor@headland.co.za	
SYNOPSIS: This report assesses the key transportation issues pertaining to the development of 74 residential units and a general business component on erf 1692 in Franschhoek.			

SUMMARY SHEET

Report Type	Traffic Impact Assessment
Title	Proposed Residential & Commercial Development (Erf 1692)
Location	Franschhoek, Western Cape
Client	Mr Cor Agenbag
Reference Number	STUR0202
Project Team	Sarah Larratt Barend du Preez
Contact Details	083 418 4241 or sarah@sturgeonsa.co.za
Date	November 2017
Report Status	Final

This transport impact assessment has been prepared by a suitable qualified and registered professional traffic engineer. Details of any of the calculations on which the results of this report are based will be made available on request.

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Acronyms

TIA – Traffic Impact Assessment

SDP – Site Development Plan

LOS – Level of Service

PHF – Peak Hour Factor

AM – Morning

PM – Afternoon

d – Average delay in seconds

v/c – Volume/capacity ratio

vph – vehicles per hour

Traffic Impact Assessment (TIA)	
Proposed Residential & Commercial Development (Erf 1692), Franschhoek, Western Cape	
1. Purpose of Report	<p>To determine the expected transport related impacts of the proposed development on the surrounding road network.</p> <p>This TIA is submitted as part of the application for the proposed rezoning and subdivision of Erf 1692 for the development of 74 residential units and offices in Franschhoek.</p>
2. Locality <i>Reference: Figure 1</i>	<p>Erf 1692, Franschhoek, Western Cape</p> <p>Description: The subject property is east of the Franschhoek town area and to the north of Reservoir East Road. It forms part of the urban footprint of Franschhoek.</p>
3. Scope of Work	<p>The scope of work included in this TIA covers the following traffic engineering aspects:</p> <ul style="list-style-type: none"> • Site observations • Existing traffic flows in the vicinity of the development • Existing & future road network planning • Trip generation for the proposed development • Traffic flow analysis • Recommended road upgrades if necessary • Non-motorised Transport (NMT) and Public transport • Access assessment • Parking requirements •
4. Proposed Development	<p>The subject property currently comprises of vacant land.</p> <p>The proposed development consists of 74 units (28 single dwellings and 46 apartments) and a general business component comprising of 366m² GLA for offices in Franschhoek.</p>
5. Land Use <i>Reference: Figure 2</i>	<p><u>Existing Use:</u> Agriculture</p> <p><u>Proposed Use:</u> Single dwelling units (28 units), apartments/flats (46 units) in a secure complex and general business zone (offices 366m² GLA)</p>

6. Existing Access

There is currently no formal access off Reservoir East Road to the subject property. The new site access location will be discussed later in **Section 16**.

**7. Existing Roadways**

Huguenot Road (MR191): Class 2 primary distributor and is a proclaimed main road. Huguenot Road (R45) links Paarl between the R101 via Simondium with Franschhoek and is a two-lane undivided road with 2.0m surfaced shoulders out of the town CBD. Within the CBD area parking exists on both sides of the road and the posted speed limit through the town is 60km/h. There are paved sidewalks on both sides of the road within the town area.



Reservoir East Road: Class 4 minor road and is a two-lane undivided road with gravel/grass verges and a posted speed limit of 60km/h. It links with Huguenot Road in the southwest toward the residential estate to the northeast.



Nerina Road: Class 4 residential street, two-lane undivided with on-street parking, approximately 11m wide. It links Reservoir East Road with Lambrechts Road.



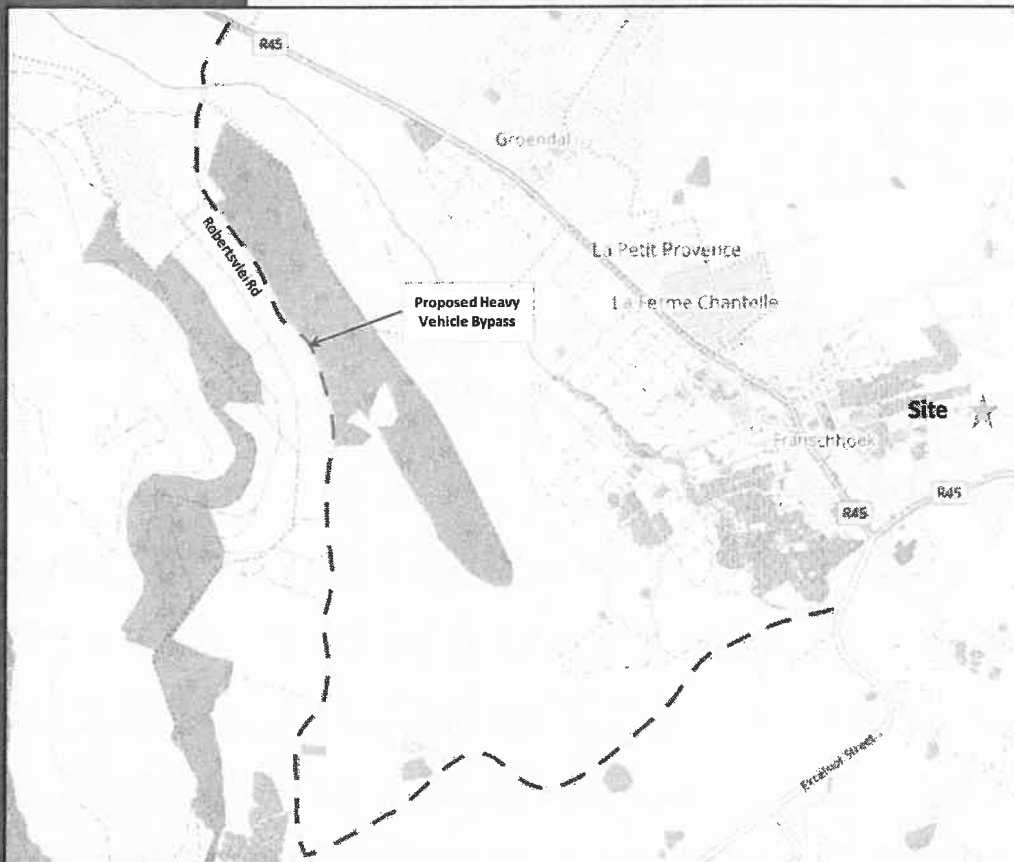
Lambrechts Road (MR191): Class 2 primary distributor and is a proclaimed main road. It links to Huguenot Road and provides access to Villiersdorp via the Franschhoek Pass. It is a two-lane undivided road with grass verges on either side. The posted speed limit west of Nerina Road is 60km/h and to the east it increases to 80km/h.



8. Future Road Network

The upgrading of the Main Street is currently underway and should be extended to Franschhoek North, including the provision of cycle paths.

Robertslei Road (DR1351) has been earmarked by Province as a heavy vehicle bypass route to the CBD of Franschhoek which would require the upgrading of the gravel section of Robertslei Road.



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

9. Analyses Hours

Peak period traffic counts were undertaken on Thursday 27 July 2017 between 07:00 and 09:00 during the AM peak period and between 16:00 and 18:00 during the PM peak period.

10. Scenarios Analysed

2017 Present Traffic Demand

2022 Background Traffic Demand (2017 traffic volumes escalated with a growth rate, as discussed in Section 13 of this report)

2022 Total Traffic Demand (Background Traffic volumes with development trips)

Intersection analyses were done using SIDRA Intersection software (version 7).

11. Study Intersections

Based on our experience with similar traffic studies, the anticipated traffic impact on the surrounding road network and its location within the wider road network, the following intersections were included in the scope of the study:

1. Huguenot Road (MR191)/Reservoir East Street (Stop controlled)
2. Reservoir East Street/Nerina Street (Stop controlled)
3. Lambrechts Road (MR191)/Nerina Street (Stop controlled)

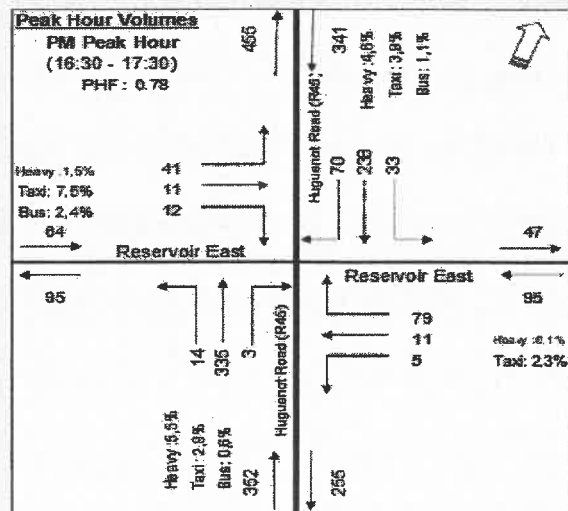
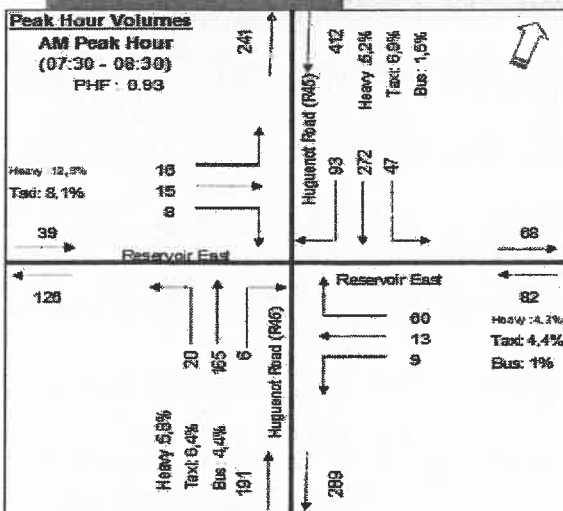


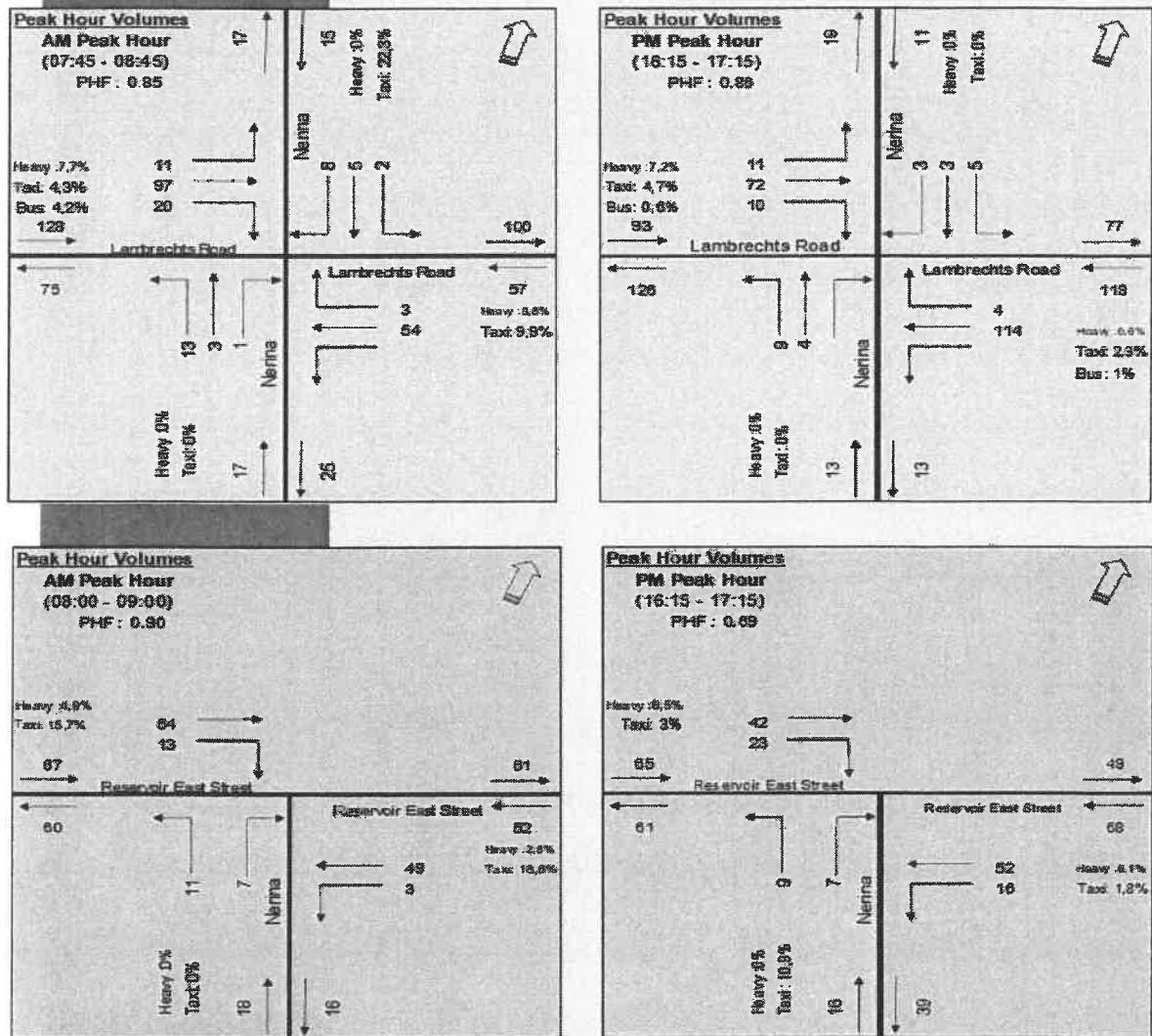
12. Existing Operations

References: Figure 3 & 4, Table 1

The present traffic demand on the surrounding road network was estimated from traffic counts conducted at key intersections undertaken on Thursday 27 July 2017 during the AM and PM peak periods over a two-hour period.

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





The following comments are made in relation to the traffic volumes (total two-way) on the surrounding road network:

- Huguenot Street (MR191) carries a medium volume of traffic with 653 vph (two-way) during the AM peak hour and 796 vph during the PM peak hour.
- Reservoir East Road carries a low volume of traffic with ±130 vph (two-way) during both the AM and PM peaks.
- Low volumes of traffic are experienced on Nerina Street with the highest two-way volume during the PM peak hour of 55 vph.
- Low-medium volumes of traffic are experienced along Lambrechts Road (MR191), 203 vph during the AM peak hour and 219 vph during the PM peak hour.
- The major traffic movement along Huguenot Street (MR191) is southbound in the AM peak (412 vph) and northbound in the PM peak (455 vph).

The existing traffic count data is illustrated in Figure 3 and Figure 4.

	<p>All the study intersections are currently operating at acceptable Levels-of-Service (LOS) with delays of less than 15 seconds.</p> <p>Hence, no upgrades or improvements are recommended at this time.</p>
<p>13. Background Traffic</p> <p><i>References: Figure 5 & 6, Table 1</i></p>	<p>Background Growth Rate: An average growth rate of 3% per annum was used based on historic traffic counts and is estimated to be the average annual growth rate in the area taking into account the magnitude of on-going development in and around the area as well as the current economic climate.</p> <p>The estimated 2022 AM and PM background traffic volumes are indicated in Figure 5 and Figure 6.</p> <p>There are no intersections with capacity constraints for this scenario and all study intersections are expected to operate at satisfactory levels of service (LOS).</p> <p>Therefore, no upgrades or improvements are required with this scenario.</p>
<p>14. Trip Generation Rates</p> <p><i>References: Table 2</i></p>	<p>The additional vehicle trips that will be generated by the proposed residential and commercial development were calculated using the trip generation rate as provided in the <i>TMH17 South African Trip Data Manual (Volume 1, September 2012)</i> published by the Committee of Transport Officials (COTO).</p> <p>The recommended peak hour trip generation rates for single dwelling units, apartments/flats and offices is shown below:</p> <ul style="list-style-type: none"> • Single Dwelling: 1.0 trips/unit (AM 25:75, PM 70:30) • Apartments/flats: 0.65 trips/unit (AM 25:75, PM 70:30) • Offices: 2.10 trips/100m² (AM 85:15, PM 20:80) <p>The estimated peak hour trips are summarised in Table 2.</p>
<p>15. Development Trips</p> <p><i>References: Figures 7 & 8, Table 3</i></p>	<p>The total peak hour trips likely to be generated by the development in the AM and PM peak hours are:</p> <ul style="list-style-type: none"> • 66 total AM trips (21 inbound 45 outbound) • 66 total PM trips (42 inbound 24 outbound)
<p>16. Trip Distribution</p>	<p>The development traffic for the proposed development has been distributed on the surrounding road network taking the following into account:</p> <ul style="list-style-type: none"> • Present traffic conditions • The nature of the development being residential with a component of commercial

	<p>Based on the location of the proposed development and traffic patterns on the surrounding network the following distribution was used to assign the development traffic to the surrounding network:</p> <ul style="list-style-type: none"> • 40% to/from north along Huguenot Street (MR191) • 30% to/from south along Huguenot Street (MR191) • 10% to/from west along Reservoir East Street • 10% to/from west along Lambrechts Road (MR191) • 10% to/from east along Lambrechts Road (MR191) <p>The resulting development trips were assigned to the expected (2022) background traffic volumes. The resulting total traffic volumes are shown in Figure 10 and Figure 11.</p>
<p>17. Site Access</p> <p><i>References: Figure 9</i></p>	<p>Number of Accesses: Two</p> <p>Access to the proposed residential complex development is off Reservoir East Street opposite Lillie Road and the access to the commercial component is approximately 80m west of the access to the residential component.</p> <p>The position and spacing of the accesses is illustrated in Figure 9.</p> <p>The proposed site access to the residential component will require a three-lane cross section i.e. two lanes in (one residents and one for visitors) and one lane out. The access intersection on the development access side will be stop controlled.</p> <p>The proposed site access to the commercial component will be a two-lane cross-section and will be stop controlled as well.</p> <p>All the vehicles will exit the site to the right and the majority of these will travel towards Huguenot Street.</p> <p>Either the entrance or the exit lanes to the development should have a minimum width of 4m and a minimum height clearance of 4.2m to overhead structures. This will allow for unimpeded access to emergency, refuse and delivery vehicles.</p> <p><u>Access Control:</u> A security controlled boom/gate with remote control access is proposed at the entrance to the residential component. The required stacking space is commented on in Section 20. There will be no access control required at the commercial site.</p> <p><u>Refuse:</u> Refuse removal will happen via the proposed access off Reservoir East Street at a refuse yard. Refuse vehicles will not enter the development.</p>
<p>18. Impact of Development Traffic</p> <p><i>References: Figures 10 & 11 and Table 1</i></p>	<p>To assess the impact of the proposed development on the road network, the intersections were analysed with development traffic for the expected 2022 scenario.</p> <p>All study intersections are expected to operate at acceptable levels-of-service. No upgrades or improvements are required.</p> <p>The development accesses to the residential area and offices are also expected to operate at good levels of service (LOS).</p>

19. Queue Analysis*Reference: Table 4*

A queue analysis was conducted for the access to the residential component on Reservoir East Street using the highest expected inbound traffic demand to determine the maximum theoretical delay at the access. It is proposed that a remote-controlled sliding gate be used. An average service rate of 150 vehicles per hour has been used for analysis to allow for remote controlled gates. The peak inbound volume is 41 vph for the residential development from Reservoir East Street during the PM peak hour.

It is recommended that an 95th percentile queue length be used as applicable to access on Class 4 roads to determine the theoretical stacking at the access.

Based on the analysis results shown in Table 4, the 95th percentile queue requires a minimum of 12m (6m per vehicle) to be provided between the gate and the edge of the public street. The SDP confirms that there is sufficient stacking space (12m) at the entrance to account for any delays that may be encountered and will not impact on Reservoir East Street. The access width and a minimum height clearance of 4.2m must allow for unimpeded access for emergency and service vehicles.

An access with 2 lanes in and 1 lane out will allow for visitors to use one lane and reduce the probability of queuing even more.

The office component of the development won't have access control and will require 1 lane in and 1 lane out.

20. Parking Requirements

The parking provision for the proposed development should satisfy the minimum requirements according to the Local Authority (Section 8 Zoning Scheme Regulations).

The parking ratios proposed are as follows:

- Single Residential: 2 bays per unit = 56 bays
- Apartments/flats: 1.25 bays per unit = 58 bays
- Offices: 1 bay per 25m² floor area = 15 bays

The proposed development must provide a total of **114 bays** for the 28 single dwelling units and 46 apartment/flats and 15 bays for the offices.

21. Non-Motorised Transport (NMT)*Reference: Figure 12*

There are no formal sidewalks along Reservoir East Street in the vicinity of the site. Pedestrians use the gravel verges or walk in the road. The pedestrian demand in the area is deemed to be low. There are formal sidewalks along Huguenot Street in the CBD.



	<p>There are no formal NMT facilities along Lambrechts Road either.</p> <p>As part of the Stellenbosch 2015 NMT Network Plan (May 2015), a 1.5m sidewalk was recommended along the northern edge of Reservoir East Street between Akademie Street and Calais Road (See Figure 12).</p> <p>No further NMT improvements are proposed.</p>
22. Public Transport	<p>During the site visit and traffic surveys it was evident that Huguenot Street, Reservoir East Street and Lambrechts Road are used by minibus taxis. There are no public transport facilities within walking distance of the proposed development.</p>
23. Conclusions	<p>This report describes the investigation of transport implications of the proposed new residential and commercial development in Franschhoek. It summarises the existing transportation conditions within the site vicinity, provides an assessment of the transportation impacts of the proposed development on the surrounding road network, and recommendations with regard to improvements to mitigate negative impacts, where necessary.</p> <p>The main findings and conclusions are:</p> <ul style="list-style-type: none"> • This TIA is in support of the application for rezoning and subdivision of Erf 1692 Franschhoek. • The proposed development will consist of 28 single dwelling units, 46 apartments/flats and 366m² GLA for offices. • Access to the residential component of the development will be from Reservoir East Street opposite Lillie Road and the access to the offices will be approximately 80m west of this access. • The whole development has the potential to generate 66 trips during the peak hours (21 in and 45 out during the AM peak hour and 42 in and 24 out during the PM peak hour). • At present, all intersections are operating at good levels of service during both the peak hours. • No improvements are required to accommodate the growth in background traffic (2022) as well as once all the development traffic is added to the network. • The site access to the residential component should have two lanes in (one residents and one for visitors) and one lane out. • The entrance gate to the site is to be setback a minimum of 12m from the road edge of the public street. • Parking should be provided at a rate of 2 bays per unit for the single dwelling units (56 bays), 1.25 bays per unit for the apartments/flats (58 bays) and 1 bay per 25m² for offices (15 bays). • Refuse removal will occur from the Reservoir East Street service access. • No public transport and NMT improvements are required.

24. Recommendations**It is recommended that:**

- The detailed design of the proposed accesses on Reservoir East Street are approved by the Municipality before construction commences.
- The proposed development is approved from a traffic impact point of view.

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1. Western Cape Government: Access Management Guidelines, Draft, July 2016.
2. Department of Transport, Guidelines for Traffic Impact Studies, Report No. PR93/645, Pretoria, 1995.
3. Department of Transport, South African Trip Generation Rates, Report No. RR92/228, Pretoria, 1995.
4. Committee of Transport Officials (COTO), South African Trip Data Manual, Volume 1 TMH 17, September 2012.
5. Committee of Transport Officials (COTO), South African Traffic Impact and Site Traffic Assessment Manual Standards and Requirements Manual, Volume 2 TMH 16, September 2012.
6. Committee of Transport Officials (COTO), South African Traffic Impact and Site Traffic Assessment Manual, Volume 1 TMH 16, September 2012.
7. Western Cape Government, Land Use Planning Ordinance 15 of 1985, Section 8 Zoning Scheme Regulations (P.N. 1048/1988), 5 December 1988.

APPENDIX A: FIGURES



Project:

ERF 1692, FRANSCHHOEK TIA

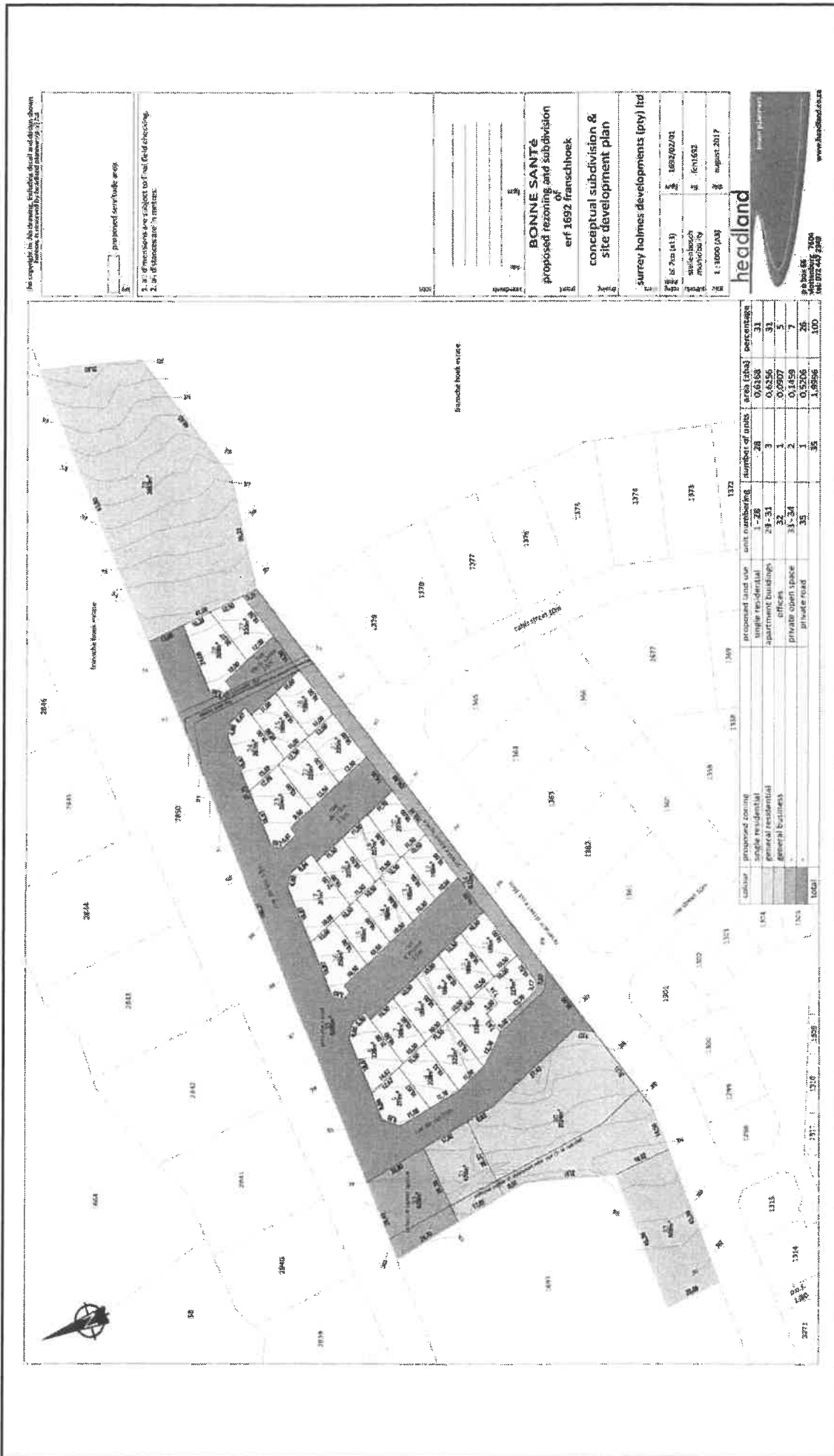
Job No:

STUR0202

Figure:

1

LOCALITY PLAN

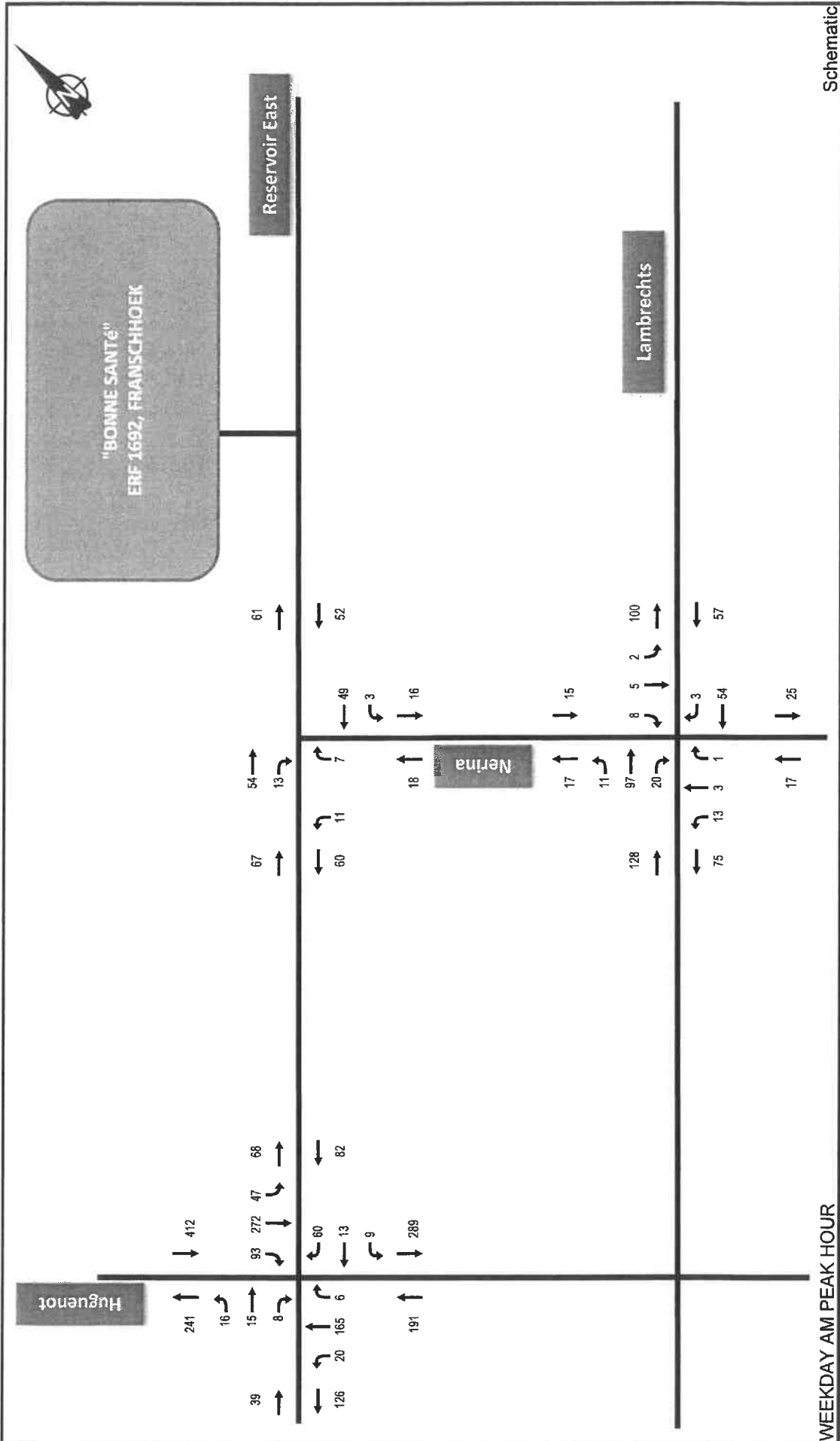


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Transport Planning & Traffic Engineering
021 553 4167 / 083 701 2299

Project: **ERF 1692, FRANSCHHOEK TIA**

Job No: **STUR0202**

Figure: **2**

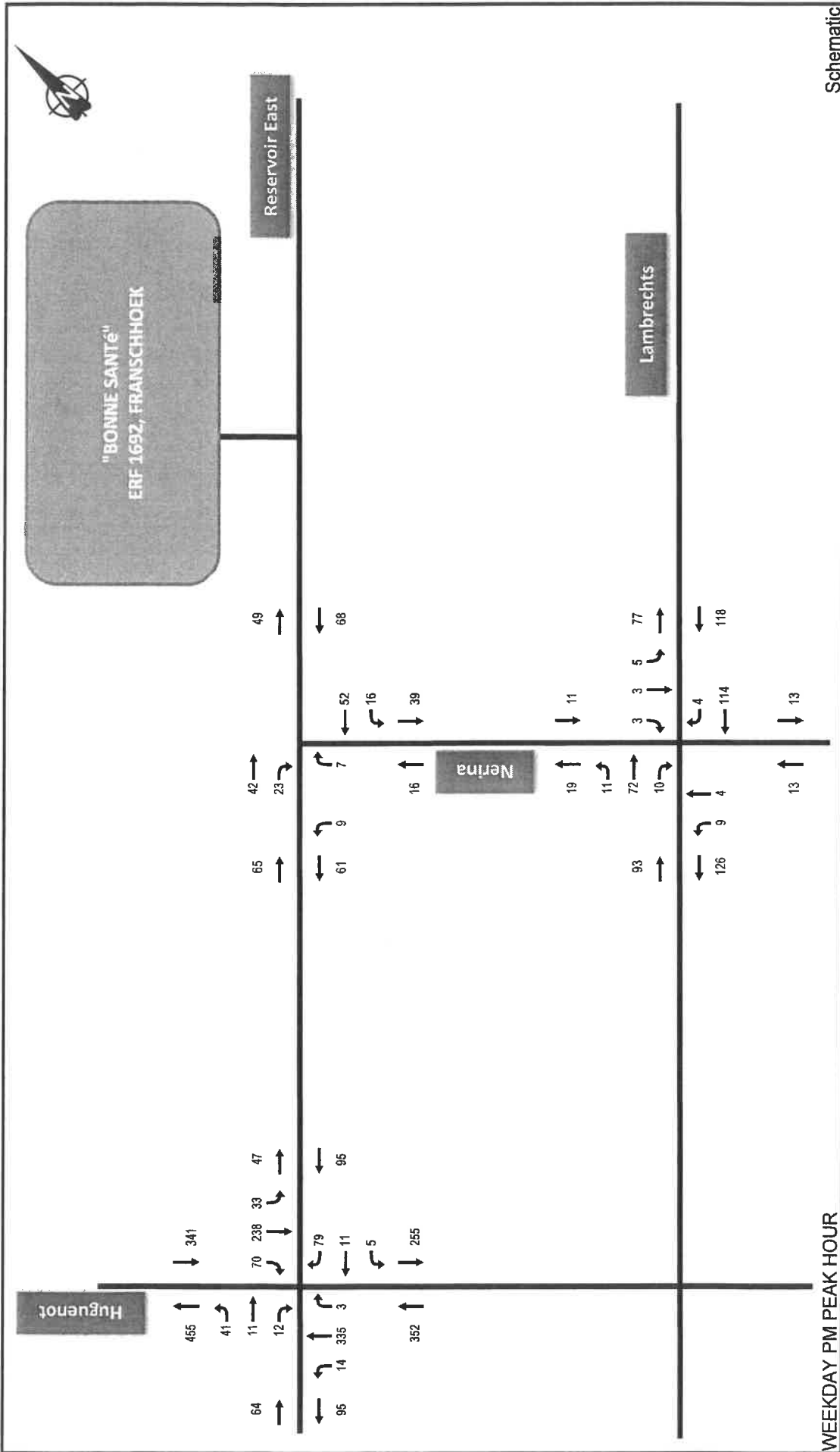


Erf 1692, Franschoek TIA

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Fig:
3

Present Traffic Demand (2017)

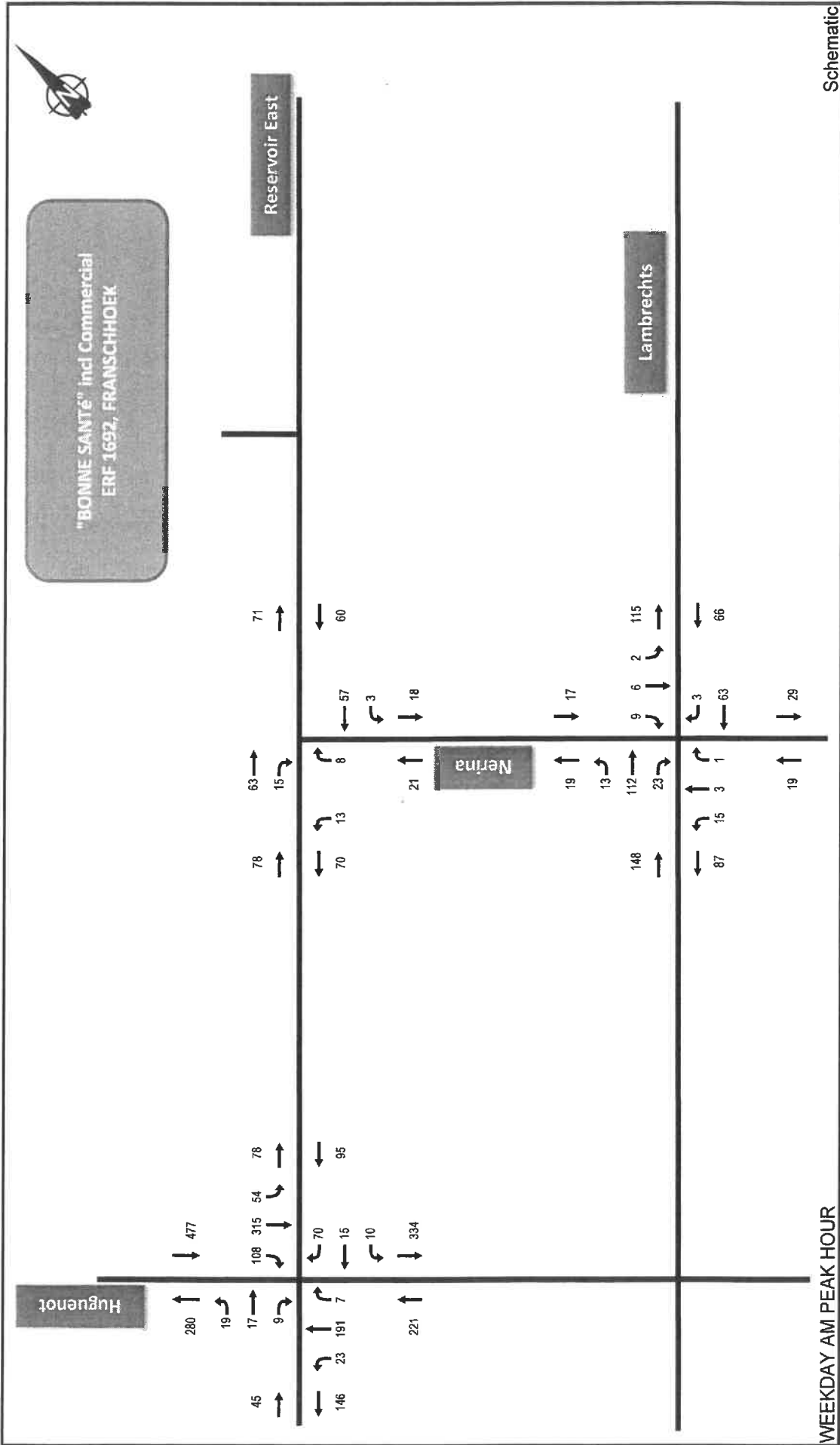


Erf 1692, Franschoek TIA

Present Traffic Demand (2017)

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Fig: **4**

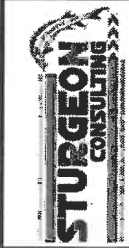
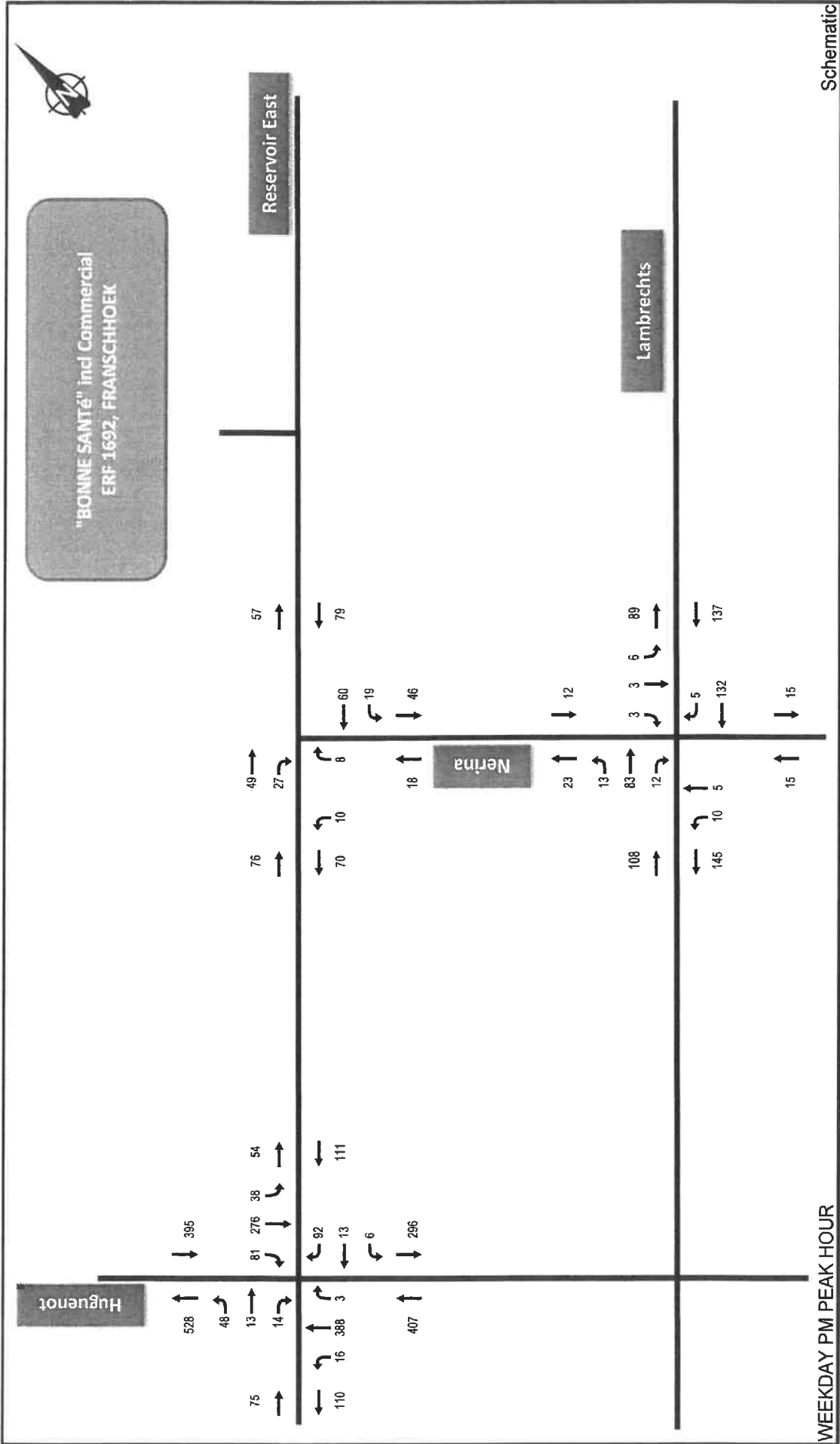


Erf 1692, Franschoek TIA

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Fig: **5**

Expected 2022 Traffic Demand

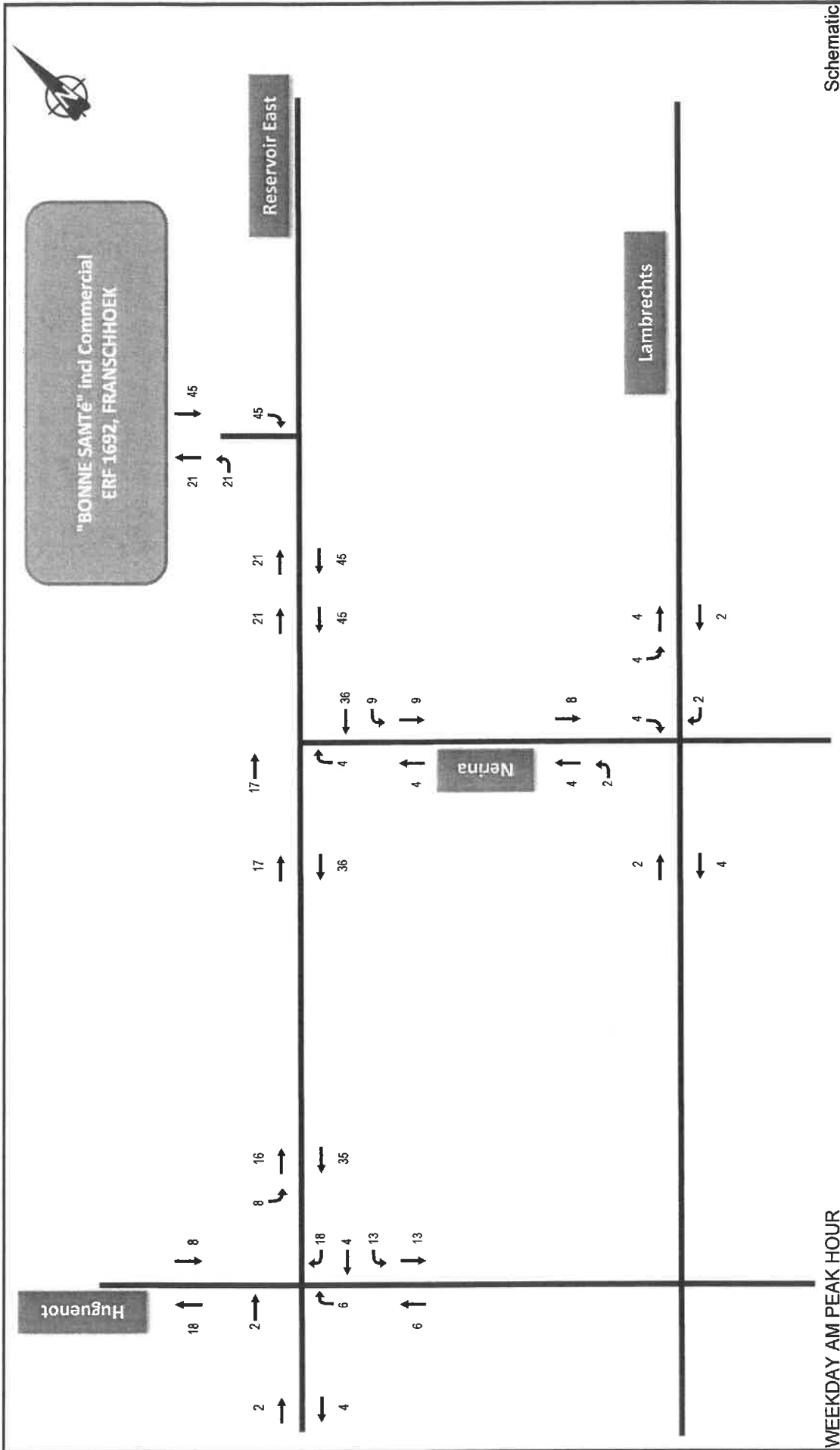


Erf 1692, Franschoek TIA

Expected 2022 Traffic Demand

Job Ref No: **STUR0202**

Fig: **6**



Erf 1692, Franschhoek TIA

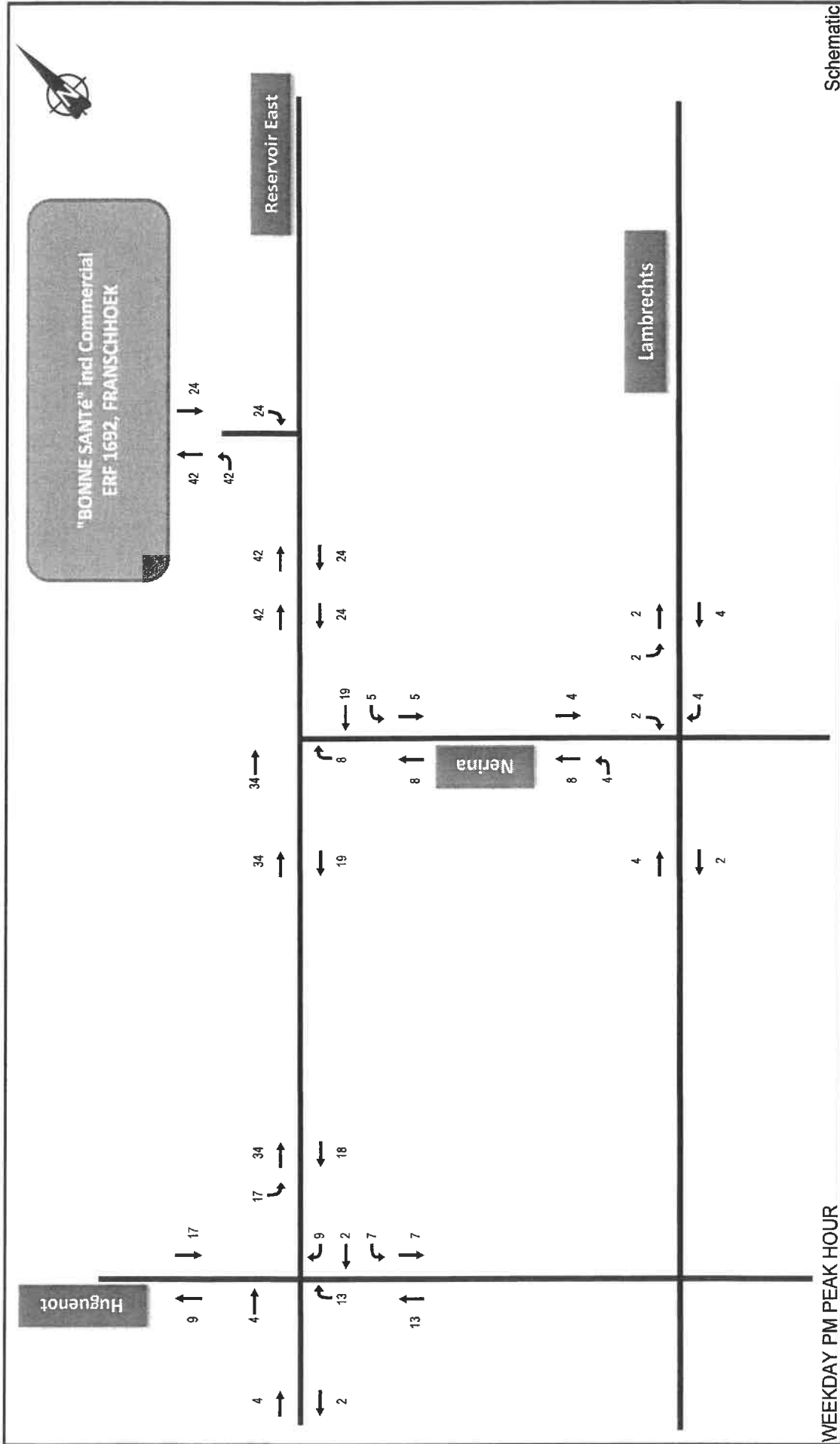
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Fig:

7

Development Traffic

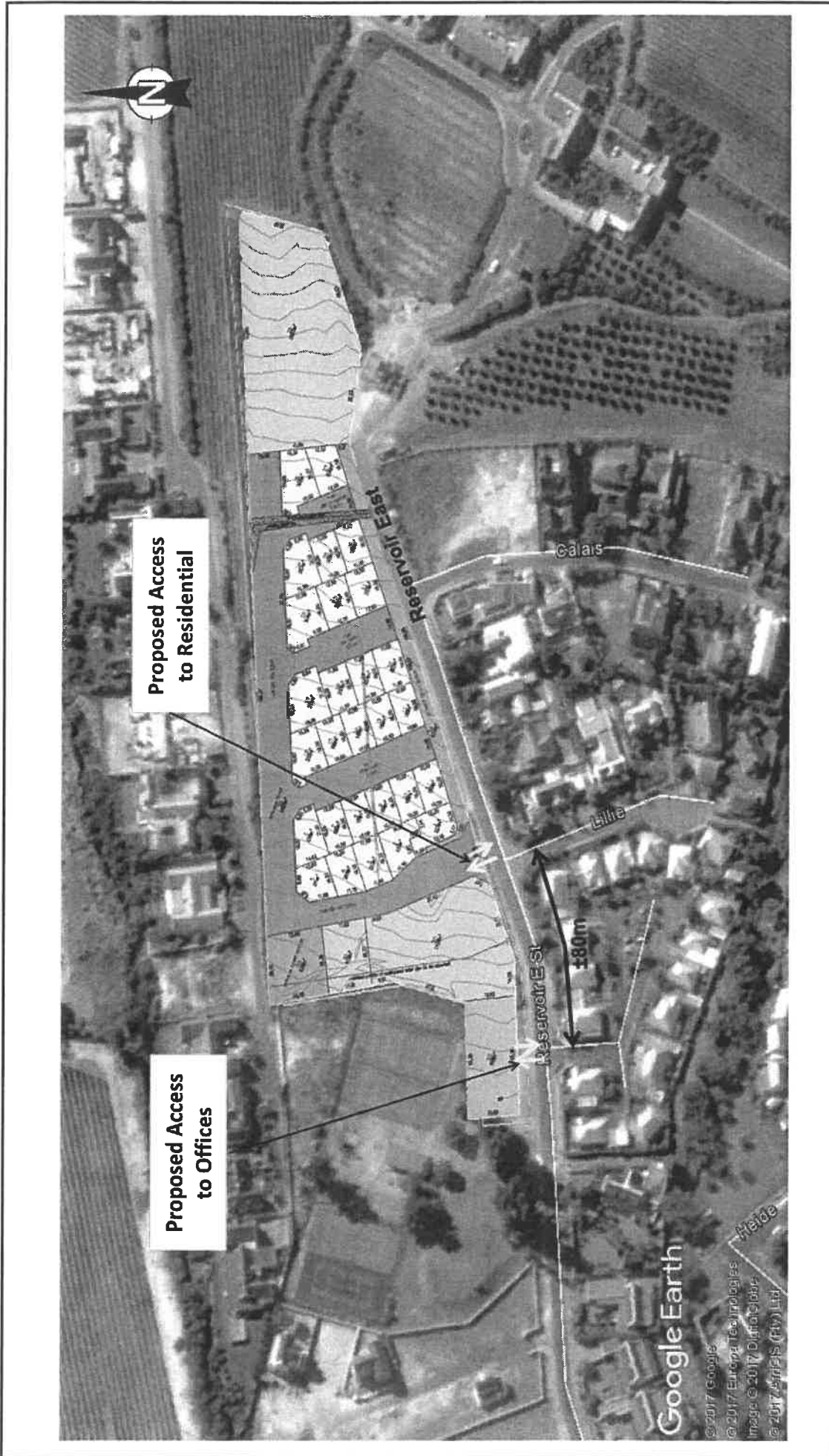


Erf 1692, Franschhoek TIA

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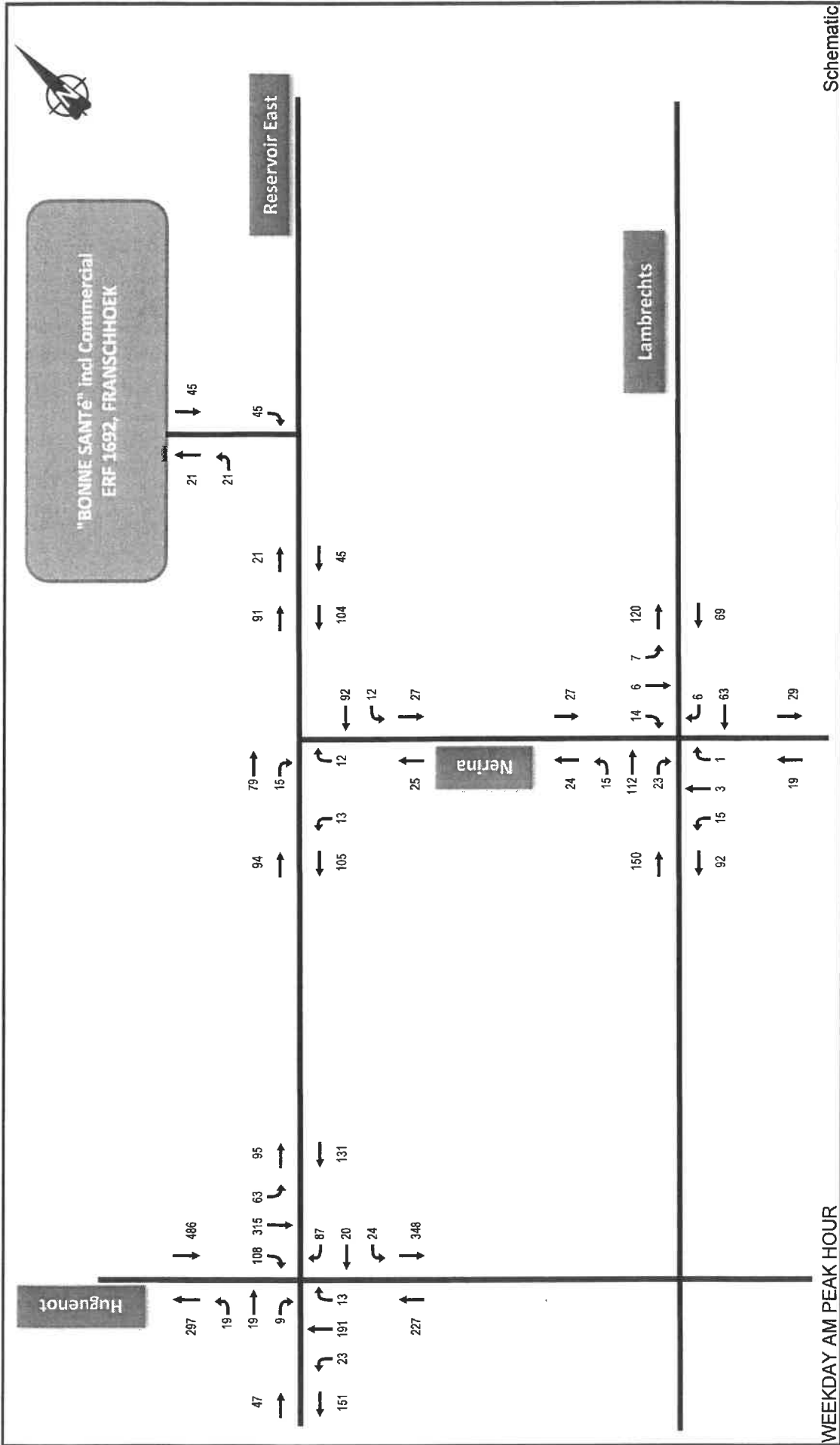
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8

Development Traffic



Job No:	STUR0202
Project:	ERF 1692, FRANSCHHOEK TIA
Figure:	9
SITE ACCESS	

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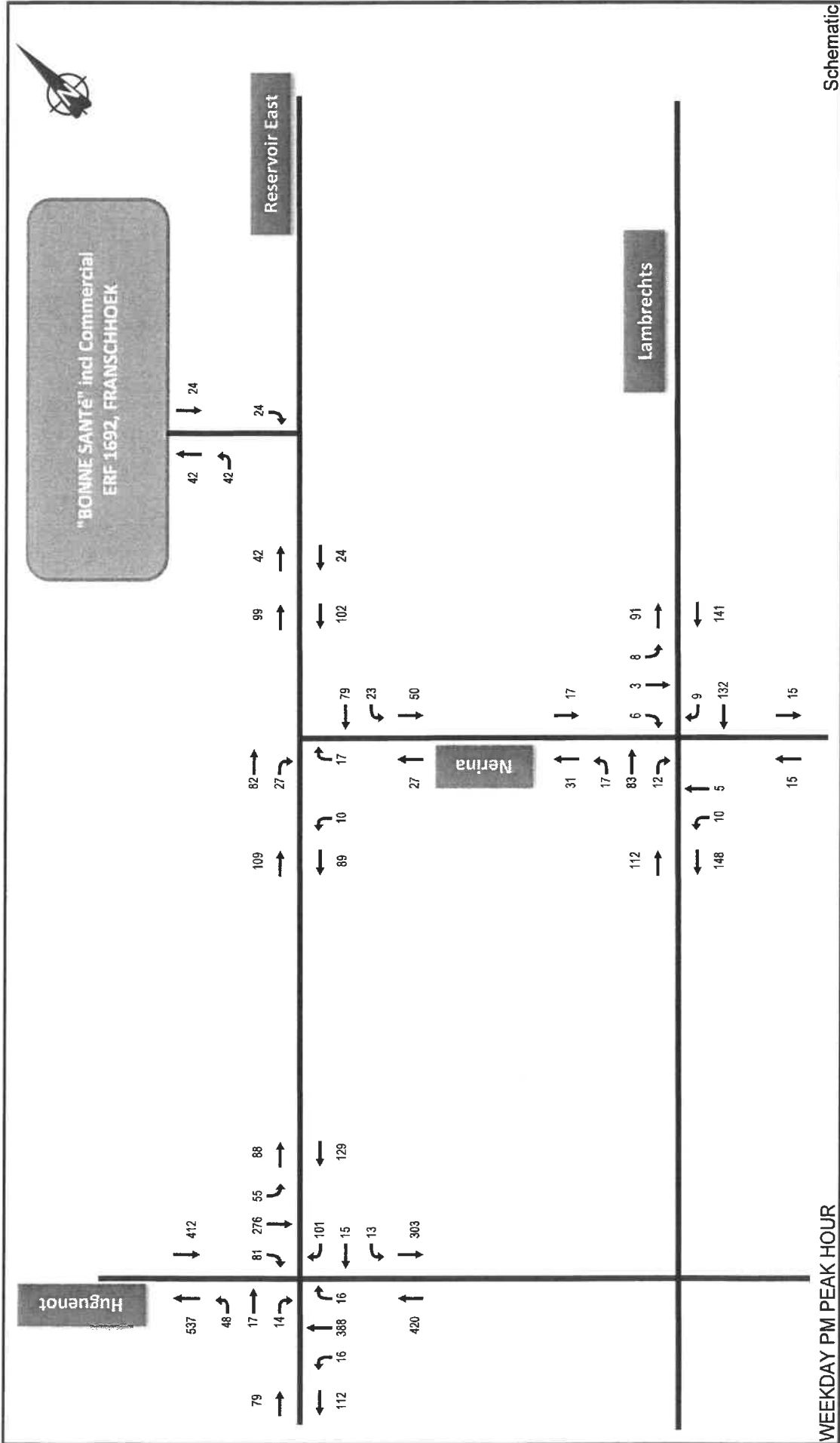


Erf 1692, Franschoek TIA

Job Ref No: **STUR0202**

Fig: **10**

Expected 2022 Traffic Demand plus Development

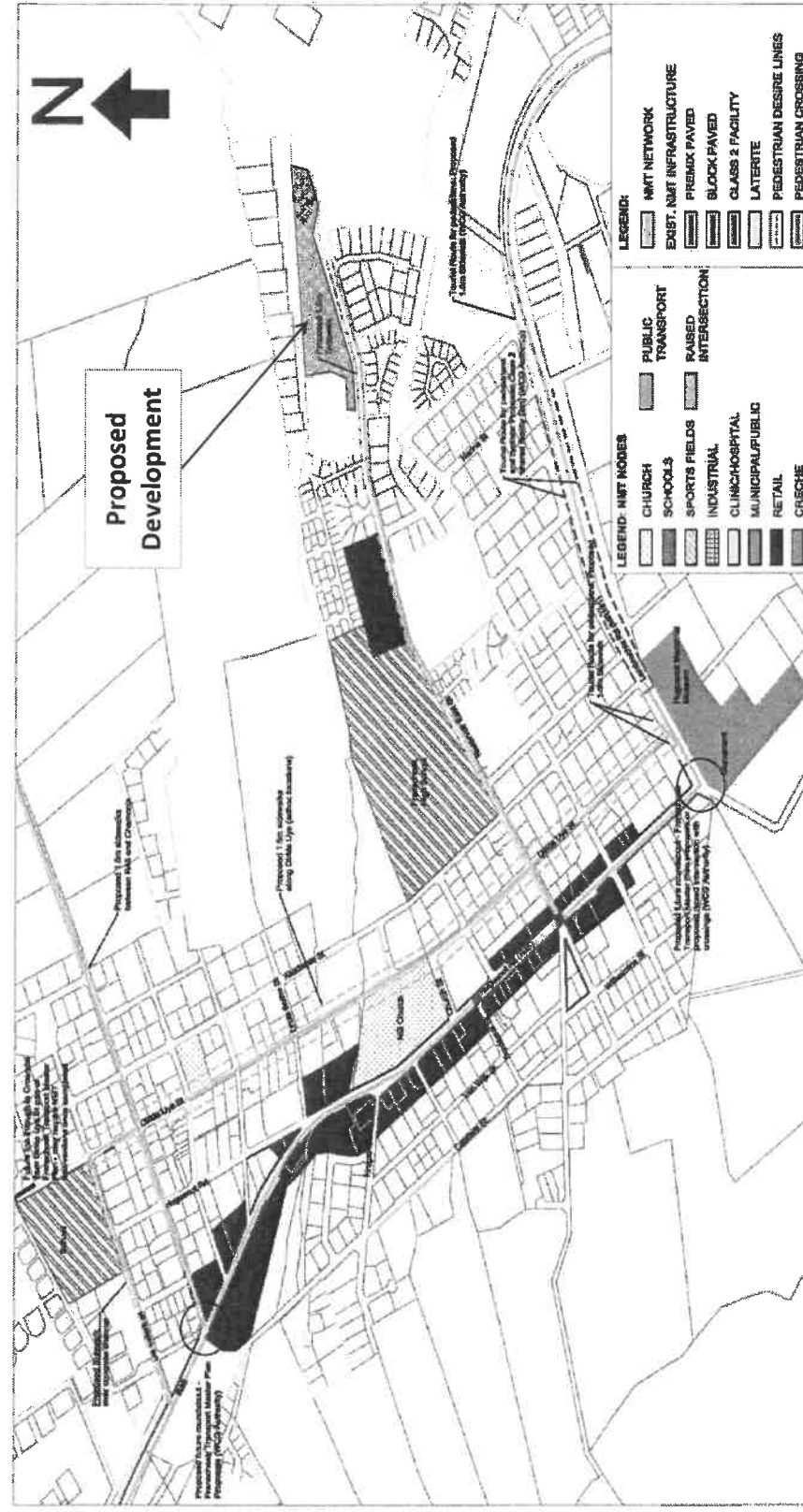


Erf 1692, Franschoek TIA

Job Ref No: **STUR0202**

Fig: **11**

Expected 2022 Traffic Demand plus Development



STURGEON CONSULTING Transport Planning & Traffic Engineering T: +27 (0)1 553 4167 C: +27 (0)1 701 2259	Stellenbosch Municipality Stellenbosch NMT Network Expansion Plan	Date: _____ Designed by: _____ Drawn by: _____ Checked: _____ Final issued: JANUARY 2011 Job No: STUR0103	RT5 5L 5L BCP JANUARY 2011 STUR0103	PROPOSED NMT INFRASTRUCTURE NEW SIDEWALK CLASS 1 FACILITY	Dev. Dn. Rev
		STUR0103/FRANSCHHOEK/FIGURE 30			

Transport Planning & Traffic Engineering 021 553 4167 / 083 701 2259	Project:	Job No: STUR0202
	ERF 1692, FRANSCHHOEK TIA PROPOSED NMT NETWORK PLAN	Figure: 12

APPENDIX B: TABLES

Table 1: Peak Hour Traffic Conditions at Intersections

Intersection	Peak Hour	2017 Existing Traffic			2022 Background			2022 Total Traffic		
		LOS	Delay	v/c	LOS	Delay	v/c	LOS	Delay	v/c
Huguenot Rd/ Reservoir East St	AM	A	3.3	0.248	A	3.5	0.290	A	3.9	0.295
	PM	A	3.2	0.214	A	3.4	0.253	A	3.8	0.263
Reservoir East St/ Nerina Rd	AM	A	1.7	0.039	A	1.7	0.045	A	1.6	0.058
	PM	A	2.4	0.039	A	2.4	0.046	A	2.2	0.065
Lambrechts Rd/ Nerina Rd	AM	A	2.2	0.075	A	2.1	0.087	A	1.8	0.081
	PM	A	1.5	0.068	A	1.6	0.078	A	2.4	0.088
Reservoir East St/ Dev Access	AM							A	2.5	0.050
	PM							A	2.2	0.055

LOS – Level of Service, Delay in seconds per vehicle, V/C – Volume to Capacity Ratio

Table 2: Proposed Trip Generation Rates

Peak Hour	Land Use	Size	Units	Rate	Directional Split
AM	Single Dwelling Unit	28	Dwelling	1.0	25 : 75
PM	Single Dwelling Unit	28	Dwelling	1.0	70 : 30
AM	Apartments & Flats	46	Dwelling	0.65	25 : 75
PM	Apartments & Flats	46	Dwelling	0.65	70 : 30
AM	Offices	366	GLA m ²	2.10	85 : 15
PM	Offices	366	GLA m ²	2.10	20 : 80

Table 3: Estimated Peak Hour Trips

Peak Hour	Total Trips	Peak Hour Trips	
		In	Out
AM	66	21	45
PM	66	42	24

Table 4: Expected Queueing and Required Stacking at Entrance to Residential

Description	Analyses Results
Average arrival rate inbound (vph)	41
Average service rate (sec/veh)	24
Average services rate (services/hr)	150
Traffic intensity	0.27
Number of channels (gates)	2
95 th Percentile queue length (< n vehicles)	2
Average number of vehicles in the system	0.0
Average delay (sec)	0.6

ANNEXURE T

**REMOVAL OF A RESTRICTIVE TITLE DEED
CONDITION, REZONING, SUBDIVISION,
PHASING, STREET NAME AND NUMBERING AND
DEPARTURES ON ERF 1692, FRANSCHHOEK**

**BOTANICAL SENSITIVITY SCREENING
REPORT**

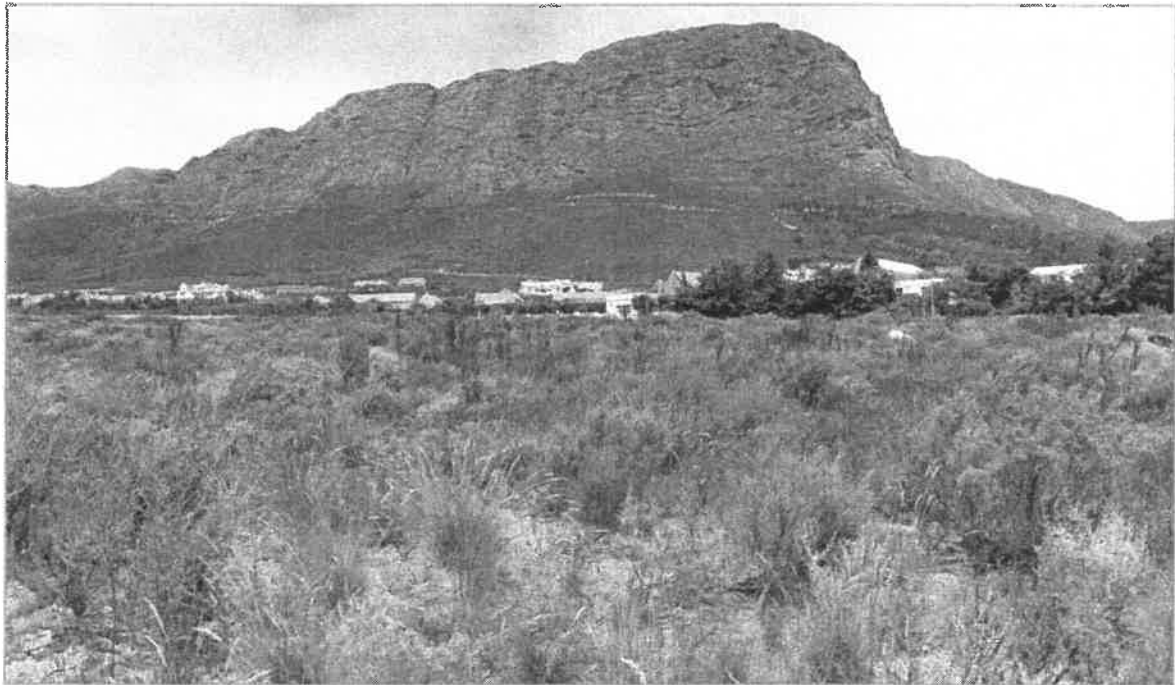
Botanical Sensitivity Screening of Erf 1692,**Franschhoek, Western Cape****Report compiled by Ross C. Turner****for Khula Environmental Consultants****December 22nd 2016**

Figure 1: View of Erf 1692 looking towards the base of Franschhoek Pass, showing the typical *Swartland Alluvium Fynbos (SAF)* vegetation community on Site

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1. Introduction and locality

Erf 1692 (the Site) is situated in Franschoek, South Western Cape, approximately 2.3 km due west of the summit of Franschoek Pass and approximately 0.85 km NE of the Huguenot Memorial Museum. Franschoek is situated approximately 65km due west of Cape Town. Approximate central GPS co-ordinates of the Site are -33.907703° x 19.130348° and the approximate area is 3 ha. Development on Erf 1692 would involve construction of more than 100 dwelling units as well as several flats.

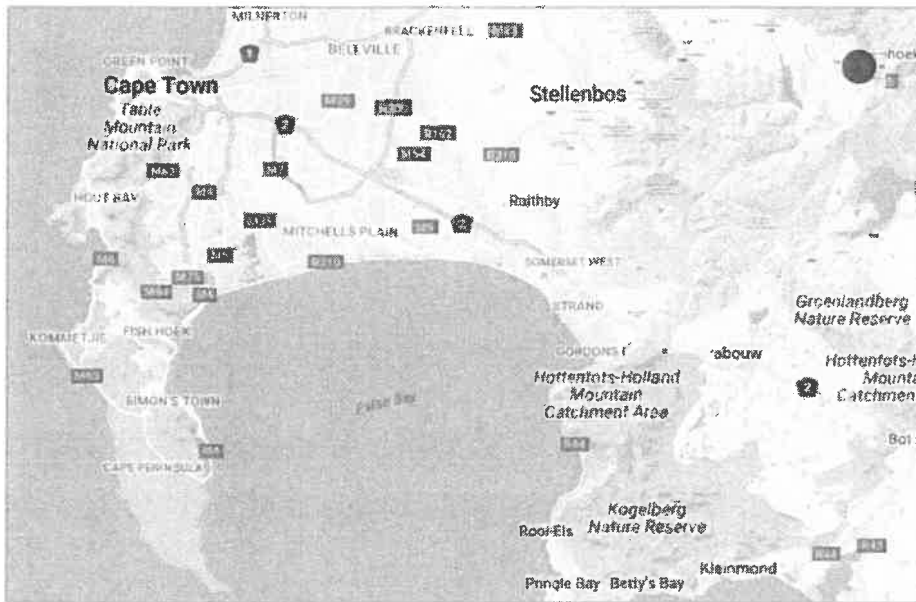


Figure 2: Locality of Erf 1692 (red dot)



Figure 3: Erf 1692 boundary

2. Terms of reference

In terms of NEMA EIA Regulations (2010) a specialist botanical screening report is triggered as the Site falls within a listed threatened vegetation type: *Swartland Alluvium Fynbos* (Critically Endangered - CR). The consultant has been contracted by Khula Environmental Consultants to provide a botanical screening of the Site.

3. Evaluation method

Site inspection was performed on foot on Monday 12th December 2016. A handheld Garmin Vista® HCx GPS unit was used to record localities of exotic and indigenous flora, and photographs were taken with a digital camera for reference. Current GIS and national biodiversity data (SANBI threatened terrestrial ecosystems 2011; SA IUCN Plant Red List, biodiversity frameworks and CBA maps) were used to assess field data. QGIS 2.10.1 Pisa© and Google Earth™ were used for mapping purposes.

4. Mapped Critical Biodiversity Areas (CBA's)

The Site falls within a mapped Critical Biodiversity Area, classified as "CBA Terrestrial, natural vegetation" (Figure 5). The site has no conservation status and is not protected (Western Cape Biodiversity Framework, Drakenstein Municipality 2010). By GIS analysis it is apparent that the Site was originally mapped as part of a biodiversity corridor extending from the foot of Franschoek Pass to the WSW. Currently the Site forms the remainder of the mapped corridor, as other portions of the CBA have been transformed to vineyards and suburban development. This will be illustrated in further detail in section 6 of this report.

5. Vegetation type

5.1 *Swartland Alluvium Fynbos* (SAF)

Historically, one vegetation type would have occurred on Erf 1692 — *Swartland Alluvium Fynbos* (SAF; Figures 1, 4 and 5). SAF is classified as "Critically Endangered" (CR), with only 13 487 ha of an original 46 984 ha remaining, of which only ± 3317 ha is conserved. Approximately 9329.91 ha of remaining SAF extent fall within CBA areas and the unit contains at least 12 endemic plant species.

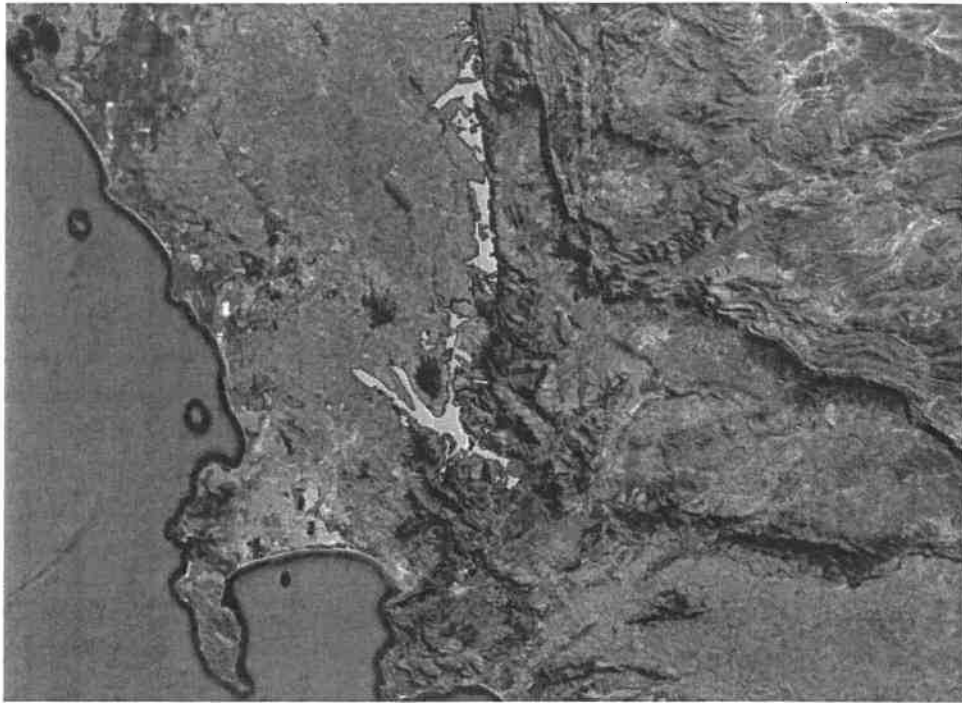


Figure 4: Original Extent of Swartland Alluvium Fynbos (SAF = pale blue)

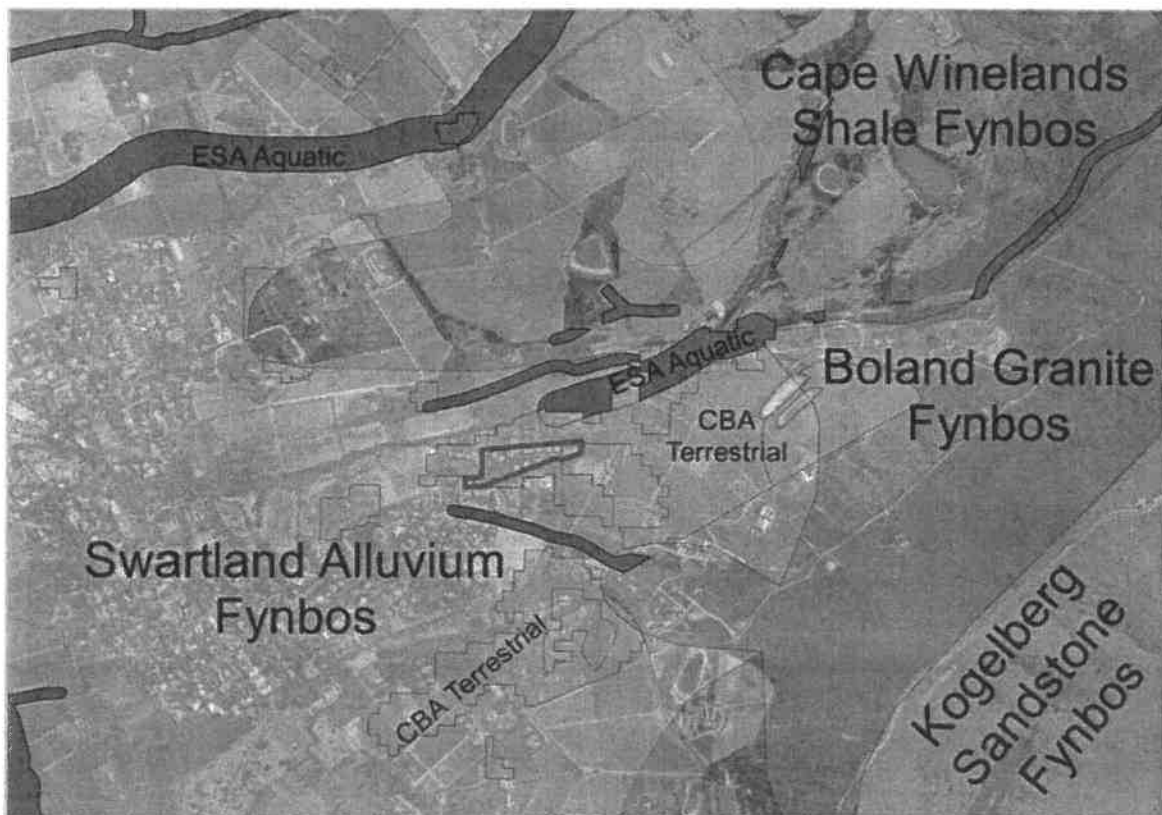


Figure 5: Mapped vegetation types on and adjacent to Erf 1692 (red polygon). SAF = grey; Boland Granite Fynbos = brown; Kogelberg Sandstone Fynbos = green; Cape Winelands Shale Fynbos = pale blue; ESA Aquatic = dark blue; CBA = orange.

Historically *SAF* occurred on the Swartland lowlands at west-facing piedmonts of the Groot Winterhoekberge near Porterville, Saronberg, Elandskloofberge to the Limietberge near Wellington; broad valley bottoms of the Paarl, Drakenstein, Franschoek and Banhoek Valleys, with some extensions west of Paarl Mountain and to Klappmuts (Mucina and Rutherford, 2006). *SAF* is a matrix of low evergreen shrubland with emergent moderately tall shrubs. Proteoid, restioid and asteraceous fynbos types are dominant. On Site *SAF* occurs on alluvial gravel over Cape Suite granites (see section 6; Mucina and Rutherford, 2006). *SAF* is the wettest and hottest of the alluvium fynbos types experiencing a winter-rainfall regime with precipitation peaking from May to August. Mean annual precipitation is 655mm (Mucina and Rutherford, 2006).

As the conservation status of *SAF* is CR, by definition no further loss of this vegetation type should occur. However, within the greater extent of fynbos and *SAF* vegetation in particular, the reality is that there is ongoing loss of *SAF* and other lowland vegetation type remnants. Thus "it is unlikely that full success [in terms of conservation targets] will be achieved without national or international funding and political will at all levels of government" (Holmes et al, 2012). Ongoing losses of area of occupancy (AOO), extent of occurrence (EOO) and plant biodiversity within *SAF* amount, over time, to a high negative cumulative impact. *SAF* vegetation units, as with all fynbos vegetation types, are typically subject to stochastic fires. In pristine vegetation units fire intervals vary according to variables such as rainfall, topographical aspect and fuel load (Cowling, 1992; Allsopp et al, 2014; Kraaij and van Wilgen, 2014). Very broadly, typical fynbos fire intervals range between 15-35 years, and sometimes longer. However, due to the insular nature of the Site, no opportunity exists for natural fire cycles to occur.

6. Current condition of the Site and exotic vegetation

Field inspection on 12th December 2016 confirmed that an intact although species-depauperate *SAF* vegetation community exists on Site. For example, only two Restionaceae species and a single plant of *Protea repens* (Suikerbossie) occur on site.

By Google Earth™ imagery, Erf 1692 incurred significant impact through loss of surface soils in 2004 when a previous phase of housing development occurred (Figure 6). Despite the insular nature of the Site through transformation of the surrounds to vineyards and suburban housing since at least 2004, the Western Cape Biodiversity Framework (WCBF 2010) has the Site mapped as a CBA corridor containing natural vegetation. Google Earth™ figures 7-12 clearly show disturbance circa 2004 and

gradual recovery of vegetation in areas where surface soils were removed and/or disturbed, as well as ongoing transformation of surrounding areas to vineyards and suburbia.

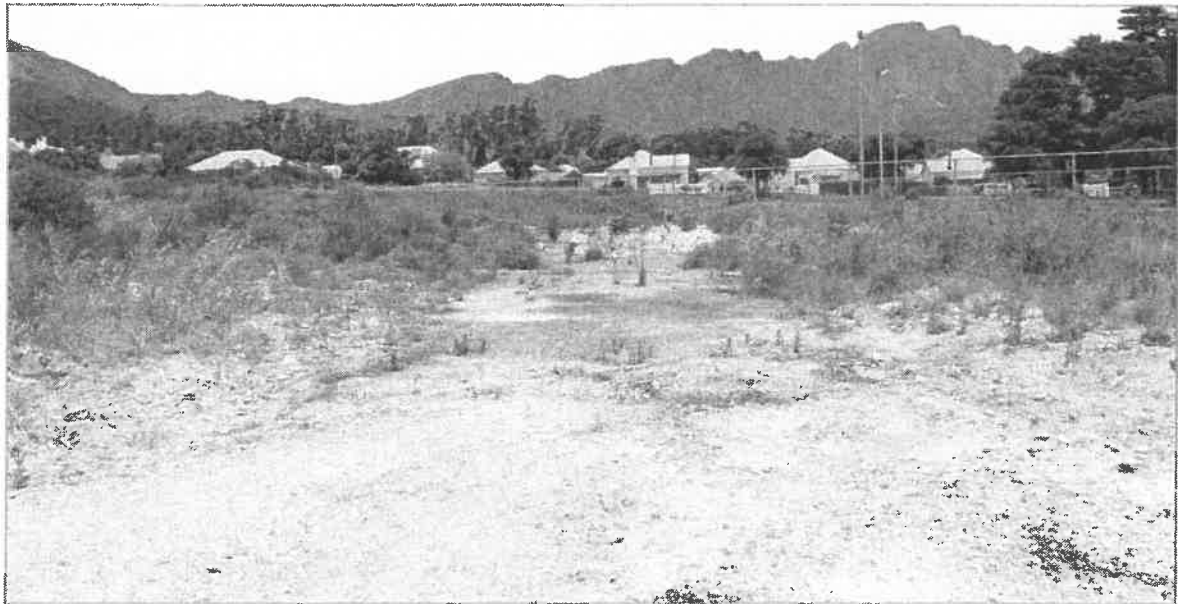


Figure 6: Roadway built during 2004 housing construction, with tarred portion

Indications of prior surface soil disturbance include significant recent recruitment of two *Erica* species – many thousands of plants – after the 2004 disturbance: *Erica paniculata* (LC) and *Erica mauritanica* (LC); as well as dominance of one Restionaceae species on Site, *Restio capensis* (LC, formerly *Ischyrolepis capensis*), a species typical of disturbed fynbos vegetation units. Further species indicative of past disturbance include *Athanasia trifurcata*, *Chrysanthemoides monilifera* and *Passerina corymbosa*.

Edge effects (Alston and Richardson, 2006; Geerts and Pauw, 2011; Holmes et al, 2012; Pauw and Louw, 2012; Saunders et al, 1991) are clearly visible along Reservoir E Street and the western boundary of the Site and include effects such as exotic plant colonisation and denuding of vegetation caused by vehicle parking. Exotic plant species recorded along Reservoir E Street include *Phoeniculum vulgare* (Fennel) *Stenotaphrum secundatum* (Kikuyu grass) and *Spartium junceum* (Spanish Broom). Apart from scattered *Acacia saligna* plants, all large exotic trees were removed from Site circa 2006–2010 (Figures 7– 9).



Figure 7: Erf 1692 during 2004, showing denuded areas and exotic *Pinus* and *Eucalyptus* species



Figure 8: Erf 1692 during 2006



Figure 9: Erf 1692 during 2010, showing ongoing vegetation recovery, exotic *Pinus* and *Eucalyptus* species removed



Figure 10: Erf 1692 during 2012



Figure 11: Erf 1692 during 2014



Figure 12: Erf 1692 during 2016



Figure 13: View to the west showing sparse vegetation where surface soils have been stripped



Figure 14: Erf 1692 boundary along Reservoir E Street, showing exotic Kikuyu grass invasion and vegetation denuding caused by vehicle parking.



Figure 15: Exposed Cape Suite granite geology

6.1. Indigenous vegetation on the Site

At least 31 indigenous plant species occur on Erf 1692 (Table 1). No species of conservation concern were recorded although the Site contains numerous plant species considered to be important components of SAF (Mucina and Rutherford, 2006), such as *Diospyros glabra* (LC), *Searsia angustifolia* (LC), *Metalasia densa* (LC), *Passerina corymbosa* (LC), *Protea repens* (LC, 1 plant on Site, Figure 22), *Elytropappus rhinocerotis* (LC), *Athanasia trifurcata* (LC), *Cliffortia ruscifolia* (LC), *Stoebe plumosa* (LC), *Restio capensis* (LC) and *Pentaschistis curvifolia* (LC) (Mucina and Rutherford, 2006). As a result of past surface soil disturbance, Cape Suite granite geology and lithology are clearly exposed throughout the Site (Figures 6, 13, 15, 20 and 23). Given that Erf 1692 occurs within 450 m of mapped although transformed *Boland Granite Fynbos* (BGF, Critically Endangered) — granite geology *sensu strictu* — the current re-established vegetation community shares many plant species common in BGF, such as *Chrysanthemoides monilifera*, *Cliffortia ruscifolia*, *Diospyros glabra*, *Metalasia densa*, *Passerina corymbosa*, etc (Mucina and Rutherford, 2006). Thus the vegetation on Site can be considered ecotonal. Furthermore, it would appear that plants of *Salvia africana-caerula* (Figure 24) and *Euryops virgineus* — both indigenous plants that occur naturally in SAF — have been

planted along the northern and south-eastern boundary walls of the Site. While several plants of *S. africana-caerula* appear to be naturally occurring, all *E. virgineus* plants were likely planted as development mitigation circa 2004.



Figure 17: *Erica paniculata* (LC)

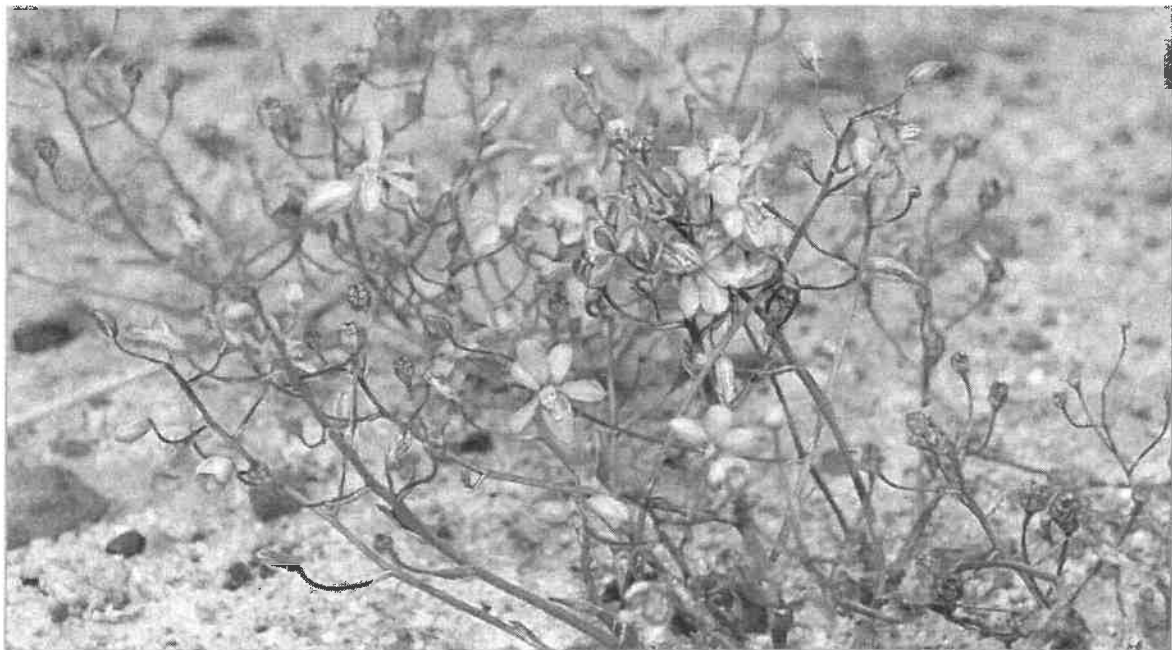


Figure 18: *Cyanella hyacinthoides* (LC)



Figure 19: *Ornithogalum conicum* subsp. *conicum* (LC)



Figure 20: *Montinia caryophyllacea* (LC)



Figure 21: *Cannamois virgata* (LC)

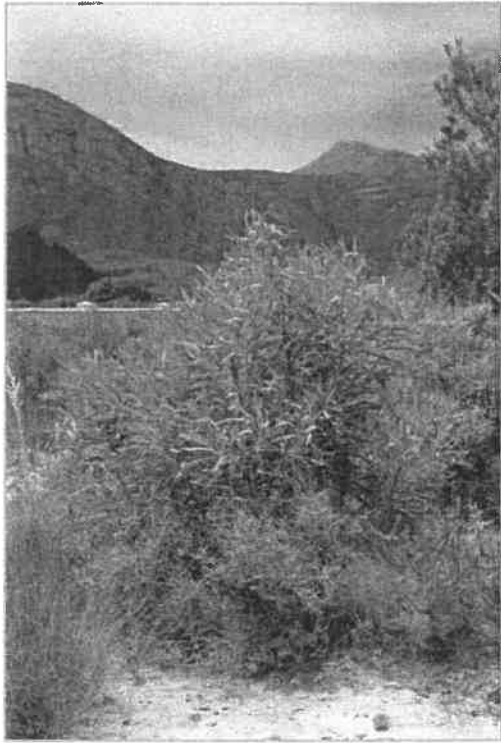


Figure 22: The only plant of *Protea repens* (LC)



Figure 23: *Erica mauritanica* (LC) in exposed granitic loam

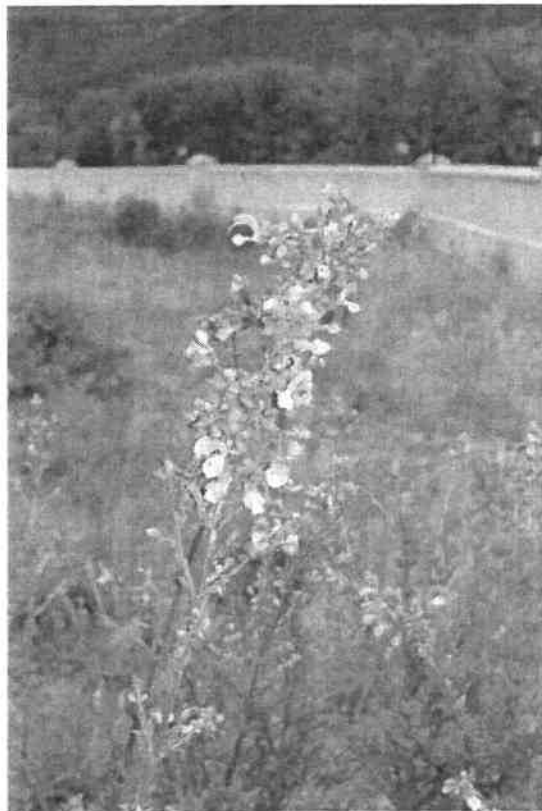


Figure 24: *Salvia africana-caerula* along the south-eastern boundary wall

7. Conclusions

Development of Erf 1692 would result in the loss of a moderately disturbed, insular patch of *Swartland Alluvium Fynbos* of ± 3 ha in area, i.e. 0.01 % of original SAF area; 0.02 % of remaining SAF area; and 0.08 % of formally conserved SAF area. The remainder of a mapped although unrealised CBA corridor would also be lost, although the plant species present on Erf 1692 are well represented in formally conserved SAF reserves (Waterval Nature Reserve and the Winterhoek mountain catchment area, and Elandsberg, Langerug and Wiesenhof private nature reserves) and many in *Boland Granite Fynbos* (Mucina and Rutherford, 2006). Owing to the already small size of Erf 1692, partial development would compound and accelerate fragmentation effects associated with urban areas (Allsopp et al, 2014) and thus biodiversity loss over time. For example, the probability of controlled burning on Erf 1692 is already extremely low given that the Site is surrounded by suburbia and vineyards. A smaller Site size would rule out any possibility of controlled burning.

At the lower bound, Cowling and Bond (1991) suggested that a minimum reserve size of 4–15 ha was required for maintenance of plant biodiversity in fynbos, given a typical fire disturbance regime. At the upper bound, Bond et al (1988) found that minimum reserve size in fynbos vegetation communities surrounded by afro-montane forest was in the order of 589 ha. Thus by available guidelines Erf 1692 comprises a small, insular remnant prone to fragmentation effects, even if it were awarded conservation status and managed in perpetuity as a municipal, provincial or private nature reserve. Indeed, establishment of a formal and contiguous biodiversity corridor would have been necessary more than 16 years ago in order to have stemmed suburban and viticultural sprawl within this CBA zone.

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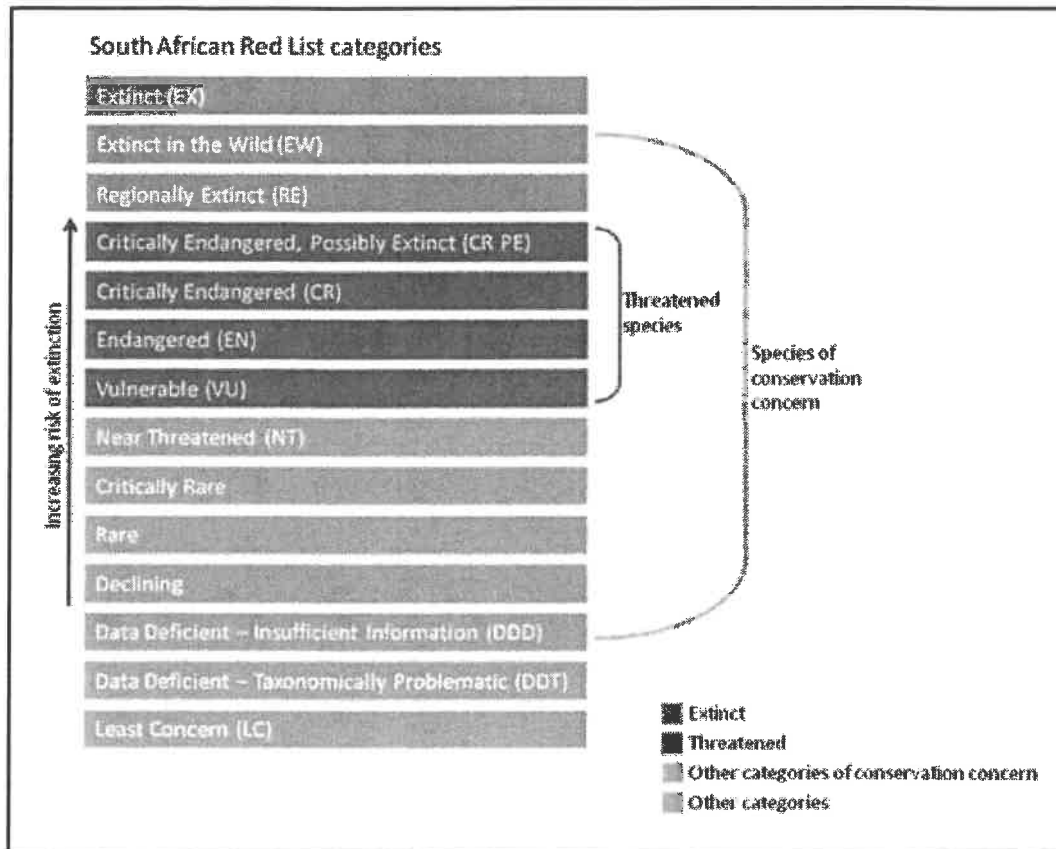
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Appendix 1. Explanation of IUCN Threatened species and species of conservation concern



Appendix 2. Indigenous plant species recorded on Site

#	Family	Genus	Species	Common name	IUCN Red List status
1	Anacardiaceae	Searsia	angustifolia	Taaibos	LC
2	Asparagaceae	Asparagus	rubicundus	Wild asparagus	LC

#	Family	Genus	Species	Common name	IUCN Red List status
3	Asteraceae	Athanasia	trifurcata	Klaaslouwsbos	LC
4	Asteraceae	Chrysanthemoides	monilifera		LC
5	Asteraceae	Elytropappus	rhinocerotis	Renosterbos	LC
6	Asteraceae	Euryops	virginus	Vleiknopbos	LC
7	Asteraceae	Metalasia	densa	Blombos	LC
8	Asteraceae	Stoebe	plumosa	Slangbos	LC
9	Asteraceae	Ursinia	anthemoides	Bergmagriet	LC
10	Ebenaceae	Diospyros	glabra	Jackleberry	LC
11	Ericaceae	Erica	paniculata	Panicle Heath	LC
12	Ericaceae	Erica	mauritanica	Baby Heath	LC
13	Geraniaceae	Pelargonium	cucullatum	Wilde Malva	LC
14	Hyacinthaceae	Cyanella	hyacinthoides	Lady's Hand	LC
15	Hyacinthaceae	Ornithogalum	conicum	Violtjie	LC
16	Iridaceae	Aristea	africana	Maagbos	LC
17	Iridaceae	Micranthus	alopecuroides	Comb Flower	LC
18	Lamiaceae	Salvia	africana-caerulea	Wild Sage	LC
19	Mesembryanthemaceae	Carpobrotus	edulis	Suurvy	LC
20	Montiniaceae	Montinia	caryophyllacea	Peperbos	LC
21	Myrtaceae	Metrosideros	angustifolia	Smalblad	LC

#	Family	Genus	Species	Common name	IUCN Red List status
22	Orchidaceae	Disa	bracteata	Orgidekie	LC
23	Poaceae	Pentaschistis	curvifolia	Curly Fiveawn	LC
24	Proteaceae	Protea	repens	Suikerbossie	LC
25	Restionaceae	Cannomois	virgata	Besemriet	LC
26	Restionaceae	Restio	capensis	Restio	LC
27	Rosaceae	Cliffortia	ruscifolia	Climber's Friend	LC
28	Rubiaceae	Anthospermum	aethiopicum	Jakkalstert	LC
29	Rubiaceae	Anthospermum	sp.	Jakkalstert	LC
30	Santalaceae	Thesium	strictum	Teringbos	LC
31	Thymelaeaceae	Passerina	corymbosa	Gonnabos	LC

Appendix 3. Exotic plant species recorded on Site

#	Family	Genus	Species	Common name	IUCN Red List status
1	Apiaceae	Foeniculum	vulgare	Fennel	Exotic
2	Asteraceae	Taraxacum	officinale	Dandelion	Exotic
3	Boraginaceae	Echium	plantagineum	Patterson's Curse	Exotic
4	Euphorbiaceae	Euphorbia	peplus		Exotic

5	Fabaceae	Acacia	saligna	Port Jackson	Exotic
6	Fabaceae	Acacia	mearnsii	Black wattle	Exotic
7	Fabaceae	Spartium	junceum	Spanish Broom	Exotic
8	Myrtaceae	Eucalyptus	sp.	Gum	Exotic
9	Pinaceae	Pinus	sp.	Pine	Exotic
10	Poaceae	Briza	maxima	Rattlesnake grass	Exotic
11	Poaceae	Stenotaphrum	secundatum	Kikuyu	Exotic

Appendix 4. National Legislation and Regulations governing this botanical screening report

This specialist report is compiled in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), and the Environmental Impact Assessment (EIA) Regulations, 2010 promulgated under the said Act.

Appendix 4.1. Details of Specialist

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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Office Tel no : 021 808 8652 | Jeanne.Basson@stellenbosch.gov.za

For attention: Robert Sham

Date: 12 January 2018

KHULA ENVIRONMENTAL CONSULTANTS

Sunnydale

CAPE TOWN

7975

DEA&DP Ref: 16/3/3/6/7/1/B4/12/1267/17

Our Ref: 15/9

Re: **PRE-APPLICATION BASIC ASSESSMENT REPORT - PROPOSED MIXED USE DEVELOPMENT ON ERF 1692, FRANSCHHOEK.**

The above document, dated December 2017, refers.

The proposed development is situated within the designated urban edge of Stellenbosch Municipality's Spatial Development Framework and is bound by residential development to the north and south. The site is an ecologically isolated area of natural vegetation which has, as per the above report's botanical specialist input, been historically impacted upon and no longer contains species of conservation importance. The proposal is therefor, in principle, supported and viewed as in line with development in the immediate vicinity of the relevant properties.

This writing is prepared in response to the invitation to comment on the above report submitted in terms of the National Environmental Management Act, 107 of 1998. It should not be seen as an approval in any form. The Municipality will consider the relevant development's land use application once submitted.

Kind regards

D LOMBAARD
DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

ANNEXURE U

**REMOVAL OF A RESTRICTIVE TITLE DEED
CONDITION, REZONING, SUBDIVISION,
PHASING, STREET NAME AND NUMBERING AND
DEPARTURES ON ERF 1692, FRANSCHHOEK**

CIVIL & GEOTECHNICAL ENGINEERING
REPORT

Land Owner: Surrey Holmes (Pty) Ltd

Developer: Surrey Holmes (Pty) Ltd

L A File No: -

L A Tracking Number:

Local Authority: **Stellenbosch**

Town: Franschhoek

Project: Proposed Development of
Erf 1692
Reservoir Street East, Franschhoek.

**Stage 1 Report: Project Initiation: Civil Engineer's
Report & Documentation**



APEC Consulting Engineers
REF V331-01-01
JUNE 2018

Document Control Sheet

Project Name: - Stellenbosch: Franschhoek: Proposed Development of Erf 1692, Reservoir Street East				
Synopsis: - This report is required in terms of the standard requirements of the Stellenbosch Municipality				
Report Status: - Stage 1		APEC Reference No: - 331-01-01		
Client Contact: - C Agenbag		Author: - J A Swiegers		
Key Words: - Civil, Geotechnical, Roads, Stormwater, Hydrology, Hydraulics, Water Reticulation , Sewer reticulation, Environment, Structure				
PAIA Location: - R:\ V331-01-01 Bonne Sante Civil Works.docx				
Land Owner: - Surrey Holmes (Pty) Ltd Developer: - Surrey Holmes (Pty) Ltd Principal: - N J Hewitt		Consultant: APEC (Pty) Ltd, Consulting Engineers Consultant: - J A Swiegers		
<i>PHYSICAL ADDRESS</i>	<i>POSTAL ADDRESS</i>	<i>PHYSICAL ADDRESS</i>	<i>POSTAL ADDRESS</i>	
3 Reservoir street Franschhoek 7690	3 Reservoir street Franschhoek 7690	Unit 11 Kenridge Centre Cnr Tyger Valley & Mildred Rds, Kenridge DURBANVILLE 7550	P.O. Box 6019 WELGEMOED 7538	
Contact name	Michelle Hewitt	Contact name	Riaan Swiegers	
Phone		Phone	021 914 1734	
Cell		Cell	082 5686509	
Fax		Fax	086 597 4453	
Contributors	HEADLAND Planners, Stellenbosch Municipality, GLS			
Acknowledgements	Project Team			
Quality Verification: - This report has been prepared in terms of the APEC Quality Management System.				
Verification By	Capacity	Name	Signature	Date
Author	C & S Engineer	J A Swiegers	RS	20/06/2018
Checked by	Pr. Eng.	J A Swiegers	RS	
Authorized by	Director	J A Swiegers	RS	20/06/2018
Client Acceptance				

Summary

Appointment

APEC has been appointed by Headland Planners (per Mr C Agenbag) on 12 February 2018 as the consulting civil - and structural engineers in a team of consultants for the proposed new development on Erf 1692, Franschhoek in the Administrative Area of the Stellenbosch Municipality.

Site Survey

The site was surveyed by Neil Woodin Surveys, topo-cadastral/engineering surveyors.

Geo-technical Investigation

APEC has done a desktop geotechnical and foundation investigation based on previous experience in and around Franschhoek (Chamonix Underground Winery, Haute Cabriere Winery and Bottling Plant Extensions, Clos Cabriere Winery Extensions, Mont Rochelle Winery).

Soil laboratory tests will only be done on approval of the town planning.

Design Development

The planning commenced with a series of meetings with the Developers and Consultants resulting in the acceptable integration of the various design disciplines and the eventual acceptance of the proposed project plan.

Design Population

The planning entails 26 high density opportunities on the eastern side of the development and another 20 high density opportunities at the entrance on the western side. The central part entails 28 Group single residential erven.

- Accepting a population of 4 people for the high density units, the maximum high density population will be 184 individuals;
- Accepting a population of 5 people for the single residential units, the maximum single residential population will be 112 individuals;
- The aggregate number of residents will be approximately 296 people of all ages.

The population of the business premises to the west may be ignored as it will have a different and much lower peak period than the residential component.

Civil Engineering

Buildings

Residential buildings will be subject to the requirements of the NHBRC.

The civil engineering works, pertaining to structural work, will entail the clearing of individual erven, stripping and stockpiling of topsoil for re-use after the construction of buildings have been completed as well as bulk earthworks to establish building platforms as part of the road building stage.

Building structures shall be designed in terms of SANS 10160-2:2011 Ed 1.1 to generally support the permanent fixed action of self-weight of the building as well as variable free actions of imposed loads.

Self-weight includes all structural and non-structural elements such as fixed finishes and built-in furniture. Imposed loads includes moveable objects and loose partitions, normal use items, loose furniture, rare events and concentrations of the above mentioned as well as moving and stacking of normal loose items. The word normal refers to the normal use associated with the classification of the building. Wind forces and earthquake actions as well as accidental superimposed actions are considered as separate load cases. For the purposes of this report, a combined maximum factored action of 12 kN/m² per accessible floor has been applied for preliminary analysis of foundations.

The construction of foundations for brick built retaining walls, concrete columns and loadbearing brickwork, staircases, lift shafts (if any) and fire walls are subject to the soil tests to be performed on approval of the rezoning and subdivision application. The minimum founding depth shall be governed by the results of the said soil tests, a depth at which foundations may be safe against differential settlement. From previous experience, the bearing capacity required is 150 kPa at a depth of 620 mm (280 mm thick concrete foundation plus 4 x 85 mm brick gauges) below natural ground level for up to three storey buildings. Foundation walls shall extend at least 255 mm (3 x 85 mm brick gauges) above finished ground level for water proofing considerations.

Where necessary, specifically for mechanical plant installations and storage areas, the load actions shall be adjusted as the information becomes more readily available.

Loadbearing brickwork shall be supported by reinforced concrete strip footings design to restrict bearing capacity to 150 kPa at 620 mm below natural ground level. Columns shall be supported by either strip – or pad footings, restricting bearing pressures to the same pressure regime as strip footings.

Balancing the bearing pressures is necessary to restrict differential settlement.

Any steel framed glass and/or aluminium façades shall be integrated with the concrete structure.

Rainwater harvesting design principles shall govern to allow the controlled detention and drainage of rainwater to a centralized rainwater collection and processing system. The collected rainwater shall be filtered to various stages of purity as required.

Grey water may be harvested from the laundries where the first cycle of washing water shall always be released to the sewer system allowing the clearer second rinse cycle water to be harvested for the flushing of toilets. Grey water shall be supplemented with rainwater when required.

Access, Site facilities, Earthworks

Planned densities requires utmost care during all stages of the project. Setting out shall be done to meticulous accuracy to obviate negative knock-on effects.

The general east-west slope will require terracing of up to 900 mm at mid-blocks. Due to the rather small erven, terracing shall be effected from street centre-lines meaning that the two rows of houses along a specific street will be at approximately the same level with a drop-off at midblock between the two rows of houses. This will obviate the implementation of external ramps and stairways.

By sloping the erven to the west of streets, sufficient detention of rain water run-off may be effected by the construction of 900 mm high boundary walls along the mid-block boundaries.

The Cul-de-Sac streets are designed as pedestrian controlled facilities in terms of play court design principles. A speed limit of 30 km/h is recommended for the main collector street and 20 km/h for the cul-de-sac / closes. These speeds will be naturally achievable due to the short distances to be negotiated.

The proposed flat paving slopes will facilitate unassisted access for wheel chairs to the ground floors of the entire development. In group housing, one universally accessible parking bay (UAPB) out of every 25 bays shall be provided for disabled persons.

Although the provision of a refuse bin room obviates the mobility and manoeuvrability requirements for refuse vehicles inside the complex, care shall be taken to provide at least three centrally placed single loading zones for removal operations of domestic movers and furniture delivery trucks allowing the unimpeded flow of traffic through the Complex.

Street and Stormwater

Existing bituminous streets give access to the proposed development. The development will be serviced by a single security controlled access gate. The site falls to the north-western corner where a stormwater detention pond where all run-off will be retained sufficiently to reduce the run-off peaks to below the pre-development peak discharge rates.

Utility Services

Water & Sanitation

Sufficient water supply and effluent treatment capacity are available from the Local Authority.



Definitions & Abbreviations

MSL	mean sea level
UAP	universally accessible parking bay
WWTW	waste water treatment works

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Introduction

Terms of reference

APEC has been appointed by HEADLAND CONSULTING TOWN AND REGIONAL PLANNERS on 12 February 2018 as the consulting civil and structural engineers in a team of consultants for the proposed new development on Erf 1692, Franschhoek in the Administrative Area of the Stellenbosch Municipality.

The planning commenced with two meetings with the Developer, stakeholders and consultants resulting in the acceptable integration of the various design disciplines and the eventual acceptance of the proposed project plan.

Sub-Consultants

APEC work as a sub-consultant to HEADLAND and channel all requests for information and disbursements through HEADLAND.

The Electrical Consultant, DRIGER, is also a sub-consultant of HEADLAND

The Proposed Site of Works

Locality

The site is situated at approximately 33° 54' 29" South and 19° 07' 47" East, at the eastern end of Reservoir Street East in Franschhoek approximately 950 m east of Huguenot Street (R 45), the main road through Franschhoek. The site is 75 km from the CBD of Cape Town and 70 km from the Cape Town Airport.

Access and Temporary Access

Bituminous roads extend to the Site of Works.

Topography

Erf 1692 lies on a well-drained sliver of land wedged in between existing developments. The Mont Rochelle Stream, originating in the Mont Rochelle Nature Reserves at the top of Franschhoek Pass, runs along an east-west direction to the north of property. The western end of the property lies approximately 50 m to the south of the streambed and the eastern end approximately 110 m to the south of the streambed.

The land falls from east to west at a slope varying from 1:16 to 1:20, the average being 1:18. The property falls at approximately 1:50 from Reservoir Street East toward the flood plain of the Mont Rochelle Stream.

The low point of the site is at the north-western corner where a 450 mm dia Stormwater pipe is available for drainage to the Mont Rochelle Stream.

The watershed of the greater catchment area lies along the Middagkrans Ridge to the South, South East and East of the site.

Weather conditions

The climate is moderate with predominantly winter rainfall. The current rainfall pattern is a dry Autumn from March to end May, rainy Winter from the beginning of June to end September, a rainy Spring extending into November and a hot dry Summer until end of February- middle March.

The average annual rainfall is less than 877 mm (Rainfall Station 0022 204 Franschhoek (1942 – 1969) situated at Lat. 33° 54' E Long 19° 07' S – practically at the property).

Rainfall occurs according to the following table: -

Table 1: Rainfall Distribution

Month	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Tot
Ave %	6.14	4.16	2.93	2.58	2.64	3.29	8.00	14.35	17.42	15.27	14.33	8.90	100
mm	53.7	36.4	26.6	22.5	23.1	28.8	70.1	125.7	152.7	133.8	125.6	78.0	877

Dry and wet spells of 5 to 7 years are experienced in 18 year cycles, synchronized with the longer term cycles of the moon.

The data is given in good faith without guarantee that it will be representative of the average condition encountered during the execution of the contract.

Drainage

The property is not influenced by flood levels of any river. The Mont Rochelle Stream runs through Franschhoek Estate to the north of the site.

The largest catchment area of ± 60 ha lies to the north-east up to the Middagkrans Ridge. Most of the run-off from that catchment is intercepted by roads and street alignments reducing the active catchment area to only 2 ha.

Most of the higher grounds of the greater catchment area of the Mont Rochelle Stream forms part of the Cape Super Group (50% permeability) with insignificant presence of the Cape Granite Suite (10% permeability). The middle and lower ground forms part of the Franschhoek Formation (20% permeability), a subdivision of the Klipheuwel Formation which forms part of the Malmesbury Group with sandy quaternary deposits (100% permeable) covering the lower extents of the Franschhoek formation.

The depth and sand content of the topsoil (above the residual soils) plays a significant role in permeability of the topsoil. It is estimated that the entire Erf 1692 is covered in a sandy topsoil classified as Quarternary period deposits (transported under gravity, wind and water) overlying the Franschhoek formation. In moist regions such as Franschhoek, arenaceous residual soils are highly impermeable. During wet periods, runoff is expected to become significant during any rainfall event exceeding the infiltration capacity of the topsoil.

While the flow tends to transport the clay minerals further downstream, the existence of large seasonal wetlands / vlei-areas in flood plains downstream may be attributed directly to the impermeable materials underlying the coarser sand deposits.

A perched water table shall be expected on site. During wet periods, the site will be impacted by a seasonal water table and after the rainy season the water table will drop relatively quickly.

Vegetation

Prior to 2000, the site was covered to some extent by pine - and gum trees. These were removed after 2004 when approximately 60% of the site was cleared. By 2010, vegetation has re-established to 2005 cover again.

Natural vegetation has been classified by others as re-growth of flora after it has been cleared some years ago. Many of the species are apparently colonizing annuals to be replaced by indigenous water sensitive planting as part of the development project.

Geotechnical

The soil conditions are typical of the Franschhoek Formation, a subdivision of the Klipheuwel Formation which forms part of the Malmesbury Group. The Franschhoek Formation, consisting of quartzites and arkoses with some conglomerate and slate is deemed to be a molasse deposit of an older elevated Malmesbury terrain. The materials are generally more arenaceous, have a reddish colour and are distinctly undeformed.

Geology

The reader is referred to the South African Committee for Stratigraphy (SACS) for detailed information regarding the identified Members, Formations and Groups.

Bedrock

The sediments which today comprise the Malmesbury Group were deposited in a large geo-synclinal basin towards the end of the late Pre-Cambrian Era, just over 600 million years ago. The base of the formation has only been exposed in the Cango-valley near Oudtshoorn— nowhere else.

Although normally found in the close proximity of the Malmesbury Group materials there are no signs of the presence the Cape Granite Suite on site.

Soil and Subsoil Conditions

Qualification

To date, no site specific soils investigation has been done. The information given in this report shall only serve as a guide and indication regarding the subsurface conditions and materials that may be encountered. If the construction of civil engineering work is let to a contractor without the availability of a site specific soils report, the contractor shall satisfy himself as to the subsurface conditions to be encountered and to all matters required in the Conditions of Contract and in terms of the specifications. The tendered rates shall then be expected to be higher to compensate the Contractor for the added risk.

Slope Stability

The lay of the land is generally flat with stable naturally eroded slopes. No visible evidence of slope instability could be found.

Groundwater Conditions

A seasonal surface water table shall be expected in flat areas on site.

Mass Earthworks

At a general slope of 1:20 the site is deemed sufficiently steep for proper drainage. It does not require mass earthworks or to form building platforms.

It will be possible to complete buildings on a specific subdivision and only attend to landscaping after the builder has completed the floor filling.

Engineering Geology of Soils on Site

Bedrock

Although no bedrock is expected within the construction horizons, it may be possible to find large boulders in the quaternary materials originating from the surrounding Table Mountain Sandstone cliffs from where it was transported under gravity to its current position.

Upper Horizons

Man-made Fills and Trenches / Imported materials from unknown origin

Previous human activity impacted on the site. Apart from a drainage ditched dug from east to west across the site, no evidence is available to expect manmade fills. As most of the materials originates from the surrounding areas where it was excavated and removed due to poor engineering characteristics, some challenges should be expected with unconsolidated clayey pockets.

Older 1:50 000 Topo-cadastral maps indicate a disused sewage disposal works on what is presently Franschhoek Estate, ± 200 m to the east of Erf 1692.

Where new structures are erected on these poorly consolidated and variable materials, utmost care and specialist analysis will be required to ensure stability of structures.

Transported Quaternary Sand Soils, overlying the residual soils, shall be deemed to have a safe bearing capacity of less than 100 kPa. Should the sand display the presence of silt and / or clay in the soil matrix, the bearing capacity may even be lower than 100 kPa.

Intermediate Horizons

Residual Soils

Residual soils are normally found in a clayey horizon varying from soft just below a fine gravelly pebble marker to stiff and very stiff at depth. The safe bearing capacity of these soils shall be limited to 150 kPa.

The decomposition of bedrock underlying the study area has generally resulted in the presence of normally consolidated clays as can be expected from the description of the bedrock above.

NHBRC Founding Requirements

All residential building on site will be subject to the requirements of the NHBRC as reflected in the Home Building Manual Parts 1 & 2 Rev 1 of February 1999 as well as SANS 10160-Parts 1 to 8 :2011 Edition 1.1. In terms of NHBRC HBM Part 1, Section 2, Table 1: Residential Site Class Designations, the following classifications for the property are possible:-

- Transported Quarternary Sand Soils, overlying the residual soils, shall be deemed to have a safe bearing capacity of less than 100 kPa and shall be classified as a "Class C1 Site" with the soil settling less than 10 mm with less than 7.5 mm differential settlement over the building period. There will be no long term settlement in well drained sandy material.
 - The reason for the C1 Classification is simply to allow for the presence of the possible shallow presence of residual soils below the sandy material.
- Lower lying residual soils with a bearing capacity of more than 150 kPa shall be classified as a "Class S Site" with the soil consolidating less than 10 mm over time with less than 5 mm differential settlement over time. Most of the settlement will occur during the construction period with the last 30 % over an extended period of time after completion of construction.

Foundations shall preferably be placed in a monolithic foundation material, i.e. avoiding foundations in both transported sand and residual material. The best decision will then be to excavate through the sandy material into the residual soils to a depth where all the material displays the same characteristics and bearing capacity.

Tectonic and seismic activity

Site-specific considerations

The subject site lies in the Western Cape which is, according to Clause 5.2 of SANS 10160-4:2011, is classified as falling in Zone 1: Area of Natural Seismic Activity. Franschhoek itself lies at an intersection of two major fault lines, the one from north-west (Vredenburg) to south east (Franschhoek) and the other from south west (Somerset West) to north east (Hex River).

A seismic hazard map recently published (2003) by the Council for Geo Sciences, shows that the probable extent of ground acceleration with a 10% probability of occurring once in 50 years at Franschhoek = $\pm 0.125 \cdot g$ (g = gravitational acceleration = 9.81 m/s^2).

In such zones of seismic activity, it is generally accepted practice to actively avoid founding on unconsolidated transported clayey materials, which is not present on site. The Franschhoek Formation is however a normally consolidated formation that may display shear weakness during seismic events. The gentle slope of the site will obviate any slope instability and therefore seismic activity is deemed to be a normal risk requiring no other foundation considerations that the relevant requirements for structural design.

Considering the possible magnitude of seismic events in the subject area, it is important to inculcate in designers, developers and owners an awareness that correct structural concepts and appropriate detailing of structural elements will be more effective to resist seismic actions than extensive calculations based on a flawed concept. Emphasis is placed on structural simplicity, uniformity of buildings in plan layout and elevation as well as on structural redundancy. The possible negative effect of non-structural infill panels on the behaviour of structures is also emphasised. Equally important for

a correct structural concept is the appropriate structural detailing of a structure to enable ductile behaviour. SANS 10160 (2009) therefore incorporates rules for structural detailing of reinforced concrete members (J Wium).

In terms of SANS 10160-4:2011 Edition 1.1 Clauses 6, seismic hazards shall be taken into account during early stages of conceptual design to achieve cost effective structural systems.

The interpretation of SANS 10160 may be studied referring to the publication "Background to SANS 10160, Basis of Structural Design and Actions for Buildings and Industrial Structures", 2009, edited by Retief J V and Dunaïski, P E, published by SUN MeDIA, Stellenbosch.

Applicability of the SANS Codes

SANS 10249: Masonry walling

SANS 10164-1: The structural use of masonry un-reinforced masonry walling.

SANS 10164-2: The structural use of masonry – reinforced and prestressed masonry.

SANS 10162-1:2005 Edition 2 SOUTH AFRICAN NATIONAL STANDARD, Structural Design of Steel, Part 1: Limit-state design of hot-rolled Steelwork.

SABS 0100-1:2000, Edition 2.2, SOUTH AFRICAN STANDARD, Code of Practice, The Structural use of concrete Part 1: Design.

SANS 0100-2:2014, Edition 3, SOUTH AFRICAN NATIONAL STANDARD, Code of Practice, The Structural use of concrete Part 2: Materials and the execution of work.

SANS 10160-1:2011 Edition 1.1 SOUTH AFRICAN NATIONAL STANDARD, Basis of Structural Design and Actions for buildings and industrial structures, Part 1 to 8, specifically referring to: -

Part 2: Self-weight and imposed Loads;

Part 4: Seismic actions and general requirements for buildings;

- Specifically referring to the normative Specific rules for masonry buildings as depicted in Annex A,
 - Specifically referring to Clause A.5 Rules for "simple masonry buildings".

Detailed site related design information shall be based on geological maps of the area and Table 1 of the Part 4 of the SANS 10160: -

- The Consultant shall also consider the consequences of localised failure of the structure in terms of SANS 10160-1:2011 Edition 1.1 SOUTH AFRICAN NATIONAL STANDARD, Basis of Structural Design and Actions for buildings and industrial structures, Part 1, *Annex B Design for consequences of Localised failure due to unspecified causes.*
 - The Project may be classified as a Low Risk Group Consequence Class (CC1).
 - Clause B.4(a) require that, provided that buildings have been designed and constructed in accordance with the rules given in the materials based structural design standards as reflected in Clause 4.1.2 of SANS 10160-1: 2011 Ed 1.1, to satisfy stability in normal use, no further specific consideration is necessary with regards to accidental actions.

Access

Access to the Precinct

Reservoir Street East is generally deemed to be the Class 4 access street from the Huguenot Street / R45.

No upgrades are deemed necessary along the alignment of Reservoir Street East.

Access to the Complex

The circulation of traffic has been planned around a traffic study by Sturgeon Traffic Engineers.

The main access to the complex is planned to be opposite Lille Street, changing the existing T-intersection into a 4-way intersection.

The access will have two entry lanes to allow visitor- and resident based traffic to be split, obviating long queues waiting for visitors to be processed.

Only one exiting lane is provided.

Street widths and bell mouth radii

The streets may all be classified as two way trafficked Access Collectors or Class 5 Streets.

A 10 m wide road reserve allows approximately 2 075 mm on both sides for the safety of pedestrians which is not optimal. It is therefore recommended that pedestrians shall be guided to a wider sidewalk on one side of the road reserve where it is possible to provide a 2 500 mm wide sidewalk.

A minimum black top width of 5 750 mm (2 x 2 875 mm) to accommodate 2 x 2 500 mm wide vehicles (trucks) to pass at crawl speed. Allowing an average gap of 600 mm between the trucks, there will be 75 mm to the edge of blacktop. Employing BK2-Barrier kerbs and C1-Channels will provide sufficient pedestrian safety in a pedestrian dominated environment.

A 13 m wide reserve allows for 3 575 mm free space on both sides which is above optimal.

At the first internal bend in the internal street, the black top shall be widened as indicated on the layout drawings to cater for the wheel paths of turning vehicles.

Refuse Removal

No separate centralized refuge area is planned, hence municipal refuse trucks have to access the development. The streets to be entered by refuse vehicles shall therefore be required to allow for the geometric requirements of a 10.600 m long, 2.500 m wide and 3.5 m high vehicle with a front overhang

of 1.3 m, a rear overhang of 3.1 m, a wheel base between the front and nearest rear wheel of 4.960 m and a 1.320 m wheel base for the rear wheels. The internal turning radius of the rear wheel shall be 5 m and the outer front wheel 9.2 m and a front overhang swept radius of 10.5 m. The requirements are larger than the "Red Book" requirements. This is due to our experience of frequent damage inflicted to kerb layouts designed to the Red Book requirements.

As the movement of refuse trucks in reverse gear shall be restricted to the absolute minimum, a turning facility shall be provided at the furthest collection point inside the development. The town planning layout allows sufficient space for a "Branch T" at the last T before reaching the general residential site.

Each of the three GR erven inside the complex shall have a refuse room at the gate. The reader is referred to the paragraph regarding refuse removal near the end of the report.

Pedestrians

Care shall be taken to provide sufficient sidewalk space for pedestrians to safeguard the movement of people along the main collector street to the Access Control gate. A sidewalk of at least 2 m wide should be provided along the logical easiest route to be preferred by pedestrians.

Parking

Layout

Slopes are generally acceptable for parking vehicles in any direction on site.

A 90° Parking layout is proposed for parking spaces along two-way trafficked access isles.

The depth of the parking bays shall be 5 000 mm, the width 2 500 mm. Despite our general norm of 7 400 mm for public parking, the width of two-way traffic access isles in the parking areas have been reduced to 7 000 mm in line with our standard for private parking areas with allocated parking spaces.

Where one-way traffic can be accommodated, 60° slanted parking may be considered to reduce the width of the one-way isle.

A 600 mm free space is required beyond the kerb face of all parking areas, isles and streets to obviate the possibility of vehicles bumping into rigid elements or trees.

Overflow parking

The parking ratio required by the rezoning approval will govern the provision of on-street parking which is meant to serve as overflow parking. There are sufficient space available along the northern property boundary to provide any shortfall that may develop.

At least one parking space catering for disabled drivers shall be provided for every 25 overflow parking space made available in overflow parking areas.

Emergency Vehicle Parking

Emergency vehicles such as ambulances and fire trucks may be deemed to use the same facilities that refuse trucks will be using.

Utility Services

Population

The planning entails 26 high density opportunities on the eastern side of the development and another 20 high density opportunities at the entrance on the western side. The central part entails 28 Single Residential Group Housing Erven.

- Accepting a population of 4 people for the high density units, the maximum high density population will be 184 individuals;
- Accepting a population of 5 people for the single residential units, the maximum single residential population will be 112 individuals;
- The aggregate number of residents will be approximately 296 people of all ages.

The population of the business premises to the west may be ignored as it will have different peak demand characteristics than that of the residential component.

Potable water requirements

184 x 150 l/p/d	27.6 kl/d
112 x 175 l/p/d	19.6 kl/d
Gardens - 0.267 ha	<u>4.0 kl/d</u>
Aggregate / Average annual daily demand (AADD)	51.2 kl/d

At a peak factor of 11 (for 74 equivalent units), the peak requirement will be 6.52 l/s, which is less than the required fire flow.

The capacity analysis of the consultants employed by the Local Authority established an AADD of 36.7 kl/d, which will therefore also be less than the required fire flow.

Required Fire Flow

In terms of SANS 10400-T:2011, Edition 3, sub clauses 4.35.1 to 4.35.4, fire hydrants shall be provided in any building that exceeds 12 m in height and any building (excluding buildings classified as H4 – single residential house) of any height with a total floor area that exceeds 1 000 m².

Accepting that no building on site will exceed 12 m in height or a floor area of 1000 m², no hydrants will be required inside buildings.

Hydrants shall hence be located outside along streets in hydrant chambers. The distance from any point on an erf or inside a building from a hydrant shall not exceed 90 m. In order to satisfy this requirement, being able to reach any point inside a building using a 90 m hose, each hydrant shall serve a circular area of not exceeding 45 m – to compensate for angled routes to be followed to the point of use- the circles to cover the site entirely, irrespective of building lines.

The two high density complexes, which may be classified as Low Fire Risk – Group 1 areas, are separated sufficiently by the single residential units (Low Fire Risk - Group 3) to obviate any combined fire risk. Each of the two complexes are covered by two hydrants and the design fire flow will therefore be for two hydrants operating simultaneously at 15 l/s per hydrant for an aggregate of 30 l/s at a residual head of 7 m.

The capacity analysis of the consultants employed by the Local Authority employed a Medium Risk Fire Flow of 25 l/s at a residual head of 10 m. The two may be deemed to be roughly similar.

Required Water Network Upgrades

Flow Restrictions

The reader is referred to Appendix P to the Town Planning Application reflecting the upgrades proposed by the consultants of the Local Authority.

The proposed upgrades should be employed as urgent fire safety measures.

Pressure regime

During extreme consumption of water, the water pressure at the upper floors of easternmost buildings will probably drop to 17 m. The generally accepted lower limit of pressure is deemed to be 24 m.

It may therefore be necessary to provide a pressure boosting station for the easternmost general residential site to add another 7 m of head.

Drainage – Sewer Network

Erf 1629, including the commercial development may drain into an existing sewer manhole at POS 1380 along the southern verge of Reservoir Street East. One crossing of an existing street will be required.

Although the peak production of sewage will be less than the capacity of a 100 mm nominal diameter sewer, the generally accepted minimum nominal diameter for municipal sewers of 150 mm shall be employed.

Sewers along internal streets shall also be a minimum of 150 mm nominal diameter.

The installation of public sewers in private property shall be obviated.

All sewers shall be laid in street reserves, falling along the natural slope to the northern internal collector street and then back south along the access street southwards to reservoir street from where it will follow the building line, 2 m from the northern street reserve boundary of Reservoir Street East to cross the street southwards at POS 1380.

The depth of the sewer will be approximately 3.5 m at its deepest at the access control point.

The undersigned discussed the possibility of capacity improvements required to the Akademie Street sewer with the engineers of the Local Authority. The undersigned is of the opinion that such upgrades attract some onerous risks and shall not be done under a private developer but under the control of the Local Authority, employing the Development Contributions paid by the developer.

Municipal Standards

SEWERS

Table 2: Sewer Specifications

Minimum diameter – house connections	100 mm (nominal dia.)
Minimum diameter – main lines	150 mm (nominal dia.)
Bedding type	For Flexible pipes (SABS 1200 LB)
Position in road reserve	As agreed with the LA
Minimum full flow velocity	0.9 m/s
Maximum velocity	3.5 m/s
Minimum cover	1000 mm
Maximum distance between manholes	90 m
Minimum gradient for 160 mm pipes:	
Number of dwelling units:	
Less than 10	1 : 90
10 to 80	1 : 120

- Internal backdrop may only be used in the case of new connections to existing deep trunk sewers.

Table 3: Sewer Pipe Specifications

Table 1.1.2: Sewer Pipe Materials	
Diameter Range (mm)	Specification
100 to 300	Class 34 heavy duty complying to SABS 791 using spigot and socket rubber ring joints

- All pipes, fittings and accessories shall comply to the latest edition of the relevant SABS specification.

House Connections

- Sewer house connections shall be 100 mm nominal diameter and shall extend 1m within the erf boundary.
- The sewer house connection shall be terminated with an end cap, rodding eye or boundary chamber as prescribed by the Technical Support Services Manager of the relevant Administration.
- Where the house is constructed within 2 m from the road reserve the house connection shall be extended so that the rodding eye is positioned against the house wall.
- Rodding eyes on erven must be covered with a standard Heavy Duty polymer concrete cover and frame.
- Joint connection for two properties will only be permitted in low income housing projects.
- House connection depths shall generally be designed to drain the further point on the building lines at a slope of 1:60, starting at a depth of 450 mm below the natural ground level.
- House connections shall preferably not be deeper than 1.2 m and if deeper, the developer shall provide surveyed XYZ Coordinates of the pipe soffit.
- Junctions and specials to be same wall thickness as the sewer main.
- Each house connection shall be linked to the main with a Y-junction or be connected at a manhole.
- The position of the house connection shall be marked on the kerb by cutting a slot 5 mm deep into the concrete surface with an angle grinder. The slot shall be painted with an approved paint.
- Marker posts to be installed at sewer house connection points to consist of 75 x 150 x 1000 mm concrete edging stones placed vertically, protruding 100 mm above finished ground level.

Manholes

- Manholes shall be provided at all horizontal and vertical changes in direction, at all pipe junctions and end points.
- All pipe connections excluding backdrop connections shall be crown to crown.
- Manholes are to be precast concrete ring type manholes (minimum 1050 mm diameter) with precast base and top slabs. Alternatively solid shaft manholes may be used.
- Dolomite aggregate and low alkali sulphate resistant cement to SABS 471 shall be used for all concrete, mortar and / or screeds.
- All joints to be sealed with Denso Strip, Sikaflex-Pro 2HP or similar approved.
- All external joints between concrete rings to be wrapped with a 300 mm denso tape or similar approved.
- Dolomite aggregate and low alkali sulphate resistant cement to SABS 471 shall be used for all concrete, mortar and / or screeds.
- All brickwork shall be plastered internally and externally (minimum 13 mm thick) and sealed with two coats Flintkote 3 (ABE) and one coat Silvakote (ABE).
- All manholes shall be water tight.
- Connecting pipework shall be fitted with flexible joints.
- All covers and frames to be Heavy Duty ductile iron with hinged cover in compliance with EN124-D400. Samples to be submitted for approval together with compliance certificates before any covers are delivered to site.
- Lifting holes to be plugged with Sikaflex-Pro 2HP or similar approved.
- The hinge of the lid must be positioned on the side of the approaching traffic in the lane, or at right angles to the direction of flow.
- Maximum distance between manholes to be 90 m.
- Maximum chimney height to be 400 mm.
- Minimum manhole depth shall be 1200 mm, measured from cover to invert level.
- Manholes in undeveloped areas to be 200 mm above NGL.

WATER RETICULATION

Table 4: Water Network Specifications

Income Group	Nominal Diameter (mm)
Minimum diameter – house connections serving one erf	20
Minimum diameter – house connections serving two erven	25 (branching to 2 x 20)
Minimum Nominal Pipe Size for distribution mains	100 mm
Minimum gradient	1:300
Minimum cover for pipe sizes 25 to 50 mm	600 mm
Minimum cover for pipe sizes 75 to 100 mm	800 mm
Minimum cover for pipe sizes 150 to 200 mm	1000 mm
Minimum cover for pipe sizes 250 to 350 mm	1200 mm
Bedding type	For Flexible pipes (SABS 1200 LB)
Position in road reserve	In verge of road reserve not nearer than 1500 mm from the reserve boundary.

- Local unventilated high points in water mains shall be obviated.
- No pipes may pass underneath stormwater catchpits or manholes

Table 5: Water Pipe Specifications

Diameter Range (mm)	Specification
20 to 40	HDPE to SANS ISO 4427 PE 100 PN16 using compression fittings and joints.
110 to 300	uPVC Class 12 heavy duty complying to SABS 966 using spigot and socket rubber ring joints or

- All fittings, accessories and specials shall be class 16, in compliance to the latest edition of the relevant SABS or ISO specifications and JASWIC approval.
- Any claim for a valid JASWIC approval shall be checked with the LA.
- Black mild steel pipe and its associated fittings may not be used to convey water in domestic installations, unless it is suitably treated and coated on the inside, and shall also not be installed in the fire installation section of a combined installation, in such a manner which could compromise the potability of the water in the domestic installation section of such a combined installation.
- Galvanised mild steel pipes and water fittings may not be used in installations which are connected to the municipality's main, and are supplied with water from it.
- Any pipe conveying water from a main may not be installed as an integral part of a concrete structure.

Valves

Scour and air valves to be installed as required. Scour valves may not discharge into underground drainage systems, only into open surface drains.

- All valves shall be AVK or similar approved type and be approved by the LA.
- Valves to be of the resilient seal or wedge-gate type. Resilient seal valves shall be used for general applications, and wedge-gate valves shall be used for valves dividing zones, or similar key applications
- Valves shall be clockwise opening / left hand closing.
- Direction of opening to be clearly marked on valve body or spindle cap.
- Valves shall be heavy duty, Class 16.
- Valves shall have non-rising spindles.
- Valves shall be fitted with cast iron cap tops, secured with retaining bolts.
- Only valves supplied with minimum thickness of 250 micron Copon KSIR 88 epoxy paint applied to all internal and external surfaces after it has been thoroughly cleaned by grit blasting to SA 2 ½ finish in compliance with the requirements of SIS 05 09 00 or valves with similar approved coatings, will be acceptable.
- Valve chambers shall be constructed in accordance the approved drawings.
- Valve bell tobies shall be ductile iron conforming to EN 124. The covers are to be secured to the frame with a galvanised chain or cable.
- Valve covers for general purpose valves shall be painted blue and shall protrude about 25 mm above ground level in non-paved areas.
- Valve covers for zonal valves and valves which generally remain closed, shall be painted red and shall protrude about 25 mm above ground level.
- All air valves to be of the Vent-o-Mat type or similar approved.

Fire Hydrants

- Fire hydrants shall be Ainsworth or similar approved type and shall be installed in accordance with SABS 1200, comply with the local Fire Department standard regulations, and approved by the LA.
- All Fire Hydrants shall be 65 mm diameter (internal).
- Outlets shall be London round thread with loose cap and securing chain.
- Hydrant spindles shall be provided with cast iron caps, secured with retaining bolts.
- Hydrants shall be clockwise opening / left hand closing.
- Only hydrants supplied with minimum thickness of 250 micron Copon KSIR 88 epoxy paint applied to all internal and external surfaces after it has been thoroughly cleaned by grit blasting to SA 2 ½ finish in compliance with the requirements of SIS 05 09 00 or hydrants with similar approved coatings, will be acceptable.
- Hydrant covers shall be ductile iron conforming to EN 124 and shall be painted with yellow oil paint. The covers are to be secured to the frame with a galvanised chain or cable.
- Hydrants shall be supplied and installed complete with a flanged CI extension piece complete with stainless steel nuts and bolts to ensure depth not greater than 400 mm.
- Hydrant chambers to be constructed in accordance with approved drawings.
- Hydrants shall be installed at the end of dead "runs" for discharging air, charging and bleeding the lines.
- Hydrants shall cover the entire development not further than 90 m radius from the further property boundary.

Bulk water meter chambers

- Bulk water meter chambers be constructed in accordance with approved drawings.
- Bulk water meter chambers to be painted externally with two coats of Flintkote 3 (ABE) followed by one coat Silvakote (ABE), or similar approved for water tightness.
- In the case of private developments, the valves directly after the bulk water meter chambers, shall be fitted with hand wheel, instead of a cast iron cap tops.

Fittings and Specials

- All bends, tee's reducers etc. to PVC pipes shall be Ductile Iron to EN 12842, fusion bonded thermoplastic coated internally and externally with Plascoat PPA 571 HES, to minimum 0.25 mm coating thickness with EPDM rubber insert seal.
- All mild steel specials shall after manufacture be coated internally and externally with Plascoat PPA 571 HES, to minimum 0.25mm coating thickness or Carboline 891 (3 coats, minimum 250 microns/coat) to the manufacturer's specification.
- Only stainless steel bolts and nuts shall be used on all fittings such as saddles, flanges, short collar couplings, etc.
- All brass fittings shall be SABS approved on manufactured from DZR brass.

Compression fittings for HDPE Pipes

- All compression fittings included in this specification shall be designed and be suitable for use with potable water distribution systems and be supplied from manufacturer complying with the requirements of ISO 9002. Fittings bodies may be of various configurations and include male adaptors, female adaptors, couplings, reduced couplings, elbows 90°, elbows 90° with male off take, elbows 90° with female off takes, elbows 45°, elbows 45° with male off take, Tee 90°, Tee 90° reduced / increased, Tee 90° with male off take, Tee 90° with female off take, Flanged joints, end caps and wall plate-elbows. The main size range is from 16 mm diameter up to 110 mm diameter. The fittings must be able to operate at a constant working pressure of 16 bar at an ambient temperature of 20 degree centigrade.
- Suppliers must provide approvals of minimum three internationally recognised authorities, such as DVGW, DS, SVGW etc. for their products.
- All bodies shall be injection moulded from recognised top quality polypropylene (PP) and be coloured black. The bodies must have moulded-in manufacturer identification, material and series information and show the dimensions of the pipe outside diameter and if necessary of the threads. All male and female threads of the bodies shall be injection moulded according to the ISO 7/1 standard.
- All compression fitting nuts shall be injection moulded from recognised top quality polypropylene (PP) and be coloured blue. The nuts must have an UV resistance of grade 8 according to ASTM D2565 and shall have moulded-in manufacturer identification and show the KIWA and Australian standard approval. The outer circumference must be provided with ribs to enhance handgrip or the tightening of the nut with adequate tools.
- All clamp rings shall be injection moulded from recognised top quality Polyacetalic Resin (POM) and be coloured white. Clamp rings shall not be connected to the thrust rings but be able to move freely on them. Thrust rings and clamp rings must be two (2) different components.
- All thrust rings shall be injection moulded from recognised top quality polypropylene (PP) and be coloured black. Thrust rings up to 50 mm diameter shall be secured in the body so that they cannot fall if the fittings are disassembled. Thrust rings must not be connected to the clamp rings. Thrust rings must apply pressure on the gaskets if the nut is tightened. Thrust rings and clamp rings must be two (2) different components.
- All gaskets shall be made of a recognised top quality Nitrile Rubber (NBR) and not contain a plasticiser that when in direct contact, has a harmful effect to either plastic pipes or fittings. Each gasket must have a smooth finish and be free from moulding flashes or similar. Gaskets up to 63 mm diameter must have an average Shore hardness of 70 ± 5 degrees. Gaskets greater than 63 mm diameter must have an average Shore hardness of 60 ± 5 degrees.
- All gaskets shall be coloured black. All gaskets must have a conical shape on the inside of the gasket for an easy insertion of the pipe without disassembling of the fitting. All gaskets are to have a wide flat sealing contact function with the pipe in question. All gaskets must have a cylindrical shape on the outside of the gasket. Gaskets must have two (2) lips on the bottom of the gaskets to guarantee a good sealing in cases of suction and vacuum. Gaskets must be pre – lubricated to facilitate easy installation. The use of O-rings as a pipe to fitting seal is not permitted.

- The compression fittings must conform to the relevant internationally recognised performance requirements:
 - Type test Standard Dimensions of the threads - ISO 7/1
 - Tightness of the joints - ISO 3458
 - Tightness of the joints when subjected to bending - ISO 3503
 - Resistance to pull-out - ISO 3501
 - Internal under-pressure test - ISO 3459
 - Long term pressure test - ISO/DIS 14236

- Samples to be submitted to the LA for approval.

Table 6: Services markings

Services Type	Lettering	Colour	Specifications
Ducts			
Telkom	T	Green	Cut lettering on kerb face with grinder, 75 mm high x 5 mm thick. Precast recessed kerbs are preferred.
Electrical	E	Red	
Traffic	R	Yellow	
Parks (Irrigation)	P	Black	
Watermains			
Valve	V	Blue	Blue cover for chamber. Cut V on kerb face (75 mm x 75 mm)
Fire Hydrant	H	Yellow	Yellow cover for chamber. Paint one kerb (1 m) yellow
House connections			
Sewer	I	Brown	Cut single groove on kerb face with grinder 75 mm high X 5 mm thick and install 75 x 150 x 1 000 mm concrete edging stone protruding 100 mm above finished ground level at connection point
Water	I	Blue	Cut single groove on kerb face with grinder 75 mm high X 5 mm thick
Electrical	I	Red	Cut single groove on kerb face with grinder, 75 mm high x 5 mm thick

Note: Cutting into kerbs shall be done using stencils to obviate unsightly cuttings
Poly Acrylic roof paint to be used on concrete surfaces

House Connections

- House connections shall be installed as per approved drawings.
- Saddles shall be ductile iron or cast iron, secured with stainless steel bolts and nuts, and wrapped in "Denso" tape or similar approved.
- Ferrules are not required.

Testing of Water Mains

- All water mains shall be pressure tested as specified in SABS1200-L with all fittings, specials and house connections and leadings in place.

Disinfection of Water Mains

- All water pipelines are to be disinfected as per the LA Environmental Health Policy

Rainwater harvesting

Harvesting of rainwater is proposed in general.

Sustainable Urban Stormwater Systems (SUDS)

Water Sensitive Urban Development

Acknowledgement: City of Cape Town Policy Statements

In order to reduce impacts of urban stormwater systems on receiving waters, all of these systems shall be planned and designed in accordance with best practice criteria and guidelines to support water sensitive design principles and the following specific sustainability system objectives:-

- Improve quality of stormwater runoff;
- Control quantity and rate of stormwater runoff;
- Encourage natural groundwater recharge.

The deleterious impacts of development on receiving waters, such as rivers, streams, wetlands, groundwater and coastal waters, are a worldwide phenomenon. Such impacts include:-

- Declining water quality
- Diminishing groundwater recharge and quality
- Degradation of stream channels
- Increased overbank flooding
- Floodplain expansion
- Loss of ecosystem integrity and function
- Loss of biodiversity.

Sensitivity regarding these impacts has led to the worldwide implementation of water sensitive design and management principles guiding development impacts on natural water bodies.

The guiding principles, also known as WSUD Principles, recognise that the primary reason for deterioration of urban waters is the disruption of the natural water cycle. From the stormwater management perspective this is a result of the creation of impervious surfaces, and the concentration and acceleration of stormwater runoff through pipe and canal networks. Absorption, attenuation, and quality improvement of runoff through natural processes are lost.

In agriculture, the impacts are less pronounced but ploughing a field or building a water storage reservoir will have similar disruptive impacts as a township development.

At Franschhoek, the application of SUDS / WSUD Principles will be relatively restricted due to locality of the site on a sloped portion of the property. Combined with the slope, the typical soil horizons being mostly clayey, coarse clayey sands and fine clayey gravels, will be obviating the possibility of significant ground water recharge. The implementation of sustainable permeable paving structures is also nearly impossible due to the soil types present on site.

The best way to manage the damaging effect of concentrated stormwater run-off lies in the management of the run-off at the source, on the roof and the paved parking areas and walkways around the building. The proposed retention of rainwater on the roof will greatly reduce the run-off peaks.

Additional to the drainage system the runoff shall be collected in rainwater storage tanks for general use on site and in the complex.

Run-off generated on site will drain under gravity to the lowest point in the north western corner where a detention pond will be available to detain the 1:100 year run-off peak sufficiently to restrict the outflow to the capacity of the existing 450 mm dia culvert draining the site.

For details, the reader is referred to the Hydraulics and Hydrology section.

Catchment Area

Climate

The climate is moderate with predominantly winter rainfall. The current rainfall pattern is a dry Autumn from March to middle May, rainy Winter from middle May to middle September, rainy Spring extending into November and a hot dry Summer until end of February- middle March.

The nearest rainfall station is practically at the property: - Station 0022 204 Franschhoek (1942 – 1969) situated at Lat. 33° 54' E Long 19° 07' S. The average annual rainfall is approximately 877 mm.

Rainfall occurs according to the following table: -

Month	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Tot
Ave %	6.14	4.16	2.93	2.58	2.64	3.29	8.00	14.35	17.42	15.27	14.33	8.90	100
mm	53.7	36.4	26.6	22.5	23.1	28.8	70.1	125.7	152.7	133.8	125.6	78.0	877

Dry and wet spells of 5 to 7 years are experienced in 18 year cycles, synchronized with the longer term cycles of the moon and tides.

The data is given in good faith without guarantee that it will be representative of the average condition encountered during the execution of the contract.

The nearest evaporation station is at Assegaaibos Evaporation Station G1E006 (1974 – 1979) situated at Lat. 33° 57' E Long 19° 04' S. The mean annual evaporation (MAE) as measured using a Symons pan is 1718 mm. It falls in the 23D evaporation zone.

Flood Hydrology

Analysis of pre-development run-off

The catchment is approximately 1.9414 ha in extent and approximately 310 m long at a slope of approximately 1:20. As the collection length is less than 400 m, run-off will collect as sheet flow towards two east west streams, the sheet flow concentration time approximately 12.5 minutes plus approximately 2.5 minutes for the streamflow to reach the outlet. The applied concentration time of the pre-developed site is therefore approximately 15 minutes or $t_c = 0.25$ hours.

The average longitudinal slope along the main internal drainage route may be subdivided in a number of reaches: -

- From the north eastern end runoff will drain 98.6 m to the gate of the group housing erf (contribution to area = 3 673 m²);
- A further 23.4 m from the gate flow combines with run-off generated in the eastern most single residential street, the street being 50 m long (contribution to area = 1 555 m²).
- A further 52.1 m downstream, the flow combines with run-off from the second street from the east, the street being 65 m long (contribution to area = 3 050 m²);
- A further 52.1 m downstream, the flow combines with run-off from the second street from the west, the street being 78 m long (contribution to area = 3 881 m²);
- A further 45.2 m downstream, the flow combines with run-off from the main / western entrance street, the street being 90 m long (contribution to area = 4 430 m²).
- The combined run-off drains into a detention pond at the norther western corner of the property (contribution to area = 2 825 m²).

Table 7: Pre-development Flood Regime

Recurrence Interval (1:years)	Point rainfall (mm)	Intensity	C	Peak Run-off (l/s)	Volume m ³
2	12	48	19%	50	68
5	16	64	22%	75	101
10	20	80	25%	108	146
20	22	88	27%	128	173
50	32	128	34%	235	317
100	41	164	100%	885	1195

Due to the four cul-de-sac streets being shorter than 90 m each, no underground piped systems will be provided in the cul-de-sac's. Catchpits will be provided on the southern side of the street to intercept flow before cross-flow could develop across the intersections.

Table 8: Post Development Flood Regime

Recurrence Interval (1:years)	Point rainfall (mm)	Intensity	C	Peak Run-off (l/s)	Volume m ³	Increase m ³
2	9	60	70%	227	184	116
5	12	80	73%	315	255	124
10	15	100	75%	378	306	160
20	19	127	80%	518	420	247
50	25	167	90%	811	657	340
100	33	220	100%	1 187	962	0

The calculated post development concentration time is 0.15 hr which coincides with a streamflow velocity of 1 m/s in the pipes and approximately 3.8 minutes allowance for the flow to reach the piped system from roofs and gardens through gutter and downpipe systems. The provision of ponding / detention on the erven is normally necessary for groundwater recharge and rainwater harvesting.

Planning shall target the lowest energy route.

The capacity of a 450 mm pipe under inlet control with a headwater depth ratio of 1.2 is approximately 200 l/s. This is sufficient to throttle all the modelled run-off up to the 1:100 year run-off peak to the pre-development regime. When its capacity is exceeded, an overland flood relief route is available to reach the Mont Rochelle Stream via the undeveloped land to the west of the pond.

The required volume of the pond is approximately 340 m³, the maximum difference between pre- and post-development run-off.

Road and Street Design

General

A 2.5 m wide wheel chair friendly walkway / cycle track shall be provided along the verge nearest to access door and along the eastern side of the access road.

The site will gain access via existing streets up to existing gravel roads: -

- The farm road to the west will remain as is in its gravelled condition, and;
- The existing access road to the east will be upgrade to a normal bituminous road.

Parts of an existing parking area will be demolished to provide building space. The salvaged materials from the demolition shall be used to extend the parking area up to the access road. A new wearing course will be required for the parking area.

Horizontal Alignment

The horizontal alignment is governed by the layout planning of the Town Planners. All the alignments will be within generally accepted norms.

Vertical Alignment

The vertical alignment is governed by the drainage of rainwater run-off from the erven into the kerb-channels. No challenges are expected.

Pavement Design

The pavement type contemplated is typical of a minor internal street (Class 5 Streets).

Pavement Structure: - Category UC Road – UD class roads shall not be employed in moist / wet regions.

The number of 80 kN Axles per lane over a 25 year structural design period, will not exceed ES 0.3 (300 000). The required structural depth of the pavement shall be deemed to be at least 600 mm (in moist areas 400 mm as per the red book is not advisable) proposed pavement design is: -

- 30 mm Asphalt Wearing Course
- 100 mm G4 Base
- 125 mm G5 Subbase
- 150 mm G7 Subgrade
- 150 mm G9 Subgrade

An alternative for the above pavement is to replace the bituminous design with a segmental block design: -

- 80 mm Interlocking pavers.
- 20 mm Bedding Sand
- 100 mm C4 Stabilized Subbase

-
- 150 mm G7 Subgrade
 - 150 mm G9 Subgrade

Kerbs and Channels

Barrier kerbs and channels shall be provided up to the first internal bend in the road. The Barrier Kerb and Channel shall be continued along the southern edge for drainage purposes and to protect pedestrians along the sidewalks on the southern verge of the street. The northern edge of the road may be softened using MK10 roll-over kerbs to allow for overflow parking along the northern verge.

Electrical & Communication Ducts

Notwithstanding the fact that the Electrical Consultants are responsible for all cable based planning, the civil engineering contractor shall install all cable ducts required.

4 x 160 mm diameter cable ducts shall be installed across the access road along the northern verge of Reservoir street East.

Another 2 x 160 mm plus 2 x 110 mm cable ducts and 2 across the two access to the general residential erven and the three cul-de-sac's.

Another 2 x 160 mm plus 2 x 110 mm cable ducts and 2 x 110 mm communications ducts will be provided at the eastern end of the south block, crossing to the existing buildings.

A 63 mm diameter HDPE communication duct shall be laid along the irrigation ring main to accommodate the solenoid actuating wiring.

Refuse Removal

Recycling shall be promoted as an integral part of the day to day management of the development. It is proposed that a private recycling contractor is procured to manage and service the development, using the smaller recycling wheelie bins. Recycling collections shall be within 24 hours after the refuse removal.

Each single residential property shall use its own standard wheelie bin to be emptied once a week (28 bins in total).

Each of the three GR erven inside the complex shall have a refuse room at the gate where one wheelie shall be supplied for every two units. For up to 4 unit buildings architects normally provide a two bin room at the ground floor under stairs from where the bins are moved by a site attendant to the gate on refuse removal days. By combining the rooms for the two westerns erven, the requirement is therefore 10 bins for the combined 20 unit erf and 14 bins (rounded up to an even number) for the eastern 26 unit erf. The 10 bin room shall be 2.5 m wide and 3.30 m long while the 14 bin room shall be 2.5 m wide and 4.6 m long. The ceiling height is an architectural decision, subject to good ventilation and the availability of natural light. The floors shall be concrete and sloped to a gulley just inside the access door where a tap with a hose connection shall be provided for cleaning the bins.

All surfaces draining to the sewer network shall be roofed.

Pest control require permanent vents with fly screens in the walls and doors. The door mechanisms and screens shall be baboon proof.

Local Authorities do not normally enter private roads. Accepting that all the streets are private roads, it will be necessary to register a servitude in favour of the general public along the entire length of Rue de Vie – the main internal road – to facilitate the entry of refuse vehicles.

Care shall be taken to provide sufficient headroom, 5.1 m minimum as regulated by Roads Authorities, for refuse vehicles and furniture removal trucks and trailers under any overhead structure created across the entrance.

Safety and Security

It is recommended that the site shall be fenced to the same standard as the existing fences to a 2.1 m high electrified security fence standard.

Recommendation

As there are apparently no unmanageable impacts on the built environment of Erf 1692, the undersigned recommends that the Local Authority approve+ the application for rezoning and subdivision.

References

SANS 1200 - Standardized specification for civil engineering construction:

- SANS 1200 A: 1986 (SABS 1200 A) Section A: General
- SANS 1200 AA: 1986 (SABS 1200 AA) Section AA: General (small works)
- SANS 1200 AB: 1986 (SABS 1200 AB) Section AB: Engineer's office
- SANS 1200 AH: 1986 (SABS 1200 AH) Section AH: General (structural)
- SANS 1200 C: 1980 (SABS 1200 C) Section C: Site clearance
- SANS 1200 D: 1988 (SABS 1200 D) Section D: Earthworks
- SANS 1200 DA: 1988 (SABS 1200 DA) Section DA: Earthworks (small works)
- SANS 1200 DB: 1989 (SABS 1200 DB) Section DB: Earthworks (pipe trenches)
- SANS 1200 DE: 1984 (SABS 1200 DE) Section DE: Small earth dams
- SANS 1200 DK: 1996 (SABS 1200 DK) Section DK: Gabions and pitching
- SANS 1200 DM: 1981 (SABS 1200 DM) Section DM: Earthworks (roads, subgrade)
- SANS 1200 G: 1982 Section G: Concrete (structural)
- SANS 1200 GA: 1982 (SABS 1200 GA) Section GA: Concrete (small works)
- SANS 1200 H: 1990 (SABS 1200 H) Section H: Structural steelwork
- SANS 1200 HA: 1990 (SABS 1200 HA) Section HA: Structural steelwork (sundry items)
- SANS 1200 HB: 1985 (SABS 1200 HB) Section HB: Cladding and sheeting
- SANS 1200 HC: 1988 (SABS 1200 HC) Section HC: Corrosion protection of structural steel
- SANS 1200 HE: 1983 (SABS 1200 HE) Section HE: Structural aluminium work
- SANS 1200 L: 1983 (SABS 1200 L) Section L: Medium pressure pipe lines
- SANS 1200 LB: 1983 (SABS 1200 LB) Section LB: Bedding (pipes)
- SANS 1200 LC: 1981 (SABS 1200 LC) Section LC: Cable ducts
- SANS 1200 LD: 1982 (SABS 1200 LD) Section LD: Sewers
- SANS 1200 LE: 1982 (SABS 1200 LE) Section LE: Stormwater drainage
- SANS 1200 LF: 1983 (SABS 1200 LF) Section LF: Erf connections (water)
- SANS 1200 LG: 1983 (SABS 1200 LG) Section LG: Pipe jacking
- SANS 1200 M: 1996 (SABS 1200 M) Section M: Roads (general)
- SANS 1200 ME: 1981 (SABS 1200 ME) Section ME: Subbase
- SANS 1200 MF: 1981 (SABS 1200 MF) Section MF: Base
- SANS 1200 MFL: 1996 (SABS 1200 MFL) Section MFL: Base (light pavement structures)
- SANS 1200 MG: 1996 (SABS 1200 MG) Section MG: Bituminous surface treatment
- SANS 1200 MH: 1996 (SABS 1200 MH) Section MH: Asphalt base and surfacing
- SANS 1200 MJ: 1984 (SABS 1200 MJ) Section MJ: Segmented paving
- SANS 1200 MK: 1983 (SABS 1200 MK) Section MK: Kerbing and channelling
- SANS 1200 MM: 1984 (SABS 1200 MM) Section MM: Ancillary roadworks

SANS 10400 - The application of the National Building Regulations:

- Part A: General principles and requirements.
- Part B: Structural design.
- Part C: Dimensions.
- Part D: Public safety.
- Part F: Site operations.
- Part G: Excavations.

- *Part H: Foundations.*
- *Part J: Floors.*
- *Part K: Walls.*
- *Part L: Roofs.*
- *Part M: Stairways.*
- *Part N: Glazing.*
- *Part O: Lighting and ventilation.*
- *Part P: Drainage.*
- *Part Q: Non-water-borne means of sanitary disposal.*
- *Part R: Stormwater disposal.*
- *Part S: Facilities for persons with disabilities.*
- *Part T: Fire protection.*
- *Part V: Space heating.*
- *Part W: Fire installation.*
- *Part X: Environmental sustainability – Part XA: Energy usage in buildings.*

Chadwick, A, Morfett, J, Borthwick, M 2006, *Hydraulics in Civil Engineering and Environmental Engineering*, SPON. (401 – 428)

Chow, V T 1959, *Open Channel Hydraulics*, McGraw-Hill Kōgakusha (Background Information)

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Midgley DC, Pitman WV, Middleton BJ 1990, *Surface Water Resources of South Africa (1990)*, First Edition, Volume IV Drainage Regions E, G, H, J, K, L; Western Cape, WRC Report No 298/4.2/94

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Rooseboom, A, Basson, M S, Loots, C H, Wiggett, J H, Bosman J, *Manual on Road Drainage*, 1983 (as revised, Second Edition, Republic of South Africa.

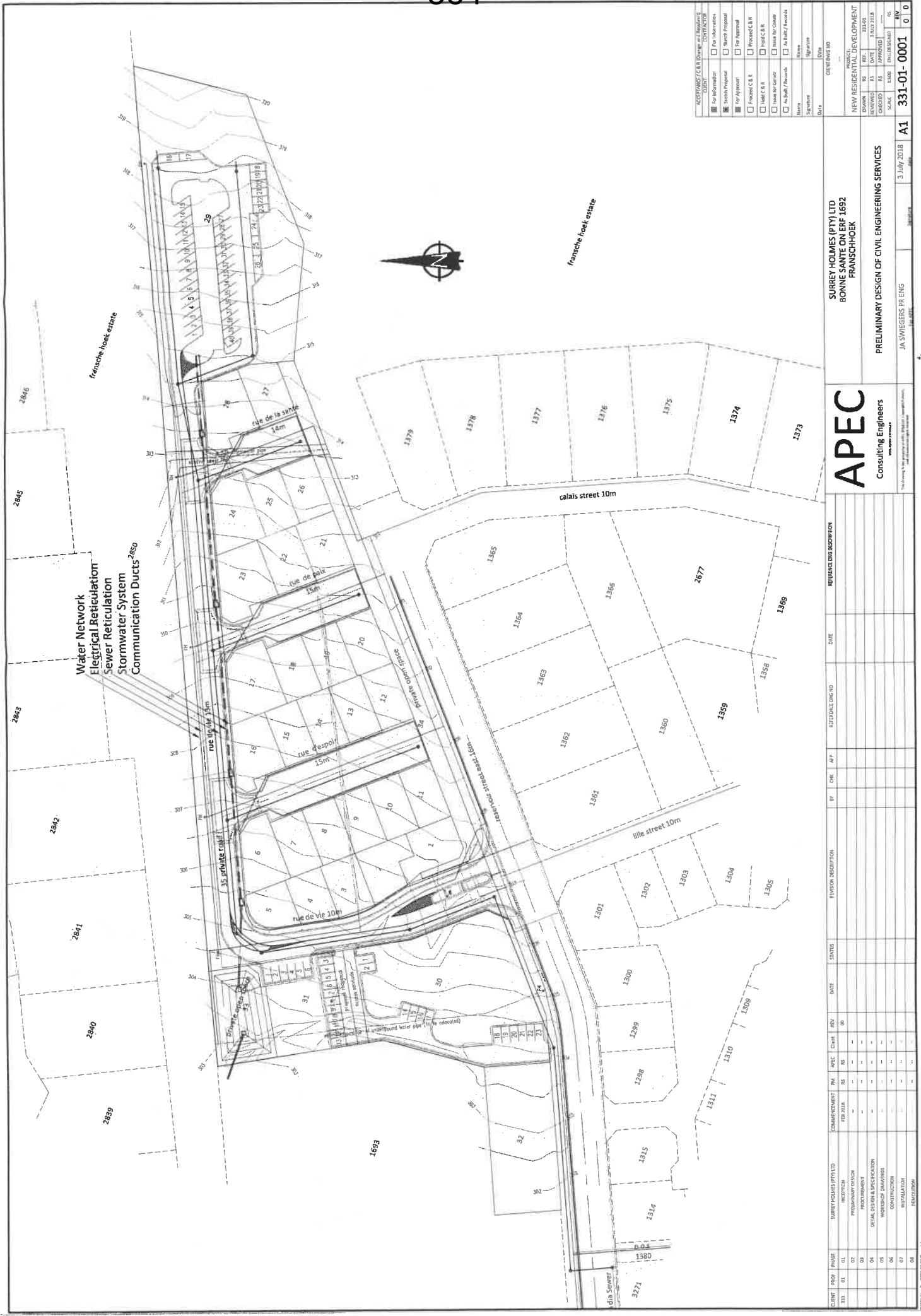
The Redbook, *Guidelines for Human Settlement Planning and Design*, 2000, CSIR

South African Institute of Steel Construction 1987, *The South African Steel Construction Handbook*, Edition 8, 2013.

SACS, South African Committee for Stratigraphy (SACS)

Lambe, T W, Whitman, RV 1968, *Soil Mechanics*, SI Version 1979, John Wiley & Sons, Inc,

ZP Kovacs (acknowledgement)



ACCEPTANCE / C.E.R. Change and Approval	
<input type="checkbox"/> For Information	<input type="checkbox"/> For Revision
<input type="checkbox"/> Sketch Proposed	<input type="checkbox"/> Sketch Proposed
<input type="checkbox"/> For Approval	<input type="checkbox"/> For Approval
<input type="checkbox"/> Proceed C.E.R.	<input type="checkbox"/> Proceed C.E.R.
<input type="checkbox"/> Issue for Construction	<input type="checkbox"/> Issue for Construction
<input type="checkbox"/> As Built / Records	<input type="checkbox"/> As Built / Records
Name: _____	Date: _____
Signature: _____	Date: _____

NEW RESIDENTIAL DEVELOPMENT	
DRAWN BY: _____	DATE: 1 JULY 2018
REVISIONS BY: _____	DATE: _____
CHECKED BY: _____	DATE: _____
SCALE: _____	APPROVED BY: _____
PROJECT NO: _____	REVISION NO: _____

SURREY HOLMES (PTY) LTD
 BONNE SANTE ON ERF 1692
 FRANSCHHOEK

PRELIMINARY DESIGN OF CIVIL ENGINEERING SERVICES
 JA SWIEGERS JR ENG

3 JULY 2018

A1 331-01-0001

CLIENT / NO	PHASE	DATE	STATUS	REVISION DESCRIPTION	BY	CHK	APP	REFERENCE Dwg NO	DATE	REFERENCE Dwg DESCRIPTION
331	01									
	02									
	03									
	04									
	05									
	06									
	07									
	08									

APEC
 Consulting Engineers

PROJECT: 331-01-0001-01-01 Preliminary Design
 10 JUL 2018 - 6:00am



12 March 2018

Lyners Consulting Engineers (Pty) Ltd
P.O. Box 79
Main Street
PAARL
7622

Attention: Mr Rudolph Schoonwinkel

Dear Sir

DEVELOPMENT ERF 1692, FRANSCHHOEK: CAPACITY ANALYSIS OF THE BULK WATER & SEWER SERVICES

Your request regarding comments on the bulk water and sewer supply to the development (proposed development on Erf 1692, Franschhoek), 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 not taken into consideration for the June 2017 master plans for the water and sewer networks.

1. WATER DISTRIBUTION SYSTEM

1.1 Distribution zone

The master planning indicated that the proposed development area should be accommodated in the existing Franschhoek reservoir zone.

The connection to the existing system should be done to the existing 100 mm diameter pipe in Reservoir Street, as shown on Figure 1 attached.

The proposed development is situated inside the water priority area.

1.2 Water demand

No provision was made in the existing Franschhoek Water Master Plan for any development on Erf 1692.

For this re-analysis, the potential annual average daily demand (AADD) and fire flows for the proposed development area was calculated as follows:

• 28 Residential units @ 0,6 kℓ/d/unit	= 16,8 kℓ/d
• 46 Flats @ 0,4 kℓ/d/unit	= 18,4 kℓ/d
• 370 m ² commercial space @ 0,4 kℓ/d/100 m ²	= 1,5 kℓ/d
Total	= 36,7 kℓ/d
• Fire flow criteria (Moderate risk)	= 25 ℓ/s @ 10 m

GLS Consulting (Pty) Ltd

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1.3. *Present situation*

Network conveyance

The existing 100 mm diameter pipe in Reservoir Street is currently supplied with water from the Franschhoek reservoir. The pipe network in the area can however also be supplied with water from the Shepperdson booster pump station. The pump station is currently bypassed and supplied directly with water from the Franschhoek reservoir zone.

It is recommended that the following network upgrades are implemented to improve network conveyance to the proposed development area:

Network upgrade

• Item 1	: 40 m x 160 mm Ø replace existing 100 mm Ø pipe	R	81 000 *
• Item 2	: 60 m x 160 mm Ø replace existing 75 mm Ø pipe	R	103 000 *
• Item 3	: 140 m x 110 mm Ø replace existing 75 mm Ø pipe	R	145 000 *
• Item 4	: 100 m x 110 mm Ø new inter-connection pipe	R	<u>112 000 *</u>
		Total	R 441 000 *

(* Including P & G, Contingencies and Fees, but excluding VAT - Year 2017/18 Rand Value. This is a rough estimate, which does not include major unforeseen costs).

Pressure

During peak demand conditions the Energy Grade Line (EGL) at the proposed development is 343 m. This means that at the highest point of the development (320 m contour) the head will be 23 m during peak demand conditions. If the higher lying areas experience low pressures during peak demand conditions it is recommended that an internal booster pump station be installed for the higher lying area of the proposed development.

Reservoir capacity

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

2. **SEWER NETWORK**

2.1 *Drainage area*

The development falls within the Wemmershoek Waste Water Treatment Plant (WWTP) drainage area. The recommended position for the sewer connection for the proposed development is at the existing 160 mm diameter outfall sewer in Reservoir Street, as shown on Figure 2 attached.

The development is inside the sewer priority area.

2.2 *Sewer flow*

No provision was made in the existing Franschhoek Sewer Master Plan for any development on Erf 1692.

For this re-analysis, the peak day dry weather flow (PDDWF) for the proposed development was calculated as 25,7 kℓ/d.

2.3 Present situation

The existing sewer system has sufficient capacity to accommodate the proposed development.

No invert data was however available for a section of the outfall sewer downstream of the proposed development and it is proposed that the invert levels of this section of the main outfall sewer should be surveyed (as shown on Figure 2) to verify that the existing system has sufficient spare capacity available to accommodate the proposed development.

3. CONCLUSION

The developer of Erf 1692 in Franschoek may be liable for the payment of a Development Contribution (as calculated by Stellenbosch Municipality) for bulk water and sewer infrastructure as per Council Policy.

The existing water system has insufficient spare capacity available to accommodate the proposed development. The minimum upgrades required in order to accommodate the proposed development in the existing water system are master plan items 1 to 4 in order to improve network conveyance to the proposed development area.

Peak demand pressure at the highest point of the proposed development is only 23 m and should the higher lying areas of the development experience low pressures it is recommended that an internal booster pump station be installed.

The existing sewer system has sufficient capacity to accommodate the proposed development.

It is however recommended that a section of the main outfall sewer be surveyed in order to verify that there is adequate spare capacity available to accommodate the proposed development.

We trust you find this of value.

Yours sincerely

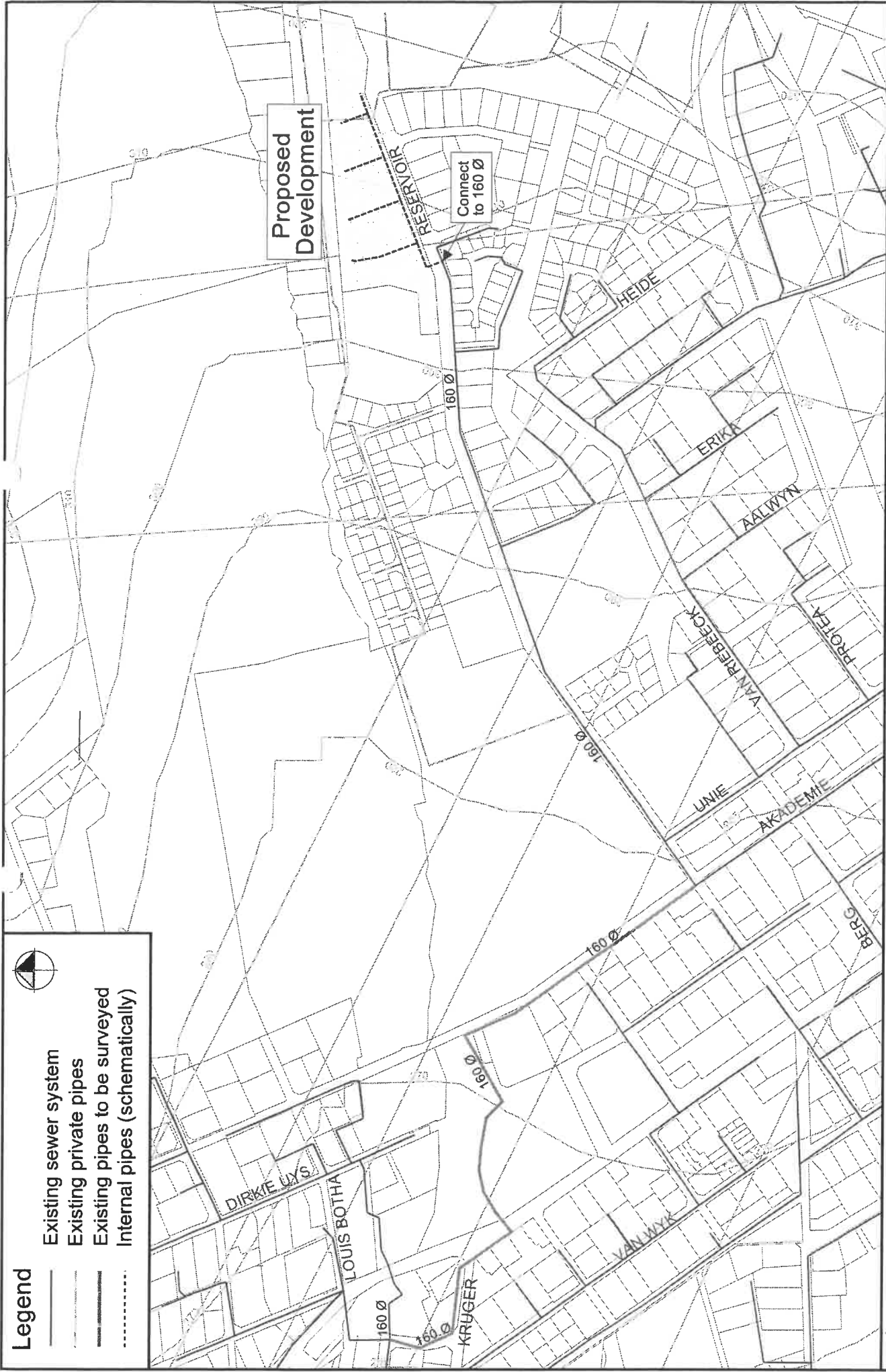
GLS CONSULTING (PTY) LTD
REG. NO.: 2007/003039/07



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
- Existing private pipes
- Existing pipes to be surveyed
- - - Internal pipes (schematically)



Figure 2

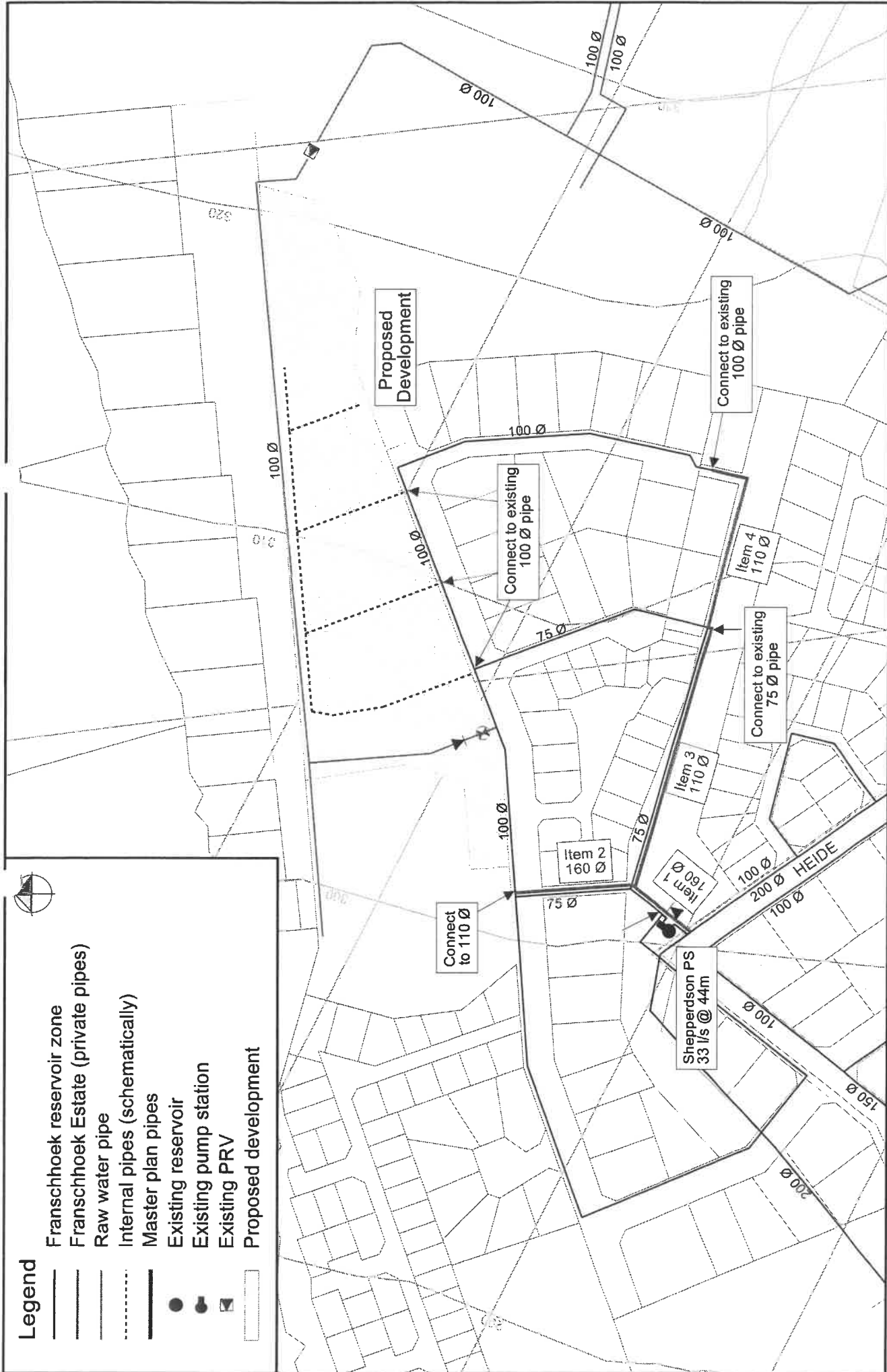
Proposed Development
Erf 1692 Franschoek
Existing Sewer System



March 2018

Development : Erf 1692, Franschoek





Legend

- Franschhoek reservoir zone
- Franschhoek Estate (private pipes)
- Raw water pipe
- - - Internal pipes (schematically)
- Master plan pipes
- Existing reservoir
- Existing pump station
- ◻ Existing PRV
- - - Proposed development

Figure 1
Proposed Development
Erf 1692 Franschhoek
Existing Water System





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LAND USE PLANNING REPORT TO THE MUNICIPAL PLANNING TRIBUNAL

APPLICATION FOR SUBDIVISION: ERF 721, PNIEL

Reference number	LU/4827	Application date	2016-08-25	Report date	2018-05-02
------------------	---------	------------------	------------	-------------	------------

PART A: AUTHOR DETAILS

First name(s) and Surname	Robert Fooy				
Job title	Senior Town Planner				
SACPLAN registration number					
Directorate/Department	Planning & Economic Development: Land Use Management				
Contact details	robert.fooy@stellenbosch.gov.za				

PART B: APPLICANT DETAILS

First name(s) and Surname	Piet Smit (Stellenbosch Municipality)				
SACPLAN registration number	N/A				
Company name	Stellenbosch Municipality	Is the applicant authorized to submit this application?	Y	N	
Registered owner(s)	Stellenbosch Municipality				

PART C: PROPERTY DETAILS

Property description	Erf 721 Pniel				
Physical address	Corner Helshoogte Road & Hill Street	Town/City	Pniel		
Current zoning	Authority Zone	Extent (m ² /ha)	8213m ²	Are there existing buildings on the property?	Y N



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Applicable Zoning Scheme	Section 8 Zoning Scheme		
Current Land Use	Local Authority		Title Deed number & date T67303/1995
Any restrictive title conditions applicable?	Y	N	If Yes, list condition number(s)
Any third-party conditions applicable?	Y	N	If Yes, specify
Any unauthorised land use/building work?	Y	N	If Yes, explain

PART D: APPLICATION DESCRIPTION AND BACKGROUND

REASON FOR APPLICATION BEING REFERRED BACK TO THE MUNICIPAL PLANNING TRIBUNAL

The application was submitted to the Municipal Planning Tribunal for consideration in June 2018 but was referred back to the Administration to include the following in the report.

1. Purpose of subdivision
2. Number of onsite parking bays required in terms of the applicable Zoning Scheme;
3. Onsite parking bays provided by the applicant;
4. Application to be submitted to include the application for building line departure should it be required;

The additional information has been included in the relevant portions of this report in italics for ease of reference.

Application is made in terms of the Sections 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law, dated 20 October 2015 for subdivision of Erf 721 Pniel into two portions, Portion A ($\pm 2702 \text{ m}^2$) and Remainder ($\pm 5511 \text{ m}^2$) as indicated on drawing No: P3548/16, drawn by David Hellig & Abrahamse, dated July-August 2016 (See **Annexure B**);

PART E: SUMMARY OF PUBLIC PARTICIPATION

Methods of advertising				Date published	Closing date for objections
Press	Y	N	N/A	N/A	N/A
Notices	Y	N	N/A	23 August 2017	23 September 2017
Ward councillor	Y	N	N/A	23 August 2017	23 September 2017
On-site display	Y	N	N/A	N/A	N/A



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Community organisation(s)		Y	N	N/A	23 August 2017	23 September 2017		
Oth-er	Y	N	If yes, specify					
Was public participation undertaken in accordance with sections 44-49 of the Stellenbosch Land Use Planning By-law, October 2015							Y	N
PART F: SUMMARY OF COMMENTS DURING PUBLIC PARTICIPATION (INTERESTED AND AFFECTED PARTIES)								
FARM/ERF NO.	ISSUES RAISED			APPLICANT'S RESPONSE		DEPARTEMENTAL REPOSENSE		
None	None			None		None		
PART G: SUMMARY OF COMMENTS FROM INTERNAL DEPARTMENTS AND/OR ORGANS OF STATE AND/OR COMMUNITY ORGANISATIONS AND/OR WARD COUNCILLOR								
NAME OF DEPARTMENT	DATE	SUMMARY OF COMMENTS			RECOMMENDATION			
Municipal Traffic Engineer/ Engineering Services	17/10/2017	Recommended for approval			Positive	Negative	No Comment	
Spatial Planning, Heritage & environment	20/09/2017	The department has no objection to the proposal			Positive	Negative	No Comment	
Building Development Management	24/08/2017	The department has no objection to the proposal			Positive	Negative	No Comment	
Ward Councillor	N/A	Comments not received			Positive	Negative	No Comment	



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PART H: MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

Background

The purpose of this application is to obtain approval in terms of the Stellenbosch Municipal Land Use Planning By-law for the subdivision of Erf 721, Pniel to allow for the Municipal Offices to be accommodated on its own cadastral land unit.

Erf 721 Pniel, measures 8 213 m² in extent and is held in trust for the Community of Pniel by the Minister of Local Government and Housing (vide Deed of Transfer No T67303/1995) and is situated within the area of jurisdiction of the Stellenbosch Municipality.

The Property Management Department of the Municipality has requested that Erf 721 be subdivided in order to create two separate cadastral units of which one accommodates the Pniel Municipal Offices with the remainder of the property being reserved for road and public parking purposes.

The area of the property in totality is zoned for Local Authority Zone purposes in terms of the Section 8 Zoning Scheme Regulations and in terms of the Section 8 Zoning Scheme Regulations there are no development parameters applicable to this zoning as noted below in the extract of the Section 8 Zoning Scheme.

Definition

“Authority usage” means a use which is practised by a public authority and of which the locality factors are such that it cannot be classified or defined under other uses in these regulations, and includes uses practised by – (a) the State, such as military training centers and installations, telecommunication facilities, police stations and jails; (b) the Province, such as road stations and road camps, and (c) a local authority, such as fire services, sewage farms, dumping grounds, reservoirs, composting installations and water purification works.

Authority Zone Development Parameters

Primary use: Authority usage

Consent uses: none

The land use restrictions and additional provisions applicable to this zone shall apply as for every site or use or type of building approved by the Administrator or, if authorized thereto by the administrator, the council.

As noted above the subject property has no development parameters and thus the provision of onsite parking is not required. Currently onsite parking has been provided between the building and Main Road 172, which is not supported by the Provincial Roads Engineer as the vehicles using these parking bays need to reverse into the Main Road which is not safe. To facilitate parking for visitors to the Municipal Building a public parking area is available along Hill Street in close proximity to the Municipal building which should provide in the needs of the community of which the majority make use of public transport services.

(In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

The proposal seeks to optimise the use of the existing urban space and resources by increasing density within the urban edge. Allowing subdivisions within the urban edge reduces urban sprawl and further



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assist in locating facilities closer to people. Higher densities within the Pniel urban edge will help sustain agricultural land by locating community uses within the urban edge. Therefore, the proposal is consistent with principles of spatial sustainability and efficiency. One of the principles referred to in Chapter VI of the Land Use Planning Act, Act 3 of 2014 is good governance. The application was advertised to affected property owners for comments. There were no objections received against the application.

(In)consistency with the IDP/Various levels of SDF's/Applicable policies

The application was supported by the Spatial Planning, Heritage and Environment Department (see **Annexure F**).

(In)consistency with guidelines prepared by the Provincial Minister

Not applicable

Outcomes of investigations/applications i.t.o other laws

Not applicable

Existing and proposed zoning comparisons and considerations

Erf 721 Pniel, hereafter referred to as the subject property, measuring 8213m² in extent is located on the corner of Helshoogte Road & Hill Street. The property is zoned for Local Authority purposes in terms of the Section 8 Zoning Scheme Regulations. It consists of Stellenbosch Municipal Offices and community hall. The application in consideration does not entail a change of the current zoning and land use. Therefore, previous approvals have no bearing on the application in consideration.

The need and desirability of the proposal

The subject property is located in an area where the predominant land use is residential. The property is bound by Single Residential properties on the south and western side. To the north and western side are business zoned erven with Erf 758 accommodating the Pniel petrol station. Access to the property is taken directly from Helshoogte Road as the existing municipal offices are located along the Main Road.

The Stellenbosch Municipal Property Management Department is seeking to subdivide the property in order to create the proposed cadastral unit to accommodate the Pniel Municipal Offices. The proposal under consideration is to subdivide the subject property into Portion A (±2702 m²) and Remainder (±5511 m²). The two erven will gain access via the existing road. The proposal merely seeks to create a separate land unit to accommodate the existing municipal offices. The community will still use the existing parking area as reflected on the subdivision plan. The physical functioning of the property will remain the same, with only measurable cadastral boundaries being established. The proposed subdivision does not adversely impact on the surrounding environment, neighbouring properties, and nearby land uses as the application under consideration is only to subdivide the property into two portions.



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PART I: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

Financial or other value of the rights affected

Not applicable

Benefits to the holder of such rights in terms of the restrictive condition

Not applicable

Personal benefits which will accrue to the applicant

Not applicable

Social benefit of the restriction remaining in place

Not applicable

Social benefit of the proposal and whether the application will completely remove all rights enjoyed by the beneficiary or only some of those rights

Not applicable

PART J: SUMMARY OF EVALUATION

The application under consideration is for the subdivision of Erf 721, Pniel into two portions, Portion A ($\pm 2702 \text{ m}^2$) and Remainder ($\pm 5511 \text{ m}^2$). The zoning and land use of the two properties will remain the same as the intention is merely to create two separate land unit to accommodate the existing municipal offices on Portion A and the road with parking facilities on the remainder portion. The proposal will not adversely impact the immediate environment, surrounding uses, property values or the character of the area as the current land uses will not change and no additional structures will be constructed. The application was advertised to the surrounding affected property owners and no objections were received during this process. The application is also supported by the internal departments of the Municipality as well as the Provincial Roads Engineer to whom it was circulated for comment with conditions. The relevant conditions have been imposed to ensure that the proposal complies with the requirements of the Provincial Roads Engineer.



PART K: RECOMMENDATION

1. That the application for Subdivision of Erf 721, Pniel in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, to subdivide the property into two portions, Portion A ($\pm 2702 \text{ m}^2$) and Remainder ($\pm 5511 \text{ m}^2$) **BE APPROVED** in terms of Section 60 of the said Bylaw for the following reasons:
 - (i) The proposal will not adversely impact on the surrounding environment, uses, property values or the character of the area;
 - (ii) The zoning and lands use will remain the same;
 - (iii) The proposal will not have any impact on municipal services as no additional buildings or land use rights will be granted by the approval of the subdivision;
 - (iv) Sufficient parking bays will still be provided to support the existing land uses;
 - (v) The proposed subdivision will only facilitate the location of the existing Municipal building on a land unit with the remainder still being accessible to the public for road and parking purposes.

2. The approval granted in Section 1 above, is subject to the following conditions in terms of Section 66 of the said by-law:
 - 2.1 The subdivision diagram together with the Municipality's decision and conditions of approval be submitted to the Surveyor-General for approval within five (5) years from date of final notification;
 - 2.2 An electronic copy (shp, dwg, dxf) or A4 hard copy of the SG diagrams, which were preliminary approved by the SG. The following information must be indicated on the subdivision plan:
 - Newly allocated Erf Numbers
 - Co-ordinates
 - Survey Dimensions
 - 2.3 Raised kerbing be installed along the street boundary line of Portion 1 and Main Road No 172 and Hill Street to restrict direct access to the parking area located in front of the existing building from Main Road No 172 as required by the Department: Transport and Public Works, as contained in their letter dated 16 October 2017, attached here as **Annexure G**.
 - 2.4 All servitudes applicable to Erf 721 must be carried over to Remainder of Erf 721 to ensure that existing access are retained, and no portion of land is land locked by the proposal.



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PART L: ANNEXURES

Annexure A	Locality Plan
Annexure B	Proposed Subdivision Plan
Annexure C	Title deed
Annexure D	Motivation of Applicant
Annexure E	Portfolio of Evidence/ Affidavit
Annexure F	Comments received from Internal Departments
Annexure G	Comments received from external Departments
Annexure H	Copy of SG Diagram

PART M: COMPILATION OF PLANNING APPLICATION ASSESSMENT REPORT

APPLICATION FOR SUBDIVISION: ERF 721, PNIEL

Author of Planning Assessment Report:

Name: Robert Fooy

Capacity: Senior Planner

Signature: 

Date: 12/06/2020



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PART N: SUBMISSION OF PLANNING APPLICATION ASSESSMENT REPORT

APPLICATION FOR SUBDIVISION: ERF 721, PNIEL

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

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

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

Category: D(b)5

Decision Making Authority: SMDM, SMPT

Rational: The application is for the subdivision of land larger than 2000m² and is the subject property is owned by the Municipality. The proposal is not inconsistent with the approved MSDF; and there are no Local Spatial Development Plans applicable to the area in which the property is located.

Name: Stiaan Carstens

Capacity: Senior Manager: Development Management

SACPLAN Registration: A/1551

Signature:

Date: 12/06/2020



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PART O: ADMINISTRATION OF PLANNING APPLICATION ASSESSMENT REPORT

APPLICATION FOR SUBDIVISION: ERF 721, PNIEL

Administrator to Stellenbosch Municipal Planning Tribunal:

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

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

Date:

Name: _____

Capacity: _____

Signature: _____

Date: _____



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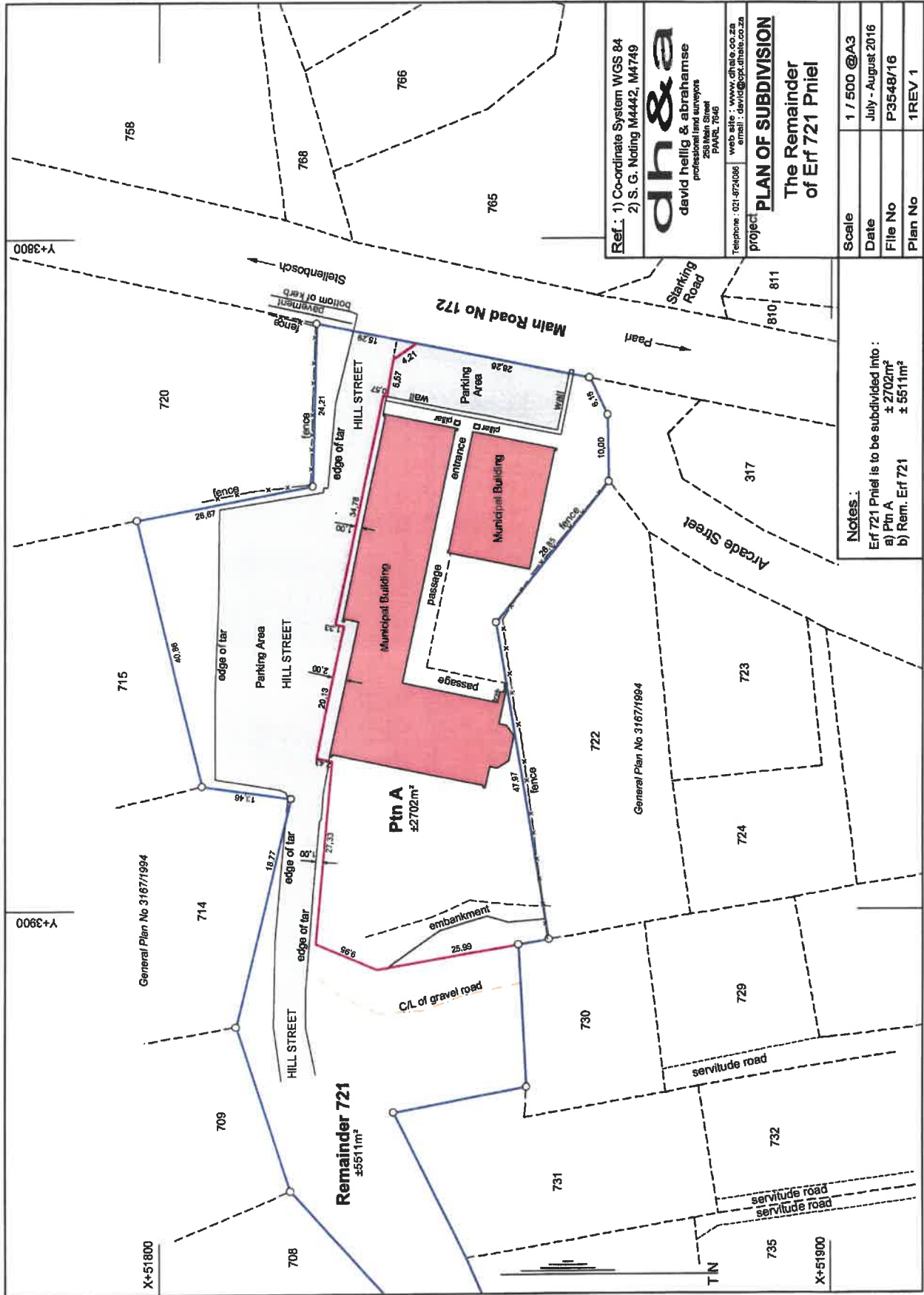
ANNEXURE A



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ANNEXURE B



Ref: 1) Co-ordinate System WGS 84
 2) S. G. Noting M4442, M4749

dh&a
 david hellig & abrahamse
 professional land surveyors
 259 Main Street
 PAARL, 7646

Telephone : 021-6724068 web site : www.dhate.co.za
 email : david@dhate.co.za

project: **PLAN OF SUBDIVISION**
The Remainder
of Erf 721 Pnrel

Scale	1 / 500 @A3
Date	July - August 2016
File No	P3548/16
Plan No	1REV 1

Notes:
 Erf 721 Pnrel is to be subdivided into :
 a) Ptn A ± 2702m²
 b) Rem. Erf 721 ± 5511m²

Y+3800

006C+A

X+51800

X+51900

TIN



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ANNEXURE C

175

FOR FURTHER ENDORSEMENTS SEE
VIG. VERIDENE ENDOSSEMENTE SIEH.....

36

SEELREG DUTY	R.....
FOO: FEB	R.....

Handwritten: R75,00

Opgestel deur my,

Handwritten: I.E. McGREGOR
TRANSPORTBESORGER
I.E. MCGREGOR

Handwritten: 13/21 km

37303 195

SERTIFIKAAT VAN VERENIGDE TITEL
(Uitgereik kragtens die bepaling van Artikel veertig van die
Registrasie van Aktes Wet, 1937 (Nr. 47 van 1937))

NADEMAAL aan die Minister soos beskryf in Artikel 1 van die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987 (Wet Nr. 9 van 1987) in Trust vir die Gemeenskap van Pniel aansoek gedoen het om die uitreiking aan hom van 'n SERTIFIKAAT VAN VERENIGDE TITEL kragtens die bepaling van Artikel veertig van die Registrasie van Aktes Wet, 1937 en

|

NADEMAAL die Minister soos beskryf in Artikel 1 van die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987 (Wet Nr. 9 van 1987) in Trust vir die Gemeenskap van Pniel die geregistreerde eienaar is van:-

1. **RESTANT VAN ERF 151 PNIEL, geleë in die gebied van die Pniel Plaaslike Oorgangsraad, Administratiewe Distrik Paarl, Provinsie van die Wes-Kaap.**

GEHOU: Transportakte Nr. T41201/1989

2. **ERF 601 PNIEL, geleë in die gebied van die Pniel Plaaslike Oorgangsraad, Administratiewe Distrik Paarl, Provinsie van die Wes-Kaap.**

GEHOU: Sertifikaat van Geregistreerde Titel Nr. T

87229 195

wat verenig is tot die grond hieronder beskryf:

IS DIT dat ingevolge die bepalings van genoemde Wet ek, die REGISTRATEUR VAN AKTES te KAAPSTAD hierby sertifiseer dat voornoemde

MINISTER SOOS BESKRYF IN ARTIKEL 1 VAN DIE WET OP LANDELIKE GEBIEDE (RAAD VAN VERTEENWOORDIGERS), 1987 (WET NR. 9 VAN 1987) IN TRUST VIR DIE GEMEËNSKAP VAN PNIEL

of die se opvolgers-in-titel die geregistreerde eienaar is van:

aktes

101

ERF 602 PNIEL, geleë in die gebied van die Pniel Plaaslike Oorgangsraad, Administratiewe Distrik Paarl, Provinsie van die Wes-Kaap.

GROOT: 6,9457 (Ses komma nege vier vyf sewe)
Hektaar.

SOOS MEER VOLLEDIG SAL BLYK UIT KAART NR. 3166/94 HIERBY AANGEHEG.

A. INSOVERRE die figuur A.B.C.v.u.Y1 op genoemde Kaart Nr. 3166/94 betref:

ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte Nr. T11413/1897.

B. INSOVERRE die figuur E.D.E.F.G.H. J.K.L.M.N.P.Q.R.S.T.U.
V.W.X.Y.Z.A1.B1.C1.D1.E1.F1.G1.H1.J1.K1.L1.M1.N1.P1.Q1.R1.S1.T1.
U1.V1.W1.X1.u.v op genoemde Kaart Nr. 3166/94 betref:

I. INSOVERRE die figuur X1.v.k.l.m.G.N.P.Q.R.S.T.U.V.W.X.Y Z.A1.B1.
C1.D1.E1.F1.G1.H1.J1.K1.L1.M1.N1.P1.Q1.R1.S1.T1.U1.V1.W1. op
genoemde Kaart Nr. 3166/94 betref:

ONDERHEWIG aan die voorwaarde vervat in Stellenbosch Eiendomsbriewe Volume 6 Folio 10.

II. INSOVERRE die figure v.C.D.G.m.l.k en G.H.J.K.L.M.N. op genoemde Kaart Nr. 3166/94 betref:

ONDERHEWIG aan die voorwaardes vermeld in Transportakte Nr. 67 gedateer 13 Oktober 1842.

- 4 -

III. INSOVERRE die figuur D.E.F.G op genoemde Kaart Nr. 3166/94 betref:

ONDERHEWIG aan die voorwaardes vermeld in Transportakte Nr. 33 gedateer 5 Augustus 1841.

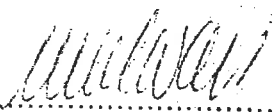
EN DAT kragtens hierdie Sertifikaat, genoemde

MINISTER SOOS BESKRYF IN ARTIKEL 1 VAN DIE WET OP LANDELIKE GEBIEDE (RAAD VAN VERTEENWOORDIGERS), 1987 (WET NR. 9 VAN 1987) IN TRUST VIR DIE GEMEENSKAP VAN PNIEL

Die se opvolgers-in-titel of regverkrygendes, nou en voortaan daartoe geregtig is ooreenkomstig plaaslike gebruik, die Staat nogtans sy regte behoudende.

TEN BEWYSE waarvan ek, voornoemde REGISTRATEUR, hierdie Akte onderteken en met my ampseel bekragtig het.

ALDUS GEDOEN EN GETEKEN in die Kantoor van die REGISTRATEUR VAN AKTES te KAAPSTAD op die 8 dag van September in die Jaar van Ons Heer Eenduisend Negehonderd Vyf-en-Negentig. (1995)



REGISTRATEUR VAN AKTES.

6.

K
t

RESTANT
KRAFTENS T 71251 96
IS DIE RESTANT VAN ERF 602
GEREGTE OF 'N SERWITUSTRAAD
SOOS AANGEDUI OP DIE ALGEMEEN-PLAN
OOR ERF 735 GROOT 713 VKM
DAARDEUR GETRANSPORTIEER.
AKTENAAR
KRAFTEN

12-09-96

RESTANTIEER (V. 12-09-96)
Boulb

SC
+

RESTANT
KRAFTENS T 71249 96
IS DIE RESTANT VAN ERF 602
GEREGTE OF 'N SERWITUSTRAAD
SOOS AANGEDUI OP DIE ALGEMEEN-PLAN
OOR ERF 614 GROOT 230 VKM
DAARDEUR GETRANSPORTIEER.
AKTENAAR
KRAFTEN

12-09-96

RESTANTIEER (V. 12-09-96)
Boulb

C
K

wyd

RESTANT
KRAFTENS T 68917 96 IS DIE RESTANT
VAN ERF 602 GEREGTE OF 'N SERWITUSTRAAD
SOOS AANGEDUI OP DIE ALGEMEEN-PLAN
OOR ERF 704 PAVEL
GROOT 733 VKM

DAARDEUR GETRANSPORTIEER

AKTENAAR
KRAFTEN

Boulb
RESTANTIEER (V. 12-09-96)



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ANNEXURE D

PLANNING REPORT

PROPOSED SUBDIVISION OF

ERF 721 PNIEL

OUR REF: P3548/16

Compiled by:

David Hellig & Abrahamse
Professional Land Surveyors

AUGUST 2016

1. INTRODUCTION

Erf 721 Pniel, hereafter referred to as the subject land unit, measuring 8 213 m² in extent is held in trust for the Community of Pniel by the Minister of Local Government and Housing vide Deed of Transfer No T67303/1995 and is situated within the area of jurisdiction of the Stellenbosch Municipality and Administrative District of Paarl.

The Stellenbosch Department of Property Management has requested land surveying of and application for the subdivision of Erf 721 Pniel vide Order No 322469 dated 15-06-2016, to create the proposed cadastral unit accommodating the Pniel Municipal Offices, a portion of the subject land unit.

The subject land unit is zoned for Local Authority Zone purposes in terms of the Section 8 Zoning Scheme Regulations (please refer to the enclosed zoning certificate).

The purpose of this application is to obtain approval in terms of the Stellenbosch Municipal Land Use Planning By-law or alternatively Act No 9 of 1987 (if applicable) for the subdivision of Erf 721 Pniel to allow for the Municipal Offices to be accommodated on its own cadastral land unit.

2. LOCATION

The red polygon in the below figure indicates the location of the subject land unit situated at the corner of Helshoogte Road and Hill Street within the town of Pniel.

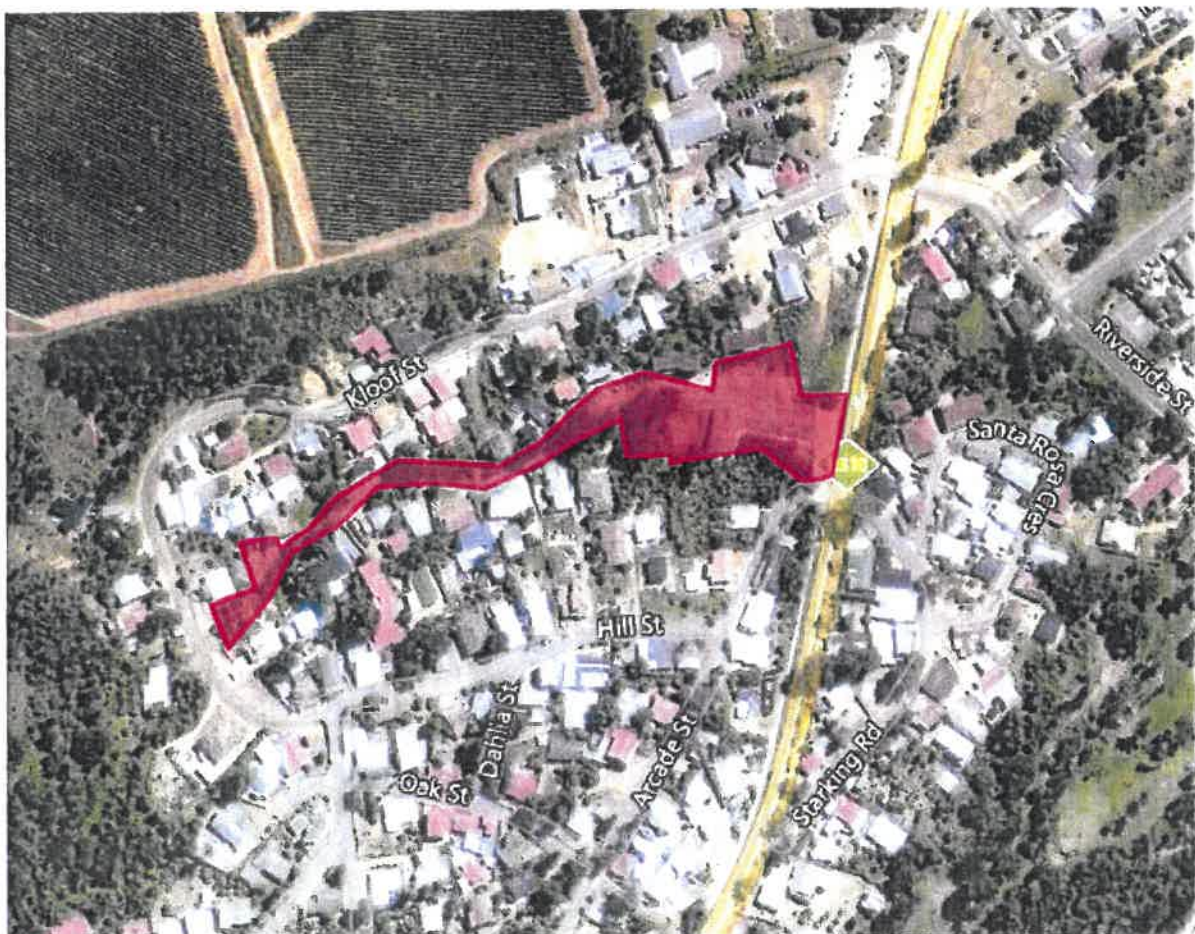


Figure 1: Location of Erf 721 Pniel

3. STATUTORY APPLICATION

Application is herewith submitted in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning By-law 2015 or alternatively Act No 9 of 1987 (if applicable) for the subdivision of Erf 721 Pniel to enable the Municipal Offices to be accommodated on its own cadastral unit.

Erf 721 Pniel is to be subdivided into two portions *viz*:

- 1) **Portion A measuring ± 2 702 m² in extent**
comprising municipal buildings and parking area.
- 2) **The Remainder of Erf 721 Pniel measuring ± 5 511 m² in extent**
comprising municipal road and parking area.

4. ACCESS AND SERVICES

The proposed land unit will gain access via the existing roads.

All services and connections are existing on the property and surroundings. Services and connections will comply with the requirements as decided by and set out by the Stellenbosch Municipality.

5. MOTIVATION IN FAVOUR OF THE APPLICATION

- The approval of the application will enable the creation of Portion A as a separate cadastral unit to accommodate the Municipal Offices.
- The Municipal Offices being accommodated on its own cadastral unit, will enable efficient management and improved administration thereof.
- The land use and physical functioning will remain as is, with only measurable cadastral boundaries being established. The status quo affecting the physical environment and community remains as is.
- The proposed subdivision does not adversely impact on the surrounding environment, neighbouring properties, and nearby land uses.

Following the preceding information and motivation, kindly consider the application for subdivision favourably.

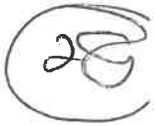
NAUDICA GERBER
PROFESSIONAL TOWN PLANNER
AUGUST 2016



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ANNEXURE E



Our Reference Number: Erf 721, Pniel
 Application Number : LU/4827
 Your Reference Number:
 Enquiries: L Ramakuwela / U von Molendorff
 Contact: 021 808 8645 / 8682
 Date: 21 August 2017

REGISTERED MAIL

Sir/Madam

FILE NR:	OUTGOING POST
Erf 721 PN	LU/4827
SCAN NR:	
COLLABORATOR NR:	536700

APPLICATION FOR SUBDIVISION AND DEPARTURE: ERF 721, PNIEL.

Applicant : Piet Smit
 Owner : Stellenbosch Municipality
 Property Description : Erf 721, Pniel
 Physical Address : C/O Helshoogte and Hill Street

Detailed description of proposal:

- Application is made in terms of Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the subdivision of Erf 721, Pniel (Corner of Helshoogte Road and Hill Street) to enable the Municipal Offices to be accommodated on its own cadastral unit on the proposed Portion A, Pniel.
- Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for a departure to relax the street building line from 4m to 1m in order to accommodate the existing building.

Notice is hereby given in terms of Section 45 of the Stellenbosch Municipal Land Use Planning By-law that the abovementioned application has been received and is available for inspection during weekdays between 08:30 and 13:30 at the Planning Advice Centre at Stellenbosch Municipality, Plein Street, Stellenbosch.

Any written comments/objections, with full reasons therefore, may be addressed in terms of Section 50 of the said legislation to the Director: Planning and Economic Development, Stellenbosch Municipality, P O Box 17, Stellenbosch, 7599 or faxed to 021 886 6899 on or before 30 days from the date of registration of this notice, quoting your, name, address, contact details, interest in the application and reasons for your comments.

Telephonic enquiries can be made to Mr L Ramakuwela at 021-808 8645. Any comment/objection received after aforementioned closing date will be considered invalid. Any person who cannot write will be assisted by a Municipal official by transcribing their comments.

Yours faithfully

FOR DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

REGISTERED LETTERS ERF 721 PNIEL

Ward Councillor
Malcolm Johnson
42 Kloof Street
Pniel
7681

REGISTERED LETTER
(with a domestic insurance option)
ShareCall 0860 111 502 www.sapo.co.za
RC253089084ZA
CUSTOMER COPY 30102BR

Munisipaliteit Stellenbosch Municipality
Posbus / P O Box 17
STELLENBOSCH
7599

Mnr T E Williams
P O Box 232
Pniel
7681

REGISTERED LETTER
(with a domestic insurance option)
ShareCall 0860 111 502 www.sapo.co.za
RC253089098ZA
CUSTOMER COPY 30102BR

Mnr CH Lackay
31 Kastaiinig Street
Pniel
7681

REGISTERED LETTER
(with a domestic insurance option)
ShareCall 0860 111 502 www.sapo.co.za
RC253089036ZA
CUSTOMER COPY 30102BR

Mnr SD Petersen
P O box 217
Pniel
7681

REGISTERED LETTER
(with a domestic insurance option)
ShareCall 0860 111 502 www.sapo.co.za
RC253089040ZA
CUSTOMER COPY 30102BR

MH & TL Le Roux
16 Jacobs Street
Pniel
7681

REGISTERED LETTER
(with a domestic insurance option)
ShareCall 0860 111 502 www.sapo.co.za
RC253090153ZA
CUSTOMER COPY 30102BR

Mnr WG Petersen
P O Box 377
Pniel
7681

REGISTERED LETTER
(with a domestic insurance option)
ShareCall 0860 111 502 www.sapo.co.za
RC253090167ZA
CUSTOMER COPY 30102BR

WA & JC Davids
P O Box 156
Pniel
7681

REGISTERED LETTER
(with a domestic insurance option)
ShareCall 0860 111 502 www.sapo.co.za
RC253090175ZA
CUSTOMER COPY 30102BR

EM Davids
P O Box 289
Pniel
7681

REGISTERED LETTER
(with a domestic insurance option)
ShareCall 0860 111 502 www.sapo.co.za
RC253090184ZA
CUSTOMER COPY 30102BR

Mrs CJ Williams
23 Kloof Street
Pniel
7681

REGISTERED LETTER
(with a domestic insurance option)
ShareCall 0860 111 502 www.sapo.co.za
RC253090198ZA
CUSTOMER COPY 30102BR

Mnr G Geldenhuis
P O Box 7530
Drosdy Sentrum
Stellenbosch
7599

REGISTERED LETTER
(with a domestic insurance option)
ShareCall 0860 111 502 www.sapo.co.za
RC253090207ZA
CUSTOMER COPY 30102BR

Stellenbosch

23 -08- 2017

**Folio 8
7599**

Munisipaliteit Stellenbosch Municipality
 Posbus / P O Box 17
 STELLENBOSCH
 7599

CS & A Meyer
 21 Plein Street
 Stellenbosch
 7600

REGISTERED LETTER
 (with a domestic insurance option)
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RC 2530894782A
 CUSTOMER COPY 301028R

Mr H Davids
 18B Kloof Street
 Pniel
 7681

REGISTERED LETTER
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RC 2530894812A
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AL Williams & LC Cyster-Williams
 P O Box 21
 Pniel
 7681

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RC 2530894952A
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Mr IH & RC Mansfield
 P O Box 113
 Pniel
 7681

REGISTERED LETTER
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RC 2530895042A
 CUSTOMER COPY 301028R

Mr I R Myburgh
 P O Box 140
 Pniel
 7681

REGISTERED LETTER
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RC 2530895182A
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Richard Myburgh Trust
 P O Box 63
 Vyeboom
 7171

REGISTERED LETTER
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RC 2530901192A
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MG February
 P O Box 284
 Pniel
 7681

REGISTERED LETTER
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RC 2530901222A
 CUSTOMER COPY 301028R

Mr JC November
 P O Box 205
 Pniel
 7681

REGISTERED LETTER
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RC 2530901362A
 CUSTOMER COPY 301028R

ME & TH van Wyk
 Erf 730
 Kleigatlaan
 Pniel
 7681

REGISTERED LETTER
 (with a domestic insurance option)
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RC 2530901402A
 CUSTOMER COPY 301028R

Mr RP Adams
 P O Box 277
 Pniel
 7681

REGISTERED LETTER
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 ShareCall 0860 111 502 www.sapo.co.za

RC 2530900652A
 CUSTOMER COPY 301028R



Munisipaliteit Stellenbosch Municipality
 Posbus / P O Box 17
 STELLENBOSCH
 7599

GN Williams
 P O Box 142
 Pniel
 7681

REGISTERED LETTER
 (with a domestic insurance option)
 ShareCall 0860 111 502 www.sapo.co.za
 RC253090079ZA
 CUSTOMER COPY 301028R

SH Wanza
 P O Box 39
 Pniel
 7681

REGISTERED LETTER
 (with a domestic insurance option)
 ShareCall 0860 111 502 www.sapo.co.za
 RC253090082ZA
 CUSTOMER COPY 301028R

Mr BF Hendricks
 P O Box 184
 Pniel
 7681

REGISTERED LETTER
 (with a domestic insurance option)
 ShareCall 0860 111 502 www.sapo.co.za
 RC253090096ZA
 CUSTOMER COPY 301028R

NM Davids
 P O Box 146
 Pniel
 7681

REGISTERED LETTER
 (with a domestic insurance option)
 ShareCall 0860 111 502 www.sapo.co.za
 RC253090105ZA
 CUSTOMER COPY 301028R

Mr RH Williams
 P O Box 157
 Pniel
 7581

REGISTERED LETTER
 (with a domestic insurance option)
 ShareCall 0860 111 502 www.sapo.co.za
 RC253090048ZA
 CUSTOMER COPY 301028R

AJ & JD Grant
 P O Box 275
 Pniel
 7681

REGISTERED LETTER
 (with a domestic insurance option)
 ShareCall 0860 111 502 www.sapo.co.za
 RC253090051ZA
 CUSTOMER COPY 301028R

Stellenbosch

23 -08- 2017

Folio 8
 7599

REGISTERED LETTERS ERF 721 PNIEL

Ward Councillor
Malcolm Johnson
42 Kloof Street
Pniel
7681

Mnr T E Williams
P O Box 232
Pniel
7681

Mnr CH Lackay
31 Kastaiinig Street
Pniel
7681

Mnr SD Petersen
P O box 217
Pniel
7681

MH & TL Le Roux
16 Jacobs Street
Pniel
7681

Mnr WG Petersen
P O Box 377
Pniel
7681

WA & JC Davids
P O Box 156
Pniel
7681

EM Davids
P O Box 289
Pniel
7681

Mrs CJ Williams
23 Kloof Street
Pniel
7681

Mnr G Geldenhuys
P O Box 7530
Drosdy Sentrum
Stellenbosch
7599

CS & A Meyer
21 Plein Street
Stellenbosch
7600

Mr H Davids
18B Kloof Street
Pniel
7681

AL Williams & LC Cyster-Williams
P O Box 21
Pniel
7681

Mr IH & RC Mansfield
P O Box 113
Pniel
7681

Mr I R Myburgh
P O Box 140
Pniel
7681

Richard Myburgh Trust
P O Box 63
Vyeboom
7171

MG February
P O Box 284
Pniel
7681

Mr JC November
P O Box 205
Pniel
7681

ME & TH van Wyk
Erf 730
Kleigatlaan
Pniel
7681

Mr RP Adams
P O Box 277
Pniel
7681

GN Williams
P O Box 142
Pniel
7681

SH Wanza
P O Box 39
Pniel
7681

Mr BF Hendricks
P O Box 184
Pniel
7681

NM Davids
P O Box 146
Pniel
7681

Mr RH Williams
P O Box 157
Pniel
7581

AJ & JD Grant
P O Box 275
Pniel
7681



402
STELLENBOSCH
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ANNEXURE F



STELLENBOSCH

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Spatial Planning, Heritage and Environment

To : Head: Customer Interface & Administration
From : Manager: Spatial Planning, Heritage & Environment
Date : 15 September 2017
**Re : Application for subdivision and departure on Erf 721,
 Helshoogte Street, Pniel**

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

This department has no objection on the proposal.

P.P. Benning.....

B de la Bat

MANAGER: SPATIAL PLANNING, HERITAGE AND ENVIRONMENT

FILE NR:	
SCAN NR:	E 721 PP
COLLABORATOR NR:	542465



404
INTERDEPARTMENTAL CIRCULATION FORM

File 31

LêER VERW/ FILE REF ERF 721 PNIEL DATUM /DATE 15/08/2017

AANSOEKNUMMER/APPLICATION NUMBER LU/4827

- MEMO AAN/ TO :
- Director : Electrical Department
 - Manager : Engineering Department
 - Manager : Fire Department
 - Manager : Community Services
 - Manager : Spatial Planning / Heritage / Environment / Signage
 - Manager : Building Development Management
 - Manager: Law Enforcement
 - Manager: Health Department (Winelands Health)
 - Manager: LED
 - Manager: Property Management
 - Manager : CFO



Application	Application is made in terms of Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the subdivision of Erf 721, Pniel (Corner of Helshoogte Road and Hill Street) to enable the Municipal Offices to be accommodated on its own cadastral unit on the proposed Portion A, Pniel. Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for a departure to relax the street building line from 4m to 1m in order to accommodate the existing building.
Address / Address	C/O helshoogte and Hill Street
Aansoek Datum / Application Date	25 August 2016
Aansoeker / Applicant	Piet Smit Stellenbosch Municipality

Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil oplê indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.

Geliewe die memorandum per hand aan my terug te besorg voor of op: **15/09/2017**
Please hand deliver the memorandum to me on or before :

U von Molendorff
For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

FILE NR:	
SCAN NR:	E 721 PV
COLLABORATOR NR:	536636

ALGEMENE KOMMENTAAR / GENERAL COMMENT:

No objection

VOORWAARDES/CONDITIONS :

.....


.....

HANDTEKENING/SIGNATURE **DATUM/DATE**

[Signature] 24/8/2017

405
INTERDEPARTMENTAL CIRCULATION FORM

TR/NW
File 40

LÊER VERW/ FILE REF	ERF 721 PNIEL	DATUM /DATE	15/08/2017
AANSOEKNUMMER/APPLICATION NUMBER		LU/4827	
MEMO AAN/ TO :			
X	Director : Electrical Department	 1511 PJG 29/8/2017	
X	Manager: Engineering Department		
	Manager : Fire Department		
	Manager : Community Services		
X	Manager : Spatial Planning / Heritage / Environment / Signage		
X	Manager: Building Development Management		
	Manager: Law Enforcement		
	Manager: Health Department (Winelands Health)		
	Manager: LED		
	Manager: Property Management		
	Manager : CFO		

Application	Application is made in terms of Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the subdivision of Erf 721, Pniel (Corner of Helshoogte Road and Hill Street) to enable the Municipal Offices to be accommodated on its own cadastral unit on the proposed Portion A, Pniel. Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for a departure to relax the street building line from 4m to 1m in order to accommodate the existing building.
Adres / Address	C/O helshoogte and Hill Street
Aansoek Datum / Application Date	25 August 2016
Aansoeker / Applicant	Piet Smit Stellenbosch Municipality

Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil oplê indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.

Geliewe die memorandum per hand aan my terug te besorg voor of op: 15/09/2017
Please hand deliver the memorandum to me on or before :

SCAN NR: E721 PV

COLLABORATOR NR: 547640


U von Molendorff
For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

ALGEMENE KOMMENTAAR / GENERAL COMMENT: Please submit to Provincial Traffic Engineering: No objection. Please confirm road reserve with Government Roads Department for Comment + Approval. M.K. 2017/09/13

VOORWAARDES/CONDITIONS :

.....

.....

HANDTEKENING/SIGNATURE 	DATUM/DATE 12/10/2017
--	-----------------------

INTERDEPARTMENTAL CIRCULATION FORM

File (4)

LêER VERW/ FILE REF	ERF 721 PNIEL	DATUM /DATE	15/08/2017
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AANSOEKNUMMER/APPLICATION NUMBER	LU/4827
----------------------------------	---------

MEMO AAN/ TO :	
<input checked="" type="checkbox"/>	Director : Electrical Department
<input checked="" type="checkbox"/>	Manager : Engineering Department
	Manager : Fire Department
	Manager : Community Services
<input checked="" type="checkbox"/>	Manager : Spatial Planning / Heritage / Environment / Signage
<input checked="" type="checkbox"/>	Manager: Building Development Management
	Manager: Law Enforcement
	Manager: Health Department (Winelands Health)
	Manager: LED
	Manager: Property Management
	Manager : CFO

Application
 Application is made in terms of Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the subdivision of Erf 721, Pniel (Corner of Helshoogte Road and Hill Street) to enable the Municipal Offices to be accommodated on its own cadastral unit on the proposed Portion A, Pniel. Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for a departure to relax the street building line from 4m to 1m in order to accommodate the existing building.

Adres / Address C/O helshoogte and Hill Street


Aansoek Datum / Application Date 25 August 2016

Aansoeker / Applicant Piet Smit Stellenbosch Municipality

Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil oplê indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.

Geliewe die memorandum per hand aan my terug te besorg voor of op: **15/09/2017**
 Please hand deliver the memorandum to me on or before :

GENERAL COMMENT:	
1. Outside Stellenbosch area of supply.	
2. All Electrical requirements should be directed to Drakenstein Municipality	

CONDITIONS	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>FILE NR:</td> <td>E 721 PNI</td> </tr> <tr> <td>SCAN NR:</td> <td></td> </tr> <tr> <td>COLLABORATOR NR:</td> <td></td> </tr> </table>	FILE NR:	E 721 PNI	SCAN NR:		COLLABORATOR NR:	
FILE NR:	E 721 PNI						
SCAN NR:							
COLLABORATOR NR:							
3. No conditions.							

HANDTEKENING/SIGNATURE	DATUM/DATE
	2 18/09/2017 548006



ANNEXURE G



**Western Cape
Government**

Transport and Public Works

ROAD NETWORK MANAGEMENT

Email: Grace.Swanepoel@westerncape.gov.za

tel: +27 21 483 4669

Rm 335, 9 Dorp Street, Cape Town, 8001

PO Box 2603, Cape Town, 8000

REFERENCE: 16/9/6/1-25/222 (Job 25253)

ENQUIRIES: Ms GD Swanepoel

DATE: 16 October 2017

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

FILE NR:	E 721 P
SCAN NR:	
COLLABORATOR NR:	548800

Attention: Messrs L Ramakuwela/U von Molendorff

Dear Sirs

ERF 721, MAIN ROAD 172, PNIEL (STELLENBOSCH DIVISION): APPLICATION FOR SUBDIVISION AND DEPARTURE

1. Your letter Erf 721, Pniel, Application No LU/4827 dated 14 August 2017 refers.
2. The subject property is located at ±km.12.11 on Main Road 172.
3. This application is for the following:
 - 3.1 Subdivision of Erf 721 to enable the Municipal Offices to be accommodated on its own cadastral unit on the proposed Portion A, Pniel and
 - 3.2 Departure to relax the street building line from 4m to 1m in order to accommodate the existing building.
4. The Plan of Subdivision: The Remainder of Erf 721 Pniel, David Hellig & Abrahamse Plan no. 1REV 1 shows the proposed subdivision lines.
5. The Portion designated as Remainder 721 includes Hill Street, as well as a turning area at the end of Hill Street furthest from Main Road 172 and a parking area across Hill Street from the side of the municipal building and land between Hill Street and adjacent property boundaries. There is an undeveloped area on Portion A behind the municipal building. Several servitude rights of way take access from the south side of Rem. 721, giving access to properties located between Hill Street on Rem Erf 721 and Arcade Street/Hill Street further south which would otherwise be landlocked. These do not affect Portion A in any way; however, all servitudes applicable to Erf 721 must be carried over to Remainder of Erf 721 if it is subdivided.

6. This Branch is concerned at the extent of direct access to Main Road 172 in this area: immediately south of Erf 721 is Arcade Street, at \pm km12.08 on Main Road 172, which gives access to numerous properties both on Arcade Street and several other local streets; there is direct access to 90° parking along the entire Main Road 172 frontage of the municipal buildings and immediately adjacent to the edge of the proposed Portion A, Hill Street on the proposed Remainder of Erf 721, serving 25 to 30 residential properties, accesses Main Road 172 at \pm km12.125.
7. This Branch cannot support a subdivision application which retains direct access to parking in front of the proposed Portion A and will require that the existing dropped kerb be replaced with full height kerbing, with vehicular access restricted to Hill Street on Remainder of Erf 721 Pniel. If parking in front of the building is no longer possible as a result, this can be addressed by providing parking on Portion A behind the municipal building, or on Rem. Erf 721 across Hill Street from the building, in the area marked as Parking Area in the Plan of Subdivision. On-street parking will not be permitted on Main Road 172.
8. The application for a departure to relax the street building line from 4m to 1m is made in terms of Section 15(2)(b) of the Stellenbosch Municipality Planning By-Law 2015. From this statement and the drawing, it appears that the relaxation relates to Hill Street rather than Main Road 172, which would make it a municipal and not a provincial matter. It should nevertheless be noted that this Branch will not approve any proposal to relax the 5m building line on Main Road 172 in terms of the Roads Ordinance 19 of 1976, in order to protect sight lines to/from the closely spaced intersections of Main Road 172 with Arcade Street and Hill Street.
9. In terms of the Roads Ordinance 19 of 1976, this Branch offers no objection to the subdivision of Erf 721 Pniel into Portion A and Remainder Erf 721, subject to the following:
 - 9.1 All existing servitudes applicable to Erf 721 must be carried over to Remainder of Erf 721.
 - 9.2 Submission of drawings for the installation of full height kerbing along the Main Road 172 frontage of the Municipal Buildings, with provision for drainage and appropriate tie-ins to the intersections of Arcade Street and Hill Street; this work shall be carried out by appropriately registered persons in accordance with the design standards of the Provincial Government of the Western Cape and shall be submitted to the Design Directorate (Ms Melanie Hofmeyr 021 483 3999) of this Branch for approval.
 - 9.3 The applicant shall appoint an appropriately registered person to submit detailed construction drawings and proposals for traffic accommodation during construction for approval to the District Roads Engineer prior to construction.
 - 9.4 The applicant's consultant shall accept the handing over of the sites in writing from the Road Authority prior to construction.

- 9.5 After completion of the construction phases, the Road Authority shall accept in writing the handing over of the site from the applicant's consultant.
- 9.6 As built drawings shall be sent to this Branch (Ms GD Swanepoel 021 483 2009), the District Roads Engineer (Mr S Buthelezi - 021 863 2020) and the Roads Department of Cape Winelands District Municipality (Mr ACA Stevens - 086 126 5263).
10. This Branch approves the subdivision of Erf 721 Pniel into two portions, Portion A and Remainder Erf 721 Pniel, as indicated on the Plan of Subdivision No.1 Rev.1.

Yours faithfully



ML WATTERS
For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT



411
STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE H

L.G. No.

1619/1997

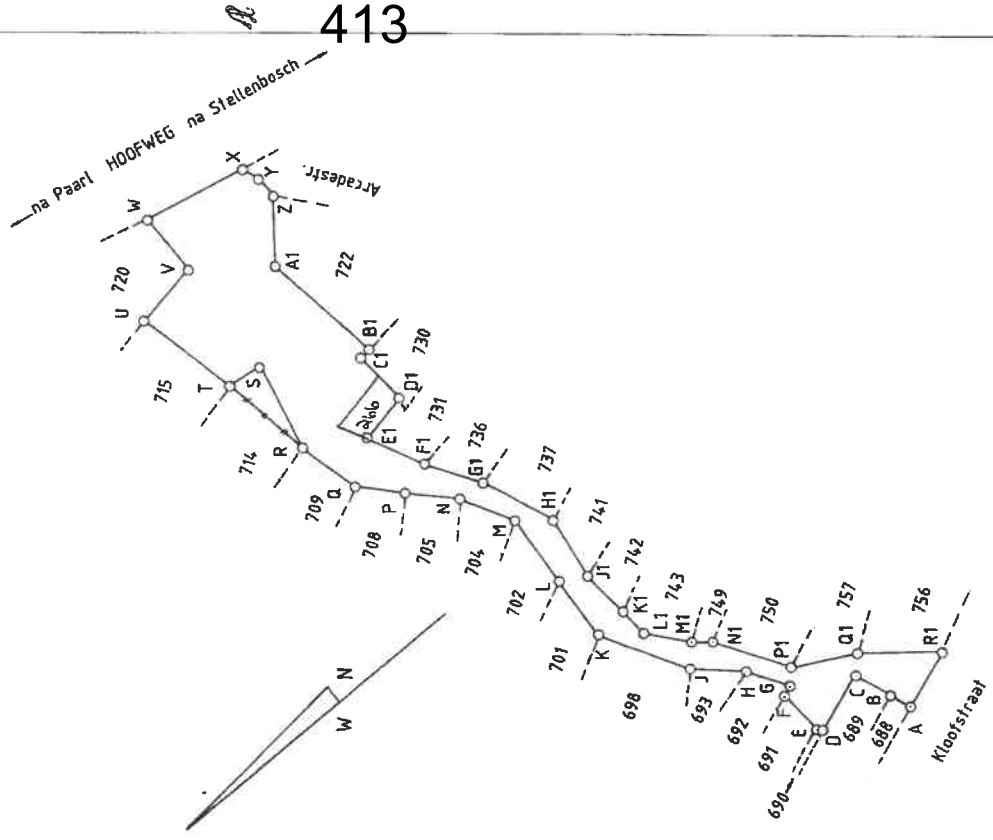
Goedgekeur

Calder

Landmeter-generaal
1997-05-07

BAKENBESKRYWINGS:
Z.....Ysterhoekdraadpaal
K1.....Ysterpaalpen

Alle ander is 12mm Ysterpen



Skaal: 1 / 2 000

SYE METER	RIGTINGS- HOEKE	Y	KOÖRDINATE STELSEL Lg 19°	X
AB	Konstantes	A	0 00	+3.750.000,00
BC	248 37 40		+ 4.078,73	+ 1631,55
CD	248 29 20			
DE	160 12 20			
EF	229 49 40			
FG	265 09 30			
GH	335 01 00			
HJ	236 35 10			
IJ	222 01 40			
JK	239 35 00			
KL	25,97			
LM	273 61 00			
MN	240 18 20			
NP	21,47			
PQ	227 43 40			
QR	251 26 20			
RS	283 38 30			
ST	187 54 30			
TU	40,85			
VU	26,67			
VV	349 07 40			
VW	271 23 30			
WX	11 19 50	W	+ 3 749,44	+ 1524,57
XY	63 24 10	X	+ 3 757,60	+ 1565,31
YZ	89 03 50	Y	+ 3 763,10	+ 1568,07
ZA1	128 57 50	Z	+ 3 773,10	+ 1568,23
AB1	80 40 30			
B1C1	170 16 30			
C1D1	86 51 30			
D1E1	169 14 50			
E1F1	63 30 40			
F1G1	23,89			
G1H1	66 57 00			
H1J1	97 52 20			
I1K1	85 45 50			
K1L1	85 19 20			
L1M1	48 39 40			
M1N1	41 33 50			
N1P1	57 30 00			
P1Q1	25 34 00			
Q1R1	32,67			
R1A	159 33 30	R1	+ 4.070,35	+ 1454,03

Die figuur ABCDEFGHJKLMNPQRSTUUVWXYZA1B1C1D1E1F1G1H1J1K1L1M1N1P1Q1R1
stel voor 8 213 vierkante meter

ERF 7 2 1 PNIEL
geleë in Pniel Oorgangswaard * Plaaslike Administratiewe Distrik

PAARL Provincie Wes-Kaap Province-Kaap-die-Geesie-Hoop-
Opgemeet in Vervaardig kragtens Art.39 van Wet No.9 van 1927 in Jan.1996

deur my, *Calder*
N.Loubser 0892 Landmeter

Hierdie kaart is geheg aan	Die oorspronklike kaart is	Leër No. Parl 1198
No. gedateer t.g.v.	No. gehëg aan Transport/Grondbrief	M.S. No. Vervaardig Komp.BHSU-4471 (M4749) BHSU-4472 (M4442)
Registrateur van Aktes	No.	Alg. Plan No. 3167 / 1994