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NOTICE OF MUNICIPAL PLANNING

TRIBUNAL MEETING

OF STELLENBOSCH MUNICIPALITY

FRIDAY, 2023-09-29 FROM 10:00-15:00

VOLUME 1

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NOTICE OF MUNICIPAL PLANNING TRIBUNAL MEETING
OF STELLENBOSCH MUNICIPALITY
FRIDAY, 2023-09-29 FROM 10:00-15:00

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

2023-09-29

Chairperson

Mrs Hedwig Crooijmans-Lemmer

Deputy-Chairperson

Mr Piet Van Zyl

External Members

Mrs Christine Havenga

Mr Dane Leo

Mr Stephen Boshoff

Internal Members

Mr A Barnes: Director - Planning and Economic Development

Mr M Williams: Senior Legal Advisor

Mr A van der Merwe: Senior Manager - Community Services

Mr C Alexander: Senior Manager - Development Planning

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

Technical Advisor

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

Notice is hereby given in terms of Section 75(1) of the Stellenbosch Municipality Land Use Planning By-Law (2015), of the Municipal Planning Tribunal Meeting which will be held at the **Paradyskloof Clubhouse, Paradyskloof, Stellenbosch on FRIDAY, 2023-09-29 from 10h00-15:00** *to consider the items on the Agenda.*

Mrs H Crooijmans-Lemmer
CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL

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MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON FRIDAY, 25th OF AUGUST 2023 AT THE PARADYSKLOOF CLUBHOUSE, PARADYSKLOOF, STELLENBOSCH FROM 10H00-15H00

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

2023-08-25

Chairperson
Mrs H Crooijmans-Lemmer

Deputy-Chairperson
Mr P van Zyl

External Members
Mrs C Havenga
Mr D Leo
Mr S Boshoff

Internal Members

Mr A Barnes: Director - Planning and Economic Development

Mr A van der Merwe: Senior Manager: Community Services

Mr C Alexander: Senior Manager-Development Planning

Mr M Williams: Senior Legal Advisor

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

Technical Advisor

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

Officials

Mrs C Kriel: Manager: Land Use Management

Ms B Zondo: Senior Town Planner

Mr R Fooy: Senior Town Planner

Mr G Goosen: Town Planner

Ms T Mazana: Town Planner

Ms O Sims: Administrative Officer: MPT

Ms L Kamineth: Senior Administrative Officer: MPT

ITEM	SUBJECT
SMPT 01/08/23	**OPENING AND WELCOME**
	Chairperson Crooijmans-Lemmer welcomed all present.

SMPT 02/08/23	**LEAVE OF ABSENCE**
	Mr S Carstens

SMPT 03/08/23	**DISCLOSURE OF INTERESTS**
	None received

SMPT 04/08/23	**MINUTES OF THE PREVIOUS MEETING DATED 26 MAY 2023**
	The minutes of the previous meeting was noted.

	MATTERS FOR CONSIDERATION
SMPT 05/08/23	**APPLICATION FOR REZONING AND SUBDIVISION ON FARM 716/27 KLAPMUTS** **Discussion:** a. Chairperson Crooijmans-Lemmer handed over to Ms Zondo to give a brief introduction of the application that served before the Tribunal. b. The date of the MPT meeting on the cover page and folio pages 39 and 362 of the Agenda should read 25 August and not 26 August. c. The status and need of the new 15-meter public road reserve to provide access to the adjoining property was discussed as well as the cost implications thereof. The Municipality should provide clarity and if needed, an updated plan of subdivision should be submitted. d. Members raised concerns about the "no man's land" being created alongside the proposed new road reserve with limited public street

	interface. The SDP should address the aspect relating to landscaping, tree planting and edge conditions along this road. e. A stepped application approach was discussed which provides that the rezoning and subdivision application is decided by the MPT while the SDP, HOA Constitution and other approvals flowing from the approved land use rights can follow at a later stage and be considered by the Land Use Management Section of the Municipality. **UNANIMOUSLY RESOLVED:** That the application be held over pending the clarification of the status of the proposed public road.
SMPT 06/08/23	**APPLICATION FOR TEMPORARY DEPARTURE ON FARM 1460/84 PAARL FARMS (PREVIOUSLY UNREGISTERED PORTION 82)** **Discussion:** a. Chairperson Crooijmans-Lemmer handed over to Ms Zondo to give a brief introduction of the application that served before the Tribunal. b. There was a discussion on whether the application was consistent or inconsistent with the SDF. Mr Munro expressed the opinion that the application does not thwart the principles of the SDF and is therefore not inconsistent with the SDF. c. Arguments were made for the need and support of community facilities anywhere, whether it being publicly or privately funded while a counter argument was made for community facilities to be accessible to the general public by means of public transport or by foot and that it should rather be in established nodes and hence the proposed location is not supported. d. There was a voting amongst the 10 members of which 5 members was in support of the application and 5 members were not in support of the application. e. In terms of paragraph 5.6 of the Rules of Procedure of the MPT, the Chairperson has the deciding vote in the event of an equality of

votes. The Chairperson cast her deciding vote in support of the application, with the voting outcome therefore being 6-5 in favour of the application.

RESOLVED:

1. That the application in terms of Section 15 (2) of Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated October 2015, on Farm 1460/84 (previously unregistered portion 82) Paarl Division for a **Temporary Departure** in terms of Section 15 (2)(c) of the said By-law in order to utilise the unused and vacant portion of the existing building as Psychiatric Clinic

   BE APPROVED in terms of Section 60 of the said By-law,

2. **Conditions of Approval:**

   2.1 The approval applies only to the proposed application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.

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

   2.3 The proposed Psychiatric Clinic shall be limited to **±176 m²** as indicated on Site Development Plan referenced as Plan No: 1, File No: P2416/90 (13), dated June 2016, drawn by dh &a professional surveyors.

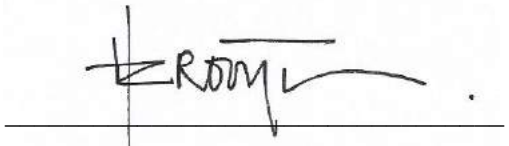
   2.4 The Temporary Departure is valid for **five (5) years** from the date of final notification.

   2.5 No directional signage or advertising signs may be erected without prior approval of the Municipality.

	2.6 The proposed activities should be subservient to the dominant agricultural use of the property and surrounding farms. 2.7 The conditions imposed by the Directorate: Infrastructure Services as contained in their Memo dated 11 April 2017, attached as **Annexure G**, be complied with. 2.8 The conditions imposed by the Cape Winelands District Municipality as contained in their letter dated 18 April 2017, attached as **Annexure K**, be complied with. 2.9 The conditions imposed by the Road Network Management as contained in their letter 28 March 2017, attached as **Annexure M**, be complied with; or as may be agreed on in writing with the Chief Director: Road Network Management and Municipal Director: Infrastructure Services. **3. The reasons for the above decision are as follows:** 3.1 The proposal is not inconsistent with the MSDF. 3.2 Existing buildings are used, and no new structures are proposed that will have a negative impact on the character of the area or compromise the environment or the agricultural potential of the land.
SMPT 07/08/23	**OTHER MATTERS**
7.1	**PLANNING POLICIES (REVIEWED OR APPROVED BY COUNCIL)** The MPT received copies of all relevant policies that are applicable. The Chairperson handed it over to Craig Alexander to provide a summary of developments. The following have recently been approved by Council: a) Spatial Development Framework (SDF) and Capital Expenditure Framework (CEF) b) Land Use Planning By-law (2023)

	c) Inclusionary Zoning Policy d) Economic Development Strategy e) Adam Tas Corridor (ATC) Overlay zone f) Outdoor Advertising and Signage Bylaw g) Conservation Advisory Board The following are in process: a) Rhenish Complex b) Integrated Transport Plan (ITP) c) Events and Outdoor Dining Overlay Zone d) Update of zoning register and map e) Open GIS platform f) Updated aerial photography / fly over of municipal area g) Update of Heritage Inventory h) Update of Zoning Scheme Bylaw i) Rural SDF and practice notes The following were suggested / recommended by the MPT: a) Policy on gated communities b) Annual report by Chairperson to Council The Chairperson enquired what are the changes to the MSDF and the details of inclusionary housing. Director Barnes indicated that there were minor changes, however he will arrange for a Senior Planner to do a presentation on the amendment on the MSDF as well as the Inclusionary Zoning Policy. Members indicated that a presentation on inclusionary housing would be appreciated.
7.2	**APPEALS RECEIVED AGAINST MPT DECISIONS** Mrs Kriel provided feedback on the appeals received against the decisions taken by the MPT. A spread sheet was provided with the appeals received and the outcome of the appeals. Chairperson Crooijmans-Lemmer and Mrs Havenga requested whether they could have access to the full decision of the Appeal Authority as well as any Judgements of the matter that went on review to the High Court.

	Mr Williams provided specific detail in respect of the matters that was taken on review as well as the outcome thereof. He indicated that copies relating to the appeal can be provided to the MPT members.



Mrs H Crooijmans-Lemmer
CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL

Mr P van Zyl
DEPUTY-CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL

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FARM 716/27, KLAPMUTS

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

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

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

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

PART D: APPLICATION BACKGROUND

1. **Background**

The proposed application served at an MPT on the 25 August 2023, and it was resolved that the application be held over pending the clarification of the status of the proposed public road by the administration. A meeting was held on the 07 September 2023 between the relevant officials of land use management department and the infrastructure services department, and the infrastructure services department confirmed that the status of the road was indeed considered when evaluating the application, it should be public. It is also confirmed that the 15m public road (condition 4 d iii on the infrastructure services memo dated 5 July 2023) is not a DC deductible road, because it is a lower order road. The cost for the construction of this road will be for the Developer of the private property north of Farm 716-27 to give access to their property.

As Farm 716-27 is not located on the town boundary, access via this property must be provided to the northern properties within the urban edge. Setting aside land for a public road providing access to the properties north of the property in question is considered part of the normal need of the development on

Farm 716-27. It is the owner's preference to develop a gated development, but if he proposed a conventional development, the internal street/public road would also have to provide access to other properties within the urban edge.

The physical construction of this road is not yet triggered with the development of Farm 716-27 but will be triggered when formal access is required for any future development to the north. At that stage it will be a condition of approval that such developer constructs the formal road, at their own cost **(See Annexure R).**

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

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

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

4. **Historic use and development of the property, incl. existing and any illegal uses.**
The subject property is currently vacant.

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

The subject property falls within the urban edge and is earmarked for infill development according to the approved SDF. The proposal is deemed to be consistent with the approved SDF. The proposal for medium density development is definitely deemed a bankable proposal and will support a private investment initiative while also contributing to the development of Klapmuts. The area of ±1,7 ha makes it not viable agricultural unit for large scale farming purposes and at best it could be motivated as a non-agricultural holding for small scale farming, if it had potential in terms of location, soil type and water carrying capacity.

There is no indication that the property was ever used for agricultural purposes and the land capability and dryland potential are highly debatable in terms its viability in the long term. The proposal aligns with the SDF, the Section 36 (6) of LUPA and SPLUMA principles. Furthermore, the proposal aligns with by any means of providing housing development that will ensure employment to the local community and also providing housing to the middle-income market. This will ensure capital investment necessary to contribute to the upgrading of informal areas.

PART F: PUBLIC PARTICIPATION, COMMENTS AND RESPONSE

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

2. **Public & stakeholder inputs**
   The following objection received: (See **Annexure F**)
   a) Mr Gerhard Erasmus on behalf of the owner of Farm 716/57
   b) Carel van Wyk on behalf of Uyakhula Trust, owners of Farm 716/5

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

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

3. **Government related inputs received.**

   a) **Heritage Western Cape** commented on the proposal (see **Annexure J** for letter dated 12 October 2020).

   b) The **Western Cape Regional office: Water & Sanitation** has no objection against the proposal subject to conditions (see **Annexure L** for letter dated 23 July 2021).

   c) The **Department of Environmental Affairs and Development Planning** indicated that Environmental Authorization is not required (see **Annexure K** for letter dated 02 June 2021). The **Department of Environmental Affairs and Development Planning (Development Management)** has no principle objection to the proposal (see **Annexure K** for letter dated 28 April 2021).

   d) The **Department of Transport and Public Works: Western Cape** supported the application (see **Annexure M** for letter dated 15 June 2022).

4. **Comments from internal service departments**

   a) The **Manager: Spatial Planning** supported the application (see **Annexure G** for memo dated 14 July 2022).

   b) The **Manager: Community Services (Senior Environmental Planner)** supported the application subject to conditions (see **Annexure I** for letter dated 18 March 2021).

   c) The **Directorate: Infrastructure Services** supported the proposal subject to conditions (see **Annexure H** for memo dated 05 July 2023).

PART G: ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

1. **Legislative and Policy Context of land use and land development application**
   The legislative, principles, policies, guidelines and plans which are considered as relevant to the application under consideration and land use application, are as follows:
   - Stellenbosch Municipality Land Use Planning Bylaw, 2015
   - Stellenbosch Municipality Spatial Development Framework, 2019
   - Provincial Spatial Development Framework, 2019
   - SPLUMA and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)
   - National Environmental Management Act (NEMA), 1998 (Act 107 of 1998)

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

2.1 Applicable MSDF and LSDF's

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

2.2 Applicable planning policies and guidelines

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

2.3 Service infrastructure capacity and sustainability

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

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

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

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

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

2.4.1 A **Traffic Impact Study** was done by Deca Consulting engineers, dated 14 October 2020 to investigate the expected transport related impacts the proposed development will have on the existing road network in the area. The report concluded that the development will have a low transport impact (See **Annexure O**).

2.4.2 A **Botanical Assessment** dated April 2018 was done by Bergwind botanical surveys & tours and confirmed that the development of the site from a botanical perspective is supported (See **Annexure P**).

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

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

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

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

3.1 Combability with surrounding properties

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

3.2 Impact on existing rights

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

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

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

3.4 Positive impact on economy

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

4. Assessment of comments on application

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

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

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

5. Additional planning evaluation for removal of restrictions

Not applicable to this application.

PART H: SUMMARY OF KEY FINDINGS OF ASSESSMENT

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

- The subject property is located within the approved urban edge of Klapmuts, and infill development and densification are encouraged in terms of the MSDF.
- The proposal is not out of character and compatible with the surrounding and current land uses.
- The proposed development comprises a group housing development that makes provision for private open space and allows for a public road to provide access to the neighbouring property to the north.
- The proposed development will have an indirect positive impact on the town's local economy as it will create new residential opportunities and employment opportunities during the construction phase.
- There is currently insufficient capacity at the Klapmuts Waste Water Treatment Works (WWTW) for this development. The subdivision clearance will only be approved once the project is completed, and capacity is confirmed by Water Services.

- The Diemer Home Owners Association constitution conforms with Section 29 (3) of the Stellenbosch Municipality Municipal Land Use Planning By- Law, 2023.

PART I: RECOMMENDATION

1. That the application in terms of Section 15 (2) of the Stellenbosch Municipality Land Use Planning By-law, promulgated by notice number 354/2015, dated October 2015, on Farm 716/27 Klapmuts for the following:

1.1 **Rezoning** of Farm 716/27 in terms of Section 15 (2) (a) of the said by-law from Agriculture and Rural Zone to Subdivisional Area Zone in order to facilitate the proposed development to allow for the following uses:

a) 40 Multi-Unit Residential Zone erven (Group housing) erven (±9115 m²)
b) 3 Private Open Space Zone erven (private open space) erven (±2021 m²) & (Private Road) (±3476 m²)
c) 1 Utility Services Zone erf (Substation) (±15 m²)
d) 1 Public Roads & Parking Zone erf (Public Road) (±2504 m²)

1.2 **Subdivision** of the rezoned land unit in terms of Section 15 (2) (d) of the said by-law in accordance with Subdivisional Plan No: APS/KLAP/SUB1E drawn by Pierre Jordan (Active Planning Solutions) dated July 2023 attached as **Annexure C**.

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

2. **Conditions of Approval:**

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

2.2 The development be undertaken in accordance with the Subdivisional Plan No: APS/KLAP/SUB1E drawn by Pierre Jordan (Active Planning Solutions) dated July 2023 attached as **Annexure C**.

2.3 An electronic copy (shp, dwg, dxf) of the approved General Plan be submitted to the Directorate Planning and Economic Development for record purposes, which plan must indicate the following information:

a) Newly allocated erf numbers
b) Co-ordinates
c) Survey dimensions
d) Street names and numbering

2.4 An owner's association for the subject development be established in terms of section 29(1) of the subject Bylaw.

2.5 All common property, inclusive of private road/s and open space/s and land required for services by the owners association, be transferred at their cost by the applicant to the owners' association, prior to or simultaneously with the transfer or registration of the first land unit or prior to the first building plan approval, whichever occurs first.

2.6 All land designated for the provision of municipal service infrastructure and amenities on the subdivision plan be transferred to the Municipality upon transfer of the first unit/erf in the subdivision, of which the cost for the surveying and transfer of such public land will be for the account of the applicant/developer.

2.7 A detailed site development plan as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2019 be submitted to the Municipality for approval prior to the submission of any building plans, which site development plan satisfactorily addresses, but are not necessarily limited to, all the conditions of this approval, compliance with relevant development parameters of the said Bylaw, any relevant matters relating to Section 16(4) of the said Bylaw, and specifically the following matters:

a) A landscaping plan.
b) Architectural guidelines.

2.8 An agreement on the provision of inclusionary housing opportunities in perdurance of settlement restructuring be concluded with the Municipality prior to the approval of building plans.

2.9 A service agreement regarding the responsibilities for the provision of engineering services be entered into with the Municipality prior to the construction of any engineering services or infrastructure in terms of Section 66(3) and Section 82(4) of the said Bylaw, which service agreement must include and comply with the letter by the Directorate Infrastructure Services with reference 2147 CIVIL LU and dated 05 July 2023 and attached as **Annexure H**.

2.10 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.

2.11 Should the full extent of permissible development rights, as approved herein-above, not be implemented initially or development is phased, a pro rata Development Charges will be levied in accordance with the extent to which the development rights will be implemented, provided that the remaining development contributions will be levied for the remaining permissible development rights when implemented in future. Remaining Development Charges will be levied in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.

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

3. Matters to be noted:

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

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

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

3.4 Building plans be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.

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

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

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

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

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

4.2 The proposed development constitutes infill development and is in line with the principles of the SDF.

4.3 Additional traffic can be accommodated on the local road network and there is capacity in infrastructure and services to accommodate the development.

PART J: ANNEXURES

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

PART K: ASSESSMENT OF THE LAND USE AND LAND DEVELOPMENT APPLICATION
APPLICATION FOR REZONING AND SUBDIVISION ON FARM 716/27 KLAPMUTS
AUTHOR OF PLANNING ASSESSMENT REPORT **NAME:** B. ZONDO **CAPACITY:** SENIOR TOWN PLANNER **SACPLAN REGISTRATION:** C/8589/2017 **SIGNATURE:** **DATE:** 13/09/23
REVIEW AND RECOMMENDED BY PROFESSIONAL TOWN AND REGIONAL PLANNER **NAME:** C KRIEL **CAPACITY:** MANAGER: LAND USE MANAGEMENT **SACPLAN REGISTRATION:** A/212/10 **SIGNATURE:** **DATE:** 13-09-2023

PART I: SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT

APPLICATION FOR REZONING AND SUBDIVISION ON FARM 716/27 KLAPMUTS

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

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

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

Category: A(c)(2), D(c) (2),
Decision Making Authority: SMPT
Rational: The application is for the rezoning to subdivisional area and has objections.

Name: S CARSTENS
Capacity: SENIOR MANAGER: DEVELOPMENT MANAGEMENT
SACPLAN Registration: A/1551
Signature:
Date: 14/9/2023

PART M: SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT

APPLICATION FOR REZONING AND SUBDIVISION ON FARM 716/27 KLAPMUTS

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

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

Date: **29 September 2023**

Name: LENACIA DAVIDS
Capacity: SENIOR ADMINISTRATIVE OFFICER

Signature: [signature]
Date: 14.9.2023

ANNEXURE A: LOCALITY PLAN

Locality: Portion 27 of Farm 716

Legend

Farm Portions

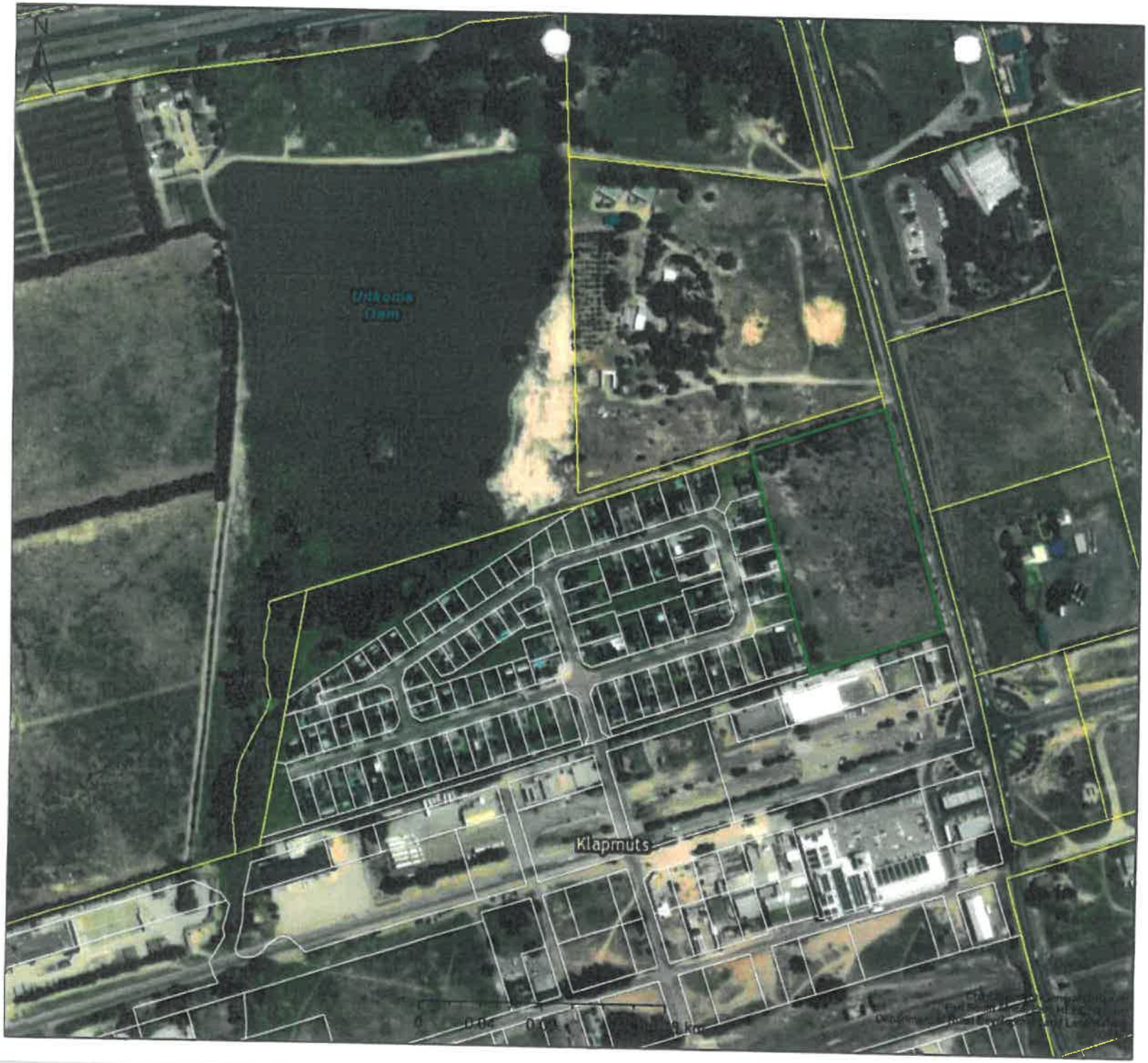
Erf

Scale: 1:7 462

Date created: October 19, 2020

Compiled with CapeFarmMapper

Western Cape Government



Legend

Farm Portions

Erf

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

Scale: 1:4 514

Date created: June 12, 2023

Western Cape Government
FOR YOU
Agriculture

ANNEXURE B: TITLE DEEDS

11

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

Prepared by me

CONVEYANCER
STEYTLER J C G
FERREIRA H

FEE
R. 650.00

T 044096/08

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

ELENE GROENEWALD

appeared before me, REGISTRAR OF DEEDS at Cape Town, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at Cape Town on 12 May 2008 granted to him by

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

DATA / CAPTURE
09 JUL 2008
NCAPALL

DATA / VERIFY
17 JUL 2008
LARNEY F

FOR FURTHER ENDORSEMENTS
SEE PAGE 4

GhostConvey 9.8.9.17

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

EXCLUSIVE ACCESS TRADING 459 (PTY) LTD
Registration No. 2008/032797/07

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

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

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

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

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

B SUBJECT FURTHER to the term of a Servitude, an endorsement whereof dated 3rd March 1950 appears on deed of Transfer No.T8561/1945, reading:

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

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

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

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

The Trustees for the time being of THE ISADORE J. HODES FAMILY TRUST
No: 178/1985

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

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

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R2 700 100,00 (TWO MILLION SEVEN HUNDRED THOUSAND ONE HUNDRED RAND).

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

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at Cape Town on 30 June 2008

q.q.

In my presence

REGISTRAR OF DEEDS

GhostConvey 9.8.9.17

VA0002678/2015

-4-

T44096/08

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

Deeds Registry
Cape Town

Asst. Registrar of Deeds

07 APR 2015

STELLENBOSCH

STELLENBOSCH * PNIEL * FRANSCHHOEK
MUNISIPALITEIT * UMASIPALA * MUNICIPALITY

CONVEYANCER CERTIFICATE

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

Practising at:

Laubscher and Hattingh Inc.

1st Floor Imperial Terrances, Tyger Waterfront, Bellville

(firm and place of practice)

In respect of:

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

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

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

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

1. Deed of Transfer T 44096/2008 dated 30June 2008
2. Deed of Transfer T 16991/1956

STELLENBOSCH
STELLENBOSCH * PNIEL * FRANSCHHOEK
MUNISIPALITEIT * UMASIPALA * MUNICIPALITY

A. IDENTITY RESTRICTIVE TITLE CONDITIONS (if any)

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

STELLENBOSCH
STELLENBOSCH * PNIEL * FRANSCHHOEK
MUNISIPALITEIT * UMASIPALA * MUNICIPALITY

B. INDICATED AFFECTED PARTIES AS PER TITLE DEED

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

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

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

(Please tick appropriate box)

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

Signed at Bellville on 19th of October 2020.

Full names and Surname: Petrus Johannes Badenhorst LPCM 79012

Signature:

PETRUS JOHANNES BADENHORST LPCM 79012

Firm Postal Address
LAUBSCHER & HATTINGH INGELYF
POSBUS 2332
BELLVILLE

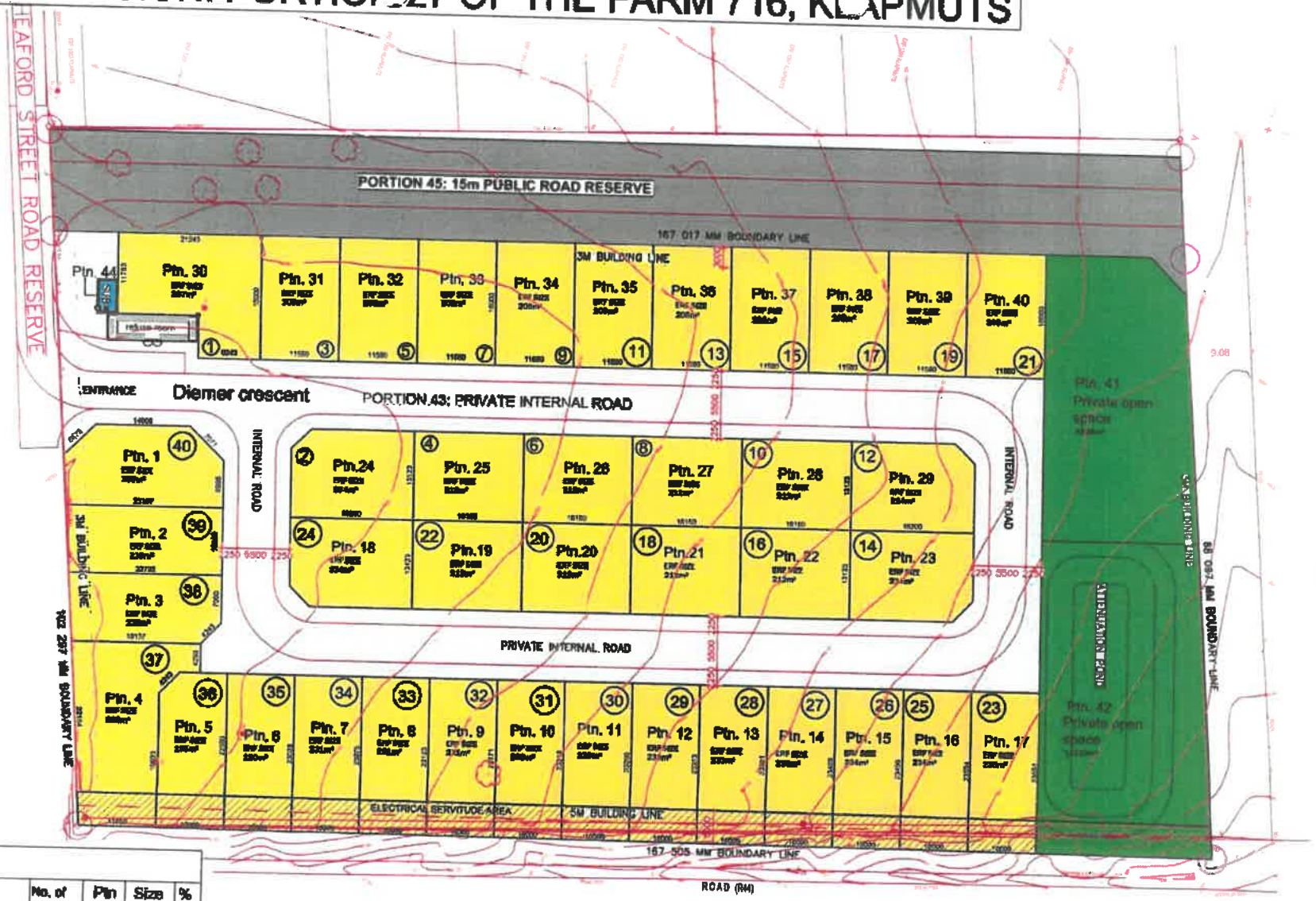
Kindly endorse certificate by affixing official stamp here and initial here
LAUBSCHER & HATTINGH INC/ING
1st Floor, Imperial Terraces
Tyger Waterfront
Bellville 7530
Tel: 021 944 2400

Tel: 021 9442400
Cell: 082 286 5310

E-mail: piet@lhattorneys.co.za

ANNEXURE C: SUBDIVISIONAL PLAN

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



Technical details

By- law 2019 Zonings	Land Use		No. of portions	Ptn no.	Size m²	%
Multi use residential zone	Group housing		40	1 - 40	9115	53
Private Open Space zone	Private Open Space		2	41 - 42	2021	11
Private Open Space zone	Private road		1	43	3475	20
Utility services zone	Substation		1	44	15	1
Public roads & parking zone	Public road		1	45	2504	15
TOTAL			45		17131	100

Additional notes:

① Proposed street numbering

DATE: July 2023

REF NO. APS/KLAP/SUB1E

SCALE 1:600

Pierre Jordaan

Active Planning Solutions

Cell: 079 528 9179

Email: activeplanningsolutions@gmail.com

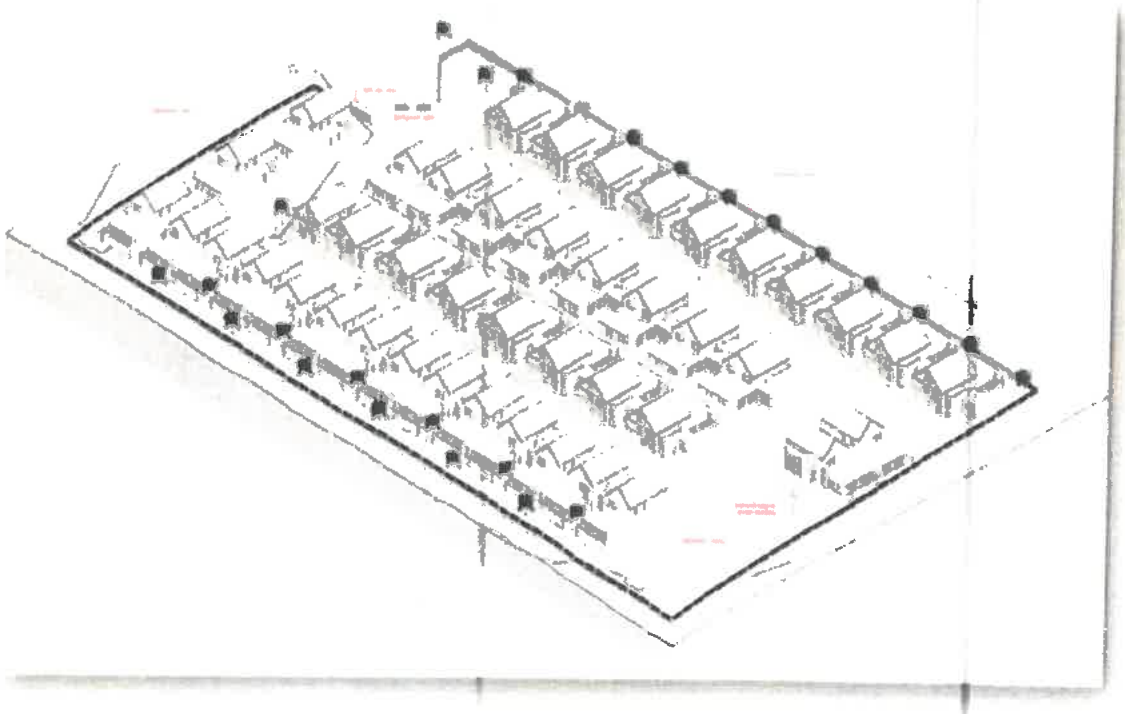
ANNEXURE D: APPLICANT'S MOTIVATION

Active Planning Solutions

MOTIVATIONAL MEMORANDUM

DIEMER ESTATE

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



Date: October 2020

Ref: Klap/27_716/APSv1

Pierre Jordaan

Cell: 079 528 9179

Email: pierre@activeplanning.co.za

Active Planning Solutions

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1. **INTRODUCTION**
2. **PURPOSE**
3. **PROPERTY & TITEL DEED DETAILS**
4. **LOCATION**
5. **PHYSICAL FEATURES**
6. **SURROUNDING LAND USES**
7. **SURROUNDING ZONINGS**
8. **APPLICATION DETAILS**
9. **LEGISLATIVE REQUIREMENTS**
10. **PLANNING POLICY**
11. **RESTRICTIONS**
12. **REQUIRED CONSULTATION & PUBLIC PARTICIPATION**
13. **THE DEVELOPMENT OF PORTION 27 OF THE FARM 716 – DIEMER ESTATE**
    a. **Development Scheme Parameters**
    b. **Services**
    c. **Architecture**
    d. **Access**
    e. **HOA**
    f. **Viability**
    g. **Sustainability**
    h. **Desirability in terms of Section 65(1)(c) of the Stellenbosch Municipal Planning By-law 2015**
14. **SUPPORTING MOTIVATION**
15. **SUMMARY**

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ADDENDA

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

PLANS

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

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Active Planning Solutions

1. INTRODUCTION

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

2. PURPOSE

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

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

3. PROPERTY & TITLE DEED DETAILS

Portion 27 of the Farm 716, Klapmuts

SIZE: Portion 27	1.7131ha
OWNER:	Exclusive Access Trading 459 (Pty.) Ltd.
TITLE DEED NO:	T4409608
BORDERS: NORTH	Portion 5 of Farm 716 (Agricultural land)
SOUTH	Re/714 (Heaford street)
EAST	Re/751 (R44)
WEST	Erf 1349 to 1355
T-DEED RESTRICTIONS:	None (see Conveyance's certificate

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

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

4. LOCATION

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

Figure 1: Local context

5. PHYSICAL FEATURES

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

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

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

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

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

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

6. SURROUNDING LAND USE

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

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

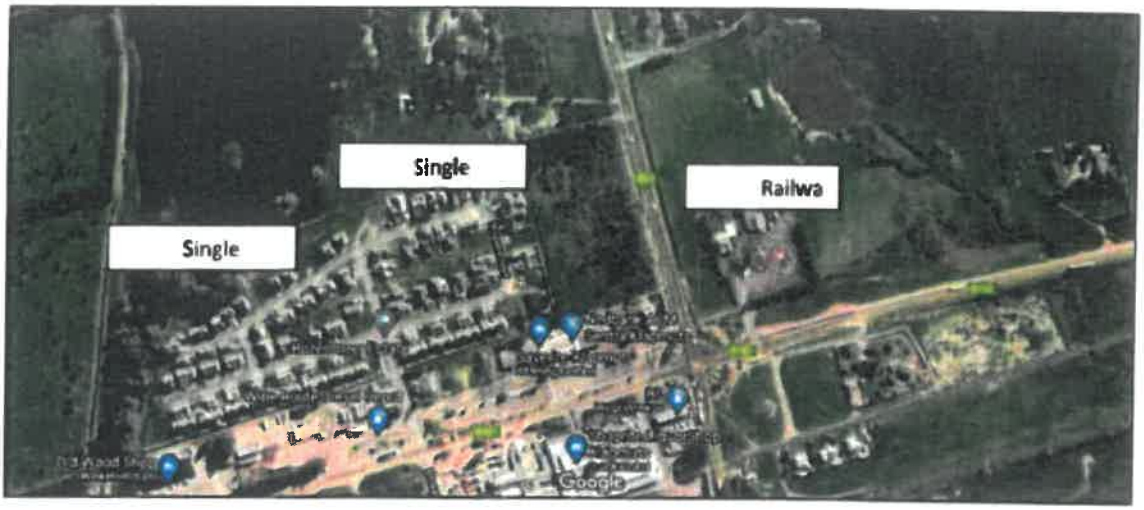

Figure 3: Surrounding land use

7. SURROUNDING ZONINGS

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

8. APPLICATION DETAILS

The purpose of this application is:

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

Pierre Jordaan

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9. LEGISLATIVE REQUIREMENTS

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

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

  Section 38 trigger

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

  ☒ **(i) exceeding 5 000m² in extent;**

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

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

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

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

  Listing Notice 1

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

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

27.	The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—
	(i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.

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

- Act 70 of 1970 (the subdivision of Agricultural land):

  Confirmation was received from Provincial Government that the property is not exempted from the provisions of Act 70 of 1970 and will there for have to be submitted to the National and Provincial departments of Agriculture for approval in terms of the act.

Elsenburg and NDA are there for requested to grant the exemption from the provisions of Act 70 of 1970 due to the following motivational factors:

Inclusion in the Spatial Development Framework for infill development

Figure 4: Extract from the approved Klapmuts Spatial Plan indicating Portion 27 of Farm 716 as a strategic site earmarked for residential infill

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Please note the fact that Elsenburg being the Provincial legislative body representing Agriculture as well as the National Department were included as interested and affected parties as part of the approval of the 2019 Klapmuts Spatial Development Framework and as such had knowledge of the facts that this property was earmarked for residential infill development and included within the urban edge.

Land Capability:

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

Figure 5: Land capability

Conclusion:

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

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

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

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

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Dry land potential:

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

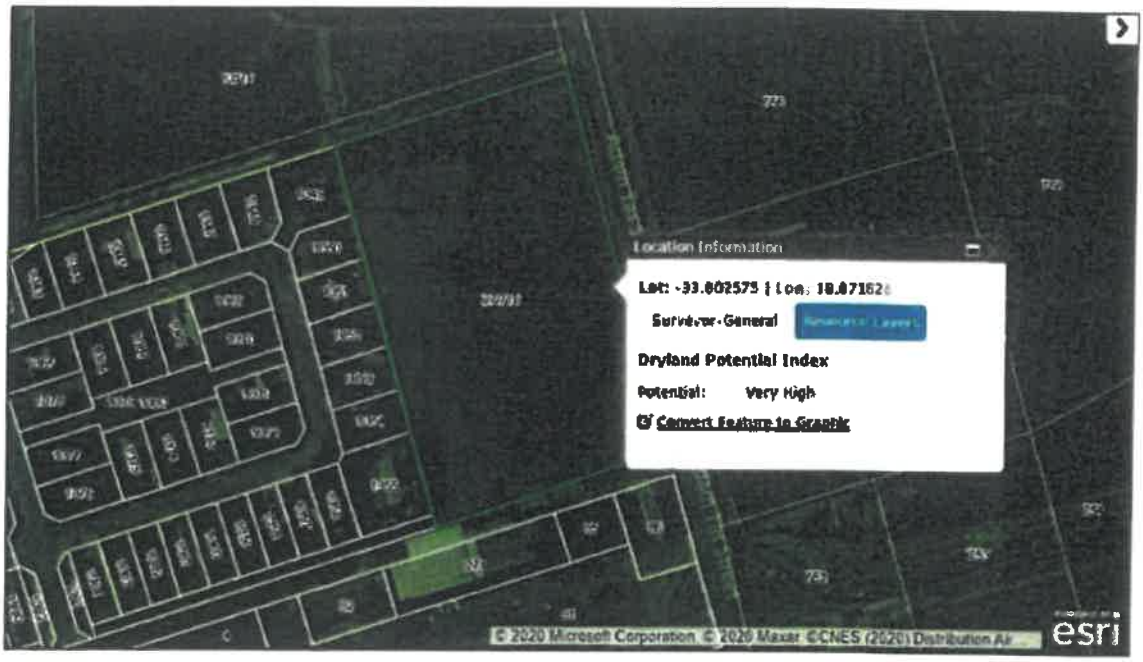

Figure 6: Dry land potential

Conclusion:

Dryland farming is defined as follows;

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

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

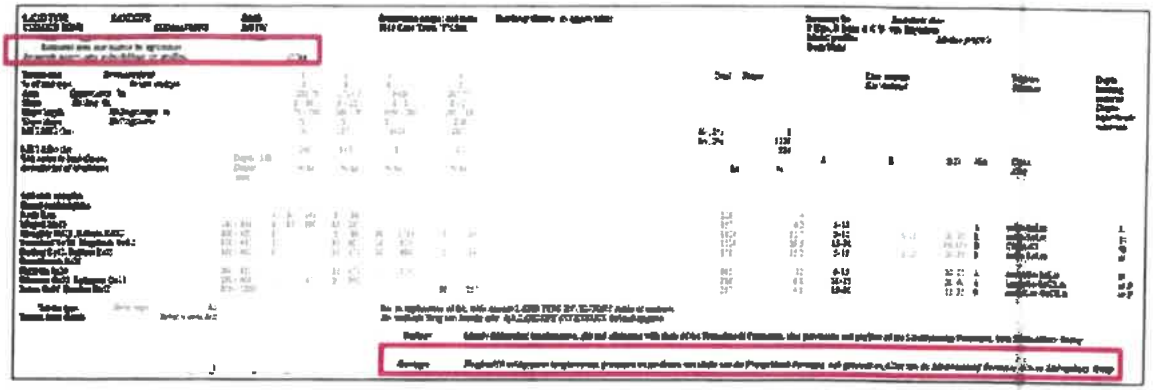

Figure 7: Soil type classification

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

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

Historical considerations:

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

Figure 8: 2005 aerial image

Figure 9: 2008 aerial image

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Conclusion:

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

10. PLANNING POLICY

Stellenbosch Spatial Development Framework (2019):

Figure 10: Extract from the Spatial Plan

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

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

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

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

Metropolitan Spatial Development Framework:

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

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

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

Provincial Spatial Development Framework

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

District Municipality include:

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

Cape Winelands Spatial Development Framework

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

Rural towns play a number of significant roles:

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

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

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

In addition the CWSDF:

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

Klapmuts Urban Design Manual

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

Spatial Planning and Land Use Management Act (SPLUMA)

The principles of SPLUMA are:

SPATIAL JUSTICE:

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

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

SPATIAL EFFICIENCY:

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

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

SPATIAL SUSTAINABILITY:

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

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

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

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

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

SPATIAL RESILIENCE:

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

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

GOOD ADMINISTRATION:

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

Land Use Planning Act of 2014 (LUPA)

This Act has the following purpose;

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

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Section 36 (6) of LUPA states;

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

(a) density requirements;

(b) main land uses and the extent thereof; and

(c) a detailed phasing plan or a framework including—

(i) main transport routes;

(ii) main land uses;

(iii) bulk infrastructure;

(iv) requirements of organs of state;

(v) public open space requirements; and

(vi) physical development constraints.

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

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

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

11. RESTRICTIONS

Legal restrictions:

No legal restrictions exist that need to be addressed. The title deeds were investigated by a conveyancer for any restrictive conditions and none were found as per the conveyance's certificate attached as **Addendum 6**.

Physical restrictions:

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

- *The original vegetation that occurred at Portion 27 of Groenfontein Annex 716, Paarl (Klapmuts) was Swartland Granite Renosterveld. This vegetation was historically removed but when that occurred is not known.*
- *The study area or site is now heavily degraded to the point of being transformed and in my opinion no longer has any botanical or conservation value, except for a few geophytes which should be saved.*
- *Ecological processes have been severely compromised and they would only become truly functional again if the site were to be restored to near-natural or natural condition. This is unlikely to happen and the isolated, low-connectivity condition of the study area is a major factor working against the usefulness of the site for conservation.*
- *Approximately two-thirds of the site is classified as CBA1 in the WCBSP 2017. It is my conclusion that this classification is totally erroneous. There is no habitat on the site that justifies this classification. It is not even worthy of CBA2 or ESA1 status.*
- *Based on ground-truthed observations and taking all ecological and other indicators into consideration, it is my view that the site it suitable for development with no major constraints. There would not be loss of 300 m² of indigenous vegetation (Swartland Granite Renosterveld) and therefore Listing Notice 3, Activity 12 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended and the Environmental Impact Assessment Regulations, 2014, would not be triggered.*
- *It is recommended that a Search & Rescue operation should be undertaken in the appropriate season to locate and save any surviving geophytes that may occur on the site.*

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

Built restrictions:

No built restrictions exist due to the property being vacant.

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12. REQUIRED CONSULTATION & PUBLIC PARTICIPATION

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

13. THE DEVELOPMENT OF PORTION 27 OF THE FARM 716

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

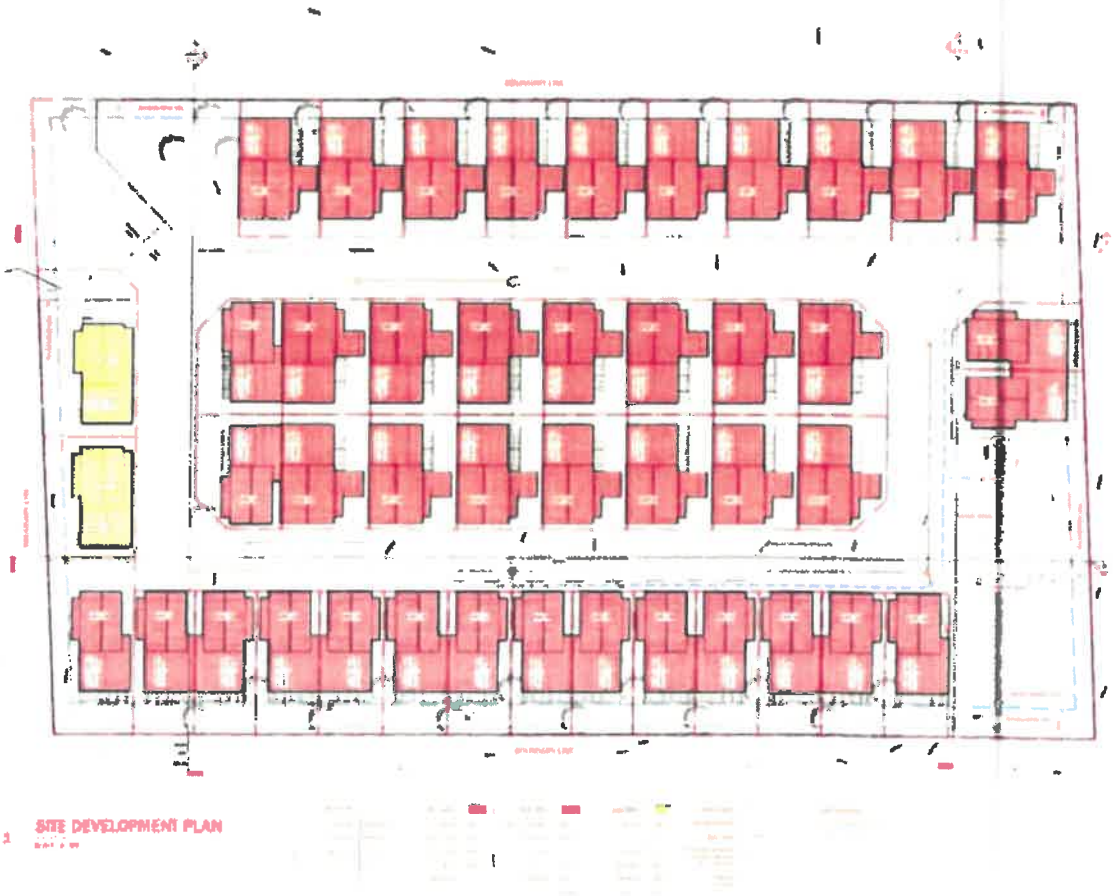

Figure 11: Proposed Site Development Plan

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

The property will be subdivided into;

- 44 Group housing units of 3 types (A, B & C) on an average portion size of ±260m²
- 1 Private road (Diemer crescent)
- 2 Private parks totaling 1525m²
- 1 electrical substation site of 5 x 3m
- 1 Public access road giving access from Heaford street

a. DEVELOPMENT SCHEME PARAMETERS

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

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

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

Note:

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

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

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Common boundary building line:	Yes
External 3m	3m
Internal 0m	0m
Parking	Yes
1 bay per group house / 1 bay for visitors = 88 bays	44 garages and 44 onsite parking bays @ 1 per unit
Outdoor space	Yes
25m² / unit	a minimum of 102m² private garden space on the smallest portion being Portion 11. All the other portions have less of a coverage and more private outdoor space measuring at least 2 meters x 5 meters.

b. SERVICES

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

These investigations have the followings conclusions and recommendations;

Broadco;

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

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GLS:

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

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

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

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

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

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

Lynen:

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

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

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

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

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c. ARCHITECTURE

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

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

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

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

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

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

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

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

d. ACCESS

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

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

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

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

e. HOME OWNER'S ASSOCIATION

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

f. VIABILITY

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

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

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

g. SUSTAINABILITY

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

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

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

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

(motivation in support in bolded italics)

- economic impact:

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

- social impact;

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

- scale of the capital investment;

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

- Compatibility with surrounding uses;

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

- Impact on the external engineering services;

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

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

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

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

Impact on heritage;

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

- Impact on the biophysical environment;

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

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

The Traffic Impact Statement has the following conclusions;

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

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

➢ whether the imposition of conditions can mitigate an adverse impact of the proposed land use.

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

14. SUPPORTING MOTIVATION

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

15. SUMMARY

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

Pierre Jordaan
for **Active Planning Solutions**

Cell: 079 528 9179

Pierre Jordaan

Email: pierre@activeplanning.co.za

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

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DEPARTMENT OF DEVELOPMENT MANAGEMENT

LAND DEVELOPMENT APPLICATION:

PUBLIC PARTICIPATION PROCESS PORTFOLIO OF EVEIDENCE CHECKLIST AND DECLARATION

Erf/Erven Farm no	Farm 716	Portion(s) if farm	Portion 27	Allotment Area	Klapmuts
Owner/ Applicant	Active Planning Solutions			LU/#	12309
Notice Period	From:	1 April 2021		To:	10 May 2021

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

Please complete and sign the following declaration on above:

DECLARATION

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

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

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

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

at place Dtrekka Farm, Koelenhof

P Jordaan

Signature Applicant

02/03/2023

Date

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

NOTES TO BE RECORDED:

NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

APPLICATION TYPE:

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

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

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

Owner:
Exclusive Access Trading 459 (Pty.) Ltd.
Cell: 0614946847

Application Reference: **LU/12309**

Description of land development application:

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

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

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

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

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at **079 528 9179** during normal office hours.

KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA

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

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

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

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

Aansoek Verwysing: **LU/12309**

Beskrywing van grondontwikkelingsaansoek:

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

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

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

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **10 Mei 2021**

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

Gmail Pierre Jordaan <activeplanningsolutions@gmail.com>

PORTION 27 OF THE FARM 716, KLAPMUTS

Pierre Jordaan <pierre@activeplanning.co.za> 1 April 2021 at 17:07
To: louw@meo.co.za

Dear Mr Louw / Owner erf 716

Please find attached notice for your information.

Hope you find this in order.

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

3 attachments

Brief_Louw_erf 716.pdf
57K

Locality_compressed (1).pdf
725K

Site Development Plan_compressed (1).pdf
5821K

Gmail

Pierre Jordaan <activeplanningsolutions@gmail.com>

PORTION 27 OF THE FARM 716, KLAPMUTS

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

1 April 2021 at 17:13

1352 & 1354

Dear Owner erf 1352 & 1354
[Quoted text hidden]

3 attachments

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

Gmail

Pierre Jordaan <activeplanningsolutions@gmail.com>

PORTION 27 OF THE FARM 716, KLAPMUTS

Pierre Jordaan <pierre@activeplanning.co.za>
To: helenanbrink@gmail.com 1361

1 April 2021 at 17:15

EJ 1351

Correct letter attached.

Regards

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

[Quoted text hidden]

3 attachments

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

Gmail Pierre Jordaan <activeplanningsolutions@gmail.com>

PORTION 27 OF THE FARM 716, KLAPMUTS

Pierre Jordaan <pierre@activeplanning.co.za> 1 April 2021 at 17:15
To: ljcastaldo@hotmail.com

1350

Correct letter attached.

Regards

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

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

3 attachments

Locality_compressed (1).pdf
725K

Site Development Plan_compressed (1).pdf
5821K

Brief_Castaldo_erf 1350.pdf
57K

Gmail Pierre Jordaan <activeplanningsolutions@gmail.com>

PORTION 27 OF THE FARM 716, KLAPMUTS

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

1 April 2021 at 17:16

1349

Correct letter attached.

Regards

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

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

3 attachments

Locality_compressed (1).pdf
725K

Site Development Plan_compressed (1).pdf
5821K

Brief_De Klerk_erf 1349.pdf
57K

Gmail

Pierre Jordaan <activeplanningsolutions@gmail.com>

PORTION 27 OF THE FARM 716, KLAPMUTS

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

1 April 2021 at 17:18

Dear Mr / Mrs EC Pretorius / Owner erf 1353
[Quoted text hidden]

3 attachments

- **Locality_compressed (1).pdf**
  725K
- **Site Development Plan_compressed (1).pdf**
  5821K
- **Brief_Pretorius_erf 1353.pdf**
  56K

Gmail

Pierre Jordaan <activeplanningsolutions@gmail.com>

PORTION 27 OF THE FARM 716, KLAPMUTS

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

1 April 2021 at 17:20

Dear Owner erf 1355
[Quoted text hidden]

3 attachments

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

Gmail

Pierre Jordaan <activeplanningsolutions@gmail.com>

PORTION 27 OF THE FARM 716, KLAPMUTS

Pierre Jordaan <pierre@activeplanning.co.za>
To: zelpy5126@gmail.com

1 April 2021 at 17:21

Dear Owner erf 271
[Quoted text hidden]

3 attachments

- **Locality_compressed (1).pdf**
  725K
- **Site Development Plan_compressed (1).pdf**
  5821K
- **Brief_Zelpy_erf 271.pdf**
  57K

Gmail

Pierre Jordaan <activeplanningsolutions@gmail.com>

PORTION 27 OF THE FARM 716, KLAPMUTS

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

1 April 2021 at 17:23

Dear Mr / Mrs van Rhyn / Owner erf 755 & 756
[Quoted text hidden]

3 attachments

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

NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

Neem asseblief kennis dat hierdie kennisgewing in Afrikaans hieronder volg.

Mnr / Me S & E Jacobs
51 Moses street
Klapmuts
7625
Erf 714

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

APPLICATION TYPE:

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

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

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

Owner:
Exclusive Access Trading 459 (Pty.) Ltd.
Cell: 0614946847

Application Reference: **LU/12309**

Description of land development application:

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

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

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

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

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at **079 528 9179** during normal office hours.

KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA

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

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

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

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

Aansoek Verwysing: **LU/12309**

Beskrywing van grondontwikkelingsaansoek:

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

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

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

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **10 Mei 2021**

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

REGISTERED LETTER
GEREGISTREERDE BRIEF
(with an insurance option/met 'n versekeringsopsie)

Post Office

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

Full tracking and tracing/Volledige volg en spoor

Addressed to/Geadresseer aan
MR/MRS S+E Jacobs.
Moses Street 51
Klapmuts

7625 Postcode Postkode

Insured value of contents
Versekerde waarde van inhoud R

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

Initial of accepting officer

Da

POST OFFICE A
2021 -04-
OLD OAK.

Paraaf van aaneem-beampte

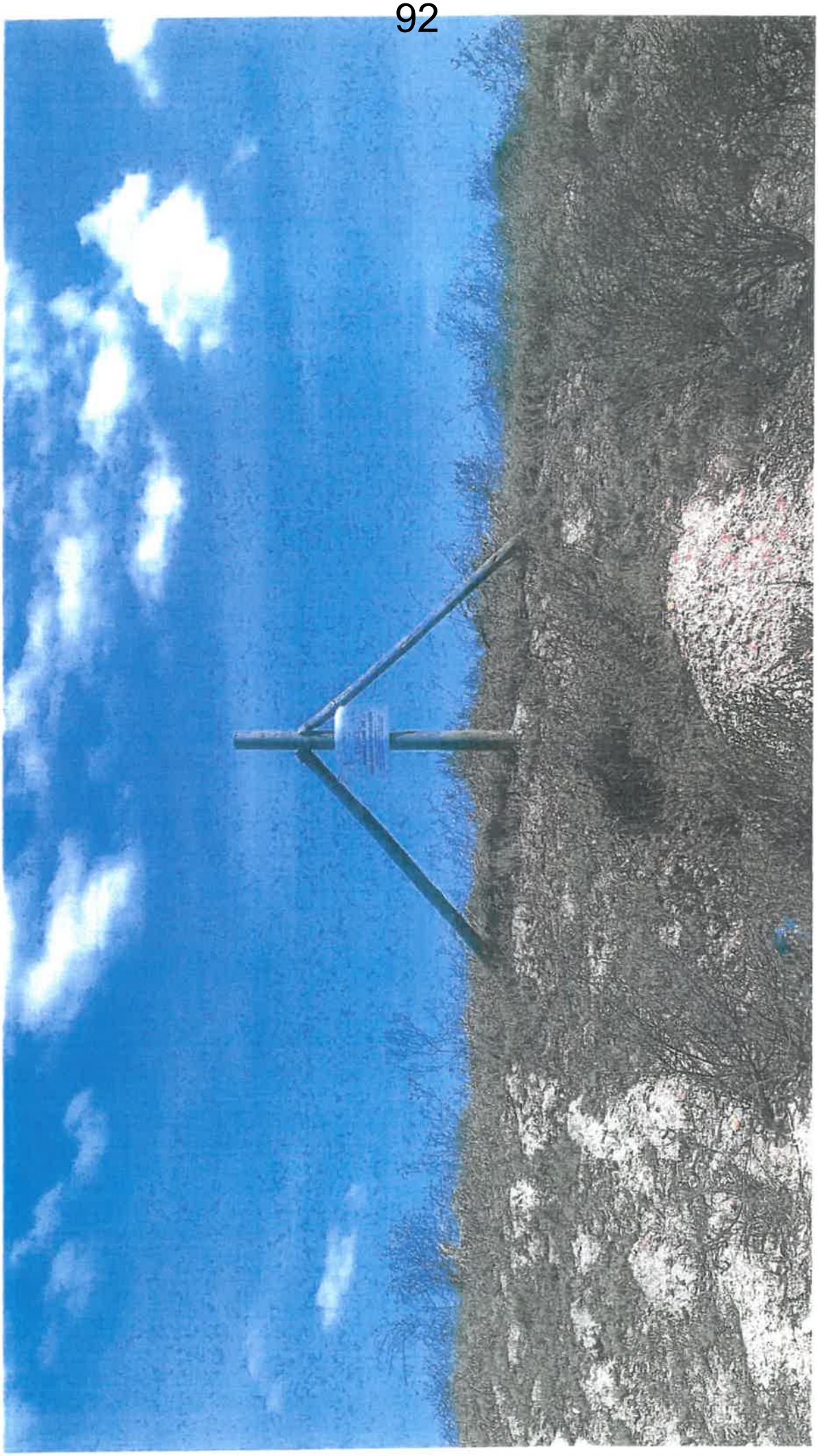
Datu

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

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

Affix Track and Trace

REGISTERED LETTER
(with a domestic insurance option)
ShareCall 0860 111 502 www.sapo.co.za
RC461058447ZA
CUSTOMER COPY 301028R



STELLENBOSCH
NOTICE
PENDING: LAND USE
DEVELOPMENT APPLICATION

DRAKENSTEIN

NOTICE

2019/2020 DRAFT ANNUAL REPORT

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

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

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

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

Members of the public are welcome to submit written comments and representations on the Draft Annual Report to the Chief Financial Officer, PO Box 1, Paarl, 7646; or email: ronetta.cupido@drakenstein.gov.za. Written comments must be received by not later than 21 April 2021 at 23:59. For any further information please contact Ms Ronetta Cupido at (021) 807 4553

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

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

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

DRAKENSTEIN

KENNISGEWING

2019/2020 KONSEP JAARVERSLAG

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

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

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

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

Lede van die publiek is welkom om skriftelike vertoë en kommentaar op die Konsep Jaarverslag te rig aan die Hoof Finansiële Beampte, Posbus 1, Paarl, 7646; per e-pos: ronetta.cupido@drakenstein.gov.za teen nie later as 21 April 2021 om 23:59. Vir enige verdere inligting kan Me Ronetta Cupido by telefoon (021) 807 4553 gekontak word

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

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

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

AMPTELIKES | BETREKKINGS

VOERTUIG-FINANSIERING
- Vinnig & maklik
- Geen deposito
- Geen bestuurderslisensie

BENODIG!
ID, bewys van inkomste, 3 unde bankstate, bewys van adres
30 MINUTE VIR GOEDKEURING!

VACANCY AVAILABLE

Duties include the following, but not limited to:
- Pastel • PAYE • Debtors/Creditors
- General Office Duties

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

Please forward a copy of your CV with a motivation letter and a recent photo to [illegible].co.za stating salary and notice period.

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

CHIEF ENVIRONMENTAL HEALTH PRACTITIONER

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

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

Salary level:	R415 306 to R542 964 per annum
Post level:	T14

This post can be considered for participation in the Transport Allowance Scheme for Essential Users

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

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

The closing date for applications is regarded the date on which minimum requirements as stipulated in this advertisement should be met by the applicant. No supplementary documents will be accepted after the closing date. Applicants must acquire the prescribed application form from Ms SM Martin on Tel. 021 888 5150 and Ms KC Morris on tel. 021 888 5128. Duly completed applications, accompanied by originally certified true copies of qualification certificates (degrees, diplomas, certificates, school certificates, etc) as well as required driver's licenses, Professional Drivers' Permits and registration certificates from professional bodies, where applicable, are to be forwarded to the Municipal Manager, Cape Winelands District Municipality, PO Box 100, Stellenbosch 7599, in a sealed envelope and endorsed with the relevant post name on the envelope.

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

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

Canvassing will disqualify a candidate.

CAPE WINELANDS DISTRICT

www.capewinelands.gov.za

NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

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

Application Address: PORTION 27 OF THE FARM 716, KLAPMUTS

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

Owner:
Exclusive Access Trading 459 (Pty) Ltd.
Cell: 061 494 6847
Application Reference: LU/12360

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

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

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

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

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at 079 528 9179 during normal office hours.

KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA

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

Adres van eiendom: GEDEELTE 27 VAN DIE PLAAS 716, KLAPMUTS

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

Eienaar:
Exclusive Access Trading 459 (Pty) Ltd.
Selnommer: 061 494 6847
Aansoek Verwysing: LU/12360

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

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

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

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van 10 Mei 2021

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

L

LATEGAN'S

FINANSIËLE & LONEKLERK

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

Die ideale kandidaat is 'n sterk selfversekerde en administratiewe persoon met bogemiddelde rekenaarvaardigheid, goeie mensverhoudinge, 'n belangstelling in menslike hulpbronne en rekenkundige agtergrond.

Belangstellende aansoekers wat aan bogenoemde voldoen, kan die volledige advertensie met die posbeskrywing aanvra by [illegible].co.za vir aandag Jan-Hendrik Nyburgh of skakel 021 873 1154.

Sluitingsdatum 9 April 2021.

LEWIS COETZEE TRUTER ATTORNEYS

BOEDELKENNISGEWING

In die boedel van wyle AMELIA GERRYTS
Identiteitsnommer: 380926 0091 088
Van Malanstraat 81, Wellington
wie oorlede is op 27 Oktober 2019
Boedelnommer: 21592/2019

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

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

LEWIS COETZEE & TRUTER
KERKSTRAAT 27, POSBUS 38
WELLINGTON
7654

ANNEXURE F: OBJECTIONS, & RESPONSE TO OBJECTIONS FROM APPLICANT

PLANNING SERVICES
BEPLANNINGS DIENSTE

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

Electronic transmission to: pierre@activeplanning.co.za
Copies to: contact.stellenbosch@stellenbosch.gov.za
liouw@mweb.co.za
piet@lhattorneys.co.za
Application reference Nr.: LU/12309
Transmission date: 28 April 2021

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

Attention: Pierre Jordaan

Sir

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

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

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

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

Also note the approved development (24 town house units – visible on the above plan) on the relevant portion of Farm716/57 that is isolated by the existing dam from an access to the west. We submit that this situation necessitated the relocated access route.

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

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

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

Regards

GERHARD ERASMUS
Cell. 084 955 1060

GERHARD ERASMUS
B.SC M.TRP

Gmail

Pierre Jordaan <activeplanningsolutions@gmail.com>

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

3 messages

Carel Van Wyk <carel@bakkiecentre.co.za> 10 May 2021 at 16:28
To: pierre@activeplanning.co.za
Cc: edrich1@bakkiecentre.co.za, gielie@duvelop.co.za

LU/12309

Carel Pieter van Wyk

31 Batis Street, Durbanville, 7550

carel@bakkiecentre.co.za

0725072716 / 021 9392177

Access to farm 5/716

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

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

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

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

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

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

Yours truly.

Carel van Wyk

Professional Accountant (SA)

072 507 2716

Carel Van Wyk <carel@bakkiecentre.co.za> **10 May 2021 at 16:29**
To: giellie@duvelop.co.za, edrich1@bakkiecentre.co.za
Cc: pierre@activeplanning.co.za

LU/12309

Carel Pieter van Wyk

31 Batis Street, Durbanville, 7550

carel@bakkiecentre.co.za

0725072716 / 021 9392177

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

Yours truly.

Carel van Wyk

Professional Accountant (SA)

072 507 2715

Pierre Jordaan <pierre@activeplanning.co.za> 10 May 2021 at 16:44
To: Willie Wucherpfennig <wuchersww@gmail.com>

FYI

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

Groete

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

———— Forwarded message ————
From: **Carel Van Wyk** <carel@bakkiecentre.co.za>
Date: Mon, 10 May 2021 at 16:26
Subject: Objections to the current layout of the rezoning and subdivision of 27/716, application LU/12309
To: <pierre@activeplanning.co.za>
Cc: <edrich1@bakkiecentre.co.za>, <gielie@duvelop.co.za>

LU/12309

Carel Pieter van Wyk

31 Batis Street, Durbanville, 7550

carel@bakkiecentre.co.za

0725072716 / 021 9392177

Access to farm 5/716

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

Yours truly.

Carel van Wyk

Professional Accountant (SA)

072 507 2716

Gmail

Pierre Jordaan <activeplanningsolutions@gmail.com>

RE: Plaas 716/26 Klapmuts

planserv@icon.co.za <planserv@icon.co.za> 7 April 2022 at 09:42
Reply-To: planserv@icon.co.za
To: Pierre Jordaan <pierre@activeplanning.co.za>
Cc: Willie Wucherpfennig <wuchersww@gmail.com>, Piet Badenhorst - Laubscher & Hattingh Attorneys <piet@lhattorneys.co.za>, Jacques Livingstone Louw <llouw@mweb.co.za>, "Andre J. Livingstone-Louw" <0828874179a@gmail.com>

Hallo Pierre

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

Reply Reply All Forward

Thu 2022-04-07 09:29 AM

Jacques Livingstone-Louw

RE: Plaas 716/26 Klapmuts

To: planserv@icon.co.za

Cc: Andre J. Livingstone-Louw; Jacques Livingstone-Louw

Hallo Gerhard

Baie dankie vir jou waardevolle insette. Ek en Andre het dit bespreek en voel tevrede om derhalwe ons beswaar soos aangeteken aan terug te trek

Hartlik dank

Jacques (en Andre)

Wakezicht Trust
Posbus 20
Klapmuts
7625

Andre J Livingstone-Louw
Sel: 082 887 4179
Epos: [illegible]

Jacques E. Livingstone-Louw
Sel: 083 [illegible]
Epos: [illegible]

[Quoted text hidden]

(24)

F716/27 P
746388

Active Planning Solutions
for professional Town & Regional Planning services

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELPOMENT SERVICES
15 MAR 2023
RECEIVED

Electronic Submission

Date: 02 March 2023

LUMS Case id: LUMS 12309

Attention: Ms Nicole Katts

Reply to Departmental Comments:

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

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

Departmental response;

- **Directorate Infrastructure Services (letter dated 14 May 2021)**

  Comment:

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

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

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

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

  Comment:

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

  See attached comment.

  Comment:

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

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

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

- **Directorate Infrastructure Services (letter dated 21 February 2023)**

  Comment:

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

Pierre Jordaan

Cell: 079 528 9179

Email: pierre@activeplanning.co.za

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

Comment:

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

Noted and accepted.

Comment:

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

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

Comment:

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

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

- **Community Services**

  Comment:

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

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

Comment:

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

Noted and accepted.

Comment:

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

Noted and accepted.

- **Spatial Planning**

  Comment:

  From as spatial perspective this department supports the proposed development.

- **WCG Transport and Public Works**

  Comment:

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

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

  Comment:

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

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

  Comment:

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

- **Department of Water & Sanitation**

  Comment:

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

  My client accepts these conditions.

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

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

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

Objections:

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

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

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

Pierre Jordaan

Cell: 079 528 9179

Email: pierre@activeplanning.co.za

ANNEXURE G: COMMENTS FROM THE MANAGER: SPATIAL PLANNING

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Spatial Planning

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

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

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

Application is made for the following:

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

1) Opinion/reasoning:

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

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

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

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

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

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

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

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

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

2) Supported / not supported:

From as spatial perspective this department supports the proposed development.

BJG de la Bat
MANAGER: SPATIAL PLANNING

ANNEXURE H: COMMENTS FROM THE DIRECTORATE: INFRASTRUCTURE SERVICES

MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES
DIREKTORAAT: INFRASTRUKTUURDIENSTE

TO	:	**The Director: Planning and Development**
FOR ATTENTION	:	**Nicole Katts**
FROM	:	**Manager: Development (Infrastructure Services)**
AUTHOR	:	**Tyrone King**
DATE	:	**5 July 2023**
RE.	:	**Farm 716/27, Klapmuts: Subdivision for 44 Group Housing Erven**
YOUR REF	:	**LU/12309**
OUR REF	:	**2147 CIVIL LU**

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

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

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

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

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

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

This document consists of the following sections:

A. Definitions
B. Recommendation to decision making authority
C. Specific conditions of approval: These conditions must be complied with before clearance certificate, building plan or occupation certificate approval; whichever is applicable to the development in question.
D. General conditions of approval: These conditions must be adhered to during implementation of the development to ensure responsible development takes place. If there is a contradiction between the specific and general conditions, the specific conditions will prevail:

A. Definitions

1. that the following words and expressions referred to in the development conditions, shall have the meanings hereby assigned to except where the context otherwise requires:

   (a) *"Municipality"* means the STELLENBOSCH MUNICIPALITY, a Local Authority, duly established in terms of section 9 of the Local Government Municipal Structures act, Act 117 of 1998 and Provincial Notice (489/200), establishment of the Stellenbosch Municipality (WC024) promulgated in Provincial Gazette no. 5590 of 22 September 2000, as amended by Provincial Notice 675/2000 promulgated in Provincial Gazette;

   (b) *"Developer"* means the developer and or applicant who applies for certain development rights by means of the above-mentioned land-use application and or his successor-in-title who wish to obtain development rights at any stage of the proposed development;

   (c) *"Engineer"* means an engineer employed by the *"Municipality"* or any person appointed by the *"Municipality"* from time to time, representing the Directorate: Infrastructure Services, to perform the duties envisaged in terms of this land-use approval;

2. that all previous relevant conditions of approval to this development application remain valid and be complied with in full unless specifically replaced or removed by the *"Engineer"*;

B. Recommendation:

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

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

C. Specific conditions of approval

4. **that the following upgrades are required to accommodate the development. No taking up of proposed rights including Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates (whichever comes first) will be allowed until the following upgrades have been completed and/or conditions have been complied with:**

   a. **Klapmuts WWTW (Waste Water Treatment Works):** There is currently insufficient capacity at the WWTW for this development. Budget has however been approved by Council to increase the capacity of the WWTW over the next three financial years (2023/24 – 2025/26). Completion of this upgrade project is anticipated to be in June 2026. Please note that this date is given in good faith, but is subject to change should unforeseen events occur. Subdivision clearance will only be approved once the project is completed and capacity is confirmed by Water Services.

   b. **Water Network:**

      i. The development can connect to the existing 150mm diameter municipal water line in Old Paarl Road (Voortrekker Road - R101) (**Annexure: Services**). A link water main must be constructed along Brounger and Heaford Street towards the development. The size and route of the pipeline will be re-visited at detail design stage when the Developer must submit detail engineering drawings for approval. The link water line will be for the Developers cost.

      ii. (Refer to **Annexure: Water**): The Municipality has approved budget to implement the external water upgrades SKW 1.1, SKW1.2, SKW1.3 and SKW 1.12 as shown on the GLS water master plan. These items are in the process of being upgraded by the Municipality.

      iii. (Refer to **Annexure: Water**): Master plan items 1, SKW1.18, SKW1.19 & SKW1.20 are not currently deemed as minimum items in order to accommodate the proposed development, but would be beneficial in order to reduce high static pressures in the existing system and to improve network redundancy and conveyance to the proposed development. A final decision on

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

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

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

d. **Roads Network:**

i. Any upgrades or conditions identified by the Provincial Roads Authority must be completed before subdivision clearance.

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

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

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

e. **Stormwater Network:**

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

ii. The proposal is to discharge the SW from the development into the existing R44 side drain. The Developer will be responsible to obtain approval from the provincial roads authority for this arrangement.

f. **Solid Waste:**

i. The Municipality will provide a solid waste removal service, unless agreed otherwise in writing the Solid Waste Department;

ii. For large spoil volumes from excavations, to be generated during the construction of this development, will not be accepted at the Stellenbosch

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

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

Development Charges

6. that the "*Developer*" hereby acknowledges that Development Charges are payable towards the following bulk civil services: water, sewerage, roads, stormwater, solid waste and community facilities as per Council's Policy;

7. that the "*Developer*" hereby acknowledges that the development charges levy as determined by the "Municipality" and or the applicable scheme tariffs will be paid by the "*Developer*" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy, should this land-use application be approved;

8. that the "*Developer*" accepts that the Development Charges will be subject to annual adjustment up to date of payment. The amount payable will therefore be the amount as calculated according to the applicable tariff structure at the time that payment is made;

9. that the "*Developer*" may enter into an engineering services agreement with the "*Municipality*" to install or upgrade bulk municipal services at an agreed cost, to be off-set against Development Charges payable in respect of bulk civil engineering services;

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

10. that the Development Charges as reflected on the DC calculation **(Annexure DC)**, be paid by the "*Developer*" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy.

11. that the Development Charges levy be paid by the "*Developer*" per phase –
    - prior to the approval of Section 28 Certification in terms of the Stellenbosch Municipal Land

12. that the development shall be substantially in conformance with the Site Development Plan submitted in terms of this application. Any amendments and/or additions to the Site Development Plan, once approved, which might lead to an increase in the number of units i.e. more than 40 units, will result in the recalculation of the Development Charges;

13. Bulk Infrastructure Development Charges and repayments are subject to VAT and are further subject to the provisions and rates contained in the Act on Value Added Tax of 1991 (Act 89 of 1991) as amended;

14. The Municipality may approach the Developer at any stage, before completion of the Development, to implement any infrastructure / community facilities, in lieu of DCs payable, should the need for such infrastructure / facilities be identified;

15. that the "*Developer*" will enter into an Engineering Services Agreement with the "*Municipality*" in respect of the implementation of any infrastructure or community facilities to be implemented in lieu of DCs if the need for such infrastructure is identified at any stage by the Municipality;

Site Development Plan

16. that the access design ito lane widths and stacking distance, be generally in accordance with the Proposed Site Development Plan Drawing No. 27/716_DE_SPD Rev 0 dated 30.05.2022 by Architech SDP;

17. that provision be made for a refuse room as per the specification of the standard development conditions below – **the general position of the refuse room on the SDP is acceptable** – the exact position and details must be determined in conjunction with the Municipality at detail design stage.

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

19. that any amendments to cadastral layout and or site-development plan to accommodate the above requirements will be for the cost of the "*Developer*" as these configurations were not available at land-use application stage;

Ownership and Responsibility of services

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

Internal- and Link Services

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

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

Bulk Water Meter

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

Roads

24. that the "*Developer*", at his/her cost, implement the recommendations of the approved Traffic Impact Assessment, and where required, a sound Traffic Management Plan to ensure traffic safety shall be submitted for approval by the Directorate: Infrastructure Services and the approved management plan shall be implemented by the "*Developer*", at his/her cost. If any

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

Damage to municipal infrastructure and assets

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

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

26. that should the "*Developer*" not take up his rights for whatever reason within two years from the date of this memo, a revised Engineering report addressing services capacities and reflecting infrastructure amendments during the two year period, must be submitted to the Directorate: Infrastructure Services by the "*Developer*" for further comment and conditions. Should this revised Engineering report confirm that available services capacities is not sufficient to accommodate this development, then the implementation of the development must be re-planned around the availability of bulk services as any clearances for the development will not be supported by the Directorate: Infrastructure Services for this development if bulk services are not available upon occupation or taking up of proposed rights;

27. that the "*Developer*" indemnifies and keep the "*Municipality*" indemnified against all actions, proceedings, costs, damages, expenses, claims and demands (including claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the municipalities' services or apparatus or otherwise) arising out of the establishment of the development, the provision of services to the development or the use of servitude areas or municipal property, for a period that shall commence on the date that the installation of services to the development are commenced with and shall expire after completion of the maintenance period.

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

29. that, if applicable, the "*Developer*" approach the Provincial Administration: Western Cape (District Roads Engineer) for their input and that the conditions as set by the Provincial Administration: Western Cape be adhered to before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be issued;

30. that the "*Developer*" informs the project team for the proposed development (i.e. engineers, architects, etc.) of all the relevant conditions contained in this approval;

31. that the General Conditions of Contract for Construction Works (GCC) applicable to all civil engineering services construction work related to this development, will be the SAICE 3rd Edition (2015);

32. that the "*Developer*" takes cognizance and accepts the following:

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

Site Development Plan

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

34. that even if a Site Development Plan is approved by this letter of approval, a further fully detailed site plan be submitted for approval prior to the approval of engineering services plans and or building- and/or services plans to allow for the setting of requirements, specifications and conditions related to civil engineering services. Such Plan is to be substantially in accordance with the approved application and or subdivision plan and or precinct plan and or site plan, etc. and is to include a layout plan showing the position of all roads, road reserve widths, sidewalks, parking areas with dimensions, loading areas, access points, stacking distances at gates, refuse removal arrangements, allocation of uses, position and orientation of all buildings, the allocation of public and private open spaces, building development parameters, the required number of parking bays, stormwater detention facilities, connection points to municipal water- and sewer services, updated land-use diagram and possible servitudes;

35. that if the fully detailed Site Development Plan, as mentioned in the above item, contradicts the approved Site Development Plan, the "Developer" will be responsible for the amendment thereof and any costs associated therewith;

36. that an amended Site Development Plan be submitted for approval prior to the approval of building plans for new buildings not indicated on the Site Development Plan applicable to this application and or changes to existing buildings or re-development thereof;

Internal- and Link Services

37. that the Directorate: Infrastructure Services may require the "*Developer*" to construct internal municipal services and/or link services to a higher capacity than warranted by the project, for purposes of allowing other existing or future developments to also utilise such services. The costs of providing services to a higher capacity could be offset against the Development Charges payable in respect of bulk civil engineering services if approved by the Directorate: Infrastructure Services;

38. that the detailed design and location of access points, circulation, parking, loading - and pedestrian facilities, etc., shall be generally in accordance with the approved Site Development Plan and / or Subdivision Plan applicable to this application;

39. that plans of all the internal civil services and such municipal link services as required by the Directorate: Infrastructure Services be prepared and signed by a Registered Engineering Professional before being submitted to the aforementioned Directorate for approval;

40. that construction of services may only commence after municipal approval has been obtained;

41. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "*Engineer*";

42. that the "*Developer*" ensures that his/her design engineer is aware of the Stellenbosch Municipality Design Guidelines & Minimum Standards for Civil Engineering Services (as amended) and that the design and construction/alteration of all civil engineering infrastructure shall be generally in accordance with this document, unless otherwise agreed with the Engineer. The said document is available in electronic format on request;

43. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal – and external services;

44. that all the internal civil services (water, sewer and stormwater), be indicated on the necessary building plans for approval by the Directorate: Infrastructure Services;

45. that prior to the issuing of the Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1, all internal - and link services be inspected for approval by the "*Engineer*" on request by the "*Developer's*" Consulting Engineer;

46. that a Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1 be issued before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be issued (prior to transfer of individual units or utilization of buildings);

47. that Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will only be issued if the bulk watermeter is installed, a municipal account for the said meter is activated and the consumer deposit has been paid;

48. that a complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer be submitted to the "Engineer" on request;

49. that the *"Developer"* shall adhere to the specifications of Telkom (SA) and or any other telecommunications service provider;

50. that the *"Developer"* shall be responsible for the cost for any surveying and registration of servitudes regarding services on the property;

51. that the *"Developer"* be liable for all damages caused to existing civil and electrical services of the *"Municipality"* relevant to this development. It is the responsibility of the contractor and/or sub-contractor of the *"Developer"* to determine the location of existing civil and electrical services;

52. that all connections to the existing services be made by the *"Developer"* under direct supervision of the *"Engineer"* or as otherwise agreed and all cost will be for the account of the *"Developer"*.

53. that the developer takes cognizance of applicable tariffs by Council in respect of availability of services and minimum tariffs payable;

Servitudes

54. that the *"Developer"* ensures that all main services including roads to be taken over by the Directorate: Infrastructure Services, all existing municipal – and or private services including roads, crossing private - and or other institutional property and any other services/roads crossing future private land/erven are protected by a registered servitude before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be given;

55. The width of the registered servitude must be a minimum of 3 m or twice the depth of the pipe (measured to invert of pipe), whichever is the highest value. The *"Developer"* will be responsible for the registration of the required servitude(s), as well as the cost thereof;

56. that the *"Developer"* obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party before final approval of engineering drawings be obtained.

Stormwater Management

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

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

58. that the geometric design of the roads and/or parking areas ensure that no trapped low-points are created with regard to stormwater management. All stormwater to be routed to the nearest formalized municipal system;

59. that overland stormwater escape routes be provided in the cadastral layout at all low points in the road layout, or that the vertical alignment of the road design be adjusted in order for the roads to function as overland stormwater escape routes. If this necessitates an amendment of the cadastral layout, it must be done by the "*Developer*", at his/her cost, to the standards of the Directorate: Infrastructure Services;

60. that the design engineer needs to apply his/her mind to ensure a design that will promote a sustainable urban drainage system which will reduce the impacts of stormwater on receiving aquatic environments;

61. that no disturbance to the river channel or banks be made without the prior approval in accordance with the requirements of the National Water Act;

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

63. that for larger developments, industrial developments or developments near water courses a stormwater management plan for the proposed development area, for both the minor and

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

64. that the approved management plan be implemented by the *"Developer"*, at his/her cost, to the standards of the Directorate: Infrastructure Services. The management plan, which is to include an attenuation facility, is to be submitted concurrent with the detail services plans;

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

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

Roads

67. that, where applicable, the application must be submitted to the District Roads Engineer for comment and conditions . Any conditions set by the District Roads Engineer will be applicable;

68. that no access control will be allowed in public roads;

69. that the layout must make provision for all deliveries to take place on-site. Movement of delivery vehicles may not have a negative impact on vehicular – and pedestrian movement on public roads and or public sidewalks;

70. The design and lay-out of the development must be such that emergency vehicles can easily drive through and turn around where necessary;

71. that, prior to commencement of any demolition / construction work, a traffic accommodation plan for the surrounding roads must be submitted to the Directorate: Infrastructure Services for approval, and that the approved plan be implemented by the *"Developer"*, at his/her cost, to the standards of the Directorate: Infrastructure Services;

72. that visibility splays shall be provided and maintained on each side of the new access in accordance with the standard specifications as specified in the Red Book with regard to sight triangles at intersections;

73. that each erf has its own access (drive-way), *(the new access(es) (dropped kerb(s)) to the proposed parking bays be)* constructed to standards as set out by the the Directorate: Infrastructure Services and in line with the Road Access Guideline;

74. that no parking be allowed in the road reserve;

Wayleaves

75. that way-leaves / work permits be obtained from the Directorate: Infrastructure Services prior to any excavation / construction work on municipal land or within 3,0m from municipal services located on private property;

76. that wayleaves will only be issued after approval of relevant engineering design drawings;

77. that it is the Developer's responsibility to obtain wayleaves from any other authorities/service provider's who's services may be affected.

Solid Waste

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

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

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

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

- Record shall be kept of any steps taken to address reports of dumping or poor waste management within the Development;

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

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

79. that it be noted that the Solid Waste Branch will not enter private property, private roads or any access controlled properties for the removal of solid waste;

80. that the *"Developer"* must apply and get approval from the Municipality's Solid Waste Department for a waste removal service prior to clearance certificate or occupation certificate (where clearance not applicable). Contact person: Senior Manager: Solid Waste (021 808 8241; clayton.hendricks@stellenbosch.gov.za)

81. that should it not be an option for the *"Municipality"* to enter into an agreement with the *"Developer"* due to capacity constraints, the *"Developer"* will have to enter into a service agreement with a service provider approved by the *"Municipality"* prior to clearance certificate or occupation certificate (where clearance not applicable);

82. that if the "Developer" removes the waste by private service provider, provision must still be made for a refuse room should this function in future revert back to the "Municipality";

83. Access to all properties via public roads shall be provided in such a way that collection vehicles can complete the beats with a continuous forward movement;

84. Access shall be provided with a minimum travelable surface of 5 meters width and a minimum corner radii of 5 meters;

85. Maximum depth of cul-de-sac shall be 20 meters or 3 erven, whichever is the lesser. Where this requirement is exceeded, it will be necessary to construct a turning circle with a minimum

turning circle radius of 11m or, alternatively – a turning shunt as per the Directorate: Infrastructure Services' specifications. With respect to the latter, on street parking are to be prohibited by way of "red lines" painted on the road surface as well as "no parking" signboards as a single parked vehicle can render these latter circles and shunts useless;

86. Minimum turning circle radius shall be 11 meters to the center line of the vehicle;

87. Road foundation shall be designed to carry a single axle load of 8.2 tons;

88. Refuse storage areas are to be provided for all premises other than single residential erven;

89. Refuse storage areas shall be designed in accordance with the requirements as specified by the Solid Waste Branch. Minimum size and building specifications is available from the Solid Waste Branch;

90. A single, centralized, refuse storage area which is accessible for collection is required for each complete development. The only exception is the case of a single residential dwelling, where a refuse storage area is not required;

91. The refuse storage area shall be large enough to store all receptacles needed for refuse disposal on the premises, including all material intended to recycling. No household waste is allowed to be disposed / stored without a proper 240 ℓ Municipal wheelie bin;

92. The size of the refuse storage area depends on the rate of refuse generation and the frequency of the collection service. For design purposes, sufficient space should be available to store two weeks' refuse;

93. Where the premises might be utilized by tenants for purposes other than those originally foreseen by the building owner, the area shall be sufficiently large to store all refuse generated, no matter what the tenant's business may be;

94. All black 85 ℓ refuse bins or black refuse bags is in the process of being replaced with 240 ℓ black municipal wheeled containers engraved with WC024 in front, and consequently refuse storage areas should be designed to cater for these containers. The dimensions of these containers are:

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

95. With regard to flats and townhouses, a minimum of 50 litres of storage capacity per person, working or living on the premises, is to be provided at a "once a week" collection frequency;

96. Should designers be in any doubt regarding a suitable size for the refuse storage area, advice should be sought from the Solid Waste Department : Tel 021 808-8224

97. Building specifications for refuse storage area:

Floor

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

Walls and Roof

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

Ventilation and Lighting

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

Water Supply and Drainage

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

98. Should the refuse storage area be located at a level different from the level of the street entrance to the property, access ramps are to be provided as stairs are not allowed. The maximum permissible gradient of these ramps is 1:7;

99. A refuse bay with minimum dimensions of 15 meters in length x 2, 5 meters in width plus 45 degrees splay entrance, on a public street, must be provided where either traffic flows or traffic

sight lines are affected. The refuse bays must be positioned such that the rear of the parked refuse vehicle is closest to the refuse collection area;

100. Any containers or compaction equipment acquired by the building owner must be approved by the Directorate: Infrastructure Services, to ensure their compatibility with the servicing equipment and lifting attachments;

101. Refuse should not be visible from a street or public place. Suitable screen walls may be required in certain instances;

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

103. All refuse storage areas shall be approved by the Directorate: Infrastructure Services, to ensure that the Council is able to service all installations, irrespective of whether these are currently serviced by Council or other companies;

AS-BUILTs

104. The "*Developer*" shall provide the "*Municipality*" with:

a. a complete set of as-built paper plans, signed by a professional registered engineer;

b. a CD/DVD containing the signed as-built plans in an electronic DXF-file format, reflecting compatible layers and formats as will be requested by the "*Engineer*" and is reflected herewith as Annexure X;

c. a completed Asset Verification Sheet in Excell format, reflecting the componitization of municipal services installed as part of the development. The Asset Verification Sheet will have to be according to the IMQS format, as to be supplied by the "Engineer", and is to be verified as correct by a professional registered engineer;

d. a complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer;

e. Written verification by the developer's consulting engineer that all professional fees in respect of the planning, design and supervision of any services to be taken over by the "*Municipality*" are fully paid;

105. All relevant as-built detail, as reflected in the item above, of civil engineering services constructed for the development, must be submitted to the "*Engineer*" and approved by the "*Engineer*" before any application for Certificate of Clearance will be supported by the "*Engineer*";

106. The Consulting Civil Engineer of the "*Developer*" shall certify that the location and position of the installed services are in accordance with the plans submitted for each of the services detailed below;

107. All As-built drawings are to be signed by a professional engineer who represents the consulting engineering company responsible for the design and or site supervision of civil engineering services;

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

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

109. It is specifically agreed that the "*Developer*" undertakes to comply with all conditions of approval as laid down by the "*Municipality*" before clearance certificates shall be issued, unless otherwise agreed herein;

110. that the "*Municipality*" reserves the right to withhold any clearance certificate until such time as the "*Developer*" has complied with conditions set out in this contract with which he/she is in default. Any failure to pay monies payable in terms of this contract within 30 (thirty) days after an account has been rendered shall be regarded as a breach of this agreement and the "*Municipality*" reserves the right to withhold any clearance certificate until such time as the amount owing has been paid;

111. that clearance will only be given per phase and the onus is on the "*Developer*" to phase his development accordingly;

112. **The onus will be on the "Developer" and or his professional team to ensure that all land-use conditions have been complied with before submitting an application for a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law. Verifying documentation (proof of payment in respect of Development Charges,**

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

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

Avoidance of waste, nuisance and risk

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

Streetlighting

115. The "*Developer*" will be responsible for the design and construction at his own expense of all internal street lighting services and street lighting on link roads leading to his development (excluding Class 1, 2 and 3 Roads) according to specifications determined by the municipality's Manager: Electrical Services and under the supervision of the consulting engineer, appointed by the "*Developer*";

116. Prior to commencing with the design of street lighting services, the consulting electrical engineer, as appointed by the "*Developer*" must acquaint himself with, and clarify with the municipality's Manager: Electrical Engineering, the standards of materials and design requirements to be complied with and possible cost of connections to existing services;

117. The final design of the complete internal street lighting network of the development must be submitted by the consulting electrical engineer, as appointed by the "*Developer*", to the municipality's Manager: Electrical Engineering for approval before any construction work commences;

118. Any defect with the street lighting services constructed by the "*Developer*" which may occur during the defects liability period of 12 (TWELVE) months and which occurs as a result of defective workmanship and/or materials must be rectified immediately / on the same day the defect was brought to the attention of the consulting electrical engineer, appointed by the

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

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

TYRONE KING Pr Tech Eng
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

W:\2.0 DEVELOPMENT\01 Land Use applications\2147 (TK) Farm 716-27 Paarl (LU-12309), Klapmuts - Coenie Bensiet\2147 (TK) Farm 716-27 Paarl (LU-12309), Klapmuts - Coenie Bensiet_2 (approved).doc

MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES
DIREKTORAAT: INFRASTRUKTUURDIENSTE

TO	:	**The Director: Planning and Development**
FOR ATTENTION	:	**Nicole Katts**
FROM	:	**Manager: Development (Infrastructure Services)**
AUTHOR	:	**Tyrone King**
DATE	:	**14 May 2021**
RE.	:	**Farm 716/27, Klapmuts: Subdivision for 44 Group Housing Erven**
YOUR REF	:	**LU/12309**
OUR REF	:	**2147 CIVIL LU**

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

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

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

ANNEXURE
TRAFFIC ENG

Tyrone King

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

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

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

6.1 ROADS

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

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

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

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

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

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

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

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

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

ATTACHMENT X

Geographic Information System (GIS) data capturing standards

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

Layer name	Content
TITLE	Title information, including any endorsements and references
NOTES	All noted information, both from the owner / surveyor and SG
PARENT_PROPLINES	Parent property lines
PARENT_PROPNUM	Parent erf number (or portion number)
PROPLINES	New portion boundaries
PROPANNO	New erf numbers
SERVLINES	Servitude polygons
SERVANNO	Servitude type
STREET_NAMES	Road centre lines with street names
STREET_NUMBERS	Points with street numbers
COMPLEX BOUNDARIES	Where applicable, polygon with complex name (mention whether gated or not and if so, where gates are)
SUBURB	Polygon with suburb name, where new suburb / township extension created
ESTATE	Where applicable, polygon with estate name (mention whether gated or not and if so, where gates are)

When data is provided in a .shp format it is mandatory that the .shx, .dbf, files should accompany the shapefile. The prj file containing the projection information must also accompany the shapefile.

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

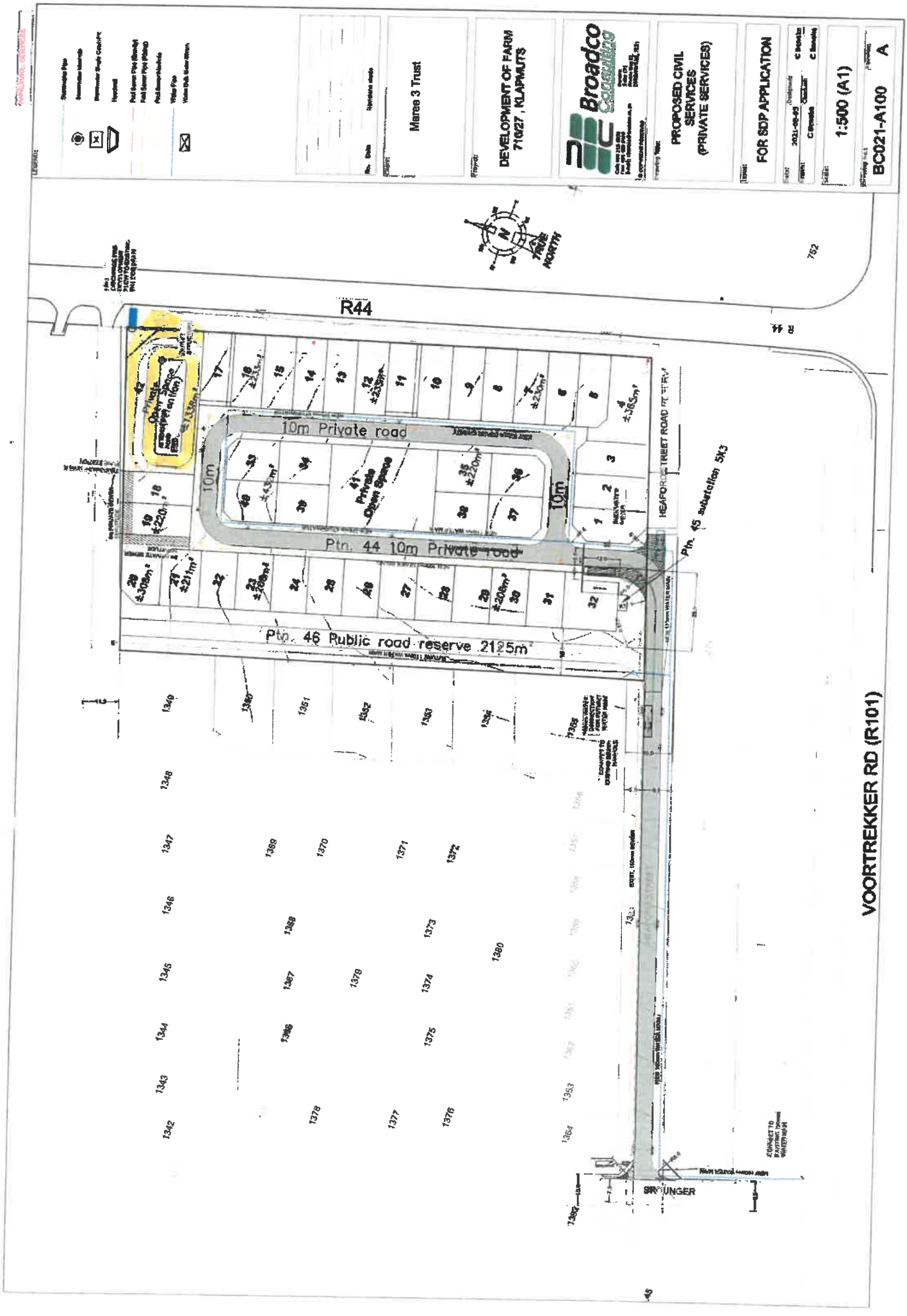
For road layer shapefiles; the road name, the from_street and to_street where applicable as well as the start en end street numbers needs to be included as part of the attributes. A rotation field needs to be added to give the street name the correct angle on the map.

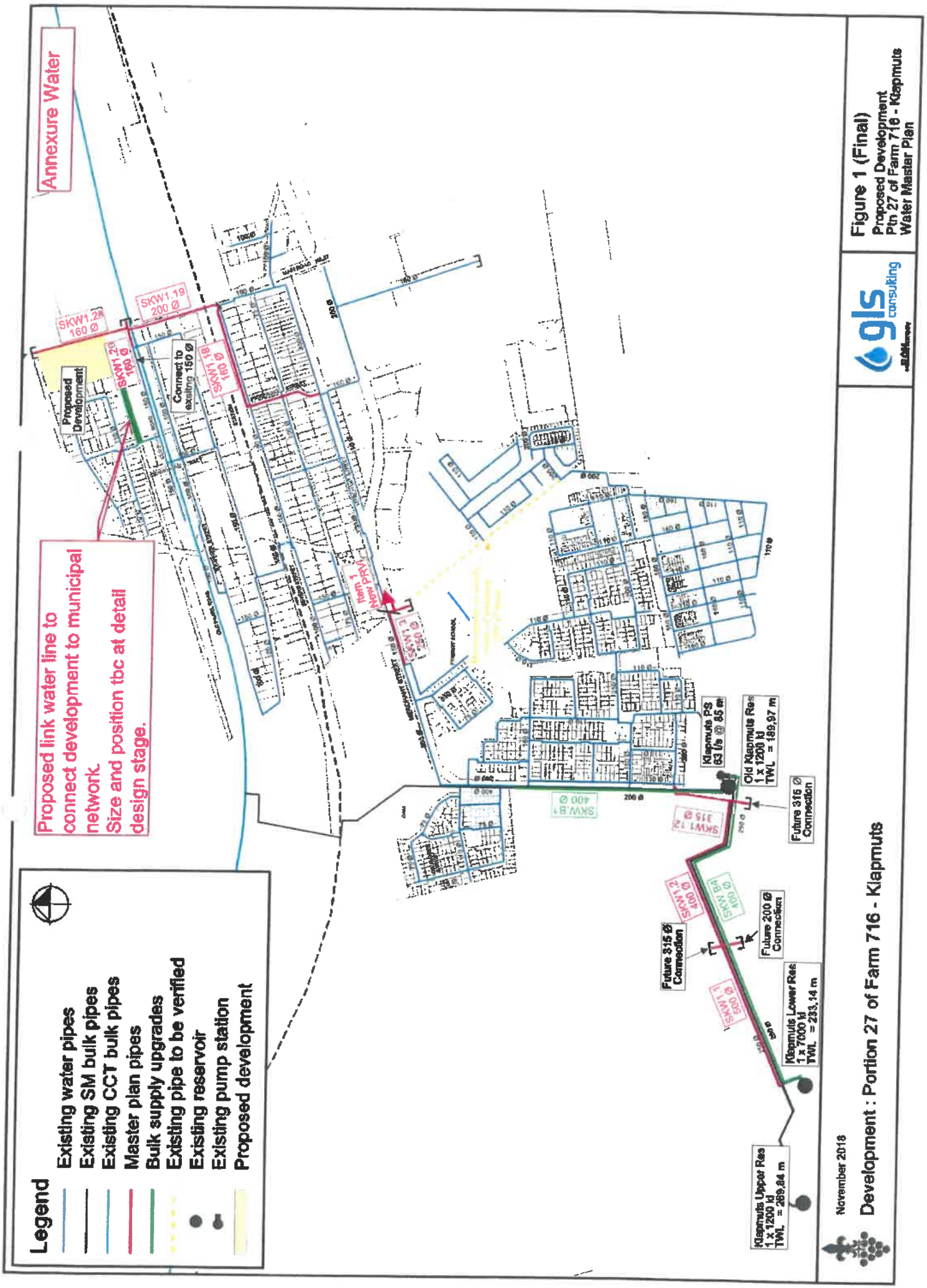
In addition to being geo-referenced and in WGS 1984 Geographic Coordinate System, the drawing must be completed using real world coordinates based on the Stellenbosch

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

Municipality standard as follows:

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


Maree 3 Trust
DEVELOPMENT OF FARM 710/27, KLAPMUTS
Broadco Consulting
PROPOSED CIVIL SERVICES (PRIVATE SERVICES)
FOR SDP APPLICATION
1:500 (A1)
BC021-A100
A
TRUE NORTH
R44
10m Private road
Ptn. 44 10m Private road
Ptn. 46 Public road reserve 2125m²
Ph. 45 substation 5X3
VOORTREKKER RD (R101)
SR UNGER


Annexure Water
Proposed link water line to connect development to municipal network.
Size and position tbc at detail design stage.
Legend
Existing water pipes
Existing SM bulk pipes
Existing CCT bulk pipes
Master plan pipes
Bulk supply upgrades
Existing pipe to be verified
Existing reservoir
Existing pump station
Proposed development
Proposed Development
SKW1.2A 160 Ø
SKW1.19 200 Ø
SKW1.2B 160 Ø
SKW1.1B 160 Ø
Connect to existing 160 Ø
Item 1 New PRV
Klapmuts PS 83 l/s @ 85 m
Old Klapmuts Res 1 x 1200 kl TWL = 189,97 m
Future 315 Ø Connection
Future 315 Ø Connection
Future 200 Ø Connection
Klapmuts Lower Res 1 x 7200 kl TWL = 233,14 m
Klapmuts Upper Res 1 x 1200 kl TWL = 269,84 m
Figure 1 (Final)
Proposed Development
Ptn 27 of Farm 716 - Klapmuts
Water Master Plan
gls consulting
November 2018
Development : Portion 27 of Farm 716 - Klapmuts

Stellenbosch Municipality

Development Charge Calculation

APPLICATION INFORMATION	
Application Number:	2147 (TK) Farm 716-27 Paarl (LU-12308), Klapmuts
Development Name:	
Date:	05 July 2023
Financial Year:	2023/2024
Erf Location (Select from 7 Locations):	Klapmuts
Erf Region (Select Urban or Rural):	Urban
Erf No. / Farm No.:	Farm 716-27
DC Parameters Reference:	Proposed Subdivision Plan No. APS/KLAP/SUB1C by Active Planning Solutions, dated March 2023

SUMMARY OF DC CALCULATION

Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Community	Totals
Unit(s):	kl/day	kl/day	ha*C	t/week	trips/day		persons	
Total Increased Services Usage:	24	20	0.72	1.6	150		160	
Total Service Usage Reduction:	0	0	0	0	0.0		0	
Total Service Usage after Reduction:	24.00	20.00	0.72000	1.600	150.0		160	
Charges before adjusting for positive only, before Deductions	R 234 667.16	R 638 930.55	R 50 081.74	R 156 498.59	R 891 116.94	R 1 969 294.98	R 617 212.26	R 2 586 507.23
Charges adjusted for positive only, before Deductions	R 234 667.16	R 638 930.55	R 50 081.74	R 156 498.59	R 891 116.94	R 1 969 294.98	R 617 212.26	R 2 586 507.23
Total Deductions:	R -	R -	R -	R -	R -	R -	R -	R -
Total Development Charges Payable (excluding VAT):	R 234 667.16	R 638 930.55	R 50 081.74	R 156 498.59	R 891 116.94	R 1 969 294.98	R 617 212.26	R 2 586 507.23
VAT:	R 36 200.07	R 95 839.58	R 7 512.26	R 23 474.79	R 133 667.54	R 295 394.25	R 92 581.84	R 387 976.09
Total Development Charges Payable (including VAT):	R 269 867.24	R 732 470.13	R 57 594.00	R 179 973.38	R 1 024 784.48	R 2 264 689.23	R 709 794.09	R 2 974 483.32

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

Kingswrite

Land Use Category		Unit Type	Existing Usage			Proposed New Usage			Increased Usage	Development Charge to be paid (excl VAT)								
	Description	Unit	Area (m2)	Unit Amount	Result	Area (m2)	Unit Amount	Result	Amount	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Community	Total
										Yes	Yes	Yes	Yes	Yes		Yes	
Residential	Single Residential >1000m2	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Single Residential >500m2	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Single Residential >350m2	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Single Residential <250m2	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Second Dwelling	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Less Formal Residential	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Group Residential	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Apartments	du					40		40	R 234 667.16	R 496 930.55	R 50 061.74	R 156 456.50	R 891 116.94	R 1 909 234.90	R 617 212.26	R 2 526 557.23
	Retirement Village	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Old age home	du							0	R -	R -	R -	R -	R -	R -	R -	R -
Accommodation	Student Accommodation/Communal Hostels	rooms							0	R -	R -	R -	R -	R -	R -	R -	R -
	Guest House	rooms							0	R -	R -	R -	R -	R -	R -	R -	R -
	Converted Guest House	rooms							0	R -	R -	R -	R -	R -	R -	R -	R -
	Hotel, Residential	rooms							0	R -	R -	R -	R -	R -	R -	R -	R -
Commercial	General Business	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Office	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Retail/Shop	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Restaurant	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Outdoor Dining/Function Area (area)	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Outdoor Dining/Function Area (persons)	persons							0	R -	R -	R -	R -	R -	R -	R -	R -
	Conference Facility/Place of assembly	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Hospital/Clinic/Medical Rooms	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	University/College	student							0	R -	R -	R -	R -	R -	R -	R -	R -
	School/Day Care	student							0	R -	R -	R -	R -	R -	R -	R -	R -
Industrial	Industrial - light	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Industrial - heavy	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Warehousing/Light Manufacturing	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Storage Facilities	unit							0	R -	R -	R -	R -	R -	R -	R -	R -
Non demand	Open Space/Natural Environment/Utility line	ha							0	R -	R -	R -	R -	R -	R -	R -	R -
	Roads and Parking	m							0.0000	R -	R -	R -	R -	R -	R -	R -	R -
Other	To be calculated	n/a							0.0000	R -	R -	R -	R -	R -	R -	R -	R -
	(Based on equivalent demands)	n/a							0	R -	R -	R -	R -	R -	R -	R -	R -
		Total Area:	0		Total Area:	0											

Deduct	Charges before adjusting for positive only, before Deductions	R 234 667.16	R 496 930.55	R 50 061.74	R 156 456.50	R 891 116.94	R 1 909 234.90	R 617 212.26	R 2 526 557.23
	Charges adjusted for positive only, before Deductions	R 234 667.16	R 496 930.55	R 50 061.74	R 156 456.50	R 891 116.94	R 1 909 234.90	R 617 212.26	R 2 526 557.23
	Deductions per service (from stage reductions)	R -	R -	R -	R -	R -	R -	R -	R -
	Discount Deduction (%)	R -	R -	R -	R -	R -	R -	R -	R -
	Additional Deduction per service - from Service Agreement (sum)	R -		R -	R -	R -	R -	R -	R -
Totals	Sub Total after Adjustments and Deductions (excluding VAT)	R 234 667.16	R 496 930.55	R 50 061.74	R 156 456.50	R 891 116.94	R 1 909 234.90	R 617 212.26	R 2 526 557.23
	VAT	R 35 200.07	R 95 538.58	R 7 512.26	R 23 474.78	R 133 667.54	R 295 394.23	R 92 581.84	R 387 976.09
	Total Development Charges	R 269 867.24	R 732 476.13	R 57 574.00	R 179 973.28	R 1 024 784.48	R 2 204 629.13	R 709 794.09	R 2 914 533.32

Percentage: 0.00%

MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES
DIREKTORAAT: INFRASTRUKTUURDIENSTE

TO	:	**The Director: Planning and Development**
FOR ATTENTION	:	**Nicole Katts**
FROM	:	**Director: Infrastructure Services**
DATE	:	**21 February 2023**
RE.	:	**Farm 716/27, Klapmuts: Subdivision for 44 Group Housing Erven**
YOUR REF	:	**LU/12309**
OUR REF	:	**2147 CIVIL LU**

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

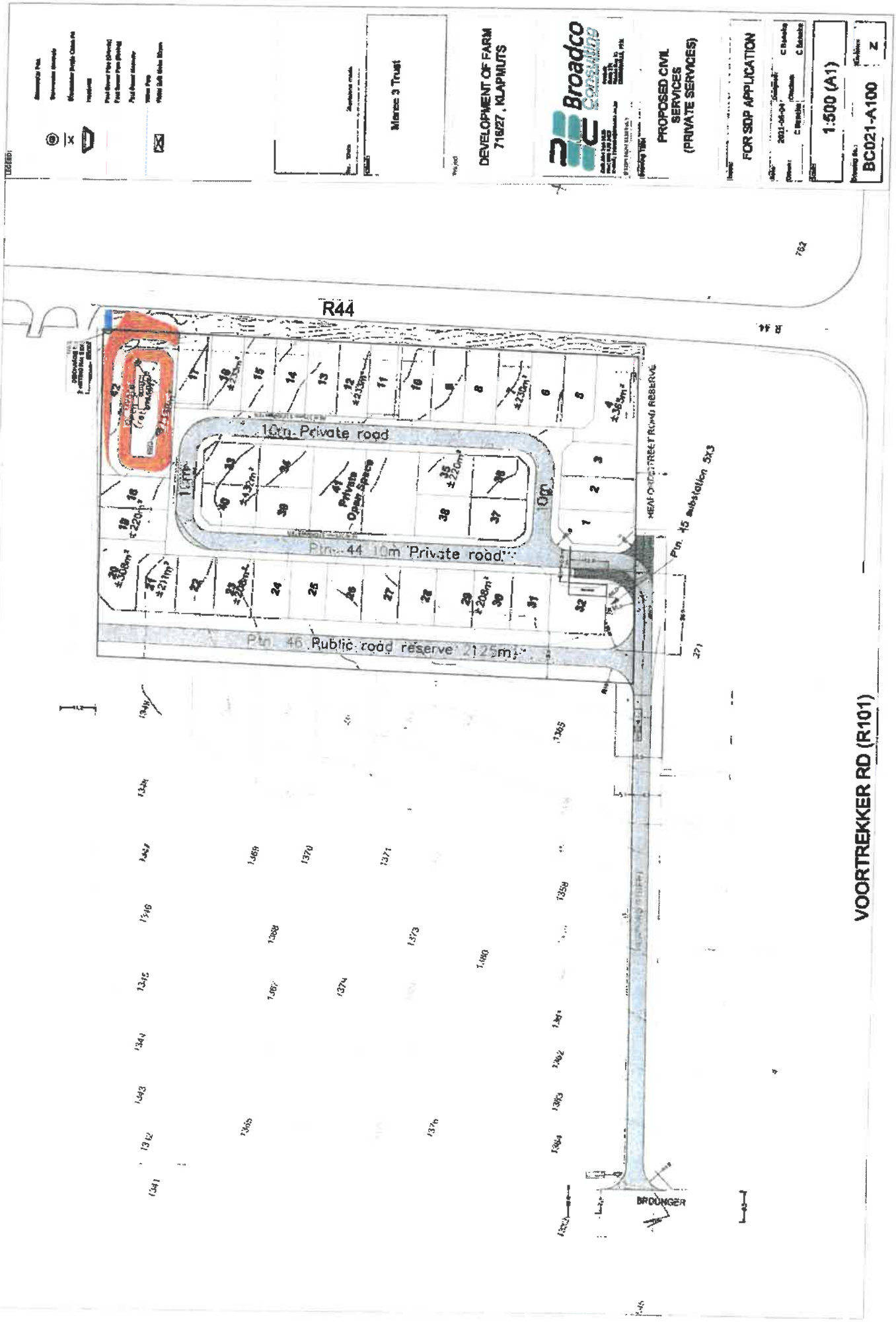
Comments from Water Services (Senior Manager: Paul Joubert)

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

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

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

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


Manie 3 Trust
DEVELOPMENT OF FARM 718/27, KLAPMUTS
Broadco Consulting
PROPOSED CIVIL SERVICES (PRIVATE SERVICES)
FOR SDP APPLICATION
1:500 (A1)
BC021-A100
R44
10m Private road
Private Open Space
Ptn. 44 10m Private road
Ptn. 46 Public road reserve 12.5m
Ptn. 15 subdivision 5X3
VOORTREKKER RD (R101)
BROUNGER

ANNEXURE I: COMMENTS FROM THE MANAGER: COMMUNITY SERVICES

File

INTEROFFICE MEMORANDUM

STELLENBOSCH
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

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

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

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

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

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

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

FILE NR:
SCAN NR: F 716/27 P
COLLABOR JOB NR:

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES
19 MAR 2021
RECEIVED

S VD MERWE
SENIOR ENVIRONMENTAL PLANNER:
COMMUNITY SERVICES

Tel: +27 21 808 8161 | Email: [illegible]
Physical Address: 123 Merriman Avenue, Stellenbosch, 7600 | Postal Address: PO Box 17, Stellenbosch, 7599
Website: [illegible]

ANNEXURE J: COMMENTS FROM HERITAGE WESTERN CAPE

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

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

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

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

CASE NUMBER: 20050502SB1001E

The matter above has reference.

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

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

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

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

HWC reserves the right to request additional information as required.

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

Yours faithfully

pp.

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

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

Western Cape Government

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

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

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

ATTENTION: PIERRE JORDAAN

Dear Sir

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

1. The electronic copy of the abovementioned document received by the Department on 25 March 2021, this Department's response issued on 29 April 2021 and the additional information received electronically on 30 April 2021, refer.

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

3. However, should any revision of the proposed development constitute a listed activity(ies) in terms of the NEMA EIA Regulations, 2014 as defined in Listing Notices 1, 2 and 3 an application must be submitted and environmental authorisation obtained before such activity(ies) may commence.

4. The applicant must comply with any other statutory requirements that may be applicable to the development.

5. The applicant is reminded of his/her general duty of care and the remediation of environmental damage, Section 28(1) of NEMA specifically states that –"*Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or*

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

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

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

Yours faithfully

Andrea Thomas

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

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

Cc: (1) Mr Schalk van der Merwe (Stellenbosch Municipality) E-mail: Schalk.VanderMerwe@stellenbosch.gov.za

Western Cape Government
Environmental Affairs and Development Planning

DIRECTORATE: DEVELOPMENT MANAGEMENT (REGION 2)

Helene.Jonser@westerncape.gov.za
Tel: +27 21 483 3544 Fax: +27 21 483 3633
1 Dorp Street, Cape Town, 8000
www.westerncape.gov.za/eadp

REFERENCE: 15/3/2/12/BS2

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

ATTENTION: PIERRE JORDAAN

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

1. Your request for comment, dated 25 March 2021, refers.

2. The application as submitted is made for the rezoning of Farm 716/27, Paarl Division from Agriculture and Rural Zone to Subdivisional Area in order to allow for the following uses:

   - 44 group housing units on average portion size of 260m²
   - 2 Private Open Space erven totalling 1 525m²
   - 1 private road (Diemer Crescent)
   - 1 electrical substation
   - 1 Public Road giving access to the development

3. The application further entails the subdivision of the property as per proposed Site Development Plan and a departure to relax the street and common building lines.

4. The development of Klapmuts has been identified in the approved Stellenbosch Municipal Spatial Development Framework (2019) as a Catalytic initiative that offers extensive inclusive opportunity. The proposed developed is aligned with the SDF and is located inside the urban edge, on land earmarked for infill opportunities.

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

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

Kobus Munro

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

DIRECTOR: DEVELOPMENT MANAGEMENT REGION 2

ANNEXURE L: COMMENTS FROM REGIONAL OFFICE: WATER & SANITATION

water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

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

☎	021 941 6039	✍	Mr. Nkosinathi Mkonto
🖷	021 941 6082	🗁	16/2/7/G200/A/8
🕯	082 370 2708	💻	mkonton@dws.gov.za

Attention: Pierre Jordaan

Active Planning Solutions
No 1 Vredeveld
BRACKENFELL SOUTH
7560

Dear Sir

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

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

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

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

water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

CONTINUATION PAGE: (page. 2/2).

5. No permanent structures may be constructed within the 1:100 year flood line or 100m from the edge of the riparian habitat of a watercourse.

6. If any property that receives water from an Irrigation Board or Water User Association is subdivided, sold or consolidated, the Board or Association and this Department must be notified within sixty (60) days after the said transaction took place.

7. Please note that if the subdivision will affect the allocation of a water use as registered by this Department, the owner(s) of the new property(ies) must enter into a written mutual agreement to determine each property's share in any allocated water or water use and this must be communicated to this Department.

8. If this subdivision (or consolidation) will affect the allocation of a water use as licences by this Department, the Licencee must contact the Department for the amendment of this licence. This will also be necessary if the property description changes. The Licencee must provide full details of all changes in respect of the properties to the Responsible Authority within 60 days of said change taking place.

9. It is the duty of the applicant(s) to ensure that all servitudes of aqueduct, access and storage to give effect to the apportionment of water uses has been agreed upon prior amongst the property owners and formally registered with the Deeds of Office to give affect thereto upon approval of the application.

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

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

Yours faithfully

REGIONAL HEAD: WESTERN CAPE
Signed by: **Nelisa Ndobeni**
Designation: **Control Environmental Officer**
Date: **23 July 2021**

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

Western Cape Government

Transport and Public Works
Vanessa Stoffels
Chief Directorate: Road Planning
Vanessa.Stoffels@westerncape.gov.za | Tel: 021 483 4669

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

Active Planning Solutions
11 Blackstone Estate
C/o Brackenfell Boulevard & Vredeveld Street
Sonkring
BRACKENFELL
7560

Attention: Mr Pierre Jordaan

Dear Sir

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

1. The following refer:

1.1. Your e-mail ref. Klap/27_716/APSv1 dated 25 March 2021 and attached land use application;

1.2. This Branch's letter of comment to Stellenbosch Municipality on the above application, ref. TPW (Job 17225), dated 14 May 2021;

1.3. Your revised SDP for the subject property, Plan BC021-A100 Rev.Z dated 2021-05-04, received from Liezl DuPlooy of DECA by e-mail on 10 June 2021;

1.4. This Branch's letter to DECA dated 15 July 2021, cc (*inter alia*) Active Planning Solutions and Stellenbosch Municipality;

1.5. This Branch's letter to Active Planning Solutions dated 16 September 2021;

1.6. Minutes of the M/S Teams meeting on 26 October 2021 between the Applicants and their professional teams and Messrs Thompson and Burger of this Branch;

1.7. E-mail from Douw Lourens of DECA to Evan Burger dated 26 November 2021 with attached preliminary design drawings;

1.8. Your email to Michael Hendrickse of this Branch's Chief Directorate: Design dated 8 December 2021;

1.9. This Branch's letter to Active Planning Solutions dated 17 December 2021;

1.10. Your e-mail to Vanessa Stoffels of this Branch, dated 25 March 2022;

1.11. Stellenbosch Municipality's letter ref. Farm716/3 Klapmuts, dated 23 May 2022

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

2. As requested in point 4 of this Branch's letter (item 1.9), we have received written confirmation (item 1.11) that Stellenbosch Municipality is taking legal steps to force the deconstruction of the buildings/structures on the road reserve of Heaford Street.

3. This Branch offers no objection to the proposed rezoning and subdivision of Portion 27 of Farm 716, Klapmuts on condition that the legal processes of Stellenbosch Municipality are completed.

4. As Controlling Authority in terms of Act 21 of 1940, this Branch approves the subdivision

Yours Sincerely

SW CARSTENS

***For* DEPUTY DIRECTOR-GENERAL: ROADS**
DATE: 15 June 2022

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

ENDORSEMENTS

1. Stellenbosch Municipality

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

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

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

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

2. Active Planning Solutions

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

3. District Roads Engineer

   Paarl

3. Mr E Smith (e-mail)

4. Mrs S du Preez (e-mail)

5. Mr E Burger (e-mail)

6. Mr SW Carstens (e-mail)

ANNEXURE N: CIVIL ENGINEERING AND ELECTRIC BULK SERVICES REPORT

Broadco Consulting
CIVIL ENGINEERING SERVICES

PO Box 958
KUILSRIVIER, 7579
Cell: C.Beneke- 084 216 6936
Fax: 086 458 5409
Email: cbeneke@broadco.co.za

Ref: BC021-01

Active Planning Solutions

2020-08-27

Attention: Pierre Jordaan

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

1. LOCATION

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

FIGURE 1: LOCALITY PLAN

2. PROPOSED DEVELOPMENT

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

3. TOPOGRAPHY

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

4. GEOTECHNICAL CONDITIONS

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

5. PROPOSED SERVICES:

5.1 ROADS

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

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

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

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

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

5.2 STORMWATER MANAGEMENT

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

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

METHODOLOGY

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

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

Table 1: RAINFALL FIGURES

EXISTING CONDITIONS

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

FIGURE 2: R44 SIDE DRAIN TOWARDS THE N1

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

FIGURE 3: N1 PIPE CULVERT

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

FIGURE 4: ERF 1383 GRASS CHANNEL

PRE-DEVELOPMENT

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

TABLE 2 PRE-DEVELOPMENT SWMM MODEL PARAMETERS

RETURN PERIOD (YRS)	2	5	10	50	100
PEAK (l/s)	18.5	50.58	81.75	167.31	211.65

NOTE:

1. The catchment area is 17125m².
2. The runoff factor is CN 77.
3. The peak flows have been determined by the SWMM method.

POST-DEVELOPMENT

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

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

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

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

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

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

STORM	2YR	5YR	10YR	50YR	100YR
POST DEVELOPMENT (l/s)	18.28	49.49	76.63	161	213
PRE DEVELOPMENT (l/s)	18.50	50.56	81.75	167	212
POND VOLUME (m³)	157	198	227	300	320
POND WATER DEPTH (m)	0.61	0.73	0.80	0.98	1.03

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

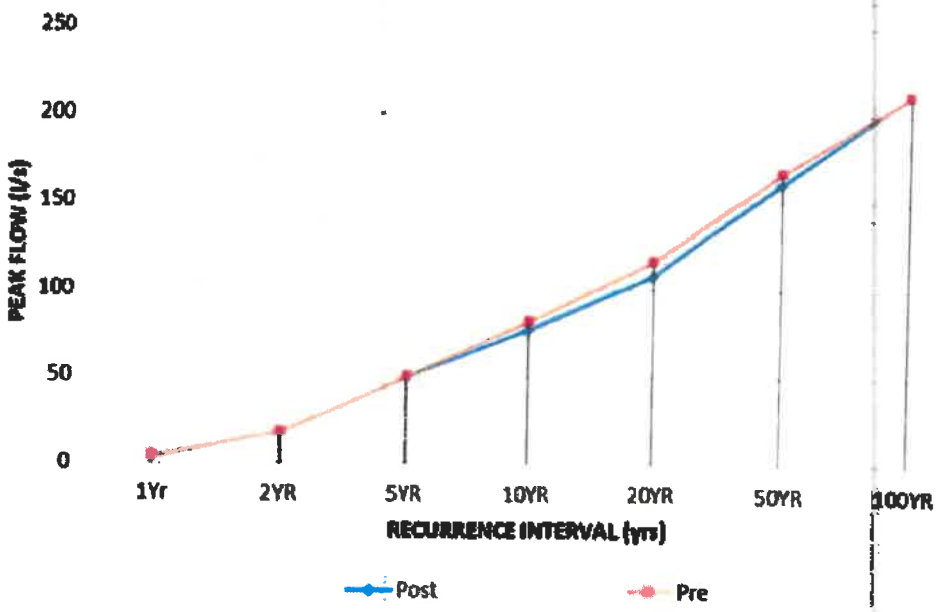


FIGURE 5: PRE- vs POST-DEVELOPMENT FLOW COMPARISON

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

5.3 FOUL SEWER

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

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

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

5.4 WATER

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

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

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

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

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

5.5 SOLID WASTE

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

5.6 TELECOMMUNICATION

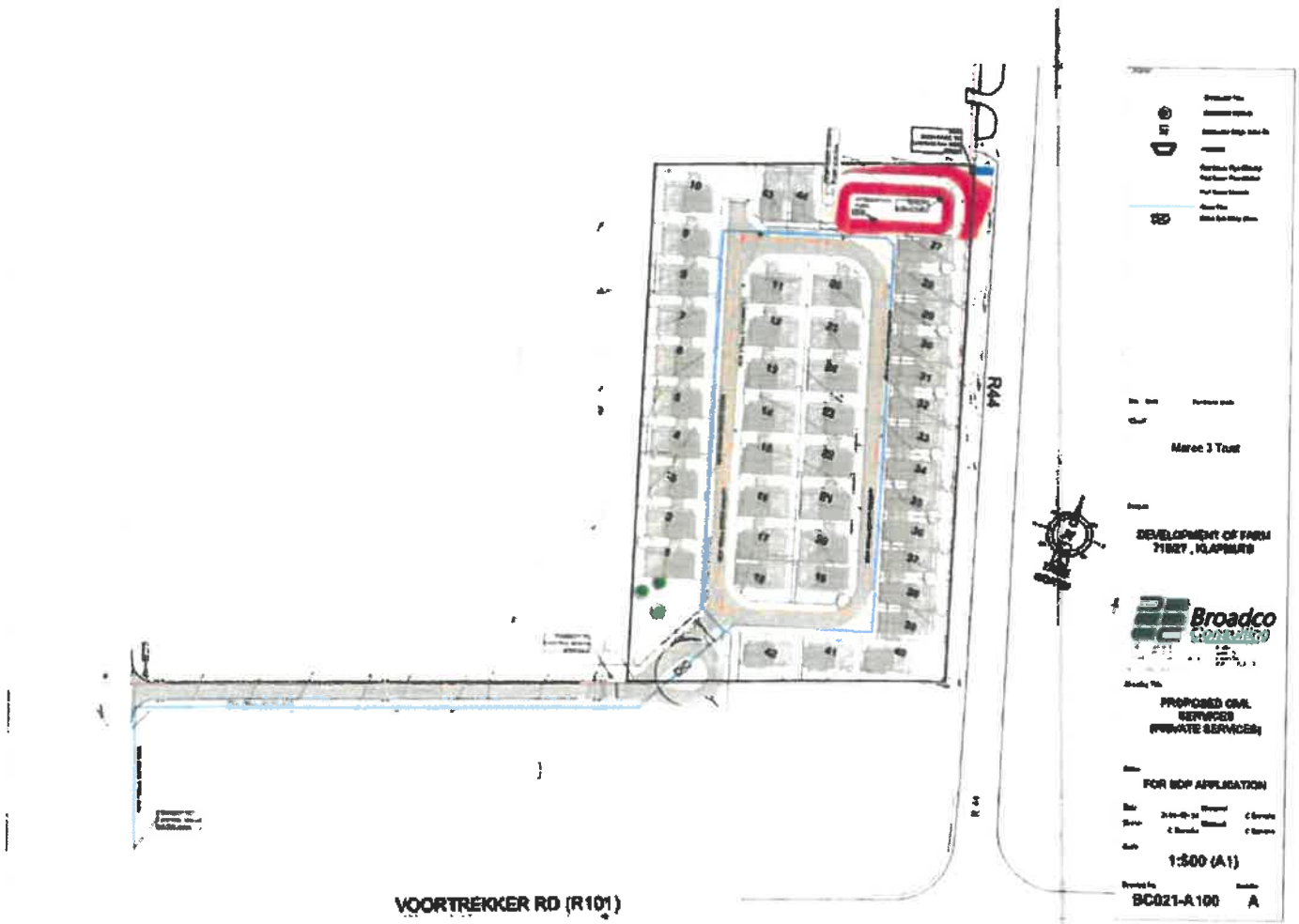
Telecommunication sleeves will be allowed for from Bounger Street to the development with connection points to each property.

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

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

Yours sincerely

CS Beneke Pr Tech Eng


R44
VOORTREKKER RD (R101)
Broadco
PROPOSED CIVIL SERVICES (PRIVATE SERVICES)
FOR BDP APPLICATION
1:500 (A1)
BC021-A100
A

Caring
Innovative
Focussed

Neil
LYNERS
and Associates (RF) (Pty) Ltd

Consulting Engineers & Project Managers

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

Your reference :

Postal Address: PO Box 4901, TYGERVALLEY, 7536
Street Address: Office 2, Ground Floor, Riverside Place,
South Gate Entrance, Carl Cronjé Drive,
Tyger Valley Waterfront, BELLVILLE, 7530

Tel: +27 (0)21 914 0300 / Fax: +27 (0)21 914 0437
E-mail: [illegible]@lyners.co.za / Website: www.lyners.co.za

04 September 2020

Active Planning Solutions
On behalf of the Developers

Attention: Mr. Pierre Jordaan

Dear Sir

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

1.1 SUPPLY AREA

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

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

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

1.2 MAXIMUM DEMAND

Based on the latest proposed layout drawing with filename coenie sdp V8-Edited-Layout1 recently received from Broadco Consulting – copy attached hereto, the estimated maximum demand for this development is calculated at 169.8 kVA / 261A three-phase when applying a 4 kVA after diversity maximum demand(ADMD) per connection for the 44 proposed subdivided townhouse erven.

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

1.3 SUPPLY POINT

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

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

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

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

1.4 LOW VOLTAGE NETWORK

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

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

1.5 SCOPE OF WORK

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

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

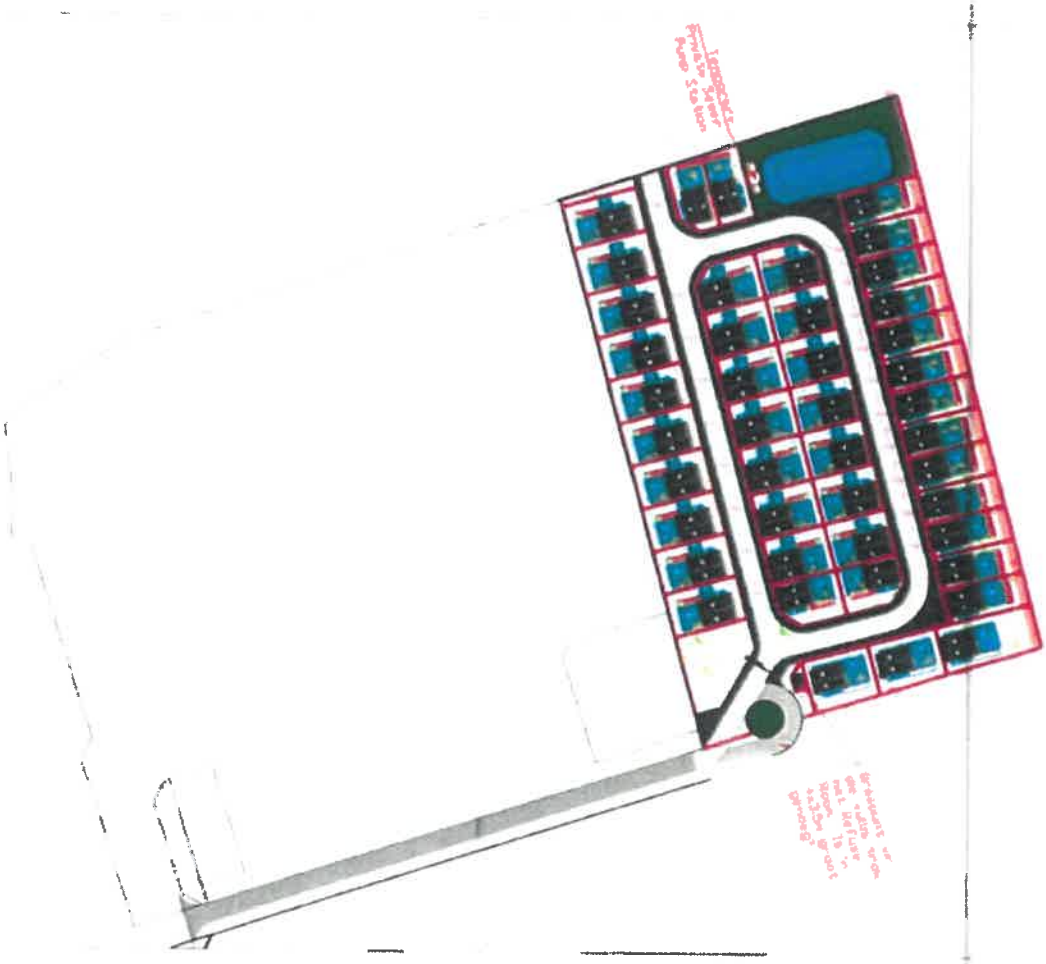
1.6 BULK ELECTRICITY INFRASTRUCTURE CONTRIBUTION

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

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

Yours faithfully

Cobus Nel
LYNERS



9 November 2018

Broadco Consulting
The Crest Office Park
DURBANVILLE
7550

Attention: Mr Coenie Beneke

Dear Sir

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

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

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

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

1. WATER DISTRIBUTION SYSTEM

1.1 *Distribution zone*

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

The proposed development is situated inside the water priority area.

1.2 *Water demand*

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

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

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

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T +27 21 880 0388 | F +27 21 8800 389
13 Elektron Street, Techno Park, Stellenbosch, 7600 | PO Box 814, Stellenbosch, 7599, South Africa
Reg no: 2007/003039/07 | *a member of the EOH Group of Companies*
www.eoh.co.za | www.gls.co.za

1.3. *Present situation*

Network conveyance

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

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

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

Reservoir capacity

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

Bulk supply

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

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

1.4 *Implementation of the master plan*

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

Network upgrade

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

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

Bulk supply (Phase 1 upgrades)

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

Bulk supply (Phase 2 upgrades)

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

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

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

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

1.5. *Minimum items required*

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

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

2. SEWER NETWORK

2.1 *Drainage area*

The development falls within the future Klapmuts Main Pump Station (PS) drainage area. However, if it is possible to gravitate to the existing outfall sewer to the south of the development, the development can be accommodated in the existing Klapmuts PS 1 drainage area.

The recommended position for the sewer connection for the proposed development is at the future 160 mm diameter outfall sewer to the North of the development that gravitates to the future Klapmuts Main PS that pumps to the Klapmuts Waste Water Treatment Works (WWTWs). Alternatively, if possible, at the existing 160 mm diameter sewer to the South of the development, as shown on Figure 2 attached.

The development is inside the sewer priority area.

2.2 *Sewer flow*

In the original sewer master plan, the peak day dry weather flow (PDDWF) for the proposed development area (future area K13 in the June 2017 sewer master plan) was calculated at 24,8 kℓ/d.

For this re-analysis, the peak day dry weather flow (PDDWF) for the proposed development was calculated as 15,96 kℓ/d.

2.3 *Present situation*

The existing sewer system has sufficient capacity to accommodate the proposed development if it is possible to connect to the existing outfall sewer to the south of the development.

In the Sewer Master Plan it is however proposed that sewage from the proposed development area should gravitates through a new 160 mm diameter outfall sewer to the proposed Klapmuts Main PS.

The following link services item will be required to connect the proposed development to the proposed Klapmuts Main PS:

Link services

• Item 2	: 322 m x 160 mm Ø new outfall sewer	R	652 000 *

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

Take note that the route of the proposed pipeline is schematically shown on Figure 2 attached, but has to be finalised subsequent to a detail pipeline route investigation.

2.4 *Implementation of the sewer master plan*

The accommodation of the proposed development within the proposed Klapmuts Main PS drainage area requires the construction of a new main sewer PS, located at the lowest point next to N1 (southern side) and the R44 main Road (western side), as shown on Figure 2 attached.

In the sewer master plan for Klapmuts it is proposed that the existing Klapmuts pumping stations 1, 2, & 3 are decommissioned in the future and that sewage from their respective drainage areas are then redirected to this proposed Klapmuts Main PS.

The first phase of these bulk sewer upgrades is to decommission the existing Klapmuts PS 1, redirect sewage from the Klapmuts PS 1 drainage area to the proposed Klapmuts Main PS, and construct the Klapmuts Main PS and an accompanying 315 mm rising main:

Bulk sewer upgrades (Phase 1)

• SKS1.8	: 960 m x 400 mm Ø New diversion sewer	R	3 621 000 *
• SKS1.13	: New 50 l/s Klapmuts Main PS	R	3 536 000 *
• SKS1.14	: 1 382 m x 315 mm Ø New rising main	R	4 129 000 *
• SKS5.2	: 45 m x 160 mm Ø New diversion sewer	R	251 000 *
• SKS5.3	: Decommission existing Klapmuts PS 1	R	75 000 *
	Total	R	11 612 000 *

The second phase of the bulk sewer upgrades is to decommission the existing Klapmuts PS 2 and redirect sewage from the Klapmuts PS 2 drainage area to the new Klapmuts Main PS drainage area.

Bulk sewer upgrades (Phase 2)

• SKS1.7	: 220 m x 400 mm Ø New diversion sewer	R	1 129 000 *
• SKS6.2	: 40 m x 250 mm Ø New diversion sewer	R	191 000 *
• SKS6.3	: Decommission existing Klapmuts PS 2	R	75 000 *
	Total	R	1 395 000 *

The last phase of the bulk sewer upgrades is to decommission the existing Klapmuts PS 3 and redirect sewage from the Klapmuts PS 3 drainage area to the proposed Klapmuts Main PS.

Bulk sewer upgrades (Phase 3)

• SKS1.12 : 1 075 m x 160 mm Ø New diversion sewer		R 2 969 000 *
• SKS7.3 : Decommission existing Klapmuts PS 3		R 75 000 *
	Total	R 3 044 000 *

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

Take note that the routes of the proposed bulk sewer upgrades are schematically shown on Figure 2 attached, but have to be finalised subsequent to detail pipeline route investigations.

2.5 *Minimum items required*

The existing sewer system has sufficient capacity to accommodate the proposed development if it is possible for the internal sewer system of the development to gravitate to the existing sewer infrastructure to the south of Farm 716/27.

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

3. CONCLUSION

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

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

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

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

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

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

We trust you find this of value.

Yours sincerely

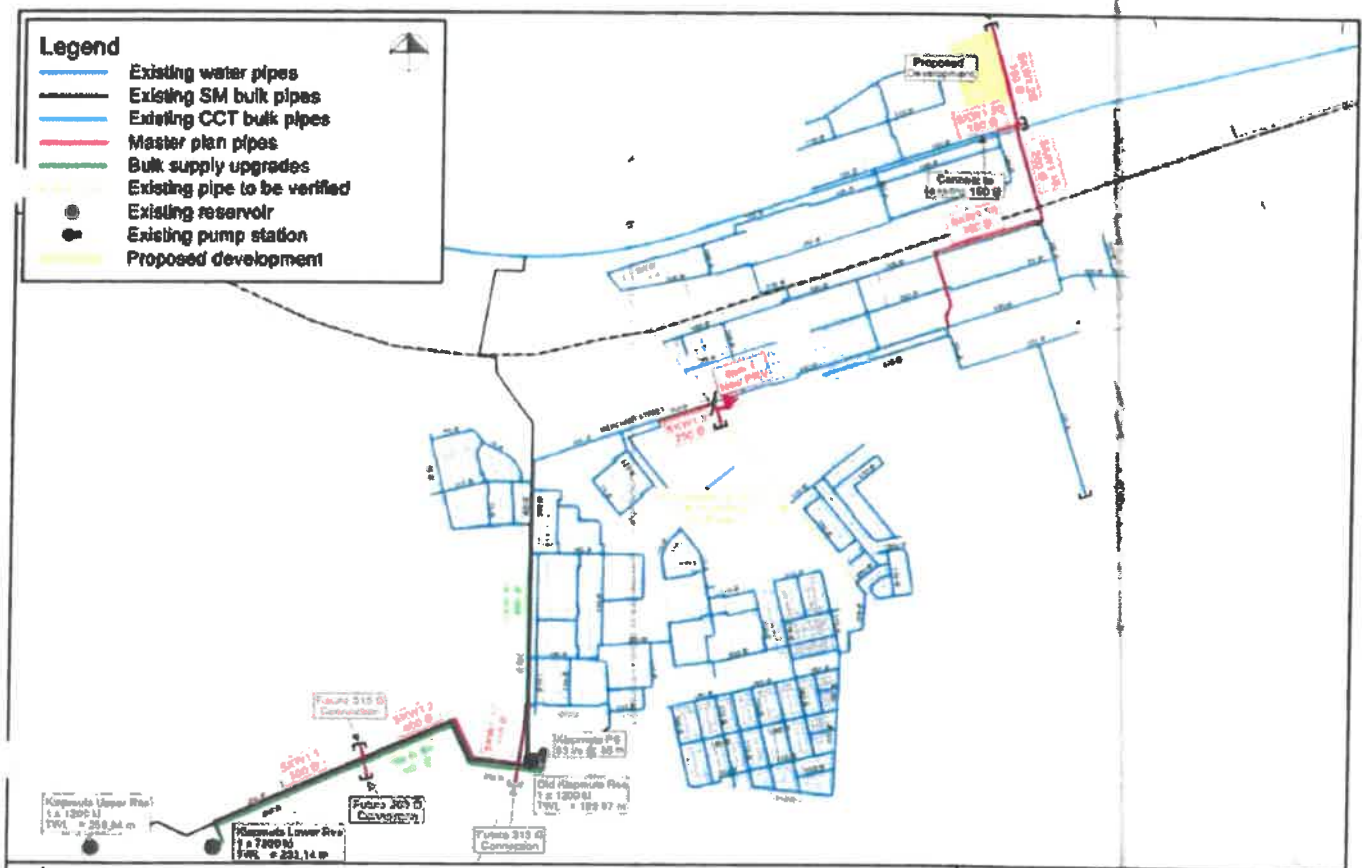
GLS CONSULTING (PTY) LTD
REG. NO.: 2007/003039/07

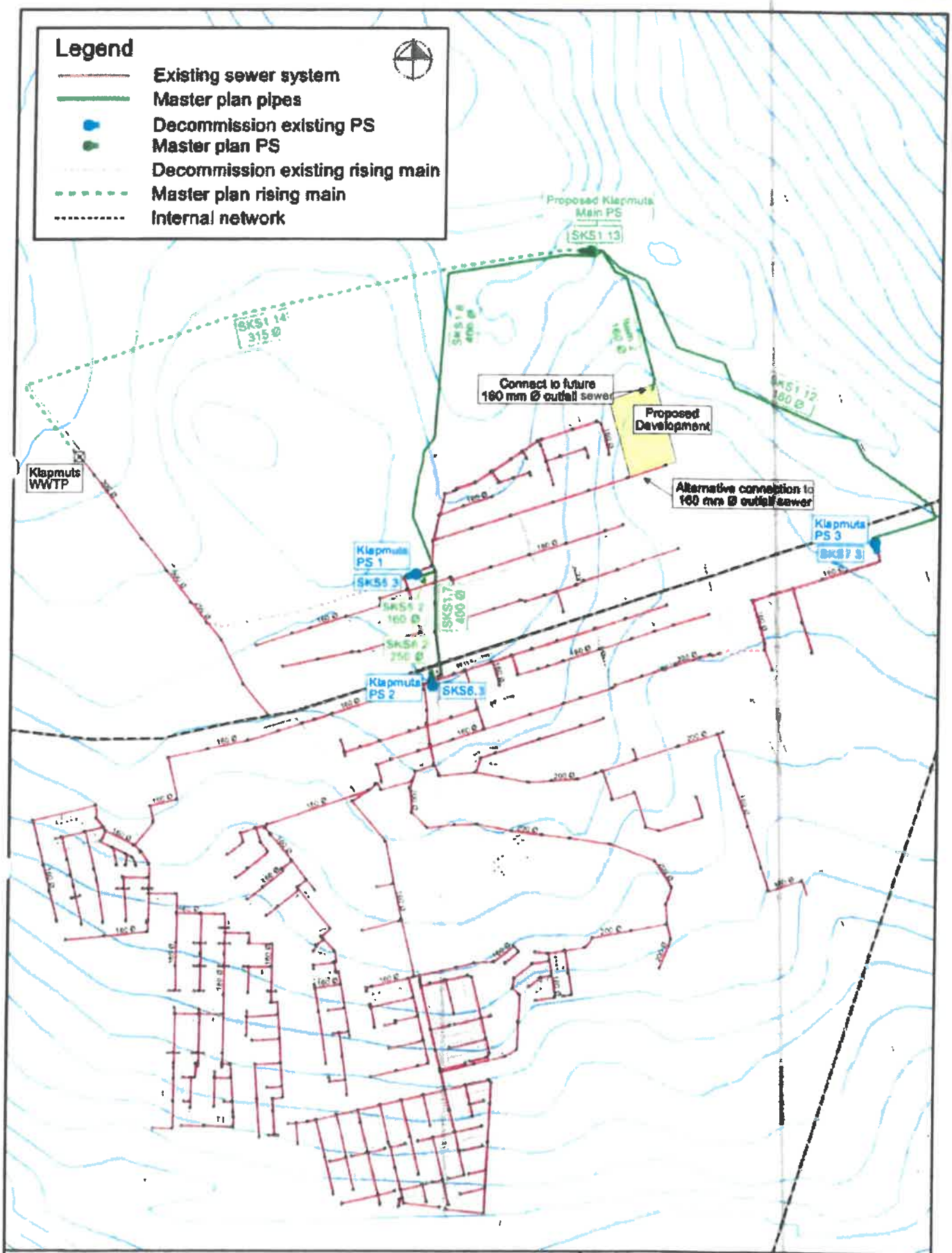
PCduPlessis

Per: PC DU PLESSIS

cc. The Director
Directorate: Engineering Services
Stellenbosch Municipality
P. O. Box 17
STELLENBOSCH
7599

Attention: Mr Adriaan Kurtz


Legend
Existing water pipes
Existing SM bulk pipes
Existing CCT bulk pipes
Master plan pipes
Bulk supply upgrades
Existing pipe to be verified
Existing reservoir
Existing pump station
Proposed development
Proposed
November 2016
Development Portion 27 of Farm 716 - Klapmuts
gls
Figure 1 (Final)
Proposed Development
Ptn 27 of Farm 716 - Klapmuts
Water Master Plan


Legend
Existing sewer system
Master plan pipes
Decommission existing PS
Master plan PS
Decommission existing rising main
Master plan rising main
Internal network
Proposed Klapmuts Main PS
SK51 13
SK51 14
315 Ø
Connect to future 160 mm Ø outfall sewer
Proposed Development
Klapmuts WWTP
Alternative connection to 160 mm Ø outfall sewer
Klapmuts PS 1
SK55 3
Klapmuts PS 3
SK57 3
SK51 2
160 Ø
SK56 2
250 Ø
SKS1.7
400 Ø
Klapmuts PS 2
SKS6.3
November 2018
Development : Portion 27 of Farm 716 - Klapmuts
gls
Figure 2 (Final)
Proposed Development
Ptn 27 of Farm 716 - Klapmuts
Sewer Master Plan

1 SITE DEVELOPMENT PLAN

ARCHITEK
STUDIO ARCHITECTURE

MT3 PROPERTY DEVELOPERS

Site Coverage

Project number

Date

Drawn by

Checked by

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Scale As indicated

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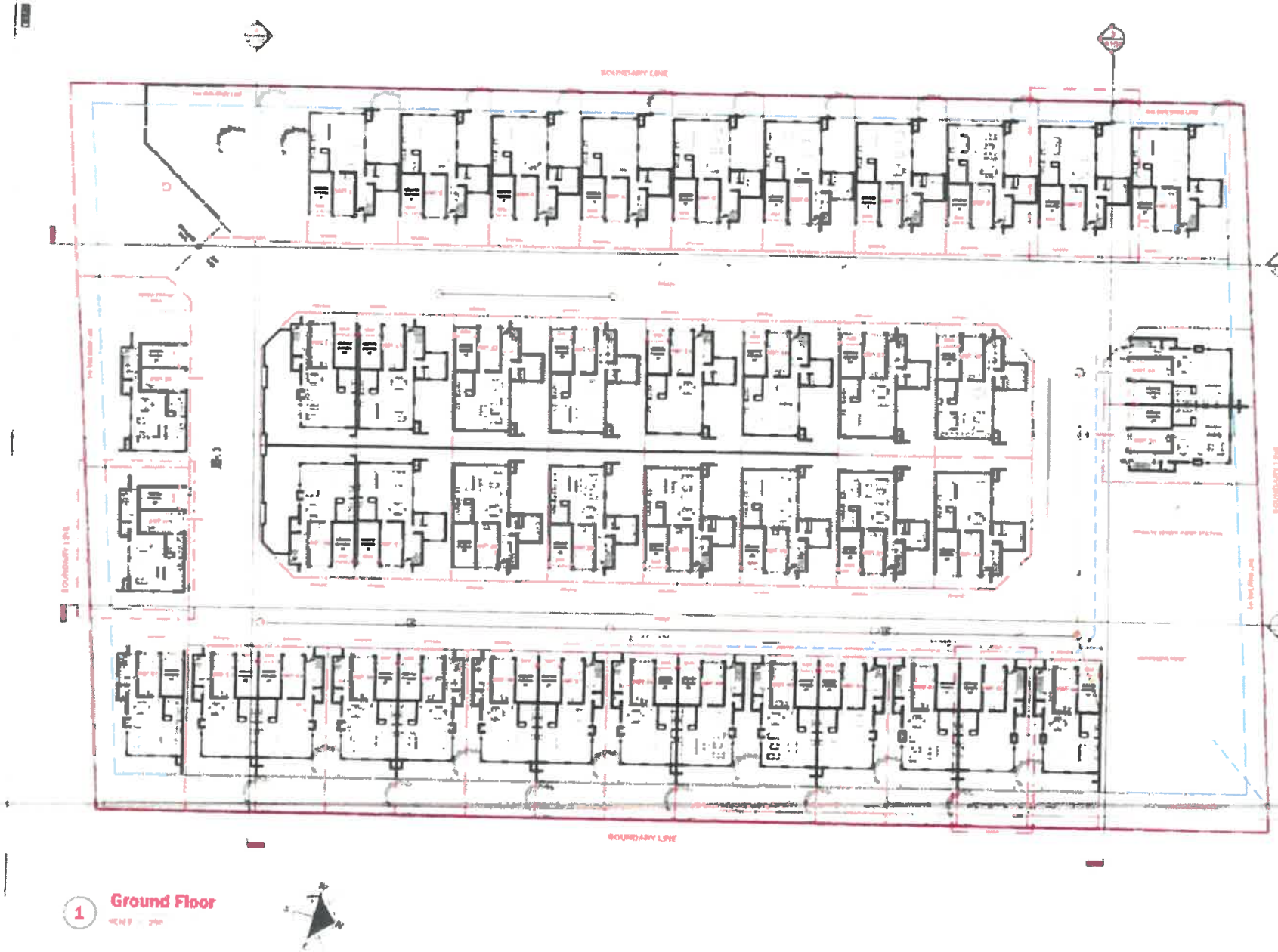

ARCHITEK
STUDIO ARCHITECTURE

Client Name
MT3 PROPERTY DEVELOPERS

Sheet Name
Ground Floor Plan

Project number
Date
Issue Date
Drawn by
Author
Checked by
Checker
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Scale
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ARCHITEK
MT3 PROPERTY DEVELOPERS
First Floor Plan
A101
1 : 250
First Floor
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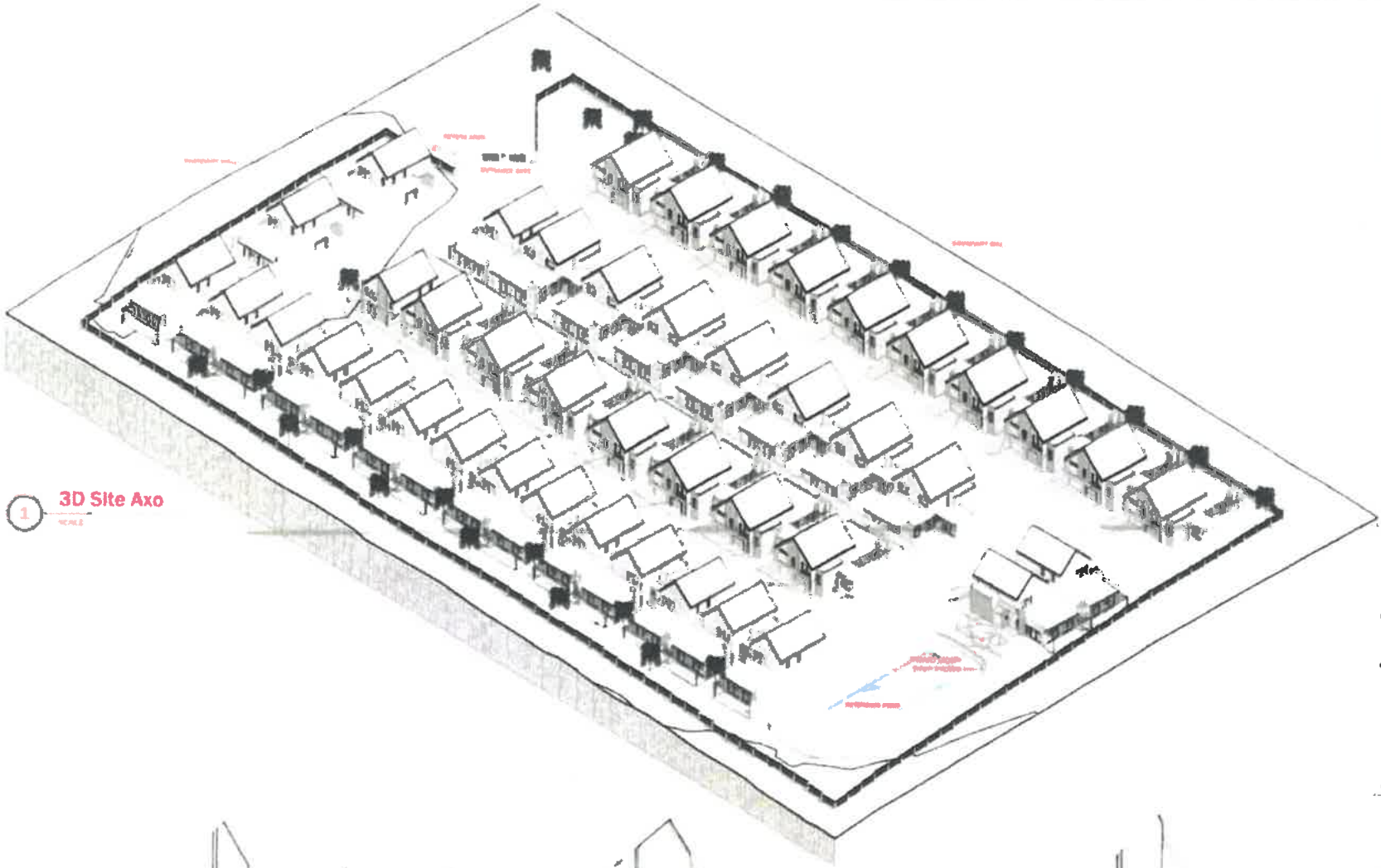

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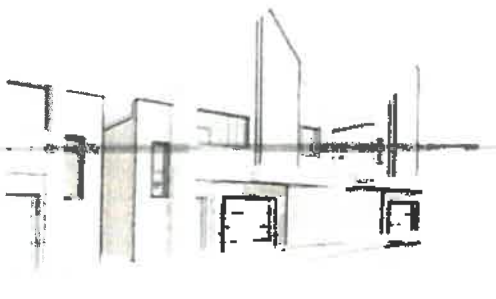

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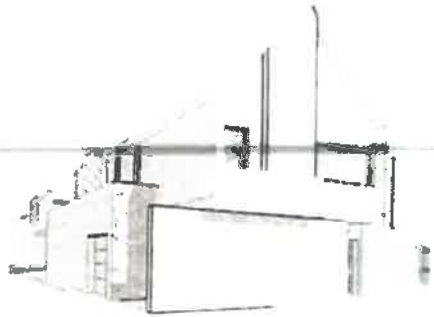
3 TYPICAL UNIT 2



4 TYPICAL UNIT 3

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MT3 PROPERTY DEVELOPERS

3D Views

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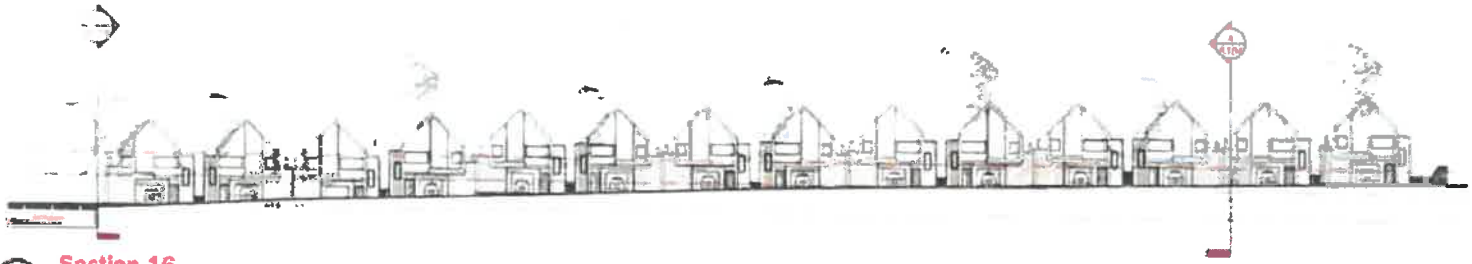

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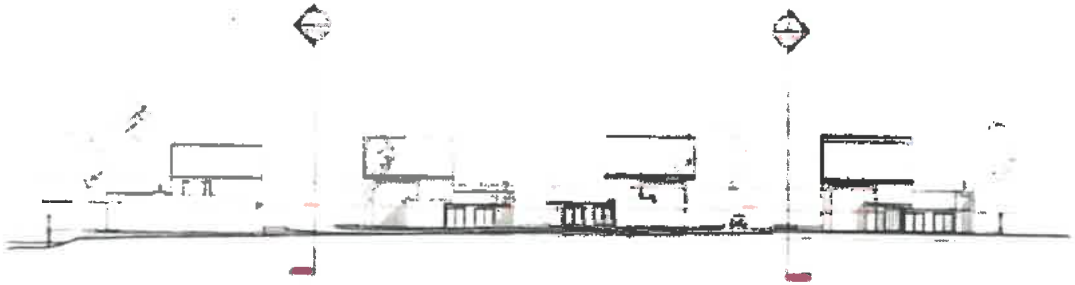

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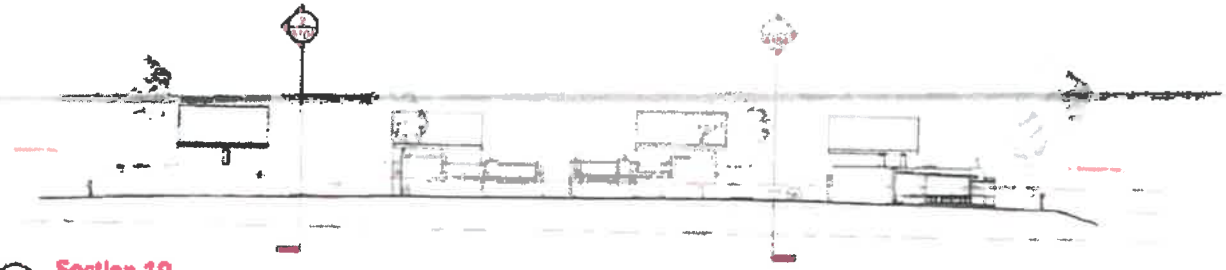

4 Section 19

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MT3 PROPERTY DEVELOPERS

Cross Sections

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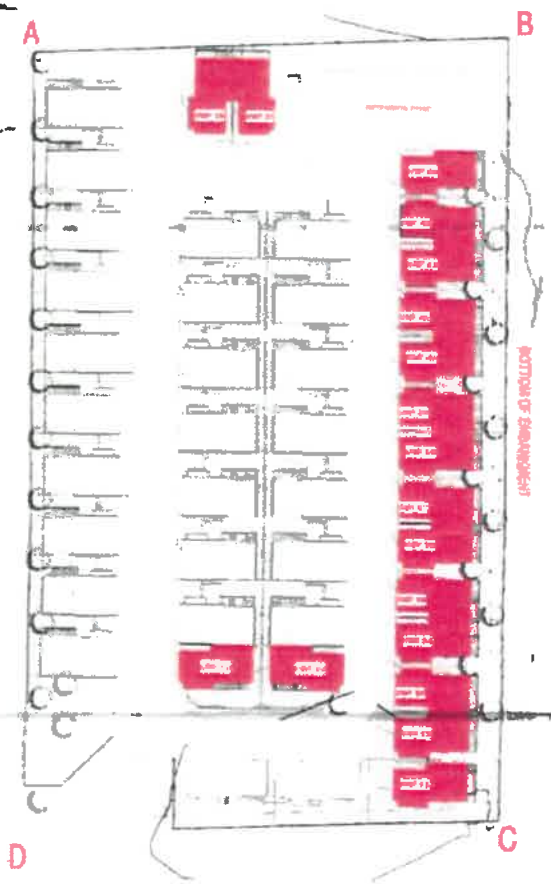
1 : 250

2 GROUND FLOOR UNIT 1

3 FIRST FLOOR UNIT 1



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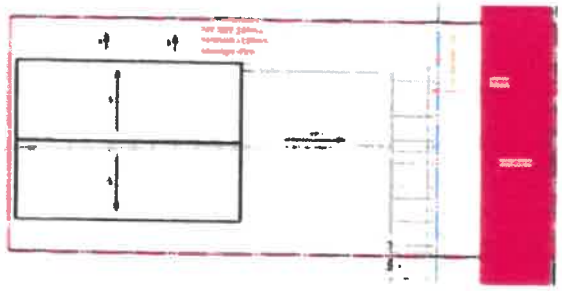

4 Site UNIT 1

5 Section 7

6 Section 6

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MT3 PROPERTY DEVELOPERS

UNIT TYPE 1

A105

As indicated

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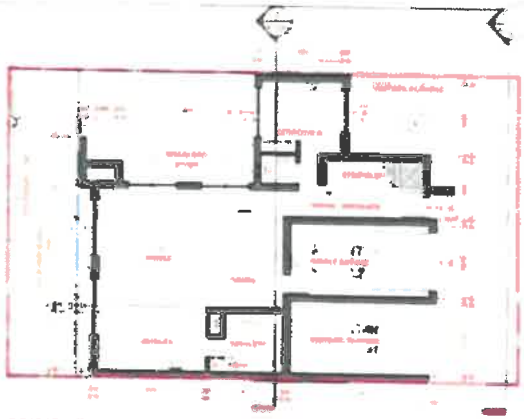

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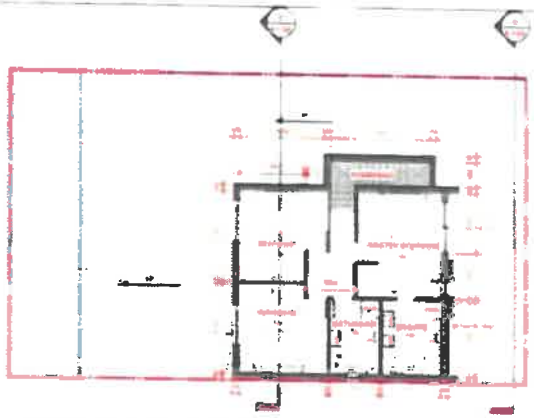

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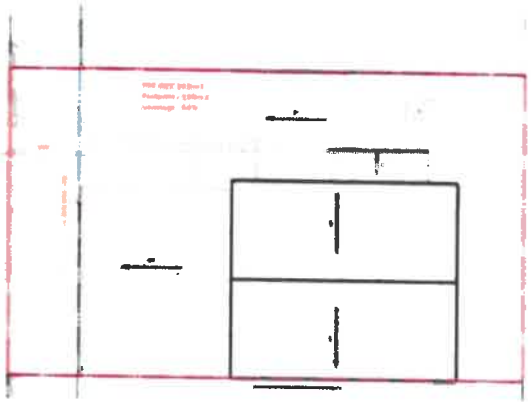

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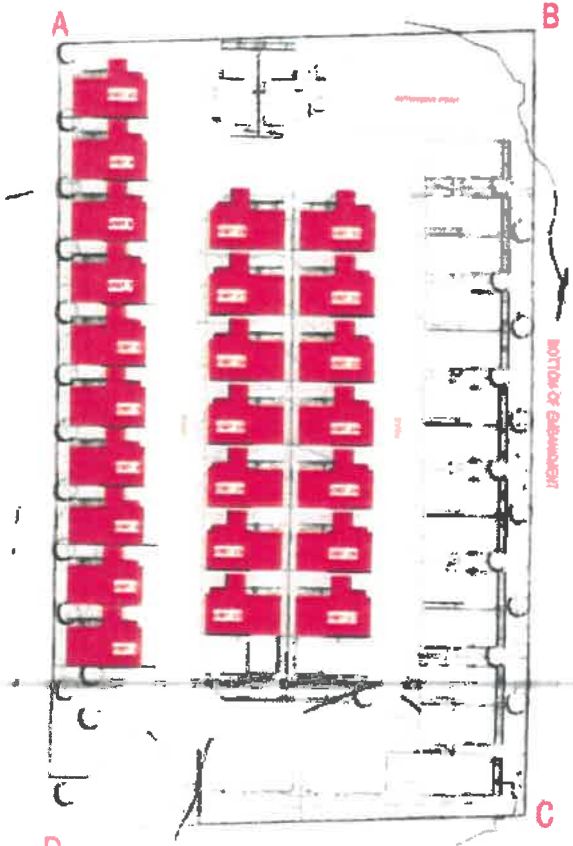

6 SCHEME UNIT LAYOUT

4 Section 5

5 Section 15

ARCHITEK
STUDIO ARCHITECTURE

MT3 PROPERTY DEVELOPERS

UNIT TYPE 2

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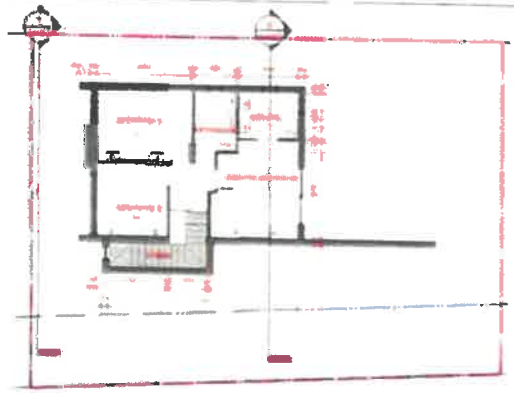
As indicated

188

3 GROUND FLOOR UNIT 3



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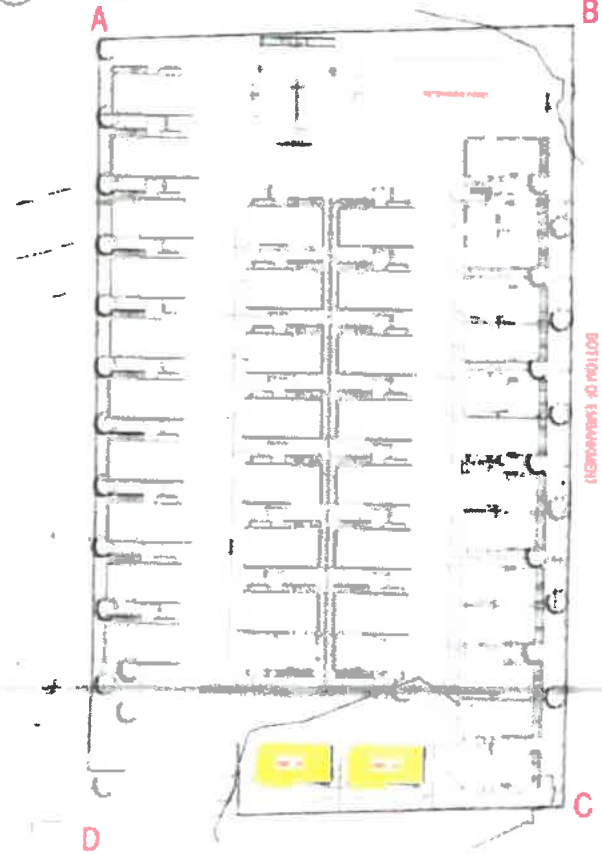

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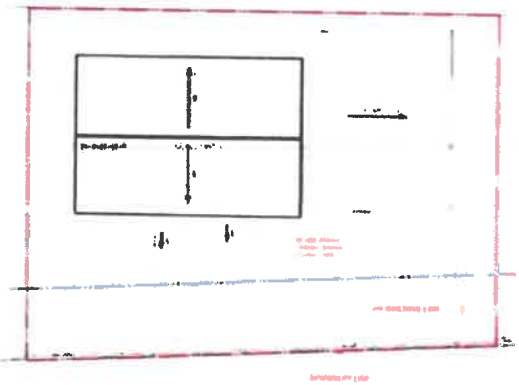

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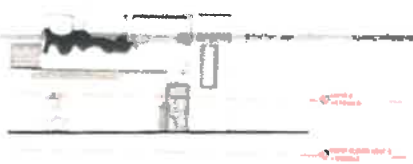

5 Section 21

6 Section 22

ARCHITEK

Client Name

MT3 PROPERTY DEVELOPERS

Sheet Name

UNIT TYPE 3

Project number

Date

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Scale

As indicated

ANNEXURE O: TRAFFIC IMPACT ASSESSMENT

deca
CONSULTING ENGINEERS

Contact Person: *Liezl du Plooy (Tel: 082 338 6456)*
Our Ref: *D336*
Date: *14 October 2020*

Stellenbosch Municipality
Private Bag X5043
Stellenbosch
7599

For attention: Mr. Nigell Winter

Sir

TRANSPORT IMPACT ASSESSMENT FOR THE PROPOSED DEVELOPMENT ON PORTION 27 OF FARM 716, KLAPMUTS

This transport impact assessment accompanies the development application for the above-mentioned property.

1. BACKGROUND

Deca Consulting Engineers were appointed by Active Planning Solutions to investigate the transport impact of the proposed residential development on Portion 27 of Farm 716, Klapmuts. The proposed development is situated north-west of the R44 (MR00027) / R101 (MR00189) intersection and south of the N1 (NR00101) in Klapmuts. The development is bordered by the R44 to the east and the Rozenmeer residential development to the west. The location is shown in the attached ***Figure 1***.

2. DEVELOPMENT PROPOSAL

The proposed development will consist of 44 town houses. The site is approximately 1,71 hectares in size. The proposed layout is shown on the attached *Ground Floor Plan (Studio Architecture Drawing No. A100 dated 9 October 2020)*.

3. EXISTING ROADS AND PROPOSED UPGRADING

Roads that will be affected most by the proposed development include the R44, R101, Brounger Street and, to a lesser extent, the N1 / R44 interchange. According to the 2016 Western Cape Government Access Management Guidelines, the R44 can be classified as a Major Arterial (Class 2), the R101 can be classified as a Minor Arterial (Class 3) and Brounger Street as a Local Street (Class 5).

The Western Cape Government has plans to upgrade the R44 to a divided four-lane road between the N1 (Km 51,77) and Stellenbosch (Km 36,2). The design for the dualling was done by AECOM in 2014. The design serves as guideline for all future accesses off the R44. Please refer to the attached drawing entitled ***Future Upgrading Proposals for MR27*** *(AECOM Drawing No. J015057-01-10-001-P-0 Rev 08 dated 15 August 2014)*.

There are also plans to upgrade the R101 (MR27). This entails the dualling of the road to provide two lanes per direction. Additional lanes are proposed at the R44 / R101 intersection, and roundabouts are proposed at the R101 / Groenfontein Road

intersections. The proposed layout is shown on the attached ***Future Upgrading Proposals for MR27*** drawing (*AECOM Drawing No. J01057-01-10-005-P-03 Rev 03, dated 2 May 2013*).

The South African National Roads Agency Ltd (SANRAL's) planning for the N1 / N2 toll project shows no changes to the N1 / R44 interchange. An earlier design, however, does show the existing single span N1 bridge will be replaced by a four-span bridge to accommodate the dualling of the R44. Existing ramps are to remain unchanged, but the terminals of the east-facing ramps will be adapted to suit the new R44 carriageway. The design mentions that the ramps will remain stop-controlled. These details are shown on the attached ***Klapmuts Interchange Layout Plan*** (*NRA Plan No. N01_012_D1702/H1/18A Rev 01, SANRAL, 31 January 2003*).

4. PROPOSED SITE ACCESS

The design for the dualling of the R44 shows that a left in / left out may in future be provided at a point directly to the north of the proposed development. There is a registered 10-metre wide right of way servitude at that position, leading from the R44 to Uitkoms Dam and the Farm Groenfontein Annex (Remainder of Portion 7 of Farm 716). The Farm 716/27 Site Development Plan shows that the internal road can eventually be extended to the servitude at such time as a formal road is constructed along the servitude. This will most likely happen when the neighbouring property to the north, Portion 5 of Farm 716, is developed.

A 15-metre wide right of way servitude also runs from the south-western corner of Portion 27 of Farm 716 westbound and intersects with Brounger Street, so that access can be gained off of Brounger Street for future developments east and north of Rozenmeer. These road servitudes can be seen in ***Figure 2***. The Farm 716/27 will initially obtain access via Brounger Street and the 15-metre servitude only.

The Brounger Street / servitude road intersection is located approximately 70 metres north from the R101 / Brounger Street intersection and 50 metres south of the Brounger Street / Rozenmeer Street intersection. According to the 2008 AECOM Klapmuts Master Plan, the roadside environment of Klapmuts can currently be viewed as semi-rural, but the environment is expected to change to intermediate as the Klapmuts area continues to develop. Brounger Street can be classified as a Local Street (Class 5). According to the 2016 Western Cape Government Access Management Guidelines a minimum spacing of 40 metres is required between high-volume driveways off Class 5 roads in an intermediate roadside environment. The 70-metre access spacing thus complies with the spacing requirement.

There is currently no road between Brounger Street and the proposed development access. It is proposed that a two-lane undivided road with a 6,8-metre blacktop width be constructed from the Brounger Street intersection up to the development access. Bellmouths should have a minimum radius of 6 metres. The City of Cape Town Minimum Standard for Civil Engineering Services in Townships document was used as a guideline for the parameters of the access road, but it was adjusted in accordance with access roads in the vicinity of the development. The proposed access road can be seen in ***Figure 3***.

5. EXISTING TRAFFIC AND SERVICE LEVELS

The intersections expected to be affected the most by the proposed development are the R44 / R101, R101 / Brounger Street and the intersections at the N1 / R44 interchange.

Twelve-hour traffic counts were carried out on Wednesday 4 March 2020 for the R44 / R101 and the N1 / R44 interchange intersections. This was just before the National State of Disaster Level 5 was implemented by the Covid Command Council on 23 March 2020. The traffic counts taken on the 4th of March may therefore not be an accurate reflection of normal traffic

flows, due to many companies already implementing the remote working policy. The R44 / R101 intersection was recounted on Tuesday 29 September 2020. The R101 / Brounger Street intersection was counted on the same day. The on-and off-ramp to the N1 were not recounted due to the low impact the development will have on these intersections.

The three-hour traffic counts in the morning and four-hour traffic counts in the afternoon on 29 September 2020 yielded an AM peak hour between 07:30 and 08:30 for the R101 / Brounger Street intersection and an AM peak hour between 07:00 and 08:00 for the R101 / R44 intersection. The PM peak hour was observed between 16:45 and 17:45 for both these intersections. The April and September 2020 traffic volumes were used to analyse the intersections with the SIDRA computer programme to obtain existing service levels. Service levels give an indication of the delays experienced at an intersection. A level of service A represents a short delay, while a level of service F represents unacceptably long delays. A level of service D is generally used as the lowest acceptable standard for overall intersection operation. The results of the SIDRA analysis are discussed below.

R44 / R101 intersection: The SIDRA analysis of this four-legged signalised intersection was analysed with existing 2020 traffic volumes. The analysis indicates that the intersection operates at a level of service B during the AM peak hour and a level of service C during the PM peak hour.

R101 / Brounger Street intersection: This four-legged intersection has free flow on the R101 and stop control on Brounger Street. The SIDRA analysis with existing 2020 traffic volumes indicates that all movements currently operate at a level of service A during both the AM and PM peak hours.

R44 / N1 interchange:

Off-ramp from Paarl / R44 / On-ramp to Cape Town: This four-legged intersection has free flow on the R101 and stop control on the off-ramp from Paarl. The SIDRA analysis with existing 2020 traffic volumes indicates that all movements operate at a level of service C or better during the AM and PM peak hours.

Off-ramp from Paarl / R44 / On-ramp to Cape Town: This four-legged intersection has free flow on the R101 and stop control on the off-ramp from Cape Town. The SIDRA analysis with existing 2020 traffic volumes indicates that all movements operate at a level of service B or better during the AM and PM peak hours. In practice, some delays are experienced by vehicles wanting to turn right onto the R44.

Existing 2020 traffic volumes and service levels are shown in *Figure 4*.

6. BACKGROUND TRAFFIC

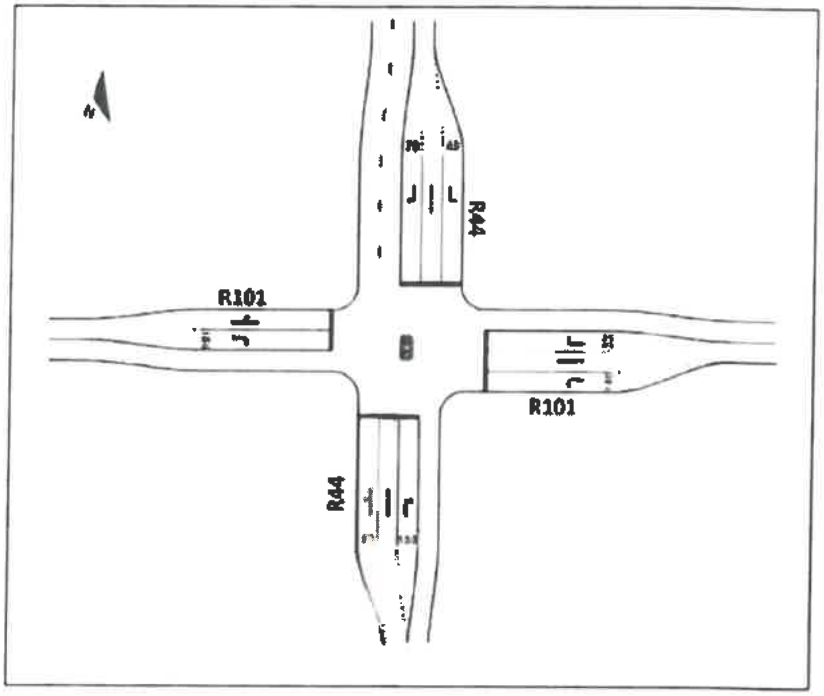
The proposed development is expected to be completed by 2025. Existing traffic volumes were increased by 3.25% per annum (rate obtained from the *Road Network Information System, Growth Rate Chart for MR00027, km 51.15*) to obtain expected 2025 traffic volumes.

The intersections were again analysed with SIDRA to determine the baseline traffic situation against which the impact of the development could be measured. The results of the analysis are discussed below.

R44 / R101 intersection: The analysis indicates that the intersection will operate at a level of service B during the AM peak hour and a level of service F during the PM peak hour with background year 2025 traffic volumes. The unacceptable level of service during the PM peak hour occurs on north-and westbound movements on the southern approach. The dualling of the R44 and upgrading of the intersection as shown in the attached AECOM *Drawing No.*

J015057-01-10-001-P-0 has no commence date and is anticipated to not be in the near future. To improve the intersection level of service it is proposed that the intersection layout be improved as shown in ***Diagram 1***. With the new proposed intersection layout, the intersection will operate at a level of service B during both the AM and PM peak hours. The levels of service will improve further with the layout as per AECOM's design.

Diagram 1: Proposed new layout for the R44 / R101 Intersection



R44 / Brounger Street intersection: The analysis indicates that all movements will continue to operate at a level of service A during the AM and PM peak hours with background year 2025 traffic volumes. According to the AECOM R101 upgrading this intersection will be changed to a roundabout. With the new proposed layout all movements will also operate at a level of service A during the AM and PM peak hours.

R44 / N1 interchange:

Off-ramp from Paarl / R44 / On-ramp to Cape Town: The analysis indicates that the PM level of service for the northern approach will deteriorate to an F with the year 2025 background traffic volumes. All other movements will operate at a level of service C or better during the AM and PM peak hours. Although the SANRAL design for the upgrading of the N1 / R44 interchange indicates that the ramp terminals will remain stop-controlled, it is suggested that traffic signals should rather be provided to ensure acceptable service levels for all movements.

Off-ramp from Paarl / R44 / On-ramp to Cape Town: The analysis indicates that all movements will continue to operate at a level of service B or better during the AM and PM peak hours with the background year 2025 traffic volumes.

Year 2025 background traffic volumes and levels of service are shown in ***Figure 5***.

7. TRIP GENERATION

The South African COTO TMH17 Trip Data Manual recommends a Trip Generation Rate (TGR) for townhouses as 0.65 trips per unit for both the AM and PM peak hours with a 25:75 in:out split during the morning peak hour and a 70:30 in:out split during the afternoon peak hour. The trip generation potential of the proposed residential development is shown in ***Table 1***.

Table 1: Trip Generation Potential of the proposed development

Land use	Total Units	TGR	% In	% Out	Total	Trips In	Trips out
	AM						
Town Houses	44	0.65	25%	75%	37	9	28
TOTAL					37	9	28
	PM						
Town Houses	44	0.65	70%	30%	37	26	11
TOTAL					37	26	11

8. TRIP DISTRIBUTION

The trips generated by the proposed development were distributed onto Brounger Street assuming that 95% of the trips will turn south towards the R101 and only 5% will turn towards the Rozenmeer residential development. From there the generated trips were distributed onto the surrounding road network according to existing directional splits. The trip distribution is shown in ***Figure 6***.

9. TRAFFIC IMPACT

The trips generated by the proposed development were added to the background traffic volumes to determine the expected total number of trips on the affected intersections of the road network after completion of the proposed development. The affected intersections were again analysed with the SIDRA computer programme to determine the expected service levels.

R44 / R101 intersection: The analysis indicates that the intersection will operate at a level of service B during the AM and PM peak hours with total 2025 traffic volumes and improved intersection layout shown in ***Diagram 1***.

R44 / Brounger Street intersection: The analysis indicates that all movements will continue to operate at a level of service A during both the AM and PM peak hours with total 2025 traffic volumes.

R44 / N1 interchange:

Off-ramp from Paarl / R44 / On-ramp to Cape Town: Traffic from the Farm 716/27 development will increase traffic volumes through this intersection by 0.5% during the AM peak hour and by 0.3% during the PM peak hour. The analysis indicates that the northern approach will continue to operate at a level of service C during the morning peak hour and a level of service F during the afternoon peak hour with the existing intersection layout. All the other movements will continue to operate at a level of service B or better during both the AM and PM peak hours with total 2025 traffic volumes.

Off-ramp from Pearl / R44 / On-ramp to Cape Town: Traffic from the Farm 716/27 development will increase traffic volumes through this intersection by 0.4% during the AM peak hour and by 0.3% during the PM peak hour. The analysis with total 2025 traffic volumes indicates that all movements will continue to operate at a level of service B or better during the AM and PM peak hours.

The proposed development will have a low impact on the surrounding road network. Please see attached *Figure 7* for the expected total traffic volumes and levels of service of 2025.

10. PARKING AND INTERNAL ROADS

The minimum off-street parking ratio for the proposed development as indicated by the 2019 Stellenbosch Municipality Zoning Scheme By-Law are listed in *Table 2*.

Table 2: Parking requirements for the proposed development

Land use	Parking required per unit	Units	Total parking required
Group Housing	2	44	88
		Total	88

The *Ground Floor Plan* shows that each of the 44 units will have a garage as well as an on-site parking bay, which means that the development will comply with the municipal requirement. The sizes of all parking bays should be in accordance with the latest edition of the South African Road Traffic Signs Manual.

The City of Cape Town Minimum Standard for Civil Engineering Services in Townships document was used as a guideline to evaluate the internal roads. The internal road can be classified as a single title (HOA-owned) private road (two-way) and should have a minimum blacktop width of 5,5 metres and bellmouth radii of 5 metres. This width will still be sufficient if the road has to become the throughfare to the adjoining RE/716/7.

The document also indicates that a minimum stacking space in front of the access gate for a development of this size is 12 metres. The access gate to the proposed development is situated on the proposed new access road which only serves the development. The refuse truck detour is situated approximately 31 meters from the access gate. The access gate complies with the minimum stacking requirements.

The Minimum Requirements for Waste Collections published by the City of Cape Town's Solid Waste Management Collections Department on 25 March 2019 was used to evaluate the refuse truck detour as shown on the SDP. The minimum requirements state that a turning circle radius of 11 meters shall apply with a minimum travelable surface of 5 meters. The refuse truck detour and dimensions are shown in *Figure 3*. A swept path analysis was run to ensure that a refuse truck will be able to manoeuvre along the refuse truck detour in a continuous forward movement. The analysis can be seen in *Figure 8*.

11. PUBLIC TRANSPORT AND NON-MOTORISED TRANSPORT

The proposed development is situated in Klapmuts, which is a fast developing area, but still relatively small with no formal taxi rank. Public transport services include mini-bus taxis and railway transport. The Klapmuts train station is situated at the northern end of Brounger Street, approximately 400 meters from the proposed development. It is anticipated that the development will generate a small number of public transport trips and no public transport improvements are required.

The development is expected to generate a small number of non-motorised trips. The non-motorised trips that will be generated will walk along Brounger Street from the railway station. Brounger Street has no paved walkways. It is proposed that a sidewalk be constructed on at least one side of the proposed access road from Brounger Street until the access gate, as shown in ***Figure 3***.

12. CONCLUSIONS

It can be concluded that the proposed Klapmuts residential development on Portion 27 of Farm 716, Klapmuts will have a low transport impact. Other conclusions drawn from the transport impact assessment may be summarised as follows:

- The proposed development is situated north-west of the R44 (MR00027) / R101 (MR00189) intersection and south of the N1 (NR00101) in Klapmuts. The development is bordered by the R44 to the east and the Rozenmeer residential development to the west;
- There are plans for the upgrading of both the R44 and R101 by the Western Cape Provincial Government and for the upgrading of the N1 / R44 interchange by SANRAL;
- The development will consist of 44 town houses;
- The development will gain access off Brounger Street. The access complies with the relevant spacing requirements;
- No access road currently exists and the proposed access road design is shown in ***Figure 3***;
- The intersections expected to be affected the most by the proposed development are the R44 / R101, R101 / Brounger Street and the intersections at the R44 / N1 interchange;
- All the affected intersections currently operate at acceptable levels of service;
- The proposed development has the potential to generate 37 trips during the AM peak hour (9 in, 28 out) and 37 trips during the PM peak hour (26 in, 11 out);
- The analysis of the affected intersections with background year 2025 traffic volumes indicates that two of the four intersections will operate at unacceptable levels of services;
- It is proposed that the R44 / R101 intersection be improved to the layout shown in ***Diagram 1*** as a short-term solution;
- The analysis of the affected intersections with the development trips added and the new proposed intersection layouts indicates that all movements at all intersections will operate at acceptable levels of service;
- The provision of 88 off-street parking spaces and garages will be sufficient for the proposed development;
- A refuse truck detour is proposed to accommodate the solid waste management of the development and is shown in ***Figure 8***;
- It is anticipated that only a small number of public and no motorised transport trips will be generated by the proposed development. A sidewalk is proposed on at least one side of the access road. No public transport upgrades are proposed.

13. RECOMMENDATIONS

The recommendations made in the transport impact assessment may be summarised as follows:

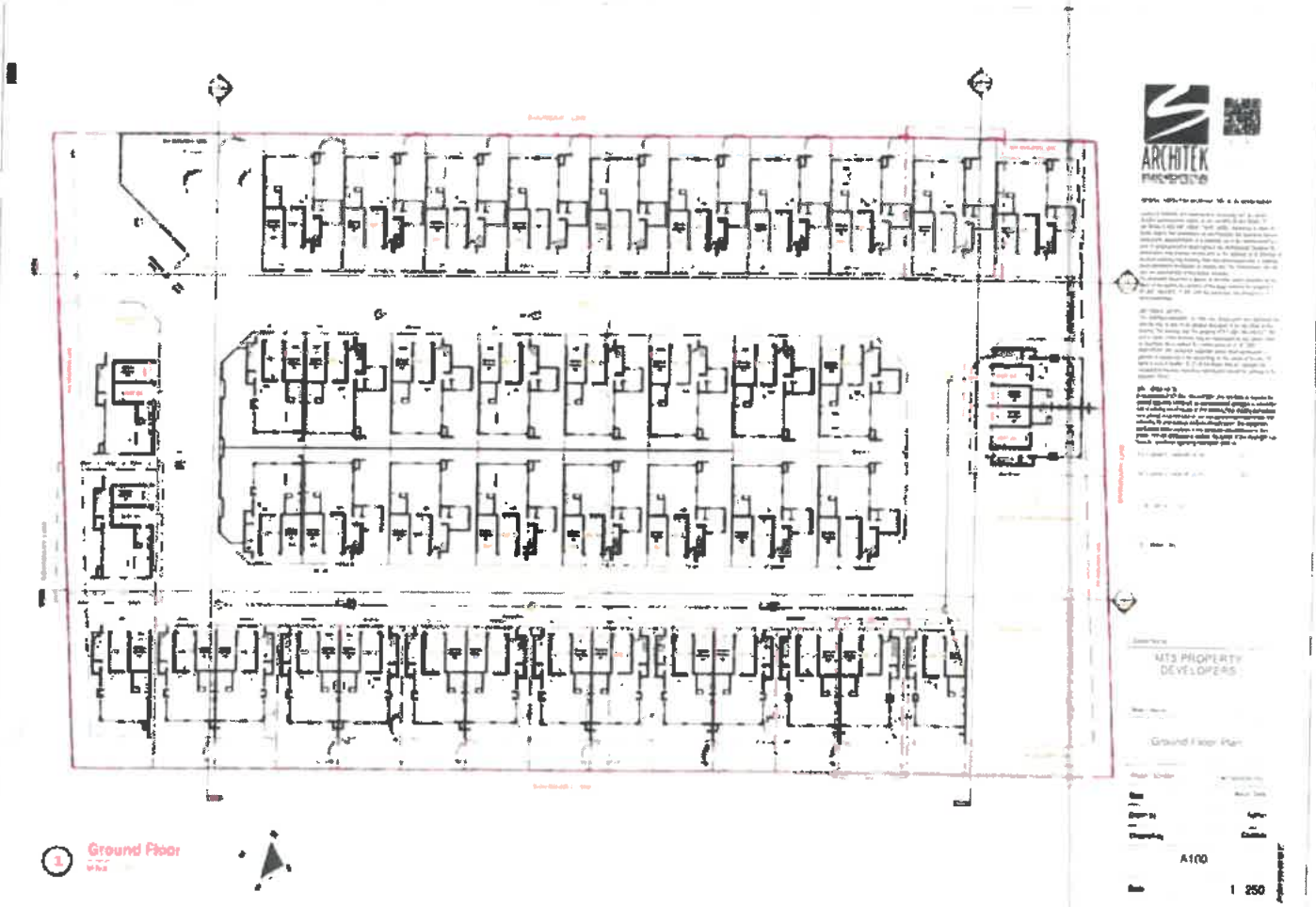
- It is proposed that an access road with a refuse truck detour should be constructed within the road reserve to the south of the development as shown in ***Figure 3***;
- It is proposed that a paved walkway be constructed on at least one side of the access road from Brounger Street up to the access gate;
- The R44 / R101 intersection will operate at unacceptable levels of service with the background year 2025 traffic volumes and it is proposed that the intersection be improved to the layout shown in ***Diagram 1*** as a short-term solution until the layout is upgraded as per the attached ***Future Upgrading Proposals for MR27*** (AECOM *Drawing No. J015057-01-10-001-P-0)*. The upgrade is necessitated by background traffic growth (not development trips) and the improvements will therefore be the responsibility of the Western Cape Provincial Roads Engineer;
- Parking bay dimensions should be in accordance with the latest edition of the South African Road Traffic Signs Manual;
- It is proposed that all internal roads be designed with a minimum black top width of 5,5 meters and bellmouth radii of 5 meters in accordance with the City of Cape Town Minimum Standard for Civil Engineering Services in Townships document.

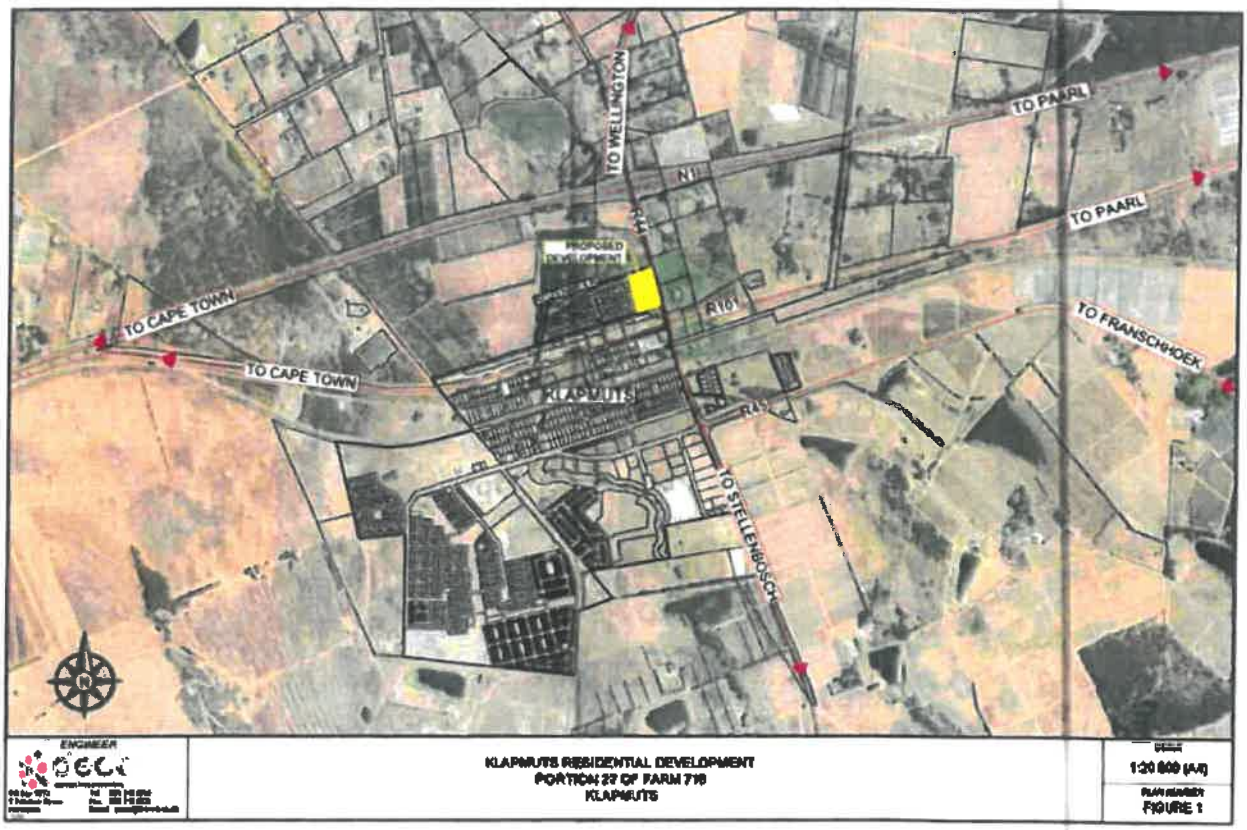
We trust that you will find this transport impact assessment in order. Please contact the undersigned should there be any queries.

Yours truly,

Renette Opperman (B. Eng Civil)
On behalf of: Deca

Liezl du Plooy (M.Eng Pr.Eng)


ARCHITEK
MTS PROPERTY DEVELOPERS
Ground Floor Plan
A100
1 250
1 Ground Floor



ENGINEER

KLAPMUTS RESIDENTIAL DEVELOPMENT
PORTION 27 OF FARM 719
KLAPMUTS

1:20 000 (A4)

FIGURE 1

ENGINEER

KLAPMUTS RESIDENTIAL DEVELOPMENT
PORTION 27 OF FARM 716
KLAPMUTS
ROAD SERVITUDES IN VICINITY OF DEVELOPMENT

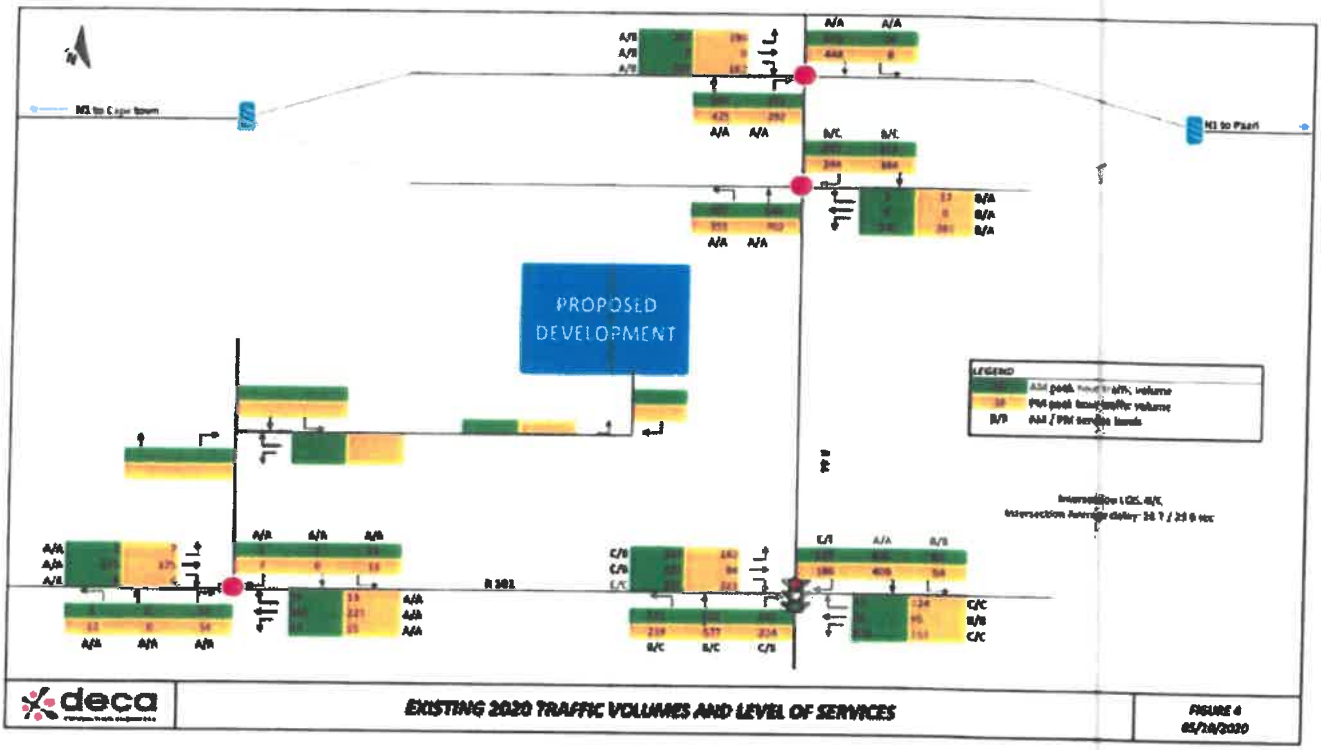
SCALE
1:2 000 (A4)
DRAWING No
FIGURE 2

ENGINEER

KLAPMUTS RESIDENTIAL DEVELOPMENT
PORTION 27 OF FARM 716
KLAPMUTS
PROPOSED ACCESS ROAD

SCALE
1:1 000 (A4)

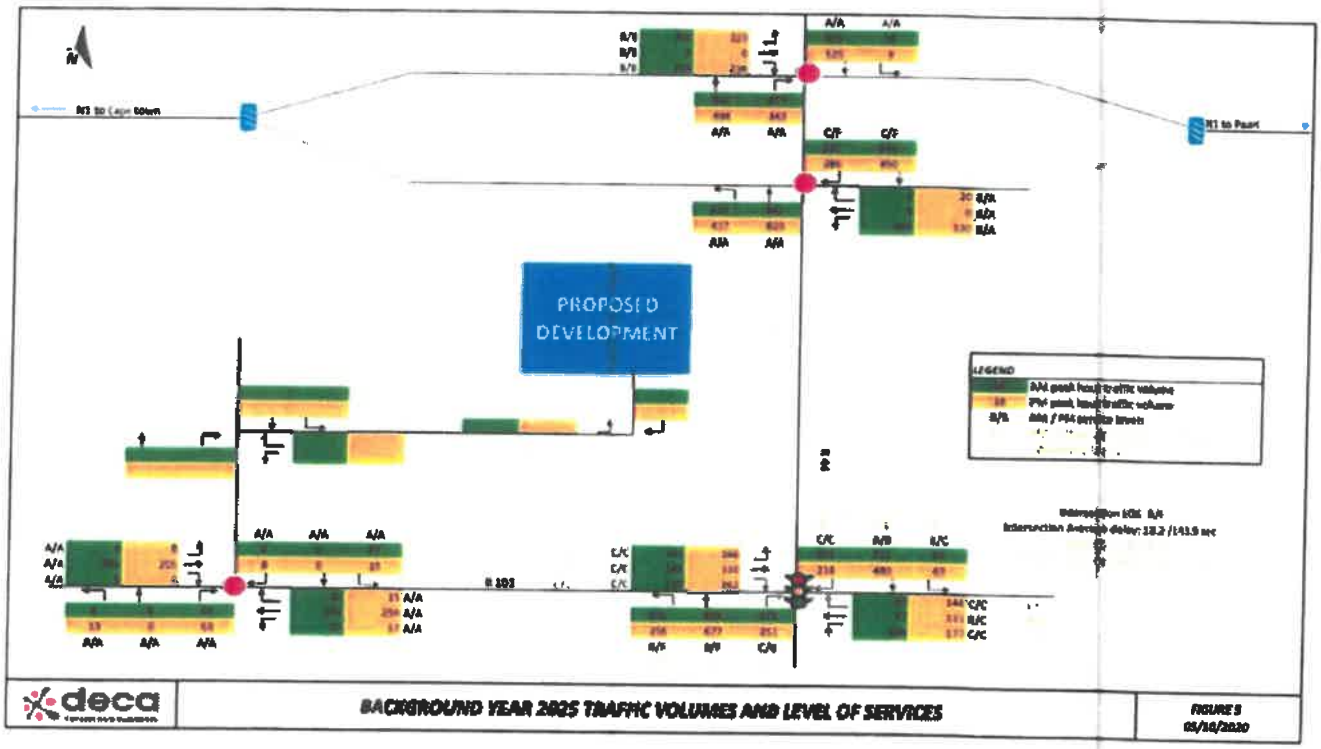
PLAN NUMBER
FIGURE 3



deca

EXISTING 2020 TRAFFIC VOLUMES AND LEVEL OF SERVICES

FIGURE 4
05/10/2020



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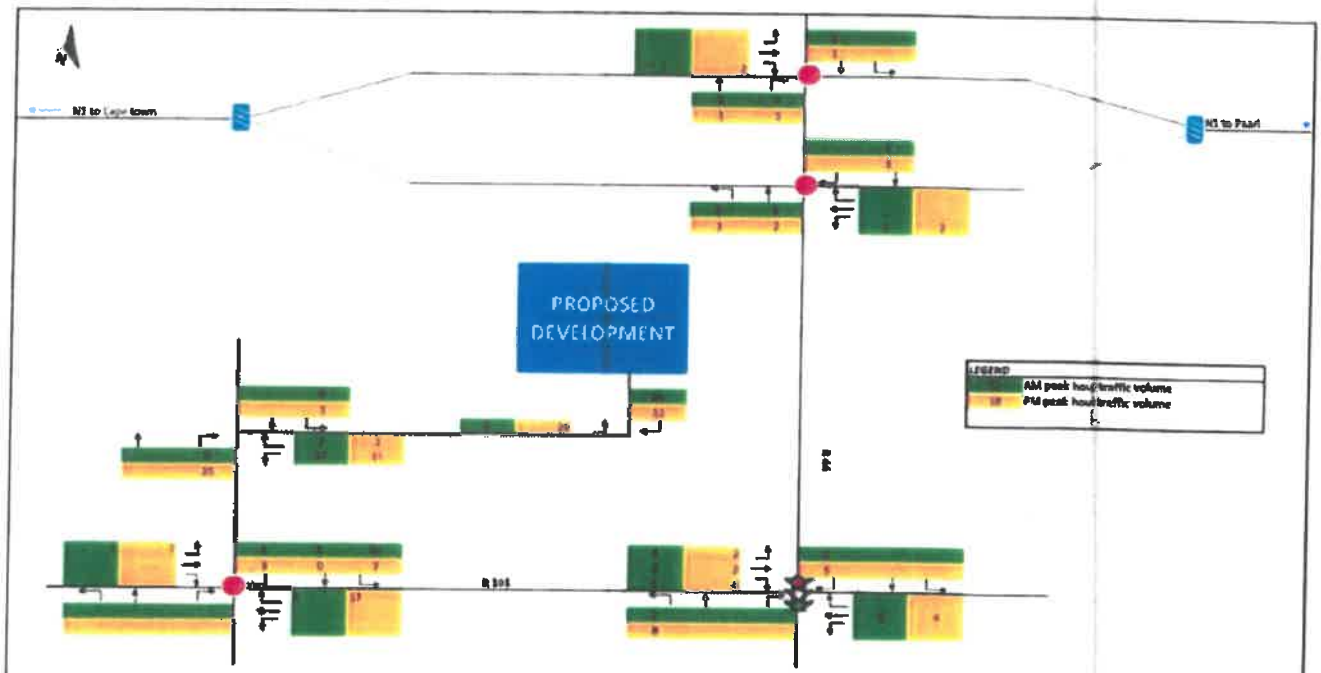
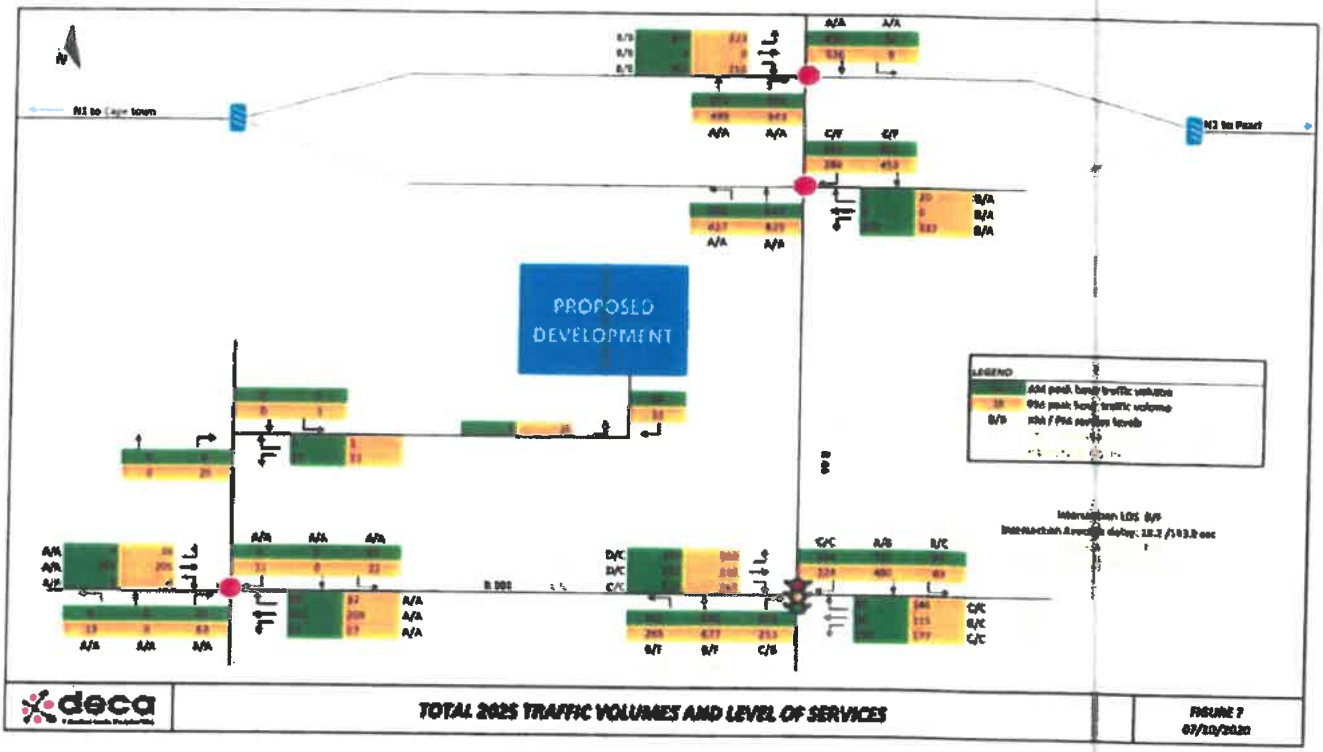
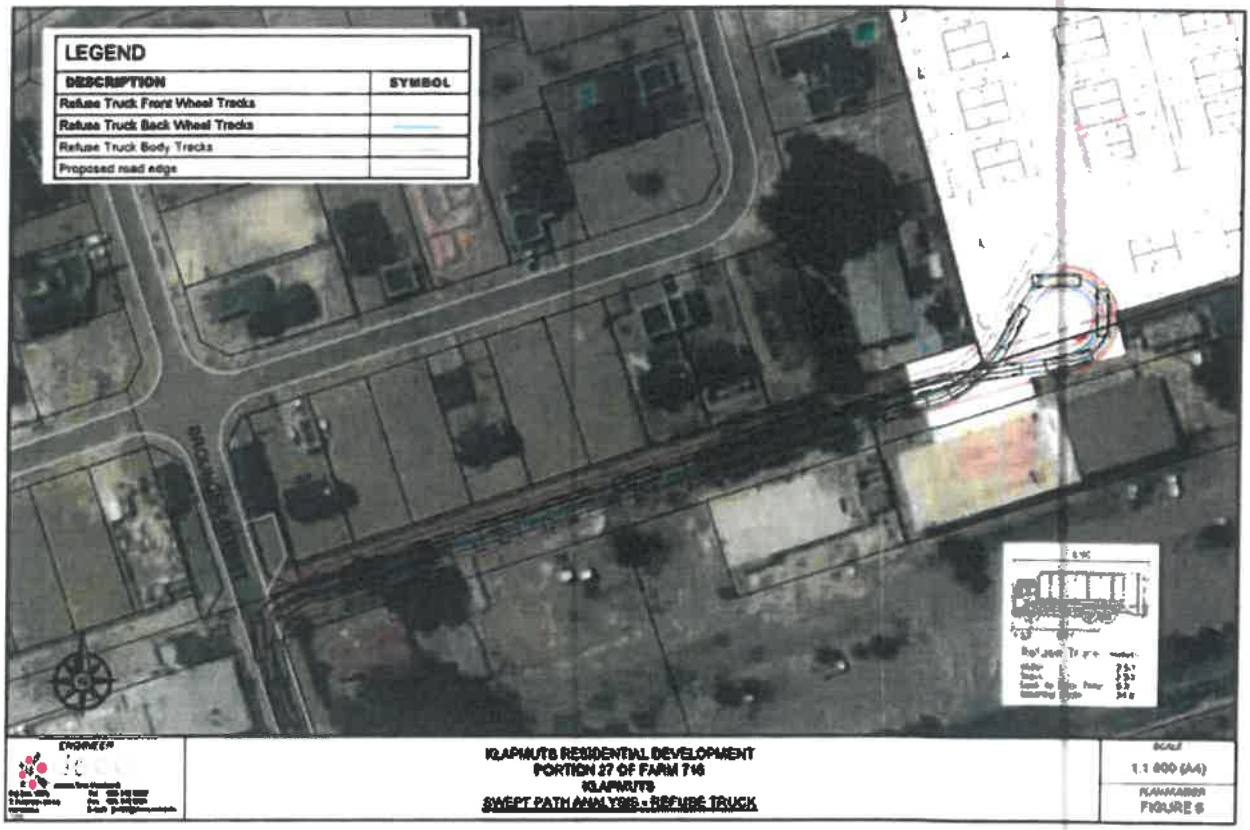
BACKGROUND YEAR 2025 TRAFFIC VOLUMES AND LEVEL OF SERVICES

FIGURE 5
05/10/2020


N1 to Cape Town
N1 to Paarl
PROPOSED DEVELOPMENT
R304
LEGEND
AM peak hour traffic volume
PM peak hour traffic volume
deca
POTENTIAL DEVELOPMENT TRIP GENERATION
FIGURE 6

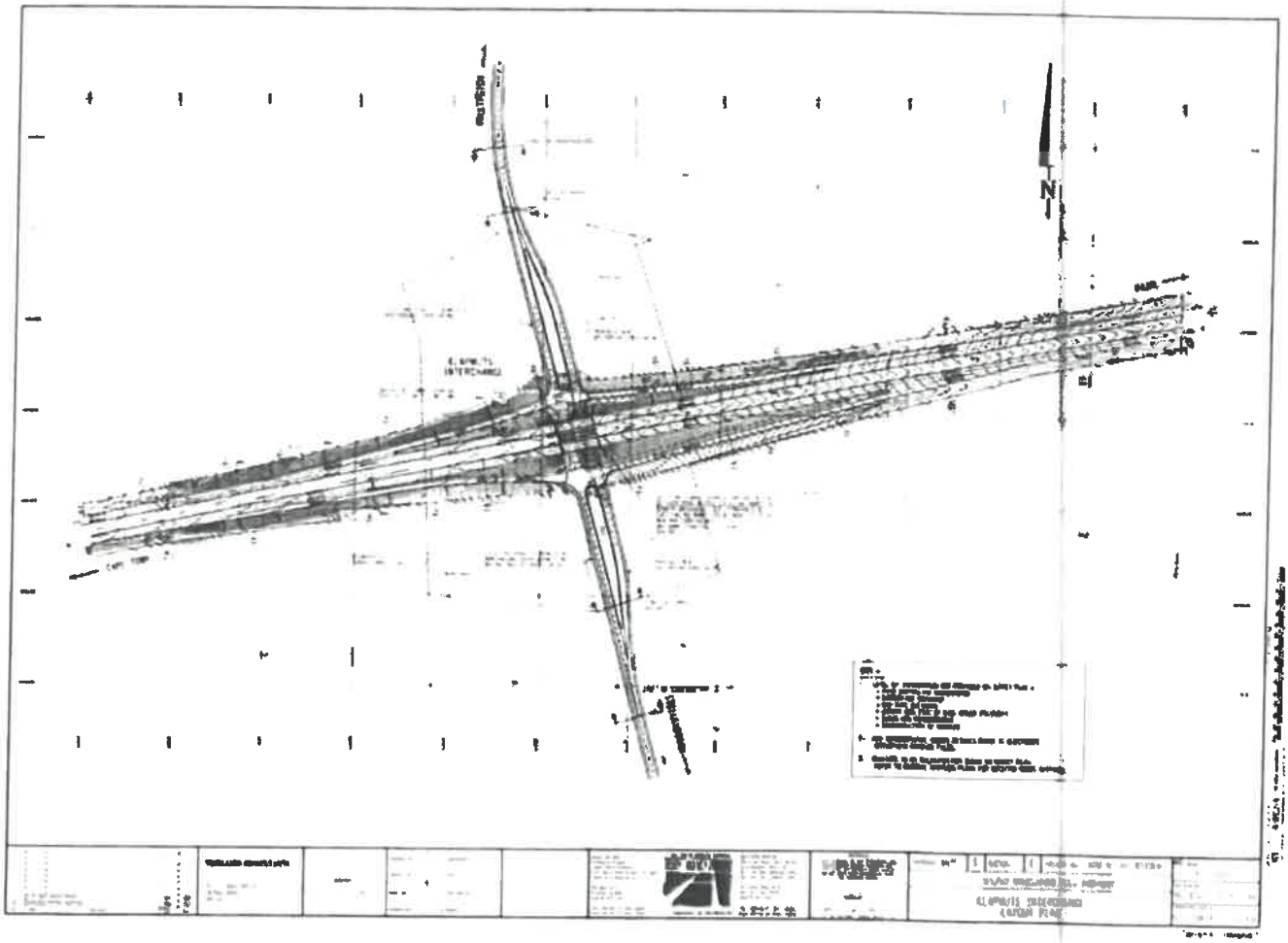

N
N1 to Cape town
N2 to Port
PROPOSED DEVELOPMENT
LEGEND
deca
TOTAL 2025 TRAFFIC VOLUMES AND LEVEL OF SERVICES
FIGURE 7

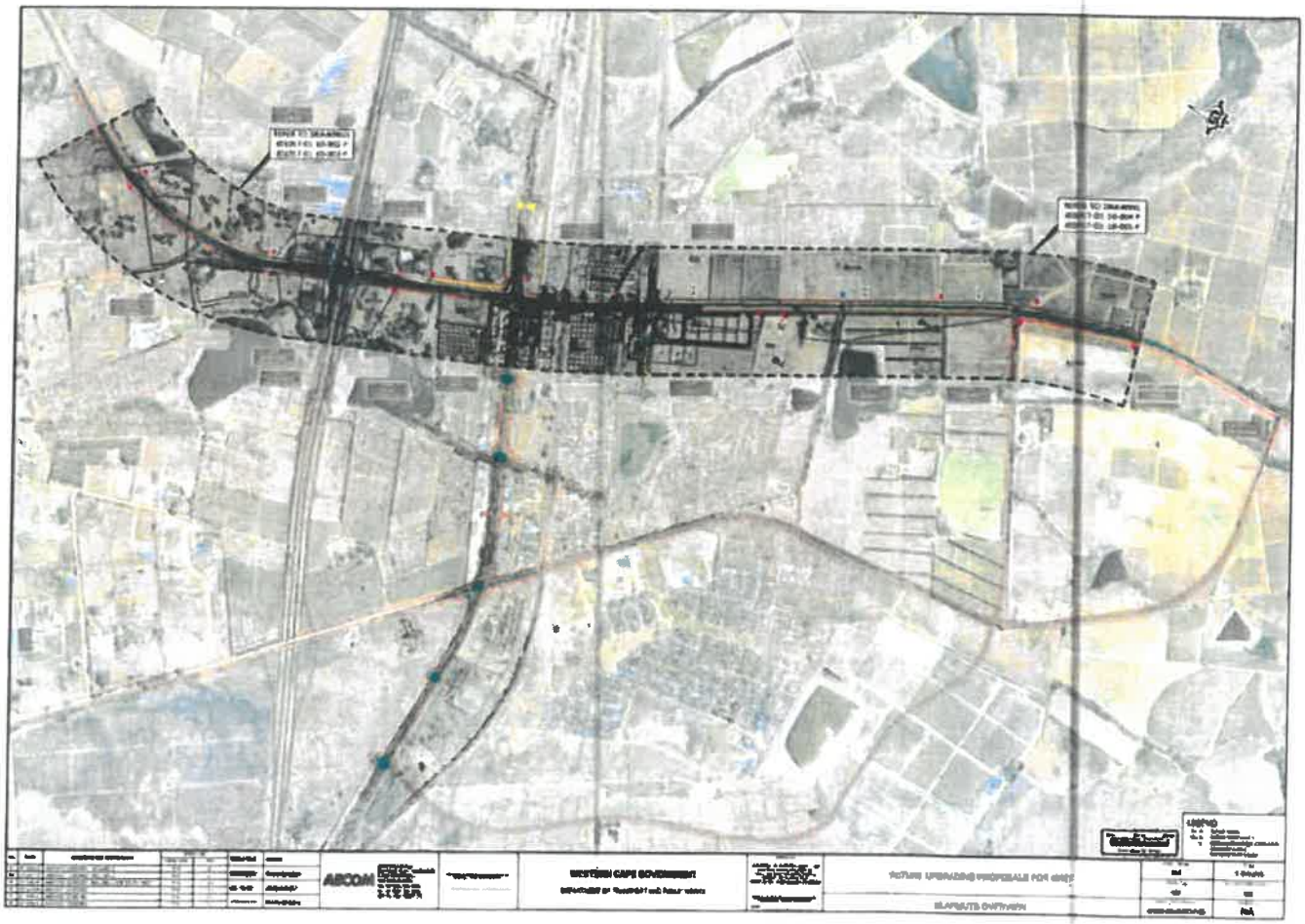


KLAPMUTS RESIDENTIAL DEVELOPMENT
PORTION 27 OF FARM 716
KLAPMUTS
SWEPT PATH ANALYSIS - REFUSE TRUCK

1:1 000 (A4)

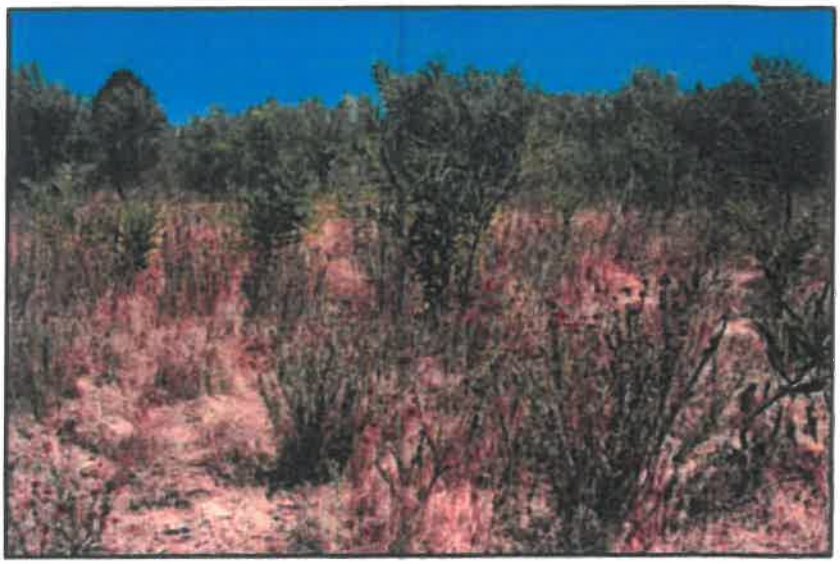
FIGURE 6




AECOM
WESTERN CAPE GOVERNMENT

ANNEXURE P: BOTANICAL ASSESSMENT

Botanical Assessment of Portion 27 of Groenfontein Annex 716, Paarl at Klapmuts, Drakenstein Municipality Western Cape Province



bergwind
Botanical Surveys & Tours

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14A Thomson Road, Claremont, 7708
Tel: 021-671-4056
Fax: 086-517-3806

Report prepared for Active Planning Solutions

April 2018

National Legislation and Regulations governing this report

This is a 'specialist report' and is compiled in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended, and the Environmental Impact Assessment Regulations, 2014.

Appointment of Specialist

Bergwind Botanical Surveys & Tours CC was appointed by Mr Pierre Jordaan of Active Planning Solutions to provide specialist botanical consulting services for the proposed development of Portion 27 of Groenfontein Annex 716, Paarl at Klapmuts, Drakenstein Municipality, Western Cape Province. The consulting services comprise a botanical assessment of the flora and vegetation in the designated study area.

Details of Specialists

Dr David J. McDonald Pr. Sci. Nat.
Bergwind Botanical Surveys & Tours CC
14A Thomson Road
Claremont
7708
Telephone: 021-671-4056
Mobile: 082-876-4051
Fax: 086-517-3806
e-mail: dave@bergwind.co.za
Professional registration: South African Council for Natural Scientific Professions No. 400094/06

Expertise

Dr David J. McDonald:

- Qualifications: BSc. Hons. (Botany), MSc (Botany) and PhD (Botany).
- Botanical ecologist with over 37 years' experience in the field of Vegetation Science.
- Founded Bergwind Botanical Surveys & Tours CC in 2006.
- Has conducted over 400 specialist botanical / ecological studies.
- Has published numerous scientific papers and attended numerous conferences both nationally and internationally (details available on request).

Independence

The views expressed in the document are the objective, independent views of Dr McDonald and the survey was carried out under the aegis of Bergwind Botanical Surveys and Tours CC. Neither Dr McDonald nor Bergwind Botanical Surveys and Tours CC have any business, personal, financial or other interest in the proposed development apart from fair remuneration for the work performed.

Conditions relating to this report

The content of this report is based on the author's best scientific and professional knowledge as well as available information. Bergwind Botanical Surveys & Tours CC, its staff and appointed associates, reserve the right to modify the report in any way deemed fit should new, relevant or previously unavailable or undisclosed information become known to the author from on-going research or further work in this field, or pertaining to this investigation.

This report must not be altered or added to without the prior written consent of the authors. This also refers to electronic copies of the report, which are supplied for the purposes of inclusion as part of other reports, including main reports. Similarly, any recommendations, statements or conclusions drawn from or based on this report must make reference to this report. If these form part of a main report relating to this investigation or report, this report must be included in its entirety as an appendix or separate section to the main report.

THE SPECIALIST

I, David Jury McDonald, as the appointed specialist hereby declare/affirm the correctness of the information provided or to be provided as part of the application, and that I:

- in terms of the general requirement to be independent:
  - other than fair remuneration for work performed/to be performed in terms of this application, have no business, financial, personal or other interest in the activity or application and that there are no circumstances that may compromise my objectivity; or
  - am not independent, but another specialist that meets the general requirements set out in Regulation 13 have been appointed to review my work (Note: a declaration by the review specialist must be submitted);
- in terms of the remainder of the general requirements for a specialist, am fully aware of and meet all of the requirements and that failure to comply with any the requirements may result in disqualification;
- have disclosed/will disclose, to the applicant, the Department and interested and affected parties, all material information that have or may have the potential to influence the decision of the Department or the objectivity of any report, plan or document prepared or to be prepared as part of the application;
- have ensured/will ensure that information containing all relevant facts in respect of the application was/will be distributed or was/will be made available to interested and affected parties and the public and that participation by interested and affected parties was/will be facilitated in such a manner that all interested and affected parties were/will be provided with a reasonable opportunity to participate and to provide comments;
- have ensured/will ensure that the comments of all interested and affected parties were/will be considered, recorded and submitted to the Department in respect of the application;
- have ensured/will ensure the inclusion of inputs and recommendations from the specialist reports in respect of the application, where relevant;
- have kept/will keep a register of all interested and affected parties that participate/d in the public participation process; and
- am aware that a false declaration is an offence in terms of regulation 48 of the 2014 NEMA EIA Regulations.

Signature of the specialist:

Name of company: Bergwind Botanical Surveys & Tours CC... ....

Date: .....12 April 018.....

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1. Introduction

Portion 27 of Groenfontein Annex 716, Paarl at Klapmuts is under consideration for development for residential purposes. The proposed property sub-division and building activities would potentially impact natural vegetation and an investigation to determine the state of the vegetation was required to inform an application for Environmental Authorization (EA) in terms of the National Environmental Management Act (Act 107 of 1998), EIA Regulations (2014) as amended. Active Planning Solutions appointed Bergwind Botanical Surveys & Tours CC to carry out the botanical assessment for the proposed development.

2. Terms of Reference

2.1. Terms of Reference

Botanical assessments must follow guidelines set out in the following documents:

- Department of Environmental Affairs and Development Planning (DEA&DP) Guidelines for Involving Biodiversity Specialists in the EIA Process (Brownlie, 2005);
- Ecosystem Guidelines for Environmental Assessment in the Western Cape (Cadman *et al.*, 2016);
- The requirements of CapeNature for providing comments on urban, agricultural, environmental, mine planning and water-use related applications (Turner, 2013); and
- Appendix 6 of the Environmental Impact Assessment Regulations, 2014 (Government Gazette, 2014).

2.2. Specific Terms of Reference

- Identify and describe biodiversity patterns at community and ecosystem level (main vegetation type, plant communities in the vicinity and threatened/vulnerable ecosystems), at species level (threatened Red List species, presence of alien species) and in terms of significant landscape features;
- Describe the sensitivity of the site and its environs and map these resources;
- Identify potential impacts associated with the no development option, in addition to direct, indirect and cumulative impacts; and
- Review previous botanical work applicable to the area and any relevant biodiversity plans, specifically the 2017 Western Cape Biodiversity Spatial Plan (CapeNature, 2017).

3. The Study Area

3.1. Locality

Portion 27 of Groenfontein Annex 716 Paarl (the study area) is alongside the R44 at Klapmuts in the Drakenstein Municipality. It is rectangular in shape, covers 1.7 ha and is close to the intersection of the R44 with the R101 (Old Paarl Road) and thus close to the 'centre' of Klapmuts. It is almost opposite the well-known tourist attraction, Butterfly World (Figure 1). The location of the study area is shown on a Google Earth™ aerial image in Figure 2a with magnified views of the same in a sequence of historical images from 2005 to 2018 in Figures 2b, 2c, 2d and 2e.

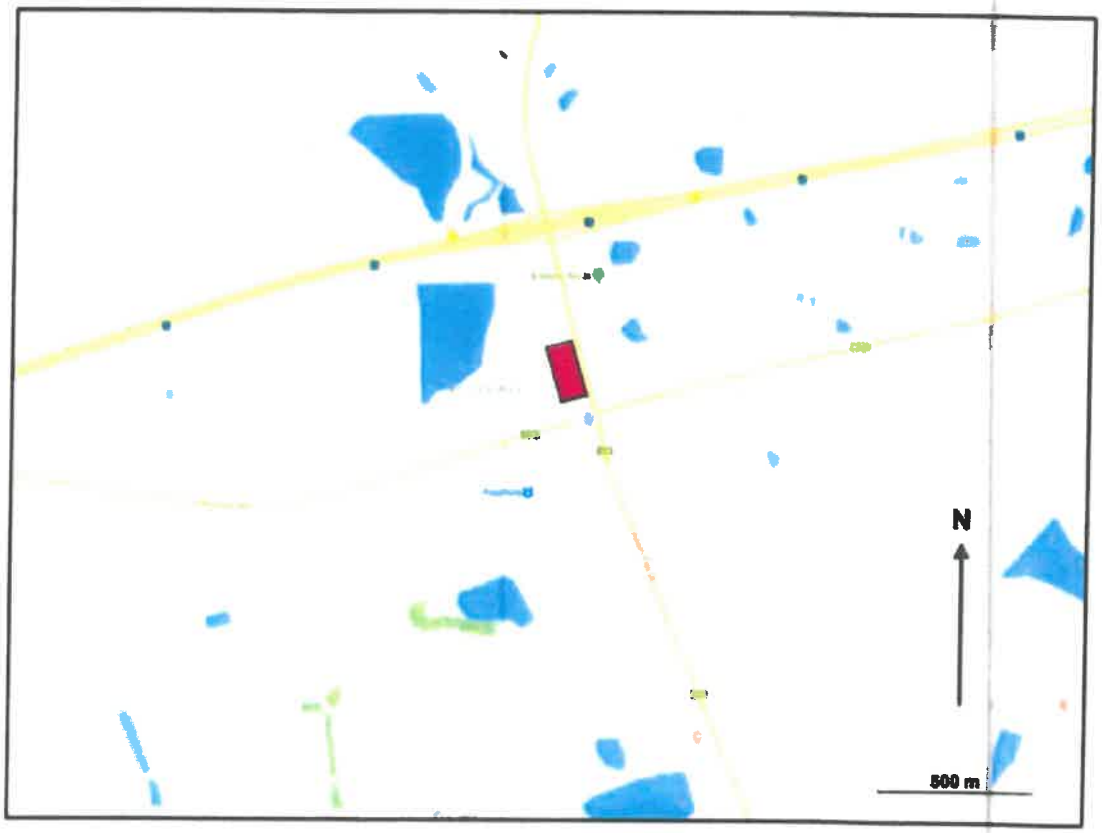


Figure 1. General locality map with the Klapmuts study area marked as a red rectangle.

Figure 2a. Google Earth™ satellite image showing the study area (red shading) south of the N1 national highway and alongside the R44.

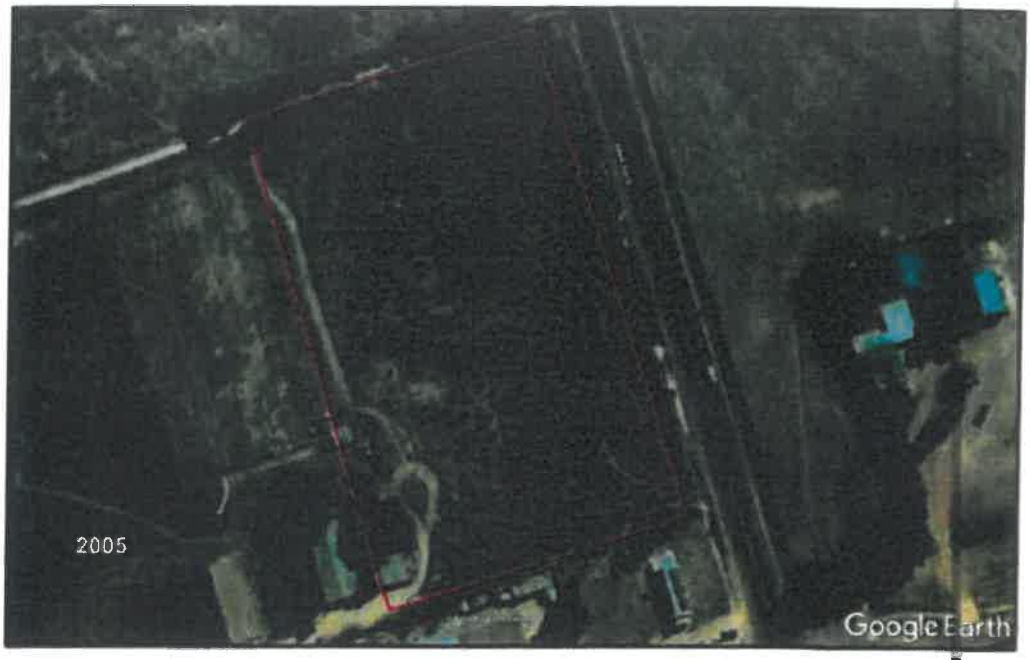


Figure 2b. The study area (red outline) in 2005.

Figure 2c. The study area (red outline) in 2009.

Figure 2d. The study area (red outline) in 2011.

Figure 2e. The study area (red outline) in 2018.

3.2 Topography and geology

The study area is underlain by the Stellenbosch Batholith of the Cape Granite Suite. This is evident from the soil which has a gravelly texture from the decomposed granite. The topography of the study is even (flat) with no undulations but with a slight slope to the north. In the broader context the study area is located on a ridge of granite. This is evident since to the east and west are areas with alluvium that formerly supported Swartland Alluvium Fynbos.

3.3 Climate

Klapmuts has a temperate climate, described as a Mediterranean-type climate with hot, dry summers and cool wet winters. The highest average monthly rainfall occurs in June with more than 90 mm falling. The lowest rainfall is in February with less than 10 mm. The lowest mean minimum temperature is experienced in July (7°C) and the highest mean maximum temperature occurs in February (31° C).

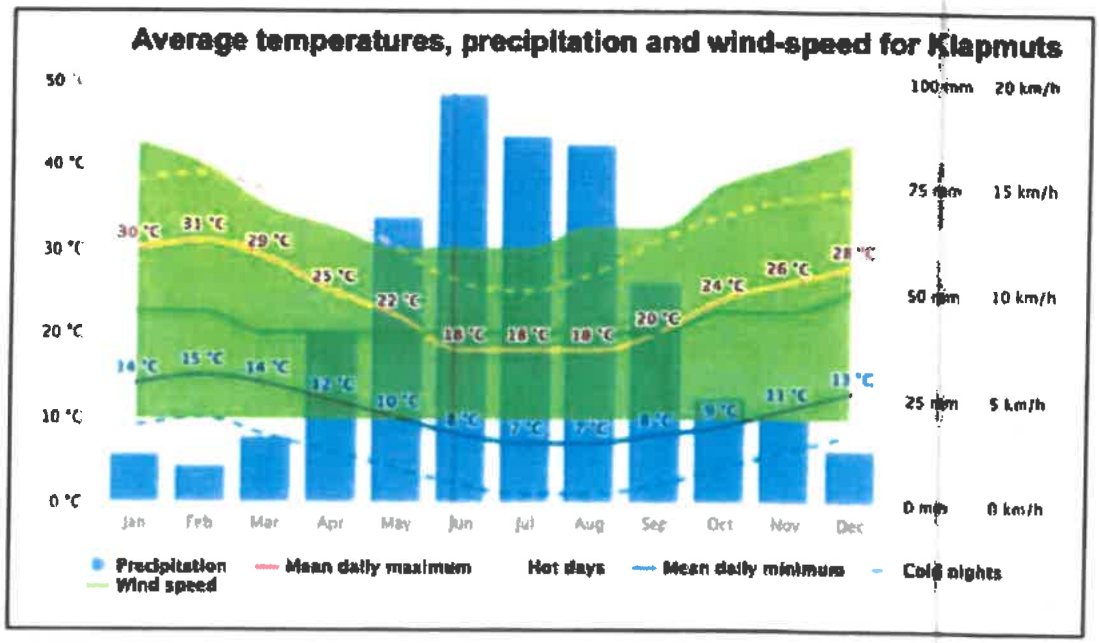


Figure 3. Climate diagram for Klapmuts showing average temperatures, precipitation and wind-speed for a 30-year period.

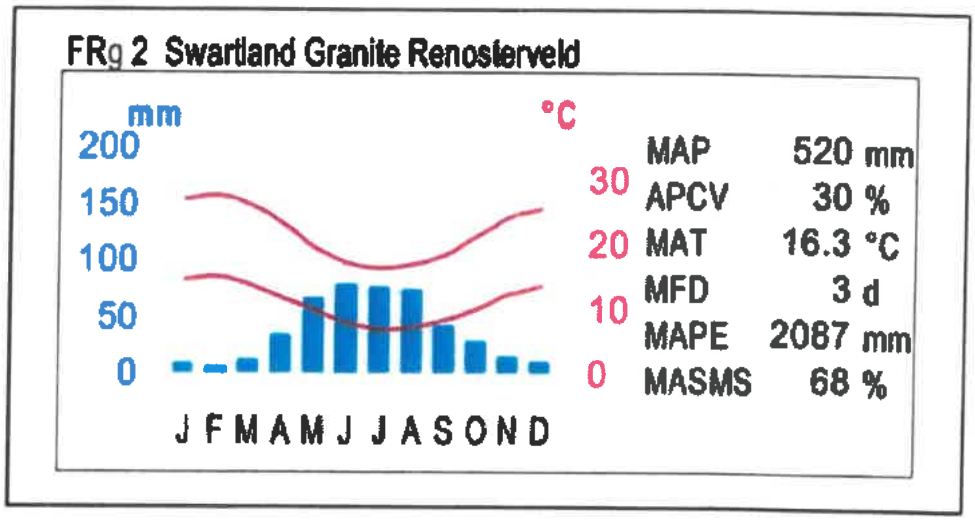


Figure 4. Climate diagram for Swartland Granite Renosterveld the only vegetation type in the study area (Rebelo *et al.* in Mucina & Rutherford, 2006) showing MAP – Mean Annual Precipitation; ACPV = Annual Precipitation Coefficient of Variance; MAT = Mean Annual Temperature; MFD = Mean Frost Days; MAPE = Mean Annual Potential Evaporation; MASMA = Mean Annual Soil Moisture Stress.

4. Evaluation Method

The site was visited on 1 February 2018 for a duration of approximately 3 hours and surveyed on foot. The vegetation was recorded at sample waypoints logged with a Garmin GPSmap 62s (Figure 5). Sample photographs were geo-referenced. The sensitivity of the habitat was determined using the following criteria:

- *Ecological condition*: this is the actual condition of the various habitats, which considers (1) quality of the vegetation; (2) species composition; (3) disturbance regime; (4) degree of intactness; (5) the spatial connectivity of the site with adjoining habitats; (6) and non-botanical elements that form part of the broader biodiversity picture and that inform the degree to which the botanical component supports biodiversity.

- *Ecosystem status:* Informed by the List of Threatened Terrestrial Ecosystems (Government Gazette, 2011) and CapeNature's (2013) updated ecosystem status based on criterion A1 only (irreversible loss of habitat). The ecosystems are based on the vegetation types in *The Vegetation of South Africa, Lesotho and Swaziland* (Mucina & Rutherford, 2006).
- *Biodiversity planning*: The 2017 Western Cape Biodiversity Spatial Plan (CapeNature, 2017) with specific reference to the Stellenbosch Municipality, is important for determining the conservation importance of the designated habitat. Ground-truthing is an essential component in terms of determining the habitat condition.
- *Important species*: The presence or absence of threatened (i.e. Red List) and ecologically important species informs the ecological condition and sensitivity of the site.
- *Botanical literature*: This was used to gain a better local contextual understanding of the botanical importance of the site.

Figure 5. Google Earth ™ aerial image of the study area (red outline) with the sample track shown in light blue, with waypoints KLP#.

5. Limitations and assumptions

Two main limitations were identified. Firstly, lack of knowledge of the history of the site. It is assumed to have been disturbed by some form of agriculture or used as a smallholding where animals were kept and grazed. Foundations of a rudimentary dwelling were found in the south-west corner of the study area and historical aerial images indicate significant historical disturbance on the site (see Figures 2b, 2c & 2d). What is clear, however, is that the original vegetation that would have occurred on the site was already largely disturbed prior to 2005 (date of available historical Google Earth ™ imagery). It appears that there was successive degradation of the vegetation over the intervening years until the present.

The second limitation was the season of the study. The site was extremely dry, not only due to the prevailing dry summer conditions but due to a long drought in the Western Cape Province. The summer-dry conditions severely limited observations of winter- and spring-flowering geophytes and none were recorded in the survey. It is possible that such species may persist on the site but given the generally disturbed conditions, the chances of finding such species in large number, even in optimal climatic conditions, are predicted to be not great. The author found *Micranthus tubulosus* on the site in early summer on previous occasion which indeed points to the possibility of some other geophytes being present.

6. The Vegetation

6.1 General description

According to *The Vegetation of South Africa, Lesotho and Swaziland* (Rebelo *et al.* 2006 in Mucina & Rutherford, 2006) the study area supports a single vegetation type, namely Swartland Granite Renosterveld (Figure 6). This was confirmed by the presence of a few renosterveld species but no intact plant community.

Rebelo *et al.* (2006) record that Swartland Granite Renosterveld is distributed in discrete patches in the Swartland and Boland, depending on the occurrence of granite-derived soils, mostly of Glenrosa and Mispah forms. The vegetation consists of a mosaic of grasslands/herblands and medium dense microphyllus shrublands dominated by renosterbos. These authors provide a substantial list of plant species for this vegetation type which was used as a guide in this study.

6.2. The Vegetation of Portion 27 of Groenfontein Annex 716, Paarl (Klapmuts)

The vegetation of Portion 27 of Groenfontein Annex 716, Paarl (Klapmuts) is in poor condition and cannot be described as Swartland Granite Renosterveld any longer due to historical transformation over an apparent long period. The vegetation was sampled at ten waypoints to attempt to cover all variation in the vegetation on the site. The western part of the site has a grassy low stratum and has few shrubs. This is attributed to clearing and possible maintenance of this area as a firebreak for the adjoining Rozenmeer residential area. From roughly one-third of the width of the site (long-axis ; N-S) westwards, the site has a shrub and tree upper stratum (most of the trees are alien invasives) with a herbaceous understorey.

In general the study area is **highly disturbed and no longer supports intact Swartland Granite Renosterveld**. The indigenous species that are present are remnants of renosterveld but in no way constitute a functional plant community. The presence of an abundance of species such as *Stoebe plumosa* and *Athanasia trifurcata* attests to the high level of disturbance and ultimate transformation of the site.

As noted above, there may be remnant populations of geophytes but their presence would only be detected in the winter and spring to early summer. Even so, these populations are predicted to be highly degraded. If present, it is proposed that such plants should be moved to a safe haven where their future is secured. No matter what the future of Portion 27 of Groenfontein Annex 716, Paarl (Klapmuts) may be in terms of development, it is currently degrading rapidly and restoration is not a feasible option.

A large area of the site is invaded by woody alien invasive trees, notably *Acacia saligna* and *Acacia mearnsii* but also a single *Pinus radiata* tree. There has been a steady but rapid invasion by these *Acacia* trees since 2011 to the present (compare Figure 2d with Figure 2e) and it is predicted that if they are not actively cleared soon their increase will be exponential. However, even if the tress or cleared, the condition of the site would not improve to any great extent.

Further description of the vegetation as found at the respective waypoints is given in Table 1

Table 1. Waypoints, notes and illustrations recorded at Portion 27 of Groenfontein Annex 716, Paarl (Klapmuts)

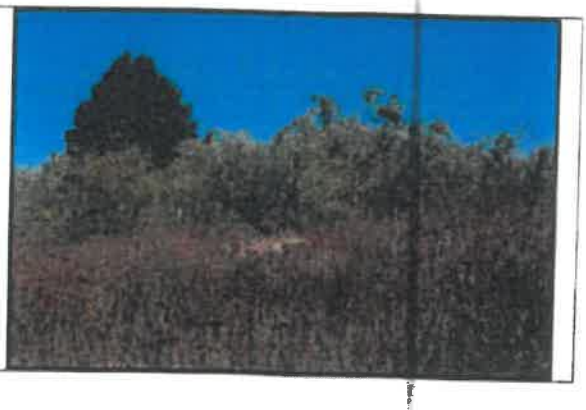
Waypoints and Coordinates	Descriptive Notes	Illustration
KLP 1 S 33° 48' 06.4" E 18° 52' 17.1"	This waypoint is on the northern boundary of the site along a cleared track. This area is the most disturbed, with very little natural vegetation left. Conditions were extremely dry at the time of survey, no annuals or geophytes are visible. The invasive alien tree *Acacia saligna* occurs in a vigorous stand, with a few saplings of the invasive *A. meamsii* Stumps are found of large invasive alien trees that were cleared. Some of the felled stumps of *A. saligna* and *A. meamsii* are resprouting. The soil consists of coarse gravelly sand, invaded by exotic grasses (*Avena sativa, Bromus sp., Briza minor*) and pioneer grasses (*Cynodon dactylon, Eragrostis curvula*). Some burnt logs were probably dumped as the site does not appear to have burnt recently. The shrub *Athanasia trifurcata* is common, indicative of disturbance. *Ursinia* cf. *nana* was recorded as well.	

KLP 2 **S 33° 48' 07.1"** **E 18° 52' 16.2"**	Located mid-way across the northern end of the site, this waypoint was recorded at a stand of young black wattle saplings (*Acacia mearnsii*). Most were resprouting from stumps and were probably cut for firewood. The pioneer shrub *Athanasia trifurcata* is abundant. The presence of the Willow Karee (*Searsia angustifolia*), typical of riparian environments, could indicate seasonally wet conditions.	
KLP 3 **S 33° 48' 07.9"** **E 18° 52' 14.5"**	This waypoint is near the fence at the northern end of the western boundary. Mole-rats are highly active in the gravelly sandy soil. Woody invasives are few towards the south-western half of the site. The vegetation here is dominated by grasses with scattered dwarf shrubs. The main grasses recorded are the indigenous pioneer species *Eragrostis curvula* and *Cynodon dactylon*, together with the exotic *Avena sativa* and *Bromus spp.* Shrubs include *Helichrysum sp.*, *Leysera gnaphalodes*, *Thesium sp.*, *Sisebe plumosa* and a few thigh-high specimens of *Passerina corymbosa*. The exotic forbs *Echium sp.* and *Trifolium lanceolatum* are also present. Very few invasive trees on the western side of the site.	

KLP 4 **S 33° 48' 09.3"** **E 18° 52' 15.0"**	This waypoint is further south from waypoint KLP3, along the western boundary. It marks the location of a few shrubby trees of *Searsia* sp. up to 3 m tall. The exotic weed *Echium plantagineum* is abundant but dry at this time of the year. The pioneer forb *Plantago lanceolata* is common and *Hermannia* sp. was recorded as well. Builders' rubble has been dumped in places.	
KLP 5 **S 33° 48' 11.6"** **E 18° 52' 15.9"**	Near the southern end of the western boundary, there is a concrete slab with three large *Ficus* cf. *natalensis* trees. The slab was the floor of the rudimentary dwelling mentioned in the text. Other invasive alien trees occur, including Suriname Cherry (*Eugenia* sp.), Syringa (*Melia azedarach*) and Port Jackson Willow (*Acacia saligna*). The invasive Kikuyu grass (*Pennisetum clandestinum*) covers the ground. The area under the trees is highly disturbed One mature Outeniqua Yellowwood tree (*Podocarpus falcatus*) occurs.	

KLP 6 **S 33° 48' 12.1"** **E 18° 52' 17.1"**	This waypoint is on the southern boundary of the site. This area is highly disturbed and invaded by exotic grasses (*Avena fatua, Pennisetum clandestinum*), forming the dominant vegetation together with *Eragrostis curvula* and *Plantago lanceolata*. Invasive Port Jackson Willow *Acacia saligna*) is present, as well as a few black wattle saplings (*A. mearnsii*). Large trees have been felled, most likely *A. saligna* and *A. mearnsii*. Invasive Periwinkle (*Vinca* sp.), a garden escape, also occurs. Some renosterbos (*Elytropappus rhinocerotis*) is found here and a stand of *Stoebe plumosa* reflecting disturbance was noted This area is being used by vagrants and is heavily littered.	
KLP 7 **S 33° 48' 10.4"** **E 18° 52' 18.1"**	A little further north of waypoint KLP6, this waypoint is located in a dense stand of black wattle (*Acacia mearnsii*), Port Jackson Willow (*A. saligna*) and *Stoebe plumosa*, with a large amount of litter and excrement. Shrubs recorded include *Athanasia trifurcata, Passerina corymbosa, Aspalathus cordata, Helichrysum pandurifolium, Cliffortia juniperina, Osteospermum incanum*.	

KLP 8 **S 33° 48' 09.5"** **E 18° 52' 17.4"**	This waypoint is towards the centre of the site where a remnant stand of natural vegetation occurs, dominated by *Passerina corymbosa* and *Athanasia trifurcata*. Other major species are *Osteospermum incanum*, *Stoebe plumosa* and *Aspalathus cordata*. The weedy exotic grass *Briza minor* is present as well.	
KLP 9 **S 33° 48' 09.3"** **E 18° 52' 17.5"**	Towards the north-eastern section of the site, this waypoint marks the location of a dense, almost monospecific stand of *Athanasia trifurcata*. Dense stands of Port Jackson Willow (*Acacia saligna*) occur both to the north and to the south of this patch.	

KLP 10 **S 33° 48' 09,7"** **E 18° 52' 46,7"**	At this waypoint a single Pine tree (*Pinus radiata*) grows along the southern portion of the eastern boundary.	

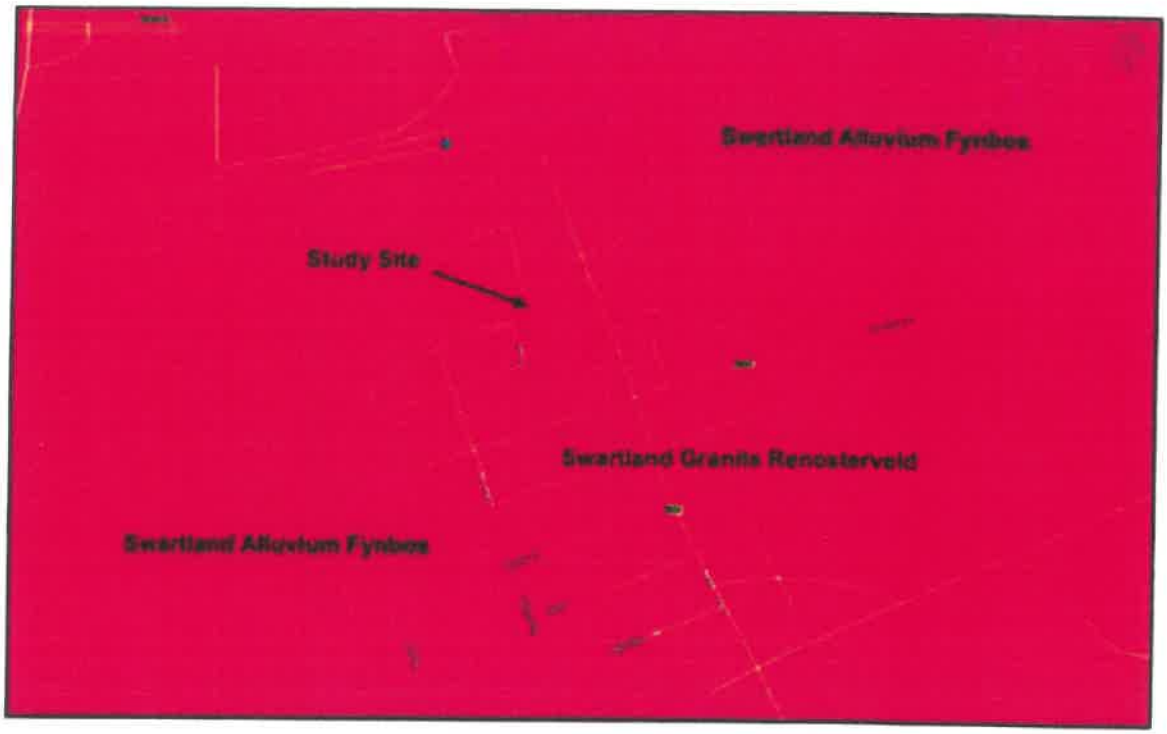


Figure 6. Portion of the Vegetation Map of South Africa, Lesotho & Swaziland (Mucina *et al.* 2005; SANBI 2012) overlaid on Google Earth™ imagery with the Klapmuts study area outlined in red, within Swartland Granite Renosterveld.

7. Conservation Status

The List of Threatened Terrestrial Ecosystems (Government Gazette, 2011) lists Swartland Granite Renosterveld as a CRITICALLY ENDANGERED A1 & D1 vegetation type (or ecosystem). It is thus important that any area that supports this vegetation type should be conserved to achieve conservation targets. However, the opposite is true if the site is transformed. If in the past a site supported a critically endangered vegetation type but no longer does so, it serves no conservation value unless it can be rehabilitated.

The 2017 WCBSP Handbook (Pool-Stanvliet *et al.*, 2017) distinguishes between the various conservation planning categories. Critical Biodiversity Areas are habitats with high biodiversity and ecological value. These include areas that are likely to be in a natural condition (CBA 1) and those that are potentially degraded or represent secondary vegetation (CBA 2). Ecological Support Areas are essential for meeting biodiversity targets. They play an important role in supporting the functioning of Protected Areas or CBAs and are often vital for delivering ecosystem services. A distinction is made between ESAs that are still likely to be functional (i.e. in a natural, near-natural or moderately degraded condition; (ESA 1) and Ecological Support Areas that are severely degraded, or have no natural cover remaining, and therefore require restoration (ESA 2).

Examination of the Critical Biodiversity Areas map from the *2017 Western Cape Biodiversity Spatial Plan* (CapeNature, 2017) indicates that the Klapmuts study area is mapped such that approximately two-thirds of the site is classified as a Critical Biodiversity Area 1 (CBA1) (Figure 7). In my opinion this classification and mapping is completely wrong and this assertion is supported by my observations in the field. There is no habitat in the study area that warrants CBA1 status or even CBA2 or ESA1 status.

In addition to the above, the site has VERY LOW botanical sensitivity. It is poorly connected to other areas of Swartland Granite Renosterveld and it is my view that in its current state and given its location it has VERY LOW conservation value. It is in such a poor state that restoration would not be feasible.

The only matter of concern is the presence of large trees, including protected *Podocarpus falcatus* (Outeniqua Yellowwood) which was obviously planted at the former dwelling. This

tree is protected by the National Forests Act 1998 (Act No. 84 of 1998) and a permit would be required for it to be disturbed in any way.

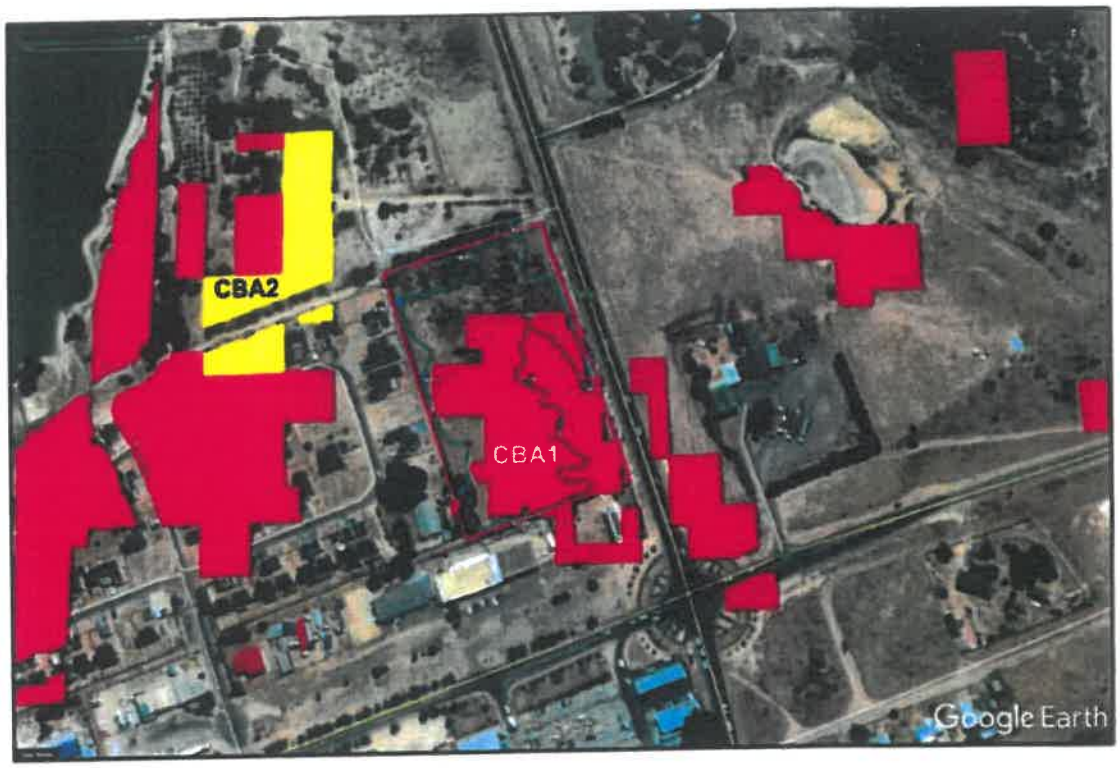


Figure 7. WCBSP 2017 map of Critical Biodiversity Areas overlaid on a Google Earth ™ aerial image of the study area (pink boundary). Approximately two-thirds of the study area is classified as CBA1.

8. Impact Assessment

The impact assessment is a measure of the impacts likely to occur on the affected environment, specifically the vegetation, ecological processes, important species and habitats. They are considered for (a) the 'No Go' scenario and (b) the direct, indirect and cumulative impacts of the proposed residential development.

8.1. 'No Go' or No Development Scenario

The 'No Go' or no development scenario considers the impact of the site being left without active change. It assumes that there would only be change due to environmental effects and it is a prediction of the future state of the affected area if no construction take place. Impacts relating to the No Go option (e.g. lack of clearing of alien invasive trees) are likely to result in further degradation vegetation and habitat in the study area, notwithstanding that it is already highly degraded. If nothing is done on the site the impact would be **Low Negative** but if the alien vegetation is removed, the negative impact would be marginally less so **Low Positive.**

8.2. Direct impacts

Direct impacts are those that would occur as a direct result of the development of the site. Direct impacts are assessed for the construction and 'No Go' alternatives in Tables 1 and 2 according to the following:

- Loss of vegetation type – including intact vegetation, ecologically important species and species of conservation concern.
- Loss of ecological processes – associated with the loss of intact vegetation, ecologically important species and species of conservation concern.

Loss of vegetation is assessed in relation to the vegetation type and ecological processes. With regard to the proposed development, most of the impact has already occurred by historical transformation. Further loss from the area that has such low ecological condition is likely to result in very little further negative impact. The impact of development of the site is thus rated as **Low Negative** (Table 1).

Table 1. Impact and Significance: Loss of vegetation and ecological processes resulting from the proposed development of the site.

CRITERIA	'NO GO' ALTERNATIVE		PROPOSED CONSTRUCTION ACTIVITIES	
Loss of vegetation and species	WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION
Extent	Local	Local	Local	Local
Duration	Permanent	Permanent	Permanent	Permanent
Intensity	Low	Medium	Low	Low
Probability of occurrence	High	High	High	High
Confidence	High	High	High	High
Significance	Low negative	Low positive	Low negative	Low negative
Proposed mitigation:				
Nature of Cumulative Impact	Loss of Swartland Granite Renosterveld		Loss of Swartland Granite Renosterveld	
Cumulative impact prior to mitigation	Low		Low	
Degree to which impact can be reversed	Low		Very Low	
Degree to which impact may cause irreplaceable loss of resources	Low		Low	
Degree to which impact can be mitigated	Low		Low	
Proposed mitigation	Clearing of alien invasives		Search and rescue of geophytes	
Cumulative impact post mitigation	Low		Low	
Significance of cumulative impact (broad scale) after mitigation	Low		Low	

Ecological processes have already been significantly compromised in the study area. There is low connectivity and the habitat is extremely degraded. The existing vegetation cover still offers cover for birds and mammals and mole-rat activity was noted. However, the overall impression, (added to by the abuse of the site by vagrants), is that the site is ecologically dysfunctional. It would take considerable effort to restore the habitat to its near-natural condition and only then would ecological functions re-activate. Given the isolated location, and consequent lack of connectivity of the site, it would not even be beneficial to be conserved as a 'stepping-stone' site to enhance ecological functionality in a broader context. In short, the site may be described as 'ecologically doomed' with prevailing High Negative impacts in the 'No Go' condition and predicted equally High Negative impacts by any form of development since then ecological processes could never be restored at a local level (Table 2).

Table 2. Impact and Significance: Loss of ecological processes resulting from the proposed development

CRITERIA	'NO GO' ALTERNATIVE		PROPOSED DEVELOPMENT	
Loss of ecological processes	WITHOUT MITIGATION	WITH MITIGATION	WITHOUT MITIGATION	WITH MITIGATION
Extent	Local	Local	Local	Local
Duration	Medium-term	Medium-term	Permanent	Permanent
Intensity	High	Medium	High	High
Probability of occurrence	High	High	High	High
Confidence	High	High	High	High
Significance	High negative	Medium negative	High negative	High negative
Proposed mitigation: No mitigation would be possible for loss of ecological processes in the development scenario				
Nature of Cumulative impact		Loss of ecological processes	Loss of ecological processes	
Cumulative impact prior to mitigation		Low	Low	
Degree to which impact can be reversed		Low	Low	
Degree to which impact may cause irreplaceable loss of resources		Low	Low	
Degree to which impact can be mitigated		Low	Low	
Proposed mitigation		Clearing of alien invasives	No mitigation possible	
Cumulative impact post mitigation		Low	Low	
Significance of cumulative impact (broad scale) after mitigation		Low	Low	

8.3. Mitigation

Mitigation options are generally considered in terms of the following hierarchy: (1) avoidance, (2) minimization, (3) restoration and (4) offsets. In this instance, there is very little that can be done to change the already extremely poor condition of the study area. Even removal of the alien trees would not enhance the state of the site very much.

The only mitigation that is recommended and that may be feasible would be to conduct Search & Rescue of geophytes. The site is in such poor condition that it would probably be best to remove and relocate geophytes to an existing conservation area where Swartland Granite Renosterveld if found.

8.4. Indirect impacts

Indirect impacts are those that do not occur as a direct result of the activity on the site but that occur further away. No indirect impacts were identified in this instance.

8.5. Cumulative impacts

Cumulative impacts are those impacts linked to increased loss of vegetation type or the ecosystems listed in the National List of Threatened Terrestrial Ecosystems (Government Gazette, 2011). Cumulative impacts are assessed as the overall impact of loss of habitat in relation to loss of the same or similar habitat at a local scale due to past, present and future habitat loss. The area at Portion 27 of Groenfontein Annex 716, Paarl (Klapmuts) in my view would make no contribution to achieving conservation targets for Swartland Granite Renosterveld. Cumulative impact on this vegetation type at the site are VERY LOW because the site is already transformed.

9. Conclusions and recommendations

- The original vegetation that occurred at Portion 27 of Groenfontein Annex 716, Paarl (Klapmuts) was Swartland Granite Renosterveld. This vegetation was historically removed but when that occurred is not known.
- The study area or site is now heavily degraded to the point of being transformed and in my opinion no longer has any botanical or conservation value, except for a few geophytes which should be saved.
- Ecological processes have been severely compromised and they would only become truly functional again if the site were to be restored to near-natural or natural condition. This is unlikely to happen and the isolated, low-connectivity condition of the study area is a major factor working against the usefulness of the site for conservation.
- Approximately two-thirds of the site is classified as CBA1 in the WCBSP 2017. It is my conclusion that this classification is totally erroneous. There is no habitat on the site that justifies this classification. It is not even worthy of CBA2 or ESA1 status.
- Based on ground-truthed observations and taking all ecological and other indicators into consideration, it is my view that the site it suitable for development with no major constraints. There would not be loss of 300 m² of indigenous vegetation (Swartland Granite Renosterveld) and therefore Listing Notice 3, Activity 12 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended and the Environmental Impact Assessment Regulations, 2014, would not be triggered.
- It is recommended that a Search & Rescue operation should be undertaken in the appropriate season to locate and save any surviving geophytes that may occur on the site.

- A permit would be required from the Department of Agriculture, Fisheries and Forestry for disturbance or removal of the yellowwood tree on the site since it is a protected tree.
- Given that the entire site would be developed, an Environmental Management Programme (EMPr) would not be required.
- The development of the site from a botanical perspective is supported.

10. References

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Report submitted: 12 April 2018

Appendix 1: Botanical Assessment Content Requirements of Specialist Reports, as prescribed by Appendix 6 of GN R326

Regulation	Content as required by NEMA	Specialist Report Section/Annexure Reference
1 (1) (a)	Details of- (i) The specialist who prepared the report; and	Cover & Page 1
	(ii) The expertise of that specialist to compile a specialist report, including a CV	Page 1 & Appendix 3
1 (1) (b)	A declaration that the specialist is independent in a form as may be specified by the competent authority	Page 4
1 (1) (c)	An indication of the scope of, and purpose for which, the report is prepared	Page 6
1 (1)(cA)	An indication of the quality and age of base data used for the specialist report	Page 12
1 (1)(cB)	A description of existing impacts on the site, cumulative impacts of the proposed development and levels of acceptable change	Page 28
1 (1) (d)	The duration, date and season of the site investigation and the relevance of the season to the outcome of the assessment	Page 12
1 (1) (e)	A description of the methodology adopted in preparing the report or carrying out the specialised process inclusive of equipment and modelling used	Page 12
1 (1) (f)	Details of an assessment of the specific identified sensitivity of the site related to the proposed activity or activities and its associated structures and infrastructure, inclusive of a site plan identifying site alternatives	Pages 15 & 23
1 (1) (g)	An identification of any areas to be avoided, including buffers	Not applicable
1 (1) (h)	A map superimposing the activity including the associated structures and infrastructure on the environmental sensitivities of the site including areas to be avoided, including buffers	Pages 8, 9 & 10
1 (1) (i)	A description of any assumptions made and any uncertainties or gaps in knowledge	Page 14
1 (1) (j)	A description of the findings and potential implications of such findings on the impact of the proposed activity or activities	Pages 14– 28
1 (1) (k)	Any mitigation measures for inclusion in the EMPr	Page 27
1 (1) (l)	Any conditions for inclusion in the environmental authorisation	Pages 27 & 28
1 (1) (m)	Any monitoring requirements for inclusion in the EMPr or environmental authorisation	Not applicable
1 (1) (n)	A reasoned opinion- (i) whether the proposed activity, activities or portions thereof should be authorised; and	Page 28
	(iA) regarding the acceptability of the proposed activity or activities; and	Page 28

Regulation	Content as required by NEMA	Specialist Report Section/Annexure Reference
	(ii) If the opinion is that the proposed activity, activities or portions thereof should be authorised, any avoidance, management and mitigation measures that should be included in the EMPr, and where applicable, the closure plan	Not applicable
1 (1) (o)	A description of any consultation process that was undertaken during the course of preparing the specialist report	Not applicable
1 (1) (p)	A summary and copies of any comments received during any consultation process and where applicable, all responses thereto	Not applicable
1 (1) (q)	Any other information requested by the competent authority	Not applicable

Appendix 2: Impact Assessment Methodology

The assessment of impacts needs to include the determination of the following:
- The nature of the impact – see Table A.1
- The magnitude (or severity) of the impact – see Table A.2
- The likelihood of the impact occurring - see Table A.2

The degree of confidence in the assessment must also be reflected.

TableA.1 Impact assessment terminology

Term	Definition
Impact nature	
Positive	An impact that is considered to represent an improvement on the baseline or introduces a positive change.
Negative	An impact that is considered to represent an adverse change from the baseline, or introduces a new undesirable factor.
Direct impact	Impacts that result from a direct interaction between a planned project activity and the receiving environment/receptors (e.g. between occupation of a site and the pre-existing habitats or between an effluent discharge and receiving water quality).
Indirect impact	Impacts that result from other activities that are encouraged to happen as a consequence of the Project (e.g. in-migration for employment placing a demand on resources).
Cumulative impact	Impacts that act together with other impacts (including those from concurrent or planned future third party activities) to affect the same resources and/or receptors as the Project.

Assessing significance

There is no statutory definition of '*significance*' and its determination is, therefore, somewhat subjective. However, it is generally accepted that significance is a function of the magnitude of the impact and the likelihood of the impact occurring. The criteria used to determine significance are summarized in *Table 1.2*

Table A.2 Significance criteria

Impact magnitude	
Extent	*On-site* – impacts that are limited to the boundaries of the rail reserve, yard or substation site. *Local*– impacts that affect an area in a radius of 20km around the development site. *Regional*– impacts that affect regionally important environmental resources or are experienced at a regional scale as determined by administrative boundaries, habitat type/ecosystem. *National*– impacts that affect nationally important environmental resources or affect an area that is nationally important/ or have macro-economic consequences.
Duration	*Temporary* – impacts are predicted to be of short duration and intermittent/occasional. *Short-term*– impacts that are predicted to last only for the duration of the construction period. *Long-term*– impacts that will continue for the life of the Project, but ceases when the Project stops operating. *Permanent*– impacts that cause a permanent change in the affected receptor or resource (e.g. removal or destruction of ecological habitat) that endures substantially beyond the Project lifetime.
Intensity	BIOPHYSICAL ENVIRONMENT: *Intensity can be considered in terms of the sensitivity of the biodiversity receptor (ie. habitats, species or communities).*

	Negligible – the impact on the environment is not detectable. **Low** – the impact affects the environment in such a way that natural functions and processes are not affected. **Medium** – where the affected environment is altered but natural functions and processes continue, albeit in a modified way. **High** – where natural functions or processes are altered to the extent that it will temporarily or permanently cease. ***Where appropriate, national and/or international standards are to be used as a measure of the impact. Specialist studies should attempt to quantify the magnitude of impacts and outline the rationale used.*** SOCIO-ECONOMIC ENVIRONMENT: *Intensity can be considered in terms of the ability of project affected people/communities to adapt to changes brought about by the Project.* **Negligible** – there is no perceptible change to people's livelihood **Low** - People/communities are able to adapt with relative ease and maintain pre-impact livelihoods. **Medium** - Able to adapt with some difficulty and maintain pre-impact livelihoods but only with a degree of support. **High** - Those affected will not be able to adapt to changes and continue to maintain-pre impact livelihoods.
Impact likelihood (Probability)	
Negligible	The impact does not occur.
Low	The impact may possibly occur.
Medium	Impact is likely to occur under most conditions.
High	Impact will definitely occur.

Once a rating is determined for magnitude and likelihood, the following matrix can be used to determine the impact significance.

Table A.3 Example of significance rating matrix

SIGNIFICANCE RATING					
	LIKELIHOOD	**Negligible**	**Low**	**Medium**	**High**
MAGNITUDE	**Negligible**	**Negligible**	**Negligible**	**Low**	**Low**
	Low	**Negligible**	**Negligible**	**Low**	**Low**
	Medium	**Negligible**	**Low**	**Medium**	**Medium**
	High	**Low**	**Medium**	**High**	**High**

In *Table A.4*, the various definitions for significance of an impact is given.

Table A.4 Significance definitions

Significance definitions	
Negligible significance	An impact of negligible significance (or an insignificant impact) is where a resource or receptor (including people) will not be affected in any way by a particular activity, or the predicted effect is deemed to be 'negligible' or 'imperceptible' or is indistinguishable from natural background variations.
Minor significance	An impact of minor significance is one where an effect will be experienced, but the impact magnitude is sufficiently small (with and without mitigation) and well within accepted standards, and/or the receptor is of low sensitivity/value.
Moderate significance	An impact of moderate significance is one within accepted limits and standards. The emphasis for moderate impacts is on demonstrating that the impact has been reduced to a level that is as low as reasonably practicable (ALARP). This does not necessarily mean that 'moderate' impacts have to be

	reduced to 'minor' impacts, but that moderate impacts are being managed effectively and efficiently.
Major significance	An impact of major significance is one where an accepted limit or standard may be exceeded, or large magnitude impacts occur to highly valued/sensitive resource/receptors. A goal of the EIA process is to get to a position where the Project does not have any major residual impacts, certainly not ones that would endure into the long term or extend over a large area. However, for some aspects there may be major residual impacts after all practicable mitigation options have been exhausted (i.e. ALARP has been applied). An example might be the visual impact of a development. It is then the function of regulators and stakeholders to weigh such negative factors against the positive factors such as employment, in coming to a decision on the Project.

Once the significance of the impact has been determined, it is important to qualify the **degree of confidence** in the assessment. Confidence in the prediction is associated with any uncertainties, for example, where information is insufficient to assess the impact. Degree of confidence can be expressed as low, medium or high.

Appendix 3. Curriculum Vitae

Dr David Jury McDonald Pr.Sci.Nat.

Name of Firm: Bergwind Botanical Surveys & Tours CC. (Independent consultant)

Work and Home Address: 14 A Thomson Road, Claremont, 7708

Tel: (021) 671-4056 **Mobile:** 082-8764051 **Fax:** 086-517-3806

E-mail: dave@bergwind.co.za

Website: www.bergwind.co.za

Profession: Botanist / Vegetation Ecologist / Consultant / Tour Guide

Date of Birth: 7 August 1956

Employment history:

- 19 years with National Botanical Institute (now SA National Biodiversity Institute) as researcher in vegetation ecology.
- Five years as Deputy Director / Director Botanical & Communication Programmes of the Botanical Society of South Africa
- Twelve years as private independent Botanical Specialist consultant (Bergwind Botanical Surveys & Tours CC)

Nationality: South African (ID No. 560807 5018 080)
Languages: English (home language) – speak, read and write
Afrikaans – speak, read and write

Membership in Professional Societies:

- South Africa Association of Botanists
- International Association for Impact Assessment (SA)
- South African Council for Natural Scientific Professions (**Ecological Science, Registration No. 400094/06**)
- Field Guides Association of Southern Africa

Key Qualifications :

- Qualified with a M. Sc. (1983) in Botany and a PhD in Botany (Vegetation Ecology) (1995) at the University of Cape Town.
- Research in Cape fynbos ecosystems and more specifically mountain ecosystems.
- From 1995 to 2000 managed the Vegetation Map of South Africa Project (National Botanical Institute)
- Conducted botanical survey work for AfriDev Consultants for the Mohale and Katse Dam projects in Lesotho from 1995 to 2002. A large component of this work was the analysis of data collected by teams of botanists.

- **Director: Botanical & Communication Programmes** of the Botanical Society of South Africa (2000—2005), responsible for communications and publications; involved with conservation advocacy particularly with respect to impacts of development on centres of plant endemism.

- Further tasks involved the day-to-day management of a large non-profit environmental organisation.

- **Independent botanical consultant** (2005 – to present) over 300 projects have been completed related to environmental impact assessments in the Western, Southern and Northern Cape, Karoo and Lesotho. A list of reports (or selected reports for scrutiny) is available on request.

Higher Education

Degrees obtained
and major subjects passed:

B.Sc. (1977), University of Natal, Pietermaritzburg
Botany III
Entomology II (Third year course)

B.Sc. Hons. (1978) University of Natal, Pietermaritzburg
Botany (Ecology /Physiology)

M.Sc. - (Botany), University of Cape Town, 1983.
Thesis title: 'The vegetation of Swartboschkloof, Jonkershoek, Cape Province'.

PhD (Botany), University of Cape Town, 1995.
Thesis title: 'Phytogeography endemism and diversity of the fynbos of the southern Langeberg'.

Certificate of Tourism: Guiding (Culture: Local)
Level: 4 Code: TGC7 (Registered Tour Guide: WC 2969).

Employment Record:

January 2006 – present: Independent specialist botanical consultant and tour guide in own company: **Bergwind Botanical Surveys & Tours CC**
August 2000 - 2005 : Deputy Director, later Director Botanical & Communication Programmes, Botanical Society of South Africa
January 1981 – July 2000 : Research Scientist (Vegetation Ecology) at National Botanical Institute
January 1979—Dec 1980 : National Military Service

Further information is available on website: www.bergwind.co.za

ANNEXURE Q: DIEMER ESTATE DESIGN GUIDELINES + DIEMER ESTATE OWNERS ASSOCIATION CONSTITUTION

CONSTITUTION

OF THE

DIEMER ESTATE

HOME OWNERS' ASSOCIATION

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1. DEFINITIONS

In the Constitution and unless inconsistent with the context, the following words and expressions shall have the meanings hereby assigned to them:

1.1 'Alienate' shall mean to divest of ownership of an Erf, or part thereof, or share therein, by way of sale, exchange, donation, deed, intestate succession, will, cession, assignment, court order, insolvency, liquidation, prescription, expropriation or otherwise and 'Alienation' shall have a corresponding meaning.

1.2 'Annexures' shall mean the annexures to the Constitution, as may be prepared and amended from time to time, that apply to the Diemer Estate Home Owner's Association that are incorporated into the Constitution including the Rules that regulate conduct on the estate and the annexures set out therein as follows:

1.2.1 the Security Policy contained in Annexure A (to be drafted by Trustees);

1.2.2 the Contractors' Code of Conduct contained in Annexure B (to be drafted by Trustees);

1.2.3 the Building Guidelines as contained in Annexure C (to be drafted by Trustees);

1.2.4 the Rules of the Disciplinary Committee contained in Annexure D (to be drafted by Trustees); and

1.2.5 the Site Development Plan contained in Annexure E (to be approved by Municipality).

1.3 'Architect/s' shall mean the architect/s of the Association from time to time.

1.4 'Association' shall mean the Diemer Estate Home Owners' Association.

1.5 'Auditors' shall mean the auditors of the Association from time to time.

1.6 'Budget' shall mean the estimate of income and expenditure of the Association in respect of a financial year.

1.7 'Business Day' shall mean a weekday other than a Saturday, Sunday or a Public Holiday officially recognised in the Republic of South Africa.

1.8 'Chairperson' shall mean the chairperson of the Association and of the Trustees from time to time.

1.9 'Common Property' shall mean Remainder of Portion 27 of the Farm Groenfontein Annex Number 716, in the Stellenbosch Municipality, Division Paarl, Western Cape Province, comprising the private road and private open space in the Development, inclusive of all Services thereon or thereunder.

1.10 'Constitution' shall mean this Constitution of the Association, including the Annexures thereto, as may be amended from time to time.

1.11 'Design Guidelines' shall mean the architectural and landscaping guidelines of the Association referred to in clause 10 of the Constitution and contained in Annexure A hereto, and as may be amended from time to time.

1.12 'Developer' shall mean Exclusive Access Trading (Pty) Ltd (Registration No. 2006/032797/07).

1.13 'Development' shall mean the Development known as Diemer Estate resulting from the subdivisions of Erf Portion 27 of the Farm Groenfontein Annex Number 716, in the Stellenbosch Municipality, Division Paarl, Western Cape Province, as per Annexure E.

1.14 'Development Management Scheme' shall mean the Development Management Scheme as contemplated in the Municipality's Planning By-Law from time to time.

1.15 'Disciplinary Committee' shall mean a committee formed by the Trustees and Members to consider any member violation of the Constitution.

1.16 'Electronic Communication' shall have the meaning set out in section 1 of the

Electronic Communications and Transactions Act.

1.17 'Electronic Communications and Transactions Act' shall mean the Electronic Communications and Transactions Act, No. 25 of 2002, as amended from time to time and any regulations made and in force thereunder and includes any substituted legislation.

1.18 'Erven' shall mean the Erven in the Development, but excluding the Common Property and 'Erf' shall mean any one of them.

1.19 'Financial Institution' shall mean a registered financial institution as defined in section 1 of the Financial Institutions (Protection of Funds) Act.

1.20 'Financial Institutions (Protection of Funds) Act' shall mean the Financial Institutions (Protection of Funds) Act, No. 28 of 2001, as amended from time to time and any regulations made and in force thereunder and includes any substituted legislation.

1.21 'Improvements' shall mean any buildings or structures constructed or to be constructed on an Erf, including any alterations, additions or attachments to any existing buildings and/or structures on an Erf, and changes to external finishes, material and/or the colour scheme: provided that the a foregoing shall not give rise to any right or expectation to erect any building or structure that is not in accordance with the approvals, the Design Guidelines and/or the plans that have been duly approved in accordance with the requirements of the Constitution.

1.22 'Income Tax Act, shall mean the Income Tax Act, No. 58 of 1962 as amended from time to time and any regulations made and in force thereunder and includes any substituted legislation.

1.23 'Internal Engineering Service' shall mean the system for the provision of water, electricity, gas, roads or storm water drainage, or collection and removal of solid waste or sewerage, within the Development operated by the Association, but excluding any internal engineering service which may be the responsibility of the

Municipality.

1.24 'Invitees' shall mean the family members, guests, visitors, workers, contractors, agents, service providers, or other invitees of Members or Lessees, present in the Development.

1.25 'In writing' shall mean written, printed or lithographed or partly one and partly the other, and other modes of representing or producing words in visible form, including Electronic Communication.

1.26 'Juristic person' shall mean a company, close corporation, trust or other legal or juristic person.

1.27 'Lessee' shall mean the lessee and/or other occupant in respect of a Property in the Development, including the invitees of the Lessee or other occupant.

1.28 'Levies' shall mean the contributions payable by the Members to the Association in terms of clause 13 of the Constitution, including annual levies (ordinary levies) and special levies.

1.29 'Local Authority' shall mean the local authority having jurisdiction over the Development.

1.30 'Managing Agent' shall mean any person or juristic person appointed by the Association as an independent contractor to undertake any of the administrative functions of the Association.

1.31 'Member' shall mean a member of the Association, meaning every registered owner of an Erf. If an owner consists of more than 1 (one) person such persons shall jointly constitute one Member and shall be jointly and severally liable in solidum for all obligations in terms of this Constitution. In the event of a Company, Close Corporation, Club or Trust, (being the registered owner of the erf), the entity shall be the member that may be represented by an individual who is a director, member or

trustee of the entity, and duly authorised to act as such.

1.32 'Municipality' shall mean the Stellenbosch Municipality as defined in the Stellenbosch Municipality Land Use Planning By-Law and its successors in title.

1.33 'Municipality's Planning By-Law' shall mean the Stellenbosch Municipality Land-Use Planning By-Law, 2015 as may be amended from time to time.

1.34 'Ordinary Resolution' shall mean a resolution passed at a general meeting of the Association, whether on a show of hands or on a poll, by an ordinary majority of the total votes represented at such meeting by the Members present in person or by proxy.

1.35 'Owner' shall mean the registered owner of an Erf.

1.36 'Prime Rate' shall mean the prime bank overdraft rate of interest charged by the Association's bank from time to time and more commonly known as its prime rate (in the case of a dispute, the rate may be certified by any manager or assistant manager of any branch of the said bank whose certificate shall be final and binding on the Members).

1.37 'Property' shall mean an Erf together with the improvements thereon, generically referred to in respect of an Owner.

1.38 'Rules' shall mean the Rules, including Conduct Rules, the Trustees may make from time to time referred to in clause 11 of the Constitution and contained in Annexure A hereto.

1.39 `Reserve Account` shall mean an investment account that is managed by the Trustees of the Association to provide for future financial expenses that the Association will be responsible for.

1.40 'Services' shall mean the internal Engineering Service, the main electrical

infrastructure, the main security perimeter wall and security infrastructure, and the other Services located within the Common Property or to be rendered in respect of the Association.

1.41 'Trustees' shall mean the trustees of the Association collectively from time to time and includes alternate and co-opted Trustees and 'Trustee' shall mean one of them.

2. INTERPRETATION

2.1 In the interpretation of the Constitution, unless the context otherwise indicates:

2.1.1 the clause headings are for convenience of reference and shall be disregarded in construing the Constitution;

2.1.2 words importing the singular number shall include the plural and the converse shall also apply;

2.1.3 a reference to any one gender shall include the other genders;

2.1.4 a reference to natural persons shall include juristic persons and the converse shall also apply; and

2.1.5 a reference to 'person' shall include 'juristic person';

2.1.6 words and expressions defined in any sub-clause shall, for the purpose of the clause to which that sub-clause forms part of, and in subsequent clauses, bear the meaning assigned to such words and expressions in such sub-clause;

2.1.7 when any number of days is prescribed in the Constitution, the same shall be reckoned exclusively of the first and inclusively of the last day unless the last day falls on a Saturday, Sunday or proclaimed public holiday in the Republic of South Africa, in which event the last day shall be the next succeeding day

which is not a Saturday, Sunday or public holiday;

2.1.8 where figures are referred to in words and in numerals, if there is any conflict between the two, the words shall prevail;

2.1.9 the Annexures to the Constitution shall be deemed to be incorporated in and form part of the Constitution.

2.2 If any provision of the Constitution is in conflict or inconsistent with any law, the invalidity of any such provision shall not affect the validity of the remainder of the provisions of the Constitution.

2.3 If any provision in a definition in the Constitution is a substantive provision conferring rights or imposing obligations on any of the Members then, notwithstanding that it is only in the definition clause of the Constitution, effect shall be given to it as if it were a substantive provision in the body of the Constitution.

2.4 If any provision in the Design Guidelines or the Rules is in conflict with any provision of the Constitution, the relevant provision of the Constitution shall prevail.

3. ESTABLISHMENT OF THE ASSOCIATION

3.1 The Association will come into existence simultaneously with the first registration of transfer of an Erf from the Developer to a Registered Owner, as contemplated in Section 29(5) of the By-Law.

4. STATUS OF THE ASSOCIATION

4.1 The Association is a juristic person, has perpetual succession and is capable of suing and being sued.

4.2 The Association is established as a non-profit making institution for the purposes and objects set out in the Constitution. The Association shall not be for profit, but for the

collective benefit and mutual interests of its Members.

4.3 No part of the income of the Association may be paid or refunded to any Member, except to settle any debt to such Member that the Association may have. No Member in his personal capacity shall have any right, title or interest to or in the funds or assets of the Association which shall vest in and be controlled by the Trustees on behalf of the Members according to the objects of the Association.

4.4 The Association has the right to acquire, hold, lease and alienate property, both movable and immovable.

4.5 The sole object of the Association is to manage the collective interests common to all its Members, which includes expenditure applicable to the Common Property of the Development and the collection of Levies for which such Members are liable.

4.6 The Association is not permitted to distribute its funds to any person other than to a similar association of persons.

4.7 On dissolution the remaining assets must be distributed to a similar association of persons, which is also exempt from income tax in terms of section 10(1)(e)(iii) of the Income Tax Act.

4.8 Funds available for investment may only be invested or re-invested with registered financial institutions as defined in section 1 of the Financial Institutions (Protection of Funds) Act, No. 28 of 2001.

4.9 The Association is not or was not knowingly a party to, or does not knowingly permit or has not knowingly permitted itself to be used as part of any transaction, operation or scheme of which the sole or main purpose is or was the reduction, postponement or avoidance of liability for any tax, duty or levy which, but for such transaction, operation or scheme, would have been or would have become payable by any person under the Income Tax Act or any other Act administered by the Commissioner for the South African Revenue Services.

4.10 The Association shall submit annual returns of income tax together with financial statements to the South African Revenue Services or similar relevant government departments as required.

4.11 Any amendments to clause 4 of the Constitution must be submitted to the Commissioner for the South African Revenue Services for scrutiny and or further action as the Commissioner may direct.

5. OBJECTS OF THE ASSOCIATION

The objects of the Association are to:

5.1 act in accordance with the collective mutual interests of the Members;

5.2 control, administer and manage the Common Property, Services and amenities in respect of the Development and the buildings on land under the Association's control for the benefit of all the Members;

5.3 take ownership of the Common Property and Internal Engineering Services as may be required;

5.4 enforce certain conditions of subdivision approval or management plans listed in the conditions, as may be applicable;

5.5 manage, repair, maintain, and improve and, where applicable, to insure the Common Property and all property and facilities belonging to the Association or falling under its control;

5.6 manage, repair, maintain, including renewal or upgrading where necessary, the Services serving the Development and the provision and installation of further Services to the Development as may be necessary;

5.7 control and maintain the main security perimeter wall in respect of the Development, but excluding the painting of the portions of the security perimeter wall facing private Properties and generally provide a secure environment for the Members by implementing, controlling and enhancing security systems in respect of the Development;

5.8 provide for:

5.8.1 the establishment of the Association upon the transfer of the first Erf arising from the subdivision or part thereof;

5.8.2 the Association to be a juristic person, to have perpetual succession to be capable of suing and of being sued;

5.8.3 Membership of the Association by the owners of Erven in the Development who shall be jointly liable for the expenditure incurred in connection with the Association;

5.8.4 the recovery of expenditure incurred in connection with the Association from its Members;

5.8.5 where relevant, any further development which must form part of the Association and the procedures for incorporating the development;

5.8.6 the regulation of annual general meetings of the Members;

5.8.7 the prohibition of the transfer of an Erf unless the consent of the Association has been obtained and the grounds upon which such consent may be refused;

5.8.8 arrangements for the transfer of an Erf in the event that the Association ceases to function;

5.8.9 the Association's implementation and enforcement of the provisions of clauses 5.8.1 to 5.8.8 of the Constitution;

5.9 administer and enforce compliance with the provisions of the Constitution;

5.10 provide for the control, administration and management of Design Guidelines for Improvements and landscaping in respect of Erven;

5.11 monitor and control Improvements and landscaping within the Development;

5.12 provide for Rules and policies to control the use and enjoyment of the Common Property and to ensure good standards of conduct by persons in respect of the Development;

5.13 enter into agreements as may be necessary to provide amenities and Services for the benefit of the Members and to enter into any agreements in pursuance of the objects of the Association;

5.14 establish a fund for expenses of the Association, including provision for a reserve account to provide for future expenses and contingencies and to determine and collect Levies for the purpose of the said fund from the Members;

5.15 control the Alienation, transfer, letting and use of Erven within the Development;

5.16 take action as deemed necessary by the Trustees in relation to the non-compliance by any Member or Lessee with any provisions of the Constitution and to impose penalties upon Members in respect of contraventions;

5.17 promote, advance and protect the interest of Members generally in regard to the Development;

5.18 generally do all such things as may be necessary or requisite to give effect to and implement and enforce the objects of the Association and to do all such things

ancillary or incidental to the objects;

6. FUNCTIONS AND POWERS OF THE ASSOCATION

6.1 The Association shall exercise the powers and perform the functions as set out in the Constitution and such ancillary functions as may be necessary in pursuit of its objects.

6.2 The functions of the Association shall include to:

6.2.1 establish a levy fund of the Association sufficient in the opinion of the Association to meet the expenditure of the Association;

6.2.2 raise and determine levies payable by the Members as contributions to the levy fund;

6.2.3 establish a reserve account of the Association that is sufficient in the opinion of the Association to meet the future expenditure of the Association;

6.2.4 raise and determine reserve account contributions to be included in the Levies payable by the Members as contributions to the reserve account fund;

6.2.5 open and operate an account or accounts with registered South African commercial banks and Financial Institutions;

6.2.6 take up insurance for the Association as may be required including, but not limited to:

6.2.6.1 insure the buildings, improvements, amenities and Services in respect of the Common Property against such risks as the Association may determine;

6.2.6.2 take up public liability insurance in respect of the Common Property and Services;

6.2.6.3 procure a fidelity guarantee; and

6.2.6.4 insure the payment of Levies due by the Members to the Association;

6.2.7 pay the premiums on any policy of insurance affected by it;

6.2.8 repair and maintain the Common Property and Services; and

6.2.9 comply with any notice or order by any competent authority requiring any repair to, or work in respect of, the Common Property and/or Services and to ensure compliance with any law relating to the Common Property and/or Services.

6.3 The powers of the Association shall include the power to:

6.3.1 purchase, hire, or otherwise acquire movable property and to insure, sell, let, or otherwise dispose of movable property;

6.3.2 control and maintain the Common Property and to establish on the Common Property such Services, improvements, amenities, lawns or gardens as may be required and to register servitudes;

6.3.3 apply for licenses and other rights enabling the Association to deal with its property in any lawful manner;

6.3.4 add to, amend, repeal or substitute the provisions of the Constitution and the Annexures hereto from time to time, based on any requirement or need that may arise in future in order to address the purposes of the Association in accordance with the provisions of clause 44 the Constitution;

6.3.5 sell and cede any obligation due to the Association, including but not limited

to claims for levies, contributions, charges, penalties and fees, and to agree to the terms of such transactions;

6.3.6 donate moneys subject to such donation being to the benefit of the Association.

6.3.7 invest surplus moneys of the levy and reserve account fund;

6.3.8 employ, dismiss and remunerate employees and professional advisors and to establish and contribute to pension-, provident-, medical aid and other similar funds for the benefit of its employees;

6.3.9 appoint such agents or contractors as it deems fit;

6.3.10 sue and be sued in the name of the Association and to obtain the services of attorneys and advocates or any other professional person for the aforementioned purpose;

6.3.11 enter into agreements for the supply of Services, equipment or property to the Development;

6.3.12 enter into any agreement necessary to achieve the objects of the Association or to further the interest of the Association;

6.3.13 recover by legal process any levies or moneys due by Members or former Members to the Association;

6.3.14 impose upon Members penalties in respect of contraventions of the provisions of the Constitution and to recover such reasonable penalties (that are commensurate with the violation) from its Members or former Members by legal process; and

6.3.15 do all things necessary or required to achieve the objects of the Association,

and to further and promote the interests of Members and to implement and enforce the powers conferred on the Association in terms of the Constitution.

7. MEMBERSHIP OF THE ASSOCIATION

7.1 The Association shall have as its Members every registered owner of an Erf in the Development. Membership of the Association shall be automatic and compulsory for every registered owner of an Erf and such membership shall commence simultaneously with registration of transfer of such Erf into the name of the transferee in the Deeds Office. When a Member ceases to be the registered owner of an erf, he shall automatically cease to be a Member of the Association.

7.2 In the event of co-ownership of an Erf, all the co-owners of the Erf shall be deemed jointly and severally to be one Member of the Association.

7.3 Where any person is the registered owner of more than one erf, such person shall be regarded as a Member, and shall have the rights and obligations of a Member, in respect of each Erf registered in such person's name.

8. OBLIGATIONS OF MEMBERS

8.1 Every Member is obliged to comply with:

8.1.1 the provisions of the Constitution, the Design Guidelines and the Rules;

8.1.2 Any directive given or resolution passed by the Association and/or the Trustees in implementing or enforcing the provisions of the Constitution.

8.1.3 Any regulation passed by the Association or the Trustees in enforcing the provisions of the Constitution.

8.2 A Member may not resign from the Association.

8.3 Members shall be jointly liable for reasonable expenditure incurred in connection with the Association according to the provisions of the Constitution. The Association shall recover expenditure incurred in connection with the Association from its Members in the form of levies in accordance with the provisions of the Constitution.

8.4 A Member shall not be entitled to alienate his Erf or apply to the Registrar of Deeds, Cape Town, for the registration of transfer of his Erf, without the prior written consent of the Trustees having been obtained, which consent may, subject to the conditions contained in clause 8.6, not unreasonably be withheld.

8.5 The Association may refuse such written consent in terms of clause 8.4 above if:

8.5.1 the levies and other amounts due to the Association in respect of the Erf have not been paid or payment thereof has not been secured to the satisfaction of the Trustees, or

8.5.2 the Member is substantially in breach of provision of the Constitution to an extent reasonably justifying the withholding of such consent, or

8.5.3 the Member has constructed a building or development that exceeds the maximum Floor Space approved by the Municipality or which is not in compliance with the Development Management Scheme.

8.6 The written consent referred to in clause 8.5 above may be signed by the Chairperson or by a Trustee or by the Managing Agent duly authorised thereto. The Trustees may determine a reasonable fee to be charged for the issuing of the written consent.

8.7 No Member shall apply to the Municipality for the rezoning, subdivision, consent use, departure or any other amendment of any condition of approval relating to his Property in terms of any law governing development rights or use rights with a view to procuring a variation or amendment or substitution of use rights and shall not be entitled to use his Property for any purpose other than the permitted use applicable

upon establishment of the Development without the prior written consent of the Trustees and the Municipality and subject to compliance with the conditions imposed by the Trustees and the Municipality.

8.8 The Constitution and the duties of a Member in relation to the use, occupation and enjoyment of his Property and the use and enjoyment of the Common Property shall be binding on all Members and Lessees. It shall be the duty of a Member to ensure compliance with the provisions of the Constitution by his Invitees and the Lessees of his Property. Members shall ensure that their lease agreements incorporate provisions to the effect that the Lessee shall be obliged to comply with the provisions of the Constitution, and that a breach of the provisions of the Constitution by the Lessee shall constitute a breach of the lease agreement, which will entitle the Owner (lessor) to terminate the lease agreement by written notice.

8.9 All Lessees and invitees shall be obliged to comply with the provisions of the Constitution, notwithstanding any provision to the contrary contained in, or the absence of provisions, in any lease or any grant of rights of occupancy.

8.10 Occupation and use of a Property in the Development shall, at all times, be in compliance with the Development Management Scheme. No Member or Lessee shall use any Property or building or allow any other person to use such Property or building for any purpose not permitted by the Development Management Scheme. No building may be occupied which has not been approved of by the Trustees as being complete and compliant with the provisions of the Design Guidelines. No business may be conducted from a Property in the Development, necessitating employees, clients and/or customers entering the Development.

8.11 In the event of a lessee or invitee of a member causing damage to common property, the member concerned shall cooperate with the Association in any form of action taken by the Association in order to recover any damages which the Association may have suffered as a result thereof.

8.12 A Member shall:

8.12.1 maintain his Erf and Improvements in a state of good repair and in a clean and neat condition, in compliance with the Design Guidelines;

8.12.2 establish and maintain a garden in respect of his Erf according to a standard acceptable to the Trustees and shall maintain the road verge bordering his Erf in a clean and neat condition;

8.12.3 maintain the boundary walls in respect of his Erf inclusive of regular painting thereof, and including the painting of the portions of the security perimeter wall in respect of the Development facing his Erf.

8.13 If a Member fails to maintain his Erf and Improvements, garden, or road verge bordering his erf, or the external and boundary walling in respect of his Erf in terms of clause 8.12 above and any such failure persists, a process will be initiated to remedy the violation as set out in the Disciplinary Policy of the Association that is incorporated into this Constitution. Costs incurred by the Association in relation to such process shall be due and payable by the Member upon demand and, failing which, the costs may be added to the Member's levy statement and the costs may be recovered from the Member in the same manner as applies to arrear levies, together with interest at the rate applicable to levies.

8.14 Every Member shall:

8.14.1 ensure that the existing colour scheme conforms to the colour standards set by the Trustees in respect of his Property and any change thereof must be approved in terms of clause 9 of this Constitution;

8.14.2 adhere strictly to the terms of servitudes in respect of his Property, if applicable;

8.14.3 permit access to any Services or to the security perimeter by persons authorised in writing by the Association; and

8.14.4 not erect any Improvement or structure over the Services.

8.15 A Member, lessee, invitee or any other person shall not cause any form of disturbance or nuisance on or in any property forming part of the estate and any such conduct shall be subject the disciplinary powers invested in the Association.

8.16 A Member shall not erect or permit the erection of any advertising boards on any Erf without the written approval of the Trustees. A Member shall not during the construction of Improvements, permit the erection of more than one (1) advertising board on an Erf and such permitted board shall not have a surface area exceeding 1 (one) square metre and shall be removed immediately upon conclusion of the building contract for the Improvements.

8.17 A Member shall procure adequate insurance in respect of the improvements to his Erf, and, if requested by the Trustees, shall furnish proof of such insurance to them. In the event of the total- or partial destruction of an Improvement, the Member must, within a reasonable time period, reinstate the Improvements in accordance with the Design Guidelines and in accordance with building plans to be approved by the Trustees.

9. IMPROVEMENTS AND LANDSCAPING BY MEMBERS

9.1 No Member may commence with the construction of an Improvement in respect of his Erf or of any other item included in the Design Guidelines without the written approval of the Trustees, and without the approval of the building plans in respect of the Improvements by the Trustees and by the Municipality.

9.2 Subject to clause 9.3 below, the Trustees will only approve the building plans in respect of Improvements if they are satisfied that the proposed Improvements comply with the Design Guidelines for the purpose of which the Trustees shall be the sole arbitrator and their decision shall be final and binding on the Member. The Trustees may submit the building plans to an Architect appointed by them for his scrutiny and

advice.

9.3 To obtain the written approval of the Trustees in terms of clause 9.1 above a Member shall:

9.3.1 apply to the Trustees in writing;

9.3.2 where applicable, submit building plans, and such additional documents as may be required, to the Trustees for examination and approval; and

9.3.3 pay a reasonable scrutiny fee and any further charges payable to the Architect and other costs incurred by the Trustees.

9.4 No Member shall submit any building plans to the Municipality without prior approval of the building plans by the Trustees.

9.5 Once the Trustees have approved the building plans, the Member shall submit the building plans to the Municipality for approval.

9.6 Having obtained the approval of the Municipality, the Member shall:

9.6.1 pay the building deposit as required by the Trustees from time to time; and

9.6.2 comply with all terms, conditions and changes required by the Trustees and the conditions and standards imposed by the Municipality insofar as these may be additional to the requirements of the Design Guidelines read with the building plans.

9.7 Any dispute relating to the Design Guidelines and/or proposed improvements may be referred to the Association's Disciplinary Committee (constituted as set out in Annexure D hereto) which shall be supplemented by a member with legal qualifications (if necessary). The Disciplinary Committee will consult an independent architect agreed to by the parties to the dispute who shall act as an expert. The

Disciplinary Committee is authorised to act as an arbitrating body to resolve the dispute. The decision of the Disciplinary Committee will be binding on the parties to the dispute.

9.8 In the event of any improvements being erected in contravention of the building plans or the Design Guidelines, the Trustees shall be entitled to do whatever is necessary to rectify the contravention, that shall include the right to obtain a Court Order rectifying such contravention in which event the Member shall be liable to pay the costs occasioned by such legal action on a scale of Attorney and own client.

9.9 No Member or Lessee shall erect any fence or wall or any other structure on an Erf or remove same without the prior written consent of the Trustees.

9.10 All landscaping and improvements shall be of approved design and sound construction and shall comply with the provisions of the Design Guidelines.

9.11 Each Member shall, when applying to the Trustees for their approval in terms of clause 9.1 above, pay a building deposit to the Association, in the amount determined by the Trustees from time to time, which amount shall be retained by the Association until completion of construction to the satisfaction of the Trustees.

9.12 Upon completion of construction, the Trustees shall, if they are satisfied that no damage has been caused by the Member or his contractors to the Common Property, and that the improvements were constructed in accordance with the approved building plans, release the building deposit to the Member, excluding any interest thereon which will accrue to the Association.

9.13 In the event of improvements not complying with the building plans and/or damages having been caused to the Common Property, the Trustees shall by written notice inform the Member that the building deposit shall be retained until the improvements have been rectified and/or the damages have been repaired to their satisfaction and/or that the building deposit will be utilised by the Association to repair the damages.

10. DESIGN GUIDELINES

10.1 The Trustees may amend the Design Guidelines from time to time subject to the directions given or restrictions imposed by the Members at a general meeting of the Association.

10.2 The Design Guidelines may include provisions governing:

10.2.1 the architectural design and standard of Improvements, and aesthetic requirements, and the material to be used, in respect of Improvements;

10.2.2 the relationship of Improvements to adjacent Common Property;

10.2.3 the maintenance of Improvements;

10.2.4 building activities within the Development; and

10.2.5 landscaping within the Development.

10.3 Having regard to the contents of the Design Guidelines, the Trustees shall have the power to:

10.3.1 administer the Design Guidelines;

10.3.2 perform such acts as are necessary to accomplish the purposes expressed or implied in the Constitution, including but not limited to:

10.3.2.1 the examination and approval of building plans for the construction of Improvements; and

10.3.2.2 the evaluation of landscaping proposals;

10.3.3 appoint an Architect and such advisors as may be necessary with such powers and duties as may be delegated by the Trustees;

10.3.4 impose a scrutiny fee on the Members as may be required by the Architect to scrutinise the building plans and such other further charges as may be necessary to consult with professionals; and

10.3.5 require a building deposit from the Members.

10.4 Subject to the directions given or restrictions imposed by the Members at general meetings, the Design Guidelines may be added to, amended, substituted, or repealed from time to time by a resolution of the Trustees, provided that:

10.4.1 the Design Guidelines shall not introduce more restrictive development rules or land uses than provided in the Development Management Scheme;

10.4.2 in the event of the provisions of the Design Guidelines being amended or added to and such amendment or addition materially affects any further development of Erven the Trustees shall by written notice inform all Members of the amendment to the Design Guidelines; and

10.4.3 the amended Design Guidelines shall be lodged with the Municipality.

11. RULES

11.1 The Trustees may formulate and issue and amend Rules from time to time, subject to the directions given or restrictions imposed by the Members at general meetings of the Association.

11.2 The Rules may include:

11.2.1 the use and enjoyment of Properties, and restrictions on the use and enjoyment thereof;

11.2.2 the use and enjoyment of the Common Property and amenities of the Development, and restrictions on the use and enjoyment thereof;

11.2.3 the conduct of persons generally within the Development, and to prevent a nuisance to owners and lessees;

11.2.4 requirements and conditions relating to the keeping of pets on Properties;

11.2.5 the appearance of improvements and landscaping;

11.2.6 the letting of Properties;

11.2.7 the security measures applicable to the Development;

11.2.8 the control of traffic and parking in the Development;

11.2.9 refuse disposal and prohibiting littering;

and generally any other provisions in furtherance and promotion of the objects of the Association or which would be to the benefit of the Association and the Members.

11.3 The Trustees may formulate and issue and amend the Rules from time to time, subject to the directions given or restrictions imposed by the Members at general meetings of the Association. The Members shall be bound by the Rules.

11.4 Rules may be formulated, issued and amended from time to time for the following purposes:

11.4.1 as to the resolution of disputes generally;

11.4.2 for the furtherance and promotion of the objects of the Association and for the better management of the affairs of the Association;

11.4.3 for setting out processes and procedures relating to conducting disciplinary processes against members who transgress the conduct rules and regulatory measures formulated in terms of the Constitution;

11.4.4 for the advancement of the interests of Members;

11.4.5 for the conduct of Trustees at meetings of the Trustees and general meetings of the Association; and

11.4.6 to assist it in administering and governing its activities generally.

12. LEVY FUND AND BUDGET

12.1 The Trustees shall establish and maintain a levy fund for the purpose of meeting all expenses of the Association for the control, management and administration of the common property and the services and amenities in respect of the Development and for the payment of all expenses necessary or reasonably incurred in connection with the management of the Association and its affairs.

12.2 The Trustees shall estimate the amount which will be required by the Association to meet its expenses during each financial year. Any deficiency incurred during the preceding financial year, and an estimate of an amount to be held in reserve to meet anticipated future expenditure not of an annual nature, shall be taken into consideration in determination of the levy.

12.3 The Trustees shall at least one (1) month before the end of each financial year, prepare and finalise the budget of the Association for the ensuing financial year. The budget and the levy proposed for the next financial year shall be tabled at the annual general meeting for the consideration of the Members.

12.4 The trustees shall maintain a reserve account to provide for foreseeable future financial expenses that the Association will be responsible for. The level of such a

reserve account will be directed by the members at the Annual General Meeting . Trustees will take such a provision to build up the reserve account into account when determing the levy for the next financial year.

13. DETERMINATION OF LEVIES

13.1 Before the end of each financial year, the Trustees shall determine the annual levies due by the Members for the ensuing financial year by apportioning the budget to Members as annual levies equally in respect of every erf in the Development. The annual levy may include a contribution to the Reserve Account to cover foreseeable future expenses that the Association will be responsible for. The Trustees shall, by making a resolution to such effect, determine the annual levies due by the Members.

13.2 The annual levies determined in terms of clause 13.1 shall become effective or due from the date of passing of the Trustees' resolution. The annual levies shall be paid in equal monthly instalments over a period of twelve (12) months, monthly in advance, on or before the 1st (first) day of every succeeding month of the financial year. If any Member defaults in the payment of any monthly instalment, the balance of the annual levy due by the Member in respect of the financial year shall become immediately payable.

13.3 Notwithstanding the general principles applicable to the apportionment of the levies as stipulated in clause 13.1, the Trustees shall be entitled to recover a contribution from a Member toward water and sewerage, in accordance with his water meter reading and toward refuse disposal, in accordance with the apportionment made by the Municipality.

13.4 Where payment of any debt due by a Member is made by way of cheque or debit order, and such cheque is referred to drawer for any reason whatsoever, and/or if such debit order is unpaid for any reason whatsoever, the Trustees shall be entitled, in their sole discretion, to levy reasonable administration charge in respect of each such occurrence in an amount to be determined by the Trustees from time to time.

13.5 The Trustees may, from time to time, impose special levies upon Members in respect of all expenses, which have not been included in the budget, provided they shall first obtain the authorisation of the Members by ordinary resolution. Special levies shall become due from the date of passing of the Trustees' resolution and shall be apportioned to Members in accordance with clause 13.1 above. Special levies shall be payable in one sum or in such instalments and at such time or times as the Trustees shall determine.

13.6 Upon taking transfer of an erf, the new Member shall become liable to the Association for the payment of the Levies in respect of the erf. No Member shall be entitled to transfer his erf until the Trustees have certified that the Member has, at the date of transfer, paid all amounts owing by him to the Association, or has made provision for such payment to the satisfaction of the Trustees.

13.7 Liability for the payment of Levies to the Association shall vest in the owners of erven. Where any erf is owned by more than one person, all the registered owners of that erf shall be jointly and severally liable for the due performance of any obligation to the Association.

13.8 If a Member fails to pay his levies in full to the Association on the due date, the Association may institute an action for the recovery thereof in any competent court.

13.9 Members shall be liable for payment of interest on arrear levies and outstanding amounts at the prime rate plus six percent (6%). Interest calculated at the determined rate is recoverable from the date on which the amount is due and payable to the date of payment, both days inclusive.

13.10 A Member shall be liable for and shall pay all costs, including all legal costs on the scale as between attorney and own client together with collection commission, advocates' fees, administrative costs and all other expenses and charges, incurred by the Association in obtaining recovery of arrear levies, penalties, damage or other amounts due to the Association, or in enforcing compliance with the provisions of the Constitution. Such costs and expenses may be added to the owner's levy account and

recovered in the same manner as applies to arrear Levies, together with interest at the rate applicable to levies.

13.11 All moneys received from a Member towards his levy account, shall be apportioned firstly towards interest, then towards legal- and other administrative costs, and then towards levies or other service charges.

14. THE TRUSTEES OF THE ASSOCIATION

14.1 The Trustees shall be elected at each annual general meeting of the Association by Ordinary Resolution. The Association may from time to time determine the number of Trustees at the annual general meeting, provided that there shall be at least three (3) Trustees.

14.2 A Trustee shall be an individual and needs to be a Member of the Association, and may include duly authorised representatives of Members who are juristic persons.

14.3 A Trustee shall, by accepting his appointment as such, be deemed to have agreed to be bound by the provisions of the Constitution and shall at all times act in good faith in the interest of the Association.

14.4 Subject to the provisions of clause 14.5, each Trustee shall continue to hold office until the next annual general meeting of the Association following his appointment, at which meeting each Trustee shall be deemed to have retired from office as such but will be eligible for re-election.

14.5 A Trustee shall be deemed to have vacated his office as such upon:

14.5.1 his estate being sequestrated, whether provisionally or finally or upon his surrendering his estate;

14.5.2 his making any arrangement or compromise with his creditors;

14.5.3 his conviction for any offence involving dishonesty;

14.5.4 his becoming of unsound mind or being found mentally handicapped;

14.5.5 his resigning from such office in writing;

14.5.6 his death;

14.5.7 him not meeting the requirements of being director of a company in terms of the Companies Act

14.5.8 his being removed from office by an Ordinary Resolution of the Members; or

14.5.9 his being in arrears with his Levies or any other amounts due to the Association for one (1)month, or more.

14.5.10 his fellow Trustees having had a vote of no confidence in him.

14.6 Notwithstanding the fact that a Trustee shall be deemed to have vacated his office as provided in clause 14.5, anything done by such Trustee in the capacity of a Trustee in good faith shall be valid until the fact that he is no longer a Trustee has been recorded in the minutes of the meeting of the Trustees.

14.7 Should the office of a Trustee fall vacant prior to an annual general meeting, the vacancy in question may be filled by the remaining Trustees. The person so appointed shall hold office until the next annual general meeting following his appointment.

14.8 Within seven (7) days of the holding of each annual general meeting of the Association, the Trustees shall meet and shall elect from their own number the Chairperson who shall hold office until the annual general meeting held next after his appointment, provided that the office of Chairperson shall automatically be vacated by the Trustee holding such office upon his ceasing to be a Trustee for any reason. In the event of any vacancy occurring in the office of Chairperson, the Trustees shall

meet as soon as reasonably possible to appoint one of their number as a replacement in such office.

14.9 Save as otherwise provided in the Constitution, the Chairperson shall preside at all meetings of the Trustees and at all general meetings of the Association and shall perform all duties incidental to the office of Chairperson and such other duties as may be prescribed by a resolution of the Trustees or by an ordinary resolution of the Members.

14.10 The Chairperson may allow or refuse to allow guests to speak at any meetings of the Trustees and general meetings of the Association. A Member or the duly authorized representative of a Member or the spouse of a Member (who is also a Member) must be allowed to speak at any general meeting of the Association, subject to the discretion of the Chairperson as regard to time constraints and the order of the meeting.

14.11 Members and duly authorized representatives (i.e. Directors, Members or Trustees) of Members that are juristic persons may attend Trustees' meetings and may speak on any matter on the agenda, but they are not entitled to propose any motion or to vote; provided that such persons are not entitled to attend those parts of Trustee meetings that deal with —

14.11.1 discussions of contraventions of the Constitution; or

14.11.2 any other matters in respect of which the Trustees resolve that the presence of any such persons would unreasonably interfere with the interests of the Association or any person's privacy.

15. FUNCTIONS, POWERS AND DUTIES OF THE TRUSTEES

15.1 The functions, powers and duties of the Association shall, subject to the provisions of the Constitution and to any directions given or restrictions imposed by ordinary

resolution at general meetings, be performed and exercised by the Trustees.

15.2 Without detracting from the scope of the additional duties specified in the Constitution, the Trustees shall perform the functions referred to in clause 6.2 of the Constitution.

15.3 The Trustees shall do all things reasonably necessary for the control, management and administration of the Development in terms of the powers conferred upon the Association by clause 6.3 of the Constitution.

15.4 The Trustees shall have the right to vary, cancel or modify any of their decisions and resolutions from time to time.

15.5 All Trustees must disclose any conflict of interest that they may have in relation to the Association.

15.6 The Trustees shall have the right to co-opt any member as a Trustee. A co-opted Trustee shall enjoy all the powers and be subject to all the obligations of the Trustees provided that such co-opted Trustee shall only serve until the next annual general meeting.

15.7 The Trustees shall do all things reasonably necessary for the enforcement of the Constitution. The Trustees may, should they so decide, investigate any suspected or alleged breach by any Member or Lessee of the Constitution in such reasonable manner as they shall decide from time to time.

15.8 Without in any way limiting the powers granted the powers of the Trustees shall include:

15.8.1 to appoint for and on behalf of the Association, such agents and employees as they deem fit in connection with the control, management and administration of the Development and common property and the exercise and performance of any of the powers and duties of the Association;

15.8.2 the determination of what constitutes appropriate standards for residential living, in compliance with the Rules;

15.8.3 the determination of what constitutes appropriate standards for improvements and landscaping in compliance with the Design Guidelines;

15.8.4 to require any Member, who shall be obliged, to repaint or renovate his property if in the reasonable opinion of the Trustees such property requires essential repairs or have become dilapidated;

15.8.5 entering into agreements with third parties on behalf of the Association for any purpose of the Association;

15.8.6 form a disciplinary committee from the existing trustees and members to conduct disciplinary hearings of members in relation to violations relating to any provision of the Constitution or Rules with the power to prescribe the process that should be followed to resolve a dispute with a member including the power to impose a fine for such a transgression.

15.8.7 regulate relations between members themselves, between members and the Association;

15.8.8 delegate to one or more Trustees such of their powers and duties as they deem fit and at any time to revoke such delegation;

15.8.9 form committees for the performance of designated tasks on behalf of the Trustees;

15.8.10 institute, conduct, defend, compound or abandon any legal proceedings by or against the Association or otherwise concerning the affairs of the Association and agree to time and terms for payment or satisfaction of any debts due or of any claims or demands made by or against the Association;

15.8.11 impose, upon members, penalties for contraventions by members or their invitees or lessee or the invitees of the lessee of any provision contained in the Constitution and to recover, by legal action or otherwise, such penalties from its members or former members; and

15.8.12 generally do all acts and deeds as might be required necessary, conducive, ancillary or incidental to the attainment or furtherance of the objects and powers of the Association.

15.9 Each Trustee shall stand in a fiduciary relationship to the Association. A Trustee shall be disqualified from voting at a meeting of the Trustees in respect of any contract or proposed contract or any litigation or proposed litigation or any dispute with the Association by virtue of any interest he may have therein.

15.10 No agreement concluded on behalf of the Association shall be valid and binding unless it is signed by one (1) Trustee specifically appointed as authorised signatory in terms of a resolution of the Trustees.

15.11 Trustees shall be entitled to be repaid all reasonable expenses incurred by them in or about the performance of their duties as Trustees and/or as Chairperson, as the case may be, in good faith. Unless otherwise determined by an ordinary resolution, Trustees shall not be entitled to any other remuneration, fees or salary in respect of the performance of such duties. No Trustee shall be capable of being employed by the Association in such Trustee's professional capacity.

15.12 Trustees may not make loans on behalf of the Association to Members or to themselves.

16. PROCEEDINGS OF THE TRUSTEES

16.1 The Trustees may meet for the dispatch of business, adjourn and otherwise regulate their meetings as they deem fit, subject to the provisions of the Constitution.

16.2 Meetings of the Trustees shall be held at least once every three (3) months, whenever reasonably required.

16.3 The Chairperson may at any time call a Trustee meeting by giving all other Trustees not less than seven (7) days' written notice of the time and place of the meeting and by setting out an agenda for the meeting, provided that:

16.3.1 in cases of urgency, such shorter notice as is reasonable in the circumstances may be given; and

16.3.2 notice need not be given to any Trustee who is absent from the Republic of South Africa.

16.4 A Trustee may, provided that he has the support in writing of one (1) other Trustee, at any time call a Trustee meeting by giving all other Trustees not less than seven (7) days' written notice of the time and place of the meeting and by setting out an agenda for the meeting, provided that:

16.4.1 in cases of urgency, such shorter notice as is reasonable in the circumstances may be given; and

16.4.2 notice need not be given to any Trustee who is absent from the Republic of South Africa.

16.5 It is sufficient if the notice is transmitted electronically directly to the Trustees in a manner and form such that the notice can conveniently be printed by the recipient within a reasonable time and at a reasonable cost.

16.6 The quorum necessary for the holding of any meeting of the Trustees shall be fifty percent (50%) of the Trustees present personally, with a minimum of two (2) Trustees. If no quorum is present within fifteen (15) minutes after the time for commencement of the Trustee meeting, then it shall stand adjourned for the same time and place on

the following business day and, if at such adjourned meeting of the Trustees, a quorum is not present within thirty (30) minutes after the time appointed for the meeting, the Trustees then present, with a minimum of two (2) Trustees, shall be a quorum.

16.7 Any resolution of the Trustees shall be carried by an ordinary majority of all votes cast and each Trustee shall have one (1) vote. In the case of an equality of votes for and against a resolution, the Chairperson shall have a second or casting vote.

16.8 The Chairperson shall preside as such at all meetings of the Trustees provided that, should at any meeting of the Trustees, the Chairperson not be present within fifteen (15) minutes after the time appointed for the holding thereof, those present of the Trustees shall vote to appoint a Chairperson for the meeting who shall thereupon exercise all the powers and duties of the Chairperson in relation to such meeting.

16.9 The Trustees shall:

16.9.1 ensure that minutes are taken of every meeting of the Trustees, although not necessarily word for word, which minutes shall be reduced to writing without undue delay after the meeting has closed and shall after being approved by the Trustees be certified as correct by the Chairperson of the meeting;

16.9.2 cause the minutes of meetings of the Trustees to be kept in perpetuity; and

16.9.3 on the written application of a Member, the Trustees shall make minutes of their proceedings available for inspection by or on behalf of the applicant, during reasonable hours on business days and/or furnish them with the copies as may be required, against payment of the requisite reasonable charges to defray incurred expenses.

16.10 All resolutions recorded in the minutes of any meeting of the Trustees shall be valid and of full force and effect as therein recorded with effect from the passing of such resolutions and until varied or rescinded, but no resolution or purported resolution of

the Trustees shall be of any force or effect or shall be binding upon the Members or any of the Trustees, unless such resolution is competent within the powers of the Trustees.

16.11 Save as otherwise provided in the Constitution, the proceedings at any meeting of the Trustees shall be conducted in such reasonable manner and form as the Chairperson of the meeting shall decide.

16.12 A resolution signed by all the Trustees present for the time being in the Republic of South Africa shall be valid in all respects as if it had been duly passed at a meeting of the Trustees duly convened.

16.13 A Trustee may be represented at a meeting of Trustees by a proxy provided such proxy is a Trustee.

16.14 The instrument appointing a proxy shall be in writing and signed by the Trustee concerned but need not be in any particular form. The proxy shall be deposited with the Chairperson at any time before the time appointed for the commencement of a meeting and shall be valid only for such meeting or any adjournment thereof.

17. MANAGING AGENT

17.1 The Trustees shall, in addition to the powers contained herein, have the power from time to time, if deemed necessary, to appoint in terms of a written contract, a Managing Agent to control, manage and administer the Development and to exercise such powers and duties as may be entrusted to the Managing Agent, including the power to collect levies due to the Association.

17.2 The Trustees shall ensure that there is included in the contract of appointment of a Managing Agent a provision to the effect that if the Managing Agent is in breach of conduct which at common law would justify the termination of a contract between master and servant and mandator and mandatee, the Trustees may, without notice, cancel such contract of employment or mandate and the Managing Agent shall have

no claim whatsoever the Trustees and/or the Association as a result of such cancellation.

18. GENERAL MEETINGS OF THE ASSOCIATION

18.1 The first general meeting of the Association will be held within sixty (60) days from transfer of the first Erf. The Association shall each year within 6 (six) months of each financial year-end of the Association hold an annual general meeting. Such annual general meetings shall be held on such date and at such time and place, subject to the foregoing provisions, as the Trustees shall decide from time to time.

18.2 All general meetings other than annual general meetings shall be called general meetings.

18.3 The Trustees may, whenever they deem fit, convene a special general meeting. A special general meeting shall also be convened on a request made by the Members representing not less than twenty five percent (25%) of the votes. Should the Trustees fail to convene a special general meeting by written notice within fourteen (14) days of such request, the Members may convene the general meeting themselves with at least fourteen (14) days' written notice to all Members in terms of clause 19 of this Constitution.

19. NOTICE OF GENERAL MEETINGS

19.1 An annual general meeting or special general meeting of the Association shall be called by not less than fourteen (14) days' written notice to all Members and Trustees. The notice shall specify the place, day, hour and business of the meeting.

19.2 A general meeting of the Association shall, notwithstanding that it is called by shorter notice than that specified in the Constitution, be deemed to have been duly called if it is agreed to by the Members holding not less than sixty percent (60%) of the votes.

19.3 The accidental omission to give notice of any meeting or any resolution or to present

any document required to be given or sent in terms of the Constitution, shall not invalidate the proceedings at, or any resolution passed at, any meeting.

19.4 The non-receipt of a notice of a meeting by any person entitled to receive notice shall not invalidate the proceedings at, or any resolution passed at, any meeting.

20. PROXIES AT GENERAL MEETINGS

20.1 A Member may be represented at a general meeting by a proxy, who must be a Member of the Association.

20.2 The instrument appointing a proxy shall be in writing signed by the Member concerned or his appointed agent, duly authorised in writing, but need not be in any particular form, provided that:

20.2.1 where a Member is more than one person, any one of those persons may sign the instrument appointing a proxy on such Member's behalf;

20.2.2 where a Member is a company, the proxy may be signed by a director of such company, duly authorised thereto by a resolution of the directors of the company;

20.2.3 where a Member is a close corporation, the proxy may be signed by a member of such close corporation, duly authorised thereto by a resolution of the members of the close corporation;

20.2.4 where a Member is a trust, the proxy may be signed by a Trustee of such trust, duly authorised thereto by a resolution of the Trustees of the trust;

20.2.5 where a Member is an association of persons or a club, the proxy may be signed by a committee member or the secretary, duly authorised thereto by a resolution of the committee of the association or the committee of the club.

20.3 The instrument appointing a proxy and the power of attorney or other authority under which it is signed (if any) shall be deposited at the *domicile* address of the Association, either by hand or by post, or shall be transmitted by facsimile or by electronic mail to the fax number or e-mail address of the Association, or shall be handed to the Chairperson at any time before the time appointed for the commencement of the general meeting. The authorising resolution referred to in clause 20.2 above shall not be required to be submitted to the Association. Notwithstanding the foregoing, the Chairperson of the meeting may agree to accept a proxy tendered at any time during the general meeting.

20.4 The instrument appointing a proxy shall be valid only for the specific meeting or the adjournment thereof.

21. QUORUM AT GENERAL MEETINGS

21.1 No business shall be transacted at any general meeting unless a quorum is present when the meeting proceeds to business and when any resolution is to be passed. The quorum necessary for the holding of any meeting shall be the number of Members holding at least twenty percent (20%) of the votes of the Members.

21.2 If, within thirty (30) minutes after the time appointed for the commencement of the general meeting, a quorum is not present, the meeting, if convened on the requisition of the Members, shall be dissolved. In all other cases the general meeting shall stand adjourned to the same day in the next week at the same place and time and, if at such adjourned meeting, a quorum is not present, the Members present in person or by proxy shall constitute a quorum.

22. AGENDA AT ANNUAL GENERAL MEETINGS

The following matters shall be dealt with at every annual general meeting:

22.1 the approval of the minutes of the previous annual general meeting of the

Association;

22.2 the consideration of the Chairperson's report;

22.3 the determination of the number of Trustees and the election of Trustees;

22.4 the consideration of the financial statements of the Association for the preceding financial year;

22.5 the consideration of the budget, approved by the Trustees and the annual levies or ordinary levies payable, as determined by the Trustees;

22.6 the appointment of the Auditors;

22.7 the consideration of any ordinary resolution proposed for adoption by a Member, and the voting upon any such ordinary resolutions, provided that prior notice shall be given of the ordinary resolutions in as far as may be possible;

22.8 the giving of directions to or the imposing of restrictions on the Trustees; and

22.9 any other business pertinent to such meeting.

23. PROCEDURE AT GENERAL MEETINGS

23.1 The Chairperson shall preside as such at all general meetings provided that should he not be present within fifteen (15) minutes after the time appointed for the holding thereof, then the Members present at such meetings shall vote to appoint a Chairperson for the meeting who shall thereupon exercise all the powers and duties of the Chairperson in relation to such meeting.

23.2 The Chairperson may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn a meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting

other than the business that might have been transacted at the meeting from which the adjournment took place. No notice need to be given of the adjourned meeting save for an announcement at the meeting of the date, time and venue of the adjourned meeting unless the meeting is to be adjourned for thirty (30) days or more, in which event notice is to be given in the same manner as for the original meeting. Only business left uncompleted at the original meeting may be transacted at the adjourned meeting.

23.3 Save as otherwise provided in the Constitution, the proceedings at any general meeting shall be conducted in such reasonable manner and form as the Chairperson of the meeting shall decide.

24. VOTING AT GENERAL MEETINGS

24.1 Subject to clause 24.6 below, at every general meeting, every Member present in person or by proxy and entitled to vote shall on a show of hands and on a poll have one (1) vote per erf registered in his name, provided that where an erf is registered in more than one person's name, they shall jointly have one (1) vote and the vote shall be exercised by one person only.

24.2 At any general meeting, an ordinary resolution put to the vote at the meeting shall be decided on a show of hands, unless before or on the declaration of the result of the show of hands, a poll is demanded by any Member. If a poll is demanded, it shall be taken in such manner as the Chairperson directs and the result of the poll shall be deemed to be the ordinary resolution of the meeting at which the poll was demanded.

24.3 No vote may be exercised in respect of an Erf, where the Member is in arrears with his Levies or any other amounts due to the Association for more than two (2) months and the Member concerned or the duly authorised representative of the Member that is a juristic person shall not be entitled to be appointed as a Trustee.

24.4 At any general meeting, an ordinary resolution put to the vote at the meeting shall be

decided on an ordinary majority of votes represented by Members entitled to vote thereon present in person or by proxy in accordance with the value of votes recorded in clause 24.1 above.

24.5 Voting on any question of adjournment shall be decided by an ordinary resolution on a show of hands.

24.6 Unless any Member present in person or by proxy at the meeting shall, before closure of the meeting, have objected to any declaration made by the Chairperson of the meeting as to the result of any voting at the meeting, or to the propriety or validity of the procedure at such meeting, such declaration by the Chairperson shall be deemed to be a true and correct statement of the voting and the meeting shall be deemed to have been validly constituted and conducted and an entry in the minutes of the Association to the effect that any motion has been carried or lost, with or without a record of the number of votes recorded in favour of or against such motion, shall be conclusive evidence of the resolution so recorded if such entry conforms with the declaration made by the Chairperson of the meeting as to the result of any voting at the meeting.

25. MINUTES OF GENERAL MEETINGS

25.1 The Trustees shall ensure that minutes are taken of every general meeting of the Association, although not necessarily word for word, which minutes shall be reduced to writing without undue delay after the general meeting has closed and shall after having been approved by the Members at the following general meeting, be certified as correct by the Chairperson of the meeting.

25.2 The Trustees shall keep all minutes of general meetings of the Association in perpetuity.

25.3 On the written application of a Member, the Trustees shall make the minutes of general meetings available for inspection by or on behalf of the applicant during reasonable hours on Business Days and/or furnish them with the copies as may be

required against payment of the requisite reasonable charges to defray incurred expenses.

25.4 All resolutions recorded in the minutes of any general meetings of the Association shall be valid and of full force and effect as therein recorded, with effect from the passing of such resolutions and until varied or rescinded, but no resolution or purported resolution of the Association shall be of any force or effect, or shall be binding upon the Members or any of the Trustees, unless such resolution is competent within the powers of the Association.

26. FINANCIAL YEAR OF THE ASSOCIATION

Unless otherwise decided at a general meeting or by the Trustees, the financial year of the Association shall run from the first day of March in each year to the last day of February of the following year.

27. BOOKS OF ACCOUNT AND FINANCIAL STATEMENTS

27.1 The Trustees shall cause proper books of account and records to be kept so as fairly to explain the transactions and financial position of the Association.

27.2 At each annual general meeting the Trustees shall lay before the meeting financial statements for the immediately preceding financial year of the Association. The financial statements shall be drawn up in accordance with generally accepted accounting practice and shall be accompanied by such additional reports as may be necessary at the discretion of the Trustees. Copies of the financial statements and reports shall be attached to the notice convening each annual general meeting.

27.3 The Trustees shall cause all books of account and records to be retained for a period of seven (7) years after completion of the transactions, acts or operations to which they relate.

27.4 On the written application of a Member, the Trustees shall make all or any of the

financial statements, books of account and records available for inspection by or on behalf of the applicant during reasonable hours on Business Days and/or furnish them with the copies as may be required against payment of the requisite reasonable charges to defray charges incurred.

28. DEPOSIT AND INVESTMENT OF FUNDS

28.1 The Trustees shall cause all moneys received by the Association to be deposited to the credit of an account or accounts with a registered South African commercial bank in the name of the Association. Subject to any directions given or restrictions imposed by the Members at general meetings of the Association, moneys shall only be withdrawn from the bank account for the purpose of payment of the expenses of the Association or for investment purposes.

28.2 The Trustees shall have the ability to invest no more that 50% of the Reserve Account created in terms of clause 12.4 in a conservative equity investment fund in a Collective Investment Scheme in terms of the Collective Investment Schemes Act. The balance should be invested in a fixed interest bearing account in a Bank or Money Market account in a Collective Investment Scheme in terms of the Collective Investment Schemes Act.

28.3 The Trustees may authorise a Managing Agent to administer and operate the accounts referred to in clause 28.1 above, subject to such conditions and restrictions as they may impose.

28. 4 Any funds not immediately required for disbursements may be invested in a savings account, money market account or similar account with any registered South African commercial bank or with a Financial Institution approved by the Trustees from time to time.

28.5 The Association shall use interest on moneys invested for any lawful purpose in the interest of the Association.

29. AUDIT

29.1 Once at least in respect of every financial year, the accounts of the Association shall be examined and the correctness of the financial statements be ascertained by the Auditors.

29.2 The duties of the Auditors shall be regulated in accordance with general practise and applicable professional standards in terms of the Auditing Profession Act, No. 26 of 2005.

30. INDEMNITY OF THE TRUSTEES

30.1 All the Trustees shall be indemnified by the Association against any liabilities incurred by them in good faith in their capacities as such, as well as for all costs, losses and expenses (including travelling expenses) which they may incur or become liable for, by reason of any authorised contract entered into, or any authorised act or deed done, in the discharge of any of their duties and, without detracting from the generality thereof, whether defending any proceedings, civil or criminal or otherwise in which relief is granted by a court.

30.2 A Trustee shall not be liable for the acts, or omissions, of the Auditors or of any of the other Trustees or for any loss or expense sustained or incurred by the Association through the insufficiency or deficiency of any security in or upon which moneys of the Association are invested, or for loss or damage arising from the insolvency or wrongful act of any person with whom any moneys, securities or effects are deposited, or for any loss or damage occasioned by any error of judgement or oversight on his part or for any loss, damage or misfortune of whatsoever nature occurring in the execution of his duties or in relation thereto, unless occurring as a result of lack of good faith, breach of duty or breach of trust.

30.3 The indemnity referred to in this clause 30 shall not apply in favour of the Managing Agent.

31. DEFAMATION PRIVILEGE

Every Member of the Association and every Trustee shall be deemed by virtue of his membership or, as the case may be, his holding office as a Trustee, to have waived as against every other Member, the Chairperson, every other Trustee, the Auditors, and everybody else engaged to perform the function or duty on behalf of or for the benefit of the Association, or the Trustees, or any sub-committee, all claims and rights of action which such Member or Trustee might otherwise have had in law arising as a result of any statement, report, complaint, or notice of, or concerning such Member or Trustee, or any reference to such Member or Trustee, made at any meeting of the Trustees or general meeting, or otherwise in the performance or exercise of any right, function, duty, power or trust, within the ambit of the Constitution, being a statement, report, complaint, notice or reference defamatory to such Member or Trustee, or otherwise injurious to the dignity, reputation, business or financial interest of such Member or Trustee, whether such statement be true or false, unless made in bad faith or resulting from gross negligence.

32. EXCLUSION OF LIABILITY

32.1 Any Member or other person present in the Development or on the Common Property or using any of the amenities or services of the Association does so entirely at their own risk.

32.2 No Member or other person shall have any claim against the Association, the Trustees, the Managing Agent, or any agents, employees or contractors of the Association, of whatsoever nature arising from such use of the Association's amenities. Any claim of a Member or any other person shall be limited to the amount actually recovered by the Association from the receipt of proceeds of any general public indemnity liability insurance, if any. If and to the extent that the Association does not have any such public indemnity liability insurance, no such person shall have any claim against the Association.

32.3 The Association, the Trustees, the Managing Agent or any of the agents, employees or

contractors of the Association shall not be liable for any loss (including consequential loss), injury, loss of life or damage to person or property of any nature whatsoever which any Member or other person whosoever may sustain:

32.3.1 by reason of any defect in or state of disrepair of the Common Property, or any amenities, facilities, services or property of the Association, or any part thereof, or any fittings, fixtures, equipment or appurtenances of whatsoever nature therein, notwithstanding that such effect or state of disrepair may be due to or occasioned wholly or in part by any act or omission (whether negligent or otherwise) of the Association, the Trustees, the Managing Agent, or any of the agents, employees or contractors of the Association; or

32.3.2 directly or indirectly, in or about the Development (including, without limiting the generality of the foregoing, the Common Property and any property of the Association, whether such injury, loss or damage be due to theft, the action of rain, wind, hail, lightning, explosion, spontaneous combustion, gas, fire water leakage, seepage, cessation or interruption of or defect in any electric, gas, fuel, water, sanitary, telephone, air conditioning or other Services to the Development (irrespective of the cause thereof), or be due to or occasioned wholly or in part by any act or omission (whether negligent or otherwise) of the Association, the Trustees, the Managing Agent, or any of the Association's agent's, employees or contractors, or be due to riots, strikes, civil commotion or any other cause whatsoever.

32.4 The Members undertake in favour of the Association, as soon as practical, to notify their Lessee and their invitees, of the provisions of this clause 32, and to take all such steps required and/or necessary to ensure that such persons agree hereto in writing in such form as the Trustees may from time to time determine so as to enable the Association to accept the benefits hereof at any time without notice to such person.

32.5 Every Member individually hereby fully and completely indemnifies and holds harmless the Association against all claims of whatsoever nature and howsoever arising which may be brought against the Association by the Member, the Lessee of

his Property or any Invitee of the Member or Lessee, or any other person present within the Development at the invitation of or under the control of the Member concerned, notwithstanding the nature of such claim.

32.6 The Association shall not be liable for any costs of suit in any legal proceedings instituted against it in any court or arbitration forum or other tribunal by any Member. The exclusion herein contained will not apply if the proceedings in question are founded on any conduct of the Association or its representatives or employees which is alleged by the claimant, and found by the court, arbitrator or tribunal, as the case may be to be mala fide or wilfully wrongful or based on gross negligence.

32.7 The Association shall not be liable for any damage suffered by a Member or Lessee or any other person present in the Development by reason of power surges.

33. COMMON PROPERTY

33.1 The Association has obtained ownership of the common property. The Trustees shall control and manage the common property and the Services, common landscaping, irrigation and amenities in respect of the common property.

33.2 The Trustees shall maintain the common property in a state of good and serviceable repair.

33.3 The Trustees may subject to the directions given or restrictions imposed on the Trustees by ordinary resolution at a general meeting of the Association:

33.3.1 construct improvements on the common property, or remove improvements;

33.3.2 repair, maintain, upgrade and provide Services in respect of the common property; and

33.3.3 enter into agreements with service providers or other persons in respect of the common property.

33.4 Neither the whole nor any portion of the common property shall be sold, alienated or otherwise disposed of, subdivided, mortgaged, or subjected to any servitudes or other rights to be registered in the Deeds Registry, save as specified in the conditions of establishment, without the sanction of a special resolution and subject to the approval of the Municipality.

33.5 The Trustees shall control the access to and use of the common property and the facilities and Services of the Association. Owners and Lessee shall comply with the Rules and the reasonable conditions imposed from time to time by the Trustees relating to the use and enjoyment of the common property and the facilities and services of the Association.

34. INSURANCE

34.1 The Trustees shall insure the buildings, improvements, amenities and Services in respect of the Common Property to the full replacement value of such items, subject to negotiation of such excess, premiums and insurance rates as in the opinion of the Trustees are most beneficial to the Members, against such risks determined by the Trustees or as may be directed by an Ordinary Resolution.

34.2 The Trustees shall procure, at the cost of the Association, general public indemnity liability insurance in respect of the Common Property and Services in such amounts and on such terms as the Trustees may from time to time determine or as may be directed by the Members in general meeting.

34.3 When entering into agreement with services providers relating to funds of the Association the Trustees must ensure that such a services provider provides proof of fidelity insurance to ensure that the Association shall be refunded for any loss of money belonging to the Association or for which it is responsible, should such loss be sustained as a result of any act of fraud or dishonesty committed by any insured person being any person contracted or employed by the Association.

34.4 The Trustees may insure against the risk of the non-payment by Members of Levies due to the Association.

34.5 The Members may by an Ordinary Resolution direct the Trustees to insure against such other risks as they may determine.

35. SERVICES

35.1 The Association shall obtain ownership of the Internal Engineering Services. The Association shall maintain and where necessary upgrade the Services in respect of the Development subject to the conditions imposed by the Municipality. The Association shall repair and maintain the main security perimeter wall in respect of the Development.

35.2 The Association controls and maintains the main security perimeter wall in respect of the Development, but excluding the painting of the portions of the security perimeter wall facing private Properties which shall be the responsibility of the Owners of the Properties concerned to paint.

36. DOMICILIUM OF THE ASSOCIATION AND OF MEMBERS

36.2 The Trustees shall from time to time determine the address constituting the *domicilium citandi et executandi* of the Association, subject to the following:

36.2.1 such address shall be the address of the Chairperson, or the address of a Trustee residing within the Development, or shall be the address of any duly appointed Managing Agent;

36.2.2 the Trustees shall give notice to all Members of any change of such address.

36.3 The *domicilium citandi et executandi* of a Member shall be the street address of the Member's Erf.

36.4 A Member may by written notice to the Association alter his *domicilium*, provided that such new address may not be a post office box or *post restante* and provided that such address shall be situated within the Republic of South Africa and shall not be effective until fourteen (14) days after receipt of such notice by the Association.

37. DELIVERY AND ELECTRONIC TRANSMISSION OF NOTICES

37.1 A notice by the Association to any Member in terms of the Constitution shall be in writing and shall be delivered to the Member, either by hand or by prepaid post properly addressed to the Member at his *domicilium citandi et executandi*. It shall be competent to transmit the notice to a Member by telefax or electronic communication (e-mail) where the telefax number or e-mail address of the Member is recorded with the Association.

37.2 Any notice to a Member:

37.2.1 if delivered by prepaid post in a correctly addressed envelope to his *domicilium citandi et executandi*, shall be deemed to have been received on the 5th day after the date when the notice was posted; or

37.2.2 if delivered by hand to the Member, or to a responsible person at the *domicilium citandi et executandi* of the Member, shall be deemed to have been received on the day of delivery; or

37.2.3 if successfully transmitted by telefax to the recorded telefax number of the Member, shall be deemed to have been received on the first (1st) Business Day after the date of transmission; or

37.2.4 sent by e-mail to the recorded e-mail address of the Member, shall be deemed to have been received on the first (1st) Business Day after the date of transmission.

37.3 Notwithstanding anything to the contrary herein contained, a written notice actually received by a Member shall be regarded as adequate written notice to such Member notwithstanding that it was not delivered in accordance with clause 37.1 above.

38. BREACH OF THE CONSTITUTION

38.1 The Trustees may on behalf of and in the name of the Association institute legal proceedings against Members who are in breach of any of the provisions of the Constitution.

38.2 If a Member commits a breach of a provision of the Constitution by failing to pay on due date any Levies, penalties or any other amounts payable by him to the Association and remains in default for more than thirty (30) days, the Trustees may, on behalf of the Association, institute legal proceedings against such Member in any court of competent jurisdiction for payment of such overdue Levies, penalties or other amounts.

38.3 Save for clause 38.2 above, if a Member commits any other breach of any provision of the Constitution and fails to commence to remedy that breach within a period of fourteen (14) days' after the receipt of written notice to that effect by the Trustees, and to complete the remedying of such breach within a reasonable time or as may be specified in the notice, then the Trustees shall be entitled on behalf of the Association, without prejudice to any other rights or remedies which the Trustees, or the Association, or any other Member, may have in terms of the Constitution, or in law, including the right to claim damages, to:

38.3.1 enter upon the Property to take such action as may be reasonably required to remedy the breach and the Member concerned shall be liable to the Association for all costs reasonably incurred, which costs shall be due and payable upon demand, and/or

38.3.2 institute legal proceedings in any court of competent jurisdiction for such relief as the Trustees may consider necessary, and/or

38.3.3 institute proceedings with a competent Ombud for such relief as the Trustees may consider necessary.

38.4 In the event that the Trustees institute proceedings against a Member in terms of the foregoing provisions, the Trustees shall be entitled to recover from such Member all legal costs incurred by the them, including attorney and own client charges, tracing fees and collection commission.

39. IMPOSITION OF PENALTIES

39.1 If the conduct of a Member or Lessee or the Invitees of a Member or Lessee constitute/s a nuisance in the opinion of the Trustees or a contravention of a provision of the Constitution, the Trustees shall by written notice inform the Member of the nuisance or contravention and warn the Member that if he, or the Lessee of his Property or the Invitees of the Member or Lessee fails to remedy the contravention, or persist in, or repeats such conduct or contravention, a penalty will be imposed on the Member.

39.2 If, notwithstanding the written notice in terms of clause 39.1 above, the Member or Lessee fails to remedy the contravention or persist in or repeats such conduct or contravention, the Trustees may, constitute a disciplinary committee that will be empowered to impose a reasonable penalty on the Member.

39.3 The penalty imposed in terms of clause 39.2 above, shall become due on the date of the written notice and must be paid within thirty (30) days of the date of the written notice. Should the penalty remain unpaid, it shall be added to the Member's levy statement and shall be recovered from the Member in the same manner as applies to arrear Levies, together with interest at the rate applicable to arrear levies.

39.4 The Trustees shall, from time to time, determine the amounts of penalties in respect of the various contraventions and in respect of first and successive contraventions, subject to the directions given or restrictions imposed by the Members at general

meetings of the Association.

39.5 A penalty may be imposed in respect of each separate contravention. In the event of a continuing contravention, the Member shall be deemed to be guilty of a separate contravention for every twenty four (24) hours or part thereof during which such contravention continues and shall be liable for a penalty in respect of each such separate contravention.

39.6 A Member may within thirty (30) days of the date of the written notice in terms of clause 39.2 submit an objection with a motivation against the penalty imposed to the Trustees.

39.7 Upon receipt of the objection, the Trustees may:

39.7.1 withdraw or reduce the penalty; or

39.7.2 schedule a meeting of the Trustees for the purpose of considering the objection and invite the Member to attend.

39.8 At the said meeting of the Trustees referred to in clause 39.7.2 above, the Member shall have the right to:

39.8.1 present his case;

39.8.2 present any evidence, including the calling of witnesses to substantiate his case;

39.8.3 cross-examine any person called as a witness in support of the charge;

39.8.4 have access to documents produced in evidence; and

39.8.5 produce mitigating factors.

39.9 The failure of the Member charged to attend the meeting of the Trustees referred to in clause 39.7.2 shall not render the proceedings at the meeting void. Should the Member or his representative not attend the meeting of the Trustees without providing a reasonable request for postponement, the Trustees may in their sole discretion continue with the meeting of the Trustees and consider the objection in the absence of the Member.

39.10 Upon the conclusion of the meeting of the Trustees, the Trustees shall deliberate the evidence, and if so resolved, they may:

39.10.1 uphold the penalty; or

39.10.2 withdraw or reduce the penalty.

40. ARBITRATION

40.1 Should any dispute, question or difference arise between Members or between a Member and the Trustees out of or in regard to:

40.1.1 the interpretation of;

40.1.2 the effect of;

40.1.3 their respective rights or obligations under;

40.1.4 a breach of (save for non-payment of Levies or any other amount due by a Member in terms of the Constitution),

the Constitution, such dispute shall be decided by arbitration in the manner set out in this clause 40.

40.2 The arbitration referred to in clause 40.1 shall:

40.2.1 be conducted in an informal summary manner on the basis that it shall not be necessary to observe or carry out either the usual formalities or procedures relating to pleadings or discovery or the strict rules of evidence; and

40.2.2 commence as soon as is reasonably possible after it is demanded and with a view to it being concluded within thirty (30) days after it is demanded; and

40.2.3 be held in accordance with the provisions of the Arbitration Act, No. 41 of 1965 (as amended from time to time) except insofar as the provisions of this clause 40 shall apply.

40.3 The arbitrator shall be a practising advocate or attorney of not less than five (5) years standing appointed by agreement between the parties to the arbitration within seven (7) Business Days of being called upon to make such appointment and, failing such agreement within the period, be appointed by the President of the Legal Practice Council, or their successors in title.

40.4 The arbitrator shall in giving his award have regard to the principles contained in the Constitution and he shall decide the matter as submitted to him according to what he considers just and equitable in the circumstances and, therefore, the strict rules of Law need not be observed or be taken into account by him in arriving at his decision. The arbitrator's decision shall be presented within ten (10) business days after the completion of the arbitration in a written document and he shall state the reasons for his decision therein. The arbitrator may determine that the cost of the arbitration be paid either by one or other of the disputing parties or by the Association as he in his sole discretion may deem fit.

40.5 The decision of the arbitrator made at such arbitration proceedings:

40.5.1 shall be final and binding on the parties to the arbitration;

40.5.2 shall be carried into effect immediately; and

40.5.3 may upon application by a party or by the Association be made an order of any Court that has jurisdiction over the parties or property.

40.6 The above remedies subsist without prejudice to the right of any party to institute an action or launch an application in a court of competent jurisdiction or to institute proceedings in terms of the Community Schemes Ombud Service Act, No. 9 of 2011.

40.7 The above remedies subsist without prejudice to the right of any party to refer any matter in dispute to the Members for their decision.

41. FAILURE OF ASSOCIATION TO MEET ITS OBLIGATIONS

41.1 If the Association fails to meet an obligation in this Constitution and the Municipality believes that the community is adversely affected by the failure, the Municipality may take appropriate action to rectify the failure. The Municipality may recover any expenditure in respect of the action contemplated above from the Association or the Members, who shall be jointly liable. The amount of any expenditure so recovered shall be considered to be expenditure incurred in connection with the Association for the purposes of recovering expenditure incurred in connection with the Association from its Members.

41.2 If the Association ceases to function effectively or to carry out its obligations, the Municipality or any affected person, including a member of the association, may apply–

41.2.1 to dissolve the association subject to –

(i) the amendment of the conditions of approval to remove the obligation to establish an owners' association; and

(ii) the amendment of title conditions pertaining to the owners' association, to remove any obligation in respect of an owners' association.

41.2.2 in terms of Section 15(2)(r) of the Municipal By-Law for appropriate action by the Municipality to rectify a failure of the owners' association to meet any of its obligations in respect of the control over or maintenance services; or

41.2.3 the High Court to appointing an administrator who must exercise the powers of the owners' association to the exclusion of the owners' association.

41.3 If the Association is dissolved, the Members must jointly pay the costs of:

41.3.1 the transfer to the Municipality of the Association's property, including the Common Property and Internal Engineering Services;

41.3.2 the upgrading of the Internal Engineering Services to the standards of the Municipality.

41.4 In the event that the Association has ceased to function and an owner wishes to transfer an Erf in that event, the owner must obtain the consent of at least sixty percent (60%) of the Members of the Association, which consent is deemed to be the consent of the Association, unless the Owner has been duly authorised in terms of clause 42.1 of the Constitution.

42. WINDING UP OF ASSOCIATION

42.1 The Association may be wound up by an order of the Western Cape High Court or by a resolution passed at a general meeting of the Association, by ninety five percent (95%) of the total votes represented at such meeting by the Members present in person or by proxy and provided that:

42.1.1 the aforesaid resolution shall include arrangements for the transfer of Erven and Common Property, in the event that the Association ceases to function; and

42.1.2 the Municipality consents thereto in writing.

42.2 In the event of such winding up, it shall be the duty of the Trustees to comply with the conditions imposed in terms of the resolution, by the Municipality and/or the Western Cape High Court, as the case may be.

42.3 If the Association is dissolved, the Members must jointly pay the costs of:

42.3.1 the transfer to the Municipality of the Association's property, including the Common Property and Internal Engineering Services;

42.3.2 the upgrading of the Internal Engineering Services to the standards of the Municipality.

43. AMENDMENT OF THE CONSTITUTION AND ANNEXURES

43.1 The provisions of the Constitution may be added to, amended, substituted, or repealed from time to time by an ordinary resolution of at least 51% of the Members passed at a general meeting called for the specific purpose. The notice of such meeting or the annexure to such notice shall specify the proposed addition, amendment, or substitution of a provision of the Constitution, or the provision of the Constitution to be repealed.

43.2 The Constitution and any amendment thereof must be lodged with the Municipality and the latest copy duly lodged with the Municipality, and which the Municipality has approved in terms of Section 29(6) of the Municipality's Planning By-Law, shall be presumed to contain the operative provisions of the Constitution.

43.3 The Municipality is exempt from liability for any damage which may be caused by its certification of the Constitution or an amendment thereof or by the loss of a Constitution of the Association lodged with the Municipality.

43.4 The Design Guidelines may be compiled, added to, amended, substituted or repealed

from time to time by a resolution of the Trustees, subject to the provisions of clause 11 hereof. Any amendments to the Design Guidelines shall be lodged with the Municipality.

43.5 The Rules and processes to the followed by a Disciplinary Committee may be compiled, added to, amended, substituted or repealed from time to time by a resolution of the Trustees.

43.6 The Rules may be compiled, added to, amended, substituted or repealed from time to time by a resolution of the Trustees.

--- END ---

ANNEXURE R: BACKGROUND OF THE APPLICATION

Bongiwe Zondo

From: Tyrone King
Sent: Friday, 08 September 2023 10:23
To: Chrizelle Kriel; Stiaan Carstens; Bongiwe Zondo; Nigell Winter
Cc: Myra Francis; Development Admin
Subject: 2147 (TK) Farm 716-27 Paarl (LU-12309), Klapmuts

Hi All

The meeting yesterday between Chrizelle, Stiaan, Bongiwe, Nigell and myself refers.

Town planning basically requested e-mail clarification related to condition 4 d iii (copied below) of our engineering conditions Memo, specifically the financial implication thereof – for clarification to the MPT. I respond as follows:

> iii. Access Road for future developments to the north (Farms 716/31, and 716/5): It is acknowledged that the design for the dualling of the R44 was done by AECOM in 2014 for the Western Cape Government and according to "Future Upgrading Proposals for MR27 (AECOM Drawing No. J015057-01-10-001-P-0 Rev 08 dated 15 August 2014), a left-in / left-out is provided for these north lying erven. It will however not accommodate right turning movements. This is why an adequate access through Farm 716-27 is important.
>
> In order to give adequate access to the developments to the north, a 15m wide public road reserve, as indicated on Proposed Civil Services (Private Services) Drawing No BC021-A100 Rev A dated 2021-08-05 by Broadco Consulting (**Annexure: Services**) must be created and transferred to the Municipality prior to subdivision clearance.

The status of the road was indeed considered when evaluating the application – it should be public. I also confirm that the 15m public road mentioned above is not a DC deductible road – because it is a lower order road. The cost for the construction of this road will be for the Developer of the private property north of Farm 716-27 to give access to their property. The physical construction of this road is not yet triggered with the development of Farm 716-27, but will be triggered when formal access is required for any future development to the north. At that stage it will be a condition of approval that such developer constructs the formal road, at their own cost.

Regards

Tyrone King Pr Tech Eng
Manager: Development
Infrastructure Services

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Stellenbosch, 7600
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Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:
http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

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ERF 294 - RAITHBY

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THE STELLENBOSCH MUNICIPALITY			
PLANNING REPORT: LAND USE AND LAND DEVELOPMENT APPLICATION: APPLICATION FOR REZONING: ERF 294, RAITHBY.			
Application Reference	File Ref: LU/139380	Application Date	2021/11/22
		Last day for comments or additional information	2023/08/31

PART A: APPLICANT DETAILS			
First name(s) & Surname	Allen Goosen		
Company name	MLH Architects & Planners		
SACPLAN registration number			
Registered owner(s)	The Milnerton Estates Limited	Is the applicant properly authorised to submit the application	Yes

PART B: PROPERTY DETAILS			
Property description	Erf 294, Raithby	Administrative District	Stellenbosch
Physical address	Winery Road, Raithby (See **APPENDIX 1)**		
Extent (m^2 /ha)	59,2788ha	Nearest Town	Raithby
Existing Development and Current land use	Rehabilitation/Addiction Care centre is currently operational due to an approved temporary departure from the existing farm yard buildings (2.5ha), while the rest of the 59ha property is farmed. The temporary departure lapse on 02 September 2025. See **APPENDIX 9** for approval letter in this regard.		
Any unauthorised land use/building work	None		
Title Deed Nr.	T51052/2014		
Current zoning and approved land use rights as per Zoning Scheme Bylaw 2019	Agriculture and Rural Zone		

PART C: APPLICATION DETAILS	
Applications(s)	Application was made in terms of Section 15(2)(a) of the Stellenbosch Municipality Land Use Planning By-Law (2015) for the rezoning of ±2.56ha of Erf 294, Raithby from Agriculture and Rural Zone to Community Zone for the establishment of a welfare institution for a health care facility (in-patient rehabilitation centre) of maximum 40beds, for sufferers of substances abuse and eating disorders in existing buildings and a new building of ±230m². See **ANNEXURE 2.**
Purpose of Application	**1. Purpose of Application:** Rezoning of the "werf" area (±2.5ha) on Erf 294, Raithby and current lease area from Agriculture and Rural Zone to Community Zone, to permit the permanent use of the "werf" and existing buildings by Rustenburg Addiction Care, which currently operates on a temporary consent, which come to an end in September 2025. See **APPENDIX 9** for approval letter. The application will not result in an increase in capacity, as it will remain for up to 40 patients. The rezoning application is supported by a Site Development Plan, which indicates the various uses per building. A new building for accommodation is proposed (6 bedrooms for 13 beds), but this will not increase the current up to 40beds capacity. It will merely accommodate the relocation of existing beds from another building so as to improve the quality of patient experience.
Pre-consultation	A Pre-Application consultation process took place and the application was submitted in line with the concluded outcome.

PART D: APPLICATION BACKGROUND

1. Location of the property

The subject property is located close to the Raithby rural settlement, with direct access of the Winery Road, which is accessible from the N2 via Firgrove/Macassar from the south and the R44 to the east.

2. Development context of surrounding area

Most of the surrounding properties zoned Agriculture and Rural Zone and used for farming operations, are owned by the owner of this property. The ±2,5ha area to be used for the proposed addiction

facility contain all the existing agricultural buildings e.g. agricultural dwellings, outbuildings and covered shed for parking purposes. The buildings have been converted to the estate's maintenance and administrative offices, lecture and group therapy rooms and the research centre, councillor offices and bedrooms for patients. While the ±2,5ha will be leased, the rest of the property will still be farmed by the owners.

The Rustenburg farm buildings are considered to be of Grade IIIB significance by the heritage consultant (Heritage statement attached to motivational report) and Heritage Western Cape found no reason to believe that the use of the existing buildings or the proposed new building will impact on heritage resources. No further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) was required.

PART E: APPLICATION OVERVIEW AND MOTIVATION.

1. Background:

The rehabilitation/addiction centre has been operational on this site and in the existing buildings since 2014 as a temporary departure. The last temporary departure was finally approved on 02 September 2020, meaning it will lapse on 02 September 2025 (See **APPENDIX 9**). Section 18(4) of the Land Use Planning Bylaw (2023) stipulates that a temporary departure of this nature may not be approved more than once, hence the application for rezoning.

2. Motivation of Applicant:

See purpose of application in Part C of this report and **APPENDIX 3** for the applicant's motivational report.

Summary of applicant's motivation

While it has been argued that the land use, in this particular instance, is **not inconsistent with the MSDF** as it is not clearly in conflict with the intent and purpose of the MSDF, below arguments outline site specific circumstances;

- The land use has been in place since 2014 by means of two consecutive Consent approvals.
- The land use has operated without negative impacts on the rural, agricultural or public environments and in support of all municipal departments.
- The land use does not constitute urban development in this particular instance as it utilises existing buildings within a defined werf with unique spatial circumstances beneficial to the land

use, operates independent of municipal infrastructure, (even though full DC's for all service provisions are payable) and has been operating since 2014 within the confines of the proposed spot zoning area.

- The size of the facility in terms of number of patients, number of beds will remain the same, except for the additional proposed building, which is not to increase capacity, but rather to make the rest of the facility more efficient through the additional space.
- The zoning applied for is directly related to the existing land use and along with the Site Development Pan, provides long term certainty and predictability for the municipality

The applicant further provides the following motivation in correspondence to the department, attached to the motivational report;

- While the Rural Development Guidelines and MSDF require that certain land uses are restricted to urban settings, they also promote diversification of economic opportunities on properties within rural settings, provided that the rural nature along with agricultural value and functions are not negatively affected.
- A municipality can therefore depart from this spatial argument, where sufficient motivation and mitigation exist.
- In mitigation for the Rustenburg facility, the application motivates that the facility has been operating without negative impact on the rural, agricultural and public environment since 2014.
- The application is only for the small "werf" portion of the farm.
- The application is for a limited zoning area and restricted to the conditions of the Site Development Plan, which is submitted along with the rezoning application.
- The facility operates within existing "werf" buildings, aside from the small additional building being proposed, and has no spatial or operational impact on the rest of the farm.
- The facility maintains the physical structures and conditions of the "werf" and buildings and along with that, protecting the heritage value of the "werf".
- It must be recognised that community facilities and the service they provide exist at different levels, forms and user groups and as such have different requirements.
- Some community facilities not only have a local user base, but also a national and international base.
- These facilities are therefore required to provide a different level of service due to the userbase environment within which they exist.
- To have these facilities situated within an urban environment and provide the same level of service, is therefore not possible and in the instance of Rustenburg, cannot be seen as "urban" in nature.

- In this instance there only two other similar community facilities (from a metropolitan total of ± 22) of this nature that exist within the Winelands rural environment, all of which have no impact on rural, agricultural and public environment. These include Optima and Bloemendal, none of which can be considered urban land uses. Of these three, only Rustenburg provides a service for addicts. The rural environment within which Rustenburg exists, is therefore optimal for the service they provide.
- In terms of the benefits that the Rustenburg facility has brought to the Stellenbosch and Winelands environment, the land use framework it has been existed and operated in, it is argued that the facility does **not require a deviation from the MSDF** in terms of land use, urban edge or in terms of service delivery as it will continue to be self-sufficient in terms of engineering services.
- The land use sufficiently conforms to SPLUMA requirements.
- The facility does not detract from the rural landscape of the area nor the agricultural viability of the farm.

PART F: PUBLIC PARTICIPATION, COMMENTS AND RESPONSE.

1. **Process followed**

The applicant was served with an instruction to advertise on 20/01/2022 and the application was subsequently advertised to all interested and affected parties, Ward Councillor, internal departments, in the Eikestad Nuus, municipal website and on-site (See **APPENDIX 4** for the Portfolio of evidence).

The 30day notices and advert was served and placed on the 24 February 2022 with the closing date on 28 March 2022 for all interested an affected party. The internal departments and the Ward Councillor were notified by email on 24 January 2022.

One objection was received from Virdus Works on behalf of the owner of the direct adjacent Farm No. 690, Stellenbosch (See ANNEXURE A of the POE attached as **APPENDIX 4).**

The objection has been addressed in the applicant's response on the objection (See the covering letter of the POE attached as **APPENDIX 4**).

2. **Public & stakeholder inputs** (See **APPENDIX 5**.)

2.1 **Virdus Works** on 22 March 2002 submitted an **objection** on the following summarized grounds;

- However small and limited the proposed facility might be argued to be, it does not contribute to the stated objectives for the retention of agricultural assets and resources required for continued growth of the agricultural sector.
- It is a consumption use as it takes away a resource that could be put to better use for exclusive agricultural purposes.
- A community facility is an urban land use that should be established in an urban environment and not on agricultural land where diminishing resources should be protected and utilised for the best returns in agricultural production.
- The proposed facility does not comply with the Rural Guidelines, as the facility is not intended for the benefit of the rural community within which it is located.
- Rezoning of the property would in future provide scope or grounds for the expanded use of the land for significantly larger facilities with significant negative effect on the surrounding environmental and the agricultural assets of the area.
- The nuisances created by the neighbouring land uses, commuter movements, pedestrian and vehicles to and from the facility and the farm detracts from the appeal of the lawful use of Farm 690, Stellenbosch. Its use is in keeping with the SMSDF and the Rural Guidelines, whereas the proposed addiction care centre is not.
- Giving permanency to the temporary and undesirable community use on Erf 294, Raithby will exacerbate the problems and detract from the appeal of Farm 690, Stellenbosch as an asset to the Stellenbosch Municipality.

3. **Government related inputs received** (See **APPENDIX 6**)

3.1 **Cape Winelands District Municipality – Health Section** unconditionally recommended the application for approval via email dated 13 April 2022.

3.2 The **Department of Environmental Affairs and Development Planning; Directorate: Development Management (Region 2)**- from a provincial land use planning perspective had no objection to the development.

3.3 The **Department of Environmental Affairs and Development Planning; Environmental Impact Management Services (Region 1)** – indicates that the proposed zoning and construction of new building does not constitute any listed activities and that Environmental Authorisation is therefore not required prior to the proposed development.

3.4 **Department of Water and Sanitation** – indicated that their will be no Water Use Authorization required for the activities.

3.5 **Heritage Western Cape** - found no reason to believe that the proposed new building will impact on heritage resources and no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) was required.

3.6 **Department of Agriculture (Western Cape Government)** – the department stands by its original comments provided in the previous letter dated 31/05/2019. The Western Cape Land Use Planning Guidelines: Rural Area specifically stats that private educational and institutional facilities and rehabilitation and wellness centres are regarded to be a business and not a community facility and should be located within urban areas in order to reinforce their economic base. The department stand by its previous comment made on 08/04/2019 stating that the department does not in principle support institutional uses on agricultural land and remains of the opinion that this will set a precedent for similar applications for uses better suited to urban areas.

3.7 **Department of Transport and Public Works** in a letter dated 30 June 2022 indicated that they **offer no objection** to the application for rezoning on condition that the 2nd access onto OP4232 (Minor Road) at ±km0.04 be closed permanently by reinstating the fence and drainage within the road reserve through the removal of all evidence of the road access surface material which will be for the account of the applicant.

4. **Comments from internal service departments** (See **APPENDIX 7**)

4.1 The **Ward Councillor** no comment received.

4.2 **Municipal Fire Services** no objection.

4.3 The **Director: Infrastructure Services** – in a memorandum dated 12 April 2022, recommended the application for approval, subject to certain conditions.

4.4 The **Manager: Spatial Planning** - in a memorandum dated 13 April 2022 indicated that the department **supports the application** subject to the condition that the maximum 40 patient's capacity be adhered to. The following further comment is made; *"In terms of the Western Cape land Use Guidelines – Rural Areas (march 2019) the placement of community facilities such as rehab and wellness centres within rural areas are not supported, but the Municipality may have grounds to depart from these requirements given the facility has been operational for some time with planning approval."*

4.5 **Department of Community Services – Senior Environmental Planner** – in a memorandum date 26 January 2022 indicate that the department have **no objection**, subject to certain conditions. *Planning Departmental comment*: Considering that the activities of the facility include visiting hours on Saturdays and Sundays from 14:00 to 16:00, it is however proposed that the operating hours for the facility rather be allowed for 7days from 08:00 to 17:00,

contrary to the proposed conditions of the department restricting the activities to Mondays to Fridays.

5. **Response by applicant to all comments received**

A letter as written response to the objection was received from the applicant dated 13 June 2022 (See **APPENDIX 4**), summarized as follows.

5.1 The facility has received consent over 10 years and has proven to not have any negative impact on the agricultural, rural or natural environment.

5.2 The nature and extent of the land use and zoning will continue to have no impact on the agricultural, rural and natural environment.

5.3 The nature and extent of the land use resources demands are insignificant compared to what is permitted in terms of the agricultural zoning.

5.4 Milnerton Estate have consolidated their farming activities into one comprehensive operation and all of their farm workers reside as a community in a cluster of buildings on Helderzicht farm, approximately 1,4km to the south-west. The workers therefore provide a range of services to all the farms, not only Erf 294, Raithby.

5.5 The proposed zoning is specifically selected for its limited scope and the approval will also be limited to buildings of the "werf".

5.6 The facility has proven to be low-key land use, with no negative impact on the agricultural, rural or natural qualities of the area.

5.7 The facility makes contributions to the "Mudita foundation", which provides a service to the local urban communities.

5.8 The objection relating to noise nuisance from the facility is not correct, as the complaints related to agricultural related activities including tractors and other farm vehicles moving about, general equipment handling, storage, maintenance, farm workers moving about, etc. These are all bona fide agricultural land use rights and not noise relating to the Addiction Care facility.

5.9 Patients of Rustenburg Addiction Care mainly resides inside the "werf" and buildings, which are situated far from Farm 690, Stellenbosch.

5.10 The objector's property is too small for an economically active agricultural land unit and as such, the owner uses the property as a place of residence. Hence farm workers having conversation, tractors and farming vehicles moving about provide the neighbour with some form of discomfort. As a result, the neighbour has been affected by bona-fide agricultural activities and complaints in this regard hold no water.

PART G: ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

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

When the decision maker considers a land use and land development application, it must have regard to the general criteria for consideration in terms of Section 65(1) of said Bylaw, as it would relate to the subject land use and land development application.

The zoning provisions of Agriculture and Rural Zone properties does not make provision for the Rehabilitation/Addiction Care facility, hence the application for rezoning for a split zoning on the property is required. Further that, a temporary departure in terms of the latest Land Use Planning by-law could only be approved once. It does not necessarily imply that a split zoning for a land use other than agriculture is undesirable and could be motivated to the decision maker.

Consistency ruling and MSDF principle considerations;

The proposed land use and land development proposal is regarded as **not consistent** with the MSDF and the main arguments for the application not being consistent with the MSDF centres around the following points:

(a) The farm is located outside of the urban edge of Raithby. Raithby is classified in terms of the MSDF as a "rural node" (local centre) that is not suitably located and serviced for significant growth that can support substantial livelihood opportunities for all community groups. Rather the focus should be placed on on-going improvements for residents and the management of services. Despite this role Raithby is coming under mounting pressure to be developed for high income residential development due to its proximity to the city of Cape Town and its tranquil rural setting. The area surrounding Raithby and particularly the area between the municipal boundary of the City of Cape Town and Raithby is subject to developers buying up farms for land-banking with the inevitable view to develop the land over the longer term. Notably so Milnerton Estates has purchased over 600ha of agricultural land over the last 15 year in this regard. As there appears no justification for significant change the MSDF focus on retaining the unique characteristics of the settlement.

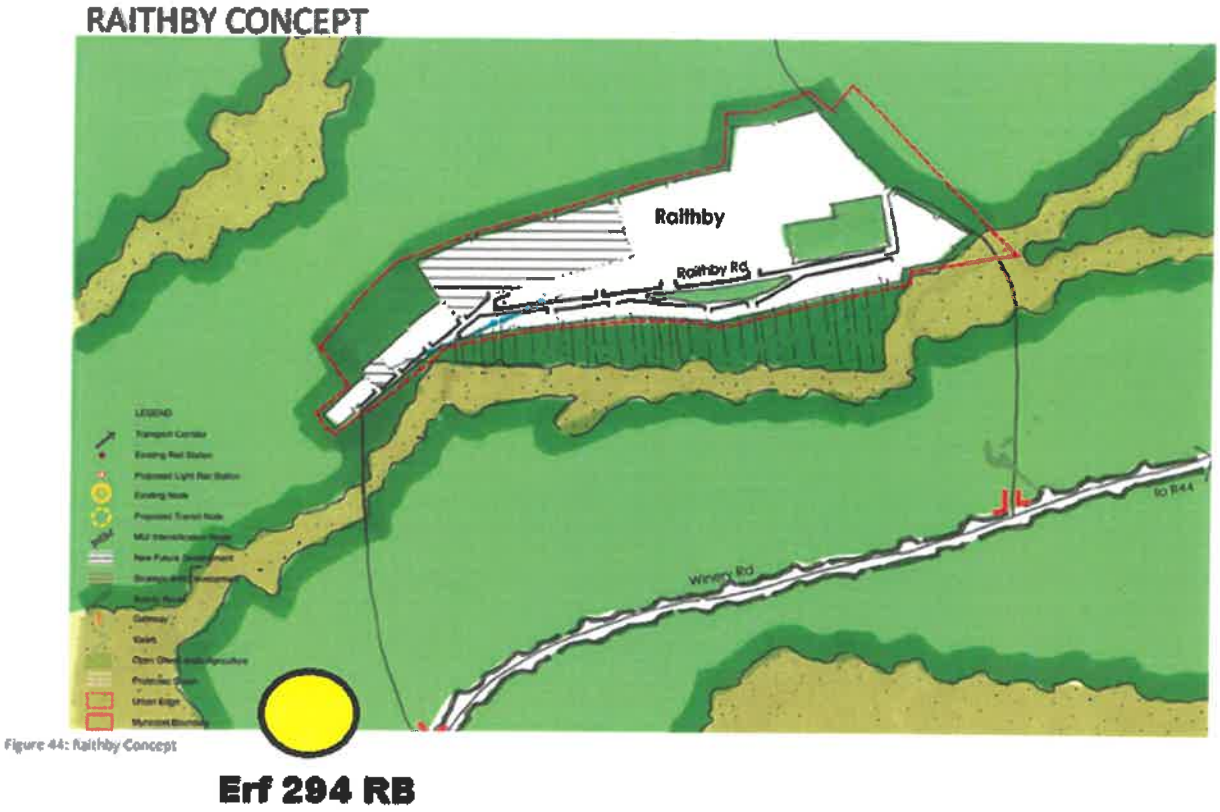


Figure 44: Raithby Concept

(b) Due to the threat of urban sprawl in general but more specifically urban sprawl from the City of Cape Town into the Winelands, the MSDF requires that tight urban edges be retained to prohibit the ad-hoc further expansion of urban settlements.

(c) The development of "balanced" urban areas is to be promoted to provide in the need of community and ensuring accessible facilities to all. This principle of the MSDF speaks directly to the principle of Spatial Justice contained in SPLUMA where redressing of past spatial imbalances and the inclusion of previously excluded people should be addressed. The above principal is also contained in the IDP through the strategic focus area relating to Dignified Living where it is expected that a specific focus be placed on the needs of the "ordinary" citizen. The MSDF therefor advocates the clustering of community facilities together with transport, the informal sector, and other activities to maximize convenience, safety, and socio-economic impact. Notably so the MSDF promotes the location of institutional buildings (community activities, educational and health services etc) to be at points with the highest access in urban settlements. The zoning scheme regulations makes provision for a zoning of "community zone" but the emphasis is on the provisions of facilities, including institutional facilities accessible to the broad community and makes specific reference to welfare. The nature of the Rehabilitations centre is

not that of an accessible, open, and affordable centre funded by the public funds but rather an exclusive, inaccessible, and private facility.

(d) The Provincial Rural Development Guidelines indeed recognises that the preservation of agricultural land be ensured but that the diversification of the rural space-economy and specifically tourism be considered also. This stance is aligned with the MSDF and Integrated Zoning Scheme that allows for the consideration of agricultural related activities – mainly tourism activities directly related to the agricultural activity currently present on the agricultural unit – on farms. The motivation for allowing the agricultural related land use is to provide an additional income to the land- owner which can be used to improve the agricultural viability of the agricultural activity but also to afford the public visit and appreciate the unique and tranquil rural area. The intention of both the Rural Guidelines and the MSDF is not to allow for any opportunistic economic activity to be in the rural setting.

However, this department is of the opinion that there are several reasons for the application to be recommended for approval. These are:

(a) Raithby is located within a high value agricultural area with significant cultural value as identified by the Heritage Inventory. The proposed development will not have an impact on good agricultural land and will be restricted mostly to existing built infrastructure on the land unit except for the construction of an additional six rooms in a well-located area. The number of patients will not increase and will remain restricted to 40 patients. This department is thus of the opinion that the proposed additions will not have an impact on agricultural activities nor on the cultural landscape.

(b) The remaining and primary land use on the farm will remain agricultural in nature and the rehabilitation centre will be subservient to the agricultural use.

(c) The rehabilitation centre has been functioning successfully for more than 10 years in this location without any negative impacts on the environment or character of the area.

(d) Although the centre is not generally accessible to the public at large but restricted to a limited and exclusive clientele, it does serve a purpose and makes provision for subsidising 5% of the patients that will not be able to afford to be admitted otherwise in previous temporary departure approvals. Therefore, although it should not be seen as a community facility funded and use for

the broader community, the allocation of 5% of the beds or any other arrangement is in their favour.

(e) Although the Rural Development Guidelines and MSDF do not support ad-hoc urban related land uses in the rural area it can accommodate such uses subject to various conditions such as the preservation of agricultural land, maintenance of the rural character and the utilizing of existing built infrastructure. This department is therefor of the view that the facility can be viewed as being aligned to the Rural Development Guidelines.

The department is generally not in favour of "spot zonings" in the agricultural hinterland as these zonings often stem from a very specific and defined land use that is required. Once rezoned the land can be sold to new owners that do not necessarily intend on utilizing the zoning as was intended for. In addition, the land value is significantly increased in the process, and this will have an impact on land values in the surrounding area as there can be an expectation that similar land uses would be possible. Care should therefore be taken not to create a precedent for similar applications in future.

Serious consideration should therefore be considered as to link the proposed rezoning to the rehabilitation centre in its current and form and configuration only and the possibility for the rezoned land to revert to its original zoning of agricultural use should the land be sold or utilized differently. As the size and format of the rehabilitation centre that is confined to the existing buildings (including the 6 new rooms which were applied for) played a major role in the support of the application, a condition that will restrict and prohibit the future expansion of the rehabilitation centre should be included.

Based on the above, the department can support the rezoning of a 2,56 ha of agricultural land to community zone.

It is therefore demonstrated that;

- The land use does not impact or extensively impact on the credibility of the MSDF. It may be argued from an administrative perspective that the application is **not consistent with the MSDF** (contrary to the applicants view), considering that it is a rezoning out of agriculture and an urban related land use located outside the Raithby Urban Edge and reason provided above. It is however not necessarily contradictory with the intent of the land use planning directives of the MSDF or the Western Cape Land Use Planning Guidelines (Rural Guidelines – March

2019), by providing a land use that is not impacting negatively, on the rural landscape, the agricultural productivity of the property and the overall functionality and mandate of the municipality.

- The content of the Western Cape Agricultural Department comment/objection was therefore fully considered and a positive recommendation and decision would not necessarily contradict the considerations of Section 42 of the SPLUMA; to protect and promote the sustainable use of agricultural land. No viable and productive agricultural land will be taken out of production, new farm residential building construction could be restricted by imposing conditions that all buildings must revert back to primary agricultural uses, should the activities cease to exist.
- The MSDF is generally regarded as a guideline document, but the legislative prescripts of SPLUMA however elevates the status of the MSDF to a level of compulsory legislative compliance with a specific and narrow qualification to depart from the provisions of such MSDF, if the subject application is not consistent with or deviate from the MSDF.
- The MSDF is further a high-level policy document and in general will not contain individually property-specific provisions, whereas land use applications, on the other hand, will always be property or site specific.
- Erf 294, Raithby located outside the Raithby Urban Edge, while the Municipal Spatial Development Framework (MSDF - 2023) stipulates that the outward growth of settlements should be restricted to prevent the consumption of valuable agricultural and natural environments and associated economic benefits.
- The focus of the MSDF is further to retain the unique characteristics, structure and form of the settlement. While one of the "change actions" of the MSDF is to focus on residential densification and infill development on underdeveloped land within the urban edge. Reality is that there is very little vacant land available within the Raithby Urban Edge for infill development of the kind and extent required for new buildings. The establishment of a newly constructed rehabilitations centre with ancillary structures and facilities or similar constructed land use within the Raithby Urban Edge, will therefore have a significant impact on the rural settlements form and structure.
- One of the spatial policy strategies are to support compatible and sustainable rural activities outside the urban edge (including tourism) if these activities are of a nature and form appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment, agricultural sustainability, or the ability of the municipality to deliver on its mandate. These activities that could be accommodated in the rural area, are therefore not only limited to tourism.

- From the above it is clear that not only tourism activities are regarded as compatible activities for consideration outside an urban edge and which should not compromise the environment and agricultural sustainability. The proposed rehabilitation facility has been operated for more than 10years from existing and historical buildings on less than 5% (±2.5ha of a 59ha property) of a functional agricultural property.

In this regard, the fact that the property owner owns most of the surrounding properties and subsequent development pressure of land banking faced by the municipality in the Firgrove to Raithby area, was however not regarded as a reason and therefore not a consideration in this regard.

The applicant's perspective on consistency considerations is covered in Part E of this report in the application overview and motivation.

2. Assessment of grounds of the 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:

ASSESSMENT OF GROUNDS OF THE LAND USE AND LAND DEVELOPMENT APPLICATION				
#	**Section 65 Criteria**	**Yes**	**No**	**N/A**
1.	The proposal is not inconsistent with the Stellenbosch Municipal Spatial Development Framework, 2019		X	
2.	The proposal is not inconsistent with the Western Cape Land Use Planning Guidelines: Rural Areas, 2019	X		
3.	The proposal is guided by the development principles of SPLUMA	X		
4.	The proposal is not inconsistent with measures to protect and promote the sustainable use of agricultural land	X		
5.	The proposal is not inconsistent with national and provincial policies	X		
6.	The following matters as listed in SPLUMA has been considered: – public interest; – transformation imperatives; – relevant facts and circumstances; – rights and obligation of those affected; – state and impact of engineering services; – state and impact of social infrastructure; – open space requirements; – timeframes for making decisions	X		
7.	The proposal is not in contravention of environmental legislation	X		

8.	The proposal is not inconsistent with the land use principles of LUPA namely spatial justice, spatial sustainability, efficiency, spatial resilience and good administration	X		
9.	The proposal is in line with the provisions of the Stellenbosch Municipal Zoning Scheme Bylaw, 2019	X		

2.1 Land use principles

Through land use management regulations like zoning scheme bylaws there is a deliberate action to regulate specific defined land use categories. Provision is however made for "split" zonings in the bylaw, hence the application submitted to rezone a portion of Erf 294, Raithby.

"**split zoning**" refers to the zoning of a land unit where more than one zone has been allocated to the same land unit allowing different primary rights on different portions of the land unit. The split zoning may be allocated horizontally (applicable to a specific area of land) or vertically (applicable to specific portions of buildings above or below ground). An application for a split zone in terms of this Scheme shall either be accompanied by a diagram prepared by a registered land surveyor indicating coordinates of the area to be rezoned and the zoning map shall bear an icon indicating that a split zoning has been allocated to the land unit, or such diagram shall be required to be submitted with the building plan, in order to validate the split zone and for the approval not to lapse.

2.2 Applicable spatial development frameworks, guidelines, policies

The Stellenbosch Municipal Spatial Development (MSDF)has been discussed in paragraph 1 of Part G of this report. The Western Cape Land Use Planning Guidelines (Rural Guidelines – March 2019) which will be discussed in the desirability assessment here-under.

2.3 Service infrastructure capacity and sustainability

The existing services are deemed to be sufficient for the existing and proposed buildings. The owner will however be responsible to provide any additional required and upgraded facilities to acceptable municipal engineering standards. Where Development Contributions are applicable, it will be calculated for the financial year payment is done in (See **APPENDIX 7** for the Directorate Infrastructure Services comments).

Due to the low vehicle volumes envisage for the proposed activities no Traffic Impact Statement (TIS)or assessment was required. The intend of the facility is to isolate patients and restrict visiting hours, while all patients are transported to the facility by family and friends. National and international patients are shuttled to and from the facility. Onsite parking is therefore

predominantly required for staff, although sufficient enclosed onsite parking can be provided in the area to be rezoned.

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

Condition 5(iii) of the title deed stipulates that only with the written **approval of the competent authority in terms of Act 21/1940** may a shop or business place of any kind be operated on the premises. The conveyancers certificate indicates that no application for the removal of the subject title deed is applicable. It could be confirmed that the Provincial Roads Authority did recommend the application for approval.

Section 45(6) of SPLUMA however makes provision that "where a condition of title, a condition of establishment of a township or an existing scheme provides for a purpose with the consent or approval of the administrator, a Premier, the township board **or any controlling authority**, such consent may be granted by the municipality and such reference to the administrator, a Premier, the township board or **controlling authority is deemed to be a reference to the municipality**".

The Municipality will thus be able to grant the necessary approvals, should the decision maker deem the application desirable.

No NEMA listed activities are trigged, Heritage Western Cape approved the HIA conducted and no TIA was required due to the low traffic volumes to be generated by the proposed use.

2.5 Applicable provisions of the zoning scheme

The Community Zone zoning makes provision for a welfare institution as a primary use.

"Welfare institution" *means a place where career guidance,* ***counselling, recuperation or rehabilitation*** *for bona-fide medical, psychological or post-surgical conditions is provided,* ***and includes ancillary offices and residential accommodation*** *associated with the aforementioned".*

Provision is therefore made in the zoning scheme by-law under the subject zoning for the proposed land uses.

2.6 General desirability

The purpose of policies and guidelines in the context of the land use planning functionality is to guide decision making by assisting to determine the extent of desirability of the proposed land use.

Western Cape Land Use Planning Guidelines (Rural Guidelines – March 2019)

The Western Cape Land Use Planning Guidelines (Rural Guidelines – March 2019) do not totally prohibit institutional facilities in rural areas and it requires that these facilities be;

- located in disturbed areas,
- areas of low agricultural potential,
- existing farm buildings and existing footprint should be utilised and
- that a nodal clustering of facilities should be promoted.

The provision of the guidelines regarded Rehabilitation Centre's however as a rural business and not a community facility and it should be located in urban areas. It however stipulates that non-place-bound businesses should only be considered in the rural area when exceptional cases and location factors warrant such a land use. Only activities that are appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate, should be accommodated. The long-term impact on the municipality, agricultural activities, production and sustainability, risk and finances, and the scenic, heritage and cultural landscape should be considered when decisions are taken.

This proposal conforms to all these requirements. It is proposed to use existing buildings and build one additional building on an area used for gardening purposes. The "werf" is centrally located to the property and the new building will not encroached any building lines or scenic views. Landscaping proposals could be requested to mitigate the visual impact of any new structure, if required.

It's further stipulated that critical scenic routes and landscapes must be protected. The MSDF classifies Winery Road as a sensitive scenic route, but no new buildings are proposed in sight from the Winery Road that would alter the aesthetic appearance of the property or cultural landscape. There are no listed graded landscapes that require special protection and the application was supported by Heritage Western Cape. This proposal was also supported by the

Municipal Spatial Planning Department with the provision that the maximum 40 patient's capacity be adhered to.

The proposed facility and objections received;

As said the Rehabilitation/Addiction Care facility has been operational on the subject property for close to 10years on less than 5% of the property and the objections received are predominantly related to primary agricultural activities and not necessarily nuisances from the facility. A site inspection revealed that the facilities administration, consulting and accommodation structures is approximately 150-200m from the objector's property. In between, agricultural implement sheds are found, for the used and storage of agricultural implements not only for the subject property, but also other properties owned by the owners in the vicinity. It is therefore eminent that the use and activities on a property used for primary agricultural activities, may come in conflict with small non-viable agricultural holdings used primarily for residential lifestyle accommodation. None of the activities related to the rehabilitation/addiction centre on the subject farm, is envisaged to have an adverse negative impact on the surrounding property owners. Noise nuisances relating to primary agricultural activities should be reported to the relevant authorities when it occurs for investigation. No sufficient evidence has been provided in the objection to consider mitigating measures, other than to impose reasonable restrictive operating timeframes for the facility.

The tranquil rural setting and environment is imperative in the healing process and programmes run by the facility. It provides a home-away-from-home environment, that is perfectly tailored to create space for mindfulness and peace of mind for all patients. Space within urban developments does not necessarily provide the same environment, considering that addiction and mental health issues are complex and require a dynamic, creative and caring environment, which this property offers.

The existing buildings are therefore still proposed to be utilised for group therapy activities. Lectures take place in the Manor House, team of psychologists and therapists is housed in the Old Cellar building, which overlooks a small water feature and tranquil garden. All bedrooms are housed in the newly refurbished Main House and new proposed building, Annex and Cottage. In addition to dining areas, there are several lounges, an outside patio and a private gymnasium with an onsite fitness instructor. They currently accommodate a maximum of 38 clients well within the maximum proposed 40 patients, allowing each client more than enough personal space for recuperation and reflection. Each bedroom has an allocated bathroom which makes for

comfortable sleeping accommodation. All rooms are shared and as said, the rural setting is paramount to the treatment provided, as between formal therapeutic and recreation sessions, clients are encouraged to enjoy the beautiful setting by taking "down-time" to walk, meditate or reflect.

Similar examples in the rural area;

The governmentally run De Novo Rehabilitations Centre situated in the Muldervlei rural landscape is an example of a similar land use which is successfully located in the rural area, notwithstanding that its governmentally-operated. Similar privately-owned examples exist in the neighbouring municipal areas and is therefore not foreign to the rural context or had a detrimental effect on the rural landscape.

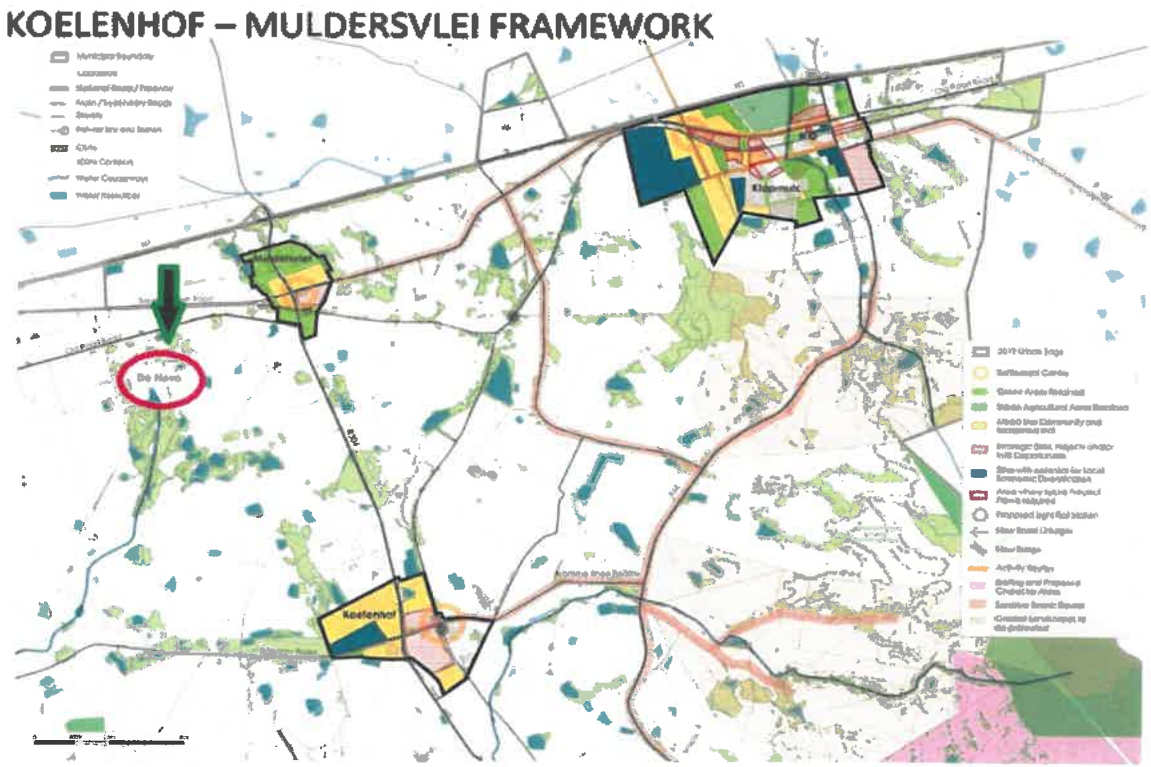


Figure 40: Koelenhof - Muldersvlei Plan

The need for private rehabilitation centres;

In the South African context, statistics revealed that around 5 million citizens suffer every day with at least drug or alcohol addiction and there is consequently a great need for these facilities, whether private or state owned or located in urban or rural areas.

The applicant also indicate that the facility makes contributions to the "Mudita Foundation", which provides a service to the local urban communities in the field of mental health and addiction care services, who also comes directly from the streets and who are generously sponsored to stay at their facilities. Should the decision-maker deem the application desirable, it is proposed the previous temporary departure conditions of approval that requires the centre allows at least 5% from the previously disadvantaged patients be amended to the annually submission of the submission of copies of annual agreements/memorandum of understanding regarding donations or funding to "The Mudita Foundation" or any similar organisation working with the previous disadvantage communities in the field of substance and other abuse in and around the Stellenbosch Municipal area, to the satisfaction of the municipal Community Development Department.

Ultimately, the most important thing is that patients gets help for their addiction, whether it be public or private. Because publicly funded treatment centres are low- or no cost, there is usually high demand for services. This means that if you choose public rehabilitation facilities, you may have to wait for treatment. Often, the window of opportunity to get someone help for an addiction is relatively short, so waiting isn't always in the addict's best interest. The patients experience at public run facilities is usually very basic and they are often located in more crowded urban areas.

In contrast to public rehabilitation centres, private facilities do charge more for their services as they are not funded through the state. You will however have to pay more for a private rehabilitation experience, but often times, it's money well spent. Because the guests and their families are the ones paying for the treatment, there is often times more care given to the patients experience at such a facility. Bedrooms and accommodation are often of better standard, and the land private facilities are located on are often times superior to that of publicly funded treatment, like Rustenburg. Private one-on-one counselling is an incredibly important part of rehabilitation for substance and other abuse, and private facilities offer a more thorough clinical experience for their patients. Private rehabilitation centres, like Rustenburg do therefore alleviate the pressure on the government to provide in the need of much needed rehabilitation services.

The site development and zoning plan

The site development and zoning plan clearly illustrate the area to be used and the exact intention and scope of the proposed development, to ensure that no building plan be submitted

or approved which is not consistent with an approved site development plan. The buildings could therefore easily revert back to bon-fide agricultural buildings, should the Rehabilitation/Addiction Care facility no longer be operated on site. Should the decision maker deem the application desirable, it is proposed that a condition be imposed that no further agricultural residential dwellings be constructed on either the proposed rezoned split zoning or the remaining agricultural portion. The agricultural activities and operation of the agricultural remainder had for the last 10years effectively been operated without the need for additional agricultural residential buildings.

The general criteria for decision-making in terms of Section 65 of the Stellenbosch Municipal Land Use Planning By-law, October 2015 have been complied with and the application can be recommended for approval, subject to restrictive conditions that confines it to the existing buildings, the new proposed building, that no new farm residential building be constructed, the facility be restricted to a maximum of 40 patients, that access to the rehabilitation facility be restricted from 08:00 till 17:00 and the ±2,5ha rezoning area.

PART H: SUMMARY OF KEY FINDINGS OF ASSESSMENT

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

1. Site specific reasons was motivated by the applicant.
2. The proposed rezoning does not alienate unique or high value agricultural land, or compromise existing farming activities.
3. The existing and proposed structures is compatible with the cultural and scenic landscapes within which the development is proposed, and it does not infringe on the authenticity of the rural landscape.
4. The development and specifically the Community Zone split zoning does not impose real costs or risks to the municipality delivering on its mandate and would not compromise the development strategy of the MSDF.
5. Sufficient onsite parking and services can be provided for the capacity of the facility, within the proposed zoning area.
6. The aesthetic appearance of the structures will not be altered, the heritage worthiness of the existing buildings will be conserved and the new structure will not impact negatively on the cultural landscape.

7. The Municipal Spatial Development Framework (MSDF) don't need to be amended to accommodate the proposed land use, notwithstanding that the application deviate from the MSDF provisions.
8. Safe and direct access to the facility will be obtained from an existing approved access of the Winery public road.
9. The rehabilitation centre for maximum 40 clients is therefore not envisaged to be detrimental to the local rural agricultural area.

PART I: RECOMMENDATION

1. That it **BE DECIDED** that the application for law for the rezoning of ±2.56ha of Erf 294, Raithby from Agriculture and Rural Zone to Community Zone for the establishment of a welfare institution for a health care facility (in-patient rehabilitation centre) for sufferers of substances abuse and eating disorders in existing buildings and a new building as depicted in Zoning Plan (Project No. 2021 643, Figure ZP-1643-01 dated August 2023), attached as **APPENDIX 2**, deviates from the provisions of the Stellenbosch Municipality SDF as contemplated in terms of Section 19 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), for the following reasons:

    1.1 The proposed development is in conflict with the spatial planning objectives of the MSDF considering that the farm is located outside of the Urban Edge of Raithby, which is still being regarded as relevant with due regard to the legislative planning provisions and the prevailing development context.

    1.2 The intention of the MSDF is not to allow for any opportunistic economic activity to be in the rural setting.

    1.3 Due to the threat of urban sprawl in general but more specifically urban sprawl from the City of Cape Town into the Winelands, the MSDF requires that tight urban edges be retained to prohibit the ad-hoc further expansion of urban settlements.

2. That it **BE DECIDED** that the application for the rezoning of ±2.56ha of Erf 294, Raithby from Agriculture and Rural Zone to Community Zone for the establishment of a welfare institution for a health care facility (in-patient rehabilitation centre) for sufferers of substances abuse and eating disorders in existing buildings and a new building as depicted in Zoning Plan (Project No. 2021 643, Figure ZP-1643-01 dated August 2023), attached as **APPENDIX 2**, does warrant

site specific circumstances as contemplated in terms of Section 22(2) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) for the following reasons:

2.1. Although the MSDF do not support ad-hoc urban related land uses in the rural area, and with due consideration of the historic operation of the facility in this locality as a temporary departure, the proposed development, being accommodated in the existing footprint with existing infrastructure, will not impact on the preservation of good agricultural land and will not have a detrimental impact on the rural character.

3. That the following application in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Erf 294 Raithby, namely:

4.1 **Rezoning** in terms of Section 15(2)(a) of the said by-law for the rezoning of ±2.56ha of Erf 294, Raithby from Agriculture and Rural Zone to Community Zone for the establishment of a welfare institution for a health care facility (in-patient rehabilitation centre) for sufferers of substances abuse and eating disorders in existing buildings and a new building as depicted in Zoning Plan (Project No. 2021 643, Figure ZP-1643-01 dated August 2023), attached as **APPENDIX 2**.

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

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

5.1 The approval only applies to the proposed rezoning and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or bylaws or regulations that may be applicable.

5.2 The rezoning approval will only be valid for the duration of the period that the subject proposed facility (Rehabilitation/Addiction Care facility) is in operation and when the subject facility ceases to operate for any period of time, the rezoning approval, together with any temporary building plan approval attached to the rezoning approval, will lapse and the subject spot zoning for Community Zone, as well as associated buildings, will revert to agricultural zone and agricultural related uses.

5.3 Building plans be submitted and approved by the Municipality for the change in land use from agricultural use to an addiction care/rehabilitation facility and prior to commencing of any building works, including the preparation of land, which building plan approval will only be approved as a temporary building plan approval for the duration of the approved facility when all relevant (or qualified) conditions of approval have been complied with.

5.4 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of submission of building plans or as may be agreed on in writing with the Directorate: Infrastructure Services.

5.5 The development must be undertaken generally in accordance with the Zoning Plan (Project No. 2021 643, Figure ZP-1643-01 dated August 2023) and site plan and building plans, as indicated on the referenced Project No 2021 643, dated April 2022 & August 2021 respectively and drawn by MLH Architects & Planners, attached as **APPENDIX 2.**

5.6 Vehicle access, related to the use and operation of the facility, including visitor be restricted to between 08h00 till 17hoo daily.

5.7 Only the main entrance to the property be used for access to the Rehabilitation/Addiction facility.

5.8 The maximum number of patients be restricted to 40 at a time and that no expansion of the facility, either in infrastructure or capacity, be permitted.

5.9 The centre submits copies of annual agreements/memorandum of understanding regarding donations or funding to "The Mudita Foundation" or any similar organisation working with the previous disadvantage communities in the field of substance and other abuse in and around the Stellenbosch Municipal area, to the satisfaction of the municipal Community Development Department.

5.10 No additional agricultural residential dwellings be constructed on the property and should the need arise, the existing dwellings revert back for agricultural purposes.

5.11 Should the facility ceased to exist, the use of all building reverts back to bona-fide agricultural buildings and all new buildings be used in compliance with the primary land uses right of the Agricultural and Rural Zone zoning.

5.12 The submission of a diagram prepared by a registered land surveyor indicating coordinates of the area which was rezoned, in order to validate the approved split zone in relation to the zoning plan in APPENDIX 2 before building plan approval.

5.13 The conditions listed in the letter dated 30 June 2022 from the Western Cape Government: Transport and Public Works attached as **APPENDIX 6** be complied with, prior to building plan approval.

5.14 The conditions listed in the memorandum dated 12 April 2022 from the Municipal Director: Infrastructure Services attached as **APPENDIX 7** be complied with.

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

5.1. The aesthetic appearance of the structures will not be altered, the heritage worthiness of the existing buildings will be conserved and the new structure will not impact negatively on the cultural landscape. Impacts on cultural significance, are therefore not anticipated.

5.2. The development and specifically the Community Zone split zoning does not impose real costs or risks to the municipality delivering on its mandate and would not compromise the development strategy of the MSDF.

5.3. The proposed rezoning does not alienate unique or high value agricultural land, or compromise existing farming activities.

5.4. No expansion of the approved facility, both in term of number of patients being catered for or additional facilities or buildings will be permitted.

5.5. There is no need to amend the MSDF.

6. Matters to be noted:

6.1. When the existing sewerage system is to be replaced and upgraded, comment from the Department of Environmental Affairs and Development Planning: Environmental Impact Management Services should be obtained.

6.2. The land use shall not create any undue noise or be a nuisance to the neighbourhood and that precautionary measures be taken in order to avoid environmental noise pollution in terms of the Noise Control Regulations (PN627 dated 20 November 1998)

made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).

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

6.4. 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.

6.5. All electrical requirements should be directed to Eskom.

6.6. Should any revision of the proposed development constitute a listed activity(ies) in terms of the NEMA EIA Regulations, 2014 as defined in GN No. 327,325 and/or 324 an application must be submitted and environmental authorisation obtained before such activity(ies) may commence.

6.7. That all buildings comply and activities are conducted satisfactory to the requirements of the Health and Fire Services authorities at all times.

PART J: APPENDICES

APPENDIX 1:	Locality Plan
APPENDIX 2:	Site Development, Building and Zoning Plans
APPENDIX 3:	Applicant's Motivation
APPENDIX 4:	Proof of Evidence
APPENDIX 5:	Comments from I&AP,
APPENDIX 6:	Comments from external departments
APPENDIX 7:	Comments from internal
APPENDIX 8:	Site photos.
APPENDIX 9:	Temporary departure approval.

PART K: COMPILATION OF PLANNING APPLICATION ASSESSMENT REPORT

APPLICATION FOR REZONING: ERF 294, RAITHBY.

Author of Planning Assessment Report:

Recommended Categorisation of the Application for Authorised Decision Maker:

Name: Pedro April

Capacity: Senior Town Planner

SACPLAN Registration:

Signature:

Date: 08/09/2023

PART L: REVIEW OF PLANNING APPLICATION ASSESSMENT REPORT

APPLICATION FOR REZONING: ERF 294, RAITHBY.

Review of Planning Assessment Report:

Name: Chrizelle Kriel

Capacity: Manager: Land Use Management

SACPLAN Registration: A212110

Signature:

Date: 14-09-2023

PART I: SUBMISSION OF PLANNING APPLICATION ASSESSMENT REPORT

APPLICATION FOR REZONING: ERF 294, RAITHBY.

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

As the duly authorised official in terms of Section 56 of the Stellenbosch Municipal Land Use Planning Bylaw (2023) to assess and make a recommendation on the above planning application, the subject planning report is hereby submitted for consideration to the duly authorised decision maker in accordance with the System of Delegations and the Categorisation Model for Land Use and Land Development Applications as approved by the Stellenbosch Municipality in accordance with Section 68 and 69 of the said Bylaw.

In terms of the System of Delegations and the Categorisation Model duly approved in terms of Section 68 & 69 of the said Bylaw vide Item 11.8.1 and dated 24 May 2023, the subject application is delegated and categorised as follows:

Category: 4 type A(a)

Decision Making Authority: MPT

Rational: Application is inconsistent with Council policy and an objection was received.

Name: Stiaan Carstens

Capacity: Senior Manager Development Management

SACPLAN Registration: A/1551

Signature:

Date: 14/9/2023

PART M: ADMINISTRATION OF PLANNING APPLICATION ASSESSMENT REPORT

APPLICATION FOR REZONING: ERF 294, RAITHBY.

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: 29 SEPTEMBER 2023

Name: Lenacia Kamineth (Davies)

Capacity: Senior Administrative Officer

Signature: Davies

Date: 14.9.2023

APPENDIX 1

Locality Plan

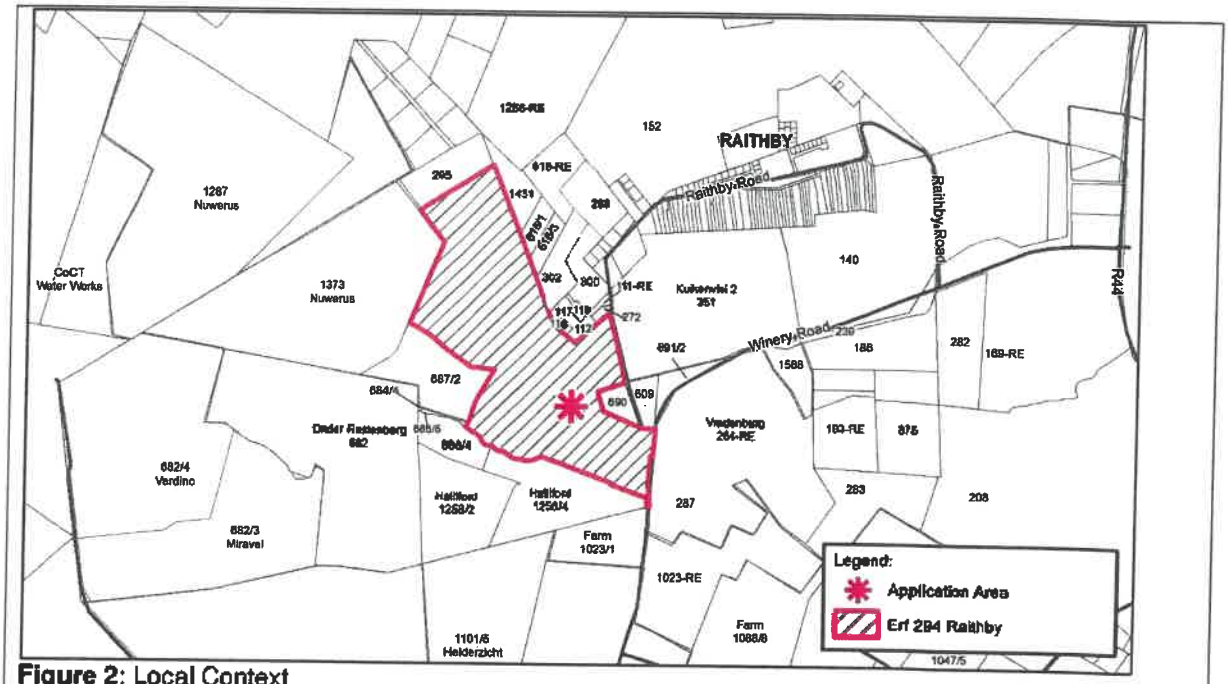


Figure 2: Local Context

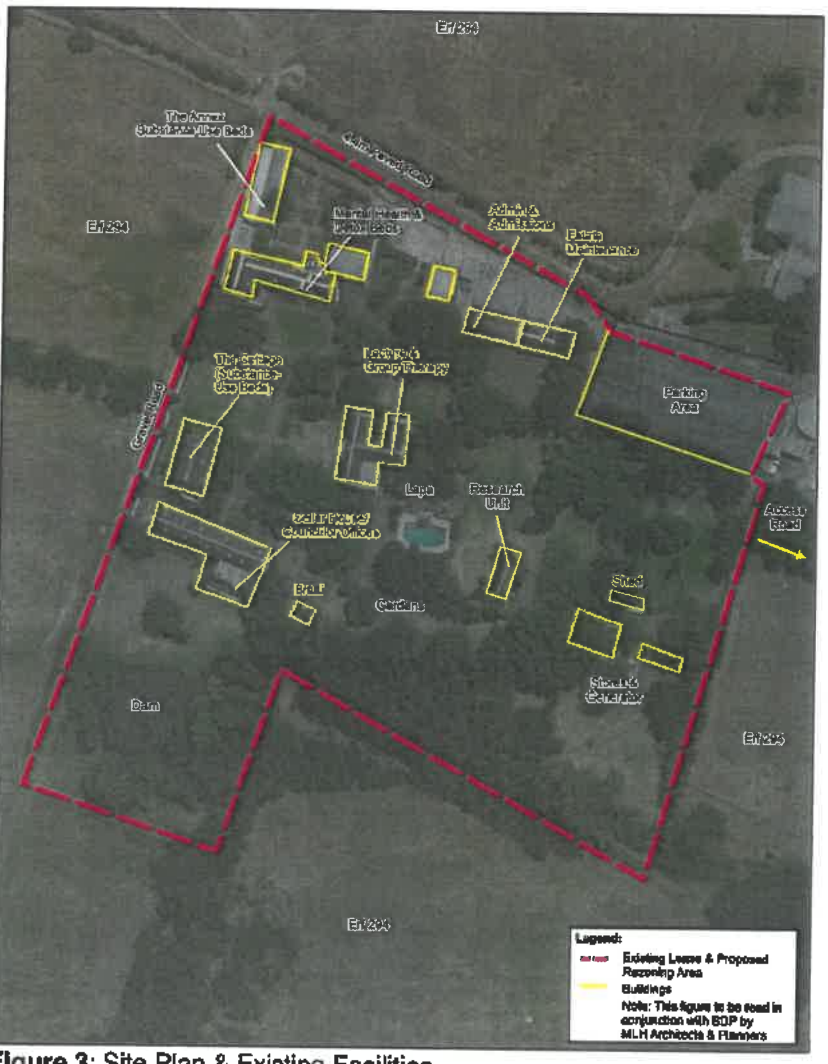
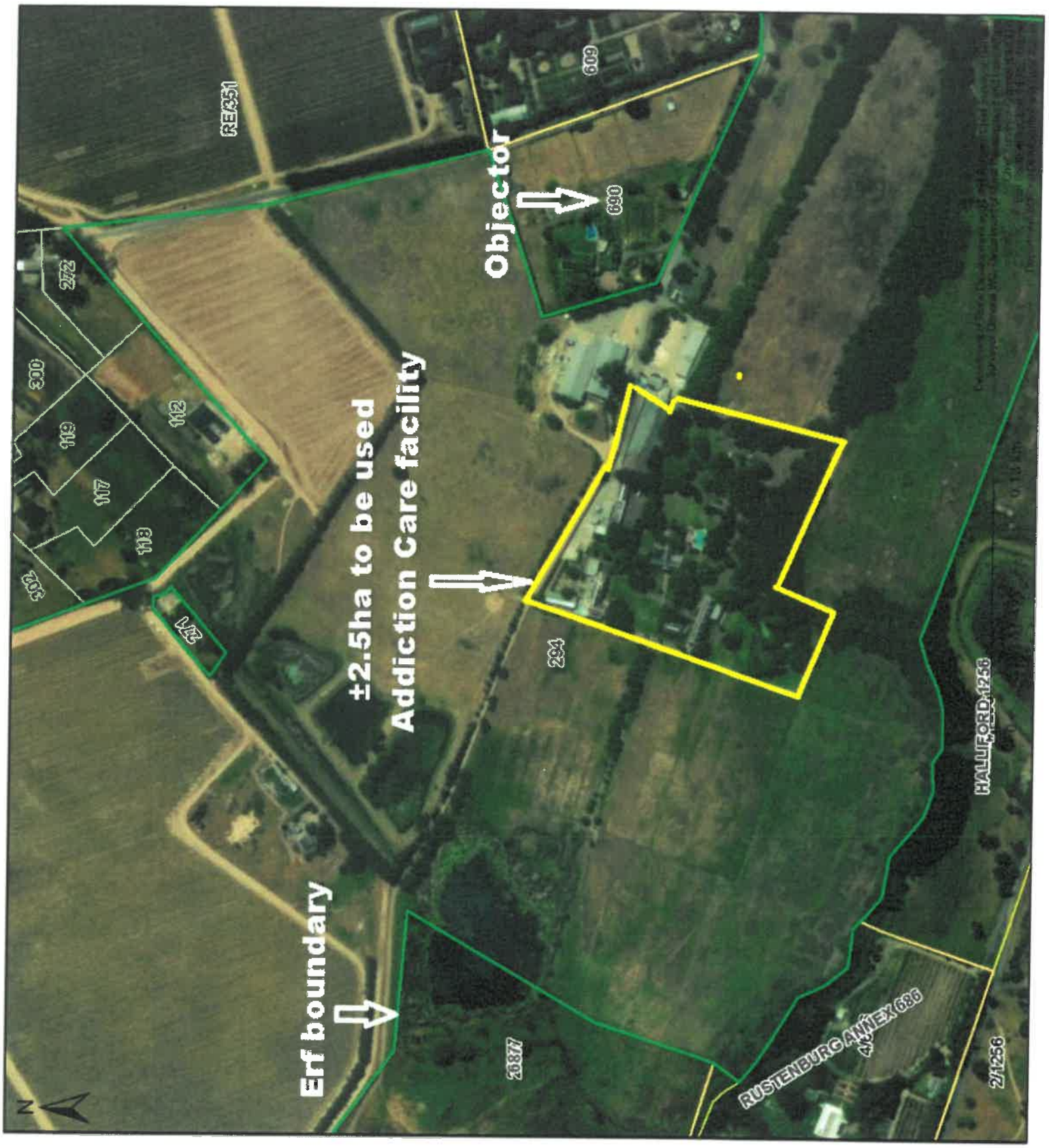
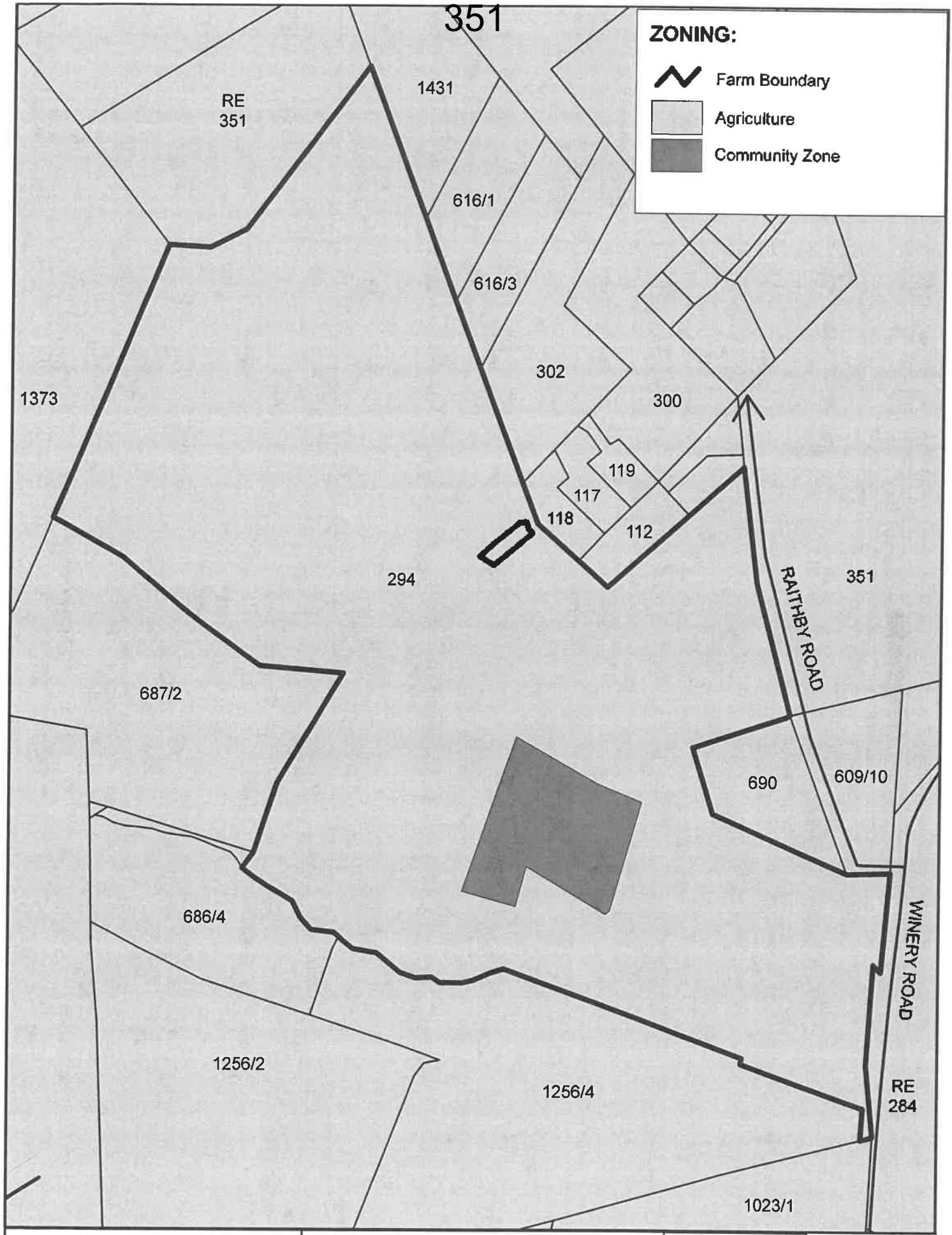


Figure 3: Site Plan & Existing Facilities


Objector
±2.5ha to be used
Addiction Care facility
Erf boundary
RE/351
609
690
272
300
119
112
117
118
302
271
294
26877
RUSTENBURG ANNEX 686
HALLIFORD 1256
2/1256
N

APPENDIX 2

Site Development, Building and Zoning Plans



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Erf 294, RAITHBY (Rustenburg Addiction Centre)

Project number: 2021 643

dwg: (R:)1-Gis: Projects: 2021 643
pdf: (P:): 2021 643: Plans

N

N.T.S

ZONING PLAN

Date: August 2023

Figure: ZP-1643-01

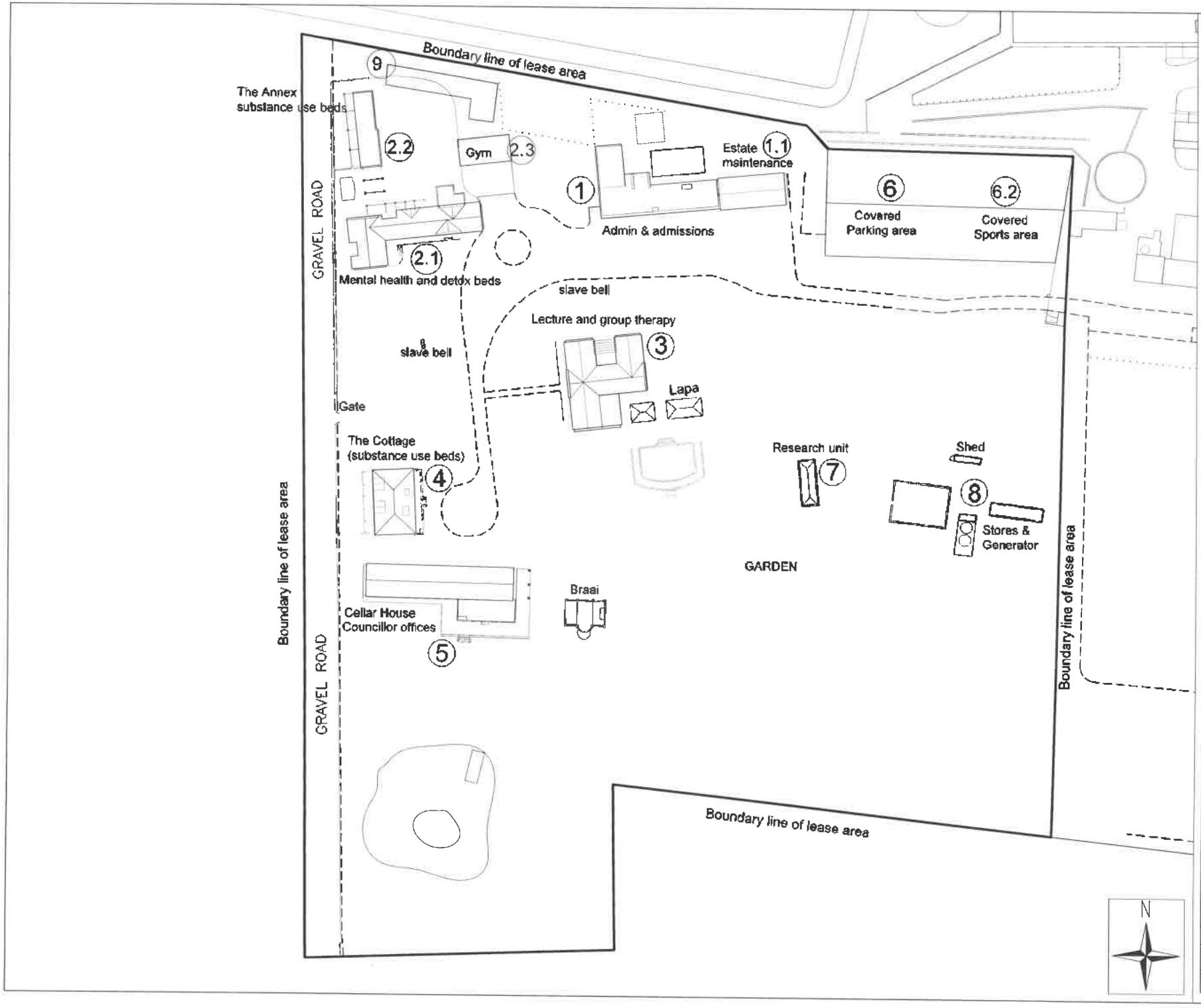

Table Indicating Building Areas

Building No.	Use	m²
1.	Admin and Admissions	295m²
1.1	Estate Maintenance	108m²
2.1	Mental Health and Detox Beds	230m²
2.2	The Annex - Substance Abuse Beds	74m²
2.3	Gym	70m²
3.	Lecture & Group Therapy	271m²
4.	Cottage (Substance Abuse Beds)	139m²
5.	Cellar House (Councillors House)	254m²
6.	Covered Parking Area	639m²
6.2	Covered Sports Area	690m²
7.	Research Unit	41m²
8.	Outbuildings	81m²
9	New Building	155m²
TOTAL		3037m²

Legend

- - - Circulation Flow

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Client: MILNERTON ESTATES PROPERTY DEVELOPERS

Project: Erf 294 Rustenburg

Drawing: Site Plan Rustenburg Addiction Care

Drawn:

Date: April 2022

Scale: NTS

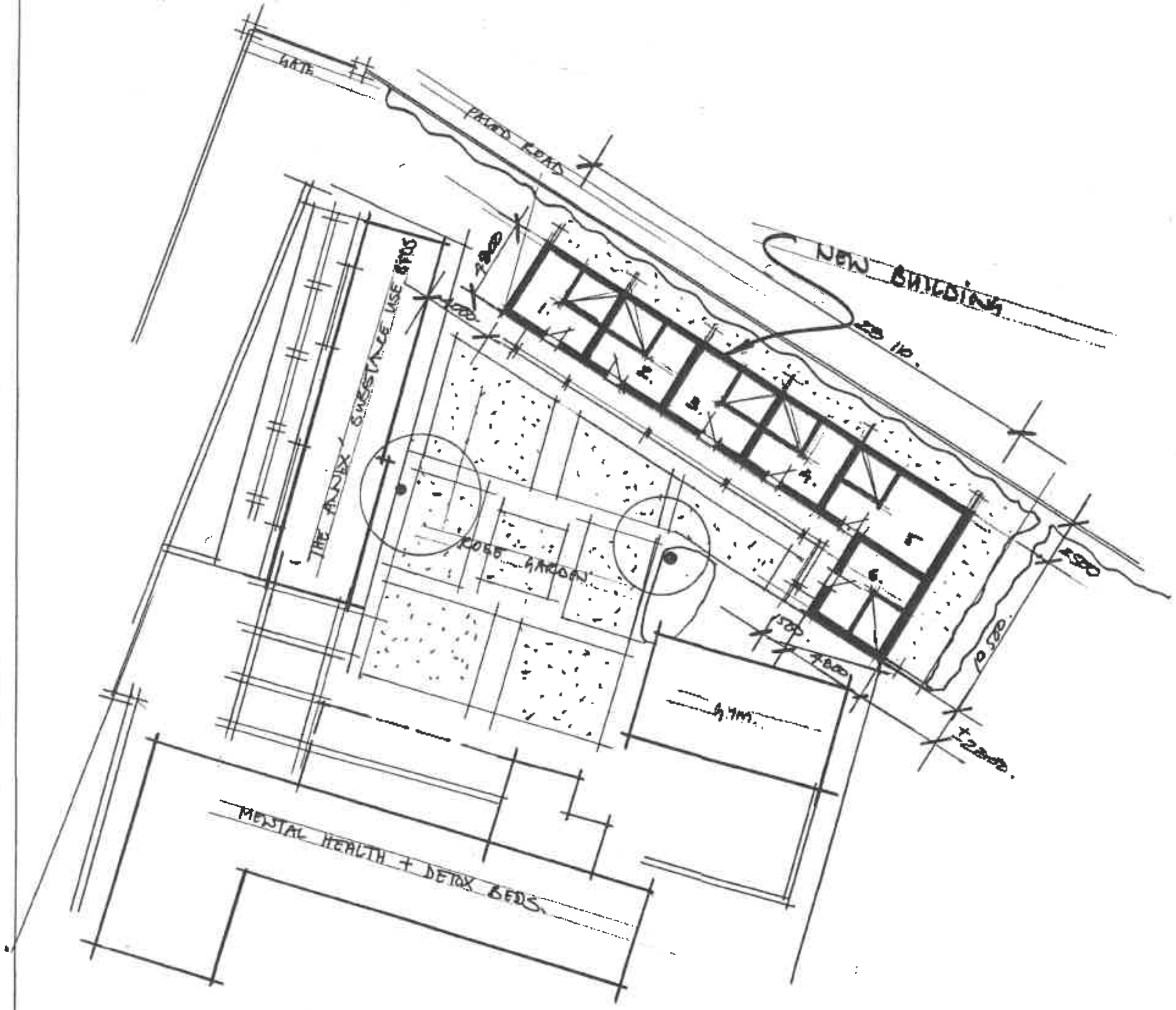
Project Number: 2021 643

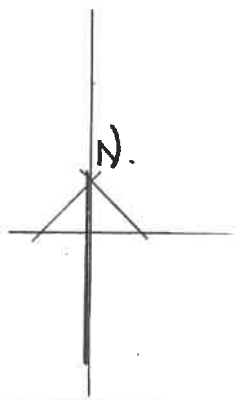
Drawing Number:

Revision:

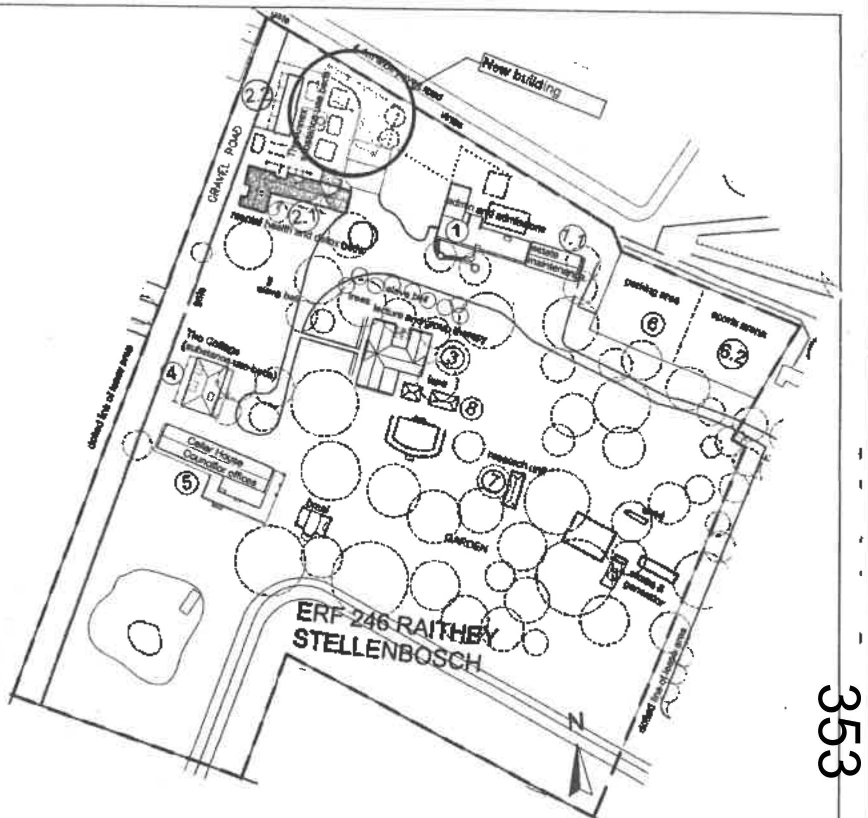
CAD Filename:

Plot Date: 2021/10/08





SITE PLAN. – NEW BUILDING.
1:200.



LOCALITY PLAN – RUSTENBERG ESTATE.
N.T.S.

Client	Drawing	Issue Status	
MILNERTON ESTATES	SITE PLAN + LOCALITY PLAN	FOR INFORMATION	

Project	Project Number	Drawing Number	Revision	Drawing Scale	Issue Date	Save Date
RUSTENBERG NEW ACCOMMODATION	2021 134	SK 00 -10	–	1:200.	August 2021	2021-08-25

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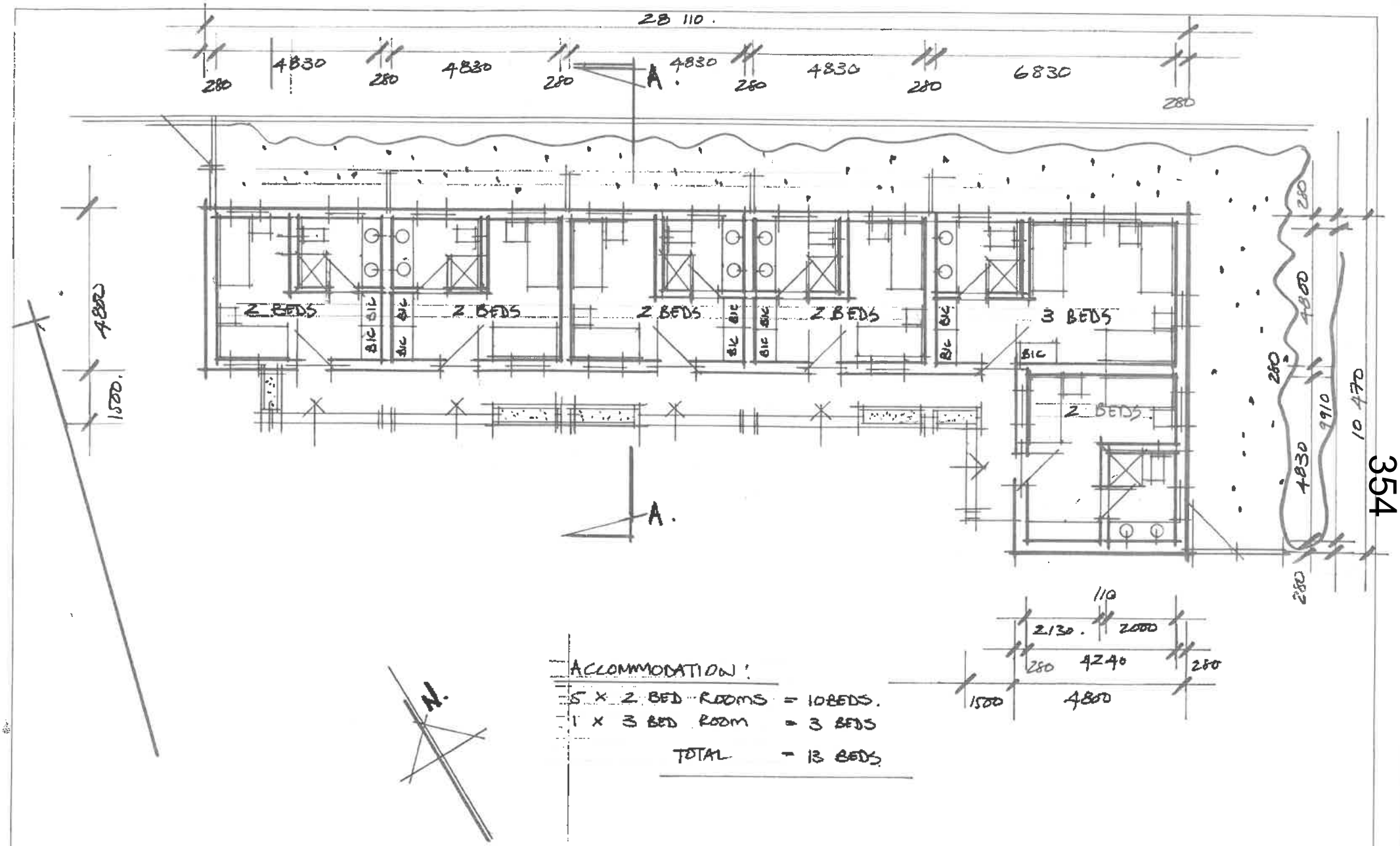

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Project: RUSTENBERG NEW ACCOMMODATION	Project Number: 2021.134	Drawing Number: SK 10.10	Revision: -	Drawing Scale: 1:100	Issue Date: AUGUST 2021	Save Date: 2021-09-25

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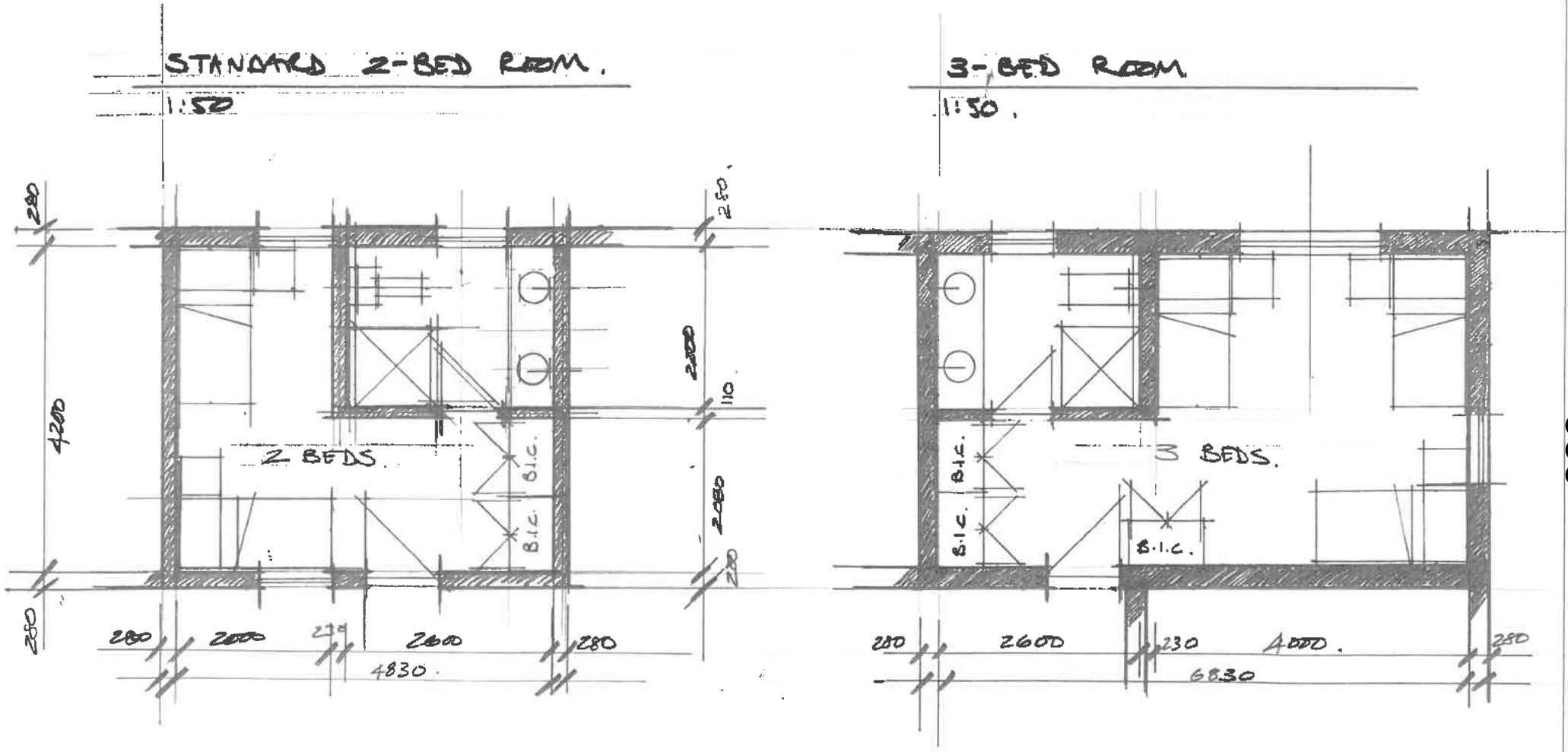
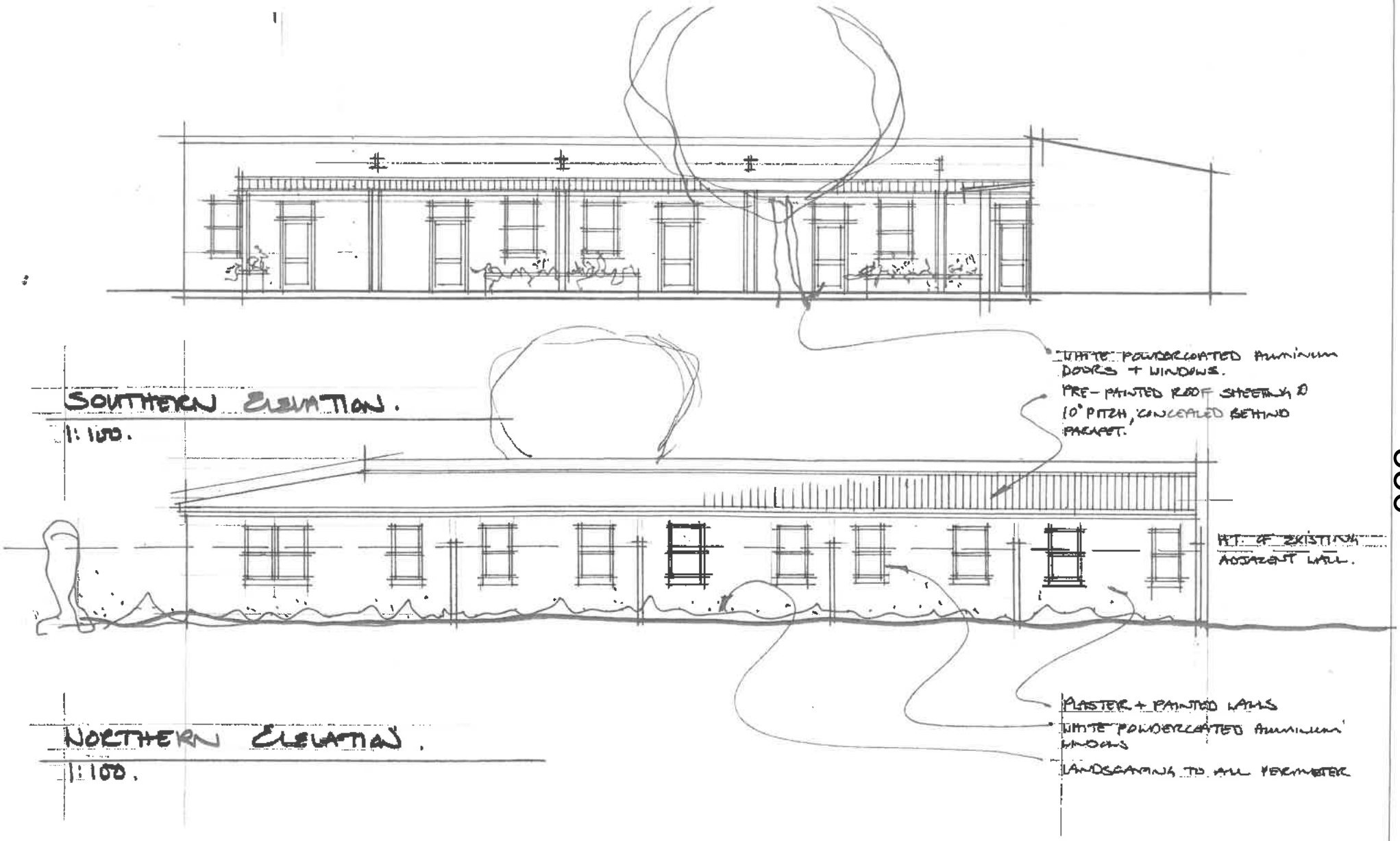


Client: MILNERTON ESTATES	Drawing: BEDROOM TYPE PLANS			Issue Status: FOR INFORMATION			mlh architects & planners
Project: RUSTENBERG NEW ACCOMMODATION	Project Number: 2021 134	Drawing Number: SK 10·20	Revision: —	Drawing Scale: 1:50	Issue Date: AUGUST 2021	Save Date: 2021-08-25	GRAPHIC CENTRE, 189 LOOP STREET, CAPE TOWN, PO BOX 15002, VLAEBERG 8018 TELEPHONE +27 21 4243210. FAX +27 21 4247810 E-MAIL mlh@mlh.co.za, WEBSITE www.mlh.co.za



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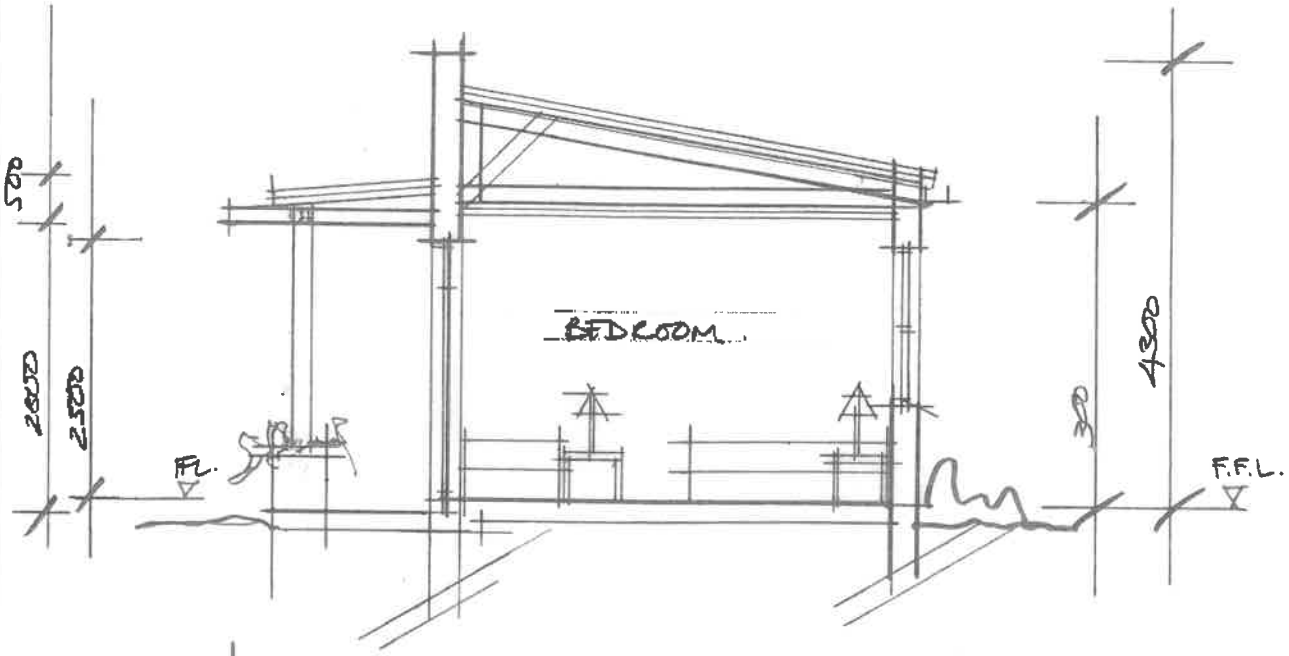
Project: RUSTENBERG NEW ACCOMMODATION	Project Number: 2021_134	Drawing Number: SK 30.10	Revision: —	Drawing Scale: 1:100,	Issue Date: AUGUST 2021	Save Date: 2021-09-25	GRAPHIC CENTRE, 199 LOOP STREET, CAPE TOWN, PO BOX 15002, VLAEBERG 8018 TELEPHONE +27 21 4243210, FAX +27 21 4247810 E-MAIL adr@mlh.co.za, WEBSITE www.mlh.co.za



SECTION AA 1:50.

Client: MILNERTON ESTATES	Drawing: Section			Issue Status: FOR INFORMATION			mlh architects & planners
Project: RUSTENBERG NEW ACCOMMODATION	Project Number: 2021.134	Drawing Number: SK-40-10	Revision: -	Drawing Scale: 1:50	Issue Date: AUGUST 2021	Save Date: 2021-08-25	GRAPHIC CENTRE, 199 LOOP STREET, CAPE TOWN, PO BOX 16002, VLAEBERG 8018 TELEPHONE +27 21 4243210, FAX +27 21 4247810 E-MAIL mlh@mlh.co.za, WEBSITE www.mlh.co.za

APPENDIX 3

Applicant's Motivation

ERF 294, RAITHBY (Rustenburg Addiction Care Centre)

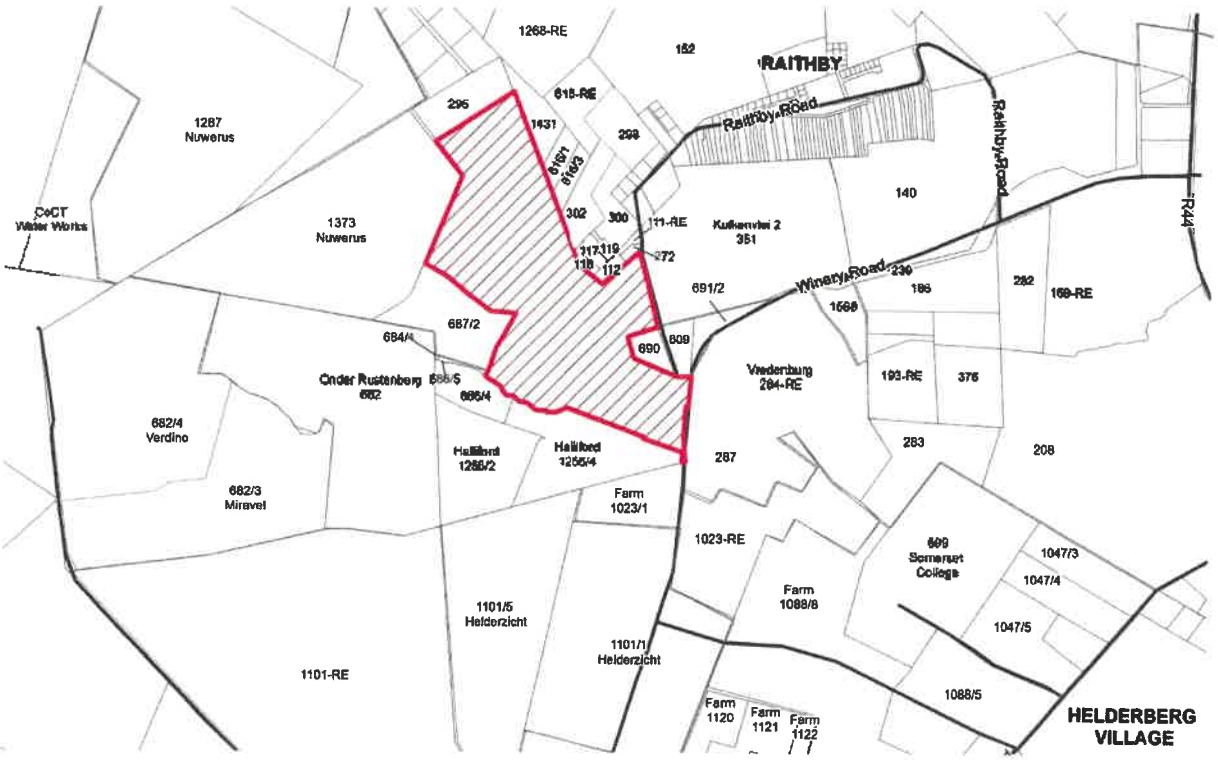
APPLICATION FOR:

- **REZONING I.T.O 15(2)(a)**

SPOT REZONING OF ±2.56ha OF THE SITE FROM "AGRICULTURE & RURAL" TO "COMMUNITY ZONE"

TO PERMIT THE CONTINUED USE OF EXISTING BUILDINGS AND A NEW BUILDING ON THE PROPERTY AS A HEALTH-CARE FACILITY (IN-PATIENT REHABILITATION CENTRE): "RUSTENBURG ADDICTION CARE"

OCTOBER 2021
OUR REF.: **2021 643**



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rustenburg ADDICTION CARE

MILNERTON ESTATES PROPERTY DEVELOPERS

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Annexure L: Engineers Report
Annexure M: Agreement with Mudita Foundation
Annexure N: Western Cape Department of Health Data Sheets

1.0	INTRODUCTION	
1.1	**Background & Proposal**	Refer to **Annexure A:** Land Use Planning Application Form & **Annexure B:** Power of Attorney and Resolution. Rustenburg Addiction Care has been operating successfully at this premises since 2014 by means of a temporary departure, which was renewed on 28 July 2020. See **Annexure G** for the previous Temporary Land Use Departure approval. **mlh Architects & Planners** have now been appointed by The Milnerton Estates Limited, the registered owner of Erf 294 Raithby, to submit a rezoning application in terms of section 15(2)(a) of the Stellenbosch Municipality Land Use Planning By-Law (2015), to permit the continued use of existing buildings (on ±2.56ha portion of the property) as an in-patient rehabilitation centre, being managed by "Rustenburg Addiction Care". See https://rustenburgaddictioncare.co.za/. The centre has been a success during it's time operating from the site, with no negative implications to the local area. Whilst other smaller facilities of this nature exist elsewhere in the metropole, these are of limited extent and functionality. They are also situated within urban environments and thus cannot provide the same quality of service as Rustenburg Addiction Care. The Centre has been operating from within the existing buildings on the main farm werf. Private vehicular access to the facility is limited to some staff members only, while most use bus transport. There is a definable demand for this health service, which will only increase and is strengthened by the population growth of the Cape Metropole and greater Stellenbosch-Paarl-Wellington region and beyond. As such, the owners of the farm and the operators of the facility now wish to enable the permanent rights of the health-care facility, and hereby apply for **rezoning** so as extend the land use rights from a temporary nature to permanent. This will allow full financial investment so as to improve the current service, as well as secure the rental income by the landowners in aid of their agricultural activities on their surrounding farms. The rezoning application is for the exact same extent of the current temporary departure area and functionality. (See **Figure 8**) As part of the land use application, a Site Development Plan is also submitted to confirm the current operations are still within the existing temporary land use departure, as well as to illustrate an additional new building to the existing werf complex. The Site Development Plan will provide the basis for future building plan submissions. This new building is not to increase the current and approved in-patient threshold of maximum 40 beds, but rather an appropriate opportunity to relocate accommodation from other buildings to this new improved building and so provide a better-quality service. The location of this new building is also within the currently approved temporary departure area and does not take up any virgin

	agricultural land. The land use application is supported by a Heritage Statement (see **Annexure J:** Heritage Statement) as well as an engineering report (see **Annexure L**). A positive recommendation from Heritage Western Cape has already been obtained in terms of both the rezoning of the historic werf area, as well as the proposed new building.
1.2 Legal Context	
Land Use Rights	The property has an existing temporary departure in place to permit the current in-patient rehabilitation centre (see attached **Annexure G:** Previous Temporary Land Use Departure Approval).
SG Diagram	See **Annexure E:** SG Survey Diagrams.
Title Deed	See **Annexure C:** Conveyancer's Certificate and **Annexure D:** Copy of Title Deed. There are no title deed restrictions to the land use.
Zoning	The property is zoned "Agriculture & Rural Zone" in terms of the current Stellenbosch Municipality Zoning Scheme By-Law Zoning Maps (see attached **Annexure F:** Zoning Certificate which indicates the property's zoning as Agricultural Zone 1).
1.3 Context: Regional & Local	Refer to **Figure 1:** Regional Context & Milnerton Estates Ownership, **Figure 2:** Local Context & **Figure 3:** Site Plan & Existing Facilities. Erf 294 is known as "Rustenburg" farm, and it is situated close to the village of Raithby, within the local Winery Road-Raithby valley. The property is located inside the Stellenbosch municipal boundary. Access to the property can be taken directly off Winery Road, via Main Road to the south and the R44 to the east. Winery Road links to the property to greater Winelands and Cape Metropole area via the R44 and N2 respectively.

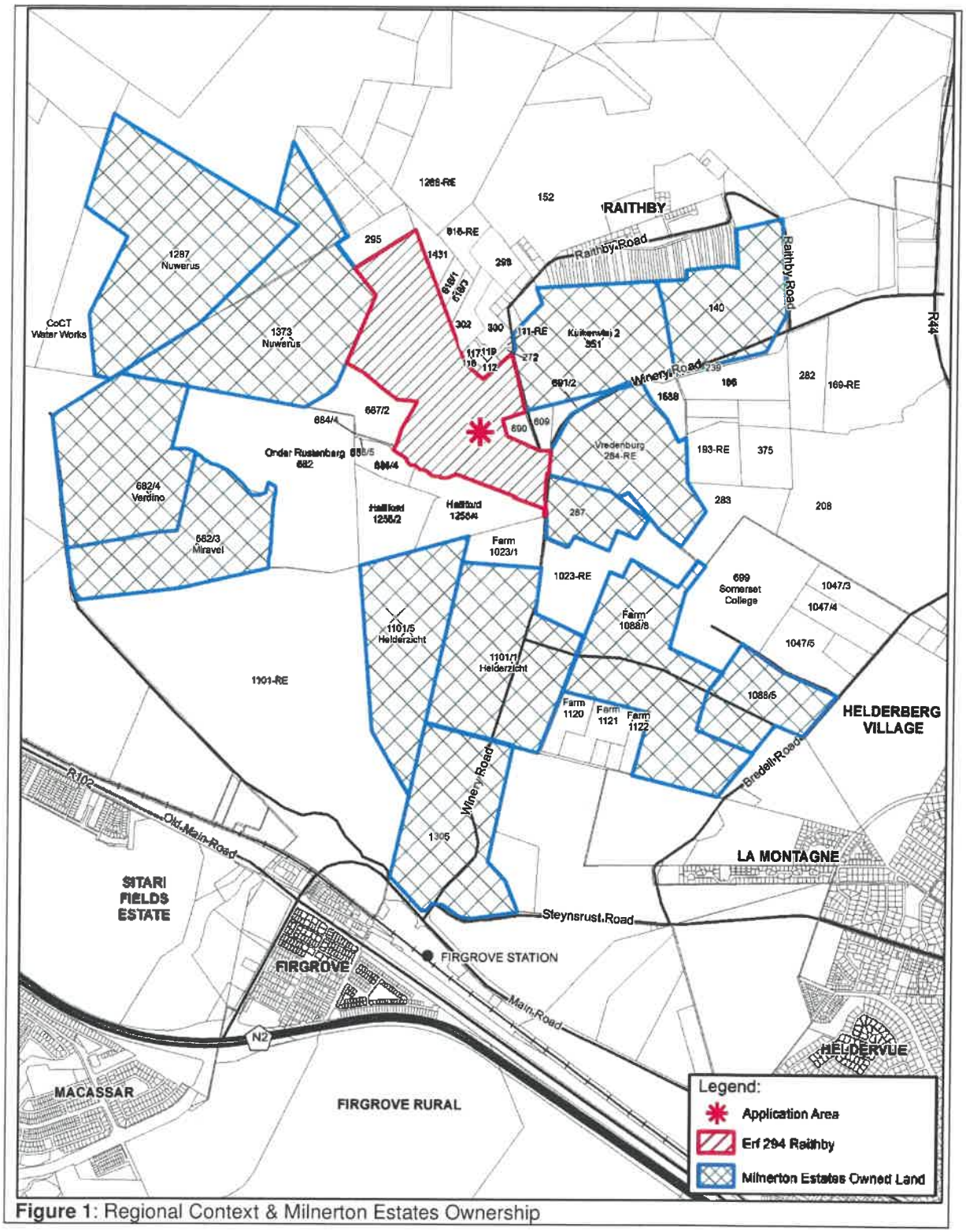


Figure 1: Regional Context & Milnerton Estates Ownership

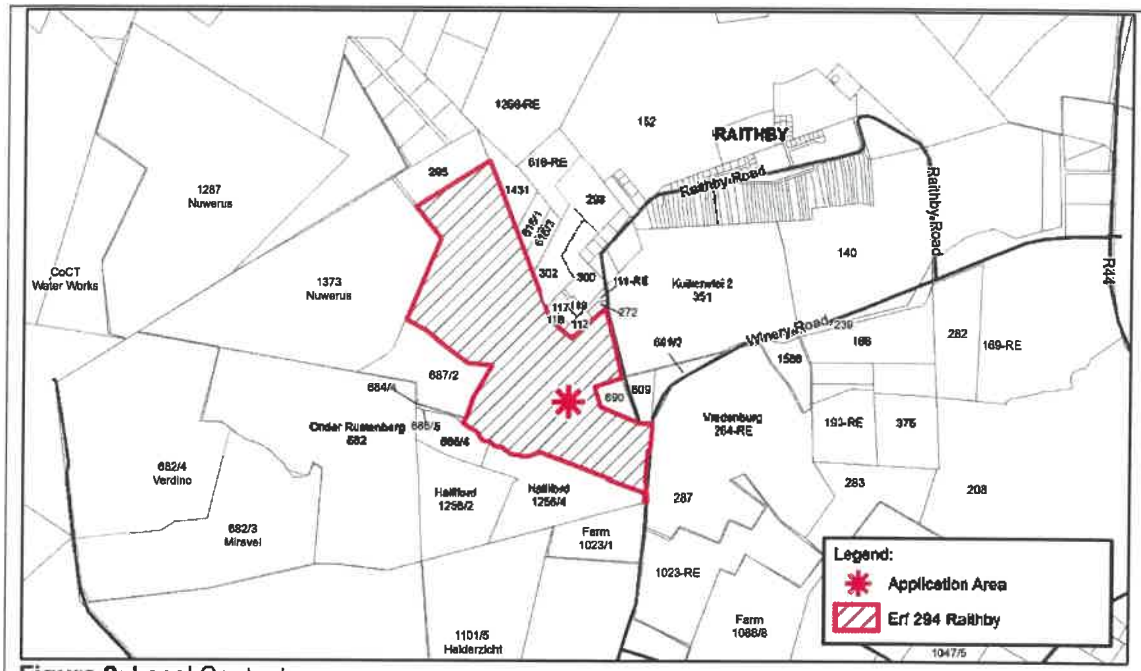


Figure 2: Local Context

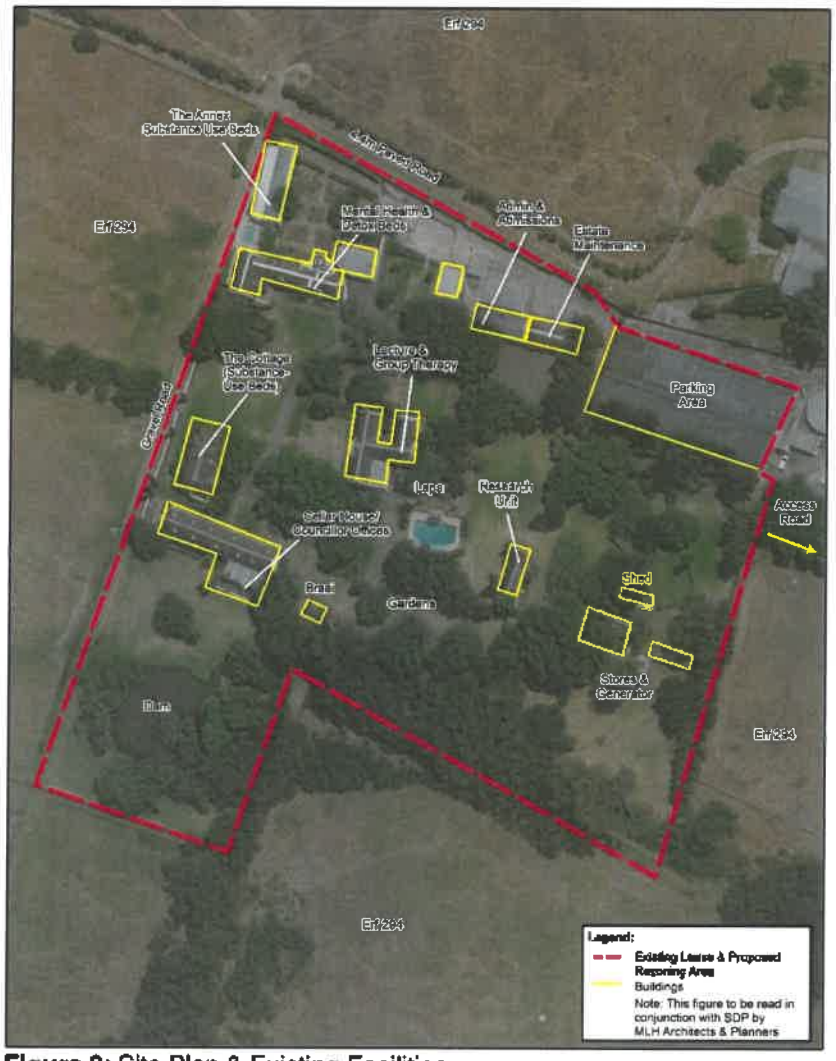


Figure 3: Site Plan & Existing Facilities

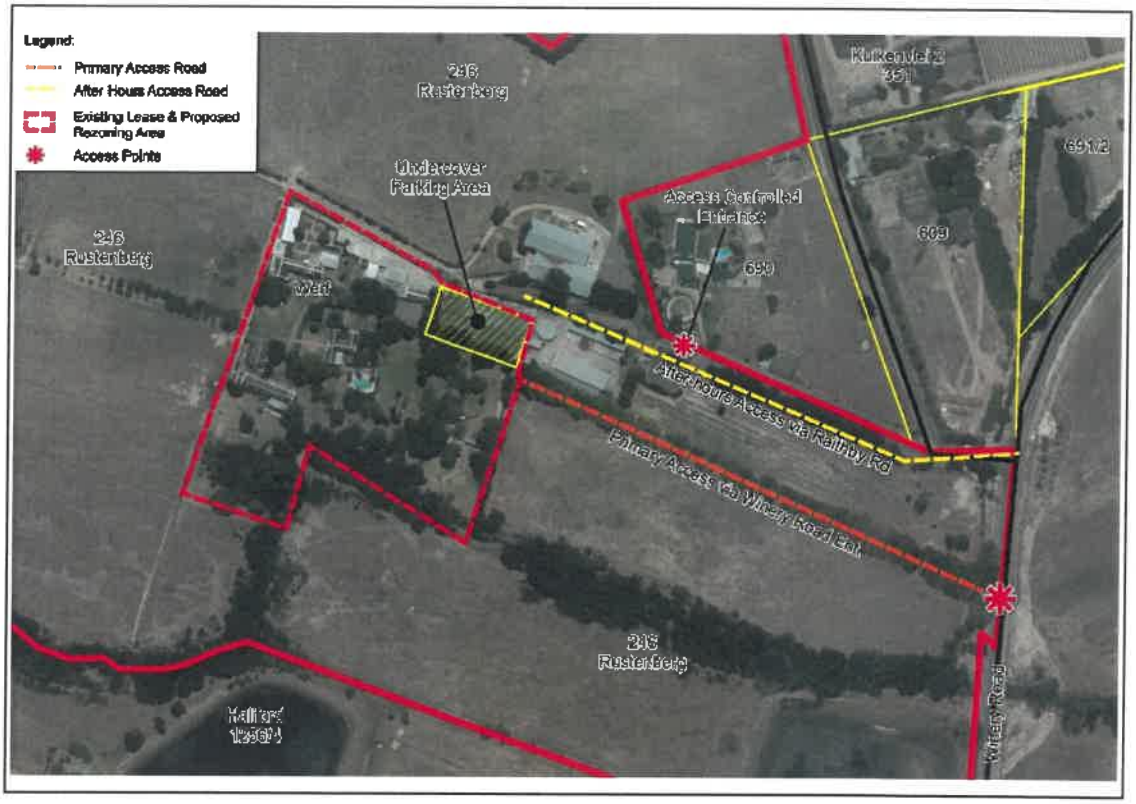


Figure 4: Access & Movement

1.4 Zoning: Existing & Surrounding	Refer to **Figure 6**: Existing Zoning & **Annexure F**: Zoning Certificate. The property is zoned for Agriculture and Rural Zone in terms of the Stellenbosch Municipality Zoning Scheme By-Law 2018). The site has an existing temporary departure in place to permit an in-patient rehabilitation centre. The surrounding farms are zoned Agriculture and Rural Zone.

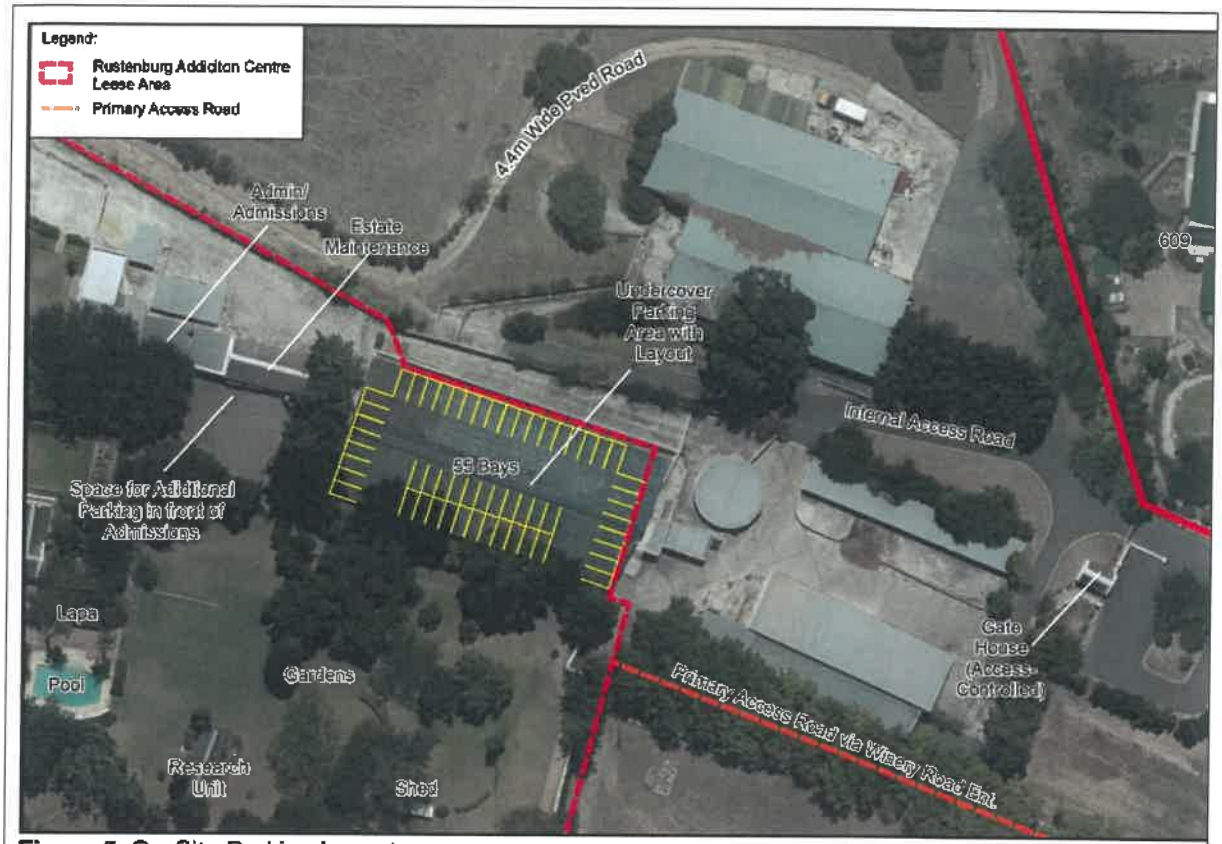


Figure 5: On-Site Parking Layout

1.5 Land Use: Existing & Surrounding	Refer to **Figure 3**: Site Plan & Existing Facilities, and **Figure 7**: Surrounding Land Uses. Approximately 2.56ha of the farm (based on the portion of the site being leased from the property owner by the operators of the facility) is currently being utilised as a rehabilitation centre. It is this 2.56ha of the site that is proposed to be rezoned. The remainder of the farm is utilised for agricultural use. The primary land uses of the surrounding farms are agricultural (wine grapes), lawn farming with some tourist facilities, wine tastings, accommodation, guest houses, and function venues. The "Rustenburg Addiction Care" use is considered complimentary to a number of facilities in the sub-regional area, such as the Helderberg Clinic (in Strand), as well as a network of local psychiatrists, psychologists and General Practitioners in the area, who are increasingly using the facilities services for patients requiring treatment for substance-abuse/addiction. The use of the facility by other facilities and medical practitioners has been particularly sought as the facility is now fully licenced by the Department of Social Development and Health.

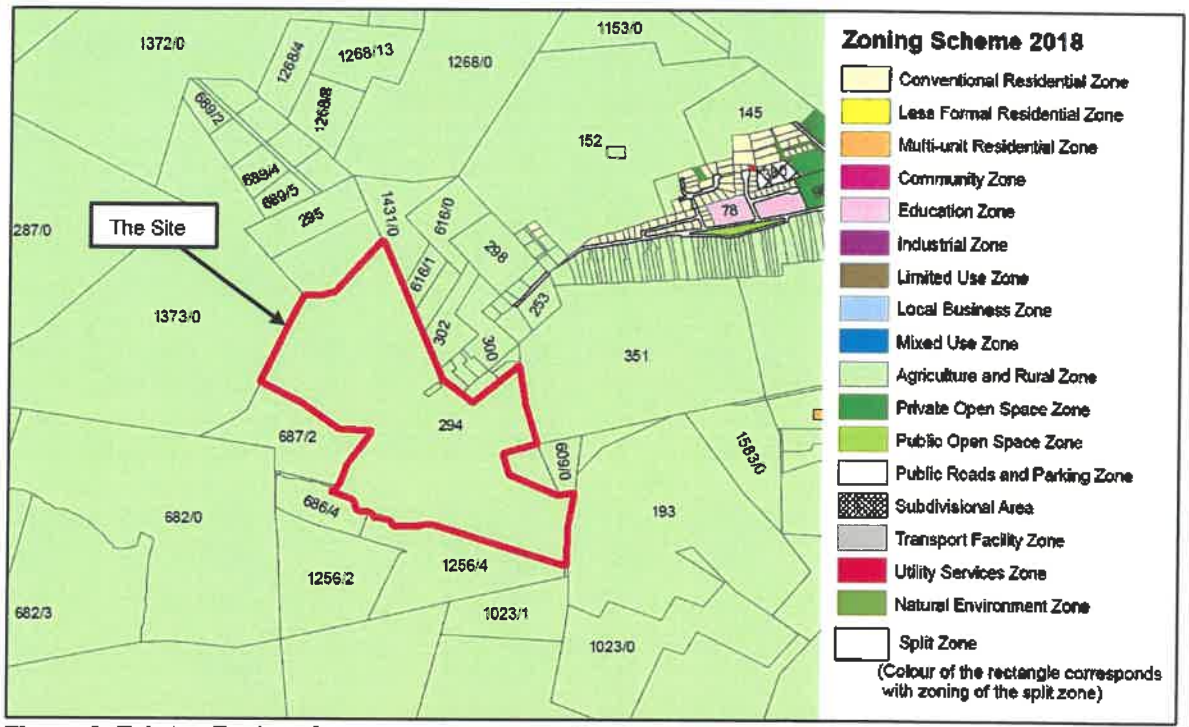


Figure 6: Existing Zoning (Source: Stellenbosch Municipality Zoning Scheme By-Law)

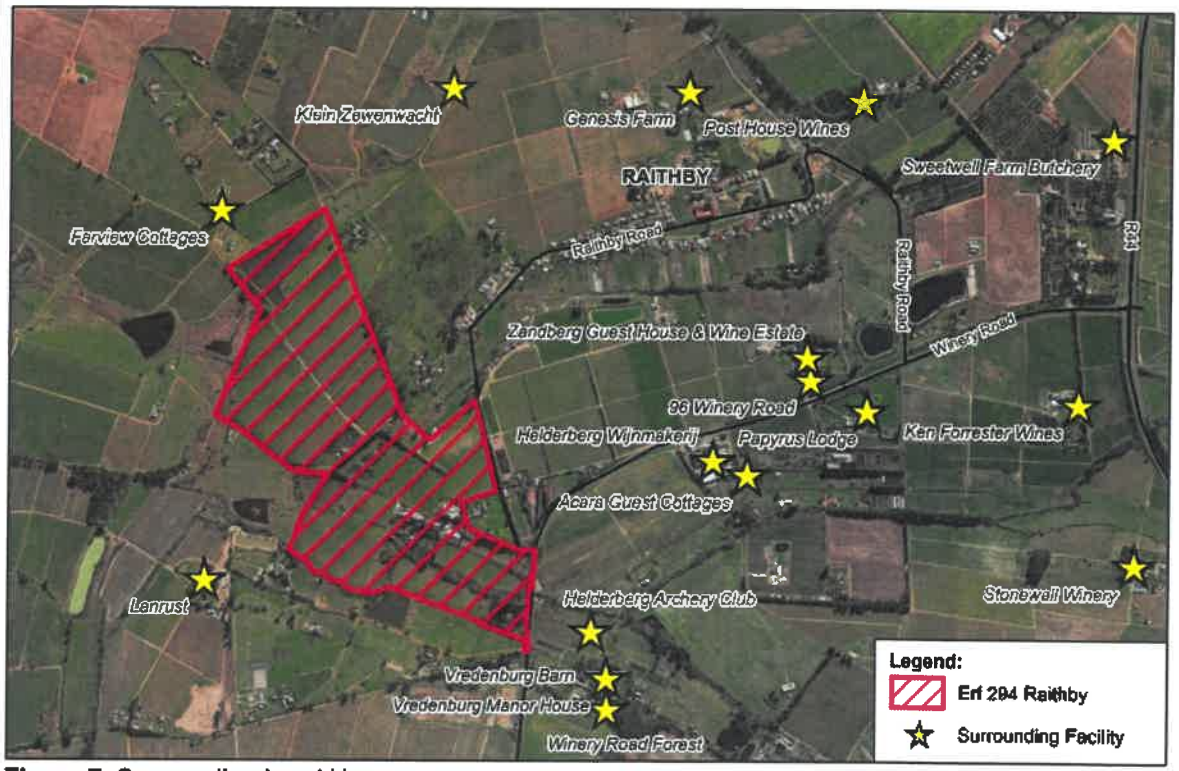


Figure 7: Surrounding Land Uses

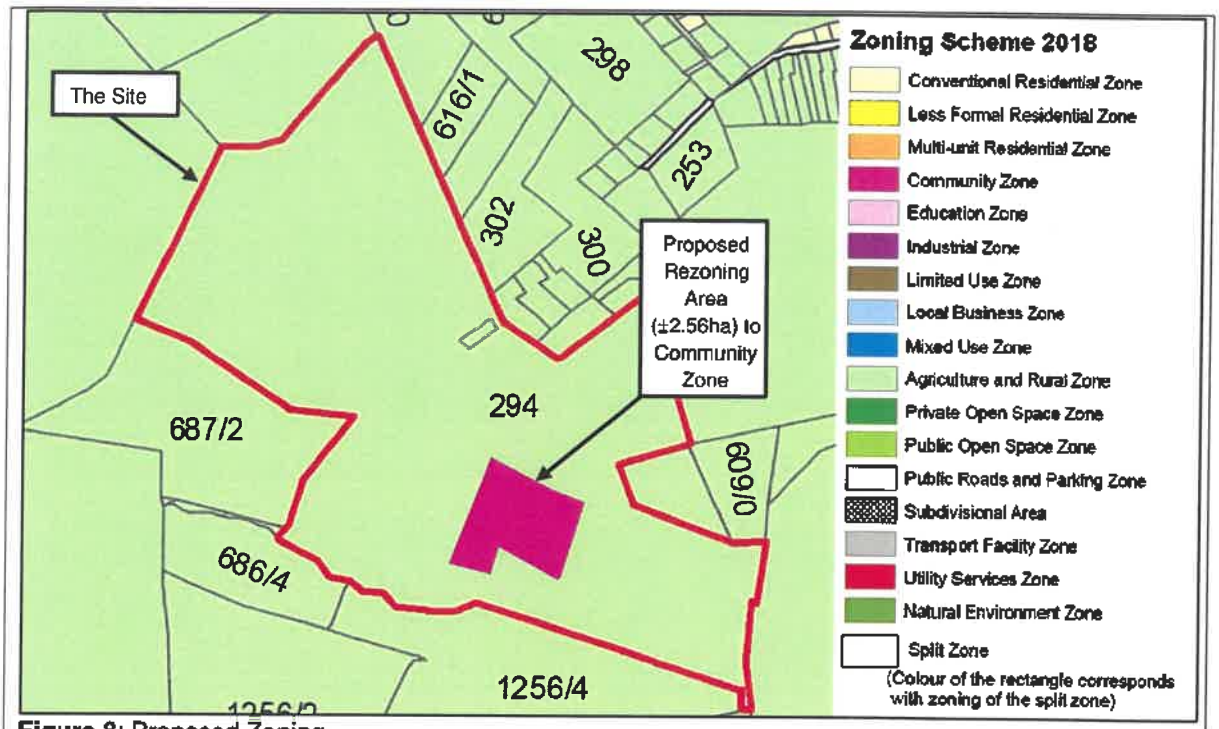


Figure 8: Proposed Zoning

1.6 Heritage & Bio-Physical Environment	• **Heritage:** The Rustenburg werf is suggested to be of Grade IIIB significance. Even though the Rustenburg farmstead has experienced drastic alterations in the 1980s and thereafter, with the authenticity of most of the historic buildings being compromised, the complex still retains its setting. The rezoning application at hand proposes an additional building of ±230m² to the werf complex. While it will have 6 rooms to accommodate 13 beds, this does not add to the currently permitted 40 patient and 35 staff capacity (and other admin personnel) of the facility. This new building is located on the edge of the werf, behind the existing reconstructed cottages. This new building is situated outside the central werf and historic building cluster, and as such, it will not negatively affect the heritage quality and character of the werf nor the surrounding rural area. The Heritage Statement, as per **Annexure J**, enforces and unpacks this heritage status in more detail. The heritage NID from Heritage Western Cape, as per **Annexure K**, also confirms and supports both the rezoning and proposed new building. • **Bio-Physical Environment:** The present use does not impact negatively on the bio-physical environment, as the use is low impact, contained predominantly within the existing buildings on the site and complementary to the quiet, semi-rural nature of the area.

	• The new building is also situated within the disturbed werf and existing temporary departure area, and therefore does not disturb active agricultural land.
2.0 APPLICATION CONTEXT	
2.1 The Facility: Local	Refer to **Annexure H:** Site Development Plan & **Figures 3-5**: The landowner, The Milnerton Estates Limited, as well as the owners/operators of the Rustenburg Addiction Care centre, wish to establish the permanent land use rights for the centre within the existing buildings, and within the existing temporary departure area on the farm. Thus, the application at hand seeks to rezone the existing temporary departure area of 2.56ha from "Agricultural and Rural Zone" to "Community Zone". This follows on the current temporary departure for the facility, which was granted in 2020 for 5 years. Particulars of the facility can be summarised as follows: *Table 1: Facility Details*

Extent of Site to be zoned for the Facility:	±2.56ha
No. of Staff (Full-Time):	±35 persons
No. of Staff (Part-Time):	±6 persons (e.g. art therapist, fitness instructor, etc)
Visiting Hours:	14h00 – 16h00, on Saturdays & Sundays
Number of Patients accommodated:	Maximum of 40

The facility will continue to accommodate a maximum of 40 sufferers of substance abuse and eating disorders, and operate within the existing buildings on-site (see **Figure 3:** Site Plan & Existing Facilities, and **Annexure H:** Proposed Site Development Plan attached)

The buildings on site are already equipped with the necessary infrastructure to support the continued use of these buildings as treatment facilities/accommodation for the centre. No new construction is required that will expand the existing werf layout.

2.2 The Facility: Regional Greater Cape Town	It is necessary to consider the centre in the context of other facilities in the greater region, which benefit from one each other, and whose services are complimentary to one another. See attached **Annexure N:** Western Cape Department of Health Data Sheets for annotated data sheets from the Western Cape Department of Health, which illustrates the relatively low number of beds available for addiction treatment. The Rustenburg Addiction Care Centre is a registered standalone independent facility, specialising in the treatment of addictive disorders and dual diagnosis conditions. The centre has a network with local psychiatrists, psychologists and general practitioners in the area, and is closely associated with a

		network of other registered treatment facilities. In terms of private specialised mental health and addiction treatment within the greater Cape Town and Cape Winelands region, there are a total of 22 facilities, which provide a total of 72 acute detox beds and 628 mental health beds. Only 9 of these facilities provide both these services at the same venue with the necessary supporting staff. Of these facilities, only three are located within a rural setting, i.e., Rustenburg, Optima Rust en Vrede and Bloemendal. Rustenburg Addiction Care thus offers an exceptional setting and experience for sufferers who make use of their facility. This location, along with the specialised service, presents a unique experience not only to local patients, but also to patients at a national and even international level.
2.3	**Agricultural Context**	The facility situated on Rustenburg farm, which is owned by The Milnerton Estates (ME), which is one of the 16 farms owned by them in the local valley. Al of these farms, being purchased by ME since 2009 and comprising approx. 600ha, is farmed as a collective unit. ME has invested to date more than R60m in regenerating infrastructure, planting new vineyards and improve the yield of the active portions on the farm. Amongst these farming activities, and by virtue of the ownership of these properties, ME has vested interests in several existing tourist-related activities, including, 96 Winery Road Restaurant, Vredenburg Manor, Helderzicht Winery and Rustenburg Addiction Care. All these facilities add diversity to the primary agricultural function of producing grapes for the wine industry. Granting Rustenburg Addiction Care with permanent land use rights, will strengthen and secure the income derived from this facility and so support ME's overall income from their properties.
2.4	**The werf, built structures and heritage**	See **Annexure J:** Heritage Statement. The historical werf buildings date back to prior 1840, with significant changes made to the structures during the 1980's, to what is now present on the werf. While not all buildings and structures, including the general layout of the werf, are regarded as having pristine heritage value, the combined set up, along with its associated history, provides the werf nevertheless with a recognised heritage status that requires a measure of conservation, maintenance and thus limited use in terms of their original agriculture function, i.e. workers' accommodation, barn or cellar. Given the high maintenance requirements and associated costs of these buildings, the current land use and ownership provides a valuable support base in maintaining the integrity of the heritage values of the werf and buildings.

3.0	**DEVELOPMENT PROPOSAL**	
3.1	**Proposed Rezoning**	As previously stated, the landowner, The Milnerton Estates Limited, as well as the owners/operators of the Rustenburg Addiction Care centre, wish to establish the permanent land use rights for the centre within the existing buildings, and within the existing temporary departure area on the farm. Thus, the application at hand seeks to rezone the existing temporary departure area of 2.56ha from "Agricultural and Rural Zone" to "Community Zone". See **Figure 8:** Proposed Zoning. The facility will continue to accommodate a maximum of 40 sufferers of substance abuse and eating disorders, and operate within the existing buildings on-site, along with the inclusion of a new building on site, see section 3.2 below.
3.2	**Proposed New Building**	See **Annexure H:** Proposed Site Development Plan (Prepared by MLH Architects & Planners, and **Annexure J:** Heritage Statement. A new single storey building of **230m²**, is proposed, which will provide: • 5 x 2-bed rooms (providing for a total of 10 beds), and • 1 x 3-bed room (providing for a total of 3 beds). These **6 rooms** include en-suite bathroom facilities and provide for a maximum total of **13 beds**. The location of the building is behind the reconstructed dining room and accommodation building and therefore does not visually and functionally impede the historic and heritage manor. The building is situated within the functional werf area and does not take up any active agricultural land. The architecture reflects the heritage indicator as identified by the Heritage Statement, i.e., single storey and with a simple cape vernacular style that compliments the styles of the existing buildings part of the werf. It is important to note that the new building does not create additional accommodation, as the current accommodation in the "Cottage" building is sub-standard due to on-going structural maintenance. The "Cottage" will be renovated and turned into offices. The new building will therefore also consolidate all the accommodation, along with the dining room, within a single cluster of buildings and precinct.
3.3	**Subsidised Treatment**	A previous condition of approval for the Rustenburg Addiction Care requires the centre to provide subsidised treatment to ±10 individuals from previously disadvantaged backgrounds per annum. In response to this condition, the Rustenburg Addiction Care elected to subcontract this departure obligation to The Mudita Foundation, a registered NGO that provides substance abuse prevention and treatment programmes to previously

	disadvantaged, at-risk learners from schools in the Helderberg and Stellenbosch area (see **Annexure M:** Agreement with Mudita Foundation The contract between Mudita Foundation and the Rustenburg Centre is attached for information purposes, and details the treatment programme provided, and the surveys undertaken to identify at risk-learners to benefit from the subsidised treatment. An audit of the treatments delivered is also available on request. Therefore, the social benefit associated with the contribution made by the facility is significant, and its continued operation on the site is considered positive for the surrounding area.
3.4 Access & Parking	Refer **to Figure 3:** Site Plan & Existing Facilities, and **Figure 5:** On-site Parking Layout. During working hours (including Saturday and Sunday) access is via the main entrance on Winery Road. Closer to the facility is a gate which is access controlled (visitors need to phone reception at the facility gate). After-hours, access to the facility is taken from the existing paved roadway to the north of the centre (which runs adjacent to the southern boundary of Erf 690 Raithby) and is accessed via Raithby Road (see **Figure 4:** Access & Movement). Undercover parking for the facility is provided for within the existing werf abutting the facility's administrative block. According to the operator of the facility, the number of on-site bays specifically required for the facility is roughly 10 bays. However, there is space for up to ± 55 parking bays in the undercover area, with additional space for vehicles to park in front of the admissions building. The facility has its own shuttle service, which takes patients on weekly excursions to places of interest, and essential shopping on Sundays. These excursions are supervised and chaperoned. The operators have indicated that, as many of the patients enrolled in the programme are international, the number of visitors to facility during visiting hours (see *Table 1: Facility Details*, above) is negligible and as such, there is not a 'peak' in traffic during this time. The majority of traffic generated by the facility comes from the permanent staff on site, along with the occasional delivery vehicle. As such, it is considered that the traffic generated by the facility is negligible, and the provision of on-site parking is ample for the use at hand.

3.5	**Engineering Services**	See **Annexure L**: Engineers Report attached. • **Domestic Water Supply:** The existing development is provided with water for domestic use from a borehole. The borehole has a yield of 725 litres/hour (17.4 Kl/day). A second borehole is also available as back-up, should the need arise. The borehole water is treated to remove iron before it passes through a sand filter to the storage tanks with a capacity of 30Kl. Although the water is safe for human consumption, the patients are provided with bottled water and advised not to drink the borehole water. The estimated daily water demand is about 60% of the boreholes yield, and storage capacity is available for 3 days. Once the rezoning has been achieved, the owners will approach the municipality for a connection to an existing point of service. • **Sewerage System:** The existing facilities will be served by a conservancy tank of 4m³. The conservancy tanks will be emptied by suction tankers and sewerage carted to the Stellenbosch Wastewater Treatment Works for treatment. Grey water will be separated from sewerage for treatment and disinfection with chlorine before being reused for flushing of toilets, or with UV before irrigation of the adjacent grass fields. An additional underground tank with storage capacity of a minimum of 8m³ will be added to increase total storage capacity to 20m³ for a minimum of 5 days storage.
3.6	**Solid Waste Management**	Solid Waste is collected daily and stored in bins in a refuse room. Bins are taken to Winery Road on Wednesday for collection by Stellenbosch Municipality.
3.7	**Maintenance of the Facility**	The buildings and estate grounds are kept in good condition by the tenant and owner, in terms of their respective contractual obligations provided for in the lease agreement. This includes structural renovations to the old buildings. The facility employs a full-time maintenance team of 3, as well as an estate manager to handle the upkeep of the property. Gardening on-site is contracted out, which adds to the employment total. A regular list of sub-contractors for plumbing, painting etc is used.

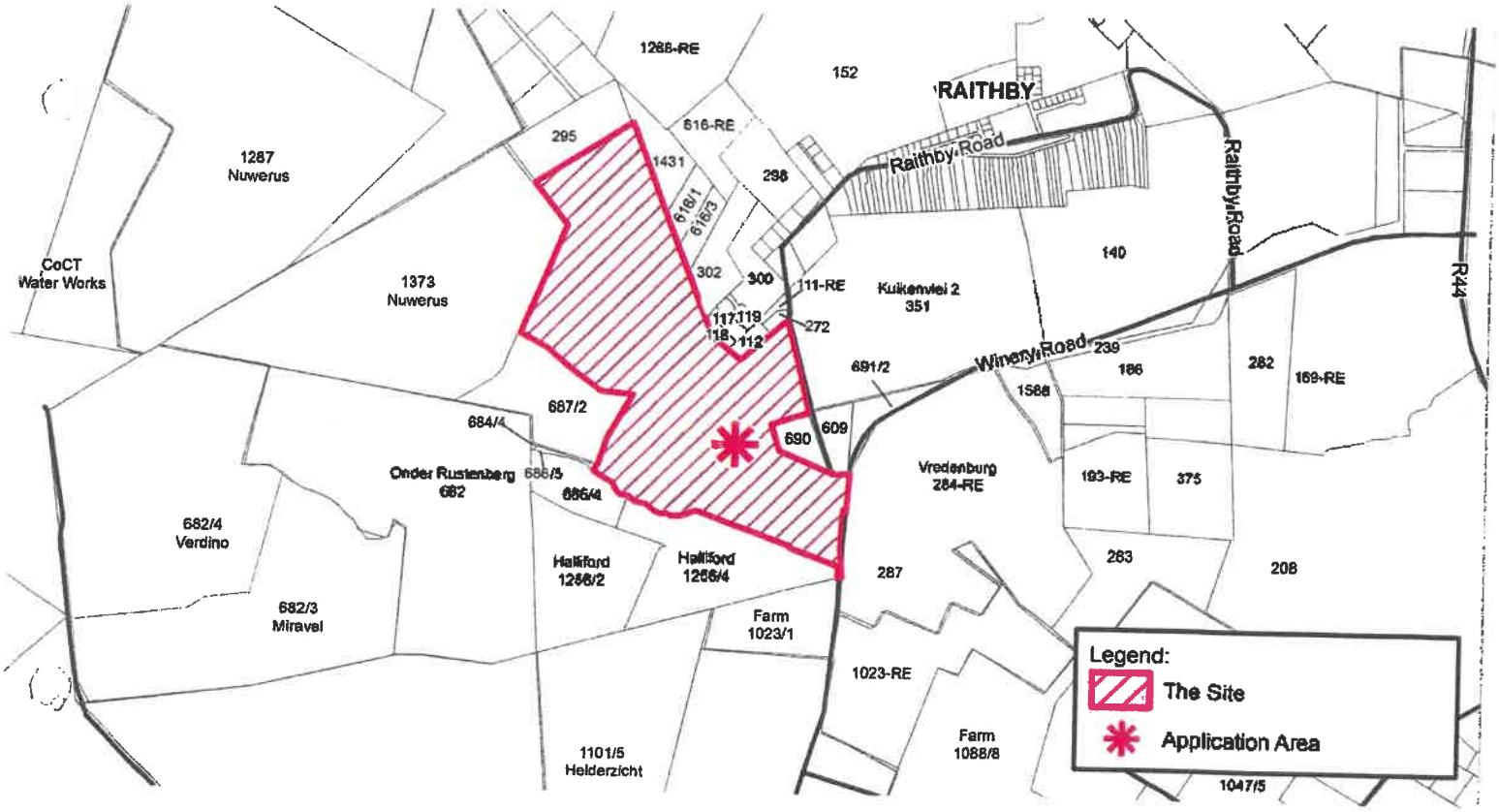
4.0	MOTIVATION	
4.1	**Section 7 Development Principles of SPLUMA** **Spatial Justice**	The current approval in place for the rehabilitation centre includes a condition which requires that "the centre allow at least 5% from the previously disadvantaged patients annually on a subsidized basis and submit annual reports to the Community Development Department". To this end, the programme allows for the inclusion of previously disadvantaged individuals and requires that these individuals be subsidized. This allows for individuals, perhaps unable to access treatment due to financial limitations, to obtain subsidized private treatment/intervention to address their substance abuse problems, which can lead to an improvement in their quality of life and the combatting of the various social ills typically associated with addiction. The facility will also continue to provide employment opportunities to staff residing in the local area.
	Spatial Sustainability	The existing rehabilitation centre is compatible with the surrounding agricultural landscape, in that the use is introverted by nature, occurs predominantly within the footprints of the existing buildings. The centre does not produce any significant nuisance in terms of noise, waste generation, etc, and in fact benefits from the quiet, semi-rural setting of the surrounding landscape, which provides a calm and therapeutic environment for reflection and healing for patients enrolled in the programme. The venue had no negative impact on the character of the area during the last four years. It will continue to operate in the same manner. Thus, the centre does not detract from the character of the area, nor pose a threat to the natural environment in which it is located. The facility does not have a negative impact on the agricultural potential of the farm, as this remains under the control of the landowner (The Milnerton Estates Limited), who is actively engaged in agricultural activities on the remainder of the farm.
	Efficiency	The proposed development will make use of existing infrastructure and available space on the Erf. There are no perceived negative financial, social, economic, or environmental impacts associated with the current/continued use of the property as a rehabilitation centre, and as such, there is little need to minimise impacts of the proposal by way of conditions of approval.
	Spatial Resilience	The proposed facility will have no negative impact on the existing and surrounding land use, character and living conditions of surrounding landowners and residents. No statutory planning policies are being negatively affected. The rehabilitation centre offers socio-economic benefit to the local area. The facility is regarded as an appropriate land use within the agricultural landscape.
	Good Administration	Sufficient information is submitted with this rezoning application to assist official assessment of the land use proposal.

		Pre-consultation has been held with the municipality not only regarding this particular application (see **Annexure I:** Minutes of Pre-Consultation Meeting re. Rezoning), but also previously as part of Milnerton Estates' input into the Stellenbosch SDF.
4.2	**Stellenbosch Spatial Development Framework**	In terms of the SDF principles, the rezoning and land use corresponds favourably • No negative impact on the natural and farming areas. All activities occur within the existing buildings and draws no resources from the external environment. • No negative impact on the cultural heritage of the Rustenburg werf as the buildings remain intact and well maintained. No demolitions or alterations are required. The new proposed building will be placed at a location where it has no functional, visual, or cultural impact on the remainder historic werf. This is confirmed by Heritage Western Cape. • The rezoning and land use are not situated within a developed area, and it will not have any impacts on infrastructure. • The rezoning and land use will not have negative impact on the character of the existing Raithby Village as it is situated sufficiently far away with large agricultural areas in between. The interaction of the village and its surrounds are therefore not affected. • No negative impact on human needs in so far as cultural, infrastructure and settlement matters are concerned. It does, however, have a positive impact in terms of more diverse employment and income, which in itself has a positive impact on cultural and settlement matters. • This facility serves the greater community of the Cape Metropole, Winelands and beyond. Along with all other similar facilities, it contributes to achieving a "balanced community". Whilst other similar facilities are provided for within urban areas, this extensive and larger facility provides a unique experience and service to the community which cannot be replicated within an urban environment. • Enabling this land use, which has proven to be successful and non-intrusive since its inception in 2014, can be a strong catalyst for additional symbiotic land uses within the Winery Road Valley. It can improve the local rural economy through increased employment, opening up the valley to a greater variety of users, which can lead to increased economic input and support for other ventures in the valley. Within context of the greater Cape Town tourism region as a major international destination, and compared with other areas within the Cape Winelands, the Winery Road valley is largely underdeveloped. A key principle underpinning the SMSDF is to "*maintain and grow the assets of the Stellenbosch Municipality's natural environment and farming areas*". Pursuant to this principle, the plan provides for "*activities enabling access to nature and for diversifying farm income in a manner which does not detract from the functionality and integrity of nature and farming areas and landscapes*".

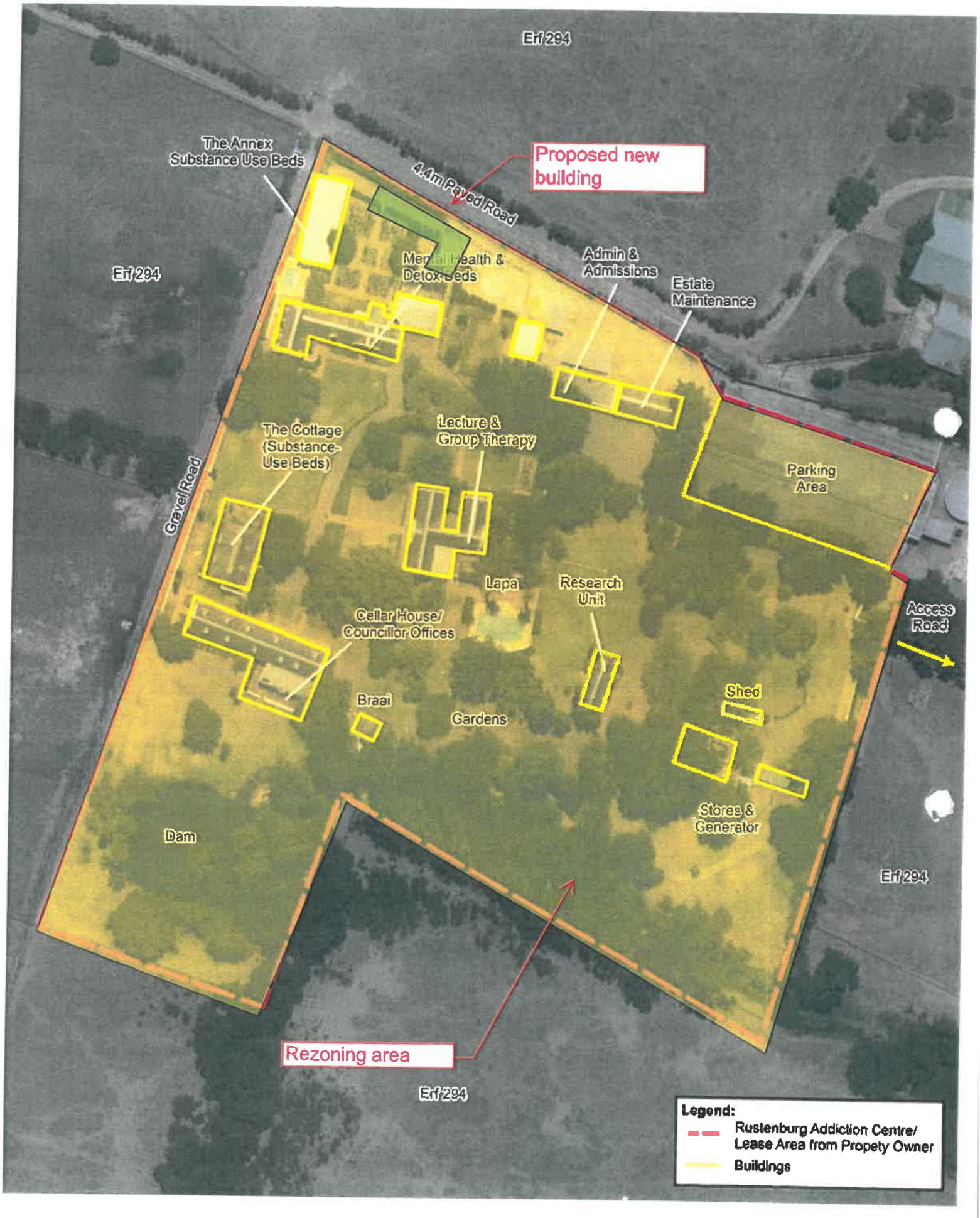
		In accordance with the above principle, the facility on site does not detract from the rural landscape of the area nor the agricultural viability of the farm Providing facilities such as Rustenburg Addiction Care with the necessary institutional support, i.e., permanent land use rights, creates the platform for further economic investment, without impeding on the rural character of the valley. The proposal also corresponds to the IDP's Strategic Focus Areas, as below.
4.3	**Stellenbosch IDP**	In terms of the IDP Strategic Focus Areas of the IDP, the rezoning and land use corresponds as follows: • **Strategic Focus Area 1: Valley of Possibility** – the Rustenburg Health Care facility deals directly with "enterprise, creativity and business" development as it provides a service to a serious health need, and with that, provides employment to at least 40 skilled workers with substantial incomes. These are currently achieved without any burden to the municipality. Rather the facility provides the municipality with the opportunity to showcase how alternative land uses can co-exist sustainably withing the agricultural and rural areas. • **Strategic Focus Area 2: Green and Sustainable Valley** – the current facility provides a vital social function, without negatively affecting intrinsic ecological, natural, heritage and cultural values of the farm itself and the immediate surrounds – and at the same time benefitting the employment and economic input the surrounding agricultural land units have to offer to the wider economy. • **Strategic Focus Area 3: Safe Valley** – the facility provides for an increased activity within the local valley that improves surveillance of rural activities and with that, creating a safer environment. • **Strategic Focus Area 4: Dignified Living** – by providing sustainable employment to a large number of people, the facility contributes to improving dignified living conditions of this who work there. • **Strategic Focus Area 5: Good Governance and Compliance** – this facility has been operating successfully since 2014 at this location. On two occasions, as part of the previous land use applications, the operation of the details of the facility has been made open to the public and municipal departments for scrutiny and comment. To date, no negative comments have been received from either public or official offices re. the operations of Rustenburg Health Care.
4.4	**Stellenbosch Municipal Planning by-law and zoning scheme**	The rezoning to "Community Zone" allows for this type of land use. The land use can be considered as a "welfare institution", which is a primary use within the "Community Zone" As per the definition of "welfare institution", associated "residential accommodation" provides for the overnight facilities for patients whilst on a program at the facility.

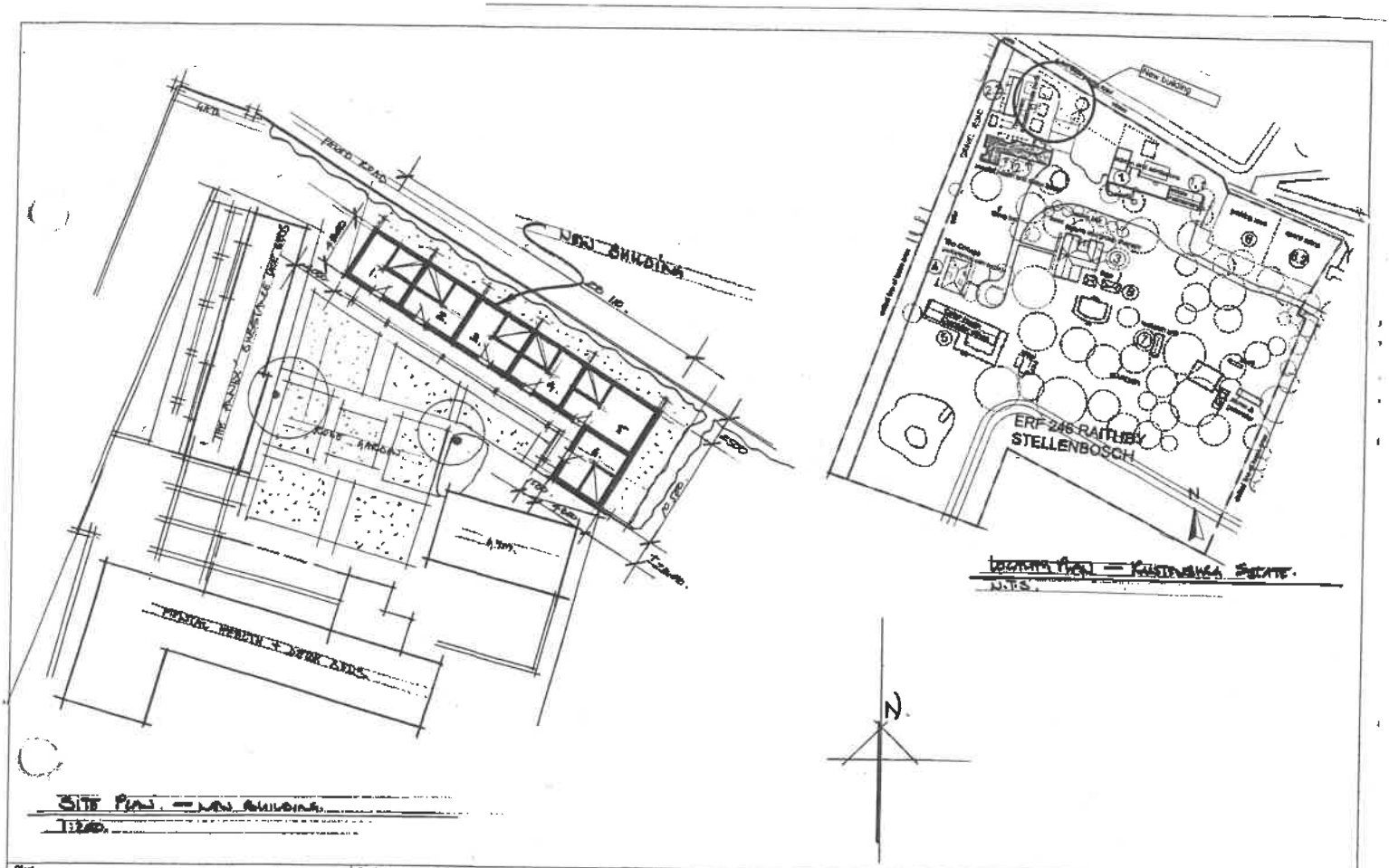
4.5	**Western Cape Spatial Development Framework**	In terms of the PSDF Spatial Agenda and key Transitions, the Rustenburg Addiction Care facility directly strengthens and diversifies the local rural economy through increased employment, introducing the local area to a wider audience and thus opening up increased spending opportunities to other facilities in the region. The facility has been operating successfully since 2014, albeit on temporary rights, thus restricting capital investment. The landowner, Milnerton Estates and the operator of Rustenburg Addiction Care has made it clear that once permanent rights are in place, contributions to the upgrade of the nearby Raithby wastewater treatment works will be made so as to formalise the services connection with the facility. The facility does not affect any of the biodiversity, agricultural resources, cultural, heritage or scenic resources. In fact, having the facility occupying the heritage buildings in the low manner, ensures adequate maintenance (costly) of the structures, therefore preserving their heritage values. The facility seamlessly integrates with the existing structures without creating tension with settlement values of Raithby.
4.6	**National Environmental Management Act**	None of the listed activities in terms of NEMA are triggered by this land use and rezoning.
4.7	**National Heritage Resources Act**	A letter of support in terms of section 38(4) of the NHR has been provided by Heritage Western Cape and confirmation that no further heritage studies are required for this land use or for the construction of the new proposed building (see **Annexure K:** NID Response from HWC).
4.8	**Act 70 of 1970**	The land portion for the spot rezoning will not be subdivided off the farm. The land use will not alienate the werf buildings from their agricultural origins or change them in such a way that they cannot be re-purposed for agricultural use in future. No agricultural land has been or will be taken out of production.
4.9	**Western Cape Land Use Planning Guidelines (Rural Areas)**	The Guidelines emphasises the preservation of agricultural and rural land in terms of scenic qualities as well function and supports careful consideration in any new proposed changes. These guidelines have been framed to take forward the Provincial Spatial Development Framework's (PSDF) provincial spatial agenda, as well as give effect to the Provincial Strategic Objectives. The guidelines note the importance of opening opportunities in the space economy. The guidelines note that "the rural space-economy is not only about agricultural development, but also about, **diversifying the rural economy, tourism**, government promotion of rural development and land reform programmes, and functional ecosystems." As outlined above in previous chapters of this report, the current facility has been operating within the confines of the existing werf buildings since 2014 without any negative impacts on rural, agricultural, cultural, heritage or biodiversity aspects. The facility ensures the maintenance and conservation of the existing heritage werf and buildings, it has improved the livelihoods of 40 families and more through sustained employment, whilst at the same time

	providing unapparelled medical treatment. This has opened up the region to a much wider user group and in the event, increased spending within the local area. No agricultural land has been, nor will be taken out of production. No changes to the buildings are required to such an extent that it will eventually render them dysfunctional to agricultural market, should it revert in future back to that land use. The proposed new building on the property is located in an area of the werf that this less sensitive and will not be visible from the homestead nor the forecourt of the werf. The architectural language of the new building is regarded as appropriate and no significant impact on heritage resources is thus anticipated. Similarly, the rezoning of the werf will not have a material impact on heritage resources but is likely to ensure the maintenance of the werf and buildings and the considered restoration of the werf and the buildings over the time. In the case of Rustenburg, the farm has limited agricultural potential, and has historically not been used for intensive agricultural production at a scale which would sustain the preservation of the historical resources on the property for some time. To this end, the alternative use of the property for a rehabilitation centre allows for continued preservation of the historic farm.
5.0 CONCLUSION	
	Given the information and motivation provided in this application, mlh architects and planners have no hesitation in motivating for the approval of the spot rezoning of the werf area as illustrated by **Figure 8** of this report, so as to permit the continued operation of the rehabilitation centre, as proposed. We trust that you will find the documentation in order. Should you wish to discuss this, or require additional information, please do not hesitate to contact the undersigned for further engagement. Yours faithfully Allen Goosen **mlh** architects & planners



1288-RE
152
RAITHBY
Raithby Road
Raithby Road
R44
1287
Nuwerus
295
616-RE
1431
298
616/1
616/3
CoCT
Water Works
1373
Nuwerus
302
300
111-RE
Kuikenvlei 2
351
140
117
119
118
112
272
Winery Road
239
186
282
169-RE
691/2
1588
687/2
684/4
690
609
Onder Rustenberg
682
686/5
686/4
Vredenburg
284-RE
193-RE
375
682/4
Verdino
Halliford
1256/2
Halliford
1256/4
287
283
208
682/3
Miravel
Farm
1023/1
1023-RE
Farm
1088/8
1101/5
Helderzicht
1047/5
Legend:
The Site
Application Area


Erf 294
The Annex
Substance Use Beds
Proposed new
building
4.4m Paved Road
Erf 294
Admin &
Admissions
Estate
Maintenance
The Cottage
(Substance-
Use Beds)
Lecture &
Group Therapy
Parking
Area
Gravel Road
Lapa
Research
Unit
Access
Road
Cellar House/
Councillor Offices
Braai
Gardens
Shed
Stores &
Generator
Dam
Erf 294
Rezoning area
Erf 294
Legend:
Rustenburg Addiction Centre/
Lease Area from Propety Owner
Buildings



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Project: RUSTENBERG NEW ACCOMMODATION	Project Number: 2021 134	Drawing Number: SK 00.10	Revision: —	Drawing Scale: 1:200	Issue Date: AUGUST 2021	Save Date: 2021-08-25

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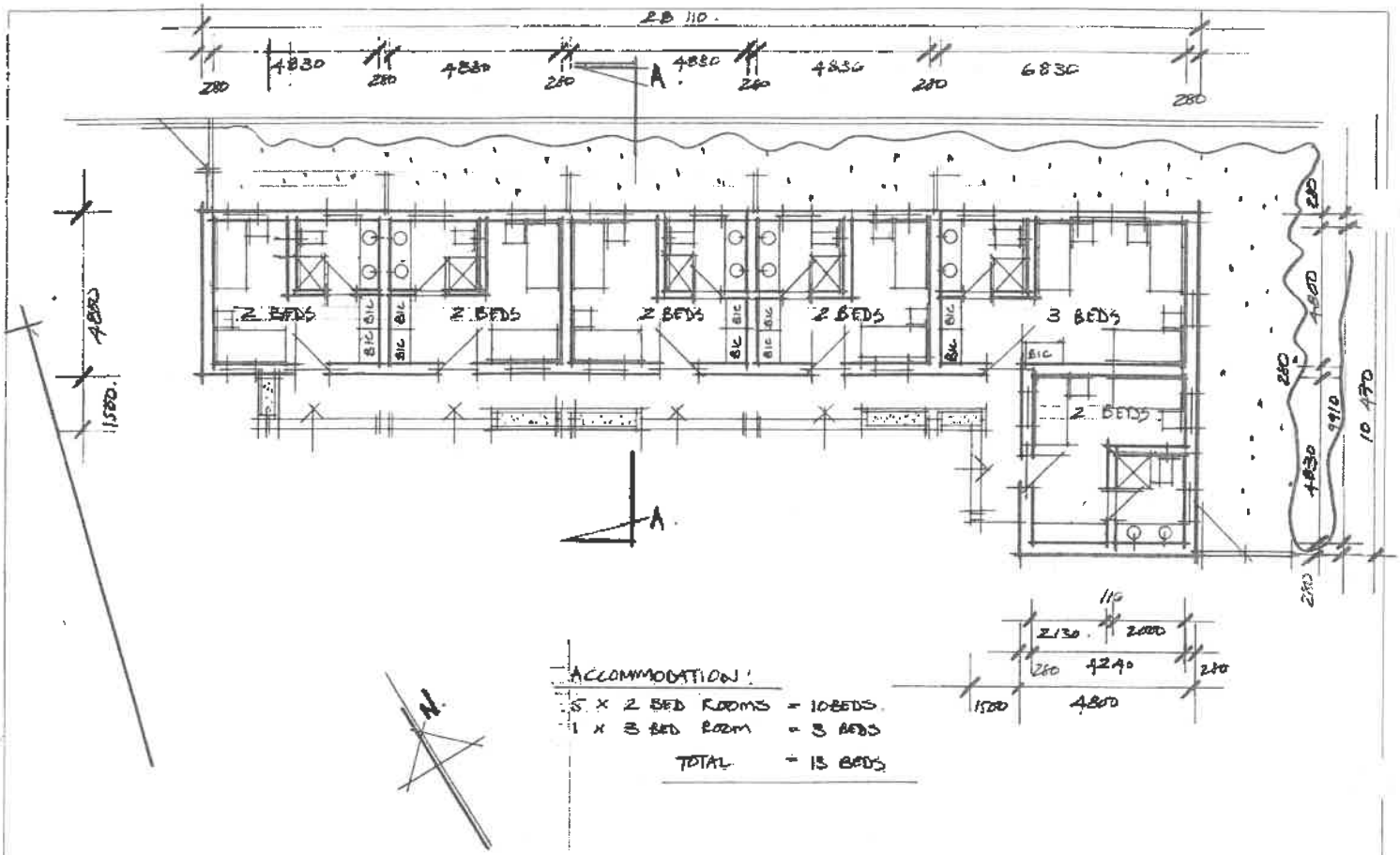

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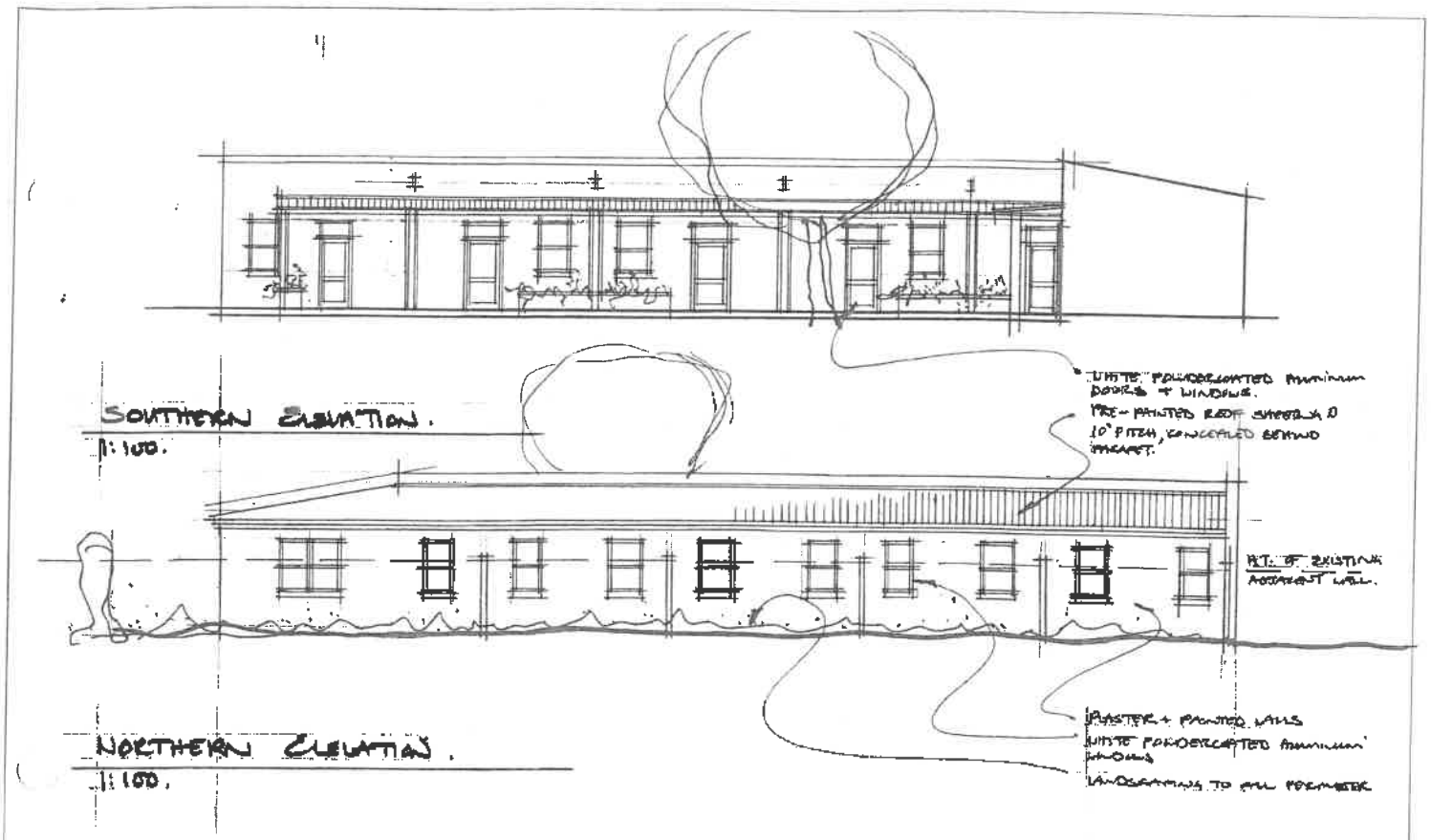
Project: RUSTENBERG NEW ACCOMMODATION	Project Number: 2021 134	Drawing Number: SK 10-10	Revision: –	Drawing Scale: 1:100	Issue Date: AUGUST 2021	Scan Date: 2021-08-28



Client: MILNERTON ESTATES	Drawing: ELEVATIONS			Issue Status: FOR INFORMATION			mlh architects & planners
Project: RUSTENBERG NEW ACCOMMODATION	Project Number: 2021.134	Drawing Number: SK 30-10	Revision: —	Drawing Scale: 1:100.	Issue Date: AUGUST 2021	Save Date: 2021-08-25	GRAPHIC CENTRE, 100 LOOP STREET, CAPE TOWN, PO BOX 15082, VLAEBERG 8018 TELEPHONE +27 21 4242210, FAX +27 21 4242210 E-MAIL: info@mlh.co.za, WEBSITE: www.mlh.co.za

Our Ref: HM/ CAPE TOWN METROPOLITAN/SOMERSET WEST /ERF 294
Case No: 21090108SB0910E
Enquiries: Stephanie-Anne Barnardt
E-mail: stephanie.barnardt@westerncape.gov.za
Tel: 021 483 5959

iLifa leMveli leNtshona Koloni
Erfenis Wes-Kaap
Heritage Western Cape

Lize Malan
lize@lizemalan.co.za

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL
In terms of Section 38(1) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

NOTIFICATION OF INTENT TO DEVELOP: PROPOSED NEW BUILDING ON ERF 294, RUSTENBERG, OFF WINDERY ROAD, SOMERSET WEST, SUBMITTED IN TERMS OF SECTION 38(4) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 21090108SB0910E

The matter above has reference.

Heritage Western Cape is in receipt of the above application. This matter was discussed at the Heritage Officers meeting held on 27 September 2021.

You are hereby notified that, since there is no reason to believe that the proposed new building on Erf 294, Rustenberg, off Windery Road, Somerset West, 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.

Waseefa Dhansay
Acting Deputy Director

Heritage Western Cape
Erfenis Wes-Kaap
iLifa leMveli leNtshona Koloni

29 SEPT 2021

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

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

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

a.	Organ(s) of State that might have an interest in the restrictive condition	DIVISIONAL COUNCIL OF STELLENBOSCH
b.	A person whose rights or legitimate expectations will be affected by the removal/suspension/amendment of a restriction condition.	NO CURRENT APPLICATION TO REMOVE RESTRICTIONS
c.	All persons mentioned in the deed for whose benefit the restrictive condition applies	SEE TITLE DEED ANNNEXED

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) X	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 CAPE TOWN (Place) **on this** 27 (Day) AUGUST (Month) **of 20** 21

Full names and Surname: TANYA STRONG

Signature: .....

DB&S ATTORNEYS
P.O. BOX 541
CAPE TOWN
8000
Firm Postal Address:

Kindly authenticate by affixing official stamp here and initial here
david borman & strong

Tel: 021 461 6668 **Email:** tanya@dbb.co.za

Cell: .....

ANNEXURE A : ERF 294 RAITHBY

relating to conditions of CCT 51052/2014 RELATING TO SERVITUDES PERTAINING TO WATER RIGHTS:

COMPONENT 1 CONDITION A2, A3
COMPONENT 2 CONDITION 2(I)
COMPONENT 3 CONDITION A2, A3,C2, D
COMPONENT 5 CONDITION D, F
COMPONENT 6 CONDITION A(b), B
COMPONENT 10 CONDITION B, C
COMPONENT 11 CONDITION C, E
COMPONENT 12 CONDITION A
COMPONENT 13 CONDITION A, B, C
COMPONENT 15 CONDITION B
COMPONENT 16
COMPONENT 17 CONDITION B, C
COMPONENT 19 CONDITION B, C
COMPONENT 20 CONDITION A, B

142
CURR. VIVIER INC

Fee endorsement		
	Amount	Office fee
Purchase and Mortgage	R	R
	✓	260,00
Mortgage contract amount	R	R
Reason for exemption	Cat.	Section Act

Prepared by me
CONVEYANCER
VIVIER SUSANNA

T 000051052 / 2014

CERTIFICATE OF CONSOLIDATED TITLE
issued under the provisions of section 40 of the Deeds Registries Act, 47 of 1937

WHEREAS

DATA / VERIFY
01 OCT 2014

THE MILNERTON ESTATES LIMITED
Registration Number 1897/000196/06

has applied for the issue to the Company of a Certificate of Consolidated Title under the provisions of section 40 of the Deeds Registries Act, 1937; and

WHEREAS the Company is the registered owner of:

1. ERF 293 RAITHBY in the Municipality and Division of Stellenbosch Province of the Western Cape

DATA / CAPTURE
30 SEP 2014

Held by Deed of Transfer No T

2. ERF 246 RAITHBY in the Municipality and Division of Stellenbosch Province Western Cape

Held by Deed of Transfer No T98446/2011

which have been consolidated into the land hereinafter described;

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

THE MILNERTON ESTATES LIMITED
Registration Number 1897/000196/06

its Administrators or Assigns is the registered owner of

ERF 284 RAITHBY, IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH PROVINCE WESTERN CAPE

IN EXTENT 59,2788 (FIFTY NINE COMMA TWO SEVEN EIGHT EIGHT) HECTARES

as will appear from the annexed Diagram No SG910/2014

The said land is held subject;

I As regards the figure 2c2bH on Diagram SG910/2014 (which figure corresponds with the figure enH on Diagram SG909/2014);

A. 1. ...

2. SUBJECT to the terms of the endorsements dated 16 August 1961 shown on Certificate of Uniform Title No T661/1956, which endorsement reads as follows:

"Kragiens Notariële Akte Nr 509/1961 gedateer 5-5-1961 is die verdeling van die water soos uiteengesit onder (1)(b) hierin gewysig en die plaas Kuikenvlei hieronder gehou is nou geregtig tot al die water die stroom wat oor die Restant van Perseel 2 van

gedeelte van die plek Odendal gehou onder Para 1 van T8724/1945, wat vanaf 6 hm tot 6 vm, van elke dag, onderhewig aan sekere voorwaardes soos meer volledig sal blyk uit gesegde Notariële Akte."

3. FURTHER SUBJECT to the terms of the endorsement dated 31 January 1974 shown on Certificate of Uniform Title No T8510/1956 dated 19 June 1956, which endorsement reads as follows:

"Kragtens Notariële Akte Nr K34/1974S gedateer 27.8.1973 is die binnegemelde eiendom synde die Plaas Kuikenvlei 608 groot 46,9078 hektaar gehou hieronder onderhewig aan 'n reg van gebruik van water t.g.v. die volgende eindomme:

(1) Gedeelte 2 ('n gedeelte van ged. 1) van die plaas nr 689 Stellenbosch groot 1,6986 hektaar, gehou kragtens T/A Nr T2250/1974 gedateer hede.

(2) Ged. 3 ('n gedeelte van ged 1) van die plaas nr 689 groot 1,6645 hektaar gelee soos hierbo en gehou kragtens T/A Nr T2251 gedateer hede.

(3) Ged. 4 ('n ged van ged. 1) van die plaas Nr 689 groot 2,1839 hektaar gelee soos hierbo, en gehou kragtens T/A Nr T2252 gedateer hede.

(4) Ged. 5 ('n ged van ged. 1) van die plaas nr 689 groot 1,6959 hektaar gelee soos hierbo en gehou kragtens T/A Nr T2253/1974 gedateer hede.

(5) Ged. 6 ('n ged van ged. 1) van die plaas Nr 689, groot 1,5961 hektaar gelee soos hierbo, gehou kragtens T/A Nr T2254/1974 gedateer hede.

(6) Ged 7 ('n ged van ged 1) van die plaas Nr 689 groot 1,6750 hektaar gelee soos hierbo, en gehou kragtens T/A Nr T2255/1974 gedateer hede.

(7) Ged 8 ('n ged van ged 1) van die plaas Nr. 689, groot 1,6487 hektaar gelee soos hierbo, en gehou kragtens T/A Nr T2256/1974 gedateer hede.

(8) Ged. 9 ('n ged van ged 1) van die plaas Nr 689 groot 1,7259 hektaar gelee soos hierbo en gehou kragtens T/A Nr 2257 gedateer hede, tesame met bykomstige regte.

Soos meer volledig sal blyk uit die gesegde Notariële Akte."

5

A

4. SUBJECT to the following condition, contained in Certificate of Registered Title No. T43467/2008, imposed by the Winelands District Council, as the Local Authority, in terms of Section 42(1) of Ordinance 15 of 1985 when approving the subdivision of Erf 259 Raithby, namely:

"Geen kwekery uit die kleinhandel mag vanaf die gedeelte A bedryf word sonder die nodige goedkeuring van die Raad nie."

5. FURTHER SUBJECT to the following condition in Certificate of Registered Title No T43467/2008, imposed by the Winelands District Council, as the Local Authority, in terms of Section 11(6) of Act 21 of 1940 when approving the subdivision of Erf 259 Raithby, namely.

"(i) Die grond mag nie onderverdeel of gekonsolideer word sonder die skriftelike goedkeuring van die bevoegde gesag soos omskryf in Wet 21/1940 nie.

(ii) Nie meer as één woonhuis, elkeen met sodanige buitegeboue as wat onder gewone omstandighede nodig is om in verband daarmee gebruik te word, mag sonder die skriftelike goedkeuring van die bevoegde gesag soos omskryf in Wet 21/1940 opgerig word nie."

(iii) Behalwe met die skriftelike goedkeuring van die bevoegde gesag soos omskryf in Wet 21/1940 mag geen winkel of besigheidsplek van watter aard ookal op die grond geopen word of gedryf word nie.

(iv) Geen gebou of enige bouwerk van watter aard ookal mag op die grond binne 'n afstand van 95 meter van die senterlyn van Hoofpad 166 sonder die skriftelike goedkeuring van die bevoegde gesag soos omskryf in Wet 21/1940 opgerig word nie.

As regards the figure 2bH2c depicted on Diagram SG810/2014 (which figure corresponds with the figure nHá on Diagram SG909/2014)

1. SUBJECT to the conditions referred to in certificate of Uniform Title No T6510/1956.

2. SUBJECT, but nej entitled, to the benefits of the special conditions contained in Deed of Transfer No T10902/1919 dated 3 October 1919 reading as follows:

"(i) That the existing water furrow running over the remainder of Lot No 1 granted to the Appearer's Constituent on the 8th July 1901 situate as above shall remain undisturbed for the use of the Transferees and their successors in Title as owners of the properties described in 1, 2, 3, and 4 above who shall have

access to and egress therefrom in order to maintain, clean or repair the same. The Appearer's Constituent, as owner of the remainder of the said Lot No 1 above described shall have the right to make use of the water running therein for his own requirements but should he or his executors or assigns at any time dispose of the said remainder of Lot No 1 aforesaid this right to use the water out of the furrow shall cease.

(ii) The said Transferees and their successors in title of the properties hereby transferred shall further have the right to lay pipes in the said furrow or by any other means to improve the conditions thereof so long as proper provisions shall be made to enable the Appearer's Constituent to use the water as he requires the same."

III As regards the figure HVBa1z2aG as depicted on Diagram No SG 910/2014 (which figure corresponds with the figure HJkB1C1G on Diagram No SG906/2014):

A. AS REGARDS THE COMPONENT AS A WHOLE:

1. ...

2. FURTHER SUBJECT to the terms of the endorsements dated 16 August 1961 shown on Certificate of Uniform Title No T8510/1956, which endorsement reads as follows:

"Kragtens Notariële Akte Nr 596/1961 gedateer 5-6-1961 is die verdeling van die water soos uiteengesit onder (1)(b) hiervan gewysig en die pipe Kuikenvlei hieronder gehou is nou geregtig tot al die water die stroom wat oor die Restant van plaasel 2 van gedeelte van die plek Odendal gehou onder Para 1 van T8724/1945, wat vanaf 6 nm tot 6 vm, van elke dag, onderhewig aan sekere voorwaardes soos meer volledig sal blyk uit gesegde Notariële Akte."

3. FURTHER SUBJECT to the terms of the endorsement dated 31 January 1974 shown on Certificate of Uniform Title No T8510/1956 dated 16 June 1956, which endorsement reads as follows:

"Kragtens Notariële Akte Nr K34/1974S gedateer 27.8.1973 is die hiernagemelde eiendom synde, die Plaas Kuikenvlei 689 groot 46,9073 hektaar gehou hieronder onderhewig aan 'n reg van gebruik van water t.g.v. die volgende eiendomme:

(1) Gedeelte 2 ('n gedeelte van ged. 1) van die plaas nr 689 Stellenbosch groot 1,6686 hektaar, gehou kragtens T/A Nr T2250/1974 gedateer hede.

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(2) Ged. 3 ('n gedeelte van ged 1) van die plaas nr 669 groot 1,8645 hektaar gelee soos hierbo en gehou kragtens T/A Nr T2251 gedateer hede.

(3) Ged.4 ('n ged van ged. 1) van die plaas Nr 669 groot 2,1839 hektaar gelee soos hierbo, en gehou kragtens T/A Nr T2252/1974 gedateer hede.

(4) Ged.5 ('n ged van ged 1) van die plaas nr 669 groot 1,8959 hektaar gelee soos hierbo en gehou kragtens T/A Nr T2253/1974 gedateer hede.

(5) Ged. 6 ('n ged van ged 1) van die plaas Nr 669, groot 1,5961 hektaar gelee soos hierbo, gehou kragtens T/A Nr T2254/1974 gedateer hede.

(6) Ged 7 ('n ged van ged 1) van die plaas Nr 669 groot 1, 8759 hektaar gelee soos hierbo, en gehou kragtens T/A Nr T2255/1974 gedateer hede.

(7) Ged 8 ('n ged van ged 1) van die plaas Nr. 669, groot 1,8487 hektaar gelee soos hierbo, gehou kragtens T/A Nr T2256/1974 gedateer hede.

(8) Ged. 9 ('n ged. van ged 1) van die plaas Nr 669 groot 1,7259 hektaar gelee soos hierbo en gehou kragtens T/A Nr 2257 gedateer hede; tesame met bykomstige regte.

Soos meer volledig sal blyk uit die gesegde Notariële Akte."

B. AS REGARDS the figure marked 2bHvbe1Z as depicted on Diagram SG 910/2014 (which figure corresponds with the figure nHJkB1on Diagram SG No. SG909/2014):

1. SUBJECT to the conditions referred to in Certificate of Uniform Title No T8510/1958.

C. AS REGARDS the figure marked amb as depicted on Diagram Number SG 910/2014 (which figure corresponds with the figure khj on Diagram SG909/2014):

1. SUBJECT to the conditions contained in Deed of Transfer No T5010/1998 dated 12 August 1998 reading as follows:

"Subject to the reservation to the Appearer's Principal of the sole right to the graveyard at present on the said place Rustenburg, with the right of visiting the graves therein and of having the walls

enclosing the said graves repaired whenever he may think fit do so, and also the right of passage over the above property to the said graveyard for any of the said purposes.

2. SUBJECT to the reservations contained in Notarial Deed dated 10 October 1896, endorsed and annexed to Deed of Transfer No T5010/1896 dated 12 August 1896 wherein certain water rights were granted to PJ Roux, owner of the adjoining property, have been granted.

D. AS REGARDS the figure marked 2bHvmaaz, and amb on Diagram SG 910/2014 (which figure corresponds with the figure nHJhkB1 and khj on Diagram SG No SG909/2014):

1. SUBJECT, but not entitled, to the benefits of the special conditions contained in Deed of Transfer No. T.10902/1919 dated 3 October 1919 reading as follows:

"(i) That the existing water furrow running over the remainder of Lot No 1 granted to the Appearer's Constituent on the 8th July 1991 situate as above shall remain undisturbed for the use of the Transferees and their successors in title as owners of the properties described in paragraphs 1, 2, 3, and 4 above who shall have free access to and egress therefrom in order to maintain, clean or repair the same. The Appearer's Constituent as owner of the remainder of the said Lot No 1 above described shall have the right to make use of the water running therein for his own requirements, but should he or his executors or assigns at any time dispose of the said remainder of Lot No 1 aforesaid this right to use the water out of the said furrow shall cease.

(ii) The said Transferees and their successors in title of the properties hereby transferred shall further have the right to lay pipes in the said furrow or by any other means to improve the conditions thereof so long as proper provisions shall be made to enable the Appearer's Constituent to use the water as he requires the same."

IV As regards the figure be1z2bHvm on Diagram Number SG 910/2014 (which figure corresponds with the figure jkB1nHJh on Diagram Number SG909/2014):

SUBJECT to the following endorsement dated 17 October 1990 on Deeds of Transfer Nos T11375/1974 and T34306/1989, which endorsement reads as follows:

ENDOSSEMENT KRAGTENS ARTIKEL 31(6) VAN WET 47 VAN 1937 (SOOS GEWYSIG)

'n Ged van die eiendom hierin vermeld ± 0,3639 Ha is ontein deur die Wes-Kaapse Streekdienstraad kragtens Art. 27 Paale Ord. Nr. 19/1976. Vide

ontleeningskennisgewing Nr 9/1/2/1/4/1/5*/665 dd 28.9.1990 gelaasseer as ontleeninge caveat 469/90 planne in tweevoud gelaasseer EXP 469/90."

V As regards the figure ABCDEFG2a1zab-A1B1C1D1E1 on Diagram SG 910/2014 (which figure corresponds with the figure ABCDEFG C1 B1JKSTUVWX on Diagram Number SG 909/2014):

AS REGARDS THE COMPONENT AS A WHOLE:

A. Subject to such conditions as are referred to in Certificate of Consolidated Title Number T62784/2012.

B. ...

C. Further subject to the terms of an endorsement dated 7 February 1968 on Deed of Transfer No T.17892/1963, which endorsement reads as follows:

"Kragtens Notariele Akte 42/1968 is die reg verleen aan Elektrisiteitsvoorsieningskommissie om elektrisiteit oor die hierinvermelde eiendom te vervoer tesame met bykomende regte, en onderhewig aan voorwaardes soos meer volledig sal blyk uit gemelde Akte en Kaart, afskrifte waarvan hieraan geheg is."

The middle line of the said servitude now depicted on Diagram SG 910/2014 by the dotted lines 1q 1s 1t which line corresponds on Diagram SG No 909/2014 with the dotted lines q s t.

D. Further subject to the terms of the endorsement dated 8 November 1968 on Deed of Transfer No T.17892/1963, which endorsement reads as follows:

"Die hiervermelde grond is geregtig aan 'n serwituut met betrekking tot verdeling van water in terme van 'n bevel van die Kaapse Waterhof (Waterhof Distrik No 1) gedateer 16-6-1967 soos meer volledig sal blyk uit gemelde bevel, waarvan afskrif van gemelde Bevel gelaasseer is as Notariele Akte Nr K594/68S."

E. Further subject to the terms of an endorsement dated 27 June 1969 on Deed of Transfer No T.17892/1963, which endorsement reads as follows:

"Kragtens Not. Akte Nr 358/1969 gedateer 1.3.69 en bode geregistreer is die eiendom gehou onder Para. 1 onderhewig aan 'n serwituut 12,59 meter wyd gemerk g h k t u y en f e g y v w x op Kaart 3111/53 (Algemene Plan 494 SQ) onderskeidelik, ten gunste van die Algemene Publiek soos meer ten volle sal blyk uit gesegde Not. Akte."

(The aforesaid servitude indicated by the figures D E a K1 2d and E F G 2e 1z a on Diagram SG 910/2014 corresponding with the figures DEK1n and EFGC1B1k on Diagram SG 909/2014)

P. FURTHER SUBJECT to the terms of the endorsement dated 30 January 1974 on Deed of Transfer No T.17892/1963, which endorsement reads as follows:

"By Notarial Deed No. K34/1974S dated 27.8.1973 the within property (para 1 herein) measuring 40,0057 hectares, held hereunder is subject to a right re the use of water i.t.o. the following properties:

i. Ptn.2 (a ptn. of ptn 1) of the farm No 688 Stellenbosch measuring 1,6986 Hectares, held under Deed of Transfer No T2250 dated this day.

ii. Ptn.3 (ptn.of ptn.1) of the farm No. 688 meas. 1,8845 hectares situate as above; held under Deed of Transfer No T2251 dated this day.

iii. Ptn.4 (ptn of ptn. 1) of the farm No.688 meas. 2,1838 hectares situate as above, held under Deed of Transfer No T2252 dated this day.

iv. Ptn.5 (ptn of ptn.1) of the farm No 688 meas. 1,8958 hectares situate as above held under Deed of Transfer No T2253 dated this day.

v. Ptn. 6 (ptn of ptn.1) of the farm No 688, meas 1,696 hectares situate as above, held under Deed of Transfer No T2254 dated this day.

vi. Ptn 7 (pto of ptn 1) of the farm No.688 meas. 1, 6750 hectares situate as above, held under Deed of Transfer No T2255 dated this day.

vii. Ptn.8 (ptn of ptn. 1) of the farm No.688, meas. 1,8487 Hectares situate as above, held under Deed of Transfer No T2256 dated this day.

viii. Ptn. 9 (ptn of ptn 1) of the farm 688, measuring 1,7259 Hectares situate as above, held under Deed of Transfer No T2257 dated this day,

together with certain ancillary rights as will more fully appear on reference to the said Notarial Deed."

Q. SUBJECT to the following endorsement dated 19 January 1993 on Deeds of Transfer Nos T11375/1974 and T34308/1989, which endorsement reads as follows:

"Kragtens notariele akte van persoonlike serwituut van reg van weg Nr K72/93 gedateer 7 Oktober 1992 is die binne-gerpelde eiendom onderhewig aan 'n reg van weg-wat-strek vanf 'n punt op die suidelike grens wat nerens 'n breedte van meer as (5,67) vyf komma ses.sewe meter beslaan die ten gunste van die Klawervlei Trust en die Hannes Faure Trust (met bykomende regte) soos meer volledig sal blyk uit die gesegde notariele akte."

The said servitude now depicted on Diagram Number SG 910/2014 by the dotted lines 1m 1n (corresponding with the dotted line 1m and 1n on Diagram SG No 909/2014)

H. SUBJECT to the following endorsement dated 14 August 1997 on Deeds of Transfer Numbers T11375/1974 and T34306/1989, which endorsement reads as follows:

"The within mentioned property is subject to a powerline servitude in favour of ESKOM with ancillary rights.

Vide Notarial Deed of Servitude No. K650/1997S dated 14 August 1997".

(as depicted by the line 'r 1' on Diagram Number SG 910/2014 annexed hereto which line corresponds with line qst on Diagram SG No SG 909/2014)

VI As regards the figure A B C D E M1 1w 1g on Diagram SG 910/2014 (which figure corresponds with the figure A B C D E k j S 1p on Diagram SG SG 909/2014):

A. FURTHER SUBJECT:

(a) To the following special condition contained in Deed of Transfer No T5010 dated 12 August 1890 reading as such:

"Subject to the reservation of the Appearer's Principal to the sole right to the graveyard at present on the said place Rustenburg, with the right of visiting the graves therein and of having the walls enclosing the said graves repaired whenever he may think fit do so, and also the right of passage over the above property to the said graveyard for any of the said purposes."

(b) To the conditions contained in Notarial Deed dated 10 October 1896, endorsed and filed with Deed of Transfer No T.5012 dated 12 August 1896, where under certain water rights were granted to JP Rouk, the owner of the adjoining property.

B. ENTITLED to the benefit of the conditions marked 1 and 2 contained in Deed of Transfer No. T.10902/1919, which reads as follows:

"1. That the existing water furrow running over the remainder of Lot No 1 granted to the Appearer's Constituent on the 8th July 1901 situate as above shall remain undisturbed for the use of the Transferees and their successors in title as owners of the properties described in paragraphs 1, 2, 3 and 4 above who shall have free access to and egress therefrom in order to maintain, clean or repair the same. The Appearer's Constituent as owner of the remainder of the said Lot No 1 above described shall have the right to make use of the water running therein for his own requirements, but should he or his executors or assigns at any time dispose of the said remainder of Lot No 1 aforesaid this right to use the water out of the said furrow shall cease.

2. The said Transferees and their successors in title of the properties hereby transferred shall further have the right to lay pipes in the said furrow or by any other means to improve the conditions thereof, so long as proper provisions shall be made to enable the Appearer's Constituent to use the water as he requires the same.

D. ENTITLED to the benefit of the endorsement dated 19 June 1958 on Certificate of Uniform Title No T8508/1956, which reads as follows:

"Portion 1 measuring 8,0909 Hectares transferred on 19 June 1958 No T8509 J W L Hofmeyer – not entitled to conditions 1 and 2 in Transfer T1092/19 to which Portion of Portion 1 was entitled.

VII As regards the figure E F G 2b 1z a on Diagram SG 910/2014 (which figure corresponds with the figure E F G h B1 K on Diagram SG 969/2014):

FURTHER entitled to the benefit of the conditions marked 1 and 2 as more fully set out in sub-paragraph VI above.

VIII By Deed of Transfer No T the within property is subject to a pipeline servitude 3 (three) metres wide the south-western, north-eastern and north-western boundary of which is indicated on the Diagram Number SG 969/2014 by the line Z A1, LB1, and B1 G1 in favour of Remainder Erf 341 Ballitoy in Extent 46,4569 Hectares held by Certificate of Consolidated Title No T62784/2012 imposed by the Transferor, the said Addean Hofmeyr:

IX As regards the figure 1e e d h j g f K L P M N P Q R S T U e r q k j Z A1 B1 on Diagram SG 910/2014 (which figure corresponds with the figure W d c g n f e E F a G H J K L M N O r s t m l T U V on Diagram SG 7988/1990):

A. SUBJECT to the conditions as are referred to in Deed of Transfer No T3644B/2011;

B SUBJECT FURTHER to the special conditions contained in certificate of Uniform Title No T8508/1956 in terms of the consent of the Minister of Lands to the following reservation of the Sate, viz:

(i) ...

(ii) The right to take land and remove materials for making and repairing public roads.

X As regards the figure k j g f K L p q and q R S T U s r on Diagram SG 910/2014 (which figure corresponds with the figure m n f e E F u l and l L M N Q r s on Diagram SG 7988/1990):

A. SUBJECT to the following special condition contained in Deed of Transfer No T5010 dated 12 August 1898, reading:

"Subject to the reservation to the Appearer's Principal of the sole right to the graveyard at present on the said place Ruslanburg, with the right of visiting the graves therein and of having the walls enclosing the said graves repaired whenever he may think fit do so, and also the right of passage over the above property to the said graveyard for any of the said purposes."

B. SUBJECT FURTHER to the conditions contained in Notarial Deed dated 10 October 1895, endorsed and filed with Deed of Transfer No T5010/1898 dated 12 August 1898 whereby certain water rights have been granted to JP Roux, owner of the adjoining property.

C. ENTITLED to the benefit of the conditions marked 1 and 2 contained in Deed of Transfer No T10902 dated 3 October 1919, reading:

"1. That the existing water furrow running over the remainder of Lot No 1 granted to the Appearer's Constituent on the 8th July 1901 situate as above shall remain undisturbed for the use of the Transferees and their successors in Title as owners of the properties described in 1, 2, 3, and 4 above who shall have free access to and egress therefrom in order to maintain, clean or repair the same. The Appearer's Constituent, as owner of the remainder of the said Lot No 1 above described shall have the right to make use of the water running therein for his own requirements but should he or his executors or assigns at any time dispose of the said remainder of Lot No 1 aforesaid this right to use the water out of the furrow shall cease.

2. The said Transferees and their successors in title of the properties hereby transferred shall further have the right to lay pipes in the said furrow or by any other means to improve the conditions thereof so long as proper provisions shall be made to enable the Appearer's Constituent to use the water as he requires the same."

D. ENTITLED to the benefit of the endorsement dated 19 June 1956 on Certificate of Uniform Title No T8508 issued on 19 June 1956, reading:

"Portion 1 measuring 8,0808 Hectares transferred on title 19 June 1956, No 8509/56 J W L Holmey – not entitled to conditions 1 and 2 in Transfer T10902/19 to which Portions of Portion was entitled."

XI As regards the figure Z l K q r s V W X xi middle of the River yy Y on Diagram SG 910/2014, (which figure corresponds with the figure T l m t s r P Q R R1 middle of the River S1 S on Diagram SG 7996/1990):

A. SUBJECT to the conditions as are referred to in Deed of Transfer No T38448/2011.

B. SUBJECT to the condition contained in Deed of Transfer No T5010 dated 12 August 1896, reading:

"Subject to the reservation to the Appearer's Principal, to the sole right to the graveyard at present on the said place Rustenburg, with the right of visiting the graves therein and of having the walls enclosing the said graves repaired whenever he may think it do so, and also the right of passage over the above property to the said graveyard for any of the said purposes."

C. SUBJECT FURTHER to the conditions contained in Notarial Deed dated 10 October 1996, endorsed and filed with Deed of Transfer No T5010/1896 dated 12 August 1896 whereby certain water rights have been granted to JP Roux, owner of the adjoining property.

D. SUBJECT FURTHER to the special conditions contained in certificate of Uniform Title No T95067/1956 in terms of the consent of the Minister of Lands to the following reservation of the Sale, viz:

(i) ...

(ii) The right to take land and remove materials for making and repairing public roads.

E. ENTITLED to the benefit of the conditions marked 1 and 2 contained in Deed of Transfer No T10802 dated 3 October 1919, reading:

"1. That the existing water furrow running over the remainder of Lot No. 1 granted to the Appearer's Constituent on the 8th July 1901 situate as above shall remain undisturbed for the use of the Transferees and their successors in Title as owners of the properties described in 1. 2. 3. and 4 above who shall have free access to and egress therefrom in order to maintain, clean or repair the same. The Appearer's Constituent, as owner of the remainder of the said Lot No 1 above described shall have the right to make use of the water running therein for his own requirements but should he or his executors or assigns at any time dispose of the said remainder of Lot No 1 aforesaid this right to use the water out of the furrow shall cease.

2. The said Transferees and their successors in title of the properties hereby transferred shall further have the right to lay pipes in the said furrow or by any other means to improve the conditions thereof so long as proper provisions shall be made to enable the Appearer's Constituent to use the water as he requires the same."

XN As the regards the figure M N P Q q p on Diagram SG 910/2014 (which figure corresponds with the figure G H J K t u on Diagram SG 7888/1990):

A. ENTITLED to the benefit of the conditions marked 1 and 2 contained in said Deed of Transfer No. T10902 dated 3 October 1919 reading;

"1. That the existing water furrow running over the remainder of Lot No 1 granted to the Appearer's Constituent by title 6th July 1901 situate as above shall remain undisturbed for the use of the Transferees and their successors in Title as owners of the properties described in 1. 2. 3. and 4 above who shall have free access to and egress therefrom in order to maintain, clean or repair the Same. The Appearer's Constituent, as owner of the remainder of the said Lot No 1 above described shall have the right to make use of the water running therein for his own requirements but should he or his executors or assigns at any time dispose of the said remainder of Lot No 1 aforesaid this right to use the water out of the furrow shall cease.

2. The said Transferees and their successors in title of the properties hereby transferred shall further have the right to lay pipes in the said furrow or by any other means to improve the conditions thereof so long as proper provisions shall be made to enable the Appearer's Constituent to use the water as he requires the same."

XIII As the regards the figure 3,10 C on Diagram SG 910/2014 (which figure corresponds with the figure 4 K on Diagram SG 7986/1990)

A. SUBJECT

(a) to such conditions as are referred to in Deed of Transfer No T11212 dated 20 June 1947,

(b) to the conditions of an Order of the Water Court dated 27 February 1947, referred to in a Servitude Endorsement dated 7 March 1947 on Deed of Transfer No. T310 dated 23 January 1935, which endorsement reads:

"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 27 February 1947) as will more fully appear on reference of the copy of the said Order annexed hereto."

B. NOT ENTITLED to any rights of riparian water, the exercise of which rights in the stream flowing through the said Lot No 2 shall remain restricted to the remaining extent (in area 8,6282 Hectares) of the aforesaid Lot 2 still held by Deed of Transfer No. T11212 dated 20 June 1947, as contained in Deed of Transfer No. T4710 dated 31 March 1980.

C. SUBJECT FURTHER to the terms of the servitude endorsed on the 20 March 1989 on said Deed of Transfer No. T17891 dated 12 November 1983, reading as follows:

"Registration of Servitude.
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 16.8.1937 as will more fully appear on reference copy of the said order filed as Not. Deed 534/88."

XIV As the regards the figure b m H J K f g d c on Diagram SG 910/2013 (which figure corresponds with the figure a B G D E e j c b on Diagram SG 7988/1990):

SUBJECT to the conditions referred to in certificate of Uniform Title Number [illegible] dated 19 June 1956.

XV As the regards the figure n K f g j l d c b m on Diagram SG 910/2014 (which figure corresponds with the figure v E e f n p x b a w on Diagram SG 7988/1990):

A. To the condition contained in Deed of Transfer No. T5010 dated 12 August 1895 reading as follows:

"Subject to the reservation to the Appearer's Principal of the sole right to the graveyard at present on the said place Rustenburg, with the right of visiting the graves therein and of having the walls enclosing the said graves repaired whenever he may think fit to so, and also the right of passage over the above property to the said graveyard for any of the said purposes."

B. To the conditions contained in the Notarial Deed dated 10 October 1936 endorsed on and attached to Deed of Transfer No. t5010 dated 12 August 1895 wherein certain water rights were granted to JP Roux, owner of the adjoining property.

XVI As the regards the figures B J n m and b m n K f g j p t f c on Diagram SG 910/2014 (which figure corresponds with the figure C D v w and a w v E e f n p x b on Diagram SG 7988/1990):

SUBJECT TO BUT NOT ENTITLED TO the special conditions contained in Deed of Transfer No. T10902/1919, reading as follows:

(i). That the existing water furrow running over the remainder of Lot No 1 granted to the Appearer's Constituent on the 9th July 1901 situate as above shall remain undisturbed for the use of the Transferees and their successors in Title as owners of the properties described in 1, 2, 3, and 4 above who shall have free access to and egress therefrom in order to maintain, clean or repair the same. The Appearer's Constituent, as owner of the remainder of the said Lot No 1 above described shall have the right to make use of the water running therein for his own requirements but should he or his executors or assigns at any time dispose of the said remainder of Lot No 1 aforesaid this right to use the water out of the furrow shall cease.

(6). The said Transferees and their successors in title of the properties hereby transferred shall further have the right to lay pipes in the said furrow or by any other means to improve the conditions thereof so long as proper provisions shall be made to enable the Appearer's Constituent to use the water as he required the same."

XVII. As the regards the figure b m v H J K f g d o on Diagram SG 910/2014 (which figure corresponds with the figure a w B C D E e f g c b on Diagram SG 7068/1990):

A. SUBJECT to the following reservation of rights imposed in Certificate of Uniform Title No. T8510 dated 19 June 1956, in terms of the Minister's consent in favour of the State, namely:

(a) .....

(b) Die reg om grond te neem en materiaal te verkry en te verwyder vir die bou en herstel van openbare paaie, waarna verwys word in die endossement aangebring op Sertifikaat van Eenvormige Titel Nr. T8512 gedateer 19 Junie 1956 waarkragtens 'n Sertifikaat van Mineraleregte Nr. 127/56 gedateer 19 Junie 1956 uitgereik is.

B. SUBJECT FURTHER to the terms of the endorsement dated 16 August 1961 on Certificate of Uniform Title No. T8510 dated 19 June 1956 which endorsement reads as follows:

"Kragtens Notariële Akte Nr. 506/1961 gedateer 5-5-1961 is die verdeling van die water soos uiteengesit onder 1 B hierin gewysig en die plaas Kuikenvlei hieronder gehou is nou geregtig tot al die water die stroom wat oor die Restant van Perseel 2 van gedeelte van die plek Odendaal gehou onder Para 1 van T872/1945, wat vanaf 6hm. To 6vm. van elke dag, onderhewig aan sekere voorwaardes soos meer volledig sal blyk uit gesegde Notariële akte."

C. SUBJECT FURTHER to the terms of the endorsement dated 31 January 1974 and Certificate of Uniform Title No. T8510 dated 19 June 1956, which endorsement reads as follows:

"Kragtens Notariële Akte Nr. K34/1974S gedateer is 27.8.1973 is die bionegemelde eiendom synde die plaas Kuikenvlei 609 groot 45,9973 Hektaar gehou hieronder onderhewig aan 'n reg van gebruik van water t.g.v. die volgende eiendomme:

(1) Gedeelte 2 ('n gedeelte van ged. 1) van die plaas nr. 669 Stellenbosch groot 1,6966 Hektaar gehou kragtens T/A Nr 2250/1974 gedateer hede.

(2) Ged. 3 ('n gedeelte van Ged.1) van die plaas nr 669 groot 1,6645 Hektaar gelee soos hierbo en gehou kragtens T/A Nr.2251/1974 gedateer hede.

(3) Ged. 4 ('n ged. van ged. 1) van die plaas Nr 669 groot 2,1839 Hektaar gelee soos hierbo en gehou kragtens T/A Nr.2552/1974 gedateer hede.

(4) Ged. 5 ('n ged. van ged. 1) van die plaas Nr 689 groot 1,6959 Hektaar gelee soos hierbo en gehou kragtens T/A Nr.2553/1974 gedateer hede.

(5) Ged. 6 ('n ged. van ged. 1) van die plaas Nr 689 groot 21,6961 Hektaar gehou kragtens T/A Nr.2554/1974 gedateer hede.

(6) Ged. 7 ('n ged. van ged. 1) van die plaas Nr 689 groot 1,6750 Hektaar gelee soos hierbo en gehou kragtens T/A Nr.2555/1974 gedateer hede.

(7) Ged. 8 ('n ged. van ged. 1) van die plaas Nr 689 groot 1,6467 Hektaar gelee soos hierbo en gehou kragtens T/A Nr.2556/1974 gedateer hede.

(8) Ged. 9 ('n ged. van ged. 1) van die plaas Nr 689 groot 1,7259 Hektaar gelee soos hierbo en gehou kragtens T/A Nr.2557/1974 gedateer hede, tesame met bykomstige regte.

Soos meer volledig sal blyk uit die gesegde Notariële Akte."

XVIII As the regards the figure 1w b c d e 1f on Diagram SG 910/2014 (which figure corresponds with the figure A a b c d e X on Diagram SG 7868/1990):

A. SUBJECT to such conditions referred to Deed of Transfer T38448/2011.

B. SUBJECT FURTHER to the special conditions contained in Certificate of Uniform Title No. T6660 dated 19 June 1956, in terms of the Consent of the Minister of Land to the following reservation of rights in favour of the State, namely:

"(i)

(ii) Die reg om grond te neem en materiale te verwyder in publieke paaie te bou en herstel."

XVIV As the regards the figure 1w b c 1f 1g on Diagram SG 910/2014 (which figure corresponds with the figure A a b x q on Diagram SG 7868/1990):

A. SUBJECT to the following special conditions contained in Deed of Transfer No. T5010 dated 12 August 1896, reading:

"Subject to the reservation to the Appearer's Principal of the sole right to the graveyard at present on the said place Rustenburg, with the right of visiting the graves therein and of having the walls enclosing the said graves repaired whenever he may think it do so, and also the right of passage over the above property to the said graveyard for any of the said purposes."

B. SUBJECT FURTHER to the conditions contained in the Notarial Deed dated 19 October 1896 endorsed on and attached to Deed of Transfer No. T5010

dated 12 August 1896 wherein certain water rights were granted to JP Roux, owner of the adjoining property.

C. ENTITLED to the benefit of the conditions marked 1 and 2 contained in Deed of Transfer No. T10902 dated 3 October 1919, reading :-

"1. That the existing water furrow running over the remainder of Lot No 1 granted to the Appearer's Constituent on the 8th July 1901 situate as above shall remain undisturbed for the use of the Transferees and their successors in title as owners of the properties described in 1, 2, 3, and 4 above who shall have access to and egress therefrom in order to maintain, clean or repair the same. The Appearer's Constituent, as owner of the remainder of the said Lot No 1 above described shall have the right to make use of the water running therein for his own requirements but should he or his executors or assigns at any time dispose of the said remainder of Lot No 1 aforesaid this right to use the water out of the furrow shall cease.

2. The said Transferees and their successors in title of the properties hereby transferred shall further have the right to lay pipes in the said furrow or by any other means to improve the conditions thereof so long as proper provisions shall be made to enable the Appearer's Constituent to use the water as he requires the same"

D. ENTITLED to the benefit of the endorsement dated 19 June 1956 on Certificate of Uniform Title No. T8508 issued on 19 June 1956, reading :-

"Portion 1 measuring 8,0808 Hectares transferred on the 19 June 1956, No. 8509 to J.W.L. Hoffmeyer – not entitled to conditions 1 and 2 in Transfer T.10902/1919 which Portions of Portion 1 was entitled."

XX As the regards the figure 1w b c d e 1f 1g on Diagram SG 910/2014 (which figure corresponds with the figure A a b c d X q on Diagram SG 7988/1980):

A. SUBJECT to the terms of the endorsement dated 8 November 1968 on Deed of Transfer No. T17892 dated 12 November 1963 which endorsement reads as follows:

"Die binnegemelde grond is geregtig aan 'n serwituut met betrekking tot verdeling van water in terme van 'n bevel van die Kaapse Waterhof (Waterhof distrik No 1.) gedateer 16-8-1967 soos meer volledig sal blyk uit gemelde bevel, waarvan 'n skrif van gemelde Bevel geliasseer is as Notariële Akte Nr. K634/68S.

B. SUBJECT FURTHER to the terms of the endorsement dated 31 January 1974 on said Deed of Transfer No. T17892 dated 12 November 1963, which endorsement reads as follows:

"By Notarial Deed No.K34/1974S dated 27.6.1975 the within property (para 1 hereto) measuring 40,0057 Hectares, held hereunder is subject to a right re the use of water f.f.o. the following properties:

(1) Ptn 2 (a ptn of ptn 1) of the farm No. 689 Stellenbosch measuring 1,6956 Hectares held under Deed of Transfer No. T2256 dated this day.
(2) Ptn 3 (a ptn of ptn 1) of the farm No. 689 Stellenbosch measuring 1,6645 Hectares held under Deed of Transfer No.T2251 dated this day.
(3) Ptn 4 (a ptn of ptn 1) of the farm No. 689 Stellenbosch measuring 2,1939 Hectares held under Deed of Transfer No.T2252 dated this day.
(4) Ptn 5 (a ptn of ptn 1) of the farm No. 689 Stellenbosch measuring 1,8699 Hectares held under Deed of Transfer No.T2253 dated this day.
(5) Ptn 6 (a ptn of ptn 1) of the farm No. 689 Stellenbosch measuring 1,596 Hectares held under Deed of Transfer No.T2254 dated this day.
(6) Ptn 7 (a ptn of ptn 1) of the farm No. 689 Stellenbosch measuring 1,6750 Hectares held under Deed of Transfer No.T2255 dated this day.
(7) Ptn 8 (a ptn of ptn 1) of the farm No. 689 Stellenbosch measuring 1,6487 Hectares held under Deed of Transfer No.T2258 dated this day.
(8) Ptn 9 (a ptn of ptn 1) of the farm No. 689 Stellenbosch measuring 1,7259 Hectares held under Deed of Transfer No.T2257 dated this day, together with certain ancillary rights as will more fully appear on reference to the said Notarial Deed."

XX1 **IN RESPECT** of the whole property:

A. SUBJECT to the terms of the endorsement dated 15 June 1992 on Certificate of Consolidated Title No. T69323/1991, which endorsement reads as follows:-

"By Notarial deed of servitude no 5654/92 dated 25 March 1992 the withinmentioned property is subject to a servitude of right of way parallel to the and extending 5, 67 metres from the length of the the yXABC on diagram 7988/90 annexed hereto in favour of the Trustees for the time being of The Klawervlei Trust and the Trustees for the time being of The Plankies Fauna Trust, as will more fully appear from the said Notarial deed."

B. SUBJECT FURTHER to the expropriation which is referred to in the endorsement dated 11 April 2012 on Deed of Transfer No T36448/2011, which endorsement reads as follows:-

Expropriation by Department of Transport and Public Works (WC) of Portion of Para 4 measuring approximately 0,1162 Hectares, Ex 132/2011 dated 11 April 2012

And that by virtue of these presents the said

THE MILNERTON ESTATES LIMITED
Registration Number 1897/000196/06

its administrators 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 day of 22 September 2014.

REGISTRAR OF DEEDS

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

www.stellenbosch.gov.za/planning-portal/

SUBMIT COMPLETED FORM TO landuse.applications@stellenbosch.gov.za

LAND USE PLANNING APPLICATION FORM

(Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) and other relevant legislation)

KINDLY NOTE: Please complete this form using BLOCK letters and ticking the appropriate boxes.

PART A: APPLICANT DETAILS

First name(s)	Allen				
Surname	Goosen				
Company name *(if applicable)*	MLH Architects & Planners				
Postal Address	PO Box 15002				
	Vlaeberg			Postal Code	8018
Email	alleng@mlh.co.za				
Tel	021 424 3210	Fax	021 424 7810	Cell	+27 (0)84 468 0914

PART B: REGISTERED OWNER(S) DETAILS *(If different from applicant)*

Registered owner(s)	The Milnerton Estates Limited				
Physical address	9 Church Square,				
	Parliament Street, Cape Town			Postal code	8001
E-mail	andrew@me-group.co.za				
Tel	021 464 3100	Fax		Cell	083 658 5578

PART C: PROPERTY DETAILS *(in accordance with title deed)*

Erf / ~~Erven / Farm~~ No.	294	Portion(s) if Farm		Allotment area	Raithby
Physical Address					
	Rustenburg Farm, Winery Rd				

Current Zoning	Agriculture & Rural Zone		Extent	31.0074~~m²/ha~~	Are there existing buildings?	✓	N
Applicable Zoning Scheme	Stellenbosch Municipality: Zoning Scheme By-Law, 2019						
Current Land Use	Addiction Care Centre (in-patient rehabilitation centre)						
Title Deed number and date	T	69323/1991					
Attached Conveyance's Certificate	Y	✓	Any Restrictions ito the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate				
Are the restrictive conditions in favour of a third party(ies)?	Y	✓	If Yes, list the party(ies):				
Is the property encumbered by a bond?	Y	✓	If Yes, list the bondholder(s):				
Is the property owned by Council?	Y	✓	If Yes, kindly attach a power of attorney from the Manager Property Management				
Is the building located within the historical core?	Y	✓	Is the building older than 60 years?	✓	N	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999)[1]	✓ N	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.
Any existing unauthorized buildings and/or land use on the subject property(ies)?			Y	✓	If yes, is this application to legalize the building / land use[2]?		Y N
Are there any pending court case(s) / order(s) relating to the subject property(ies)?			Y	✓	Are there any land claim(s) registered on the subject property(ies)?		Y ✓

PART D: PRE-APPLICATION CONSULTATION			
Has there been any pre-application consultation?	✓	N	If Yes, please attach the minutes of the pre-application consultation.
Has the pre-application scrutiny form been submitted?	✓	N	If yes, please attach the written feedback received.

PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE	
APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)	
Tick	**Type of application: *Cost are obtainable from the Council Approved tariffs***
✓	15(2)(a) rezoning of Land
	15(2)(b) a permanent departure from the development parameters of the zoning scheme
	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land

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

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

	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement
	15(2)(e) a consolidation of land that is not exempted in terms of section 24
	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit
	15(2)(g) a permission required in terms of the zoning scheme
	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval
	15(2)(i) an extension of the validity period of an approval
	15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme
	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram
	15(2)(l) a permission required in terms of a condition of approval
	15(2)(m) a determination of a zoning
	15(2)(n) a closure of a public place or part thereof
	15(2)(o) a consent use contemplated in the zoning scheme
	15(2)(p) an occasional use of land
	15(2)(q) to disestablish a home owner's association
	15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services
	15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building
	15(2)(6) when the Municipality on its own initiative intends to conduct land development or an activity
	15(2)(l) amendment of Site Development Plan
	15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines

OTHER APPLICATIONS		
	Deviation from Council Policies/By-laws	R
	Consent / Permission required in terms of a title deed	R
	Technical approval in terms of the Zoning Scheme Bylaw, 2019	R
	Other (specify): _____	R
	TOTAL A:	**R**

PRESCRIBED NOTICE AND FEES** *(for completion and use by official)*

Tick	Notification of application in media	Type of application	Cost
	SERVING OF NOTICES	Delivering by hand; registered post; electronic communication methods	R
	PUBLICATION OF NOTICES	Local Newspaper(s); *Provincial Gazette*; site notice; Municipality's website	R
	ADDITIONAL PUBLICATION OF NOTICES	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
	NOTICE OF DECISION	*Provincial Gazette*	R
	INTEGRATED PROCEDURES	T.B.C	R
		TOTAL B:	**R**
		TOTAL APPLICATION FEES* (TOTAL A + B)	**R**

**** The complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Application fees that are paid to the Municipality are non-refundable and once proof of payment is received, the application will be regarded as duly submitted.***

*****All indigent residents who are registered as such with the Municipality and with proof submitted together with application will be exempted from applicable fees for Permanent Departure applications including but not limited to building lines, coverage, height, bulk, parking. Contact: indigent.office@stellenbosch.gov.za or 021 808 8501 or 021 808 8579***

****** The applicant is liable for the cost of publishing and serving notice of an application. Additional fees may become applicable and the applicant will be informed accordingly.***

BANKING DETAILS

Account Holder Name:	Stellenbosch Municipality
Bank:	FIRST NATIONAL BANK (FNB)
Branch no.:	210554
Account no.:	62869253684
Payment reference:	LU/_____ and ERF/FARM _____

Please use both the Land Use Application number and the Erf/Farm number indicated on the invoice as a reference when making EFT payment

DETAILS FOR INVOICE

Name & Surname/Company name (details of party responsible for payment)	The Milnerton Estates Limited
Postal Address	9 Church Square, Parliament Street, Cape Town 8001
Vat Number (where applicable)	41201018115

PART F: DETAILS OF PROPOSAL

	Building line encroachment	Street		From	m	To	m
		Street		From	m	To	m
		Side		From	m	To	m
		Side		From	m	To	m
		Aggregate side		From	m	To	m
		Rear		From	m	To	m
	Exceeding permissible site coverage			From	%	To	%
	Exceeding maximum permitted bulk / floor factor / no of habitable rooms			From		To	
	Exceeding height restriction			From	m	To	m
	Exceeding maximum storey height			From	m	To	m
	Consent/Conditional Use/Special Development To permit..... in terms of Section.....of the.....Zoning Scheme Regulations						
	Other (please specify)	_____ _____ _____					

Brief description of proposed development / intent of application:

Rezoning application in terms of section 15(2)(a) of the Stellenbosch Municipality Land Use Planning By-Law (2015), to rezone the existing temporary departure area of 2.56ha from "Agricultural Zone 1" to "Community Zone". The proposed Rezoning also includes a ±230m² new building for patient accomodation.

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

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

Information and documentation required

✔	N		Power of attorney / Owner's consent if applicant is not owner	Y	N		Bondholder's consent (if applicable)
✔	N		Resolution or other proof that applicant is authorised to act on behalf of a juristic person	✔	N		Proof of any other relevant right held in the land concerned
✔	N		Written motivation pertaining to the need and desirability of the proposal	✔	N		S.G. diagram / General plan extract (A4 or A3 only)
✔	N		Locality plan (A4 or A3 only) to scale	✔	N		Site development plan or conceptual layout plan (A4 or A3 only) to scale
Y	N		Proposed subdivision plan (A4 or A3 only) to scale	Y	N		Proof of agreement or permission for required servitude
Y	N		Proof of payment of application fees	✔	N		Proof of registered ownership **(Full copy of the title deed)**
✔	N		Conveyancer's certificate	✔	N		Written feedback of pre-application scrutiny and Minutes of pre-application consultation meeting (if applicable)
Y	N	N/A	Consolidation plan (A4 or A3 only) to scale	Y	N	N/A	Land use plan / Zoning plan (A4 or A3 only) to scale
Y	N	N/A	Street name and numbering plan (A4 or A3 only) to scale				
Y	N	N/A	Landscaping / Tree plan (A4 or A3 only) to scale	Y	N	N/A	1 : 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale
Y	N	N/A	Abutting owner's consent	Y	N	N/A	Home Owners' Association consent
Y	N	N/A	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) /	✔	N	N/A	Services Report or indication of all municipal services / registered servitudes

			Environmental Authorisation (EA) / Record of Decision (ROD)				
✔	N	N/A	Copy of original approval and conditions of approval		Y	N	N/A	Proof of failure of Home owner's association
Y	N	N/A	Proof of lawful use right		✔	N	N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes
✔	N	N/A	Required number of documentation copies		Y	N	N/A	Other (specify)

PART H: AUTHORISATION(S) SUBJECT TO OR BEING CONSIDERED IN TERMS OF OTHER LEGISLATION

Y	N	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.	Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989)		
			Y	✔	National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
Y	✔	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	Y	✔	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
Y	✔	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)	Y	✔	National Water Act, 1998 (Act 36 of 1998)
Y	✔	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	Y	✔	Other (specify)
Y	✔	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)			
Y	✔	Do you want to follow an integrated application procedure in terms of section 44(1) of the Stellenbosch Municipality Land Use Planning By-Law? If yes, please attach motivation.			

SECTION I: DECLARATION

I hereby wish to confirm the following :

1. *That the information contained in this application form and accompanying documentation is complete and correct.*
2. *I'm aware that it is an offense in terms of section 86(1)(e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.*
3. *I am properly authorized to make this application on behalf of the owner and that a copy of the relevant power of attorney or consent is attached hereto.*
4. *Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.*
5. *I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.*
6. *I confirm that I have made known all information relating to possible Land / Restitution Claims against the application property.*
7. *It is the owner's responsibility to ensure that approval is not sought for a building or land use which will be in conflict with any applicable law.*

8. *The Municipality assesses an application on the information submitted and declarations made by the owner or on his behalf on the basis that it accepts the information so submitted and declarations so made to be correct, true and accurate.*
9. *Approval granted by the Municipality on information or declarations that are incorrect, false or misleading may be liable to be declared invalid and set aside which may render any building or development pursuant thereto illegal.*
10. *The Municipality will not be liable to the owner for any economic loss suffered in consequence of approval granted on incorrect, false or misleading information or declarations being set aside.*
11. *Information and declarations include any information submitted or declarations made on behalf of the owner by a Competent Person/professional person including such information submitted or declarations made as to his or her qualification as a Competent person and/or registration as a professional.*
12. *A person who provides any information or certificate required in terms of Regulation A19 of the National Building Regulations and Building Standards Act No 103 of 1977 which he or she knows to be incomplete or false shall be guilty of an offence and shall be prosecuted accordingly.*
13. *A person who supplies particulars, information or answers in a land use application in terms of the Stellenbosch Municipality Land Use Planning By-law knowing it to be incorrect, false or misleading or not believing them to be correct shall be guilty of an offence and shall be prosecuted accordingly.*
14. *The Municipality will refer a complaint to the professional council or similar body with whom a Competent Person/professional person is registered in the event that it has reason to believe that information submitted or declaration/s made by such Competent Person/professional person is incorrect, false or misleading.*
15. *I am aware that by lodging an application, the information in the application and obtained during the process may be made available to the public.*

Applicant's signature: _____ Date: 26/10/2021

Full name: Allen Goosen

Professional capacity: Professional Planner

FOR OFFICE USE ONLY

Date received: _____

Received By: _____

POWER OF ATTORNEY (REGISTERED OWNER'S CONSENT)

I/we, the registered owner(s)/applicant: The Milnerton Estates Limited

registered owner(s) of the following property(ies): Erf 294 Raithby

wish to certify that authority is hereby granted to the following agent / consultant

MLH Architects & Planners

in terms of the enclosed resolutions* (applicable if land owner is a registered company/closed corporation, trust or other juristic person) to submit the following application types (*tick appropriate box.)

APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)	
Tick	**Type of application: *Cost are obtainable from the Council Approved tariffs***
✓	15(2)(a) rezoning of Land
	15(2)(b) a permanent departure from the development parameters of the zoning scheme
	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land
	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement
	15(2)(e) a consolidation of land that is not exempted in terms of section 24
	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit
	15(2)(g) a permission required in terms of the zoning scheme
	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval
	15(2)(i) an extension of the validity period of an approval
	15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme
	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram
	15(2)(l) a permission required in terms of a condition of approval
	15(2)(m) a determination of a zoning
	15(2)(n) a closure of a public place or part thereof
	15(2)(o) a consent use contemplated in the zoning scheme
	15(2)(p) an occasional use of land
	15(2)(q) to disestablish a home owner's association
	15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services
	15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building
	15(2)(6) when the Municipality on its own initiative intends to conduct land development or an activity
	15(2)(i) amendment of Site Development Plan
	15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines

in respect of the afore-mentioned property(ies), to enable it to be developed/utilised for the following purpose(s):

Rezoning application to rezone the existing temporary departure area of 2.56ha from "Agricultural Zone 1" to "Community Zone". Rezoning also includes a ±230m² new building for patient accommodation.

The undersigned therefore nominates, constitutes and appoints the above party with power of substitution to be the registered owner's legal representative/agent and to act in the name, place and stead of the registered owner(s) in the above regard. Accordingly, power of attorney is hereby also granted to the agent to sign and receive all correspondence in respect of the matter referred to above during the applicable process.

Owner's name: The Milnerton Estates Limited

Date: 2 6 1 0 2 0 2 1

Registered owner's signature

THE MILNERTON ESTATES LIMITED

EXTRACT of Minutes of a Meeting of Directors held virtually
on Wednesday 18th August 2021 at 10h30

---

10. **SIGNING AUTHORITY:**

10.1 **RESOLVED THAT** any two of the following:

- the directors of the Company, namely Sir De Villiers Graaff, Pieter Johannes Graaff, Simon De Villiers Graaff, Peter Martin Hutton-Squire, James Joseph Emslie, Urvashi Mungal-Singh, Brett Gavin Moore, and Andrew Michael Plunkett; and

- Jennifer Cresswell, Fiona Jean McKend and Nina Loots, for as long as they remain in the employ of the Company or one of its subsidiaries,

shall be authorised, upon such terms and conditions as they in their absolute discretion may deem fit, to sign the following documents and perform the following actions and operations on behalf of the Company, namely:

10.1.1 To approve, sign and settle all agreements and other documents as may be required for the purpose of or in connection with, and in the ordinary course of, the Company's business as developer, builder, landlord, purchaser or seller of immovable property, conductor of farming operations and any other business in which it may be involved from time to time, including, but not limited to, agreements and documents to:

10.1.1.1 develop and maintain immovable property, to demolish or erect buildings on immovable property, to acquire or alienate or give or accept transfer of immovable property or rights to immovable property, to grant or accept options to purchase or to grant or accept rights of pre-emption in respect of immovable property, to enter into any lease or sub-lease as lessor or lessee, to collect and receive rents, to enter into cession, acceptance or a cession or delegation or any lease, sub-lease or license, whether notarial or under hand as lessor or lessee, and the cancellation, variation, endorsement or cession and assignment of such lease and take all legal proceedings for ejectment or otherwise in connection with such lease or other tenancy, or the cancellation thereof, to register or cancel any servitude or real right in respect of immovable property owned by the Company;

10.1.1.2 settle the terms of and to sign all documents necessary to give effect to the matters referred to in this resolution, including, but not limited to, the payment of transfer duty and value added tax, agreements, the making of affidavits and declarations, the giving of powers of attorney, the acceptance of benefits, consents and applications in respect of registrations in all Deeds Registries, transfers, registration of mortgage bonds, the opening of Township Registers or Sectional Title Registers on any immovable properties owned by the company, or any other documents which may be required to give effect to the powers set out herein;

10.1.1.3 appoint any professionals, including but not limited to attorneys, estate agents, town planners, land surveyors, architects, and other township professionals necessary to give effect to the development and where necessary to institute or defend any and all legal proceedings in connection with the aforesaid;

10.1.1.4 settle the terms of any loan or facility with a financial institution to acquire immovable property or to obtain finance to develop any of the Company's immovable property and to sign mortgage bond documents to secure any loan and to issue guarantees or letters of undertaking for any amounts referred to in any loan agreement or mortgage bond;

10.1.1.5 settle the terms of and to furnish or accept any guarantee, suretyship and indemnity, and to sign all documents which may be required to give effect thereto;

10.1.1.6 the registration, endorsement, variation, cancellation or consent to or settlement of the registration, endorsement, variation or cancellation of any terms thereof, of any servitude or mortgage bond or caveat or any cession thereof in which the Company has an interest as mortgagee or to cede, reduce, waive preference in respect of or release property, persons, companies, partnerships, other corporate bodies or deceased estates from any mortgage bond passed or which may hereafter be passed in favour of the Company and to consent to the noting of part payments against any such mortgage bond;

10.1.1.7 to settle the terms of, and to sign, any document in accordance with the Company's instructions from time to time in contracting with a client, including (but not limited to) a depositor, purchaser, pledger, mortgagor, mortgagee, guarantor, credit receiver, cessionary, cedent or surety;

10.1.1.8 to settle the terms of, and to sign, any document or instruments of transfer for the transfer of stock, debentures, shares, bills of exchange, promissory notes or other negotiable instruments drawn, made or accepted on behalf of the Company;

10.1.1.9 any other agreement or document in connection with or incidental to the aforegoing, and to do all things and to take all steps to give effect to such other agreements or documents.

10.2 **RESOLVED FURTHER THAT** to the extent that anything referred to in the resolution above has been done prior to the date of this resolution then the relevant such action (and the relevant person's conduct in this regard), is hereby unconditionally and irrevocably ratified and approved.

Certified a true extract

COMPANY SECRETARY

18-08-2021

DATE

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

CONVEYANCER CERTIFICATE

I/We TANYA STRONG

(conveyancer's name and surname)

Practising at:

DAVID BORMAN & STRONG ATTORNEYS

1st FLOOR, 9 CHURCH SQUARE, CAPE TOWN, 8001

(firm and place of practice)

In respect of:

ERF 294 RAITHBY STELLENBOSCH DIVISION

IN EXTENT 59,2788 HECTARES

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

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

1. CERTIFICATE OF CONSOLIDATED TITLE 51052/2014 (NOT SEARCH BEHIND PIVOT)
2. WITH REFERENCE TO AN APPLICATION TO EXTEND EXISITING LAND RIGHTS & REZONING FROM "AGRICULTURAL ZONE" TO COMMUNITY ZONE WITH CONSENT HOSPITAL"
3.
4.
5.
6.
7.
8.

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

STELLENBOSCH
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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	N	COMPONENT 1 CONDITION 4 - NO PLANT NURSERY RELATING TO GRAVEYARDS: COMPONENT 3 CONDITION C1 & COMPONENT 6 CONDITION A COMPONENT 10 CONDITION A & COMPONENT 11 CONDITION B COMPONENT 15 CONDITION A & COMPONENT 19 CONDITION A
2.	Building lines	Y	N	COMPONENT 1 CONDITION (iv) - NO BUILDING WITHIN 95 M FROM THE CENTRE LINE FROM THE MAIN ROAD WITHOUT CONSENT
3.	Height	Y	N	
4.	Number of Dwellings	Y	N	COMPONENT 1 CONDITION 5(ii) - NOT MORE THAN 1 DWELLING WITHOUT CONSENT
5.	Bulk floor area	Y	N	
6.	Coverage/built upon area	Y	N	
7.	Subdivision	Y	N	COMPONENT 1 CONDITION 5 (i) (CONSENT REQUIRED FOR CONSOLIDATION OR SUBDIVISION)
8.	Servitudes that may be registered over or in favour of the property	Y	N	RELATING TO WATER; SEE ANEEUXURE A COMPONENT 4 & COMPONENT 21 B- EXPROPRIATION NOTICE COMPONENT 5 - CONDITION C, H ELECTRICAL POWERLINE COMPONENT 5 CONDITION E - SERVITUDE ROAD IFO PUBLIC COMPONENT 6 G & COMPONENT 21 A- SERVITUDE RIGHT OF WAY COMPONENT 8 - PIPELINE SERVITUDE COMPONENT 9 B & 10 D & COMPONENT 17 A (b) & 18 B STATE RIGHT TO MATERIAL TO MAKE AND REPAIR ROADS
9.	Other Restrictive Conditions	Y	N	COMPONENT 1 CONDITION 5(iii) NO BUSINESS WITHOUT CONSENT

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

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

a.	Organ(s) of State that might have an interest in the restrictive condition	DIVISIONAL COUNCIL OF STELLENBOSCH
b.	A person whose rights or legitimate expectations will be affected by the removal/suspension/amendment of a restriction condition.	NO CURRENT APPLICATION TO REMOVE RESTRICTIONS
c.	All persons mentioned in the deed for whose benefit the restrictive condition applies	SEE TITLE DEED ANNNEXED

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) X	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...CAPE TOWN..... **(Place) on this**....27..... **(Day)** ..AUGUST.....**(Month) of 20**..21.....

Full names and Surname:....TANYA STRONG.....

Signature: .....

DB&S ATTORNEYS
P.O. BOX 541
CAPE TOWN
8000
Firm Postal Address:

Kindly have certified by affixing official stamp here and initial here:
david borman & strong

Tel: ...021 461 6668.....

Email: ...tanya@dbb.co.za.....

Cell: .....

ANNEXURE A : ERF 294 RAITHBY

relating to conditions of CCT 51052/2014 RELATING TO SERVITUDES PERTAINING TO WATER RIGHTS:

COMPONENT 1 CONDITION A2, A3
COMPONENT 2 CONDITION 2(i)
COMPONENT 3 CONDITION A2, A3,C2, D
COMPONENT 5 CONDITION D, F
COMPONENT 6 CONDITION A(b), B
COMPONENT 10 CONDITION B, C
COMPONENT 11 CONDITION C, E
COMPONENT 12 CONDITION A
COMPONENT 13 CONDITION A, B, C
COMPONENT 15 CONDITION B
COMPONENT 16
COMPONENT 17 CONDITION B, C
COMPONENT 19 CONDITION B, C
COMPONENT 20 CONDITION A, B

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INNOVATION CAPITAL • ISIXEKO ESIZA NENGUQU • INNOVASIESTAD

Our Ref: *Erf 246*
Contact person: *N Dafeti*
Contact number: *(021) 808 8640*
Date: *23 August 2017*

ZONING CERTIFICATE: ERF 246, RAITHBY

It is hereby certified that the zoning of Erf 246, Raithby, in terms of the Zoning Scheme Regulations (PN 1048/1988) promulgated in terms of Section 8 of the Land Use Planning Ordinance (No. 15 of 1985), is:

Agricultural Zone I

With a temporary departure (valid until 29 September 2019) to utilize the existing buildings(±2,56ha) for a health care facility(in-patient rehabilitation centre) for up to 40 sufferers of substance abuse and eating disorders.

PRIMARY USE	CONSENT USE *(Land uses allowed with the consent of Council)*
Agriculture	Additional dwelling units Farmstore Farmstall Intensive feed farming Riding school Nursery Service trade Tourist facilities Aquaculture Guest house Rooftop base telecommunication station Freestanding base telecommunication station Renewable energy structure

pp **Director: Planning and Economic Development**

Please Note: Where discrepancies exist between the zoning information contained in this certificate and any Council decision, Council's decision override the contents of this zoning certificate.

TABEL B *(vervolg)*

1 *Sonering*	2 *Primêre gebruik*	3 *Vergunningsgebruike*
Institusionele sone II	Bedehuis	Pastorie, vergaderplek
Institusionele sone III	Inrigting	Vergaderplek
Oordsone I	Vakansieakkommodasie	Oordwinkel, toeristefasiliteite
Oordsone II	Vakansiehuisvesting	Motel, gelisensieerde hotel, toeristefasiliteite, oordwinkel
Oopruimtesone I	Openbare oopruimte	Geen
Oopruimtesone II	Privaat oopruimte	Geen
Oopruimtesone III	Natuurreservaat	Geen
Vervoersone I	Vervoergebruik	Geen
Vervoersone II	Openbare pad	Geen
Vervoersone III	Openbare parkering	Geen
Owerheidsone	Owerheidsgebruik	Geen
Spesiale sone	Spesiale gebruik	Geen
Onbepaalde sone	Geen	Geen

3.0 BEPLANNINGSBEHEER

Die volgende bepalings is in die betrokke sones van toepassing:

3.1 LANDBOUSONE I

3.1.1 *Kleurnotasie:* geelgroen omlyning.

Primêre gebruik: landbou.

Vergunningsgebruike: addisionele wooneenhede, plaaswinkel, plaasstalletjie, intensiewevoerboerdery, ryskool, kwekery, diensbedryf, toeristefasiliteite.

3.1.2 *Grondgebruikbeperkings*

Straatboulyn: minstens 30 m.

Kantboulyn: minstens 30 m.

3.1.3 Die bepalings vervat in 'n tersaaklike gidsplan wat ingevolge artikel 6A van die Wet op Fisiese Beplanning, 1967 (Wet 88 van 1967), geld, is *mutatis mutandis* van toepassing as verdere grondgebruikbeperkings in hierdie sone.

3.1.4 Geen plaaswinkel, plaasstalletjie, kwekery, diensbedryf of toeristefasiliteite mag in hierdie sone binne 5 km van die grens van Bophuthatswana, Transkei of Ciskei goedgekeur word sonder die toestemming van die regering van sodanige staat nie.

3.2 LANDBOUSONE II

3.2.1 *Kleurnotasie:* geelgroen.

Primêre gebruik: landbounywerheid.

Vergunningsgebruike: toeristefasiliteite, plaaswinkel.

3.2.2 *Grondgebruikbeperkings*

Straatboulyn: minstens 30 m.

Kantboulyn: minstens 30 m.

Parkering: minstens een parkeerplek per 200 m² van die totale vloerruimte.

3.2.3 *Op- en aflaai*

Vir die doel van die laai en aflaai van voertuie moet daar min-

TABLE B *(continued)*

1 *Zoning*	2 *Primary use*	3 *Consent uses*
Institutional zone II	House of worship	Parsonage, place of assembly
Institutional zone III	Institution	Place of assembly
Resort zone I	Holiday accommodation	Resort shop, tourist facilities
Resort zone II	Holiday housing	Motel, licensed hotel, tourist facilities, resort shop
Open space zone I	Public open space	None
Open space zone II	Private open space	None
Open space zone III	Nature reserve	None
Transport zone I	Transport usage	None
Transport zone II	Public road	None
Transport zone III	Public parking	None
Authority zone	Authority usage	None
Special zone	Special usage	None
Undetermined zone	None	None

3.0 PLANNING CONTROL

The following provisions shall apply in the relevant zones:

3.1 AGRICULTURAL ZONE I

3.1.1 *Colour notation:* yellow-green outline.

Primary use: agriculture.

Consent uses: additional dwelling units, farmstore, farmstall, intensive-feed farming, riding school, nursery, service trade, tourist facilities.

3.1.2 *Land use restrictions*

Street building line: at least 30 m.

Side building line: at least 30 m.

3.1.3 The provisions contained in a relevant guide plan that is in force in terms of section 6A of the Physical Planning Act, 1967 (Act 88 of 1967), shall *mutatis mutandis* apply as additional land use restrictions in this zone.

3.1.4 No farmstore, farmstall, nursery, service trade or tourist facilities shall be approved in this zone within 5 km of the border of Bophuthatswana, Transkei or Ciskei without the consent of the government of such state.

3.2 AGRICULTURAL ZONE II

3.2.1 *Colour notation:* yellow-green.

Primary use: agricultural industry.

Consent uses: tourist facilities, farmstore.

3.2.2 *Land use restrictions*

Street building line: at least 30 m.

Side building line: at least 30 m.

Parking: at least one parking bay per 200 m² of the total floor space.

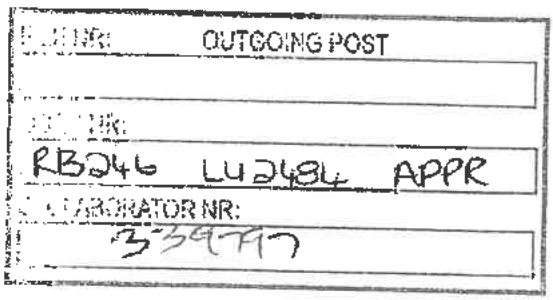
3.2.3 *Loading and unloading*

For the purpose of loading and unloading vehicles, at least two

(7)

Enquiries	P April/H Deacon
Your ref	
Our ref	Erf 246, Raithby
Application no	LU/2484
Date	2014-09-01
Telephone	021-8088683/8657
Fax	021-8866899

REGISTERED MAIL



J H van Heerden
22 Nordenfeldt Ave
WELGEMOED NORTH
7530

Dear Sir / Madam

APPLICATION FOR A TEMPORARY DEPARTURE ON ERF 246, RAITHBY

Your application in the above regard, received on 2012-06-26, refers.

The Planning and Economic Development Committee resolved at a recent meeting as follows:

(a) That the application of a temporary departure in terms of Section 15(1)(b) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), in order to use existing buildings in a ± 2.56 ha area of Erf 246, Raithby, for a Health Care Facility (in-patient rehabilitation centre) for up to ± 40 sufferers of substance abuse and eating disorders (See Annexure 2), be approved for a 5 year period, subject to the conditions as per the attached Annexure 1; and

(b) That the following additional condition be imposed as part of the conditions of approval:

- The centre allow at least 5 % from the previously disadvantaged patients annually on a subsidized basis and submit annual reports to the Community Development Department.

Kindly note, this temporary land use departure approval is valid for a period of 5 years from the date of Council's final notification letter, which is to follow in due course and exercising thereof must commence within a period of 2 years from date of such final notification letter.

Kindly also note where applicable, the above approval does not guarantee approval of any related building plan application in terms of the National Building Regulations and Building Standards Act, No 103 of 1977 and that building work may therefore only commence once such plans are formally passed.

Kindly note, you are advised in terms of Section 5 of the Promotion of Administrative Justice Act, No 3 of 2000 that you are entitled to request in writing reasons for the above decision.

In terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000, you may appeal to the Municipal Manager against the above Council decision (including any conditions imposed in case of approval) by giving written notice of such appeal, in which case you may upon request be given the opportunity to appear in person before the Appeal authority to state your case. A detailed motivated appeal with reasons therefore (and not only the intention to appeal), clearly stating in terms of which legislation it is made, as well as payment of the appeal fee to the amount of R 737,00, should be directed to and received by the Municipal Manager, Stellenbosch Municipality, P O Box 17, Stellenbosch, 7599, or if hand delivered, to the Advice office, Land Use Management, Ground floor, municipal building, Plein Street, Stellenbosch, within 21 days of the date of registration at the Post office of this notification letter (with such registration day not included in the appeal period), provided where the last day for lodging an appeal falls either on a Sunday or public holiday, it shall be deemed to be the next working day thereafter. Where this letter is collected by hand, the above appeal period will be similarly calculated from the next day after collection. Failure to comply with the above requirements may result in the appeal being ruled invalid by the Appeal Authority.

Notwithstanding the above, kindly note, you are not permitted to submit a revised proposal as part of such an appeal. Should this be the case, your submission will not be regarded as an appeal, but rather a new application which should be submitted in the normal manner, as only the above decision can be appealed at this stage.

Please note, appellants are not permitted to canvass the Municipal Manager or members of Council's Appeals Committee before or after the matter is heard.

Important note : ***Rights of appeal*** *in terms of Section 44(1)(a), (b), (c) or (d) of the Land Use Planning Ordinance, No 15 of 1985* ***no longer exist****, as such an appeal to the Minister of Local Government, Environmental Affairs and Development Planning, Western Cape has been declared* ***unconstitutional*** *by the Constitutional Court in its unanimous judgment* on* ***4 April 2014****, as such matters fall within the exclusive functions of a municipality in terms of the Constitution.*

Kindly note the above Council decision is suspended and may therefore not be acted on until such time as the period for lodging an appeal in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000 has lapsed, any such appeal has been finalised and you have been advised accordingly.

Yours faithfully

for **DIRECTOR : PLANNING & ECONOMIC DEVELOPMENT**
RB246501

* *In Minister of Local Government, Environmental Affairs and Development Planning, Western Cape v The Habitat Council and Others; Minister of Local Government, Environmental Affairs and Development Planning, Western Cape v City of Cape Town and Others* [2014] ZACC 9 (Case No CCT17/13)

ANNEXURE I
FILE NO: ERF 246, RAITHBY.

In this approval document.
"Council" means the Stellenbosch Municipality
"the owner" means the registered owner of the property.
"the site " means ERF NO. 246, RAITHBY.
"scheme regulation" has the meaning assigned thereto by the Land Use Planning Ordinance (15 of 1985).

EXTENT OF APPROVAL: **Temporary Departure** in terms of Section 15(1)(b) of the Land Use Planning Ordinance No. 15 of 1985, in order to use existing buildings in a ±2,56ha area of Erf 246, Raithby for a Health Care Facility (in-patient rehabilitation centre) for up to ±40 suffers of substance abuse and eating disorders (See **APPENDIX 2**) **be approved** for a 5year period.

CONDITIONS IMPOSED IN TERMS OF SECTION 42(1) OF THE LAND USE PLANNING ORDINANCE NO 15 OF 1985:

(1) That the approval applies only to the temporary departure and buildings in question as indicated on **APPENDIX 2** and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.

(2) That the approval for the temporary departure will be valid for only 5 years from the date of final notification, where after a new application needs to be submitted should it be the intension of the owners to continue with the subject activities on the subject property.

(3) That building plans must be submitted to this municipality for approval, should any building alteration be considered to the existing agricultural buildings.

(4) That all proposed building alterations comply with the applicable zoning of the property, to ensure that the buildings could revert back to its original use after the temporary use right has lapsed.

(5) That the comments of the competent district or provincial roads authorities are obtained and all conditions are adhered to.

(6) That no activities relating to the subject temporary departure may create a noise nuisance for surrounding property owners and all rehabilitation sessions is conducted during reasonable office hours (08h00 to 17h00).

(7) That the owners of the subject property at all times comply with the applicable Noise Control Regulations.

(8) That Council reserve the right to monitor the activities of the temporary departure annually and terminate the temporary departure at any time should the owner fail to adhere to the conditions of approval within prescribe time frames.

(9) That all buildings comply and activities are conducted satisfactory to the requirements of the Health and Fire Services authorities at all times.

(10) That only the main entrance to the property be used for deliveries related to the temporary departure.

(11) That the conditions of the Directorate: Engineering and Technical Services as stipulated in **APPENDIX 8** be adhered to.

(12) That the centre allow at least 5% from the previously disadvantaged patients annually on a subsidized basis and submit annual reports to the Community Development Department

(13) That Council reserves the right to impose further conditions if needed.

COMPILED BY:

15/08/2014

P. April
SENIOR TOWN PLANNER

Date

RECOMMENDED BY:

15/08/2014

B Davidson
ACTING MANAGER: LAND USE MANAGEMENT

Date

THE ACTING DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT HEREBY APPROVES THE ABOVE RECOMMENDATION AND IMPOSED THE ABOVE-MENTIONED CONDITIONS IN TERMS OF SECTION 42(1) OF THE LAND USE PLANNING ORDINANCE NO 15 OF 1985:

28/08/2014

B. De La Bat
ACTING DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

Date

STELLENBOSCH
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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/8297
Our File Reference Number: Erf 294, Raithby
Your Reference Number: None
Enquiries: Ulrich von Molendorff
Contact No: 021 – 808 8682
Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: alleng@mlh.co.za

Sir

APPLICATION FOR TEMPORARY DEPARTURE ON ERF 294, RAITHBY

1. The above application refers.

2. The duly authorised decision maker has decided on the above application as follows:

2.1 That the application for temporary departure in terms of Section 15(2)c of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015 in order to use existing buildings in a ±2,56ha area of Erf 294, Raithby for a Health Care Facility (in-patient rehabilitation centre) for up to ±40 sufferers of substance abuse and eating disorders on Erf 294, Raithby, **be approved** in terms of Section 60 of the said Bylaw for the following reasons:

(a) The use will be temporary in nature.
(b) No agricultural land will be taken out of production.
(c) All existing onsite building, services, access roads and parking areas will be sufficient for the proposed rehabilitation centre activities, although the engineering department did not comment on the application.
(d) The proposal does not necessarily compromise the principles of the IDP and the Municipal SDF at the time of submission, considering that the use is just considered on a temporary basis.
(e) The rehabilitation centre for maximum 40 clients is therefore not envisaged to be detrimental to the agricultural area.

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

a) That the approval applies only to the temporary departure and buildings in question as indicated on **ANNEXURE 2** and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.

(b) That the approval for the temporary departure will be valid for only 5 years from the date of final notification.

(c) That no activities relating to the subject temporary departure may create a noise nuisance for surrounding property owners and all rehabilitation sessions is conducted during reasonable office hours (08h00 to 17h00).

(d) That the owners of the subject property at all times comply with the applicable Noise Control Regulations.

(e) That Council reserve the right to monitor the activities of the temporary departure annually and terminate the temporary departure at any time should the owner fail to adhere to the conditions of approval within prescribe time frames.

(f) That all buildings comply and activities are conducted satisfactory to the requirements of the Health and Fire Services authorities at all times.

(g) That only the main entrance to the property be used for deliveries related to the temporary departure.

(h) That the centre allow at least 5% from the previously disadvantaged patients annually on a subsidized basis and submit annual reports to the Community Development Department

3. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

4. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:

(a) The personal particulars of the Appellant, including:

(I) First names and surname;

(II) ID number;

(III) Company of Legal person's name (if applicable)

(IV) Physical Address;

(V) Contact details, including a Cell number and E-Mail address;

(b) Reference to this correspondence and the relevant property details on which the appeal is submitted.

(c) The grounds of the appeal which may include the following grounds:

(i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);

(ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.

(d) whether the appeal is lodged against the whole decision or a part of the decision;

(e) if the appeal is lodged against a part of the decision, a description of the part;

(f) if the appeal is lodged against a condition of approval, a description of the condition;

(g) the factual or legal findings that the appellant relies on;

(h) the relief sought by the appellant; and

(i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;

(j) That the appeal includes the following declaration by the Appellant:

(I) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct

(II) That the Appellant is aware that it is and offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.

4. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: Lenacia.Kamineth@stellenbosch.gov.za

5. An applicant who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The

LU Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.

6. The approved tariff structure may be accessed and viewed on the municipal website (https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs) and the banking details for the General Account can also be accessed on the municipal website (https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file).

7. An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:

(a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.

(b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.

(c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.

(d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.

8. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

9. Kindly note the above decision is suspended, and in the case of any approval, may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

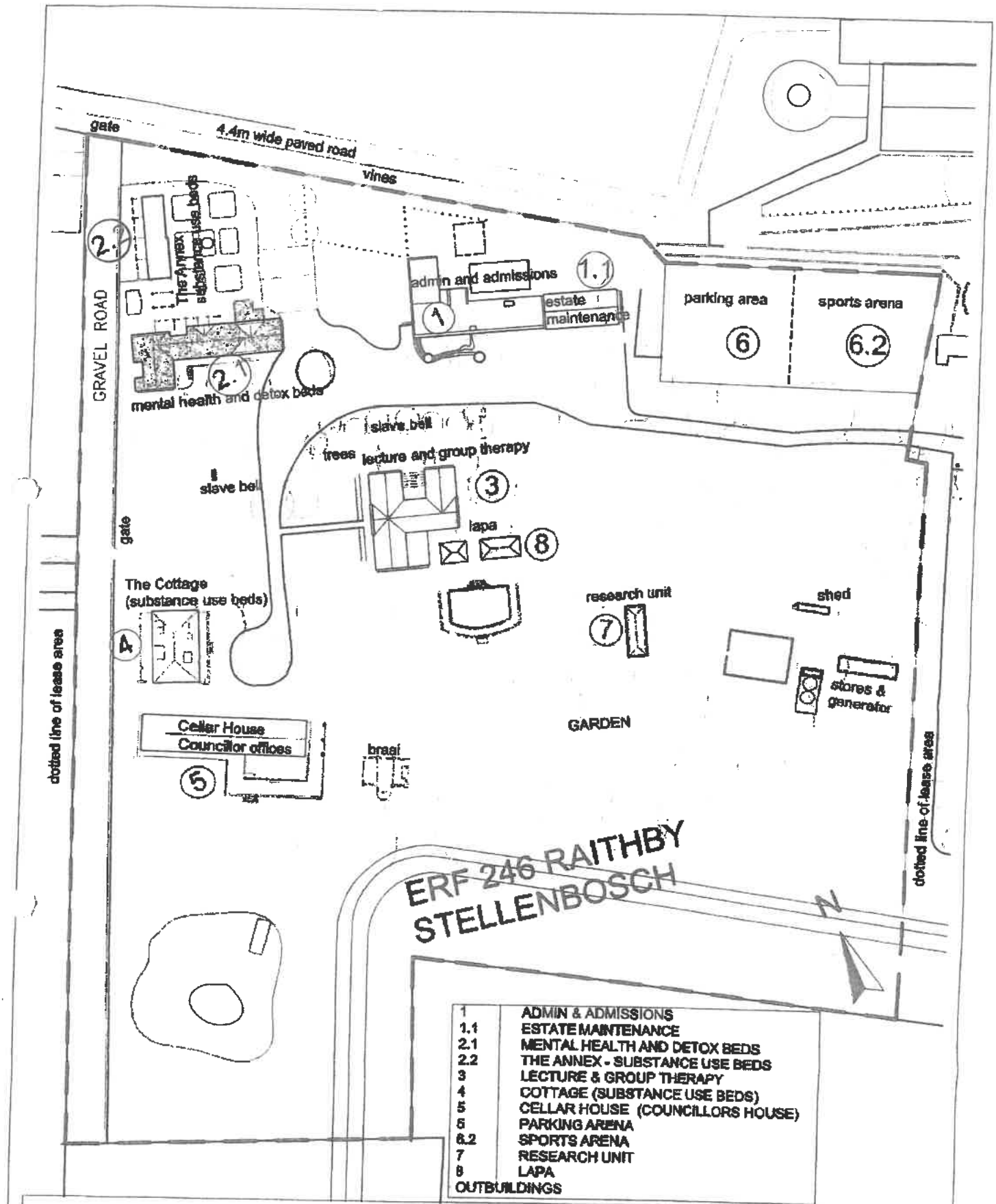
Yours faithfully

FOR: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

DATE: 28/7/20

ANNEXURE 2

Site Development Plan



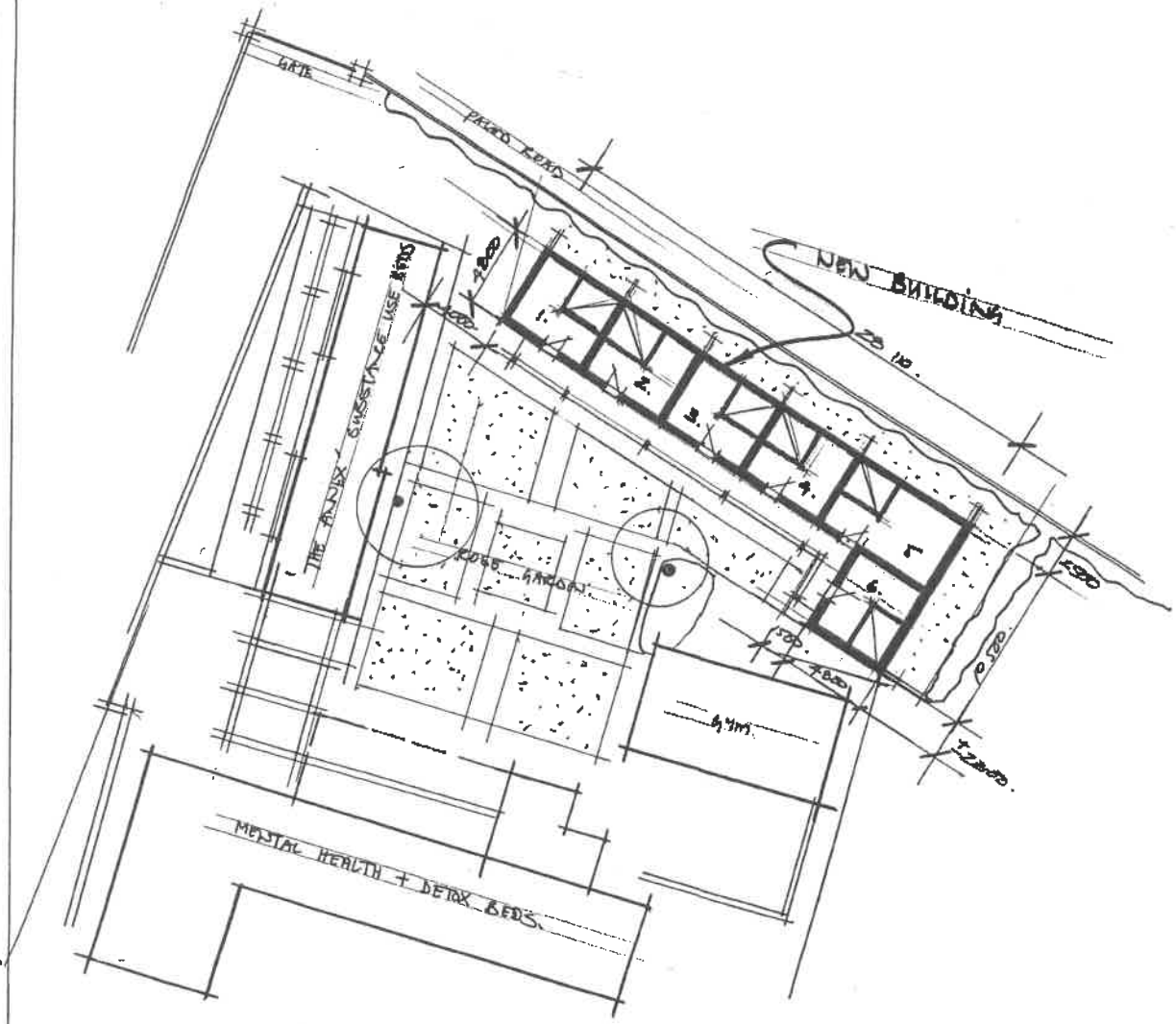
1	ADMIN & ADMISSIONS
1.1	ESTATE MAINTENANCE
2.1	MENTAL HEALTH AND DETOX BEDS
2.2	THE ANNEX - SUBSTANCE USE BEDS
3	LECTURE & GROUP THERAPY
4	COTTAGE (SUBSTANCE USE BEDS)
5	CELLAR HOUSE (COUNCILLORS HOUSE)
6	PARKING ARENA
6.2	SPORTS ARENA
7	RESEARCH UNIT
8	LAPA
OUTBUILDINGS	

stage 5
architects
tel: 021 556 7024

Rustenburg Estate
SITE PLAN | 10.32_01
SCALE 1:1000

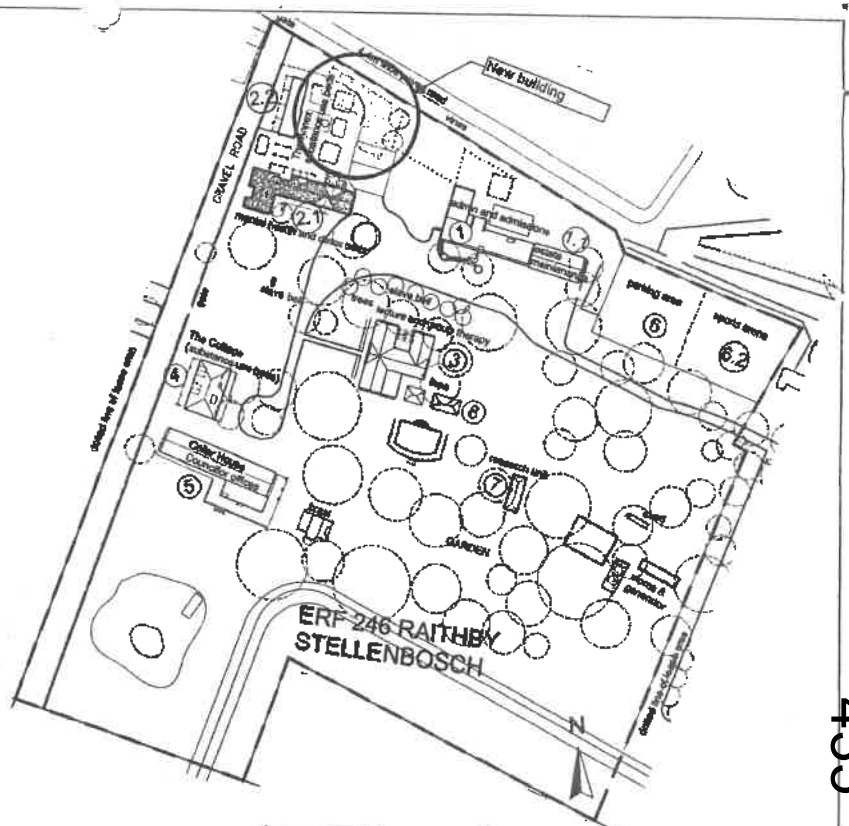
to be read in conjunction with architects' master plans & elevations

24/04/2018 REV: C



SITE PLAN. — NEW BUILDING.

1:200.



LOCALITY PLAN — RUSTENBERG ESTATE.

N.T.S.

N.

Client: MILNERTON ESTATES	Drawing: SITE PLAN + LOCALITY PLAN			Issue Status: FOR INFORMATION		
Project: RUSTENBERG NEW ACCOMMODATION	Project Number: 2021 134	Drawing Number: SK 00-10	Revision: —	Drawing Scale: 1:200.	Issue Date: AUGUST 2021.	Save Date: 2021-08-25

mlh architects & planners
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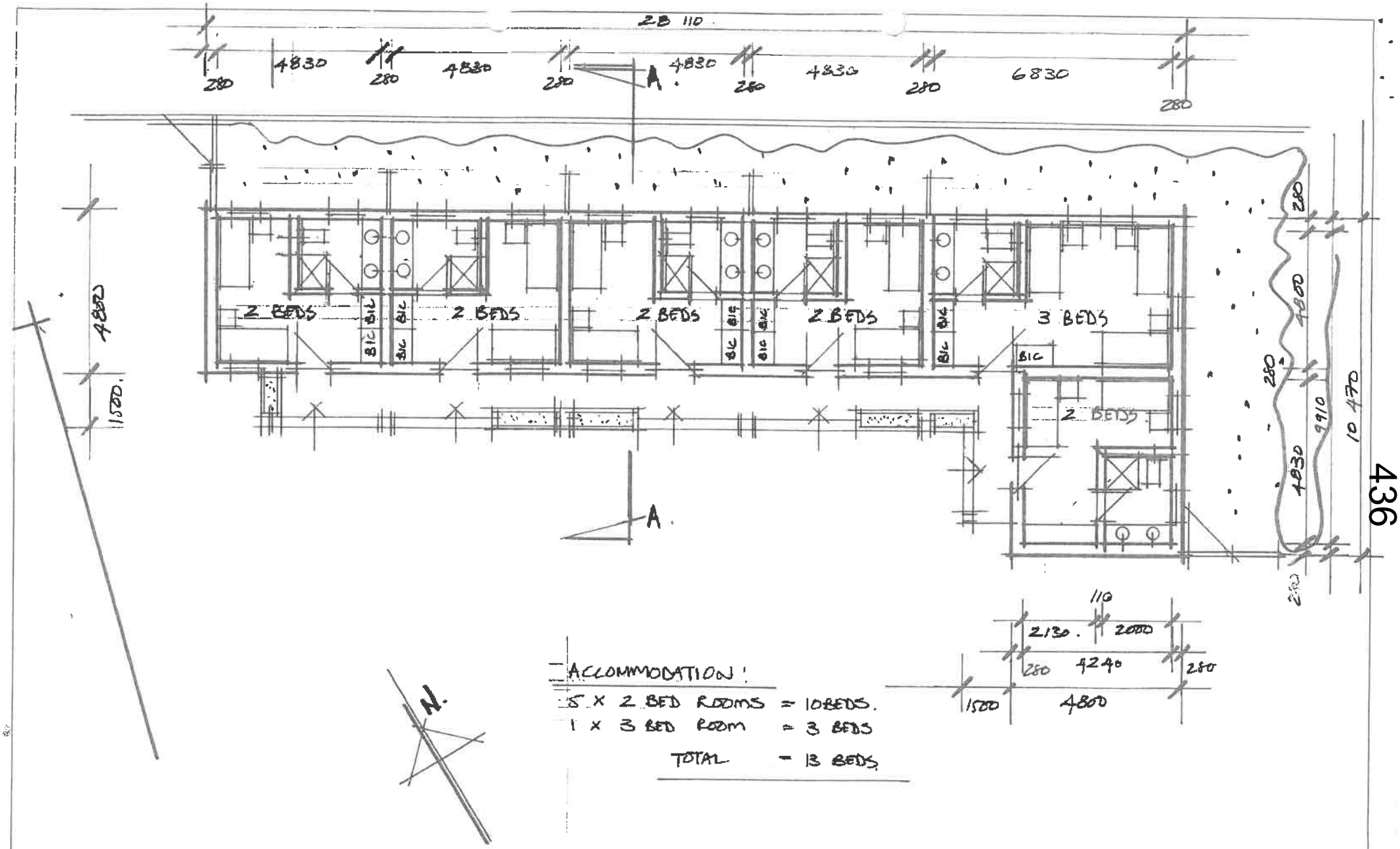

ACCOMMODATION:

5 X 2 BED ROOMS = 10BEDS.
1 X 3 BED ROOM = 3 BEDS
TOTAL = 13 BEDS

Client: MILNERTON ESTATES	Drawing: FLOOR PLANS		Issue Status: FOR INFORMATION			mlh architects & planners
Project: RUSTENBERG NEW ACCOMMODATION	Project Number: 2021 134	Drawing Number: SK 10-10	Revision: -	Drawing Scale: 1:100	Issue Date: AUGUST 2021	Save Date: 2021-08-25

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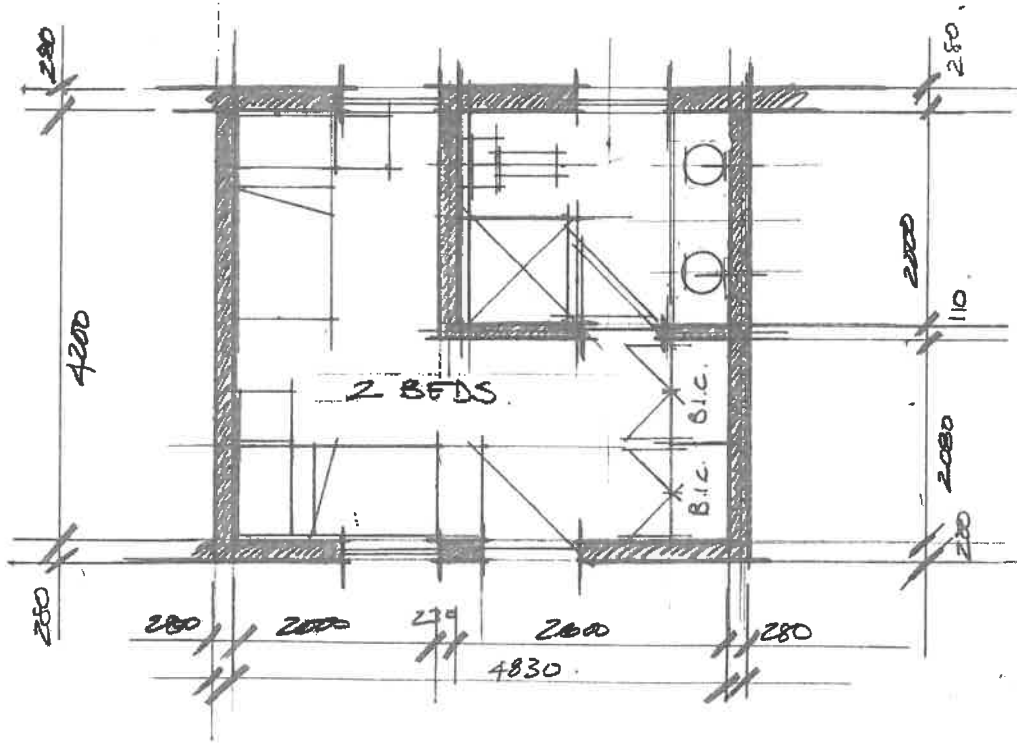
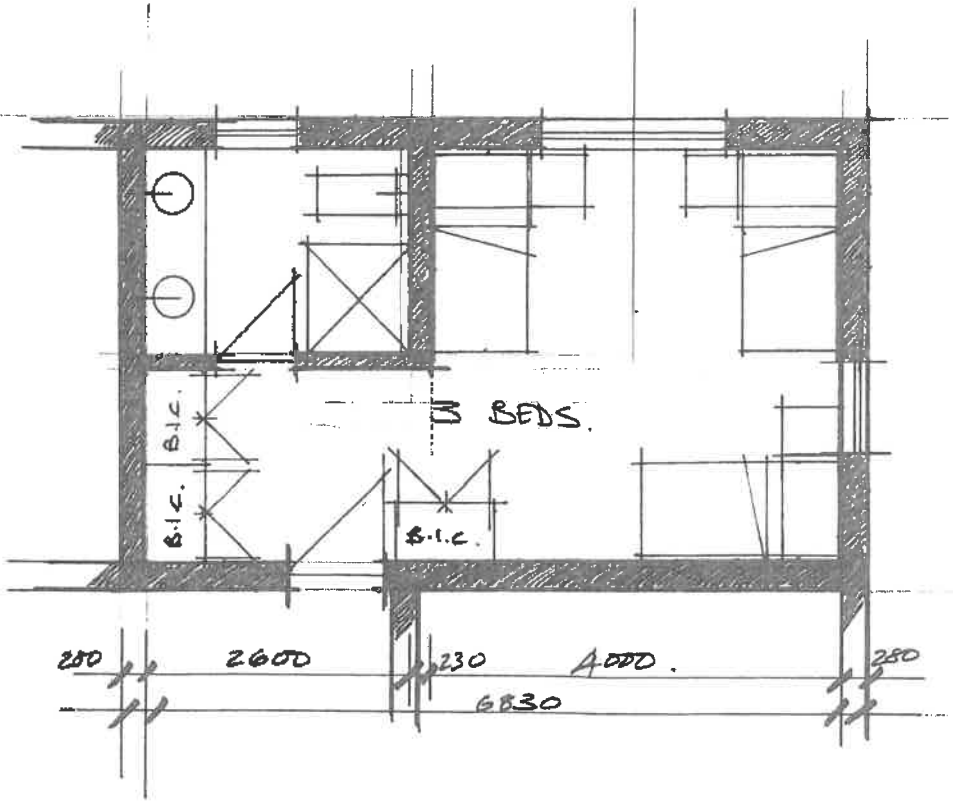
STANDARD 2-BED ROOM.

1:50



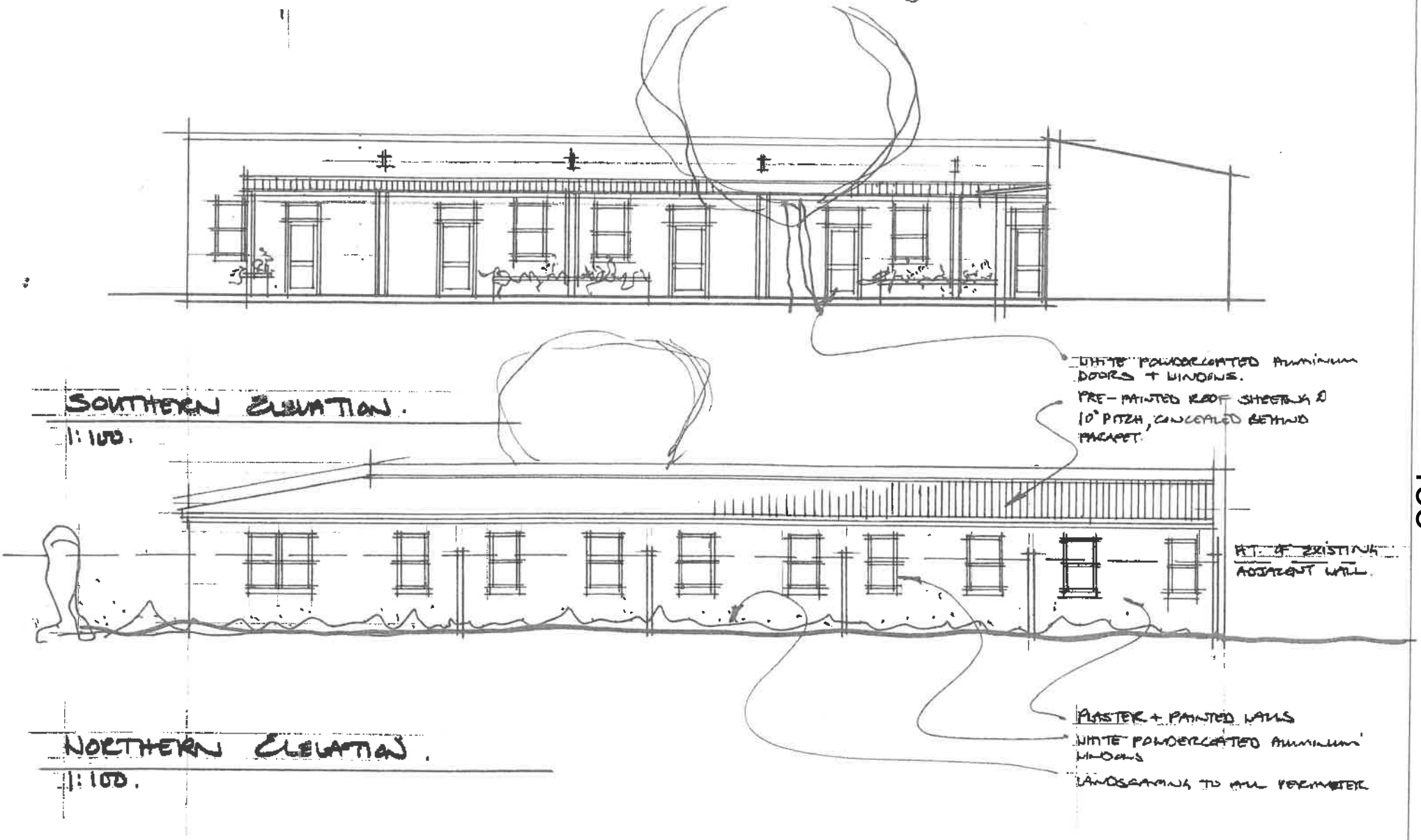
3-BED ROOM.

1:50.



437

Client: MILNERTON ESTATES	Drawing: BEDROOM TYPE PLANS			Issue Status: FOR INFORMATION			mlh architects & planners
Project: RUSTENBERG NEW ACCOMMODATION	Project Number: 2021 134	Drawing Number: SK 10-20	Revision: —	Drawing Scale: 1:50	Issue Date: AUGUST 2021	Save Date: 2021-08-25	GRAPHIC CENTRE, 199 LOOP STREET, CAPE TOWN, PO BOX 15002, VLAEBERG 8018 TELEPHONE +27 21 4243210, FAX +27 21 4247810 E-MAIL mlh@mlh.co.za, WEBSITE www.mlh.co.za



SOUTHERN ELEVATION.
1:100.

NORTHERN ELEVATION.
1:100.

438

Client: MILNERTON ESTATES	Drawing: ELEVATIONS			Issue Status: FOR INFORMATION			mlh architects & planners
Project: RUSTENBERG NEW ACCOMMODATION	Project Number: 2021 134	Drawing Number: SK 30 . 10	Revision: —	Drawing Scale: 1:100.	Issue Date: AUGUST 2021	Save Date: 2021-08-25	

GRAPHIC CENTRE, 199 LOOP STREET, CAPE TOWN, PO BOX 16002, VLAEBERG 8018
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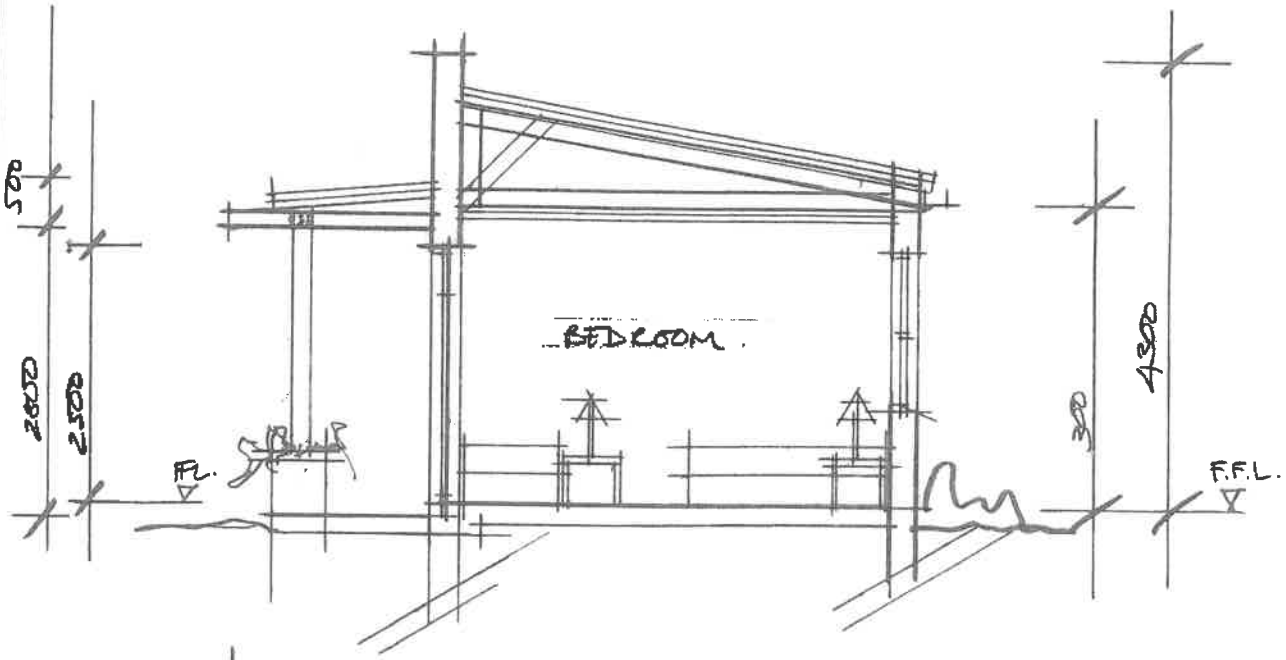

SECTION AA 1:50.

439

Client: MILNERTON ESTATES	Drawing: SECTION.			Issue Status: FOR INFORMATION			mlh architects & planners
Project: RUSTENBERG NEW ACCOMMODATION	Project Number: 2021 134	Drawing Number: SK 40-10	Revision: -	Drawing Scale: 1:50	Issue Date: AUGUST 2021	Save Date: 2021-08-25	GRAPHIC CENTRE, 109 LOOP STREET, CAPE TOWN, PO BOX 15002, VLAEBERG 8018 TELEPHONE +27 21 4243218, FAX +27 21 4247810 E-MAIL mlh@mlh.co.za, WEBSITE www.mlh.co.za

On-Site Photographs:

Photo 1: Existing facilities on the site.

Photo 2: Location of the proposed new building, behind the converted cottages

Heritage Statement

Erf 294, Raithby

Rustenburg Farm

September 2021

Prepared by

Lize Malan

PLANNER & HERITAGE CONSULTANT

PO Box 3421, Matieland, 7602, C: 083 440 0953

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1 Introduction

This heritage statement is prepared in response the proposed rezoning of the werf of Rustenburg Farm near Raithby to accommodate an addiction treatment clinic. The clinic has been operating in the buildings that constitute the main werf at Rustenburg since 2011 with through a temporary departure granted by the Municipality, but an application for rezoning and consent is now required to ensure the continued legal use of the facility. In addition to the rezoning of the werf area, application is also made for an additional building to house accommodation for patients on the werf.

The heritage statement is intended to establish the significance of the werf with its historic buildings and assess the possible impact of the rezoning application and proposed new building on such significance.

2 Location and context

Erf 294, Raithby is actually a farm located off Winery Road, adjacent to the village of Raithby near Somerset West. Winery Road runs roughly parallel to the Moddergat River, which originally attracted colonial settlers to cultivate land in this area.

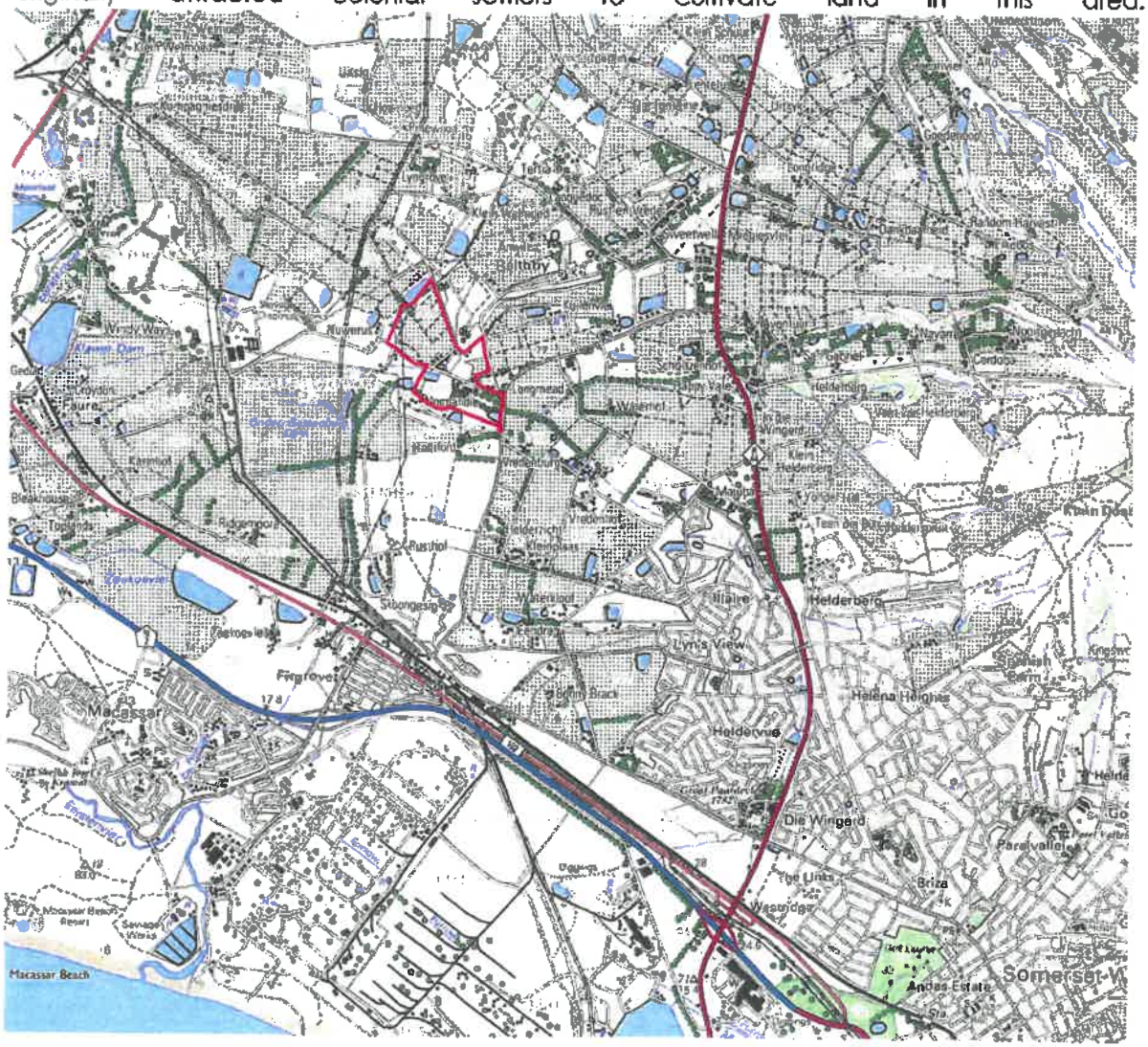


Figure 1: Extract from 1:50 000 topographical map 3418BB Somerset West (Source: Chief Directorate Surveys and Mapping, Mowbray, 2000) with location of Erf 294 Raithby indicated in red

The farm is largely surrounded by other farming units with the elongated Raithby Village located to the north-east of the farm. The area is predominantly focussed on wine grapes with a co-operative and a number of private cellars, such as Ken Forrester and JP Bredell processing these grapes into wine. Although it could be argued that the area is functionally closer to Somerset West, it is located in the south-western most part of the Stellenbosch Municipality. The Moddergat River or Spruit as it is also referred to, seems to have been impacted significantly by settlement in the area, and is no longer a prominent feature in the landscape. The southern boundary of the Erf 294 is defined by the course of this stream, which drains into the Eerste River further to the south-west at Macassar.

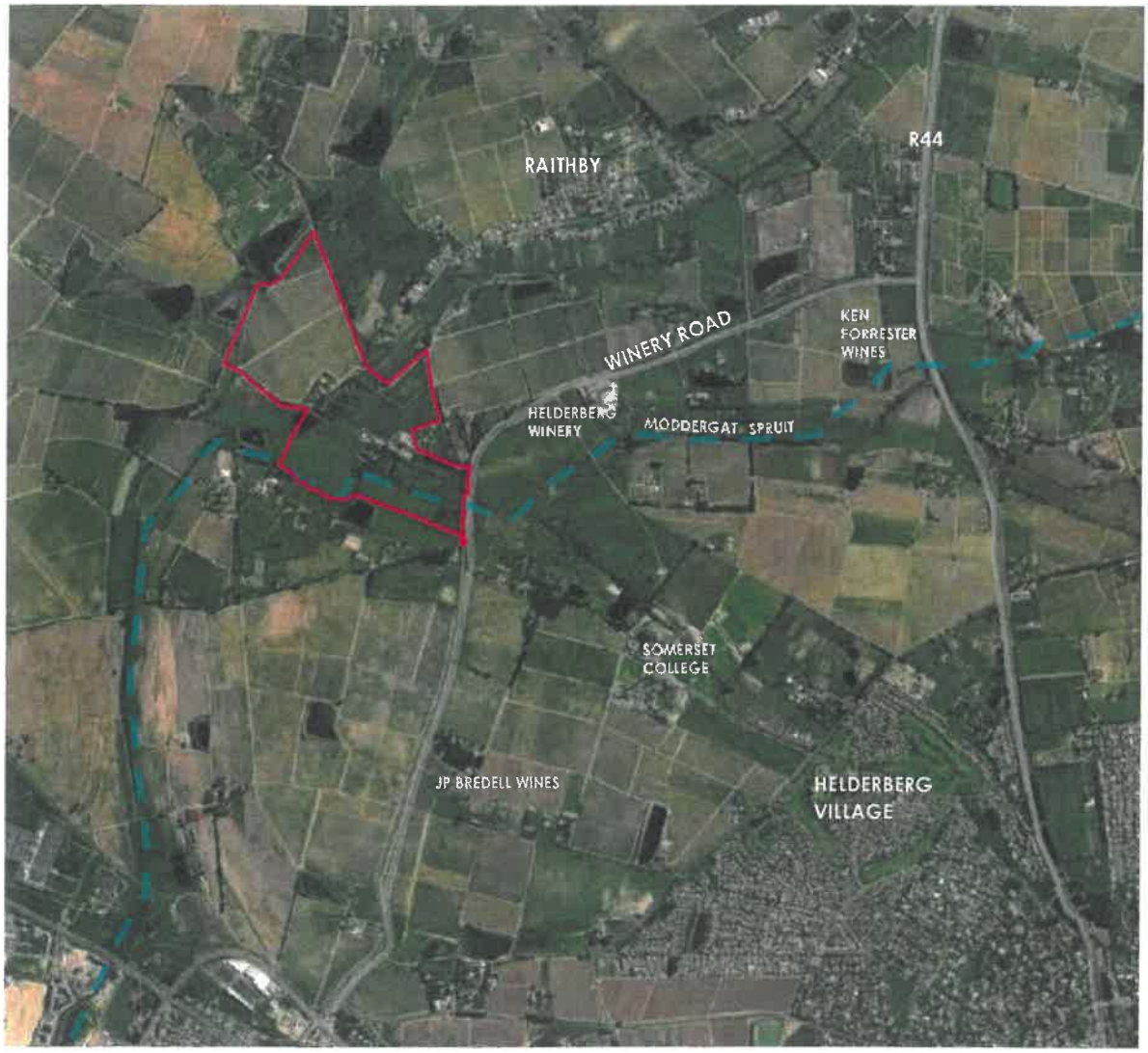


Figure 2: Aerial photograph showing the site in sub-regional context (Source: Cape Farm Mapper)

Figure 3: Aerial photograph of site in local-context (Source: Cape Farm Mapper)

3 Legal Context

The land use application entails the rezoning of a portion of Erf 294, Raithby (a spot rezoning) will be rezoned from "agriculture" to "community zone", in terms of the Stellenbosch Zoning Scheme By-law(2019) to permit the continued use of existing buildings and a new building on the property as a health-care facility (in-patient rehabilitation centre), known as Rustenburg Addiction Care.

Figure 4: Portion of Erf 294, Raithby to be rezoned

Section 38(1)(d) of the National Heritage Resources Act (Act 25 of 1999) is applicable in this instance as the area to be rezoned is larger than 10 000m² (± 2,56ha). Thus a Notification of Intent to Develop has been submitted to Heritage Western Cape for consideration. It was recommended that no further studies are needed, as the proposed new building will not have a negative impact on the heritage significance of the werf, being screened by existing buildings and trees from the homestead and forecourt and the rezoning will not result in any other physical interventions on the werf. HWC concurred with this recommendation (ROD dated 29 September 2021 attached).

It is noted that any additions, alterations or other work on the historic werf buildings that may be undertaken in future will require a permit in terms of Section 34 of the NHRA, as these buildings are all older than 60 years. Depending on the nature of the work, new work may also trigger Section 38 of Act and in this regard it is noted that the certain parts of the werf may have archaeological potential.

No other provisions of the Act are applicable to the site and the land use application.

4 Historical background

By the Later Stone Age (LSA), i.e. 21 000 to 2 000 years ago, the Western Cape was inhabited by indigenous hunter-gatherer groups, commonly referred to as the San people, but little evidence of their presence remains in the Winelands, probably due to farming practices that were introduced during the colonial era (Randle, 2016: 3-5).

Approximately 2000 years ago, the first herders or pastoralists migrated to the southern end of Africa, and established a nomadic lifestyle based on the seasonal availability of grazing for their livestock. These people are commonly known as the Khoikhoi.

Dutch settlers arrived at the Cape in 1652, and shortly thereafter named the Somerset-West /Gordon's Bay area Hottentots Holland – a likely indication that the land was used by the Khoikhoi (Heap, 1993, 17 and Mountain, 2003, 23). The settlement of the Dutch at the Cape and their need for various resources such as livestock and timber almost immediately started a process of displacement of the Khoikhoi. Not long after 1652, the Dutch East India Company acquired a large portion of the then Hottentots Holland from the Khoikhoi and a cattle post was set up in 1672 and in 1678 the first land in this area was granted to independent farmers (Heap, 1993: 22-26).

The property in question has its origins in Farm 686, Stellenbosch, named Berg Sinai, and later Rusteburg Annex, first granted to Jacobus van Drielen in 1692 (Old Stellenbosch Freeholds Vol. 1A Folio 67).

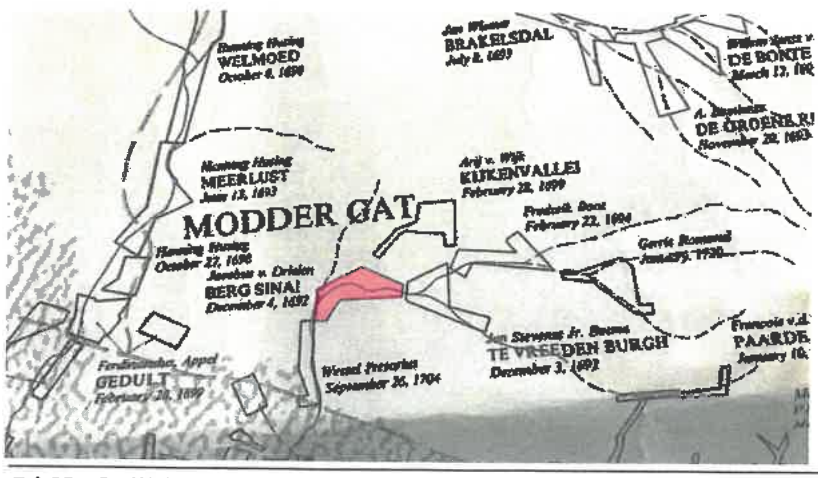


Figure 5: Extract from Guelke's map of early Cape land grants indicating the

grant to Jacobus van Drielen in 1692

In 1818 this property was substantially increased by a quitrent grant to Jan Jacobus de Villiers (Stellenbosch Quitrent Vol. 4 Folio 62), who was a very successful farmer in this area (known as Moddergat after the river). In 1839 the property passed to Abraham Paul de Villiers, son of Jan Jacobus.

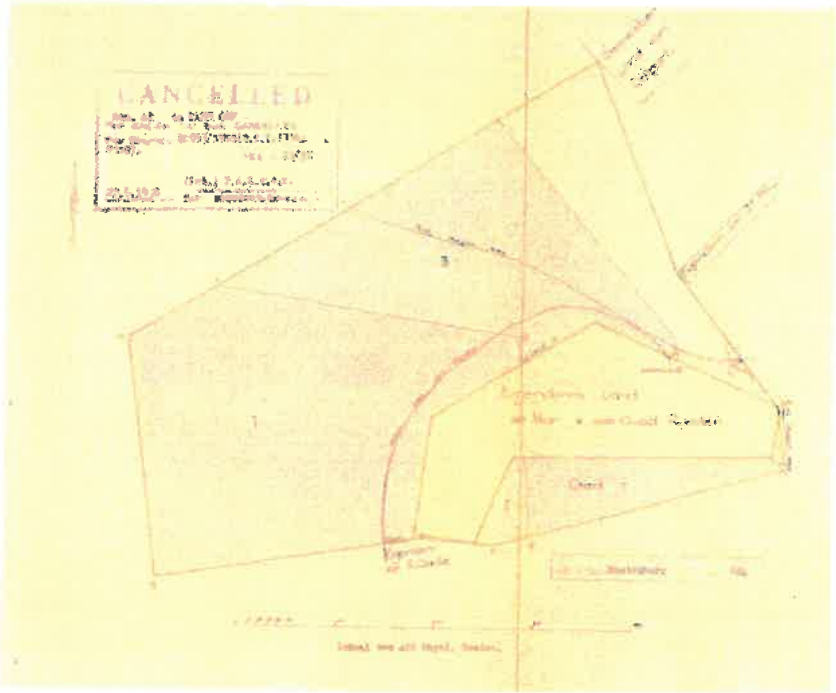
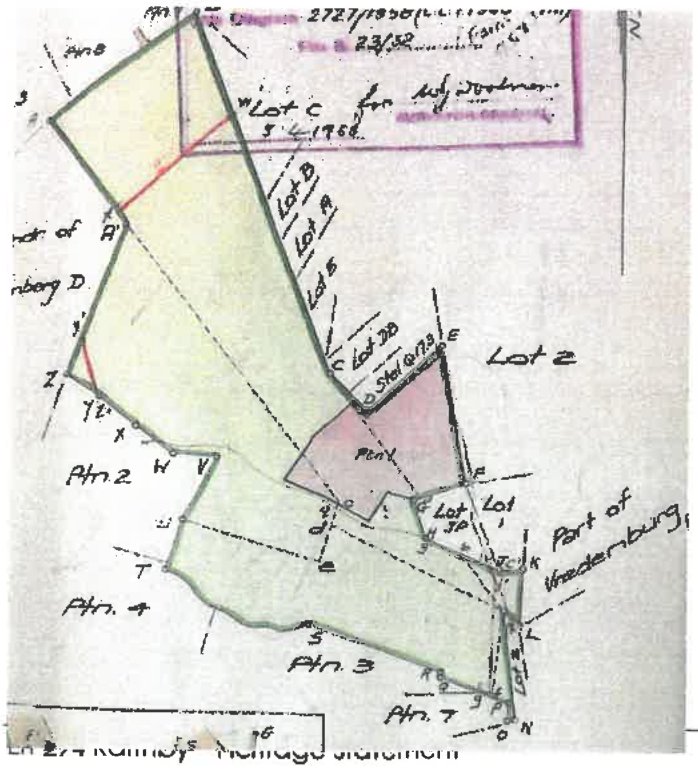


Figure 6: Extract from SG Diagram 299/1814 illustrating the grant to De Villiers

By the late 1800s the farm was divided into three portions, Upper, Middle and Onder Rusterburg (refer to Figure 6 above). From 1896 onwards, Pieter Jacobus Bredell acquired portions of the various parts of Rustenburg, including the portion known as Middle Rustenburg by 1926. The bulk of the property as it is constituted at present, was consolidated in 1955 from portions of Middle and Upper Rustenburg and the original freehold and quitrent grants, into Farm 958, known as Sherwood.



Extract from SG Diagram 10933/1958 indicating the extent of Sherwood Farm

During the 20th C the farm changed ownership four times and evolved from a wine farm to vegetable farm and then a dairy farm. In 1976 the farm was purchased by Mail Fruit (Pty) Ltd, who opened a dairy and poultry business, which required many new structures including a milking parlour. These agri-industrial buildings are located to the north east of the werf (i.e. largely behind the historic werf). During the Eighties, the werf also suffered a number of interventions: The Victorianised homestead, was reconstructed as a typical Cape Dutch homestead including the replacement of its roof to thatch, another storey was added to the workers cottage and finished with a thatched roof, the loft windows were added to the cellar to create accommodation and a floor and thatched roof was added to the building just to the north of the cellar building, to create a self-contained unit. This building may at one stage have been stables. It seems likely the slave bell in the forecourt was also added as this stage, as well as the sauna building to the south-east of the homestead. It would seem that these interventions were undertaken by Dr Koepf, a Swiss arms dealer, who was a director of Mail Fruit (Pty) Ltd and effectively owned the property. After the dairy operations ceased the farm was used for the cultivation of flowers, and thereafter the keeping and breeding of horses and dogs (Personal communication, Juliana Daniels, employee at the property).

Figure 6: Aerial photograph of the werf dating to 1983, with the thatched roof of the restored homestead and its traditional "h" floorplan visible.

In 2011 Sherwood Farm (Farm 958) together with Portion 2 of Farm 687, Portion 4 of Farm 684, and Portion 5 of Farm 686 was purchased by The Milnerton Estates (Pty) Ltd, and in 2014 was consolidated as Erf 294, Raithby, with Erf 293, Raithby. The property is now known as Rustenburg again. The former Sherwood Farm werf was leased to an addiction treatment clinic from 2011 and according to the manager on site, very few alterations were made to accommodate this use. In the cellar building, dry walls were used to create additional councilling rooms, and the sauna building was turned into a self-contained unit.

5 Description of the property

Following on the above, the developed area of Rustenburg can be broadly divided into the historic werf and the late 20thC agri-industrial precinct that housed the dairy. The historic werf is the subject of this report. Figure 7 below illustrates the layout of the historic werf and the current uses of the various buildings as part of the addiction treatment centre.

From this plan it is evident that the werf layout lacks the very strict orthogonal form, symmetry and axiality that is associated with Cape Dutch farm werfs (of the 18th C, especially). Never the less, some of these elements are evident: the homestead is the focal point of the werf and stands at the head of a roughly rectangular forecourt flanked by outbuildings on either side. The unsympathetic placement of the cottage (no 3 on the diagram below) undermines the symmetry of the forecourt. The homestead has a spectacular view to the west. It would seem that the approach to the werf was originally from the north-west with the road running parallel to the homestead. The main access is now from behind, along an avenue of Plane trees that seems to have been planted C1950 (as was common at the time). The remaining werf wall lining the west and portions of the east of the werf seems to original and probably dates to the 18th C.

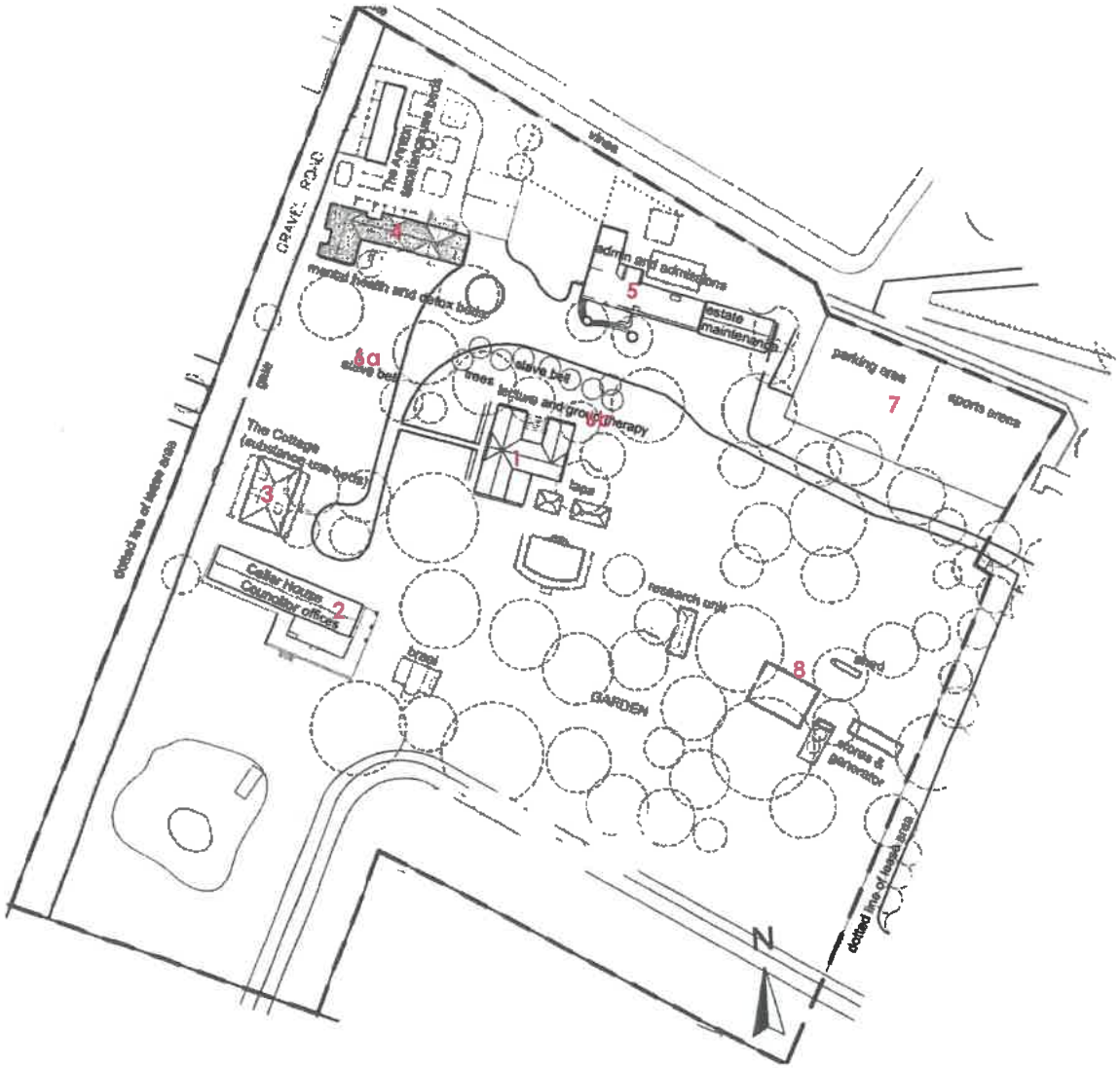


Figure 7: Rustenburg plan of historic werf (Source: Stage 5 Architects)

Figure 8: Aerial photograph of the current werf (Source: Cape Farm Mapper)

Figure 9: Extract from 1944 Aerial photograph illustrating the werf and the approach road from the north-west – Job no. 61, Strip 23, Photograph 01144. Note that Winery Road is still a gravel road at this time (Source: http://www.cdngiportal.co.za/cdngiportal/)

5.1 The homestead (No. 1 on Figure 7 above)

The date on the gable of the homestead suggests is 1840. However the homestead shows signs of being much earlier, but was substantially renovated in the 20th C and it is more likely that the date 1840 is of a gable subsequently added. One cannot be sure that the date is accurate,

although it is stylistically characteristic of some gables of the early-mid 19th C and does correlate with the transfer of the property to Paul Abraham de Villiers. There is no record of the house in its earlier form(s), but there are photographs dating from the 1960s, that shows the homestead to be Victorianised, probably in the latter half of the 19th C when Victorian building materials and elements such as large pane double-sliding sash windows, loft ventilators and corrugated iron roof sheets became more commonly available.

Figure 10: C 1964 Photograph of the homestead – note the gable window (Source: Rustenburg Farm Archives)

Figure 11: C 1964 photograph of the werf taken from the south-west. The cellar is visible to the right and the homestead left – note there is no gable window and the veranda roof is supported on a slender colonnade – probably comprising cast iron posts. The long flat roofed building in the middle ground no longer exists. (Source: Rustenburg Farm Archives)

Dating the original building is quite tricky – the "h" plan, the thickness of the walls (in excess of 60cm), the proportions of some of the interior door openings with single panel doors and certain ovolo mould profiled ceiling rafters are features stylistically associated with the 18th C/ ealier 19th C. The neo-classical neck gable with pediment has since developed wings. It is noted that the weight of the current thatched roof is placing such a severe load on the perimeter walls of the house that they have had to be braced (using steel ties). This is however not uncommon for buildings of this age and construction. It is noted that neither the house nor werf is listed in any of the standard works on historic architecture such as those of Fransen and De Bosdari.

In any event, the building was substantially renovated in the late 20th C. As noted, the roof was replaced with a thatched roof of typical Cape Dutch proportions, and included the removal of the loft ventilators. The sash windows were replaced with small pane casement windows; the veranda removed; flanking wings added to the front gable and holbol gables added to the ends. The date of the insertion of the window in the front gable remains unclear, as seems to be earlier than the other interventions. It may well constitute a re-insertion into a previously bricked-up window opening as it would uncharacteristic for a front gable to lack a window. The authenticity of this work is questionable as there is no record of the appearance of the original homestead and the placement of the casement windows seems to be inconsistent with the gable – one would have expected single casements flanking the door all within the width of the gable above and the other windows then spaced under the eaves line.

The interior also seems somewhat over restored, with Spanish reed ceilings or new ceiling boards that imitate yellow wood, large hearths and quarry tiles for all the floors.

It is never the less recognised, that the building may well date to the 18th or early 19th Century and thus has heritage significance.

This building is now used for meetings and lecturing associated with the addiction care facility and offers different size rooms according to the need.

Figure 12: The façade of the homestead

Figures 13 & 14: Interior door and lecture room in homestead

5.2 The cellar building (No. 2 on Figure 7)

Similar to the homestead, the building that is referred to as the wine cellar, has seen a number of interventions, and it is difficult to distinguish the old from the new. It is certainly possible that this would have been a barn or cellar building, but the casement windows are too large for a barn or wine cellar which typically had small openings to keep light out, but allow ventilation. These thus probably date to the "renovations" of the 1980s when the arched doors and dormer windows were inserted, and the loft space converted to living quarters. The quirk and bead profiled ceiling rafters and Oregon ceiling boards are stylistically characteristic of the latter half of the 19th/early 20th Century, but the thickness of the walls suggest significantly earlier surviving fabric. The date of the now subdivided interior which include the use of four-panel Oregon pine doors, is also unclear, but may suggest the conversion of the building to accommodation and/or the use of older material in the refurbishment process. A sketch that is dated 1964, indicates that the eastern end of the building could have been used for accommodation, with a roofed stoep and domestic sized windows, and lean-to addition at the back, housing the kitchen. The western half seems to be a traditional barn, with a barn door and one small window in northern façade visible[1]. The remaining vaulted spaces along the southern wall of this western end, suggest that this part of the building was historically a wine cellar. Notably it was known as the winery before it was converted to accommodation during the Mail Fruit period (Personal communication, Juliana Daniels, employee at the property). This building is now used as offices by councillors at the facility.

Figures 15, 16, 17: Exterior of cellar, interior of eastern end and vaulted spaces in western end

[1] The copy of this drawing is of too poor a quality to include in this report.

5.3 The free-standing cottage (No. 3 on Figure 7)

The age and original use of this building is unknown – it is visible on the 1938 aerial photograph. In addition, its placement in relation to the homestead and werf layout is awkward, intruding on the forecourt. It has been suggested that it may once have housed stables. In Figure 10 above it seems to be a simple flat-roofed outbuilding. Similar to the cellar building, this building was also much transformed during the 1980s when it was converted to a self-contained dwelling unit with a second floor, thatched roof and dormer windows added.

This building is now used as accommodation for people being treated for substance abuse.

Figures 17 & 18: Exterior of the free-standing cottage

5.4 The converted accommodation/outbuildings (No. 4 on Figure 7)

According to a long time employee on the property (Juliana Daniels), this building was originally a simple flat-roofed structure for workers' accommodation (refer to Figure 6). This building was also substantially changed during the 1980s renovations, again with the addition of a second floor and thatched roof in the Cape vernacular style with simple straight gables and mock chimneys. Judging by the thickness of the ground floor walls (in excess of 60cm), which are largely constructed of stone (probably granite) this building is also likely to date to the 18th/early 19th Century. Unfortunately not much of the original features or fabric has remained, except of course for the walls, but at least all the finishes and in particular the doors and window frames are contemporary, and it could be said to be more authentic than the other reconstructed buildings.

This building is now used as a dining room and accommodation for patients in detox and with mental health issues. Behind this building there is a further building that appears on the 1983 photograph but, on closer inspection, seems to be much later than the other. Both buildings are now used as accommodation for patients being treated for substance abuse. It is unclear

when the formal garden behind the dining hall building was established, but it is not visible on the 1983 photograph.

Figure 19: Exterior of the converted cottages building

Figure 20: Interior of dining hall

Figure 21: Accommodation and formal garden building no. 4

5.5 The office building and vehicle shed (No. 5 on Figure 7 above)

The building is now used to house the administrative offices of the facility and could possibly contain some of the earliest fabric on the site site judging by the thickness of the walls (90cm); and it may even be the remains of an early pioneer building (i.e. possibly late 17th/early 18th C). This building has seen the least interventions, but nevertheless has been "restored" in a haphazard way, with some Spanish reed ceilings used in some of the rooms. This was possibly an original homestead and then barn and/or cellar, with the current cellar building probably constructed when the increase in the farm size necessitated more room for processing and storage (i.e first half of the 19th C). The garage attached to the east of this building seems to be a 20th C addition.

Figure 22: Exterior of administrative building

Figures 23:& 24: Vaulted space (with later reed ceiling) & poplar ceiling beams

5.6 The "slave" bells (no.s 6a and 6b on Figure 7)

There are two "slave" bells on the property. The one in the forecourt (marked 6a on Figure 7) is clearly not original, and dates to the 1980s and grand rebuilding of the werf. The smaller bell to the rear of the homestead with its decorative urns, would seem to complement the gable in style and is thus possibly also contemporaneous with the 1980s alterations to the werf. It may have been used to regulate activities on the farm but clearly not to summon slaves. The date of this structure cannot be ascertained without closer examination of the fabric.

Figures 25 & 26: The two "slave" bells

5.7 The modern roofed area (no. 7 on Figure 7 above)

Just beyond the historic werf, to the north-east is a large contemporary roofed barn, with open sides used for parking and indoor sports. This structure forms part of the werf area to be rezoned.

Figure 27: The contemporary shed structure

5.8 Remaining outbuildings and structures

The remaining structures to the south-east of the homestead which includes a braai area, former sauna building and pool house and pool, seem to date to the mid to late 20th Century and are of little heritage significance, except for the walled garden. This walled area could have been a graveyard but there are no indications of graves, and it may more likely have been an enclosure for livestock or a kitchen garden. The fabric of the walls may date to the 18th/early 19th C judging by their thickness. This will require closer examination.

Figure 28: Late 20th C converted sauna

Figure 29: Late 19th braai pavilion

Figure 30: Late 19th C utility building

Figure 31: Historic enclosure

5.9 Archaeology

According to Vermeulen (2021) a small chapel and graves were located more or less in front of the present shed referred to as building 7 above, but there are no remains of these structures, as the ground was levelled in the early 1980s. This area is likely to have archaeological potential and yield information on the occupants and significance of the werf.

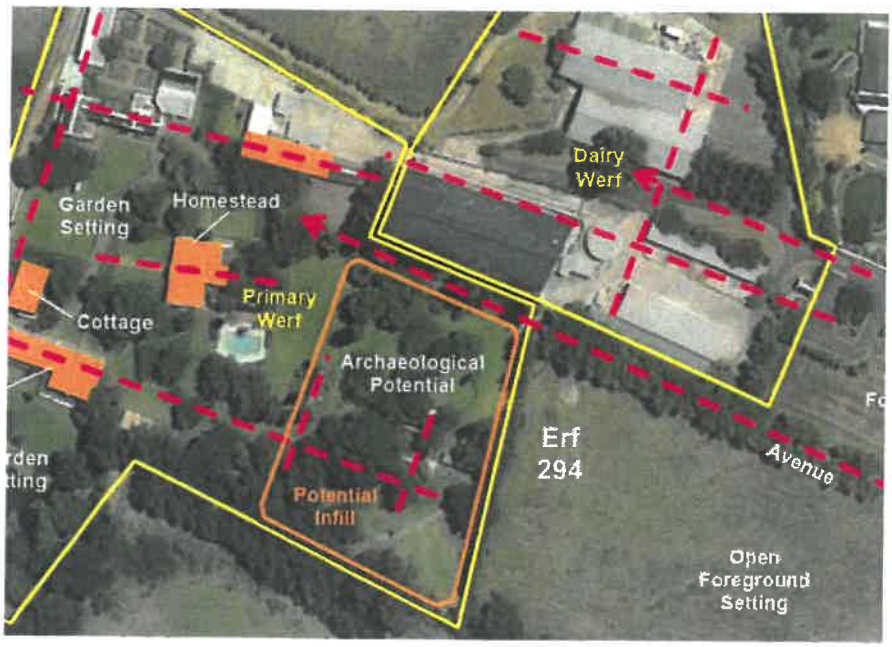


Figure 32: Extract from map of heritage informants and indicators for Rustenburg (Vermeulen, 2021: 69)

6 Assessment of heritage significance

6.1 Criteria for establishing heritage significance

The definition of a **heritage resource** is described in Section 2 (xvi) of the NHRA as: "any place or object of cultural significance". *Cultural significance* is defined in the Act as "aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance" (Section 2 (vi) NHRA 1999:8).

Section 3(2) of this Act goes on to describe heritage resources as follows:

(2) Without limiting the generality of subsection (1), the national estate may include—

(a) places, buildings, structures and equipment of cultural significance;

(b) places to which oral traditions are attached or which are associated with living heritage ;

(c) historical settlements and townscapes;

(d) landscapes and natural features of cultural significance;

(e) geological sites of scientific or cultural importance;

(f) archaeological and paleontological sites;

(g) graves and burial grounds, including—(i) ancestral graves; (ii) royal graves and graves of traditional leaders; (iii) graves of victims of conflict; (iv) graves of individuals designated by the Minister by notice in the Gazette; (v) historical graves and cemeteries; and (vi) other human remains which are not covered in terms of the Human Tissue Act, 1983 (Act No. 65 of 1983);

(h) sites of significance relating to the history of slavery in South Africa;

(i) movable objects.

The meaning of *cultural significance* is further set out in Section 3(3) as follows:

(3) Without limiting the generality of subsections (1) and (2), a place or object is to be considered part of the national estate if it has cultural significance or other special value because of -

(a) its importance in the community, or pattern of South Africa's history

(b) its possession of uncommon, rare or endangered aspects of South Africa's natural or cultural heritage;

(c) its potential to yield information that will contribute to an understanding of South Africa's natural or cultural heritage;

(d) its importance in demonstrating the principal characteristics of a particular class of South Africa's natural or cultural places or objects;

(e) its importance in exhibiting particular aesthetic characteristics valued by a community or cultural group;

(f) its importance in demonstrating a high degree of creative or technical achievement at a particular period;

(g) its strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;

(h) its strong or special association with the life or work of a person, group or organization of importance in the history of South Africa;

(i) sites of significance relating to the history of slavery in South Africa.

These criteria are fleshed out further below:

Aesthetic significance is derived from its:

- Significance in exhibiting particular aesthetic characteristics valued by a community or cultural group;
- Importance to a community for aesthetic characteristics held in high esteem or otherwise valued by the community;
- Importance for its creative, design or artistic excellence, innovation or achievement;
- Importance for its contribution to the aesthetic values of the setting demonstrated by a landmark quality or having impact on important vistas or otherwise contributing to the identified aesthetic qualities of the cultural environs or the natural landscape within which it is located; and/or
- In the case of an historic precinct, importance for the aesthetic character created by the individual components which collectively form a significant streetscape, townscape or cultural environment.

Architectural significance relates to the following:

- Significance as an example for technical, creative, design or artistic excellence, innovation or achievement in a particular period;
- Significance in reflecting a stylistic Period or building type;
- Work of a recognized architect /builder;
- Vernacular/local example;
- The evidence of historical layering; and/or
- Quality material and workmanship

Historical significance is derived from:

- Its importance in the community, or pattern of history; the evolution of cultural landscapes and settlement patterns; in exhibiting density, richness or diversity of cultural features illustrating the human occupation and evolution of the nation, province, region or locality; and/or its association with events, developments or cultural phases that have had a significant role in the human occupation and evolution of the nation, province, region or community;
- A strong or special association with the life or work of a person, group or organisation of importance in history;
- Close associations with individuals, groups or organisations whose life, works or activities have been significant within the history of the nation, province, region or community; and/or
- Significance relating to the history of slavery.

Scientific and technological significance is derived from its potential to yield information that will contribute to an understanding of:

- natural or cultural heritage by virtue of its use as a research site, teaching site, type locality, reference or benchmark site;
- the origin of the universe or of the development of the earth (geology);

- the origin of life; the development of plant or animal species, or the biological or cultural development of hominid or human species (archaeology, palaeontology and biology);
- industrial, technological or engineering development;
- new, rare or experimental techniques; and/or
- the history of human occupation of the nation, province, region or locality.

Social, spiritual and linguistic significance is derived from:

- A strong or special association with a particular community or cultural group for social, cultural, spiritual and lingulstic reasons;
- Its importance as a place highly valued by a community or cultural group for reasons of social, cultural, religious, spiritual, symbolic, aesthetic or educational associations; and/or
- Its importance in contributing to a community's sense of place.

Environmental significance is derived from its

- Contribution to the character of an area or its contribution as part of an important group of structures or features; and/or
- Its landmark quality.

In addition the HWC Provincial Heritage Site nomination criteria refer to two aspects of significance:

Rarity

- It possesses uncommon, rare or endangered aspects of natural or cultural heritage
- Importance for rare, endangered or uncommon structures, landscapes or phenomena.
- Importance in demonstrating a distinctive way of life, custom, process, land-use, function or design no longer practiced in, or in danger of being lost from, or of exceptional interest to the nation, province, region or locality.

Representivity

- It is important in demonstrating the principal characteristics of a particular class of natural or cultural places or objects
- Importance in demonstrating the principal characteristics of a range of landscapes or environments, the attributes of which identify it as being characteristic of its class. Importance in demonstrating the principal characteristics of human activities (including way of life, philosophy, custom, process, land use, function, design or technique) in the environment of the nation, province, region or locality.

6.2 Stellenbosch Heritage Inventory

The Rustenburg werf is not listed in the recent Stellenbosch Municipal Heritage Survey as a heritage resource. Given that this werf was also not listed by Fransen or De Bosdari, it is possible that this werf was overlooked as a potential heritage resource when this survey was undertaken. It is the author's opinion that the werf is indeed worthy of grading and the motivation will be set out in Section 6.3 below.

In addition to identifying individual heritage resources (typically buildings or groups of buildings), this survey also considered the heritage significance of the entire landscape that constitutes the municipal area. To this end the study area is divided into nine different

Landscape Character Valleys, which include for instance the Dwars River Valley, and the Franschhoek Valley. The Winery Road area falls within the Eerste River Valley, which in turn is divided into smaller landscape units. Rustenburg falls with landscape unit C23, named Historic Commonage (referring to the historic missionary settlement of Raithby).

This unit presents a rolling landscape where the R44 forms the eastern boundary of the northern section of the unit, and Winery Road traverses this section. What distinguishes this land unit is the presence of natural shrub vegetation along the small stream and smaller land units which accommodate ecological support areas. Equal measures of open fallow land and vineyards are present. A small band of highly suitable agricultural soil is located below Winery Road in the eastern section of the unit, with moderately suitable soil in the western sections. Some sections of the unit are more depressed and vegetated, resulting in isolated and intimate pockets with a strong sense of place. As one moves to the edges of the unit, more expansive views towards the mountains and even False Bay are afforded. This land unit is one of the areas where some of the first freehold land was allocated along the Moddergat River. Heritage resources identified in this landscape unit include Scholtzenhof (Zandberg, Ken Forrester), Vredenberg-Moddergat and Happy Vale. Happy Vale (Verdruk-my-Niet) is a landmark feature next to the road, with a display of a typical Cape Dutch farm werf with white-washed gabled facade and rectangular werf ringmuur. The avenue of mature cypresses together with the gateposts associated with Ken Forrester Wines is rare and has landscape, landmark, contextual and scenic significance.

Overall the landscape unit is distinguishable by the ubiquitous vegetated drainage lines and numerous historic sites. The historic mission station of Raithby is a node within this landscape unit, and bears significance for its association with slavery and strong settlement pattern.

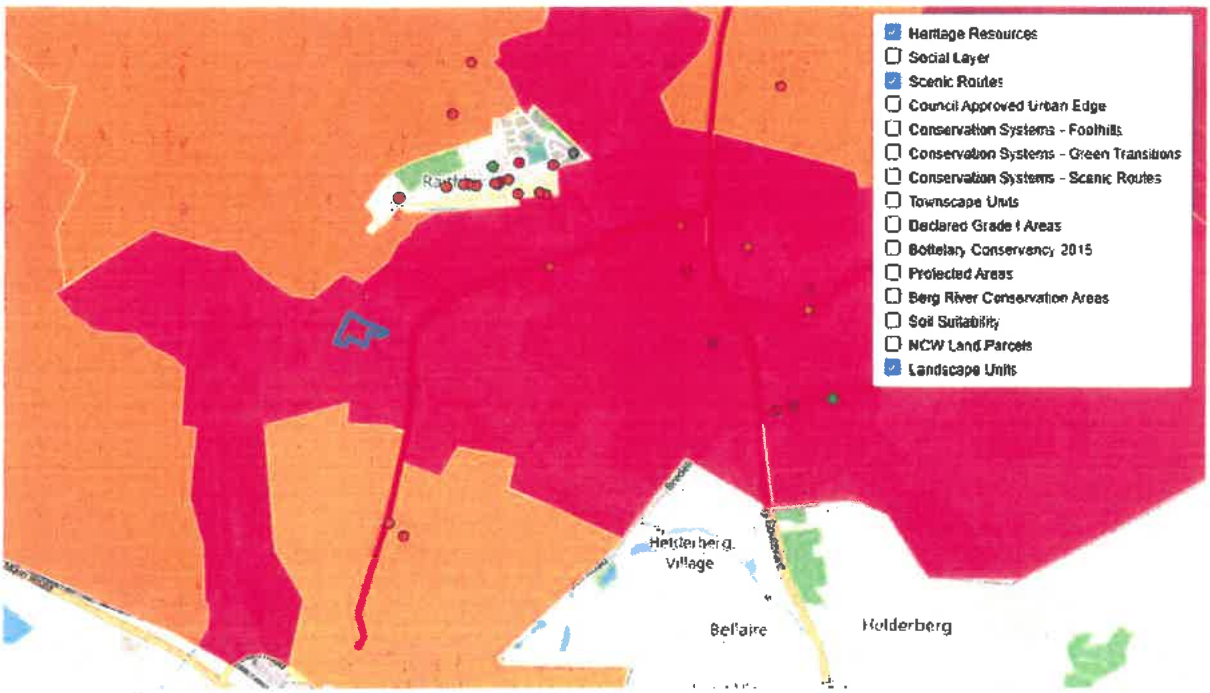


Figure 33: Extract from the online map of Stellenbosch Municipal Heritage Inventory (2018) with the Rustenburg werf outlined in blue (Source: http://www.stellenboschheritage.co.za/smhs/map/#14/-34.0357/18.7972)

The werf falls within a Grade IIIB landscape, with a level of sensitivity of medium to high: 7.9 (dark orange). The R44 is identified as a Grade IIIA Scenic Route and Winery Road as a Grade IIIB Scenic Route. Sites and farmsteads in the greater Winery Road area indicated as heritage resources include: various buildings in Raithby, including the Raithby Church (Grade IIIA);

Vredenburg-Moddergat werf (Grade IIIA), Helderzicht (Grade IIIC); Helderzicht gum copse (Grade IIIC); Papyrus agricultural sheds (Grade IIIC); Ken Forrester avenue of cypresses (Grade IIIC); Scholtzenhof (Zandberg, Ken Forrester)(Grade IIIA); and Happy Vale (Verdruk-My-Niet) (V Grade II).

6.3 Rustenburg Werf Heritage Significance

As noted above, the lack of grading of the Rustenburg werf is regarded as an omission by the author. The werf is regarded to have historical, architectural, aesthectic and contextual significance.

- **Historical significance**

Rustenburg traces it is history back to the very early land grants in the colonial era, dating to 1692, when the property known as Berg Sinai was granted to Jacobus van Drielen as freehold. Only the grant of Welmoed to Henning Hüsing in 1690 is earlier in this area. Although Van Drielen did not become as well known as Hüsing, it is safe to say that this was one of the pioneer farms in this area and the werf is situated on this early portion of freehold.

Given that Jan Jacobus de Villiers who was granted additional quitrent land in 1818 around the original freehold, was a successful farmer in the area (Smuts, 1979: 190), it is seems highly likely that this success could partly be attributed to slave labour.

An archaeological assessment of the werf could contribute to establishing the significance of the werf through an understanding of the remaining historic fabric and traces of buildings and graves that have been removed.

- **Architectural significance**

As noted above the werf has its origins in an early land grant, and although almost all the buildings on the werf have been reconstructed and/or significantly "renovated", it is evident that much of the early (including original) fabric survives, particularly in the form of walls, and in some instances ceiling beams and internal joinery. A number of the buildings seem to date back to the 18th C or at least the early 19th C. Some fabric could even be earlier. There is, for instance, a distinct likelihood that the current office building contains original pioneer fabric given the thickness of the walls. This will require further investigation into the building's fabric and historical records.

Although much of the historic layering of the werf was removed in the 1980s, particularly the Victorianisation of the homestead, there is still evidence of early layering in the cellar building. Here it would seem that the eastern end was converted into a dwelling unit in second half of the 19th Century.

Even though the authenticity of the "restoration" of the homestead is hard to establish due to a lack of records, it could be that the gable is a fairly faithful representation of the house in 1840. One would have to look behind the plaster to confirm the position and size of earlier window openings. The "slave" bell behind the homestead is also interesting, resembling the design of the original bell at Spier, but it seems unlikely to be historic. Should this bell be found to be original it would be of architectural interest.

- **Aesthetic significance**

Although not an example of the highly axial and formalised Cape werfs of the later 18th Century, the forecourt layout may just suggest an earlier 18th Century werf. Despite this lack of strict formality, the werf, centered on the homestead with its open forecourt, views to the west, numerous large Oaks and other mature trees, has a particular charm that affords the site aesthetic significance.

- **Contextual significance**

The werf and its agricultural setting form part of a larger Grade IIIB landscape which reflects a pattern of settlement related to the Moddergat Spruit. The entrance gate on Winery Road and the Plane tree avenue (although much later than the werf) contributes to scenic qualities of the landscape and Winery Road.

Figure 34: Entrance gate with Plane tree avenue behind as viewed from Winery Road.

6.4 Suggested grading

Following on the above, it is suggested that the werf be Graded IIIB as it clearly has both contextual and intrinsic heritage significance. In particular it is argued that the probable age of many of the buildings on the werf, dating to the 18th C at least, affords the werf historic and architectural significance. As the magnitude of this significance cannot be established with great amount of confidence at this stage, given the lack of a comprehensive archaeological study of the werf, a IIIB grading is regarded as reflecting a reasoned conservative approach.

7 Heritage Indicators

This report does not constitute a fully-fledged heritage impact assessment, and the proposal also does not include interventions to any existing building or fabric, thus only high level indicators are presented. Given the aspects of significance set out in Section 6 above these indicators are:

- Respect and protect the werf layout, in particular the arrangement of the homestead, cellar building, converted workers' cottages and forecourt. No new development can be accommodated here and any new development around this setting should reinforce the orthogonal axial alignments (refer to Figure 32 above). It goes without saying that no new development may be located to the west of the werf.
- Only modest single storey development can be accommodated in the vicinity of the werf and should be clearly distinguishable as new. The architectural language should be simple and contemporary reflecting on Cape vernacular architecture with the use of walled architecture with plastered and painted finishes and simple rectangular barn configurations.
- Any new development on the werf and its immediate surrounds should ideally include a watching brief for an archaeologist specialising in colonial-period archaeology.
- The modernist dairy to the north-east of the historic presents opportunities for adaptive reuse and some expansion of the building footprints.
- The current adaptive re-use of the werf buildings is regarded as an appropriate mechanism to maintain and over time possibly restore the werf and its buildings. It may be that such

restoration will necessitate the removal of some the existing accommodation, but as noted this could possibly be replaced in less sensitive areas around the werf, particularly to the north-east of the historic werf.

- Any alterations or additions to the historic buildings on the werf, will require a permit from HWC, and should be aimed at regaining authenticity and more knowledge about the age and significance of the buildings. For instance the removal of the dormer windows in the cellar building could contribute to regaining authenticity.
- Maintain and retain all existing trees on the werf, including the historic oaks to the south of the cellar.

8 Proposed Development

The project entails the rezoning of the Rustenburg Farm werf (approximately 2,56ha), currently used as a rehabilitation centre for drug addicts and other related psychiatric conditions. The facility has been able to operate with a temporary departure for some time now, but now needs a rezoning for the continued operation. The site as indicated in Figure 4 will be rezoned from "agriculture" to "community zone", in terms of the Stellenbosch Zoning Scheme By-law(2019) to permit the continued use of existing buildings and a new building on the property as a health-care facility (in-patient rehabilitation centre), known as Rustenburg Addiction Care.

The land use application includes an application for a new building to accommodate 13 beds to be situated on the north-western corner of the werf. The single storey building will be located on the edge of the werf, behind the existing reconstructed cottages used as a dining hall and accommodation of patients (Building 4

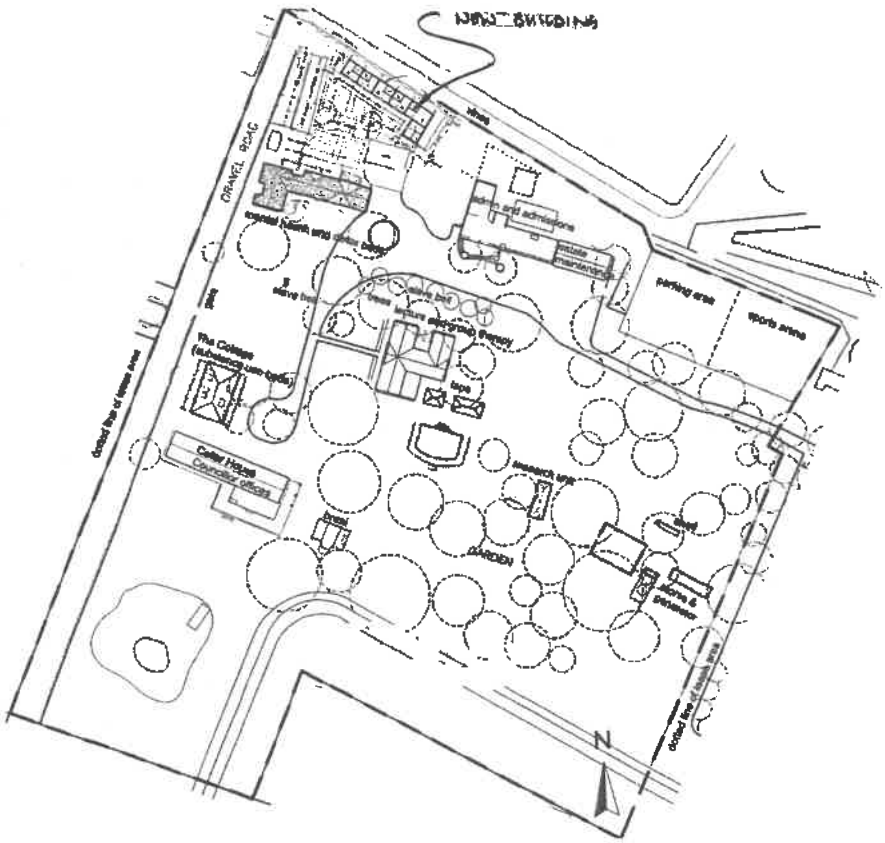


Figure 35: Rustenburg Werf SDP, indicating the location of the proposed new building (Source: MLH Architects and Planners)

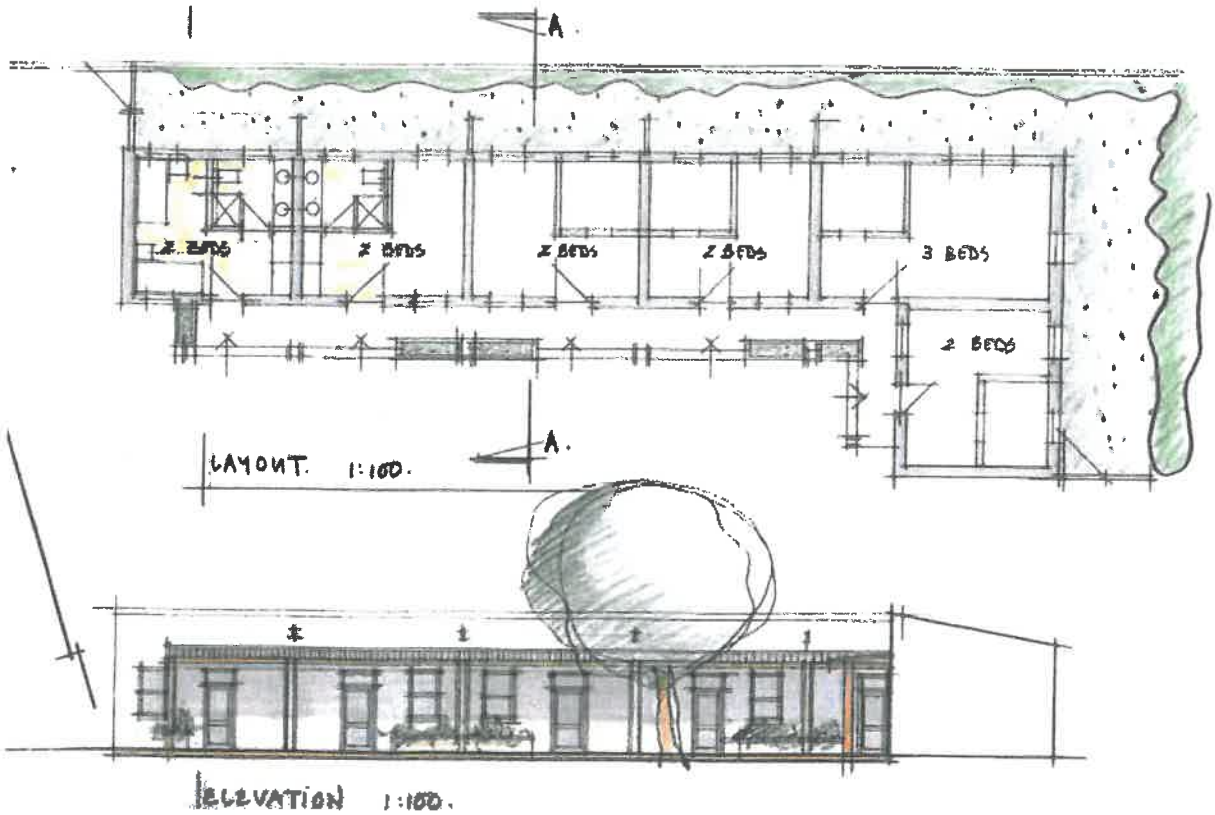


Figure 36: Sketchplans of proposed new building (Source: MLH Architects and Planners)

9 Impact on heritage resources

The modest new building is located in an area of the werf that this less sensitive and will not be visible from the homestead nor the forecourt of the werf.

Figures 37 & 38: The location of the proposed new building, behind the converted cottages

Figure 39: View from the homestead front entrance towards the converted cottages – the new building will be located behind this building

The architectural language is regarded as appropriate and largely conforms to the indicators. No significant impact on heritage resources is thus anticipated and thus the proposed new building is supported.

Similarly the rezoning of the werf will not have a material impact on heritage resources, but is likely to ensure the maintenance of the werf and buildings and the considered restoration of the werf and the buildings over the time. The certainty that the rezoning will provide to the management of the clinic will enable them to invest in the facility and its buildings.

10 Conclusion and recommendation

The Rustenburg werf has considerably more heritage significance than has been understood until recently. Not only do most of the buildings date to at least the early 19th C, but most probably the 18th C, it is also possible that the office building contains the remains of a pioneer house dating to the late 17th C. The historic werf and its buildings have historic, architectural, aesthetic and contextual significance and archaeological potential. Further investigation is required to shed more light on the age and significance of the werf, but in the meantime a conservative grade IIIB is suggested for the historic werf and its buildings.

The werf has unfortunately seen major interventions in the 1980s, when most of the historic buildings were significantly enlarged to create dwelling units and the homestead itself was renovated to reflect a Cape Dutch farmhouse. Although these interventions have detracted from the aesthetic and architectural significance there is potential to reverse at least some of the additions and alterations in future.

The use of the werf and its buildings as a clinic for the treatment of addiction, has afforded the werf a new lease on life. In particular the clinic's requirements seem to be well-suited to the accommodation provided by the buildings and hardly any alterations or interventions (apart from some dry-wall partitioning) to the historic buildings have been required to accommodate the operation of the clinic.

The rezoning of the werf to accommodate the clinic in the long term will allow the owners and management to invest in the maintenance and upgrade/restoration of the werf, with the income generated by the use. From a heritage perspective the adaptive re-use of the werf is regarded as entirely appropriate and possibly a better solution than many of the tourist-oriented uses that are typically accommodated on historic farm werfs in the Winelands which

require significant interventions to accommodate transient visitors and parking. It is also noted that this use does not impact on the operation of the agricultural component of the farm – thus its context is also secured.

As noted the proposed new building is also regarded as acceptable as it will not detract from the significance of the werf and its historic buildings.

Thus the rezoning of the werf and the proposed new building is supported from a heritage perspective.

11 References

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Our Ref: HM/ CAPE TOWN METROPOLITAN/SOMERSET WEST /ERF 294
Case No: 21090108SB0910E
Enquiries: Stephanie-Anne Barnardt
E-mail: stephanie.barnardt@westerncape.gov.za
Tel: 021 483 5959

iLifa leMveli leNtshona Koloni
Erfenis Wes-Kaap
Heritage Western Cape

Lize Malan
lize@lizemalan.co.za

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL
In terms of Section 38(1) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

NOTIFICATION OF INTENT TO DEVELOP: PROPOSED NEW BUILDING ON ERF 294, RUSTENBERG, OFF WINDERY ROAD, SOMERSET WEST, SUBMITTED IN TERMS OF SECTION 38(4) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 21090108SB0910E

The matter above has reference.

Heritage Western Cape is in receipt of the above application. This matter was discussed at the Heritage Officers meeting held on 27 September 2021.

You are hereby notified that, since there is no reason to believe that the proposed new building on Erf 294, Rustenberg, off Windery Road, Somerset West, 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.

.....
Waseefa Dhansay
Acting Deputy Director

Heritage Western Cape
Erfenis Wes-Kaap
iLifa leMveli leNtshona Koloni

29 SEPT 2021

• ENGINEERING • PROCUREMENT • MANAGEMENT

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31771.08C-L-001 Rev 1
19 October 2021

MLH Architects and Planners
PO Box 15002
VLAEBERG
8018

Attention : Mr. Allen Goosen

Dear Sir,

RUSTENBURG ADDICTION CARE: ERF 426 RAITHBY - APPLICATION FOR REZONING FROM AGRICULTURAL ZONE TO COMMUNITY ZONE WITH THE SAME LAND USE

1. BACKGROUND

The Rustenberg Addiction Care is an existing Health Care Facility that caters for 40 patients. It has an existing staff compliment of 40 Health Care and Administrative Employees.

The Rezoning application is based on the need to comply with the Stellenbosch Zoning Scheme By-Law (2019) in that the Land Use should be that of "Community Zone" to allow the facility to continue the current use. Only one new building is planned to rationalize and upgrade accommodation for the approved compliment of 40 patients.

In terms of the demand for services, no additional capacity is required as maximum patient and employee numbers will stay the same. Upgrade of water supply and sewerage disposal is, however, planned.

BVI Consulting Engineers Western Cape (Pty) Ltd. Trading as BVI, Reg No. 1998/000157/07
Statutory Directors:
CJ de Jager Pr Eng, AH Greyling Pr Eng, G Halberstadt Pr Eng, DF Leukes Pr Tech Eng MBA, MA Malgas Pr Tech Eng, L Pienaar Pr Eng, DJP van der Merwe Pr Eng

Technical Directors:
AF Geel Pr Eng, JW Hodgson Pr Eng
Associates:
JH de Lange Pr Eng, R Doille Pr Tech Eng, JP du Plessis Pr Eng, NJ Fredericks Pr Tech Eng, LA Mnisi Pr Eng, BJ van Willingh Pr Tech Eng

BVI Consulting Engineers (Pty) Ltd.
Directors:
MN Marole (Chairman), DF Leukes (Managing Director), S de Meillon, D Govender, CR Lourens, HW Maas, MA Malgas, LL Mayedwa, L Pienaar, M Rampal, BB Siwiza

Offices at:
Bloemfontein, Cape Town, Durban, East London, Empangeni, Kokstad, Maputo (MOZ), Mthatha, Polokwane, Port Elizabeth, Pretoria, Queenstown, Springbok, Upington, Windhoek (NAM), Yaoundé (CMR)

BVI is a Level 1 BBBEE Contributor

2. DESCRIPTION OF THE SITE AND ACCESS

The Addiction Care facilities is located on Rustenburg Farm that lies on the south-western corner of the intersection of the southern end of Raithby Road and Winery Road. Refer to the Locality Plan attached.

Rustenberg farm has its own access from Winery Road (in only) that is used by the Addiction Care Facilities as their main access point. Egress for all vehicles leaving the Health Care Facilities is via an access for deliveries from the adjacent Raithby Road. Vehicles can then either go to Raithby or to the intersection at Winery Road.

The existing access/egress arrangement will be retained. Sufficient parking is available on site to accommodate staff and visitors.

3. STORMWATER MANAGEMENT

The site has a slope from the north-eastern corner of the site as the highest point to the south-western corner and drains naturally towards a watercourse that runs along the southern boundary of the site.

There is no underground stormwater system. Roof water and runoff from paved areas are predominantly discharged to adjacent landscaped areas for infiltration. Overland stormwater flows are directed towards the watercourse.

4. DOMESTIC WATER SUPPLY

The existing development is provided with water for domestic use from an existing borehole. The borehole has a yield of 725 liters/hour (17,4 Kl/day). A second borehole is also available as back-up should the need arise.

The borehole water is treated to remove iron before it passes through a sand filter to the storage tanks with a capacity of 30 Kl. The water is tested annually. Results confirmed that it complies with the requirement of SANS 241-1:2015. Although the water is safe for human consumption, patients are provided with bottled water and advised not to drink the borehole water.

One of the objectives for upgrading of the facilities is to ensure a safe supply of potable wate. An application will be made to Stellenbosch Municipality for a connection onto the closest Municipal point of service.

Estimated daily water demand:

40 patients @ 150 l/person/day	=	6 000 l/day
40 Personnel @ 100 l/person/day	=	4 000 l/day
Total estimated daily demand	=	10 000 l/day

The demand is about 60% of the borehole's yield and storage capacity is available for 3 days.

5. FIRE WATER SUPPLY

Rustenberg Farm has connections onto the Theewaterskloof Irrigation Network with a water pressure of around 12 Bar.

The firefighting system for the Rustenberg Addiction Care Facilities consisting of two hydrants and seven hose reels, are spread out through the development and all are connected onto the Farm's internal irrigation main supply network.

6. SEWAGE TREATMENT

The sewage flow from the Rustenberg Addiction Care Facilities is estimated at:

Patients:	40 @ 120 l/day	=	4 800 l/day
Employees	40 @ 80 l/day	=	3 200 l/day
Total sewage flow		=	8 000 l/day

The existing facilities are served by a conservancy tank of 4 m³ that is emptied once a week and two septic tanks of 6 m³ and 2,2 m³, each with its own soak-away. The existing soak-aways are not functioning properly during the winter due to a water table that is high.

The following upgrade of the existing sewerage system is proposed:

- The soak-aways will be demolished and the septic tanks converted to conservancy tanks to provide a total storage capacity of 12,2 m³. The conservancy tanks will be emptied by suction tankers and sewage carted to the Stellenbosch Wastewater Treatment Works for treatment.
- Grey water will be separated from black water (sewage) for treatment and disinfection with chlorine before being re-used for flushing of toilettes or with UV before irrigation of the adjacent grass fields. It is estimated that grey water makes up about 50% (4 m³) of the daily sewage flow from the Rustenberg Addiction Care Facilities.
- With 4 m³ of sewage per day that needs storage, existing tanks will provide capacity for 3 days. An additional underground tank with storage capacity of minimum 8 m³ will be added to increase total storage capacity to 20 m³ fir minimum of 5 days storage.

7. SOLID WASTE

Solid waste is collected on a daily basis and stored in bins in a refuse room. Bins are taken to Winery Road on Wednesdays for collection by Stellenbosch Municipality.

8. ELECTRICITY SUPPLY

The existing facilities has a 450 KVA substation at a bulk electricity supply point from the Eskom network. These is spare capacity available at the sunstation.

A 60 kVA generator with diesel engine is in place as standby during power interruptions.

In summary the existing services infrastructure at Rustenberg Addiction Care Facilities has sufficient capacity to accommodate the requirements for the new guest facilities. Upgrade of the sewage system is proposed to eliminate existing soakaways.

We trust you find this to be in order.

Yours faithfully,

SJA Laubscher Pr. Eng
BVi CONSULTING ENGINEERS
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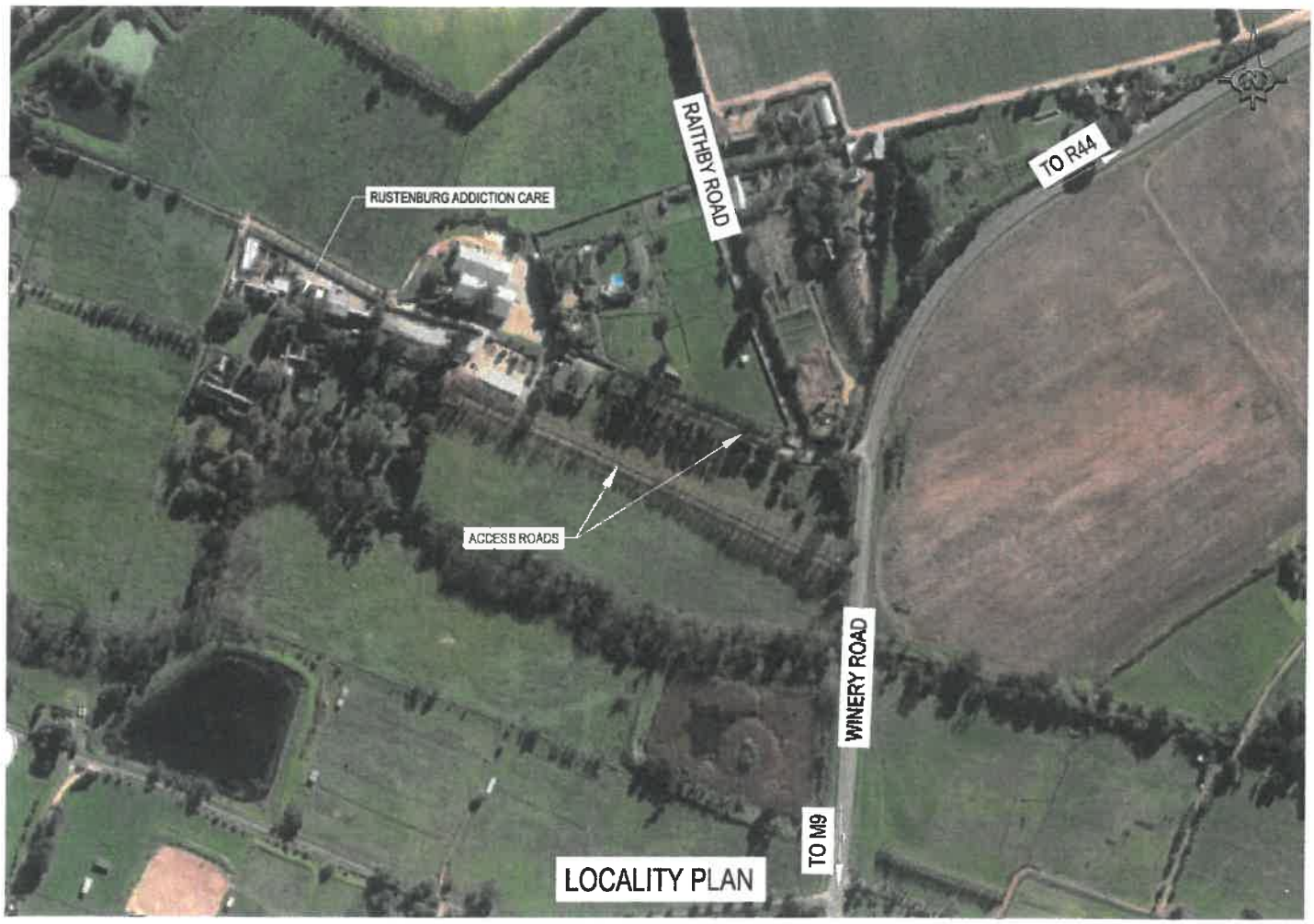
Copies: Milnerton Estates - Mr Brett Moore, Mr. Andrew Plunket


RUSTENBURG ADDICTION CARE
RAITHBY ROAD
TO R44
ACCESS ROADS
WINERY ROAD
TO M9
LOCALITY PLAN

THE MUDITA™ FOUNDATION

Caring for children since 2010

MEMORANDUM OF UNDERSTANDING

Between Rustenberg Addiction Care and The Mudita Foundation

05-06-2018

The Mudita Foundation
5 Merriman Place, Merriman Avenue,
Stellenbosch
7600

THE MUDITA FOUNDATION

Macassar Youth Project 2017

Memorandum of Understanding

Entered by and between

Rustenburg Addiction Care

(Herein referred to as Rustenburg and represented by Dr Meyer)

And

The Mudita Foundation

(A Non-profit company registered in terms of the Companies Act, 71 of 2008 with Registration number: 2010/011898/08

Having its principle place of business at

5 Merriman Place, Merriman Avenue, Stellenbosch 7600

Herein represented by Alison Carstens in her capacity as the Chief Executive Officer duly authorised thereto

THE MUDITA FOUNDATION

Macassar Youth Project 2017

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THE MUDITA FOUNDATION

Macassar Youth Project 2017

Executive Summary

The Mudita Foundation has dedicated the last 7 years to rendering specialised treatment services to school-going teens affected by substance use problems. Substance abuse is a problem experienced by many South Africans. Our teenagers from low-income communities face even greater challenges, with high levels of substance abuse, along with other hardships in their communities.

One of the fundamentals of the Mudita Foundation is bring services treatment services to affected youth, their schools and communities. As such, we look for opportunities to grow and expand into areas which are in need of our services. Such an opportunity presented itself when Dr Meyer from Rustenburg Addiction Care approached our foundation. Through an initial meeting it was established that both facilities have a keen interest in providing services to individuals from low income areas within, or near, Stellenbosch and we understand that Rustenburg Addiction Care would like to make a financial contribution toward such services.

We thank Dr Meyer for considering our foundation for this work, and would like to take the opportunity to present introduce ourselves here.

THE MUDITA FOUNDATION

Macassar Youth Project 2017

1. Mission Statement

The Mudita Foundation is dedicated to providing high quality mental health care and substance use services to children who are in their second decade of life.

2. Vision

The vision of The Mudita Foundation is to promote the integration of substance abuse issues into the mainstream of socio economic development programs.

3. Goals

The Foundation ensures appropriate intervention strategies through awareness, education and formal treatment programs. We promote family and community-based intervention approaches to facilitate the social integration of children with substance use problems. We encourage partnership and the participation of stakeholders at different levels in addressing substance abuse, to promote the general well-being of children and adolescents, and enable them to develop into mature and productive adults.

4. History of the Mudita Foundation

The Mudita Foundation, a Non Profit Company (NPC), was founded in 2010. Inspired by a desire to assist children affected by drugs and alcohol, Educational Psychologist Alison Carstens set about establishing a nonprofit company. Together with Alison, 6 dedicated people came together to found the NPC. Of the original board of directors, 4 members are still with us today: Alison Carstens (CEO), Dr Liezl van Pletzen-Vos (Chairlady), Alicia Hoorn (Director) and Christo van Tubbergh (Director). Together, these passionate directors steer the organisation in the direction of its goals.

In 2010, with the support of the Western Cape Department of Social Development, Mudita began its work in Eerste River, a suburb near Cape Town. A group of learners suffering from drug and alcohol problems was identified, and treatment indicated. The Foundation responded by piloting a researched best-practice treatment program for the learners at their school - the first of its kind in the Western Cape. Through positive feedback, the foundation created a base at the school from which to assist teens, and their community, with substance use problems.

The success of this pilot project not only served to highlight the importance of formal treatment for teens with substance use problems, but also emphasised the challenges faced by our youth in gaining *regular* access to professional substance abuse services. It was also found that not only did the program help learners to reduce or stop using drugs and alcohol, but it also reduced school drop-out for at risk learners. Learners who attended the program regularly seemed to decrease their absenteeism and showed greater improvement in their school marks.

Since 2010, the Mudita Foundation has expanded into more schools and communities in low-income areas near Cape Town. Today, the Mudita Foundation has a team of 7 full-time staff members consisting of a group of dedicated addictions professionals supported by administration and management staff. We continue to service high schools, and amongst other projects, still provide outpatient treatment to hundreds of affected learners and families every year.

5. Population servicing

5.1 Profile of youth receiving services

The Mudita Foundation has made it a priority to render its services to vulnerable teenagers from low-income communities. The majority of the children we service are exposed to daily traumas such as shootings in their community, physical and sexual abuse and gang related violence. Many of our children have lost close family members through violence or imprisonment, and as a result of this and other factors, are placed at greater risk for using and abusing substances. Also, due to difficult upbringings, some children feel lonely, misunderstood, unloved and uncared for, which makes these children more vulnerable to substance use problems. Others start using as a result of academic challenges or lack of alternative activities.

Many adolescents with substance use problems come from families with low income and high unemployment. It is often their parents or caretakers who have a drug or alcohol problem themselves. All these risks are further amplified as drugs and alcohol are easily available to children in these areas.

5.2 Number of youths receiving services

Since 2010, the Mudita Foundation has seen hundreds of children entering intensive outpatient treatment for addiction disorders annually. Through our brief intervention programs, hundreds more have received psycho-education and counselling for drug and alcohol problems. Over 2000 matric learners across 6 high schools have participated in our substance-use and mental health survey over a period of 7 years. This has resulted in many of these leavers receiving help, as well as referral to supporting services, during their final year of school.

Through funding provided by the Department of Social Development our therapists treat over 250 children a year through structured 6 to 12-week programs. This equates to over 2560 therapy sessions delivered to teenagers each and every year. Our therapists have their own room at each of our participating schools. Therapists are on the premises for 2-5 full days a week at each school, depending on the needs of the school. Although we are officially based at one school per geographical area, surrounding schools can make use of these services for their learners too. The Mudita Foundation is thus dedicated to providing assistance to *all* schools within our services areas.

6.3 Macassar Matric Survey

6.3.1 Background

According to the Department of Education's recent statistics, the grade 12 results in the East Metropole District (including Macassar) were the lowest of all districts in the Western Cape. Not only were the Matric results very poor, but many grade 12 learners did not make it to their finals and dropped out of school altogether. We know that children in lower income areas are often at risk of social-emotional problems which can negatively impact their scholastic careers. The aim of the grade 12 survey was thus to identify children who might be at risk of dropping out or failing their final year due to substance problems or other mental health problems. Once these learners were identified we would collaborate with Metropole East Education District's Social Worker to bring appropriate services to these learners.

6.3.2 Method

The survey took place on 30 and 31 January 2018. We made use of two psychometric instruments (paper and pencil screeners) which were completed by groups of learners facilitated by Mudita's trained clinical staff members. Staff members read each question to the group and translated questions into colloquial language where necessary. The screeners were then carefully checked for completeness before the learners left. All screeners were removed from the schools to our office. Data was then captured and stored in password protected spreadsheets.

6.3.3 Outcomes

As the Macassar area is new territory for the Mudita foundation, this exercise proved particularly insightful. The results of the survey highlighted both the extent and the depth of problems experienced by this group of learners. The results were discussed with the District Social Worker within days of the survey's completion and a plan of action was put in place for high risk learners.

The following is an initial overview of the data in terms of basic demographics and number of learners for whom intervention was deemed necessary (a full report, containing the details of the screener's mental health domains, will be made available at a later stage).

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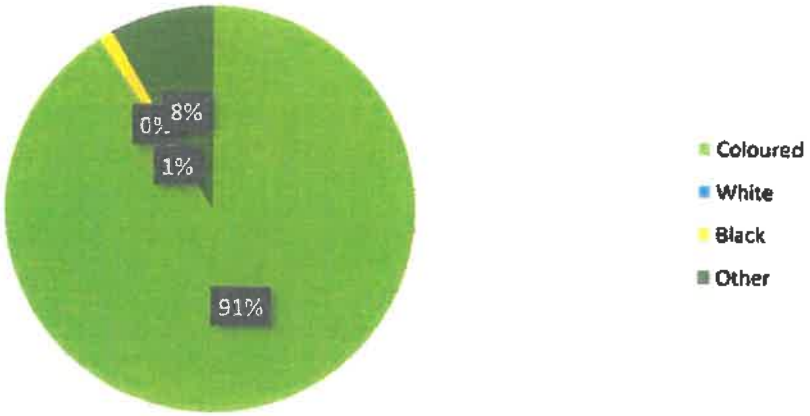
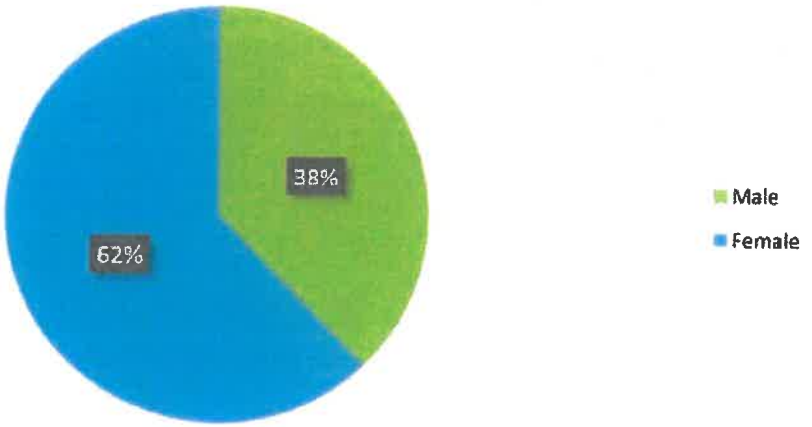
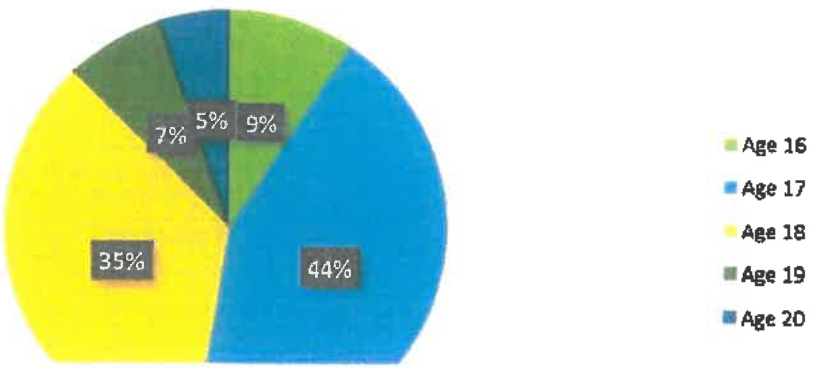
Macassar High School
Race



Macassar High School
Gender



Macassar High School
Age



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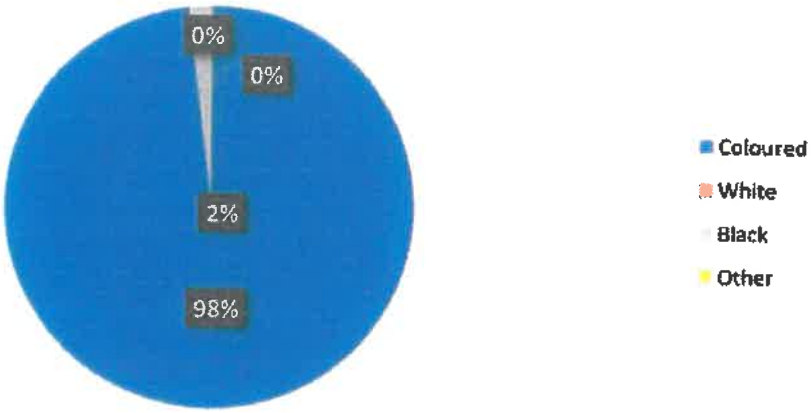
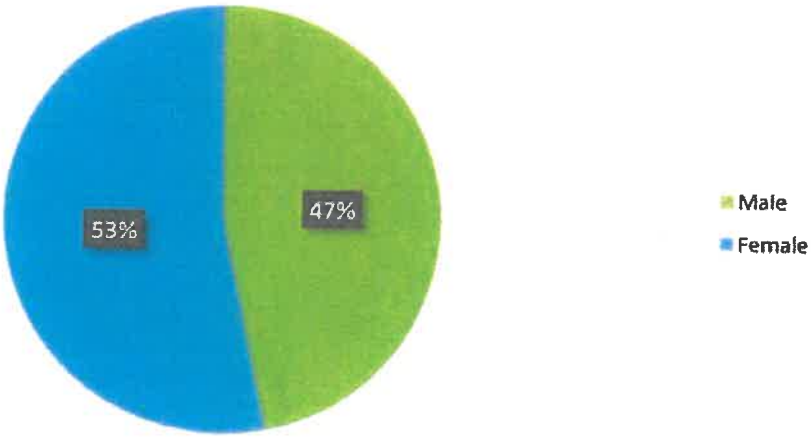
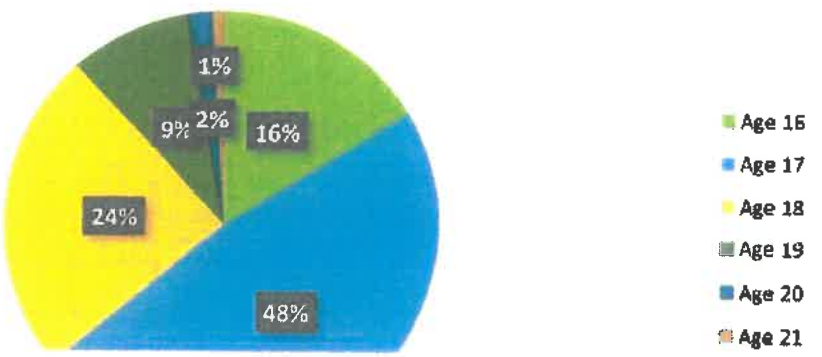
Zandvliet High School
Race



Zandvliet High School
Gender



Zandvliet High School
Age



THE MUDITA FOUNDATION

Macassar Youth Project 2017

Number of High Risk Matric Learners

Macassar

Matrics: 105

Number of participants surveyed: 98

Problem	Number of youth
Mental Health Problems	**3**
Personal/Social Problems	**1**
High Risk Substance Use* (total)	**34**
Hazardous and Harmful Drinking	**21**
	38

Zandvleit

Matrics: 132

Number of participants surveyed: 111

Problem	Number of youth
Mental Health Problems	**13**
Personal/Social Problems	**1**
High Risk Substance Use* (total)	**27**
Hazardous and Harmful Drinking	**22**
	41

*Most of the learners with substance use problems also presented with indications of co-occurring mental health problems but are grouped under substance use problems due to the high scores on the substance scales. This is purely for clinical purposes.

THE MUDITA FOUNDATION

Macassar Youth Project 2017

6.4 Budget

The following is the budget pertaining to our 6-week treatment program:

Schools	Number of youth	Cost
Macassar High School	20	R20 000.00
Zandvleit High School	20	R20 000.00
High School in Stellenbosch	10	R10 000.00
		R50 000.00

-The above includes human resources, travel and materials.

-The costs are thus all-inclusive of delivering the 6-week treatment program.

Please refer to the attachment for an outline of the what the program entails.

Banking Details:

Account Name:	**The Mudita Foundation**
Bank:	**FNB**
Account Type:	**Cheque**
Branch:	**Somerset Mall**
Account number:	**6227 514 3643**

THE MUDITA FOUNDATION

Macassar Youth Project 2017

Conclusion

Although providing quality substance abuse treatment is important to us, a high priority for our foundation is *sustainability*. We depend on funds to keep rendering our services, **free of charge**, to children from low-income schools, who otherwise would not be able to afford such services.

Hence, we would like to thank Dr Meyer and Rustenburg Addiction Care once again for donating R50 000 towards the above mentioned treatment services for at-risk youth in and around the Stellenbosch area.

We agree to perform the services in line with our treatment protocols during a period ending 31 December, 2018. Furthermore, we will provide Rustenberg Addiction Care with a brief summary report containing the case numbers and relevant basic details pertaining to the cases for which the donation was intended. This report will be sent to Rustenberg within 4 weeks of concluding the cases.

Entire agreement

This Agreement continues the entire agreement between the Parties and no amendment, alteration, addition of variation of any right, term or condition of this Agreement will be of any force or effect unless reduced to writing and signed by the Parties to this Agreement.

The Parties agree that there are no conditions, variations or representations, whether oral or written and whether expressed or implied or otherwise, other than those contained in this Agreement.

This Agreement replaces any other previous verbal or written agreement entered between the Parties.

THE MUDITA FOUNDATION

Macassar Youth Project 2017

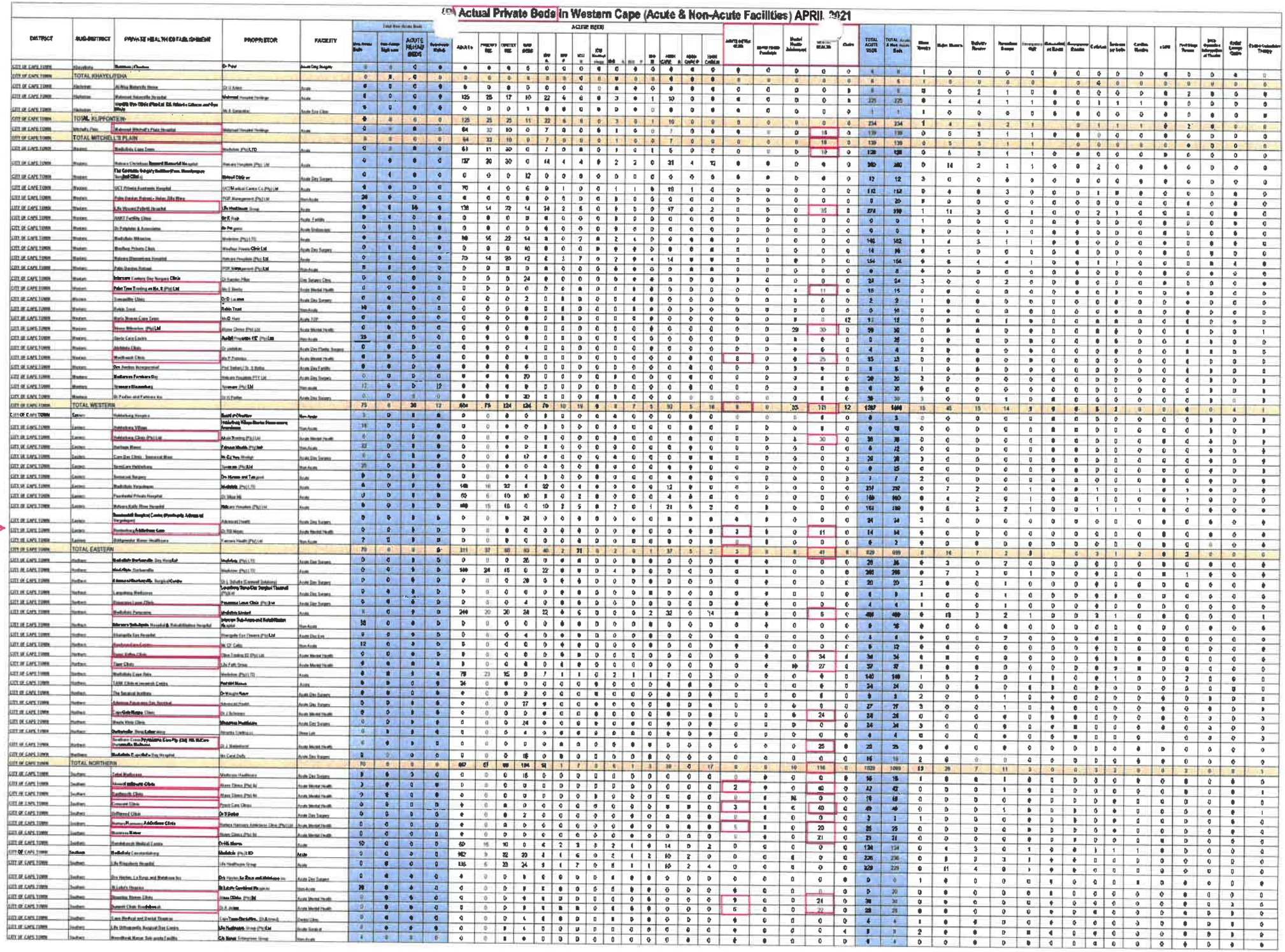
The Mudita Foundation:	
Signed at:	Somerset West
Date:	05-06-2018
Signature:	

Herein represented by **Alison Carstens** in her capacity as **Chief Executive Officer** of The Mudita Foundation.

Rustenburg:	
Signed at:	somerset west
Date:	28 June 2018
Signature:	

Herein represented by Dr S van Reenen in his/her capacity as Clinic Manager of Rustenburg Addiction Care.

Actual Private Beds in Western Cape (Acute & Non-Acute Facilities) APRIL 2021



DISTRICT	SUB-DISTRICT	PRIVATE HEALTH ESTABLISHMENT	PROPRIETOR	FACILITY	Non-Acute Beds	Sub-Acute / High care	ACUTE REHAB BEDS	[illegible]	ACUTE BEDS: [illegible]	[illegible]	[illegible]	[illegible]	[illegible]
CITY OF CAPE TOWN	Southern	[illegible]	[illegible]	[illegible]	[illegible]	0	[illegible]	[illegible]	0	0	0	0	0
CITY OF CAPE TOWN	Southern	[illegible]	[illegible]	Non-Acute	11	0	0	0	[illegible]	0	0	0	0
CITY OF CAPE TOWN	Southern	[illegible]	[illegible]	Non-Acute	17	0	0	19	0	0	0	0	0
CITY OF CAPE TOWN	Southern	[illegible]	[illegible]	Acute Mental Health	0	0	0	0	[illegible]	0	0	[illegible]	0
CITY OF CAPE TOWN	Southern	[illegible]	[illegible]	Acute Day Surgery	0	0	0	0	0	[illegible]	0	0	0
CITY OF CAPE TOWN	Southern	[illegible]	[illegible]	Acute	0	[illegible]	0	[illegible]	56	30	10	16	13
CITY OF CAPE TOWN	Southern	[illegible]	[illegible]	Acute	0	[illegible]	[illegible]	[illegible]	4	[illegible]	[illegible]	0	0
CITY OF CAPE TOWN	Southern	[illegible]	[illegible]	Acute Mental Health	0	[illegible]	[illegible]	[illegible]	0	0	[illegible]	0	0
CITY OF CAPE TOWN	Southern	[illegible]	[illegible]	Non-Acute	44	[illegible]	[illegible]	0	0	0	0	0	0
CITY OF CAPE TOWN	Southern	[illegible]	[illegible]	Acute Day Surgery	[illegible]	0	[illegible]	0	0	0	0	30	0
CITY OF CAPE TOWN	Southern	[illegible]	[illegible]	Acute Day	0	0	0	0	0	0	0	[illegible]	[illegible]
CITY OF CAPE TOWN	TOTAL SOUTHERN				108	0	0	19	408	51	85	113	36
CITY OF CAPE TOWN	Tygerberg	[illegible]	[illegible]	Acute	[illegible]	0	[illegible]	0	75	22	13	[illegible]	[illegible]
CITY OF CAPE TOWN	Tygerberg	[illegible]	[illegible]	Acute Mental Health	[illegible]	0	[illegible]	0	0	[illegible]	0	[illegible]	[illegible]
CITY OF CAPE TOWN	Tygerberg	[illegible]	[illegible]		36	0	0	18	[illegible]	[illegible]	0	[illegible]	0
CITY OF CAPE TOWN	Tygerberg	[illegible]	[illegible]	Acute	0	[illegible]	0	0	145	24	16	0	25
CITY OF CAPE TOWN	Tygerberg	[illegible]	[illegible]	Acute	0	[illegible]	[illegible]	0	18	2	[illegible]	0	0
CITY OF CAPE TOWN	Tygerberg	[illegible]	[illegible]	Acute	[illegible]	[illegible]	[illegible]	0	142	21	26	13	3
CITY OF CAPE TOWN	Tygerberg	[illegible]	[illegible]	Acute	0	0	[illegible]	0	0	0	0	0	[illegible]
CITY OF CAPE TOWN	Tygerberg	[illegible]	[illegible]	Acute TOP	0	0	[illegible]	0	0	0	0	0	[illegible]
CITY OF CAPE TOWN	Tygerberg	Cure Day Clinics Holdings-Bellville	[illegible]	Acute Day Surgery	0	0	0	0	0	0	0	18	[illegible]
CITY OF CAPE TOWN	TOTAL TYGERBERG				36	0	0	18	340	[illegible]	58	31	34
TOTAL CITY OF CAPE TOWN					337	8	38	49	2250	380	399	512	260
CENTRAL KAROO	[illegible]				0	0	0	0	0	0	0	0	[illegible]
CENTRAL KAROO	TOTAL BEAUFORT WEST				0	0	0	0	0	0	0	0	0
CENTRAL KAROO	[illegible]				0	0	0	0	0	0	0	0	0
CENTRAL KAROO	TOTAL LAINGSBURG				0		0		0	0	0	0	0
CENTRAL KAROO	[illegible]				0	0	0	0	0	0	0	0	0
CENTRAL KAROO	TOTAL PRINCE ALBERT				0	0	0	0	0	0	0	0	0
TOTAL CENTRAL KAROO					0	0	0	0	0	0	0	0	0
EDEN	TOTAL OUTSHOORN				0	0	0	0	38	3	5	14	2
EDEN	TOTAL MOSSEL BAY				33	0	0	0	96	15	12	20	7
EDEN	TOTAL GEORGE				53	0	0	0	113	15	15	20	4
EDEN	TOTAL KNYSNA				0	0	0	0	40	4	8	15	4
EDEN	TOTAL HESSEQUA (LANGEBERG)				12	0	0	0	0	0	0	0	0
EDEN	TOTAL KANNALAND				0	0	0	0	0	0	0	0	0
EDEN	TOTAL BITOU				10	0	0	0	9	0	3	0	2
TOTAL EDEN					118	0	0	0	294	37	43	69	19
OVERBERG	TOTAL OVERSTRAND				45	0	0	0	49	5	4	21	4
OVERBERG	TOTAL SWELLENDAM				0	0	0	0	0	0	0	0	0
OVERBERG	TOTAL THEEWATERSKLOOF				0	0	0	0	0	0	0	0	0
OVERBERG	TOTAL CAPE AGULHAS				0	0	0	0	0	0	0	0	0
TOTAL OVERBERG					45	0	0	0	49	5	4	21	4
CAPE WINELANDS	TOTAL DRAKENSTEIN				98	0	0	0	73	13	32	36	[illegible]

DISTRICT	SUB-DISTRICT	PRIVATE HEALTH ESTABLISHMENT	PROPRIETOR	FACILITY	Total Non-Acute Beds				ACUTE BEDS														ACUTE BEDS 2020	Mental Health Psychiatric	Mental Health Adolescent	I...	Casualty	TOTAL ACUTE BEDS	TOTAL Acute & Non-Acute Beds	Ward Theatre	Major Theatre	Delivery Theatre	Procedure Rooms	Emergency room	Resuscitation cubicles	Emergency Rooms	Cath Lab	Endoscopy Units	Dialysis Stations	ICMR	Post Natal Wards	Neo-Natology Intensive Care Cots	Special Nursery Care Cots	Peritoneal Dialysis Machines
CAPE WINELANDS	Stellenbosch	Welgelegen Fertility Clinic	Dr J van Wyngaardt	Private - Day Facility	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	Stellenbosch	Mediclinic Winelands inc Orthopaedic Hospital	Mediclinic Limited	Private	0	0	0	0	16	2	0	0	0	0	0	0	1	0	0	3	0	0	0	0	0	0	0	0	0	0	22	22	1	3	0	0	0	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	Stellenbosch	La Clemence Health Care Centre	La Clemence Homeowners Association	Non-Profit	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	Stellenbosch	Stellenbosch Retirement Village	Stellenbosch Care Pty Ltd	Private Mental Health	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	Stellenbosch	Tygerberg Stellenbosch	Tygerberg (Pty) Ltd	Non-Acute & Acute	20	0	0	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	Stellenbosch	Mediclinic Stellenbosch Day Clinic	Mediclinic Stellenbosch Day Clinic Ltd	Acute Day Surgery	0	0	0	0	0	0	0	20	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	30	30	0	0	0	1	0	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	Stellenbosch	Mediclinic Stellenbosch Hospital	Mediclinic Stellenbosch Ltd	Acute	0	0	0	0	62	9	14	0	3	9	3	0	2	0	2	3	1	1	0	0	0	0	29	30	2	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	TOTAL STELLENBOSCH				20	0	0	10	78	0	14	24	3	0	3	0	3	0	2	6	1	1	0	0	29	30	2	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	Witzenberg	Ceres Cottage Hospital	Mediclinic Hospital (pty) LTD	Acute	5	0	0	0	0	4	4	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	TOTAL WITZENBERG				5	0	0	0	0	4	4	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	22	26	0	1	1	0	1	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	Breede Valley	Paton Clinic	Paton Clinic (Pty) Ltd	Private Mental Health	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	22	26	0	1	1	0	1	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	Breede Valley	Mediclinic Worcester	Mediclinic Limited	Acute	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	28	28	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	Breede Valley	Advance Riverview Day Surgical	Advanced Health	Acute Day Surgery	0	0	0	0	0	0	0	15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	15	15	2	0	0	0	0	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	Breede Valley	Touching Centre for Retarded & Behaviour Abuse	Mrs T Ackerman	Private Sector	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	TOTAL BREEDE VALLEY				0	0	0	0	90	23	20	35	6	0	3	0	0	0	0	5	0	3	15	0	0	34	0	240	240	2	5	2	1	1	0	0	0	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	Langeberg	Barrydale Retirement	Dr Schutte	Non-acute	25	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	25	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	TOTAL LANGEBERG (BREEDE RIVER / WINELANDS)				25	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	25	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL CAPE WINELANDS					143	0	0	10	253	47	70	101	18	0	7	0	4	0	3	17	0	3	18	16	16	95	0	688	821	9	17	8	4	4		0	0	1	0	0	0	0	0	0	0
WEST COAST	Saldanha	Diabetic Langebaan	Mr Coen Pretorius	Non-Acute	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WEST COAST	Saldanha	St Mary West Coast Private Hospital	Private Equity Private Hospital (Pty)Ltd family, a Life West Coast Private Hospital	Acute	0	0	0	0	35	0	10	0	3	0	1	0	0	0	1	3	0	0	0	0	8	0	0	61	73	6	2	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0
WEST COAST	TOTAL SALDANHA				12	0	0	0	35	0	10	0	3	0	1	0	0	0	1	3	0	0	0	0	8	0	0	61	73	6	2	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0
WEST COAST	Matzikama				0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WEST COAST	TOTAL MATZIKAMA				0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WEST COAST	Berg River				0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WEST COAST	TOTAL BERG RIVER				0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WEST COAST	Cape Deep				0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WEST COAST	TOTAL CEDER BERG				0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WEST COAST	Swartland				0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WEST COAST	TOTAL SWARTLAND				0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL WEST COAST					12	0	0	0	35	0	10	0	3	0	1	0	0	0	1	3	0	0	0	0	8	0	0	61	73	6	2	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL WESTERN CAPE					673	6	36	59	2938	457	526	708	304	25	86	8	45	14	20	309	19	65	72	19	108	691	58	6481	7235	76	191	73	58	29		1	10	12	4	0	13	1	7	5	

(C[illegible]OMMISSIONED Beds in the Western Cape (Acute & Non-Acute Facilities) [illegible] 2021

DISTRICT	SUB-DISTRICT	PRIVATE HEALTH ESTABLISHMENT	PROPRIETOR	FACILITY	[illegible]	Sub-Acute High Care	Acute Rehab	Sub-Acute Rehab	MULT	Medical	Obstetric	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Mental Health Paediatric Beds	[illegible]	[illegible]	[illegible]	[illegible]	Other	TOTAL ACUTE	Total Acute & Non-Acute Beds	Minor Theatre	Major Theatre	Delivery Rooms	Procedure Rooms	Emergency Units	Resuscitation Rooms	Cath Lab	Endoscopy Suite	Cardiac Studies	LDPR Rooms	First Stage Rooms	[illegible]	Electro Convulsive Therapy
TOTAL CITY OF CAPE TOWN					125	15	116	10	340	39	38	100	16	7	9	8	0	0	56	5	18	22	10	8	11	97	8	8	4	21	905	1171	21	15	13	13	3	0	2	4	0	0	0	0	1
TOTAL CENTRAL KAROO					0	0	0	0	18	8	8	0	1	0	1	0	0	0	3	0	2	0	5	0	0	0	0	0	0	0	46	46	1	1	2	1	1	1	0	1	0	0	0	0	0

DISTRICT	SUB-DISTRICT	PRIVATE HEALTH ESTABLISHMENT	PROPRIETOR	FACILITY	Total Non Acute: Non Acute	Non Acute High Care	[illegible]	Sub Acute [illegible]	ACUTE BEDS: Adult	Paediatric	Obstetric	[illegible]	ICU A	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	HC [illegible]	[illegible]	ACUTE OTHER BEDS	Mental Health [illegible]	Mental Health [illegible]	Mental Health [illegible]	MENTAL HEALTH [illegible]	[illegible]	[illegible]	[illegible] Child Mental Health	[illegible]	TOTAL ACUTE	Total Acute + Non-Acute Beds	[illegible] Theatres	[illegible] Theatres	Delivery Rooms	Procedure Rooms	Emergency Units	Resuscitation Rooms	Cath Lab	Endoscopy Suite	[illegible]	[illegible]	[illegible]	[illegible]	[illegible] Therapy
EDEN	George	[illegible] George	[illegible] (Pty) Ltd	Mental Health	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	0	0	0	0	0	0	0	5	5	0	0	0	0	0	0	0	0	0	0	0	0	0
EDEN	TOTAL				0	0	0	0	0	0	5	15	1	1	0	0	0	0	2	2	0	0	5	0	0	0	0	0	0	8	35	35	3	0	1	2	0	0	0	0	0	0	0	0	0
EDEN	Knysna	[illegible] Care and Hospice Centre			0	0	0	0	7	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9	9	0	0	0	0	0	0	0	0	0	0	0	0	0
EDEN	Knysna	Advanced Knysna Day Clinic	Advanced Health	Day Clinic	6	0	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	3	0	0	0	0	0	0	0	0	0	0	0	0	0
EDEN	Knysna	[illegible] Retirement Resort		Non Acute	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	[illegible]	7	0	0	0	0	0	0	0	0	0	0	0	0	0
EDEN	TOTAL				3	0	0	0	10	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	12	15	0	0	0	0	0	0	0	0	0	0	0	0	0
EDEN	Hessequa	[illegible] Private Hospital	M/S [illegible]	Acute	0	0	0	0	34	0	0	2	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	38	38	0	2	1	0	1	0	0	0	0	0	0	0	0
EDEN	Hessequa	[illegible]	Dr A. Schutte	Non Acute	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	[illegible]	6	0	0	0	0	0	0	0	0	0	0	0	0	0
EDEN	TOTAL				6	0	0	0	34	0	0	2	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	38	44	0	2	1	0	1	0	0	0	0	0	0	0	0
EDEN	Kannaland				0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

DISTRICT	SUB-DISTRICT	PRIVATE HEALTH ESTABLISHMENT	PROPRIETOR	FACILITY	Total Non Acute Beds: Non Acute	Sub-Acute High Care	Acute Rehab	Sub-Acute Rehab	ACUTE BEDS: Adult	Paediatric	Obstetric	Day beds	ICU A	ICU P	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Mental Health Admission	[illegible]	[illegible]	Mental Health Day Diagnosis	[illegible]	[illegible]	Other	TOTAL ACUTE	Total Acute & non Acute Beds	Minor Theatre	Major Theatre	Delivery Rooms	Procedure Rooms	Emergency Beds	[illegible]	Cath Lab	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
EDEN	TOTAL				0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
EDEN	Bitou				0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
EDEN	TOTAL				0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL EDEN					9	6	38	0	64	0	5	18	3	1	0	0	0	0	11	2	0	0	5	0	0	0	0	0	0	8	113	184	3	2	2	2	1	0	0	0	0	0	0	0	0
OVERBERG	Overstrand	Lebanon Clinic (Hermanus)	Life Path Group	Mental Health	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	6	6	0	0	0	16	16	0	0	0	0	0	0	0	0	0	0	0	0	0
OVERBERG	Overstrand	Mediclinic Hermanus	Mediclinic (Pty) Ltd	Acute	0	0	0	0	12	2	0	0	0	1	1	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	18	18	0	0	0	0	0	0	0	0	0	0	0	0	0
OVERBERG	Overstrand	[illegible] Hospital	[illegible]	Acute day	0	0	0	0	0	0	0	20	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	20	20	2	0	0	0	0	0	0	0	0	0	0	0	0
OVERBERG	Overstrand	Spescare Hermanus	Spescare (Pty) Ltd	Non Acute	10	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	16	0	0	0	0	0	0	0	0	0	0	0	0	0
OVERBERG	TOTAL				10	6	0	0	12	2	0	20	0	1	1	0	0	0	0	1	1	4	0	0	0	6	6	0	0	0	54	[illegible]	2	0	0	0	0	0	0	0	0	0	0	0	0
OVERBERG	Swellendam	Swellendam Private Hospital		Acute	0	0	0	0	20	8	0	4	0	0	0	4	0	0	4	0	2	0	0	0	0	0	0	0	0	0	50	50	1	1	2	1	1	1	0	1	0	0	0	0	0
OVERBERG	TOTAL				0	0	0	0	20	8	0	4	0	0	0	4	0	0	4	0	2	0	0	0	0	0	0	0	0	0	50	50	1	1	2	1	1	1	0	1	0	0	0	0	0
OVERBERG	Theewaterskloof	Caledon Private Hospital			0	0	0	0	30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	30	30	1	1	2	1	1	1	0	1	0	0	0	0	0
OVERBERG	TOTAL				0	0	0	0	30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	30	30	1	1	2	1	1	1	0	1	0	0	0	0	0
OVERBERG	Cape Agulhas	[illegible] Care Unit	[illegible] Home for the Elderly	Non Acute	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0
OVERBERG	TOTAL				4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL OVERBERG					14	6	0	0	62	10	8	24	0	1	1	4	0	0	4	1	3	4	0	0	0	8	8	0	0	0	134	138	4	2	4	2	2	2	0	2	0	0	0	0	0
CAPE WINELANDS	Drakenstein	[illegible] Clinic	Life Path Group	Acute Mental Health	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	0	0	0	0	6	6	0	0	0	0	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	Drakenstein	Wellington Private Hospital	[illegible]	Acute	0	0	0	0	34	6	6	0	1	0	1	0	0	0	3	0	0	0	0	0	0	0	0	0	0	0	41	41	0	2	2	1	1	0	0	1	0	0	0	0	0
CAPE WINELANDS	Drakenstein	[illegible] Day Hospital [illegible] Paarl	[illegible] Group	[illegible]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8	8	0	0	0	0	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	Drakenstein	Mediclinic Paarl	Mediclinic	[illegible]	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	TOTAL				0	0	0	0	24	6	6	0	1	1	1	0	0	0	3	0	0	0	0	0	0	6	0	0	0	0	56	56	0	2	2	1	1	0	0	1	0	0	0	0	0
CAPE WINELANDS	Stellenbosch	Mediclinic Stellenbosch Day Clinic	[illegible]	Acute Day Surgery	0	0	0	0	0	0	0	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10	10	1	0	0	1	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	Stellenbosch	Stellenbosch Eye [illegible]	Pretoria Eye Institute	Acute Day Surgery	0	0	0	0	0	0	0	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10	20	20	2	0	0	2	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	Stellenbosch	Stellenbosch Psychiatric Hospital	Life Path Group	Acute Mental Health	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	15	0	16	0	0	0	0	31	31	0	0	0	0	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	Stellenbosch	Physmed Stellenbosch	Physmed (Pty) Ltd	Non Acute	0	6	24	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	12	0	0	0	0	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	Stellenbosch	Spescare Stellenbosch	Spescare (Pty) Ltd	Non Acute	0	0	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	0	0	0	0	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	TOTAL				0	6	30	6	0	0	0	20	0	0	0	0	0	0	0	0	0	0	0	15	0	16	0	0	0	10	61	79	3	0	0	3	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	Witzenberg				0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	TOTAL				0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	Breede Valley	[illegible] Clinic	Life Path Group	Acute Mental Health	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10	0	0	0	0	0	0	10	10	0	0	0	0	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	Breede Valley	Spescare Worcester	Spescare (Pty) Ltd	Non Acute & Acute	30	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	36	0	0	0	0	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	Breede Valley	Pegasus Healthcare Worcester	Pegasus Healthcare	Pegasus Healthcare (Pty) Ltd	28	0	0	0	60	5	10	5	3	0	1	0	0	0	4	0	1	0	0	0	0	0	0	0	0	0	79	107	2	2	0	0	1	0	0	0	0	0	4	0	0
CAPE WINELANDS	Breede Valley	Mediclinic Worcester	Mediclinic	Acute	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	Breede Valley	Worcester Sub-Acute Hospital		Non Acute	36	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	36	0	0	0	0	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	Breede Valley				94	6	0	0	50	5	10	5	3	1	1	0	0	0	4	1	1	0	0	10	0	0	0	0	0	0	91	191	2	2	0	0	1	0	0	0	0	0	4	0	0
CAPE WINELANDS	Langeberg	Robertson Day Surgery Centre	Mr F [illegible]	Acute Day Surgery	0	0	0	0	0	0	0	16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	16	16	1	0	0	1	0	0	0	0	0	0	0	0	0
CAPE WINELANDS	TOTAL				0	0	0	0	0	0	0	15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	15	15	1	0	0	1	0	0	0	0	0	0	0	0	0
TOTAL CAPE WINELANDS					94	12	30	6	74	11	18	40	4	2	2	0	0	0	7	1	1	0	0	25	0	22	0	0	0	10	223	341	6	4	2	5	2	0	0	1	0	0	4	0	0
WEST COAST	Saldanha	Cavendish Day Hospital (previously Langebaan Care Day Clinic)	[illegible] Group	Day Clinic	0	0	0	0	0	0	0	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10	10	1	0	0	0	0	0	0	0	0	0	0	0	0
WEST COAST	Saldanha	Life West Coast Day	Life Health Group	Acute	0	0	0	0	0	0	0	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10	10	2	0	0	1	0	0	0	0	0	0	0	0	0
WEST COAST	TOTAL				0	0	0	0	0	0	0	20	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	20	20	3	0	0	1	0	0	0	0	0	0	0	0	0
WEST COAST	Matzikama	Vredendal Private Hospital	Mr [illegible]	Acute	0	0	0	0	22	0	0	0	1	0	1	3	0	0	2	0	2	0	0	0	0	0	0	0	0	0	50	50	1	1	2	1	1	1	0	0	0	0	0	0	0
WEST COAST	TOTAL				0	0	0	0	22	0	0	0	1	0	1	3	0	0	2	0	2	0	0	0	0	3	0	0	0	0	50	50	1	1	2	1	1	1	0	0	0	0	0	0	0
WEST COAST	Berg River	[illegible] Medical Centre	Mr [illegible]	Non Acute	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
WEST COAST	TOTAL				3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
WEST COAST	Cederberg				0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WEST COAST	TOTAL				0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WEST COAST	Swartland	Swartland Private Hospital		Acute	0	0	0	0	20	[illegible]	[illegible]	[illegible]	3	0	2	1	0	0	2	0	2	0	0	0	0	0	0	0	0	0	50	50	1	1	2	1	1	1	0	1	0	0	0	0	0
WEST COAST	Swartland	[illegible] Hospital	[illegible] & Partners	Acute	0	0	0	0	24	[illegible]	[illegible]	5	1	0	1	0	0	0	2	0	1	0	5	0	0	0	0	0	0	0	51	51	1	1	2	2	1	1					1		
WEST COAST	TOTAL				0	0	0	0	44	14	14	9	4	0	3	1	0	0	4	0	3	0	5	0	0	0	0	0	0	0	101	101	2	2	4	3	2	2	0	1	0	0	1	0	0
TOTAL WEST COAST					3	0	0	0	66	22	20	29	5	0	4	4	0	0	6	0	5	0	5	0	0	5	0	0	0	0	171	174	6	3	6	5	3	3	0	1	0	0	1	0	0
TOTAL WESTERN CAPE					245	39	182	16	624	90	115	282	29	11	17	18	0	0	87	9	29	26	25	31	11	130	12	6	4	47	1502	2034	41	27	29	30	12	6	2	9	0	0	13	0	1

Pedro April

From: Allen Goosen <allen@mlh.co.za>
Sent: Thursday, 31 August 2023 15:35
To: Pedro April
Cc: Chrizelle Kriel
Subject: [EX] RE: ERF 294 RAITHBY: Rustenburg Addiction Care: Application ref. 13380
Attachments: Rustenburg Site Plan.pdf

Hi Pedro.

Thanks for the call.

See attached a Site Plan which indicates detailed land uses and areas.

While it has been argued that the land use, in this particular instance, is not inconsistent with the MSDF as it is not clearly in conflict with the intent and purpose of the MSDF, below arguments outline site specific circumstances:

- The land use has been in place since 2014 by means of two consecutive Consent approvals.
- The land use has operated without negative impacts on the rural, agricultural or public environments and in support of all municipal departments.
- The land use does not constitute urban development in this particular instance as it utilises existing buildings within a defined werf with unique spatial circumstances beneficial to the land use, operates independent of municipal infrastructure, (even though full DC's for all service provisions are payable) and has been operating since 2014 within the confines of the proposed spot zoning area.
- The size of the facility in terms of number of patients, number of beds will remain the same, except for the additional proposed building, which is not to increase capacity, but rather to make the rest of the facility more efficient through the additional space.
- The zoning applied for is directly related to the existing land use and along with the Site Development Pan, provides long term certainty and predictability for the municipality.

Please call again should you need additional information.

Regards,

Allen Goosen

mlh architects & planners

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From: Allen Goosen <allen@mlh.co.za>
Sent: Thursday, August 31, 2023 1:23 PM
To: Pedro April <Pedro.April@stellenbosch.gov.za>
Cc: Chrizelle Kriel <Chrizelle.Kriel@stellenbosch.gov.za>
Subject: RE: ERF 294 RAITHBY: Rustenburg Addiction Care: Application ref. 13380

Good day Pedro.

See attached for zoning diagram, SDP that was submitted along with the application, as well as original motivation document with the relevant sections highlighted.

Further to the motivation report submitted, comments received, and response submitted, herewith please find additional motivation in support of the spot rezoning.

- While the Rural Development Guidelines and MSDF require that certain land uses are restricted to urban settings, they also promote diversification of economic opportunities on properties within rural settings, provided that the rural nature along with agricultural value and functions are not negatively affected.
- A municipality can therefor depart from this spatial argument, where sufficient motivation and mitigation exist.
- In mitigation for the Rustenburg facility, the application motivates that the facility has been operating without negative impact on the rural, agricultural and public environment since 2014.
- The application is only for the small werf portion of the farm.
- The application is for a limited zoning area and restricted to the conditions of the Site Development Plan which is submitted along with the rezoning application.
- The facility operates within existing werf buildings, aside from the small additional building being proposed, and has no spatial or operational impact on the rest of the farm.
- The facility maintains the physical structures and conditions of the werf and buildings and along with that, protecting the heritage value of the werf.
- It must be recognised that community facilities and the service they provide exist in at different levels, forms and user groups and as such have different requirements.
- Some community facilities not only have a local user base, but also a national and international base.
- These facilities are therefore required to provide a different level of service due to the userbase environment within which they exist.
- To have these facilities situated within an urban environment and provide the same level of service, is therefore not possible and in the instance of Rustenburg, cannot be seen as "urban" in nature.
- In this instance there only two other similar community facilities (from a metropolitan total of approx. 22) of this nature that exist within the Winelands rural environment, all of which have no impact on rural, agricultural and public environment. These include Optima and Bloemendal, none of which can be considered urban land uses. Of these three, only Rustenburg provides a service for addicts. The rural environment within which Rustenburg exists is therefore optimal for the service they provide.
- In terms of the benefits that the Rustenburg facility has brought to the Stellenbosch and Winelands environment, the land use framework it has been existed and operated, it is argued that the facility does not require a deviation from the MSDF in terms of land use, urban edge or in terms of service delivery as it will continue to be self-sufficient in terms of engineering services.
- The motivation report also illustrate that the land use sufficiently conforms to SPLUMA requirements.

Please call if you need more information.

Regards,

Allen Goosen

mlh architects & planners

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APPENDIX 4

Proof of Evidence

11

mlh architects & planners

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Web www.mlh.co.za

Municipality - Munisipaliteit
Stellenbosch
16 JUN 2022
Office of Land Use Management
Kantoor van Grondgebruiksbestuur

13 June 2022

Our ref. 2021 643

Stellenbosch Municipality
Town House Complex
Plein Street
Stellenbosch
7600

Attention: Mr. Pedro April

Dear Pedro.

FARM 294 RAITHY (RUSTENBURG) REZONING I.T.O 15(2)(a) FOR THE SPOT REZONING OF ±2.56ha OF THE SITE FROM "AGRICULTURE & RURAL" TO "COMMUNITY ZONE" TO PERMIT THE CONTINUED USE OF EXISTING BUILDINGS AND A NEW BUILDING ON THE PROPERTY AS A HEALTH-CARE FACILITY (IN-PATIENT REHABILITATION CENTRE): "RUSTENBURG ADDICTION CARE"– FORMAL RESPONSE TO COMMENT.

The above LUM application refers.

The above application was advertised as follows:

- **Internal and public:** **24 February 2022 – 28 March 2022**
- **External departments:** **24 February 2022 – 25 April 2022***

* includes an additional 45 days to account for outstanding external departmental comments from National Department of Agriculture and Provincial Roads Department.

FILE NR:
SCAN NR: E 294 RB
COLLABORATOR NR: 73/539

1. **Applicant's Response to Comments. See attached Annexure A for copies of responses.**

1.1 Public Comments

One objection was received from the next-door neighbour, owner of farm 690.

Our response to the objection as follows:

The Rustenburg addiction Care Centre has a proven track record and 2 times consent approvals by the municipality over a period of 10 years.

During this time, it has proven to not have any negative impact on the agricultural, rural or natural environment. The nature and extent of the land use and zoning will continue to have no impact on the agricultural, rural or natural environment.

The nature and extent of the land use' resource demands are insignificant compared to what is permitted in terms of the agricultural zoning.

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES
17 JUN 2022
RECEIVED

Directors: Paul Truscott B.Arch (UCT) M.Arch (Penn. US) PrArch (4246), Andrew Luger B.Sc. Hons (UCT) MCRP (UCT) Pr.Pln (A/1115/1999), Terence Tw... Linda Young B.Arch (UCT) PrArch (6095), Allen Goosen B.Tech TRP (C. Tech) Dip. GIS (UP) MPhil UDM (UCT) Pr.Pln (A/1991/2014). Frederik Vermeulen B.Tech TRP (C. Tech) MPhil CBE (UCT) MAPHP Pr.Pln Donovan Clark (UCT)
Associates:, PrArch, Andrew Goodwin B.Arch (UCT) PrArch, Wayne Williamson ND Arch.Tech (CPUT) PrArchT.
MLH Architects and Planners (Cape) Pty. Ltd., Reg. No. 1986/001829/07, Trading as MLH Architects and Planners. VAT No. 4110168905.

The werf buildings are fragile buildings with heritage value and are not suited for the accommodation of farm workers or agricultural storage. Milnerton Estates have consolidated their farming activities into one comprehensive operation. All of their farm workers reside as a community in a cluster of buildings on Helderzicht farm, approx. 1.4km to the south-west of the Rustenburg werf and the workers provide a range of services to all the farms, not only erf 294, Rustenburg. Administration of the agricultural activities occur from Milnerton Estates' head office in Cape Town and Helderzicht Farm.

The current Rustenburg Addiction Care land use is ensuring the upkeep of the heritage status and condition of the werf and buildings, which require considerable funding and continued maintenance.

The proposed zoning is specifically selected for its limited scope and the approval will also be limited to buildings and werf – any future land use change would be subject to further assessment and scrutiny.

The Stellenbosch MSDF and Rural Area Guidelines (and other legislation) also promote the diversification of income through appropriate land uses on farms, with each land use assessed in terms of its impact and economic benefit to the surrounding agriculture and economic environment. The Rustenburg Addiction Care land use has proven to be low-key land use, with no negative impact on the agricultural, rural or natural qualities of the area.

This is not a typical urban type community facility and the application does not suggest that the facility provide that kind of service. It is rather a noteworthy centre of high excellence not only within the local Cape Town and Winelands region, but also national and internationally. It attracts visitors whom, once completed with their treatment, become tourists and contribute to that sector of the local economy in no small way.

At the same time, the facility makes contributions to the "Mudita" foundation, which provides a service to local urban communities.

The complaint by the objector re. nuisance from the Addiction Care facility is not correct. The land owner of Rustenburg farm, The Milnerton Estates, as well as the operator of Rustenburg Addiction Care, are well aware of the owner of farm 690's complaints, but these are, and have always been, directed at the agricultural related activities on Rustenburg, including tractor and other farm vehicles moving about, general equipment handling, storage, maintenance, farm workers moving about, etc. These are all bona fide agricultural land use rights, yet the neighbour continues to complain about the activities and in this instance, proclaim to be noises relating to the Addiction Care.

Patients of Rustenburg Addiction Care mainly resides inside the werf complex and buildings, which are situated far from the farm 690 residence. Patients only experience the farm on controlled, guided walks and are of no nuisance to the owner of farm 690.

The problem is that farm 690 is too small as an economically active agricultural land unit and as such, the owner uses the property as a place of residence – hence farm workers on Rustenburg farm having conversations, tractors and farming vehicles moving about provide the neighbour with some form of discomfort. Agricultural activities on Rustenburg farm have been largely dormant prior to Milnerton Estates ownership and the land unit did not contribute much to the agricultural activities and economy. Since Milnerton Estates' purchase of Rustenburg farm along with their other farms in the valley, and subsequent consolidation of the farming practices, agricultural and economic output have been significantly increased and Rustenburg farm and shed performs a central and significant function in Milnerton Estates' agricultural activities and business.

As a result, the owner of farm 690 have been affected by bona fide agricultural activities and his complaints in this regard hold no water.

1.2 Departmental Comments

No objection comments from "Community Services", Fire, Engineering, Community Services, Health and Spatial Planning were received. No other departments commented.

Comments and conditions noted and accepted.

1.3 External Departments

No objection comments from DEA&DP Spatial Planning, DEA&DP Environment, Heritage Western Cape and Department of Water & Sanitation were received.

Comments and conditions from these departments noted and accepted.

National Department of Agriculture and Provincial Roads Department did not provide comment. Note that National Department of Agriculture previously provided positive comment with the Consent application for Rustenburg Addiction Care.

Provincial Department of Agriculture (Elsenburg) objected, which objection is based on their previous objection when the Consent for the Rustenburg Addiction Care was processed and eventually approved.

Our response to Department of Agriculture, Elsenburg's objection as follows:

From an agricultural point of view this rezoning and land use need to be analysed against the economic benefits Milnerton Estates have brought to not only their own agricultural production, but also to the various other tenants and land uses on their land holdings (including Rustenburg Addiction Care), all of which contribute to diversifying the local agricultural economy and income on their farms.

Since Milnerton Estates' overall involvement in their Winery Road land holdings (9 farms in total) being farmed and managed as a single, consolidated entity, along with their various financial, social and organisational investments, planting of vineyards and harvest have increased significantly, along with the improvement of farmworkers' security of tenure, employment and financial circumstances.

Administration of the agricultural activities occur from Milnerton Estates' head office in Cape Town and their adjacent Helderzicht Farm.

The Rustenburg addiction Care Centre has a proven track record and two consent approvals by the municipality over a period of 10 years. During this time, it has proven to not have any negative impact on the agricultural, rural or natural environment. The nature and extent of the land use and zoning will continue to have no impact on the agricultural, rural or natural environment.

The nature and extent of the land use' resource demands are insignificant compared to what is permitted in terms of the agricultural zoning.

The werf buildings are fragile buildings with heritage value and are not suited for the accommodation of farm workers or agricultural storage. The current Rustenburg Addiction Care land use is ensuring the upkeep of the heritage status and condition of the werf and buildings, which require considerable funding and continued maintenance by the facility.

The proposed zoning is specifically proposed for its limited land use and development scope and the approval will also be limited to buildings and werf – any future land use change would be subject to further assessment and scrutiny.

The Stellenbosch MSDF and Rural Area Guidelines (and other legislation) also promote the diversification of income through appropriate land uses on farms, with each land use assessed in terms of its impact and economic benefit to the surrounding agriculture and economic environment. The Rustenburg Addiction Care land use has proven to be low-key land use, with no negative impact on the agricultural, rural or natural qualities of the area.

This is not a typical urban type community facility and the application does not suggest that the facility provide that kind of service. It is rather a noteworthy centre of high excellence not only within the local Cape Town and Winelands region, but also national and internationally. It attracts visitors whom, once completed with their treatment, become tourists and contribute to that sector of the local economy in no small way.

2. Conclusion

We trust that you find the above in order. Please do not hesitate to contact the undersigned should you require additional information.

Yours faithfully

Allen Goosen
mlh architects & planners

Including:

Annexure A: Formal Comments Received (internal & external)
Annexure B: Portfolio of Evidence Checklist
Annexure C: Copy of Registered Letter to Interested & Affected Parties
Annexure D: Copy of Registered Letter to External Departments
Annexure E: Original Registered Postal Slips
Annexure F: Unclaimed Registered Mail
Annexure G: Photographic Evidence of On-Site Notices
Annexure H: Formal Newspaper Advertisement
Annexure I : Affidavit from the Applicant
Annexure J: On-Site Notice
Annexure K: Email Correspondence in respect of Advertising Undertaken

ANNEXURE A

Formal Comments Received (Internal & External)

Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)
Development Management Consultants and
Environmental Assessment Practitioners

VIRDUS
WORKS

22 March 2022

MLH Architects and Planners
Per email: alfeng@mlh.co.za

Dear Sir

OBJECTION TO THE APPLICATION FOR REZONING OF ERF 294, RAITHBY (RUSTENBURG ADDICTION CARE) LU13380

This objection is on behalf of the owner of the neighbouring property, Farm 690, Stellenbosch RD, Mr W Erne.

The Municipality has a stated objective of retaining good agricultural land for the production of agricultural produce, the conservation of the agricultural resources and character features of the rural landscapes and employment opportunities (Table 6 of the Stellenbosch Municipality Spatial Development Framework (SMSDF)), stating that: "The region's extensive agricultural areas, particularly those under vineyards and orchards, also attribute scenic value and character to the region, which is valued by both the local inhabitants and visitors. This is a significant contributor to the value of the area as one of South Africa's premier tourist destinations and there is a strong interdependence between tourism and the wine industry in Stellenbosch". The SMSDF also indicates that: "The overall plan indicates a municipal area largely set aside as protected and managed areas of nature and high value agricultural land. These areas of nature and agriculture are critical in delivering various ecological and economic services and opportunity. Significant change in use and land development is not envisaged in the nature and agricultural areas. Only non-consumptive activities are permitted (for example, passive outdoor recreation and tourism, traditional ceremonies, research and environmental education) in core nature areas. In agricultural areas, associated building structures are permitted, as well as dwelling units to support rural tourism, and ancillary rural activities that serves to diversify farm income. However, these should not undermine the sustainability of agricultural production, and adhere to the guidelines contained in the SEMF and "Western Cape Land Use Planning: Rural Guidelines"."

However small and limited the proposed facility might be argued to be, it does not contribute to the stated objectives for the retention of agricultural assets and resources required for continued growth of the agricultural sector. It is a consumptive use, as it takes away a resource that could be put to better use for exclusive agricultural purposes. A community facility is an urban land use that should be established in an urban environment and not on agricultural land where diminishing resources should be protected and utilised for the best returns in agricultural production. The buildings and structures could be put to better use for accommodating agricultural workers, who currently live off the farm and who need to commute to the farm to work, with obvious negative effect on the environment, road use and the cost of living for the workers.

The Western Cape Rural Guidelines are clear in relation to the establishment of community facilities

in rural areas: "Guideline Summary: The WCG approach to community facilities and institutions in rural areas is that community facilities serving rural communities should be located within existing settlements, except when travel distances are too far or rural population concentrations justifies the location of community facilities in rural areas.

14.1 OBJECTIVES

- Community facilities and institutions are defined as state provided facilities and/or non-profit services catering for the local farm/rural community .
- Rural community facilities include: educational, health, assembly, religious, sport, etc .
- To provide facilities necessary for the sustainable socio-economic development of rural communities .
- To provide for institutions requiring extensive land or an isolated location (e .g . correctional facilities) .
- To provide for institutions serving agricultural production (e .g . agricultural schools and research facilities) .

14.2 GUIDANCE FOR IMPLEMENTATION

Wherever possible new community facilities should be located in settlements and not in isolated locations and should be for the exclusive or primary use of the farm/local rural community . Only activities that are appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate should be accommodated . The long term impact on the municipality (resources and financial); agricultural activities, production and sustainability, risk and finances; and the scenic, heritage and cultural landscape should be considered when decisions are taken . Development applications should include a locality plan to indicate how it contributes to the clustering of nodal facilities."

The proposed facility does not comply with the Rural Guidelines, as the facility is not intended for the benefit of the rural community within which it is located.

Moreover, the Stellenbosch Municipality Zoning Scheme Bylaw determines the purpose of the proposed Community Zone as follows: "The purpose of this zone is to make provision for: (a) buildings which are used for a wide range of community and welfare purposes including places of education for pre-primary, primary and secondary school levels; (b) tertiary educational facilities such as colleges and universities; and (c) permitted uses shall include ancillary uses such as administrative offices, residential uses, libraries, school hostels, recreational and sports facilities and any other uses and buildings that are ordinarily associated with such facilities."

Rezoning of the property would in future provide scope or grounds for the expanded use of the land for significantly larger facilities with significant negative effect on the surrounding environment and the agricultural assets of the area.

The owner of Farm 690 has made numerous approaches to the applicant and the Municipality to resolve issues of nuisance and disturbance, caused amongst others by the addiction care centre. The owner's property is small, and it is located at the entrance to the farm and the care centre, where consistent vehicle and pedestrian movement causes a significant nuisance. Farm 690 is too small to be used feasibly or sustainably as a productive agricultural unit and the owners rely on the approved tourist accommodation facilities to derive revenue from the land. The nuisance created by the neighbouring land uses, commuter movements, pedestrians, and vehicles to and from the facility and the farm detract from the appeal of the lawful use of Farm 690. Its use is in keeping with the SMSDF

and the Rural Guidelines, whereas the proposed addiction care centre is not. Giving permanency to the temporary and undesirable community use on Erf 294 will exacerbate the problems and detract from the appeal of Farm 690 as an asset to the Stellenbosch Municipality.

We trust that the applicant will reconsider the use of the existing buildings and structures and put them to better use, aligned to the relevant policies as expressed in the SMSDF and Rural Guidelines, and allow the neighbours to enjoy an agricultural environment not threatened by urban creep.

Yours faithfully

DUPRé LOMBAARD

INTEROFFICE
MEMORANDUM

STELLENBOSCH
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

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

To:	**Administrative Officer: Land Use Management Nicole Katts**	From:	**Senior Environmental Planner: Schalk van der Merwe**
CC:	**Manager: Environmental Management Tammy Leibrandt**	Date:	26 January 2022
Re:	**APPLICATION FOR REZONING – ERF 294, RAITHBY (LU/13380)**		

FILE NR:
SCAN NR:
E 294 RB
COLLABORATOR NR:

The above application refers. In terms of the Temporary Departure (Erf 294, Raithby) approved on the relevant property during 2014 the following conditions applied:

(6) That no activities relating to the subject temporary departure may create a noise nuisance for surrounding property owners and all rehabilitation sessions be conducted during reasonable office hours (08h00 to 17h00).

(7) That the owners of the subject property at all times comply with the applicable Noise Control Regulations.

(10) That only the main entrance to property be used for deliveries related to the temporary departure.

Since 2018 a number of noise complaints caused by, among other, the use of the servitude road running past Farm 690 were received and responded to by the Department: Community Services. In terms of the above application for the Rezoning of Farm 294 the applicant proposes that the said servitude road be used for vehicles exiting the Health Care Facility on Farm 294 as well as for after hour access. Given the history of noise complaints received by this Department it is reasonable to expect that this proposal will lead to further noise complaints similar to that received to date. From an environmental planning point of view this department has no objection to the approval of the application subject to the following:

1. Activities on site, during construction and thereafter, must comply with the Western Cape Noise Control Regulations.
2. No activities relating to the operation of the Health Care Facility may create a noise nuisance for surrounding property owners.
3. Only the main entrance to property be used for deliveries to the Health Care Facility.
4. Vehicle access, related to the use and operation of the Health Care be restricted to weekdays (Monday to Friday) from 08h00 to 17h00.
5. During construction the owner, developer or any agent acting on his/her behalf, must take all reasonable steps to prevent nuisance caused by dust in accordance with the National Dust Control Regulations.

STELLENBOSCH MUNICIPALITY
PLANNING & DEVELOPMENT SERVICES
26 JAN 2022
RECEIVED

S VD MERWE
SENIOR ENVIRONMENTAL PLANNER:
COMMUNITY SERVICES

Tel: +27 21 808 8161 | Email: Angelique.George@stellenbosch.gov.za
Physical Address: 123 Merriman Avenue, Stellenbosch, 7600 | Postal Address: PO Box 17, Stellenbosch, 7599
Website: www.stellenbosch.gov.za

STELLENBOSCH MUNICIPALITY

STELLENBOSCH·PNIEL·FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan:	**Director: Planning + Economic Development**
Att Aandag	**Nicole Katts**
From ▫ Van:	**Manager: Development (Infrastructure Services)**
Author ▫ Skrywer:	**Tyrone King**
Date ▫ Datum:	**12 April 2022**
Our Ref ▫ Ons Verw:	**2251**
Your Ref:	**LU/13380**
Re ▫ Insake:	**Erf 294, Raithby: rezoning of ±2.56ha of Erf 294, Raithby from Agriculture and Rural Zone to Community Zone for the establishment of a welfare institution for a health care facility (in-patient rehabilitation centre) of maximum 40beds, for sufferers of substances abuse and eating disorders in existing buildings and a new building of ±230m².**

The application is recommended for approval, subject to the following conditions:

1. Water

1.1 The development will be responsible for it's own water provision via boreholes boreholes as proposed in the engineering report.

1.2 The potable water must be stored and distributed in such a manner that it complies with the SANS 241 Drinking Water Quality Standards.

2. Waste Water and Sewage

2.1 Sewer disposal to be via conservancy tanks.

2.2 Use of existing septic tanks to collect and treat sewage generated by the proposed development is not allowed and must be replace with conservancy tanks.

2.2.1 The conservancy tank must be accessible to the removal truck and of a volume to necessitate not more than a fortnightly service, unless agreed otherwise by the Directorate: Infrastructure Services.

2.2.2 The minimum volume of a conservancy tank shall be 5 kiloliter.

2.2.3 Note that only Stellenbosch Municipality is allowed to empty conservancy tanks.

2.2.4 A service contract has to be entered into with the municipality to service the conservancy tanks on a regular basis.

2.2.5 Details of the conservancy tank and the on-site sewer reticulation network has to be submitted to the Engineering Services Directorate for approval, prior to the approval of any building plans.

3. Roads

3.1 The application has to be referred to the District Roads Engineer for comments and conditions.

3.2 All the conditions set by the District Roads Engineer will be applicable.

4. Development Charges (DCs)

4.1 The following DC's are payable: See **Development Charge Calculation** attached.

4.2 The DC's were calculated by using the 2021/2021 tariff structure. If DC's are paid after 30 June 2022 it will have to be recalculated by using the tariff structure applicable at date of payment.

4.3 The appropriate DC's are payable before building plan approval or before the structure is put to it's intended use.

5. Electricity (comment by Mr Bradley Williams)

5.1 Outside Stellenbosch area of supply.

5.2 All Electrical requirements should be directed to Eskom.

5.3 No conditions.

TYRONE KING Pr Tech Eng
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

Stellenbosch Municipality - Development Charge Calculation

APPLICATION INFORMATION	
Application Number	2251 (TK) Erf 294 Rehhby (LU-18888)
Date	Tuesday, 12/Apr/2022
Financial Year	2021/22
Erf Location	Stellenbosch Town
Erf No	
Erf Size (m²)	
Suburb	
Applicant	
Approved Building Plan No.	Site Plan April 2022 by MLH Architects

SUMMARY OF DC CALCULATION							
	Water	Sewer	Storm-water	Solid-Waste	Roads	Community Facilities	Total
Unit(s)	kl/day	kl/day	ha*C	t/week	trips/day	person	
Total Increased Services Usage	6.268	5.485	0.125	0.627	141.03	141.0	
Total Development Charges before Deductions				R 33 208.60	R 1 024 933.74	R 23 362.51	R 1 081 504.76
Total Deductions							
Total Payable (excluding VAT)				R 33 208.60	R 1 024 933.74	R 23 362.51	R 1 081 504.76
VAT				R 4 984.77	R 153 740.05	R 3 504.38	R 162 239.21
Total Payable (including VAT)				R 38 293.37	R 1 178 673.81	R 26 866.89	R 1 243 833.97

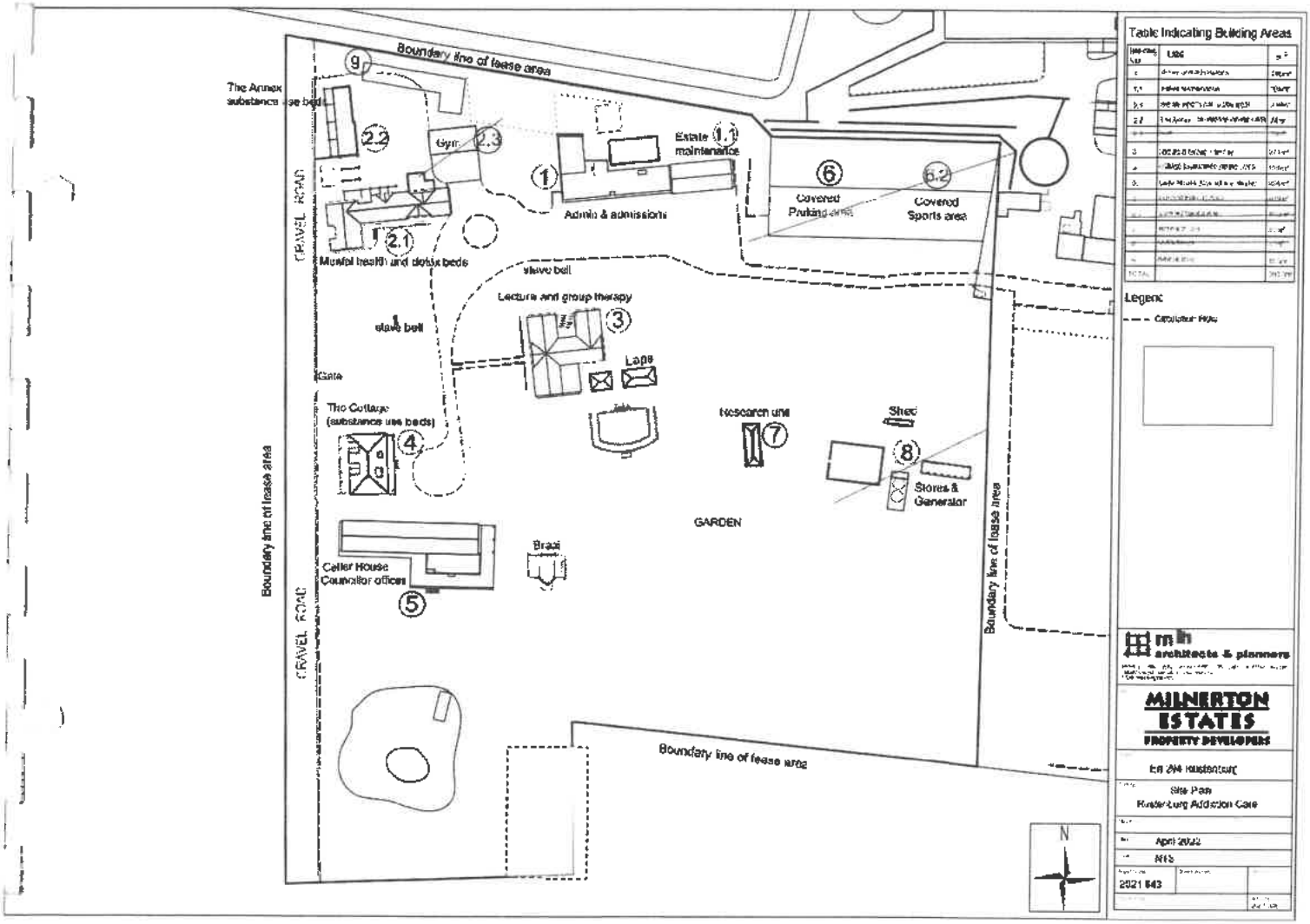
APPLICANT INFORMATION	
Application Processed by:	Tyrone King
Signature	Water - borehole; Sewer - conc tank
Date	As above
Amount Paid:	
Date Payment Received	
Receipt Number	

Stellenbosch Town

Land Use Category	Unit Type	Existing Usage			Proposed New Usage			Increased Usage	Development Charge levied (excl VAT)						
									Water	Sewer	Storm-water	Solid-Waste	Roads	Community Facilities	Total
Infrastructure Type applicable? (yes/no)									no	no	no	yes	yes	yes	
	du m2 GLA m2	area (m2)	du m² GLA m²	du/ha % GLA	area (m2)	du m2 GLA	du/ha % GLA	du m2 GLA m2							
Residential	Single Residential >500m2	du		0			0	0	R -	R -	R -	R -	R -	R -	R -
	Single Residential >350m2	du		0			0	0	R -	R -	R -	R -	R -	R -	R -
	Single Residential >250m2	du		0			0	0	R -	R -	R -	R -	R -	R -	R -
	Single Residential <250m2	du		0			0	0	R -	R -	R -	R -	R -	R -	R -
	Less Formal Residential >250m2	du		0			0	0	R -	R -	R -	R -	R -	R -	R -
	Less Formal Residential <250m2	du		0			0	0	R -	R -	R -	R -	R -	R -	R -
	Group Residential >250m2	du		0			0	0	R -	R -	R -	R -	R -	R -	R -
	Group Residential <250m2	du		0			0	0	R -	R -	R -	R -	R -	R -	R -
	Medium Density Residential >250m2	du		0			0	0	R -	R -	R -	R -	R -	R -	R -
	Medium Density Residential <250m2	du		0			0	0	R -	R -	R -	R -	R -	R -	R -
	High Density Residential flats	du		0			0	0	R -	R -	R -	R -	R -	R -	R -
	High Density Residential student rooms	du		0			0	0	R -	R -	R -	R -	R -	R -	R -
Commercial	Local Business - office	m2 GLA		0%			0%	0	R -	R -	R -	R -	R -	R -	R -
	Local Business - retail	m2 GLA		0%			0%	0	R -	R -	R -	R -	R -	R -	R -
	General Business - office	m2 GLA		0%			0%	0	R -	R -	R -	R -	R -	R -	R -
	General Business - retail	m2 GLA		0%			0%	0	R -	R -	R -	R -	R -	R -	R -
	Community	m2 GLA		0%		1 567	0%	1 567	R -	R -	R -	R 33 298,50	R 1 024 933,74	R 23 362,51	R 1 081 594,76
	Educator	m2 GLA		0%			0%	0	R -	R -	R -	R -	R -	R -	R -
Industrial	Light Industrial	m2 GLA		0%			0%	0	R -	R -	R -	R -	R -	R -	R -
	General Industrial - light	m2 GLA		0%			0%	0	R -	R -	R -	R -	R -	R -	R -
	Warehousing	m2 GLA		0%			0%	0	R -	R -	R -	R -	R -	R -	R -
	General Industrial - Heavy	m2 GLA		0%			0%	0	R -	R -	R -	R -	R -	R -	R -
	Noxious Industrial - Heavy	m2 GLA		0%			0%	0	R -	R -	R -	R -	R -	R -	R -
Other	Resort	m2 GLA		0%			0%	0	R -	R -	R -	R -	R -	R -	R -
	Public Open Space	m2					0%	0	R -	R -	R -	R -	R -	R -	R -
	Private Open Space	m2					0%	0	R -	R -	R -	R -	R -	R -	R -
	Natural Environment	m2					0%	0	R -	R -	R -	R -	R -	R -	R -
	Utility Services	m2 GLA		0%			0%	0	R -	R -	R -	R -	R -	R -	R -
	Public Roads and Parking	m2					0%	0	R -	R -	R -	R -	R -	R -	R -
	Transport Facility	m2					0%	0	R -	R -	R -	R -	R -	R -	R -
	Linked Use						0%	0	R -	R -	R -	R -	R -	R -	R -
Special	To be calculated														
	Based on approved demands														
* Complete yellow/green cells.			0			0									

** du = dwelling unit, GLA=Gross lettable area. *** displays red if not equal to existing area

Total Development Charges before Deductions	R0,00	R0,00	R0,00	R33 298,50	R1 024 933,74	23 362,51	R1 081 594,76
% Deductions per service (%)	0,00%	0,00%	0,00%	0,00%	0,00%	0,00%	
$ Deductions per service (amount)	R 0,00	R 0,00	R 0,00	R 0,00	R 0,00	R 0,00	R 0,00
Additional Deduction per service - from Service Agreement (sum)							R 0,00
Sub Total after Deductions (excluding VAT)	R0,00	R0,00	R0,00	R33 298,50	R1 024 933,74	23 362,51	R1 081 594,76
VAT	R0,00	R0,00	R0,00	R4 994,77	R153 740,06	3 504,38	R162 239,21
	R0,00	R0,00	R0,00	R38 293,27	R1 178 673,81	26 866,89	R1 243 833,97


Boundary line of lease area
The Annex substance use beds
Gym
Estate maintenance
Admin & admissions
Covered Parking area
Covered Sports area
Mental health and detox beds
slave bell
Lecture and group therapy
Laps
Gate
The Cottage (substance use beds)
Research unit
Shed
Stores & Generator
GARDEN
Braai
Cellar House Counsellor offices
GRAVEL ROAD
Boundary line of lease area
Table Indicating Building Areas
Legend
mlh architects & planners
MILNERTON ESTATES
PROPERTY DEVELOPERS
Site Plan
Rustenburg Addiction Care
April 2022
N
2021 643

Allen Goosen

From: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>
Sent: 04 May 2022 10:14 AM
To: Allen Goosen
Subject: FW: COMMENT ON LAND USE APPLICATION: ERF 294 RAITHBY

Morning Allen;

Please find comments below from Fire Departments.

Kind regards,
Bulelwa Mdoda
Land Use Management
Planning & Economic Development

T: +27 21 808 8690 : F +27 21 886 6899
3rd Floor, Eikestad Mall, Andringa Street,
Stellenbosch
www.stellenbsosch.gov.za

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STELLENBOSCH

About Stellenbosch Municipality
Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.
Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call +2721-808-8111, or visit www.stellenbosch.gov.za

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From: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>
Sent: Wednesday, 04 May 2022 09:16
To: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>
Subject: FW: COMMENT ON LAND USE APPLICATION: ERF 294 RAITHBY

From: John Aaron <John.Aaron@stellenbosch.gov.za>
Sent: Thursday, 27 January 2022 15:51
To: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>
Subject: RE: COMMENT ON LAND USE APPLICATION: ERF 294 RAITHBY

Good day Nicole

The Zoning Application is in order from a fire service side, Fire requirements will be given when plans are submitted to council.

Kind Regards / Vriendelike Groete

John Aaron
Station Commander
Fire Safety

Email: john.aaron@stellenbosch.gov.za | Tel: +27 21 808 8889 / Fax: 021 883 3200
Website: www.stellenbosch.gov.za | Physical Address: c/o Helshoogte & Cluver street, 7600
Postal Address: PO Box 17, Stellenbosch, 7599

STELLENBOSCH
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Please consider the environment before printing this email

From: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>
Sent: 24 January 2022 11:57 AM
To: Development Admin <Development.Admin@stellenbosch.gov.za>; Tyrone King <Tyrone.King@stellenbosch.gov.za>; Colin Taylor <Colin.Taylor@stellenbosch.gov.za>; Abdullah Daniels <Abdullah.Daniels@stellenbosch.gov.za>; Barbara-Ann Henning <Barbara-Ann.Henning@stellenbosch.gov.za>; Bernabe De La Bat <Bernabe.DeLaBat@stellenbosch.gov.za>; ferencia@capewinelands.gov.za; John Aaron <John.Aaron@stellenbosch.gov.za>; Albert van der Merwe <Albert.vanderMerwe@stellenbosch.gov.za>; Bradley Williams <Bradley.Williams@stellenbosch.gov.za>; Martin Slabber <Martin.Slabber@stellenbosch.gov.za>; Schalk Van der Merwe <Schalk.VanderMerwe@stellenbosch.gov.za>; Katherine Robinson <Katherine.Robinson@stellenbosch.gov.za>; Kaizer Makati <Kaizer.Makati@stellenbosch.gov.za>
Cc: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>
Subject: COMMENT ON LAND USE APPLICATION: ERF 294 RAITHBY

Good day;

The relevant documentation regarding the abovem entioned application will follow via Wetransfer.

Kindly furnish me with your comment by email, in order to enable me to submit the application to the decision making authority for consideration.

FARM NUMBER & APPLICATION NUMBER:

Erf 294, Raithby (LU/13380)

DESCRIPTION OF THE PROPOSAL

Application in terms of Section 15(2)(a) of the Stelle nbosch Municipality Land Use Planning By-Law (2015) for the **rezoning** of ±2.56ha of Erf 294, Raithby from Agriculture and Rural Zone to Community Zone for the establishment of a welfare institution for a health care facility (in-patient rehabilitation centre) of maximum 40beds, for sufferers of substances abuse and eating disorders in existing buildings and a new building of ±230m².

Allen Goosen

From: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>
Sent: 13 April 2022 10:37 AM
To: Allen Goosen
Subject: FW: COMMENT ON LAND USE APPLICATION: ERF 294 RAITHBY (LU/13380)

Morning Allen;

Please find below comments received from Health Department.

Kind regards,
Bulelwa Mdoda
Land Use Management
Planning & Economic Development

T: +27 21 808 8690 : F +27 21 886 6899
3rd Floor, Eikestad Mall, Andringa Street,
Stellenbosch
www.stellenbsosch.gov.za

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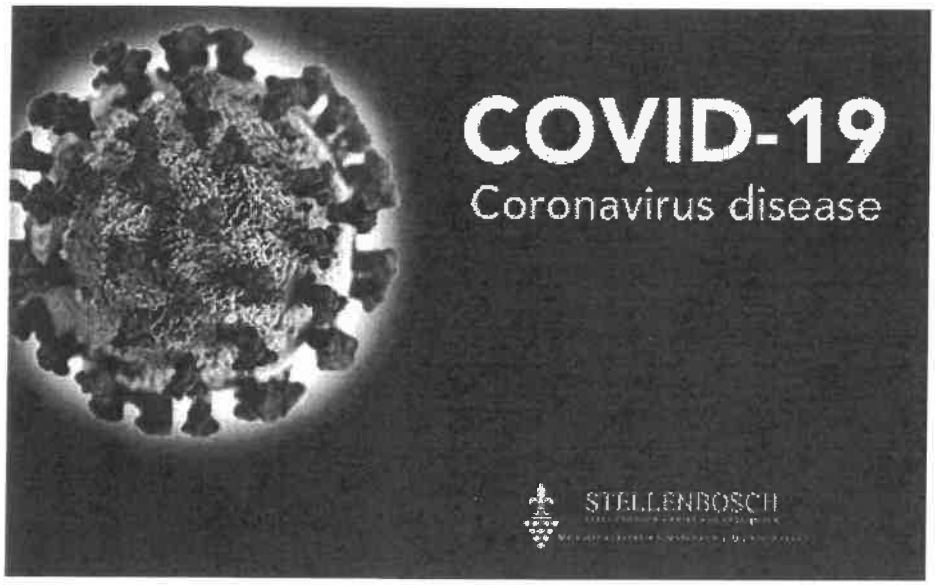

For official COVID-19 advice, updates and queries:

- National Hotline 0800 029 999
- Provincial Hotline 021 9284102
- WhatsApp 0600 123 456

Stay alert, stay updated and stay safe.

STELLENBOSCH

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From: Tracey-Lee Mouton <Tracey-lee@capewinelands.gov.za>
Sent: Wednesday, 13 April 2022 10:32
To: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>
Cc: Fabian van Wyk <fabian@capewinelands.gov.za>
Subject: [EX] RE: COMMENT ON LAND USE APPLICATION: ERF 294 RAITHBY (LU/13380)

Good day,

Attention: To whom it may concern

Sir/Madam

APPLICATION: (LU/13380)

RE: APPLICATION FOR ZEZONING: ERF 294, RAITHBY.

From an Environmental Health perspective this application may be recommended for approval.

This Department reserves the right to set further requirements during the running of the business.

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

Yours faithfully,

Tracey-Lee Mouton

From: Fabian van Wyk <fabian@capewinelands.gov.za>
Sent: Tuesday, 12 April 2022 08:52
To: Tracey-Lee Mouton <Tracey-lee@capewinelands.gov.za>
Subject: FW: COMMENT ON LAND USE APPLICATION: ERF 294 RAITHBY

Mornings

With reference to yesterday's mail from me.

Regards

From: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>
Sent: Monday, 11 April 2022 14:59
To: Fabian van Wyk <fabian@capewinelands.gov.za>
Cc: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>
Subject: RE: COMMENT ON LAND USE APPLICATION: ERF 294 RAITHBY

Yes Fabian; it was sent by Nicole by Wetransfer on 24th of January.

STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Spatial Planning

To	:	**Manager: Land Use Management**
From	:	**Manager: Spatial Planning**
Reference	:	**Erf 294, Raithby**
LU No	:	**LU/13380**
Date	:	**13 April 2022**
Re	:	**Application for rezoning on Erf 294, Raithby**

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

Application is made for the following:

- **Rezoning** of ±2.56ha of Erf 294, Raithby from Agriculture and Rural Zone to Community Zone for the establishment of a welfare institution for a health care facility (in-patient rehabilitation centre) of maximum 40 beds, for sufferers of substances abuse and eating disorders in existing buildings and a new building of ±230m².

1) **Opinion/reasoning:**

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

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

1. Maintain and grow the assets of Stellenbosch Municipality's natural environment and farming areas;
2. Respect and grow cultural heritage;
3. Direct growth to areas of lesser natural and cultural significance as well as movement opportunity;
4. Clarify and respect the different roles and potentials of existing settlements;
5. Clarify and respect the roles and functions of different elements of movement structure;
6. Ensure balanced, sustainable communities;
7. Focus collective energy on a few catalytic lead projects.

With the enactment of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), a new planning regime was introduced in South Africa. It replaced disparate apartheid era laws with a coherent legislative system as the foundation for

all spatial planning and land use management activities in South Africa. It seeks to promote consistency and uniformity in procedures and decision-making. Other objectives include addressing historical spatial imbalances and the integration of the principles of sustainable development into land use and planning regulatory tools and legislative instruments.

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

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

In terms of the approved MSDF for Stellenbosch Municipality, the subject property is located **outside the urban edge of Raithby** and currently zoned Agriculture and Rural Zone. The proposal is for the rezoning to Community Zone as a **spot zoning** to permit the permanent and continued use of the Rustenberg Addiction Care Facility. A temporary departure was previously granted.

In terms of the Western Cape Land Use Guidelines – Rural Areas (March 2019) the placement of community facilities such as rehab and wellness centres within rural areas are not supported, but the Municipality may have grounds to depart from these requirements given that the facility has been operational for some time with planning approval.

The facility operates within the existing buildings within the farm werf without significant structural alternations. The new building proposed is for accommodation (13 beds), but will not increase the current capacity of the facility. The idea is to relocate some of the existing beds from the main building.

2) <u>Supported / not supported:</u>

This department supports the application subject to the condition that the maximum 40 patients capacity be adhered to.

BJG de la Bat
MANAGER: SPATIAL PLANNING

water & sanitation
Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

WESTERN CAPE PROVINCE
Private Bag X 16, Sanlamhof, 7532 / 52 Voortrekker Road, Bellville 7530
Tel #: (021) 941 6000 Fax #: (021) 941 6077

Enquerls : T. Manavhela
Tel # : (021) 941 6056
Email : manavhelat@dws.gov.za
Reference : 27/2/1/6/1

Attention: Allen Goosen

MIH ARCHITECTS & PLANNERS
PO Box 15002
CAPE TOWN
8001

Dear Allen Goosen

APPLICATION: NOTICE OF LAND DEVELOPMENT APPLICATION TO INTERESTED AND AFFECTED PARTIES FOR COMMENT, REZONING FROM AGRICULTURAL/ RURAL ZONE TO COMMUNITY ZONE: ERF 294, RAITHBY (RUSTENBURG ADDICTION CENTRE), STELLENBOSCH LOCAL MUNICIPALITY, WESTERN CAPE PROVINCE

Your application for rezoning dated 24 February 2022 has reference.

The Department acknowledges receipt of your application document dated 24 February 2022, Application Doc: Ref – LU/13380. The Department has the following comments:

During the revaluation of your application, the Department has noted that there are no water bodies in the proposed area for development and as such there will be no Water Use Authorization required for this activity.

For more information please do not hesitate to contact Mr T Manavhela at (manavhelat@dws.gov.za or Tel 021 941 6056).

Yours Faithfully

PROVINCIAL HEAD: **WESTERN CAPE**
Signed by: **Ms Nelisa Ndobeni**
Designation: **Control Environmental Officer**
Date: **04 May 2022**

Western Cape Government

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

OUR REFERENCE : **20/9/2/5/6/897**
YOUR REFERENCE : **-**
ENQUIRIES : **Cor van der Walt/David Lakey**

Mlh Architects & planners
Third floor. Graphic Centre
199 Loop Street
Cape Town
8001

Att: Allen Goosen

APPLICATION FOR REZONING: DIVISION STELLENBOSCH

ERF 294, RAITHBY

Your application dated 24 February 2022 has reference.

The Western Cape Department of Agriculture: Land Use Management office stands by its original comments provided in the previous letter dated 31/05/2019.

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely

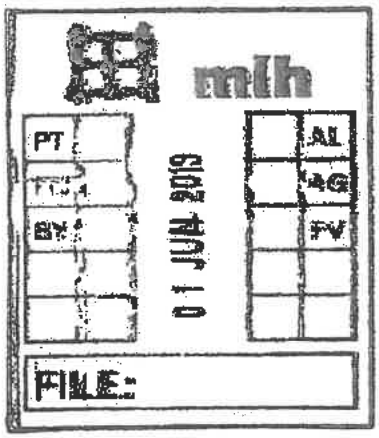
pp.

Mr. CJ van der Walt
LANDUSE MANAGER: LANDUSE MANAGEMENT
2022-04-25

Copy:
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Western Cape Government
Agriculture

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



OUR REFERENCE : **20/9/2/5/6/897**
YOUR REFERENCE : **2019 606**
ENQUIRIES : **Cor van der Walt**

mlh architects & planners
Third Floor, Graphic Centre
199 Loop Street
Cape Town,
8001

Att: Christopher Munro

APPLICATION FOR TEMPORARY DEPARTURE: DIVISION STELLENBOSCH
ERF NO 294, RAITHBY

Your letter and email of 17 May 2019 has reference.

This Department stands by its previous decision dated 2019-04-08, as the proposal is not aligned to the Western Cape Land Use Planning Guideline: Rural Areas, approved by Minister Anton Bredell on 3 March 2019. The Rural Areas Guideline gives a broad overview of the type and extent of activities supported in the rural context, with due regard to natural systems, agriculture and food security. The Guideline is the product of intergovernmental collaboration, of which the Western Cape Department of Agriculture (WCDoA) was a key stakeholder.

Whilst the WCDoA acknowledges the need to diversify farming income, said proposals need to take their lead from the recommendations put forward in the Rural Areas Guideline. Said Guideline advocates bona fide farm buildings and structures associated with the primary agricultural activity and tourist accommodation and facilities that are appropriate in the rural context, generate positive socio-economic returns and do not compromise agricultural production.

The Guidelines specifically state that private educational and institutional facilities and rehabilitation and wellness centres are regarded to be a business and not a community facility and should be located within urban areas in order to reinforce their economic base.

Although the setting of a precedent is certainly not the only reason to refuse a planning application, the intensified use of agricultural infrastructure for uses in conflict with those recommended in the Rural Guidelines is cause for concern. Not only does the use of infrastructure for ancillary uses threaten the sustainability of bona fide farming activities, but it can also create the negative perception that the WCDoA supports all ancillary uses on farm. The applicant's referral to the WCDoA letters of 'no objection' in respect of two other land use applications is case in point.

Taking agricultural infrastructure out of use by utilising it for non-agricultural purposes is problematic, particularly on a working farm. In terms of the current proposal, the Rustenburg Addiction Care Centre is leasing a 2.56ha portion of the farm werf comprising of the cellar, manor house and several other buildings (main house, Annex and cottage). All or some of these would need to be constructed elsewhere on the farm, negatively affecting building coverage and possibly compromising arable land.

The Integrated Zoning Scheme is still in draft format and relying on it in planning motivation is premature. The same principle applies in respect of the draft SDF.

This office furthermore disagrees with the argument that the 'introverted' environment would not be attainable within an urban environment. The issue at hand relates more to affordability than availability of land.

Please note:

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

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

Yours sincerely

Mr. CJ van der Walt
LANDUSE MANAGER: LANDUSE MANAGEMENT
2019-05-31

Copies:
Directorate Land Use and Sustainable Resource Management (A Geertsema)
National Department of Agriculture
Private Bag X 120
PRETORIA
0001

Department of Environmental Affairs & Development Planning Cape Town (H Janser)
1 Dorp Street
Cape Town
8000

Stellenbosch Municipality (P April)
PO Box 17
STELLENBOSCH
7599

81/72599(E10)

RECYCLE

HERSIRKULEER

MIH ARCHITECTS & PLANNERS
THIRD FLOOR, GRAPHIC CENTRE
199 LOOP STREET
CAPE TOWN
8001

525

Western Cape Government

Department of Environmental Affairs and Development Planning
D'mitri Matthews
Directorate: Development Management, Region 1
D'mitri.Matthews@westerncape.gov.za | Tel: 021 483 8350

REFERENCE: 16/3/3/6/B4/45/1114/22
DATE: 25/4/2022

The Director
MLH Architects and Planners
9th Floor
Graphic Centre
199 Loop Street
CAPE TOWN
8001

Attention: Mr. A. Goosen

Cell: 084 468 0914
Email: allen@mlh.co.za

Dear Sir

RE: APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED), WITH RESPECT TO THE PROPOSED REZONING FROM AGRICULTURAL/RURAL ZONE TO COMMUNITY ZONE: ERF 294, RAITHBY, STELLENBOSCH

1. The electronic correspondences dated 24 February 2022, as received by this Department on 7 March 2022, the electronic correspondences dated 7 and 21 April 2022 and the telephonic discussion on 21 April 2022, refer.

2. Following the review of the new information contained in the electronic correspondence, this Department notes the following:

   2.1 The proposal entails the spot rezoning (approximately 2,56ha) on Erf No. 294 from Agriculture and Rural Zone to Community Zone, to regularize the existing welfare institution with the appropriate zone. A new building of approximately 155m², forms part of the proposal.

3. Your attention is therefore drawn to the listed activities in terms of the NEMA EIA Regulations 2014 (as amended) as defined in Listing Notices ("LN") 1, 2 and 3 of 7 April 2017. Be advised that, based on the information provided, the proposed spot rezoning and the construction of a new building on the abovementioned property, **does not** constitute any listed activities as defined in terms of the NEMA EIA Regulations 2014 (as amended). Environmental Authorisation is therefore not required prior to the proposed development.

4. The above-mentioned is based on the following:

   4.1 There will be no clearance of indigenous vegetation to accommodate the new building.

   4.2 The new building will not be constructed within or within 32m of a watercourse.

4.3 The existing buildings that were converted will be regularised with an appropriate zoning.

5. However, should any future development of the consolidated portions trigger any listed activity in terms of the EIA Regulations, 2014 (as amended), an application form for Environmental Authorisation must be submitted to the Competent Authority and the Environmental Authorisation obtained prior to the development proposal being commenced with on the proposed site. The relevant application forms are available on this Department's website: www.westerncape.gov.za/eadp.

6. Please be advised that when the existing sewage system is to be replaced and upgraded, comment from the Department should be obtained in terms of the NEMA EIA Regulations 2014 (as amended).

7. You are further reminded of your general duty of care towards the environment in terms of section 28(1) of NEMA which states:
"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."

8. Please note that the applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.

9. Kindly quote the abovementioned reference number in any future correspondence concerning the proposed development.

10. This Department reserves the right to revise or withdraw its comments and request further information based on any information received.

Yours faithfully

Marbe pp Coetzee
Digitally signed by Marbe Coetzee
Date: 2022.04.25 15:44:16 +02'00'

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

Copy to: (1) Mr. S. van der Merwe (Stellenbosch Municipality) Email: schalk.vandermerwe@stellenbosch.gov.za

Our Ref: HM/ CAPE TOWN METROPOLITAN/SOMERSET WEST /ERF 294
Case No: 21090108SB0910E
Enquiries: Stephanie-Anne Barnardt
E-mail: stephanie.barnardt@westerncape.gov.za
Tel: 021 483 5959

ILifa leMveli leNtshona Koloni
Erfenis Wes-Kaap
Heritage Western Cape

Lize Malan
lize@lizemalan.co.za

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL
In terms of Section 38(1) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

NOTIFICATION OF INTENT TO DEVELOP: PROPOSED NEW BUILDING ON ERF 294, RUSTENBERG, OFF WINDERY ROAD, SOMERSET WEST, SUBMITTED IN TERMS OF SECTION 38(4) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 21090108SB0910E

The matter above has reference.

Heritage Western Cape is in receipt of the above application. This matter was discussed at the Heritage Officers meeting held on 27 September 2021.

You are hereby notified that, since there is no reason to believe that the proposed new building on Erf 294, Rustenberg, off Windery Road, Somerset West, 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.

.....
Waseefa Dhansay
Acting Deputy Director

Heritage Western Cape
Erfenis Wes-Kaap
ILifa leMveli leNtshona Koloni

29 SEPT 2021

Western Cape Government

Department of Environmental Affairs and Development Planning
Helene Janser
Directorate: Development Management (Region 2)
Helene.Janser@westerncape.gov.za | Tel: 084 585 2000

Reference: 15/3/2/12/BS2

MLH Architects & Planners
PO Box 15002
VLAEBERG
8018

FOR ATTENTION: ALLEN GOOSEN alleng@mlh.co.za

REQUEST FOR PROVINCIAL PLANNING COMMENT: APPLICATION FOR REZONING OF A PORTION OF ERF 294 RAITHBY, STELLENBOSCH DIVISION

1. Your request for comment, dated 24 February 2022, has reference.

2. The application as submitted by MLH is for the rezoning of ±5.26ha of Erf 294, Raithby from Agriculture and Rural Zone to Community Zone so as to permit the permanent and continued use of the Rustenburg Addiction Care Facility, which operation was permitted by means of a temporary departure, dated 28 July 2020. The current capacity of the facility is 40 patients, with an existing staff complement of 40 health care and administrative employees.

3. Although the Western Cape Land Use Guidelines – Rural Areas (March 2019) do not advocate for the placement of community facilities, such as rehabilitation and wellness centres, within rural areas, except when travel distances are too far apart or rural population concentrations justify their location, the Municipality may have grounds to depart from these requirements given that the facility has been operational for some time, with planning approval.

4. For the most part, the facility operates within existing buildings within the farm werf that could be utilised for an alternative purpose (with the appropriate zoning) without significant structural alternations. Although a new building of ±230m² is proposed for accommodation (6 bedrooms, 13 beds), this will not increase the current capacity of the facility but will merely accommodate the relocation of existing beds from another building.

5. From a provincial land use planning perspective there is, therefore, no objection to the development as proposed.

6. Should the Municipality, however, approve the proposed rezoning application and reimpose the conditions imposed in respect of the temporary land use departure, i.e. that the Rustenburg Addiction Care Facility provides subsidised treatment to ±10 individuals from previously disadvantaged backgrounds per annum, the Municipality should satisfy itself that the Facility's decision to subcontract this obligation to the Mudita Foundation, a registered NGO that provides substance abuse prevention and treatment programmes to previously disadvantaged, at-risk learners from schools in the Helderberg and Stellenbosch area, satisfies this proviso.

Kobus Munro Digitally signed by Kobus Munro
Date: 2022.03.28 14:42:01 +02'00'

DIRECTOR: DEVELOPMENT MANAGEMENT - REGION 2

Copy to: Bulelwa Mdoda, Stellenbosch Municipality

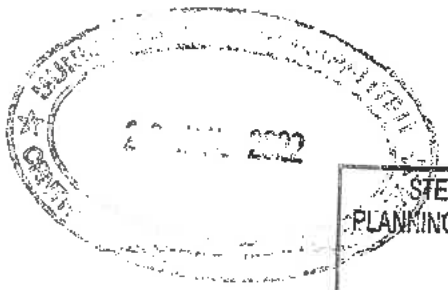
13

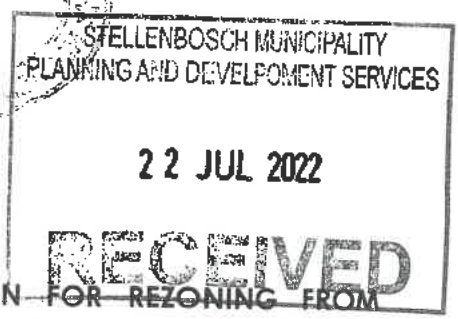
Western Cape Government

Transport and Public Works
Vanessa Stoffels
Chief Directorate: Road Planning
Vanessa.Stoffels@westerncape.gov.za | Tel: 021 483 4669

Ref: 16/9/6/1-25/297 (Job 26661)

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

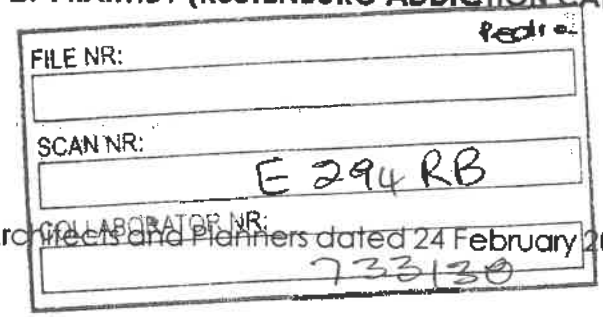




Attention: Mr Urich von Molendorff

Dear Sir

MAIN ROAD 166 AND MINOR ROAD OP04232: APPLICATION FOR REZONING FROM AGRICULTURE ZONE TO COMMUNITY ZONE: ERF 294 RAITHBY (RUSTENBURG ADDICTION CARE), STELLENBOSCH



1. The following refer:

1.1. The application as received from MLH Architects and Planners dated 24 February 2022 per registered post;

1.2. The Site Plan and Locality Plan Drawing Number SK00.10 Project Number 2021 134;

1.3. The latest emails dated 5 and 17 Mail 2022 from MLH Architects and Planners (Mr Allen Goosen) to the Branch relating to this allocation; and

1.4 Various emails from the Branch during 2019 and 2020 to MLH Architects and Planners relating to the previous Temporary Departure application dated 14 December 2018 for this property and proposed access positions onto Minor Road 4232 (OP04232) and Main Road (MR166) which remained unresolved.

2. This Application is now for rezoning of ±2.56ha of Erf 294, Raithby from Agriculture and Rural Zone to Community Zone for the establishment of a welfare institution for a health care facility (in-patient rehabilitation centre) of maximum 40-beds, for sufferers of substances abuse and eating disorders in existing buildings and a new building of ±230m².

3. The 1st entrance used at ±km2.51 is substandard in terms of minimum spacing from the OP04232/MR166 intersection, but it does not affect the 240m safe shoulder sight distances required for stop condition for the applicable 80km/h speed limit (for both P (passenger vehicles) and SU (single unit trucks)).

4. The 2nd entrance is only approximately 40m from MR166 and therefore substandard in terms of spacing and unsafe shoulder sight distance to the right (240m required and only approximately 40 m is available). Also affected is the adjacent access position at ±km 0.05 for Erf 640 and will be addressed during any land use application received for Erf 640.

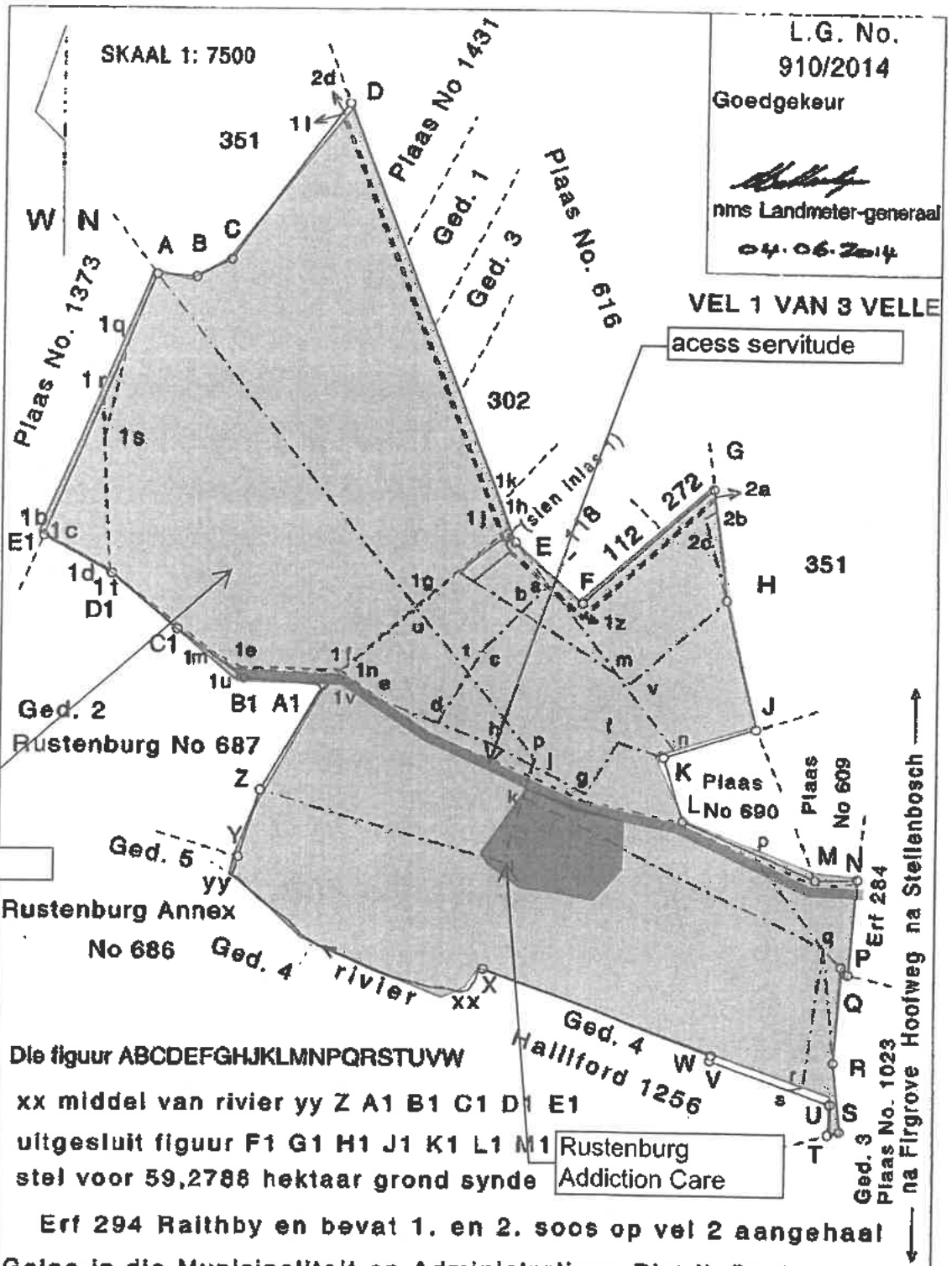
5. This Branch therefore offers no objection to the application for rezoning on condition that the 2nd access onto OP4232 at ±km0.04 be closed permanently by reinstating the fence and drainage within the road reserve through the removal of all evidence of the road access surface material which will be for the account of the applicant.

Yours Sincerely

SW CARSTENS
***For* DEPUTY DIRECTOR-GENERAL: ROADS**
DATE: 30 JUNE 2022

weergawe 2

OFFICE COPY



Die figuur ABCDEFGHJKLMNPQRSTUVW

xx middel van rivier yy Z A1 B1 C1 D1 E1

uitgesluit figuur F1 G1 H1 J1 K1 L1 M1

stel voor 59,2788 hektaar grond synde Erf 294 Raithby en bevat 1. en 2. soos op vel 2 aangehaal

Gelee in die Munisipaliteit en Administratiewe Distrik Stellenbosch
Provinsie Wes-Kaap

Saamgestel in April 2014
deur my

N. Loubser (PLS 0892) Pr. Landmeter

Hierdie kaart is geheg aan No. CCT 51062/2014 gedateer t.g.v. Registrateur van Aktes	Die oorspronklike kaarte is soos op vel 2 aangehaal	Leer No. Stel.599 M.S. No. Saamgestel Komp.AH-2BAA (3282) AHND-2294 (M4353) AHND-24 (M3791) LPI C0670018

Erf 294 Raithby

OFFICE COPY

L.G. No.
910/2014
Goedgekeur

nms Landmeter-generaal
04-06-2014.

VEL 3 VAN 3 VELLE

Serwituut notas :

1. Die gestippelde lyn 1m 1n L stel voor die middellyn van 'n serwituut Reg van oorpad en die lyn LMN stel voor die noordoostelike grens van 'n serwituut Reg van oorpad, 5,67m wyd Sien Diagram L.G. No. 10746/1951; S/A 1955- -286

2. Die figuur D E a K1 2d stel voor 'n 12,59m Serwituutpad Sien Dgm. 299/1814, Stel.Q.4-62, Stel.L.2B-187

3. Die figuur E F G 2a 1z a stel voor 'n 12,59m Serwituutpad. Sien Dgm. No. 1907/1919 T/A 1919-178-10902

4. Die stippellyn 1q 1s 1t stel voor die middellyn van 'n Elektriese kraglynserwituut, 11m wyd aan beide kante Sien Diagram No. 8324/1996, S/A

5. Die stippellyn 1r 1t stel voor die middellyn van 'n Elektriese kraglynserwituut. Sien Diagram No. 6382/1957, S/A 42/1966

~~6. Die stippellyn 1b 1e 1d 1c 1f 1g stel voor die middellyn van 'n Serwituutpyplyn, 5m wyd, behalwe waar die eindomsgrens nader is as genoemde afstand van die grens. Sien Diagram No. 7515/1998~~

~~7. Die stippellyn 1g 1h 1j 1k stel voor die middellyn van 'n Serwituutpyplyn, 5m wyd, behalwe waar die eindomsgrens nader is as genoemde afstand van die grens. Sien Diagram No. 7514/1998~~

8. Die lyn 1l 1x en L1 1z en 1z 2a stel voor die suidwestelike-, noordoostelike- en noordwestelike grens, van 'n serwituutpyplyn 3m wyd, onderskeidelik. Sien Diagram No. 909/2014

Erf 294 Raithby

Gelee in die Munisipaliteit en Administratiewe Distrik Stellenbosch Provinsie Wes-Kaap

Saamgestel in April 2014

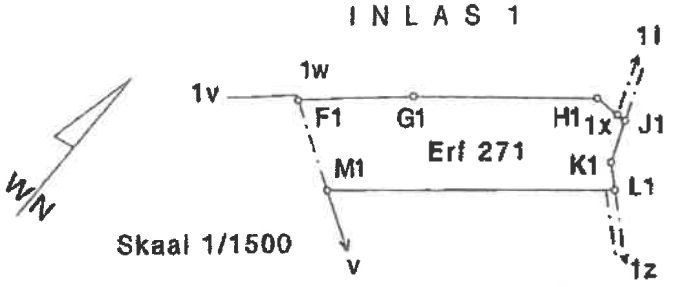
deur my

N. Loubser (PLS 0892) Pr. Landmeter

OFFICE COPY

weergawe 2

INLAS 1



Skaal 1/1500

L.G. No.
910/2014
Goedgekeur

nms Landmeter-generaal
04.06.2014

VEL 2 VAN 3 VELLE

Komponente :

1. Die figuur A B C D E F G H v M1 L1 K1 J1 H1 G1 F1 1w 1v 1u C1 D1 E1 stel voor Erf 293 Raithby.
   Sien Diagram L.G. No. 909/2014

2. Die figuur H J K L M N P Q R S T U V W xx middel van rivier yy Z A1 B1 1u 1v 1w v stel voor Erf 246 Raithby.
   Sien Diagram L.G. No. 7988/1990; T/A 1991- -69323

Erf 294 Raithby

Gelee in die Munisipaliteit en Administratiewe Distrik Stellenbosch
Provinsie Wes-Kaap

Saamgestel in April 2014
deur my

N. Loubser (PLS 0892)
Pr. Landmeter

ANNEXURE B

Portfolio of Evidence Checklist

July 2021v2

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

www.stellenbosch.gov.za/planning-portal/

SUBMIT COMPLETED FORM TO RELEVANT LAND USE MANAGEMENT ADMINISTRATOR

LAND USE PLANNING APPLICATION: PUBLIC PARTICIPATION PROCESS
PORTFOLIO OF EVIDENCE (POE) CHECKLIST AND DECLARATION

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

Erf / Farm no	**294**	**Portion(s) if farm**	**N/A**	**Allotment Area**	**Raithby**
Owner/ Applicant	**MLH Architects and Planners**			**LU/#**	**13380**
Notice Period	**From:**	**12 April 2021**		**To:**	**12 May 2021**

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

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

KINDLY NOTE:

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

COMPLETE AND SIGN THE FOLLOWING DECLARATION

DECLARATION

I, (full names & surname) Allen Goosen

and ID No: 6409145101083, as the Applicant for the above application, hereby confirms:

1) the public participation process for the subject application was duly undertaken in accordance with the instruction for such process and the associated requirements stipulated in the Stellenbosch Municipal Land Use Planning Bylaw;
2) the information contained in the above checklist and the accompanied information and documentation in the Portfolio of Evidence for the concluded public participation process, are accurate and complete; and
3) the personal information (e.g. name, address, contact details) of interested and affected parties as supplied by the Municipality was only used for official municipal communication matters with reference to the Protection of Personal Information Act 4 of 2013 (POPI).

Duly signed on 13 June 2022 at Cape Town

Date Place

Signature

BRANCH MANAGER
Post Office
13 JUN 2022
VLAEBERG 8018

"I certify that the DEPONENT has acknowledged that he/she knows and understands the contents of this affidavit, that he/she does not have an objection to taking the oath, and that he/she considers it to be binding on his/her conscience, and which was sworn to and signed before me and that the aforementioned oath complied with the regulations contained in Government Gazette No. R 1258 of 21 July 1972 as amended.

SIGNATURE
Commissioner of Oaths
Designation: BRANCH MANAGER ex officio Republic of South Africa
Date:
Area:
Business Address:

FULL NAMES
Stacous Jordaan
13 JUN 2022
1st Floor, Standard Bank Building, Cape Town

For office use only	
CHECKED BY ADMINISTRATIVE OFFICER	
CHECKED BY TOWN PLANNER	
DATE VERIFIED	14/06/2022

NOTES TO BE RECORDED:

ANNEXURE C

Copy of Registered Letter to Interested & Affected Parties

Interested & Affected Parties

Farm 1023/1
[redacted]
West Side Cottage
Portion 1 of Farm 1023
Vredenburg, Raithby
Stellenbosch
7600

Farm 1256/4
[redacted]
PO Box 5203
Helderberg
7135
Attention: [redacted]

Farm 1256/2
[redacted]
Private Bag X15
Somerset West
7129

Farm 686/4
[redacted]
Normandy Farm
Winery Road
Stellenbosch
7600

Farm 687/2
[redacted]
PO Box 1609
Cape Town
8000
Attention [redacted]

Farm 1373
[redacted]
PO Box 1609
Cape Town
8000
Attention [redacted]

Farm 1431
[redacted]
PO Box 5667
Helderberg
7135
Attention [redacted]

Farm 616/1
[redacted]
Gelvanpark
Port Elizabeth
6001

Farm 690
[redacted]
PO Box 5231
Helderberg
7135
Attention: [redacted]

Farm 616/3
[redacted]
The Reeds
0158
Attention: [redacted]

Farm 609
[redacted]
Helena Heights
Somerset West
7130
Attention: [redacted]

Farm 691/2
[redacted]
Portion 2 Erf 691
Longmead Farm
[redacted]
Stellenbosch
7600

Farm 1023
[redacted]
Heldervue
7135

Erf 302
[redacted]
Firgrove
7110

Erf 112
[redacted]
Erf 112
[redacted]
Raithby
Firgove
7110

Erf 284
[redacted]
Cape Town
8000
Attention: [redacted]

Erf 351
[redacted]
Cape Town
8000
Attention; [redacted]

Erf 118
[redacted]
Firgrove
7110

Erf 272
[redacted]
Raithby
7130

Community Organizations

Stellenbosch Interest Group
PO Box 2217
Dennesig
7601

Raithby Ratepayers Association
89 Shaw Street
Raithby
7130

Stellenbosch Agricultural Society
PO Box 204
Stellenbosch
7599

mlh architects & planners

3rd Floor, Graphic Centre
199 Loop Street,
Cape Town, 8001, South Africa
PO Box 15002, Vlaeberg, 8018
Tel +27 21 424 3210
E-mail reception@mlh.co.za
Web www.mlh.co.za

NOTICE OF LAND DEVELOPMENT APPLICATION TO INTERESTED AND AFFECTED PARTIES FOR COMMENT

24 February 2022

XXXXX
XXXXX
XXXXX
XXXXX

Dear Sir/Madam

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

Application Property Address: Rustenburg Farm, Winery Road, Raithby

Application Property Number: Erf 294 Raithby

Applicant: mlh architects and planners
Email: alleng@mlh.co.za
Contact No.: 021 4243210

Owner: The Milnerton Estates Ltd;
email: andrew@me-group.co.za
Contact No.: 021 464 3100

Application Reference: LU/13380

Application Type:

Rezoning from Agricultural/Rural zone to Community Zone: Erf 294, Raithby (Rustenburg Addiction Care)

Application in terms of Section 15(2)(a) of the Stellenbosch Municipality Land Use Planning By-Law (2015) for the rezoning of ±2.56ha of Erf 294, Raithby from Agriculture and Rural Zone to Community Zone for the establishment of a welfare institution for a health care facility (in-patient rehabilitation centre) of maximum 40-beds, for sufferers of substances abuse and eating disorders in existing buildingsand a new building of ±230m².

Notice is hereby given in terms of the provisions of Section 46 of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said bylaw with the following requirements and particulars:

Directors: Paul Truscott B.Arch (UCT) M.Arch (Penn. US) PrArch (4246), Andrew Luger B.Sc. Hons (UCT) MCRP (UCT) Pr.Pln (A/1115/1999), Belinda Young B.Arch (UCT) PrArch (6095),
Ilan Goosen B.Tech TRP (C. Tech) Dip. GIS (UP) MPhil UDM (UCT) Pr.Pln (A/1991/2014), Frik Vermeulen B.Tech TRP (C. Tech) MPhil CBE (UCT) MAPHP Pr.Pln (A/1617/2012), Donovan Clarke B.Arch (UCT) PrArch (24751048)
Associates:, Andrew Goodwin B.Arch (UCT) PrArch, Wayne Williamson ND Arch.Tech (CPUT) PrArchT,
Project Administrator: Ashwin Valensky
MLH Architects and Planners (Cape) Pty. Ltd., Reg. No. 1988/001829/07, Trading as MLH Architects and Planners, VAT No. 4110188905.

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address,
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
    - Indicate the facts and circumstances that explain the comments;
    - Where relevant demonstrate the undesirable effect that the application will have if approved;
    - Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
    - Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows: **Allen Goosen mlh architects & planners: email alleng@mlh.co.za**. By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **28 March 2022**.

It should be noted that the Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/ objection received after the closing date.

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at (**021-4243210**) during normal office hours.

Yours faithfully

Allen Goosen
mlh architects & planners

mlh architects & planners

3rd Floor, Graphic Centre
199 Loop Street,
Cape Town, 8001, South Africa
PO Box 15002, Vlaeberg, 8018
Tel +27 21 424 3210
E-mail reception@mlh.co.za
Web www.mlh.co.za

KENNISGEWING VAN GROND ONTWIKKELINGS AANSOEK AAN GEïNTRESEERDE EN GEAFFEKTEERDE PARTYE VIR KOMMENTAAR.

24 Februarie 2022

XXXX
XXXX
XXXX
XXXX

Geagte Meneer/Mevrou

Die volgende grondgebruiksaansoek in terme van Stellenbosch se Verordeninge op Grondgebruikbeplanning, 2015, verwys:

Adres van aansoek eiendom: Rustenburg Plaas, Winery Road

Aansoek eiendom beskrywing: Plaas 294 Raithby

Aansoeker: mlh argitekte & beplanners
Epos: alleng@mlh.co.za
Contact No.: 021 4243210

Eienaar: The Milnerton Estates Ltd
Email: andrew@me-group.co.za
Contact No.: 021 464 3100

Aansoek Verwysing: LU/13380

Tipe Aansoek:

Hersonering van Landbou/Landelikesone na Gemeenskapsone: Erf 294, Raithby (Rustenburg Addiction Care)

Aansoek word gedoen ingevolge Artikel 15(2(a) van die Stellenbosch Verordering op Munisipale Grondgebruiksbeplanning, 2015, vir die hersonering van 'n ±2.56ha gedeelte van erf 294, Raithy, van Landbou en Landeliksone na Gemeenskapsone vir die vestiging van 'n welsynsinstansie (in-pasiënt rehabilitasiesentrum) vir maksimum 40-beddens, vir lyers aan dwelm middels en eetversteurings in betaande en 'n nuwe gebou van ±230m².

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres: https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements. Indien die webtuiste of tersaaklike dokumente nie toeganglik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terms van Artikel 50 van die tersaaklike Verordening wat die volgende vereistes en besonderhede moet bevat:

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsite van die volgende aspekte:
    - Die feite en omstandighede aantoon wat die die kommentaar toelig;
    - Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
    - Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
    - Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: **Allen Goosen; mlh argitekte en beplanners; alleng@mlh.co.za.** Deur 'n beswaar, kommentaar of vertoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van
28 Maart 2022.

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word.

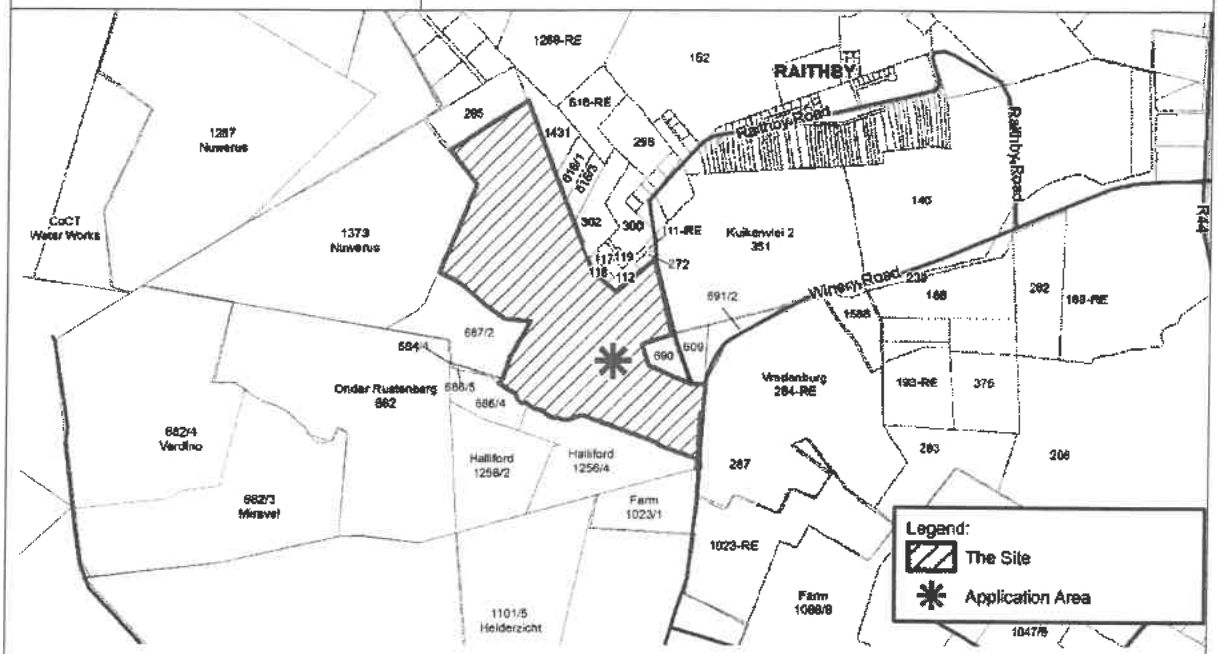
Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by 021-4243210 gedurende normale kantoor ure.

Die uwe

Allen Goosen
mllh argitekte & beplanners

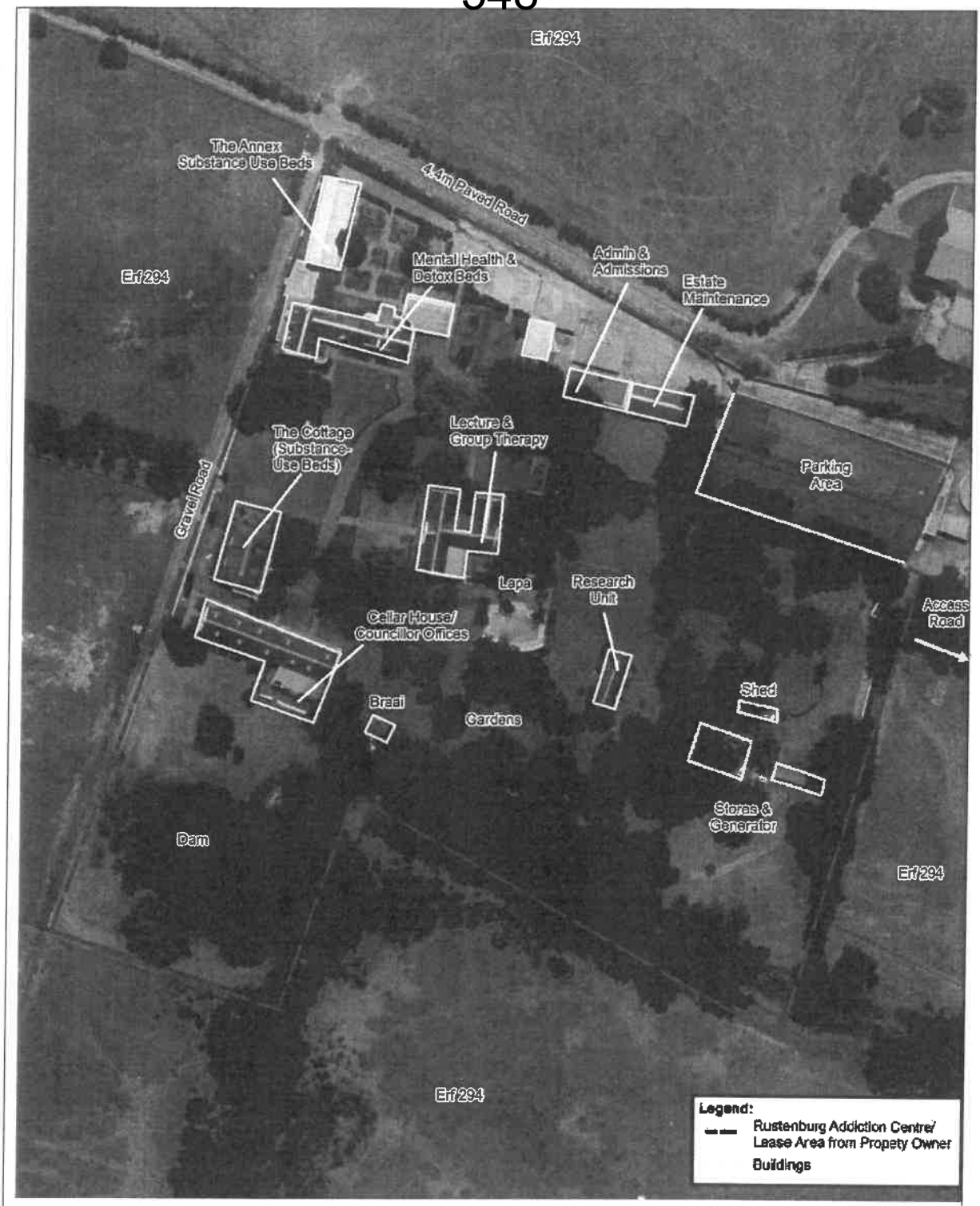
ERF 294, RAITHBY – REZONING

Introduction	Erf 294 is known as Rustenburg and it is situated close to Raithby within the local Winery Road – Raithby valley. The proposed rezoning is to ensure the continued use of existing buildings (on ±2.56ha of the property) as an in-patient rehabilitation centre, which treats substance abuse and eating disorders. The facility is being managed by Rustenburg Addiction Care and has been operating for the last eight years on the site under a temporary land use departure.



Locality Plan

Summary of Development	• The "in-patient rehabilitation centre" will continue to accommodate a maximum of 40 patients; • The extent of the facility will remain unchanged; • Adequate on-site parking is provided; • Updated installation of existing services will be done; • The centre has been a success during its time operating from the site, with no negative implications to the local area, while providing an important health-care service in addition to the permanent employment; • The facility is fully-licenced by the Department of Social Development and Health; • In addition to providing in-patient treatment to sufferers of substance abuse and eating disorders, the Centre also provides subsidised, off-site treatment to previously disadvantaged, at-risk learners from schools in the Helderberg and Stellenbosch area;



Site Plan: Existing Facilities

External Departments

Department of Agriculture
Private Bag X1
Elsenburg
7607

Directorate: Land Use Management
Private Bag X120
Pretoria
0001

Department of Transport and Public Roads
Deputy Director-General: Roads Infrastructure
PO Box 2603
Cape Town
8000

The District Roads Engineer (Paarl)
Private Bag X 6003
Paarl
7624
Attention: Mr G van Schalkwyk

Department of Water Affairs & Forestry
Private Bag X16
Sanlamhof
7532

Dept. of Environmental Affairs & Development Planning
Private Bag X 9086
Cape Town
8000
Attention: Mare-Lies Oosthuizen

Dept. of Environmental Affairs & Development Planning
Private Bag X 9086
Cape Town
8000
Director: Development Management Region 2
Attention: Kobus Munro

Heritage Western
Private Bag X9067
Cape Town
8000

mlh architects & planners

3rd Floor, Graphic Centre
199 Loop Street,
Cape Town, 8001, South Africa
PO Box 15002, Vlaeberg, 8018
Tel +27 21 424 3210
E-mail reception@mlh.co.za
Web www.mlh.co.za

NOTICE OF LAND DEVELOPMENT APPLICATION TO INTERESTED AND AFFECTED PARTIES FOR COMMENT

24 February 2022

XXXX
XXXX
XXXX
XXXX

Dear Sir/Madam

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

Application Property Address: Rustenburg Farm, Winery Road, Raithby

Application Property Number: Erf 294 Raithby

Applicant: mlh architects and planners
Email: alleng@mlh.co.za
Contact No.: 021 4243210

Owner: The Milnerton Estates Ltd;
email: andrew@me-group.co.za
Contact No.: 021 464 3100

Application Reference: LU/13380

Application Type:

Rezoning from Agricultural/Rural zone to Community Zone: Erf 294, Raithby (Rustenburg Addiction Care)

Application in terms of Section 15(2)(a) of the Stellenbosch Municipality Land Use Planning By-Law (2015) for the rezoning of ±2.56ha of Erf 294, Raithby from Agriculture and Rural Zone to Community Zone for the establishment of a welfare institution for a health care facility (in-patient rehabilitation centre) of maximum 40-beds, for sufferers of substances abuse and eating disorders in existing buildingsand a new building of ±230m².

Notice is hereby given in terms of the provisions of Section 46 of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said bylaw with the following requirements and particulars:

Directors: Paul Truscott B.Arch (UCT) M.Arch (Penn, US) PrArch (4246), Andrew Luger B.Sc. Hons (UCT) MCRP (UCT) Pr.Pln (A/1115/1999), Belinda Young B.Arch (UCT) PrArch (6095),
Jen Goosen B.Tech TRP (C. Tech) Dip. GIS (UP) MPhil UDM (UCT) Pr.Pln (A/1991/2014), Felk Vermeulen B.Tech TRP (C. Tech) MPhil CBE (UCT) MAPHP Pr.Pln (A/1617/2012), Donovan Clarke B.Arch (UCT) PrArch (24751048)
Associates:, Andrew Goodwin B.Arch (UCT) PrArch, Wayne Williamson ND Arch.Tech (CPUT) PrArchT.
Project Administrator: Ashwin Valensky
MLH Architects and Planners (Cape) Pty. Ltd., Reg. No. 1968/001829/07, Trading as MLH Architects and Planners, VAT No. 4110168905.

mlh architects & planners

3rd Floor, Graphic Centre
199 Loop Street,
Cape Town, 8001, South Africa
PO Box 15002, Vlaeberg, 8018
Tel +27 21 424 3210
E-mail reception@mlh.co.za
Web www.mlh.co.za

KENNISGEWING VAN GROND ONTWIKKELINGS AANSOEK AAN GEÏNTRESEERDE EN GEAFFEKTEERDE PARTYE VIR KOMMENTAAR.

24 Februarie 2022

xxxx
xxxx
xxxx
xxxx

Geagte Meneer/Mevrou

Die volgende grondgebruiksaansoek in terme van Stellenbosch se Verordeninge op Grondgebruikbeplanning, 2015, verwys:

Adres van aansoek eiendom: Rustenburg Plaas, Winery Road

Aansoek eiendom beskrywing: Plaas 294 Raithby

Aansoeker: mlh argitekte & beplanners
Epos: alleng@mlh.co.za
Contact No.: 021 4243210

Eienaar: The Milnerton Estates Ltd
Email: andrew@me-group.co.za
Contact No.: 021 464 3100

Aansoek Verwysing: LU/13380

Tipe Aansoek:

Hersonering van Landbou/Landelikesone na Gemeenskapsone: Erf 294, Raithby (Rustenburg Addiction Care)

Aansoek word gedoen ingevolge Artikel 15(2(a) van die Stellenbosch Verordering op Munisipale Grondgebruiksbeplanning, 2015, vir die hersonering van 'n ±2.56ha gedeelte van erf 294, Raithy, van Landbou en Landeliksone na Gemeenskapsone vir die vestiging van 'n welsynsinstansie (in-pasiënt rehabilitasiesentrum) vir maksimum 40-beddens, vir lyers aan dwelm middels en eetversteurings in betaande en 'n nuwe gebou van ±230m².

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Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **25 April 2022.**

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by 021-4243210 gedurende normale kantoor ure.

Die uwe

Allen Goosen
mlh argitekte & beplanners

ERF 294, RAITHBY – REZONING

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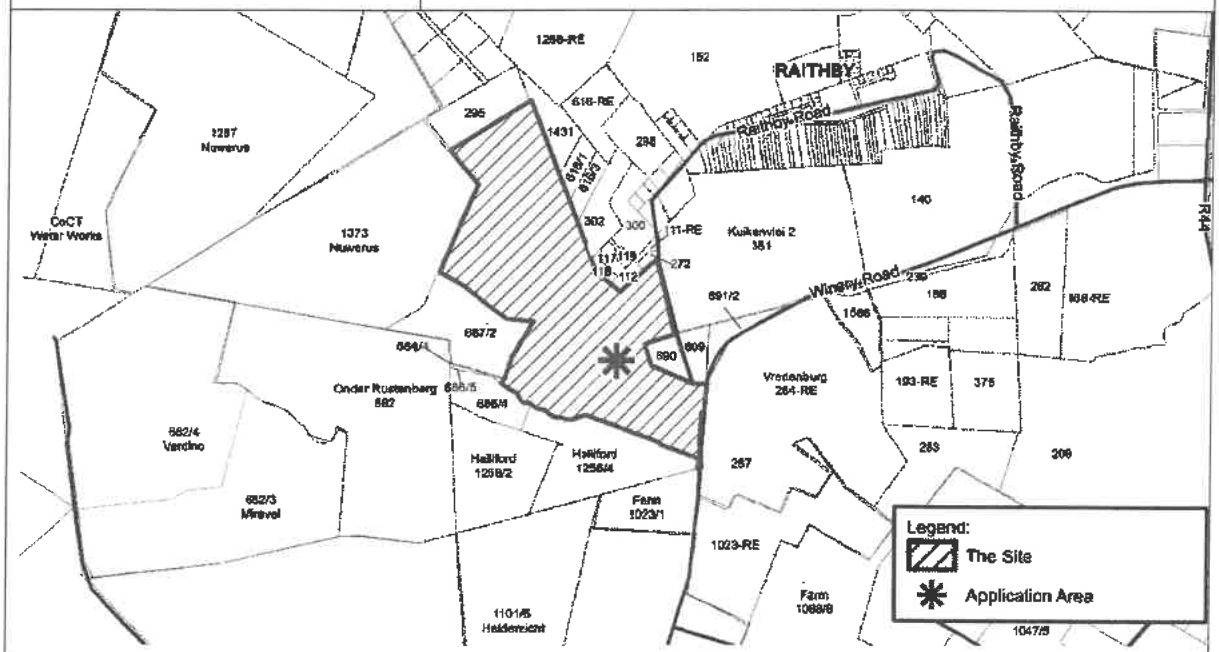
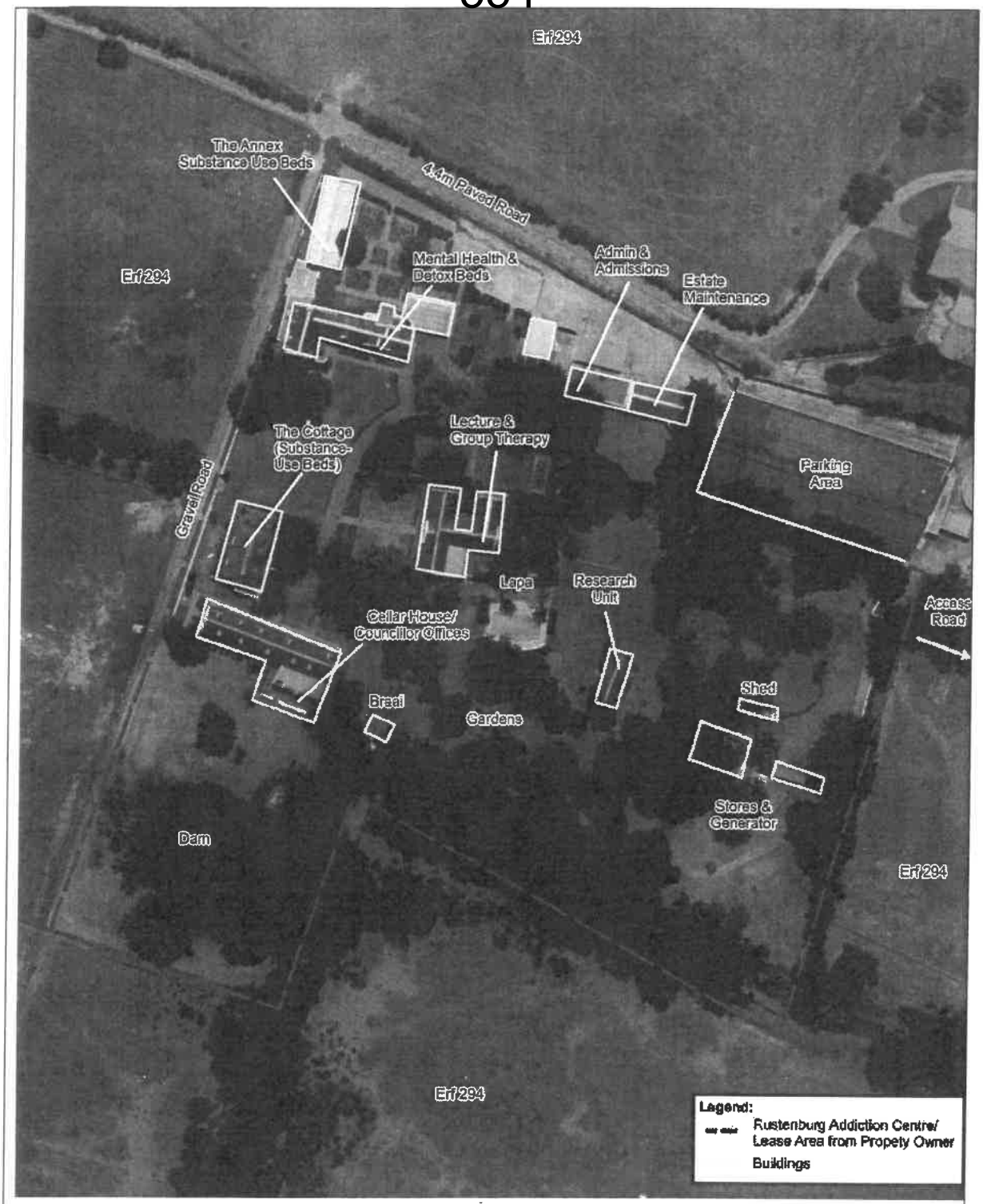
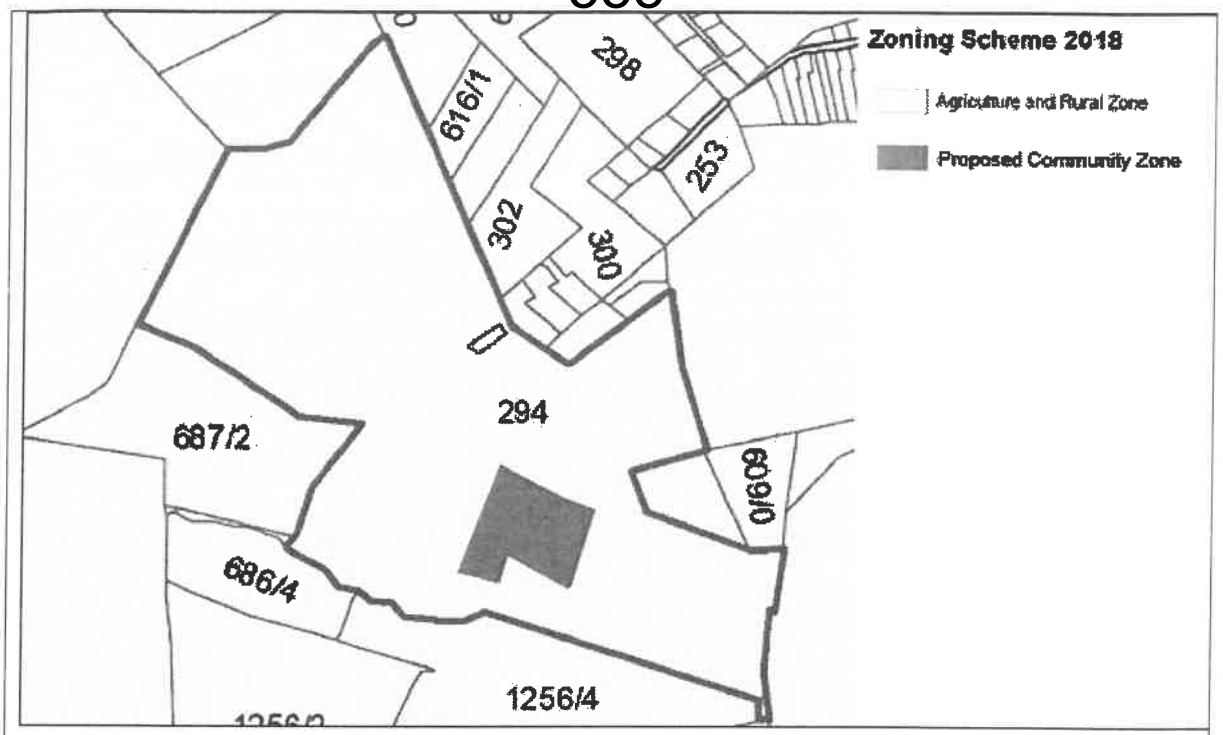


Locality Plan

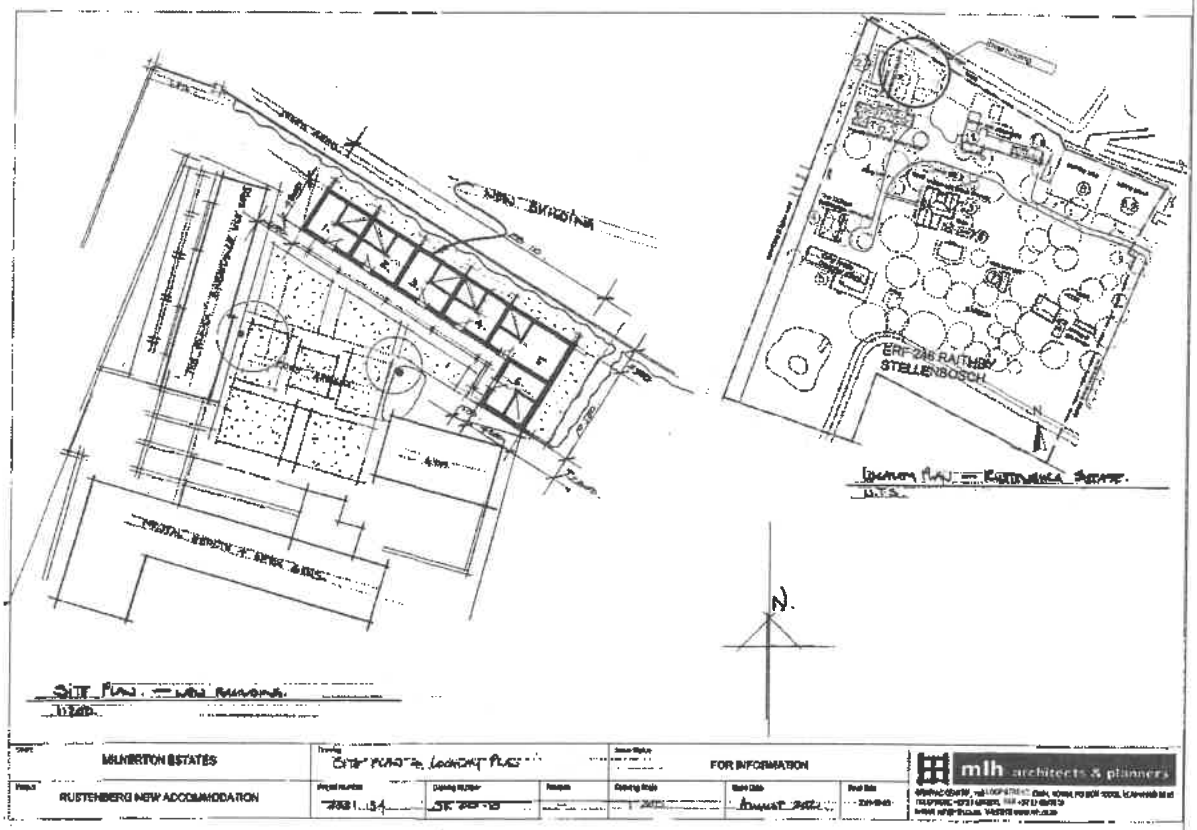
Summary of Development	• The "in-patient rehabilitation centre" will continue to accommodate a maximum of 40 patients; • The extent of the facility will remain unchanged; • Adequate on-site parking is provided; • Updated installation of existing services will be done; • The centre has been a success during its time operating from the site, with no negative implications to the local area, while providing an important health-care service in addition to the permanent employment; • The facility is fully-licenced by the Department of Social Development and Health; • In addition to providing in-patient treatment to sufferers of substance abuse and eating disorders, the Centre also provides subsidised, off-site treatment to previously disadvantaged, at-risk learners from schools in the Helderberg and Stellenbosch area;



Site Plan: Existing Facilities



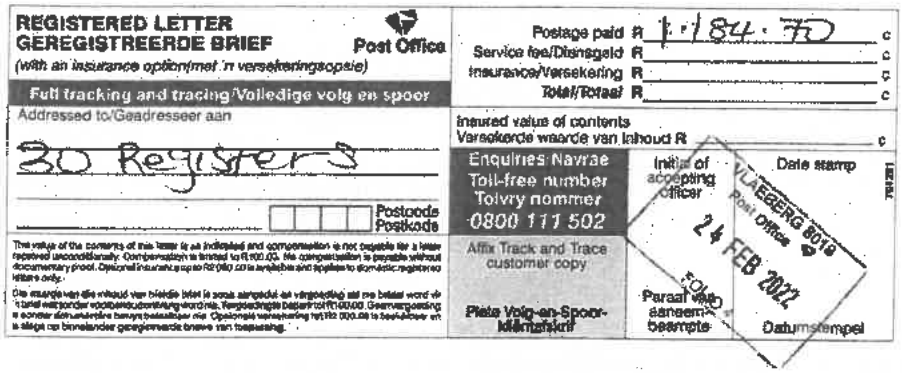
Existing & Proposed Spot Rezoning



Existing and Proposed Building

ANNEXURE E

Original Registered Postal Slips



REGISTERED LETTER
GEREGISTREERDE BRIEF
(with an insurance option/met 'n versekeringsopsie)

Post Office

Full tracking and tracing/Volledige volg en spoor

Postage paid R 1.184.70 c
Service fee/Dienstgeld R c
Insurance/Versekering R c
Total/Totaal R c

Addressed to/Geadresseer aan

30 Registers

Postcode
Postkode

Insured value of contents
Versekerde waarde van inhoud R c

Enquiries Navrae
Toll-free number
Tolvry nommer
0800 111 502

Initial of accepting officer

Date stamp

VLAEBERG 8018
Post Office
24 FEB 2022
FOR

Affix Track and Trace customer copy

Plaats Volg-en-Spoor-klientafskrif

Paraaf van aanneembeampte

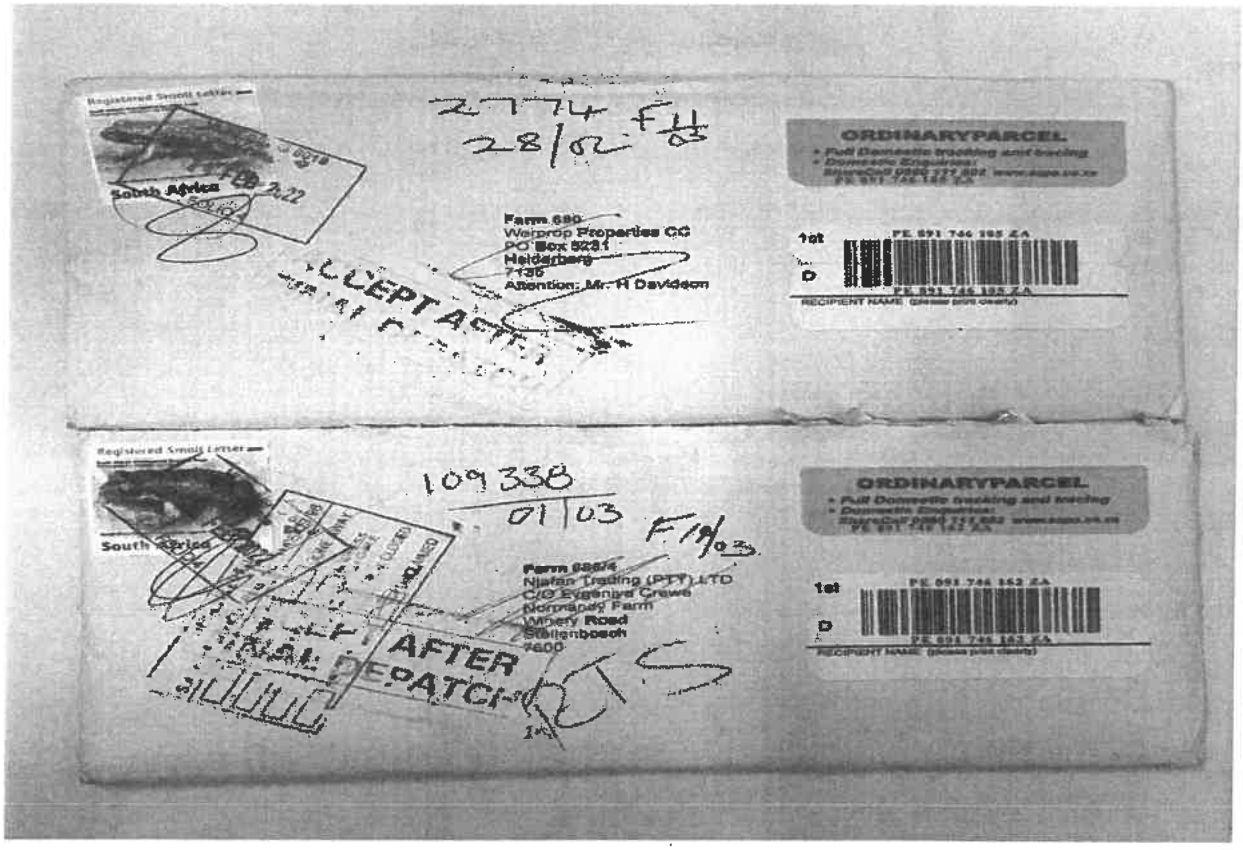
Datumstempel

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

Die waarde van die inhoud van hierdie brief is soos aangedui en vergoeding sal nie betaal word vir 'n brief wat sonder voorbehoudontvang word nie. Vergoedingte beperk tot R100.00. Geen vergoeding is sonder dokumentêre bewys betaalbaar nie. Opsionele versekering tot R2 000.00 is beskikbaar en is slegs op binnelandse geregistreerde brieve van toepassing.

ANNEXURE F

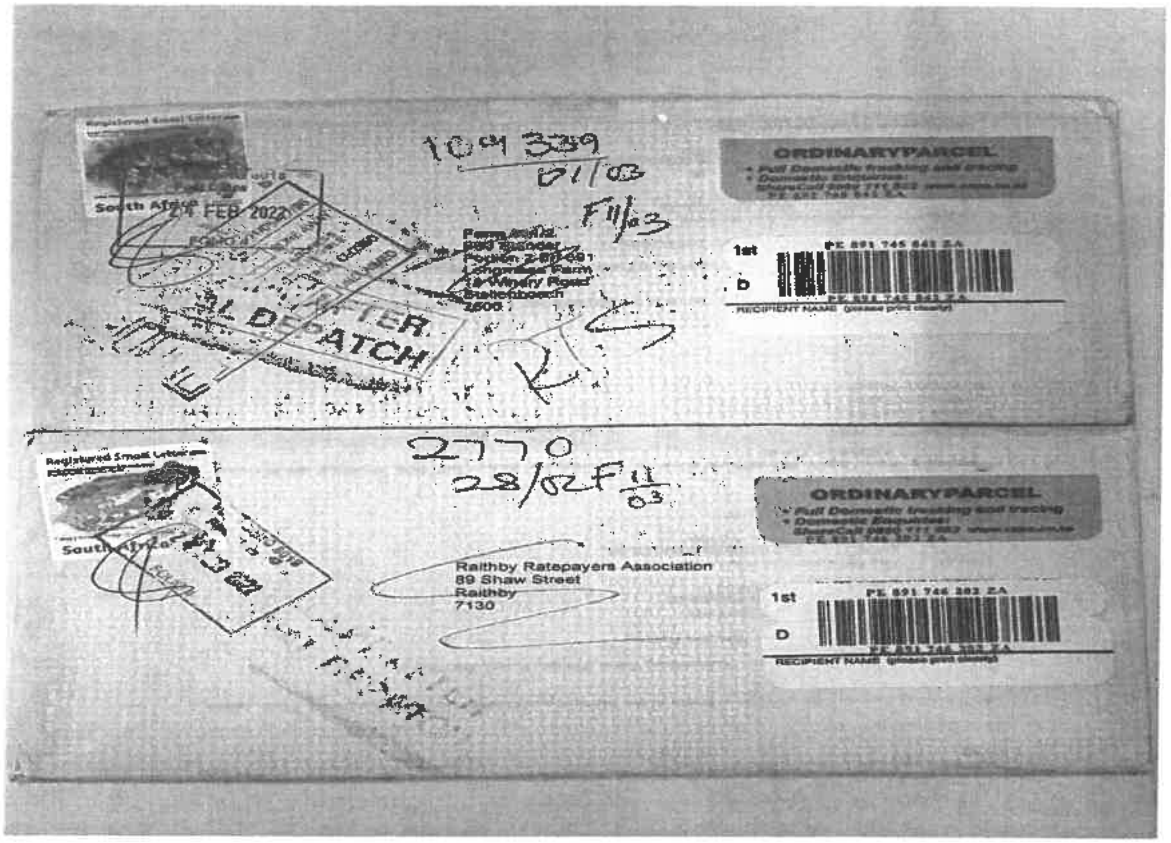
Unclaimed Registered Mail

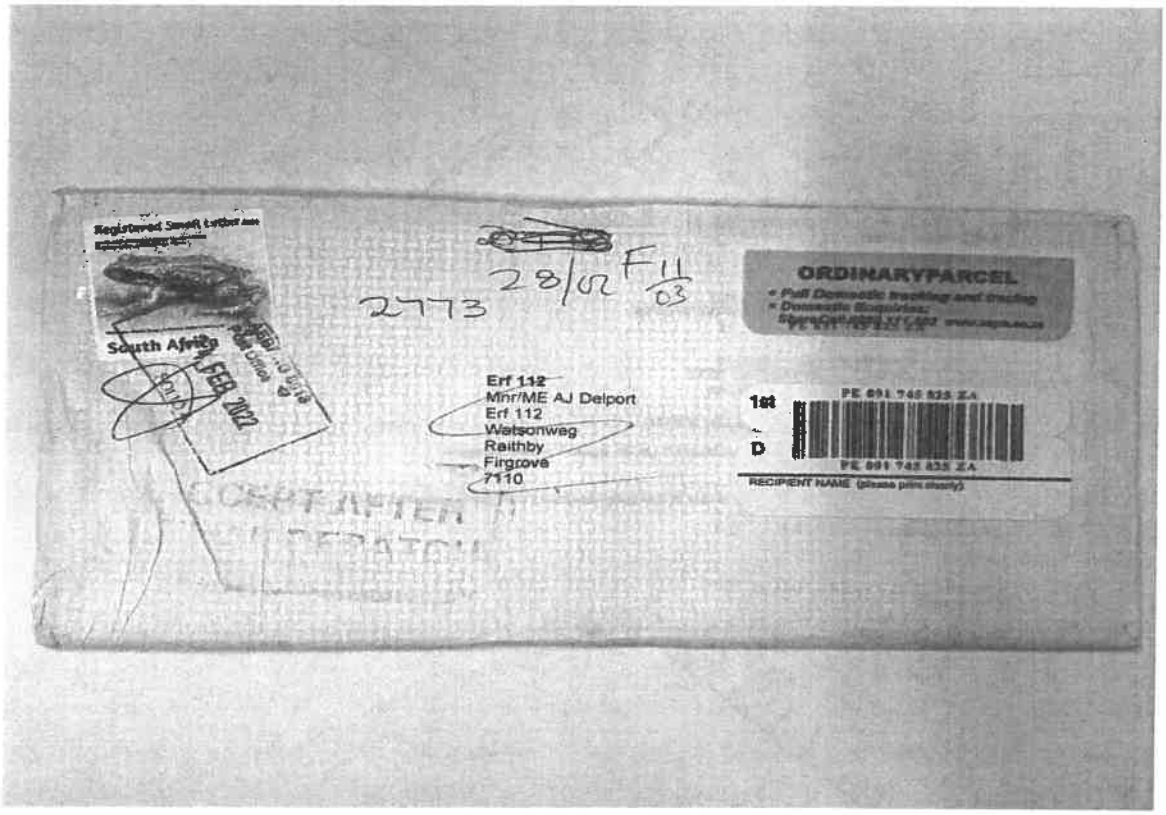

Registered Small Letter
South Africa
2774
28/02
F 11/03
ORDINARYPARCEL
Farm 680
Werprop Properties CC
PO Box 5231
Helderberg
7135
Attention: Mr. H Davidson
1st
D
PE 891 746 105 ZA
RECIPIENT NAME (please print clearly)
Registered Small Letter
South Africa
109338
01/03
F 19/03
ORDINARYPARCEL
Farm 686/4
Njafan Trading (PTY) LTD
C/O Eugenia Crewe
Normandy Farm
Winery Road
Stellenbosch
7600
1st
D
PE 891 746 162 ZA
RECIPIENT NAME (please print clearly)
AFTER
FINAL DEPATCH
RTS

EG LOCAL LETTER SMALL
24 FEB 2022
2780
28/02
F 11/03
ORDINARYPARCEL
Farm 1256/4
Banhoek Vineyards (PTY)
PO BOX 5203
Helderberg
7135
Attention : P Van Der Spuy
1st
D
PE 891 746 043 ZA
RECIPIENT NAME (please print clearly)
ACCEPT AFTER
FINAL DEPATCH
Registered Small Letter
5962
28/2
F 14/03
ORDINARYPARCEL
Erf 118
Mev VM De Bruyn
Pobus 2
Firgrove
7110
1st
D
PE 891 745 860 ZA
RECIPIENT NAME (please print clearly)
UNCLAIMED RTS
2022 -03- 31
SOMERSET WEST 7129

109340
01/13
F11/03
ORDINARYPARCEL
Farm 1023/1
Extra Dimensions 218
C/O Mr. MB Lansdell
West Side Cottage
Portion 1 of Farm 1023
Vredenburg, Reithby
Stellenbosch
7600
1st
D
RECIPIENT NAME (please print clearly)
2775
28/02 F11/03
ORDINARYPARCEL
Registered Small Letter
South Africa
24 FEB 2022
FOLIO 4
Farm 1023
Elsabe Francis Trust
Posbus 5417
Heldervue
7135
1st
D
RECIPIENT NAME (please print clearly)
ACCEPT AFTER
FINAL DEPATCH

5963
28/2. F 14/03
ORDINARYPARCEL
Registered Small Letter
South Africa
24 FEB 2022
FOLIO 4
Erf 302
GE Delport
Posbus 9
Firgrove
7110
1st
D
RECIPIENT NAME (please print clearly)
UNCLAIMED RTS
2022 -03- 31
SOMERSET WEST 7129
ACCEPT AFTER
FINAL DEPATCH
2772
28/02 F11/03
ORDINARYPARCEL
Registered Small Letter
South Africa
24 FEB 2022
FOLIO 4
Farm 609
Unicat Hire CC
208 Irene Road
Helena Heights
Somerset West
7130
Attention: Etienne Bruwer
1st
D
RECIPIENT NAME (please print clearly)
ACCEPT AFTER
FINAL DEPATCH

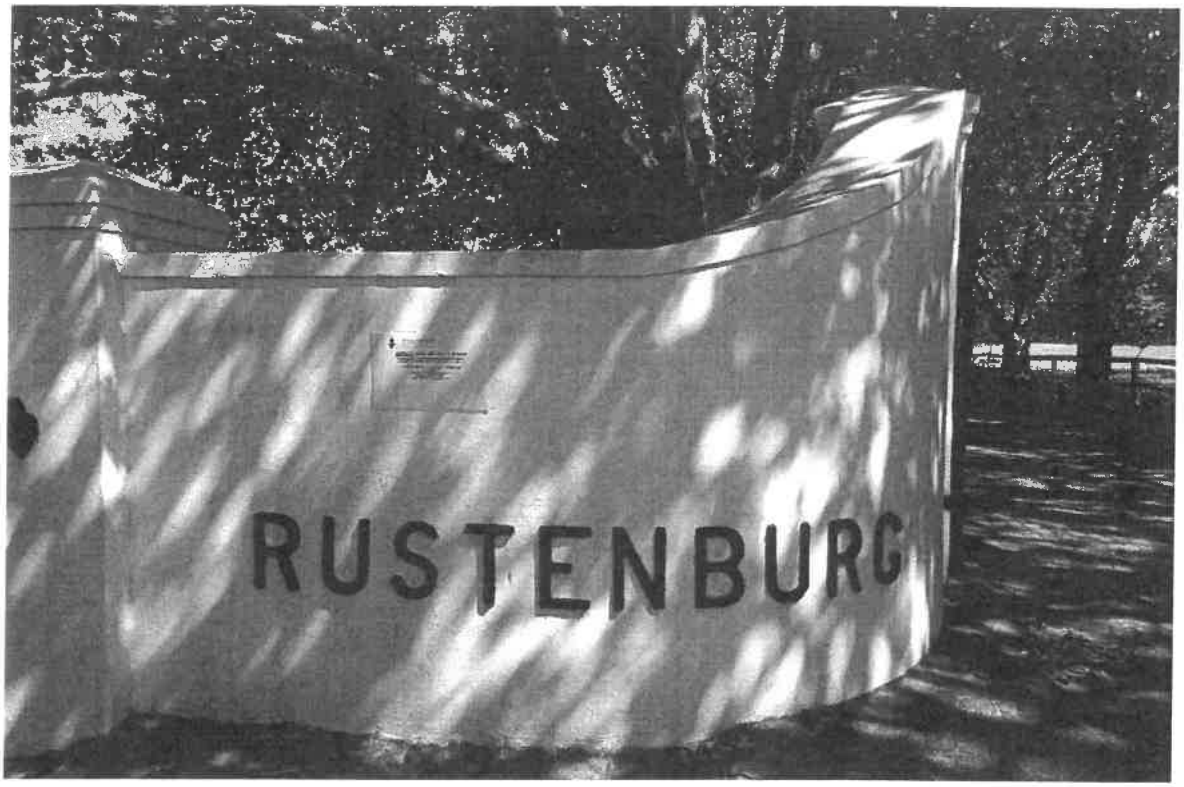

Registered Small Letter
South Africa
24 FEB 2022
104 339
01/03
F11/03
ORDINARYPARCEL
1st
D
RECIPIENT NAME (please print clearly)
2770
28/02 F 11/03
Raithby Ratepayers Association
89 Shaw Street
Raithby
7130
ORDINARYPARCEL
1st
D
RECIPIENT NAME (please print clearly)


Registered Small Letter
South Africa
24 FEB 2022
2773
28/02 F 11/03
ORDINARYPARCEL
Erf 112
Mnr/ME AJ Delport
Erf 112
Watsonweg
Raithby
Firgrove
7110
1st
D
RECIPIENT NAME (please print clearly)

ANNEXURE G

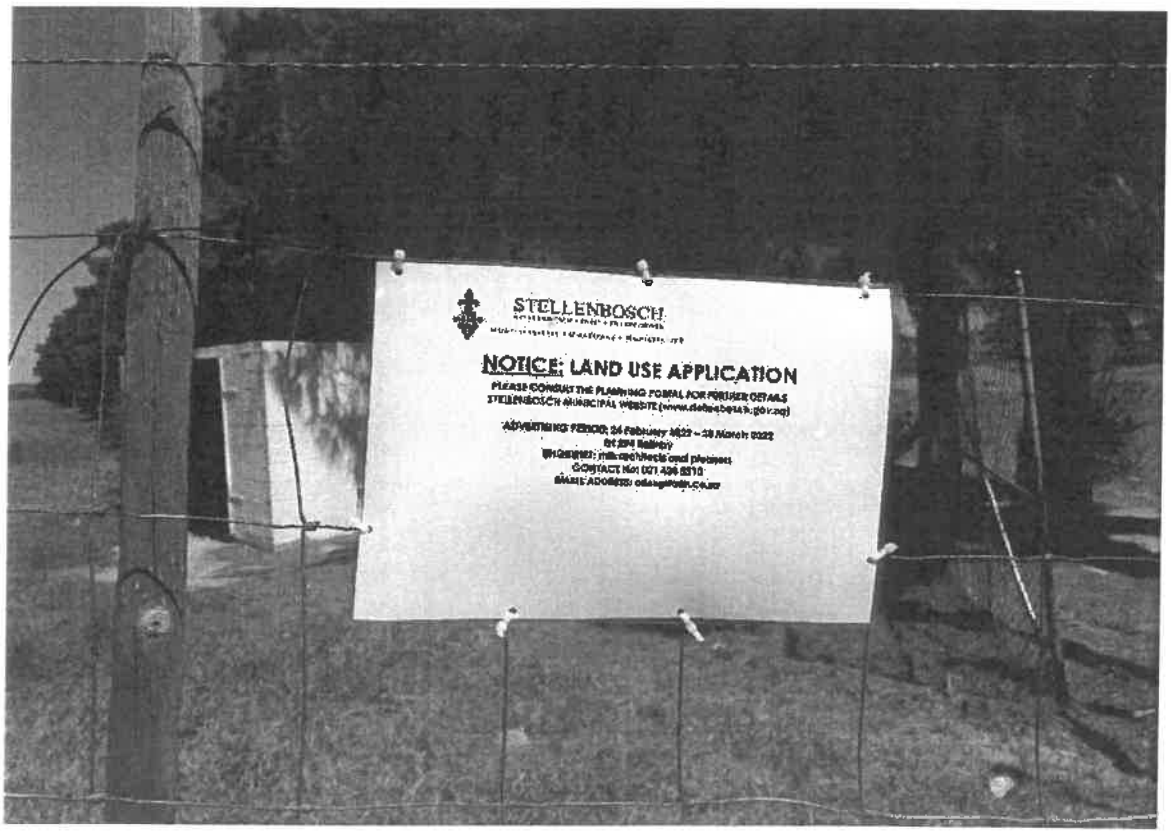
Photographic Evidence of On-Site Notices

On-Site Notice: Main Entrance of Rustenburg Farm



On-Site Notice: Northern Access Road

On-Site Notice



ANNEXURE H

Formal Newspaper Advertisement

Adam Small-feestyd hier

Pniël, die klein asemrowende dorp wat voorheen die sendingstasie in die Dwarsriviervallei was, bring Saterdag 26 Februarie weer hulde aan Adam Small, die digter, skrywer, politikus en akademikus, met 'n literêre fees.

Die feesdag begin om 08:30 en eindig omstreeks 19:30.

Die eerste Adam Small-fees is in Februarie 2017 oor 'n naweek in Pniël gehou. Dit sal dus hierdie jaar die vyfde verjaarsdag van die fees wees.

Die fees word deur die Pniël-erfenis- en kultuurtrust aangebied met prof. Darryl David, bekende boekfees-organiseerder, as programleier.

Van Darryl se bekendste feeste is die Boekbedonnerd-fees in Richmond, die Breyten Breytenbach-boekefees in Montagu en die enigste Kinderboekfees in Suid-Afrika.

'n Uitvloeisel van die Adam Small-fees was die stigting van 'n skryfskool by die Pniël-museum, onder leiding van die bekende skrywer Diana Ferrus en die bekendstelling van die digbundel "*Voetspore 'n Pniëlse Digbundel*" in 2021, saamgestel deur Matthew Cyster.

Kom kuier lekker saam in die Pniël-museum se teetuin en geniet die asemrowende uitsig in die skadu van die majestieuse Simonsberg, terwyl bekende sowel as opkomende skrywers en digters hul literêre werke voorlees en hul stories vertel.

Die program sluit in: Diana Ferrus en twee groepe skrywers van haar skryfskole in Wellington en Pniël; en Kyle Jantjies, 'n jong onderwyser wat reeds 'n hele aantal boeke geskryf het.

Die ATKV, Vriende van Afrikaans en Afrikaans.com koördineer Gesprekke Oornietalel met Julian Jansen (senior joernalis) en Lynthle Jaars (storievertellar en bekende op TV).

Die middagprogram behels bekende internasionale skrywers soos Cathy Park, Nancy Richards, Karen Jennings en Christa Kleynhans.

Gaireyah Fredericks en 'n groep digters van die Lokasion Poetry Group sluit die literêre program af, waarna Natalia da Rocha en die Applause Art-orkes die fees afsluit met die vertoning *Adam Small Bejazzed* – "a tribute to Adam Small's poetry, the language, the people, the man himself, whose voice authorities tried to silence, a voice that brought "Kaaps" to a status worthy of the people who speak it, our political landscape then and now, showcased on a musical platform through Jazz, Blues and Hip Hop".

Kaartjies vir hierdie vertoning kos R50.

Die vertoning is 'n hele gepaste afsluiting van 'n dag wat toegewy word aan Adam Small, 'n groot literêre ikoon.

"Ek twyfel nie aan die toekoms van Afrikaans nie, solank daar mense is wat Afrikaans praat, sal die taal bestaan." – Adam Small

Van die skrywers se boeke sal te koop wees.

Die fees word gratis aangebied, maar skenkings is welkom. Tuisgemaakte verversings uit Pniël se kombuise sal ook te koop aangebied word.

Pniël het sy eie kookboek by die 2020-Adam Small-fees vrygestel, so kom proe gerus hoe die mense hier kan kook!

● Stuur e-pos na pnielmuseum@gmail.com of besoek www.adamsmallfees.co.za vir nog inligting. Navrae kan gerig word aan Janine Myburgh by 072 245 1415 of Darryl David by 062 187 8898.

'Kry daar nog 'n Biertjie . . .'

Die nuwe Biertjies Lager is Saterdag 19 Februarie deur bekende Afrikaanse musikante tydens die Biertjie-bierfees by Saggy Stone bekendgestel.

Die Afrikaanse musikant Corné Pretorius het Suid-Afrikaners sedert die bekendstelling van sy debuutliedjies "Vuur en Vlam", "Vergewe My" en "Halfvol" in 2020 op hul voete. Vroeg verlede jaar het hy met Die Heuwels Fantasties en Ampie kragte saamgespan om die somer-braai-liedjie "Biertjies" saam te stel. Nadat die liedjie positiewe terugvoer van aanhangers opgelewer het, het Pretorius bogenoemde musikante gevra of hulle belang sou stel in die bekendstelling van 'n bier ter viering van die liedjie. Die res is geskiedenis... Early B het ook sy verskyning gemaak en die aand is op 'n hoë noot afgesluit.

Ampie du Preez en Pierre Greeff (Die Heuwels Fantasties) geniet die nuwe Biertjies-bier. Foto's: Gelinde Aarden

Early B wys sy opgewondenheid voordat hy die verhoog betree.

'n Trotse Corné Pretorius met sy Biertjies in die hand.

Hunter Kennedy van Die Heuwels Fantasties glimlag breed saam met aanhangers voor die kameras.

Pierre Greeff van Die Heuwels Fantasties neem 'n selfie saam met Grant Henning en Elizma Nel.

Dorpskalender/Town Calendar

9 MARCH

■ The Stellenbosch Ratepayers' Association will host their annual general meeting on Wednesday 9 March at 19:00 at the main hall, Rhenish Girls High School, Koch Street, Krigeville. This year the guest speaker is the ecologist Dave Pepler. Nominations by ratepayers of new members who wish to serve on the Management Committee (MC) of the SRA are welcome. For more information contact the SRA at info@stellenboschratepayers.org

3 APRIL

■ The Mutida Foundation will host a 6 km fun run at Boschendal. Entry fees are R30 for children under 15 and R50 for adults. Tickets are available at Quicket. For more information contact Renay Cyster on 060 509 2098.

Un-wine at Laborie with wine, music, arts

Un-wine at Laborie, a day filled with wine, music, arts and an array of offerings exclusively from Laborie Shopping Centre will be held in Paarl this Saturday (26 February) from 14:00 to 20:00.

The event is being held in partnership with Laborie Wine and Painted Wolf Wines. It is specially created for the entire family to enjoy and will feature performances by Bottomless Coffee Band as well as acts and exhibitions by local artists.

Guests will also enjoy an appearance from a local influencer, Anzél Rabie presenter for the popular lifestyle and travel show on kykNET, *Anzél in die Boland*.

Tickets, priced at R50 per person, can be booked online through Webtickets.

LAND USE APPLICATION
IN THE STELLENBOSCH MUNICIPAL AREA

APPLICATION FOR THE REZONING OF PORTION OF ERF 294, RAITHBY, (RUSTENBURG FARM) FROM AGRICULTURAL ZONE TO COMMUNITY ZONE

ERF 294 RAITHBY (RUSTENBURG FARM)

Application address:	Rustenburg Farm, Winery Road, Raithby
Applicant:	mlh architects & planners
Owner:	The Milnerton Estates
Application reference:	LU/13380
Existing zoning:	Agriculture/Rural

Description of land use application:
Application in terms of Section 15(2)(a) of the Stellenbosch Municipality Land Use Planning By-Law (2015) for the rezoning of ±2.56ha of Erf 294, Raithby from Agriculture and Rural Zone to Community Zone for the establishment of a welfare institution for a health care facility (in-patient rehabilitation centre) of maximum 40-beds, for sufferers of substances abuse and eating disorders in existing buildings and a new building of ±230m².

Notice is hereby given in terms of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: https://ww.stellenbosch.gov.za/planning/documents/planning-notices/land-useapplications-advertisements. If the website or documents cannot be accessed, an electronic copy of the application can be requested for the Applicant.

Written comments, which must include the reference to the application, the name, contact details and physical address of the person who submit the comments, the reasons for the comments, and the interest of the person in the application, may be submitted in terms of Section 50 of the said Bylaw to the Applicant by electronic mail as follows: Allen Goosen - alleng@mlh.co.za. By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of 28 March 2022

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the email address provided or telephonically at 021 424 3210.

GRONDGEBRUIKSAANSOEK
IN DIE STELLENBOSCH MUNISIPALE OMGEWING

AANSOEK OM HERSONERING VAN GEDEELTE VAN ERF 294 RAITHBY (RUSTENBURG PLAAS) VAN LANDBOUSONE NA GEMEENSKAPSONE

ERF 294 RAITHBY (RUSTENBURG PLAAS)

Aansoekadres:	Rustenburg Farm, Winery Road, Raithby
Aansoeker:	mlh architects & planners
Eienaar:	The Milnerton Estates
Aansoekverwysing:	LU/13380
Bestaande sonering:	Landbou/Landelik

Beskrywing van grondgebruiksaansoek:
Aansoek word gedoen ingevolge Artikel 15(2(a) van die Stellenbosch Verordering op Munisipale Grondgebruiksbeplanning, 2015, vir die hersonering van 'n ±2.56ha gedeelte van erf 294, Raithy, van Landbou en Landelikse na Gemeenskapsone vir die vestiging van 'n welsynsinstansie (in-pasiënt rehabilitasiesentrum) vir maksimum 40-beddens vir lyers aan verslawende middels en eetversteurings in betaande geboue sowel as 'n nuwe gebou van ±230m².

Kennis geskied hiermee ingevolge die genoemde Verordening dat bogenoemde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Stellenbosch Munisipale Webwerf se Beplanningsportaal vir die duur van die openbare deelname proses per adres: https://ww.stellenbosch.gov.za/planning/documents/planning-notices/land-useapplications-advertisements. Indien die webwerf of dokumente nie toeganklik is nie, kan 'n elektroniese afskrif van die aansoek van die Aansoeker aangevra word.

Geskrewe kommentaar, met verwysing na die aansoek nommer, naam, kontakbesonderhede en fisiese adres van die persoon wat die kommentaar indien, tesame met redes en belange van die persoon tot die aansoek, kan in terme van Artikel 50 van die bepaalde Verordening aan die aansoeker gestuur word per epos, soos volg: Allen Goosen - alleng@mlh.co.za. Deur 'n beswaar, kommentaar of vertoë aan te teken, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing ingedien en ontvang word voor of op die sluitingsdatum van 28 Maart 2022.

Vir enige verdere navrae omtrent die Aansoek of bogenoemde vereistes, of as u nie kommentaar kan skryf en/of indien in terme wat voorsien word nie, kan us die die Aansoeker kontak by die e-posadres wat verskaf is of telefonies by 021 424 3210.

ANNEXURE I

Affidavit from the Applicant

ANNEXURE J

On-Site Notice

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

NOTICE: LAND USE APPLICATION

PLEASE CONSULT THE PLANNING PORTAL FOR FURTHER DETAILS
STELLENBOSCH MUNICIPAL WEBSITE (www.stellenbosch.gov.za)

ADVERTISING PERIOD: 24 February 2022 – 28 March 2022
Erf 294 Raithby
ENQUIRIES: mlh architects and planners
CONTACT No: 021 424 3210
EMAIL ADDRESS: alleng@mlh.co.za

570

ANNEXURE K

Email Correspondence in respect of Advertising Undertaken

Ashwin Valensky

From: Allen Goosen
Sent: Monday, 13 June 2022 15:07
To: Ashwin Valensky; Logan Fortuin
Subject: FW: ERF 294 RAITHBY LU 13380 CIRCULATION AND COMMENTS

FYI

Allen Goosen

mlh architects & planners

Third Floor, Graphic Centre
199 Loop Street, Cape Town, 8001
South Africa
Telephone +27 (0)21 424 3210
Mobile +27 (0)84 468 0914
Web site www.mlh.co.za
E-mail allen@mlh.co.za

CONFIDENTIALITY NOTE:
This message is intended only for the confidential use of the intended recipient.
Please note that any review, dissemination, distribution or copying of this message is strictly prohibited if you are not the intended recipient. If you have received this message in error, please desist from reading the contents, notify the sender immediately and destroy this message.

From: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>
Sent: 02 June 2022 07:01 AM
To: Allen Goosen <allen@mlh.co.za>
Cc: Ashwin Valensky <ashwin@mlh.co.za>
Subject: RE: ERF 294 RAITHBY LU 13380 CIRCULATION AND COMMENTS

Morning Allen;

Your email below, refers.

Yes, you can submit your POE.

Please submit a hard copy.

Kind regards,
Bulelwa Mdoda
Land Use Management
Planning & Economic Development

T: +27 21 808 8690 : F +27 21 886 6899
3rd Floor, Eikestad Mall, Andringa Street,
Stellenbosch
www.stellenbsosch.gov.za

Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:
http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

About Stellenbosch Municipality
Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.
Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call +2721-808-8111, or visit www.stellenbosch.gov.za

Disclaimer:
The information contained in this communication from bulelwa.mdoda@stellenbosch.gov.za sent at 2022-06-02 07:01:10 is confidential and may be legally privileged. It is intended solely for use by allen@mlh.co.za and others authorized to receive it. If you are not allen@mlh.co.za you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this information is strictly prohibited and may be unlawful. Powered by IOCO

From: Allen Goosen <allen@mlh.co.za>
Sent: Wednesday, 01 June 2022 16:02
To: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>
Cc: Ashwin Valensky <ashwin@mlh.co.za>
Subject: [EX] RE: ERF 294 RAITHBY LU 13380 CIRCULATION AND COMMENTS

Good day Bulelwa.

Correspondence below refers.

I have subsequently followed up numerous times to both DEA&DP Roads and Dept. Agriculture, but unfortunately have not received their comments.

Their opportunity for comment ended on 24 April 2022.

I therefore appeal to you to let us submit the POE so that this application can proceed. I will add all of the late commenting correspondence to the two departments into the POE document.

Much appreciated.

Allen Goosen

mlh architects & planners

Third Floor, Graphic Centre
199 Loop Street, Cape Town, 8001
South Africa
Telephone +27 (0)21 424 3210
Mobile +27 (0)84 468 0914
Web site www.mlh.co.za
E-mail allen@mlh.co.za

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From: Allen Goosen <allen@mlh.co.za>
Sent: 03 May 2022 04:04 PM
To: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>
Cc: Ashwin Valensky <ashwin@mlh.co.za>
Subject: ERF 294 RAITHBY LU 13380 CIRCULATION AND COMMENTS

Good day Bulelwa.

Trust you are doing well?

The 30 and 60 day advertising periods have now come and gone.

To date, I have received:

Public comment received from:

- 1 x Neighbour

Departmental comments received from:

- DEA&DP Development Management
- DEA&DP Elsenburg
- DEA&DP Environmental
- Stellenbosch Health
- Stellenbosch Spatial
- Stellenbosch Infrastructure Services
- Stellenbosch Community Services

Outstanding/ no comments received from:

- Raithby Ratepayers
- Stellenbosch Agricultural Society
- Transport & Public Works
- Water Affairs and Forestry
- Land Use Management (Pretoria)
- District Road Engineer.

If you have any documentation on your file that me be relevant, please forward to us.

We now need to prepare the POE and response to comments, but need to take guidance from you as to when we can accept the notification process as to be complete w.r.t. to the above-mentioned outstanding comments.

Regards,

Allen Goosen

mlh architects & planners

Third Floor, Graphic Centre
199 Loop Street, Cape Town, 8001
South Africa
Telephone +27 (0)21 424 3210
Mobile +27 (0)84 468 0914
Web site www.mlh.co.za
E-mail allen@mlh.co.za

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APPENDIX 5

Comments from I&AP,

Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)
Development Management Consultants and
Environmental Assessment Practitioners

VIRDUS
WORKS

22 March 2022

MLH Architects and Planners
Per email: alleng@mlh.co.za

Dear Sir

OBJECTION TO THE APPLICATION FOR REZONING OF ERF 294, RAITHBY (RUSTENBURG ADDICTION CARE) LU13380

This objection is on behalf of the owner of the neighbouring property, Farm 690, Stellenbosch RD, Mr W Erne.

The Municipality has a stated objective of retaining good agricultural land for the production of agricultural produce, the conservation of the agricultural resources and character features of the rural landscapes and employment opportunities (Table 6 of the Stellenbosch Municipality Spatial Development Framework (SMSDF)), stating that "The region's extensive agricultural areas, particularly those under vineyards and orchards, also attribute scenic value and character to the region, which is valued by both the local inhabitants and visitors. This is a significant contributor to the value of the area as one of South Africa's premier tourist destinations and there is a strong interdependence between tourism and the wine industry in Stellenbosch". The SMSDF also indicates that: "The overall plan indicates a municipal area largely set aside as protected and managed areas of nature and high value agricultural land. These areas of nature and agriculture are critical in delivering various ecological and economic services and opportunity. Significant change in use and land development is not envisaged in the nature and agricultural areas. Only non-consumptive activities are permitted (for example, passive outdoor recreation and tourism, traditional ceremonies, research and environmental education) in core nature areas. In agricultural areas, associated building structures are permitted, as well as dwelling units to support rural tourism, and ancillary rural activities that serves to diversify farm income. However, these should not undermine the sustainability of agricultural production, and adhere to the guidelines contained in the SEMF and "Western Cape Land Use Planning: Rural Guidelines"."

However small and limited the proposed facility might be argued to be, it does not contribute to the stated objectives for the retention of agricultural assets and resources required for continued growth of the agricultural sector. It is a consumptive use, as it takes away a resource that could be put to better use for exclusive agricultural purposes. A community facility is an urban land use that should be established in an urban environment and not on agricultural land where diminishing resources should be protected and utilised for the best returns in agricultural production. The buildings and structures could be put to better use for accommodating agricultural workers, who currently live off the farm and who need to commute to the farm to work, with obvious negative effect on the environment, road use and the cost of living for the workers.

The Western Cape Rural Guidelines are clear in relation to the establishment of community facilities

in rural areas: "Guideline Summary: The WCG approach to community facilities and institutions in rural areas is that community facilities serving rural communities should be located within existing settlements, except when travel distances are too far or rural population concentrations justifies the location of community facilities in rural areas.

14.1 OBJECTIVES

- Community facilities and institutions are defined as state provided facilities and/or non-profit services catering for the local farm/rural community .
- Rural community facilities include: educational, health, assembly, religious, sport, etc .
- To provide facilities necessary for the sustainable socio-economic development of rural communities .
- To provide for institutions requiring extensive land or an isolated location (e .g . correctional facilities) .
- To provide for institutions serving agricultural production (e .g . agricultural schools and research facilities) .

14.2 GUIDANCE FOR IMPLEMENTATION

Wherever possible new community facilities should be located in settlements and not in isolated locations and should be for the exclusive or primary use of the farm/local rural community . Only activities that are appropriate in a rural context, generate positive socio-economic returns, and do not compromise the environment or ability of the municipality to deliver on its mandate should be accommodated . The long term impact on the municipality (resources and financial); agricultural activities, production and sustainability, risk and finances; and the scenic, heritage and cultural landscape should be considered when decisions are taken . Development applications should include a locality plan to indicate how it contributes to the clustering of nodal facilities."

The proposed facility does not comply with the Rural Guidelines, as the facility is not intended for the benefit of the rural community within which it is located.

Moreover, the Stellenbosch Municipality Zoning Scheme Bylaw determines the purpose of the proposed Community Zone as follows: "The purpose of this zone is to make provision for: (a) buildings which are used for a wide range of community and welfare purposes including places of education for pre-primary, primary and secondary school levels; (b) tertiary educational facilities such as colleges and universities; and (c) permitted uses shall include ancillary uses such as administrative offices, residential uses, libraries, school hostels, recreational and sports facilities and any other uses and buildings that are ordinarily associated with such facilities."

Rezoning of the property would in future provide scope or grounds for the expanded use of the land for significantly larger facilities with significant negative effect on the surrounding environment and the agricultural assets of the area.

The owner of Farm 690 has made numerous approaches to the applicant and the Municipality to resolve issues of nuisance and disturbance, caused amongst others by the addiction care centre. The owner's property is small, and it is located at the entrance to the farm and the care centre, where consistent vehicle and pedestrian movement causes a significant nuisance. Farm 690 is too small to be used feasibly or sustainably as a productive agricultural unit and the owners rely on the approved tourist accommodation facilities to derive revenue from the land. The nuisance created by the neighbouring land uses, commuter movements, pedestrians, and vehicles to and from the facility and the farm detract from the appeal of the lawful use of Farm 690. Its use is in keeping with the SMSDF

and the Rural Guidelines, whereas the proposed addiction care centre is not. Giving permanency to the temporary and undesirable community use on Erf 294 will exacerbate the problems and detract from the appeal of Farm 690 as an asset to the Stellenbosch Municipality.

We trust that the applicant will reconsider the use of the existing buildings and structures and put them to better use, aligned to the relevant policies as expressed in the SMSDF and Rural Guidelines, and allow the neighbours to enjoy an agricultural environment not threatened by urban creep.

Yours faithfully

DUPRé LOMBAARD

APPENDIX 6

Comments from external departments

13

Western Cape Government

Transport and Public Works
Vanessa Stoffels
Chief Directorate: Road Planning
Vanessa.Stoffels@westerncape.gov.za | Tel: 021 483 4669

Ref: 16/9/6/1-25/297 (Job 26661)

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELPOMENT SERVICES
22 JUL 2022
RECEIVED

FILE NR:
SCAN NR: E 294 RB
COLLABORATOR NR: 733130

Attention: Mr Urich von Molendorff

Dear Sir

MAIN ROAD 166 AND MINOR ROAD OP04232: APPLICATION FOR REZONING FROM AGRICULTURE ZONE TO COMMUNITY ZONE: ERF 294 RAITHBY (RUSTENBURG ADDICTION CARE), STELLENBOSCH

1. The following refer:

1.1. The application as received from MLH Architects and Planners dated 24 February 2022 per registered post;

1.2. The Site Plan and Locality Plan Drawing Number SK00.10 Project Number 2021 134;

1.3. The latest emails dated 5 and 17 Mail 2022 from MLH Architects and Planners (Mr Allen Goosen) to the Branch relating to this allocation; and

1.4 Various emails from the Branch during 2019 and 2020 to MLH Architects and Planners relating to the previous Temporary Departure application dated 14 December 2018 for this property and proposed access positions onto Minor Road 4232 (OP04232) and Main Road (MR166) which remained unresolved.

2. This Application is now for rezoning of ±2.56ha of Erf 294, Raithby from Agriculture and Rural Zone to Community Zone for the establishment of a welfare institution for a health care facility (in-patient rehabilitation centre) of maximum 40-beds, for sufferers of substances abuse and eating disorders in existing buildings and a new building of ±230m².

3. The 1st entrance used at ±km2.51 is substandard in terms of minimum spacing from the OP04232/MR166 intersection, but it does not affect the 240m safe shoulder sight distances required for stop condition for the applicable 80km/h speed limit (for both P (passenger vehicles) and SU (single unit trucks)).

4. The 2nd entrance is only approximately 40m from MR166 and therefore substandard in terms of spacing and unsafe shoulder sight distance to the right (240m required and only approximately 40 m is available). Also affected is the adjacent access position at ±km 0.05 for Erf 640 and will be addressed during any land use application received for Erf 640.

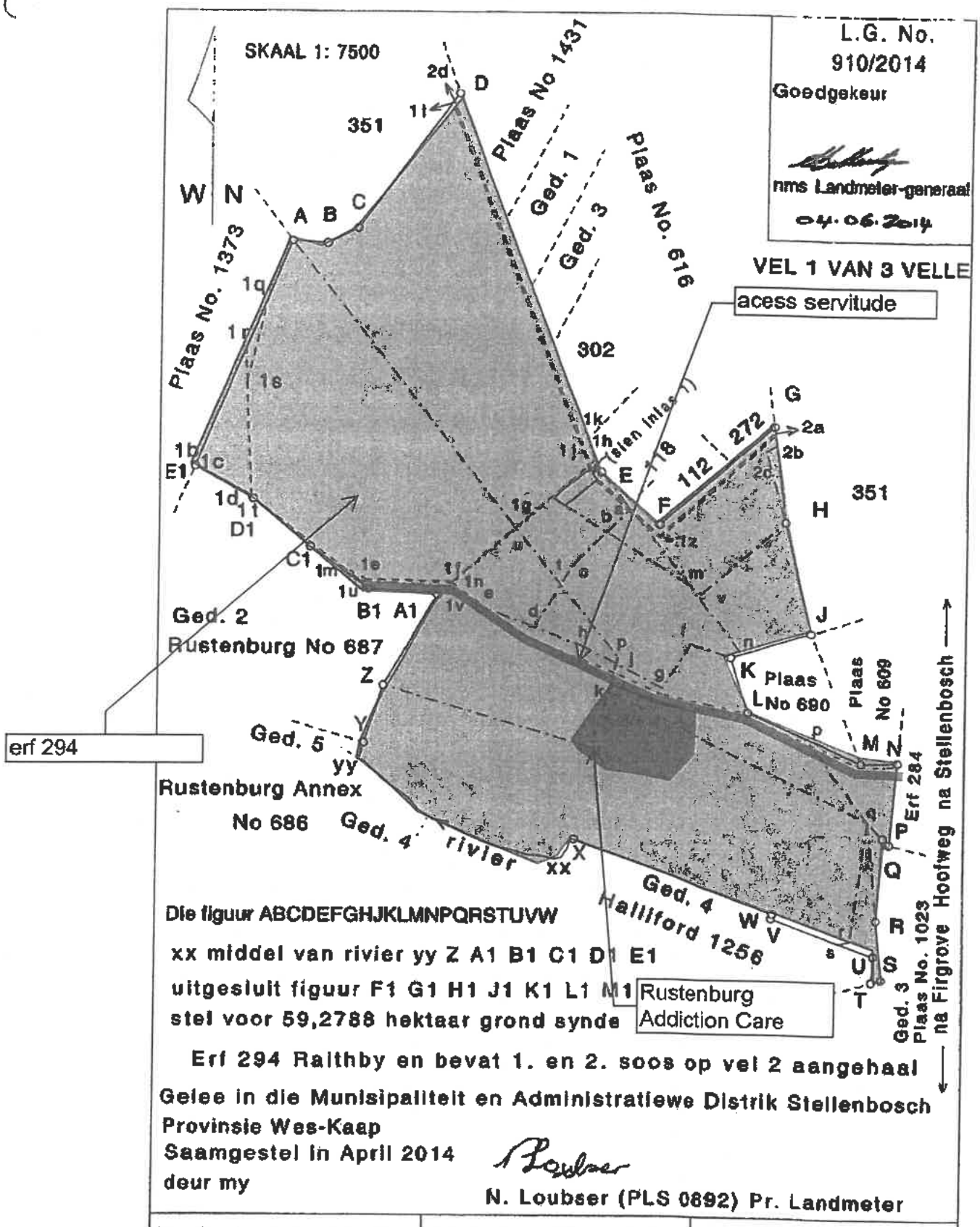
5. This Branch therefore offers no objection to the application for rezoning on condition that the 2nd access onto OP4232 at ±km0.04 be closed permanently by reinstating the fence and drainage within the road reserve through the removal of all evidence of the road access surface material which will be for the account of the applicant.

Yours Sincerely

SW CARSTENS
***For* DEPUTY DIRECTOR-GENERAL: ROADS**
DATE: 30 JUNE 2022

weergawe 2

OFFICE COPY



Hierdie kaart is geheg aan No. CCT5/1062/2014 gedateer t.g.v. Registrateur van Aktes	Die oorspronklike kaarte is soos op vel 2 aangehaal	Leer No.Stel.599 M.S. No. Saamgestel Komp.AH-2BAA (3282) AHND-2294 (M4353) AHND-24 (M3791) LPI C0670018

Erf 294 Raithby

OFFICE COPY

L.G. No.
910/2014
Goedgekeur

nms Landmeter-generaal
04-06-2014.

VEL 3 VAN 3 VELLE

Serwituut notas :

1. Die gestippelde lyn 1m 1n L stel voor die middellyn van 'n serwituut Reg van oorpad en die lyn LMN stel voor die noordoostelike grens van 'n serwituut Reg van oorpad, 5,67m wyd Sien Diagram L.G. No. 10746/1951; S/A 1955- -286
2. Die figuur D E a K1 2d stel voor 'n 12,59m Serwituutpad Sien Dgm. 299/1814, Stel.Q.4-62, Stel.L.2B-187
3. Die figuur E F G 2a 1z a stel voor 'n 12,59m Serwituutpad. Sien Dgm. No. 1907/1919 T/A 1919-178-10902
4. Die stippellyn 1q 1s 1t stel voor die middellyn van 'n Elektriese kraglynserwituut, 11m wyd aan beide kante Sien Diagram No. 8324/1996, S/A
5. Die stippellyn 1r 1t stel voor die middellyn van 'n Elektriese kraglynserwituut. Sien Diagram No. 6382/1957, S/A 42/1966
6. ~~Die stippellyn 1b 1e 1d 1c 1f 1g stel voor die middellyn van 'n Serwituutpyplyn, 5m wyd, behalwe waar die eindomsgrens nader is as genoemde afstand van die grens. Sien Diagram No. 7515/1998~~ AZ
7. ~~Die stippellyn 1g 1h 1j 1k stel voor die middellyn van 'n Serwituutpyplyn, 5m wyd, behalwe waar die eindomsgrens nader is as genoemde afstand van die grens. Sien Diagram No. 7514/1998~~ AZ
8. Die lyn 1l 1x en L1 1z en 1z 2a stel voor die suidwestelike-, noordoostelike- en noordwestelike grens, van 'n serwituutpyplyn 3m wyd, onderskeidelik. Sien Diagram No. 909/2014

Erf 294 Raithby

Gelee in die Munisipaliteit en Administratiewe Distrik Stellenbosch
Provinsie Wes-Kaap

Saamgestel in April 2014

deur my

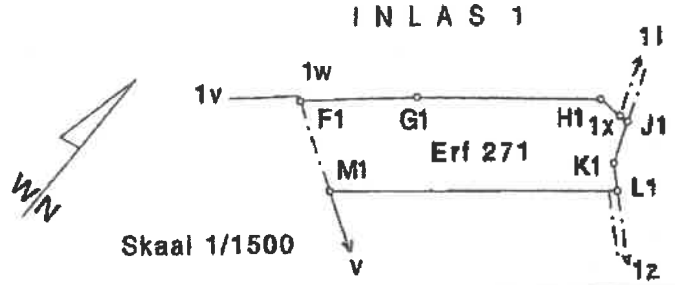
N. Loubser (PLS 0892)Pr. Landmeter

S

weergawe 2

OFFICE COPY

INLAS 1



Skaal 1/1500

L.G. No.
910/2014
Goedgekeur

nms Landmeter-generaal
04-06-2014

VEL 2 VAN 3 VELLE

Komponente :

1. Die figuur A B C D E F G H v M1 L1 K1 J1 H1 G1 F1 1w 1v 1u C1 D1 E1 stel voor Erf 293 Raithby.
   Sien Diagram L.G. No. 909/2014

2. Die figuur H J K L M N P Q R S T U V W xx middel van rivier yy Z A1 B1 1u 1v 1w v stel voor Erf 246 Raithby.
   Sien Diagram L.G. No. 7988/1990; T/A 1991- -69323

Erf 294 Raithby

Gelee in die Munisipaliteit en Administratiewe Distrik Stellenbosch
Provinsie Wes-Kaap

Saamgestel in April 2014
deur my

N. Loubser (PLS 0892)
Pr. Landmeter

Erf 294 Raithby

9

water & sanitation
Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

WESTERN CAPE PROVINCE
Private Bag X 16, Sanlamhof, 7532 / 52 Voortrekker Road, Bellville 7530
Tel #: (021) 941 6000 Fax #: (021) 941 6077

Enquiries : T. Manavhela
Tel # : (021) 941 6056
Email : manavhelat@dws.gov.za
Reference : 27/2/1/6/1

Attention: Allen Goosen

FILE NR: OUTGOING POST
EC 294 RB
SCAN NR:
COLLABORATOR NR: 729894

MIH ARCHITECTS & PLANNERS
PO Box 15002
CAPE TOWN
8001

Dear Allen Goosen

APPLICATION: NOTICE OF LAND DEVELOPMENT APPLICATION TO INTERESTED AND AFFECTED PARTIES FOR COMMENT, REZONING FROM AGRICULTURAL/ RURAL ZONE TO COMMUNITY ZONE: ERF 294, RAITHBY (RUSTENBURG ADDICTION CENTRE), STELLENBOSCH LOCAL MUNICIPALITY, WESTERN CAPE PROVINCE

Your application for rezoning dated 24 February 2022 has reference.

The Department acknowledges receipt of your application document dated 24 February 2022, Application Doc: Ref – LU/13380. The Department has the following comments:

During the revaluation of your application, the Department has noted that there are no water bodies in the proposed area for development and as such there will be no Water Use Authorization required for this activity.

For more information please do not hesitate to contact Mr T Manavhela at (manavhelat@dws.gov.za or Tel 021 941 6056).

Yours Faithfully

PROVINCIAL HEAD: **WESTERN CAPE**
Signed by: **Ms Nelisa Ndobeni**
Designation: **Control Environmental Officer**
Date: **04 May 2022**

Western Cape Government

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

OUR REFERENCE : **20/9/2/5/6/897**
YOUR REFERENCE : -
ENQUIRIES : **Cor van der Walt/David Lakey**

Mih Architects & planners
Third floor, Graphic Centre
199 Loop Street
Cape Town
8001

Att: Allen Goosen

APPLICATION FOR REZONING: DIVISION STELLENBOSCH

ERF 294, RAITHBY

Your application dated 24 February 2022 has reference.

The Western Cape Department of Agriculture: Land Use Management office stands by its original comments provided in the previous letter dated 31/05/2019.

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely

pp.

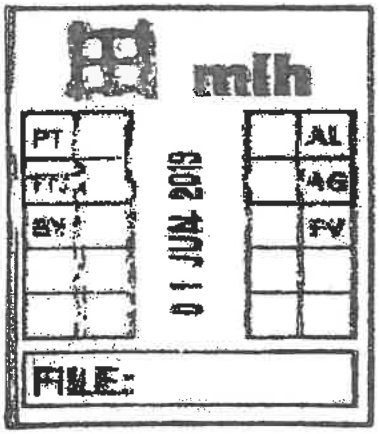
Mr. CJ van der Walt
LANDUSE MANAGER: LANDUSE MANAGEMENT
2022-04-25

Copy:
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Western Cape Government
Agriculture

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

OUR REFERENCE : **20/9/2/5/6/897**
YOUR REFERENCE : **2019 606**
ENQUIRIES : **Cor van der Walt**



mlh architects & planners
Third Floor, Graphic Centre
199 Loop Street
Cape Town,
8001

Att: Christopher Munro

APPLICATION FOR TEMPORARY DEPARTURE: DIVISION STELLENBOSCH
ERF NO 294, RAITHBY

Your letter and email of 17 May 2019 has reference.

This Department stands by its previous decision dated 2019-04-08, as the proposal is not aligned to the Western Cape Land Use Planning Guideline: Rural Areas, approved by Minister Anton Bredell on 3 March 2019. The Rural Areas Guideline gives a broad overview of the type and extent of activities supported in the rural context, with due regard to natural systems, agriculture and food security. The Guideline is the product of intergovernmental collaboration, of which the Western Cape Department of Agriculture (WCDoA) was a key stakeholder.

Whilst the WCDoA acknowledges the need to diversify farming income, said proposals need to take their lead from the recommendations put forward in the Rural Areas Guideline. Said Guideline advocates bona fide farm buildings and structures associated with the primary agricultural activity and tourist accommodation and facilities that are appropriate in the rural context, generate positive socio-economic returns and do not compromise agricultural production.

The Guidelines specifically state that private educational and institutional facilities and rehabilitation and wellness centres are regarded to be a business and not a community facility and should be located within urban areas in order to reinforce their economic base.

Although the setting of a precedent is certainly not the only reason to refuse a planning application, the intensified use of agricultural infrastructure for uses in conflict with those recommended in the Rural Guidelines is cause for concern. Not only does the use of infrastructure for ancillary uses threaten the sustainability of bona fide farming activities, but it can also create the negative perception that the WCDoA supports all ancillary uses on farm. The applicant's referral to the WCDoA letters of 'no objection' in respect of two other land use applications is case in point.

Taking agricultural infrastructure out of use by utilising it for non-agricultural purposes is problematic, particularly on a working farm. In terms of the current proposal, the Rustenburg Addiction Care Centre is leasing a 2.56ha portion of the farm werf comprising of the cellar, manor house and several other buildings (main house, Annex and cottage). All or some of these would need to be constructed elsewhere on the farm, negatively affecting building coverage and possibly compromising arable land.

The Integrated Zoning Scheme is still in draft format and relying on it in planning motivation is premature. The same principle applies in respect of the draft SDF.

This office furthermore disagrees with the argument that the 'introverted' environment would not be attainable within an urban environment. The issue at hand relates more to affordability than availability of land.

Please note:

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

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

Yours sincerely

Mr. CJ van der Walt
LANDUSE MANAGER: LANDUSE MANAGEMENT
2019-05-31

Copies:
Directorate Land Use and Sustainable Resource Management (A Geertsema)
National Department of Agriculture
Private Bag X 120
PRETORIA
0001

Department of Environmental Affairs & Development Planning Cape Town (H Janser)
1 Dorp Street
Cape Town
8000

Stellenbosch Municipality (P April)
PO Box 17
STELLENBOSCH
7599

Salomé (20)

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

PLANNING AND DEVELOPMENT
25 APR 2019
MUNICIPALITY STELLENBOSCH
BEPLANNING EN ONTWIKKELING

OUR REFERENCE : **20/9/2/5/6/897**
YOUR REFERENCE : **2019 606**
ENQUIRIES : **Cor van der Walt**

MUNICIPALITY - MUNISIPALITEIT
25 APR 2019
CENTRAL RECORDS STELLENBOSCH

Mlh Architects & Planners
PO Box 15002
VLAEBERG
8018

Att: Allen Goosen

APPLICATION FOR TEMPORARY DEPARTURE: DIVISION STELLENBOSCH
ERF NO 294, RAITHBY

FILE NR:
SCAN NR: E 294 RB
COLLABORATOR NR: 643340

Your application of 14 December 2018 has reference

Regardless of the size of the property or whether the use is of a temporary or permanent nature, the Western Cape Department of Agriculture does not in principle support institutional uses on agricultural land and remains of the opinion that this will set a precedent for similar applications for uses better suited to urban area.

In the case of a temporary (land use) departure, a development proposal departs from the land uses permitted in a specific zoning category to enable an activity not currently provided for in the scheme to take place or allow to the use of a premises for another or additional purpose on a temporary basis. Provision has, however, been made for a clinic within Institution Zone III (Section 8 Zoning Scheme). Given the fact that neither the Section 8 Zoning Scheme, nor the Draft Stellenbosch Zoning Scheme By-law make provision for a 'clinic' to be allowed as of right or as a consent use within a rural area is indicative of the fact that institutional uses are best suited in an urban environment, whether temporary or permanent.

Due to the inherent temporary status of the rights, the subject premises must be capable of reverting back to its primary land use after expiry of the departure, which in terms of the Stellenbosch Municipal By-Law, 2015, can only be approved once for a period not exceeding 5 years. As such, temporary land uses are not appropriate in cases where expensive capital investment or extensive modification of buildings and facilities are required to accommodate the new use.

Please note:

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

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

Yours sincerely

Mr. CJ van der Walt
LANDUSE MANAGER: LANDUSE MANAGEMENT
2019-04-08

Copies:
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Department of Environmental Affairs & Development Planning (H Janser)
1 Dorp Street
Cape Town
8000

Western Cape Government

Department of Environmental Affairs and Development Planning
D'mitri Matthews
Directorate: Development Management, Region 1
D'mitri.Matthews@westerncape.gov.za | Tel: 021 483 8350

REFERENCE: 16/3/3/6/B4/45/1114/22
DATE: 25/4/2022

The Director
MLH Architects and Planners
9th Floor
Graphic Centre
199 Loop Street
CAPE TOWN
8001

Attention: Mr. A. Goosen

Cell: 084 468 0914
Email: allen@mlh.co.za

Dear Sir

RE: APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED), WITH RESPECT TO THE PROPOSED REZONING FROM AGRICULTURAL/RURAL ZONE TO COMMUNITY ZONE: ERF 294, RAITHBY, STELLENBOSCH

1. The electronic correspondences dated 24 February 2022, as received by this Department on 7 March 2022, the electronic correspondences dated 7 and 21 April 2022 and the telephonic discussion on 21 April 2022, refer.

2. Following the review of the new information contained in the electronic correspondence, this Department notes the following:

   2.1 The proposal entails the spot rezoning (approximately 2,56ha) on Erf No. 294 from Agriculture and Rural Zone to Community Zone, to regularize the existing welfare institution with the appropriate zone. A new building of approximately 155m², forms part of the proposal.

3. Your attention is therefore drawn to the listed activities in terms of the NEMA EIA Regulations 2014 (as amended) as defined in Listing Notices ("LN") 1, 2 and 3 of 7 April 2017. Be advised that, based on the information provided, the proposed spot rezoning and the construction of a new building on the abovementioned property, **does not** constitute any listed activities as defined in terms of the NEMA EIA Regulations 2014 (as amended). Environmental Authorisation is therefore not required prior to the proposed development.

4. The above-mentioned is based on the following:

   4.1 There will be no clearance of indigenous vegetation to accommodate the new building.

   4.2 The new building will not be constructed within or within 32m of a watercourse.

4.3 The existing buildings that were converted will be regularised with an appropriate zoning.

5. However, should any future development of the consolidated portions trigger any listed activity in terms of the EIA Regulations, 2014 (as amended), an application form for Environmental Authorisation must be submitted to the Competent Authority and the Environmental Authorisation obtained prior to the development proposal being commenced with on the proposed site. The relevant application forms are available on this Department's website: www.westerncape.gov.za/eadp.

6. Please be advised that when the existing sewage system is to be replaced and upgraded, comment from the Department should be obtained in terms of the NEMA EIA Regulations 2014 (as amended).

7. You are further reminded of your general duty of care towards the environment in terms of section 28(1) of NEMA which states:
"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."

8. Please note that the applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.

9. Kindly quote the abovementioned reference number in any future correspondence concerning the proposed development.

10. This Department reserves the right to revise or withdraw its comments and request further information based on any information received.

Yours faithfully

Marbe pp Coetzee
Digitally signed by Marbe Coetzee
Date: 2022.04.25 15:44:16 +02'00'

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

Copy to: (1) Mr. S. van der Merwe (Stellenbosch Municipality) Email: schalk.vandermerwe@stellenbosch.gov.za

Our Ref: HM/ CAPE TOWN METROPOLITAN/SOMERSET WEST /ERF 294
Case No: 21090108SB0910E
Enquiries: Stephanie-Anne Barnardt
E-mail: stephanie.barnardt@westerncape.gov.za
Tel: 021 483 5959

ILifa leMveli leNtshona Koloni
Erfenis Wes-Kaap
Heritage Western Cape

Lize Malan
lize@lizemalan.co.za

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL
In terms of Section 38(1) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

NOTIFICATION OF INTENT TO DEVELOP: PROPOSED NEW BUILDING ON ERF 294, RUSTENBERG, OFF WINDERY ROAD, SOMERSET WEST, SUBMITTED IN TERMS OF SECTION 38(4) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 21090108SB0910E

The matter above has reference.

Heritage Western Cape is in receipt of the above application. This matter was discussed at the Heritage Officers meeting held on 27 September 2021.

You are hereby notified that, since there is no reason to believe that the proposed new building on Erf 294, Rustenberg, off Windery Road, Somerset West, 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.

.....
Waseefa Dhansay
Acting Deputy Director

Heritage Western Cape
Erfenis Wes-Kaap
ILifa leMveli leNtshona Koloni

29 SEPT 2021

Western Cape Government

Department of Environmental Affairs and Development Planning
Helene Janser
Directorate: Development Management (Region 2)
Helene.Janser@westerncape.gov.za | Tel: 084 585 2000

Reference: 15/3/2/12/BS2

MLH Architects & Planners
PO Box 15002
VLAEBERG
8018

FOR ATTENTION: ALLEN GOOSEN alleng@mlh.co.za

REQUEST FOR PROVINCIAL PLANNING COMMENT: APPLICATION FOR REZONING OF A PORTION OF ERF 294 RAITHBY, STELLENBOSCH DIVISION

1. Your request for comment, dated 24 February 2022, has reference.

2. The application as submitted by MLH is for the rezoning of ±5.26ha of Erf 294, Raithby from Agriculture and Rural Zone to Community Zone so as to permit the permanent and continued use of the Rustenburg Addiction Care Facility, which operation was permitted by means of a temporary departure, dated 28 July 2020. The current capacity of the facility is 40 patients, with an existing staff complement of 40 health care and administrative employees.

3. Although the Western Cape Land Use Guidelines – Rural Areas (March 2019) do not advocate for the placement of community facilities, such as rehabilitation and wellness centres, within rural areas, except when travel distances are too far apart or rural population concentrations justify their location, the Municipality may have grounds to depart from these requirements given that the facility has been operational for some time, with planning approval.

4. For the most part, the facility operates within existing buildings within the farm werf that could be utilised for an alternative purpose (with the appropriate zoning) without significant structural alternations. Although a new building of ±230m² is proposed for accommodation (6 bedrooms, 13 beds), this will not increase the current capacity of the facility but will merely accommodate the relocation of existing beds from another building.

5. From a provincial land use planning perspective there is, therefore, no objection to the development as proposed.

6. Should the Municipality, however, approve the proposed rezoning application and reimpose the conditions imposed in respect of the temporary land use departure, i.e. that the Rustenburg Addiction Care Facility provides subsidised treatment to ±10 individuals from previously disadvantaged backgrounds per annum, the Municipality should satisfy itself that the Facility's decision to subcontract this obligation to the Mudita Foundation, a registered NGO that provides substance abuse prevention and treatment programmes to previously disadvantaged, at-risk learners from schools in the Helderberg and Stellenbosch area, satisfies this proviso.

Kobus Munro Digitally signed by Kobus Munro
Date: 2022.03.28 14:42:01 +02'00'

DIRECTOR: DEVELOPMENT MANAGEMENT - REGION 2

Copy to: Bulelwa Mdoda, Stellenbosch Municipality

APPENDIX 7

Comments from internal

STELLENBOSCH MUNICIPALITY

STELLENBOSCH·PNIEL·FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan:	**Director: Planning + Economic Development**
Att Aandag	**Nicole Katts**
From ▫ Van:	**Manager: Development (Infrastructure Services)**
Author ▫ Skrywer:	**Tyrone King**
Date ▫ Datum:	**12 April 2022**
Our Ref ▫ Ons Verw:	**2251**
Your Ref:	**LU/13380**
Re ▫ Insake:	**Erf 294, Raithby: rezoning of ±2.56ha of Erf 294, Raithby from Agriculture and Rural Zone to Community Zone for the establishment of a welfare institution for a health care facility (in-patient rehabilitation centre) of maximum 40beds, for sufferers of substances abuse and eating disorders in existing buildings and a new building of ±230m².**

The application is recommended for approval, subject to the following conditions:

1. Water

1.1 The development will be responsible for it's own water provision via boreholes boreholes as proposed in the engineering report.

1.2 The potable water must be stored and distributed in such a manner that it complies with the SANS 241 Drinking Water Quality Standards.

2. Waste Water and Sewage

2.1 Sewer disposal to be via conservancy tanks.

2.2 Use of existing septic tanks to collect and treat sewage generated by the proposed development is not allowed and must be replace with conservancy tanks.

2.2.1 The conservancy tank must be accessible to the removal truck and of a volume to necessitate not more than a fortnightly service, unless agreed otherwise by the Directorate: Infrastructure Services.

2.2.2 The minimum volume of a conservancy tank shall be 5 kiloliter.

2.2.3 Note that only Stellenbosch Municipality is allowed to empty conservancy tanks.

2.2.4 A service contract has to be entered into with the municipality to service the conservancy tanks on a regular basis.

2.2.5 Details of the conservancy tank and the on-site sewer reticulation network has to be submitted to the Engineering Services Directorate for approval, prior to the approval of any building plans.

3. Roads

3.1 The application has to be referred to the District Roads Engineer for comments and conditions.

3.2 All the conditions set by the District Roads Engineer will be applicable.

4. Development Charges (DCs)

4.1 The following DC's are payable: See **Development Charge Calculation** attached.

4.2 The DC's were calculated by using the 2021/2021 tariff structure. If DC's are paid after 30 June 2022 it will have to be recalculated by using the tariff structure applicable at date of payment.

4.3 The appropriate DC's are payable before building plan approval or before the structure is put to it's intended use.

5. Electricity (comment by Mr Bradley Williams)

5.1 Outside Stellenbosch area of supply.

5.2 All Electrical requirements should be directed to Eskom.

5.3 No conditions.

TYRONE KING Pr Tech Eng
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

Stellenbosch Municipality - Development Charge Calculation

APPLICATION INFORMATION

Application Number	2251 (TR) Erf 294 Kaltbay (LU-13380)
Date	Tuesday, 12/Apr/2022
Financial Year	2021/22
Erf Location	Stellenbosch Town
Erf No	
Erf Size (m²)	
Suburb	
Applicant	
Approved Building Plan No.	Site Plan April 2022 by MLH Architects

SUMMARY OF DC CALCULATION

	Water	Sewer	Storm-water	Solid-Waste	Roads	Community Facilities	Totals
Unit(s)	kl/day	kl/day	ha*C	t/week	trips/day	person	
Total Increased Services Usage	6.268	5.485	0.125	4.627	141.03	141.0	
Total Development Charges before Deductions				R 33 298.50	R 1 024 933.74	R 23 362.51	R 1 081 594.76
Total Deductions							
Total Payable (excluding VAT)				R 33 298.50	R 1 024 933.74	R 23 362.51	R 1 081 594.76
VAT				R 4 994.77	R 153 740.06	R 3 504.39	R 162 239.21
Total Payable (including VAT)				R 38 293.27	R 1 178 673.81	R 26 866.89	R 1 243 833.97

APPLICANT INFORMATION

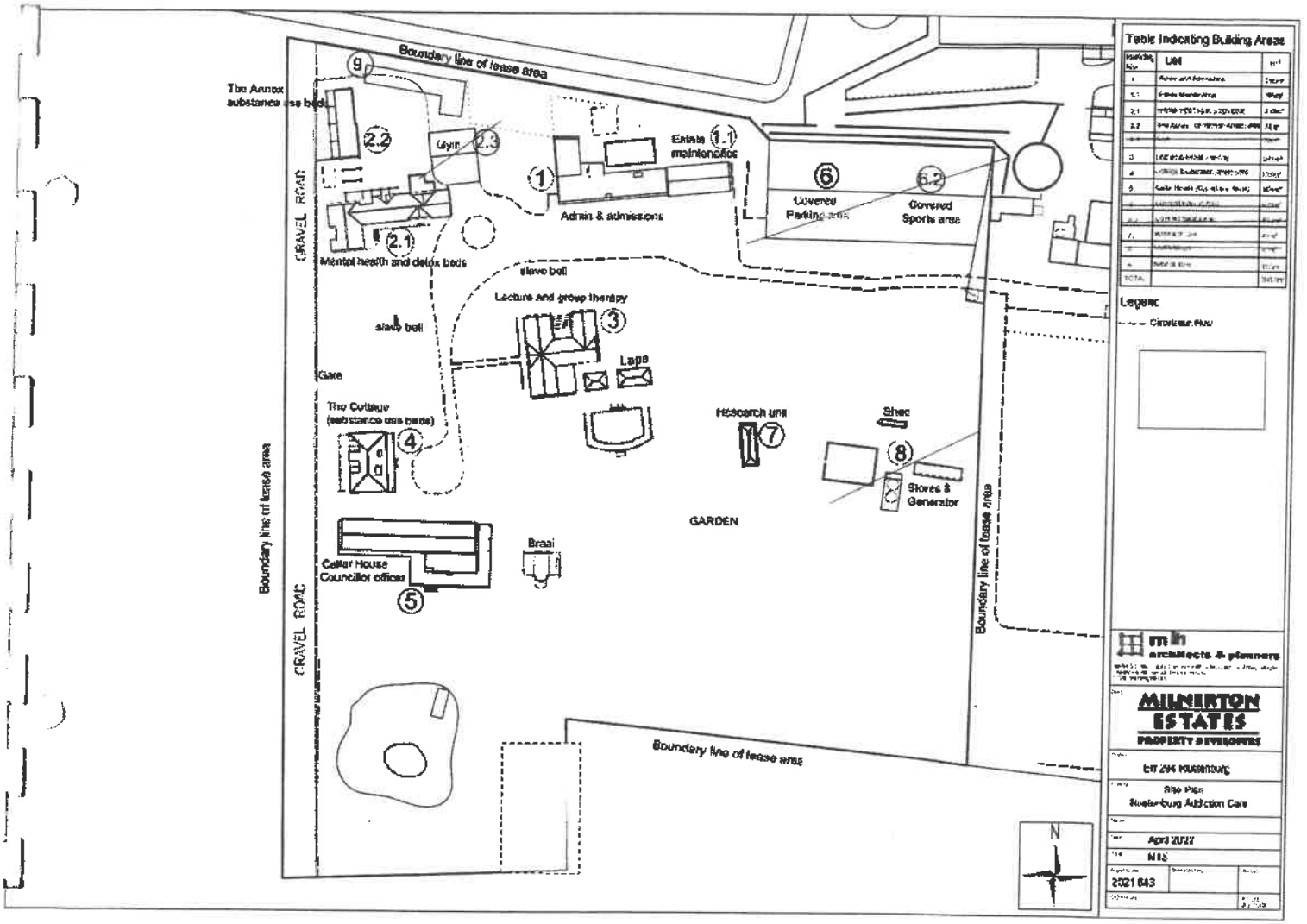
Application Processed by:	Tyrone King
Signature	Water - borehole; Sewer - cons tank
Date	As above
Amount Paid:	
Date Payment Received	
Receipt Number	

Stellenbosch Town

Land Use Category	Unit Type	Existing Usage			Proposed New Usage			Increased Usage	Development Charge levied (excl VAT)						
									Water	Sewerage	Storm-water	Solid-Waste	Roads	Community Facilities	Total
Infrastructure Type applicable? (yes/no)									no	no	no	yes	yes	yes	
	du		du	du/ha		du	du/ha	du							
	m² GLA	erven (no)	m² GLA	% GLA	erven (no)	m² GLA	% GLA	m² GLA							
	ea		ea					ea							
Residential	Single Residential >1000m2	du						0	R -	R -	R -	R -	R -	R -	R -
	Single Residential >500m2	du						0	R -	R -	R -	R -	R -	R -	R -
	Single Residential >250m2	du						0	R -	R -	R -	R -	R -	R -	R -
	Single Residential <250m2	du						0	R -	R -	R -	R -	R -	R -	R -
	Less Formal Residential >250m2	du						0	R -	R -	R -	R -	R -	R -	R -
	Less Formal Residential <250m2	du						0	R -	R -	R -	R -	R -	R -	R -
	Group Residential >250m2	du						0	R -	R -	R -	R -	R -	R -	R -
	Group Residential <250m2	du						0	R -	R -	R -	R -	R -	R -	R -
	Medium Density Residential >250m2	du						0	R -	R -	R -	R -	R -	R -	R -
	Medium Density Residential <250m2	du						0	R -	R -	R -	R -	R -	R -	R -
	High Density Residential - flats	du						0	R -	R -	R -	R -	R -	R -	R -
	High Density Residential - student rooms	du						0	R -	R -	R -	R -	R -	R -	R -
Commercial	Local Business - office	m² GLA			0%			0%	0	R -	R -	R -	R -	R -	R -
	Local Business - retail	m² GLA			0%			0%	0	R -	R -	R -	R -	R -	R -
	General Business - office	m² GLA			0%			0%	0	R -	R -	R -	R -	R -	R -
	General Business - retail	m² GLA			0%			0%	0	R -	R -	R -	R -	R -	R -
	Community	m² GLA			0%	1 567		0%	1 567	R -	R -	R -	R 33 298.50	R 1 024 933.74	R 23 362.51	R 1 081 594.76
	Education	m² GLA			0%			0%	0	R -	R -	R -	R -	R -	R -	R -
Industrial	Light Industrial	m² GLA			0%			0%	0	R -	R -	R -	R -	R -	R -	R -
	General Industrial - light	m² GLA			0%			0%	0	R -	R -	R -	R -	R -	R -	R -
	Warehousing	m² GLA			0%			0%	0	R -	R -	R -	R -	R -	R -	R -
	General Industrial - heavy	m² GLA			0%			0%	0	R -	R -	R -	R -	R -	R -	R -
	Noxious Industrial - heavy	m² GLA			0%			0%	0	R -	R -	R -	R -	R -	R -	R -
Other	Resort	m² GLA			0%			0%	0	R -	R -	R -	R -	R -	R -	R -
	Public Open Space	m²						0%	0	R -	R -	R -	R -	R -	R -	R -
	Private Open Space	m²						0%	0	R -	R -	R -	R -	R -	R -	R -
	Natural Environment	m²						0%	0	R -	R -	R -	R -	R -	R -	R -
	Utility Services	m² GLA			0%			0%	0	R -	R -	R -	R -	R -	R -	R -
	Public Roads and Parking	m²						0%	0	R -	R -	R -	R -	R -	R -	R -
	Transport Facility	m²						0%	0	R -	R -	R -	R -	R -	R -	R -
	Limited Use							0%	0	R -	R -	R -	R -	R -	R -	R -
Special	To be calculated														
	based on evaluator discretion														
* Complete yellow/green cells.		0			0										

** du = dwelling unit, GLA=Gross lettable area. *** displays red if not equal to existing area

Total Development Charges before Deductions	R0.00	R0.00	R0.00	R33 298.50	R1 024 933.74	23 362.51	R1 081 594.76
% Deductions per service (%)	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
% Deductions per service (amount)	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	R 0.00	
Additional Deduction per service - over and above Services Agreement (sum)							R 0.00
Sub Total after Deductions (excluding VAT)	R0.00	R0.00	R0.00	R33 298.50	R1 024 933.74	23 362.51	R1 081 594.76
VAT	R0.00	R0.00	R0.00	R4 994.77	R153 740.06	3 504.38	R162 239.21
	R0.00	R0.00	R0.00	R38 293.27	R1 178 673.81	26 866.89	R1 243 833.97


Boundary line of lease area
The Annex substance use beds
GRAVEL ROAD
Admin & admissions
Estate maintenance
Covered Parking
Covered Sports area
Mental health and detox beds
slave bell
Lecture and group therapy
slave bell
Gate
Lapa
The Cottage (substance use beds)
Research unit
Shed
Stores & Generator
GARDEN
Braai
Cellar House Councillor offices
Boundary line of lease area
Boundary line of lease area
Table indicating Building Areas
Legend
mlh architects & planners
MILNERTON ESTATES
PROPERTY DEVELOPERS
Site Plan
Roberburg Addiction Care
April 2022
2021 643
N

11

INTEROFFICE MEMORANDUM

STELLENBOSCH
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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

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

To:	**Administrative Officer: Land Use Management Nicole Katts**	From:	**Senior Environmental Planner: Schalk van der Merwe**
CC:	**Manager: Environmental Management Tammy Leibrandt**	Date:	26 January 2022
Re:	**APPLICATION FOR REZONING – ERF 294, RAITHBY (LU/13380)**		

FILE NR:
SCAN NR: E 294 RB
COLLABORATOR NR: 722560

The above application refers. In terms of the Temporary Departure (Erf 294, Raithby) approved on the relevant property during 2014 the following conditions applied:

(6) That no activities relating to the subject temporary departure may create a noise nuisance for surrounding property owners and all rehabilitation sessions be conducted during reasonable office hours (08h00 to 17h00).

(7) That the owners of the subject property at all times comply with the applicable Noise Control Regulations.

(10) That only the main entrance to property be used for deliveries related to the temporary departure.

Since 2018 a number of noise complaints caused by, among other, the use of the servitude road running past Farm 690 were received and responded to by the Department: Community Services. In terms of the above application for the Rezoning of Farm 294 the applicant proposes that the said servitude road be used for vehicles exiting the Health Care Facility on Farm 294 as well as for after hour access. Given the history of noise complaints received by this Department it is reasonable to expect that this proposal will lead to further noise complaints similar to that received to date. From an environmental planning point of view this department has no objection to the approval of the application subject to the following:

1. Activities on site, during construction and thereafter, must comply with the Western Cape Noise Control Regulations.
2. No activities relating to the operation of the Health Care Facility may create a noise nuisance for surrounding property owners.
3. Only the main entrance to property be used for deliveries to the Health Care Facility.
4. Vehicle access, related to the use and operation of the Health Care be restricted to weekdays (Monday to Friday) from 08h00 to 17h00.
5. During construction the owner, developer or any agent acting on his/her behalf, must take all reasonable steps to prevent nuisance caused by dust in accordance with the National Dust Control Regulations.

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELPOMENT SERVICES
26 JAN 2022
RECEIVED

S VD MERWE
SENIOR ENVIRONMENTAL PLANNER:
COMMUNITY SERVICES

Tel: +27 21 808 8161 | Email: Angelique.George@stellenbosch.gov.za
Physical Address: 123 Merriman Avenue, Stellenbosch, 7600 | Postal Address: PO Box 17, Stellenbosch, 7599
Website: www.stellenbosch.gov.za

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Spatial Planning

To	:	**Manager: Land Use Management**
From	:	**Manager: Spatial Planning**
Reference	:	**Erf 294, Raithby**
LU No	:	**LU/13380**
Date	:	**13 April 2022**
Re	:	**Application for rezoning on Erf 294, Raithby**

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

Application is made for the following:

- **Rezoning** of ±2.56ha of Erf 294, Raithby from Agriculture and Rural Zone to Community Zone for the establishment of a welfare institution for a health care facility (in-patient rehabilitation centre) of maximum 40 beds, for sufferers of substances abuse and eating disorders in existing buildings and a new building of ±230m².

1) Opinion/reasoning:

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

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

1. Maintain and grow the assets of Stellenbosch Municipality's natural environment and farming areas;
2. Respect and grow cultural heritage;
3. Direct growth to areas of lesser natural and cultural significance as well as movement opportunity;
4. Clarify and respect the different roles and potentials of existing settlements;
5. Clarify and respect the roles and functions of different elements of movement structure;
6. Ensure balanced, sustainable communities;
7. Focus collective energy on a few catalytic lead projects.

With the enactment of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), a new planning regime was introduced in South Africa. It replaced disparate apartheid era laws with a coherent legislative system as the foundation for

all spatial planning and land use management activities in South Africa. It seeks to promote consistency and uniformity in procedures and decision-making. Other objectives include addressing historical spatial imbalances and the integration of the principles of sustainable development into land use and planning regulatory tools and legislative instruments.

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

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

In terms of the approved MSDF for Stellenbosch Municipality, the subject property is located **outside the urban edge of Raithby** and currently zoned Agriculture and Rural Zone. The proposal is for the rezoning to Community Zone as a **spot zoning** to permit the permanent and continued use of the Rustenberg Addiction Care Facility. A temporary departure was previously granted.

In terms of the Western Cape Land Use Guidelines – Rural Areas (March 2019) the placement of community facilities such as rehab and wellness centres within rural areas are not supported, but the Municipality may have grounds to depart from these requirements given that the facility has been operational for some time with planning approval.

The facility operates within the existing buildings within the farm werf without significant structural alternations. The new building proposed is for accommodation (13 beds), but will not increase the current capacity of the facility. The idea is to relocate some of the existing beds from the main building.

2) <u>Supported / not supported:</u>

This department supports the application subject to the condition that the maximum 40 patients capacity be adhered to.

BJG de la Bat
MANAGER: SPATIAL PLANNING

Allen Goosen

From: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>
Sent: 04 May 2022 10:14 AM
To: Allen Goosen
Subject: FW: COMMENT ON LAND USE APPLICATION: ERF 294 RAITHBY

Morning Allen;

Please find comments below from Fire Departments.

Kind regards,
Bulelwa Mdoda
Land Use Management
Planning & Economic Development

T: +27 21 808 8690 : F +27 21 886 6899
3rd Floor, Eikestad Mall, Andringa Street,
Stellenbosch
www.stellenbsosch.gov.za

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About Stellenbosch Municipality
Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.
Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call +2721-808-8111, or visit www.stellenbosch.gov.za

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From: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>
Sent: Wednesday, 04 May 2022 09:16
To: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>
Subject: FW: COMMENT ON LAND USE APPLICATION: ERF 294 RAITHBY

From: John Aaron <John.Aaron@stellenbosch.gov.za>
Sent: Thursday, 27 January 2022 15:51
To: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>
Subject: RE: COMMENT ON LAND USE APPLICATION: ERF 294 RAITHBY

Good day Nicole

The Zoning Application is in order from a fire service side, Fire requirements will be given when plans are submitted to council.

Kind Regards / Vriendelike Groete

John Aaron
Station Commander
Fire Safety

Email: John.aaron@stellenbosch.gov.za | Tel: +27 21 808 8889 / Fax: 021 883 3200
Website: www.stellenbosch.gov.za | Physical Address: c/o Helshoogte & Cluver street, 7600
Postal Address: PO Box 17, Stellenbosch, 7599

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24 Enquiries T: 021 808 8111
Anti-Fraud T: 0800 111 027

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From: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>
Sent: 24 January 2022 11:57 AM
To: Development Admin <Development.Admin@stellenbosch.gov.za>; Tyrone King <Tyrone.King@stellenbosch.gov.za>; Colin Taylor <Colin.Taylor@stellenbosch.gov.za>; Abdullah Daniels <Abdullah.Daniels@stellenbosch.gov.za>; Barbara-Ann Henning <Barbara-Ann.Henning@stellenbosch.gov.za>; Bernabe De La Bat <Bernabe.DeLaBat@stellenbosch.gov.za>; ferencia@capewinelands.gov.za; John Aaron <John.Aaron@stellenbosch.gov.za>; Albert van der Merwe <Albert.vanderMerwe@stellenbosch.gov.za>; Bradley Williams <Bradley.Williams@stellenbosch.gov.za>; Martin Slabber <Martin.Slabber@stellenbosch.gov.za>; Schalk Van der Merwe <Schalk.VanderMerwe@stellenbosch.gov.za>; Katherine Robinson <Katherine.Robinson@stellenbosch.gov.za>; Kaizer Makati <Kaizer.Makati@stellenbosch.gov.za>
Cc: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>
Subject: COMMENT ON LAND USE APPLICATION: ERF 294 RAITHBY

Good day;

The relevant documentation regarding the abovem entioned application will follow via Wetransfer.

Kindly furnish me with your comment by email, in order to enable me to submit the application to the decision making authority for consideration.

FARM NUMBER & APPLICATION NUMBER:

Erf 294, Raithby (LU/13380)

DESCRIPTION OF THE PROPOSAL

Application in terms of Section 15(2)(a) of the Stelle nbosch Municipality Land Use Planning By-Law (2015) for the **rezoning** of ±2.56ha of Erf 294, Raithby from Agriculture and Rural Zone to Community Zone for the establishment of a welfare institution for a health care facility (in-patient rehabilitation centre) of maximum 40beds, for sufferers of substances abuse and eating disorders in existing buildings and a new building of ±230m².

Allen Goosen

From: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>
Sent: 13 April 2022 10:37 AM
To: Allen Goosen
Subject: FW: COMMENT ON LAND USE APPLICATION: ERF 294 RAITHBY (LU/13380)

Morning Allen;

Please find below comments received from Health Department.

Kind regards,
Bulelwa Mdoda
Land Use Management
Planning & Economic Development

T: +27 21 808 8690 : F +27 21 886 6899
3rd Floor, Eikestad Mall, Andringa Street,
Stellenbosch
www.stellenbsosch.gov.za

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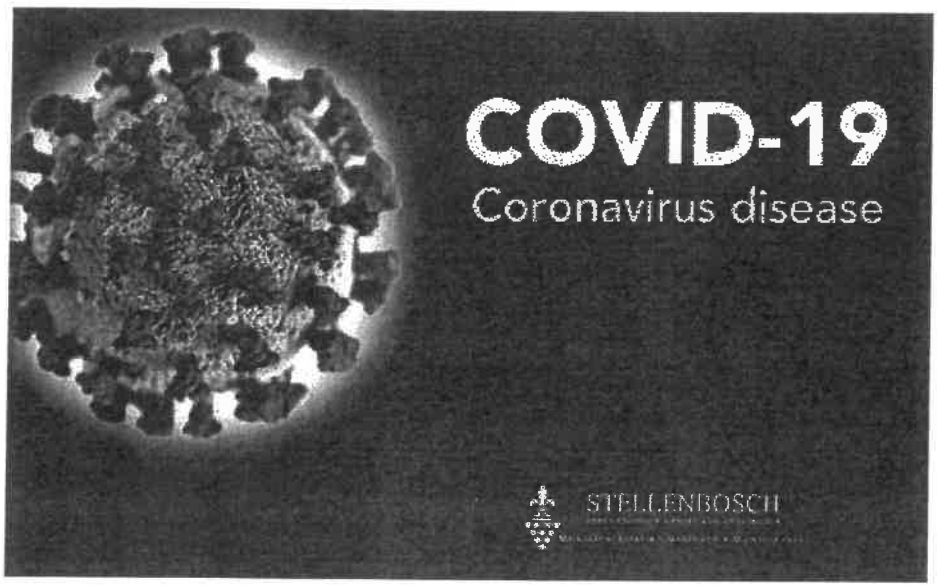

For official COVID-19 advice, updates and queries:

- National Hotline 0800 029 999
- Provincial Hotline 021 9284102
- WhatsApp 0600 123 456

Stay alert, stay updated and stay safe.

About Stellenbosch Municipality
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From: Tracey-Lee Mouton <Tracey-lee@capewinelands.gov.za>
Sent: Wednesday, 13 April 2022 10:32
To: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>
Cc: Fabian van Wyk <fabian@capewinelands.gov.za>
Subject: [EX] RE: COMMENT ON LAND USE APPLICATION: ERF 294 RAITHBY (LU/13380)

Good day,

Attention: To whom it may concern

Sir/Madam

APPLICATION: (LU/13380)

RE: APPLICATION FOR ZEZONING: ERF 294, RAITHBY.

From an Environmental Health perspective this application may be recommended for approval.

This Department reserves the right to set further requirements during the running of the business.

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

Yours faithfully,

Tracey-Lee Mouton

From: Fabian van Wyk <fabian@capewinelands.gov.za>
Sent: Tuesday, 12 April 2022 08:52
To: Tracey-Lee Mouton <Tracey-lee@capewinelands.gov.za>
Subject: FW: COMMENT ON LAND USE APPLICATION: ERF 294 RAITHBY

Mornings

With reference to yesterday's mail from me.

Regards

From: Bulelwa Mdoda <Bulelwa.Mdoda@stellenbosch.gov.za>
Sent: Monday, 11 April 2022 14:59
To: Fabian van Wyk <fabian@capewinelands.gov.za>
Cc: Nicole Katts <Nicole.Katts@stellenbosch.gov.za>
Subject: RE: COMMENT ON LAND USE APPLICATION: ERF 294 RAITHBY

Yes Fabian; it was sent by Nicole by Wetransfer on 24th of January.

Pedro April

From: Michelle Aalbers
Sent: Wednesday, 13 September 2023 10:01
To: Pedro April
Subject: Rustenburg Rehab Centre

Good morning, Pedro

Our telephone conversation has reference.

The Community Development Department confirmed that the applicant signed annual agreements with The Mudita Foundation, a local specialist in adolescent substance use disorders and school-based counselling services ending 2019. The donation for services aimed at youth to the value of R 50 000 was well received and served the surrounding community through the mentioned services. It is the opinion of the department that these types of symbiotic relationships will benefit citizens and especially those who cannot access services freely.

We further confirm that The Mudita Foundation is a member of the Stellenbosch Local Drug Action Committee launched by Stellenbosch Municipality.

Kind regards,
Michelle Aalbers
Manager: Community Development
Community and Protection Services

T: +27 21 808 8408 I +27 83 560 5935
michelle.aalbers@stellenbosch.gov.za
21 Simonsberg Road, Stellenbosch, 7600
www.stellenbosch.gov.za

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APPENDIX 8

Site photos.

On-Site Photographs:

Photo 1: Existing facilities on the site.

Photo 2: Location of the proposed new building, behind the converted cottages

APPENDIX 9

Temporary departure approval.

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/8297
Erf Number: Erf 294, Raithby
Reference Number:
Enquiries: P April / S Newman
Contact No. 021- 808 8683 / 8659

EMAIL: alleng@mlh.co.za
Sir

APPLICATION FOR TEMPORARY DEPARTURE ON ERF 294, RAITHBY

1. This Municipality's letter dated 28 July 2020, refers.

2. I wish to advise that the appeal process has now been concluded and herewith confirm that no appeal has been lodged with the Municipality as contemplated in Section 79(2) of the Stellenbosch Municipal Land Use Planning By-law.

3. Accordingly, you may now act on the decision detailed in the letter dated 28 July 2020, subject to compliance with the conditions of approval.

Yours faithfully

FOR: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

21/9/20.
DATE

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/8297
Our File Reference Number: Erf 294, Raithby
Your Reference Number: None
Enquiries: Ulrich von Molendorff
Contact No: 021 – 808 8682
Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: alleng@mlh.co.za

Sir

APPLICATION FOR TEMPORARY DEPARTURE ON ERF 294, RAITHBY

1. The above application refers.

2. The duly authorised decision maker has decided on the above application as follows:

2.1 That the application for temporary departure in terms of Section 15(2)c of the Stellenbosch Municipal Land Use Planning By-Law dated 20 October 2015 in order to use existing buildings in a ±2,56ha area of Erf 294, Raithby for a Health Care Facility (in-patient rehabilitation centre) for up to ±40 sufferers of substance abuse and eating disorders on Erf 294, Raithby, **be approved** in terms of Section 60 of the said Bylaw for the following reasons:

(a) The use will be temporary in nature.
(b) No agricultural land will be taken out of production.
(c) All existing onsite building, services, access roads and parking areas will be sufficient for the proposed rehabilitation centre activities, although the engineering department did not comment on the application.
(d) The proposal does not necessarily compromise the principles of the IDP and the Municipal SDF at the time of submission, considering that the use is just considered on a temporary basis.
(e) The rehabilitation centre for maximum 40 clients is therefore not envisaged to be detrimental to the agricultural area.

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

a) That the approval applies only to the temporary departure and buildings in question as indicated on **ANNEXURE 2** and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.

(b) That the approval for the temporary departure will be valid for only 5 years from the date of final notification.

(c) That no activities relating to the subject temporary departure may create a noise nuisance for surrounding property owners and all rehabilitation sessions is conducted during reasonable office hours (08h00 to 17h00).

(d) That the owners of the subject property at all times comply with the applicable Noise Control Regulations.

(e) That Council reserve the right to monitor the activities of the temporary departure annually and terminate the temporary departure at any time should the owner fail to adhere to the conditions of approval within prescribe time frames.

(f) That all buildings comply and activities are conducted satisfactory to the requirements of the Health and Fire Services authorities at all times.

(g) That only the main entrance to the property be used for deliveries related to the temporary departure.

(h) That the centre allow at least 5% from the previously disadvantaged patients annually on a subsidized basis and submit annual reports to the Community Development Department

3. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

4. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:

(a) The personal particulars of the Appellant, including:

(I) First names and surname;

(II) ID number;

(III) Company of Legal person's name (if applicable)

(IV) Physical Address;

(V) Contact details, including a Cell number and E-Mail address;

(b) Reference to this correspondence and the relevant property details on which the appeal is submitted.

(c) The grounds of the appeal which may include the following grounds:

(i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);

(ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.

(d) whether the appeal is lodged against the whole decision or a part of the decision;

(e) if the appeal is lodged against a part of the decision, a description of the part;

(f) if the appeal is lodged against a condition of approval, a description of the condition;

(g) the factual or legal findings that the appellant relies on;

(h) the relief sought by the appellant; and

(i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;

(j) That the appeal includes the following declaration by the Appellant:

(i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct

(ii) That the Appellant is aware that it is and offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.

4. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: Lenacia.Kamineth@stellenbosch.gov.za

5. An applicant who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The

LU Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.

6. The approved tariff structure may be accessed and viewed on the municipal website (https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs) and the banking details for the General Account can also be accessed on the municipal website (https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file).

7. An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:

(a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.

(b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.

(c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.

(d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.

8. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

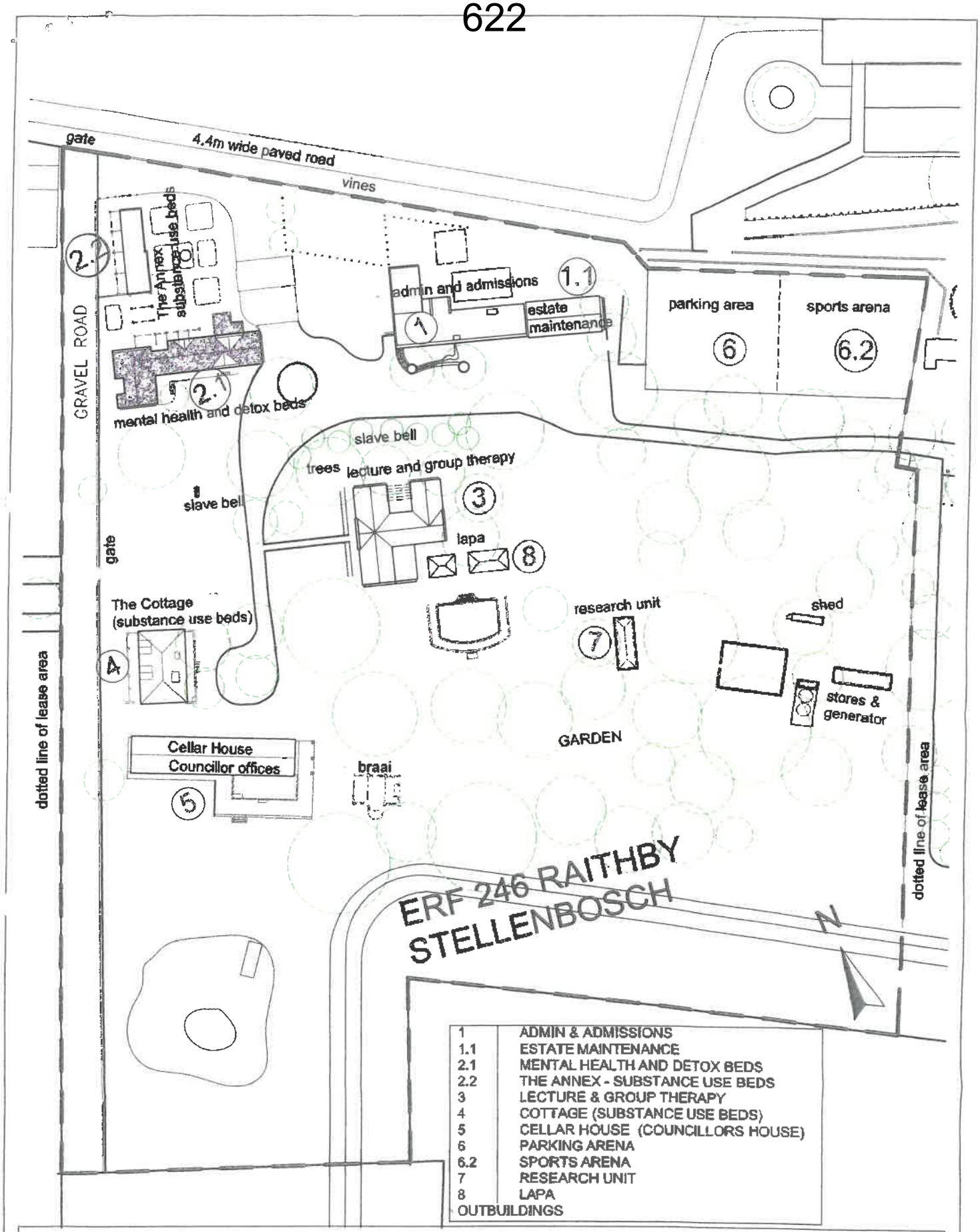
9. Kindly note the above decision is suspended, and in the case of any approval, may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully

FOR: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT **DATE:** 28/7/20

ANNEXURE 2

Site Development Plan



1	ADMIN & ADMISSIONS
1.1	ESTATE MAINTENANCE
2.1	MENTAL HEALTH AND DETOX BEDS
2.2	THE ANNEX - SUBSTANCE USE BEDS
3	LECTURE & GROUP THERAPY
4	COTTAGE (SUBSTANCE USE BEDS)
5	CELLAR HOUSE (COUNCILLORS HOUSE)
6	PARKING ARENA
6.2	SPORTS ARENA
7	RESEARCH UNIT
8	LAPA
OUTBUILDINGS	

stage 5
architects
tel: 021 556 7024

Rustenburg Estate
SITE PLAN | 10.32_01
SCALE 1:1000

to be read in conjunction with architects' master plans & elevations

24/04/2018 REV: C