NOTICE OF LAND DEVELOPMENT APPLICATION TO INTRESTED AND AFFECTED PARTIES FOR COMMENT

Neem asseblief kennis dat hierdie kennisgewing in Afrikaans hieronder volg.

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

Application Property Address: **69-71 Bird Street, Stellenbosch**

Application Property Number: **Erf 12186, Stellenbosch**

Applicant: **Lize Malan; Cell 083440 0953, lize@lizemalan.co.za**

Owner: **Heuer Bates Trust, 69-71 Bird Street, Stellenbosch, Tel 021 887 2938**

Application Reference: **LU/ 12257**

Application Type: **Application for permanent departures, removal of title deed restrictions and permission in terms of the Stellenbosch Municipal Land Use Planning By-law and Zoning Scheme**

Detailed description of land use or development proposal, including its intent and purpose:

Application is made in terms of the Stellenbosch Municipal Land Use Planning By-law, promulgated by notice number 354/2015, dated 20 October 2015, for the following on Erf 12186, Stellenbosch:

1. **Removal of the restrictive title deed conditions (in terms of Section 15(2)(f) of said By-law) Clause 1.A.2 and Clause 2.B.2 as contained in Deed of Transfer No. T 1012641/2003**

The conditions read as follows:

Paragraph 1.A.2 "...In favour of HJL du Toit and the successors in title of the property held under Deed 149 of 1888 – no canteen, hotel, butcher, general or any other business of a like nature shall be erected, carried on or conducted on a certain portion of the property, without the parties mentioned being entitled to compensation";

Paragraph 2.B.2 "...That no canteen, hotel, butcher, general or any other business of a like nature shall be erected, carried on or conducted on a certain portion of the above land";

2. **Permanent departure (in terms of Section 15(2)(b) of said By-law) to:**
   a) **Relax the street building line on Bird Street from 5.0m to 0.640m to allow for the proposed development;**
   b) **Exceed the height of 10meter, measured from the existing ground level to top of the roof or top of parapet, which limit is applicable only to the first 15meters measured from a public road, to 17, 715meters;**
   c) **Allow for the under-provision of parking (71 bays in lieu of 88 bays).**

3. **Permission required in terms of Section 15(2)(g) of the Stellenbosch Municipal Zoning Scheme By-law and Section 246(1)(a) of the Stellenbosch Municipal Zoning Scheme By-law to erect a new building or structure within an urban conservation area.**

Notice is hereby given in terms of the provisions of Section 46 of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said bylaw with the following requirements and particulars:

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address,
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
    - Indicate the facts and circumstances that explain the comments;
    - Where relevant demonstrate the undesirable effect that the application will have if approved;
    - Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
    - Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows: Lize Malan, email: lize@lizemalan.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 **12 April 2021.**

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 083 440 0953 during normal office hours.

Yours faithfully

LIZE MALAN

AFRIKAANSE WEERGAWE VAN ADVERTENSIE:

KENNISGEWING VAN GROND ONTWIKKELINGS AANSOEK AAN GEïTRESEERDE EN GEAFFEKTEERDE PARTYE VIR KOMMENTAAR.

Die volgende grondgebruiksaansoek ingevolge die Stellenbosch Munisipaliteit Verordening op Grondgebruikbeplanning, 2015, verwys:

Adres van aansoek eiendom: **Birdstraat 69-71, Stellenbosch**

Aansoek eiendom beskrywing: **Erf no. 12186, Stellenbosch**

Aansoeker: **Lize Malan, Selno. 083 440 0953, epos: lize@lizemalan.co.za**

Eienaar: **Heuer Bates Trust, Birdstraat 69-71, Stellenbosch, Tel. 021 887 2938**

Aansoek Verwysing: **LU/ 12257**

Tipe Aansoek: **Aansoek om permanente afwykings, die verwydering van beperkende titel akte voorwaardes en toestemming in gevolge die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning en Soneringskema**

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

Hiermee word die volgende grondgebruikaansoek in gevolge die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning, soos gepromulgeer kragtens kennisgewing no 354/2015, gedateer 20 Oktober, 2015, ten opsigte van Erf 12186, Stellenbosch, gebring:

1. **Verwydering van die beperkende titelakte voorwaardes (ingevolge Artikel 15(2)(f) van genoemde verordening), Klousule 1.A.2 en Klousule 2.B.2 so vervat in Titelakte No. T1012641/2003**

   Die voorwaardes is as volg:

   Paragraaf 1.A.2 "...opgelê vir die voordeel van HJL du Toit en enige toekomstige eienaar van die grond gehou kragtens Titelakte No. 149 van 1888 – geen kantien, hotel, slaghuis, algemene of enige besigheid van 'n soortgelyke aard, sal opgerig, onderneem of bedryf word op 'n spesifieke gedeelte van die eiendom, sonder dat die genoemde partye nie geregtig sal wees op vergoeding nie;"

   Paragraaf 2.B.2 "...geen kantien, hotel, slaghuis, algemene of enige besigheid van 'n soortgelyke aard, sal opgerig, onderneem of bedryf word op die bogenoemde eiendom nie";

2. **Permanente afwykings (ingevolge Artikel 15(2)(b) van genoemde verordening):**
   - **a) Verslapping van die straat boulyn vanaf Bird Straat, van 5,0m tot 0,640m om die voorgestelde ontwikkeling te akkommodeer;**
   - **b) Oorskreiding van die hoogte beperking van 10m, soos gemeet vanaf die bestaande grondvlak tot die bopunt van die dak of die**

bokant van die borswering, watter beperking slegs van toepassing is op die eerste 15m soos gemeet vanaf 'n openbare pad, tot 'n hoogte van 17,715m

c) Ondervoorsiening van parkering (71 plekke in stede van 88 plekke)

3. **Toestemming soos benodig ingevolge Artikel 15(2)(g) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning en Artikel 246(1)(a) van die Stellenbosch Munisipaliteit Soneringskema Verordening, om 'n nuwe gebou of struktuur binne 'n stedelike bewaringsarea op te rig.**

Kennis word hiermee gegee ingevolge die voorskrifte van die Artikel 46 van die genoemde verordening 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 gelewer word op die aansoek in gevolge Artikel 50 van die tersaaklike verordening wat aan die volgende vereistes moet voldoen en die volgende 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 wat die die kommentaar toelig;
    - Indien toepaslik, wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
    - Waar toepaslik, enige aspek van die aansoek strydig geag word met enige relevante beleid;
    - Dat die insette voldoende inligting sal bevat 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: Lize Malan, epos: lize@lizemalan.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 **12 April 2021.**

Daar moet kennis geneem word dat die Munisipaliteit, ingevolge van Artikel 50(5) van die vermelde verordening, 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 083 440 0953 gedurende normale kantoor ure

Die uwe

LIZE MALAN

Erf 12186, Stellenbosch

(69-71 Bird Street Stellenbosch – Heuer building)

APPLICATION FOR
PERMANENT DEPARTURES FROM ZONING SCHEME, PERMISSION IN TERMS OF ZONING SCHEME AND REMOVAL OF RESTRICTIVE TITLE CONDITIONS

EXECUTIVE SUMMARY

1. INTRODUCTION

The Heuer Bates Trust, owner of Erf 12186, Stellenbosch, Musikhaus W. Heuer, has submitted an application to the Stellenbosch Municipality in terms of the Stellenbosch Municipality Land Use Planning By-law (2015) (SMPBL) to allow for the development of a 6-storey residential and commercial building on the site.

The following applications are made:

- In terms of Section 15(2)(b) of the SMPBL: Permanent departure from the development parameters of the zoning scheme

  Departures are required from the following clauses:
  - **Section 33(1)** of the Stellenbosch Municipal Zoning Scheme By-law(2019) which stipulates the parking requirements for development. Application is made to provide 71 on-site bays instead of the 88 required.
  - **Section 110 (2)(h)** which states that a 5 meter building line is required where the street boundary abuts a proclaimed road. Bird Street is a proclaimed road and application is made for a departure from this provision to a building line of 0,640m.
  - **Section 252(1)(a)** of the SMZS which stipulates that *buildings may not exceed a height of 10 meter, measured from existing ground level to top of roof or top of parapet, which limit is applicable only to the first 15 meters measured from a public road,* in the Stellenbosch Urban Conservation Area. The proposed new building will have a height of 17,715m.

- In terms of Section 15(2)(g) of the SMPBL: Permission in terms of Section 246(1)(a) of the Stellenbosch Municipal Zoning Scheme By-Law, to erect a new building or structure within an Urban Conservation Area.

- In terms of Section 33(1) of the SMPBL: Removal of the following title deed restrictions recorded in Deed T 012641/2003:

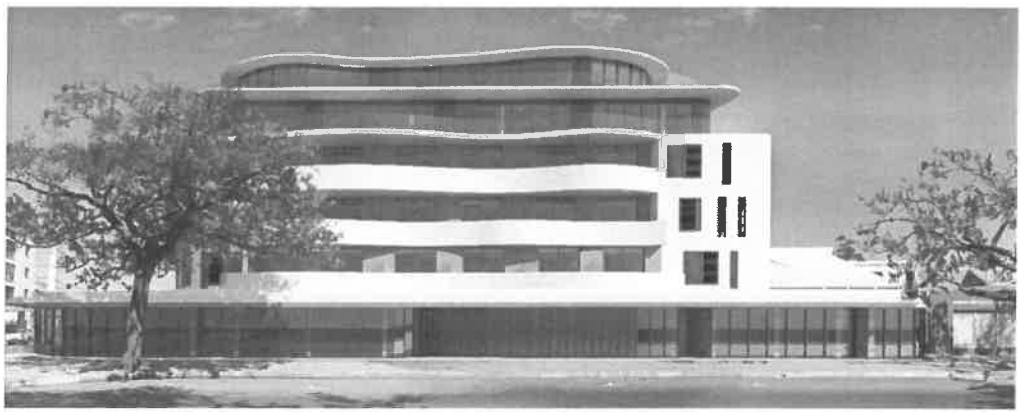
Clause 1.A.2*: In favour of HJL du Toit and the successors in title of the property held under Deed 149 of 1888 – no canteen, hotel, butcher, general or any business of a like nature shall be erected, carried on or conducted on a certain portion of the property, without the parties mentioned being entitled to compensation.*

Clause 2.B.2: *No canteen, hotel, butcher, general or any business of a like nature shall be erected, carried on or conducted* on the remaining portion of the property.

2. PROPOSED DEVELOPMENT

The proposed development entails the demolition of the existing building and replacement with a six-storey plus basement mixed-use commercial and residential building. The ground floor will accommodate a large retail space facing onto Bird Street and a smaller office space. The four storeys above will accommodate residential units ranging from bachelors units, to 2 and 3 bedroom duplex units on the fourth and fifth floors. Parking will be provided in a basement and at ground level to the back of the site.

The architectural language is clean and modern and the curved lines of the balconies are reminiscent of an iconic Steinway grand piano and other musical instruments associated with the Heuer family and their business, that has served the Stellenbosch community and beyond since the 1950s.



3D render of proposed building as viewed from Bird Street

3. MOTIVATION

The detailed motivation for the proposed development is set out according to the criteria for assessment as per Section 65 of the Stellenbosch Municipality Land Use Planning By-law (2016). This section provides a summary of the most salient points.

- ***Alignment with statutory plans***

The proposed development is aligned with the Stellenbosch Municipal Integrated Development Plan, in particular the Spatial Development Framework (2019) which designates Bird Street as an activity route, where a mix of commercial, social and high density residential development is promoted. In addition the Western Cape Provincial Spatial Development Framework promotes compact, mixed-use and integrated settlements through densification and appropriate development typologies (PSDF, 2014:84). This development will contribute to transforming the settlement of Stellenbosch in a more sustainable and efficient settlement without impacting on its valuable heritage resources.

- ***Alignment with Municipal policies***

The recently completed Dennesig Neighbourhood Development Guidelines, dated September 2019, is the most applicable municipal policy to guide development of the site. It is understood that the policy has been adopted as a non-statutory policy. The policy was prepared to guide the nature of the built form and management of vehicular and non-motorised transport in the blocks bounded by Adam Tas, Molteno, Bird and Merriman and is named after Dennesig Street, that constitutes the central axis of this rapidly transforming area. The policy is in particular aimed at ensuring that the predominantly high density residential development that is being pursued in this area creates a vibrant public realm that promotes safety and the use of non-motorised transport. As such the policy consists of urban design guidelines, which guides the built form and transport guidelines which considers the transport implications of the proposed built form. These guidelines and the response of the proposed development is summarised below:

- *Limit height to four storeys unless the* ***development includes mixed-uses in which case they can motivate for additional floors up to 6 storeys*** – the proposed building includes commercial uses at ground level and a variety of residential units ranging from bed-sit apartments to three-bedroom split-level units and thus the proposed six storeys are regarded as appropriate.
- *The articulation of height needs to respond to neighbouring fixes* – the large apartment building next door, Akkerhof, is five storeys high; the proposed six storey building with its set-back top floors will thus fit in its context.
- *Provide a mix of function along Bird Street that include function that relates to making an active street* - the provision for commercial activities in the form of retail/office space at ground level with spill out areas, onto the pavement enhanced by a covered walkway, existing trees and other forms of landscaping, will make a significant contribution to increasing street-level activity along Bird Street.
- *For mixed use buildings the ground level should be built up to the street boundary (with a slight setback possible to create depth); the next three levels also built up to street boundary, with balcony spaces occupying this edge; the top two levels set back, to reduce visibility from street level and facades are to be articulated along the 80/20 principle – 80% continuous and 20% articulated* - the proposal largely conforms to these guidelines, with the ground level set back slightly from the street boundary along Bird Street, but built to 0m along Dennesig; the first, second and third floors are setback from the street and common boundaries according to the zoning scheme requirements, with balconies along these edges to create overlooking features; the top two floors are then setback from the edge of the top of the third floor and the façade articulation conforms largely to the 80/20 principle.
- *With regard to parking and circulation the guidelines promote two vehicle access points to reduce entrances to one lane each, setting back the vehicular entrance from the façade and use of materials to make the entrance less visible and placing the pedestrian entrance to the building on the main road.* - the proposal largely conforms to the guidelines, although it is not possible to provide two separate access points to the site, due to its configuration and location on Bird Street; however the vehicular access has been set back from the street, to provide for adequate stacking of vehicles and as such will be less visible; and pedestrian access to the building is provided on Bird Street.

- ***Alignment with SPLUMA and LUPA Development Principles***

- Spatial justice: The proposed development will not necessarily result in more access to land for disadvantaged communities, but will also not actively work against access to land.
- Spatial sustainability: The proposed development, through contributing to densification, will assist in limiting urban sprawl, and making optimal use of existing urban infrastructure.
- *Efficiency principle:* The proposal will make a significant contribution to densification in Stellenbosch and establish residential opportunities close to areas of socio-economic opportunities.
- *Spatial Resilience Principle:* This proposal will not necessarily contribute to spatial resilience, but does have some flexibility built into its design in that the commercial areas could be used for a large variety of uses. For this reason it is also imperative the restrictions in the title deed which prohibit certain commercial uses that may be appropriate for the area, be removed.
- *Good Administration Principle:* The municipality will ensure that the application is advertised for public comment and follow the required legal procedures.

- ***Impact on Municipal Engineering Services***

GLS Consulting has concluded that there is sufficient capacity in the municipal water reticulation and sewerage disposal networks and supply/treatment facilities to accommodate the proposed development.

- ***Compatibility with surrounding uses***

The property is situated in an area characterised by high density residential development and commercial uses and the proposed mix of residential and commercial uses is thus entirely compatible with its surrounds. In this regard it is noted that the title deed restrictions are inappropriate and incompatible with the vision for the area.

- ***Traffic, parking and access impacts***

The TIA prepared by ITS, has found that the proposed development will not have negative impacts on traffic flow, parking or access in the area. It is likely that the development would contribute to accelerating the increased use of non-motorised transport and public transport. In this regard the developer will contribute to the above, through the master home owners' association to be established as proposed by the Dennesig Neighbourhood Development Guidelines.

- ***Impact on safety, health and well-being of the surrounding community***

The proposed facility is unlikely to have a negative impact on the safety, health and well-being of the surrounding community. The active edges on the street, overlooking features on the upper levels and increase in foot traffic is likely to improve the safety and amenity of the area.

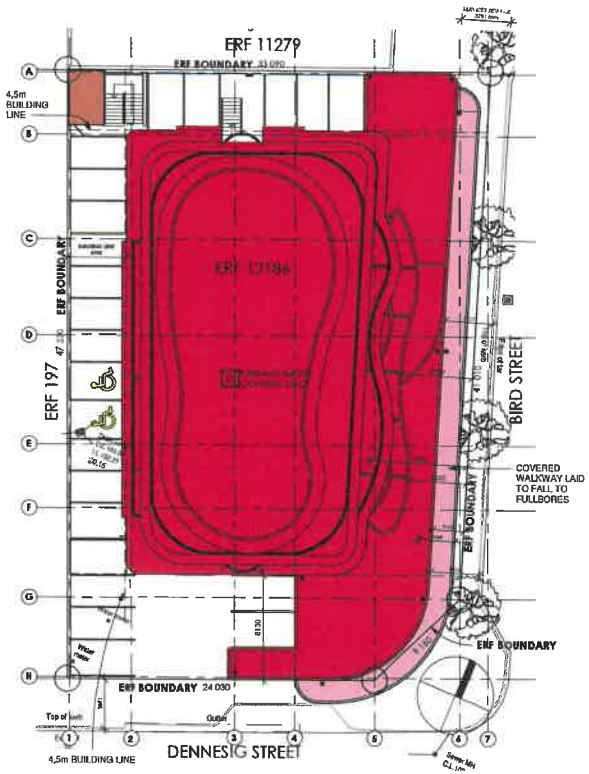
4. CONCLUSION

In conclusion it is evident that granting the departures from the building height, street building line and parking requirements will result in a development that is closely aligned with the recent Dennesig Neighbourhood Development Guidelines and will contribute towards a vision of a more inclusive, vibrant and efficient town. With regard to the relaxation of the parking requirements, it has been shown that this will not impact negatively on traffic flow in the area, and will in all likelihood contribute to the accelerating the increased use of non-motorised and public transport. With regard to the proposed increased building height and street building line relaxation, it is noted that the building will fit into its environment in terms of bulk and built form and that it largely conforms to the urban design guidelines for the area.

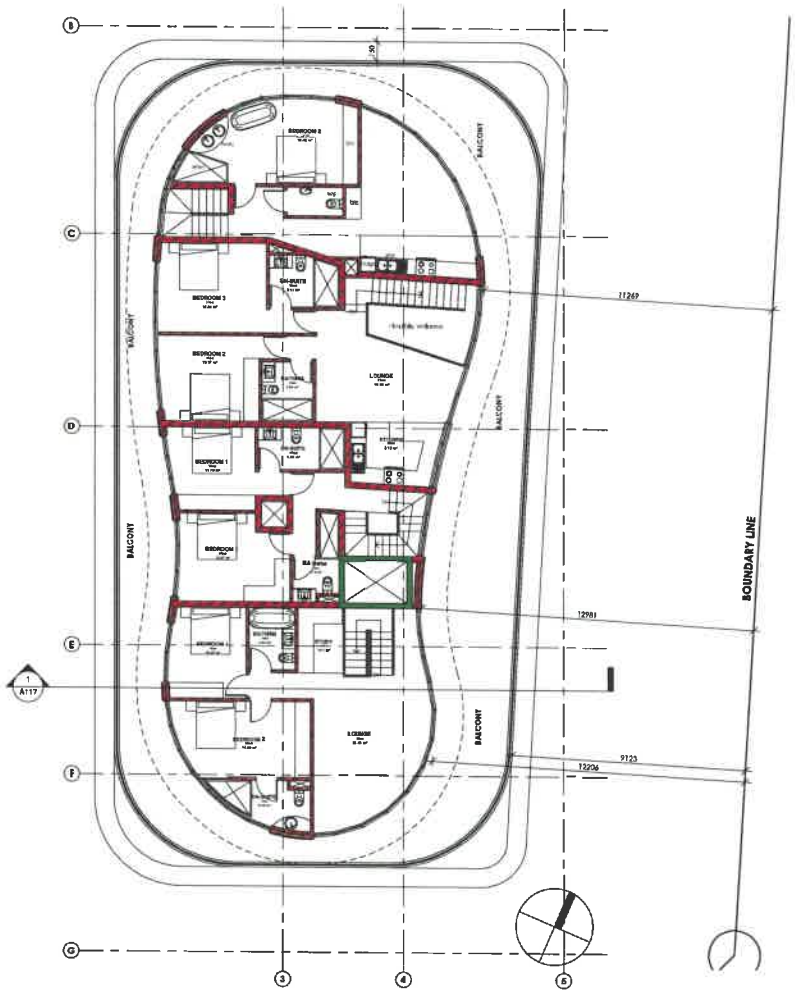
The architecture of the building itself is to be commended for being understated and modern, with curvilinear elements that provide interest and reflect on the recent history of the site, referencing the curves of a grand piano and other musical instruments. Given the context of the site, this building will certainly make a positive contribution to the experience of Bird Street. It is thus recommended that permission for the erection of this building in the Stellenbosch Urban Conservation Area be granted.

Finally the archaic title deed restrictions were clearly designed to protect the commercial interests of other parties at the time. This type of protection is, at this point in time, not only unconstitutional but inappropriate in the current circumstances as the types of commercial uses prohibited, would in fact be entirely appropriate and desirable for the site – again contributing to the vision of a vibrant and inclusive neighbourhood and town.

It is thus recommended that the application for departures from the building height, parking requirements and street building line, permission in terms of the SMZS to erect a new building in an urban conservation area and the removal of the title deed restrictions prohibiting certain commercial uses, be approved on condition that the owner/developer becomes a member of the master home owners' association for the Dennesig area, once established.



1 Site
1 : 200



3 05 - FIFTH FLOOR
1 : 100

PARKING ALLOCATION			
Name	Area	Level	Parking Req
[illegible]	[illegible]	[illegible]	[illegible]

PARKING ALLOCATION:

PARKING REQUIRED: 86
PARKING PROVIDED: 73
BICYCLE STANDS PROVIDED: 50

NOTE :
ALL FINISHED FLOOR
LEVELS TO BE CHECKED
& AMMENDED ACCORDING
TO NATURAL GROUND LEVELS

NOTE :
SEWERAGE AND STORMWATER
CONNECTIONS TO CIVIL ENGINEERS
DETAILED DRAWINGS ALL TO COMPLY
WITH SANS 10400, P: 2011

BUILDING LINES		
	STREET BOUNDARY	COMMON BOUNDARY
COMMERCIAL	0m	0m
APARTMENTS	4.5m	4.5m

Architects Signature:

Clients Signature:

christof albertyn architect
17 marine drive hermanus 7200
SACAP 3637 0825722844
christofarch@gmail.com

HEUER PLATZ - ERF 12186 - STELLENBOSCH

Client Name	HEUER BATES TRUST
Project number	0106
Date	08-12-2020
Drawn by	BP
Checked by	CKA

SITE PLAN & 5th FLOOR

0106 A101

Scale As indicated

2020/12/08 10:17:56

GENERAL NOTES

GENERAL:
All work is to be in accordance with the National Building Regulations SANS 10400 code of practice. The contractor is to verify all levels, measurements and notes before construction proceeds or any work commences. Drawings are not to be used to any other purpose other than intended for.
All work and specifications are to be executed exactly as per plan. Any errors, discrepancies or omissions to be reported to the architect's immediately. All levels, dimensions, positions and number of steps to be checked on site before any work commence. No drawings must be scaled. Drawings are to be read in conjunction with engineers and consultant's plans were applicable. Contractors will be held responsible for the correct setting out of works and any doubts as to the accuracy of boundary pegs or lines are to be reported to the architect immediatly. No part of the building may encroach the boundary lines.

STRUCTURAL DESIGN
The structural system of the building to comply with the details of part H,J,K,L,M,N of SANS 10400or in the case of timber buildings with the requirements of SANS 10082.
A competent person (structures) to design and inspect the structure.
Competent person (civil engineering) to design and inspect the services in dolomite land.

CONCRETE WORKS
All concrete slabs, floors, beams etc. are to be specified and inspected by a professional registered engineer. All structural designs are to be in accordance with SANS 10400 Part B

PUBLIC SAFETY
A change in level, design of ramps and driveways, or access to swimming pools and swimming baths to be in accordance with the detailed requirements of SANS 10400 - D
The balustrades are a design and supply contract, and the subcontractor must provide a professional engineers certificate on completion. All shop drawings submitted for approval, need to be first signed off by the subcontractors professional engineer prior to submittal and must be in accordance with the detailed requirements of SANS 10400 M and the adhere to the required loading code (10160)

SITE OPPERATIONS
Sanitary facilities to be in accordance with detailed requirements of SANS 10400 - F

EXCAVATIONS
The excavation relating to the building less than 3.0m deep to be in accordance with the detailed requirements of SANS 10400 - G
Deeper Excavations as per engineer.

FOUNDATIONS
Geotechnical investigation as per engineer
The foundation for the building to be in accordance with SANS 10400 - B
The foundation to an extension/addition to an existing building to be the same as the existing foundations if performing satisfactorily.
Competent person to be appointed by client in respect of deep footings, soil rafts, compaction of in-situ soil or sub-surface drainage.
Competent person (geotechnical) to be appointed by client in respect of geotechnical solution or soil improvements that are required.

WALLS
The structure, strength and stability of all walls as per engineer, SANS 10400 - B, SANS 10400 - T and the detailed requirements of SANS 10400 - K.
The roof fixing to be in accordance with SANS 10400 - B and the detailed requirements of SANS 10400 - K
Water penetration trough a wall to be in accordance with the detailed requirements of SANS 10400 - K
Roof coverings and waterproofing systems to be in accordance with the detailed requirements of SANS 10400 - L
All external brick walls to have 50mm air cavity. The walls to have min. R-value of 0.35. Non- masonry external walls must have a r-value of 1.9
Brick force reinforcing to be installed in substructure brick-work every five courses. Two courses of brick force reinforcing to be installed above window and provide vertical damp proof to all changes in floor levels and in external walls where the ground level is higher than the internal floor level.
All work to be in accordance with SANS 10400 Part K.

FLOOR
Floors in any laundry, kitchen, shower room, bathroom, or room containing toilet pan or urinal to be in accordance with the detailed requirements of SANS 10400 - J, these floors to be waterproof.
Suspended floors to be in accordance with engineer design.
Slab supported on the ground to be in accordance with SANS 10400 - B and SANS 10400 - H
A competent person (civil engineer) to be appointed in respect of the slabs or fills.
Where the floor area is less than 500m², ground floor slabs must have insulation installed around vertical edge of its perimeter which must have an r-value of not less than 1.0 and resist water absorption in order to retain its thermal insulation properties and be continuous from the adjacent finished ground level to a depth of not less than 300mm or for the full depth of the vertical edge or the concrete slab on ground.
Where an under floor heating system is installed the heating system must be insulated underneath the slab with insulation that has a minimum r-value of not less than 1.0
Floor level to be 150mm minimum above the adjoining ground level.
All work to be in accordance with SANS 10400 part J

ROOFS
The roof fixing to be in accordance with SANS 10400 - B and the detailed requirements of SANS 10400 - K
Roof coverings and waterproofing systems to be in accordance with the detailed requirements of SANS 10400 - L
Flats roof or related gutters to be in accordance with the detailed requirements of SANS 10400 - L . Rational design or rational assessment (or both) as per engineer.
The roof assembly and any ceiling assembly, in addition to complying with the requirements of SANS 10400 - C has to be in accordance with the detailed requirements of SANS 10400 - L
Roof assembly supported on walls to comply with requirements of SANS 10400 and in accordance with SANS 10400 - B and SANS 10400 - L
Gutters and downpipes, if any, to be sized in accordance with the requirement of SANS 10400 - R as per engineers design
The fire resistance and combustibility of the roof assembly or any ceiling assembly to be in accordance with the detailed requirements of SANS 10400 - L and SANS 10400 - T

ROOF ASSEMBLY
See certificate

ROOF INSULATION NOTES
N/A

STAIRWAYS
Stairways to be in accordance with SANS 10400 - B, SANS 10400 - T and the detailed requirements of SANS 10400 - M
Walls, screens , railings or balustrades to such stairways to be in accordance with the requirements of SANS 10400 - B , SANS 10400 - T , SANS 10400 - K and SANS 10400 - M

GLAZING
The type and fixing of glazing to be in accordance with SANS 10400 - R and the detailed requirements of SANS 10400 - N
A Competent aluminium supplier to issue COC on full glazing and aluminium on completion. Aluminium supplier to complete FORM 3 on completion.
The selection of the glazing to be in accordance with the detailed requirements of SANS 10400 - N

LIGHTING AND VENTILATION
The lighting in a habitable room, bathroom, shower room or room containing a toilet pan to comply with the requirements of SANS 10400 - T and the detailed requirements of SANS 10400 - O
The ventilation to be in accordance with the requirements of SANS 10400 - T and the detailed requirements of SANS 10400 - O

DRAINAGE
The design of the drainage system to be in accordance with the detailed requirements of SANS 10400 - P. Registered Plumber to complete FORM 3 on completion

STORMWATER DISPOSAL
The means for the control and disposal of stormwater as per engineers design in accordance with the detailed requirements of SANS 10400 - R
The means for control of and disposal of stormwater in interconnected complexes as per engineers design.

PERSON WITH DISABILITIES
The means for providing facilities for person with disabilities to be in accordance with the detailed requirements of SANS 10400 - S

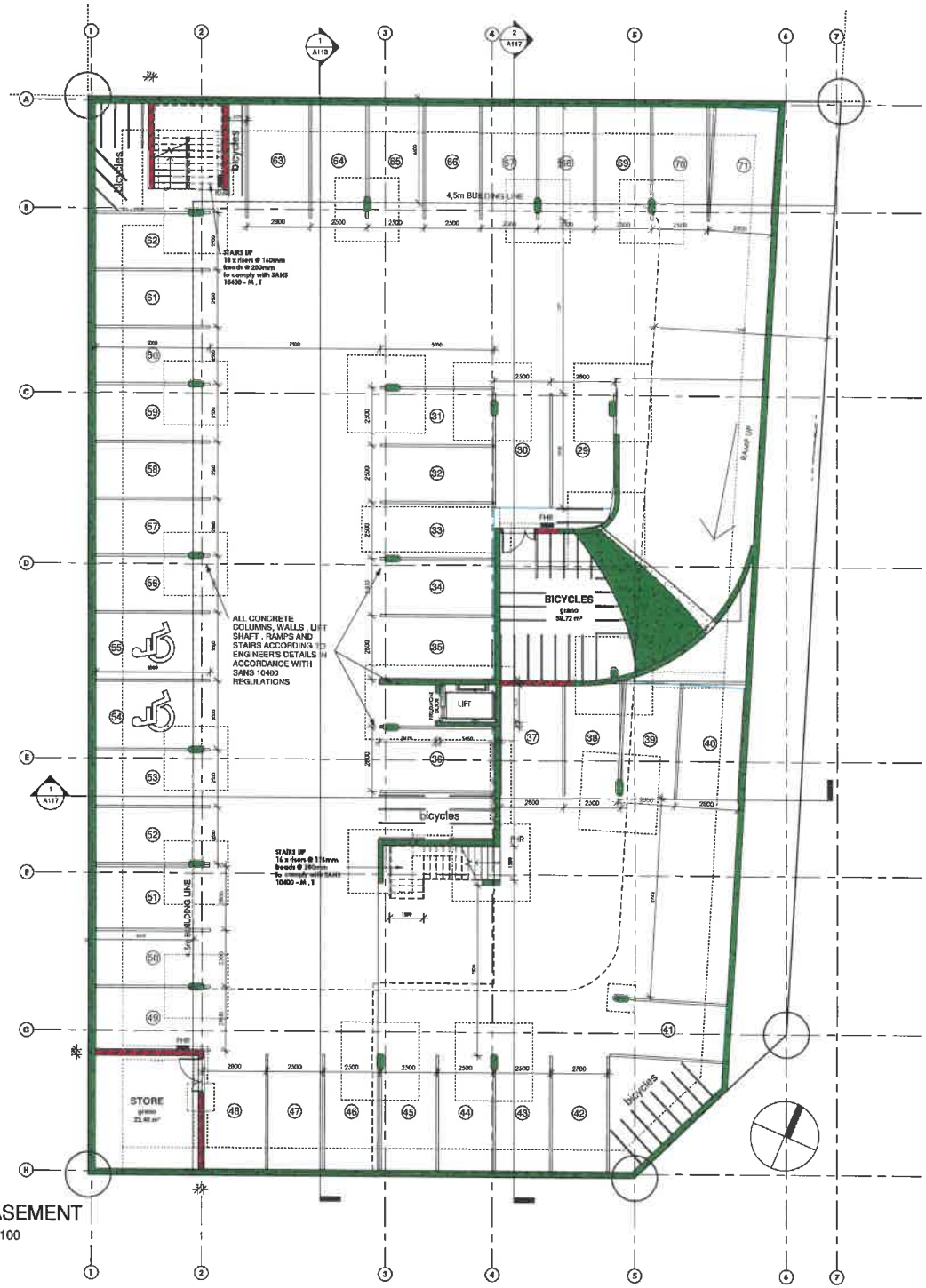
FIRE PROTECTION
The fire protection measures provided to be in accordance with the detailed requirements of SANS 10400 - T

SPACE HEATING
The provision of space heating to be in accordance with the detailed requirements of SANS 10400 - V

FIRE INSTALLATION
The fire installation to comply with the detailed requirements of SANS 10400 - W
The supply of water to be in accordance with the detailed requirements of SANS 10400 - W

ENERGY EFFICIENCY IN BUILDING
External walls to be in accordance with the detailed requirements of SANS 10400 - XA, Fenestration to be in accordance with SANS 10400 - XA
Roof assembly construction to be in accordance with SANS 10400 - XA
Floors with slab heating to be in accordance with SANS 10400 - XA
Services that use energy or control the use of energy to be in accordance with SANS 204
Hot water system to be in accordance with SANS 10400 - XA
A competent person to certify that fenestration is in accordance with SANS 204

BUILDING ENVELOPE:
- Wall plates and roof junctions must be sealed.
- All roof tiles must have a tile underlay or radiant barrier and the joint must be sealed.
- The joint in sheeting roofs must be sealed
- All glazing sealing as per glazing notes.
- Roof lights and skylights must be sealed or capable of being sealed.
- Roof lights and skylights must be contracted with a compressible seal if they are openable.
  A seal to restrict air leakage must be fitted to each edge of an external door and other such opening so that.
- it serves a conditioned space or
- it serves a habitable room
  The seal may be a foam or rubber compressible strip or a fibrous seal.
- External swing doors must be fitted with a draught protection device to the bottom edge of each leaf.
  An exhaust fan must be fitted with sealing device such as a self-closing damper or filter when sewing,
- A conditioned space or
- A habitable room
  Roofs, external walls, external floors and any openings such as glazing or door in the external fabric must be constructed to minimize air leakage when forming part of external fabric of
- A conditioned space or
- A habitable room



1 BASEMENT
1 : 100

NOTE :
ALL FINISHED FLOOR
LEVELS TO BE CHECKED
& AMMENDED ACCORDING
TO NATURAL GROUND LEVELS

NOTE :
SEWERAGE AND STORMWATER
CONNECTIONS TO CIVIL ENGINEERS
DETAILED DRAWINGS ALL TO COMPLY
WITH SANS 10400, P: 2011

Architects Signature:

Clients Signature:

christof albertyn architect
17 marine drive hermanus 7200
SACAP 3637 0825722844
christofarch@gmail.com

HEUER PLATZ - ERF
12186 - STELLENBOSCH

Client Name	HEUER BATES TRUST
Project number	0106
Date	08-12-2020
Drawn by	BP
Checked by	CKA

BASEMENT

0106 A102

Scale 1 : 100

2020/12/08 10:18:01

Ramps to be tiled with 600 x 600mm Non-Slip tiles with 850mm high S/S handrail with 75mm high balustrade

Head clearance for emergency routes of less than 2m to be indicated.

Disabled facilities to be clearly marked with approved signs

No smoking allowed anywhere in Facility

Premises to be rodentproofed in accordance with SABS Rodentproofing Regulations

Medical waste room to be clearly marked with warning signs , will be adequately ventilated and lighted according to health standards and have a concrete floor that is graded and drained to a floor trap situated inside the room that discharges over an externally situated gulley that is connected to the sewerage main line.

All Disabled toilets will have outward opening door with lock that can be opened from outside.

The WC to be 450mm between center line and nearest wall. Top surface of seat to be 480mm above FFL

S/S grab rails to be provided in accordance with SANS 10400

Flushing control and paper-holder to be easy accessible with lid remaining in upright position when raised.

WHB to be sited 820mm from floor and have vertical clearance of 650mm underneath at a point no less than 160mm from front of basin.

Taps to have lever handles with cold water handle within reach of a sitting person on the WC pan.

All areas not naturally lighted to be artificially lighted in accordance with the relevant recommendations contained in the SABS Code of Practice 0114 part 1 - 1973 and minimum average values of illuminance glare index to be provided by electrical eng.

Refuse area to have adequate rodent proofing, installed by specialist.

Lift providing access to the first floor will comply with requirements of Part S of Regulation 2378, Regulations under the National Building Regulations and Building Standards Act (100/1977) with SABS 0400: 1990 Code Practice for the application of National Building Regulations and SABS 0246:1993 Code of Practice for Accessibility of Buildings for Disabled Persons, Spec provided by Engineer.

All mechanical ventilation plants and noise producing equipment to be muffled to comply with SANS 10400 and SABS regulations

All stormwater to engineers drawings

AREAS:

BASEMENT: 77.41m²
GROUND FLOOR: 312.99m²
FIRST FLOOR:
- 608.70m²
- 94.02m² (BALCONIES)
- 702.72m² (TOTAL)

2nd FLOOR:
- 584.09m²
- 69.22m² (BALCONIES)
- 653.31m² (TOTAL)

3rd FLOOR:
- 584.14m²
- 70.00m² (BALCONIES)
- 654.14m² (TOTAL)

4th FLOOR:
- 448.73m²
- 154.82m² (BALCONIES)
- 603.55m² (TOTAL)

5th FLOOR:
- 275.35m²
- 188.17m² (BALCONIES)
- 463.52m² (TOTAL)

GRAND TOTAL: 3467.64m²

AREAS:

SITE AREA -	1477.69m²
COVERAGE -	1090²
PERCENTAGE -	73.76%
FLOOR FACTOR -	0.7 /1
TOTAL NETT AREA -	2460.41m²

COVERAGE OF COMMERCIAL - 312.99m²
PERCENTAGE - 21.18%
COVERAGE OF APARTMENTS - 702.02m²
PECENTAGE - 47.51%

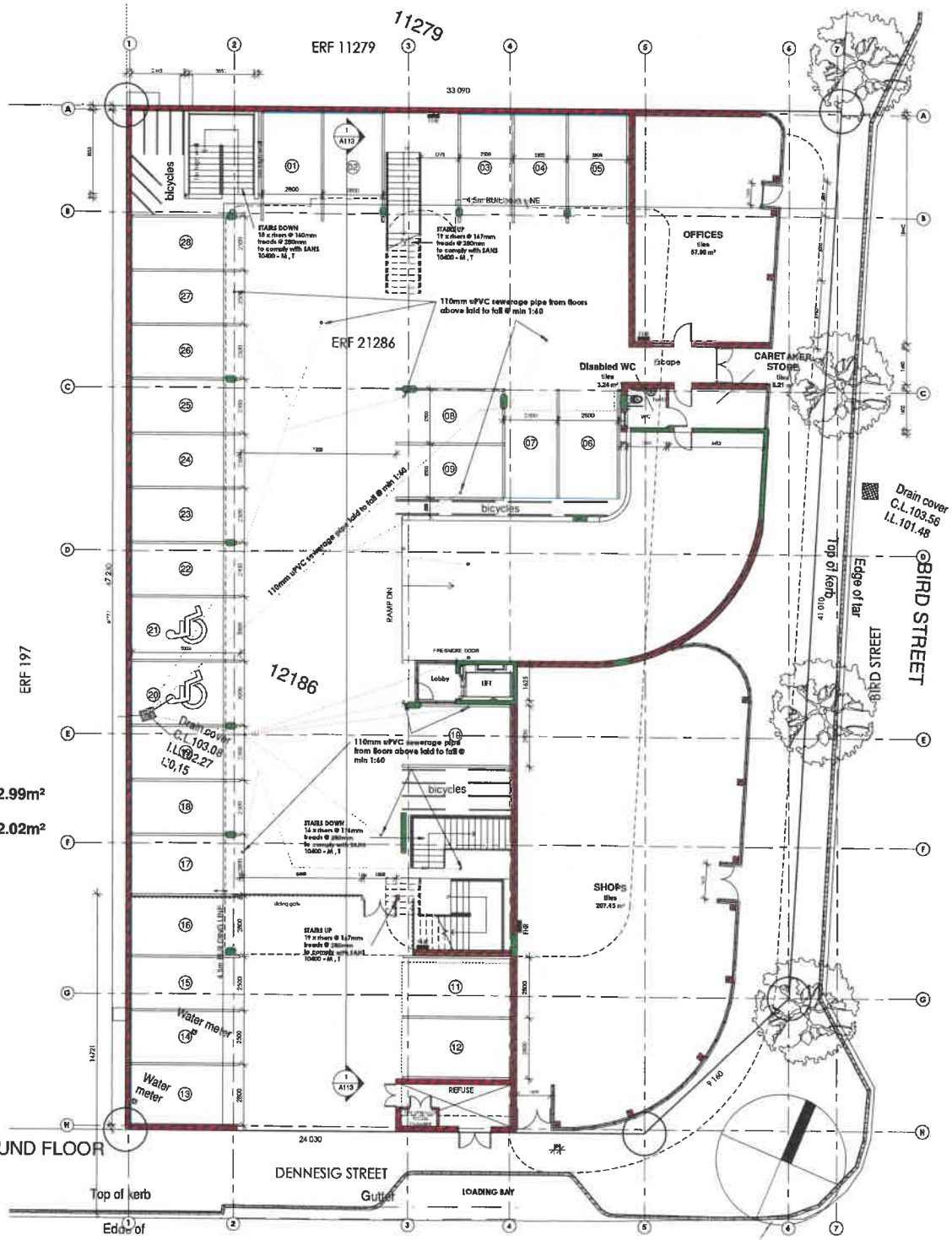
PARKING ALLOCATION:

- PARKING PER UNIT - 1/2 BEDROOM UNITS = 1.5x49=73.5
  3 BEDROOM UNITS = 1.75x1=1.75
- COMMERCIAL 4/100m² =250m²/25=11.24
- TOTAL PARKING REQUIRED 86

PARKING PROVIDED: 71
29 parking spaces on Ground level
44 parking spaces on Basement level
53 x Bicycle stands provided

NOTE :
SEWERAGE AND STORMWATER CONNECTIONS TO CIVIL ENGINEERS DETAILED DRAWINGS ALL TO COMPLY WITH SANS 10400, P: 2011

NOTE :
ALL FINISHED FLOOR LEVELS TO BE CHECKED & AMMENDED ACCORDING TO NATURAL GROUND LEVELS



1 00 - GROUND FLOOR
1 : 100

OCCUPANCY:

SMALL SHOP <250m² -	F2
OFFICES -	G1
LOW RISK STORAGE -	J3
PARKING GARAGE -	J4
DOMESTIC RESIDENTS -	H3

Architects Signature:
Client Signature:

christof albertyn architect
17 marlins drive hermanus 7200
SACAP 3637 0825722844
christofarch@gmail.com

HEUER PLATZ - ERF 12186 - STELLENBOSCH

Client Name	HEUER BATES TRUST
Project number	0106
Date	08-12-2020
Drawn by	BP
Checked by	CKA

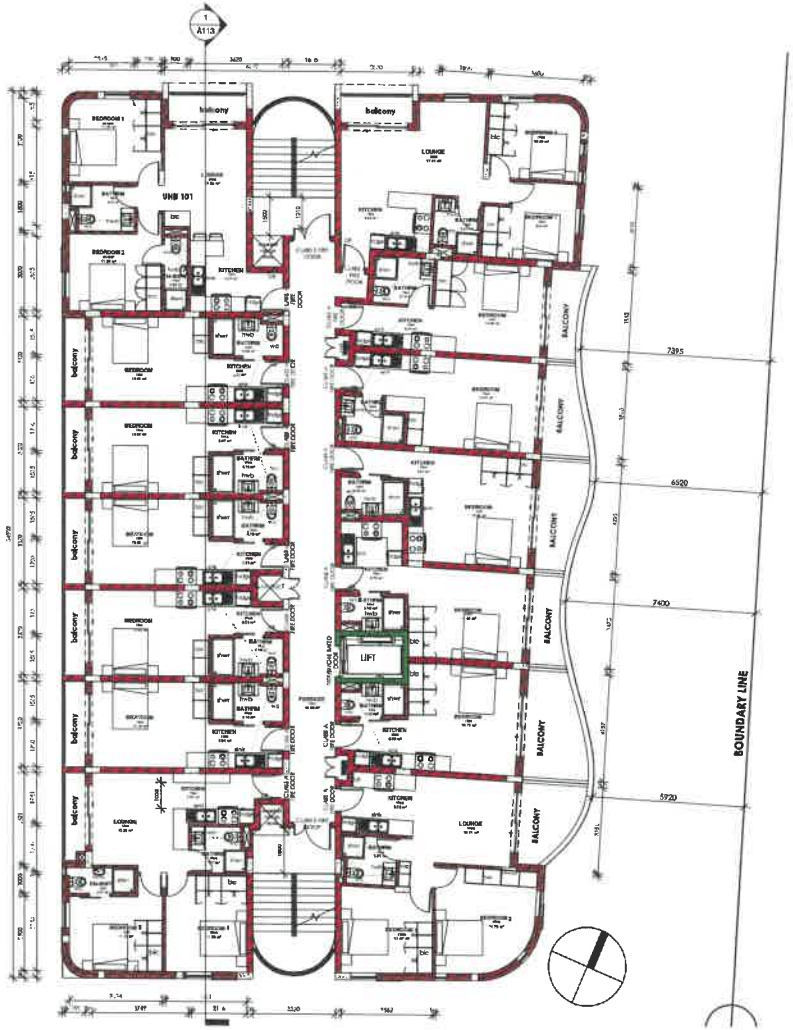
GROUND FLOOR

0106 A103

Scale 1 : 100

2020/12/08 10:18:09

1 01 - FIRST FLOOR
1 : 100



2 02 - SECOND FLOOR
1 : 100

NOTE :
ALL FINISHED FLOOR
LEVELS TO BE CHECKED
& AMMENDED ACCORDING
TO NATURAL GROUND LEVELS

NOTE :
SEWERAGE AND STORMWATER
CONNECTIONS TO CIVIL ENGINEERS
DETAILED DRAWINGS ALL TO COMPLY
WITH SANS 10400, P: 2011

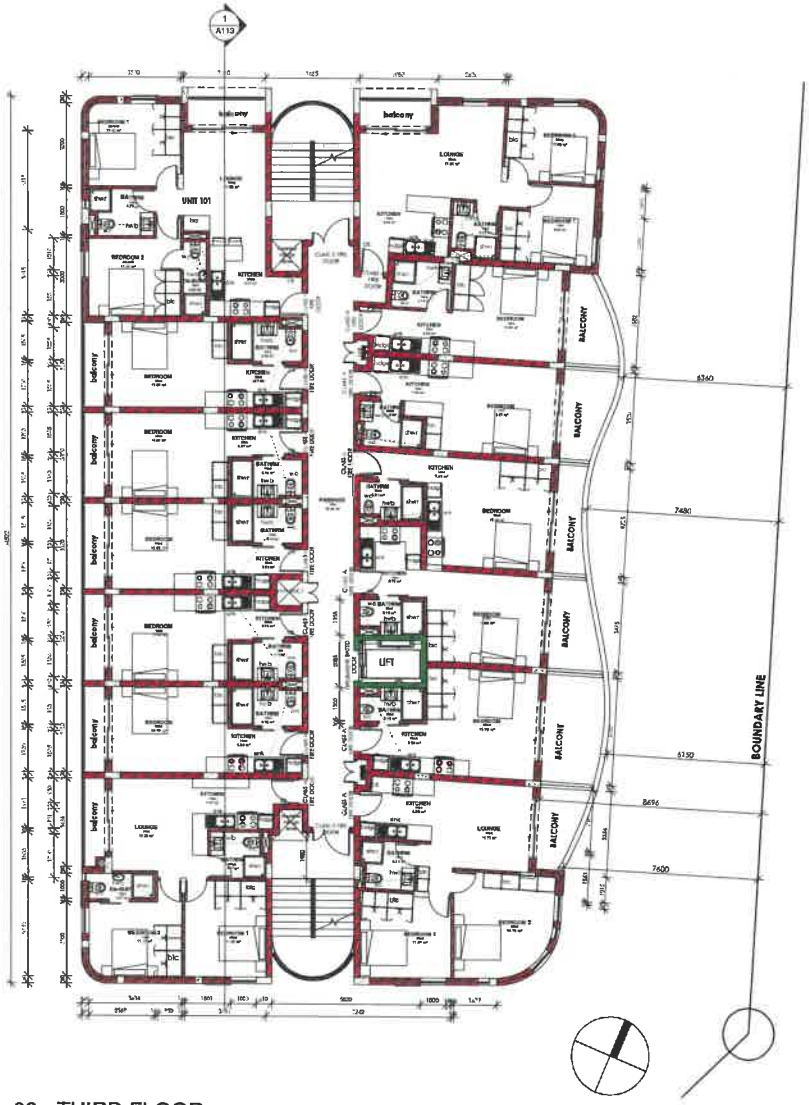
Architects Signature:

Clients Signature:

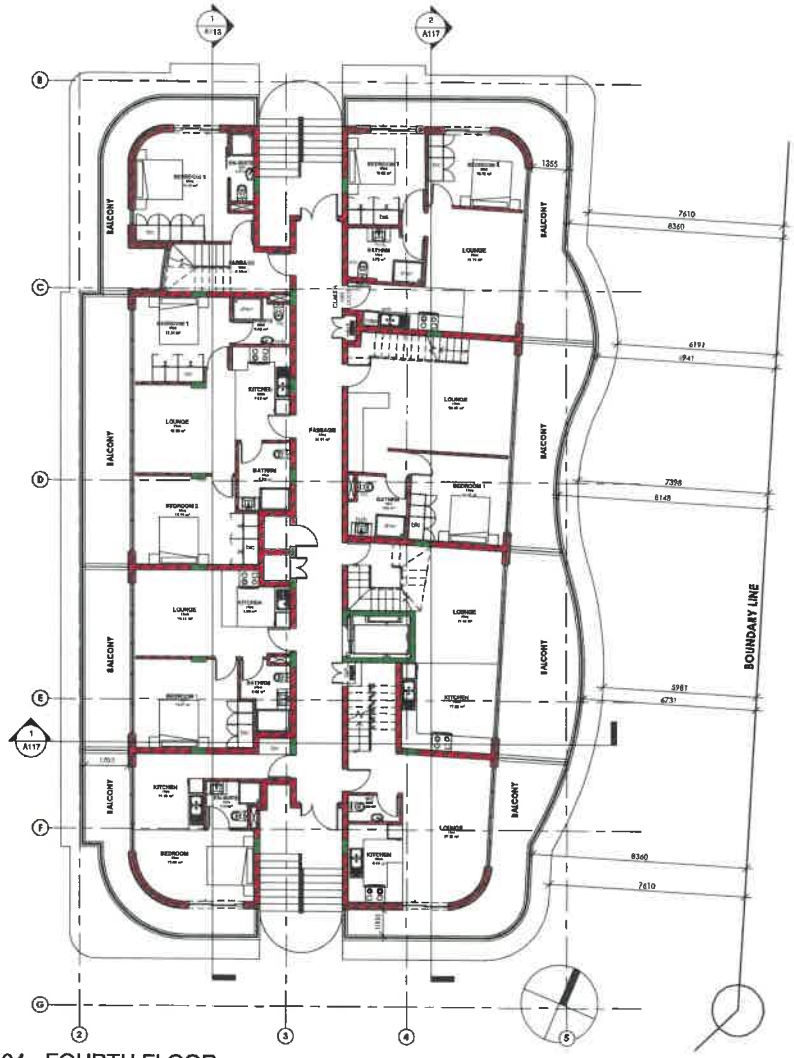
christof nibertyn architects

HEUER PLATZ - ERF 12186 - STELLENBOSCH	Project number	0106	FLOOR PLANS
	Date	08-12-2020	0106 A104
	Drawn by	BP	CURRENT REVISION
	Checked by	CKA	Scale 1 : 100

2020/12/08 10:18:29



1 03 - THIRD FLOOR
1 : 100



2 04 - FOURTH FLOOR
1 : 100

Architects Signature:

Clients Signature:

christof albertyn architect
17 marmer street Hermanus 7200
SACAP 3637 0825722844
christoforchi@gmail.com

HEUER PLATZ - ERF 12186 - STELLENBOSCH	Project number	0106	FLOOR PLANS
	Date	08-12-2020	0106 A105
	Drawn by	BP	CURRENT REVISION
	Checked by	CKA	Scale 1 : 100

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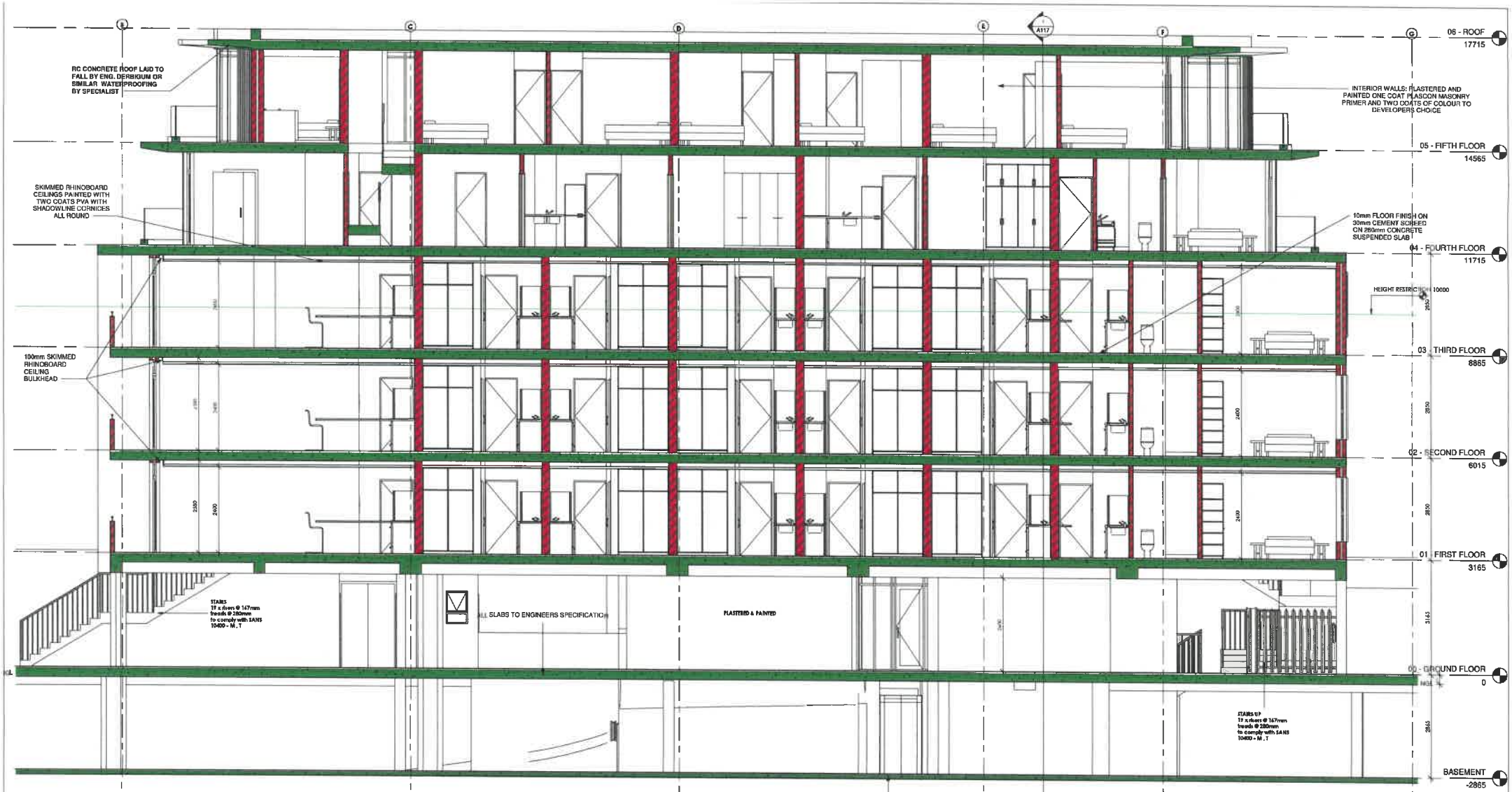
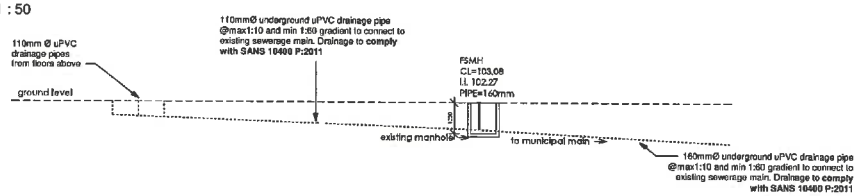


1 Section 1
1 : 50



2 DRAINAGE LAYOUT
1 : 100

Architects Signature:

Clients Signature:

christof albertyn architects

HEUER PLATZ - ERF 12186 - STELLENBOSCH			SECTION	
	Project number:	0106	0106	A113
	Date	08-12-2020	CURRENT REVISION	
	Drawn by	BP		
	Checked by	CKA	Scale	As indicated

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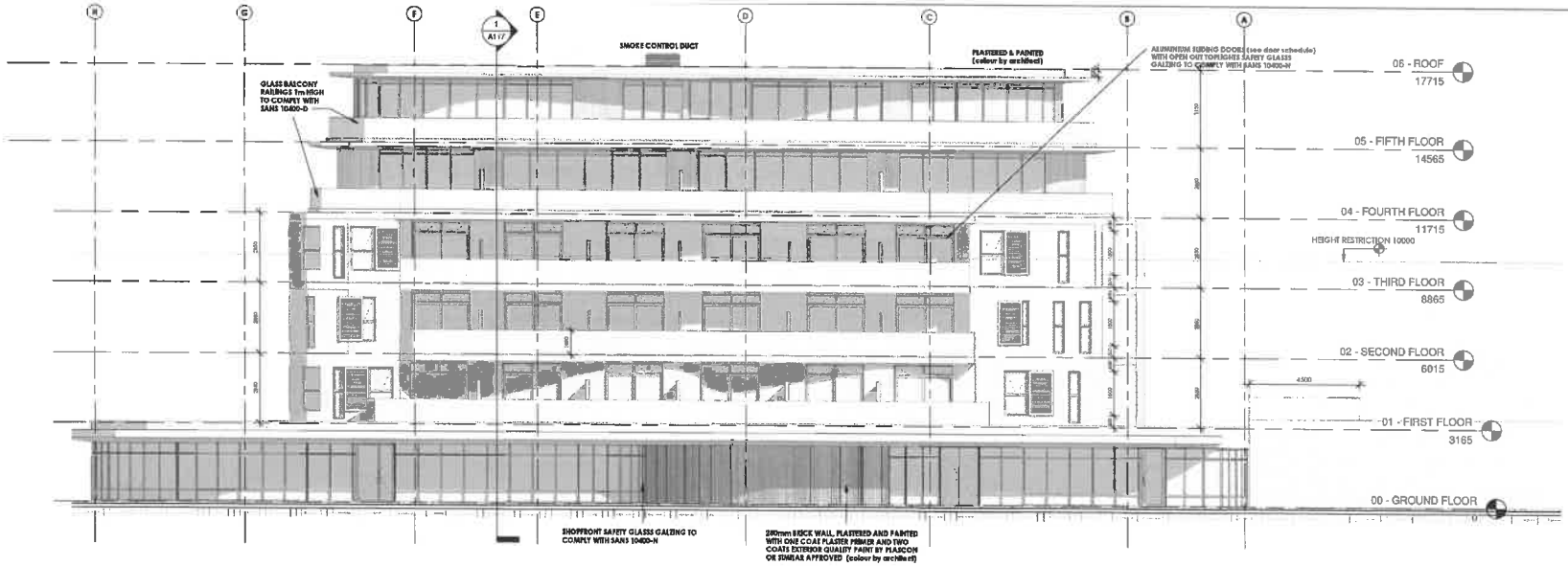
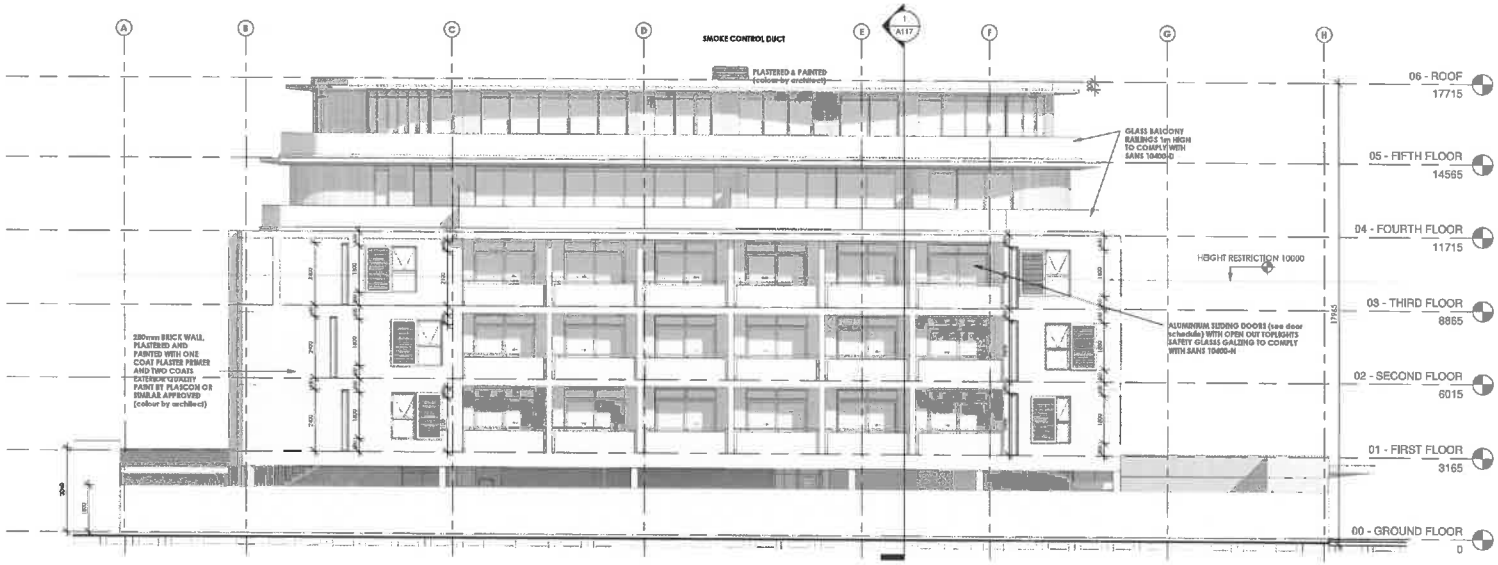


1 East
1 : 100



2 West
1 : 100

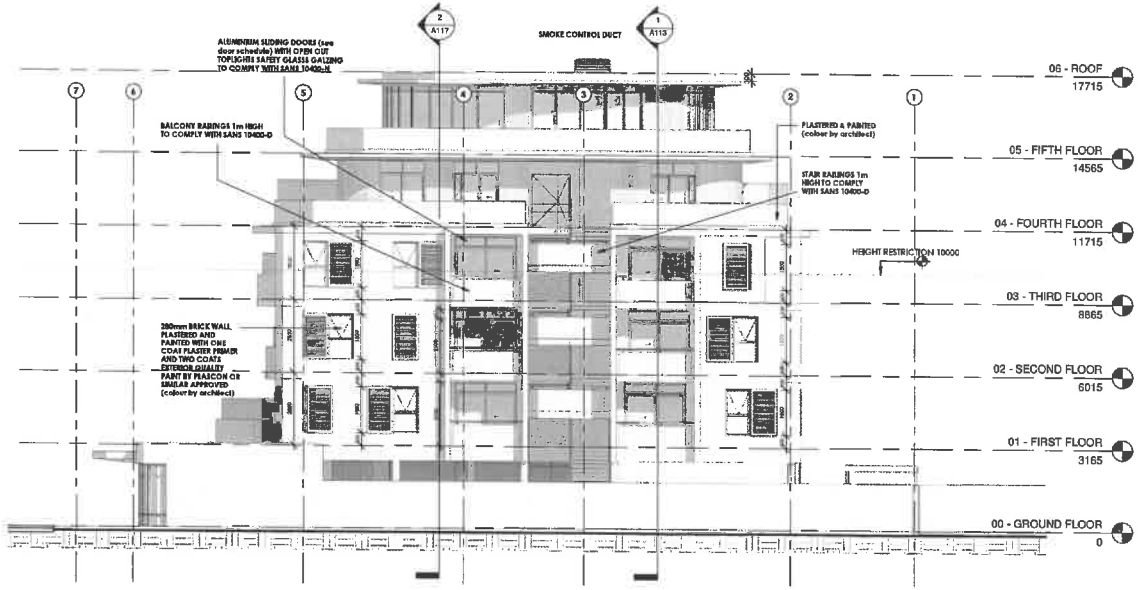
Architects Signature:

Clients Signature:

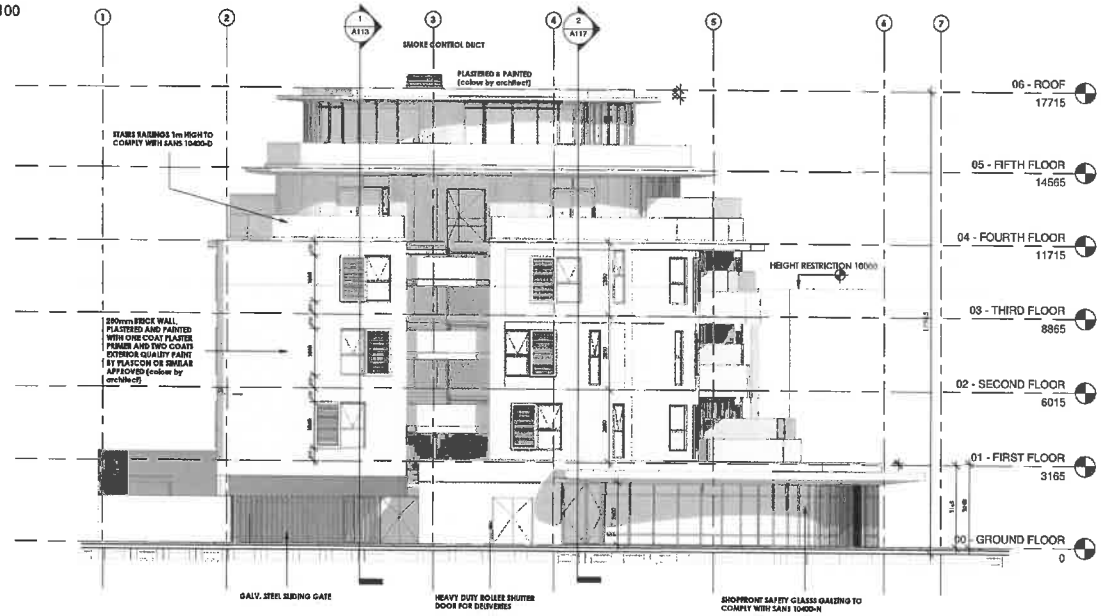
christel albertyn architect

HEUER PLATZ - ERF 12186 - STELLENBOSCH	Project number	0106	EAST & WEST ELEVATIONS
	Date	08-12-2020	0106 A114
	Drawn by	BP	CURRENT REVISION
	Checked by	CKA	Scale 1 : 100

2020/12/08 10:21:23



1 North
1 : 100



2 South
1 : 100

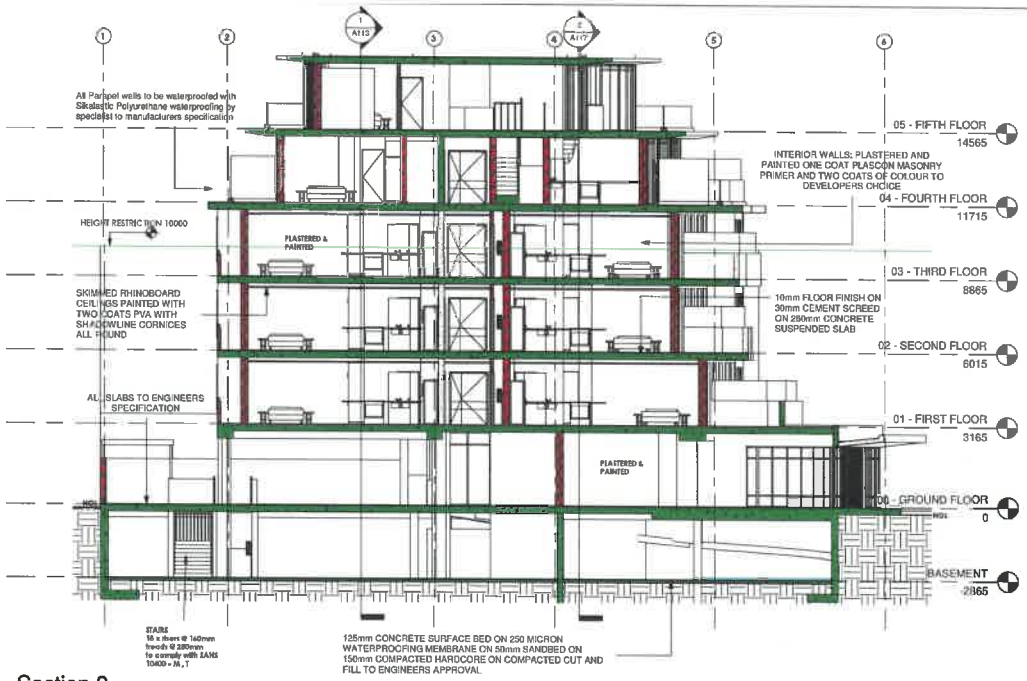
Architects Signature:

Clients Signature:

christof albertyn architect

HEUER PLATZ - ERF 12186 - STELLENBOSCH	Project number	0106	NORTH & SOUTH ELEVATIONS
	Date	08-12-2020	0106 A115
	Drawn by	BP	CURRENT REVISION
	Checked by	CKA	Scale 1 : 100

2020/12/08 10:23:14



1 Section 2
1 : 100

2 Section 3
1 : 100

Architects Signature:

Clients Signature:

christof albertyn architects
12 martin drive hermanus 7220
SACAP 3037 0825722844
christofarch@gmail.com

HEUER PLATZ - ERF
12186 - STELLENBOSCH

Client Name	HEUER BATES TRUST
Project number	0106
Date	08-12-2020
Drawn by	BP
Checked by	CKA

SECTIONS

0106 **A117**

Scale 1 : 100

2020/12/08 10:23:29

ERF 12186, STELLENBOSCH: LOCALITY PLAN (Source: Cape Farm Mapper - https://gis.elsenburg.com/apps/cfm/)

STELLENBOSCH

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AMPTELIKE KWITANSIE / OFFICIAL RECEIPT

17, STELLENBOSCH 7599
021 808-8578 / 8547 / 8546
021 886 7318

DUPLICATE RECEIPT

Receipt M/c: DIR1 Duplicate Rec.No: 172539 Date: 18/12/2020
Local Authority: Stellenbosch Municipality
1 STB N 7500.00
30111060201 05040 FNB OB PMT
DIRECT 030111060201 LU/12257

X100 Key: STB -009-20201218-00000009
X10 Key : STB D000017253900002

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TAX INVOICE

STELLENBOSCH
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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

PO BOX 17, STELLENBOSCH, 7599

PLANNING & ECONOMIC DEVELOPMENT: PLANNING

DATE:	2020-12-17	**DOCUMENT NO.:**	699983
ERF/FARM NO:	12186	**CREATED BY:**	Nicole Katts
LOCALITY:	69-71 Bird Street , STELLENBOSCH	**APPLICATION NO.:**	LU/12257
OWNER'S NAME:	Heuer Bates Trust	**APPLICANT VAT NO.:**	4200172163
ADDRESS:	PO Box 3421 Matieland 7602	**VAT NO.:**	4700102181
		APPLICANT:	Lize Malan
		TEL NO.:	0834400953

FEE DESCRIPTION	AMOUNT PER UNIT (R)	NUMBER OF UNITS	VOTE NUMBER	AMOUNT (R)
PERMANENT DEPARTURE - Departure and applications for second dwelling units, Erven which are 251m² and larger	R 2,500.00	1	20180711011484	R 2,500.00
TEMPORARY DEPARTURE / PERMISSION - Temporary Departure / Permission ito Zoning Scheme (Special Development) / Permission ito	R 2,500.00	1	20180711011476	R 2,500.00
REMOVAL / SUSPENSION / AMENDMENT - Removal, Suspension or Amendment of Restrictive Title Deed Conditions, Per application	R 2,500.00	1	20180711011484	R 2,500.00
			TOTAL AMOUNT PAYABLE	R 7,500.00
			VAT included @ 15%	R 978.26

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELPOMENT SERVICES
27 JAN 2020
RECEIVED

All Tariffs include 15% VAT

FROM 1 JULY 2020 TO 30 JUNE 2021

CALCULATED BY:
NAME: Nicole Katts
SIGNATURE:
DATE: 17.12.2020

VERIFIED BY:
NAME:
SIGNATURE:
DATE:

PAYMENT MUST BE MADE AT THE APPLICABLE DISTRICT OFFICE

CHEQUES TO BE MADE PAYABLE TO STELLENBOSCH MUNICIPALITY

Applicant to return this form to the Advice Centre for

DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

BANKING DETAILS FOR EFT PAYMENT:
ACCOUNT HOLDER: Stellenbosch Municipality
BANK: First National Bank (FNB)
ACCOUNT NUMBER: 62869253684
BRANCH CODE: 210554
REF: LU/_____ and ERF/FARM_____
Please use both the Land Use Application number and the Erf/Farm number indicated on this invoice as a reference when making EFT payment.

Nicole Katts

From: Nicole Katts
Sent: Thursday, 17 December 2020 09:31
To: lize@lizemalan.co.za
Subject: INVOICE - ERF 12186 STELLENBOSCH
Attachments: INV - ERF 12186 SB.pdf

Dear Lize

I trust that you are well.

Please find attached invoice for the abovementioned application. Once payment is made, forward the proof of payment to me.

Thanking you in advance.

Kind regards / Vriendelike Groete
Nicole Katts
Administrative Officer
Land Use Management
Planning & Economic Development

T: +27 21 808 8318
43 Andringa Str, Eikestad Mall, 3rd Floor
www.stellenbosch.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

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PLANNING & ECONOMIC DEVELOPMENT

LAND USE APPLICATION COMPLIANCE CHECKLIST ITO S38 OF THE LAND USE PLANNING BYLAW, 2015				Date of Submission of Application	09/12/2020
Erf / Erven/ Farm no	12186	Portion(s) if farm		Allotment Area	Stellenbosch
Owner / Applicant	Lize Malan		Contact number		083 440 0953
Email address	lize@lizemalan.co.za				

INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION	ADMIN TO VERIFY[1]		PLANNER TO EVALUATE[2]
	YES	NO	
1. Completed application form that is signed	✓		✓
2. Power of Attorney / Owners' Consent if the applicant is an agent	✓		✓
3. Bondholders' consent			N/A
4. Proof that applicant is authorized to act on behalf of an entity	✓		✓
5. Proof of ownership or rights held in land	SEE ITEM 12		
6. Motivation based on criteria in s65	✓		✓
7. SG diagram or General Plan	✓		✓
8. Locality plan	✓		✓
9. Site development plan or plan showing the land development	✓		✓
10. Subdivision plan			N/A
11. Permission for required servitude			N/A
12. Title Deed	✓		✓
13. Conveyancer's certificate	✓		✓
14. Feedback on Pre-application scrutiny	✓		✓
15. Minutes of Pre-consultation Meeting			N/A
16. Consolidation plan			N/A
17. Street name and numbering plan			N/A

[1] *Verification by Admin only of the documentation attached and completeness of application and not the correctness thereof.*

[2] *Technical evaluation by Planner of the documentation attached for completeness and correctness thereof.*

INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION	ADMIN TO VERIFY		PLANNER TO VERIFY
18. Land use plan / zoning plan			N/A
19. Landscaping / tree plan			N/A
20. Flood line plan			N/A
21. Neighbours' consent			TO FOLLOW
22. HOA consent			N/A
23. Assessments: EIA, HIA, TIA, TIS, MHIA, EA/ROD	✓		✓
24. Services report	✓		✓
25. Previous approvals			N/A
26. Proof of failure of HOA			N/A
27. Proof of lawful use right / zoning certificate			N/A
28. Other documents Specify:.....			
VERIFIED & SIGNED BY ADMIN	**NAME: Nicole Katts**		
VERIFIED & SIGNED BY PLANNER	**NAME: Louisa Ollyn**		

Outstanding information (to be completed by Planner):

Application fee - Departures - R2500
- Permission required i.t.o zoning scheme - R2500
- Removal of restrictions - R2500

R7500

17/12/20

NOTES:

1. ***The documentation is not considered as a registered application until such time as it has been scrutinized, all outstanding information (if any) has been submitted and payment is reflected in Council's bank account, after Applicant has been requested by Admin to make payment.***
2. ***Should it be found that the application is not complete, the Applicant will be notified of outstanding information [s41(1)(c)(ii)].***
3. ***Once payment has been confirmed and the application has been registered, the Applicant will be notified of the complete application [s41(1)(c)(i)] and will receive instructions to advertise [s48(4)].***
4. ***Should the outstanding information and/or payment of fees not be received, the applicant will be notified that the application will not proceed due to failure to submit required information [s41(4)].***

Nicole Katts

From: Lize Malan <lize@lizemalan.co.za>
Sent: Wednesday, 09 December 2020 20:27
To: Landuse Applications
Cc: Christof Albertyn; Pieter Louw; Rentzke Smook
Subject: [EX] Land Use Application Erf 12186 Stellenbosh Email 1 of 5
Attachments: 1 Application form Erf 12186 Stellenbosch.pdf; 2 Pre-app response Erf 12186 Stellenbosch.pdf; 3 Land Use Application Motivation Erf 12186 Stellenbosch.pdf

Please find attached the documentation for a land use application for Erf 12186, Stellenbosch.

Please note that the complete application consists of a number of files is sent in batches. The files are numbered from 1 to 11 to facilitate the location of the files as follows:

1. Completed application form
2. Pre-application response
3. Land use Application Motivation
4. Site development plan and building plans
5. Title Deed
6. Power of Attorney and Letters of Authority
7. Conveyance's Certificate
8. SG Diagram
9. Locality Plan
10. Bulk services capacity statement
11. Traffic impact statement

Kindly acknowledge receipt of this email and the 4 subsequent emails.

Thanks and regards
Lize Malan

Lize Malan
Cell: 083 440 0953

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Lize Malan
69 – 71 Bird Street
STELLENBOSCH
7600

07 September 2020

SUBJECT: PRE-APPLICATION SCRUTINY FEEDBACK

APPLICATION FOR DEPARTURE – ERF 12186, BIRD STREET, STELLENBOSCH

1. Your pre-application scrutiny submission on the above property dated **25 August 2020**, refers.

2. Your submission has been duly scrutinized for your intended land use and / or land development application.

3. Your intended land use and/ or land development application needs to address the following requirements to satisfy the prevailing provisions in the Stellenbosch Land Use Planning Bylaw (2015) [SLUPB] and Stellenbosch Zoning Scheme Bylaw (2019) [SZSB]:

   3.1 Please note that the application needs to be submitted in terms of the Stellenbosch Zoning Scheme Bylaw, 2019 and not the Stellenbosch Zoning Scheme Regulations, July 1996 as referred to on your pre-application scrutiny form.

   3.2 Refer to Chapter 11 of the said zoning scheme bylaw for the parameters applicable to the site (also see Clause 5.2 should the property be located within the urban and rural conservation overlay zone area).

   3.3 See Clause 33 for the calculation of the parking requirements.

   3.4 Provide a table indicating the "zoning scheme parameters" versus the "proposal parameters".

4. The intended land use and/ or land development application also needs to fulfill the requirements as stipulated in Section 38 of the SLUPB. The required application documents and related information on any applicable Bylaws, Policies and Spatial Plans are available on the Planning Portal of the Municipal Website. (https://www.stellenbosch.gov.za/documents/planning-and-building-plans/planning-portal)

5. Please note that the sole purpose of this pre-application scrutiny feedback is to facilitate an accurate approach for the intended land use and/ or land development application. The feedback should consequently not be interpreted to represent any position on the merit nor desirability of such intended land use and/ or land development application, which can only be determined once a complete application has been received and duly processed and decided on by the authorised decision maker.

T: +27 21 808 8111 • F: +27 21 886 6899
Plein Street, Stellenbosch, 7600 • PO Box 17, Stellenbosch, 7599
www.stellenbosch.gov.za

6. It should also be noted that the complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Once proof of payment is received, the application will be regarded as duly submitted in accordance with a notice as contemplated in terms of Section 41(1)(c)(i) of the SLUPB.

7. For any enquiries on this correspondence please respond by e-mail to the writer hereof.

Kind regards

Louisa Guntz
Senior Town Planner
Louisa.Ollyn@stellenbosch.gov.za

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Plein Street, Stellenbosch, 7600 • PO Box 17, Stellenbosch, 7599
www.stellenbosch.gov.za

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

LAND USE PLANNING APPLICATION FORM 2017

(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)	LIZE				
Surname	MALAN				
Company name *(if applicable)*					
Postal Address	PO BOX 3421				
	MATIELAND			Postal Code	7602
Email	lize@lizemalan.co.za				
Tel		Fax		Cell	0834400953

PART B: REGISTERED OWNER(S) DETAILS *(If different from applicant)*

Registered owner(s)	HEUER BATES TRUST				
Physical address	69-71 BIRD STREET				
	STELLENBOSCH			Postal code	7600
E-mail	hans@wheuer.co.za				
Tel	021 887 2938	Fax	021 887 4075	Cell	

PART C: PROPERTY DETAILS *(in accordance with title deed)*

Erf / Erven / Farm No.	12186	Portion(s) if Farm		Allotment area	STELLENBOSCH
Physical Address	69-71 BIRD STREET				
	STELLENBOSCH				
Current Zoning	MIXED-USE	Extent	1478 m² / ~~ha~~	Are there existing buildings?	Y ✓ N

Applicable Zoning Scheme	STELLENBOSCH MUNICIPAL ZONING SCHEME BYLAW								
Current Land Use	RETAIL								
Title Deed number and date	T	012641 / 2003							
Attached Conveyance's Certificate	Y ✓	N	Any Restrictions ito the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate PLEASE REFER TO ATTACHMENT						
Are the restrictive conditions in favour of a third party(ies)?	Y ✓	N	If Yes, list the party(ies): HJL DU TOIT OR SUCCESSORS IN TITLE OF PROPERTY HELD BY TITLE DEED 149 / 1888						
Is the property encumbered by a bond?	Y	N	If Yes, list the bondholder(s):						
Is the property owned by Council?	Y	N ✓	If Yes, kindly attach a power of attorney from the Manager Property Management						
Is the building located within the historical core?	Y ✓	N	Is the building older than 60 years?	Y	N ✓	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999)[1]	Y	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)?		✓	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)?		✓	Are there any land claim(s) registered on the subject property(ies)?		✓				

PART D: PRE-APPLICATION CONSULTATION

Has there been any pre-application consultation?	✓		If Yes, please attach the minutes of the pre-application consultation.

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*[3]
	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;

[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 have been served in terms of Section 87(2)(a), and until such time a Section 91 Compliance Certificate have been issued in terms of the Stellenbosch Land Use Planning By-law (2015)

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

✓	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
	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; data messages	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**

**** Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.***

***** 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

Name:	Stellenbosch Municipality
Bank:	NEDBANK
Branch no.:	198765
Account no.:	1152271679
SWIFT	NEDSZAJJ
Payment reference: (Erf/Farm number)	.....

DETAILS FOR INVOICE	
Name & Surname/Company name (details of party responsible for payment)	BUSINESS INTELLINGE SYSTEMS CONSULTANTS IT (Pty) Ltd
Postal Address	PO BOX 12265, DIE BOORD, 7613
Vat Number (where applicable)	4200172163

PART F: DETAILS OF PROPOSAL

	Building line encroachment	Street	BIRD	From	m 5	To	m 0,64
		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	CONSERVATION AREA		From	m 10	To	m 17,715
	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)	• REMOVAL OF RESTRICTIVE TITLE CONDITIONS PROHIBITING CERTAIN USES • PERMISSION TO ERECT NEW BLDG IN URBAN CONSERVATION OVERLAY ZONE					

Brief description of proposed development / intent of application:

PLEASE REFER TO ATTACHED DOCUMENTATION

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

Y ✓	N		Power of attorney / Owner's consent if applicant is not owner	Y	N ✓		Bondholder's consent (if applicable)
Y ✓	N		Resolution or other proof that applicant is authorised to act on behalf of a juristic person	Y	N		Proof of any other relevant right held in the land concerned
Y ✓	N		Written motivation pertaining to the need and desirability of the proposal	Y ✓	N		S.G. diagram / General plan extract (A4 or A3 only)
Y	N		Locality plan (A4 or A3 only) to scale	Y ✓	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	Y ✓	N		Proof of registered ownership **(Full copy of the title deed)**
Y ✓	N		Conveyancer's certificate	Y ✓	N		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) / Environmental Authorisation (EA) / Record of Decision (ROD)	Y ✓	N	N/A	Services Report or indication of all municipal services / registered servitudes
Y	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	Y	N	N/A ✓	Any additional documents or information required as listed in the pre-application consultation form / minutes
Y	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	N/A ✓	National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
Y	N/A ✓	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	Y	N/A ✓	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
Y	N/A ✓	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)	Y	N/A ✓	National Water Act, 1998 (Act 36 of 1998)
Y	N/A ✓	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	Y	N/A ✓	Other (specify)
Y	N/A ✓	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)			
Y	N	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.*

Applicant's signature: _____ Date: 09/12/2020

Full name: LIZE MALAN

Professional capacity: TOWN PLANNER (A/1139/1999)

FOR OFFICE USE ONLY

Date received: _____

Received By: _____

Erf 12186, Stellenbosch

HEUER PLATZ

APPLICATION FOR

PERMANENT DEPARTURES FROM ZONING SCHEME, PERMISSION IN TERMS OF ZONING SCHEME AND REMOVAL OF RESTRICTIVE TITLE CONDITIONS

December 2020

Submitted by:

Lize Malan

PO Box 3421, Matieland, 7602

lize@lizemalan.co.za

083 440 0953

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Figure 5.4 : 3D render of articulated corner of building and interface with Dennesig Street

LIST OF APPLICATION DOCUMENTATION SUBMITTED

Attachment 1: Application form
Attachment 2: Pre-application scrutiny documentation
Attachment 3: Motivation report (this document)
Attachment 4: Site development plan and building plans
Attachment 5: Title deed
Attachment 6: Power of attorney & letters of authorisation
Attachment 7: Conveyance's certificate
Attachment 8: SG Diagram for Erf 12186, Stellenbosch
Attachment 9: Locality plan
Attachment 10: Bulk services capacity statement (GLS)
Attachment 11: Traffic Impact Assessment (ITS)

1. INTRODUCTION

1.1 Appointment

Lize Malan has been duly appointed by the Heuer Bates Trust, owner of Erf 12186, Stellenbosch, to make an application to the Stellenbosch Municipality for a permanent departure from certain provisions of the Stellenbosch Municipal Zoning Scheme By-law to allow for the development of a 6-storey residential and commercial building on the site; as well as an application for permission in terms of Stellenbosch Municipal Zoning Scheme By-law to erect a new structure in a conservation overlay zone; and an application for the removal of certain title deed restrictions to allow for the proposed building.

1.2 Summary of Application

The following application is made in terms of the Stellenbosch Municipal Land Use Planning By-Law (2015)(SMPBL) and the Stellenbosch Municipal Zoning Scheme By-Law (2019)(SMZS):

1.2.1 Section 15(2)(b) of the SMPBL: Permanent departure from the development parameters of the zoning scheme

Departures are required from the following clauses:

- **Section 33(1)** of the SMZS which stipulates the parking requirements for development. Application is made to provide 71 on-site bays instead of the 88 required.
- **Section 110 (2)(h)** which states that a 5 meter building line is required where the street boundary abuts a proclaimed road. Bird Street is a proclaimed road and application is made for a departure from this provision to a building line of 0,640m.
- **Section 252(1)(a)** of the SMZS which stipulates that *buildings may not exceed a height of 10 meter, measured from existing ground level to top of roof or top of parapet, which limit is applicable only to the first 15 meters measured from a public road,* in the Stellenbosch Urban Conservation Area. The proposed new building will have a height of 17,715m.

1.2.2 Section 15(2)(g) of the SMPBL: Permission required in terms of the zoning scheme.

Permission is required in terms of **Section 246(1)(a)** of the Stellenbosch Municipal Zoning Scheme By-Law, which requires an application for the permission of the Municipality to erect a new building or structure within an Urban Conservation Area.

1.2.3 Section 33(1) of the SMPBL: Removal of restrictions

The following title deed restrictions recorded in Deed 012641/2003 are to be removed:

Clause 1.A.2: In favour of HJL du Toit and the successors in title of the property held under Deed 149 of 1888 – *no canteen, hotel, butcher, general or any business of a like nature shall be erected, carried on or conducted* on a certain portion of the property, without the parties mentioned being entitled to compensation.

Clause 2.B.2: *No canteen, hotel, butcher, general or any business of a like nature shall be erected, carried on or conducted* on the remaining portion of the property.

2. APPLICATION CONTEXT

2.1 Locality

Erf 12186, Stellenbosch is located at 69-71 Bird Street, Stellenbosch. Figure 2.1 illustrates the location of the property in the context of Stellenbosch and Figures 2.2 and 2.3 provide aerial photographs which illustrate the property in its context and existing development on site.

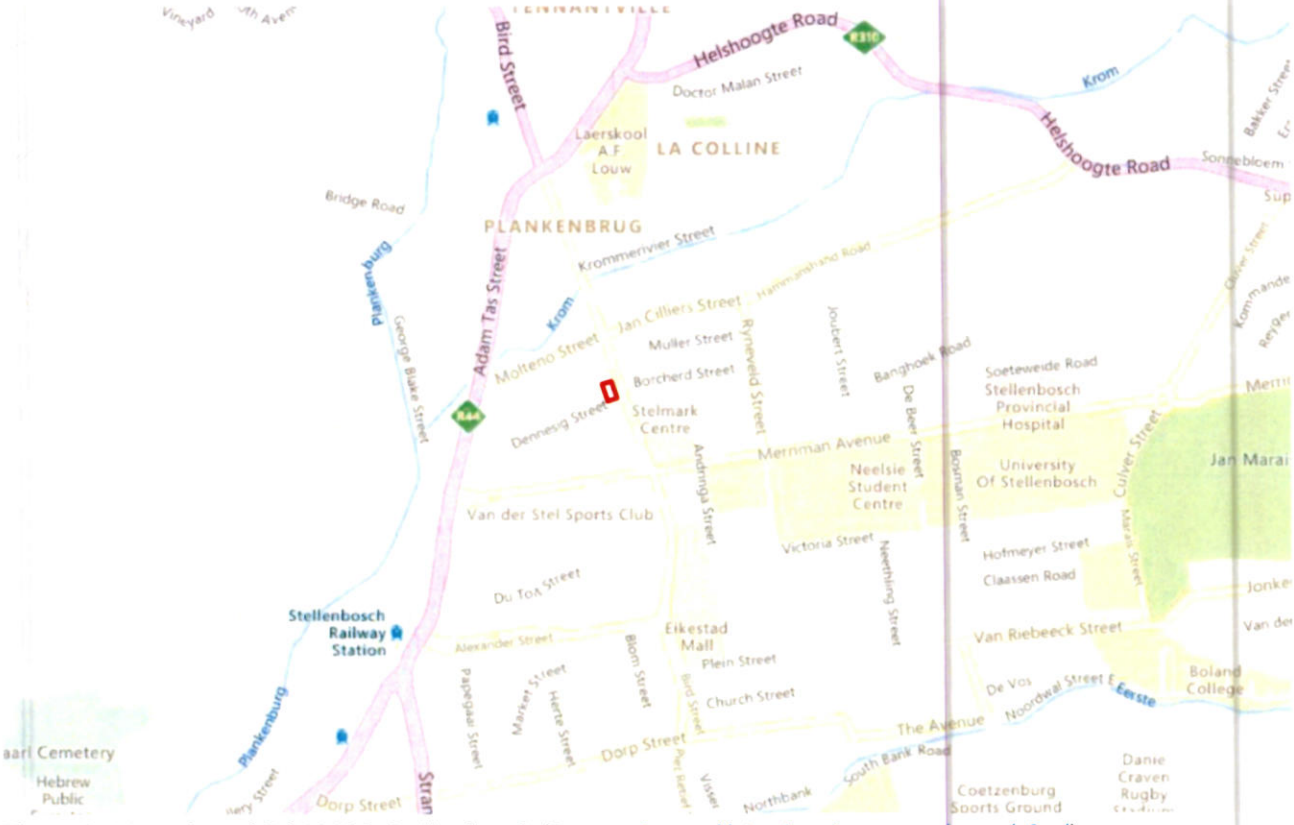

Figure 2.1 Location of Erf 12186, Stellenbosch (Source: https://gis.elsenburg.com/apps/cfm/)

Figure 2.2: Aerial photograph illustrating Erf 12186, Stellenbosch in its context (Source: https://gis.elsenburg.com/apps/cfm/)

Figure 2.3: Erf 12186, Stellenbosch close-up aerial photograph (Source: https://gis.elsenburg.com/apps/cfm/)

2.2 Property Details

Table 2.1 provides a summary of the subject property details:

Erf No.	Erf 12186, Stellenbosch
Owner	Heuer Bates Trust
Total Extent	1478m^2
Title Deed No.:	T012641/2003
Title Deed Restrictions	Yes – please refer to section 2.3 below
SG Diagram No.	9845/1992
Servitudes	None
Current Zoning	Mixed-use
Current Land Use	Retail
Applicable Zoning Scheme	Stellenbosch Municipal Zoning Scheme By-law (2019)
Overlay Zones:	Stellenbosch Urban Conservation Area
Metropolitan/Provincial Rd:	No
Property affected by Road widening:	No
National Heritage Resources Act	No
NEMA Regulations Applicable	No
Comply with Policy/Structure Plans	Yes

2.3 Title Deed Conditions and Existing Servitudes

The title deed to the property contains a condition in favour of HJL du Toit or the successors in title of the property held by title deed 149/1888, that no canteen, hotel, butcher, general or any business of a like nature shall be erected on the property, otherwise the parties referred to above shall be entitled to compensation, which applies to a defined portion of the land. The same restriction applies to the remainder of the property,

but with no mention of compensation in favour of Du Toit, and his successors in title. These are to be removed as part of the application. There are no known servitudes registered to the property.

2.4 Zoning

Erf 12186 has a Mixed-use zoning and is located in a transitional area characterised by scattered commercial uses and medium to high density residential development, as reflected in the zoning. Note that the blocks of properties zoned single residential to the west of the site are subject to rezoning applications to allow for high density residential development. Refer to Figure 2.4 below.

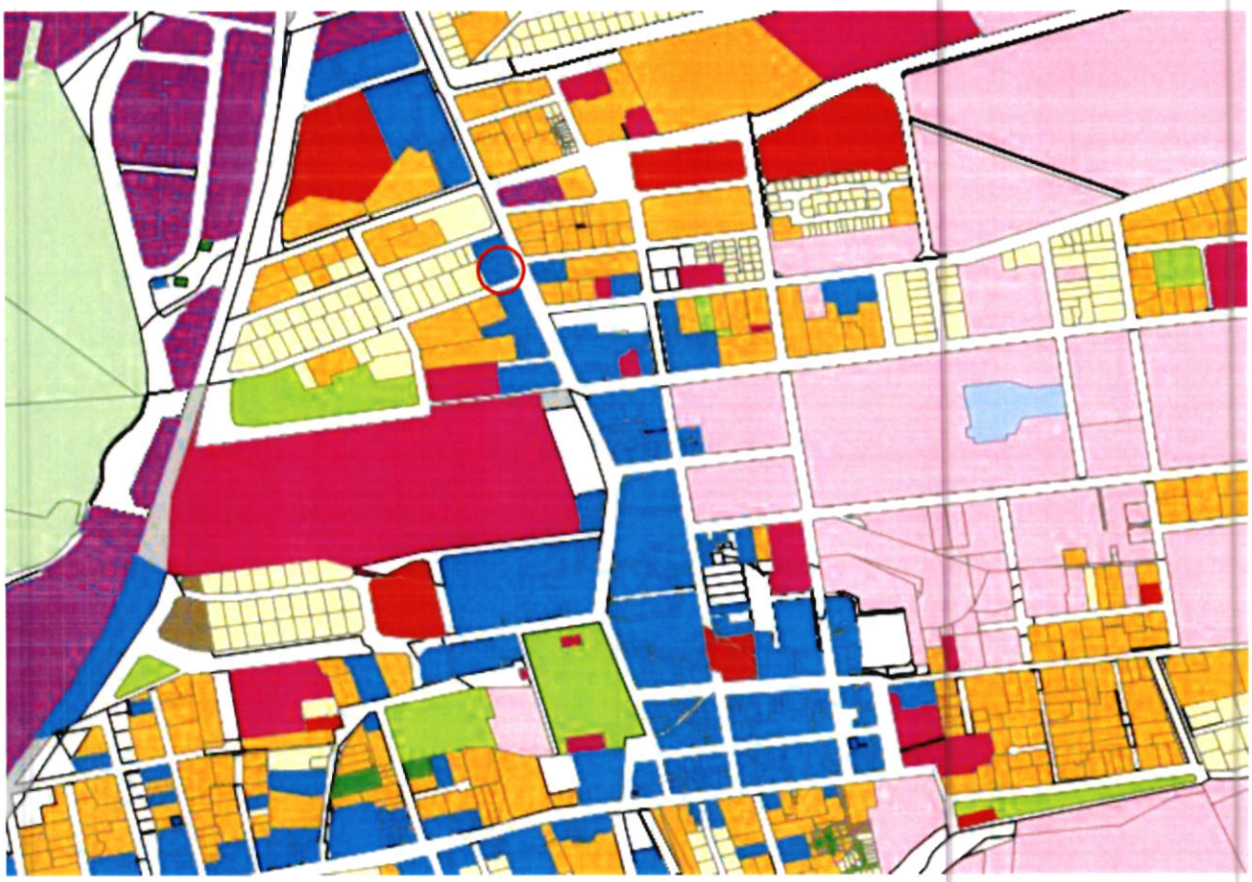

Figure 2.4: Zoning of property and surrounds

2.5 Existing and Surrounding Land Use

The property currently accommodates a custom built retail outlet – Musikhaus W Heuer, a business that sells, rents and services musical instruments, as permitted in terms of its zoning. The surrounding land uses as illustrated by Figure 2.3 above, also follow their zoning closely. The site itself is mainly surrounded by commercial uses, in the form of shops and service providers, such printing services and a funeral service provider across the road. Beyond the commercial development, mostly focussed on Bird Street, the area is characterised high density residential development mostly aimed at the Stellenbosch student population.

2.6 Existing Engineering Services

The property is serviced by the Municipal water, sewage and electricity reticulation networks.

Figure 2.5: Water reticulation network in relation to the site (Source: Stellenbosch Municipality)

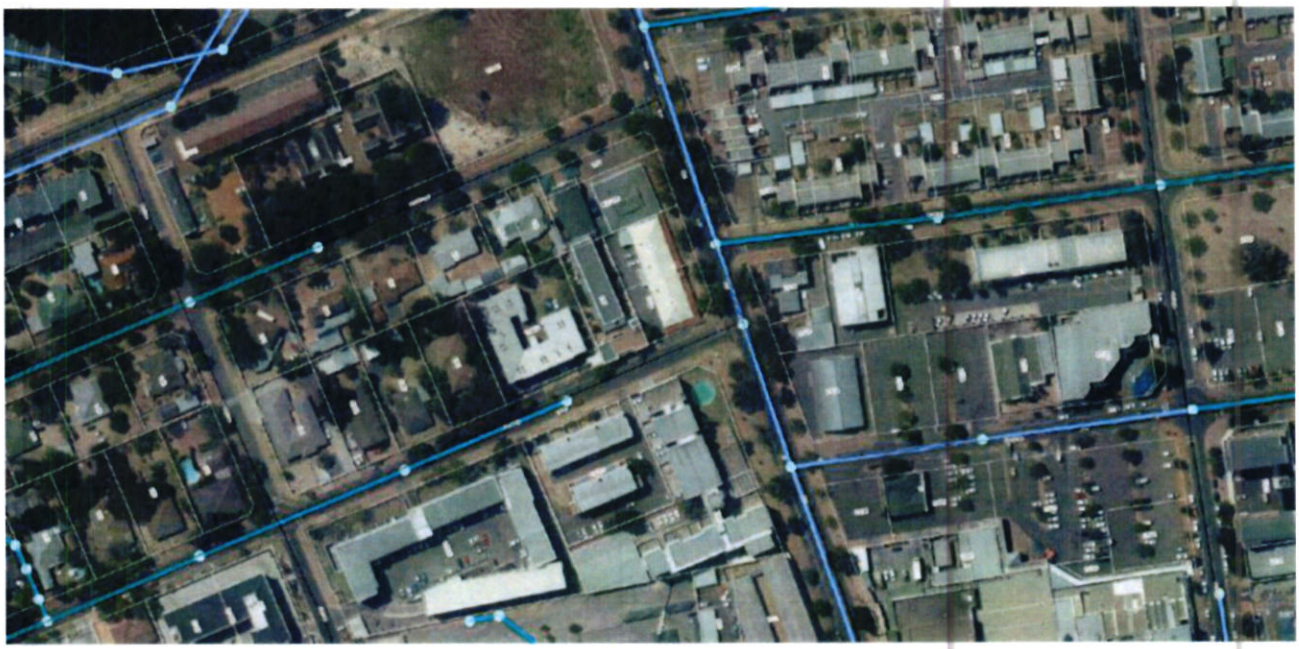

Figure 2.6: Sewage outfall network in relation to the site (Source: Stellenbosch Municipality)

Figure 2.7: Electrical supply network (in red) in relation to the site (Source: Stellenbosch Municipality)

2.7 Existing Access Point

Vehicular access to the site is currently taken from Dennesig Street, where a carriage way crossing is provided.

2.8 Previous Approvals

There are no previous approvals of any consequence that have a bearing on this application.

3. PROPOSAL

The proposed development entails the demolition of the existing building and replacement with a six-storey plus basement mixed-use commercial and residential building. The ground floor will accommodate a large retail space facing onto Bird Street and a smaller office space. The four storeys above will accommodate residential units ranging from bachelors units, to 2 and 3 bedroom duplex units on the fourth and fifth floors. Parking will be provided in a basement and at ground level to the back of the site.

The architectural language is clean and modern and the curved lines of the balconies are reminiscent of an iconic Steinway grand piano and other musical instruments associated with the Heuer family and their business, that has served the Stellenbosch community and beyond since the 1950s.

Below is a summary of the proposed accommodation:

- Basement:
  - 44 parking bays, including 2 for use by the disabled
  - Storage for bicycles
  - Two storerooms of 22,40m^2 and 59,72m^2 respectively
  - Lift lobby and shaft, two stair wells
- Ground Floor:
  - Retail space with floor area of 207,44m^2
  - Office space with floor area of 73,80m^2
  - 29parking bays, including 2 for use by the disabled
  - Storage for bicycles
  - Refuse room
  - Lift lobby and shaft, two stair wells
- First, Second and Third Floors each:
  - 9 bed-sit apartments (one bedroom)
  - 4 two-bedroom apartments
- Fourth Floor:
  - 2 two-bedroom apartments
  - 1 one-bedroom apartment
  - 4 duplex units – first level (3 two-bedroom units and 1 three-bedroom unit)
- Fifth Floor:
  - Second level of duplex units

Please refer to the proposed SDP overleaf. A complete set of plans are included in this submission as Attachment 4.

Figure 3.1: 3D render of proposed building as viewed from Bird Street

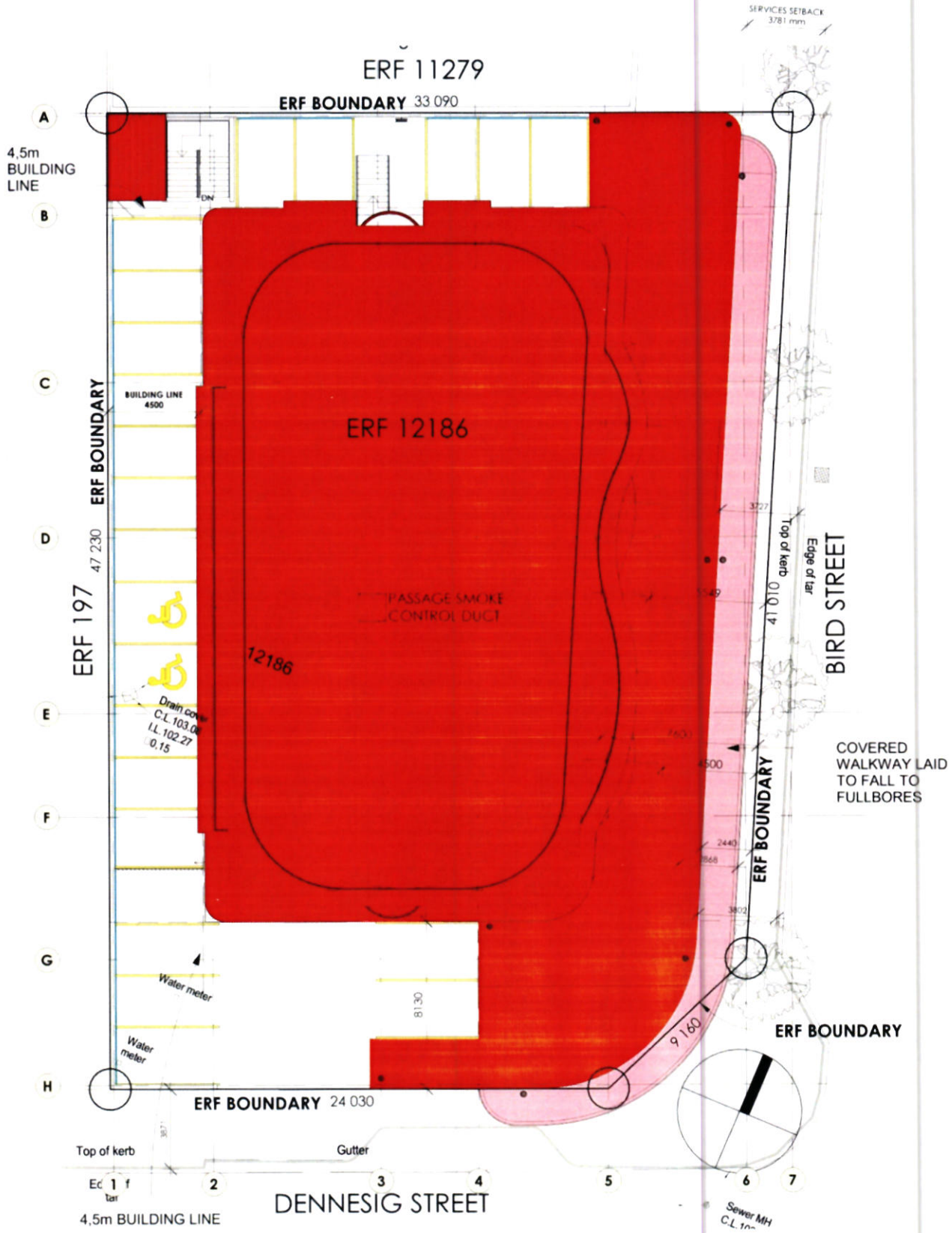

Figure 3.2 Site Development Plan for proposed development of Erf 12186, Stellenbosch

3.1 Proposed Engineering Services

As noted in Section 2.6 of this report, the site is already served by the municipal service networks. GLS Consulting conducted an analysis of the capacity of the Municipal bulk water and sewer services to accommodate the proposed development. A complete copy of their report is included as Attachment 10 of this application. In summary they came to the following conclusions:

3.1.1 Water supply

The existing water system has sufficient capacity to accommodate the proposed development whilst complying with the pressure and fire flow criteria as set out in the municipal services master plan. Although the reservoir capacity will need to be increased in the future, it is noted that the incremental impact of the proposed development is very small (less than 0.5% of the total future demand of the central water distribution zone).

3.1.2 Sewerage disposal

There is sufficient capacity in the existing sewer disposal and treatment system to accommodate the proposed development.

3.1.3 Electricity supply

The proposed development will connect to the municipal electricity distribution network.

3.2 Access, Traffic and Parking

A complete traffic impact assessment (TIA) of the proposed development was undertaken by Innovative Transport Solutions (ITS) to inform this application. The complete report is included as Attachment 11 of this application. In addition to this site specific study, the Dennesig Transport Master Plan undertaken as part of the Dennesig Neighbourhood Development Guidelines, is an important informant to the traffic, access and parking aspects of the proposal.

3.2.1 Traffic impact

With regard to trip generation and the impact of the proposed development on traffic in the surrounding area, the TIA found that even with the additional development anticipated in the surrounding area, the network and intersections will operate at an acceptable level of service by 2025. It is noted that intersection of Merriman Avenue and Adam Tas Road will operate at capacity in 5 years' time, but still at an acceptable level of service. It should be upgraded by 2029 in accordance with the Dennesig Transport Master Plan. No other upgrades are required.

3.2.2 Access

Vehicular access to the development will use the existing access point on Dennesig Street (approximately 30m west of Bird Street). The 14.5m stacking area from gate to the edge of Dennesig Street, is sufficient to accommodate the required queuing provision for two vehicles (12m is required).

3.2.3 Non-motorised and public transport

The Dennesig Neighbourhood Development Guidelines and Transport Master Plan, promote the facilitation of non-motorised transport and public transport. This includes upgrades to the sidewalks in Dennesig Street and the introduction of a shuttle service from the area through Stellenbosch CBD. It is proposed that these measures be implemented through a master home owners' association for the larger area of which the developer of Erf 12186 will become a member, once established.

3.2.4 Parking

The Dennesig TIA suggests that the parking requirements in this area should be similar to those applied by the City of Cape Town in Public Transport 1 zones. Based on these requirements 69 parking bays will be required, with 71 bays provided. Should the normal SMZS requirements be applied to the scheme, 88 bays will be required. However this number is reduced by the provision of approximately 50 bicycle parking bays – at a ratio of 6 bicycle parking bays replacing one normal parking as provided for in the SMZS, this means that 8 less

normal bays are required. In addition it is anticipated that the retail and business bays can be used by visitors outside business hours, thus reducing the number of bays needed by a further 12. In total then 68 bays would be required in terms of the standard provisions, whereas 71 bays will be provided.

In conclusion the proposed development will have an acceptable impact on traffic flow, and is able to provide sufficient vehicular and non-motorised facilities to fulfil the Stellenbosch Municipality's requirements and policies.

4. LEGISLATIVE AND POLICY CONTEXT

4.1 National Environmental Management Act (No. 107 of 1998) (NEMA)

As the subject properties fall inside the urban area of Stellenbosch, the provisions of NEMA are not applicable to this application.

4.2 National Heritage Resources Act (No. 25 of 1999) (NHRA)

The proposed development does not trigger any of the provisions of Section 38 of NHRA, nor is the building on the site older than 60 years, i.e. Section 34 is also not applicable. No other provisions of the NHRA are applicable.

4.3 Spatial Planning and Land Use Management Act (No. 16 of 2013) (SPLUMA)

The Spatial Planning and Land Use Management Act (No. 16 of 2013)(SPLUMA) is the overarching planning legislation enacted on 1 July 2015 which provides the legal framework for laws adopted at provincial and local government levels. It repealed a number of previous acts and contains overall planning and development principles which must guide all land development in the country. These principles are:

i) Principle of spatial justice
ii) Principle of spatial sustainability
iii) Principle of efficiency
iv) Principle of spatial resilience
v) Principle of good administration

4.4 Western Cape Land Use Planning Act (No. 3 of 2014) LUPA

At the same time as SPLUMA, the Western Cape Government's Land Use Planning Act (No. 3 of 2014)(LUPA) came into operation and it has been enacted in the Stellenbosch Municipality. In terms of this legislation, the Municipality shall decide on the applications related to this proposal.

4.4.1 Provincial comment or approval

In Section 45 of LUPA, Provincial comment is required on applications which are outside the urban limits of a municipality, where agricultural land or conservation land is rezoned, where development affects a provincial function or any application which falls in a category identified by Province as supporting/strengthening a municipality. This application does not fall in any of these categories.

4.4.2 Criteria for evaluation of applications

Section 19 of the Land Use Planning Act, No 3 of 2014 requires that applications be either compliant or consistent with a spatial development framework.

In terms of Section 49 of LUPA, when considering a land use application, a municipality must have regard for at least the following:

i) The applicable spatial development frameworks;
ii) The applicable structure plans;
iii) The principles referred to in Chapter VI (Section 59):

a. Spatial Justice
b. Spatial Sustainability
c. Efficiency
d. Good Administration
e. Spatial Resilience

iv) The desirability of the proposed land use; and
v) Guidelines that may be issued by the Provincial Minister regarding the desirability of proposed land use.

4.5 Stellenbosch Municipal Land Use Planning By-Law (2015) SMPBL

The SMPBL specifies the application process which has to be followed for an application to the Municipality as well as the criteria for decision making which are set out in Section 65 of the by-law. With regard to this application, Section 65 stipulates the municipality must have regard to the following:

i) the application submitted in terms of this By-law;
ii) the procedure followed in processing the application;
iii) the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses;
iv) the comments in response to the notice of the application, including comments received from organs of state, municipal departments and the Provincial Minister in terms of section 45 of the Land Use Planning Act;
v) the response by the applicant, if any, to the comments referred to in paragraph (iv);
vi) investigations carried out in terms of other laws that are relevant to the consideration of the application;
vii) the impact of the proposed land development on municipal engineering services;
viii) the integrated development plan, including the municipal spatial development framework;
ix) the integrated development plan and spatial development framework of the district municipality, where applicable;
x) the applicable local spatial development frameworks adopted by the Municipality;
xi) the applicable structure plans;
xii) the applicable policies of the Municipality that guide decision-making;
xiii) the provincial spatial development framework;
xiv) where applicable, a regional spatial development framework contemplated in section 18 of the Spatial Planning and Land Use Management Act or provincial regional spatial development framework;
xv) the policies, principles and the planning and development norms and criteria set by the national and provincial government;
xvi) the matters referred to in section 42 of the Spatial Planning and Land Use Management Act;
xvii) the principles referred to in Chapter VI of the Land Use Planning Act; and
xviii) the applicable provisions of the zoning scheme.

5. MOTIVATION

The various levels of planning legislation (SPLUMA, LUPA and the Municipal Planning By-Law) require that a variety of principles and assessment criteria be applied when assessing development applications. This chapter aims to motivate the development proposal at the hand of these various principles and criteria. The motivation is set out according to the criteria for assessment of the Stellenbosch Municipality Land Use Planning By-law (2016) as set out in Section 65.

5.1 Investigations carried out in terms of other laws

No investigations in terms of other legislation were required for this application.

5.2 Impact on Municipal Engineering Services

GLS Consulting has concluded that there is sufficient capacity on the municipal water reticulation and sewerage disposal networks and supply/treatment facilities to accommodate the proposed development.

5.3 Stellenbosch Municipality Integrated Development Plan (IDP) and Spatial Development Framework (SDF)

Section 19 of the Land Use Planning Act (No. 3 of 2014) requires that applications be either compliant or consistent with a Spatial Development Framework (SDF). Consistency is achieved when the proposal is not specifically provided for in the plan, but the proposal is also not in conflict with the plan. The Stellenbosch Municipal IDP 2017-2022 (Third Review, March 2020), prepared at the municipal scale, provides limited guidance for the land use management of individual properties, but the SDF, a key component of the IDP, does include specific policy statements to which the proposed development is aligned. This includes:

- focussing growth and investment in Stellenbosch (and Klapmuts),
- directing significant growth or new development in SM to areas not identified as of the most critical natural or cultural significance and where the most opportunity exist in existing infrastructure investment, whether reconfigured, augmented, or expanded; and
- actively promoting compact, dense, mixed use development which reduces car dependence and enables and promotes use of public and NMT.

The 2019 SDF adopted by the Council in November 2019 indicates that the subject property falls within an activity route, where a mix of commercial, social and high density residential development is promoted.

Figure 5.1: Extract from Figure 28 from the Stellenbosch Municipality Spatial Development Framework as adopted by Council, November 2019.

There are no local SDFs applicable to the property.

5.4 The applicable Structure Plans

There are no Structure Plans applicable to the property.

5.5 Municipal policies guiding decision-making

The recently completed Dennesig Neighbourhood Development Guidelines, dated September 2019, is the most applicable municipal policy to guide development of the site. It is understood that the policy has been adopted as a non-statutory policy. The policy was prepared to guide the nature of the built form and management of vehicular and non-motorised transport in the blocks bounded by Adam Tas, Molteno, Bird and Merriman and is named after Dennesig Street, that consitutes the central axis of this rapidly transforming area. The policy is in particular aimed at ensuring that the predominantly high density residential development that is being pursued creates a vibrant public realm that promotes safety and the use of non-motorised transport. As such the policy consists of urban design guidelines, which guides the built form and transport guidelines which considers the transport implications of the proposed built form.

According to the document, all development proposals and building plans should be assessed against the design indicators set out in Section H of the document. This section addresses the following aspects:

- **Precinct level indicators**

Of relevance to this application are the following:

- *Limit height to four storeys unless the development includes mixed-uses in which case they can motivate for additional floors up to 6 storeys* – the proposed building includes commercial uses at ground level and a variety of residential units ranging from bed-sit apartments to three-bedroom split-level units and thus the proposed six storeys are regarded as appropriate.
- *The articulation of height needs to respond to neighbouring fixes* – the large apartment building next door, Akkerhof, is five storeys high – the proposed six storey building with its set-back top floors will thus fit in its context. Refer to Figures 5.2 and 5.4.
- *Provide a mix of function along Bird Street that include function that relates to making an active street*- the provision for commercial activities in the form of retail/office space at ground level will make a significant contribution to increasing street-level activity along Bird Street.

- **Spatial typology**

The specific spatial typology that applies to this site and application is the mixed-use street to which this proposed development will contribute through:

- Creating an interactive street frontage
- Establishing overlooking features in the form of balconies on the upper levels
- Allowing for possible spill out areas, onto the pavement enhanced by a covered walkway, existing trees and other forms of landscaping.

- **Massing and grain**

The massing and grain suggested for mixed-use buildings are as follows:

- Ground level to be built up to the street boundary (with a slight setback possible to create depth)
- Next three levels also built up to street boundary, with balcony spaces occupying this edge
- Top two levels set back, to reduce visibility from street level
- Facades are to be articulated along the 80/20 principle – 80% continuous and 20% articulated

The proposal largely conforms to these guidelines, with the ground level set back slightly from the street boundary along Bird Street, but built to 0m along Dennesig. The first, second and third floors are setback according from the street and common boundaries the zoning scheme requirements, with balconies along these edges to create overlooking features. The top two floors are then setback from the edge of the top of the third

floor. The façade articulation conforms largely to the 80/20 principle. Refer to Figure 5.2-4 below, as well as the complete set of drawings included in Attachment 4 of the application.

Figure 5.2: 3D render of proposed building as viewed from Bird Street, next to Akkerhof (i.e. looking north)

Figure 5.3: 3D render of building viewed from opposite side of Bird Street, looking south-west

Figure 5.4: 3D render of articulated corner of building and interface with Dennesig Street – looking west along Dennesig Steet

- **On-site parking**

Guidelines for on-site parking are aimed at reducing the dominance of vehicles and prioritising pedestrians. These include:

- Creating two vehicle access points to reduce entrances to one lane each
- Setting back the vehicular entrance from the façade and use of materials to make entrance less visible
- Placing the pedestrian entrance to the building on the main road.

The proposal largely conforms to the guidelines, although it is not possible to provide two separate access points to the site, due to its configuration and location on Bird Street. The vehicular access has been set back from the street, to provide for adequate stacking of vehicles and as such will be less visible. Pedestrian access to the building is provided on Bird Street.

- **Diversity and a sense of belonging**

The document also calls for diversity of various aspects of development, so as to make it accessible a wide spectrum of people. Although this development will not necessarily provide for lower income groups, it does include provision for diverse uses, and varying sizes of accommodation that will contribute to a more integrated development.

5.6 Provincial Spatial Development Framework (2014)

The Western Cape Provincial Spatial Development Framework, 2014 (PSDF) was prepared in terms of Section 13 of SPLUMA and Section 4 of LUPA, with inter alia the aim to coordinate, integrate and align the plans, policies and development strategies of municipalities (PSDF, 2014: 12). As such the PSDF was prepared at a higher level which does not provide specific guidance for the land use management of individual/specific properties. However the PSDF does specifically promote compact, mixed use and integrated settlements through

densification and appropriate development typologies (PSDF, 2014:84). This high density mixed-use development is thus aligned to the PSDF policy S3.

5.7 Regional Spatial Development Framework

There are no regional SDFs applicable to these properties.

5.8 National and Provincial policies and principles

There are no other specific policies, norms and criteria set by the National and Provincial Government that have direct bearing on this application, other than the guiding principles of SPLUMA and LUPA, which are discussed in Section 5.16 below.

5.9 SPLUMA and LUPA Development Principles

5.9.1 Spatial justice

The spatial justice principle requires that past spatial and development imbalances be redressed through improved access to and utilisation of land. It requires that persons which were previously excluded (especially the poor) must be included in land use planning policies, especially in order to address widespread poverty and deprivation. Access to land for all (including disadvantaged communities) should be facilitated.[1]

The proposed development will not necessarily result in more access to land for disadvantaged communities, but will also not actively work against access to land.

5.9.2 Spatial sustainability

The principle of spatial sustainability will be achieved by a development when a development is spatially compact, resource frugal and within the means of the municipality. It must protect prime agricultural land and must take into consideration all other environmental issues. It must stimulate the land market and must consider all the costs of infrastructure (future and current) as well as the provision of social services. It must aim to limit urban sprawl, result in viable communities and strive to meet the basic needs of citizens in an affordable way.[2] Development must also ensure the sustained protection of the environment (ecological corridors, biodiversity, heritage resources, promote provincial tourism and avoid development of steep slopes, floodplains, wetlands etc.). Energy efficiency should be promoted.[3]

The proposed development, through contributing to densification, will assist in limiting urban sprawl, and making optimal use of existing urban infrastructure.

5.9.3 Efficiency principle

The principle of efficiency requires that development should optimise the use of existing resources, including infrastructure[4], and requires that integrated cities and towns be developed whereby social, economic and institutional aspects of land development is integrated and residential opportunities are provided close to employment opportunities. A diversity of land uses are to be incorporated and the spatially distorted patterns of the past are to be corrected. Towns should be of sufficient density and urban sprawl must be discouraged.[5]

The proposal will a make significant contribution to densification in Stellenbosch and establish residential opportunities close to areas of socio-economic opportunities.

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[1] Section 7 (a) of SLUMA and section 59(1) of LUPA

[2] Section 7(b) of SPLUMA and section 59(2)(a) of LUPA

[3] Section 59(2)b of LUPA

[4] Section 7(c) of SPLUMA

[5] Section 59(3) of LUPA

5.9.4 Spatial Resilience Principle

The principle of spatial resilience requires flexibility in land use management systems and policies to ensure sustainable livelihoods for communities most likely affected by economic and environmental shocks.[6]

This proposal will not necessarily contribute to spatial resilience, but does have some flexibility built into its design in that the commercial areas could be used for a large variety of uses. For this reason it is also imperative the restrictions in the title deed which prohibit certain commercial uses that may be appropriate for the area, be removed.

5.9.5 Good Administration Principle

The good administration principle requires that the application follows the correct procedures as prescribed in law. To this end, the municipality will ensure that the application is advertised for public comment and follow the required legal procedures.

5.10 Provisions of the Stellenbosch Municipal Zoning Scheme By-law (2019)

The proposed development will require departures from certain aspects of the development parameters mixed-use zone as set out in Stellenbosch Municipal Zoning Scheme By-law (2019) as follows:

BUILDING LINES	**Requirement**		**Heuer Platz**	**Departure required**
Business Premises	Street boundary: Bird	0m	0.64m	NO
	Street boundary: Dennesig	0m	0m	NO
	Common boundaries	0m	0m	NO
Other buildings – Flats above ground level	Street boundary: Bird	4.5m	7.6m	NO
	Street boundary: Dennesig	4.5m	8.13m	NO
	Common boundaries	4.5m	4.6m	NO
From proclaimed road (Bird Street)		5m	0.64m	**YES**
HEIGHT	Without overlay zone requirements	6 storeys	6 storeys	NO
	Stellenbosch Urban Conservation Area Overlay Zone	10m	17,715m	**YES**
COVERAGE	**Requirement**		**Heuer Platz**	
	85%		76%	NO

PARKING					
Requirement	**Units/GLA proposed**	**SMZS requirement for proposal**	**Total required for proposal**	**Heuer Platz**	**Departure Required**
Offices 4 bays/100m² GLA	74m²	3 bays	88 bays	71 bays	**YES**
Shops 4 bays/100m² GLA	207m²	9 bays			
Flats – 1 & 2 bedrooms 1 bay/unit & 0.5 bay/unit for visitors	49 units	61,25			
Flats - 3 bedrooms 1.25 bay/unit & 0.5 bay/unit for visitors	1 unit	1,75 bays			
LOADING					
1 bay/500m² GLA for shops	207m²	1 bay	1 bay	1 bay	NO

[6] Section 7d) of SPLUMA

NOTE: The loading bay is provided as an embayment on Dennesig Street, where it could also serve as collection point for refuse removal. The onsite refuse room and access to the ground floor shop is immediately opposite this embayment.

5.11 Desirability

The proposal has been investigated to confirm the desirability of the proposed development, interrogate the proposal for being appropriate, and make recommendations if necessary in order to ensure appropriate conditions are imposed and impacts are appropriately mitigated.

5.11.1 Compatibility with surrounding uses

The property is situated in an area characterised by high density residential development and commercial uses and the proposed mix of residential and commercial uses is thus entirely compatible with its surrounds. In this regard it is noted that the title deed restrictions are inappropriate and incompatible with the vision for the area.

5.11.2 Traffic, parking and access impacts

The TIA has found that the proposed development will not have negative impacts on traffic flow, parking or access in the area. It is likely that the development would contribute to accelerating the increased use of non-motorised transport and public transport. In this regard the developer will contribute the above, through the master home owners' association to be established as proposed by the Dennesig Neighbourhood Development Guidelines.

5.11.3 Impact on safety, health and well-being of the surrounding community

The proposed facility is unlikely to have a negative impact on the safety, health and well-being of the surrounding community. The active edges on the street, overlooking features on the upper levels and increase in foot traffic is likely to improve the safety and amenity of the area.

5.11.4 Impact on engineering services

GLS Consulting has found that there is sufficient capacity in the water reticulation and sewage disposal systems of the Municipality to accommodate the proposed development. Although it is acknowledged that reservoir capacity for the central water distribution zone will have to be increased in future, the proposed development is expected to use less than 0,5% of the water demand for this zone.

5.12 Other legal approvals and requirements subsequent to decision on this application

Once the land use approval has been granted, no further legal approvals, except for the approval of the building plans, are required to commence with the proposed land use.

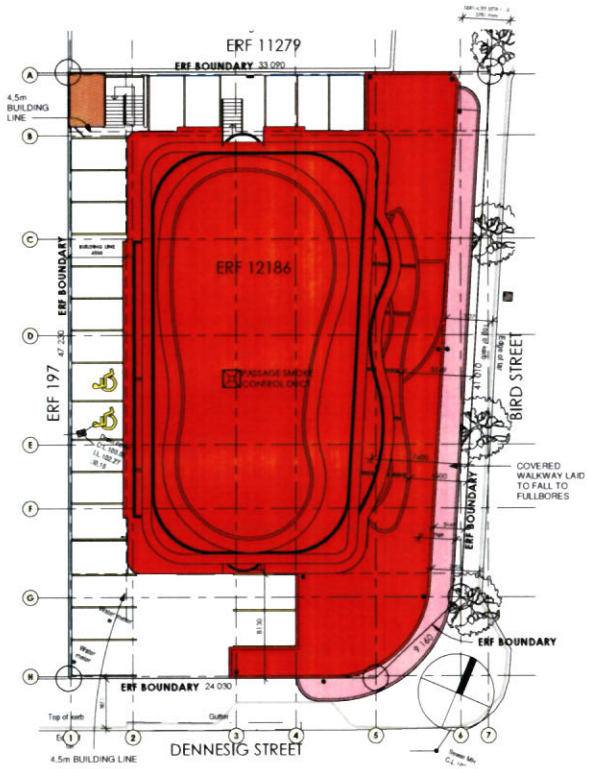
6. CONCLUSION

In conclusion it is evident that granting the departures from the building height, street building line and parking requirements will result in a development that is closely aligned with the recent Dennesig Neighbourhood Development Guidelines and will contribute towards a vision of a more inclusive, vibrant and efficient town. With regard to the relaxation of the parking requirements, it has been shown that this will not impact negatively on traffic flow in the area, and will in all likelihood contribute to the accelerating the increased use of non-motorised and public transport. With regard to the proposed increased building height and street building line relaxation, it is noted that the building will fit into its environment in terms of bulk and built form and that it largely conforms to the urban design guidelines for the area.

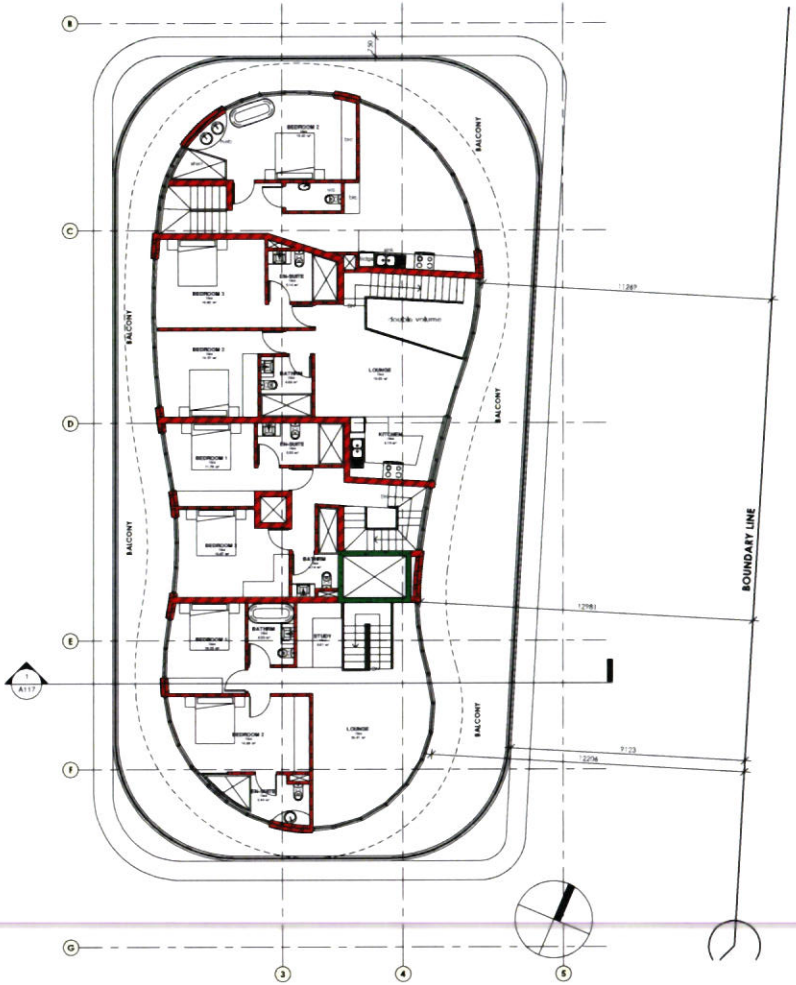
The architecture of the building itself is to be commended for being understated and modern, with curvilinear elements that provide interest and reflect on the recent history of the site, referencing the curves of a grand piano and other musical instruments. Given the context of the site, this building will certainly make a positive contribution to the experience of Bird Street. It is thus recommended that permission for the erection of this building in the Stellenbosch Urban Conservation Area be granted.

Finally the archaic title deed restrictions were clearly designed to protect the commercial interests of other parties at the time. This type of protection is, at this point in time, not only unconstitutional but inappropriate in the current circumstances as the types of commercial uses prohibited, would in fact be entirely appropriate and desirable for the site – again contributing to the vision of vibrant and inclusive neighbourhood and town.

It is thus recommended the application for departures from the building height, parking requirements and street building line, permission in terms of the SMZS to erect a new building in an urban conservation area and the removal of the title deed restrictions prohibiting certain commercial uses, be approved on condition that the owner/developer becomes a member of the master home owners' association for the Dennesig area, once established.



1 Site
1 : 200



3 05 - FIFTH FLOOR
1 : 100

PARKING ALLOCATION			
Name	Area	Level	Parking Req.
[illegible]	[illegible]	[illegible]	[illegible]

PARKING ALLOCATION:

PARKING REQUIRED: 86
PARKING PROVIDED: 73
BICYCLE STANDS PROVIDED: 50

NOTE :
ALL FINISHED FLOOR LEVELS TO BE CHECKED & AMMENDED ACCORDING TO NATURAL GROUND LEVELS

NOTE :
SEWERAGE AND STORMWATER CONNECTIONS TO CIVIL ENGINEERS DETAILED DRAWINGS ALL TO COMPLY WITH SANS 10400, P: 2011

BUILDING LINES		
	STREET BOUNDARY	COMMON BOUNDARY
COMMERCIAL	0m	0m
APARTMENTS	4.5m	4.5m

Architects Signature
Clients Signature

christof albertyn architect
17 marine drive hermanus 7200
SACAP 3637 0825722844
christofarch@gmail.com

HEUER PLATZ - ERF 12186 - STELLENBOSCH

Client Name	HEUER BATES TRUST
Project number	0106
Date	08-12-2020
Drawn by	BP
Checked by	CKA

SITE PLAN & 5th FLOOR

0106 A101

Scale As indicated

2020/12/08 10:17:56

GENERAL NOTES

GENERAL:
All work is to be in accordance with the National Building Regulations SANS 10400 code of practice. The contractor is to verify all levels, measurements and notes before construction proceeds or any work commences. Drawings are not to be used to any other purpose other than intended for.
All work and specifications are to be executed exactly as per plan. Any errors, discrepancies or omissions to be reported to the architect's immediately. All levels, dimensions, positions and number of steps to be checked on site before any work commence. No drawings must be scaled. Drawings are to be read in conjunction with engineers and consultant's plans were applicable. Contractors will be held responsible for the correct setting out of works and any doubts as to the accuracy of boundary pegs or lines are to be reported to the architect immediately. No part of the building may encroach the boundary lines.

STRUCTURAL DESIGN
The structural system of the building to comply with the details of part H,J,K,L,M,N of SANS 10400or in the case of timber buildings with the requirements of SANS 10082.
A competent person (structures) to design and inspect the structure.
Competent person (civil engineering) to design and inspect the services in dolomite land.

CONCRETE WORKS
All concrete slabs, floors, beams etc. are to be specified and inspected by a professional registered engineer. All structural designs are to be in accordance with SANS 10400 Part B

PUBLIC SAFETY
A change in level, design of ramps and driveways, or access to swimming pools and swimming baths to be in accordance with the detailed requirements of SANS 10400 - D
The balustrades are a design and supply contract, and the subcontractor must provide a professional engineers certificate on completion. All shop drawings submitted for approval, need to be first signed off by the subcontractors professional engineer prior to submittal and must be in accordance with the detailed requirements of SANS 10400 M and the adhere to the required loading code (10160)

SITE OPPERATIONS
Sanitary facilities to be in accordance with detailed requirements of SANS 10400 - F

EXCAVATIONS
The excavation relating to the building less than 3.0m deep to be in accordance with the detailed requirements of SANS 10400 - G
Deeper Excavations as per engineer

FOUNDATIONS
Geotechnical investigation as per engineer
The foundation for the building to be in accordance with SANS 10400 - B
The foundation to an extension/addition to an existing building to be the same as the existing foundations if performing satisfactorily.
Competent person to be appointed by client in respect of deep footings, soil rafts, compaction of in-situ soil or sub-surface drainage.
Competent person (geotechnical) to be appointed by client in respect of getechnical solution or soil improvements that are required.

WALLS
The structure, strength and stability of all walls as per engineer. SANS 10400 - B, SANS 10400 - T and the detailed requirements of SANS 10400 - K.
The roof fixing to be in accordance with SANS 10400 - B and the detailed requirements of SANS 10400 - K
Water penetration trough a wall to be in accordance with the detailed requirements of SANS 10400 - K
Roof coverings and waterproofing systems to be in accordance with the detailed requirements of SANS 10400 - L
All external brick walls to have 50mm air cavity. The walls to have min. R-value of 0.35. Non- masonry external walls must have a r-value of 1.9
Brick force reinforcing to be installed in substructure brick-work every five courses. Two courses of brick force reinforcing to be installed above window and provide vertical damp proof to all changes in floor levels and in external walls where the ground level is higher than the internal floor level.
All work to be in accordance with SANS 10400 Part K.

FLOOR
Floors in any laundry, kitchen, shower room, bathroom, or room containing toilet pan or urinal to be in accordance with the detailed requirements of SANS 10400 - J, these floors to be waterproof.
Suspended floors to be in accordance with engineer design.
Slab supported on the ground to be in accordance with SANS 10400 - B and SANS 10400 - H
A competent person (civil engineer) to be appointed in respect of the slabs or fills.
Where the floor area is less than 500m², ground floor slabs must have insulation installed around vertical edge of its perimeter which must have an r-value of not less than 1.0 and resist water absorption in order to retain its thermal insulation properties and be continuous from the adjacent finished ground level to a depth of not less than 300mm or for the full depth of the vertical edge or the concrete slab on ground.
Where an under floor heating system is installed the heating system must be insulated underneath the slab with insulation that has a minimum r-value of not less than 1.0
Floor level to be 150mm minimum above the adjoining ground level.
All work to be in accordance with SANS 10400 part J

ROOFS
The roof fixing to be in accordance with SANS 10400 - B and the detailed requirements of SANS 10400 - K
Roof coverings and waterproofing systems to be in accordance with the detailed requirements of SANS 10400 - L
Flats roof or related gutters to be in accordance with the detailed requirements of SANS 10400 - L - Rational design or rational assessment (or both) as per engineer.
The roof assembly and any ceiling assembly, in addition to complying with the requirements of SANS 10400 - C has to be in accordance with the detailed requirements of SANS 10400 - L
Roof assembly supported on walls to comply with requirements of SANS 10400 and in accordance with SANS 10400 - B and SANS 10400 - L
Gutters and downpipes, if any, to be sized in accordance with the requirement of SANS 10400 - R as per engineers design
The fire resistance and combustibility of the roof assembly or any ceiling assembly to be in accordance with the detailed requirements of SANS 10400 - L and SANS 10400 - T

ROOF ASSEMBLY
See certificate

ROOF INSULATION NOTES
N/A

STAIRWAYS
Stairways to be in accordance with SANS 10400 - B, SANS 10400 - T and the detailed requirements of SANS 10400 - M
Walls, screens , railings or balustrades to such stairways to be in accordance with the requirements of SANS 10400 - B , SANS 10400 - T , SANS 10400 - K and SANS 10400 - M

GLAZING
The type and fixing of glazing to be in accordance with SANS 10400 - B and the detailed requirements of SANS 10400 - N
A Competent aluminium supplier to issue COC on full glazing and aluminium on completion. Aluminium supplier to complete FORM 3 on completion.
The selection of the glazing to be in accordance with the detailed requirements of SANS 10400 - N

LIGHTING AND VENTILATION
The lighting in a habitable room, bathroom, shower room or room containing a toilet pan to comply with the requirements of SANS 10400 - T and the detailed requirements of SANS 10400 - O
The ventilation to be in accordance with the requirements of SANS 10400 - T and the detailed requirements of SANS 10400 - O

DRAINAGE
The design of the drainage system to be in accordance with the detailed requirements of SANS 10400 - P. Registered Plumber to complete FORM 3 on completion

STORMWATER DISPOSAL
The means for the control and disposal of stormwater as per engineers design in accordance with the detailed requirements of SANS 10400 - R
The means for control of and disposal of stormwater in interconnected complexes as per engineers design.

PERSON WITH DISABILITIES
The means for providing facilities for person with disabilities to be in accordance with the detailed requirements of SANS 10400 - S

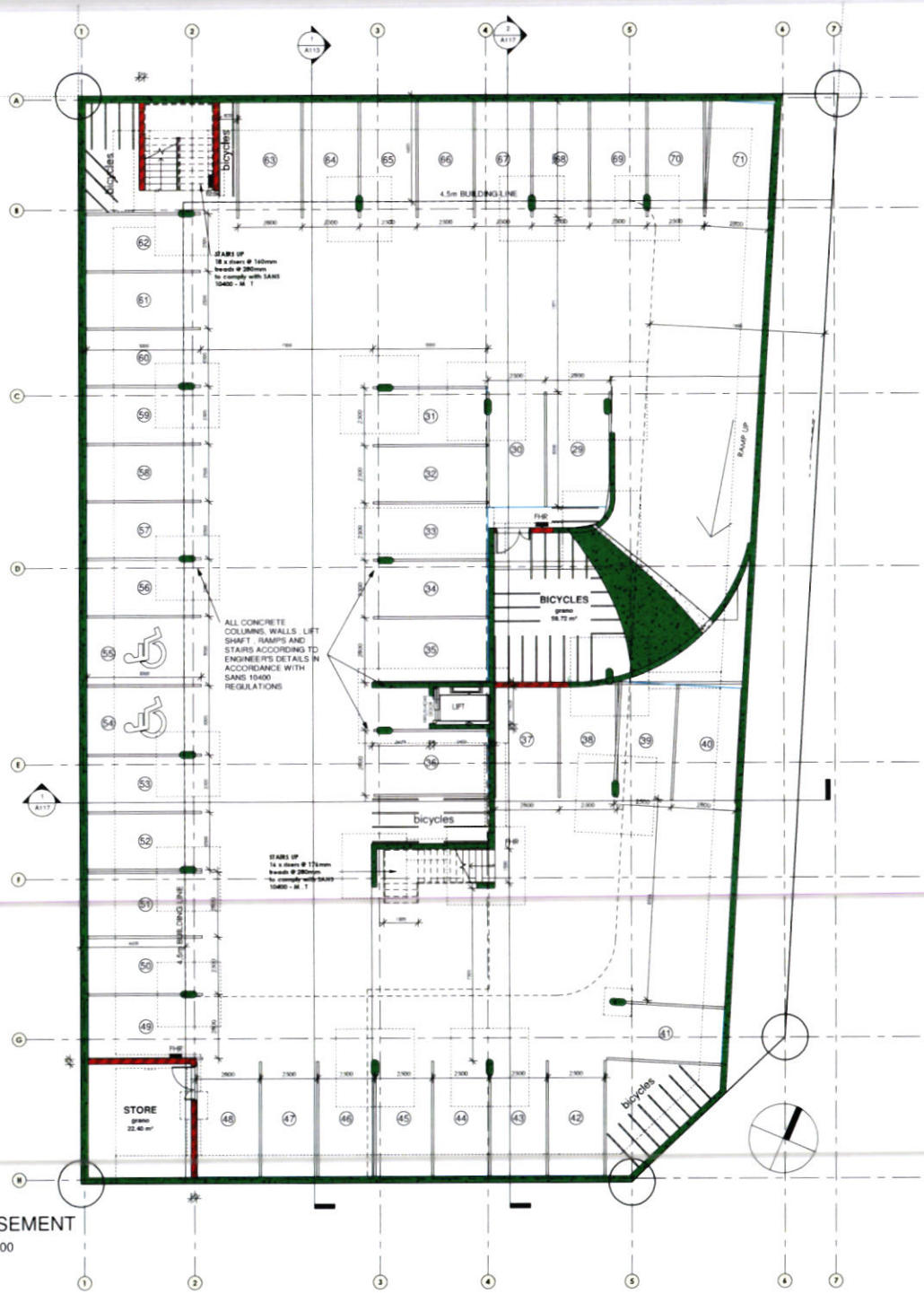
FIRE PROTECTION
The fire protection measures provided to be in accordance with the detailed requirements of SANS 10400 - T

SPACE HEATING
The provision of space heating to be in accordance with the detailed requirements of SANS 10400 - V

FIRE INSTALLATION
The fire installation to comply with the detailed requirements of SANS 10400 - W
The supply of water to be in accordance with the detailed requirements of SANS 10400 - W

ENERGY EFFICIENCY IN BUILDING
External walls to be in accordance with the detailed requirements of SANS 10400 - XA, Fenestration to be in accordance with SANS 10400 - XA
Roof assembly construction to be in accordance with SANS 10400 - XA
Floors with slab heating to be in accordance with SANS 10400 - XA
Services that use energy or control the use of energy to be in accordance with SANS 204
Hot water system to be in accordance with SANS 10400 - XA
A competent person to certify that fenestration is in accordance with SANS 204

BUILDING ENVELOPE:
- Wall plates and roof junctions must be sealed.
- All roof tiles must have a tile underlay or radiant barrier and the joint must be sealed.
- The joint in sheeting roofs must be sealed
- All glazing sealing as per glazing notes.
- Roof lights and skylights must be sealed or capable of being sealed.
- Roof lights and skylights must be contracted with a compressible seal if they are operable.
- A seal to restrict air leakage must be fitted to each edge of an external door and other such opening so that,
- it serves a conditioned space or
- it serves a habitable room
- The seal may be a foam or rubber compressible strip or a fibrous seal.
- External swing doors must be fitted with a draught protection device to the bottom edge of each leaf.
- An exhaust fan must be fitted with sealing device such as a self-closing damper or filter when serving,
- A conditioned space or
- A habitable room
- Roofs, external walls, external floors and any openings such as glazing or door in the external fabric must be constructed to minimize air leakage when forming part of external fabric of
- A conditioned space or
- A habitable room



1 BASEMENT
1 : 100

NOTE :
ALL FINISHED FLOOR
LEVELS TO BE CHECKED
& AMMENDED ACCORDING
TO NATURAL GROUND LEVELS

NOTE :
SEWERAGE AND STORMWATER
CONNECTIONS TO CIVIL ENGINEERS
DETAILED DRAWINGS ALL TO COMPLY
WITH SANS 10400, P: 2011

Architects Signature

Clients Signature

christof albertyn architect
17 marule drive hermanus 7210
SACAP 3637 0825722844
christofarch@gmail.com

HEUER PLATZ - ERF
12186 - STELLENBOSCH

Client Name	HEUER BATES TRUST
Project number	0106
Date	08-12-2020
Drawn by	BP
Checked by	CKA

BASEMENT

0106 **A102**

Scale 1 : 100

2020/12/08 10:18:01

Ramps to be tiled with 600 x 600mm Non-Slip tiles with 850mm high S/S handrail with 75mm high balustrade

Head clearance for emergency routes of less than 2m to be indicated

Disabled facilities to be clearly marked with approved signs

No smoking allowed anywhere in Facility

Premises to be rodentproofed in accordance with SABS Rodentproofing Regulations

Medical waste room to be clearly marked with warning signs , will be adequately ventilated and lighted according to health standards and have a concrete floor that is graded and drained to a floor trap situated inside the room that discharges over an externally situated gulley that is connected to the sewerage main line

All Disabled toilets will have outward opening door with lock that can be opened from outside.

The WC to be 450mm between center line and nearest wall. Top surface of seat to be 480mm above FFL

S/S grab rails to be provided in accordance with SANS 10400

Flushing control and paper holder to be easy accessible with lid remaining in upright position when raised.

WHB to be sited 820mm from floor and have vertical clearance of 650mm underneath at a point no less than 160mm from front of basin

Taps to have lever handles with cold water handle within reach of a sitting person on the WC pan.

All areas not naturally lighted to be artificially lighted in accordance with the relevant recommendations contained in the SABS Code of Practice 0114 part 1 - 1973 and minimum average values of illuminance glare index to be provided by electrical eng.

Refuse area to have adequate rodent proofing, installed by specialist

Lift providing access to the first floor will comply with requirements of Part S of Regulation 2378, Regulations under the National Building Regulations and Building Standards Act (103/1977) with SABS 0400: 1990 Code Practice for the application of National Building Regulations and SABS 0246:1993 Code of Practice for Accessibility of Buildings for Disabled Persons. Spec provided by Engineer

All mechanical ventilation plants and noise producing equipment to be muffled to comply with SANS 10400 and SABS regulations

All stormwater to engineers drawings

AREAS:

BASEMENT: 77.41m²
GROUND FLOOR: 312.99m²
FIRST FLOOR:
- 608.70m²
- 94.02m² (BALCONIES)
- 702.72m² (TOTAL)

2nd FLOOR:
- 584.09m²
- 69.22m² (BALCONIES)
- 653.31m² (TOTAL)

3rd FLOOR:
- 584.14m²
- 70.00m² (BALCONIES)
- 654.14m² (TOTAL)

4th FLOOR:
- 448.73m²
- 154.82m² (BALCONIES)
- 603.55m² (TOTAL)

5th FLOOR:
- 275.35m²
- 188.17m² (BALCONIES)
- 463.52m² (TOTAL)

GRAND TOTAL: 3467.64m²

AREAS:

SITE AREA -	1477.69m²
COVERAGE -	1090²
PERCENTAGE -	73.76%
FLOOR FACTOR -	0.7 /1
TOTAL NETT AREA -	2460.41m²

COVERAGE OF COMMERCIAL - 312.99m²
PERCENTAGE - 21.18%
COVERAGE OF APARTMENTS - 702.02m²
PECENTAGE - 47.51%

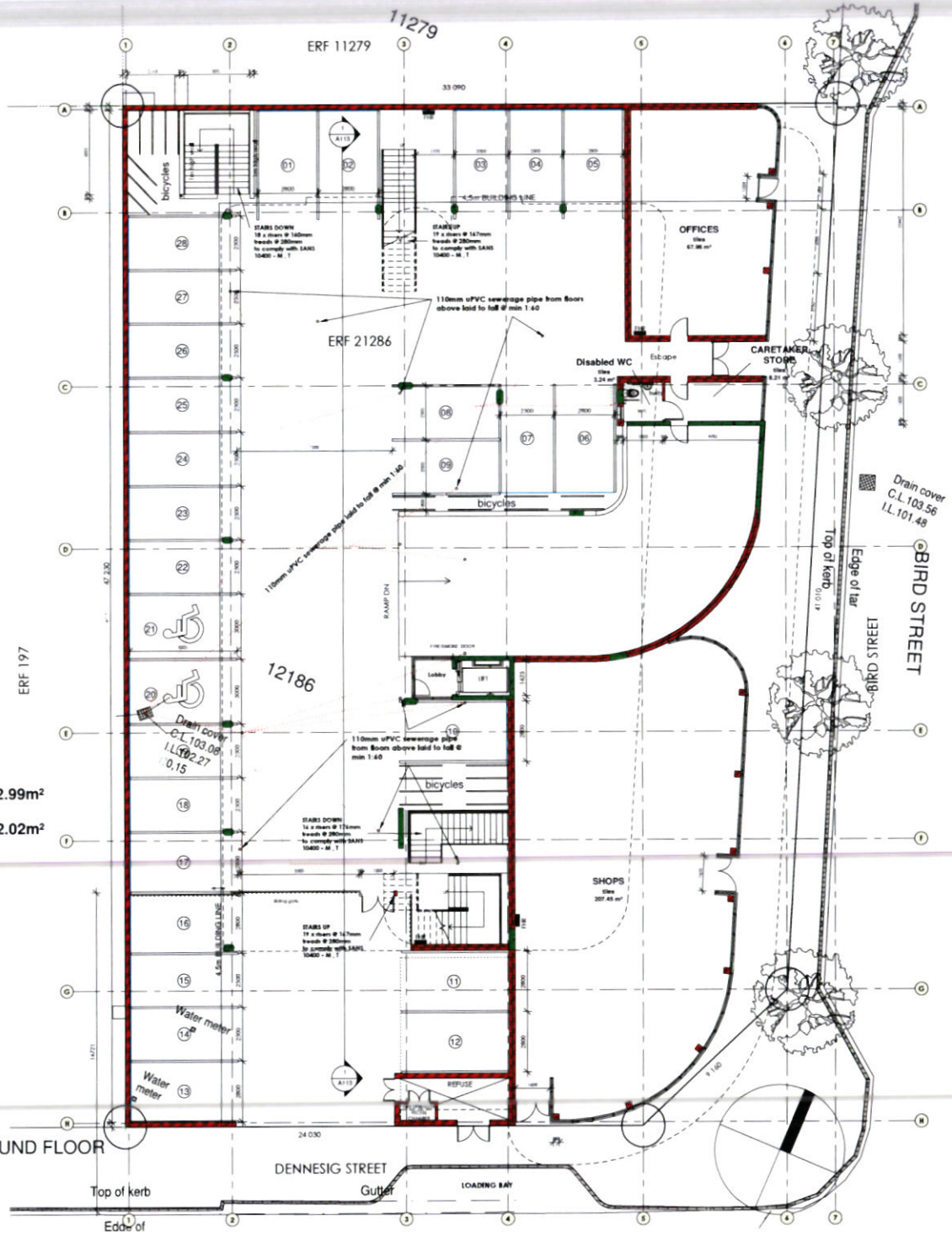
PARKING ALLOCATION:

- PARKING PER UNIT - 1/2 BEDROOM UNITS = 1.5x49=73.5
  3 BEDROOM UNITS = 1.75x1=1.75
- COMMERCIAL 4/100m² =250m²/25=11.24
- TOTAL PARKING REQUIRED 86

PARKING PROVIDED: 71
29 parking spaces on Ground level
44 parking spaces on Basement level
53 x Bicycle stands provided

NOTE :
SEWERAGE AND STORMWATER CONNECTIONS TO CIVIL ENGINEERS DETAILED DRAWINGS ALL TO COMPLY WITH SANS 10400, P: 2011

NOTE :
ALL FINISHED FLOOR LEVELS TO BE CHECKED & AMMENDED ACCORDING TO NATURAL GROUND LEVELS



1 00 - GROUND FLOOR
1 : 100

OCCUPANCY:

SMALL SHOP <250m² -	F2
OFFICES -	G1
LOW RISK STORAGE -	J3
PARKING GARAGE -	J4
DOMESTIC RESIDENTS -	H3

Architects Signature
Clients Signature

christof albertyn architect
17 marine drive hermanus 7200
SACAP 3637 0825722844
christofarch@gmail.com

HEUER PLATZ - ERF
12186 - STELLENBOSCH

Client Name	HEUER BATES TRUST
Project number	0106
Date	08-12-2020
Drawn by	BP
Checked by	CKA

GROUND FLOOR

0106 **A103**

Scale 1 : 100

2020/12/08 10:18:09

1 01 - FIRST FLOOR
1 : 100

2 02 - SECOND FLOOR
1 : 100

NOTE :
ALL FINISHED FLOOR
LEVELS TO BE CHECKED
& AMMENDED ACCORDING
TO NATURAL GROUND LEVELS

NOTE :
SEWERAGE AND STORMWATER
CONNECTIONS TO CIVIL ENGINEERS
DETAILED DRAWINGS ALL TO COMPLY
WITH SANS 10400, P: 2011

Architects Signature

Clients Signature

christof albertyn architects

HEUER PLATZ - ERF 12186 - STELLENBOSCH	Project number	0106	FLOOR PLANS
	Date	08-12-2020	0106 A104
	Drawn by	BP	CURRENT REVISION
	Checked by	CKA	Scale 1 : 100

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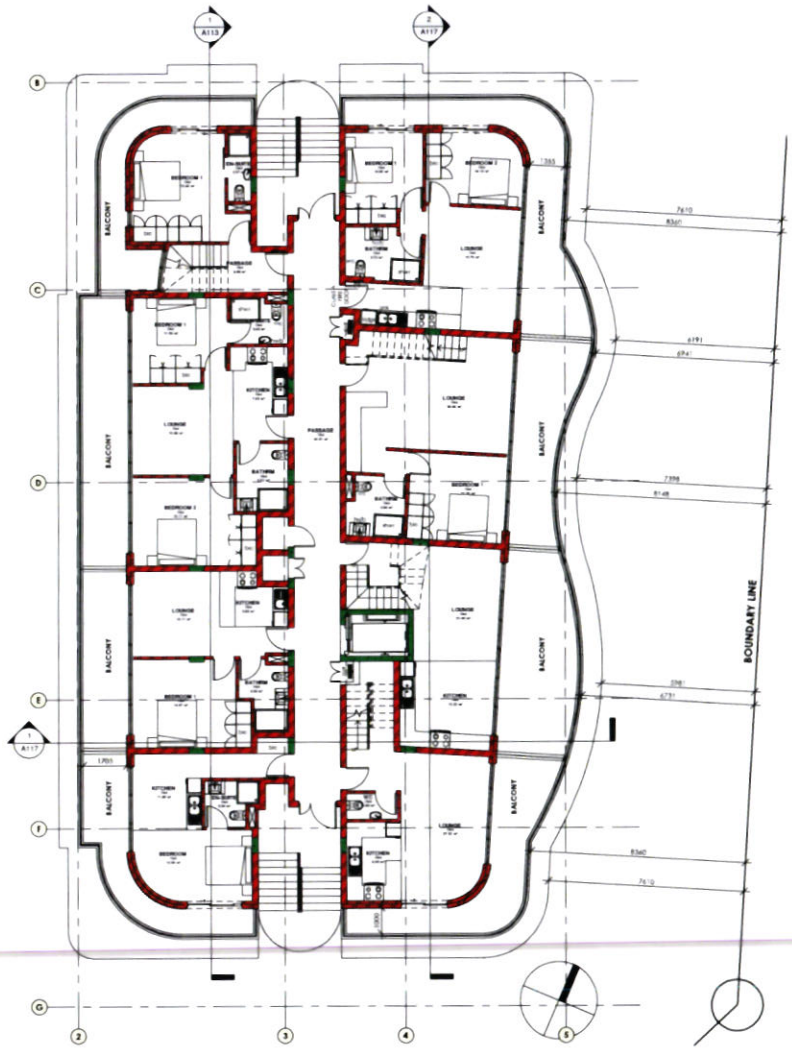
1 03 - THIRD FLOOR
1 : 100



2 04 - FOURTH FLOOR
1 : 100

Architects Signature

Clients Signature

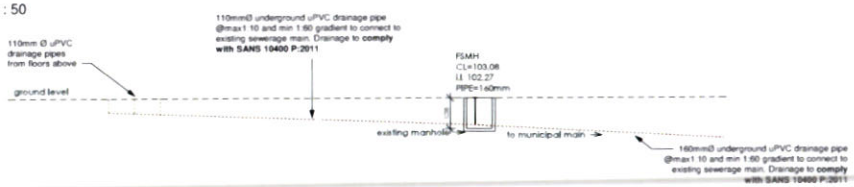
christof albertyn architect

HEUER PLATZ - ERF 12186 - STELLENBOSCH	Project number	0106	FLOOR PLANS
	Date	08-12-2020	0106 A105
	Drawn by	BP	CURRENT REVISION
	Checked by	CKA	Scale 1 : 100

2020/12/08 10:18:44

125mm CONCRETE SURFACE BED ON 250 MICRON WATERPROOFING MEMBRANE ON 50mm SANDBED ON 150mm COMPACTED HARDCORE ON COMPACTED CUT AND FILL TO ENGINEERS APPROVAL

1 Section 1
1 : 50



2 DRAINAGE LAYOUT
1 : 100

Architects Signature

Clients Signature

christof albertyn architect

HEUER PLATZ - ERF 12186 - STELLENBOSCH	Project number	0106	SECTION
	Date	08-12-2020	0106 A113
	Drawn by	BP	CURRENT REVISION
	Checked by	CKA	Scale As indicated

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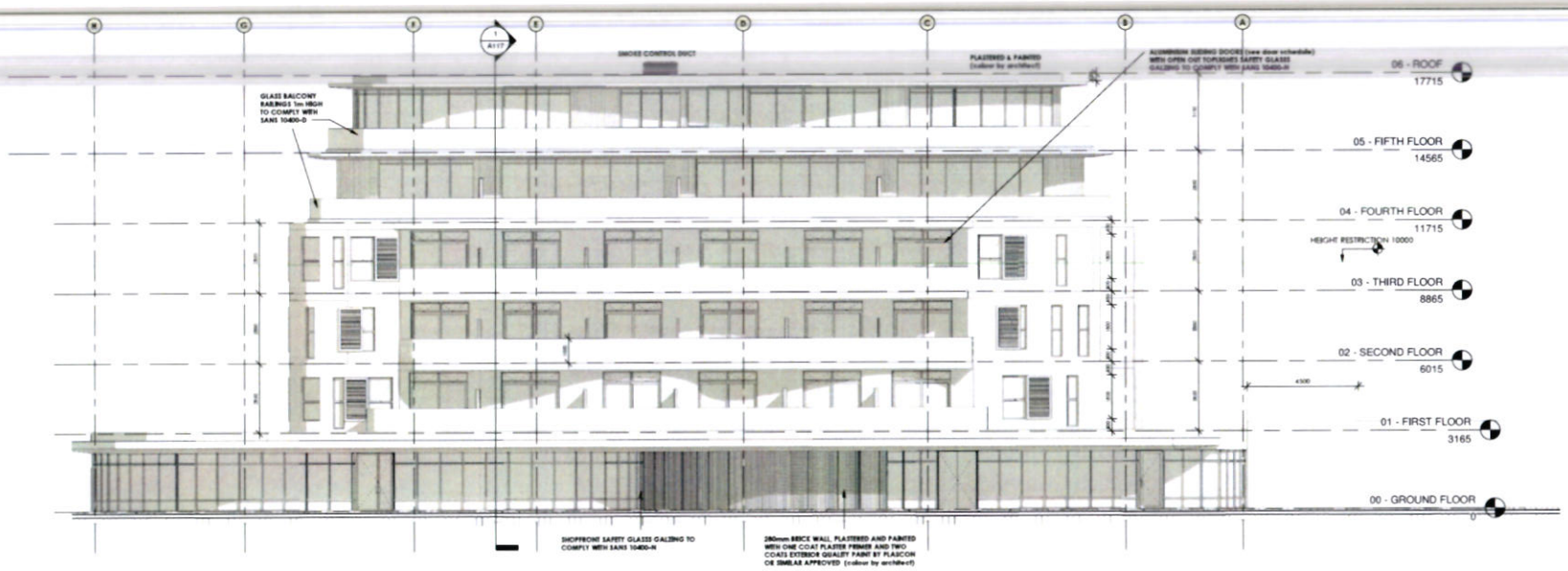
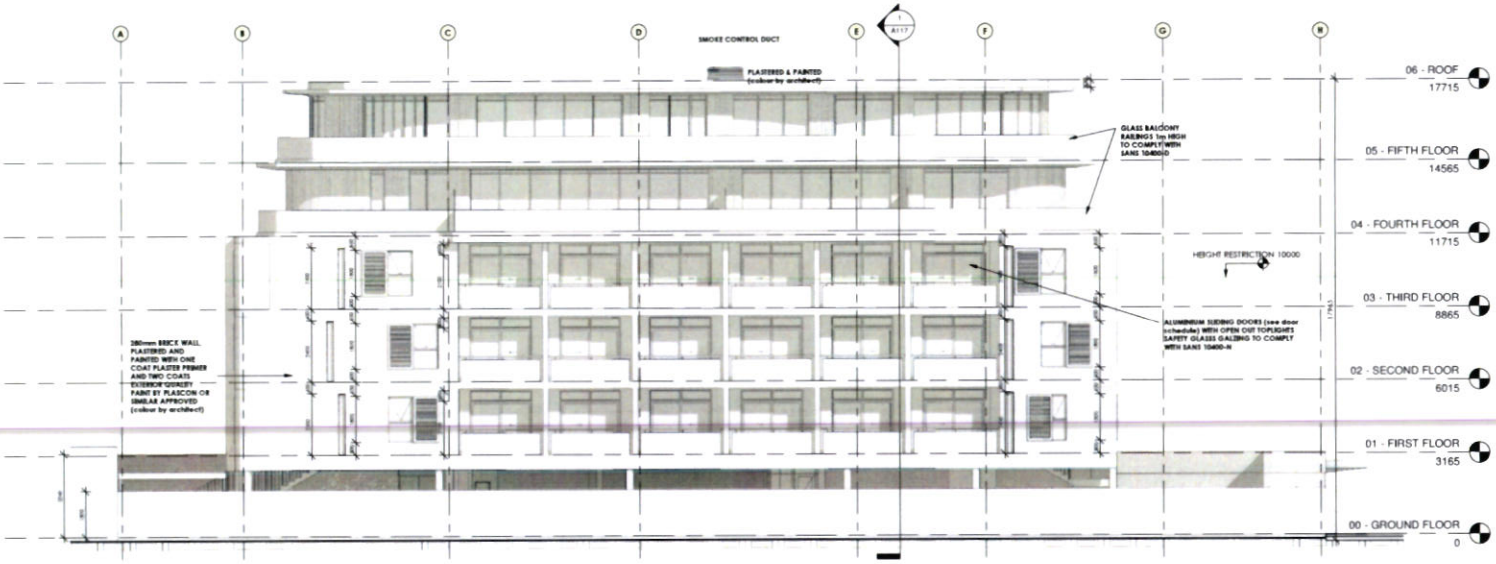


1 East
1 : 100



2 West
1 : 100

Architects Signature

Clients Signature

christof albertyn architect

HEUER PLATZ - ERF 12186 - STELLENBOSCH	Project number	0106	EAST & WEST ELEVATIONS
	Date	08-12-2020	0106 A114
	Drawn by	BP	CURRENT REVISION
	Checked by	CKA	Scale 1 : 100

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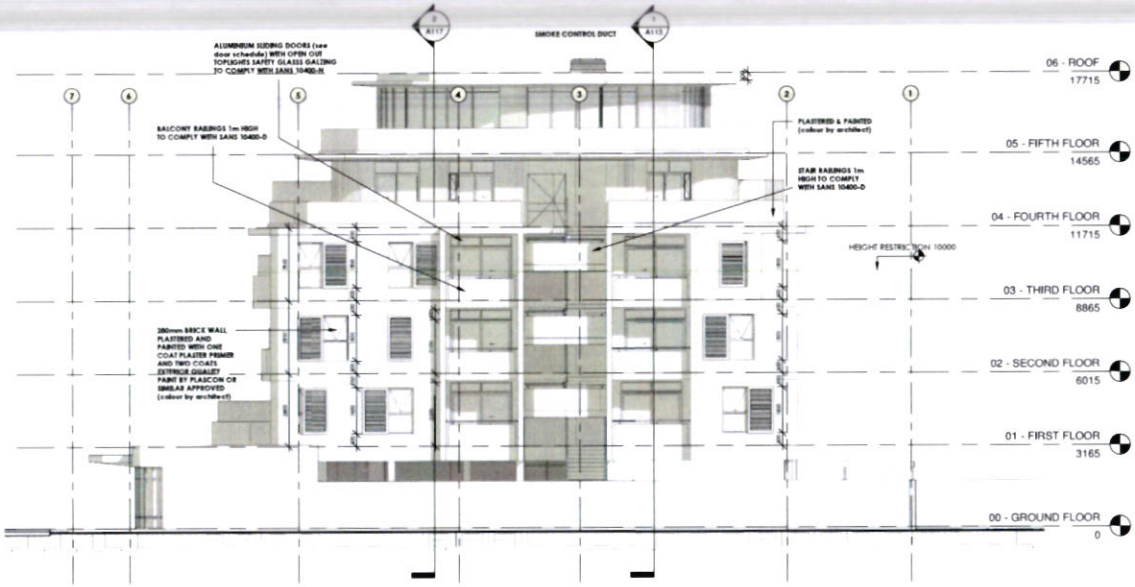
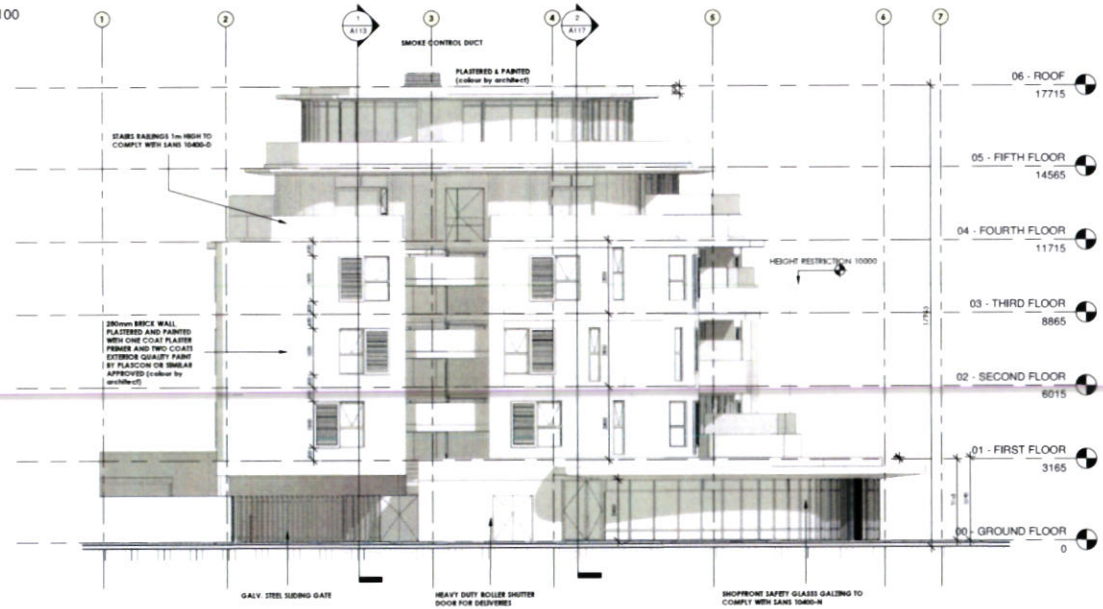


1 North
1 : 100



2 South
1 : 100

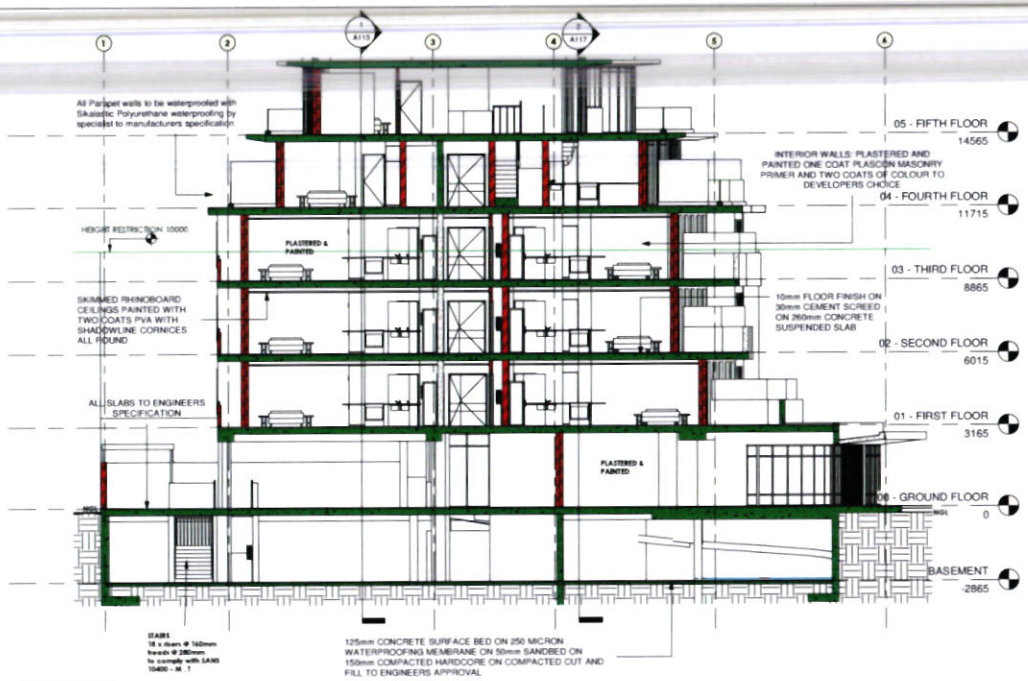
Architects Signature

Clients Signature

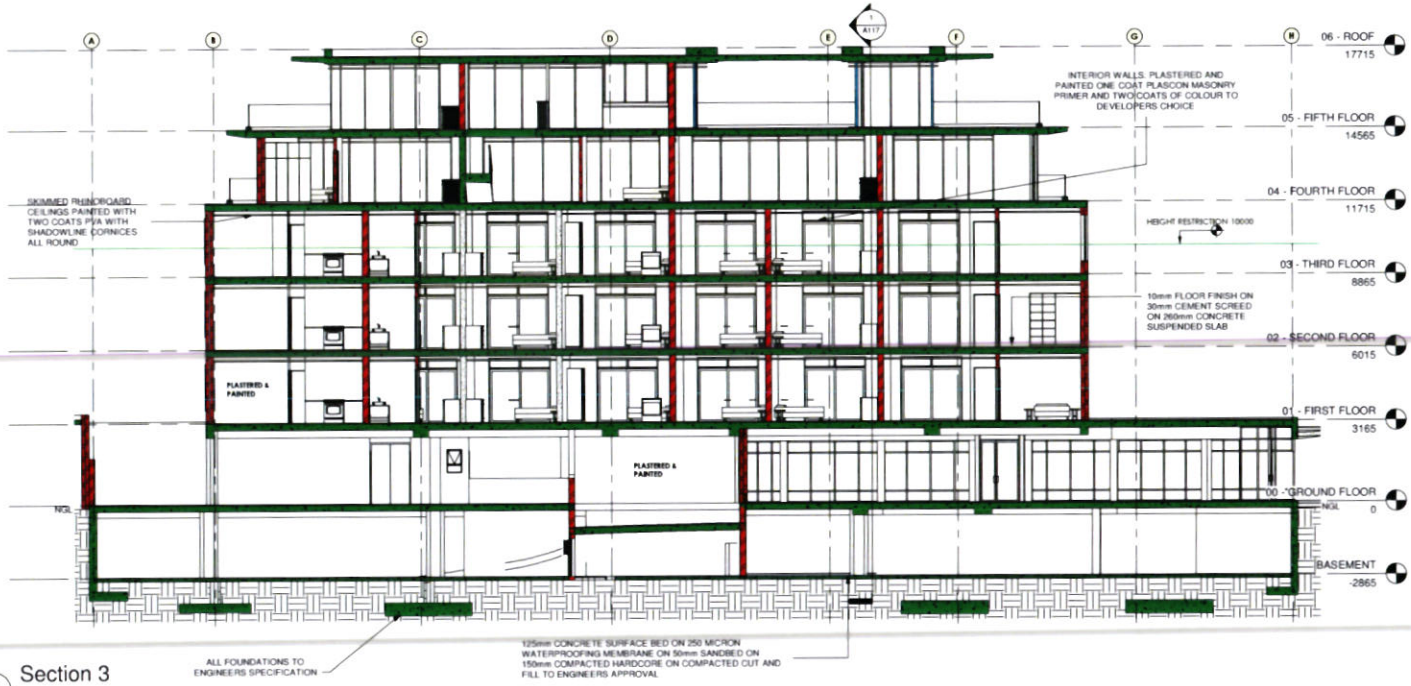
christof albertyn architect

HEUER PLATZ - ERF 12186 - STELLENBOSCH	Project number	0106	NORTH & SOUTH ELEVATIONS
	Date	08-12-2020	0106 A115
	Drawn by	BP	CURRENT REVISION
	Checked by	CKA	Scale 1 : 100

2020/12/08 10:23:14



1 Section 2
1 : 100



2 Section 3
1 : 100

Architects Signature

Clients Signature

christof albertyn architect
17 marine drive hermanus 7200
SACAP 3637 0825722844
christofarch@gmail.com

HEUER PLATZ - ERF
12186 - STELLENBOSCH

Client Name	HEUER BATES TRUST
Project number	0106
Date	08-12-2020
Drawn by	BP
Checked by	CKA

SECTIONS

0106 **A117**

Scale 1 : 100

2020/12/08 10:23:29

CLUVER MARKOTTER ING.

117

Rekening Nr.AA1082

Tel: (021) 887-0120

Opgestel deur my,

TRANSPORTBESORGER
AL DE WAAL

SEËLREG
DUTY R.....

FOOI
FEE R...500.:00

REKENAAR: DATAVABLE INC/COMPUTER DATA CAPTORE

UPDENEEM/ENTERED | DATUM/DATE | OPERATEUR/OPERATOR

GEBEURE VERIFIED

VERBIND MORTGAGED

VIR
FOR R 2060 000: 00

B 008392 / 2003

2003 -02- 20

REGISTRATEUR/REGISTRAR

TRANSPORTAKTE

T 012641 / 2003

HIERMEE WORD BEKEND GEMAAK: -

D A T MELIZE VAN DER MERWE

Voor my, REGISTRATEUR VAN AKTES te KAAPSTAD verskyn het, hy die genoemde komparant synde behoorlik daartoe gemagtig deur 'n volmag aan hom verleen deur:-

W HEUER (EIENDOMS) BEPERK
Nr. 1965/006772/07

gedateer die 29ste dag van Januarie 2003 en geteken te STELLENBOSCH

VIR ENDORSEMENTE KYK BLADSY 4
FOR ENDORSEMENTS SEE PAGE

CLUVER MARKOTTER ING.
PROKUREURS
STELLENBOSCH

LEGALPERFECT

EN die genoemde Komparant het verklaar dat sy Prinsipaal, waarlik en wettiglik verkoop het op 30 September 2002 en dat hy, die Komparant, in sy Voornoemde hoedanigheid hierby sedeer en transporteer aan en ten gunste van:-

Die Trustees indertyd van die
HEUER BATES TRUST
Nr. IT2539/2002

hulle ampsopvolgers in titel of regverkrygendes in volkome en vrye eiendom

ERF 12186 STELLENBOSCH in die Munisipaliteit en Afdeling Stellenbosch, Provinsie Wes-Kaap

Groot 1 478 (EENDUISEND VIERHONDERD AGT EN SEWENTIG) vierkante meter;

EERSTE GEREGISTREER en STEEDS GEHOU kragtens Sertifikaat van Verenigde Titel Nr T4860/1993 met Kaart L.G. Nr 9845/1992 wat daarop betrekking het

1. **WAT betref die figuur ABxy op die kaart nommer 9845/1992:**

   A. **ONDERHEWIG** aan die voorwaardes waarna verwys word in Transportakte Nr T10519/1927 opgelê vir die voordeel van H J L du Toit en enige toekomstige eienaar van die eiendom wat deur hom gehou word kragtens Transportakte Nr 149 gedateer 1888, of enige gedeelte daarvan, welke persone te enige tyd geregtig sal wees om vergoeding te ontvang vir enige verontagsaming van die volgende voorwaarde, naamlik:

   "2. That no canteen, Hotel, Butcher, General or any business of a like nature shall be erected, carried on or conducted on the land hereby conveyed."

2. **WAT betref die figuur xyCDE op die kaart nommer 9845/1992:**

   A. **ONDERHEWIG** aan sodanige voorwaardes waarna verwys word in Transportakte Nr T7453/1928.

   B. **ONDERHEWIG VERDER** aan die voorwaardes vervat in die gesegde Transportakte Nr T7453/1928, wat as volg lui:

   "2. That no canteens, Hotel, Butcher, General or any business of a like nature shall be erected, carried on or conducted on the above land.

   3. That the said transferee or his successors in title shall not have any right to water out of the Kromme River to which the land heretofore held by the transferor as riparian for domestic or any other purpose, the transferor reserving to himself and his successors as owners of the remainder of the land held by Deed of Transfer No 149 dated 15th October, 1888, all his hithereto existing rights to such water as a riparian owner."

Welke voorwaarde nr 2 opgelê is vir die voordeel van H J L du Toit en enige toekomstige eienaar van die eiendom wat deur hom gehou word kragtens Transportakte Nr 149 gedateer 15 Oktober 1888, of enige gedeelte daarvan, welke persone te enige tyd geregtig sal wees op vergoeding vir enige verontagsaming daarvan.

WESHALWE die Komparant afstand doen van al die reg en titel wat gemelde:-

TRANSPORTGEWER-MAATSKAPPY

voorheen op genoemde eiendom gehad het en gevolglik ook erken dat dit geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie en dat, kragtens hierdie Akte genoemde:-

TRANSPORTNEMER-TRUST

hulle ampsopvolgers in titel of regverkrygendes, tans en voortaan daartoe geregtig is ooreenkomstig plaaslike gebruik behoudens die regte van die Staat en tenslotte erken hy dat die eiendom op 30 September 2002 verkoop is vir die bedrag van R3 420 000,00 (DRIE MILJOEN VIERHONDERD EN TWINTIGDUISEND RAND).

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

ALDUS GEDOEN EN VERLY op die kantoor van die REGISTRATEUR VAN AKTES te **KAAPSTAD**, op 20 Februarie 2003

In my teenwoordigheid:

q.q.

REGISTRATEUR VAN AKTES

4 -

VA 002464/09

Certified a true copy of the duplicate original filed at Deeds Office this day, issued to serve in place of the original thereof under the provisions of Deeds Regulation No 58

Deeds Registry
Cape Town

12 MAY 2009 Assist Registrar of Deeds

VERBIND	MORTGAGED
VIR FOR R 1 000 000,00	
B 012346/09	
12 MAY 2009	REGISTRATEUR/REGISTRAR

POWER OF ATTORNEY

I, HANS HEUER (ID 6306155094084), duly authorised representative of the Heuer Bates Trust (No. IT2593/2002), owner of Erf 12186, Stellenbosch, do hereby appoint and authorise Lize Malan (ID 6801190146089) from Lize Malan Planners and Heritage Consultants, with power of substitution to be my agent in my name, place and stead in order to submit an application for:

- a permanent departure in respect of the above property in terms of Section 252(1) of the Stellenbosch Municipal Zoning Scheme By-law of 2019 to permit the erection of a building exceeding 10m in height and any other departures that may be required in terms of Section 15(2)(b) of the Stellenbosch Land Use Planning By-law of 2015;
- the permission of the Municipality in terms of Section 246(1)(a) of the Stellenbosch Municipal Zoning Scheme to erect a new building in an Urban Conservation Area;
- the removal of restrictive title conditions in terms of Section 33(1) of the Stellenbosch Land Use Planning By-law of 2015;
- and generally for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite as fully and effectually for intents and purposes, as we might do or could do if personally present and acting herein – hereby ratifying, and agreeing to ratify anything which the agent under this power of attorney shall do or purport to do by virtue of this power of attorney.

.....

Signed at STELLENBOSCH on 09 this ninth day DECEMBER 2020 in the presence of witnesses.

AS WITNESSES:

1. .....

2. .....

DEPARTEMENT VAN JUSTISIE
REPUBLIEK VAN SUID-AFRIKA

MAGTIGINGSBRIEF

Ingevolge artikel 6(1) van die Wet op Beheer oor Trustgoed, 1988 (Wet 57 van 1988)

No: IT2539/2002

Hiermee word gesertifiseer dat WOLFGANG EMIL WALTER HEUER *en* HANS DIETER HELMUT HEUER

gemagtig word om as trustees van die HEUER BATES TRUST

op te tree.

GEGEE onder my hand te KAAPSTAD op hede die dag van 2002

.....
Asst. Meester van die Hoë Hof

MASTER OF THE SUPREME COURT
CAPE TOWN
2007 -09- 27
KAAPSTAD
MEESTER VAN DIE HOOGGEREGSHOF

/ks

TRUSTAKTE

HEUER BATES TRUST

AKTE VAN SKENKING IN TRUST

MEMORANDUM VAN OOREENKOMS GEMAAK EN AANGEGAAN TE STELLENBOSCH OP HEDE HIERDIE EERSTE DAG VAN MAART 2002 DEUR EN TUSSEN:

WOLFGANG EMIL WALTER HEUER
ID NR 491117 5063 10 0

(Hierin later genoem die **"OPRIGTER"**)

en

WOLFGANG EMIL WALTER HEUER
ID NR 491117 5063 10 0

HANS DIETER HELMUT HEUER
ID NR 630615 5094 08 4

(hierin later genoem die **"TRUSTEES"**)

AANGESIEN: Die Oprigter begerig is om die hierinvermelde Trust te vestig vir en ten behoewe van die begunstigdes, onderhewig aan die terme en voorwaardes soos meer volledig hierin later uiteengesit:

DERHALWE WORD GETUIG:

1.0 WOORDBEPALING

In hierdie trustakte, tensy dit uit die samehang anders blyk, sluit:

1.1 Woorde wat die enkelvoud aandui, ook die meervoud in en omgekeerd; woorde wat die manlike geslag aandui, ook die vroulike geslag in; 'n verwysing na 'n maatskappy ook ander regspersone in en sluit aandele dienooreenkomstig ook ledebelange in sodanige ander regspersone in;

1.2 Die volgende uitdrukkings sal die volgende betekenis hê, naamlik:

1.2.1 "**TRUSTEES**" beteken die eerste TRUSTEES of ander TRUSTEE of TRUSTEES van tyd tot tyd van die trust;

1.2.2 "**Begunstigdes**" beteken die trusts of persone wat uit hierdie trust

bevoordeel kan word, te wete:

1.2.2.1 **WOLFGANG EMIL WALTER HEUER Identiteitsnommer 491117 5063 10 0** en die **WOLFGANG HEUER FAMILIETRUST IT2625/2001**, geregistreer te Kaapstad gesamentlik ten opsigte van 50% (VYFTIG PERSENT), toegedeel volgens die uitsluitlike diskresie van die trustees;

1.2.2.2 **HANS DIETER HELMUT HEUER Identiteitsnommer 630615 5094 08 4** en die **HANS HEUER FAMILIETRUST IT1897/2001**, geregistreer te Kaapstad gesamentlik ten opsigte van 50% (VYFTIG PERSENT), toegedeel volgens die uitsluitlike diskresie van die trustees;

MET DIEN VERSTANDE dat indien enige van gesegde begunstigdes sy belang aan enigeen van die ander begunstigdes vervreem, die oorblywende begunstigdes vanaf datum van vervreemding die enigste begunstigdes onder hierdie trust sal wees.

1.2.3 Die "Vestigingsdatum" sal die datum wees wat die TRUSTEES te enige tyd mag vasstel as die vestigingsdatum en sal die tydstip aandui waarop die begunstigdes gevestigde regte sal verkry tot netto trustbates in terme van sub-paragraaf 19.1, of sub-paragraaf 16.3 wat betref daardie begunstigdes ten opsigte van wie die Vestigingsdatum sodanig vroeër vasgestel is.

1.2.4 "**Trustfonds**" beteken -

1.2.4.1 Die bedrag van R100,00 (Een honderd Rand) synde die skenking wat in terme van sub-paragraaf 3.1 gemaak word; en

1.2.4.2 Alle kontant, beleggings en ander bates betaal of oorgedra aan en aangeneem deur die TRUSTEES as byvoegings tot die trustfonds;

1.2.4.3 Die beleggings en eiendom van tyd tot tyd en sodanige gelde, beleggings en byvoegings of enige gedeeltes daarvan en enige vermeerderings gemaak kragtens die bevoegdhede daartoe vervat in hierdie trustakte.

2.0 NAAM VAN TRUST

Die trust sal bekend staan as die **HEUER BATES TRUST**

3.0 AANVANKLIKE SKENKING

3.1 Die Oprigter skenk hiermee die bedrag van R100,00 (Een honderd Rand) aan die TRUSTEES as 'n skenking *inter vivos*.

3.2 Die skenking kragtens sub-paragraaf 3.1 gemaak, vestig onmiddellik in die TRUSTEES en die TRUSTEES sal die trustfonds en die inkomste daarvan besit onderhewig aan die terme en op die voorwaardes en met die bevoegdhede en bepalings hierin genoem en vervat.

4.0 AMP VAN TRUSTEE EN ADMINISTRATIEWE PROSEDURES

4.1 Die eerste TRUSTEES sal wees:

WOLFGANG EMIL WALTER HEUER

HANS DIETER HELMUT HEUER

wat hul amp as sulks aanvaar.

4.2 Die TRUSTEES hiervan sal nie minder as 2 (TWEE) en nie meer as 4 (VIER) persone wees nie, en enige vakature wat mag ontstaan, sal so spoedig moontlik gevul word.

4.3 Die eerste TRUSTEES sal elkeen die reg en die bevoegdheid hê om:

4.3.1 Kragtens testament of gedurende sy leeftyd skriftelik 'n nuwe TRUSTEE in sy plek na sy afsterwe aan te stel. Indien 'n TRUSTEE by afsterwe versuim om testamentêr 'n alternatiewe TRUSTEE aan te stel, sal sy eksekuteur of kurator geregtig wees om 'n TRUSTEE in sy plek aan te stel; en

4.3.2 Gedurende hul leeftyd skriftelik enige TRUSTEE te ontslaan en iemand anders in sy plek aan te stel, met dien verstande dat die eerste Trustees nie ontslaan mag word nie;

4.4 Onderhewig aan die reg van aanstelling van TRUSTEES deur die eerste TRUSTEES, mag:

4.4.1 Die TRUSTEE of TRUSTEES van tyd tot tyd (selfs as daar minder as twee TRUSTEES dien) skriftelik 'n nuwe TRUSTEE of TRUSTEES aanstel en sodanige bevoegdheid sal ook geld ten opsigte van die aanstelling van 'n TRUSTEE of TRUSTEES in die plek van enige TRUSTEE of TRUSTEES wat te sterwe mag kom of amp ontruim kragtens sub-paragraaf 4.5 en, onderhewig aan die bepalings van sub-paragraaf 4.2, ten opsigte van die aanstelling van

een of meer addisionele TRUSTEES;

4.4.2 Die begunstigdes *in esse* van tyd tot tyd (bygestaan deur hulle voogde waar van toepassing) plaasvervangende TRUSTEES aanstel, indien die aanstellingsbevoegdhede in terme van sub-paragrawe 4.3 en 4.4.1 nie uitgeoefen kan word nie.

4.5 Die amp van 'n TRUSTEE sal *ipso facto* beëindig en vakant wees indien:

4.5.1 Hy bedank deur skriftelike kennisgewing tot dien effekte aan sy mede-trustees te gee; of

4.5.2 Hy geestelik versteurd of swaksinnig raak; of

4.5.3 Hy onbevoeg en/of onbekwaam is om as TRUSTEE op te tree; of

4.5.4 Hy insolvent verklaar word of boedel oorgee of 'n kompromis met sy skuldeisers aangaan of 'n daad van insolvensie pleeg; of

4.5.5 Indien hy in terme van die maatskappywet wat van tyd tot tyd van krag is, gediskwalifiseer sou word om as 'n direkteur van 'n maatskappy op te tree.

4.6 Elke TRUSTEE sal bevoeg wees om enige persoon te benoem om as sy alternatief op te tree gedurende sy tydelike afwesigheid of onvermoë om as TRUSTEE op te tree, mits die persoon wat so aangestel word, goedgekeur word deur die oorblywende TRUSTEE(S).

'n Alternatiewe TRUSTEE sal, terwyl hy optree in die plek van die TRUSTEE wat hom benoem het, die pligte en funksies van die TRUSTEE wat hy verteenwoordig uitoefen en nakom.

5.0 ADMINISTRATIEWE PROSEDURES

5.1 Die TRUSTEES mag vergaderings vir die afhandeling van sake belê, verdaag en hul vergaderings na goeddunke reël. Enige TRUSTEE sal te enige tyd geregtig wees om 'n vergadering van TRUSTEES te belê op voorwaarde dat 'n kennisgewing te dien effekte minstens sewe dae voor die datum van vergadering skriftelik aan die ander TRUSTEES gestuur moet word. 'n kworum vir die doeleindes van hierdie trust, sal die meerderheid van die eerste TRUSTEES in die amp van tyd tot tyd wees, met dien verstande dat, indien daar op enige stadium slegs een TRUSTEE in amp mag wees, sodanige TRUSTEE geen geldige besluit sal kan neem nie, behalwe wat betref die aanstelling van een of meer bykomstige TRUSTEE(S) in terme van sub-paragraaf 4.4.1

5.2 Alle besluite moet skriftelik genotuleer word.

5.3 Onderhewig daaraan dat hulle uitvoering gee aan die terme en voorwaardes van hierdie trustakte, sal die TRUSTEES in die administrasie van die trust sodanige prosedures volg en sodanige administratiewe stappe doen as wat hulle van tyd tot tyd nodig en raadsaam ag.

5.4 Alle kontrakte, aktes en ander dokumente wat namens die trust geteken moet word, sal op so 'n wyse geteken word as wat die TRUSTEES van tyd tot tyd mag bepaal.

5.5 In die geval van enige dispuut tussen die TRUSTEES te enige tyd, sal die beslissing van die meerderheid van die TRUSTEES geld met dien verstande dat die Eerste Trustees deel van die meerderheid moet wees en sal dit dieselfde krag en gevolg hê asof dit die eenparige besluit van die TRUSTEES is. 'n Skriftelike besluit onderteken deur al die TRUSTEES in amp sal dieselfde regskrag hê as 'n meerderheidbesluit geneem op 'n behoorlik gekonstitueerde vergadering van TRUSTEES. Gemelde meerderheid verwys nie na die TRUSTEES in getal nie, maar wel na die TRUSTEES as verteenwoordigers van die begunstigdes volgens die verhouding van hulle begunstiging soos uiteengesit in 15.5, 16.1 en 19.1 hierna.

5.6 In geval daar as gevolg van 'n staking van stemme tot geen meerderheidsbeslissing geraak kan word nie, sal die dispuut terstond verwys word vir summiere beslissing na 'n senior advokaat wat reeds langer as 10 (tien) jaar praktiseer en op wie ooreengekom sal word deur die TRUSTEES of die meerderheid van die TRUSTEES, en by gebreke aan sodanige ooreenkoms aangewys sal word deur die Voorsitter van 'n Balieraad binne die jurisdiksiegebied van die kantoor van die Meester van die Hooggeregshof waar die trust geregistreer is. Sodanige advokaat sal elke TRUSTEE geleentheid bied om sy saak te stel maar sal nie verplig wees om enige getuies aan te hoor nie. Hy sal ook geregtig wees om die TRUSTEES mondeling aan te hoor of om hulle stellings skriftelik te ontvang of op sodanige ander wyse en na sodanige kennisgewings as wat hy geskik mag ag,en die verrigtinge in die algemeen te hou soos hy mag bepaal. Enige sodanige beslissing deur sodanige advokaat in sodanige verrigtinge sal finaal en bindend op die TRUSTEES wees.

6.0 WYSIGING VAN TRUSTAKTE

6.1 Hierdie trustakte kan gewysig word by wyse van skriftelike ooreenkoms tussen al die TRUSTEES van die trust van tyd tot tyd.

7.0 MAGTE EN BEVOEGDHEDE VAN TRUSTEES

7.1 Die TRUSTEES sal geregtig wees om enige handeling hoegenaamd te verrig wat noodsaaklik en/of bevorderlik vir die behoud of groei van die bates van die trust of ten behoewe van die begunstigdes is. Die hoofdoel van die TRUSTEES in die hantering van trustbates sal wees:

7.1.1 Belegging in landbou-, residensiële-, nywerheids- en kommersiële eiendomme met die doel om dit te verhuur of te gebruik.

7.1.2 Belegging in roerende bates met die doel om dit te verhuur.

7.1.3 Belegging in aandele van privaatmaatskappye waarvan die aandele geregistreer word in die naam van die TRUSTEES van **HEUER BATES TRUST**.

7.1.4 Lewering van administratiewe dienste.

7.2 Sonder benadeling van die algemeenheid van die bevoegdhede wat in sub-paragraaf 6.1 vermeld is, sal die TRUSTEES die volgende bykomstige bevoegdhede hê:

7.2.1 Om enige gelde voortspruitende uit hierdie trust na hulle onbeperkte goeddunke te belê, of andersins aan te wend teen sekuriteit of vir die aankoop of verkryging van enige eiendom,regte of belange, hetsy roerend of onroerend, hetsy liggaamlik of onliggaamlik en van watter aard ookal en waar ookal geleë, en afgesien daarvan of dit 'n verpligting op die trust lê al dan nie, insluitende effekte, aandele, fondse, sekuriteite, verbande oor onroerende eiendom, lenings met of sonder rente en met of sonder sekuriteit, of ander beleggings van watter aard ookal en waar ookal geleë;

7.2.2 Om enige belegging wat van tyd tot tyd deel uitmaak van die trustfonds te gelde te maak, of te wysig en om die opbrengs te herbelê in enige belegging hierkragtens gemagtig soos die TRUSTEES in hulle absolute diskresie mag besluit;

7.2.3 Die TRUSTEES sal geregtig wees om vir enige doeleindes wat deur hulle nodig geag mag word, insluitende vir die doeleindes om inkomstebelasting en/of ander skulde vir die trust te betaal en/of vir betaling van kapitaal aan enige begunstigde en/of vir die doel om 'n lening aan enige persoon te maak en/of vir die doel om enige bates of beleggings wat deel uitmaak van die trustfonds te bewaar en/of vir die doel om op enige aandele in te skryf, sodanige bedrae te leen op sodanige terme en voorwaardes as wat hulle mag goeddink, met bevoegdheid om van tyd tot tyd toe te stem tot enige wysigings of verandering van die terme van enige lening. As sekuriteit vir enige gelde aldus geleen, sal

die TRUSTEES geregtig wees om enige bate wat deel uitmaak van die trustfonds in die algemeen of spesiaal met verband te beswaar of te verpand, of andersins te belas op enige wyse en op sodanige terme en voorwaardes as wat hulle mag goeddink, en hulle sal geregtig wees om opnuut te leen teen sekuriteit of andersins vir die doel om enige sodanige verband of pand terug te betaal;

7.2.4 In die algemeen sal die TRUSTEES in die administrasie van die trust oor sodanige magte en bevoegdhede beskik as wat gewoonweg in 'n Raad van Direkteure van 'n maatskappy vestig;

7.2.5 Die TRUSTEES sal die reg hê om van tyd tot tyd enige van die bates wat deel uitmaak van die trust ten voordele te benut deur dit te verruil, te verkoop, te verhuur of op 'n ander wyse daaroor te beskik, en wanneer hulle hulle reg om te verkoop uitoefen, hetsy dit by hierdie sub-paragraaf verleen word al dan nie, mag hulle genoemde verkoping na eie goeddunke per openbare veiling, openbare inskrywing of uit die hand laat plaasvind;

7.2.6 In soverre enige vaste eiendom te enige tyd deel van die trustfonds mag uitmaak, sal die TRUSTEES geregtig wees om sodanige vaste eiendom of enige gedeelte daarvan van tyd tot tyd te verruil, te verhuur of op 'n ander wyse daaroor te beskik, en om prospekteerregte ten opsigte daarvan te verleen of te verkry op sodanige terme en voorwaardes as wat hulle goedvind en om van tyd tot tyd enige bestaande geboue daarop te herstel of na goeddunke geboue daarop op te rig of om verbeterings aan te bring;

7.2.7 By enige verkoop van bates wat deel van die trustfonds uitmaak het die TRUSTEES die reg om na hulle eie onbeperkte goeddunke, krediet te verleen ten opsigte van die hele koopprys of 'n gedeelte daarvan, met of sonder sekuriteit of rente;

7.2.8 Indien die trustfonds te enige tyd hierna geheel of ten dele uit vaste eiendom of uit 'n verband of verbande bestaan, dan sal die TRUSTEES die reg hê om enige dokumente of aktes met betrekking tot vervreemding, verdeling, ruil, oordrag, 'n verband, verhipotekering of andersins in enige Aktes- en/of Mynbriewe kantoor of enige openbare kantoor wat handel met serwitute, vruggebruike, beperkte belange of andersins te verly, en om enige aansoeke te doen, toestemming te verleen en in te stem tot enige wysiging,veranderings, rojerings,sessies, ontheffings, verminderings, substitusies of enige iets anders wat in die algemeen betrekking het op enige akte, verband of dokument, en om vir enige doeleindes afskrifte van aktes, verbande of dokumente te verkry, en om in die algemeen enige handeling hoegenaamd in enige sodanige kantoor te doen of laat doen;

7.2.9 Die TRUSTEES sal die mag hê om gedinge in te stel of te verdedig en om alle aktes, volmagte en ander dokumente wat vir die doel nodig mag wees, te

onderteken;

7.2.10 Die TRUSTEES sal geregtig wees om enige boerderybedrywighede of ander sakebedryf te beoefen en om vir hierdie doel enige uitgawes aan te gaan in belang van die boerdery of sakebedryf soos wat hulle in hulle uitsluitlike diskresie mag goeddink;

7.2.11 Die TRUSTEES sal geregtig wees om skenkings en/of erflatings aan die trust en enige voorwaardes daaraan verbonde te aanvaar of te repudieer;

7.2.12 Enige TRUSTEE mag alle bevoegdhede en diskresies hierkragtens of regtens aan hom verleen uitoefen en met die uitoefening daarvan saamstem, nieteenstaande hy 'n direkte of ander persoonlike belang in die wyse of gevolg van die uitoefening van sodanige bevoegdheid of diskressie mag hê, maar enige TRUSTEE mag, nieteenstaande, maar sonder enige verpligting, as hy so verkies, hom weerhou van optrede anders as slegs 'n formele party in enige saak waarin hy aldus 'n persoonlike belang mag hê en mag sy mede-TRUSTEE of TRUSTEES toelaat om alleen op te tree in die uitoefening van die bevoegdhede en diskressies voormeld met betrekking tot sodanige aangeleentheid. Elke TRUSTEE wat sodanige belang het by enige handeling wat trustfondse raak, sal egter verplig wees om die aard en omvang van sy belang vooraf aan mede-TRUSTEES te openbaar.

7.2.13 Die TRUSTEES sal geregtig wees om enige roerende of onroerende bates wat van tyd tot tyd deel van die trustbates mag uitmaak te gebruik hetsy gratis of teen vergoeding.

8.0 VERSEKERING

8.1 Die TRUSTEES sal geregtig wees om enige lewensversekeringspolis(se) op die lewe van die Eerste TRUSTEES, 'n TRUSTEE of enige ander persoon hoegenaamd wat in hierdie trust 'n begunstigde word, aan te gaan en/of per sessie ten gunste van die trust te aanvaar en om die premies daarop te betaal en om die polisse in stand te hou of op enige wyse daarmee te handel;

8.2 Die TRUSTEES sal geregtig wees om enige opbrengs met annuïteit-, pensioen- of voorsorgfondse, hetsy enkelbedrae of maandelikse toedelings, wat deur die Oprigter, TRUSTEE of Begunstigde aan die trust gesedeer is, te aanvaar en genoemde gelde na hulle onbeperkte goeddunke te belê of andersins aan te wend tot die mate wat dit noodsaaklik en/of bevordelik vir die behoud of groei van die trustfonds is;

9.0 FINANSIERINGSBEPALINGS

9.1 Die TRUSTEES sal geregtig wees om (hetsy self of deur bemiddeling van iemand wat deur hulle daartoe gemagtig is) 'n bankrekening of -rekeninge op die naam van die trustfonds te open en te bedryf;

9.2 Die TRUSTEES sal geregtig wees om lenings aan te gaan by Boland Bank Beperk of enige ander goedgekeurde finansiële instelling en die bates van die trust as sekuriteit vir die opneem van sodanige lenings aan te bied.

9.3 Die Trustees sal geregtig wees om by die Land- en Landboubank van Suid-Afrika (hierna genoem die Landbank) aansoek te doen om 'n lening of lenings teen sekuriteit van die trustgoed, roerende sowel as onroerende eiendom, en op die voorwaardes soos deur die Landbank bepaal en wat deur die Trustees skriftelik aanvaar word.

Aangesien dit 'n voorwaarde van enige sodanige leningsaansoek is dat ten minste een van die Trustees 'n *bona fide*-boer moet wees wat permanent op die aangebode sekuriteit woonagtig is en dit eiehandig moet bewerk, moet aan dié vereistes voldoen word. Indien 'n trustee sou ophou om aan enige van hierdie vereistes te voldoen, is hy verplig om die Landbank onmiddellik dienooreenkomstig in kennis te stel en gelyktydig die naam en adres van die nuwe persoon te verstrek wat die amp van trustee voorts sal beklee en wat aan dié vereistes sal voldoen, welke bevestiging deur die nuwe Trustees in die vorm van 'n beëdigde verklaring vervat moet word en aan die Landbank voorgelê moet word.

Die Trustee waarna hierbo verwys word, is verplig om hom afsonderlik of gesamentlik soos die geval mag wees, te verbind as borg en/of hoofskuldenaar vir die nakoming van die verpligtinge onder die Landbankverband en sodanige Trustee sal aldus gebonde bly tot tyd en wyl die Landbank sodanige Trustee onthef of tot op sodanige tydstip as wat die verpligtinge kragtens die verband afgeloop het.

Die Trustee wat aan bogenoemde vereistes voldoen, is verplig, as die Landbank dit vereis, om sy lewe te verseker ingevolge die Landbankversekeringskema wat tot gevolg het dat die verband by afsterwe van sodanige Trustee onmiddellik in sy geheel of ten dele betaal word. Die Trustee moet toestem dat die premie op sodanige versekering bygevoeg word tot die verpligte jaarlikse terugbetaling soos deur die Landbank bepaal ten opsigte van die verband. Die voordele voortspruitend uit sodanige versekering vorm deel van die trustgoed en bevoordeel nie die versekerde trustee persoonlik nie.

9.4 In besonder word die TRUSTEES gemagtig om verbande op die vaste eiendom wat deur hulle gekoop word uit te neem en om oortrokke fasiliteite

en/of ander lenings ter finansiering van enige verbeteringe aan te gaan.

9.5 Die trustees sal geregtig wees om (hetsy gratis of teen vergoeding) nakoming van die kontrakte of verpligtinge van enige persoon te waarborg en om op sodanige voorwaardes en teen sodanige rentekoers of rentevry en met of sonder sekuriteit, lenings te doen aan sodanige persoon as wat hulle mag goeddink, insluitende die Oprigter, of enige begunstigde;

10.0 MAATSKAPPY-AANGELEENTHEDE

10.1 Die TRUSTEES sal die reg hê om 'n maatskappy of soortgelyke regsvorm op enige plek in die wêreld op die koste van die trustfonds op te rig, hetsy 'n maatskappy met beperkte of onbeperkte aanspreeklikheid, met die doel, onder andere, om die geheel of enige gedeelte van die trustfonds te verkry. Die vergoeding vir die verkoping van die trustfonds of enige gedeelte daarvan aan enige maatskappy opgerig ingevolge hierdie sub-paragraaf mag geheel of gedeeltelik bestaan uit volopbetaalde aandele of skuldbrief-effekte of ander sekuriteit van die maatskappy en mag toegeken word aan of andersins vestig in die TRUSTEES en beskou word as kapitaal van die trust in die hande van die TRUSTEES;

10.2 Die TRUSTEES sal die reg hê om die stemreg verbonde aan enige aandele wat van tyd tot tyd deel is van die trustfonds, uit te oefen op die wyse wat hulle goeddink en die reg hê om, hetsy alleen of tesame met enige ander persoon, sodanige ander persoon, sodanige reëlings te tref as wat hulle mag goedvind vir die doel om die likwidasie, rekonstruksie of amalgamasie van enige een van die maatskappye van wie se kapitaal genoemde aandele deel uitmaak, te veroorsaak en die reg hê om sodanige ooreenkoms as wat hulle betreffende van pas ag, te sluit en uit te voer;

10.3 Die TRUSTEES sal die reg hê om, hetsy alleen of tesame met ander persone, die kapitaalwaarde van enige aandele van enige maatskappy wat van tyd tot tyd en vir tyd en wyl deel van die trustfonds uitmaak, te laat herorganiseer, konsolideer, of saamsmelt, en om ingevolge sodanige herorganisasie, konsolidasie of samesmelting enige bates wat voortspruit uit hulle deelname aan sodanige aangeleenthede te ontvang en voortgaan om dit as deel van die trustfonds te hou;

10.4 Die TRUSTEES sal die reg hê om enige regte van omskepping of inskrywing verbonde aan enige aandele wat te enige tyd deel is van die trustfonds uit te oefen, of in hulle diskresie, om enige sodanige regte te verkoop of te gelde te maak; maar wanneer ookal beleggings gemaak word deur die uitoefening van regte van omskepping of inskrywing word die aandele of ander regte wat ontvang word, geag deel van die trustfonds uit te maak;

10.5 Die TRUSTEES sal die reg hê om van tyd tot tyd enige stemregte verbonde aan enige aandele wat deel uitmaak van die trustfonds, te gebruik om sodanige verandering as wat hulle mag goedvind in die raad van direkteure of in die ander beamptes van enige van die betrokke maatskappye te bewerkstellig, en geregtig wees om een of meer uit hulle eie geledere as sodanige direkteure of beamptes aan te stel of te laat aanstel of om 'n ander persoon of persone as sodanig te laat aanstel om as die TRUSTEES se benoemdes op te tree. Enige TRUSTEE wat enige vergoeding van enige sodanige maatskappy ontvang vir dienste aan sodanige maatskappy gelewer sal geregtig wees om dit vir sy eie voordeel te behou en nie verplig wees om daarvan verslag te doen nie;

10.6 Indien die statute van die maatskappy die oordrag sou verbied, of enige maatskappy sou weier om enige aandele wat deel vorm van die trustfonds in die naam van die TRUSTEES as sodanig oor te dra, sal die TRUSTEES geregtig wees om die aandele in hulle eie name te laat oordra of in die naam of name van een of meer van hulle benoemdes vir die voordeel van die begunstigdes;

10.7 Die TRUSTEES sal die reg hê om enige aandeel op te neem van enige vermeerderde kapitaal van enige maatskappy wat hulle aangebied word en mag toestem tot enige verandering of omskepping van die kapitaal van enige maatskappy waarvan die aandele deel van die trustfonds uitmaak;

11.0 FINANSIëLE JAARSTATE EN OUDITERING

Die TRUSTEES kan van tyd tot tyd 'n Geoktrooieerde Rekenmeester (SA) of 'n Kommersiële en Finasiële Rekenmeester (CFA) (in hierdie trustakte na verwys as die Ouditeur van die trust) aanstel om as die ouditeur van die trust op te tree en om die funksie wat hierna in hierdie paragraaf omskryf is, uit te voer. Op die laaste dag van FEBRUARIE (of sodanige ander dag as wat die TRUSTEES van tyd tot tyd mag bepaal) van elke jaar, sal die TRUSTEES 'n rekening van die administrasie van die trust laat opstel waarin die kapitaal van die trust uiteengesit word met alle byvoegings daartoe en alle inkomstes en uitgawes deur die TRUSTEES aangegaan asook die wyse waarop die trustfonds gehou en belê is. Elke begunstigde (of regsverteenwoordiger) in terme van die trustakte of sy voog in die geval van 'n minderjarige sal op versoek geregtig wees op 'n ware afskrif van elke sodanig rekening behoorlik goedgekeur deur al of namens al die TRUSTEES van die trust.

12.0 SEKERHEIDSTELLING DEUR DIE TRUSTEES

Die Oprigter bepaal uitdruklik dat die eerste TRUSTEES en alle toekomstige TRUSTEES (gesamentlik en afsonderlik) vrygestel sal wees van enige verpligting om sekuriteit te verskaf in verband met hulle aanstelling en/of vir die

of nie, en hetsy sodanige besigheid die indiensneming van 'n persoon in sodanige professie of besigheid genoodsaak het of nie;

14.3 Die TRUSTEES sal geregtig wees om uit die trustfonds en uit enige inkomste daarvan alle uitgawes deur hulle aangegaan by of in verband met die uitoefening van die trust en bevoegdhede aan hulle verleen te vereffen en te betaal;

14.4 Die TRUSTEES sal geregtig wees om van tyd tot tyd ouditeure, prokureurs, agente of makelaars in diens te neem om alle of enige sake van watter aard ookal wat ingevolge hierdie trustakte gedoen moet word, te doen, en geregtig wees om al sodanige koste en uitgawes aldus aangegaan as 'n preferente vordering te betaal, en nie verantwoordelik wees vir die versuim van enige sodanige ouditeur, prokureurs, agent of makelaars of vir enige verlies wat deur sodanige indiensneming veroorsaak word nie;

14.5 Die TRUSTEES mag van tyd tot tyd 'n beleggingsadviseur in diens neem en, indien hulle dit goedvind, op sy advies handel, en die TRUSTEES sal nie verantwoordelik wees vir enige verlies wat teweeggebring is deurdat hulle gehandel het, of versuim het om te handel, op die advies wat van enige sodanige beleggingsadviseur ontvang is nie.

15.0 AANWENDING VAN INKOMSTE

15.1 Alle kostes en uitgawes wettiglik deur die TRUSTEES aangegaan in verband met die trust (met inbegrip van die TRUSTEES se vergoeding en enige inkomstebelasting wat deur hulle in hulle verteenwoordigende hoedanighede ten opsigte van die inkomste daarvan betaalbaar mag word) sal deur die TRUSTEES uit die inkomste van die trustfonds betaal word en die saldo van die oorblywende inkomste word hierinlater na verwys as die `netto inkomste;

15.2 Die TRUSTEES het die reg om enige periodieke ontvangste as inkomste te behandel, nieteenstaande dit van kwynende bates afkomstig is, en is nie verplig om vir die vervanging daarvan voorsiening te maak nie;

15.3 Die TRUSTEES sal geregtig wees om op sodanige wyse as wat hulle mag goeddink te besluit of enige ontvangste as inkomste of kapitaal beskou moet word ten opsigte van enige likwidasie-dividend of kapitalisasie van winste in die geval van maatskappye wie se aandele as deel van die trustfonds gehou word, en oor alle ander vrae en sake waaroor twyfel mag bestaan, van watter aard ookal, wat mag ontstaan uit die uitvoering van hierdie trust, en die besluit van die TRUSTEES sal finaal en bindend wees en daar sal geen appél daarteen wees nie;

15.4 Wanneer enige gedeelte van die netto inkomste te enige tyd ingevolge hierdie

akte aan enige begunstigdes uitbetaal word sal die TRUSTEES die reg hê om dit in kontant of in goedere te betaal of gedeeltelik in kontant en gedeeltelik in goedere. Die TRUSTEES se waardasie van enige bates wat hulle ingevolge hiervan uitkeer sal finaal en bindend wees vir alle belanghebbendes;

15.5 Onderhewig aan die bepalings van sub-paragraaf 15.6, en onderhewig daaraan dat die begunstigdes soos uiteengesit in sub-paragraaf 1.2.2 in die volgende verhouding bevoordeel word, naamlik:

WOLFGANG HEUER FAMILIETRUST IT2625/2001 en/of **WOLFGANG EMIL WALTER HEUER ID No 491117 5063 10 0** gesamentlik ten opsigte van 50% (VYFTIG PERSENT);

HANS HEUER FAMILIETRUST IT1897/2001 en/of **HANS DIETER HELMUT HEUER ID No 630615 5094 08 4** gesamentlik ten opsigte van 50% (VYFTIG PERSENT);

MET DIEN VERSTANDE dat indien die trust in enige betrokke jaar 'n verlies ly, die verlies gedra mag word deur die begunstigdes genoem in paragrawe 1.2.2.1 tot 1.2.2.2 hierbo en wel in die verhoudings soos deur die trustees besluit.

mag die TRUSTEES te enige tyd en van tyd tot tyd en tot en met die vestigingsdatum die netto inkomste van die trustfonds betaal of aanwend tot die voordeel van alle of sodanige een of meer van die begunstigdes in sodanige aandele, indien meer as een, en op sodanige wyse en onderhewig aan sodanige voorwaardes en beperkings as wat die TRUSTEES van tyd tot tyd in hulle algehele diskresie mag bepaal.

In besonder mag die netto inkomste waarop begunstigdes gevestigde regte verkry by wyse van inkomste verdeling, deur die TRUSTEES op leningsrekening gekrediteer word sonder enige verpligting om sodanige inkomste uit te betaal;

15.6 Tot en met die vestigingsdatum sal die TRUSTEES die mag hê om van tyd tot tyd en te enige tyd deel van die netto inkomste van die trustfonds op te hoop vir aangeleenthede of ononderbroke tydperke soos wat die TRUSTEES mag goeddink deur dit en die inkomste wat daaruit ontstaan te belê in enige beleggings hierkragtens gemagtig en enige ophopings aldus gedoen as deel van die trustfonds te hou vir al die doeleindes hiervan, maar sodat die TRUSTEES te enige tyd en van tyd tot tyd in hulle diskresie die gehele of enige gedeelte of gedeeltes van die gesegde ophopings mag aanwend asof dit inkomste was wat in die dan lopende jaar ontstaan het.

16.0 AANWENDING VAN KAPITAAL

16.1 Onderhewig daaraan dat die begunstigdes soos uiteengesit in sub-paragraaf 1.2.2 hierbo te alle tye in die volgende verhouding bevoordeel word, naamlik:

WOLFGANG HEUER FAMILIETRUST IT2625/2001 en/of **WOLFGANG EMIL WALTER HEUER ID No 491117 5063 10 0** gesamentlik ten opsigte van 50% (VYFTIG PERSENT);

HANS HEUER FAMILIETRUST IT1897/2001 en/of **HANS DIETER HELMUT HEUER ID No 630615 5094 08 4** gesamentlik ten opsigte van 50% (VYFTIG PERSENT);

16.2 Wanneer enige gedeelte van die trustkapitaal te enige tyd ingevolge hierdie akte aan enige begunstigde uitbetaal of oorgedra word, sal die TRUSTEES die reg hê om dit in kontant of in goedere te doen of gedeeltelik in kontant en gedeeltelik in goedere. Die TRUSTEES se waardasie van enige bates wat hulle ingevolge hiervan in goedere uitkeer sal finaal en bindend wees vir alle belanghebbendes;

16.3 Wanneer enige gedeelte van die trustkapitaal te enige tyd ingevolge sub-paragraaf 16.1 aan enige begunstigde of groep van begunstigdes uitbetaal of oorgedra word kan die TRUSTEES in hulle uitsluitlike diskresie bepaal dat dit geag sal word dat die vestigingsdatum ten aansien van sodanige begunstigde of groep van begunstigdes aangebreek het en sodanige begunstigde of groep van begunstigdes ten opsigte van wie die TRUSTEES aldus bepaal het sal dan, nieteenstaande die bepalings van sub-paragraaf 19.1 geen verdere belang by die trust hê nie.

17.0 ONTHEFFING VAN TRUSTEES

Die TRUSTEES sal onthef wees van enige verdere verantwoordelikhede vir enige deel van die trustfonds wat oorgedra is aan enige begunstigde of aan enige afsonderlike TRUSTEES soos vermeld in sub-paragrawe 15.5, 16.1.

18.0 DISKRESIE VAN TRUSTEES

Die diskresie wat aan die TRUSTEES verleen word in terme van paragrawe 15.0 en 16.0, sal 'n absolute en onbelemmerde diskresie wees en dit sal nie van die TRUSTEES verlang word om aan enige begunstigde hierkragtens enige rede of jurisdiksie te verstrek vir die manier waarop enige sodanige diskresie uitgeoefen is nie.

behoorlike administrasie van die trustfonds aan die Meester van die Hooggeregshof van die Republiek van Suid-Afrika of aan enige ander beampte soos bepaal in enige wet wat tans van krag is of wat van krag mag word in verband met trusts en die beskerming van trustgelde, en die Meester en enige sodanige ander amptenare word hierby aangesê om van enige sodanige sekuriteit af te sien.

13.0 SKADELOOSSTELLING VAN TRUSTEES

13.1 Geen TRUSTEE sal aanspreeklik wees vir enige verlies vir die trustfondse wat voortspruit uit enige swak belegging of vir die nalatigheid of bedrog van enige agent wat deur hom of deur enige ander TRUSTEE in diens geneem was (al was die indiensneming van sodanige agent, nie streng nodig of gerieflik nie) of uit enige fout of late te goeder trou deur enige TRUSTEE gemaak of uit enige aangeleentheid of saak hoegenaamd nie behalwe vir sy eie bedrog of oneerlikheid;

13.2 Indien die TRUSTEES te goeder trou enige betaling sou doen aan enige persoon wat deur hulle geag was hierkragtens daarop geregtig te wees en daar word later gevind dat 'n ander persoon of persone ingevolge hierdie trustakte daarop geregtig is, sal die TRUSTEES desondanks nie aanspreeklik wees vir die gelde wat aldus uitbetaal is nie;

13.3 Geen TRUSTEE sal aanspreeklik wees vir enige oneerlike daad wat 'n ander TRUSTEE begaan het nie tensy hy daaraan deel gehad het. Geen TRUSTEE sal verplig wees om enige stappe teen 'n MEDE-TRUSTEE te neem vir enige trustbreuk wat deur sodanige MEDE-TRUSTEE gepleeg is nie;

13.4 Die TRUSTEES word deur en uit die trustfonds gevrywaar teen alle eise en vordering van watter aard ookal, wat teen hulle ingestel mag word voortspruitende uit die bevoegdhede deur hierdie trustakte aan hulle verleen.

14.0 VERGOEDING VAN TRUSTEES EN PROFESSIONELE DIENSTE

14.1 Die TRUSTEES sal van tyd tot tyd die vergoeding aan hulle betaalbaar vasstel onderhewig egter daaraan dat die so vasgestelde vergoeding deur die Eerste TRUSTEES of 'n persoon of persone skriftelik deur hulle aangewys, goedgekeur sal word;

14.2 Enige TRUSTEE indertyd wat 'n prokureur of ouditeur is of 'n ander persoon wat 'n professie beoefen of besigheid bedryf, sal geregtig wees om te eis en betaal te word vir alle professionele of ander heffings deur hom of sy firma gemaak vir besigheid wat deur hom of sy firma met betrekking tot die uitvoering van die trust gedoen is, hetsy in die gewone loop van sy professie of besigheid

19.0 VESTIGING VAN TRUSTFONDS

19.1 Op die vestigingsdatum sal die TRUSTEES die trustfonds of enige deel daarvan wat nie oorgedra of aangewend is kragtens 'n bevoegdheid hierin vervat nie, tussen die begunstigdes verdeel volgens 'n verdeling wat deur die TRUSTEES in hulle uitsluitlike diskresie met dien verstande dat die begunstigdes soos uiteengesit in sub-paragraaf 1.2.2 hierbo in die volgende verhouding bevoordeel word, naamlik;

WOLFGANG HEUER FAMILIETRUST IT2625/2001 ten opsigte van 50% (VYFTIG PERSENT);

HANS HEUER FAMILIETRUST IT1897/2001 ten opsigte van 50% (VYFTIG PERSENT);

19.2 Die bevoegdheid om 'n verdeling van trustbates te maak in terme van sub-paragraaf 19.1 hierbo sal in geen opsig op so 'n wyse uitgeoefen word dat dit die effek sal hê dat die persoon of die boedel van sodanige persoon wat oor sodanige reg van verdeling beskik direk of indirek daardeur bevoordeel sal word nie.

20.0 BELASTING

Indien die Oprigter aangeslaan sou word vir belasting ten opsigte van enige inkomste ontvang deur of toegeval aan die TRUSTEES, mag die TRUSTEES volgens hulle diskresie uit die inkomste van die trust die aangeslane belasting betaal. Die aangeslane belasting sal beteken die verskil tussen die belasting aangeslaan op die Oprigter se inkomste, insluitende inkomste onmiddellik hierbo na verwys, en die belasting wat aangeslaan sou wees met uitsluiting van sodanige inkomste.

21.0 BEPERKING VAN AANSPREEKLIKHEID

Die TRUSTEES sal te alle tye verplig wees om trustbates afsonderlik van hul eie bates te hou en die trustbates sal op geen stadium deel van 'n TRUSTEE se persoonlike boedel vorm hetsy by insolvensie of andersins nie.

Die TRUSTEES sal nie in hul persoonlike hoedanigheid aanspreeklik wees vir die skulde van die trust nie en insgelyks sal trustbates nie vatbaar wees vir beslaglegging deur die persoonlike skuldeisers van 'n TRUSTEE nie.

22.0 AANVAARDING VAN SKENKING

Deur die toevoeging van hulle handtekeninge tot die trustakte, aanvaar die TRUSTEES die skenking namens die begunstigdes en onderneem hulle om gevolg en uitvoering te gee aan die voorwaardes en bepalings vervat in die trustakte.

GETEKEN DEUR DIE PARTYE in die teenwoordigheid van die ondergetekende getuies wat deur die toevoeging van hulle handtekeninge die handtekeninge van elkeen van die betrokkenes soos uiteengesit in die aanhef van hierdie Trustakte bevestig:

AS GETUIES:

1 .....

.....
WOLFGANG EMIL WALTER HEUER
OPRIGTER

2. .....

.....
WOLFGANG EMIL WALTER HEUER
TRUSTEE

.....
HANS DIETER HELMUT HEUER
TRUSTEE

HEUER BATES TRUST

Hiermee erken ons, die ondergetekende TRUSTEES, ontvangs van 'n bedrag van R100 (EENHONDERD RAND) namens die begunstigdes van bogemelde trust.

.....
WOLFGANG EMIL WALTER HEUER
TRUSTEE

.....
HANS DIETER HELMUT HEUER
TRUSTEE

DATUM: 1 MAART 2002

PLEK: .....

THE HEUER BATES TRUST
(Master's Reference Number: IT2539/2002)
("the Trust")

RESOLUTION PASSED BY THE TRUSTEES OF THE TRUST
ON _____2020

IT WAS RESOLVED:

THAT Hans Dieter Helmut Heuer is authorised by the Trustees to do all things and to sign all documents necessary to enable the Trust to enter into a sale agreement with K2020498387 (South Africa) (Pty) Ltd (Registration Number 2020/498387/07) for the sale of the immovable property known as Erf 12186 Stellenbosch.

THAT to the extent that he has executed any documents or taken any other action on behalf of the Trust as contemplated by the resolutions recorded herein, his actions in this regard be and are hereby ratified to the fullest extent permitted at law.

_____

Trustee: H. A. van der Merwe.

_____

Trustee: W.E.W. HEUER

_____

Trustee: H.D.H. HEUER

AGREEMENT OF SALE OF IMMOVABLE PROPERTY

Entered into by and between,

THE HEUER BATES TRUST
(Master's Reference Number IT 2539/2002)
(hereinafter collectively referred to as "the Seller")

and

K2020498387 (SOUTH AFRICA) (PTY) LTD
(Registration number 2020/498387/07)
(hereinafter referred to as "the Purchaser")

PREAMBLE

WHEREAS:

1. The Seller is the registered owner of the property as described below;

2. The Purchaser is desirous to purchase the property.

NOW THEREFORE:

1. **DEFINITIONS**

1.	"the Seller"	means **THE HEUER BATES TRUST**, a duly registered trust with the Master of the High Court, Western Cape, with registration number IT 2539/2002 of 5 Meerlust Avenue, Stellenbosch, 7600 herein represented by HDH Heuer, duly authorised thereto;
2.	"the Purchaser"	shall mean **K2020498387 (SOUTH AFRICA) (PTY) LTD,** a company duly registered and incorporated in terms of the Company Laws of South Africa, with registration number 2020/498387/07 of Office 11, Block C The Woodmill, Vredenburg Road Stellenbosch, herein represented by PF Louw, duly authorised thereto;
3.	"the Property"	shall mean Erf 12186 Stellenbosch, in the municipality and division of Stellenbosch, Western

Cape Province, in extent 1478 square metres. Held by Deed of Transfer No. T12641/2003;

5. "the Attorneys" shall mean Jacques Viljoen Attorneys of Unit G1A, Stellenpark Business Park, Corner R44 and School Road, Stellenbosch, Western Cape;

6. "the VAT Act" means the Value Added Tax Act No 89 of 1991, as amended.

Words importing the singular shall include the plural and vice versa, and words importing the masculine gender shall include the female, and words importing persons shall include partnerships, bodies corporate and juristic persons.

The headnotes of paragraphs in this Agreement are inserted for reference purposes only and shall not affect the interpretation of any provision hereof.

2. **SALE OF PROPERTY**

The Seller hereby sells to the Purchaser who purchases the Property.

3. **PURCHASE PRICE**

The Purchase Price of the Property shall be the sum of R 10 500 000.00 (Ten Million Five Hundred Thousand Rand) which includes VAT at zero rate.

4. **PAYMENT OF PURCHASE PRICE**

4.1 The Purchase Price shall be paid as follows:

4.1.1 An amount of R 6 500 000.00 (Six Million Five Hundred Thousand Rand) upon registration of the Property into the name of the Purchaser.

4.1.2 The balance of the purchase price in the amount R 4 000 000.00 (Four Million Rand) shall be paid by 30 October 2021.

4.1.3 The balance of the purchase price set out in paragraph 4.1.2 will be reduced by any amounts ("Reduction Amount") advanced to the Seller by the Purchaser, to enable the Seller to pay the current mortgage bond payments and finance charges due to Nedbank before date of transfer of the property into the name of the Purchaser. The Reduction Amount will be limited to a maximum amount of R 500 000.00 (Five Hundred Thousand Rand).

4.2 In addition to the above, the Purchaser also undertakes to transfer, upon registration of the first units in the Heuer Building Development, an unencumbered unit, marked as X on the proposed development plans annexed hereto as annexure A, into the name of Seller, or its nominee.

5. SUSPENSIVE CONDITIONS

5.1 This agreement is subject to the following suspensive conditions:

5.1.1 That Sanlam Limited grant in writing on its normal terms and conditions a loan secured by a mortgage bond over the Property in an amount of R 6 500 000.00 (Six Million Five Hundred Thousand Rand) in favour of the Purchaser by no later than 30 August 2020.

5.1.1.1 The Purchaser shall be liable to ensure that all reasonable steps are taken to enable the loan to be timeously granted.

5.1.1.2 This condition shall be deemed to have been fulfilled on the date upon which the Sanlam Limited issues a written loan quotation to the Purchaser on the terms hereinabove stated.

5.1.2 That prior to registration of the Property into the name of the Purchaser, the shareholders of the Purchaser ceding the shares held in the Purchaser to the Seller as security for payment of the balance of the purchase price referred to in clause 4.1.2 and transfer of the unit referred to in clause 4.2 above.

5.1.3 That the parties enter into an agreement of sale for the unit in the proposed development as referred to in clause 4.2 above.

5.1.4 That the shareholders of the Purchaser enter into an irrevocable option agreement with the Seller annexed hereto as annexure B in terms whereof the Seller shall be entitled to purchase the shares from the shareholders of the Purchaser for R 1 000.00 (One Thousand Rand) only in the event of the Purchaser not having started the building works in the proposed Heuer Building Development by 30 September 2021.

6. SALE AS A GOING CONCERN

6.1 The Seller and the Purchaser hereby agree that:

6.1.1 The Seller and Purchaser are and will at transfer be registered VAT vendors in terms of the VAT Act;

6.1.2 The Seller hereby sells, and the Purchaser hereby purchases the Property as part of an enterprise which is being sold by the Seller to the Purchaser as a going concern;

6.1.3 The enterprise constitutes and will on transfer constitute an enterprise, as that term is defined in Section 1 of the VAT Act, which is capable of separate operation;

6.1.4 The sale and supply of the enterprise, as contemplated herein, is that of a going concern and shall be chargeable with VAT at the rate of 0% (zero percent) in terms of Section 11(1)(e) of the VAT Act;

6.1.5 The Seller and Purchaser are furthermore in agreement that on transfer the said enterprise will be an income-earning activity;

6.1.6 The enterprise constitutes all of the assets which are necessary for carrying on the enterprise;

6.1.7 Included in this sale the Seller hereby sells to the Purchaser who hereby purchases all those movable items which are reasonably needed to enable the Purchaser to carry on the said property letting business;

6.1.8 On transfer the Purchaser will be able to and will continue with the said enterprise;

6.1.9 The purchase price for the supply of the enterprise is inclusive of VAT at the rate of zero percent, as contemplated in Section 11(1)(e)(i)(cc) of the VAT Act.

6.2 If, notwithstanding the provisions of 6.1, VAT is or becomes payable by the Seller in respect of this transaction at a rate other than 0% (zero percent), then the Purchaser shall pay to the Seller an amount equal to the VAT so payable forthwith on demand against delivery by the Seller to the Purchaser of the documentation required in terms of the VAT Act to permit the Purchaser to claim a deduction in respect of such VAT in terms of Section 16(3) of the VAT Act.

7. POSSESSION AND OCCUPATION

Possession and occupation of the Property shall be given to the Purchaser on date of registration and transfer of the Property into the name of the Purchaser.

8. RISK

On registration of transfer, the risk of ownership shall pass to the Purchaser from which date the Purchaser shall be liable for all rates and taxes levied on the Property.

9. TRANSFER AND COSTS

9.1 Transfer of the Property shall be given and taken on the effective date.

9.2 The parties shall be obliged to sign all documents necessary to effect transfer when called upon to do so.

9.3 Transfer shall be affected by the Attorneys as soon as possible after the suspensive conditions contained in this agreement have been fulfilled.

9.4 The Purchaser shall upon request by the Attorneys, pay all costs of transfer.

10. ACKNOWLEDGEMENT BY PURCHASER

The Purchaser acknowledges that the Property is purchased "*voetsoets*" in the condition and to the extent as it now lies and subject to all conditions as set out in the title thereto.

11. BREACH

In the event of the Purchaser committing any breach of any of the terms or conditions of this agreement and thereafter failing to remedy any such breach within 7 (Seven) days of receipt by him of a written notice calling upon him to remedy such breach, then the Seller shall be entitled without further notice and without prejudice to any other rights which he may have:

11.1 to cancel this agreement and claim damages and interest; or

11.2 to cancel this agreement and retain all monies already paid by the Purchaser in terms hereof as agreed pre-estimated liquidated damages and claim further damages should the Seller's damages exceed such monies already paid; or

11.3 to sue for the full purchase price and interest thereon and damages.

12. NOTICE

12.1 For all purposes of, relating to or arising from this agreement (which shall include, but not be limited to, the service of any notices or processes of

court), the Seller and the Purchaser each chooses as his respective *domicilium citandi et executandi* the residential address as reflected above.

12.2 Any notice in terms of this agreement shall be deemed to have been received by the party to whom it is addressed and the contents thereof to have come to the knowledge of such party within 5 [FIVE] days after the posting of such notice by pre-paid registered mail to such party's *domicilium citandi et executandi* or upon the same day as delivery of such notice if delivered by hand to such party's *domicilium citandi et executandi*, or upon the same day if faxed to the fax number [if any] or emailed to the email address reflected in the personal information schedule annexed to this agreement [subject however to the sender retaining and producing on demand proof of successful transmission] as the case may be.

13. **BEETLE-FREE CERTIFICATE**

The Seller will at the Seller's expense before transfer, if the bank which grants the Purchaser's bond (if any), calls for it:

13.1 have all accessible timbers in buildings on the property [the timbers] inspected by a government approved entomologist for any infestation by hylotrupes bajulus and oxypleuris nodieri beetle.

13.2 have the timbers so infested replaced by pre-treated timber or treated to the satisfaction of the entomologist. On the completion of such works, the Seller's liability shall terminate.

14. ELECTRICITY: CERTIFICATE OF COMPLIANCE

The Seller shall, prior to registration of transfer, furnish the Purchaser with a valid Electrical Certificate of Compliance (as prescribed by law) covering the property which certificate shall as at the date of registration of transfer of the property to the Purchaser not be older than two years. All expenses incurred in meeting the criteria for the issue of such certificate, including the certificate itself, shall be borne by the Seller. The Seller furthermore warrants to the Purchaser that no addition or alteration to the electrical installations on the property has been affected since the issue of such certificate. Upon the Seller furnishing the Purchaser with the said Electrical Certificate of Compliance, the Purchaser shall have no claim whatsoever against the Seller and no further liability in this regard shall rest upon the Seller.

15. GAS CERTIFICATE

In the event of the property including any article or substance which is regulated in terms of the Occupational Health and Safety Act No. 85 of 1993 (the Act) and in the event of there being any duty on the Seller to ensure that the article or substance complies with any aspect of the Act, it is hereby in terms of Section 10 (4) of the Act, agreed that with effect from the date of transfer of the property, the Purchaser undertakes to take all such steps as are required to ensure that the item/s and/or substance/s will comply with all prescribed requirements and will be safe and without risks to health when properly used.

16. GENERAL

16.1 No failure by a party to enforce any provision of this Agreement shall constitute a waiver of such provision or affect a party's right to require performance of any such provision at any time in the future, nor shall the

waiver of any subsequent breach nullify the effectiveness of the provision itself.

16.2 This Agreement of Sale constitutes the entire Agreement between the parties, and no prior representations, stipulations or warranties nor expressly recorded herein shall be binding upon the Seller unless reduced to writing and signed by the parties.

16.3 No party may cede any of its rights or delegate any of its obligations under and in terms of this Agreement without the written consent of the other first having been obtained.

SIGNED AT _____ ON THIS _____ DAY OF _____ 2020.

AS WITNESSES:

1. _____

2. _____

_____
THE HEUER BATES TRUST

SIGNED AT _____ ON THIS _____ DAY OF _____ 2020.

AS WITNESSES:

1. _____

2. _____

_____
K2020498387 (SOUTH AFRICA) (PTY) LTD

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

CONVEYANCER CERTIFICATE

I/We ANNECKE LOUW

Practising at:

Joubert - Louw
34 Montrose Avenue
Oranjezicht, Cape Town

In respect of:

Erf 12186 Stellenbosch
in the Municipality and
Division of Stellenbosch
Province of the Western Cape

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. The search was restricted to the following deeds:
2.
3. (1) Deed of Transfer No. T12641/2003
4. (2) " T10519/1927 (pivot)
5. (3) " T 7453/1928 (pivot)
6. (4) " T 149 dated 15 October 1888
7.
8.

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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	T12641/2003 clauses 1A + 2B
2.	Building lines	Y	N	
3.	Height	Y	N	
4.	Number of Dwellings	Y	N	
5.	Bulk floor area	Y	N	
6.	Coverage/built upon area	Y	N	
7.	Subdivision	Y	N	
8.	Servitudes that may be registered over or in favour of the property	Y	N	
9.	Other Restrictive Conditions	Y	N	

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

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

C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED

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 Cape Town (Place) **on this** 18 (Day) November (Month) **of 20** 20

Full names and Surname: ANNECKE LOUW

Signature: .....

PO Box 4384
Cape Town
8000

ANNECKE LOUW
COMMISSIONER OF OATHS
PRACTISING ATTORNEY RSA
3RD FLOOR, 11 ON BUITEN
11 BUITENSINGEL STREET
CAPE TOWN

Tel: 021 4650749

Email: annecke@joubert-louw.co.za

Cell: .....

KARTOGRAFIESKAP

Friedlaender, Burger & Volkmann Landmeters

SYE Meter		RIGTINGS-HOEKE		KOORDINATE Y Stelsel Lo 19°		X
		Konstante :		0,00		+ 3700000,00
AB	33,09	246 59 20	A	+ 13126,13	+	55621,21
BC	41,01	340 20 00	B	+ 13095,67	+	55608,28
CD	9,16	23 40 00	C	+ 13081,87	+	55646,90
DE	24,03	66 59 20	D	+ 13085,55	+	55655,29
EA	47,23	156 59 20	E	+ 13107,67	+	55664,69

L.G. No. 9845/92

Goedgekeur

nms. Landmeter-generaal

1992-11-09

BESKRYWING VAN BAKENS

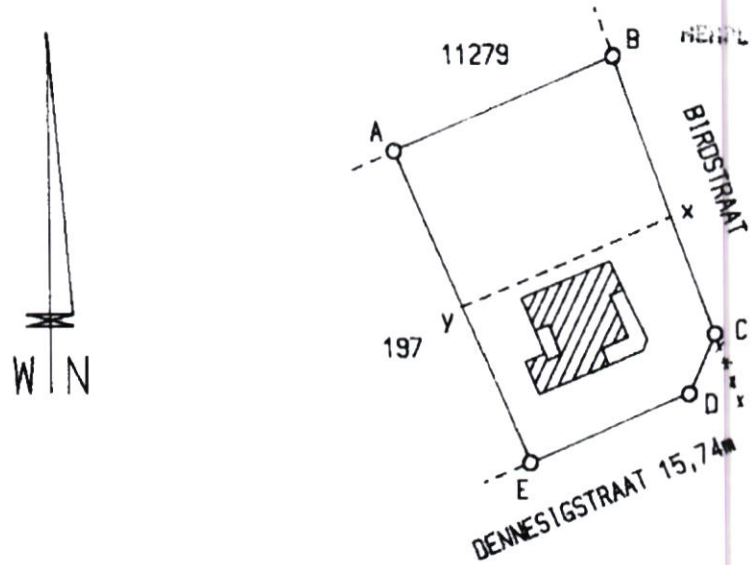
A, B, C, D, E ____ 20mm x 460mm ysterpen

(1) Die figuur ABxy stel voor Erf 198 Stellenbosch.
Sien Kaart No. 4351/47 T/A. 24770/1947

(2) Die figuur yxCDE stel voor Erf 199 Stellenbosch.
Sien Kaart No. 4352/47 T/A. 24770/1947

A-E

HERPLANSIENE 189/93



SKAAL 1:1000

Die figuur ABCDE
stel voor 1478 vierkante meter grond, synde

ERF 12186 STELLENBOSCH en bevat (1) en (2) soos hierbo aangehaal

gelee in die Munisipaliteit en die
Administratiewe Distrik van Stellenbosch
Saamgestel in Oktober 1992
deur my

Provinsie Kaap die Goeie Hoop

M.B. Straughan Landmeter

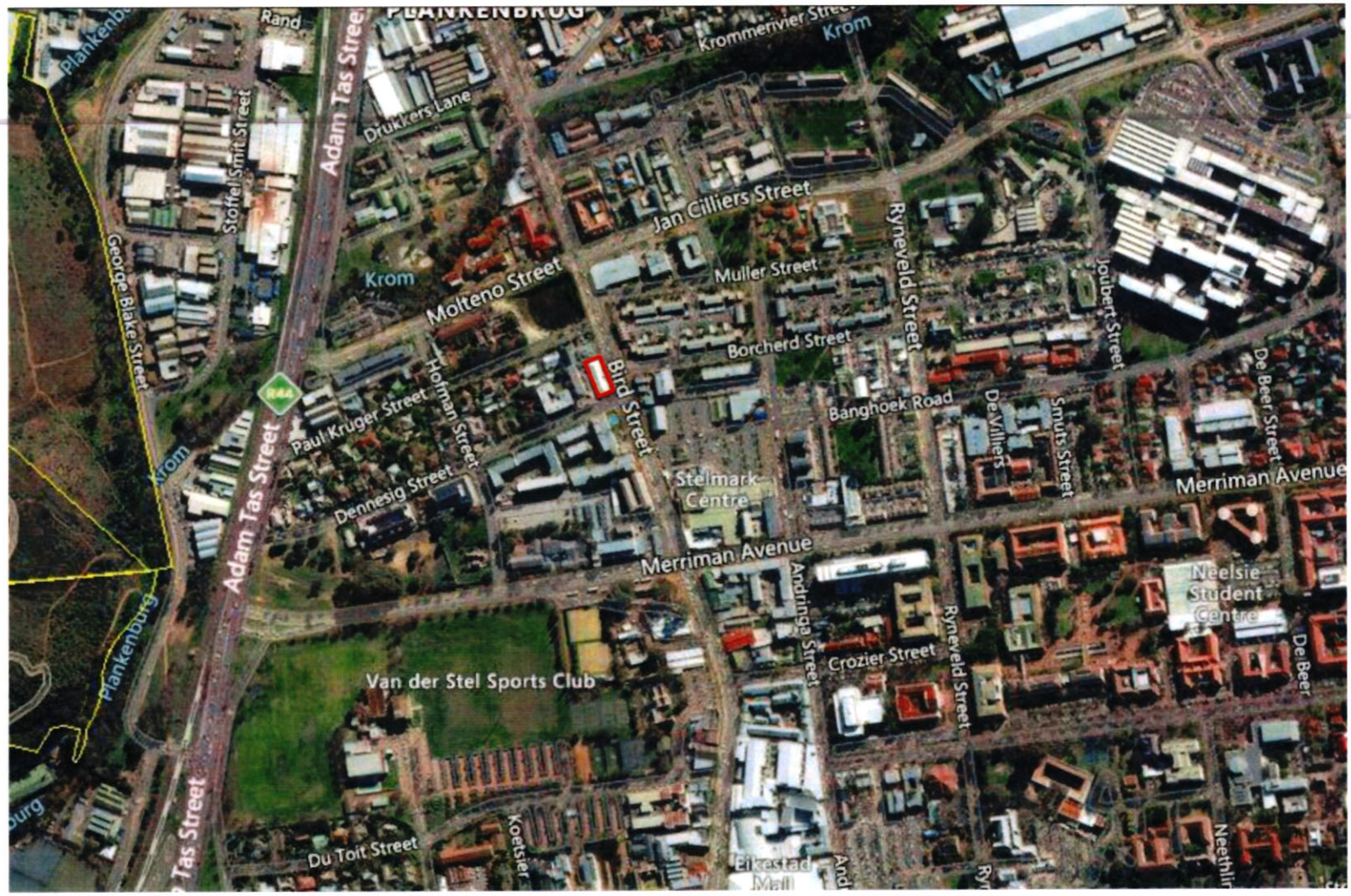
Hierdie kaart is geheg aan No. 4860/93 Gedateer t.g.v. Registrateur van Aktes		Leer No. S/2641/53 M.S. No. Saamgestel Komp. BHSZ - 1414 (M2754) BHSZ - 1413 (M2753)

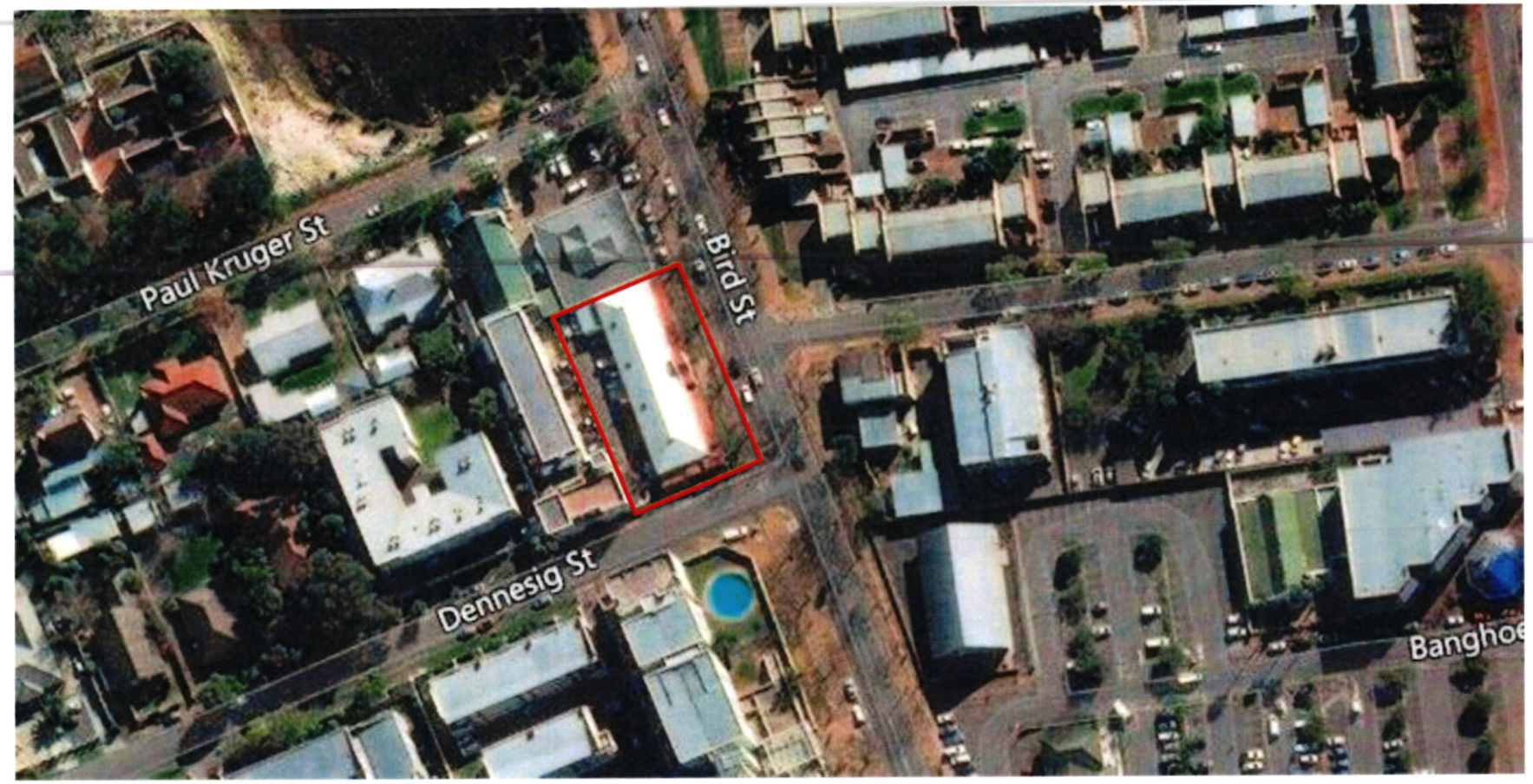
12186

Erf 12186, Stellenbosch

APPLICATION FOR DEPARTURES, PERMISSION AND REMOVAL OF TITLE RESTRICTIONS

Locality Plan




Paul Kruger St
Bird St
Dennesig St
Banghoe

30 November 2020

17 Marine Drive
Hermanus
7220

Attention: Mr Christof Albertyn

Dear Sir,

PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 12186, STELLENBOSCH: CAPACITY ANALYSIS OF THE BULK WATER AND SEWER SERVICES

Your request regarding comments on the bulk water and sewer supply of the proposed development (proposed residential development on Erf 12186, Stellenbosch), refers.

This document should inter alia be read in conjunction with the Water Master Plan dated June 2019, Water Resilience Master Planning for the Stellenbosch System dated April 2020 (Draft document) and the Sewer Master Plan dated June 2019 (studies performed for the Stellenbosch Municipality).

The proposed re-development of Erf 12186 in Stellenbosch was not taken into consideration for the June 2019 master plans for the water and sewer networks.

1. WATER DISTRIBUTION SYSTEM

1.1 *Distribution zone*

The master plan indicated that the proposed development area should be accommodated in the existing Stellenbosch Central zone. The connection to the existing system should be made to the existing 90 mm Ø pipe on the corner of Dennesig Street and Bird Street, as shown on 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 development on Erf 12186 of 3,5 kL/d.

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

- 50 Flats @ 0,45 kL/d/unit = 22,5 kL/d
- 300 m^2 Business/Commercial area @ 0,4 kL/d/100 m^2 = 1,2 kL/d
  Total = 23,7 kL/d

- Fire flow criteria (Moderate risk) = 25 L/s @ 10 m

GLS Consulting (Pty) Ltd
T +27 21 880 0388 | F +27 21 880 0389
13 Elektron Street, Techno Park, Stellenbosch, 7600 | PO Box 814, Stellenbosch, 7599
Reg no: 2007/003039/07
www.gls.co.za

Directors: MS Mokgosi, AG Hingeston, JJ Streicher, HA Baartman

1.3 *Present situation*

1.3.1 *Network capacity*

The 300 mm Ø pipe in Botmanskop Road and the 250 mm Ø pipe in Helshoogte Road (see Figure 2 attached, which supplies water from the Idas Valley 2 reservoir to the Stellenbosch Central water distribution zone), 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 in the near future to comply with the pressure and fire flow criteria as set out in the master plan. Upgrading of these pipes is, however, not necessarily a minimum requirement to accommodate the proposed development in the existing system, as the residual pressures in the Stellenbosch Central zone are above 24 m head.

The existing water system has sufficient capacity to accommodate the proposed development in order to comply with the pressure and fire flow criteria as set out in the master plan.

1.3.2 *Reservoir capacity*

The criteria for total reservoir volume used in the Stellenbosch Water Master Plan is 48 hours of the AADD (of the reservoir supply zone). The existing reservoir volume available at the Idas Valley 2 and Rosendal reservoirs is only 23 hours of the total AADD of the Stellenbosch Central supply zone (supplied from the Idas Valley 2 and Rosendal reservoirs) and therefore insufficient.

1.4 *Master plan*

Accommodation of the development in the future system (together with other future development areas), will require upgrading of the existing system to comply with the pressure and fire flow criteria as set out in the master plan.

Network upgrade

• SSW6.8 :	1 718 m x 400 mm Ø New water main pipe		R 8 503 000 *
• SSW6.11 :	406 m x 250 mm Ø parallel reinforcement pipe		R 973 000 *
		Total	R 9 476 000 *

Reservoir storage

• SSW.B19 :	Additional 30,0 ML reservoir at the proposed Helshoogte reservoir site	R 61 850 000 *

Bulk supply

• SSW.B10 :	New 200 L/s @ 70 m pump station		R 7 800 000 *
• SSW.B11 :	1 110 m x 450 mm Ø New feeder main pipe		R 5 900 000 *
• SSW.B35 :	820 m x 355 mm Ø New feeder main pipe		R 3 100 000 *
		Total	R 16 800 000 *

(* Including P & G, Contingencies and Fees, but excluding VAT - Year 2020/21 Rand Value. This is a rough estimate, which does not include major unforeseen costs).

Take note that the routes of the proposed pipelines are schematically shown on Figure 2 attached, but have to be finalised subsequent to detail pipeline route investigations.

1.5 *Minimum requirements*

There is sufficient capacity in the existing water reticulation system to accommodate the proposed development.

Additional reservoir storage volume is however required for the Stellenbosch Central water distribution zone to comply with the reservoir storage criteria as set out in the master plan. Master plan items SSW.B10, SSW.B11, SSW.B19 & SSW.B35 should be implemented in order to incorporate the new Helshoogte reservoir in the existing water system.

It should however be noted that the incremental impact of the proposed development on the proposed master plan items is very small (water demand of the proposed development is less than 0.5 % of the future demand of the Central water distribution zone).

2. SEWER NETWORK

2.1 *Drainage area*

The development falls within the existing Adam Tas sewer drainage area. The recommended sewer connection for the proposed development is to the existing 500 mm Ø main outfall sewer in Dennesig Street, as shown on Figure 3 attached.

The proposed development is situated inside the sewer priority area.

2.2 *Sewer flow*

The original sewer analysis for the master plan was performed with a total peak day dry weather flow (PDDWF) for Erf 12186 of 2,5 kL/d.

For this re-analysis, the PDDWF for the proposed development was calculated as 16,6 kL/d.

2.3 *Present situation*

There is sufficient capacity in the existing sewer reticulation system to accommodate the proposed development.

3. CONCLUSION

The developer of Erf 12186 in Stellenbosch 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.

There is sufficient capacity in the existing water reticulation system to accommodate the proposed development. Additional reservoir storage volume is, however, required for the Stellenbosch Central water distribution zone to comply with the reservoir storage criteria as set out in the master plan.

There is sufficient capacity in the existing sewer reticulation system to accommodate the proposed development.

We trust you find this of value.

Yours sincerely,

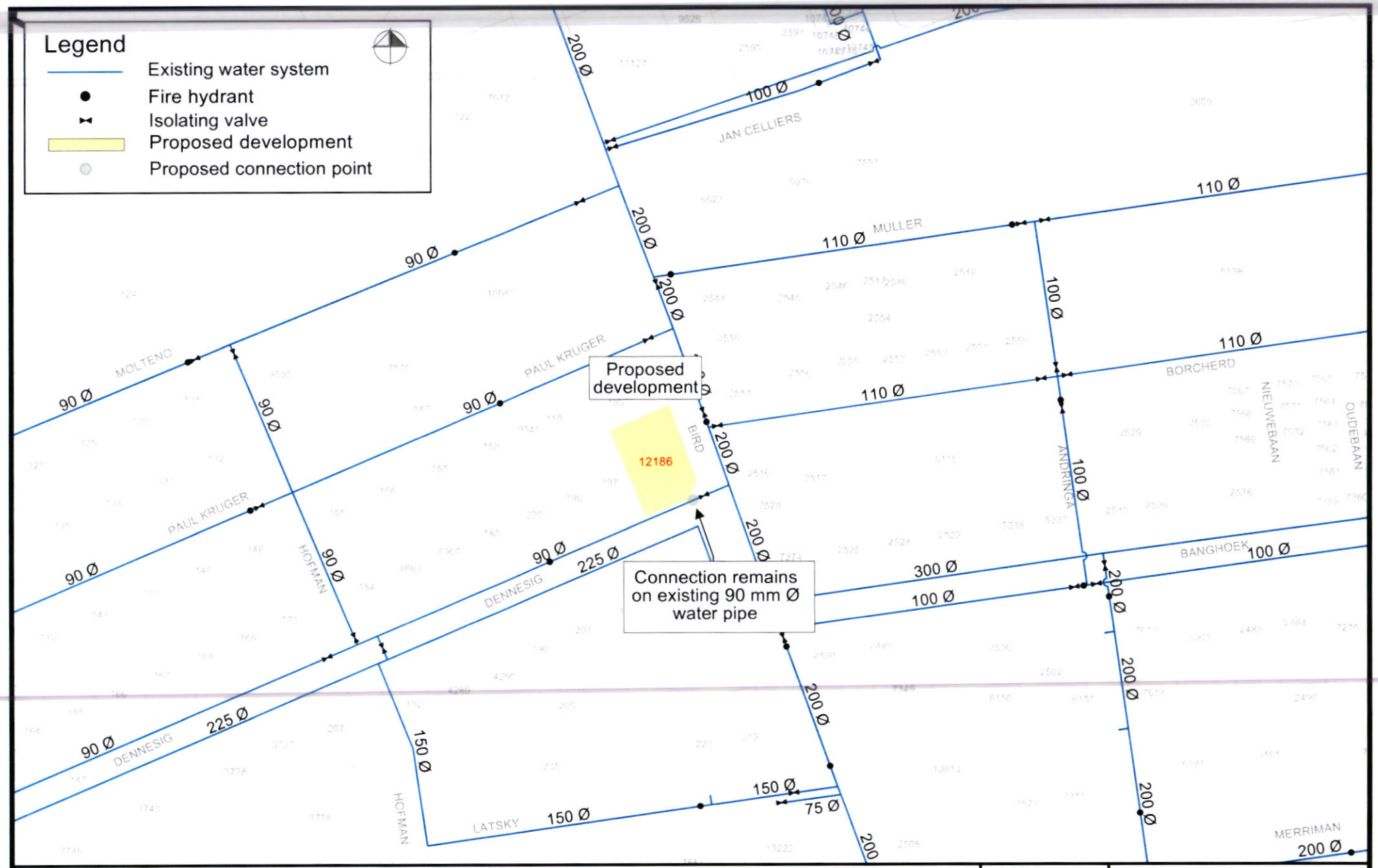
GLS CONSULTING (PTY) LTD
REG. NO.: 2007/003039/07

PCduPlessis

Per: PC DU PLESSIS

cc. The Director
Engineering Services
Stellenbosch Municipality
P. O. Box 17
STELLENBOSCH
7599

Attention: Mr Adriaan Kurtz

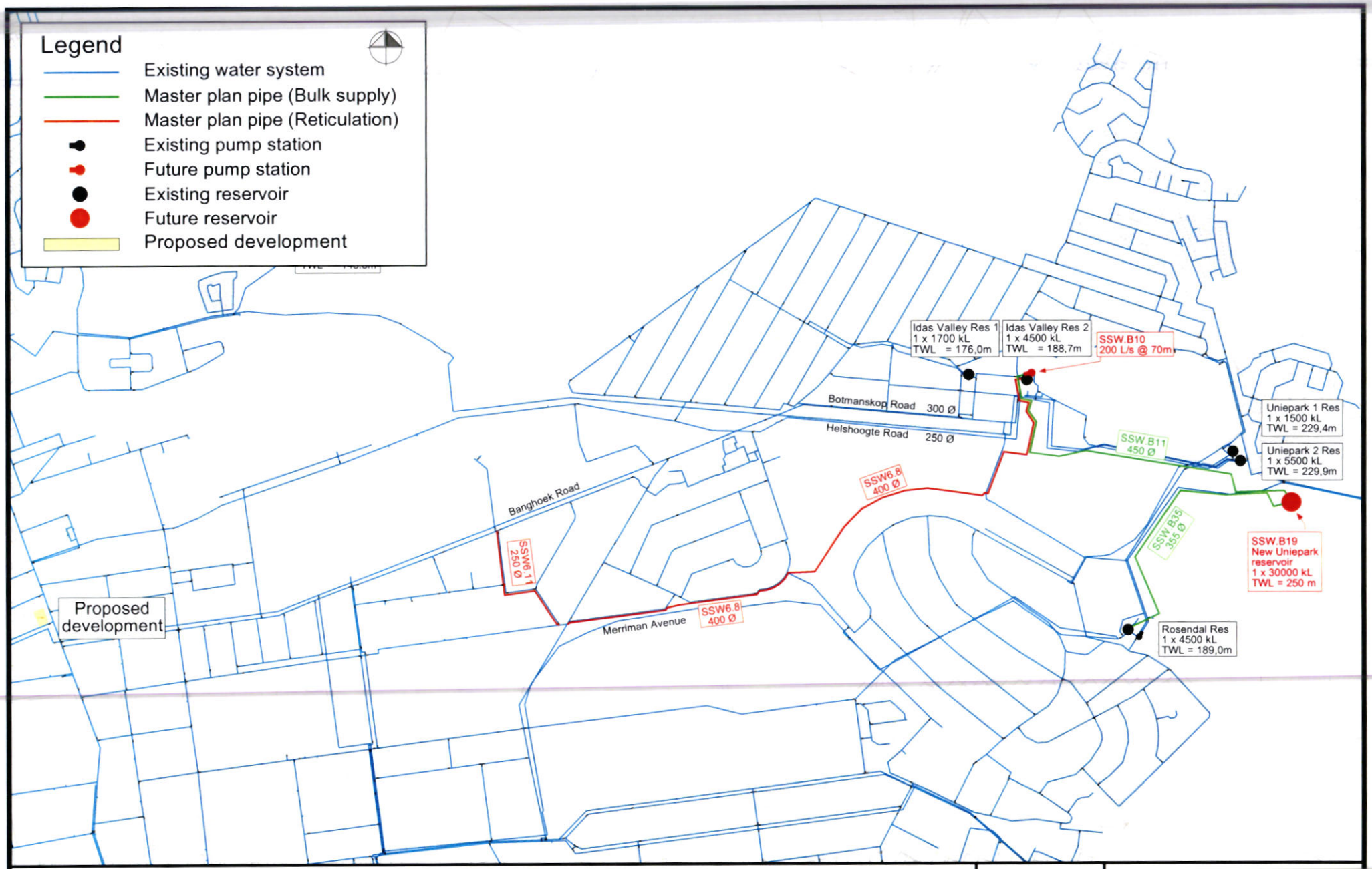


November 2020

Stellenbosch - Erf 12186

gls consulting

Figure 1
Proposed Development
Erf 12186
Existing Water System



November 2020

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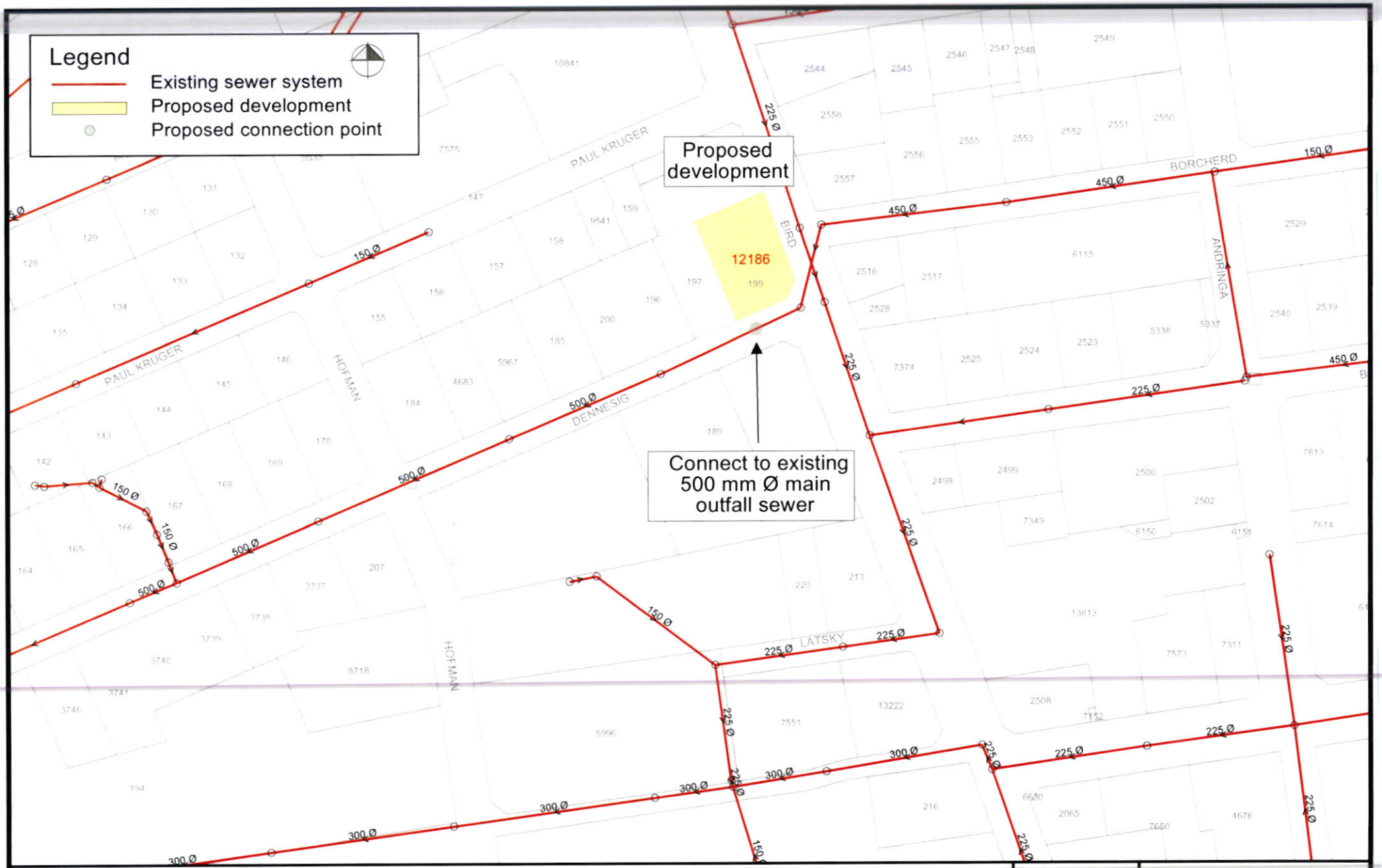
Figure 2

Proposed Development
Erf 12186
Water Master Plan



November 2020

Stellenbosch - Erf 12186

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Figure 3
Proposed Development
Erf 12186
Existing Sewer System

INNOVATIVE TRANSPORT SOLUTIONS

christof albertyn architect
17 marine drive bermaans 7194
SACAP 3637 0825722844
christofarch@gmail.com

Dennesig Erf 12186 Development

Transport Impact Assessment (TIA)

Stellenbosch

Final

December 2020

5th Floor

Imperial Terraces

Carl Cronje Drive

Tyger Waterfront

Bellville, 7530

(021) 914 6211 (T)

SUMMARY SHEET

Report Type	Transport Impact Assessment (TIA)
Title	Dennesig Erf 12186 Development
Location	Stellenbosch
Client	Lize Malan Town Planner & Heritage Consultant
Reference Number	ITS 4305
Project Team	Johan Brink Alain Rousseau
Contact Details	Tel: 021 914 6211
Date	December 2020
Report Status	Final
File Name	G:\4305 TIA Dennesig Erf12186 Stellenbosch\12 Report\Review\4305 TIA Dennesig Erf12186 Stellenbosch_AR JB_2020-12-04.docx

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ANNEXURE

Annexure A: Figures
Annexure B: Tables
Annexure C: Queue Length Analysis

Transport Impact Assessment

Dennesig Erf 12186 Development, Stellenbosch

1 Purpose of Study	This report summaries the transport related impacts for the Dennesig development on erf 12186. The purpose of this assessment is to identify constraints within the surrounding road network and recommend appropriate mitigation measures.
2 Locality	The proposed development is located on erf 12186 and is on the corner of Dennesig Road and Bird Street intersection in Stellenbosch. The Stellenbosch Municipality has prepared Urban Design Guidelines and a Transport Impact Assessment (TIA) for the Dennesig Neighbourhood in 2019. The latter provide guidelines for the area to promote sustainable non-motorised transport in an attempt to reduce private car usage in the area over time. These guidelines have been included in the preparation of this document. See **Figure 1** in Annexure A for a locality plan.

3 Land Use / Extent	Existing: Exclusive musical instrument store about 780m^2, Single storey building.
	
	Proposed: Apartments/flats, Store and offices.
	• Basement
	  ○ Parking area (43 bays plus bicycle storage)
	  ○ Store room – 22.40 m^2
	• Ground floor:
	  ○ Store – 207.45m^2
	  ○ Office – 67.98m^2
	  ○ Parking area (28 bays plus bicycle storage)
	• First (1st) floor to fifth (5th) floor
	  ○ Apartments/flats
	
	See **Figure 2A – 2B** in Annexure A for the Site Development Plan (SDP).

4 Existing Access	The existing driveway access to the site is along Dennesig Street. The access is approximately 30 meters west of Bird Street/ Dennesig Street intersection.
5 Surrounding Roadways	The major roadways in the site vicinity are: • Dennesig Street – class 5 road (Local Street) with a single lane per direction and no pedestrian sidewalk. A reconfiguration of this street to a woonerf and a one-way is proposed in the Dennesig Transport Master Plan • Hofman Road – class 5 road (Local Street) with a single lane per direction and no pedestrian sidewalk. Alterations to this street to reduce rat-running is proposed in the Dennesig TIA.

	• Bird Street – class 4 road (Collector) with a single lane per direction and pedestrian sidewalks are present on both sides of the roadway. • Adam Tas Road – class 2 (Major Arterial) with two (2) lanes per direction and pedestrian sidewalk is present on the western side of the roadway.
6 **Study Intersections** and existing control	Int. 1: Molteno Rd/ Adam Tas Rd — Priority Stop Control Int. 2: Molteno Rd/ Hofman Rd — Priority Stop Control Int. 3: Molteno Rd/ Bird St — Traffic signal Control Int. 4: Paul Kruger Rd/ Hofman Rd — Priority Stop Control Int. 5: Paul Kruger Rd/ Bird St — Priority Stop Control Int. 6: Dennesig Rd/ Hofman Rd — Priority Stop Control Int. 7: Dennesig Rd/ Bird St — All Way Stop Control Int. 8: Merriman Ave/ Adam Tas Rd — Traffic signal Control Int. 9: Merriman Ave/ Hofman Rd — Priority Stop Control Int. 10: Merriman Ave/ Bird St — Traffic signal Control
7 **Analyses Hours**	Weekday a.m. peak hour (Surveyed peak hour 07:15 to 08:15) Weekday p.m. peak hour (Surveyed peak hour 16:15 to 17:15) The peak hours were determined from the peak period traffic counts
8 **Scenarios Analysed**	**Scenario 1**: 2020 Existing Traffic conditions. (Based on traffic volume from the Dennesig Development TIA from ITS in 2019. The traffic volumes were escalated by a 3% growth rate per annum, see **Section 9** for more details). **Scenario 2**: 2025 Background Traffic conditions (Based on **Scenario 1** traffic volumes escalated at a 3% growth rate per year over 5 years, *PLUS* the trips from the approved / in-process developments in the surrounding road network. Refer to **Section 10** for more details. **Scenario 3**: 2025 Total Traffic conditions (Based on **Scenario 2** traffic volumes, *PLUS* the trips from the proposed development planned on Erf 12186). Intersection analyses were done with Traffix version 8.0 Software, which is based on the Highway Capacity Manual (HCM).
9 **Existing Traffic conditions – Scenario 1**	The traffic volumes from the Dennesig Development TIA (prepared by Innovative Transport Solutions) was conducted on 23 May 2019 during the AM and PM peak hours. The 2019 traffic volumes were escalated by 3% to obtain the estimated 2020 traffic volumes. The growth rate was based from the Dennesig Development TIA. The 2020 existing traffic conditions are based on existing intersection geometries and controls. From the analysis it can be concluded that all

	intersection currently operates at an acceptable LOS and with sufficient capacity. Hence, no upgrades are required. Refer to **Figure 3** in Annexure A for the existing lane configuration and controls and **Figure 4** and **Figure 5** in Annexure A for the existing peak hour traffic operations for the AM and PM respectively.
10 Background Traffic conditions – Scenario 2	It is proposed that within the next 5 years, the Dennesig Road and Paul Kruger Road between Hofman Road and Bird Street to be rezoned to a one-way street. Refer to the Dennesig Development Transport Master Plan **Figure 13** in Annexure A. The traffic volumes are based on the existing scenario with a 3% growth rate applied over 5 years along the through movements of Bird Street and Adam Tas Road as per the Dennesig Development TIA. The turning movement traffic growth is represented by the future development traffic in Dennesig. There are a number of developments which are planned to be completed by 2025 and these trips where added on the network. These developments are proposed to be zoned as Student accommodation, Apartments and flats and specific businesses and are as follows: • Paul Kruger 1 & 3 on erf 139 • The Den 2 on erf 163 • Abacus on erf 184 • Dennesig 1 on erf 143 • Erf 3738 *Note: Refer to the Dennesig Development TIA* The 2025 background traffic conditions include the existing lane configuration besides the proposed one-way street lane configuration along Dennesig Road and Paul Kruger Road. The intersection controls remain the same as the existing traffic scenario. Refer to **Figure 6** in annexure A for the 2025 Background lane configuration and controls. Based on the capacity analysis all intersections would operate at an acceptable LOS with sufficient capacity besides intersection 8 (Merriman Ave/Adam Tas Rd). Intersection 8 is planned to operate at capacity in 5 years but still at acceptable levels of service. From the Dennesig Development TIA, it is proposed that intersection 8 requires an upgrade by the 10-year horizon (2029). It has proposed to install an additional left turn lane from Merriman Ave to enter Adam Tas Road. No further upgrades is therefore recommended as the intersection will be upgraded in accordance with the Dennesig transport Master Plan.

	Refer to **Figure 7** and **Figure 8** for the AM and PM peak hour background traffic operations.
11 Trip Generation Rates	The trip generation for the proposed development is based on COTO TMH 17 and takes into account for reductions factors of low vehicle ownership as suggested in the Dennesig TIA. The trips associated with the land use of the proposed development are split into three part: • Shopping centre • Office • Apartments See **Table 1** to **Table 10** in Annexure B for the trip generation.
12 Development Trips	The proposed development is expected to generate the following peak hour trips: • AM peak hour: 32 Total Trips (12 In- and 20 Outbound) • PM peak hour: 69 Total Trips (12 In- and 20 Outbound) See **Figure 9** and **Figure 10** in annexure A for the AM and PM peak hour development trips respectively.
13 Trip Distribution	The following trip generation distribution is based on the Dennesig Development TIA: • 5% north via the R44 • 5% north via Bird Street • 20% east via Molteno Road • 60% east via Merriman Avenue • 10% south via the R44 See **Figure 9** and **Figure 10** in annexure A for the AM and PM peak hour development trips and trip distribution.
14 2025 Total Traffic conditions – Scenario 3	This traffic scenario follows that of Scenario 2 and adds the proposed development trips onto the network. Based on the capacity analysis results, all intersections will operate at an acceptable LOS. Intersection 8 (Merriman Ave/Adam Tas Rd). will remain to operate at capacity but does not deteriorate as a result of the proposed development traffic. The intersection will remain to operate at acceptable levels of service. This upgrade is required as part of the Dennesig Development upgrade and this proposed development should contribute towards the costing of the upgrade. Refer to **Figure 11** and **Figure 12** for the AM and PM peak hour total traffic operations. Intersection 8 operates at an acceptable LOS with sufficient capacity when the proposed upgrade is installed.

	Refer to **Figure 13** in Annexure A for the total traffic operation with the proposed upgrade installed and **Figure 14** for the Dennesig Development Transport Master Plan.
15 Site Access	The proposed development will gain access via the existing access which is along Dennesig Road. The location of this access is approximately 30m west of Bird Street. <u>Queue analysis</u> Refer to Annexure C for the queue length analysis. The distance from the gate to the edge of Dennesig Road is about 14.5m based on the SDP. From the queue length analysis 12m (queue of 2 vehicles) is required for queuing which is sufficient.
16 Non-Motorised Transport	Pedestrian sidewalk(s) are provided along the following roads: • Adam Tas Road • Molteno Road • Bird Street • Merriman Avenue Based on the Dennesig Development TIA (2019), there is currently large volumes of pedestrians walking north-south along Bird Street. This is due to the mini-bus taxi rank in Merriman Avenue. Due to the many developments that are proposed to have access along Dennesig Road, the proposed upgrade is to provide pedestrian sidewalks along Dennesig Road. This upgrade should be paid jointly with all proposed developments that would gain access from Dennesig Road. It is therefore recommended that the Developer become a member of the Dennesig Master Home Owners Association (MHOA) and that Development Charges payable by this development be allocated to the Dennesig Trust Fund as stipulated in the Dennesig TIA. This procedure is recommended in order to allocate all DCs generated within the Dennesig Neighbourhood to the collective execution of the Transport Master Plan.
17 Public Transport	Public transport is also an important factor in the attempt to reduce private car usage in Dennesig. The Dennesig TIA recommends that public transport embayments be provided in Dennesig Street and the realisation of a public transport interchange around the Dennesig/Hofman intersection. In addition, the Dennesig TIA also recommends that a shuttle service be started to serve the Dennesig community in a predetermined route through the Stellenbosch CBD. This shuttle service will be funded by the Dennesig MHOA.

18 Parking

The Dennesig TIA suggests that parking requirements be reduced similarly to the application of the City of Cape Town's Public Transport 1 (PT1) definition. The on-site parking requirements for this development is based on the Municipal Planning By-law of 2019 (City of Cape Town), as summarised below:

Land Use	Extent	Parking Rate	Bays Required
Residential	50 Units	1 bay per unit *plus* 0.25 for visitor	63
Office	74 m^2	2.5 bays per 100m^2 GLA	2
Shops	207 m^2	2 bays per 100m^2 GLA	4
Total bays			69

Based on the Site Development Plan, 71 bays will be provided on site. Hence, it is evident that sufficient parking would be available.

The SDP also makes allowance for approximately 50 no. bicycle parking bays. According to the 2019 Stellenbosch Municipal Zoning Scheme, one normal parking can be replaced by six bicycle parking bays. The bicycle parking therefore reduces the normal parking requirement by 8 bays.

If the normal MZS parking indices be applied, a total of 88 bays will be required as follows:

- 1 & 2-bedroom units (49 no.) x 1 = 49 no.
- 3-bedroom units (1 no.) x 1.25 = 1.25 no.
- Visitors 50 no. x 0.5 = 25 no.
- Business (74m^2) x 4/100m^2 = 3 no.
- Retail (207m^2) x 4/100m^2 = 9 no.

The development provides 71 normal bays. The retail and business bays can be used by visitors outside business hours. Therefore, the actual required number of normal bays is 76 bays minus the 8 bicycle bays which equates to 68 normal bays. The parking provided therefore is sufficient even if the PT1 definition is not applied.

19 Conclusion & Recommendations

This report summaries the assessment of the transport related impacts expected as part of the proposed development on erf 12186 in Stellenbosch. The following can be concluded, based on this assessment:

2020 Existing Traffic: All intersection operates at an acceptable LOS with sufficient capacity. Hence, no upgrades required.

*See **Figure 4** and **Figure 5** for the Existing Traffic, peak hour operations.*

2025 Background traffic: All intersection operates at an acceptable LOS with sufficient capacity besides intersection 8 which would operate at

	capacity. The upgrade of this intersection is part of the Dennesig Transport Master Plan and will be upgraded by the Dennesig MHOA. *See **Figure 7** and **Figure 8** for the 2025 Background Traffic operations.* **Trip Generation**: The proposed development is expected to generate 32 trips in the am (12 in- and 20 outbound) and 70 trips in the pm (42 in- and 28 outbound) weekday peak hours. *See **Figure 9** and **Figure 10** for the trip generation and distribution.* **Site Access**: existing access which is along Dennesig Road. Approximately 30m west of Bird Street. **2025 Total Traffic**: All intersection operates at an acceptable LOS with sufficient capacity besides intersection 8 which would operate at capacity. It is recommended that all Road and Transport Development Charges be paid into the Dennesig trust fund to the MHOA. The upgrading of this intersection will be done by the MHOIA. *See **Figure 11** and **Figure 12** for the total AM and PM operations respectably and **Figure 13** for intersection 8 with the proposed upgrade installed for the total AM and PM.* **Non-Motorised Transport**: Pedestrian sidewalks should be jointly provided by the proposed developments along Dennesig Road. **Public Transport**: Embayments are proposed, along Dennesig Road. In addition, shuttle service is proposed to serve the Dennesig community according to the Dennesig Development TIA. This is to reduce the private vehicle usage in the area. The Development Charges will be allocated to the overall improvement of public transport for Dennesig by the MHOA. **Parking**: 68 parking bays required and 71 bays are provided. Hence sufficient parking is provided.

REFERENCES

1. Committee of Transport Officials. South African Traffic Impact and Site Traffic Assessment Standards and Requirements Manual. TMH 16 vol 2. 2014
2. DMS and Municipal Planning Amendment Bylaw, 2019
3. Jakupta Architects & Urban Designers Pty Ltd., Dennesig Neighbourhood Urban Design Guidelines Report, August 2019.
4. South African Trip Data Manual, TMH17, Version 1.1, COTO, September 2013
5. Innovative Transport Solutions (Pty Ltd., Dennesig Densification Area Transport Impact Assessment (Final Version 2), November 2019
6. Western Cape Government, Access Management Guidelines, November 2019

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Figure 7: Background Traffic Conditions – AM peak hour

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Figure 13: Total Traffic Operations – Proposed Upgrade

Figure 14: Dennesig Development Transport Master Plan

PROJECT	FIGURE	NUMBER
DENNESIG DEVELOPMENT, STELLENBOSCH	LOCALITY PLAN	1

GENERAL NOTES

GENERAL

All work is to be in accordance with the National Building Regulations SANS 10400 code of practice. The contractor is to verify all levels, measurements and notes before construction proceeds or any work commences. Drawings are not to be used for any other purpose other than intended for.

All work and specifications are to be executed exactly as per plan. Any errors, discrepancies or omissions to be reported to the architect's immediately. All levels, dimensions, positions and number of steps to be checked on site before any work commences. No drawings must be scaled. Drawings are to be read in conjunction with engineers and consultant's plans were applicable. Contractors will be held responsible for the correct setting out of works and any doubts as to the accuracy of boundary peg/s or lines are to be reported to the architect immediately. No part of the building may encroach the boundary lines

STRUCTURAL DESIGN

The structural system of the building to comply with the details of par H,J,K,L,M,N of SANS 10400(a in the case of timber buildings with the requirements of SANS 10082

A competent person (structurer) to design and inspect the structure.

Competent person (civil engineering) to design and inspect the services in dolomite land

CONCRETE WORKS

All concrete slabs, floors, beams etc. are to be specified and inspected by a professional registered engineer. All structural designs are to be in accordance with SANS 10400 Part 2

PUBLIC SAFETY

A change in level, design of ramps and driveways, or access to swimming pools and swimming baths to be in accordance with the detailed requirements of SANS 10400 D

The balconies are a design and supply contract, and the subcontractor must provide a professional engineers certificate on completion. All shop drawings submitted for approval, need to be fire signed off by the subcontractors professional engineer prior to submittal and must be in accordance with the detailed requirements of SANS 10400 M and the adhere to the required loading code (10160)

SITE OPERATIONS

Sanitary facilities to be in accordance with detailed requirements of SANS 10400 F

EXCAVATIONS

The construction relating to the building less than 5.0m deep to be in accordance with the detailed requirements of SANS 10400 D

Geotech Excavations as per engineer

FOUNDATIONS

Geotechnical investigation as per engineer

The foundation for the building to be in accordance with SANS 10400 D

The foundation to an extension/addition to an existing building to be the same as the existing foundations if performing satisfactorily

Competent person to be appointed by client in respect of deep footings, soil soils, compaction of in-situ soil or sub-surface drainage.

Competent person (geotechnical) to be appointed by client in respect of geotechnical solution e soil improvements that are required

WALLS

The structure, strength and stability of all walls as per engineer. SANS 10400 D, SANS 10400 T and the detailed requirements of SANS 10400 K

The roof fixing to be in accordance with SANS 10400 D and the detailed requirements of SANS 10400 K

Water penetration rough a wall to be in accordance with the detailed requirements of SANS 10400 K

Roof coverings and waterproofing systems to be in accordance with the detailed requirements of SANS 10400 L

All external brick walls to have 50mm air cavity. The walls to have min. R value of 0.30. Non masonry external walls must have a r value of 1.9

Brick force reinforcing to be installed in substructure brick work every five courses. Two courses of brick force reinforcing to be installed above window and provide vertical damp proof to all changes in floor levels and in external walls where the ground level is higher than the internal floor level

All work to be in accordance with SANS 10400 Part K

FLOOR

Floors in any laundry, kitchen, shower room, bathroom, or room containing toilet pan or urinal to be in accordance with the detailed requirements of SANS 10400 L, these floors to be waterproof

Suspended floors to be in accordance with engineer design

Slab supported on the ground to be in accordance with SANS 10400 D and SANS 10400 H

A competent person (civil engineer) to be appointed in respect of the slabs or fills

Where the floor area is less than 500m², ground floor slabs must have insulation installed around vertical edge of its perimeter which must have an r value of no less than 1.0 and resist water absorption in order to retain its thermal insulation properties and be continuous from the adjacent finished ground level to a depth of not less than 300mm or for the full depth of the vertical edge, for concrete slab on ground

Where an under floor heating system is installed the heating system must be insulated underneath the slab with insulation that has a minimum r value of not less than 1.0

Floor level to be 150mm minimum above the adjoining ground level

All work to be in accordance with SANS 10400 part J

ROOFS

The roof fixing to be in accordance with SANS 10400 D and the detailed requirements of SANS 10400 K

Roof coverings and waterproofing systems to be in accordance with the detailed requirements of SANS 10400 L

Flats over or adjacent gutters to be in accordance with the detailed requirements of SANS 10400 L, Rational design or rational assessment (or both) as per engineer

The roof assembly and any ceiling assembly, in addition to complying with the requirements of SANS 10400 C has to be in accordance with the detailed requirements of SANS 10400 L,

Roof assembly supported on walls to comply with requirements of SANS 10400 and in accordance with SANS 10400 D and SANS 10400 L

Gutters and downpipes, if any, to be sized in accordance with the requirement of SANS 10400 R as per engineers design

The fire resistance and combustibility of the roof assembly or any ceiling assembly to be in accordance with the detailed requirements of SANS 10400 L and SANS 10400 T

ROOF ASSEMBLY

See certificate

ROOF INSULATION NOTES

N/A

STAIRWAYS

Stairways to be in accordance with SANS 10400 D, SANS 10400 T and the detailed requirements of SANS 10400 M

Walls, screens, railings or balustrades to each staircase to be in accordance with the requirements of SANS 10400 D SANS 10400 T, SANS 10400 K and SANS 10400 M

GLAZING

The type and fixing or glazing to be in accordance with SANS 10400 D and the detailed requirements of SANS 10400 N

A Competent aluminium supplier to design CCC on full glazing and aluminium on completion. Aluminium supplier to complete FORM 3 on completion.

The extension of the glazing to be in accordance with the detailed requirements of SANS 10400 N

LIGHTING AND VENTILATION

The lighting to a habitable room, bathroom, shower room or room containing a toilet pan to comply with the requirements of SANS 10400 T and the detailed requirements of SANS 10400 O

The ventilation to be in accordance with the requirements of SANS 10400 T and the detailed requirements of SANS 10400 O

DRAINAGE

The design of the drainage system to be in accordance with the detailed requirements of SANS 10400 P Registered Plumber to complete FORM 3 on completion

STORMWATER DISPOSAL

The design for the control and disposal of stormwater as per engineers design in accordance with the detailed requirements of SANS 10400 R

The design for control of and disposal of stormwater in interconnected complexes as per engineers design.

PERSONS WITH DISABILITIES

The design for providing facilities for persons with disabilities to be in accordance with the detailed requirements of SANS 10400 S

FIRE PROTECTION

The fire protection measures provided to be in accordance with the detailed requirements of SANS 10400 T

SPACE HEATING

The provision of space heating to be in accordance with the detailed requirements of SANS 10400 V

FIRE INSTALLATION

The fire installation to comply with the detailed requirements of SANS 10400 W

The supply of water to be in accordance with the detailed requirements of SANS 10400 W

ENERGY EFFICIENCY IN BUILDING

External walls to be in accordance with the detailed requirements of SANS 10400 XA, Fenestration to be in accordance with SANS 10400 XA

Roof assembly construction to be in accordance with SANS 10400 XA

Floors with slab heating to be in accordance with SANS 10400 XA

Services for use energy or control the use of energy to be in accordance with SANS 204

An airlock system to be in accordance with SANS 10400 XA

A competent person to certify that fenestration is in accordance with SANS 204

BUILDING ENVELOPE:

Wall plates and roof purlins must be sealed.

All roof tiles must have a tile underlay or radiant barrier and the joint must be sealed.

The joint in sheeting roofs must be sealed

All glazing sealing as per glazing specs.

Roof lights and skylights must be sealed or capable of being sealed

Roof lights and skylights must be contracted with a compressible seal if they are operable.

A seal to restrict air leakage must be fitted to each edge of an external door and other such opening so that:

It serves a conditioned space or

It serves a habitable room

The seal may be a foam or rubber compressible strip or a fibrous seal.

External swing doors must be fitted with a draught protection device to the bottom edge of each leaf.

An extract fan must be fitted with sealing device such as a self-closing damper or flap when serving

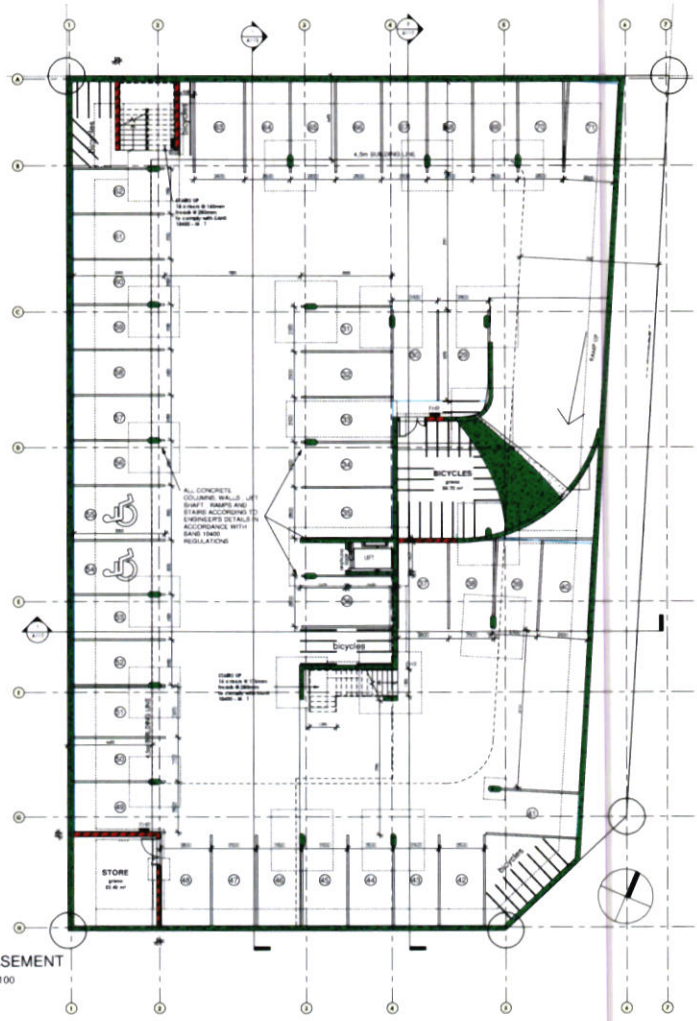
A conditioned space or

A habitable room

Ducts, external walls, external floors and any openings such as glazing or door in the external fabric must be constructed to minimize air leakage when forming part of external fabric or

A conditioned space or

A habitable room



1 BASEMENT
1 : 100

NOTE :
ALL FINISHED FLOOR LEVELS TO BE CHECKED & AMMENDED ACCORDING TO NATURAL GROUND LEVELS

NOTE :
SEWERAGE AND STORMWATER CONNECTIONS TO CIVIL ENGINEERS DETAILED DRAWINGS ALL TO COMPLY WITH SANS 10400, P. 2011

Architects Signature

Client Signature

christof albertyn architect

HEUER PLATZ - ERF
12186 - STELLENBOSCH

Client Name	HEUER BATES TRUST
Project number	0106
Date	23.11.2020
Drawn by	BP
Checked by	CKA

BASEMENT

0106	A102
Scale	1 : 100

2020/11/23 18:00:26

FIGURE 2A

Ramps to be tiled with 600 x 600mm Non-Slip tiles with 850mm high S/S handrail with 75mm high balustrade

Head clearance for emergency routes of less than 2m to be indicated

Disabled facilities to be clearly marked with approved signs

No smoking allowed anywhere in Facility

Premises to be redecorated in accordance with SAGS Redecorating Regulations

Medical waste room to be clearly marked with warning signs , will be adequately ventilated and lighted according to health standards and have a concrete floor that is graded and drained to a floor trap situated inside the room that discharges over an externally situated gulley that is connected to the sewerage main line

All Disabled toilets will have outward opening door with lock that can be opened from outside

The WC to be 450mm between carrier line and nearest wall. Trip surface or seat to be 480mm above FFL

S/S grab rails to be provided in accordance with SANS 10400

Flushing control and paper holder to be easy accessible with lid remaining in upright position when raised

W/HB to be sited 820mm from floor and have vertical clearance of 650mm underneath or a pipe no less than 165mm from front of basin

Taps to have lever handles with cold water handle within reach of a sitting person on the WC pan

All areas not naturally lighted to be artificially lighted in accordance with the relevant recommendations contained in the SAGS Code of Practice 0114 part 1 - 1970 and minimum average values of illumination glare index to be provided by electrical eng

Rat/ver area to have adequate rodent proofing, installed by specialist

Lift providing access to the first floor will comply with requirements of Part S of Regulation 2378, Regulations under the National Building Regulations and Building Standards Act (103/1977) with SAGS 0400 1990 Code Practice for the application of National Building Regulations and SAGS 0249 1991 Code of Practice for Accessibility of Buildings for Disabled Persons. Spec provided by Engineer

All mechanical ventilation plants and noise producing equipment to be muffled to comply with SANS 10400 and SAGS regulations

All ammendar to engineers drawings

AREAS:

BASEMENT: 77.41m²
GROUND FLOOR: 312.99m²
FIRST FLOOR:
- 608.70m²
- 94.02m² (BALCONIES)
- 702.72m² (TOTAL)

2nd FLOOR:
- 584.09m²
- 69.22m² (BALCONIES)
- 653.31m² (TOTAL)

3rd FLOOR:
- 584.14m²
- 70.00m² (BALCONIES)
- 654.14m² (TOTAL)

4th FLOOR:
- 448.73m²
- 154.82m² (BALCONIES)
- 603.55m² (TOTAL)

5th FLOOR:
- 275.35m²
- 188.17m² (BALCONIES)
- 463.52m² (TOTAL)

GRAND TOTAL: 3467.64m²

AREAS:

SITE AREA -	1477.69m²
COVERAGE -	1090²
PERCENTAGE -	73.76%
FLOOR FACTOR -	0.7 /1
TOTAL NETT AREA -	2460.41m²

COVERAGE OF COMMERCIAL - 312.99m²
PERCENTAGE - 21.18%
COVERAGE OF APARTMENTS - 702.02m²
PECENTAGE - 47.51%

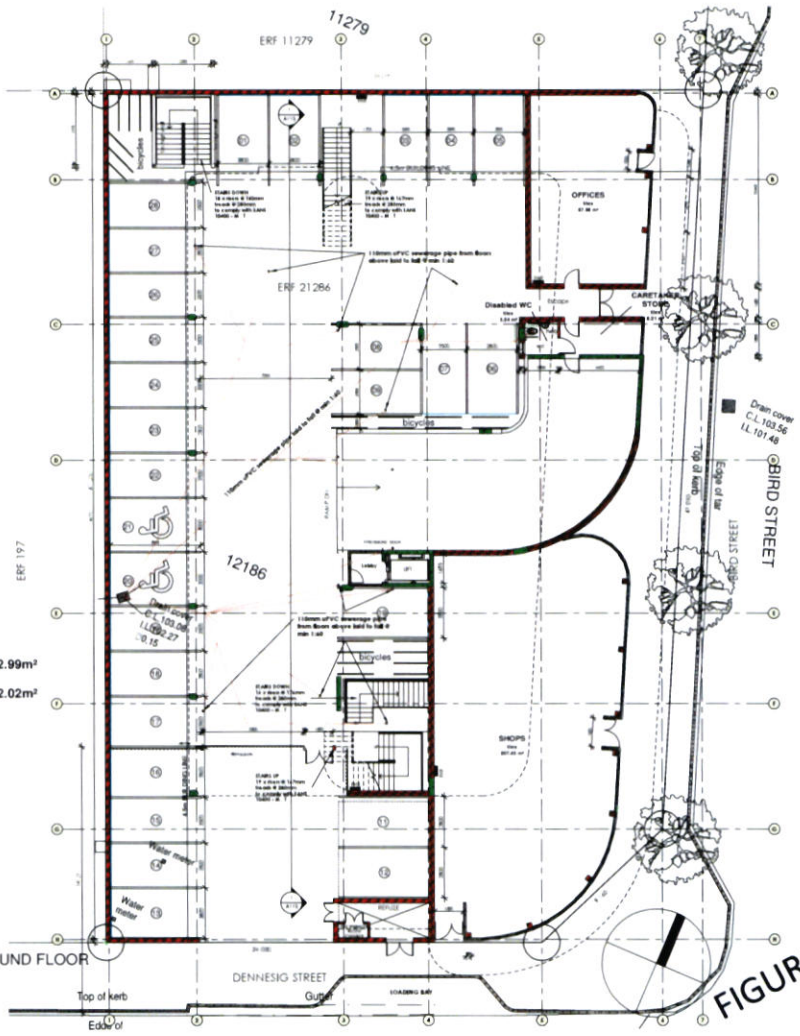
PARKING ALLOCATION:

- PARKING PER UNIT - 1/2 BEDROOM UNITS = 1.5x49=73.5
  3 BEDROOM UNITS = 1.75x1=1.75
- COMMERCIAL 4/100m² =250m²/25=11.24
- TOTAL PARKING REQUIRED 86

PARKING PROVIDED: 71
29 parking spaces on Ground level
44 parking spaces on Basement level
53 x Bicycle stands provided

NOTE
SEWERAGE AND STORMWATER CONNECTIONS TO CIVIL ENGINEERS DETAILED DRAWINGS ALL TO COMPLY WITH SANS 10400, P. 2011

NOTE
ALL FINISHED FLOOR LEVELS TO BE CHECKED & AMMENDED ACCORDING TO NATURAL GROUND LEVELS



1 00 - GROUND FLOOR
1 : 100

OCCUPANCY:

SMALL SHOP <250m² -	F2
OFFICES -	G1
LOW RISK STORAGE -	J3
PARKING GARAGE -	J4
DOMESTIC RESIDENTS -	H3

Architects Signature
Clients Signature

christof albertyn architect
17 Marine Drive Bermuda Inn
SACAP 3631 0625272044
christofarch@gmail.com

HEUER PLATZ - ERF
12186 - STELLENBOSCH

Client Name	HEUER BATES TRUST
Project number	0106
Date	23.11.2020
Drawn by	BP
Checked by	CKA

GROUND FLOOR

0106	A103
Scale	

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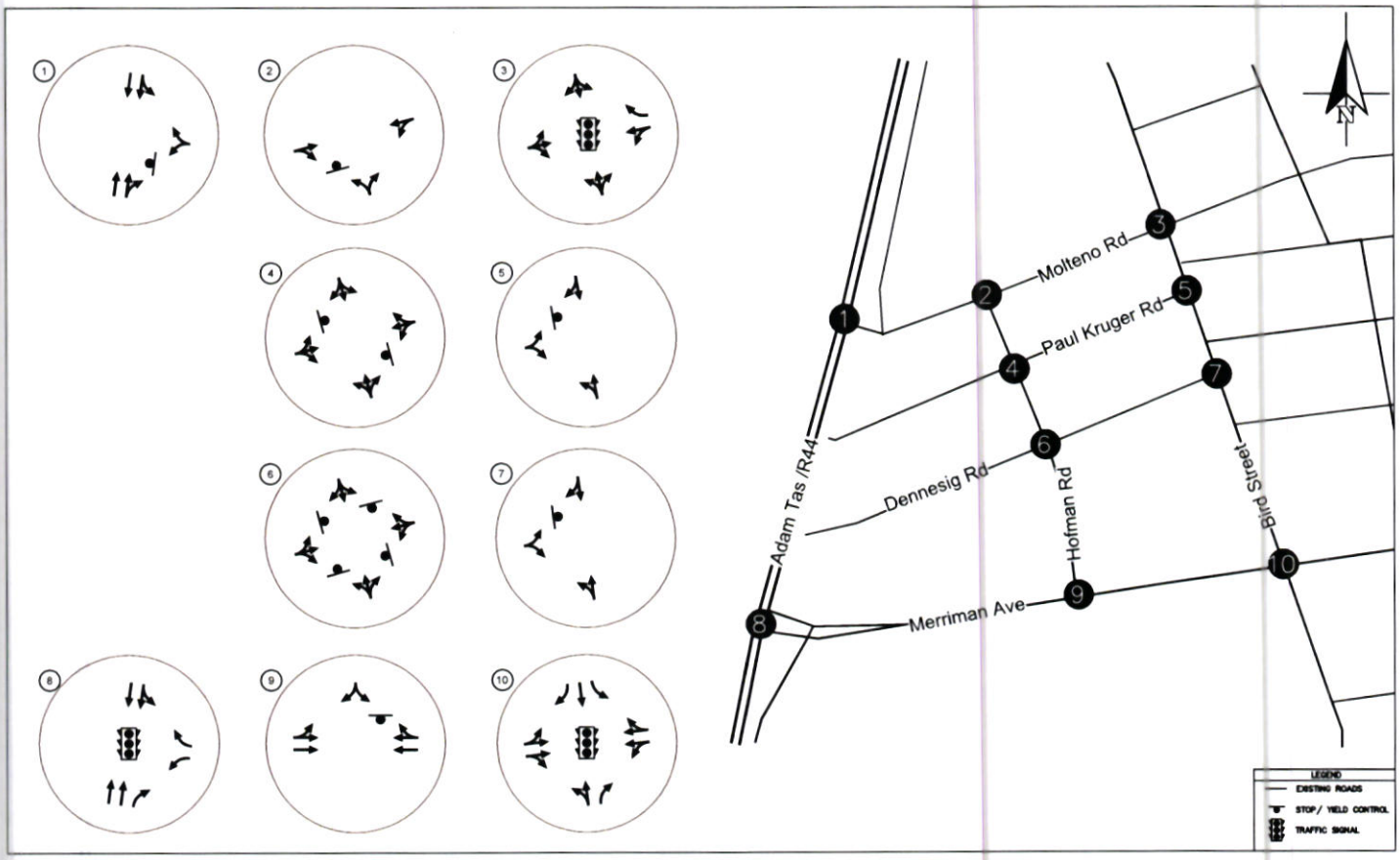
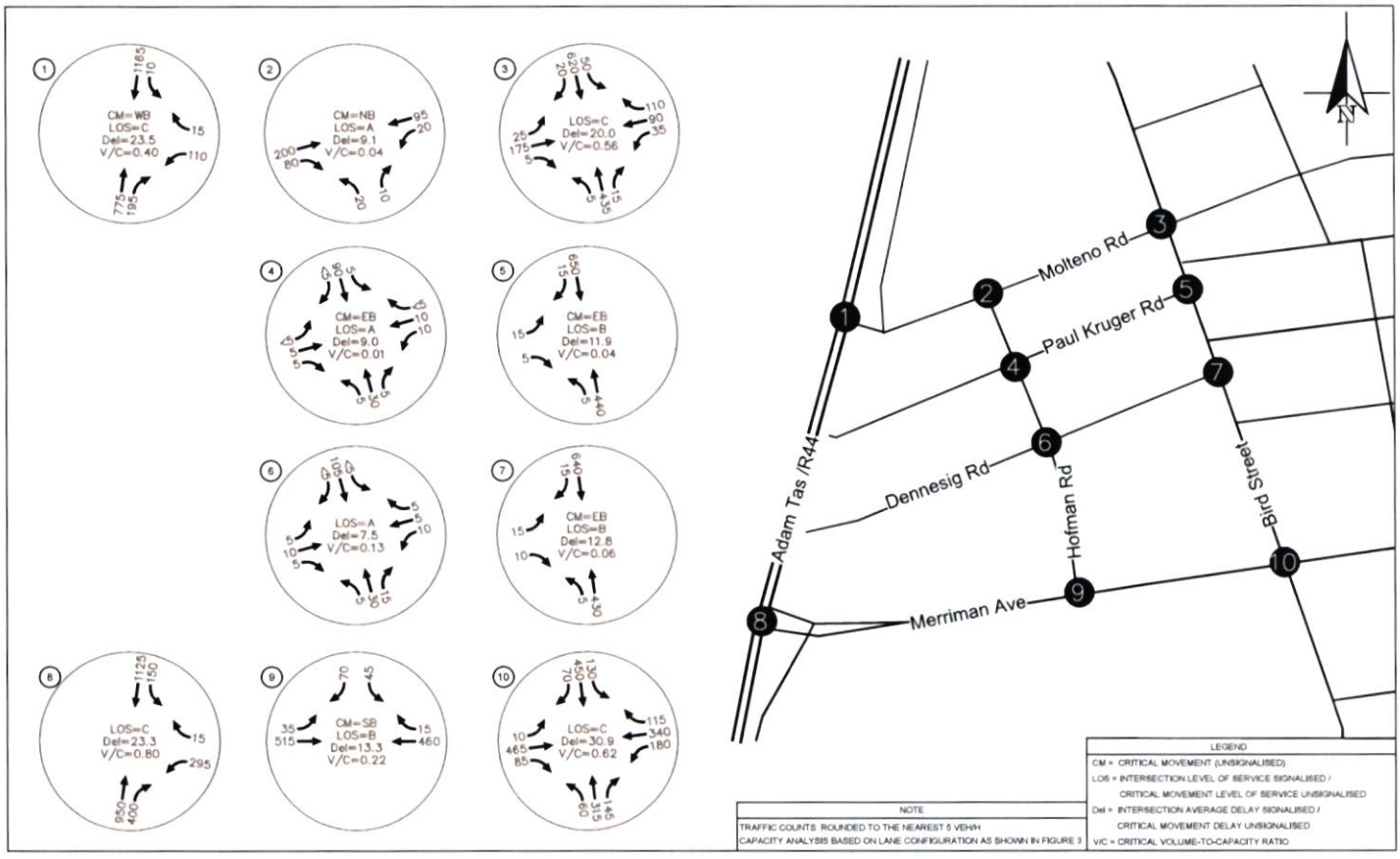
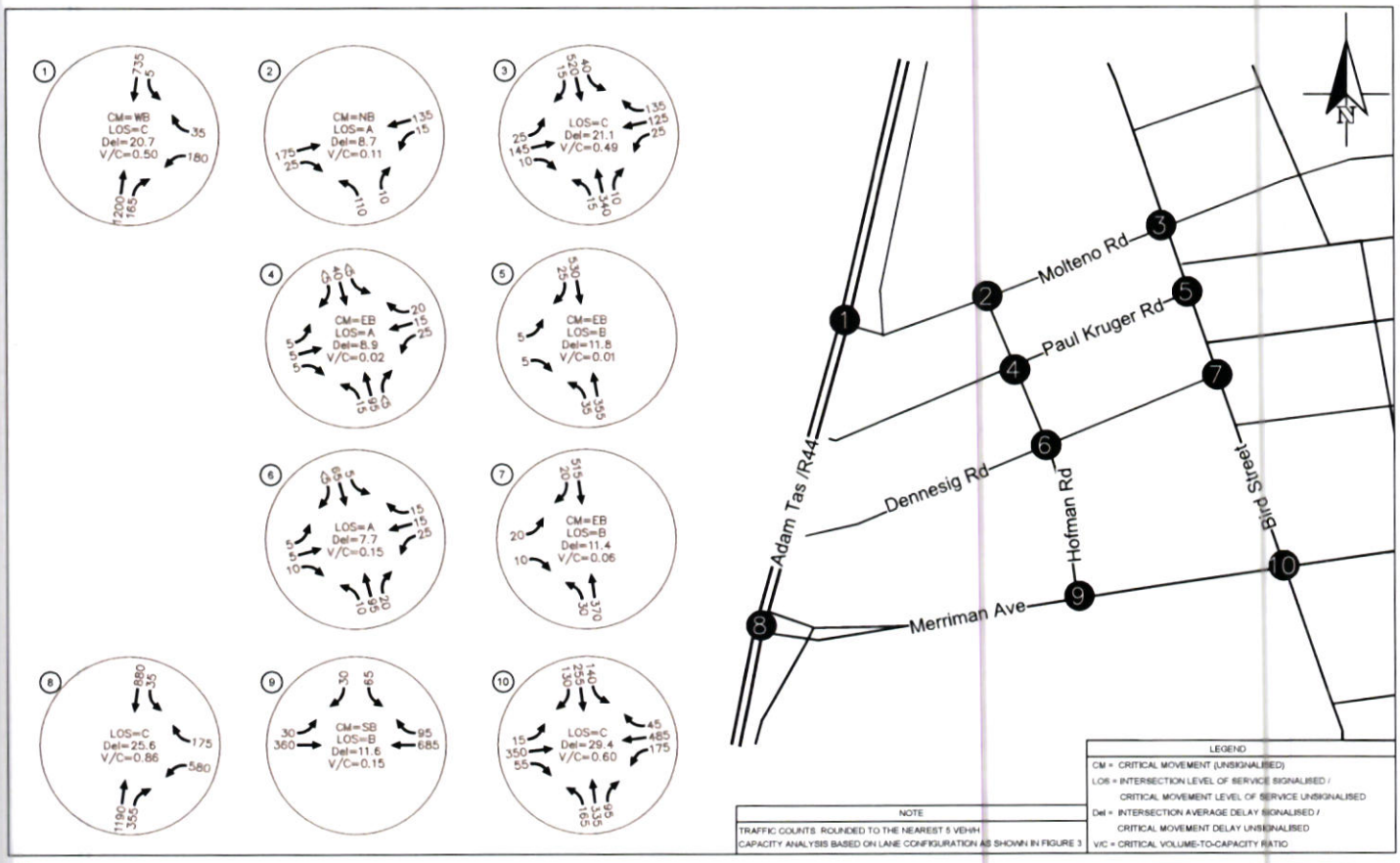
FIGURE 2B



PROJECT	FIGURE	NUMBER
DENNESIG DEVELOPMENT, STELLENBOSCH	2019 EXISTING LANE CONFIGURATION	3


1
1165
10
CM=WB
LOS=C
Del=23.5
V/C=0.40
15
110
775
195
2
95
20
CM=NB
LOS=A
Del=9.1
V/C=0.04
200
80
20
10
3
620
20
50
110
90
35
LOS=C
Del=20.0
V/C=0.56
25
175
5
5
5
4
5
5
4
5
CM=EB
LOS=A
Del=9.0
V/C=0.01
5
5
5


1
735
5
CM=WB
LOS=C
Del=20.7
V/C=0.50
35
180
200
165
2
135
15
CM=NB
LOS=A
Del=8.7
V/C=0.11
175
25
110
10
3
520
40
15
LOS=C
Del=21.1
V/C=0.49
135
125
25
25
145
10
10
540
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V/C=0.02
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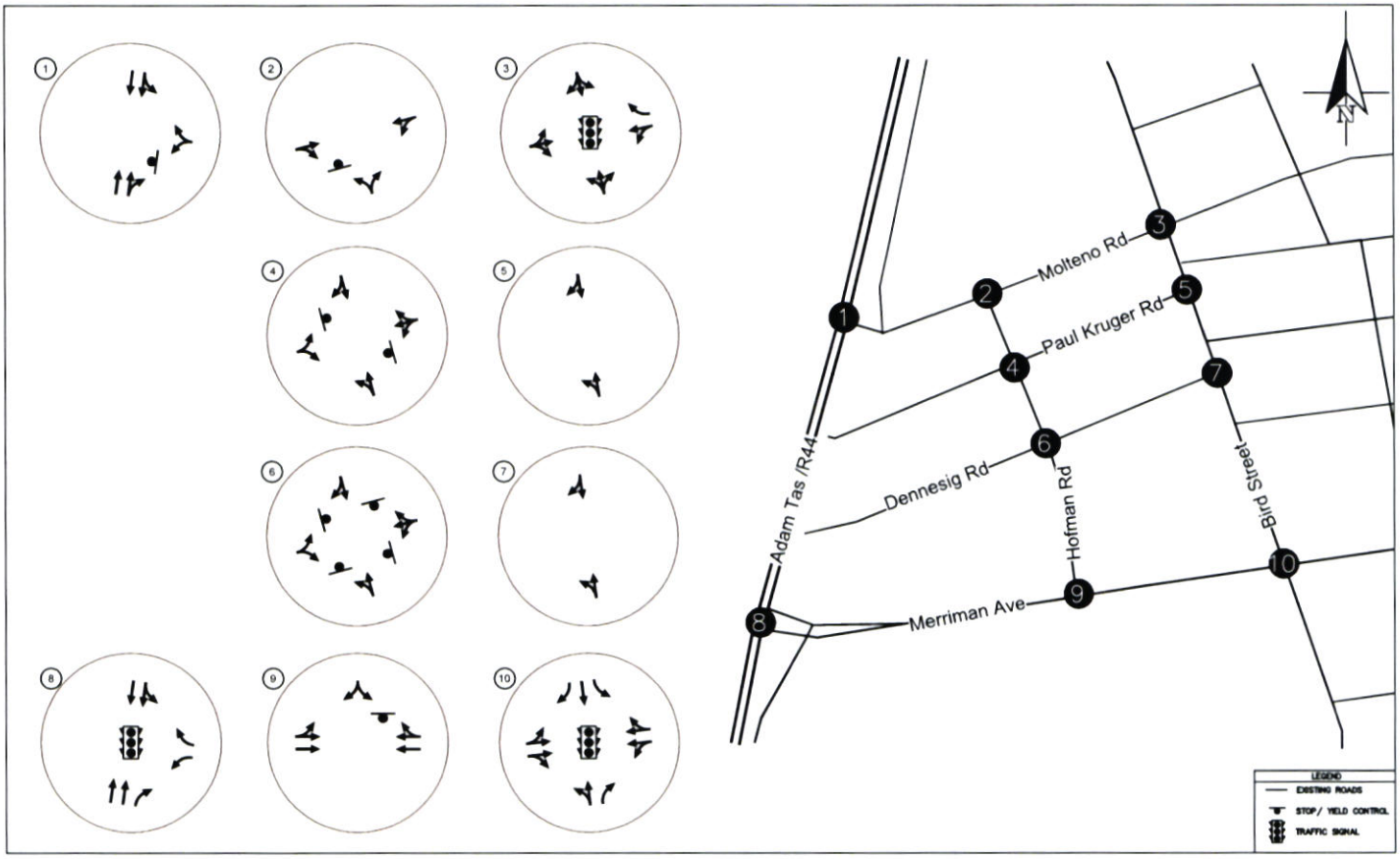
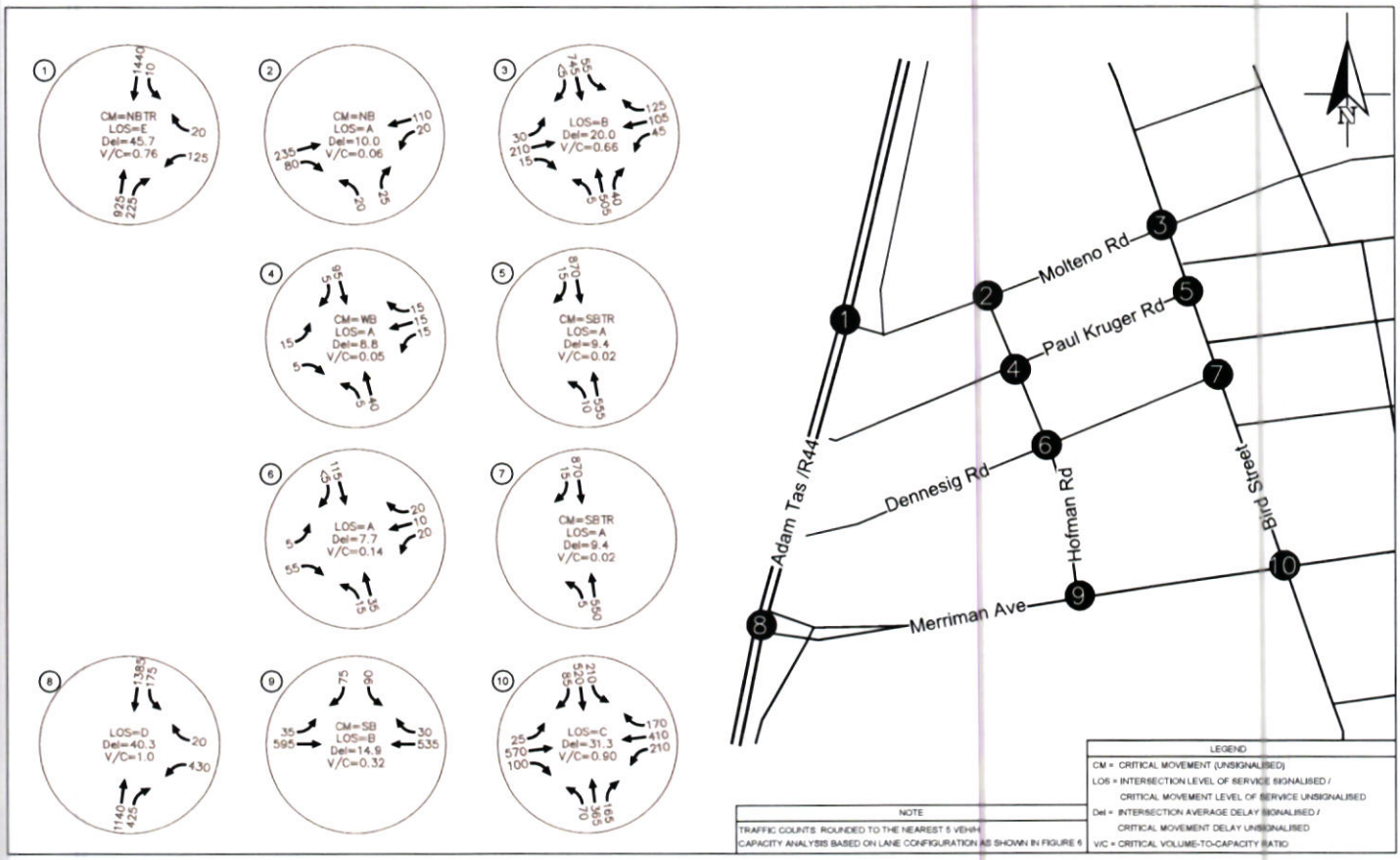
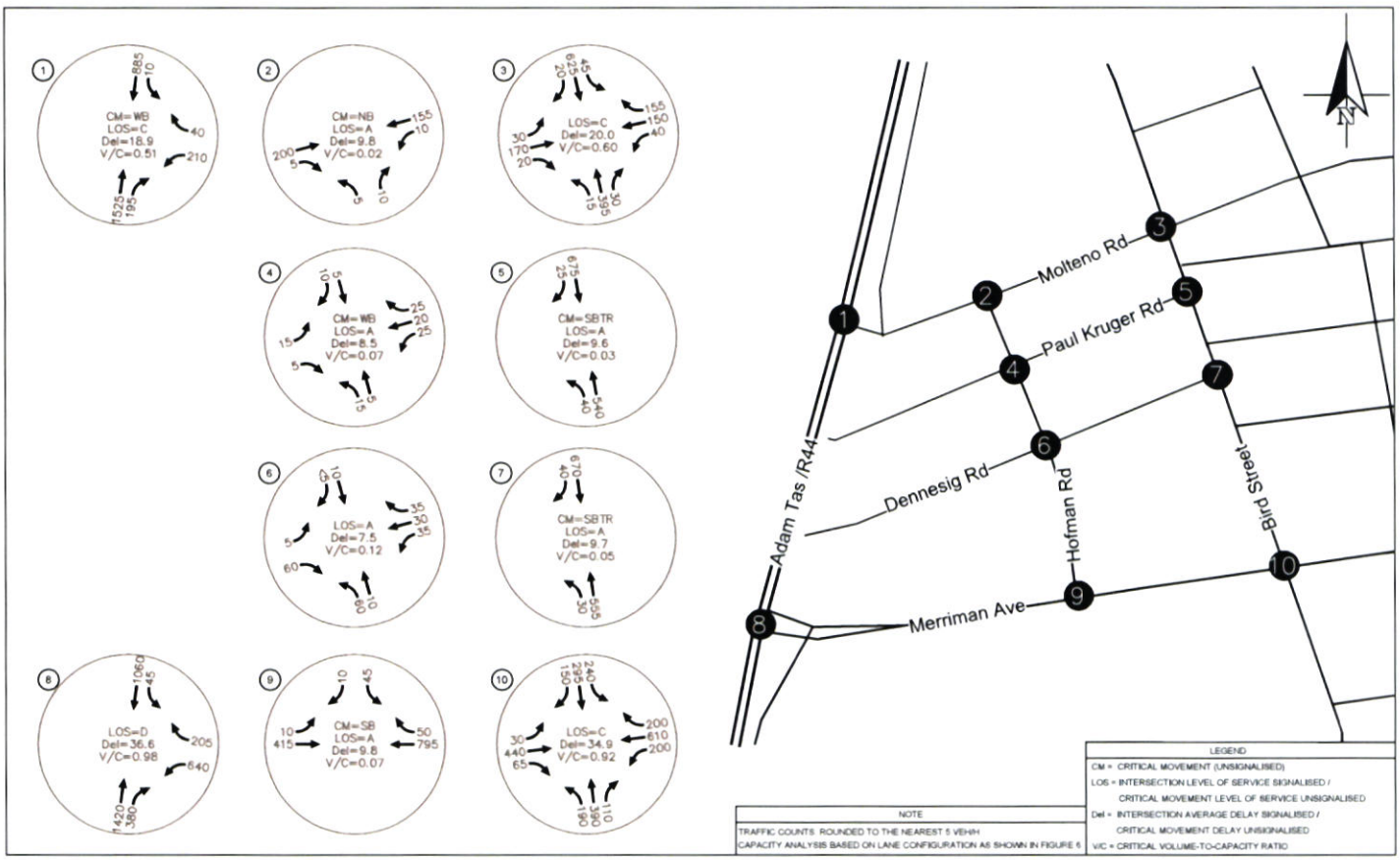
25
5
5
5



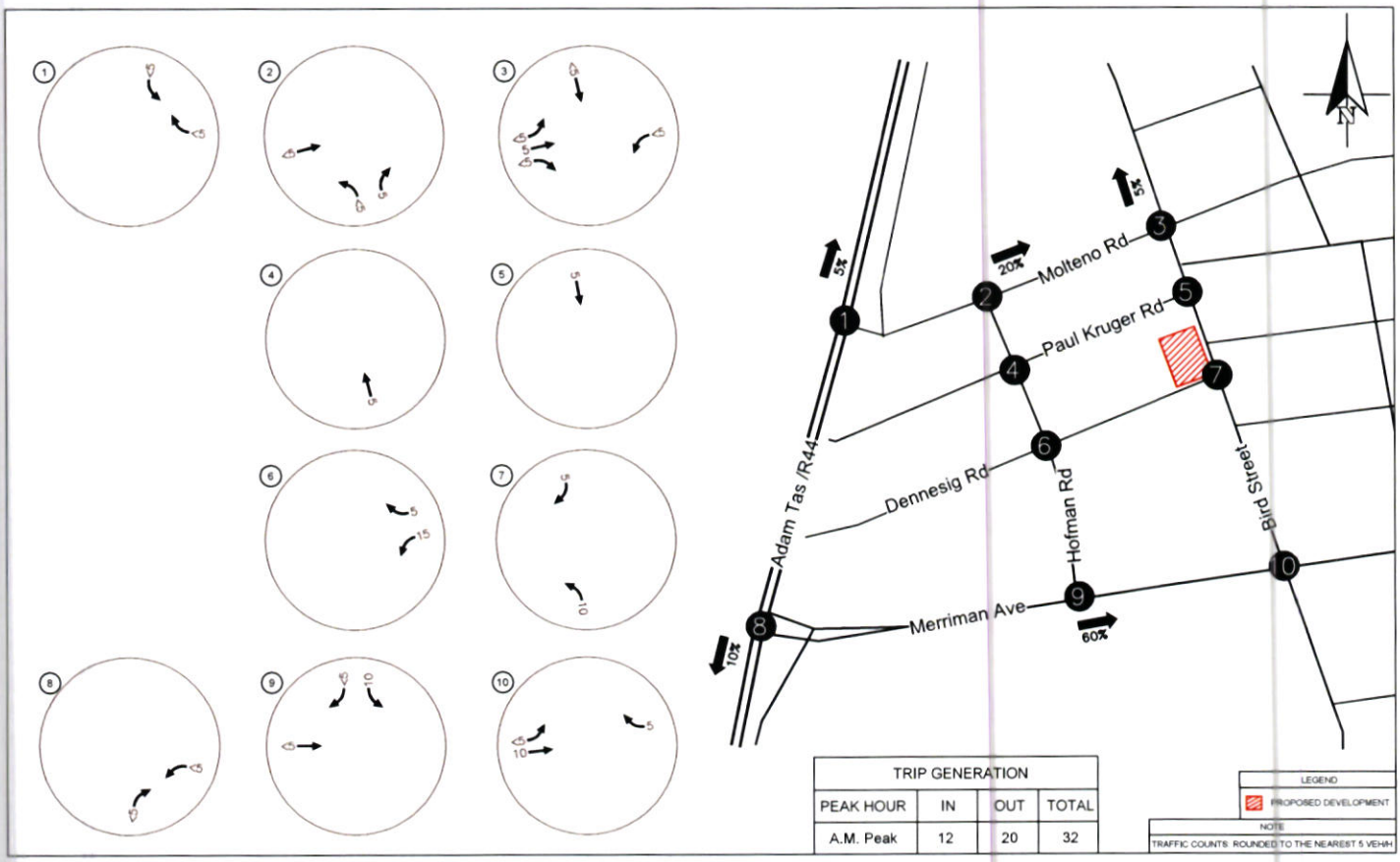
PROJECT	FIGURE	NUMBER
DENNESIG DEVELOPMENT, STELLENBOSCH	2025 BACKGROUND LANE CONFIGURATION	6



PROJECT	FIGURE	NUMBER
DENNESIG DEVELOPMENT, STELLENBOSCH	2025 BACKGROUND TRAFFIC OPERATIONS - AM PEAK HOUR	7



PROJECT	FIGURE	NUMBER
DENNESIG DEVELOPMENT, STELLENBOSCH	2025 BACKGROUND TRAFFIC OPERATIONS - PM PEAK HOUR	8

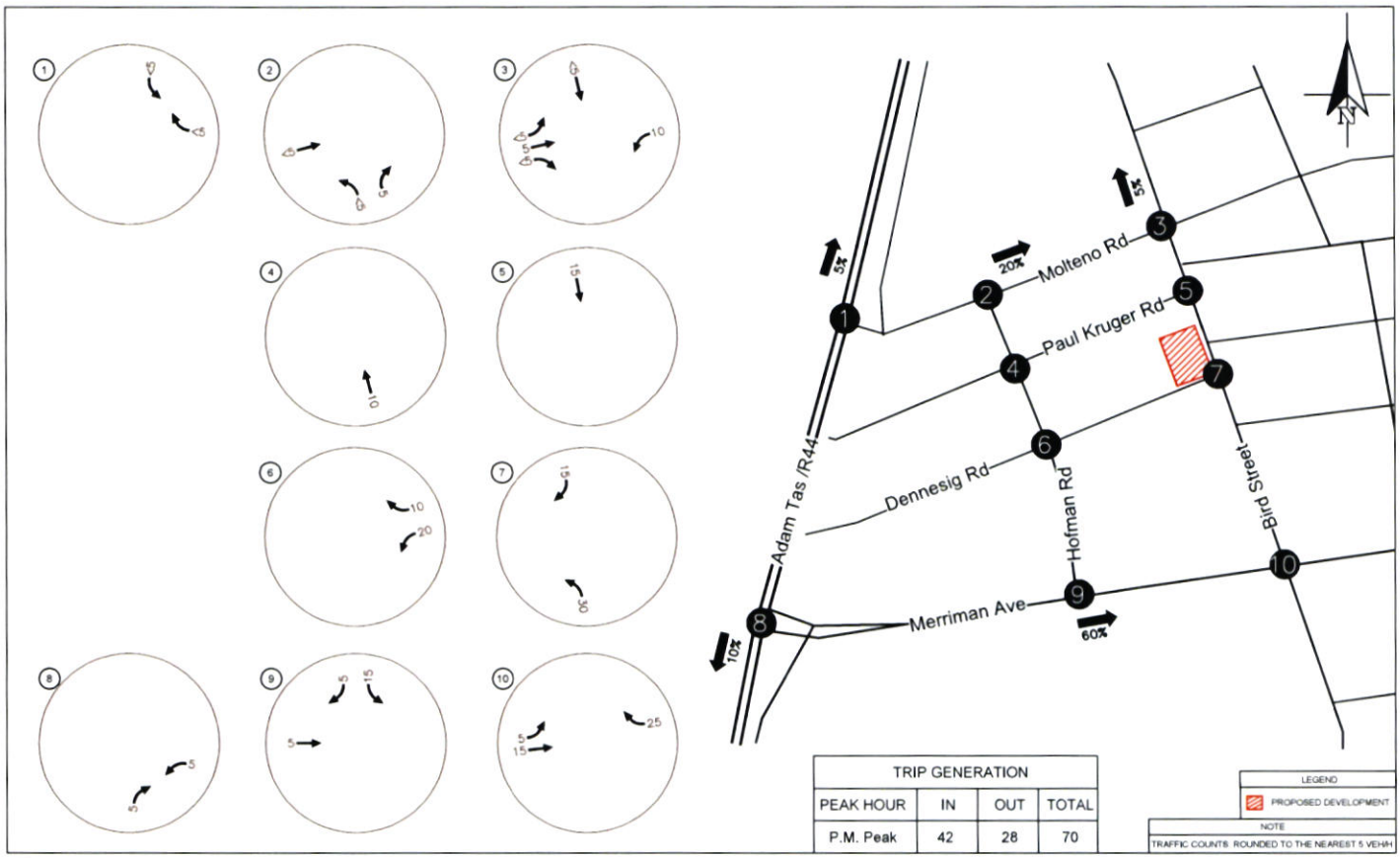


TRIP GENERATION			
PEAK HOUR	IN	OUT	TOTAL
A.M. Peak	12	20	32

LEGEND
PROPOSED DEVELOPMENT

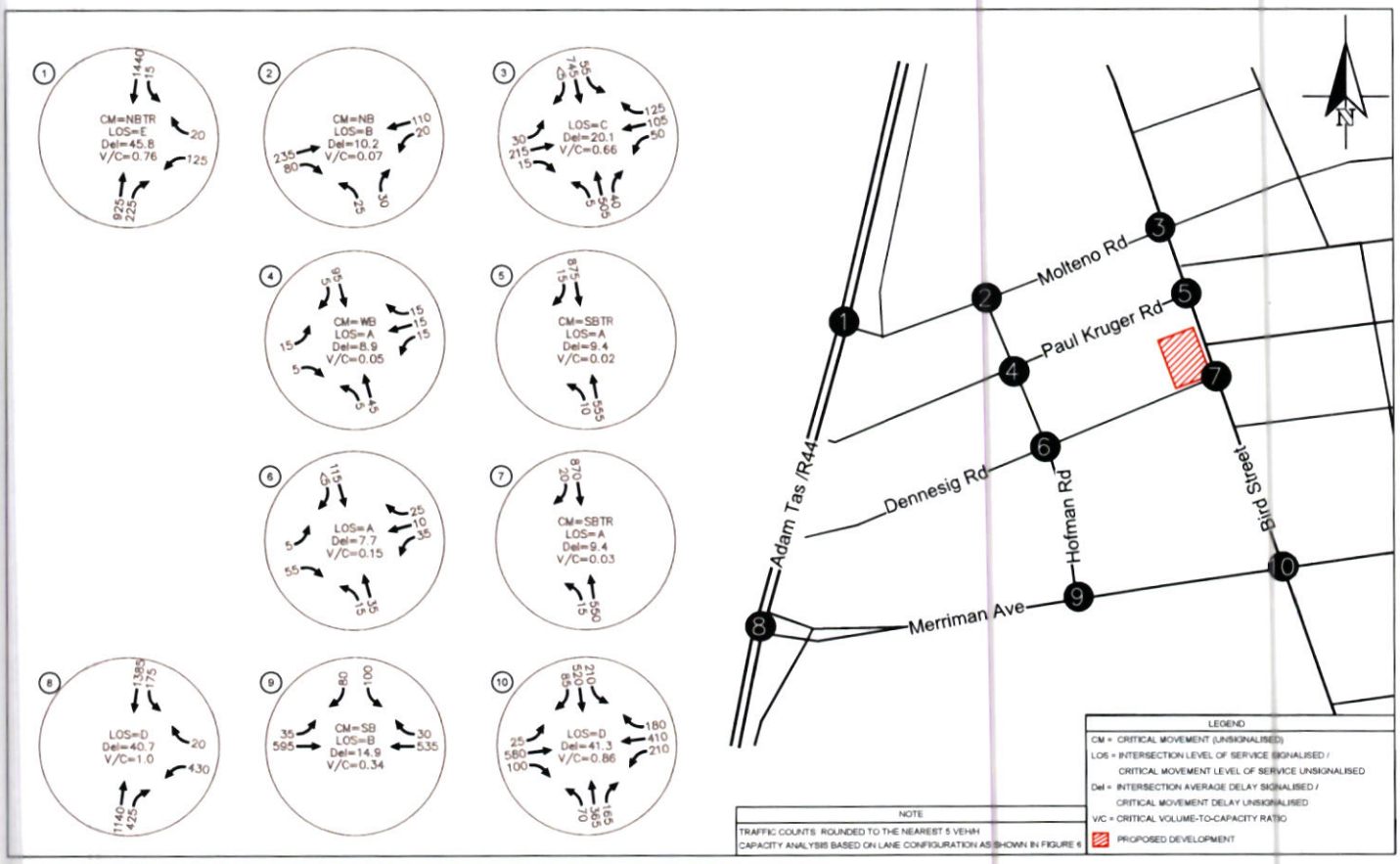
NOTE
TRAFFIC COUNTS ROUNDED TO THE NEAREST 5 VEHH

PROJECT	FIGURE	NUMBER
DENNESIG DEVELOPMENT, STELLENBOSCH	2025 EXPECTED WEEKDAY AM PEAK HOUR DEVELOPMENT TRIPS AND DISTRIBUTION	9

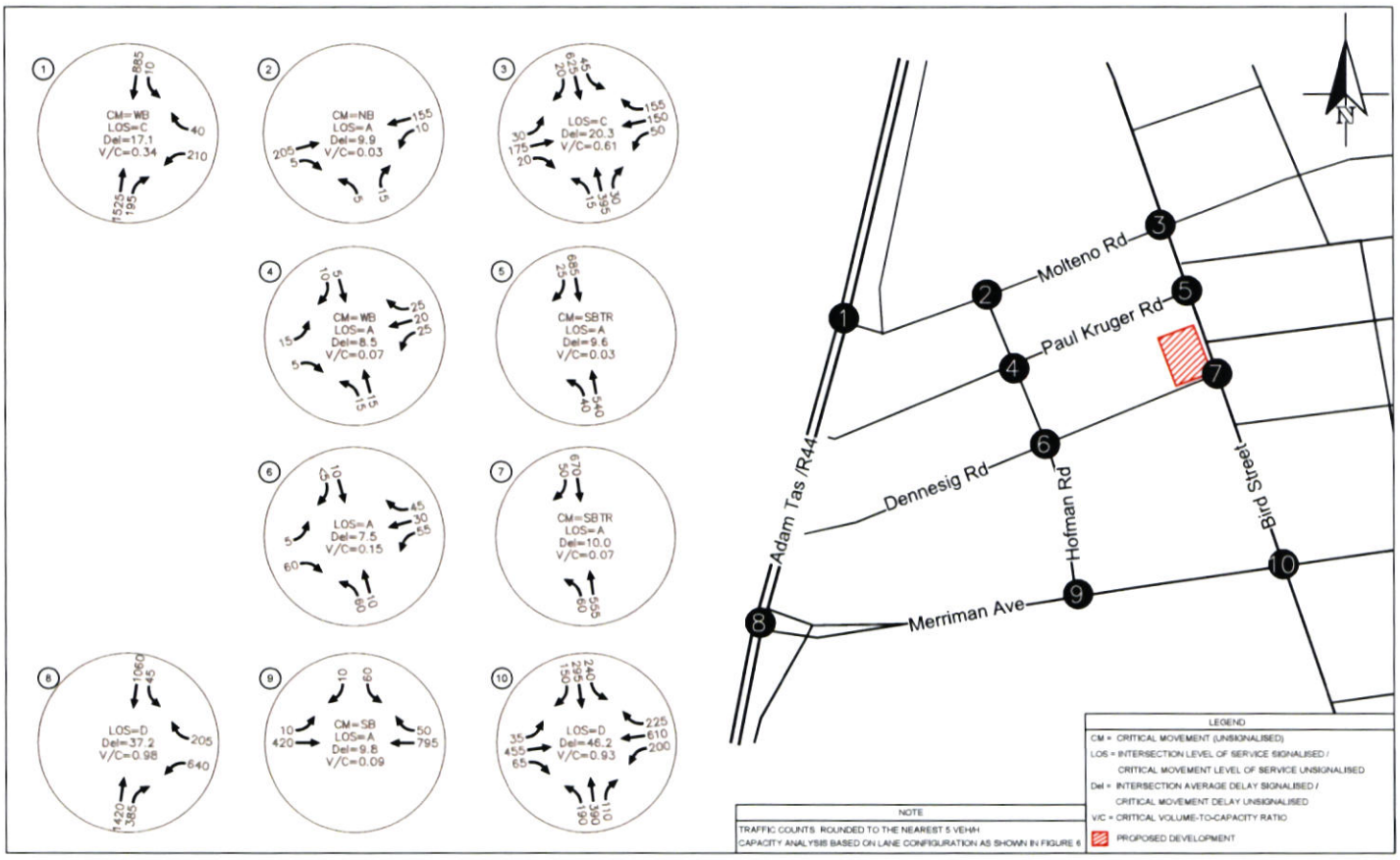


TRIP GENERATION			
PEAK HOUR	IN	OUT	TOTAL
P.M. Peak	42	28	70

PROJECT	FIGURE	NUMBER
DENNESIG DEVELOPMENT, STELLENBOSCH	2025 EXPECTED WEEKDAY PM PEAK HOUR DEVELOPMENT TRIPS AND DISTRIBUTION	10

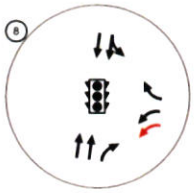


PROJECT	FIGURE	NUMBER
DENNESIG DEVELOPMENT, STELLENBOSCH	2025 TOTAL TRAFFIC OPERATIONS - AM PEAK HOUR	11

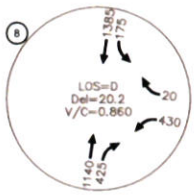


PROJECT	FIGURE	NUMBER
DENNESIG DEVELOPMENT, STELLENBOSCH	2025 TOTAL TRAFFIC OPERATIONS - PM PEAK HOUR	12

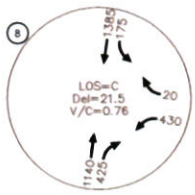
LANE CONFIGURATION

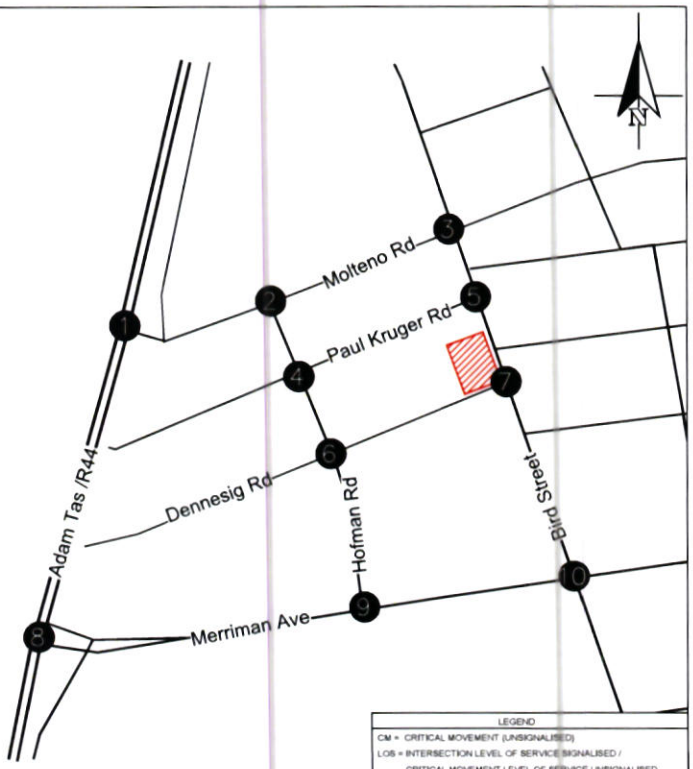


AM PEAK HOUR



PM PEAK HOUR





LEGEND

CM = CRITICAL MOVEMENT (UNSIGNALISED)
LOS = INTERSECTION LEVEL OF SERVICE SIGNALISED / CRITICAL MOVEMENT LEVEL OF SERVICE UNSIGNALISED
Del = INTERSECTION AVERAGE DELAY SIGNALISED / CRITICAL MOVEMENT DELAY UNSIGNALISED
V/C = CRITICAL VOLUME-TO-CAPACITY RATIO
PROPOSED ROAD UPGRADE
PROPOSED DEVELOPMENT

NOTE

TRAFFIC COUNTS: ROUNDED TO THE NEAREST 5 VEH/H

PROJECT	FIGURE	NUMBER
DENNESIG DEVELOPMENT, STELLENBOSCH	2025 TOTAL TRAFFIC OPERATIONS - PROPOSED UPGRADE	13

its	PROJECT	PLAN	SHEET
	Dennesig Development, Stellenbosch	Transport Master Plan	14

Annexure B

Tables

Table 1:Extent of land use on site

COTO reference	Land Use	Units	Extent
820	Retail	100m^2 GLA	207.5
710	Office	100m^2 GLA	73.8
220	Apartments and Flats	1D/ unit	50

Table 2: Trip reduction factors

Land Use	PV - vehicle ownership	PT - corridor	Pc - combination
Retail	30.0%	0.0%	30.0%
Apartments and Flats	30.0%	0.0%	30.0%

Shopping Centre Trips

Table 3: Trip factors

Trip type	Friday PM	Saturday
Pass by	13%	12%
Diverted	29%	38%
Max	20%	20%

Table 4: Trip distribution

Distribution	IN	Out
Friday PM	50%	50%
Saturday	50%	50%
AM Peak	65%	35%

Table 5: Size Adjustment and Trip Rate

Trip Generation	Trip Generation rate	Adjustment factor	Factored Rate	Adj. rate	Size Adjustment			
					Factor A - Trip Rate	Factor B - Trip rate	Factor A - Pass-by	Factor B - Pass-by
Friday PM	3.4	6.664	22.7	15.9	6	3500	1.95	48000
Saturday	4.5		30.0	21.0				
AM Peak	0.6		4.0	2.8				

Table 6: Total driveway drips

Trip Generation	Total	Pass-by	Diverted	New
Friday PM	33	13	10	10
Saturday	44	16	20	8
AM Peak	6	0	0	6

Table 7: Shopping centre Driveway Trips

Trip type	Friday PM			Saturday			Am Peak hour		
	In	Out	Total	In	Out	Total	In	Out	Total
Pass-by and Diverted	-11.5	-11.5	-23	-18	-18	-36	0	0	0
Primary Trips (new)	5	5	10	4	4	8	4	3	7
Gross trips	16.5	16.5	33	22	22	44	4	3	7

Office trips

Table 8: Trip Generation and Driveway Trips

Trip Generation Rates		Inbound split	Total trip	In	Out
AM Peak	2.10	85%	2	2	0
PM Peak	2.10	20%	2	1	1

Apartments and Flats trips

Table 9: Trip generation and Driveway Trips

Trip Generation Rates		Adj. rate	Inbound split	Total trip	In	Out
AM Peak	0.65	0.5	25%	23	6	17
PM Peak	0.65	0.5	70%	34	24	10

Total Driveway Trips

Table 10: Development Drive Way Trips

Land use	Weekday AM Peak Hour			Weekday PM Peak Hour		
	In	Out	Total	In	Out	Total
Development	12	20	32	42	28	69

Annexure C

Queue Length

Control Type:	Pin number operated gates (150 vph)	150
No. of Channel (s):	1 Channel	
PHF:	0.85	
Total volume:	45	

$$\text{Traffic ratio} = \frac{\text{Total Volume/PHF}}{\text{Service flow rate}} \; x \; 100$$

Traffic Ratio	35
N_{que} - Storage vehicle	2
N_{que} - Storage vehicle meters (6m car)	12m

Note:

- *The maximum inbound trips (42), was round up to the nearest 5 vehicles.*