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# NOTICE OF MUNICIPAL PLANNING TRIBUNAL MEETING OF STELLENBOSCH MUNICIPALITY FRIDAY, 2022-11-18 FROM 10:00-15:00

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# NOTICE OF MUNICIPAL PLANNING TRIBUNAL MEETING
# OF STELLENBOSCH MUNICIPALITY
# FRIDAY, 2022-11-18 FROM 10:00-15:00

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

**2022-11-18**

**Chairperson**

Dr DJ Du Plessis

**Deputy-Chairperson**

Ms C
Havenga

**External Members**

Mr C Rabie

Dr R Pool-Stanvliet

Mrs H Crooijmans-Lemmer

Mr J Knight

Mr E Delport

**Internal Members**

Mr M Williams - Senior Legal Advisor

Mr A van der Merwe: Senior Manager - Community Services

Mr C Alexander: Senior Manager - Development Planning

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

**Technical Advisor**

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

*Notice is hereby given in terms of Section 75(1) of the Stellenbosch Municipality Land Use Planning By-Law (2015), of the Municipal Planning Tribunal Meeting which will be held at the* ***Franschhoek Council Chambers, 27 Huguenot Road, Franschhoek on FRIDAY, 2022-11-18 from 10h00-15:00*** *to consider the items on the Agenda.*

LHavenga

*(on behalf of)*

Dr DJ Du Plessis
**CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL**

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# MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON FRIDAY, 23RD OF SEPTEMBER 2022 via MS TEAMS

**Ref. no. 3/4/5/2/40**
**2022-09-23**

Chairperson
Dr DJ Du Plessis

Deputy Chairperson
Ms C Havenga
External Members
Mr C Rabie
Dr R Pool-Stanvliet
Mrs H Crooijmans-Lemmer
Mr E Delport
Mr J Knight

Internal Members

Mr A van der Merwe: Senior Manager - Community Services

Mr M Williams: Senior Legal Advisor

Mr C Alexander: Senior Manager - Development Planning

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

Technical Advisor

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

Councillor

Portfolio Councillor: Planning: Ms C van Wyk

Officials

Mr S Carstens: Senior Manager- Development Management

Mrs C Kriel: Manager-Land Use Management

Mr P April: Senior Town Planner

Ms L Guntz: Senior Town Planner

Mrs B Zondo: Senior Town Planner

Mr G Goosen: Town Planner

Mrs N Dafeti: Town Planner

Ms O Sims: Administrative Officer

Ms L Kamineth: Senior Administrative Officer

| ITEM | SUBJECT |
|---|---|
| SMPT 01/09/22 | **OPENING AND WELCOME** |
| | Chairperson Du Plessis welcomed all. |

| | |
|---|---|
| SMPT 02/09/22 | **LEAVE OF ABSENCE** |
| | None recorded. |

| | |
|---|---|
| SMPT 03/09/22 | **DISCLOSURE OF INTERESTS** |
| | No interests were declared by the members. |

| | |
|---|---|
| SMPT 04/09/22 | **MINUTES OF THE PREVIOUS MEETING DATED 22 JULY 2022** |
| | The minutes of the previous meeting was noted. |

| | |
|---|---|
| | **MATTERS FOR CONSIDERATION** |
| SMPT 05/09/22 | **APPLICATION FOR SUBDIVISION IN ORDER TO REGISTER AN ENGINEERING SERVICES SERVITUDE ON FARM 373/16, STELLENBOSCH DIVISION (LU/13642)**<br>**Discussion:**<br>a) Chairperson Du Plessis handed over to Mr Goosen to provide a brief introduction in respect of the application that served before the Tribunal.<br>b) An in-depth discussion followed between the members of the Tribunal with regard to Engineering Services on the subject property.<br>c) Mr Goosen provided clarity to the members in respect of the Engineering Services and future development.<br>d) Mrs Kriel further indicated that the initial approval on the subject property was for the road and the application which is now before the Tribunal is for the provision of engineering services. |

e) Discussions followed between the members in respect of the servitude with reference to the subject property.

**UNANIMOUSLY RESOLVED**

1. That the application in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for **Subdivision** in order to register an engineering services servitude on Farm 373/16, Stellenbosch Division in favour of Westruther Estate;

**BE APPROVED** in terms of Section 60 of the said Bylaw and subject to conditions of approval.

1. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

1.1 The approval only applies to the subdivision application under consideration for the registration of an engineering services servitude, as indicated on the referenced Servitude Diagram, Plan no: 2 drawn by WH (TV3 Architects) and dated 22/11/2021, attached as **Annexure C** and not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

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

1.3 The development be undertaken in accordance with the Servitude Diagram, Plan no: 2 drawn by WH (TV3 Architects) and dated 22/11/2021, attached as **Annexure C**.

1.4 An electronic copy (shp, dwg, dxf) of the approved Servitude Diagram be submitted to the Directorate Planning and Economic Development for record purposes, which plan indicates the following information:

a) Co-ordinates;

b) Survey dimensions.

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

2.1 The proposed engineering services servitude will be mainly accommodated within the existing extent of the private right of way servitude with an addition of a new 6m wide private engineering services servitude.

2.2 The proposed private engineering services servitude will have a limited impact on the surrounding properties and provides basic services to residents in a private estate with minimal significance to Stellenbosch Municipality.

3. **Matters to be noted**

3.1 Appropriate caution shall be taken during construction, to prevent damage to existing infrastructure, service cables and electrical equipment. Should damage occur, the applicant will be liable for the cost involved in repairing damages.

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

**MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 23 SEPTEMBER 2022**

| | |
|---|---|
| **SMPT 06/07/22** | **OTHER MATTERS**<br>1. Mr Carstens advised the members that the advertisement for the nomination of the Municipal Planning Tribunal was advertised in the newspapers as well as the municipal website on the 15th of September 2022 and the closing date is on the 15th of October 2022.<br>2. Chairperson Du Plessis also extended a word of welcome to the Portfolio Councillor, Ms Carli van Wyk.<br>3. Chairperson thanked all present for attending the meeting.<br>The Meeting Adjourned. |

**Dr D du Plessis**

**CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL**

**Mrs C Havenga**

**DEPUTY CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL**

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## FARM 1101- STELLENBOSCH DIVISION

**CONTENT**


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| THE STELLENBOSCH MUNICIPALITY | | | |
|---|---|---|---|
| **PLANNING REPORT:<br>LAND USE AND LAND DEVELOPMENT APPLICATION:<br><br>APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, APPROVAL OF SITE DEVELOPMENT PLAN AND DEVIATION FROM THE STELLENBOSCH MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK:<br>FARM NO 1101, STELLENBOSCH DIVISION.** | | | |
| Application Reference | File Ref: LU/7684 | Application Date | 2018/04/12 |
| | | Last day for comments or additional information | 2022/10/31 |

| **PART A: APPLICANT DETAILS** | | | |
|---|---|---|---|
| First name(s) & Surname | Nick van Merwe | | |
| Company name | Planning Partners (Pty) Ltd | | |
| SACPLAN registration number | | | |
| Registered owner(s) | Rustenhof Boerdery (Pty) Ltd | Is the applicant properly authorised to submit the application | Yes |

| **PART B: PROPERTY DETAILS** | | | |
|---|---|---|---|
| Property description | Farm No 1101 | Town/ City | Stellenbosch Division |
| Physical address | Access to the property is obtained via Main Road 165 (See **APPENDIX A**) | | |
| Extent (m² /ha) | 140.2908ha | Current zoning | Agriculture and Rural Zone |
| Existing Development and Current land use | Vacant property, with some wetlands, decaying vineyards, with bulk water pipeline, pipeline servitudes, overhead powerlines and electrical powerline servitudes crossing and restricting the use of the property. | | |
| Any unauthorised land use/building work | None filed. | | |
| Title Deed No. | T67286/2001 | | |

| PART C: APPLICATION DETAILS | |
|---|---|
| Applications(s) | 1. Application is made in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015 dated 20 October 2015,<br>2.1 for the subdivision of Farm No. 1101, Stellenbosch into 2 Portions of Portion A (±5.9622ha) and a Remainder (±134,3286ha) in terms of Section 15(2)(d).<br>2.2 for the rezoning of Portion A (±5.9622ha) of Farm No. 1101, Stellenbosch from Agricultural Zone I to Industrial Zone I in terms Section 15(2)(a).<br>2.3 for a consent use to permit warehousing under the proposed industrial zoning on Farm No. 1101, Stellenbosch in terms Section 15(2)(o).<br><br>2. Application is made for the deviation from the Stellenbosch Municipal Spatial Development Framework to allow urban development (Industrial uses) outside an Urban Edge.<br><br>3. Application is also made for the approval of a Site Development Plan.<br><br>See **APPENDIX B.** |
| Purpose of Application: Background and motivation of Applicant | The purpose of the application is to acquire the land use rights to establish a light industrial and warehouse development on the purchased development portion. The proposed development portion is 5.9622ha in extent and requires the following applications to the municipality;<br>• Deviation from the Stellenbosch Municipal Spatial Development Framework to allow urban development outside and urban edge.<br>• The subdivision of the development portion from the remaining agricultural portion.<br>• Rezoning of the development portion from Agriculture and Rural Zone to Industrial Zone.<br>• A consent use to permit warehousing on the proposed Industrial Zone portion.<br>• The approval of a site development plan. |

| | |
|---|---|
| | The external applications in terms of Act 70 of 1970 to the Department of Agriculture, Notice of Intent to Develop to Heritage Western Cape and to DEADP in terms of Section 53 of LUPA will run concurrently with the municipal application. No NEMA listed activities are applicable.<br><br>See **APPENDIX C** for the applicant's motivational report. |
| Pre-consultation | Yes |
| Public participation, and external departmental comments and response | The portfolio of evidence was received by the municipality on 18 December 2018. Follow-up engagements was held with municipalities (City of Cape Town and Stellenbosch Municipality) and external departments and additional/final comments were still received after the POE submission.<br><br>The applicant advertised the application in the "Eikestadnuus" and "Distrikspos" and onsite on 06 September 2018 for 30days to 08 October 2018 and notices were sent to all identified interested and affected parties via registered post on 04 September 2018 and ending on 08 October 2018. One objection/comment was received within the prescribed 30day period from the Stellenbosch Interest Group. See **APPENDIX D** for the applicants Portfolio of Evidence for the objection and comments on the objection from the applicant (Annexure 8 of the POE).<br><br>The application was also advertised to the following external departments;<br><br>1. **Western Cape Government: Agriculture** in letter dated 13/08/2018 indicated that they have no objection against the proposal on condition that it be limited to the footprint as proposed and not expand onto agricultural land. This is a comment to the relevant deciding authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970.<br><br>2. **National Department of Agriculture, Land Reform and Rural Development** on 20/09/2021 (received on 24 November 2021) |

indicated that they have no objection against the proposed rezoning of a portion measuring approximately 5,96 hectares from the Farm No. 1101, Stellenbosch Division from Agriculture Zone I for urban development from an agricultural point of view.
**The consent for the subdivision shall be issued upon receipt of the rezoning permit from the municipality**. (Meaning the Act 70 of 1970 approval will only be issued should the application be approved by the municipal decision maker). See **APPENDIX E.**

3. **Heritage Western Cape** took a resolution on 09 April 2018, which was communicated on 10 April 2018 that since there is no reason to believe that the proposed development of a Business Park along with associated infrastructure located on Portion of Remainder of Farm Rustenhof 1101, M3 Main Road, Firgrove, Stellenbosch will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

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

4. The **Director: Development Management (Region 2) from the Department of Environmental Affairs and Development Planning** on 028/01/2019 as the competent authority decided to **approve** a land development application comprising light industrial and warehousing development in terms of Section 54(1) of the Land Use Planning Act, 2014 (Act 3 of 2014- LUPA) for the following reason. See **APPENDIX G.**

   (a) The soil on the property is rated low to medium agricultural suitability and are not suitable for quality wine production, but rather for non-permanent crops that would require intensive and well managed irrigation and fertilisation.

(b) The separation of this 5.9622ha portion of land from the main, productive part of the farm and its proximity to urban development, diminishes the agricultural value of this land because to the security threat to agricultural produce and infrastructure.

(c) The proposed development will have a negligible impact on the agricultural productivity of the farm and area. The Provincial Department of Agriculture has confirmed as such.

(d) The proximity of the site to the N2 and the abutting industrial node are attributes that could merit the favourable consideration of the application.

(e) The site is well located in terms of public transport, with several warehouses and Industrial uses to the immediate east. Precedent has thus been established.

No confirmation has been received that any appeals has been received in terms of Section 56 of LUPA and Regulation 23.

5. The **City of Cape Town** in their letter dated 11 March 2022 made certain comments and require certain road upgrades (See **APPENDIX H**);

**5.1 Land use:** The development of this site for employment related uses should be considered to improve access to economic opportunities and ultimately achieve sustainable and manage growth in the area. **It is however proposed that a cap be placed on the percentage of the development that may be used solely for storage and /or ware-housing.** It is also recommended that the municipal boundary be adjusted to include the development within the City of Cape Town's boundaries to allow the City's policies and bylaws to have mandate, should the development in future need to link up with City services.

**5.2 Technical Services**: City do not have sufficient capacity to accommodate the sewerage generated by the proposed development and this comment will be reviewed once the City's

Waste Water Treatment plant in the area is upgraded, with an expected completion date of December 2027. The development is not within City of Cape Town's jurisdiction; hence the City do not have the mandate to impose DC's. If no DC's can be imposed then no bulk upgrades can be done and offset against the DC. If the DC cannot be off set against the upgrades required, because it is a provincial road, **then the upgrades would be direct cost to the Developer.**

**5.3 Traffic and access arrangements:** The Department of Transport support the application, with the following up grades required;

(a) The Main Road/Waterworks Road intersection.

(b) Construction of public embayment on both sides of Water works Road.

(c) Non-motorised facilities; a 2m side walk on the southern side of the Waterworks Road and pedestrians be accommodated at the signalised Main Road/Waterwoks Road intersection.

(d) The developer provides a security-controlled access located 50 meters from the edge of the water works road.

(e) In the event an articulated truck being refused entry to the facility, it must be written into the constitution of the HOA/Body Corporate that no truck may be refused entry and be allowed to circulate around the Industrial Area and this may not be revoked in the event of security risk at a later stage.

(f) The Old Main/Main Road/Macassar Road Intersection.

6. **Department: Transport and Public Works:** The department **offered no objection**, subject to the following conditions (See **APPENDIX I**);

6.1 That all the requirements and recommendations in letter from LU/7684 from the City of Cape Town to Planning Partners dated 11 March 2022 be adhered to;

6.2 The design of the duelling of Main road 166 and Trunk Road 2 section 1 must be scrutinised by the relevant Directorate/s at the City of Cape town and then submitted to the Design Directorate for final approval.

6.3 The funding for the duelling of Main Road 165 between Main Road 166 and Trunk Road 2 Section 1 must be agreed between Stellenbosch Municipality, the City of Cape Town and relevant developers as this Branch will not contribute any funding to these upgrades; and

6.4 For all the other proposed road infrastructure require on any of the proclaimed roads the geometrics and materials design plans after being scrutinised by the relevant Directorate/s at the City of Cape town and must be submitted to the design Directorate for approval.

**Departmental comments;** The Stellenbosch Municipal Engineering department indicated that any upgrades that might be required on Stellenbosch Municipality infrastructure (i.e. roads), will be for the Developers cost, since DC's are not charged by Stellenbosch and therefore upgrades cannot be offset against such DC's. It implies that all required road upgrades will be for the cost of the developer as none of the three applicable authorities (Provincial Roads Authority, City of Cape Town or Stellenbosch Municipality) could carry the financial cost for the proposed road intersection upgrades, which is an important aspect for road safety requires relating to the intended land use (See **APPENDIX L**).

7. The **Provincial: Environmental Affairs and Development Planning Department** indicated in a letter dated 22/03/2018, that the proposed development **does not constitute listed activities** as defined in terms of the NEMA EIA Regulations, 2014. However, should revision of the proposed development constitute a listed activity an application must be submitted and environmental authorisation obtained before such activity(ies) may commence (See **APPENDIX J**).

8. **Eskom** have no objection to the application subject to certain conditions. See **APPENDIX K.**

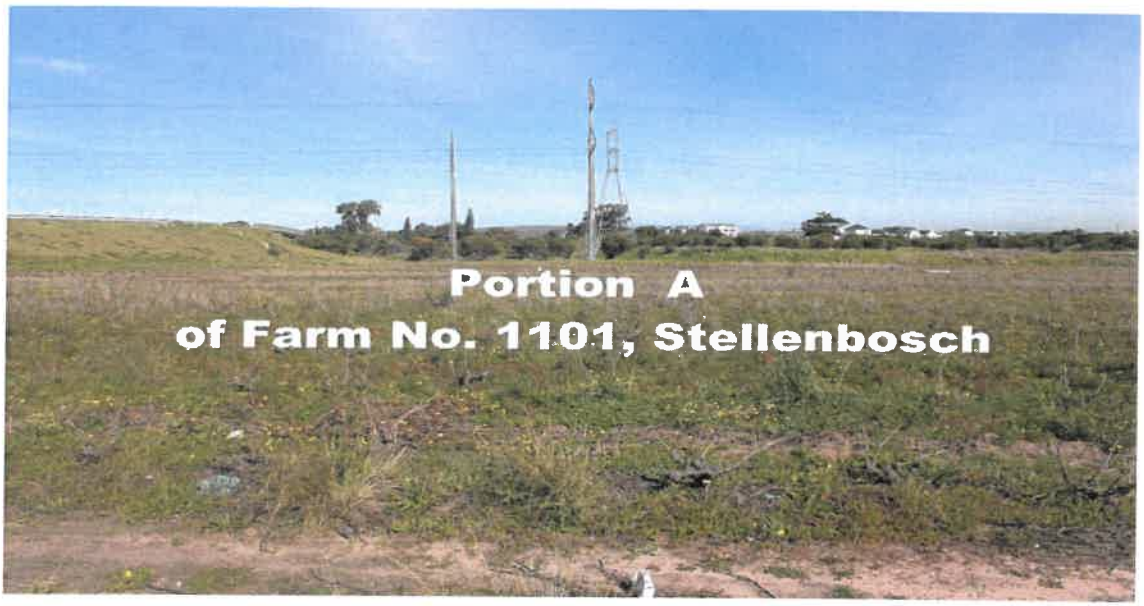
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|---|---|
| | 9. **Department: Water & Sanitation (RSA)** have no objection, subject to certain conditions as listed in their letter dated 21 August 2018 attached as **APPENDIX L** which needs to be adhered to.<br><br>10. **PRASA** did not comment on the application. The approval must however be obtained and all conditions be adhered to for development along the railway line. |
| Comments from internal service departments | The application was internally advertised by the department to Directorate: Infrastructure Services (Civil and Electrical), The Manager: Building Development Management, Local Economic Development, Cape Winelands Health, Spatial Planning and the Ward Councillor on 11 September 2018.<br><br>**Comments received**<br><br>1. The application was recommended for approval by the **Spatial Planning Section**, considering that there are site specific circumstances that justify the deviation for the Stellenbosch MSDF. See **APPENDIX M** for the positive recommendation from the department.<br><br>2. The **Directorate: Infrastructure Services (Civil and Electrical) recommended the application for approval** subject to certain conditions. See **APPENDIX N** for memorandum dated 24 March 2022.<br><br>*The department made a comment that written approval be obtained from the Provincial Roads Authority and that any conditions must be complied with. The comments for the subject department have previously been discussed in this report and is attached as **APPENDIX I.***<br><br>3. **Municipal Electrical Department** indicated that the development falls outside the Stellenbosch are of supply and all electrical requirements should be directed to Eskom. |

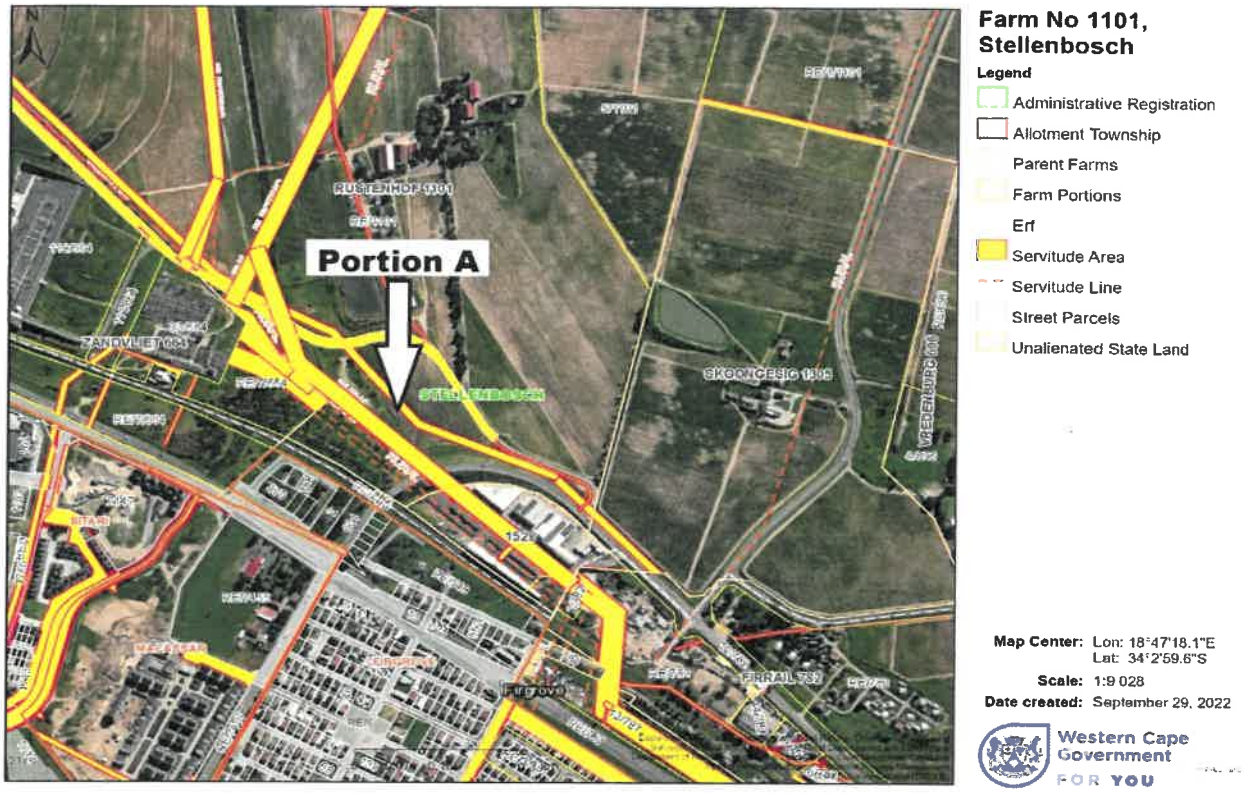
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| | 4. **Cape Winelands Health Section has no objection** from an environmental health perspective.<br><br>5. **Local Economic Development Section supported** the application.<br><br>6. **Building Development Section did not object** and indicated that the occupancy of the warehouse will determine if the building must comply with SANS 10400 – Part 5 – Facilities for disable persons.<br><br>7. No comments were received from the Ward Councillor. |

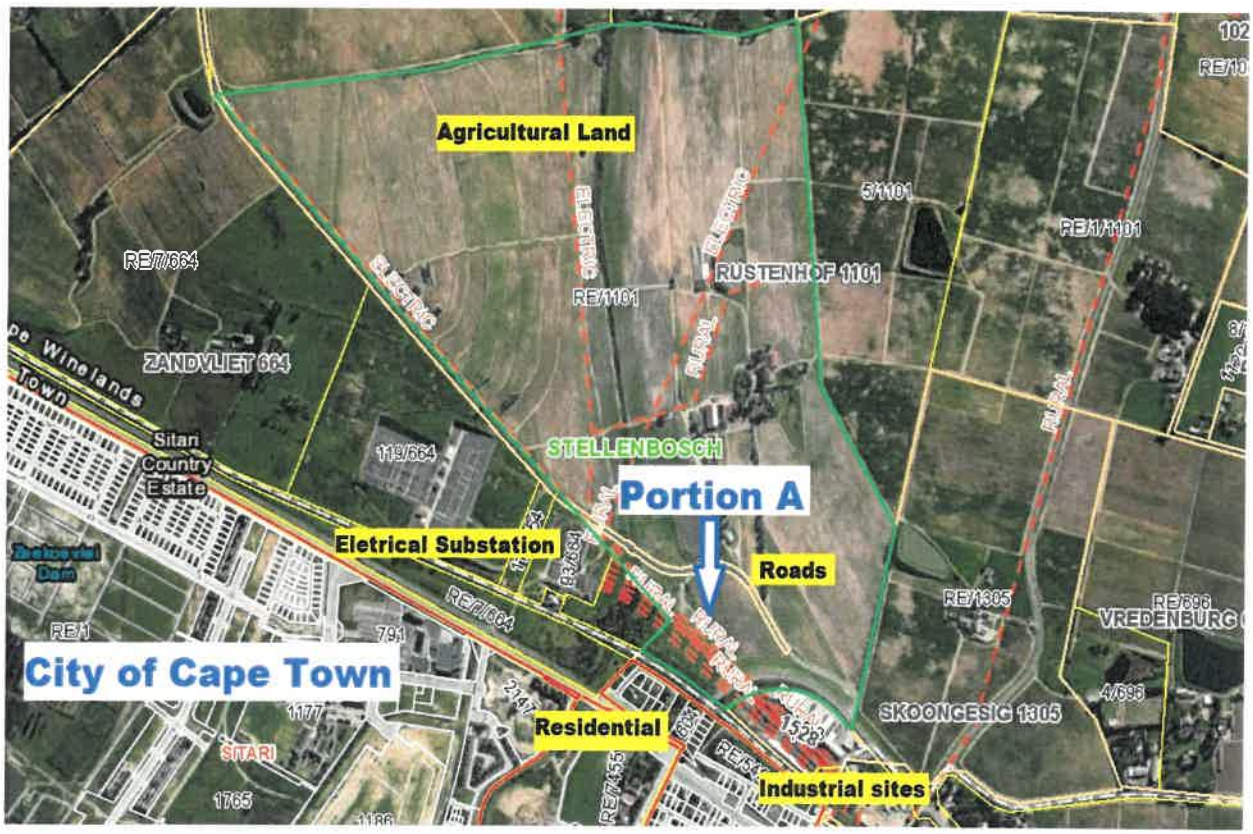
## PART D: APPLICATION BACKGROUND

**Property background:**

The property has no building structures located on it and is mostly disturb land. Although ±2ha of land is under vines, these vines are of poor quality. Bulk water pipeline, pipeline servitudes, overhead powerlines and electrical powerline servitudes is crossing and restricting the use of the property. See **APPENDIX A** for locality and site characteristic plans and the site photos in **APPENDIX O.**




Portion A
RUSTENHOF 1101
ZANDVLIET 664
STELLENBOSCH
SKOONGESIG 1305
FRRAIL 793
Farm No 1101, Stellenbosch
Legend
Administrative Registration
Allotment Township
Parent Farms
Farm Portions
Erf
Servitude Area
Servitude Line
Street Parcels
Unalienated State Land
Map Center: Lon: 18°47'18.1"E Lat: 34°2'59.6"S
Scale: 1:9 028
Date created: September 29, 2022
Western Cape Government
FOR YOU


Agricultural Land
RE/7664
ZANDVLIET 664
RE/1101
RUSTENHOF 1101
5/1101
RE/1/1101
STELLENBOSCH
Portion A
Sitari Country Estate
Eletrical Substation
Roads
City of Cape Town
Residential
Industrial sites
SKOONGESIG 1305
RE/1305
VREDENBURG
SITARI

Portion A is therefore an isolated land parcel from the bigger agricultural active Farm No 1101, Stellenbosch (140ha). This land parcel is therefore border by the City of Cape Towns, Faure Waterworks site's access road to the north and the remaining active agricultural portion, an electrical substation to the west, Macassar residential development to the south west and industrial sites to the south east. See **APPENDIX A** for the locality plans and surrounding land use and zoning plans.

A prospective land owner has therefore identified Portion A for possible development with light industrial uses, hence this application.

## PART E: APPLICATION OVERVIEW AND MOTIVATION

The subject site is situated adjacent to existing light industrial warehousing and office uses within Firgrove. It is further border by a Railway line, a road, bridge and urban uses and is hence consider to be within the urban area of Macassar. The Eskom Pinotage substation and Faure Treatment works is located to the north and northwest. Access is proposed from an existing road which intersect onto Old Main Road giving access to Macassar to the west, Somerset West to the south and Raithby to the northeast. Public transport is available in the form of Golden Arrow bus services, Minibus taxi routes and PRASA's norther railway line with Firgrove station ±800m away.

The site is relatively flat, with a gentle slope to the south. A man maid soil berm forms the western site boundary and physically separate the site from the nearby Moddergatspruit river. Access to the property is therefore easily obtained from the existing road.

The development proposal is to create a secure, high-quality light industrial and warehouse park. The development will therefore be sectionalised and mange by a body corporate. The development will therefore provide for 21 sectional properties, of which 19 sections will be developed. Large portions of the site cannot be developed due the location of water pipelines and electrical servitudes. For this reason, two sections (5 and 10) underneath the overhead powerlines will remain undeveloped and only used for off-site parking and storage purposes. Section 1-4, 6-9, and 12-14 have portions that falls within the electrical servitude and will also not be developed. These sections will be used for on-site parking and storage, as will be agreed between the developer and Eskom. The development provides for 30725m² of potential developable land, with 60% coverage for the 19 Developable sections. The 19 sections will provide for 33506m² floor space (bulk) on three storey buildings. The buildings will be limited to three storeys (9.5m to top of wall plate and 11.5m to top of roof and 5.0m building line will be maintained along the northern boundary road. One main controlled access, with two entry lanes

with sufficient stacking space will be provided, to access a 15 internal road reserve. The number and location of parking bays will be finalised during the building plan submission process for each section.

The proposed development has the potential to support four of the guiding principles; sustainability and resilience, spatial efficiency, accessibility and quality and liveability, by providing development that efficiently utilises a current under-utilised site, is compatible with the surrounding land uses and brings employment opportunities nearer to existing residential areas and within an area which is well provided by public transport. The subject site is far removed from any settlement within Stellenbosch municipal area, but rather forming part of the larger functional City of Cape Town and cape metropolitan area.

It is foreseen that the proposed development will impact and support two focus area of the Stellenbosch Integrated Development plan; Valley of possibility and Green and Sustainable Valley. As the development will create opportunities for economic growth and employment and minimising the impact on natural resources and developing an under-utilised site that is not environmentally sensitive nor has high agricultural potential.

It is foreseen that the proposed development will impact and support six of the Stellenbosch SDF strategic perspectives; Interconnected nodes, Car free transport, Inclusive economic growth, Optimal land use, Food and agriculture and Heritage. The SDF stated that sufficient industrial land should be made available close to public transport links. This proposal could, by providing additional space for manufacturing industry, create employment opportunities for skilled and unskilled labour in the manufacturing and construction industry. It should be noted that there are limited vacant industrial zoned sites within Stellenbosch Municipality. The site is also located along a railway line and is close to public transport.

The development site form part of a 140ha activate and high agricultural potential site and he property is therefore appropriately zoned for agricultural purposes. However, a soil investigation concluded that the proposed development site of ±5ha has a low to medium agricultural potential and is physically separated from the adjacent farm land. The proposed development therefore will have no impact on high potential agricultural land.

To the safe guard and preserve the heritage of the built environment, the proposed development site is situated within an area that is visually not obtrusive, being located in a low-lying area and adjacent

to a railway line and railway bridge. The development will also include architectural guidelines which will ensure that the development does not detract from the area's sense of place.
As per the requirements of the City of Cape Town's SDF and Helderberg District Plan focus on encouraging economic development in accessible locations, the proposed development will attract additional investment to the area and has the potential to generate temporary and permanent employment opportunities, is situated along an important connector route and adjacent to existing light industrial and commercial activities. The development therefore represents an infill site which would not impact on any natural resources. The proposed development could also in the context of the Helderberg District Plan be seen as an extension of the plans proposed urban intensification in the adjacent area, within the jurisdiction of City of Cape Town.

The applicant's motivational report is attached as **APPENDIX C**.

## PART F: PUBLIC PARTICIPATION, COMMENTS AND RESPONSE

**Process followed**

As mentioned a portfolio of evidence (POE) was received by the municipality on 18 December 2018.

The applicant advertised the application in the "Eikestadnuus", "Distrikspos" and onsite on 06 September 2018 for 30days to 08 October 2018 and notices were sent to all identified interested and affected parties via registered post on 04 September and ending on 08 October 2018.

**Public & stakeholder inputs**

As mentioned, one objection/comment was received within the prescribed 30day period from the Stellenbosch Interest Group. See **APPENDIX D** for the applicants Portfolio of Evidence for the objection and comments on the objection from the applicant (Annexure 8 of the POE).

***Summary of objection:***

*The Stellenbosch Interest Group **do not support** the proposed development.*

*"The "Go-Group" development is located south of the M9. The development was made possible by the rezoning of a portion of Farm/erf 1528 from Agricultural to Industrial use. The area north of the M9 within the Stellenbosch Municipal jurisdiction area is zoned for agricultural purposes. The "Go-Group" now wants to extend their activities to agricultural land on the opposite side of the M9. Should the application be approved, it can, as in the current case serve as motivation for further extension on*

*Agricultural Zone land along the municipal boundary, e.g. in a western direction, with access of the same road (Waterworks Road) from which access is planned for this application. The upgrading of the Waterworks and M9 intersection in order to carry the increased traffic, will serve as further motivation for development along the Waterworks Road.*

*The rezoning of agricultural land for industrial uses against the border of the Cape Metropool – urban overflow onto Stellenbosch agricultural area should not be allowed."*

**Response by applicant to comments received.**

See ANNEXURE 10 of the POE (Portfolio of Evidence attached as **APPENDIX D** to this report).

Any future development proposals on agricultural land within the area would require a land use application. Should such an application be made, it will be evaluated on the proposal's own merits and site-specific conditions.

Also note that the soil investigation undertaken for the project concluded that the soils are not suitable for quality wine production. As a result of the agricultural limitations of this portion of land, its loss will have negligible impact on the agricultural productivity of the remaining farm and the local area.

The department respond on the application will be dealt with, within in Part G of this report, in the planning assessment of the application.

## PART G: ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

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

When the decision maker considers the land use and land development application, it must have regard to the general criteria for consideration in terms of Section 65(1) of the Land Use Planning By-law, as it would relate to the subject land use and land development applications.

It is also noted that the subject land use and land development applications were submitted and processed in accordance with and in compliance with the prescripts of the said Bylaw.

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

### 2.1 Land use principles

The subject property and land parcel are located far outside the closes urban edge in the Stellenbosch Municipal jurisdiction area (Raithby), but bordered on the City of Cape Town area, where the adjacent properties are either earmarked for urban development or are already used for residential and industrial activities. The propose site is an isolated land parcel border by a road, river, an electrical substation, a railway line, a bridge and Industrial land uses. This subject area provides the most logical expansion direction for the subject industrial development, although outside an urban edge due to the mentioned physical constraints. This conforms to the MSDF principle of Optimal Land Use, where land should be used for its most sustainable and appropriate use. No alternative sites have been identified to be investigated, considering that the subject land portion has be chosen for site specific reasons.

### 2.2 Applicable spatial development frameworks, guidelines, policies

The proposal was supported by the Municipal Spatial Planning Section (See **APPENDIX M**). The following statement is made; *"This department supports the proposed development as there are **site specific circumstances to justify the deviation from the Stellenbosch MSDF.** The proposed development represents an expansion of compatible uses as it is located adjacent to existing light industrial, warehousing and office uses within Firgrove."*

### 2.3 Deviation form the Stellenbosch Municipal Spatial Development Framework.

The MSDF does not include the site within an urban edge and the MSDF will therefore have to be deviated from. It could however not be dealt with as a section 15(2) of the Zoning Scheme Bylaw (2015) as applied for, but the development proposal will be discussed and evaluated on adequate reasons for site-specific circumstances to justify a departure from the provisions of the Stellenbosch MSDF, although the property falls outside the urban edge.

The following **site-specific reasons must be considered** when considering the reasoning for the proposed location and the support obtained from all departments;

(i) The closes town and urban edge within the Stellenbosch Municipal area is Raithby, which is situated ±5km to the east, while the subject land parcel borders on the Urban Development Area and future infill developable area of City of Cape Town to its south, west and north-west.

(ii) The subject land parcel (Portion A) has been isolated by physical constraints, as it is border by a road, a river, an electrical substation, a railway line and proclaimed roads, a bridge and industrial land uses. This area provides the most logical expansion direction for the subject industrial development, although outside a Stellenbosch Municipal Urban Edge due to the mentioned physical constraints. Its physical restrictions and the agricultural viability of land to the north and east in Stellenbosch Municipal area, provides sufficient motivation why this development could be restricted to the subject land parcel and its development could not be used as a catalyst for future expansion. No precedent is therefore created.

(iii) The proposed development will have a negligible impact on the agricultural productivity of the rest of the farm and farming area, which was confirmed by the National and Provincial Departments of Agriculture. The soil on the subject land portion, is rated low to medium agricultural suitability and are not suitable for quality wine production, but rather for non-permanent crops that would require intensive and well managed irrigation and fertilisation. Which could be cots intensive.

(iv) The separation of this ±5.9622ha portion of land from the main, productive part of the farm and its proximity to urban development, therefore diminishes the agricultural value of this land because of the security threat to agricultural produce and infrastructure.

(v) The proximity of the site to the N2, other regional routes and the abutting industrial node in City of Cape Town jurisdiction area, are attributes that could merit the favourable consideration of the application.

(vi) The site is well located in terms of public transport (Rail, taxi and bus services), with several warehouses and industrial uses to the immediate south and west and the opportunity exist for a mixed-use development that could help reverse current unsustainable development patterns within the area and ultimately achieve sustainable and managed growth in the area.

(vii) Heritage Western granted consent and therefore found that there was no reason to believe that the proposed development will impact on heritage resources.

The above site-specific considerations were considered when the Section 53 in terms of LUPA application was approved by the Provincial Planning Authorities and supported by all internal and external departments notified of the application. The site-specific reason for the subdivision and rezoning of the subject portion and subsequent deviation from the MSDF, by developing an industrial area in the rural area outside a defined Urban Edge, adjacent to the urban border of City of Cape Town, is therefore supported from a land use management perspective. The site will definitely create more working opportunities in relation to the current utilisation of the land. The view raised relating to a boundary adjustment for inclusion into the City of Cape Town is a separate discussion and approval process, although it lends itself for inclusion into the City of Cape Town for administrative purposes.

**2.4 Service infrastructure capacity and sustainability**

Both Stellenbosch Municipality and the adjacent City of Cape Town have no engineering services and facilities with sufficient capacity to cater for the development. The developer is therefore urged to be self-sufficient in the provision of solid waste disposal, potable water and waste water treatment systems, which must be to the satisfaction of the Stellenbosch Municipal Engineering Section and approved by them. Service infrastructure provision will therefore be solely for the cost of the applicant and must be indicated on any Site Development Plan intended to be approved for this development.

All electrical requirements should be directed to Eskom, as no municipal electric grid is operated in this area (See **APPENDIX K**).

**2.5 Any investigations carried out in terms of other laws that are relevant (e.g. EIA, TIA, HIA etc.)**

No Environmental Authorization (EA) was required, as the development is not deemed to be a listed activity. A TIA was submitted and the recommendations accepted by the road's authorities, subject to certain conditions. A letter of support was also received from Heritage Western Cape. Approval was also granted in terms of Section 54(1) of LUPA.

**2.6 Applicable provisions of the zoning scheme**

It should be noted that the application was submitted in terms of the Zoning Scheme Regulations promulgated in terms of Section 8 of the Land Use Planning Ordinance. Herewith a conversion table to compare the applied for parameters, versus the 2019 parameters versus the proposal.

| **Section 8 Zoning Scheme** | | **2019 Zoning Bylaw** | **Proposal** |
|---|---|---|---|
| **Parameters** | | **Parameters** | **Parameters** |
| **Primary use** | Industry | Industry, Warehouse, etc | Industry |
| **Consent Use** | Warehouse | Other uses | Warehouse |
| **Floor factor** | 1.5 | none | Within 1.5 |
| **Coverage** | 75% | 75% | 60% |
| **Setback** | At least 8m | None | At least 8m |
| **Street building zone** | 0m | 3m, but 5m along proclaimed roads | 5m |
| **Side building line** | 0m | 0m | As per building plan submission |

| | | | |
|---|---|---|---|
| | | But 3m if abutting another zone | |
| **Parking** | 1 bay/200m² GLA | 1.5bays/100m² gross leasable area = 3bays/200m² | 3 bays/200m² GLA |
| **Height** | None | 4storeys | 3 storeys |

The actual proposal will therefore not exceed the parameters of both zoning schemes, hence no applications for departure.

**2.7 Application for approval of a Site Development Plan.**

The plan attached to the application (see Annexure 8 of the applicants motivation) do not comply with the requirements of a site development plan in terms of the new bylaw, notwithstanding the fact that the application was submitted before the commencement of the subject bylaw, and it is proposed that a detailed site development plan as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2019 as required in terms of Section 196(3) of the said bylaw, be submitted to the Municipality for approval prior to the submission of any building plans or earthwork's being done. The site development plan must satisfactorily, address, but are not necessarily limited to, all the conditions of this approval, compliance with relevant development parameters of the bylaw, any relevant matters relating to Section 16(4) of the said Bylaw.

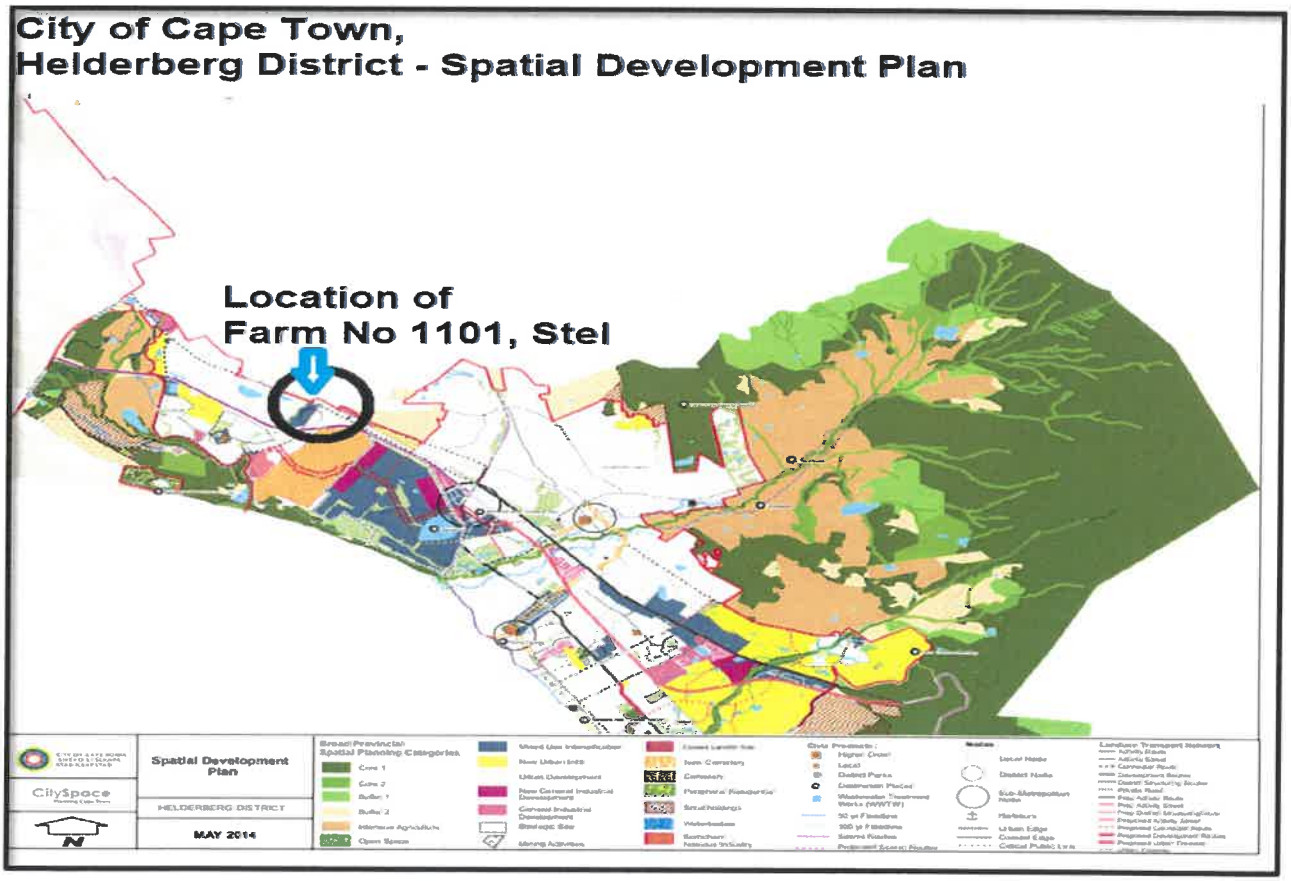
The submitted plan represent a sectional title scheme, which is a separate application and will have to be dealt with in terms of the Sectional Titles Act (95 of 1986). The plan could therefore not be favourably recommended as a site development plan and should be reconsidered with the submission of a detailed revised Site Development Plan and separately considered.

**2.8 General desirability**

**The City of Cape Town Urban fringe versus the Rural fringe of Stellenbosch Municipality:**

Under the 2000 re-demarcation of the country, "wall-to-wall" municipalities were created thereby including all commercial farm land between the towns or former transitional local councils and regional councils. This established a totally new responsibility for the new municipalities in that they were now required to extend their planning well beyond that of the former towns. Stellenbosch and City of Cape Town is no different and, in some instances, and on properties in close proximity to this site, all Development Contributions and services are paid to the City although the property is located

in the jurisdiction area of Stellenbosch Municipality, considering that no Stellenbosch municipal services are provided in the area. The closes town in the Stellenbosch Municipal area to this site is Raithby about 5-6km away. Stellenbosch therefore do not provide services in this area and any form of development needs to be either self-sustainable or obtain services from the City of Cape Town. Farm No 1101, Stellenbosch and in specific the subject land portion, therefore borders directly onto the Urban Development Area of the Helderberg District as can be seen in their Spatial Development Plan hereunder. Services to the property would therefore be possible and access could be obtained from proclaimed roads and public transport services via rail, taxi's and bus services are in close proximity.




**Portion A in the context of bigger commercial farming entity and its physical constraints:**

Portion A is a sterilized portion of Farm No. 1101, Stellenbosch, transvers by services servitudes and electrical powerlines, which alienate Portion A from the rest of the actively farming portion. The property is further bordered by physical features like a road, a bridge, a railway line, a river stream and a constructed electrical substation. These physical constraints are now used as motivation as to why allowing urban development on Portion A way outside a Stellenbosch Municipal Urban Edge, will not

set a precedent for further development considering these constraints could be used as physical barriers stopping further urban development on prime agricultural land. The inclusion of the portion of land into the City of Cape Town jurisdiction area, is however a discussion for the municipal demarcation processes and is not delegated for decision making in this application.

## PART H: SUMMARY OF KEY FINDINGS OF ASSESSMENT

The application is exempted from Environmental Authorization and is supported by all relevant internal and external departments. The proposal will comply with all land use parameters for the proposed industrial zoning. The proposed 3 storey structures will be compatible with the agricultural building height of 3storeys that could be built on primary agricultural properties. The proposed building heights would therefore not detract from the aesthetic appearance of allowable buildings in the surrounding agricultural area. The building development area will be outside the alignment of existing servitudes on the property.

The subject land parcel is alienated from the rest of the active agricultural property, is direct accessible from a public road and close by public transport systems are available. The property will be self-sufficient in terms of service provision, until such time it could connect to the nearest municipal services if required.

Notwithstanding the light industrial nature of the proposed development, the application is supported from a Municipal Spatial Planning and Provincial Planning perspective for site specific reasons. The physical restrictions in terms of the adjacent road, bridge, railway line, river stream and an electrical substation would physical restrict the industrial development to subject land parcel and could restrict further urban related development into the rural area. The future incorporation of Portion A into the City of Cape Town's municipal area, is not considerable with this application, have no influence on the merits of this application and could still be dealt with as a separate matter between the two applicable municipalities.

The application is deemed desirable, and no negative impact is envisaged on surrounding interested and affected parties, who did not object to the application.

**Additional matters to consider**

Not applicable.

## PART I: RECOMMENDATION

1. That the following application in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015, namely:

   1.1 Rezoning in terms Section 15(2)(a) of Farm No. 1101, Stellenbosch Division from Agriculture and Rural Zone to Subdivisional Area allowing for;

   1.1.1 One (1) property for Industrial use (Portion A = ±5.9622ha) and:

   1.1.2 One (1) property for Agriculture and Rural Zone (Remainder = ±134,3286ha).

   1.2 the subdivision in terms of Section 15(2)(d) of Farm No. 1101, Stellenbosch Division into 2 Portions of;

   1.2.1 Portion A (±5.9622ha – Industrial Zone) and

   1.2.2 Remainder (±134,3286ha – Agriculture and Rural Zone).

   1.3 a consent use in terms Section 15(2)(o) to permit warehousing under the proposed industrial zoning on Portion A of Farm No. 1101, Stellenbosch Division.

   **BE APPROVED** in terms of Section 60 and subject to the conditions of approval in terms of Section 66.

2. The approval is subject to the following conditions imposed in terms of Section 66 of the bylaw:

   Conditions of approval which should be complied with as required in terms of Section 66(11) of the subject by-Law, before the approval comes into effect and any required building plans is submitted:

   2.1 A detailed site development plan with architectural guidelines as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2019 as required in terms of Section 196(3) of the said bylaw, be submitted to the Municipality for approval prior to the submission of any building plans or earthwork's being done. The site development plan must satisfactorily, address, but are not necessarily limited to, all the conditions of this approval, compliance with relevant development parameters of the bylaw, any relevant matters relating to Section 16(4) of the said Bylaw.

General conditions of approval with no requirement for compliance prior to the development of the land as contemplated in terms of Section 66(11) of the subject By-Law:

2.2 The approval applies only to the subdivision, rezoning and consent use in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

2.3 The development be undertaken in accordance with the Subdivisional Plan dated March 2018, Job No. 4400 and attached as **APPENDIX B**.

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

a) Newly allocated erf numbers

b) Co-ordinates

c) Survey dimensions

d) Street names and numbering

2.5 Where required, development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the relevant directorate.

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

2.7 The required upgrades to the road infrastructure as stipulated in the City of Cape Town letter dated 11 March 2022, attached as **APPENDIX H** be implemented in consultation with the applicable road's authority.

2.8 The conditions of approval from Department: Transport and Public Works in their letter dated 31 October 2022 and attached as **APPENDIX I** be adhered to.

2.9 The conditions of approval from Eskom in their letter dated 05 November 2018 and signed 06 November 2018 and attached as **APPENDIX K** be adhered to.

2.10 The conditions of the Department: Water & Sanitation (RSA) in their letter dated 21 August 2018 attached as **APPENDIX L** be adhered to

2.11 The conditions of the Municipal Directorate: Infrastructure services in their memorandum dated 24 March 2022 attached as **APPENDIX N** be adhered to.

2.12 A Service agreement be signed with the Directorate: Infrastructure Service before any property is transferred or any construction takes place and that the agreement contains the relevant conditions of approval as imposed by the Directorate: Infrastructure Service in their memorandum dated 24 March 2022 attached as **APPENDIX N** and that the service agreement be complied with.

2.13 All services at all times be provided to the satisfaction of the applicable engineering departments.

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

3.1 There is adequate site-specific justification to deviate from the provisions of the Stellenbosch MSDF, namely:

(a) The separation of Portion A (5.9622ha) from the Remainder of the main, productive part of Farm No 1101, Stellenbosch Division and its proximity to urban development along the border with City of Cape Town, diminishes the agricultural value of this land parcel because of the security threat to agricultural produce and infrastructure.

(b) The proposed development will therefore have a negligible impact on the agricultural productivity of the farm and area, as confirmed by the Agricultural Departments.

(c) Portion A is alienated and surrounded by physical constraints like a road, a bridge, a railway line, a river and an electrical substation, which will prevent the creep of further urban development on to productive agricultural land.

3.2 The developer will provide sufficient services to the satisfaction of the relevant municipal engineering sections.

3.3 Eskom confirmed that there is sufficient capacity available to supply the proposed development with electricity.

3.4 Safe access to the development will be obtained from upgraded access points off public roads.

3.5 Portion A an undeveloped and a none viable agricultural portion of Farm No 1101, Stellenbosch with a low to medium agricultural suitability.

3.6 The proposed light industrial activities are not a foreign land use in the area, considering that Farm No. 1101, Stellenbosch bordered urban development in City of Cape Town and in specific similar industrial activities and residential development. No precedent is therefore created.

3.7 The proposed development does provide for a higher job creation land use, which will be beneficial to the area.

3.8 All development parameters for the subject zoning will be complied with, and the height of buildings will be in line with the requirement for primary agricultural buildings in its vicinity and will therefore not detract from the aesthetic appearance of the area. A set of architectural guidelines could also be approved together to site development plan to ensure that the development does not detract from the area's sense of place.

4. Matters to be noted:

4.1 All electrical requirements should be directed to Eskom.

4.2 Should any revision of the proposed development constitute a listed activity(ies) in terms of the NEMA EIA Regulations, 2014 as defined in GN No. 327,325 and/or 324 an application must be submitted and environmental authorisation obtained before such activity(ies) may commence.

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

4.4 The Department of Agriculture, Land Reform & Rural Development (RSA) be notified of this decision in order to enable them to issue the Act 70 of 1970 approval for the subdivision.

4.5 That the support of PRASA be obtained and all conditions be adhered, relating to development along the railway line.

4.6 The land use shall not create any undue noise or be a nuisance to the neighbourhood and that precautionary measures be taken in order to avoid environmental noise pollution in terms of the Noise Control Regulations (PN627 dated 20 November 1998) made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).

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

## PART J: APPENDICES

1. **APPENDIX A:** Locality
2. **APPENDIX B:** Subdivision and zoning plans
3. **APPENDIX C:** Applicants motivational report
4. **APPENDIX D:** Copy of POE Checklist and declaration
5. **APPENDIX E:** National and Provincial Department of Agriculture comments
6. **APPENDIX F:** Heritage Western Cape comments
7. **APPENDIX G:** DEADP: Directorate Development Management: Region 2
8. **APPENDIX H:** City of Cape Town comments
9. **APPENDIX I:** Department: Transport and Public Works comments
10. **APPENDIX J:** DEADP: Environmental comments
11. **APPENDIX K:** Eskom comments
12. **APPENDIX L:** Department: Water and Sanitation (RSA) comments
13. **APPENDIX M:** Municipal Spatial Planning comments.
14. **APPENDIX N:** Directorate: Infrastructure Services comments.
15. **APPENDIX O:** Site photos.

**PART K: COMPILATION OF PLANNING APPLICATION ASSESSMENT REPORT**

**APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, APPROVAL OF SITE DEVELOPMENT PLAN AND DEVIATION FROM THE STELLENBOSCH MUNICIPAL SPATAIL DEVELOPMENT FRAMEWORK: FARM NO 1101, STELLENBOSCH DIVISION.**

**Author of Planning Assessment Report:**

Recommended Categorisation of the Application for Authorised Decision Maker:
Subdivision – D(c), Rezoning - Type A(c), Consent Use – Type O, Deviation from SDF – Type G; Category 4 to MPT, Site Specific Circumstances with or without other justifiable inconsistences.

**Name:** Pedro April
**Capacity:** Senior Town Planner
**SACPLAN Registration:**
**Signature:** 
**Date:** 31/10/2022

**PART I: SUBMISSION OF PLANNING APPLICATION ASSESSMENT REPORT**

**APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, APPROVAL OF SITE DEVELOPMENT PLAN AND DEVIATION FROM THE STELLENBOSCH MUNICIPAL SPATAIL DEVELOPMENT FRAMEWORK: FARM NO 1101, STELLENBOSCH DIVISION.**

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

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

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

**Category:** 4
**Decision Making Authority:** MPT
**Rational:**
Subdivision – D(c), Rezoning - Type A(c), Consent Use – Type O, Deviation from SDF – Type G; Category 4 to MPT, Site Specific Circumstances with or without other justifiable inconsistences.

**Name:** Stiaan Carstens
**Capacity:** Senior Manager: Development Management
**SACPLAN Registration:**

**Signature:**
**Date:** 2/11/2022

**PART M: ADMINISTRATION OF PLANNING APPLICATION ASSESSMENT REPORT**

**APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, APPROVAL OF SITE DEVELOPMENT PLAN AND DEVIATION FROM THE STELLENBOSCH MUNICIPAL SPATAIL DEVELOPMENT FRAMEWORK: FARM NO 1101, STELLENBOSCH DIVISION.**

**Administrator to Stellenbosch Municipal Planning Tribunal:**

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

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

**Date:** 18 NOVEMBER 2022

**Name:** Lenacia Kamineth

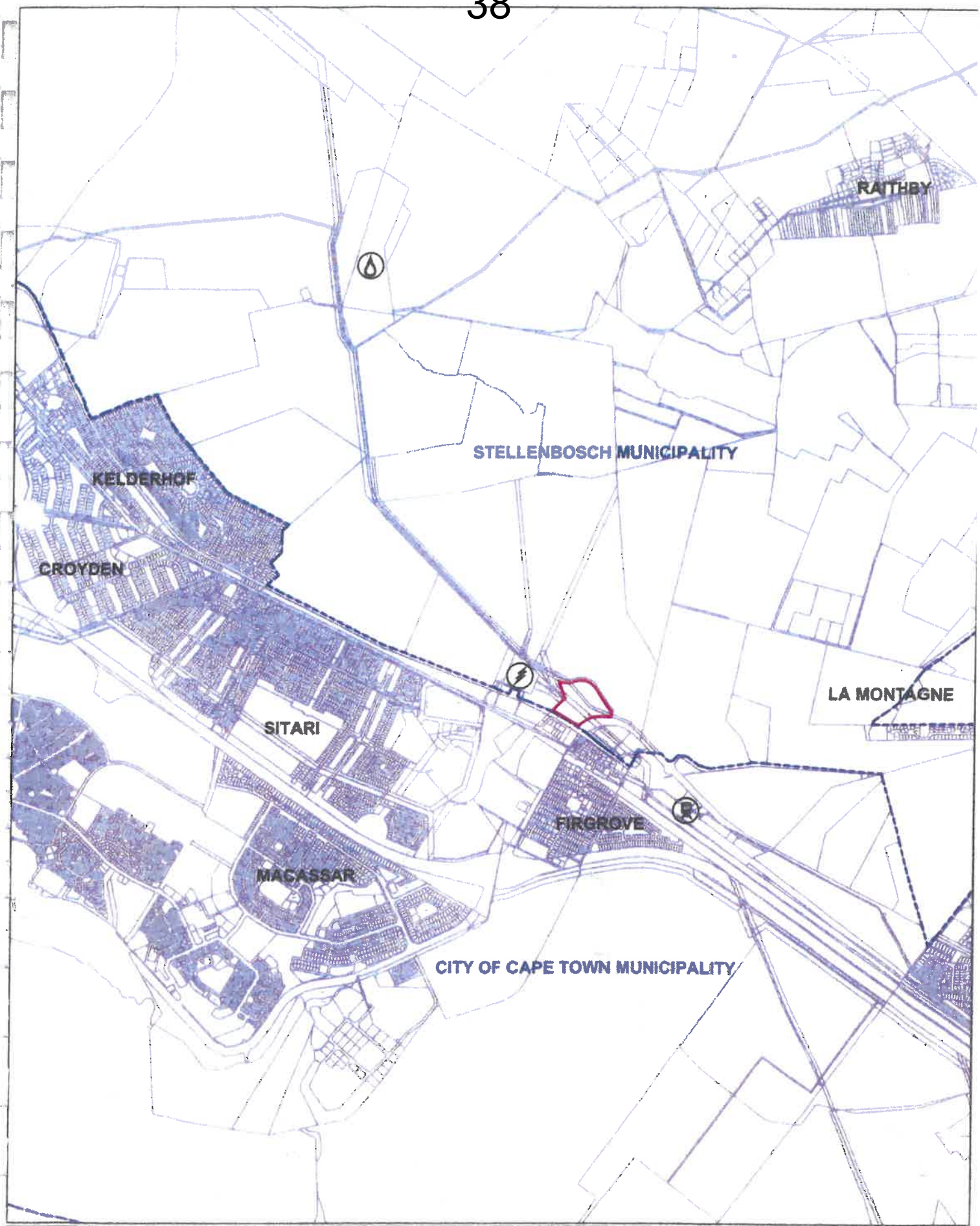
**Capacity:** Senior Administrative Officer

**Signature:** KAMINETH

**Date:** 03.11.2022

# APPENDIX A

Locality




SITE BOUNDARY

MUNICIPAL BOUNDARY

FIRGROVE RAILWAY STATION

ESKOM PINOTAGE SUBSTATION

FAURE WATER TREATMENT WORKS

**RIVERSIDE BUSINESS PARK**
**FARM 1101, STELLENBOSCH**

**LOCALITY**

SCALE 1:2000

PLANNING PARTNERS

FEBRUARY 2018

JOB No. 3400

FIGURE 1




SITE BOUNDARY

RIVERSIDE BUSINESS PARK
FARM 1101, STELLENBOSCH

CONTEXT

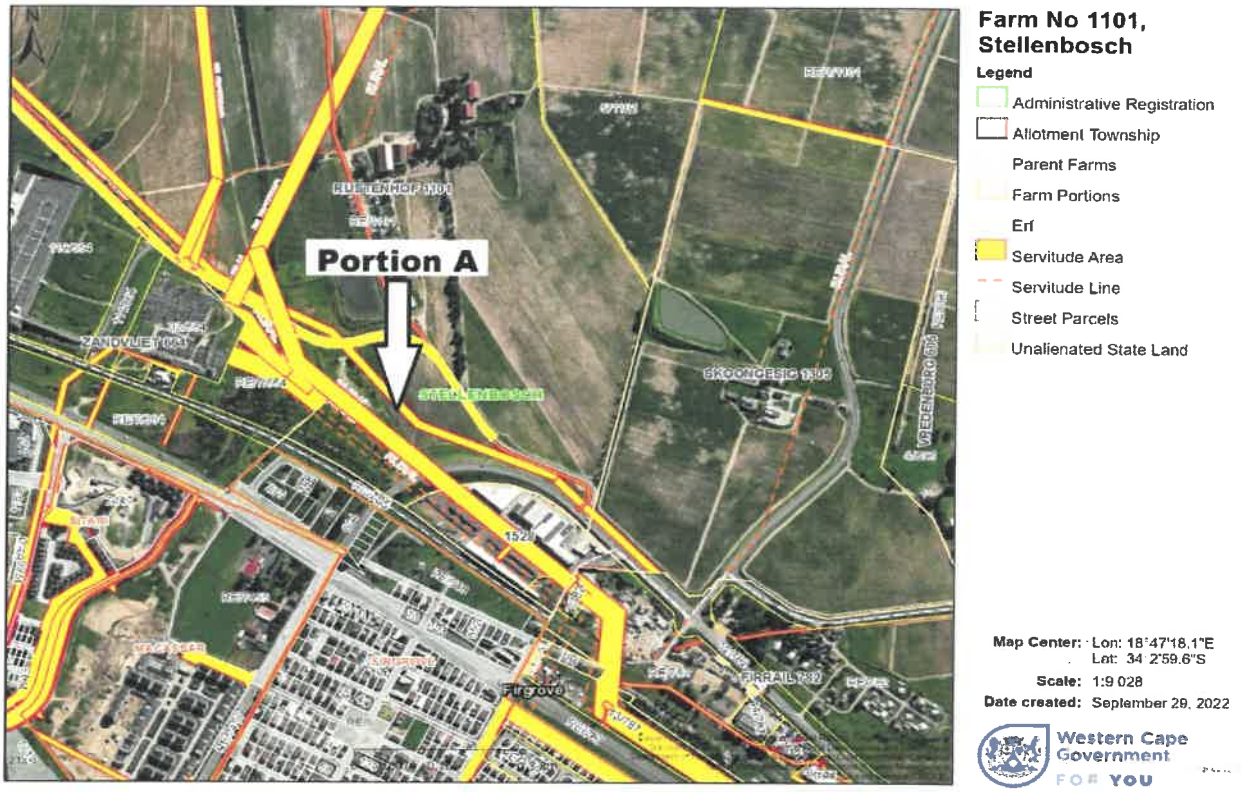
SCALE 1:2000

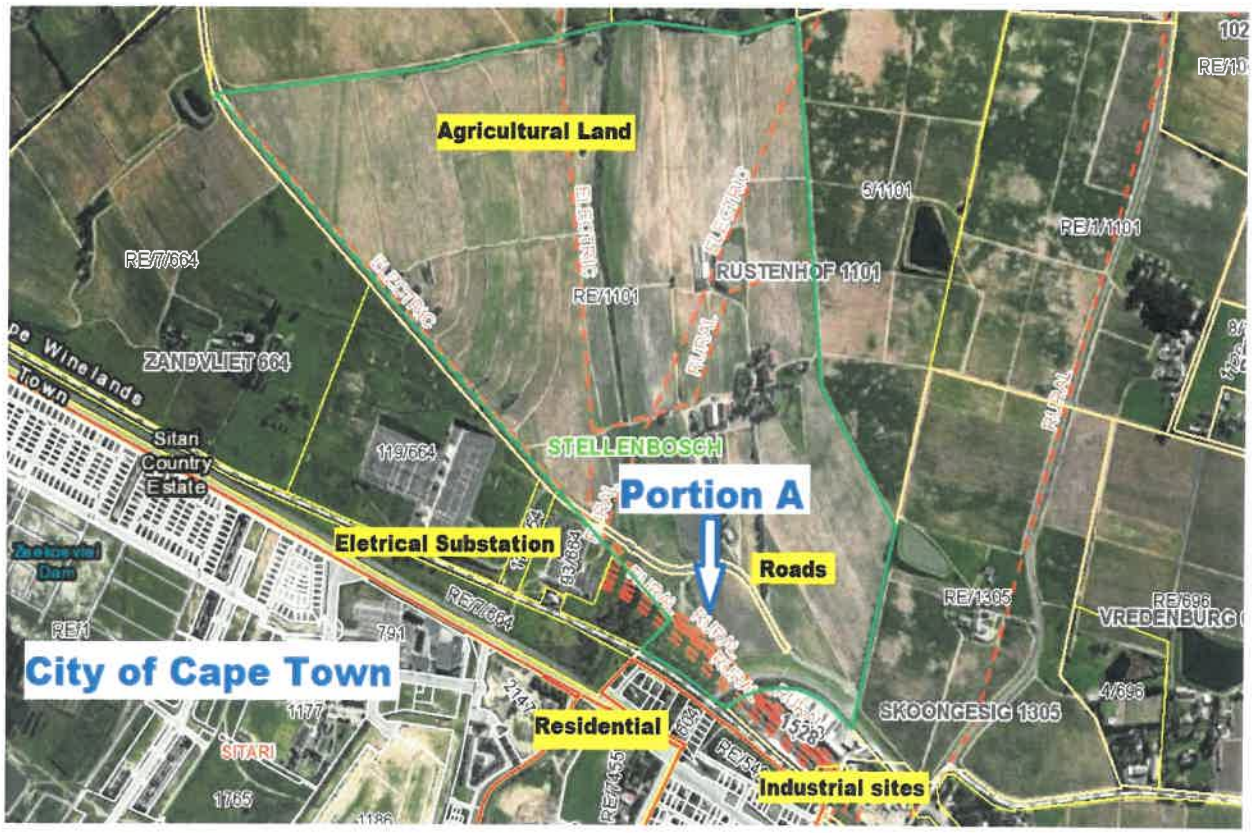
PLANNING PARTNERS

FEBRUARY 2018

JOB No. 4400

FIGURE 2


Portion A
RUSTENHOF 1101
ZANDVLIET 1101
STELLENBOSCH
SKOONGESIG 1305
VREDENBURG 696
Firgrove
FIRRAIL 732
Farm No 1101, Stellenbosch
Legend
Administrative Registration
Allotment Township
Parent Farms
Farm Portions
Erf
Servitude Area
Servitude Line
Street Parcels
Unalienated State Land
Map Center: Lon: 18°47'18.1"E
Lat: 34°2'59.6"S
Scale: 1:9 028
Date created: September 29, 2022
Western Cape Government
FOR YOU


Agricultural Land
RE/7664
ZANDVLIET 664
RE/1101
RUSTENHOF 1101
5/1101
RE/1/1101
STELLENBOSCH
Portion A
Sitari Country Estate
Eletrical Substation
Roads
City of Cape Town
Residential
Industrial sites
SKOONGESIG 1305
RE/1305
RE/696
VREDENBURG
SITARI
119/664
93/664
791
1177
1165
1186
4/696




**Legend**

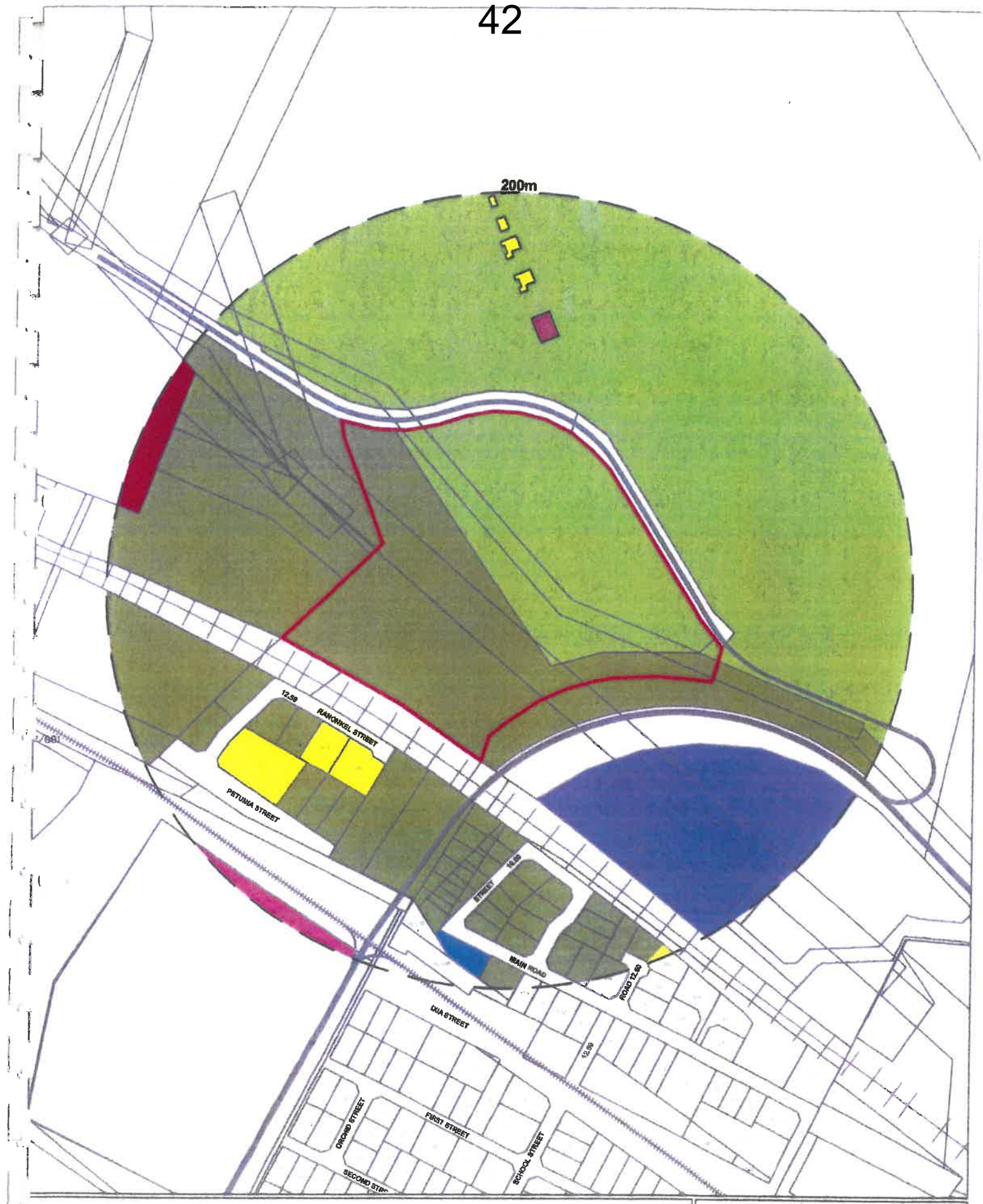
- Parent Farms
- Farm Portions
- Erf

**Map Center:** Lon: 18°47'12.6"E
Lat: 34°2'58.6"S

**Scale:** 1:9 028

**Date created:** September 19, 2022

Western Cape Government
FOR YOU
Agriculture




SINGLE RESIDENTIAL
COMMUNITY
AGRICULTURE
SHOP
OFFICES / WAREHOUSING
VACANT
ELECTRICAL SUBSTATION
SITE BOUNDARY

**RIVERSIDE BUSINESS PARK**
**FARM 1101, STELLENBOSCH**

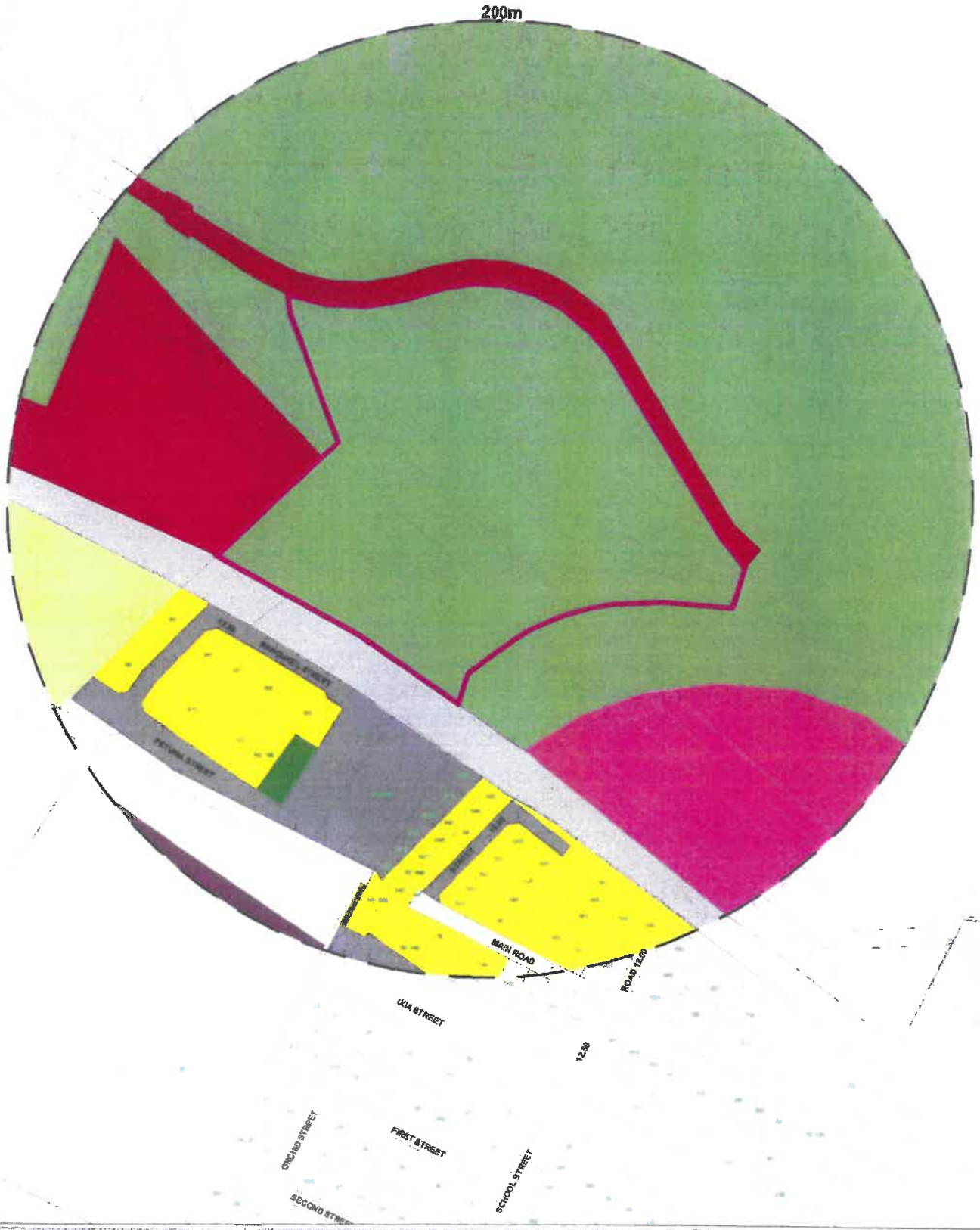
**CURRENT LAND USE**

SCALE 1:4000

PLANNING PARTNERS

FEBRUARY 2018
JOB No. 4456

FIGURE 3




CITY OF CAPE TOWN DEVELOPMENT MANAGEMENT SCHEME (2015) :

- SINGLE RESIDENTIAL 1
- COMMUNITY 1
- AGRICULTURAL
- OPEN SPACE 2
- TRANSPORT 1
- TRANSPORT 2

STELLENBOSCH INTERGRATED ZONING SCHEME (2017) :

- UTILITY SERVICE ZONE
- MANUAL ALLOCATION 1304/3498
- AGRICULTURE I

SITE BOUNDARY

Source:
Cape Town Zoning Scheme
Article 8 Zoning Scheme

# RIVERSIDE BUSINESS PARK FARM 1101, STELLENBOSCH

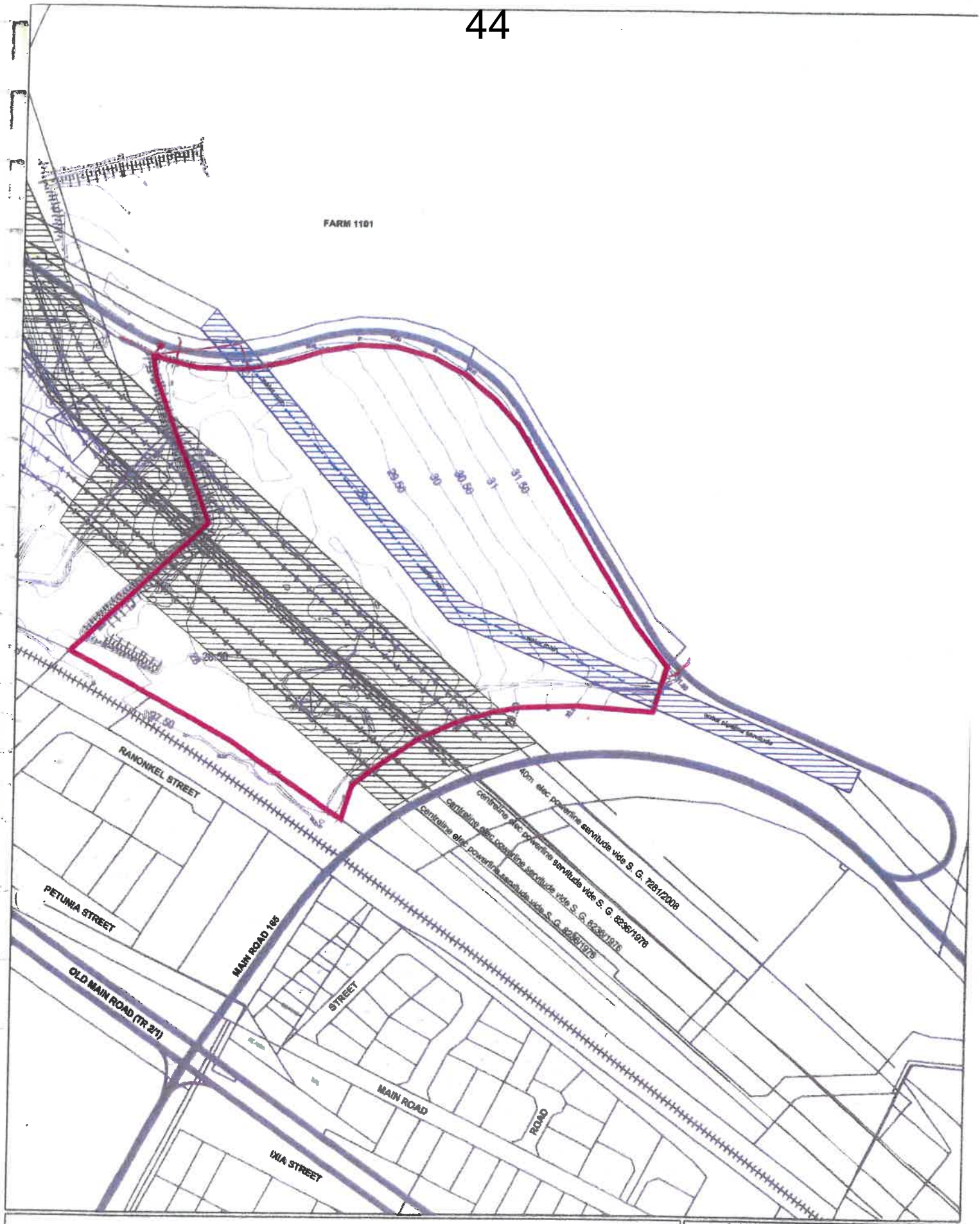
## CURRENT ZONING

SCALE 1:4000

PLANNING PARTNERS

FEBRUARY 2018
JOB No. 4490

FIGURE 4




SITE BOUNDARY

BULK WATER PIPES

OVERHEAD POWERLINES

ROADS

RAILWAY LINE

WATER PIPELINE SERVITUDE

ELECTRIC POWERLINE SERVITUDES

**RIVERSIDE BUSINESS PARK**
**FARM 1101, STELLENBOSCH**

**SITE CHARACTERISTICS**

SCALE 1:4000

PLANNING PARTNERS

FEBRUARY 2018

JOB No 4400

FIGURE 5

# APPENDIX B

Subdivision and zoning plans

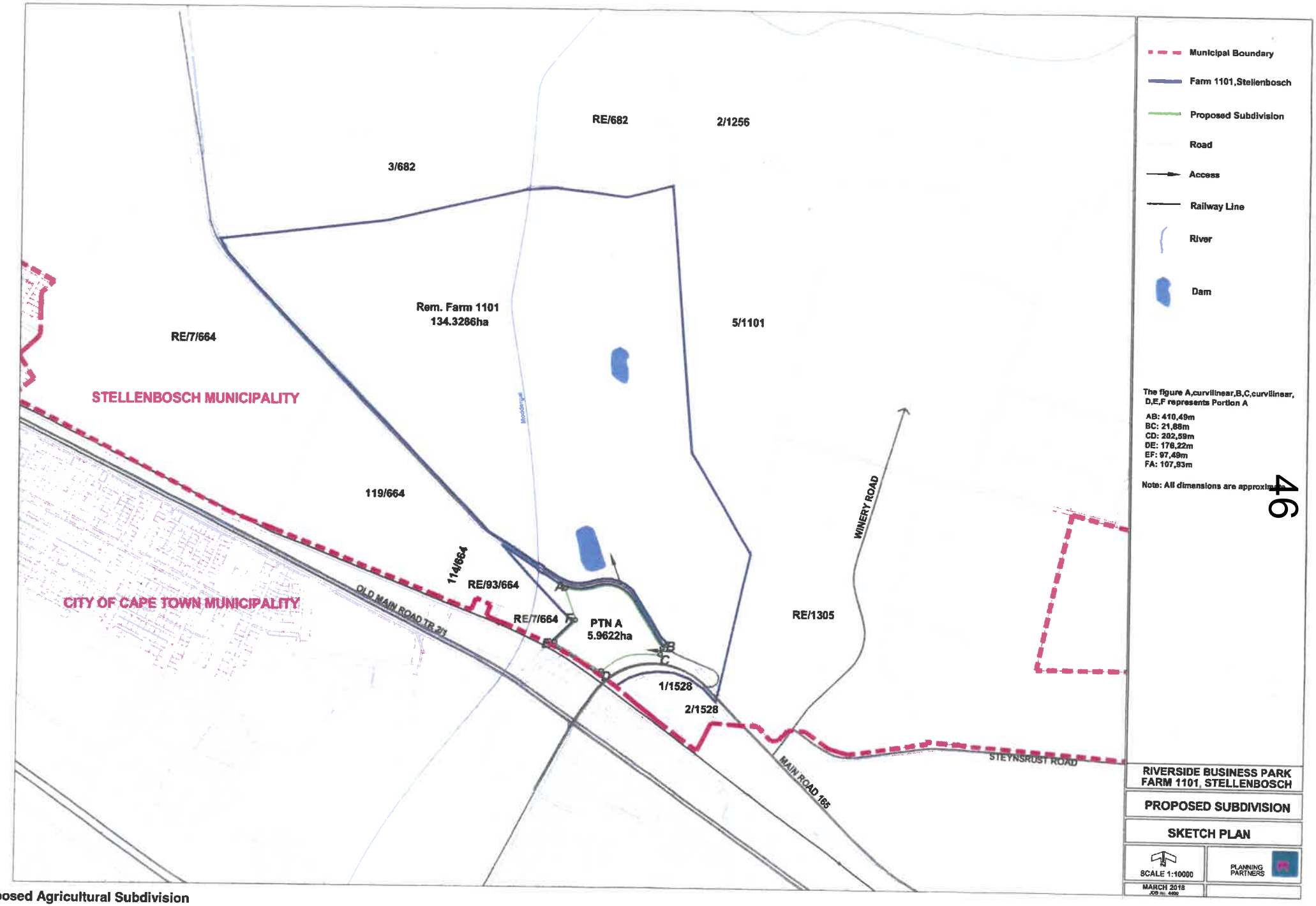
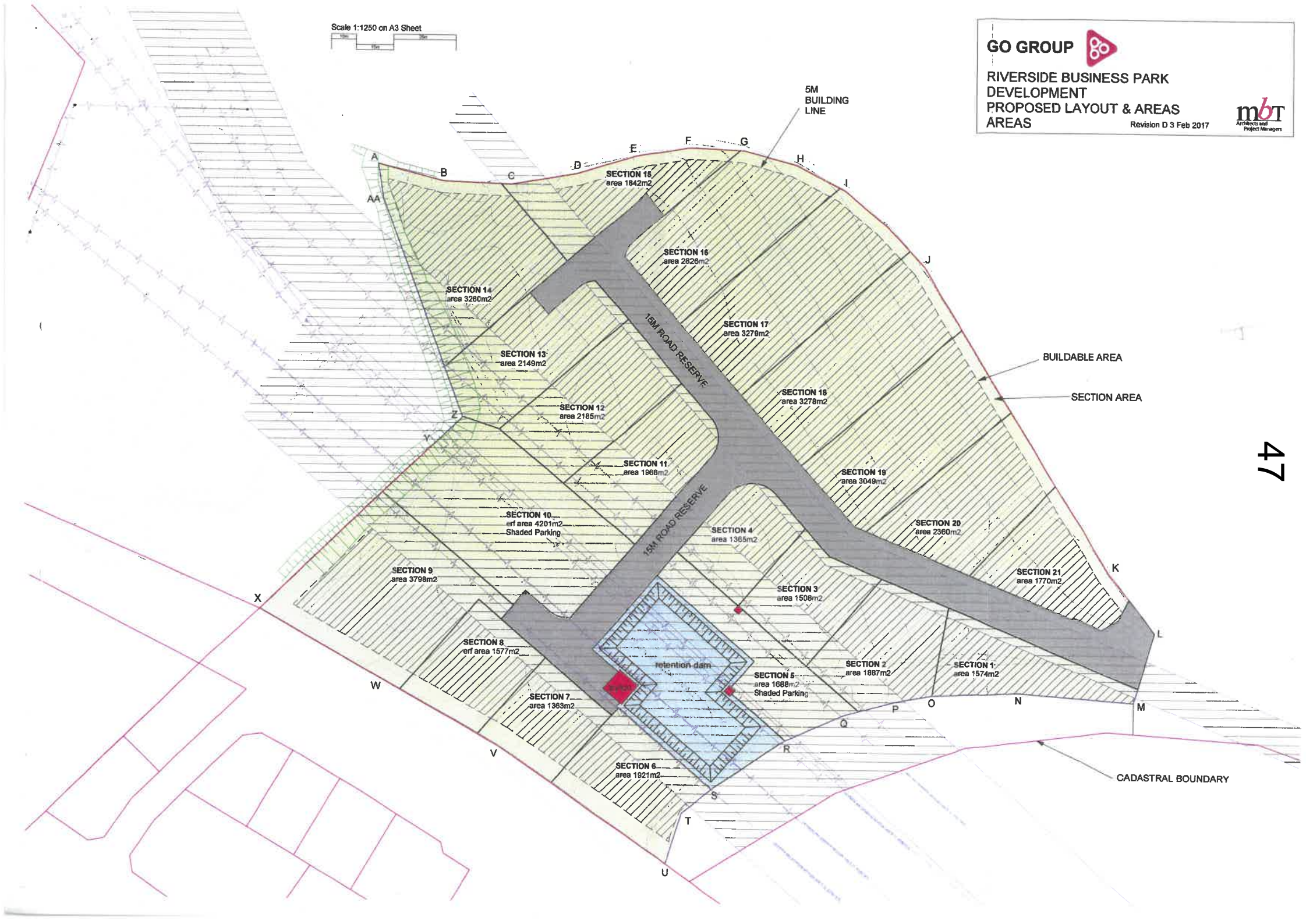



**Figure 9: Proposed Agricultural Subdivision**


Scale 1:1250 on A3 Sheet
GO GROUP
RIVERSIDE BUSINESS PARK
DEVELOPMENT
PROPOSED LAYOUT & AREAS
AREAS
Revision D 3 Feb 2017
mbT
Architects and Project Managers
5M BUILDING LINE
SECTION 15 area 1842m2
SECTION 16 area 2826m2
SECTION 14 area 3260m2
SECTION 17 area 3279m2
SECTION 13 area 2149m2
SECTION 18 area 3278m2
SECTION 12 area 2185m2
SECTION 11 area 1966m2
SECTION 19 area 3049m2
SECTION 10 erf area 4201m2 Shaded Parking
SECTION 4 area 1365m2
SECTION 20 area 2360m2
SECTION 9 area 3798m2
SECTION 21 area 1770m2
SECTION 3 area 1508m2
SECTION 8 erf area 1577m2
retention dam
SECTION 2 area 1887m2
SECTION 1 area 1574m2
SECTION 5 area 1688m2 Shaded Parking
SECTION 7 area 1363m2
SECTION 6 area 1921m2
15M ROAD RESERVE
18M ROAD RESERVE
BUILDABLE AREA
SECTION AREA
CADASTRAL BOUNDARY
A
AA
B
C
D
E
F
G
H
I
J
K
L
M
N
O
P
Q
R
S
T
U
V
W
X
Y
Z

# APPENDIX C

Applicants motivational report

PLANNING PARTNERS

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

**BY HAND**

Our Ref: 4400

~~4 April 2018~~ 22 June 2018

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

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

**FOR ATTENTION: Mr. Pedro April**

Dear Sir,

**FARM 1101, STELLENBOSCH: APPLICATION FOR SUBDIVISION OF AGRICULTURAL LAND, REZONING, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM THE STELLENBOSCH MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK**

Planning Partners has been appointed by *JPY Family Trust*, the prospective buyer of a portion of Farm 1101, Stellenbosch (Firgrove), to provide the necessary professional services to acquire the land use rights to establish a light industrial and warehouse development on the purchased development portion (currently zoned Agricultural and Rural). The proposed development portion is 5.9622 ha in extent and hereafter referred to as 'the site'.

The development proposal requires the following applications to be made to your Department:

1) Applications to Stellenbosch Municipality:

   a. **Subdivision** in terms of Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015) to subdivide the development portion from the Remainder Farm;

   b. **Rezoning of land** from Agriculture Zone I to Industrial Zone I in terms of Section 15(2)(a) of Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015);

   c. **Consent use** to permit warehousing as a consent use under the Industrial Zone I in terms of Section 15(2)(o) of Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015);

   d. **Site Development Plan approval** in terms of Section 15(2)(g) of the Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015); and

   e. **Deviation from the Stellenbosch Municipality Spatial Development Framework** in terms of Section 15(2)(g) of Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015).

DIRECTORS: GC Underwood T&RP(SA)BSc(T&RP)MSAPIMRTPI · AN Wain PrLArchBSc(Hons)HORTMA(LArch)MILASA · J Jordaan PrLArchBLArch(Hons)MILASA · LE van Aarde BALLBM(T&RP)
ASSOCIATES: JE Dohse PrLArchBLArch(Hons) · T Dix BArch · CM van den Heever BArtetScien(T&RP) · A James NDHort · AD Turrell NDLTech · PM Satz BTech(T&RP) · N Van Der Merwe BScM(T&RP)
FINANCE MANAGER: H Khan

Planning Partners (Pty) Ltd · Reg. No. 2004/004262/07

Please find attached five hard copies of the application, which contains the official application form, motivation report for the development proposal and the ancillary documentation.

The following applications are also required to be made to the following competent authorities, which have been submitted as separate applications:

2) Application to the National and Provincial Departments of Agriculture:

   a. **Subdivision of agricultural land** in terms of Act 70 of 1970 to subdivide the development portion from the Remainder Farm.

3) Application to Heritage Western Cape (HWC):

   a. **Notice of Intent to Develop** to HWC for the development of a site larger than 5 000 $m^2$ and rezoning of a site exceeding 10 000 $m^2$ in extent, in terms of Section 38(1)(c)(i) of the National Heritage Resources Act, Act 25 of 1999.

4) Application to the Department of Environmental Affairs and Development Planning:

   a. **Land Development Application** in terms of Section 53 of the Land Use Planning Act (LUPA, 2014), for a property that is zoned for agricultural purposes and which has been cultivated in the last ten years.

It is acknowledged that the planning applications are decided by Stellenbosch Municipality, the agricultural subdivision is decided by the National Department of Agriculture, the heritage application is decided by Heritage Western Cape and the Land Development Application by the Department of Environmental Affairs and Development Planning. The agriculture, heritage and environmental applications have been submitted as separate applications and will run in parallel to the land use application process.

We trust that you will find the above in order, but please do not hesitate to contact us should any additional information/documentation be required.

Yours Faithfully

**NICK VAN DER MERWE**
**PLANNING PARTNERS**

cc Mr. Jan Yntema, JPY Family Trust

# RIVERSIDE BUSINESS PARK

## FARM 1101, STELLENBOSCH (FIRGROVE)



**APPLICATION FOR SUBDIVISION OF AGRICULTURAL LAND, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM THE STELLENBOSCH MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK**

**Project Number: 4400**

**March 2018**

PLANNING PARTNERS africa mbT Architects and Project Managers GROUP (Pty) Ltd. Neil Woodin SURVEYS

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Annexure 5: Conveyancer Certificate

Annexure 6: D:EA&DP Confirmation Letter, 22/03/2018 (Reference 16/3/3/6/7/1/B4/45/1259/17)

Annexure 7: Photo Sheet

Annexure 8: Site Development Plan

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Annexure 10: Services Report

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Annexure 12: Traffic Impact Assessment

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# 1. INTRODUCTION

## 1.1 The Brief and Application

Planning Partners has been appointed by *JPY Family Trust*, the prospective buyer of a portion of Farm 1101, Stellenbosch (Firgrove), to provide the necessary professional services to acquire the land use rights to establish a light industrial and warehouse development on the purchased development portion. The proposed development portion is 5.9622 ha in extent and hereafter referred to as 'the site'.

The development proposal requires the following applications to be made to the following competent authorities:

1) Applications to Stellenbosch Municipality:

   a. **Subdivision** in terms of Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015) to subdivide the development portion from the Remainder Farm;

   b. **Rezoning of land** from Agricultural Zone I to Industrial Zone I in terms of Section 15(2)(a) of Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015);

   c. **Consent use** to permit warehousing as a consent use in Industrial Zone I in terms of Section 15(2)(o) of Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015);

   d. **Site Development Plan approval** in terms of Section 15(2)(g) of the Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015); and

   e. **Deviation from the Stellenbosch Municipal Spatial Development Framework** in terms of Section 15(2)(g) of Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015).

2) Application to the National Department of Agriculture:

   a. **Subdivision of agricultural land** in terms of Act 70 of 1970 to subdivide the development portion from the Remainder Farm. Note that the application has been submitted to the Provincial and National Agricultural Departments. Reference numbers are yet to be received.

3) Application to Heritage Western Cape (HWC):

   a. **Notice of Intent to Develop** to HWC for the development of a site larger than 5 000 $m^2$ and rezoning of a site exceeding 10 000 $m^2$ in extent in terms of

Section 38(1)(c)(i) of the National Heritage Resources Act, Act 25 of 1999. Note that this application will be submitted shortly.

4) Application to Department of Environmental Affairs and Development Planning (D:EA&DP):
   a. **Land Development Application** to the Department of Environmental Affairs and Development Planning (D:EA&DP) for the development of land zoned agriculture and which has been cultivated in the last ten years, in terms of Section 53 of the Land Use Planning Act, Act 3 of 2014. Note that this application will be submitted simultaneously with this application.

Note that the Environmental Section of the Department of Environmental Affairs and Development Planning (D:EA&DP) has confirmed that the development proposals does not constitute listed activities as defined in terms of the NEAM EIA Regulations (2014). A Basic Assessment or Environmental Impact Assessment is therefore not required.

It is acknowledged that the planning applications are decided by Stellenbosch Municipality, the agricultural subdivision by the National Department of Agriculture, the heritage application is decided by Heritage Western Cape and the Land Development Application by the Department of Environmental Affairs and Development Planning.

The agricultural subdivision, heritage and environmental applications have been submitted as separate applications and will run in parallel to the land use application process.

The requisite application form (**Annexure 1**), powers of attorney and trust resolution (**Annexure 2**), S.G. erf diagrams and noting sheet (**Annexure 3**), copy of the title deed (**Annexure 4**), conveyancer certificate (**Annexure 5**) and other relevant documentation and plans are attached to this report. **Annexure 6** contains the confirmation from D:EA&DP that an environmental process is not required (Reference 16/3/3/6/7/1/B4/45/1259/17).

## 1.2 Background

Most of the site is currently vacant, but disturbed. There is 2.7 ha of land under vines, of poor quality. The largest portion of the site is therefore un-utilised. Refer to **subsection 2.5** for a description of the current land uses.

The prospective land owner has identified the need within the local area for additional light industrial and warehousing uses, to be set in an up-market, security-controlled development.

The prospective buyer and developer is currently involved in the Go Group development, which is a warehouse and office development situated across from Macassar Road (M9) near the site. The developer has a positive development track record and it can be expected that the proposed development will also make a positive contribution to the local area.

### 1.3 The Project Team

The project team for this application consists of the following consultants:

- Architect : MbT Architects
- Civil Engineer : UDS Africa
- Environmental Assessment Practitioner : Mark Berry
- Land Surveyor : Neil Woodin Surveys
- Town Planner : Planning Partners
- Traffic Engineer : Ice Group

## 2. THE SITE

### 2.1 Cadastral Information, Extent and Ownership

The cadastral configuration of Farm 1101 Stellenbosch is shown on the S.G. diagrams included as **Annexure 3**. The property measures 140.2908 ha in extent and is in the ownership of *Rustenhof Boerdery (Pty) Ltd.* under Title T67286/2001. Refer to **Annexure 4** for a copy of the title deed. The development portion is 5.9622 ha in extent and will be subdivided off the Remainder Farm.

### 2.2 Locality and Context

The site is located within the jurisdiction of Stellenbosch Municipality and on the border with City of Cape Town Municipality. The site is situated adjacent to existing light industrial, warehousing and office uses within Firgrove.

The site is bordered by Waterworks Road to the north, the Main Road 165 railway bridge ramp to the east, a railway line to the south and the Remainder Farm 1101 to the west. The site is therefore surrounded by urban uses (see **Figures 1** and **2**). Refer to **Annexure 6** where D:EA&DP confirms that the Department considers the site to be located "within the urban area".

Agricultural land is located further to the north and northeast. Warehousing and business uses are located further to the southeast (the 5.2 ha Go Group development) and residential uses further to the south and southwest. The surrounding residential neighbourhoods include La Montagne and Heldervue to the east, Firgrove and Macassar to the south and Sitari, Croydon and Kelderhof to the west. The Eskom *Pinotage* substation is located to the west and the *Faure* water treatment works further to the northwest. Refer to **Figure 3**, which illustrates the land uses in the immediate vicinity.

### 2.3 Surrounding Transportation Network

#### 2.3.1 Road Network

Access to the property is proposed from the existing road which intersects Main Road 165, ±535 m northeast of its intersection with Old Main Road. The area is accessed via Winery Road (Main Road 166), Main Road (Main Road 165) and Old Main Road (Trunk Road 2/1). Please refer to the attached Traffic Impact Assessment attached as **Annexure 12**.

#### 2.3.2 Public Transport Network

The Golden Arrow bus service runs along Macassar Road (M9), with the nearest bus stop located 770 m to the east. Minibus taxis also service the surrounding area along the main routes.

The PRASA Northern Line runs to the south of the site and the Firgrove railway station is located approximately 800 m to the east of the site. The *Northern Business Express* train also stops at this station.

The site is therefore located in an area that is well-provided by public transport opportunities (Refer to **Figure 2**).

## 2.4 Existing Zoning

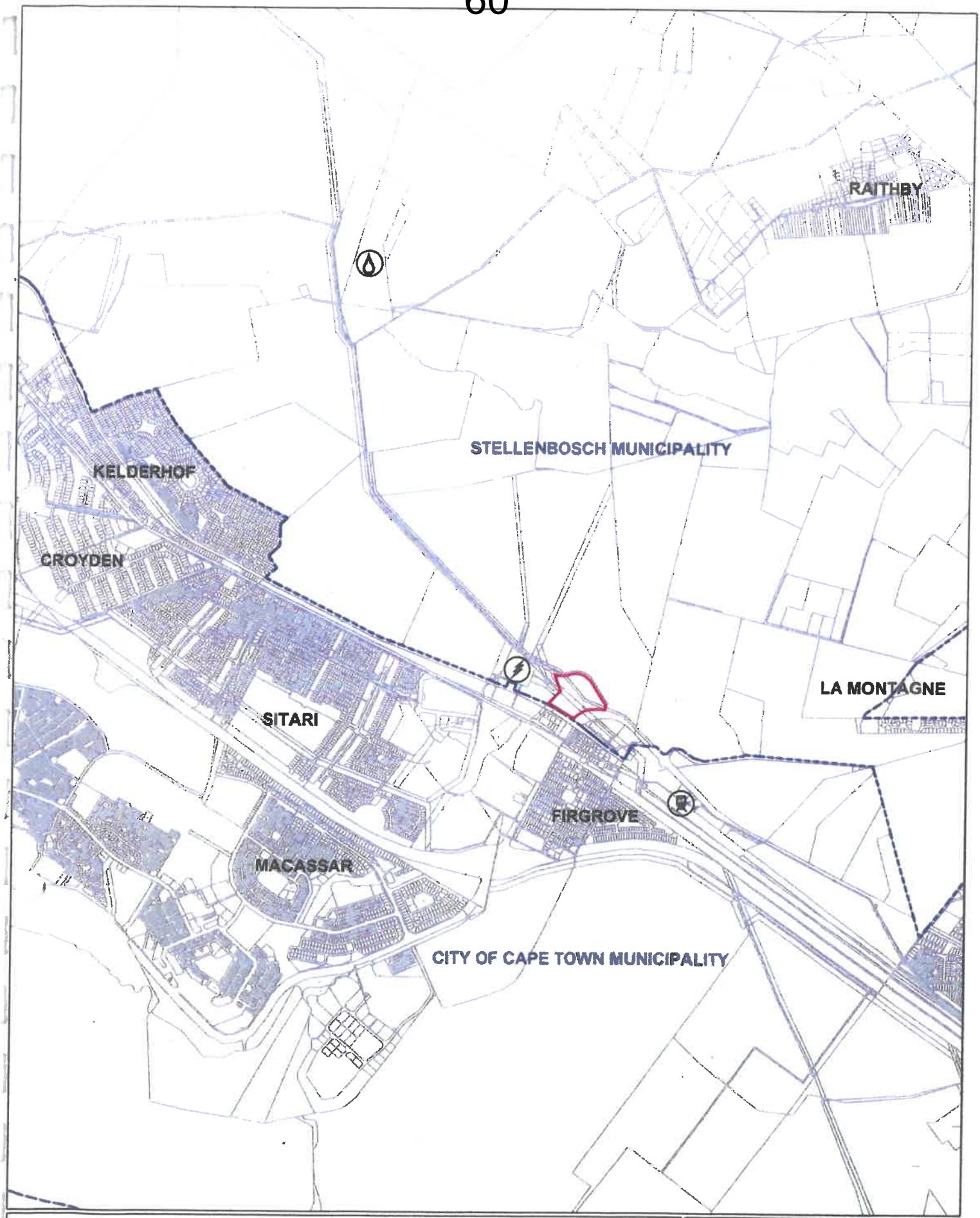
There are two zoning schemes applicable to the area in which the site is located, namely the Article 8 Zoning Scheme, applicable to the site and properties located to the west, north and east, and the City of Cape Town Development Management Scheme (2015), applicable to properties located to the south.

The zoning of the site according to the Stellenbosch Article 8 Zoning Map is Agriculture Zone I. **Figure 4** illustrates the existing zoning of the site and that of the properties in the immediate vicinity.

## 2.5 Site Characteristics and Current Land Use

The site is relatively flat, with a gentle slope to the south. It contains 2.7 ha of vineyard that is in poor condition. The remainder of the site has not been used for any agricultural activity for at least 10 years. Earthworks have been extensively undertaken on the site (removal and addition) as a result of various activities, including the adjacent road embankment. Much of the southern part of the site has been covered with imported material. A man-made soil berm forms the western site boundary and physically separates the site from the nearby Moddergatspruit River, running further to the west. Refer to **Figure 5** which illustrates the site characteristics.

Also, refer to the attached photo sheet illustrating some of the site characteristics (**Annexure 7**).




SITE BOUNDARY

MUNICIPAL BOUNDARY

FIRGROVE RAILWAY STATION

ESKOM PINOTAGE SUBSTATION

FAURE WATER TREATMENT WORKS

**RIVERSIDE BUSINESS PARK**
**FARM 1101, STELLENBOSCH**

**LOCALITY**

SCALE 1:2000

PLANNING PARTNERS

FEBRUARY 2018
JOB No. 4400

FIGURE 1




SITE BOUNDARY

**RIVERSIDE BUSINESS PARK**
**FARM 1101, STELLENBOSCH**

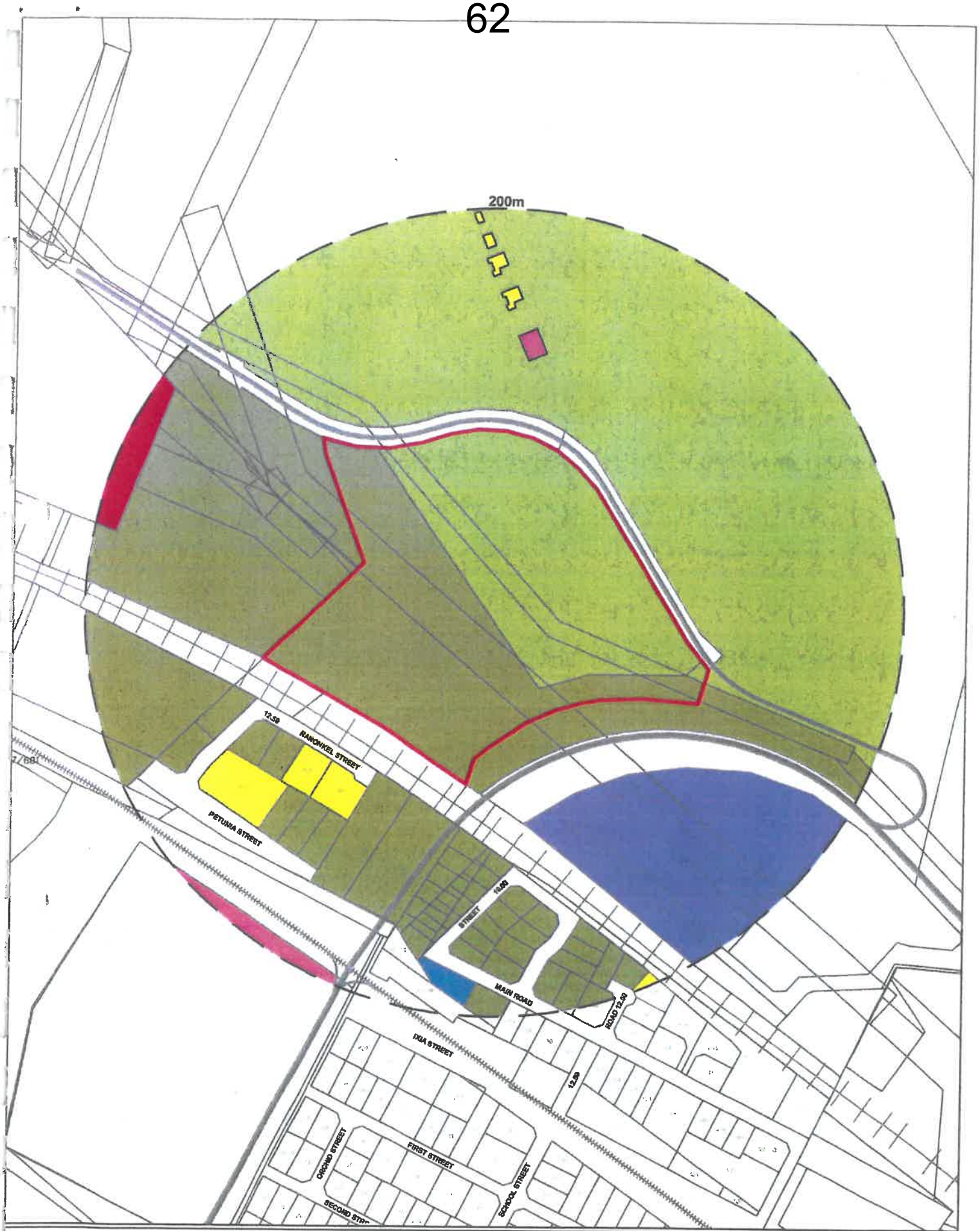
**CONTEXT**

SCALE 1:2000

PLANNING PARTNERS

FEBRUARY 2018
JOB No. 4400

FIGURE 2




**RIVERSIDE BUSINESS PARK**
**FARM 1101, STELLENBOSCH**

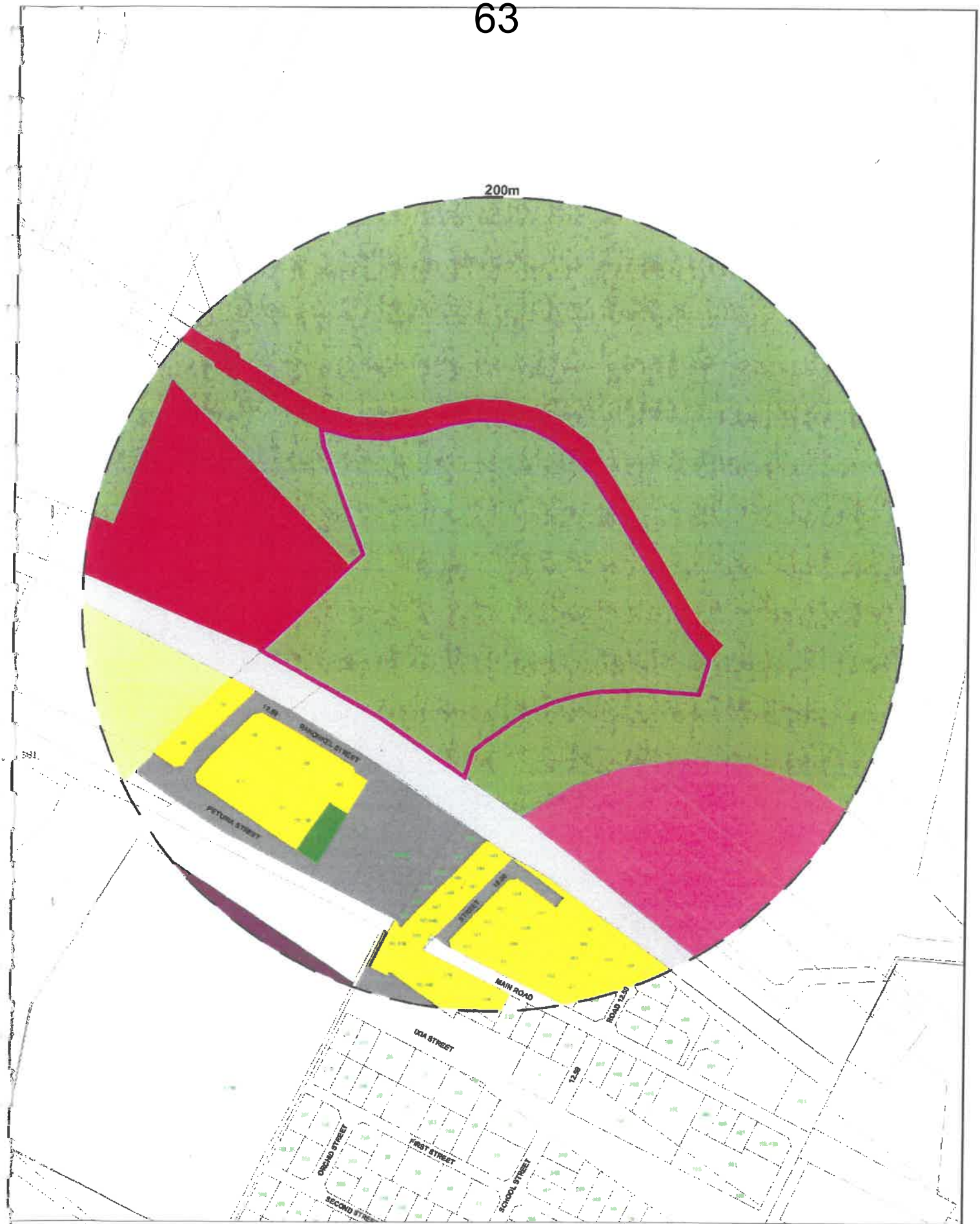
**CURRENT LAND USE**

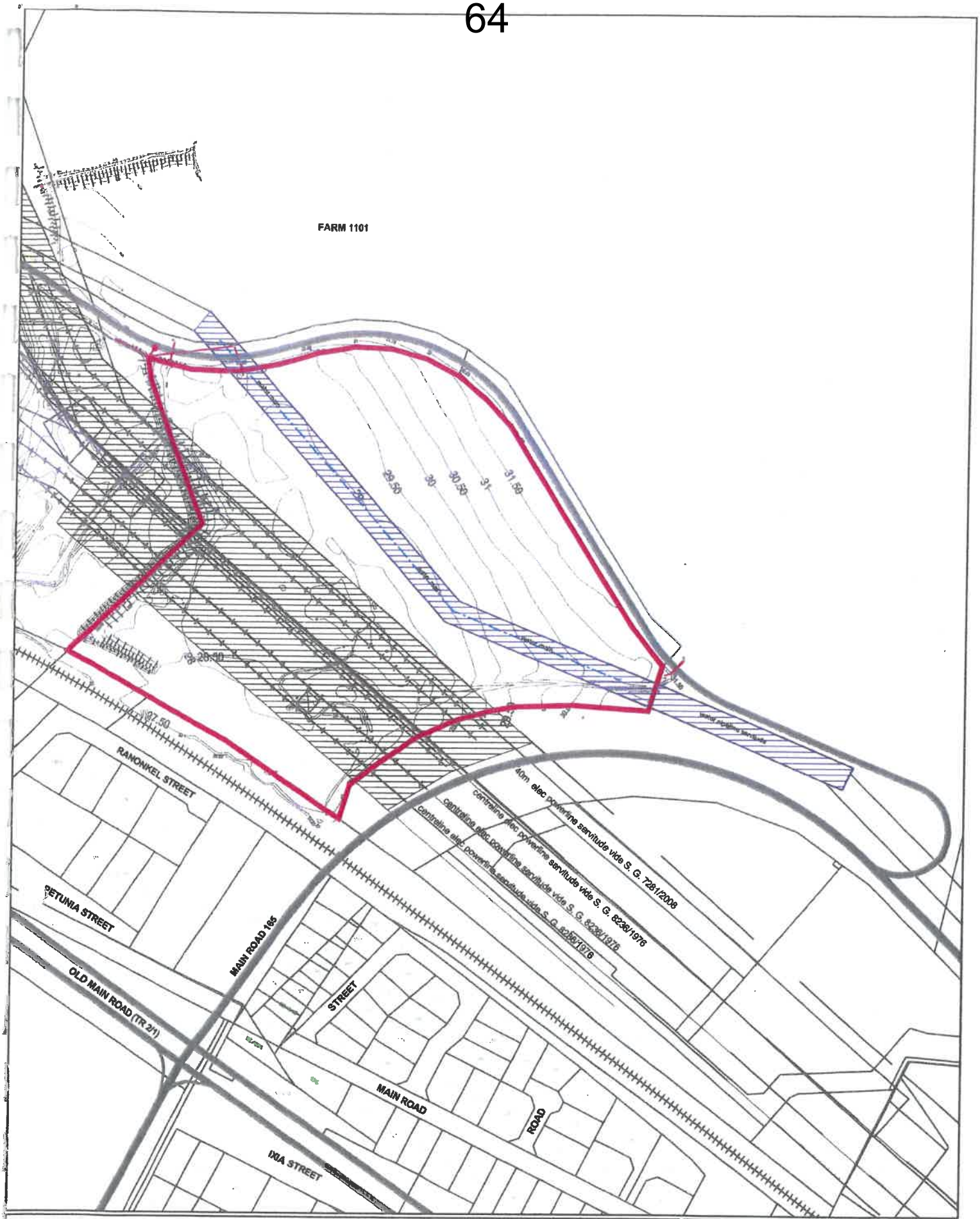
SCALE 1:4000

PLANNING PARTNERS

FEBRUARY 2018
JOB No. 4400

FIGURE 3


200m
MAIN ROAD
ROAD 1230
IXIA STREET
ORCHID STREET
FIRST STREET
SECOND STREET
SCHOOL STREET
12.00
12.30
12.30
CITY OF CAPE TOWN DEVELOPMENT MANAGEMENT SCHEME (2015) :
SINGLE RESIDENTIAL 1
COMMUNITY 1
AGRICULTURAL
OPEN SPACE 2
TRANSPORT 1
TRANSPORT 2
STELLENBOSCH INTERGRATED ZONING SCHEME (2017) :
UTILITY SERVICE ZONE
MANUAL ALLOCATION 1304/3498
AGRICULTURE I
SITE BOUNDARY
Source:
Cape Town Zoning Scheme
Article 8 Zoning Scheme
RIVERSIDE BUSINESS PARK
FARM 1101, STELLENBOSCH
CURRENT ZONING
SCALE 1:4000
PLANNING PARTNERS
FEBRUARY 2018
JOB No. 4400
FIGURE 4




SITE BOUNDARY

BULK WATER PIPES

OVERHEAD POWERLINES

ROADS

RAILWAY LINE

WATER PIPELINE SERVITUDE

ELECTRIC POWERLINE SERVITUDES

**RIVERSIDE BUSINESS PARK**
**FARM 1101, STELLENBOSCH**

**SITE CHARACTERISTICS**

SCALE 1:4000

PLANNING PARTNERS

FEBRUARY 2018
JOB No. 4400

FIGURE 5

## 2.6 Existing Access Arrangements

Currently, the site has no formal access points, since the site is predominantly vacant. The site is physically isolated by the existing railway line, the Main Road 165 (Macassar Road) railway bridge ramp and the Waterworks Road.

## 2.7 Servitudes and Title Deed Restrictions

According to the S.G. erf diagrams, the site has the following three servitudes traversing it (Refer to **Annexure 3** for the applicable S.G. diagrams):

- a water pipeline servitude, 15 m wide and contains the '1675 water main pipeline', which runs from the Faure water treatment works;
- an electric power line servitude (Servitude vide S.G. 7281/2008), 40 m wide which runs from the Eskom Pinotage Substation; and
- an electric power line servitude (Servitude vide S.G. 8236/1976), containing three overhead power lines, 35 m wide in total, which runs from the Eskom Pinotage Substation.

The title deed contains no restrictive title deed conditions that will impact on the proposed development. Refer to the conveyancer certificate which confirms this, attached as **Annexure 5**.

## 3. STRATEGIC SPATIAL PLANNING AND POLICY CONTEXT

### 3.1 Western Cape Provincial Spatial Development Framework (March 2014)

The Provincial Spatial Development Framework (PSDF) sets out the Provincial Government's agenda for the sustainable development and management of its urban and rural areas.

The PSDF gives priority to bolstering the spatial performance of the Cape Town functional region, which is the engine that drives the Western Cape's economy. This region extends across municipal borders and it is where the bulk of its population will live for the foreseeable future. The PSDF highlights the inter-connectiveness of the Province's municipalities. The individual municipalities' population growth and economic development should therefore be thought of holistically and not in isolation. In order to achieve this, the PSDF sets out a framework for the Province's urban and rural areas that:

- gives spatial expression to the National and Provincial development agendas;
- serves as basis for coordinating, integrating National and Provincial departmental programmes;
- supports municipalities to fulfil their municipal planning mandate in line with the National and Provincial agendas; and
- communicates government's spatial development intentions to the private sector and civil society.

The PSDF aims to take the Western Cape on a path towards:

- more inclusivity, productivity, competitiveness and opportunities in its urban and rural space economies;
- better protection of its placed-based assets;
- **strengthened resilience of its natural and built environments**; and
- improved effectiveness in spatial governance and on-the-ground delivery of public services, facilities and amenities.

The PSDF contains the following guiding principles:

- spatial justice – which is based on the principles of equality, solidarity and inclusion;
- **sustainability and resilience** – development should be spatially compact, resource-frugal, compatible with cultural and scenic landscapes and should not involve the conversion of high potential agricultural land or compromise ecosystems. Resilience represents the capacity to withstand both natural and man-made shocks and disturbances and to use such events to catalyse renewal and innovation;

- **spatial efficiency** – efficiency relates to the form of settlements and use of resources, which includes compaction, mixed-use, residential areas close to work opportunities and the prioritisation of public transport;
- **accessibility** – improving access to services, facilities, employment, training and recreation, as well as safe and efficient modes of transport; and
- **quality and liveability** – The quality of an environment directly contributes to its liveability. A quality built environment is one that is legible, diverse, varied and unique.

*The proposed development has the potential to support four of the guiding principles highlighted in bold above, by providing a development that efficiently utilises a current under-utilised site, is compatible with the surrounding land uses and brings employment opportunities nearer to existing residential areas and within an area which is well provided by public transport. The development will also provide a quality development that will not negatively affect the surrounding cultural landscape, will not affect high potential agricultural land nor environmentally sensitive areas.*

*Most importantly, the PSDF highlights the importance of seeing the site, not as an isolated settlement, but rather as forming part of the larger functional cape metropolitan area.*

### 3.2 OneCape 2040 (October 2012)

The OneCape 2040 initiative builds on the complementary National and Provincial development agendas outlined in the PSDF.

OneCape 2040 is a provincial initiative, which intends to "*scope a long-term economic vision and plan, involving all key Western Cape economic leaders as well as citizens for the next 30 to 40 years.*" OneCape 2040 builds on the PGWC's Provincial Strategic Objectives and sets the goal of "*creating a resilient, inclusive and competitive Western Cape with higher rates of employment producing growing incomes, greater equality and an improved quality of life*".

OneCape 2040's vision is of "*a highly-skilled, innovation driven, resource efficient, connected, high opportunity and collaborative society*".

To achieve this vision, certain provincial transitions need to take place and the following needs to be put in place:

- a supportive regulatory environment;
- **appropriate infrastructure**;
- financing arrangements; and
- **an enabling spatial framework (i.e. concentration of economic activity in key nodes, supported by logistical, digital and transport connectivity).**

*The proposed development has the potential to support the OneCape 2040 initiative by developing a site which is located near existing economic activities, near public transport facilities and near existing residential areas. The proposed development could potentially create additional employment and economic growth for the wider area wherein the site is situated.*

*OneCape 2040 highlights the importance of seeing the site, not as being far removed from any settlement within the Stellenbosch municipal area, but rather as forming part of the larger functional cape metropolitan area.*

### 3.3 Stellenbosch Integrated Development Plan 2017 - 2022 (May 2017)

The Integrated Development Plan (IDP) is the Municipality's principal strategic plan that deals with its development and governance needs. The IDP is linked to the municipal budget, which aligns financial resources and investment to stimulate local economic growth and development. The IDP also informs the Municipality's sectoral plans, e.g. the Spatial Development Framework, which is discussed in the next subsection. The IDP addresses the real issues faced within the Municipality to a level of detail which is required for realistic costing and which helps manage the implementation process.

The IDP's vision is to have the Stellenbosch municipal area as the "*Valley of Opportunity and Innovation*". In order to achieve this vision, the IDP includes the following five overarching focus areas / strategies:

1. **Valley of possibility**;
2. **Green and sustainable valley**;
3. Safe valley;
4. Dignified living; and
5. Good governance and compliance.

It is foreseen that the proposed development will impact and support two of these focus areas/strategies, as highlighted in bold above.

Under the first focus area/strategy above, the IDP includes the objectives of:

(i) creating an environment conducive to business development and job creation;

(ii) providing, upgrading and maintaining an effective engineering infrastructure to support effective service delivery; and

(iii) ensuring the provision of non-motorised transport routes as a functional mode of transport.

*The proposed Riverside Business Park development affects and supports this first focus area/strategy by creating opportunities for economic growth and employment. Since the development will receive services from the City of Cape Town it will not impact on services capacity of the Stellenbosch Municipality.*

The IDP also focuses on reducing the reliance on private vehicles for getting to and from work. *The development site is located near the surrounding residential neighbourhoods of La Montagna, Heldervue and Firgrove. It is also located near the Firgrove railway station and along a public transport route (M9). The proposed development will therefore support this strategy.*

Under the second focus area / strategy above, the IDP includes the objectives of:

(i) managing the use of the biosphere and its resources;

(ii) enhancing the long-term environmental sustainability; and

(iii) ensuring spatial sustainability.

*The proposed Riverside Business Park development also affects and supports the second focus area/strategy, by minimising the impact on natural resources and developing a currently under-utilised site that is not environmentally sensitive nor has high agricultural potential/value. The development will also support and encourage the use of green energy in the design of future buildings.*

The IDP states that Stellenbosch Municipality has experienced a 3.0% annual GDP growth rate between 2005 and 2015 and a 2.6% annual population growth rate between 2001 and 2011. Similarly, the City of Cape Town has experienced an annual population growth rate of 1.9% over the same period. *It is foreseen that these trends will continue in future. The need to create additional employment opportunities is therefore very important to employ the growing population. The proposed development will address a small portion of this need.*

The IDP has also identified that economic growth at municipal level is essential for the attainment of economic development, the reduction of poverty and improved accessibility for its residents. Within Stellenbosch Municipality, the manufacturing sector represented 16.5% of the GDP in 2015. The sector has however experienced contraction of 0.2% per annum on average between 2005 and 2015. The manufacturing industry employed 10.3% of the Municipality's workforce in 2015. Employment growth has shed jobs (1 128 opportunities) over the past decade, contracting at 0.6% per annum over the period 2005 to 2015. *The proposed development has the potential to enhance the manufacturing sector and help reduce the contraction when fully developed.*

The IDP includes the proposed 'Cape Town Functional Region', discussed in the previous two subsections. It states that within the Western Cape, there is increasing support to focus strategic planning effort on the Cape Town Functional Region, including the City of Cape Town, Saldanha, Malmesbury, Paarl, Stellenbosch and Hermanus. This focus recognises that the City of Cape Town and the surrounding municipalities cannot operate in isolation anymore and that key regional economic interdependencies are in play, including a commuting workforce, shared consumer catchment area, transport, infrastructure, tourism and agricultural areas, as well as shared environmental resources. *The proposed development site must therefore be seen, not as being on the outskirts of the Stellenbosch Municipal Area and far removed from a settlement within the Stellenbosch Municipality, but rather as being centrally located between the municipalities of the City of Cape Town and Stellenbosch and forming part of the cape metropolitan area.*

### 3.4 Stellenbosch Municipality Spatial Development Framework (2017)

The Stellenbosch Spatial Development Framework (SDF) forms part of the municipal IDP as one of the key sectoral plans to which the IDP gives expression.

The aim of the SDF is to guide the future spatial form of the greater Stellenbosch area. It is aimed at developing a set of principles which guide development and developmental rights of property owners. Specifically, the SDF aims to:

- Achieve shared and inclusive growth;
- Increase access to opportunities, particularly for disadvantaged citizens;
- Improve sustainability by minimizing ecological footprints; and
- Maintain the unique sense of place of the towns and region.

To achieve these outcomes, various factors such as strategic infrastructure needs and requirements, natural resources, housing, **agriculture and appropriate land use** need to be taken into consideration.

Furthermore, the SDF, *inter alia*, aims to guide:

- future economic growth within a sustainable spatial framework;
- the protection and conservation of key natural resources and eco-system services;
- the maintenance and further development of the municipality's agricultural base; and
- the form, quality and appearance of urban and rural development to preserve the municipality's sense of place.

The SDF includes the following seven strategic perspectives that will guide the future spatial development within the municipal area:

- **Interconnected nodes;**
- **Car free transport;**
- **Inclusive economic growth**;
- **Optimal land use;**
- Resource custodianship;
- **Food and agriculture**; and
- **Heritage**.

It is foreseen that the proposed development will impact and support six of these strategic perspectives, as highlighted in bold above and discussed below.

A key feature of the greater Stellenbosch area is the historic pattern of settlements being located along strategic transport and river systems. The SDF regards this as a key strength which must be reinforced in order to protect the unique character of the area and constrain environmental damage, thereby also minimising the home-work travel distance. The SDF further states that developments should firstly be prioritised around rail routes and secondly along road routes and intersections.

The location of the site is (visually on map) problematic in the sense that it is located far from other settlements within the Stellenbosch Municipal Area, the nearest node being Raithby, and therefore not included in an urban edge (see **Figure 6** below). *It is however located adjacent to Firgrove which falls within the jurisdiction of the City of Cape Town. As stated in the IDP, the 'Cape Town Functional Region' concept does acknowledge the interdependence of the City of Cape Town and its surrounding municipalities. The proposed development site therefore does comply with the strategy of strengthening existing development areas, by expanding the industrial/business area around Firgrove, along an existing railway and a public transport route.*

**As stated, the SDF does not include the site within an urban edge and the SDF will therefore have to be deviated from. Refer to subsection 5.4.4 below.**

The SDF stated that "*sufficient industrial land should be made available close to public transport links (especially rail)*". *The proposed development could, by providing additional space for the manufacturing industry, create employment opportunities for skilled labour (manufacturing) and unskilled labour (construction). The proposed development site is also*

*located along a railway line and is close to public transport. It must also be noted that there are limited vacant industrial zoned sites within the Stellenbosch Municipality.*

The SDF highlights the importance of agricultural land within the municipal area for providing food, employment opportunities and supporting the tourism industry. The proposed development site is currently zoned for agricultural use and a small portion is cultivated under vines. However, a Soil Investigation was undertaken in 2017, which concluded that the site has low to medium agricultural potential (please refer to **subsection 8** below for more detail). The site is also physically separated from the adjacent farm lands. *The proposed development therefore will not impact on high potential agricultural land.*

The SDF states that Stellenbosch's sense of place is derived primarily from its historic architecture, natural biodiversity and the views from its main arterial routes. In order to safeguard this, sensitive biodiversity areas should be conserved, crest lines should be kept free of buildings and intensive agriculture and building heights and architectural styles should be controlled along prominent roads so as to preserve the heritage of the built environment. *The proposed development site is situated within an area that is visually not obtrusive, being located in a low-lying area and adjacent to a railway line and railway bridge. The development will also include architectural guidelines which will ensure that the development does not detract from the area's sense of place.*

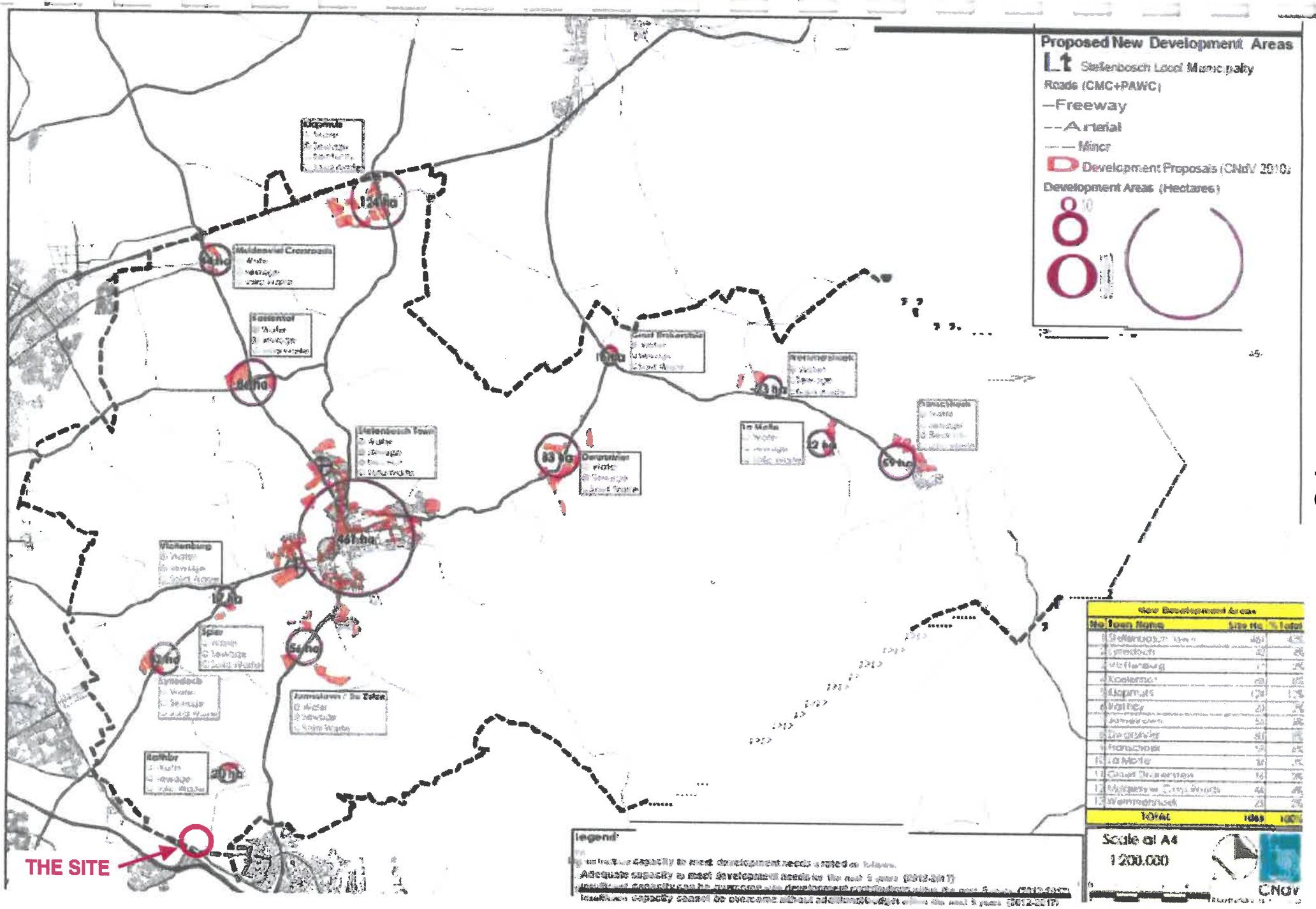



**Figure 6: Stellenbosch Municipality Spatial Development Framework: Proposed New Development Areas (2017)**

### 3.5 City of Cape Town: Spatial Development Framework and Helderberg District Plan (2012)

Even though the site is situated in the jurisdiction of the Stellenbosch Municipality, a brief discussion on the adjacent City of Cape Town planning policy is warranted, since the site could influence the adjacent City of Cape Town area and the City of Cape Town future planning could influence the development of the site.

The City of Cape Town Spatial Development Framework (CTSDF) is an overarching policy framework aimed at spatial integration and restructuring of the Cape Metropolitan Area. The CTSDF outlines land use management guidelines for the City and the policies that underpin them. The CTSDF is directed at managing growth and change over a 20-year planning horizon, with the spatial planning goal of creating a sustainable and equitable city.

The Helderberg District Plan is a local spatial development framework and is informed by the CTSDF. The purpose of the plan is to guide spatial development within the district to a finer level of detail over a 10-year period. The plan includes the CTSDF's spatial strategies, proposed at a district scale to inform the local area development. Each strategy states its aim, the local area's needs and challenges and required actions to address the local needs and challenges. The relevant key strategies are the following:

- **Strategy 1: Plan for employment and improve access to economic opportunities**

This strategy focuses on encouraging economic development in accessible locations to ensure that the opportunities they offer can be accessed by the broader community. The district plan has identified high levels of unemployment concentrated in certain areas, one of which is Macassar.

In order to address this need the district plan proposes actions to (1) encourage the attraction of further investment and (2) intensify development along key routes and around economic and industrial nodes.

*The proposed development will attract additional investment to the area and has the potential to generate temporary and permanent employment opportunities, is situated along an important connector route and adjacent to existing light industrial and commercial activities.*

- **Strategy 2: Manage urban growth and create a balance between urban development and environmental protection**

This strategy focuses on managing the pressures of urban development in a coordinated and sustainable manner. The district plan has identified development pressure on valuable agricultural land and environmentally sensitive areas as a challenge.

In order to address this need the district plan proposes actions to (1) protect the key resources and (2) to guide new urban development towards appropriate infill areas, thereby encouraging densification in areas close to economic and other opportunities.

*The proposed development site does not contain any environmentally sensitive features and a soil investigation has rated the soils as having low to medium agricultural suitability. The site is also surrounded by existing urban development and urban infrastructure. The development therefore represents an infill site which would not impact on any natural resources.*

The area to the south of the site falls within sub-district 1 of the Helderberg District Plan. The district plan promotes 'mixed use intensification' on properties bounded by Old Main Road, N2, Macassar Road and Moddergat River. This mixed use intensification area is located along the connector route that runs past the site (See **Figure 7** below).

*The intention is therefore that the area to the south of the site will be developed in future as a high density and intensity local development node. The proposed development of the site could be seen as an extension of this proposed urban intensification.*

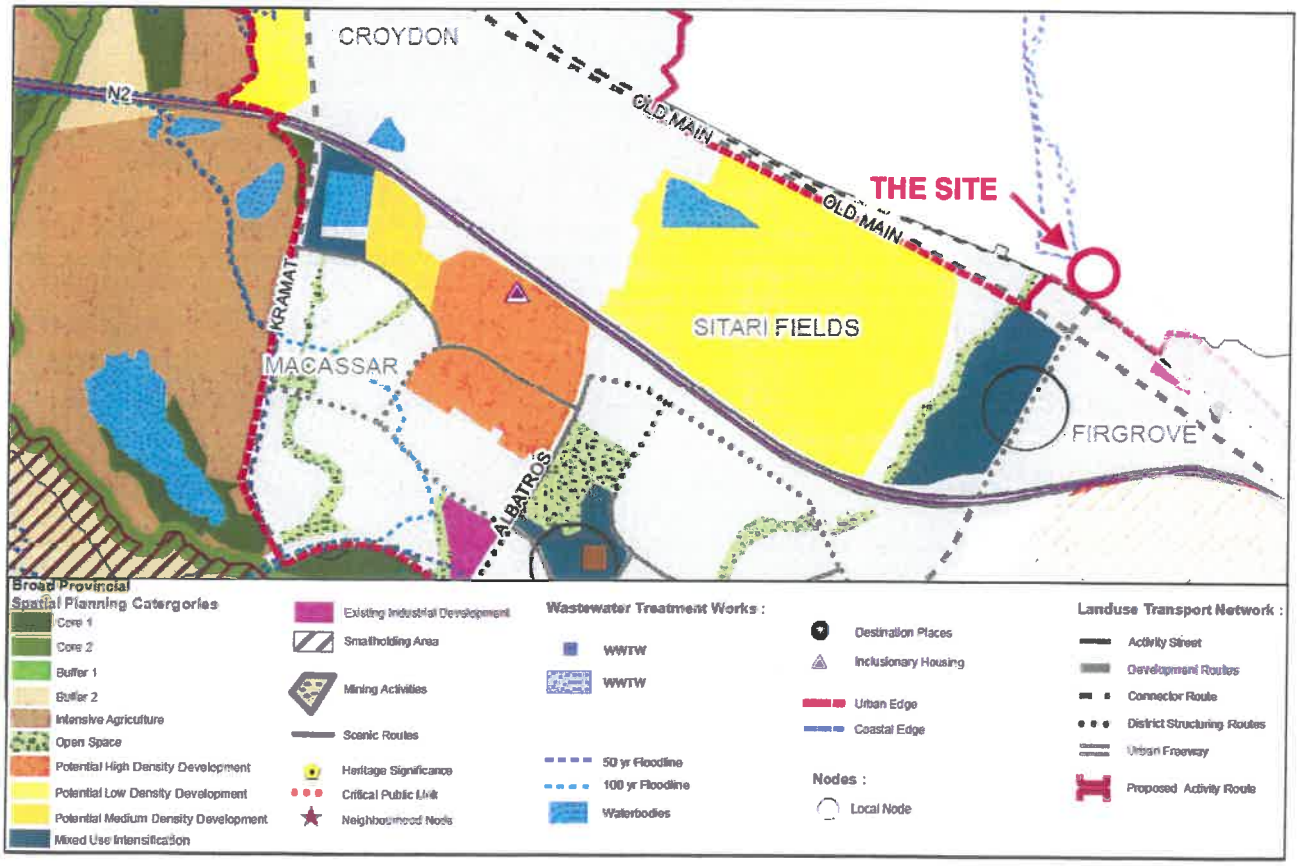



**Figure 7: City of Cape Town: Helderberg District Plan: Extract of Sub-District 1**

# 4. THE DEVELOPMENT PROPOSAL

## 4.1 Development Concept

The development proposal is to create a secure, high-quality light industrial and warehouse park. The development will be contained within a uniform perimeter fence and access controlled by means of a security boom or gate.

The property will be sectionalised and managed by one body corporate. Through sectionalisation, the development will have control over uses and activities occurring within it, ensuring a better operational development in future. Please refer to **Annexure 8**, which includes the proposed SDP.

## 4.2 Light Industrial / Warehouse Component

The development provides 21 sectional properties, of which 19 sections will be developed. Due to the dimensions of the site and the location of the water pipeline and electrical servitudes, large portions of the site cannot be developed. For this reason, two sections (Sections 5 and 10) underneath the overhead powerlines will remain undeveloped and only used for off-site parking and storage purposes. The portions of Sections 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13 and 14 that fall within the electrical servitudes will also not be developed. These sections would be used for on-site parking and storage. The proposed uses within the electrical servitudes will be agreed upon between Eskom and the developer. Note that such an agreement for parking and storage has successfully been concluded with Eskom by the adjacent Go-Group development, which is also affected by the same electrical servitudes.

In total, the development provides for 30 725 m$^2$ of potential developable land. However, the developer is applying a coverage of 60% for the 19 developable sections. The 19 sections will provide for 33 506 m$^2$ of floor space (bulk), to be provided in the ground floor, first floor and second floor of each building. The first and second floors will be used for the office component of each industrial/warehouse use. This equates to an overall floor factor of 0.48. To calculate the total Gross Leasable Area (GLA) for the development, an 85% factor of the total floor space was used. Therefore, a total of 28 480 m$^2$ of GLA will be provided.

Please refer to **Annexure 8**, which includes the proposed SDP and area and parking schedule for each section. The buildings will be limited to three storeys (9.5 m to top of wall plate and 11.5 m to top of roof) and a 5.0 m building line will be maintained along the northern boundary road.

## 4.3 Site Access

Only one access point will be provided off the existing northern boundary road. The access will be access-controlled by either a security boom or a gate. Two entry lanes will be provided with sufficient stacking space.

### 4.4 Internal Roads

The proposed internal roads will have road reserve widths of 15.0 m and the surface treatment, a combination of premix and paved surfaces, will comply with the standards of the Stellenbosch Municipality. The two T-shaped turning circles will be of sufficient dimension to accommodate the expected truck sizes. The internal roads will be private and managed and maintained by the property owners' association.

### 4.5 Provided On-site Parking

According to the Article 8 Zoning Scheme, 1 bay is required for every 200 $m^2$ of floor space. The proposed development will provide the required number of parking bays by providing both on-site parking bays on each section, as well as off-site parking bays on the Sections 5 and 10. The number and location of bays will be finalised during the building plan submission process for each section. Please refer to **Annexure 8**, which includes the proposed SDP and area and parking schedule for each section.

### 4.6 Landscaping

Landscaping will be provided to create a pleasant and upmarket development. The proposed development has sufficient area available to achieve this and landscaping will be focussed along the northern boundary road, the internal roads, the western berm and around the proposed retention dam. Water-wise and indigenous planting will be used.

### 4.7 Compliance with the Article 8 Zoning Scheme

The following table lists the zoning scheme development parameters under the applied for Industrial Zone I and illustrates the proposed development's compliance thereto. Note that the proposed development will only include light industrial and warehouse uses.

**Table 1: Compliance to Zoning Scheme Development Parameters: Industrial Zone I**

| Zoning Scheme Parameter | | Development Proposals | Compliant? |
|---|---|---|---|
| Primary Use | Industry | Industry, warehouse | Partly, consent use is required for warehousing |
| Consent Use | *Inter alia* warehouse | Warehouse | Yes, consent use is required. |
| Floor factor | 1.5 | TBD during building plan stage, but will be within 1.5. | Yes |
| Coverage | At most 75% | 60% | Yes |
| Setback | At least 8.0 m | At least 8.0 m | Yes |
| Building line: Street | 0.0 m | 5.0 m | Yes |
| Building line: Common | 0.0 m, provided Council may lay down building lines. | TBD during building plan submission process. | Yes |
| Parking | 1 bay/200 $m^2$ GLA | 3 bays/200 $m^2$ GLA | Yes |

## 5. THE APPLICATION

To permit the proposed light industrial and warehouse development on the site, the following applications are required:

### 5.1 Application in terms of the Subdivision of Agricultural Land Act 70 of 1970

The competent authority to approve the application is the National Department of Agriculture, with the Provincial Department of Agriculture (Elsenburg) being a commenting authority.

In order to develop the site for urban uses, the site needs to be subdivided from the Remainder Farm. Application have been made to the National Department of Agriculture to subdivide the agricultural property into a development portion (Portion A, 5.9622 ha in extent and representing under-utilised land) and Remainder Farm 1101 (134.3286 ha in extent) in terms of Act 70 of 1970.

The Remainder Farm will continue to operate as is without any disruption. Note that no water use rights will be transferred to the subdivided development portion (Portion A).

Refer to **Figure 9** which illustrates the proposed subdivision. The development portion will be rezoned to Industrial Zone I.

Please refer to **Annexure 9** for a copy of the Agricultural Land subdivision application form, which has been submitted to the Provincial and National Departments of Agriculture. The project team is waiting on the two departmental reference numbers.

### 5.2 Application in terms of the National Environmental Management Act (Act 107 of 1998, NEMA)

As noted above, the Department of Environmental Affairs and Development Planning (D:EA&DP) has confirmed that the development proposals does not constitute listed activities as defined in terms of the NEMA EIA Regulations (2014). A Basic Assessment or Environmental Impact Assessment is therefore not required (Reference 16/3/3/6/7/1/B4/45/1259/17). Refer to **Annexure 6**.

### 5.3 Application in terms of the National Heritage Resources Act (1999)

The development proposals require an application in terms of the National Heritage Resource Act, Act 25 of 1999. The competent authority to approve the application is Heritage Western Cape. Note that this application is separate to the land use application, but runs in parallel.

#### 5.3.1 Notice of Intent to Develop

The development involves a site of 5.9622 ha in extent. The National Heritage Resources Act requires any person who intends to undertake a development involving the change of character of a site exceeding 5 000 $m^2$ in extent ((section 38(1)(c)(i))) and ((Section 38(1(d))) or the rezoning of a site

exceeding 10 000 m² in extent to notify the responsible heritage resource authority, in this case Heritage Western Cape (HWC).

Notice of intent to develop the site will be made shortly to HWC as a separate application by the Environmental Assessment Practitioner, Mark Berry.

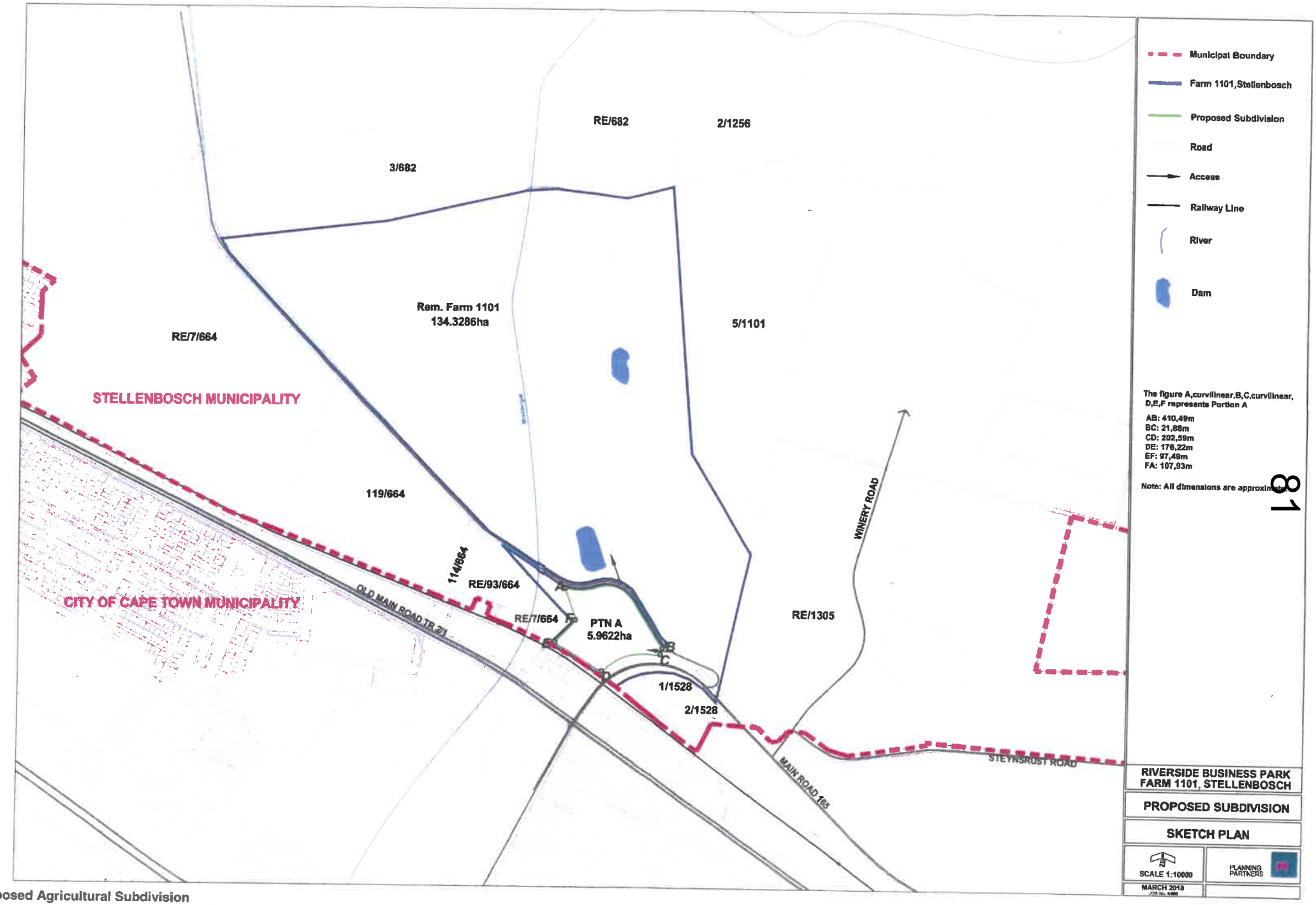



Figure 9: Proposed Agricultural Subdivision

### 5.4 Applications in terms of Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015)

The following applications are made to the Stellenbosch Municipality's Planning and Development Department in terms of the Stellenbosch Municipality Land Use Planning By-law (MPBL):

#### 5.4.1 Subdivision

Farm 1101, Stellenbosch is currently 140.2908 ha in extent. The proposed development will be restricted to only 5.9622 ha of under-utilised land, with the remaining farm operating undisturbed. In order to develop the site for urban uses, the site needs to be subdivided off the main property.

Application is hereby made to subdivide the property into a development portion (5.9622 ha in extent) and Remainder Farm 1101 (134.3286 ha in extent) in terms of Section 15(2)(d) of the MPBL. Refer to **Figure 8** which illustrates the proposed subdivision.

#### 5.4.2 Rezoning

Farm 1101, Stellenbosch is currently zoned Agriculture Zone I, in terms of the Article 8 Zoning Scheme. In order to develop the subdivided development portion (the site), it is necessary to rezone the site to Industrial Zone I.

Application is hereby made to rezone the subdivided portion from Agriculture Zone I to Industrial Zone I in terms of Section 15(2)(a) of the MPBL. Refer to **Figure 9** which illustrates the proposed rezoning.

#### 5.4.3 Consent Use

Warehousing is included as a consent use under the Article 8 Zoning Scheme's Industrial Zone I.

Application is hereby made for consent use to permit the proposed warehousing component in terms of Section 15(2)(o) of the MPBL.

#### 5.4.4 Approval of Site Development Plan

According to the Stellenbosch MPBL, a Site Development Plan (SDP) may be required. Since the proposed development involves a sectional title scheme, the applicant believes a SDP will have benefit.

A SDP, attached as **Annexure 8**, is hereby submitted for review and approval in terms of Section 15(2)(g) of the MPBL.

#### 5.4.5 Deviation from the Stellenbosch Municipality Spatial Development Framework

As stated in **subsection 3.2** above, the site is not currently situated within an urban edge of the Stellenbosch Municipality's identified development nodes.

In order to develop the site as intended, a deviation from the SDF would be required. Refer to **Section 10** below, which presents site-specific circumstances as motivation for this deviation in order to accommodate the proposed development.

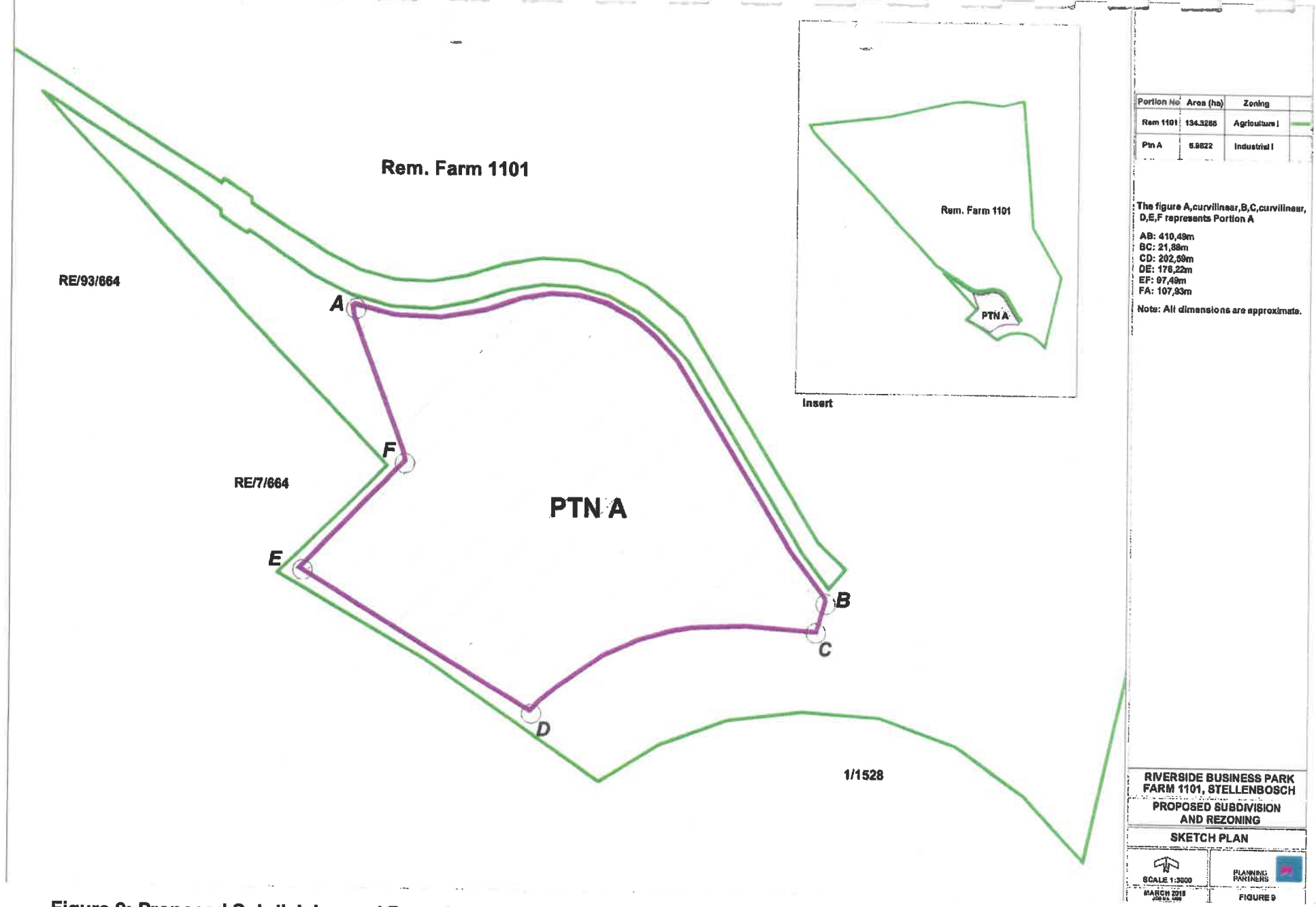



**Figure 9: Proposed Subdivision and Rezoning**

## 5.5 Application in terms of the Land Use Planning Act (LUPA, 2014)

The development proposals also require an application in terms of the provincial Land Use Planning Act (LUPA, 2014). The competent authority to approve the application is the Department of Environmental Affairs and Development Planning.

Since the site is zoned for agricultural uses and a small portion is currently cultivated, a land use application is required in terms of this Act.

A Land Development Application has been made to the Department of Environmental Affairs and Development Planning in terms of Section 53 of the Land Use Planning Act (LUPA, 2014). This application will be submitted simultaneously to the land use application.

## 6. ENGINEERING SERVICES

*UDS Africa* conducted a services assessment in February 2018 to determine the existing bulk civil services infrastructure in the site vicinity, the proposed connection thereto and the estimated services demands (Please refer to **Annexure 10** for a copy of the report). The assessment made the following findings:

### 6.1 Civil Engineering Standards

The design of the proposed services will be in accordance with the "*Guidelines for the Provision of Engineering Services and Amenities in Residential Townships*", the UTG7 publication "*Geometric Design of Urban Local Residential Streets*". This will also be compliant with the standards and requirements of the local authority. Construction of the services will be specified to be in accordance with SANS 1200.

### 6.2 Water Supply

- **Distribution Zone**

The proposed development could be supplied from either the Macassar or Firgrove water distribution zones. Both distribution zones are supplied via a 760 mm Ø bulk distribution main which runs from the Blackheath Water Treatment Plant and reservoir.

- **Development Requirements**

The anticipated water demand for the proposed development has been calculated to 3.75 l/s and 129.6 kl/d.

- **Present Situation**

There is limited water infrastructure in the immediate vicinity of the proposed development. There are two options to supply the development:

1. To the west of the site is a 250 mm Ø water main with a static and peak pressure of 35 m and 58 m, respectively. This line has a peak flow and velocity of 5.6 l/s and 0.2 m/s. This main is fed via a 450 mm PRV off the 760 mm Ø bulk main along Old Faure Road and is set to reduce the static pressures as the 760 mm main operates at very high pressure. When considering the steep nature of the proposed development site, approximate elevation change from 28 m to 34 m, low pressures could be experienced as a result of the existing supply. It is advised that the development utilise an on-site 48 hours storage supply, which would gravity feed the proposed development. In addition, an internal pressure booster would be required to supply the development under fire flow conditions.

2. Along the southern end of the site is a 110 mm Ø water main off Old Main Road, with a static and peak pressure of 46 m and 57 m respectively. The peak velocity and flow in this pipe is 0.3 m/s and 2.5 l/s correspondingly.

The surrounding water network has limited spare capacity and residual flow to supply the proposed demand of 3.75 l/s of the development. However, with the incorporation of a booster pump and storage tanks, the developer should be able to ensure sufficient supply for the proposed development from the 250 mm Ø water main.

Although both options mentioned above could have sufficient capacity to service the proposed development, when considering the cost implications as well as the Firgrove development as a whole, the better option would be to upgrade the Firgrove Station bulk water connection. This would allow for the developer to have a designated supply to the development.

## 6.3 Sewer

- **Drainage Area**

The proposed development is situated in the catchment of the Macassar foul sewer pump station, which has sufficient spare capacity to accommodate 3.56 l/s. Foul sewer is pumped via a rising main from the pump station to the Macassar WWTW.

- **Present Situation**

The following two possible connection points exist for the proposed development:

1. A 150 mm Ø sewer main, situated to the west along Hastings Road approximately 2.1 km from the lowest point of the development site; and
2. A 150 mm sewer main, situated to the south along School Street.

Both connection points have sufficient spare capacity to accommodate the anticipated flow.

- **Wastewater**

The anticipated wastewater flow from the proposed development has been calculated to be 123.1 kl/d. The proposed development is situated within the catchment of the Macassar Wastewater Treatment Works, which has sufficient capacity to accept the anticipated wastewater flow from this development.

## 6.4 Stormwater

The site drains towards an existing stream running adjacent to the railway reserve along the southwestern boundary of the development. The run-off from the proposed development will be discharged into this stream.

In order to reduce impacts of urban stormwater systems on receiving waters, all stormwater management systems shall be planned and designed in accordance with best practice criteria and guidelines laid down by council, to support water sensitive urban design principles and the following specific sustainable urban drainage system objectives:

- improve the quality of the runoff;
- control the quantity and rate of runoff, and
- encourage natural groundwater recharge.

The proposed development of the site is ideally suited for conventional detention facilities such as a pond. As such, the Best Management Practice proposed to improve the quality and control of the quantity of the stormwater run-off is to construct a detention pond with a capacity of approximately 1 900 $m^3$ at the low point on the site. Refer to the SDP attached as **Annexure 8**, which illustrates the location of the proposed detention pond.

### 6.5 Electricity Services

ESKOM is the licensed electricity distributor for the area. ESKOM has confirmed that there is sufficient capacity available at Eskom's Firgrove sub-station to supply the proposed development. Please refer to **Annexure 11** for the confirmation letter.

## 7. ACCESS AND TRANSPORTATION

*Ice Group* conducted a Traffic Impact Assessment in March 2018. Please refer to **Annexure 12** for a copy of the full report. The report's conclusions and recommendations are summarised as follows:

- Conclusions:
  - The TIA is in support of this application;
  - The access to the property is obtained from an existing access road, currently serving an Eskom Substation and the City of Cape Town Waterworks;
  - The proposed development has the potential to generate 228 peak hour trips, with 160 in, 68 out during the AM peak hour and 57 in, 171 out during the PM peak hour;
  - To accommodate the background traffic, the following road upgrades are considered necessary:
    (a) Old Main Road/Main Road/Macassar Road intersection: provision of dedicated left-turn lanes on the northern- and southern-approaches, extension of the existing dedicated right-turn lane on the eastern approach, as well as the changing of existing shared through-left turn lane on the northern-approach to shared-right turn, and existing shared through-left turn lane on the southern-approach to through lane;
  - To accommodate the addition of the proposed development-traffic, the following road upgrades are considered necessary:
    (a) Old Main Road/Main Road/Macassar Road intersection: Provision of dedicated left-turn lane and changing of existing shared through-left turn lane to through lane on western- and eastern-approaches, and provision of/changing of northern-approach to consist of two dedicated right-turn lanes, through lane and dedicated left-turn lane;
    (b) Main Road/Access Road (Waterworks) intersection: Provision of traffic signals at the intersection, with dedicated right-turn lane on eastern approach;
  - The access to the subject property will be along the existing access road, ± 250 metres from the edge of Main Road;
  - That the existing access road is currently a two lane road, with the first section public from Main Road up to and including the proposed access, with the remainder of the road towards the Eskom substation and the CCT waterworks private/servitude road;
  - That the existing Go-Group-Access to Main Road will be closed and relocated to opposite the Main Road/Winery Road intersection, which will improve intersection spacing along Main Road, and thus provide the opportunity for the access road-intersection to be signalised;
  - That it should be ensured that the access layout provides for separate employee/visitor lanes in, and that it accommodates the size vehicles expected to the light industrial development;

- That formal public transport embayments be considered along Main Road at the access road-intersection (outbound legs) and that the provision of sidewalks along the southern side of the access road (between Main Road and the access), as well as along at least one side of the internal streets, be considered.

- Recommendations:
  - To accommodate the background traffic, upgrades to the Old Main Road/Main Road/ Macassar Road are required:
    (a) Provision of dedicated left-turn lanes on the northern- and southern approaches;
    (b) Extension of the existing dedicated right-turn lane on the eastern approach;
    (c) Changing of existing shared through-left turn lane on the northern approach to shared-right turn;
    (d) Changing of existing shared through-left turn lane on the southern approach to through lane;
  - To accommodate the addition of the proposed development-traffic, the following upgrades are considered necessary:
    (a) Old Main Road/Main Road/Macassar Road intersection:
      (i) Provision of dedicated left-turn lane and changing of existing shared through-left turn lane to through lane on western- and eastern approaches;
      (ii) Provision of/changing of northern-approach to consist of two dedicated right-turn lanes, through lane and dedicated left-turn lane;
    (b) Main Road/Access Road (Waterworks) intersection: Provision of traffic signals at the intersection, with dedicated right-turn lane on eastern approach;
  - The security-controlled access layout provides for two lanes in, and accommodates the size vehicles expected to/from the light industrial development;
  - Parking be provided in accordance with the minimum requirements of the Zoning Scheme;
  - Formal public transport embayments be considered along Main Road at the Main Road/Access Road intersection (outbound legs);
  - Provision of sidewalks be considered:
    (a) Along the southern side of the access road (between Main Road and the access);
    (b) Along at least one side of the internal streets.

## 8. SOIL INVESTIGATION

A soil investigation was undertaken by *Johann Lanz* in July 2017. The aim of this investigation was to characterise the different soil types and assess the agricultural potential across a 9 ha portion of Farm 1101, Stellenbosch in order to provide the required information to assess the impact on agricultural production due to the potential loss of this land. The 9 ha portion contains the site and additional surrounding land.

The investigation rated the soils as having low to medium agricultural suitability. The soils are limited by their low clay content, the leached nature of the upper soil horizons, poor drainage and in places limited depth.

The investigation concluded that the soils are not suitable for quality wine production. As a result of the agricultural limitations of this portion of land, its loss will have negligible impact on the agricultural productivity of the remaining farm and the local area. Refer to **Annexure 13** for the full report.

## 9. CONSIDERATION OF NEED AND DESIRABILITY

This application is subject to the provisions of the Spatial Planning and Land Use Management Act, Act 16 of 2013 (SPLUMA) and the Land Use Planning Act, Act 3 of 2014 (LUPA) and shall therefore be considered on the grounds stipulated in these acts with respect to development and land use planning principles. The purpose of this section of the report is to highlight how the proposed light industrial/warehouse development meets these sets of principles. Note that many of the SPLUMA and LUPA principles are not relevant to the scale and nature of the proposed development.

### 9.1 Compliance with SPLUMA Development Principles

Section 7 of the Spatial Planning and Land Use Management Act (SPLUMA) outlines five development principles (and associated sub-principles) which apply to spatial planning, land development and land use management, namely:

- the principle of spatial justice;
- **the principle of spatial sustainability;**
- **the principle of efficiency;**
- the principle of spatial resilience; and
- the principle of good administration.

Not all of the above principles outlined in SPLUMA are applicable to the proposed development, but the following two principles are particularly pertinent, highlighted in bold above. The principle is in italics followed by a statement that demonstrates compliance.

- *The **principle of spatial sustainability**, whereby spatial planning and land use management must (1) support the effective and equitable functioning of land markets, (2) consider current and future infrastructure and social services costs to all parties in developments, (3) support development in strategic locations that limit urban sprawl and (4) result in viable communities.*

  The proposed development is compliant with this principle as it will strengthen the manufacturing sector and will provide additional employment opportunities to the community. The site is also currently under-utilised and the locality is compatible with the proposed development and well located in terms of public transport.

- *The **principle of efficiency**, whereby development projects utilise existing resources and infrastructure efficiently and optimally.*

  The civil services report conducted for this application concludes that there are existing services and capacity available to service the development. The services will be provided by the City of

Cape Town. The development is a logical part of an established node and it is efficient planning to reinforce this node.

### 9.2 Compliance with LUPA Assessment Criteria

Section 49 of the Western Cape Land Use Planning Act (LUPA) provides guidance about matters which must be considered when an application comes before a Municipality and reads as follows:

*"When a municipality considers and decides on a land use application, the municipality must have regard to at least –*

*(a) the applicable spatial development frameworks;*

*(b) the applicable structure plans;*

*(c) the principles referred to in Chapter VI;*

*(d) the desirability of the proposed land use; and*

*(e) guidelines that may be issued by the Provincial Minister regarding the desirability of proposed land use."*

LUPA outlines five principles and associated sub-principles which apply to land use planning, namely:

- principles of spatial justice;
- principles of spatial sustainability;
- principles of efficiency;
- principles of good administration; and
- principles of spatial resilience

As with the SPLUMA, not all of the principles are applicable to the proposed development, but the following are particularly pertinent. The principle is in italics followed by a statement that demonstrates compliance.

- *promote and stimulate the effective and equitable functioning of land markets.*

  The proposed light industrial development has the potential to stimulate the manufacturing sector of the local market, which has been contracting in the last few years.

- *consider current and future costs to all parties for the provision of infrastructure and social services in land developments.*

The availability and cost of infrastructure has been taken into consideration. The project engineer has confirmed that sufficient capacity should be available to link to existing bulk infrastructure and the developer is aware that Development Contribution costs will be involved.

- *promote land development in locations that are sustainable and limit urban sprawl.*

  Even though the site is located outside of an urban edge, the location is adjacent to existing business, storage and utility uses and currently under-utilised due to its isolated location. The proposed development will utilise the currently under-utilised site more efficiently in future.

- *result in communities that are viable.*

  The proposed development is compliant with this principle as it proposes to provide additional employment opportunities and services to the current community, within easy access to public transport, non-motorised transport and private vehicle.

- *the economic potential of the relevant area or region.*

  As stated above, the manufacturing industry employed 10.3% of the Stellenbosch Municipality's workforce in 2015, but has contracted in recent years. The proposed development has the potential to reduce the contraction once fully developed and operational. Further, the development will yield additional income for the Municipality in terms of rates to assist with service delivery in areas of need elsewhere in the municipal area.

Section 49(d) of LUPA is used to assess the desirability of the proposed land use. It is believed that the proposed development is desirable for the site for the following pertinent reasons:

- The population of the City of Cape Town and Stellenbosch municipalities is expected to grow in the future and the demand for consumer goods will increase as a result of the increase in population. The proposed light industrial/warehouse development will help to address these needs.
- The proposed development will generate both temporary employment opportunities during the construction phase and permanent employment opportunities during the operational phase;
- The proposed development will improve the currently under-utilised site; and
- The development will yield a substantial income for the Municipality in terms of rates to assist with service delivery in areas of need elsewhere in the town.

## 10. SITE SPECIFIC CIRCUMSTANCES

This section of the report motivates site specific circumstances to justify deviation from the Stellenbosch Municipal Spatial Development Framework to accommodate the proposed development. The following site-specific circumstances can be highlighted:

- The site is located within the 'Cape Town Functional Region" and is adjacent to an established node: The proposed development site must therefore be seen, not as being on the outskirts of the Stellenbosch Municipal Area and far removed from a settlement within the Stellenbosch Municipality, but rather as being centrally located between the municipalities of the City of Cape Town and Stellenbosch. This is highlighted in the PSDF and OneCape 2040, as discussed in **subsections 3.1** and **3.2** above.
- The site is situated within an area that is well provided by public transport, e.g. PRASA Northern Line, Golden Arrow bus route and mini-bus services. The site is one of the nearest locations within the Stellenbosch municipal area which can connect to the main Cape Town railway services, with the Firgrove railway station located approximately 800 m to the east of the site.
- Furthermore, the Stellenbosch Municipality IDP focuses on reducing the reliance on private vehicles for getting to and from work. The development site is ideally located to support this by being located near the surrounding residential neighbourhoods of La Montagna, Heldervue and Firgrove.
- The site is situated adjacent to existing light industrial, warehousing and office uses within Firgrove and the proposed development represents an expansion of compatible uses.
- Most of the site is currently vacant, but heavily disturbed. The largest portion of the site is therefore under-utilised.
- There is 2.7 ha of the site under vines, but which are of poor quality. A soil investigation has concluded that the soils are not suitable for quality wine production and as a result of the agricultural limitations of this portion of land, its loss will have negligible impact on the agricultural productivity of the remaining farm and the local area.
- The site does not contain environmentally sensitive fauna or flora.

## 11. CONCLUSION

This application is consistent with provincial and local planning policy and will contribute to the economic base of Stellenbosch the Municipality.

It is a sensible and desirable development that fits in with the local context. We request that this application is processed and approved in a timeous manner. If you have any questions or require further information, please contact us.

**Annexure 1**

**Stellenbosch Municipality Application Form**

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) | JAN | | | | |
| Surname | YNTEMA | | | | |
| Company name *(if applicable)* | JPY FAMILY TRUST | | | | |
| Postal Address | SUITE 16, PRIVATE BAG X34 | | | | |
| | SOMERSET WEST | | Postal Code | 7130 | |
| Email | jyntema@go-group.co.za | | | | |
| Tel | 021 – 851 5098 | Fax | N/A | Cell | 083 450 6762 |

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

| | | | | | |
|---|---|---|---|---|---|
| Registered owner(s) | RUSTENHOF BOERDERY (PTY) LTD | | | | |
| Physical address | | | | | |
| | | | Postal code | | |
| E-mail | | | | | |
| Tel | | Fax | | Cell | |

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

| | | | | | |
|---|---|---|---|---|---|
| Erf / Erven / Farm No. | 1101 | Portion(s) if Farm | | Allotment area | STELLENBOSCH |
| Physical Address | | | | | |
| Current Zoning | AGRICULTURE I | Extent | 140.2908 ~~m²~~ / ha | Are there existing buildings? | Y: X N: |

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Applicable Zoning Scheme | STELLENBOSCH MUNICIPALITY ZONING SCHEME | | | | | | | | | |
| Current Land Use | AGRICULTURE & VACANT | | | | | | | | | |
| Title Deed number and date | T | 67286/2001 | | | | | | | | |
| Attached Conveyance's Certificate | X | | Any Restrictions ito the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate | | | | | | | |
| Are the restrictive conditions in favour of a third party(ies)? | Y | X | If Yes, list the party(ies): | | | | | | | |
| Is the property encumbered by a bond? | Y | X | If Yes, list the bondholder(s): | | | | | | | |
| Is the property owned by Council? | Y | X | If Yes, kindly attach a power of attorney from the Manager Property Management | | | | | | | |
| Is the building located within the historical core? | Y | X | Is the building older than 60 years? | X | N | Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999)[1] | X | N | If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable. | |
| Any existing unauthorized buildings and/or land use on the subject property(ies)? | Y | X | If yes, is this application to legalize the building / land use[2]? | Y | N | | | | | |
| Are there any pending court case(s) / order(s) relating to the subject property(ies)? | Y | X | Are there any land claim(s) registered on the subject property(ies)? | Y | N | | | | | |

## PART D: PRE-APPLICATION CONSULTATION

| | | | |
|---|---|---|---|
| Has there been any pre-application consultation? | X | | 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; SDF Deviation | 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) | JPY FAMILY TRUST |
| Postal Address | SUITE 16, PRIVATE BAG X34<br>SOMERSET WEST, 7130 |
| Vat Number (where applicable) | 475 023 9420 |

**PART F: DETAILS OF PROPOSAL**

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | Building line encroachment | Street | | From | m | To | m |
| | | Street | | From | m | To | m |
| | | Side | | From | m | To | m |
| | | Side | | From | m | To | m |
| | | Aggregate side | | From | m | To | m |
| | | Rear | | From | m | To | m |
| | Exceeding permissible site coverage | | | From | % | To | % |
| | Exceeding maximum permitted bulk / floor factor / no of habitable rooms | | | From | | To | |
| | Exceeding height restriction | | | From | m | To | m |
| | Exceeding maximum storey height | | | From | m | To | m |
| | Consent/Conditional Use/Special Development<br><br>To permit.....<br>in terms of Section.....of the.....Zoning Scheme Regulations | | | | | | |
| | Other (please specify) | _____<br>_____<br>_____ | | | | | |

**Brief description of proposed development / intent of application:**

SUBDIVISION AND REZONING OF 5.9622 ha OF AGRICULTURAL LAND TO ESTABLISH A LIGHT INDUSTRIAL AND WAREHOUSE DEVELOPMENT.

PLEASE REFER TO THE ATTACHED MOTIVATION REPORT

## 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

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| X | N | Power of attorney / Owner's consent if applicant is not owner | | Y | N/X | Bondholder's consent (if applicable) | |
| X | N | Resolution or other proof that applicant is authorised to act on behalf of a juristic person | | Y | N/X | Proof of any other relevant right held in the land concerned | |
| X | N | Written motivation pertaining to the need and desirability of the proposal | | Y/X | N | S.G. diagram / General plan extract (A4 or A3 only) | |
| Y/X | N | Locality plan (A4 or A3 only) to scale | | Y/X | 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/X | Proof of agreement or permission for required servitude | |
| Y | N | Proof of payment of application fees | | Y/X | N | Proof of registered ownership **(Full copy of the title deed)** | |
| X | N | Conveyancer's certificate | | Y/X | N | Minutes of pre-application consultation meeting (if applicable) | |
| Y | N | N/A/X | Consolidation plan (A4 or A3 only) to scale | Y/X | N | N/A | Land use plan / Zoning plan (A4 or A3 only) to scale |
| Y | N | N/A/X | Street name and numbering plan (A4 or A3 only) to scale | Y | N | N/A/X | 1 : 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale |
| Y | N | N/A/X | Landscaping / Tree plan (A4 or A3 only) to scale | Y | N | N/A/X | Home Owners' Association consent |
| Y | N/X | N/A | Abutting owner's consent | Y/X | N | N/A | Services Report or indication of all municipal services / registered servitudes |
| Y/X | 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/X | Copy of original approval and conditions of approval | Y | N | N/A/X | Proof of failure of Home owner's association |
| Y | N | N/A/X | Proof of lawful use right | Y | N/X | N/A | Any additional documents or information required as listed in the pre-application consultation form / minutes |
| Y/X | N | N/A | Required number of documentation copies | Y | N/X | N/A | Other (specify) |

## PART H: AUTHORISATION(S) SUBJECT TO OR BEING CONSIDERED IN TERMS OF OTHER LEGISLATION

| | | | | | |
|---|---|---|---|---|---|
| YX | 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) | | |
| YX | N/A | Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) | Y | N/A | National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004) |
| Y | N/A | Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA) | Y | N/A | National Environmental Management: Waste Act, 2008 (Act 59 of 2008) |
| Y | N/A | Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations | Y | N/A | National Water Act, 1998 (Act 36 of 1998) |
| | N/A | Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA) | Y | N/A | Other (specify) |
| Y | N/A | 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: 28/3/2018

Full name: JAN YNTEMA

Professional capacity: TRUSTEE

**FOR OFFICE USE ONLY**

Date received: _____

Received By: _____

**Annexure 2**

**Powers of Attorney and Trust Resolution**

# POWER OF ATTORNEY

We, the undersigned, **JPY Family Trust**, authorised representative of the **Rustenhof Boerdery (Pty) Ltd** (owner of **Farm 1101, Stellenbosch District**),

do hereby nominate, constitute and appoint **Nick van der Merwe of Planning Partners (Pty) Ltd**,

with power of Substitution, to be our lawful Attorney and Agent in our name, place and stead, to take all such steps and to make any application necessary to any relevant authority as may be required to procure:

**1. Applications to Stellenbosch Municipality:**

a) Subdivision in terms of Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015) to cut off the development portion from the Remainder Farm;

b) Rezoning of land from Agriculture and Rural to Industrial in terms of Section 15(2)(a) of Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015);

c) Site Development Plan approval in terms of Section 15(2)(g) of the Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015); and

d) Amendment of the Stellenbosch Municipality Spatial Development Framework in terms of Section 15(2)(g) of Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015).

**2. Application to the National Department of Agriculture:**

a) Subdivision of agricultural land in terms of Act 64 of 1998 (Act 70 of 1970) to cut off the development portion from the Remainder Farm.

in order to **subdivide and rezone a portion of the property**;

and generally for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes, as we might or could do if personally present and acting herein – hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever our said Attorney and Agent shall lawfully do, or cause to be done, by virtue of these presents.

Signed at Somerset West

this 13 day of **February 2018** in the presence of the undersigned witnesses.

AS WITNESSES:

1.

2.

J F Jatenna

DO NOT SIGN OR INITIAL OVER THIS LINE

**RESOLUTION PASSED AT A MEETING OF THE TRUSTEES**

**OF JPY FAMILY TRUST**

HELD AT Somerset West.

ON 13 February 2018

That the corporation grants a power of attorney to **Nick van der Merwe** of **Planning Partners (Pty) Ltd**, with power of substitution, to take all such steps and to make any application necessary to any relevant authority as may be required to procure the **necessary rights to subdivide and rezone a portion of land,**

in relation to **Farm 1101, Stellenbosch District**:

**1. Applications to Stellenbosch Municipality:**

a) Subdivision in terms of Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015) to cut off the development portion from the Remainder Farm;

b) Rezoning of land from Agriculture and Rural to Industrial in terms of Section 15(2)(a) of Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015);

c) Site Development Plan approval in terms of Section 15(2)(g) of the Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015); and

d) Amendment of the Stellenbosch Municipality Spatial Development Framework in terms of Section 15(2)(g) of Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015).

**2. Application to the National Department of Agriculture:**

a) Subdivision of agricultural land in terms of Act 64 of 1998 (Act 70 of 1970) to cut off the development portion from the Remainder Farm.

and generally for effecting the purposes aforesaid.

RESOLVED FURTHER that **Jan Paul Yntema** in his capacity as a trustee of the trust be and is hereby authorised to sign the relevant power of attorney and any other documents to give effect to the foregoing on terms and conditions as he in his sole discretion deems fit.

CHAIRPERSON

JPY Family Trust

## SPECIAL POWER OF ATTORNEY

I, the undersigned

**Anton Bredell,** in my capacity as director and duly authorised by a resolution of the directors of
**RUSTENHOF BOERDERY PROPRIETARY LIMITED**
**Registratrion Number : 2000/023723/07**

Do hereby nominate, constitute and appoint

**Jan Paul Yntema,** duly authorised by a resolution of the
**JPY FAMILIETRUST**
which trustees are duly authorised by virtue if a letter of authority number IT657/2007 issued by the Master of the High Court, _____, on _____

With power of substitution, to be my lawful attorney and agent in my name, place and stead; and

To do whatever may be necessary in connection with, more particularly:

To attend to an application for subdivision and rezoning of the property known as:

**REMAINDER OF THE FARM RUSTENHOF NUMBER 1101**
**STELLENBOSCH DIVISION**
**WESTERN CAPE PROVINCE**

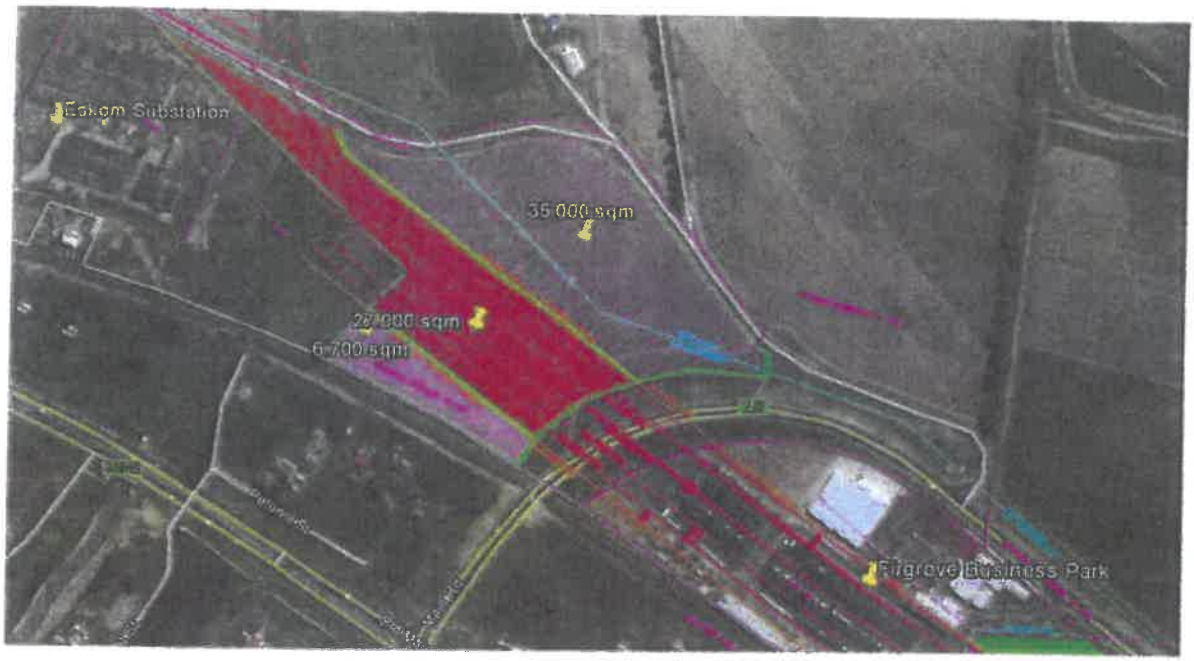
in terms of Act 70 of 1970, Subdivision of Agricultural Land Act. which costs will be borne by my said Attorney and Agent herein with the necessary assistance of myself in respect of the necessary documents requiring my signature and express consent.

And generally for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectively, for all intents and purposes as I might or could do if personally present and acting herein – hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever my said Attorney and Agent shall lawfully do, or cause to be done, by virtue of these presents.

JPY Family Trust

**PROPERTY**

The the land to be subdevided and rezones is a portion of the farm Rustenhof 1101 (indicated in the image below) with an estimated size of ~ 68.700 square meter (6.87 Ha)




SIGNED AT ON

**AS WITNESSES:**

1. _____

2. _____

_____
ANTON BREDELL

_____
JAN PAUL YNTEMA

**Annexure 3**

**S.G. Erf Diagrams and Noting Sheet**

SERVITUDE DIAGRAM

OFFICE COPY

| SIDES Metres | | ANGLES OF DIRECTION | | CO-ORDINATES Y System: WG19° X | |
|---|---|---|---|---|---|
| | | Constants: | | 0,00 | +3 700 000,00 |
| AB | 1297,40 | 316 19 06 | A | + 20 981,37 | + 67 983,44 |
| BC | 183,44 | 301 55 00 | B | + 20 085,32 | + 68 921,70 |
| CD | 124,10 | 334 42 30 | C | + 19 929,61 | + 69 018,68 |
| DE | 762,45 | 311 27 00 | D | + 19 876,59 | + 69 130,89 |
| | | | E | + 19 305,12 | + 69 635,61 |
| | | STEL 3 ( 67) | △ | + 21 266,03 | + 67 324,40 |
| | | MACASSAR ( 12) | △ | + 22 321,91 | + 71 634,78 |

S.G. No.
7281/2008
Approved
for SURVEYOR-GENERAL
2008.03.30.

Beacon Descriptions

A,C :12mm Round Iron Peg
B,D,E :16mm Round Iron Peg in Concrete
F,G :Not beaconed

Sheet 1 of 2 sheets

EXEMPT FROM PROVISIONS OF ACT 70 OF 1970
SECTION 2 (a)

SIE... Stel 1101 ... 72
... 2010-04-27

The line FBCDG represents the reference line of an Electric Power Transmission Servitude extending 17,50 metres on the Northern side and 22,50 metres on the Southern side of the line ~~A-B-C-D-E~~ over

The Remainder of the Farm RUSTENHOF No. 1101

Situate in the Municipality of Stellenbosch,
Administrative District of Stellenbosch,
Province of Western Cape
Surveyed in February-November 2008 by me

S. A. STRYDOM PLS 0593
Professional Land Surveyor

EXEMPT FROM PROVISIONS OF CHAPTER III OF ORD. 15/1985

| This diagram is annexed to No. d.d. i.f.o. Registrar of Deeds Cape Town | The original diagram is S.G. No. 1958/1975 Transfer 1976. .23652 Grant | File Stel1101 S.R. 3180/2008 Comp. AHND-4231(M2986) (M3791)(M3789) (M3790) Lpi C0670000 |
|---|---|---|

THE FOLLOWING DEDUCTIONS HAVE BEEN MADE FROM THIS DIAGRAM

| SURVEY RECORD | DIAGRAM NO. | SUBDIVISION | AREA HA./SQ. M. | TRANSFER NO. | INITIALED | REMOR. |
|---|---|---|---|---|---|---|
| E.576/75 | 1959/75 | Ged. 1. | 92, 3481 | 23653/76 | WOVdl | |
| E 2551/01 | 6411/01 | Ged 2 | | | | |
| —11— | 6412/01 | Ged 3 | | | | |
| 3024/2008 | 3024/2008 | Ptn. 4 | 4.2247 ha | 81690/2008 | dd | |

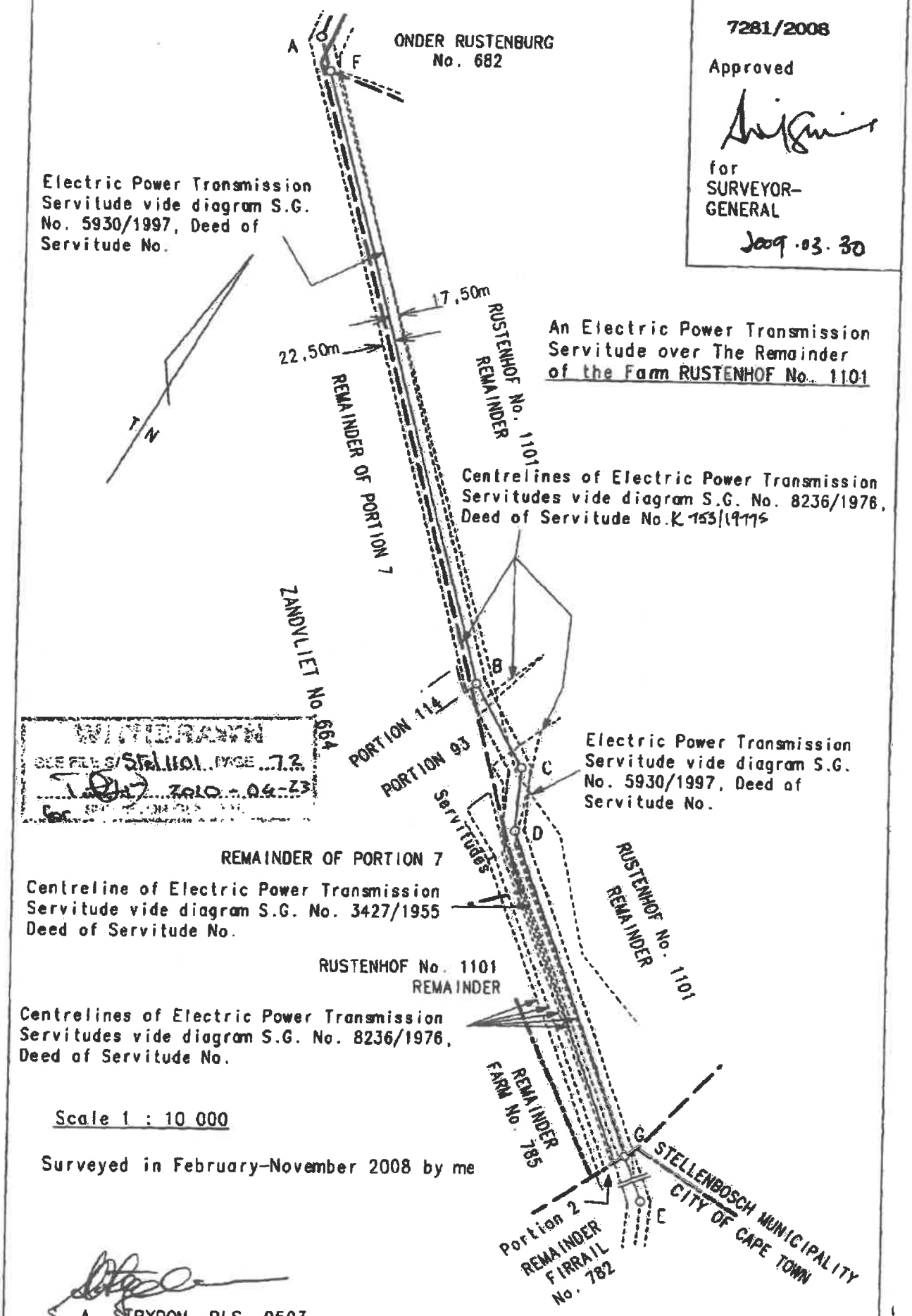
| | | | | |
|---|---|---|---|---|
| E. 576/75 | 1959/75 | Die lyn $x^2y^2$ stel voor 'n serwituut pyplyn | T/A 23653/76 | WOVdl |
| E.975/76 | 8230/76 | ← see original diagram | K753/1977 | |
| E 2349/97 | 5930/97 | The line $O^2P^2Q^2R^2S^2T^2U^2V^2$ represents the north eastern boundary of a pipeline servitude 8,00 m wide and the south western boundary of a pipeline servitude 7m wide and extends to property bdy. | | |
| ~~3120/2008~~ | ~~7281/2008~~ | | withdrawn | |

OFFICE COPY

SERVITUDE DIAGRAM

Sheet 2 of 2 sheets

S.G. No.
7281/2008
Approved
for
SURVEYOR-
GENERAL
2009.03.30




WITHDRAWN
SG FILE: STR.1101 PAGE 7.2
1 Qty 2010-04-23
Sec

Scale 1 : 10 000

Surveyed in February-November 2008 by me

S. A. STRYDOM PLS 0593
Professional Land Surveyor

8236/76

| SYE METERS | | RIGTINGS-HOEKE | | KOÖRDINATE Y STELSEL Lo 19° | X |
|---|---|---|---|---|---|
| | | Konstante | | ± 0,00 | + 3 700 000,00 |
| AB | 1 256,76 | 316.19.30 | A | + 20 889,38 | + 67 730,64 |
| BC | 1,76 | 21.19.00 | B | + 20 021,52 | + 68 639,63 |
| | | | C | + 20 022,16 | + 68 641,27 |
| DE | 908,59 | 354.06.50 | D | + 20 035,39 | + 67 600,16 |
| EF | 178,86 | 14.56.10 | E | + 19 942,20 | + 68 503,96 |
| | | | F | + 19 988,30 | + 68 676,78 |
| EG | 168,37 | 21.23.20 | G | + 20 003,60 | + 68 660,73 |
| HJ | 1 190,56 | 23.57.30 | H | + 19 390,19 | + 67 551,17 |
| JK | 119,63 | 21.57.00 | J | + 19 873,65 | + 68 639,15 |
| | | | K | + 19 918,37 | + 68 750,11 |
| JL | 229,18 | 341.03.00 | L | + 19 799,22 | + 68 855,91 |
| LM | 635,43 | 310.41.50 | M | + 19 317,46 | + 69 270,25 |
| NO | 57,39 | 296.02.00 | N | + 19 931,95 | + 68 735,87 |
| OP | 133,14 | 328.11.00 | O | + 19 880,38 | + 68 761,06 |
| PQ | 720,33 | 310.41.30 | P | + 19 810,19 | + 68 874,19 |
| | | | Q | + 19 264,01 | + 69 343,83 |
| RS | 690,81 | 310.42.40 | R | + 19 821,01 | + 68 892,39 |
| | | | S | + 19 297,36 | + 69 342,96 |
| TU | 668,46 | 310.43.30 | T | + 19 828,25 | + 68 904,43 |
| | | | U | + 19 321,66 | + 69 340,55 |
| Konnekteedata | | | | | |
| VC | 7,97 | 316.21.40 | V | + 20 027,66 | + 68 635,50 |
| CG | 26,89 | 316.21.40 | | | |
| GF | 22,17 | 316.21.40 | | | |
| FN | 81,66 | 316.21.40 | | | |
| NK | 19,68 | 316.21.40 | | | |
| KW | 40,62 | 316.21.40 | W | + 19 890,33 | + 68 779,51 |
| XM | 26,31 | 26.08.30 | X | + 19 305,86 | + 69 246,64 |
| MY | 63,41 | 26.08.30 | Y | + 19 345,39 | + 69 327,18 |
| | Stel 3 Nr. 67 | | Δ | + 21 203,35 | + 67 024,93 |
| | RM 97 Nr. 97 | | Δ | + 15 050,35 | + 72 951,62 |

Die ~~figuur~~ lyne Z.B.C.; A'.E.F.; E.G.; B'.J.K.; J.L.M.; N.O.C'.; D'.E'.; F'.G'. en H'.J'.

stel voor die hartlyne van 'n SERWITUUT VAN ELEKTRIESE KRAGLEIDING oor Restant van die plaas RUSTENHOF NR. 1101 ~~grond, synde~~

geleë in STELLENBOSCH Administratiewe Distrik Provinsie Kaap die Goeie Hoop.

Opgemeet in Maart - Mei 1976

deur my,

P. Du Toit.

P. DU TOIT Landmeter

| Hierdie kaart is geheg aan | Die oorspronklike kaart is | Lêer No. STEL. M.F. |
|---|---|---|
| No. K753/1977s gedateer | | M.S. No. E. 975/76 |
| t.g.v. | No. 1958/1975 geheg aan Transport/Grondbrief | Komp. AH-2BAC (3284) AH-2BA/Y23 (6283) AH-2BA/Z21 (269) |

114

REGISTRASIEKOPIE

# KANTOORAFSKRIF

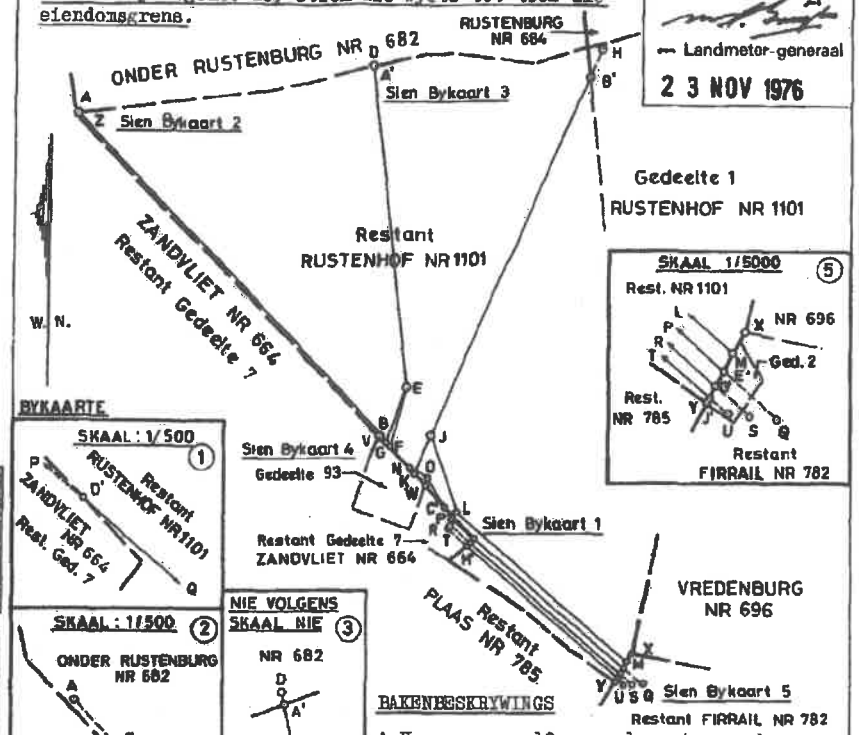
Die omvang en wydte van die serwituut is 11,0 meters aan albei kante van die lyne Z-B-C; F'-G'; H'-J' en 15,5 meters aan albei kante van die lyne A'-E-F; E-G; B'-J-K; J-L-M; N-O-C'; D'-E' behalwe waar eiendomsgrense nader as hierdie afstande vanaf een van die lyne gelê is, strek die wydte tot teen die eiendomsgrens.

L.G. No. 8236/76

Goedgekeur

— Landmeter-generaal

23 NOV 1976




BYKAARTE




BAKENBESKRYWINGS

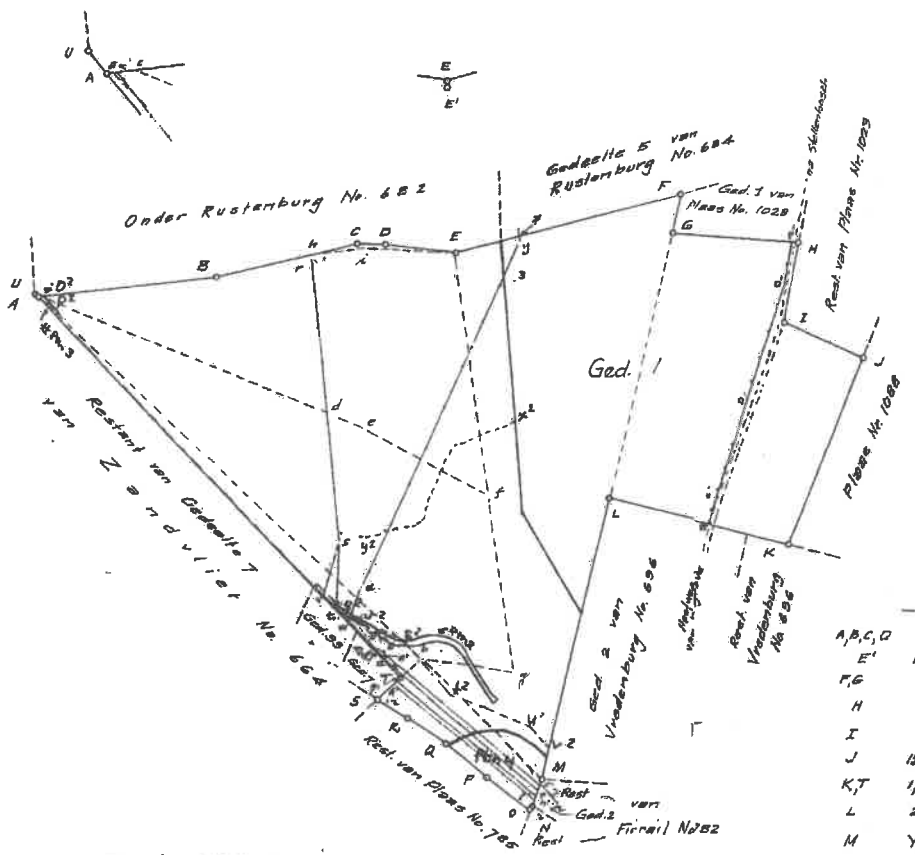
| | |
|---|---|
| A.H. | : 12mm ronde ysterpen by middelpunt van staal kraglynmas. |
| B.E.O.P.Q. | : 25mm X 1m ronde ysterpen by middelpunt van kraglyntoring |
| C.F.G.K.N. Z.A'.B'.C'. D'.E'.F'. G'.H'.J'. | : Geen baken nie. |
| D | : Middelpunt van dubbelbaankraglyntoring. |
| J.R. | : 12mm ronde yterpen tussen twee staal kraglynmaste. |
| L.M. | : 25mm X 1m ronde ysterpen onder klipstapel. |
| S.T.U. | : Middelpunt tussen twee kraglynmaste. |
| V.W. | : Ysterpaal onder klipstapel. |
| X. | : Swaar ysterhoekpaal. |
| Y. | : 12mm ronde ysterpen in gemesselde klipstapel. |

Note: The line ZB cancelled vide K 287/1999s

for Surveyor-General

1958/75

115




L.G. No. 1958/75

Goedgekeur
L Landm.-generaal
27.6.75

| | S Y E meter | RIGTINGSHOEKE | | Y | KOORDINATE Stelsel Lo.19° X |
|---|---|---|---|---|---|
| | | | | - | +3700 000 |
| AB | 544,4 | 263 18 20 | A | + 20 885,6 | - 67 735,7 |
| BC | 462,3 | 256 55 50 | B | + 20 345,0 | + 67 672,2 |
| CD | 86,6 | 269 25 50 | C | + 19 894,6 | + 67 567,7 |
| DE | 222,7 | 276 56 10 | D | + 19 808,0 | + 67 566,8 |
| EF | 724,0 | 254 55 40 | E | + 19 586,9 | + 67 593,7 |
| FG | 132,6 | 13 04 00 | F | + 18 887,8 | + 67 409,5 |
| GH | 409,9 | 273 17 10 | G | + 18 917,8 | + 67 534,6 |
| HI | 245,1 | 8 42 10 | H | + 18 508,5 | + 67 558,1 |
| IJ | 271,7 | 293 55 30 | I | + 18 545,6 | + 67 800,4 |
| JK | 627,8 | 20 53 30 | J | + 18 297,2 | + 67 910,6 |
| KL | 601,7 | 103 54 00 | K | + 18 521,1 | + 68 497,0 |
| LM | 916,3 | 12 39 20 | L | + 19 105,1 | + 68 352,5 |
| MN | 89,8 | 26 00 50 | M | + 19 [illegible] | + 69 246,5 |
| NO | 9,9 | 25 32 30 | N | + 19 345,2 | + 69 327,2 |
| OP | 164,6 | 127 17 10 | O | + 19 349,5 | + 69 336,1 |
| PQ | 161,3 | 129 15 20 | P | + 19 480,5 | + 69 236,4 |
| QR | 141,8 | 124 31 40 | Q | + 19 605,4 | + 69 134,4 |
| RS | 110,8 | 119 36 20 | R | + 19 722,2 | + 69 054,0 |
| ST | 99,8 | 226 19 10 | S | + 19 818,5 | + 68 999,3 |
| TA | 1 650,9 | 136 21 40 | T | + 19 746,3 | + 68 930,4 |
| AU | 12,2 | 136 21 40 | U | + 20 894,0 | + 67 726,8 |
| E'E | 0,3 | 175 57 00 | E' | + 19 586,9 | + 67 594,0 |
| | | | Stel 3 △ | + 21 203,4 | - 67 024,9 |
| | | | Stel 12 △ | + 13 572,3 | - 68 073,0 |

Die figuur ABCDEFGHIJKLMNOPQRST stel 236,8636 hektaar grond voor gynde DIE PLAAS RUSTENHOF No. 1101 wat bestaan uit:-

| | Figuur | PLAAS | Krt.No. | Akte No. |
|---|---|---|---|---|
| 1 | cDhiEfed | Rest.Ged.9 van ZANDVLIET No.664 | 28/1862 | 1862.12.1 |
| 2 | acdefgb | " Ged.10 " " " | 19/1862 | 1862.12.47 |
| 3 | AabT | " Ged.49 " " " | 874/1900 | 1900.54.4353 |
| 4 | hCDEi | Restant van No.[illegible] | 290/1838 | 1839.24.181 |
| 5 | GHIJKL | VREDENBURG No.695 | 993/1920 | 1920.123.7334 |
| 6 | BNOPQRS | Gedeelte 14 van [illegible].785 No.786 | 1957/1975 | 1976 -2365/ |
| 7 | EFLbg | | 3794/1884 | Stel [illegible].17.31 |

Geleë in die Administratiewe Distrik STELLENBOSCH
Provinsie Kaap die Goeie Hoop

Opgemeet in Jan.1963 en Nov. 1974 deur my
Landmeter.

Hierdie kaart is geheg aan S.V.T. No 23652/76

Registrateur van Aktes

Die oorspronklike kaarte is soos hierbo aangeteken

Lêer No. Stel. 1101
S.G.No. E. 576/75
Komp. AH-2BAC (3284)
AH-2BA/222 (270)
221 (269)
Y12 (269)

Elektriese Kraglyn Serwitute

Voorgestel deur:-
(1) Lyn x'e'f'
(2) Lyn wxyz
(3) Lyne rst, sv, a'b'c', d'e'f', g'h'k'l'
(4) Lyn m'n'o'p'

Sien Krt.No. 3427/55 S/A 112/1957 *
" " 6382/57 " 649/1958 *
" " 8493/64 " 459/1965 *
Plan S.105(3621) T/A 1920-123-7334
Gecancel. sedert K 753/197

Bakenbeskrywing

| | |
|---|---|
| A,B,C,D | Ingeplante klip |
| E' | 18 mm. ysterpen in skewe ingeplante klip |
| F,G | 22 mm ysterpen |
| H | Yserpaal/pen |
| I | Driedubbele ysterhoekdrandpaal |
| J | 12 mm ysterpen in stuk houtpaal in beton |
| K,T | 1,4 m hoë dwaar ysterhk.drd.pl. in beton |
| L | 20 mm ysterpen oor voet van houthk.drd.pl. |
| M | Ysterhk.drd.pl. in beton met 2 sando.penne |
| N | 12 mm ysterpen in gemesselde beken |
| O | 12 mm. ysterpen oor voet van skewe ysterhk.drd.pl. |
| P,Q,R | 1,4 m hoë ysterhk.drd.pl. in beton |
| S | 12 mm ysterpen oor voet van 0,3m hoë skewe spoorstaaf |
| E | nie gebaken nie |

SKAAL 1: 12500

THE FOLLOWING DEDUCTIONS HAVE BEEN MADE FROM THIS DIAGRAM

| SURVEY RECORD | DIAGRAM NO. | SUBDIVISION | AREA HA./SQ. M. | TRANSFER NO. | INITIALED | REMDR. |
|---|---|---|---|---|---|---|
| E.576/75 | 1959/75 | Ged. 1 | 92, 3481 | 23653/76 | GdV/cl | |
| E 2854/01 | 6411/01 | Ged 2 | | | | |
| — " — | 6412/01 | Ged 3 | | | | |
| ~~3024/2008~~ | 3024/2008 | Ptn. 4 | 4.2247 ha | 91690/2001 | zB | |

| | | | | |
|---|---|---|---|---|
| E. 576/75 | 1959/75 | Die lyn $x^2y^2$ stel voor 'n serwituut pyp lyn | T/a 23653/76 | cdv/cl |
| E.576/76 | 8230/76 | = see original diagram | K753/1977 | |
| E 2347/97 | 5930/97 | The line $a^2b^2c^2s^1t^2u^2v^2$ represents the north eastern boundary of a pipeline resp. 8,00 m thick and the south western boundary of a piplind servitude 7m wide, and extends to property lodge | | |
| ~~2120/2008~~ | ~~7221/2008~~ | | withdrawn | |

1107.

**Annexure 4**

**Copy of Title Deed**

PROD DEEDS REGISTRATION SYSTEM - CAPE TOWN DATE : 20171110 TIME : 09:41:08.9 PAGE : 1
PREPARED BY : DRS88092 - RICHARD SIBINDA

PROPERTY DETAILS PRINT FOR PORTION 0 (R/E)
FARM NO 1101
REG DIV STELLENBOSCH RD

PROVINCE WESTERN CAPE
PREV DESCRIPTION
DIAGRAM DEED NO T23652/1976
EXTENT 140.2908 H
CLEARANCE CITY OF CAPE TOWN
FARM NAME RUSTENHOF

FIRM NR : 999
FIRM NAME : AKTEKANTOOR KAAPSTAD
FILE NR : PREP
FEE AMOUNT: R .00

| INTERDICTS | CASE NUMBER | CASE DATE/TITLE NR | NOTED ON |
|---|---|---|---|
| I-3899/2010LG | | | 20100430 |

| DOCUMENTS | HOLDER & SHARE | AMOUNT | O/P/A | SCAN/MICRO REF | MMDD |
|---|---|---|---|---|---|
| B5160/2002 | NEDBANK LTD | R2500000.00 | | 20090224140355 | 0131 |
| K1158/2000S | | | | 2000 0803 2242 | 1121 |
| 411/2006S | | | | 20070430100102 | 1215 |
| 87/1999S | | | | 2000 0163 4313 | 0325 |
| K753/1977S | | | | 2000 0163 4319 | |
| FARM ST 1101 | | | | 1985 0073 0878 | |
| FROM ST RD 685,664/1 | 059,786,664/49,785/14,695 | | | | |
| PTN ST RD 1101/1 | | | | | |

OWNER DETAILS

| FULL NAME & SHARE | PURCH DATE | AMOUNT/REASON | O/P/A | IDENTITY | DATE OF BIRTH | TITLE DEED | MMDD | SCAN/MICRO REF |
|---|---|---|---|---|---|---|---|---|
| RUSTENHOF BOERDERY PTY LTD | | | | 2000023723O7 | | T67286/2001 | 0827 | 20090224140336 |
| | 20010529 | R2093381.00 | | | | | | |

* O/P/A - O - MULTIPLE OWNER P - MULTIPLE PROPERTY A - MULTIPLE OWNER AND PROPERTY

** PLEASE NOTE : THE INFORMATION APPEARING ON THIS PRINTOUT IS FURNISHED FOR PURPOSES OF INFORMATION ONLY.
FOR MORE DETAILED INFORMATION, PLEASE REFER TO THE REGISTERED SOURCE DOCUMENTS.

* * * END OF REPORT * * *

236 **51**

Miller Bosman Le Roux
ABSA Gebou
Hoofstraat 140
SOMERSET WES
7129

Opgestel deur my

TRANSPORTEESORGER
~~MILLER WJD~~
HJH GMC

SEËLREG
DUTY R.....
FOOI
FEE R 500,00

for releases
see bond.

**VERBIND** **MORTGAGED**

VIR
FOR R 2 500 000,00

B 005160 / 2002

2002 -07- 31

REGISTRATEUR/REGISTRAR

T 067286 * 2001

# TRANSPORTAKTE

VIR ~~VERVREEMDE~~ ONROERENDE GOED
~~VERVREEMDE~~ 8

HIERBY WORD BEKENDGEMAAK DAT

**GRANT ALASTAIR GREGORY HILL**

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

**ANTON BREDELL**
**Identiteitsnommer 570125 5036 08 9**
**Getroud buite gemeenskap van goed**

geteken te SOMERSET WES op 23 JULIE 2001

En genoemde Komparant het verklaar dat sy prinsipaal het, op 29 Mei 2001, waarlik en wettiglik verkoop by Privaat ooreenkoms, en dat hy, in sy voorgenoemde hoedanigheid hierby sedeer en transporteer aan en ten gunste van

**RUSTENHOF BOERDERY (EIENDOMS) BEPERK**
**Nr. 2000/023723/07**

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

RESTANT VAN DIE PLAAS RUSTENHOF NO 1101
IN DIE STELLENBOSCH MUNISIPALITEIT
AFDELING STELLENBOSCH
PROVINSIE WES KAAP;

GROOT 144,5155 (EEN HONDERD VIER EN VEERTIG KOMMA VYF EEN VYF VYF) Hektaar

AANVANKLIK GEREGISTREER kragtens Sertifikaat van Verenigde Titel No T 23652/1976 met Kaart No 1958/1975 wat daarop betrekking het en GEHOU kragtens Transportakte No T 345/1984.

I. Wat betref die Restant van die figuur gemerk cBhiEfed op Kaart No 1958/1975 geheg aan Sertifikaat van Verenigde Titel No T 23652/1976.

A. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte No 4055 gedateer 6 Junie 1917 en;

B. GEREGTIG op die voordeel van die voorwaarde waarna verwys word in die endossement gedateer 24 Januarie 1927 op Sertifikaat van Verdelingstitel no 3842 gedateer 26 April 1921, welke endossement as volg lui:-

"PARAS 3, 4, 5, and 6
REGISTRATION OF SERVITUDE

By Notarial Deed dated 3rd December 1926 the right to the use of certain water appertaining to the property held under sub para a) of Certificate of Partition Transfer No 3841 dated 26th April 1921 as well as the right of aqueduct has been granted in favour of the properties held under paras 3, 4, 5, and 6 hereof as will more fully appear on reference to the copy annexed hereto".

II. WAT BETREF die figuur acdefgb op Kaart No 1958/1975 geheg aan Sertifikaat van Verenigde Titel No T 23652/1976;

A. ONDERHEWIG aan sodanige voorwaardes soos na verwys word in Transportakte No 4055 gedateer 6 Junie 1917.

III. WAT BETREF die figuur gemerk AabT op die Kaart No 1958/1975 geheg aan Sertifikaat van Verenigde Titel No 23652/1976;

A. ONDERHEWIG aan sodanige voorwaardes soos na verwys word in Transportakte No 4055 gedateer 6 Junie 1917; en

B. GEREGTIG op die voordeel van die voorwaarde waarna verwys word in die endossement gedateer 24 Januarie 1927 op Sertifikaat van Verdelingstitel No 3842 gedateer 26 April 1921, welke endossement meer volledig uiteengesit is in Komponent I.B hiervan.

IV. WAT BETREF die figuur gemerk hCDEi op Kaart No 1958/1975 geheg aan Sertifikaat van Verenigde Titel No T 23652/1976;

A. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte No 4055 gedateer 6 Junie 1917.

V. WAT BETREF die figuur gemerk bMNOPQRS op die voormelde Kaart No 1958/1975 geheg aan Sertifikaat van Verenigde Titel No 23652/1976;

A. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte No 4055 gedateer 6 Junie 1917; en

B. GEREGTIG op die voordeel van die voorwaardes waarna verwys word in die endossement gedateer 24 Januarie 1927 op Sertifikaat van Verdelingstitel No 3842 gedateer 26 April 1921, welke endossement meer volledig uiteengesit is onder Komponent I.B. hiervan.

VI. WAT BETREF die restant van die figuur gemerk EFMbg op voormelde Kaart No 1958/1975:

A. ONDERHEWIG aan die voorwaardes soos na verwys word in transportakte No 4055 gedateer 6 Junie 1917; en

B. GEREGTIG op die voordeel van die voorwaarde waarna verwys word in die endossement gedateer 24 Januarie 1927 op gemelde Sertifikaat van Verdelingstitel No 3842 gedateer 26 April 1921, welke endossement meer volledig uiteengesit is in Komponent I.B. hiervan.

VII. ONDERHEWIG wat betref die restant van die hele figuur aangedui op Kaart No 1958/1975 aan die volgende voorwaarde opgelê ten gunste van Jacobus Petrus Bredell en sy opvolgers in titel van die eiendom beskryf as: Sekere stuk gedeeltelik vrygekoopte, gedeeltelik afgeskafte erfpaggrond en gedeeltelik eiendomsgrond, geleë in die Afdeling Stellenbosch, synde GEDEELTE 1 (HELDERSIG) van die Plaas RUSTENHOF No 1101 gehou deur hom kragtens Sertifikaat van Verdelingstitel No T 23654/1976, welke voorwaarde soos volg lees:-

a) ONDERHEWIG aan 'n serwituut pypyn aangedui deur die lyn xy op Kaart No 1959/1975 geheg aan Verdelingstransport No T 23653/1976 ten gunste van Jacobus Petrus Bredell, en

b) ONDERHEWIG aan die voorwaarde dat gemelde Jacobus Petrus Bredell en sy opvolgers in titel geregtig is om water te pomp vanaf die rivier gedurende die maande Mei tot Oktober deur middel van 'n pypyn wat aangedui word deur die lyn XY op Kaart No 1959/1975 geheg aan gemelde Verdelingstransportakte No T 23653/1976 ten gunste van Jacobus Petrus Bredell.

VIII. ONDERHEWIG VERDER aan die voorwaardes van die endossement gedateer 13 Maart 1986 kragtens Artikel 31(6) van Wet 47 van 1937 (soos gewysig) op Transportakte Nr T 345/1984, welke endossement as volg lees:

"Die hierin vermelde eiendom' groot ± 2,98 ha is onteien deur die Afdelingsraad van Stellenbosch kragtens Art 27 van die Ordonnansie op paale, Ordonnansie 19 van 1976, vide Onteieningskennisgewing Nr 9/1/2/4/1 gedateer 27 Februarie 1986 en geliasseer as onteienings caveat EX 56/86."

IX. ONDERHEWIG VERDER aan die voorwaardes van die endossement gedateer 27 Januarie 1991 kragtens Artikel 31(6) van Wet 47 van 1937 (soos gewysig) op Transportakte Nr T 345/1984, welke endossement as volg lees:

"Die eiendom hierin vermeld groot ± 521 vierkante meter is onteien deur die Munisipaliteit van Kaapstad in terme van Vide 20/74 saamgelees met Wet 63 van 1975 vide Onteieningskennisgewing EX 8/91 gedateer 27 Januarie 1991 en geliasseer as onteienings caveat EX 8/91."

X. ONDERHEWIG VERDER aan die voorwaardes van die endossement soos vervat in Transportakte Nr T 345/1984, welke endossement as volg lees:

a. "Kragtens Notariële Akte van Serwituut Nr K 287/89 S word 'n ewigdurende serwituut van elektriese kragleiding, 40 meter wyd aan Eskom verleen, oor binnegemelde eiendom, tesame met bykomende regte;

b. Word daardie gedeelte van die serwituut van elektriese kragleiding wat kragtens Serwituutakte Nr K 753/77 S soos in voorwaarde VIII op bladsy 4 oor binnegemelde grond geregistreer is, waarvan die roete voorgestel word deur die lyn ZB, hiermee gekanselleer."

XI. ONDERHEWIG VERDER aan die voorwaardes van die endossement ten gunste van die Kaapse Metropolitaanse Raad, soos vervat in Transportakte Nr T 345/1987, welke endossement as volg lees:

a. "Kragtens Notariële Akte van Serwituut Nr K1158/2000 S is binnegemelde eiendom onderhewig aan 'n pyplyn serwituut 6 meter

wyd, die noord oostelike grens waarvan voorgestel word deur die lyn UVWXYZAI op Plan Nr 5930/1997.

b. 7 meter wyd, die suidwestelike grens waarvan voorgestel word deur die lyn UVWXYZAI op Plan Nr 5930/1997."

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

**ANTON BREDELL, Getroud soos vermeld**

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

**RUSTENHOF BOERDERY (EIENDOMS) BEPERK**

hul Opvolgers in titel of Regverkrygendes, tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat en ten slotte erken dit dat die verkoopprys die bedrag van **R2 093 381,00 (Twee Miljoen Drie en Negentig Duisend Drie Honderd Een en Tagtig Rand)** beloop.

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

Onderteken, verly en met die ampseël bekragtig op die kantoor van die Registrateur van Aktes te Kaapstad op 27 Augustus 2001 -

q.q.

In my teenwoordigheid

REGISTRATEUR VAN AKTES

8

| DIE BINNEGEMELDE EIENDOM IS ONDERHEWIG AAN 'N KRAGLYNSERWITUUT TEN GUNSTE VAN ESKOM BEHEREND MET BYKOMENDE REGTE. | THE WITHINMENTIONED PROPERTY IS SUBJECT TO A POWERLINE SERVITUDE IN FAVOUR OF ESKOM HOLDINGS LTD. WITH ANCILLIARY RIGHTS. |
|---|---|
| K000001411/2006S | |
| 2006-12-15 | REGISTRATEUR/REGISTRAR |

Beacons Needed Servitude

Portion 16 = 4,2247 Hg

| GETRANSPORTEER AAN | TRANSFERRED TO |
|---|---|
| JPV familietrust & | |
| RESTANT/REMAINDER | 140,2908 Hg |
| T 081690/08 | |
| 23 DEC 2008 | REGISTRATEUR/REGISTRAR |

**Annexure 5**

**Conveyancer Certificate**

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

# CONVEYANCER CERTIFICATE

I, **HEIN CONRAD NAUSCHUTZ**

Practising at:

**1ST FLOOR, TRIANGLE POINT**
**13 URTEL CRECENT, SOMERSET MALL**
**SOMERSET WEST**

In respect of:

**REMAINDER OF THE FARM RUSTENHOFF no. 1011**
**IN THE STELLENBOSCH MUNICIPALITY**
**STELLENBOSCH DIVISION**
**PROVINCE OF THE WESTERN CAPE**

**MEASURING 140,2908 HECTARES**

**HELD BY DEED OF TRANSFER no. T 67286/2001**

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

**AND THAT THE TITLE DEEDS DOES NOT CONTAIN ANY RESTRICTIVE CONDITIONS WHICH MAY IMPACT ON THE PROPOSAL IN RESPECT OF THE LAND USE PLANNING AND AGRICULTURAL SUBDIVISION APPLICATIONS**, being:

1 . HOLDING TITLE DEED OF TRANSFER no. T 67286/2001

2. DEED OF TRANSFER no. T4055/1917

3. DEED OF TRANSFER dated 05 NOVEMBER 1889

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

## 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 | ¥ | NO | |
| 2. | Building lines | ¥ | NO | |
| 3. | Height | ¥ | NO | |
| 4. | Number of Dwellings | ¥ | NO | |
| 5. | Bulk floor area | ¥ | NO | |
| 6. | Coverage/built upon area | ¥ | NO | |
| 7. | Subdivision | ¥ | NO | |
| 8. | Servitudes that may be registered over or in favour of the property | YES | ₦ | See attached Annexure "A" |
| 9. | Other Restrictive Conditions | YES | ₦ | See attached Annexure "A" |

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

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

| | | |
|---|---|---|
| a. | Organ(s) of State that might have an interest in the restrictive condition | |
| 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 Somerset West on 15 February 2018**

**Full names and Surname: HEIN CONRAD NAUSCHUTZ**

**Signature:** .....

HEIN CONRAD NAUSCHUTZ
COMMISSIONER OF OATHS
ATTORNEY, CONVEYANCER, R.S.A
F2, 1st FLOOR BLOCK A
STELLENPARK BUSINESS PARK
R44, JAMESTOWN, STELLENBOSCH

**Tel: 021 001 1170**

**Email: heinn@stbb.co.za**

**Cell: 083 232 3591**

**ANNEXURE "A" TO CONVEYANCERS CERTIFICATE – REMAINDER THE FARM RUSTENHOFF no. 1011**

A. Servitudes registered over property

1. Condition VII (a) on page 4 of T67286/2001 refers to a pipeline servitude indicated by the line x y on diagram no. SG1959/1975[1] (attached to Partition Transfer no. T 23653/1976 in favour of JACOBUS PETRUS BREDELL, and that JACOBUS PETRUS BREDELL and his successors in title is entitled to convey water of the property by means of the said pipeline.

2. Condition X on page 5 of T67286/2001 refers to a 40 meter wide ESKOM servitude registered as Notarial Deed no. K287/1999S.

3. By Notarial Deed no. K1411/2006S, the within property is subject to a powerline and telecommunication servitude, in favour of ESKOM.

4. Condition XI on page 5 and 6 of T67286/2001 refers to a pipeline servitude registered in favour of the Cape Metropolitan Council, in terms of Notarial Deed no. K287/1999S, being:

a) 8 meter wide pipeline servitude, the north eastern boundary indicated by the line UVWXYZAI on diagram no. SG 5930/1997[2]

b) 7 meter wide pipeline servitude, the south western boundary indicated by the line UVWXYZAI on diagram no. SG 5930/1997

B. Other Restrictive Conditions

1. Condition VIII on page 4 and 5 of T67286/2001 refers to a portion of the within property measuring ±2.98 ha has been expropriated by the Divisional Council of Stellenbosch, in terms of Section 27 of the Road Ordinance 19 of 1976, vide notice 9/1/2/4/1 dated 27 February 1986 and filed as EX56/1986[3].

2. Condition IX on page 5 of T67286/2001 refers to a portion of the within property measuring ± 521m² has been expropriated by the Municipality of Cape Town, in terms of Ordinance 20 of 1974 read with Act 63 of 1975, dated 27 January 1991 and filed as EX8/1991[4].

---

[1] See Diagram no **SG 1959/1975** attached as Annexure **"B"**- servitude highlighted on sheet 1
[2] See Diagram no **SG 5930/1997** attached as Annexure **"C"** - servitude highlighted on sheet 3
[3] **EX56/1986** has been ordered at the Deeds Office and will be send once received
[4] **EX8/1991** has been ordered at the Deeds Office and will be send once received

1959/75

| SYE meter Keeper-Voet | RIGTINGS -HOEKE | | KOÖRDINATE Stelsel Lw. 19° Y | X |
|---|---|---|---|---|
| | | | | +3700 000 |
| AB 576,6 | 254 55 40 | A | + 19 444,6 | + 67 555,4 |
| BC 132,6 | 13 04 00 | B | + 18 887,8 | + 67 405,5 |
| CD 409,9 | 273 17 10 | C | + 18 917,8 | + 67 534,6 |
| DE 245,1 | 8 42 10 | D | + 18 508,5 | + 67 558,1 |
| EF 271,7 | 293 55 30 | E | + 18 545,6 | + 67 800,4 |
| FG 627,8 | 20 53 30 | F | + 18 297,2 | + 67 910,6 |
| GH 601,7 | 103 54 00 | G | + 18 521,1 | + 68 497,0 |
| 371,2 | 12 39 20 | H | + 19 105,1 | + 68 352,5 |
| 370,0 | 149 17 20 | I | + 19 186,5 | + 68 714,7 |
| 844,1 | 175 17 50 | J | + 19 375,4 | + 68 396,6 |
| | | Stel 3 ▲ | + 21 203,4 | + 67 024,9 |
| | | STel 12 ▲ | + 13 572,3 | + 68 073,0 |

Bakenbeskrywings

A Ingeplante klip
B,C 22 mm ysterpen
D Ysterpaalpen
E Driedubbele ysterhoekdraadpaal
G 1,4 m hoë swaar ysterhk.drd.pl. in beton
H 20 mm Ysterpen oor voet van houthoekdrd.pl.
I,J 20 mm x 1,5m ysterpen, 1,3m ingeslaan.
F. 12mm. ysterpen in stuk houtpaal in beton.

Die figuur A B C D E F G H I J

stel voor 92,3481 hektaar grond. synde

GEDEELTE 1 (Heldersig) van die plaas RUSTENHOF NO. 1101

gelê in die Administratiewe Distrik
Stellenbosch Provinsie Kaap die Goeie Hoop.

Opgemeet in Jan. 1963 en November 1974
deur my.

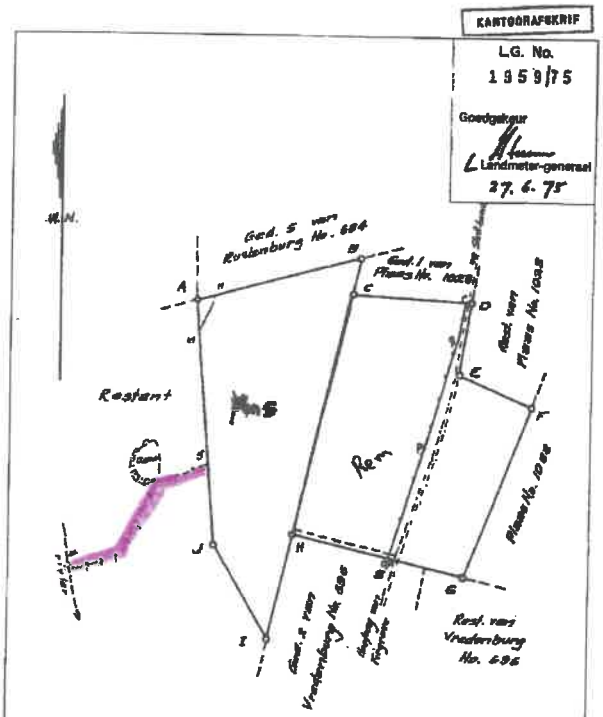
Landmeter

| | | |
|---|---|---|
| Hierdie kaart is gehegt aan Verdelings transport No. 23653/76 gedateer t.g.v. Registrateur van Aktes | Die oorspronklike kaart is. No. 1958/1975 gehegt aan Transport/Grondbrief No. 1976 - 23632 | Liter No. Stel. 1101 M.S. No. B. 576/75 Komp. Alt-ZBAC (3284) |

KARTOGRAFSKRIF

L.G. No.
1959/75

Goedgekeur
Landmeter-generaal
27. 6. 75




LET WEL

(1) Lyn, x-y, stel 'n Serwituutpyplyn oor die Restant, voor.
(2) Lyn, mm, stel 'n Elektriese Kraglyn-serwituut voor.
Sien Kaart No. 6982/1967
en S/A 698/1968
(3) Lyn, opgr., stel 'n Elektriese Kraglyn-serwituut voor.
Sien Plan S.105(3591) Tel. 1920-129-7334

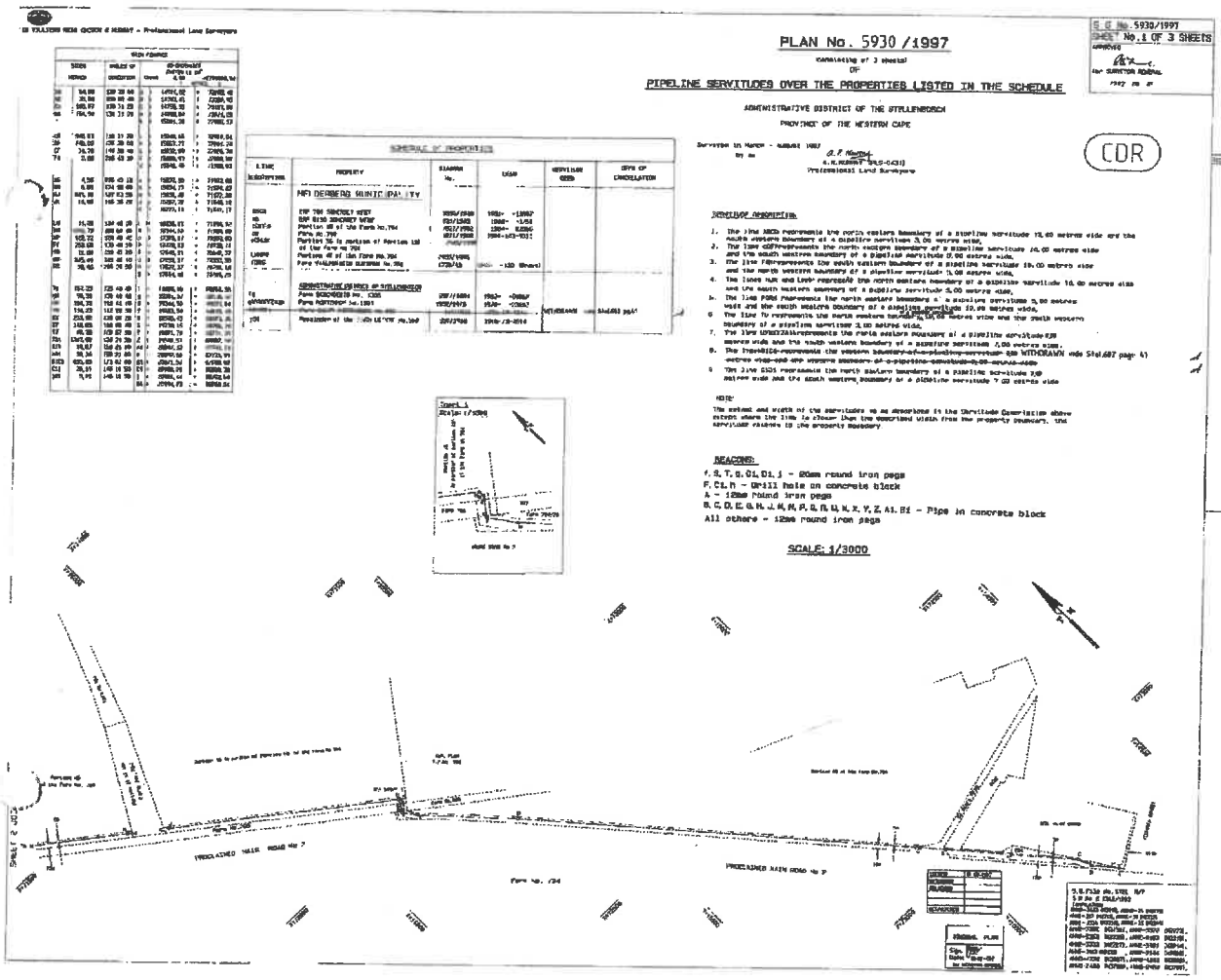
Skaal 1:12500

FOR ENDORSEMENTS
SEE BACK OF PLAN

| SURVEY RECORD | DIAGRAM NO. | PARTICULARS | AREA SQ. M. OR HA. | TRANSFER NO. | INITIALED | REMARK |
|---|---|---|---|---|---|---|
| [illegible] | [illegible] | pine | 40/3/88 ha | T2074/2012 | JH | 51,39781 |

| SURVEY RECORD | DIAGRAM NO. | DESCRIPTION | DATE | INITIALED |
|---|---|---|---|---|
| [illegible] | [illegible] | The line ||| represents the southern boundary of a 10m wide section of right of way | [illegible] | [illegible] |

1101/1



PLAN No. 5930 /1997

consisting of 3 sheets

OF

PIPELINE SERVITUDES OVER THE PROPERTIES LISTED IN THE SCHEDULE

ADMINISTRATIVE DISTRICT OF THE STELLENBOSCH

PROVINCE OF THE WESTERN CAPE

S.G. No. 5930/1997

SHEET No. 1 OF 3 SHEETS

COR

Surveyed in March - August 1997

by me

G.F. Murray

G.F. MURRAY (PLS-0431)

Professional Land Surveyor

SCHEDULE OF PROPERTIES

| S.DIAG. No./Diagram | PROPERTY | DIAGRAM No. | OWNER | SERVITUDE GRANTED | DATE OF CANCELLATION |
|---|---|---|---|---|---|
| | MUNICIPALITY OF STELLENBOSCH | | | | |
| | REMAINDER OF FARM No. 1261 | | | | |
| | PORTION OF FARM No. 1261 | | | | |
| | PORTION OF FARM No. 1261 | | | | |
| | PORTION

S.G. No. 5910/1997
SHEET No. 2 of 3 SHEETS

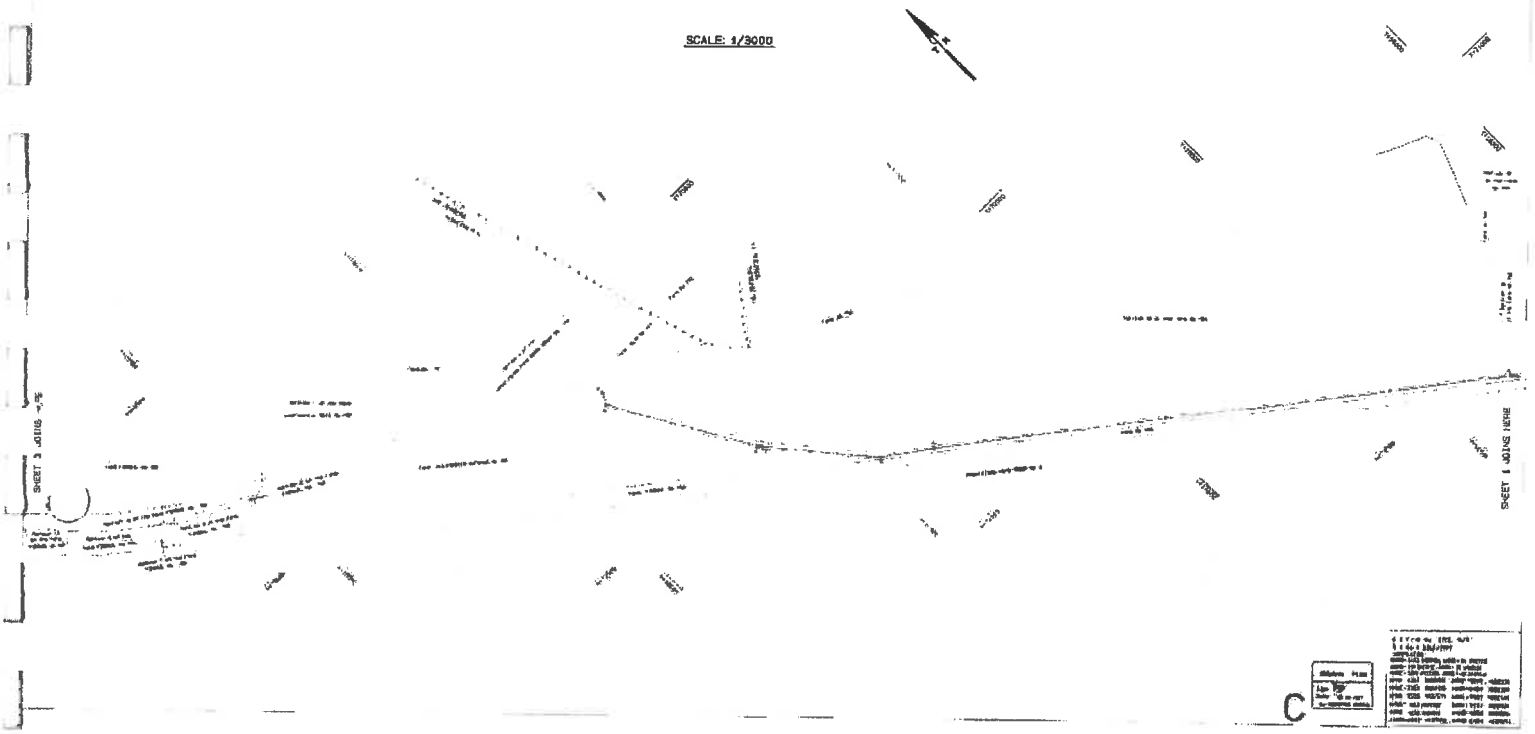
# PLAN No. 5930 /1997

consisting of 3 sheets
OF

## PIPELINE SERVITUDES OVER THE PROPERTIES LISTED IN THE SCHEDULE

SCALE: 1/3000

CDR



S.G.No.5930/1997
SHEET No.3 of 3 SHEETS

CDR

# PLAN No.5930 /1997

Forming part of 3 sheets
OF

## PIPELINE SERVITUDES OVER THE PROPERTIES LISTED IN THE SCHEDULE

ADMINISTRATIVE DISTRICT OF THE STRLENBOSCH
PROVINCE OF THE WESTERN CAPE

Surveyed in March - August 1997 for the
A.M.MURRAY (PLP(SA))
Professional Land Surveyors

For schedule of properties and data see sheet 1

SCALE 1/25000

5930/1997 Sht 3

**Annexure 6**

**D:EA&DP Confirmation Letter, 22/03/2018 (Reference 16/3/3/6/7/1/B4/45/1259/17)**

Western Cape Government
Environmental Affairs and Development Planning

Directorate: Development Management
Region 2

**REFERENCE:** 16/3/3/6/7/1/B4/45/1259/17
**ENQUIRIES:** Samornay Smidt
**DATE:** 2018 -03- 2 2

The Trustees
JPY Family Trust
30 Van der Merwe Road
Land-en-Zeezicht
**SOMERSET WEST**
7130

**Attention: Mr Jan Yntema**

Tel.: (021) 202 7567
Fax: (021) 851 1124

Dear Sir

**APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS 2014, (AS AMENDED): THE PROPOSED INDUSTRIAL PARK ON A PORTION OF REMAINDER OF FARM RUSTENHOF NO. 1101, FIRGROVE, STELLENBOSCH**

1. The pre-application Notice of Intent dated 7 August 2017, as received by the Department on 24 August 2017, the Department's correspondence dated 8 September 2017 and 19 February 2018, the electronic correspondence received on 7 November 2017 and your document dated 21 February 2018, as received by the Department on 23 February 2018, refers.
2. Based on the initial the information submitted to this Department, the following was noted:
   2.1. The proposal entails the development of self-storage units, mini factories and office buildings.
   2.2. Associated infrastructure will include an internal road, parking areas and stormwater drainage.
   2.3. The property is currently zoned Agriculture Zone 1 but will be rezoned to General Industrial.
   2.4. The development will be located within 32m if the watercourse and will result in infilling into the watercourse.

2nd Floor, 1 Dorp Street, Cape Town, 8001
Tel: +27 21 483 5828 Fax: +27 21 483 3633
Samornay.Smidt@westerncape.gov.za

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

3. Based on the additional information provided it is noted that the proposal has been revised and will no longer be located within 32m of a watercourse or require infilling activities. It is also motivated that the development is located inside the urban area, as defined in terms of the NEMA EIA Regulations, 2014 (as amended), since it is bordered to the south, east and west by urban development and is cut off from the rest of the Farm by a tarred public road traversing the northern border of the portion of land.

4. The Department therefore concurs with the abovementioned motivation and advises that the proposed development **does not** constitute listed activities as defined in terms of the NEMA EIA Regulations, 2014 (as amended).

5. However, should any revision of the proposed development constitute a listed activity(ies) in terms of the NEMA EIA Regulations, 2014 as defined in GN No. 327, 325 and/or 324 an application must be submitted and environmental authorisation obtained before such activity(ies) may commence.

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

7. The applicant is reminded of his/her general duty of care and the remediation of environmental damage, Section 28(1) of NEMA specifically states that –*"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."*

8. Further to the above, please be advised that this pre-application file has been closed for administrative purposes.

9. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Yours faithfully

**HEAD OF DEPARTMENT**
**DEPARTMENT OF ENVIRONMENTAL AND DEVELOPMENT PLANNING**

CC: (1) M Berry (Mark Berry Environmental Consultants) Fax: (086) 759 1908
(2) U von Molendorf (Stellenbosch Municipality) Fax: (021) 808 8200

**Annexure 7**

**Photo Sheet**



**Photo 1: Site viewed from the North, indicating the Vacant and Cultivated Areas**



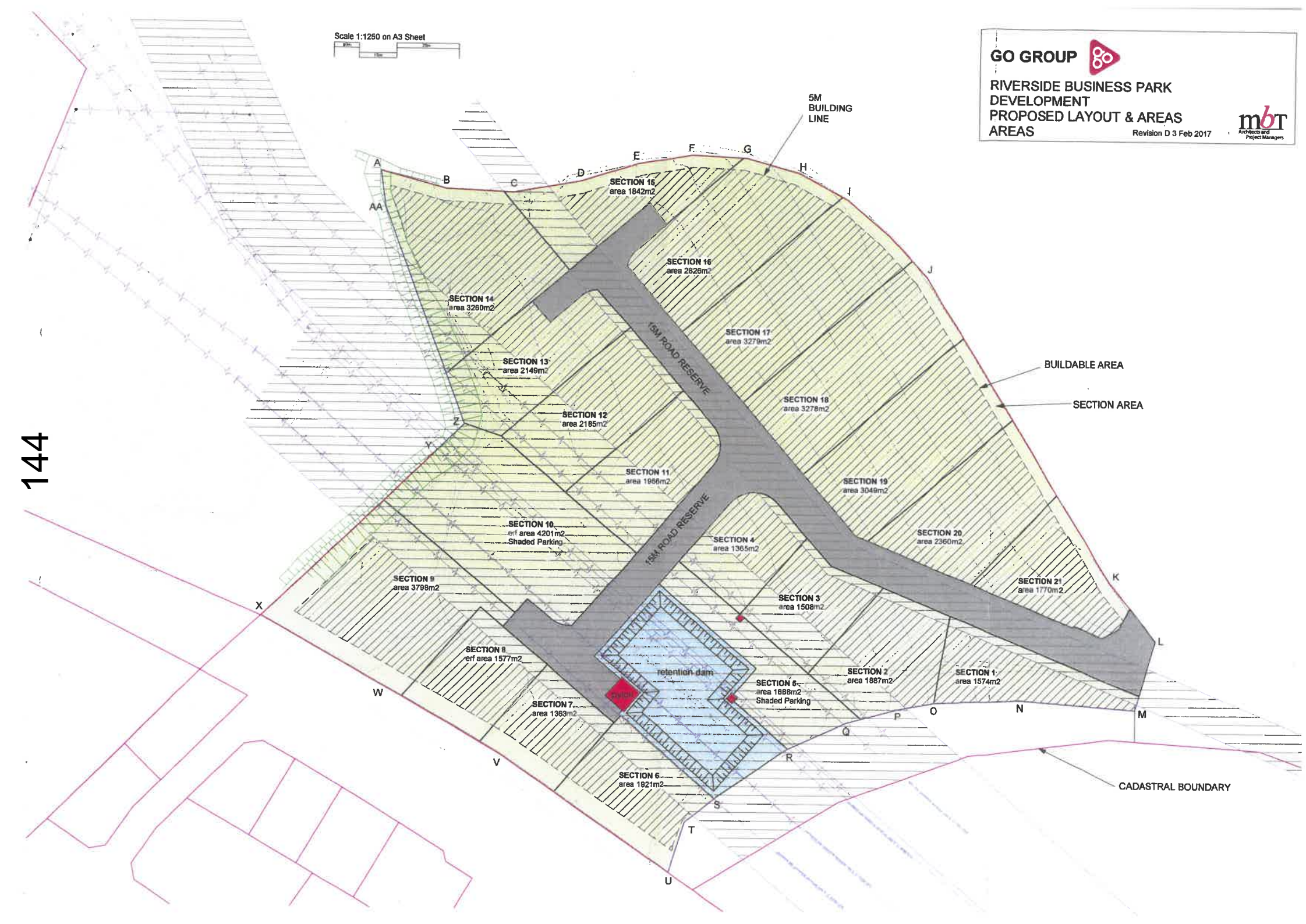
**Photo 2: Site viewed from the East, indicating the Cultivated Area and Macassar Road (M9) Bridge over Railway Line**



**Photo 3: Site viewed from the South-East with the Eskom Pinotage Substation in the Background**

**Annexure 8**

**Site Development Plan**


Scale 1:1250 on A3 Sheet
GO GROUP
RIVERSIDE BUSINESS PARK
DEVELOPMENT
PROPOSED LAYOUT & AREAS
AREAS
Revision D 3 Feb 2017
mbT
Architects and Project Managers
144
5M BUILDING LINE
SECTION 16 area 1842m2
SECTION 16 area 2826m2
SECTION 14 area 3260m2
SECTION 17 area 3279m2
SECTION 13 area 2149m2
15M ROAD RESERVE
BUILDABLE AREA
SECTION AREA
SECTION 18 area 3278m2
SECTION 12 area 2185m2
SECTION 11 area 1966m2
SECTION 19 area 3049m2
SECTION 10 erf area 4201m2 Shaded Parking
SECTION 4 area 1365m2
SECTION 20 area 2360m2
SECTION 9 area 3798m2
SECTION 21 area 1770m2
SECTION 3 area 1508m2
SECTION 8 erf area 1577m2
retention dam
SECTION 2 area 1887m2
SECTION 1 area 1574m2
SECTION 5 area 1888m2 Shaded Parking
SECTION 7 area 1363m2
SECTION 6 area 1821m2
CADASTRAL BOUNDARY
A
B
C
D
E
F
G
H
I
J
K
L
M
N
O
P
Q
R
S
T
U
V
W
X
Y
Z
AA

**Annexure 9**

**Copy of Agricultural Land Subdivision Application Form**

G.P.S. 013-0986

LA 7/100

# DEPARTMENT OF AGRICULTURE
# DEPARTEMENT VAN LANDBOU

## SUBDIVISION OF AGRICULTURAL LAND ACT, 1970: APPLICATION FOR CONSENT TO SUBDIVIDE AGRICULTURAL LAND

## WET OP DIE ONDERVERDELING VAN LANDBOUGROND, 1970: AANSOEK OM TOESTEMMING VIR DIE ONDERVERDELING VAN LANDBOUGROND

(Use the appropriate application form for applications in regard to the vesting of undivided shares, establishment or enlargement of area of jurisdiction of a local authority on or over, concluding of lease for portion of and for registration of certain servitudes on or over agricultural land / Gebruik die toepaslike aansoekvorm vir aansoeke i.v.m. die oorgang van onverdeelde aandele in, instelling of uitbreiding van 'n regsgebied vir 'n plaaslike bestuur op of oor, aangaan van huurkontrak vir deel van en vir registrasie van sekere serwitute op of oor landbougrond.)

The application must comply with the requirements set out in the "Guide for completion of an application to subdivide agricultural land" LA 7/103. / Die aansoek moet voldoen aan die vereistes uiteengesit in die "Handleiding vir voltooiing van 'n aansoek om onderverdeling van landbougrond" LA 7/103.

I/We, the undersigned (full name)
Ek/Ons die ondergetekende(s) (volle naam) JAN PAUL YNTEMA (JPY FAMILY TRUST)

of postal address SUITE 16, PRIVATE BAG X34, SOMERSET WEST Postal code 7130
van posadres Poskode

on behalf of being* the registered owner(s)* do hereby apply for consent for the subdivision of:
namens/syhde* die geregistreerde eienaar(s)* doen hierby aansoek om toestemming vir die onderverdeling van:

| | | |
|---|---|---|
| Registered name and number of the land to which this application applies<br>Geregistreerde naam en nommer van grond waarop hierdie aansoek betrekking het | RUSTENHOF FARM 1101 | |
| District and Division/County<br>Distrik en Afdeling/County | STELLENBOSCH | |
| Area in hectares<br>Grootte in hektaar | 140,2908 ha | ha |
| Registered owner(s) (full names)<br>Geregistreerde eienaar(s) (volle name) | RUSTENHOF BOERDERY (PTY) LTD | |
| Date of birth<br>Datum van geboorte | N/A | |
| Share held<br>Aandeel gehou | 100% | |
| Title-deed: No and date<br>Titelbewys: No. en datum | T67286/2001:27/08/2001 | |

1. **Location of the land / Ligging van die grond**
The land is situated 0.1 km NORTH (direction) of FIRGROVE CAPE TOWN (nearest town)
Die grond is geleë (rigting) van (naaste dorp)

2. **Mineral rights/Minerale regte**
The mineral rights are held by
Die minerale regte word gehou deur N/A

3. **Present land use / Huidige grondgebruik**

| | *Dry land*<br>*Droë land* | *Under irrigation*<br>*Onder besproeiing* |
|---|---|---|
| Lands / Lande | ha | ha |
| Orchards / Boorde | 0 ha | 1 ha |
| Vineyards / Wingerde | 30 ha | 80 ha |

Commercial plantations
Kommersiële plantasies 0 ha

Grazing / Weiding 0 ha

Other uses (specify) ROADS, RIVERS, HOUSES
Ander gebruike (spesifiseer)

*Consult paragraph 1 of the above-mentioned Guide/Raadpleeg paragraaf 1 van bovermelde Handleiding.

LA 7/100

**4. Water supply / Watervoorsiening**

The land is situated in the WYNLAND WATER State Water Control Area and is by virtue
Die grond is geleë in die ..... Staatswaterbeheergebied en is ingevolge

of Permit No. 2 709–H11–305 entitled to 30 HEKTAAR (quantity) per year.
Permit No. ..... geregtig op ..... (hoeveelheid) per jaar.

The land is scheduled for 30 ha under the A Irrigation Scheme
Die grond is ingelys vir ..... ha onder die ..... Besproeiingskema

Private water obtainable from RIVIER (MODDERGAT); 2 x DAM (source)
Privaatwater afkomstig van .....(bron)

with a capacity of 138800m³ is utilised for the irrigation of 80
met 'n kapasiteit van ..... word gebruik vir die besproeiing van .....ha

**5. Proposed subdivisions/Beoogde onderverdelings**

5.1 The following proposed portions will be utilised for *agricultural purposes* only:
Die volgende voorgestelde gedeeltes sal slegs vir *landboudoeleindes* aangewend word.

| | | | | |
|---|---|---|---|---|
| Area of portion in hectares<br>Grootte van gedeelte in hektaar | 5,9622 ha | ha | ha | 134,3286 ha |
| On sketch plan referred to as portion (e.g. Ptn A)<br>Op sketskaart aangedui as gedeelte (bv. Ged A) | PORTION A | | | Remainder<br>Restant |
| Dry land / Droë land | | | | |
| Existing lands / Bestaande lande | 0 ha | ha | ha | ha |
| Existing orchards / Bestaande boorde | 0 ha | ha | ha | ha |
| Existing vineyards / Bestaande wingerde | 0 ha | ha | ha | 30 ha |
| Potential lands / Potensiële lande | 0 ha | ha | ha | ha |
| Under irrigation / Onder besproeiing | | | | |
| Existing lands / Bestaande lande | 0 ha | ha | ha | ha |
| Existing orchards / Bestaande boorde | 0 ha | ha | ha | 1 ha |
| Existing vineyards / Bestaande wingerde | 2.7 ha | ha | ha | 80 ha |
| Existing commercial plantations<br>Bestaande kommersiële plantasies | 0 ha | ha | ha | ha |
| Grazing<br>Weiding | 0 ha | ha | ha | ha |
| Other uses (specify) VACANT/DISTURBED<br>Ander gebruike (spesifiseer) | 3,2622 ha | ha | ha | ha |
| Division of water rights / Verdeling van waterregte | | | | |
| Controlled water / Beheerde water | 0 ha | ha | ha | ha |
| Private water / Privaatwater | 0 ha | ha | ha | ha |
| Name of transferee<br>Naam van transportnemer | JPY FAMILY TRUST | | | |

5.2 The following proposed portions will be utilised for *non-agricultural purposes* other than for township establishment:
Die volgende voorgestelde gedeeltes sal vir *nie-landboudoeleindes* ander dan vir dorpstigting gebruik word:

| | | | | |
|---|---|---|---|---|
| Area of portion in hectares<br>Grootte van gedeelte in hektaar | ha | ha | ha | ha |
| On sketch plan referred to as portion (e.g. Ptn A)<br>Op sketskaart aangedui as gedeelte (bv. Ged A) | | | | Remainder<br>Restant |
| Purpose for which the land will be used<br>Doel waarvoor die grond gebruik sal word | | | | |
| Name of transferee<br>Naam van transportnemer | | | | |

5.3 List of other Departments etc. approached for their comments in regard to proposed non-agricultural use of the land (enclose copy of reply received).

Lys van ander Departemente ens. genader vir hulle kommentaar in verband met voorgestelde nie-landbou gebruik van die grond (heg afskrif van antwoord aan).

STELLENBOSCH MUNICIPALITY
CITY OF CAPE TOWN
D:EADP
HERITAGE WESTERN CAPE

5.4 Reasons for subdivision (give reasons in a separate memorandum if space provided is insufficient)
Redes vir onderverdeling (verstrek redes in 'n afsonderlike memorandum indien spasie voorsien onvoldoende is).

PLEASE REFER TO ATTACHED MOTIVATION REPORT

**6. Consolidations and couplings/Konsolidasies en verbindings**

The owners and transferees concerned are prepared to consolidate the portions with adjoining land as reflected in the following table and, where the land is not adjoining or consolidation is not possible, to have a condition registered against the relevant title deeds to the effect that the properties may not be transferred separately:

Die betrokke eienaars en transportnemers is bereid om die gedeeltes met aangrensende grond te konsolideer soos in die volgende tabel aangedui en, waar die grond nie aangrensend is nie of waar konsolidasie nie moontlik is nie, om 'n voorwaarde teen die betrokke titelbewyse te laat registreer waarkragtens die eiendomme nie afsonderlik oorgedra mag word nie:

| | Ptn measuring Ged groot .....ha (Referred to as on (Aangedui as .....op sketch plan) to be consolidated or coupled with: solideer of verbind met: | Ptn measuring Ged groot .....ha (Referred to as on (Aangedui as .....op sketch plan) to be consolidated or coupled with: solideer of verbind met: | Ptn measuring Ged groot .....ha (Referred to as on (Aangedui as .....op sketch plan) to be consolidated or coupled with: solideer of verbind met: |
|---|---|---|---|
| Registered name and number of land offered for consolidation or coupling<br>Geregistreerde naam en nommer van grond aangebied vir konsolidasie of verbinding | ..... | ..... | ..... |
| Area of property in hectares<br>Grootte van eiendom in hektaar | ..... ha | ..... ha | ..... ha |
| District and Division/County<br>Distrik en Afdeling County | ..... | ..... | ..... |
| Title deed: No. and date<br>Titelbewys: No. en datum | ..... | ..... | ..... |
| Name of registered owner<br>Naam van geregistreerde eienaar | ..... | ..... | ..... |
| Present use/Huidige gebruik:<br>Dry land<br>Droë lande | ..... ha | ..... ha | ..... ha |
| Lands under irrigation<br>Lande onder besproeiing | ..... ha | ..... ha | ..... ha |
| Orchards<br>Boorde | ..... ha | ..... ha | ..... ha |
| Vineyards<br>Wingerde | ..... ha | ..... ha | ..... ha |
| Grazing<br>Weiding | ..... ha | ..... ha | ..... ha |
| Commecial plantations<br>Kommersiële plantasies | ..... ha | ..... ha | ..... ha |
| Other uses<br>Ander gebruike | ..... ha | ..... ha | ..... ha |

LA 7/100

**7. Encumbrances against the land mentioned in paragraph 6/Beswaring teen die grond in paragraaf 6 vermeld**

*Fidei commissim* (give particulars)
*Fidei commissum* (verstrek besonderhede) N/A

Usufruct (give particulars)
Vruggebruik (verstrek besonderhede) N/A

**8. Other land not offered for consolidation or coupling/Ander grond nie vir konsolidasie of verbinding aangebied nie**

The above-mentioned owner(s) also own(s) the following agricultural land (give reg. Name, number, area and district).
Die bovermelde eienaar(s) besit ook die volgende landbougrond (verstrek gereg. Naam, nommer, grootte en distrik)

**9. Inspections on the spot if considered necessary/Ondersoeke ter plaatse indien nodig geag**

Contact (name) Nader (naam) JAN YNTEMA
Telephone No. Telefoon No. 083 450 6762

**10. Correspondence/Korrespondensie**

Please address all correspondence to (name)
Rig asseblief alle korrespondensie aan (naam) NICK VAN DER MERWE

Postal address Posadres P O BOX 4866, CAPE TOWN
Postal code Poskode 8000

**11. Documents attached (marked with a cross)/Dokumente aangeheg (gemerk met 'n kruisie)**

| | | |
|---|---|---|
| [X] Certified copy of title deed<br>Gewaarmerkte kopie van titelbewys | [ ] Copy of the will<br>Afskrif van testament | [ ] Copy: Application/Statement *re*<br>Afskrif: Aansoek/Verklaring *i/s* |
| [X] Six copies of sketch plan<br>Ses afdrukke van sketskaart | [ ] Letter *re* mineral rights<br>Brief insake mineraleregte | division of allocated water<br>verdeling van water toegeken |
| [X] Power of attorney<br>Volmagprokurasie | [X] Reasons for subdivision<br>Redes vir onderverdeling | [ ] Sworn statement regarding divi-<br>Beëdigde verklaring insake ver- |
| [ ] Copy: Letters of Administration<br>Gewaarmerkte kopie van eksekuteursbri | [ ] Replies from other Departments<br>Afskrif van testament | sion of allocated water<br>deling van water toegeken |
| [ ] Copy: Company's resolution<br>Afskrif: Maatskappy se besluit | [ ] Water permit/Proof of scheduling<br>Waterpermit/Bewys van inlysting | [ ] Other (specify)<br>Ander (spesifiseer) |

I/We hereby certify that the information furnished in this application is to the best of my/our knowledge true and correct and that all agricultural land owned by me/us has been mentioned in this application.

Ek/Ons verklaar hiermee dat die inligting wat in hierdie aansoek verstrek is, na die beste van my/ons wete waar en juis is en dat alle landbougrond wat ek/ons besit in hierdie aansoek vermeld is.

14/2/2018
*Date/Datum*

*Signature: Owner/Authorised agent*
*Handtekening: Eienaar/Gevolmagtigde*

Any person who in any application makes any statement which is false in any material respect, nkowing it to be false, or fails to disclose any information with intent to deceive, shall be guilty of an offence and on conviction liable to a fine not exceeding one thousand rand or to imprisonment not exceeding two years.

Iemand wat in 'n aansoek 'n verklaring doen wat in 'n wesentlike opsig vals is, terwyl hy weet dat dit vals is, of inligting verswyg met die opset om te bedrieg, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens eenduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar.

G.P.-S 013-1211

LEB 7/105

DEPARTEMENT VAN LANDBOU-EKONOMIE EN -BEMARKING
DEPARTMENT OF AGRICULTURAL ECONOMICS AND MARKETING

# WET OP DIE ONDERVERDELING VAN LANDBOUGROND, 1970: AANSOEK OM TOESTEMMING VIR DIE INSTELLING/UITBREIDING VAN DIE REGSGEBIED VAN 'N PLAASLIKE BESTUUR

# SUBDIVISION OF AGRICULTURAL LAND ACT, 1970: APPLICATION FOR CONSENT TO ESTABLISH/ENLARGE THE AREA OF JURISDICTION OF A LOCAL AUTHORITY

(Deel A moet volledig deur die Plaaslike Bestuur voltooi word en in viervoud by die Provinsiale Administrasie ingedien word)
(Part A must be completed in detail by the Local Authority and submitted in quadruplicate to the Provincial Administration)

## DEEL A/PART A

### A. 1. DIE PLAASLIKE BESTUUR/THE LOCAL AUTHORITY

Aansoek word hierby gedoen om die landbougrond hieronder vermeld aan te wend vir—
Application is hereby made to utilise the agricultural land mentioned hereunder for—

☐ die instelling / the establishment ☑ die uitbreiding / the enlargement

van die regsgebied/plaaslike gebied/gesondheidsgebied/buitestedelike gebied/ontwikkelingsgebied van
of the area of jurisdiction/local area/public health area/peri-urban area/development area of

CITY OF CAPE TOWN

### A. 2. DIE LANDBOUGROND/THE AGRICULTURAL LAND

☑ Die landbougrond volgens die aangehegte grensomskrywing. Grootte 5.9622 ha
The agricultural land as per attached boundary description. Area 5.9622 ha

☐ Die landbougrond hieronder beskryf
The agricultural land described hereunder

| Beskrywing van die grond volgens titelbewys<br>Description of the land according to title-deed | Grootte vir insluiting<br>Area for inclusion |
|---|---|
| | ha |
| | ha |
| | ha |
| | ha |
| | ha |
| | ha |
| | ha |
| | ha |
| | ha |
| | ha |

Ligging van die grond/Location of the land

| | |
|---|---|
| Landdrosdistrik<br>Magisterial District STELLENBOSCH | Afdeling/County<br>Division/County STELLENBOSCH |
| Die grond grens aan<br>Die land adjoins CITY OF CAPE TOWN (FIRGROVE) (bestaande regsgebied)<br>(existing area of jurisdiction) | |
| Die grond is geleë<br>The land is situated 0.0 km km NORTH (rigting) van<br>(direction) of FIRGROVE (naaste dorp)<br>(nearest town) | |

Grond betrokke wat aan die Plaaslike Bestuur behoort/Land concerned owned by the Local Authority

| |
|---|
| Beskrywing<br>Description N/A |
| Huidige gebruik<br>Present use N/A |

A. 3. MOTIVERING/MOTIVATION

PLEASE REFER TO ATTACHED MOTIVATION REPORT.

A. 4. DOKUMENTE AANGEHEG/DOCUMENTS ATTACHED

- [x] Vier afdrukke van die sketskaart volgens vereistes / Four copies of the sketch plan according to requirements
- [x] Motivering / Motivation
- [x] Vier afskrifte van die grensomskrywing / Four copies of the boundary description
- [ ] Ander (spesifiseer) / Other (specify)

Naam en adres van Plaaslike Bestuur
Name and address of Local Authority

STELLENBOSCH MUNICIPALITY
PLEIN STREET
STELLENBOSCH, 7600

#4400 *Verwysing/Reference*

27/03/2018 *Datum/Date*

*Handtekening/Signature*

TOWN PLANNER *Ampstitel/Official Designation*

**DEEL B/PART B**

(Een afskrif van die aansoek en die dokumente kan deur die Administrasie gehou word)
(One copy of the application and the documents may be retained by the Administration)

OPMERKINGS EN AANBEVELINGS VAN DIE PROVINSIALE ADMINISTRASIE
REMARKS AND RECOMMENDATIONS OF THE PROVINCIAL ADMINISTRATION

Adres/Address

*Verwysing/Reference*

*Handtekening/Signature*

*Datum/Date*

*Ampstitel/Official Designation*

VEREISTES WAARAAN SKETSKAARTE MOET VOLDOEN
ooreenkomstig artikel 4 (1) van Wet 70 van 1970

Sketskaarte moet volgens skaal 1 : 50 000 wees en daarop moet die volgende besonderhede verskyn:

1. Die bestaande regsgebied in rooi omlyn.
2. Geproklameerde dorpe wat nog nie ingelyf is nie met 'n groen stippellyn omlyn.
3. Die gebied wat ingelyf staan te word in groen omlyn.
4. Die kadastrale lyne en beskrywings van die eiendomme wat ingelyf staan te word.
5. Waar slegs 'n gedeelte van 'n geregistreerde eiendom ingelyf staan te word, die grootte van daardie gedeelte.
6. Alle paaie, spoorlyne, riviere, spruite, kanale en damme.
7. 'n Noord wysende pyl.

REQUIREMENTS TO WHICH SKETCH PLANS MUST CONFORM
in terms of section 4 (1) of Act 70 of 1970

Sketch plans should be to scale 1 : 50 000 and should reflect the following details:

1. The existing area of jurisdiction bordered in red.
2. Proclaimed townships not yet included bordered in green with a dotted line.
3. The area to be included bordered in green.
4. The cadastral lines and descriptions of the properties to be included.
5. When only a portion of a registered property is to be included, the extent of that portion.
6. All roads, railway lines, rivers, streams, canals and dams.
7. An arrow indicating North.

**Annexure 10**

**Services Report**

africa

head office
Suite 5, 1rst Floor, UDS House,
22 Gardner Williams Avenue,
Paardevlei, Somerset West

PO Box 50487
V&A Waterfront
8002

T +27 (0)21 851 7188
F +27 (0)86 523 8227
cobus@udsafrica.co.za

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Cobus Louw 082 493 3263

**Managing Member:**
A Khan PrEng

**Associates:**
JW Wessels PrEng
Danielle Coetzee PrLArch
Pieter Albertse PrEng
S Hartman PrEng
JN Louw PrCPM

Reg no. 2003/043709/23

urban development solutions

Date: 16 February 2018

**Our ref:** UDS253/Riverside/reports01.doc

**ATTENTION:** Mr Nick van der Merwe (nicolas@planpart.co.za)

Planning Partners
16 Bree Street
Cape Town
8000

Dear Sir,

**RIVERSIDE BUSINESS PARK, FARM 1101, STELLENBOSCH 382 (FIRGROVE): CIVIL ENGINEERING SERVICES REPORT**

The proposed development on Farm 1101 in Stellenbosch will consist of both commercial and light industrial units with a GLA of 28 480m². This report summarizes the current situation with regards to the provision of basic civil engineering services to the development.

**Site Location and Description**

The site is located 500 m North-West of the town of Firgrove, and approximately 5 km West of Somerset West.

The site of approximately 7,4 ha is undeveloped and is vegetated with grass and planted vineyards.

The erf is bounded by the existing M9 roadway to the southeast, the railway lines running along the southwestern border and the roadway leading to the City of Cape Town's Water Treatment Works to northeast. The ground slopes very gently (approximately 1:75) from north to south towards the railway lines.

**Design Standards of New Services**

Design of services will be in accordance with the "Guidelines for the provision of engineering services and amenities in residential townships", the UTG7 publication "Geometric Design of Urban Local Residential Streets", and is also to satisfy the standards and requirements of the local authority.

Construction of the services will be specified to be in accordance with SANS 1200.

**Civil Engineering Services Required**

The various internal services and their connections to the existing services are described in the subsections that follow.

**WATER**

The following information an extract from a preliminary report compiled by the City of Cape Town:

***Distribution zone***

Dependent upon the best possible connection point, the proposed development could be supplied from either the "Macassar or Firgrove water distribution zone". Both distribution zones are supplied via the 760mmØ bulk distribution main from the Blackheath Water Treatment Plant and reservoir. The anticipated water demand for the proposed development has been calculated to 129.6kl/d.

***Present situation***

There is limited water infrastructure in the immediate vicinity of the proposed development. To the west of the site is a 250mmØ water main with a static and peak pressure of 35m and 58m respectively. This line has a peak flow and velocity of 5.6l/s and 0.2m/s. This main is fed via a 450mm PRV off the 760mmØ bulk main along Old Faure Road and is set to reduce the static pressures as the 760mm main operates at very high pressure. When considering the steep nature of the proposed development site, approximate elevation change from 28m to 34m, low pressures could be experienced as a result of the existing supply. It is advised that the development utilise an on-site 48 hours storage supply, which would gravity, feed the proposed development. In addition, an internal pressure booster would be required to supply the development under fire flow conditions.

Along the southern end of the site is a 110mmØ water main off Old Main Road, with a static and peak pressure of 46m and 57m respectively. The peak velocity and flow in this pipe is 0.3m/s and 2.5l/s correspondingly.

The surrounding water network has limited spare capacity and residual flow to supply the proposed demand of 3.75l/s of the development, however with the incorporation of a booster pump and storage tanks, the developer should be able to ensure sufficient supply for the proposed development from the 250mmØ water main.

However although both options mentioned above could have sufficient capacity to service the proposed development, when considering the cost implications as well as the Firgrove development as a whole, the better option would be to upgrade the Firgrove Station bulk water connection. This would allow for the developer to have a designated supply to the development.

**SEWER**

The following information is an extract from a preliminary report compiled by the City of Cape Town:

***Drainage area***

The proposed development is situated in the catchment of the Macassar foul sewer pump station, which has sufficient spare capacity to accommodate 3.56l/s. Foul sewer is pumped via a XX rising main from the pump station to the Macassar WWTW.

***Present situation***

Two possible connection points exist for the proposed development. One is situated to the west, along Hastings Road, in the form of a 150mmØ sewer main, which is approximately 2.1km from the lowest point of the development site. The second possible connection would be to the south, a 150mm sewer main along School Street. Both connection points have sufficient spare capacity to accommodate the anticipated flow.

***Wastewater***

The anticipated wastewater flow from the proposed development has been calculated to be 123.1kl/d. This proposed development is situated within the catchment of the Macassar Wastewater Treatment Works, which has sufficient capacity to accept the anticipated wastewater flow from this development.

**STORMWATER**

The site drains towards an existing stream running adjacent to the railway reserve along the southwestern boundary of the development, and the run-off from the proposed development will be discharged into this stream.

In order to reduce impacts of urban stormwater systems on receiving waters, all stormwater management systems shall be planned and designed in accordance with best practice criteria and guidelines laid down by council, to support water sensitive urban design principles and the following specific sustainable urban drainage system objectives:

- Improve the quality of the runoff;
- Control the quantity and rate of runoff, and
- Encourage natural groundwater recharge

The proposed development of the site is ideally suited for conventional detention facilities such as a pond. As such, the BMP (Best Management Practice) proposed to improve the quality and control of the quantity of the stormwater run-off is to construct a detention pond with a capacity of approximately 1900m$^3$ at the low point on the site.

**ROADS**

Access to the proposed development will be provided from the adjacent roadway leading to the City of Cape Town's Water Treatment Works. The internal roads and parking areas will consist of a combination of premix and paved surfaces.

**BULK EARTHWORKS**

Extensive bulk earthworks is currently undertaken to ensure proper drainage of the site.

**CONCLUSION**

There is sufficient spare capacity within the existing water and sewer network to accommodate the proposed development of the proposed development, however an agreement will have to be reached with respective district officials regarding the best suited connection for both water and sanitation service.

This development is therefore feasible in terms of the capacity of the existing civil engineering services.

Yours Faithfully
UDS AFRICA



**JW Wessels** Pr.Eng

**Annexure 11**

**ESKOM Confirmation Letter**

Eskom

Mr Eugene Yntema
Go Group
37 Seaview Road
Golden Acre
**SOMERSET WEST**
7130

13 October 2017

Pieter du Preez
Tel. +27 21 915 2076
Fax. +27 86 6556969

Dear Mr Yntema

**SUPPLY OF ELECTRICITY**
**PROPOSED NEW SUPPLY: RIVERSIDE BUSINESS PARK**

With reference to your ENQUIRY at Eskom, I advise that Eskom is the licensed Distributor to the proposed Riverside Business Park.

There is currently capacity available on Eskom's Firgrove sub-station to supply the proposed development of 750kVA.

The method of supplying the electricity will be determined once details are made available. The formal quote process will confirm spare capacity available and a proposal to supply such development. Execution of making supply available will only be initiated on acceptance of a formal budget quote. The date to make a point of supply available will be confirmed during this process.

Should you require any further information please contact Pieter du Preez on the telephone numbers mentioned above, and be assured of Eskom's best service at all times.

Please direct a formal application to our Group Customer Services for a quote:

Customer Services
Eskom
PO Box 2100
Bellville, 7535

(0860) 037566 or customerservices@eskom.co.za

Yours faithfully

**J.P du Preez**
**KEY CUSTOMER RELATIONS OFFICER**

**Annexure 12**

**Traffic Impact Assessment**

**Contact Address:**
iCE Group (Stellenbosch),
P O Box 131,
Stellenbosch, 7599

**Tel No:** +27 (0) 21 880 0443
**Fax No:** +27 (0) 21 880 0390
**e-mail:** piet@icegroup.co.za

GROUP (Pty) Ltd

**Consulting Services**
- Civil Engineering Service
- Roads
- Traffic Engineering

**Contact Person:** Piet van Blerk
**Your Ref:** Farm 1101, Stellenbosch (Firgrove)
**Our Ref:** iCE/S/1176 **Date:** 23 March 2018

Planning Partners
P.O. Box 4866
CAPE TOWN
8000

**Attention:** Mr Nick van der Merwe

Sir

**APPLICATION FOR SUBDIVISION, REZONING, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM SPATIAL DEVELOPMENT FRAMEWORK FOR FARM 1101, FIRGROVE: TRAFFIC IMPACT ASSESSMENT**

This company was appointed to prepare a Traffic Impact Assessment (TIA) for the proposed industrial development on Farm 1101, Firgrove.

## 1. BACKGROUND AND LOCALITY

The subject property is situated to the north/northwest of the currently developed Firgrove area. See the attached ***Locality Plan***. The area is accessed via Winery Road (Main Road 166), Main Road (Main Road 165) and Old Main Road (Trunk Road 2/1).

The Firgove area is partially located within the City of Cape Town, and partially within the Cape Winelands (Stellenbosch Municipality). The said municipal boundary is indicated in ***Photo 1*** below. The subject property is located to the north of the municipal border, thus within the Cape Winelands (Stellenbosch Municipality).

This TIA is in support of the Application for Subdivision, Rezoning, Site Development Plan Approval and Deviation from Spatial Development Framework for Farm 1101, Firgrove.

## 2. PROPOSED DEVELOPMENT

### 2.1 Proposed Development

The proposed development will consist of 21 industrial erven, with a total bulk building area of 33 506 m². For the purpose of this report, the Gross Leasable Area (GLA) was assumed as 85% of the abovementioned area, thus 28 480 m² GLA.

See the attached ***Riverside Business Park Development, Proposed Layout & Areas*** (*Rev D, 3 Feb 2018*) prepared by *mbt Architects and Project Managers*.

### 2.2 Access to the Property

Access to the property is proposed from the existing road ("Waterworks Road") which intersects Main Road ± 535 metres northeast of its intersection with Old Main Road, as indicated below. Detail on access will be discussed in *paragraph 4* below.

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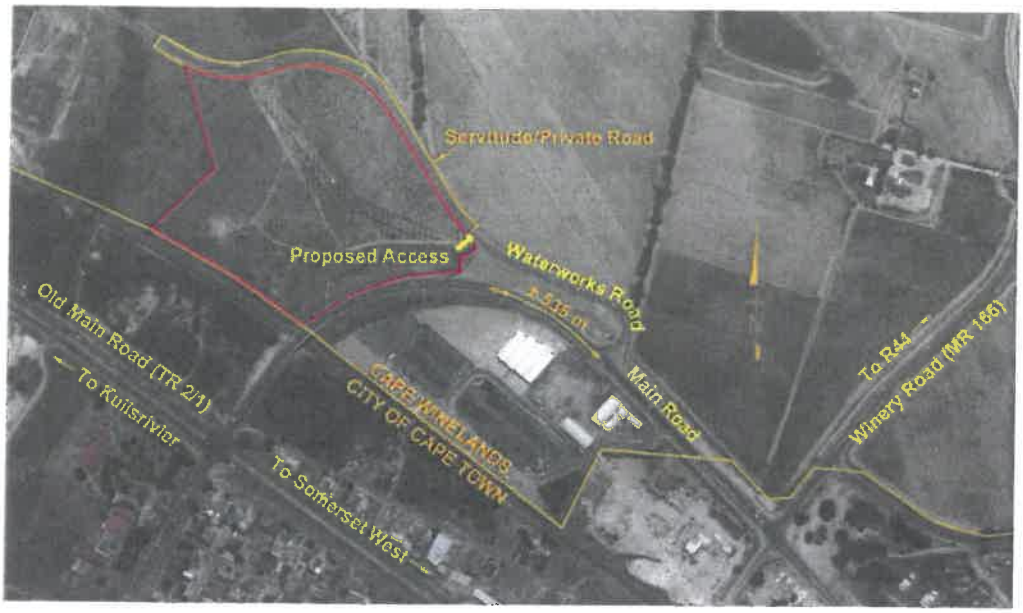



***Photo 2 :*** Proposed access to subject property

## 3. TRAFFIC

### 3.1 Existing Traffic

Traffic counts were conducted on Tuesday, 27 February 2018 from 06h00 to 09h00 and again from 16h00 to 19h00, at the following intersections:

Old Main Road/Main Road/Macassar Road intersection

Main Road/Waterworks Road intersection

Main Road/Go-Group Access intersection

Main Road/Winery Road intersection

The peak hour traffic volumes derived from the abovementioned counts are indicated in ***Figure 1*** attached.

### 3.2 Traffic Growth

According to the *Road Network Information System* (RNIS) of Western Cape Government (WCG), the following annual growth rates have been experienced:

| | | |
|---|---|---|
| Old Main Road: | West of Main Road | 2,11% per annum |
| | East of Main Road | 1,65% per annum |
| Main Road: | North of Old Main Road | 4,10% per annum |
| | West of Waterworks | 3,01% per annum |
| | East of Waterworks | 2,84% per annum |
| Winery Road: | North of Main Road | 4,58% per annum |

Based on the above, growth rates of 2% per annum were assumed along Old Main Road, 3% per annum along Main Road and 4% per annum along Winery Road. For the purpose of traffic analyses, the existing peak hour volumes were increased by the said growth rates for five (5) years, to obtain the 2023 background traffic volumes.

The existing Go-Group Access will be relocated to the Main Road/Winery Road intersection. The existing peak hour traffic at the Go-Group Access was thus redistributed to the Main Road/Winery Road intersection.

The estimated 2023 peak hour volumes (including all of the above) are indicated in the attached ***Figure 2***.

### 3.3 Traffic Generation

Trip generation rates as contained in the TMH17 *South African Trip Data Manual* was consulted to calculate the potential peak hour traffic that can be generated by the proposed development. The TMH17 suggests 0,8 trips per 100 $m^2$ GLA for Industrial Areas/Parks during the AM and PM peak hours. During the AM peak hour an in/out split of 70/30 is suggested and during the PM peak hour, 25/75.

Based on the above, the proposed industrial development could potentially generate 228 peak hour trips, with 160 in, 68 out during the AM peak hour and 57 in, 171 out during the PM peak hour.

### 3.4 Traffic Distribution

The peak hour traffic that can potentially be generated by the proposed development was distributed to the road network based on the existing directional split in traffic at the intersections listed in *paragraph 3.1* above. The said distribution is indicated in ***Figure 3*** attached.

### 3.5 Traffic Analysis

Traffic analyses of the intersections were done by means of the Sidra Intersection 7.0 software. Service levels A to D are considered acceptable, with D the critical. In congested areas, level of service E is considered critical, but acceptable.

The intersections analysed, consist of lane layouts as follows:

<u>Old Main Road/Main Road/Macassar Road intersection:</u>

This intersection is currently signalised, with dedicated right-turn lanes on all approaches. See the intersection lane layout below.

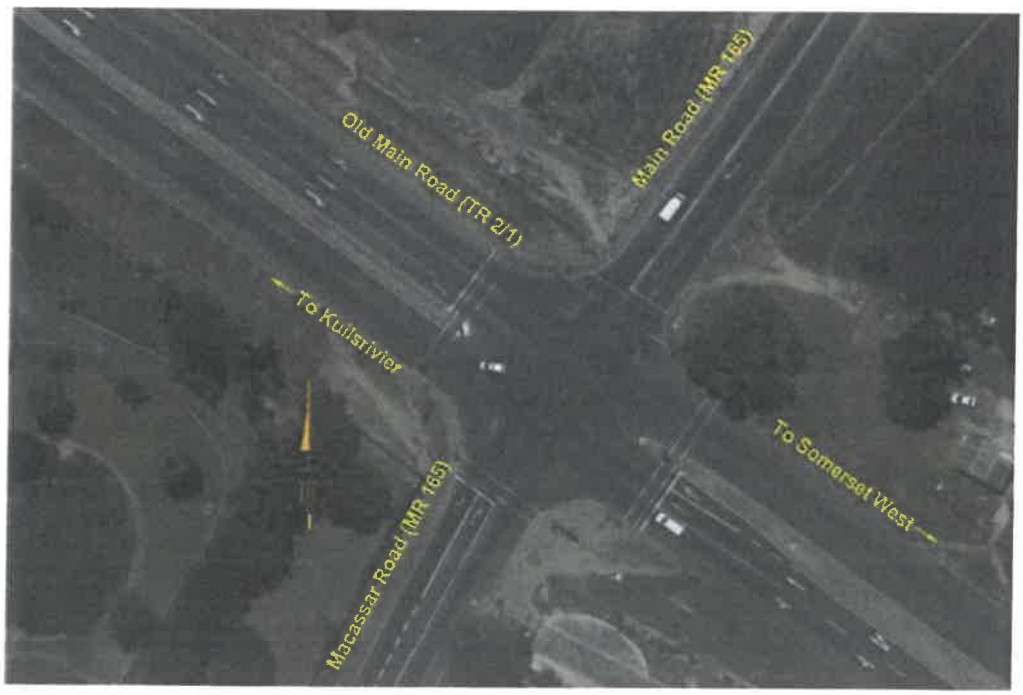



***Photo 3 :*** Existing Old Main Road/Main Road/Macassar Road intersection lane layout

Main Road/Waterworks Road intersection:

This intersection is currently stop-controlled on the Waterworks Road-approach, with free-flow conditions along Main Road. The Waterworks Road-approach consists of dedicated left- and right-turn lanes, with no dedicated turning lanes along Main Road at this intersection. See the intersection lane layout below.




***Photo 4 :*** Existing Main Road/Waterworks Road intersection lane layout

Main Road/Go-Group Access intersection:

This intersection is currently stop-controlled on the Go-Group Access-approach, with free-flow conditions along Main Road. No dedicated turning lanes currently exist at this intersection. See the intersection lane layout below. It should be noted that this access to Main Road will be closed and relocated via the adjacent property, which obtains access from the signalised Main Road/Winery Road intersection (opposite Winery Road).




***Photo 5 :*** Existing Main Road/Go-Group Access intersection lane layout

Main Road/Winery Road intersection:

This intersection is currently signalised, with dedicated right-turn lanes on the Main Road- and Winery Road-approaches. A dedicated left-turn lane exists on the north western Main Road-approach, whilst the south western approach consists of a shared left/through/right lane. See the intersection lane layout below.

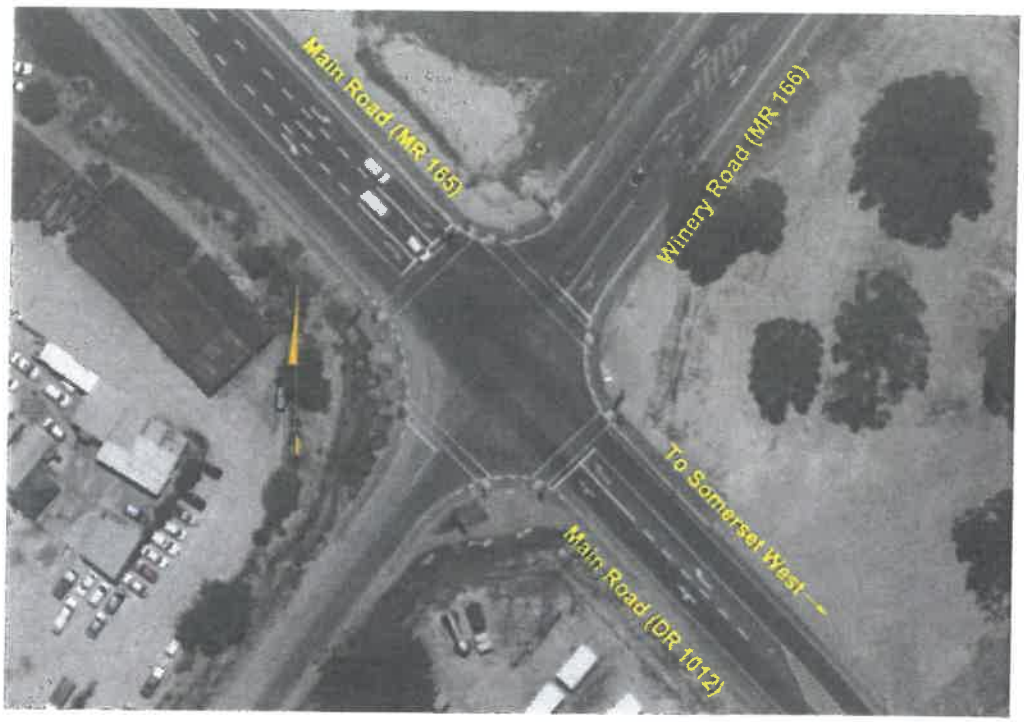



***Photo 6 :*** Existing Main Road/Winery Road intersection lane layout

### 3.5.1 Analyses of Existing and Estimated Peak Hour Volumes (excluding proposed development)

Old Main Road/Main Road/Macassar Road intersection:

According to the Sidra analyses, unacceptable service levels are currently experienced at this intersection during the existing peak hours, as result of the high volumes of right-turn traffic from Main Road to Old Main Road, and the existing lane layout (shared through-turning lanes).

Excessive queuing can also be noticed on-site during peak times. The queuing along Main Road from this intersection, currently extends to beyond the Waterworks- and Go-Group Access-intersections.

To accommodate the existing peak hour volumes, it is suggested that the existing shared through-left turn lane is changed to a shared through-right turn lane, and a dedicated left-turn lane added to the northern Main Road-approach. It is furthermore suggested that a dedicated left-turn lane be provided on the southern Macassar Road-approach, and the existing shared through-left turn lane changed to a through lane only. It is also suggested that the existing short dedicated right-turn lane on the eastern Old Main Road-approach be extended to at least 25 metres (excluding taper). See the proposed layout in ***Diagram 1*** below. With the proposed changes to the intersection lane layout, acceptable service levels C and above can be expected on all movements during the existing AM and PM peak hours.

It should be noted that upgrades suggested at this intersection as result of the pending "Huntsman" Development to the south of Old Main Road (obtaining access from Macassar Road) include the provision of dedicated left-turn lanes on both Old Main Road-approaches, as well as the Macassar Road-approach.

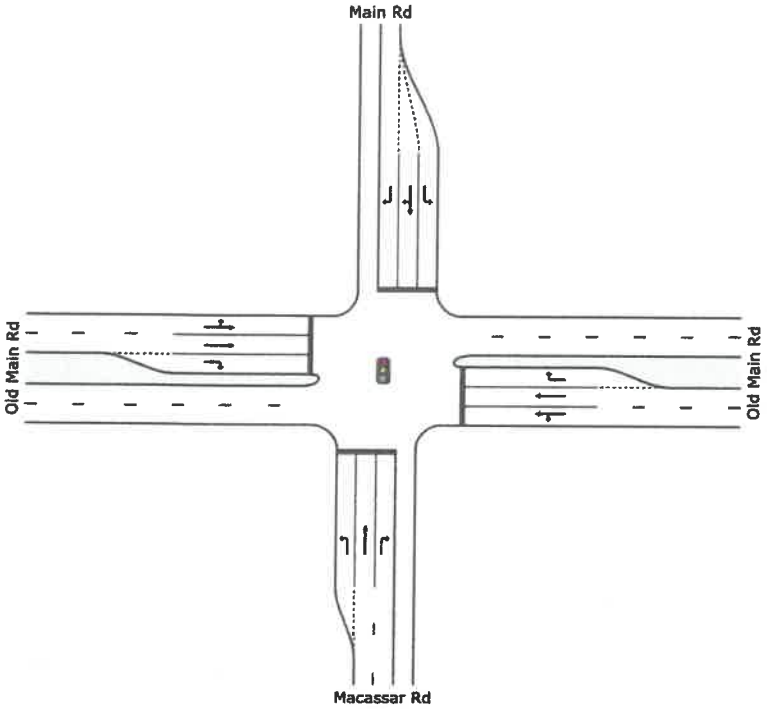



***Diagram 1 :*** Schematic Old Main Road/Main Road/Macassar Road intersection lane layout proposed to accommodate background peak hour traffic

During the estimated 2023 peak hours, critical but acceptable service levels E and above can be expected at this intersection (with proposed lane layout).

***It can thus be concluded that the minimum upgrades considered necessary to accommodate the background traffic at the Old Main Road/Main Road/Macassar Road intersection includes the provision of dedicated left-turn lanes on the northern- and southern-approaches, the extension of the existing dedicated right-turn lane on the eastern-approach, as well as the changing of the existing shared through-left turn lane on the northern-approach to shared-right turn, and the existing shared through-left turn lane on the southern-approach to through lane.***

Main Road/Waterworks Road intersection:

The service levels as discussed hereafter, are according to the Sidra analyses, which considers the intersection in isolation. However, it should be noted that excessive queuing is experienced along Main Road (from the Old Main Road-intersection) during peak hours, which has an effect on the intersections further along the road (up to the Winery Road-intersection).

During the existing peak hours, acceptable service levels are currently experienced along Main Road (free-flow conditions), with service level F experienced on the right-turn movement from the Waterworks Road-approach during the AM peak hour, and service level E during the PM peak hour. Although unacceptable, it is not considered necessary to upgrade this intersection at this stage as only 6 and 9 vehicles are currently executing the right turn movement during the AM and PM peak hours, respectively. With an increase in traffic on the Waterworks Road-approach, it should be considered upgrading the Main Road/Waterworks Road intersection.

***It can thus be concluded that no upgrades to the Main Road/Waterworks Road intersection is considered necessary to accommodate the background traffic.***

Main Road/Go-Group Access intersection:

Similar to the above, according to the isolated Sidra analyses, acceptable service levels are experienced along Main Road during the existing peak hours, with service levels E and D experienced on the access-approach during the AM and PM peak hours, respectively.

As previously mentioned, this access onto Main Road will be closed and relocated to opposite Winery Road at its intersection with Main Road.

***It can thus be concluded that no upgrades to the Main Road/Go-Group Access intersection is considered necessary to accommodate the background traffic.***

Main Road/Winery Road intersection:

According to the Sidra analyses, this signalised intersection currently experiences acceptable service levels C and above on all movements during the existing peak hours.

During the estimated peak hours (including the relocation of the Go-Group Access as mentioned above), acceptable service levels can be expected to remain on all movements at the Main Road/Winery Road intersection.

***It can thus be concluded that no upgrades to the Main Road/Winery Road intersection is considered necessary to accommodate the background traffic.***

### 3.5.2 Analyses of Expected Peak Hour Volumes (including proposed development)

The traffic that can potentially be generated by the proposed development (***Figure 3***) was added to the estimated 2023 peak hour volumes, i.e. background traffic (***Figure 2***), to obtain the expected 2023 peak hour volumes (***Figure 4***).

Old Main Road/Main Road/Macassar Road intersection:

With the addition of the proposed development-traffic, the lane layout as proposed to accommodate the background traffic will not be sufficient to accommodate the increase in traffic at the Old Main Road/Main Road/Macassar Road intersection. To accommodate the additional traffic at this intersection, it is suggested that the following changes be made (see ***Diagram 2*** below):

a) *Western Old Main Road-approach*: Provision of dedicated left-turn lane and changing of existing shared through-left turn lane to through lane;

b) *Northern Main Road-approach*: Approach to consist of two dedicated right-turn lanes, a through lane, and dedicated left-turn lane;

c) *Eastern Old Main Road-approach*: Provision of dedicated left-turn lane and changing of existing shared through-left turn lane to through lane.

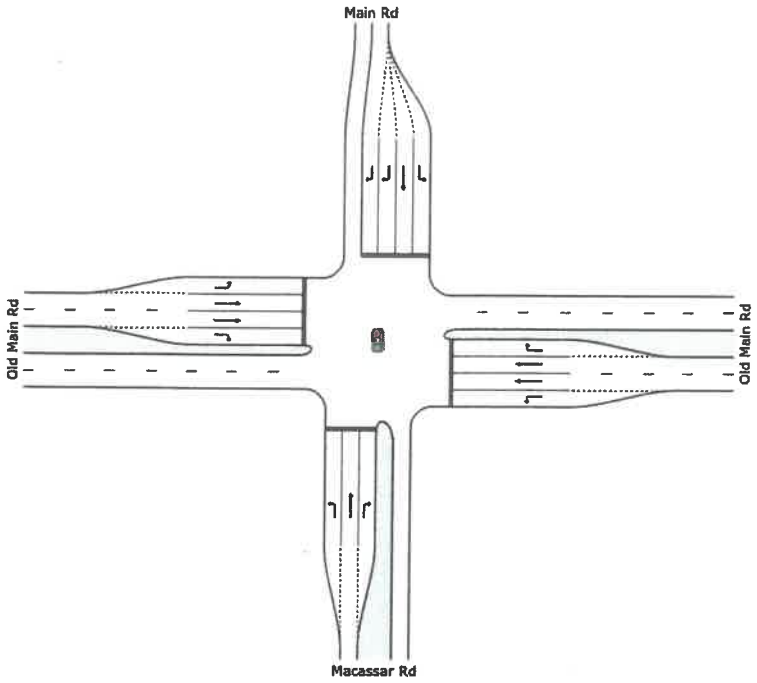



***Diagram 2 :*** Schematic Old Main Road/Main Road/Macassar Road intersection lane layout proposed to accommodate expected peak hour traffic

During the expected peak hours, and with the upgraded layout as discussed above, acceptable service levels D and above can be expected on all movements during the expected peak hours.

The potential trip generation of the "Huntsman" Development, as mentioned in *paragraph 3.5.1* above, was added to the abovementioned analyses to address the cumulative impact of the pending developments. According to the Sidra analyses of the Old Main Road/Main Road/Macassar Road intersection (with layout as proposed above – ***Diagram 2***), service levels D and above can be expected on all movements, except the through movement on the Macassar Road-approach during the AM peak hour, and the through movement on the Main Road-approach during the PM peak hour, which are anticipated to experience service levels E. Although critical, the layout as proposed can be considered sufficient to accommodate the cumulative peak hour traffic volumes.

***It can thus be concluded that the changes to the Old Main Road/Main Road/Macassar Road intersection as indicated in Diagram 2 above is considered necessary to accommodate the addition of the proposed development-traffic.***

Main Road/Waterworks Road intersection:

During the expected peak hours, unacceptable service levels can be expected at this intersection (Waterworks Road-approach) with the existing stop-controlled layout. To address these results, a roundabout and the provision of traffic signals were investigated. With both alternatives, acceptable service levels can be expected. However, to optimise traffic flow along Main Road, it is not advisable to provide a roundabout (Waterworks Road-intersection) between two traffic signals (Old Main Road/Macassar Road- and Winery Road-intersections). It is thus suggested that traffic signals be considered, as well as the provision of a dedicated right-turn lane on the eastern Main Road-approach (***Diagram 3***). To address the warrant for traffic signals, a queue study should be undertaken at the subject intersection. However, it will only be possible to undertake the said study following the implementation of the proposed development. Based on the Sidra average queuing on the Waterworks Road-approach (± 35 vehicles during the AM peak hour and ± 70 vehicles during the PM peak hour), it is anticipated that traffic signals will be warranted when the full proposed development is operational.

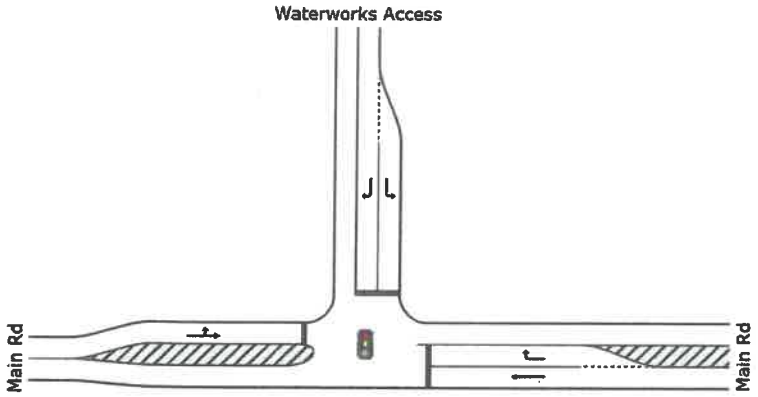



***Diagram 3 :*** Schematic Main Road/Waterworks Road intersection lane layout proposed to accommodate expected peak hour traffic

With the said upgrades at this intersection, acceptable service levels can be expected during the expected AM and PM peak hours.

***It can thus be concluded that the provision of traffic signals at the Main Road/Waterworks Road intersection, with a dedicated right-turn lane on the eastern Main Road-approach, is considered necessary to accommodate the addition of the proposed development-traffic.***

Access-intersection:

The proposed development-access will be stop-controlled on the access-approach, with free-flow conditions along Waterworks Road to/from the CoCT Waterworks. During the expected peak hours, acceptable service levels can be expected on all movements at this intersection.

***It can thus be concluded that no upgrades other than the addition of the access-approach is considered necessary at its intersection with Waterworks Road to accommodate the addition of the proposed development-traffic.***

Main Road/Winery Road intersection:

During the expected peak hours, the acceptable service levels discussed with the estimated peak hour analyses above can be anticipated to remain.

***It can thus be concluded that no upgrades to the Main Road/Winery Road intersection is considered necessary to accommodate the addition of the proposed development-traffic.***

## 4. GEOMETRY

As previously mentioned, access will be obtained from an existing road ("Waterworks Road"). The said road currently provides access to the Eskom Substation and the City of Cape Town Faure Water Scheme to the northwest of the subject property. As far as could be established, the first section of the said road is public from Main Road up to and including the proposed access, with the remainder of the road, private or a servitude road.

Access to Waterworks Road is obtained from Main Road between Winery Road and Old Main Road. According to the *Road Network Information System* (RNIS) of Western Cape Government (WCG), Main Road and Winery Road are classified as Class 3-roads, whilst Old Main Road is classified as a Class 2-road.

The proposed access is situated ± 250 metres from the edge of Main Road (***Photo 7***). Shoulder sight distance at the proposed access is not anticipated to be problematic. Waterworks Road currently consist of two lanes (one per direction) accommodated within a blacktop width of ± 8,0 metres. Main Road (in the vicinity of Winery Road and Old Main Road), and Winery Road also consist of two lanes (one per direction, ± 3,4 metre wide lanes), with ± 1,5 metre surfaced shoulders along both sides of the road. According to information, Main Road will be dualled in future.

Intersection spacing along Main Road in the vicinity of the subject property is as indicated below. The Winery Road-intersection is situated ± 280 metres southeast of the Waterworks Road-intersection, and as previously mentioned, the Old Main Road intersection ± 535 metres (all centre-to-centre). The existing access to the storage facility (currently staggered) will in future be closed as per previous approval (development of adjacent Remainder Farm 782), with access obtained via Remainder Farm 782, opposite Winery Road. See the photo below.




***Photo 7 :*** Intersection spacing along Main Road in the vicinity of the subject property

Detail on the access layout is not indicated on the attached plan. It should be ensured that two lanes in are provided, i.e. a lane for employees and a dedicated lane for visitors. It should furthermore be ensured that sufficient horizontal and vertical clearance is provided at the access to accommodate the vehicles expected to the proposed light industrial park.

The internal roads are indicated with 15 metre wide road reserves. Detail on the internal road layout (i.e. roadway width, bellmouth radii, etc.) is not yet available. The proposed road reserves indicated on the attached plan indicate that the internal roads will terminate in hammerheads, thus also providing space for vehicles to turn, should it be required. It should be ensured that the internal roads can accommodate the vehicles anticipated to be attracted to the light industrial development.

As the internal road will accommodate light industrial type vehicles, it is not anticipated that the accommodation of refuse- or delivery vehicles will be an issue.

## 5. PARKING

Detail on parking is not yet available. It should thus be ensured that parking is provided in accordance with the minimum requirements of the Stellenbosch Zoning Scheme, and dimension of parking bays are in line with normal parking standards (Department of Transport).

## 6. PUBLIC AND NON-MOTORISED TRANSPORT (NMT)

The Firgrove Railway Station is situated less than 1 kilometre to the southeast of the subject property.

According to the City of Cape Town *Existing Public Transport Services (plan no PT2-1.1, Aug 2013)* the roads in the vicinity of the subject property are existing bus- and taxi-routes.

Formal public transport embayments could be considered along Main Road at the Waterworks Road-intersection (outbound legs).

Surfaced sidewalks currently exist along the northern side of Main Road in the vicinity of the Winery Road- and Waterworks Road-intersections. Surfaced sidewalks also exist along both sides of Winery Road between its intersections with Main Road and Steynsrust Road.

It is suggested that sidewalks be provided along the western/southern side of Waterworks Road between the proposed access and the existing sidewalk along Main Road.

It is furthermore suggested that sidewalks be provided along at least one side of the internal road, with pedestrian accommodation across the road at appropriate positions.

## 7. CONCLUSIONS

The following can be concluded from the report:

1) That this TIA is in support of the Application for Subdivision, Rezoning, Site Development Plan Approval and Deviation from Spatial Development Framework for Farm 1101, situated to the north/northwest of the currently developed Firgrove area;
2) That the subject property is situated to the Stellenbosch Municipality side of the Stellenbosch Municipality/City of Cape Town border;
3) That the proposed development will consist of 21 industrial erven, with a total of 28 480 m² GLA;
4) That access to the property is obtained from an existing access road, currently serving an Eskom Substation and the City of Cape Town Waterworks;
5) That the proposed development has the potential to generate 228 peak hour trips, with 160 in, 68 out during the AM peak hour and 57 in, 171 out during the PM peak hour;
6) That to accommodate the background traffic, the following road upgrades are considered necessary:
    a) *Old Main Road/Main Road/Macassar Road intersection:* provision of dedicated left-turn lanes on the northern- and southern-approaches, extension of the existing dedicated right-turn lane on the eastern-approach, as well as the changing of existing shared through-left turn lane on the northern-approach to shared-right turn, and existing shared through-left turn lane on the southern-approach to through lane;
7) That to accommodate the addition of the proposed development-traffic, the following road upgrades are considered necessary:
    a) *Old Main Road/Main Road/Macassar Road intersection:* Provision of dedicated left-turn lane and changing of existing shared through-left turn lane to through lane on western- and eastern-approaches, and provision of/changing of northern-approach to consist of two dedicated right-turn lanes, through lane and dedicated left-turn lane;
    b) *Main Road/Access Road (Waterworks) intersection:* Provision of traffic signals at the intersection, with dedicated right-turn lane on eastern-approach;
8) That the access to the subject property will be along the existing access road, ± 250 metres from the edge of Main Road;
9) That the existing access road is currently a two lane road, with the first section public from Main Road up to and including the proposed access, with the remainder of the road towards the Eskom substation and the CoCT waterworks private/servitude road;

10) That the existing Go-Group-Access to Main Road will be closed and relocated to opposite the Main Road/Winery Road intersection, which will improve intersection spacing along Main Road, and thus provide the opportunity for the access road-intersection to be signalised;

11) That it should be ensured that the access layout provides for separate employee/visitor lanes in, and that it accommodates the size vehicles expected to the light industrial development;

12) That internal streets consist of 15 metre road reserves, that detail on the layouts are not yet available, and that it is not anticipated that refuse removal or deliveries will be problematic should the internal roads be designed to accommodate vehicles attracted to light industrial areas;

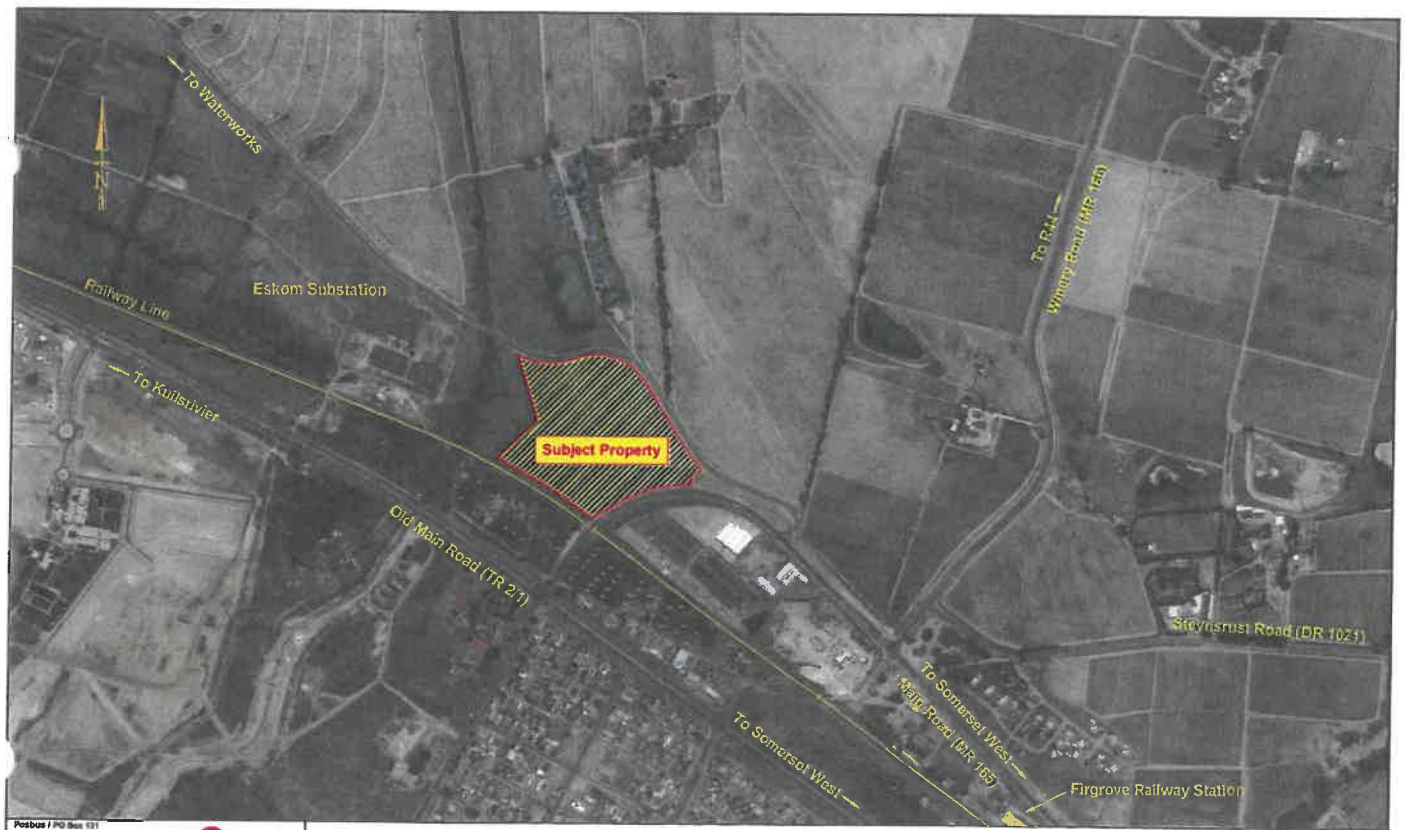
13) That detail on parking is not yet available and that it should be ensured parking is provided in accordance with the minimum requirements of Stellenbosch Municipality; and

14) That formal public transport embayments be considered along Main Road at the access road-intersection (outbound legs) and that the provision of sidewalks along the southern side of the access road (between Main Road and the access), as well as along at least one side of the internal streets, be considered.

## 8. RECOMMENDATIONS

From the above the following are recommended:

1) That to accommodate the background traffic, upgrades to the *Old Main Road/Main Road/Macassar Road* are required:
   a) Provision of dedicated left-turn lanes on the northern- and southern-approaches;
   b) Extension of the existing dedicated right-turn lane on the eastern-approach;
   c) Changing of existing shared through-left turn lane on the northern-approach to shared-right turn; and
   d) Changing of existing shared through-left turn lane on the southern-approach to through lane;
2) That to accommodate the addition of the proposed development-traffic, the following upgrades are considered necessary:
   a) *Old Main Road/Main Road/Macassar Road intersection:*
      i. Provision of dedicated left-turn lane and changing of existing shared through-left turn lane to through lane on western- and eastern-approaches; and
      ii. Provision of/changing of northern-approach to consist of two dedicated right-turn lanes, through lane and dedicated left-turn lane;
   b) *Main Road/Access Road (Waterworks) intersection:* Provision of traffic signals at the intersection, with dedicated right-turn lane on eastern-approach;
3) That the security controlled access layout provides for two lanes in, and accommodates the size vehicles expected to/from the light industrial development;
4) That parking be provided in accordance with the minimum requirements of the Stellenbosch Zoning Scheme;
5) That formal public transport embayments be considered along Main Road at the Main Road/Access Road intersection (outbound legs);



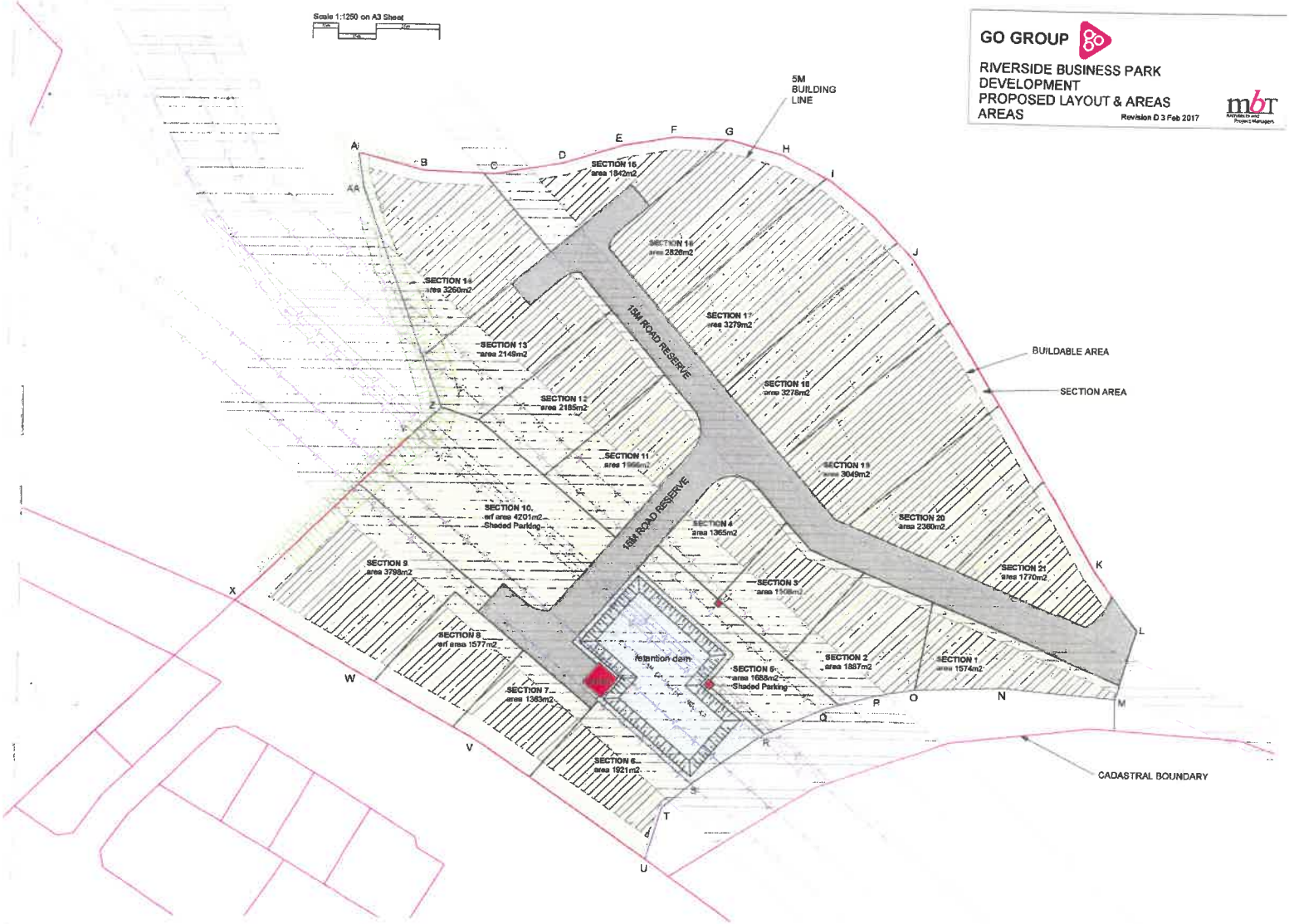

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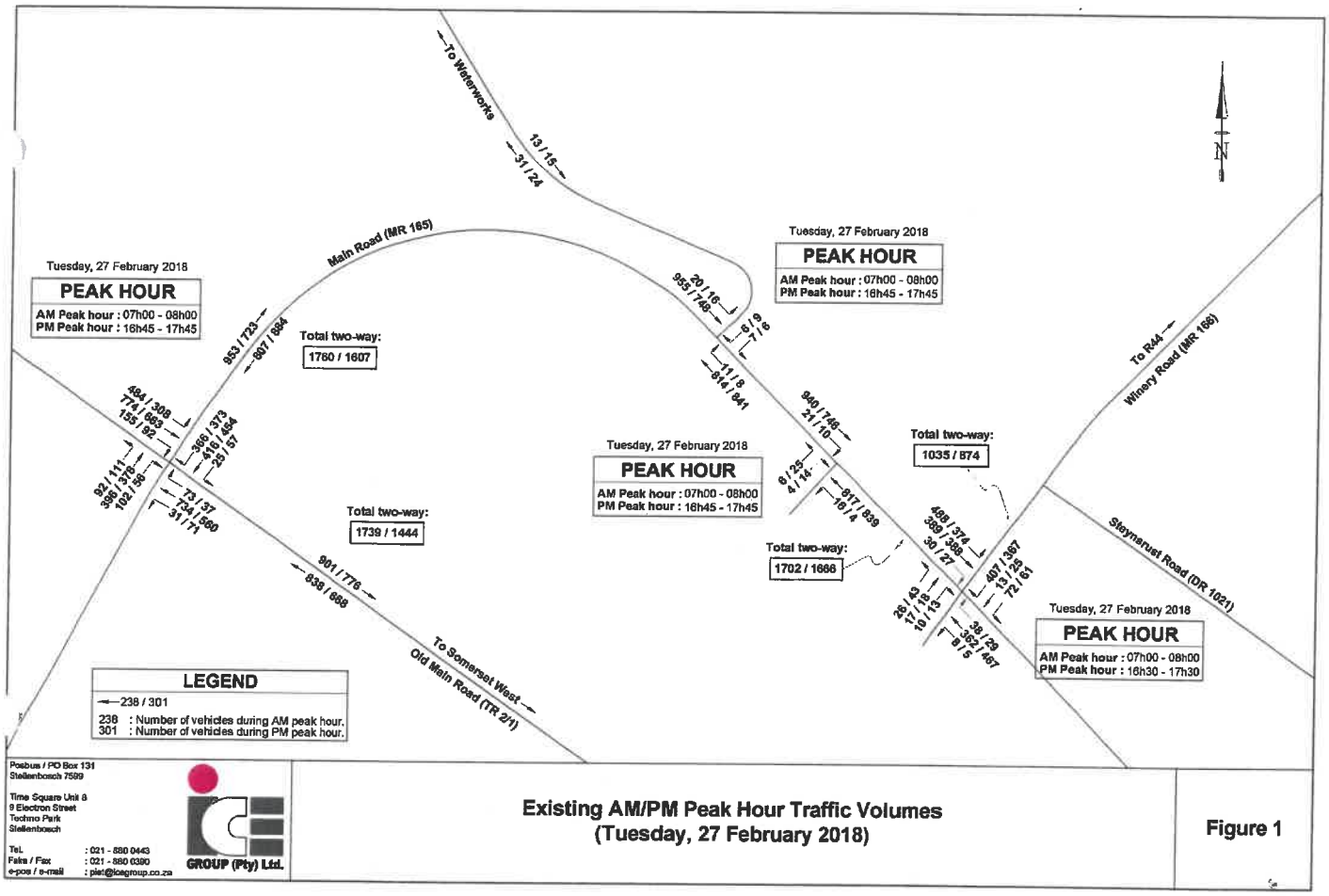
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GROUP (Pty) Ltd.

**Locality Plan**


Scale 1:1250 on A3 Sheet
GO GROUP
RIVERSIDE BUSINESS PARK
DEVELOPMENT
PROPOSED LAYOUT & AREAS
AREAS
Revision D 3 Feb 2017
5M BUILDING LINE
SECTION 16 area 1842m2
SECTION 15 area 2826m2
SECTION 14 area 3260m2
SECTION 17 area 3279m2
SECTION 13 area 2149m2
SECTION 18 area 3278m2
SECTION 12 area 2185m2
SECTION 11 area 1966m2
SECTION 19 area 3049m2
SECTION 10 erf area 4201m2 Shaded Parking
SECTION 4 area 1365m2
SECTION 20 area 2360m2
SECTION 9 area 3798m2
SECTION 3 area 1508m2
SECTION 21 area 1770m2
SECTION 8 erf area 1577m2
retention dam
SECTION 2 area 1887m2
SECTION 1 area 1574m2
SECTION 5 area 1688m2 Shaded Parking
SECTION 7 area 1363m2
SECTION 6 area 1921m2
15M ROAD RESERVE
15M ROAD RESERVE
BUILDABLE AREA
SECTION AREA
CADASTRAL BOUNDARY




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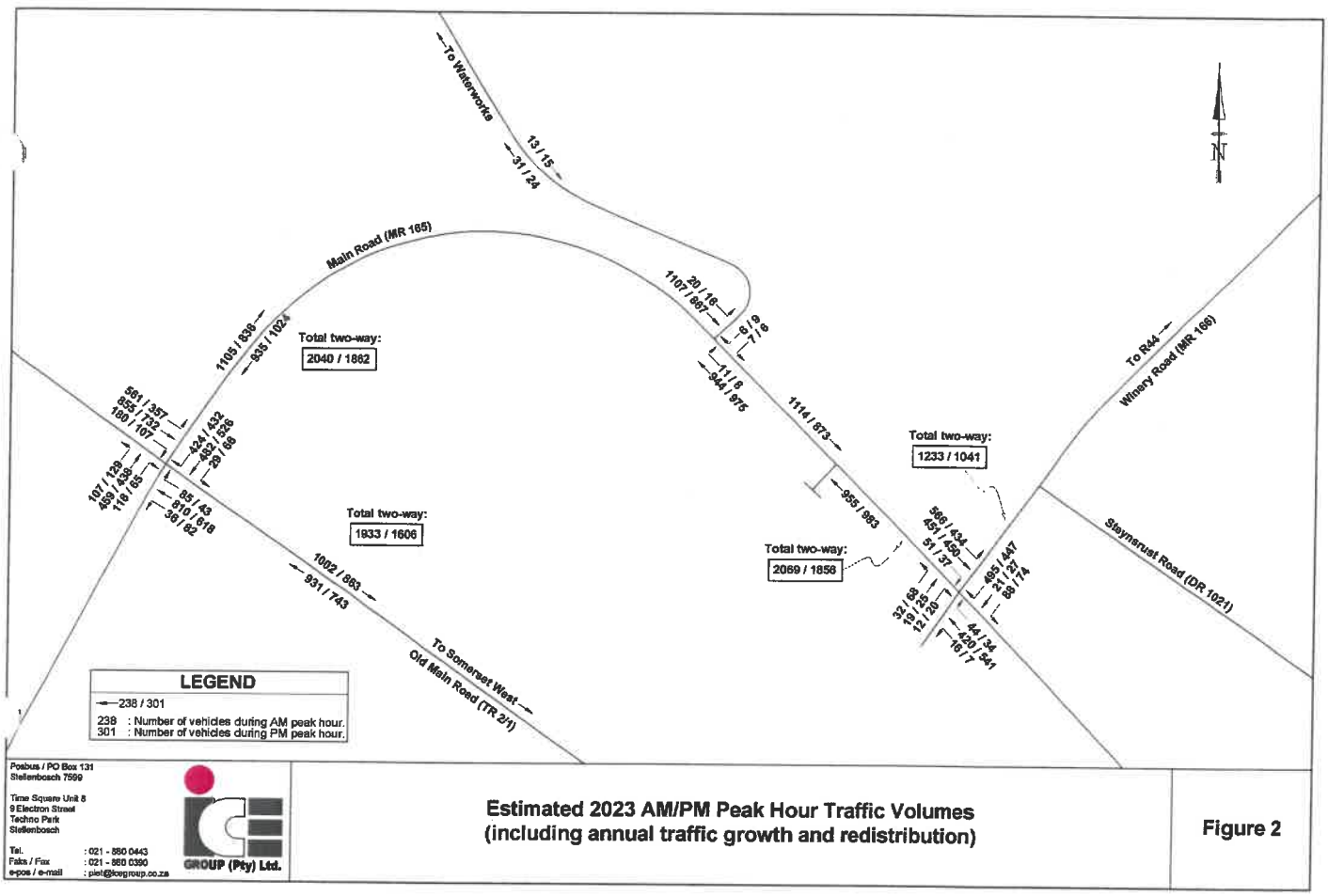
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e-pos / e-mail : piet@icegroup.co.za

GROUP (Pty) Ltd.

**Existing AM/PM Peak Hour Traffic Volumes**
**(Tuesday, 27 February 2018)**

**Figure 1**




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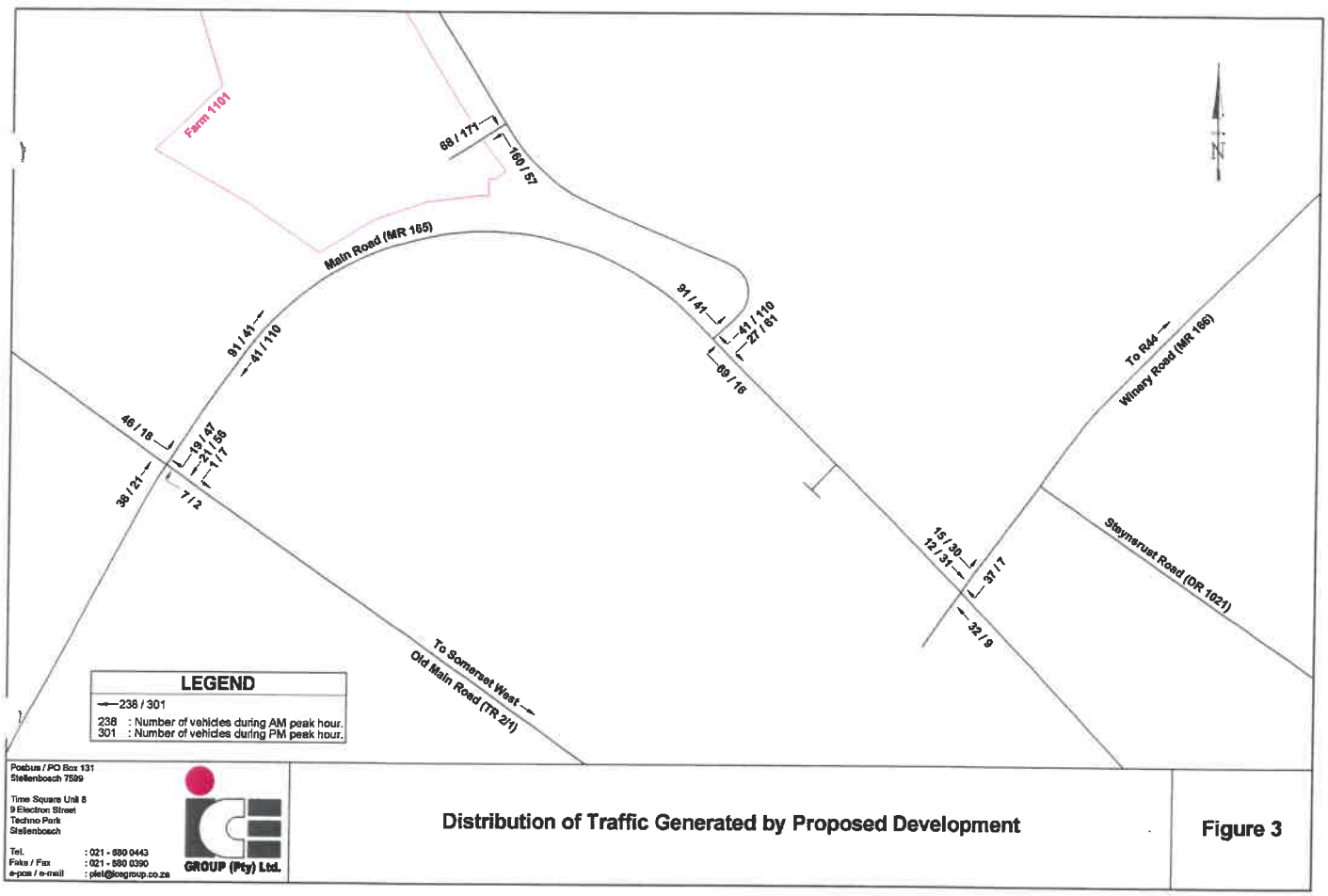
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**Estimated 2023 AM/PM Peak Hour Traffic Volumes**
**(including annual traffic growth and redistribution)**

**Figure 2**




Posbus / PO Box 131
Stellenbosch 7599

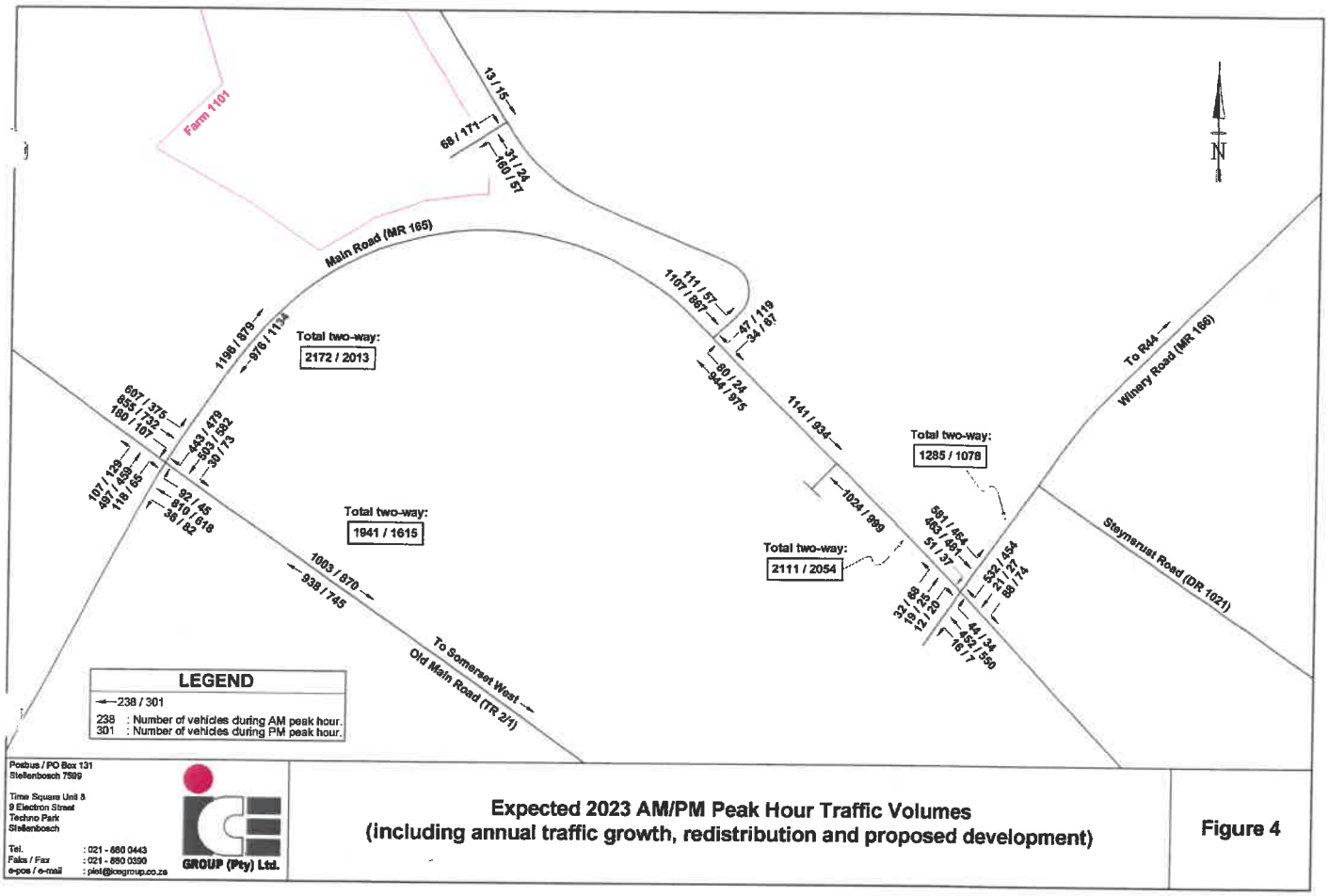
Time Square Unit 8
9 Electron Street
Techno Park
Stellenbosch

Tel. : 021 - 880 0443
Faks / Fax : 021 - 880 0390
e-pos / e-mail : piet@icegroup.co.za

GROUP (Pty) Ltd.

**Distribution of Traffic Generated by Proposed Development**

**Figure 3**




Posbus / PO Box 131
Stellenbosch 7599

Time Square Unit 8
9 Electron Street
Techno Park
Stellenbosch

Tel. : 021 - 880 0443
Faks / Fax : 021 - 880 0390
e-pos / e-mail : piet@jcegroup.co.za

GROUP (Pty) Ltd.

**Expected 2023 AM/PM Peak Hour Traffic Volumes**
**(including annual traffic growth, redistribution and proposed development)**

**Figure 4**

**Annexure 13**

**Soil Investigation Report**

**Johann Lanz**
Soil Scientist (Pri.Sci.Nat.)

*Cell:* 082 927 9018
*Tel:* 021 866 1518
*e-mail:* johann@johannlanz.co.za

PO Box 6209
Uniedal
7612
Stellenbosch
South Africa

# Report on soil investigation of part of Remainder of Rustenhof, farm number 1101 near Firgrove, Stellenbosch Municipality

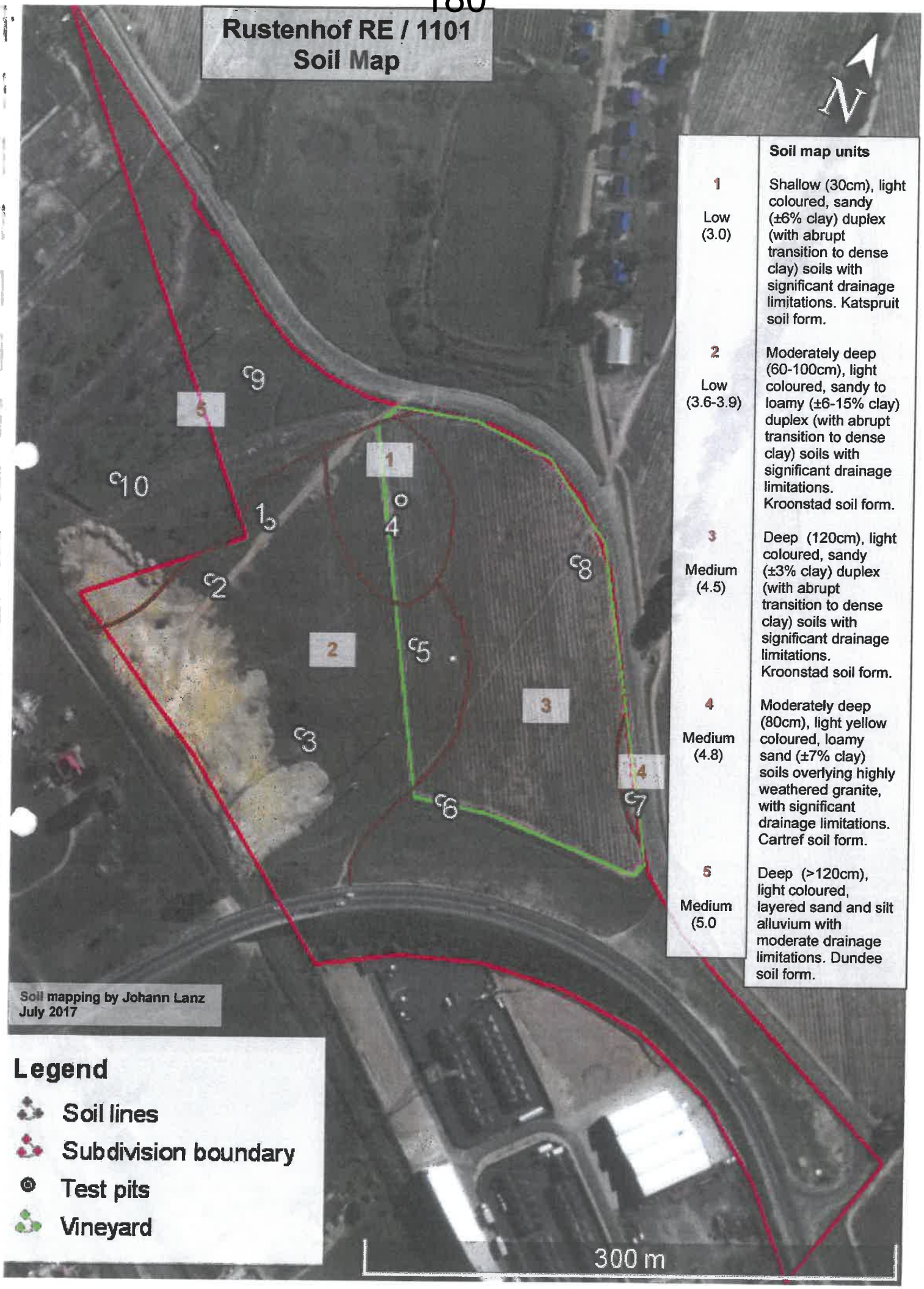
**Report by**
**Johann Lanz**

**July 2017**

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**Soil Map**

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2.Description of soil conditions and division into soil map units.....2
3.Soil suitability for crop production.....3
4.Land use.....5
5.Additional comments.....5
6.Conclusions.....5
Appendix 1: Structure of soil code and explanation of symbols.....6
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Rustenhof RE / 1101
Soil Map
N
Soil map units
1
Low
(3.0)
Shallow (30cm), light coloured, sandy (±6% clay) duplex (with abrupt transition to dense clay) soils with significant drainage limitations. Katspruit soil form.
2
Low
(3.6-3.9)
Moderately deep (60-100cm), light coloured, sandy to loamy (±6-15% clay) duplex (with abrupt transition to dense clay) soils with significant drainage limitations. Kroonstad soil form.
3
Medium
(4.5)
Deep (120cm), light coloured, sandy (±3% clay) duplex (with abrupt transition to dense clay) soils with significant drainage limitations. Kroonstad soil form.
4
Medium
(4.8)
Moderately deep (80cm), light yellow coloured, loamy sand (±7% clay) soils overlying highly weathered granite, with significant drainage limitations. Cartref soil form.
5
Medium
(5.0
Deep (>120cm), light coloured, layered sand and silt alluvium with moderate drainage limitations. Dundee soil form.
Soil mapping by Johann Lanz
July 2017
Legend
Soil lines
Subdivision boundary
Test pits
Vineyard
300 m

## 1. Introduction

Johann Lanz was contracted to do a soil investigation and report on part of the Remainder of Rustenhof, farm number 1101, near Firgrove, Stellenbosch Municipality (See Figure 1). The aim of this investigation was to characterise the different soil types and consequent agricultural potential across an approximately 9 hectare part of the farm in order to provide the required information to assess the impact of a loss of this land for agricultural production. Specifically the requirements were to:

- Produce a soil map of the site showing spatial distribution of different soils and including ratings of soil potential.
- Produce a soil report describing soil physical characteristics, limitations, and suitability for crop production.




***Figure 1.*** *Location of the farm, with the relevant 9 hectare part shaded in the south.*

A total of 10 test pits were investigated across the study area on 29 June 2017 by Johann Lanz. During the investigation, soils were classified according to the South African soil classification system and the soil description code was recorded for each investigated profile. A brief explanation of the description code is given in Appendix 1 and all the soil codes of investigated test pits are listed in Appendix 2.

Soil potential or suitability under the applicable conditions is a function of four factors: root development potential (rooting depth and friability); water holding capacity and supply; drainage; and organic matter content. Soils are rated for potential by making an overall assessment of each soil, taking all of these factors into account. A value between 0 and 10 is assigned. This suitability rating is used by soil scientists in the Western Cape, and details of it are provided in Table 1.

**Table 1.** Interpretation of soil suitability ratings used by Western Cape soil scientists

| **Rating** | **General agricultural suitability and recommendations for cultivated crop production** | |
|---|---|---|
| ≤2 | Very low | Not recommended |
| >2 - ≤4 | Low | Not recommended |
| >4 - ≤5 | Medium | Conditionally recommended |
| >5 - ≤6 | Medium-high | Recommended |
| >6 - ≤8 | High | Highly recommended |
| >8 | Very high | Highly recommended |

## 2. Description of soil conditions and division into soil map units

The site is located at the edge of the coastal plains of the Cape Flats, where they meet the lower foot slopes of the hills south of Stellenbosch. The site is very gently sloping at about 1% with a south-westerly aspect. The geology of the area is Quarternary quartz sand of the Springfontein and Witzand Formations as well as surficial cover formed in situ on Malmesbury rocks.

The site falls within a single land type, namely Ca134. Soils of this land type are mostly sandy topsoils on underlying clay and are of the Kroonstad, Katspruit, Longlands, Westleigh Estcourt and Dundee soil forms. The field soil investigation identified predominantly deep to moderately deep, light coloured, sandy Kroonstad soils across the site.

For soil mapping purposes and as an indication of soil variation, the soils were divided into five different soil map units. These were divided largely according to the presence or absence of different soil limitations and characteristics which impact on soil suitability.

Descriptions of the characteristics of each of the soil map units are given in the legend on the map. Photographs of representative soils and of site conditions are given in figures 2 to 4.

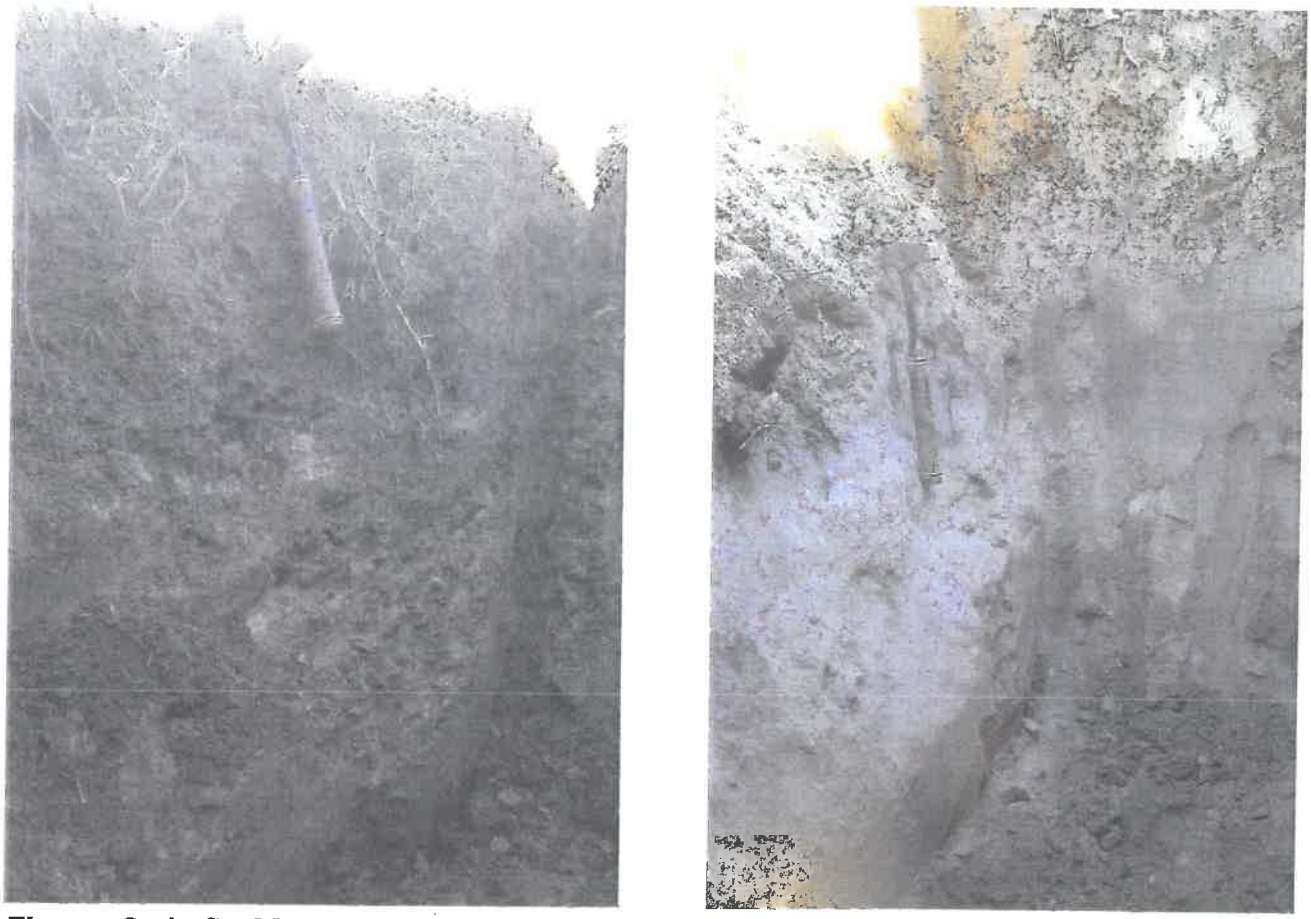


***Figure 2.*** *Left: 30cm deep Katspruit soil from test pit number 4. Right: 60cm deep Kroonstad soil from test pit number 5 (with 60cm of additional, more clay-rich material deposited on top).*

Soils have limited internal drainage in that saturation occurs within the soil profile for extended periods during the wet season. This is predominantly as a result of the landscape position which results in lateral drainage of water down-slope within the soil profile from the slopes above.

## 3. Soil suitability for crop production

The suitability rating out of 10 is given on the map for each soil map unit. All soils are limited by their low clay content and the leached nature of the upper soil horizons. This severely limits their water and nutrient holding capacity. They are further limited by their poor drainage, which limits rainy season rooting depth and root health. Soil map unit 1 is also limited by shallow soil depth. As a result of these limitations the soils are rated from low to medium agricultural suitability.

The soils are too leached and sandy, as well as too poorly drained to be suitable for quality wine production. They are only really suitable for non-permanent crops such as vegetables, but would require require intensive and well managed irrigation and fertilisation.



***Figure 3.*** *View of the site from test pit number 10 looking east.*



***Figure 4.*** *The current, poor condition of the vineyards, looking south towards the railway line with the road embankment in the background on the left.*

## 4. Land use

The site includes a 2.7 hectare vineyard that is in poor condition (see Figure 4). The rest of the site has not been used for any agricultural activity for at least 10 years. Soil has been moved around on site (including both removal and addition) as a result of various activities including the adjacent road embankment. Much of the southern part of the site has been covered with material that has been brought in.

## 5. Additional comments

The separation of this portion of land from the main, productive part of the farm, and its proximity to urban development diminishes the agricultural value of this land because of the security threat to agricultural produce and infrastructure.

## 6. Conclusions

The aim of this investigation was to characterise the different soil types and consequent agricultural potential across a part of the farm in order to provide the required information to assess the impact of a loss of this land for agricultural production.

The soils are rated low to medium agricultural suitability. They are limited by their low clay content, the leached nature of the upper soil horizons, poor drainage, and in places limited depth. They are not suitable for quality wine production.

As a result of the agricultural limitations of this portion of land, its loss will have negligible impact on the agricultural productivity of the farm and area.

## Appendix 1: Structure of soil code and explanation of symbols

The code used indicates the soil classification as well as other characteristics of the soil. Soil forms are the first level of division in the South African soil classification system. Soil forms are further divided into different families. All soil forms are given a South African place name. Families are given a four digit number. Soils are divided into forms based on the sequence of diagnostic soil horizons in the soil profile.

This is not a comprehensive explanation of the code but explains the most important points:

**Column 3** Numbers indicate the depth of the transition between horizons in order of increasing depth and according to the categories given below. Following all the horizons, the depth of a stone content is given if applicable.

| Number in code | Depth below surface (cm) |
|---|---|
| 1 | 0 - 15 |
| 2 | 15 - 25 |
| 3 | 25 - 35 |
| 4 | 35 - 45 |
| 5 | 45 - 55 |
| 6 | 55 - 75 |
| 7 | 75 - 95 |
| 8 | 95 - 115 |
| 9 | 115 - 135 |
| 0 | 135 - 155 |

**Column 4** Two letter abbreviation of soil form name followed by four digit indication of soil family.

**Column 5** Where a profile is a transition between 2 different soil forms - two letter abbreviation of the transition soil form name.

**Columns 6 - 8** Lower case letters indicating the occurrence of additional horizons underlying the diagnostic horizons, if applicable.

**Column 9 - 10** Combined letter and number code indicating course fraction content and stone size of subsoil horizons, if applicable. f = fine gravel, g = course gravel, k = stones, r = rocks. The number for each class is the volume fraction out of 10. The sum of the numbers gives the total course fraction content.

**Column 11** Course fraction content of topsoil horizon indicated in the same way as above.

**Column 12** Sand grade f = fine and me = medium and co = course and clay content of topsoil horizons according to the following categories:

| number | Clay percentage |
|---|---|
| 1 | 0 - 5 |
| 2 | 5 - 10 |
| 3 | 10 - 15 |
| 4 | 15 - 20 |
| 5 | 20 - 35 |

**Column 13** A number between 1 and 9 indicating wetness class based on the depth at which saturation occurs in the profile and the length of time for which the soil remains saturated. All wetness classes of 6 and higher may require drainage. A 0 indicates that no wetness is present in the profile.

**Column 14** The rating out of 10 of the vineyard vigour potential, using the rating system that is used by Western Cape soil scientists.

**Column 15** The soil map unit into which the soil profile has been categorised.

## Appendix 2: Table of soil profile data

| Test pit no. | Soil depth (cm) | Soil description code | | | | | | | | | | Drain | Suitability rating | Map unit |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Depth codes | Family | Transition form | Subsoil properties | | | CF | CF | Topsoil properties CF | Topsoil properties texture | | | |
| 1 | 60 | 36 | Kd1000 | Du | | | | | | | fi3 | 6 | 3.6 | 2 |
| 2 | 100 | 38 | Kd1000 | Du | | | | | | | fi3 | 6 | 3.9 | 2 |
| 3 | 100 | 38 | Kd1000 | | | | | | | | co1/2 | 6 | 3.9 | 2 |
| 4 | 30 | 3 | Ka1000 | | | | | | | | co1/2 | 7 | 3.0 | 1 |
| 5 | 60 | 36 | Kd1000 | | | | | | | | co1/2 | 6 | 3.6 | 2 |
| 6 | 120 | 39 | Kd1000 | | | | | | | | co1 | 6 | 4.5 | 3 |
| 7 | 80 | 37 | Cf1100 | | lw | | | f2 | | f1 | co2 | 6 | 4.8 | 4 |
| 8 | 140 | 30 | Kd1000 | | | | | | | | co1 | 6 | 4.5 | 3 |
| 9 | 150 | 3 | Du1210 | | bl U1 | | | | | | fi3 | 3/6 | 4.9 | 5 |
| 10 | 150 | 3 | Du1210 | | bl U1 | | | | | | fi3 | 3/6 | 4.9 | 5 |

# APPENDIX D

Copy of POE Checklist and declaration

1

PLANNING PARTNERS

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

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

**PER HAND**

Your Ref: LU/7684
Our Ref: 4400

14 December 2018

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

PLANNING AND ENVIRONMENT
18 DEC 2018
MUNICIPALITY/MUNISIPALITEIT
STELLENBOSCH
BEPLANNING EN OMGEWING

**FOR ATTENTION: Mr. Pedro April / Ms. Annecke Hardouin**

**APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM COUNCIL'S SPATIAL DEVELOPMENT FRAMEWORK: FARM NO. 1101, STELLENBOSCH DIVISION (RUSTENHOF FARM, WATERWORKS ROAD, FIRGROVE)**

**PORTFOLIO OF EVIDENCE**

| | |
|---|---|
| Municipal Application Number: | LU/7684 |
| Municipal File Reference Number: | Farm 1101, Stellenbosch |
| Applicant Reference Number: | 4400 |
| Property details: | Farm 1101, Stellenbosch Division |
| Physical address: | Rustenhof Farm, Waterworks Road, Firgrove |
| Owner: | Rustenhof Boerdery (Pty) Ltd. |
| Project details: | Application for subdivision, rezoning, consent use, site development plan approval and deviation from Council's Spatial Development Framework |
| Applicant enquiries: | Nick van der Merwe (Planning Partners) |
| Contact No: | 021-418 0510 |
| Email address: | admin@planpart.co.za |
| Commencement date: | 6 September 2018 |
| Closing date: | 8 October 2018 |

FILE NR:
SCAN NR: F 1101 S
COLLABORATOR NR: 622108

DIRECTORS: GC Underwood T&RP(SA)BSc(T&RP)MSAPIMRTPI · AN Wain PrLArchBSc(Hons)HORTMA(LArch)MILASA · J Jordaan PrLArchBLArch(Hons)MILASA · LE van Aarde BALLBM(T&RP)
ASSOCIATES: JE Dohse PrLArchBLArch(Hons) · T Dix BArch · CM van den Heever BArtetScien(T&RP) · A James NDHort · AD Turrell NDLTech · PM Satz BTech(T&RP) · N Van Der Merwe BScM(T&RP)
FINANCE MANAGER: H Khan

Planning Partners (Pty) Ltd · Reg. No. 2004/004262/07

As per the Stellenbosch Municipality Planning By-law's *Submission Protocol and Public Participation Requirements*, we would hereby like to submit the *Portfolio of Evidence* for the public participation process of the above-mentioned application. Please find included the following required documentation:

Annexure 1: Portfolio of Evidence Checklist.

Annexure 2: Completed and signed affidavit.

Annexure 3: Original pages from the *Eikestad Nuus* and the *District Mail* (7 September 2018). ✓

Annexure 4: Copy of Site Notice and photos taken of placed Site Notice. ✓

Annexure 5: Original registered slips of letters/notices sent to I&APs and external departments.

Annexure 6: Copies of the letters/notices sent to I&APs and external departments, including attachments.

Annexure 7: Copy of unclaimed registered mail.

Annexure 8: Comment received from I&APs.

Annexure 9: Comments received from external departments.

Annexure 10: Applicant's Comments and Response Report (December 2018).

**Annexure 1**

**Portfolio of Evidence Checklist**

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

## PLANNING & ECONOMIC DEVELOPMENT

| PORTFOLIO OF EVIDENCE Applicant advertised CHECKLIST | | | | Date | 14/12/2018 |
|---|---|---|---|---|---|
| Erf/Erven Farm no | 1101 | Portion(s) if farm | / | Allotment Area | STELLENBOSCH |
| Owner/ Applicant | PLANNING PARTNERS | | | LU/number | LU/7684 |

| INDICATE WHICH OF THE FOLLOWING DOCUMENTATION (WHERE APPLICABLE) IS ATTACHED TO THE PORTFOLIO OF EVIDENCE | OWNER/APPLICANT TO INDICATE YES | OWNER/APPLICANT TO INDICATE NO | ADMIN OFFICER/ PLANNER VERIFY ☑ |
|---|---|---|---|
| **Affidavit (TEMPLATE ATTACHED)** | | | |
| 1. Is the affidavit signed by a Commissioner of Oaths | ✓ | | ✓ |
| 2. Does the affidavit confirm that the advertising was undertaken in accordance with the said prescriptions? | ✓ | | ✓ |
| 3. Does the affidavit confirm that the notice was placed and kept on site for the duration of the advertising period (from which date to which date)? | ✓ | | ✓ |
| **Proof of publication** | | | |
| 4. In **one** local newspaper in **two official languages (or in those cases where Council has indicated two local newspapers)** | ✓ | | ✓ |
| 5. Extract from the newspaper attached (date of publication visible) | ✓ | | ✓ |
| 6. Does the wording fully address the description of the application? | ✓ | | |
| 7. If no, define differences : | | | |
| 8. Advertising period From: 6 SEPTEMBER 2018 To: 8 OCTOBER 2018 | | | |
| 9. Does the Advertising period comply with the required 30 days? | ✓ | | ✓ |
| 10. Was Council informed of the commencement date and closure date? | ✓ | | ✓ 23 Oct. |
| **The registered slips in respect of all the registered letters addressed to** | | | |
| 11. A copy of the registered letter addressed to the affected parties | ✓ | | ✓ |
| 12. Are the dates concurring | ✓ | | ✓ |
| 13. A copy of the registered letter addressed to the external departments (where required) N/A | ✓ | | ✓ |
| 14. Affected interested and affected parties (registered property owners)(original registered slips) | ✓ | | ✓ |
| 15. Community organisations (original registered slips) | ✓ | | ✓ |
| 16. Ward Councillor (original registered slip) | ✓ | | ✓ |
| 17. External Departments (where required)(original registered slip) N/A | ✓ | | ✓ |
| 18. Unclaimed registered mail N/A | ✓ | | ✓ |

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

| *For office use only* | |
|---|---|
| **SIGNED BY ADMINISTRATIVE OFFICER** | |
| **VERIFIED & SIGNED BY TOWN PLANNER** | |
| **DATE VERIFIED** | 2019/08/19 |

**Annexure 2**

**Completed and signed affidavit**

# SWORN AFFIDAVIT

I, the undersigned [Full Name (s) and Surname]: ...NICOLAAS.PIETER.VAN.DER.MERWE.....
.....;

Identity Number.....780415.5055.088.....;

in my capacity as (owner or authorised person through power of attorney): TOWN PLANNER
AUTHORISED TO MANAGE THE LAND USE APPLICATION PROCESS.
.....

do hereby declare under oath that:

1. The application for:
   SUBDIVISION, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM COUNCIL'S SPATIAL DEVELOPMENT FRAMEWORK.
   .....
   .....
   on Erf/ Farm Number:.....1101, STELLENBOSCH.....

Was advertised in at least two of the official languages of the Province in the following newspaper(s)[i]:

(a).....DISTRICT.MAIL.....(b).....EIKESTADNUUS.....

From .....6 SEPTEMBER.....2018.....to.....8 OCTOBER.....20.18.....

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

The Deponent acknowledges that he / she knows and understands the contents of this Affidavit.

Signature:.....

Signed at.....WOODSTOCK SAPS.....

On this.....11th.....day of.....DECEMBER.....20.18.....

At:.....WOODSTOCK.....

Commissioner of Oath's Stamp & Signature

P MOCC

PIETER DEVILLIERS THERON MOCC
SA POLICE SERVICE
93 VICTORIA ROAD
WOODSTOCK
CAPTAIN

COMMISSIONER OF OATHS
WOODSTOCK
11 DEC 2018
WOODSTOCK
STATION COMMISSIONER
SOUTH AFRICAN POLICE SERVICE

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

**Annexure 3**

**Original Pages from the Eikestad Nuus and the District Mail (7 September 2018)**

# Eikestad NUUS

Betrekkings
Kennisgewings
Boedels
Veilings

Skakel 021 887 2840

Vergezicht
Ek kan! I Can!
Prospect House, Market Street, Strand, Somerset West 7130
021 851 4402 | admin@vergezicht.co.za

January 2019
Afrikaans and English: Intermediate Phase Posts

We follow the CAPS curriculum with a strong remedial slant. Voorkeur sal gegee word aan kandidate met toepaslike kwalifikasies. Slegs suksesvolle kandidate sal gekontak word.
Closing date: 14 September 2018.




## KENNISGEWING VAN 'N VERKOOP VAN 'N BESIGHEID

Kennis geskied hiermee van die VERKOOP VAN "VINE GUEST HOUSE" ingevolge artikel 34 (1) van die Insolvensiewet, Wet 24 van 1936, soos gewysig. Die adres van die besigheid kan bestuur word as Plaas 1387 Stellenbosch.

Oordragnemer: AURORA STED CC
REGISTRASIENOMMER
2000/079414/23

Oordragnemer: BARNARD STRAAT, GEBOU BELEGGINGS (EDMS) BPK
REGISTRASIENOMMER
1969/015599/07

Prokureurs: SMITH TABATA BUCHANAN BOYES 1 STR, EERSTE VERDIEPING, TRIANGLE POINT, URTELSINGEL 13, SOMERSET MALL, SOMERSET-WES, 7137

Kontak: Mc Allen Williams - 021 850 8400

## ASL TRUST

FPVG No

Boedel wyle FERDINAND PAULUS VAN GASS NEL, ID.nr. 330102 5031 08 8, 17 Goskestraat, Wijndal, De Zalze, Stellenbosch.
Meesterskantoor: Kaapstad. Boedelnr. 009928/2017.
Kennis geskied hiermee ingevolge Art. 35 (5) van Wet 66 van 1965 dat afskrifte van die eerste en finale likwidasie en distribusierekening in die bogemelde boedel ter insae sal lê in die kantoor van die Meester, Kaapstad, en die Landdros, Stellenbosch, vir 'n tydperk van 21 dae vanaf die datum van publikasie hiervan. Indien geen besware hierteen deur die betrokke Meesters ontvang word nie, sal die eksekuteurs voortgaan met betalings ingevolge die rekeninge.

ASL TRUSTDIENSTE (EDMS) BPK
Posbus 99, Somerset Mall, 7137
Tel: 021 8401600
Epos: trust@asl.co.za
Verwysing: Pieter Auecamp
07-09-2018

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

**APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM COUNCIL'S SPATIAL DEVELOPMENT FRAMEWORK: FARM NO. 1101, STELLENBOSCH DIVISION (RUSTENHOF FARM, WATERWORKS ROAD, FIRGROVE)**

**Applicant:** Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfield Road, Salt River, 7925, 021-418 0510, nicolas@planpart.co.za
**Owner:** Rustenhof Boerdery (Pty) Ltd, Anton Bredell, 083 4449579
**Application number:** 4400
**Reference number:** LU/7684
**Property Description:** Farm No. 1101, Stellenbosch Division
**Physical Address:** Rustenhof Farm, Waterworks Road, Firgrove
**Detailed description of proposal:** The matter for consideration is an application ((in terms of sections 15(2)(a), (d), (g) and (o) of the Stellenbosch Municipal Land Use Planning By-Law)) for the subdivision of Farm 1101 into a Remainder Farm 1101 and a Portion A (development portion), the rezoning of Portion A from Agricultural Zone I to Industrial Zone I, consent use to permit warehousing in Industrial Zone I, Site Development Plan approval and deviation from the Stellenbosch Municipal Spatial Development Framework, in order to permit the establishment of a light industrial and warehouse development on Portion A. Remainder Farm 1101 will be retained as is.

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

| APPLICANT |
|---|
| Registered mail or normal mail: |
| Planning Partners (Pty) Ltd, PO Box 4866, Cape Town, 8000 |
| Or faxed to: |
| 021-418 0502 |
| Or hand delivered to: |
| Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfield Road, Salt River, 7925 |
| Or e-mailed to: |
| nicolas@planpart.co.za |

All comments, quoting the application number, reference number, your name, address or contact details, your interest in the application and reasons for comments should be received by the above party on or before 30 days from the date of publication of this notice. Telephonic enquiries can be made to the applicant, Nick van den Berwe ((Planning Partners (Pty) Ltd)) at 021-418 0510. Any comment/objection received after aforementioned closing date will be considered invalid. Any person who cannot write will be assisted by a Municipal official by transcribing their comments.

## KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE GEBIED

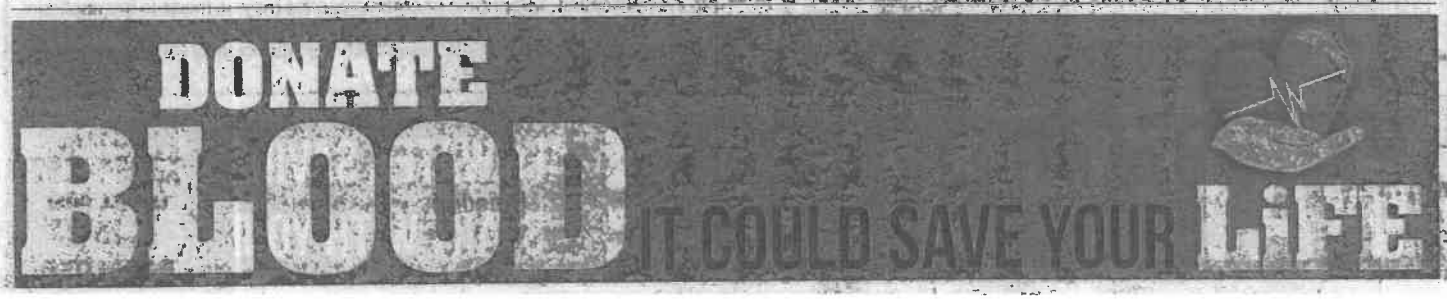
**AANSOEK OM ONDERVERDELING, HERSONERING, VERGUNNINGSGEBRUIK, TERREIN ONTWIKKELINGSPLAN GOEDKEURING, DEVIASIE VAN DIE STELLENBOSCH MUNISIPALE RUIMTELIKE ONTWIKKELINGSRAAMWERK: PLAAS NR. 1101, STELLENBOSCH GEBIED (RUSTENHOF PLAAS, WATERWERKE PAD, FIRGROVE)**

**Aansoeker:** Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfieldstraat, Soutrivier, 7925, 021-418 0510, nicolas@planpart.co.za
**Eienaar:** Rustenhof Boerdery (Pty) Ltd, Anton Bredell, 083 4449579
**Aansoeknommer:** 4400
**Verwysingsnommer:** LU/7684
**Eiendomsbeskrywing:** Plaas Nr. 1101, Stellenbosch Gebied
**Fisiese Adres:** Rustenhof Plaas, Waterwerke Pad, Firgrove
**Beskrywing van aansoek:** Die aansoek vir oorweging is 'n aansoek ((ingevolge artikels 15(2)(a), (d), (g) en (o) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning)) vir die onderverdeling van Plaas 1101 in 'n Restant Plaas 1101 en in Gedeelte A (ontwikkelingsgedeelte) die hersonering van Gedeelte A vanaf Landbou, Sone I na Industriele Sone I, vergunningsgebruik om pakhuise toe te laat binne die Industriele Sone I, Terrein Ontwikkelingsplan goedkeuring en deviasie van die Stellenbosch Munisipale Ruimtelike Ontwikkelingsraamwerk, ten einde die vestiging van 'n ligte nywerheid en pakhuis ontwikkeling op Gedeelte A. Restant Plaas 1101 word behou soos is.

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

| AANSOEKER |
|---|
| Geregistreerde of gewone pos: |
| Planning Partners (Pty) Ltd, Posbus 4866, Kaapstad, 8000 |
| Of gefaks aan: |
| 021-418 0502 |
| Of per hand afgelewer aan: |
| Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfieldstraat, Soutrivier, 7925 |
| Of per e-pos gestuur aan: |
| nicolas@planpart.co.za |

Alle kommentare moet op of voor 30 dae vanaf die datum van publikasie van hierdie kennisgewing, met vermelding van die aansoeknommer, verwysingsnommer, u naam, adres en kontakbesonderhede, belangstelling in die aansoek en redes vir kommentaar, deur die bogemelde party ontvang word. Telefoniese navrae kan aan die aansoeker, Nick van der Merwe ((Planning Partners (Pty) Ltd)) by tel 021-418 0510 gerig word. Enige kommentaar/beswaar ontvang na die voormelde sluitingsdatum sal as ongeldig geag word. Enige persoon wat nie kan skryf nie sal deur 'n Munisipale amptenaar bygestaan word om hul kommentaar op skrif te stel.



# Farm fest delivers great family fun



The annual Mondi Farm Festival was held at the weekend, with much to offer for the whole family. From left: Angela Pratt, Kayla Jade Marais, Annrich Wagener and Kalinka Lewis enjoyed the activities on offer.



Maggie Matherbe and Cobus Groenewald.



Louise Coetzee, Marina Ferreira, Rosa-Dané Ferreira and Johan Ferreira also came to enjoy the farm festival and lovely weather.



Adele, Luke and Liam Jeftha. Photos: Tamsyn Jantjies



Nigel and Fiona Abrahams with Amber September.



Brian and Kathy Jones



Deswin Goff, Samantha November, Annique November and Micah Wakefield.



Mondeor Eco School offered a motorbike as the prize in a competition that was run this year. The winner was drawn on Saturday. Here Michael Cilliers mounts his prize.

## Calling all wannabe butlers

The South African International Butler Academy will host its Open Day from 11:00 to 14:00 on Saturday 8 September at the Butler Mansion in Platteklоof.

The Butler Academy has produced talented, hard-working, devoted and passionate butlers by providing in-depth training and first-hand experience of what it takes to excel in this specialised sector.

The training is based on five elements: food and beverage, housekeeping, maintenance, security and personal being.

The course not only promotes further learning, but also opens the door to substantial salary earnings.

Students aged 18 to 65 are eligible to enrol.

Complimentary butler-style cream tea will be served.

For more information, call 021 000 1477 or email info@butleracademy.co.za.

# Entrepreneurial ventures

The Grade 10 and 11 business studies learners of Strand Secondary School showcased their entrepreneurial skills at a Market Day on Monday 3 September.

The idea was not only to create a platform for learners to think like entrepreneurs, but also to raise much-needed funds for the school, in celebration of tomorrow's business leaders.



The "Tutu Girls" Nikita Kock, Anastacia Adams, Letichia Smith, Amy Cronjé, Ghairudeen Gabler, Anya Sauls, Dalochia van Wyk and Aidan Cookson. Photos: Maryke Swart



Zaynub Samuels, Tarryn Williams and Kelle Sylvester with baked goodies.



This group participated on the theme "Local is Lekker". They are (back from left) Chad Paulse, Irwin Newman, Matthew Pieterse and Adrian Britz; (front) Thené Davids, Judy-Ann Faviers, Jade Schroeder and Tyrese Hendricks



She-earl Lewis, Chenelle Taks, Danielle Peteron, Tiffany Pick and Astrid Coetzee.



The Grade 11C class is (back) Breyton Pedro, Emmanuel Smith (teacher) and Debbie Paulsen (teacher); (front) Sinalo Toni, Esihle Gili, Suweira Lewis (teacher), Donné Julius (student teacher), Tasneem Bazier, Ronel Mool (student teacher), Aneesha Karriem, Urlin Koker, Zain Goliath, Emily Klein;



The Beach Crusader's Cayden Cupido busy grilling patties for his team's burger sale.

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

**AANSOEK OM ONDERVERDELING, HERSONERING, VERGUNNINGSGEBRUIK, TERREIN ONTWIKKELINGSPLAN GOEDKEURING, DEVIASIE VAN DIE STELLENBOSCH MUNISIPALE RUIMTELIKE ONTWIKKELINGSRAAMWERK: PLAAS NR. 1101, STELLENBOSCH GEBIED (RUSTENHOF PLAAS, WATERWERKE PAD, FIRGROVE)**

| | |
|---|---|
| Aansoeker: | Planning Partners (Pty) Ltd. Suite F03 Brickworks, 13 Brickfieldstraat, Southfiver, 7925, 021-418 0510, nicolas@planpart.co.za |
| Benoar: | Rustenhof Boerdery (Pty) Ltd, Anton Bredell, 083 444 9579 |
| Aansoeknommer: | 4400 |
| Verwysingsnommer: | LU/7684 |
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| Fisiese Adres: | Rustenhof Plaas, Waterwerke Pad, Firgrove |

Beskrywing van aansoek:
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| 021-418 0502 |
| Of per hand afgelewer aan |
| Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfield Road, Salt River, 7925 |
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# Musos set to enthral at S'bok Blues

**James Marais and Monique Cassells will be performing at Springbok Blues restaurant, sport and live entertainment venue in Strand on tomorrow (Friday 7 September) at 20:00.**



The 1925 Band will be back by popular demand at Springbok Blues restaurant, sport and live entertainment venue on Saturday 8 September.

Their "Oldies But Goldies Vol. 2" show is a follow-up show to the renowned "Oldies But Goldies" show, and features popular duo of Marais and Cassells, with emcee and comedian Fanie Schoeman, making a guest appearance.

The show pays tribute to the golden era of music from the '50s to the '80s, featuring hits by the artists you know and love, such as Elvis Presley, The Beatles, The Platters, Creedence Clearwater Revival, Cher and Queen as well as Bill Haley and The Comets, The Big Bopper, Cliff Richard, The Eagles, Abba, Neil Diamond; The Carpenters, Sha Na Na, Glenn Frey, Bryan Adams, and many more. The show is a mini-theatrical experience, featuring the dynamic vocal and visual performances of Marais and Cassels, alternating as a duo and individual performers, who also do multiple costume changes throughout.

Marais is the number one Elvis Presley tribute artist in the country, and has appeared on television several times, including appearances on SABC 2's game shows, *Noot Vir Noot* and *Musiek Roulette*, as well as Kyknet's *Jou Show*, presented by Emo Adams.

Cassells is a very accomplished vocalist, having performed many different genres of music over the years, including rock n roll, rock, pop, country, blues, ballads and even light classical. She made her television debut on *Musiek Roulette* in May.

Schoeman will add his unique brand of humour and sketches to the show. He is also an actor and has appeared in television and billboard commercials as well as short films.

Tickets to the show cost R80 per person and can be reserved by calling 021 854 7787 or 072 722 6890.

● The incredibly talented 1925 Band with their angelic harmonies, unique folk rock sound, versatile song selection and real passion for music, is one of the most in-demand bands in SA.

The 1925 Band will be back at Springbok Blues by popular demand on Saturday 8 September at 20:00. They have toured the country extensively and performed in the Netherlands in May.

Their theme song, "Eintlik Nogal Baie", composed for the movie with the same title, was not only number one on the South African music charts, but the film has been distributed worldwide.

Be entertained by the three phenomenal Gericke brothers this weekend.

There will be no cover charge. To book a table, call 021 854 7787 or 072 722 6890 or send an email to admin@springbok-blues.co.za.

# Antwerpse violis in die Endler

**Die Antwerpse violis Alissa Margulis tree aanstaande week saam met die plaaslike pianis Luis Magalhães op.**

**Die vertoning, wat deel van die Endler-konsertreeks vorm, is Saterdag 8 September 20:00 in die Endlersaal.**

Die kunstenaars het weinig bekendstelling in Stellenbosch nodig danksy hul voortreflike werk in die afgelope internasionale kamermusiekfees.

Margulis is al uitgesonder vir haar uitdrukkingvolle en meesterlike spel, en Magalhães het reeds internasionale bekendheid as solis, konsertpianis en onderwyser verwerf.

Die program sluit in Dvorak se vier romantiese stukke, Beethoven se vioolsonate op. 47 (Kreutzer), Ysaÿe se Poeme Elegiaque en Prokofiëf se tweede vioolsonate.



Die Antwerpse violis Alissa Margulis tree dié naweek in die Endlersaal in Stellenbosch op.

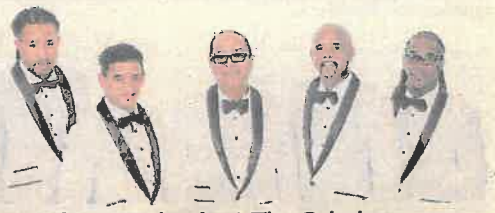
Dvorak het benewens die simfonie en bekende tjellokonsert ook heelwat kamermusiek nagelaat – werke waarin die ongekunstelde Tsjeggiese volksmusiek die grondslag vir sy kunsmusiek vorm.

Die gewildheid van Beethoven se Kreutzer-sonate is gelyktydig geleë in die stormagtige element, asook die intieme melodiese gehalte.

Dit is gepas dat 'n voorste violis soos Margulis ook 'n werk van Ysaÿe ingesluit het – 'n werk wat dié Belgiese meester se styl ten beste ten toon stel.

Uit Margulis se tuisland, Rusland, kom Prokofiëf se tweede vioolsonate, 'n werk waarin die komponis skynbaar in 'n meer optimistiese stemming is as elders in sy wydvertakte repertorium.

● Kaartjies teen R160 (gewoon) en R120 (studente en pensioenarisse) is nou beskikbaar by Computicket, en by die deur. Vir nadere inligting, bel Fiona Grayer by concerts@sun.ac.za of 021 808 2358.



## The Rockets are back at The Caledon

**The Rockets will return to Tsogo Sun's The Caledon for yet another show-stopping performance in the Swartberg Conference Room on Saturday 8 September at 20:00. One of the most successful R&B groups in South Africa, they have made more than 30 international trips and covered more than 3 million kilometres, performing for millions of fans, over more than 40 years. In their long and successful recording career they have sold hundreds of thousands of albums and their music has been featured prominently on most radio stations in Southern Africa. Tickets to their show cost R120 per person and can be purchased at the hotel reception or via Computicket. All Caledon Rewards cardholders receive discounts of up to 30% off the total ticket price. For more information, contact 028 214 5100 or visit www.tsogosun.com/the-caledon-casino.**

**WIN! Two *DistrictMail* readers stand a chance to win double tickets to see The Rockets at Caledon Casino. To enter, SMS your name and the word "rockets" to 34421 before noon on Friday 7 September. An SMS costs R1,50 and entry is unlimited. Winners will be notified telephonically.**

# Genoeg pret vir almal by fees

Vier jou erfenis met lekker kos, lekker musiek en lekker mense.

Die Helderbergfees is dié jaar terug met opwindende ou en nuwe kunstenaars asook heerlike kosstalletjies en vermaak vir oud en jonk.

Die MFM Helderbergfees in samewerking met Capitec vind Vrydag 21 en Saterdag 22 September by die Helderberg-rugbyklub se Charles Morkel-stadion in Strand plaas.

Dit is die tweede jaar dat dié fees aangebied word – ná sy suksesvolle begin verlede jaar.

Geniet kunstenaars soos Majozi, Lianie May, Jay en Sunset Sweatshop, Demi-Lee Moore, Nadia Herbst, Twee, Brendan Peyper en Spoegwolf wat saam met ander opkomende kunstenaars in *Die Burger*-tent sal optree.

Die Radio Helderberg-wyntuin sal wynproe en parings aanbied met wyne oor die provinsie heen.

Daar is ook 'n eksklusiewe gebied wat verdere vermaak sal aanbied insluitend kookdemonstrasies, Mnr. & Mej. Helderberg en ander kindervermaak.



Danie du Toit van Spoegwolf tydens hul optrede by die fees verlede jaar.

Vir die sportliefhebbers is daar sewesrugby-, vyf-in-'n-span-netbal-asook hokkiewedstryde, met bekende sportsterre wat ook die wedstryde sal bywoon om na die talent te kyk.

Die fees word deur Yellow Dots Events en Control A Brand and Event Solutions aangebied.

Dagkaartjies beloop R150.

Die kaartjies vir kinders tussen drie en 12 jaar oud beloop R50 (dagkaartjie) of R80 (naweekkaartjie).

Kaartjies is beskikbaar by www.ticketpros.co.za of besoek die Facebookblad, "Helderberg Fees 2018" om te kyk wie die verkoopsagent in jou gebied is asook al die jongste inligting oor die fees.

**Een gelukkige leser kan 'n dubbelkaartjie na die fees wen. SMS jou naam, kontaknommer en die naam van enige kunstenaar wat by die fees gaan optree na 34 421 (R1,50 per SMS) teen Maandag 10 September voor 14:00.**

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

**APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM COUNCIL'S SPATIAL DEVELOPMENT FRAMEWORK: FARM NO. 1101, STELLENBOSCH DIVISION (RUSTENHOF FARM, WATERWORKS ROAD, FIRGROVE)**

| | |
|---|---|
| Applicant: | Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfield Road, Salt River, 7925, 021-4180510, nicolas@planpart.co.za |
| Owner: | Rustenhof Boerdery (Pty) Ltd. Anton Bredell. 083 444 9579 |
| Application number: | 4400 |
| Reference number: | LU/7684 |
| Property Description: | Farm No. 1101, Stellenbosch Division |
| Physical Address: | Rustenhof Farm, Waterworks Road, Firgrove |

Detailed description of proposal:
The matter for consideration is an application ((in terms of sections 15(2)(a), (d), (g) and (o) of the Stellenbosch Municipal Land Use Planning By-Law)) for the subdivision of Farm 1101 into a Remainder Farm 1101 and a Portion A (development portion), the rezoning of Portion A from Agricultural Zone I to Industrial Zone I, consent use to permit warehousing in Industrial Zone I, Site Development Plan approval and deviation from the Stellenbosch Municipal Spatial Development Framework, in order to permit the establishment of a light industrial and warehouse development on Portion A. Remainder Farm 1101 will be retained as is.

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

| APPLICANT |
|---|
| Registered mail or normal mail |
| Planning Partners (Pty) Ltd, PO Box 4866, Cape Town, 8000 |
| Or faxed to |
| 021-418 0502 |
| Or hand delivered to |
| Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfield Road, Salt River, 7925 |
| Or e-mailed to |
| nicolas@planpart.co.za |

All comments, quoting the application number, reference number, your name, address or contact details, your interest in the application and reasons for comments should be received by the above party on or before 30 days from the date of publication of this notice. Telephonic enquiries can be made to the applicant, Nick van der Merwe ((Planning Partners (Pty) Ltd)) at 021-418 0510. Any comment/objection received after aforementioned closing date will be considered invalid. Any person who cannot write will be assisted by a Municipal official by transcribing their comments.

**Annexure 4**

**Copy of Site Notice and Photos taken of placed Site Notice**

STELLENBOSCH
STELLENBOSCH • FRIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

# DEVELOPMENT APPLICATION NOTICE

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

**APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM COUNCIL'S SPATIAL DEVELOPMENT FRAMEWORK: FARM NO. 1101, STELLENBOSCH DIVISION (RUSTENHOF FARM, WATERWORKS ROAD, FIRGROVE)**

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| **Or hand delivered to** |
| Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfield Road, Salt River, 7925 |
| **Or e-mailed to** |
| nicolas@planpart.co.za |
| **Closing date for comment** |
| 8 October 2018 |

All comments, quoting the application number, reference number, your name, address or contact details, your interest in the application and reasons for comments should be received by the above party. Telephonic enquiries can be made to the applicant, Nick van der Merwe ((Planning Partners (Pty) Ltd)) at 021-418 0510. Any comment/objection received after aforementioned closing date will be considered invalid. Any person who cannot write will be assisted by a Municipal official by transcribing their comments.

6 September 2018

STELLENBOSCH
STELLENBOSCH • FRIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

# ONTWIKKELINGSAANSOEK KENNISGEWING

## KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE GEBIED

**AANSOEK OM ONDERVERDELING, HERSONERING, VERGUNNINGSGEBRUIK, TERREIN ONTWIKKELINGSPLAN GOEDKEURING, DEVIASIE VAN DIE STELLENBOSCH MUNISIPALE RUIMTELIKE ONTWIKKELINGSRAAMWERK: PLAAS NR. 1101, STELLENBOSCH GEBIED (RUSTENHOF PLAAS, WATERWERKE PAD, FIRGROVE)**

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| Eienaar: | Rustenhof Boerdery [Pty] Ltd, Anton Bredell, 083 444 9579 |
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| **Of gefaks aan** |
| 021-418 0502 |
| **Of per hand afgelewer aan** |
| Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfieldstraat, Soutrivier, 7925 |
| **Of per e-pos gelewer aan** |
| nicolas@planpart.co.za |
| **Sluitingsdatum vir kommentaar** |
| 8 Oktober 2018 |

Alle kommentare moet op of voor 30 dae vanaf die datum van publikasie van hierdie kennisgewing, met vermelding van die aansoeknommer, verwysingsnommer, u naam, adres en kontakbesonderhede, belangstelling in die aansoek en redes vir kommentaar, deur die bogemelde party ontvang word. Telefoniese navrae kan aan die aansoeker, Nick van der Merwe ((Planning Partners (Pty) Ltd)) by tel 021-418 0510 gerig word. Enige kommentaar/beswaar ontvang na die voormelde sluitingsdatum sal as ongeldig geag word. Enige persoon wat nie kan skryf nie sal deur 'n Munisipale-amptenaar bygestaan word om hul kommentaar op skrif te stel.

6 September 2018

LU/7684

FARM 1101, STELLENBOSCH

SITE NOTICE: WATERWORKS ROAD, FIRGORVE









**Annexure 5**

**Original Registered Slips of Letters/ Notices sent to I&APs and External Departments**

**Interested and Affected Parties (30 days to comment):**

- ESKOM Holdings SOC Ltd.
- Shannxi South Africa Agricultural Exchange
- Milnerton Estates Limited
- Chenyema Faure Estate (Pty) Ltd.
- National Housing Board / Raad van Verteenwoordigers
- Cllr. A. Crombie (registered mail and a copy via email)
- Ward Administrator J. February (via email)
- Stellenbosch Interest Group
- Stellenbosch Agricultural Society

**External Departments (60 days to comment):**

- City of Cape Town: Bulk Water
- City of Cape Town: Development Management (Helderberg District) (application sent on 27 June 2018. Emails of confirmation also attached)
- City of Cape Town (Macassar)
- City of Cape Town (Grassy Park) – Mail was undelivered and 'Returned to Sender'
- Provincial Department of Agriculture (application sent on 7 March 2018)
- National Department of Agriculture (application sent on 7 March 2018)
- Department of Water Affairs and Forestry
- Department of Transport and Public Works
- Department of Environmental Affairs and Development Planning (application submitted on 21 February 2018 & 4 April 2018)
- Heritage Western Cape (application submitted on 23 March 2018)
- ESKOM Distribution: Land Development
- Spoornet Property Management: Transnet
- Passenger Rail Agency of South Africa (PRASA was granted an additional 14 days)

CAPE TOWN 8000
Post Office
04 SEP 2018
FOLIO 11

ESKOM Holdings SOC Ltd
P O Box 2100
Bellville
7535

REGISTERED LETTER
(with a domestic insurance option)
RD 179 874 147 ZA
CUSTOMER COPY 301028R

Stellenbosch Agricultural Society
P O Box 204
Stellenbosch
7599

REGISTERED LETTER
(with a domestic insurance option)
RD 179 874 005 ZA
CUSTOMER COPY 301028R

Shannxi South Africa Agricultural Exchange
P O Box 3625
Somerset West
7129

REGISTERED LETTER
(with a domestic insurance option)
RD 179 874 116 ZA
CUSTOMER COPY 301028R

Spoornet Property Management
Transnet
P O Box 36
Cape Town
8000

REGISTERED LETTER
(with a domestic insurance option)
RD 179 874 028 ZA
CUSTOMER COPY 301028R

Milnerton Estates Limited
P O Box 1609
Cape Town
8000

REGISTERED LETTER
(with a domestic insurance option)
RD 179 874 120 ZA
CUSTOMER COPY 301028R

ESKOM Distribution
Land Development
P O Box 222
Brackenfell
7560

REGISTERED LETTER
(with a domestic insurance option)
RD 179 874 080 ZA
CUSTOMER COPY 301028R

Chenyema Faure Estate (Pty) Ltd
P O Box 615
Eerste River
7103

REGISTERED LETTER
(with a domestic insurance option)
RD 179 874 059 ZA
CUSTOMER COPY 301028R

Dept. of Transport and Public Works
P O Box 2603
Cape Town
8000

REGISTERED LETTER
(with a domestic insurance option)
RD 179 874 014 ZA
CUSTOMER COPY 301028R

City of Cape Town
8 Rooikrans Avenue
Rooikrans Court
Grassy Park
7491

REGISTERED LETTER
(with a domestic insurance option)
RD 179 873 994 ZA
CUSTOMER COPY 301028R

Dept. of Water Affairs and Forestry
Private Bag X 16
Sanlamhof
7532

REGISTERED LETTER
(with a domestic insurance option)
RD 179 874 076 ZA
CUSTOMER COPY 301028R

National Housing Board /
Raad van Verteenwoordigers
Private Bag X 9083
Cape Town
8000

REGISTERED LETTER
(with a domestic insurance option)
RD 179 874 093 ZA
CUSTOMER COPY 301028R

City of Cape Town
P O Box 3
Macassar
7139

REGISTERED LETTER
(with a domestic insurance option)
RD 179 874 045 ZA
CUSTOMER COPY 301028R

Cllr. A. Crombie

REGISTERED LETTER
(with a domestic insurance option)
RD 179 874 031 ZA
CUSTOMER COPY 301028R

City of Cape Town
Bulk Water
P O Box 16548
Vlaeberg
8018

REGISTERED LETTER
(with a domestic insurance option)
RD 179 874 102 ZA
CUSTOMER COPY 301028R

Stellenbosch Interest Group
P O Box 2217
Dennesig
7601

REGISTERED LETTER
(with a domestic insurance option)
RD 179 874 062 ZA
CUSTOMER COPY 301028R

PLANNING PARTNERS
P.O. BOX 4866, CAPE TOWN, 8000
TEL: 021 418 0510 FAX: 021 418 0502
admin@planpart.co.za www.planpart.co.za

NO. OF ITEMS
16

PASSENGER RAIL AGENCY OF SOUTH AFRICA (PRASA)
CAPE TOWN STATION
1ST FLOOR ADMIN WING
1 ADDERLEY STREET
CAPE TOWN
8000

REGISTERED LETTER
(with a domestic insurance option)
RD 179 874 133 ZA
CUSTOMER COPY 301028R

CAPE TOWN 8000
Post Office
04 SEP 2018
FOLIO 11

ORDINARY PARCEL
ShareCall 0860 111 502 www.sapo.co.za
PE 910 096 657 ZA
CUSTOMER COPY 301016

CAPE TOWN 8000
Post Office
DATE STAMP
08 MAR 2018
DATUMSTEMPEL
FOLIO 8

NB - This acknowledgement of posting must be retained and must accompany any enquiry about the parcel.

LW - Hierdie inleweringsbewys moet bewaar word en enige navraag oor die pakket vergesel.

5

Label & Litho (012) 333 992

ORDINARY PARCEL
ShareCall 0860 111 502 www.sapo.co.za
PE 910 096 192 ZA
CUSTOMER COPY 301016

DEPT OF PRASA
Pang K1
Elevators

CAPE TOWN 8000
Post Office
DATE STAMP
08 MAR 2018
DATUMSTEMPEL
FOLIO 8

NB - This acknowledgement of posting must be retained and must accompany any enquiry about the parcel.

LW - Hierdie inleweringsbewys moet bewaar word en enige navraag oor die pakket vergesel.

Label & Litho (012) 333 992



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

Post Office

**Full tracking and tracing/Volledige volg en spoor**

Addressed to/Geadresseer aan

PLANNING FINANCE

Postcode
Postkode

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

Insured value of contents
Versekerde waarde van inhoud R

CAPE TOWN 8000
Post Office
04 SEP 2018
FOLIO 1

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

Initial of accepting officer

Date stamp

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

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

Affix Track and Trace customer copy

Plaat Volg-en-Spoor-kliëntafskrif

Paraaf van aanneembeampte

Datumstempel

7011281

**Annexure 6**

**Copies of the Letters/ Notices sent to I&APs and External Departments, including Attachments**

Interested and Affected Parties: Received notice and a summary of the application (attached hereto).

External Departments: Received notice and a complete hard copy of the application (attached hereto).

PLANNING PARTNERS

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

Municipal Application Number: LU/7684
Municipal File Reference Number: Farm 1101, Stellenbosch
Applicant Reference Number: 4400
Enquiries: Nick van der Merwe
Contact No: 021 418 0510
Email address: nicolas@planpart.co.za
Date: 6 September 2018

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

**REGISTERED MAIL**
ESKOM Holdings SOC Ltd
PO Box 2100
Bellville
7535

To the owner of Farm 664/93 & Farm 664/119, Stellenbosch,

**APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM COUNCIL'S SPATIAL DEVELOPMENT FRAMEWORK: FARM NO. 1101, STELLENBOSCH DIVISION (RUSTENHOF FARM, WATERWORKS ROAD, FIRGROVE)**

| | |
|---|---|
| Applicant: | Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfield Road, Salt River, 7925, 021-418 0510, nicolas@planpart.co.za |
| Owner: | Rustenhof Boerdery (Pty) Ltd, Anton Bredell, 083 4449579 |
| Application number: | 4400 |
| Municipal Reference number: | LU/7684 |
| Property Description: | Farm No. 1101, Stellenbosch Division |
| Physical Address: | Rustenhof Farm, Waterworks Road, Firgrove |
| Detailed description of proposal: | The matter for consideration is an application ((in terms of sections 15(2)(a), (d), (g) and (o) of the Stellenbosch Municipal Land Use Planning By-Law)) for the subdivision of Farm 1101 into a Remainder Farm 1101 and a Portion A (development portion), the rezoning of Portion A from Agricultural Zone I to Industrial Zone I, consent use to permit warehousing in Industrial Zone I, Site Development Plan approval and deviation from the Stellenbosch Municipal Spatial Development Framework, in order to permit the establishment of a light industrial and warehouse development on Portion A. Remainder Farm 1101 will be retained as is. |

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

| APPLICANT |
| --- |
| **Registered mail or normal mail** |
| Planning Partners (Pty) Ltd, PO Box 4866, Cape Town, 8000 |
| **Or faxed to** |
| 021-418 0502 |
| **Or hand delivered to** |
| Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfield Road, Salt River, 7925 |
| **Or e-mailed to** |
| nicolas@planpart.co.za |

All comments, quoting the application number, reference number, your name, address or contact details, your interest in the application and reasons for comments should be received by the above party on or before 30 days from the date of publication of this notice (closing date being 8 October 2018). Telephonic enquiries can be made to the applicant, Nick van der Merwe ((Planning Partners (Pty) Ltd)) at 021-418 0510. Any comment/objection received after aforementioned closing date will be considered invalid. Any person who cannot write will be assisted by a Municipal official by transcribing their comments.

Yours faithfully



**NICK VAN DER MERWE**
**Planning Partners (Pty) Ltd**

PLANNING PARTNERS

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

Municipal Application Number: LU/7684
Municipal File Reference Number: Farm 1101, Stellenbosch
Applicant Reference Number: 4400
Enquiries: Nick van der Merwe
Contact No: 021 418 0510
Email address: nicolas@planpart.co.za
Date: 6 September 2018

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

**REGISTERED MAIL**
Shannxi South Africa Agricultural Exchange
PO Box 3625
Somerset West
7129

To the owner of Farm 664/7, Stellenbosch,

**APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM COUNCIL'S SPATIAL DEVELOPMENT FRAMEWORK: FARM NO. 1101, STELLENBOSCH DIVISION (RUSTENHOF FARM, WATERWORKS ROAD, FIRGROVE)**

| | |
|---|---|
| Applicant: | Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfield Road, Salt River, 7925, 021-418 0510, nicolas@planpart.co.za |
| Owner: | Rustenhof Boerdery (Pty) Ltd, Anton Bredell, 083 4449579 |
| Application number: | 4400 |
| Municipal Reference number: | LU/7684 |
| Property Description: | Farm No. 1101, Stellenbosch Division |
| Physical Address: | Rustenhof Farm, Waterworks Road, Firgrove |
| Detailed description of proposal: | The matter for consideration is an application ((in terms of sections 15(2)(a), (d), (g) and (o) of the Stellenbosch Municipal Land Use Planning By-Law)) for the subdivision of Farm 1101 into a Remainder Farm 1101 and a Portion A (development portion), the rezoning of Portion A from Agricultural Zone I to Industrial Zone I, consent use to permit warehousing in Industrial Zone I, Site Development Plan approval and deviation from the Stellenbosch Municipal Spatial Development Framework, in order to permit the establishment of a light industrial and warehouse development on Portion A. Remainder Farm 1101 will be retained as is. |

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

| APPLICANT |
| --- |
| **Registered mail or normal mail** |
| Planning Partners (Pty) Ltd, PO Box 4866, Cape Town, 8000 |
| **Or faxed to** |
| 021-418 0502 |
| **Or hand delivered to** |
| Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfield Road, Salt River, 7925 |
| **Or e-mailed to** |
| nicolas@planpart.co.za |

All comments, quoting the application number, reference number, your name, address or contact details, your interest in the application and reasons for comments should be received by the above party on or before 30 days from the date of publication of this notice (closing date being 8 October 2018). Telephonic enquiries can be made to the applicant, Nick van der Merwe ((Planning Partners (Pty) Ltd)) at 021-418 0510. Any comment/objection received after aforementioned closing date will be considered invalid. Any person who cannot write will be assisted by a Municipal official by transcribing their comments.

Yours faithfully



**NICK VAN DER MERWE**
**Planning Partners (Pty) Ltd**

PLANNING PARTNERS

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

Municipal Application Number: LU/7684
Municipal File Reference Number: Farm 1101, Stellenbosch
Applicant Reference Number: 4400
Enquiries: Nick van der Merwe
Contact No: 021 418 0510
Email address: nicolas@planpart.co.za
Date: 6 September 2018

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

**REGISTERED MAIL**
Milnerton Estates Limited

Cape Town
8000

To the owner of Farm 682/3, Farm 682/4, Farm 1101/5, Farm 1287 & Farm 1305, Stellenbosch,

**APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM COUNCIL'S SPATIAL DEVELOPMENT FRAMEWORK: FARM NO. 1101, STELLENBOSCH DIVISION (RUSTENHOF FARM, WATERWORKS ROAD, FIRGROVE)**

| | |
|---|---|
| Applicant: | Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfield Road, Salt River, 7925, 021-418 0510, nicolas@planpart.co.za |
| Owner: | Rustenhof Boerdery (Pty) Ltd, Anton Bredell, 083 4449579 |
| Application number: | 4400 |
| Municipal Reference number: | LU/7684 |
| Property Description: | Farm No. 1101, Stellenbosch Division |
| Physical Address: | Rustenhof Farm, Waterworks Road, Firgrove |
| Detailed description of proposal: | The matter for consideration is an application ((in terms of sections 15(2)(a), (d), (g) and (o) of the Stellenbosch Municipal Land Use Planning By-Law)) for the subdivision of Farm 1101 into a Remainder Farm 1101 and a Portion A (development portion), the rezoning of Portion A from Agricultural Zone I to Industrial Zone I, consent use to permit warehousing in Industrial Zone I, Site Development Plan approval and deviation from the Stellenbosch Municipal Spatial Development Framework, in order to permit the establishment of a light industrial and warehouse development on Portion A. Remainder Farm 1101 will be retained as is. |

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

| APPLICANT |
|---|
| **Registered mail or normal mail** |
| Planning Partners (Pty) Ltd, PO Box 4866, Cape Town, 8000 |
| **Or faxed to** |
| 021-418 0502 |
| **Or hand delivered to** |
| Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfield Road, Salt River, 7925 |
| **Or e-mailed to** |
| nicolas@planpart.co.za |

All comments, quoting the application number, reference number, your name, address or contact details, your interest in the application and reasons for comments should be received by the above party on or before 30 days from the date of publication of this notice (closing date being 8 October 2018). Telephonic enquiries can be made to the applicant, Nick van der Merwe ((Planning Partners (Pty) Ltd)) at 021-418 0510. Any comment/objection received after aforementioned closing date will be considered invalid. Any person who cannot write will be assisted by a Municipal official by transcribing their comments.

Yours faithfully



**NICK VAN DER MERWE**
**Planning Partners (Pty) Ltd**

PLANNING PARTNERS

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

Munisipale Aansoeknommer: LU/7684
Munsipale Lêerverwysingsnommer: Farm 1101, Stellenbosch
Aansoeker Verwysingsnommer: 4400
Navrae: Nick van der Merwe
Kontaknommer: 021-418 0510
E-pos adres: nicolas@planpart.co.za
Datum: 6 September 2018

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

**GEREGISTREERDE POS**
Milnerton Estates Limited
Pc [illegible]
Kaapstad
8000

Aan die eienaar van Plaas 682/3, Plaas 682/4, Plaas 1101/5, Plaas 1287 & Plaas 1305, Stellenbosch,

**AANSOEK OM ONDERVERDELING, HERSONERING, VERGUNNINGSGEBRUIK, TERREIN ONTWIKKELINGSPLAN GOEDKEURING, DEVIASIE VAN DIE STELLENBOSCH MUNISIPALE RUIMTELIKE ONTWIKKELINGSRAAMWERK: PLAAS NR. 1101, STELLENBOSCH GEBIED (RUSTENHOF PLAAS, WATERWERKE PAD, FIRGROVE)**

| | |
|---|---|
| Aansoeker: | Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfieldstraat, Soutrivier, 7925, 021-418 0510, nicolas@planpart.co.za |
| Eienaar: | Rustenhof Boerdery (Pty) Ltd, Anton Bredell, 083 4449579 |
| Aansoeknommer: | 4400 |
| Munisipale Verwysingsnommer: | LU/7684 |
| Eiendomsbeskrywing: | Plaas Nr. 1101, Stellenbosch Gebied |
| Fisiese Adres: | Rustenhof Plaas, Waterwerke Pad, Firgrove |
| Beskrywing van aansoek: | Die aansoek vir oorweging is 'n aansoek ((ingevolge artikels 15(2)(a), (d), (g) en (o) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning)) vir die onderverdeling van Plaas 1101 in 'n Restant Plaas 1101 en 'n Gedeelte A (ontwikkelingsgedeelte), die hersonering van Gedeelte A vanaf Landbou Sone I na Industriele Sone I, vergunningsgebruik om pakhuise toe te laat binne die Industriele Sone I, Terrein Ontwikkelingsplan goedkeuring en deviasie van die Stellenbosch Munisipale Ruimtelike Ontwikkelingsraamwerk, ten einde die vestiging van 'n ligte nywerheid en pakhuis ontwikkeling op Gedeelte A. Restant Plaas 1101 word behou soos is. |

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

| AANSOEKER |
| --- |
| **Geregistreerde of gewone pos** |
| Planning Partners (Pty) Ltd, Posbus 4866, Kaapstad, 8000 |
| **Of gefaks aan** |
| 021-418 0502 |
| **Of per hand afgelewer aan** |
| Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfieldstraat, Soutrivier, 7925 |
| **Of per e-pos gelewer aan** |
| nicolas@planpart.co.za |

Alle kommentare moet op of voor 30 dae vanaf die datum van publikasie van hierdie kennisgewing, met vermelding van die aansoeknommer, verwysingsnommer, u naam, adres en kontakbesonderhede, belangstelling in die aansoek en redes vir kommentaar, deur die bogemelde party ontvang word (sluitingsdatum is 8 Oktober 2018). Telefoniese navrae kan aan die aansoeker, Nick van der Merwe ((Planning Partners (Pty) Ltd)) by tel 021-418 0510 gerig word. Enige kommentaar/beswaar ontvang na die voormelde sluitingsdatum sal as ongeldig geag word. Enige persoon wat nie kan skryf nie sal deur 'n Munisipale-amptenaar bygestaan word om hul kommentaar op skrif te stel.

Die Uwe



**NICK VAN DER MERWE**
**Planning Partners (Pty) Ltd**

PLANNING PARTNERS

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

Munisipale Aansoeknommer: LU/7684
Munsipale Lêerverwysingsnommer: Farm 1101, Stellenbosch
Aansoeker Verwysingsnommer: 4400
Navrae: Nick van der Merwe
Kontaknommer: 021-418 0510
E-pos adres: nicolas@planpart.co.za
Datum: 6 September 2018

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

**GEREGISTREERDE POS**
ESKOM Holdings SOC Ltd
Posbus 2100
Bellville
7535

Aan die eienaar van Plaas 664/93 & 664/119, Stellenbosch

**AANSOEK OM ONDERVERDELING, HERSONERING, VERGUNNINGSGEBRUIK, TERREIN ONTWIKKELINGSPLAN GOEDKEURING, DEVIASIE VAN DIE STELLENBOSCH MUNISIPALE RUIMTELIKE ONTWIKKELINGSRAAMWERK: PLAAS NR. 1101, STELLENBOSCH GEBIED (RUSTENHOF PLAAS, WATERWERKE PAD, FIRGROVE)**

| | |
|---|---|
| Aansoeker: | Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfieldstraat, Soutrivier, 7925, 021-418 0510, nicolas@planpart.co.za |
| Eienaar: | Rustenhof Boerdery (Pty) Ltd, Anton Bredell, 083 4449579 |
| Aansoeknommer: | 4400 |
| Munisipale Verwysingsnommer: | LU/7684 |
| Eiendomsbeskrywing: | Plaas Nr. 1101, Stellenbosch Gebied |
| Fisiese Adres: | Rustenhof Plaas, Waterwerke Pad, Firgrove |
| Beskrywing van aansoek: | Die aansoek vir oorweging is 'n aansoek ((ingevolge artikels 15(2)(a), (d), (g) en (o) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning)) vir die onderverdeling van Plaas 1101 in 'n Restant Plaas 1101 en 'n Gedeelte A (ontwikkelingsgedeelte), die hersonering van Gedeelte A vanaf Landbou Sone I na Industriele Sone I, vergunningsgebruik om pakhuise toe te laat binne die Industriele Sone I, Terrein Ontwikkelingsplan goedkeuring en deviasie van die Stellenbosch Munisipale Ruimtelike Ontwikkelingsraamwerk, ten einde die vestiging van 'n ligte nywerheid en pakhuis ontwikkeling op Gedeelte A. Restant Plaas 1101 word behou soos is. |

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

| AANSOEKER |
|---|
| **Geregistreerde of gewone pos** |
| Planning Partners (Pty) Ltd, Posbus 4866, Kaapstad, 8000 |
| **Of gefaks aan** |
| 021-418 0502 |
| **Of per hand afgelewer aan** |
| Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfieldstraat, Soutrivier, 7925 |
| **Of per e-pos gelewer aan** |
| nicolas@planpart.co.za |

Alle kommentare moet op of voor 30 dae vanaf die datum van publikasie van hierdie kennisgewing, met vermelding van die aansoeknommer, verwysingsnommer, u naam, adres en kontakbesonderhede, belangstelling in die aansoek en redes vir kommentaar, deur die bogemelde party ontvang word (sluitingsdatum is 8 Oktober 2018). Telefoniese navrae kan aan die aansoeker, Nick van der Merwe ((Planning Partners (Pty) Ltd)) by tel 021-418 0510 gerig word. Enige kommentaar/beswaar ontvang na die voormelde sluitingsdatum sal as ongeldig geag word. Enige persoon wat nie kan skryf nie sal deur 'n Munisipale-amptenaar bygestaan word om hul kommentaar op skrif te stel.

Die Uwe



**NICK VAN DER MERWE**
**Planning Partners (Pty) Ltd**

PLANNING PARTNERS

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

Munisipale Aansoeknommer: LU/7684
Munsipale Lêerverwysingsnommer: Farm 1101, Stellenbosch
Aansoeker Verwysingsnommer: 4400
Navrae: Nick van der Merwe
Kontaknommer: 021-418 0510
E-pos adres: nicolas@planpart.co.za
Datum: 6 September 2018

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

**GEREGISTREERDE POS**
Shannxi South Africa Agricultural Exchange

Somerset Wes
7129

Aan die eienaar van Plaas 664/7, Stellenbosch,

**AANSOEK OM ONDERVERDELING, HERSONERING, VERGUNNINGSGEBRUIK, TERREIN ONTWIKKELINGSPLAN GOEDKEURING, DEVIASIE VAN DIE STELLENBOSCH MUNISIPALE RUIMTELIKE ONTWIKKELINGSRAAMWERK: PLAAS NR. 1101, STELLENBOSCH GEBIED (RUSTENHOF PLAAS, WATERWERKE PAD, FIRGROVE)**

| | |
|---|---|
| Aansoeker: | Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfieldstraat, Soutrivier, 7925, 021-418 0510, nicolas@planpart.co.za |
| Eienaar: | Rustenhof Boerdery (Pty) Ltd, Anton Bredell, 083 4449579 |
| Aansoeknommer: | 4400 |
| Munisipale Verwysingsnommer: | LU/7684 |
| Eiendomsbeskrywing: | Plaas Nr. 1101, Stellenbosch Gebied |
| Fisiese Adres: | Rustenhof Plaas, Waterwerke Pad, Firgrove |
| Beskrywing van aansoek: | Die aansoek vir oorweging is 'n aansoek ((ingevolge artikels 15(2)(a), (d), (g) en (o) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning)) vir die onderverdeling van Plaas 1101 in 'n Restant Plaas 1101 en 'n Gedeelte A (ontwikkelingsgedeelte), die hersonering van Gedeelte A vanaf Landbou Sone I na Industriele Sone I, vergunningsgebruik om pakhuise toe te laat binne die Industriele Sone I, Terrein Ontwikkelingsplan goedkeuring en deviasie van die Stellenbosch Munisipale Ruimtelike Ontwikkelingsraamwerk, ten einde die vestiging van 'n ligte nywerheid en pakhuis ontwikkeling op Gedeelte A. Restant Plaas 1101 word behou soos is. |

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

| AANSOEKER |
|---|
| **Geregistreerde of gewone pos** |
| Planning Partners (Pty) Ltd, Posbus 4866, Kaapstad, 8000 |
| **Of gefaks aan** |
| 021-418 0502 |
| **Of per hand afgelewer aan** |
| Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfieldstraat, Soutrivier, 7925 |
| **Of per e-pos gelewer aan** |
| nicolas@planpart.co.za |

Alle kommentare moet op of voor 30 dae vanaf die datum van publikasie van hierdie kennisgewing, met vermelding van die aansoeknommer, verwysingsnommer, u naam, adres en kontakbesonderhede, belangstelling in die aansoek en redes vir kommentaar, deur die bogemelde party ontvang word (sluitingsdatum is 8 Oktober 2018). Telefoniese navrae kan aan die aansoeker, Nick van der Merwe ((Planning Partners (Pty) Ltd)) by tel 021-418 0510 gerig word. Enige kommentaar/beswaar ontvang na die voormelde sluitingsdatum sal as ongeldig geag word. Enige persoon wat nie kan skryf nie sal deur 'n Munisipale-amptenaar bygestaan word om hul kommentaar op skrif te stel.

Die Uwe



**NICK VAN DER MERWE**
**Planning Partners (Pty) Ltd**

PLANNING PARTNERS

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

Municipal Application Number: LU/7684
Municipal File Reference Number: Farm 1101, Stellenbosch
Applicant Reference Number: 4400
Enquiries: Nick van der Merwe
Contact No: 021 418 0510
Email address: nicolas@planpart.co.za
Date: 6 September 2018

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

**REGISTERED MAIL**
Chenyema Faure Estate (Pty) Ltd
PO Box 919
Eerste River
7103

To the owner of Farm 662 & Farm 663, Stellenbosch,

**APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM COUNCIL'S SPATIAL DEVELOPMENT FRAMEWORK: FARM NO. 1101, STELLENBOSCH DIVISION (RUSTENHOF FARM, WATERWORKS ROAD, FIRGROVE)**

| | |
|---|---|
| Applicant: | Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfield Road, Salt River, 7925, 021-418 0510, nicolas@planpart.co.za |
| Owner: | Rustenhof Boerdery (Pty) Ltd, Anton Bredell, 083 4449579 |
| Application number: | 4400 |
| Municipal Reference number: | LU/7684 |
| Property Description: | Farm No. 1101, Stellenbosch Division |
| Physical Address: | Rustenhof Farm, Waterworks Road, Firgrove |
| Detailed description of proposal: | The matter for consideration is an application ((in terms of sections 15(2)(a), (d), (g) and (o) of the Stellenbosch Municipal Land Use Planning By-Law)) for the subdivision of Farm 1101 into a Remainder Farm 1101 and a Portion A (development portion), the rezoning of Portion A from Agricultural Zone I to Industrial Zone I, consent use to permit warehousing in Industrial Zone I, Site Development Plan approval and deviation from the Stellenbosch Municipal Spatial Development Framework, in order to permit the establishment of a light industrial and warehouse development on Portion A. Remainder Farm 1101 will be retained as is. |

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

| APPLICANT |
| --- |
| **Registered mail or normal mail** |
| Planning Partners (Pty) Ltd, PO Box 4866, Cape Town, 8000 |
| **Or faxed to** |
| 021-418 0502 |
| **Or hand delivered to** |
| Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfield Road, Salt River, 7925 |
| **Or e-mailed to** |
| nicolas@planpart.co.za |

All comments, quoting the application number, reference number, your name, address or contact details, your interest in the application and reasons for comments should be received by the above party on or before 30 days from the date of publication of this notice (closing date being 8 October 2018). Telephonic enquiries can be made to the applicant, Nick van der Merwe ((Planning Partners (Pty) Ltd)) at 021-418 0510. Any comment/objection received after aforementioned closing date will be considered invalid. Any person who cannot write will be assisted by a Municipal official by transcribing their comments.

Yours faithfully



**NICK VAN DER MERWE**
**Planning Partners (Pty) Ltd**

PLANNING PARTNERS

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

Munisipale Aansoeknommer: LU/7684
Munsipale Lêerverwysingsnommer: Farm 1101, Stellenbosch
Aansoeker Verwysingsnommer: 4400
Navrae: Nick van der Merwe
Kontaknommer: 021-418 0510
E-pos adres: nicolas@planpart.co.za
Datum: 6 September2018

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

**GEREGISTREERDE POS**
Chenyema Faure Estate (Pty) Ltd
Eersterivier
7103

Aan die eienaar van Plaas 662 & 663, Stellenbosch

**AANSOEK OM ONDERVERDELING, HERSONERING, VERGUNNINGSGEBRUIK, TERREIN ONTWIKKELINGSPLAN GOEDKEURING, DEVIASIE VAN DIE STELLENBOSCH MUNISIPALE RUIMTELIKE ONTWIKKELINGSRAAMWERK: PLAAS NR. 1101, STELLENBOSCH GEBIED (RUSTENHOF PLAAS, WATERWERKE PAD, FIRGROVE)**

| | |
|---|---|
| Aansoeker: | Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfieldstraat, Soutrivier, 7925, 021-418 0510, nicolas@planpart.co.za |
| Eienaar: | Rustenhof Boerdery (Pty) Ltd, Anton Bredell, 083 4449579 |
| Aansoeknommer: | 4400 |
| Munisipale Verwysingsnommer: | LU/7684 |
| Eiendomsbeskrywing: | Plaas Nr. 1101, Stellenbosch Gebied |
| Fisiese Adres: | Rustenhof Plaas, Waterwerke Pad, Firgrove |
| Beskrywing van aansoek: | Die aansoek vir oorweging is 'n aansoek ((ingevolge artikels 15(2)(a), (d), (g) en (o) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning)) vir die onderverdeling van Plaas 1101 in 'n Restant Plaas 1101 en 'n Gedeelte A (ontwikkelingsgedeelte), die hersonering van Gedeelte A vanaf Landbou Sone I na Industriele Sone I, vergunningsgebruik om pakhuise toe te laat binne die Industriele Sone I, Terrein Ontwikkelingsplan goedkeuring en deviasie van die Stellenbosch Munisipale Ruimtelike Ontwikkelingsraamwerk, ten einde die vestiging van 'n ligte nywerheid en pakhuis ontwikkeling op Gedeelte A. Restant Plaas 1101 word behou soos is. |

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

| AANSOEKER |
| --- |
| **Geregistreerde of gewone pos** |
| Planning Partners (Pty) Ltd, Posbus 4866, Kaapstad, 8000 |
| **Of gefaks aan** |
| 021-418 0502 |
| **Of per hand afgelewer aan** |
| Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfieldstraat, Soutrivier, 7925 |
| **Of per e-pos gelewer aan** |
| nicolas@planpart.co.za |

Alle kommentare moet op of voor 30 dae vanaf die datum van publikasie van hierdie kennisgewing, met vermelding van die aansoeknommer, verwysingsnommer, u naam, adres en kontakbesonderhede, belangstelling in die aansoek en redes vir kommentaar, deur die bogemelde party ontvang word (sluitingsdatum is 8 Oktober 2018). Telefoniese navrae kan aan die aansoeker, Nick van der Merwe ((Planning Partners (Pty) Ltd)) by tel 021-418 0510 gèrig word. Enige kommentaar/beswaar ontvang na die voormelde sluitingsdatum sal as ongeldig geag word. Enige persoon wat nie kan skryf nie sal deur `n Munisipale-amptenaar bygestaan word om hul kommentaar op skrif te stel.

Die Uwe



**NICK VAN DER MERWE**
**Planning Partners (Pty) Ltd**

PLANNING PARTNERS

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

Municipal Application Number: LU/7684
Municipal File Reference Number: Farm 1101, Stellenbosch
Applicant Reference Number: 4400
Enquiries: Nick van der Merwe
Contact No: 021 418 0510
Email address: nicolas@planpart.co.za
Date: 6 September 2018

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

**REGISTERED MAIL**
National Housing Board / Raad van Verteenwoordigers
Private Bag X9083
Cape Town
8000

For the owner of Erven 1, 2, 184, 185, 186, 187, 188, 189, 191 & 470, Firgrove,

**APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM COUNCIL'S SPATIAL DEVELOPMENT FRAMEWORK: FARM NO. 1101, STELLENBOSCH DIVISION (RUSTENHOF FARM, WATERWORKS ROAD, FIRGROVE)**

| | |
|---|---|
| Applicant: | Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfield Road, Salt River, 7925, 021-418 0510, nicolas@planpart.co.za |
| Owner: | Rustenhof Boerdery (Pty) Ltd, Anton Bredell, 083 4449579 |
| Application number: | 4400 |
| Municipal Reference number: | LU/7684 |
| Property Description: | Farm No. 1101, Stellenbosch Division |
| Physical Address: | Rustenhof Farm, Waterworks Road, Firgrove |
| Detailed description of proposal: | The matter for consideration is an application ((in terms of sections 15(2)(a), (d), (g) and (o) of the Stellenbosch Municipal Land Use Planning By-Law)) for the subdivision of Farm 1101 into a Remainder Farm 1101 and a Portion A (development portion), the rezoning of Portion A from Agricultural Zone I to Industrial Zone I, consent use to permit warehousing in Industrial Zone I, Site Development Plan approval and deviation from the Stellenbosch Municipal Spatial Development Framework, in order to permit the establishment of a light industrial and warehouse development on Portion A. Remainder Farm 1101 will be retained as is. |

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

| APPLICANT |
| --- |
| **Registered mail or normal mail** |
| Planning Partners (Pty) Ltd, PO Box 4866, Cape Town, 8000 |
| **Or faxed to** |
| 021-418 0502 |
| **Or hand delivered to** |
| Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfield Road, Salt River, 7925 |
| **Or e-mailed to** |
| nicolas@planpart.co.za |

All comments, quoting the application number, reference number, your name, address or contact details, your interest in the application and reasons for comments should be received by the above party on or before 60 days from the date of publication of this notice (closing date being 8 October 2018). Telephonic enquiries can be made to the applicant, Nick van der Merwe ((Planning Partners (Pty) Ltd)) at 021-418 0510. Any comment/objection received after aforementioned closing date will be considered invalid. Any person who cannot write will be assisted by a Municipal official by transcribing their comments.

Yours faithfully

**NICK VAN DER MERWE**
**Planning Partners (Pty) Ltd**

PLANNING PARTNERS

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

Munisipale Aansoeknommer: LU/7684
Munsipale Lêerverwysingsnommer: Farm 1101, Stellenbosch
Aansoeker Verwysingsnommer: 4400
Navrae: Nick van der Merwe
Kontaknommer: 021-418 0510
E-pos adres: nicolas@planpart.co.za
Datum: 6 September 2018

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

**GEREGISTREERDE POS**
National Housing Board / Raad van Verteenwoordigers
Privaatsak X9083
Kaapstad
8000

Aan die eienaar van Erwe 1, 2, 184, 185, 186, 187, 188, 189, 191 & 470, Firgrove,

**AANSOEK OM ONDERVERDELING, HERSONERING, VERGUNNINGSGEBRUIK, TERREIN ONTWIKKELINGSPLAN GOEDKEURING, DEVIASIE VAN DIE STELLENBOSCH MUNISIPALE RUIMTELIKE ONTWIKKELINGSRAAMWERK: PLAAS NR. 1101, STELLENBOSCH GEBIED (RUSTENHOF PLAAS, WATERWERKE PAD, FIRGROVE)**

| | |
|---|---|
| Aansoeker: | Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfieldstraat, Soutrivier, 7925, 021-418 0510, nicolas@planpart.co.za |
| Eienaar: | Rustenhof Boerdery (Pty) Ltd, Anton Bredell, 083 4449579 |
| Aansoeknommer: | 4400 |
| Munisipale Verwysingsnommer: | LU/7684 |
| Eiendomsbeskrywing: | Plaas Nr. 1101, Stellenbosch Gebied |
| Fisiese Adres: | Rustenhof Plaas, Waterwerke Pad, Firgrove |
| Beskrywing van aansoek: | Die aansoek vir oorweging is 'n aansoek ((ingevolge artikels 15(2)(a), (d), (g) en (o) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning)) vir die onderverdeling van Plaas 1101 in 'n Restant Plaas 1101 en 'n Gedeelte A (ontwikkelingsgedeelte), die hersonering van Gedeelte A vanaf Landbou Sone I na Industriele Sone I, vergunningsgebruik om pakhuise toe te laat binne die Industriele Sone I, Terrein Ontwikkelingsplan goedkeuring en deviasie van die Stellenbosch Munisipale Ruimtelike Ontwikkelingsraamwerk, ten einde die vestiging van 'n ligte nywerheid en pakhuis ontwikkeling op Gedeelte A. Restant Plaas 1101 word behou soos is. |

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

| AANSOEKER |
|---|
| **Geregistreerde of gewone pos** |
| Planning Partners (Pty) Ltd, Posbus 4866, Kaapstad, 8000 |
| **Of gefaks aan** |
| 021-418 0502 |
| **Of per hand afgelewer aan** |
| Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfieldstraat, Soutrivier, 7925 |
| **Of per e-pos gelewer aan** |
| nicolas@planpart.co.za |

Alle kommentare moet op of voor 60 dae vanaf die datum van publikasie van hierdie kennisgewing, met vermelding van die aansoeknommer, verwysingsnommer, u naam, adres en kontakbesonderhede, belangstelling in die aansoek en redes vir kommentaar, deur die bogemelde party ontvang word (sluitingsdatum is 8 Oktober 2018). Telefoniese navrae kan aan die aansoeker, Nick van der Merwe ((Planning Partners (Pty) Ltd)) by tel 021-418 0510 gerig word. Enige kommentaar/beswaar ontvang na die voormelde sluitingsdatum sal as ongeldig geag word. Enige persoon wat nie kan skryf nie sal deur 'n Munisipale-amptenaar bygestaan word om hul kommentaar op skrif te stel.

Die Uwe



**NICK VAN DER MERWE**
**Planning Partners (Pty) Ltd**

PLANNING PARTNERS

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

Munisipale Aansoeknommer: LU/7684
Munsipale Lêerverwysingsnommer: Farm 1101, Stellenbosch
Aansoeker Verwysingsnommer: 4400
Navrae: Nick van der Merwe
Kontaknommer: 021-418 0510
E-pos adres: nicolas@planpart.co.za
Datum: 6 September 2018

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

**GEREGISTREERDE POS**
Cllr. A. Crombie

Cloetesville
7600
Ook per epos.

Aan Cllr. Crombie,

**AANSOEK OM ONDERVERDELING, HERSONERING, VERGUNNINGSGEBRUIK, TERREIN ONTWIKKELINGSPLAN GOEDKEURING, DEVIASIE VAN DIE STELLENBOSCH MUNISIPALE RUIMTELIKE ONTWIKKELINGSRAAMWERK: PLAAS NR. 1101, STELLENBOSCH GEBIED (RUSTENHOF PLAAS, WATERWERKE PAD, FIRGROVE)**

| | |
|---|---|
| Aansoeker: | Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfieldstraat, Soutrivier, 7925, 021-418 0510, nicolas@planpart.co.za |
| Eienaar: | Rustenhof Boerdery (Pty) Ltd, Anton Bredell, 083 4449579 |
| Aansoeknommer: | 4400 |
| Munisipale Verwysingsnommer: | LU/7684 |
| Eiendomsbeskrywing: | Plaas Nr. 1101, Stellenbosch Gebied |
| Fisiese Adres: | Rustenhof Plaas, Waterwerke Pad, Firgrove |
| Beskrywing van aansoek: | Die aansoek vir oorweging is 'n aansoek ((ingevolge artikels 15(2)(a), (d), (g) en (o) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning)) vir die onderverdeling van Plaas 1101 in 'n Restant Plaas 1101 en 'n Gedeelte A (ontwikkelingsgedeelte), die hersonering van Gedeelte A vanaf Landbou Sone I na Industriele Sone I, vergunningsgebruik om pakhuise toe te laat binne die Industriele Sone I, Terrein Ontwikkelingsplan goedkeuring en deviasie van die Stellenbosch Munisipale Ruimtelike Ontwikkelingsraamwerk, ten einde die vestiging van 'n ligte nywerheid en pakhuis ontwikkeling op Gedeelte A. Restant Plaas 1101 word behou soos is. |

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

| AANSOEKER |
|---|
| **Geregistreerde of gewone pos** |
| Planning Partners (Pty) Ltd, Posbus 4866, Kaapstad, 8000 |
| **Of gefaks aan** |
| 021-418 0502 |
| **Of per hand afgelewer aan** |
| Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfieldstraat, Soutrivier, 7925 |
| **Of per e-pos gelewer aan** |
| nicolas@planpart.co.za |

Alle kommentare moet op of voor 30 dae vanaf die datum van publikasie van hierdie kennisgewing, met vermelding van die aansoeknommer, verwysingsnommer, u naam, adres en kontakbesonderhede, belangstelling in die aansoek en redes vir kommentaar, deur die bogemelde party ontvang word (sluitingsdatum is 8 Oktober 2018). Telefoniese navrae kan aan die aansoeker, Nick van der Merwe ((Planning Partners (Pty) Ltd)) by tel 021-418 0510 gerig word. Enige kommentaar/beswaar ontvang na die voormelde sluitingsdatum sal as ongeldig geag word. Enige persoon wat nie kan skryf nie sal deur 'n Munisipale-amptenaar bygestaan word om hul kommentaar op skrif te stel.

Die Uwe



**NICK VAN DER MERWE**
**Planning Partners (Pty) Ltd**

## Nicolas van der Merwe

**To:**
**Subject:** LU/7684: Farm 1101, Stellenbosch
**Attachments:** LU_7684_Summary of Application.pdf; T11b Notice to affected persons_Cllr Crombie_AFR.pdf; T11b Notice to affected persons_Cllr Crombie_ENG.pdf

Good morning Cllr. Crombie,

**APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM COUNCIL'S SPATIAL DEVELOPMENT FRAMEWORK: FARM NO. 1101, STELLENBOSCH DIVISION (RUSTENHOF FARM, WATERWORKS ROAD, FIRGROVE)**

Notice is hereby given in terms of the Stellenbosch Municipal Land Use Planning By-law that the above-mentioned application has been received.

Any written comments/objections, with full reasons therefore, may be addressed in terms of section 50 of the said legislation. All comments, quoting the application number, reference number, your name, address or contact details, your interest in the application and reasons for comments should be received by the above party on or before 30 days from the date of publication of this notice (closing date being 8 October 2018). Telephonic enquiries can be made to the applicant, Nick van der Merwe ((Planning Partners (Pty) Ltd)) at 021-418 0510. Any comment/objection received after aforementioned closing date will be considered invalid.

Please find herewith the notice in English and Afrikaans, as well as a digital copy of the summary of the application. A hard copy was also sent to you by registered mail.

Please let me know should you have any questions.

Kind Regards

**Nick van der Merwe**
**Pr.Plan A/040/2007**

Planning Partners

**TOWN AND REGIONAL PLANNING, PROJECT PLANNING, LANDSCAPE ARCHITECTURE, MASTER PLANNING**
**Physical Address: Brickworks, Suite F03, 13 Brickfield Road, Salt River, 7925. Postal Address: PO Box 4866, Cape Town, 8000**
**Tel: +27(0)21 418 0510 Cell: +27(0) 82 3701 867**
**E-mail: nicolas@planpart.co.za**
**Website: www.planpart.co.za**

## Nicolas van der Merwe

**To:** [redacted].a
**Subject:** LU/7684: Farm 1101, Stellenbosch
**Attachments:** LU_7684_Summary of Application.pdf; T11b Notice to affected persons_Ward Administrator_February_AFR.pdf; T11b Notice to affected persons_Ward Administrator_February_ENG.pdf

Good morning Ward Administrator February,

**APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM COUNCIL'S SPATIAL DEVELOPMENT FRAMEWORK: FARM NO. 1101, STELLENBOSCH DIVISION (RUSTENHOF FARM, WATERWORKS ROAD, FIRGROVE)**

Notice is hereby given in terms of the Stellenbosch Municipal Land Use Planning By-law that the above-mentioned application has been received.

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Please let me know should you have any questions.

Kind Regards

**Nick van der Merwe**
**Pr.Plan A/040/2007**

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**E-mail: nicolas@planpart.co.za**
**Website: www.planpart.co.za**

PLANNING PARTNERS

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

Munisipale Aansoeknommer: LU/7684
Munsipale Lêerverwysingsnommer: Farm 1101, Stellenbosch
Aansoeker Verwysingsnommer: 4400
Navrae: Nick van der Merwe
Kontaknommer: 021-418 0510
E-pos adres: nicolas@planpart.co.za
Datum: 6 September 2018

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

**PER EPOS**

Aan Wyksadminstrateur J. February,

**AANSOEK OM ONDERVERDELING, HERSONERING, VERGUNNINGSGEBRUIK, TERREIN ONTWIKKELINGSPLAN GOEDKEURING, DEVIASIE VAN DIE STELLENBOSCH MUNISIPALE RUIMTELIKE ONTWIKKELINGSRAAMWERK: PLAAS NR. 1101, STELLENBOSCH GEBIED (RUSTENHOF PLAAS, WATERWERKE PAD, FIRGROVE)**

| | |
|---|---|
| Aansoeker: | Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfieldstraat, Soutrivier, 7925, 021-418 0510, nicolas@planpart.co.za |
| Eienaar: | Rustenhof Boerdery (Pty) Ltd, Anton Bredell, 083 4449579 |
| Aansoeknommer: | 4400 |
| Munisipale Verwysingsnommer: | LU/7684 |
| Eiendomsbeskrywing: | Plaas Nr. 1101, Stellenbosch Gebied |
| Fisiese Adres: | Rustenhof Plaas, Waterwerke Pad, Firgrove |
| Beskrywing van aansoek: | Die aansoek vir oorweging is 'n aansoek ((ingevolge artikels 15(2)(a), (d), (g) en (o) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning)) vir die onderverdeling van Plaas 1101 in 'n Restant Plaas 1101 en 'n Gedeelte A (ontwikkelingsgedeelte), die hersonering van Gedeelte A vanaf Landbou Sone I na Industriele Sone I, vergunningsgebruik om pakhuise toe te laat binne die Industriele Sone I, Terrein Ontwikkelingsplan goedkeuring en deviasie van die Stellenbosch Munisipale Ruimtelike Ontwikkelingsraamwerk, ten einde die vestiging van 'n ligte nywerheid en pakhuis ontwikkeling op Gedeelte A. Restant Plaas 1101 word behou soos is. |

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

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| 021-418 0502 |
| **Of per hand afgelewer aan** |
| Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfieldstraat, Soutrivier, 7925 |
| **Of per e-pos gelewer aan** |
| nicolas@planpart.co.za |

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Die Uwe



**NICK VAN DER MERWE**
**Planning Partners (Pty) Ltd**

PLANNING PARTNERS

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

Municipal Application Number: LU/7684
Municipal File Reference Number: Farm 1101, Stellenbosch
Applicant Reference Number: 4400
Enquiries: Nick van der Merwe
Contact No: 021 418 0510
Email address: nicolas@planpart.co.za
Date: 6 September 2018

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

**REGISTERED MAIL**
Stellenbosch Interest Group
PO Box 2217
Dennesig
7601

To whom it may concern,

**APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM COUNCIL'S SPATIAL DEVELOPMENT FRAMEWORK: FARM NO. 1101, STELLENBOSCH DIVISION (RUSTENHOF FARM, WATERWORKS ROAD, FIRGROVE)**

| | |
|---|---|
| Applicant: | Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfield Road, Salt River, 7925, 021-418 0510, nicolas@planpart.co.za |
| Owner: | Rustenhof Boerdery (Pty) Ltd, Anton Bredell, 083 4449579 |
| Application number: | 4400 |
| Municipal Reference number: | LU/7684 |
| Property Description: | Farm No. 1101, Stellenbosch Division |
| Physical Address: | Rustenhof Farm, Waterworks Road, Firgrove |
| Detailed description of proposal: | The matter for consideration is an application ((in terms of sections 15(2)(a), (d), (g) and (o) of the Stellenbosch Municipal Land Use Planning By-Law)) for the subdivision of Farm 1101 into a Remainder Farm 1101 and a Portion A (development portion), the rezoning of Portion A from Agricultural Zone I to Industrial Zone I, consent use to permit warehousing in Industrial Zone I, Site Development Plan approval and deviation from the Stellenbosch Municipal Spatial Development Framework, in order to permit the establishment of a light industrial and warehouse development on Portion A. Remainder Farm 1101 will be retained as is. |

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

| APPLICANT |
|---|
| **Registered mail or normal mail** |
| Planning Partners (Pty) Ltd, PO Box 4866, Cape Town, 8000 |
| **Or faxed to** |
| 021-418 0502 |
| **Or hand delivered to** |
| Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfield Road, Salt River, 7925 |
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Yours faithfully



**NICK VAN DER MERWE**
**Planning Partners (Pty) Ltd**

PLANNING PARTNERS

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

Munisipale Aansoeknommer: LU/7684
Munsipale Lêerverwysingsnommer: Farm 1101, Stellenbosch
Aansoeker Verwysingsnommer: 4400
Navrae: Nick van der Merwe
Kontaknommer: 021-418 0510
E-pos adres: nicolas@planpart.co.za
Datum: 6 September 2018

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

**GEREGISTREERDE POS**
Stellenbosch Belange Groep
Posbus 2217
Dennesig
7601

Aan wie dit mag raak,

**AANSOEK OM ONDERVERDELING, HERSONERING, VERGUNNINGSGEBRUIK, TERREIN ONTWIKKELINGSPLAN GOEDKEURING, DEVIASIE VAN DIE STELLENBOSCH MUNISIPALE RUIMTELIKE ONTWIKKELINGSRAAMWERK: PLAAS NR. 1101, STELLENBOSCH GEBIED (RUSTENHOF PLAAS, WATERWERKE PAD, FIRGROVE)**

| | |
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| Aansoeker: | Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfieldstraat, Soutrivier, 7925, 021-418 0510, nicolas@planpart.co.za |
| Eienaar: | Rustenhof Boerdery (Pty) Ltd, Anton Bredell, 083 4449579 |
| Aansoeknommer: | 4400 |
| Munisipale Verwysingsnommer: | LU/7684 |
| Eiendomsbeskrywing: | Plaas Nr. 1101, Stellenbosch Gebied |
| Fisiese Adres: | Rustenhof Plaas, Waterwerke Pad, Firgrove |
| Beskrywing van aansoek: | Die aansoek vir oorweging is 'n aansoek ((ingevolge artikels 15(2)(a), (d), (g) en (o) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning)) vir die onderverdeling van Plaas 1101 in 'n Restant Plaas 1101 en 'n Gedeelte A (ontwikkelingsgedeelte), die hersonering van Gedeelte A vanaf Landbou Sone I na Industriele Sone I, vergunningsgebruik om pakhuise toe te laat binne die Industriele Sone I, Terrein Ontwikkelingsplan goedkeuring en deviasie van die Stellenbosch Munisipale Ruimtelike Ontwikkelingsraamwerk, ten einde die vestiging van 'n ligte nywerheid en pakhuis ontwikkeling op Gedeelte A. Restant Plaas 1101 word behou soos is. |

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Die Uwe



**NICK VAN DER MERWE**
**Planning Partners (Pty) Ltd**

PLANNING PARTNERS

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

Municipal Application Number: LU/7684
Municipal File Reference Number: Farm 1101, Stellenbosch
Applicant Reference Number: 4400
Enquiries: Nick van der Merwe
Contact No: 021 418 0510
Email address: nicolas@planpart.co.za
Date: 6 September 2018

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

**REGISTERED MAIL**
Stellenbosch Agricultural Society
PO Box 204
Stellenbosch
7599

To whom it may concern,

**APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM COUNCIL'S SPATIAL DEVELOPMENT FRAMEWORK: FARM NO. 1101, STELLENBOSCH DIVISION (RUSTENHOF FARM, WATERWORKS ROAD, FIRGROVE)**

| | |
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| Applicant: | Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfield Road, Salt River, 7925, 021-418 0510, nicolas@planpart.co.za |
| Owner: | Rustenhof Boerdery (Pty) Ltd, Anton Bredell, 083 4449579 |
| Application number: | 4400 |
| Municipal Reference number: | LU/7684 |
| Property Description: | Farm No. 1101, Stellenbosch Division |
| Physical Address: | Rustenhof Farm, Waterworks Road, Firgrove |
| Detailed description of proposal: | The matter for consideration is an application ((in terms of sections 15(2)(a), (d), (g) and (o) of the Stellenbosch Municipal Land Use Planning By-Law)) for the subdivision of Farm 1101 into a Remainder Farm 1101 and a Portion A (development portion), the rezoning of Portion A from Agricultural Zone I to Industrial Zone I, consent use to permit warehousing in Industrial Zone I, Site Development Plan approval and deviation from the Stellenbosch Municipal Spatial Development Framework, in order to permit the establishment of a light industrial and warehouse development on Portion A. Remainder Farm 1101 will be retained as is. |

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Yours faithfully



**NICK VAN DER MERWE**
**Planning Partners (Pty) Ltd**

PLANNING PARTNERS

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

Munisipale Aansoeknommer: LU/7684
Munsipale Lêerverwysingsnommer: Farm 1101, Stellenbosch
Aansoeker Verwysingsnommer: 4400
Navrae: Nick van der Merwe
Kontaknommer: 021-418 0510
E-pos adres: nicolas@planpart.co.za
Datum: 6 September 2018

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

**GEREGISTREERDE POS**
Stellenbosch Agricultural Society
Posbus 204
Stellenbosch
7599

Aan wie dit mag raak,

**AANSOEK OM ONDERVERDELING, HERSONERING, VERGUNNINGSGEBRUIK, TERREIN ONTWIKKELINGSPLAN GOEDKEURING, DEVIASIE VAN DIE STELLENBOSCH MUNISIPALE RUIMTELIKE ONTWIKKELINGSRAAMWERK: PLAAS NR. 1101, STELLENBOSCH GEBIED (RUSTENHOF PLAAS, WATERWERKE PAD, FIRGROVE)**

| | |
|---|---|
| Aansoeker: | Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfieldstraat, Soutrivier, 7925, 021-418 0510, nicolas@planpart.co.za |
| Eienaar: | Rustenhof Boerdery (Pty) Ltd, Anton Bredell, 083 4449579 |
| Aansoeknommer: | 4400 |
| Munisipale Verwysingsnommer: | LU/7684 |
| Eiendomsbeskrywing: | Plaas Nr. 1101, Stellenbosch Gebied |
| Fisiese Adres: | Rustenhof Plaas, Waterwerke Pad, Firgrove |
| Beskrywing van aansoek: | Die aansoek vir oorweging is 'n aansoek ((ingevolge artikels 15(2)(a), (d), (g) en (o) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning)) vir die onderverdeling van Plaas 1101 in 'n Restant Plaas 1101 en 'n Gedeelte A (ontwikkelingsgedeelte), die hersonering van Gedeelte A vanaf Landbou Sone I na Industriele Sone I, vergunningsgebruik om pakhuise toe te laat binne die Industriele Sone I, Terrein Ontwikkelingsplan goedkeuring en deviasie van die Stellenbosch Munisipale Ruimtelike Ontwikkelingsraamwerk, ten einde die vestiging van 'n ligte nywerheid en pakhuis ontwikkeling op Gedeelte A. Restant Plaas 1101 word behou soos is. |

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| 021-418 0502 |
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| nicolas@planpart.co.za |

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Die Uwe



**NICK VAN DER MERWE**
**Planning Partners (Pty) Ltd**

# RIVERSIDE BUSINESS PARK

PLANNING PARTNERS

## FARM 1101, STELLENBOSCH (WATERWORKS ROAD, FIRGROVE)

## APPLICATION FOR SUBDIVISION OF AGRICULTURAL LAND, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM THE STELLENBOSCH MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK

### 1. INTRODUCTION

### 1.1 The Brief and Application

Planning Partners has been appointed by *JPY Family Trust*, the prospective buyer of a portion of Farm 1101, Stellenbosch (Firgrove), to provide the necessary professional services to acquire the land use rights to establish a light industrial and warehouse development on the purchased development portion. The proposed development portion is 5.9622 ha in extent and hereafter referred to as 'the site'. The development proposal requires the following applications to be made to the following competent authorities:

1) Applications to Stellenbosch Municipality:

   a. **Subdivision** in terms of Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015) to subdivide the development portion from the Remainder Farm;

   b. **Rezoning of land** from Agricultural Zone I to Industrial Zone I in terms of Section 15(2)(a) of Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015);

   c. **Consent use** to permit warehousing as a consent use in Industrial Zone I in terms of Section 15(2)(o) of Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015);

   d. **Site Development Plan approval** in terms of Section 15(2)(g) of the Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015); and

   e. **Deviation from the Stellenbosch Municipal Spatial Development Framework** in terms of Section 15(2)(g) of Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015).

2) Application to the National Department of Agriculture:

   a. **Subdivision of agricultural land** in terms of Act 70 of 1970 to subdivide the development portion from the Remainder Farm. Note that the application has been submitted to the Provincial and National Agricultural Departments.

3) Application to Heritage Western Cape (HWC):

   a. **Notice of Intent to Develop** to HWC for the development of a site larger than 5 000 $m^2$ and rezoning of a site exceeding 10 000 $m^2$ in extent in terms of Section 38(1)(c)(i) of the National Heritage Resources Act, Act 25 of 1999. This application has been approved.

4) Application to Department of Environmental Affairs and Development Planning (D:EA&DP):

   a. **Land Development Application** to the Department of Environmental Affairs and Development Planning (D:EA&DP) for the development of land zoned agriculture and which has been cultivated in the last ten years, in terms of Section 53 of the Land Use Planning Act, Act 3 of 2014. Note that this application was submitted simultaneously with this application.

### 1.2 Background

Most of the site is currently vacant, but disturbed. There is 2.7 ha of land under vines, of poor quality. The largest portion of the site is therefore un-utilised.

The prospective land owner has identified the need within the local area for additional light industrial and warehousing uses, to be set in an up-market, security-controlled development. The prospective buyer and developer is currently involved in the Go Group development, which is a warehouse and office development situated across from Macassar Road (M9) near the site. The developer has a positive development track record and it can be expected that the proposed development will also make a positive contribution to the local area.

## 2. THE SITE

### 2.1 Cadastral Information, Extent and Ownership

The property measures 140.2908 ha in extent and is in the ownership of *Rustenhof Boerdery (Pty) Ltd.* under Title T67286/2001. The development portion is 5.9622 ha in extent and will be subdivided off the Remainder Farm.

### 2.2 Locality and Context

The site is located within the jurisdiction of Stellenbosch Municipality and on the border with City of Cape Town Municipality. The site is situated adjacent to existing light industrial, warehousing and office uses within Firgrove.

The site is bordered by Waterworks Road to the north, the Main Road 165 railway bridge ramp to the east, a railway line to the south and the Remainder Farm 1101 to the west. The site is therefore surrounded by urban uses (see **Figures 1** and **2**).

Agricultural land is located further to the north and northeast. Warehousing and business uses are located further to the southeast (the 5.2 ha Go Group development) and residential uses further to the south and southwest. The surrounding residential neighbourhoods include La Montagne and Heldervue to the east, Firgrove and Macassar to the south and Sitari, Croydon and Kelderhof to the west. The Eskom *Pinotage* substation is located to the west and the *Faure* water treatment works further to the northwest.

### 2.3 Surrounding Transportation Network

#### 2.3.1 Road Network

Access to the property is proposed from the existing road which intersects Main Road 165, ±535 m northeast of its intersection with Old Main Road. The area is accessed via Winery Road (Main Road 166), Main Road (Main Road 165) and Old Main Road (Trunk Road 2/1).

### 2.3.2 Public Transport Network

The Golden Arrow bus service runs along Macassar Road (M9), with the nearest bus stop located 770 m to the east. Minibus taxis also service the surrounding area along the main routes. The PRASA Northern Line runs to the south of the site and the Firgrove railway station is located approximately 800 m to the east of the site. The *Northern Business Express* train also stops at this station. The site is therefore located in an area that is well-provided by public transport opportunities (Refer to **Figure 2**).

## 2.4 Existing Zoning

There are two zoning schemes applicable to the area in which the site is located, namely the Article 8 Zoning Scheme, applicable to the site and properties located to the west, north and east, and the City of Cape Town Development Management Scheme (2015), applicable to properties located to the south. The zoning of the site according to the Stellenbosch Article 8 Zoning Map is Agriculture Zone I. **Figure 4** illustrates the existing zoning of the site and that of the properties in the immediate vicinity.

## 2.5 Site Characteristics and Current Land Use

The site is relatively flat, with a gentle slope to the south. It contains 2.7 ha of vineyard that is in poor condition. The remainder of the site has not been used for any agricultural activity for at least 10 years. Earthworks have been extensively undertaken on the site (removal and addition) as a result of various activities, including the adjacent road embankment. Much of the southern part of the site has been covered with imported material. A man-made soil berm forms the western site boundary and physically separates the site from the nearby Moddergatspruit River, running further to the west.

## 2.6 Existing Access Arrangements

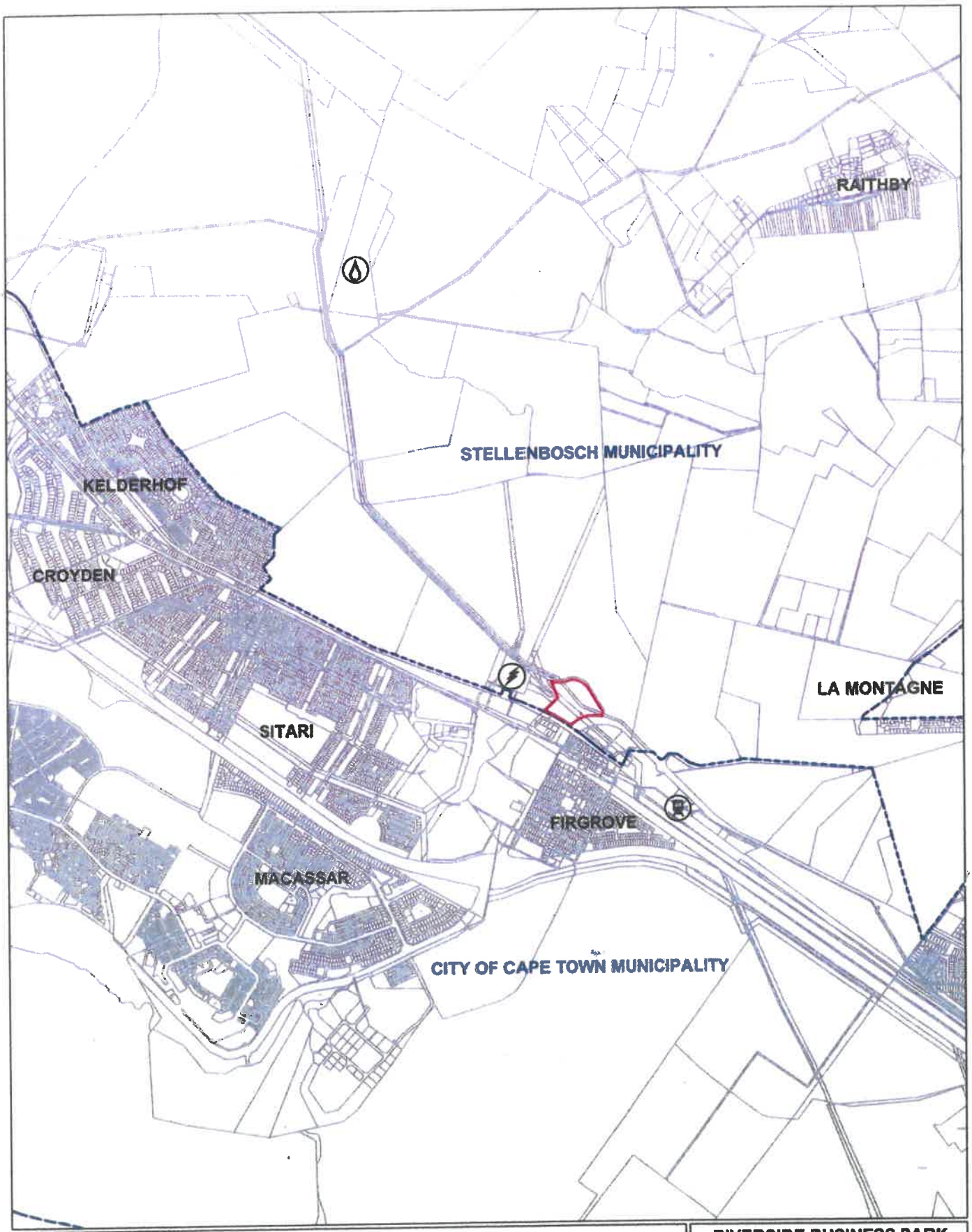
Currently, the site has no formal access points, since the site is predominantly vacant. The site is physically isolated by the existing railway line, the Main Road 165 (Macassar Road) railway bridge ramp and the Waterworks Road.

## 2.7 Servitudes and Title Deed Restrictions

According to the S.G. erf diagrams, the site has the following three servitudes traversing it (Refer to **Annexure 3** for the applicable S.G. diagrams):

- a water pipeline servitude, 15 m wide and contains the '1675 water main pipeline', which runs from the Faure water treatment works;
- an electric power line servitude (Servitude vide S.G. 7281/2008), 40 m wide which runs from the Eskom Pinotage Substation; and
- an electric power line servitude (Servitude vide S.G. 8236/1976), containing three overhead power lines, 35 m wide in total, which runs from the Eskom Pinotage Substation.

The title deed contains no restrictive title deed conditions that will impact on the proposed development.


RAITHBY
STELLENBOSCH MUNICIPALITY
KELDERHOF
CROYDEN
SITARI
LA MONTAGNE
FIRGROVE
MACASSAR
CITY OF CAPE TOWN MUNICIPALITY
SITE BOUNDARY
MUNICIPAL BOUNDARY
FIRGROVE RAILWAY STATION
ESKOM PINOTAGE SUBSTATION
FAURE WATER TREATMENT WORKS
RIVERSIDE BUSINESS PARK
FARM 1101, STELLENBOSCH
LOCALITY
N
SCALE 1:2000
PLANNING PARTNERS
FEBRUARY 2018
FIGURE 1




SITE BOUNDARY

**RIVERSIDE BUSINESS PARK**
**FARM 1101, STELLENBOSCH**

**CONTEXT**

SCALE 1:2000

PLANNING PARTNERS

FEBRUARY 2018

FIGURE 2

## 3. THE DEVELOPMENT PROPOSAL

### 3.1 Development Concept

The development proposal is to create a secure, high-quality light industrial and warehouse park. The development will be contained within a uniform perimeter fence and access controlled by means of a security boom or gate. The property will be sectionalised and managed by one body corporate. Through sectionalisation, the development will have control over uses and activities occurring within it, ensuring a better operational development in future. Please refer to the attached SDP.

### 3.2 Light Industrial / Warehouse Component

The development provides 21 sectional properties, of which 19 sections will be developed. Due to the dimensions of the site and the location of the water pipeline and electrical servitudes, large portions of the site cannot be developed. For this reason, two sections (Sections 5 and 10) underneath the overhead powerlines will remain undeveloped and only used for off-site parking and storage purposes. The portions of Sections 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13 and 14 that fall within the electrical servitudes will also not be developed. These sections would be used for on-site parking and storage. The proposed uses within the electrical servitudes will be agreed upon between Eskom and the developer. Note that such an agreement for parking and storage has successfully been concluded with Eskom by the adjacent Go-Group development, which is also affected by the same electrical servitudes. In total, the development provides for 30 725 $m^2$ of potential developable land. However, the developer is applying a coverage of 60% for the 19 developable sections. The 19 sections will provide for 33 506 $m^2$ of floor space (bulk), to be provided in the ground floor, first floor and second floor of each building. The first and second floors will be used for the office component of each industrial/warehouse use. This equates to an overall floor factor of 0.48. To calculate the total Gross Leasable Area (GLA) for the development, an 85% factor of the total floor space was used. Therefore, a total of 28 480 $m^2$ of GLA will be provided. The buildings will be limited to three storeys (9.5 m to top of wall plate and 11.5 m to top of roof) and a 5.0 m building line will be maintained along the northern boundary road.

### 3.3 Site Access

Only one access point will be provided off the existing northern boundary road. The access will be access-controlled by either a security boom or a gate. Two entry lanes will be provided with sufficient stacking space.

### 3.4 Internal Roads

The proposed internal roads will have road reserve widths of 15.0 m and the surface treatment, a combination of premix and paved surfaces, will comply with the standards of the Stellenbosch Municipality. The two T-shaped turning circles will be of sufficient dimension to accommodate the expected truck sizes. The internal roads will be private and managed and maintained by the property owners' association.

### 3.5 Provided On-site Parking

According to the Article 8 Zoning Scheme, 1 bay is required for every 200 $m^2$ of floor space. The proposed development will provide the required number of parking bays by providing both on-site parking bays on each

section, as well as off-site parking bays on the Sections 5 and 10. The number and location of bays will be finalised during the building plan submission process for each section.

### 3.6 Landscaping

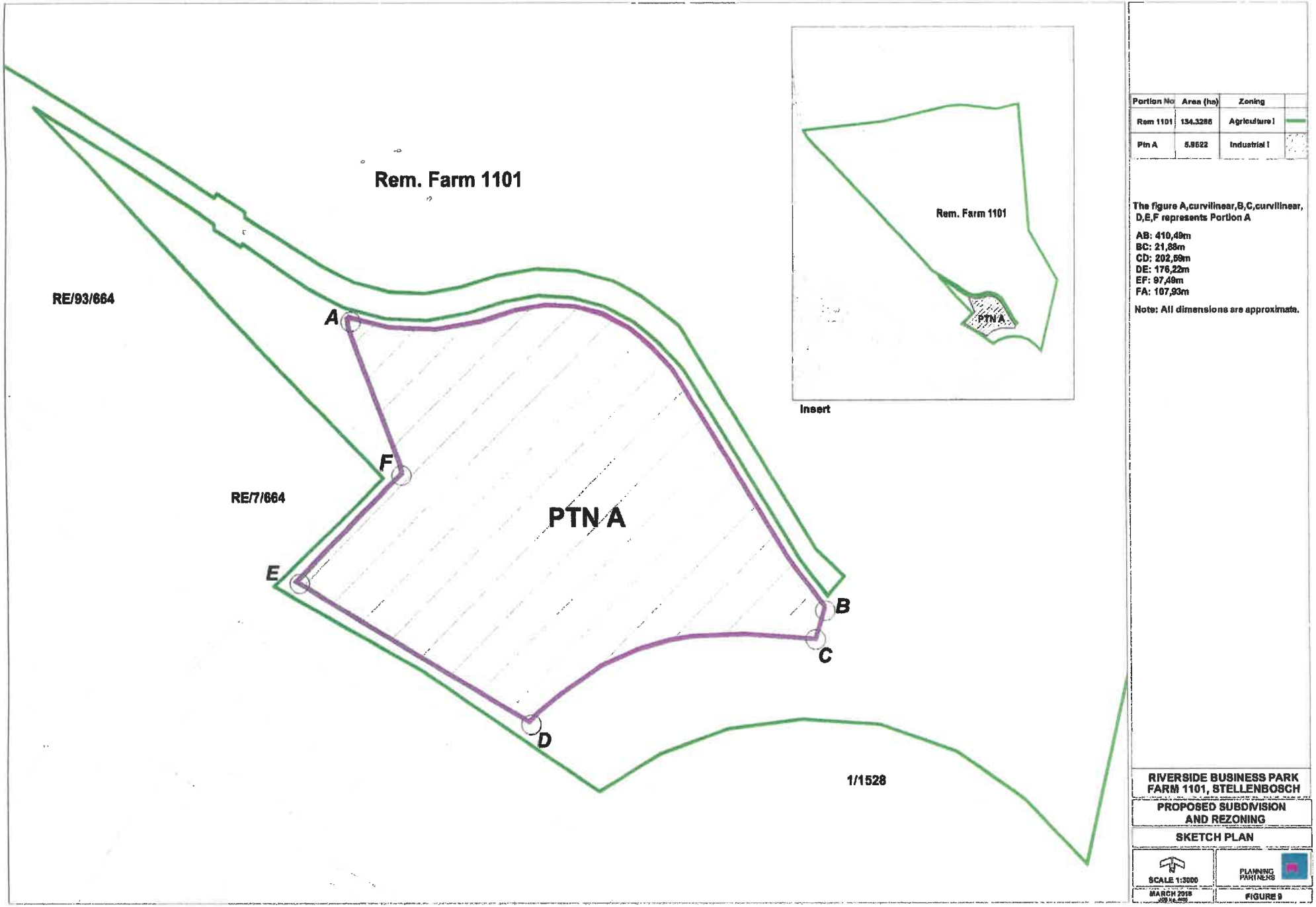
Landscaping will be provided to create a pleasant and upmarket development. The proposed development has sufficient area available to achieve this and landscaping will be focussed along the northern boundary road, the internal roads, the western berm and around the proposed retention dam. Water-wise and indigenous planting will be used.

### 3.7 Compliance with the Article 8 Zoning Scheme

The following table lists the zoning scheme development parameters under the applied for Industrial Zone I and illustrates the proposed development's compliance thereto. Note that the proposed development will only include light industrial and warehouse uses.

**Table 1: Compliance to Zoning Scheme Development Parameters: Industrial Zone I**

| Zoning Scheme Parameter | | Development Proposals | Compliant? |
|---|---|---|---|
| Primary Use | Industry | Industry, warehouse | Partly, consent use is required for warehousing |
| Consent Use | *Inter alia* warehouse | Warehouse | Yes, consent use is required. |
| Floor factor | 1.5 | TBD during building plan stage, but will be within 1.5. | Yes |
| Coverage | At most 75% | 60% | Yes |
| Setback | At least 8.0 m | At least 8.0 m | Yes |
| Building line: Street | 0.0 m | 5.0 m | Yes |
| Building line: Common | 0.0 m, provided Council may lay down building lines. | TBD during building plan submission process. | Yes |
| Parking | 1 bay/200 $m^2$ GLA | 3 bays/200 $m^2$ GLA | Yes |


Rem. Farm 1101
RE/93/664
RE/7/664
PTN A
A
B
C
D
E
F
1/1528
Insert
Rem. Farm 1101
PTN A
Portion No | Area (ha) | Zoning
Rem 1101 | 134.3286 | Agriculture I
Ptn A | 5.8622 | Industrial I
The figure A,curvilinear,B,C,curvilinear, D,E,F represents Portion A
AB: 410,49m
BC: 21,88m
CD: 202,59m
DE: 176,22m
EF: 97,49m
FA: 107,93m
Note: All dimensions are approximate.
RIVERSIDE BUSINESS PARK
FARM 1101, STELLENBOSCH
PROPOSED SUBDIVISION AND REZONING
SKETCH PLAN
SCALE 1:3000
PLANNING PARTNERS
MARCH 2018
FIGURE 9

## 4. ENGINEERING SERVICES

*UDS Africa* conducted a services assessment in February 2018 to determine the existing bulk civil services infrastructure in the site vicinity, the proposed connection thereto and the estimated services demands. The assessment made the following findings:

### 4.1 Civil Engineering Standards

The design of the proposed services will be in accordance with the "*Guidelines for the Provision of Engineering Services and Amenities in Residential Townships*", the UTG7 publication "*Geometric Design of Urban Local Residential Streets*". This will also be compliant with the standards and requirements of the local authority. Construction of the services will be specified to be in accordance with SANS 1200.

### 4.2 Water Supply

- **Distribution Zone**

The proposed development could be supplied from either the Macassar or Firgrove water distribution zones. Both distribution zones are supplied via a 760 mm Ø bulk distribution main which runs from the Blackheath Water Treatment Plant and reservoir.

- **Development Requirements**

The anticipated water demand for the proposed development has been calculated to 3.75 l/s and 129.6 kl/d.

- **Present Situation**

There is limited water infrastructure in the immediate vicinity of the proposed development. There are two options to supply the development:

1. To the west of the site is a 250 mm Ø water main with a static and peak pressure of 35 m and 58 m, respectively. This line has a peak flow and velocity of 5.6 l/s and 0.2 m/s. This main is fed via a 450 mm PRV off the 760 mm Ø bulk main along Old Faure Road and is set to reduce the static pressures as the 760 mm main operates at very high pressure. When considering the steep nature of the proposed development site, approximate elevation change from 28 m to 34 m, low pressures could be experienced as a result of the existing supply. It is advised that the development utilise an on-site 48 hours storage supply, which would gravity feed the proposed development. In addition, an internal pressure booster would be required to supply the development under fire flow conditions.
2. Along the southern end of the site is a 110 mm Ø water main off Old Main Road, with a static and peak pressure of 46 m and 57 m respectively. The peak velocity and flow in this pipe is 0.3 m/s and 2.5 l/s correspondingly.

The surrounding water network has limited spare capacity and residual flow to supply the proposed demand of 3.75 l/s of the development. However, with the incorporation of a booster pump and storage tanks, the developer should be able to ensure sufficient supply for the proposed development from the 250 mm Ø water main.

Although both options mentioned above could have sufficient capacity to service the proposed development, when considering the cost implications as well as the Firgrove development as a whole, the better option would be to upgrade the Firgrove Station bulk water connection. This would allow for the developer to have a designated supply to the development.

## 4.3 Sewer

- **Drainage Area**

The proposed development is situated in the catchment of the Macassar foul sewer pump station, which has sufficient spare capacity to accommodate 3.56 l/s. Foul sewer is pumped via a rising main from the pump station to the Macassar WWTW.

- **Present Situation**

The following two possible connection points exist for the proposed development:

1. A 150 mm Ø sewer main, situated to the west along Hastings Road approximately 2.1 km from the lowest point of the development site; and
2. A 150 mm sewer main, situated to the south along School Street.

Both connection points have sufficient spare capacity to accommodate the anticipated flow.

- **Wastewater**

The anticipated wastewater flow from the proposed development has been calculated to be 123.1 kl/d. The proposed development is situated within the catchment of the Macassar Wastewater Treatment Works, which has sufficient capacity to accept the anticipated wastewater flow from this development.

## 4.4 Stormwater

The site drains towards an existing stream running adjacent to the railway reserve along the southwestern boundary of the development. The run-off from the proposed development will be discharged into this stream.

In order to reduce impacts of urban stormwater systems on receiving waters, all stormwater management systems shall be planned and designed in accordance with best practice criteria and guidelines laid down by council, to support water sensitive urban design principles and the following specific sustainable urban drainage system objectives:

- improve the quality of the runoff;
- control the quantity and rate of runoff, and
- encourage natural groundwater recharge.

The proposed development of the site is ideally suited for conventional detention facilities such as a pond. As such, the Best Management Practice proposed to improve the quality and control of the quantity of the

stormwater run-off is to construct a detention pond with a capacity of approximately 1 900 m³ at the low point on the site. Refer to the SDP attached as **Annexure 8**, which illustrates the location of the proposed detention pond.

### 4.5 Electricity Services

ESKOM is the licensed electricity distributor for the area. ESKOM has confirmed that there is sufficient capacity available at Eskom's Firgrove sub-station to supply the proposed development.

## 5. ACCESS AND TRANSPORTATION

*Ice Group* conducted a Traffic Impact Assessment in March 2018. The report's conclusions and recommendations are summarised as follows:

- Conclusions:
  - The TIA is in support of this application;
  - The access to the property is obtained from an existing access road, currently serving an Eskom Substation and the City of Cape Town Waterworks;
  - The proposed development has the potential to generate 228 peak hour trips, with 160 in, 68 out during the AM peak hour and 57 in, 171 out during the PM peak hour;
  - To accommodate the background traffic, the following road upgrades are considered necessary:
    (a) Old Main Road/Main Road/Macassar Road intersection: provision of dedicated left-turn lanes on the northern- and southern-approaches, extension of the existing dedicated right-turn lane on the eastern approach, as well as the changing of existing shared through-left turn lane on the northern-approach to shared-right turn, and existing shared through-left turn lane on the southern-approach to through lane;
  - To accommodate the addition of the proposed development-traffic, the following road upgrades are considered necessary:
    (a) Old Main Road/Main Road/Macassar Road intersection: Provision of dedicated left-turn lane and changing of existing shared through-left turn lane to through lane on western- and eastern-approaches, and provision of/changing of northern-approach to consist of two dedicated right-turn lanes, through lane and dedicated left-turn lane;
    (b) Main Road/Access Road (Waterworks) intersection: Provision of traffic signals at the intersection, with dedicated right-turn lane on eastern approach;
  - The access to the subject property will be along the existing access road, ± 250 metres from the edge of Main Road;
  - That the existing access road is currently a two lane road, with the first section public from Main Road up to and including the proposed access, with the remainder of the road towards the Eskom substation and the CCT waterworks private/servitude road;
  - That the existing Go-Group-Access to Main Road will be closed and relocated to opposite the Main Road/Winery Road intersection, which will improve intersection spacing along Main Road, and thus provide the opportunity for the access road-intersection to be signalised;

- That it should be ensured that the access layout provides for separate employee/visitor lanes in, and that it accommodates the size vehicles expected to the light industrial development;
- That formal public transport embayments be considered along Main Road at the access road-intersection (outbound legs) and that the provision of sidewalks along the southern side of the access road (between Main Road and the access), as well as along at least one side of the internal streets, be considered.

- Recommendations:
  - To accommodate the background traffic, upgrades to the Old Main Road/Main Road/ Macassar Road are required:
    (a) Provision of dedicated left-turn lanes on the northern- and southern approaches;
    (b) Extension of the existing dedicated right-turn lane on the eastern approach;
    (c) Changing of existing shared through-left turn lane on the northern approach to shared-right turn;
    (d) Changing of existing shared through-left turn lane on the southern approach to through lane;
  - To accommodate the addition of the proposed development-traffic, the following upgrades are considered necessary:
    (a) Old Main Road/Main Road/Macassar Road intersection:
      (i) Provision of dedicated left-turn lane and changing of existing shared through-left turn lane to through lane on western- and eastern approaches;
      (ii) Provision of/changing of northern-approach to consist of two dedicated right-turn lanes, through lane and dedicated left-turn lane;
    (b) Main Road/Access Road (Waterworks) intersection: Provision of traffic signals at the intersection, with dedicated right-turn lane on eastern approach;
  - The security-controlled access layout provides for two lanes in, and accommodates the size vehicles expected to/from the light industrial development;
  - Parking be provided in accordance with the minimum requirements of the Zoning Scheme;
  - Formal public transport embayments be considered along Main Road at the Main Road/Access Road intersection (outbound legs);
  - Provision of sidewalks be considered:
    (a) Along the southern side of the access road (between Main Road and the access);
    (b) Along at least one side of the internal streets.

## 6. SOIL INVESTIGATION

A soil investigation was undertaken by *Johann Lanz* in July 2017. The aim of this investigation was to characterise the different soil types and assess the agricultural potential across a 9 ha portion of Farm 1101, Stellenbosch in order to provide the required information to assess the impact on agricultural production due to the potential loss of this land. The 9 ha portion contains the site and additional surrounding land. The investigation rated the soils as having low to medium agricultural suitability. The soils are limited by their low clay content, the leached nature of the upper soil horizons, poor drainage and in places limited depth. The

investigation concluded that the soils are not suitable for quality wine production. As a result of the agricultural limitations of this portion of land, its loss will have negligible impact on the agricultural productivity of the remaining farm and the local area.

## 7. CONSIDERATION OF NEED AND DESIRABILITY

This application is subject to the provisions of the Spatial Planning and Land Use Management Act, Act 16 of 2013 (SPLUMA) and the Land Use Planning Act, Act 3 of 2014 (LUPA) and shall therefore be considered on the grounds stipulated in these acts with respect to development and land use planning principles. The purpose of this section of the report is to highlight how the proposed light industrial/warehouse development meets these sets of principles. Note that many of the SPLUMA and LUPA principles are not relevant to the scale and nature of the proposed development.

### 7.1 Compliance with SPLUMA Development Principles

Section 7 of the Spatial Planning and Land Use Management Act (SPLUMA) outlines five development principles (and associated sub-principles) which apply to spatial planning, land development and land use management, namely:

- the principle of spatial justice;
- **the principle of spatial sustainability;**
- **the principle of efficiency;**
- the principle of spatial resilience; and
- the principle of good administration.

Not all of the above principles outlined in SPLUMA are applicable to the proposed development, but the following two principles are particularly pertinent, highlighted in bold above. The principle is in italics followed by a statement that demonstrates compliance.

- *The **principle of spatial sustainability**, whereby spatial planning and land use management must (1) support the effective and equitable functioning of land markets, (2) consider current and future infrastructure and social services costs to all parties in developments, (3) support development in strategic locations that limit urban sprawl and (4) result in viable communities.*

  The proposed development is compliant with this principle as it will strengthen the manufacturing sector and will provide additional employment opportunities to the community. The site is also currently under-utilised and the locality is compatible with the proposed development and well located in terms of public transport.

- *The **principle of efficiency**, whereby development projects utilise existing resources and infrastructure efficiently and optimally.*

The civil services report conducted for this application concludes that there are existing services and capacity available to service the development. The services will be provided by the City of Cape Town. The development is a logical part of an established node and it is efficient planning to reinforce this node.

## 7.2 Compliance with LUPA Assessment Criteria

Section 49 of the Western Cape Land Use Planning Act (LUPA) provides guidance about matters which must be considered when an application comes before a Municipality and reads as follows:

*"When a municipality considers and decides on a land use application, the municipality must have regard to at least –*

*(a) the applicable spatial development frameworks;*

*(b) the applicable structure plans;*

*(c) the principles referred to in Chapter VI;*

*(d) the desirability of the proposed land use; and*

*(e) guidelines that may be issued by the Provincial Minister regarding the desirability of proposed land use."*

LUPA outlines five principles and associated sub-principles which apply to land use planning, namely:

- principles of spatial justice;
- principles of spatial sustainability;
- principles of efficiency;
- principles of good administration; and
- principles of spatial resilience

As with the SPLUMA, not all of the principles are applicable to the proposed development, but the following are particularly pertinent. The principle is in italics followed by a statement that demonstrates compliance.

- *promote and stimulate the effective and equitable functioning of land markets.*

  The proposed light industrial development has the potential to stimulate the manufacturing sector of the local market, which has been contracting in the last few years.

- *consider current and future costs to all parties for the provision of infrastructure and social services in land developments.*

  The availability and cost of infrastructure has been taken into consideration. The project engineer has confirmed that sufficient capacity should be available to link to existing bulk infrastructure and the developer is aware that Development Contribution costs will be involved.

- *promote land development in locations that are sustainable and limit urban sprawl.*

Even though the site is located outside of an urban edge, the location is adjacent to existing business, storage and utility uses and currently under-utilised due to its isolated location. The proposed development will utilise the currently under-utilised site more efficiently in future.

- *result in communities that are viable.*

  The proposed development is compliant with this principle as it proposes to provide additional employment opportunities and services to the current community, within easy access to public transport, non-motorised transport and private vehicle.

- *the economic potential of the relevant area or region.*

  As stated above, the manufacturing industry employed 10.3% of the Stellenbosch Municipality's workforce in 2015, but has contracted in recent years. The proposed development has the potential to reduce the contraction once fully developed and operational. Further, the development will yield additional income for the Municipality in terms of rates to assist with service delivery in areas of need elsewhere in the municipal area.

Section 49(d) of LUPA is used to assess the desirability of the proposed land use. It is believed that the proposed development is desirable for the site for the following pertinent reasons:

- The population of the City of Cape Town and Stellenbosch municipalities is expected to grow in the future and the demand for consumer goods will increase as a result of the increase in population. The proposed light industrial/warehouse development will help to address these needs.
- The proposed development will generate both temporary employment opportunities during the construction phase and permanent employment opportunities during the operational phase;
- The proposed development will improve the currently under-utilised site; and
- The development will yield a substantial income for the Municipality in terms of rates to assist with service delivery in areas of need elsewhere in the town.

## 8. SITE SPECIFIC CIRCUMSTANCES

This section of the report motivates site specific circumstances to justify deviation from the Stellenbosch Municipal Spatial Development Framework to accommodate the proposed development. The following site-specific circumstances can be highlighted:

- The site is located within the 'Cape Town Functional Region" and is adjacent to an established node: The proposed development site must therefore be seen, not as being on the outskirts of the Stellenbosch Municipal Area and far removed from a settlement within the Stellenbosch Municipality, but rather as being centrally located between the municipalities of the City of Cape Town and Stellenbosch.
- The site is situated within an area that is well provided by public transport, e.g. PRASA Northern Line, Golden Arrow bus route and mini-bus services. The site is one of the nearest locations within the

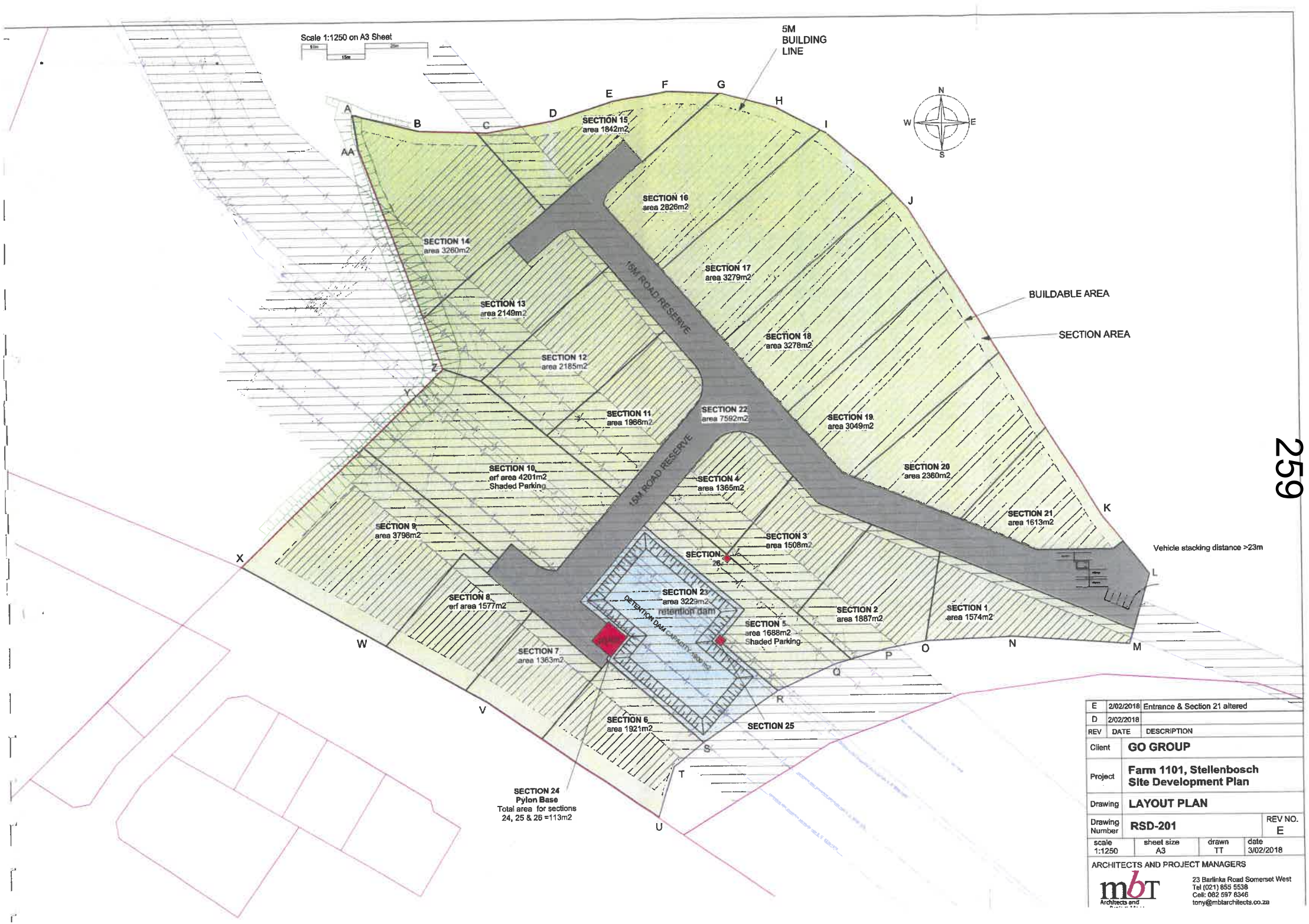
Stellenbosch municipal area which can connect to the main Cape Town railway services, with the Firgrove railway station located approximately 800 m to the east of the site.

- Furthermore, the Stellenbosch Municipality IDP focuses on reducing the reliance on private vehicles for getting to and from work. The development site is ideally located to support this by being located near the surrounding residential neighbourhoods of La Montagna, Heldervue and Firgrove.
- The site is situated adjacent to existing light industrial, warehousing and office uses within Firgrove and the proposed development represents an expansion of compatible uses.
- Most of the site is currently vacant, but heavily disturbed. The largest portion of the site is therefore under-utilised.
- There is 2.7 ha of the site under vines, but which are of poor quality. A soil investigation has concluded that the soils are not suitable for quality wine production and as a result of the agricultural limitations of this portion of land, its loss will have negligible impact on the agricultural productivity of the remaining farm and the local area.
- The site does not contain environmentally sensitive fauna or flora.

## 9. CONCLUSION

This application is consistent with provincial and local planning policy and will contribute to the economic base of Stellenbosch the Municipality.

It is a sensible and desirable development that fits in with the local context. We request that this application is processed and approved in a timeous manner. If you have any questions or require further information, please contact us.




259

| REV | DATE | DESCRIPTION |
|---|---|---|
| E | 2/02/2018 | Entrance & Section 21 altered |
| D | 2/02/2018 | |

| | |
|---|---|
| Client | GO GROUP |
| Project | Farm 1101, Stellenbosch Site Development Plan |
| Drawing | LAYOUT PLAN |
| Drawing Number | RSD-201 |
| REV NO. | E |
| scale | 1:1250 |
| sheet size | A3 |
| drawn | TT |
| date | 3/02/2018 |

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**FARM 1101, STELLENBOSCH**
**Site Development Plan RSD-201**
**Area Schedule** revised 14 July 2018

| Proposed Zoning | Colour Notation | Section Number | Section extent (m2) | Developable area per section area (m2) | Proposed use | Max floor space (m2) | Max floor factor/ Bulk | Maximum coverage % | Minimum setback | Minimum street building line | Minimum side building line | Maximum Height | Minimum on site parking | Loading & Unloading |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Industrial Zone I | | Section 1 | 1574 | 1288 | Light industrial and/or warehousing | 1228 | 0.78 | 60.00 | 8.00 | 0 | 0 | 3 storey - 11.5m | 6 | at least 1 loading bay |
| Industrial Zone I | | Section 2 | 1887 | 1264 | Light industrial and/or warehousing | 1472 | 0.78 | 60.00 | 8.00 | 0 | 0 | 3 storey - 11.5m | 7 | at least 1 loading bay |
| Industrial Zone I | | Section 3 | 1508 | 796 | Light industrial and/or warehousing | 1177 | 0.78 | 60.00 | 8.00 | 0 | 0 | 3 storey - 11.5m | 6 | at least 1 loading bay |
| Industrial Zone I | | Section 4 | 1365 | 743 | Light industrial and/or warehousing | 1065 | 0.78 | 60.00 | 8.00 | 0 | 0 | 3 storey - 11.5m | 5 | at least 1 loading bay |
| Industrial Zone I | | Section 5 | 1688 | 0 | Shaded parking and/or uncovered storage | 0 | N/A | N/A | 8.00 | N/A | N/A | N/A | N/A | N/A |
| Industrial Zone I | | Section 6 | 1921 | 928 | Light industrial and/or warehousing | 1499 | 0.78 | 60.00 | 8.00 | 0 | 0 | 3 storey - 11.5m | 7 | at least 1 loading bay |
| Industrial Zone I | | Section 7 | 1363 | 833 | Light industrial and/or warehousing | 1063 | 0.78 | 60.00 | 8.00 | 0 | 0 | 3 storey - 11.5m | 5 | at least 1 loading bay |
| Industrial Zone I | | Section 8 | 1577 | 1046 | Light industrial and/or warehousing | 1230 | 0.78 | 60.00 | 8.00 | 0 | 0 | 3 storey - 11.5m | 6 | at least 1 loading bay |
| Industrial Zone I | | Section 9 | 3798 | 2019 | Light industrial and/or warehousing | 2962 | 0.78 | 60.00 | 8.00 | 0 | 0 | 3 storey - 11.5m | 15 | at least 2 loading bays |
| Industrial Zone I | | Section 10 | 4201 | 0 | Shaded parking and/or uncovered storage | 0 | N/A | N/A | 8.00 | N/A | N/A | N/A | N/A | N/A |
| Industrial Zone I | | Section 11 | 1966 | 928 | Light industrial and/or warehousing | 1534 | 0.78 | 60.00 | 8.00 | 0 | 0 | 3 storey - 11.5m | 8 | at least 1 loading bay |
| Industrial Zone I | | Section 12 | 2185 | 1153 | Light industrial and/or warehousing | 1704 | 0.78 | 60.00 | 8.00 | 0 | 0 | 3 storey - 11.5m | 9 | at least 1 loading bay |
| Industrial Zone I | | Section 13 | 2149 | 1039 | Light industrial and/or warehousing | 1676 | 0.78 | 60.00 | 8.00 | 0 | 0 | 3 storey - 11.5m | 8 | at least 1 loading bay |
| Industrial Zone I | | Section 14 | 3260 | 2287 | Light industrial and/or warehousing | 2543 | 0.78 | 60.00 | 8.00 | 0 | 0 | 3 storey - 11.5m | 13 | at least 2 loading bays |
| Industrial Zone I | | Section 15 | 1842 | 862 | Light industrial and/or warehousing | 1436 | 0.78 | 60.00 | 8.00 | 0 | 0 | 3 storey - 11.5m | 7 | at least 1 loading bay |
| Industrial Zone I | | Section 16 | 2826 | 2538 | Light industrial and/or warehousing | 2204 | 0.78 | 60.00 | 8.00 | 0 | 0 | 3 storey - 11.5m | 11 | at least 1 loading bay |
| Industrial Zone I | | Section 17 | 3279 | 3070 | Light industrial and/or warehousing | 2557 | 0.78 | 60.00 | 8.00 | 0 | 0 | 3 storey - 11.5m | 13 | at least 2 loading bays |
| Industrial Zone I | | Section 18 | 3278 | 3070 | Light industrial and/or warehousing | 2557 | 0.78 | 60.00 | 8.00 | 0 | 0 | 3 storey - 11.5m | 13 | at least 2 loading bays |
| Industrial Zone I | | Section 19 | 3049 | 2838 | Light industrial and/or warehousing | 2378 | 0.78 | 60.00 | 8.00 | 0 | 0 | 3 storey - 11.5m | 12 | at least 1 loading bay |
| Industrial Zone I | | Section 20 | 2360 | 2161 | Light industrial and/or warehousing | 1840 | 0.78 | 60.00 | 8.00 | 0 | 0 | 3 storey - 11.5m | 9 | at least 1 loading bay |
| Industrial Zone I | | Section 21 | 1613 | 1325 | Light industrial and/or warehousing | 1381 | 0.86 | 60.00 | 8.00 | 0 | 0 | 3 storey - 11.5m | 7 | at least 1 loading bay |
| Industrial Zone I | | Section 22 (internal private road reserve) | 7592 | N/A | Private Road, as communal area in the Sectional Title Scheme | 0 | 0 | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| Industrial Zone I | | Section 23 (retention dam) | 3229 | N/A | Private open space, utility, as communal area in the Sectional Title Scheme | 0 | 0 | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| Industrial Zone I | | Sections 24, 25 & 26 (ESKOM Pylon bases) | 113 | N/A | Existing electrical infrastructure, as exclusive use in the Sectional Title Scheme | 0 | 0 | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| **Total for Development:** | | | **59622** | **30188** | | **33506** | | | | | | | **168** | **0** |

PLANNING PARTNERS

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

Municipal Application Number: LU/7684
Municipal File Reference Number: Farm 1101, Stellenbosch
Applicant Reference Number: 4400
Enquiries: Nick van der Merwe
Contact No: 021 418 0510
Email address: nicolas@planpart.co.za
Date: 6 September 2018

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

**REGISTERED MAIL**
City of Cape Town
Bulk Water
PO Box 16548
Vlaeberg
8018

Sir/Madam,

**APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM COUNCIL'S SPATIAL DEVELOPMENT FRAMEWORK: FARM NO. 1101, STELLENBOSCH DIVISION (RUSTENHOF FARM, WATERWORKS ROAD, FIRGROVE)**

1. The Stellenbosch Municipality has received an application for subdivision, rezoning, site development plan approval and deviation from council's Spatial Development Framework applicable to Farm 1101, Stellenbosch in terms of section 15 of the Stellenbosch Municipal Land Use Planning By-law. Attached please find a copy of the application.

2. Kindly provide your written comments on the application in terms of section 51(2) of the said legislation within 60 days of receipt of this letter. Your comments should be addressed ***to the applicant*** in one of the following manners:

| **APPLICANT** |
|---|
| **Registered mail or normal mail** |
| Planning Partners (Pty) Ltd, PO Box 4866, Cape Town, 8000 |
| **Or faxed to** |
| 021-418 0502 |
| **Or hand delivered to** |
| Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfield Road, Salt River, 7925 |
| **Or e-mailed to** |
| Nick van der Merwe: nicolas@planpart.co.za |

3. Should no comments be received, it will be deemed that you have no comment.

Yours faithfully

**NICK VAN DER MERWE**
**Planning Partners (Pty) Ltd**

PLANNING PARTNERS

TOWN AND REGIONAL PLANNING PROJECT PLANNING LANDSCAPE ARCHITECTURE MASTER PLANNING

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

27 June 2018

**REGISTERED MAIL**

**Erven 190, Firgrove**
City of Cape Town
PO Box 3
Macassar
7139

Dear Sir/Madam,

**DEVELOPMENT APPLICATION FOR FARM RUSTENHOF NO. 1101, STELLENBOSCH, REQUIRING APPROVAL IN TERMS OF SECTION 53 (1) OF THE LAND USE PLANNING ACT, 2014 (ACT 3 OF 2014, LUPA) AND REGULATION 10 (1) (b) OF THE WESTERN CAPE LAND USE PLANNING REGULATIONS, 2015**

The Department of Environmental Affairs and Development Planning (D:EA&DP) has received the following planning application for consideration:

**Application reference number:**

15/3/1/11/B4/45/Farm 1101, Stellenbosch

**Applicant/Owner:**

Planning Partners (Pty) Ltd, on behalf of JPY Family Trust.

**[illegible] number:**

F[illegible]n Rustenhof No. 1101, Stellenbosch

**Description and physical address:**

Farm Rustenhof, Firgrove, Somerset West. Refer to attached locality plan.

**Purpose of the Application:**

Application is made to the D:EA&DP i.t.o. the abovementioned legislation for the development of land that has been cultivated in the last 10 years. Application is made to subdivide Farm 1101, Stellenbosch into the Remainder Farm 1101 (134.3286 ha in extent) and a Portion A (5.9622 ha in extent).

Portion A will be utilised for:

- light industrial uses with ancillary uses; and
- warehousing uses with ancillary uses.

The Remainder Farm 1101 will be retained for agricultural uses.

**Enquiries:**

The application will be available for inspection at the DEA&DP offices during office hours (enquire with Samela Kwetana) at 1 Dorp Street, Cape Town, 8000.

DIRECTORS: GC Underwood T&RP(SA)BSc(T&RP)MSAPIMRTPI AN Wain PrLArchBSc(Hons)HORTMA(LArch)MILASA J Jordaan PrLArchBLArch(Hons)MILASA LE van Aarde BALLBM(T&RP)
ASSOCIATES: JE Dohse PrLArchBLArch(Hons) T Dix BArch CM van den Heever BArtetSclen(T&RP) A James NDHort AD Turrell NDLTech PM Satz BTech(T&RP) N Van Der Merwe BScM(T&RP)
FINANCE MANAGER: H Khan

Planning Partners (Pty) Ltd Reg. No. 2004/004262/07

**Opportunity to comment/object:**

Written comments/objections in response to the proposal must be submitted by means of the following communication:

1. By e-mail to samela.kwetana@westerncape.gov.za with a copy to nicolas@planpart.co.za;

2. By normal or registered mail to: Department of Environmental Affairs and Development Planning, Private Bag X9086, Cape Town, 8000; or

3. By hand to the Department of Environmental Affairs and Development Planning, Utilitas Building, 1 Dorp Street, Cape Town.

**Further details to accompany any comment/objection:**

All comments/objections must quote the:

- application reference number (15/3/1/11/B4/45/Farm 1101, Stellenbosch);
- property number (Farm 1101, Stellenbosch);

and include the details of the person who is submitting the comment/objection:

- full name;
- address, contact details and the method in which they may be notified;
- their interest in the application;

as well as the reasons for the comment/objection, including at least:

- the effect that the application will have on a person or the area; and
- any aspect of the application that is considered to be inconsistent with policy, and how.

**Closing date for comments/objections:**

Written comments/objections must be submitted within 30 days of receipt of this notice. No late comments/objections will be considered unless the Stellenbosch municipal manager has agreed thereto in writing.

**Relevant legislation:**

This notice is given in terms of the Land Use Planning Act (Act 3 of 2014) and the Western Cape Land Use Planning Regulations (2015).

**General:**

A comment or objection which does not meet the requirements in this notice may be disregarded.

Comments or objections form part of public documents and are forwarded to the applicant for response.

Any person who cannot write may ask for reasonable assistance at the DEA&DP offices during office hours within the 30 day period.

Yours faithfully

Nick van der Merwe

**Planning Partners (Pty.) Ltd.**

## Nicolas van der Merwe

**From:** Michele Wansbury <Michele.Wansbury@capetown.gov.za>
**Sent:** Friday, July 20, 2018 7:08 AM
**To:** Nicolas van der Merwe
**Subject:** RE: Riverside Business Park, Firgrove

Weereens baie dankie!!

Groete

Michele

**From:** Nicolas van der Merwe <nicolas@planpart.co.za>
**Sent:** Thursday, 19 July 2018 8:03 AM
**To:** Michele Wansbury <Michele.Wansbury@capetown.gov.za>
**Subject:** RE: Riverside Business Park, Firgrove

Goeie more,

Geen probleem! Sien asseblief aangeheg. Die beoogde gebruike is soortgelyk aan die Go Group ontwikkeling oorkant die terrein, maar met 'n laer klem op warehousing.

Goeie dag vir jou.

**Nick van der Merwe**
**Pr.Plan A/040/2007**

Planning Partners

**TOWN AND REGIONAL PLANNING, PROJECT PLANNING, LANDSCAPE ARCHITECTURE, MASTER PLANNING**
**Physical Address: Brickworks, Suite F03, 13 Brickfield Road, Salt River, 7925. Postal Address: PO Box 4866, Cape Town, 8000**
**Tel: +27(0)21 418 0510 Cell: +27(0) 82 3701 867**
**E-mail: nicolas@planpart.co.za**
**Website: www.planpart.co.za**

**From:** Michele Wansbury <Michele.Wansbury@capetown.gov.za>
**Sent:** Thursday, July 19, 2018 7:15 AM
**To:** Nicolas van der Merwe <nicolas@planpart.co.za>
**Subject:** RE: Riverside Business Park, Firgrove

Goeie môre Nicolas

Baie dankie vir die terugvoer.

Jammer ek is so knaend, maar kan jy ook asb net vir my hul definiering van "industriële gebruik" aanstuur?

Groete

Michele

**From:** Nicolas van der Merwe <nicolas@planpart.co.za>
**Sent:** Wednesday, 18 July 2018 8:49 AM
**To:** Michele Wansbury <Michele.Wansbury@capetown.gov.za>
**Subject:** RE: Riverside Business Park, Firgrove

Goeie more Michele,

Groot plesier. Jammer dat ek nie die aansoek direk aan julle gestuur het nie, maar eerder aan die 'City of Cape Town'. Ek was van plan om met ons Land Use Application proses dit vir julle te stuur, wat nog gaan volg.

Die betrokke soneringskema is die Artikel 8 Skema (aangeheg).

Laat weet indien daar enige verdere vrae is.

Groete

**Nick van der Merwe**
**Pr.Plan A/040/2007**

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**Tel: +27(0)21 418 0510 Cell: +27(0) 82 3701 867**
**E-mail: nicolas@planpart.co.za**
**Website: www.planpart.co.za**

**From:** Michele Wansbury <Michele.Wansbury@capetown.gov.za>
**Sent:** Wednesday, July 18, 2018 8:33 AM
**To:** Nicolas van der Merwe <nicolas@planpart.co.za>
**Subject:** RE: Riverside Business Park, Firgrove

Goeie dag Nicolas

Eerstens baie dankie vir die terugvoer.

Tweedens wil ek net verneem of dit moontlik is om 'n uittreksel die beoogde sonering en toelaatbare gebruike uit die betrokke Skemaregulagies vir my aan te stuur asb?

Groete

Michele

**From:** Nicolas van der Merwe <nicolas@planpart.co.za>
**Sent:** Monday, 16 July 2018 12:46 PM
**To:** Michele Wansbury <Michele.Wansbury@capetown.gov.za>
**Cc:** Ciska Smit <Ciska.Smit@capetown.gov.za>; Jeanine Williams <Jeanine.Williams@capetown.gov.za>
**Subject:** RE: Riverside Business Park, Firgrove

Goeie middag Michele,

Soos versoek, sien asseblief die aangehegde afskrif van die volledige aansoek.

Die ontwikkelingsvoorstelle is steeds dieselfde soos ons met jou en Daan op 7 Desember 2017 bespreek het tydens ons vergadering (ek heg die meeting minutes en teenwoordigheidslys ook aan).

Soos die kennisgewing aandui, is die huidige kommentaar op die Land Development Application aansoek in terme van LUPA en SPLUMA (sluitingsdatum is 31 Julie 2018):
DEVELOPMENT APPLICATION FOR FARM RUSTENHOF NO. 1101, STELLENBOSCH, REQUIRING APPROVAL IN TERMS OF SECTION 53(1) OF THE LAND USE PLANNING ACT (LUPA), 2014 (ACT 3 OF 2014) AND REGULATION 10(1)(b) OF THE WESTERN CAPE LAND USE PLANNING REGULATIONS, 2015

Die grondgebruiksaansoek wat by Stellenbosch Munisipaliteit ingedien is sal binnekort ook geadverteer word in terme van die Stellenbosch Beplannings By-wet, waar jul weer genader gaan word vir kommentaar.

Laat weet gerus indien daar enige vrae is.

Groete

**Nick van der Merwe**
**Pr.Plan A/040/2007**

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**Tel: +27(0)21 418 0510 Cell: +27(0) 82 3701 867**
**E-mail: nicolas@planpart.co.za**
**Website: www.planpart.co.za**

**From:** Michele Wansbury <Michele.Wansbury@capetown.gov.za>
**Sent:** Monday, July 16, 2018 12:34 PM
**To:** Nicolas van der Merwe <nicolas@planpart.co.za>
**Cc:** Ciska Smit <Ciska.Smit@capetown.gov.za>; Jeanine Williams <Jeanine.Williams@capetown.gov.za>
**Subject:** RE: Riverside Business Park, Firgrove

Goeie dag Nick

As aangrensende owerheid, kan u asb vir ons besonderhede van die aansoek e-pos asook die relevante planne?

Kan u ook die formele sluitingsdatum vir kommentare bevestig?

Die nodige inligting kan u sommer direk na my e-pos aanstuur.

Regards / Groete

**Michele Wansbury** Pr. Pln A/1849/2014
Senior Professional Officer: Helderberg
Department: Development Management

Cnr. Andries Pretorius & Victoria Street,
Somerset West, P.O. Box 19, 7130

**T** 021 444 4630

**E** michele.wansbury@capetown.gov.za
**W** www.capetown.gov.za

TDA CAPE TOWN
The City of Cape Town's Transport and Urban Development Authority

DROUGHT CRISIS
THINK WATER
www.capetown.gov.za/thinkwater

**From:** Nicolas van der Merwe <nicolas@planpart.co.za>
**Sent:** Monday, 16 July 2018 10:36 AM
**To:** Ciska Smit <Ciska.Smit@capetown.gov.za>
**Cc:** Michele Wansbury <Michele.Wansbury@capetown.gov.za>
**Subject:** RE: Riverside Business Park, Firgrove

Good morning Ciska,

Thank you for the information. It seems the same as the list you sent before on 26 June 2018. I just note that you added the following two properties:

- Erf 2 (ownership is NATIONAL HOUSING BOARD)
- Erf 604 (ownership is CITY OF CAPE TOWN)

Since these two properties are owned by entities that were sent notices on 27 June 2018, can we assume the public participation is complete?

I attach the complete list (Stellenbosch Municipality and CCT properties) of where the notices were sent to, as well as the registered mail slips. The relevant CCT addresses are:

| LIS Key | Erf Number | Organization Name | Address Line 6 | Address Line 8 | Postal Code |
|---|---|---|---|---|---|
| 414171 | 189 | RAAD VAN VERTEENWOORDIGERS | PRIVATE BAG X 9083 | KAAPSTAD | 8000 |
| **414172** | **190** | **CITY OF CAPE TOWN** | **PO BOX 3** | **MACASSAR** | **7139** |
| 414642 | 470 | NASIONALE BEHUISINGSRAAD | PRIVAATSAK X 9083 | KAAPSTAD | 8000 |
| **439707** | **184** | **NATIONAL HOUSING BOARD** | **PRIVATE BAG X 9083** | **CAPE TOWN** | **8000** |
| 439708 | 185 | NATIONAL HOUSING BOARD | PRIVATE BAG X 9083 | CAPE TOWN | 8000 |
| 439709 | 186 | NATIONAL HOUSING BOARD | PRIVATE BAG X 9083 | CAPE TOWN | 8000 |
| 439710 | 187 | NATIONAL HOUSING BOARD | PRIVATE BAG X 9083 | CAPE TOWN | 8000 |
| 439711 | 188 | NATIONAL HOUSING BOARD | PRIVATE BAG X 9083 | CAPE TOWN | 8000 |
| 439712 | 191 | NATIONAL HOUSING BOARD | PRIVATE BAG X 9083 | CAPE TOWN | 8000 |

Kind

Property information

Report

| Property | Value |
|---|---|
| Usage Code | |
| Usage | |
| Area (Calculated) | 888.05 m2 |
| Total Value | |
| Valuation Year | |
| Approval Date | |
| Registered Date | |
| Purchase Date | |
| Purchase Price | |
| Title Deed Number | |
| Business Partner Nr | |
| Owner Title | |
| Owner Name | |
| Owner First Name | |
| Language | |
| Owner Postal Address | |
| ID Number | |
| Rate payer Name | |
| Rate payer Street Address | |
| Rate payer Postal Address | |
| key | 713288 |
| Physical Address | 10 PETUNIA STREET, FIRGROVE |
| Erf No | 195 |

Regards

**Nick van der Merwe**
**Pr.Plan A/040/2007**

Planning Partners

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**Tel: +27(0)21 418 0510 Cell: +27(0) 82 3701 867**
**E-mail: nicolas@planpart.co.za**
**Website: www.planpart.co.za**

**From:** Ciska Smit <Ciska.Smit@capetown.gov.za>
**Sent:** Monday, July 16, 2018 10:18 AM
**To:** Nicolas van der Merwe <nicolas@planpart.co.za>
**Cc:** Michele Wansbury <Michele.Wansbury@capetown.gov.za>
**Subject:** FW: Riverside Business Park, Firgrove

Goeie more

Sien asseblief die adreslys soos aangevra.

Dankie

**MICHELE WANSBURY**
**TEL NO : 021 444 4630 / EPOS : Michele.wansbury@capetown.gov.za**

---

**From:** Michele Wansbury
**Sent:** 13 July 2018 03:44 PM
**To:** Ciska Smit
**Subject:** FW: Riverside Business Park, Firgrove

Hi Ciska

Kan ons dringend gou gesels ?

Michele

**From:** Nicolas van der Merwe <nicolas@planpart.co.za>
**Sent:** Friday, 22 June 2018 11:48 AM
**To:** Michele Wansbury <Michele.Wansbury@capetown.gov.za>; Daan Visser <Daniel.Visser@capetown.gov.za>
**Subject:** RE: Riverside Business Park, Firgrove

Hallo Michele and Daan,

Pedro April of Stellenbosch has just sent me the attached map of the applicable properties to send the notices to.

I require the addresses for these please.

Thank you very much for your time.

**Nick van der Merwe**
**Pr.Plan A/040/2007**

Planning Partners

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**Tel: +27(0)21 418 0510 Cell: +27(0) 82 3701 867**
**E-mail: nicolas@planpart.co.za**
**Website: www.planpart.co.za**

**From:** Nicolas van der Merwe
**Sent:** Friday, June 22, 2018 11:12 AM
**To:** Michele Wansbury <Michele.Wansbury@capetown.gov.za>; 'Daan Visser' <Daniel.Visser@capetown.gov.za>
**Subject:** Riverside Business Park, Firgrove

Goeie more Michele en Daan,

Ek vertrou dit gaan goed met julle?

Ek het asseblief jul hulp nodig. Ek weet nie of jul my direk kan help, of my kan verwys na die regte persoon nie.

Ons is gereed om die publieke deelname proses te begin vir die aansoek op Farm 1101, Stellenbosch (ligte industriele gebruik). Soos jul weet by die Stellenbosch Munisipaliteit, moet die aansoeker self die advertensie proses onderneem. Ons moet dus ook kennisgewings aan die bure stuur. Stellenbosch Munisipaliteit kan vir my die kontak addresse vir die Stellenbosch eienaars gee, maar natuurlik nie vir die aangrensende bure binne julle munisipale area nie.

Sal jy asseblief vir my die addresse kan gee vir die aangrensende grondeienaars wie ek op die aangehegde kaart aangedui het?

Baie dankie

**Nick van der Merwe**
**Pr.Plan A/040/2007**

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**: +27(0)21 418 0510 Cell: +27(0) 82 3701 867**
**E-mail: nicolas@planpart.co.za**
**Website: www.planpart.co.za**

**From:** Daan Visser <Daniel.Visser@capetown.gov.za>
**Sent:** Thursday, December 7, 2017 9:14 AM
**To:** Nicolas van der Merwe <nicolas@planpart.co.za>
**Cc:** Michele Wansbury <Michele.Wansbury@capetown.gov.za>
**Subject:** RE: Riverside Business Park, Firgrove

Hi Nick,

Gedagte was dat julle sal reel.

Ons kan moontlik verkeer daar kry en water maar heel moontlik nie paaie

Groete

***aan Visser*** Pr Pln (SA) (A/918/1996)
District Manager: Helderberg
Department: Development Management

Cnr. Andries Pretorius & Victoria Street,
Somerset West, PO Box 19, 7130

**T** + 27 21 444 4618
**M** +27 83 652 8186

**E** daan.visser@capetown.gov.za
**W** www.capetown.gov.za

TDA
CAPE TOWN
The City of Cape Town's Transport and Urban Development Authority

**From:** Nicolas van der Merwe [mailto:nicolas@planpart.co.za]
**Sent:** Thursday, December 07, 2017 8:36 AM
**To:** Daan Visser
**Subject:** RE: Riverside Business Park, Firgrove

Goeie more Daan,

Ons vergadering van vanmiddag het betrekking. Ek vermoed daar was mis-kommunikasie tussen ons, aangesien ek gedink het jy sal die relevante ingenieurs nooi na die vergadering (ek het dalk jou epos hieronder verkeerd gelees). En ek neem aan jy het gedink ek sal dit doen. Jammer as dit 'n misverstand was aan my kant.

Ek verneem by ons verkeersingenieur, Piet van Blerk, dat die verkeer en siviele ingenieurs nie bewus is van vanmiddag se vergadering nie. Is dit die geval?

Is dit moontlik om nog iemand van siviel en verkeer by ons vergadering te he vanmiddag 12:30? Dit sal die pre-consultation meeting meer volledig maak. Indien nie, sal ek steeds deurkom en ons kan slegs die beplannings aspekte kortliks bespreek. Ek glo egter dat verkeer en dienste die belangrikste items is.

Kan jy my asseblief skakel hieroor so gou jy 'n kans kry?

Groete

**Nick van der Merwe**
**Pr.Plan A/040/2007**

Planning Partners

**TOWN AND REGIONAL PLANNING, PROJECT PLANNING, LANDSCAPE ARCHITECTURE, ENVIRONMENTAL PLANNING, URBAN DESIGN**
**16 Bree Street, PO Box 4866, Cape Town, 8000**
**Tel: +27(0)21 418 0510 Mobile: +27(0)82 3701 867**
**E-mail: nicolas@planpart.co.za**
**Website: www.planpart.co.za**

**From:** Daan Visser [mailto:Daniel.Visser@capetown.gov.za]
**Sent:** Tuesday, November 21, 2017 1:25 PM
**To:** Nicolas van der Merwe <nicolas@planpart.co.za>
**Cc:** Jeanine Williams <Jeanine.Williams@capetown.gov.za>
**Subject:** RE: Riverside Business Park, Firgrove

Goeie dag Nicolas,

Donderdag 7 Desember 12:30, Maandag 11 Desember 10:00 of 14:00 lyk na datums wanneer ons en Ingenieurs beskikbaar kan wees.

Groete

***Daan Visser*** Pr Pln (SA) (A/918/1996)
District Manager: Helderberg
Department: Development Management

Cnr. Andries Pretorius & Victoria Street,
Somerset West, PO Box 19, 7130

**T** + 27 21 444 4618
**M** +27 83 652 8186

**E** daan.visser@capetown.gov.za

W www.capetown.gov.za

TDA CAPE TOWN
The City of Cape Town's Transport and Urban Development Authority

**From:** Nicolas van der Merwe [mailto:nicolas@planpart.co.za]
**Sent:** Tuesday, November 21, 2017 8:41 AM
**To:** Daan Visser; Jeanine.Willliams@capetown.gov.za
**Subject:** Riverside Business Park, Firgrove

Goeie more Daan en Jeanine,

Jan Yntema van *Go Projects* het ons kom sien oor 'n potensiele ontwikkeling naby Firgrove (konsep plan aangeheg). Ek verneem hy het jule reeds hieroor kom sien en julle het reeds advies aan hom gegee rakende sekere aspekte. Soos jy weet is die eiendom in die gebied van Stellenbosch Munisipaliteit, maar die Stad Kaapstad voorsien alle dienste in hierdie gedeelte, asook die toegangspad wat geaffekteer word val binne die gebied van die Stad Kaapstad.

Jan het nou 'n professionele span aangestel (stadsbeplanner, landmeter, siviele ingenieur, verkeersingenieur, argitek en omgewsingskonsultant) en die konsep uitlegplan sal binne die volgende paar dae verbeter word. Die projek begin dus nou momentum kry en ons wil graag vir jou departement, vervoer en ingenieursdienste kom sien as 'n tipe van 'pre-consultation meeting'. Die vergadering sal slegs fokus op hierdie 'klein' projek en die oorgrote projek sal nie bespreek word nie.

Ek is bewus dat Stellenbosch Munisipaliteit die besluit oor die beplanningsaansoek sal maak, maar hulle het aangedui dat ons jul beplanningskommentaar en bewys van dienste verskaffing en goedkeuring vir die pad toegang benodig.

Is dit moontlik om volgende week of die week daarna vir julle te kom sien om die projek te bespreek? Kan julle asseblief 'n paar datums en tye gee wat julle sal pas en ek sal die vergadering reel?

Skakel my gerus indien julle dit wil bespreek.

Groete

**Nick van der Merwe**
**Pr.Plan A/040/2007**

Planning Partners

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

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E-mail: admin@planpart.co.za
Website: www.planpart.co.za

Municipal Application Number: LU/7684
Municipal File Reference Number: Farm 1101, Stellenbosch
Applicant Reference Number: 4400
Enquiries: Nick van der Merwe
Contact No: 021 418 0510
Email address: nicolas@planpart.co.za
Date: 6 September 2018

**REGISTERED MAIL**
City of Cape Town
PO Box 3
Macassar
7139

Sir/Madam (as the owner Erf 190, Firgrove),

**APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM COUNCIL'S SPATIAL DEVELOPMENT FRAMEWORK: FARM NO. 1101, STELLENBOSCH DIVISION (RUSTENHOF FARM, WATERWORKS ROAD, FIRGROVE)**

1. The Stellenbosch Municipality has received an application for subdivision, rezoning, site development plan approval and deviation from council's Spatial Development Framework applicable to Farm 1101, Stellenbosch in terms of section 15 of the Stellenbosch Municipal Land Use Planning By-law. Attached please find a copy of the application.

2. Kindly provide your written comments on the application in terms of section 51(2) of the said legislation within 60 days of receipt of this letter. Your comments should be addressed ***to the applicant*** in one of the following manners:

| **APPLICANT** |
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| **Registered mail or normal mail** |
| Planning Partners (Pty) Ltd, PO Box 4866, Cape Town, 8000 |
| **Or faxed to** |
| 021-418 0502 |
| **Or hand delivered to** |
| Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfield Road, Salt River, 7925 |
| **Or e-mailed to** |
| Nick van der Merwe: nicolas@planpart.co.za |

3. Should no comments be received, it will be deemed that you have no comment.

Yours faithfully

**NICK VAN DER MERWE**
**Planning Partners (Pty) Ltd**

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E-mail: admin@planpart.co.za
Website: www.planpart.co.za

**REGISTERED MAIL**
City of Cape Town
8 Rooikrans Avenue
Rooikrans Court
Grassy Park
7491

Sir/Madam (as the owner of Erf 604, Firgrove),

**APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM COUNCIL'S SPATIAL DEVELOPMENT FRAMEWORK: FARM NO. 1101, STELLENBOSCH DIVISION (RUSTENHOF FARM, WATERWORKS ROAD, FIRGROVE)**

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**NICK VAN DER MERWE**
**Planning Partners (Pty) Ltd**

PLANNING PARTNERS

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

**BY REGISTERED MAIL**

Our Ref: 4400

7 March 2018

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

**COPY TO:**

Department of Agriculture: Western Cape
Private Bag X1
ELSENBURG
7607

**FOR ATTENTION: Mr Cor van der Walt**

Dear Sir,

**FARM 1101, STELLENBOSCH: APPLICATION FOR SUBDIVISION OF AGRICULTURAL LAND AND REZONING**, AS WELL AS SITE DEVELOPMENT PLAN APPROVAL AND AMENDMENT OF THE STELLENBOSCH MUNICIPALITY SITE DEVELOPMENT FRAMEWORK

Planning Partners has been appointed by *JPY Family Trust*, the prospective buyer of a portion of Farm 1101, Stellenbosch (Firgrove), to provide the necessary professional services to acquire the land use rights to establish a light industrial and warehouse development on the purchased development portion (zoned Agricultural and Rural). The proposed development portion is 5.9622 ha in extent and hereafter referred to as 'the site'.

The development proposal requires the following application to be made to your Department:

1) Application to the National Department of Agriculture:

   a. **Subdivision of agricultural land** in terms of Act 70 of 1970 to cut off the development portion from the Remainder Farm.

Please find attached two hard copies and one digital copy of the official Department of Agriculture application form, six copies of the required sketch plan and certified copies of the title deed, as well as the motivation report for the development proposal and the ancillary documentation.

DIRECTORS: GC Underwood T&RP(SA)BSc(T&RP)MSAPIMRTPI · AN Wain PrLArchBSc(Hons)HORTMA(LArch)MILASA · J Jordaan PrLArchBLArch(Hons)MILASA · LE van Aarde BA.LLBM(T&RP)
ASSOCIATES: JE Dohse PrLArchBLArch(Hons) · T Dix BArch · CM van den Heever BArtetScien(T&RP) · A James NDHort · AD Turrell NDLTech · PM Satz BTech(T&RP) · N Van Der Merwe BScM(T&RP)
FINANCE MANAGER: H Khan

Planning Partners (Pty) Ltd Reg. No. 2004/004262/07

The following applications are also required to be made to the following competent authorities, to be submitted as separate applications:

2) Applications to Stellenbosch Municipality:

   a. **Subdivision** in terms of Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015) to cut off the development portion from the Remainder Farm;

   b. **Rezoning of land** from Agriculture and Rural to Industrial in terms of Section 15(2)(a) of Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015);

   c. **Site Development Plan approval** in terms of Section 15(2)(g) of the Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015); and

   d. **Amendment of the Stellenbosch Municipality Spatial Development Framework** in terms of Section 15(2)(g) of Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015).

3) Application to Heritage Western Cape (HWC):

   a. **Notice of Intent to Develop** to HWC for the development of a site larger than 5 000 $m^2$ in extent in terms of Section 38(1)(c)(i) of the National Heritage Resources Act, Act 25 of 1999.

4) Application to the Department of Environmental Affairs and Development Planning:

   a. **Land Development Application** in terms of Section 53 of the Land Use Planning Act (LUPA, 2014), for a property that is zoned for agricultural purposes; and

   b. **Basic Assessment** in terms of the National Environmental Management Act (NEMA, 2014). D:EA&DP must still confirm if this application is required.

It is acknowledged that the agricultural subdivision is decided by the National Department of Agriculture. The planning applications are decided by Stellenbosch Municipality, the heritage application is decided by Heritage Western Cape and the Land Development Application by the Department of Environmental Affairs and Development Planning. The land use, heritage and environmental applications will be submitted as separate applications and will run in parallel to the agricultural subdivision application process.

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**BY REGISTERED MAIL**

Our Ref: 4400

7 March 2018

Directorate Land Use and Sustainable Resource Management
National Department of Agriculture
Private Bag X120
PRETORIA
0001

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

**FOR ATTENTION: Mr Selekane Phahladira**

Dear Sir,

**FARM 1101, STELLENBOSCH: APPLICATION FOR SUBDIVISION OF AGRICULTURAL LAND AND REZONING**, AS WELL AS SITE DEVELOPMENT PLAN APPROVAL AND AMENDMENT OF THE STELLENBOSCH MUNICIPALITY SITE DEVELOPMENT FRAMEWORK

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FINANCE MANAGER: H Khan

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We trust that you will find the above in order, but please do not hesitate to contact us should any additional information/documentation be required.

We eagerly await your response.

Yours Faithfully

**NICK VAN DER MERWE**
**PLANNING PARTNERS**

Cc Mr. Cor van der Walt, Provincial Department of Agriculture
Mr. Pedro April, Stellenbosch Municipality
Mr. Jan Yntema, JPY Family Trust

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Municipal Application Number: LU/7684
Municipal File Reference Number: Farm 1101, Stellenbosch
Applicant Reference Number: 4400
Enquiries: Nick van der Merwe
Contact No: 021 418 0510
Email address: nicolas@planpart.co.za
Date: 6 September 2018

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E-mail: admin@planpart.co.za
Website: www.planpart.co.za

**REGISTERED MAIL**
Department of Water Affairs and Forestry
Private Bag X16
Sanlamhof
7532

Sir/Madam,

**APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM COUNCIL'S SPATIAL DEVELOPMENT FRAMEWORK: FARM NO. 1101, STELLENBOSCH DIVISION (RUSTENHOF FARM, WATERWORKS ROAD, FIRGROVE)**

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Yours faithfully

**NICK VAN DER MERWE**
**Planning Partners (Pty) Ltd**

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PO Box 4866, Cape Town 8000, South Africa
Tel: +27 (0)21 418-0510
E-mail: admin@planpart.co.za
Website: www.planpart.co.za

**REGISTERED MAIL**
Department of Transport and Public Works
PO Box 2603
Cape Town
8000

Sir/Madam,

**APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM COUNCIL'S SPATIAL DEVELOPMENT FRAMEWORK: FARM NO. 1101, STELLENBOSCH DIVISION (RUSTENHOF FARM, WATERWORKS ROAD, FIRGROVE)**

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Yours faithfully

**NICK VAN DER MERWE**
**Planning Partners (Pty) Ltd**

**Mark Berry Environmental Consultants**

21 February 2018

Dept of Environmental Affairs & Development Planning (Region 2)
1 Dorp Street
CAPE TOWN

ATT: SAMORNAY SMIDT

**APPLICABILITY OF THE 2014 NEMA LISTED ACTIVITIES (AS AMENDED) - PROPOSED INDUSTRIAL PARK ON A PORTION OF REMAINDER OF FARM RUSTENHOF 1101 (STELLENBOSCH DIVISION), FIRGROVE**

**PRE-APPL REF NO: 16/3/3/6/7/1/B4/45/1259/17**

My e-mail correspondence to your office on 14 February 2018 and telephonic conversation on 21 February regarding the applicability of the 2014 NEMA listed activities have reference.

**Proposal**

The project is a continuation of the Firgrove office park, situated to the southeast of the site. It will include self-storage units, mini factories (light industrial), office buildings and parking areas (see proposed layout plan attached). Associated infrastructure will include an internal road network, a stormwater retention dam, sewer and water supply connections (see details below). The property will be rezoned from 'Agricultural Zone 1' to 'General Industrial'.

Dependent upon the best possible connection point, the proposed development could be supplied with potable water from either the Macassar or Firgrove water distribution zone. The anticipated water demand for the proposed development has been calculated to 129.6 kl/d. Due to limited water supply infrastructure in the vicinity of the site, it is advised that the development utilise on-site 48 hours storage tanks. In addition, an internal pressure booster pump would be required to supply the development under low flow conditions. However, although the options mentioned above could have sufficient capacity to service the development, when considering the cost implications as well as the Firgrove development as a whole, the better option would be to upgrade the Firgrove Station bulk water connection. This would allow for the developer to have a designated supply to the development.

[illegible], 7130
Tel. , Fax: 086 759 1908, Cell.
E-mail: [illegible]t

The proposed development is situated in the catchment of the Macassar foul sewer pump station, which has sufficient spare capacity to accommodate 3.56 l/s of sewage. Foul sewer is pumped via a rising main from the pump station to the Macassar WWTW. Two possible connection points exist for the development. Both connection points have sufficient spare capacity to accommodate the anticipated flow.

The site drains towards an existing stormwater channel running adjacent to the railway reserve on the south-western boundary of the site, and the runoff from the site will be discharged into this channel. In order to reduce impacts of urban stormwater systems on receiving waters, all stormwater management systems shall be planned and designed in accordance with best practice criteria and guidelines laid down by the local authority, to support water sensitive urban design principles. The proposed development is ideally suited for conventional detention facilities such as a pond. As such, the Best Management Practice proposed to improve the quality and control of the quantity of the stormwater runoff is to construct a detention pond with a capacity of ±1900m³ at the low point on the site.

Access to the proposed development will be provided from the adjacent M9 road. The internal roads and parking areas will consist of a combination of premix and paved surfaces.

**Listed Activities**

After studying the EIA Regulations Listing Notices 1-3 of 2014 (as amended), it is argued that the proposal will not require authorisation from the Department of Environmental Affairs & Development Planning. This conclusion is drawn mainly from the arguments that the site is located inside an urban area as illustrated in the attached aerial photograph and that the development is set back 50 m or more from the Moddergat River.

In the Notice of Intent to develop, which was based on an earlier layout plan, the following listed activities were identified:

| Activity No(s): | Provide the relevant **Basic Assessment Listed Activity(ies)** as set out in **Listing Notice 1** (GN No. R. 983) |
|---|---|
| 12 | The development of buildings, infrastructure or structures with a physical footprint of 100 $m^2$ or more, where such development occurs within a watercourse or within 32 m of a watercourse outside an urban area. |
| 19 | The infilling or depositing of any material of more than 5 $m^3$ into, or the dredging, excavation, etc of soil, sand, etc of more than 5 $m^3$ from a watercourse. |
| 28 | Commercial or industrial developments where such land was used for agriculture on or after 1 April 1998 and where such development will occur outside an urban area, where the total land to be developed is bigger than 1 ha. |

It is herewith argued (submitted) that the proposed development site is located inside an urban area as defined in the NEMA EIA regulations. The reason for this is that the site is

basically surrounded by urban type developments, except for the northern side (see attached aerial photograph illustrating the surrounding land uses). On the northern side it is also cut off from farm land to the north by a tarred public road, which further supports its exclusion from the rural area.

Due to its problematic position on the boundary between two municipal areas, the site is currently located outside the Stellenbosch municipal urban edge. The latter should however not carry a lot of weight since the logical next step would be to request for an amendment of the urban edge, probably in favour of the City of Cape Town who will supply the necessary services for the development. Please also note that this development receives support from the local authorities due to its strategic position as a future industrial node.

With regards to excavating/filling activities within 32 m of a watercourse, the development footprint has been pulled at least 50 m away from the nearby Moddergat River. This was confirmed by a freshwater specialist in an e-mail, hereby attached. Apart from an artificial water channel which originates from the road and cutting through the north-western corner of site, no watercourses or wetlands have been identified on site. The site is partially covered by a vineyard, with the remainder severely disturbed/transformed by past stockpiling/earthmoving activities.

**Conclusion**

We hereby wish that you consider the above arguments favourably in allowing the project to proceed, subject to any other approvals required, including comment/approval from HWC, authorisation in terms of LUPA (2015), subdivision of agricultural land, and municipal approvals in terms of the Stellenbosch Municipal Planning Bylaw. However, if any construction work is deemed necessary inside the Moddergat River, an application will need to be referred back to your office. Please contact the undersigned if further information is needed.

Yours sincerely,



Mark Berry Pr Sci Nat

, 7130

Tel: , Fax: 086 759 1908,

E-mail:

HWC 002/02/ED (4 Jul 14)

iLifa leMveli leNtshona Koloni
Erfenis Wes-Kaap
Heritage Western Cape

# NOTIFICATION OF INTENT TO DEVELOP

Completion of this form is required by Heritage Western Cape for the initiation of all impact assessment processes under Section 38(1) & (8) of the National Heritage Resources Act (NHRA).

Whilst it is not a requirement, it may expedite processes and in particular avoid calls for additional information if certain of the information required in this form is provided by a heritage specialist/s with the necessary qualifications, skills and experience.

## A. APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA)

| HWC Case Number: 18032302 | DEADP Reference Number: 16/3/3/6/7/1/B4/45/1259/17 |
|---|---|

**NOTE:** A DEADP (W Cape Dept. Environment Affairs & Development Planning) reference number must be included in all NHRA Section 38(8) processes where DEADP is the decision making authority under NEMA. The effect of this requirement is that the NEMA process must be initiated with DEADP prior to the NHRA process with HWC.

If a DEADP reference number is not entered above please check one of the following boxes:

☐ This application is made in terms of Section 38(8) of the NHRA and an application under NEMA has been made to the following authority: See DEA&DP comment attached

☒ This development will not require a NEMA application.

**NOTE:** Making an incorrect statement or providing incorrect information in this part of the form may result in all or part of the application having to be reconsidered by HWC in the future, or submission of a new application.

## B. BASIC DETAILS

PROPERTY DETAILS:

| | |
|---|---|
| Name of property: Portion of Remainder of Farm Rustenhof 1101, Stellenbosch | |
| Street address or location (eg: off R44): M3 Main Road, Firgrove | |
| Erf or farm number/s: Remainder Farm Rustenhof 1101, Stellenbosch | Coordinates: 34 03.017S 18 47.217E (A logical centre point. Format based on WGS84.) |
| Town or District: Firgrove | Responsible Municipality: Stellenbosch Municipality |
| Extent of property: 140.29 ha | Current use: The site has been transformed by past agricultural and stockpiling/earthmoving activities. Half the site is covered by a vineyard and the other half has been disturbed by soil removal and stockpiling. Overhead Eskom power lines also cross the site. |
| Predominant land use/s of surrounding properties: Industrial, residential, Eskom substation & agriculture | |

REGISTERED OWNER OF PROPERTY:

| | | |
|---|---|---|
| Name Rustenhof Boerdery (Pty) Ltd (c/o Mark Berry of Mark Berry Environmental Consultants) | | |
| Address 14 Alvin Crescent, Somerset West, 7130 | | |
| Telephone (021) 851-3458 | Cell 083 286-9470 | E-mail mberry@telkomsa.net |

By the submission of this form and all material submitted in support of this notification (ie: 'the material'), all applicant parties acknowledge that they are aware that the material and/or parts thereof will be put to the following uses and consent to such use being made: filing as a public record; presentations to committees, etc; inclusion in databases; inclusion on and downloading from websites; distribution to committee members and other stakeholders and any other use required in terms of powers, functions, duties and responsibilities allocated to Heritage Western Cape under the terms of the National Heritage Resources Act. Should restrictions on such use apply or if it is not possible to copy or lift information from any part of the digital version of the material, the material will be returned unprocessed.

I confirm that I enclose with this form four hardcopies of all material submitted together with a CD ROM containing digital versions of all of the same.

Signature of owner or authorised agent
(Agents must attach copy of power of attorney to this form.)

Date 23 / 03 / 2018

DEVELOPMENT DETAILS:

Please indicate below which of the following Sections of the National Heritage Resources Act, or other legislation has triggered the need for notification of intent to develop.

| | |
|---|---|
| ☐ S38(1)(a) Construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier over 300m in length. | S38(1)(c) Any development or activity that will change the character of a site - |
| ☐ S38(1)(b) Construction of a bridge or similar structure exceeding 50m in length. | ☒ (i) exceeding 5 000m$^2$ in extent; |
| ☒ S38(1)(d) Rezoning of a site exceeding 10 000m$^2$ in extent. | ☐ (ii) involving three or more existing erven or subdivisions thereof; |
| ☒ Other triggers, eg: in terms of other legislation, (ie: National Environment Management Act, etc.) Please set out details: Land development application in terms of the Land Use Planning Act 2015; Subdivision of agricultural land in terms of the Subdivision of Agricultural Land Act No 70 of 1970; Subdivision and rezoning of the subdivided portion from 'Agriculture' to 'Industrial' in terms of the Stellenbosch Municipal Planning Bylaw 2015; Approval of site development plan in terms of the Stellenbosch Municipal Planning Bylaw 2015 | ☐ (iii) involving three or more erven or divisions thereof which have been consolidated within the past five years.<br><br>If you have checked any of the three boxes above, describe how the proposed development will change the character of the site: The site, which is currently covered by a vineyard, earth stockpiles and Eskom powerlines, will be developed into a business park, comprising self-storage units, mini factories, office buildings and parking areas. |

If an impact assessment process has also been / will be initiated in terms of other legislation please provide the following information:

Authority / government department (ie: consenting authority) to which information has been /will be submitted for final decision: Department of Environmental Affairs & Development Planning has confirmed that the proposed activity does not trigger any NEMA listed activities.

Present phase at which the process with that authority stands: N/A

Provide a full description of the nature and extent of the proposed development or activity including its potential impacts (eg: changes in land use, envisaged timeframes, provision of additional bulk services, excavations, landscaping, total floor area, height of development, etc. etc.): The project is a continuation of the Firgrove office park, situated to the southeast of the site. It will include self-storage units, mini factories (light industrial), office buildings and parking areas. Associated infrastructure will include an internal road network, a stormwater retention dam, sewer and water supply connections (see details below). The property will be rezoned from 'Agricultural Zone 1' to 'General Industrial'.

Development footprint = 5.96 ha
Total footprint of built-up areas = 3.35 ha

WATER SUPPLY
Dependent upon the best possible connection point, the proposed development could be supplied with potable water from either the Macassar or Firgrove water distribution zone. The anticipated water demand for the proposed development has been calculated to 129.6 kl/d. Due to limited water supply infrastructure in the vicinity of the site, it is advised that the development utilise on-site 48 hours storage tanks. In addition, an internal pressure booster pump would be required to supply the development under low flow conditions. However, although the options mentioned above could have sufficient capacity to service the development, when considering the cost implications as well as the Firgrove development as a whole, the better option would be to upgrade the Firgrove Station bulk water connection. This would allow for the developer to have a designated supply to the development.

SEWER
The proposed development is situated in the catchment of the Macassar foul sewer pump station, which has sufficient spare capacity to accommodate 3.56 l/s. Foul sewer is pumped via a rising main from the pump station to the Macassar WWTW. Two possible connection points exist for the development. Both connection points have sufficient spare capacity to accommodate the anticipated flow.

STORMWATER
The site drains towards an existing stormwater channel running adjacent to the railway reserve on the south-western boundary of the site, and the runoff from the site will be discharged into this channel. In order to reduce impacts of urban stormwater systems on receiving waters, all stormwater management systems shall be planned and designed in accordance with best practice criteria and guidelines laid down by the local authority, to support water sensitive urban design principles and the following specific sustainable urban drainage system objectives, namely to improve the quality of the runoff, to control the quantity and rate of runoff, and to encourage natural groundwater recharge. The proposed development is ideally suited for conventional detention facilities such as a pond. As such, the Best Management Practice proposed to improve the quality and control of the quantity of the stormwater runoff is to construct a detention pond with a capacity of approximately 1900 $m^3$ at the low point on the site.

ROADS
Access to the proposed development will be provided from the adjacent M9 road. The internal roads and parking areas will consist of a combination of premix and paved surfaces.

## C. HERITAGE RESOURCES AND IMPACTS THEREUPON

Section 3 of the National Heritage Resources Act sets out the following categories of heritage resource as forming part of the national estate. Please indicate the known presence of any of these by checking the box alongside and then providing a description of each occurrence, including nature, location, size, type

Failure to provide sufficient detail or to anticipate the likely presence of heritage resources on the site may lead to a request for more detailed specialist information.

(The assistance of relevant heritage professionals is particularly relevant in completing this section.)

Provide a short history of the site and its environs (Include sources where available): As stated previously, the site has been transformed by past agricultural and stockpiling/earthmoving activities. Half the site is covered by a vineyard and the other half has been disturbed by soil removal and stockpiling. Overhead Eskom power lines also cross the site. The site is situated next to Firgrove, a peri-urban village immediately north-east of Macassar and 3 km west of Somerset West. Agriculture (vineyards) is the main economic activity north of the site, while light industrial and residential land uses occur to the south. Most residents in the area work in Somerset-West/Strand, Cape Town and surrounding areas. Firgrove also has a railway station and is currently the only industrial node in the Western Cape to offer affordable prime land suitable for big box warehousing and large scale manufacturing facilities in a secure environment.

Please indicate which heritage resources exist on the site and in its environs, describe them and indicate the nature of any impact upon them:

| | |
|---|---|
| ☐ | **Places, buildings, structures and equipment of cultural significance**<br>Description of resource: There are no known heritage resources in the immediate area of the site. The Vergenoegd historical homestead and wine estate is situated 4.6 km away to the northwest and the Sheikh Yusuf Kramat (Macassar) is located 3.7 km away to the southwest. The kramat is one of the South African Muslim community's holiest places.<br>Description of impact on heritage resource: None |
| ☐ | **Places to which oral traditions are attached or which are associated with living heritage**<br>Description of resource:<br>Description of impact on heritage resource: |
| ☐ | **Historical settlements and townscapes**<br>Description of resource:<br>Description of impact on heritage resource: |
| ☒ | **Landscapes and natural features of cultural significance**<br>Description of resource: The site is located on the southern edge of the Stellenbosch wine region. It is bound by a railway line, an Eskom substation and a public road, the latter separating it from the agricultural area (vinelands) to the north.<br>Description of impact on heritage resource: Impact is not considered significant since the site is argued to be located inside an urban area as per definition in the NEMA EIA regulations. |
| ☐ | **Geological resources of scientific or cultural importance**<br>Description of resource:<br>Description of impact on heritage resource: |
| ☐ | **Archaeological resources** (Including archaeological sites and material, rock art, battlefields & wrecks):<br>Description of resource: Due to the disturbed/transformed state (vineyard and earth stockpiles) of the site, it is highly unlikely that any archaeological resources still remain or will be affected by the project. |

| | |
|---|---|
| | Description of impact on heritage resource: None expected. |
| ☐ | **Palaeontological resources** (ie: fossils)**:**<br>Description of resource:<br>Description of impact on heritage resource: |
| ☐ | **Graves and burial grounds** (eg: ancestral graves, graves of victims of conflict, historical graves & cemeteries)**:**<br>Description of Resource:<br>Description of Impact on Heritage Resource: |
| ☐ | **Other human remains:**<br>Description of resource:<br>Description of impact on heritage resource: |
| ☐ | **Sites of significance relating to the history of slavery in South Africa:**<br>Description of resource:<br>Description of impact on heritage resource: |
| ☐ | **Other heritage resources:**<br>Description of resource:<br>Description of impact on heritage resource: |

Describe elements in the environs of the site that could be deemed to be heritage resources: The impact on cultural landscapes (i.e. Stellenbosch winelands) is not considered significant since the site is argued to be located inside an urban area. Although located on the southern edge of the Stellenbosch winelands, it is bound by a railway line, an Eskom substation and a public road, the latter separating it from the agricultural area to the north.

Description of impacts on heritage resources in the environs of the site: None

Summary of anticipated impacts on heritage resources: Due to the disturbed/transformed state (vineyard and earth stockpiles) of the site, no heritage or archaeological resources will be affected by the project. The impact on cultural landscapes (i.e. Stellenbosch winelands) is also not considered significant since the site is argued to be located inside an urban area. Although located on the southern edge of the Stellenbosch winelands, it is bound by a railway line, an Eskom substation and a public road, the latter separating it from the agricultural area to the north.

ILLUSTRATIVE MATERIAL (This form will not be processed unless the following are included):

Attach to this form a minimum A4 sized locality plan showing the boundaries of the area affected by the proposed development, its environs, property boundaries and a scale. The plan must be of a scale and size that is appropriate to creating a clear understanding of the development.

Attach also other relevant graphic material such as maps, site plans, satellite photographs and photographs of the site and the heritage resources on it and in its environs. These are essential to the processing of this notification.

Please provide all graphic material on paper of appropriate size and on CD ROM in JPEG format. It is essential that graphic material be annotated via titles on the photographs, map names and numbers, names of files and/or provision of a numbered list describing what is visible in each image.

## D. RECOMMENDATION

| In your opinion do you believe that a heritage impact assessment is required? ☐ Yes ☒ No |
|---|
| Recommendation made by:<br>Name Mark Berry PhD, Pr Sci Nat<br>Capacity Environmental Assessment Practitioner |
| **PLEASE NOTE:** No Heritage Impact Assessment should be submitted with this form or conducted until Heritage Western Cape has expressed its opinion on the need for such and the nature thereof. |

## E. INFORMATION TO BE PROVIDED AND STUDIES TO BE CONDUCTED AS PART OF THE HERITAGE IMPACT ASSESSMENT (HIA)

If it is recommended that an HIA is required please complete this section of the form.

DETAILS OF HERITAGE PRACTITIONERS AND SPECIALISTS INTENDING TO CONDUCT THE HIA:

| | |
|---|---|
| 1. | Name of individual: Name of Practice: Area of specialisation:<br>Qualifications:<br>Experience:<br>Standing in heritage resource management:<br>E-mail Address: Telephone: Cell: |
| 2. | Name of individual: Name of Practice: Area of specialisation:<br>Qualifications:<br>Experience:<br>Standing in heritage resource management:<br>E-mail Address: Telephone: Cell: |
| 3. | Name of individual: Name of Practice: Area of specialisation:<br>Qualifications:<br>Experience:<br>Standing in heritage resource management:<br>E-mail Address: Telephone: Cell: |
| 4. | Name of individual: Name of Practice: Area of specialisation:<br>Qualifications:<br>Experience:<br>Standing in heritage resource management:<br>E-mail Address: Telephone: Cell: |

| | |
|---|---|
| 5. | Name of individual: Name of Practice: Area of specialisation:<br>Qualifications:<br>Experience:<br>Standing in heritage resource management:<br>E-mail Address: Telephone: Cell: |

| |
|---|
| If this submission is made in terms of Section 38(8) of the National Heritage Resources Act indicate below the particulars of the principle environmental consultant on the project. |
| Name of individual: Name of Practice: Area of specialisation:<br>E-mail Address: Telephone: Cell:<br>Postal Address: |

DETAILS OF STUDIES TO BE CONDUCTED IN THE INTENDED HIA

| | |
|---|---|
| In addition to the requirements set out in Section 38(3) of the NHRA, indicate envisaged studies: | |
| ☐ | Heritage resource-related guidelines and policies. |
| ☐ | Local authority planning and other laws and policies. |
| ☐ | Details of parties, communities, etc. to be consulted. |
| ☐ | Specialist studies, eg: archaeology, palaeontology, architecture, townscape, visual impact, etc. Provide details: |
| ☐ | Other. Provide details: |
| PLEASE NOTE: Any further studies which Heritage Western Cape may resolve should be submitted must be in the form of a single, consolidated report with a single set of recommendations. Specialist studies must be incorporated in full, either as chapters of the report, or as annexures thereto. | |

PLANNING PARTNERS

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

**BY HAND**

Our Ref: 4400

4 April 2018

Department of Environmental Affairs and Development Planning
Development Management: Region 2
2nd Floor, Utilitas Building
1 Dorp Street
CAPE TOWN
8000

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

**FOR ATTENTION: Mrs. Helene Janser**

Dear Madam,

**FARM 1101, STELLENBOSCH: APPLICATION FOR SUBDIVISION OF AGRICULTURAL LAND, REZONING, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM THE STELLENBOSCH MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK**

Planning Partners has been appointed by *JPY Family Trust*, the prospective buyer of a portion of Farm 1101, Stellenbosch (Firgrove), to provide the necessary professional services to acquire the land use rights to establish a light industrial and warehouse development on the purchased development portion (currently zoned Agricultural and Rural). The proposed development portion is 5.9622 ha in extent and hereafter referred to as 'the site'.

The development proposal requires the following applications to be made to your Department:

a. **Land Development Application** in terms of Section 53 of the Land Use Planning Act (LUPA, 2014), for a property that is zoned for agricultural purposes and which has been cultivated in the last ten years.

Please find attached one hard copy and two digital copies of the application, as was submitted to the Stellenbosch Municipality (relevant local authority).

The following applications are also required to be made to the following competent authorities, which have been submitted as separate applications:

1) Applications to Stellenbosch Municipality:

   a. **Subdivision** in terms of Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015) to subdivide the development portion from the Remainder Farm;

DIRECTORS: GC Underwood T&RP(SA)BSc(T&RP)MSAPIMRTPI · AN Wain PrLArchBSc(Hons)HORTMA(LArch)MILASA · J Jordaan PrLArchBLArch(Hons)MILASA · LE van Aarde BALLBM(T&RP)
ASSOCIATES: JE Dohse PrLArchBLArch(Hons) · T Dix BArch · CM van den Heever BArtetScien(T&RP) · A James NDHort · AD Turrell NDLTech · PM Satz BTech(T&RP) · N Van Der Merwe BScM(T&RP)
FINANCE MANAGER: H Khan

Planning Partners (Pty) Ltd Reg. No. 2004/004262/07

b. **Rezoning of land** from Agriculture and Rural to Industrial in terms of Section 15(2)(a) of Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015);

c. **Site Development Plan approval** in terms of Section 15(2)(g) of the Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015); and

d. **Deviation from the Stellenbosch Municipality Spatial Development Framework** in terms of Section 15(2)(g) of Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015).

2) Application to the National and Provincial Departments of Agriculture:

a. **Subdivision of agricultural land** in terms of Act 70 of 1970 to subdivide the development portion from the Remainder Farm.

3) Application to Heritage Western Cape (HWC):

a. **Notice of Intent to Develop** to HWC for the development of a site larger than 5 000 $m^2$ and rezoning of a site exceeding 10 000 $m^2$ in extent, in terms of Section 38(1)(c)(i) of the National Heritage Resources Act, Act 25 of 1999.

It is acknowledged that the planning applications are decided by Stellenbosch Municipality, the agricultural subdivision is decided by the National Department of Agriculture, the heritage application is decided by Heritage Western Cape and the Land Development Application by the Department of Environmental Affairs and Development Planning. The agriculture, heritage and environmental applications have been submitted as separate applications and will run in parallel to the land use application process.

We trust that you will find the above in order, but please do not hesitate to contact us should any additional information/documentation be required.

Yours Faithfully

**NICK VAN DER MERWE**
**PLANNING PARTNERS**

cc Mr. Jan Yntema, JPY Family Trust

PLANNING PARTNERS

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

Municipal Application Number: LU/7684
Municipal File Reference Number: Farm 1101, Stellenbosch
Applicant Reference Number: 4400
Enquiries: Nick van der Merwe
Contact No: 021 418 0510
Email address: nicolas@planpart.co.za
Date: 6 September 2018

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

**REGISTERED MAIL**
ESKOM Distribution
Land Development
PO Box 222
Brackenfell
7560

Sir/Madam,

**APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM COUNCIL'S SPATIAL DEVELOPMENT FRAMEWORK: FARM NO. 1101, STELLENBOSCH DIVISION (RUSTENHOF FARM, WATERWORKS ROAD, FIRGROVE)**

1. The Stellenbosch Municipality has received an application for subdivision, rezoning, site development plan approval and deviation from council's Spatial Development Framework applicable to Farm 1101, Stellenbosch in terms of section 15 of the Stellenbosch Municipal Land Use Planning By-law. Attached please find a copy of the application.
2. Kindly provide your written comments on the application in terms of section 51(2) of the said legislation within 60 days of receipt of this letter. Your comments should be addressed ***to the applicant*** in one of the following manners:

| **APPLICANT** |
|---|
| **Registered mail or normal mail** |
| Planning Partners (Pty) Ltd, PO Box 4866, Cape Town, 8000 |
| **Or faxed to** |
| 021-418 0502 |
| **Or hand delivered to** |
| Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfield Road, Salt River, 7925 |
| **Or e-mailed to** |
| Nick van der Merwe: nicolas@planpart.co.za |

3. Should no comments be received, it will be deemed that you have no comment.

Yours faithfully

**NICK VAN DER MERWE**
**Planning Partners (Pty) Ltd**

PLANNING PARTNERS
TOWN AND REGIONAL PLANNING · PROJECT PLANNING · LANDSCAPE ARCHITECTURE · MASTER PLANNING

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Tel: +27 (0)21 418-0510
E-mail: admin@planpart.co.za
Website: www.planpart.co.za

**REGISTERED MAIL**
Spoornet Property Management
Transnet
PO Box 36
Cape Town
8000

Sir/Madam,

**APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM COUNCIL'S SPATIAL DEVELOPMENT FRAMEWORK: FARM NO. 1101, STELLENBOSCH DIVISION (RUSTENHOF FARM, WATERWORKS ROAD, FIRGROVE)**

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| Nick van der Merwe: nicolas@planpart.co.za |

3. Should no comments be received, it will be deemed that you have no comment.

Yours faithfully

**NICK VAN DER MERWE**
**Planning Partners (Pty) Ltd**

PLANNING PARTNERS

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

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PO Box 4866, Cape Town 8000, South Africa
Tel: +27 (0)21 418-0510
E-mail: admin@planpart.co.za
Website: www.planpart.co.za

**REGISTERED MAIL**
Passenger Rail Agency of South Africa (PRASA)
Cape Town Station
1st floor Admin Wing
1 Adderley Street
Cape Town
8000

Sir/Madam,

**APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM COUNCIL'S SPATIAL DEVELOPMENT FRAMEWORK: FARM NO. 1101, STELLENBOSCH DIVISION (RUSTENHOF FARM, WATERWORKS ROAD, FIRGROVE)**

1. The Stellenbosch Municipality has received an application for subdivision, rezoning, site development plan approval and deviation from council's Spatial Development Framework applicable to Farm 1101, Stellenbosch in terms of section 15 of the Stellenbosch Municipal Land Use Planning By-law. Attached please find a copy of the application.
2. Kindly provide your written comments on the application in terms of section 51(2) of the said legislation within 60 days of receipt of this letter. Your comments should be addressed ***to the applicant*** in one of the following manners:

| **APPLICANT** |
|---|
| **Registered mail or normal mail** |
| Planning Partners (Pty) Ltd, PO Box 4866, Cape Town, 8000 |
| **Or faxed to** |
| 021-418 0502 |
| **Or hand delivered to** |
| Planning Partners (Pty) Ltd, Suite F03 Brickworks, 13 Brickfield Road, Salt River, 7925 |
| **Or e-mailed to** |
| Nick van der Merwe: nicolas@planpart.co.za |

3. Should no comments be received, it will be deemed that you have no comment.

Yours faithfully

**NICK VAN DER MERWE**
**Planning Partners (Pty) Ltd**

PLANNING PARTNERS

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

Brickworks, Suite F03, 13 Brickfield Road, Salt River
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E-mail: admin@planpart.co.za
Website: www.planpart.co.za

Municipal Application Number: LU/7684
Municipal File Reference Number: Farm 1101, Stellenbosch
Applicant Reference Number: 4400
Enquiries: Nick van der Merwe
Contact No: 021 418 0510
Email address: nicolas@planpart.co.za
Date: 21 November 2018

**PER HAND**
Passenger Rail Agency of South Africa (PRASA)
Cape Town Station
1st floor Admin Wing
1 Adderley Street
Cape Town
8000

Sir/Madam,

**APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM COUNCIL'S SPATIAL DEVELOPMENT FRAMEWORK: FARM NO. 1101, STELLENBOSCH DIVISION (RUSTENHOF FARM, WATERWORKS ROAD, FIRGROVE)**

1. We submitted a copy of the abovementioned land use application to your company on 6 September 2018 to request your comment. We again attach a copy hereto.
2. We provided you with 60 days in which to comment, ending on 9 November 2018. We have not received any response from you.
3. We would like to extend the comment period to your company for another 14 days from the date of this letter.
4. You may contact us within the 14 days to request additional time, if required.
5. Should no comments be received, it will be deemed that you have no comment.

Yours faithfully

**NICK VAN DER MERWE**
**Planning Partners (Pty) Ltd**

RECEIVED
22 NOV 2018
Prasa Cres : WC

# RIVERSIDE BUSINESS PARK

## FARM 1101, STELLENBOSCH (FIRGROVE)



**APPLICATION FOR SUBDIVISION OF AGRICULTURAL LAND, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM THE STELLENBOSCH MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK**

**Project Number: 4400**

**March 2018**

PLANNING PARTNERS africa mbT Architects and Project Managers GROUP Neil Woodin SURVEYS

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# 1. INTRODUCTION

## 1.1 The Brief and Application

Planning Partners has been appointed by *JPY Family Trust*, the prospective buyer of a portion of Farm 1101, Stellenbosch (Firgrove), to provide the necessary professional services to acquire the land use rights to establish a light industrial and warehouse development on the purchased development portion. The proposed development portion is 5.9622 ha in extent and hereafter referred to as 'the site'.

The development proposal requires the following applications to be made to the following competent authorities:

1) Applications to Stellenbosch Municipality:

   a. **Subdivision** in terms of Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015) to subdivide the development portion from the Remainder Farm;

   b. **Rezoning of land** from Agricultural Zone I to Industrial Zone I in terms of Section 15(2)(a) of Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015);

   c. **Consent use** to permit warehousing as a consent use in Industrial Zone I in terms of Section 15(2)(o) of Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015);

   d. **Site Development Plan approval** in terms of Section 15(2)(g) of the Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015); and

   e. **Deviation from the Stellenbosch Municipal Spatial Development Framework** in terms of Section 15(2)(g) of Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015).

2) Application to the National Department of Agriculture:

   a. **Subdivision of agricultural land** in terms of Act 70 of 1970 to subdivide the development portion from the Remainder Farm. Note that the application has been submitted to the Provincial and National Agricultural Departments. Reference numbers are yet to be received.

3) Application to Heritage Western Cape (HWC):

   a. **Notice of Intent to Develop** to HWC for the development of a site larger than 5 000 $m^2$ and rezoning of a site exceeding 10 000 $m^2$ in extent in terms of

Section 38(1)(c)(i) of the National Heritage Resources Act, Act 25 of 1999. Note that this application will be submitted shortly.

4) Application to Department of Environmental Affairs and Development Planning (D:EA&DP):
   a. **Land Development Application** to the Department of Environmental Affairs and Development Planning (D:EA&DP) for the development of land zoned agriculture and which has been cultivated in the last ten years, in terms of Section 53 of the Land Use Planning Act, Act 3 of 2014. Note that this application will be submitted simultaneously with this application.

Note that the Environmental Section of the Department of Environmental Affairs and Development Planning (D:EA&DP) has confirmed that the development proposals does not constitute listed activities as defined in terms of the NEAM EIA Regulations (2014). A Basic Assessment or Environmental Impact Assessment is therefore not required.

It is acknowledged that the planning applications are decided by Stellenbosch Municipality, the agricultural subdivision by the National Department of Agriculture, the heritage application is decided by Heritage Western Cape and the Land Development Application by the Department of Environmental Affairs and Development Planning.

The agricultural subdivision, heritage and environmental applications have been/will be submitted as separate applications and will run in parallel to the land use application process.

The requisite application form (**Annexure 1**), powers of attorney and trust resolution (**Annexure 2**), S.G. erf diagrams and noting sheet (**Annexure 3**), copy of the title deed (**Annexure 4**), conveyancer certificate (**Annexure 5**) and other relevant documentation and plans are attached to this report. **Annexure 6** contains the confirmation from D:EA&DP that an environmental process is not required (Reference 16/3/3/6/7/1/B4/45/1259/17).

## 1.2 Background

Most of the site is currently vacant, but disturbed. There is 2.7 ha of land under vines, of poor quality. The largest portion of the site is therefore un-utilised. Refer to **subsection 2.5** for a description of the current land uses.

The prospective land owner has identified the need within the local area for additional light industrial and warehousing uses, to be set in an up-market, security-controlled development.

The prospective buyer and developer is currently involved in the Go Group development, which is a warehouse and office development situated across from Macassar Road (M9) near the site. The developer has a positive development track record and it can be expected that the proposed development will also make a positive contribution to the local area.

## 1.3 The Project Team

The project team for this application consists of the following consultants:

| | | |
|---|---|---|
| • Architect | : | MbT Architects |
| • Civil Engineer | : | UDS Africa |
| • Environmental Assessment Practitioner | : | Mark Berry |
| • Land Surveyor | : | Neil Woodin Surveys |
| • Town Planner | : | Planning Partners |
| • Traffic Engineer | : | Ice Group |

## 2. THE SITE

### 2.1 Cadastral Information, Extent and Ownership

The cadastral configuration of Farm 1101 Stellenbosch is shown on the S.G. diagrams included as **Annexure 3**. The property measures 140.2908 ha in extent and is in the ownership of *Rustenhof Boerdery (Pty) Ltd.* under Title T67286/2001. Refer to **Annexure 4** for a copy of the title deed. The development portion is 5.9622 ha in extent and will be subdivided off the Remainder Farm.

### 2.2 Locality and Context

The site is located within the jurisdiction of Stellenbosch Municipality and on the border with City of Cape Town Municipality. The site is situated adjacent to existing light industrial, warehousing and office uses within Firgrove.

The site is bordered by Waterworks Road to the north, the Main Road 165 railway bridge ramp to the east, a railway line to the south and the Remainder Farm 1101 to the west. The site is therefore surrounded by urban uses (see **Figures 1** and **2**). Refer to **Annexure 6** where D:EA&DP confirms that the Department considers the site to be located "within the urban area".

Agricultural land is located further to the north and northeast. Warehousing and business uses are located further to the southeast (the 5.2 ha Go Group development) and residential uses further to the south and southwest. The surrounding residential neighbourhoods include La Montagne and Heldervue to the east, Firgrove and Macassar to the south and Sitari, Croydon and Kelderhof to the west. The Eskom *Pinotage* substation is located to the west and the *Faure* water treatment works further to the northwest. Refer to **Figure 3**, which illustrates the land uses in the immediate vicinity.

### 2.3 Surrounding Transportation Network

#### 2.3.1 Road Network

Access to the property is proposed from the existing road which intersects Main Road 165, ±535 m northeast of its intersection with Old Main Road. The area is accessed via Winery Road (Main Road 166), Main Road (Main Road 165) and Old Main Road (Trunk Road 2/1). Please refer to the attached Traffic Impact Assessment attached as **Annexure 12**.

#### 2.3.2 Public Transport Network

The Golden Arrow bus service runs along Macassar Road (M9), with the nearest bus stop located 770 m to the east. Minibus taxis also service the surrounding area along the main routes.

The PRASA Northern Line runs to the south of the site and the Firgrove railway station is located approximately 800 m to the east of the site. The *Northern Business Express* train also stops at this station.

The site is therefore located in an area that is well-provided by public transport opportunities (Refer to **Figure 2**).

## 2.4 Existing Zoning

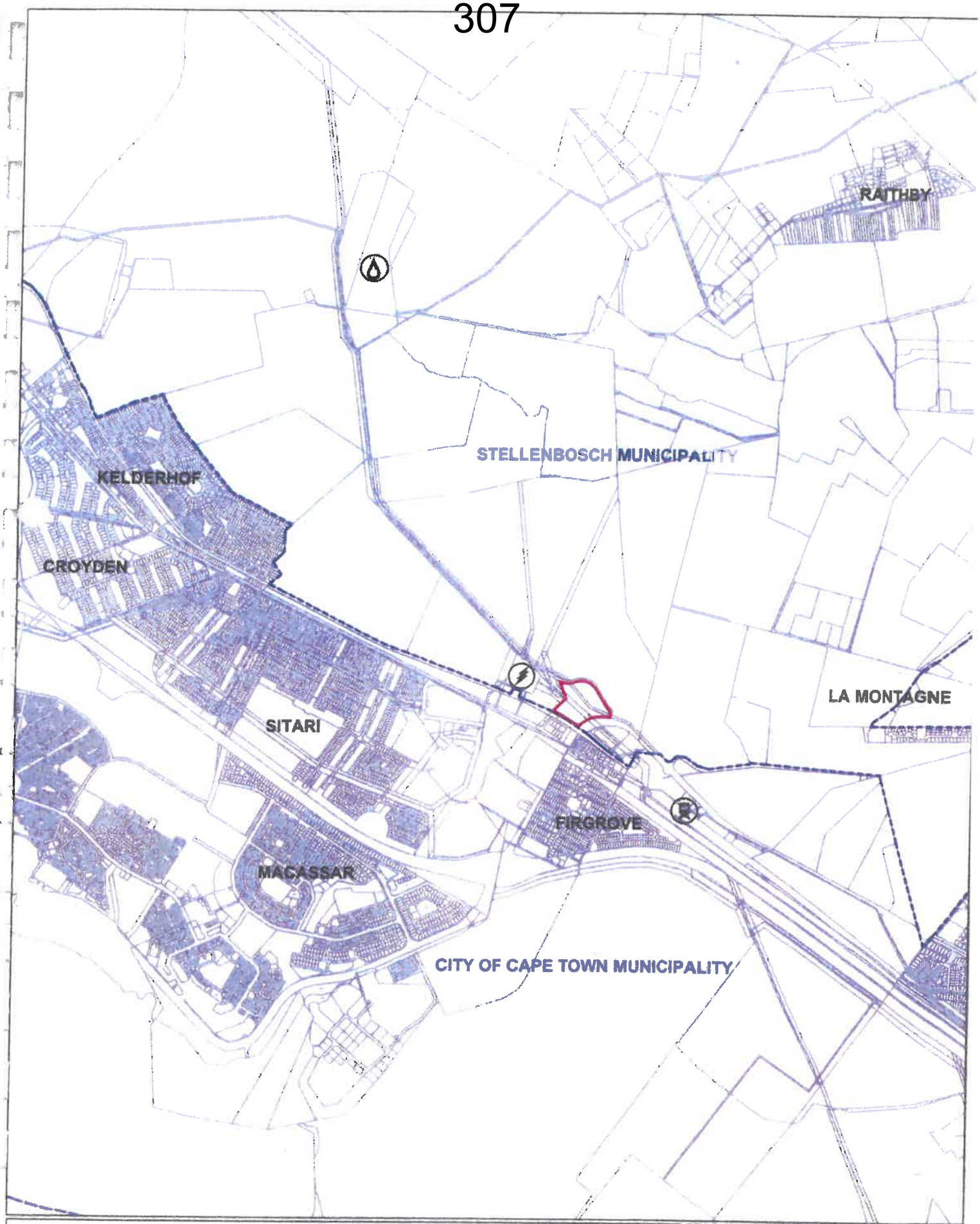
There are two zoning schemes applicable to the area in which the site is located, namely the Article 8 Zoning Scheme, applicable to the site and properties located to the west, north and east, and the City of Cape Town Development Management Scheme (2015), applicable to properties located to the south.

The zoning of the site according to the Stellenbosch Article 8 Zoning Map is Agriculture Zone I. **Figure 4** illustrates the existing zoning of the site and that of the properties in the immediate vicinity.

## 2.5 Site Characteristics and Current Land Use

The site is relatively flat, with a gentle slope to the south. It contains 2.7 ha of vineyard that is in poor condition. The remainder of the site has not been used for any agricultural activity for at least 10 years. Earthworks have been extensively undertaken on the site (removal and addition) as a result of various activities, including the adjacent road embankment. Much of the southern part of the site has been covered with imported material. A man-made soil berm forms the western site boundary and physically separates the site from the nearby Moddergatspruit River, running further to the west. Refer to **Figure 5** which illustrates the site characteristics.

Also, refer to the attached photo sheet illustrating some of the site characteristics (**Annexure 7**).




SITE BOUNDARY

MUNICIPAL BOUNDARY

FIRGROVE RAILWAY STATION

ESKOM PINOTAGE SUBSTATION

FAURE WATER TREATMENT WORKS

**RIVERSIDE BUSINESS PARK**
**FARM 1101, STELLENBOSCH**

**LOCALITY**

SCALE 1:2000

PLANNING PARTNERS

FEBRUARY 2018

JOB No. 4436

FIGURE 1




SITE BOUNDARY

RIVERSIDE BUSINESS PARK
FARM 1101, STELLENBOSCH

CONTEXT

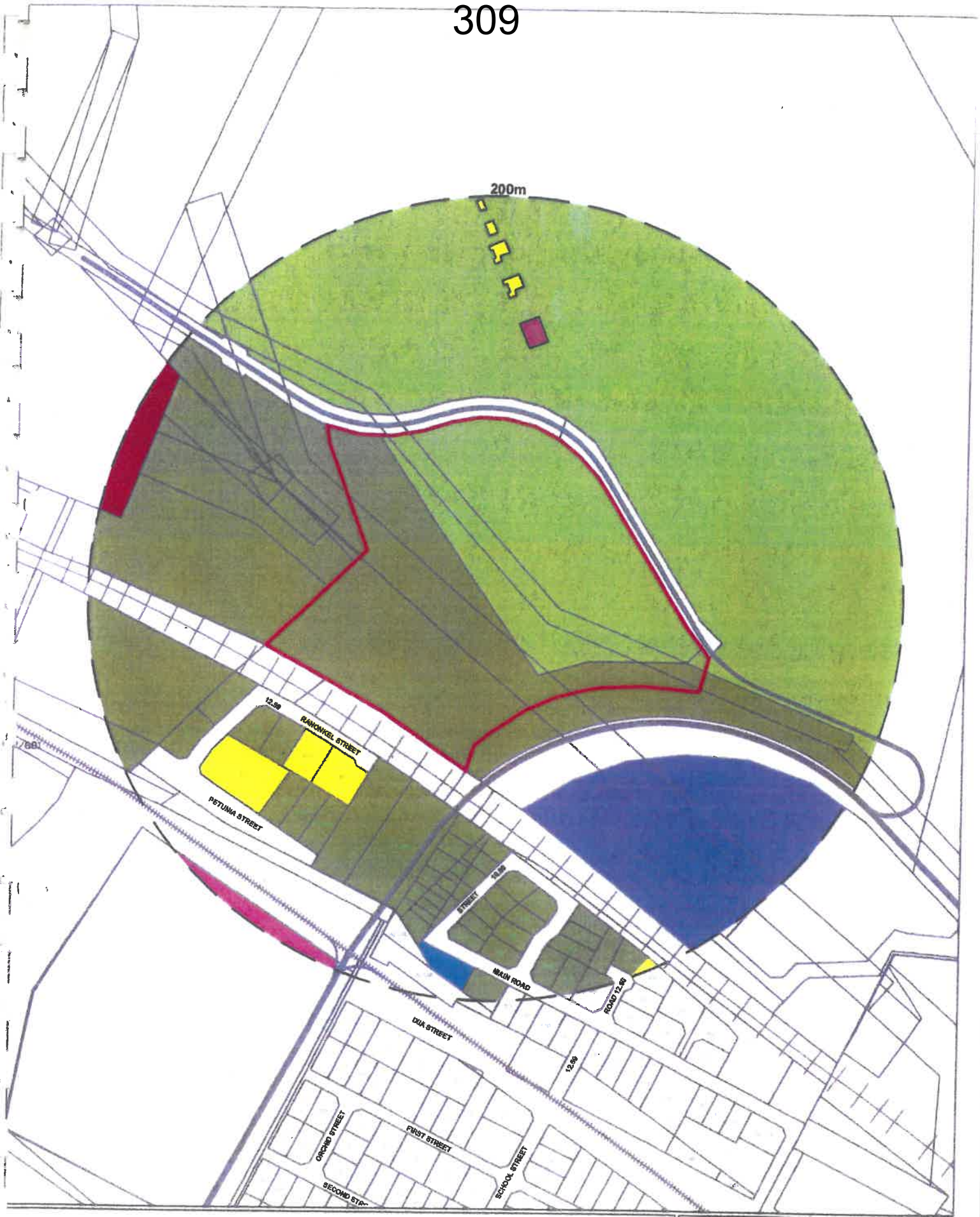
N

SCALE 1:2000

PLANNING PARTNERS

FEBRUARY 2018
JOB No. 4400

FIGURE 2




RIVERSIDE BUSINESS PARK
FARM 1101, STELLENBOSCH

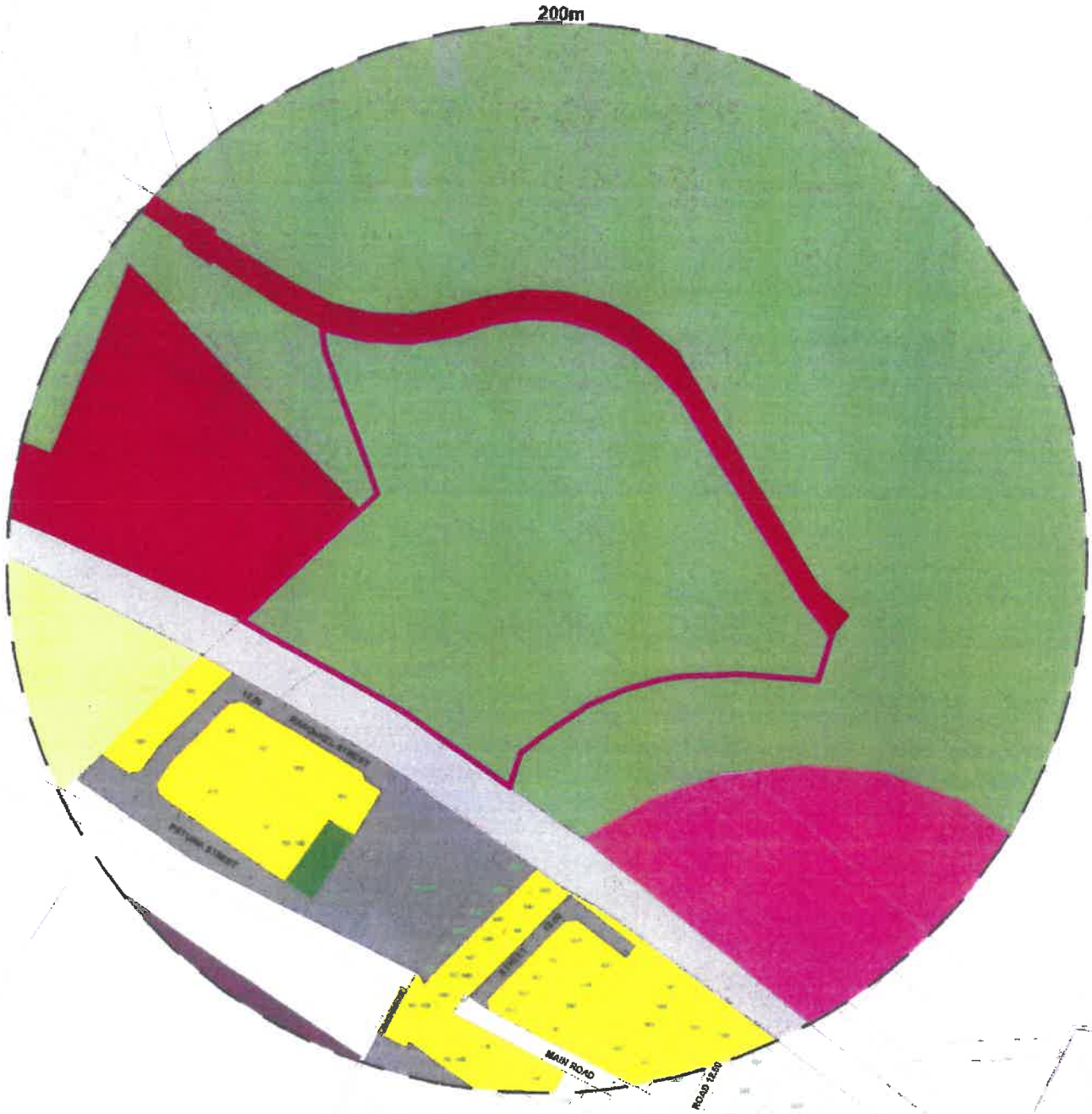
CURRENT LAND USE

SCALE 1:4000

PLANNING PARTNERS

FEBRUARY 2018
JOB No. 4480

FIGURE 3




CITY OF CAPE TOWN DEVELOPMENT MANAGEMENT SCHEME (2015) :

- SINGLE RESIDENTIAL 1
- COMMUNITY 1
- AGRICULTURAL
- OPEN SPACE 2
- TRANSPORT 1
- TRANSPORT 2

STELLENBOSCH INTERGRATED ZONING SCHEME (2017) :

- UTILITY SERVICE ZONE
- MANUAL ALLOCATION 1304/3498
- AGRICULTURE I

SITE BOUNDARY

Source:
Cape Town Zoning Scheme
Article 8 Zoning Scheme

# RIVERSIDE BUSINESS PARK FARM 1101, STELLENBOSCH

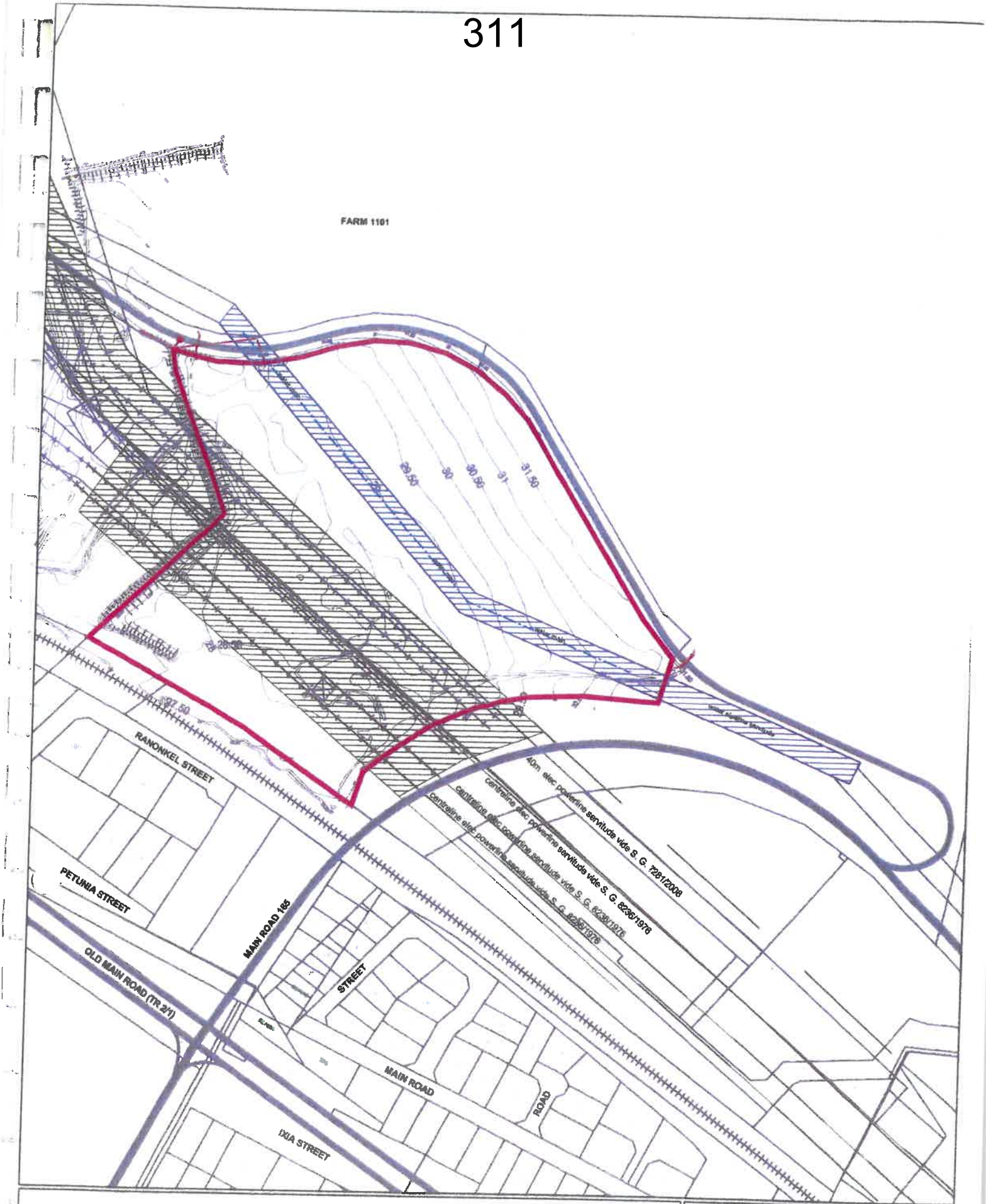
## CURRENT ZONING

SCALE 1:4000

PLANNING PARTNERS

FEBRUARY 2018
JOB No. 4400

FIGURE 4




**RIVERSIDE BUSINESS PARK**
**FARM 1101, STELLENBOSCH**

**SITE CHARACTERISTICS**

SCALE 1:4000

PLANNING PARTNERS

FEBRUARY 2018
JOB No. 4400

FIGURE 5

## 2.6 Existing Access Arrangements

Currently, the site has no formal access points, since the site is predominantly vacant. The site is physically isolated by the existing railway line, the Main Road 165 (Macassar Road) railway bridge ramp and the Waterworks Road.

## 2.7 Servitudes and Title Deed Restrictions

According to the S.G. erf diagrams, the site has the following three servitudes traversing it (Refer to **Annexure 3** for the applicable S.G. diagrams):

- a water pipeline servitude, 15 m wide and contains the '1675 water main pipeline', which runs from the Faure water treatment works;
- an electric power line servitude (Servitude vide S.G. 7281/2008), 40 m wide which runs from the Eskom Pinotage Substation; and
- an electric power line servitude (Servitude vide S.G. 8236/1976), containing three overhead power lines, 35 m wide in total, which runs from the Eskom Pinotage Substation.

The title deed contains no restrictive title deed conditions that will impact on the proposed development. Refer to the conveyancer certificate which confirms this, attached as **Annexure 5**.

## 3. STRATEGIC SPATIAL PLANNING AND POLICY CONTEXT

### 3.1 Western Cape Provincial Spatial Development Framework (March 2014)

The Provincial Spatial Development Framework (PSDF) sets out the Provincial Government's agenda for the sustainable development and management of its urban and rural areas.

The PSDF gives priority to bolstering the spatial performance of the Cape Town functional region, which is the engine that drives the Western Cape's economy. This region extends across municipal borders and it is where the bulk of its population will live for the foreseeable future. The PSDF highlights the inter-connectiveness of the Province's municipalities. The individual municipalities' population growth and economic development should therefore be thought of holistically and not in isolation. In order to achieve this, the PSDF sets out a framework for the Province's urban and rural areas that:

- gives spatial expression to the National and Provincial development agendas;
- serves as basis for coordinating, integrating National and Provincial departmental programmes;
- supports municipalities to fulfil their municipal planning mandate in line with the National and Provincial agendas; and
- communicates government's spatial development intentions to the private sector and civil society.

The PSDF aims to take the Western Cape on a path towards:

- more inclusivity, productivity, competitiveness and opportunities in its urban and rural space economies;
- better protection of its placed-based assets;
- **strengthened resilience of its natural and built environments**; and
- improved effectiveness in spatial governance and on-the-ground delivery of public services, facilities and amenities.

The PSDF contains the following guiding principles:

- spatial justice – which is based on the principles of equality, solidarity and inclusion;
- **sustainability and resilience** – development should be spatially compact, resource-frugal, compatible with cultural and scenic landscapes and should not involve the conversion of high potential agricultural land or compromise ecosystems. Resilience represents the capacity to withstand both natural and man-made shocks and disturbances and to use such events to catalyse renewal and innovation;

- **spatial efficiency** – efficiency relates to the form of settlements and use of resources, which includes compaction, mixed-use, residential areas close to work opportunities and the prioritisation of public transport;
- **accessibility** – improving access to services, facilities, employment, training and recreation, as well as safe and efficient modes of transport; and
- **quality and liveability** – The quality of an environment directly contributes to its liveability. A quality built environment is one that is legible, diverse, varied and unique.

*The proposed development has the potential to support four of the guiding principles highlighted in bold above, by providing a development that efficiently utilises a current under-utilised site, is compatible with the surrounding land uses and brings employment opportunities nearer to existing residential areas and within an area which is well provided by public transport. The development will also provide a quality development that will not negatively affect the surrounding cultural landscape, will not affect high potential agricultural land nor environmentally sensitive areas.*

*Most importantly, the PSDF highlights the importance of seeing the site, not as an isolated settlement, but rather as forming part of the larger functional cape metropolitan area.*

### 3.2 OneCape 2040 (October 2012)

The OneCape 2040 initiative builds on the complementary National and Provincial development agendas outlined in the PSDF.

OneCape 2040 is a provincial initiative, which intends to "*scope a long-term economic vision and plan, involving all key Western Cape economic leaders as well as citizens for the next 30 to 40 years.*" OneCape 2040 builds on the PGWC's Provincial Strategic Objectives and sets the goal of "*creating a resilient, inclusive and competitive Western Cape with higher rates of employment producing growing incomes, greater equality and an improved quality of life*".

OneCape 2040's vision is of "*a highly-skilled, innovation driven, resource efficient, connected, high opportunity and collaborative society*".

To achieve this vision, certain provincial transitions need to take place and the following needs to be put in place:

- a supportive regulatory environment;
- **appropriate infrastructure**;
- financing arrangements; and
- **an enabling spatial framework (i.e. concentration of economic activity in key nodes, supported by logistical, digital and transport connectivity).**

*The proposed development has the potential to support the OneCape 2040 initiative by developing a site which is located near existing economic activities, near public transport facilities and near existing residential areas. The proposed development could potentially create additional employment and economic growth for the wider area wherein the site is situated.*

*OneCape 2040 highlights the importance of seeing the site, not as being far removed from any settlement within the Stellenbosch municipal area, but rather as forming part of the larger functional cape metropolitan area.*

### 3.3 Stellenbosch Integrated Development Plan 2017 - 2022 (May 2017)

The Integrated Development Plan (IDP) is the Municipality's principal strategic plan that deals with its development and governance needs. The IDP is linked to the municipal budget, which aligns financial resources and investment to stimulate local economic growth and development. The IDP also informs the Municipality's sectoral plans, e.g. the Spatial Development Framework, which is discussed in the next subsection. The IDP addresses the real issues faced within the Municipality to a level of detail which is required for realistic costing and which helps manage the implementation process.

The IDP's vision is to have the Stellenbosch municipal area as the "*Valley of Opportunity and Innovation*". In order to achieve this vision, the IDP includes the following five overarching focus areas / strategies:

1. **Valley of possibility;**
2. **Green and sustainable valley;**
3. Safe valley;
4. Dignified living; and
5. Good governance and compliance.

It is foreseen that the proposed development will impact and support two of these focus areas/strategies, as highlighted in bold above.

Under the first focus area/strategy above, the IDP includes the objectives of:

(i) creating an environment conducive to business development and job creation;

(ii) providing, upgrading and maintaining an effective engineering infrastructure to support effective service delivery; and

(iii) ensuring the provision of non-motorised transport routes as a functional mode of transport.

*The proposed Riverside Business Park development affects and supports this first focus area/strategy by creating opportunities for economic growth and employment. Since the development will receive services from the City of Cape Town it will not impact on services capacity of the Stellenbosch Municipality.*

The IDP also focuses on reducing the reliance on private vehicles for getting to and from work. *The development site is located near the surrounding residential neighbourhoods of La Montagna, Heldervue and Firgrove. It is also located near the Firgrove railway station and along a public transport route (M9). The proposed development will therefore support this strategy.*

Under the second focus area / strategy above, the IDP includes the objectives of:

(i) managing the use of the biosphere and its resources;

(ii) enhancing the long-term environmental sustainability; and

(iii) ensuring spatial sustainability.

*The proposed Riverside Business Park development also affects and supports the second focus area/strategy, by minimising the impact on natural resources and developing a currently under-utilised site that is not environmentally sensitive nor has high agricultural potential/value. The development will also support and encourage the use of green energy in the design of future buildings.*

The IDP states that Stellenbosch Municipality has experienced a 3.0% annual GDP growth rate between 2005 and 2015 and a 2.6% annual population growth rate between 2001 and 2011. Similarly, the City of Cape Town has experienced an annual population growth rate of 1.9% over the same period. *It is foreseen that these trends will continue in future. The need to create additional employment opportunities is therefore very important to employ the growing population. The proposed development will address a small portion of this need.*

The IDP has also identified that economic growth at municipal level is essential for the attainment of economic development, the reduction of poverty and improved accessibility for its residents. Within Stellenbosch Municipality, the manufacturing sector represented 16.5% of the GDP in 2015. The sector has however experienced contraction of 0.2% per annum on average between 2005 and 2015. The manufacturing industry employed 10.3% of the Municipality's workforce in 2015. Employment growth has shed jobs (1 128 opportunities) over the past decade, contracting at 0.6% per annum over the period 2005 to 2015. *The proposed development has the potential to enhance the manufacturing sector and help reduce the contraction when fully developed.*

The IDP includes the proposed 'Cape Town Functional Region', discussed in the previous two subsections. It states that within the Western Cape, there is increasing support to focus strategic planning effort on the Cape Town Functional Region, including the City of Cape Town, Saldanha, Malmesbury, Paarl, Stellenbosch and Hermanus. This focus recognises that the City of Cape Town and the surrounding municipalities cannot operate in isolation anymore and that key regional economic interdependencies are in play, including a commuting workforce, shared consumer catchment area, transport, infrastructure, tourism and agricultural areas, as well as shared environmental resources. *The proposed development site must therefore be seen, not as being on the outskirts of the Stellenbosch Municipal Area and far removed from a settlement within the Stellenbosch Municipality, but rather as being centrally located between the municipalities of the City of Cape Town and Stellenbosch and forming part of the cape metropolitan area.*

### 3.4 Stellenbosch Municipality Spatial Development Framework (2017)

The Stellenbosch Spatial Development Framework (SDF) forms part of the municipal IDP as one of the key sectoral plans to which the IDP gives expression.

The aim of the SDF is to guide the future spatial form of the greater Stellenbosch area. It is aimed at developing a set of principles which guide development and developmental rights of property owners. Specifically, the SDF aims to:

- Achieve shared and inclusive growth;
- Increase access to opportunities, particularly for disadvantaged citizens;
- Improve sustainability by minimizing ecological footprints; and
- Maintain the unique sense of place of the towns and region.

To achieve these outcomes, various factors such as strategic infrastructure needs and requirements, natural resources, housing, **agriculture and appropriate land use** need to be taken into consideration.

Furthermore, the SDF, *inter alia*, aims to guide:

- future economic growth within a sustainable spatial framework;
- the protection and conservation of key natural resources and eco-system services;
- the maintenance and further development of the municipality's agricultural base; and
- the form, quality and appearance of urban and rural development to preserve the municipality's sense of place.

The SDF includes the following seven strategic perspectives that will guide the future spatial development within the municipal area:

- **Interconnected nodes;**
- **Car free transport;**
- **Inclusive economic growth**;
- **Optimal land use;**
- Resource custodianship;
- **Food and agriculture**; and
- **Heritage.**

It is foreseen that the proposed development will impact and support six of these strategic perspectives, as highlighted in bold above and discussed below.

A key feature of the greater Stellenbosch area is the historic pattern of settlements being located along strategic transport and river systems. The SDF regards this as a key strength which must be reinforced in order to protect the unique character of the area and constrain environmental damage, thereby also minimising the home-work travel distance. The SDF further states that developments should firstly be prioritised around rail routes and secondly along road routes and intersections.

The location of the site is (visually on map) problematic in the sense that it is located far from other settlements within the Stellenbosch Municipal Area, the nearest node being Raithby, and therefore not included in an urban edge (see **Figure 6** below). *It is however located adjacent to Firgrove which falls within the jurisdiction of the City of Cape Town. As stated in the IDP, the 'Cape Town Functional Region' concept does acknowledge the interdependence of the City of Cape Town and its surrounding municipalities. The proposed development site therefore does comply with the strategy of strengthening existing development areas, by expanding the industrial/business area around Firgrove, along an existing railway and a public transport route.*

**As stated, the SDF does not include the site within an urban edge and the SDF will therefore have to be deviated from. Refer to subsection 5.4.4 below.**

The SDF stated that "*sufficient industrial land should be made available close to public transport links (especially rail)*". *The proposed development could, by providing additional space for the manufacturing industry, create employment opportunities for skilled labour (manufacturing) and unskilled labour (construction). The proposed development site is also*

*located along a railway line and is close to public transport. It must also be noted that there are limited vacant industrial zoned sites within the Stellenbosch Municipality.*

The SDF highlights the importance of agricultural land within the municipal area for providing food, employment opportunities and supporting the tourism industry. The proposed development site is currently zoned for agricultural use and a small portion is cultivated under vines. However, a Soil Investigation was undertaken in 2017, which concluded that the site has low to medium agricultural potential (please refer to **subsection 8** below for more detail). The site is also physically separated from the adjacent farm lands. *The proposed development therefore will not impact on high potential agricultural land.*

The SDF states that Stellenbosch's sense of place is derived primarily from its historic architecture, natural biodiversity and the views from its main arterial routes. In order to safeguard this, sensitive biodiversity areas should be conserved, crest lines should be kept free of buildings and intensive agriculture and building heights and architectural styles should be controlled along prominent roads so as to preserve the heritage of the built environment. *The proposed development site is situated within an area that is visually not obtrusive, being located in a low-lying area and adjacent to a railway line and railway bridge. The development will also include architectural guidelines which will ensure that the development does not detract from the area's sense of place.*

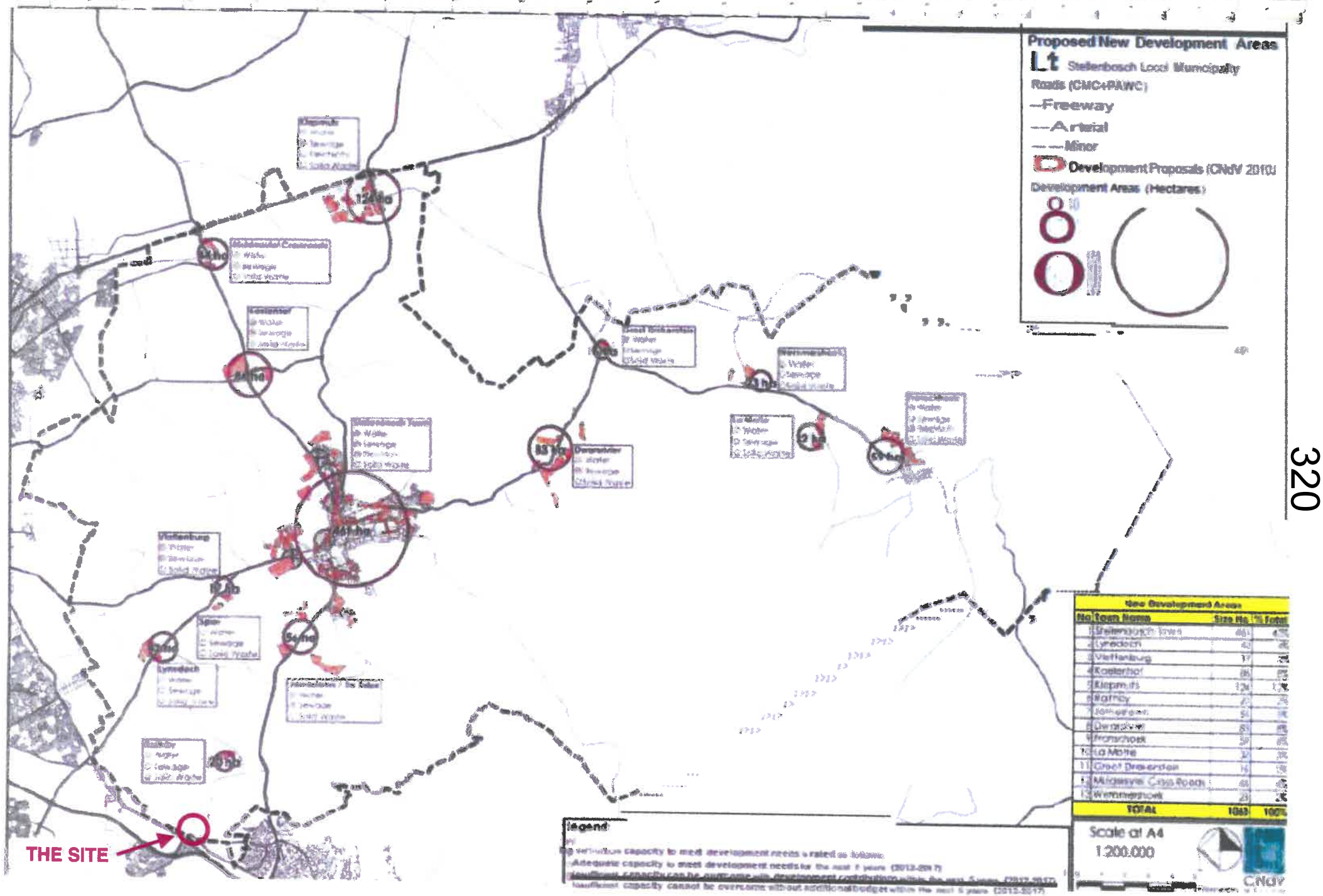



Figure 6: Stellenbosch Municipality Spatial Development Framework: Proposed New Development Areas (2017)

### 3.5 City of Cape Town: Spatial Development Framework and Helderberg District Plan (2012)

Even though the site is situated in the jurisdiction of the Stellenbosch Municipality, a brief discussion on the adjacent City of Cape Town planning policy is warranted, since the site could influence the adjacent City of Cape Town area and the City of Cape Town future planning could influence the development of the site.

The City of Cape Town Spatial Development Framework (CTSDF) is an overarching policy framework aimed at spatial integration and restructuring of the Cape Metropolitan Area. The CTSDF outlines land use management guidelines for the City and the policies that underpin them. The CTSDF is directed at managing growth and change over a 20-year planning horizon, with the spatial planning goal of creating a sustainable and equitable city.

The Helderberg District Plan is a local spatial development framework and is informed by the CTSDF. The purpose of the plan is to guide spatial development within the district to a finer level of detail over a 10-year period. The plan includes the CTSDF's spatial strategies, proposed at a district scale to inform the local area development. Each strategy states its aim, the local area's needs and challenges and required actions to address the local needs and challenges. The relevant key strategies are the following:

- **Strategy 1: Plan for employment and improve access to economic opportunities**

This strategy focuses on encouraging economic development in accessible locations to ensure that the opportunities they offer can be accessed by the broader community. The district plan has identified high levels of unemployment concentrated in certain areas, one of which is Macassar.

In order to address this need the district plan proposes actions to (1) encourage the attraction of further investment and (2) intensify development along key routes and around economic and industrial nodes.

*The proposed development will attract additional investment to the area and has the potential to generate temporary and permanent employment opportunities, is situated along an important connector route and adjacent to existing light industrial and commercial activities.*

- **Strategy 2: Manage urban growth and create a balance between urban development and environmental protection**

This strategy focuses on managing the pressures of urban development in a coordinated and sustainable manner. The district plan has identified development pressure on valuable agricultural land and environmentally sensitive areas as a challenge.

In order to address this need the district plan proposes actions to (1) protect the key resources and (2) to guide new urban development towards appropriate infill areas, thereby encouraging densification in areas close to economic and other opportunities.

*The proposed development site does not contain any environmentally sensitive features and a soil investigation has rated the soils as having low to medium agricultural suitability. The site is also surrounded by existing urban development and urban infrastructure. The development therefore represents an infill site which would not impact on any natural resources.*

The area to the south of the site falls within sub-district 1 of the Helderberg District Plan. The district plan promotes 'mixed use intensification' on properties bounded by Old Main Road, N2, Macassar Road and Moddergat River. This mixed use intensification area is located along the connector route that runs past the site (See **Figure 7** below).

*The intention is therefore that the area to the south of the site will be developed in future as a high density and intensity local development node. The proposed development of the site could be seen as an extension of this proposed urban intensification.*

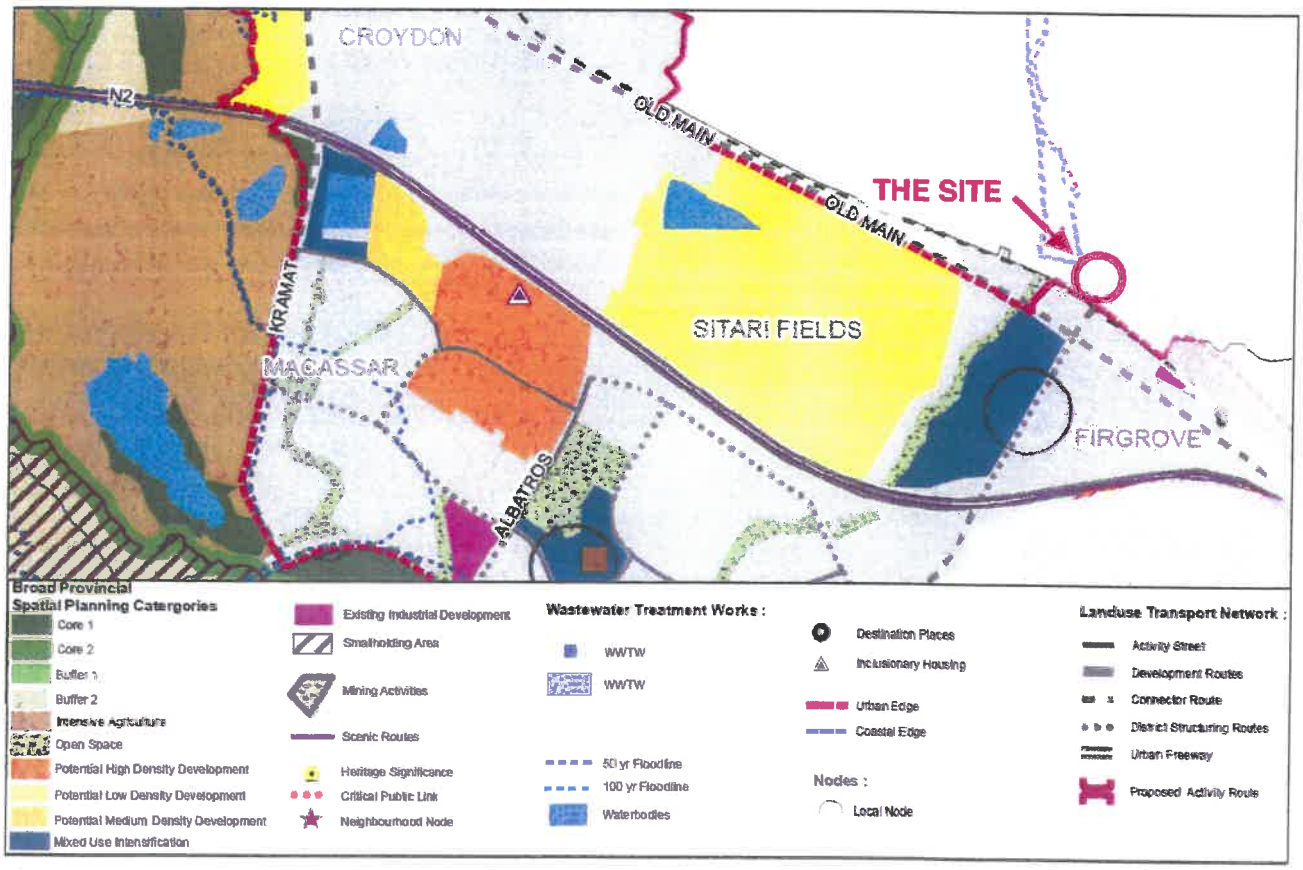



**Figure 7: City of Cape Town: Helderberg District Plan: Extract of Sub-District 1**

# 4. THE DEVELOPMENT PROPOSAL

## 4.1 Development Concept

The development proposal is to create a secure, high-quality light industrial and warehouse park. The development will be contained within a uniform perimeter fence and access controlled by means of a security boom or gate.

The property will be sectionalised and managed by one body corporate. Through sectionalisation, the development will have control over uses and activities occurring within it, ensuring a better operational development in future. Please refer to **Annexure 8**, which includes the proposed SDP.

## 4.2 Light Industrial / Warehouse Component

The development provides 21 sectional properties, of which 19 sections will be developed. Due to the dimensions of the site and the location of the water pipeline and electrical servitudes, large portions of the site cannot be developed. For this reason, two sections (Sections 5 and 10) underneath the overhead powerlines will remain undeveloped and only used for off-site parking and storage purposes. The portions of Sections 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13 and 14 that fall within the electrical servitudes will also not be developed. These sections would be used for on-site parking and storage. The proposed uses within the electrical servitudes will be agreed upon between Eskom and the developer. Note that such an agreement for parking and storage has successfully been concluded with Eskom by the adjacent Go-Group development, which is also affected by the same electrical servitudes.

In total, the development provides for 30 725 $m^2$ of potential developable land. However, the developer is applying a coverage of 60% for the 19 developable sections. The 19 sections will provide for 33 506 $m^2$ of floor space (bulk), to be provided in the ground floor, first floor and second floor of each building. The first and second floors will be used for the office component of each industrial/warehouse use. This equates to an overall floor factor of 0.48. To calculate the total Gross Leasable Area (GLA) for the development, an 85% factor of the total floor space was used. Therefore, a total of 28 480 $m^2$ of GLA will be provided.

Please refer to **Annexure 8**, which includes the proposed SDP and area and parking schedule for each section. The buildings will be limited to three storeys (9.5 m to top of wall plate and 11.5 m to top of roof) and a 5.0 m building line will be maintained along the northern boundary road.

## 4.3 Site Access

Only one access point will be provided off the existing northern boundary road. The access will be access-controlled by either a security boom or a gate. Two entry lanes will be provided with sufficient stacking space.

### 4.4 Internal Roads

The proposed internal roads will have road reserve widths of 15.0 m and the surface treatment, a combination of premix and paved surfaces, will comply with the standards of the Stellenbosch Municipality. The two T-shaped turning circles will be of sufficient dimension to accommodate the expected truck sizes. The internal roads will be private and managed and maintained by the property owners' association.

### 4.5 Provided On-site Parking

According to the Article 8 Zoning Scheme, 1 bay is required for every 200 $m^2$ of floor space. The proposed development will provide the required number of parking bays by providing both on-site parking bays on each section, as well as off-site parking bays on the Sections 5 and 10. The number and location of bays will be finalised during the building plan submission process for each section. Please refer to **Annexure 8**, which includes the proposed SDP and area and parking schedule for each section.

### 4.6 Landscaping

Landscaping will be provided to create a pleasant and upmarket development. The proposed development has sufficient area available to achieve this and landscaping will be focussed along the northern boundary road, the internal roads, the western berm and around the proposed retention dam. Water-wise and indigenous planting will be used.

### 4.7 Compliance with the Article 8 Zoning Scheme

The following table lists the zoning scheme development parameters under the applied for Industrial Zone I and illustrates the proposed development's compliance thereto. Note that the proposed development will only include light industrial and warehouse uses.

**Table 1: Compliance to Zoning Scheme Development Parameters: Industrial Zone I**

| Zoning Scheme Parameter | | Development Proposals | Compliant? |
|---|---|---|---|
| Primary Use | Industry | Industry, warehouse | Partly, consent use is required for warehousing |
| Consent Use | *Inter alia* warehouse | Warehouse | Yes, consent use is required. |
| Floor factor | 1.5 | TBD with during building plan stage, but will be within 1.5. | Yes |
| Coverage | At most 75% | 60% | Yes |
| Setback | At least 8.0 m | At least 8.0 m | Yes |
| Building line: Street | 0.0 m | 5.0 m | Yes |
| Building line: Common | 0.0 m, provided Council may lay down building lines. | TBD during building plan submission process. | Yes |
| Parking | 1 bay/200 $m^2$ GLA | 3 bays/200 $m^2$ GLA | Yes |

## 5. THE APPLICATION

To permit the proposed light industrial and warehouse development on the site, the following applications are required:

### 5.1 Application in terms of the Subdivision of Agricultural Land Act 70 of 1970

The competent authority to approve the application is the National Department of Agriculture, with the Provincial Department of Agriculture (Elsenburg) being a commenting authority.

In order to develop the site for urban uses, the site needs to be subdivided from the Remainder Farm. Application have been made to the National Department of Agriculture to subdivide the agricultural property into a development portion (Portion A, 5.9622 ha in extent and representing under-utilised land) and Remainder Farm 1101 (134.3286 ha in extent) in terms of Act 70 of 1970.

The Remainder Farm will continue to operate as is without any disruption. Note that no water use rights will be transferred to the subdivided development portion (Portion A).

Refer to **Figure 9** which illustrates the proposed subdivision. The development portion will be rezoned to Industrial Zone I.

Please refer to **Annexure 9** for a copy of the Agricultural Land subdivision application form, which has been submitted to the Provincial and National Departments of Agriculture. The project team is waiting on the two departmental reference numbers.

### 5.2 Application in terms of the National Environmental Management Act (Act 107 of 1998, NEMA)

As noted above, the Department of Environmental Affairs and Development Planning (D:EA&DP) has confirmed that the development proposals does not constitute listed activities as defined in terms of the NEAM EIA Regulations (2014). A Basic Assessment or Environmental Impact Assessment is therefore not required (Reference 16/3/3/6/7/1/B4/45/1259/17). Refer to **Annexure 6**.

### 5.3 Application in terms of the National Heritage Resources Act (1999)

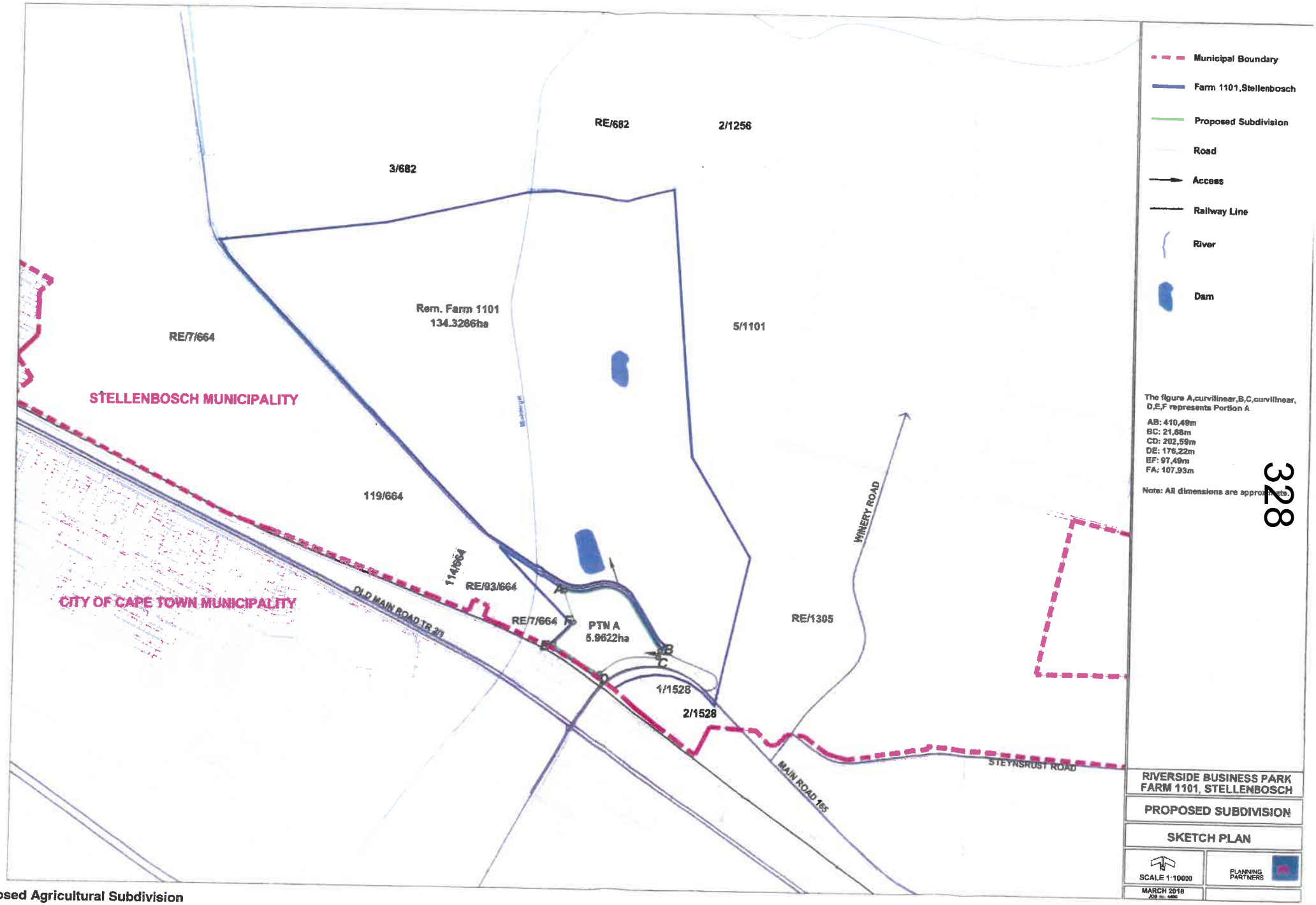
The development proposals require an application in terms of the National Heritage Resource Act, Act 25 of 1999. The competent authority to approve the application is Heritage Western Cape. Note that this application is separate to the land use application, but runs in parallel.

#### 5.3.1 Notice of Intent to Develop

The development involves a site of 5.9622 ha in extent. The National Heritage Resources Act requires any person who intends to undertake a development involving the change of character of a site exceeding 5 000 $m^2$ in extent ((section 38(1)(c)(i))) and ((Section 38(1(d))) or the rezoning of a site

exceeding 10 000 m² in extent to notify the responsible heritage resource authority, in this case Heritage Western Cape (HWC).

Notice of intent to develop the site will be made shortly to HWC as a separate application by the Environmental Assessment Practitioner, Mark Berry.




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**Figure 9: Proposed Agricultural Subdivision**

## 5.4 Applications in terms of Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015)

The following applications are made to the Stellenbosch Municipality's Planning and Development Department in terms of the Stellenbosch Municipality Land Use Planning By-law (MPBL):

### 5.4.1 Subdivision

Farm 1101, Stellenbosch is currently 140.2908 ha in extent. The proposed development will be restricted to only 5.9622 ha of under-utilised land, with the remaining farm operating undisturbed. In order to develop the site for urban uses, the site needs to be subdivided off the main property.

Application is hereby made to subdivide the property into a development portion (5.9622 ha in extent) and Remainder Farm 1101 (134.3286 ha in extent) in terms of Section 15(2)(d) of the MPBL. Refer to **Figure 8** which illustrates the proposed subdivision.

### 5.4.2 Rezoning

Farm 1101, Stellenbosch is currently zoned Agriculture Zone I, in terms of the Article 8 Zoning Scheme. In order to develop the subdivided development portion (the site), it is necessary to rezone the site to Industrial Zone I.

Application is hereby made to rezone the subdivided portion from Agriculture Zone I to Industrial Zone I in terms of Section 15(2)(a) of the MPBL. Refer to **Figure 9** which illustrates the proposed rezoning.

### 5.4.3 Consent Use

Warehousing is included as a consent use under the Article 8 Zoning Scheme's Industrial Zone I.

Application is hereby made for consent use to permit the proposed warehousing component in terms of Section 15(2)(o) of the MPBL.

### 5.4.4 Approval of Site Development Plan

According to the Stellenbosch MPBL, a Site Development Plan (SDP) may be required. Since the proposed development involves a sectional title scheme, the applicant believes a SDP will have benefit.

A SDP, attached as **Annexure 8**, is hereby submitted for review and approval in terms of Section 15(2)(g) of the MPBL.

### 5.4.5 Deviation from the Stellenbosch Municipality Spatial Development Framework

As stated in **subsection 3.2** above, the site is not currently situated within an urban edge of the Stellenbosch Municipality's identified development nodes.

In order to develop the site as intended, a deviation from the SDF would be required. Refer to **Section 10** below, which presents site-specific circumstances as motivation for this deviation in order to accommodate the proposed development.

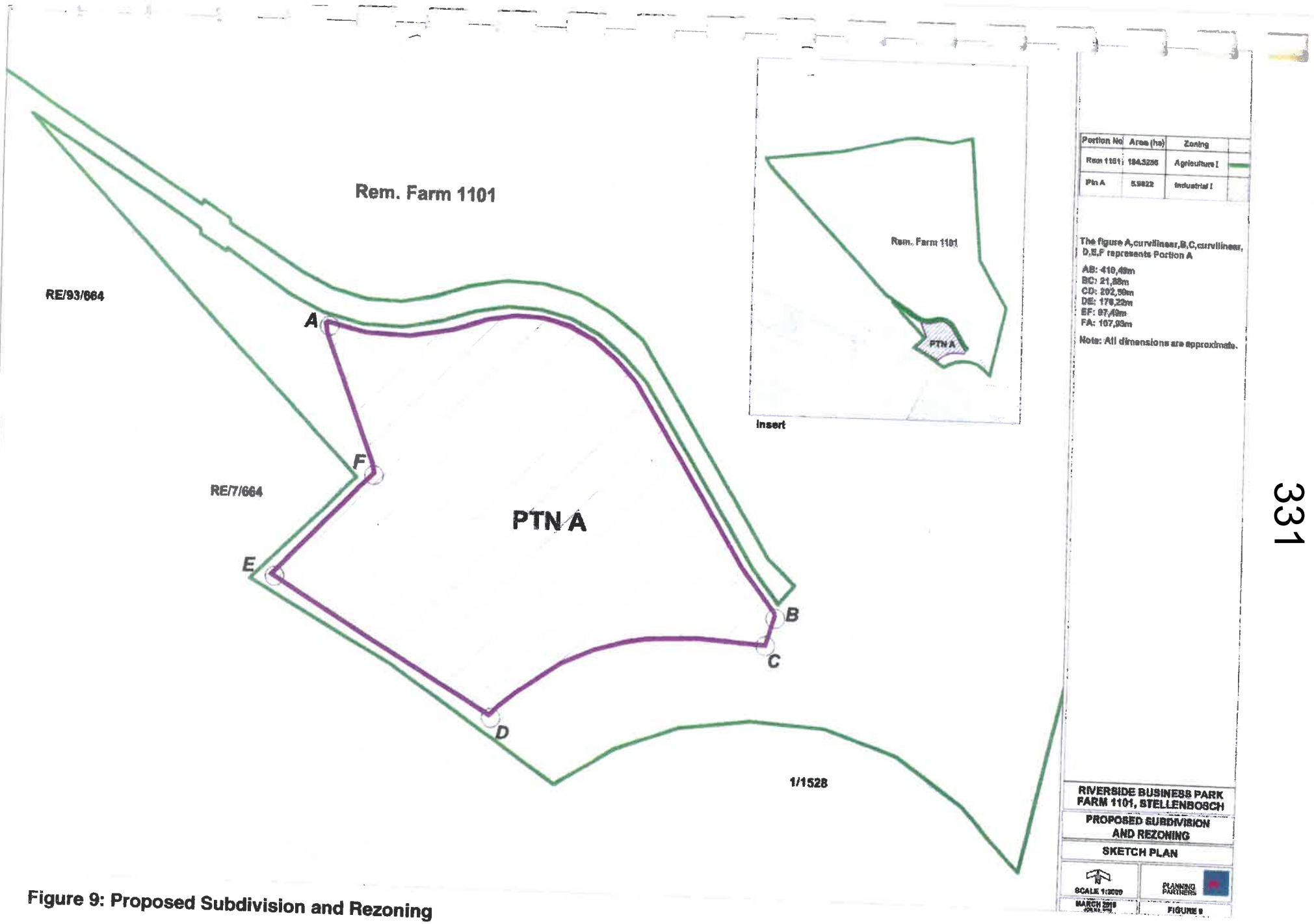



**Figure 9: Proposed Subdivision and Rezoning**

## 5.5 Application in terms of the Land Use Planning Act (LUPA, 2014)

The development proposals also require an application in terms of the provincial Land Use Planning Act (LUPA, 2014). The competent authority to approve the application is the Department of Environmental Affairs and Development Planning.

Since the site is zoned for agricultural uses and a small portion is currently cultivated, a land use application is required in terms of this Act.

A Land Development Application has been made to the Department of Environmental Affairs and Development Planning in terms of Section 53 of the Land Use Planning Act (LUPA, 2014). This application will be submitted simultaneously to the land use application.

## 6. ENGINEERING SERVICES

*UDS Africa* conducted a services assessment in February 2018 to determine the existing bulk civil services infrastructure in the site vicinity, the proposed connection thereto and the estimated services demands (Please refer to **Annexure 10** for a copy of the report). The assessment made the following findings:

### 6.1 Civil Engineering Standards

The design of the proposed services will be in accordance with the "*Guidelines for the Provision of Engineering Services and Amenities in Residential Townships*", the UTG7 publication "*Geometric Design of Urban Local Residential Streets*". This will also be compliant with the standards and requirements of the local authority. Construction of the services will be specified to be in accordance with SANS 1200.

### 6.2 Water Supply

- **Distribution Zone**

The proposed development could be supplied from either the Macassar or Firgrove water distribution zones. Both distribution zones are supplied via a 760 mm Ø bulk distribution main which runs from the Blackheath Water Treatment Plant and reservoir.

- **Development Requirements**

The anticipated water demand for the proposed development has been calculated to 3.75 l/s and 129.6 kl/d.

- **Present Situation**

There is limited water infrastructure in the immediate vicinity of the proposed development. There are two options to supply the development:

1. To the west of the site is a 250 mm Ø water main with a static and peak pressure of 35 m and 58 m, respectively. This line has a peak flow and velocity of 5.6 l/s and 0.2 m/s. This main is fed via a 450 mm PRV off the 760 mm Ø bulk main along Old Faure Road and is set to reduce the static pressures as the 760 mm main operates at very high pressure. When considering the steep nature of the proposed development site, approximate elevation change from 28 m to 34 m, low pressures could be experienced as a result of the existing supply. It is advised that the development utilise an on-site 48 hours storage supply, which would gravity feed the proposed development. In addition, an internal pressure booster would be required to supply the development under fire flow conditions.

2. Along the southern end of the site is a 110 mm Ø water main off Old Main Road, with a static and peak pressure of 46 m and 57 m respectively. The peak velocity and flow in this pipe is 0.3 m/s and 2.5 l/s correspondingly.

The surrounding water network has limited spare capacity and residual flow to supply the proposed demand of 3.75 l/s of the development. However, with the incorporation of a booster pump and storage tanks, the developer should be able to ensure sufficient supply for the proposed development from the 250 mm Ø water main.

Although both options mentioned above could have sufficient capacity to service the proposed development, when considering the cost implications as well as the Firgrove development as a whole, the better option would be to upgrade the Firgrove Station bulk water connection. This would allow for the developer to have a designated supply to the development.

## 6.3 Sewer

- **Drainage Area**

The proposed development is situated in the catchment of the Macassar foul sewer pump station, which has sufficient spare capacity to accommodate 3.56 l/s. Foul sewer is pumped via a rising main from the pump station to the Macassar WWTW.

- **Present Situation**

The following two possible connection points exist for the proposed development:

1. A 150 mm Ø sewer main, situated to the west along Hastings Road approximately 2.1 km from the lowest point of the development site; and
2. A 150 mm sewer main, situated to the south along School Street.

Both connection points have sufficient spare capacity to accommodate the anticipated flow.

- **Wastewater**

The anticipated wastewater flow from the proposed development has been calculated to be 123.1 kl/d. The proposed development is situated within the catchment of the Macassar Wastewater Treatment Works, which has sufficient capacity to accept the anticipated wastewater flow from this development.

## 6.4 Stormwater

The site drains towards an existing stream running adjacent to the railway reserve along the southwestern boundary of the development. The run-off from the proposed development will be discharged into this stream.

In order to reduce impacts of urban stormwater systems on receiving waters, all stormwater management systems shall be planned and designed in accordance with best practice criteria and guidelines laid down by council, to support water sensitive urban design principles and the following specific sustainable urban drainage system objectives:

- improve the quality of the runoff;
- control the quantity and rate of runoff, and
- encourage natural groundwater recharge.

The proposed development of the site is ideally suited for conventional detention facilities such as a pond. As such, the Best Management Practice proposed to improve the quality and control of the quantity of the stormwater run-off is to construct a detention pond with a capacity of approximately 1 900 $m^3$ at the low point on the site. Refer to the SDP attached as **Annexure 8**, which illustrates the location of the proposed detention pond.

### 6.5 Electricity Services

ESKOM is the licensed electricity distributor for the area. ESKOM has confirmed that there is sufficient capacity available at Eskom's Firgrove sub-station to supply the proposed development. Please refer to **Annexure 11** for the confirmation letter.

## 7. ACCESS AND TRANSPORTATION

*Ice Group* conducted a Traffic Impact Assessment in March 2018. Please refer to **Annexure 12** for a copy of the full report. The report's conclusions and recommendations are summarised as follows:

- Conclusions:
  - The TIA is in support of this application;
  - The access to the property is obtained from an existing access road, currently serving an Eskom Substation and the City of Cape Town Waterworks;
  - The proposed development has the potential to generate 228 peak hour trips, with 160 in, 68 out during the AM peak hour and 57 in, 171 out during the PM peak hour;
  - To accommodate the background traffic, the following road upgrades are considered necessary:
    (a) Old Main Road/Main Road/Macassar Road intersection: provision of dedicated left-turn lanes on the northern- and southern-approaches, extension of the existing dedicated right-turn lane on the eastern approach, as well as the changing of existing shared through-left turn lane on the northern-approach to shared-right turn, and existing shared through-left turn lane on the southern-approach to through lane;
  - To accommodate the addition of the proposed development-traffic, the following road upgrades are considered necessary:
    (a) Old Main Road/Main Road/Macassar Road intersection: Provision of dedicated left-turn lane and changing of existing shared through-left turn lane to through lane on western- and eastern-approaches, and provision of/changing of northern-approach to consist of two dedicated right-turn lanes, through lane and dedicated left-turn lane;
    (b) Main Road/Access Road (Waterworks) intersection: Provision of traffic signals at the intersection, with dedicated right-turn lane on eastern approach;
  - The access to the subject property will be along the existing access road, ± 250 metres from the edge of Main Road;
  - That the existing access road is currently a two lane road, with the first section public from Main Road up to and including the proposed access, with the remainder of the road towards the Eskom substation and the CCT waterworks private/servitude road;
  - That the existing Go-Group-Access to Main Road will be closed and relocated to opposite the Main Road/Winery Road intersection, which will improve intersection spacing along Main Road, and thus provide the opportunity for the access road-intersection to be signalised;
  - That it should be ensured that the access layout provides for separate employee/visitor lanes in, and that it accommodates the size vehicles expected to the light industrial development;

- That formal public transport embayments be considered along Main Road at the access road-intersection (outbound legs) and that the provision of sidewalks along the southern side of the access road (between Main Road and the access), as well as along at least one side of the internal streets, be considered.

- Recommendations:
  - To accommodate the background traffic, upgrades to the Old Main Road/Main Road/ Macassar Road are required:
    (a) Provision of dedicated left-turn lanes on the northern- and southern approaches;
    (b) Extension of the existing dedicated right-turn lane on the eastern approach;
    (c) Changing of existing shared through-left turn lane on the northern approach to shared-right turn;
    (d) Changing of existing shared through-left turn lane on the southern approach to through lane;
  - To accommodate the addition of the proposed development-traffic, the following upgrades are considered necessary:
    (a) Old Main Road/Main Road/Macassar Road intersection:
      (i) Provision of dedicated left-turn lane and changing of existing shared through-left turn lane to through lane on western- and eastern approaches;
      (ii) Provision of/changing of northern-approach to consist of two dedicated right-turn lanes, through lane and dedicated left-turn lane;
    (b) Main Road/Access Road (Waterworks) intersection: Provision of traffic signals at the intersection, with dedicated right-turn lane on eastern approach;
  - The security-controlled access layout provides for two lanes in, and accommodates the size vehicles expected to/from the light industrial development;
  - Parking be provided in accordance with the minimum requirements of the Zoning Scheme;
  - Formal public transport embayments be considered along Main Road at the Main Road/Access Road intersection (outbound legs);
  - Provision of sidewalks be considered:
    (a) Along the southern side of the access road (between Main Road and the access);
    (b) Along at least one side of the internal streets.

## 8. SOIL INVESTIGATION

A soil investigation was undertaken by *Johann Lanz* in July 2017. The aim of this investigation was to characterise the different soil types and assess the agricultural potential across a 9 ha portion of Farm 1101, Stellenbosch in order to provide the required information to assess the impact on agricultural production due to the potential loss of this land. The 9 ha portion contains the site and additional surrounding land.

The investigation rated the soils as having low to medium agricultural suitability. The soils are limited by their low clay content, the leached nature of the upper soil horizons, poor drainage and in places limited depth.

The investigation concluded that the soils are not suitable for quality wine production. As a result of the agricultural limitations of this portion of land, its loss will have negligible impact on the agricultural productivity of the remaining farm and the local area. Refer to **Annexure 13** for the full report.

## 9. CONSIDERATION OF NEED AND DESIRABILITY

This application is subject to the provisions of the Spatial Planning and Land Use Management Act, Act 16 of 2013 (SPLUMA) and the Land Use Planning Act, Act 3 of 2014 (LUPA) and shall therefore be considered on the grounds stipulated in these acts with respect to development and land use planning principles. The purpose of this section of the report is to highlight how the proposed light industrial/warehouse development meets these sets of principles. Note that many of the SPLUMA and LUPA principles are not relevant to the scale and nature of the proposed development.

### 9.1 Compliance with SPLUMA Development Principles

Section 7 of the Spatial Planning and Land Use Management Act (SPLUMA) outlines five development principles (and associated sub-principles) which apply to spatial planning, land development and land use management, namely:

- the principle of spatial justice;
- **the principle of spatial sustainability;**
- **the principle of efficiency;**
- the principle of spatial resilience; and
- the principle of good administration.

Not all of the above principles outlined in SPLUMA are applicable to the proposed development, but the following two principles are particularly pertinent, highlighted in bold above. The principle is in italics followed by a statement that demonstrates compliance.

- *The **principle of spatial sustainability**, whereby spatial planning and land use management must (1) support the effective and equitable functioning of land markets, (2) consider current and future infrastructure and social services costs to all parties in developments, (3) support development in strategic locations that limit urban sprawl and (4) result in viable communities.*

  The proposed development is compliant with this principle as it will strengthen the manufacturing sector and will provide additional employment opportunities to the community. The site is also currently under-utilised and the locality is compatible with the proposed development and well located in terms of public transport.

- *The **principle of efficiency**, whereby development projects utilise existing resources and infrastructure efficiently and optimally.*

  The civil services report conducted for this application concludes that there are existing services and capacity available to service the development. The services will be provided by the City of

Cape Town. The development is a logical part of an established node and it is efficient planning to reinforce this node.

### 9.2 Compliance with LUPA Assessment Criteria

Section 49 of the Western Cape Land Use Planning Act (LUPA) provides guidance about matters which must be considered when an application comes before a Municipality and reads as follows:

*"When a municipality considers and decides on a land use application, the municipality must have regard to at least –*

*(a) the applicable spatial development frameworks;*

*(b) the applicable structure plans;*

*(c) the principles referred to in Chapter VI;*

*(d) the desirability of the proposed land use; and*

*(e) guidelines that may be issued by the Provincial Minister regarding the desirability of proposed land use."*

LUPA outlines five principles and associated sub-principles which apply to land use planning, namely:

- principles of spatial justice;
- principles of spatial sustainability;
- principles of efficiency;
- principles of good administration; and
- principles of spatial resilience

As with the SPLUMA, not all of the principles are applicable to the proposed development, but the following are particularly pertinent. The principle is in italics followed by a statement that demonstrates compliance.

- *promote and stimulate the effective and equitable functioning of land markets.*

  The proposed light industrial development has the potential to stimulate the manufacturing sector of the local market, which has been contracting in the last few years.

- *consider current and future costs to all parties for the provision of infrastructure and social services in land developments.*

The availability and cost of infrastructure has been taken into consideration. The project engineer has confirmed that sufficient capacity should be available to link to existing bulk infrastructure and the developer is aware that Development Contribution costs will be involved.

- *promote land development in locations that are sustainable and limit urban sprawl.*

  Even though the site is located outside of an urban edge, the location is adjacent to existing business, storage and utility uses and currently under-utilised due to its isolated location. The proposed development will utilise the currently under-utilised site more efficiently in future.

- *result in communities that are viable.*

  The proposed development is compliant with this principle as it proposes to provide additional employment opportunities and services to the current community, within easy access to public transport, non-motorised transport and private vehicle.

- *the economic potential of the relevant area or region.*

  As stated above, the manufacturing industry employed 10.3% of the Stellenbosch Municipality's workforce in 2015, but has contracted in recent years. The proposed development has the potential to reduce the contraction once fully developed and operational. Further, the development will yield additional income for the Municipality in terms of rates to assist with service delivery in areas of need elsewhere in the municipal area.

Section 49(d) of LUPA is used to assess the desirability of the proposed land use. It is believed that the proposed development is desirable for the site for the following pertinent reasons:

- The population of the City of Cape Town and Stellenbosch municipalities is expected to grow in the future and the demand for consumer goods will increase as a result of the increase in population. The proposed light industrial/warehouse development will help to address these needs.
- The proposed development will generate both temporary employment opportunities during the construction phase and permanent employment opportunities during the operational phase;
- The proposed development will improve the currently under-utilised site; and
- The development will yield a substantial income for the Municipality in terms of rates to assist with service delivery in areas of need elsewhere in the town.

## 10. SITE SPECIFIC CIRCUMSTANCES

This section of the report motivates site specific circumstances to justify deviation from the Stellenbosch Municipal Spatial Development Framework to accommodate the proposed development. The following site-specific circumstances can be highlighted:

- The site is located within the 'Cape Town Functional Region" and is adjacent to an established node: The proposed development site must therefore be seen, not as being on the outskirts of the Stellenbosch Municipal Area and far removed from a settlement within the Stellenbosch Municipality, but rather as being centrally located between the municipalities of the City of Cape Town and Stellenbosch. This is highlighted in the PSDF and OneCape 2040, as discussed in **subsections 3.1** and **3.2** above.
- The site is situated within an area that is well provided by public transport, e.g. PRASA Northern Line, Golden Arrow bus route and mini-bus services. The site is one of the nearest locations within the Stellenbosch municipal area which can connect to the main Cape Town railway services, with the Firgrove railway station located approximately 800 m to the east of the site.
- Furthermore, the Stellenbosch Municipality IDP focuses on reducing the reliance on private vehicles for getting to and from work. The development site is ideally located to support this by being located near the surrounding residential neighbourhoods of La Montagna, Heldervue and Firgrove.
- The site is situated adjacent to existing light industrial, warehousing and office uses within Firgrove and the proposed development represents an expansion of compatible uses.
- Most of the site is currently vacant, but heavily disturbed. The largest portion of the site is therefore under-utilised.
- There is 2.7 ha of the site under vines, but which are of poor quality. A soil investigation has concluded that the soils are not suitable for quality wine production and as a result of the agricultural limitations of this portion of land, its loss will have negligible impact on the agricultural productivity of the remaining farm and the local area.
- The site does not contain environmentally sensitive fauna or flora.

## 11. CONCLUSION

This application is consistent with provincial and local planning policy and will contribute to the economic base of Stellenbosch the Municipality.

It is a sensible and desirable development that fits in with the local context. We request that this application is processed and approved in a timeous manner. If you have any questions or require further information, please contact us.

**Annexure 1**

**Stellenbosch Municipality Application Form**

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) | JAN | | | | |
| Surname | YNTEMA | | | | |
| Company name *(if applicable)* | JPY FAMILY TRUST | | | | |
| Postal Address | SUITE 16, PRIVATE BAG X34 | | | | |
| | SOMERSET WEST | | | Postal Code | 7130 |
| Email | jyntema@go-group.co.za | | | | |
| Tel | 021 – 851 5098 | Fax | N/A | Cell | 083 450 6762 |

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

| | | | | | |
|---|---|---|---|---|---|
| Registered owner(s) | RUSTENHOF BOERDERY (PTY) LTD | | | | |
| Physical address | | | | | |
| | | | | Postal code | |
| E-mail | | | | | |
| Tel | | Fax | | Cell | |

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

| | | | | | |
|---|---|---|---|---|---|
| Erf / Erven / Farm No. | 1101 | Portion(s) if Farm | / | Allotment area | STELLENBOSCH |
| Physical Address | | | | | |
| Current Zoning | AGRICULTURE I | Extent | 140.2908 ~~m²~~ / ha | Are there existing buildings? | Y / N |

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Applicable Zoning Scheme | STELLENBOSCH MUNICIPALITY ZONING SCHEME | | | | | | | | | |
| Current Land Use | AGRICULTURE & VACANT | | | | | | | | | |
| Title Deed number and date | T | 67286/2001 | | | | | | | | |
| Attached Conveyance's Certificate | X | | Any Restrictions ito the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate | | | | | | | |
| Are the restrictive conditions in favour of a third party(ies)? | Y | X | If Yes, list the party(ies): | | | | | | | |
| Is the property encumbered by a bond? | Y | X | If Yes, list the bondholder(s): | | | | | | | |
| Is the property owned by Council? | Y | X | If Yes, kindly attach a power of attorney from the Manager Property Management | | | | | | | |
| Is the building located within the historical core? | Y | X | Is the building older than 60 years? | X | N | Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999)[1] | X | 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)? | | X | 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)? | | X | Are there any land claim(s) registered on the subject property(ies)? | | | | | | | |

**PART D: PRE-APPLICATION CONSULTATION**

| | | | |
|---|---|---|---|
| Has there been any pre-application consultation? | X | | 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; SDF Deviation | 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) | JPY FAMILY TRUST |
| Postal Address | SUITE 16, PRIVATE BAG X34<br>SOMERSET WEST, 7130 |
| Vat Number (where applicable) | 475 023 9420 |

**PART F: DETAILS OF PROPOSAL**

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | Building line encroachment | Street | | From | m | To | m |
| | | Street | | From | m | To | m |
| | | Side | | From | m | To | m |
| | | Side | | From | m | To | m |
| | | Aggregate side | | From | m | To | m |
| | | Rear | | From | m | To | m |
| | Exceeding permissible site coverage | | | From | % | To | % |
| | Exceeding maximum permitted bulk / floor factor / no of habitable rooms | | | From | | To | |
| | Exceeding height restriction | | | From | m | To | m |
| | Exceeding maximum storey height | | | From | m | To | m |
| | Consent/Conditional Use/Special Development<br><br>To permit.....<br>in terms of Section.....of the.....Zoning Scheme Regulations | | | | | | |
| | Other (please specify) | | | | | | |

**Brief description of proposed development / intent of application:**

SUBDIVISION AND REZONING OF 5.9622 ha OF AGRICULTURAL LAND TO ESTABLISH A LIGHT INDUSTRIAL AND WAREHOUSE DEVELOPMENT.

PLEASE REFER TO THE ATTACHED MOTIVATION REPORT

## 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

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| X | N | | Power of attorney / Owner's consent if applicant is not owner | Y | N X | | Bondholder's consent (if applicable) |
| X | N | | Resolution or other proof that applicant is authorised to act on behalf of a juristic person | Y | N X | | Proof of any other relevant right held in the land concerned |
| X | N | | Written motivation pertaining to the need and desirability of the proposal | Y X | N | | S.G. diagram / General plan extract (A4 or A3 only) |
| Y X | N | | Locality plan (A4 or A3 only) to scale | Y X | N | | Site development plan or conceptual layout plan (A4 or A3 only) to scale |
| Y X | N | | Proposed subdivision plan (A4 or A3 only) to scale | Y | N X | | Proof of agreement or permission for required servitude |
| | N | | Proof of payment of application fees | Y X | N | | Proof of registered ownership **(Full copy of the title deed)** |
| X | N | | Conveyancer's certificate | Y X | N | | Minutes of pre-application consultation meeting (if applicable) |
| Y | N | N X A | Consolidation plan (A4 or A3 only) to scale | Y X | N | N/A | Land use plan / Zoning plan (A4 or A3 only) to scale |
| Y | N | N X A | Street name and numbering plan (A4 or A3 only) to scale | Y | N | N X A | 1 : 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale |
| Y | N | N X A | Landscaping / Tree plan (A4 or A3 only) to scale | Y | N | N X A | Home Owners' Association consent |
| Y | N X | N/A | Abutting owner's consent | Y X | N | N/A | Services Report or indication of all municipal services / registered servitudes |
| Y X | 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 X A | Proof of failure of Home owner's association |
| Y | N | N X A | Copy of original approval and conditions of approval | Y | N X | N/A | Any additional documents or information required as listed in the pre-application consultation form / minutes |
| Y | N | N X A | Proof of lawful use right | Y | N | N X A | Other (specify) |
| Y X | N | N/A | Required number of documentation copies | | | | |

## PART H: AUTHORISATION(S) SUBJECT TO OR BEING CONSIDERED IN TERMS OF OTHER LEGISLATION

| | | | | | |
|---|---|---|---|---|---|
| YX | 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) |
| YX | 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) |
| YX | 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: 28/3/2018.

Full name: JAN YNTEMA

Professional capacity: TRUSTEE

**FOR OFFICE USE ONLY**

Date received: _____

Received By: _____

**Annexure 2**

**Powers of Attorney and Trust Resolution**

# POWER OF ATTORNEY

We, the undersigned, **JPY Family Trust**, authorised representative of the **Rustenhof Boerdery (Pty) Ltd** (owner of **Farm 1101, Stellenbosch District**),

do hereby nominate, constitute and appoint **Nick van der Merwe of Planning Partners (Pty) Ltd**,

with power of Substitution, to be our lawful Attorney and Agent in our name, place and stead, to take all such steps and to make any application necessary to any relevant authority as may be required to procure:

**1. Applications to Stellenbosch Municipality:**

a) Subdivision in terms of Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015) to cut off the development portion from the Remainder Farm;

b) Rezoning of land from Agriculture and Rural to Industrial in terms of Section 15(2)(a) of Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015);

c) Site Development Plan approval in terms of Section 15(2)(g) of the Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015); and

d) Amendment of the Stellenbosch Municipality Spatial Development Framework in terms of Section 15(2)(g) of Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015).

**2. Application to the National Department of Agriculture:**

a) Subdivision of agricultural land in terms of Act 64 of 1998 (Act 70 of 1970) to cut off the development portion from the Remainder Farm.

in order to **subdivide and rezone a portion of the property**;

and generally for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes, as we might or could do if personally present and acting herein – hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever our said Attorney and Agent shall lawfully do, or cause to be done, by virtue of these presents.

Signed at Somerset West

this 13 day of **February 2018** in the presence of the undersigned witnesses.

AS WITNESSES:

1.

2.

I/P Yateema

DO NOT SIGN OR INITIAL OVER THIS LINE

**RESOLUTION PASSED AT A MEETING OF THE TRUSTEES**

**OF JPY FAMILY TRUST**

HELD AT Somerset West.

ON 13 February 2018

That the corporation grants a power of attorney to **Nick van der Merwe** of **Planning Partners (Pty) Ltd**, with power of substitution, to take all such steps and to make any application necessary to any relevant authority as may be required to procure the **necessary rights to subdivide and rezone a portion of land,**

in relation to **Farm 1101, Stellenbosch District**:

**1. Applications to Stellenbosch Municipality:**

a) Subdivision in terms of Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015) to cut off the development portion from the Remainder Farm;

b) Rezoning of land from Agriculture and Rural to Industrial in terms of Section 15(2)(a) of Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015);

c) Site Development Plan approval in terms of Section 15(2)(g) of the Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015); and

d) Amendment of the Stellenbosch Municipality Spatial Development Framework in terms of Section 15(2)(g) of Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015).

**2. Application to the National Department of Agriculture:**

a) Subdivision of agricultural land in terms of Act 64 of 1998 (Act 70 of 1970) to cut off the development portion from the Remainder Farm.

and generally for effecting the purposes aforesaid.

RESOLVED FURTHER that **Jan Paul Yntema** in his capacity as a trustee of the trust be and is hereby authorised to sign the relevant power of attorney and any other documents to give effect to the foregoing on terms and conditions as he in his sole discretion deems fit.

CHAIRPERSON

JPY Family Trust

## SPECIAL POWER OF ATTORNEY

I, the undersigned

**Anton Bredell,** in my capacity as director and duly authorised by a resolution of the directors of
**RUSTENHOF BOERDERY PROPRIETARY LIMITED**
**Registratrion Number : 2000/023723/07**

Do hereby nominate, constitute and appoint

**Jan Paul Yntema,** duly authorised by a resolution of the
**JPY FAMILIETRUST**
which trustees are duly authorised by virtue if a letter of authority number IT657/2007 issued by the Master of the High Court, _____, on _____

With power of substitution, to be my lawful attorney and agent in my name, place and stead; and

To do whatever may be necessary in connection with, more particularly:

To attend to an application for subdivision and rezoning of the property known as:

**REMAINDER OF THE FARM RUSTENHOF NUMBER 1101**
**STELLENBOSCH DIVISION**
**WESTERN CAPE PROVINCE**

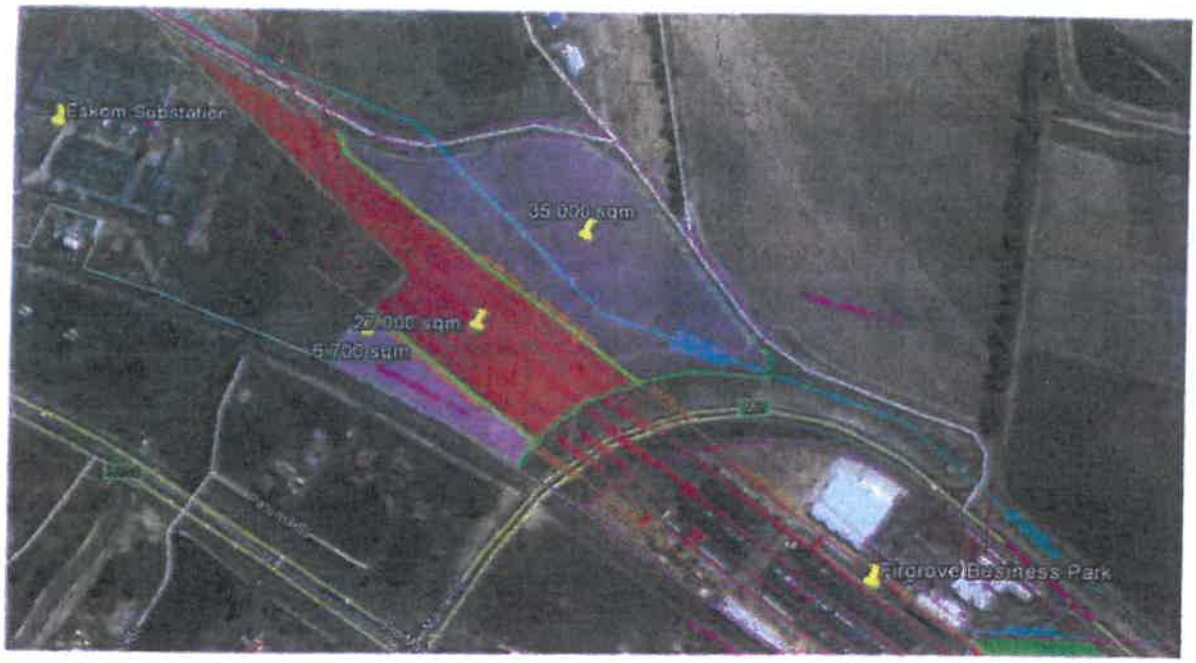
in terms of Act 70 of 1970, Subdivision of Agricultural Land Act. which costs will be borne by my said Attorney and Agent herein with the necessary assistance of myself in respect of the necessary documents requiring my signature and express consent.

And generally for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectively, for all intents and purposes as I might or could do if personally present and acting herein – hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever my said Attorney and Agent shall lawfully do, or cause to be done, by virtue of these presents.

JPY Family Trust

**PROPERTY**

The the land to be subdevided and rezones is a portion of the farm Rustenhof 1101 (indicated in the image below) with an estimated size of ~ 68.700 square meter (6.87 Ha)




SIGNED AT ON

**AS WITNESSES:**

1. _____

2. _____

_____
ANTON BREDELL

_____
JAN PAUL YNTEMA

**Annexure 3**

**S.G. Erf Diagrams and Noting Sheet**

SERVITUDE DIAGRAM

OFFICE COPY

| SIDES Metres | | ANGLES OF DIRECTION | | CO-ORDINATES Y System: WG19° X | |
|---|---|---|---|---|---|
| | | Constants: | | 0,00 | +3 700 000,00 |
| AB | 1297,40 | 316 19 06 | A | + 20 981,37 | + 67 983,44 |
| BC | 183,44 | 301 55 00 | B | + 20 085,32 | + 68 921,70 |
| CD | 124,10 | 334 42 30 | C | + 19 929,61 | + 69 018,68 |
| DE | 762,45 | 311 27 00 | D | + 19 876,59 | + 69 130,89 |
| | | | E | + 19 305,12 | + 69 635,61 |
| | | STEL 3 ( 67) | △ | + 21 266,03 | + 67 324,40 |
| | | MACASSAR ( 12) | △ | + 22 321,91 | + 71 634,78 |

S.G. No.

7281/2008

Approved

for SURVEYOR-GENERAL

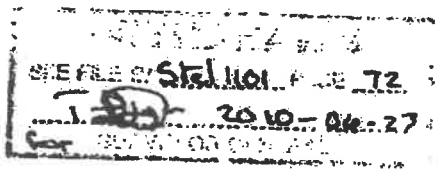
2009.03.30.

**Beacon Descriptions**

A,C :12mm Round Iron Peg
B,D,E :16mm Round Iron Peg in Concrete
F,G :Not beaconed

Sheet 1 of 2 sheets

EXEMPT FROM PROVISIONS OF ACT 70 OF 1970
SECTION 2 (a)




The line FBCDG represents the reference line of an Electric Power Transmission Servitude extending 17,50 metres on the Northern side and 22,50 metres on the Southern side of the line ~~A B C D E~~ over

The Remainder of the Farm RUSTENHOF No. 1101

Situate in the Municipality of Stellenbosch,
Administrative District of Stellenbosch,
Province of Western Cape
Surveyed in February-November 2008 by me

S. A. STRYDOM PLS 0593
Professional Land Surveyor

EXEMPT FROM PROVISIONS OF CHAPTER III OF ORD. 15/1985

| This diagram is annexed to No. d.d. i.f.o. Registrar of Deeds Cape Town | The original diagram is S.G. No. 1958/1975 Transfer 1976. .23652 Grant | File Stel1101 S.R. 3180/2008 Comp. AHND-4231(M2986) (M3791)(M3789) (M3790) Lpi C0670000 |
|---|---|---|

THE FOLLOWING DEDUCTIONS HAVE BEEN MADE FROM THIS DIAGRAM

| SURVEY RECORD | DIAGRAM NO. | SUBDIVISION | AREA HA./SQ. M. | TRANSFER NO. | INITIALED | REMDR. |
|---|---|---|---|---|---|---|
| E.576/75 | 1959/75 | Ged. 1. | 92, 348/ | 23653/76 | [illegible] | |
| E 2551/01 | 6411/01 | Ged 2 | | | | |
| —" — | 6412/01 | Ged 3 | | | | |
| ~~3024/2008~~ | ~~3024/2008~~ | Ptn. 4 | 4.2247 ha | 8/690/200 | [illegible] | |

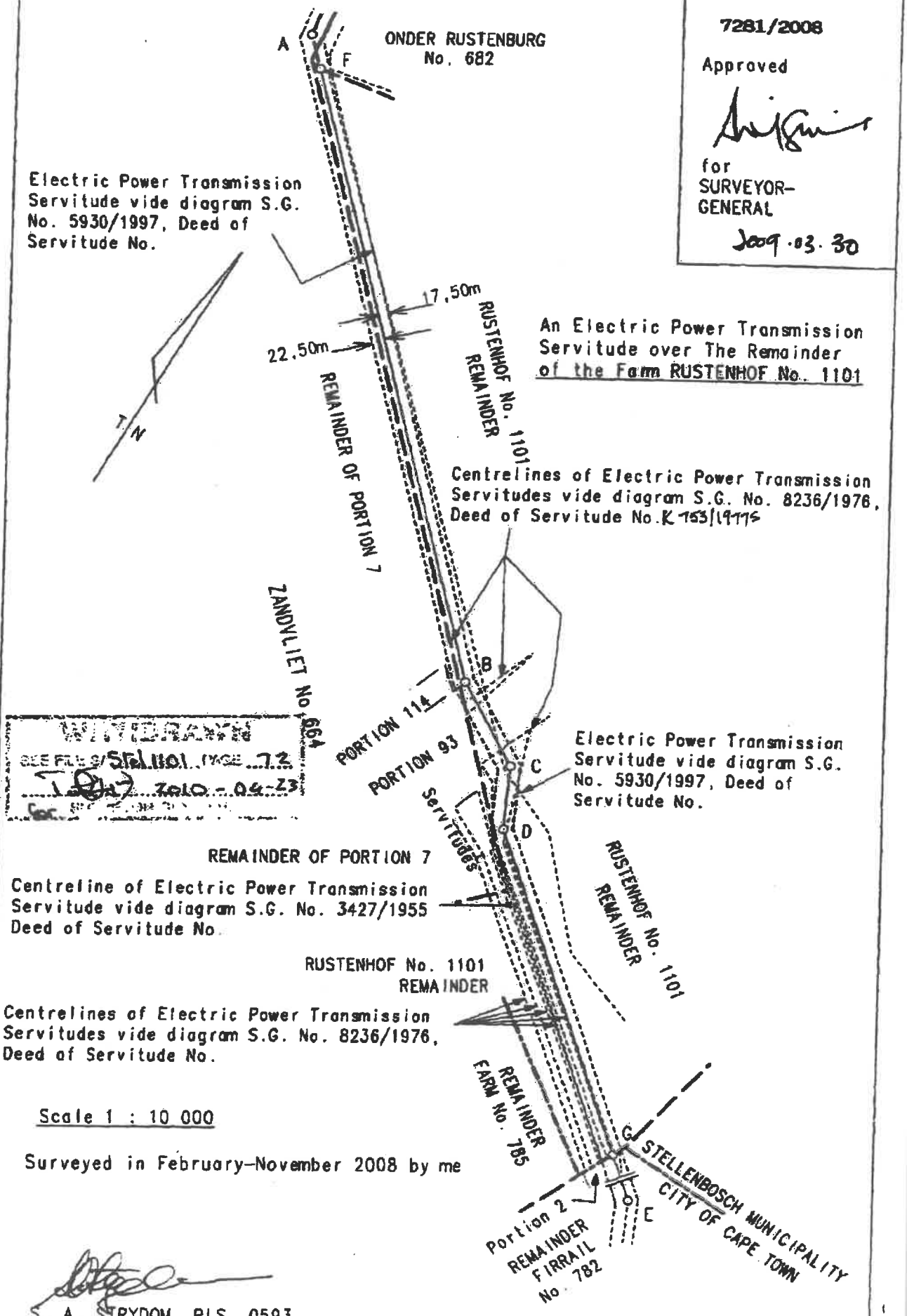
| | | | | |
|---|---|---|---|---|
| E. 576/75 | 1959/75 | Dra lyn $x^2y^2$ stel voor 'n serwituut pyp lyn ← see original diagram | T/A 23653/76 | [illegible] |
| E.975/76 | 8232/76 | | K753/1977 | |
| E 2349/97 | 5930/97 | The line $O^2p^2q^2r^2s^2t^2u^2v^2$ represents the north eastern boundary of a pipeline servitude 8,00 m wide and the south western boundary of a pipeline servitude 7m wide and extends to property body' | | |
| ~~3129/2008~~ | ~~7281/2008~~ | | withdrawn | |

SERVITUDE DIAGRAM

OFFICE COPY

Sheet 2 of 2 sheets

S.G. No.
7281/2008
Approved
for
SURVEYOR-
GENERAL
2009-03-30




WITHDRAWN
SG FILE/S SG 1101 PAGE 72
2010-04-23

Scale 1 : 10 000

Surveyed in February–November 2008 by me

S. A. STRYDOM PLS 0593
Professional Land Surveyor

Servitude dgm 7281/2008

8236/76

| SYE METERS | | RIGTINGS-HOEKE | | KOÖRDINATE STELSEL Lo 19° Y | X |
|---|---|---|---|---|---|
| | | Konstante | | ± 0,00 | + 3 700 000,00 |
| AB | 1 256,76 | 316.19.30 | A | + 20 889,38 | + 67 730,64 |
| BC | 1,76 | 21.19.00 | B | + 20 021,52 | + 68 639,63 |
| | | | C | + 20 022,16 | + 68 641,27 |
| DE | 908,59 | 354.06.50 | D | + 20 035,39 | + 67 600,16 |
| EF | 178,86 | 14.56.10 | E | + 19 942,20 | + 68 503,96 |
| | | | F | + 19 988,30 | + 68 676,78 |
| EG | 168,37 | 21.23.20 | G | + 20 003,60 | + 68 660,73 |
| HJ | 1 190,56 | 23.57.30 | H | + 19 390,19 | + 67 551,17 |
| JK | 119,63 | 21.57.00 | J | + 19 873,65 | + 68 639,15 |
| | | | K | + 19 918,37 | + 68 750,11 |
| JL | 229,16 | 341.03.00 | L | + 19 799,22 | + 68 855,91 |
| LM | 535,43 | 310.41.50 | M | + 19 317,46 | + 69 270,25 |
| NO | 57,39 | 296.02.00 | N | + 19 931,95 | + 68 735,87 |
| OP | 133,14 | 328.11.00 | O | + 19 880,38 | + 68 761,06 |
| PQ | 720,33 | 310.41.30 | P | + 19 810,19 | + 68 874,19 |
| | | | Q | + 19 264,01 | + 69 343,83 |
| RS | 690,81 | 310.42.40 | R | + 19 821,01 | + 68 892,39 |
| | | | S | + 19 297,36 | + 69 342,96 |
| TU | 668,46 | 310.43.30 | T | + 19 828,25 | + 68 904,43 |
| | | | U | + 19 321,66 | + 69 340,55 |
| Koppeksiedata | | | | | |
| VC | 7,97 | 316.21.40 | V | + 20 027,66 | + 68 635,50 |
| CC | 26,89 | 316.21.40 | | | |
| GF | 22,17 | 316.21.40 | | | |
| FN | 81,66 | 316.21.40 | | | |
| NK | 19,68 | 316.21.40 | | | |
| KW | 40,62 | 316.21.40 | W | + 19 890,33 | + 68 779,51 |
| XM | 26,31 | 26.08.30 | X | + 19 305,86 | + 69 246,64 |
| MY | 63,41 | 26.08.30 | Y | + 19 345,39 | + 69 327,18 |
| | | Stel 3 Nr. 67 | Δ | + 21 203,35 | + 67 024,93 |
| | | HM 97 Nr. 97 | Δ | + 15 050,35 | + 72 951,62 |

Die ~~figuur~~ lyne Z.B.C.; A'.E.F.; E.G.; B'.J.K.; J.L.M.; N.O.C'.; D'.E'.; F'.G'. en H'.J'.

stel voor die hartlyne van 'n SERWITUUT VAN ELEKTRIESE KRAGLEIDING oor Restant van die plaas RUSTENHOF NR. 1101

~~grond synde~~

gelee in STELLENBOSCH

Administratiewe Distrik Provinsie Kaap die Goeie Hoop.

Opgemeet in Maart - Mei 1976

deur my,

P. DU TOIT Landmeter

| Hierdie kaart is geheg aan | Die oorspronklike kaart is | Lêer No. STEL. M.F. |
|---|---|---|
| No. K753/1975 gedateer | | M.S. No. E. 975/76 |
| t.g.v. | No. 1958/1975 geheg aan Transport/Grondbrief No. 1976-488-23652 | Komp. AH-2BAC (3284) AH-2BA/Z23 (6283) AH-2BA/Z21 (269) AH-2BA/Z22 (270) |
| Registrateur van Aktes | | |

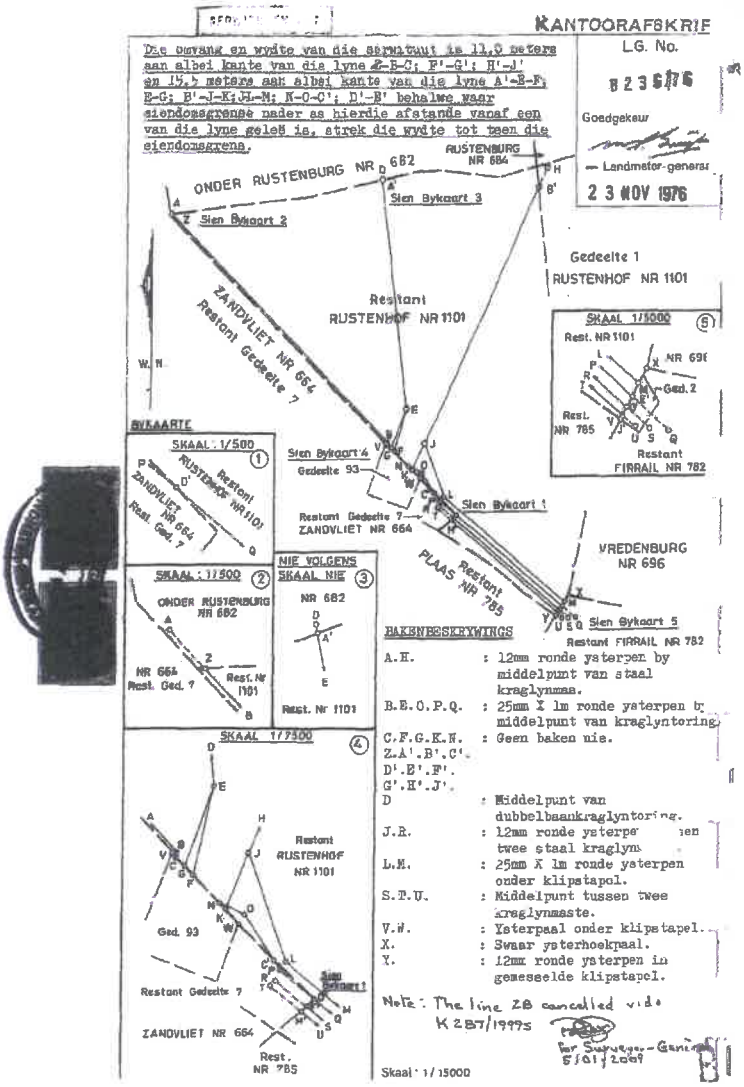
KANTOORAFSKRIF

L.G. No. 8236/76

Goedgekeur — Landmeter-generaal

23 NOV 1976

Die breedte en wydte van die serwituut is 11,0 meters aan albei kante van die lyne Z-B-C; F'-G'; H'-J' en 14,5 meters aan albei kante van die lyne A'-E-F; E-G; B'-J-K; J-L-M; K-O-C'; D'-E' behalwe waar eiendomsgrense nader as hierdie afstande vanaf een van die lyne gelee is, strek die wydte tot teen die eiendomsgrens.




BAKENBESKRYWINGS

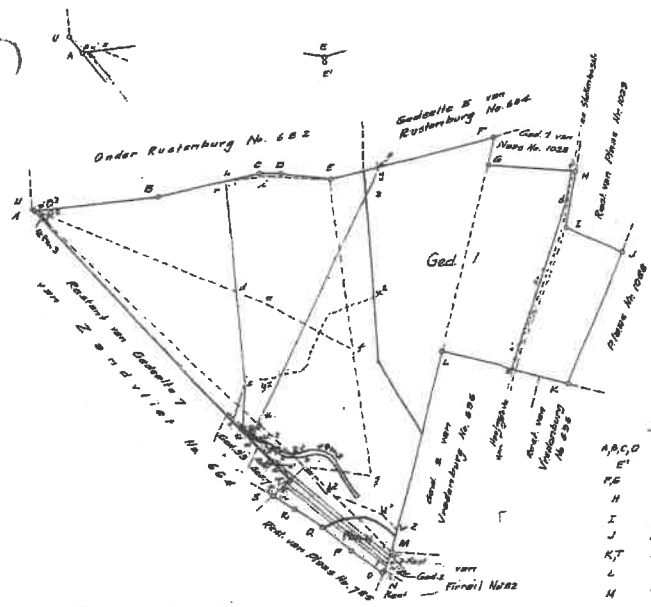
| | |
|---|---|
| A.H. | : 12mm ronde ysterpen by middelpunt van staal kraglynmas. |
| B.E.O.P.Q. | : 25mm X lm ronde ysterpen by middelpunt van kraglyntoring. |
| C.F.G.K.N. Z.A'.B'.C'. D'.E'.F'. G'.H'.J'. | : Geen baken nie. |
| D | : Middelpunt van dubbelbaankraglyntoring. |
| J.R. | : 12mm ronde ysterpe en twee staal kraglyn |
| L.M. | : 25mm X lm ronde ysterpen onder klipstapel. |
| S.T.U. | : Middelpunt tussen twee kraglynmaste. |
| V.W. | : Ysterpaal onder klipstapel. |
| X. | : Swaar ysterhoekpaal. |
| Y. | : 12mm ronde ysterpen in gemeesselde klipstapel. |

Note: The line ZB cancelled vide K287/1999s

for Surveyor-General 5/01/2009

Skaal 1/15000

1958/75


Onder Rustenburg No. 682
Gedeelte E van Rustenburg No. 684
Gedeelte 7 van Nooitgedacht No. 1029
Gedeelte 2 van Nooitgedacht No. 1029
Gedeelte 1 van Nooitgedacht No. 1029
Gedeelte 7 van Nooitgedacht No. 1029
Gedeelte 2 van Nooitgedacht No. 1029
Gedeelte 1

THE FOLLOWING DEDUCTIONS HAVE BEEN MADE FROM THIS DIAGRAM

| SURVEY RECORD | DIAGRAM NO. | SUBDIVISION | AREA HA./SQ. M. | TRANSFER NO. | INITIALED | REMDR. |
|---|---|---|---|---|---|---|
| E.576/75 | 1959/75 | Gedt 1. | 92, 348/ | 23653/76 | WB/sl | |
| E 2841/01 | 6411/01 | Gedt 2 | | | | |
| — " — | 6412/01 | Gedt 3 | | | | |
| 3024/2008 | 3024/2008 | Ptn. 4 | 4.2247 ha | 8/690/2007 | WB | |

| | | | | |
|---|---|---|---|---|
| E. 576/75 | 1959/75 | Die lyn $x^3y^2$ stel voor 'n serwituut pyp lyn | T/A 23653/76 | WB/sl |
| K.573/76 | 6226/76 | ↳ see original diagram | K753/1977 | |
| E 2841/77 | 5930/77 | The lines $p^2q^2r^2s^2t^2u^2v^2$ represents the north eastern boundary of a pipeline serv. B, 90 m back and the south western boundary of a parallel servitude 7m wide, and extends to property edge | | |
| 2988/2008 | 7281/2008 | | withdrawn | |

1107

**Annexure 4**

**Copy of Title Deed**

PROD DEEDS REGISTRATION SYSTEM - CAPE TOWN DATE : 20171110 TIME : 09:41:08.9 PAGE : 1
PREPARED BY : DRS00092 - RICHARD SIBINDA

PROPERTY DETAILS PRINT FOR PORTION 0 (R/E)
FARM NO 1101
REG DIV STELLENBOSCH RD

PROVINCE WESTERN CAPE
PREV DESCRIPTION
DIAGRAM DEED NO T23652/1976
EXTENT 140.2908 H
CLEARANCE CITY OF CAPE TOWN
FARM NAME RUSTENHOF

FIRM NR : 999
FIRM NAME : AKTEKANTOOR KAAPSTAD
FILE NR : PREP
FEE AMOUNT: R .00

| INTERDICTS | CASE NUMBER | CASE DATE/TITLE NR | NOTED ON |
|---|---|---|---|
| I-3899/2010LG | | | 20100430 |

| DOCUMENTS | HOLDER & SHARE | AMOUNT | O/P/A | SCAN/MICRO REF | MMDD |
|---|---|---|---|---|---|
| B5160/2002 | NEDBANK LTD | R2500000.00 | | 20090224140355 | 0131 |
| K1158/2000S | | | | 2000 0803 2242 | 1121 |
| K1411/2006S | | | | 20070430100102 | 1215 |
| K87/1999S | | | | 2000 0163 4313 | 0325 |
| K753/1977S | | | | 2000 0163 4319 | |
| FARM ST 1101 | | | | 1985 0073 0878 | |
| FROM ST RD 685,664/1 | 869,786,664/49,785/14,695 | | | | |
| PTN ST RD 1101/1 | | | | | |

OWNER DETAILS

| FULL NAME & SHARE | PURCH DATE | AMOUNT/REASON | O/P/A | IDENTITY | DATE OF BIRTH | TITLE DEED | MMDD | SCAN/MICRO REF |
|---|---|---|---|---|---|---|---|---|
| RUSTENHOF BOERDERY PTY LTD | | | | 2000023723O7 | | T67286/2001 | 0827 | 20090224140336 |
| | 20010529 | R2093381.00 | | | | | | |

* O/P/A - O - MULTIPLE OWNER P - MULTIPLE PROPERTY A - MULTIPLE OWNER AND PROPERTY

** PLEASE NOTE : THE INFORMATION APPEARING ON THIS PRINTOUT IS FURNISHED FOR PURPOSES OF INFORMATION ONLY.
FOR MORE DETAILED INFORMATION, PLEASE REFER TO THE REGISTERED SOURCE DOCUMENTS.

* * * END OF REPORT * * *

236 **51**

Miller Bosman Le Roux
ABSA Gebou
Hoofstraat 140
SOMERSET WES
7129

Opgestel deur my

TRANSPORTBESORGER

SEËLREG DUTY R.....

POSTAGE FEE R 500,00

for releases see bond.

**VERBIND MORTGAGED**

VIR FOR R 2 500 000,00

B 005160/2002

2002-01-31

REGISTRATEUR/REGISTRAR

T 067286 • 2001

## TRANSPORTAKTE

VIR VERVREEMDE EIENDOM
VAN VERVREEMDER

HIERBY WORD BEKENDGEMAAK DAT

**GRANT ALASTAIR GREGORY HILL**

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

**ANTON BREDELL**
**Identiteitsnommer 570125 5035 08 9**
**Getroud buite gemeenskap van goed**

geteken te SOMERSET WES op 23 JULIE 2001

En genoemde Komparant het verklaar dat sy prinsipaal het, op 29 Mei 2001, waarlik en wettiglik verkoop by Privaat ooreenkoms, en dat hy, in sy voorgenoemde hoedanigheid hierby sedeer en transporteer aan en ten gunste van

**RUSTENHOF BOERDERY (EIENDOMS) BEPERK**
**Nr. 2000/023723/07**

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

RESTANT VAN DIE PLAAS RUSTENHOF NO 1101
IN DIE STELLENBOSCH MUNISIPALITEIT
AFDELING STELLENBOSCH
PROVINSIE WES KAAP;

GROOT 144,5155 (EEN HONDERD VIER EN VEERTIG KOMMA VYF EEN VYF VYF) Hektaar

AANVANKLIK GEREGISTREER kragtens Sertifikaat van Verenigde Titel No T 23652/1976 met Kaart No 1958/1975 wat daarop betrekking het en GEHOU kragtens Transportakte No T 345/1984.

I. Wat betref die Restant van die figuur gemerk cBhiEfed op Kaart No 1958/1975 geheg aan Sertifikaat van Verenigde Titel No T 23652/1976.

A. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte No 4055 gedateer 6 Junie 1917 en;

B. GEREGTIG op die voordeel van die voorwaarde waarna verwys word in die endossement gedateer 24 Januarie 1927 op Sertifikaat van Verdelingstitel no 3842 gedateer 26 April 1921, welke endossement as volg lui:-

"PARAS 3, 4, 5, and 6
REGISTRATION OF SERVITUDE

By Notarial Deed dated 3rd December 1926 the right to the use of certain water appertaining to the property held under sub para a) of Certificate of Partition Transfer No 3841 dated 26th April 1921 as well as the right of aqueduct has been granted in favour of the properties held under paras 3, 4, 5, and 6 hereof as will more fully appear on reference to the copy annexed hereto".

II. WAT BETREF die figuur acdefgb op Kaart No 1958/1975 geheg aan Sertifikaat van Verenigde Titel No T 23652/1976;

A. ONDERHEWIG aan sodanige voorwaardes soos na verwys word in Transportakte No 4055 gedateer 6 Junie 1917.

III. WAT BETREF die figuur gemerk AabT op die Kaart No 1958/1975 geheg aan Sertifikaat van Verenigde Titel No 23652/1976;

A. ONDERHEWIG aan sodanige voorwaardes soos na verwys word in Transportakte No 4055 gedateer 6 Junie 1917: en

B. GEREGTIG op die voordeel van die voorwaarde waarna verwys word in die endossement gedateer 24 Januarie 1927 op Sertifikaat van Verdelingstitel No 3842 gedateer 26 April 1921, welke endossement meer volledig uiteengesit is in Komponent I.B hiervan.

IV. WAT BETREF die figuur gemerk hCDEi op Kaart No 1958/1975 geheg aan Sertifikaat van Verenigde Titel No T 23652/1976;

A. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte No 4055 gedateer 6 Junie 1917.

V. WAT BETREF die figuur gemerk bMNOPQRS op die voormelde Kaart No 1958/1975 geheg aan Sertifikaat van Verenigde Titel No 23652/1976;

A. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte No 4055 gedateer 6 Junie 1917; en

B. GEREGTIG op die voordeel van die voorwaardes waarna verwys word in die endossement gedateer 24 Januarie 1927 op Sertifikaat van Verdelingstitel No 3842 gedateer 26 April 1921, welke endossement meer volledig uiteengesit is onder Komponent I.B. hiervan.

VI. WAT BETREF die restant van die figuur gemerk EFMbg op voormelde Kaart No 1958/1975:

A. ONDERHEWIG aan die voorwaardes soos na verwys word in transportakte No 4055 gedateer 6 Junie 1917; en

B. GEREGTIG op die voordeel van die voorwaarde waarna verwys word in die endossement gedateer 24 Januarie 1927 op gemelde Sertifikaat van Verdelingstitel No 3842 gedateer 26 April 1921, welke endossement meer volledig uiteengesit is in Komponent I.B. hiervan.

VII. ONDERHEWIG wat betref die restant van die hele figuur aangedui op Kaart No 1958/1975 aan die volgende voorwaarde opgelê ten gunste van Jacobus Petrus Bredell en sy opvolgers in titel van die eiendom beskryf as: Sekere stuk gedeeltelik vrygekoopte, gedeeltelik afgeskafte erfpaggrond en gedeeltelik eiendomsgrond, gelee in die Afdeling Stellenbosch, synde GEDEELTE 1 (HELDERSIG) van die Plaas RUSTENHOF No 1101 gehou deur hom kragtens Sertifikaat van Verdelingstitel No T 23654/1976, welke voorwaarde soos volg lees:-

a) ONDERHEWIG aan 'n serwituut pyplyn aangedui deur die lyn xy op Kaart No 1959/1975 geheg aan Verdelingstransport No T 23653/1976 ten gunste van Jacobus Petrus Bredell, en

b) ONDERHEWIG aan die voorwaarde dat gemelde Jacobus Petrus Bredell en sy opvolgers in titel geregtig is om water te pomp vanaf die rivier gedurende die maande Mei tot Oktober deur middel van 'n pyplyn wat aangedui word deur die lyn XY op Kaart No 1959/1975 geheg aan gemelde Verdelingstransportakte No T 23653/1976 ten gunste van Jacobus Petrus Bredell.

VIII. ONDERHEWIG VERDER aan die voorwaardes van die endossement gedateer 13 Maart 1986 kragtens Artikel 31(6) van Wet 47 van 1937 (soos gewysig) op Transportakte Nr T 345/1984, welke endossement as volg lees:

"Die hierin vermelde eiendom' groot ± 2,98 ha is onteien deur die Afdelingsraad van Stellenbosch kragtens Art 27 van die Ordonnansie op paaie, Ordonnansie 19 van 1976, vide Onteieningskennisgewing Nr 9/1/2/4/1 gedateer 27 Februarie 1986 en geliasseer as onteienings caveat EX 56/86."

IX. ONDERHEWIG VERDER aan die voorwaardes van die endossement gedateer 27 Januarie 1991 kragtens Artikel 31(6) van Wet 47 van 1937 (soos gewysig) op Transportakte Nr T 345/1984, welke endossement as volg lees:

"Die eiendom hierin vermeld groot ± 521 vierkante meter is onteien deur die Munisipaliteit van Kaapstad in terme van Vide 20/74 saamgelees met Wet 63 van 1975 vide Onteieningskennisgewing EX 8/91 gedateer 27 Januarie 1991 en geliasseer as onteienings caveat EX 8/91."

X. ONDERHEWIG VERDER aan die voorwaardes van die endossement soos vervat in Transportakte Nr T 345/1984, welke endossement as volg lees:

a. "Kragtens Notariële Akte van Serwituut Nr K 287/99 S word 'n ewigdurende serwituut van elektriese kragleiding, 40 meter wyd aan Eskom verleen, oor binnegemelde eiendom, tesame met bykomende regte;

b. Word daardie gedeelte van die serwituut van elektriese kragleiding wat kragtens Serwituutakte Nr K 753/77 S soos in voorwaarde VIII op bladsy 4 oor binnegemelde grond geregistreer is, waarvan die roete voorgestel word deur die lyn ZB, hiermee gekanselleer."

XI. ONDERHEWIG VERDER aan die voorwaardes van die endossement ten gunste van die Kaapse Metropolitaanse Raad, soos vervat in Transportakte Nr T 345/1987, welke endossement as volg lees:

a. "Kragtens Notariële Akte van Serwituut Nr K1158/2000 S is binnegemelde eiendom onderhewig aan 'n pyplyn serwituut 8 meter

wyd, die noord oostelike grens waarvan voorgestel word deur die lyn UVWXYZAI op Plan Nr 5930/1997.

b. 7 meter wyd, die suidwestelike grens waarvan voorgestel word deur die lyn UVWXYZAI op Plan Nr 5930/1997."

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

**ANTON BREDELL, Getroud soos vermeld**

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

**RUSTENHOF BOERDERY (EIENDOMS) BEPERK**

hul Opvolgers in titel of Regverkrygendes, tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat en ten slotte erken dit dat die verkoopprys die bedrag van **R2 093 381,00 (Twee Miljoen Drie en Negentig Duisend Drie Honderd Een en Tagtig Rand)** beloop.

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

Onderteken, verly en met die ampseël bekragtig op die kantoor van die Registrateur van Aktes te Kaapstad op 27 Augustus 2001 -

q.q.

In my teenwoordigheid

REGISTRATEUR VAN AKTES

8

| DIE BINNEGEMELDE EIENDOM IS ONDERHEWIG AAN 'N KRAGLYNSERWITUUT TEN GUNSTE VAN ESKOM BEHEREN MET BYKOMENDE REGTE. | THE WITHINMENTIONED PROPERTY IS SUBJECT TO A POWERLINE SERVITUDE IN FAVOUR OF ESKOM HOLDINGS LTD. WITH ANCILLIARY RIGHTS. |
|---|---|
| K 00001411 / 2006 S | |
| 2006 -12- 15 | REGISTRATEUR/REGISTRAR |

Recommended Servitude

Portion 42 = 4,2247 Ha

| GETRANSPORTEER AAN | TRANSFERRED TO |
|---|---|
| TPV familietrust & | |
| RESTANT/REMAINDER | 460,2908 Ha |
| T 081690 / 08 | |
| 23 DEC 2008 | REGISTRATEUR/REGISTRAR |

**Annexure 5**

**Conveyancer Certificate**

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

# CONVEYANCER CERTIFICATE

I, **HEIN CONRAD NAUSCHUTZ**

Practising at:

**1ST FLOOR, TRIANGLE POINT**
**13 URTEL CRECENT, SOMERSET MALL**
**SOMERSET WEST**

In respect of:

**REMAINDER OF THE FARM RUSTENHOFF no. 1011**
**IN THE STELLENBOSCH MUNICIPALITY**
**STELLENBOSCH DIVISION**
**PROVINCE OF THE WESTERN CAPE**

**MEASURING 140,2908 HECTARES**

**HELD BY DEED OF TRANSFER no. T 67286/2001**

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

**AND THAT THE TITLE DEEDS DOES NOT CONTAIN ANY RESTRICTIVE CONDITIONS WHICH MAY IMPACT ON THE PROPOSAL IN RESPECT OF THE LAND USE PLANNING AND AGRICULTURAL SUBDIVISION APPLICATIONS**, being:

1 . HOLDING TITLE DEED OF TRANSFER no. T 67286/2001

2. DEED OF TRANSFER no. T4055/1917

3. DEED OF TRANSFER dated 05 NOVEMBER 1889

STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

## 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~~ | NO | |
| 2. | Building lines | ~~Y~~ | NO | |
| 3. | Height | ~~Y~~ | NO | |
| 4. | Number of Dwellings | ~~Y~~ | NO | |
| 5. | Bulk floor area | ~~Y~~ | NO | |
| 6. | Coverage/built upon area | ~~Y~~ | NO | |
| 7. | Subdivision | ~~Y~~ | NO | |
| 8. | Servitudes that may be registered over or in favour of the property | YES | ~~N~~ | See attached Annexure "A" |
| 9. | Other Restrictive Conditions | YES | ~~N~~ | See attached Annexure "A" |

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

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

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

| | | |
|---|---|---|
| a. | Organ(s) of State that might have an interest in the restrictive condition | |
| 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 Somerset West on 15 February 2018**

**Full names and Surname: HEIN CONRAD NAUSCHUTZ**

**Signature:** .....

HEIN CONRAD NAUSCHUTZ
COMMISSIONER OF OATHS
ATTORNEY, CONVEYANCER, R.S.A
F2, 1st FLOOR BLOCK A
STELLENPARK BUSINESS PARK
R44, JAMESTOWN, STELLENBOSCH

**Tel: 021 001 1170**

**Email: heinn@stbb.co.za**

**Cell: 083 232 3591**

**ANNEXURE "A" TO CONVEYANCERS CERTIFICATE – REMAINDER THE FARM RUSTENHOFF no. 1011**

A. Servitudes registered over property

1. Condition VII (a) on page 4 of T67286/2001 refers to a pipeline servitude indicated by the line x y on diagram no. SG1959/1975[1] (attached to Partition Transfer no. T 23653/1976 in favour of JACOBUS PETRUS BREDELL, and that JACOBUS PETRUS BREDELL and his successors in title is entitled to convey water of the property by means of the said pipeline.

2. Condition X on page 5 of T67286/2001 refers to a 40 meter wide ESKOM servitude registered as Notarial Deed no. K287/1999S.
3. By Notarial Deed no. K1411/2006S, the within property is subject to a powerline and telecommunication servitude, in favour of ESKOM.

4. Condition XI on page 5 and 6 of T67286/2001 refers to a pipeline servitude registered in favour of the Cape Metropolitan Council, in terms of Notarial Deed no. K287/1999S, being:

a) 8 meter wide pipeline servitude, the north eastern boundary indicated by the line UVWXYZAI on diagram no. SG 5930/1997[2]

b) 7 meter wide pipeline servitude, the south western boundary indicated by the line UVWXYZAI on diagram no. SG 5930/1997

B. Other Restrictive Conditions

1. Condition VIII on page 4 and 5 of T67286/2001 refers to a portion of the within property measuring ±2.98 ha has been expropriated by the Divisional Council of Stellenbosch, in terms of Section 27 of the Road Ordinance 19 of 1976, vide notice 9/1/2/4/1 dated 27 February 1986 and filed as EX56/1986[3].

2. Condition IX on page 5 of T67286/2001 refers to a portion of the within property measuring ± 521m² has been expropriated by the Municipality of Cape Town, in terms of Ordinance 20 of 1974 read with Act 63 of 1975, dated 27 January 1991 and filed as EX8/1991[4].

[1] See Diagram no **SG 1959/1975** attached as Annexure **"B"**- servitude highlighted on sheet 1
[2] See Diagram no **SG 5930/1997** attached as Annexure **"C"** - servitude highlighted on sheet 3
[3] **EX56/1986** has been ordered at the Deeds Office and will be send once received
[4] **EX8/1991** has been ordered at the Deeds Office and will be send once received

1958/75

| SYE meter Kaapse Voet | RIGTINGS -HOEKE | | KOORDINATE Stelsel t.o.v. 19° Y | X |
|---|---|---|---|---|
| | | | | +3700 000 |
| AB 576,6 | 254 55 40 | A | + 19 444,6 | + 67 955,4 |
| BC 132,6 | 19 04 00 | B | + 18 887,8 | + 67 405,5 |
| CD 409,9 | 273 17 10 | C | + 18 917,8 | + 67 534,6 |
| DE 245,1 | 8 42 10 | D | + 18 508,5 | + 67 558,1 |
| EF 271,7 | 293 55 30 | E | + 18 545,6 | + 67 800,4 |
| FG 627,8 | 20 33 30 | F | + 18 297,2 | + 67 910,6 |
| GH 601,7 | 103 54 00 | G | + 18 321,1 | + 68 497,0 |
| HI 371,2 | 12 39 20 | H | + 19 105,1 | + 68 352,5 |
| IJ 370,0 | 149 17 20 | I | + 19 186,5 | + 68 714,7 |
| JA 844,1 | 173 17 50 | J | + 19 375,4 | + 68 396,6 |
| | | Stel 3 A | + 21 203,4 | + 67 024,9 |
| | | Stel 12 A | + 13 572,3 | + 68 073,0 |

Bakenbeskrywings

A Ingeplante klip
B,C 22 mm ysterpen
D Ysterpaalpan
E Drieduhbele ysterhoekdraadpaal
G 1,4 m hoë swaar ysterhk.drd.pl. in beton
H 20 mm Ysterpen oor voet van houthoekdrd.pl.
I,J 20 mm x 1,5m ysterpen, 1,5m ingeslaan.
F 12mm. ysterpen in stuk hardpaal in beton.

Die figuur A B C D E F G H I J stel voor 92,3481 hektaar grond synde GEDEELTE 1 (Heldersig) van die plaas RUSTENHOF NO. 1101 gelee in die Stellenbosch Administrasieafdeling Distrik Provinsie Kaap die Goeie Hoop.

Gemeet in Jan. 1963 en November 1974 deur my.

Landmeter

Hierdie kaart is gehoog aan Verdelingstransport No. 23633/76 gedateer 1.g.v.

Registrateur van Aktes

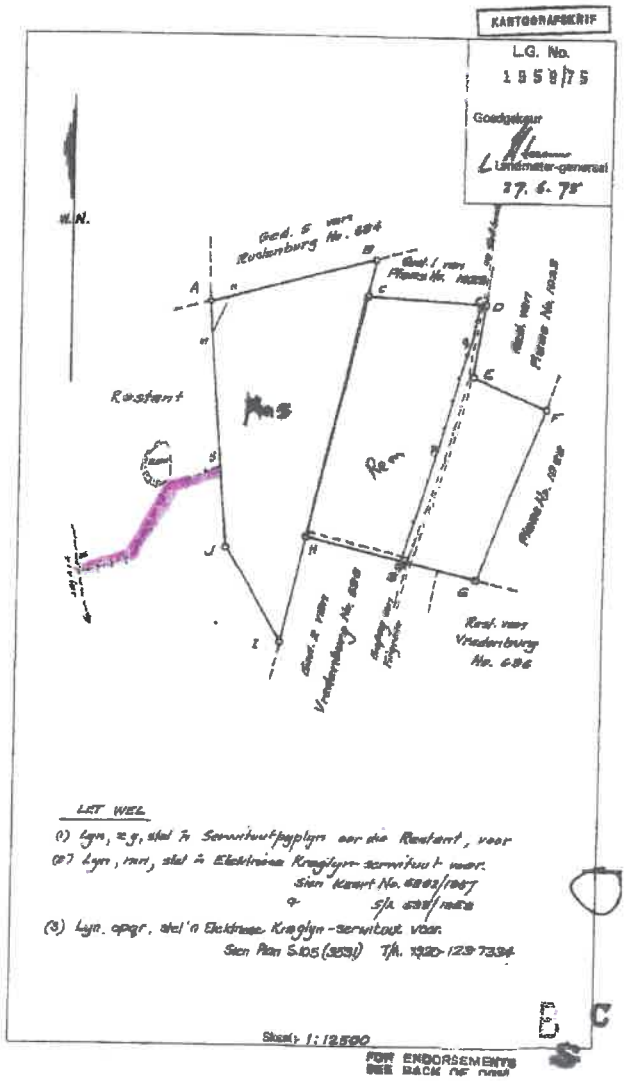
Die oorspronklike kaart is. No. 1958/1975 gehoog aan Transport/Grondbrief No. 1976 - 23652

Liasr No. Stel. 1101
M.S. No. B. 576/75
Komp. AE-ZRAC (3284)

KARTOGRAFIESKRIF

L.G. No. 1958/75

Goedgekeur
Landmeter-generaal
27. 6. 75




LET WEL

(1) Lyn, a g, stel 'n Servituutpaplyn oor die Restant, voor
(2) Lyn, r s r, stel 'n Elektriese Kraglyn-servituut voor.
Sien Kaart No. 6883/1967
& S/A. 638/1972
(3) Lyn. opgr. stel'n Elektriese Kraglyn-servituut voor.
Sien Plan S.105 (3531) T/A. 1920-129734

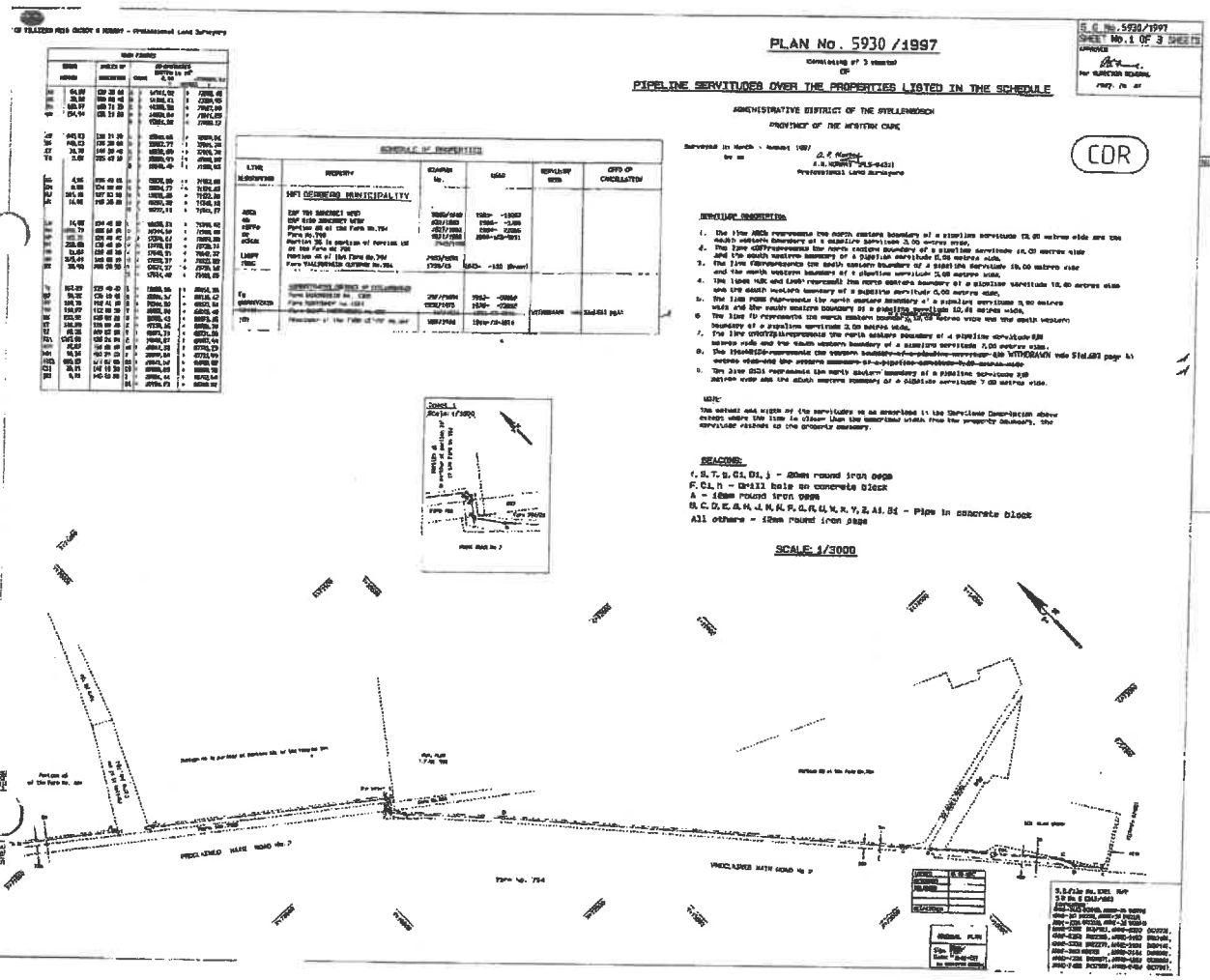
Skaal 1:12500

FOR ENDORSEMENTS SEE BACK OF PLAN

| SURVEY RECORD | DIAGRAM NO. | VARIATION | AREA HA./SQ. M. | TRANSFER NO. | INITIALED | REMARK |
|---|---|---|---|---|---|---|
| 1977/2010 | 2446/2010 | plus | 40/1/83 ha | T2074/2022 | JH | S1,39781 |

| SURVEY RECORD | DIAGRAM NO. | DESCRIPTION | DATE | INITIALED |
|---|---|---|---|---|
| 16.7.2010 | 2446/2010 | The line ITA represents the southern boundary of a 10m wide portion of Right of Way | 13/11/2022 | JH |

1101/1



PLAN No. 5930 /1997

consisting of 3 sheets

OF

PIPELINE SERVITUDES OVER THE PROPERTIES LISTED IN THE SCHEDULE

ADMINISTRATIVE DISTRICT OF THE STELLENBOSCH

PROVINCE OF THE WESTERN CAPE

S.G. No. 5930/1997

SHEET No. 1 OF 3 SHEETS

COR

SCHEDULE OF PROPERTIES

| LINE Nos/Letters | PROPERTY | DIAGRAM No. | AREA | SERVITUDE MARK | DEED OF CANCELLATION |
|---|---|---|---|---|---|
| | REMAINDER OF THE FARM DE TYGER VALLEY NO. 1004 | | | | |
| | THE REMAINDER OF THE FARM NO. 1004 | | | | |
| | PORTION 1 OF THE FARM DE TYGER VALLEY NO. 1004 | | | | |
| | PORTION 2 OF THE FARM DE TYGER VALLEY NO. 1004 | | | | |
| | PORTION 3 OF THE FARM DE TYGER VALLEY NO. 1004 | | | | |
| | PORTION

S.G.No. 5930/1997
SHEET No.2 of 3 S

PLAN No. 5930 /1997

PIPELINE SERVITUDES OVER THE PROPERTIES LISTED IN THE SCHEDULE

SCALE: 1/3000

CDR

SHEET 3 JOINS

SHEET 1 JOINS

C

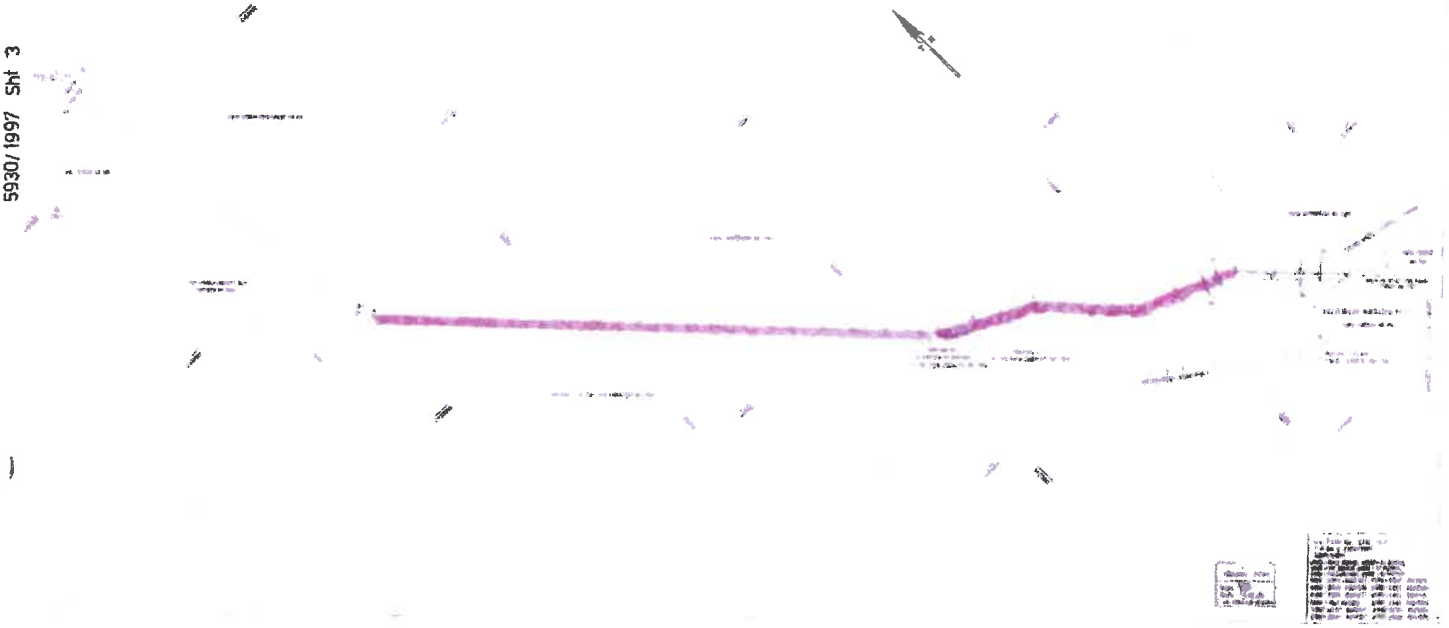
S.G. No. 5930/1997
SHEET No. 3 of 3 SHEETS

CDR

PLAN No. 5930 /1997

PIPELINE SERVITUDES OVER THE PROPERTIES LISTED IN THE SCHEDULE

5930/1997 Sht 3



**Annexure 6**

**D:EA&DP Confirmation Letter, 22/03/2018 (Reference 16/3/3/6/7/1/B4/45/1259/17)**

Western Cape Government
Environmental Affairs and Development Planning

Directorate: Development Management
Region 2

**REFERENCE:** 16/3/3/6/7/1/B4/45/1259/17
**ENQUIRIES:** Samornay Smidt
**DATE:** 2018 -03- 2 2

The Trustees
JPY Family Trust
30 Van der Merwe Road
Land-en-Zeezicht
**SOMERSET WEST**
7130

**Attention: Mr Jan Yntema**

Tel.: (021) 202 7567
Fax: (021) 851 1124

Dear Sir

**APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS 2014, (AS AMENDED): THE PROPOSED INDUSTRIAL PARK ON A PORTION OF REMAINDER OF FARM RUSTENHOF NO. 1101, FIRGROVE, STELLENBOSCH**

1. The pre-application Notice of Intent dated 7 August 2017, as received by the Department on 24 August 2017, the Department's correspondence dated 8 September 2017 and 19 February 2018, the electronic correspondence received on 7 November 2017 and your document dated 21 February 2018, as received by the Department on 23 February 2018, refers.
2. Based on the initial the information submitted to this Department, the following was noted:
   2.1. The proposal entails the development of self-storage units, mini factories and office buildings.
   2.2. Associated infrastructure will include an internal road, parking areas and stormwater drainage.
   2.3. The property is currently zoned Agriculture Zone 1 but will be rezoned to General Industrial.
   2.4. The development will be located within 32m if the watercourse and will result in infilling into the watercourse.

2nd Floor, 1 Dorp Street, Cape Town, 8001
Tel: +27 21 483 5828 Fax: +27 21 483 3633
Samornay.Smidt@westerncape.gov.za

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

3. Based on the additional information provided it is noted that the proposal has been revised and will no longer be located within 32m of a watercourse or require infilling activities. It is also motivated that the development is located inside the urban area, as defined in terms of the NEMA EIA Regulations, 2014 (as amended), since it is bordered to the south, east and west by urban development and is cut off from the rest of the Farm by a tarred public road traversing the northern border of the portion of land.

4. The Department therefore concurs with the abovementioned motivation and advises that the proposed development **does not** constitute listed activities as defined in terms of the NEMA EIA Regulations, 2014 (as amended).

5. However, should any revision of the proposed development constitute a listed activity(ies) in terms of the NEMA EIA Regulations, 2014 as defined in GN No. 327, 325 and/or 324 an application must be submitted and environmental authorisation obtained before such activity(ies) may commence.

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

7. The applicant is reminded of his/her general duty of care and the remediation of environmental damage, Section 28(1) of NEMA specifically states that –"*Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.*"

8. Further to the above, please be advised that this pre-application file has been closed for administrative purposes.

9. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Yours faithfully

**HEAD OF DEPARTMENT**
**DEPARTMENT OF ENVIRONMENTAL AND DEVELOPMENT PLANNING**

CC: (1) M Berry (Mark Berry Environmental Consultants) Fax: (086) 759 1908
(2) U von Molendorf (Stellenbosch Municipality) Fax: (021) 808 8200

**Annexure 7**

**Photo Sheet**



**Photo 1: Site viewed from the North, indicating the Vacant and Cultivated Areas**



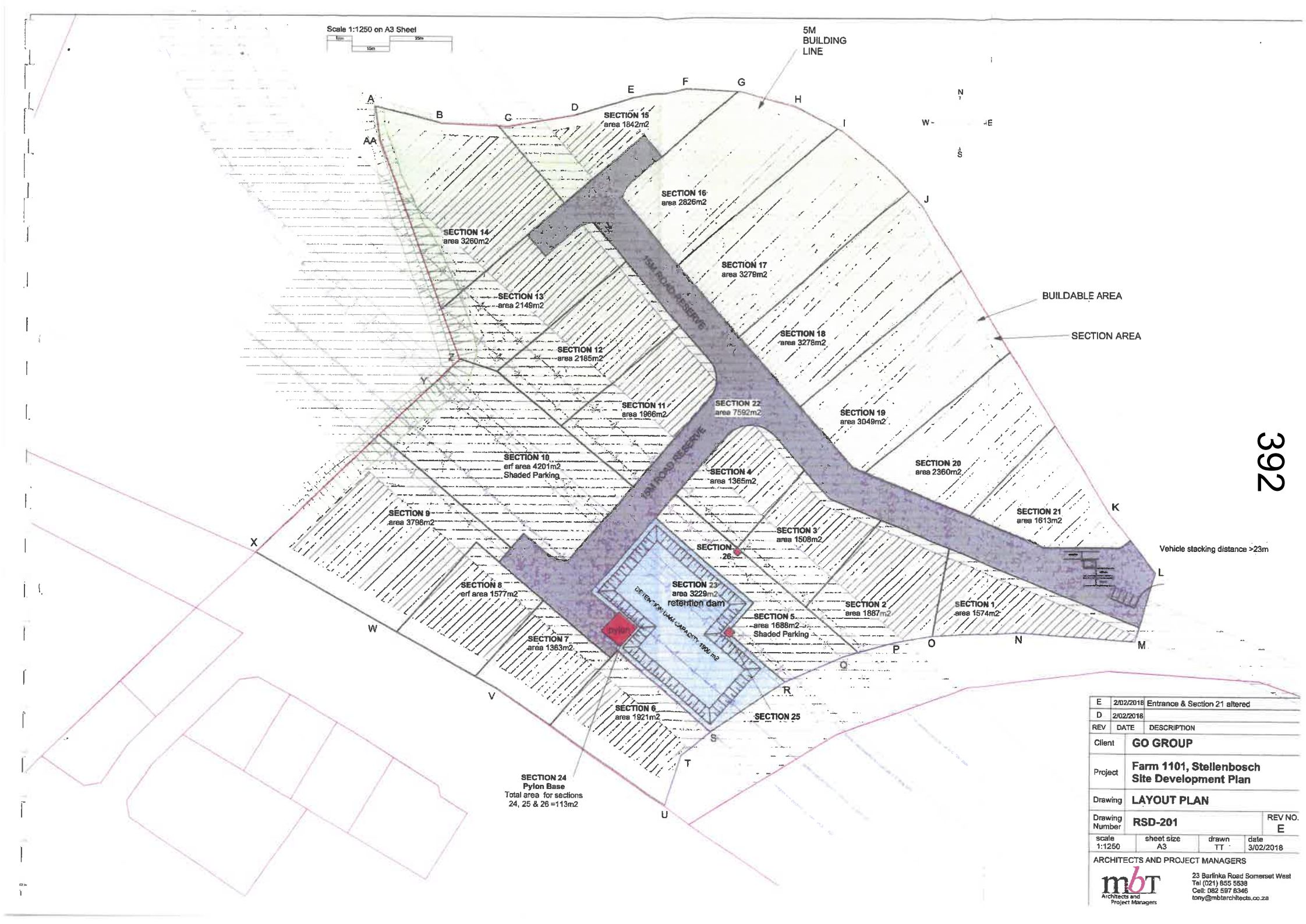
**Photo 2: Site viewed from the East, indicating the Cultivated Area and Macassar Road (M9) Bridge over Railway Line**



**Photo 3: Site viewed from the South-East with the Eskom Pinotage Substation in the Background**

**Annexure 8**

**Site Development Plan**




| REV | DATE | DESCRIPTION |
|---|---|---|
| E | 2/02/2018 | Entrance & Section 21 altered |
| D | 2/02/2018 | |

| | |
|---|---|
| Client | GO GROUP |
| Project | Farm 1101, Stellenbosch Site Development Plan |
| Drawing | LAYOUT PLAN |
| Drawing Number | RSD-201 |
| REV NO. | E |
| scale | 1:1250 |
| sheet size | A3 |
| drawn | TT |
| date | 3/02/2018 |


ARCHITECTS AND PROJECT MANAGERS
mbT Architects and Project Managers
23 Barlinka Road Somerset West
Tel (021) 855 5538
Cell: 082 597 8346
tony@mbtarchitects.co.za

**FARM 1101, STELLENBOSCH**

**Site Development Plan: Drawing No. RSD-201, Rev. No. E, 30/02/2018**

## Area Schedule

| Proposed Zoning | Colour Notation | Section Number | Section extent (m2) | Developable area per section area (m2) | Proposed use | Max floor space (m2) | Max floor factor/ Bulk | Maximum coverage % | Minimum setback | Minimum street building line | Minimum side building line | Maximum Height | Minimum on site parking | Loading & Unloading |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Industrial Zone I | | Section 1 | 1574 | 1288 | Light industrial and/or warehousing | 1228 | 0.78 | 60.0 | 8.00 | 0 | 0 | 3 storey - 11.5m | 6 | at least 1 loading bay |
| Industrial Zone I | | Section 2 | 1887 | 1264 | Light industrial and/or warehousing | 1472 | 0.78 | 60.0 | 8.00 | 0 | 0 | 3 storey - 11.5m | 7 | at least 1 loading bay |
| Industrial Zone I | | Section 3 | 1508 | 796 | Light industrial and/or warehousing | 1177 | 0.78 | 52.8 | 8.00 | 0 | 0 | 3 storey - 11.5m | 6 | at least 1 loading bay |
| Industrial Zone I | | Section 4 | 1365 | 743 | Light industrial and/or warehousing | 1065 | 0.78 | 54.4 | 8.00 | 0 | 0 | 3 storey - 11.5m | 5 | at least 1 loading bay |
| Industrial Zone I | | Section 5 | 1688 | 0 | Shaded parking and/or uncovered storage | 0 | N/A | N/A | 8.00 | N/A | N/A | N/A | N/A | N/A |
| Industrial Zone I | | Section 6 | 1921 | 928 | Light industrial and/or warehousing | 1499 | 0.78 | 48.3 | 8.00 | 0 | 0 | 3 storey - 11.5m | 7 | at least 1 loading bay |
| Industrial Zone I | | Section 7 | 1363 | 833 | Light industrial and/or warehousing | 1063 | 0.78 | 60.0 | 8.00 | 0 | 0 | 3 storey - 11.5m | 5 | at least 1 loading bay |
| Industrial Zone I | | Section 8 | 1577 | 1046 | Light industrial and/or warehousing | 1230 | 0.78 | 60.0 | 8.00 | 0 | 0 | 3 storey - 11.5m | 6 | at least 1 loading bay |
| Industrial Zone I | | Section 9 | 3798 | 2019 | Light industrial and/or warehousing | 2962 | 0.78 | 53.2 | 8.00 | 0 | 0 | 3 storey - 11.5m | 15 | at least 2 loading bays |
| Industrial Zone I | | Section 10 | 4201 | 0 | Shaded parking and/or uncovered storage | 0 | N/A | N/A | 8.00 | N/A | N/A | N/A | N/A | N/A |
| Industrial Zone I | | Section 11 | 1966 | 928 | Light industrial and/or warehousing | 1534 | 0.78 | 47.2 | 8.00 | 0 | 0 | 3 storey - 11.5m | 8 | at least 1 loading bay |
| Industrial Zone I | | Section 12 | 2185 | 1153 | Light industrial and/or warehousing | 1704 | 0.78 | 52.8 | 8.00 | 0 | 0 | 3 storey - 11.5m | 9 | at least 1 loading bay |
| Industrial Zone I | | Section 13 | 2149 | 1039 | Light industrial and/or warehousing | 1676 | 0.78 | 48.3 | 8.00 | 0 | 0 | 3 storey - 11.5m | 8 | at least 1 loading bay |
| Industrial Zone I | | Section 14 | 3260 | 2287 | Light industrial and/or warehousing | 2543 | 0.78 | 60.0 | 8.00 | 0 | 0 | 3 storey - 11.5m | 13 | at least 2 loading bays |
| Industrial Zone I | | Section 15 | 1842 | 862 | Light industrial and/or warehousing | 1436 | 0.78 | 46.8 | 8.00 | 0 | 0 | 3 storey - 11.5m | 7 | at least 1 loading bay |
| Industrial Zone I | | Section 16 | 2826 | 2538 | Light industrial and/or warehousing | 2204 | 0.78 | 60.0 | 8.00 | 0 | 0 | 3 storey - 11.5m | 11 | at least 1 loading bay |
| Industrial Zone I | | Section 17 | 3279 | 3070 | Light industrial and/or warehousing | 2557 | 0.78 | 60.0 | 8.00 | 0 | 0 | 3 storey - 11.5m | 13 | at least 2 loading bays |
| Industrial Zone I | | Section 18 | 3278 | 3070 | Light industrial and/or warehousing | 2557 | 0.78 | 60.0 | 8.00 | 0 | 0 | 3 storey - 11.5m | 13 | at least 2 loading bays |
| Industrial Zone I | | Section 19 | 3049 | 2838 | Light industrial and/or warehousing | 2378 | 0.78 | 60.0 | 8.00 | 0 | 0 | 3 storey - 11.5m | 12 | at least 1 loading bay |
| Industrial Zone I | | Section 20 | 2360 | 2161 | Light industrial and/or warehousing | 1840 | 0.78 | 60.0 | 8.00 | 0 | 0 | 3 storey - 11.5m | 9 | at least 1 loading bay |
| Industrial Zone I | | Section 21 | 1613 | 1325 | Light industrial and/or warehousing | 1381 | 0.86 | 60.0 | 8.00 | 0 | 0 | 3 storey - 11.5m | 7 | at least 1 loading bay |
| Industrial Zone I | | Section 22 (internal private road reserve) | 7592 | N/A | Private Road, as communal area in the Sectional Title Scheme | 0 | 0 | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| Industrial Zone I | | Section 23 (retention dam) | 3229 | N/A | Private open space, utility, as communal area in the Sectional Title Scheme | 0 | 0 | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| Industrial Zone I | | Sections 24, 25 & 26 (ESKOM Pylon bases) | 113 | N/A | Existing electrical infrastructure, as exclusive use in the Sectional Title Scheme | 0 | 0 | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| **Total for Development:** | | | **59622** | **30188** | | **33506** | | | | | | | **168** | **0** |

**Annexure 9**

**Copy of Agricultural Land Subdivision Application Form**

G.P.S. 013-0986

LA 7/100

# DEPARTMENT OF AGRICULTURE
# DEPARTEMENT VAN LANDBOU

## SUBDIVISION OF AGRICULTURAL LAND ACT, 1970: APPLICATION FOR CONSENT TO SUBDIVIDE AGRICULTURAL LAND

## WET OP DIE ONDERVERDELING VAN LANDBOUGROND, 1970: AANSOEK OM TOESTEMMING VIR DIE ONDERVERDELING VAN LANDBOUGROND

(Use the appropriate application form for applications in regard to the vesting of undivided shares, establishment or enlargement of area of jurisdiction of a local authority on or over, concluding of lease for portion of and for registration of certain servitudes on or over agricultural land / Gebruik die toepaslike aansoekvorm vir aansoeke i.v.m. die oorgang van onverdeelde aandele in, instelling of uitbreiding van 'n regsgebied vir 'n plaaslike bestuur op of oor, aangaan van huurkontrak vir deel van en vir registrasie van sekere serwitute op of oor landbougrond.)

The application must comply with the requirements set out in the "Guide for completion of an application to subdivide agricultural land" LA 7/103. / Die aansoek moet voldoen aan die vereistes uiteengesit in die "Handleiding vir voltooiing van 'n aansoek om onderverdeling van landbougrond" LA 7/103.

I/We, the undersigned (full name)
Ek/Ons die ondergetekende(s) (volle naam) JAN PAUL YNTEMA (JPY FAMILY TRUST)

of postal address SUITE 16, PRIVATE BAG X34, SOMERSET WEST Postal code 7130
van posadres Poskode

on behalf of being* the registered owner(s)* do hereby apply for consent for the subdivision of:
namens/syhde* die geregistreerde eienaar(s)* doen hierby aansoek om toestemming vir die onderverdeling van:

| | | |
|---|---|---|
| Registered name and number of the land to which this application applies<br>Geregistreerde naam en nommer van grond waarop hierdie aansoek betrekking het | RUSTENHOF FARM 1101 | |
| District and Division/County<br>Distrik en Afdeling/County | STELLENBOSCH | |
| Area in hectares<br>Grootte in hektaar | 140,2908 ha | ha |
| Registered owner(s) (full names)<br>Geregistreerde eienaar(s) (volle name) | RUSTENHOF BOERDERY (PTY) LTD | |
| Date of birth<br>Datum van geboorte | N/A | |
| Share held<br>Aandeel gehou | 100% | |
| Title-deed: No and date<br>Titelbewys: No. en datum | T67286/2001:27/08/2001 | |

1. **Location of the land / Ligging van die grond**
The land is situated 0.1 km NORTH (direction) of FIRGROVE CAPE TOWN (nearest town)
Die grond is geleë (rigting) van (naaste dorp)

2. **Mineral rights/Minerale regte**
The mineral rights are held by
Die minerale regte word gehou deur N/A

3. **Present land use / Huidige grondgebruik**

| | *Dry land*<br>*Droë land* | | *Under irrigation*<br>*Onder besproeiing* | |
|---|---|---|---|---|
| Lands / Lande | | ha | | ha |
| Orchards / Boorde | 0 | ha | 1 | ha |
| Vineyards / Wingerde | 30 | ha | 80 | ha |

Commercial plantations / Kommersiële plantasies 0 ha
Grazing / Weiding 0 ha
Other uses (specify) / Ander gebruike (spesifiseer) ROADS, RIVERS, HOUSES

*Consult paragraph 1 of the above-mentioned Guide/Raadpleeg paragraaf 1 van bovermelde Handleiding.

LA 7/100

**4. Water supply / Watervoorsiening**

The land is situated in the WYNLAND WATER State Water Control Area and is by virtue
Die grond is geleë in die .... Staatswaterbeheergebied en is ingevolge

of Permit No. 2 709–H11–305 entitled to 30 HEKTAAR (quantity) per year
Permit No ..... geregtig op (hoeveelheid) per jaar

The land is scheduled for 30 ha under the A Irrigation Scheme
Die grond is ingelys vir .. ha onder die Besproeiingskema

Private water obtainable from RIVIER (MODDERGAT); 2 x DAM (source)
Privaatwater afkomstig van ... ...(bron)

with a capacity of 138800m³ is utilised for the irrigation of 80 ha
met 'n kapasiteit van ... word gebruik vir die besproeiing van

**5. Proposed subdivisions/Beoogde onderverdelings**

5.1 The following proposed portions will be utilised for *agricultural purposes* only:
Die volgende voorgestelde gedeeltes sal slegs vir *landboudoeleindes* aangewend word.

| | | | | |
|---|---|---|---|---|
| Area of portion in hectares<br>Grootte van gedeelte in hektaar | 5,9622 ha | ha | ha | 134,3286 ha |
| On sketch plan referred to as portion (e.g. Ptn A)<br>Op sketskaart aangedui as gedeelte (bv. Ged A) | PORTION A | | | Remainder<br>Restant |
| Dry land / Droë land | | | | |
| Existing lands / Bestaande lande | 0 ha | ha | ha | ha |
| Existing orchards / Bestaande boorde | 0 ha | ha | ha | ha |
| Existing vineyards / Bestaande wingerde | 0 ha | ha | ha | 30 ha |
| Potential lands / Potensiële lande | 0 ha | ha | ha | ha |
| Under irrigation / Onder besproeiing | | | | |
| Existing lands / Bestaande lande | 0 ha | ha | ha | ha |
| Existing orchards / Bestaande boorde | 0 ha | ha | ha | 1 ha |
| Existing vineyards / Bestaande wingerde | 2.7 ha | ha | ha | 80 ha |
| Existing commercial plantations<br>Bestaande kommersiële plantasies | 0 ha | ha | ha | ha |
| Grazing<br>Weiding | 0 ha | ha | ha | ha |
| Other uses (specify) VACANT/DISTURBED<br>Ander gebruike (spesifiseer) | 3,2622 ha | ha | ha | ha |
| Division of water rights / Verdeling van waterregte | | | | |
| Controlled water / Beheerde water | 0 ha | ha | ha | ha |
| Private water / Privaatwater | 0 ha | ha | ha | ha |
| Name of transferee<br>Naam van transportnemer | JPY FAMILY TRUST | | | |

5.2 The following proposed portions will be utilised for *non-agricultural purposes* other than for township establishment:
Die volgende voorgestelde gedeeltes sal vir *nie-landboudoeleindes* ander dan vir dorpstigting gebruik word:

| | | | | |
|---|---|---|---|---|
| Area of portion in hectares<br>Grootte van gedeelte in hektaar | ha | ha | ha | ha |
| On sketch plan referred to as portion (e.g. Ptn A)<br>Op sketskaart aangedui as gedeelte (bv. Ged A) | | | | Remainder<br>Restant |
| Purpose for which the land will be used<br>Doel waarvoor die grond gebruik sal word | | | | |
| Name of transferee<br>Naam van transportnemer | | | | |

5.3 List of other Departments etc. approached for their comments in regard to proposed non-agricultural use of the land (enclose copy of reply received).

Lys van ander Departemente ens. genader vir hulle kommentaar in verband met voorgestelde nie-landbou gebruik van die grond (heg afskrif van antwoord aan).

STELLENBOSCH MUNICIPALITY
CITY OF CAPE TOWN
D:EADP
HERITAGE WESTERN CAPE

5.4 Reasons for subdivision (give reasons in a separate memorandum if space provided is insufficient)
Redes vir onderverdeling (verstrek redes in 'n afsonderlike memorandum indien spasie voorsien onvoldoende is)

PLEASE REFER TO ATTACHED MOTIVATION REPORT

**6. Consolidations and couplings/Konsolidasies en verbindings**

The owners and transferees concerned are prepared to consolidate the portions with adjoining land as reflected in the following table and, where the land is not adjoining or consolidation is not possible, to have a condition registered against the relevant title deeds to the effect that the properties may not be transferred separately:

Die betrokke eienaars en transportnemers is bereid om die gedeeltes met aangrensende grond te konsolideer soos in die volgende tabel aangedui en, waar die grond nie aangrensend is nie of waar konsolidasie nie moontlik is nie, om 'n voorwaarde teen die betrokke titelbewyse te laat registreer waarkragtens die eiendomme nie afsonderlik oorgedra mag word nie:

| | Ptn measuring Ged groot .....ha (Referred to as on (Aangedui as .....op sketch plan) to be consolidated or coupled with: solideer of verbind met: | Ptn measuring Ged groot .....ha (Referred to as on (Aangedui as .....op sketch plan) to be consolidated or coupled with: solideer of verbind met: | Ptn measuring Ged groot .....ha (Referred to as on (Aangedui as .....op sketch plan) to be consolidated or coupled with: solideer of verbind met: |
|---|---|---|---|
| Registered name and number of land offered for consolidation or coupling<br>Geregistreerde naam en nommer van grond aangebied vir konsolidasie of verbinding | | | |
| Area of property in hectares<br>Grootte van eiendom in hektaar | ha | ha | ha |
| District and Division/County<br>Distrik en Afdeling County | | | |
| Title deed: No. and date<br>Titelbewys: No. en datum | | | |
| Name of registered owner<br>Naam van geregistreerde eienaar | | | |
| Present use/Huidige gebruik:<br>Dry land<br>Droë lande | ha | ha | ha |
| Lands under irrigation<br>Lande onder besproeiing | ha | ha | ha |
| Orchards<br>Boorde | ha | ha | ha |
| Vineyards<br>Wingerde | ha | ha | ha |
| Grazing<br>Weiding | ha | ha | ha |
| Commecial plantations<br>Kommersiële plantasies | ha | ha | ha |
| Other uses<br>Ander gebruike | ha | ha | ha |

**7 Encumbrances against the land mentioned in paragraph 6/Beswaring teen die grond in paragraaf 6 vermeld**

*Fidei commissim* (give particulars)
*Fidei commissum* (verstrek besonderhede) N/A

Usufruct (give particulars)
Vruggebruik (verstrek besonderhede) N/A

**8. Other land not offered for consolidation or coupling/Ander grond nie vir konsolidasie of verbinding aangebied nie**

The above-mentioned owner(s) also own(s) the following agricultural land (give reg. Name, number, area and district).
Die bovermelde eienaar(s) besit ook die volgende landbougrond (verstrek gereg. Naam, nommer, grootte en distrik)

**9. Inspections on the spot if considered necessary/Ondersoeke ter plaatse indien nodig geag**

Contact (name) / Nader (naam) JAN YNTEMA
Telephone No. / Telefoon No. 083 450 6762

**10. Correspondence/Korrespondensie**

Please address all correspondence to (name) / Rig asseblief alle korrespondensie aan (naam) NICK VAN DER MERWE

Postal address / Posadres P O BOX 4866, CAPE TOWN
Postal code / Poskode 8000

**11. Documents attached (marked with a cross)/Dokumente aangeheg (gemerk met 'n kruisie)**

| | | |
|---|---|---|
| [X] Certified copy of title deed / Gewaarmerkte kopie van titelbewys | [ ] Copy of the will / Afskrif van testament | [ ] Copy: Application/Statement re / Afskrif: Aansoek/Verklaring i/s |
| [X] Six copies of sketch plan / Ses afdrukke van skets kaart | [ ] Letter re mineral rights / Brief insake mineraleregte | division of allocated water / verdeling van water toegeken |
| [X] Power of attorney / Volmagprokurasie | [X] Reasons for subdivision / Redes vir onderverdeling | [ ] Sworn statement regarding divi- / Beëdigde verklaring insake ver- |
| [ ] Copy: Letters of Administration / Gewaarmerkte kopie van eksekuteursbr | [ ] Replies from other Departments / Afskrif van testament | sion of allocated water / deling van water toegeken |
| [ ] Copy: Company's resolution / Afskrif: Maatskappy se besluit | [ ] Water permit/Proof of scheduling / Waterpermit/Bewys van inlysting | [ ] Other (specify) / Ander (spesifiseer) |

I/We hereby certify that the information furnished in this application is to the best of my/our knowledge true and correct and that all agricultural land owned by me/us has been mentioned in this application.

Ek/Ons verklaar hiermee dat die inligting wat in hierdie aansoek verstrek is, na die beste van my/ons wete waar en juis is en dat alle landbougrond wat ek/ons besit in hierdie aansoek vermeld is.

14/2/2018
*Date/Datum*

*Signature: Owner/Authorised agent*
*Handtekening: Eienaar/Gevolmagtigde*

Any person who in any application makes any statement which is false in any material respect, nkowing it to be false, or fails to disclose any information with intent to deceive, shall be guilty of an offence and on conviction liable to a fine not exceeding one thousand rand or to imprisonment not exceeding two years.

Iemand wat in 'n aansoek 'n verklaring doen wat in 'n wesentlike opsig vals is, terwyl hy weet dat dit vals is, of inligting verswyg met die opset om te bedrieg, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens eenduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar.

GP S 0[illegible]

LEB 7 105

DEPARTEMENT VAN LANDBOU-EKONOMIE EN -BEMARKING
DEPARTMENT OF AGRICULTURAL ECONOMICS AND MARKETING

# WET OP DIE ONDERVERDELING VAN LANDBOUGROND, 1970: AANSOEK OM TOESTEMMING VIR DIE INSTELLING/UITBREIDING VAN DIE REGSGEBIED VAN 'N PLAASLIKE BESTUUR

# SUBDIVISION OF AGRICULTURAL LAND ACT, 1970: APPLICATION FOR CONSENT TO ESTABLISH/ENLARGE THE AREA OF JURISDICTION OF A LOCAL AUTHORITY

(Deel A moet volledig deur die Plaaslike Bestuur voltooi word en in viervoud by die Provinsiale Administrasie ingedien word)
(Part A must be completed in detail by the Local Authority and submitted in quadruplicate to the Provincial Administration)

## DEEL A/PART A

A. 1. DIE PLAASLIKE BESTUUR/THE LOCAL AUTHORITY

Aansoek word hierby gedoen om die landbougrond hieronder vermeld aan te wend vir—
Application is hereby made to utilise the agricultural land mentioned hereunder for—

☐ die instelling / the establishment ☑ die uitbreiding / the enlargement

van die regsgebied/plaaslike gebied/gesondheidsgebied/buitestedelike gebied/ontwikkelingsgebied van
of the area of jurisdiction/local area/public health area/peri-urban area/development area of

CITY OF CAPE TOWN

A. 2. DIE LANDBOUGROND/THE AGRICULTURAL LAND

☑ Die landbougrond volgens die aangehegte grensomskrywing. Grootte 5.9622 ha / The agricultural land as per attached boundary description. Area 5.9622 ha ☐ Die landbougrond hieronder beskryf / The agricultural land described hereunder

| Beskrywing van die grond volgens titelbewys / Description of the land according to title-deed | Grootte vir insluiting / Area for inclusion |
|---|---|
| | ha |
| | ha |
| | ha |
| | ha |
| | ha |
| | ha |
| | ha |
| | ha |
| | ha |
| | ha |

Ligging van die grond/Location of the land

| | |
|---|---|
| Landdrosdistrik / Magisterial District: STELLENBOSCH | Afdeling/County / Division/County: STELLENBOSCH |
| Die grond grens aan / Die land adjoins: CITY OF CAPE TOWN (FIRGROVE) | (bestaande regsgebied) / (existing area of jurisdiction) |
| Die grond is geleë / The land is situated: 0.0 km NORTH (rigting) van / (direction) of FIRGROVE | (naaste dorp) / (nearest town) |

Grond betrokke wat aan die Plaaslike Bestuur behoort/Land concerned owned by the Local Authority

| | |
|---|---|
| Beskrywing / Description | N/A |
| Huidige gebruik / Present use | N/A |

LEB 7/05

A. 3 MOTIVERING/MOTIVATION

PLEASE REFER TO ATTACHED MOTIVATION REPORT.

A. 4 DOKUMENTE AANGEHEG/DOCUMENTS ATTACHED

- [x] Vier **afdrukke** van die sketskaart **volgens vereistes**
  Four **copies** of the sketch plan **according** to **requirements**
- [x] Motivering
  Motivation
- [x] Vier **afskrifte** van die **grensomskrywing**
  Four **copies** of the **boundary description**
- [ ] Ander (spesifiseer)
  Other (specify)

Naam en adres van Plaaslike Bestuur
Name and address of Local Authority

STELLENBOSCH MUNICIPALITY
PLEIN STREET
STELLENBOSCH, 7600

#4400 — *Verwysing/Reference*

27/03/2018 — *Datum/Date*

*Handtekening/Signature*

TOWN PLANNER — *Ampstitel/Official Designation*

**DEEL B/PART B**

(Een **afskrif** van die **aansoek** en die dokumente **kan** deur **die Administrasie gehou** word)
(One **copy** of the **application** and the documents **may** be **retained** by the **Administration**)

OPMERKINGS EN AANBEVELINGS VAN DIE PROVINSIALE ADMINISTRASIE
REMARKS AND RECOMMENDATIONS OF THE PROVINCIAL ADMINISTRATION

Adres/Address

*Verwysing/Reference*

*Handtekening/Signature*

*Datum/Date*

*Ampstitel/Official Designation*

VEREISTES WAARAAN SKETSKAARTE MOET VOLDOEN
ooreenkomstig artikel 4 (1) van Wet 70 van 1970

**Sketskaarte moet volgens** skaal 1 : 50 000 wees en daarop moet die volgende **besonderhede verskyn:**

1. Die bestaande regsgebied in rooi omlyn.
2. Geproklameerde dorpe wat nog nie ingelyf is nie met 'n groen stippellyn omlyn.
3. Die gebied wat ingelyf staan te word in groen omlyn.
4. Die kadastrale lyne en beskrywings van die eiendomme wat ingelyf staan te word.
5. Waar slegs 'n gedeelte van 'n geregistreerde eiendom ingelyf sta. word, die **grootte** van daardie gedeelte
6. Alle paaie, spoorlyne, riviere, spruite, kanale en damme
7. 'n Noord wysende pyl.

REQUIREMENTS TO WHICH SKETCH PLANS MUST CONFORM
in terms of section 4 (1) of Act 70 of 1970

**Sketch** plans should be to scale 1 : 50 000 and should reflect the following **details:**

1. The existing area of jurisdiction bordered in red.
2. Proclaimed townships not yet included bordered in green with a dotted line.
3. The area to be included bordered in green.
4. The cadastral lines and descriptions of the properties to be included.
5. When only a portion of a registered property is to be included, the extent of that portion.
6. All roads, railway lines, rivers, streams, canals and dams.
7. An arrow indicating North.

**Annexure 10**

**Services Report**

africa

head office
Suite 5, 1rst Floor, UDS House,
22 Gardner Williams Avenue,
Paardevlei, Somerset West

PO Box 50487
V&A Waterfront
8002

T +27 (0)21 851 7188
F +27 (0)86 523 8227
cobus@udsafrica.co.za

enquiries
Cobus Louw 082 493 3263

Managing Member:
A Khan PrEng

Associates:
JW Wessels PrEng
Danielle Coetzee PrLArch
Pieter Albertse PrEng
S Hartman PrEng
JN Louw PrCPM

Reg no. 2003/043709/23

urban development solutions

Date: 16 February 2018

**Our ref:** UDS253/Riverside/reports01.doc

**ATTENTION:** Mr Nick van der Merwe (nicolas@planpart.co.za)

Planning Partners
16 Bree Street
Cape Town
8000

Dear Sir,

**RIVERSIDE BUSINESS PARK, FARM 1101, STELLENBOSCH 382 (FIRGROVE): CIVIL ENGINEERING SERVICES REPORT**

The proposed development on Farm 1101 in Stellenbosch will consist of both commercial and light industrial units with a GLA of 28 480m². This report summarizes the current situation with regards to the provision of basic civil engineering services to the development.

**Site Location and Description**

The site is located 500 m North-West of the town of Firgrove, and approximately 5 km West of Somerset West.

The site of approximately 7,4 ha is undeveloped and is vegetated with grass and planted vineyards.

The erf is bounded by the existing M9 roadway to the southeast, the railway lines running along the southwestern border and the roadway leading to the City of Cape Town's Water Treatment Works to northeast. The ground slopes very gently (approximately 1:75) from north to south towards the railway lines.

**Design Standards of New Services**

Design of services will be in accordance with the "Guidelines for the provision of engineering services and amenities in residential townships", the UTG7 publication "Geometric Design of Urban Local Residential Streets", and is also to satisfy the standards and requirements of the local authority.

Construction of the services will be specified to be in accordance with SANS 1200.

**Civil Engineering Services Required**

The various internal services and their connections to the existing services are described in the subsections that follow.

**WATER**

The following information an extract from a preliminary report compiled by the City of Cape Town:

***Distribution zone***

Dependent upon the best possible connection point, the proposed development could be supplied from either the "Macassar or Firgrove water distribution zone". Both distribution zones are supplied via the 760mmØ bulk distribution main from the Blackheath Water Treatment Plant and reservoir. The anticipated water demand for the proposed development has been calculated to 129.6kl/d.

***Present situation***

There is limited water infrastructure in the immediate vicinity of the proposed development. To the west of the site is a 250mmØ water main with a static and peak pressure of 35m and 58m respectively. This line has a peak flow and velocity of 5.6l/s and 0.2m/s. This main is fed via a 450mm PRV off the 760mmØ bulk main along Old Faure Road and is set to reduce the static pressures as the 760mm main operates at very high pressure. When considering the steep nature of the proposed development site, approximate elevation change from 28m to 34m, low pressures could be experienced as a result of the existing supply. It is advised that the development utilise an on-site 48 hours storage supply, which would gravity, feed the proposed development. In addition, an internal pressure booster would be required to supply the development under fire flow conditions.

Along the southern end of the site is a 110mmØ water main off Old Main Road, with a static and peak pressure of 46m and 57m respectively. The peak velocity and flow in this pipe is 0.3m/s and 2.5l/s correspondingly.

The surrounding water network has limited spare capacity and residual flow to supply the proposed demand of 3.75l/s of the development, however with the incorporation of a booster pump and storage tanks, the developer should be able to ensure sufficient supply for the proposed development from the 250mmØ water main.

However although both options mentioned above could have sufficient capacity to service the proposed development, when considering the cost implications as well as the Firgrove development as a whole, the better option would be to upgrade the Firgrove Station bulk water connection. This would allow for the developer to have a designated supply to the development.

**SEWER**

The following information is an extract from a preliminary report compiled by the City of Cape Town:

***Drainage area***

The proposed development is situated in the catchment of the Macassar foul sewer pump station, which has sufficient spare capacity to accommodate 3.56l/s. Foul sewer is pumped via a XX rising main from the pump station to the Macassar WWTW.

***Present situation***

Two possible connection points exist for the proposed development. One is situated to the west, along Hastings Road, in the form of a 150mmØ sewer main, which is approximately 2.1km from the lowest point of the development site. The second possible connection would be to the south, a 150mm sewer main along School Street. Both connection points have sufficient spare capacity to accommodate the anticipated flow.

***Wastewater***

The anticipated wastewater flow from the proposed development has been calculated to be 123.1kl/d. This proposed development is situated within the catchment of the Macassar Wastewater Treatment Works, which has sufficient capacity to accept the anticipated wastewater flow from this development.

**STORMWATER**

The site drains towards an existing stream running adjacent to the railway reserve along the southwestern boundary of the development, and the run-off from the proposed development will be discharged into this stream.

In order to reduce impacts of urban stormwater systems on receiving waters, all stormwater management systems shall be planned and designed in accordance with best practice criteria and guidelines laid down by council, to support water sensitive urban design principles and the following specific sustainable urban drainage system objectives:

- Improve the quality of the runoff;
- Control the quantity and rate of runoff, and
- Encourage natural groundwater recharge

The proposed development of the site is ideally suited for conventional detention facilities such as a pond. As such, the BMP (Best Management Practice) proposed to improve the quality and control of the quantity of the stormwater run-off is to construct a detention pond with a capacity of approximately 1900m$^3$ at the low point on the site.

**ROADS**

Access to the proposed development will be provided from the adjacent roadway leading to the City of Cape Town's Water Treatment Works. The internal roads and parking areas will consist of a combination of premix and paved surfaces.

**BULK EARTHWORKS**

Extensive bulk earthworks is currently undertaken to ensure proper drainage of the site.

**CONCLUSION**

There is sufficient spare capacity within the existing water and sewer network to accommodate the proposed development of the proposed development, however an agreement will have to be reached with respective district officials regarding the best suited connection for both water and sanitation service.

This development is therefore feasible in terms of the capacity of the existing civil engineering services.

Yours Faithfully
UDS AFRICA



**JW Wessels** Pr.Eng

**Annexure 11**

**ESKOM Confirmation Letter**

Eskom

Mr Eugene Yntema
Go Group
37 Seaview Road
Golden Acre
**SOMERSET WEST**
7130

13 October 2017

Pieter du Preez
Tel. +27 21 915 2076
Fax. +27 86 6556969

Dear Mr Yntema

**SUPPLY OF ELECTRICITY**
**PROPOSED NEW SUPPLY: RIVERSIDE BUSINESS PARK**

With reference to your ENQUIRY at Eskom, I advise that Eskom is the licensed Distributor to the proposed Riverside Business Park.

There is currently capacity available on Eskom's Firgrove sub-station to supply the proposed development of 750kVA.

The method of supplying the electricity will be determined once details are made available. The formal quote process will confirm spare capacity available and a proposal to supply such development. Execution of making supply available will only be initiated on acceptance of a formal budget quote. The date to make a point of supply available will be confirmed during this process.

Should you require any further information please contact Pieter du Preez on the telephone numbers mentioned above, and be assured of Eskom's best service at all times.

Please direct a formal application to our Group Customer Services for a quote:

Customer Services
Eskom
PO Box 2100
Bellville, 7535

(0860) 037566 or customerservices@eskom.co.za

Yours faithfully

**J.P du Preez**
**KEY CUSTOMER RELATIONS OFFICER**

**Annexure 12**

**Traffic Impact Assessment**

**Contact Address:**
iCE Group (Stellenbosch),
P O Box 131,
Stellenbosch, 7599

**Tel No:** +27 (0) 21 880 0443
**Fax No:** +27 (0) 21 880 0390
**e-mail:** piet@icegroup.co.za

GROUP (Pty) Ltd

**Consulting Services**
- Civil Engineering Serv
- Roads
- Traffic Engineering

**Contact Person:** Piet van Blerk
**Your Ref:** Farm 1101, Stellenbosch (Firgrove)
**Our Ref:** iCE/S/1176 **Date:** 23 March 2018

Planning Partners
P.O. Box 4866
CAPE TOWN
8000

**Attention:** Mr Nick van der Merwe

Sir

**APPLICATION FOR SUBDIVISION, REZONING, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM SPATIAL DEVELOPMENT FRAMEWORK FOR FARM 1101, FIRGROVE: TRAFFIC IMPACT ASSESSMENT**

This company was appointed to prepare a Traffic Impact Assessment (TIA) for the proposed industrial development on Farm 1101, Firgrove.

## 1. BACKGROUND AND LOCALITY

The subject property is situated to the north/northwest of the currently developed Firgrove area. See the attached ***Locality Plan***. The area is accessed via Winery Road (Main Road 166), Main Road (Main Road 165) and Old Main Road (Trunk Road 2/1).

The Firgove area is partially located within the City of Cape Town, and partially within the Cape Winelands (Stellenbosch Municipality). The said municipal boundary is indicated in ***Photo 1*** below. The subject property is located to the north of the municipal border, thus within the Cape Winelands (Stellenbosch Municipality).

This TIA is in support of the Application for Subdivision, Rezoning, Site Development Plan Approval and Deviation from Spatial Development Framework for Farm 1101, Firgrove.

## 2. PROPOSED DEVELOPMENT

### 2.1 Proposed Development

The proposed development will consist of 21 industrial erven, with a total bulk building area of 33 506 m². For the purpose of this report, the Gross Leasable Area (GLA) was assumed as 85% of the abovementioned area, thus 28 480 m² GLA.

See the attached ***Riverside Business Park Development, Proposed Layout & Areas*** (*Rev D, 3 Feb 2018*) prepared by *mbt Architects and Project Managers.*

### 2.2 Access to the Property

Access to the property is proposed from the existing road ("Waterworks Road") which intersects Main Road ± 535 metres northeast of its intersection with Old Main Road, as indicated below. Detail on access will be discussed in *paragraph 4* below.

**Stellenbosch office:**
Tel: 021 8800 443
Fax: 021 8800 390

**Directors:**
P.J.Van Blerk, PrEng.

iCE Group (Overberg) t/a
iCE Group (Stellenbosch)

Reg No: 2006/133238/23

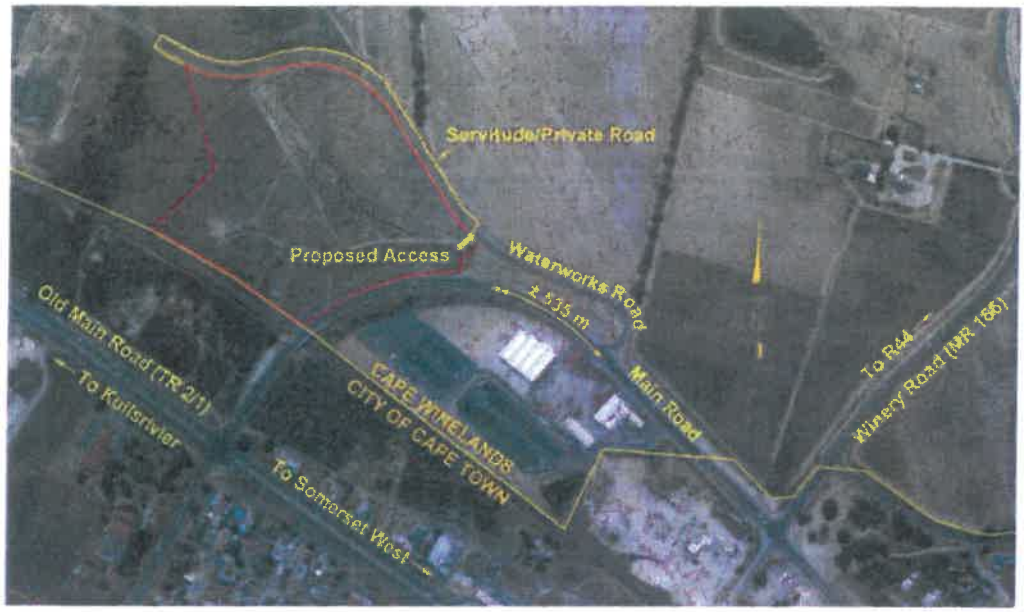



***Photo 2 :*** Proposed access to subject property

## 3. TRAFFIC

### 3.1 Existing Traffic

Traffic counts were conducted on Tuesday, 27 February 2018 from 06h00 to 09h00 and again from 16h00 to 19h00, at the following intersections:

Old Main Road/Main Road/Macassar Road intersection

Main Road/Waterworks Road intersection

Main Road/Go-Group Access intersection

Main Road/Winery Road intersection

The peak hour traffic volumes derived from the abovementioned counts are indicated in ***Figure 1*** attached.

### 3.2 Traffic Growth

According to the *Road Network Information System* (RNIS) of Western Cape Government (WCG), the following annual growth rates have been experienced:

| | | |
|---|---|---|
| Old Main Road: | West of Main Road | 2,11% per annum |
| | East of Main Road | 1,65% per annum |
| Main Road: | North of Old Main Road | 4,10% per annum |
| | West of Waterworks | 3,01% per annum |
| | East of Waterworks | 2,84% per annum |
| Winery Road: | North of Main Road | 4,58% per annum |

Based on the above, growth rates of 2% per annum were assumed along Old Main Road, 3% per annum along Main Road and 4% per annum along Winery Road. For the purpose of traffic analyses, the existing peak hour volumes were increased by the said growth rates for five (5) years, to obtain the 2023 background traffic volumes.

The existing Go-Group Access will be relocated to the Main Road/Winery Road intersection. The existing peak hour traffic at the Go-Group Access was thus redistributed to the Main Road/Winery Road intersection.

The estimated 2023 peak hour volumes (including all of the above) are indicated in the attached ***Figure 2***.

### 3.3 Traffic Generation

Trip generation rates as contained in the TMH17 *South African Trip Data Manual* was consulted to calculate the potential peak hour traffic that can be generated by the proposed development. The TMH17 suggests 0,8 trips per 100 m² GLA for Industrial Areas/Parks during the AM and PM peak hours. During the AM peak hour an in/out split of 70/30 is suggested and during the PM peak hour, 25/75.

Based on the above, the proposed industrial development could potentially generate 228 peak hour trips, with 160 in, 68 out during the AM peak hour and 57 in, 171 out during the PM peak hour.

### 3.4 Traffic Distribution

The peak hour traffic that can potentially be generated by the proposed development was distributed to the road network based on the existing directional split in traffic at the intersections listed in *paragraph 3.1* above. The said distribution is indicated in ***Figure 3*** attached.

### 3.5 Traffic Analysis

Traffic analyses of the intersections were done by means of the Sidra Intersection 7.0 software. Service levels A to D are considered acceptable, with D the critical. In congested areas, level of service E is considered critical, but acceptable.

The intersections analysed, consist of lane layouts as follows:

<u>Old Main Road/Main Road/Macassar Road intersection:</u>

This intersection is currently signalised, with dedicated right-turn lanes on all approaches. See the intersection lane layout below.




***Photo 3 :*** Existing Old Main Road/Main Road/Macassar Road intersection lane layout

Main Road/Waterworks Road intersection:

This intersection is currently stop-controlled on the Waterworks Road-approach, with free-flow conditions along Main Road. The Waterworks Road-approach consists of dedicated left- and right-turn lanes, with no dedicated turning lanes along Main Road at this intersection. See the intersection lane layout below.




***Photo 4 :*** Existing Main Road/Waterworks Road intersection lane layout

Main Road/Go-Group Access intersection:

This intersection is currently stop-controlled on the Go-Group Access-approach, with free-flow conditions along Main Road. No dedicated turning lanes currently exist at this intersection. See the intersection lane layout below. It should be noted that this access to Main Road will be closed and relocated via the adjacent property, which obtains access from the signalised Main Road/Winery Road intersection (opposite Winery Road).




***Photo 5 :*** Existing Main Road/Go-Group Access intersection lane layout

Main Road/Winery Road intersection:

This intersection is currently signalised, with dedicated right-turn lanes on the Main Road- and Winery Road-approaches. A dedicated left-turn lane exists on the north western Main Road-approach, whilst the south western approach consists of a shared left/through/right lane. See the intersection lane layout below.




***Photo 6 :*** Existing Main Road/Winery Road intersection lane layout

### 3.5.1 Analyses of Existing and Estimated Peak Hour Volumes (excluding proposed development)

Old Main Road/Main Road/Macassar Road intersection:

According to the Sidra analyses, unacceptable service levels are currently experienced at this intersection during the existing peak hours, as result of the high volumes of right-turn traffic from Main Road to Old Main Road, and the existing lane layout (shared through-turning lanes).

Excessive queuing can also be noticed on-site during peak times. The queuing along Main Road from this intersection, currently extends to beyond the Waterworks- and Go-Group Access-intersections.

To accommodate the existing peak hour volumes, it is suggested that the existing shared through-left turn lane is changed to a shared through-right turn lane, and a dedicated left-turn lane added to the northern Main Road-approach. It is furthermore suggested that a dedicated left-turn lane be provided on the southern Macassar Road-approach, and the existing shared through-left turn lane changed to a through lane only. It is also suggested that the existing short dedicated right-turn lane on the eastern Old Main Road-approach be extended to at least 25 metres (excluding taper). See the proposed layout in ***Diagram 1*** below. With the proposed changes to the intersection lane layout, acceptable service levels C and above can be expected on all movements during the existing AM and PM peak hours.

It should be noted that upgrades suggested at this intersection as result of the pending "Huntsman" Development to the south of Old Main Road (obtaining access from Macassar Road) include the provision of dedicated left-turn lanes on both Old Main Road-approaches, as well as the Macassar Road-approach.

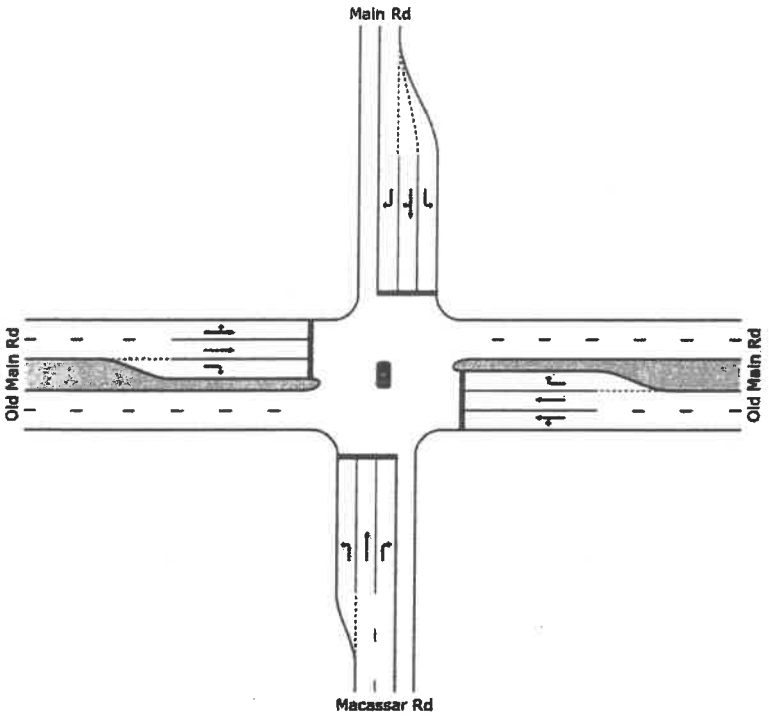



***Diagram 1 :*** Schematic Old Main Road/Main Road/Macassar Road intersection lane layout proposed to accommodate background peak hour traffic

During the estimated 2023 peak hours, critical but acceptable service levels E and above can be expected at this intersection (with proposed lane layout).

***It can thus be concluded that the minimum upgrades considered necessary to accommodate the background traffic at the Old Main Road/Main Road/Macassar Road intersection includes the provision of dedicated left-turn lanes on the northern- and southern-approaches, the extension of the existing dedicated right-turn lane on the eastern-approach, as well as the changing of the existing shared through-left turn lane on the northern-approach to shared-right turn, and the existing shared through-left turn lane on the southern-approach to through lane.***

Main Road/Waterworks Road intersection:

The service levels as discussed hereafter, are according to the Sidra analyses, which considers the intersection in isolation. However, it should be noted that excessive queuing is experienced along Main Road (from the Old Main Road-intersection) during peak hours, which has an effect on the intersections further along the road (up to the Winery Road-intersection).

During the existing peak hours, acceptable service levels are currently experienced along Main Road (free-flow conditions), with service level F experienced on the right-turn movement from the Waterworks Road-approach during the AM peak hour, and service level E during the PM peak hour. Although unacceptable, it is not considered necessary to upgrade this intersection at this stage as only 6 and 9 vehicles are currently executing the right turn movement during the AM and PM peak hours, respectively. With an increase in traffic on the Waterworks Road-approach, it should be considered upgrading the Main Road/Waterworks Road intersection.

***It can thus be concluded that no upgrades to the Main Road/Waterworks Road intersection is considered necessary to accommodate the background traffic.***

Main Road/Go-Group Access intersection:

Similar to the above, according to the isolated Sidra analyses, acceptable service levels are experienced along Main Road during the existing peak hours, with service levels E and D experienced on the access-approach during the AM and PM peak hours, respectively.

As previously mentioned, this access onto Main Road will be closed and relocated to opposite Winery Road at its intersection with Main Road.

***It can thus be concluded that no upgrades to the Main Road/Go-Group Access intersection is considered necessary to accommodate the background traffic.***

Main Road/Winery Road intersection:

According to the Sidra analyses, this signalised intersection currently experiences acceptable service levels C and above on all movements during the existing peak hours.

During the estimated peak hours (including the relocation of the Go-Group Access as mentioned above), acceptable service levels can be expected to remain on all movements at the Main Road/Winery Road intersection.

***It can thus be concluded that no upgrades to the Main Road/Winery Road intersection is considered necessary to accommodate the background traffic.***

### 3.5.2 Analyses of Expected Peak Hour Volumes (including proposed development)

The traffic that can potentially be generated by the proposed development (***Figure 3***) was added to the estimated 2023 peak hour volumes, i.e. background traffic (***Figure 2***), to obtain the expected 2023 peak hour volumes (***Figure 4***).

Old Main Road/Main Road/Macassar Road intersection:

With the addition of the proposed development-traffic, the lane layout as proposed to accommodate the background traffic will not be sufficient to accommodate the increase in traffic at the Old Main Road/Main Road/Macassar Road intersection. To accommodate the additional traffic at this intersection, it is suggested that the following changes be made (see ***Diagram 2*** below):

a) *Western Old Main Road-approach*: Provision of dedicated left-turn lane and changing of existing shared through-left turn lane to through lane;

b) *Northern Main Road-approach*: Approach to consist of two dedicated right-turn lanes, a through lane, and dedicated left-turn lane;

c) *Eastern Old Main Road-approach*: Provision of dedicated left-turn lane and changing of existing shared through-left turn lane to through lane.

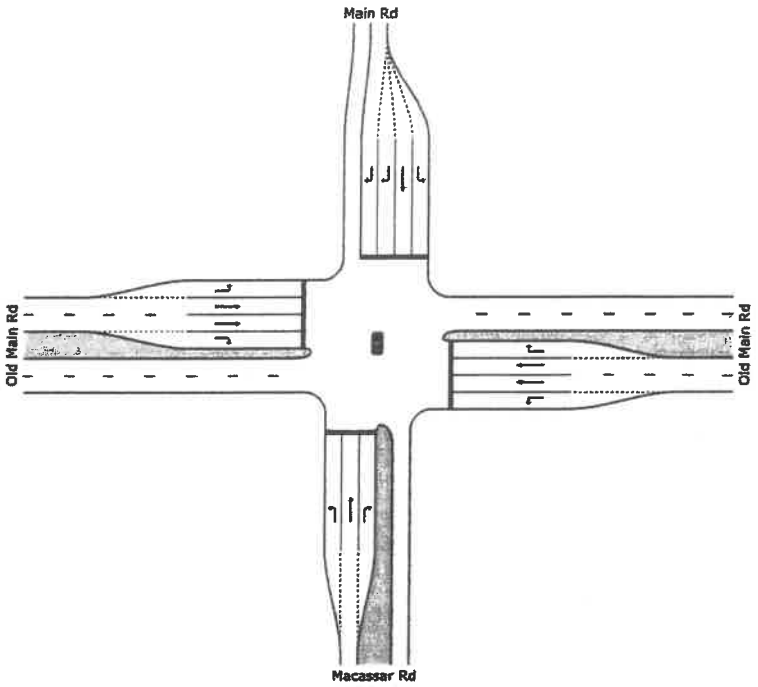



***Diagram 2 :*** Schematic Old Main Road/Main Road/Macassar Road intersection lane layout proposed to accommodate expected peak hour traffic

During the expected peak hours, and with the upgraded layout as discussed above, acceptable service levels D and above can be expected on all movements during the expected peak hours.

The potential trip generation of the "Huntsman" Development, as mentioned in *paragraph 3.5.1* above, was added to the abovementioned analyses to address the cumulative impact of the pending developments. According to the Sidra analyses of the Old Main Road/Main Road/Macassar Road intersection (with layout as proposed above – ***Diagram 2***), service levels D and above can be expected on all movements, except the through movement on the Macassar Road-approach during the AM peak hour, and the through movement on the Main Road-approach during the PM peak hour, which are anticipated to experience service levels E. Although critical, the layout as proposed can be considered sufficient to accommodate the cumulative peak hour traffic volumes.

***It can thus be concluded that the changes to the Old Main Road/Main Road/Macassar Road intersection as indicated in Diagram 2 above is considered necessary to accommodate the addition of the proposed development-traffic.***

Main Road/Waterworks Road intersection:

During the expected peak hours, unacceptable service levels can be expected at this intersection (Waterworks Road-approach) with the existing stop-controlled layout. To address these results, a roundabout and the provision of traffic signals were investigated. With both alternatives, acceptable service levels can be expected. However, to optimise traffic flow along Main Road, it is not advisable to provide a roundabout (Waterworks Road-intersection) between two traffic signals (Old Main Road/Macassar Road- and Winery Road-intersections). It is thus suggested that traffic signals be considered, as well as the provision of a dedicated right-turn lane on the eastern Main Road-approach (***Diagram 3***). To address the warrant for traffic signals, a queue study should be undertaken at the subject intersection. However, it will only be possible to undertake the said study following the implementation of the proposed development. Based on the Sidra average queuing on the Waterworks Road-approach (± 35 vehicles during the AM peak hour and ± 70 vehicles during the PM peak hour), it is anticipated that traffic signals will be warranted when the full proposed development is operational.

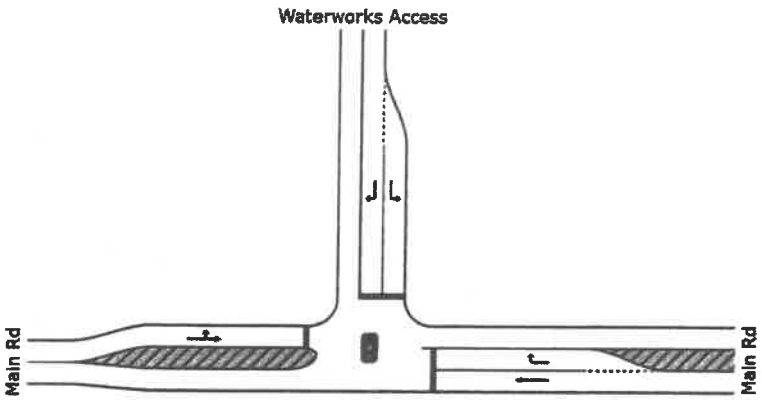



***Diagram 3 :*** Schematic Main Road/Waterworks Road intersection lane layout proposed to accommodate expected peak hour traffic

With the said upgrades at this intersection, acceptable service levels can be expected during the expected AM and PM peak hours.

***It can thus be concluded that the provision of traffic signals at the Main Road/Waterworks Road intersection, with a dedicated right-turn lane on the eastern Main Road-approach, is considered necessary to accommodate the addition of the proposed development-traffic.***

Access-intersection:

The proposed development-access will be stop-controlled on the access-approach, with free-flow conditions along Waterworks Road to/from the CoCT Waterworks. During the expected peak hours, acceptable service levels can be expected on all movements at this intersection.

***It can thus be concluded that no upgrades other than the addition of the access-approach is considered necessary at its intersection with Waterworks Road to accommodate the addition of the proposed development-traffic.***

Main Road/Winery Road intersection:

During the expected peak hours, the acceptable service levels discussed with the estimated peak hour analyses above can be anticipated to remain.

***It can thus be concluded that no upgrades to the Main Road/Winery Road intersection is considered necessary to accommodate the addition of the proposed development-traffic.***

## 4. GEOMETRY

As previously mentioned, access will be obtained from an existing road ("Waterworks Road"). The said road currently provides access to the Eskom Substation and the City of Cape Town Faure Water Scheme to the northwest of the subject property. As far as could be established, the first section of the said road is public from Main Road up to and including the proposed access, with the remainder of the road, private or a servitude road.

Access to Waterworks Road is obtained from Main Road between Winery Road and Old Main Road. According to the *Road Network Information System* (RNIS) of Western Cape Government (WCG), Main Road and Winery Road are classified as Class 3-roads, whilst Old Main Road is classified as a Class 2-road.

The proposed access is situated ± 250 metres from the edge of Main Road (***Photo 7***). Shoulder sight distance at the proposed access is not anticipated to be problematic. Waterworks Road currently consist of two lanes (one per direction) accommodated within a blacktop width of ± 8,0 metres. Main Road (in the vicinity of Winery Road and Old Main Road), and Winery Road also consist of two lanes (one per direction, ± 3,4 metre wide lanes), with ± 1,5 metre surfaced shoulders along both sides of the road. According to information, Main Road will be dualled in future.

Intersection spacing along Main Road in the vicinity of the subject property is as indicated below. The Winery Road-intersection is situated ± 280 metres southeast of the Waterworks Road-intersection, and as previously mentioned, the Old Main Road intersection ± 535 metres (all centre-to-centre). The existing access to the storage facility (currently staggered) will in future be closed as per previous approval (development of adjacent Remainder Farm 782), with access obtained via Remainder Farm 782, opposite Winery Road. See the photo below.




***Photo 7 :*** Intersection spacing along Main Road in the vicinity of the subject property

Detail on the access layout is not indicated on the attached plan. It should be ensured that two lanes in are provided, i.e. a lane for employees and a dedicated lane for visitors. It should furthermore be ensured that sufficient horizontal and vertical clearance is provided at the access to accommodate the vehicles expected to the proposed light industrial park.

The internal roads are indicated with 15 metre wide road reserves. Detail on the internal road layout (i.e. roadway width, bellmouth radii, etc.) is not yet available. The proposed road reserves indicated on the attached plan indicate that the internal roads will terminate in hammerheads, thus also providing space for vehicles to turn, should it be required. It should be ensured that the internal roads can accommodate the vehicles anticipated to be attracted to the light industrial development.

As the internal road will accommodate light industrial type vehicles, it is not anticipated that the accommodation of refuse- or delivery vehicles will be an issue.

## 5. PARKING

Detail on parking is not yet available. It should thus be ensured that parking is provided in accordance with the minimum requirements of the Stellenbosch Zoning Scheme, and dimension of parking bays are in line with normal parking standards (Department of Transport).

## 6. PUBLIC AND NON-MOTORISED TRANSPORT (NMT)

The Firgrove Railway Station is situated less than 1 kilometre to the southeast of the subject property.

According to the City of Cape Town *Existing Public Transport Services (plan no PT2-1.1, Aug 2013)* the roads in the vicinity of the subject property are existing bus- and taxi-routes.

Formal public transport embayments could be considered along Main Road at the Waterworks Road-intersection (outbound legs).

Surfaced sidewalks currently exist along the northern side of Main Road in the vicinity of the Winery Road- and Waterworks Road-intersections. Surfaced sidewalks also exist along both sides of Winery Road between its intersections with Main Road and Steynsrust Road.

It is suggested that sidewalks be provided along the western/southern side of Waterworks Road between the proposed access and the existing sidewalk along Main Road.

It is furthermore suggested that sidewalks be provided along at least one side of the internal road, with pedestrian accommodation across the road at appropriate positions.

## 7. CONCLUSIONS

The following can be concluded from the report:

1) That this TIA is in support of the Application for Subdivision, Rezoning, Site Development Plan Approval and Deviation from Spatial Development Framework for Farm 1101, situated to the north/northwest of the currently developed Firgrove area;
2) That the subject property is situated to the Stellenbosch Municipality side of the Stellenbosch Municipality/City of Cape Town border;
3) That the proposed development will consist of 21 industrial erven, with a total of 28 480 m² GLA;
4) That access to the property is obtained from an existing access road, currently serving an Eskom Substation and the City of Cape Town Waterworks;
5) That the proposed development has the potential to generate 228 peak hour trips, with 160 in, 68 out during the AM peak hour and 57 in, 171 out during the PM peak hour;
6) That to accommodate the background traffic, the following road upgrades are considered necessary:
    a) *Old Main Road/Main Road/Macassar Road intersection:* provision of dedicated left-turn lanes on the northern- and southern-approaches, extension of the existing dedicated right-turn lane on the eastern-approach, as well as the changing of existing shared through-left turn lane on the northern-approach to shared-right turn, and existing shared through-left turn lane on the southern-approach to through lane;
7) That to accommodate the addition of the proposed development-traffic, the following road upgrades are considered necessary:
    a) *Old Main Road/Main Road/Macassar Road intersection:* Provision of dedicated left-turn lane and changing of existing shared through-left turn lane to through lane on western- and eastern-approaches, and provision of/changing of northern-approach to consist of two dedicated right-turn lanes, through lane and dedicated left-turn lane;
    b) *Main Road/Access Road (Waterworks) intersection:* Provision of traffic signals at the intersection, with dedicated right-turn lane on eastern-approach;
8) That the access to the subject property will be along the existing access road, ± 250 metres from the edge of Main Road;
9) That the existing access road is currently a two lane road, with the first section public from Main Road up to and including the proposed access, with the remainder of the road towards the Eskom substation and the CoCT waterworks private/servitude road;

10) That the existing Go-Group-Access to Main Road will be closed and relocated to opposite the Main Road/Winery Road intersection, which will improve intersection spacing along Main Road, and thus provide the opportunity for the access road-intersection to be signalised;

11) That it should be ensured that the access layout provides for separate employee/visitor lanes in, and that it accommodates the size vehicles expected to the light industrial development;

12) That internal streets consist of 15 metre road reserves, that detail on the layouts are not yet available, and that it is not anticipated that refuse removal or deliveries will be problematic should the internal roads be designed to accommodate vehicles attracted to light industrial areas;

13) That detail on parking is not yet available and that it should be ensured parking is provided in accordance with the minimum requirements of Stellenbosch Municipality; and

14) That formal public transport embayments be considered along Main Road at the access road-intersection (outbound legs) and that the provision of sidewalks along the southern side of the access road (between Main Road and the access), as well as along at least one side of the internal streets, be considered.

## 8. RECOMMENDATIONS

From the above the following are recommended:

1) That to accommodate the background traffic, upgrades to the *Old Main Road/Main Road/Macassar Road* are required:
   a) Provision of dedicated left-turn lanes on the northern- and southern-approaches;
   b) Extension of the existing dedicated right-turn lane on the eastern-approach;
   c) Changing of existing shared through-left turn lane on the northern-approach to shared-right turn; and
   d) Changing of existing shared through-left turn lane on the southern-approach to through lane;
2) That to accommodate the addition of the proposed development-traffic, the following upgrades are considered necessary:
   a) *Old Main Road/Main Road/Macassar Road intersection:*
      i. Provision of dedicated left-turn lane and changing of existing shared through-left turn lane to through lane on western- and eastern-approaches; and
      ii. Provision of/changing of northern-approach to consist of two dedicated right-turn lanes, through lane and dedicated left-turn lane;
   b) *Main Road/Access Road (Waterworks) intersection:* Provision of traffic signals at the intersection, with dedicated right-turn lane on eastern-approach;
3) That the security controlled access layout provides for two lanes in, and accommodates the size vehicles expected to/from the light industrial development;
4) That parking be provided in accordance with the minimum requirements of the Stellenbosch Zoning Scheme;
5) That formal public transport embayments be considered along Main Road at the Main Road/Access Road intersection (outbound legs);

6) That the provision of sidewalks be considered:
   a) Along the southern side of the access road (between Main Road and the access); and
   b) Along at least one side of the internal streets.

We trust that the Traffic Impact Assessment will be to your satisfaction and will gladly provide any additional information required on request.

Yours faithfully

**Yolandi Obermeyer (B. Eng Civil)**
**iCE GROUP (STELLENBOSCH)**

**Piet van Blerk Pr. Eng**
**iCE GROUP (STELLENBOSCH)**

**Attachments**

Locality Plan

Riverside Business Park Development, Proposed Layout & Areas (*Rev D, 3 Feb 2018*) (*mbt Architects and Project Managers*)

| | |
|---|---|
| Figure 1 | Existing AM/PM Peak Hour Traffic Volumes (Tuesday, 27 February 2018) |
| Figure 2 | Estimated 2023 AM/PM Peak Hour Traffic Volumes (including annual traffic growth and redistribution) |
| Figure 3 | Distribution of Traffic Generated by Proposed Development |
| Figure 4 | Expected 2023 AM/PM Peak Hour Traffic Volumes (including annual traffic growth, redistribution and proposed development) |



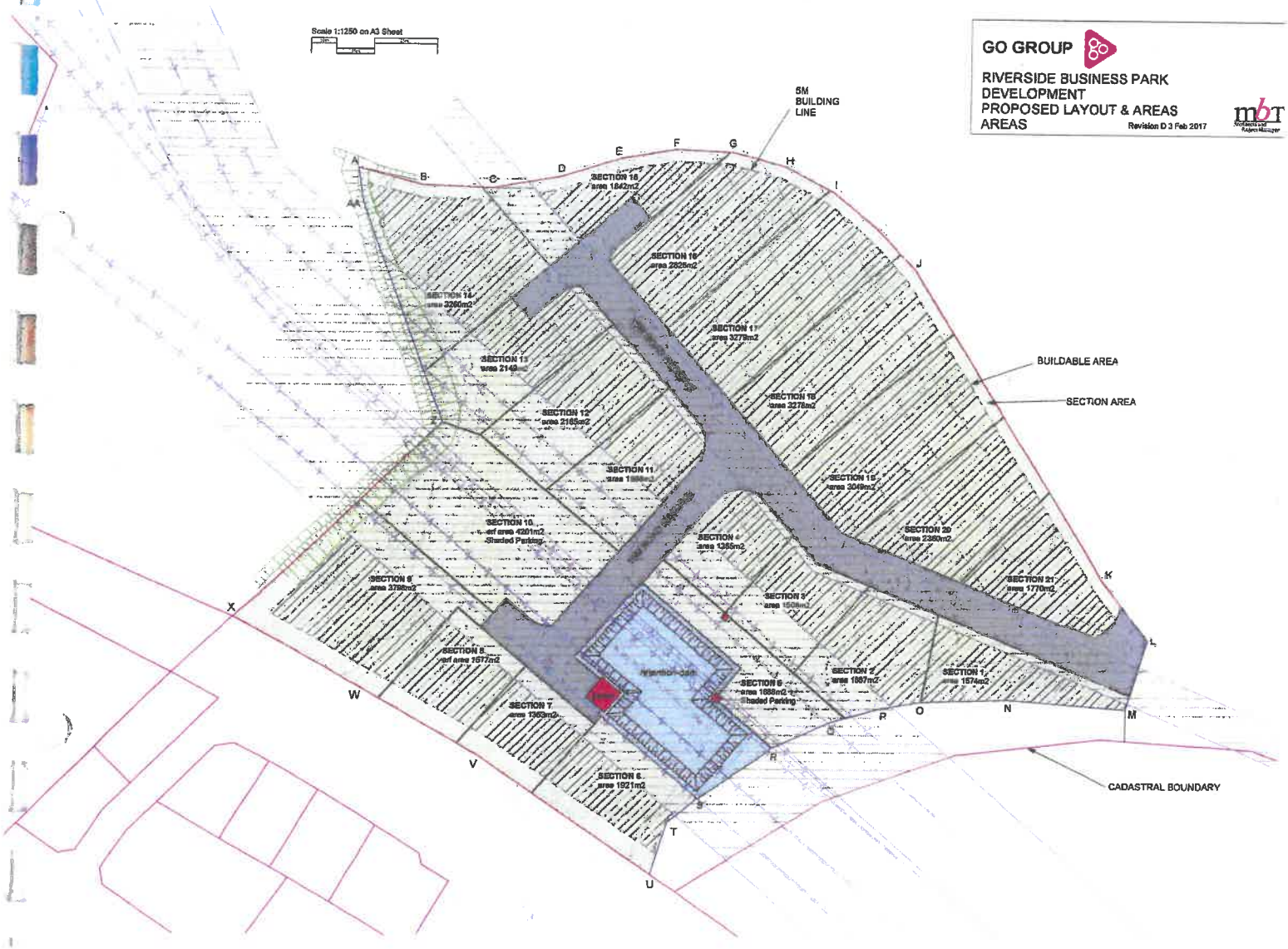

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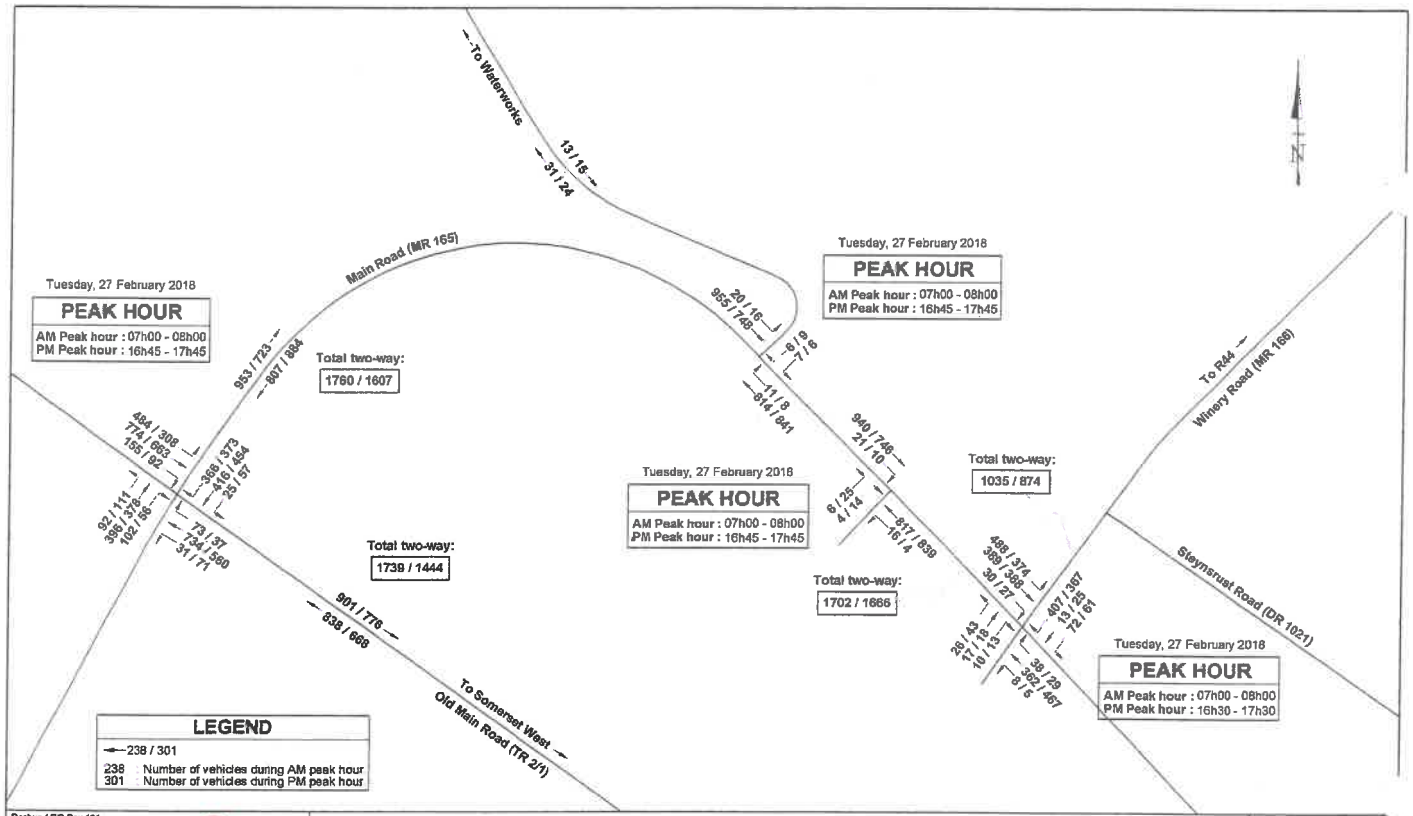
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Locality Plan


Scale 1:1250 on A3 Sheet
GO GROUP
RIVERSIDE BUSINESS PARK
DEVELOPMENT
PROPOSED LAYOUT & AREAS
AREAS
Revision D 3 Feb 2017
5M
BUILDING
LINE
BUILDABLE AREA
SECTION AREA
CADASTRAL BOUNDARY
SECTION 10
area 1842m2
SECTION 14
area 3260m2
SECTION 13
area 2149
SECTION 12
area 2165m2
SECTION 11
area 1
SECTION 16
area 4201m2
Shaded Parking
SECTION 9
area 3798m2
SECTION 8
area 2672m2
SECTION 7
area 1363m2
SECTION 6
area 1921m2
SECTION 18
area 2825m2
SECTION 17
area 3278m2
SECTION 15
area 3278m2
SECTION 15
area 3049m2
SECTION 20
area 2360m2
SECTION 4
area 1356m2
SECTION 3
area 1508m2
SECTION 5
area 1668m2
Shaded Parking
SECTION 2
area 1567m2
SECTION 1
area 1574m2
SECTION 21
area 1770m2
A
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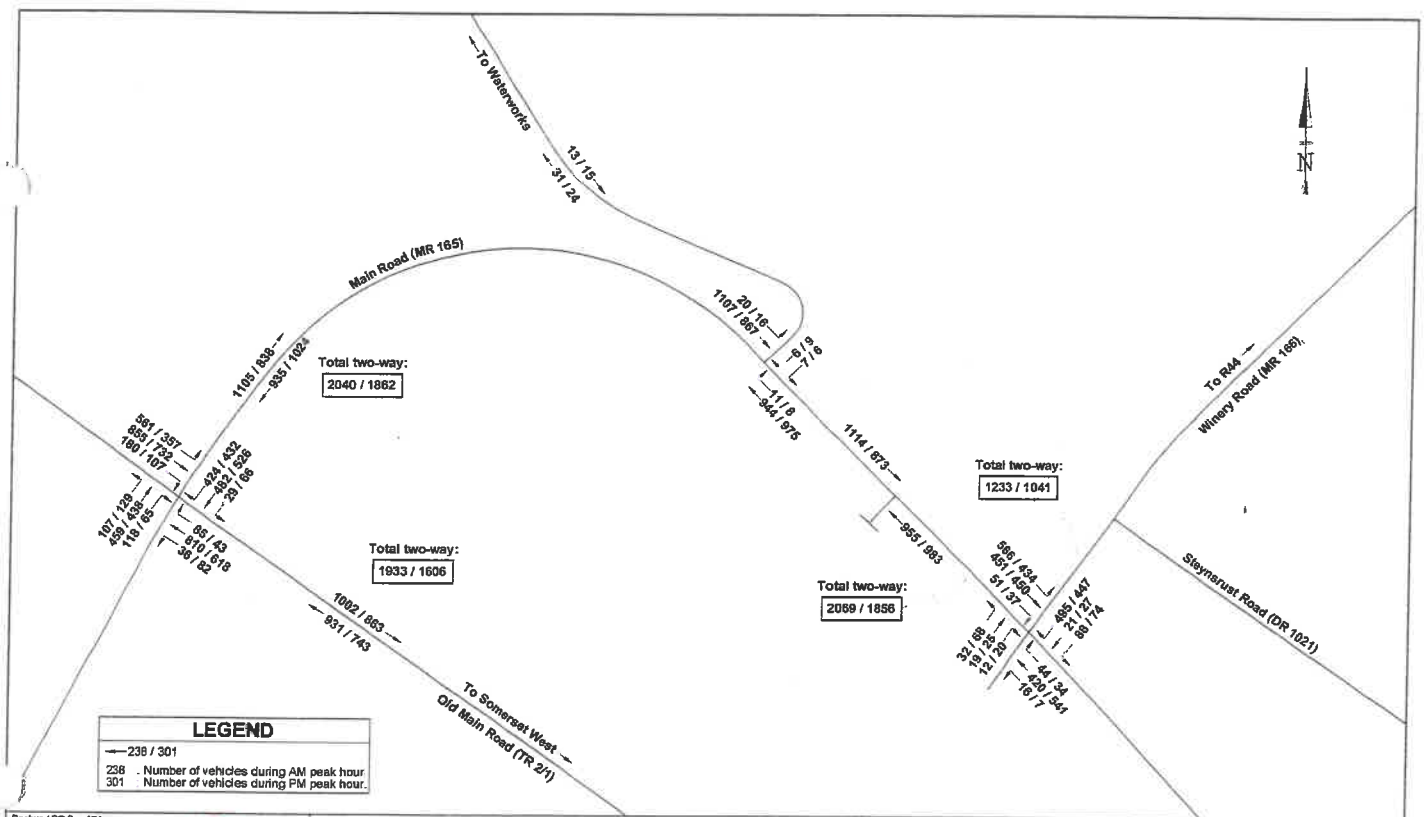
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**Existing AM/PM Peak Hour Traffic Volumes**
**(Tuesday, 27 February 2018)**

Figure 1




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Stellenbosch 7599

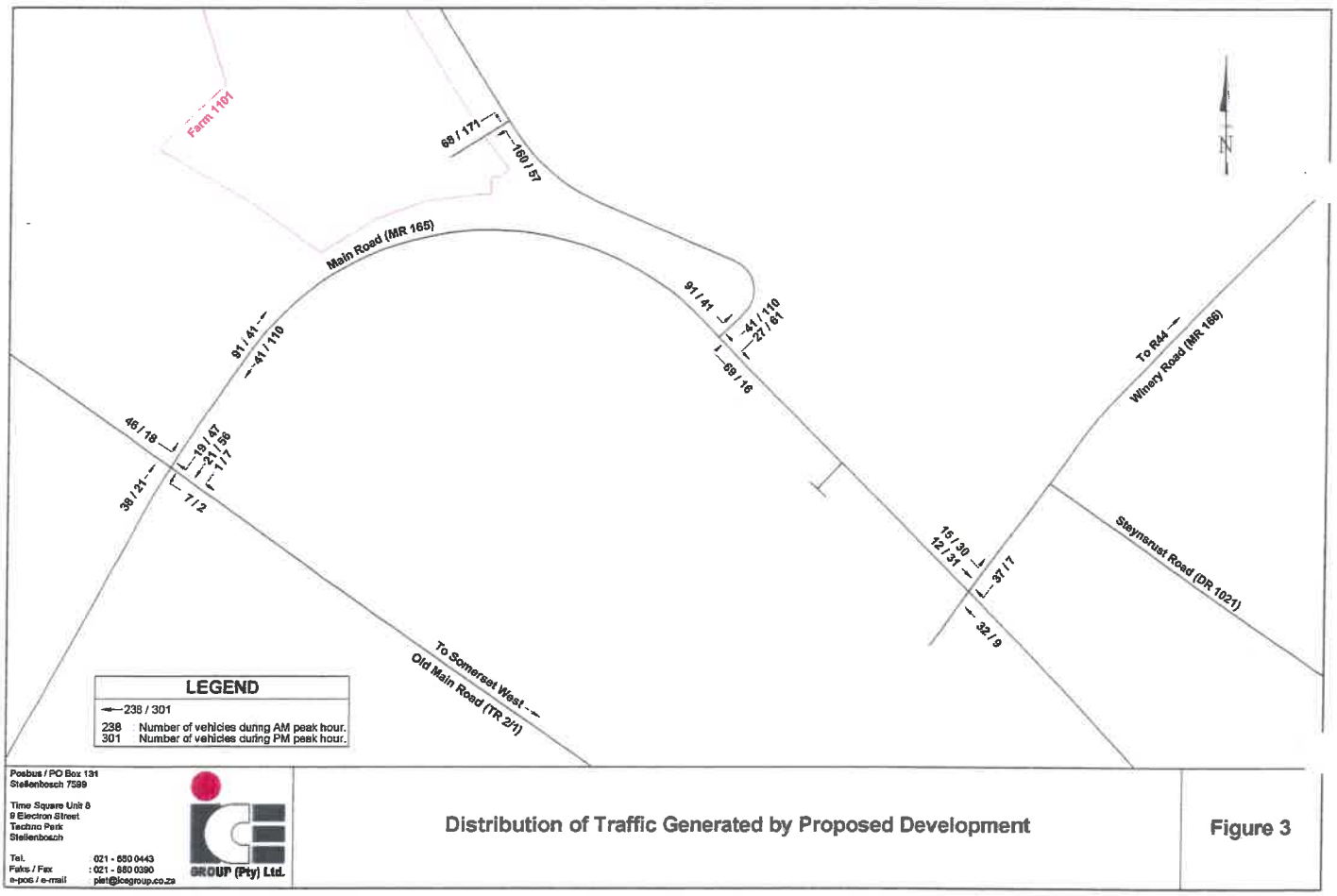
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**Estimated 2023 AM/PM Peak Hour Traffic Volumes**
**(including annual traffic growth and redistribution)**

**Figure 2**




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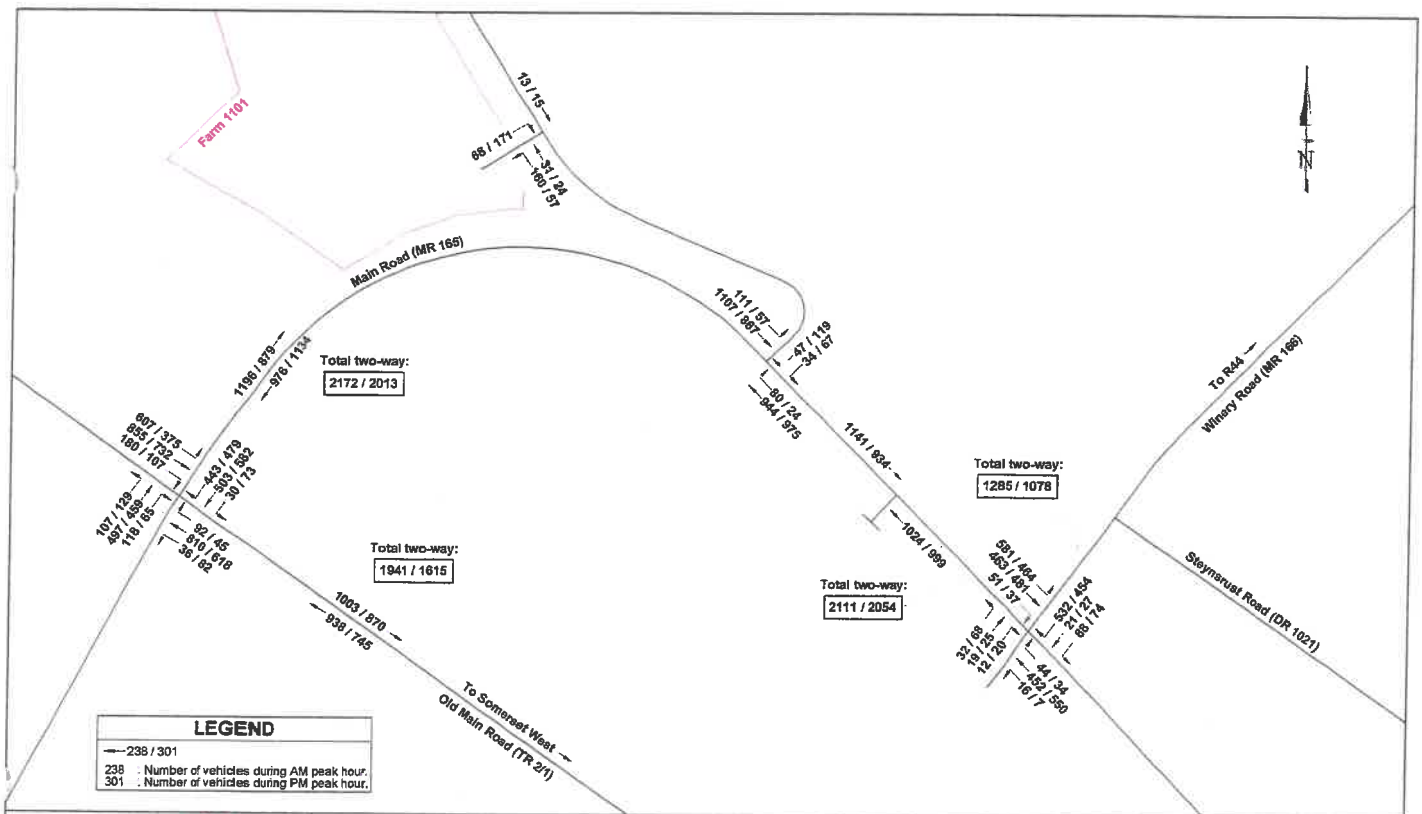
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Distribution of Traffic Generated by Proposed Development

Figure 3




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**Expected 2023 AM/PM Peak Hour Traffic Volumes**
**(including annual traffic growth, redistribution and proposed development)**

**Figure 4**

**Annexure 13**

**Soil Investigation Report**

**Johann Lanz**
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# Report on soil investigation of part of Remainder of Rustenhof, farm number 1101 near Firgrove, Stellenbosch Municipality

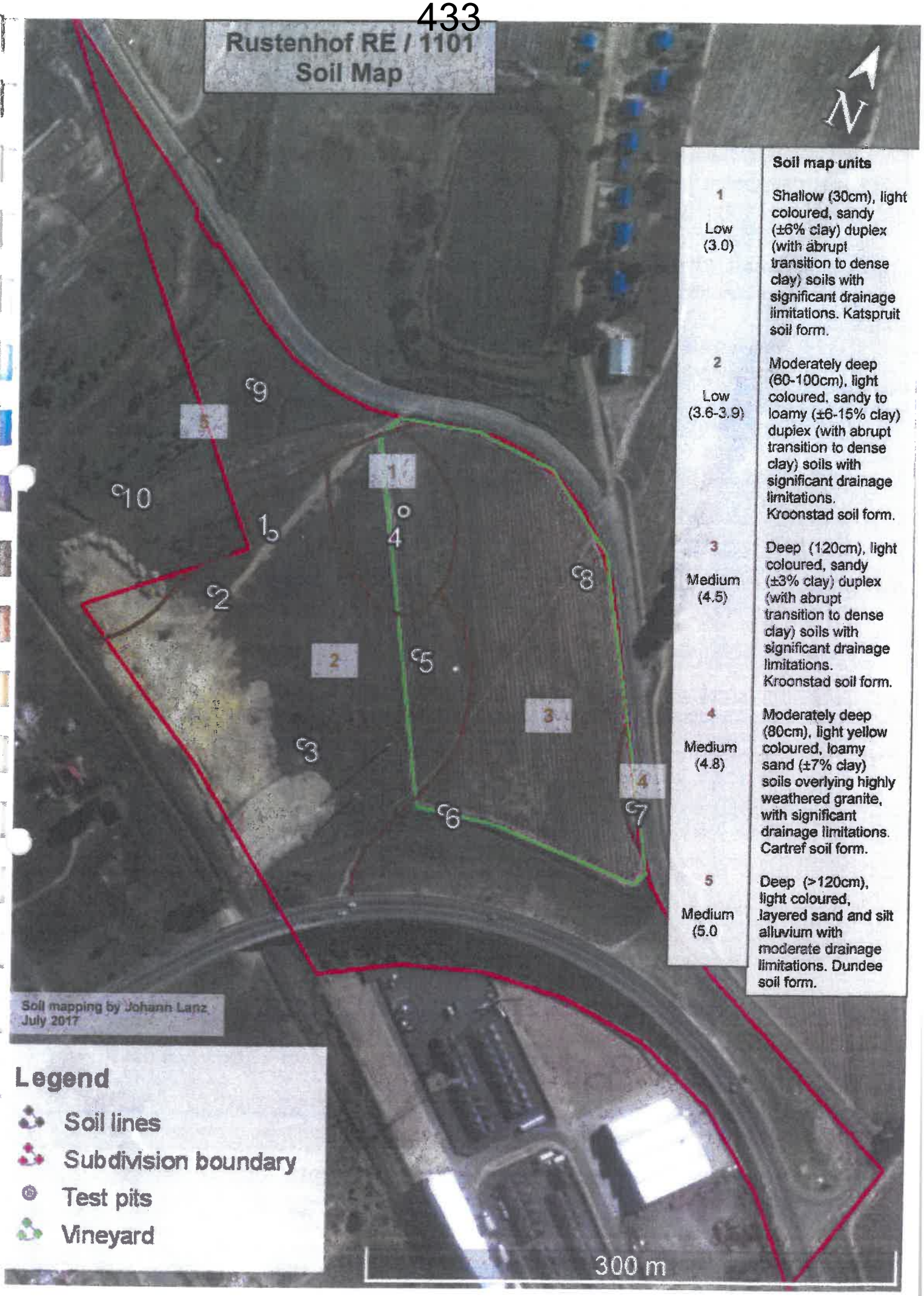
**Report by**
**Johann Lanz**

**July 2017**

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2.Description of soil conditions and division into soil map units.....2
3.Soil suitability for crop production.....3
4.Land use.....5
5.Additional comments.....5
6.Conclusions.....5
Appendix 1: Structure of soil code and explanation of symbols.....6
Appendix 2: Table of soil profile data.....8


Rustenhof RE / 1101
Soil Map
N
Soil map units
1
Low
(3.0)
Shallow (30cm), light coloured, sandy (±6% clay) duplex (with abrupt transition to dense clay) soils with significant drainage limitations. Katspruit soil form.
2
Low
(3.6-3.9)
Moderately deep (60-100cm), light coloured, sandy to loamy (±6-15% clay) duplex (with abrupt transition to dense clay) soils with significant drainage limitations. Kroonstad soil form.
3
Medium
(4.5)
Deep (120cm), light coloured, sandy (±3% clay) duplex (with abrupt transition to dense clay) soils with significant drainage limitations. Kroonstad soil form.
4
Medium
(4.8)
Moderately deep (80cm), light yellow coloured, loamy sand (±7% clay) soils overlying highly weathered granite, with significant drainage limitations. Cartref soil form.
5
Medium
(5.0
Deep (>120cm), light coloured, layered sand and silt alluvium with moderate drainage limitations. Dundee soil form.
Soil mapping by Johann Lanz
July 2017
Legend
Soil lines
Subdivision boundary
Test pits
Vineyard
300 m

## 1. Introduction

Johann Lanz was contracted to do a soil investigation and report on part of the Remainder of Rustenhof, farm number 1101, near Firgrove, Stellenbosch Municipality (See Figure 1). The aim of this investigation was to characterise the different soil types and consequent agricultural potential across an approximately 9 hectare part of the farm in order to provide the required information to assess the impact of a loss of this land for agricultural production. Specifically the requirements were to:

- Produce a soil map of the site showing spatial distribution of different soils and including ratings of soil potential.
- Produce a soil report describing soil physical characteristics, limitations, and suitability for crop production.




***Figure 1.*** *Location of the farm, with the relevant 9 hectare part shaded in the south.*

A total of 10 test pits were investigated across the study area on 29 June 2017 by Johann Lanz. During the investigation, soils were classified according to the South African soil classification system and the soil description code was recorded for each investigated profile. A brief explanation of the description code is given in Appendix 1 and all the soil codes of investigated test pits are listed in Appendix 2.

Soil potential or suitability under the applicable conditions is a function of four factors: root development potential (rooting depth and friability); water holding capacity and supply; drainage; and organic matter content. Soils are rated for potential by making an overall assessment of each soil, taking all of these factors into account. A value between 0 and 10 is assigned. This suitability rating is used by soil scientists in the Western Cape, and details of it are provided in Table 1.

**Table 1.** Interpretation of soil suitability ratings used by Western Cape soil scientists

| **Rating** | **General agricultural suitability and recommendations for cultivated crop production** | |
|---|---|---|
| ≤2 | Very low | Not recommended |
| >2 - ≤4 | Low | Not recommended |
| >4 - ≤5 | Medium | Conditionally recommended |
| >5 - ≤6 | Medium-high | Recommended |
| >6 - ≤8 | High | Highly recommended |
| >8 | Very high | Highly recommended |

## 2. Description of soil conditions and division into soil map units

The site is located at the edge of the coastal plains of the Cape Flats, where they meet the lower foot slopes of the hills south of Stellenbosch. The site is very gently sloping at about 1% with a south-westerly aspect. The geology of the area is Quarternary quartz sand of the Springfontein and Witzand Formations as well as surficial cover formed in situ on Malmesbury rocks.

The site falls within a single land type, namely Ca134. Soils of this land type are mostly sandy topsoils on underlying clay and are of the Kroonstad, Katspruit, Longlands, Westleigh Estcourt and Dundee soil forms. The field soil investigation identified predominantly deep to moderately deep, light coloured, sandy Kroonstad soils across the site.

For soil mapping purposes and as an indication of soil variation, the soils were divided into five different soil map units. These were divided largely according to the presence or absence of different soil limitations and characteristics which impact on soil suitability.

Descriptions of the characteristics of each of the soil map units are given in the legend on the map. Photographs of representative soils and of site conditions are given in figures 2 to 4.

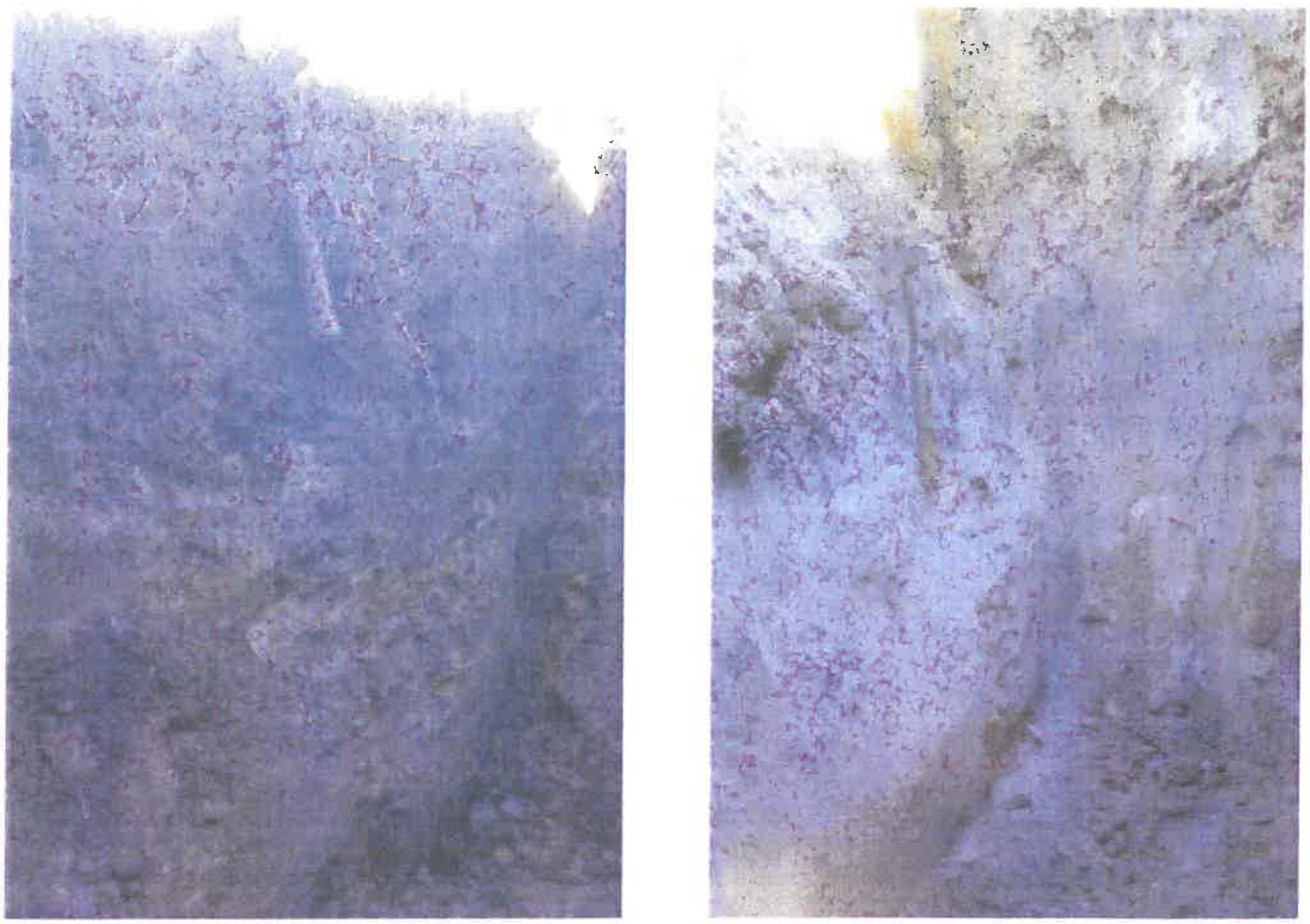


***Figure 2.*** *Left: 30cm deep Katspruit soil from test pit number 4. Right: 60cm deep Kroonstad soil from test pit number 5 (with 60cm of additional, more clay-rich material deposited on top).*

Soils have limited internal drainage in that saturation occurs within the soil profile for extended periods during the wet season. This is predominantly as a result of the landscape position which results in lateral drainage of water down-slope within the soil profile from the slopes above.

## 3. Soil suitability for crop production

The suitability rating out of 10 is given on the map for each soil map unit. All soils are limited by their low clay content and the leached nature of the upper soil horizons. This severely limits their water and nutrient holding capacity. They are further limited by their poor drainage, which limits rainy season rooting depth and root health. Soil map unit 1 is also limited by shallow soil depth. As a result of these limitations the soils are rated from low to medium agricultural suitability.

The soils are too leached and sandy, as well as too poorly drained to be suitable for quality wine production. They are only really suitable for non-permanent crops such as vegetables, but would require require intensive and well managed irrigation and fertilisation.



***Figure 3.*** *View of the site from test pit number 10 looking east.*



***Figure 4.*** *The current, poor condition of the vineyards, looking south towards the railway line with the road embankment in the background on the left.*

## 4. Land use

The site includes a 2.7 hectare vineyard that is in poor condition (see Figure 4). The rest of the site has not been used for any agricultural activity for at least 10 years. Soil has been moved around on site (including both removal and addition) as a result of various activities including the adjacent road embankment. Much of the southern part of the site has been covered with material that has been brought in.

## 5. Additional comments

The separation of this portion of land from the main, productive part of the farm, and its proximity to urban development diminishes the agricultural value of this land because of the security threat to agricultural produce and infrastructure.

## 6. Conclusions

The aim of this investigation was to characterise the different soil types and consequent agricultural potential across a part of the farm in order to provide the required information to assess the impact of a loss of this land for agricultural production.

The soils are rated low to medium agricultural suitability. They are limited by their low clay content, the leached nature of the upper soil horizons, poor drainage, and in places limited depth. They are not suitable for quality wine production.

As a result of the agricultural limitations of this portion of land, its loss will have negligible impact on the agricultural productivity of the farm and area.

## Appendix 1: Structure of soil code and explanation of symbols

The code used indicates the soil classification as well as other characteristics of the soil. Soil forms are the first level of division in the South African soil classification system. Soil forms are further divided into different families. All soil forms are given a South African place name. Families are given a four digit number. Soils are divided into forms based on the sequence of diagnostic soil horizons in the soil profile.

This is not a comprehensive explanation of the code but explains the most important points:

**Column 3** Numbers indicate the depth of the transition between horizons in order of increasing depth and according to the categories given below. Following all the horizons, the depth of a stone content is given if applicable.

| Number in code | Depth below surface (cm) |
|---|---|
| 1 | 0 - 15 |
| 2 | 15 - 25 |
| 3 | 25 - 35 |
| 4 | 35 - 45 |
| 5 | 45 - 55 |
| 6 | 55 - 75 |
| 7 | 75 - 95 |
| 8 | 95 - 115 |
| 9 | 115 - 135 |
| 0 | 135 - 155 |

**Column 4** Two letter abbreviation of soil form name followed by four digit indication of soil family.

**Column 5** Where a profile is a transition between 2 different soil forms - two letter abbreviation of the transition soil form name.

**Columns 6 - 8** Lower case letters indicating the occurrence of additional horizons underlying the diagnostic horizons, if applicable.

**Column 9 - 10** Combined letter and number code indicating course fraction content and stone size of subsoil horizons, if applicable. f = fine gravel, g = course gravel, k = stones, r = rocks. The number for each class is the volume fraction out of 10. The sum of the numbers gives the total course fraction content.

**Column 11** Course fraction content of topsoil horizon indicated in the same way as above.

**Column 12** Sand grade f = fine and me = medium and co = course and clay content of topsoil horizons according to the following categories:

| number | Clay percentage |
|---|---|
| 1 | 0 - 5 |
| 2 | 5 - 10 |
| 3 | 10 - 15 |
| 4 | 15 - 20 |
| 5 | 20 - 35 |

**Column 13** A number between 1 and 9 indicating wetness class based on the depth at which saturation occurs in the profile and the length of time for which the soil remains saturated. All wetness classes of 6 and higher may require drainage. A 0 indicates that no wetness is present in the profile.

**Column 14** The rating out of 10 of the vineyard vigour potential, using the rating system that is used by Western Cape soil scientists.

**Column 15** The soil map unit into which the soil profile has been categorised.

## Appendix 2: Table of soil profile data

| Test pit no. | Soil depth (cm) | Soil description code | | | | | | | | | | Suitability rating | Map unit |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Depth codes | Family | Transition form | Subsoil properties | | | CF | CF | Topsoil properties CF | Topsoil properties texture | Drain | | |
| 1 | 60 | 36 | Kd1000 | Du | | | | | | | fi3 | 6 | 3.6 | 2 |
| 2 | 100 | 38 | Kd1000 | Du | | | | | | | fi3 | 6 | 3.9 | 2 |
| 3 | 100 | 38 | Kd1000 | | | | | | | | co1/2 | 6 | 3.9 | 2 |
| 4 | 30 | 3 | Ka1000 | | | | | | | | co1/2 | 7 | 3.0 | 1 |
| 5 | 60 | 36 | Kd1000 | | | | | | | | co1/2 | 6 | 3.6 | 2 |
| 6 | 120 | 39 | Kd1000 | | | | | | | | co1 | 6 | 4.5 | 3 |
| 7 | 80 | 37 | Cf1100 | | ≤ lw | | | f2 | | f1 | co2 | 6 | 4.8 | 4 |
| 8 | 140 | 30 | Kd1000 | | | | | | | | co1 | 6 | 4.5 | 3 |
| 9 | 150 | 3 | Du1210 | | bl U1 | | | | | | fi3 | 3/6 | 4.9 | 5 |
| 10 | 150 | 3 | Du1210 | | bl U1 | | | | | | fi3 | 3/6 | 4.9 | 5 |

**Annexure 7**

**Copies of unclaimed registered mail**

The following registered letter was undelivered and 'Returned to Sender':

- City of Cape Town
  8 Rooikrans Avenue, Rooikrans Court, Grassy Park, 7491

# RIVERSIDE BUSINESS PARK

PLANNING PARTNERS

## FARM 1101, STELLENBOSCH (WATERWORKS ROAD, FIRGROVE)

## APPLICATION FOR SUBDIVISION OF AGRICULTURAL LAND, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM THE STELLENBOSCH MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK

### 1. INTRODUCTION

### 1.1 The Brief and Application

Planning Partners has been appointed by *JPY Family Trust*, the prospective buyer of a portion of Farm 1101, Stellenbosch (Firgrove), to provide the necessary professional services to acquire the land use rights to establish a light industrial and warehouse development on the purchased development portion. The proposed development portion is 5.9622 ha in extent and hereafter referred to as 'the site'. The development proposal requires the following applications to be made to the following competent authorities:

1) Applications to Stellenbosch Municipality:

   a. **Subdivision** in terms of Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015) to subdivide the development portion from the Remainder Farm;

   b. **Rezoning of land** from Agricultural Zone I to Industrial Zone I in terms of Section 15(2)(a) of Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015);

   c. **Consent use** to permit warehousing as a consent use in Industrial Zone I in terms of Section 15(2)(o) of Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015);

   d. **Site Development Plan approval** in terms of Section 15(2)(g) of the Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015); and

   e. **Deviation from the Stellenbosch Municipal Spatial Development Framework** in terms of Section 15(2)(g) of Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015).

2) Application to the National Department of Agriculture:

   a. **Subdivision of agricultural land** in terms of Act 70 of 1970 to subdivide the development portion from the Remainder Farm. Note that the application has been submitted to the Provincial and National Agricultural Departments.

3) Application to Heritage Western Cape (HWC):

   a. **Notice of Intent to Develop** to HWC for the development of a site larger than 5 000 $m^2$ and rezoning of a site exceeding 10 000 $m^2$ in extent in terms of Section 38(1)(c)(i) of the National Heritage Resources Act, Act 25 of 1999. This application has been approved.

4) Application to Department of Environmental Affairs and Development Planning (D:EA&DP):
   a. **Land Development Application** to the Department of Environmental Affairs and Development Planning (D:EA&DP) for the development of land zoned agriculture and which has been cultivated in the last ten years, in terms of Section 53 of the Land Use Planning Act, Act 3 of 2014. Note that this application was submitted simultaneously with this application.

### 1.2 Background

Most of the site is currently vacant, but disturbed. There is 2.7 ha of land under vines, of poor quality. The largest portion of the site is therefore un-utilised.

The prospective land owner has identified the need within the local area for additional light industrial and warehousing uses, to be set in an up-market, security-controlled development. The prospective buyer and developer is currently involved in the Go Group development, which is a warehouse and office development situated across from Macassar Road (M9) near the site. The developer has a positive development track record and it can be expected that the proposed development will also make a positive contribution to the local area.

## 2. THE SITE

### 2.1 Cadastral Information, Extent and Ownership

The property measures 140.2908 ha in extent and is in the ownership of *Rustenhof Boerdery (Pty) Ltd.* under Title T67286/2001. The development portion is 5.9622 ha in extent and will be subdivided off the Remainder Farm.

### 2.2 Locality and Context

The site is located within the jurisdiction of Stellenbosch Municipality and on the border with City of Cape Town Municipality. The site is situated adjacent to existing light industrial, warehousing and office uses within Firgrove.

The site is bordered by Waterworks Road to the north, the Main Road 165 railway bridge ramp to the east, a railway line to the south and the Remainder Farm 1101 to the west. The site is therefore surrounded by urban uses (see **Figures 1** and **2**).

Agricultural land is located further to the north and northeast. Warehousing and business uses are located further to the southeast (the 5.2 ha Go Group development) and residential uses further to the south and southwest. The surrounding residential neighbourhoods include La Montagne and Heldervue to the east, Firgrove and Macassar to the south and Sitari, Croydon and Kelderhof to the west. The Eskom *Pinotage* substation is located to the west and the *Faure* water treatment works further to the northwest.

### 2.3 Surrounding Transportation Network

#### 2.3.1 Road Network

Access to the property is proposed from the existing road which intersects Main Road 165, ±535 m northeast of its intersection with Old Main Road. The area is accessed via Winery Road (Main Road 166), Main Road (Main Road 165) and Old Main Road (Trunk Road 2/1).

### 2.3.2 Public Transport Network

The Golden Arrow bus service runs along Macassar Road (M9), with the nearest bus stop located 770 m to the east. Minibus taxis also service the surrounding area along the main routes. The PRASA Northern Line runs to the south of the site and the Firgrove railway station is located approximately 800 m to the east of the site. The *Northern Business Express* train also stops at this station. The site is therefore located in an area that is well-provided by public transport opportunities (Refer to **Figure 2**).

## 2.4 Existing Zoning

There are two zoning schemes applicable to the area in which the site is located, namely the Article 8 Zoning Scheme, applicable to the site and properties located to the west, north and east, and the City of Cape Town Development Management Scheme (2015), applicable to properties located to the south. The zoning of the site according to the Stellenbosch Article 8 Zoning Map is Agriculture Zone I. **Figure 4** illustrates the existing zoning of the site and that of the properties in the immediate vicinity.

## 2.5 Site Characteristics and Current Land Use

The site is relatively flat, with a gentle slope to the south. It contains 2.7 ha of vineyard that is in poor condition. The remainder of the site has not been used for any agricultural activity for at least 10 years. Earthworks have been extensively undertaken on the site (removal and addition) as a result of various activities, including the adjacent road embankment. Much of the southern part of the site has been covered with imported material. A man-made soil berm forms the western site boundary and physically separates the site from the nearby Moddergatspruit River, running further to the west.

## 2.6 Existing Access Arrangements

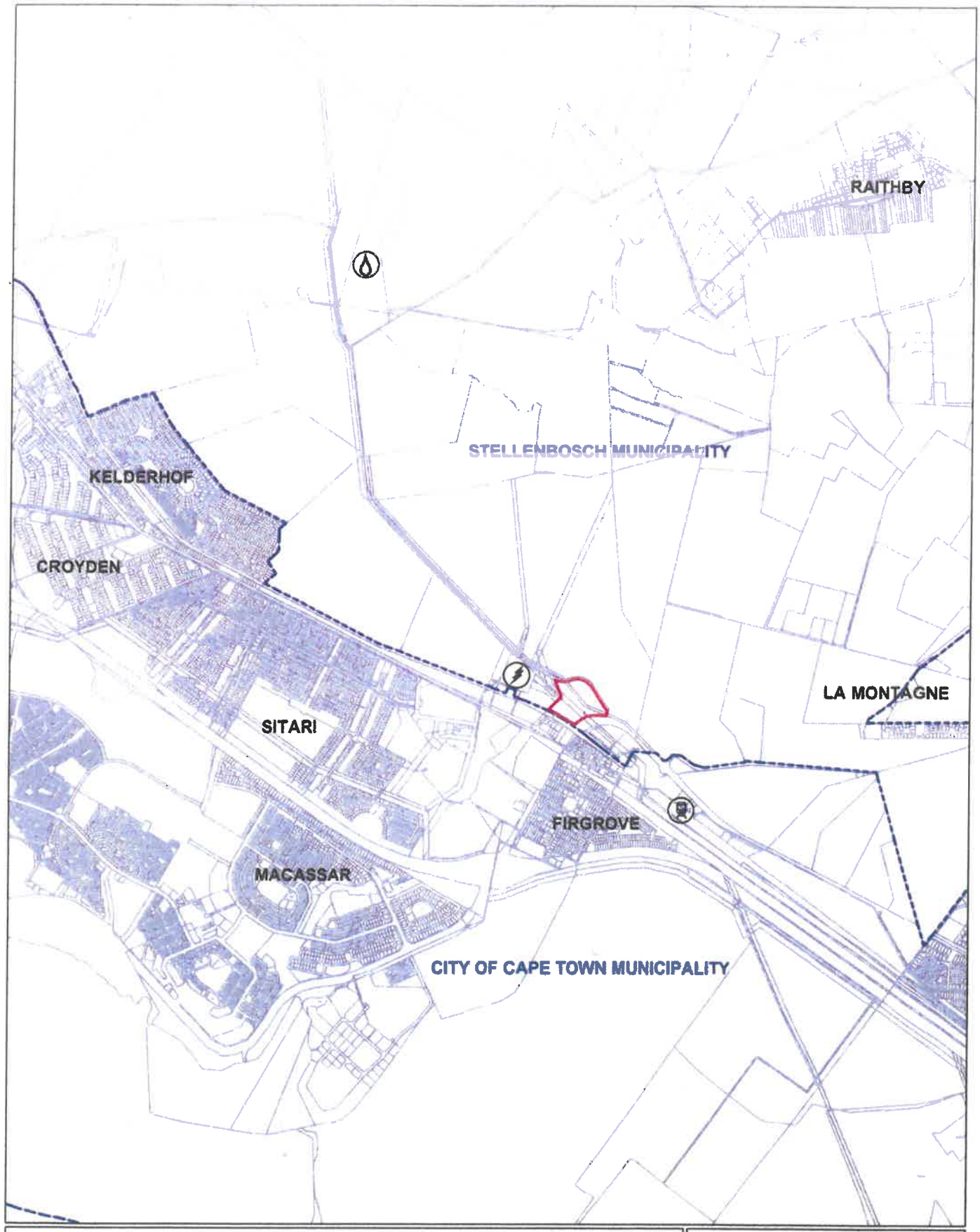
Currently, the site has no formal access points, since the site is predominantly vacant. The site is physically isolated by the existing railway line, the Main Road 165 (Macassar Road) railway bridge ramp and the Waterworks Road.

## 2.7 Servitudes and Title Deed Restrictions

According to the S.G. erf diagrams, the site has the following three servitudes traversing it (Refer to **Annexure 3** for the applicable S.G. diagrams):

- a water pipeline servitude, 15 m wide and contains the '1675 water main pipeline', which runs from the Faure water treatment works;
- an electric power line servitude (Servitude vide S.G. 7281/2008), 40 m wide which runs from the Eskom Pinotage Substation; and
- an electric power line servitude (Servitude vide S.G. 8236/1976), containing three overhead power lines, 35 m wide in total, which runs from the Eskom Pinotage Substation.

The title deed contains no restrictive title deed conditions that will impact on the proposed development.


RAITHBY
STELLENBOSCH MUNICIPALITY
KELDERHOF
CROYDEN
SITARI
LA MONTAGNE
FIRGROVE
MACASSAR
CITY OF CAPE TOWN MUNICIPALITY
SITE BOUNDARY
MUNICIPAL BOUNDARY
FIRGROVE RAILWAY STATION
ESKOM PINOTAGE SUBSTATION
FAURE WATER TREATMENT WORKS
RIVERSIDE BUSINESS PARK
FARM 1101, STELLENBOSCH
LOCALITY
SCALE 1:2000
PLANNING PARTNERS
FEBRUARY 2018
FIGURE 1




SITE BOUNDARY

**RIVERSIDE BUSINESS PARK**
**FARM 1101, STELLENBOSCH**

**CONTEXT**

SCALE 1:2000

PLANNING PARTNERS

FEBRUARY 2018

FIGURE 2

## 3. THE DEVELOPMENT PROPOSAL

### 3.1 Development Concept

The development proposal is to create a secure, high-quality light industrial and warehouse park. The development will be contained within a uniform perimeter fence and access controlled by means of a security boom or gate. The property will be sectionalised and managed by one body corporate. Through sectionalisation, the development will have control over uses and activities occurring within it, ensuring a better operational development in future. Please refer to the attached SDP.

### 3.2 Light Industrial / Warehouse Component

The development provides 21 sectional properties, of which 19 sections will be developed. Due to the dimensions of the site and the location of the water pipeline and electrical servitudes, large portions of the site cannot be developed. For this reason, two sections (Sections 5 and 10) underneath the overhead powerlines will remain undeveloped and only used for off-site parking and storage purposes. The portions of Sections 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13 and 14 that fall within the electrical servitudes will also not be developed. These sections would be used for on-site parking and storage. The proposed uses within the electrical servitudes will be agreed upon between Eskom and the developer. Note that such an agreement for parking and storage has successfully been concluded with Eskom by the adjacent Go-Group development, which is also affected by the same electrical servitudes. In total, the development provides for 30 725 $m^2$ of potential developable land. However, the developer is applying a coverage of 60% for the 19 developable sections. The 19 sections will provide for 33 506 $m^2$ of floor space (bulk), to be provided in the ground floor, first floor and second floor of each building. The first and second floors will be used for the office component of each industrial/warehouse use. This equates to an overall floor factor of 0.48. To calculate the total Gross Leasable Area (GLA) for the development, an 85% factor of the total floor space was used. Therefore, a total of 28 480 $m^2$ of GLA will be provided. The buildings will be limited to three storeys (9.5 m to top of wall plate and 11.5 m to top of roof) and a 5.0 m building line will be maintained along the northern boundary road.

### 3.3 Site Access

Only one access point will be provided off the existing northern boundary road. The access will be access-controlled by either a security boom or a gate. Two entry lanes will be provided with sufficient stacking space.

### 3.4 Internal Roads

The proposed internal roads will have road reserve widths of 15.0 m and the surface treatment, a combination of premix and paved surfaces, will comply with the standards of the Stellenbosch Municipality. The two T-shaped turning circles will be of sufficient dimension to accommodate the expected truck sizes. The internal roads will be private and managed and maintained by the property owners' association.

### 3.5 Provided On-site Parking

According to the Article 8 Zoning Scheme, 1 bay is required for every 200 $m^2$ of floor space. The proposed development will provide the required number of parking bays by providing both on-site parking bays on each

section, as well as off-site parking bays on the Sections 5 and 10. The number and location of bays will be finalised during the building plan submission process for each section.

### 3.6 Landscaping

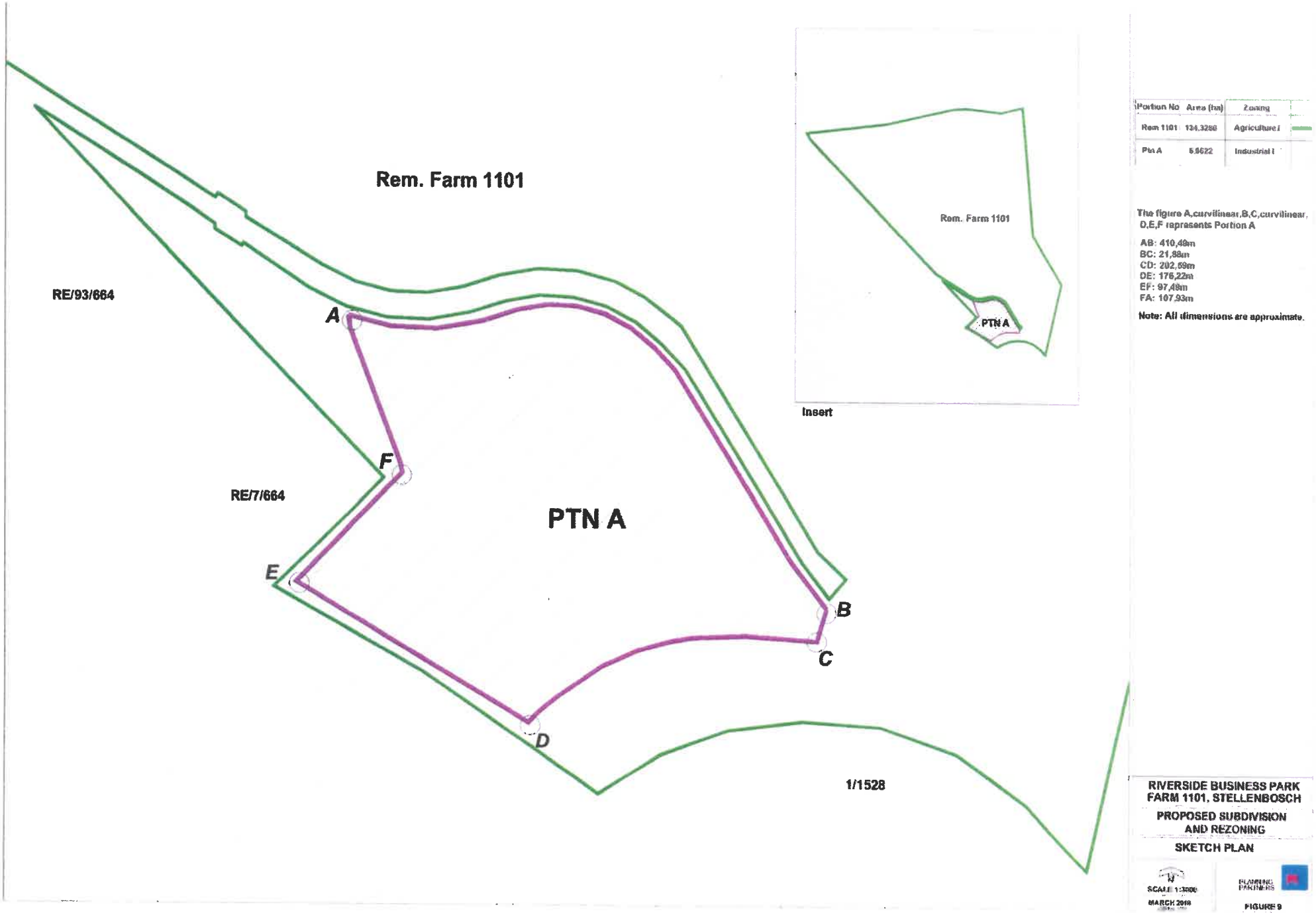
Landscaping will be provided to create a pleasant and upmarket development. The proposed development has sufficient area available to achieve this and landscaping will be focussed along the northern boundary road, the internal roads, the western berm and around the proposed retention dam. Water-wise and indigenous planting will be used.

### 3.7 Compliance with the Article 8 Zoning Scheme

The following table lists the zoning scheme development parameters under the applied for Industrial Zone I and illustrates the proposed development's compliance thereto. Note that the proposed development will only include light industrial and warehouse uses.

**Table 1: Compliance to Zoning Scheme Development Parameters: Industrial Zone I**

| Zoning Scheme Parameter | | Development Proposals | Compliant? |
|---|---|---|---|
| Primary Use | Industry | Industry, warehouse | Partly, consent use is required for warehousing |
| Consent Use | *Inter alia* warehouse | Warehouse | Yes, consent use is required. |
| Floor factor | 1.5 | TBD during building plan stage, but will be within 1.5. | Yes |
| Coverage | At most 75% | 60% | Yes |
| Setback | At least 8.0 m | At least 8.0 m | Yes |
| Building line: Street | 0.0 m | 5.0 m | Yes |
| Building line: Common | 0.0 m, provided Council may lay down building lines. | TBD during building plan submission process. | Yes |
| Parking | 1 bay/200 $m^2$ GLA | 3 bays/200 $m^2$ GLA | Yes |


Rem. Farm 1101
RE/93/664
RE/7/664
PTN A
A
B
C
D
E
F
1/1528
Rem. Farm 1101
PTN A
Insert
Portion No | Area (ha) | Zoning
Rem 1101 | 134.3288 | Agriculture I
Pta A | 5.9622 | Industrial I
The figure A,curvilinear,B,C,curvilinear, D,E,F represents Portion A
AB: 410,49m
BC: 21,88m
CD: 202,59m
DE: 176,22m
EF: 97,48m
FA: 107,93m
Note: All dimensions are approximate.
RIVERSIDE BUSINESS PARK
FARM 1101, STELLENBOSCH
PROPOSED SUBDIVISION
AND REZONING
SKETCH PLAN
SCALE 1:3000
MARCH 2018
PLANNING PARTNERS
FIGURE 9

## 4. ENGINEERING SERVICES

*UDS Africa* conducted a services assessment in February 2018 to determine the existing bulk civil services infrastructure in the site vicinity, the proposed connection thereto and the estimated services demands. The assessment made the following findings:

### 4.1 Civil Engineering Standards

The design of the proposed services will be in accordance with the "*Guidelines for the Provision of Engineering Services and Amenities in Residential Townships*", the UTG7 publication "*Geometric Design of Urban Local Residential Streets*". This will also be compliant with the standards and requirements of the local authority. Construction of the services will be specified to be in accordance with SANS 1200.

### 4.2 Water Supply

- **Distribution Zone**

The proposed development could be supplied from either the Macassar or Firgrove water distribution zones. Both distribution zones are supplied via a 760 mm Ø bulk distribution main which runs from the Blackheath Water Treatment Plant and reservoir.

- **Development Requirements**

The anticipated water demand for the proposed development has been calculated to 3.75 l/s and 129.6 kl/d.

- **Present Situation**

There is limited water infrastructure in the immediate vicinity of the proposed development. There are two options to supply the development:

1. To the west of the site is a 250 mm Ø water main with a static and peak pressure of 35 m and 58 m, respectively. This line has a peak flow and velocity of 5.6 l/s and 0.2 m/s. This main is fed via a 450 mm PRV off the 760 mm Ø bulk main along Old Faure Road and is set to reduce the static pressures as the 760 mm main operates at very high pressure. When considering the steep nature of the proposed development site, approximate elevation change from 28 m to 34 m, low pressures could be experienced as a result of the existing supply. It is advised that the development utilise an on-site 48 hours storage supply, which would gravity feed the proposed development. In addition, an internal pressure booster would be required to supply the development under fire flow conditions.
2. Along the southern end of the site is a 110 mm Ø water main off Old Main Road, with a static and peak pressure of 46 m and 57 m respectively. The peak velocity and flow in this pipe is 0.3 m/s and 2.5 l/s correspondingly.

The surrounding water network has limited spare capacity and residual flow to supply the proposed demand of 3.75 l/s of the development. However, with the incorporation of a booster pump and storage tanks, the developer should be able to ensure sufficient supply for the proposed development from the 250 mm Ø water main.

Although both options mentioned above could have sufficient capacity to service the proposed development, when considering the cost implications as well as the Firgrove development as a whole, the better option would be to upgrade the Firgrove Station bulk water connection. This would allow for the developer to have a designated supply to the development.

## 4.3 Sewer

- **Drainage Area**

The proposed development is situated in the catchment of the Macassar foul sewer pump station, which has sufficient spare capacity to accommodate 3.56 l/s. Foul sewer is pumped via a rising main from the pump station to the Macassar WWTW.

- **Present Situation**

The following two possible connection points exist for the proposed development:

1. A 150 mm Ø sewer main, situated to the west along Hastings Road approximately 2.1 km from the lowest point of the development site; and
2. A 150 mm sewer main, situated to the south along School Street.

Both connection points have sufficient spare capacity to accommodate the anticipated flow.

- **Wastewater**

The anticipated wastewater flow from the proposed development has been calculated to be 123.1 kl/d. The proposed development is situated within the catchment of the Macassar Wastewater Treatment Works, which has sufficient capacity to accept the anticipated wastewater flow from this development.

## 4.4 Stormwater

The site drains towards an existing stream running adjacent to the railway reserve along the southwestern boundary of the development. The run-off from the proposed development will be discharged into this stream.

In order to reduce impacts of urban stormwater systems on receiving waters, all stormwater management systems shall be planned and designed in accordance with best practice criteria and guidelines laid down by council, to support water sensitive urban design principles and the following specific sustainable urban drainage system objectives:

- improve the quality of the runoff;
- control the quantity and rate of runoff, and
- encourage natural groundwater recharge.

The proposed development of the site is ideally suited for conventional detention facilities such as a pond. As such, the Best Management Practice proposed to improve the quality and control of the quantity of the

stormwater run-off is to construct a detention pond with a capacity of approximately 1 900 m³ at the low point on the site. Refer to the SDP attached as **Annexure 8**, which illustrates the location of the proposed detention pond.

### 4.5 Electricity Services

ESKOM is the licensed electricity distributor for the area. ESKOM has confirmed that there is sufficient capacity available at Eskom's Firgrove sub-station to supply the proposed development.

## 5. ACCESS AND TRANSPORTATION

*Ice Group* conducted a Traffic Impact Assessment in March 2018. The report's conclusions and recommendations are summarised as follows:

- Conclusions:
  - The TIA is in support of this application;
  - The access to the property is obtained from an existing access road, currently serving an Eskom Substation and the City of Cape Town Waterworks;
  - The proposed development has the potential to generate 228 peak hour trips, with 160 in, 68 out during the AM peak hour and 57 in, 171 out during the PM peak hour;
  - To accommodate the background traffic, the following road upgrades are considered necessary:
    (a) Old Main Road/Main Road/Macassar Road intersection: provision of dedicated left-turn lanes on the northern- and southern-approaches, extension of the existing dedicated right-turn lane on the eastern approach, as well as the changing of existing shared through-left turn lane on the northern-approach to shared-right turn, and existing shared through-left turn lane on the southern-approach to through lane;
  - To accommodate the addition of the proposed development-traffic, the following road upgrades are considered necessary:
    (a) Old Main Road/Main Road/Macassar Road intersection: Provision of dedicated left-turn lane and changing of existing shared through-left turn lane to through lane on western- and eastern-approaches, and provision of/changing of northern-approach to consist of two dedicated right-turn lanes, through lane and dedicated left-turn lane;
    (b) Main Road/Access Road (Waterworks) intersection: Provision of traffic signals at the intersection, with dedicated right-turn lane on eastern approach;
  - The access to the subject property will be along the existing access road, ± 250 metres from the edge of Main Road;
  - That the existing access road is currently a two lane road, with the first section public from Main Road up to and including the proposed access, with the remainder of the road towards the Eskom substation and the CCT waterworks private/servitude road;
  - That the existing Go-Group-Access to Main Road will be closed and relocated to opposite the Main Road/Winery Road intersection, which will improve intersection spacing along Main Road, and thus provide the opportunity for the access road-intersection to be signalised;

- That it should be ensured that the access layout provides for separate employee/visitor lanes in, and that it accommodates the size vehicles expected to the light industrial development;
- That formal public transport embayments be considered along Main Road at the access road-intersection (outbound legs) and that the provision of sidewalks along the southern side of the access road (between Main Road and the access), as well as along at least one side of the internal streets, be considered.

- Recommendations:
  - To accommodate the background traffic, upgrades to the Old Main Road/Main Road/ Macassar Road are required:
    (a) Provision of dedicated left-turn lanes on the northern- and southern approaches;
    (b) Extension of the existing dedicated right-turn lane on the eastern approach;
    (c) Changing of existing shared through-left turn lane on the northern approach to shared-right turn;
    (d) Changing of existing shared through-left turn lane on the southern approach to through lane;
  - To accommodate the addition of the proposed development-traffic, the following upgrades are considered necessary:
    (a) Old Main Road/Main Road/Macassar Road intersection:
      (i) Provision of dedicated left-turn lane and changing of existing shared through-left turn lane to through lane on western- and eastern approaches;
      (ii) Provision of/changing of northern-approach to consist of two dedicated right-turn lanes, through lane and dedicated left-turn lane;
    (b) Main Road/Access Road (Waterworks) intersection: Provision of traffic signals at the intersection, with dedicated right-turn lane on eastern approach;
  - The security-controlled access layout provides for two lanes in, and accommodates the size vehicles expected to/from the light industrial development;
  - Parking be provided in accordance with the minimum requirements of the Zoning Scheme;
  - Formal public transport embayments be considered along Main Road at the Main Road/Access Road intersection (outbound legs);
  - Provision of sidewalks be considered:
    (a) Along the southern side of the access road (between Main Road and the access);
    (b) Along at least one side of the internal streets.

## 6. SOIL INVESTIGATION

A soil investigation was undertaken by *Johann Lanz* in July 2017. The aim of this investigation was to characterise the different soil types and assess the agricultural potential across a 9 ha portion of Farm 1101, Stellenbosch in order to provide the required information to assess the impact on agricultural production due to the potential loss of this land. The 9 ha portion contains the site and additional surrounding land. The investigation rated the soils as having low to medium agricultural suitability. The soils are limited by their low clay content, the leached nature of the upper soil horizons, poor drainage and in places limited depth. The

investigation concluded that the soils are not suitable for quality wine production. As a result of the agricultural limitations of this portion of land, its loss will have negligible impact on the agricultural productivity of the remaining farm and the local area.

## 7. CONSIDERATION OF NEED AND DESIRABILITY

This application is subject to the provisions of the Spatial Planning and Land Use Management Act, Act 16 of 2013 (SPLUMA) and the Land Use Planning Act, Act 3 of 2014 (LUPA) and shall therefore be considered on the grounds stipulated in these acts with respect to development and land use planning principles. The purpose of this section of the report is to highlight how the proposed light industrial/warehouse development meets these sets of principles. Note that many of the SPLUMA and LUPA principles are not relevant to the scale and nature of the proposed development.

### 7.1 Compliance with SPLUMA Development Principles

Section 7 of the Spatial Planning and Land Use Management Act (SPLUMA) outlines five development principles (and associated sub-principles) which apply to spatial planning, land development and land use management, namely:

- the principle of spatial justice;
- **the principle of spatial sustainability;**
- **the principle of efficiency;**
- the principle of spatial resilience; and
- the principle of good administration.

Not all of the above principles outlined in SPLUMA are applicable to the proposed development, but the following two principles are particularly pertinent, highlighted in bold above. The principle is in italics followed by a statement that demonstrates compliance.

- *The **principle of spatial sustainability**, whereby spatial planning and land use management must (1) support the effective and equitable functioning of land markets, (2) consider current and future infrastructure and social services costs to all parties in developments, (3) support development in strategic locations that limit urban sprawl and (4) result in viable communities.*

  The proposed development is compliant with this principle as it will strengthen the manufacturing sector and will provide additional employment opportunities to the community. The site is also currently under-utilised and the locality is compatible with the proposed development and well located in terms of public transport.

- *The **principle of efficiency**, whereby development projects utilise existing resources and infrastructure efficiently and optimally.*

The civil services report conducted for this application concludes that there are existing services and capacity available to service the development. The services will be provided by the City of Cape Town. The development is a logical part of an established node and it is efficient planning to reinforce this node.

### 7.2 Compliance with LUPA Assessment Criteria

Section 49 of the Western Cape Land Use Planning Act (LUPA) provides guidance about matters which must be considered when an application comes before a Municipality and reads as follows:

*"When a municipality considers and decides on a land use application, the municipality must have regard to at least –*

*(a) the applicable spatial development frameworks;*

*(b) the applicable structure plans;*

*(c) the principles referred to in Chapter VI;*

*(d) the desirability of the proposed land use; and*

*(e) guidelines that may be issued by the Provincial Minister regarding the desirability of proposed land use."*

LUPA outlines five principles and associated sub-principles which apply to land use planning, namely:

- principles of spatial justice;
- principles of spatial sustainability;
- principles of efficiency;
- principles of good administration; and
- principles of spatial resilience

As with the SPLUMA, not all of the principles are applicable to the proposed development, but the following are particularly pertinent. The principle is in italics followed by a statement that demonstrates compliance.

- *promote and stimulate the effective and equitable functioning of land markets.*

  The proposed light industrial development has the potential to stimulate the manufacturing sector of the local market, which has been contracting in the last few years.

- *consider current and future costs to all parties for the provision of infrastructure and social services in land developments.*

  The availability and cost of infrastructure has been taken into consideration. The project engineer has confirmed that sufficient capacity should be available to link to existing bulk infrastructure and the developer is aware that Development Contribution costs will be involved.

- *promote land development in locations that are sustainable and limit urban sprawl.*

Even though the site is located outside of an urban edge, the location is adjacent to existing business, storage and utility uses and currently under-utilised due to its isolated location. The proposed development will utilise the currently under-utilised site more efficiently in future.

- *result in communities that are viable.*

  The proposed development is compliant with this principle as it proposes to provide additional employment opportunities and services to the current community, within easy access to public transport, non-motorised transport and private vehicle.

- *the economic potential of the relevant area or region.*

  As stated above, the manufacturing industry employed 10.3% of the Stellenbosch Municipality's workforce in 2015, but has contracted in recent years. The proposed development has the potential to reduce the contraction once fully developed and operational. Further, the development will yield additional income for the Municipality in terms of rates to assist with service delivery in areas of need elsewhere in the municipal area.

Section 49(d) of LUPA is used to assess the desirability of the proposed land use. It is believed that the proposed development is desirable for the site for the following pertinent reasons:

- The population of the City of Cape Town and Stellenbosch municipalities is expected to grow in the future and the demand for consumer goods will increase as a result of the increase in population. The proposed light industrial/warehouse development will help to address these needs.
- The proposed development will generate both temporary employment opportunities during the construction phase and permanent employment opportunities during the operational phase;
- The proposed development will improve the currently under-utilised site; and
- The development will yield a substantial income for the Municipality in terms of rates to assist with service delivery in areas of need elsewhere in the town.

## 8. SITE SPECIFIC CIRCUMSTANCES

This section of the report motivates site specific circumstances to justify deviation from the Stellenbosch Municipal Spatial Development Framework to accommodate the proposed development. The following site-specific circumstances can be highlighted:

- The site is located within the 'Cape Town Functional Region" and is adjacent to an established node: The proposed development site must therefore be seen, not as being on the outskirts of the Stellenbosch Municipal Area and far removed from a settlement within the Stellenbosch Municipality, but rather as being centrally located between the municipalities of the City of Cape Town and Stellenbosch.
- The site is situated within an area that is well provided by public transport, e.g. PRASA Northern Line, Golden Arrow bus route and mini-bus services. The site is one of the nearest locations within the

Stellenbosch municipal area which can connect to the main Cape Town railway services, with the Firgrove railway station located approximately 800 m to the east of the site.

- Furthermore, the Stellenbosch Municipality IDP focuses on reducing the reliance on private vehicles for getting to and from work. The development site is ideally located to support this by being located near the surrounding residential neighbourhoods of La Montagna, Heldervue and Firgrove.
- The site is situated adjacent to existing light industrial, warehousing and office uses within Firgrove and the proposed development represents an expansion of compatible uses.
- Most of the site is currently vacant, but heavily disturbed. The largest portion of the site is therefore under-utilised.
- There is 2.7 ha of the site under vines, but which are of poor quality. A soil investigation has concluded that the soils are not suitable for quality wine production and as a result of the agricultural limitations of this portion of land, its loss will have negligible impact on the agricultural productivity of the remaining farm and the local area.
- The site does not contain environmentally sensitive fauna or flora.

## 9. CONCLUSION

This application is consistent with provincial and local planning policy and will contribute to the economic base of Stellenbosch the Municipality.

It is a sensible and desirable development that fits in with the local context. We request that this application is processed and approved in a timeous manner. If you have any questions or require further information, please contact us.

**Annexure 8**

**Comments received from I&APs**

Vir Aandag: Nic van der Merwe

# Belangegroep Stellenbosch Interest Group

2018-10-04

Munisipale Aansoeknommer: LU/7684
Mun. Lêerverwysingsnommer: Farm 1101, Stellenbosch
Aansoeker Verwysingsnommer: 4400

Nic van der Merwe
Planning Partners (Pty) Ltd
nicolas@planpart.co.za, Faks 021 418 0502

Geagte Mnr van der Merwe

**Plaas 1101, Rustenhof: Aansoek om Onderverdeling, Hersonering, Vergunningsgebruik, Terreinontwikkelingsplan en Afwyking van die Stellenbosch Munisipale Ruimtelike Ontwikkelingsraamwerk**

U kennisgewing met betrekking tot die aansoek, gedateer 6 September 2018, verwys.

Die Stellenbosch Belangegroep steun nie die voorgestelde ontwikkeling nie.

Die "*Go-Group*" ontwikkeling is suid van die M9 geleë, Die ontwikkeling is moontlik gemaak deur die hersonering van gedeeltes van Plaas/erf 1528 vanaf landbou na Industriële gebruik. Die gebied noord van die M9 binne die Stellenbosch Munisipale gebied, is vir Landbougebruik gesoneer. Die "*Go-Group*" wil nou sy aktiwiteite verder uitbrei na landbougrond aan die oorkant van die M9. Indien die aansoek goedgekeur word, kan dit, soos in die huidige geval, as motivering dien vir verdere uitbreiding op landbougesoneerde grond langs die munisipale grens, bv. in 'n westelike rigting, met toegang uit dieselfde pad (Waterworks Road) waaruit toegang tot die huidige aansoekgebied beplan word. Die nodige aanpassing (opgradering) van die aansluiting van *Waterworks Road* by die M9 om die verhoogte verkeer te dra, sal as verdere motivering vir ontwikkeling langs *Waterworks Road* dien.

Die hersonering van landbougrond vir industriële of ander gebruike teen die grens van die Kaapse Metropool – stedelike oorspoel na Stellenbosch landbougebied – behoort nie toegelaat te word nie.

Vriendelike groete

PE Botha

Patricia Botha
(Voorsitter)

**Annexure 9**

**Comments Received from External Departments**

Western Cape Government
Agriculture

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

**OUR REFERENCE : 20/9/2/5/6/610**
**YOUR REFERENCE : 4400**
**ENQUIRIES : Cor van der Walt**

Planning Partners
PO Box 4866
CAPE TOWN
8000

Att: Nick van der Merwe

**APPLICATION FOR SUBDIVISION AND REZONING: DIVISION STELLENBOSCH**
**FARM NO 1101**

Your application of 07 March 2018 has reference.

The Western Cape Department of Agriculture (WCDoA) has the mandate to preserve agricultural land. However, as stated in the application the impact in terms of viability of the land will be insignificant. The WCDoA therefore has no objection against the proposal on condition that it be limited to the footprint as proposed and not further expand onto agricultural land.

Please note:

- That this is comment to the relevant deciding authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970.

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

- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely

**Mr. CJ van der Walt**
**LANDUSE MANAGER: LANDUSE MANAGEMENT**
**2018-08-13**

Copies:
Department of Environmental Affairs & Development Planning (Helene Janser)
1 Dorp Street
CAPE TOWN
8001

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

Stellenbosch Municipality
P.O. Box 17
STELLENBOSCH
7599

In 11 SEPTEMBER 2018
Nie

Leer

Western Cape Government
Transport and Public Works

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

**REFERENCE: 16/9/6/1-25/281 (Job 16738)**
**ENQUIRIES: Ms GD Swanepoel**
**DATE: 10 October 2018**

Planning Partners
P O Box 4866
**CAPE TOWN**
8000

Attention: Mr N van der Merwe

Dear Sir

**STELLENBOSCH FARM 1101, FIRGROVE: WATERWORKS ROAD: SUBDIVISION AND REZONING: RIVERSIDE BUSINESS PARK**

1. Your 4400 of 6 September 2018 and accompanying document, submitted on behalf of the Stellenbosch Municipality; Application No: LU/7864, File No: Farm 1101, Stellenbosch.

1.1 Also of specific reference is ICE Group's iCE/S/1176 of 23 March 2018.

2. This proposal is for the establishment of an Industrial development on the south eastern portion of the above farm.

3. This proposal cannot be treated in isolation from the mixed-use development proposal of the ± 63 Ha land to its east, in the City of Cape Town area, known as The Grapevine Development, in the Firgrove station precinct and it would make sense that these two development proposals' resources are co-ordinated/combined with a view to sharing infrastructure upgrades' funding.

4. Although this development takes access via waterworks Road, a Municipal Street, under the sole jurisdiction of the Stellenbosch Municipality, all of the upgrades proposed in the document of paragraph 1.1 above directly affect Proclaimed Roads, *viz* Main Road/Macassar Road (PMR 165) and Old Main Road/Van Riebeeck Road (PTR 2/1) of which this Branch is the Road Authority.

5. As this Branch has not budgeted for any expenditure on Proclaimed Roads in this area, all of the finances necessary for the proposed road upgrades, will need to be provided by the Local Authority and/or the developer and the availability of this financing needs to be demonstrated.

5.1 It will also be necessary for this Branch, as the Road Authority, to approve the design of the proposed upgrades.

6. This Branch offers no objection to the subdivision of the above farm to form Portion A (±6 Ha) and Remainder (±134 Ha), as shown on Planning Partners' Proposed Subdivision Drawing No JOB 4400 dated March 2018.

7. However, as set out above, while not being opposed to the development of Portion A of the above farm, this Branch objects to its rezoning, as well as to its subdivision, as shown on MBT's Layout Plan RSD-201 dated 3 February 2018.

8. This Branch will consider withdrawing this objection upon receipt of a written undertaking by the Stellenbosch Municipal Manager that the Municipality will ensure the availability of the necessary funding for the Proclaimed Road infrastructure upgrades.

8.1 Once this development proposal has been supported by this Branch, the geometrics, materials and signalization design plans of these upgrades, having been scrutinized by the affected Directorates of the Stellenbosch Municipality must be submitted to this Branch's Design Directorate (Ms MK Hofmeyr – 021 483 5713) for final approval.

Yours faithfully

**ML WATTERS**
**For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT**

In 23 OCTOBER 2018
Nie

Leer

## Nicolas van der Merwe

**From:** Shaun Swanepoel <SwanepSG@eskom.co.za>
**Sent:** Thursday, September 27, 2018 10:32 AM
**To:** Nicolas van der Merwe
**Subject:** FW: ESKOM REF: 03246/18 Re: APPLICATIONFOR SUBDIVISION, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM COUNCIL'S SPATIAL DEVELOPMENT FRAMEWORK: FARM NO. 10111, STELLENBOSCH DIVISION (RUSTENHOF FARM, WATERWORKS ROAD, FIRGROVE)
**Attachments:** 03246_18_SHEET 1_WGS.dgn.pdf; 03246_18_SHEET 2_WGS.dgn.pdf; 03246_18 PLANING PARTNERS_SOMERSET WEST CNC.pdf

Dear Sir

Kindly find attached for your attention.

Yours sincerely
Shaun Swanepoel
Land and Rights
Land Development and Environmental
Dx OU Asset Creation
PTM Building Ground Floor
P.O.Box 222
Brackenfell
7561
Tel +27 21 980 3913
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Fax +27 86 660 0941
shaun.swanepoel@eskom.co.za

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Western Cape Government
Environmental Affairs and Development Planning

Directorate: Development Management
Region 2

**REFERENCE:** 16/3/3/6/7/1/B4/45/1259/17
**ENQUIRIES:** Samornay Smidt
**DATE:** 2018 -03- 22

The Trustees
JPY Family Trust
30 Van der Merwe Road
Land-en-Zeezicht
**SOMERSET WEST**
7130

**Attention: Mr Jan Yntema**

Tel.: (021) 202 7567
Fax: (021) 851 1124

Dear Sir

**APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS 2014, (AS AMENDED): THE PROPOSED INDUSTRIAL PARK ON A PORTION OF REMAINDER OF FARM RUSTENHOF NO. 1101, FIRGROVE, STELLENBOSCH**

1. The pre-application Notice of Intent dated 7 August 2017, as received by the Department on 24 August 2017, the Department's correspondence dated 8 September 2017 and 19 February 2018, the electronic correspondence received on 7 November 2017 and your document dated 21 February 2018, as received by the Department on 23 February 2018, refers.
2. Based on the initial the information submitted to this Department, the following was noted:
   2.1. The proposal entails the development of self-storage units, mini factories and office buildings.
   2.2. Associated infrastructure will include an internal road, parking areas and stormwater drainage.
   2.3. The property is currently zoned Agriculture Zone 1 but will be rezoned to General Industrial.
   2.4. The development will be located within 32m if the watercourse and will result in infilling into the watercourse.

2nd Floor, 1 Dorp Street, Cape Town, 8001
Tel: +27 21 483 5828 Fax: +27 21 483 3633
Samornay.Smidt@westerncape.gov.za

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

3. Based on the additional information provided it is noted that the proposal has been revised and will no longer be located within 32m of a watercourse or require infilling activities. It is also motivated that the development is located inside the urban area, as defined in terms of the NEMA EIA Regulations, 2014 (as amended), since it is bordered to the south, east and west by urban development and is cut off from the rest of the Farm by a tarred public road traversing the northern border of the portion of land.

4. The Department therefore concurs with the abovementioned motivation and advises that the proposed development **does not** constitute listed activities as defined in terms of the NEMA EIA Regulations, 2014 (as amended).

5. However, should any revision of the proposed development constitute a listed activity(ies) in terms of the NEMA EIA Regulations, 2014 as defined in GN No. 327, 325 and/or 324 an application must be submitted and environmental authorisation obtained before such activity(ies) may commence.

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

7. The applicant is reminded of his/her general duty of care and the remediation of environmental damage, Section 28(1) of NEMA specifically states that –*"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."*

8. Further to the above, please be advised that this pre-application file has been closed for administrative purposes.

9. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Yours faithfully

**HEAD OF DEPARTMENT**
**DEPARTMENT OF ENVIRONMENTAL AND DEVELOPMENT PLANNING**

CC: (1) M Berry (Mark Berry Environmental Consultants) Fax: (086) 759 1908
(2) U von Molendorf (Stellenbosch Municipality) Fax: (021) 808 8200

ILifa leMveli leNtshona Koloni
Erfenis Wes-Kaap
Heritage Western Cape

| | |
|---|---|
| **Our Ref:** | HM/ CAPE WINELANDS/ STELLENBOSCH/ PORTION OF REMAINDER OF FARM RUSTENHOF 1101 |
| **Case No.:** | 1803230WD0308E |
| **Enquiries:** | Waseefa Dhansay |
| **E-mail:** | waseefa .dhansay@westerncape.gov.za |
| **Tel** | 021 483 9533 |
| **Date:** | 10 April 2018 |

**Mark Berry Environmental Consultants**
**14 Lavin Crescent**
**Somerset west**
**7130**

**RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL COMMENT**
**In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003**

**NOTIFICATION OF INTENT TO DEVELOP: THE PROPOSED DEVELOPMENT OF A BUSINESS PARK ALONG WITH ASSOCIATED INFRASTRUCTURE LOCATED ON PORTION OF REMAINDER OF FARM RUSTENHOF 1101, M3 MAIN ROAD, FIRGROVE, STELLENBOSCH: SUBMITTED IN TERMS OF SECTION 38(8) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)**

**CASE NUMBER: 1803230WD0308E**

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received on 8 March 2018. This matter was discussed at the Heritage Operational Management Services meeting held on 9 April 2018.

You are hereby notified that, since there is no reason to believe that the proposed development of a Business Park along with associated infrastructure located on Portion of Remainder of Farm Rustenhof 1101, M3 Main Road, Firgrove, Stellenbosch, will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

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

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

HWC reserves the right to request additional information as required.

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

Yours faithfully

.....
Mr. Mxolisi Dlamuka
**Chief Executive Officer, Heritage Western Cape**



Street Address • Postal Address
• Tel • E-mail
Straatadres • Posadres
• Tel • E-pos

water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

**WESTERN CAPE PROVINCIAL OPERATIONS**
Private Bag X16, Sanlamhof, 7532
52 Voortrekker Road, Bellville, 7530

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

**Attention:** Helene Janser

Department of Environmental Affairs and Development Planning
Private Bag X9086
**CAPE TOWN**
8000

Dear Madam

**APPLICATION FOR DEVELOPMENT FARM RUSTENHOF NO. 1101 REQUIRING APPROVAL IN TERMS OF SECTION 53(1) OF THE LAND USE PLANNING ACT, 2014(ACT 3OF 2014, LUPA) AND REGULATION 10(1)(B) OF THE WESTERN CAPE LAND USE PLANNING REGULATION 2015, STELLENBOSCH**

The Department acknowledges receipt of your report dated 27 June 2018 for the above mentioned activity.

After evaluating the abovementioned application, you are hereby informed that the Department does not object to the proposed activities from going ahead subject to the following conditions:

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

water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

CONTINUATION PAGE: (page. 2/2).

5. No permanent structures may be constructed within the 1:100 year flood line of a watercourse and/or wetland.

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

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

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

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

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

Yours faithfully

Mlintnaar-Strauss

**PROVINICIAL HEAD: WESTERN CAPE**
Signed by: Melissa Lintnaar-Strauss
Designation: Control Environmental Officer
Date: 21 August 2018

## Nicolas van der Merwe

**From:** Mkonto Nkosinathi (BVL) <MkontoN@dws.gov.za>
**Sent:** Monday, October 8, 2018 8:58 AM
**To:** Nicolas van der Merwe
**Subject:** RE: RE:

Good day

As per our telephonic conversation if the are no water uses that will be triggered by the activity our comments remain. The Department is regulated by the National Water Act, 1998( Act 36 of 1998) therefore condition number 4 is not regulated in terms of Nema. As mentioned in the letter that the Department does not object to the development subject to the conditions listed.

---

**From:** Nicolas van der Merwe [mailto:nicolas@planpart.co.za]
**Sent:** Friday, October 05, 2018 2:19 PM
**To:** Mkonto Nkosinathi (BVL)
**Subject:** RE:

Good afternoon Mkonto,

I have one query regarding your Department's comment, which I need some clarification on, please.

Condition 4 states "*No activities may take place within a buffer area of 500 m upstream and downstream of a watercourse and/or any wetland system without formal authorisation thereto obtained from this Department*".

Our development is situated approximately 50 m away from a water course, which DEADP has confirmed does not trigger a listed activity in terms of the NEMA EIA Regulations.

Does your condition 4 mean that there is a 500 m buffer around the water course (meaning on either side of the river bank), or does it only refer to activities within the water course?

Does this mean we require formal authorisation from your Department, should construction commence on our site?

Kind Regards

**Nick van der Merwe**
**Pr.Plan A/040/2007**

Planning Partners

**TOWN AND REGIONAL PLANNING, PROJECT PLANNING, LANDSCAPE ARCHITECTURE, MASTER PLANNING**
**Physical Address: Brickworks, Suite F03, 13 Brickfield Road, Salt River, 7925. Postal Address: PO Box 4866, Cape Town, 8000**
**Tel: +27(0)21 418 0510 Cell: +27(0) 82 3701 867**
**E-mail: nicolas@planpart.co.za**
**Website: www.planpart.co.za**

**From:** Mkonto Nkosinathi (BVL) <MkontoN@dws.gov.za>
**Sent:** Friday, October 5, 2018 12:40 PM
**To:** Nicolas van der Merwe <nicolas@planpart.co.za>
**Subject:**

**Good day**

As per your request please find the attached comments for your attention.

Thank you

Regards:

**Nkosinathi Mkonto**

Department of Water And Sanitation

Berg Water Management Area

Water Quality: Environmental Officer

52 Spectrum Building Voortrekker Road 7535

Tel : 021 9416039

Cell: 082 370 2708

**E-mail:** mkonton@dws.gov.za




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CITY OF CAPE TOWN
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E-mail: Water.info@capetown.gov.za
Evaluator: M. Adonis

Ref No : 20171212_Z

22 January 2018

Tian Koch
UDS Africa
Email: tian@udsafrica.co.za

**COMMENT ON WATER AND SANITATION CAPACITY FOR THE PROPOSED MIXED USE DEVELOPMENT ON VARIOUS PORTIONS OF FARM 101 – PORTION 3**

Background

UDS Africa has been appointed to investigate the proposed master planning relating to the future development of Farm 101 Firgrove. The proposed development pocket is expected to be subdivided into 6 portions and will consist of both commercial and light industrial development as well as residential development. This comment however only covers the water and sanitation capacity for Portion 3 of the proposed development.

Provision has not been made for potential future developments on the above mentioned portion of land, and therefore a complete water and sanitation master plan will have to be compiled for the area.

The information provided in this report is based on City of Cape Town master plan model as well as comments from relevant branches of the department. The report provides an overview of the existing water and sewer infrastructure near the development, associated conditions and technical requirements to be implemented with respect to this application.

**Table 1: Estimated water and sewer demands based on gross floor area obtained using applicable floor space ratio from the town-planning scheme. (Departmental Standards and Redbook Chapter 9)**

| Description | | | Potable Water Demand | | | Sewer Flow* | |
|---|---|---|---|---|---|---|---|
| ERF Number | Application | Quantity (Units/Area/ No. people) | Total AADD (kl/d) | Peak Flow (l/s) (PF=2.5) | Fire Flow (l/s) | Total ADWF (kl/d) | Peak Flow (Dry weather) (l/s) (PF=2.5) |
| Farm 101 Portion 0 | Commercial /Light industrial | 32400m² | 129.6kl/d | 3.75l/s | 20.0l/s | 123.1kl/d | 3.56l/s |

***Based 95% sewer flows according to the design criterion (as per the W&S Tariff Policy)**
***Based on 400l/100m²**

Water Reticulation

***Distribution zone***

Dependent upon the best possible connection point, the proposed development could be supplied from either the "Macassar or Firgrove water distribution zone". Both distribution zones are supplied via the 760mmØ bulk distribution main from the Blackheath Water Treatment Plant and reservoir. The anticipated water demand for Portion 3 of the proposed development has been calculated to 129.6kl/d.

***Present situation***

There is limited water infrastructure in the immediate vicinity of the proposed development. To the west of the site is a 250mmØ water main with a static and peak pressure of 35m and 58m respectively. This line has a peak flow and velocity of 5.6l/s and 0.2m/s. This main is fed via a 450mm PRV off the 760mmØ bulk main along Old Faure Road and is set to reduce the static pressures as the 760mm main operates at very high pressure. When considering the steep nature of the proposed development site, approximate elevation change from 28m to 34m, low pressures could be experienced as a result of the existing supply. It is advised that the development utilise an on-site 48 hours storage supply, which would gravity, feed the proposed development. In addition, an internal pressure booster would be required to supply the development under fire flow conditions.

Along the southern end of the site is a 110mmØ water main off Old Main Road, with a static and peak pressure of 46m and 57m respectively. The peak velocity and flow in this pipe is 0.3m/s and 2.5l/s correspondingly.

The surrounding water network has limited spare capacity and residual flow to supply the proposed demand of 3.75l/s of the development, however with the incorporation of a booster pump and storage tanks, the developer should be able to ensure sufficient supply for the development of portion 3 from the 250mmØ water main.

However although both options mentioned above could have sufficient capacity to service Portion 3, when considering the cost implications as well as the Firgrove development as a whole, the better option would be to upgrade the Firgrove Station bulk water connection. This would allow for the developer to have a designated supply to the development.

See figure 1.1 and 1.2 for existing water network layout.

Bulk Water

No bulk water pipelines under the control of the City of Cape Town's Bulk Water Branch exist in the immediate vicinity of the proposed development. I therefore have no objection to the proposal.

The City of Cape Town's bulk supply system has sufficient water resources, treatment, and bulk storage and conveyance capacity to supply the estimated annual average daily demand of 129.6kl/day of the proposed development.

Sewer Reticulation

***Drainage area***

The proposed development is situated in the catchment of the Macassar foul sewer pump station, which has sufficient spare capacity to accommodate 3.56l/s. Foul sewer is pumped via a XX rising main from the pump station to the Macassar WWTW.

***Present situation***

Two possible connection points exist for the proposed development. One is situated to the west, along Hastings Road, in the form of a 150mmØ sewer main, which is approximately 2.1km from the lowest point of the development site. The second possible connection would be to the south, a 150mm sewer main along School Street. Both connection points have sufficient spare capacity to accommodate the anticipated flow.

See figure 2.1 and 2.2 for existing sewer network layout.

Wastewater

The anticipated wastewater flow from the proposed development has been calculated to be 123.1kl/d.

This proposed development is situated within the catchment of the Macassar Wastewater Treatment Works, which has sufficient capacity to accept the anticipated wastewater flow from this development.

Conclusions

There is sufficient spare capacity within the existing water and sewer network to accommodate the proposed development of Portion 3, however an agreement will have to be reached with respective district officials regarding the best suited connection for both water and sanitation service. The Water and Sanitation Department has no objection to this application, given that the following conditions are adhered to.

Conditions

The development can proceed when following conditions are met:

1. Development contributions is payable as per the Development Contribution Policy, to be quantified by the Reticulation District Head. The amount payable escalates annually and will be the value determined at the time of payment.

2. All costs, relating to alterations to the existing water and sewerage systems on or near the site and the provision of new water and sewer connections to the site, will be for the account of the applicant.

3. It is requested that the developer shows evidence that the development will incorporate water saving initiatives in the development.

Technical Requirements

4. The water and sewer capacities that may be allocated according to this document will not be reserved beyond the lesser of the approved development period or 5 years.

5. Water and Sanitation municipal services are to be designed according to Departmental Service Standards and the plans approved prior to construction.

6. The owner must apply to the Reticulation District Head for a new metered water connection, charged at a standard tariff. If an existing water meter is not accessible, this will include the repositioning of the meter.

7. As-built drawings of installed water and sewer services are to be submitted to the respective Branch manager before transfer of erven will be allowed.

8. All installations are subject to inspection, witnessing of tests and approval before any facility may be occupied.

General/ Disclaimer

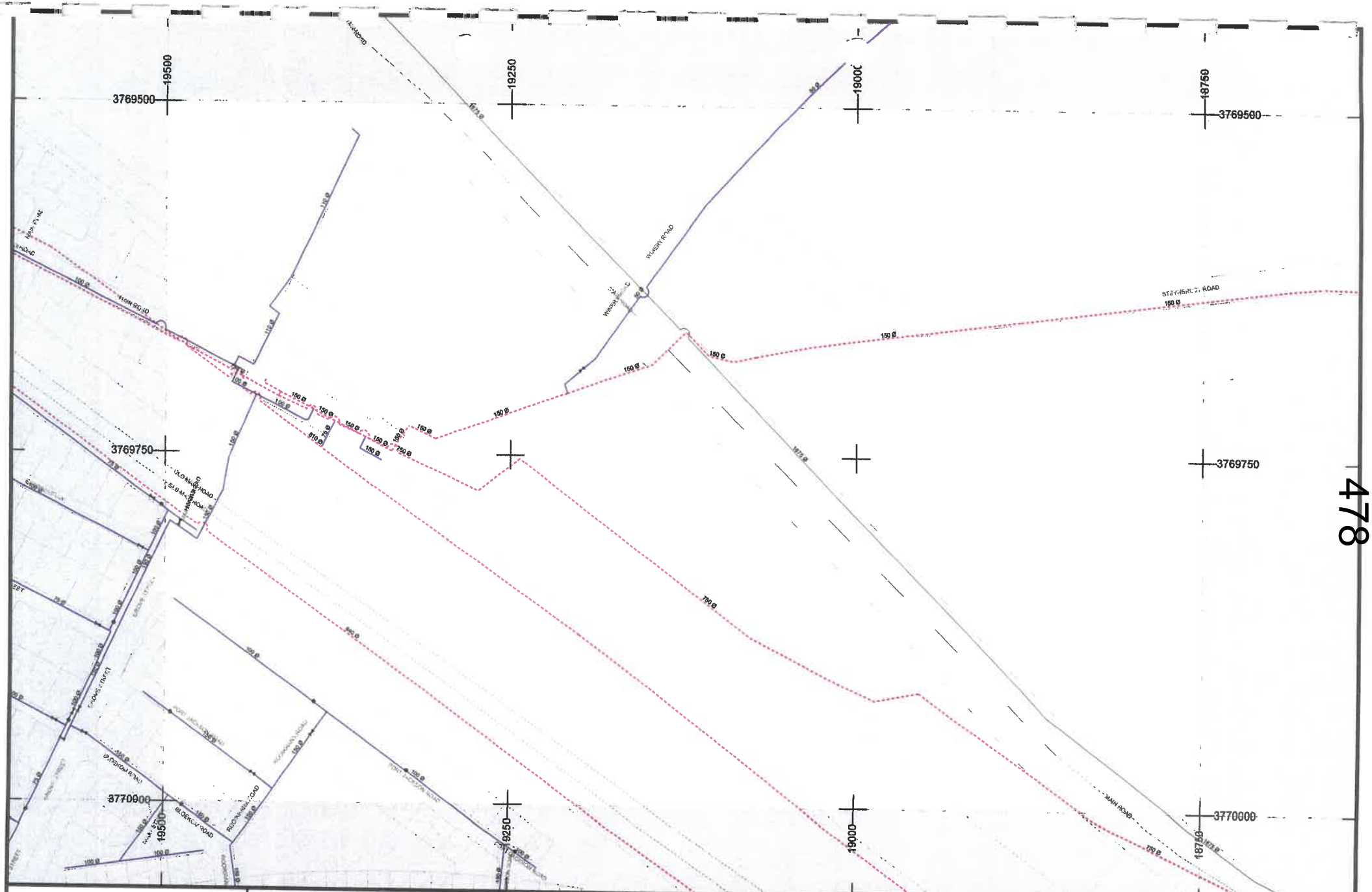
Information provided is based on best available data. The flows and pressures provided in this comment are theoretical and not measured. This comment on confirmation of the ability to service the development does not confer any rights of development, which will be determined by the approved land use application process being followed. The capacity indicated will only b reserved for the development to occur within its application approved period, but in any case not longer than 5 years, after which it needs to be re-applied for.

Yours Faithfully

X

On behalf of
**Peter Flower**
**DIRECTOR: WATER & SANITATION DEPARTMENT**

| BRANCH | CONTACT PERSON | INPUT PROVIDED |
|---|---|---|
| **Master Planning** | McKaylin Adonis | |
| **Bulk Water** | Kevin Balfour | |
| **Reticulation** | Tony Wallendorf | 2018/01/29 |
| **Wastewater Treatment** | Kevin Samson | ADWF ≤ 1.0Ml/d – N/A |




CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

LEGEND

- Network Pipes (Ø)
- Bulk Water Pipes
- Schematic pipes
- Bulk Connection
- Reservoir / Tower
- Pump Station
- Zone Valve
- Isolating Valve
- Hydrant
- PRV
- Non-return valve
- Air Valve
- Scour Valve
- End Cap
- Flow Meters

INDEX

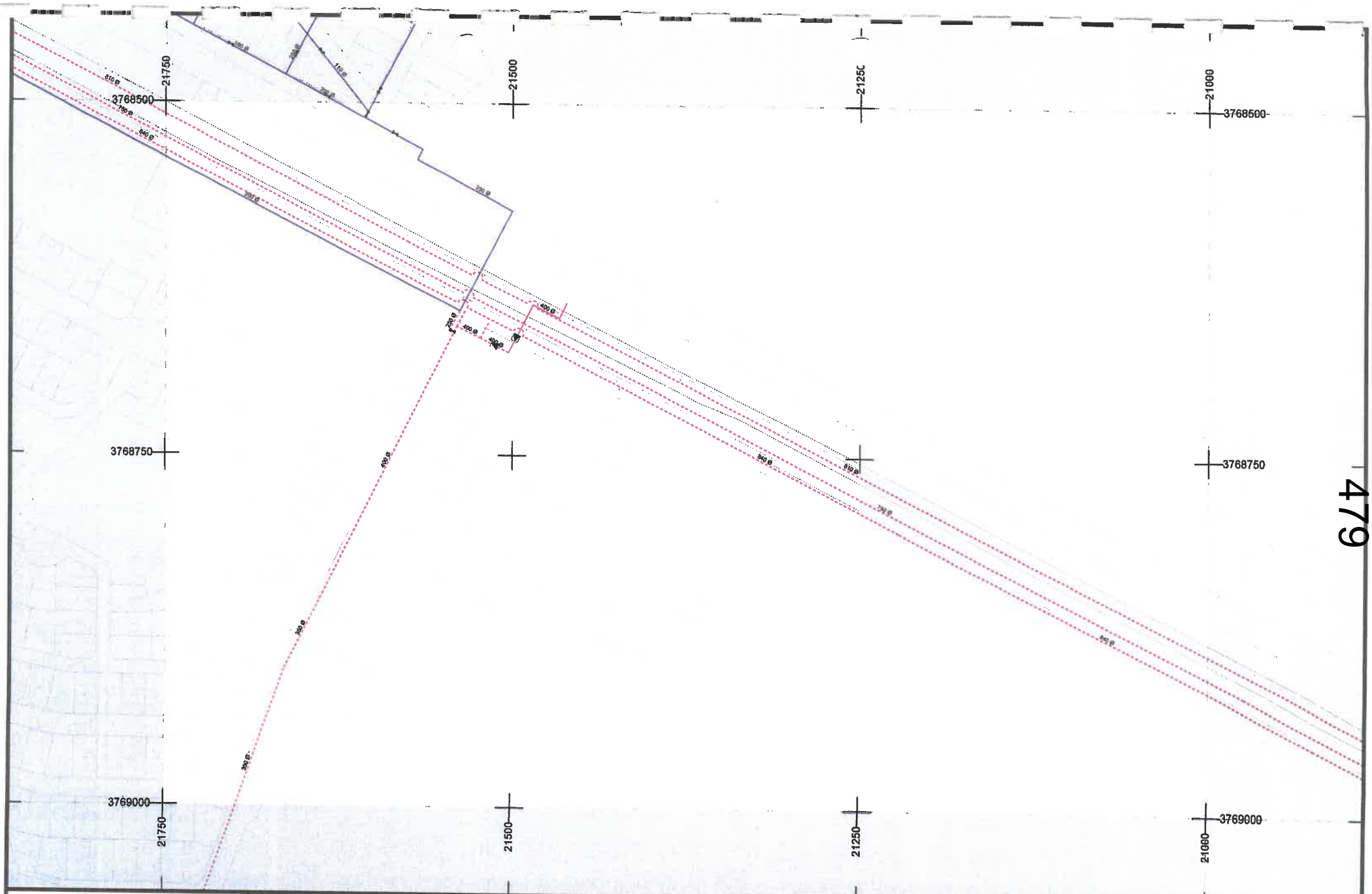
| | | |
|---|---|---|
| CTN-BH130 | CTN-BI130 | CTN-BJ130 |
| CTN-BH131 | CTN-BI131 | CTN-BJ131 |
| CTN-BH132 | CTN-BI132 | CTN-BJ132 |

# Water distribution system City of Cape Town

| DATE: | REV: | SCALE: | WGS 19° |
|---|---|---|---|
| Nov 2014 | 1 | 1 : 2 500 | |

No.: CTN-BI131

478




CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

LEGEND

Network Pipes (Ø)
Bulk Water Pipes
Schematic pipes
Bulk Connection
Reservoir / Tower
Pump Station
Zone Valve
Isolating Valve
Hydrant
PRV
Non-return valve
Air Valve
Scour Valve
End Cap
Flow Meters

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| | | |
|---|---|---|
| CTN-BE128 | CTN-BF128 | CTN-BG128 |
| CTN-BE129 | CTN-BF129 | CTN-BG129 |
| CTN-BE130 | CTN-BF130 | CTN-BG130 |

# Water distribution system City of Cape Town

DATE: Nov 2014
REV: 1
SCALE: 1 : 2 500
WGS 19°

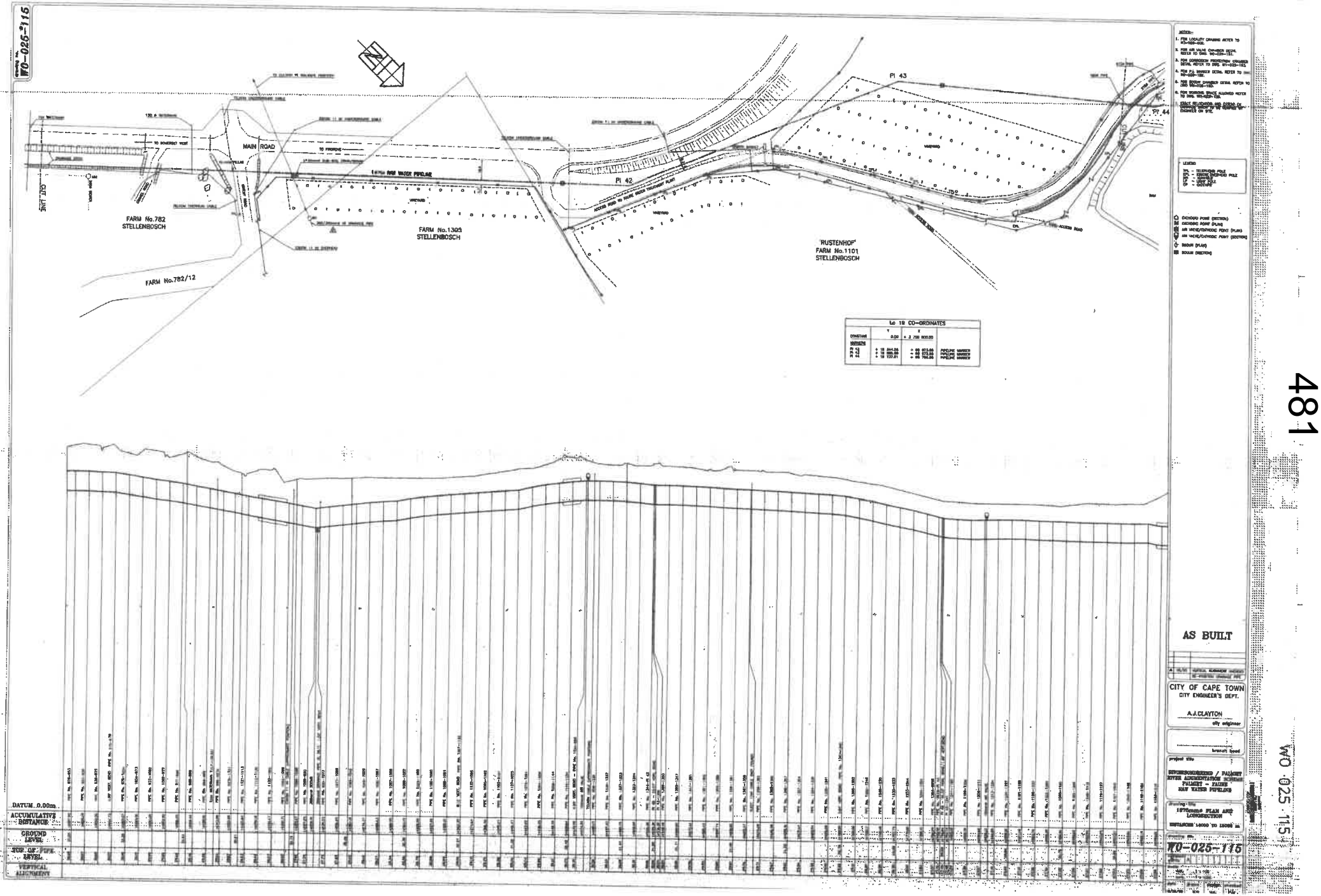
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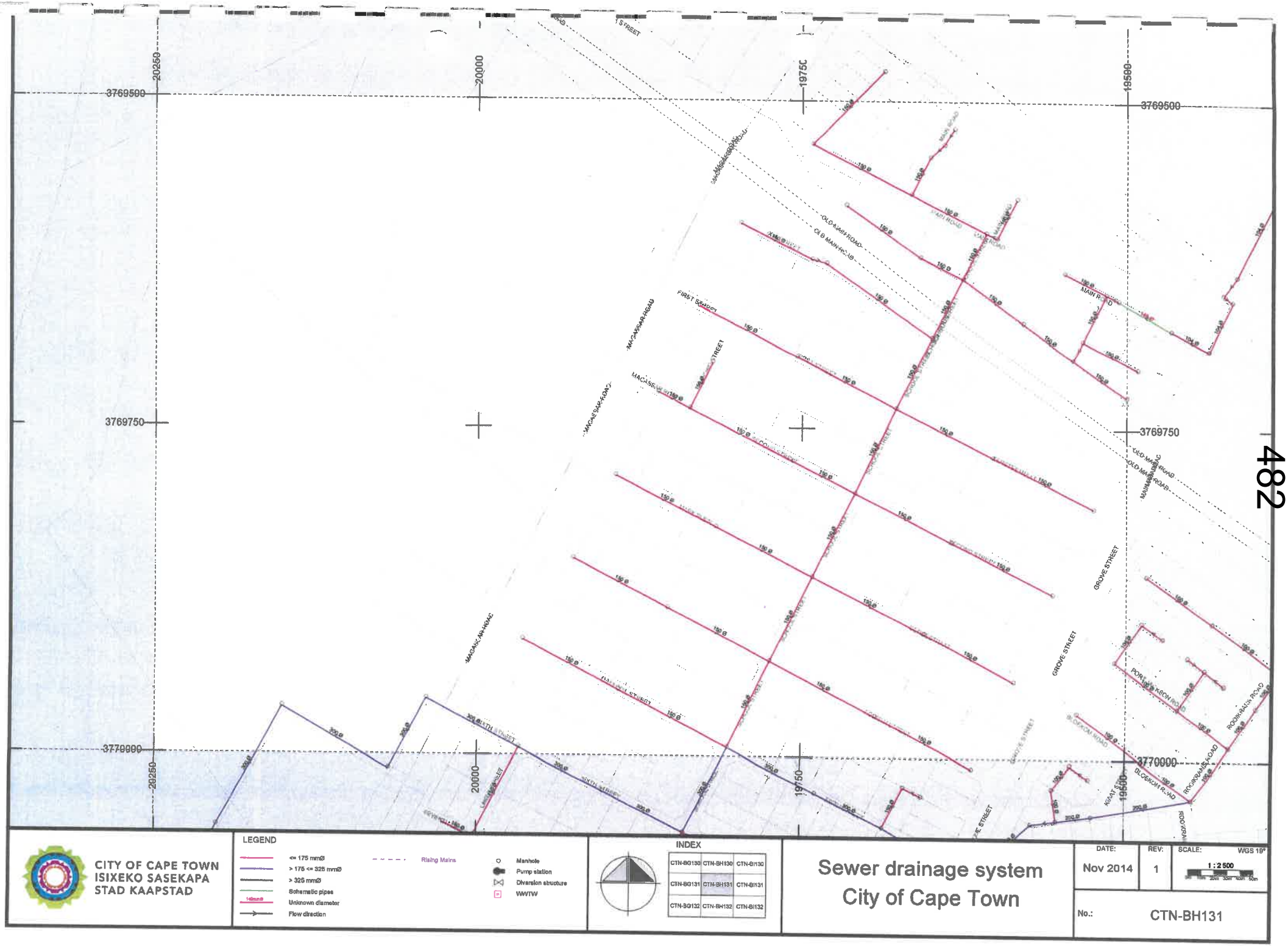

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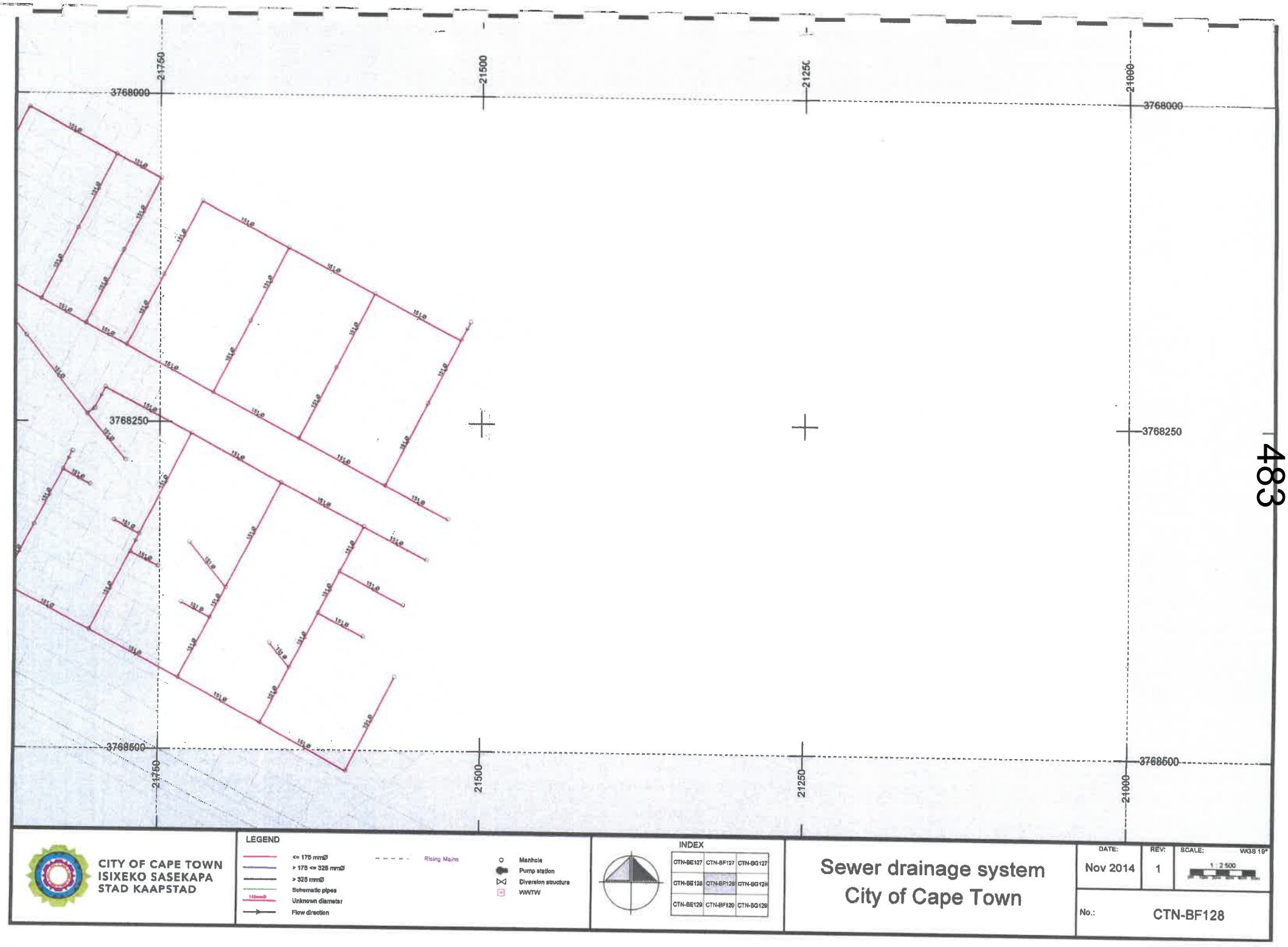
WDM - FARM 101 PTN 0 STELLENBOSCH FARMS

CITY OF CAPE TOWN
BULK WATER BRANCH


DRAWING No. WO-025-115
FARM No.782 STELLENBOSCH
FARM No.782/12
MAIN ROAD
FARM No.1303 STELLENBOSCH
'RUSTENHOF' FARM No.1101 STELLENBOSCH
Pl 42
Pl 43
Pl 44
Lo 19 CO-ORDINATES
AS BUILT
CITY OF CAPE TOWN
CITY ENGINEER'S DEPT.
A.J.CLAYTON
city engineer
DATUM 0.00m
ACCUMULATIVE DISTANCE
GROUND LEVEL
SOF OF PIPE LEVEL
VERTICAL ALIGNMENT
WO-025-115

481


3769500
3769750
3770000
20250
20000
19750
19500
OLD MAIN ROAD
MACASSAR ROAD
FIRST SEASON
GROVE STREET
PORTER KSON ROAD
ROOIKRANS ROAD
BLOEKOM ROAD
KOAT STREET
CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD
LEGEND
<= 175 mmØ
> 175 <= 325 mmØ
> 325 mmØ
Schematic pipes
Unknown diameter
Flow direction
Rising Mains
Manhole
Pump station
Diversion structure
WWTW
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CTN-BG131 CTN-BH131 CTN-BI131
CTN-BG132 CTN-BH132 CTN-BI132
Sewer drainage system
City of Cape Town
DATE: Nov 2014
REV: 1
SCALE: 1 : 2 500
WGS 19°
No.: CTN-BH131




CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

LEGEND

- <= 175 mmØ
- > 175 <= 325 mmØ
- > 325 mmØ
- Schematic pipes
- Unknown diameter
- Flow direction
- Rising Mains
- Manhole
- Pump station
- Diversion structure
- WWTW

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| CTN-BE128 | CTN-BF128 | CTN-BG128 |
| CTN-BE129 | CTN-BF129 | CTN-BG129 |

# Sewer drainage system City of Cape Town

| DATE: | REV: | SCALE: WGS 19° |
|---|---|---|
| Nov 2014 | 1 | 1 : 2 500 |

No.: CTN-BF128

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

**MICHELE WANSBURY**

T: 021 4444630
E: michele.wansbury@capetown.gov.za

**Application Number: 4400**
**Reference Number: LU/7684**

27 November 2018

**Planning Partners (Pty) Ltd.**
**P.O. Box 4866**
**Cape Town**
**8000**

Contact Person: Mr. Nick van der Merwe
By e-mail: nicolas@planpart.co.za

Dear Sir

**RE: APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM COUNCIL'S SPATIAL DEVELOPMENT FRAMEWORK: FARM NO. 1101, STELLENBOSCH DIVISION (RUSTENHOF FARM, WATERWORKS ROAD, FIRGROVE)**

The City of Cape Town as abutting authority hereby formally object to the proposed application for subdivision, rezoning, consent use, approval of a site development plan and deviation from Council's (Stellenbosch) Spatial Development Framework on Farm No 1101, Stellenbosch. The objection is motivated as follows:

***Services***

1.1 The viability of the proposal is currently dependant on connection with and provision of bulk services from the City of Cape Town. However, suitable infrastructure to service the proposed development is currently not available. Current infrastructure master planning for the area indicates that capacities have been reached. No provision has been made for the provision of cross-border servicing arrangements.

1.2 The proposed development will require the City to maintain the distribution networks and roads from ratepayers' money with no reimbursement in return as rates and taxes will be paid towards Stellenbosch Municipality.

1.3 Currently the City's master planning exclusively covers the metropolitan area and bulk infrastructure is intended to cater for the proposed developments within the City's boundaries only. Providing possible bulk capacity to the proposed development could thus compromise future development with the City's boundaries. It is suggested that a possible readjustment of the municipal boundary be considered in order to incorporate the subject property within the City's municipal boundaries and subsequently long term infrastructure master planning for the area.

1.4 The Macassar Waste Water Treatment Works (WWTW) do not have sufficient capacity to accommodate the sewerage generated by the proposed development. All available capacity, at this stage, is reserved for developments that fall within the City of Cape Town's municipal boundary. Please note that this comment will be reviewed once the Macassar WWTW has been upgraded and sufficient capacity made available. An upgrade of the WWTW is planned with an expected completion date of December 2022.

***Traffic & access arrangements***

1.5 The proposal is to gain access onto the existing Tarred Road that connects with Main Road. However, of concern is the fact that the Main Road/Tarred Road Intersection in future cannot be signalised as the intersection does not comply with the Road Access Guideline for traffic signals. Industrial traffic will experience considerable delays when trying to access Main Road during the peak hour periods via the tarred road.

1.6 The capacity of Main Road between Trunk Road 2 and Winery Road needs to be checked to ascertain whether the aforementioned portion of Main Road should be dualled or not.

1.7 It is not certain how vehicles are going to be accommodated at the proposed access control, if refused entry to the gated industrial estate.

1.8 Clarity is required as to who constructed the existing tarred road that leads to the Faure Water Treatment Plant, as permission will need to be sought to put all the additional traffic from the proposed development onto it.

1.9 A Traffic Impact Assessment (TIA) is required with this application.

***Environment***

1.10 In terms of the letter dated 22 March 2018 from DEA&DP, the proposed development does not constitute listed activities as defined in terms of the National Environmental Management Act (NEMA) No. 107 of 1998 as amended and effective from 8 December 2014. As per this letter from the Department, the decision was based on the additional information provided, which noted that the proposal has been revised and will no longer be located within the 32m of a watercourse or require infilling activities. Furthermore, it was confirmed that the development is located inside the urban area, as defined in terms of the NEMA EIA Regulations. However, a desktop review and site visit revealed that:

1.10.1 A large portion of the property within the floodplain has been filled in and raised substantially between 2017 and 2018;

1.10.2 It also appeared as though work and minor infilling was done within the aforementioned drainage stream traversing the property.

1.11 In light of the above, the specific listed activities of concern, *inter alia* are activities 19 and 28 of Listing Notice 1.

1.12 A further concern is that the earthworks that have occurred within the watercourse and the floodplain of the Moddergatspruit have been done without the required assessment and authorisations from DEA&DP and the Department of Water and Sanitation (DWS). Infilling of the floodplain may lead to detrimental impacts on the downstream environment and infrastructure, i.e. the railway line and R102. Being situated on the outside of a bend in the river, this area will receive the high flows and velocities during a major storm. A proper Stormwater Management Plan needs to be completed.

***Land Use***

1.13 The proposed application is not aligned with the broad development principles of Section 7 of the Spatial Planning & Land Use Management Act, 2013 and Section 59 of the Land Use Planning Act, 2014. The proposed industrial uses for warehousing are predominantly low employment generating uses and will have limited economic benefits to the Firgrove community and surrounds. Given its strategic location with easy access onto the strategic road network and relatively good access to the rail system, the site could help reverse current unsustainable development patterns within the area. The development of this site for employment related uses should be considered to improve access to economic opportunities and ultimately achieve sustainable and managed growth in the area.

Yours faithfully

for **DIRECTOR: DEVELOPMENT MANAGEMENT**

prasa cres
CORPORATE REAL ESTATE SOLUTIONS

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2001

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T +27 11 013 1700

23 November 2018

Mr. Nick Van Der Merwe
Planning Partners
Brickworks, Suite F03
Brickfield Road
Salt River

admin@planpart.co.za

Dear Sir

**APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM COUNCIL'S DEVELOPMENT FRAMEWORK: FARM NO. 1101, STELLENBOSCH DIVISION (RUSTENHOF FARM, WATERWORKS ROAD, FIRGROVE:**

Receipt is acknowledged of your letter dated 21 November 2018 in the abovementioned regard.

PRASA will peruse the documents and provide you with our comments.

Regards

**MARIUS WAGENER**
**ACTING MANAGER**
**REAL ESTATE ASSET MANAGEMENT**

mwagener@prasa.com
021-449 6430

**Directors** K Kweyama (Chairperson), SC Sithole (Group CEO)
S Ntsaluba, t Wessie, J Schreiner, N Alli, D Tshepe,
X George, M Matlala

**Group Company Secretary**
L Zide

**Annexure 10**

**Applicant's Comments and Response Report (December 2018)**

# RIVERSIDE BUSINESS PARK

## FARM 1101, STELLENBOSCH (FIRGROVE)

### APPLICATION FOR SUBDIVISION OF AGRICULTURAL LAND, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM THE STELLENBOSCH MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK

## COMMENTS AND RESPONSE REPORT

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PLANNING PARTNERS

africa

Architects and Project Managers

GROUP (Pty) Ltd.

Neil Woodin SURVEYS

**Project Number: 4400**

**December 2018**

## 1. Introduction

This document serves as a response by the applicant's professional team on comments / objections received regarding a development application for a proposed light industrial and warehouse development on a 5.9622 ha portion of Farm 1101, Stellenbosch District, in terms of the Stellenbosch Municipality Land Use Planning By-law (MPBL, 2015). This document forms part of the requisite *Portfolio of Evidence (PoE)*, as is required by the Stellenbosch Municipality. The PoE checklist is attached as **Annexure 1** and the signed Affidavit as **Annexure 2**.

This Comments and Responses report is attached as **Annexure 10** of the PoE.

The land use application was submitted to the Stellenbosch Municipality by hand on 22 June 2017. The land use application was advertised for comment by means of a notice placed in two local newspapers, *District Mail* and *Eikestadnuus*, on 6 September 2018 (See **Annexure 3** of the PoE). An on-site notice was erected on 6 September 2018 and was placed for 30 calendar days (See **Annexure 4** of the PoE for photos of the on-site notice). Furthermore, notices were sent to surrounding property owners, other interested and affected parties and external government departments on the same date, by means of registered mail and/or email (See **Annexures 5 and 6** of the PoE). The closing date for public comment was Monday 8 October 2018. The City of Cape Town requested an extension to 29 November 2018. The public notification process was undertaken by Planning Partners.

The Stellenbosch Municipality circulated the application to internal municipal departments. The commenting period for the internal municipal departments and external government departments is 60 days and ended on 8 November 2018. To date, he internal municipal departments of the Stellenbosch Municipality have not furnished the applicant with their comments or responses.

The proposed development also requires a Land Development Application, to be submitted in terms of the Land Use Planning Act (2014). As part of the Land Development Application, the application was sent to, *inter alia*, the following external government departments on 7 March 2017 and 4 April 2018, by means of registered mail or by hand:

- National Department of Agriculture;
- Provincial Department of Agriculture; and
- Department of Environmental Affairs and Development Planning.

In order to avoid confusion, the land use application, which contains the same information as the Land Development Application, was not re-circulated to these three departments on 6 September 2018.

During the public notification process, comments and objections were received from the public and external governmental departments. The Stellenbosch Municipality has not provided any comment from internal municipal departments and stated they will only provide comment once this PoE has been received.

During the 30 day notification process, one written submission was received from the public from the following entity (Refer to **Annexure 8** for a copy of the comment):

- Belangegroep Stellenbosch Interest Group, c/o P. Botha.

Written comments were received form the following external government bodies during the 60 day commenting period (Refer to **Annexure 9** for these comments):

- Provincial Department of Agriculture;
- ESKOM: Land Development (x3 comments);
- ESKOM Transmission;
- D:EA&DP: Development Management Region 2;
- Department of Water and Sanitation;
- Heritage Western Cape;
- City of Cape Town: Water and Sanitation Department (DWS): *Preliminary Comment*:
- City of Cape Town: Department: Development Management, Helderberg District;
- Department of Transport and Public Works: Road Network Management (DTPW).

No other comments were received from notified external government departments.

Note that Stellenbosch Municipality requested the applicant to give extension to PRASA. This was done (See **Annexure 6**) and extension was given to 5 December 2018. PRASA has confirmed receipt of the notice, but has not provided comment on either of the two notices. It is therefore assumed PRASA has no comment.

Note that the following notice sent to an adjacent property owner, and to the address supplied by the City of Cape Town, was returned as undelivered (See **Annexure 7**):

- Owner of Erf 604, Firgrove: City of Cape Town, 8 Rooikrans Avenue, Rooikrans Court, Grassy Park 7491.

However, since the City of Cape Town has been notified and has provided comment via a different department; this undelivered notice should not be significant and recirculation of the notice to this address is not required.

**Table 1** below provides a summary of the comments / objections received and provides a response from the applicant's professional team.



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## 2. Methodology of Response

To assist the reading of the responses, issues / topics have been identified from the written submissions and comments / objections and these are grouped together according to type. The comments / objections have been paraphrased / summarised where appropriate.

## 3. Response to Comments / Objections Received

**Table 1: Comments and Response**

| | Issue / Topic | Raised By | Comment by Applicant |
|---|---|---|---|
| **A. Support for Application / No Objection / Not Applicable** | | | |
| 1 | The impact of the development proposals in terms of viability of the land will be insignificant. The Department has no objection against the proposal on condition that the development is limited to the proposed footprint. | Provincial Department of Agriculture | Noted. |
| 2 | The development proposals do not contain any listed activities as defined in terms of the National Environmental Management Act (Act 107 of 1998) EIA Regulations 2014. Environmental Authorisation is not required. | D:EA&DP: Development Management Region 2 | Noted. |
| 3 | Should any revision of the proposed development constitute a listed activity(ies) in terms of NEMA EIA Regulations 2014, an application must be submitted and environmental authorisation obtained. | D:EA&DP: Development Management Region 2 | Noted. CCT has made reference to infilling in their response. which is dealt with in **subsection G.1**. |
| 4 | The development proposals will not impact on heritage resources. An application in terms of the National Heritage Resources Act (Act 25 of 1999) is not required. | Heritage Western Cape | Noted. |
| 5 | Has no objection, subject to certain conditions (discussed in **subsection D.3** below). | ESKOM: Land Development | Noted. |
| 6 | Has no objection, subject to certain conditions (discussed in **subsection D.1.1** below). | ESKOM: Transmission | Noted. |
| 7 | Has no objection, subject to certain conditions (discussed in **subsection E.1** below). | Department of Water and Sanitation | Noted. |

| | Issue / Topic | Raised By | Comment by Applicant |
|---|---|---|---|
| 8 | Has no objection, subject to certain conditions (discussed in **subsection E.5** below). | City of Cape Town: DWS | Noted. |
| **B. Road Network and Traffic** | | | |
| 1 | The proposal cannot be evaluated in isolation of the proposed mixed-use development (63 ha) to the east (Grapevine Development). It would make sense to coordinate/combine these two developments' resources to share and fund the required infrastructure upgrades. | Department of Transport and Public Works (DTPW) | Information regarding the mentioned development was not yet available at the time of the TIA.<br>Noted, but funding for the proposed road upgrades will be negotiated with the Stellenbosch Municipality, CCT and DTPW. See **response to comment B.** The objection is based on financial considerations.<br>The two projects are at two totally different stages in project design development, with the current project in the application stage of the process, while the larger project, although conceptually conceived, has a substantial amount of detailed investigation and design still being undertaken. The timing of submissions, if any, of further applications on the possible larger precinct have not been confirmed at this stage. |
| 2 | • The proposed road upgrades directly affect proclaimed roads: Main Road/Macassar Road (PMR 165 and Old Main Road/Van Riebeeck Road (PTR 2/1), which the DTPW is the Road Authority.<br>• The DTPW has not budgeted for upgrades of proclaimed roads within the area. All upgrade costs would have to be funded by the Stellenbosch Municipality and/or the developer. The availability of the financing needs to be demonstrated. | Department of Transport and Public Works | The project Traffic Engineer (Piet van Blerk of ICE Group) met with Tyrone King of Stellenbosch Municipality to discuss this comment. Development Contributions (DC's) payable and the potential infrastructure upgrades to be offset against DC's. Mr. King stated that he is compiling a memorandum which he will send to the Stellenbosch Municipality's planning department. The engineering department's approach seems to be they will wait for the CCT comment before they will provide their comment.<br>It is recommended that a meeting be held between the Stellenbosch Municipality, CCT and the DTPW to discuss this matter further. |
| 3 | • No objection against the subdivision as proposed, but objects against the rezoning and internal subdivision as proposed.<br>• The DTPW will consider withdrawing its objection upon receipt of a written undertaking by the Stellenbosch | Department of Transport and Public Works | See **response to comment B.2** above. The objection is based on financial considerations. |

| | Issue / Topic | Raised By | Comment by Applicant |
|---|---|---|---|
| | Municipality that the Municipality will ensure the availability of the necessary funding for the proclaimed road infrastructure upgrades. | | |
| 4 | • The DTPW needs to approve the design of the proposed upgrades.<br>• Once the development proposal has been supported by the DTPW, the geometrics, materials and signalization design plans of the upgrades (having been scrutinized by the affected Directorates of the Stellenbosch Municipality) must be submitted to the DTPW's Design Directorate for final approval. | Department of Transport and Public Works | This is contingent on resolving the responsibility with regards to financing the roads infrastructure. Noted.<br>This will be actioned during further design stages. |
| 5 | Access is proposed off the existing tarred road that connects with Main Road. There is a concern that the Main Road/tarred road intersection cannot be signalised in future, as the intersection does not comply with the Road Access Guideline for traffic signals. Industrial traffic will experience considerable delays when trying to access Main Road during peak periods via the tarred road. | City of Cape Town | Refer to TIA compiled for the proposed development. |
| 6 | The capacity of Main Road between Trunk Road 2 and Winery Road needs to be checked to ascertain whether the aforementioned portion of Main Road should be dualled or not. | City of Cape Town | Total two-way traffic across the bridge during the existing peak hours (traffic counts Feb 2018) still within capacity. The dualling of the mentioned section of Main Road is anticipated to be required in the short to medium term. |
| 7 | It is unclear how vehicles will be accommodated at the proposed access-controlled gate, if refused entry. | City of Cape Town | Separate lane for visitors planned at security controlled access. Vehicles such as mentioned will have to enter the property to turn and exit. |
| 8 | Clarity is required as to who constructed the tarred road that leads to Faure WTW, as permission will need to be sought to use the road. | City of Cape Town | The section of the tarred road where access to the development is proposed is a public road. From available information, the Stellenbosch Municipality and City of Cape Town have expropriated 2 portions of Farm 1101 for road purposes. These two expropriated portions represent the 'Waterworks Road'. Refer to **Appendix A** for copies of the expropriation documentation. Permission is therefore required form the Stellenbosch Municipality and the City of Cape Town. This forms part of the current application. |

| | Issue / Topic | Raised By | Comment by Applicant |
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| 9 | A Traffic Impact Assessment (TIA) is required. | City of Cape Town | A TIA has been submitted as part of the application. Please refer to the TIA contained in the application. |
| **C. Impact on Future Agricultural Land and Urban Sprawl** | | | |
| 1 | Believes the proposed rezoning of agricultural land and the proposed upgrading of the Waterworks Road/M9 intersection could be used as motivation for future urban development along Waterworks Road (representing urban sprawl). | Stellenbosch Interest Group | Any future development proposals on agricultural land within the area would require a land use application. Should such an application be made, it will be evaluated on the proposal's own merits and site-specific conditions.<br>Also note that the soil investigation undertaken for the project concluded that the soils are not suitable for quality wine production. As a result of the agricultural limitations of this portion of land, its loss will have negligible impact on the agricultural productivity of the remaining farm and the local area. |
| **D. Electricity and Electrical Power Lines** | | | |
| 1 | Lungile Motsisi (ESKOM: Transmission) should be contacted should work be done under the 400 kV overhead power lines. | ESKOM: Land Development | Lungile Motsisi was contacted and their comment is below in **subsection D.3** below. |
| 1.1 | ESKOM Transmission has no objection, subject to a list of conditions relating to acknowledging and respecting the electrical infrastructure on and over the site. | ESKOM: Transmission | Noted. The listed conditions will be adhered to. |
| 2 | No work within the electrical servitudes or underneath the powerlines is allowed within comment from Eskom Transmission. | ESKOM: Land Development | Noted. |
| 3 | • Standard setback distances in relation to overhead ESKOM power lines, structures and structure-supporting mechanisms were provided for buildings, trees, construction work, work and machinery.<br>• The natural ground level must be maintained within Eskom reserves areas and servitudes.<br>• Minimum ground clearance distances of overhead power lines were provided. | ESKOM: Land Development | The ESKOM standards, servitude rights and access rights will be adhered to.<br>Note that no rerouting of overhead cables is required or applied for. |

| | Issue / Topic | Raised By | Comment by Applicant |
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| | • Rerouting conditions for overhead power lines were provided.<br>• ESKOM rights and servitudes must be acknowledged and honoured throughout the lifecycle.<br>• ESKOM will not be liable for death or any injury as a result of encroachment of use.<br>• The applicant indemnifies ESKOM against loss, claims and damages pertaining to interference with ESKOM Services, apparatus or otherwise.<br>• Access conditions to Eskom infrastructure were provided. | | |
| 4 | ESKOM is the licensed distributor for the proposed development There is currently capacity available on ESKOM's Firgrove substation to supply the proposed development of 750kVA. | ESKOM | Noted. |
| **E. Civil Services** | | | |
| 1 | • All sections of the National Water Act (Act 36 of 1998) must be adhered to.<br>• All sections of the Spatial Planning and Land Use Management Act (Act 16 of 2013) must be adhered to;<br>• No additional use of surface water and/or storage of water is permitted, unless with authorisation from the Department.<br>• No activities may take place within a buffer area of 500 m upstream and downstream of a watercourse and/or any wetland system without formal authorisation from the Department.<br>• No permanent structures may be constructed within the 1:100 year flood lines of a watercourse and/or wetland;<br>• If any property receives water from the Irrigation Board or Water Use Association, the Department must be notified.<br>• If water use allocation or water license is affected with the subdivision, the owner of the new property must | Department of Water and Sanitation | The stated legislation will be adhered to.<br>No activities will take place that will require a General Authorisation or Water Use License.<br>Refer to the email from Antonia Belcher (aquatic scientist), confirming that the proposed development does not trigger any listed activities (attached as **Appendix B**).<br>No surface water and/or storage of water is applied for with this application.<br>The allocation of water rights or water licenses is not applicable. |

| | Issue / Topic | Raised By | Comment by Applicant |
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| | enter into a mutual agreement to determine the share of allocated water. | | |
| 2 | • Provision has not been made for potential future developments (current application and proposed future developments in surrounding area) and therefore a complete water and sanitation master plan will have to be compiled for the area.<br>• the proposed development could be supplied from either the "Macassar or Firgrove water distribution zone". Both distribution zones are supplied via the 760mmØ bulk distribution main from the Blackheath Water Treatment Plant and reservoir.<br>• There is limited water infrastructure in the immediate vicinity of the proposed development.<br>• There is 250mmØ water main to the west and a 110mmØ water main off Old Main Road. A booster pump and storage tanks would be required for both options.<br>• Both options could have sufficient capacity to service the site, when considering the cost implications as well as the Firgrove development as a whole, the better option would be to upgrade the Firgrove Station bulk water connection. This would allow for the developer to have a designated supply to the development.<br>• The CCT's bulk supply system has sufficient water resources, treatment, and bulk storage and conveyance capacity to supply the estimated annual average daily demand of 129.6kl/day of the proposed development. | City of Cape Town: DWS | Noted. Positive statement, confirming that there is sufficient capacity available for the proposed development. |
| 3 | There are bulk water pipelines under the control of the CCT's Bulk Water Branch exist in the immediate vicinity which appear to be affected by the proposed development. Bulk Water is to provide conditions relating to servitudes and connections relating to their pipelines. | City of Cape Town: DWS | Noted. |
| 4 | • The proposed development is situated in the catchment of the Macassar foul sewer pump station, which has | City of Cape Town: DWS | Noted. |



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| | Issue / Topic | Raised By | Comment by Applicant |
|---|---|---|---|
| | sufficient spare capacity to accommodate 3.56l/s. Foul sewer is pumped via a XX rising main from the pump station to the Macassar WWTW.<br>• Two possible connection points exist. Both connection points have sufficient spare capacity to accommodate the anticipated flow. | | |
| 5 | DWS has no objection, on the following conditions:<br>• DCs is payable as per the Development Contribution Policy, to be quantified by the Reticulation District Head.<br>• All costs, relating to alterations to the existing water and sewerage systems on or near the site and the provision of new water and sewer connections to the site, will be for the account of the applicant.<br>• It is requested that the developer shows evidence that the development will incorporate water saving initiatives in the development.<br>• The water and sewer capacities that may be allocated according to this document will not be reserved beyond the lesser of the approved development period or 5 years.<br>• Water and Sanitation municipal services are to be designed according to Departmental Service Standards and the plans approved prior to construction.<br>• The owner must apply to the Reticulation District Head for a new metered water connection, charged at a standard tariff. If an existing water meter is not accessible, this will include the repositioning of the meter.<br>• As-built drawings of installed water and sewer services are to be submitted to the respective Branch manager before transfer of erven will be allowed.<br>• All installations are subject to inspection, witnessing of tests and approval before any facility may be occupied. | City of Cape Town: DWS | Noted and agreed. |
| 6 | Suitable CCT infrastructure is currently not available to service the proposed development. Current service master | City of Cape Town | This statement is incorrect. |

| | Issue / Topic | Raised By | Comment by Applicant |
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| | planning for the area indicates that capacities have been reached. No provision has been made to supply cross-border services. | | The CCT's DWS has provided preliminary comment in January 2018. Refer to **Annexure 9** for the City's report and subsections E2-E5 above. It will be repeated:<br>The information provided in the received report is based on CCT master plan model as well as comments from relevant branches of the department. It stated the following with regards to Bulk Water: "*The City of Cape Town's bulk supply system has sufficient water resources, treatment, and bulk storage and conveyance capacity to supply the estimated annual average daily demand of 129.6kl/day of the proposed development*".<br>The report concluded with "*There is sufficient spare capacity within the existing water and sewer network to accommodate the proposed development of Portion 3 (*representing the site*), however an agreement will have to be reached with respective district officials regarding the best suited connection for both water and sanitation service. The Water and Sanitation Department has no objection to this application, given that the following conditions are adhered to:*<br>*Conditions*<br>*The development can proceed when following conditions are met:*<br>*1. Development contributions is payable as per the Development Contribution Policy, to be quantified by the Reticulation District Head. The amount payable escalates annually and will be the value determined at the time of payment.*<br>*2. All costs, relating to alterations to the existing water and sewerage systems on or near the site and the provision of new water and sewer connections to the site, will be for the account of the applicant.*<br>*3. It is requested that the developer shows evidence that the development will incorporate water saving initiatives in the development".* |

| | Issue / Topic | Raised By | Comment by Applicant |
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| 7 | The CCT will have to maintain the distribution networks and roads from ratepayer' money with no reimbursement in return as rates and taxes will be paid towards Stellenbosch Municipality. | City of Cape Town | This aspect must be resolved between the Stellenbosch Municipality and CCT. |
| 8 | The Macassar WWTW do not have sufficient capacity for the proposed development. An upgrade of the WWTW is only planned for December 2022 (completion date). | City of Cape Town | This statement is incorrect.<br>The CCT's Water and Sanitation Department has provided preliminary comment in January 2018. Refer to **Annexure 9** for the City's report and **subsections E2-E5** above. It stated the following with regards to sewage: "*The proposed development is situated in the catchment of the Macassar foul sewer pump station, which has sufficient spare capacity to accommodate 3.56l/s. Foul sewer is pumped via a xx rising main from the pump station to the Macassar WWTW*". |
| **F. MUNICIPAL BOUNDARY RE-ADJUSTMENT** | | | |
| 1 | Providing possible bulk services capacity to the proposed development could compromise future development within the City's boundaries. It is suggested that a possible readjustment of the municipal boundary be considered in order to incorporate the subject property within CCT's boundary, and subsequent long term infrastructure master planning for the area. | City of Cape Town | Note that the adjacent Go-Group development is in a similar situation where it is located within the Stellenbosch Municipality's jurisdiction, but services are provided by CCT. Go Group pays rates and taxes to Stellenbosch Municipality on a yearly basis, and they are fully paid up to date.<br>Bulk Services contribution are paid in stages of the development to CCT.<br>Any possible re-adjustment of municipal boundaries will have to be negotiated between the Stellenbosch and CCT. |
| **G. ENVIRONMENT** | | | |
| 1 | Environmental issues regarding apparent infilling that has occurred on the site between 2017 and 2018. The CCT has highlighted the need for authorisations from both D:EA&DP and DWS. | City of Cape Town | The Directorate Environmental Law Enforcement of D:EA&DP (Mr. Safwaan Abrahams) undertook a site inspection on 15 November 2018. Mr. Abrahams was informed that D:EA&DP and DWS was consulted to obtain prior approval before construction activities commenced. Mr. Abrahams requested proof of this and will submit his formal response when ready.<br>The letter will be forwarded once received. |

| | Issue / Topic | Raised By | Comment by Applicant |
|---|---|---|---|
| 2 | A proper Stormwater Management Plan needs to be completed. | City of Cape Town | Find attached the Stormwater Management Plan, attached as **Annexure C**. |
| **H. SPLUMA and LUPA Principles** | | | |
| 1 | Non-alignment of the proposal with the broad principles of both SPLUMA and LUPA. It appears that the City would like to see the site developed for a higher employment generating use. | City of Cape Town | The City acknowledges that the development of the site for employment related (urban) uses would be beneficial.<br>The compliance of the proposed development with SPLUMA and LUPA planning principles are discussed in the planning motivation report under **section 9**.<br>SPLUMA and LUPA supports development that *inter alia* support economic development, employment generation and the optimal utilisation of available resources.<br>It is agreed that the development for the site for high employment generating uses would be even more beneficial than the current proposal.<br>However, higher employment generating uses (e.g. offices, retail), will increase the demand for civil services and lead to a higher trip generation and possibly additional road upgrades, making the project more expensive. More development contributions would also be associated with an increase in use intensity.<br>Given the above, the increase of the intensity of the development proposal is beyond the developer's investment appetite.<br>Further to note that the proposal forms part of a larger investment initiative within the City of Cape Town on underutilized and undeveloped land surrounding the Firgrove Station, that has been earmarked for urban consolidation in the CCT MSDF 2018. |

**Appendix A**

**Expropriation Documentation: EX56/1986 & EX8/1991**

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**Estates Branch**
Civic Centre
12 Hertzog Boulevard
PO Box 298
Cape Town 8000
Telex: 51-0966 CEECT SA
Fax: (021) 251 497

**Eiendomstak**
Burgersentrum
Hertzogboulevard 12
Posbus 298
Kaapstad 8000
Teleks:52-0966 CEECT SA
Fax: (021) 251 497

**CITY OF CAPE TOWN**
**CITY ADMINISTRATION**
**DEPARTMENT**
**STAD KAAPSTAD**
**DEPARTEMENT**
**STADSADMINISTRASIE**

Date/Datum: 18 JAN 1991
Ask for/Vra vir: Mrs Isaacs
Tel: 210-3428
My Ref/My Verw: L.1/22/42/7/BI

The Registrar of Deeds
Private Bag X9073
CAPE TOWN
8000

Dear Sir

**RIVIERSONDEREND/PALMIET SCHEME FAURE WATER TREATMENT PLANT/ACCESS ROAD/FARM 1101 STELLENBOSCH**

I refer to my letter dated 1990-12-17 and enclose the following:

1. Certified copies of the Final Notices of Expropriation served on the registered owner, Anton Bredell.

2. Two certificates to comply with the Deeds Registries Regulation No.57.

3. ~~Two~~ 4 copies of Plan SX.317/1.

Yours faithfully

B. Isaacs

for CITY ADMINISTRATOR

(BI64)

DEPARTEMENT VAN OPENBARE WERKE EN GRONDSAKE
REGISTRATEUR VAN AKTES
PRIVAATSAK 9073, KAAPSTAD 8000
1991 -01- 22
REGISTRAR OF DEEDS
PRIVATE BAG 9073, CAPE TOWN 8000
DEPARTMENT OF PUBLIC WORKS AND LAND AFFAIRS

9.00

Ex 8/1991.

# CITY OF CAPE TOWN

# STAD KAAPSTAD

*REGISTERED POST* *AANGETEKENDE POS*

L1/22/42/7

P O BOX — POSBUS 298
8000
TELEPHONE — TELEFOON 210-3428

CIVIC CENTRE — BURGERSENTRUM
TOWN CLERK'S OFFICE
STADSKLERK SE KANTOOR
CAPE TOWN — KAAPSTAD
8001

## FINAL NOTICE OF EXPROPRIATION

re: ACCESS TO WATER TREATMENT PLANT PLANT AT FAURE

WHEREAS the Council of the Municipality of the City of Cape Town has resolved to acquire by expropriation, in terms of Ordinance 20 of 1974 read with Act 63 of 1975 (Expropriation Act), the immovable property (with any buildings or works thereon) described in the schedule annexed hereto;

## FINALE KENNISGEWING VAN ONTEIENING

TOEGANGSPAD TOT WATERBEHANDELINGS-INSTALLASIE TE FAURE

NADEMAAL die Raad van die Munisipaliteit van die Stad Kaapstad besluit het om deur onteiening kragtens Ordonnansie 20 van 1974 saamgelees met Wet 63 van 1975 (onteieningswet), die onroerende goed (met enige gebou of werke daarop) soos beskryf in die bylae wat hierby aangeheg is, te verkry;

Certified to be a true and exact copy of the original!

for CITY ADMINISTRATOR

## NOW THEREFORE TAKE NOTICE

that the property described in the aforesaid schedule is expropriated with effect from the date mentioned in the said schedule.

## NEEM DERHALWE KENNIS

dat die eiendom beskryf in die voormelde bylae met ingang van die datum genoem in gemelde bylae, onteien is.

## SCHEDULE / BYLAE

Name of registered owner:
Naam van geregistreerde eienaar: ANTON BREDELL

Description of property and extent:
Beskrywing van eiendom en grootte: FARM /1101 STELLENBOSCH Rd. PLAAS Ruckenhof

Current Title Deed No. and Date:
Nommer en datum van huidige transportakte: T 345/1984

Valuation Records Index No.:
Indeksno. van Skattingsleers: OUTSIDE MUNICIPAL AREA BUITE MUNISIPALE GEBIED

Area required by Council (sketch plan attached):
Oppervlakte wat deur die Raad benodig word (Sketsplan aangeheg): ± 521 m²

Amount of compensation offered by the Council:
Vergoedingsbedrag aangebied deur die Raad: BEING NEGOTIATED WORD ONDERHANDEL

Ex 109/1954
Ex 56/1986.
Ex 564/1990

Date of Expropriation:
Datum van onteiening: 21 JAN 1991

Date of Occupation:
Datum van besitneming: 21 JAN 1991

**NOTE:** If an amount of compensation is not indicated above you are required to advise the Council in writing within 60 days from the date of this notice the amount claimed by you as compensation and how much of such compensation represents each of the respective amounts contemplated in Sections 12(1)(a)(i) and (ii) or 12(1)(b) of the aforesaid Act, details of which are annexed hereto.

**LET WEL:** Indien 'n vergoedingsbedrag nie hierbo aangedui word nie, word van u vereis om die Raad binne 60 dae van die datum van hierdie kennisgewing skriftelik te verwittig van die bedrag deur u geëis as vergoeding en hoeveel van sodanige vergoeding elk van die onderskeie bedrae bedoel in artikels 12(1)(a)(i) en (ii) of 12(1)(b) van die voormelde Wet, besonderhede waarvan hierby aangeheg is, verteenwoordig.

Your attention is directed to the annexed provisions of the said Act, which sets out, inter alia, the duties of the owner of the property which is being expropriated.

U aandag word gevestig op die aangehegte bepaling van die gemelde Wet, wat onder andere die pligte van die eienaar van die eiendom wat onteien word, uiteensit.

DATED AT CAPE TOWN THIS
GEDATEER TE KAAPSTAD HIERDIE

DAY OF
DAG VAN 21 JAN 1991 19
19

Yours faithfully
Die uwe

for TOWN CLERK
n STADSKLERK

TO : Anton Bredell
"Rustenhof"
PINGROVE
7130

CA-EST 52

## ANNEXURE TO FINAL NOTICE OF EXPROPRIATION

Attention is drawn to the following provisions of Act 63 of 1975:-

Section 7 (2) (a): provides, inter alia, that whenever only a portion of a piece of land or a real right in or over any such portion is expropriated, or a right is taken to use only such portion, the owner may, within thirty days from the date of the notice of expropriation, request the Council by registered post to furnish further particulars of such portion so as to enable the owner to determine the position or extent of the said portion, and upon furnishing of such particulars the date of the notice in which such particulars were furnished, shall for the purposes of the Act, be deemed to be the date of the notice of expropriation.

Section 7 (2) (d)

If any person has a right contemplated in Section 9 (1) (d) (i) (iii) or (iv) (see below) in respect of the property of which the Council had no knowledge on the date of notice, the Council may withdraw the offer made in the notice.

Sections 8 (3), 8 (4), 8 (5), 8 (6)

8 (3) Notwithstanding the fact that in terms of subsection (1) the ownership in expropriated immovable property vests in the Council on the date of expropriation, the Council may not take possession of the property in question until the expiry, from the said date, of a period of sixty days or such longer period as is agreed upon between the owner concerned and the Council: Provided that if, in the opinion of the Council, such property is urgently required for the purposes for which it was expropriated, it may cause such property to be taken into possession at any time prior to the expiration of the applicable period and on a date mentioned for the purpose in the notice of expropriation or in an appropriate notice to be served or published in accordance with Section 7 (3) or (5).

8 (4) The owner of expropriated immovable property shall from the date of expropriation to the date upon which the Council takes possession of the property, take care of and maintain the property and if the owner wilfully or negligently fails to do so and as a result thereof the property depreciates in value, the Council may recover the amount of the depreciation from the owner: Provided that the Council shall compensate the owner for costs which, in the opinion of the Council, were necessarily incurred after the date of expropriation in respect of such maintenance or care.

8 (5) If the owner desires to place the Council in possession of the property expropriated prior to the expiry of the appropriate period contemplated in subsection (3), he shall give the Council not less than twenty-one days' notice in writing of the date on which he desires to do so, and the Council shall thereupon be deemed to have caused the property to be taken possession of on that date.

8 (6) The owner shall be entitled to the use of and the income from the property expropriated from the date of expropriation to the date upon which the Council may or is required to take possession of the property, and shall, during that period, remain responsible for the payment of taxes and other charges in respect of the property expropriated as if the property had not been expropriated.

Section 9 (1), 9 (2), 9 (3), 9 (4), 9 (5), 9 (6)

9 (1) An owner whose property has been expropriated in terms of this Act, shall, within sixty days from the date of notice in question, deliver or cause to be delivered to the Council a written statement indicating-

(a) if any compensation was in the notice of expropriation offered for such property, whether or not he accepts that compensation and, if he does not accept it, the amount claimed by him as compensation and how much of that amount represents each of the respective amounts contemplated in section 12 (1) (a) (i) and (ii) or (b) (see below) and full particulars as to how such amounts are made up;

(b) if no such compensation was so offered, the amount claimed as compensation by him and how much of that amount represents each of the respective amounts contemplated in section 12 (1) (a) (i) and (ii) or (b) and full particulars as to how such amounts are made up;

(c) if the property expropriated is land and any amount is claimed in terms of paragraph (a) or (b), full particulars of all improvements thereon which, in the opinion of the owner, affect the value of such land;

(d) if the property being expropriated is land -

(i) which prior to the date of notice was leased for business or agricultural purposes by unregistered lease, the name and address of the lessee, and accompanied by the lease or a certified copy thereof, if it is in writing, full particulars of the lease, if it is not in writing;

(ii) which, prior to the date of notice, was sold by the owner, the name and address of the buyer, and accompanied by the contract of purchase and sale or a certified copy thereof,

## AANHANGSEL TOT FINALE KENNISGEWING VAN ONTEIENING

Aandag word gevestig op die volgende bepalings van Wet 63 van 1975:

Artikel 7 (2) (a): bepaal, onder andere, dat wanneer slegs 'n gedeelte van 'n stuk grond of 'n saaklike reg in of oor sleg: so 'n gedeelte onteien word, of die reg geneem word om slegs so 'n gedeelte te gebruik, die eienaar die Raad binne dertig dae vanaf die datum van die onteieningskennisgewing per aangetekende pos kan versoek om verdere besonderhede van sodanige gedeelte te verstrek ten einde die eienaar in staat te stel om die ligging of grootte van daardie gedeelte te bepaal, en by verstrekking van sodanige besonderhede word die datum van die kennisgewing waarin sodanige besonderhede verstrek is, by die toepassing van die Wet geag die datum van die onteieningskennisgewing te wees.

Artikel 7 (2) (d)

Indien enigeen 'n reg bedoel in artikel 9 (1) (d) (i), (iii) of (iv) (sien hieronder) ten opsigte van die goed het waarvan die Raad op die kennisgewingsdatum nie geweet het nie, kan die Raad die aanbod gemaak in die kennisgewing, terugtrek.

Artikels 8 (3), 8 (4), 8 (5), 8 (6)

8 (3) Ondanks die feit dat die eiendomsreg op onteiende onroerende goed ingevolge sub-artikel (1) op die onteieningsdatum op die Raad oorgaan, kan die Raad die betrokke goed nie in besit neem nie voor die verstryking, vanaf die gemelde datum, van 'n tydperk van sestig dae of die langer tydperk waarontrent die Raad en die betrokke eienaar ooreenkom: Met dien verstande dat indien volgens die oordeel van die Raad die goed dringend nodig is vir die doeleindes waarvoor dit onteien is, hy die goed in besit kan laat neem te enige tyd voor die verstryking van die tydperk wat van toepassing is en wel op 'n datum wat vir die doel vermeld word in die onteieningskennisgewing of in 'n toepaslike kennisgewing wat volgens voorskrif van artikel 7 (3) of (5) bestel of gepubliseer is.

8 (4) Die eienaar van onteiende onroerende goed moet vanaf die onteieningsdatum tot op die datum waarop die Raad die goed in besit neem, die goed versorg en in stand hou, en indien die eienaar opsetlik of nalatig versuim om dit te doen, en die goed as gevolg van die versuim verminder in waarde, kan die Raad die bedrag van die waardevermindering op die eienaar verhaal: Met dien verstande dat die Raad die eienaar moet vergoed vir koste wat, volgens die oordeel van die Raad, noodsaaklikerwys na die onteieningsdatum aangegaan is ten opsigte van sodanige instandhouding of versorging.

8 (5) Indien die eienaar die Raad in besit wil stel van die onteiende goed voor die verstryking van die toepaslike tydperk bedoel in subartikel (3), moet hy die Raad minstens een-en-twintig dae skriftelik kennis gee van die datum waarop hy dit wil doen en die Raad word daarop geag die goed op daardie datum in besit te laat neem.

8 (6) Die eienaar is geregtig op die gebruik van en die inkomste uit die onteiende goed vanaf die onteieningsdatum tot op die datum waarop die Raad die goed in besit kan of moet neem, en bly gedurende daardie tydperk verantwoordelik vir die betaling van belastings en ander koste ten opsigte van die onteiende goed, asof die goed nie onteien is nie.

Artikel 9 (1), 9 (2), 9 (3), 9 (4), 9 (5), 9 (6)

9 (1) 'n Eienaar wie se goed ingevolge hierdie Wet onteien is, moet binne sestig dae vanaf die betrokke kennisgewingsdatum aan die Raad lewer of laat lewer 'n skriftelike verklaring waarin aangedui word:

(a) indien in die onteieningskennisgewing vergoeding vir die goed aangebied is, of hy daardie vergoeding aanneem of nie, en indien hy dit nie aanneem nie, wat die bedrag is wat hy as vergoeding eis en hoeveel van daardie bedrag elk van die onderskeie bedrae beoog in artikel 12 (1) (a) (i) en (ii) of (b) (sien hieronder) verteenwoordig en volledige besonderhede betreffende die samestelling van daardie bedrae;

(b) indien geen sodanige vergoeding aldus aangebied is nie, wat die bedrag is wat hy as vergoeding eis en hoeveel van daardie bedrag elk van die onderskeie bedrae beoog in artikel 12 (1) (a) (i) en (ii) of (b) verteenwoordig en volledige besonderhede betreffende die samestelling van daardie bedrae;

(c) indien die goed wat onteien word, grond is, en 'n bedrag ingevolge paragraaf (a) of (b) geëis word, volledige besonderhede van alle verbeterings daarop wat, na die oordeel van die eienaar, die waarde van sodanige grond raak;

(d) indien die goed wat onteien word, grond is -

(i) wat voor die kennisgewingsdatum vir sake- of landboudoeleindes verhuur is by wyse van 'n ongeregistreerde huurkontrak, die naam en adres van die huurder, vergesel van die huurkontrak of 'n gewaarmerkte afskrif daarvan, indien die kontrak in skrif is, of volledige besonderhede van die kontrak, indien dit nie op skrif is nie;

(ii) wat voor die kennisgewingsdatum deur die eienaar verkoop is, die naam en adres van die koper, tesame met die koopkontrak of 'n gewaarmerkte afskrif daarvan;

(iii) on which a building has been erected which is subject to a builder's lien by virtue of a written building-contract, the name and address of the builder, and accompanied by the building contract or a certified copy thereof,

(iv) which was on the date of notice farmed by a share-cropper, the name and address of such share-cropper and accompanied by the share cropper contract or a certified copy thereof, if it is in writing, or full particulars of the contract if it is not in writing;

(e) the address to which the owner desires that further documents in connection with the expropriation be posted to him:

Provided that the Council may at its discretion extend the said period of sixty days, and that, if the owner requests the Council in writing within thirty days as from the date of notice to extend the said period of sixty days, the Council shall extend such period by a further sixty days.

9 (2) The Council may, after receipt of a written statement contemplated in subsection (1), request the owner concerned to deliver or cause to be delivered to the Council within such period not being less than one month as may be determined by the Council, such further specified particulars in respect of any matter contemplated in the said subsection as it may consider necessary for the determination of the amount of the compensation.

9 (3) If the property expropriated is immovable property, the Council may in the manner contemplated in section 7 (3) or (5) —

(a) request the owner to deliver or cause to be delivered to the Council within sixty days his title deed thereto or, if it is not in his possession or under his control, written particulars of the name and address of the person in whose possession or under whose control it is;

(b) request any person in respect of whom particulars have been furnished in terms of paragraph (a), to deliver or cause to be delivered to the Council within sixty days the title deed in question.

9 (4) The provisions of subsection (1) (a), (b) and (c) shall mutatis mutandis apply in respect of the taking, in terms of section 2, of a right to use any property for public purposes.

9 (5) Any person who wilfully furnishes false or misleading particulars in any written instrument which he by virtue of the provisions of subsection (1), (2) or (3) (a) delivers or causes to be delivered to the Council, shall be guilty of an offence and liable on conviction to be punished as if he had been convicted of fraud.

9 (6) Any person who refuses or fails to comply with a request by the Council in terms of subsection (3) (b), shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Section 12 (1) (a) (i), (ii), (b) and 12 (2)

12 (1) The amount of compensation to be paid in terms of this Act to an owner in respect of property expropriated in terms of this Act, or in respect of the taking, in terms of this Act, of a right to use property, shall not, subject to the provisions of subsection (2), exceed —

(a) in the case of any property other than a right, the aggregate of —

(i) the amount which the property would have realised if sold on the date of notice in the open market by a willing seller to a willing buyer; and

(ii) an amount to make good any actual financial loss caused by the expropriation; and

(b) in the case of a right, an amount to make good any actual financial loss or inconvenience caused by the expropriation or the taking of the right.

12 (2) Notwithstanding anything to the contrary contained in this Act there shall be added to the amount payable in accordance with subsection (1) (a) (i), in the case of immovable property, an amount equal to ten per cent thereof, but not exceeding ten thousand rand.

(iii) waarop 'n gebou opgerig is wat onderworpe is aan 'n retensiereg ten gunste van 'n bouer uit hoofde van 'n skriftelike boukontrak, die naam en adres van die bouaannemer, tesamme met die boukontrak of 'n gewaarmerkte afskrif daarvan;

(iv) wat op die kennisgewingsdatum deur 'n deelmaier bewerk die naam en adres van sodanige deelmaier vergesel van die deelmaierskontrak of 'n gewaarmerkte afskrif daarvan, indien die kontrak op skrif is, of volledige besonderhede van sodanige kontrak, indien dit nie op skrif is nie;

(e) die adres waarheen na die eienaar verlang, verdere stukke in verband met die onteiening aan hom gepos kan word:

Met dien verstande dat die Raad na goeddunke genoemde tydperk van sestig dae kan verleng en dat, indien die eienaar die Raad binne dertig dae vanaf die kennisgewingsdatum skriftelik versoek om genoemde tydperk van sestig dae te verleng, die Raad daardie tydperk met 'n verdere sestig dae moet verleng.

9 (2) Die Raad kan na ontvangs van 'n skriftelike verklaring bedoel in sub-artikel (1) die betrokke eienaar versoek om binne die tydperk deur die Raad bepaal maar van minstens 'n maand, die verdere vermelde besonderhede ten opsigte van die sen of ander aangeleentheid bedoel in genoemde sub-artikel skriftelik aan die Raad te lewer of te laat lewer wat hy vir die vasstelling van die bedrag van die vergoeding nodig ag.

9 (3) Indien die goed wat onteien word, onroerende goed is, kan die Raad op die wyse in artikel 7 (3) of (5) beoog —

(a) die eienaar versoek om binne sestig dae sy titelbewys daarvan aan die Raad te lewer of te laat lewer of, indien dit nie in sy besit of onder sy beheer is nie, skriftelike besonderhede van die naam en adres van die persoon in wie se besit of onder wie se beheer dit is, aan die Raad te lewer of te laat lewer;

(b) iemand ten opsigte van wie besonderhede ingevolge paragraaf (a) verstrek is, versoek om binne sestig dae die betrokke titelbewys aan die Raad te lewer of te laat lewer.

9 (4) Die bepalinge van sub-artikel 1 (a), (b) en (c) is mutatis mutandis van toepassing ten opsigte van die neem, ingevolge artikel 2 van 'n reg om goed vir openbare doeleindes te gebruik.

9 (5) Iemand wat opsetlik valse of misleidende besonderhede verstrek in 'n skriftelike stuk wat hy uit hoofde van die bepalinge van sub-artikel (1), (2) of (3) (a) aan die Raad lewer of laat lewer, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar asof hy aan bedrog skuldig bevind was.

9 (6) Iemand wat weier of versuim om te voldoen aan 'n versoek van die Raad ingevolge sub-artikel (3) (b), is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf.

Artikel 12 (1) (a) (i), (ii), (b) en 12 (2)

12 (1) Die bedrag van die vergoeding wat ingevolge hierdie Wet aan 'n eienaar betaal moet word ten opsigte van goed wat ingevolge hierdie Wet onteien is, of ten opsigte van die neem, ingevolge hierdie Wet, van 'n reg om goed te gebruik, mag, behoudens die bepalinge van sub-artikel (2), nie meer beloop nie as —

(a) in die geval van ander goed as 'n reg, die som van —

(i) die bedrag wat vir die goed verkry sou geword het indien op die kennisgewingsdatum op die ope mark deur 'n gewillige verkoper aan 'n gewillige koper verkoop was; en

(ii) 'n bedrag om werklike geldelike verlies wat deur die onteiening veroorsaak word, te vergoed; en

(b) in die geval van 'n reg, 'n bedrag om werklike geldelike verlies of ongerief wat deur die onteiening of die neem van die reg veroorsaak word, te vergoed.

12 (2) Ondanks andersluidende bepalinge van hierdie Wet word daar, in die geval van onroerende goed, by die bedrag betaalbaar ooreenkomstig sub-artikel (1) (a) (i), 'n bedrag gevoeg gelyk aan tien persent daarvan, maar hoogstens tienduisend rand.

CITY OF CAPE TOWN
CITY ADMINISTRATION
DEPARTMENT

STAD KAAPSTAD
DEPARTEMENT
STADSADMINISTRASIE

Town Clerk's Office
P O Box 298
CAPE TOWN

L1/22/42/7

CERTIFICATE IN TERMS OF THE DEEDS REGISTRIES REGULATION NO. 57

The Municipality of the City of Cape Town has expropriated

from ANTON BREDELL

a certain piece of land

SITUATE in the ~~City of Cape Town~~ Regional Services Council (Stellenbosch) area
at Firgrove, in Stellenbosch
the ~~Cape~~ Division, being a portion of
Farm 1101 Stellenbosch

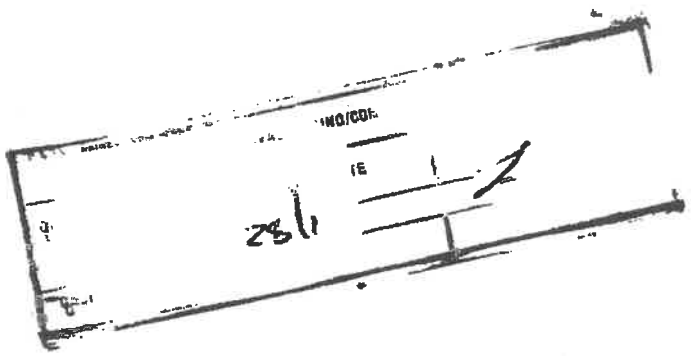
MEASURING ± 1,0270 ha in extent;

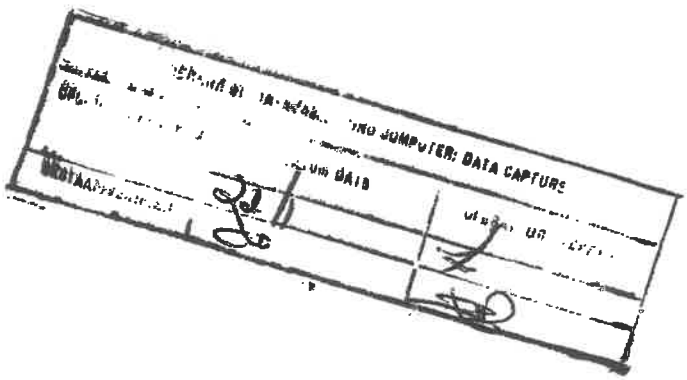
HELD BY Deed of Transfer No. 345/1984

dated

B Haas
for TOWN CLERK

DATED 91. 1. 18





S.G. No. 6415/2001

Approved

Surveyor-General
24 - 5 - 2010

F1 G1 H1 J1 K1 L1
J2 K2 L2 M2 N2

ts (1) - (8)

Province of the Western Cape

MAIN FIGURE

| | SIDES Metres | ANGLES OF DIRECTION CONSTANTS | | CO-ORDINATES System MG 19° X +0,00 | CO-ORDINATES Y +3 700 000,00 |
|---|---|---|---|---|---|
| AB | 318,86 | 278 28 50 | A | +21 153,83 | +66 856,10 |
| BC | 50,63 | 352 21 20 | B | +20 848,46 | +66 903,12 |
| CD | 270,01 | 57 57 40 | C | +20 841,72 | +66 953,30 |
| DE | 813,04 | 353 00 50 | D | +21 070,60 | +67 096,54 |
| EF | 62,41 | 348 17 20 | E | +20 971,72 | +67 903,54 |
| FG | 62,49 | 339 06 50 | F | +20 986,09 | +67 964,65 |
| GH | 62,49 | 329 59 50 | G | +20 936,77 | +68 023,03 |
| HJ | 62,32 | 318 08 50 | H | +20 905,52 | +68 077,15 |
| JK | 142,59 | 315 21 19 | J | +20 863,93 | +68 123,57 |
| KL | 174,83 | 302 30 00 | K | +20 975,33 | +68 950,39 |
| LM | 10,32 | 301 34 30 | L | +19 927,87 | +69 044,32 |
| MN | 3,14 | 212 30 30 | M | +19 919,09 | +69 049,73 |
| NP | 21,41 | 302 30 20 | N | +19 917,40 | +69 047,08 |
| PQ | 3,32 | 350 45 20 | P | +19 899,35 | +69 058,58 |
| QR | 58,98 | 301 34 30 | Q | +19 899,27 | +69 061,90 |
| RS | 23,55 | 296 27 20 | R | +19 849,02 | +69 092,78 |
| ST | 23,54 | 284 22 00 | S | +19 827,94 | +69 103,27 |
| TU | 23,54 | 272 17 20 | T | +19 905,14 | +69 109,11 |
| UV | 23,54 | 260 13 00 | U | +19 781,62 | +69 110,05 |
| VW | 24,17 | 252 34 10 | V | +19 798,43 | +69 106,05 |
| WX | 25,70 | 260 22 10 | W | +19 735,36 | +69 098,61 |
| XY | 26,71 | 272 47 10 | X | +19 710,02 | +69 094,51 |
| YZ | 25,70 | 285 11 00 | Y | +19 684,34 | +69 095,76 |
| ZA1 | 20,71 | 297 37 20 | Z | +19 559,54 | +69 102,48 |
| A1B1 | 24,91 | 307 32 40 | A1 | +19 641,19 | +69 112,09 |
| B1C1 | 5,69 | 310 00 20 | B1 | +19 621,44 | +69 127,26 |
| C1D1 | 25,55 | 328 22 30 | C1 | +19 617,08 | +69 130,93 |
| D1E1 | 144,28 | 328 38 50 | D1 | +19 603,68 | +69 152,69 |
| E1F1 | 25,09 | 313 16 30 | E1 | +19 528,60 | +69 275,89 |
| F1G1 | 16,64 | 40 27 10 | F1 | +19 510,33 | +69 293,09 |
| G1H1 | 29,57 | 142 21 00 | G1 | +19 521,13 | +69 305,76 |
| H1J1 | 144,27 | 148 38 40 | H1 | +19 539,19 | +69 282,34 |
| J1K1 | 22,32 | 137 19 30 | J1 | +19 614,27 | +69 159,15 |
| K1L1 | 22,02 | 130 01 30 | K1 | +19 629,40 | +69 142,74 |
| L1M1 | 22,01 | 117 36 50 | L1 | +19 646,26 | +69 128,58 |
| M1N1 | 22,02 | 105 11 30 | M1 | +19 665,76 | +69 118,38 |
| N1P1 | 22,02 | 92 47 10 | N1 | +19 687,01 | +69 112,61 |
| P1Q1 | 22,01 | 80 22 30 | P1 | +19 709,00 | +69 111,54 |
| Q1R1 | 24,18 | 72 34 40 | Q1 | +19 730,70 | +69 115,22 |
| R1S1 | 27,13 | 80 11 40 | R1 | +19 751,77 | +69 122,46 |
| S1T1 | 27,13 | 92 18 10 | S1 | +19 780,50 | +69 127,08 |
| T1U1 | 27,14 | 104 21 30 | T1 | +19 807,61 | +69 125,99 |
| U1V1 | 27,12 | 116 26 10 | U1 | +19 833,90 | +69 119,26 |
| V1W1 | 31,33 | 123 50 20 | V1 | +19 858,18 | +69 107,17 |
| W1X1 | 2,34 | 32 30 30 | W1 | +19 880,81 | +69 078,59 |
| X1Y1 | 20,57 | 122 30 20 | X1 | +19 902,07 | +69 080,56 |
| Y1Z1 | 3,44 | 178 46 00 | Y1 | +19 919,41 | +69 069,51 |
| Z1A2 | 18,75 | 125 50 20 | Z1 | +19 919,49 | +69 066,07 |
| A2B2 | 155,33 | 122 30 00 | A2 | +19 935,07 | +69 055,62 |
| B2C2 | 30,95 | 125 58 10 | B2 | +20 066,08 | +68 972,17 |
| C2D2 | 30,94 | 132 52 00 | C2 | +20 091,13 | +68 953,99 |
| D2E2 | 815,41 | 135 19 30 | D2 | +20 113,81 | +68 932,94 |
| E2F2 | 10,02 | 132 19 50 | E2 | +20 676,90 | +68 343,18 |
| F2G2 | 277,99 | 135 19 40 | F2 | +20 694,31 | +68 336,43 |
| G2H2 | 32,39 | 138 36 20 | G2 | +20 875,28 | +68 135,37 |
| H2J2 | 31,59 | 142 04 20 | H2 | +20 897,70 | +68 111,07 |
| J2K2 | 66,32 | 145 10 10 | J2 | +20 917,13 | +68 086,15 |
| K2L2 | 5,66 | 162 50 30 | K2 | +20 955,01 | +68 031,71 |
| L2M2 | 59,95 | 164 25 30 | L2 | +20 956,68 | +68 026,31 |
| M2N2 | 32,40 | 165 56 30 | M2 | +20 972,58 | +67 968,62 |
| N2P2 | 32,38 | 170 30 30 | N2 | +20 990,45 | +67 937,19 |
| P2Q2 | 804,85 | 172 46 50 | P2 | +20 995,79 | +67 905,25 |
| Q2R2 | 8,09 | 156 32 30 | Q2 | +21 096,95 | +67 106,78 |
| R2A | 254,17 | 163 09 10 | R2 | +21 090,17 | +67 099,36 |
| | | 1886 | ΦΦ | +20 279,41 | +69 254,17 |
| | | 2886 | ΦΦ | +19 804,40 | +69 530,78 |

SERVITUDE DATA

| | | | | | |
|---|---|---|---|---|---|
| DT2 | 5,52 | 353 00 50 | | | |
| T2S2 | 19,26 | 57 57 40 | T2 | +21 069,93 | +67 102,02 |
| S2Q2 | 5,50 | 172 46 50 | S2 | +21 086,26 | +67 112,24 |
| Q2O | 19,29 | 237 57 40 | Q2 | +21 086,95 | +67 106,78 |
| GV2 | 4,61 | 329 59 50 | | | |
| V2W2 | 5,00 | 329 59 50 | V2 | +20 934,47 | +68 027,02 |
| W2U2 | 2,05 | 329 59 50 | W2 | +20 931,97 | +68 031,35 |
| U2K2 | 24,11 | 93 21 10 | U2 | +20 930,94 | +68 033,12 |
| D1A3 | 50,78 | 328 38 50 | | | |
| A3B3 | 14,99 | 328 38 50 | A3 | +19 577,26 | +69 196,05 |
| B3E1 | 78,51 | 328 38 50 | B3 | +19 569,45 | +69 208,65 |
| U2K2 | 1,95 | 330 08 50 | U2 | +20 930,94 | +68 033,12 |
| K2Y2 | 5,00 | 329 59 50 | X2 | +20 929,97 | +68 034,81 |
| Y2H | 43,89 | 329 59 50 | Y2 | +20 927,47 | +68 039,14 |
| K1Z2 | 6,02 | 130 01 30 | | | |
| Z2C3 | 9,99 | 130 01 30 | Z2 | +19 634,01 | +69 138,87 |
| C3L1 | 6,00 | 130 01 30 | C3 | +19 641,66 | +69 132,44 |

COMPONENTS

(1) The figure ABCDf'm'G2R2 repr
vide SG. Dgm. No. 6405/2001

(2) The figure f'l'm'represents
vide. SG. Dgm No. 6406/2001

(3) The figure f'L2 M2 N2 P2 1'
of the Farm Zandvliet No.664

(4) The figure EFGU2a'L2 represe
vide. S.G. Dgm. No. 6410/200

(5) The figure a'U2HJ represents
S.G. Dgm. No. 6412/2001 anne

(6) The figure L2h'k'D2E2F2G2H2J2
of the Farm Zandvliet No. 664

(7) The figure h'j'B2C2k' repres
of the Farm Zandvliet No 664
D/T

(8) The figure KLMNPQRSTUVWXYZA1
represents Portion 2 of the
S.G. Dgm No. 6411/2001 anne

SERVITUDE NOTES

Descriptions of New Servitudes:

(1) The figure DEFGHJKLMNPQRSTUVW
W1X1Y1Z1A2B2C2D2E2F2G2H2J2K2L
for light motor vehicles only
Access to be taken only betwe

(2) The figure G2QT2S2 represents
Farm Uitkyk No. 662. Access

(3) The figure L2GHJKLMNPQRSTUVWX
A2B2C2D2E2F2G2H2J2K2 represen
only in favour of Remainder F
points V2W2 or F1G1.

(4) The figure K2U2HJKLMNPQRSTUVW
A2B2C2D2E2F2G2H2J2 represents
in favour of Remainder Farm R
points X2Y2 or F1G1.

(5) The figure A1B1C1D1E1F1G1H1J1
Remainder Farm Rustenburg No.
(a) Remainder Farm Rustenburg
or F1G1.
(b) Remainder Farm Rustenhof
C3Z2 or F1G1.

Descriptions of Existing Servitud

(6) The line xyz represents the
vide. S.G. Dgm. No. 3426/55

(7) The line yz represents the
annexed to D/S No. K112/1957

(8) The line vw represents the ce
vide. S.G. Dgm. No. 505/92 an

(9) The lines qr and st represent
servitudes vide. S.G. Dgm. No

(10) The line np represents the ce
S.G. Dgm. No. 6382/57 annexed

(11) The lines jk, bc, qa and de r
servitudes vide. S.G. Dgm. No

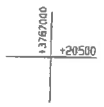
(12) The line S2T2 represents the centre
Vide Dgm. 7510/1998 annexed to D/S

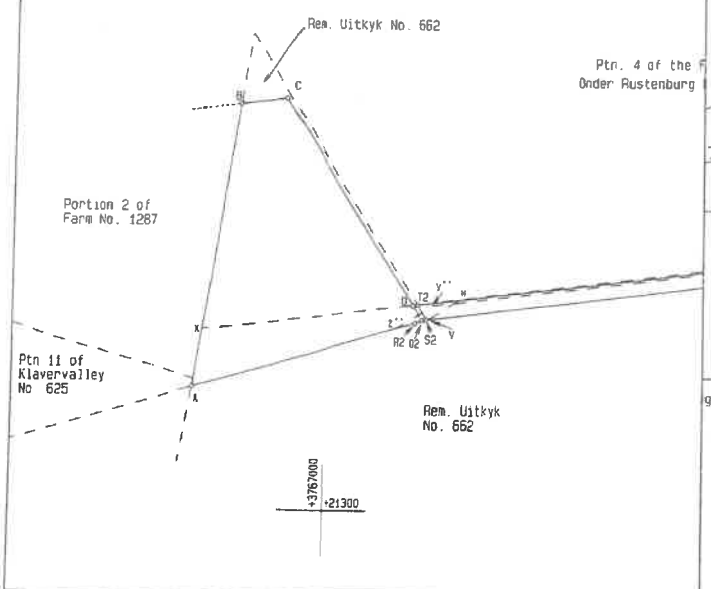
(13) The figure p'q'r'represents a pipel

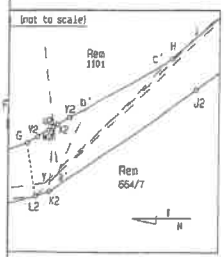
(14) The figure z''y''x''w'vS2Q2R2 repres

Remainder
Rustenhof
No. 1101

Portion 7 of
Farm Zandvliet
No. 664




gram is annexed to

The original diagrams are

components 1 - 8

as quoted above

Registrar of Deeds

S.G. File No Stel 1421

Survey Record No. E2557/2001

Comp. Sht AHND-2484 (M3789)
AHND-4231 (M2986)
AHND-2493 (M3790)
AHND-24 (M3791)
AHND-2453 (M3018)

LPI C0670000

EX 5C 1986

R1520

(F)

The Registrar of Deeds
Private Bag 9073
CAPE TOWN
8000

CERTIFIED POST

Dear Sir

TAKING OF LAND FOR ROAD PURPOSES

I enclose herewith the following documents for your attention :-

1. Copy of Expropriation Notice, in English and Afrikaans, served on Mr. A. Bredell

that the land has been so taken, dated 27 February 1986

2. Certificate in terms of Regulation 57 of the Deeds Registry Regulations as substituted by Government Notice R474 dated 29 March 1963.

3. Plans in duplicate of the land taken for the roadwidth of Road over rail bridge, Firgrove

Yours faithfully

DEPARTEMENT VAN OPENBARE WERKE EN GRONDSAKE
REGISTRATEUR VAN AKTES
PRIVAATSAK 9073, KAAPSTAD 8000
1986 -03- 05
REGISTRAR OF DEEDS
PRIVATE BAG 9073, CAPE TOWN 8000
DEPARTMENT OF
PUBLIC WORKS AND LAND AFFAIRS

SECRETARY

# STELLENBOSCH

**DIVISIONAL COUNCIL** | **AFDELINGSRAAD**

Enquiries
Navrae
D. Visagie

In reply please quote
In antwoord haal aan
9/1/2/1/4/1-DV/CG

Telephone 70210 Telefoon
P.O. Box 80 Posbus

Alexander Street,
Alexanderstraat,
STELLENBOSCH.
7600.

27 Februarie 1986

ANTON

Mnr. A. Bredell
Posbus 8
FIRGROVE
7110

**PER GEREGISTREERDE POS**
**PER REGISTERED POST**

Geagte Mnr./Mev./Mej.
Dear Sir/Madam

**ONTEIENINGSKENNISGEWING** — **NOTICE OF EXPROPRIATION**

AFDELING STELLENBOSCH : **ONTEIENING VAN GROND** : PAD OOR SPOORBRUG, FIRGROVE
DIVISION **EXPROPRIATION OF LAND** : ROAD OVER RAIL BRIDGE, FIRGROVE

1. Kennis word hierby gegee dat die Raad, ingevolge artikel 27 van die Ordonnansie op Paaie, 1976 (Ordonnansie 19 van 1976), die volgende eiendom vir paddoeleindes onteien :-

   Grond: 2,98 ha - Plaas Nr. 1101

   Land : 2,98 ha - Farm No. 1101

   Sketsplan aangeheg.

1. Notice is hereby given that the following property is expropriated by the Council for road purposes in terms of section 27 of the Roads Ordinance, 1976 (Ordinance 19 of 1976) :-

   Sketch plan attached.

2. Die onteieningsdatum is

   28-04-1986 ✓

2. The date of expropriation is

3. Ingevolge artikel 29 van die Ordonnansie word u versoek om binne sestig dae vanaf die kennisgewingsdatum my skriftelik in kennis te stel wat die bedrag is wat u as vergoeding vir die onteiende eiendom eis en hoeveel van die bedrag elk van die onderskeie bedrae verteenwoordig wat by artikel 35(1)(a)(i) en (ii) van die Ordonnansie beoog word met volledige besonderhede van die samestelling van sodanige bedrae.

3. In terms of section 29 of the Ordinance you are requested to advise me in writing within sixty days from the date of notice of the amount claimed by you as compensation for the expropriated property and how much of that amount represents each of the respective amounts contemplated by section 35(1)(a)(i) and (ii) of the Ordinance with full particulars as to how such amounts are made up.

2/...

4. Aangesien u die geregistreerde eienaar van die grond is, word u versoek om die Raad in kennis te stel van die naam en adres van enige eienaar van 'n reg ten opsigte van die eiendom en van enige houer van 'n verband wat moontlik oor die eiendom geregistreer mag wees.

5. Aangeheg vir u gerief is 'n vorm gemerk A1 wat vir die vereiste verklarings ingevolge artikel 31 van die Ordonnansie gebruik kan word.

6. Die Raad onderneem om, waar heinings beskadig of verskuif moet word as gevolg van die onteiening, nuwe heinings op te rig tot dieselfde standaard as waaroor u tans beskik.

4. As you are the registered owner of the land, you are hereby called upon to notify the Council of the name and address of every owner of a right in respect of the property and of every holder of a mortgage bond, if any, registered over the property.

5. For your convenience a form marked A1 which may be used for the statements required in terms of section 31 of the Ordinance is attached.

6. The Council undertakes to erect new fences to the same standard as your present fencing if any fences are damaged or have to be moved as a result of this expropriation.

Die uwe

Yours faithfully

SEKRETARIS/SECRETARY

Gesertifiseer 'n ware afskrif van die oorspronklike te wees.

DATUM: 28/2/86

SEKRETARIS

THE DIVISIONAL COUNCIL OF STELLENBOSCH

The Registrar of Deeds
Private Bag 9073
CAPE TOWN
8000

CERTIFIED POST

Dear Sir

CERTIFICATE IN TERMS OF REGULATION 57 OF THE DEEDS REGISTRY REGULATIONS AS SUBSTITUTED BY GOVERNMENT NOTICE 1306/1961

ROAD OVER RAIL BRIDGE, FIRGROVE
EXPROPRIATION OF LAND FOR PUBLIC ROAD PURPOSES

I hereby certify that the Council has taken the following land for road purposes in terms of Section 27 of Ordinance No. 19 of 1976:-

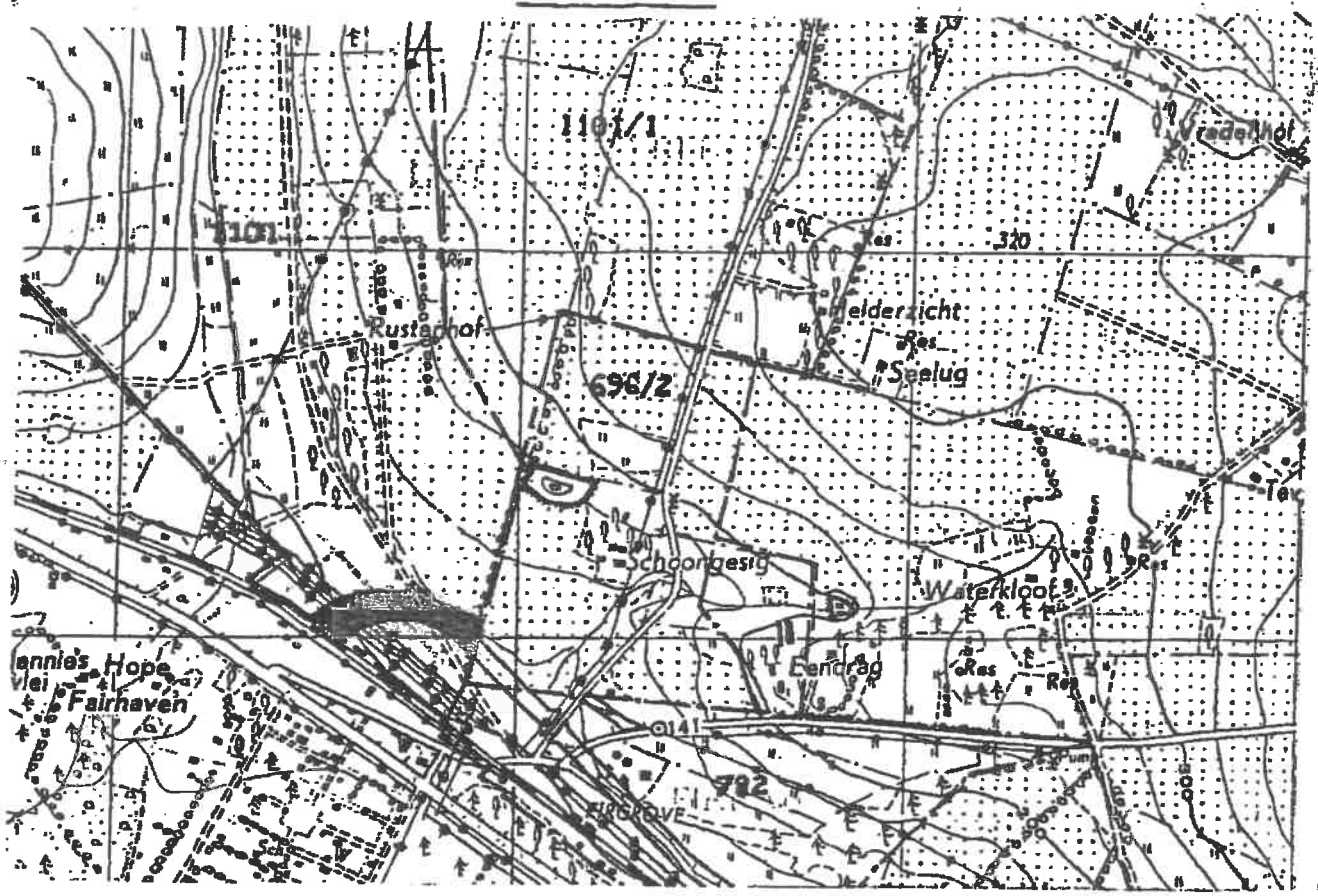
| | |
|---|---|
| Description of Land: | Farm No. 1101 ✓ |
| Administrative District: | Stellenbosch ✓ |
| Registered Owner: | Mr. A. Bredell ✓ |
| No. and date of Title Deed: | 345 dated 4 January 1984 ✓ |

Yours faithfully

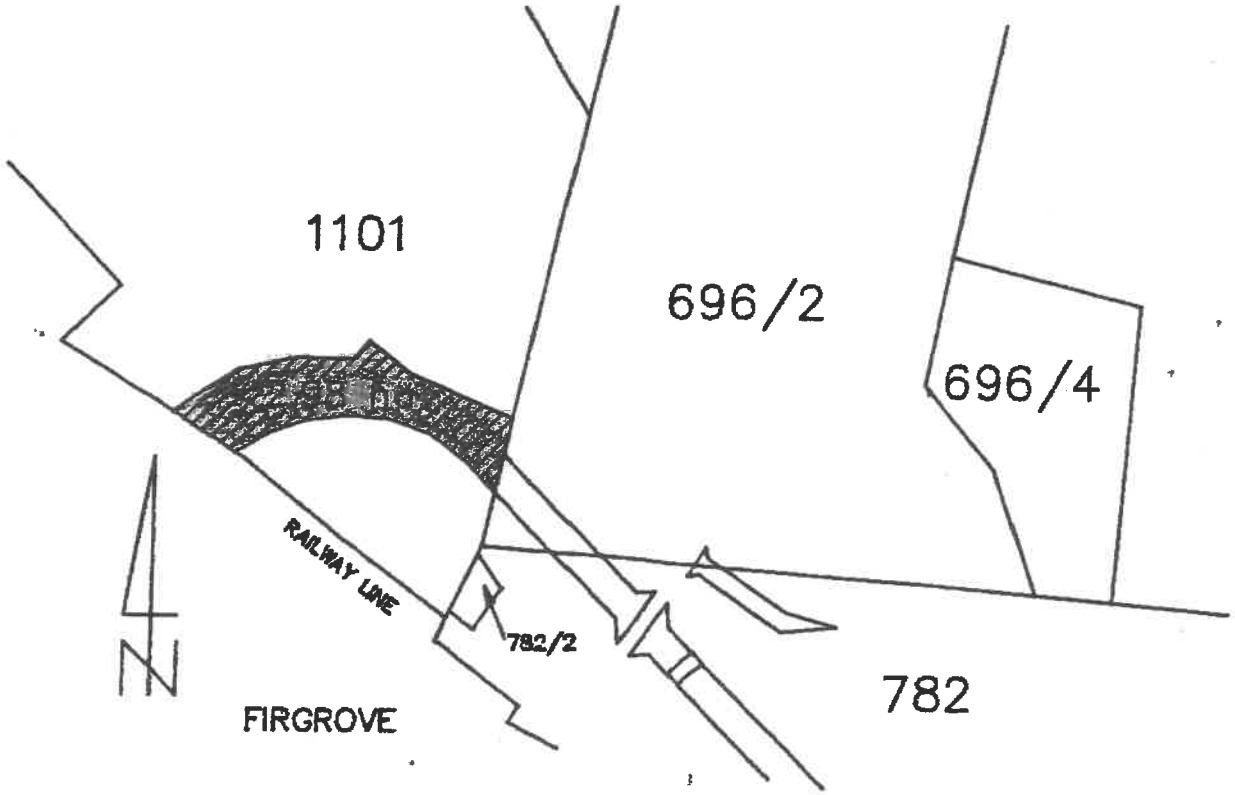
SECRETARY

EX 56/1

## LIGGINGSPLAN




## TERREINPLAN




AFDELINGSRAAD VAN STELLENBOSCH : ONTEIENING DATA :

Eienaar: A. BREDELL

Adres: POSBUS 8
FIRGROVE

Beskrywing: PLAAS 1101

Transportakte Nr. en Datum: 84-00345 4.1.8

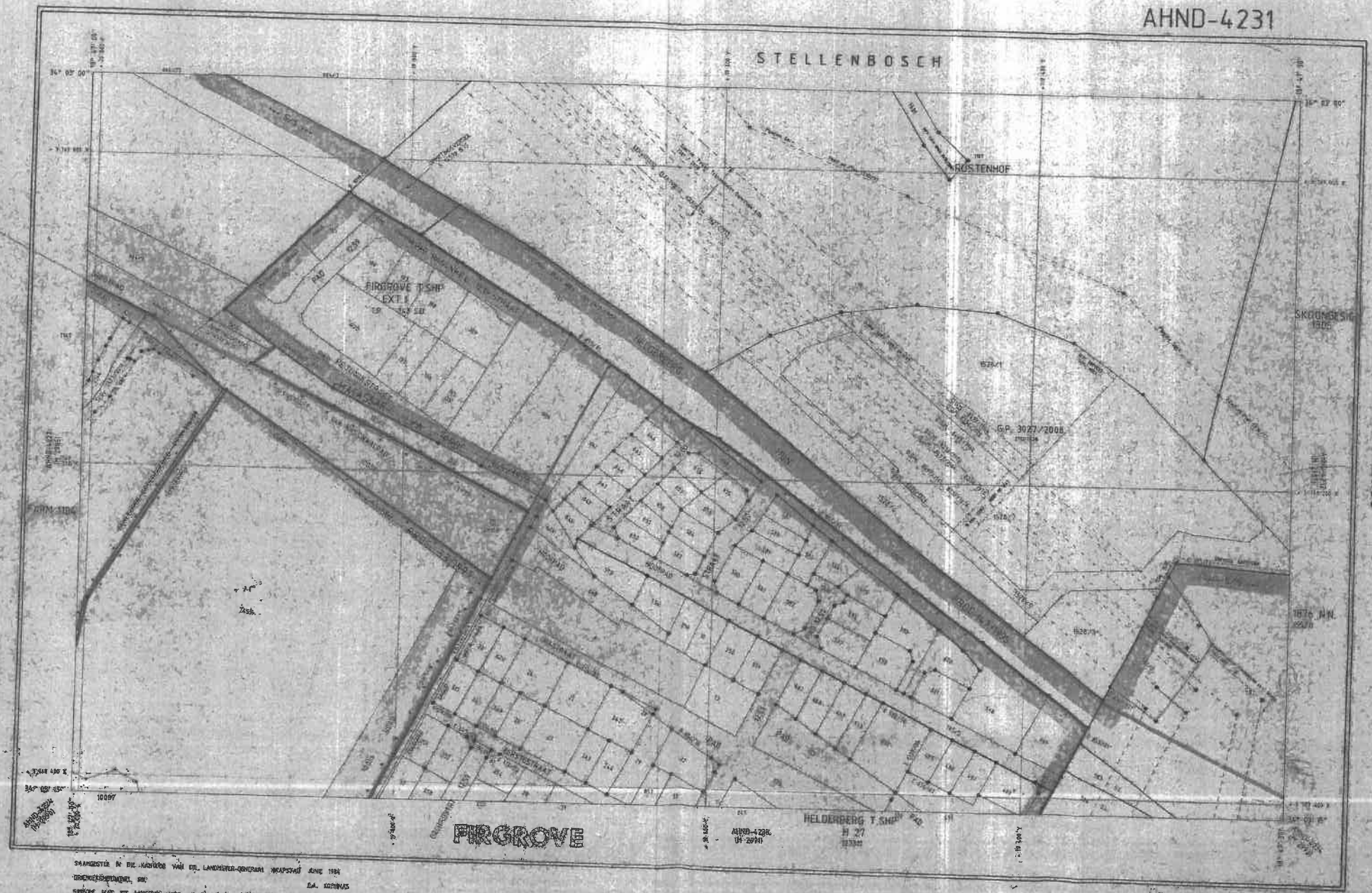
Grootte: 144,5155 ha

Gedeelte Onteien: 2,98 ha

Rede: Grootte benodig vir verbreding/bou van AFDELINGSPAD Nº 29
met 'n statutêre breedte van 40 m wat opgeneem is.

1 : 1000

AHND-4231




AMND-4231

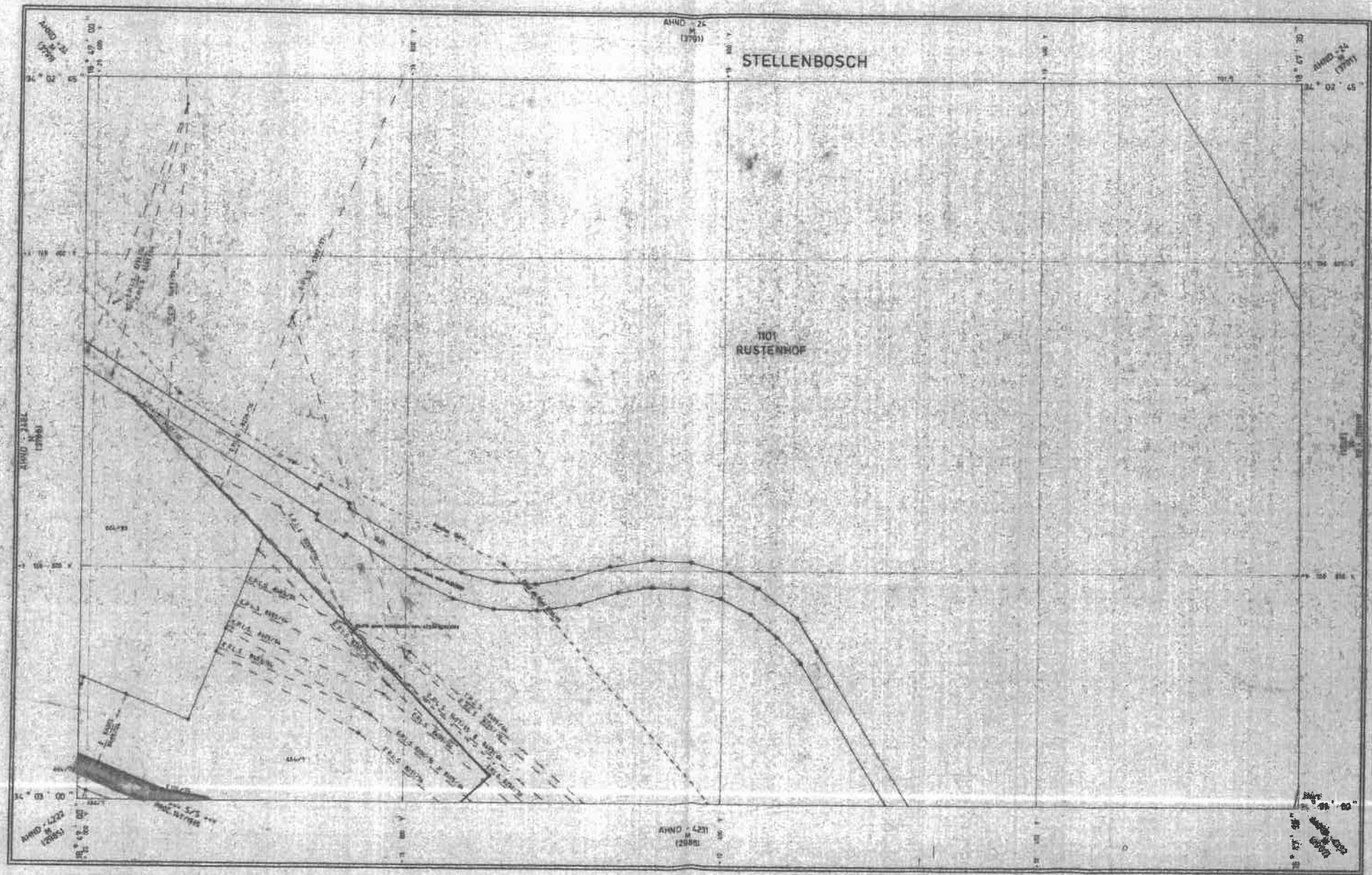
M 2986

515

M2986

1 : 1000

AHND -2493




M3516

AHND -2493
M
3790
S

**Appendix B**

**Email from Antonia Belcher, Blue Science (Aquatic Scientist)**

**Mark Berry**

**From:** "Toni Belcher" <
**To:** "'Jan Yntema | Go-Group'" < >
**Cc:** "'Mark Berry'" < >
**Sent:** 22 February 2018 08:57 AM
**Subject:** RE: Riverside business park EIA, Freshwater study

Hi Jan and Mark

With regards to the proposed Riverside Business Park, I agree that the proposed development footprint, as provided to me in January 2018, would be outside of 32m from a watercourse and would not be likely to undertake any activity within the watercourse (based on the present day delineation of the Moddergat River). From that perspective (and from a freshwater point of view), the proposed project would not trigger Activity 12 or 19.

Kind regards
Toni

Antonia Belcher ***Pr.Sci.Nat***
Aquatic Scientist

BLUE SCIENCE®
www.bluescience.co.za

BlueScience (Pty) Ltd
Vat number:

Tel:
Fax:
www.

519

Date: 28 November 2017

**Our ref:** UDS 253/Riverside/SWMP001

**ATTENTION:** Mr Nick van der Merwe

Planning Partners
16 Bree Street
Cape Town
8000

africa
head office
Suite 5, 1rst Floor, UDS House,
22 Gardner Williams Avenue,
Paardevlei, Somerset West

PO Box 50487
V&A Waterfront
8002

T +27 (0)21 851 7188
F +27 (0)86 523 8227
cobus@udsafrica.co.za

enquiries
Cobus Louw 082 493 3263

**Managing Member:**
A Khan PrEng

**Associates:**
JW Wessels PrEng
Danielle Coetzee PrLArch
Pieter Albertse PrEng
S Hartman PrEng
JN Louw PrCPM

**offices:**
Clanwilliam, Bellville, Somerset West

Reg no. 2003/043709/23

urban development solutions

## FIRGROVE BUSINESS PARK, FIRGROVE - STORMWATER MANAGEMENT PLAN

### 1. Introduction

UDS Africa Consulting Engineers were appointed by the JPY Family Trust to compile a stormwater management plan for the proposed Firgrove Business Park development in Firgrove.

This report addresses the impacts of the proposed development with respect to stormwater quality treatment required to comply with the Management of Urban Stormwater Impacts Policy approved by the City of Cape Town.

### 2. Description of the Site and the Development

The site is approximately 5,4 ha, is undeveloped and is vegetated with grass and planted vineyards.

The erf is bounded by the existing M9 roadway to the southeast and the railway lines running along the southeastern border. The ground slopes very gently (approximately 1:75) from north to south towards the railway lines.

The proposed development will consist of 32 400 m² of commercial and light industrial units.

### 3. Mean Annual Precipitation

The rainfall station at Somerset West is the closest to the site and its altitude is also representative of the altitude of the study area.

The City of Cape Town's Design Rainfall Depth Grid data has been used for all stormwater runoff, attenuation and treatment calculations.

For further hydrological calculations a MAP of 642mm is used.

### 4. Hydrology

The catchment area is very small and the Rational Method is deemed to be a suitable method to calculate the flood peaks.

#### 4.1 Existing Developed Level (for 1:50 year recurrence interval calculations)

The following catchment characteristics are applicable to the site as currently developed:

- Catchment area = 0.054 km²
- Average slope = 1.33%
- $t_c$ = 36.9 minutes (minimum standard)

The proposed development of the site is ideally suited for conventional detention facilities such as a pond. As such, the BMP (Best Management Practice) proposed to improve the quality and control of the quantity of the stormwater run-off is to utilize the existing pond on the site.

## 5.1 Quantity Control

### 5.1.1 Protect the Stability of Downstream Channels

In order to protect the stability of the downstream channels, 24 hour extended detention of the 1 year RI; 24 h storm event is required. However, according to the Georgia Stormwater Management Manual channel protection is only required for post-development discharges more than 0.0566$m^3/s$. In this case the post-development discharge is 0.0144$m^3/s$ which less than the specified minimum of 0.0566$m^3/s$ and therefore no channel protection is required.

### 5.1.2 Protect Downstream Properties

The downstream properties must be protected against fairly frequent nuisance floods by reducing the post-developed peak flows with recurrence interval up to 10 years to the undeveloped levels.

The storage volume required is calculated by the Abt and Grigg Method, and is calculated by using this formula:

$V = Q_p.t_c(1-\alpha)^2$, where $V$ = storage volume in ($m^3$)

$Q_p$ = the post-development peak discharge in ($m^3/s$)

$t_c$ = time of concentration in (seconds)

$\alpha$ = pre-development / post-development discharge ratio

$V = 0.541 \times 1152 \times (1-0.264)^2 = 337.6\ m^3$

### 5.1.3 Protect Floodplain developments

Floodplain developments are to be protected by limiting the post-development run-offs to that of the existing development run-offs for storms with a recurrence interval of up to 50 years.

The storage volume required is calculated by the Abt and Grigg Method, and is calculated by using this formula:

$V = Q_p.t_c(1-\alpha)^2$, where $V$ = storage volume in ($m^3$)

$Q_p$ = the post-development peak discharge in ($m^3/s$)

$t_c$ = time of concentration in (seconds)

$\alpha$ = pre-development / post-development discharge ratio

$V = 0.845 \times 1152 \times (1-0.264)^2 = 527.3\ m^3$

### 5.1.4 Proposed Storage Facility

The storage capacity must accommodate for the bigger of the 1:10 year and 1:50 year storm events. Thus the storage capacity required in terms of quantity control is 527.3 $m^3$.

### 5.2 Water Quality

The run-off from the 0.5 year RI; 24 h storm event must be subjected to treatment to ensure the required reduction in suspended solids and total phosphorus levels. The peak flow for the 0.5 RI; 24 h storm event is 0.0117 $m^3/s$. The water quality volume to be treated is calculated by the following formula as stated in the Georgia Stormwater Management Manual:

$V = 0.0254.P(0.05+0.009I).A$ where P = rainfall depth in (mm)

V = the water quality volume in ($m^3$)

I = percent impervious cover in (%)

A = site area in ($m^2$)

$V = 0.0254 \times 1,3 \times (0.05 + 0.009 \times 80) \times 54\,000 = 1\,373.0\ m^3$

#### 5.2.1 Proposed Treatment

The total treatment volume required in terms of quality and quantity treatment will therefore be 1 900.3 $m^3$. It is proposed to provide a detention pond with a capacity of 1 900.3 $m^3$ at the lower portion of the development (see drw UDS 253/SMP).

#### 5.2.2 Maintenance

The conventional detention pond system required relative low maintenance. Vegetation in the pond should be limited to short grass or other suitable grass covers and must not be overgrown to such an extent that it will reduce the capacity of the pond.

The developers (and subsequent body corporate) undertake to maintain the detention pond and keep it neat and in a functional condition at all times.

### 6. Conclusion

It has been determined that the provision of 1 900.3 $m^3$ capacity detention pond will satisfy the water quantity and quality requirements of the Urban Stormwater Impact Policy.

We trust that the above will be to your satisfaction and request that you provide us with a letter of approval in this regard.

Yours faithfully

**John Wessels** Pr. Eng


3 789 000
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3 788 600
3 788 400
3 788 200
3 788 000
3 787 800
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3 786 200
3

# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Our File Reference: FARM 1101 STELLENBSOCH
Your Reference Number: 4400
Date: 2018-12-20

MESSRS PLANNING PARTNERS
P O BOX 4866
CAPE TOWN
8000

Dear Sir/Madam

**FARM 1101 STELLENBOSCH:**

We acknowledge receipt of your letter dated 2018-12-20.

The content of your correspondence has been noted and the matter is receiving attention. A further communication, if required, will be addressed to you as soon as circumstances permit.

**For purposes of future enquiries you are advised to quote the undermentioned reference number. The reference number allocated to your correspondence is :**
622108

Yours faithfully

**DIRECTOR PLANNING & ECONOMIC DEVELOPMENT**

STADSAAL / TOWN HALL • PLEIN STRAAT / STREET • 7600 • POSBUS / P.O BOX 17 • STELLENBOSCH • 7599
TEL : 021 8088691/8654/8675 • E-POS / E-MAIL : Daniel.Meyer@stellenbosch.gov.za

# APPENDIX E

National Department of Agriculture comments

File (22)

agriculture, land reform & rural development
Department:
Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA

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

**From:** Directorate Soil and Land Management
**Tel:** 012-319-7634 **Fax:** 012-329-5938 **E-mail:** constancen@dlrrd.gov.za
**Enquiries:** Helpdesk **Ref:** 2020_12_0046

Urban Dynamics South Cape Town & Regional Planners
2445
**BELLVILLE**
7535

Attention: Gerhard Swart

**APPLICATION FOR SUBDIVISION OF THE REMAINDER OF THE FARM RUSTENHOF NO. 1101, DIVISION STELLENBOSCH, WESTERN CAPE PROVINCE**

Your letter dated 26 November 2020 refers.

This Department has no objection against the proposed rezoning of a portion measuring approximately 5,96 hectares from the above mentioned property from Agricultural Zone I for urban development from an agricultural point of view.

The consent for the subdivision shall be issued upon receipt of the rezoning permit from the municipality.

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

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELPOMENT SERVICES
24 NOV 2021
RECEIVED

Yours faithfully

F 1101 S
7190-75

**DR B.M. MODISANE**
**ACTING DEPUTY DIRECTOR-GENERAL: AGRICULTURAL PRODUCTION, HEALTH AND FOOD SAFETY, NATURAL RESOURCES AND DISASTER MANAGEMENT**
**DATE:** 20/09/21

CC: Land Use and Soil Management Private Bag X 2 **SANLAMHOF** 7532
CC: Mr Brandon Layman Landuse Management Department of Agriculture: Western Cape Private Bag x 1 **ELSENBURG** 7607

Western Cape Government
Agriculture

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

**OUR REFERENCE : 20/9/2/5/6/610**
**YOUR REFERENCE : 4400**
**ENQUIRIES : Cor van der Walt**

Planning Partners
PO Box 4866
CAPE TOWN
8000

Att: Nick van der Merwe

**APPLICATION FOR SUBDIVISION AND REZONING: DIVISION STELLENBOSCH FARM NO 1101**

Your application of 07 March 2018 has reference.

The Western Cape Department of Agriculture (WCDoA) has the mandate to preserve agricultural land. However, as stated in the application the impact in terms of viability of the land will be insignificant. The WCDoA therefore has no objection against the proposal on condition that it be limited to the footprint as proposed and not further expand onto agricultural land.

Please note:

- That this is comment to the relevant deciding authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970.

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

- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely

**Mr. CJ van der Walt**
**LANDUSE MANAGER: LANDUSE MANAGEMENT**
**2018-08-13**

Copies:
Department of Environmental Affairs & Development Planning (Helene Janser)
1 Dorp Street
CAPE TOWN
8001

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

Stellenbosch Municipality
P.O. Box 17
STELLENBOSCH
7599

In 11 SEPTEMBER 2018
Nie
Uur

2

Western Cape Government
Agriculture

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

PLANNING AND ENVIRONMENT
24 JAN 2019
BEPLANNING EN OMGEWING

**OUR REFERENCE** : **20/9/2/5/6/610**
**YOUR REFERENCE** : **15/3/2/11/B4/45/Farm 1101, Stellenbosch**
**ENQUIRIES** : **Cor van der Walt**

Department of Environmental Affairs & Development Planning
Private Bag X9086
CAPE TOWN
8000

MUNICIPALITY = MUNISIPALITEIT
24 JAN 2019
CENTRAL RECORDS STELLENBOSCH

Att: Helene Janser

**APPLICATION FOR SUBDIVISION, REZONING, SITE DEVELOPMENT PLAN AND DEVIATION FROM THE STELLENBOSCH MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK: DIVISION STELLENBOSCH**
**LAND USE PLANNING ACT (LUPA), SECTION 53 APPLICATION**
**FARM NO 1101**

FILE NR:
SCAN NR: F 1101 S
COLLABORATOR NR: 626724

Your application of 10 April 2018 has reference.

The Western Cape Department of Agriculture has no objection against the proposed application.

Please note:

- That this is comment to the relevant deciding authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970.

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

- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely

**Mr. CJ van der Walt**
**LANDUSE MANAGER: LANDUSE MANAGEMENT**
**2018-12-14**

Copies:
Directorate Land Use and Sustainable Resource Management (A Geertsema)
National Department of Agriculture
Private Bag X 120
PRETORIA
0001

Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

# APPENDIX F

## Heritage Western Cape comments

ILifa leMveli leNtshona Koloni
Erfenis Wes-Kaap
Heritage Western Cape

| | |
|---|---|
| **Our Ref:** | HM/ CAPE WINELANDS/ STELLENBOSCH/ PORTION OF REMAINDER OF FARM RUSTENHOF 1101 |
| **Case No.:** | 1803230WD0308E |
| **Enquiries:** | Waseefa Dhansay |
| **E-mail:** | waseefa .dhansay@westerncape.gov.za |
| **Tel** | 021 483 9533 |
| **Date:** | 10 April 2018 |

**Mark Berry Environmental Consultants**
**14 Lavin Crescent**
**Somerset west**
**7130**

**RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: FINAL COMMENT**
**In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003**

**NOTIFICATION OF INTENT TO DEVELOP: THE PROPOSED DEVELOPMENT OF A BUSINESS PARK ALONG WITH ASSOCIATED INFRASTRUCTURE LOCATED ON PORTION OF REMAINDER OF FARM RUSTENHOF 1101, M3 MAIN ROAD, FIRGROVE, STELLENBOSCH: SUBMITTED IN TERMS OF SECTION 38(8) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)**

**CASE NUMBER:** **1803230WD0308E**

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received on 8 March 2018. This matter was discussed at the Heritage Operational Management Services meeting held on 9 April 2018.

You are hereby notified that, since there is no reason to believe that the proposed development of a Business Park along with associated infrastructure located on Portion of Remainder of Farm Rustenhof 1101, M3 Main Road, Firgrove, Stellenbosch, will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

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

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

HWC reserves the right to request additional information as required.

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

Yours faithfully

.....
Mr. Mxolisi Dlamuka
**Chief Executive Officer, Heritage Western Cape**



Street Address • Postal Address • Tel • E-mail
Straatadres • Posadres • Tel • E-pos

# APPENDIX G

## DEADP: Directorate Development Management: Region 2

Western Cape Government
Environmental Affairs and Development Planning

**DIRECTORATE: DEVELOPMENT MANAGEMENT (REGION 2)**

E-mail : Helene.Janser@westerncape.gov.za
Tel: +27 21 483 3544 Fax: +27 21 483 3633
Private Bag X9086, 1 Dorp Street, Cape Town, 8000
www.westerncape.gov.za/eadp

**ENQUIRIES:** H. Janser
**REFERENCE:** 15/3/2/11/B4/45/Farm 1101, Stellenbosch

Planning Partners
Town and Regional Planners
P.O. Box 4866
**CAPE TOWN**
8000

Email: admin@planpart.co.za

Dear Sir

**APPLICATION FOR LAND DEVELOPMENT ON FARM 1101, STELLENBOSCH**

1. Your application dated 4 April 2018 refers.

2. The Competent Authority has decided to approve a land development application comprising light industrial and warehouse development on Farm 1101, Stellenbosch (currently zoned Agriculture and Rural), in terms of Section 54(1) of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA), read with Regulations 21(3) of the Western Cape Land Use Planning Regulation, 2015.

3. The reasons for above decision are as follows:

3.1 The soil on the property is rated low to medium agricultural suitability and are not suitable for quality wine production, but rather for non-permanent crops that would require intensive and well managed irrigation and fertilisation.

3.2 The separation of this 5.9622ha portion of land from the main, productive part of the farm and its proximity to urban development, diminishes the agricultural value of this land because to the security threat to agricultural produce and infrastructure.

3.3 The proposed development will have a negligible impact on the agricultural productivity of the farm and area. The Provincial Department of Agriculture has confirmed as such.

3.4 The proximity of the site to the N2 and the abutting industrial node are attributes that could merit the favourable consideration of the application.

3.5 The site is well located in terms of public transport, with several warehouses and industrial uses to the immediate east. Precedent has thus been established.

4. The development meets the assessment criteria as set out in the Spatial Planning and Land Use Management Act (SPLUMA) and LUPA.

5. In terms of Section 56 of LUPA and Regulation 23, any person whose rights are affected by the decision may appeal the above decision to the Provincial Minister, Western Cape Ministry of Environmental Affairs and Development Planning within 21 days of the date of notification of the decision.

6. The prescribed Appeal Form is obtainable from the Appeal Authority at Tel. (201) 483 3721 or Email Jaap.DeVilliers@westerncape.gov.za. The Appeal Form and supporting documentation must be submitted to the address listed below:

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

By facsimile: (201) 483 4174; or

By hand: Mr Jaap De Villiers (Tel: 021 483 3721)
ROOM 809, 8TH FLOOR Utilitas Building, 1 Dorp Street, Cape Town, 8001

7. Failure to comply with the above requirements and provisions within Section 56 of LUPA and Regulation 23 will result in the Appeal being ruled invalid.

Yours faithfully

**KOBUS MUNRO**
**DIRECTOR: DEVELOPMENT MANAGEMENT: REGION 2**
**DATE:** 28·1·2019

# APPENDIX H

City of Cape Town comments.

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

**MICHELE WANSBURY**

T: 021 4444630
E: michele.wansbury@capetown.gov.za

**Application Number: 4400**
**Reference Number: LU/7684**

11 March 2022

**Planning Partners (Pty) Ltd.**
**P.O. Box 4866**
**Cape Town**
**8000**

Contact Person: Mr. Nick van der Merwe
By e-mail: nicolas@planpart.co.za

Dear Sir

**RE: APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM COUNCIL'S SPATIAL DEVELOPMENT FRAMEWORK: FARM NO. 1101, STELLENBOSCH DIVISION (RUSTENHOF FARM, WATERWORKS ROAD, FIRGROVE)**

The City of Cape Town as abutting authority would like raise the following comments to the proposed application for subdivision, rezoning, consent use, approval of a site development plan and deviation from Council's (Stellenbosch) Spatial Development Framework on Farm No 1101, Stellenbosch.

***1. Land Use***

1.1 Given the property's strategic location with easy access onto the strategic road network and relatively good access to the rail system, the opportunity exist for a mixed-use development that could help reverse current unsustainable development patterns within the area. The development of this site for employment related uses (example light industrial/commercial uses and limited self-storage) should thus be considered to improve access to economic opportunities and ultimately achieve sustainable and managed growth in the area.

In order to ensure a mix of light industrial/commercial uses and not only storage, which is a very low creator of jobs, it is proposed that there be a cap placed on the percentage of the development that may be used solely for storage and / or ware-housing.

It is further recommended that the Municipal Boundary be adjusted to include this proposed development within the City of Cape Town Boundaries. This will allow for the City's Policies and By Laws to have mandate and to be implemented should the development in future need to link up with City services.

**2. *Technical Services***

2.1 The Macassar Waste Water Treatment Works (WWTW) do not have sufficient capacity to accommodate the sewerage generated by the proposed development. All available capacity, at this stage, is reserved for developments that fall within the City of Cape Town's municipal boundary. Please note that this comment will be reviewed once the Macassar WWTW has been upgraded and sufficient capacity made available. An upgrade of the WWTW is planned with an expected completion date of December 2027.

2.2 From a service perspective, the concern is that this Development does not fall within the City of Cape Town's jurisdiction. As such, the City do not have the mandate to impose DC's as this Policy is relevant to the City's area only. If no DC's can be imposed then no bulk upgrades can be done and offset against DC's.

2.3 If the DC cannot be off set against the upgrades required, because it is Provincial Roads, then the upgrades would be a direct cost to the Developer.

**3. *Traffic & access arrangements***

Comments from the Department: Transport, based on details, specifications and information reflected on the proposed Riverside Business Park on Farm 1101, Firgrove, the Layout Plan and Area's by *mbt: Architects & Project Managers*, dated 03 February 2017, as well as Traffic Impact Assessment, prepared by *iCE: Group*, Ref No. **iCE/S/1176**, dated 23 March 2018, as well as the Traffic Impact Assessment (Farm 782), Ref No. **iCE/S/1176A**, also prepared by *Consultants iCE Group*, dated 15 December 2021, as well as the Addendum, dated 28 April 2021, are as follows:

**Note:**

The TIA which was undertaken for the approved development on Farm 782 (within the City of Cape Town boundaries), factored in the expected trip generation from the Riverside Business Park. The Farm 782 TIA highlighted the fact that the existing capacity of Main Road would be able to accommodate/sustain both the Riverside Business Park and Farm 782 development traffic.

With is in mind the Department: Transport supports the abovementioned application, with the following upgrades required.

**3.1 Main Road/Waterworks Road Intersection:**

3.1.1 introduce dedicated right turn lane on the eastern approach of Main Road;

3.1.2 upgrade the Waterworks Road approach to have an exclusive left turn lane as well as an exclusive right turn lane;

3.1.3 provide adequate street lighting at the Main Road/Waterworks Road Intersection;

3.1.4 implement traffic signals at the Main Road/Waterworks Road Intersection. The proposed signal plan must make allowance for pedestrians by the introduction of a pedestrian phase, push buttons and dropped kerbs;

**3.2 Public Transport Embayment's:**

3.2.1 construct public transport embayments on both sides of Waterworks Road, on the downstream side of the proposed Main Road/Waterworks Road Intersection;

**3.3 Non-Motorised Facilities:**

3.3.1 provide a 2.0-meter sidewalk on the southern side of Waterworks Road between Main Road and the access to the proposed development. Furthermore, that pedestrians be accommodated at the proposed signalised Main Road/Waterworks Road Intersection, as stipulated by *Condition 3.1.4*.

**3.4 Access to the Riverside Business Park Development:**

3.4.1 that the Developer/Owner provide the security controlled access located 50 metres from the edge of Waterworks Road;

3.4.2 two ingress lanes and a single egress lane, one of which is 4 metres wide in order to accommodate emergency vehicles.

3.4.3 in the event an articulated truck being refused entry to the Riverside Business Park, the impact of having an articulated truck reversing back into the Waterworks Road will seriously compromise road safety. Therefore, to ensure there is no occurrence of such an incident in future, the Developer/Owner must ensure that it is written into the constitution of the proposed Riverside Business Park Home Owner's Association, that no articulated truck may be refused entry, and be allowed to circulate around the Industrial Area, and this may NOT be revoked in the event of security risk at a later stage.

**3.5 Old Main Road/Main Road/Macassar Road Intersection:**

3.5.1 undertake the detail design and construction of the Old Main Road/Main Road/Macassar Road Intersection with the following:

3.5.1.1 on the northern approach of Main Road, an additional dedicated right turn lane is required, the existing shared through/left lane is changed to a through lane and dedicated left turn lane be added;

3.5.1.2 on the eastern approach of Old Main Road, that the existing right turn lane be extended to 70 meters which excludes the taper, the existing shared through/left lane is changed to a through lane and a dedicated left turn lane be added;

3.5.1.3 on the western approach of Old Main Road, that the shared left turn through lane be changed to a through lane, and a dedicated left turn be introduced that leads to a yield-controlled slip-lane.

Yours faithfully

Daan Visser Digitally signed by Daan Visser Date: 2022.03.13 14:58:13 +02'00'

for **DIRECTOR: DEVELOPMENT MANAGEMENT**

# APPENDIX I

## Department: Transport and Public Works.

Western Cape Government

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

**Ref:** 16/9/6/1-25/281 (Job 16738)

The Municipal Manager
Stellenbosch Municipality
PO Box 17
**STELLENBOSCH**
*7599*

Attention: Mr U von Molendorff

Dear Sir

**FARM 1101, STELLENBOSCH (RIVERSIDE BUSINESS PARK); MAIN ROAD 165, MAIN ROAD 166, DIVISIONAL ROAD 1021, DIVISIONAL ROAD 1012 AND ERVEN 466 AND TRUNK ROAD 2 SECTION 1: SUBDIVISION AND REZONING**

1. The following refer:

1.1 This Branch letter referenced 16/9/6/1-25/281 (Job 16738) dated 28 October 2022 is hereby replaced by this letter.

1.2 This Branch herewith withdraws the letter referenced in paragraph and replaces it with this letter.

2. Our letter 16/9/6/1-25/281 (Job 16738) to Planning Partners dated 10 October 2018;

2.1 The letter iCE/S/1176 form iCE Groep to Planning Partners dated 23 March 2018;

2.2 Our letter TPW/CFS/RP/LUD/REZ/SUB-33/102 (Job 28337) to the City of Cape Town dated 30 May 2021;

2.3 The letter (Case ID: 70531742) of the City of Cape Town to Planning Partners dated 30 June 2021;

2.4 The letter iCE/S/1176A form iCE Group to Planning Partners dated 15 December 2020;

2.5 The letter LU/7684 from the City of Cape Town to Planning Partners dated 11 March 2022; and

2.6 The email from Me Y Obermeyer at UDS Africa dated 4 October 2022.

3. This Branch objected to the development based upon receipt of a written undertaking by Stellenbosch Municipal Manager that the Municipality will ensure the availability of the necessary funding for the Proclaimed Road infrastructure upgrades.

4. Stellenbosch Municipality has not given any indication that they will adhere to this request as this Branch has not budgeted for any expenditure on the surrounding proclaimed roads. However, the City of Cape Town as abutting authority has commented on the application as most of the roads affected falls within their area.

5. Herewith, this Branch offers no objection to the proposed Riverside Business Park development subject to the following conditions:

5.1 That all the requirements and recommendations in the letter from LU/7684 from the City of Cape Town to Planning Partners dated 11 March 2022 be adhered to;

5.2 The design of the dualling of Main Road 165 between Main Road 166 and Trunk Road 2 Section 1 must be scrutinised by the relevant Directorate/s at the City of Cape Town and then submitted to the Design Directorate (Me MK Hofmeyr – 021 483 5713) for final approval;

5.3 The funding for the dualling of Main Road 165 between Main Road 166 and Trunk Road 2 Section 1 must be agreed between Stellenbosch Municipality, the City of Cape Town and relevant developers as this Branch will not contribute any funding to these upgrades; and

5.4 For all the other proposed road infrastructure require on any of the proclaimed roads the geometrics and materials design plans after being scrutinised by the relevant Directorate/s at the City of Cape Town and must be submitted to the Design Directorate (Me MK Hofmeyr – 021 483 5713) for final approval.

Yours Sincerely

**SW CARSTENS**
***For* DEPUTY DIRECTOR-GENERAL: ROADS**
**DATE: 31 OCTOBER 2022**

16/9/6/1-25/281 (Job 16738)

**ENDORSEMENTS**

1. Stellenbosch Municipality

   Attention: Mr U von Molendorff (e-mail: ulrich.vonmolendorff@stellenbosch.gov.za)

   Attention: Mr J Fullard (e-mail: johan.fullard@stellenbosch.gov.za)

2. City of Cape Town

   Attention: Mr B Jones (e-mail: carl.jones@capetown.gov.za)

3. UDS Africa

   Attention: Me Y Obermeyer (e-mail: yolandi@udsafrica.co.za)

4. Planning Partners

   Attention: Mr N van der Merwe (e-mail: nicolas@planpart.co.za)

5. Mr SW Carstens (e-mail)

6. Mrs A Cope (e-mail)

7. Mr B du Preez (e-mail)

# APPENDIX J

## DEADP: Environmental Section

Western Cape Government
Environmental Affairs and Development Planning

Directorate: Development Management
Region 2

**REFERENCE:** 16/3/3/6/7/1/B4/45/1259/17
**ENQUIRIES:** Samornay Smidt
**DATE:** 2018 -03- 22

The Trustees
JPY Family Trust
30 Van der Merwe Road
Land-en-Zeezicht
**SOMERSET WEST**
7130

**Attention: Mr Jan Yntema**

Tel.: (021) 202 7567
Fax: (021) 851 1124

Dear Sir

**APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS 2014, (AS AMENDED): THE PROPOSED INDUSTRIAL PARK ON A PORTION OF REMAINDER OF FARM RUSTENHOF NO. 1101, FIRGROVE, STELLENBOSCH**

1. The pre-application Notice of Intent dated 7 August 2017, as received by the Department on 24 August 2017, the Department's correspondence dated 8 September 2017 and 19 February 2018, the electronic correspondence received on 7 November 2017 and your document dated 21 February 2018, as received by the Department on 23 February 2018, refers.
2. Based on the initial the information submitted to this Department, the following was noted:
   2.1. The proposal entails the development of self-storage units, mini factories and office buildings.
   2.2. Associated infrastructure will include an internal road, parking areas and stormwater drainage.
   2.3. The property is currently zoned Agriculture Zone 1 but will be rezoned to General Industrial.
   2.4. The development will be located within 32m if the watercourse and will result in infilling into the watercourse.

2nd Floor, 1 Dorp Street, Cape Town, 8001
Tel: +27 21 483 5828 Fax: +27 21 483 3633
Samornay.Smidt@westerncape.gov.za

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

3. Based on the additional information provided it is noted that the proposal has been revised and will no longer be located within 32m of a watercourse or require infilling activities. It is also motivated that the development is located inside the urban area, as defined in terms of the NEMA EIA Regulations, 2014 (as amended), since it is bordered to the south, east and west by urban development and is cut off from the rest of the Farm by a tarred public road traversing the northern border of the portion of land.

4. The Department therefore concurs with the abovementioned motivation and advises that the proposed development **does not** constitute listed activities as defined in terms of the NEMA EIA Regulations, 2014 (as amended).

5. However, should any revision of the proposed development constitute a listed activity(ies) in terms of the NEMA EIA Regulations, 2014 as defined in GN No. 327, 325 and/or 324 an application must be submitted and environmental authorisation obtained before such activity(ies) may commence.

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

7. The applicant is reminded of his/her general duty of care and the remediation of environmental damage, Section 28(1) of NEMA specifically states that –*"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."*

8. Further to the above, please be advised that this pre-application file has been closed for administrative purposes.

9. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Yours faithfully

**HEAD OF DEPARTMENT**
**DEPARTMENT OF ENVIRONMENTAL AND DEVELOPMENT PLANNING**

CC: (1) M Berry (Mark Berry Environmental Consultants) Fax: (086) 759 1908
(2) U von Molendorf (Stellenbosch Municipality) Fax: (021) 808 8200

# APPENDIX K
Eskom comments

Eskom

**PUBLIC DOMAIN**

Mr. Nick Van Der Merwe
Planning Partners (Pty)Ltd
PO Box 4866
Cape Town
8000

**Date:**
05 November 2018

**Enquiries:**
Lungile Motsisi
Tel +27 11 800 5734

**Our Reference:**
INV168/2018

Dear Mr. Van Der Merwe

**RE: APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, SITE DEVELOPMENT PLAN APPROVAL AND DEVIATION FROM COUNCIL'S SPATIAL FRAMEWORK: FARM NO 1101, STELLENBOSCH DIVISION**

I refer to your application dated 06 September 2018 and wish to inform you that Eskom Transmission (Tx's) Palmiet-Stikland 400kV powerline will be affected by this application:

The extent and width of the Eskom servitude is 20 metres on either side of the centre line of the power line. Eskom rights are held by Notarial Deed of Servitude K1411/2006S annexed to approve S. G. Diagram 7281/2008.

Eskom Tx will raise no objection to the proposed application, provided its rights and services are acknowledged and respected at all times and the following terms and conditions must be borne in mind:

1. Eskom Tx's rights and services must be acknowledged and respected at all times.
2. Eskom Tx shall at all times retain unobstructed access to and egress from its servitudes.
3. Eskom Tx's consent does not relieve the applicant from obtaining the necessary statutory, land owner or municipal approvals.
4. The applicant will adhere to all relevant environmental legislation. Any cost incurred by Eskom Tx as a result of non-compliance will be charged to the applicant.
5. All work within Eskom's servitude areas shall comply with the relevant Eskom earthing standards in force at the time. This will also apply to steel fencing- and palisading that may be erected in future.

**Eskom Transmission**
AME Land Management
Megawatt Park 1 Maxwell Drive Sunninghill 2191
P. O. Box 1091 Johannesburg 2000 SA
Tel +27 11 800 5734 Fax +27 11 800 3917 www.eskom.co.za
**Eskom Holdings SOC Ltd Reg No 2002/015527/30**

6. No construction or excavation work shall be executed within 20 metres from any Eskom powerline structure.

7. If Eskom Tx has to incur any expenditure in order to comply with statutory clearances or other regulations as a result of the applicant's activities or because of the presence of his equipment or installation within the servitude restriction area, the applicant shall pay such costs to Eskom Tx on demand.

8. The use of explosives of any type within 500 metres of Eskom Tx's services, shall only occur with Eskom Tx's previous written permission. If such permission is granted the applicant must give at least fourteen working days prior notice of the commencement of blasting. This allows time for arrangements to be made for supervision and/or precautionary instructions to be issued in terms of the blasting process. It is advisable to make application separately in this regard.

9. Changes in ground level may not infringe statutory ground to conductor clearances or statutory visibility clearances. After any changes in ground level, the surface shall

be rehabilitated and stabilised so as to prevent erosion. The measures taken shall be to Eskom Tx's requirements.

10. Eskom Tx shall not be liable for the death of or injury to any person or for the loss of or damage to any property whether as a result of the encroachment or of the use of the servitude area by the applicant, his/her agent, contractors, employees, successors in title and assignee. The applicant indemnifies Eskom Tx against loss, claims or damages including claims pertaining to consequential damages by third parties and whether as a result of damage to or interruption of or interference with Eskom Tx's services or apparatus or otherwise. Eskom Tx will not be held responsible for damage to the applicant's equipment.

11. No mechanical equipment, including mechanical excavators or high lifting machinery, shall be used in the vicinity of Eskom Tx's apparatus and/or services, without prior written permission having been granted by Eskom Tx. If such permission is granted the applicant must give at least seven working days' notice prior to the commencement of work. This allows time for arrangements to be made for supervision and/or precautionary instructions to be issued by the Lines and Servitudes Manager. The contact person in this regard is **Ms Tiny Salaze (Lines and Servitudes Manager), she can be contacted at +27 21 915 9211**.This allows time for arrangements to be made for supervision and/or precautionary instructions to be issued

12. Eskom Tx's rights and duties in the servitude shall be accepted as having prior right at all times and shall not be obstructed or interfered with. Note: Where and electrical outage is required, at least fourteen work days are required to arrange it.

13. Under no circumstances shall rubble, earth or other material be dumped within the servitude restriction area. The applicant shall maintain the area concerned to Eskom Tx's satisfaction. The applicant shall be liable to Eskom Tx for the cost of any remedial action which has to be carried out by Eskom Tx.

14. **The clearances between Eskom Tx's live electrical equipment and the proposed construction work shall be observed as stipulated by the Regulation 19 of *Electrical Machinery Regulations 2011 (with reference to SANS10280-1) of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).***

15. Equipment shall be regarded electrically live and therefore dangerous at all times.

16. In spite of the restrictions stipulated by Regulation 15 of the Electrical Machinery Regulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as an additional safety precaution, Eskom Tx will not approve the erection of houses, or structures occupied or frequented by human beings, under the powerlines or within the servitude restriction area.

17. Eskom Tx may stipulate any additional requirements to eliminate any possible exposure to Customers or Public to coming into contact or be exposed to any dangers of Eskom Tx plant.

18. It is required of the applicant to familiarise himself with all safety hazards related to Electrical plant.

**The individual Title Deeds of those Erven (areas of open space) must be made subject to the Notarial Deeds registered in favour of Eskom Tx.**

For any further information please contact the writer at the above mentioned telephone number.

Yours sincerely

Adv. Ntika Maake
**TRANSMISSION AME LAND MANAGEMENT**

2018/11/06

# APPENDIX L

Department: Water and Sanitation

(RSA) comments

water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

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

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

**Attention:** Helene Janser

Department of Environmental Affairs and Development Planning
Private Bag X9086
**CAPE TOWN**
8000

Dear Madam

**APPLICATION FOR DEVELOPMENT FARM RUSTENHOF NO. 1101 REQUIRING APPROVAL IN TERMS OF SECTION 53(1) OF THE LAND USE PLANNING ACT, 2014(ACT 3OF 2014, LUPA) AND REGULATION 10(1)(B) OF THE WESTERN CAPE LAND USE PLANNING REGULATION 2015, STELLENBOSCH**

The Department acknowledges receipt of your report dated 27 June 2018 for the above mentioned activity.

After evaluating the abovementioned application, you are hereby informed that the Department does not object to the proposed activities from going ahead subject to the following conditions:

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

water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

CONTINUATION PAGE: (page. 2/2).

5. No permanent structures may be constructed within the 1:100 year flood line of a watercourse and/or wetland.

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

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

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

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

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

Yours faithfully

Lintnaar-Strauss

**PROVINICIAL HEAD: WESTERN CAPE**
Signed by: Melissa Lintnaar-Strauss
Designation: Control Environmental Officer
Date: 21 August 2018

NATIONAL DEVELOPMENT PLAN
*Our Future* - make it work

# APPENDIX M

Municipal Spatial Planning comments.

# STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

*Spatial Planning, Heritage and Environment*

| | | |
|---|---|---|
| **To** | : | **Head: Customer Interface & Administration (A Hardouin)** |
| **From** | : | **Manager: Spatial Planning, Heritage & Environment** |
| **Date** | : | **30 October 2018** |
| **Re** | : | **Application for subdivision, rezoning, consent use and approval of SDP and deviation from the Stellenbosch MSDF on Farm 1101, Stellenbosch** |

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

**1) Opinion / reasoning:**

In terms of the approved Stellenbosch Municipality MSDF, the subject property is located outside of the approved urban edge. The following principles apply to properties that fall outside the urban edge:

- Land outside of existing and proposed urban settlements should be used for agricultural production, biodiversity conservation, scenic quality and agri-tourism;
- Intensification of agriculture, biodiversity conservation and agri-tourism should be promoted in farming areas outside of urban settlements.

The subject property is located on the border with the City of Cape Town and adjacent to existing light industrial, warehousing and office uses within Firgrove. The site is therefore surrounded by urban uses.

This department supports the proposed development as there are site specific circumstances to justify the deviation from the Stellenbosch MSDF. The proposed development represents an expansion of compatible uses as it is located adjacent to existing light industrial, warehousing and office uses within Firgrove.

**2) Supported / not supported:**

This department therefore supports the proposal subject to the following conditions:

- In terms of the National Heritage Resources Act a Notice of Intent to Develop (NID) the site involving the change of character of a site exceeding 5000m2 or the rezoning of a site exceeding 10 000m2 in extent to be submitted to Heritage Western Cape;

pp. Bearing
.....

**B de la Bat**
**MANAGER: SPATIAL PLANNING, HERITAGE AND ENVIRONMENT**

# APPENDIX N

Directorate: Infrastructure Services

comments.

28

UVM

# MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES
DIREKTORAAT: INFRASTRUKTUURDIENSTE

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELPOMENT SERVICES
25 MAR 2022
RECEIVED

| | |
|---|---|
| **To ▫ Aan:** | **Director: Planning + Economic Development** |
| **Att Aandag** | **A Hardouin** |
| **From ▫ Van:** | **Manager: Development (Infrastructure Services)** |
| **Author ▫ Skrywer:** | **Tyrone King** |
| **Date ▫ Datum:** | **24 March 2022** |
| **Our Ref ▫ Ons Verw:** | **CIVIL LU 1728** |
| **Re ▫ Insake:** | **Farm 1101, Stellenbosch (140.2908 ha): subdivision into 2 portions, rezoning Portion A (5.9622 ha) from Agriculture I to Industrial I, consent use for warehousing, approval of SDP and deviation from SDF, to develop an industrial park of 21 properties with a total GLA of 28 480m²** |

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

- Proposed Site Development Plan No. Rev D 3 Feb 2017;
- Traffic Impact Assessment by ICE Group dated 23 March 2018;
- Report on Civil Engineering Services, by UDS, dated 9 September 2019;
- Stormwater Management Plan dated 28 Nov 2017

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

- Total GLA: 28 480m²

FILE NR:
SCAN NR: F 1101 S
COLLABORATOR NR: 727248

This document consists of the following sections:

A. Definitions
B. Recommendation to decision making authority

C. Specific conditions of approval: These conditions must be complied with before clearance certificate, building plan or occupation certificate approval; whichever is applicable to the development in question.

D. General conditions of approval: These conditions must be adhered to during implementation of the development to ensure responsible development takes place. If there is a contradiction between the specific and general conditions, the specific conditions will prevail:

## A. Definitions

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

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

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

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

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

## B. Recommendation:

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

## C. Specific conditions of approval

4. Stellenbosch Municipality does not have any service networks in this vicinity. The development will have to apply to the CoCT should they wish to connect to municipal services. In the interim, groundwater has been identified by the Developer as a water source and an on-site sewer treatment plant has for sewer treatment and disposal.

a. **Borehole Water:** the onus is on the "Developer" to ensure a sustainable water source to the said development and that the "Municipality" be exempted from any claims whatsoever should the natural water source not be sufficient. Potable water must comply with SANS 241 standards.

b. **Sewer treatment:** Details of the treatment facility must be indicated on the building plans/engineering drawings. It is recommended that such details be discussed beforehand with the Municipality's Water Services Department (for the attention of Mr James Beukes (t) 021 808 8283; email: james.beukes @stellenbosch.gov.za).

The design and construction supervision of the facility must be undertaken by a suitably qualified professional (i.e. ECSA registered professional engineer), who at the completion of the work, certifies that the installation is complete and to the required standard in all respects. Such certification is required before occupation certificates will be issued.

A maintenance agreement must be entered into between the owner and the waste water treatment system service provider and proof thereof be furnished to the Municipality's Water Services Department (for the attention of Mr James Beukes (t) 021 808 8283; email: james.beukes @stellenbosch.gov.za) before occupation certificates are issued.

Approval must be obtained from the Department of Water and Sanitation (DWS), for the use of a package plant.

c. **Roads Network: The following conditions apply:**

i. Main Road/Access Road (Waterworks) intersection: Provision of traffic signals at the intersection, with dedicated right-turn lane on eastern-approach.
ii. That the security-controlled access layout provides for two lanes in and accommodates the size vehicles expected to/from the light industrial development.
iii. That formal public transport embayments be provided along Main Road at the Main Road/Access Road intersection (outbound legs).
iv. The provision of sidewalks: Along the southern side of the access road (between Main Road and the access); and along at least one side of the internal streets.
v. All road upgrades on Old Main Road/Main Road/Macassar Road as identified in the TIA must be done to the satisfaction of the CoCT and

provincial roads authority. Written confirmation from these authorities must be furnished before any occupation certificates will be supported by Stellenbosch Municipality.

vi. Any conditions from the provincial roads authority must be complied with.

d. **Stormwater Network:**

i. The difference between the pre- and post-development stormwater run-off must be accommodated on site. As per the Stormwater Management Plan by UDS, dated 28 November 2017, a 1900m$^3$ detention pond is proposed. Details of the detention pond must be indicated on the engineering drawings.

e. **Solid Waste:**

i. An integrated waste management approach must be used that is based on waste minimization and recovery where appropriate. It is recommended that the developer reach an agreement with the CoCT for the removal of solid waste generated at the development. (Due ot the distance from Stellenbosch to the property, it will be more convenient for the developer if the CoCT can remove the solid waste.

**Development Charges**

5. Since the CoCT will be providing municipal services, DCs must be agreed with the CoCT. Should Stellenbosch Municipality in future provide any service, a DC for such service will be charged.

6. Any upgrades that might be required on Stellenbosch Municipality infrastructure (ie roads), will be for the Developer's cost, since DCs are not charged by Stellenbosch and therefore upgrades cannot be offset against such DCs.

**Site Development Plan**

7. as per the TIA, the security-controlled access layout must provide for two lanes in, and accommodates the size vehicles expected to/from the light industrial development.

8. It is proposed that solid waste will be removed by private contractor. Should the Stellenbosch Municipality be requried to provide this service in future, a refuse room and refuse embayment at the entrance of the development will have to be constructed, according to Stellenbosch Municipality's standards;

**Ownership and Responsibility of services**

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

**Internal- and Link Services**

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

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

**Floodplain Management**

12. that the 1:50 and 1:100 year flood lines of the Moddergat Spruit be shown on all plans submitted. The flood lines are to be verified by a suitably qualified registered engineering professional. Where flood lines have not previously been determined, the "*Developer*" must procure the services of a suitably qualified registered engineering professional to undertake such determinations at his/her own cost. No new development will be allowed under the 1:100 year flood line;

**Roads**

13. that the "*Developer*", at his/her cost, implement the recommendations of the approved Traffic Impact Assessment/Statement by ICE Group, dated 23 March 2018;

**Electricity**

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

**Damage to municipal infrastructure and assets**

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

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

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

    a.) that no construction of any civil engineering services may commence before approval of internal – and external civil engineering services drawings;

    b.) that no approval of internal – and external civil engineering services drawings will be given before land-use and or SDP approval is obtained;

    c.) that no approval of internal – and external civil engineering services drawings will be given before the "*Developer*" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party;

    d.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before land-use and or SDP approval is obtained;

    e.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before the approval of internal – and external civil engineering services drawings;

    f.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law is issued unless the *"Developer"* obtains the approval of the *"Engineer"* for construction work of his development parallel with the provision of the bulk services.

**Wayleaves**

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

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

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

**Avoidance of waste, nuisance and risk**

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

**TYRONE KING**

**MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)**

W:\2.0 DEVELOPMENT\00 Developments\1728 - Farm 1101 (Rustenhof) (Industrial Development)\1728 - Farm 1101 (Rustenhof) (Industrial Development)_2.doc

ANNEXURE: ELECTRICAL

Farm 1101

| GENERAL COMMENT: |
| --- |
| 1. Outside Stellenbosch area of supply. |
| 2. All Electrical requirements should be directed to Eskom. |
| **CONDITIONS** |
| 3. No conditions. |

Bradley Williams Date.....03/02/2021.....



Signiture

# INTERDEPARTMENTAL CIRCULATION FORM

1

| | | | |
|---|---|---|---|
| LêER VERW/ FILE REF | Farm 1101, Stellenbosch | DATUM DATE | 11 September 2018 |
| AANSOEKNOMMER/APPLICATION NUMBER | LU/7684 | | |

#Elect Lu 1712

STELLENBOSCH MUNISIPALITEIT
STELLENBOSCH MUNICIPALITY
DIREKTORAAT: INGENIEURSDIENSTE
DIRECTORATE: ENGINEERING SERVICES
11 SEP 2018

MEMO AAN/ TO :

| | |
|---|---|
| X | Director : Engineering Services |
| X | Manager : Electrical Department |
| X | Manager : Building Development Management |
| | Manager : Fire Services |
| | Director : Corporate Services |
| X | Manager: Spatial Planning / Heritage / Environment / Signage |
| X | Manager: Health Department (Winelands Health) |
| | Manager: Greening department |
| X | Manager : Local Economic Development |

| | |
|---|---|
| ***Application*** | Application is made in terms of the Stellenbosch Municipal Land Use Planning By-Law, October 2015, for:<br><br>The Subdivision of Farm 1101, Stellenbosch into 2 Portions. Portion A (±5.9622ha)and a Remainder (±134,3286ha) in terms of Section 15(2)(d);<br><br>The Rezoning of Portion A of Farm 1101, Stellenbosch, from Agricultural Zone I to Industrial Zone I in terms of Section 15(2)(a);<br><br>Consent Use to permit the warehousing under the proposed industrial zoning on Farm 1101, Stellenbosch, in terms of Section 15(2)(o).<br><br>And:<br>Approval of a Site Development Plan.<br>Deviation from the Stellenbosch Municipal Spatial Development Framework |
| ***Adres / Address*** | Rustenhof Farm, Stellenbosch |
| ***Aansoek Datum Application Date*** | 20 July 2018 |
| ***Aansoeker Applicant*** | Planning Partners |

PLANNING
17 JAN 2019
MUNICIPALITY STELLENBOSCH
BEPLANNING

**GENERAL COMMENT:**

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

FILE NR:
SCAN NR: F1101 S
COLLABORATOR NR: 625810

**CONDITIONS**

3. No conditions.

Please hand deliver the memorandum to me on or before : 11 October 2018

**A. Hardouin**
**For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT**

***ALGEMENE KOMMENTAAR / GENERAL COMMENT:***

.....
.....
.....

***VOORWAARDES/CONDITIONS :***

.....
.....

.....
**HANDTEKENING / SIGNATURE**

12/10/2018
**DATUM / DATE**

# APPENDIX O

Site photos.



















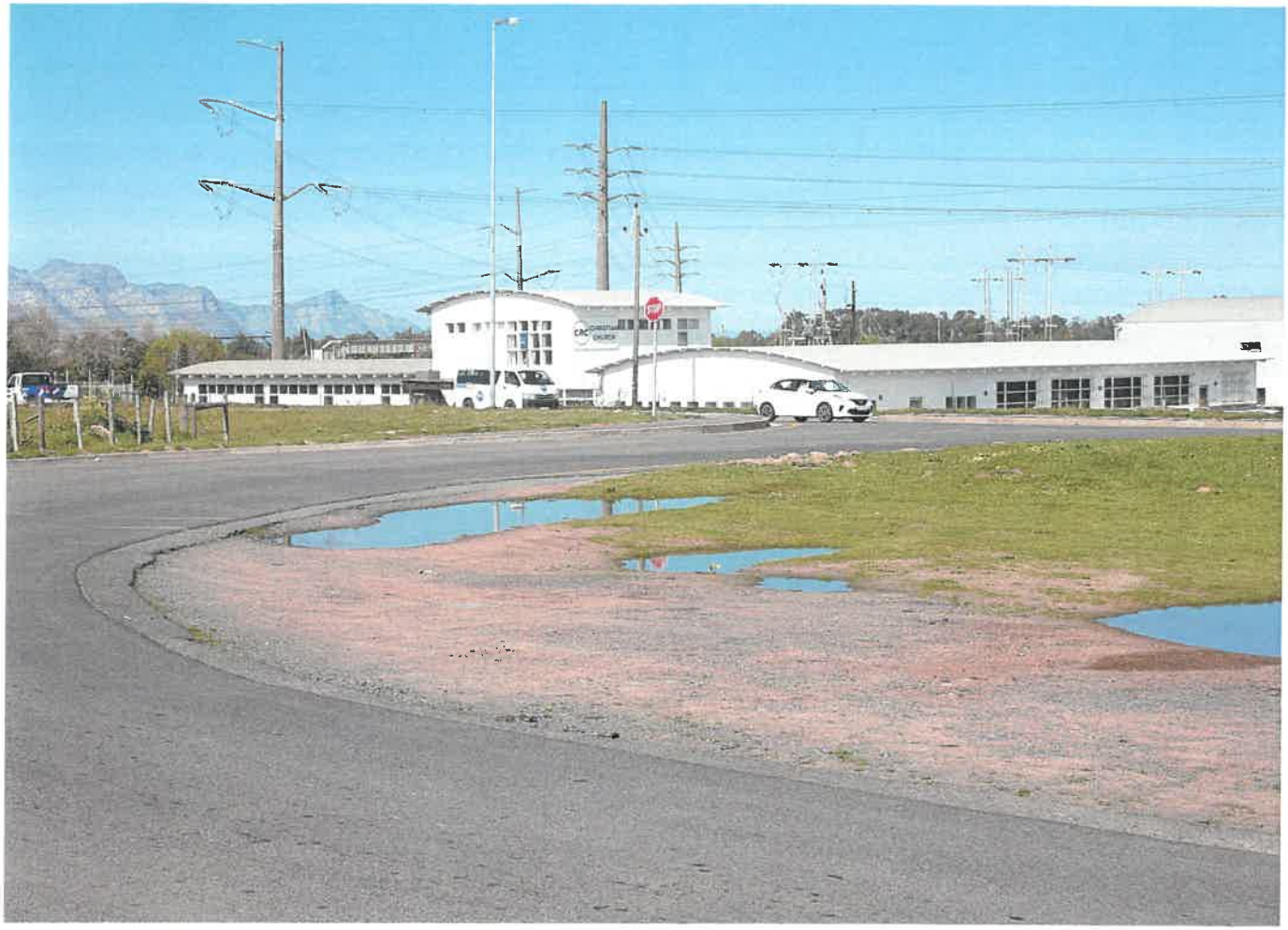













BILTONG SHOP
AUTO CAPE ACCESSORIES

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

## FARM 516/9 AND 12 STELLENBOSCH DIVISION

**CONTENT**


| ANNEXURES | PAGE NUMBER |
|---|---|
| **ANNEXURE A:** Locality Plan | 589-591 |
| **ANNEXURE B:** Copy of Title Deed | 592-601 |
| **ANNEXURE C:** Site Development Plan | 602-603 |
| **ANNEXURE D:** Applicant's Motivation | 604-610 |
| **ANNEXURE E:** Portfolio of Evidence (Public Participation, General Plan & Affidavit) | 611-618 |
| **ANNEXURE F:** Objections and Responses to Objections | 619-623 |
| **ANNEXURE G:** Comment: Department of Agriculture, Land Reform & Rural Development | 624-627 |
| **ANNEXURE H:** Western Cape Government: Transport & Public Works: Roads | 628-631 |
| **ANNEXURE I:** Western Cape Government: Agriculture: Elsenburg | 632-634 |
| **ANNEXURE J:** Comment from the Manager: Spatial Planning | 635-637 |
| **ANNEXURE K:** Comment from the Director: Engineering Services | 638-640 |

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| THE STELLENBOSCH MUNICIPALITY | | | |
|---|---|---|---|
| **PLANNING REPORT: LAND USE AND LAND DEVELOPMENT APPLICATION: APPLICATION FOR CONSOLIDATION AND SUBDIVISION ON FARM 516/9 & 12, STELLENBOSCH DIVISION** | | | |
| Application Reference | File Ref: (LU/12237) | Application Date | 2020/12/14 |
| | | Last day for comments or additional information | 2022/07/22 |

| **PART A: APPLICANT DETAILS** | | | |
|---|---|---|---|
| First name(s) & Surname | Friedlander, Burger & Volkmann | | |
| Company name | Friedlander, Burger & Volkmann | | |
| SACPLAN registration number | Not applicable | | |
| Registered owner(s) | Wells Faber International (Pty) | Is the applicant properly authorised to submit the application | Yes |

| **PART B: PROPERTY DETAILS** | | | |
|---|---|---|---|
| Property description | Farm 516/9 Stellenbosch<br>Farm 516/12, Stellenbosch | Town/ City | Stellenbosch Division |
| Physical address | Blaauwklippen Road (See **Annexure A)** | | |
| Extent (m² /ha) | Farm 516/9, Stellenbosch – 1.4 ha<br>Farm 519/12, Stellenbosch – 7ha | Nearest Town | Stellenbosch |
| Existing Development and Current land use | Dwelling houses and Agricultural activities | | |
| Any unauthorized land use/building work | None | | |
| Title Deed No. | Farm 516/9, Stellenbosch – T56290/2005<br>Farm 516/12, Stellenbosch – T51730/2004 (See **Annexure B)** | | |
| Current zoning and approved land use rights as per Zoning Scheme Bylaw 2019 | Agriculture and Rural Zone | | |

| PART C: APPLICATION DETAILS | |
|---|---|
| Applications(s) | 1. An application is made in terms of Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated October 2015, on Farms 516/9, Stellenbosch for the following;<br><br>1.1 **Consolidation** in terms of Section 15 (2)(e) of the said By-law, 2015 for the Portion 9 and Portion 12 of the Farm 516, Stellenbosch division to create one large unit of 8.6 ha in extent.<br><br>1.2 **Subdivision** of the consolidated portion in terms of Section 15 (2) (d) of the said By-law, 2015, into;<br><br>i. Portion A (4.60 ha in extent)<br>ii. Portion B (4.00 ha in extent) |
| Purpose of Application | The owner intends to realign the property boundaries in order for the main dwelling to be located on one property (Portion B) and the second dwelling on another (Portion A). |
| Pre-consultation | A pre-application consultation process was concluded, and the application subsequently amended to inform the final approach for the submission of the subject application. |

## PART D: APPLICATION BACKGROUND

**1. Location of the property**

The subject property is located on the south- east outskirts of Stellenbosch. Access to the property is taken via Blaauwklippen Road.

**2. Development context of surrounding area**

The subject property is located in a predominantly agricultural area. The properties in the immediate surroundings are zoned Agriculture and Rural Zone and land use activity in the area consists of bona fide agriculture and other subservient land uses.

**3. Historic use and development of subject property**

The two properties are part of the subdivision of Farm No. 516 into various small holdings that took place in 1950. The current application is for consolidation and subdivision into two portions.

## PART E: APPLICATION OVERVIEW AND MOTIVATION (See ANNEXURE D)

The subject property is located within an agricultural area. The proposed application for consolidation and subdivision includes two (2) adjoining properties. The properties are to be consolidated and

subdivided into Portion A (4.60 ha) and Portion B (4 ha) respectively. Each property will consist of a dwelling house and ± 2.5 ha of arable agricultural land. No additional land unit will be created and there is no proposed change in land use. See **Annexure C** for proposed Consolidation and Subdivision Plan.

The proposed subdivision is within the Department of Agriculture, Forestry and Fisheries guidelines for an economic unit and will result in minimal impact on agricultural land. The proposed consolidation and subdivision is a minor deviation from the Stellenbosch SDF principle around fragmentation of agricultural land and will not be detrimental to agricultural properties in the area.

The proposal is merely a boundary adjustment as the subdivision and consolidation involves adjoining properties. There is no new development or additional land unit that will be created as a result of the proposal. The subdivision of the properties will have no negative impact on the natural environment, cultural heritage or transport. Therefore, the proposal is not out of character with the surrounding area.

No municipal services will be affected as a result of the proposal and there are no restrictive title deed conditions.

## PART F: PUBLIC PARTICIPATION, COMMENTS AND RESPONSE

**1. Process followed**

The applicant has notified the internal departments and notified all interested and affected parties. The applicant sent e- mails to owners of the adjoining properties, as well as community organisations: Stellenbosch Interest Group and Stellenbosch Agricultural Society. The advertising period was from 31 August 2021 – 30 September 2021 (see **Annexure E**). The application received one objection.

**2. Public & stakeholder inputs**

2.1 The following objections were received: (See **Annexure F**)

a) Lisdoon Investments Pty (Ltd) (owner of Farm 516/11, Stellenbosch Farms)

2.2 Summary of the objections/comments received (See **Annexure F** for full letter of objection).

a) The statement that no additional dwelling is applied for does not guarantee that such an application will not be made in future.
b) Should the subdivision be granted, each property may have a second dwelling constructed resulting in two dwellings on each property.
c) Any newly constructed buildings should be positioned on a portion of the property not utilized for agricultural purposes and should be in close proximity to existing structures on the property.
d) The objector further suggests that Council should only support the application subject to condition prohibiting the erection of additional dwellings on the property.

3. **Comments from external departments**

a) The **Department of Agriculture, Land Reform and Rural Development** supported the proposal (See **ANNEXURE G** for Memo dated 12 October 2021).

b) The **Western Cape Government: Transport & Public Works: Roads** supported the proposal (See **ANNEXURE H** for Memo dated 14 September 2021).

c) The **Western Cape Government: Land Use Management: Agriculture** indicated that the consolidation of portions 9 & 12 does not serve as motivation to support the proposed subdivision. Therefore, do not support the proposal (See **ANNEXURE I** for Memo dated 1 March 2021).

4. **Comments from internal service departments**

a) The **Manager: Spatial Planning** supported the proposal (see **ANNEXURE J** for memo dated 24 February 2021).

b) The **Director: Engineering Services** supported the proposal (see **ANNEXURE K** for memo dated 23 August 2021).

5. **Summary of response by applicant to comments/ objectives received (See Annexure F)**

a) The applicant subsequently responded that such restriction of any additional dwelling units may be imposed as a condition on a tittle deed.

## PART G: ASSESSMENT OF LAND USE AND LAND DEVELOPMENT APPLICATION

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

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

- Stellenbosch Municipality Land Use Planning Bylaw, 2015
- Subdivision of Agricultural Land Act (Act 70 of 1970)
- Stellenbosch Municipality Spatial Development Framework, 2019
- SPLUMA and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)
- Western Cape Land Use Planning Guidelines for Rural Areas

When the decision maker considers the land use and land development application, it must have regard to the general criteria for consideration in terms of Section 65(1) of the Land Use Planning By-law, as it would relate to the subject land use and land development applications. It is also noted that the subject land use and land development applications were submitted and processed in accordance with and in compliance with the prescripts of the said Bylaw.

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

The application is for Consolidation of Portion 9 and Portion 12 of the Farm 516, Stellenbosch Farms to create on large unit 8.6 ha in extent. The application is for Subdivision of the consolidated portion onto Portion A (4.6 ha in extent) and Portion B (4 ha in extent). There are no restrictive title deed restrictions in relation to the proposal.

### 2.1 Applicable MSDF and LSDF's

The proposed development is not in conflict with the Stellenbosch Municipality Spatial Development Framework which was used as guideline in accessing the application. The objectives and principles of the Stellenbosch Municipality Spatial Development Framework highlights the following related to the proposed development: Land outside of existing and proposed urban settlements should be used for agricultural production, biodiversity conservation, scenic quality and agri-tourism; intensification of agriculture, biodiversity conservation and agri-tourism should be promoted in farming areas outside of urban settlements. The applicant has followed the objectives and principles of the Stellenbosch Municipality SDF. The development proposal will not lead to a loss of any viable agricultural land which is to be protected as promoted by the Stellenbosch MSDF.

### 2.2 Applicable planning policies and guidelines

The Western Cape Land Use Planning Guidelines for Rural Areas set out guidelines for subdivision of agricultural land and small holding developments. According to the guidelines, the subdivision or alienation of properties for residential purposes in the rural area is not permitted and the rural landscape character of the area should be considered in determining the appropriate unit size. The objective is to prevent new smallholding development from fragmenting the Western Cape's rural landscapes. The proposed subdivision is not in line with the guidelines as interns to subdivide to small holdings for residential purposes.

### 2.3 General desirability in accordance with possible impacts on neighboring properties and surrounding areas.

The subject properties are located within an attractive rural landscape consisting of both cultivated and natural areas. The consolidation proposal will not have any negative impact on the existing agricultural activity and the existing character of the area as Farm 516/9 is currently used for road purposes. However, the subdivision proposal has the potential to compromise the existing agricultural character of the area.

### 2.4 Service infrastructure capacity and sustainability

The subject property is located outside the Stellenbosch area of supply. Therefore, no municipal services or infrastructure is affected as a result of the proposal.

2.5 The need and desirability of the proposal

2.3.1 Access and onsite parking

The subject property is located on the south- east outskirts of Stellenbosch and access to the property is granted via Blaauwklippen Road. Additionally, Farms 516/9, Stellenbosch Farms consists of a servitude access road that provides access to Farms 516/12, 516/46 and 516/7, Stellenbosch Farms. The proposal will not negatively impact the existing access to the farm.

## 3 Assessment of comments on application

The application received one objection from Lisdoon Investments. The main concern of the objector is the construction of a second dwelling house on each subdivided property and recommended that Council restrict the construction of a second dwelling via title deed restrictions. The applicant subsequently responded that such a title deed restriction will be supported. The objectors' comments and suggestions are supported however the applicant may later apply for the removal of the restrictive title deed conditions in future which might compromise the existing character of the area.

The Department of Agriculture, Land Reform and Rural Development has granted Consent to the application, however the Western Cape Government: Land Use Management: Agriculture raised some concerns regarding the subdivision application. The application was circulated to internal service departments. Manager: Spatial Planning and Director: Engineering Services supported the departments.

The subject property is located in agriculture and rural zone. The proposed consolidation is a boundary adjustment of the existing adjoining properties and will not impact on the agricultural activity on the property, particularly because Farm 516/9 was not created for agricultural purposes and used for road purposes. However, the subdivision application will potentially impact on the agricultural activity as Section 204 (1) of the Stellenbosch Zoning Scheme By- law, 2019 makes provision for one main dwelling unit and one second dwelling unit on any land unity as a primary right. Therefore, the imposition of a restrictive title deed condition prohibiting the construction of a second dwelling will result in stripping the applicants land use rights and such a condition will not be in alignment with the Zoning Scheme By- law.

## PART H: SUMMARY OF KEY FINDINGS OF ASSESSMENT

After having independently considered and weighted all the relevant information the evaluation of the subject land use and land development application concludes that:

1) The proposed consolidation will maintain the character of the surrounding agricultural area.

2) The proposed subdivision will compromise the character of the surrounding agricultural area and wider cultural landscape of Stellenbosch.
3) The proposed subdivision is no consistent with Western Cape Rural guidelines relating to the fragmentation of agricultural land and creation of lifestyle residential units in rural landscape.
4) The proposal is not just a boundary adjustment as stated by the applicant's motivation but a creation of two small holding agricultural properties.

## PART I: RECOMMENDATION

1. That the application in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for the:-

1.1 **Consolidation** in terms of Section 15 (2)(e) of the said By-law, 2015 for the Portion 9 and Portion 12 of the Farm 516, Stellenbosch division to create one large unit of 8.6 ha in extent.

**BE APPROVED** in terms of Section 60 of the said Bylaw and subject to the following conditions of approval in terms of Section 66 of the said Bylaw:

2. Conditions of approval:

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

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

2.3 An amended consolidation plan be submitted for approval.

2.4 Servitude rights must be carried over to the new title deed to ensure permanent, legal, and unfettered access to Portions 11, 42 and 46 of Farm 516, Stellenbosch Farms.

2.5 An electronic copy of approved diagram shall be submitted to this Department for record purposes.

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

3.1 The proposed consolidation will not result in land use activity that is out of character with the surrounding properties.

4. That the application in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for the:-

4.1 **Subdivision** of the consolidated portion in terms of Section 15 (2) (d) of the said By-law, 2015, into;

a) Portion A (4.60 ha in extent)

b) Portion B (4.00 ha in extent)

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

(i) The proposed subdivision will compromise the existing character of the surrounding agricultural area.

(ii) The creation of two properties as motivated is not regarded as an adjustment of boundaries between the two properties.

## PART J: ANNEXURES

**ANNEXURE A:** Locality Plan
**ANNEXURE B:** Copy of Title Deed
**ANNEXURE C:** Site Development Plan
**ANNEXURE D:** Applicant's motivation
**ANNEXURE E:** Proof of Evidence (Public Participation, General Plan & Affidavit)
**ANNEXURE F:** Objections and Response to Objections
**ANNEXURE G:** Comment: Department of Agriculture, Land Reform & Rural Development
**ANNEXURE H:** Western Cape Government: Transport & Public Works: Roads
**ANNEXURE I:** Western Cape Government: Agriculture: Elsenburg
**ANNEXURE J:** Comment from the Manager: Spatial Planning
**ANNEXURE K:** Comment from the Director: Engineering Services

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

**APPLICATION FOR CONSOLIDATION AND SUBDIVISION ON FARM 516/9 & 12, STELLENBOSCH DIVISION**

**AUTHOR OF PLANNING ASSESSMENT REPORT**

**NAME:** B. Zondo

**CAPACITY:** Senior Town Planner

**SACPLAN REGISTRATION:** C/8589/2017

**SIGNATURE:** 

**DATE:** 31/10/2022

**PART L: SUBMISSION OF PLANNING APPLICATION ASSESSMENT REPORT**

**APPLICATION FOR CONSOLIDATION AND SUBDIVISION ON FARM 516/9 & 12, STELLENBOSCH DIVISION**

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

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

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

**Category:** Dc2, Ec2

**Decision Making Authority:** SMPT

**Rational:** Subdivision of land (Application property larger than 10 000m² and more than 2 resulting erven). Consolidation of land (Application property resulting in erf larger than 10 000m²). Objection of interested and affected parties on the application.

**Name:** Steven Carter

**Capacity:** SMPM

**SACPLAN Registration:** A/1551

**Signature:**

**Date:** 2/11/2022

**PART M: CONDONATIONS OF ERRORS OR OMMISIONS DURING THE PROCESSING OF THE PLANNING APPLICATION**

**APPLICATION FOR CONSOLIDATION AND SUBDIVISION ON FARM 516/9 & 12, STELLENBOSCH DIVISION**

**Authorised Official to condone errors or omissions**

As the duly authorised official the error in the processing of the land use and land development application: -

(a) To not publish a notice in terms of the section 45 (1) (c) of the Stellenbosch Municipal Land Use Planning By-law (2015) with the contents contemplated in section 47 in newspapers with a general circulation in the area concerned in at least two of the official languages of the province most spoken in the area concerned.

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

Reason for the decision:

(i) Administration error.

(ii) The outcome of the decision will not compromise the existing character of the surrounding area and the adjourning properties were consulted.

**Name:** Anthony Peter Barnes

**Capacity:** Director: Planning & Economic Development

**Signature:**

**Date:** 02/11/2022

| PART N: DECISION ON PLANNING APPLICATION | |
|---|---|
| **APPLICATION FOR CONSOLIDATION AND SUBDIVISION ON FARM 516/9 & 12, STELLENBOSCH DIVISION** | |
| **As the duly authorised official in terms of Section 68(a) of the Stellenbosch Municipal Land Use Planning Bylaw, (2015) to decide on the above application, it is confirmed that said authority had access to and has considered all the relevant information pertaining to the subject land use and land development application, and accordingly decides as follows:** | Mark appropriate decision with "X" |
| Recommendation as contained in the subject Planning Report endorsed without amendments or additions as the decision on the subject land use and land development application. | |
| Recommendation as contained in the Planning Report endorsed as the decision on the subject land use and land development application, with amendments and/ or with additions as set out in the attached amended decision. | |
| Recommendation as contained in the Planning Report not endorsed and accordingly the subject land use and land development application is decided on with such reason(s) for the decision, as in the attached decision. | |
| **Authorised Official:**<br>**Capacity:**<br><br>**Signature:**<br><br>**Date:** | |

**PART O: SUBMISSION OF LAND USE AND LAND DEVELOPMENT ASSESSMENT REPORT**

**APPLICATION FOR CONSOLIDATION AND SUBDIVISION ON FARM 516/9 & 12, STELLENBOSCH DIVISION**

**Administrator to Authorised Official / Municipal Planning Tribunal:**

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

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

Date: 18 NOVEMBER 2022

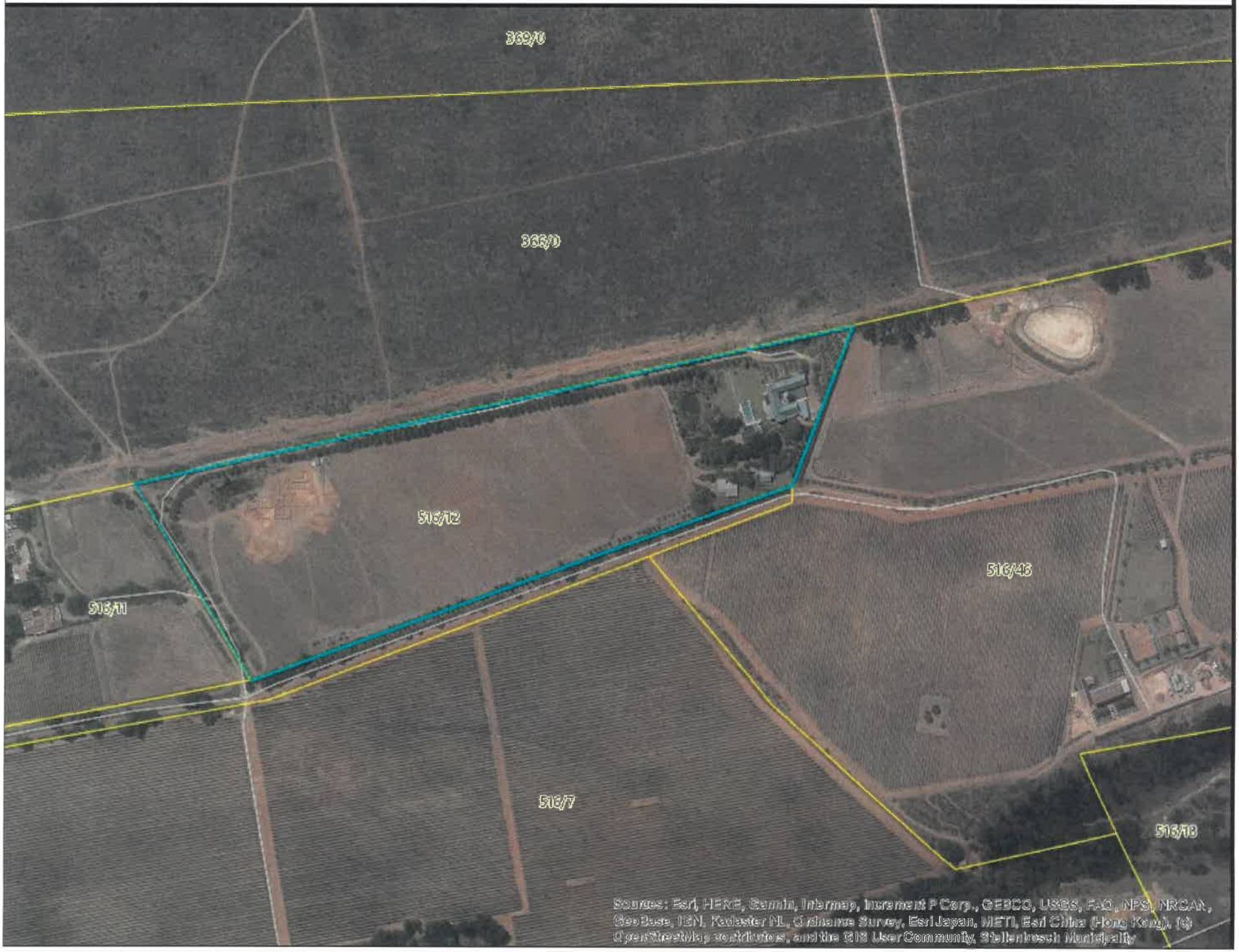
**Name:** LENACIA KAMINETH
**Capacity:** SENIOR ADMINISTRATIVE OFFICER

**Signature:** KAMINETH
**Date:** 02.11.2022

# ANNEXURE A

## LOCALITY PLAN

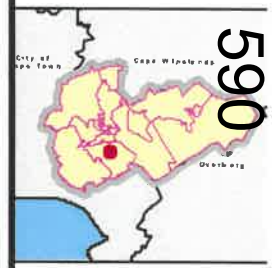
# Stellenbosch GIS Map




**SCALE**

**1:4 513,99**

**Legend**




Stellenbosch Municipality
Planning & Economic Development
Created by: Corporate GIS

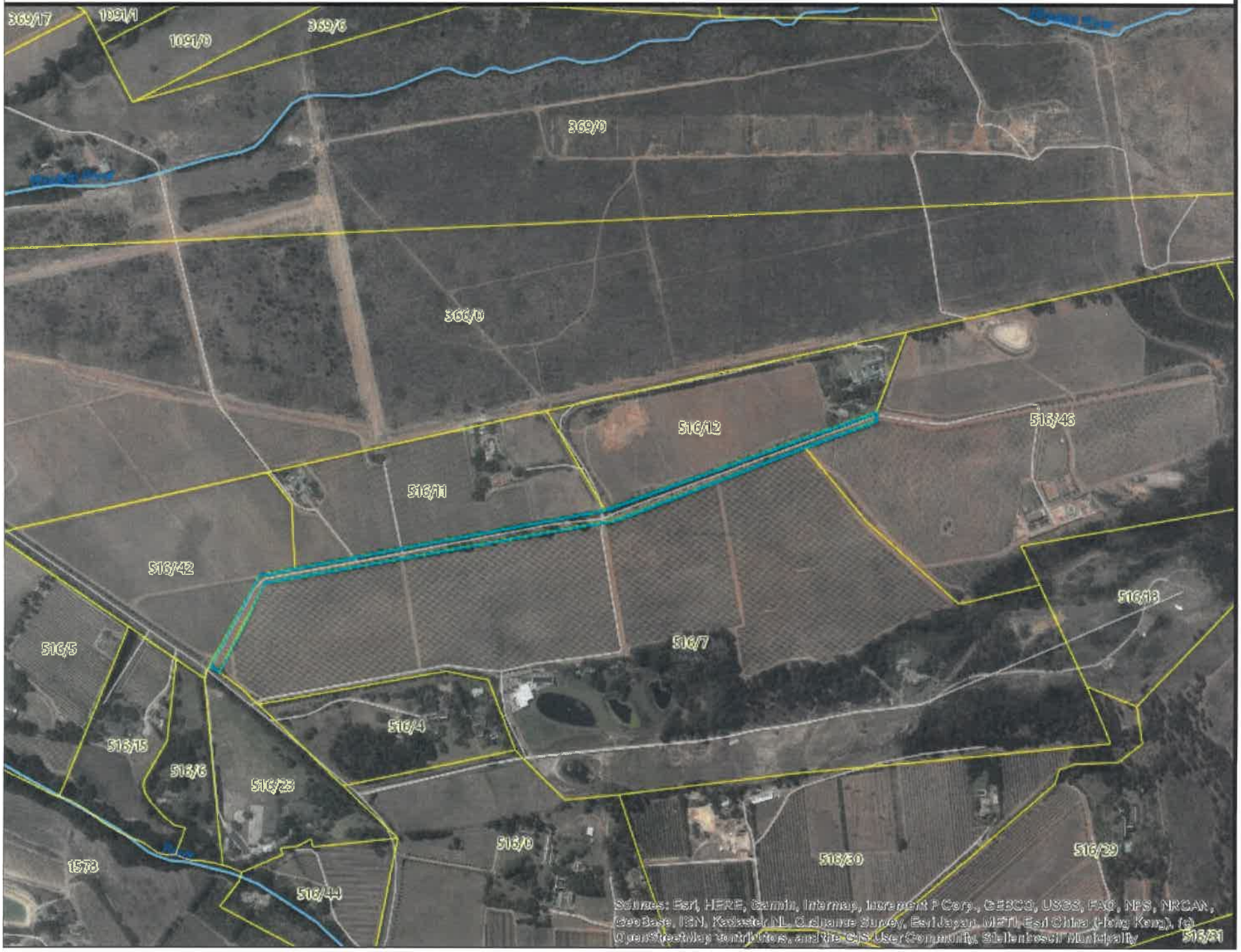
Date: 2022/10/17

Author: Stellenbosch Municipality

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

This map is a representation of the information currently held by the Stellenbosch Municipality. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions nor for any loss or damage alleged to be suffered by anyone as a result of the publication of the map and the notations on it, or as a result of misuse of the information provided herein.

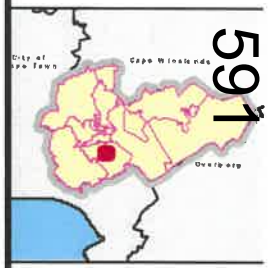
# Stellenbosch GIS Map




**SCALE**

**1:9 027,98**

**Legend**



591

Stellenbosch Municipality
Planning & Economic Development
Created by: Corporate GIS

Date: 2022/10/17

Author: Stellenbosch Municipality

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

This map is a presentation of the information currently held by the Stellenbosch Municipality. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions nor for any loss or damage either partial or total suffered by anyone as a result of the publication of the map and the reliance on it, or as a result of misuse of the information provided therein.

ANNEXURE B

# COPY OF TITLE DEED

117

FEE

R 95:00

Prepared by me

CONVEYANCER

P O S MEAKER

# DEED OF TRANSFER

T 0000562900 / 2005

DATA / VETTING

2 - AUG 2005

BOSHOFF S

**BE IT HEREBY MADE KNOWN :**

THAT MELIZE VAN DER MERWE

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN he the said Appearer being duly authorised thereto by a Power of Attorney signed at GANS BAY on 13 MAY 2005 and granted to him by:-

DATA / CAPTURE

22 JUL 2005

VAN WYK Z

**DIRITA BELEGGINGS KAAPSIG (PROPRIETARY) LIMITED**

**No. 1983/008600/07**

[amj8264 – WellsFaber International (conv – trf-rect)]
CLUVER MARKOTTER INC.
ATTORNEYS
STELLENBOSCH

"LEGALPERFECT"

AND the Appearer declared that his said Principal entered into a Deed of Sale dated 26 December 2003 in terms of which the Transferor sold to the hereinundermentioned Transferee certain properties.

AND WHEREAS by Deed of Transfer No T 51730/2004 transfer was passed to the Transferee herein of a property thought to have comprised all the land sold as aforesaid.

AND WHEREAS it has since been discovered that the property hereby transferred also comprises part of the property sold as aforesaid, which was by error omitted from the abovementioned Deed of Transfer.

NOW THEREFORE in order to give effect to the parties' intention as at the time of entering into the abovementioned Deed of Sale the Appearer in his capacity aforesaid, did by these presents, cede and transfer in full and free property to and on behalf of

**WELLSFABER INTERNATIONAL (PROPRIETARY) LIMITED**
**No 1964/005062/07**

its successors in title or assigns in full and free property

The Remainder of Portion 9 of the Farm NIETGEGUND No 516, in the Municipality and Division of STELLENBOSCH, Province of the WESTERN CAPE

MEASURING: 1,4318 (One Comma Four Three One Eight) Hectares.

FIRST REGISTERED by Certificate of Registered Title No T 6927/1951 with Diagram No 4293/1950 annexed thereto and held by Deed of Transfer No T 59781/1983.

A. SUBJECT to the conditions referred to in Certificate of Registered Title No T 6927/1951.

B. FURTHER SUBJECT to the terms of a Servitude endorsed on Certificate of Registered Title No T 6927/1951, which endorsement reads as follows:

"REGISTRATION OF SERVITUDE:
By Deed of Transfer No T 6928 dated 30th April 1951, the owner and successors in title of the land conveyed thereby, have been granted a right of way 12,59 metres wide over the Remainder of Portion 9 held hereunder along the boundary marked F G H J on Diagram No 4293/50 annexed hereto, which right has been granted by the owner of the remainder held hereunder as will more fully appear on reference to said Deed of Transfer."

C. FURTHER SUBJECT to the terms of a Servitude endorsed on Certificate of Registered Title No T 6927/1951, which endorsement dated 26th November 1951, reads as follows:

"REGISTRATION OF SERVITUDE"
By Deed of Transfer No T 20409 dated 26/11/1951 the remaining extent of the within property (Portion 9, measuring 8,4584 Hectares) is subject to a right of way 12,59 metres wide in favour of the property thereby transferred (Portion 11) the southern and south eastern boundaries of which right of way being represented by the lines G H and H J respectively on the inset of the diagram (No 4474/50) thereto annexed.

D. SUBJECT to the condition referred to in the Endorsement dated 5th August 1981 on Deed of Transfer No T 33241/1981, which Endorsement reads as follows:

"By Notarial Deed of Servitude No K 595/1981S dated 11/6/1981 the within held property is subject to a servitude restriction in favour of:

Portion 11, a portion of Portion 9 of the consolidated farm Nietgegund No 516, meas. 7,2161 Ha, and held by Deed of Transfer No T 20409/1951 dated 26/11/1951, which restriction relates to the building of certain farm labourers cottages within a distance of 315 metres of the western boundary of the servient tenement.

As will more fully appear from said Notarial Deed."

E. BY VIRTUE of an Endorsement dated 26 March 1986 on Deed of Transfer No T 59781/1983 the Remainder of the Portion 9 of the Farm Nietgegund No 516, situate in the Municipality and Division of Stellenbosch, Province of the Western Cape, Measuring 1,4318 Hectares is by virtue of Notarial Deed of Servitude No K 235/1986 S subject to a Water Pipeline Servitude, 7 (Seven) metres wide, of which the north-eastern boundary is indicated by the line A B on the Servitude Diagram No 8698/1983 annexed thereto, together with ancillary rights, as will more fully appear from said Notarial Deed.

**WHEREFORE** the Appearer, renouncing all the right and title which the said:-

**DIRITA BELEGGINGS KAAPSIG (PROPRIETARY) LIMITED**

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

**WELLSFABER INTERNATIONAL (PROPRIETARY) LIMITED**

its successors in title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however, reserving its rights.

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

**THUS DONE AND EXECUTED** at the office of the **REGISTRAR OF DEEDS** at **CAPE TOWN** on 14 July 2005

q.q

In my presence,

**REGISTRAR OF DEEDS**

ANNEXURE E

CLUVER MARKOTTER INC.
117
Account No. CTN00117
Tel: (021) 887-0120

Prepared by me,

Conveyancer
P O S MEAKER

SEE REG DUTY R...
FOR FEE R... 580,00

SELTER DATA CAPTURE
DATE | OPERATOR/OPERATOR

T000051730 / 2004

# DEED OF TRANSFER

**BE IT HEREBY MADE KNOWN :**

THAT MELIZE VAN DER MERWE
appeared before me, REGISTRAR OF DEEDS at CAPE TOWN the said Appearer being duly authorised thereto by a Power of Attorney signed at STELLENBOSCH on 29 APRIL 2004 and granted by:-

DIRITA BELEGGINGS KAAPSIG (PROPRIETARY) LIMITED
No. 1983/008600/07

**AND** the Appearer declared that the said Principal had truly and legally sold on 26 December 2003 and that, the said Appearer in his/her capacity aforesaid, did by these presents, cede and transfer, to and on behalf of:-

WELLSFABER INTERNATIONAL (PROPRIETARY) LIMITED
No. 1964/005062/07

its successors in title or assigns in full and free property

PORTION 12 (a portion of Portion 9) of the Farm NIETGEGUND No 516, situate in the Municipality and Division of STELLENBOSCH, Province of the WESTERN CAPE

MEASURING: 7,0266 (SEVEN COMMA ZERO TWO SIX SIX) hectares

FIRST REGISTERED and still held by Certificate of Registered Title No T 11201/1986 with Diagram S.G. No 4473/1950 annexed thereto.

A. SUBJECT to the conditions referred to in Certificate of Registered Title No T 6927/1951.

B. FURTHER SUBJECT to the terms of a Servitude endorsed on Certificate of Registered Title No T 6927/1951, which endorsement reads as follows:

"REGISTRATION OF SERVITUDE:
By Deed of Transfer No T 6928 dated 30th April 1951, the owner and successors in title of the land conveyed thereby, have been granted a right of way 12,59 metres wide over the Remainder of Portion 9 held hereunder along the boundary marked F G H J on Diagram No 4293/50 annexed hereto, which right has been granted by the owner of the remainder held hereunder as will more fully appear on reference to said Deed of Transfer."

C. FURTHER SUBJECT to the terms of a Servitude endorsed on Certificate of Registered Title No T 6927/1951, which endorsement dated 26th November 1951, reads as follows:

"REGISTRATION OF SERVITUDE"

By Deed of Transfer No T 20409 dated 26/11/1951 the remaining extent of the within property (Portion 9, measuring 8,4584 Hectares) is subject to a right of way 12,59 metres wide in favour of the property thereby transferred (Portion 11) the southern and south eastern boundaries of which right of way being represented by the lines G H and H J respectively on the inset of the diagram (No 4474/50) thereto annexed.

D. SUBJECT to the condition referred to in the Endorsement dated 5th August 1981 on Deed of Transfer No T 33241/1981, which Endorsement reads as follows:

"By Notarial Deed of Servitude No K 595/1981S dated 11/6/1981 the within held property is subject to a servitude restriction in favour of:

Portion 11, a portion of Portion 9 of the consolidated farm Nietgegund No 516, meas. 7,2161 Ha, and held by Deed of Transfer No T 20409/1951 dated 26/11/1951, which restriction relates to the building of certain farm labourers cottages within a distance of 315 metres of the western boundary of the servient tenement.

As will more fully appear from said Notarial Deed."

E. BY VIRTUE of an Endorsement dated 26 March 1986 on Certificate of Registered Title No T 11201/1986 Portion 12 (a portion of Portion 9) of the Farm Nietgegund No 516, situate in the Municipality and Division of Stellenbosch, Province of the Western Cape, Measuring 7,0266 Hectares is by Notarial Deed of Servitude No K 234/1986 S subject to a Water Pipeline Servitude, 7 (Seven) metres wide, of which the north-eastern boundary is indicated by the line A B C on the Servitude Diagram No 8699/1983 annexed thereto, together with ancillary rights, as will more fully appear from said Notarial Deed.

**WHEREFORE** the Appearer, renouncing all the right and title which the said:-

DIRITA BELEGGINGS KAAPSIG (PROPRIETARY) LIMITED
No 1983/008600/07

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

WELLSFABER INTERNATIONAL (PROPRIETARY) LIMITED
No 1964/005062/07

its successors in title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however, reserving its rights, and finally acknowledging the purchase price to be the sum of R7 120 000,00 (SEVEN MILLION ONE HUNDRED AND TWENTY THOUSAND RAND).

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

**THUS DONE AND EXECUTED** at the office of the **REGISTRAR OF DEEDS at CAPE TOWN** on 3 June 2014.

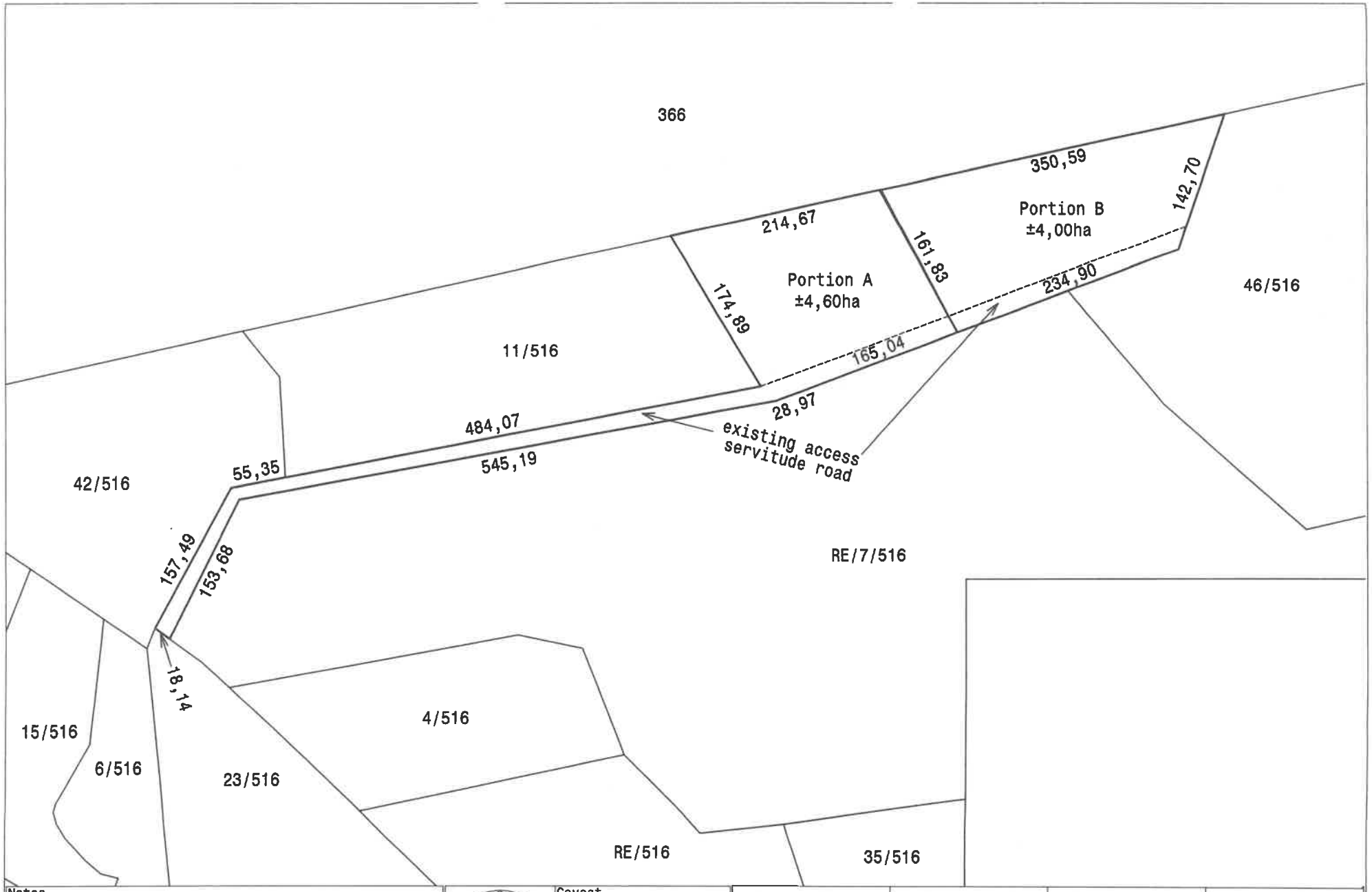
In my presence,

**REGISTRAR OF DEEDS**

[amj5267 – WellsFaber International (conv – trf-gen)]
CLIVER MARKOTTER INC

# ANNEXURE C

## SUBDIVISION & CONSOLIDATION PLAN


366
350,59
142,70
214,67
Portion B
±4,00ha
161,83
Portion A
±4,60ha
174,89
234,90
46/516
11/516
165,04
484,07
28,97
existing access
servitude road
545,19
55,35
42/516
157,49
153,68
RE/7/516
18,14
4/516
15/516
6/516
23/516
RE/516
35/516
Notes
Caveat
1. Any areas and dimensions are provisional and will be finalised at time of subdivision survey.
2. All levels are to be confirmed prior to construction.
TN
Scale 1:3500
Date:20/08/2021
Contours:N/A
System: WG 19
PROPOSED CONSOLIDATION OF PORTION 9 & 12 OF THE FARM NO.516 AND SUBDIVISION INTO 2 PORTIONS STELLENBOSCH
Ref:SA516-12
Dwg:PROPOSED SUB-REV4
friedlaender, burger & volkmann

603

# ANNEXURE D

# APPLICANT'S MOTIVATION

# Proposed Consolidation and Subdivision

## PORTION 9 AND PORTION 12
## OF FARM NO.516
## STELLENBOSCH
## Western Cape Province

*Prepared by*

Friedlander, Burger and Volkmann
House 4 Patrysvlei Estate, Stellenbosch, 7600 | P.O. Box 154, Stellenbosch, 7599
Tel +27 21 8864004 Fax +27 21 8878088 Email info@fbvsurvey.co.za

# Contents

1 Proposal ..... 1
2 Pre-Application ..... 1
3 Authority to apply ..... 1
4 The farms ..... 2
4.1 Description ..... 2
4.2 Current use and zoning ..... 2
4.3 Access ..... 2
4.4 Services ..... 2
4.5 Water Rights ..... 2
5 Reason for the proposal ..... 3
6 Motivation ..... 3
7 List of Annexures ..... 4

## 1 Proposal

Acting on behalf of the owner of Portion 9 of the Farm No. 516 and Portion 12 of the Farm No. 516 Stellenbosch ("the properties") we propose to consolidate the two properties and re-subdivided into two new portions.

A locality plan is provided as **Annexure A** and a plan of proposed subdivision as **Annexure B**

In terms of Section 15(2)(d) and section 15(2)(e) of the Stellenbosch Municipality Planning Land Use Planning By-Law, application is therefore made for the

i. Consolidation of Portion 9 and Portion 12 of the Farm No.516 with a combined area of ± 8,6ha

ii. Subdivision into Portion A, in extent ± 4,60 ha, Portion B, in extent ± 4,00 ha

## 2 Pre-Application

The pre-application scrutiny feedback is attached as **Annexure I**

## 3 Authority to apply

The Properties are owned by:

- Portion 9 of the Farm No.516 – Wellsfaber International Pty Ltd
  The title deed is attached as **Annexure C and** the power of attorney/and authorisation as **Annexure D**

- Portion 12 of the Farm No.516 – Wellsfaber International Pty Ltd
  The title deed is attached as **Annexure E and** the power of attorney/and authorisation as **Annexure F**

# 4 The farms

## 4.1 Description

The two properties are part of the subdivision of Farm No. 516 into various smallholdings that took place in 1950.

Remainder of Portion 9 of the Farm No.516 – measuring 1,4318 Ha

Portion 12 of the Farm No.516 – measuring 7,0266 ha

The diagrams are attached as **Annexure G & Annexure H**

## 4.2 Current use and zoning

The properties are zoned Agriculture & Rural and part of an existing smallholding

## 4.3 Access

Access along the existing farms road linking up with the Blaauwklippen Road

## 4.4 Services

There are no municipal services connected to the property.

## 4.5 Water Rights

As this is a consolidation and re-subdivision, any water rights will be split between the two properties.

## 5 Reason for the proposal

The owner has two titles and would like to re-align the boundaries of the two properties around the existing improvement on the property so that the main dwelling falls on one portion and the second dwelling falls on a separate title.

## 6 Motivation

The proposal is effectively an adjustment of boundaries between the two properties and no additional land unit will be created

There is no significant negative impact to local agriculture as the productive part of the smallholding is in any event well below the DAFF guidelines for an economic unit under vineyard.

No change is land use is proposed and no additional dwellings have been applied for. The the two properties will still be used for primary agricultural purposes associated with agricultural units of this nature.

There will be little or no impact on the surrounding properties as the dwelling units on both proposed properties have already been erected.

The proposed property sizes of approximately 4ha are also not out of character with the current agricultural property sizes along the adjoining Blaauwklippen Road. Each property will have approximately 2.5 ha of arable land that is comparable with arable land available for most of the smallholding along the Blaauwklippen Road

The minor deviation from the Stellenbosch Municipal SDF principles around fragmentation of agricultural land would not be detrimental to the agricultural sector and the surrounding agricultural zoned properties considering that the properties will still be used for agricultural purposes and there is no loss of agricultural land currently being farmed as a result of the subdivision.

## 7 List of Annexures

| | |
|---|---|
| Annexure A | Locality Plan |
| Annexure B | Subdivision Plan |
| Annexure C | Title Deed of Portion 9 of the Farm No.516 |
| Annexure D | Power of Attorney and authorization of Portion 9 of the Farm No.516 |
| Annexure E | Title Deed of Portion 12 of the Farm No.516 |
| Annexure F | Power of Attorney and authorization of Portion 12 of the Farm No.516 |
| Annexure G | Diagram of Portion 9 of the Farm No.516 |
| Annexure H | Diagram of Portion 12 of the Farm No.516 |
| Annexure I | Pre-Application Scrutiny Feedback |

# ANNEXURE E

# PROOF OF EVIDENCE (PUBLIC PARTICIPATION, GENERAL PLAN & AFFIDAVIT)

Farm 366

**Damien Burger**

**From:** Damien Burger
**Sent:** Monday, August 30, 2021 11:13 AM
**To:** 'Piet.Smit@stellenbosch.gov.za'
**Subject:** NOTICE OF LAND DEVELOPMENT APPLICATION : CONSOLIDATION AND RESUBDIVISION PORTIONS 9 AND 12 FARM NO. 516 STELLENBOSCH
**Attachments:** Stel Municipality.pdf

STELLENBOSCH MUNICIPALITY

Attention Mr. Piet Smit

Dear Mr Smit

The Remainder of Farm No. 366 (that is Municipal Land) adjoins the above application.
As an Interested and Affected Party please find attached hereto a Notice of the Land Development Application for comment.

**Regards**
**Damien Burger**
***FRIEDLAENDER, BURGER & VOLKMANN***

Find us: *https://goo.gl/maps/JhVno5PrrXw4qmNr5*
*Professional Land Surveyors • Sectional Title Consultants • Mapping Consultants*
*Professionele Landmeters • Deeltitel Konsultante • Kartering Konsultante*
*House 4 Patrysvlei Estate – Libertas Farm • TEL: 021 8864004, FAX 021 8878088 • PO Box / Posbus 154, Stellenbosch, 7599 • E-mail: damien@fbvsurvey.co.za*
Please note that this message is intended for specific recipients and its content is private and confidential. If you are not the intended recipient please return the message and then delete it.

Farm 516/7

**Damien Burger**

**From:** Damien Burger
**Sent:** Monday, August 30, 2021 11:20 AM
**To:** 'wb@bassgro.com'
**Subject:** NOTICE OF LAND DEVELOPMENT APPLICATION : CONSOLIDATION AND RESUBDIVISION PORTIONS 9 AND 12 FARM NO. 516 STELLENBOSCH
**Attachments:** 516-7.pdf

Dear Sir/Madam

As an adjoining owner to Portion 9 and 12 of Farm No. 516 Stellenbosch please find attached hereto a Notice of a Land Development Application to Interested and Affected Party for Comment.

**Damien Burger**
***FRIEDLAENDER, BURGER & VOLKMANN***

Find us: https://goo.gl/maps/JhVnq5PrrXw4qmNr5
*Professional Land Surveyors • Sectional Title Consultants • Mapping Consultants*
*Professionele Landmeters • Deeltitel Konsultante • Kartering Konsultante*
*House 4 Patrysvlei Estate – Libertas Farm • TEL: 021 8864004, FAX 021 8878088 • PO Box / Posbus 154, Stellenbosch, 7599 • E-mail: damien@fbvsurvey.co.za*
Please note that this message is intended for specific recipients and its content is private and confidential. If you are not the intended recipient please return the message and then delete it.

**Damien Burger**

**From:** Damien Burger
**Sent:** Monday, August 30, 2021 12:20 PM
**To:** 'albie@meerlust.co.za'
**Subject:** NOTICE OF LAND DEVELOPMENT APPLICATION : CONSOLIDATION AND RESUBDIVISION PORTIONS 9 AND 12 FARM NO. 516 STELLENBOSCH
**Attachments:** 516-11.pdf

Dear Sir/Madam

As an adjoining owner to Portion 9 and 12 of Farm No. 516 Stellenbosch please find attached hereto a Notice of a Land Development Application to Interested and Affected Party for Comment.

**Damien Burger**
***FRIEDLAENDER, BURGER & VOLKMANN***

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*Professionele Landmeters • Deeltitel Konsultante • Kartering Konsultante*
*House 4 Patrysvlei Estate – Libertas Farm • TEL: 021 8864004, FAX 021 8878088 • PO Box / Posbus 154, Stellenbosch, 7599 • E-mail: damien@fbvsurvey.co.za*
Please note that this message is intended for specific recipients and its content is private and confidential. If you are not the intended recipient please return the message and then delete it.

Farm 516/42

**Damien Burger**

**From:** Damien Burger
**Sent:** Monday, August 30, 2021 12:21 PM
**To:** 'johan@cantilever-family.com'
**Subject:** NOTICE OF LAND DEVELOPMENT APPLICATION : CONSOLIDATION AND RESUBDIVISION PORTIONS 9 AND 12 FARM NO. 516 STELLENBOSCH
**Attachments:** 516-42.pdf

Dear Sir/Madam

As an adjoining owner to Portion 9 and 12 of Farm No. 516 Stellenbosch please find attached hereto a Notice of a Land Development Application to Interested and Affected Party for Comment.

**Damien Burger**
***FRIEDLAENDER, BURGER & VOLKMANN***

Find us: https://goo.gl/maps/JhVno5PrrXw4qmNr5
*Professional Land Surveyors • Sectional Title Consultants • Mapping Consultants*
*Professionele Landmeters • Deeltitel Konsultante • Kartering Konsultante*
*House 4 Patrysvlei Estate – Libertas Farm • TEL: 021 8864004, FAX 021 8878088 • PO Box / Posbus 154, Stellenbosch, 7599 • E-mail: damien@fbvsurvey.co.za*
Please note that this message is intended for specific recipients and its content is private and confidential. If you are not the intended recipient please return the message and then delete it.

FARM 516/46

**Damien Burger**

**From:** Damien Burger
**Sent:** Monday, August 30, 2021 11:19 AM
**To:** 'lellod@iafrica.com'
**Subject:** NOTICE OF LAND DEVELOPMENT APPLICATION : CONSOLIDATION AND RESUBDIVISION PORTIONS 9 AND 12 FARM NO. 516 STELLENBOSCH
**Attachments:** 516-46.pdf

Dear Sir/Madam

As an adjoining owner to Portion 9 and 12 of Farm No. 516 Stellenbosch please find attached hereto a Notice of a Land Development Application to Interested and Affected Party for Comment.

**Damien Burger**
***FRIEDLAENDER, BURGER & VOLKMANN***

Find us: https://goo.gl/maps/JhVno5PrrXw4qmNr5
*Professional Land Surveyors • Sectional Title Consultants • Mapping Consultants*
*Professionele Landmeters • Deeltitel Konsultante • Kartering Konsultante*
*House 4 Patrysvlei Estate – Libertas Farm • TEL: 021 8864004, FAX 021 8878088 • PO Box / Posbus 154, Stellenbosch, 7599 • E-mail: damien@fbvsurvey.co.za*
Please note that this message is intended for specific recipients and its content is private and confidential. If you are not the intended recipient please return the message and then delete it.

SIG

**Damien Burger**

**Subject:** FW: NOTICE OF LAND DEVELOPMENT APPLICATION : CONSOLIDATION AND RESUBDIVISION PORTIONS 9 AND 12 FARM NO. 516 STELLENBOSCH

**Attachments:** 516-42.pdf

**From:** Damien Burger [mailto:damien.burger@fbvsurvey.co.za]
**Sent:** Monday, August 30, 2021 12:21 PM
**To:** 'info@stellenboschinterestgroup.org'
**Subject:** NOTICE OF LAND DEVELOPMENT APPLICATION : CONSOLIDATION AND RESUBDIVISION PORTIONS 9 AND 12 FARM NO. 516 STELLENBOSCH

**Stellenbosch Interest Group**

info@stellenboschinterestgroup.org

Dear Sir/Madam

As an Interested and Affected Part please find attached hereto a Notice of a Land Development Application for comment.

**Damien Burger**
***FRIEDLAENDER, BURGER & VOLKMANN***

Find us: https://goo.gl/maps/JhVno5PrrXw4qmNr5
*Professional Land Surveyors • Sectional Title Consultants • Mapping Consultants*
*Professionele Landmeters • Deeltitel Konsultante • Kartering Konsultante*
*House 4 Patrysvlei Estate – Libertas Farm • TEL: 021 8864004, FAX 021 8878088 • PO Box / Posbus 154, Stellenbosch, 7599 • E-mail: damien@fbvsurvey.co.za*
Please note that this message is intended for specific recipients and its content is private and confidential. If you are not the intended recipient please return the message and then delete it.

Stellenbosch Agric 50c

**Damien Burger**

**Subject:** FW: NOTICE OF LAND DEVELOPMENT APPLICATION : CONSOLIDATION AND RESUBDIVISION PORTIONS 9 AND 12 FARM NO. 516 STELLENBOSCH

**Attachments:** 516-42.pdf

**From:** Damien Burger [mailto:damien.burger@fbvsurvey.co.za]
**Sent:** Monday, August 30, 2021 12:21 PM
**To:** 'infostlandbo@mweb.co.za'
**Subject:** NOTICE OF LAND DEVELOPMENT APPLICATION : CONSOLIDATION AND RESUBDIVISION PORTIONS 9 AND 12 FARM NO. 516 STELLENBOSCH

**Stellenbosch Agricultural Society**

infostlandbo@mweb.co.za

Dear Sir/Madam

As an Interested and Affected Part please find attached hereto a Notice of a Land Development Application for comment.

**Damien Burger**
***FRIEDLAENDER, BURGER & VOLKMANN***

Find us: *https://goo.gl/maps/JhVno5PrrXw4qmNr5*
*Professional Land Surveyors • Sectional Title Consultants • Mapping Consultants*
*Professionele Landmeters • Deeltitel Konsultante • Kartering Konsultante*
*House 4 Patrysvlei Estate – Libertas Farm • TEL: 021 8864004, FAX 021 8878088 • PO Box / Posbus 154, Stellenbosch, 7599 • E-mail: damien@fbvsurvey.co.za*
Please note that this message is intended for specific recipients and its content is private and confidential. If you are not the intended recipient please return the message and then delete it.

# ANNEXURE F

# OBJECTIONS AND RESPONSE TO OBJECTIONS

# LISDOON INVESTMENTS (PTY) LTD

Dear Sir

I refer to the notice I received via email from D P Burger, *FRIEDLAENDER, BURGER & VOLKMANN;* dated 30th August 2021 regarding the subdivision of Portions 9 and 12 of Farm 516, Stellenbosch, hereafter referred to as the subject property.
I am (acting on behalf of ) the registered owner, Lisdoon Investments, of Portion 11 of Farm 516 Nietgegund , Stellenbosch. I have the following comments and conditions to offer regarding the proposed subdivision contained in the motivation report.

Application
In section 5 **(Reason for approval),** the application states that "the reason for the proposed subdivision is to re-align the boundaries of the two properties around the existing improvement on the property so that the main dwelling falls on one portion and the second dwelling on a separate title."

In section 6 **(Motivation)** of the application the following is, *inter alia,* stated:

1. No change is (stet) land use is proposed, and no additional dwellings have been applied for.
2. There will be little or no impact on the surrounding properties as the dwelling units on both proposed properties have already been erected.

I have a number of concerns, set out below, regarding the proposed subdivision.

1. Permission was previously obtained from Council to erect a second dwelling on the subject property. When the existing second dwelling was erected, the position of the second dwelling adjacent to my primary dwelling impacted negatively on the value of my property. Both the visibility of the second dwelling on the subject property from my property, as well as its proximity to the primary dwelling on my property impact negatively on the privacy of me and my family.

2. I did not study the files of Council pertaining to the previous application for the second dwelling on the subject property for purposes of my current concerns and objection. We urge Council to scrutinise the motivation when the application for the existing second dwelling was submitted. We recall that the position of the second dwelling on the subject property was determined by the conditions set out by the Department of Agriculture.

3. The motivation now submitted states that no additional dwelling is applied for. This statement does not guarantee or safeguard that such an application could and would not be launched in future. If such an application is launched and approved, it will not be without comments and conditions from the Department of Agriculture.

*LISDOON INVESTMENTS (PTY) LTD, REG 94/01737/07,*
*PO BOX 12557, DIE BOORD, 7613*
*DIRECTOR; AN DE WAAL*

# LISDOON INVESTMENTS (PTY) LTD

It could be expected that when any future buildings are to be approved or considered on the subject property, it would be a condition that any buildings should be positioned on a portion of the subject property not used for or developed for productive agricultural purposes and/or that it should be in the in the same proximity of the existing buildings. Both such potential conditions imply that a second dwelling could be erected in a position that will allow for an additional house on the boundary of my property. This situation will result in further negative impacts on the value and utilisation of my property.

4. However, my main concern for allowing a subdivision without a restrictive condition that prevents the construction of any additional dwelling unit to be erected would result in creating a precedent that all landowners in the surrounding area would be entitled to. The original intention of the 1950's subdivision was not to create 4 ha properties with two dwellings on each property.
   The nature and density of occupation in the area has furthermore already been affected by the fact that the majority of labourer's cottages in the area are not occupied by farm labourers any longer. Almost all of these buildings that were not demolished, were converted into accommodation for either short- or medium-term occupation by non-farm workers. The original density of the area has thus already severely compromised the privacy and exclusivity of the properties in the area.

Comments on application

The application can only be supported if a condition prohibiting the erection of any additional dwelling units is registered against the Title Deed of the relevant properties in the Deeds Office. If such a condition is neither acceptable nor unfeasible, I strongly object to the approval of the application under consideration.

The proposed re-alignment could thus not be supported unconditionally since it will create an opportunity to apply for a second dwelling to be constructed on each of the two pockets of land envisaged.

Yours sincerely

*A N de Waal*

Albie de Waal

On behalf of LISDOON INVESTMENTS PTY LYD (registered owner)

Contact numbers: 021 8433587 Cell: 0836504800

*LISDOON INVESTMENTS (PTY) LTD, REG 94/01737/07,*
*PO BOX 12557, DIE BOORD, 7613*
*DIRECTOR: AN DE WAAL*

| Objection/Comment | Response |
|---|---|
| *LISDOON INVESTMENT(PTY) LTD*<br>Comments on application<br>The application can only be supported if a condition prohibiting the erection of any additional dwelling units is registered against the Title Deed of the relevant properties in the Deeds Office. If such a condition is neither acceptable nor unfeasible, I strongly object to the approval of the application under consideration.<br>The proposed re-alignment could thus not be supported unconditionally since it will create an opportunity to apply for a second dwelling to be constructed on each of the two pockets of land envisaged.<br>Otherwise, there are no issues with the application. | The objection is against possible additional dwellings that will be permitted.<br>The proposal to restrict the erection of any additional dwelling units as a condition of title would be acceptable condition of approval for the application. |
| *DEPARTMENT AGRICULTURE : PRETORIA*<br><br>Consent No. 56221 issued in terms of section 4 of the Act | Approval granted |
| *DEPARTMENT AGRICULTURE : ELSENBERG*<br><br>Potion 9 of the Farm No. 516 does not lend itself to any development rights, as it is was not created for agricultural purposes. The consolidation of Portions 9 & 12 does therefore not serve as motivation to support the proposed subdivision.<br>Please note:<br>That this is comment to the relevant deciding authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970. | The deciding authority in terms of Act 70 of 1970 is the National Dept of Agriculture : Pretoria. This comment was forwarded to the National Dept. The Department having taken due consideration of the all comments, supported the subdivision application and issued Consent No. 56221 |

| Objection/Comment | Response |
|---|---|
| *DEPARTMENT TRANSPORT AND PUBLIC WORKS*<br><br>7. In terms of Act 21 of 1940 this Branch offers no objection to the proposed land use application detailed above, subject to servitude access rights being carried over to both of the new title deeds to ensure permanent, legal and unfettered access to Portions 11, 42 and 46 of Farm 516, Stellenbosch, and Portion B of the consolidated property which is to be subdivided. | Approval granted |
| Manager : Development (Infrastructure Services)<br><br>Civil Engineering Services<br>No objection<br><br>Electrical Engineering<br>All electrical requirement to be referred to Eskom.<br>All electrical work to comply with SANS142 and Municipal electrical by- laws | Noted |

# ANNEXURE G

# COMMENT: DEPARTMENT OF AGRICULTURE, LAND REFORM & RURAL DEVELOPMENT

agriculture, land reform
& rural development
Department:
Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA
Private Bag X120, Pretoria. 0001
Delpen Building, C/o Annie Botha & Union Street, Riviera, 0084

From: Directorate Land and Soil Management
Tel: 012-319-7634 Fax: 012-329-5938 Email:KhuthalaD@dalrrd.gov.za
Enquiries: Helpdesk Ref: 2021_02_0080

Friedlaender, Burger & Volkmann Professional Land d Surveyors
P.O.Box 154
**STELLENBOSCH**
7599

Attention: DP Burger

**APPLICATION IN TERMS OF THE SUBDIVISION OF AGRICULTURAL LAND ACT, ACT 70 OF 1970: REMAINDER OF PORTION 9 AND PORTION 12(A PORTION OF PORTION 9) OF THE FARM NIETGEGUND NO. 516; DIVISION OF STELLENBOSCH, WESTERN CAPE PROVINCE**

Your letter of reference SA516-12 dated 04 December 2020 refers.

With reference to the above-mentioned subject, the department wishes to inform you that the application has been granted.

Consent No. 56221 issued in terms of section 4 of the Act is enclosed.

To facilitate registration, the conveyancer must lodge the signed copy of the consent with the Registrar of Deeds together with the documents for registration.

Kindly note that the properties concerned are subject to the provisions of the Conservation of Agricultural Resources Act 1983 (Act 43 of 1983).

Yours faithfully

**DR. B.M. MODISANE**
**ACTING DEPUTY DIRECTOR GENERAL: AGRICULTURAL PRODUCTION, HEALTH AND FOOD SAFETY, NATURAL RESOURCES AND DISASTER MANAGEMENT**
**DATE:** 10/12/21

CC: The Surveyor-General Private Bag X 2 **CAPE TOWN** 8000
CC: Land Use and Soil Management Private Bag X 2 **SANLAMHOF** 7592
CC: Mr Brandon Layman Landuse Management Department of Agriculture: Western Cape Private Bag x 1 **ELSENBURG** 7607

MM/2021

agriculture, land reform & rural development

Department:
Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA

VERW/REF.

2021_02_0080

**TOESTEMMING**
*KRAGTENS DIE WET OP DIE ONDERVERDELING VAN LANDBOUGROND, 1970*

**CONSENT**
*IN TERMS OF THE SUBDIVISION OF AGRICULTURAL LAND ACT, 1970*

56221

By virtue of the powers delegated to me by the Minister of Agriculture, Land Reform & Rural Development consent is hereby granted in terms of section 4(2) of the Subdivision of Agricultural Land Act, 1970, for the subdivision of the agricultural land described in paragraph 1, into units indicated in paragraph 2, subject to the conditions set out in paragraph 3.

**PARAGRAPH 1: THE AGRICULTURAL LAND TO WHICH THIS CONSENT APPLIES**

1.1 THE REMAINDER OF PORTION 9 OF THE FARM NIETGEGUND NO. 516, IN EXTENT 1,4318 HECTARES

1.2 PORTION 12 (A PORTION OF PORTION 9) OF THE FARM NIETGEGUND NO. 516, IN EXTENT 7,0266; WESTERN CAPE PROVINCE

**PARAGRAPH 2: CONSENT GRANTED**

After consolidation the subdivision of the above-mentioned agricultural land into two portions measuring approximately 4, 60 hectares and 4 hectares respectively represented by the figures marked Ptn A and Ptn B as shown on the sketch plan attached.

**PARAGRAPH 3: CONDITIONS PERTAINING TO THIS CONSENT**

3.1 This consent does not imply that the above-mentioned subdivisions are assured of a permanent water supply.

3.2 This consent is valid for 5 years from date of this grant. Should it not be registered within the time frame, a new complete application must be lodged which will be considered on its own merits.

6/12/21
**DATE**

**DR. B. M. MODISANE**
**ACTING DEPUTY DIRECTOR GENERAL: AGRICULTURAL PRODUCTION, HEALTH AND FOOD SAFETY, NATURAL RESOURCES AND DISASTER MANAGEMENT**

MM/2021




Notes

SKETCHPLAN TO WHICH IS WYS WORD IN TOESTEMMING REFERRED IN CONSENT
No: 3622
10/12/21

TN

Caveat
1. Any areas and dimensions are provisional and will be finalised at time of subdivision survey.
2. All levels are to be confirmed prior to construction.

| Scale 1:3500 | Date:30/07/2020 | Contours:N/A | System: WG 19 |
|---|---|---|---|

PROPOSED SUBDIVISION & CONSOLIDATION OF PORTION 9 & 12 OF THE FARM NO.516 STELLENBOSCH

Ref:SA516-12 | Dwg:PROPOSED SUB

friedlaender, burger

627

# ANNEXURE H

# WESTERN CAPE GOVERNMENT: TRANSPORT & PUBLIC WORKS: ROADS

Western Cape Government

**TRANSPORT & PUBLIC WORKS: ROADS**
Chief Directorate: Road Planning
Email: grace.swanepoel@westerncape.gov.za
Tel: +27 21 483 4669
Room 335, 9 Dorp Street, Cape Town, 8001
P.O. Box 2603, Cape Town, 8000

**REFERENCE:** **TPW/CFS/RP/LUD/REZ/SUB-25/406 (Job 28906)**
**ENQUIRIES:** **Ms G Swanepoel**
**DATE:** **14 September 2021**

Friedlaender Burger & Volkmann
PO Box 154
**STELLENBOSCH**
7599

Attention: Mr DP Burger

Dear Sir

**PORTIONS 9 AND 12 OF FARM 516, STELLENBOSCH: DIVISIONAL ROAD 1053 (BLAAUWKLIPPEN ROAD):**

1. Your letter to this Branch, ref. 516-12 dated 26 August 2021 and associated land use application documentation refers.

2. Portions 9 and 12 of Farm 516 Stellenbosch are located off Divisional Road 1053 (Blaauwklippen Road) on the south-east outskirts of Stellenbosch.

3. Portion 9 is a long narrow strip of land with a road providing access to Portion 12, which is over 700m from Divisional Road 1053, as well as Portion 11 of Farm 516 (before the road reaches Portion 12) and Portion 46 of Farm 516 (beyond Portion 12). Portions 11 and 46 have registered servitude access over Portion 9.

4. The application is for the consolidation of Portions 9 and 12, and the subdivision of the consolidated property into two portions, Portion A and Portion B.

5. There is a dwelling house on each of Portion A and Portion B.

6. The proposed consolidation and subdivision would have no impact on traffic using the access road.

7. In terms of Act 21 of 1940 this Branch offers no objection to the proposed land use application detailed above, subject to servitude access rights being carried over to both of the new title deeds to ensure permanent, legal and unfettered access to Portions 11, 42 and 46 of Farm 516, Stellenbosch, and Portion B of the consolidated property which is to be subdivided.

Yours Sincerely

pp

**SW CARSTENS**
***For* DEPUTY DIRECTOR-GENERAL: ROADS**

**ENDORSEMENTS**

1. Stellenbosch Municipality

   Attention: Mr U von Molendorff (e-mail: Ulrich.Vonmolendorff@stellenbosch.gov.za)

2. Friedlaender Burger & Volkmann

   Attention: Mr D Burger (e-mail: Damien.Burger@fbvsurvey.co.za)

3. District Roads Engineer

   Paarl

4. Mr E Smith (e-mail)

5. Mr H Thompson (e-mail)

6. Mr SW Carstens (e-mail)

# ANNEXURE I

# WESTERN CAPE GOVERNMENT: AGRICULTURE: ELSENBURG

Western Cape Government
Agriculture

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

**OUR REFERENCE : 20/9/2/5/6/727**
**YOUR REFERENCE : SA516-12**
**ENQUIRIES : Cor van der Walt**

Friedleander, Burger & Volkmann Professional Land Surveyors
PO Box 154
STELLENBOSCH
7600

Att: DP Burger

**PROPOSED CONSOLIDATION & FURTHER SUBDIVISION: DIVISION STELLENBOSCH**
**PORTION 9 OF THE FARM NO 516**
**PORTION 12 OF THE FARM NO 516**

Your application of 04 December 2020 has reference.

Potion 9 of the Farm No. 516 does not lend itself to any development rights, as it is was not created for agricultural purposes. The consolidation of Portions 9 & 12 does therefore not serve as motivation to support the proposed subdivision.

Please note:

- That this is comment to the relevant deciding authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970.

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

- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely

**Mr. CJ van der Walt**
**LANDUSE MANAGER: LANDUSE MANAGEMENT**
**2021-03-01**

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

Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

# ANNEXURE J

# COMMENT FROM THE MANAGER: SPATIAL PLANNING

(4)

# STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

## Spatial Planning

| | | |
|---|---|---|
| **To** | : | **Manager: Land Use Management** |
| **From** | : | **Manager: Spatial Planning** |
| **Reference** | : | **Farm 516/9 & 12, Stellenbosch** |
| **LU No** | : | **LU/12237** |
| **Date** | : | **24 February 2021** |
| **Re** | : | **Application for consolidation and subdivision of Farm 516/9 & 12, Stellenbosch** |

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELPOMENT SERVICES
02 MAR 2021
RECEIVED

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

FILE NR:
SCAN NR:
COLLABORATOR NR: F 516/9, 12 S
702883

Application is made for the following:

- **Consolidation** of Portion 9 and Portion 12 of the Farm 516 to create one large unit;
- **Subdivision** of consolidation portion

**1) Opinion/reasoning:**

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

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

1. Maintain and grow the assets of Stellenbosch Municipality's natural environment and farming areas;
2. Respect and grow cultural heritage;
3. Direct growth to areas of lesser natural and cultural significance as well as movement opportunity;
4. Clarify and respect the different roles and potentials of existing settlements;
5. Clarify and respect the roles and functions of different elements of movement structure;
6. Ensure balanced, sustainable communities;
7. Focus collective energy on a few catalytic lead projects.

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

principles of sustainable development into land use and planning regulatory tools and legislative instruments.

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

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

The subject property is located outside the urban edge of the Stellenbosch node and used for agricultural purposes. The proposal is effectively an adjustment of boundaries and no additional land unit will be created.

**2) <u>Supported / not supported:</u>**

This department therefore supports the application.

**BJG de la Bat**
**MANAGER: SPATIAL PLANNING**

# ANNEXURE K

# COMMENT FROM THE DIRECTOR: ENGINEERING SERVICES

(8)

# STELLENBOSCH MUNICIPALITY

STELLENBOSCH·PNIEL·FRANSCHHOEK

# MEMORANDUM

**DIREKTEUR: INFRASTRUKTUURDIENSTE**
**DIRECTORATE: INFRASTRUCTURE SERVICES**

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| | |
|---|---|
| **To ▫ Aan:** | **Director: Planning + Economic Development** |
| **Att Aandag** | **Bulelwa Mdoda** |
| **From ▫ Van:** | **Manager: Development (Infrastructure Services)** |
| **Author ▫ Skrywer:** | **Tyrone King** |
| **Date ▫ Datum:** | **23 Aug 2021** |
| **Our Ref ▫ Ons Verw:** | **Civil LU 2205** |
| **Your Ref:** | **LU/12237** |
| **Re ▫ Insake:** | **Farm 516/9 &12: Consolidation and subdivision (boundary adjustment)** |

F 516/9 & 12 5
7/12354

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The application is recommended for approval, subject to the following:

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELPOMENT SERVICES
24 AUG 2021
RECEIVED

**1. Civil Engineering Services**

1.1 No objection, no municipal services are affected.

**2. Electrical Engineering**

2.1 Refer to **Annexure: Electrical**

**Tyrone King Pr Tech Eng**
**MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)**

**W:\2.0 DEVELOPMENT\00 Developments\2205 (TK) Farm 516-9 & 12 Stellenbosch (LU-12237)\2205 (TK) Farm 516-9 & 12 Stellenbosch (LU-12237).doc**

ANNEXURE: ELECTRICAL

Farm 516-9(LU12237)

| GENERAL COMMENT: |
| --- |
| 1. Outside Stellenbosch area of supply. |
| 2. All Electrical requirements should be directed to Eskom. |
| **CONDITIONS** |
| 3. . **All electrical work to comply with SANS142 and Municipal electrical by-laws** |

Bradley Williams Date.....16/08/2021



Signiture.