



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/10035

Our File Reference Number: Erf 298 & 252, Raithby

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: [REDACTED]

Sir/Madam

APPLICATION FOR CONSOLIDATION, REZONING, SUBDIVISION AND DEPARTURES: ERF 298 AND 252, RAITHBY

1. The above application refers.
2. The Municipal Planning Tribunal on 26 May 2023 resolved as follows as follows:
 - 2.1 That the following applications in terms of Section 15 (2) of the Stellenbosch Municipality Land Use Planning By-law, promulgated by notice number 354/2015, dated October 2015, on Erf 298 & 252, Raithby for:
 - 2.1.1 **Consolidation** of Erf 298 and Erf 252 to create one land unit of 5, 2625 ha in extent in terms of Section 15 (2) (e) of the said by-law.
 - 2.1.2 **Rezoning** of the consolidated land unit in terms of Section 15 (2) (a) of the said by-law from Agriculture and Rural Zone to Subdivisional Zone in order to facilitate the proposed development making provision for the following land uses:
 - a) 32 x **Multi-unit Residential Zone** erven limited to Group Housing in order to permit 32 conventional detached dwellings to the total extent of ± 1.61 ha and as depicted by erven 1 - 32 on the subject subdivision plan.
 - b) 30 x **Multi-unit Residential Zone** erven limited to Group Housing in order to permit 30 semi-detached dwellings to the total extent of ± 0.52 ha, and as depicted by erven 36 - 65 on the subject subdivision plan.

- c) 2 x **Multi-unit Residential Zone** erven limited to flats with a maximum of two storeys and to a total extent of ± 1.13 ha, and as depicted by erven 69 and 70 on the subject subdivision plan.
- d) 5 x **Private Open Space Zone** erven limited open space use to a total extent of ± 0.98 ha, and as depicted by erven 33, 34, 66 – 68 on the subject subdivision plan, and which includes a clubhouse on erf 67 as depicted on the subject subdivision plan.
- e) 1 x **Private Open Space Zone** erf limited to private road use to a total extent of ± 0.33 ha, and as depicted by erf 35 on the subject subdivision plan.
- f) 1 x **Utility Services Zone** erf limited to utility service use to a total extent of ± 0.002 ha, and as depicted by erf 71 on the subject subdivision plan.
- g) 1 x **Private Open Space Zone** erf limited to limited to use as a private road, gatehouse, refuse room and open space to a total extent of ± 0.69 ha, and as depicted by erf 72 on the subject subdivision plan.

2.2 **Subdivision** of the consolidated land unit in terms of Section 15 (2) (d) of the said by-law to accommodate the proposed development of the subdivision zone in accordance with subdivision plan and inclusive of servitudes.

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

3. **Conditions of Approval:**

- 3.1 The approval applies only to the proposed development under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
- 3.2 The development be undertaken in accordance with the zoning plan referenced as JOB No. 4387 Figure 10 (24 May 2023, REV 1).
- 3.3 The development be undertaken in accordance with the Subdivision and Phasing Plan referenced as JOB No. 4387 Figure 10 (24 May 2023, REV 1) and Figure 12 (March 2020), drawn by Planning Partners attached as **Annexure C**.

- 3.4 The servitude rights be registered in the title deeds of the applicable property/ies on registration.
- 3.5 An electronic copy (shp, dwg, dxf) of the approved General Plan be submitted to the Directorate Planning and Economic Development for record purposes, which plan must indicate the following information:
- a) Newly allocated erf numbers
 - b) Co-ordinates
 - c) Survey dimensions
 - d) Street names and numbering
- 3.6 An owner's association for the subject development be established in terms of section 29(1) of the subject Bylaw.
- 3.7 The to be established Newlands Estate owner's association be subject to the Newlands Owners Association constitution dated July 2019 attached as **Annexure U**.
- 3.8 All common property, inclusive of private road/s and open space/s and land required for services by the owners' association, be transferred at their cost by the applicant to the owners' association, prior to or simultaneously with the transfer or registration of the first land unit or prior to the first building plan approval, whichever occurs first.
- 3.9 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.
- 3.10 Should the full extent of permissible development rights, as approved herein-above, not be implemented initially or development is phased, a pro rata Development Charges will be levied in accordance with the extent to which the development rights will be implemented, provided that the remaining development contributions will be levied for the remaining permissible development rights when implemented in future. Remaining Development Charges will be levied in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.
- 3.11 The conditions imposed by the Directorate Infrastructure Services as contained in their letter with reference 2007 CIVIL LU and dated 13 November 2022, attached as **Annexure I**, be complied with.

- 3.12 A service agreement regarding the responsibilities for the provision of engineering services be entered into with the Municipality prior to the construction of any Engineering services or infrastructure in terms of Section 66(3) and Section 82(4) of the said Bylaw, which service agreement must include and comply with the conditions as imposed by the Directorate Infrastructure Services in their letter with reference 2007 CIVIL LU and dated 13 November 2022 and attached as **Annexure I**.
- 3.13 The development be designed and undertaken to the satisfaction of the Municipality in accordance with the design guidelines for the Newlands Estate attached as **Annexure U**.
- 3.14 The design guidelines for the Newlands Estate attached as **Annexure U** be amended to cater for the whole development, including the private open space areas, semi-detached dwellings and flats, and to be submitted and approved by the Municipality prior to the registration of the first property or the submission of any building plan application. Alternatively, new design guidelines for the subject areas be submitted and approved by the Municipality prior to the registration of the first property or the submission of any building plan application.
- 3.15 Detailed site development plans as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2019 be submitted to the Municipality for approval prior to the submission of any building plans on any land unit used for private open space or flat purposes, which site development plans must satisfactorily address, but are not necessarily limited to, all the conditions of this approval, compliance with relevant development parameters of the said Bylaw, and any relevant matters relating to Section 16(4) of the said Bylaw and specifically illustrate the conformity of the development to the recommendations of the Heritage Impact Assessment, February 2021 and the Visual Impact Assessment, November 2018.
- 3.16 Sufficient on-site parking be provided in accordance with the provisions of the subject Zoning Scheme Bylaw and to be illustrated on the subject site development plan of the development to the satisfaction of the Municipality.
- 3.17 Landscaping plan as part of the site development plan be submitted and approved by the Municipality prior to the registration of the first property or the submission of any building plan application, whichever occurs first.
- 3.18 The approved landscaping plan be implemented at the cost of the developer and to the satisfaction of the Municipality prior to 50% of the erven be transferred or 50% of building plans be approved, whichever occurs first.

- 3.19 The conditions imposed by the Department of Transport and Public Works: Western Cape as contained in their memos dated 03 May 2020, (Job 16944), 22 June 2022 & 27 May 2022 attached as **Annexure J**, be complied with before the issuing of a Section 28 Certification.

4. Matters to be noted:

- 4.1 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- 4.2 All engineering services and infrastructure as required in terms of the conditions and services agreement must be complied with to the satisfaction of the Municipality and/or the relevant authority prior to the issuing of a Section 28 Certification.
- 4.3 The subdivision only comes into effect once all suspensive conditions or relevant legislative provisions have been complied with (per phase).
- 4.4 Building plans be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.
- 4.5 The approval for the naming and numbering of streets be obtained from the delegated functionary as a separated decision.
- 4.6 An agreement for the emergency access/exit to Wagner Street via Erf 290 (portion of road as per the Surveyor-General) to be entered into with the owner of subject land unit.
- 4.7 The conditions imposed by the Department of Environmental Affairs and Development Planning (Development Management) as contained in their letter dated 25 May 2022, attached as **Annexure L**, be complied with.
- 4.8 The conditions imposed by the Western Cape Government: Water & Sanitation as contained in their letter dated 23 December 2020, attached as **Annexure O**, be complied with.

- 4.9 The conditions imposed by the health inspector: Cape Winelands District Municipality as contained in their email dated 05 August 2020, attached as **Annexure K**, be complied with.
- 4.10 The conditions imposed by the Heritage Western Cape as contained in their letter dated 05 July 2021, attached as **Annexure G**, be complied with.

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

- 5.1 The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape considering that it will offer residential opportunities in the area.
- 5.2 The proposed development constitutes infill development and is not inconsistent with the principles of the SDF.
- 5.3 There will be no negative impact on existing infrastructure and additional traffic can be accommodated on the local road network.
6. That the following applications in terms of Section 15 (2)(b) of the Stellenbosch Municipality Land Use Planning By-law, promulgated by notice number 354/2015, dated October 2015, on Erf 298 & 252, Raithby for:
- 6.1 **Permanent Departures** for the following departures: -
- a) To permit a ground floor common boundary line at the north-western internal common boundary on portion 69 from 4.5m to 3.8m
 - b) To permit a first-floor common boundary line at the north-western internal common boundary on portion 69 from 4.5m to 3.8m
 - c) To permit a ground floor common boundary line at the south-western internal common boundary on portion 70 from 4.5m to 3.8m
 - d) To permit a first-floor common boundary line at the south-western internal common boundary on portion 70 from 4.5m to 3.5m
 - e) To permit a ground floor common boundary line at the south-eastern internal common boundary on portion 70 from 4.5m to 3.1m
 - f) To permit a first-floor common boundary line at the south-eastern internal common boundary on portion 70 from 4.5m to 3.1m

BE REFUSED in terms of Section 60 for the following **reasons**:

6.2 The scale, extent and design of the apartment buildings for the flats are not known as no elevations or site plans have been submitted with the application and the proposed departures can only be evaluated once a site development plan and/or floor layout plan has been submitted.

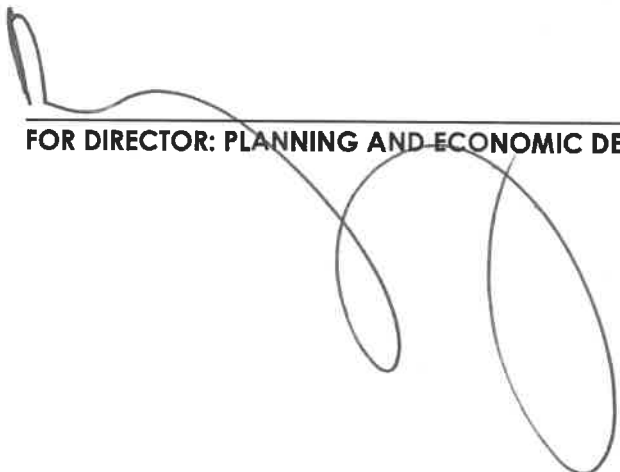
7. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.
8. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:
 - (a) The personal particulars of the Appellant, including:
 - (I) First names and surname;
 - (II) ID number;
 - (III) Company of Legal person's name (if applicable)
 - (IV) Physical Address;
 - (V) Contact details, including a Cell number and E-Mail address;
 - (b) Reference to this correspondence and the relevant property details on which the appeal is submitted.
 - (c) The grounds of the appeal which may include the following grounds:
 - (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
 - (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.
 - (d) whether the appeal is lodged against the whole decision or a part of the decision;
 - (e) if the appeal is lodged against a part of the decision, a description of the part;
 - (f) if the appeal is lodged against a condition of approval, a description of the condition;

- (g) the factual or legal findings that the appellant relies on;
- (h) the relief sought by the appellant; and
- (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;
- (j) That the appeal includes the following declaration by the Appellant:
 - (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
 - (ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.

9. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: landuse.appeals@stellenbosch.gov.za
10. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The LU Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.
11. The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).
12. An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:
 - (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
 - (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.

- (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
- (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.
13. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
14. Kindly note the above decision is suspended, and in the case of any approval, may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully



FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

20/6/2023
DATE:

[REDACTED]

[REDACTED]

ANNEXURE C: PROPOSED DEVELOPMENT PLANS

STELLENBOSCH MUNICIPALITY

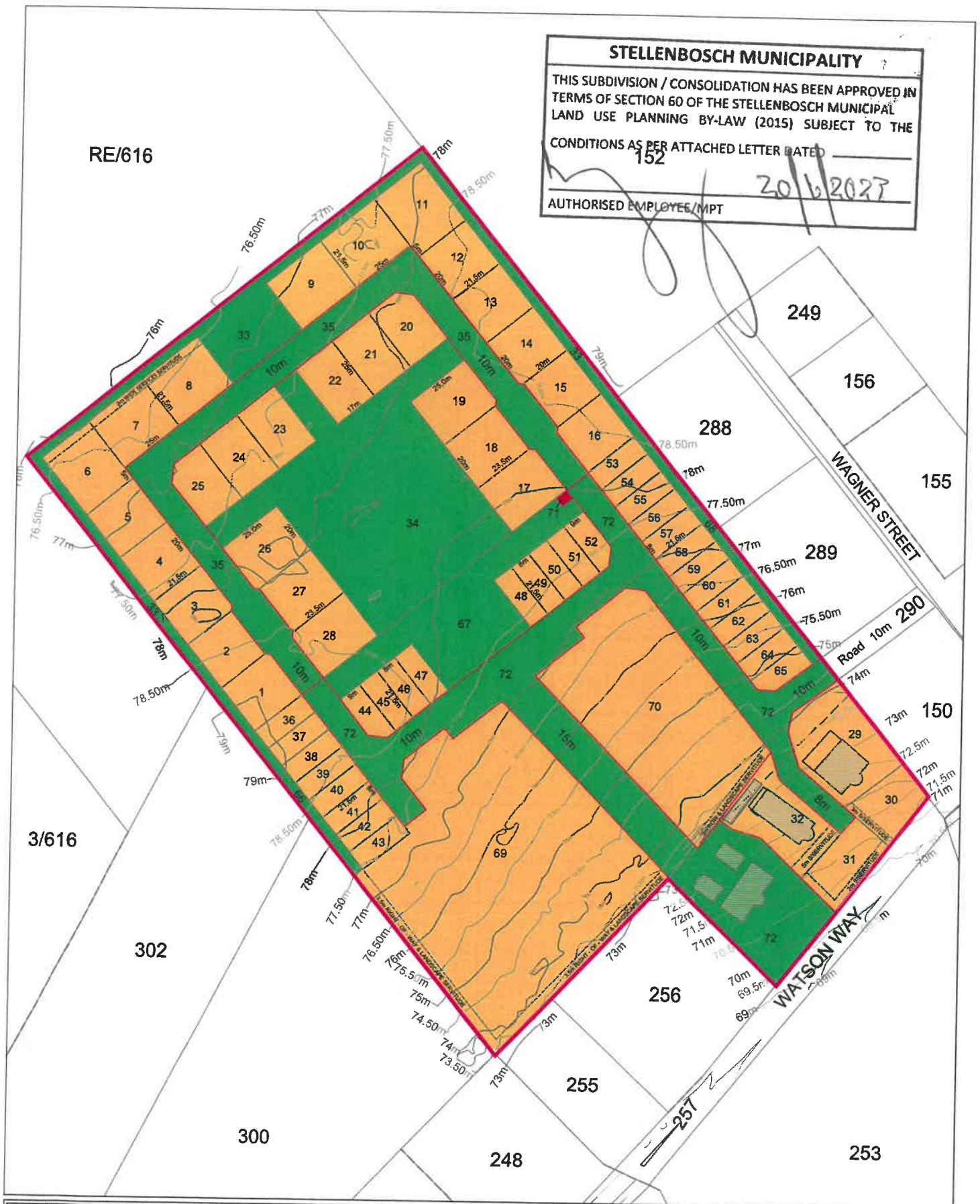
THIS SUBDIVISION / CONSOLIDATION HAS BEEN APPROVED IN
TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL
LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE
CONDITIONS AS PER ATTACHED LETTER DATED

152

20/6/2023

AUTHORISED EMPLOYEE/MPT

RE/616



COLOUR CODE	PORTION NUMBERS	ZONING	LAND USE	NO. OF PTNS.	AREA (ha)	% OF AREA
Orange	1 - 32	MULTI-UNIT RESIDENTIAL ZONE	GROUP HOUSING (Detached Dwellings)	32	1,61	31
Green	33, 34	PRIVATE OPEN SPACE	OPEN SPACE	2	0,73	14
Green	35	PRIVATE OPEN SPACE	PRIVATE ROAD	1	0,33	6
Orange	36 - 65	MULTI-UNIT RESIDENTIAL ZONE	GROUP HOUSING (Semi-detached/Row Houses)	30	0,52	10
Green	66 - 68	PRIVATE OPEN SPACE	OPEN SPACE & CLUBHOUSE	3	0,25	5
Orange	69, 70	MULTI-UNIT RESIDENTIAL ZONE	APARTMENTS/FLATS	2	1,13	21
Red	71	UTILITY SERVICES ZONE	UTILITY SERVICE (Electrical Substation)	1	0,002	—
Green	72	PRIVATE OPEN SPACE	PRIVATE ROAD, GATEHOUSE, REFUSE ROOM & OPEN SPACE	1	0,69	13
			TOTAL	72	5,26	100

CONSOLIDATED PROPERTY (Consolidation of Erven 298 and 262 Raithby)

EXISTING BUILDINGS

NOTES :

1. ALL AREAS AND DIMENSIONS ARE APPROXIMATE
2. ALL CADASTRAL INFORMATION TO BE CONFIRMED BY A REGISTERED LAND SURVEYOR
3. SITE SURVEY : FRIEDLANDER, BURGER & VOLKMAN 28 APRIL 2016, 24 NOVEMBER 2016 & DECEMBER 2019
4. CONTOUR INTERVALS : 0,5m

ERVEN 298 & 252, RAITHBY

PROPOSED PLAN OF SUBDIVISION OF CONSOLIDATED PROPERTY

SCALE 1:1250

PLANNING PARTNERS

JOB No. 4387
24 MAY 2023, REV 1

Figure 10

THIS SUBDIVISION / CONSOLIDATION HAS BEEN APPROVED IN
TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL
LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE
CONDITIONS AS PER ATTACHED LETTER DATED 11/11/2015

~~AUTHORISED EMPLOYEE/MPT~~

CONSOLIDATED PROPERTY
(Consolidation of Erven 298 and 252
Ruitbuij)

A - F PHASING

**ERVEN 298 & 252, RAITHBY
STELLENBOSCH**

PROPOSED PHASING

SCALE 1:1250

**PLANNING
PARTNERS**

JOB No. 4367
MARCH 2020

Figure 12

**ANNEXURE U: NEWLANDS ESTATE DESIGN GUIDELINES +
NEWLANDS OWNERS ASSOCIATION CONSTITUTION**

**CONSTITUTION
OF
THE NEWLANDS OWNERS' ASSOCIATION**

STELLENBOSCH MUNICIPALITY

THE ASSOCIATION CONSTITUTION IS HEREBY
APPROVED IN TERMS OF SECTION 60 OF THE
STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-
LAW (2015).

MUNICIPAL MANAGER

DATE

20/6/23

1. NAME

The name of the association shall be "The Newlands Owners' Association", which is an association established in terms of Section 29 of the Stellenbosch Municipality Land Use Planning By-law.

2. DEFINITIONS

2.1 In this Constitution, unless the context indicates the contrary:

2.1.1 "the Association" shall mean The Newlands Owners' Association;

2.1.2 "the Development Site" shall mean Erf 298 Raliby, in the Stellenbosch Municipality, Stellenbosch Division, Western Cape Province;

2.1.3 "the Developer" shall mean Annandale Road Properties Proprietary Limited, registration number 2009/014097/07, or its successors-in-title;

2.1.4 "Property" shall mean an immovable residential property in the Development;

2.1.5 "person" shall include a company, close corporation, partnership, trust or other association of persons entitled by law to hold title to immovable property;

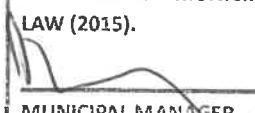
- 2.1.6 "member" shall mean a member as defined in clause 4.1 hereof;
- 2.1.7 "The Development" shall mean the entire scheme of Development undertaken by the Developer and comprising the land and improvements thereon on the Development Site, and
- 2.1.8 words importing the singular number shall include the plural and the converse shall also apply; the masculine gender shall include the feminine and neuter genders and the neuter gender shall include the masculine and feminine genders.

3. OBJECTS OF ASSOCIATION

- 3.1 The objects of the Association are:
- 3.1.1 to formally represent the collective mutual interest of the Development;
- 3.1.2 to exercise control over and maintain buildings, services or amenities in the Development in accordance with the conditions imposed by the Stellenbosch Municipality when approving the Development;
- 3.1.3 to hold at least one annual meeting with its members;
- 3.1.4 to exercise control over the design guidelines of the buildings and erven in the Development;
- 3.1.5 to take ownership of all common property arising from the subdivision, including:
- 3.1.5.1 Private open spaces;
- 3.1.5.2 Private roads, and
- 3.1.5.3 Land required for services provided by the Association;
- 3.1.6 to enforce the conditions of approval or management plans as imposed by the Stellenbosch Municipality and other authorities when approving the Development;

STELLENBOSCH MUNICIPALITY

THE OWNERS ASSOCIATION CONSTITUTION IS HEREBY APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015).

 20/6/23

MUNICIPAL MANAGER DATE

THE OWNERS ASSOCIATION CONSTITUTION IS HEREBY
APPROVED IN TERMS OF SECTION 60 OF THE
STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-
LAW (2015).

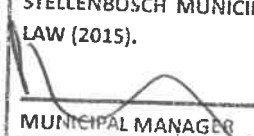
CONSTITUTION OF THE NEWLANDS OWNERS' ASSOCIATION

MUNICIPAL MANAGER

20/6/23
DATE

- 3.1.7 to determine procedures to obtain the consent of the members of the Association to transfer a Property in the Development in the event that the Owners Association ceases to function, and
- 3.1.8 to implement and enforce the provisions of this Constitution;
- 3.1.9 The maintenance of all civil and electrical services within the Association's property;
- 3.1.10 The promotion and enforcement of standards for community living on the Development Site in such a way that members may derive the maximum collective benefit therefrom;
- 3.1.11 The promotion of acceptable aesthetic, environmental and architectural styles and design criteria for the Development Site in accordance with the relevant architectural and landscaping guidelines in order to achieve harmonious development and maintenance thereof and to control the design, development and maintenance of all properties therein, with particular reference to the Architectural & Landscaping Guidelines and Rules approved by the local authority and as amended from time to time by the Association, and
- 3.1.12 The maintenance of the private open space and related common structures within the Development.
- 4. MEMBERS**
- 4.1 Membership of the Association shall be evidenced by registered ownership in the Deeds Registry in Cape Town of a Property. Upon registration of ownership, membership of the Association shall be automatic and members shall be obliged to comply with the provisions of this Constitution. No person shall be entitled to cease to be a member of the Association while remaining the registered owner of a Property in the Development.
- 4.2 Each member shall be entitled to one vote for each Property owned in the Development.

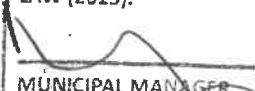
- 4.3 Membership shall be transferred by the registration of a deed of transfer in the Deeds Registry at Cape Town, passing transfer of one or more properties in the Development from the previous member to the new member.
- 4.4 Every member shall pay a monthly levy to the Association, which levy shall be determined by the Association during a general meeting. Until the levies have been determined by the members in general meeting, the levies shall be determined by the Developer.
5. **EXECUTIVE COMMITTEE**
- 5.1 The powers of the Association, other than those to be exercised by the members in a general meeting, shall be exercised by the Executive Committee (Excom).
- 5.2 Excom shall consist of no less than 3 members, who shall all be members of the Association.
- 5.3 Excom shall meet at such time and place as shall be decided by Excom from time to time, provided that it shall meet within 14 days of an Annual General Meeting. Special meetings may be called by the Chairman.
- 5.4 Two Excom members may at any time convene a meeting of Excom by giving to the other Excom member or members no less than 10 days' written notice of the proposed meeting, which notice shall specify the reason for calling such a meeting, provided that in cases of emergency such shorter notice as is reasonable in the circumstances may be given.
- 5.5 Two members shall form a quorum at any meeting of Excom. If at any meeting a quorum is not present within 10 minutes of the appointed time of the meeting, such meeting shall stand adjourned to the same day of the following week at the same time.
- 5.6 If the number of Excom members falls below the number necessary to form a quorum, the remaining members may continue to act but only for the purposes of convening a general meeting of members.

STELLENBOSCH MUNICIPALITY	
THE OWNERS ASSOCIATION CONSTITUTION IS HERESY APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY- LAW (2015).	
 MUNICIPAL MANAGER	20/6/23 DATE

- 5.7 Excom shall keep minutes of meetings held and decisions taken, which minutes shall be tabled at the next Excom meeting and Excom shall make a full annual report at the Annual General Meeting.
- 5.8 At the Annual General Meeting a Chairman, Secretary and Treasurer shall be appointed from the elected Excom members, who shall ipso facto be Chairman, Secretary and Treasurer of the Association. The Chairman, Secretary and Treasurer so elected shall hold office as such until the end of the next ensuing Annual General Meeting.
- 5.9 All management decisions shall be taken by unanimous decision. In the event that consensus cannot be obtained, the chairman shall have a casting as well as a deliberative vote.
- 5.10 The management and administration of the Association shall vest with the Developer until the earlier of:
- 5.10.1 the Developer's decision to hand over the management and administration functions to the members, or
- 5.10.2 the first Annual General Meeting following the registration of transfer of the last remaining Property in the Development from the Developer to a third party purchaser, is held. At such meeting the members shall elect the first Excom.
- 5.11 The Developer or Excom, as the case may be, may exercise all such powers of the Association and do, on behalf of the Association, all such acts as may be exercised and done by the Association itself and as are not by its Constitution required to be exercised or done by the Association in general meeting. Without in any way limiting the generality of the foregoing, such powers shall include but not be limited to the following:
- 5.11.1 The determination of what constitutes appropriate standards for community living in the Development;
- 5.11.2 The performance of such acts as are necessary to accomplish the objects expressed or implied herein;

STELLENBOSCH MUNICIPALITY	
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MUNICIPAL MANAGER	20/6/23 DATE

- 5.11.3 The investment and re-investment of monies of the Association not immediately required, in such manner as may from time to time be determined;
- 5.11.4 The operation of a banking account with all powers required for such operations;
- 5.11.5 The making of, entering into and carrying out of contracts or agreements for any of the purposes of the Association;
- 5.11.6 The employment and payment of agents, servants and any other parties;
- 5.11.7 The making, amendment and repeal of rules which shall be binding upon members as if they form part of this Constitution;
- 5.11.8 The right to sue and to defend actions in the name of the Association and to appoint legal representatives for this purpose, and
- 5.11.9 The performance of such acts as are required to ensure the security of persons and property on the Development Site.
- 5.11.10 Any act performed by Excom members shall, notwithstanding that it is after the performance of the act discovered that there was some defect in the appointment or continuance in office of any Excom member, be as valid as if such Excom member has been duly appointed in office.
- 5.12 Excom members shall not be entitled to any fees or salary in respect of the performance of their duties as Excom members.
- 5.13 No Excom member shall be liable to the Association or to any member thereof, or to any other person whomever for any act or omission by him-/herself, by the Association or by its servants or agents. An Excom member shall be indemnified by the Association against any loss or damage suffered by him/her in consequence of any purported liability, provided that such member has, upon the basis of information known to him, or which should reasonably have been known to him, acted in good faith and without gross negligence.

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 MUNICIPAL MANAGER	20/6/23 DATE

6. GENERAL MEETINGS

- 6.1 Annual General Meetings of members shall be held once in every calendar year at such time and place as may be determined by Excom, but so that no more than 15 months shall be allowed to elapse between any two such successive meetings. The business to be done at the Annual General Meeting shall include:
- 6.1.1 The receipt of a report on the affairs of the Association;
 - 6.1.2 The adoption of the minutes of the previous Annual General Meeting;
 - 6.1.3 The adoption of the balance sheet and accounts;
 - 6.1.4 The consideration of any resolutions concerning the affairs of the Association of which due notice has been given;
 - 6.1.5 The determination of the monthly levy to be charged out against all members of the Association to give proper effect to the carrying out of the objects of the Association for the ensuing year, and
 - 6.1.6 Any other business.
- 6.2 The first Annual General Meeting shall be called by the Developer and shall be held within 180 days from the first transfer of a Property in the Development.
- 6.3 Excom may call an ordinary general meeting of members whenever it thinks fit.
- 6.4 Ordinary general meetings may also be called upon the written request of not less than 10 members, directed to the Chairman of Excom.
- 6.5 An Annual General Meeting shall be convened on not less than 21 days' notice in writing. An ordinary general meeting shall be called by not less than 14 days' notice in writing. The notice shall be inclusive of the day on which it is given and shall specify the place, the day and the hour of the meeting and the general nature of the matters to be discussed.

STELLENBOSCH MUNICIPALITY

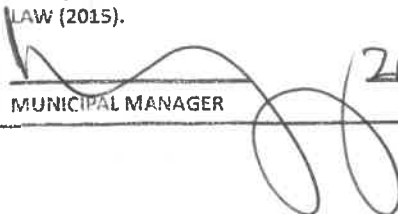
THE OWNERS ASSOCIATION CONSTITUTION IS HEREBY APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015).

MUNICIPAL MANAGER

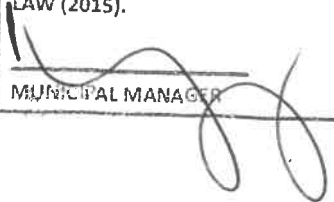
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- 6.6 The accidental omission of giving notice of a meeting to, or the non-receipt of a notice of a meeting by any person entitled to receive such notice, shall not invalidate the proceedings of that meeting.
- 6.7 No matters shall be discussed at any meeting unless a quorum is present when the meeting commences. For all purposes, the quorum shall be members present in person or by proxy and being not less than 13 members.
- 6.8 If within a half hour from the time appointed for the holding of a meeting a quorum is not present, the meeting, if convened at the request of members, shall stand adjourned for half an hour at the same place. If at such adjourned meeting a quorum is still not present, the members present shall be a quorum. In any other instance (other than convened at the request of the members), it shall stand adjourned to the same day in the next week at the same time and place and if at such adjourned meeting a quorum is not present within half an hour from the time appointed for holding the meeting, the members present shall be a quorum.
- 6.9 The Chairman of Excom shall preside at every General Meeting, but if there be no such Chairman, the members present shall choose a Chairman from the members of Excom, or if no such members are present, they shall choose some member present to be chairman of the meeting.
- 6.10 At all general meetings resolutions put to the vote, save for resolutions for the election of a member to Excom or his removal therefrom which shall be decided by ballot, voting shall take place by show of hands unless by majority vote the meeting decides that voting shall be by ballot, in which event the ballot shall take place immediately. Voting, whether by show of hands or by ballot, shall take place in accordance with the following provisions:
- 6.10.1 Each member present in person shall have one vote for every Property registered in his name;
- 6.10.2 Each person present as proxy for a member shall have one vote for each Property registered in the name of the member for whom he is proxy;

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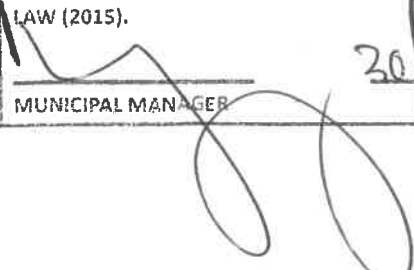
- 6.10.3 Each member and person present as proxy for a member shall indicate clearly how he casts each vote to which he is entitled as aforesaid;
- 6.10.4 All resolutions shall, except as otherwise provided herein, be by majority vote of those members present in person or proxy at the meeting and voting; In the event that a majority cannot be obtained, the chairman shall have a casting as well as a deliberative vote.
- 6.10.5 The Chairman of the meeting shall count the votes cast for and against the resolution and shall declare it carried or lost, as the case may be;
- 6.10.6 A declaration by the Chairman of the result of the voting by show of hands or ballot and the entry thereof in the minute book of the Association shall be conclusive evidence of that fact.
- 6.10.7 Votes may be given either personally or by proxy.
- 6.10.8 The instrument appointing a proxy shall be in writing in any form approved by Excom under the hand of the appointer, or if such appointer is a company, under the hand of a duly authorised officer.
- 6.11 Any legal person which is a member of the Association may, by resolution of its directors or other governing body, authorise such person as it thinks fit to act as its representative at any meeting of the Association and the person so authorised shall be entitled to exercise the same powers on behalf of the company which he represent as that company could exercise if it were an individual member of the Association.
- 7. LEGAL STATUS**
- 7.1 The Association shall come into existence upon the registration of transfer from the Developer to a third party of the first Property, but not before the date on which this Constitution is approved by the Stellenbosch Municipality and by the Community Schemes Ombud Service.
- 7.2 The Association shall be a body corporate:

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- 7.2.1 with legal personality, capable of suing and being sued in its own name, and
- 7.2.2 none of whose members in their personal capacities shall have any right, title or interest to or in the property, funds or assets of the Association, which shall vest in and be controlled by Excom in terms hereof, and
- 7.2.3 not for profit, but for the benefit of the owners of Property in the Development, and
- 7.2.4 with the right to acquire, hold, lease and alienate property, both movable and immovable.

8. LEVIES

- 8.1 The Association, through Excom, shall be entitled to levy an annual levy to defray the costs of managing and administering the Association and for the provision of services. Such levies may be fixed annually but shall be collected monthly in advance.
 - 8.2 The levies shall commence immediately on the registration of transfer.
 - 8.3 If a monthly payment due in advance on account of the annual subscription is not paid within 7 (seven) days of the due date, the Association may institute legal proceedings against the member for the recovery thereof. The costs of such proceedings shall be paid by such member on the scale as between attorney and client and shall be added to the levy. Interest will be charged at the prime overdraft rate charged from time to time on overdue amounts from the due date until paid in full. A member whose levy is not paid on due date shall not be entitled to:
 - 8.3.1 vote at any general meeting;
 - 8.3.2 serve on Excom,
- whilst any payment is outstanding.

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8.4 Excom shall cause proper books of accounts of the administration and finance of the Association to be kept at the domicile of the Association or such other place or places as it may think fit.

8.5 Excom shall cause to be laid before the Association in Annual General Meeting, books of account, balance sheets and reports of the Association.

9. NOTICES

9.1 Any notice or communication required or permitted to be given in terms of this Constitution shall be valid and effective only if in writing, but it shall be competent to give notice by telefax or email.

9.2 Any notice to a member:

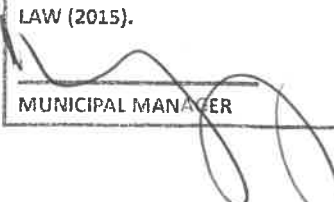
9.2.1 sent by prepaid registered post to the domicile shall be deemed to have been received on the 7th day after posting (unless the contrary is proved);

9.2.2 delivered by hand to a responsible person during ordinary business hours at the domicile shall be deemed to have been received on the day of delivery;

9.2.3 sent by telefax to the chosen telefax number, shall be deemed to have been received on the date of dispatch unless the contrary is proved, or

9.2.4 sent by email shall be deemed to have been received on the first business day following the date of sending of such email.

9.3 Notwithstanding anything to the contrary herein contained a written notice or communication actually received by a member shall be an adequate written notice or communication notwithstanding that it was not sent to or delivered to the chosen domicile.

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10. AMENDMENTS TO CONSTITUTION

Once approved by the Stellenbosch Municipality and the Community Schemes Ombud Service, this Constitution shall not be altered or amended in any way save with the approval of the said municipality and the Community Schemes Ombud Service, after such alteration or amendment has been approved by the members in general meeting.

11. OWNERS' ASSOCIATION CEASES TO FUNCTION

If the association ceases to function or carry out its obligations, Section 30 of the Stellenbosch Municipality Planning By-law shall apply to the Association.

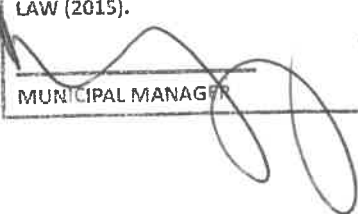
12. PERSONAL LIABILITY OF MEMBERS

No member of the Association shall incur any personal liability in respect of acts done or liabilities incurred by, or on behalf of, the Association.

CERTIFICATES OF APPROVAL

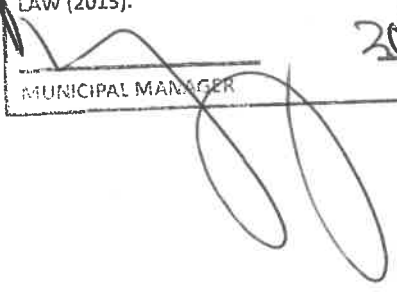
I, the undersigned, hereby certify that this Constitution of The Newlands Owners' Association was this day approved by the Stellenbosch Municipality.

Signed at _____ on the _____ day of _____ 2019.

STELLENBOSCH MUNICIPALITY	
THE OWNERS ASSOCIATION CONSTITUTION IS HEREBY APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015).	
 MUNICIPAL MANAGER	20/6/23 DATE

I, the undersigned, hereby certify that this Constitution of The Newlands Owners' Association was this day approved by the Community Schemes Ombud Service.

Signed at _____ on the _____ day of _____ 2019.

STELLENBOSCH MUNICIPALITY	
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**ANNEXURE I: COMMENTS FROM THE DIRECTORATE: INFRASTRUCTURE
SERVICES**



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MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES
DIREKTORAAT: INFRASTRUKTUURDIENSTE

TO : The Director: Planning and Development
FOR ATTENTION : Nicole Katts
FROM : Director: Infrastructure Services
AUTHOR : Shane Chandaka
DATE : 13 November 2022
RE. : Erf 298 & 252 land use application: rezoning, subdivision and regulations departures
YOUR REF : LU/10035
OUR REF : 2007 CIVIL LU

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

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

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

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

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

PROPOSED REZONING AND SUBDIVISION OF ERF 298 & 252 RATHBY

The engineering conditions consist of the following:

A. Definitions (this document)

B. Recommendation to decision making authority (this document)

C. Specific conditions of approval: These conditions must be complied with before clearance certificate, building plan or occupation certificate approval; whichever is applicable to the development in question. (this document)

D. General conditions of approval: These conditions must be adhered to during implementation of the development to ensure responsible development takes place. If there is a contradiction between the specific and general conditions, the specific conditions will prevail:

A. <u>Definitions</u>

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

B. <u>Recommendation:</u>

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

PROPOSED REZONING AND SUBDIVISION OF ERF 298 & 252 RAITHBY

C. Specific conditions of approval

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

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

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

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

Estimated cost: R 824 309*

Funding: Can be offset from DCs

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

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

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

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

PROPOSED REZONING AND SUBDIVISION OF ERF 298 & 252 RATHBY

- i. The Developer will be responsible for any link pipelines between the development and the municipal network.

- ii. SRW 1.8: Link service 128m x 110 mm Ø New water pipe

Estimated cost: R 131 000*

Funding: The link water line will be for the Developers cost

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

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

- i. The Developer will be responsible for any link pipelines between the development and the municipal network.

- ii. The development will connect to the existing 150mm diameter municipal sewer line in Watson Way (refer to Annexure B). The link sewer line will be for the Developers cost.

- d. **Stormwater Network:**

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

PROPOSED REZONING AND SUBDIVISION OF ERF 298 & 252 RAITHBY

e. Solid Waste:

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

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

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

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

PROPOSED REZONING AND SUBDIVISION OF ERF 298 & 252 RATHBY

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

Development Charges

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

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

PROPOSED REZONING AND SUBDIVISION OF ERF 298 & 252 RATHBY

12. that the Development Charges levy be paid by the "Developer" per phase –
 - prior to the approval of any building- and/or services plans in the case of a Sectional title erf in that phase or where a clearance certificate is not applicable and/or;
 - prior to the approval of Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law in all cases;
13. that the development shall be substantially in conformance with the Site Development Plan submitted in terms of this application. Any amendments and/or additions to the Site Development Plan, once approved, which might lead to an increase in the number of units i.e. more than 116 units, and which might lead to an increase in the Gross Leasable Area i.e. a GLA of more than 121 m², will result in the recalculation of the Development Charges;
14. Bulk infrastructure Development Charges and repayments are subject to VAT and are further subject to the provisions and rates contained in the Act on Value Added Tax of 1991 (Act 89 of 1991) as amended;
15. The Municipality may approach the Developer at any stage, before completion of the Development, to implement any infrastructure / community facilities, in lieu of DCs payable, should the need for such infrastructure / facilities be identified;
16. that the "Developer" will enter into an Engineering Services Agreement with the "Municipality" in respect of the implementation of any infrastructure or community facilities to be implemented in lieu of DCs if the need for such infrastructure is identified at any stage by the Municipality;

Site Development Plan: These requirements must be addressed on any engineering drawings or building plans submitted for approval

17. that the stacking distance must be provided in general accordance with the layout as per Preferred Development Concept Plan (Job) No. 4387, by Planning Partners, dated March 2020;
18. that provision be made for a refuse room as per the specification of the standard development conditions below – the general position of the refuse room on the SDP is acceptable – the exact position and details must be determined in conjunction with the Municipality at detail design stage.

PROPOSED REZONING AND SUBDIVISION OF ERF 298 & 252 RATHBY

19. that if the "Developer" reaches agreement with the Municipality to remove the waste by private contractor, provision must still be made for a refuse room should this function in future revert back to the "Municipality";
20. that any amendments to cadastral layout and or site-development plan to accommodate the above requirements will be for the cost of the "Developer" as these configurations were not available at land-use application stage;

Ownership and Responsibility of services

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

Internal- and Link Services

22. that the "Developer", at his/her cost, construct the internal (on-site) municipal civil services for the development, as well as any link (service between internal and available bulk municipal service) municipal services that need to be provided;
23. Any alterations to existing services necessitated by the new development will be for the Developer's cost;

Bulk Water Meter

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

Servitudes

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

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

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

Electricity

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

Damage to municipal infrastructure and assets

31. that the "Developer" will be held liable for any damage to municipal infrastructure, caused as a direct result of the development of the subject property. The "Developer" will therefore be required to carry out the necessary rehabilitation work, at his/her cost, to the standards of the Directorate: Infrastructure Services, prior to any clearance (or occupation certificate where clearance is not applicable) being given. For this purpose, the Developer shall make a photographic record that clearly indicates the status of the municipal and private infrastructure before construction commences. Should this not be available as proof (or other reasonable and acceptable proof is provided) that any damage was caused pre-development, then the developer will be liable for repairing the damage;

PROPOSED REZONING AND SUBDIVISION OF ERF 298 & 252 RAITHBY

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

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

PROPOSED REZONING AND SUBDIVISION OF ERF 298 & 252 RAITHBV

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

38. Should the "Developer" wish to discuss the possibility of proceeding with construction work parallel with the provision of the bulk services listed above, he must present a motivation and an implementation plan to the "Engineer" for his consideration and approval. The Implementation plan should include items like programmes for the construction of the internal services and the building construction. Only if the programme clearly indicates that occupation is planned after completion of the bulk services, will approval be considered. If such proposal is approved, it must still be noted that no occupation certificate will be issued prior to the completion and commissioning of the bulk services. Therefore should the proposal for proceeding with the development's construction work parallel with the provision of the bulk services be agreed to, the onus is on the "Developer" to keep up to date with the status in respect of capacity at infrastructure listed above in order for the "Developer" to programme the construction of his/her development and make necessary adjustments if and when required. **The Developer is also responsible for stipulating this condition in any purchase contracts with buyers of the properties;**

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

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

Site Development Plan

40. that it is recognized that the normal Site Development Plan, submitted as part of the land-use application, is compiled during a very early stage of the development and will lack engineering detail that may result in a later change of the Site Development Plan. Any later changes will be to the cost of the "Developer";
41. that even if a Site Development Plan is approved by this letter of approval, a further fully detailed site plan be submitted for approval prior to the approval of engineering services plans and or building- and/or services plans to allow for the setting of requirements, specifications and conditions related to civil engineering services. Such Plan is to be substantially in accordance with the approved application and or subdivision plan and or precinct plan and or site plan, etc. and is to include a layout plan showing the position of all roads, road reserve widths, sidewalks, parking areas with dimensions, loading areas, access points, stacking distances at gates, refuse removal arrangements, allocation of uses, position and orientation of all buildings, the allocation of public and private open spaces, building development parameters, the required number of parking bays, stormwater detention facilities, connection points to municipal water- and sewer services, updated land-use diagram and possible servitudes;
42. that if the fully detailed Site Development Plan, as mentioned in the above item, contradicts the approved Site Development Plan, the "Developer" will be responsible for the amendment thereof and any costs associated therewith;
43. that an amended Site Development Plan be submitted for approval prior to the approval of building plans for new buildings not indicated on the Site Development Plan applicable to this application and or changes to existing buildings or re-development thereof;

Internal- and Link Services

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

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

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

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Servitudes

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

Stormwater Management

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

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69. that the design engineer needs to apply his/her mind to ensure a design that will promote a sustainable urban drainage system which will reduce the impacts of stormwater on receiving aquatic environments;
70. that no disturbance to the river channel or banks be made without the prior approval in accordance with the requirements of the National Water Act;
71. that the consulting engineer, appointed by the "Developer", analyses the existing stormwater systems and determine the expected stormwater run-off for the proposed development, for both the minor and the major storm event. Should the existing municipal stormwater system not be able to accommodate the expected stormwater run-off, the difference between the pre- and post-development stormwater run-off must be accommodated on site, or the existing system must be upgraded to the required capacity at the cost of the "Developer" and to the standards and satisfaction of the Directorate: Infrastructure Services. The aforementioned stormwater analysis is to be submitted concurrent with the detail services plans;
72. that for larger developments, industrial developments or developments near water courses a stormwater management plan for the proposed development area, for both the minor and major storm events, be compiled and submitted for approval to the Directorate: Infrastructure Services.
73. that the approved management plan be implemented by the "Developer", at his/her cost, to the standards of the Directorate: Infrastructure Services. The management plan, which is to include an attenuation facility, is to be submitted concurrent with the detail services plans;
74. that in the case of a sectional title development, the internal stormwater layout be indicated on the necessary building plans to be submitted for approval.
75. that no overland discharge of stormwater will be allowed into a public road for erven with catchment areas of more than 1500m² and for which it is agreed that no detention facilities are required. The "Developer" needs to connect to the nearest piped municipal stormwater system with a stormwater erf connection which may not exceed a diameter of 300mm.

Roads

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

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77. that no access control will be allowed in public roads;
78. that the layout must make provision for all deliveries to take place on-site. Movement of delivery vehicles may not have a negative impact on vehicular – and pedestrian movement on public roads and or public sidewalks;
79. The design and lay-out of the development must be such that emergency vehicles can easily drive through and turn around where necessary;
80. that, prior to commencement of any demolition / construction work, a traffic accommodation plan for the surrounding roads must be submitted to the Directorate: Infrastructure Services for approval, and that the approved plan be implemented by the "Developer", at his/her cost, to the standards of the Directorate: Infrastructure Services;
81. that visibility splays shall be provided and maintained on each side of the new access in accordance with the standard specifications as specified in the Red Book with regard to sight triangles at intersections;
82. that each erf has its own access (drive-way), *(the new access(es) (dropped kerb(s)) to the proposed parking bays be)* constructed to standards as set out by the the Directorate: Infrastructure Services and in line with the Road Access Guideline;
83. that the access road to the existing facility be kept in an acceptable condition, i.e. maintained to a standard which will result in a comfortable ride for a standard passenger vehicle and to a standard which will not endanger the lives or property of road users;
84. that the parking area be provided with a permanent surface and be clearly demarcated and accessible. Plans of the parking layout, pavement layerworks and stormwater drainage are to be approved by the Directorate: Infrastructure Services before commencement of construction and that the construction of the parking area be to the standards of the Directorate: Infrastructure Services;
85. that no parking be allowed in the road reserve;

Wayleaves

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- 86. that way-leaves / work permits be obtained from the Directorate: Infrastructure Services prior to any excavation / construction work on municipal land or within 3,0m from municipal services located on private property;
- 87. that wayleaves will only be issued after approval of relevant engineering design drawings;
- 88. that it is the Developer's responsibility to obtain wayleaves from any other authorities/service provider's who's services may be affected.

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

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

Rural areas: Water and Sewerage

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

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

Solid Waste

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

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

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

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

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

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

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98. that it be noted that the Solid Waste Branch will not enter private property, private roads or any access controlled properties for the removal of solid waste;
99. that the "Developer" must apply and get approval from the Municipality's Solid Waste Department for a waste removal service prior to clearance certificate or occupation certificate (where clearance not applicable). Contact person: Senior Manager: Solid Waste (021 808 8241; clayton.hendricks@stellenbosch.gov.za)
100. that should it not be an option for the "Municipality" to enter into an agreement with the "Developer" due to capacity constraints, the "Developer" will have to enter into a service agreement with a service provider approved by the "Municipality" prior to clearance certificate or occupation certificate (where clearance not applicable);
101. that if the "Developer" removes the waste by private service provider, provision must still be made for a refuse room should this function in future revert back to the "Municipality";
102. Access to all properties via public roads shall be provided in such a way that collection vehicles can complete the beats with a continuous forward movement;
103. Access shall be provided with a minimum travelable surface of 5 meters width and a minimum corner radii of 5 meters;
104. Maximum depth of cul-de-sac shall be 20 meters or 3 erven, whichever is the lesser. Where this requirement is exceeded, it will be necessary to construct a turning circle with a minimum turning circle radius of 11m or, alternatively – a turning shunt as per the Directorate: Infrastructure Services' specifications. With respect to the latter, on street parking are to be prohibited by way of "red lines" painted on the road surface as well as "no parking" signboards as a single parked vehicle can render these latter circles and shunts useless;
105. Minimum turning circle radius shall be 11 meters to the center line of the vehicle;
106. Road foundation shall be designed to carry a single axle load of 8.2 tons;
107. Refuse storage areas are to be provided for all premises other than single residential erven;

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108. Refuse storage areas shall be designed in accordance with the requirements as specified by the Solid Waste Branch. Minimum size and building specifications is available from the Solid Waste Branch;
109. A single, centralized, refuse storage area which is accessible for collection is required for each complete development. The only exception is the case of a single residential dwelling, where a refuse storage area is not required;
110. The refuse storage area shall be large enough to store all receptacles needed for refuse disposal on the premises, including all material intended to recycling. No household waste is allowed to be disposed / stored without a proper 240 l Municipal wheelie bin;
111. The size of the refuse storage area depends on the rate of refuse generation and the frequency of the collection service. For design purposes, sufficient space should be available to store two weeks' refuse;
112. Where the premises might be utilized by tenants for purposes other than those originally foreseen by the building owner, the area shall be sufficiently large to store all refuse generated, no matter what the tenant's business may be;
113. All black 85 l refuse bins or black refuse bags is in the process of being replaced with 240 l black municipal wheeled containers engraved with WC024 in front, and consequently refuse storage areas should be designed to cater for these containers. The dimensions of these containers are:
- Commercial and Domestic : 585 mm wide x 730 mm deep x 1100 mm high
114. With regard to flats and townhouses, a minimum of 50 litres of storage capacity per person, working or living on the premises, is to be provided at a "once a week" collection frequency;
115. Should designers be in any doubt regarding a suitable size for the refuse storage area, advice should be sought from the Solid Waste Department : Tel 021 808-8224
116. Building specifications for refuse storage area:
- Floor**

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

Walls and Roof

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

Ventilation and Lighting

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

Water Supply and Drainage

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

117. Should the refuse storage area be located at a level different from the level of the street entrance to the property, access ramps are to be provided as stairs are not allowed. The maximum permissible gradient of these ramps is 1:7;
118. A refuse bay with minimum dimensions of 15 meters in length x 2, 5 meters in width plus 45 degrees splay entrance, on a public street, must be provided where either traffic flows or traffic sight lines are affected. The refuse bays must be positioned such that the rear of the parked refuse vehicle is closest to the refuse collection area;
119. Any containers or compaction equipment acquired by the building owner must be approved by the Directorate: Infrastructure Services, to ensure their compatibility with the servicing equipment and lifting attachments;
120. Refuse should not be visible from a street or public place. Suitable screen walls may be required in certain instances;

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121. Access must be denied to unauthorized persons, and refuse storage areas should be designed to incorporate adequate security for this purpose;
122. All refuse storage areas shall be approved by the Directorate: Infrastructure Services, to ensure that the Council is able to service all installations, irrespective of whether these are currently serviced by Council or other companies;

AS-BUILTs

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

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126. All As-built drawings are to be signed by a professional engineer who represents the consulting engineering company responsible for the design and or site supervision of civil engineering services;
127. Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law shall not be issued unless said services have been inspected by the "Engineer" and written clearance given, by the "Engineer";

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

128. It is specifically agreed that the "Developer" undertakes to comply with all conditions of approval as laid down by the "Municipality" before clearance certificates shall be issued, unless otherwise agreed herein;
129. that the "Municipality" reserves the right to withhold any clearance certificate until such time as the "Developer" has complied with conditions set out in this contract with which he/she is in default. Any failure to pay monies payable in terms of this contract within 30 (thirty) days after an account has been rendered shall be regarded as a breach of this agreement and the "Municipality" reserves the right to withhold any clearance certificate until such time as the amount owing has been paid;
130. that clearance will only be given per phase and the onus is on the "Developer" to phase his development accordingly;
131. The onus will be on the "Developer" and or his professional team to ensure that all land-use conditions have been complied with before submitting an application for a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law. Verifying documentation (proof of payment in respect of Development Charges, services installation, etc.) must be submitted as part of the application before an application will be accepted by this Directorate;
132. that any application for Certificate of Clearance will only be supported by the "Engineer" once all relevant as-built detail, as reflected in the item "AS-BUILT's" of this document, is submitted to the "Engineer" and approved by the "Engineer".

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

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

Avoidance of waste, nuisance and risk

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

Streetlighting

137. The "Developer" will be responsible for the design and construction at his own expense of all internal street lighting services and street lighting on link roads leading to his development (excluding Class 1, 2 and 3 Roads) according to specifications determined by the municipality's Manager: Electrical Services and under the supervision of the consulting engineer, appointed by the "Developer";
138. Prior to commencing with the design of street lighting services, the consulting electrical engineer, as appointed by the "Developer" must acquaint himself with, and clarify with the municipality's Manager: Electrical Engineering, the standards of materials and design requirements to be complied with and possible cost of connections to existing services;

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139. The final design of the complete internal street lighting network of the development must be submitted by the consulting electrical engineer, as appointed by the "Developer", to the municipality's Manager: Electrical Engineering for approval before any construction work commences;
140. Any defect with the street lighting services constructed by the "Developer" which may occur during the defects liability period of 12 (TWELVE) months and which occurs as a result of defective workmanship and/or materials must be rectified immediately / on the same day the defect was brought to the attention of the consulting electrical engineer, appointed by the "Developer". Should the necessary repair work not be done within the said time the "Municipality" reserves the right to carry out the repair work at the cost of the "Developer";
141. The maintenance and servicing of all private internal street lighting shall be the responsibility and to the cost of the "Developer" and or Home Owner's Association.

**SHANE CHANDAKA**

14/12/2022

DIRECTOR: INFRASTRUCTURE SERVICES

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ATTACHMENT X

Geographic Information System (GIS) data capturing standards

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

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

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

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

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

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

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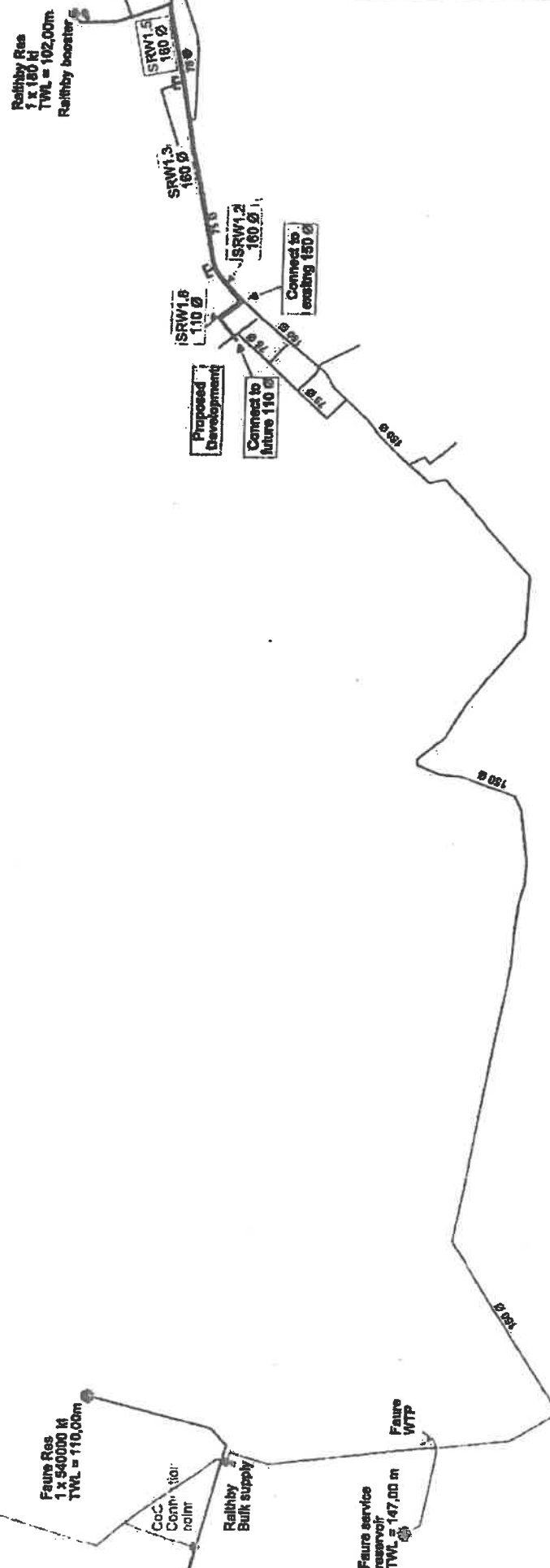
Municipality standard as follows:

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

Annexure A

Legend

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



November 2018



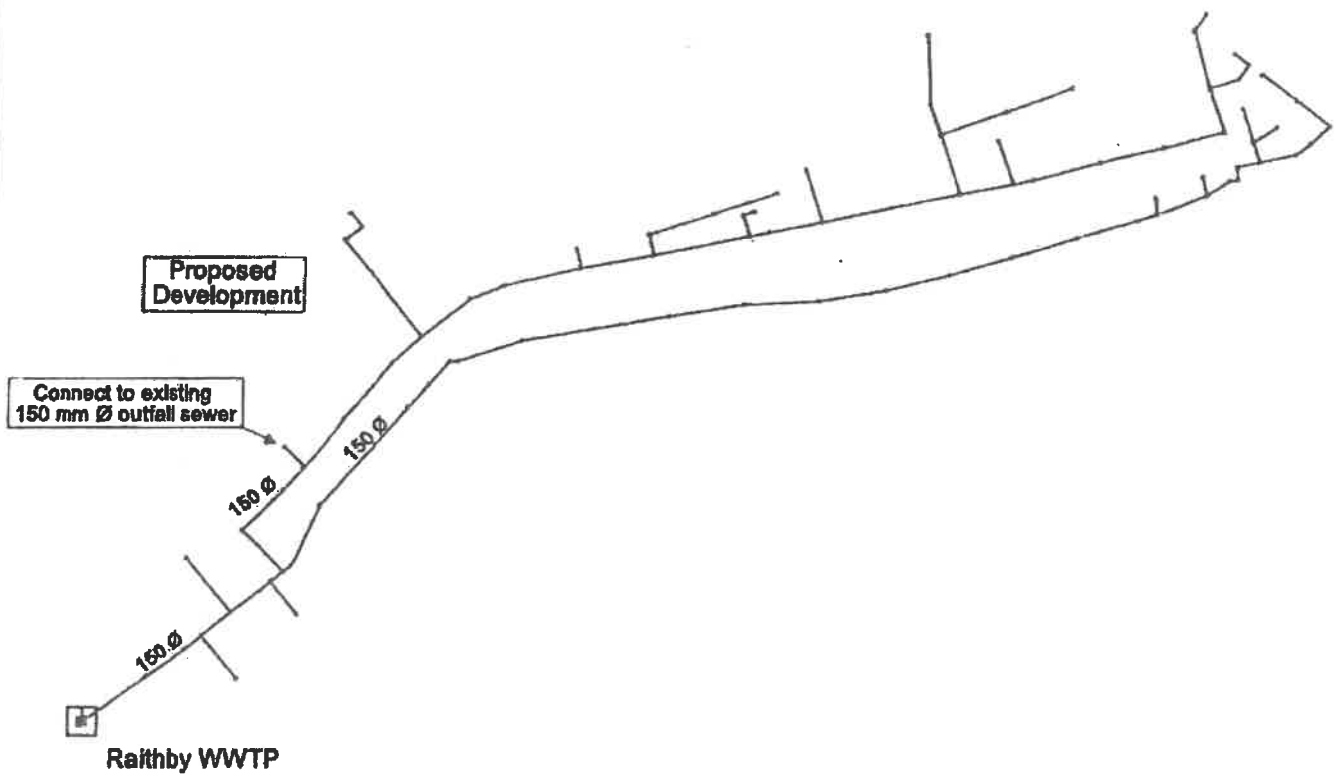
Development : Erf 298 - Rathby



Figure 1
Proposed Development
Erf 298 - Rathby
Water Master Plan

Legend

- Existing sewer system
 [] Proposed development

**Annexure B**

December 2018

Development : Erf 298 - Raithby

**Figure 2**

Proposed Development
 Erf 298 - Raithby
 Sewer Master Plan

Stellenbosch Municipality

Development Charge Calculation



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

SUMMARY OF DC CALCULATION							
Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Community	Totals
Unit(s):	l/day	l/day	l/a°C	l/week	trips/day	persons	
Total Increased Services Usage:	60,784	52,3235	1,518238	4,8242	363,05	461,21	
Total Service Usage Reduction:	0	0	0	0	0,0	0	
Total Service Usage after Reduction:	60,78	52,32	1,51824	4,824	363,1	461	
Total Development Charges before Deductions:	R 588 058,09	R 637 649,53	R 324 803,15	R 405 098,42	R 4 070 640,45	R 1 591 157,42	R 7 598 307,05
Total Deductions:	R -	R -	R -	R -	R -	R -	R -
Total Payable (excluding VAT):	R 588 058,09	R 637 649,53	R 324 803,15	R 405 098,42	R 4 070 640,45	R 1 591 157,42	R 7 598 307,05
VAT:	R 85 358,71	R 95 832,43	R 48 720,47	R 60 764,76	R 610 596,07	R 238 673,61	R 1 138 746,09
Total Payable (including VAT):	R 664 416,80	R 733 481,98	R 373 523,62	R 465 863,18	R 4 681 236,52	R 1 829 831,03	R 8 738 853,11

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

[illegible]

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



**Western Cape
Government**

Transport and Public Works

Vanessa Stoffels

Chief Directorate: Road Planning

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

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

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr Ulrich von Molendorff

Dear Sir

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

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

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

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

Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: ROADS

DATE: 3 May 2022

ENDORSEMENTS

1. Stellenbosch Municipality

Attention: Mr U von Molendorff (e-mail: Ulrich.vonMolendorff@stellenbosch.gov.za)

2. Planning Partners

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

3. UDS Africa

Attention: Mr P van Blerk (e-mail: Piet@udsafrika.co.za):Ms Y Obermeyer (e-mail: Yolandi@udsafrika.co.za)

4. District Roads Engineer

Paarl

5. Mr E Smith (e-mail)

6. Mr B Du Preez (e-mail)

7. Ms S Bothma (e-mail)

8. Mr M Hendrickse (e-mail)

9. Mr S Carstens (e-mail)

10. Mr H Thompson (e-mail)



**Western Cape
Government**

Transport and Public Works

Vanessa Stoffels

Chief Directorate: Road Planning

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

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

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr Ulrich von Molendorff

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

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

Yours Sincerely

pp

SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: ROADS

DATE: 22 June 2022

ENDORSEMENTS

1. Stellenbosch Municipality

Attention: Mr U von Molendorff (e-mail: Ulrich.vonmolendorff@stellenbosch.gov.za)

2. UDS Africa

Attention: Mr P van Blerk (e-mail: piet@udsafrika.co.za)

3. District Roads Engineer: Paarl

4. Mr M E Smith (e-mail)

5. Mrs S du Preez (email)

6. Mr SW Carstens (e-mail)

7. Mr B du Preez (e-mail)



**Western Cape
Government**

Transport and Public Works

Vanessa Stoffels

Chief Directorate: Road Planning

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

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

Planning Partners

PO Box 4866

CAPE TOWN

8000

Attention: Mr M van den Heever

Dear Sir

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

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

Yours Sincerely

SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: ROADS

DATE: 27 May 2022

ENDORSEMENTS

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



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

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

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

Attention: Mr U von Molendorff

Dear Sir

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

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

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

Yours faithfully



SW CARSTENS

For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT

ENDORSEMENTS**1. Stellenbosch Municipality**

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

2. Planning Partners

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

3. UDS Africa

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

**4. District Roads Engineer
Paarl****5. Mr Elroy Smith (e-mail)****6. Cape Winelands District Municipality**

Attention: Mr Aubrey Stevens (e-mail: aubrey@capewinelands.gov.za)

7. Mr SW Carstens (e-mail)**8. Mr HW Thompson (e-mail)**

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



**Western Cape
Government**

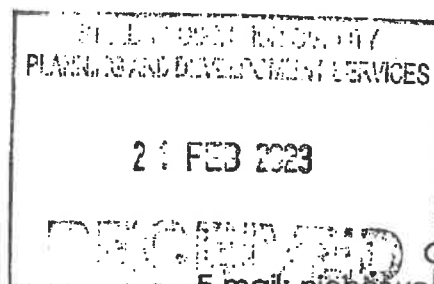
**Ministry of Local Government,
Environmental Affairs & Development Planning**

Tel: +27 21 483 3721

Email: DEADP.Appeals@westerncape.gov.za

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

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



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

Dear Mr. Horwood

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

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

Condition E3:

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

Condition E8:

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

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

5. REASONS FOR THIS APPEAL DECISION:

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

Appeal ground 1: Need and desirability

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

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

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

5.3.20. The 'Guiding Concept' (October 2018) underpinning the Stellenbosch Municipal SDF notes *inter alia* the following:

5.3.20.1. Poverty has deepened and key sectors, which traditionally accommodated unskilled workers, show slow growth;

5.3.20.2. Infrastructure backlogs exist;

5.3.20.3. The need for housing and shelter, both for the lower income groups and those with employment, has not been adequately met;

5.3.20.4. The Municipality does not have the resources to fundamentally reverse backlogs or negative trends in shelter or infrastructure needs; and

5.3.20.5. Although Stellenbosch has grown, it has been unsuccessful in addressing current and future housing needs. The demand for housing is increasing faster than housing provision.

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

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

5.3.23. The spatial plan for Raithby indicates *inter alia* the following:

5.3.23.1. Erven 252 and 298 are both located within the urban edge of Raithby;

5.3.23.2. Erf No. 252 is indicated as forming part of the existing cadastral fabric of Raithby and Erf No. 298 is specifically demarcated as "Mixed Use Community and Residential Infill";

5.3.23.3. Watson Way is indicated as a "Main / Secondary Road";

5.3.23.4. A "New Road Linkage" to Erf No. 298 is indicated at its south-eastern boundary;

5.3.24. The proposed development of a mixed residential development and associated infrastructure is consistent with the directives of the Stellenbosch Municipal SDF.

5.4. As informed by Section E of the Final BAR, the Need and Desirability Table attached as Appendix K of the Final BAR and the Planning Report, the need and desirability is considered under paragraph 3.1 of the reasons for the EA.

5.5. It is concurred with the Responding Statements that the need and desirability aspects have been addressed.

5.6. Considering the above, the need and desirability aspects were adequately considered in the Final BAR.

Appeal ground 2: Inadequate and Incorrect Information related to the assessment of alternatives

5.7. When considering an application for an EA, the competent authority must, take into account all relevant factors, including where appropriate, any feasible and reasonable alternatives to the activity, and any feasible and reasonable modifications or changes to the activity that may minimise harm to the environment.

5.8. When the interested and affected parties questioned the late inclusion of the proposed site into the urban edge, it was responded in the comments and responses report that:

5.8.1. As indicated by the approved Stellenbosch Municipal SDF, the property is located within the urban edge of Raithby and specifically demarcated for the purposes of "Mixed Use Community and Residential Infill".

5.8.2. Based on the field observations, it was concluded that the property is entirely transformed and although now lying fallow is not showing any signs of reverting to a natural condition.

- 5.8.3. The drafting and approval of the SDF followed its own statutory process by the Stellenbosch Municipality and its appointed consultants. It was not under the control of the applicant or its consultants.
- 5.8.4. The SDF approved by the Stellenbosch Council on 11 November 2019 is the statutory SDF.
- 5.8.5. The development proposal has followed an integrated planning process involving a multi-disciplinary project team. The development proposal has given due consideration to *inter alia* authority directives and policy, the surrounding environment, the biophysical characteristics of the site, visual and heritage considerations.
- 5.8.6. The proposed development complies with the principles of the PSDF and SDF.
- 5.9. It is concurred with the Responding Statement that:
 - 5.9.1. The drafting and approval of the Stellenbosch Municipal SDF is a process managed by the Stellenbosch Council and other relevant authorities and is not under the control of the applicant or the consultants of this application. The cyclical revision of the SDF has followed a separate process as prescribed by the relevant legislative instruments, led by the Stellenbosch Council and its appointed consultants.
 - 5.9.2. The spatial plans contained in the SDF give effect to the directives of the Stellenbosch IDP and the principles and policies as contained in the SDF. As indicated above, the SDF clearly indicates the site as being located within the urban edge of Raithby and specifically demarcated as "Mixed Use Community and Residential Infill".
 - 5.9.3. The proposed development is specific to the site as the proposed land uses and layout were informed by planning policies and directives, the residential character of Raithby, the site's topographical characteristics and the surrounding rural environment.
 - 5.9.4. After considering and assessing the potential environmental impacts associated with the proposed development, it was found that the proposed development will not have any significant or detrimental impacts on any environmental aspects that could result in any fatal flaws. All impacts identified can be mitigated to acceptable levels of significance.
 - 5.9.5. The proposed development aligns with most of the Stellenbosch Municipality's policies and guidelines. The Stellenbosch Municipal SDF has placed an emphasis on the protection of the natural environment, agricultural land and heritage resources.
 - 5.9.6. The SDF elements provided in the table above associated with environmental aspects are – Critical Biodiversity Areas ("CBAs"), Ecological Support Areas ("ESAs") and Protected Areas; watercourses; agricultural land; urban edge; scenic landscapes, scenic routes, special places; historical and culturally significant precincts and places. All of these elements were considered when the preferred alternative was formulated.
 - 5.9.7. There are no CBA, ESA, Protected areas, or watercourses present on site. The proposed development will therefore not impact on any biophysical aspects.
 - 5.9.8. Section I of the Final BAR describes that the site is located within the urban edge. Erf No. 252 is already developed with three modern residential dwellings and forms part of the existing cadastral fabric of Raithby and Erf No. 298 is specifically demarcated as "Mixed Use Community and Residential Infill".
 - 5.9.9. The applicant adequately assessed two Layout/Design alternatives (in addition to the initial development concept) as well as the mandatory 'no-go' alternative and this is acceptable in terms of Section 240(1)(b)(iv) of the NEMA. The information contained in the Final BAR, Section G, describes the methodology used to determine and rank the environmental impacts and risks associated with each of the alternatives. These alternatives were comparatively assessed in terms of the impact assessment tables, as included in the BAR. Both the positive and negative impacts associated with the alternatives have been addressed in the BAR.
 - 5.9.10. The assessment of alternatives was therefore deemed adequate by this Directorate at the time of making the decision to authorise the applicant's preferred alternative.
 - 5.9.11. It must be noted that the decision to include Erf No. 298, Raithby within the urban edge of Raithby is the prerogative of the Stellenbosch Municipality, as this planning matter is a

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

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

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

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

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

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

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

6. **CONCLUSION:**

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

7. **DISCLAIMER:**

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

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

Sincerely,



A BREDELL

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

DATE: 25/5/2022

Copied to:

Mr Z. Toefy (DEA&DP)

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

Mr. Bernabe de la Bat (Stellenbosch Municipality)

Email: Zaahir.Toefy@westerncape.gov.za

Email: adel@dougjeff.co.za

Email: Bernabe.delaBat@stellenbosch.gov.za



**Western Cape
Government**

Department of Environmental Affairs and Development Planning
Ayesha Hamdulay
Development Management
Ayesha.Hamdulay@westerncape.gov.za | Tel.: 021 483 0756

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

ENVIRONMENTAL AUTHORISATION

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

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

DECISION

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

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

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

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

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

B. LISTED ACTIVITIES AUTHORISED

Listed Activities	Project Description
<p>Listing Notice 1</p> <p>Activity Number: 27 Activity Description: <i>"The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</i> <i>(i) the undertaking of a linear activity; or</i> <i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan."</i></p>	<p>The proposed development site of 5,2ha contains indigenous vegetation comprising of pioneer species scattered across the site, as a result of the complete transformation of the site by past agricultural activities and residential development.</p>
<p>Listing Notice 1</p> <p>Activity Number: 28 Activity Description: <i>"Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</i> <i>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</i> <i>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes."</i></p>	<p>The proposed development comprises residential development on land previously used for agriculture.</p>
<p>Listing Notice 3</p> <p>Activity Number: 4 Activity Description: <i>"The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i> I. Western Cape <i>i. Areas zoned for use as public open space or equivalent zoning;</i> <i>ii. Areas outside urban areas;</i> <i>(aa) Areas containing indigenous vegetation;</i> <i>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</i> <i>iii. Inside urban areas:</i> <i>(aa) Areas zoned for conservation use; or</i> <i>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority."</i></p>	<p>The proposed development entails the development of internal roads wider than 4m on land containing indigenous vegetation.</p>

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

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

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

- 116 residential units consisting of the following typologies:

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

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

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

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

C. SITE DESCRIPTION AND LOCATION

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

The SG 21-digit codes are given below:

Erf 252, Raithby	C06700180000025200000
Erf 298, Raithby	C06700180000029800000

The co-ordinates of the site are given below:

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

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

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

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

Tel.: (021) 872 5272
E-mail: adel@dougjeff.co.za

E. CONDITIONS OF ENVIRONMENTAL AUTHORISATION

Scope of Authorisation

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

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

Written Notice to the Competent Authority

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

Conditions: 8, 9 and 14

Notification of Environmental Authorisation and Administration of Appeal

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

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

Commencement

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

Management of Activities

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

Monitoring

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

Auditing

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

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

Specific Conditions

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

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

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

F. GENERAL MATTERS

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

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

G. APPEALS

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

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

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

By facsimile: (021) 483 4174; or

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

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

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

H. DISCLAIMER

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

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

Yours faithfully

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT – REGION 1

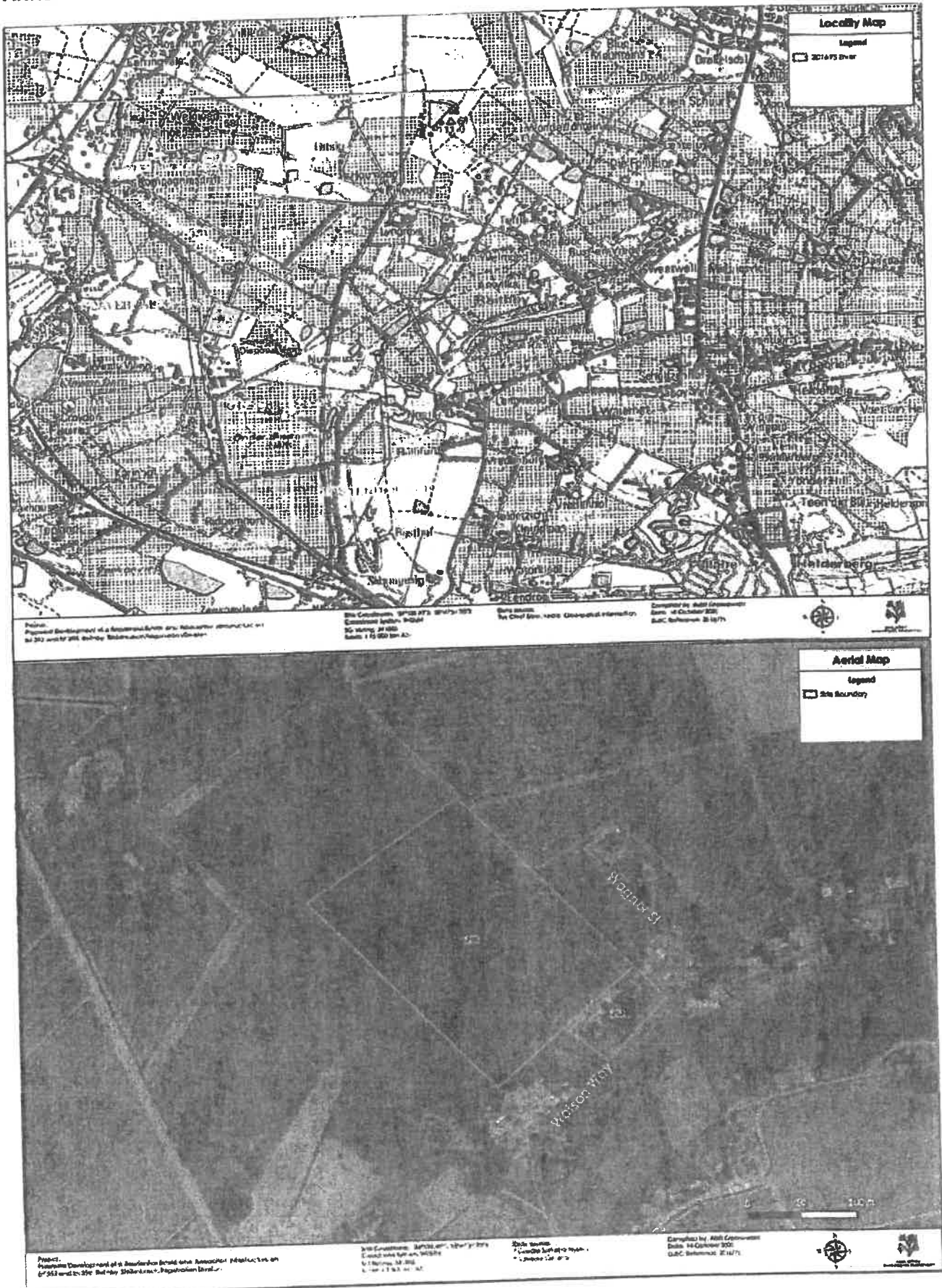
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 11 NOVEMBER 2021

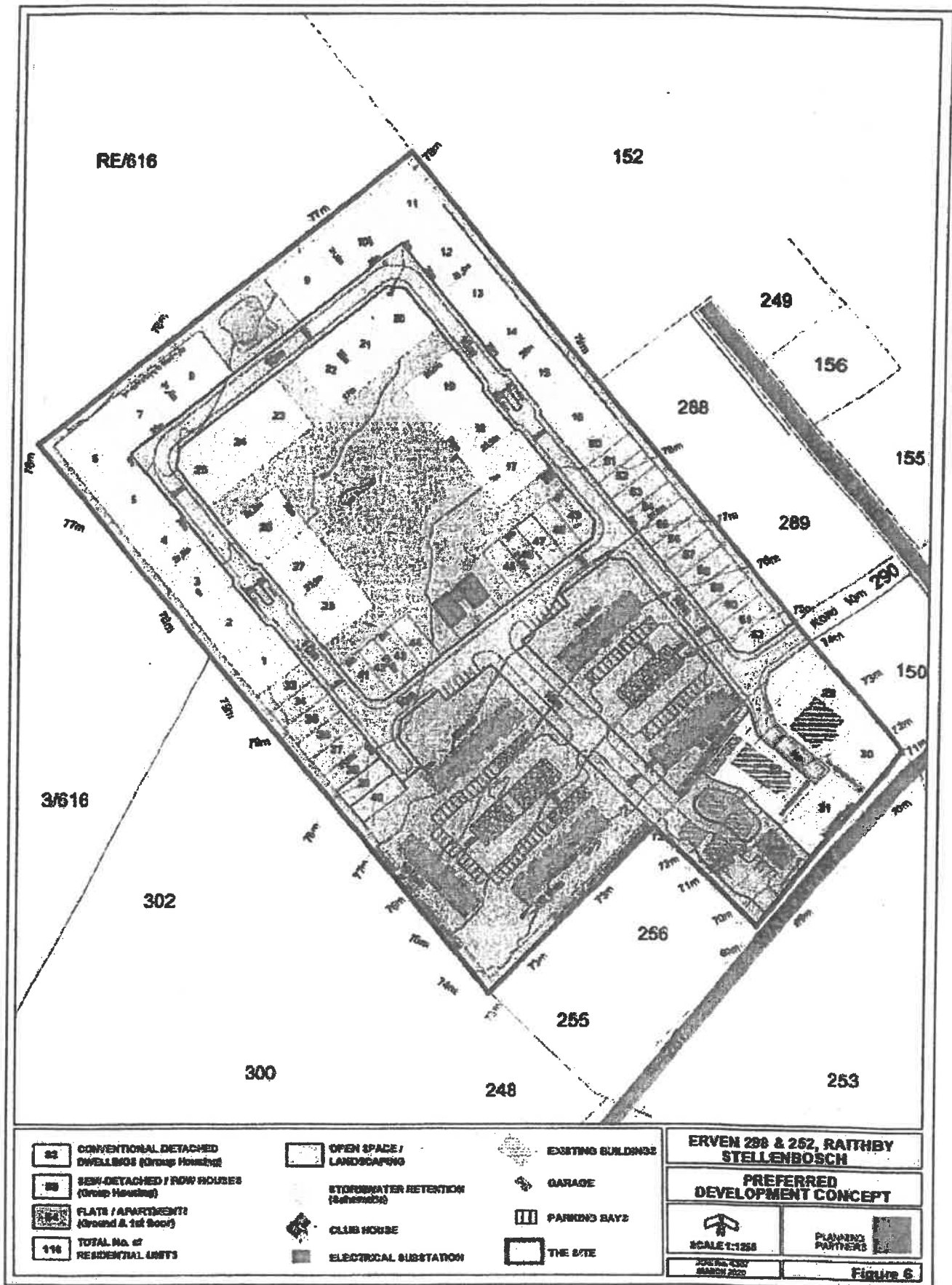
CC: Ms. Adél Groenewald (Doug Jeffery Environmental Consultants (Pty) Ltd) E-mail: adel@dougjeff.co.za
Mr. Bernabe de la Bat (Stellenbosch Municipality) E-mail: Bernabe.delab@ Stellenbosch.gov.za

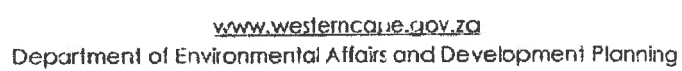
FOR OFFICIAL USE ONLY

EIA REFERENCE NUMBER: 16/3/3/1/B4/45/1027/21
NEAS REFERENCE NUMBER: WCP/EIA/0000915/2021

ANNEXURE 1: LOCALITY MAP(S)

ANNEXURE 2: SITE DEVELOPMENT PLAN(S)





ANNEXURE 3: REASONS FOR THE DECISION

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

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

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

1. Public Participation

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

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

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

2. Alternatives

Preferred Development Alternative (Herewith Authorised)

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

- 116 residential units consisting of the following typologies:
 - A total of 32 conventional detached residential dwellings with residential erven ranging between approximately 400m² and 1080m²;
 - A total of 30 semi-detached residential dwellings of approximately 170m² in extent; and
 - A total of 54 apartments units made up of five (5) two-storey detached buildings with a minimum of 108 parking bays;

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

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

Initial Development Concept

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

The main components of this concept consist of the following:

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

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

Layout/Design Alternative 1

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

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

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

'No-Go' Alternative

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

3. Key Factors Affecting the Decision

3.1 Need and Desirability

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

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

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

3.2 Heritage Resources

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

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

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

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

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

3.3 Visual Impacts

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

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

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

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

3.4 Botanical Impacts

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

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

3.5 Soil Potential

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

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

3.6 Traffic Impacts

According to the Traffic Impact Statement (compiled by Mr. Piet van Blerk of iCE Group, dated 4 March 2020), the proposed development has the potential to generate 108 peak hour trips, with access to the site obtained from Watson Way, and emergency access via Wagner Street. Adequate traffic calming exists along Watson Way. A raised pedestrian crossing exists across Watson Way between the school and public open space to accommodate scholars crossing the road. The report identified specific upgrades to accommodate the additional traffic as a result of the proposed development. These upgrades will be implemented by the holder of the Environmental Authorisation.

These mitigation measures have been included in the EMP to minimise potential negative impacts.

The development proposal will result in both negative and positive impacts.

Negative impacts include:

- Loss of some natural vegetation (pioneer species) during site preparation; and

- Construction related impacts, such as dust, noise and visual intrusion during the construction phase.

Positive impacts include:

- The creation of temporary employment and business opportunities;
- The promotion of densification and more efficient use of resources and land;
- The introduction of traffic calming measures for added pedestrian safety; and
- The creation of housing opportunities with for different socio-economic groups to assist in diversifying the residential market.

4. **National Environmental Management Act, 1998 (Act No. 107 of 1998) Principles**

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all Organs of State, serve as guidelines by reference to which any Organ of State must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activity (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between Organs of State through conflict resolution procedures; and
- the selection of the best practicable environmental option.

5. **Conclusion**

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the authorised listed activities will not conflict with the general objectives of Integrated Environmental Management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the undertaking of the listed activities can be mitigated to acceptable levels.

—END—



Western Cape
Government

Department of Environmental Affairs and Development Planning
Ntanganedzeni Mabasa
Development Management: Region 1
Ntanganedzeni.Mabasa@westerncape.gov.za | Tel: 021 483 2803

REFERENCE: 16/3/3/6/B4/45/1213/20
ENQUIRIES: Ntanganedzeni Mabasa
DATE: 23/10/2020

The Board of Directors
Planning Partners
P.O Box 4866
CAPE TOWN
8000

Attention: Mr. Mauritz Van Den Heever

Cell: 021 418 0510
Email: mauritz@planpart.co.za

Dear Sir

APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR APPLICATION FOR THE PROPOSED CONSOLIDATION, REZONING, SUBDIVISION AND DEPARTURES ON ERVEN NO. 252 AND NO. 298, RAITHBY, STELLENBOSCH.

1. The electronic copy of the abovementioned documents, as received by this Department on the 28 September 2020, refer.
2. This letter serves as an acknowledgement of receipt of the correspondence by this Department.
3. The Department hereby confirms the following:
 - 3.1 A Notice of Intent to submit an application in terms of the NEMA EIA Regulations, 2014 for the abovementioned proposed development was submitted to the Department on 15 October 2020.
 - 3.2 The Departmental reference number is 16/3/3/6/7/1/B4/45/1246/20 and the case officer is Ms Ayesha Hamdulay.
4. You are required to quote the abovementioned reference number in any future correspondence in respect of the application to the Department.
5. Please note that the activity may not commence prior to an environmental authorisation being granted by the Department.

**ANNEXURE O: COMMENTS FROM WESTERN CAPE
GOVERNMENT: WATER & SANITATION**



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

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

☎ 021 941 6039
☎ 021 941 6082
☎ 082 370 2708

✉ Mr. Nkosinathi Mkonto
📁 16/2/7/G200/A/8
💻 mkonton@dws.gov.za

Attention: Mauritz van der Heever

Planning Partners
P O Box 4866
CAPE TOWN
8000

Dear Sir/ Madam

SPATIAL PLANNING AND DEVELOPMENT SERVICES

21 FEB 2023

RECEIVED

APPLICATION FOR CONSOLIDATION, REZONING, SUBDIVISION AND DEPARTURES: ERVEN 298 AND 252, RAITHBY

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

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

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



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water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

CONTINUATION PAGE: (page. 2/2).

5. No permanent structures may be constructed within the 1:100 year flood line or 100m from the edge of the riparian habitat of a watercourse.
6. If any property that receives water from an Irrigation Board or Water User Association is subdivided, sold or consolidated, the Board or Association and this Department must be notified within sixty (60) days after the said transaction took place.
7. Please note that if the subdivision will affect the allocation of a water use as registered by this Department, the owner(s) of the new property(ies) must enter into a written mutual agreement to determine each property's share in any allocated water or water use and this must be communicated to this Department.
8. If this subdivision (or consolidation) will affect the allocation of a water use as licences by this Department, the Licencee must contact the Department for the amendment of this licence. This will also be necessary if the property description changes. The Licencee must provide full details of all changes in respect of the properties to the Responsible Authority within 60 days of said change taking place.
9. It is the duty of the applicant(s) to ensure that all servitudes of aqueduct, access and storage to give effect to the apportionment of water uses has been agreed upon prior amongst the property owners and formally registered with the Deeds of Office to give affect thereto upon approval of the application.

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

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

Yours faithfully

REGIONAL HEAD: WESTERN CAPE

Signed by: Nelisa Ndobeni

Designation: Control Environmental Officer

Date: 23 December 2020



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