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Application Number: LU/16321 (TP561/2023)

Our File Reference Number: Farm 742/5, Paarl Division

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 AMENDMENT OF CONDITIONS OF APPROVAL ON PORTION 5 OF FARM 742, PAARL DIVISION

1. The above application refers.
2. This letter serves as a replacement letter of approval on same and dated 7 November 2023.
3. In terms of Section 63 of the Land Use Planning Bylaw 2023, a correction of an error in the wording of the previous letter of decision is hereby authorised by the delegated decision maker in terms of Delegation LUP 91, to reflect the accurate wording of amended conditions as presented in the record of the application. (corrected wording underlined in text).
4. The duly authorised decision maker has decided on the above application as follows:
 - 4.1 That the application in terms of Section 15(2)(h) of the Stellenbosch Municipal Land Use Planning Bylaw, 2023 for the following amendments to the Conditions of Approval attached to the land use approval dated 25 August 2023 for the rezoning and subdivision of Farm 742 Ptn 5:

4.1.1 Condition 3.14

Provision must be made for inclusionary housing units in each precinct that will provide residential uses in pursuance of the Inclusionary Housing Policy in terms of an agreement to be concluded with the Municipality on the submission and approval of any site development plan.

4.1.2 Condition 3.22

Regarding the requirement for the development of the Class 3 road and underpass link to the R101 over Farm 739, the following must be adhered to:

- a) Prior to the registration or transfer of any property included in Phase 2 and/or Phase 5 on Plan No: 18096-006. Revision E. Dated: 2023-06-09, attached as Annexure C, and regardless of any other stipulations on development or trip thresholds, the actual construction of the Class 3 road and underpass link to the R101 over Farm 739 must have commenced.
- b) No building plans on the subject phases 2 and/ or 5 will be approved prior to the completion of the Class 3 road and underpass link to the R101 over Farm 739 to the satisfaction of the Municipality.
- c) The Class 3 road and underpass link to the R101 over Farm 739 must be undertaken in accordance with a service level agreement to be concluded prior to the registration or transfer of any property, and which service level agreement must make provision for inter alia:
 - (i) The commencement of the construction of the Class 3 road and underpass link to the R101 over Farm 739 by December 2025 with an estimated construction period of 14 months.
 - (ii) The specifications for the construction of the Class 3 road and underpass link to the R101 over Farm 739.
 - (iii) The creation of an Escrow account over which the Municipality will have full oversight, and into which the proceeds of all ensuing sales of properties of The Bridge development, up to the estimated amount calculated during the final design of these works, must be paid for the sole purpose of and up until the satisfactorily completion of the Class 3 road and underpass link to the R101 over Farm 739.
- d) The development of the property identified as Phase 2 – Portion 4 (the "Smith Power Building") which forms part of the transaction between Stellenbosch Bridge Properties (Pty) Ltd and Menlana (Pty) Ltd, is exempted from the above requirements in 3.22 insofar as it complies with condition 3.21 and the conclusion of the required Service Level Agreement in (c).

BE APPROVED in terms of Section 60 of the said Bylaw.

5. The reason for the above decision is that the amendment of the subject conditions will facilitate the viability of the development without compromising the municipal requirements.
6. Matters to be noted:
 - 6.1 That the conditions of approval attached to the approval of the rezoning and subdivision of Farm 742 Ptn 5 and dated 25 August 2023, and which were not the subject of this application, remains applicable and must be complied with as read together with this approval.
 - 6.2 If the amendment of the subject conditions of approval requires that any corresponding amendments to any concluded service agreement is needed, such changes must be made to the satisfaction of the Municipality.
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:
 - 8.1 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
 - 8.2 Reference to this correspondence and the relevant property details on which the appeal is submitted.
 - 8.3 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.
 - 8.4 Whether the appeal is lodged against the whole decision or a part of the decision.

8.5 If the appeal is lodged against a part of the decision, a description of the part.

8.6 If the appeal is lodged against a condition of approval, a description of the condition.

8.7 The factual or legal findings that the appellant relies on.

8.8 The relief sought by the appellant.

8.9 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.

8.10 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 and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at landuse.appeals@stellenbosch.gov.za

12. An applicant who lodges 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 in the case of any approval, is suspended, and 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



SENIOR MANAGER DEVELOPMENT MANAGEMENT

10/11/2023
DATE



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ANNEXURE C



STELLENBOSCH

ENGINEERING & CONSULTING

REVISION HISTORY:

Rev 01: Proposed Planning of Portion 5 of Farm 742, Paarl
Rev 02: Additional information to be submitted to the Municipality
Rev 03: Minor amendments to the plan

NOTES:

- All dimensions and areas are provided and will be verified by independent survey.
- Proposed 1st phase of the subdivision is shown in yellow.
- Proposed 2nd phase of the subdivision is shown in red.
- Proposed 3rd phase of the subdivision is shown in blue.
- Proposed 4th phase of the subdivision is shown in green.
- Proposed 5th phase of the subdivision is shown in orange.
- Proposed 6th phase of the subdivision is shown in pink.
- Proposed 7th phase of the subdivision is shown in light blue.
- Proposed 8th phase of the subdivision is shown in light green.
- Proposed 9th phase of the subdivision is shown in light orange.
- Proposed 10th phase of the subdivision is shown in light pink.
- Proposed 11th phase of the subdivision is shown in light blue.
- Proposed 12th phase of the subdivision is shown in light green.
- Proposed 13th phase of the subdivision is shown in light orange.
- Proposed 14th phase of the subdivision is shown in light pink.
- Proposed 15th phase of the subdivision is shown in light blue.
- Proposed 16th phase of the subdivision is shown in light green.
- Proposed 17th phase of the subdivision is shown in light orange.
- Proposed 18th phase of the subdivision is shown in light pink.
- Proposed 19th phase of the subdivision is shown in light blue.
- Proposed 20th phase of the subdivision is shown in light green.
- Proposed 21st phase of the subdivision is shown in light orange.
- Proposed 22nd phase of the subdivision is shown in light pink.
- Proposed 23rd phase of the subdivision is shown in light blue.
- Proposed 24th phase of the subdivision is shown in light green.
- Proposed 25th phase of the subdivision is shown in light orange.
- Proposed 26th phase of the subdivision is shown in light pink.
- Proposed 27th phase of the subdivision is shown in light blue.
- Proposed 28th phase of the subdivision is shown in light green.
- Proposed 29th phase of the subdivision is shown in light orange.
- Proposed 30th phase of the subdivision is shown in light pink.
- Proposed 31st phase of the subdivision is shown in light blue.
- Proposed 32nd phase of the subdivision is shown in light green.
- Proposed 33rd phase of the subdivision is shown in light orange.
- Proposed 34th phase of the subdivision is shown in light pink.
- Proposed 35th phase of the subdivision is shown in light blue.
- Proposed 36th phase of the subdivision is shown in light green.
- Proposed 37th phase of the subdivision is shown in light orange.
- Proposed 38th phase of the subdivision is shown in light pink.
- Proposed 39th phase of the subdivision is shown in light blue.
- Proposed 40th phase of the subdivision is shown in light green.
- Proposed 41st phase of the subdivision is shown in light orange.
- Proposed 42nd phase of the subdivision is shown in light pink.
- Proposed 43rd phase of the subdivision is shown in light blue.
- Proposed 44th phase of the subdivision is shown in light green.
- Proposed 45th phase of the subdivision is shown in light orange.
- Proposed 46th phase of the subdivision is shown in light pink.
- Proposed 47th phase of the subdivision is shown in light blue.
- Proposed 48th phase of the subdivision is shown in light green.
- Proposed 49th phase of the subdivision is shown in light orange.
- Proposed 50th phase of the subdivision is shown in light pink.
- Proposed 51st phase of the subdivision is shown in light blue.
- Proposed 52nd phase of the subdivision is shown in light green.
- Proposed 53rd phase of the subdivision is shown in light orange.
- Proposed 54th phase of the subdivision is shown in light pink.
- Proposed 55th phase of the subdivision is shown in light blue.
- Proposed 56th phase of the subdivision is shown in light green.
- Proposed 57th phase of the subdivision is shown in light orange.
- Proposed 58th phase of the subdivision is shown in light pink.
- Proposed 59th phase of the subdivision is shown in light blue.
- Proposed 60th phase of the subdivision is shown in light green.
- Proposed 61st phase of the subdivision is shown in light orange.
- Proposed 62nd phase of the subdivision is shown in light pink.
- Proposed 63rd phase of the subdivision is shown in light blue.
- Proposed 64th phase of the subdivision is shown in light green.
- Proposed 65th phase of the subdivision is shown in light orange.
- Proposed 66th phase of the subdivision is shown in light pink.
- Proposed 67th phase of the subdivision is shown in light blue.
- Proposed 68th phase of the subdivision is shown in light green.
- Proposed 69th phase of the subdivision is shown in light orange.
- Proposed 70th phase of the subdivision is shown in light pink.
- Proposed 71st phase of the subdivision is shown in light blue.
- Proposed 72nd phase of the subdivision is shown in light green.
- Proposed 73rd phase of the subdivision is shown in light orange.
- Proposed 74th phase of the subdivision is shown in light pink.
- Proposed 75th phase of the subdivision is shown in light blue.
- Proposed 76th phase of the subdivision is shown in light green.
- Proposed 77th phase of the subdivision is shown in light orange.
- Proposed 78th phase of the subdivision is shown in light pink.
- Proposed 79th phase of the subdivision is shown in light blue.
- Proposed 80th phase of the subdivision is shown in light green.
- Proposed 81st phase of the subdivision is shown in light orange.
- Proposed 82nd phase of the subdivision is shown in light pink.
- Proposed 83rd phase of the subdivision is shown in light blue.
- Proposed 84th phase of the subdivision is shown in light green.
- Proposed 85th phase of the subdivision is shown in light orange.
- Proposed 86th phase of the subdivision is shown in light pink.
- Proposed 87th phase of the subdivision is shown in light blue.
- Proposed 88th phase of the subdivision is shown in light green.
- Proposed 89th phase of the subdivision is shown in light orange.
- Proposed 90th phase of the subdivision is shown in light pink.
- Proposed 91st phase of the subdivision is shown in light blue.
- Proposed 92nd phase of the subdivision is shown in light green.
- Proposed 93rd phase of the subdivision is shown in light orange.
- Proposed 94th phase of the subdivision is shown in light pink.
- Proposed 95th phase of the subdivision is shown in light blue.
- Proposed 96th phase of the subdivision is shown in light green.
- Proposed 97th phase of the subdivision is shown in light orange.
- Proposed 98th phase of the subdivision is shown in light pink.
- Proposed 99th phase of the subdivision is shown in light blue.
- Proposed 100th phase of the subdivision is shown in light green.

LEGEND:

- Phase 1
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- Phase 100

TITLE:

PROPOSED PHASING PLAN

SCALE:

1:10 000

PROPERTY DESCRIPTION:

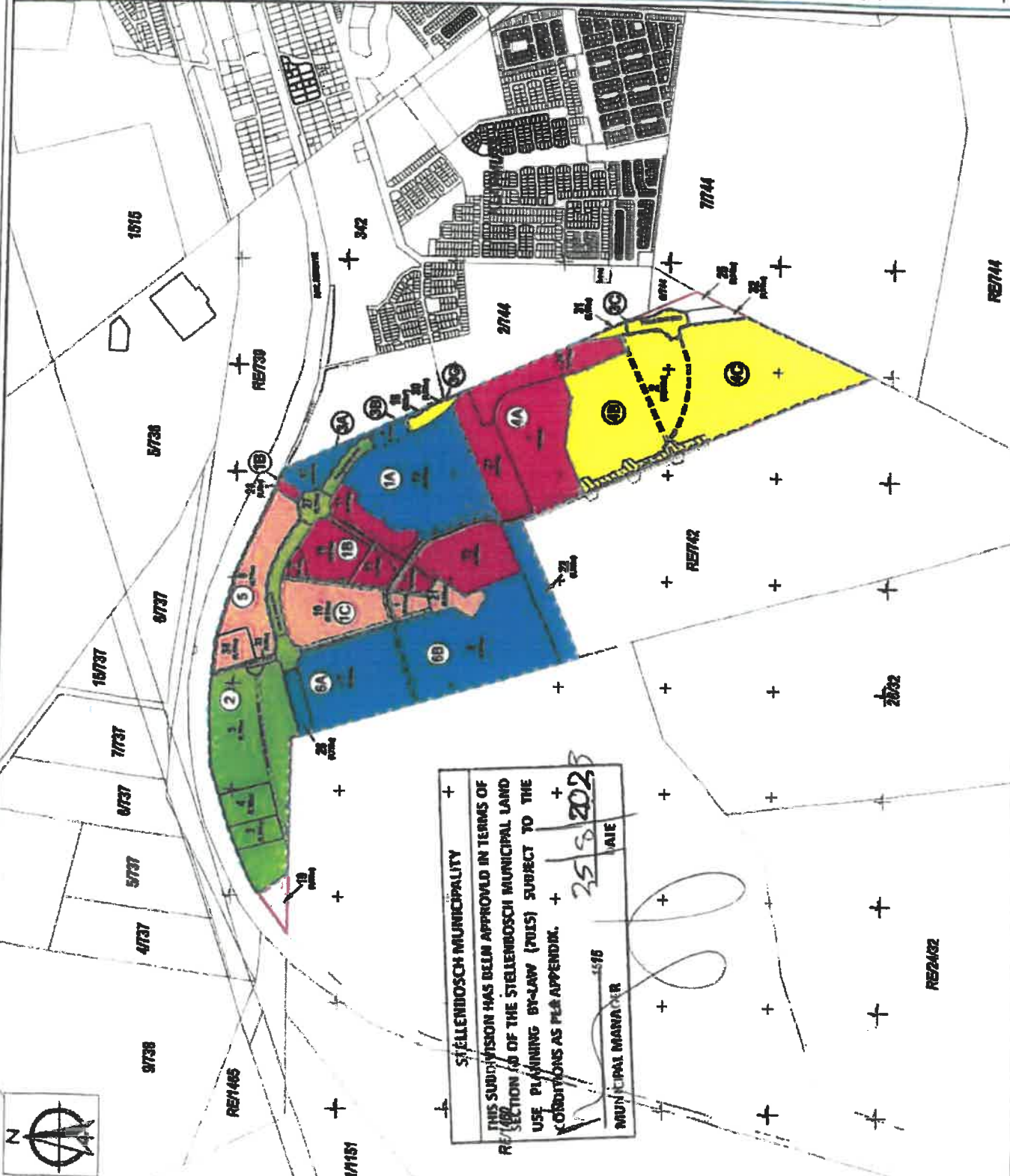
PORTION 5 OF FARM 742, PAARL

PROJECT DETAILS:

Project Name: Stellenbosch
Project No: 1000-000
Client: Stellenbosch Municipality
Date: 2023-09-29
Drawn by: J.R. & M.C.
Checked by: A.L.

PLAN DETAILS:

Plan No: 1000-000
Scale: 1:10 000
Date: 2023-09-29
Drawn by: J.R. & M.C.
Checked by: A.L.



STELLENBOSCH MUNICIPALITY

THIS SUBDIVISION HAS BEEN APPROVED IN TERMS OF SECTION 10 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE CONDITIONS AS PER APPENDIX.

MUNICIPAL MANAGER

25/8/2023

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Application Number: LU/14878 (TP175/2022)

Our File Reference Number: Farm 742/5, Paarl Division

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: alotz@iafrica.com / andre@arouxplanning.co.za / reeve@arouxplanning.co.za

Sir

APPLICATION FOR REZONING, SUBDIVISION, CONSENT USES AND STREET NAMING ON PORTION 5 OF FARM 742, PAARL DIVISION

1. The above application refers.
2. The duly authorised decision maker hereby decides on the above application as follows.

2.1 That the following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for the proposed development on Portion 5 of Farm 742, Paarl:

2.1.1 Rezoning from Agriculture & Rural Zone and Subdivisional Area to Subdivisional Area in terms of Section 15(2)(a) of said Bylaw to permit the following land uses as depicted in Subdivision Plan and Zoning Plan, Plan No 18096-004 Rev F, dated 2023-06-30, attached as Annexure B.

- | | |
|---------|--|
| 2.1.1.1 | 2 portions zoned Multi-Unit Residential Zone (±28.03ha) |
| 2.1.1.2 | 11 portions zoned Mixed-Use Zone (±46.34ha) |
| 2.1.1.3 | 5 portions zoned Industrial Zone (±13.58ha) |
| 2.1.1.4 | 7 portions zoned Private Open Space Zone (±11.30ha) |
| 2.1.1.5 | 1 portion zoned Private Open Space for road purpose (±0.24 ha) |
| 2.1.1.6 | 7 portions zoned Public Road and Parking (±7.29ha) |
| 2.1.1.7 | 1 portion zoned Utility Services Zone (±1.13 ha) |

2.1.2 Subdivision in terms of Section 15(2)(d) of the said Bylaw to create the portions of the subdivisional area zoning as depicted in **Subdivision Plan and Zoning Plan No 18096-004, Rev F, dated 2023-06-30, attached as Annexure B.**

2.1.3 Consent use in terms of Section 15(2)(o) of the said Bylaw to permit the following land uses on the following portions to be zoned for Mixed-Use as depicted in **Subdivision Plan and Zoning Plan No 18096-004, Rev F, dated 2023-06-30, attached as Annexure B:**

2.1.3.1 Portion 10: Tertiary Educational Institution

2.1.3.2 Portion 15: Tertiary Educational Institution

2.1.3.3 Portion 16: Hospital, Rooftop Telecommunication Station

2.1.4 Consent use in terms of Section 15(2)(o) of the said Bylaw to permit the following land uses on the following portions to be zoned for Industrial Use as depicted in **Subdivision Plan and Zoning Plan No 18096-004, Rev F, dated 2023-06-30, attached as Annexure B:**

2.1.4.1 Portion 3: Business Premises

2.1.4.2 Portion 4: Business Premises

2.1.4.3 Portion 17: Business Premises

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 application in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.

3.2 The development be undertaken in accordance with the associated Phasing Plan No: 18096-006, Revision: E, dated: 2023-06-09 and attached as **Annexure C.**

3.3 The approved development rights can only be implemented insofar as the extent that will be permitted in accordance with the prevailing development parameters of the subject zoning of the zoning scheme in force as applied to the subject development property, and any departure from such prevailing development parameters will require an appropriate land use application and approval.

- 3.4 A precinct plan for each of the subdivided portions be submitted and approved by the municipality prior to the registration or transfer of any subdivided portion, or the submission and approval of any building plan, whatever occurs first, and which precinct plan must satisfactorily address all relevant conditions of this approval, compliance with relevant development parameters of the Zoning Scheme Bylaw, and must also include, but are not necessarily limited to, the following detail:
- 3.4.1 The accurate allocation of development rights for the precinct and / or each development site of the precinct
 - 3.4.2 Indicate the provision and layout of all internal road, green areas and other linkages to neighbouring precincts and properties.
 - 3.4.3 Illustrate and include the provision for Non-Motorised Transport routes and public transport parking embayment's, as well as pedestrian routes which link the development to the adjoining areas and public roads.
 - 3.4.4 Provide detail of the measures, infrastructure, services, and its implementation in pursuance of and in the accomplishment of the development vision of a Smart City.
- 3.5 A detailed site development plan as contemplated in terms of Section 16 of the Zoning Scheme Bylaw (2019) be submitted and approved by the Municipality prior to the submission of any building plans, which site development plan must satisfactorily address, but are not necessarily limited to, all the conditions of this approval, compliance with relevant development parameters of the said Bylaw, and any relevant matters relating to Section 16(4) of the said Bylaw.
- 3.6 All approved consent uses may only be implemented in accordance with an approved site development plan which determines and qualifies inter alia, but not necessarily limited to, the nature, scale and extent of the subject land use(s) in terms of development parameters.
- 3.7 All Servitude Road areas, servitude right of ways, and communal areas will be deemed as public roads and places for the purpose of determining development parameters and the extent of the total surface area of these spaces must accordingly be excluded and discarded from the subject development property in the calculation of any bulk or density factors.
- 3.8 Architectural Guidelines for each Precinct be submitted and approved by the Municipality prior to the registration or transfer of the first property or the submission and approval of any building plans, whichever occurs first.

- 3.9 Landscaping plan for each Precinct be submitted and approved by the Municipality prior to the registration or transfer of the first property or the submission and approval of any building plans, whichever occurs first; and which plan must include for implementation the recommendations made in the Visual Impact Assessment Report.
- 3.10 The approved landscaping plan be implemented per precinct plan for all common areas and site development plan for other non-common areas at the cost of the developer and to the satisfaction of the municipality. The implementation per precinct plan must be completed prior to the threshold of 50% of the erven be transferred or 50% of building plans being submitted and approved for the precinct, whichever occurs first. The implementation of a per site development plan must be completed prior to the issuing of an occupancy certificate.
- 3.11 An owner's association for the subject development be established in terms of section 29(1) of the subject Bylaw.
- 3.12 For each phase, all common property, inclusive of private road/s and open space/s and land required for services by the owner's association, be transferred at the cost of 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 submission and approval, whichever occurs first.
- 3.13 A detailed plan for the Social Investment Strategy be submitted and approved by the Municipality, with the identification of thresholds which will activate the required implementation of the various identified community programs.
- 3.14 Provision must be made in each precinct for inclusionary housing units to a minimum of 20% of the total residential units to be developed and to be included and indicated on the site development plans to be submitted and approved.
- 3.15 That the applicant submits an electronic copy (shp,dwg,dxf) of the Subdivision Plan which was preliminary approved by the SG. The following information must be indicated:
- a) Newly allocated Erf Numbers
 - b) Co-ordinates
 - c) Survey Dimension
 - d) Street names (if approved by Council)

- 3.16 Any permitted industrial activities be limited to light industrial activities and warehousing and distribution, and which may not include manufacturing which will have a negative impact on adjoining residential areas as well as cause a noise disturbance, air pollution or is dependent on freight transfer.
- 3.17 All public places and public streets must be transferred to the Local Authority prior to or simultaneously with the transfer of the first unit/erf of any subdivision. All cost for the surveying and transfer of public land will be for the account of the applicant/developer.
- 3.18 A Traffic Impact Statement (TIS) to be submitted with each Site Development Plan to confirm the associated trip generation and the purpose to determine any thresholds that may require associated infrastructure and service upgrades.
- 3.19 A Traffic Impact Assessment may be required on the sole discretion of the Municipality for any development that is of a nature and scale that may warrant an independent assessment of the traffic impact to determine any ad-hoc associated infrastructure and service upgrades.
- 3.20 No subdivided portion of land may be registered, transferred or any building plans be approved prior to the construction to the satisfaction of the Directorate of Infrastructure Services of the link road across Erf 342 that provides access for the development to Merchant Street.
- 3.21 No subdivided portion of land may be registered, transferred or any building plans be approved beyond the threshold of development that generates either 230 peak hour trips or 45 000m² of total development prior to the construction of the Class 3 road and underpass link to R101 over Farm 739 to the satisfaction of the Directorate of Infrastructure Services.
- 3.22 Prior to the registration, transfer or the approval of any building plans on the property indicated as Phase 2 and / or Phase 5 on Plan No: 18096-006, Revision: E, Dated: 2023-06-09, attached as Annexure C, and regardless of any other stipulations on development or trip thresholds, the Class 3 road and underpass link to R101 over Farm 739 must be constructed to the satisfaction of the Directorate of Infrastructure Services.
- 3.23 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the registration and/ or transfer of the first property or the submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.

3.24 Should the full extent of permissible development rights, as approved herein-above, not be implemented initially or the 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 registration and/ or transfer of the first property or the submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.

3.25 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 and infrastructure commences in terms of Section 66(3) and Section 82(4) of the said Bylaw, which service agreement must include and comply to the satisfaction or agreement with the conditions as imposed by the Directorate Infrastructure Services in their Memorandum dated 25 May 2023 and attached as **ANNEXURE "L"**.

3.26 That the conditions of approval as imposed by the Road Network Management Directorate of the Department of Transport and Public Works be complied with, as attached as **Annexure J** of this report.

4. Matters to be noted.

4.1. A constitution for the owner's association be submitted and approved by the municipality in terms of Section 29(3) of the subject Bylaw prior to the transfer of the first land unit, which constitution must make provision for the relevant matters in Section 29 of the subject Bylaw.

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 That an application for the **Development Name, Street Names and Street Number Plan** in terms of Section 98 of the said Bylaw, inclusive of a layout plan of the development per phase with the indicated street names and numbers be submitted and approved by the Municipality prior to the registration or transfer of the first property in subject phase.

5. Reasons for the decision.

- 5.1. The MSDF recognises the "innovation precinct" and "smart city" development in Klapmuts South, of which the application under consideration will form a major part of.
- 5.2. The MSDF supports the development of a "innovation precinct" or "smart city" in Klapmuts South and the proposed increased in development rights is suitable to support the MSDF and will contribute to make such Mixed-Use development viable.
- 5.3. The proposed development will contribute significantly to local economic growth and job creation whilst no undue negative impacts will result due to the development.

6. That the following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for the proposed development on Portion 5 of Farm 742, Paarl:

6.1. Consent use in terms of Section 15(2)(o) of the said Bylaw to permit the following land uses on the following portions to be zoned for Mixed-Use as depicted in Subdivision Plan and Zoning Plan No 18096-004, Rev F, dated 2023-06-30, attached as Annexure B:

- 6.1.1. Portion 6: Place of Entertainment, Parking Garage, Commercial Gymnasium, Rooftop Telecommunication Station
- 6.1.2. Portion 7: Day care, Place of Assembly, Place of Worship
- 6.1.3. Portion 8: Day care, Place of Assembly, Place of Worship
- 6.1.4. Portion 11: Commercial Gymnasium
- 6.1.5. Portion 12: Indoor Sport, Place of Assembly, Commercial Gymnasium, Parking Garage, Rooftop Telecommunication Station
- 6.1.6. Portion 13: Day care, Place of Assembly, Place of Worship

6.2. Consent use in terms of Section 15(2)(o) of the said Bylaw to permit the following land uses on the following portions to be zoned for Industrial Use as depicted in Subdivision Plan and Zoning Plan No 18096-004, Rev F, dated 2023-06-30, attached as Annexure B:

- 6.2.1. Portion 5: Business Premises, Place of Entertainment
- 6.2.2. Portion 18: Business Premises

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

- (a) No detail was provided on the nature and extent of the Additional and Consent Uses and the unqualified approval of such application may result in an unintended

development context which can be potentially detrimental for the intended development of the area.

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:

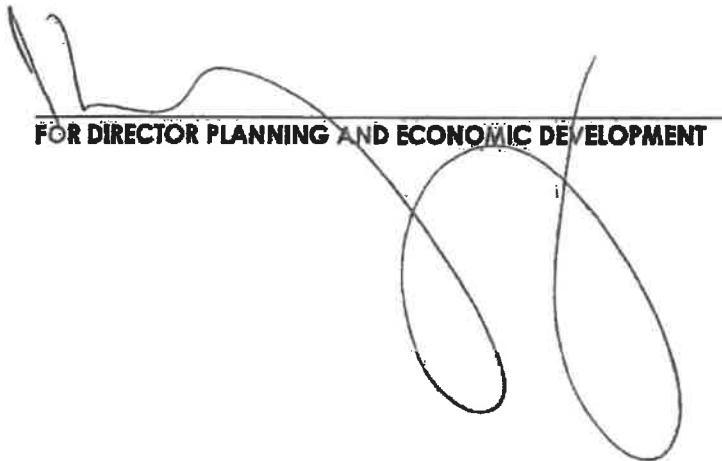
- (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
- (ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers 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 and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at landuse.appeals@stellenbosch.gov.za
12. An applicant who lodges 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 in the case of any approval, is suspended, and 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

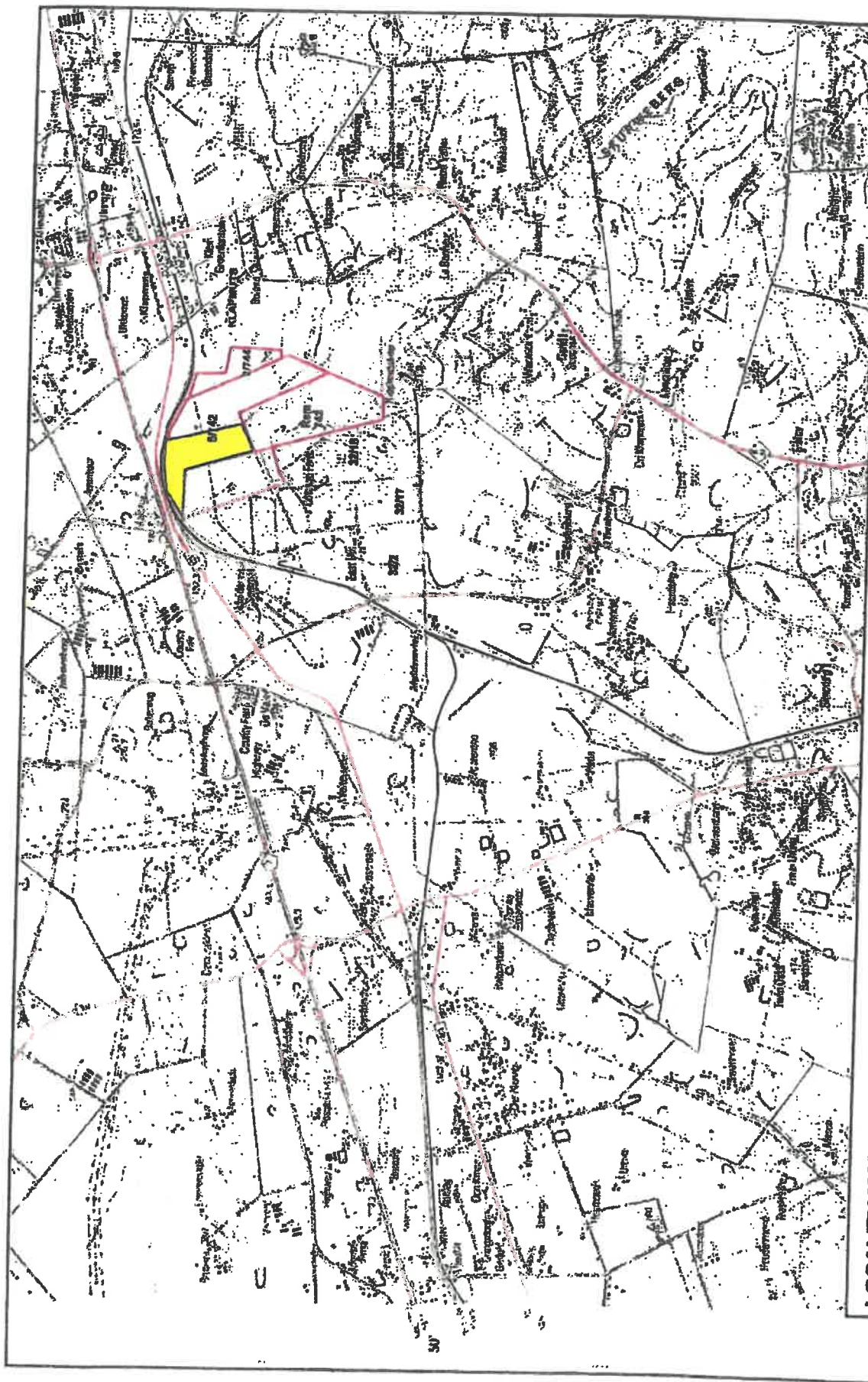
25/8/2023
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ANNEXURE A

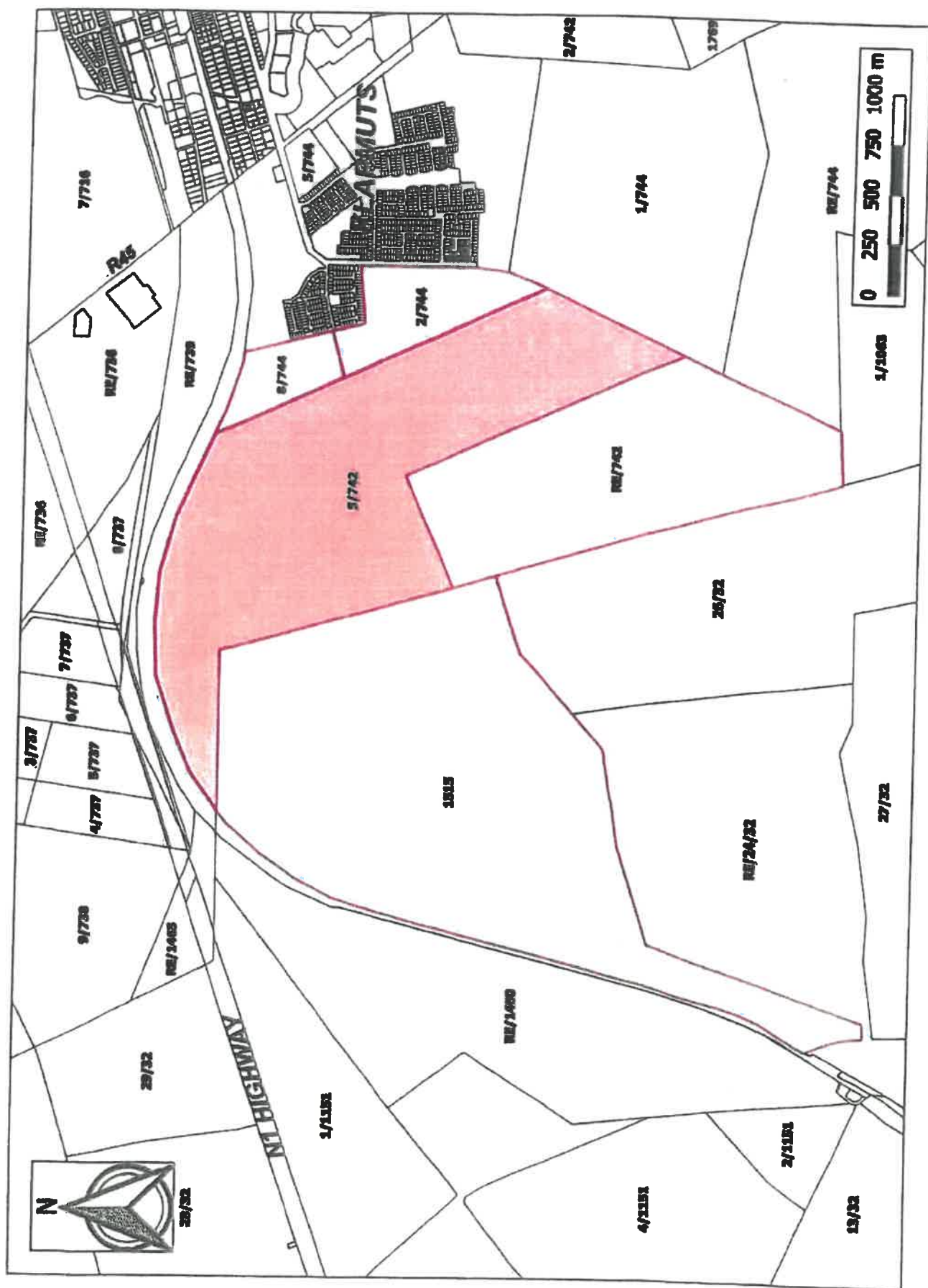


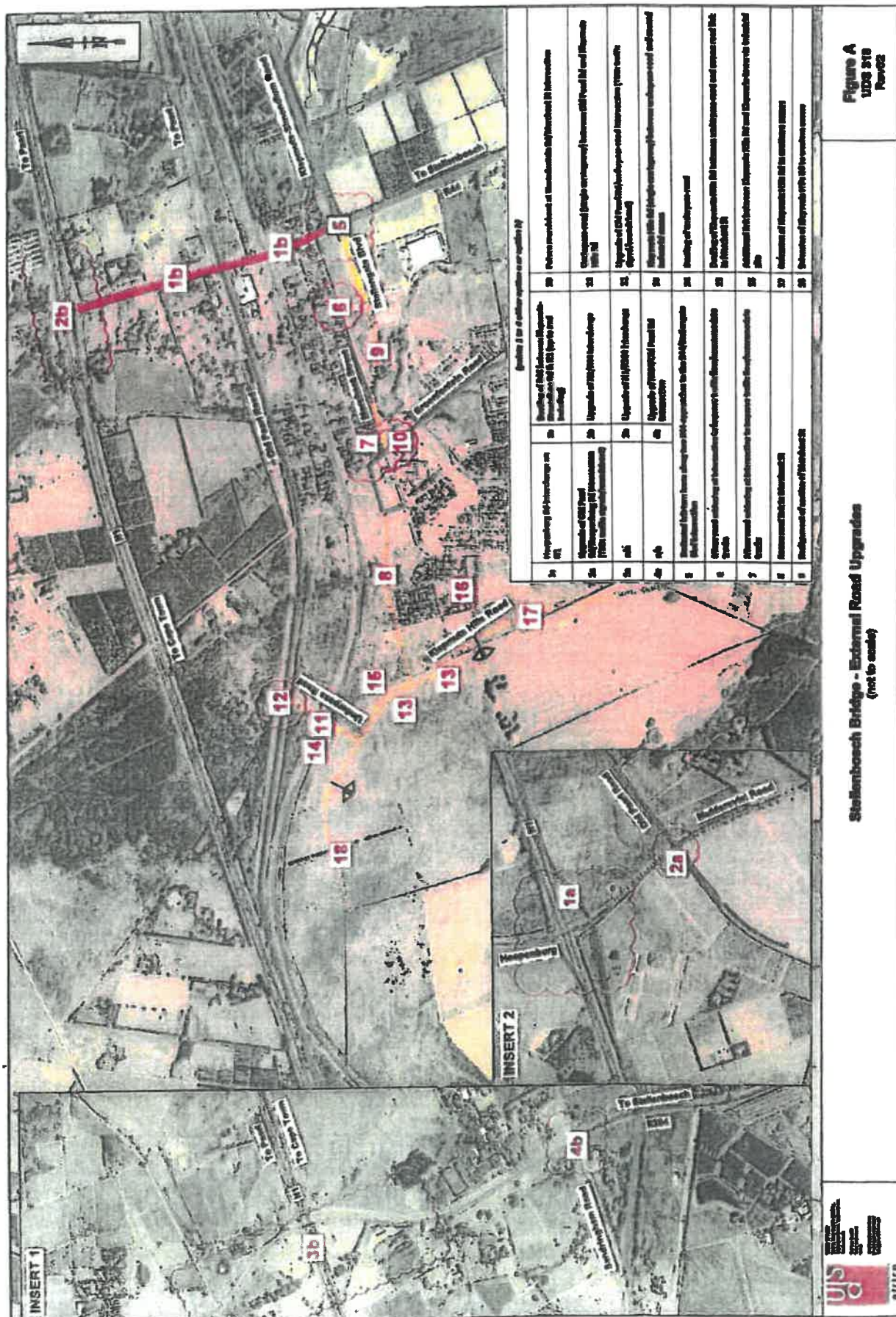
**LOCALITY MAP OF THE PROPOSED DEVELOPMENT OF THE WESTERN PORTION OF PORTION 5 OF THE
FARM 742, KLAPMUTS, STELLENBOSCH**

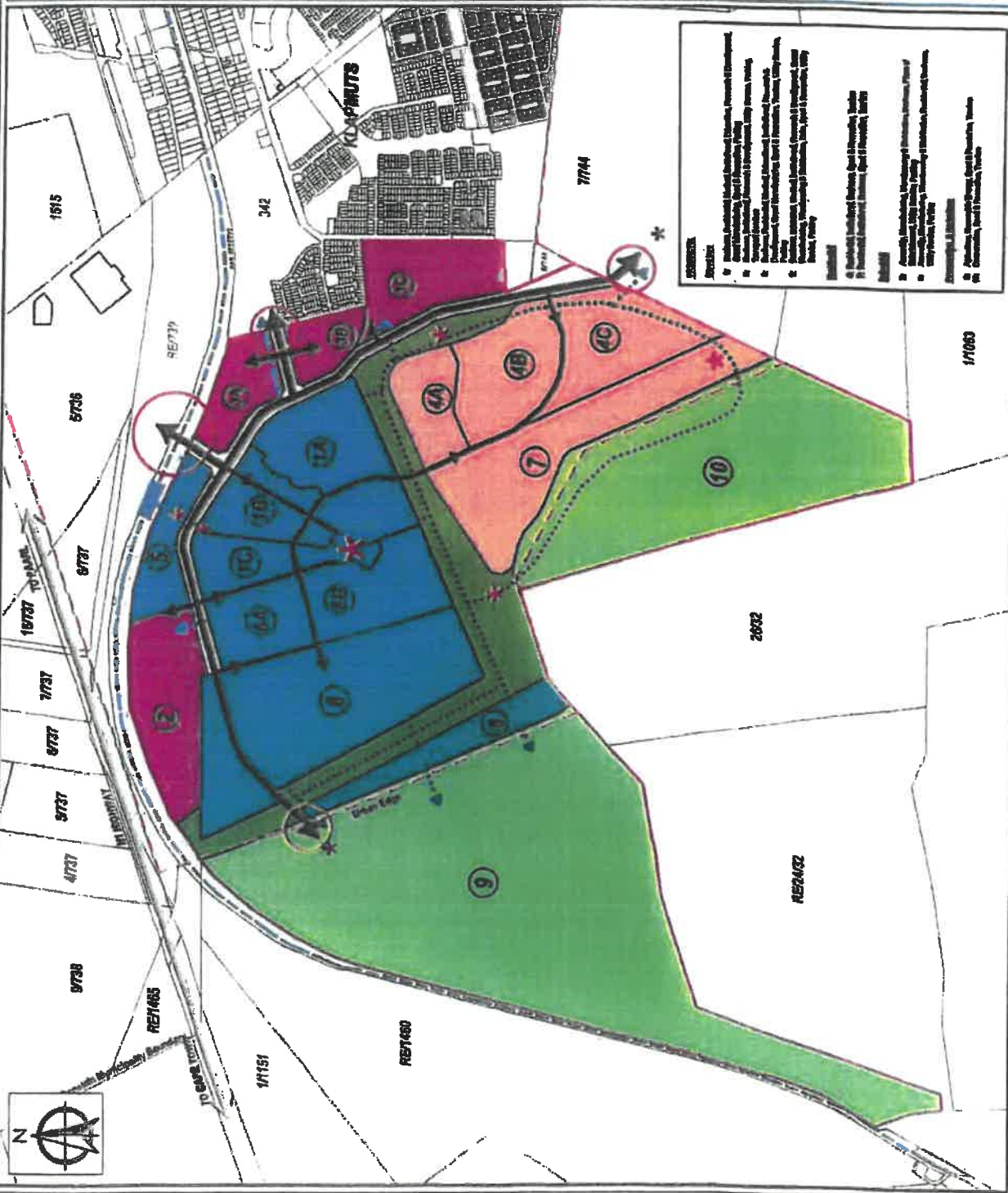
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FIGURE 1







NOTES:

- Row A: Underneath Bridge Development Payments
- Row B: Product D and Use Charge
- Row C: Accessorials
- Row D: Product Number Accessorials

[illegible]

TIME	STELLINGMAAN BEESDE, FLAIPROTTE DEVELOPMENT FRAMEWORK PLAN
10:00	1. Introduction
10:15	2. Objectives
10:30	3. Methodology
10:45	4. Results
11:00	5. Conclusion
11:15	6. Discussion
11:30	7. Summary
11:45	8. References
12:00	9. Appendix
12:15	10. Bibliography
12:30	11. Glossary
12:45	12. Index
13:00	13. Acknowledgements
13:15	14. Contact Information
13:30	15. Disclaimer
13:45	16. Copyright
14:00	17. License
14:15	18. Terms and Conditions
14:30	19. Privacy Policy
14:45	20. Cookies
15:00	21. Security
15:15	22. Accessibility
15:30	23. Feedback
15:45	24. Updates
16:00	25. Support
16:15	26. About Us
16:30	27. Careers
16:45	28. Press
17:00	29. Partners
17:15	30. Sponsors
17:30	31. Awards
17:45	32. Testimonials
18:00	33. Case Studies
18:15	34. White Papers
18:30	35. Webinars
18:45	36. E-books
19:00	37. Podcasts
19:15	38. YouTube
19:30	39. Instagram
19:45	40. Facebook
20:00	41. Twitter
20:15	42. LinkedIn
20:30	43. GitHub
20:45	44. Stack Overflow
21:00	45. Medium
21:15	46. Dev.to
21:30	47. Dribbble
21:45	48. Behance
22:00	49. ArtStation
22:15	50. DeviantArt
22:30	51. Wattpad
22:45	52. Goodreads
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23:30	55. Kobo
23:45	56. Google Play
24:00	57. Apple App Store
24:15	58. Microsoft Store
24:30	59. Samsung Galaxy Store
24:45	60. Huawei AppGallery
25:00	61. Xiaomi App Store
25:15	62. Oppo App Store
25:30	63. Vivo App Store
25:45	64. Realme App Store
26:00	65. OnePlus App Store
26:15	66. Honor App Store
26:30	67. Xiaomi Mi Store
26:45	68. Redmi App Store
27:00	69. POCO App Store
27:15	70. Redmi Note App Store
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PROPERTY MANAGEMENT
POSITIONS IN GP FUNDING, PORTFOLIO & GP RISK
MANAGEMENT FROM THE TOP FIRM OFFICE, LOCAL
MARKETS & REGIONAL OFFICES

PAYROLL:

Plan No.	9800-69
Payroll	, B
Date	2022-11-03
Gross Pay	\$0
Deducted by:	AL & ME

AROUX
TOWN PLANNING

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.



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ANNEXURE B



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ANNEXURE C



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ANNEXURE J

Ref: TPW/CFS/RP/LUD/REZ/SUB-10/518 (Job 30077)

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH

Attention: Mr Ulrich von Molendorff

Dear Sir

PORTION 5 OF FARM 742, PAARL (STELLENBOSCH BRIDGE): MAIN ROAD 27 (R44), MAIN ROAD 189 (R101 OLD PAARL ROAD), MAIN ROAD 74 (R304), MAIN ROAD 205 (SIMONDNUM ROAD) AND DIVISIONAL ROAD 1090 (HERCULES PILAAR ROAD): APPLICATION FOR REZONING, SUBDIVISION AND PHASING PLAN, CONSENT USE AND STREET NAMES

1. The following refer:
 - 1.1. Our letter TPW (Job 19472) dated 1 February 2021;
 - 1.2. The e-mail from ARoux Town Planning dated 30 November 2023 containing the Public Notice of the Land Development Application (LU/14878 & TP175/2022) for comment;
 - 1.3. Development Framework Plan, Plan No 18096-003, Rev D prepared by Anton Lotz Town and Regional Planning and ARoux Town Planning dated 3 November 2022;
 - 1.4. Sub Divisional Plan and Zoning Plan, Plan No 18096-004, Rev D prepared by Anton Lotz Town Planning and ARoux Town Planning dated 27 October 2022;
 - 1.5. Proposed Precinct Plan, Plan No 18096-009, Rev A prepared by Anton Lotz Town Planning and ARoux Town Planning dated 3 November 2022;
 - 1.6. Proposed Phasing Plan, Plan No 18096-004, Rev D prepared by Anton Lotz Town Planning and ARoux Town Planning dated 1 November 2022; and
 - 1.7. The letter UDS318/Reports/TIA/Rev02 containing the Traffic Impact Assessment (TIA) prepared by UDS Africa dated 13 October 2022.
2. This application is for the development of $\pm 2\ 200$ residential units, $\pm 169\ 500\text{m}^2$ of Business floor area, $\pm 40\ 000\text{m}^2$ of Industrial floor area and $\pm 20\ 000\text{m}^2$ of Education and Community Use floor area.

3. The 1st application in this series was submitted in June 2019 and approved in March 2021 for 1 577 residential units and 28 000m² of commercial floor area for retail and other associated facilities on a portion of Portion 5 of Farm 742.
4. A second application was approved in July 2021 for the rezoning of Portion 2 of Farm 744 to Industrial with consent for business uses to allow the addition of 90 500m².
5. This application (known as "Application 3") supersedes application 1 and applies to the entire Portion 5 of Farm 742 which is focussed and on attaining approval for an increased basket of rights in line with the higher density mixed-use vision for the development.
6. It is the intention to develop the property over the next 15 to 20 years.
7. The approval of the Development Framework forms the 1st component of the Package of Plans process for the incremental approval of the full development.
8. The Development Framework consists of eight development Precincts and two open space Precincts.
9. The Precincts will be subdivided into smaller portions by means of subdivision applications of which the 1st subdivisions are included in this development application.
10. The Basket of Rights up to and including THIS application (Application 3 – combining Portion 2 of Farm 744 and Portion 5 of Farm 742) are listed in the table below:

Table VI: Stellenbosch Bridge: Basket of Rights							
Land Use/Phase	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Precinct 5	Precinct 6	Total
Sub-Precincts	1A, 1B, 1C	2A	2A, 2B, 2C	4A, 4B, 4C	5A	6A, 6B	
Residential (units)	300	0	0	1 600	0	300	2 200
Business (FA – m ²)	93 800	0	13 500	0	8 000	67 700	183 000
Industrial (FA – m ²)	0	40 000	77 000	0	0		117 000
Institutional (FA – m ²)	20 000	0	0	0	0		20 000
Total (FA – m ²)	113 800	40 000	90 500	0	8 000	67 700	320 000

Please Note: FA- Floor Area

11. The Phasing Plan - Plan No 18096-004, Rev D indicates 6 phases of development.
12. The TIA prepared by UDS Africa dated 13 October 2022 clearly states that a number of intersections impacted by this development are already operating at capacity and therefore will need improvements which is worsened by the growth in background traffic over the next 5 years.
13. Merchant Street (previous Minor Road 5220) has been de-proclaimed as per De-proclamation Notice 15/2022 dated 23 September 2022.
14. This Branch offers no objection to the application for the approval of the Development Framework which includes the Basket of Rights and proposed Phasing Plan, subject to the following conditions:
 - 14.1. The Basket of Rights for the proposed Development Framework is limited to the land uses as listed in the table above;
 - 14.2. Each phase of the development must be accompanied by a TIA/TIS assessing the traffic demand and indicating the road infrastructure required taking in to account a reasonable background traffic growth forecast for 5 years after the completion of each phase;
 - 14.3. The Phasing Plan submitted can be changed by mutual agreement between Stellenbosch Municipality, this Branch, and the developer;
 - 14.4. For all proposed road infrastructure required on any of the proclaimed roads the geometrics and materials design plans - after being scrutinised by the relevant Directorate/s at Stellenbosch Municipality, must be submitted to the Design Directorate (Ms MK Hofmeyr – 021 483 5713) for final approval;
 - 14.5. No development may commence prior to the approval of the precinct plan of the relevant phase and portion of the property without a TIA/TIS being prepared, indicating the required road infrastructure upgrades on all affected proclaimed roads and associated intersections;
 - 14.6. The approval of each precinct plan will require Stellenbosch Municipality to commit to the funding and implementation of the required road/intersection upgrades;
 - 14.7. To accommodate the background traffic (excluding the proposed N1/Hercules Pilaar Road Interchange) the following road upgrades need to be implemented as part of the phased rollout of the development:
 - 14.7.1. Dualing of the R304 between the R101 Old Paarl Road and the N1-interchange, and the dualing of the R44 between Stellenbosch Boulevard and the N1-interchange;
 - 14.7.2. N1-interchanges (R304 & R44) – upgrades as required by SANRAL;
 - 14.7.3. R304/R101 Old Paarl Road Intersections – provision of traffic signals, dedicated turning lanes and additional northbound through lane along R304 at both intersections;
 - 14.7.4. R44/R101 Old Paarl Road Intersection – dualing of R44-approaches, as well as dedicated left-turn lanes on western Old Paarl Road- and southern R44-approaches;

- 14.7.5. R44/Stellengate Boulevard intersection – dualing of R44-approaches, as well as dedicated left-turn lanes on all approaches;
- 14.7.6. Groenfontein Road/Merchant Street intersection – single circulating lane roundabout;
- 14.8. If approved by SANRAL the proposed N1/Hercules Pieter Road Interchange (Hopenburg Half Diamond Interchange) will have an impact on the distribution of the background and development traffic also on the provincial road network and this must be tested in the TIA/TIS for each Precinct/Phase of the development;
- 14.9. The proposed intersection control, signal, or roundabout, on the R101 Old Paarl Road for the proposed access road with an underpass at the rail crossing must be well motivated and include a feasibility study.
- 14.10. The funding of the required road and or intersection upgrades on proclaimed roads must be agreed between Stellenbosch Municipality and relevant developers as this Branch will not contribute any funding to the required road upgrades and the municipality must accept to be the Road Authority for some road sections;
- 14.11. Stellenbosch Municipality must monitor the approval process for the entire development to ensure that any changes to the approved land uses are accompanied by a new Traffic Impact Assessment as well as ensuring that the funding is available for all the necessary road infrastructure upgrades required.
15. The existing Klipmuts Taxi Rank is located approximately 1.2km from the centre of the development which may justify an additional public transport facility inside the development for which Stellenbosch Municipality needs to ensure that adequate land would be available.
16. It is recommended that Stellenbosch and Drakenstein Municipality prepare a coordinated Roads Master Plan for the Klipmuts area to ensure a combined future vision for the development of the node on the N1 corridor.
17. Please be reminded that this Branch still needs to approve the subdivision plan in terms of Act 21 of 1940.

Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE BRANCH

DATE: 18 APRIL 2023

ENDORSEMENTS

1. **Stellenbosch Municipality**
 Attention: Mr U von Malsendorff (e-mail)
2. **Drakenstein Municipality**
 Attention: Mr Carel Lotz (e-mail)
3. **Anton Lotz Town and Regional Planning/ARoux Town Planning**
 Attention: Mr A Lotz (e-mail: alotz@iafrica.com)
4. **UDS Africa**
 Attention: Mr P van Plerk (e-mail: piet@udsafrika.co.za)
5. **District Roads Engineer**
 Parr
6. **Mrs S du Preez (e-mail)**
7. **Mr S Carstens (e-mail)**





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ANNEXURE L



MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES
DIREKTORAAT: INFRASTRUKTUURDIENSTE

CIVIL ENGINEERING SERVICES

TO : The Director: Planning and Development

FOR ATTENTION : Bulelwa Mdoda

FROM : Manager: Development (Infrastructure Services)

AUTHOR : Tyrone King

DATE : 25 May 2023

RE. : Farm 742/5: Stellenbosch Bridge Development (Application 3): Conversion of existing development rights to ±2 200 residential units, ±169 500m² of Business floor area, ±40 000 m² of Industrial floor area and ±20 000m² of Education and Community Use floor area

YOUR REF : LU/14879 – TP175/2022

OUR REF : 2434 CIVIL LU

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

- The abovementioned application and motivation report by Anton Lotz and A Roux dated November 2022 (Revision 8);
- Proposed Subdivision and Zoning Plan, Plan No 18096-004 Rev E dated 2023-05-22 by Anton Lotz and A Roux;
- Transport Impact Assessment by ICE, dated 13 October 2022;
- UDS Letter – Comment regarding development trips via existing Klipmuts; dated 17 March 2023;
- Preliminary Civil Engineering Services Report – Application 3, dated September 2020, by WEC Consult;
- Bulk Water Services Layout Drawing No P1055/Sur112/03 dated May 2023 by WEC Consult;

PROPOSED REZONING AND SUBDIVISION OF FARM 742-4 (STELLENBOSCH BRIDGE APPLICATION 3)

- Bulk Sewer Services Layout Drawing No P1055/Sur113/03 and P1055/Sur114/03 dated May 2023 by WEC Consult;
- External Road Upgrades Drawing Figure A – UDS 318 – Rev 02 by UDS;

This document consists of the following sections:

A. Definitions

B. Recommendation to decision making authority

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

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

A. Definitions

1. that the following words and expressions referred to in the development conditions, shall have the meanings hereby assigned to except where the context otherwise requires:
 - (a) "Municipality" means the STELLENBOSCH MUNICIPALITY, a Local Authority, duly established in terms of section 9 of the Local Government Municipal Structures act, Act 117 of 1998 and Provincial Notice (488/200), establishment of the Stellenbosch Municipality (WC024) promulgated in Provincial Gazette no. 5590 of 22 September 2000, as amended by Provincial Notice 675/2000 promulgated in Provincial Gazette;
 - (b) "Developer" means the developer and or applicant who applies for certain development rights by means of the above-mentioned land-use application and or his successor-in-title who wish to obtain development rights at any stage of the proposed development;
 - (c) "Engineer" means an engineer employed by the "Municipality" or any person appointed by the "Municipality" from time to time, representing the Directorate: Infrastructure Services, to perform the duties envisaged in terms of this land-use approval;
2. that all previous relevant conditions of approval to this development application remain valid and be complied with in full unless specifically replaced or removed by the "Engineer";

B. Recommendation:

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

C. Specific conditions of approval

4. **Background/Context:** It is understood that this application is in essence to create the "basket of rights" in terms of which the development will be implemented. This application does therefore not go into the detail of the buildings to be developed, as such details will be provided at a later stage namely precinct plans, subdivision plans and SDP approval. Such further detail might lead to new or revised conditions by the Infrastructure Services department when such applications are received and assessed. The requirements regarding the internal services and/or link services and/or bulk services will also be addressed in more detail at the SDP approval stage.
5. It should further be noted that this Application forms part of the larger Stellenbosch Bridge development and should not be considered in isolation. It is also not possible to predict the sequence of the implementation of the larger development, and therefore the sensible sequencing of infrastructure upgrades is also not possible, which is why the SDP approval process will be used to identify which upgrades are triggered. These approval conditions does however attempt to identify the overall bulk infrastructure upgrades required to service the ultimate development, based on the status of municipal services capacity at this point in time. The capacity status is however subject to change and such changes must be reflected in the future SDP application documents.
6. **Bulk service upgrades (Refer to Annexures: Water/Sewer/Roads):** The Bulk service upgrade drawings indicate the overall upgrades that are triggered by the cumulative Stellenbosch Bridge development in terms of Water, Sewer and Roads. These upgrades may be implemented in a phased approach. In order to identify when any service upgrade is triggered, each subsequent development application i.e. SDP application, must indicate the impact/demand on the municipal service networks that is caused by that application as well as the capacity status of the municipal infrastructure at that point in time. Therefore, each subsequent application must be accompanied by a Traffic Impact Study, an Engineering Services Report, a Water and Sewer capacity analysis report by the municipality's master planning specialist, as well as updated Bulk Services Upgrade drawings, to analyze the impact of each specific application and to identify which of the upgrades are triggered. Any triggered upgrade will become a condition of approval and no taking up of proposed rights including

PROPOSED REZONING AND SUBDIVISION OF FARM 742-5 (STELLENBOSCH BRIDGE: APPLICATION 3)

subdivision clearance or building plan approval (whichever comes first) will be allowed before the identified upgrades have been completed.

7. **Klapmuts Reservoir:** There is still sufficient spare capacity in the existing Klapmuts 7ML reservoir to accommodate new developments. Each subsequent engineering report and capacity analysis report must confirm the capacity status of the reservoir and indicate at what water demand an upgrade will be triggered.
8. **Klapmuts Waste Water Treatment Works (WWTW):** The WWTW is experiencing capacity constraints and the Municipality is in the process of securing funding to do the required upgrades to create spare capacity for new developments. The Stellenbosch Bridge development will be accommodated up to a water demand of AADD of 1547.5 kl/day after which no further clearances will be issued until the spare capacity has been created at the WWTW. The 1547.5 kl/day is based on previous approval rights already in place.
9. **Realignment of Merchant Street (Item 9 on External Road Upgrades Drawing):** The Developer is strongly advised to proceed with the planning and design processes and obtaining all statutory approvals for the construction of this road, as it is envisaged that it will be triggered at the early stages of the roll-out of the Stellenbosch Bridge development. Any outstanding approvals required for the construction of the road could therefore lead to a delay in implementation thereof and subsequently in obtaining municipal clearance for erven and/or building/s of which this road is a condition of approval.
10. **Underpass Road (Item 11 on External Road Upgrades Drawing):** based on the current traffic flow scenario and road capacity status, a total of 230 peak hour trips from the Stellenbosch Bridge development (all applications) would be possible via the existing Klapmuts area, whereafter the underpass link to Old Paarl Road would be required to accommodate further development. The Municipality will re-assess this threshold during future land use applications, based on the existing road network's status at that point in time and the type and volume of traffic that will be generated by any future application. It should be noted that the existing Merchant Street is bordered by single residential erven, as well as community facilities and a school, and carries significant pedestrian movement and therefore high volumes of especially heavy vehicles are not desirable along this route.
11. Any conditions by any other relevant engineering service authority (including but not limited to provincial and/or national roads) must be complied with before any clearances for this development application or subsequent development applications are given. It will be the

Developer's responsibility to ensure that these authorities are satisfied that all their requirements and upgrades have been done to the authority's satisfaction.

12. Following the SDP approval (or any other relevant development approval), detail engineering drawings for the identified bulk upgrade items must be submitted for approval. These drawings must comply with the municipality's minimum standards and specifications and any additional and specific requirements regarding detail design will be identified at this stage.
13. **Public Transport:** If public transport is not adequately addressed, the reliance on private transport will increase and have a negative effect on the surrounding road and traffic networks. Therefore, the establishment of a multi modal public transport facility must be investigated in conjunction with the Municipality, and the roles and responsibilities between the various stakeholders for the planning and construction of such a facility must be identified. Recommendations must be identified in the TIS for SDP applications. Further conditions regarding public transport may be set at SDP approval stage.
14. **Stormwater Network:** The consulting engineer, appointed by the "Developer", must analyse 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 SDP applications.
15. **Solid Waste:** Prior to occupation of the development, the Developer must make arrangements with the Municipality (Solid Waste Department) wri providing a solid waste removal service.
16. **Fencing and access to municipal servitudes from private erven / roads:** Any boundary fence abutting a municipal servitude must be on the outer edge of the municipal servitudes. In other words, the fence should not be on the border between the municipal servitude and the private Right of Way servitude. This is so that municipal vehicles and staff will have unconstrained access to the municipal servitude from the private road's side during maintenance.

17. **Funding of bulk Infrastructure projects:** Any of the upgrades required, 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 "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. If the Developer is not able to cover the shortfall, then the implementation of the development must be re-planned around the availability of the bulk services in question as clearances will not be issued unless the required upgrades have been completed.
18. **Principles governing the utilisation of DCs on Municipal / Provincial Roads:** The Developer must note the following (Clause 13.4 of 2022/23 Stellenbosch Municipality DC Policy):
- Provincial Roads – 20% of the value of upgrades on provincial roads have been allowed for in the determination of the Development Charges tariffs and therefore this percentage will be allowed to be offset from Development Charges. The offsetting of Development Charges against the full cost of provincial road upgrades would result in an under-recovery of Development Charges for municipal roads. Exception is upgrades to intersections between municipal and provincial roads, where the full amount can be offset from Development Charges.
- National Roads: intersections of National and Provincial Roads – not included in our DC tariffs – cannot be offset from DCs.
19. Should the "Developer" wish to discuss the possibility of proceeding with building 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. Such approval will be strictly at the discretion of the "Engineer". The implementation plan should include items like programmes for the construction of the internal services and the building construction. If such proposal is approved, it must still be noted that no occupation certificate will be issued prior to the completion and commissioning of the bulk services. Therefore, should the proposal for proceeding with the development's construction work parallel with the provision of the bulk services be agreed to, the onus is on the "Developer" to keep up to date with the status in respect of capacity at infrastructure listed above in order for the "Developer" to programme the construction of his/her development and make necessary adjustments if and when required. The Developer is also responsible for stipulating this condition in any purchase

contracts with the buyers of the properties. Proof of this may be required before building plans are approved.

Development Charges (DCs)

20. Development Charges will be calculated based on the development parameters indicated on the detail SDPs and/or building plans and/or subdivision plans.
21. 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;
22. 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;
23. 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 and according to the DCs Policy principles at the time that payment is made;
24. 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;
25. Once calculated, the Development Charges will 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 (subdivision clearance) in terms of the Stellenbosch Municipal Land Use Planning By-law – where individual erven with new development rights have been created;
 - if one the above does not apply, then prior to the erf or portion thereof being put to the approved use;

26. 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;

Site Development Plan: the following general principles will be applicable. More detail must be provided at the precinct plan / SDP submission stage.

27. that provision be made for a stacking distance of 6m (< 15 units served); 12m (15-40 units served); site specific requirements (> 40 units served or a business premises). The stacking distances shall be measured from the edge of the closest sidewalk or cycle lane to the entrance gate. The guiding principle is that vehicle and pedestrian traffic should not be obstructed by stacking vehicles;
28. that sufficient entrance and exit widths will be created at the vehicle access points: 2.7m minimum and 4.0m maximum width for a single entrance or exit way; 5.0m min and 8.0m maximum for a combined entrance and exit way. To accommodate emergency vehicles, at least one lane should be 4, 0 metres wide and have a minimum height clearance of 4.3 m.
29. that, where access control is being provided, a minimum of 2 to 3 visitor's parking bays be provided on site, but outside the entrance gate, for vehicles not granted access to the development;
30. that provision be made for a 3-point turning head in front of the entrance gate, to the satisfaction of the Directorate: Infrastructure Services in order to enable a vehicle to turn around;
31. that provision be made for a refuse room as per the specification of the standard development conditions below;
32. that if the "Developer" wishes to remove the waste by private contractor, provision must still be made for a refuse room should this function in future revert back to the "Municipality";
33. that provision be made for a refuse embayment off the roadway/sidewalk to accommodate refuse removal. (Embayment to be minimum 15m x 2.5m). This must be clearly indicated on the engineering drawings when submitted for approval. The specifications of such embayment shall be as per the standard development conditions below;

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34. that the layout be amended to accommodate continuous forward movement by service trucks and all cul-de-sacs have a minimum of 11 m radius turning circle, to ensure continuous forward movement;
35. 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

36. Where private roads are established, all services along such roads and/or on the said private development will be regarded as private services and will be maintained by the "Developer" and or Owner's Association;
37. Any public roads and services will be maintained by the Municipality;
38. More detail must be provided at the SDP submission stage regarding the ownership status of services;

Internal and Link Services

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

Bulk Water Meter

40. 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 of each individual precinct 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;

Solid Waste

41. 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.

Servitudes

42. Servitudes must be registered wherever private services crosses municipal property. It is acknowledged that such servitudes are indicated on the subdivision plan;
43. Servitudes must be registered where a municipal service crosses private property;
44. All servitudes must be indicated on engineering services detail/construction drawings;
45. Servitudes must be registered before any clearance is given;
46. All costs related to servitude registration will be for the Developer's;

Damage to municipal services

47. that the "Developer" will be held liable for any damage to municipal infrastructure incl roads, 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, before any clearances, building plan or occupation certificate are issued;

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:

48. that the "Developer" will enter into an Engineering Services Agreement with the "Municipality" in respect of the implementation of the infrastructure to be implemented in lieu of DCs if the need for such infrastructure is identified at any stage by the Municipality;
49. 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;
50. 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.
51. that the "Developer" must ensure that he / she has an acceptable public liability insurance policy in place;
52. 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;
53. 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;
54. 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) (as amended);
55. that the "Developer" takes cognizance and accepts the following:
- a.) that no construction of any civil engineering services may commence before approval of internal – and external civil engineering services drawings;
 - b.) that no approval of internal – and external civil engineering services drawings will be given before land-use and or SDP approval is obtained;
 - c.) that no approval of internal – and external civil engineering services drawings will be given before the "Developer" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party;

- d.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before land-use and or SDP approval is obtained;
- e.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before the approval of internal – and external civil engineering services drawings;
- f.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law is issued unless the "Developer" obtains the approval of the "Engineer" for construction work of his development parallel with the provision of the bulk services.

Site Development Plan

- 56. 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";
- 57. 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;
- 58. 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;

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59. 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

60. 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;
61. 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;
62. 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;
63. that construction of services may only commence after municipal approval has been obtained;
64. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "Engineer";
65. 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;
66. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal - and external services;
67. that all the internal civil services (water, sewer and stormwater), be indicated on the necessary building plans for approval by the Directorate: Infrastructure Services;

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68. 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;
69. that a Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1 be issued before clearance will be issued (prior to transfer of individual units or utilization of buildings);
70. 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;
71. 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;
72. that the "Developer" shall adhere to the specifications of Telkom (SA) and or any other telecommunications service provider;
73. that the "Developer" shall be responsible for the cost for any surveying and registration of servitudes regarding services on the property;
74. 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;
75. 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".
76. that the developer takes cognizance of applicable tariffs by Council in respect of availability of services and minimum tariffs payable;

Servitudes

77. 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;

78. In general, 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. It is advised that the width be agreed with the relevant service department before finalisation. The "Developer" will be responsible for the registration of the required servitude(s), as well as the cost thereof;
79. 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

80. 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.
81. 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;
82. 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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83. 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;
84. 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;
85. 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.
86. 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;
87. 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.
88. 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

89. that, where applicable, the application must be submitted to the Provincial and National Roads authorities for comment and conditions. Any conditions set by these authorities will be applicable and must be complied with before clearance;
90. that no access control will be allowed in public roads;
91. 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;
92. The design and lay-out of the development must be such that emergency vehicles can easily drive through and turn around where necessary;

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93. 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;
94. 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;
95. 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;
96. 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;
97. 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;
98. that no parking be allowed in the road reserve;

Bridge Requirement:

99. that any bridge(s) in the proposed road lay-out be designed and constructed to not impact on the natural flow of water, and to be able to accommodate the 1:50 year flood. The underside of the bridge(s) must be above the 1:100 year flood level;
100. that the bridge(s) be constructed by the "Developer", at his/her cost, to the standards of the Directorate: Infrastructure Services. A suitably qualified Registered Engineering Professional shall take professional responsibility for the design and performance of the bridge. An adequate level of supervision by a suitably qualified Registered Engineering Professional must be provided for the full duration of the works. The Registered Engineering Professional shall

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arrange for any tests that may be necessary to determine whether the workmanship and materials conform to the required standards;

101. that a certificate stating that all work has been carried out in accordance with the Directorate: Infrastructure Services's specifications and requirements, signed by the Registered Engineering Professional, must be submitted with the "As Built" drawings on completion of the bridge(s). The certificate must make reference to all material testing, and confirm that the test results meet or exceed the requirements of the specifications;

Culvert Requirement:

102. that the proposed culvert under rail in the proposed road lay-out be designed and constructed by a professional engineer and to the satisfaction of all affected institutions i.e. Provincial Government, Stellenbosch Municipality, Mstrorail, PRASA, etc;
103. that the culvert be constructed by the "Developer", to the standards of the Directorate: Infrastructure Services. An adequate level of supervision by a suitably qualified Registered Engineering Professional must be provided for the full duration of the works. The Registered Engineering Professional shall arrange for any tests that may be necessary to determine whether the workmanship and materials conform to the required standards;
104. that a certificate stating that all work has been carried out in accordance with the Directorate: Infrastructure Services's specifications and requirements, signed by the Registered Engineering Professional, must be submitted with the "As Built" drawings on completion of the culvert. The certificate must make reference to all material testing, and confirm that the test results meet or exceed the requirements of the specifications;
105. that stormwater in the culvert be addressed without utilizing mechanical pumps to the satisfaction of the "Engineer";

Wayleaves

106. 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;
107. that wayleaves will only be issued after approval of relevant engineering design drawings;

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108. 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)

109. 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 deduced land unit arising from this subdivision;
110. that the Owner's Association take transfer of the private roads simultaneously with the transfer or separate registration of the first deduced land portion in such phase;
111. 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;
112. 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;
113. that the Constitution of the Owner's Association specifically describes the responsibility of the Owner's Association to deal with refuse removal as described in the "Solid Waste" section of this document;

Solid Waste

114. 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;

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- 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

115. 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;
116. 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 (021 805 8241; clayton.hendricks@stellenbosch.gov.za)
117. 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);
118. 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";

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119. 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;
120. Access shall be provided with a minimum travelable surface of 5 meters width and a minimum corner radii of 5 meters;
121. 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;
122. Minimum turning circle radius shall be 11 meters to the center line of the vehicle;
123. Road foundation shall be designed to carry a single axle load of 8.2 tons;
124. Refuse storage areas are to be provided for all premises other than single residential erven;
125. 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;
126. 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;
127. 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;
128. 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;

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129. 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;
130. 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

131. 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;
132. 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

133. Building specifications for refuse storage area:

Floor

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

Walls and Roof

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

Ventilation and Lighting

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

Water Supply and Drainage

A tap shall be provided in the refuse storage area for washing containers and cleaning spillage. The floor should be drained towards a 100 mm floor trap linked to a drainage pipe

which discharges to a sewer gully outside the building. In some cases a grease gully may be required.

134. 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;
135. 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;
136. 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;
137. Refuse should not be visible from a street or public place. Suitable screen walls may be required in certain instances;
138. Access must be denied to unauthorized persons, and refuse storage areas should be designed to incorporate adequate security for this purpose;
139. 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

140. 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

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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;
141. 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";
142. 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;
143. 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;
144. 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";

Clearance certificates in terms of the Stellenbosch Municipal Land Use Planning By-law

145. 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;
146. 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;

147. that clearance will only be given per phase and the onus is on the *"Developer"* to phase his development accordingly;
148. 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 Clearance Certificate 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;
149. 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

150. 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;
151. 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;
152. 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

153. 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

154. 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".
155. 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;
156. 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;
157. 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".

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



TYRONE KING Pr Tech Eng

MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)



MYRA FRANCIS

SENIOR MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)



SHANE CHANDAKA

DIRECTOR: INFRASTRUCTURE SERVICES

26/05/2023

ATTACHMENT X

Geographic Information System (GIS) data capturing standards

In drawing up the As-built 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	Contents
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 and 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 : Hartebesshoek 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**

