



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/15140 (TP238/2022)

Our File Reference Number: Farm 81/33, Stellenbosch

Your Reference Number: 3629-P

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 APPROVED SUBDIVISION PLAN, PERMISSION REQUIRED IN TERMS OF A CONDITION OF APPROVAL, PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME AND PERMANENT DEPARTURES: FARM 81/33, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 8768/2023, dated 9 June 2023 on Farm 81/33, Stellenbosch, namely:
 - 2.1.1 Amendment of an approved subdivision plan for the subdivisinal area zone i.t.o. Section 15(2)(k), to realign the existing property boundaries of the commercial (erf 539), education (erf 534) and community zoned (erf 535) erven of **Phases A, B & C** with associated servitudes and to allocate a Local Business Zone to the property indicated as erf 538 that forms part of **Phase D** of the development as indicated on the Subdivision and Zoning Plan.
 - 2.1.2 Permission required in terms of a condition of approval i.t.o. Section 15(2)(l) to obtain approval of the Site Development Plan of **Phase D**.
 - 2.1.3 Permission required in terms of a condition of approval i.t.o. Section 15(2)(l) to obtain approval of the Site Development Plan of **Phase T**.

- 2.1.4 Permission required i.t.o. Section 15(2)(g) of the zoning scheme to permit flats on the ground floor of the Local Business Zone property erf 538 in **Phase D**.
- 2.1.5 Permanent departure from the development parameters i.t.o. Section 15(2)(b) of the zoning scheme to permit a 4-storey building in lieu of a 3-storey building on the Local Business Zone property erf 538 in **Phase D**.
- 2.1.6 Permanent departure i.t.o. Section 15(2)(b) of the zoning scheme for the under provision of onsite parking, to provide 206 on-site parking bays in lieu of the 244 parking bays required for the proposed building on the Local Business Zone property erf 538 in **Phase D**.

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

- 3. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said Bylaw:
 - 3.1 The approval only applies to the application consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
 - 3.2 The development be undertaken in accordance with the Subdivision & Zoning Plan No. 81/33-12-2022 dated 06/10/2023, drawn by TV3, as attached as **ANNEXURE A**.
 - 3.3 The development be undertaken in accordance with the Phasing Plan No. 3629-P, dated 6/10/2023, drawn by TV3, as attached as **ANNEXURE A**.
 - 3.4 An electronic copy (shp, dwg, dxf) of the approved General Plan be submitted to the Directorate Planning and Economic Development for record purposes, which plan indicate the following information:
 - 3.4.1 Newly allocated erf numbers
 - 3.4.2 Co-ordinates
 - 3.4.3 Survey dimensions
 - 3.4.4 Street names and numbering
 - 3.5 The development be undertaken in accordance with the Site Development Plan for **Phase D** No. CT1395 2100.2.1, 2100.2.2, 2100.2.3, 2100.2.4 & 2100.2.6 & 2100.2.7 dated 13/11/2023 drawn by Osmond Lange Architects as attached as **ANNEXURE B**.
 - 3.6 The development be undertaken in accordance with the Site Development Plan for **Phase T** No. 3629-P dated 31/10/2023 drawn by TV3 as attached as **ANNEXURE C**.

- 3.7 The landscaping and NMT plan be implemented in accordance with the Landscaping Plan No. 2861-02-MP(PH D.T), dated 13 November 2023 drawn by CNDV, as attached as **ANNEXURE D** before issuing the first occupancy certificate on erf 538 in **Phase D**.
- 3.8 Erf 538 in **Phase D** and erf 537 in **Phase T** be notarially tied for parking purposes in the Deed's Registry at the cost of the Applicant prior to building plan approval, to which the Municipality be cited as an interested party without who's consent the subject notarial tie may not be cancelled.
- 3.9 The conditions of approval imposed by the Directorate: Infrastructure Services in their memo dated 1 August 2023, attached as **ANNEXURE E**, be complied with.
- 3.10 The conditions imposed by the WCG Transport Infrastructure Branch in their letter dated 11 August 2023, attached as **ANNEXURE F**, be complied with.
- 3.11 The conditions imposed by the Electricity Services in their memo dated 24 August 2023, attached as **ANNEXURE G**, be complied with.
- 3.12 Building plans be submitted and approved by the Stellenbosch Municipality prior to the commencing of any building work onsite, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.
- 3.13 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or approval of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.
- 3.14 Should the full extent of permissible development rights, as approved herein-above, not be implemented initially or development is phased, a pro rata Development Charge will be levied in accordance with the extent to which the development rights will be implemented, provided that the remaining development charges will be levied for the remaining permissible development rights when implemented in future. Remaining Development Charges will be levied in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or approval of any building plans, whichever occurs first.
- 3.15 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.

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

4.1 The approval of the amended subdivision plan facilitates the realignment of erf boundaries and does not adversely affect the surrounding area.

4.2 The amendment of the subdivisinal area zone has no impact on the surrounding area as the subject properties will still be used substantially for residential purposes and no additional bulk is hereby created.

4.3 The approval of the Site Development Plans facilitates the development of the subject properties / phases in line with the approvals and associated "basket of rights" as well as the Adam Tas Corridor Development Guidelines.

4.4 The approval of the permissions and departures i.t.o. the Zoning Scheme permits the subject properties to be optimally developed within the thresholds of the Adam Tas Corridor Local Spatial Development Framework.

5. 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.

6. 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:

6.1 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

6.2 Reference to this correspondence and the relevant property details on which the appeal is submitted.

6.3 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)

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.

6.4 Whether the appeal is lodged against the whole decision or a part of the decision.

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

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

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

6.8 The relief sought by the appellant.

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

6.10 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.

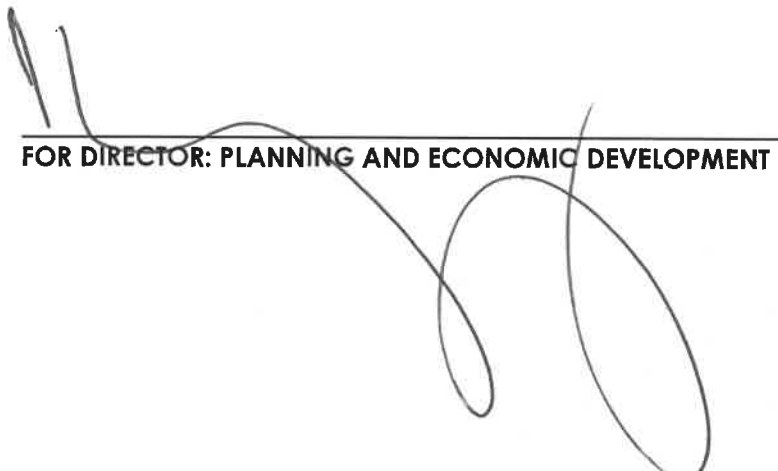
7. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of e-mail at the following address: landuse.appeals@ Stellenbosch.gov.za
8. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal 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.
9. 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
10. 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.

11. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

12. 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

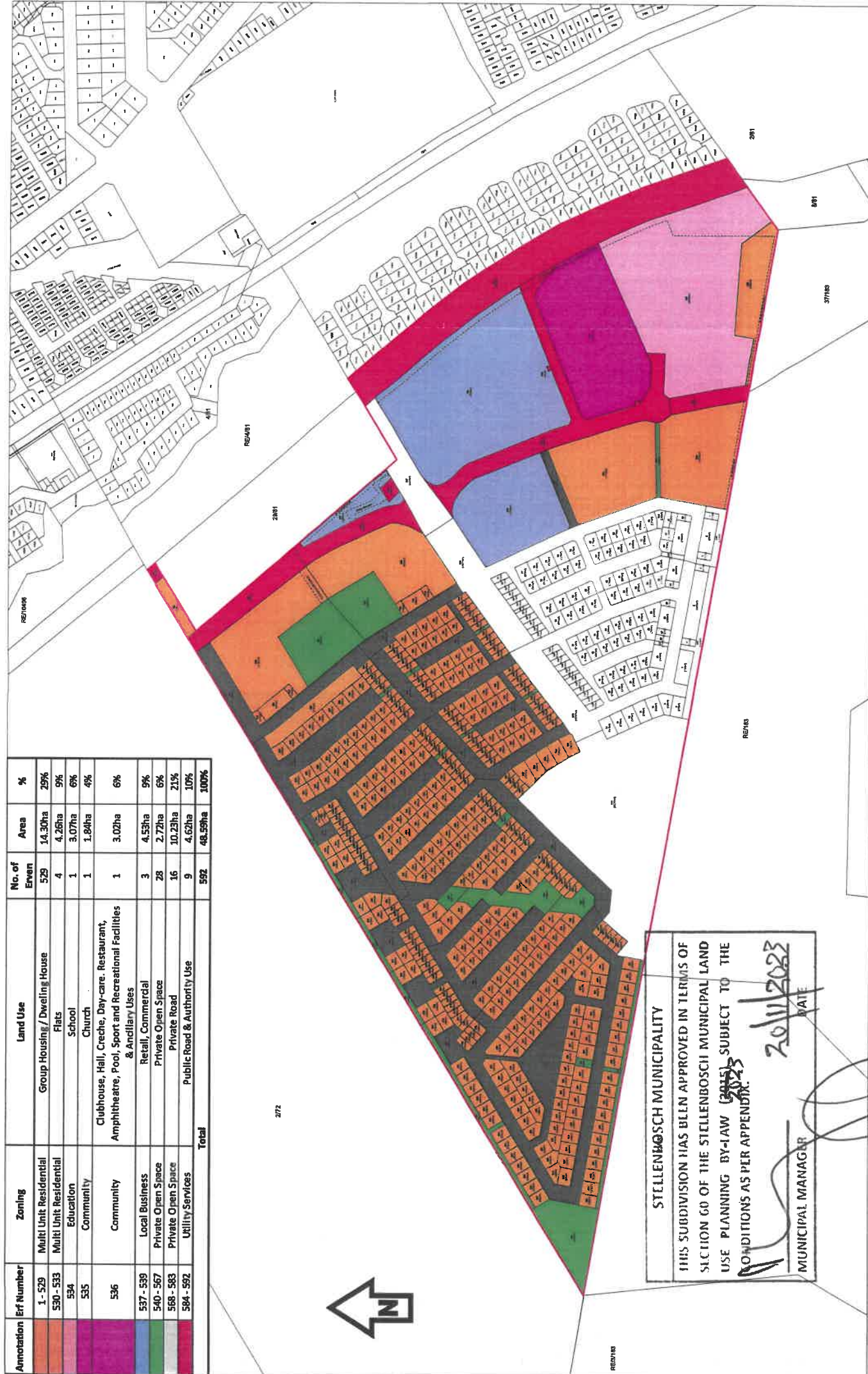
20/11/2023
DATE



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE A



Annotation	Erf Number	Zoning	Land Use	No. of Erven	Area	%
	1 - 529	Multi Unit Residential	Group Housing / Dwelling House	529	14.30ha	29%
	530 - 533	Multi Unit Residential	Flats	4	4.26ha	9%
	534	Education	School	1	3.07ha	6%
	535	Community	Church	1	1.94ha	4%
	536	Community	Clubhouse, Hall, Creche, Day-care, Restaurant, Amphitheatre, Pool, Sport and Recreational Facilities & Ancillary Uses	1	3.02ha	6%
	537 - 539	Local Business	Retail, Commercial	3	4.53ha	9%
	540 - 567	Private Open Space	Private Open Space	28	2.72ha	6%
	568 - 583	Private Open Space	Private Road	16	10.23ha	21%
	584 - 592	Utility Services	Public Road & Authority Use	9	4.62ha	10%
Total				592	48.55ha	100%

STELLENBOSCH MUNICIPALITY

THIS SUBDIVISION HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE CONDITIONS AS PER APPENDIX.

20/11/2023

MUNICIPAL MANAGER

tv3
ARCHITECTS
TOWN PLANNERS
URBAN DESIGNERS

newinbosch
N E I G H B O U R H O O D

Property Description:
Portion 33 of Farm 81, Stellenbosch

Proposed Subdivision & Zoning Plan

Date: 09/10/2023
Project no.: 3623-P

Plan no.: 81/33-12-2022
Drawn: WH
Checked: CH

Notation:

Cadastral information obtained from Surveys and Mapping (ORDLR).
Aerial Photography obtained from Surveys and Mapping (ORDLR).
Urban design done by Camond Lange Architects.
Road design done by UDS Africa.
Servitudes done by BSI.

• All areas and dimensions are approximate and should be verified by a professional land surveyor.

• This drawing is the property of TV3 Architects and Town Planners (Pty) Ltd and copyright is reserved

STELLENBOSCH MUNICIPALITY

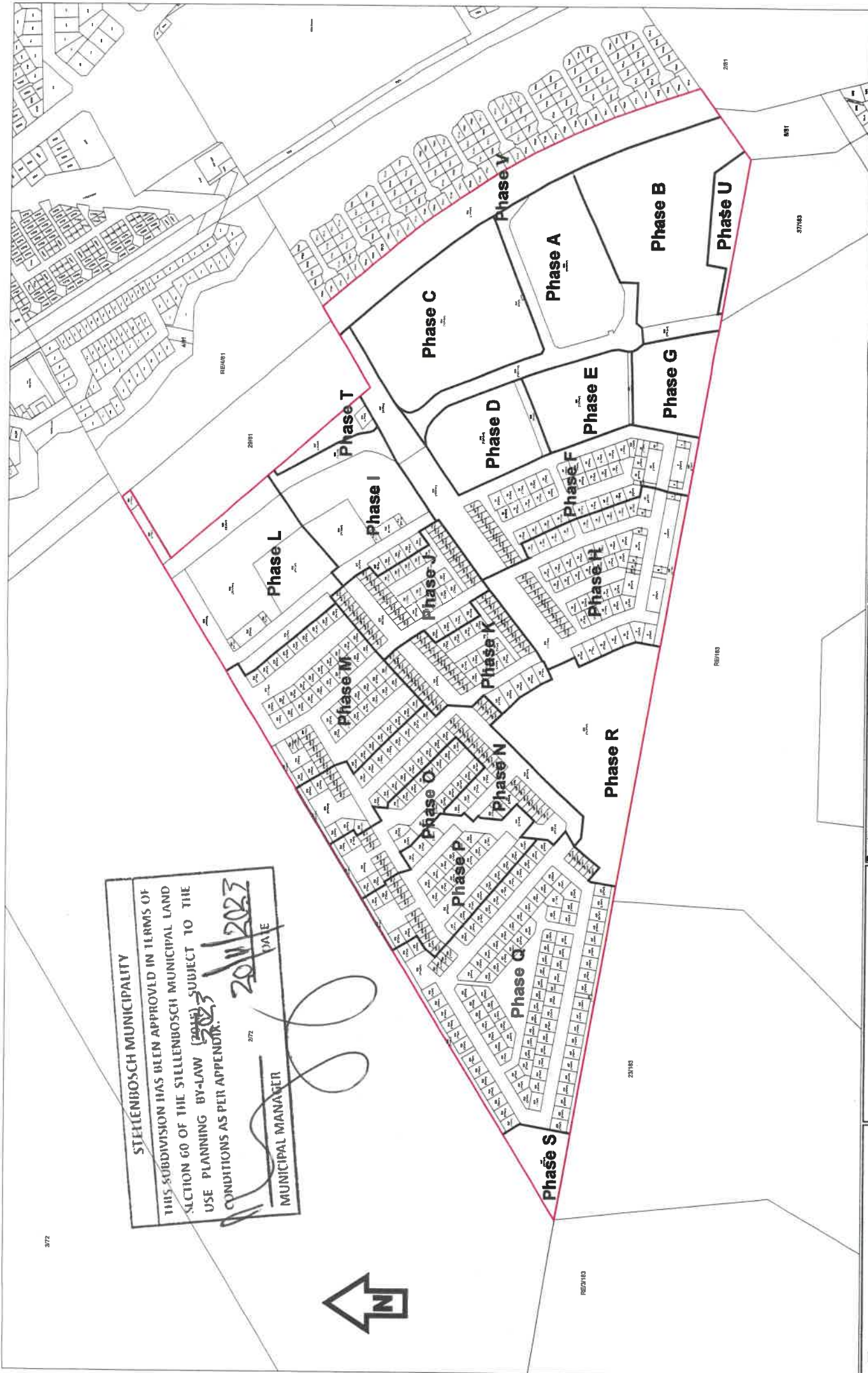
THIS SUBDIVISION HAS BEEN APPROVED IN TERMS OF
SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND
USE PLANNING BY-LAW (2015) SUBJECT TO THE
CONDITIONS AS PER APPENDIX.

372

MUNICIPAL MANAGER

20/1/2023

DATE



ARCHITECTS
TOWN PLANNERS
URBAN DESIGNERS

tv3

Drawing:	Phasing Plan	Plan no.:	2
Date:	06/10/2023	Scale:	1:2000 (A1)
Project no.:	3629-P	Drawn:	WH
		Checked:	CH

Notation:
Cadastral information obtained from Surveys and Mapping (ORDLR).
Aerial Photography obtained from Surveys and Mapping (ORDLR).
Phasing Plan done by Desmond Lange Architects.
Road design done by UDS Africa.
Servitudes done by BSI.
Each phase will be developed on an adhoc basis and not in a specific order.

* All areas and dimensions are approximate and should be verified by a professional land surveyor.
* This drawing is the property of TV3 Architects and Town Planners (Pty) Ltd and copyright is reserved



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE B

STELLENBOSCH MUNICIPALITY

20/11/2023

七



UPPER GROUND LEVEL PLAN

1

Went:

Item 11 Section 19 Characterized

PROSTATE CANCER

G1,H3

RESPONSIBLE PERSON	CA
--------------------	----

McAllister & Odu Toke	200
-----------------------	-----

3

100

—

NAME	DATE
...	...

2100.2

•

STELLENBOSCH MUNICIPALITY

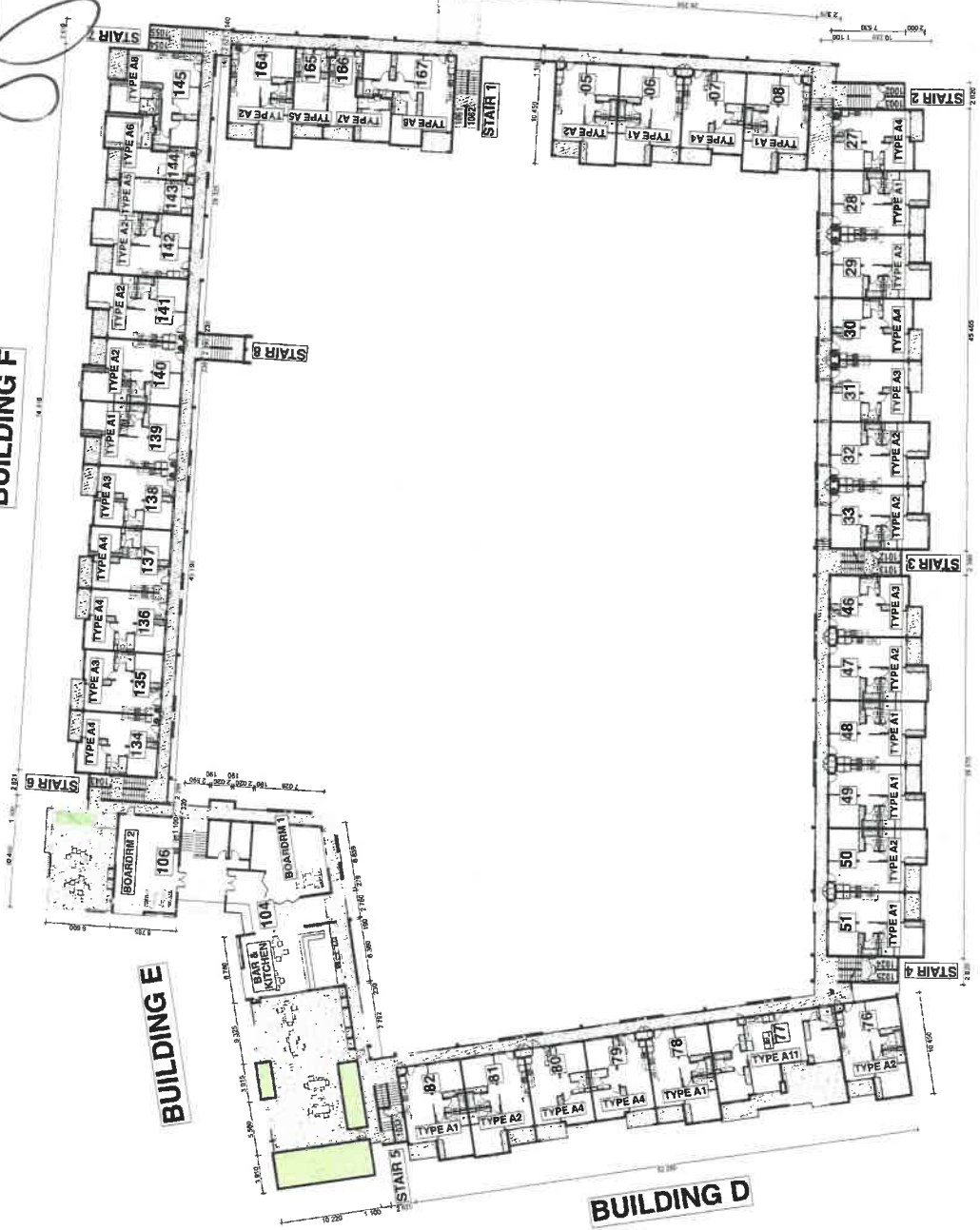
THIS SITE DEVELOPMENT PLAN IS APPROVED IN
TERMS OF SECTION 60 OF THE STELLENBOSCH
MUNICIPAL LAND USE PLANNING BY-LAW (2016), 2021
SUBJECT TO THE CONDITIONS AS PER APPENDIX.

MUNICIPAL MANAGER

2011/2021

DATE

BUILDING F



TM

BUILDING B

BUILDING C

BUILDING D

BUILDING G

BUILDING A

BUILDING E

FIRST FLOOR PLAN

1:250

Client:

Client: [Redacted]

Date:

Drawn:

Checked:

Approved:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

Checker:

Approver:

Date:

Scale:

Project:

Sheet:

Revision:

Author:

STELLENBOSCH MUNICIPALITY

THIS SITE DEVELOPMENT PLAN IS APPROVED IN
TERMS OF SECTION 60 OF THE STELLENBOSCH
MUNICIPAL LAND USE PLANNING BY-LAW (2017)
SUBJECT TO THE CONDITIONS AS PER APPENDIX.

MUNICIPAL MANAGER
20/11/2023
DATE

2023

BUILDING F

BUILDING E

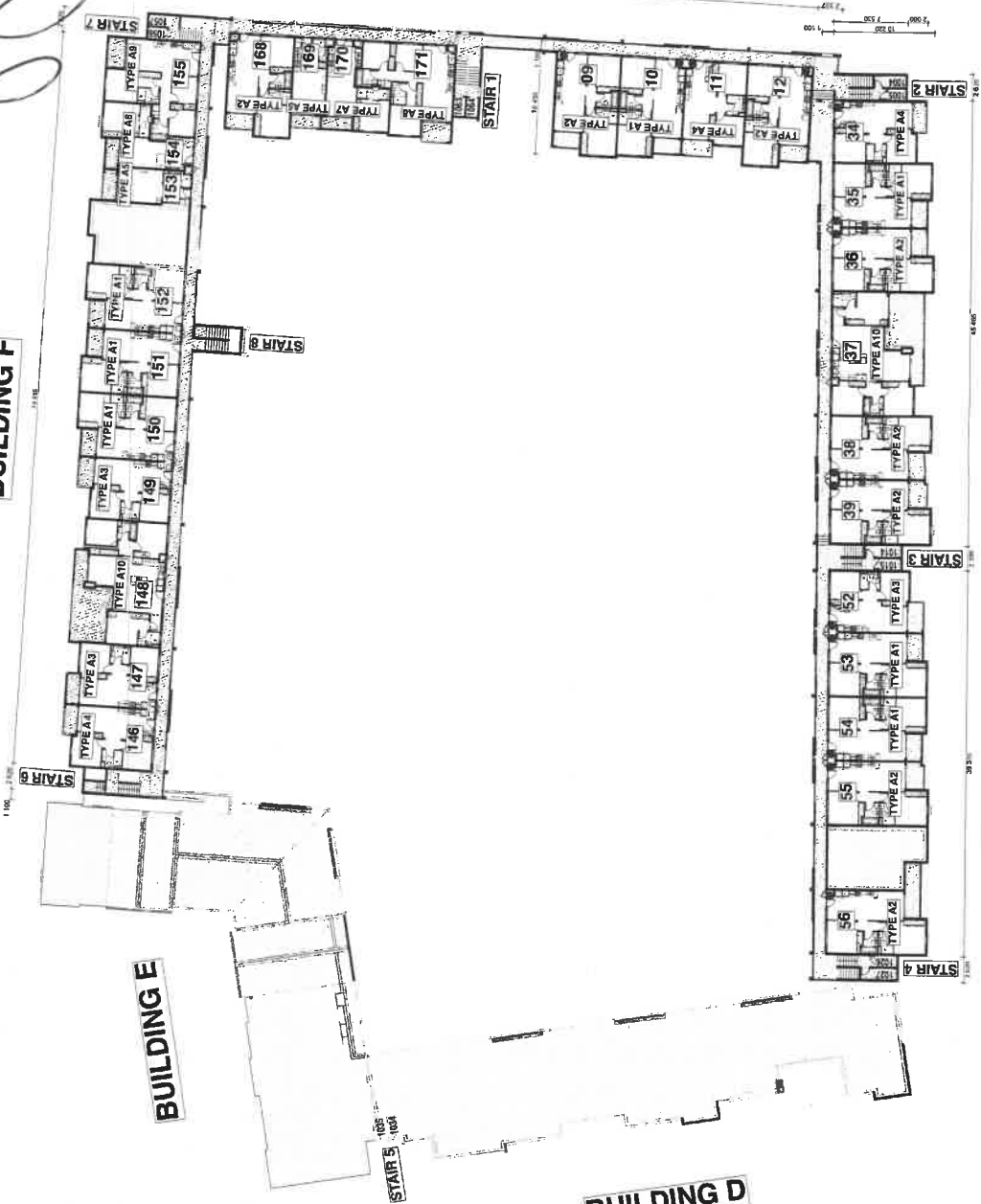
BUILDING G

BUILDING A

BUILDING B

BUILDING C

BUILDING D



Client:

Date:

OL

Plan of Person

DRAWING TITLE: SECOND FLOOR PLAN	
PROJECT NO: A1, P2, G1, H3	DATE: 2023/11/13
DESIGNED BY: RESPONSIBLE PERSON	APPROVED BY: RESPONSIBLE PERSON
FOR INFORMATION	
DRAWING NO: 2100.2.4	
REVISION	

SECOND FLOOR PLAN

1:250

4.



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE C



STELLENBOSCH MUNICIPALITY

THIS SITE DEVELOPMENT PLAN IS APPROVED IN
TERMS OF SECTION 60 OF THE STELLENBOSCH
MUNICIPAL LAND USE PLANNING BY-LAW (2015), 2027
SUBJECT TO THE CONDITIONS AS PER APPENDIX.

MUNICIPAL MANAGER

DATE

Farm 81/29

5m Sewer Servitude

Steyns Road

Parking Area

Access Servitude

Access Gate

Electrical Substation

Newinbosch Boulevard

* All areas and dimensions are approximate and should be verified by a professional land surveyor.

* This drawing is the property of TV3 Architects and Town Planners (Pty) Ltd and copyright is reserved

tv3

ARCHITECTS
TOWN PLANNERS
URBAN DESIGNERS

newinbosch
NEIGHBOURHOOD

Phase T

Property Description:

A portion of Farm 81/33, Stellenbosch

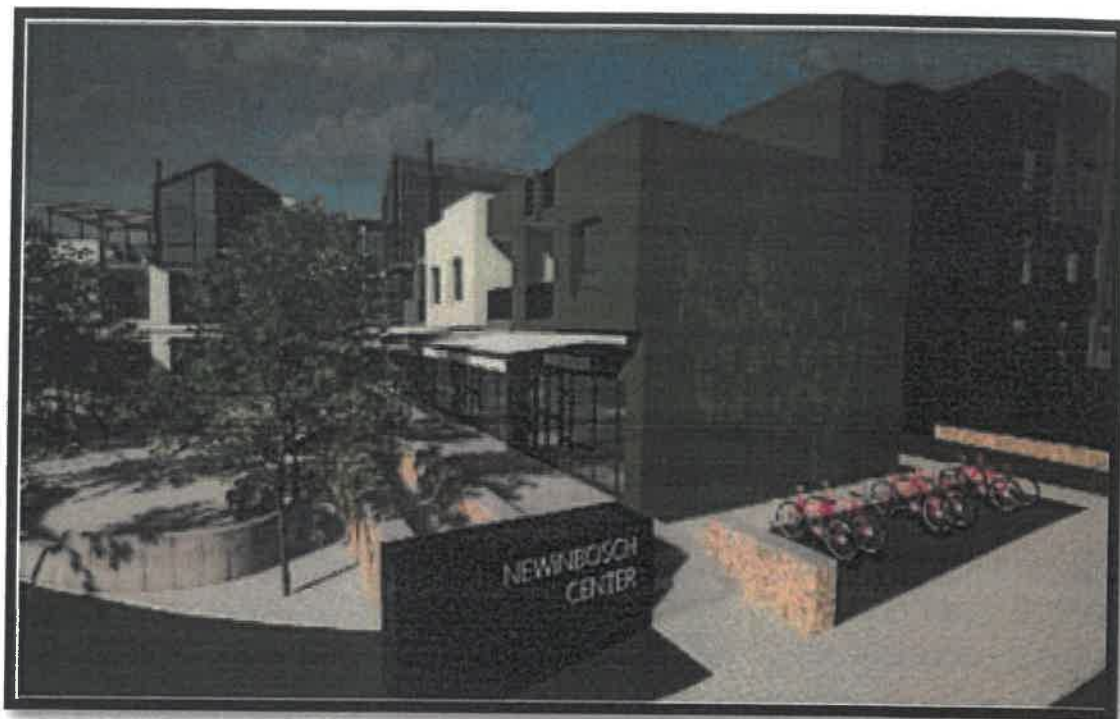
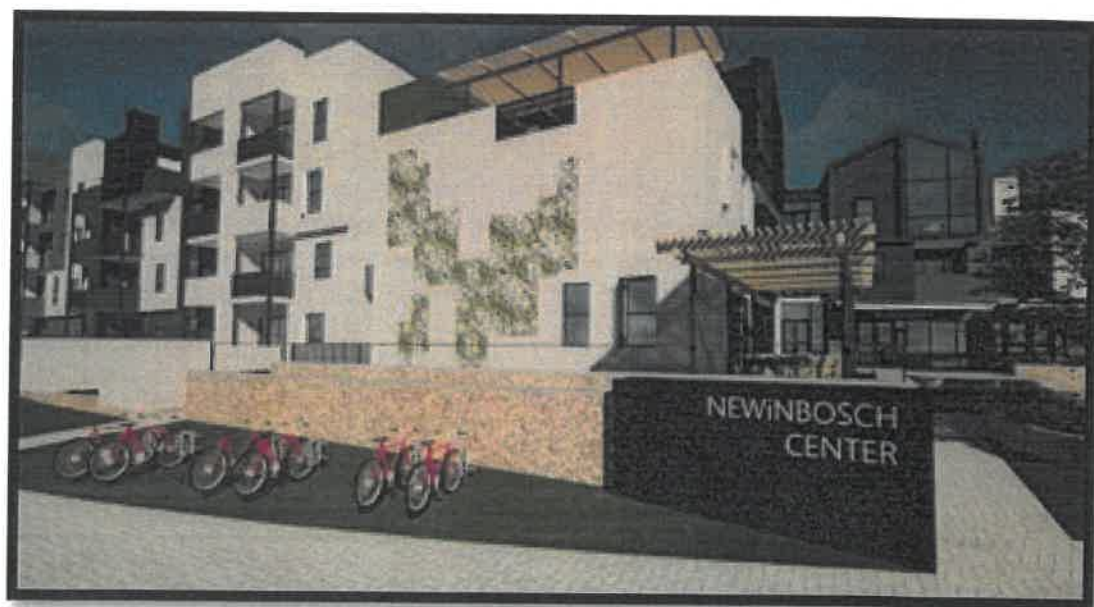
Drawing:	Plan no.:		
Typical Site Development Plan		1	
Date:	31/10/2022	Scale:	1:750 (A4)
Project no.:	3629-P	Drawn:	WH
		Checked:	CH



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE D



Mon

Robert Fooy

From: Clifford Heys <Clifford@tv3.co.za>
Sent: Monday, 30 October 2023 11:21
To: Robert Fooy
Subject: [EX] Newinbosch: Phases D + T

Hi Rob

FYI – below is an artist's interpretation of how the Phase D building will look (including the bicycle racks).

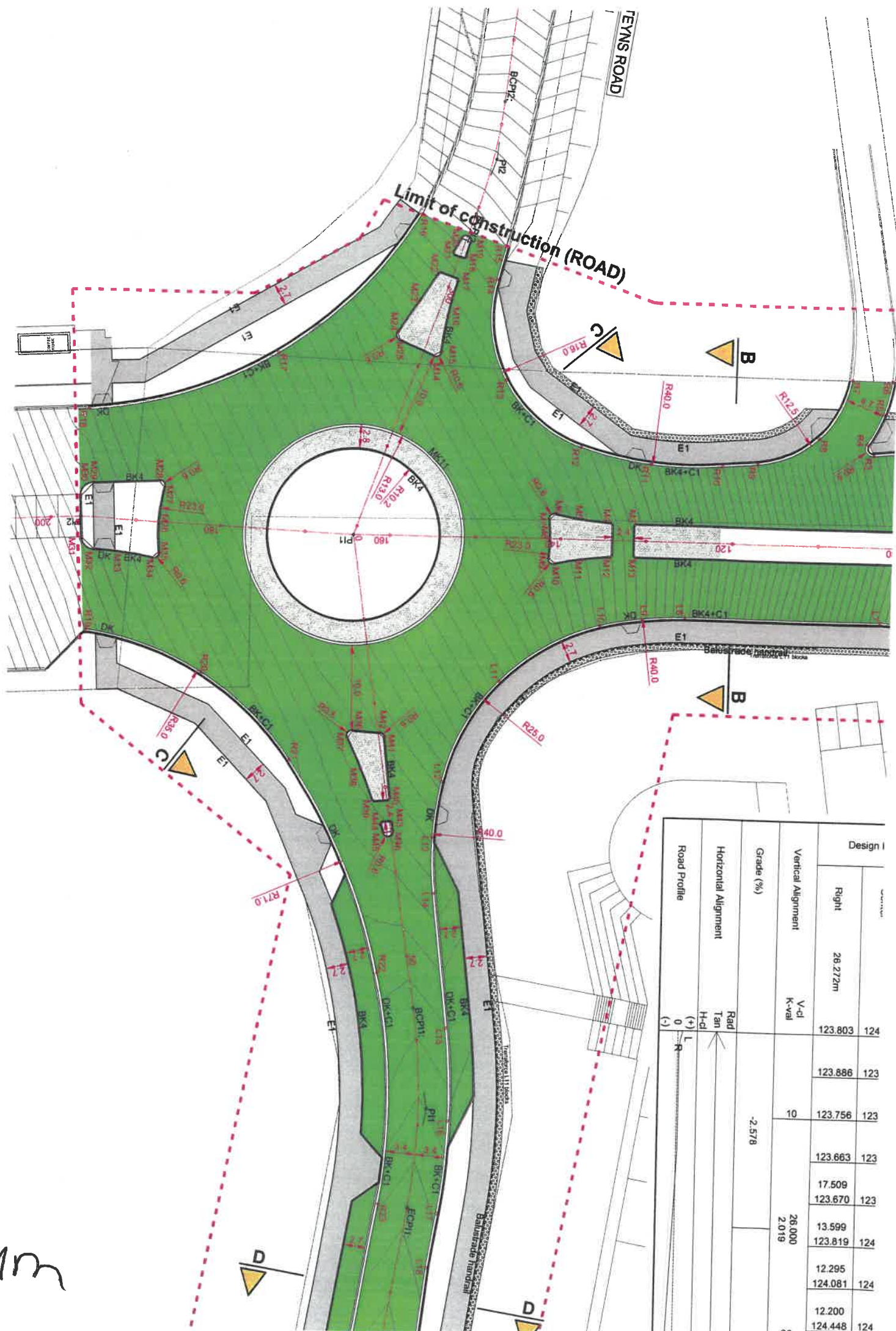


Regards

Clifford Heys

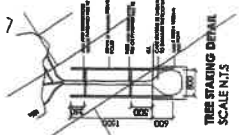
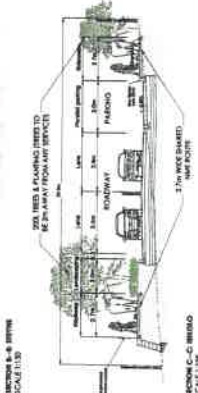
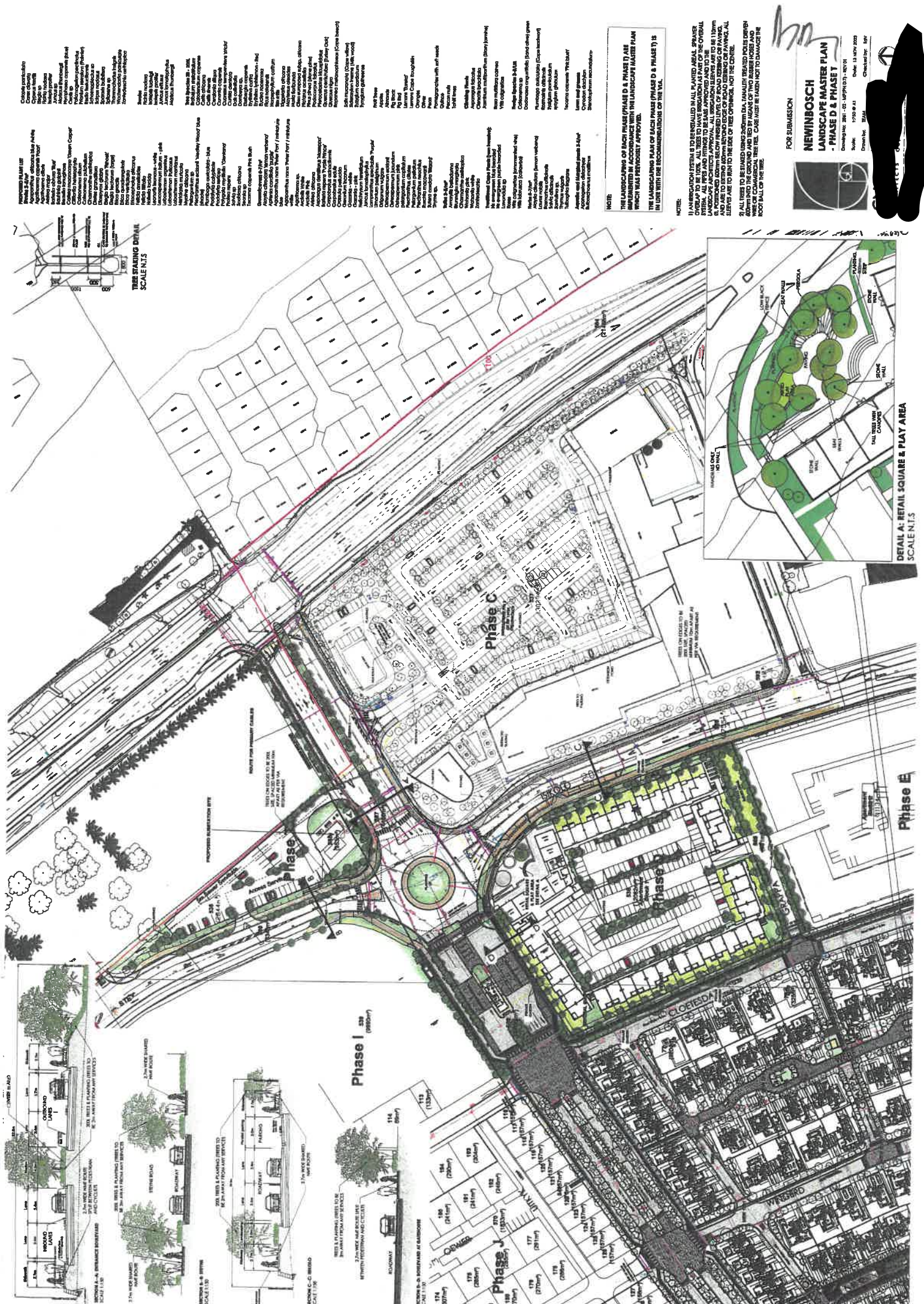
Pr Pln (TRP SA), B Econ, M (T&RP), MSAPI

A handwritten signature in black ink, appearing to be 'hm' or similar, located in the bottom right corner of the page.



Design I		Station	
Right	26.272m	123.803	124
		123.886	123
		123.756	123
		123.663	123
		17.509	123
		123.670	123
		13.599	124
		123.819	124
		12.295	124
		124.081	124
		12.200	124
		124.448	124
		36	

Mm



<p>PLANTING LIST</p> <p>Plants to be used in the landscape plan are listed below. The list is organized by plant type and includes the plant name, quantity, and location.</p> <p>Plants to be used in the landscape plan are listed below. The list is organized by plant type and includes the plant name, quantity, and location.</p>	<p>PLANTING LIST</p> <p>Plants to be used in the landscape plan are listed below. The list is organized by plant type and includes the plant name, quantity, and location.</p> <p>Plants to be used in the landscape plan are listed below. The list is organized by plant type and includes the plant name, quantity, and location.</p>
--	--

FOR SUBMISSION

NEWINBOSCH

LANDSCAPE MASTER PLAN

- PHASE D & PHASE T

Drawn by: [Signature]

Checked by: [Signature]

Date: 13/07/2023

Scale: 1:500 @ A1

Project: [Project Name]

Client: [Client Name]



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE E



STELLENBOSCH MUNICIPALITY

STELLENBOSCH·PNIEL·FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag	Bulelwa Mdoda
From ▫ Van:	Manager: Development (Infrastructure Services)
Author ▫ Skrywer:	Tyrone King
Date ▫ Datum:	1 August 2023
Our Ref ▫ Ons Verw:	Civil LU 2489
Your Ref:	LU/15140
Re ▫ Insake:	Newinbosch Phase D (136 apartments + Retail + Offices) and Phase T (Parking Area +/- 54 bays)

The following engineering documents were evaluated as part of this application:

- Civil engineering services report by Bart Senekal dated 27 July 2023
- TIS by UDS dated 9 December 2022

The application is recommended for approval, subject to the following conditions:

All conditions of our previous Memo dated 8 Sept 2021 (for LU/10917) for the overall development remain valid. If there is a contradiction between any of the conditions, then the condition in this Memo will govern. The conditions below are specific to phases D and T.

1. Water

- 1.1 According to the GLS report dated 13 January 2023 and the Civil Engineering services report by Bart Senekal dated 27 July 2023, there is **293 kl/day** AADD spare capacity available in the municipal bulk water network to accommodate the cumulative water demand of the Newinbosch development. This spare capacity is

subject to on-site storage being provided by Newinbosch, which has been established by means of a 480kl private reservoir that the Developer constructed on site.

The current cumulative demand taken up by Newinbosch, including the demand created by this application, is **160.2 kl/day**, which is still within the demand capacity available.

- 1.2 The Developer's consulting engineer has motivated how reliable water supply will be achieved with the temporary storage and distribution system - "Water supply interim measures – Design Report" by Bart Senekal Inc dated 26 July 2022, and the developments water supply must be implemented according to this report.

The Developer's consulting Engineer shall take full responsibility for the performance of the system. Additionally, all conditions of approval listed in **Annexure: Water Services** must be adhered to.

It must be noted that this arrangement will only be allowed as an interim measure and the Development will have to connect to the Municipality's reticulation network as soon as it is in place – this will be at the Developer's cost.

2. Sewer

- 2.1 The development will connect to the existing internal sewer network, which has recently been completed as part of the first phase of the development.
- 2.2 The developer will be responsible for the registration of any servitudes (if applicable), including negotiations with the private land-owners. No further approval for this development (engineering drawings or building plans) will be given until written agreement has been reached between the Developer and private land owners for the registration of such servitudes.

3. Roads

- 3.1 Traffic signals must be provided at the R304/Sokuqela Street/Mt Simon intersection. This can be offset from DCs.
- 3.2 Any conditions stated by the Provincial Roads Engineer must be complied with before subdivision clearance. Written confirmation from the provincial roads authority must be provided together with any municipal clearance application.

4. Parking

- 4.1 The parking departure motivation on page 8 of TV3 motivation report dated 15 Dec 2023 refers : The 0 (zero) parking bays for the commercial component of Phase D is acceptable, on condition that it be provided on Phase T and that they are materially tied to the Phase D erf. Proof of this must be provided prior to subdivision clearance.

5. Stormwater

- 5.1 The difference between the pre-and post-development run-off must be attenuated on site. Two attenuation dams are indicated for this purpose in the engineering services report. The detail engineering drawings must indicate how and where the stormwater for these phases will be attenuated. The attenuation facilities must be completed before subdivision clearance.

6. Solid Waste

- 6.1 Due to the size of the development, a refuse room is not practical and refuse collection will occur via kerbside collection at the individual erven. The entrance gate and internal roads must be designed to be able to accommodate a municipal refuse vehicle and it's turning movements. The municipality will not be held liable for any damages or losses due to refuse removal occurring inside the private estate.

7. General

- 7.1 Engineering drawings must be approved by the municipality before commencement of any services construction. Further conditions may be set during this process. Any amendments required to the SDP / subdivision layout will be for the Developer's cost.

8. Development Charges (DCs)

The following general conditions will apply to the payment of DCs:

- 8.1 that the "*Developer*" hereby acknowledges that the development charges levy as determined by the "*Municipality*" and or the applicable scheme tariffs will be paid by the "*Developer*" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy, should this land-use application be approved;
- 8.2 that the "*Developer*" accepts that the Development Charges will be subject to annual adjustment up to date of payment. The amount payable will therefore be the amount as calculated according to the applicable tariff structure at the time that payment is made;
- 8.3 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;
- 8.4 that the Development Charges levy to the amount of as reflected on the DC calculation attached herewith as an **Annexure DC**, be paid by the "*Developer*" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy. This calculation is provisional, based on the information available at this stage, and a final calculation will be provided prior to subdivision clearance (if applicable) or before Building Plan approval. The details on the approved subdivision plans or SDP plans or building plans will be used for such revised DC calculation;
- 8.5 that the Development Charges levy be paid by the "*Developer*" per phase –
 - prior to the approval of any building- and/or services plans in the case of a Sectional title erf in that phase or where a clearance certificate is not applicable and/or;
 - prior to the approval of subdivision clearance in terms of the Stellenbosch Municipal Land Use Planning By-law in all cases and or;
- 8.6 that the development shall be substantially in conformance with the development parameters and Site Development Plan submitted in terms of this application. Any amendments and/or additions to the parameters and/or Site Development Plan, once approved, which might lead

to an increase in the Gross Leasable Area or residential units, will result in the recalculation of the Development Charges;

- 8.7 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;



Tyrone King Pr Tech Eng
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

W:\2.0 DEVELOPMENT\01 Land Use applications\2058 (TK) Farm 81-33 Stellenbosch (LU-10917) (Newinbosch)\2489 () Farm 81-33 Stellenbosch (LU-15140) Newinbosch Phase C,D & T\2489 () Farm 81-33 Stellenbosch (LU-15140) Newinbosch Phase C,D & T_1 (approv.doc

ANNEXURE: WATER SERVICES

Water Services comments on the proposed temporary solution to the low water pressure available above the 145m contour at the Newinbosch Development

- All water and wastewater services approved, except for the proposed drinking water sump, pumping system, reservoir and booster pump system for the high laying erven.
- The temporary use of pumping and storage facilities not inline with the Water Master Plans of Stellenbosch Municipality but approved in concept provided that the conditions below are adhered to:

1. Conditions for approval of temporary pumping and storage facilities:

- 1.1 The Developer will design, construct and commission the temporary infrastructure at its own cost.
- 1.2 The Developer will not be allowed to offset any costs for this temporary solution against its Development Contributions.
- 1.3 The Developer will operate and maintain the temporary infrastructure at its own cost.
- 1.4 The Stellenbosch Municipality will retain the right to assess the operational and maintenance plans used by the Developer and provide instruction for improvement where reasonable.
- 1.5 The Municipality will only grant residential occupation after the temporary system is tested and proved to provide water in accordance to SANS241 and any other legislative (policy, By-law, etc.) requirement.
- 1.6 The Developer will submit a detail design report for all temporary infrastructure and the Municipality will review this before approval is granted.
- 1.7 The Developer will disconnect the temporary infrastructure from the Potable Water system as soon as the Municipality created sufficient capacity in the Kayamandi Supply system. Connection to be made to the Kayamandi system at this time. This allowable time for the switch-over is within two (2) months from the date that the Municipality informed the Developer to commence with connection to the Kayamandi System.
- 1.8 The Developer will include the following in the detail design report:
 - How to include Instantaneous flow measurement out of municipal network and control philosophy
 - How to include total daily flow measurement out of municipal network and control philosophy
 - Reporting of flow measurements
 - Sump workable volume and control philosophy
 - Chlorine disinfection proposal for normal use
 - Chlorine disinfection proposal for low use
 - Chlorine disinfection proposal for peak use
 - Selected pumps, pump curves and General Arrangement Drawings for each pump set
 - Details of the backup generator to be used to ensure constant supply at the minimum stated pressure (2.4bar) to all properties at all times.
 - Redundancy philosophy on each system
 - Proposal on external Water Quality (SANS 241) testing and reporting to the Municipality
 - Proposal on internal disinfection (Free Chlorine) testing and reporting to the Municipality
 - Operation and Maintenance plan



Stellenbosch Municipality

Development Charge Calculation



APPLICATION INFORMATION	
Application Number:	DC 2499 (I) Farm 81-33 Stellenbosch (LU-15140) Newwinbosch Phase D flats
Development Name:	Newwinbosch Phase D flats
Date:	01 August 2023
Financial Year:	2023/2024
Erf Location (Select from 7 Locations):	Stellenbosch Town
Erf Region (Select Urban or Rural):	Urban
Erf No. / Farm No.:	Farm 81-33
DC Parameters Reference:	Drawing CT1995_A_8.1 by Omond Lange and Page 5 of TV3 motivation report 15 Dec 2022

SUMMARY OF DC CALCULATION							
Services:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Totals
Unit(s):	kl/day	kl/day	he°C	l/week	trips/day		
Total Increased Services Usage:	64,964	57,6935	1,22915	5,6282	562.2		
Total Service Usage Reduction:	0	0	0	0	0.0		
Total Service Usage after Reduction:	64,96	57,69	1,22915	5,628	562.2		
Charges before adjusting for positive only, before Deductions	R 2 035 827.13	R 1 989 893.41	R 254 638.25	R 550 503.35	R 3 519 213.87	R 8 350 076.01	R 10 464 725.68
Charges adjusted for positive only, before Deductions	R 2 035 827.13	R 1 989 893.41	R 254 638.25	R 550 503.35	R 3 519 213.87	R 8 350 076.01	R 10 464 725.68
Total Deductions:	R -	R -	R -	R -	R -	R -	R -
Total Development Charges Payable (excluding VAT):	R 2 035 827.13	R 1 989 893.41	R 254 638.25	R 550 503.35	R 3 519 213.87	R 8 350 076.01	R 10 464 725.68
VAT:	R 305 374.07	R 298 484.01	R 38 195.74	R 82 575.50	R 527 892.08	R 1 292 511.40	R 1 588 708.85
Total Development Charges Payable (including VAT):	R 2 341 201.20	R 2 288 377.42	R 292 833.99	R 633 078.85	R 4 047 095.96	R 9 602 687.41	R 12 054 434.64

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



Ref: TPW/CFS/RP/LUD/REZ/SUB-25/242 (Job 15329)

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr Ulrich von Molendorff

Dear Sir

PORTION 33 OF FARM 81, STELLENBOSCH (NEWINBOSCH): MAIN ROAD 174: APPLICATION TO AMEND THE APPROVED SUBDIVISION PLAN, TO OBTAIN APPROVAL FOR THE SITE DEVELOPMENT PLANS OF PHASES D AND T AS WELL AS TO PERMIT FLATS ON THE GROUND FLOOR OF THE LOCAL BUSINESS ZONE ERVEN IN PHASES D AND I.

1. The following refer:
 - 1.1. The Planning Motivation Report for Phases C, D and T prepared by TV3 dated 15 December 2022;
 - 1.2. The email from TV3 dated 21 July 2023 requesting comment from this Branch only on Phase D and T;
 - 1.3. Site Development Plan for Phase D prepared by Osmond Lange Architects and Planners dated 30 November 2022;
 - 1.4. Site Development Plan for Phase T prepared by TV3 dated 31 October 2022;
 - 1.5. The letter UDS373/Reports/TIS/Phase2/Rev01 from UDS Africa to Similan Properties dated 9 December 2022 containing the Traffic Impact Statement (TIS) for Phases C, D and T; and
 - 1.6. The emails from UDS Africa dated 28 July 2023 and 8 August 2023 requesting comment only on Phases D and T; and
 - 1.7. Our letters TPW/CFS/RP/LUD/REZ/SUB-25/242 (Job 15329) dated 28 September 2021 and 8 June 2021.
2. This Branch offers no objection to the Application to Amend the Approved Subdivision Plan, to Obtain Approval for the Site Development Plans of Phases D and T as well as to Permit Flats on the Ground Floor of the Local Business Zone Erven in Phases D and I subject to the following conditions:

- 2.1. The extent of Phase D is limited to the following land use rights:
 - 2.1.1. Retail - $\pm 530\text{m}^2$ GLA;
 - 2.1.2. Business/Office - $\pm 410\text{m}^2$ GLA; and
 - 2.1.3. Apartments – 136 units;
- 2.2. The Main Road 174 (R304) / Sokuqala Street / Mt Simon intersection must be signalised within the existing lane layout; and
- 2.3. Parking to be supplied in accordance with the standards and requirements of Stellenbosch Municipality.
- 3: Please note that the development is still subject to the conditions as listed in our letters listed above dated 28 September and 8 June 2021.

Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE BRANCH

DATE: 11 August 2023

ENDORSEMENTS

1. Stellenbosch Municipality
Attention: Mr U von Molendorff (e-mail: ulrich.vonmolendorff@stellenbosch.gov.za)
Attention: Mr J Fullard (e-mail: johan.fullard@stellenbosch.gov.za)
2. UDS Africa
Attention: Me Y Obermeyer (e-mail: yolandi@udsafrika.co.za)
3. District Roads Engineer
Paarl
4. Mr S Carstens (e-mail)
5. Me S du Preez
6. Mr B du Preez



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE G

ELETRICITY SERVICES: CONDITIONS OF APPROVAL
Farm 81/33 LU/15140

GENERAL COMMENT:

1. Development Bulk Levy Contributions are payable

CONDITIONS

2. The electrical consulting engineer responsible for the development shall schedule an appointment with Manager Electricity Services (Engineering Services) before commencing with the construction of the development. As well as to discuss new power requirements if required.

3. The development's specifications must be submitted to Stellenbosch Municipality (Engineering Services) for approval. i.e.

a) The design of the electrical distribution system

b) The location of substations(s) and related equipment.

4. A separate distribution board/s shall be provided for municipal switchgear and metering. (Shall be accessible & lockable). Pre-paid metering systems shall be installed in domestic dwellings.

5. 24-hour access to the location of the substation, metering panel and main distribution board is required by Technical Services. (On street boundary)

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

7. On completion of the development, Stellenbosch Municipality (Technical Services) together with the electrical consulting engineer and electrical contractor will conduct a take-over inspection.

8. No electricity supply will be switched on (energised) if the Development contributions, take-over Inspection and Certificate(s) of Compliance are outstanding.

All electrical work to comply with SANS142 and Municipal Bylaws

Bradley Williams

Date.....24/08/2022.....

Signature



.....



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/10917

Our File Reference Number: Farm 81/33, Stellenbosch

Your Reference Number: 3629-P

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: Clifford@tv3.co.za

Sir / Madam

APPLICATION FOR REZONING, SUBDIVISION, APPROVAL OF DEVELOPMENT NAME, APPROVAL OF SITE DEVELOPMENT PLAN AND ALLOCATION OF STREET NAMES AND NUMBERS: FARM NO. 81/33, STELLENBOSCH DIVISION

1. The above application refers.
2. The Municipal Planning Tribunal on 21 January 2022 resolved as follows:
 - 2.1 That the following applications in terms of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the Farm 81/33, Stellenbosch:
 - 2.1.1 The rezoning in terms of Section 15(2)(a) of the said Bylaw from Agriculture Zone to Subdivisional Area, to permit the following land uses:
 - a) Multi-Unit Residential Zone even for group housing and flats/ apartments.
 - b) Local Business Zone even for retail purposes.
 - c) Education Zone erf for purposes of a school.
 - d) Community Zone even for purposes of a church and clubhouse, hall, crèche, day-care, restaurant, amphi-theatre, pool, sport and recreation facilities and ancillary uses.
 - e) Utility Services Zone even for purposes of a public road and authority use.
 - f) Private Open Space Zone even for purposes of private open spaces and a private road.

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

3. Conditions of Approval:

3.1 A revised Subdivision Plan for the subdivisinal area zone be submitted for approval which addresses the following matters:

- a) Density of the development in accordance with the provisions and proposed thresholds of the draft Adam Tas Corridor Local Spatial Development Framework and draft Adam Tas Corridor Development Guidelines (2021) for Precinct 10.
- b) The extent of the approved land uses as proposed in the application be amended to meet the density requirements of the draft Adam Tas Corridor Development Guidelines.
- c) Integration of the proposed development with the surrounding areas and new developments.
- d) Provision of "Inclusionary Housing".
- e) The provision of appropriate integrated public transport and NMT infrastructure taking into consideration the surrounding areas and proposed new developments in this precinct.

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

4.1 The subject property is located within the Stellenbosch urban edge as indicated in the approved MSDF.

4.2 The development of the subject property is in support of Council's Northern Extension Project as well as the ATC initiative.

4.3 Proposes to provide in a wide array of different housing typologies for different income groups.

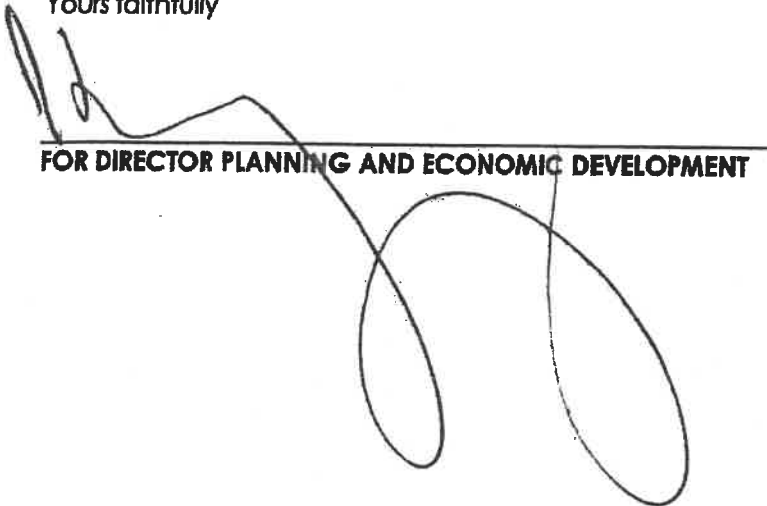
5. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

6. 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

12. Kindly note the above decision is suspended, and in the case of any approval, may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully



A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above a horizontal line.

FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

15/2/2022
DATE:

COPIES TO:

Stellenbosch Interest Group

Email: info@stellenboschinterestgroup.org



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/10917

Our File Reference Number: Farm 81/33, Stellenbosch

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: Clifford@tv3.co.za

Sir / Madam

APPLICATION FOR REZONING, SUBDIVISION, APPROVAL OF DEVELOPMENT NAME, APPROVAL OF SITE DEVELOPMENT PLAN AND ALLOCATION OF STREET NAMES AND NUMBERS, ON FARM 81/33, STELLENBOSCH

1. The above application refers.
2. The Municipal Planning Tribunal on 18 March 2022 resolved as follows:
 - 2.1 That the following application 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 33 of Farm 81, Stellenbosch:
 - 2.1.1 **Subdivision** in terms of Section 15(2)(d) of the said Bylaw in accordance with the attached Subdivision Plan and Phasing Master Plan to allow for the development of the property for the following:
 - a) 559 x **Multi-Unit Residential Zone** erven measuring $\pm 20,1$ ha in extent to accommodate the residential component which will consist of dwelling houses, group houses (cluster and row houses) and flats/apartments;
 - b) Two (2) x **Local Business Zone** erven measuring $\pm 1,33$ ha in extent for retail purposes;

- c) One (1) x **Education Zone** erf measuring $\pm 5,26$ ha in extent for purposes of a school;
- d) Two (2) x **Community Zone** erven measuring $\pm 1,97$ ha in extent for purposes of a church and $\pm 2,81$ ha for purposes of a clubhouse, hall, crèche, day-care, restaurant, amphitheatre, pool, sport and recreation facilities and ancillary uses;
- e) Eight (8) x **Utility Services Zone** erven measuring $\pm 4,29$ ha in extent for purposes of a public road and authority use;
- f) Forty-One (41) x **Private Open Space Zone** erven measuring $\pm 12,81$ ha in extent for purposes of private open spaces and a private road.

BE APPROVED in terms of Section 60 of the said Bylaw, **SUBJECT TO** conditions in terms of Section 66 of the said Bylaw.

3. That such approval be subject to the following **CONDITIONS** in terms of Section 66 of the said Bylaw:

3.1 The development be undertaken in accordance with the Subdivision Plan and Phasing Plan dated 02/03/2022, drawn by TV3 Town Planners, attached as **ANNEXURE B**.

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

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

3.3 The landscaping within each phase of the development be implemented substantially in accordance with the Detail Master Plan and Landscape Master Plan Reference Cloetesdal ERF RE/33/81 attached as **ANNEXURE B**.

3.4 Development of individual phases are not necessarily required in a specific order as noted on the Phasing Plan.

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

- 3.6 All common property, inclusive of private road/s and open space/s and land required for services by the owners' 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 approval, whichever occurs first.
- 3.7 All public places and public streets on the subdivision plan be transferred to the Municipality upon transfer of the first unit/erf in the subdivision, of which the cost for the surveying and transfer of such public land be for the account of the applicant/developer.
- 3.8 A detailed Site Development Plan be submitted to the Municipality for approval as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2019, for each phase of the development as well as for the "Access Control Gates with Associated Infrastructure and perimeter boundary wall / fencing for the development, which forms part of **Phase F** of the development", prior to the submission of any building plans being submitted, which 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.
- 3.9 Each site development plan for the individual phases includes an updated traffic impact statement and a civil engineering services report (to assist the municipal engineers in calculating the development charges), with a detailed landscaping plan.
- 3.10 Each site development plan for the individual phases includes a detailed NMT plan that will ensure that the NMT infrastructure adequately addresses the needs of the residents, is compliant with the norms and standards applicable to such infrastructure, and aligned with the Municipality's proposed NMT network for the area as outlined in the NMT Masterplan.
- 3.11 Architectural / Aesthetic Guidelines be submitted for the group housing component and approved by the Municipality prior to the registration of the first property or the submission of any building plan for dwelling units forming part of this component of the development. These guidelines must take the recommendations listed in the Visual Impact Assessment into consideration. (Copy of **Visual Impact Assessment** attached as **ANNEXURE M.**)
- 3.12 Landscaping plan be submitted with the site development plan for each phase and approval by the Municipality prior to the registration of the first property or the submission of any building plans for each phase, whichever occurs first.
- 3.13 The approved landscaping plan be implemented at the cost of the developer and to the satisfaction of the municipality prior to the first erf within a phase being transferred or 50% of building plans being approved for that phase, whichever occurs first. Such landscaping plan

be submitted with the site development plan for each phase and must take the recommendations listed in the Visual Impact Assessment into consideration. (Copy of **Visual Impact Assessment** attached as **ANNEXURE M**).

- 3.14 The density on portion 558 & 559 of the proposed development / Phase I & L of the project, identified for flats be increased by including an addition floor / storey to the proposed building to create ± 65 additional residential units on these two portions, for which a detail design is to be submitted as part of the site development plan for the phase of which they form part {1200 (Initially proposed by applicant) + ± 65 = **± 1265** residential units}.
- 3.15 The additional of **± 50 FLISP** / social housing units, on portion 553 of the proposed subdivision plan / Phase U of the development be provided ($1265 + \pm 55$ = **± 1320** residential units).
- 3.16 The developer be responsible for providing alternative accommodation for persons currently residing on the property prior to a site development plan being submitted for the phase on which these people are located / housed.
- 3.17 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.
- 3.18 A service agreement regarding the responsibilities for the provision of engineering services be entered into with the Municipality prior to the construction of any engineering services or infrastructure in terms of Section 66(3) and Section 82(4) of the said Bylaw, which service agreement must include and comply with the conditions as imposed by the Directorate Infrastructure Services in their letter dated 8 September 2020 simultaneous to a site development plan being submitted for any of the phases.
- 3.19 The conditions of approval as imposed by the **Road Network Management** Directorate of the Department of Transport and Public Works be complied with to the satisfaction of said department, as attached as **ANNEXURE I**.
- 3.20 An agreement on the provision of Inclusionary Housing opportunities in pursuance of settlement restructuring be concluded with the Municipality prior to the approval of any building plans.

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

- 4.1 The applicant has adjusted the densities of the residential component of the proposed development to meet the densities prescribed by the ATC.

- 4.2 The MPT has already approved the rezoning of the subject property for urban development purposes and the proposed subdivision plan is in line with the approval granted for the rezoning of the subject property.
- 4.3 The revised subdivision proposal complies with the requirements of "Precinct 10" of the *Adam Tas Corridor* in terms of the density that is proposed by the revised subdivision application.
- 4.4 In terms of section 52 of the Land Use Planning Bylaw, 2015 the Municipality may require the advertisement of an application if any amendments are proposed. Although the amended plan increases the density of the development it is not regarded as substantial and the advertisement of the amended application was not required.

5. **Matters to be noted:**

- 5.1 Permission required in terms of title deed condition D (1-4), Page 5 of the Title Deed No T24040/2020, be obtained from the delegated authority in terms of the Stellenbosch Municipality System of Delegations as amended by Council Item 7.3.3 on 25-01-2017 to develop the subject property as proposed.
- 5.2 Approval of the development's name: Newinbosch Estate and the naming and numbering of streets as per the Street Naming and Numbering Plan, be obtained from the delegated authority in terms of the Stellenbosch Municipality System of Delegations.
- 5.3 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- 5.4 The subdivision only comes into effect once all suspensive conditions or relevant legislative provisions have been complied with.
- 5.5 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.
- 5.6 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.
- 5.7 Building plans must be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.

- 5.8 The development must comply with the conditions of approval as imposed by the Department of Environmental Affairs and Development Planning as set out in their environmental authorisation of 14 December 2020, as attached as Annexure F.
- 5.9 The development must comply with the conditions of approval as imposed by **Heritage Western Cape** as set out in their approval letter of 5 November 2020, as attached as **ANNEXURE H**.
6. 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.
7. 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.

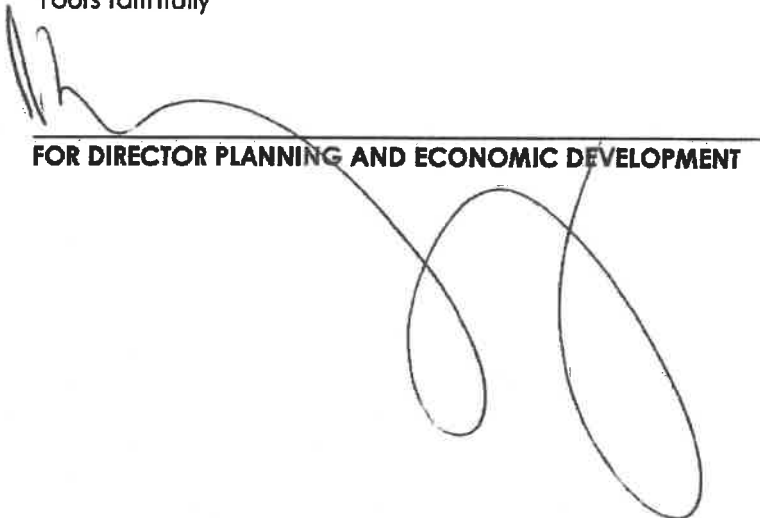
8. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: landuse.appeals@stellenbosch.gov.za
9. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal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

- (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
- (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.

12. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

13. Kindly note the above decision is suspended, and in the case of any approval, may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, is written over the printed text.

FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

11/11/2022
DATE: