



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: TP1547/2026

Our File Reference Number: Erf 445 Kylemore

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL

Sir/Madam

EXTENSION OF VALIDITY: APPLICATION FOR REZONING, SUBDIVISION, PHASING OF THE DEVELOPMENT, ESTABLISHMENT OF A HOMEOWNER'S ASSOCIATION, APPROVAL OF THE SITE DEVELOPMENT & ARCHITECTURAL GUIDELINES, APPROVAL OF THE DEVELOPMENT NAME AND STREET NAMING AND NUMBERING: ERF 445, KYLEMORE.

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the application to Extend the Validity period for the rezoning, subdivision, phasing of the development, establishment of a homeowner's association, approval of the site development & architectural guidelines, approval of the development name and street naming and numbering on Erf 445, Kylemore in terms of Section 15(2)(i) of the Stellenbosch Municipal Land Use Planning Bylaw, for five (5) years from 17/03/2026 till 17/03/2031.

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

3. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said Bylaw:
 - 3.1 The approval will lapse if not implemented / confirmed within five (5) years from 17/03/2026 till 17/03/2031.
 - 3.2 The approval only applies to the proposed extension of validity period under consideration and shall not be construed as authority to depart from any other legal prescriptions or

requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

3.3 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.

3.4 All conditions of approval as per final approval letter dated 28/05/2020 and referenced appeal outcome confirming and varying the decision, dated 17 March 2021 is still applicable.

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

4.1 No surrounding properties will be materially affected by the application for an extension of time.

5. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw 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 by completing the required form 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.
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 appeal form and 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 or 021- 808 8684.
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.

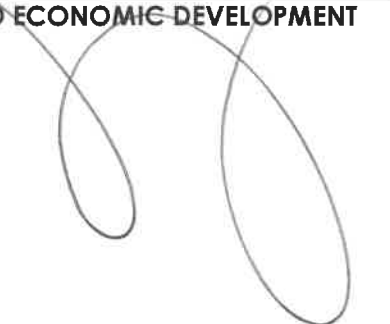
11. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

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



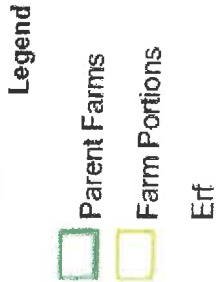
10/6/2026,

DATE

Annexure A

Locality Plan

Erf 445, Kylemore



Scale: 1:4,514

Date created: 2026/21/05



**Western Cape
Government**

Annexure B
Previous Approval(s)



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Our Reference Number: Erf 445, Kylemore

Application Number: LU/7355

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: [REDACTED]

Madam

APPLICATION FOR REZONING, SUBDIVISION, PHASING OF THE DEVELOPMENT, ESTABLISHMENT OF A HOMEOWNERS ASSOCIATION, APPROVAL OF THE SITE DEVELOPMENT & ARCHITECTURAL GUIDELINES, AND APPROVAL OF THE DEVELOPMENT NAME, STREET NAMES & NUMBERS ON ERF NO. 445, KYLEMORE

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 **Rezoning** in terms of Section 15(2)(a) of Erf No. 445, Kylemore from Agricultural Zone I to **Subdivisional Area** to accommodate the zonings of Residential Zone III (Town houses erven); Residential Zone II (Group housing erven); and Open Space Zone II (private open space), as per Proposed Subdivision Plan, Plan No. ERF445 KYLEMORE dated October 2017, attached as **Appendix 2**.
 - 2.2 **Subdivision** in terms of Section 15(2)(d) of Erf No. 445, Kylemore into 35 erven to establish twelve (12) Residential Zone III (Town housing) erven, 21 Residential Zone II (Group housing) erven and 2 Open Space Zone II (private road and private open space) erven, as per Proposed Subdivision Plan, Plan No. ERF445 KYLEMORE dated October 2017, attached as **Appendix 2**;
 - 2.3 **Subdivision** in terms of Section 15(2)(d) of Erf No.445, Kylemore to enable the phasing of the proposed development into two (2) phases, namely Phase 1 consisting of erven 1-6 and 28-33 with a portion of the private road, and the Phase 2 consisting of the Remaining proposed

erven, as per Phasing Plan, Plan No. ERF445 KYLEMORE dated October 2018, attached as **Appendix 3**;

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

- (i) Land inside of existing and proposed urban settlements should developed to promote densification and infill development to prevent urban sprawl.
 - (ii) The location of the subject property lends itself to be developed as an enclosed development.
 - (iii) The proposal is consistent with the Municipal IDP and SDF and its strategic objectives for the development of existing nodes within Stellenbosch Municipality.
3. The above approvals granted are subject to the following conditions in terms of Section 66 of the above-mentioned by-law;
- 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 Building plans be approved by this municipality, prior to any building work commencing on site;
 - 3.3 The conditions imposed by the Director: Infrastructure Services, attached as **Appendix 11** to this report, be adhered to;
 - 3.4 The perimeter fence to comply with Council's Bylaw relating to Boundary Walls and Fences;
 - 3.5 The applicant submits an electronic copy (shp,dwg,dxf) of the consolidation diagram which was preliminary approved by the SG indicating the newly allocated Erf Numbers, Co-ordinates and Survey Dimensions;
 - 3.6 A certificate of compliance in terms of Section 28 only be granted once all the conditions of approval for the development have been complied with;

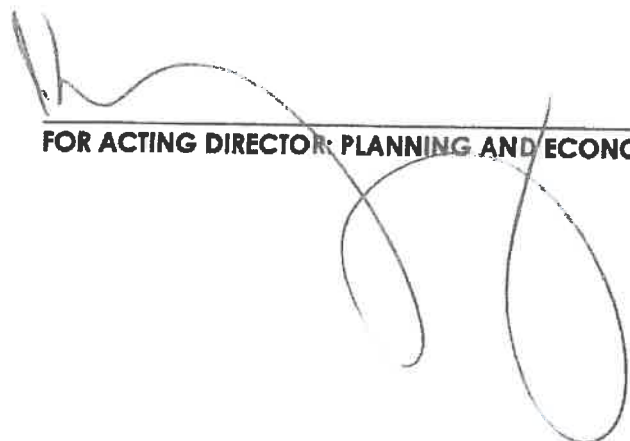
- 3.7 The development be undertaken generally in accordance with the approved site development plan attached as **Appendix 4** to this report, Drawing No. 1373/03, Compiled by Bart Senekal Civil & Structural Engineering Consultants;
- 3.8 The **Establishment of a Homeowners Association** ("HOA") in terms of Section 29(1) for the proposed Mountain Whisper Estate and the constitution of the home owners association be submitted for approval and endorsement;
- 3.9 A detailed landscaping plan be submitted to the Department of Community Services for approval; The landscaping plan to be implemented to the satisfaction of this Department to the cost of the developer and prior to the issuing of the first occupancy certificate.
- 3.10 **Architectural Guidelines** for the Mountain Whisper Estate Development be submitted to the Municipality for approval;
- 3.11 Twelve (12) Residential Zone 2 units to be developed for middle income buyers. A section should be included in the sales agreement with the developer that Kylemore residents should have the first option to buy one of these units at market related valued, should they be interested.
4. 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.
5. 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.

6. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: Lenacia.Kamineth@stellenbosch.gov.za.
7. An applicant 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.
8. 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>).
9. 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.
10. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

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

Yours faithfully



FOR ACTING DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

29/5/20.
DATE

COPIES:

DENNESIG

7601

Please inform all the other six members of Church Council signed objection letter

PER E-MAIL: [REDACTED]

KYLEMORE

7608

Please inform all the other members signed the petition

PER E-MAIL: [REDACTED]

The Surveyor-General

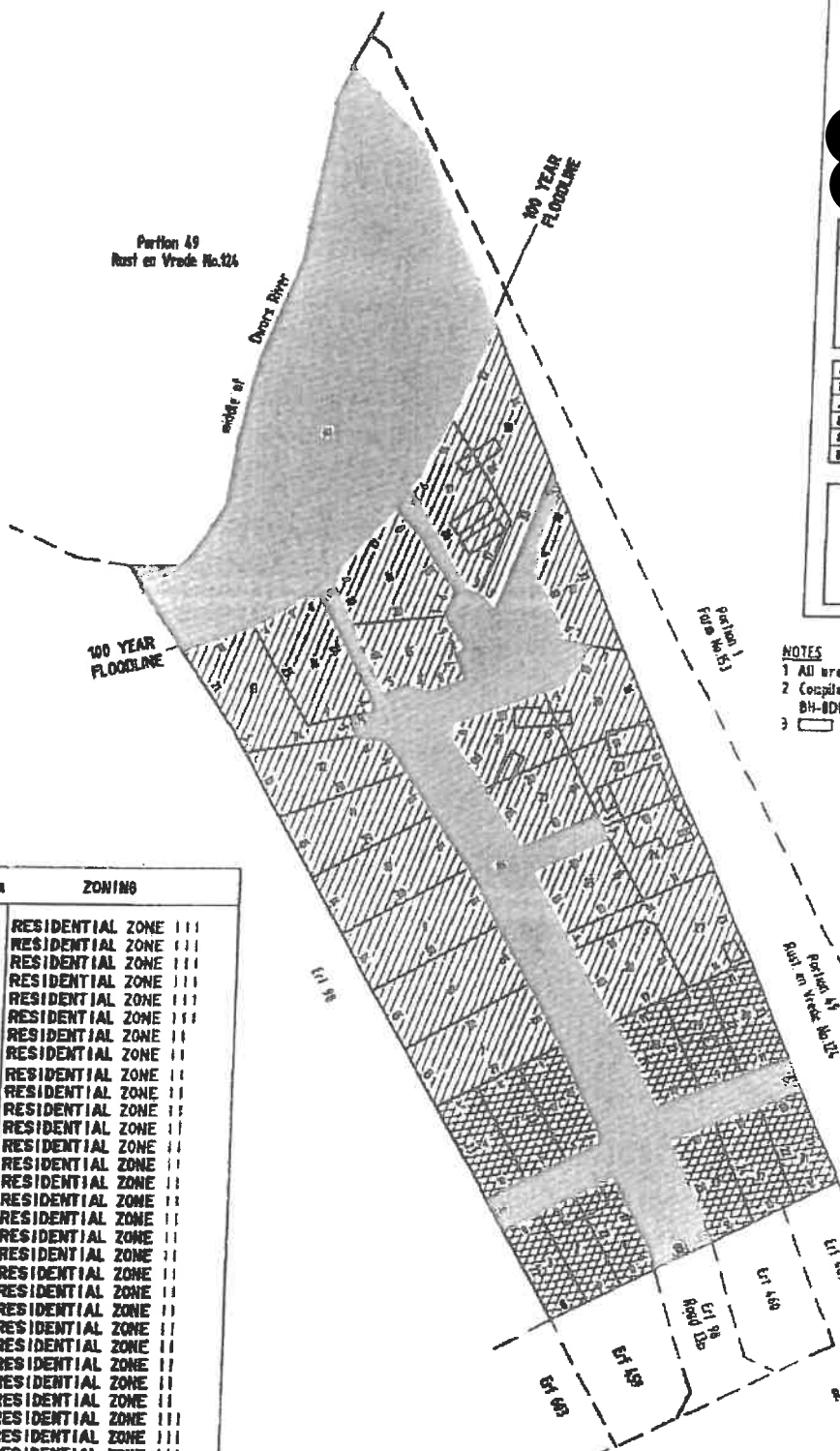
Private Bag X9028

Cape Town

8000

PER E-MAIL: [REDACTED]

APPENDIX 2



DATA PRINTED ON THE SHEET IS THE SOLE PROPERTY OF THE CLUBS AND MAY ONLY BE USED WITH THE WRITTEN CONSENT OF THE CLUBS. LGS PLAN MAKES NO WARRANTY OF ANY KIND, EXPRESSED OR IMPLIED, WITH REGARD TO THE DATA AND SHALL NOT BE HELD LIABLE IN ANY EVENT FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGES IN CONNECTION WITH OR ARISING OUT OF THE USE OF THE DATA.

DISKED		COPY SENT
SEARCHED		
INDEXED		RECEIVED
DATE	OCTOBER 1977	
SOLE	1975	
PLAN NO	SPRINGSIDE	



**MUNICIPALITY OF STELLENBOSCH
ADMINISTRATIVE DISTRICT OF STELLENBOSCH
PROVINCE WESTERN CAPE**

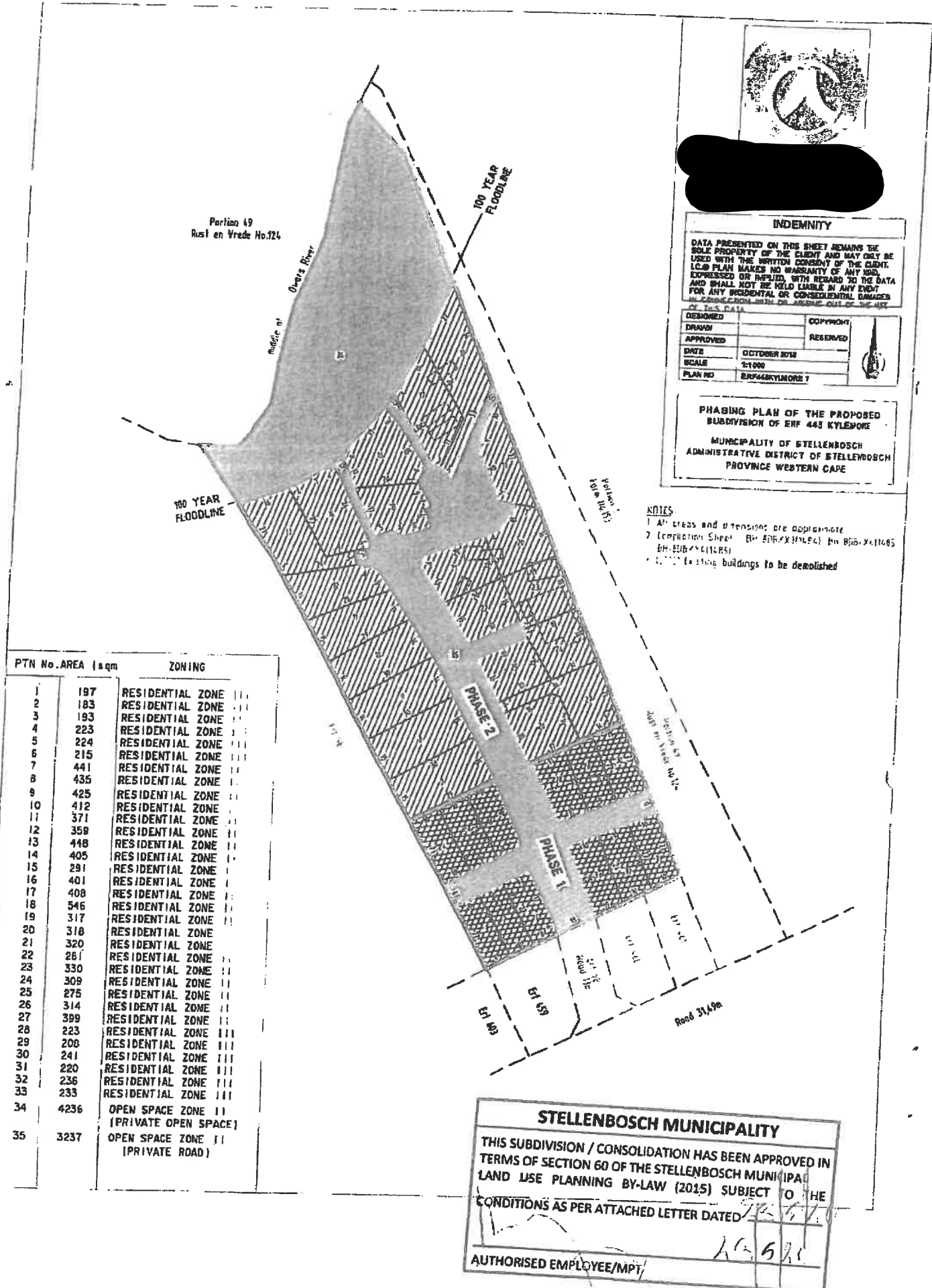
1 All areas and dimensions are approximate
2 Completion Sheet BH-8DB/X3(1484), BH-8DB/X4(1485)
BH-8DB/Y4(1489)
3 ☐ Existing buildings to be demolished

PTN No.	AREA (sqm)	ZONING
1	197	RESIDENTIAL ZONE III
2	183	RESIDENTIAL ZONE III
3	193	RESIDENTIAL ZONE III
4	223	RESIDENTIAL ZONE III
5	224	RESIDENTIAL ZONE III
6	215	RESIDENTIAL ZONE III
7	441	RESIDENTIAL ZONE III
8	435	RESIDENTIAL ZONE III
9	425	RESIDENTIAL ZONE III
10	412	RESIDENTIAL ZONE III
11	371	RESIDENTIAL ZONE III
12	359	RESIDENTIAL ZONE III
13	448	RESIDENTIAL ZONE III
14	405	RESIDENTIAL ZONE III
15	291	RESIDENTIAL ZONE III
16	401	RESIDENTIAL ZONE III
17	408	RESIDENTIAL ZONE III
18	546	RESIDENTIAL ZONE III
19	317	RESIDENTIAL ZONE III
20	318	RESIDENTIAL ZONE III
21	320	RESIDENTIAL ZONE III
22	281	RESIDENTIAL ZONE III
23	330	RESIDENTIAL ZONE III
24	309	RESIDENTIAL ZONE III
25	276	RESIDENTIAL ZONE III
26	314	RESIDENTIAL ZONE III
27	389	RESIDENTIAL ZONE III
28	223	RESIDENTIAL ZONE III
29	208	RESIDENTIAL ZONE III
30	241	RESIDENTIAL ZONE III
31	220	RESIDENTIAL ZONE III
32	236	RESIDENTIAL ZONE III
33	233	RESIDENTIAL ZONE III
34	4236	OPEN SPACE ZONE II (PRIVATE OPEN SPACE)
35	3237	OPEN SPACE ZONE II (PRIVATE ROAD)

THIS SUBDIVISION / CONSOLIDATION HAS BEEN APPROVED IN
TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL
LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE
CONDITIONS AS PER ATTACHED LETTER DATED 26/5/20

AUTHORISED EMPLOYEE/MPT

APPENDIX 3



APPENDIX 4

*THE POSITION OF HOUSES INDICATED ON ENDS 7 TO 27 ARE PRELIMINARY AND IS SUBJECT TO CHANGES BUT WILL BE COMPLIANT TO THE SETBACKS INDICATED.

[REDACTED]

DEVELOPMENT OF ERF 445, KYLEMORE

SITE DEVELOPMENT PLAN

47.8.

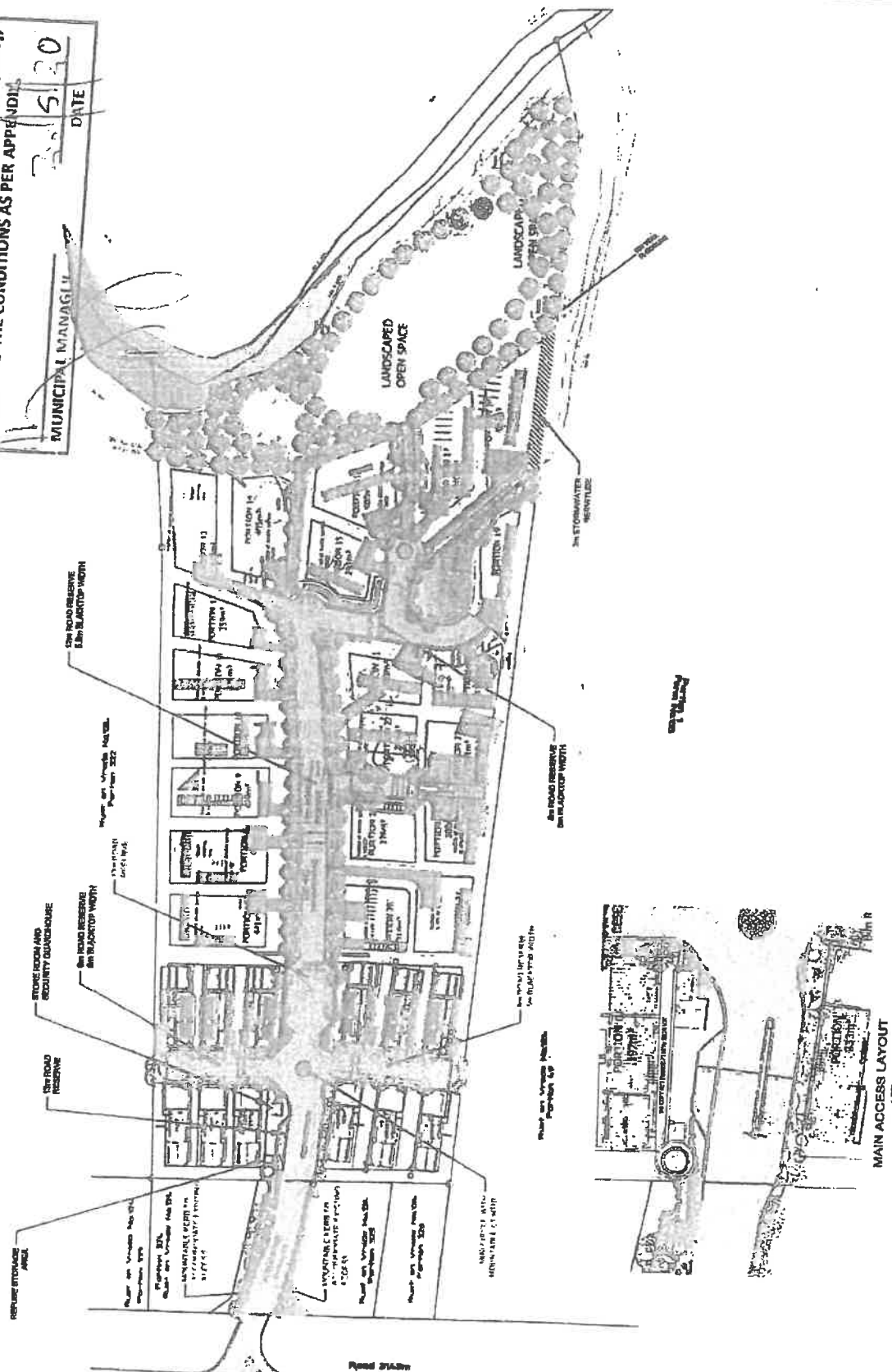
1373/03

STELLENBOSCH MUNICIPALITY

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

MUNICIPAL MANAGER

DATE _____



APPENDIX 11



MEMO¹³⁷

DIRECTORATE: INFRASTRUCTURE SERVICES
DIREKTORAAT: INFRASTRUKTUURDIENSTE

TO : The Director: Planning and Development
FOR ATTENTION : A Hardouin
FROM : Manager: Development (Infrastructure Services)
AUTHOR : Tyrone King
DATE : 23 September 2019
RE. : Erf 445, Kylemore Rezoning and subdivision for 33 residential erven
YOUR REF : LU/7355
OUR REF : Civil LU 1755

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

- The abovementioned application dated 6 February 2018 and motivation report by IC @ Plan Dennis Moss Partnership, dated January 2018;
- Proposed Subdivision Plan No Erf445 Kylemore, dated October 2017
- Proposed Site Development Plan No. 1373/03, by Bart Senekal (Annexure A);
- Transport Statement by Deca Consulting Engineers dated 25 June 2019;
- Report on Civil Engineering Services, by Bart Senekal, ref 1373 / A3, dated 27 Nov 2017;
- GLS capacity analysis of the bulk water and sewer services e-mail dated 20 June 2019.

Comments from the Directorate: Infrastructure Services i.e. Roads & Stormwater, Water Services, Traffic Engineering and Development Services will be reflected in this memo and is to be regarded as development conditions to be reflected in the land-use approval.

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

- Total Units: 12 townhouses + 21 group housing erven = 33 No total

PROPOSED REZONING AND SUBDIVISION OF ERF 466, KYLEMORE

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

Definitions

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

Background: Information required for decision authority to make a decision

3. the Infrastructure capacity status and any upgrades required to create sufficient capacity for the development is discussed below:
 - a. Pniel WWTW (Waste Water Treatment Works): The proposed development falls within the catchment area of the existing Pniel WWTW (Waste Water Treatment Works). There is currently insufficient capacity at the WWTW for the proposed development. However, the Municipality is currently busy with the upgrading of the WWTW to create spare capacity. The estimated completion date for the project is July 2021.
 - b. Water Network: See Annexure B:

PROPOSED REZONING AND SUBDIVISION OF ERF 455, KYLEMORE

i. Reservoir storage: There is sufficient reservoir storage capacity for the proposed development. The municipality has recently completed the construction of two new reservoirs in Kylemore to augment capacity.

ii. The development can connect to the new 250mm water main (master plan item SDW2.3). The final position will be confirmed at engineering drawing approval stage. The existing 75mm line between the development and item SDW2.3 will have to be upgraded to at least a 110mm line. This detail will be confirmed at engineering drawing approval stage.
Funding: For Developer's cost

c. Sewer Network:

i. The development will connect to the existing 355mm dia outfall sewer, which has sufficient capacity. The link pipeline between the development and the 355mm outfall sewer will be for the Developer's cost.

d. Roads Network: There is sufficient capacity in the roads network to accommodate the proposed development. No upgrades to the bulk road network is required.

a. Devon Valley landfill site:

i. Due to the limited airspace capacity available, waste arriving at the site needs to be dramatically reduced in order to extend the lifespan of the landfill site. All new developments must have a mandatory separation-at-source programme to encourage recycling, possible organic waste separation to tie in with the municipality's future diversion programme, and adequate storage facilities to enable waste removal.

Recommendation:

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

PROPOSED REZONING AND SUBDIVISION OF ERF 455, KYLEMORE

Conditions specific to this Development:

5. that the following upgrades are required to accommodate the development. No taking up of proposed rights including Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates (whichever comes first) will be allowed until the following upgrades have been completed and/or conditions have been complied with:
 - a. **Pniel WWTW (Waste Water Treatment Works):** The proposed development falls within the catchment area of the existing Pniel WWTW (Waste Water Treatment Works). There is currently insufficient capacity at the WWTW for the proposed development. However, the Municipality is currently busy with the upgrading of the WWTW to create spare capacity. The estimated completion date for the project is July 2021. No clearance certificates will be issued before capacity at the WWTW is confirmed by the Municipality.
 - b. **Water Network:** The items as indicated in the GLS capacity analysis of the bulk water and sewer services e-mail dated 20 June 2019:
 - i. The development can connect to the new 250mm water main (master plan item SDW2.3). The final position will be confirmed at engineering drawing approval stage. The existing 75mm line between the development and item SDW2.3 will have to be upgraded to at least a 110mm line. This detail will be confirmed at engineering drawing approval stage.
Funding: For Developer's cost
 - c. **Sewer Network:** The items as indicated in the GLS capacity analysis of the bulk water and sewer services dated 25 August 2016:
 - i. The development will connect to the existing 355mm dia outfall sewer, which has sufficient capacity. The link pipeline between the development and the 355mm outfall sewer will be for the Developer's cost.

PROPOSED REZONING AND SUBDIVISION OF ERF 455, KYLEMORE

d. Road Network:

- i. there is sufficient capacity in the external roads network to accommodate the proposed development.
- ii. the Developer must ensure that the layout and design of the access to the development ensures that no inconvenience and or obstruction are caused to the current accesses of erven 459 and 460. The design proposals including adequate stacking distance based on minimum stacking distance analysis, entrance/exit lane widths etc must be clearly indicated on the engineering services drawings when submitted for approval;

e. Stormwater Network:

- iii. The Developer's Consulting Engineer is encouraged to consider using Sustainable Drainage Systems (SuDS) approach wrt SW management, since this river is located so close to the Dwarsriver. 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 designer should also consider designing the detention pond in such a way as to create a functional space that can be used by the public during dry periods. Any interventions to adhere to these principles will be welcomed and can be further discussed at engineering drawing approval stage;

f. Devon Valley landfill site:

- iv. Due to the limited airspace capacity available, waste arriving at the site needs to be dramatically reduced in order to extend the lifespan of the landfill site. All new developments must have a mandatory separation-at-source programme to encourage recycling, possible organic waste separation to tie in with the municipality's future diversion programme, and adequate storage facilities to enable waste removal.

6. that the upgrades mentioned above be met by the "Developer" before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law / building plan approval / occupation certificates (whichever comes first) will be given or on discretion of the Directorate:

PROPOSED REZONING AND SUBDIVISION OF ERF 455, KYLEMORE

Infrastructure Services, the "Developer" furnish the Council with a bank guarantee equal to the value of the outstanding construction work as certified by an independent engineering professional, prior to a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law being given;

Development Charges

7. that the Development Charges levy to the amount of R 1 929 356. 10 (Excluding VAT) as reflected on the DC calculation sheet, dated 20 August 2019, and attached herewith as Annexure DC, be paid by the "Developer" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy.

Based on the 2019/2020 tariff structure and the proposed lay-out, the following amounts are payable:

Water	:	R 449 273. 80
Sewer	:	R 543 932. 45
Stormwater	:	R 32 118. 45
Solid Waste	:	R 58 478. 45
Roads	:	R 418 602. 17
Community Facilities	:	R 428 952. 79
Total exclusive of VAT:		R 1 929 356. 10
VAT:		R 289 403. 41
Total inclusive of VAT:		R 2 218 759. 51

Site Development Plan

8. that stacking distance be generally in accordance with the Proposed Site Development Plan No. 1373/03, by Bart Senekal: +/- 16m measured from erf boundary to entrance gate;
9. that sufficient entrance and exit widths will be created and shall be generally in accordance with the Proposed Site Development Plan No. 1373/03, by Bart Senekal: 4.0m entrance and 2.7m 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.
10. the proposed refuse embayment can double as a visitor's parking bay, for vehicles not granted access to the development;

PROPOSED REZONING AND SUBDIVISION OF ERF 455, KYLEMORE

11. vehicles not allowed entry should be allowed to enter the gate and turn around at the first roundabout in order to exit the development safely;
12. that provision be made for a refuse room as indicated on the Proposed Site Development Plan No. 1373/03, by Bart Senekal and as per the specification of the standard development conditions below;
13. that if the "Developer" wishes to remove the waste by private contractor, provision must still be made for space to construct a refuse room in future, should this function in future revert back to the "Municipality";
14. that provision be made for a refuse embayment off the roadway/sidewalk to accommodate refuse removal. (Embayment to be minimum 15m x 2.5m). Position to be generally in accordance with the Proposed Site Development Plan No. 1373/03, by Bart Senekal. The specifications of such embayment shall be as per the standard development conditions below;
15. 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;
16. 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

17. that it be noted that as per Subdivisional Plan No Erf 445 Kylemore, dated October 2017, the roads are reflected as private roads. Therefor all internal services will be regarded as private services and will be maintained by the "Developer" and or Owner's Association;

Bulk Water Meter

18. that the "Developer" shall install a bulk water meter conforming to the specifications of the Directorate: Infrastructure Services at his cost at the entrance gate of all private developments before the practical completion inspection is carried out;

PROPOSED REZONING AND SUBDIVISION OF ERF 455, KYLEMORE

Solid Waste

19. 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 (Mr Saleem Haider; 021 808 8241; saleem.haider@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

20. A 3m wide servitude must be registered to accommodate outflow for the storm water collection pond on the subject property, as indicated on the Proposed Site Development Plan No. 1373/03, by Bart Senekal;

Floodplain Management

21. that the 1:50 and 1:100 year flood lines of the Dwars River be shown on all plans submitted. The flood lines are to be verified by a suitably qualified registered engineering professional. Where flood lines have not previously been determined, the "Developer" must procure the services of a suitably qualified registered engineering professional to undertake such determinations at his/her own cost. No new development will be allowed under the 1:100 year flood line;
22. that the floor level of all buildings be at least 100 mm above the 1:100 year flood level. These levels must be indicated on all building plans submitted and must be certified by a Registered Professional Engineer;
23. that all perimeter fencing below the 1:50 year flood line be visually permeable from ground level and not adversely affect the free flow of water (e.g. palisade fencing). No fences will be allowed across the watercourse;
24. Poor maintenance of the detention pond and river bank will lead to stormwater problems for the municipality. The Developer's Consulting Engineer shall provide to the HOA a maintenance and operation schedule for the SW detention pond and river banks for which the HOA will be responsible. Such schedule should include as a minimum:
- Maintenance activities

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- Frequency of activities
- Time/s of year (months) when activities must occur

Roads

25. that the "Developer", at his/her cost, implement the recommendations of the approved Traffic Statement by Deca Consulting Engineers dated 25 June 2019 and where required, a sound Traffic Management Plan to ensure traffic safety shall be submitted for approval by the Directorate: Infrastructure Services and the approved management plan shall be implemented by the "Developer", at his/her cost. If any requirement of the TIA is in conflict with one of the conditions of approval, the conditions of approval shall govern;
26. that access to the property concerned shall be via Kerk Street and the 13m road reserve between Kerk Street and the development as depicted on the proposed Subdivisional Plan No Erf445 Kylemore, dated October 2017;
27. that the "Developer" will be held liable for any damage to municipal infrastructure within the road reserves, 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;
28. that on-site parking be provided by the owner of the property in the ratio as prescribed by the zoning scheme;

Electricity

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

Avoidance of waste, nuisance and risk

30. that the Developer shall take all necessary measures to prevent any undue nuisance, health, safety or other risk to the public, especially erven 459 and 460 immediately adjacent to the proposed development and sharing an access road with it. Where in the opinion of the "Municipality" a nuisance, health, safety or other risk to the public is caused due to construction activities, the "Municipality" may give the "Developer" written notice to remedy the defect falling which the "Municipality" may carry out the work itself or have it carried out, at the cost of the "Developer".

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Standard development conditions:

(if there is a contradiction between the specific and standard development conditions, the specific conditions shall govern):

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

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36. that the "Developer" informs the project team for the proposed development (i.e. engineers, architects, etc.) of all the relevant conditions contained in this approval;
37. that the General Conditions of Contract for Construction Works (GCC) applicable to all civil engineering services construction work related to this development, will be the SAICE 3rd Edition (2015);
38. Should the "Developer" wish to discuss the possibility of proceeding with construction work parallel with the provision of the bulk services listed above, he must present a motivation and an implementation plan to the "Engineer" for his consideration and approval. The implementation plan should include items like programmes for the construction of the internal services and the building construction. Only if the programme clearly indicates that occupation is planned after completion of the bulk services, will approval be considered. If such proposal is approved, it must still be noted that no occupation certificate will be issued prior to the completion and commissioning of the bulk services. Therefore should the proposal for proceeding with the development's construction work parallel with the provision of the bulk services be agreed to, the onus is on the "Developer" to keep up to date with the status in respect of capacity at infrastructure listed above in order for the "Developer" to programme the construction of his/her development and make necessary adjustments if and when required. The Developer is also responsible for stipulating this condition in any purchase contracts with buyers of the properties;
39. that the "Developer" takes cognizance and accepts the following:
 - a.) that no construction of any civil engineering services may commence before approval of internal – and external civil engineering services drawings;
 - b.) that no approval of internal – and external civil engineering services drawings will be given before land-use and or SDP approval is obtained;
 - c.) that no approval of internal – and external civil engineering services drawings will be given before the "Developer" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party;
 - d.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before land-use and or SDP approval is obtained;
 - e.) that no building plans will be recommended for approval by the Directorate: Infrastructure Services before the approval of internal – and external civil engineering services drawings;

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- 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 mentioned in [REDACTED] (for construction work of his development parallel with the provision of the bulk services).

Site Development Plan

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

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Internal- and Link Services

44. that the "Developer", at his/her cost, construct the internal (on-site) municipal civil services for the development, as well as any link (service between internal and available bulk municipal service) municipal services that need to be provided;
45. that the Directorate: Infrastructure Services may require the "Developer" to construct internal municipal services and/or link services to a higher capacity than warranted by the project, for purposes of allowing other existing or future developments to also utilise such services. The costs of providing services to a higher capacity could be offset against the Development Charges payable in respect of bulk civil engineering services if approved by the Directorate: Infrastructure Services;
46. that the detailed design and location of access points, circulation, parking, loading - and pedestrian facilities, etc., shall be generally in accordance with the approved Site Development Plan and / or Subdivision Plan applicable to this application;
47. that plans of all the internal civil services and such municipal link services as required by the Directorate: Infrastructure Services be prepared and signed by a Registered Engineering Professional before being submitted to the aforementioned Directorate for approval;
48. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "Engineer";
49. 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;
50. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal – and external services;
51. that engineering design drawings will only be approved once approval in terms of the Stellenbosch Municipal Land Use Planning By-law is issued;

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52. that all the internal civil services (water, sewer and stormwater), be indicated on the necessary building plans for approval by the Directorate: Infrastructure Services;
53. that prior to the issuing of the Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1, all internal - and link services be inspected for approval by the "Engineer" on request by the "Developer's" Consulting Engineer;
54. that a Certificate of Practical Completion, in terms of GCC 2015 Clause 5.14.1 be issued before Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will be issued (prior to transfer of individual units or utilization of buildings);
55. that Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law will only be issued if the bulk watermeter is installed, a municipal account for the said meter is activated and the consumer deposit has been paid;
56. that a complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer be submitted to the "Engineer" on request;
57. that the "Developer" shall adhere to the specifications of Telkom (SA) and or any other telecommunications service provider;
58. that the "Developer" shall be responsible for the cost for any surveying and registration of servitudes regarding services on the property;
59. that the "Developer" be liable for all damages caused to existing civil and electrical services of the "Municipality" relevant to this development. It is the responsibility of the contractor and/or sub-contractor of the "Developer" to determine the location of existing civil and electrical services;
60. that all connections to the existing services be made by the "Developer" under direct supervision of the "Engineer" or as otherwise agreed and all cost will be for the account of the "Developer".
61. that the developer takes cognizance of applicable tariffs by Council in respect of availability of services and minimum tariffs payable;

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62. that the "Developer", at his/her cost, will be responsible for the maintenance of all the internal (on-site) municipal – and private civil engineering services constructed for this development until at least 80% of the development units (i.e. houses, flats or GLA) is constructed and occupied whereafter the services will be formally handed over to the Owner's Association, in respect of private services, and to the Municipality in respect of public services;

Servitudes

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

Stormwater Management

66. 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;
67. 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;
68. 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;

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69. 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;
70. that the consulting engineer, appointed by the "Developer", analyses the existing stormwater systems and determine the expected stormwater run-off for the proposed development, for both the minor and the major storm event. Should the existing municipal stormwater system not be able to accommodate the expected stormwater run-off, the difference between the pre- and post-development stormwater run-off must be accommodated on site, or the existing system must be upgraded to the required capacity at the cost of the "Developer" and to the standards and satisfaction of the Directorate: Infrastructure Services. The aforementioned stormwater analysis is to be submitted concurrent with the detail services plans;
71. 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.
72. 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;
73. 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.
74. 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

75. that, where applicable, the application must be submitted to the District Roads Engineer for comment and conditions. Any conditions set by the District Roads Engineer will be applicable;
76. that no access control will be allowed in public roads;

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77. 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;
78. The design and lay-out of the development must be such that emergency vehicles can easily drive through and turn around where necessary;
79. 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;
80. 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;
81. that each erf has its own access (drive-way), constructed to standards as set out by the the Directorate: Infrastructure Services and in line with the Road Access Guideline;
82. 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;
83. 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;
84. that no parking be allowed in the road reserve;

Development Charges

85. 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;

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86. 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;
87. that the "Developer" immediately familiarise himself with the latest Development Charges applicable to his/her development;
88. 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;
89. 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;
90. that the Development Charges levy be paid by the "Developer" per phase –
 - prior to the approval of any building- and/or services plans in the case of a Sectional title erf in that phase or where a clearance certificate is not applicable and/or;
 - prior to the approval of Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law in all cases and or;
 - prior to the erf or portion thereof being put to the approved use;
91. that the development shall be substantially in conformance with the Site Development Plan submitted in terms of this application. Any amendments and/or additions to the Site Development Plan, once approved, which might lead to an increase in the number of units, or which might lead to an increase in the Gross Leasable Area, will result in the recalculation of the Development Charges;
92. 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;

Waiveaves

93. 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;

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94. that wayleaves will only be issued after approval of relevant engineering design drawings;
95. 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)

96. that an Owner's Association be established in accordance with the provisions of section 29 of the Stellenbosch Municipal Land Use Planning By-law and shall come into being upon the separate registration or transfer of the first deducted land unit arising from this subdivision;
97. that the Owner's Association take transfer of the private roads simultaneously with the transfer or separate registration of the first deducted land portion in such phase;
98. 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;
99. 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;
100. 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

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

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

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

- Procedures should be stipulated for the collection and sorting of recyclable materials;
- Provision should be made for centralized containers for recyclable materials including cardboard, glass, metal, and plastic and green waste;

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- 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

102. 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;
103. 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 Mr Saliem Haider, 021 808 8241; saliem.haider@ Stellenbosch.gov.za;
104. 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);
105. 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";

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106. 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;
107. Access shall be provided with a minimum travelable surface of 5 meters width and a minimum corner radii of 5 meters;
108. 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;
109. Minimum turning circle radius shall be 11 meters to the center line of the vehicle;
110. Road foundation shall be designed to carry a single axle load of 8.2 tons;
111. Refuse storage areas are to be provided for all premises other than single residential erven;
112. 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;
113. 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;
114. 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;
115. 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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116. 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;
117. 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 WVC024 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
118. 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;
119. 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

120. 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

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

121. 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;
122. 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;
123. 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;
124. Refuse should not be visible from a street or public place. Suitable screen walls may be required in certain instances;
125. Access must be denied to unauthorized persons, and refuse storage areas should be designed to incorporate adequate security for this purpose;
126. 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

127. 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;
128. 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";
129. 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;
130. 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;
131. Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law shall not be issued unless said services have been inspected by the "Engineer" and written clearance given, by the "Engineer";

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

132. 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;
133. 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

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"Municipality" reserves the right to withhold any clearance certificate until such time as the amount owing has been paid;

134. that clearance will only be given per phase and the onus is on the *"Developer"* to phase his development accordingly;
135. The onus will be on the *"Developer"* and or his professional team to ensure that all land-use conditions have been complied with before submitting an application for a Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law. Verifying documentation (proof of payment in respect of Development Charges, services installation, etc.) must be submitted as part of the application before an application will be accepted by this Directorate;
136. 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"*.

Avoidance of waste, nuisance and risk

137. 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 falling 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

138. 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"*;
139. 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;

PROPOSED REZONING AND SUBDIVISION OF ERF 465, KYLEMORE

140. 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;
141. 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";
142. 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)**

INTERDEPARTMENTAL CIRCULATION FORM

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Annexure: Electrical Engineering

L&ER VERW/ FILE REF Erf 445, Kylemore

DATUM
DATE

18 December 2018

AANSOEKNOMMER/APPLICATION NUMBER LU/7355

MEMO AAN/ TO :

- X Director : Engineering Services
- X Manager : Electrical Department
- Manager : Building Development Management
- X Manager : Fire Services
- Director : Corporate Services
- X Manager: Spatial Planning / Heritage / Environment / Signage
- X Manager: Health Department (Winelands Health)
- X Manager: Parks
- X Manager : Local Economic Development

Elect 1755

18/12/2018

Application

Application is made in terms of the Stellenbosch Municipal Land Use Planning By Law, 20 October 2015, for:

1.1. Rezoning of erf 445, Kylemore from Agricultural Zone I to Subdivisional area for Residential Zone III (Town Houses) erven, Residential Zone II (Grouphousing) and Open Space II erven in terms of Section 15(2)(a)

1.2. Subdivision of Erf 445, Kylemore into 35 erven, namely 2 Residential Zone III (Town houses) erven, 21 Residential Zone II (Grouphousing) and 2 Open Space Zone II erven (1 private road and 1 private open space) in terms of Section 15(2)(d),

2. Application is also made for:

- 2.1 the phasing of the development
- 2.2 the establishment of a Home Owners Association
- 2.3 the approval of a Site Development Plan and Architectural Guidelines
- 2.4 the approval of the development name; Mountain Whisper Estate, and the street names, Mountain Whisper Avenue, Botmanskop Close, Duwelskloof Close, Simonsberg Close, Dwarsriver Close & The Circle and the allocation of street Numbers.

Adres / Address

Church Street

Aansoek Datum

06 February 2018

Application Date

Aansoeker

IC @ Plan

Applicant

Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil opleë indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.

Geliewe die memorandum per hand aan my terug te besorg voor of op: 25 Januarie 2019
Please hand deliver the memorandum to me on or before : 25 January 2019

A. Hardouin

For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

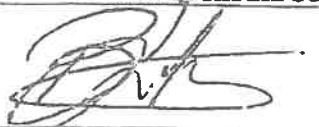
ELETRICITY SERVICES: CONDITIONS OF APPROVAL
KY 445

GENERAL COMMENT:

1. Development Bulk Levy Contributions are payable.
2. Please note that the Stellenbosch Municipality Electrical Department is the supply authority for the new development.

CONDITIONS:

1. 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.
2. 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.
3. 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.
4. 24-hour access to the location of the substation, metering panel and main distribution board is required by Technical Services. (On street boundary)
5. 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.
6. On completion of the development, Stellenbosch Municipality (Technical Services) together with the electrical consulting engineer and electrical contractor will conduct a take-over inspection.
7. No electricity supply will be switched on (energised) if the Development contributions, take-over Inspection and Certificate(s) of Compliance are outstanding.
8. All new developments and upgrades of supplies to existing projects are subject to SANS 10400-XA energy savings and efficiency implementations such as:
 - Solar water Heating or Heat Pumps in Dwellings
 - Energy efficient lighting systems
 - Roof insulation with right R-value calculations.
 - In large building developments;
 - Control Air condition equipment tied to alternative efficiency systems
 - Preheat at least 50% of hot water with alternative energy saving sources
 - All hot water pipes to be clad with insulation with R-value of 1
 - Provide a professional engineer's certificate to proof that energy saving measures is not feasible.
9. All electrical wiring should be accordance with SANS 10142 and Municipal by-laws.



Signature

11/2/2019

Date

PROPOSED REZONING AND SUBDIVISION OF ERF 485, KYLEMORE

ATTACHMENT X

Geographic Information System (GIS) data capturing standards

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

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

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

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

For road layer shapefiles; the road name, the from_street and to_street where applicable

PROPOSED REZONING AND SUBDIVISION OF ERF 455, KYLEMORE

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 Municipality standard as follows:

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



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NOTICE OF DECISION OF APPEAL AUTHORITY

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) AGAINST THE DECISION OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL TO APPROVE THE APPLICATION FOR REZONING, SUBDIVISION, PHASING OF THE DEVELOPMENT, ESTABLISHMENT OF A HOMEOWNERS ASSOCIATION, APPROVAL OF THE SITE DEVELOPMENT & ARCHITECTURAL GUIDELINES, AND APPROVAL OF THE DEVELOPMENT NAME, STREET NAMES & NUMBERS ON ERF NO. 445, KYLEMORE

DECISION OF APPEAL AUTHORITY:

The Appeal Authority hereby, in terms of Section 81(7) of the Stellenbosch Municipal Land Use Planning By-law 2015:

Tick the appropriate box:

CONFIRM	☒	VARY	☒	REVOKE	☐
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THE DECISION OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL, ON THE 28th OF FEBRUARY 2020, TO APPROVE IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW DATED 20 OCTOBER 2015, APPROVAL OF THE APPLICATION FOR THE REZONING, SUBDIVISION, PHASING, ESTABLISHMENT OF A HOA, APPROVAL OF SITE DEVELOPMENT PLAN, ARCHITECTURAL GUIDELINES AND APPROVAL OF DEVELOPMENT NAME, STREET NAMES AND NUMBERS:ERF 445, KYLEMORE

1. The abovementioned appeal refers.
2. The Municipal Planning Tribunal, on the 28th of February 2020, **approved in whole**, in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-law, promulgated by Notice no 354/2015 dated 20 October 2015, the application for a Lifestyle Estate Development comprising of 12 town houses, 21 group housing erven and a private open space adjacent to the Banghoek River.
3. The application was approved subject to a number of conditions imposed in terms of Section 66 of the Stellenbosch Municipality Land Use Planning By-Law (2015).
4. The applicant Ms Cornelia van Zyl from IC@Plan lodged an appeal in terms of Section 79(2) of the By-Law, with the Municipality on the 18th of June 2020, against the decision of the Stellenbosch Municipal Planning Tribunal as well as the conditions of approval.



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5. The appeal assessment report was drafted based on all documentation provided.
6. In order to comply section 81 (6) of the Stellenbosch Municipality Land Use Planning By-Law (2015), an inspection of the documents must be held before the handover to the Appeal Authority for consideration and decision making, however as the report was completed during the National Lockdown period, the report was forwarded electronically to the appellant on the 09th of November 2020.
7. Ms Cornelia van Zyl on the said date informed the Administration that she was satisfied with the appeal assessment report and had no further comment to submit.
8. After careful consideration of the written appeal, as well as all the relevant documents, information and submissions made available to me as Appeal Authority, I have decided, in terms of Section 81(7) (b) of the By-Law to partially **CONFIRM** and partially **VARY** the decision of the Stellenbosch Municipal Planning Tribunal relating to condition of approval 3.11 as follows:
 - (a) That the appeal submitted against the failure of the Stellenbosch Municipal Planning Tribunal to approve the Architectural Guidelines and the Street Names attached to the application for the rezoning and subdivision of Erf 445, Kylemore to permit the proposed residential development, **BE DISMISSED** in terms of Section 81(7)(b) of the Stellenbosch Municipal land Use Planning Bylaw: 2015.
 - b) That the appeal submitted against condition of approval 3.11 attached to the approval granted by the Stellenbosch Municipal Planning Tribunal to approve the application for the rezoning and subdivision of Erf 445, Kylemore to permit the proposed residential development, **BE UPHOLD** and that the subject decision relating to condition 3.11 **BE VARIED** in terms of 81(7)(b) of the Stellenbosch Municipal land Use Planning Bylaw: 2015, to make reference to "Residential Zone III" units in lieu of the reference to "Residential Zone II" units in the decision, and to read as follows:

"Twelve (12) Residential Zone III units be developed for middle income buyers. A section should be included in the sales agreement with the developer that Kylemore residents should have the first option to buy one of these units at market related value, should they be interested.



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

- (a) The appeal relating to the omission of the Stellenbosch Municipal Planning Tribunal to approve the Architectural Guidelines and the Street Names attached to the subject application, is dismissed due to the fact that these matters are not land use applications and constitutes administrative actions that follows on a land use approval.
- (b) The appeal relating to the wording of Condition 3.11 of the decision is upheld and varied to read as "*Residential Zone III*" units in lieu of the reference to "*Residential Zone II*" units, because it is credibly accepted that the decision relating to condition 3.11 was incorrectly minuted.

SIGNATURE: _____

DATE: 17 March 2021

Adv. Gesie van Deventer

EXECUTIVE MAYOR

(Appeal Authority in terms of Section 79(1) of the Stellenbosch Municipal Land Use Planning By-Law)