

MZURI ESTATE TOWN PLANNING APPROVAL

SEPTEMBER 2022

Version 01



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DEVELOPMENT MANAGEMENT



Gabby Wagner
Case Officer

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16 April 2019

Case ID 70361323

Messrs First Plan Town & Regional Planners P O Box 15865 PANORAMA 7506

Per email: christine.havenga@absamail.co.za

FINAL NOTIFICATION LETTER

Dear Sir / Madam

APPLICATION FOR CONSOLIDATION, SUBDIVISION, APPROVAL OF OVERALL SITE FRAMEWORK/LAYOUT PLAN, REGULATION DEPARTURES, SITE DEVELOPMENT PLAN, APPROVAL OF STREET NAMES & CANCELLATION OF SERVITUDE: REM ERF 18371, ERF 18372 AND ERF 18373, SOMERSET WEST

I refer to my letter dated 15 March 2019 and hereby wish to confirm in terms of Section 106 of the City of Cape Town Municipal Planning By-Law, 2015 (MPBL) that **Condition 56** in Annexure A of the decision letter dated 15 March 2019 is to be **amended** to read as follows:

That the Developer/Owner shall, at his/her own cost, provide the internal electrical reticulation and street lightning serving the specific subdivision. To this end, the Developer/Owner shall appoint a consulting electrical engineering practitioner registered with ECSA to carry out the design and to supervise the installation of the internal electrical reticulation and street lightning to the standards and specifications of the City of Cape Town. On completion, the electrical reticulation and street lightning will be owned, operated and maintained by the Owners Association and/or Body Corporate.

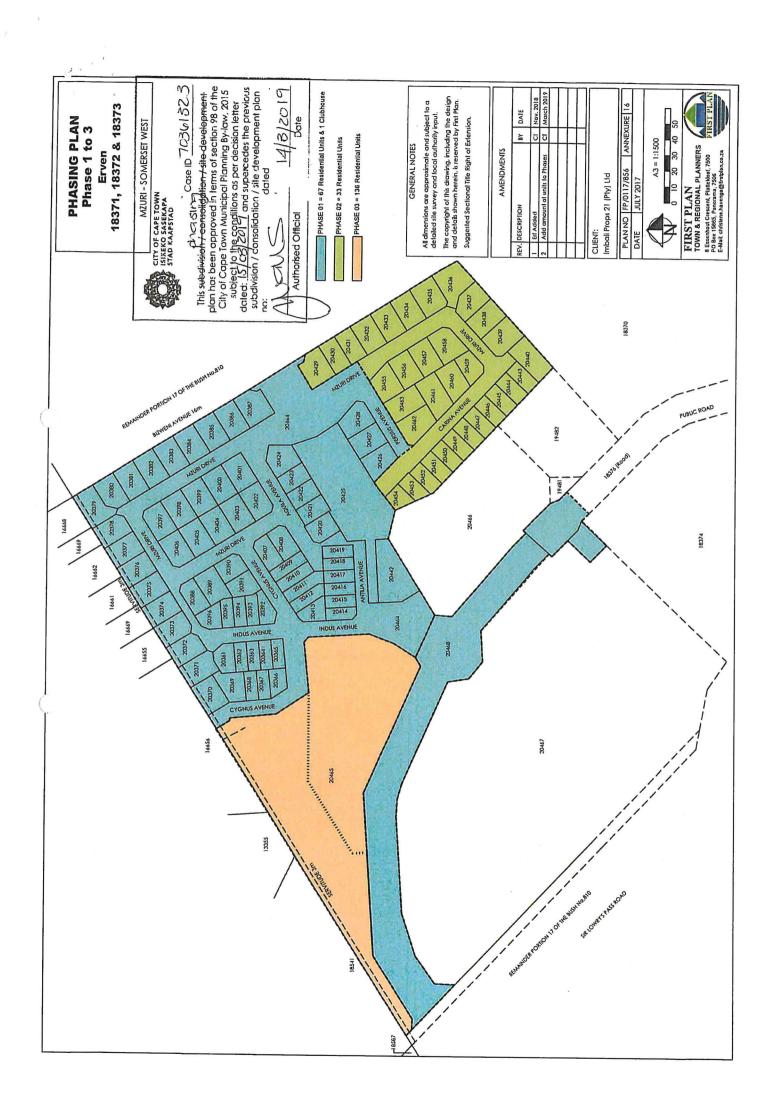
I furthermore wish to advise that the appeal process has now been concluded and that the decision as per the City's previous letter of approval is therefore now considered final. Accordingly, you may now act on the decision, subject to compliance with the conditions detailed in my letter dated 15 March 2019 and the abovementioned amendment.

Yours faithfully

or DIRECTOR: DEVELOPMENT MANAGEMENT

CC: Surveyor General

CNR/O VICTORIA & ANDRIES PRETORIUS STREET, SOMERSET WEST P O BOX 19, SOMERSET WEST, 7129







14/3/2019

Date

SPATIAL PLANNING AND ENVIRONMENT



Gabby Wagner

Case Officer

T: +27 21 444 4625 E: Renee.Arendse@capetown.gov.za

Case ID	70361323
File Ref	18371-18373 SW

15 March 2019

Messrs First Plan Town & Regional Planners P O Box 15865 PANORAMA 7506

Per email: christine.havenga@absamail.co.za

Dear Sir / Madam

APPLICATION FOR CONSOLIDATION, SUBDIVISION, APPROVAL OF OVERALL SITE FRAMEWORK/LAYOUT PLAN, REGULATION DEPARTURES, SITE DEVELOPMENT PLAN, APPROVAL OF STREET NAMES & CANCELLATION OF SERVITUDE: REM ERF 18371, ERF 18372 AND ERF 18373, SOMERSET WEST

Your application with reference 70361323 in the above regard, submitted on 16 August 2017, refers.

The authorised official on 14 March 2019 in terms of Section 98 of the City of Cape Town Municipal Planning By-Law, 2015 (MPBL), approved your application for:

- a) consolidation of Rem Erf 18371, Erf 18372 and Erf 18373, Somerset West, as indicated on the consolidation plan for Erf 20359, Somerset West,
- b) the subdivision of the consolidated property into 101 General Residential Zone I erven, 1 General Residential Zone 2 erf, 2 Local Business Zone 2 erven, 1 General Business Zone I erf, 1 Transport Zone 2 erf and 4 Utility erven, as indicated on plan no FP/0117/856 Rev 2 dd 05/03/2019,
- c) approval of the Overall Site Framework/Layout Plan no SK-A0-1-01 Rev U for the group housing units and apartment blocks,
- d) the regulation departure from the external 5m street building line to 3m on the General Residential Zone I portions (Erven 20379 20387 and Erven 20429 20436), as indicated on plan no SK-A0-1-01 Rev U,
- e) the regulation departure from the 4,5m internal street building line for General Residential Zone 2 portion (Erf 20465) to 1,1m and 3m for block 1 and to 0m for block 6, as indicated on plan no SK-A0-1-01 Rev U,

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- f) the regulation departure from the required on-site parking provision for flats on General Residential Zone 2 portion (Erf 20465) to permit a rate of 2 bays/unit for multiple-bedroomed units and 1,25 bays/unit for 1-bedroom units,
- g) approval of the SDP for flats on the General Residential Zone 2 portion (Erf 20465), as indicated on plan no 0000-006-Sk Rev 07 dd 2018-09-05,
- h) approval of the SDP for the clubhouse on the Local Business Zone 2 portion (Erf 20425), as indicated on plans no SK-CH-1-01 Rev F; no SK-CH-2-01 Rev F; no SK-CH-3-)1 Rev F; no SK-CH-3-02 Rev F,
- i) approval of the street names of Mzuri Drive, Cygnes Avenue, Antlia Avenue, Aqulia Avenue, Persius Avenue and Indus Avenue as indicated on plan no FP/0117/856 dd July 2017,
- j) cancellation of the servitude right-of-way from Bizweni Avenue, the servitude area over the stormwater retention dam and the 10m services servitude traversing the site, as indicated on the consolidation plan,

in accordance with the attached plans, which bear the City's stamp dated 14 March 2019.

This approval is subject to the conditions set out in attached Annexure A and 1.

Kindly note, this subdivision/consolidation approval will lapse within 5 years after the effective date of decision (as contemplated in section 105(2) [see footnote] of the MPBL), unless it complies with section 55(1) [see footnote] of the MPBL.

and

Kindly note, this permanent departure approval will lapse if not exercised within 5 years after the effective date of decision (as contemplated in section 105(2) [see footnote] of the MPBL), unless it complies with section 47(1) [see footnote] of the MPBL.

Kindly also note where applicable, the above approval does not guarantee approval of any related building plan application in terms of the National Building Regulations and Building Standards Act, No 103 of 1977 and that building work may therefore only commence once such plans are formally passed.

Should the reasons for the above decision not be contained in this notification you are advised in terms of section 104(2)(c) of the MPBL and section 5 of the Promotion of Administrative Justice Act, No 3 of 2000 that you are entitled to request in writing reasons for the above decision.

In terms of section 108(1) of the City of Cape Town Municipal Planning By-Law, 2015, you may appeal to the Appeal Authority by giving written notice of such appeal and the grounds of appeal.

An appeal, including the written notice and the grounds of appeal (and not only the intention to appeal), must be lodged with the City Manager, c/o the Helderberg District Manager, at the following email address: appeals.helderberg@capetown.gov.za within 21 days of the date of notification of the decision. If the appeal cannot be lodged by email it may be hand delivered to the Helderberg District Secretary – Estelle Goosen, Somerset West Administrative Building, cnr Andries Pretorius and Victoria Streets, Somerset West within 21 days of the date of notification of the decision. See definition of notification date in footnote below to determine the closing date for submission. If this letter has been sent to you by registered mail, then it is your responsibility to establish the date stamped upon the receipt for registration issued by the post office when accepting this notice from the City of Cape Town. You will need to contact the post office and use the tracker number on the envelope for this purpose.

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Failure to comply with the above requirements and provisions within section 108 of the MPBL will result in the appeal being ruled invalid.

Kindly note that the operation of the approval of this application is suspended and may therefore not be acted on until such time as the City gives notice that no appeal has been lodged and the decision is effective or the date that the appeal is decided by the appeal authority. If an appeal is lodged against a condition of approval the City may determine that the operation of the approval of the application is not suspended.

for DIRECTOR: DEVELOPMENT MANAGEMENT
CC: Surveyor General

DECLARATION	Case No: 70361323
acknowledge receipt of this decision letter. I), properly authorised in such respect, herewith wish to confirm that I accept the decision and requirements against the outcome of this decision and accordingly rd.
OWNER/APPLICANT	 Date

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Notes: (Extracts from sections of the City of Cape Town Municipal Planning By-Law, 2015)

Confirmation of subdivision

- (1) Within a period of five years after the effective date of decision, the applicant must, in respect of the approved general plan or diagram -
 - (a) meet all of the requirements in section 54(1); and
 - obtain the registration of transfer in terms of the Deeds Registries Act of at least one land unit.

Transfer of land unit grising out of approved subdivision

- (1) No person may obtain transfer of a land unit arising out of an approved subdivision or the relevant phase unless -

 - tson may obtain transfer of a land unit disting out of an approved subdivision of the televally priose of thess.—

 The Surveyor-General has granted the approval contemplated in section 53;

 The engineering services required by the conditions of approval contemplated in section 52(4) and any other applicable legislation in respect of the all other conditions of subdivision or the conditions relating to the relevant phase on the approved general plan or diagram have been completely installed;
 - (c) precedent to the transfer of the land unit have been met; and where an owners' association is required,
 - - the City has certified the constitution of the association (as contemplated in section 62[2]); the association has been or will be established upon transfer of the first land unit (as contemplated in section 61(5)); and
 - (iii) all land designated in terms of the conditions of approval to be transferred to the owners' association including private roads and private open space, arising from the subdivision or relevant phase have been, or together with the transfer of the first land unit, will be transferred to the association, without compensation.

General lapsing provision

- Unless otherwise specified in this By-Law, an approval granted or deemed to have been granted in terms of this By-Law to use or develop land lapses two years after the effective date of decision
 - (a) where the land is not used in accordance with the approval; or
 - (b) where an improvement of land is required in order to use the land in accordance with the approval, lawful commencement of construction has not occured.

47 Lapsing of rezoning, consent use or departure

- (1) A rezoning, other than a rezoning to a subdivisional area zoning, consent use or permonent departure approved or deemed to have been approved in terms of this By-Law lapses five years after the effective date of the decision – (c) where the land is not used in accordance with the approval; or

 - where an improvement of land is required in order to use the land in accordance with the approval, lawful commencement of construction has not occurred

105 Effective date of decision

- (2) The effective date of a decision in terms of this By-Law is
 - the date that the City gives notice that no appeal has been timeously lodged and that the decision is accordingly effective; or subject to subsection (3), if on appeal is timeously lodged, the date that the appeal is decided by the appeal authority.
- (3) If an appeal is lodged only against a condition imposed in terms of section 100, the City may determine that the operation of the approval of the application

Method and date of notification

The date of notification is determined as follows:

if the notification is provided -

- orally, it is the date of oral communication:
- by hand .it is the date of delivery or collection;
- (c) by registered post, it is regarded as the fourth day after the date stamped upon the receipt for registration issued by the post office which accepted
- (d) by email or fax, it is the date that the email or fax is sent.

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In this Annexure, terms have the following meanings:

CONDITIONS TO BE IMPOSED IN TERMS OF SECTION 100 OF THE BY-LAW

DEVELOPMENT MANAGEMENT

- 1. That development of the site is to be generally in accordance with the following plans:
 - Overall Site Layout: SK-A0-1-01 rev U
 - Building Control Plan for the GR1 erven, including Height Restriction: plans no SK-A0-2-01, SK-A0-2-01-A, SK-A0-2-01-B and SK-A0-2-01-C
 - Group housing unit prototypes: plans no SK-A-01; SK-B-01; SK-T-01; SK-Du1-01 and elevations Mzuri-70361323; 1 - 3
 - Apartment blocks: SDP 0000-006-SK-07 dd 2018-09-05; 0000-220 dd 2018-11-20; 0000-222 dd 2018-11-20; 0000-224 dd 20-11-2018; 0000-225 dd 20-11-2018; 4404-004 dd 05-03-2019
 - Clubhouse: SK-CH-1-01 Rev F; SK-CH-2-01 Rev F; SK-CH-3-01 Rev F; SK-CH-3-02 Rev F
 - Landscaping: no 17387-LP-001, 17387-LP-002, 17387-LP-003, 17387-LP-004, 17387-LP-005, 17387-LP-006, all Rev D dated 2019-03-05
- 2. That the proposed development is restricted to:
 - 136 flats
 - 100 group housing units
 - Clubhouse with a GLA of 566m² and an office component of 29m²
- 3. That phasing of the development is to occur in accordance with Phasing Plan no FP/0117/856 Rev 2 dd March 2019
- That, notwithstanding the provisions of the DMS for General Residential Zone I, all structures on Erven 20370 20387 and 20429 20436, Somerset West, as indicated on plan no SK-A0-2-01 rev J, are to be single-storey and comply with a height of 6m measured from Base Level to top of roof.
- 5. That, notwithstanding the provisions of the DMS for General Residential Zone I erven, the building lines are to comply with those indicated on the Building Control Plan: plans no SK-A0-2-01, SK-A0-2-01-A, SK-A0-2-01-B and SK-A0-2-01-C
- 6. That notwithstanding the uses permitted in the Local Business zoning of the DMS, Erf 20466, Somerset West, is to be used as medical consulting rooms, professional offices and/or institutional uses only.
- 7. That notwithstanding the uses permitted in the General Business zoning of the DMS, shopping centre(s), supermarkets and service trade are not permitted on Erf 20467, Somerset West.
- 8. That Site Development Plans for Erven 20466 and 20467, Somerset West, to be submitted for approval by the Director: Development Management prior to building plan approval.
- 9. That the ECD Centre is to be included in the development submission for Erf 20467, Somerset West.

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[&]quot;City" means the City of Cape Town

[&]quot;The owner" means the registered owner of the property

[&]quot;"The property" means consolidated Erven 18371 – 18373, Somerset West

[&]quot;Bylaw" & "Development Management Scheme" have the same meanings assigned thereto by the City of Cape Town Municipal Planning Bylaw, 2015

[&]quot;Item" refers to the relevant section in the Development Management Scheme

[&]quot;ED:EESP" means Executive Director, Energy, Environment & Spatial Planning

- 10. That architectural guidelines for the group housing units are to be submitted with the Owners' Association (OA) Constitution.
- 11. That an Owners' Association (OA) be established in accordance with the provisions of section 61 of the Municipal Planning By-law, 2015. The OA shall comprise of the registered owners of all land units within the development. This requirement will be binding on the said owners and their successors-in-title and shall be included in the title deed of each portion. The OA shall come into being upon the separate registration of the first transfer of the first deducted land unit in the residential component arising from the subdivision.
- 12. That, in addition to the responsibilities set out in Section 62 of the Bylaw, the OA will also be responsible for the following:
 - maintenance of the private road, private open space and all internal services;
 - enforcing compliance with the architectural guidelines and the landscaping plan.
- 13. That, until the establishment of the OA, the Developer/Owner shall assume its responsibilities.

DEVELOPMENT CONTRIBUTIONS



- 14. That the Developer/Owner is responsible for the payment of development contributions (DCs) towards the provision of bulk infrastructure services in accordance with City policy. The DC's will be subject to annual escalation and the amount payable will be the amount calculated at the time of payment. The DC's will be payable.
- 15. That the DCs for Phase 1 have been determined at R2 994 764.85 as per the breakdown indicated in the table below. DC's are payable prior to Section 137 Clearance or prior to any building plan approval for any group housing erf, whichever comes first. Phase 1 is limited to 67 group housing erven, a GLA of 566m² for the clubhouse and 29m² for the clubhouse/HoA offices.

Service	Amount	VAT	Total R 1 700 151.43
Roads	R1 478 392.55	R 221 758.88	
Transport	R 59 726.37	R 8 958.96	R 68 685,32
Stormwater	R 318 047.92	R 47 707.19	R 365 755.10
Sewerage	R 483 978.87	R 72 596.83	R 556 575.70
Water	R 73 598,763	R 11 039.81	R 84 638.54
Solid Waste	R 190 398.92	R 28 559.84	R 218 958.76
Total bulk engine	ering services compo	nent of DCs payable	R 2 994 764.85

16. That the DCs for Phase 2 have been determined at R 1 290 531.96 as per the breakdown indicated in the table below. DC's are payable prior to Section 137 Clearance or prior to any building plan approval for any group housing erf, whichever comes first. Phase 2 limited to 33 group housing erven.

Service	Amount	VAT	Total	
Roads	R 618 745.00	R 92 811.75	R 711 566.74	
Transport	R 15 123.24	R 2 268.49	R 17 391.73	
Stormwater	R 143 612.65	R 21 541.90	R 165 154.55	
Sewerage	R 220 735.30	R 33 110.30	R 253 845.60	
Water	R 33 845.57	R 5 076.84	R 38 922.41	
Solid Waste	R 90 139.95	R 13 520.99	R 103 660.94	
Total bulk engine	ering services compo	onent of DCs payable	R 1 290 531.96	

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17. That the DCs for Phase 3 have been determined at R 3 348 451.92 as per the breakdown indicated in the table below. DC's will be payable per number of residential units/flats prior to approval of building plans. Phase 3 is limited to 136 flats.

Service	Amount	VAT	Total	
Roads	R 1 599 987.06	R 239 998.06	R 1 839 958.12	
Transport	R 137 117.34	R 20 567.60	R 157 684.94	
Stormwater	R 141 321.25	R 21 198.19	R 162 519.43	
Sewerage	R 682 272.75	R 102 340.91	R 784 613.66	
Water	R 89 270.25	R 13 390.54	R 102 660.79	
Solid Waste	R 261 728.67	R 39 259.30	R 300 987.97	
Total bulk engine	ering services compo	nent of DCs payable	R 3 348 451.92	

18. That any amendments which might lead to an increase in the GLA, number of erven and/or units must be submitted for approval prior to building plan approval and will result in the recalculation of the DC's based on the amended plan.

ENGINEERING SERVICES

- 19. That the Developer/Owner, at his/her cost, provides all the required internal and link services to the satisfaction of the relevant department prior to transfer of individual units or utilisation of buildings.
- 20. That the Developer/Owner, at his/her cost, constructs the internal municipal civil services for the development, as well as any link municipal services that need to be provided. The Directorate: TDA may require the Developer/Owner 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 DC's payable in respect of bulk civil engineering services if approved by the Directorate: TDA.
- 21. That the design, construction and/or alteration of all the internal transport, roads and stormwater services and such link and/or bulk services as required for the development shall be generally in accordance with the Standard Conditions imposed by the City in this respect or as otherwise agreed.
- 22. That the Developer/Owner ensures that all main services to be taken over by the City and all existing municipal services crossing private property are protected by a registered servitude of minimum 3 metres wide. The Developer/Owner will be responsible for the registration of the required servitude(s), as well as the cost thereof.
- 23. That the Developer/Owner obtains the written approval of all affected owners where the route of a proposed service crosses private properties, and a servitude be registered on the said properties in favour of the Council for the account of the Developer/Owner.
- 24. That wayleaves be obtained from the Water & Sanitation Department prior to any work on municipal land or any activity within 3 m from any municipal service.
- 25. That the Developer/Owner indemnifies and keep the City 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 City's 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

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completion of the maintenance period. The Developer/Owner must ensure that he/she has an acceptable public liability insurance policy in place.

WATER & SANITATION

- 26. That detailed water and sewerage services plans, prepared by a registered engineer, to be submitted for approval by the Water & Sanitation Department, prior to commencement of any works
- 27. That all water and sewerage services must comply with the Minimum Standards for Civil Engineering Services in Townships and standard specifications of the Water & Sanitation Department.
- 28. That services are to be installed in accordance with approved site development/subdivision plans.
- 29. That all services are to be inspected by the Water & Sanitation Department on completion of the works and a completion certificate to be obtained prior to transfer of individual units or utilisation of buildings.
- 30. That, as per letter from Water Demand Management dated 28 June 2018, a total of 175 units may discharge sewage to the Macassar Wastewater Treatment Works. The remaining units may discharge sewage once Macassar Wastewater Treatment Works has sufficient capacity, or, alternatively, a sewage packaging plant is to be constructed to accommodate the sewage discharge of the remaining units.

ROADS & STORMWATER

- 31. That the Developer/Owner may enter into a Service Agreement with the Directorate: TDA to install or upgrade bulk municipal services at an agreed cost, to be off-set against DC's payable in respect of bulk civil engineering services.
- 32. That detailed plans, prepared by a Registered Engineering Professional, shall be submitted to the Directorate: TDA for approval prior to any earthworks commencing.
- 33. That a stormwater management plan for the proposed development area, for both the minor and major flood events, be compiled and submitted for approval to the Directorate: TDA and that the approved management plan be implemented by the Developer/Owner, at his/her cost, to the standards of the Directorate: TDA. The required stormwater management plan is to be submitted concurrent with the detail services plans.
- 34. That the Developer/Owner, at his/her own cost, registers a stormwater servitude in favour of the City as well Erven 20361 20466, Somerset West, over the stormwater attenuation pond situated on Erf 20467, Somerset West.
- 35. That, in accordance with the stormwater management plan for the development, the Developer/Owner, at his/her own cost, registers a stormwater servitude in favour of the City as well as Erven 20361-20467, Somerset West, over the stormwater attenuation ponds situated on Erf 19381, Somerset West.
- 36. That, in accordance with the stormwater management plan of the development, the Developer/Owner, at his/her own cost, registers a stormwater servitude in favour of the City as well as Erven 20361-20467, Somerset West, over the stormwater pipe situated on Portion 19 of Farm 810 (Erf 20585, Somerset West).

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37. That a maintenance management plan be compiled for the stormwater attenuation ponds situated on Erf 20465 and Erf 20467, Somerset West, and that a maintenance agreement be entered into between the Directorate: TDA and the developers of Erf 20361-20467 and Erf 19381, all by the Developer/Owner at his/her cost.

TRANSPORT PLANNING

- 38. That 427 on-site parking bays be provided at the following rate
 - 200 bays for the 100 group housing units
 - 227 bays for the 136 flats at a rate of 2 bays per 2-bedroomed apartment (68) and 1,25 bays per 1-bedroomed apartment (68) plus 6 extra bays
- 39. That prior to occupancy and subdivision clearance being granted for the proposed development, the Developer/Owner, at his/her cost and to the standards of the Directorate: TDA, must construct the missing portion of Summer Hill Drive between Sir Lowry's Pass Village Road up to the existing portion of Summer Hill Drive, as a 2-lane road with a 7,4m blacktop.
- 40. That the Developer/Owner, at his/her cost and to the standards of the Directorate: TDA, must construct the proposed access via Summerhill Drive as a roundabout with a 23m inscribed diameter.
- That, prior to occupancy and rates clearance being granted, the Developer/Owner, at his/her cost and to the standards of the Directorate: TDA, must upgrade the Reunion Drive/Sir Lowry's Pass Village Road/Summer Hill Drive intersection as follows:
 - construct a dedicated left-turn lane on the north-western approach of Sir Lowry's Pass Village Road;
 - construct an exclusive right turn lane on the south-eastern approach of Sir Lowry's Pass Village Road;
 - construct the north-eastern approach of Summer Hill Drive to have a shared through/leftturn lane as well as an exclusive right-turn lane;
 - construct the south-western approach of Reunion Drive to have an exclusive left turn lane and exclusive right-turn lane;
 - introduce primary and secondary traffic aspects to the existing signalised intersection needed for the Summer Hill Drive approach. Traffic aspects are also required for the right turn movement on the south-eastern approach of Sir Lowry's Pass Village Road;
 - prepare a detail plan of the Reunion Drive/Sir Lowry's Pass Village Road/Summer Hill Drive intersection, indicating dropped kerbs, position of the aspects, all road markings, locations of the detection equipment and prepare optimised signals based on the current volumes, taking the proposed development into account. The need for the existing phasing plan to be revised, in view of the existing high right-turn demand on Sir Lowry's Pass Village Road onto Reunion Drive, also is to be highlighted. This plan is to be submitted to Traffic Signal PAT (Plan Acceptance Team) for approval.
- 42. That the Bizweni Avenue access is to have a cross-section consisting of two ingress lanes (one 3,5m and one 4m) and two egress lanes (one 3,5m and one 4m).
- 43. That, the Summer Hill Drive access is to have a cross-section consistency of two ingress lanes (one 3,5m and one 4m) and a single egress lane 3,7m wide.
- 44. That prior to occupancy and Section 137 clearance being granted by the City, the Developer/Owner, at his/her cost and to the standards of the Directorate TDA, must construct a sidewalk on the northern side of Summer Hill Drive between Sir Lowry's Pass Village Road up to the existing sidewalk on Summer Hill Drive.

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- 45. That, prior to occupancy and subdivision clearance being granted by the City, the Developer/Owner, to the standards of the Directorate: TDA, must construct the following:
 - public transport embayments on the downstream side of the proposed roundabout on Summer Hill Drive;
 - public transport embayment on Bizweni Avenue on the north-western side of the proposed access.

Both these embayments can also be used as refuse embayments.

46. That, the Developer/Owner, at his/her cost and to the standards of the Directorate: TDA, must introduce a blocked pedestrian crossing at the proposed roundabout on Summer Hill Drive, as recommended in the TIS.

ENVIRONMENTAL MANAGEMENT

- 47. That the approved Landscape Plans shall be implemented by and at the cost of the Developer/Owner in accordance with the implementation plan, within 3 months of the completion of building works or prior to first transfer, whichever comes first. Implementation shall be substantially in accordance with the approved Landscape Plans, to the satisfaction of the Environmental & Heritage Management Branch.
- 48. That the Developer/Owner is bound to comply with and enforce compliance by contractors with the Construction Phase Environmental Management Plan, compiled by Ecosense Environmentalists (dd 7 July 2017 and approved on 23 October 2017) during earthworks, installation of services and construction of the development. The Developer/Owner shall ensure that the CEMP forms part of the contractor's documentation.
- 49. That the Developer/Owner shall appoint, at his/her cost, an independent Environmental Control Officer (ECO), with appropriate environmental qualifications and experience for the duration of the works contemplated in the CEMP, in order to monitor compliance by all parties with the CEMP and requiring the ECO to liaise with the City's Environmental Officers on a regular basis, including the submission of monthly and quarterly reports.
- 50. That the Developer/Owner shall enter into a contract with the ECO detailing the minimum hours per week the ECO must be on site and conferring powers on the ECO to stop construction in the event of non-compliance with the CEMP.
- 51. That the Developer/Owner shall make good any damage to the environment caused as a result of non-compliance with the CEMP.
- 52. That the Developer/Owner and Home Owners Association (HOA) is to comply with the Operational Phase Environmental Management Plan (OEMP), compiled by Ecosense Environmentalists (dd 7 July 2017 and approved on 23 October 2017), The OEMP is to be binding on any and all successors-in-title.
- 53. That the detailed design of the stormwater retention ponds, including the proposed landscaping, uis to be submitted to the Environmental & Heritage Management Branch prior to building plan approval or commencement of earthworks, whichever comes first.
- 54. That a cross-section of the stormwater retention ponds, which indicates the slope of the embankments and landscaping thereof, is to be submitted to the Environmental & Heritage Management Branch prior to building plan approval or commandment of earthworks, whichever comes first.

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ELECTRICITY

- 55. That the Developer/Owner shall submit an electricity reticulation design report to the Director: Electricity Services for approval. Such report shall set out the necessary detail of the proposed infrastructure to be handed over to the City in terms of the Electricity Supply By-Law and shall be prepared by consulting electrical engineering practitioner registered with ECSA in the appropriate category. The Director: Electricity Services may decide at design stage, based on the likely impact of the development on the distribution network and/or the complexity of its internal reticulation, that such a report is not required.
- That the Developer/Owner shall, at his/her own cost, provide the internal electrical reticulation and street lightning serving the specific subdivision. To this end, the Developer/Owner shall appoint a consulting electrical engineering practitioner registered with ECSA to carry out the design and to supervise the installation of the internal electrical reticulation and street lightning to the standards and speculations of the City of Cape Town. On completion, the electrical regulation and street lightning are to be handed over to the Department for subsequent operation and maintenance. The street lightning installation in private roads will not be taken over but will remain the responsibility of the HoA. In this case, a metered general supply must be provided to supply the streetlights and access gate(s).
- 57. That the designs for electricity and street lightning must be submitted for approval by the Director: charge is to be paid before subdivision clearance will be granted.
- 58. That, in accordance with policy and tariffs approved by the City, a Development Capital charge is to be paid before subdivision clearance will be granted.
- 59. That any alterations or deviations to electricity services as a consequence of the development, or as requested by the Developer/Owner, will be carried out to the Developer/Owner's cost.
- 60. That all metering equipment shall be accommodated in a location approved by the Director: Electricity Services that is accessible from a public road.
- 61. That the Developer/Owner shall provide and install, at his/her cost, all pipe ducts required across roads and access ways for electricity cables for both internal services and future bulk services.
- 62. That separate, totally independent connections are to be installed to each erf the subdivision and are to be routes clear of all other private erven.
- 63. That existing overhead or underground services crossing the subdivision must be deviated clear of the subdivision at the Developer/Owner's expense.

SOLID WASTE

- 64. That the position and extent of the required refuse room is to be indicated on the SDP in accordance with the requirements of the Department: Solid Waste Management.
- 65. That refuse containers be places on the sidewalk/kerbside nearest to an access road (public road) and be accessible for the City's refuse collection vehicle on the scheduled collection day as City's vehicle and/or staff will not enter onto private property.

CNR/O VICTORIA & ANDRIES PRETORIUS STREET, SOMERSET WEST P O BOX 19, SOMERSET WEST, 7129

GENERAL ADMINISTRATIVE REQUIREMENTS

In addition to the conditions of approval listed in Annexure A, the following further processes and standard administrative requirements are to be noted and complied with in full timeously and where applicable.

Further processes in the case of subdivision (or consolidation) approval

- Generally, the further processes following subdivision / consolidation approval involve the following sequence of events:
- Actual site surveying and preparation of a survey diagram or General Plan by the owner / applicant's appointed land surveyor
- Submission to and approval by the Surveyor General (SG) of the diagram or General Plan
- Once services infrastructure have been installed and all conditions of subdivision have been complied with, upon application, transfer clearance certification issued by City in terms of Section 137(3) of the City of Cape Town Municipal Planning By-law, 2015 (MPBL)
- Once Section 137(3) transfer clearance issued, upon application, rates clearance certification issued by the Chief Financial Officer in terms of Section 118 of the Municipal Systems Act, No 32 of 2000
- Supported by the above clearances, conveyancer application to the Registrar of Deeds for separate registration and/or transfer of newly subdivided portions
- Upon individual registration, building plan approval, followed by construction, subsequent building completion certification by the City and eventual occupation
- 2 Kindly note, the subdivision approval in the accompanying decision letter will lapse unless separate registration of at least one land unit is effected in the Deed's office within 5 years of the date of the City's final notification letter of this approval (which letter will follow in due course), unless extension of the validity thereof has been granted in terms of Section 107 of the MPBL prior to such lapsing.
- After final notification of this subdivision / consolidation approval, the SG will require preparation of a diagram or General Plan (illustrating any servitudes where applicable) of the newly created land unit(s) for its approval. Such diagram or General Plan is to be prepared by a land surveyor appointed by the owner / applicant. The owner / applicant or its surveyor is required to liaise directly with the SG in this regard. Upon approval thereof, the SG will indicate by means of an endorsement the date and reference number of this subdivision / consolidation approval on the back of the diagram(s) of the newly created erven or on the front of the General Plan, whichever are applicable.

Upon or prior to submission to the SG office of such diagram(s) or General Plan for approval, an electronic copy thereof must be e-mailed to the Senior GIS technician in the district Planning office where the approval was issued at the relevant address reflected below. Proof of such e-mail transmission must accompany any transfer clearance application or building plan submission to the Planning & Building Development Management Department, whichever may occur first.

District			e-mail address
Table Bay			p&bdev.tablebay@capetown.gov.za
Blaauwberg			p&bdev.blaauwberg@capetown.gov.za
Northern			p&bdev.northern@capetown.gov.za
Tygerberg			p&bdev.tygerberg@capetown.gov.za
Helderberg			p&bdev.east@capetown.gov.za
Mitchell's	Plan	1	p&bdev.mitchellsplainkhayelitsha@capetown.gov.za
Khayelitsha			
Cape Flats			p&bdev.capeflats@capetown.gov.za
Southern			p&bdev.southern@capetown.gov.za

- Once the diagram(s) or a General Plan has been approved by the SG and all the conditions of subdivision have been met by the developer, application may be made by the owner (or his appointed conveyancing attorney) to the Director: Planning & Building Development Management at your nearest district Planning office for transfer clearance certification in terms of Section 137 of the (MPBL). Such application must be accompanied by the following:
- Completed and signed application form
- Information sheet (partially completed)
- Draft Power of Attorney (where necessary)
- SG approved General Plan / diagram(s) (original)
- Copy of original approval letter (including conditions of approval and approved plan of subdivision)
- Application fee / payment receipt
- Proof of e-mail transmission of electronic copy of General Plan / diagram to the district Senior GIS technician
- Any other supporting evidence necessary to substantiate condition compliance

Where servitudes are to be created as part of the subdivision / consolidation or there is a requirement for a owners' association to be established of which new owners are required to be members, a copy of the draft power of attorney to pass registration / transfer must be submitted to the Director: Planning & Building Development Management as part of the above application.

Required to effect registration and/or transfer, a rates clearance certificate in terms of Section 118 of the Municipal Systems Act, No 32 of 2000 may only be applied for to the Chief Financial Officer once the Director: Planning and Building Development Management has certified that all conditions of subdivision have been complied with to its satisfaction, as per the aforegoing paragraphs. Such applications for rates clearance certificates must therefore be accompanied by the above subdivision clearance (condition compliance) certificate in terms of Section 137 of the (MPBL).

The Registrar of Deeds will not permit registration of individual portion(s) or servitude area(s) and/or transfer of such new land unit(s) unless the Chief Financial Officer has issued the above rates clearance certificate in terms of Section 118 of the Municipal Systems Act, No 32 of 2000 in respect of such land unit(s).

Geographic Information System (GIS) data capturing standards

In drawing up the General Plan or diagram(s) relating to this subdivision / consolidation, the land surveyor must create the following seperate layers in ESRI..shp or .dxf 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)

- 9 Such drawing of the approved subdivision / consolidation must include the following information:
- property boundaries
- co-ordinates
- parent erf number(s)
- newly allocated erf number(s)
- extent of all erven
- approved street name(s), including whether public or private
- approved street number(s) and/or unit numbers (if applicable)
- complex name (in case of a complex development, eg group housing or flats)
- suburb name (in case of creation of a new suburb / township)

No additional information other than that described above may be included with the different layers / features. Should it be necessary to include any additional information with the diagram / General Plan, such information may not be included with any of the layers described above, but should rather be included in any other separately named layer.

It is important that each portion / servitude boundary is complete and forms a closed polygon, ie the line endpoints must touch each other (eg no undershoots or overshoots). In addition, each property number anchor must be located within the respective property's boundaries. Kindly also note, split remainders are not permitted and except for a single remainder, each cadastral unit should have a separate erf number.

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 City of Cape Town Standard as follows:

Datúm: Hartebeeshoek WGS 84

Projection: Transverse Mercator

False easting: 0.00000000False northing: 0.00000000

Central meridian: 19.00000000

• Scale factor: 1.00000000

Origin latitude: 0.00000000

Linear unit: Metre

- The following is to be noted in respect of all public roads and places resulting from the subdivision:
- All newly created public roads (including road splays where relevant) and
 places to vest in the City in terms of Section 58(1) of the MPBL must be clearly
 defined, be provided with separate portion / erf numbers (and not indicated
 as remainders) and be indicated as such on the SG approved diagram or
 General Plan.
- All such public roads and places are to be registered as individual portions and transferred to the City upon transfer of the first unit / erf in the subdivision or phase concerned, the cost of surveying, registration and transfer of which shall be borne by the applicant.
- The above electronic data must be delivered (preferably by e-mail to the address supplied above) to the Senior GIS technician in the district Planning office where the subdivision / consolidation approval was issued in standard dxf or shapefile format. If the data is to be supplied in shapefile format, then separate shapefiles are required for street names and numbers.

Building plan applications

- Kindly note, building plan applications will not be accepted by the Planning & Building Development Management Department (Building Control office) if the above electronic data has not been submitted to the SG office and such office approved the new or amended diagrams. The City's cadastre layer is only updated after the SG office approved the diagram and provided it to the City.
- Except where construction of buildings on unregistered land units for good reason are specifically provided for in the conditions of approval, it is to be noted that building plan applications will not be approved before:
- a Site Development Plan (SDP) if required, was approved,

- all applicable conditions of approval have been complied with in full prior to subdivision clearance,
- a hard and electronic copy of the approved diagram or General Plan has been submitted to the Senior GIS technician at the relevant district Planning office and
- the transfer attorney / owner has submitted proof that the subdivision concerned has been confirmed (in that the first erf / unit in the subdivision has been registered and/or transferred) and the relevant subject premises has been registered in the Deed's office.
- Notwithstanding the above and upon proper motivation, application may be made in terms of Section 55(4)(b) of the MPBL to the Director: Planning & Building Development Management for the commencement of construction on unregistered subdivided portions prior to confirmation of a subdivision or registration of individual portions (eg development of show units), if the conditions of approval made specific allowance for this (but subject to submission of an approved SG diagram or General Plan in the case of show units).

General standard requirements

- Your attention is drawn to Section 59 of the MPBL, which provides for a general servitude over property in respect of services arising from a subdivision and which requires that the person who at any time is the owner of any land unit resulting from such subdivision, without compensation
- allow any service relating to the approval of the subdivision to be conveyed across or installed on the land unit in the manner and position that the City or organs of state from time to time reasonably requires. The services include gas mains, electricity infrastructure, telephone cables, television cables, internet cables, other electronic infrastructure, main and other water pipes, sewers, stormwater pipes, ditches and channels, and surface installations such as mini-substations, meter kiosks and service pillars; and
- allow access to the works and infrastructure contemplated above on the land unit at any reasonable time including for the purpose of constructing, altering, repairing, maintaining, removing or inspecting the works; and
- receive such material or permit such excavation on the land unit as may be required to allow use of the full width of an abutting street and provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land unit, unless the owner elects to build retaining walls to the satisfaction of and within a period determined by the City.
- Where the City of Cape Town is not the electricity service provider, it remains the duty of the developer / owner to timeously liaise directly with the relevant service provider for connection to the power grid.
- Should it be required, provision and installation of telecommunication services to individual units is to be arranged timeously by the developer / owner with a relevant service provider at his/her own expense.



