

06 SEPTEMBER 2018

**MLH ARCHTECTS AND PLANNERS CAPE PTY LTD**  
C/O MR A GOOSEN

Email: [alleng@mlh.co.za](mailto:alleng@mlh.co.za)

Dear Sir

**APPLICATION FOR SUBDIVISION, CONSOLIDATION, PHASING, CONSENT, STREET NAMING AND NUMBERING AND DEVELOPMENT WITHIN AN OVERLAY ZONE IN TERMS OF THE CAPE TOWN MUNICIPAL PLANNING BY-LAW: REMAINDER ERF 1, 146 WOOD DRIVE, SANDOWN (70371737)**

The application with reference 70371737 in the above regard, accepted on 04 DECEMBER 2017, refers.

The authorised official on 6 September 2018 **approved** in terms of section 98(b) of the City of Cape Town Municipal Planning By-Law, 2015 (MPBL), the application for:

- a) The subdivision of Remainder erf 1 Sandown into two portions, erf 423 Sandown and Remainder erf 1 Sandown, as per subdivision plan with reference LP-7602-01, subject to the conditions as per annexure A;
- b) The subdivision of Remainder erf 2 Sandown into 3 portions, erf 424 Sandown, erf 425 Sandown and Remainder erf 2 Sandown, as per subdivision plan with reference LP-7602-02, subject to the conditions as per annexure A;
- c) The consolidation of erf 423 Sandown with erf 424 Sandown and erf 425 Sandown in order to create erf 426 Sandown, as per the consolidation plan with reference LP-7602-03, subject to the conditions as per annexure A;
- d) The subdivision of erf 426 Sandown in to four portions, Phases 1C, 1D, 3A and 3B and phasing, as per the subdivision plans with references LP-7602-04 Rev E and LP-7602-05 Rev C, subject to the conditions as per annexure A;
- e) The consent use for a place of assembly in Phase 3B, as shown on the subdivision plan with reference LP-7602-05 Rev C, subject to the conditions as per annexure A;
- f) The street names and numbering as per the subdivision plan with reference LP-7602-07, subject to the conditions as per annexure A; and
- g) The granting of City approval for a development within the Koeberg Restriction Area Overlay Zoning, subject to the conditions as per annexure A.

Kindly note, this subdivision and 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.

Kindly note, this consent use 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.

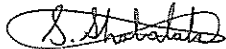
Should the reasons for the above decision not be contained in this notification you are advised in terms of section 104(2)(c) of the MPBL and section 5 of the Promotion of Administrative Justice Act, No 3 of 2000 that you are entitled to request in writing reasons for the above decision.

In terms of section 108(1) of the City of Cape Town Municipal Planning By-Law, 2015, you may appeal to the Appeal Authority against the above decision 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 Blaauwberg District Manager, at the following email address: [appeals.blaauwberg@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 District Secretary, 87 Pienaar Road, Milnerton, **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. 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.

Yours faithfully



Sibonelesihle Shabalala  
for **DIRECTOR : DEVELOPMENT MANAGEMENT**

### Notes and extracts from sections of the City of Cape Town Municipal Planning By-Law, 2015

- 55 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 –
- 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.
- 54 Transfer of land unit arising 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 –
- 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 area or the relevant phase on the approved general plan or diagram have been completely installed;
  - all other conditions of subdivision or the conditions relating to the relevant phase on the approved general plan or diagram and all conditions 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
    - 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.
- 47 Lapsing of rezoning, consent use or departure**
- (1) A rezoning, other than a rezoning to a subdivisional area zoning, consent use or permanent departure approved or deemed to have been approved in terms of this By-Law lapses five years after the effective date of the decision –
- 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 an 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 is not suspended.

#### 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;
- 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 the notice; or
- by email or fax, it is the date that the email or fax

# ANNEXURE A

In this annexure:

"City" means the City of Cape Town

"The owner" means the registered owner of the property

"The property" means erf 1, Sandown

"By-law" and "Development Management Scheme" has the meaning assigned thereto by the City of Cape Town Municipal Planning Bylaw, 2015 (as amended)

"Item" refers to the relevant section in the Development Management Scheme

**CASE ID: 70371737**

## **1. APPLICATIONS GRANTED IN TERMS OF SECTION 98 (b) OF THE BY-LAW**

- 1.1. Subdivision of Remainder erf 1 Sandown into two portions, erf 423 Sandown and Remainder erf 1 Sandown, as per the subdivision plan with reference LP-7602-01;
- 1.2. Subdivision of Remainder erf 2 Sandown into 3 portions, erf 424 Sandown, erf 425 Sandown and Remainder erf 2 Sandown, as per the subdivision plan with reference LP-7602-02;
- 1.3. Consolidation of erf 423 Sandown with erf 424 Sandown and erf 425 Sandown in order to create erf 426 Sandown, as per the consolidation plan with reference LP-7602-03;
- 1.4. Subdivision of erf 426 Sandown in to four portions, Phases 1C, 1D, 3A and 3B and phasing, as per the subdivision plans with references LP-7602-04 Rev E and LP-7602-05 Rev C;
- 1.5. Consent use for a place of assembly in Phase 3B, as shown on the subdivision plan with reference LP-7602-05 Rev C;
- 1.6. The street names and numbering as per the subdivision plan with reference LP-7602-07; and
- 1.7. Approval in respect of Koeberg Restriction Area Overlay Zoning to permit development within the Urgent Protective Action Zone.

## **2. CONDITIONS OF APPROVAL IMPOSED IN TERMS OF SECTION 100 OF THE BY-LAW**

### **DEVELOPMENT MANAGEMENT**

- 2.1. That the subdivisions granted shall be in accordance with the endorsed plans attached hereto as Annexure B.
- 2.2. That zonings shall be allocated as per accompanying zoning tables as reflected on subdivision plan with reference LP-7602-04 Rev E, attached hereto as Annexure B.
- 2.3. That the proposed developments on Portions 487-490 shall each conform to a gross density of at least 80 du/ha.
- 2.4. That an overall updated Residential and Commercial Bulk Register (Commercial Bulk & Housing Opportunities Sold / allocated) shall be submitted / form part of the application / request for any subdivision clearance certificate.
- 2.5. That all landowners in Sandown Phase 1C and 1D and 3B shall become members of the Sandown Property Owners Association;

- 2.6. That Site Development Plans for the development of Portions 481 – 492 be submitted, to TDA: Development Management and approved, prior to building plan application submission.
- 2.7. That the GB1 properties along Sandown Road shall be developed for commercial / office purposes on ground floor, whereby residential dwelling units may be permitted on subsequent floors in order to achieve required desired density targets.
- 2.8. That the conditions of approval as contained in approval letter for the subdivision of Sandown dated 10 June 2010, where applicable and as determined by the Commissioner: Transport and Urban Development Authority or his/her delegate, shall be adhered to, to the satisfaction of the Commissioner: Transport and Urban Development Authority or his/her delegate.

## **TDA: ASSET MANAGEMENT AND MAINTENANCE**

### **Development Contributions**

- 2.9. That the development contributions applicable, reflected in the DC calculations attached as annexure C, amount to **R8 911 203.56**, and that the amount due will be escalated annually on 1 July with the Construction Price adjustment Formula (CPAF) using the industry indices of StatsSA;
- 2.10. That the Developer/owner be responsible for the payment of development contributions or the implementation of projects as listed in the relevant services agreement between the Developer and Council represented by the TDA Commissioner or Delegated Official for the provision of bulk civil engineering services;
- 2.11. That a register of the Developable Bulk (Floor Area) allocated to all General Business zoned properties will be maintained by the Developer; and in addition, the floor factors in terms of the DMS will not be applicable to these properties but will serve as a maximum limit if bulk is available.

### **General**

- 2.12. That the developer at his cost provide all the required internal and link engineering services to the satisfaction of Council, prior to transfer of individual properties;
- 2.13. That detailed engineering services plans prepared by a registered engineer be submitted for approval by Council, prior to commencement of any works;
- 2.14. That all engineering services comply with the following standards and policies of Council and services be in accordance with approved site development /subdivision plans:
  - Minimum Standards for Civil Engineering Services in Townships (Annexure)
  - Management of Urban Stormwater Impacts Policy
  - Catchment, Stormwater and River Management Policies & Guidelines;
- 2.15. That all services be handed over to or inspected by Council on completion of the works and a completion certificate be obtained prior to transfer of properties per sub-phase or in agreement with the Director: Land Use Management;
- 2.16. That where municipal services traverse private properties or fall outside a public road reserve, a minimum 3 m wide servitude be registered in favour of Council for the developer's account;
- 2.17. That as-built drawing prepared from a survey carried out by an independent surveyor and submitted prior to Section 137 clearance being given;

- 2.18. That the developer be responsible for the reinstatement of all damaged municipal infrastructure after completion of the construction work to full municipal standards;
- 2.19. That the Developer confirm that the duct required by the various Telecommunication Authorities has been provided in the design;
- 2.20. That the Engineer in the Engineering services report to confirm that the design capacity of the engineering services is based on the full development potential of the subdivided properties as prescribed in the Municipal Planning By-Law;

### **Private Developments**

The following will be applied to all private developments:

- 2.21. That an Owners Association be established in accordance with the provisions of Section 61 of the Municipal Planning By-Law and address the maintenance of all internal services and roads within the development;
- 2.22. That all engineering services for private developments comply with the same standards and procedures for public developments
- 2.23. That the Body Corporate or Property Owners Association be responsible for the maintenance of internal private roads and services;
- 2.24. That bulk connection points for services (water, sewer, stormwater and access) be provided to all GR sites and be accessible to the Municipal Maintenance Departments, and that boundary chambers be provided 1.0m inside the property boundary;

### **Specific Engineering Services**

#### **Stormwater**

- 2.25. That all stormwater run-off be detained to a pre-developed flow volume on site (analysis to be submitted) and the run-off be conveyed to the municipal stormwater system in accordance with an approved stormwater management plan. The management plan must conform to the overall master planning of the area and the policy namely; Management of Urban Stormwater Impacts Policy to address water quality and quantity of run-off from the development;
- 2.26. That the geometric design of roads, parking areas and overland escape routes ensure that no trapped low points are created and where required, the layout be amended to ensure uninterrupted overland stormwater management within road reserves or public open spaces (no overland flow over private properties);
- 2.27. That no development be allowed below the 1:100 year flood line and the flow in the water courses be unobstructed. Flood lines must be verified by a registered engineer and flood lines and flood levels must be indicated on all plans;
- 2.28. The 1:100 year floodlines for the open canals must be depicted in the Stormwater Masterplan Report;
- 2.29. That the floor level of all buildings be a minimum of 100 mm above the 1:100 year flood level and a minimum of 300 mm above the surrounding natural ground level. Boundary fences below flood lines must be permeable and may not affect the free flow of water in the flood plain;

#### **Roads / Parking**

- 2.30. That a minimum of 5m x 5m splay be provided at intersections / accesses and the required sight triangles be maintained and be free of any obstruction (landscaping, electrical / telecommunication infrastructure);
- 2.31. That in terms of the Road Construction Programme the design of the road infrastructure has commenced and the construction is planned to commence in the latter part of 2018. The construction of the road infrastructure projects listed below must be completed before Section 137 certificates will be issued for the remaining properties in excess of 735 dwelling units / erven / residential opportunities.

	<b>PROJECT</b>
1	Dualling of Sandown Road from Sunningdale Drive to the M12
2	Dualling of Sandown Road from the M12 to N7 Interchange
3	Completion of the Interim Potsdam Interchange Upgrade
4	Completion of Berkshire Boulevard up to Wood Drive

- 2.32. That carriageway crossings to single residential properties at intersections be in terms of the Development Management Scheme, and thus that all properties with short street frontages at intersections shall take access off the longer street boundary line;
- 2.33. That all sidewalks shall be constructed with Council's Universal Accessible standard dropped kerb arrangement at intersections.
- 2.34. That NMT facilities which should include speed calming measures and surfaced sidewalks be provided within the development and specifically along Dorothea Drive, Cedar Street and Candlewood Crescent.

#### **WATER AND SANITATION**

- 2.35. That due to the limited capacity of the Potsdam Waste Water Works, the phasing of the proposed development should be evaluated and approved by the Department of Waste Water: attention Kevin Samson.

#### **General**

- 2.36. That the developer at his cost provide all the required internal and link engineering services to the satisfaction of Council, prior to transfer of individual properties;
- 2.37. That detailed engineering services plans prepared by a registered engineer be submitted for approval by Council, prior to commencement of any works;

#### **ENVIRONMENTAL & HERITAGE MANAGEMENT**

- 2.38. That portions 500 and 501 with Open Space 1 zoning, with a combined area of 36.67ha, shall be used for conservation purposes only and shall be referred to as the Sandown Fynbos Corridor;
- 2.39. That the Sandown Fynbos Corridor shall be rehabilitated in accordance with the approved Conservation Management Implementation Plan for the Sandown Fynbos Corridor and Programme for the Implementation;
- 2.40. That funding for the future management of the Sandown Fynbos Corridor be sourced from the Sandown Property Owners Association until such time as the Local Authority can demonstrate sufficient capacity for the management thereof;
- 2.41. That the Sandown Fynbos Corridor be handed over to the City of Cape Town Environmental Management Department: Biodiversity Management Branch for conservation purposes once it has been rehabilitated in accordance with the

approved Conservation Management Implementation Plan for the Sandown Fynbos Corridor and Programme for the Implementation;

- 2.42. That all landscaping comply with The Sandown Estate Plant List and conditions of approval, as approved 22 January 2018 by the Regional Manager: Environmental and Heritage Management Branch: Northern Region;
- 2.43. That a Construction Environmental Management Plan (CEMP) for the pre-construction, bulk earthworks, construction of the roads, services and the top structures be submitted for approval by the Regional Manager: Environmental and Heritage Management, prior to any transfers and /or the commencement of any works on the site, whichever event occurs first;
- 2.44. That the owner/developer be bound to comply with and enforce compliance by contractors with provisions of the CEMP during all phases of the development;
- 2.45. That the owner/developer ensures that the CEMP forms part of the contractor's documentation.
- 2.46. That the owner/developer 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, including during the construction of the roads and services and the top structures, in order to monitor compliance by all parties with the CEMP. Such appointment is to be submitted to the Regional Manager: Environmental and Heritage Management Branch: Northern Region, for approval prior to any transfers and /or Building Plans and/or the commencement of any works on the site, whichever event occurs first.
- 2.47. That the ECO shall liaise with Council's environmental officers and submit audit reports on a monthly basis. The developer shall enter into a contract with the ECO detailing the minimum hours per week, how often the ECO must be on site, and conferring the power on the ECO to stop the construction on site if there is non-compliance with the CEMP or to issue penalties as listed in the CEMP. All penalties shall be paid to the Blaauwberg Development Area Environmental Liaison Committee (BDA ELC) bank account and ring fenced specifically for future management of the Sandown Fynbos Corridor, under the control of the Sandown Property Owners Association.
- 2.48. That the owner / developer submit notification of the commencement of work on site and the ECO must be on site at commencement. Should the owner or his contractor commence any work on site without the ECO being on site, the Environmental & Heritage Management Department will issue a penalty fine of 1.5 times the weekly ECO rate for each week of such non-compliance. The penalty fine shall be paid to the Blaauwberg Development Area Environmental Liaison Committee account managed by the Parklands Home Owners Association.

#### **URBAN PLANNING AND MECHANISMS**

- 2.49. That the proposed residential development in Phase 1C and 1D shall conform to a gross density of at least 25 du/ha (medium density).
- 2.50. That future residential dwellings bordering onto Public Open Space (POS) shall have active interfaces to ensure safe surveillance of the POS.

#### **RECREATION AND PARKS**

- 2.51. That a Landscape Master Plan for Phase 1C and 1D, Phase 3B, including the Dorothea Drive and Tryall Road be submitted to the City of Cape Town Recreation & Parks Department for approval prior to the transfer of erven.
- 2.52. That detailed Landscape Plans (for development of the public open spaces) shall be submitted for approval to the Director: Recreation and Parks, prior to the subdivision

clearance; and such landscape plan shall comply with the minimum requirements for Landscape Plans as per the attached Appendix 2.

- 2.53. That the approved Landscape Plan be implemented by and at the cost of the Developer, at onset of the first winter rainfall after completion of construction, to the satisfaction of the Director: Recreation and Parks. The standard 12 month maintenance period will be applicable to the newly installed landscaping (calculated from the date of completion).

#### **SOLID WASTE MANAGEMENT**

- 2.54. That the requirement as per memo attached as annexure D, dated 8 December 2017, be adhered to.
- 2.55. That the owner shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.

#### **ESKOM**

- 2.56. Confirmation shall be obtained regarding the availability of electrical services, the upgrading of bulk infrastructure and that where required, the necessary warning sirens have been erected and are compliant with Koeberg requirements, for that particular phase.