
FRIENDS OF STELLENBOSCH MOUNTAIN



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Addendum to “Comments: Revised 4th Generation Draft Integrated Development Plan 2019/20”

6 May 2019

1 Summary

- 1.1 A budget line item on the “Schuilsplaat Road Link”, project 712979131, was inserted into the draft MTREF with no knowledge disseminated or information provided on it. It lived a secret existence until it surfaced as line item *Eastern Link Road Wildebosch - Trumali Rd* for R2,000,000 on a slide presented at the Ward 21 IDP meeting on 2 May 2019; see Appendix A. The re-editing points to a serious attempt to divert funds from an extension of Schuilsplaats Road to Trumali Road to the planning and construction of a link between Wildebosch and Trumali Roads.
- 1.2 We set out in great detail in Section 3 and Appendix D how two small development proposals, those for Portion 1 and Portions 2/3 of Farm 372 (smallholdings along Paradyskloof Rd) are being leveraged for two larger purposes, namely
 - a. to leverage the current small Farm 372 developments for leapfrog goals of developing Farms 1049 (upper Brandwacht) and parts of Farm 369/R (Waterworks) and ultimately probably also Farms 369/P and 370, and
 - b. to leverage the situation towards constructing one of the four necessary segments which together would form the Eastern Link Road between Techno Park and Jan Marais Park in town.
- 1.3 The re-wording of project 712979131 to refer to Wildebosch Rd rather than Schuilsplaats Rd would provide significant support to both of those goals.
- 1.4 The spatial detail of this agenda is set out in Figure 1 below. The original Farm 372 proposal would have required no additional road construction at all. After intervention by the provincial Department of Transport and Public Works (DTPW), the Schuilsplaats–Trumali link was imposed on the developer and the municipality; see route L3a in Figure 1. Route L3b as decided by the Municipal Planning Tribunal was ill-conceived as it did not take into account the existing approvals of DEADP and the municipality.
- 1.5 Corresponding to the re-worded budget line item, Route L3c between Wildebosch and Trumali Roads would form part of the notorious Eastern Link (also called Eastern Bypass, or North-South Road, or Main Road 169).

- 1.6 The Department of Transport and Public Works (DTPW) of Western Cape Provincial Government has to date played a very disruptive role, possibly an unlawful one. In terms of legislation, DTPW can and must administer the R44, and any development proposal which influences the R44 must obtain comment from it. The DTPW has, however, gone far beyond its mandate (the R44) to impose conditions on approval which pertain to roads over which it has no authority.
- 1.7 It appears that DTPW and indeed even the compilers of the municipal MTREF are either unaware of, or in contempt of, the MSDF spatial proposals pertaining to the roads network. The DTPW even went so far as to *strongly recommend* the construction of the Eastern Link Road while the current and previous MSDF and IDP explicitly recommend no major new road construction. See Section 3 for further details on legal authority issues.
- 1.8 The budget line item on Schuilplaats/Wildebosch is therefore incompatible with the IDP and MSDF. FSM strongly recommends that **project 712979131 from the draft MTREF 2019/20 be deleted altogether** whatever its description (Schuilsplaat or Wildebosch Road) and that **the R2,000,000 are re-allocated to project 712979131 to rather fund sustainable NMT and transport infrastructure in Stellenbosch**. This would be in line with the stated IDP and MSDF goals and principles and reflect the road networks shown in those documents.
- 1.9 At the root of all problems lies the proclamation in the early 1990's of a "Main Road 169", which has been called the *North-South Road*, the *Eastern Bypass* and now latterly the *Eastern Link Road*. As again exemplified by the Farm 372 proposals, the Main Road 169 proclamation has been abused many times by many development proposals to justify unsustainable solutions to the traffic problems. This project, which has been on the planning books for thirty years, is no longer compatible with the current and future realities of transport and traffic planning. It should be scrapped. **FSM calls on Stellenbosch Municipality and Western Cape Provincial Government to bury the Eastern Link Road project and to deproclaim Main Road 169.**
- 1.10 **FSM calls on the Western Cape Provincial Government and DTPW in particular to start supporting sustainable transport and NMT projects** rather than continuing to impose a roads agenda on Stellenbosch which is incompatible with national, provincial and local legislation and plans.
- 1.11 The municipal directorate of Engineering services and was until recently happily proceeding with revisions and implementation of a so-called Roads Master Plan (RMP). However, neither the Schuilplaats extension nor the Eastern Link Road or any of its segments any appear in any of the current major municipal planning instruments, including the Stellenbosch Integrated Development Plan (IDP) and the Stellenbosch Municipal Spatial Development Framework (MSDF). The RMP is subordinate to legislation and specifically the MSDF and CITP and has no legal status of its own. **FSM calls on the all branches of the municipality to know, respect and implement the municipality's own major planning instruments rather than sabotaging them in the way the MTREF line item would.**
- 1.12 Finally, FSM calls for an investigation to determine how the text of a MTREF line item was redacted and the money thereby re-allocated to a different purpose. As set out below, a *Schuilsplaat Road Link* is not the same as a *Eastern Link Road*.
- 1.13 If there is absolutely no way to avoid implementing a road link between Paradyskloof and Trumali Roads, it should be done **exclusively** on the Schuilplaats Road extension. This route (L3a in Figure 1 below) has been approved by various authorities, while all others would require

new approval and would have significant negative physical and legal consequences. We note that the Environmental Impact Assessment was conducted only for the proposed Schuilplaats Road and the DEADP Record of Decision makes reference only to any other road route.

2 The MTREF Line item “Schuilsplaat Road Link”

- 2.1 At an IDP public meeting for Ward 21 residents held on 2 May 2019, important new information was made public: a mysterious line item appeared on Slide 32 of the presentation which is reproduced in Appendix A below. Slide 32 was clearly prepared with a view to Ward 21 with those MTREF line items selected which had particular relevance to Ward 21.
- 2.2 The other Ward 21-relevant line items on Slide 32 had been shown several times before, but the item entitled *Eastern Link Road Wildebosch - Trumali Rd* for R2,000,000 was new. It had not appeared in a similar presentation made to the Ward 21 committee on 16 April 2016, nor the Mayor’s Budget Speech. A search of the full draft Medium Term Revenue and Expenditure Framework 2019–2022 (“MTREF”) yielded no item of the same wording. Only on a detailed search did it become apparent that the *Eastern Link Road Wildebosch - Trumali Rd* item was probably identical with *Project 712979131* of the draft MTREF, appearing on pages 117 and 188, where it is entitled *Schuilsplaat Road Link* (sic). The misspelling of *Schuilplaats* as *Schuilsplaat* appears in the original MTREF document.
- 2.3 The item raises many important questions and issues. We firstly note that the item seems to have been inserted into the MTREF without the knowledge or approval of the Ward 21 councillor, because it was not presented at the ward committee meeting. It was certainly never mentioned or discussed at any Ward 21 committee meeting.
- 2.4 It also seems that the “Schuilsplaat” item was redacted by whoever compiled the IDP presentation to refer to *Wildebosch Road*, not *Schuilplaats*. This is highly significant, as will emerge below.
- 2.5 The phrase *Eastern Link Road*, edited into Slide 32 by an unknown hand, refers to a long-standing proposal for a new road to be constructed east of the R44. While various versions exist, the proposal typically envisages a roadway from the Technopark-R44 intersection across the foothills and descending east of the Dalsig suburb towards the Eerste River. For a better description, we divide it into four segments or “links” L1, L2, L3 and L4 as indicated in Figure 1 below. Link L2 already exists in the form of Wildebosch Road in Paradyskloof. Links L1 and L4 exist on paper in the various proposals. Link L3 is the subject of the present Addendum.
- 2.6 Before returning to the technicalities of alternative links L3a, L3b and L3c, we evaluate the MTREF line item in the light of the present draft IDP and draft MSDF. Both the IDP and MSDF set out in great detail the principles, visions and objectives of spatial planning conformant to the relevant legislation such as the national Spatial Planning and Land Use Management Act (SPLUMA, 2013), the subordinate provincial Land Use Planning Act and the municipal Land Use Planning By-Law, as well as all the other relevant legislation listed in the appropriate chapters of the IDP and MSDF. **The inclusion of this line item is a direct violation of the draft IDP, the draft MSDF as well as the principles of the MSDF and IDP of earlier years.**
- 2.7 Extracts of a revised draft *Roads Master Plan* (“RMP”) were presented at a Mobility Forum meeting in September 2018 and were immediately disputed. FSM on 5 October 2018 sent a detailed letter to the Mayor and Municipal Manager on the RMP and will not repeat the arguments here. Suffice it to say that the RMP is a subordinate sector plan with no

legal status of its own. The RMP does not form part of the present or past IDP or MSDF and can, at best, only be used as a source of technical information. It certainly cannot determine what goes into the MSDF or IDP and it certainly cannot override their principles, goals and strategies. The RMP and its recommendations therefore cannot be understood to justify the inclusion of any aspect of the Eastern Link Road or any part of it into the MTREF.



Figure 1: Present and possible future links towards an unlawful “Eastern Link Road”

Key:	
372	Portions 1/2/3 of Farm 372
L1	Future link road between Technopark and Wildebosch Rd
L2 = W	Wildebosch Rd, one of the four links
L3a	Original route proposed by developer
L3b	Route specified by MPT
L3c	Route apparently now being planned
L4	future link which would complete the entire Eastern Link Road
S=Schuilplaats T=Trumali Rd, P=Paradyskloof Rd, B=Blauwklippen Rd	

3 The Farm 372 development, developers and DTPW

In this section, we set out how two small development proposals are being leveraged for the ulterior purposes leading to redaction of the MTREF line item.

- 3.1 During 2016 and 2017, two development proposals were launched with respect to Farm 372, one pertaining to Portion 1, the other to Portions 2 and 3. The three portions are smallholdings along Paradyskloof Road and are within the urban edge.
- 3.2 The sequence of communications is set out in detail in Appendix D.
- 3.3 An initial developer-funded traffic impact assessment in 2016 found no need for road construction to accommodate the additional traffic generated by the aspiring developments.
- 3.4 However, DTPW expressed concerns about the traffic impact and then proceeded to exceed its powers. The two letters by DTPW are reproduced in Appendices B and C. Of critical importance are items 6.2 and 7 in the letter of 5 April 2017 (which correspond word for word to items 6.2 and 10 of the letter of 13 April 2017). They read

This Branch [of DTPW] offers no objection to the proposed development [...] subject to the following conditions: [...]

6.2 The extension of Schuilplaats Road up to Trumali Road must be implemented as part of this development; [...]

7. This Branch strongly supports the suggested extension of Wildebosch Road to link with the extension of Trumali Road and should be a priority for implementation by the Municipality which will together with the extension of Wildebosch Road to the Techno Park access on the R44 alleviate congestion at the Blaauwklippen Road and Paradyskloof Road on the R44. The extension of Wildebosch further north should also be considered to provide a parallel alternative to the R44.

See Section 4 for an investigation into the legal implications of these quotes.

- 3.5 The route suggested in the quoted Paragraph 6.2 is identical to Segment L3a in Figure 1. The route suggested in Paragraph 7 is identical to segment L3c in Figure 1.
- 3.6 Following the DTPW letters **setting the precondition** that route L3a be built before the development could go ahead, a revised proposal was submitted early in 2017 which included the extension of Schuilplaats Road in Paradyskloof, northwards across a greenfield portion of Farms 369/P and 370 to link up with Trumali Road, as well as a partial closing of the R44/Paradyskloof Rd intersection. This was advertised and various authorisations were obtained pertaining to this (Schuilplaats-extension) version. See route L3a on Figure 1.
- 3.7 Following two meetings of the Municipal Planning Tribunal, the Municipality conveyed in a letter dated 3 July 2018 to the developers a partial approval and a set of conditions. Pertinent to the present are conditions 4.3 and 4.4 requiring that the developments obtain access from Trumali Road (rather than Paradyskloof Rd) via a shifted road link to Trumali Rd; see route L3b on Figure 1.
- 3.8 The developers both appealed the decisions. In their appeals, the developers point out that route L3b has no precedence and question the authority of the MPT to impose a condition which is external to the development itself. The current status of the appeal and possible legal action is unknown to us.

- 3.9 FSM cannot support any of the road links between Paradyskloof and Trumali Roads. The opposition is based on the MSDF and IDP. Given the long and error-prone history of these developments, it may have to be that at least the original Schuilplaats Road extension must now be implemented. Of the three bad alternatives L3a, L3b and L3c, it represents the one which least deviates from the principles and strategies of the MSDF. FSM has, however, little sympathy with the Farm 372 developers with their self-serving, low-density, gated-estate, fossil-age proposals born from greed.

4 Assessment

- 4.1 We return to the quote from the DTPW letter as reproduced above and in Appendices B and C. The two letters show that, since the initial application had made reference to the (provincial) road R44, the DTPW considered itself empowered to **require** the construction of a (non-provincial) road link (L3a) between Paradyskloof and Trumali Roads **as a precondition for approval**. Not only that; the DTPW went further in *strongly supporting* an option (L3c) which had not been part of the application at all.
- 4.2 Powers of overall planning and strategy of spatial development in general and roads in particular rest with the legislation (national, provincial and local) and related policy and regulation. Of particular pertinence would be the MSDF and the Comprehensive Integrated Transport Plan (CITP). The DTPW letters make no attempt to consider or even make reference to, and thereby have no respect for, the Stellenbosch IDP or MSDF or CITP. The DTPW letters do not provide reasons or legal grounds based on higher-order legislation either; they simply impose conditions and make recommendations without giving reasons or legal basis. **The DTPW has thereby been acting *ultra vires***, ie beyond its powers which pertain to the R44 only. Paragraphs 6.3 and 6.4 of the letter pertain directly to the R44 and can therefore be considered lawful. By contrast, Paragraphs 6.2 (extension of Schuilplaats Rd), 6.5 (development construction may only commence once the extension has been completed) and Paragraph 7 are probably unlawful.
- 4.3 It gets worse. The recommendations of the DTPW letters appear to be based on the confluence of ulterior motives of two different entities. These agendas are, if not actively conspiratorial programmes of action, then at least strong psychological biases. The entities are the DTPW itself and Stellenbosch development opportunists.
- a. The DTPW has legal authority not only over the R44, which in the legal parlance is called *Main Road 27*, but also over *Main Road 169*. The latter was proclaimed late in the 1980's and is the technical name for the Eastern Link (or North-South Road) now re-appearing in the MTREF item. As a *Main Road*, that future route would also fall under the legal authority of the DTPW, not the municipality. In this light, the *strong recommendation* in Paragraph 7 of the DTPW letters is exposed as an attempt to bring to fruition a project which the DTPW would continue to control and which in future it could upgrade and change at will — as DTPW is currently doing with the R44 “upgrades”.
 - b. There are clearly multiple opportunities for aspiring developers associated with the construction of Main Road 169. Not only would contractors benefit from the construction work itself, but the road would open up surrounding areas — currently vineyards, agriculture and renosterveld — for development by arguing for “infill” and “densification” a few years from now. Already the first steps have been taken in an attempt to extend the Urban Edge to include Farm 1049 Brandwacht as well as a 20 ha portion of the nature area on Farm 369 near the Paradyskloof waterworks, on land owned by the Municipality itself.

- 4.4 Examples pervade the Farm 372 development proposals of the consultants and developers always keeping a keen eye on the future opportunities of the *Eastern Link Road*. See the letters by ICE Engineering, Hennie Du Plooy, the development proposals themselves and of course the traffic impact assessments themselves. Here by example is a quote from the letter of 2018-06-12 by ICE (see Appendix D for a full quote):

Alternatives to address the issues mentioned are, firstly, to construct a section of proclaimed Main Road 169 that runs from opposite the Techno Park intersection via Wildebosch Road towards the CBD.

- 4.5 This narrative has been so pervasive that even the MPT has fallen for it, asking questions about the Eastern Link Road details rather than questioning whether it appears in the IDP and MSDF in first place.
- 4.6 A similar pattern of behaviour played out with respect to the applications by Capitec for new headquarters in Techno Park and later for a parking garage. Private meetings were held between developers, consultants, municipal officials, and then DTPW simply imposed a condition that the R44-Adam Tas link road **must** be constructed, even though that link is not a provincial road.


5 Unlawful Comments Process

- 5.1 Notice was given on 4 April 2019 by means of the Eikestadnuus newspaper that the “Draft (Revised) 2019/20 Integrated Development Plan” (“IDP”) as well as the “Draft 2019/20–2021/22 multi-year Medium Term Revenue and Expenditure Framework” (“MTREF”) and revised budget-related policies were available for inspection and public comment. The notice was published in terms of 3(4)(b) of the Local Government Municipal Planning and Performance Management Regulations of 2001, Sections 21 and 42 of the Municipal Systems Act of 2000, and Section 22 of the Municipal Finance Management Act of 2003. The closing date for comments was specified in the Eikestadnuus notice as **30 April 2019**.
- 5.2 The ward-based IDP public participation meeting for Ward 21 was held on 2 May 2019, two days after the closing of the aforesaid comment period.
- 5.3 The IDP management appears to have realised (a little late) that it was probably unlawful to hold a public meeting requesting written input two days after the official closing date. An announcement was therefore made at the 2 May public meeting that comments could be submitted up to and including Monday 6 May, six days after the official deadline of 30 April published in terms of the legislation. Such ad hoc extensions are not provided for in the law and are therefore unlawful.
- 5.4 Written input was also requested at the 2 May meeting in terms of loose handwritten page submissions to be deposited into a “suggestion box” on site. As it was requested and obtained two days after the official comments deadline, such written input provided on the evening of the IDP meeting is also unlawful in terms of the notice published by Stellenbosch Municipality (“SM”) itself.
- 5.5 The opportunity for an extended comments period was, to our knowledge, not provided to residents in the entire WC24 municipal area. Residents of different wards were therefore not treated in an equitable manner.
- 5.6 All this would be a matter of irritation for the public and cause for a learning process for the municipality, were it not for the fact that, at that very Ward 21 IDP meeting of 2 May,

important new information was presented for the first time to the public, as dealt with in the first part of this Addendum.

- 5.7 Friends of Stellenbosch Mountain (“FSM”) had already submitted comments on the IDP in time for the 30 April deadline. Having become aware of this new information, FSM has been faced with the nefarious alternative of being accused of unlawful action itself: If, on the one hand, FSM were to ignore the (unlawful) extension of the comment period from 30 April to 6 May, it could be said that FSM had been provided an opportunity to comment but failed to do so. If, on the other hand, FSM were to submit further comment within the period after expiry of the lawful deadline of 30 April, it could be accused of thereby implicitly accepting the lawfulness of that extension.
- 5.8 Faced with that impossible choice, FSM has chosen to submit the present comments as an “Addendum” to the FSM comments submitted on 30 April. FSM explicitly denies that, in submitting this Addendum, it thereby accepts the lawfulness of the ad hoc extension and reserves its rights to follow up on the lawfulness or otherwise of this situation.
- 5.9 FSM will submit separate comments on the draft 2019 Municipal Spatial Development Framework (“MSDF”) in time for the MSDF comments deadline of 8 May 2019. If for some technical reason the present *Addendum* is not accepted as lawful comment on the IDP per se, then the present Addendum shall be deemed to also be a comment on the MSDF. It is thereby lawful.

A Slide 32 of the IDP public meeting, 2 May 2019

2019 - 2021 MTREF Capital Budget Ward 21 				
Name	2019/20	2020/21	2021/22	MTREF Total
Technopark Access Road	5 000 000		-	5 000 000
Eastern Link Road Wildebosch - Trumali Rd	2 000 000		-	2 000 000
Reseal Roads Paradyskloof	1 000 000		-	1 000 000
Jamestown South Transport Network	1 000 000	2 000 000	-	3 000 000
Local Economic Development Hub Jamestown		-	4 500 000	- 4 500 000
TOTAL	45 700 000	54 980 000	40 500 000	141 180 000

B Letter from DTPW to SM, 5 April 2017

EXHIBIT
H
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ROAD NETWORK MANAGEMENT
Email: Grace.Swanepoel@westerncape.gov.za
tel: +27 21 483 4669
Rm 335, 9 Dorp Street, Cape Town, 8001
PO Box 2603, Cape Town, 8000

REFERENCE: 16/9/6/1-25/197 (Job 24662)
ENQUIRIES: Ms GD Swanepoel
DATE: 5 April 2017

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr U von Molendorff

PORTION 2 AND 3 OF FARM WELGEGUND 372, STELLENBOSCH: APPLICATION FOR CONSOLIDATION, REZONING, NAMING AND NUMBERING OF INTERNAL STREET, A PERMANENT DEPARTURE AND APPROVAL OF ARCHITECTURAL AND LANDSCAPING GUIDELINES

1. The following refer:
 - 1.1 The letter P3362 from TV3 Projects (Pty) Ltd for Application Number LU/4718 dated 26 January 2017;
 - 1.2 The King's View Residential Estate Development Application prepared by TV3 Architects and Town Planners dated 24 January 2017;
 - 1.3 The Traffic Impact Assessment (iCE/S/1146) prepared by iCE Group (Stellenbosch) dated 20 May 2016;
 - 1.4 The Traffic Impact Assessment Addendum (iCE/S/1146) prepared by iCE Group (Stellenbosch) dated 1 August 2016;
 - 1.5 The Traffic Impact Assessment Second Addendum (iCE/S/1146) prepared by iCE Group (Stellenbosch) dated 25 January 2017;
 - 1.6 The meeting held with iCE and ITS Engineers on 15 December 2017 at our offices, and
 - 1.7 The subsequent e-mail from Mr P van Blerk dated 16 December 2017.

2. This application entails the following:
 - 2.1 The consolidation of Portion 2 and 3 of Farm 372;
 - 2.2 The rezoning of the consolidated site from Agricultural Zone I to Subdivisional Area;
 - 2.3 The subdivision thereof into 40 Residential Zone I erven with an Open Space Zone II erf to establish an internal private road and private open space;
 - 2.4 A permanent departure to relax the internal side building lines from 2m to 0m, only for a garage, car port or outbuilding;
 - 2.5 The approval of the internal street name and street numbers and
 - 2.6 Approval of the architectural and land scaping guidelines.
3. Paragraphs 2.4, 2.5 and 2.6 above are for your Administration.
4. Main Road 27 (Strand Road) (R44), Divisional Road 1053 (Blaauwklippen Road) and Main Road 169 (Wildebosch Road) are affected by this application.
5. This Branch does not agree with the proposed distribution of the peak hour traffic in the TIA showing no trips being diverted to the R44 via Florida Road, Repens Road, Serruria Road and Blaauwklippen Road. However, these trips will be limited and should have an insignificant impact on the already highly congested R44/Blaauwklippen Road intersection.
6. This Branch offers no objection to the proposed development in terms of the Stellenbosch Municipal Land Use Planning By-Law, 2015, subject to the following conditions:
 - 6.1 The development is limited to only 40 residential units;
 - 6.2 The extension of Schuilplaats Road up to Trumali Road must be implemented as part of this development;
 - 6.3 The upgrading of R44/Paradyskloof Road intersection to a "butterfly" intersection must be implemented as part of this development;
 - 6.4 The left-turn lane on Trumali Road at the intersection with the R44 must be increased to 75m (excluding taper);
 - 6.5 The construction of the development may only commence once the extension of Schuilplaats Road has been constructed up to Trumali Road and the R44/Paradyskloof Road intersection upgraded and
 - 6.6 The detail design of the upgrading of the R44/Paradyskloof Road as well as the left-turn lane on Trumali Road, after being scrutinised by your Roads Department, must be submitted to the Design Directorate (Ms Melanie Hofmeyr 021 483 3999) of this Branch for final approval.

7. This Branch strongly supports the suggested extension of Wildebosch Road to link with the extension of Trumali Road and should be a priority for implementation by the Municipality which will together with the extension of Wildebosch Road to the Techo Park access on the R44 alleviate congestion at the Blaauwklippen Road and Paradyskloof Road on the R44. The extension of Wildebosch further north should also be considered to provide a parallel alternative to the R44.

Yours faithfully



ML WATTERS
For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT

C Letter from DTPW to SM, 6 April 2017



ROAD NETWORK MANAGEMENT
Email: Grace.Swanepoel@westerncape.gov.za
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Rm 335, 9 Dorp Street, Cape Town, 8001
PO Box 2603, Cape Town, 8000

REFERENCE: 16/9/6/1-25/196(Job 24656)
ENQUIRIES: Ms GD Swanepoel
DATE: 6 April 2017

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599



Attention: Mr U von Molendorff

Dear Sir

FILE NR:	
SCAN NR:	F 372/15
COLLATORATOR NR:	508302

PORTION 1 OF FARM WELGEGUND 372, STELLENBOSCH: APPLICATION FOR REZONING, PERMANENT DEPARTURE, STREET NAME AND NUMBERS, APPROVAL OF THE OWNERS' ASSOCIATION AND APPROVAL OF SITE DEVELOPMENT PLAN

1. The following refer:
 - 1.1 The letter Farm 372/1, Stellenbosch from LMV CAPE Town Planners for Application Number LU/5114 dated 26 January 2017;
 - 1.2 The Welgegund Domaine Privé Development Application prepared by LMV CAPE Town Planners dated 20 January 2017;
 - 1.3 The Traffic Impact Assessment (ITS 3546.1) prepared by ITS Engineers dated January 2017 and
 - 1.4 The meeting held with ICE and ITS Engineers on 15 December 2017 at our offices.
2. This application entails the following:
 - 2.1 The consolidation of Portion 2 and 3 of Farm 372;
 - 2.2 The rezoning from Agricultural Zone I to Subdivisional Area;
 - 2.3 The subdivision thereof into 34 Residential Zone II erven with 8 Open Space Zone II erven to establish an internal private road and private open spaces;

- 2.4 A permanent departure to permit a group housing site with an area of 2.5ha in lieu of 2 ha;
- 2.5 The approval of street name and numbers;
- 2.6 Approval of the constitution of the owners' association and
- 2.7 Approval of the Site Development Plan.
3. Paragraphs 2.4, 2.5, 2.6 and 2.7 above are for your Administration.
4. Main Road 27 (Strand Road) (R44), Divisional Road 1053 (Blaauwklippen Road) and Main Road 169 (Wildebosch Road) are affected by this application.
5. This Branch does not agree with the proposed distribution of the peak hour traffic in the TIA showing no trips being diverted to the R44 via Serruria and Blaauwklippen Road. However, these trips will be limited and should have an insignificant impact on the already highly congested R44/Blaauwklippen Road intersection.
6. This Branch offers no objection to the proposed development in terms of the Stellenbosch Municipal Land Use Planning By-Law, 2015, subject to the following conditions:
 - 6.1 The development is limited to only 34 group housing units;
 - 6.2 The extension of Schuilplaats Road up to Trumali Road must be implemented as part of this development;
 - 6.3 The upgrading of R44/Paradyskloof Road intersection to a "butterfly" intersection must be implemented as part of this development;
 - 6.4 The left-turn lane on Trumali Road at the intersection with the R44 must be increased to 75m (excluding taper);
 - 6.5 The construction of the development may only commence once the extension of Schuilplaats Road has been constructed up to Trumali Road and the R44/Paradyskloof Road intersection upgraded.
 - 6.6 The detail design of the upgrading of the R44/Paradyskloof Road as well as the left-turn lane on Trumali Road, after being scrutinised by your Roads Department, must be submitted to the Design Directorate (Ms Melanie Hofmeyr 021 483 3999) of this Branch for final approval.
7. This Branch recommends that the Municipality and the developers for Portions 1, 2 and 3 of Farm 372 combine their efforts to ensure that the required road infrastructure as listed above are constructed before any of the developments commence.
8. This Branch will not be able to contribute any funding towards the implementation of the road infrastructure required.
9. This Branch recommends that the proposed right-turn lane from Blaauwklippen Road into the R44 be implemented as a matter of urgency.

10. This Branch strongly supports the suggested extension of Wildebosch Road to link with the extension of Trumali Road and should be a priority for implementation by the Municipality which will together with the extension of Wildebosch Road to the Techo Park access on the R44 alleviate congestion at the Blaauwklippen Road and Paradyskloof Road on the R44. The extension of Wildebosch further north should also be considered to provide a parallel alternative to the R44.

Yours faithfully



ML WATTERS
For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT

D Farm 372/1/2/3 development proposals: Detailed timeline of communications

Date	Communication from/to	Statement(s) made regarding roads and routes
2016-10-01	ITS	372/1: "Transport Impact Statement" finds no need to construct a further road apart from upgrades at existing intersections.
2016-04-29	DEADP to EAP	Any revision of the proposed development constitutes a listed activity in terms of NEMA EIA regulations.
2016-06-14	372/2/3: Developer to Municipality	Application for development
2016-09-08	Eikestadnuus	372/2/3: Application advertised
2017-01-01	ITS	372/1: "Final Report" repeats the findings of the 2016-10-01 draft but now includes the alternative access proposal. According to a letter of 2018-04-19, this was done after DTPW expressed concerns regarding the traffic impact.
2017-01-25	Developer to Municipality	Application amended to include the Schuilplaats-Trumali road link
2017-02-24	Eggers	Comments and objection to developments
2017-03-22	372/2/3: Dept Planning Memo	Par 3c: Upgrades required as per TIS: (i) upgrading of R44/Paradyskloof Rd intersection with butterfly layout; (ii) extension of Schuilplaats Rd to Trumali Rd. Development contribution Roads: R852031 MINUS R21301 per erf.
2017-04-03	ITS to Developer	372/1: Addendum addressing the proposed Schuilplaats Road extension to Trumali Road. Modelling of possible traffic through Paradyskloof suburb.
2017-03-??	ICE Engineering	Response to concerns raised by Eggers and others (page 4 of "Summary of objections received": <i>Future planning makes provision for Wildebosch Road to link directly to town as well as to the R44 opposite Techno Park. This in addition to the existing Blaauwklippen Road- and Paradyskloof Road intersections with the R44. The Schuilplaats Road connection to the R44 via Traumali [sic] Street now proposed would then provide another access from the R44. ... The cost implication of the Wildebosch Road extension is much more significant and not feasible at this stage.</i>
2017-04-05	DTPW to Municipality and developer	372/2/3: Par 6.2: Development supported only on condition that the extension of Schuilplaats Rd to Trumali Rd must be implemented as part of the development. Par 6.5: Construction may only commence
2017-08-21	Piet Smit (Municipality) to TV3	Permission to apply for certificate of exemption to construct road. The route referred to was the Schuilplaats-Trumali route as shown on the attached diagram and in the letter stating that <i>This new public road will link Paradyskloof Road and Trumali Road via the extension of Schuilplaats Road.</i>
2017-10-10	Municipality to TV3	Exemption granted
2017-11-24	DEADP	Environmental Authorisation / Record of Decision, authorises extension of Schuilplaats Road

Date	Communication from/to	Statement(s) made regarding roads and routes
2018-02-26	Municipality to TV3	Exemption granted regarding subdivision of Erf 9446 (currently blocking the Schuilplaats Road extension) to create a portion of a public road.
2018-03-23	Mun Planning Tribunal	Application referred back. Details on road extension and traffic required; public participation process.
2018-04-18	Developer to Municipality	Additional information supplied, including traffic impact study. The letter goes on to state that <i>As a result of the two development(s), funding is available for the applicable bulk road improvements through the development contributions payable which means the existing traffic problems will be resolved earlier than having to wait for funding via the municipal budget.</i>
2018-05-04	MPT	Par 4: Quotes TIA as of the view that the proposed upgrades will improve the existing traffic conflicts after the road improvements have been implemented.
2018-05-04	MPT	Revised minutes add conditions (Par 3.3, 3.4): <i>for a 6.5m road reserve on the common boundary between the subject property and the adjoining Portion 1 of Farm 372 to create a portion of public road as a link road to Trumali Road.</i>
2018-06-12	ICE to Developer	ICE makes several incorrect claims, eg that the Paradyskloof Rd-R44 intersection leads to “numerous crashes”, that a “significant volume of traffic would travel via Paradyskloof residential streets”. Then ICE goes on to write <i>Alternatives to address the issues mentioned are, firstly, to construct a section of proclaimed Main Road 169 that runs from opposite the Techno Park intersection via Wildebosch Road towards the CBD. The section of road that would have to be constructed will be from the existing Wildebosch Road up to Trumali Road (a distance of \pm 750 metres of new road) plus Trumali Road would have to be upgraded from the existing Brandwacht-Aan-Rivier development to the point where the mentioned road intersects Trumali Road, a length of \pm 500 metres. In this case all traffic wishing to travel to the CBD from the area within Paradyskloof towards the R44 (if not using the R44/Blaauwklippen Road intersection) would have to travel up Paradyskloof Road to Wildebosch Road (a distance of up to \pm 880 metres), then \pm 750 metres to Trumali Road and all the way down Trumali Road to the R44, \pm 870 metres. A second alternative is to construct a link between Paradyskloof Road and Trumali Road, as close as possible to the R44/Trumali Road intersection in order to minimize the travel distance. The opinion is that this link should be provided irrespective of the implementation of the future Wildebosch Road as this will provide an alternative to the Wildebosch Road route to the CBD and alleviate possible future congestion along the Wildebosch Road route towards the CBD which is not desirable.</i>

Date	Communication from/to	Statement(s) made regarding roads and routes
		<p><i>Schuilplaats Road is the closest possible location for such a link. In extending Schuilplaats Road up to Trumali Road (a distance of ± 210 metres), traffic from Paradyskloof travelling to the CBD would then have to travel via this road (± 210 metres) and another ± 140 metres along Trumali Road to the signalised intersection at the R44. A significant shorter, more direct route and at a significantly lower cost.</i></p> <p><i>From the above it is the opinion that the existing and proposed Schuilplaats Road will be the most efficient and economical route, would be more than sufficient to accommodate the expected traffic volumes and that it will be of great benefit for residents within the Paradyskloof residential area.</i></p>
2018-06-29	MPT/Municipality to IAPs	372/1: (Condition of approval) Par 4.3: Provision to be made for new road reserve from development to Trumali Rd. Par 4.4: Access to development to be provided from the new public road reserve. Reason for decision 5.4: to alleviate the expected cumulative impact of the traffic, provision should be made for a link to Trumali Rd.
2018-07-03	372/2/3: MPT/Municipality to IAPs	(Condition of approval) Par 4.2: Provision must be made for a road reserve on the common boundary between the subject property and adjoining portion on 372/1 to create a portion of public road as a link to Trumali Rd. Par 4.3: Access to development from the new public road reserve. Par 4.22: Conditions of DEADP as per 2016-04-29 must be adhered to.
2018-07-10	MPT	Decision letter
2018-07-10	Municipality to developer and IAPs	372/2/3: <i>This letter replaces my letter dated 3 July 2018. As above (road-related conditions now paragraphs 4.3 and 4.4). The change refers to a new clause on densities.</i>
2018-07-19	LMV attorneys to Municipality	Appeal on behalf of 372/1. Similar to the one lodged by 372/2/3. Also has a letter by DHM attorneys.
2018-07-27	ICE to Developer	Second opinion following the 2018-06-29 MPT/Municipality communication. Reaffirms the opinion of 2018-06-12. The MPT-proposed route would be ± 565 m long compared to the ± 210 m for the Schuilplaats extension. Cost-wise the Schuilplaats link is preferred.

Date	Communication from/to	Statement(s) made regarding roads and routes
2018-07-30	DHM Attorneys to Municipality	372/2/3: Appeal lodged against decision. Appeal is lodged inter alia against Pars 4.3 and 4.4 (road reserve and access route from Farm 372 to Trumali rather than via Schuilplaats Rd). Developer claims that imposition of conditions which do not arise from the proposed use of land are incompatible with Municipal Planning By-Law. Developer also claims that (Par 36. of DHM letter) <i>The construction of the extension of the Schuilplaats Road and the upgrading of the Paradyskloof intersection with the R44 will be taking place, irrespective of whether this application is approved or not and therefore do not result from the proposed development as required in terms of section 66 of the Municipal Planning By-Law.</i>
2018-07-30	TV3 to Municipality	Page 3: The MPT route (from 372 to Trumali) was not considered or assessed as an alternative in any of the Traffic Impact Reports; points out inconsistency between Par 62 of MPT decision and the required access route to Trumali rather than Paradyskloof Rd