



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/12192

Our File Reference Number: Farm 1512, Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION FOR EXTENSION OF VALIDITY PERIOD IN TERMS OF SECTION 15(2)(i) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2015 FOR THE AMENDED SUBDIVISION PLAN RELATING TO AN APPROVED REZONING AND SUBDIVISION APPLICATION ON FARM 1512, STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the application to extend the validity period for the amended subdivision plan with site development (initial approval granted on 19/11/2012) on Farm 1512, Stellenbosch in terms of Section 15(2)(i) of the Stellenbosch Municipal Land Use Planning Bylaw 2015 for five (5) years from 20/04/2020 to 20/04/2025.

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

2.2 The approval is subject to the following conditions imposed in terms of Section 66 of said Bylaw:

- (a) The approval will lapse if not implemented/confirmed within five years from the date of final notification of approval of the application.
- (b) The approval only applies to the proposed extension of validity period under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from council or other legislation or Bylaws or Regulations that may be applicable.
- (c) The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.

(d) All conditions of approval as per approval letters dated 19/11/2012 (**Annexure C**) and 07/04/2016 but received 19/04/2016 (**Annexure D**) is still applicable.

2.3 The reasons for the above decision are as follows:

2.3.1 The approval of the extension of validity for another 5 years would not affect any interested and affected party, as no new developments or the increase of erven are proposed.

2.3.2 The circumstance prevailing at the time of approval and the intend of the applicable legislation has not materially changed, which may require additional conditions of approval.

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

4. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:

(a) The personal particulars of the Appellant, including:

- (I) First names and surname;
- (II) ID number;
- (III) Company or Legal person's name (if applicable)
- (IV) Physical Address;
- (V) Contact details, including a Cell number and E-Mail address;

(b) Reference to this correspondence and the relevant property details on which the appeal is submitted.

(c) The grounds of the appeal which may include the following grounds:

- (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);

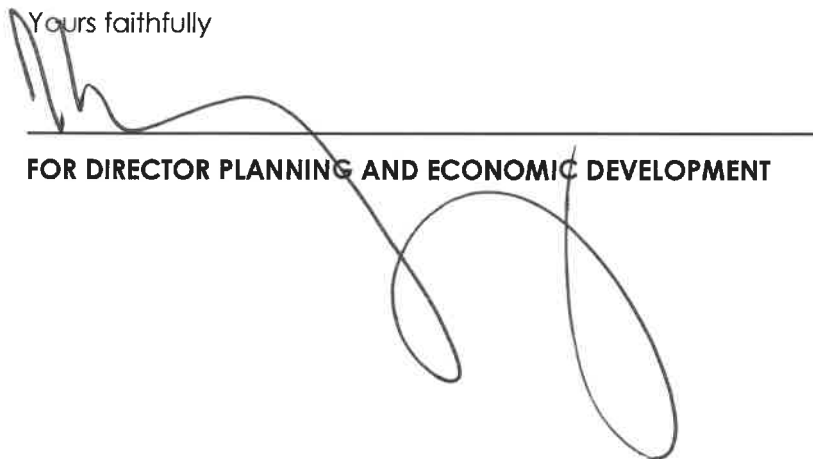
- (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.
- (d) whether the appeal is lodged against the whole decision or a part of the decision;
- (e) if the appeal is lodged against a part of the decision, a description of the part;
- (f) if the appeal is lodged against a condition of approval, a description of the condition;
- (g) the factual or legal findings that the appellant relies on;
- (h) the relief sought by the appellant; and
- (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;
- (j) That the appeal includes the following declaration by the Appellant:
 - (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
 - (ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.

5. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: landuse.appeals@stellenbosch.gov.za
6. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.
7. The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website

<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).

8. An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:
 - (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
 - (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
 - (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
 - (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.
9. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
10. Kindly note the above decision is suspended, and in the case of any approval, may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully



FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

22/3/2022.
DATE:

Annexure C

Initial 2012 approval(s)



REFERENCE: E17/2/2/3/AS10/Farm 76/12 and Pin Farm 1387, Stellenbosch
ENQUIRIES: N.Jacobs

STADLER & SWART
PROKUREURS - ATTORNEYS

Stadler & Swart Attorneys
P.O.Box 46
George
6530

29 NOV 2012

Donerailestraat / Street
PO BOX 46 • DOCEX 18 • GEORGE 6530
Tel: 044 874 4090 Fax: 044 874 0028

STELLENBOSCH MUNICIPALITY: APPEAL: REZONING AND SUBDIVISION: PORTION 12 OF THE FARM NO 76 AND A PORTION OF FARM NO 1387, DEVONVALE, STELLENBOSCH

1. Kindly ignore this Department's previous letter dated 25 October 2012.
2. Your letter of appeal AHS/CVDL/D198-24346 dated 23 November 2010, refers.
3. The Competent Authority for the administration of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), has resolved that your appeal lodged against Council's decision to refuse:

the rezoning of Farm No 76/12 Stellenbosch and a portion (4.26ha) of Farm No 1387, Stellenbosch from Open Space II (Farm No 76/12) and Agriculture (Farm No 1387) to Subdivisional Area in order to accommodate the zonings of Residential Zone II (group housing) and Open Space II (golf course), as per Drawing No. 3054/P001 (attached as Annexure 1);

the subdivision of the Remainder of Farm 76/12 into 38 group-housing erven, 11 private open spaces, a private road and a remainder and the subdivision of portion (4.26ha) of Farm No 1387 into 7 group-housing erven, 2 private open spaces and a remainder, as per Drawing No. 3054/P001; and

the amendment of condition 1.1 set by the Provincial Administration in the approval letter dated 17 February 1989 and similar conditions in previous and subsequent letters of approval, in order to allow the extension of the Devonvale Golf and Wine Estate

be upheld, in terms of section 44 (2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).

4. The above mentioned approval is subject to the following conditions of approval in terms of section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985):
 - 4.1 That the approval applies only to rezoning, subdivision and amendment of previous conditions of approval and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
 - 4.2 That no further residential unit extensions must be permitted;
 - 4.3 That the extension be limited to 45 group housing units with private roads only;
 - 4.4 That the conditions imposed in the Environmental Authorisation from the Department of Environmental Affairs & Development Planning dated 22 September 2009 and 20 September 2012 (Annexure A), must be adhered to;
 - 4.5 That the conditions imposed by the Department of Transport & Public Works dated 14 September 2009 (Annexure B), must be adhered to;
 - 4.6 That the conditions imposed by Cape Winelands District Municipality (Health) (Annexure C), must be adhered to;
 - 4.7 That the conditions imposed by the National Department of Agriculture (Annexure D) in the Subdivision of Agricultural Land Act 70 of 1970, must be adhered to;
 - 4.8 That the conditions imposed by the Department of Water Affairs & Forestry (Annexure E), must be adhered;
 - 4.9 That all civil engineering requirements as well as bulk infrastructure contributions be negotiated with the Municipal Director: Technical Services,
 - 4.10 That the amended Constitution of the Devonvale Home Owners Association to include the 45 group housing units must be submitted to Council for consideration;
 - 4.11 That the landscaping plan must be implemented prior to any construction commencing;

- 4.12 That Council mandate the Municipal LED Department to enter into discussions or agreements with the developer, with regard to jobs and service opportunities for the local communities within WCO24;
- 4.13 That the approval for the rezoning and subdivision shall lapse if not exercised within five (5) years from the date of final notification; and
- 4.14 That Council reserves the right to impose further conditions if needed.



J. Benjamin
Chief Land Use Management Regulator

DATE: 11/11/2012

ENDORSEMENT

**The Municipal Manager
Stellenbosch Municipality
P.O Box 17
STELLENBOSCH
7599**

Copies attached for your information.

A handwritten signature in black ink, appearing to be 'S. ...', is written over the printed title 'HEAD OF DEPARTMENT'.

HEAD OF DEPARTMENT



STELLENBOSCH

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Application Number: LU/7113
Our File Reference Number: Farm 1512, Stellenbosch
Your Reference Number: V3819
Enquiries: A. Gwintsa / A. Hardouin
Contact No: 021 808 8681 / 8673
Email: Akhona.Gwintsa@stellenbosch.gov.za
Email: Annecke.Hardouin@stellenbosch.gov.za
Date: 03 September 2018

REGISTERED MAIL

Jacques Volschenk
Dennis Moss Partnership
P. O. Box 371
Stellenbosch
7599

Sir,

APPLICATION FOR THE EXTENSION OF THE VALIDITY PERIOD IN TERMS OF SECTION 15(2)(I) OF THE STELLENBOSCH MUNICIPAL PLANNING BY-LAW: FARM 1512, STELLENBOSCH DIVISION

1. The above application refers.
2. The Authorised Employee, on 23 August 2018 **approved, in whole**, in terms of section 60 of the Stellenbosch Municipal Land Use Planning By-law, promulgated by Notice no 354/2015 dated 20 October 2015, the application for:
 - 2.1 The Extension of the validity period of the amendment of subdivision plan and site development plan and accompanying architectural Design Guidelines as set out in Council's approval letter dated 2016-03-31 on Farm 1512, Stellenbosch relating to phase 2 of the Devonvale Golf Wine Estate ;
3. The above approvals are subject to the following conditions in terms of Section 66 of the Stellenbosch Municipal Land Use Planning By-law dated 20 October 2015:
 - 3.1 The approval applies only to the amendment of the SDP and site plan and the architectural design guidelines in question, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council (See Appendix 3);
 - 3.2 All the conditions as imposed in Council's previous letter of approval dated 31 March 2016, still be applicable and should be adhered to;

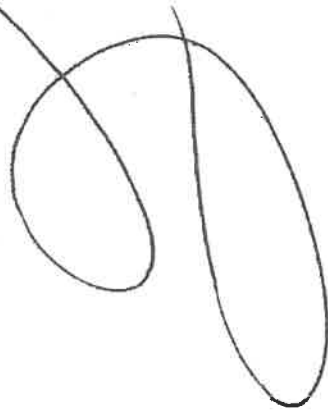
- 3.3 That this extension of time be valid for another 2 years from (20-04-2018 to 20-04-2020) where after a new application must be submitted, should the owners not have taken up their rights to develop the subject property;
- 3.4 Building plans must be submitted to this Municipality for consideration;
- 3.5 The Municipality reserves the right to impose further conditions if deemed necessary.
4. Reasons for the above decision are as follows:
 - 4.1 The Planning and Economic Development Department is still of the opinion that the proposal is desirable as no changes to the development is proposed and will therefore not have any detrimental effect on the natural or built environment.
5. You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) of the said legislation.
6. If you intend to appeal, the appeal form, which can be obtained from our Advice Centre; Land Use Management, Ground floor, Plein Street, Stellenbosch or the municipal website at www.stellenbosch.gov.za/planning_portal, must be completed and should be directed to the Appeal Authority and received by the Municipal Manager at P O Box 17, Stellenbosch, 7599 or faxed to 021 886 6749, or hand delivered to the Office of the Municipal Manager, third floor, Plein Street, Stellenbosch within 21 days of registration of this decision letter together with proof of payment of the appeal fee (*only applicable to applicant appeals*). See the approved tariff structure on the municipal website.
7. In the event of an applicant appeal, you as applicant are requested to simultaneously serve notice of the appeal on any person who commented on the application and any other persons as the Municipality may determine. Proof of serving the notification must be submitted to the Municipality, within 14 days of serving the notification.
8. The notice must be served in accordance with section 35 of the said legislation and in accordance with the additional requirements as may be determined by the Municipality. The notice must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
9. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

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

Yours faithfully,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

FOR ACTING DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

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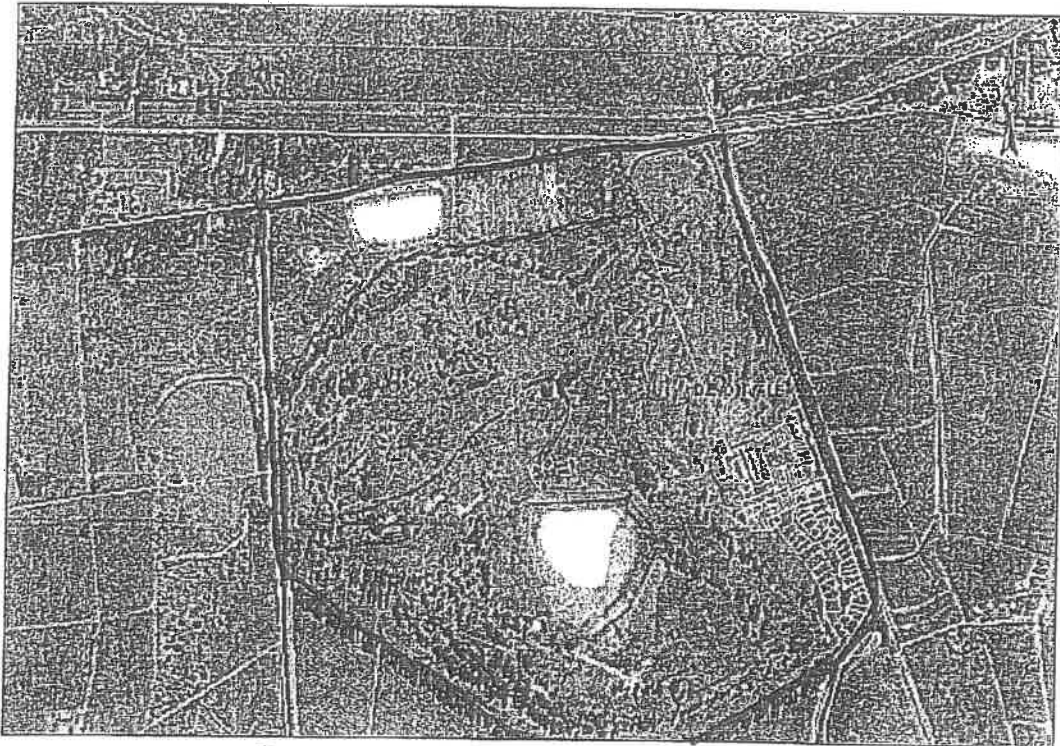
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Appendix 1: Locality Map

T.A

STELLENBOSCH GIS MAP



- ☐ Subject Property.
- ☉ Phase 2 Extension.

T.P.



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Appendix 1: Applicants Motivation

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Estate on 22 September 2009. The Environmental Authorization was to make provision for the following activities:

- a) The construction of 45 additional residential dwellings with associated services and infrastructure;
- b) Private open spaces including parks, dams and restored natural areas;
- c) Roads;
- d) New vineyards;
- e) Re-alignment of the existing golf course; and
- f) A small extension of the golf course.

2.2 In accordance with Condition 24 of the Environmental Authorization, the activities had to commence within a period of three (3) years from the date of issue – effectively by 22 September 2012. If commencement of the activities did not occur within the specified period, the authorization would have lapsed and a new application for environmental authorization would have had to be made in order for the activity to be undertaken.

2.3 Having regard for the validity period of the environmental authorization, the Department of Environmental Affairs and Development Planning issued an amended environmental authorization on 20 September 2012 thereby extending the validity period by another two years up to 20 September 2014.

2.4 The Department subsequently granted another two-year extension of the environmental authorization on 3 November 2014. The environmental authorization was thereby only valid until 3 November 2016.

2.5 On 20 May 2016, the proponent, however, complied with the conditions of the environmental authorization and serviced notice to the Department that the construction activities would commence on 1 June 2016. Having complied with all the requirements of the environmental process, the project is regarded to have commenced in terms of the National Environmental Management Act, 107 of 1998.

3 SUMMARY OF THE LAND USE PLANNING PROCESS

3.1 The land use planning application of April 2006 for the proposed extension to the Devonvale Golf and Wine Estate comprised the following:

- a) The consolidation, rezoning and subdivision of Portion A of the Farm No. 1387 and the Remainder of Portion 12 of the Farm Hartenberg No. 76;
- b) Approval of the Site Development Plan and Landscaping Plan;
- c) Approval of the revised Subdivision Plan;
- d) Approval of access servitudes; and
- e) Approval of Architectural Guidelines.

3.2 On 3 March 2010, the Director: Planning and Development of Stellenbosch Municipality, during a Planning and Development Service Committee meeting, recommended to the Planning and Development Services Committee, that the land use planning application for the proposed extension be turned down.

3.3 At the subsequent Planning and Development Services Committee meeting of 6 April 2010, the decision by the Director: Planning and Development was upheld and the decision was

conveyed to the client in a formal letter on 22 June 2010, 9 months after the original environmental authorization.

3.4 Following the formal decision by the Planning and Development Committee on 22 June 2010, an appeal, in terms of Section 62 of the Local Government: Municipal Systems Act 32 of 2000, was prepared and submitted to the office of the Municipal Manager on 20 July 2010.

3.5 During a meeting of the Council Appeal Committee, held on 22 October 2010, it was resolved as follows:

1 *That the appeal submitted by Stander and Swart on behalf of the property, Devonmust (Pty) Ltd., against the Planning and Development Committee's decision dated 6 April 2010, to refused and not support the applications.*

3.6 As a result of the decision by the Appeal Committee, the proponent acted on a further right to appeal, in terms of Section 44(1) of the Land Use Planning Ordinance 15 of 1985. This appeal was submitted to the DEA&DP on 23 November 2010.

3.7 The appeal process was concluded on 19 November 2012, when the DEA&DP upheld the appeal lodged against Council's decision. The Department resolved as follows:

The Competent Authority for the administration of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), has resolved that your appeal lodged against Council's decision to refuse the applications referred to above, be upheld, in terms of section 44(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).

3.8 Condition 4.13 of the approval referred specifically to the validity period of the approval and states that *the approval for the rezoning and subdivision shall lapse if not exercised within five (5) years from the date of final notification.*

4 AMENDMENT OF THE APPROVED SUBDIVISION PLAN AND SITE DEVELOPMENT PLAN

4.1 On 30 June 2015, the proponent submitted an application for the amendment of the approved subdivision plan and site development plan (SDP). The application required that nominal amendments be made to the approved subdivision layout. It was motivated that the revised layout was necessitated as a result of detailed site planning undertaken for the individual development nodes and the accompanying architectural design of the individual houses in each node.

4.2 On 31 March 2016 the Director: Planning and Economic Development of Stellenbosch Municipality granted approval for the amendment of the approved subdivision plan, the Site Development Plan and accompanying Architectural Design Guidelines relating to Phase 2 of the Devonvale Golf and Wine Estate. The approval is valid for two years from the date of final notification. The approval therefore lapses on 7 April 2018.

5 APPLICATION FOR AMENDMENT OF APPROVAL

5.1 Having regard for the above-mentioned validity period, application is herewith made in terms of Section 15(2)(i) of the Stellenbosch Municipality Land Use Planning By-Law, 2015,

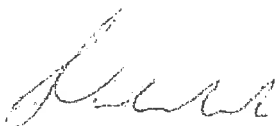
for an extension of the validity period of the approval issued by the DEA&DP and Stellenbosch Municipality for the rezoning, subdivision, SDP and architectural design guidelines for the phase 2 extension.

6 MOTIVATION

- 6.1 Following the latest amended environmental authorization issued by the DEA&DP on 20 September 2014, the proponent appointed a project team to assist with the implementation of the project. As such, the consulting engineers were appointed to prepare details engineering drawings and an environmental control officer was appointed to oversee the development in terms of the Environmental Management Plan.
- 6.2 The engineering drawings was subsequently submitted to and approved by the Stellenbosch Municipality.
- 6.3 After compliance with the requirements in terms of the NEMA, 107 of 1998, groundworks commenced in mid-2016 and were followed with the installation of services shortly thereafter. To date, more than R15m has been spent on the services installation in Phase 2.
- 6.4 It is foreseen that all services will be completed in early 2018 where after application will be made for clearance certificates at the municipality.
- 6.5 In addition to the above, a show house has since also been approved by Stellenbosch Municipality and is currently under construction.
- 6.6 Following an extensive consultation with the office of the Surveyor-General and the National Department of Agriculture, Forestry and Fisheries (DAFF) the proponent, during May 2017, submitted an application to the DAFF for the formal extraction of the subject property from agriculture to get the property excluded from agricultural land. The approval of the DAFF is awaited shortly but until such time that it is received, the General Plan for the Phase 2 development will not be approved by the Surveyor-General.
- 6.7 The slow roll-out of services is partly as a result of the delay at the DAFF and partly as a result of a slow response from the market. It is therefore foreseen that the proponent will not be in a position to transfer the first property by 7 April 2018 and application is subsequently made for the extension of the validity period of the approval.

We trust you will find in favour of the application.

Kind regards.



JL VOLSCHENK
DENNIS MOSS PARTNERSHIP





<p>This drawing and all the information contained herein are the property of Devonvale Golf & Wine Estate. It is not to be used for any other purpose without written consent.</p>	<p>FOR APPROVAL</p>	<table border="1"> <tr> <td>Project No.</td> <td>1001</td> <td>Scale</td> <td>1:500</td> </tr> <tr> <td>Drawn by</td> <td>JMB</td> <td>Site</td> <td>Site Plan</td> </tr> <tr> <td>Rev.</td> <td>1</td> <td>Date</td> <td>10/10/10</td> </tr> </table>	Project No.	1001	Scale	1:500	Drawn by	JMB	Site	Site Plan	Rev.	1	Date	10/10/10	<p>SITE DEVELOPMENT PLAN</p>	<p>APPROVED BY:</p>	<p>DEVONVALE GOLF & WINE ESTE PHASE 2 EXTENSION</p>	<p>PROJECT TITLE</p>	<p>CLIENT</p> <p>DEVONVALE (PTY) LTD</p>	<p>DATE</p>	<p>1001</p>	<p>1001</p>	<p>1001</p>	<p>1001</p>	<p>1001</p>	<p>1001</p>	<p>1001</p>	<p>1001</p>	<p>1001</p>	<p>1001</p>
Project No.	1001	Scale	1:500																											
Drawn by	JMB	Site	Site Plan																											
Rev.	1	Date	10/10/10																											

A detailed motivated appeal with reasons therefore (and not only the intention to appeal), clearly stating in terms of which legislation it is made, as well as payment of the appeal fee to the amount of R 800,00, should be directed to and received by the Municipal Manager, Stellenbosch Municipality, P O Box 17, Stellenbosch, 7599, or if hand delivered, to the Advice office, Land Use Management, Ground floor, municipal building, Plein Street, Stellenbosch, or faxed to fax number 021 886 6899 within 21 days of the date of registration at the Post Office of this notification letter (with such registration day not included in the appeal period), provided where the last day for lodging an appeal falls either on a Saturday, Sunday or public holiday, it shall be deemed to be the next working day thereafter. Where this letter is collected by hand, the above appeal period will be similarly calculated from the next day after collection. Failure to comply with the above requirements may result in the appeal being ruled invalid by the Appeal Authority. Kindly be advised that no appeal will be accepted via email.

Notwithstanding the above, kindly note, you are not permitted to submit a revised proposal as part of such an appeal. Should this be the case, your submission will not be regarded as an appeal, but rather a new application which should be submitted in the normal manner, as only the above decision can be appealed at this stage.

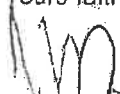
Kindly be advised that objectors (if any) are granted a simultaneous right of appeal in terms of the internal appeal process approved by Council at its meeting held on 29 October 2014.

Please note, appellants are not permitted to canvass the Municipal Manager or members of Council before or after the matter is heard.

Important note: Rights of appeal in terms of Section 44(1)(a), (b), (c) or (d) of the Land Use Planning Ordinance, No 15 of 1985 no longer exist, as such an appeal to the Minister of Local Government, Environmental Affairs and Development Planning, Western Cape has been declared unconstitutional by the Constitutional Court in its unanimous judgment* on 4 April 2014, as such matters fall within the exclusive functions of a municipality in terms of the Constitution.

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

Yours faithfully



for DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

* In *Minister of Local Government, Environmental Affairs and Development Planning, Western Cape v The Habitat Council and Others; Minister of Local Government, Environmental Affairs and Development Planning, Western Cape v City of Cape Town and Others* [2014] ZAGC 9 (Case No. CC117/13).



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DIRECTORATE: PLANNING AND ECONOMIC
DEVELOPMENT

LAND DEVELOPMENT APPLICATION IN RESPECT OF REGULATION AMENDMENT OF THE SDP WHERE NO OBJECTIONS HAVE BEEN RECEIVED.

Farm No: 1512 Zoning: Subdivisional Area to accommodate the zonings of Open Space Zone II (golf course) and Residential Zone II (45 group housing even, 13 private open space and a private road.
Area: Stellenbosch Division LU No: 4194

Compiled by: A. Gwintsa

Proposal description:

Application is made in terms of Section 30(1) of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for the amendment of the approved subdivision plan relating to phase 2 of the Devonvale Golf and Wine Estate, as indicated on Drawing No. P001, drawn by Dennis Moss Partnership dated 30/06/2015 attached as (Appendix 3).

Application is made in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for the amendment of the approved SDP and accompanying Architectural Design Guidelines (Appendix 2) and (Appendix 6).

BACKGROUND

Council approved the development on Farm 1512, Stellenbosch, as per the decision letter issued by the Department of Environmental Affairs and Development Planning dated 19 November 2012. Approval was granted for the rezoning of Farm No. 76/12 Stellenbosch and a portion A of Farm 1387, Stellenbosch Division from Open Space II, (Farm 76/12) and Agriculture I (farm 1387) to Subdivisional area in order to accommodate the zonings of Residential Zone II (Group housing for 45 residential erven) and Open Space II, as per Drawing no. 3054/P001. Subdivision of thirty eight (38) residential erven on the Remainder of Farm 76/12 and the subdivision of eight (8) residential on Portion A of Farm 1387, as per Drawing No. 3054/P001. The amendment of conditions 1.1 as set by the Provincial Administration in the approval letter dated 17 February 1989 and similar conditions in previous and subsequent letters of approval in order to allow the extension of Devonvale Golf and Wine Estate, as per site development plan UD002, dated 17 November 2009, drawn by Dennis Moss Partnership.

Planning assessment:

	Yes	No	N/A
• Does the proposal comply with all setback requirements?			x
• Were abutting owners notified and their comments / consents obtained?		x	
• Were any objections received against the application?		x	
• Would any services / infrastructure be adversely affected?		x	
• Is vehicle access to and parking on the premises still possible?	x		
• Would vehicular sight lines / visibility be adversely affected?		x	
• Have road widening schemes / Divisional road building lines been taken into account?		x	
• Is Provincial Roads Engineers approval required and has it been obtained?			x
• Would the proposal adversely affect any heritage area or place?			x
• Would the proposal detract from the heritage area's character?			x



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DEVELOPMENT

• Is the site subject to any scenic drive restrictions?			X
• Would an undesirable precedent be set?		X	
• Does proposal comply with township establishment / subdivision conditions?			X
• Are there any title deed restrictions / conditions?		X	

Recommendation: (30) and 11th action. 23/03/2016.

In terms of Section (42) of the Land Use Planning Ordinance (15 of 1985) and delegated powers of authority, the above application is hereby Approved in accordance with the attached Plan and subject to the following conditions:

1. The approval applies only to the amendment of the Subdivision Plan, Site Development Plan and the Architectural Design Guidelines in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
2. The approval for the SDP shall lapse if not exercised within 2 years from date of final notification;
3. That the conditions as set out by the Department: Civil Engineering Services be adhered to (See Appendix 4);
4. Building plans must be submitted to this Municipality for approval, prior to any building work commencing on site;
5. Council reserves the right to impose further conditions if deemed necessary.

Reasons for decision:

The revised layout was necessitated as a result of detailed site planning being undertaken for the individual development nodes and the accompanying architectural design of the individual houses in each node. The Architectural design aims to attain the optimum positioning of individual buildings on a property and improve circulation within the development.

The application entails only a minor adjustment to the subdivision plan approved on 10 November 2009 (See Appendix 5) and it does not imply that any new residential erven will be created.

The new layout will still conform to the development parameters of the applicable zoning, as approved, and will therefore not have any detrimental effects on the environment.



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APPENDICES

- Appendix 1: Locality Map
- Appendix 2: Revised Site Development Plan
- Appendix 3: Revised Subdivisional Plan
- Appendix 4: Comments from the Civil Engineers
- Appendix 5: Approved Site Development Plan
- Appendix 6: Architectural Guidelines

RECOMMENDED BY:

C. Charles
SENIOR TOWN PLANNER

01/03/2016
Date

THE MANAGER: LAND USE MANAGEMENT HEREBY APPROVES THE ABOVE
RECOMMENDATION:

H. Dednam
MANAGER: LAND USE MANAGEMENT

09/03/2016
Date



**agriculture,
forestry & fisheries**

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Private Bag X120, Pretoria, 0001
Delpen Building, C/o Annie Botha & Union Street, Riviera, 0084

From: Directorate Land Use and Soil Management
Tel: 012-319-7634 Fax: 012-329-5938
Enquiries: Helpdesk Ref: 2018_06_0073

Dennis Moss Partnership
P. O. Box 371
STELLENBOSCH
7599

Attention: JL Volschenk

**APPLICATION IN TERMS OF THE SUBDIVISION OF AGRICULTURAL LAND ACT, 70 OF
1970: FARM NO. 1512, DIVISION STELLENBOSCH, WESTERN CAPE PROVINCE**

Your letter bearing reference V3819 dated 13 June 2018 refers.

With reference to the above-mentioned subject, the Department wishes to inform you that the application has been granted.

Consent no. **54317**..., issued in terms of Section 4 of the Act is enclosed.

To facilitate registration, it is advised that the conveyancer must lodge the signed copy of the consent with the Registrar of Deeds together with the documents for registration.

It is trusted that you will find the decision in order.

Yours faithfully

MS T.S. CHIPETA
ACTING DEPUTY DIRECTOR GENERAL: FORESTRY AND
NATURAL RESOURCES MANAGEMENT
DELEGATE OF THE MINISTER
DATE: **23/01/19**

CC: The Surveyor-General Private Bag X 9028 CAPE TOWN 8000
CC: Land Use and Soil Management, Private Bag x2, SANLAMHOF, 7532
CC: Mr Brandon Leyman Landuse Management Department of Agriculture: Western Cape Private Bag x 1 ELSENBURG 7607
CC: Director: Planning & Economic Development Stellenbosch Municipality P.O.Box 17 STELLENBOSCH 7599 Your ref LU/4194 dated 2016-03-31 refers.



**agriculture,
forestry & fisheries**

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

VERW/REF.

2018_06_0073

TOESTEMMING
KRAGTENS DIE WET OP DIE ONDERVERDELING
VAN LANDBOUGROND, 1970

CONSENT
IN TERMS OF THE SUBDIVISION OF
AGRICULTURAL LAND ACT, 1970

50817

By virtue of the powers delegated to me by the Minister of Agriculture, Forestry and Fisheries, consent is hereby granted in terms of section 4(2) of the Subdivision of Agricultural Land Act, 1970, for the subdivision of the agricultural land described in paragraph 1, into units indicated in paragraph 2, subject to the conditions set out in paragraph 3.

PARAGRAPH 1: THE AGRICULTURAL LAND TO WHICH THIS CONSENT APPLIES

FARM NO. 1512, IN EXTENT 71,7116 HECTARES, DIVISION STELLENBOSCH, WESTERN CAPE PROVINCE


PARAGRAPH 2: CONSENT GRANTED

The subdivision of the above-mentioned agricultural land into forty-eight (48) portions of which 45 is measuring between approximately 490m² -840m² and three portions measuring approximately 7085 m², 3697m² and 67,7 hectares respectively represented by the figures marked Portions 1-45, Portion 46, Portion 47 and Remainder as shown on the sketch plan attached.

PARAGRAPH 3: CONDITIONS PERTAINING TO THIS CONSENT

- 3.1 Simultaneously with registration of transfer written proof must be submitted to the effect that all the conditions imposed by the Stellenbosch Municipality: Planning & Economic Development has been complied with.
- 3.2 This consent does not imply that the above-mentioned subdivisions are assured of a permanent water supply.
- 3.3 The portions created in paragraphs 2 and 3.1 above may only be used for agricultural purposes.
- 3.4 This consent does not exempt any person from any provision of any other law and does not purport to interfere with the rights of any person who may have an interest in the agricultural land.
- 3.5 This consent is valid for 5 years from date of this grant. Should it not be registered within the time frame, a new complete application must be lodged which will be considered on its own merits.

23/01/19
DATE


MS T.S CHIPETA
ACTING DEPUTY DIRECTOR-GENERAL: FORESTRY AND
NATURAL RESOURCES MANAGEMENT
DELEGATE OF THE MINISTER

54317 7/4/12

54317 7/4/12

CLIENT: DEVONMUST (PTY) LTD

PROJECT: DEVONVALE GOLF & WINE ESTATE PHASE 2 EXTENSION

DATE: 11/11/2011

AMENDED SUBDIVISION PLAN

PROJECT NO: 54317

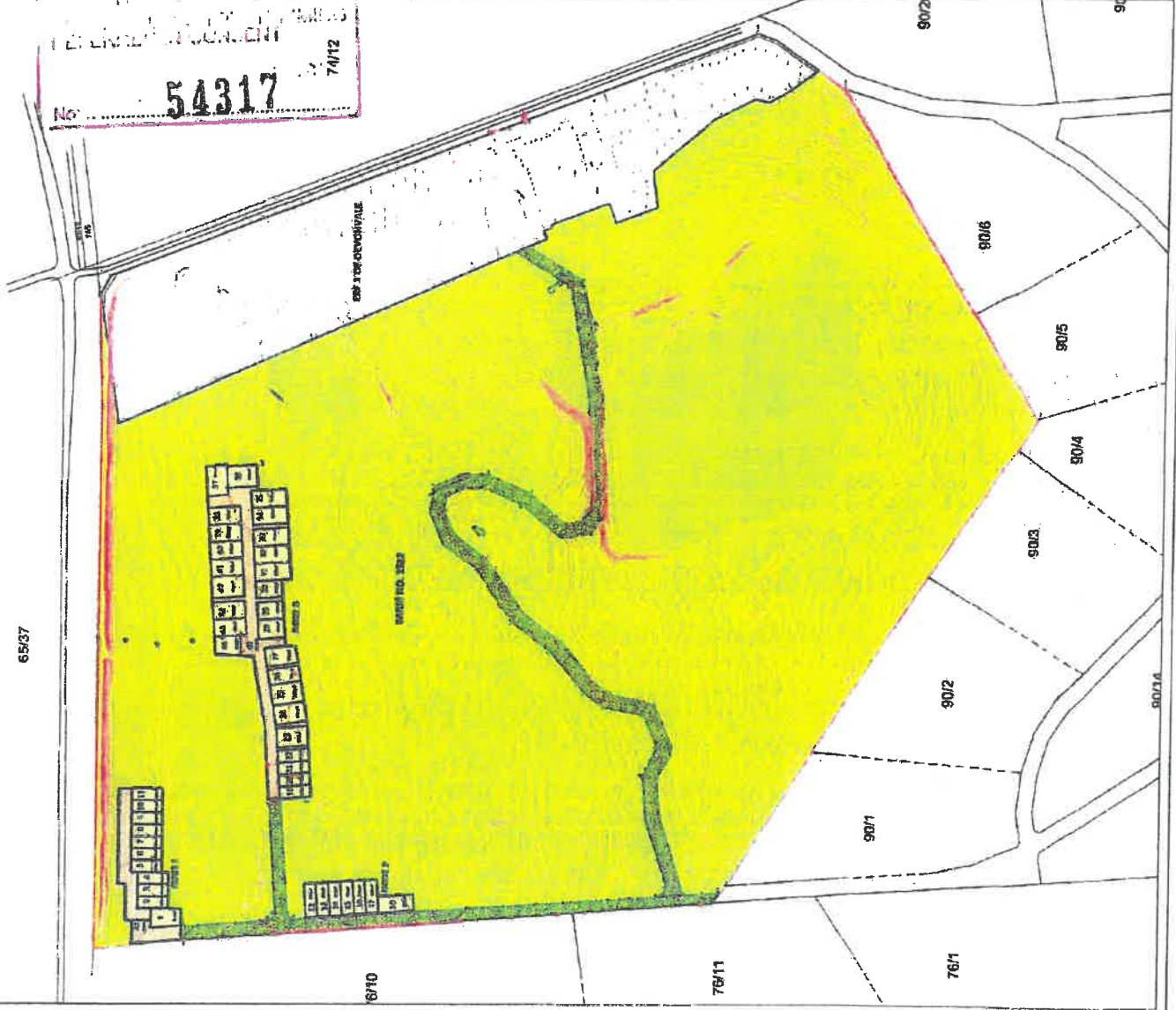
DATE: 11/11/2011

SCALE: 1:5000

PROJECT: DEVONVALE GOLF & WINE ESTATE PHASE 2 EXTENSION

FOR APPROVAL

This drawing and all the information contained herein are the property of ZinZuk Maps & Planning Solutions and shall remain the confidential property of the client. It is not to be used for any other purpose without the written consent of the client.



ZONE	DESCRIPTION	AREA (m ²)	LAND USE	UNITS
1	Residential Zone II	42	Residential	1
2	Residential Zone II	490	Residential	1
3	Residential Zone II	490	Residential	1
4	Residential Zone II	490	Residential	1
5	Residential Zone II	490	Residential	1
6	Residential Zone II	490	Residential	1
7	Residential Zone II	490	Residential	1
8	Residential Zone II	490	Residential	1
9	Residential Zone II	490	Residential	1
10	Residential Zone II	490	Residential	1
11	Residential Zone II	490	Residential	1
12	Open Space Zone II	3893	Private Road	1
SUBTOTAL				11

ZONE	DESCRIPTION	AREA (m ²)	LAND USE	UNITS
13	Residential Zone II	560	Residential	1
14	Residential Zone II	560	Residential	1
15	Residential Zone II	560	Residential	1
16	Residential Zone II	560	Residential	1
17	Residential Zone II	560	Residential	1
18	Residential Zone II	560	Residential	1
19	Residential Zone II	560	Residential	1
SUBTOTAL				7

ZONE	DESCRIPTION	AREA (m ²)	LAND USE	UNITS
20	Residential Zone II	490	Residential	1
21	Residential Zone II	490	Residential	1
22	Residential Zone II	490	Residential	1
23	Residential Zone II	490	Residential	1
24	Residential Zone II	490	Residential	1
25	Residential Zone II	490	Residential	1
26	Residential Zone II	490	Residential	1
27	Residential Zone II	490	Residential	1
28	Residential Zone II	490	Residential	1
29	Residential Zone II	490	Residential	1
30	Residential Zone II	490	Residential	1
31	Residential Zone II	490	Residential	1
32	Residential Zone II	490	Residential	1
33	Residential Zone II	490	Residential	1
34	Residential Zone II	490	Residential	1
35	Residential Zone II	490	Residential	1
36	Residential Zone II	490	Residential	1
37	Residential Zone II	490	Residential	1
38	Residential Zone II	490	Residential	1
39	Residential Zone II	490	Residential	1
40	Residential Zone II	490	Residential	1
41	Residential Zone II	490	Residential	1
42	Residential Zone II	490	Residential	1
43	Residential Zone II	490	Residential	1
44	Residential Zone II	490	Residential	1
45	Residential Zone II	490	Residential	1
46	Residential Zone II	490	Residential	1
47	Residential Zone II	490	Residential	1
48	Residential Zone II	490	Residential	1
SUBTOTAL				47
TOTAL				65

NOTE: The area of 1512 m² (approx. 0.36 ha) is to be registered over Farm No. 1512 in favour of the HOA.

NOTE: The area of 1512 m² (approx. 0.36 ha) is to be registered over Farm No. 1512 in favour of the HOA.



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INNOVATION CAPITAL • ISIXEKO ESIZA NENGUQU • INNOVASIESTAD

Enquiries	A Gwintsa / B Mdoda
Your ref	-
Our ref	Farm 1512, Stellenbosch
Application No	LU/4194
Date	2016-03-31
Telephone	021-806 8681 / 8690
Fax	021-886 6899

REGISTERED MAIL

Dennis Moss Partnership
PO Box 371
Stellenbosch
7599

Sir

APPLICATION FOR AMENDMENT OF SUBDIVISION PLAN AND SITE DEVELOPMENT PLAN: FARM NO. 1512, STELLENBOSCH DIVISION

Your application in the above regard, refers.

The Director: Planning and Economic Development at a recent meeting resolved as follows:

1. That approval be granted in terms of Section 30 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and delegated powers of authority, for the amendment of the approved subdivision plan relating to phase 2 of the Devonvale Golf and Wine Estate, as indicated on Drawing No. P001, drawn by Dennis Moss Partnership dated 30/06/2015 attached as Appendix 3, subject to the conditions as per the attached report.
2. That approval be granted in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and delegated powers of authority, for the amendment of the approved SDP and accompanying Architectural Design Guidelines (Appendix 2) and (Appendix 6), subject to the conditions as per the attached report.

Kindly note that 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.

Kindly note, you are advised in terms of 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.

Kindly be advised that you may appeal to the Municipal Manager against the above Council decision (including any conditions imposed in case of approval) by giving written notice of such appeal in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000 ("MSA"), and/or the internal appeal process approved by Council at its meeting held on 29 October 2014. In terms of the aforesaid Council decision, an applicant or objector aggrieved by a decision of Council in respect of an application in terms of the Ordinance, Zoning Scheme Regulations or applicable By-Law, may appeal against such decision to the Municipal Manager, by giving written notice of such appeal.



A detailed motivated appeal with reasons therefore (and not only the intention to appeal), clearly stating in terms of which legislation it is made, as well as payment of the appeal fee to the amount of R 800,00, should be directed to and received by the Municipal Manager, Stellenbosch Municipality, P O Box 17, Stellenbosch, 7599, or if hand delivered, to the Advice office, Land Use Management, Ground floor, municipal building, Plein Street, Stellenbosch, or faxed to fax number 021 886 6899 within 21 days of the date of registration at the Post Office of this notification letter (with such registration day not included in the appeal period), provided where the last day for lodging an appeal falls either on a Saturday, Sunday or public holiday, it shall be deemed to be the next working day thereafter. Where this letter is collected by hand, the above appeal period will be similarly calculated from the next day after collection. Failure to comply with the above requirements may result in the appeal being ruled invalid by the Appeal Authority. **Kindly be advised that no appeal will be accepted via email.**

Notwithstanding the above, kindly note, you are not permitted to submit a revised proposal as part of such an appeal. Should this be the case, your submission will not be regarded as an appeal, but rather a new application which should be submitted in the normal manner, as only the above decision can be appealed at this stage.

Kindly be advised that objectors (if any) are granted a simultaneous right of appeal in terms of the internal appeal process approved by Council at its meeting held on 29 October 2014.

Please note, appellants are not permitted to canvass the Municipal Manager or members of Council before or after the matter is heard.

Important note: Rights of appeal in terms of Section 44(1)(a), (b), (c) or (d) of the Land Use Planning Ordinance, No 15 of 1985 no longer exist, as such an appeal to the Minister of Local Government, Environmental Affairs and Development Planning, Western Cape has been declared unconstitutional by the Constitutional Court in its unanimous judgment* on 4 April 2014, as such matters fall within the exclusive functions of a municipality in terms of the Constitution.

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

Yours faithfully



for **DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT**

* In *Minister of Local Government, Environmental Affairs and Development Planning, Western Cape v The Habitat Council and Others; Minister of Local Government, Environmental Affairs and Development Planning, Western Cape v City of Cape Town and Others* [2014] ZACC 9 (Case No. CC117/13).



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DIRECTORATE: PLANNING AND ECONOMIC
DEVELOPMENT

**LAND DEVELOPMENT APPLICATION IN RESPECT OF REGULATION AMENDMENT OF THE
SDP WHERE NO OBJECTIONS HAVE BEEN RECEIVED.**

Farm No: 1512 **Zoning:** Subdivisional Area to accommodate the zonings of Open Space Zone II (golf course) and Residential Zone II (45 group housing even, 13 private open space and a private road.
Area: Stellenbosch Division **LU No:** 4194

Compiled by: A. Gwintsa

Proposal description:

Application is made in terms of Section 30(1) of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for the amendment of the approved subdivision plan relating to phase 2 of the Devonvale Golf and Wine Estate, as indicated on Drawing No. P001, drawn by Dennis Moss Partnership dated 30/06/2015 attached as (Appendix 3).

Application is made in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for the amendment of the approved SDP and accompanying Architectural Design Guidelines (Appendix 2) and (Appendix 6).

BACKGROUND

Council approved the development on Farm 1512, Stellenbosch, as per the decision letter issued by the Department of Environmental Affairs and Development Planning dated 19 November 2012. Approval was granted for the rezoning of Farm No. 76/12 Stellenbosch and a portion A of Farm 1387, Stellenbosch Division from Open Space II, (Farm 76/12) and Agriculture I (farm 1387) to Subdivisional area in order to accommodate the zonings of Residential Zone II (Group housing for 45 residential erven) and Open Space II, as per Drawing no. 3054/P001. Subdivision of thirty eight (38) residential erven on the Remainder of Farm 76/12 and the subdivision of eight (8) residential on Portion A of Farm 1387, as per Drawing No. 3054/P001. The amendment of conditions 1.1 as set by the Provincial Administration in the approval letter dated 17 February 1989 and similar conditions in previous and subsequent letters of approval in order to allow the extension of Devonvale Golf and Wine Estate, as per site development plan UD002, dated 17 November 2009, drawn by Dennis Moss Partnership.

Planning assessment:

	Yes	No	N/A
• Does the proposal comply with all setback requirements?			x
• Were abutting owners notified and their comments / consents obtained?		x	
• Were any objections received against the application?		x	
• Would any services / infrastructure be adversely affected?		x	
• Is vehicle access to and parking on the premises still possible?	x		
• Would vehicular sight lines / visibility be adversely affected?		x	
• Have road widening schemes / Divisional road building lines been taken into account?		x	
• Is Provincial Roads Engineers approval required and has it been obtained?			x
• Would the proposal adversely affect any heritage area or place?			x
• Would the proposal detract from the heritage area's character?			x



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DEVELOPMENT

• Is the site subject to any scenic drive restrictions?			X
• Would an undesirable precedent be set?		X	
• Does proposal comply with township establishment / subdivision conditions?			X
• Are there any title deed restrictions / conditions?		X	

Recommendation: (20) and H. *et al.* 23/03/2016.

In terms of Section 42 of the Land Use Planning Ordinance (15 of 1985) and delegated powers of authority, the above application is hereby **Approved** in accordance with the attached Plan and subject to the following conditions:

1. *The approval applies only to the amendment of the Subdivision Plan, Site Development Plan and the Architectural Design Guidelines in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;*
2. *The approval for the SDP shall lapse if not exercised within 2 years from date of final notification;*
3. *That the conditions as set out by the Department: Civil Engineering Services be adhered to (See Appendix 4);*
4. *Building plans must be submitted to this Municipality for approval, prior to any building work commencing on site;*
5. *Council reserves the right to impose further conditions if deemed necessary.*

Reasons for decision:

The revised layout was necessitated as a result of detailed site planning being undertaken for the individual development nodes and the accompanying architectural design of the individual houses in each node. The Architectural design aims to attain the optimum positioning of individual buildings on a property and improve circulation within the development.

The application entails only a minor adjustment to the subdivision plan approved on 10 November 2009 (See Appendix 5) and it does not imply that any new residential erven will be created.

The new layout will still conform to the development parameters of the applicable zoning, as approved, and will therefore not have any detrimental effects on the environment.



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APPENDICES

- Appendix 1: Locality Map
- Appendix 2: Revised Site Development Plan
- Appendix 3: Revised Subdivisional Plan
- Appendix 4: Comments from the Civil Engineers
- Appendix 5: Approved Site Development Plan
- Appendix 6: Architectural Guidelines

RECOMMENDED BY:

C. Charles
SENIOR TOWN PLANNER

01/03/2016

Date

**THE MANAGER: LAND USE MANAGEMENT HEREBY APPROVES THE ABOVE
RECOMMENDATION:**

H. Dednam
MANAGER: LAND USE MANAGEMENT

09/03/2016

Date

Appendix B

65/37

PARCEL NO.	PORTION	AREA (m ²)	LAND USE	ZONING	UNITS
NODE 3	1	742	Housing	Residential Zone II	1
	2	590	Housing	Residential Zone II	1
	3	560	Housing	Residential Zone II	1
	4	560	Housing	Residential Zone II	1
	5	560	Housing	Residential Zone II	1
	6	560	Housing	Residential Zone II	1
	7	560	Housing	Residential Zone II	1
	8	560	Housing	Residential Zone II	1
	9	560	Housing	Residential Zone II	1
	10	560	Housing	Residential Zone II	1
11	560	Housing	Residential Zone II	1	
12	4833	Private Road			
SUBTOTAL					11

PARCEL NO.	PORTION	AREA (m ²)	LAND USE	ZONING	UNITS
NODE 2	13	640	Housing	Residential Zone II	1
	14	640	Housing	Residential Zone II	1
	15	640	Housing	Residential Zone II	1
	16	640	Housing	Residential Zone II	1
	17	640	Housing	Residential Zone II	1
	18	1000	Housing	Residential Zone II	1
	19	1000	Housing	Residential Zone II	1
	20	4840			
SUBTOTAL					7

PARCEL NO.	PORTION	AREA (m ²)	LAND USE	ZONING	UNITS	
NODE 3	21	608	Housing	Residential Zone II	1	
	22	608	Housing	Residential Zone II	1	
	23	608	Housing	Residential Zone II	1	
	24	608	Housing	Residential Zone II	1	
	25	871	Housing	Residential Zone II	1	
	26	871	Housing	Residential Zone II	1	
	27	871	Housing	Residential Zone II	1	
	28	871	Housing	Residential Zone II	1	
	29	871	Housing	Residential Zone II	1	
	30	871	Housing	Residential Zone II	1	
	31	800	Housing	Residential Zone II	1	
	32	800	Housing	Residential Zone II	1	
	33	800	Housing	Residential Zone II	1	
	34	800	Housing	Residential Zone II	1	
	35	800	Housing	Residential Zone II	1	
	36	875	Housing	Residential Zone II	1	
	37	875	Housing	Residential Zone II	1	
	38	750	Housing	Residential Zone II	1	
	39	750	Housing	Residential Zone II	1	
	40	750	Housing	Residential Zone II	1	
	41	750	Housing	Residential Zone II	1	
	42	950	Housing	Residential Zone II	1	
	43	950	Housing	Residential Zone II	1	
	44	864	Housing	Residential Zone II	1	
	45	864	Housing	Residential Zone II	1	
	46	2685	Private Road			
	SUBTOTAL					27
	TOTAL					45

PARCEL NO.	PORTION	AREA (m ²)	LAND USE	ZONING	UNITS
NODE 1	47	851	Housing	Residential Zone II	1
	48	851	Housing	Residential Zone II	1
SUBTOTAL					2

NOTE:
 Streetside shade (light blue) on ground surface (ARC/INFO) (1:100,000) to be registered under Farm No. 1317 in favour of the RDA.
 Streetside UWWVZ shade (dark blue) (1:100,000) to be registered over Farm No. 1322 in favour of the RDA.

STELLENBOSCH MUNICIPALITY

LAND USE MANAGEMENT

SUBDIVISION HAS BEEN APPROVED IN TERMS OF SECTION 30 AMENDMENTS OF ORDINANCE 15 OF 1985, SUBJECT TO THE CONDITIONS AS PER ANNEXURE

31/3/16 DATE

DIRECTIONAL PLANNING & ENVIRONMENT



DENNIS CROSS PAPER ENGINEERING

DEVONNULIST (PTY) LTD.

DEVONVALE GOLF & WINE ESTATE PHASE 2 EXTENSION

AMENDED SUBDIVISION PLAN

SCALE	1:2000
DATE	31/3/16
BY	J.V.

FOR APPROVAL

This drawing and all the information contained therein are the property of the undersigned and shall not be used or reproduced in any way without their written consent.



90/21

90/16

90/15

90/14

90/14

90/1

90/2

76/1

76/11

6/10



STELLENBOSCH MUNICIPALITY

STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INGENIEURSDIENSTE
DIRECTORATE: ENGINEERING SERVICES

Ver. 11 (7-12-2015)

TO : The Director: Planning and Development
FOR ATTENTION : B Mdoda
FROM : W Pretorius
DATE : 7 December 2015
RE. : AMMENDMENT OF SUBDIVISION PLAN, DEVONVALE PHASE 2
Reference : FARM 1512, STELLENBOSCH

Details, specifications and information reflected in the abovementioned application, dated 30 June 2015 by Dennis Moss Partnership, refers.

Comments from the Directorate: Engineering Services i.e. Roads & Stormwater, Water Services, Traffic Engineering and Development Services will be reflected in this memo and is to be regarded as development conditions to be reflected in the amendment of subdivision approval. It must be noted that Electrical Services will comment in a separate memo.

Background

A brief summary of the current status of municipal bulk services is given below. Please note that the dates given are our best estimate at this stage, but cannot be guaranteed since construction programmes might be subject to change.

The Devonvale development uses their own sewage treatment plant and a report by the current operator of the plant confirms that it will have the necessary capacity to accommodate the Phase 2 development.

The above-mentioned subdivision plan amendment application is supported, subject to the following conditions:

General

1. that the following words and expressions referred to in the development conditions, shall have the meanings hereby assigned to except where the context otherwise requires:
 - (a) "*Municipality*" means the STELLENBOSCH MUNICIPALITY a metropolitan municipality, Local Authority, duly established in terms of section 9 of the Local Government Municipal Structures act, Act 117 of 1998 and Provincial Notice (489/200), establishment of the Stellenbosch Municipality (WC024) promulgated in Provincial Gazette no. 5590 of 22 September 2000, as amended by Provincial Notice 675/2000 promulgated in Provincial Gazette;
 - (b) "*Developer*" means the developer and or applicant who applies for certain development rights by means of the above-mentioned land-use application and or his successor-in-title who wish to obtain development rights at any stage of the proposed development;
 - (c) "*Engineer*" means an engineer employed by the "*Municipality*" or any person appointed by the "*Municipality*" from time to time, representing the Directorate: Engineering Services, to perform the duties envisaged in terms of this land-use approval;
2. that all previous relevant conditions of approval to this development application remain valid and be complied with in full unless specifically replaced or removed by the "*Engineer*";
3. that should the "*Developer*" not take up his rights for whatever reason within two years from the date of this memo, a revised Engineering report addressing services capacities and reflecting infrastructure amendments during the two year period, must be submitted to the Directorate: Engineering Services by the "*Developer*" for further comment and conditions;
4. that the "*Developer*" indemnifies and keep the "*Municipality*" indemnified against all actions, proceedings, costs, damages, expenses, claims and demands (including claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the municipalities' services or apparatus or otherwise) arising out of the establishment of the development, the provision of services to the development or the use of servitude areas or municipal property, for a period that shall commence on the date that the installation of services to the development are commenced with and shall expire after completion of the maintenance period.
5. that the "*Developer*" must ensure that he / she has an acceptable public liability insurance policy in place;

6. that the "*Developer*" approach the Provincial Administration: Western Cape for their input and that the conditions as set by the Provincial Administration: Western Cape be adhered to before Section 31 Clearance Certificate will be issued;
7. that the "*Developer*" informs the project team for the proposed development (i.e. engineers, architects, etc.) of all the relevant conditions contained in this approval;
8. that the General Conditions of Contract for Construction Works (GCC) applicable to all civil engineering services construction work related to this development, will be the SAICE 2nd Edition of 2010;
9. that the "*Developer*" takes cognizance and accepts the following:
 - a.) that no construction of any civil engineering services may commence before approval of internal – and external civil engineering services drawings;
 - b.) that no approval of internal – and external civil engineering services drawings will be given before land-use and or SDP approval is obtained;
 - c.) that no approval of internal – and external civil engineering services drawings will be given before the "*Developer*" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party;
 - d.) that no building plans will be recommended for approval by the Directorate: Engineering Services before land-use and or SDP approval is obtained;
 - e.) that no building plans will be recommended for approval by the Directorate: Engineering Services before the approval of internal – and external civil engineering services drawings;
 - f.) that no building plans will be recommended for approval by the Directorate: Engineering Services before a Clearance Certificate in terms of Section 31 of the Land-use Planning Ordinance is issued.

Site Development Plan

10. that it is recognized that the normal Site Development Plan, submitted as part of the land-use application, is compiled during a very early stage of the development and will lack engineering detail that may result in a later change of the Site Development Plan. Any later changes will be to the cost of the "*Developer*";
11. that even if a Site Development Plan is approved by this letter of approval, a further fully detailed site plan be submitted for approval prior to the approval of engineering services plans

and or building- and/or services plans to allow for the setting of requirements, specifications and conditions related to civil engineering services. Such Plan is to be substantially in accordance with the approved application and or subdivision plan and or precinct plan and or site plan, etc. and is to include a layout plan showing the position of all roads, road reserve widths, sidewalks, parking areas with dimensions, loading areas, access points, stacking distances at gates, refuse removal arrangements, allocation of uses, position and orientation of all buildings, the allocation of public and private open spaces, building development parameters, the required number of parking bays, stormwater detention facilities, connection points to municipal water- and sewer services, updated land-use diagram and possible servitudes;

12. that if the fully detailed Site Development Plan, as mentioned in the above item, contradicts the approved Site Development Plan, the "Developer" will be responsible for the amendment thereof and any costs associated therewith;
13. that an amended Site Development Plan be submitted for approval prior to the approval of building plans for new buildings not indicated on the Site Development Plan applicable to this application and or changes to existing buildings or re-development thereof;

Internal- and Link Services

14. that all internal services on the said land portion will be regarded as private services and will be maintained by the "Developer" and or HOA;
15. that the "Developer", at his/her cost, construct the internal (on-site) private civil services for the development, as well as any link (service between internal and available bulk municipal service) municipal services that need to be provided;
16. that the Directorate: Engineering Services may require the "Developer" to construct internal municipal services and/or link services to a higher capacity than warranted by the project, for purposes of allowing other existing or future developments to also utilise such services. The costs of providing services to a higher capacity could be offset against the Development Contributions payable in respect of bulk civil engineering services if approved by the Directorate: Engineering Services;
17. that the detailed design and location of access points, circulation, parking, loading - and pedestrian facilities, etc., shall be generally in accordance with the approved Site Development Plan and / or Subdivision Plan applicable to this application;

18. that plans of all the internal civil services and such municipal link services as required by the Directorate: Engineering Services be prepared and signed by a Registered Engineering Professional before being submitted to the aforementioned Directorate for approval;
19. that the design and construction/alteration of all civil engineering infrastructure shall be generally in accordance with the Standard Conditions imposed by the Directorate: Engineering Services in this respect or as otherwise agreed. The Standard Conditions is available in electronic format and available on request;
20. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "Engineer";
21. that the "Developer" ensures that his/her design engineer is aware of the Stellenbosch Municipality Design Guidelines & Minimum Standards for Civil Engineering Services and that his/her design engineer will comply to the mentioned document or as otherwise agreed in writing with the Directorate: Engineering Services;
22. that engineering design drawings will only be approved once Final Notice of LUPO approval is issued;
23. that all the internal civil services (water, sewer and stormwater), be indicated on the necessary building plans for approval by the Directorate: Engineering Services;
24. that prior to the issuing of the Certificate of Practical Completion, in terms of GCC 2010 Clause 5.14.1, all internal - and link services be inspected for approval by the "Engineer" on request by the "Developer's" Consulting Engineer;
25. that a Certificate of Practical Completion, in terms of GCC 2010 Clause 5.14.1 be issued prior to transfer of individual units or utilization of buildings;
26. that a complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer be submitted to the "Engineer" on a monthly basis;
27. that the "Developer" shall adhere to the specifications of Telkom (SA) and or any other telecommunications service provider. Copies of all correspondence with Telkom shall be handed over to the "Engineer";

28. that the "Developer" shall be responsible for the cost for any surveying and registration of servitudes regarding services on the property;
29. that the "Developer" be liable for all damages caused to existing civil and electrical services of the "Municipality" relevant to this development. It is the responsibility of the contractor and/or sub-contractor of the "Developer" to determine the location of existing civil and electrical services;
30. that all connections to the existing services be made by the "Developer" under direct supervision of the "Engineer" or as otherwise agreed and all cost will be for the account of the "Developer".
31. that the "Developer" shall install a bulk water meter conforming to the specifications of the Directorate: Engineering Services at his cost at the entrance gate of all private developments before the practical completion inspection is carried out;
32. that the developer takes cognizance of applicable tariffs by Council in respect of availability of services and minimum tariffs payable;
33. that Section 31 Clearance will only be issued if the bulk watermeter is installed, a municipal account for the said meter is activated and the consumer deposit has been paid;
34. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal – and external services;
35. that the "Developer", at his/her cost, will be responsible for the maintenance of all the internal (on-site) municipal – and private civil engineering services constructed for this development until at least 80% of the development units (i.e. houses, flats or GLA) is constructed and occupied whereafter the services will be formally handed over to the HOA, in respect of private services, and to the Municipality in respect of public services;

Servitudes

36. that the "Developer" ensures that all main services to be taken over by the Directorate: Engineering Services, all existing municipal – and or private services crossing private - and or other institutional property and any other services crossing future private land/erven are protected by a registered servitude before final Section 31 Clearance will be given;

37. The width of the registered servitude must be a minimum of 3 m or twice the depth of the pipe (measured to invert of pipe), whichever is the highest value. The "Developer" will be responsible for the registration of the required servitude(s), as well as the cost thereof;
38. that the "Developer" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party before final approval of engineering drawings be obtained.

Stormwater Management

39. that the geometric design of the roads and/or parking areas ensure that no trapped low-points are created with regard to stormwater management. All stormwater to be routed to the nearest formalized municipal system;
40. that overland stormwater escape routes be provided in the cadastral layout at all low points in the road layout, or that the vertical alignment of the road design be adjusted in order for the roads to function as overland stormwater escape routes. If this necessitates an amendment of the cadastral layout, it must be done by the "Developer", at his/her cost, to the standards of the Directorate: Engineering Services;
41. that the design engineer needs to apply his/her mind to ensure a design that will promote a sustainable urban drainage system which will reduce the impacts of stormwater on receiving aquatic environments;
42. that no disturbance to the river channel or banks be made without the prior approval in accordance with the requirements of the National Water Act;
43. that the consulting engineer, appointed by the "Developer", analyses the existing stormwater systems and determine the expected stormwater run-off for the proposed development, for both the minor and the major storm event. Should the existing municipal stormwater system not be able to accommodate the expected stormwater run-off, the difference between the pre- and post-development stormwater run-off must be accommodated on site, or the existing system must be upgraded to the required capacity at the cost of the "Developer" and to the standards and satisfaction of the Directorate: Engineering Services. The aforementioned stormwater analysis is to be submitted concurrent with the detail services plans;

44. that for larger developments, industrial developments or developments near water courses a stormwater management plan for the proposed development area, for both the minor and major storm events, be compiled and submitted for approval to the Directorate: Engineering Services.
45. that the approved management plan be implemented by the "Developer", at his/her cost, to the standards of the Directorate: Engineering Services. The management plan, which is to include an attenuation facility, is to be submitted concurrent with the detail services plans;
46. that in the case of a sectional title development, the internal stormwater layout be indicated on the necessary building plans to be submitted for approval.
47. that no overland discharge of stormwater will be allowed into a public road for erven with catchment areas of more than 1500m² and for which it is agreed that no detention facilities are required. The "Developer" needs to connect to the nearest piped municipal stormwater system with a stormwater erf connection which may not exceed a diameter of 300mm.

Floodplain Management

48. that the floor level of all buildings be at least 100 mm above the 1:100 year flood level. These levels must be indicated on all building plans submitted and must be certified by a Registered Professional Engineer;
49. that all perimeter fencing below the 1:50 year flood line be visually permeable from ground level and not adversely effects the free flow of water (e.g. palisade fencing). No fences will be allowed across the watercourse;

Roads

50. that the application must be submitted to the District Roads Engineer for comment and conditions . Any conditions set by the District Roads Engineer will be applicable;
51. that no access control will be allowed in public roads;
52. that provision be made for acceptable stacking distances in front of access control gates;
53. that the layout must make provision for all deliveries to take place on-site. Movement of delivery vehicles may not have a negative impact on vehicular – and pedestrian movement on public roads and or public sidewalks;

54. The design and lay-out of the development must be such that emergency vehicles can easily drive through and turn around where necessary;
55. that, prior to commencement of any demolition / construction work, a traffic accommodation plan for the surrounding roads must be submitted to the Directorate: Engineering Services for approval, and that the approved plan be implemented by the "Developer", at his/her cost, to the standards of the Directorate: Engineering Services;
56. that during the construction stage, access to the site be strictly via the following route only:
(Blumberg Road);
57. that the "Developer" will be held liable for any damage to municipal infrastructure within the road reserves of the roads mentioned in Condition 57 above, caused as a direct result of the development of the subject property. The "Developer" will therefore be required to carry out the necessary rehabilitation work, at his/her cost, to the standards of the Directorate: Engineering Services;
58. that no other access shall be permitted onto Bottelary Road;
59. that access to the property concerned shall be via the existing entrance to the Devonvale Estate at Blumberg Road;
60. that on-site parking be provided by the owner of the property in the ratio of 2 bays per unit/dwelling, plus 0.5 bays per unit to be reserved and clearly marked for visitor's parking;
61. that each erf has its own access (drive-way), (*the new access(es) (dropped kerb(s)) to the proposed parking bays be*) constructed to standards as set out by the the Directorate: Engineering Services and in line with the Road Access Guideline;
62. that the servitude right of way be provided with a permanent surface, and that adequate provision be made for stormwater drainage, to the standards of the Directorate: Engineering Services;
63. that the proposed road be registered by the "Developer" at his cost as a servitude road and be regarded as a private road. Plans of the road layout, pavement layerworks and stormwater drainage to be approved by the Directorate: Engineering Services before commencement of construction;

64. that the access road to the existing facility be kept in an acceptable condition, i.e. maintained to a standard which will result in a comfortable ride for a standard passenger vehicle and to a standard which will not endanger the lives or property of road users;
65. that the parking area be provided with a permanent surface and be clearly demarcated and accessible. Plans of the parking layout, pavement layerworks and stormwater drainage are to be approved by the Directorate: Engineering Services before commencement of construction and that the construction of the parking area be to the standards of the Directorate: Engineering Services;
66. that no parking be allowed in the road reserve;
67. that the "Developer", at his/her cost, implement the recommendations of an approved Traffic Impact Assessment/Statement, and where required, a sound Traffic Management Plan to ensure traffic safety shall be submitted for approval by the Directorate: Engineering Services and the approved management plan shall be implemented by the "Developer", at his/her cost;
68. that should waste removal planned to be done by the municipality the layout be amended to accommodate continuous forward movement by service trucks and all cul-de-sacs have a minimum of 10 m radius turning circle, to ensure continuous forward movement;
69. that the design and lay-out of the development must be such that emergency vehicles can easily drive through and turn around where necessary.

Bridge Requirement:

70. that any bridge(s) in the proposed road lay-out be designed and constructed to not impact on the natural flow of water, and to be able to accommodate the 1:50 year flood. The underside of the bridge(s) must be above the 1:100 year flood level;
71. that the bridge(s) be constructed by the "Developer", at his/her cost, to the standards of the Directorate: Engineering Services. An adequate level of supervision by a suitably qualified Registered Engineering Professional must be provided for the full duration of the works. The Registered Engineering Professional shall arrange for any tests that may be necessary to determine whether the workmanship and materials conform to the required standards;
72. that a certificate stating that all work has been carried out in accordance with the Directorate: Engineering Services's specifications and requirements, signed by the Registered Engineering Professional, must be submitted with the "As Built" drawings on completion of the bridge(s).

The certificate must make reference to all material testing, and confirm that the test results meet or exceed the requirements of the specifications;

Wayleaves

73. that way-leaves / work permits be obtained from the Directorate: Engineering Services prior to any excavation / construction work on municipal land or within 3,0m from municipal services located on private property;
74. that wayleaves will only be issued after approval of relevant engineering design drawings;

Development Contributions

75. that the "Developer" hereby acknowledges that development contributions are payable towards the following bulk civil services: water, roads, stormwater and solid waste as per Council's Policy;
76. that the "Developer" hereby acknowledges that the development contribution levy as determined by the "Municipality" and or the applicable scheme tariffs will be paid by the "Developer" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy, should this land-use application be approved;
77. that the "Developer" immediately familiarise himself with the latest development contributions applicable to his/her development;
78. that the "Developer" accepts that the development contributions will be subject to annual escalation up to date of payment. The amount payable will therefore be the amount as calculated at the time that payment is made;
79. that the "Developer" may enter into a services agreement with the "Municipality" to install or upgrade bulk municipal services at an agreed cost, to be off-set against Development Contributions payable in respect of bulk civil engineering services;
80. that the "Developer" accepts the average amount, as reflected in this document as the amount required for the provision of municipal services in the event that the development is approved;
81. that the Development Contribution levy to the amount of R 1 893 688-00 (Excluding VAT) as reflected on the BICLS Contribution calculation sheet, dated 4 December 2015, and attached herewith as Annexure BICLS, be paid by the "Developer" towards the provision of bulk

municipal civil services in accordance with the relevant legislation and as determined by Council's Policy.

Based on the 2015/16 tariff structure and the approved lay-out, the following amounts are payable:

Roads	:	R 859 505,00
Solid Waste	:	R 32 220,00
Stormwater	:	R 296 893,00
Water	:	R 705 070,00
Total exclusive of VAT:		<u>R 1 893 688,00</u>

82. that it be noted that the Development Contributions as reflected on the BICLS Contribution calculation sheet will be subject to annual escalation up to date of payment. The final amount payable will therefore be the amount as calculated at the time that payment is made;
83. that the development shall be substantially in conformance with the Site Development Plan submitted in terms of this application. Any amendments and/or additions to the Site Development Plan, once approved, which might lead to an increase in the number of units will result in the recalculation of the Development Contributions;
84. Bulk infrastructure contribution levies and repayments are subject to VAT and are further subject to the provisions and rates contained in the Act on Value Added Tax of 1991 (Act 89 of 1991) as amended;

Home Owners Association

85. that a Home Owners Association (HOA) be established in accordance with the provisions of section 29 of the Land Use Planning Ordinance no 15 of 1985 and shall come into being upon the separate registration or transfer of the first deducted land unit arising from this subdivision;
86. that the HOA take transfer of the private roads simultaneously with the transfer or separate registration of the first deducted land portion in such phase;
87. that in addition to the responsibilities set out in section 29, the HOA also be responsible for the maintenance of the private roads, street lighting, open spaces, retention facilities and all internal civil services;

88. that the Constitution of the HOA specifically empower the Association to deal with the maintenance of the roads, street lighting, open spaces, retention facilities and all internal civil services;

Building line encroachments

89. that no access, windows, doors or other openings may be provided towards Road (specify);
90. that indigenous trees with non-intrusive root systems and minimum of 2 meters in height be provided at three meter intervals;
91. that the owner(s) of the property indemnify and keep the "Municipality" or any officer thereof indemnified against all actions, proceedings, claims and demands, costs, damages and expenses, which may arise as a result of construction vehicles damaging private property;
92. that roof water from the structure encroaching the lateral and/or rear building line not be discharged onto the adjacent property, but be directed to the street via the owners own property;
93. that a 160mm diameter stormwater pipe be laid under the garage floor to drain the property and to discharge to the road;
94. that it will be the responsibility of the applicant to verify the existence of any municipal – and or private services on site;
95. that, if a ramp is required into the proposed garage, it may not encroach onto the sidewalk;
96. that the door(s) provided in front of the garage be of the remote controlled, roll-up type;
97. That the floor levels of the garages be at least 150mm above the level of the top of kerb of the access Street/Road;

Rural areas: Water and Sewerage

98. That the Devonvale private sewage treatment plant will be operated according to the standards and the agreement between the HOA and the service provider.
99. That all private developments be supplied with a bulk water meter/connection point, registered

in the name of the "Developer" of the Home Owners Association, prior to transfer or commencement of building works;

100. That all engineering services for private developments comply with the same standards and procedures as above and the Home Owners Association be responsible for the maintenance of internal private services;
101. That bulk connection points for services (water, sewer, stormwater and access) be provided in the public road reserve.

Green Technologies

102. Peak water demand should be accommodated with supplementary storage and recycling (e.g. rainwater tanks, grey water recycling) of water so that municipal water only be used to satisfy the base demand;
103. Technologies that facilitate the efficient use of irrigation water must be used;
104. Planting of waterwise flora is encouraged;
105. In accordance with the new SANS 10400-XA standard, all new housing should install solar water heating devices;
106. All non-subsidy housing is encouraged to meet the portion of their electrical demand that exceeds 300 kWh per month by generators such as solar photovoltaic panels and solar hot water heating devices;
107. SANS 10400-XA energy efficiency standards should be adhered to in all planning applications for new buildings, major renovations and usage changes;

Solid Waste

108. that it be noted that the Solid Waste Branch will not enter private property, private roads or any access controlled properties for the removal of solid waste;
109. that the "Developer" will enter into a service agreement with the "Municipality" for the removal of refuse;

110. that should it not be an option for the "Municipality" to enter into an agreement with the "Developer" due to capacity constraints, the "Developer" will have to enter into a service agreement with a service provider approved by the "Municipality";
111. that if the "Developer" wishes to remove the waste by private contractor, provision must still be made for a refuse room should this function in future revert back to the "Municipality";
112. Access to all properties via public roads shall be provided in such a way that collection vehicles can complete the beats with a continuous forward movement;
113. Access shall be provided with a minimum travelable surface of 5 meters width and a minimum corner radii of 5 meters;
114. Maximum depth of cul-de-sac shall be 20 meters or 3 erven, whichever is the lesser. Where this requirement is exceeded, it will be necessary to construct a turning circle with a minimum turning circle radius of 11m or, alternatively – a turning shunt as per the Directorate: Engineering Services' specifications. With respect to the latter, on street parking are to be prohibited by way of "red lines" painted on the road surface as well as "no parking" signboards as a single parked vehicle can render these latter circles and shunts useless;
115. Minimum turning circle radius shall be 11 meters to the center line of the vehicle;
116. Road foundation shall be designed to carry a single axle load of 8.2 tons;
117. Refuse storage areas are to be provided for all premises other than single residential erven;
118. Refuse storage areas shall be designed in accordance with the requirements as specified by the Solid Waste Branch. Minimum size and building specifications is available from the Solid Waste Branch;
119. A single, centralized, refuse storage area which is accessible for collection is required for each complete development. The only exception is the case of a single residential dwelling, where a refuse storage area is not required;
120. The refuse storage area shall be large enough to store all receptacles needed for refuse disposal on the premises, including all material intended to recycling. No household waste is allowed to be disposed / stored without a proper 240 l Municipal wheelie bin;

121. The size of the refuse storage area depends on the rate of refuse generation and the frequency of the collection service. For design purposes, sufficient space should be available to store two weeks' refuse;
122. Where the premises might be utilized by tenants for purposes other than those originally foreseen by the building owner, the area shall be sufficiently large to store all refuse generated, no matter what the tenant's business may be;
123. All black 85 l refuse bins or black refuse bags is in the process of being replaced with 240 l black municipal wheeled containers engraved with WC024 in front, and consequently refuse storage areas should be designed to cater for these containers. The dimensions of these containers are:

Commercial and Domestic : 585 mm wide x 730 mm deep x 1100 mm high

124. With regard to flats and townhouses, a minimum of 50 litres of storage capacity per person, working or living on the premises, is to be provided at a "once a week" collection frequency;
125. Should designers be in any doubt regarding a suitable size for the refuse storage area, advice should be sought from the Solid Waste Department : Tel 021 808-8224
126. Building specifications for refuse storage area:

Floor

The floor shall be concrete, screened to a smooth surface and rounded to a height of 75mm around the perimeter. The floor shall be graded and drained to a floor trap (See: Water Supply and Drainage).

Walls and Roof

The Refuse Storage Area shall be roofed to prevent any rainwater from entering. The walls shall be constructed of brick, concrete or similar and painted with light color high gloss enamel. The height of the room to the ceiling shall be not less than 2.21 meters.

Ventilation and Lighting

The refuse storage area shall be adequately lit and ventilated. The room shall be provided with a lockable door which shall be fitted with an efficient self-closing devise. The door and ventilated area shall be at least 3 metres from any door or window of a habitable room. Adequate artificial lighting is required in the storage area.

Water Supply and Drainage

A tap shall be provided in the refuse storage area for washing containers and cleaning spillage. The floor should be drained towards a 100 mm floor trap linked to a drainage pipe which discharges to a sewer gully outside the building. In some cases a grease gully may be required.

127. Should the refuse storage area be located at a level different from the level of the street entrance to the property, access ramps are to be provided as stairs are not allowed. The maximum permissible gradient of these ramps is 1:7;
128. A refuse bay with minimum dimensions of 15 meters in length x 2, 5 meters in width plus 45 degrees splay entrance, on a public street, must be provided where either traffic flows or traffic sight lines are affected. The refuse bays must be positioned such that the rear of the parked refuse vehicle is closest to the refuse collection area;
129. Any containers or compaction equipment acquired by the building owner must be approved by the Directorate: Engineering Services, to ensure their compatibility with the servicing equipment and lifting attachments;
130. Refuse should not be visible from a street or public place. Suitable screen walls may be required in certain instances;
131. Access must be denied to unauthorized persons, and refuse storage areas should be designed to incorporate adequate security for this purpose;
132. All refuse storage areas shall be approved by the Directorate: Engineering Services, to ensure that the Council is able to service all installations, irrespective of whether these are currently serviced by Council or other companies;

AS-BUILTs

133. The "*Developer*" shall provide the "*Municipality*" with:
 - a. a complete set of as-built paper plans, signed by a professional registered engineer;
 - b. a CD/DVD containing the signed as-built plans in an electronic DXF-file format, reflecting compatible layers and formats as will be requested by the "*Engineer*" and is reflected herewith as Annexure X;

- c. a completed Asset Verification Sheet in Excell format, reflecting the comptonization of municipal services installed as part of the development. The Asset Verification Sheet will have to be according to the IMQS format, as to be supplied by the "Engineer", and is to be verified as correct by a professional registered engineer;
 - d. a complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer;
 - e. Written verification by the developer's consulting engineer that all professional fees in respect of the planning, design and supervision of any services to be taken over by the "Municipality" are fully paid;
134. All relevant as-built detail, as reflected in the item above, of civil engineering services constructed for the development, must be submitted to the "Engineer" and approved by the "Engineer" before any application for Certificate of Clearance will be supported by the "Engineer";
135. The Consulting Civil Engineer of the "Developer" shall certify that the location and position of the installed services are in accordance with the plans submitted for each of the services detailed below;
136. All As-built drawings are to be signed by a professional engineer who represents the consulting engineering company responsible for the design and or site supervision of civil engineering services;
137. Section 31 Clearance certificates shall not be issued unless said services have been inspected by the "Engineer" and written clearance given, by the "Engineer";

Section 31 Clearance Certificate

138. It is specifically agreed that the "Developer" undertakes to comply with all conditions of subdivision and rezoning as laid down by the "Municipality" before clearance certificates shall be issued, unless otherwise agreed herein;
139. It is specifically agreed that the "Developer" undertakes to ensure that ALL applicable development conditions and requirements are met before submitting an application for the issuing of a Clearance Certificate in terms of Section 31. A list stipulating ALL conditions must

be attached to the application and ALL conditions to the list must be ticked, indicating that it has been complied to, and evidence of such compliance also needs to be attached;

140. that the "*Municipality*" reserves the right to withhold any clearance certificate until such time as the "*Developer*" has complied with conditions set out in this contract with which he/she is in default. Any failure to pay monies payable in terms of this contract within 30 (thirty) days after an account has been rendered shall be regarded as a breach of this agreement and the "*Municipality*" reserves the right to withhold any clearance certificate until such time as the amount owing has been paid;
141. that clearance will only be given per phase and the onus is on the "*Developer*" to phase his development accordingly;
142. The onus will be on the "*Developer*" and or his professional team to ensure that all land-use conditions have been complied with before submitting an application for a Section 31 Certificate. Verifying documentation (proof of payment in respect of development contributions, services installation, etc.) must be submitted as part of the Section 31 Certificate application before an application will be accepted by this Directorate;
143. that any application for Certificate of Clearance will only be supported by the "*Engineer*" once all relevant as-built detail, as reflected in the item "AS-BUILT's" of this document, is submitted to the "*Engineer*" and approved by the "*Engineer*".

Avoidance of waste, nuisance and risk

144. Where in the opinion of the "*Municipality*" a lack of maintenance of any service constitutes a nuisance, health or other risk to the public the "*Municipality*" may give the "*Developer*" and or HOA written notice to remedy the defect failing which the "*Municipality*" may carry out the work itself or have it carried out, at the cost of the "*Developer*" and or HOA.

Streetlighting

145. The "*Developer*" will be responsible for the design and construction at his own expense of all internal street lighting services and street lighting on link roads leading to his development (excluding Class 1, 2 and 3 Roads) according to specifications determined by the municipality's Manager: Electrical Engineering and under the supervision of the consulting engineer, appointed by the "*Developer*";

146. Prior to commencing with the design of street lighting services, the consulting electrical engineer, as appointed by the "Developer" must acquaint himself with, and clarify with the municipality's Manager: Electrical Engineering, the standards of materials and design requirements to be complied with and possible cost of connections to existing services;
147. The final design of the complete internal street lighting network of the development must be submitted by the consulting electrical engineer, as appointed by the "Developer", to the municipality's Manager: Electrical Engineering for approval before any construction work commences;
148. Any defect with the street lighting services constructed by the "Developer" which may occur during the defects liability period of 12 (TWELVE) months and which occurs as a result of defective workmanship and/or materials must be rectified immediately / on the same day the defect was brought to the attention of the consulting electrical engineer, appointed by the "Developer". Should the necessary repair work not be done within the said time the "Municipality" reserves the right to carry out the repair work at the cost of the "Developer";
149. The maintenance and servicing of all private internal street lighting shall be the responsibility and to the cost of the "Developer" and or Home Owners Association.



Willem Pretorius (Pr Eng, PMP)
MANAGER: DEVELOPMENT SERVICES

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Geographic Information System (GIS) data capturing standards

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

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

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

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

For road layer shapefiles; the road name, the from_street and to_street where applicable as well as the start en end street numbers needs to be included as part of the attributes. A rotation field needs to be added to give the street name the correct angle on the map.

In addition to being geo-referenced and in WGS 1984 Geographic Coordinate System, the drawing must be completed using real world coordinates based on the Stellenbosch Municipality standard as follows:

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

b) Abutments

Abutments must be single storey with the maximum wall plate height at 2.6m above finished floor level.

3. BUILDING COVERAGE:

The building footprint may not exceed 50% of the erf, as indicated on Table 1.

Table 1: Size and coverage of each individual erf (refer to site plan – erf numbers chronologically according to site layout).

Erf no	Size	Coverage	Erf no	Size	Coverage
1	742m ²	50%	24	805m ²	50%
2	490m ²	50%	25	840m ²	50%
3	490m ²	50%	26	630m ²	50%
4	490m ²	50%	27	756m ²	50%
5	490m ²	50%	28	690m ²	50%
6	490m ²	50%	29	600m ²	50%
7	490m ²	50%	30	600m ²	50%
8	490m ²	50%	31	800m ²	50%
9	490m ²	50%	32	800m ²	50%
10	490m ²	50%	33	800m ²	50%
11	490m ²	50%	34	800m ²	50%
12	560m ²	50%	35	800m ²	50%
13	560m ²	50%	36	875m ²	50%
14	560m ²	50%	37	875m ²	50%
15	560m ²	50%	38	760m ²	50%
16	560m ²	50%	39	760m ²	50%
17	560m ²	50%	40	760m ²	50%
18	800m ²	50%	41	760m ²	50%
19	490m ²	50%	42	950m ²	50%
20	490m ²	50%	43	760m ²	50%
21	490m ²	50%	44	760m ²	50%
22	490m ²	50%	45	664m ²	50%
23	805m ²	50%			

Cape. The pitch of the roof must be between 30°- 40°. All double-pitched roofs must be symmetrical.

b) Abutments

- i) Abutments that are built on to the core building may have lean to, mono pitched roofs with pitches ranging from 7° to 15° and must be enclosed with a horizontal parapet wall on at least 3 sides where applicable.

c) Garages

- i) Garage roofs may also be flat with an angle ranging between minimum 1° and maximum 5°.
- ii) Where applicable, roofs over garages must be enclosed with a horizontal parapet wall on 4 sides.
- iii) Flat concrete roofs may also be used especially when forming the balcony for first floor spaces.

NOTE: This type of balconies may only be 1.8m wide.

d) Verandas:

Lean to roofs will be allowed for verandas clipped onto the main dwelling and should preferably have a pitch of 15°.

5.2 Roof finishes

The following roofing material and colors may be used on the main building and outbuildings.

- i) "Brownbuilt Klip-Lok" profile aluminium roof sheeting with painted or pre-painted Chromadek / Colomet / Classicoat finish, or similar approved.
- ii) Roof sheeting colours: only Dark Grey or Charcoal may be used.
- iii) The roof material used for these roofs must match the main dwelling in colour and material specification.
- iv) Shade cloth may ONLY be used on the carport and MUST be fixed within a designed and pre-approved structure. The design of the carport must fit in with the overall aesthetic and character of the main dwelling and be submitted with the building plans to the controlling Architect's for aesthetic approval.

Shade cloth colour: Only black

Exclusion: No shade cloth on the main dwelling or any of the outbuildings, except for the carport is allowed, and perspex, fiberglass and polycarbonate sheeting may not be used.

- v) The colours of fascias are to match the colour of the roof finish. Bargeboards are all to be timber and varnished.

11 BALCONIES

- i) Only "Romeo and Juliet" type balconies are allowed with the slab, plastered and painted to match the exterior wall of the building, protruding 200mm, maximum, past the exterior face of the building with the handrail fixed on the edge of the slab.
- ii) Balconies formed by the roof slab of the ground floor are also allowed and finished off with approved clay tiles.

12 BALUSTRADING

- i) Hardwood timber balusters, varnished, or square mild steel tubing, flats or wrought iron, treated and painted black according to manufacturer's specification, may be used.
- ii) Decorative patterns will be allowed as part of balustrade design, subject to Home Owner's Association approval.
- iii) The design of the balusters must be vertically proportioned. No plastered and painted brickwork balusters.

13 AERIALS / SATELITE DISHES / PIPES AND CABLES

- i) All television and satellite television must be connected to the existing underground system.
- ii) All telephone and electrical cable reticulation on the property should be underground. No overhead masts or wires are permitted.

14 SERVICE FACILITIES

- i) Gas cylinders, refuse bins, compost piles and clothes lines should be screened within service/drying yards with yard walls being a height of 2m in order to secure privacy from the neighbouring properties, the golf course, or the street.

15 CHIMNEYS

- i) These are important elements in the Architectural composition of the house. Plastered and painted masonry chimneys will be allowed, although chimneys may be also constructed of sheet metal.
- ii) If it is a masonry chimney the colour of the chimney must match the colour of the main dwelling. Wind cowls may be used but must be of a non-corrosive material.

16 EXTERNAL LIGHTS

Lights on walls over the front door, garage or entrances form a welcome guide for visitors and play both a functional and aesthetic role. Types of lights that may be considered are: "Ledbury Lamps", "Canterbury Classic Bracket", "Blenheim", "Stratford Pendant" or "Canterbury Longford" (dimension: 1000 - 1600mm). Other contemporary lighting designs may also be used, subject to the approval of the Homeowner's Association. No bright spotlights to be used.

Annexure D
Amended 2016 approval

11

Enquiries	A Gwintsa / B Mdoda
Your ref	
Our ref	Farm 1512, Stellenbosch
Application No	LU/4194
Date	2016-04-07
Telephone	021-808 8681 / 8690
Fax	021-886 6899

BY HAND REGISTERED MAIL

Dennis Moss Partnership
PO Box 371
Stellenbosch
7599

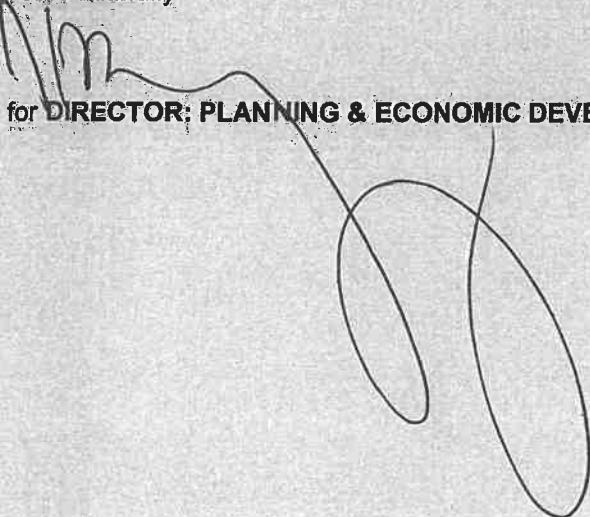
Sir

APPLICATION FOR AMENDMENT OF SUBDIVISION PLAN AND SITE DEVELOPMENT PLAN: FARM NO. 1512, STELLENBOSCH DIVISION

Your letter dated 29 March 2016, in the above regard, refers.

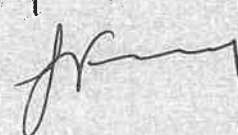
I wish to advise that the appeal process has now been concluded and that the decision as per Council's previous letter of approval is therefore now considered final. Accordingly, you may now act on the decision, subject to compliance with the conditions detailed in my letter dated 31 March 2016.

Yours faithfully



for DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

FILE NR:	OUTGOING POST
1512 S	LU/4194
SCAN NR:	
COLLABORATOR NR:	
487218	

19.4.16




DENNIS MOSS PARTNERSHIP

INTERDISCIPLINARY SUSTAINABILITY CONSULTANTS

Architects • Urban & Regional Planners • Landscape Architects
Environmental Planners • Urban Designers

F1512 SB

Our Ref: J3054

Date: 29 March 2016

Department: Planning and Economic Development
Stellenbosch Municipality
PO Box 17
STELLENBOSCH 7599

(Attention: Mr U Von Molendorff)

Dear Sir,

APPLICATION FOR AMENDMENT OF SUBDIVISION PLAN AND SITE DEVELOPMENT PLAN: DEVONVALE GOLF ESTATE: FARM NO. 1512, STELLENBOSCH

Please refer to the report prepared by your Me A Gwintsa (LU No. 4194) regarding the above and the subsequent recommendation to approve the application in terms of Sections 30(1) and 42 of the Land Use Planning Ordinance, No. 15 of 1985.

We take note of our right to appeal against the decision of Council, in terms of Section 62 of the Local Government Municipal Systems Act, No. 32 of 2000. However, we hereby confirm that we do not wish to exercise that right and subsequently waiver our right to appeal.

As such, you are free to conclude the appeal process and issue the final notification letter

We trust that you find the above in order.

Kind regards

JL VOLSCHENK
DENNIS MOSS PARTNERSHIP

F 1512 S
418816



17 Market St • P.O. Box 371 • Stellenbosch 7599 • SOUTH AFRICA
Tel: +27 (0)21 887 0124 • Fax: +27 (0)21 886 5393 • email: info@dmp.co.za • website: www.dmp.co.za

Dennis Moss Planners & Architects (Pty) Ltd. Reg. No. 2003/007711/07
Directors: DF Moss, URP [SA] BA M (URP) M SAPI • GC de Klerk, URP [SA] B Econ M (URP) M SAPI • M Le Roux-Cloete, Pr Arch, BAS, B Arch (UCT), MArch, CIA
SW vd Merwe, Pr Sci Nat, NHD (Nature Conservation) SACNASP • JMH Lackay, Pr S Arch, T MArch • PJ Niemann, Pr Arch, B Arch (UFS) MArch, CIA

10

Enquiries A Gwintsa / B Mdoda
 Your ref
 Our ref Farm 1512, Stellenbosch
 Application No LU/4194
 Date 2016-03-31
 Telephone 021-808 8681 / 8690
 Fax 021-886 6899

~~BY HAND REGISTERED MAIL~~

Dennis Moss Partnership
 PO Box 371
 Stellenbosch
 7599

Sir

FILE NR:	OUTGOING POST
F1512	LU/4194
SCAN NR:	
COLLABORATOR NR:	
427820	

APPLICATION FOR AMENDMENT OF SUBDIVISION PLAN AND SITE DEVELOPMENT PLAN: FARM NO. 1512, STELLENBOSCH DIVISION

Your application in the above regard, refers.


The Director: Planning and Economic Development at a recent meeting resolved as follows:

1. That **approval be granted** in terms of Section 30 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and delegated powers of authority, for the amendment of the approved subdivision plan relating to phase 2 of the Devonvale Golf and Wine Estate, as indicated on Drawing No. P001, drawn by Dennis Moss Partnership dated 30/06/2015 attached as Appendix 3, subject to the conditions as per the attached report.
2. That **approval be granted** in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and delegated powers of authority, for the amendment of the approved SDP and accompanying Architectural Design Guidelines (**Appendix 2**) and (**Appendix 6**), subject to the conditions as per the attached report.

Kindly note that 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.

Kindly note, you are advised in terms of 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.

Kindly be advised that you may appeal to the Municipal Manager against the above Council decision (including any conditions imposed in case of approval) by giving written notice of such appeal in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000 ("MSA"), and/or the internal appeal process approved by Council at its meeting held on 29 October 2014. In terms of the aforesaid Council decision, an applicant or objector aggrieved by a decision of Council in respect of an application in terms of the Ordinance, Zoning Scheme Regulations or applicable By-Law, may appeal against such decision to the Municipal Manager, by giving written notice of such appeal.

19.4.16


File

A detailed motivated appeal with reasons therefore (and not only the intention to appeal), clearly stating in terms of which legislation it is made, as well as payment of the appeal fee to the amount of R 800,00, should be directed to and received by the Municipal Manager, Stellenbosch Municipality, P O Box 17, Stellenbosch, 7599, or if hand delivered, to the Advice office, Land Use Management, Ground floor, municipal building, Plein Street, Stellenbosch, or faxed to fax number 021 886 6899 within 21 days of the date of registration at the Post Office of this notification letter (with such registration day not included in the appeal period), provided where the last day for lodging an appeal falls either on a Saturday, Sunday or public holiday, it shall be deemed to be the next working day thereafter. Where this letter is collected by hand, the above appeal period will be similarly calculated from the next day after collection. Failure to comply with the above requirements may result in the appeal being ruled invalid by the Appeal Authority. **Kindly be advised that no appeal will be accepted via email.**

Notwithstanding the above, kindly note, you are not permitted to submit a revised proposal as part of such an appeal. Should this be the case, your submission will not be regarded as an appeal, but rather a new application which should be submitted in the normal manner, as only the above decision can be appealed at this stage.

Kindly be advised that objectors (if any) are granted a simultaneous right of appeal in terms of the internal appeal process approved by Council at its meeting held on 29 October 2014.

Please note, appellants are not permitted to canvass the Municipal Manager or members of Council before or after the matter is heard.

Important note: Rights of appeal in terms of Section 44(1)(a), (b), (c) or (d) of the Land Use Planning Ordinance, No 15 of 1985 no longer exist, as such an appeal to the Minister of Local Government, Environmental Affairs and Development Planning, Western Cape has been declared unconstitutional by the Constitutional Court in its unanimous judgment* on 4 April 2014, as such matters fall within the exclusive functions of a municipality in terms of the Constitution.

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

Yours faithfully



for DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT

* In *Minister of Local Government, Environmental Affairs and Development Planning, Western Cape v The Habitat Council and Others; Minister of Local Government, Environmental Affairs and Development Planning, Western Cape v City of Cape Town and Others* [2014] ZACC 9 (Case No. CC117/13).



STELLENBOSCH
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MUNICIPALITY • UMASIPALA • MUNISIALITEIT
DIRECTORATE: PLANNING AND ECONOMIC
DEVELOPMENT

• Is the site subject to any scenic drive restrictions?			X
• Would an undesirable precedent be set?		X	
• Does proposal comply with township establishment / subdivision conditions?			X
• Are there any title deed restrictions / conditions?		X	

Recommendation: (30) and H. *H. edman* 23/03/2016.

In terms of Section 42 of the Land Use Planning Ordinance (15 of 1985) and delegated powers of authority, the above application is hereby **Approved** in accordance with the attached Plan and subject to the following conditions:

- 1. The approval applies only to the amendment of the Subdivision Plan, Site Development Plan and the Architectural Design Guidelines in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;*
- 2. The approval for the SDP shall lapse if not exercised within 2 years from date of final notification;*
- 3. That the conditions as set out by the Department: Civil Engineering Services be adhered to (See Appendix 4);*
- 4. Building plans must be submitted to this Municipality for approval, prior to any building work commencing on site;*
- 5. Council reserves the right to impose further conditions if deemed necessary.*

Reasons for decision:

The revised layout was necessitated as a result of detailed site planning being undertaken for the individual development nodes and the accompanying architectural design of the individual houses in each node. The Architectural design aims to attain the optimum positioning of individual buildings on a property and improve circulation within the development.

The application entails only a minor adjustment to the subdivision plan approved on 10 November 2009 (See **Appendix 5**) and it does not imply that any new residential erven will be created.

The new layout will still conform to the development parameters of the applicable zoning, as approved, and will therefore not have any detrimental effects on the environment.



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DIRECTORATE: PLANNING AND ECONOMIC
DEVELOPMENT

APPENDICES

- Appendix 1: Locality Map
- Appendix 2: Revised Site Development Plan
- Appendix 3: Revised Subdivisional Plan
- Appendix 4: Comments from the Civil Engineers
- Appendix 5: Approved Site Development Plan
- Appendix 6: Architectural Guidelines

RECOMMENDED BY:

C. Charles
SENIOR TOWN PLANNER

01/03/2016
Date

THE MANAGER: LAND USE MANAGEMENT HEREBY APPROVES THE ABOVE
RECOMMENDATION:

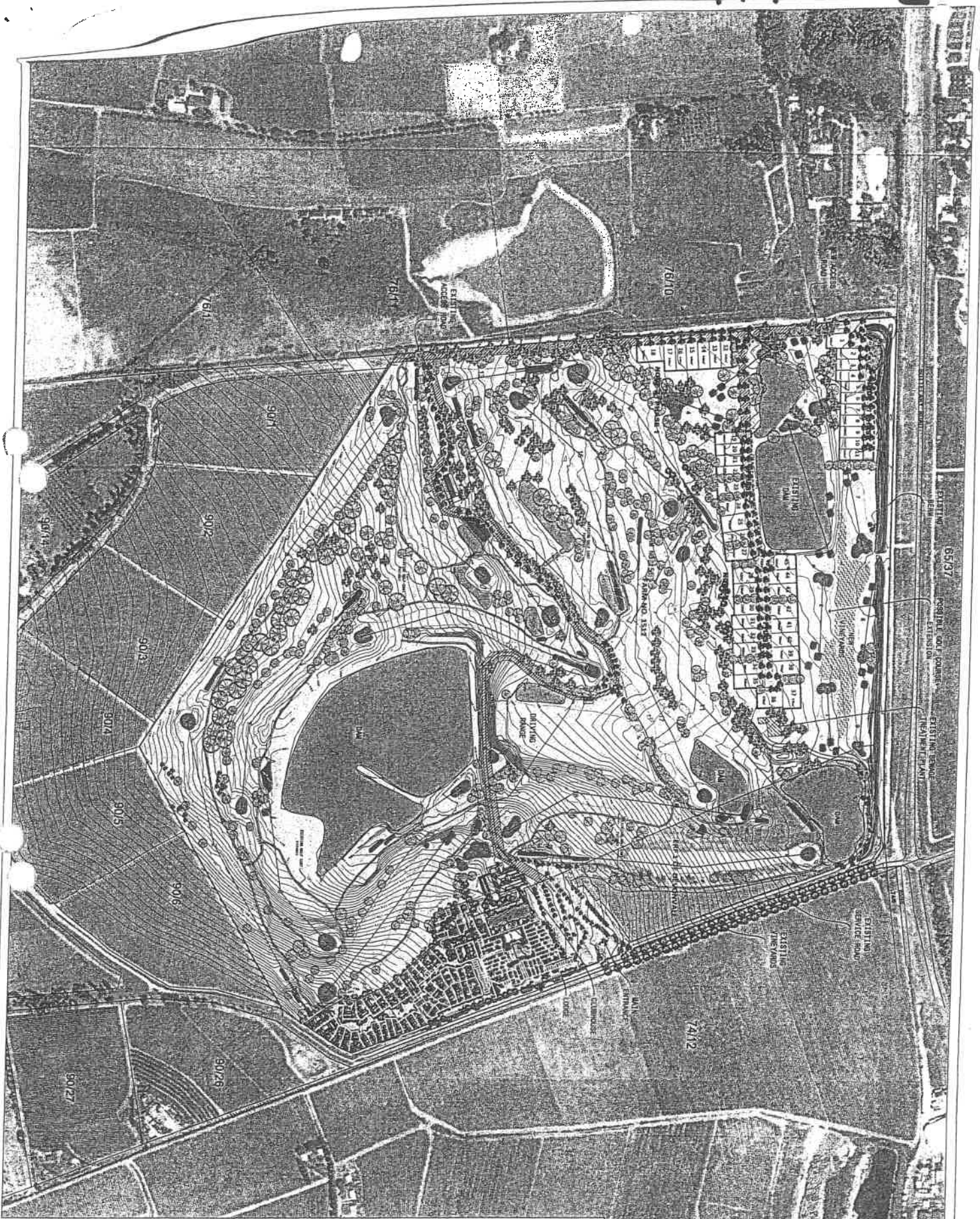
H. Dednam
MANAGER: LAND USE MANAGEMENT

09/03/2016
Date

STELLENBOSCH GIS MAP




- Subject Property.
- ⊕ Phase 2 Extension.

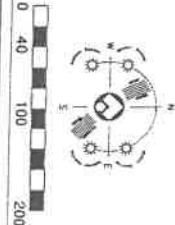


<p>FOR APPROVAL</p>	<p>PROJECT TITLE DEVONVALE GOLF & WINE ESTATE PHASE 2 EXTENSION</p>	<p>CLIENT DEVONVALE (PTY) LTD</p>	<p>PROJECT TITLE DEVONVALE GOLF & WINE ESTATE PHASE 2 EXTENSION</p>	<p>CLIENT DEVONVALE (PTY) LTD</p>	<p>PROJECT TITLE DEVONVALE GOLF & WINE ESTATE PHASE 2 EXTENSION</p>
<p>DATE 30/06/2015</p>	<p>SCALE 1:5000 (A3)</p>	<p>PROJECT NO. 2014</p>	<p>PROJECT NO. 2014</p>	<p>PROJECT NO. 2014</p>	<p>PROJECT NO. 2014</p>
<p>DRAWN BY FLOU</p>	<p>CHECKED BY JAV</p>	<p>DRAWN BY FLOU</p>	<p>DRAWN BY FLOU</p>	<p>DRAWN BY FLOU</p>	<p>DRAWN BY FLOU</p>

DEVONVALE GOLF & WINE ESTATE
PHASE 2 EXTENSION



DENNIS MOSS PARTNERSHIP



0 40 100 200m

This drawing and all the information contained therein is the property of Dennis Moss Partnership and must not be copied or disclosed to a third party without their written consent.



STELLENBOSCH MUNICIPALITY
STELLENBOSCH · PNIEL · FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INGENIEURSDIENSTE
DIRECTORATE: ENGINEERING SERVICES

Ver. 11 (7-12-2015)

TO : The Director: Planning and Development
FOR ATTENTION : B Mdoda
FROM : W Pretorius
DATE : 7 December 2015
RE. : AMMENDMENT OF SUBDIVISION PLAN, DEVONVALE PHASE 2
Reference : FARM 1512, STELLENBOSCH

Details, specifications and information reflected in the abovementioned application, dated 30 June 2015 by Dennis Moss Partnership, refers.

Comments from the Directorate: Engineering Services i.e. Roads & Stormwater, Water Services, Traffic Engineering and Development Services will be reflected in this memo and is to be regarded as development conditions to be reflected in the amendment of subdivision approval. It must be noted that Electrical Services will comment in a separate memo.

Background

A brief summary of the current status of municipal bulk services is given below. Please note that the dates given are our best estimate at this stage, but cannot be guaranteed since construction programmes might be subject to change.

The Devonvale development uses their own sewage treatment plant and a report by the current operator of the plant confirms that it will have the necessary capacity to accommodate the Phase 2 development.

The above-mentioned subdivision plan amendment **application is supported, subject to the following conditions:**

H

General

1. that the following words and expressions referred to in the development conditions, shall have the meanings hereby assigned to except where the context otherwise requires:
 - (a) "*Municipality*" means the STELLENBOSCH MUNICIPALITY a metropolitan municipality, Local Authority, duly established in terms of section 9 of the Local Government Municipal Structures act, Act 117 of 1998 and Provincial Notice (489/200), establishment of the Stellenbosch Municipality (WC024) promulgated in Provincial Gazette no. 5590 of 22 September 2000, as amended by Provincial Notice 675/2000 promulgated in Provincial Gazette;
 - (b) "*Developer*" means the developer and or applicant who applies for certain development rights by means of the above-mentioned land-use application and or his successor-in-title who wish to obtain development rights at any stage of the proposed development;
 - (c) "*Engineer*" means an engineer employed by the "*Municipality*" or any person appointed by the "*Municipality*" from time to time, representing the Directorate: Engineering Services, to perform the duties envisaged in terms of this land-use approval;
2. that all previous relevant conditions of approval to this development application remain valid and be complied with in full unless specifically replaced or removed by the "*Engineer*";
3. that should the "*Developer*" not take up his rights for whatever reason within two years from the date of this memo, a revised Engineering report addressing services capacities and reflecting infrastructure amendments during the two year period, must be submitted to the Directorate: Engineering Services by the "*Developer*" for further comment and conditions;
4. that the "*Developer*" indemnifies and keep the "*Municipality*" indemnified against all actions, proceedings, costs, damages, expenses, claims and demands (including claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the municipalities' services or apparatus or otherwise) arising out of the establishment of the development, the provision of services to the development or the use of servitude areas or municipal property, for a period that shall commence on the date that the installation of services to the development are commenced with and shall expire after completion of the maintenance period.
5. that the "*Developer*" must ensure that he / she has an acceptable public liability insurance policy in place;

6. that the "*Developer*" approach the Provincial Administration: Western Cape for their input and that the conditions as set by the Provincial Administration: Western Cape be adhered to before Section 31 Clearance Certificate will be issued;
7. that the "*Developer*" informs the project team for the proposed development (i.e. engineers, architects, etc.) of all the relevant conditions contained in this approval;
8. that the General Conditions of Contract for Construction Works (GCC) applicable to all civil engineering services construction work related to this development, will be the SAICE 2nd Edition of 2010;
9. that the "*Developer*" takes cognizance and accepts the following:
 - a.) that no construction of any civil engineering services may commence before approval of internal – and external civil engineering services drawings;
 - b.) that no approval of internal – and external civil engineering services drawings will be given before land-use and or SDP approval is obtained;
 - c.) that no approval of internal – and external civil engineering services drawings will be given before the "*Developer*" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party;
 - d.) that no building plans will be recommended for approval by the Directorate: Engineering Services before land-use and or SDP approval is obtained;
 - e.) that no building plans will be recommended for approval by the Directorate: Engineering Services before the approval of internal – and external civil engineering services drawings;
 - f.) that no building plans will be recommended for approval by the Directorate: Engineering Services before a Clearance Certificate in terms of Section 31 of the Land-use Planning Ordinance is issued.

Site Development Plan

10. that it is recognized that the normal Site Development Plan, submitted as part of the land-use application, is compiled during a very early stage of the development and will lack engineering detail that may result in a later change of the Site Development Plan. Any later changes will be to the cost of the "*Developer*";
11. that even if a Site Development Plan is approved by this letter of approval, a further fully detailed site plan be submitted for approval prior to the approval of engineering services plans

and or building- and/or services plans to allow for the setting of requirements, specifications and conditions related to civil engineering services. Such Plan is to be substantially in accordance with the approved application and or subdivision plan and or precinct plan and or site plan, etc. and is to include a layout plan showing the position of all roads, road reserve widths, sidewalks, parking areas with dimensions, loading areas, access points, stacking distances at gates, refuse removal arrangements, allocation of uses, position and orientation of all buildings, the allocation of public and private open spaces, building development parameters, the required number of parking bays, stormwater detention facilities, connection points to municipal water- and sewer services, updated land-use diagram and possible servitudes;

12. that if the fully detailed Site Development Plan, as mentioned in the above item, contradicts the approved Site Development Plan, the "Developer" will be responsible for the amendment thereof and any costs associated therewith;
13. that an amended Site Development Plan be submitted for approval prior to the approval of building plans for new buildings not indicated on the Site Development Plan applicable to this application and or changes to existing buildings or re-development thereof;

Internal- and Link Services

14. that all internal services on the said land portion will be regarded as private services and will be maintained by the "Developer" and or HOA;
15. that the "Developer", at his/her cost, construct the internal (on-site) private civil services for the development, as well as any link (service between internal and available bulk municipal service) municipal services that need to be provided;
16. that the Directorate: Engineering Services may require the "Developer" to construct internal municipal services and/or link services to a higher capacity than warranted by the project; for purposes of allowing other existing or future developments to also utilise such services. The costs of providing services to a higher capacity could be offset against the Development Contributions payable in respect of bulk civil engineering services if approved by the Directorate: Engineering Services;
17. that the detailed design and location of access points, circulation, parking, loading - and pedestrian facilities, etc., shall be generally in accordance with the approved Site Development Plan and / or Subdivision Plan applicable to this application;

18. that plans of all the internal civil services and such municipal link services as required by the Directorate: Engineering Services be prepared and signed by a Registered Engineering Professional before being submitted to the aforementioned Directorate for approval;
19. that the design and construction/alteration of all civil engineering infrastructure shall be generally in accordance with the Standard Conditions imposed by the Directorate: Engineering Services in this respect or as otherwise agreed. The Standard Conditions is available in electronic format and available on request;
20. that the construction of all civil engineering infrastructure shall be done by a registered civil engineering services construction company approved by the "Engineer";
21. that the "Developer" ensures that his/her design engineer is aware of the Stellenbosch Municipality Design Guidelines & Minimum Standards for Civil Engineering Services and that his/her design engineer will comply to the mentioned document or as otherwise agreed in writing with the Directorate: Engineering Services;
22. that engineering design drawings will only be approved once Final Notice of LUPO approval is issued;
23. that all the internal civil services (water, sewer and stormwater), be indicated on the necessary building plans for approval by the Directorate: Engineering Services;
24. that prior to the issuing of the Certificate of Practical Completion, in terms of GCC 2010 Clause 5.14.1, all internal - and link services be inspected for approval by the "Engineer" on request by the "Developer's" Consulting Engineer;
25. that a Certificate of Practical Completion, in terms of GCC 2010 Clause 5.14.1 be issued prior to transfer of individual units or utilization of buildings;
26. that a complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer be submitted to the "Engineer" on a monthly basis;
27. that the "Developer" shall adhere to the specifications of Telkom (SA) and or any other telecommunications service provider. Copies of all correspondence with Telkom shall be handed over to the "Engineer";

28. that the "Developer" shall be responsible for the cost for any surveying and registration of servitudes regarding services on the property;
29. that the "Developer" be liable for all damages caused to existing civil and electrical services of the "Municipality" relevant to this development. It is the responsibility of the contractor and/or sub-contractor of the "Developer" to determine the location of existing civil and electrical services;
30. that all connections to the existing services be made by the "Developer" under direct supervision of the "Engineer" or as otherwise agreed and all cost will be for the account of the "Developer".
31. that the "Developer" shall install a bulk water meter conforming to the specifications of the Directorate: Engineering Services at his cost at the entrance gate of all private developments before the practical completion inspection is carried out;
32. that the developer takes cognizance of applicable tariffs by Council in respect of availability of services and minimum tariffs payable;
33. that Section 31 Clearance will only be issued if the bulk watermeter is installed, a municipal account for the said meter is activated and the consumer deposit has been paid;
34. that a suitably qualified professional resident engineer be appointed to supervise the construction of all internal – and external services;
35. that the "Developer", at his/her cost, will be responsible for the maintenance of all the internal (on-site) municipal – and private civil engineering services constructed for this development until at least 80% of the development units (i.e. houses, flats or GLA) is constructed and occupied whereafter the services will be formally handed over to the HOA, in respect of private services, and to the Municipality in respect of public services;

Servitudes

36. that the "Developer" ensures that all main services to be taken over by the Directorate: Engineering Services, all existing municipal – and or private services crossing private - and or other institutional property and any other services crossing future private land/erven are protected by a registered servitude before final Section 31 Clearance will be given;

37. The width of the registered servitude must be a minimum of 3 m or twice the depth of the pipe (measured to invert of pipe), whichever is the highest value. The "Developer" will be responsible for the registration of the required servitude(s), as well as the cost thereof;
38. that the "Developer" obtains the written approval of all affected owners where the route of a proposed service crosses the property of a third party before final approval of engineering drawings be obtained.

Stormwater Management

39. that the geometric design of the roads and/or parking areas ensure that no trapped low-points are created with regard to stormwater management. All stormwater to be routed to the nearest formalized municipal system;
40. that overland stormwater escape routes be provided in the cadastral layout at all low points in the road layout, or that the vertical alignment of the road design be adjusted in order for the roads to function as overland stormwater escape routes. If this necessitates an amendment of the cadastral layout, it must be done by the "Developer", at his/her cost, to the standards of the Directorate: Engineering Services;
41. that the design engineer needs to apply his/her mind to ensure a design that will promote a sustainable urban drainage system which will reduce the impacts of stormwater on receiving aquatic environments;
42. that no disturbance to the river channel or banks be made without the prior approval in accordance with the requirements of the National Water Act;
43. that the consulting engineer, appointed by the "Developer", analyses the existing stormwater systems and determine the expected stormwater run-off for the proposed development, for both the minor and the major storm event. Should the existing municipal stormwater system not be able to accommodate the expected stormwater run-off, the difference between the pre- and post-development stormwater run-off must be accommodated on site, or the existing system must be upgraded to the required capacity at the cost of the "Developer" and to the standards and satisfaction of the Directorate: Engineering Services. The aforementioned stormwater analysis is to be submitted concurrent with the detail services plans;

44. that for larger developments, industrial developments or developments near water courses a stormwater management plan for the proposed development area, for both the minor and major storm events, be compiled and submitted for approval to the Directorate: Engineering Services.
45. that the approved management plan be implemented by the "Developer", at his/her cost, to the standards of the Directorate: Engineering Services. The management plan, which is to include an attenuation facility, is to be submitted concurrent with the detail services plans;
46. that in the case of a sectional title development, the internal stormwater layout be indicated on the necessary building plans to be submitted for approval.
47. that no overland discharge of stormwater will be allowed into a public road for erven with catchment areas of more than 1500m² and for which it is agreed that no detention facilities are required. The "Developer" needs to connect to the nearest piped municipal stormwater system with a stormwater erf connection which may not exceed a diameter of 300mm.

Floodplain Management

48. that the floor level of all buildings be at least 100 mm above the 1:100 year flood level. These levels must be indicated on all building plans submitted and must be certified by a Registered Professional Engineer;
49. that all perimeter fencing below the 1:50 year flood line be visually permeable from ground level and not adversely effects the free flow of water (e.g. palisade fencing). No fences will be allowed across the watercourse;

Roads

50. that the application must be submitted to the District Roads Engineer for comment and conditions . Any conditions set by the District Roads Engineer will be applicable;
51. that no access control will be allowed in public roads;
52. that provision be made for acceptable stacking distances in front of access control gates;
53. that the layout must make provision for all deliveries to take place on-site. Movement of delivery vehicles may not have a negative impact on vehicular – and pedestrian movement on public roads and or public sidewalks;

54. The design and lay-out of the development must be such that emergency vehicles can easily drive through and turn around where necessary;
55. that, prior to commencement of any demolition / construction work, a traffic accommodation plan for the surrounding roads must be submitted to the Directorate: Engineering Services for approval, and that the approved plan be implemented by the "Developer", at his/her cost, to the standards of the Directorate: Engineering Services;
56. that during the construction stage, access to the site be strictly via the following route only:
(Blumberg Road);
57. that the "Developer" will be held liable for any damage to municipal infrastructure within the road reserves of the roads mentioned in Condition 57 above, caused as a direct result of the development of the subject property. The "Developer" will therefore be required to carry out the necessary rehabilitation work, at his/her cost, to the standards of the Directorate: Engineering Services;
58. that no other access shall be permitted onto Bottelary Road;
59. that access to the property concerned shall be via the existing entrance to the Devonvale Estate at Blumberg Road;
60. that on-site parking be provided by the owner of the property in the ratio of 2 bays per unit/dwelling, plus 0.5 bays per unit to be reserved and clearly marked for visitor's parking;
61. that each erf has its own access (drive-way), (*the new access(es) (dropped kerb(s)) to the proposed parking bays be*) constructed to standards as set out by the the Directorate: Engineering Services and in line with the Road Access Guideline;
62. that the servitude right of way be provided with a permanent surface, and that adequate provision be made for stormwater drainage, to the standards of the Directorate: Engineering Services;
63. that the proposed road be registered by the "Developer" at his cost as a servitude road and be regarded as a private road. Plans of the road layout, pavement layerworks and stormwater drainage to be approved by the Directorate: Engineering Services before commencement of construction;

64. that the access road to the existing facility be kept in an acceptable condition, i.e. maintained to a standard which will result in a comfortable ride for a standard passenger vehicle and to a standard which will not endanger the lives or property of road users;
65. that the parking area be provided with a permanent surface and be clearly demarcated and accessible. Plans of the parking layout, pavement layerworks and stormwater drainage are to be approved by the Directorate: Engineering Services before commencement of construction and that the construction of the parking area be to the standards of the Directorate: Engineering Services;
66. that no parking be allowed in the road reserve;
67. that the "Developer", at his/her cost, implement the recommendations of an approved Traffic Impact Assessment/Statement, and where required, a sound Traffic Management Plan to ensure traffic safety shall be submitted for approval by the Directorate: Engineering Services and the approved management plan shall be implemented by the "Developer", at his/her cost;
68. that should waste removal planned to be done by the municipality the layout be amended to accommodate continuous forward movement by service trucks and all cul-de-sacs have a minimum of 10 m radius turning circle, to ensure continuous forward movement;
69. that the design and lay-out of the development must be such that emergency vehicles can easily drive through and turn around where necessary.

Bridge Requirement:

70. that any bridge(s) in the proposed road lay-out be designed and constructed to not impact on the natural flow of water, and to be able to accommodate the 1:50 year flood. The underside of the bridge(s) must be above the 1:100 year flood level;
71. that the bridge(s) be constructed by the "Developer", at his/her cost, to the standards of the Directorate: Engineering Services. An adequate level of supervision by a suitably qualified Registered Engineering Professional must be provided for the full duration of the works. The Registered Engineering Professional shall arrange for any tests that may be necessary to determine whether the workmanship and materials conform to the required standards;
72. that a certificate stating that all work has been carried out in accordance with the Directorate: Engineering Services's specifications and requirements, signed by the Registered Engineering Professional, must be submitted with the "As Built" drawings on completion of the bridge(s).

The certificate must make reference to all material testing, and confirm that the test results meet or exceed the requirements of the specifications;

Wayleaves

73. that way-leaves / work permits be obtained from the Directorate: Engineering Services prior to any excavation / construction work on municipal land or within 3,0m from municipal services located on private property;
74. that wayleaves will only be issued after approval of relevant engineering design drawings;

Development Contributions

75. that the "Developer" hereby acknowledges that development contributions are payable towards the following bulk civil services: water, roads, stormwater and solid waste as per Council's Policy;
76. that the "Developer" hereby acknowledges that the development contribution levy as determined by the "Municipality" and or the applicable scheme tariffs will be paid by the "Developer" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy, should this land-use application be approved;
77. that the "Developer" immediately familiarise himself with the latest development contributions applicable to his/her development;
78. that the "Developer" accepts that the development contributions will be subject to annual escalation up to date of payment. The amount payable will therefore be the amount as calculated at the time that payment is made;
79. that the "Developer" may enter into a services agreement with the "Municipality" to install or upgrade bulk municipal services at an agreed cost, to be off-set against Development Contributions payable in respect of bulk civil engineering services;
80. that the "Developer" accepts the average amount, as reflected in this document as the amount required for the provision of municipal services in the event that the development is approved;
81. that the Development Contribution levy to the amount of R 1 893 688-00 (Excluding VAT) as reflected on the BICLS Contribution calculation sheet, dated 4 December 2015, and attached herewith as Annexure BICLS, be paid by the "Developer" towards the provision of bulk

municipal civil services in accordance with the relevant legislation and as determined by Council's Policy.

Based on the 2015/16 tariff structure and the approved lay-out, the following amounts are payable:

Roads	:	R 859 505,00
Solid Waste	:	R 32 220,00
Stormwater	:	R 296 893,00
Water	:	R 705 070,00
Total exclusive of VAT:		<u>R 1 893 688,00</u>

82. that it be noted that the Development Contributions as reflected on the BICLS Contribution calculation sheet will be subject to annual escalation up to date of payment. The final amount payable will therefore be the amount as calculated at the time that payment is made;
83. that the development shall be substantially in conformance with the Site Development Plan submitted in terms of this application. Any amendments and/or additions to the Site Development Plan, once approved, which might lead to an increase in the number of units will result in the recalculation of the Development Contributions;
84. Bulk infrastructure contribution levies and repayments are subject to VAT and are further subject to the provisions and rates contained in the Act on Value Added Tax of 1991 (Act 89 of 1991) as amended;

Home Owners Association

85. that a Home Owners Association (HOA) be established in accordance with the provisions of section 29 of the Land Use Planning Ordinance no 15 of 1985 and shall come into being upon the separate registration or transfer of the first deducted land unit arising from this subdivision;
86. that the HOA take transfer of the private roads simultaneously with the transfer or separate registration of the first deducted land portion in such phase;
87. that in addition to the responsibilities set out in section 29, the HOA also be responsible for the maintenance of the private roads, street lighting, open spaces, retention facilities and all internal civil services;

88. that the Constitution of the HOA specifically empower the Association to deal with the maintenance of the roads, street lighting, open spaces, retention facilities and all internal civil services;

Building line encroachments

89. that no access, windows, doors or other openings may be provided towards Road (*specify*);
90. that indigenous trees with non-intrusive root systems and minimum of 2 meters in height be provided at three meter intervals;
91. that the owner(s) of the property indemnify and keep the "Municipality" or any officer thereof indemnified against all actions, proceedings, claims and demands, costs, damages and expenses, which may arise as a result of construction vehicles damaging private property;
92. that roof water from the structure encroaching the lateral and/or rear building line not be discharged onto the adjacent property, but be directed to the street via the owners own property;
93. that a 160mm diameter stormwater pipe be laid under the garage floor to drain the property and to discharge to the road;
94. that it will be the responsibility of the applicant to verify the existence of any municipal – and or private services on site;
95. that, if a ramp is required into the proposed garage, it may not encroach onto the sidewalk;
96. that the door(s) provided in front of the garage be of the remote controlled, roll-up type;
97. That the floor levels of the garages be at least 150mm above the level of the top of kerb of the access Street/Road;

Rural areas: Water and Sewerage

98. That the Devonvale private sewage treatment plant will be operated according to the standards and the agreement between the HOA and the service provider.
99. That all private developments be supplied with a bulk water meter/connection point, registered

in the name of the "Developer" of the Home Owners Association, prior to transfer or commencement of building works;

100. That all engineering services for private developments comply with the same standards and procedures as above and the Home Owners Association be responsible for the maintenance of internal private services;

101. That bulk connection points for services (water, sewer, stormwater and access) be provided in the public road reserve.

Green Technologies

102. Peak water demand should be accommodated with supplementary storage and recycling (e.g. rainwater tanks, grey water recycling) of water so that municipal water only be used to satisfy the base demand;

103. Technologies that facilitate the efficient use of irrigation water must be used;

104. Planting of waterwise flora is encouraged;

105. In accordance with the new SANS 10400-XA standard, all new housing should install solar water heating devices;

106. All non-subsidy housing is encouraged to meet the portion of their electrical demand that exceeds 300 kWh per month by generators such as solar photovoltaic panels and solar hot water heating devices;

107. SANS 10400-XA energy efficiency standards should be adhered to in all planning applications for new buildings, major renovations and usage changes;

Solid Waste

108. that it be noted that the Solid Waste Branch will not enter private property, private roads or any access controlled properties for the removal of solid waste;

109. that the "Developer" will enter into a service agreement with the "Municipality" for the removal of refuse;

110. that should it not be an option for the "Municipality" to enter into an agreement with the "Developer" due to capacity constraints, the "Developer" will have to enter into a service agreement with a service provider approved by the "Municipality";
111. that if the "Developer" wishes to remove the waste by private contractor, provision must still be made for a refuse room should this function in future revert back to the "Municipality";
112. Access to all properties via public roads shall be provided in such a way that collection vehicles can complete the beats with a continuous forward movement;
113. Access shall be provided with a minimum travelable surface of 5 meters width and a minimum corner radii of 5 meters;
114. Maximum depth of cul-de-sac shall be 20 meters or 3 erven, whichever is the lesser. Where this requirement is exceeded, it will be necessary to construct a turning circle with a minimum turning circle radius of 11m or, alternatively – a turning shunt as per the Directorate: Engineering Services' specifications. With respect to the latter, on street parking are to be prohibited by way of "red lines" painted on the road surface as well as "no parking" signboards as a single parked vehicle can render these latter circles and shunts useless;
115. Minimum turning circle radius shall be 11 meters to the center line of the vehicle;
116. Road foundation shall be designed to carry a single axle load of 8.2 tons;
117. Refuse storage areas are to be provided for all premises other than single residential erven;
118. Refuse storage areas shall be designed in accordance with the requirements as specified by the Solid Waste Branch. Minimum size and building specifications is available from the Solid Waste Branch;
119. A single, centralized, refuse storage area which is accessible for collection is required for each complete development. The only exception is the case of a single residential dwelling, where a refuse storage area is not required;
120. The refuse storage area shall be large enough to store all receptacles needed for refuse disposal on the premises, including all material intended to recycling. No household waste is allowed to be disposed / stored without a proper 240 l Municipal wheelie bin;

121. The size of the refuse storage area depends on the rate of refuse generation and the frequency of the collection service. For design purposes, sufficient space should be available to store two weeks' refuse;
122. Where the premises might be utilized by tenants for purposes other than those originally foreseen by the building owner, the area shall be sufficiently large to store all refuse generated, no matter what the tenant's business may be;
123. All black 85 l refuse bins or black refuse bags is in the process of being replaced with 240 l black municipal wheeled containers engraved with WC024 in front, and consequently refuse storage areas should be designed to cater for these containers. The dimensions of these containers are:

Commercial and Domestic : 585 mm wide x 730 mm deep x 1100 mm high

124. With regard to flats and townhouses, a minimum of 50 litres of storage capacity per person, working or living on the premises, is to be provided at a "once a week" collection frequency;
125. Should designers be in any doubt regarding a suitable size for the refuse storage area, advice should be sought from the Solid Waste Department : Tel 021 808-8224
126. Building specifications for refuse storage area:

Floor

The floor shall be concrete, screened to a smooth surface and rounded to a height of 75mm around the perimeter. The floor shall be graded and drained to a floor trap (See: Water Supply and Drainage).

Walls and Roof

The Refuse Storage Area shall be roofed to prevent any rainwater from entering. The walls shall be constructed of brick, concrete or similar and painted with light color high gloss enamel. The height of the room to the ceiling shall be not less than 2.21 meters.

Ventilation and Lighting

The refuse storage area shall be adequately lit and ventilated. The room shall be provided with a lockable door which shall be fitted with an efficient self-closing devise. The door and ventilated area shall be at least 3 metres from any door or window of a habitable room. Adequate artificial lighting is required in the storage area.

Water Supply and Drainage

A tap shall be provided in the refuse storage area for washing containers and cleaning spillage. The floor should be drained towards a 100 mm floor trap linked to a drainage pipe which discharges to a sewer gully outside the building. In some cases a grease gully may be required.

127. Should the refuse storage area be located at a level different from the level of the street entrance to the property, access ramps are to be provided as stairs are not allowed. The maximum permissible gradient of these ramps is 1:7;
128. A refuse bay with minimum dimensions of 15 meters in length x 2, 5 meters in width plus 45 degrees splay entrance, on a public street, must be provided where either traffic flows or traffic sight lines are affected. The refuse bays must be positioned such that the rear of the parked refuse vehicle is closest to the refuse collection area;
129. Any containers or compaction equipment acquired by the building owner must be approved by the Directorate: Engineering Services, to ensure their compatibility with the servicing equipment and lifting attachments;
130. Refuse should not be visible from a street or public place. Suitable screen walls may be required in certain instances;
131. Access must be denied to unauthorized persons, and refuse storage areas should be designed to incorporate adequate security for this purpose;
132. All refuse storage areas shall be approved by the Directorate: Engineering Services, to ensure that the Council is able to service all installations, irrespective of whether these are currently serviced by Council or other companies;

AS-BUILTs

133. The "*Developer*" shall provide the "*Municipality*" with:
 - a. a complete set of as-built paper plans, signed by a professional registered engineer;
 - b. a CD/DVD containing the signed as-built plans in an electronic DXF-file format, reflecting compatible layers and formats as will be requested by the "*Engineer*" and is reflected herewith as Annexure X;

- c. a completed Asset Verification Sheet in Excell format, reflecting the componentization of municipal services installed as part of the development. The Asset Verification Sheet will have to be according to the IMQS format, as to be supplied by the "Engineer", and is to be verified as correct by a professional registered engineer;
 - d. a complete set of test results of all internal – and external services (i.e. pressure tests on water - and sewer pipelines as well as densities on road structure and all relevant tests on asphalt), approved and verified by a professional registered engineer;
 - e. Written verification by the developer's consulting engineer that all professional fees in respect of the planning, design and supervision of any services to be taken over by the "Municipality" are fully paid;
134. All relevant as-built detail, as reflected in the item above, of civil engineering services constructed for the development, must be submitted to the "Engineer" and approved by the "Engineer" before any application for Certificate of Clearance will be supported by the "Engineer";
135. The Consulting Civil Engineer of the "Developer" shall certify that the location and position of the installed services are in accordance with the plans submitted for each of the services detailed below;
136. All As-built drawings are to be signed by a professional engineer who represents the consulting engineering company responsible for the design and or site supervision of civil engineering services;
137. Section 31 Clearance certificates shall not be issued unless said services have been inspected by the "Engineer" and written clearance given, by the "Engineer";

Section 31 Clearance Certificate

138. It is specifically agreed that the "Developer" undertakes to comply with all conditions of subdivision and rezoning as laid down by the "Municipality" before clearance certificates shall be issued, unless otherwise agreed herein;
139. It is specifically agreed that the "Developer" undertakes to ensure that ALL applicable development conditions and requirements are met before submitting an application for the issuing of a Clearance Certificate in terms of Section 31. A list stipulating ALL conditions must

be attached to the application and ALL conditions to the list must be ticked, indicating that it has been complied to, and evidence of such compliance also needs to be attached;

140. that the "Municipality" reserves the right to withhold any clearance certificate until such time as the "Developer" has complied with conditions set out in this contract with which he/she is in default. Any failure to pay monies payable in terms of this contract within 30 (thirty) days after an account has been rendered shall be regarded as a breach of this agreement and the "Municipality" reserves the right to withhold any clearance certificate until such time as the amount owing has been paid;
141. that clearance will only be given per phase and the onus is on the "Developer" to phase his development accordingly;
142. **The onus will be on the "Developer" and or his professional team to ensure that all land-use conditions have been complied with before submitting an application for a Section 31 Certificate. Verifying documentation (proof of payment in respect of development contributions, services installation, etc.) must be submitted as part of the Section 31 Certificate application before an application will be accepted by this Directorate;**
143. that any application for Certificate of Clearance will only be supported by the "Engineer" once all relevant as-built detail, as reflected in the item "AS-BUILT's" of this document, is submitted to the "Engineer" and approved by the "Engineer".

Avoidance of waste, nuisance and risk

144. Where in the opinion of the "Municipality" a lack of maintenance of any service constitutes a nuisance, health or other risk to the public the "Municipality" may give the "Developer" and or HOA written notice to remedy the defect failing which the "Municipality" may carry out the work itself or have it carried out, at the cost of the "Developer" and or HOA.

Streetlighting

145. The "Developer" will be responsible for the design and construction at his own expense of all internal street lighting services and street lighting on link roads leading to his development (excluding Class 1, 2 and 3 Roads) according to specifications determined by the municipality's Manager: Electrical Engineering and under the supervision of the consulting engineer, appointed by the "Developer";

146. Prior to commencing with the design of street lighting services, the consulting electrical engineer, as appointed by the "Developer" must acquaint himself with, and clarify with the municipality's Manager: Electrical Engineering, the standards of materials and design requirements to be complied with and possible cost of connections to existing services;
147. The final design of the complete internal street lighting network of the development must be submitted by the consulting electrical engineer, as appointed by the "Developer", to the municipality's Manager: Electrical Engineering for approval before any construction work commences;
148. Any defect with the street lighting services constructed by the "Developer" which may occur during the defects liability period of 12 (TWELVE) months and which occurs as a result of defective workmanship and/or materials must be rectified immediately / on the same day the defect was brought to the attention of the consulting electrical engineer, appointed by the "Developer". Should the necessary repair work not be done within the said time the "Municipality" reserves the right to carry out the repair work at the cost of the "Developer";
149. The maintenance and servicing of all private internal street lighting shall be the responsibility and to the cost of the "Developer" and or Home Owners Association.



Willem Pretorius (Pr Eng, PMP)
MANAGER: DEVELOPMENT SERVICES

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Geographic Information System (GIS) data capturing standards

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

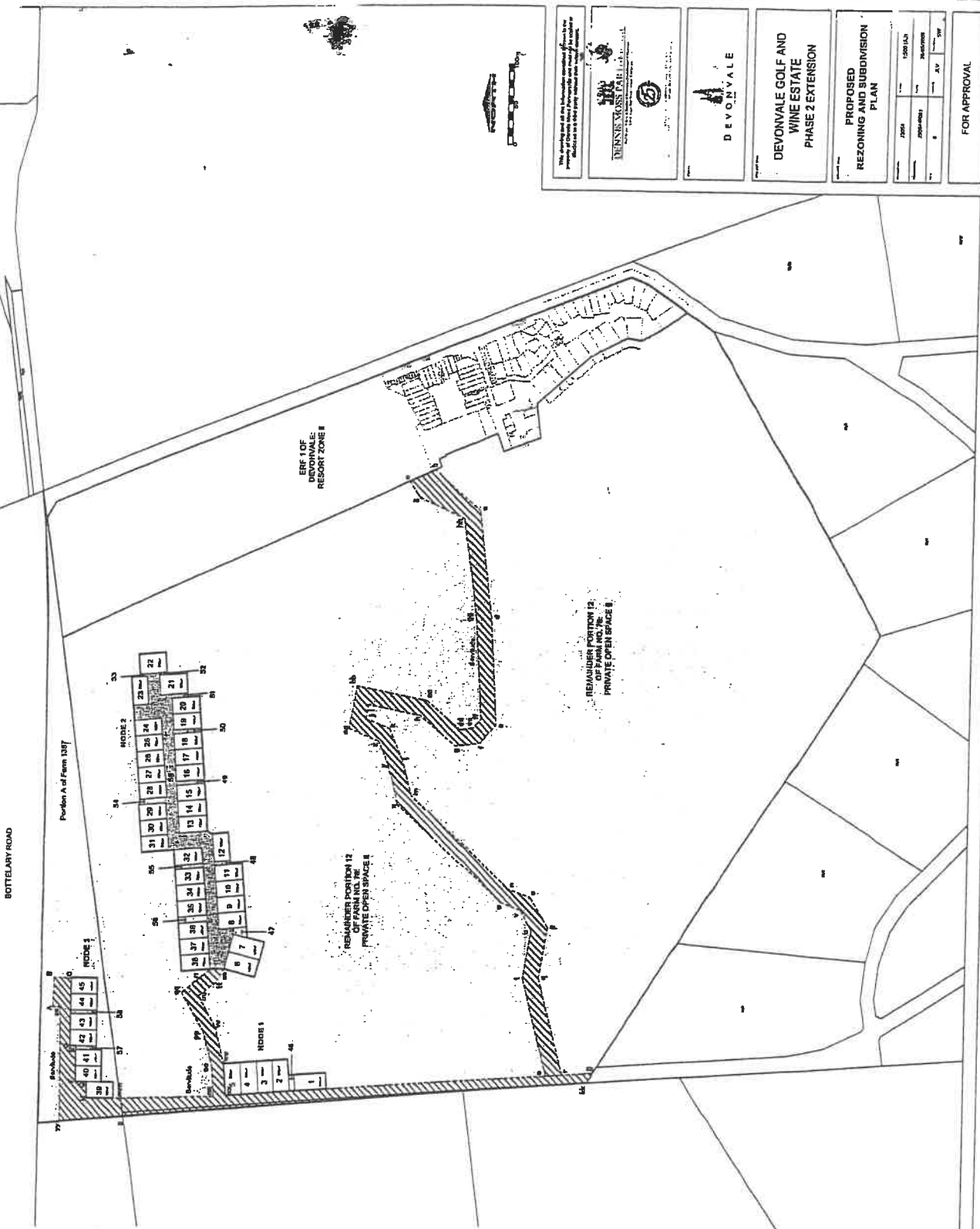
Layer name	Content
TITLE	Title information, including any endorsements and references
NOTES	All noted information, both from the owner / surveyor and SG
PARENT_PROPLINES	Parent property lines
PARENT_PROPNUM	Parent erf number (or portion number)
PROPLINES	New portion boundaries
PROPANNO	New erf numbers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

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

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

For road layer shapefiles; the road name, the from_street and to_street where applicable as well as the start and end street numbers needs to be included as part of the attributes. A rotation field needs to be added to give the street name the correct angle on the map.

APPENDIX 5



DEVONVALE

DEVONVALE GOLF AND WINE ESTATE

PHASE 2 EXTENSION

PROPOSED REZONING AND SUBDIVISION PLAN

 FOR APPROVAL

PORTION A OF FARM NO. 1387			
NODE	PORTION	AREA (m ²)	LAND USE
38	700	700	Housing
39	700	700	Housing
40	700	700	Housing
41	700	700	Housing
42	700	700	Housing
43	700	700	Housing
44	700	700	Housing
45	700	700	Housing
46	700	700	Housing
47	700	700	Housing
48	700	700	Housing
49	700	700	Housing
50	700	700	Housing
51	700	700	Housing
52	700	700	Housing
53	700	700	Housing
54	700	700	Housing
55	700	700	Housing
56	700	700	Housing
57	700	700	Housing
58	700	700	Housing
59	700	700	Housing
SUBTOTAL		4168	

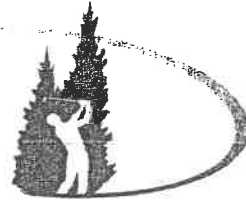
REMAINDER PORTION A OF FARM NO. 1387			
FARM NUMBER	AREA (m ²)	LAND USE	ZONING
Portion A of Farm No. 1387	3,881 m ²	Golf course	Open Space Zone II

NOTE: Servitude 8752/ABCDEF GH is to be registered over Portion A of Farm No. 1387 in favour of the HOA.

PORTION 12 OF FARM NO. 78			
NODE	PORTION	AREA (m ²)	LAND USE
1	500	500	Housing
2	500	500	Housing
3	500	500	Housing
4	500	500	Housing
5	500	500	Housing
6	500	500	Housing
7	500	500	Housing
8	500	500	Housing
9	500	500	Housing
10	500	500	Housing
11	500	500	Housing
12	500	500	Housing
13	500	500	Housing
14	500	500	Housing
15	500	500	Housing
16	500	500	Housing
17	500	500	Housing
18	500	500	Housing
19	500	500	Housing
20	500	500	Housing
21	500	500	Housing
22	500	500	Housing
23	500	500	Housing
24	500	500	Housing
25	500	500	Housing
26	500	500	Housing
27	500	500	Housing
28	500	500	Housing
29	500	500	Housing
30	500	500	Housing
31	500	500	Housing
32	500	500	Housing
33	500	500	Housing
34	500	500	Housing
35	500	500	Housing
36	500	500	Housing
37	500	500	Housing
38	500	500	Housing
39	500	500	Housing
40	500	500	Housing
41	500	500	Housing
42	500	500	Housing
43	500	500	Housing
44	500	500	Housing
45	500	500	Housing
46	500	500	Housing
47	500	500	Housing
48	500	500	Housing
49	500	500	Housing
50	500	500	Housing
51	500	500	Housing
52	500	500	Housing
53	500	500	Housing
54	500	500	Housing
55	500	500	Housing
56	500	500	Housing
57	500	500	Housing
58	500	500	Housing
59	500	500	Housing
SUBTOTAL		33 038 m ²	
TOTAL		43 846 m ²	

REMAINDER PORTION 12 OF FARM NO. 78			
FARM NUMBER	AREA (m ²)	LAND USE	ZONING
Portion 12 of Farm No. 78	81,271 m ²	Golf course	Open Space Zone II

NOTE: Servitude 8752/ABCDEF GH is to be registered over Farm No. 78 in favour of the HOA. Servitude 8752/ABCDEF GH is to be registered over Farm No. 78 in favour of the HOA.



DEVONVALE

GOLF & WINE ESTATE

ARCHITECTURAL GUIDELINES FOR DEVONVALE GOLF AND WINE ESTATE 1 JUNE 2015

INTRODUCTION TO THE GENERAL GUIDELINES

The General Guidelines are applicable to all homes to be constructed within the phase 2 extension to the Devonvale Golf and Wine Estate, and, in the case of certain erven, are expanded in terms of a Specific Guideline applicable to that particular erf. In general, a Specific Guideline will pertain to building lines.

The Articles of Association ("the Articles") of Devonvale Golf Estate Home Owners Association ("the Home Owners Association") provide that no building or structure may be erected on any erf unless the architectural design has been approved by the Home Owners Association or its nominated architect as being in compliance with the General and Specific Guidelines (if the latter is applicable). A plan inspection fee, as agreed from time to time between the Home Owners Association and the nominated architect is payable by the owner of an erf upon which building is to take place, to the nominated architect, in respect of this service.

The Home Owners Association has nominated Dennis Moss Partnership of 17 Market Street, Stellenbosch (telephone 021 887-0124) to act on its behalf in this matter.

All owners should enquire of Dennis Moss Partnership as to whether Specific Guidelines apply to the erf upon which they intend to build prior to planning commencement by their architect.

In terms of the Articles of the Home Owners Association erven may not be consolidated. Tennis courts netball courts and basketball hoops are not permitted.

Should there be any matters not covered in the General or Specific Guidelines, or in the event of any difference of interpretation, the nominated architect shall make a ruling, which shall, in terms of the Estate Rules, be binding.

The General Guidelines may, in the sole discretion of the Home Owners Association, be amended from time to time, without retroactive effect, to both take account of areas and subjects not covered or in order to amend or clarify the provisions pertaining to areas or subject previously dealt with.

The purpose of the General Guidelines is to provide architects and property owners with a framework within which individual properties can be designed and constructed to ensure an integrated and harmonious architectural language for Devonvale Golf and Wine Estate as contemplated in the original zoning approval granted.

It must be emphasized that these guidelines are not intended to stifle or inhibit innovative design and / or original thought. The challenge lies in respecting the *genius loci* (spirit of place) of the Winelands, by determining the identity of the area and interpreting it in ever new ways in Devonvale.

1. BUILDING FORM

Building form consists of the main building structure, which is expressed as one or more core buildings with abutments.

a) Core buildings

- i) Building form must conform to the traditional "Letter of the Alphabet" building types wherever the site allows it. These types originated in the local vernacular of the Cape.
- ii) The plan form of the building resembles the letters I, T, L, H, U, or variations on the theme. Rectangular sections of the core buildings must be built perpendicular to each other.

b) Abutments

- i) In order to accommodate larger floor areas than what the letter of the alphabet building type allows, abutments may be added to the core of the building. These are rectangular, single storey extensions to the "letter of the alphabet" core buildings as explained earlier.

2. BUILDING DIMENSIONS (BUILDING WIDTH AND HEIGHT)

2.1. Building Width

a) Building width of core buildings

The building width of any core building must not exceed 8.m.

b) Building width and length of abutments

The width of any single abutment to the core building must not exceed 4.5 metres and the length 6 metres.

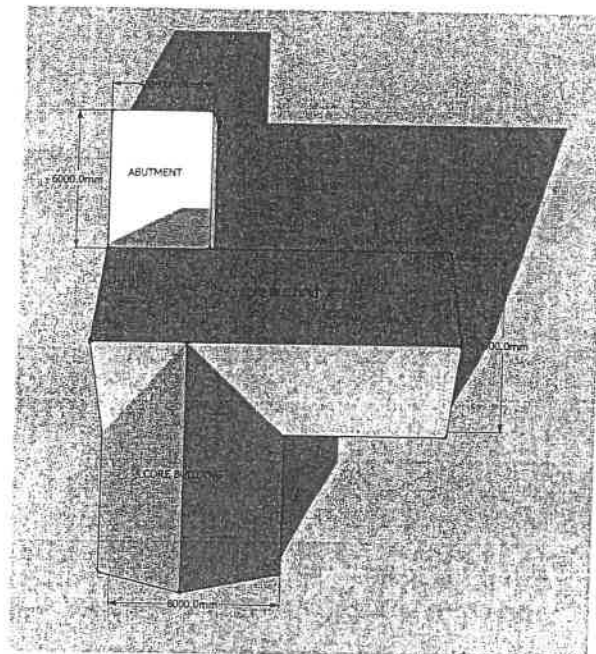


Figure 1: Building dimensions.

2.2. Building Height

Buildings may be single or double storey.

Cape. The pitch of the roof must be between 30°- 40°. All double-pitched roofs must be symmetrical.

b) Abutments

- i) Abutments that are built on to the core building may have lean to, mono pitched roofs with pitches ranging from 7° to 15° and must be enclosed with a horizontal parapet wall on at least 3 sides where applicable.

c) Garages

- i) Garage roofs may also be flat with an angle ranging between minimum 1° and maximum 5°.
- ii) Where applicable, roofs over garages must be enclosed with a horizontal parapet wall on 4 sides.
- iii) Flat concrete roofs may also be used especially when forming the balcony for first floor spaces.

NOTE: This type of balconies may only be 1.8m wide.

d) Verandas:

Lean to roofs will be allowed for verandas clipped onto the main dwelling and should preferable have a pitch of 15°.

5.2 Roof finishes

The following roofing material and colors may be used on the main building and outbuildings.

- i) "Brownbuilt Klip-Lok" profile aluminium roof sheeting with painted or pre-painted Chromadek / Colomet /Classicoat finish, or similar approved.
- ii) Roof sheeting colours: only Dark Grey or Charcoal may be used.
- iii) The roof material used for these roofs must match the main dwelling in colour and material specification.
- iv) Shade cloth may ONLY be used on the carport and MUST be fixed within a designed and pre-approved structure. The design of the carport must fit in with the overall aesthetic and character of the main dwelling and be submitted with the building plans to the controlling Architect's for aesthetic approval.

Shade cloth colour: Only black

Exclusion: No shade cloth on the main dwelling or any of the outbuildings, except for the carport is allowed, and perspex, fiberglass and polycarbonate sheeting may not be used.

- v) The colours of fascias are to match the colour of the roof finish. Bargeboards are all to be timber and varnished.

11 BALCONIES

- i) Only "Romeo and Juliet" type balconies are allowed with the slab, plastered and painted to match the exterior wall of the building, protruding 200mm, maximum, past the exterior face of the building with the handrail fixed on the edge of the slab.
- ii) Balconies formed by the roof slab of the ground floor are also allowed and finished off with approved clay tiles.

12 BALUSTRADING

- i) Hardwood timber balusters, varnished, or square mild steel tubing, flats or wrought iron, treated and painted black according to manufacturer's specification, may be used.
- ii) Decorative patterns will be allowed as part of balustrade design, subject to Home Owner's Association approval.
- iii) The design of the balusters must be vertically proportioned. No plastered and painted brickwork balusters.

13 AERIALS / SATELITE DISHES / PIPES AND CABLES

- i) All television and satellite television must be connected to the existing underground system.
- ii) All telephone and electrical cable reticulation on the property should be underground. No overhead masts or wires are permitted.

14 SERVICE FACILITIES

- i) Gas cylinders, refuse bins, compost piles and clothes lines should be screened within service/drying yards with yard walls being a height of 2m in order to secure privacy from the neighbouring properties, the golf course, or the street.

15 CHIMNEYS

- i) These are important elements in the Architectural composition of the house. Plastered and painted masonry chimneys will be allowed, although chimneys may be also constructed of sheet metal.
- ii) If it is a masonry chimney the colour of the chimney must match the colour of the main dwelling. Wind cowls may be used but must be of a non-corrosive material.

16 EXTERNAL LIGHTS

Lights on walls over the front door, garage or entrances form a welcome guide for visitors and play both a functional and aesthetic role. Types of lights that may be considered are: "Ledbury Lamps", "Canterbury Classic Bracket", "Blenheim", "Stratford Pendant" or "Canterbury Longford" (dimension: 1000 - 1600mm). Other contemporary lighting designs may also be used, subject to the approval of the Homeowner's Association. No bright spotlights to be used.