

NOTICE OF LAND DEVELOPMENT APPLICATION TO INTERESTED AND AFFECTED PARTIES FOR COMMENT

The following land use application in terms of the Stellenbosch Land Use Planning Bylaw, 2023, refers:

Application Property Address:	Devonbosch, Bottelary Road, Koelenhof
Application Property Number:	Farm 65/9, 65/20 & Erf 185, Stellenbosch Division
Applicant:	LMV CAPE Town & Regional Planners
Owner:	DB Property Development Company (Pty) Ltd & Blue Dawn Trading (Pty) Ltd
Application Reference:	LU/ 15786 (TP388/2023)
Application Type:	Application for Consent Use

Detailed description of land use or development proposal, including its intent and purpose:

- Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-law, 2023 for Consent Use to allow for the following:
 - i. A tourist facility to permit a e-Foiling facility on Farm No. 65 Portions 9 and 20, Stellenbosch Division; and
 - ii. An occasional use to permit a mountain bike (MTB) trail on Erf 185, Koelenhof, Remainder Erf 165, Koelenhof, Remainder Farm No. 1059, Farm No. 65/9 and Farm No. 65/20, Stellenbosch Division.

Notice is hereby given in terms of the provisions of Section 46 of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said bylaw with the following requirements and particulars:

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address;
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
 - Indicate the facts and circumstances that explain the comments;
 - Where relevant demonstrate the undesirable effect that the application will have if approved;
 - Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
 - Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows: André Roux andre@arouxplanning.co.za

By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **12 October 2023**.

It should be noted that the Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/ objection received after the closing date.

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at 021 180 3171 during normal office hours.

Yours faithfully

André Roux

For LMV CAPE Town & Regional Planners

KENNISGEWING VAN GRONDGEBRUIK AANSOEK AAN BELANSTELLEND EN GEAFFEKTEERDE PARTYE VIR KOMMENTAAR.

Die volgende grondgebruiksaansoek in terme van Stellenbosch se Verordening op Grondgebruikbeplanning, 2023, verwys:

Adres van aansoek eiendom:	Devonbosch, Bottelary Pad, Koelenhof
Aansoek eiendom beskrywing:	Plaas 65/9, 65/20 & Erf 185, Stellenbosch Verdeling
Aansoeker:	LMV CAPE Stads en Streekbeplanners
Eienaar:	DB Eiensdome Ontwikkeling Maatskappy (Pty) Ltd & Blue Dawn Handel (Pty) Ltd
Aansoek Verwysing:	LU/ 15786 (TP388/2023)
Tipe Aansoek:	Aansoek vir vergunninggebruik

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

- Aansoek word gedoen ingevolge Artikel 15(2)(o) van die Stellenbosch Munisipale Grondgebruikbeplanningsverordening, 2023 vir vergunning om voorsiening te maak vir die volgende:
 - i. 'n Toeriste fasiliteit om 'n 'e-Foiling' fasiliteit op Plaas No. 65 Gedeeltes 9 en 20, Stellenbosch Afdeling toe te laat; en
 - ii. 'n Geleentheidsgebruik om 'n bergfiets (MTB) roete toe te laat op Erf 185, Koelenhof, Restant Erf 165, Koelenhof, Restant Plaas No. 1059, Plaas No. 65/9 en Plaas No. 65/20, Stellenbosch Afdeling.

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordening dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydskedule van die publieke deelname proses by die volgende adres:

<https://www.stellenbosch.gov.za/planning/documents/planning-notice/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terme van Artikel 50 van die tersaaklike Verordening wat die volgende vereistes en besonderhede moet bevat:

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsigte van die volgende aspekte:
 - Die feite en omstandighede aantoon wat die kommentaar toelig;

- o Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
- o Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
- o Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: André Roux, andre@arouxplanning.co.za

Deur 'n beswaar, kommentaar of verhoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **12 Oktober 2023**.

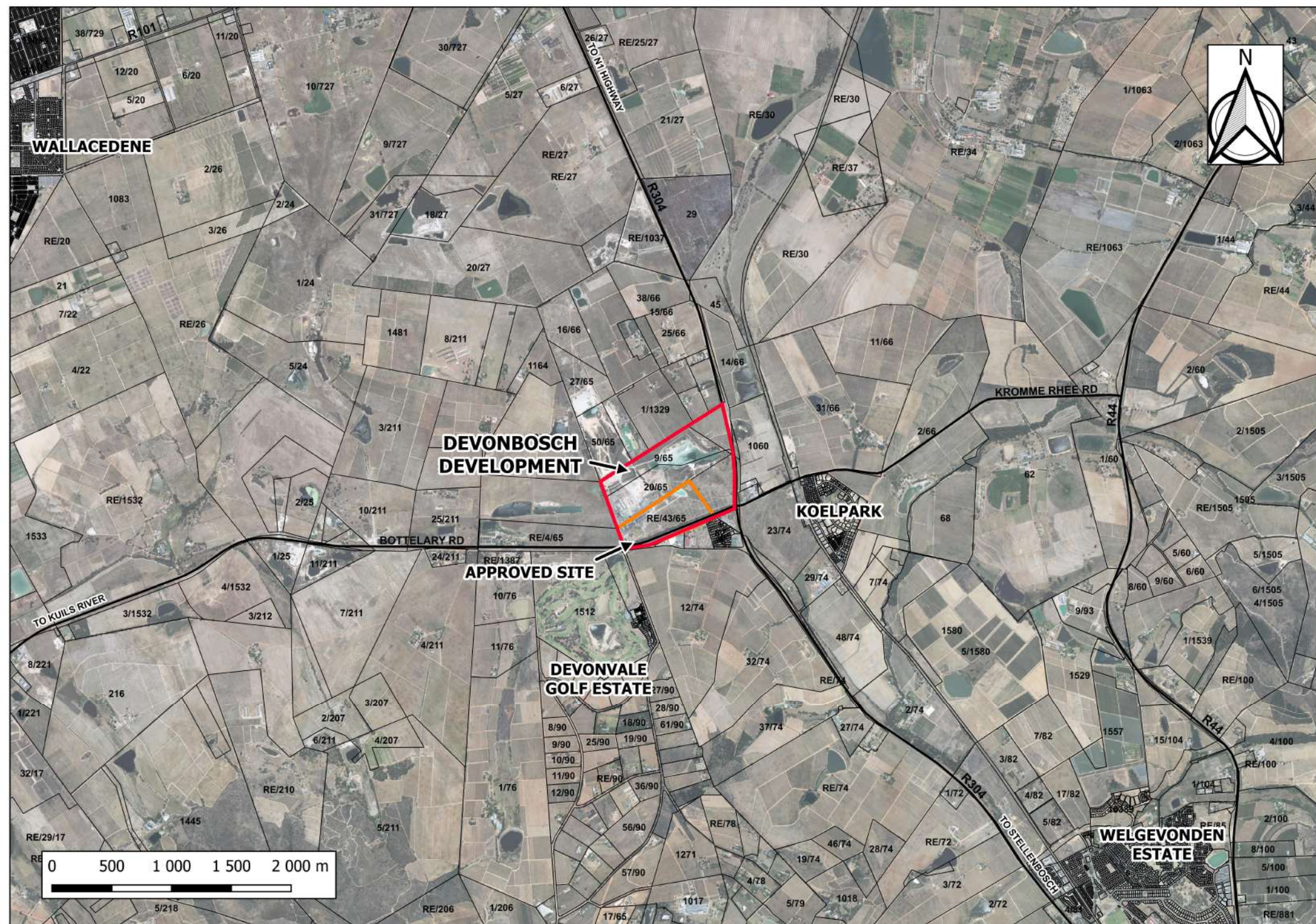
Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by 021 180 3171 gedurende normale kantoor ure.

Die uwe

André Roux

Vir LMV CAPE Stads en Streekbeplanners



EXECUTIVE SUMMARY

APPLICATION DETAILS

Application is hereby made for the following:

- Council's Consent for a "tourist facility" to permit an e-Foiling facility on Portions 9 and 20 of Farm Nooitgedacht No.65, Stellenbosch.
- Council's Consent for an "occasional use" to permit a mountain bike (MTB) trail, with the start and end point on Erf 185, Koelenhof.

Table 1 – Application Details	
Applicant	LMV CAPE Town & Regional Planners
Property Description	<ul style="list-style-type: none">• Erf 185, Koelenhof (portion of Erf 165, Koelenhof)• Portion 20 of the Farm Nooitgedacht No.65, Stellenbosch• Portion 9 of the Farm Nooitgedacht No.65, Stellenbosch
Property Address	Devonbosch, Bottelary Rd, Koelenhof
Registered Owner	DB Property Development Company (Pty) Ltd & Blue Dawn Trading (Pty) Ltd
Site Extent	± 83 ha
Municipality	Stellenbosch Municipality
Applicable Zoning Scheme	Stellenbosch Municipality Zoning Scheme By-Law
Current Zoning	<ul style="list-style-type: none">• Erf 185, Koelenhof: Mixed-Use Zone.• Farms 20/65 & 9/65: Agriculture & Rural Zone
Title Deed	<ul style="list-style-type: none">• Erf 185, Koelenhof: T44463/2022• Other land units: T28432/2015
Title Deed Restrictions	None
Proposed Development / Land Use	<ul style="list-style-type: none">• e-Foiling facility – on Farms 20/65 and 9/65.• MTB trail – start / end point on Erf 185, Koelenhof
Subject to NEMA	No
Subject to SAHRA	No
Policy compliant	Yes

BACKGROUND

- Devonbosch is a popular mixed-use development near Stellenbosch, situated at the intersection of the R304 and Bottelary Road. The development was recently initiated after obtaining land use approval from the Stellenbosch Municipality.
- The above-mentioned approval was provided for Erf 165, Koelenhof (previously registered as Portion 43 of the Farm Nooitgedacht No.65, Stellenbosch). However, surrounding farm portions which are owned by the same owners (although different entities) and which are also included within the Koelenhof urban edge, are included in the longer-term plans of the Devonbosch development. These farm portions, which

are zoned Agriculture and Rural Zone, still need to undergo rezoning and subdivision processes, but in the interim it is planned to provide for recreational activities on these properties which contribute to the lifestyle environment of this estate and to ensure that this space is more efficiently utilised. This includes an e-Foiling facility and mountain bike (MTB) trail.

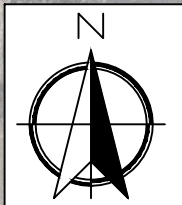
- The proposed ±7,5km MTB trail's start / end point is on Erf 185, Koelenhof and run throughout the undeveloped portion of the greater Devonbosch site. Erf 185 is zoned Mixed-Use Zone. Although the MTB trail is deemed a tourist facility, this zoning does not allow a tourist facility as a primary or consent use. It was resolved with the Municipality that application be made for Council's Consent for an "occasional use".
- The proposed e-Foiling facility will be established at the existing quarry dam, on Portions 9 and 20 of Farm Nooitgedacht No.65, Stellenbosch. These farm portions are zoned Agriculture and Rural Zone. A tourist facility is permitted within this zone with Council's Consent.

MOTIVATION

- The proposal is aligned with the development principles as prescribed by LUPA and SPLUMA, and the Stellenbosch Municipality SDF as it will make efficient use of space within the urban edge which have not yet been developed.
- The proposed activities will support the local tourism industry and contribute to local economic growth. A number of employment opportunities will be created by these facilities.
- The proposed land uses will contribute to the lifestyle environment of the estate and will not impact negatively on the existing and future residential and commercial operations.
- The proposed facilities will not have a negative impact on sensitive environment and heritage resources. The project environmental practitioner has assessed the proposed activities and confirmed that no additional environmental approvals in terms of environmental legislation are required.
- The proposed facilities will not impact negatively on municipal engineering resources. The activities require minimal services and can be accommodated within the existing services capacity.

CONCLUSION

It has been demonstrated that the proposed land uses are desirable and will contribute positively to the existing Devonbosch development. LMV CAPE Town & Regional Planners recommends that this application, for Council's Consent for a 'tourist facility' on Portions 9 and 20 of Farm Nooitgedacht No. 65, Stellenbosch and an 'occasional use' on Erf 185, Koelenhof to permit an e-Foiling facility and MTB trail respectively, be considered for approval based on the above merits.



DEVONBOSCH
STELLENBOSCH

REVISION HISTORY:

Rev A: Proposed Devenbosch tourist facilities site plan.

NOTES:

- Site Boundary
- Approved Devonbosch Development Site Area
- Proposed MTB Track
- Dam Outline

TITLE:
PROPOSED TOURIST FACILITIES
(MTB TRACK & E-FOILING)
SITE PLAN

SCALE: 1:5000 (A3)
0 50 100 150 200 250m

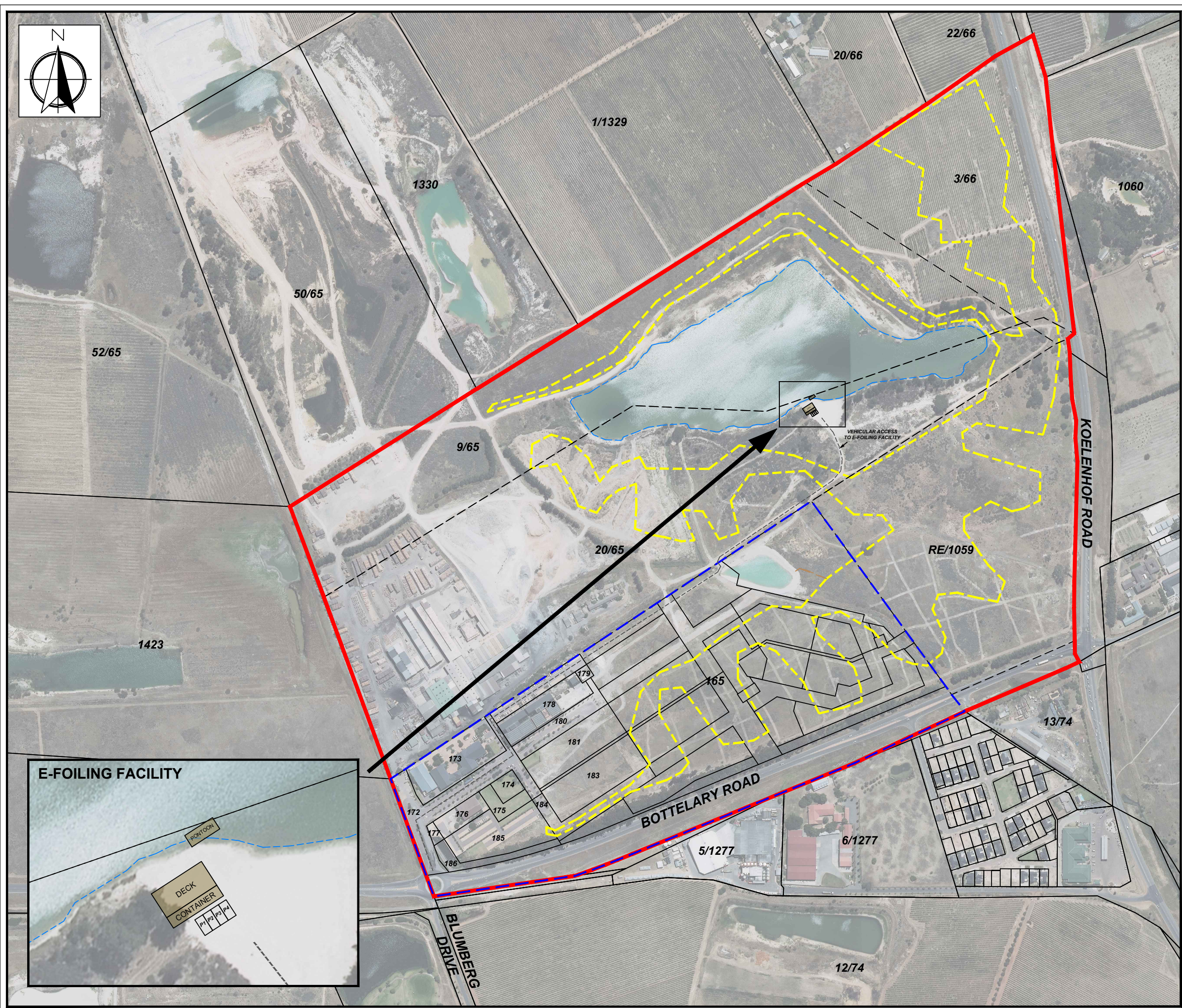
PROPERTY DESCRIPTION:
ERF 165, KOELENHOF, PORTIONS 9 & 20 OF
FARM NO. 65, REMAINDER FARM 1059 &
PORTION 3 OF FARM NO. 66, STELLENBOSCH

PROJECT DETAILS:
Project Name: Devonbosch
Project No: 23004
Client: DB Property Development Company (Pty) Ltd
Municipality: Stellenbosch Municipality

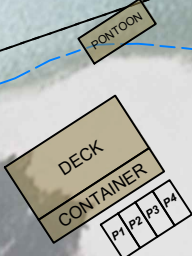
PLAN DETAILS:
Plan No: 23004-001
Revision: 1
Date: 2023-05-17
Drawn by: RC
Checked by: AR



The copyright in this drawing, including the design and the details shown herein, is reserved by LMV Cape Town & Regional Planners.



E-FOILING FACILITY



From: Sharise De Klerk
Sent: Thursday, 20 July 2023 11:40
To: Bulelwa Mdoda

04/07/2023 1000231138	TP164/2022	5000.00
14/07/2023 1000231791	TP388/2023 CASHFOCUS TP388/2023	5000.00



Kind regards,

Sharise De Klerk

Electronic Payments

Income/Finance Department

T: +27 21 808 8547 | F: +27 8867318

Plein Street, Stellenbosch, 7600

www.stellenbosch.gov.za



Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:
http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

Receipt Nr: 231791



Enquiries

Nicole Katts

Phone Number

021808 8111

E-mail

Nicole.Katts@stellenbosch.gov.za

BTW/VAT Invoice No: 14064

Invoice VAT Reference: 4700102181

Name: André Roux

Invoice Date: 2023/6/29

Reference No: TP388/2023

Payment Due Date: 2023/7/29

Client Street address: Office B1, La Concorde Building,
57 Main Road Southern Paarl Paarl Western Cape South
Africa 7646

Municipality street address: PLEIN STREET
STELLENBOSCH STELLENBOSCH Western Cape 7600

Client Postal address: Office B1, La Concorde Building,
57 Main Road Southern Paarl Paarl Western Cape South
Africa 7646

Municipality postal address: PLEIN STREET
STELLENBOSCH STELLENBOSCH Western Cape 7600

Client VAT No:

Town Planning Application Fees

Vote No	Description	Qty	Rate	UoM	Amount (Incl VAT)
20220630081392	Consent Use ito Zoning	2	2 500.00	Per application per property	5 000.00
Total Excl VAT					4 347.83
VAT					652.17
Invoice Total					5 000.00

*VAT Exempt

Created By: Petersen, Nicole

Signature: _____

Verified By: Petersen, Nicole

Signature: _____

Please note that application fees that are paid to the municipality are non-refundable and proof of payment must accompany the application. It is the responsibility of the applicant to ensure that the payment is made into the correct account.

Bank Details: First National Bank Acc# 62869253684 Branch Code 250655

Please use the following as reference number: TP388/2023

To expedite the application, please send proof of payment by e-mail or fax as per the detail above.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

March 2022

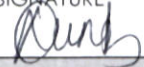
DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

TP388/2023

LAND USE APPLICATION COMPLIANCE CHECKLIST ITO S38 OF THE LAND USE PLANNING BYLAW, 2015				Date of Submission of Application	15/06/2023	
Erf No	n/a	Town		Suburb	n/a	
Farm No	Farm No. 65 Farm No. 65 Erf 185	Farm Portion	9 20	Nearest Town	Stellenbosch Stellenbosch Koelenhof	
Owner / Applicant	André Roux – LMV Cape Towb		Contact number		083 448 0376	
Email address	Andre@arouxplanning.co.za					
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION				ADMIN TO VERIFY ¹		PLANNER TO EVALUATE ²
				YES	NO	
1. Completed application form that is signed				✓		✓
2. Power of Attorney / Owners' Consent if the applicant is an agent and Company Resolution				✓		✓
3. Bondholders' consent						—
4. Proof that applicant is authorized to act on behalf of an entity						—
5. Proof of ownership or rights held in land						—
6. Motivation based on criteria in s65						✓
7. SG diagram or General Plan				✓		✓
8. Locality plan				✓		✓
9. Site development plan or plan showing the land development				✓		✓
10. Subdivision plan						—
11. Permission for required servitude						—
12. Title Deed				✓		✓
13. Conveyancer's certificate						—

¹ Verification by Admin only of the documentation attached and completeness of application and not the correctness thereof.

² Technical evaluation by Planner of the documentation attached for completeness and correctness thereof.

14. Feedback on Pre-application scrutiny	✓		✓
15. Minutes of Pre-consultation Meeting			—
16. Consolidation plan			—
17. Street name and numbering plan			
INDICATE WHICH OF THE FOLLOWING FORM PART OF THE DOCUMENTATION	ADMIN TO VERIFY		PLANNER TO EVALUATE
18. Land use plan / zoning plan			
19. Landscaping / tree plan			
20. Flood line plan			
21. Neighbours' consent	✓		✓
22. HOA / Body Corporate consent			
23. Assessments: EIA, HIA, TIA , TIS, MHIA, EA/ROD			
24. Services report (Engineers report)			
25. Previous approvals	✓		✓
26. Proof of failure of HOA			
27. Proof of lawful use right / zoning certificate			
28. Other documents Specify:			
VERIFIED & SIGNED BY ADMIN	NAME Nicole Katts	SIGNATURE 	DATE 15/06/2023
Outstanding information (to be completed by Planner): N/A			
Applications to be invoiced (to be completed by Planner): Consent Uses (x2) = R5000 Z.			
EVALUATED & SIGNED BY PLANNER	NAME Harris Gintz (19.06.2023)	SIGNATURE 	DATE 28/06/2023
NOTES: 1. The documentation is not considered as a registered application until such time as it has been scrutinized, all outstanding information (if any) has been submitted and payment is reflected in Council's bank account, after Applicant has been requested by Admin to make payment. 2. Should it be found that the application is not complete, the Applicant will be notified of outstanding information [s41(1)(c)(ii)]. 3. Once payment has been confirmed and the application has been registered, the Applicant will be notified of the complete application [s41(1)(c)(i)] and will receive instructions to advertise [s48(4)]. 4. Should the outstanding information and/or payment of fees not be received, the applicant will be notified that the application will not proceed due to failure to submit required information [s41(4)].			



STELLENBOSCH

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DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

www.stellenbosch.gov.za/planning-portal/

SUBMIT COMPLETED FORM TO landuse.applications@stellenbosch.gov.za

LAND USE PLANNING APPLICATION FORM

(Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) and other relevant legislation)

KINDLY NOTE: Please complete this form using BLOCK letters and ticking the appropriate boxes.

PART A: APPLICANT DETAILS

First name(s)	ANDRÉ				
Surname	ROUX				
Company name (if applicable)	LMV CAPE TOWN & REGIONAL PLANNERS (PTY) LTD				
Postal Address	31 PEAK DRIVE, PINELANDS				
		Postal Code	7405		
Email	andre@arouxplanning.co.za				
Tel	021 180 3171	Fax		Cell	083 448 0376

PART B: REGISTERED OWNER(S) DETAILS (If different from applicant)

Registered owner(s)	DB PROPERTY DEVELOPMENT (PTY) LTD & BLUE DAWN TRADING (PTY) LTD				
Physical address	DEVONBOSCH, BOTTELARY ROAD, KOELENHOF				
		Postal code	7605		
E-mail	pieter@squareturn.co.za				
Tel	021 271 0216	Fax		Cell	083 948 7006

PART C: PROPERTY DETAILS (in accordance with title deed)

Erf / Erven / Farm No.	FARM NO. 65 FARM NO. 65 ERF 185	Portion(s) if Farm	9 20	Allotment area	STELLENBOSCH STELLENBOSCH KOELENHOF
Physical Address	DEVONBOSCH, BOTTELARY ROAD, KOELENHOF				
Current Zoning	FARMS 9/65 & 20/65: AGRICULTURE & RURAL ZONE ERF 185, KOELENHOF: MIXED-USE ZONE	Extent	+/-83HA m ² / ha	Are there existing buildings?	☒ N
Applicable Zoning Scheme	STELLENBOSCH MUNICIPALITY ZONING SCHEME BY-LAW				

Current Land Use	MIXED USE DEVELOPMENT & VACANT									
Title Deed number and date	T	FARMS: T28432/2015 ERF 185, KOELENHOF: T44463/2022								
Attached Conveyance's Certificate	Y	☒	Any Restrictions ito the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate							
Are the restrictive conditions in favour of a third party(ies)?	Y	☒	If Yes, list the party(ies):							
Is the property encumbered by a bond?	Y	☒	If Yes, list the bondholder(s):							
Is the property owned by Council?	Y	☒	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management							
Is the building located within the historical core?	Y	☒	Is the building older than 60 years?	Y	☒	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) ¹	Y	☒	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.	
Any existing unauthorized buildings and/or land use on the subject property(ies)?				Y	☒	If yes, is this application to legalize the building / land use? ²			Y	N
Are there any pending court case(s) / order(s) relating to the subject property(ies)?				Y	☒	Are there any land claim(s) registered on the subject property(ies)?			Y	N

PART D: PRE-APPLICATION CONSULTATION AND OR SCRUTINY

Has there been any pre-application consultation?	Y	☒	If Yes, please attach the minutes of the pre-application consultation.
Has the pre-application scrutiny form been submitted?	Y	☒	If yes, please attach the written feedback received.

** The submission of a pre-application scrutiny form is compulsory for this type of application as listed below and written feedback must be attached to the land use planning application.*

PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE**APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)**

Type of application: Cost are obtainable from the Council Approved tariffs	Tick
15(2)(a) rezoning of land*	
15(2)(b) a permanent departure from the development parameters of the zoning scheme	
15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land	
15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement*	
15(2)(e) a consolidation of land that is not exempted in terms of section 24*	
15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit*	

¹ All applications triggered by section 38(1)(a) - (e) in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999) may not be processed without a permit issued by the relevant department

² No application may be submitted to legalize unauthorised building work and or land use on the property if a notice has been served in terms of Section 87(2)(a), and until such time a Section 91 Compliance Certificate have been issued in terms of the Stellenbosch Land Use Planning By-law (2015)

15(2)(g) a permission required in terms of the zoning scheme	
15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval*	
15(2)(i) an extension of the validity period of an approval	
15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme	
15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram*	
15(2)(l) a permission required in terms of a condition of approval	
15(2)(m) a determination of a zoning*	
15(2)(n) a closure of a public place or part thereof	
15(2)(o) a consent use contemplated in the zoning scheme	✓
15(2)(p) an occasional use of land	
15(2)(q) to disestablish a home owner's association	
15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services	
15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building	
15(2)(6) when the Municipality on its own initiative intends to conduct land development or an activity	
15(2)(l) amendment of Site Development Plan	
15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines	

OTHER APPLICATIONS	
Deviation from Council Policies/By-laws	R
Consent / Permission required in terms of a title deed	R
Technical approval in terms of the Zoning Scheme Bylaw, 2019	R
Other (specify): _____	R
TOTAL A:	R

PRESCRIBED NOTICE AND FEES*** (for completion and use by official)			
Tick	Notification of application in media	Type of application	Cost
	SERVING OF NOTICES	Delivering by hand; registered post; electronic communication methods	R
	PUBLICATION OF NOTICES	Local Newspaper(s); <i>Provincial Gazette</i> ; site notice; Municipality's website	R
	ADDITIONAL PUBLICATION OF NOTICES	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
	NOTICE OF DECISION	<i>Provincial Gazette</i>	R
	INTEGRATED PROCEDURES	T.B.C	R
TOTAL B:			R
TOTAL APPLICATION FEES**			R
(TOTAL A + B)			

****The complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Application fees that are paid to the Municipality are non-refundable and once proof of payment is received, the application will be regarded as duly submitted.**

*****All indigent residents who are registered as such with the Municipality and with proof submitted together with application will be exempted from applicable fees for Permanent Departure applications including but not limited to building lines, coverage, height, bulk, parking. Contact: Indigent.office@stellenbosch.gov.za or 021 808 8501 or 021 808 8579**

****** The applicant is liable for the cost of publishing and serving notice of an application. Additional fees may become applicable and the applicant will be informed accordingly.**

BANKING DETAILS

Account Holder Name: Stellenbosch Municipality
 Bank: FIRST NATIONAL BANK (FNB)
 Branch no.: 210554
 Account no.: 62869253684

Payment reference: LU/_____ and ERF/FARM _____

Please use both the Land Use Application number and the Erf/Farm number indicated on the invoice as a reference when making EFT payment

DETAILS FOR INVOICE

Name & Surname/Company name (details of party responsible for payment)

Postal Address

Vat Number (where applicable)

PART F: DETAILS OF PROPOSAL

Building line encroachment	Street		From	m	To	m
	Street		From	m	To	m
	Side		From	m	To	m
	Side		From	m	To	m
	Aggregate side		From	m	To	m
	Rear		From	m	To	m
Exceeding permissible site coverage		From	%	To	%	
Exceeding maximum permitted bulk / floor factor / no of habitable rooms		From		To		
Exceeding height restriction		From	m	To	m	
Exceeding maximum storey height		From	m	To	m	
Consent/Conditional Use/Special Development						
To permit..... in terms of Section.....of the.....Zoning Scheme Regulations						
Other (please specify)	<hr/> <hr/> <hr/>					

Brief description of proposed development / intent of application:

SEE MOTIVATION REPORT

PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION

Complete the following checklist and attach all the information and documentation relevant to the proposal. Failure to submit all information and documentation required will result in the application being deemed incomplete.

Information and documentation required

☒	N		Power of attorney / Owner's consent if applicant is not owner	Y	☒		Bondholder's consent (if applicable)
☒	N		Resolution or other proof that applicant is authorised to act on behalf of a juristic person	Y	☒		Proof of any other relevant right held in the land concerned
☒	N		Written motivation pertaining to the need and desirability of the proposal	☒	N		S.G. diagram / General plan extract (A4 or A3 only)
☒	N		Locality plan (A4 or A3 only) to scale	☒	N		Site development plan or conceptual layout plan (A4 or A3 only) to scale
Y	☒		Proposed subdivision plan (A4 or A3 only) to scale	Y	☒		Proof of agreement or permission for required servitude
Y	☒		Proof of payment of application fees	☒	N		Proof of registered ownership (Full copy of the title deed)
Y	☒		Conveyancer's certificate	Y	☒		Written feedback of pre-application scrutiny and Minutes of pre-application consultation meeting (if applicable)
Y	N	☒	Consolidation plan (A4 or A3 only) to scale	☒	N	N/A	Land use plan / Zoning plan (A4 or A3 only) to scale
Y	N	☒	Street name and numbering plan (A4 or A3 only) to scale				
Y	N	☒	Landscaping / Tree plan (A4 or A3 only) to scale	Y	N	☒	1 : 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale
Y	N	☒	Abutting owner's consent	Y	N	☒	Home Owners' Association consent
	N	☒	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD)	Y	N	☒	Services Report or indication of all municipal services / registered servitudes
☒	N	N/A	Copy of original approval and conditions of approval	Y	N	☒	Proof of failure of Home owner's association

Y	N	☒ N/A	Proof of lawful use right		Y	N	☒ N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes
Y	N	☒ N/A	Required number of documentation copies		Y	N	☒ N/A	Other (specify)

PART H: AUTHORISATION(S) SUBJECT TO OR BEING CONSIDERED IN TERMS OF OTHER LEGISLATION

Y	X	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.	Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989))	Y	X _A	National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
Y	X _A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)		Y	X _A	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
Y	X _{N/A}	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)		Y	X _A	National Water Act, 1998 (Act 36 of 1998)
Y	X _{N/A}	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations		Y	X _A	Other (specify)
Y	X _{N/A}	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)				
Y	X _{N/A}	Do you want to follow an integrated application procedure in terms of section 44(1) of the Stellenbosch Municipality Land Use Planning By-Law? If yes, please attach motivation.				

SECTION I: DECLARATION

I hereby wish to confirm the following :

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense in terms of section 86(1)(e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.
3. I am properly authorized to make this application on behalf of the owner and that a copy of the relevant power of attorney or consent is attached hereto.
4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
5. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.
6. I confirm that I have made known all information relating to possible Land / Restitution Claims against the application property.
7. It is the owner's responsibility to ensure that approval is not sought for a building or land use which will be in conflict with any applicable law.
8. The Municipality assesses an application on the information submitted and declarations made by the owner or on his behalf on the basis that it accepts the information so submitted and declarations so made to be correct, true and accurate.

9. Approval granted by the Municipality on information or declarations that are incorrect, false or misleading may be liable to be declared invalid and set aside which may render any building or development pursuant thereto illegal.
10. The Municipality will not be liable to the owner for any economic loss suffered in consequence of approval granted on incorrect, false or misleading information or declarations being set aside.
11. Information and declarations include any information submitted or declarations made on behalf of the owner by a Competent Person/professional person including such information submitted or declarations made as to his or her qualification as a Competent person and/or registration as a professional.
12. A person who provides any information or certificate required in terms of Regulation A19 of the National Building Regulations and Building Standards Act No 103 of 1977 which he or she knows to be incomplete or false shall be guilty of an offence and shall be prosecuted accordingly.
13. A person who supplies particulars, information or answers in a land use application in terms of the Stellenbosch Municipality Land Use Planning By-law knowing it to be incorrect, false or misleading or not believing them to be correct shall be guilty of an offence and shall be prosecuted accordingly.
14. The Municipality will refer a complaint to the professional council or similar body with whom a Competent Person/professional person is registered in the event that it has reason to believe that information submitted or declaration/s made by such Competent Person/professional person is incorrect, false or misleading.
15. I am aware that by lodging an application, the information in the application and obtained during the process may be made available to the public.

Applicant's signature:



Date:

2023-03-24

Full name:

ANDRÉ ROUX

Professional capacity:

TOWN PLANNER

FOR OFFICE USE ONLY

Date received: _____

Received By: _____

Municipal Stamp

SPECIAL POWER OF ATTORNEY

I, the undersigned,

CARLO CAPRI

in my capacity as the lawful representative of

BLUE DAWN TRADING (PTY) LTD

and registered owner of

PORTIONS 9 AND 20 OF THE FARM NOOITGEDACHT NO.65, STELLENBOSCH

Hereby nominates, constitutes and appoints LMV CAPE TOWN & REGIONAL PLANNERS (represented by Hennie du Plooy and André Roux) with power of substitution to be my / our lawful representative in my / our name, place and stead, to:

- Submit a land use application to the Stellenbosch Municipality, including an application for Council's Consent and / or temporary departure for a Tourist Facility, to allow adventure activities (including a mountain biking (MTB) trial and eFoiling facility) on the above-mentioned properties;
- endeavour any other actions or applications that might consequence or be required as part of the town planning approval process or approvals required or to establish the necessary land use and development rights for the intended development / land use in respect of the above-mentioned property to such authorities as may be necessary;
- sign and receive all correspondence in respect of the matter referred to above; and
- enter the said property and to complete whatever studies may be necessary and do whatsoever may be necessary or desirable to procure the approval of the applications, and request building plans / copies of building plans / any previous approval on file from the Local Authority.

Signed at STELLENBOSCH on this 16th day of MAY 2023.


SIGNATURE OF AUTHORISED INDIVIDUAL

NAME OF AUTHORISED INDIVIDUAL / REGISTERED LAND OWNER

DATE

16 MAY 2023

SPECIAL POWER OF ATTORNEY

I, the undersigned,

Carlo Capri

in my capacity as the lawful representative of

DB PROPERTY DEVELOPMENT COMPANY (PTY) LTD

and registered owner of

ERVEN 165, 184, 185 AND 186, KOELENHOF

Hereby nominates, constitutes and appoints LMV CAPE TOWN & REGIONAL PLANNERS (represented by Hennie du Plooy and André Roux) with power of substitution to be my / our lawful representative in my / our name, place and stead, to:

- Submit a land use application to the Stellenbosch Municipality, including an application for Council's Consent and / or temporary departure for a Tourist Facility, to allow adventure activities (including a mountain biking (MTB) trial) on the above-mentioned properties;
- endeavour any other actions or applications that might consequence or be required as part of the town planning approval process or approvals required or to establish the necessary land use and development rights for the intended development / land use in respect of the above-mentioned property to such authorities as may be necessary;
- sign and receive all correspondence in respect of the matter referred to above; and
- enter the said property and to complete whatever studies may be necessary and do whatsoever may be necessary or desirable to procure the approval of the applications, and request building plans / copies of building plans / any previous approval on file from the Local Authority.

Signed at Stellenbosch on this 16th day of May 2023.

SIGNATURE OF AUTHORISED INDIVIDUAL

NAME OF AUTHORIZED INDIVIDUAL CARLO CAPRI REGISTERED LAND OWNER

DATE

16 May 2023.

RESOLUTION

Minutes of a meeting of the Directors of BLUE DAWN TRADING (Pty) Ltd, held at

STELLENBOSCH'[place] on

16 MAY 2023[date].

Resolved:

That Carlo Capri (name & surname) is hereby authorized to act on behalf of the company in all aspects and to sign all necessary and required documents on behalf of the company with regard to the land use application to the Stellenbosch Municipality for Council's consent and / or temporary departure to permit tourist facilities (adventure activities) on the following properties:

- Portions 9 of the Farm Nooitgedacht No.65, Stellenbosch
- Portions 20 of the Farm Nooitgedacht No.65, Stellenbosch
- Portion 3 of the Farm Koelenhof No.66, Stellenbosch
- Remainder of Farm Humeclay No. 1059, Stellenbosch

CARLO CAPRI 16 MAY 2023.
[name, date & signature of Director]

.....
[name, date & signature of Director]

.....
[name, date & signature of Director]

.....
[name, date & signature of Director]

.....
[name, date & signature of Director]

RESOLUTION

Minutes of a meeting of the Directors of DB PROPERTY DEVELOPMENT COMPANY (Pty) Ltd, held at

STELLENBOSCH[place] on

16 May 2023[date].

Resolved:

That Carlo Capri (name & surname) is hereby authorized to act on behalf of the company in all aspects and to sign all necessary and required documents on behalf of the company with regard to the land use application to the Stellenbosch Municipality for Council's consent and / or temporary departure to permit tourist facilities (adventure activities) on Erven 165, 184, 18 and 186, Koelenhof, as well as all other properties owned by the company that are portions of Remainder Portion 43 of Farm Nooitgedacht No.65 Stellenbosch / Erf 165, Koelenhof.

CARLO CAPRI 16 May 2023
[name, date & signature of Director]

.....
[name, date & signature of Director]

.....
[name, date & signature of Director]

.....
[name, date & signature of Director]

.....
[name, date & signature of Director]

Deeds Reg A/C No
CTN.

128

Akte Kant Rek Nr.

WEBBER WENTZEL

in alliance with > Linklaters

Tel +27 21 431 7000

EXECUTION/
UITVOERINGRef No / Verw. Nr Falch

A. VIR AKTEKANTOOR GEBRUIK / FOR DEEDS OFFICE USE

Datum van indiening / Date of lodgement

LODGED



31-08-2022



07 SEP 2022

INGEDIEN

SGO

Onderszoekers / Examiners

Kamers
Rooms

Skakeling / Linking

Reject
VerwerpPasseer
Pass

1.

H. Zitha

1254

2.

C. WIMBERG 1351

3.

16

14

CM

B. VIR AKTEBESORGER SE GEBRUIK / FOR CONVEYANCER'S USE

Aard van Akte / Nature of Deed

CRT

DB Property Development Co P/L

t.g.v. / i.f.o.

Nedbank Limited

T

044463/22

Skakeling / Linking

Titelaktes / Title deeds within

16

14

GELYKTYDIGES / SIMULS

No. in stel / batch	Kode / Code	Name van Partye / Names of Parties	Naam van Firma / Name of Firm	Firma Firm No.
1		SEE COVER 1 FOR LINKING		
2				
3				
4				
5				
6				
7				
8				
9				
10				
11		GRAHAM JOHN SONNENBERG		
12				

HANDED IN FOR EXECUTION



2022-09-08



HANDED IN FOR EXECUTION



080007992911

Registrasie versoek deur /
Registration requested by:Datum /
Date

69/9/2022

(Kort beskrywing van eiendom (slegs para 1 in Akte) / Brief description of property (merely para 1 in Deed))

Ex 185 (portion of Ex 165) Koelenhof

A. VIR AKTEBESORGER SE GEBRUIK / FOR CONVEYANCER'S USE:

(a) Gelyktygiges met ander registrasiekantore / deeltitels: Simult with other registries / sectional titles:

	Kode/Code	Firma / Firm	Eiendom / Property	Kantoor / Office
1.				
2.				
3.				
4.				

(b) Klient-afskrifte van aktes permanent in Aktekantoor geliasseer:
Client copies of deeds filed permanently in Deeds Office:

Aard en nommer van akte / Nature and number of deed	Cover No. / Omslag Nr.	Parawe van ondersoekers Initials of Examiners

(c) Notas / Notes

B. VIR AKTEKANTOOR GEBRUIK / FOR DEEDS OFFICE USE:

Interdike nagesien Interdicts checked			Opmerkings / Remarks	Paraaf Initials
Datum / Date	Paraaf Initials	(1) Dorp goedgekeur (geproklameer) Township approved (proclaimed)		
		(2) Begiftigingserwe Endowment erven		
		(3) Begiftiging Endowment		
		(4) Voorwaardes Conditions		
		(5) Mikro Micro		
		(6) Algemene Plan General Plan		
		(7) Titelakte Title Deed		
		(8) Verbonde teen dorpsitel Bonds against township title		
		(9) Datum nagesien Date checked		

Kantoor instruksies/Office instructions:

Seksie/Section

Fee endorsement		
	Amount	Office fee
Purchase price/Value	R.....	39600
Mortgage capital amount	R.....	R.....
Reason for exemption	Cat.....	Exempt i.t. o section.....Act.....

Prepared by me

CONVEYANCER
Esp. Marais (M88108)



VIR ENDOSSEMENTE KYK BLADSY
FOR ENDORSEMENTS SEE PAGE 4

T 044463 / 22

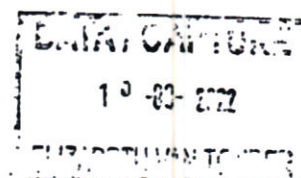
CERTIFICATE OF REGISTERED TITLE

(Issued under the provisions of Section 43 of the
Deeds Registries Act 1937 (Act No. 47 of 1937))

WHEREAS

DB PROPERTY DEVELOPMENT COMPANY PROPRIETARY LIMITED
Registration Number 2011/136509/07

has applied for the issue to it of a Certificate of Registered Title under the provisions of Section 43 of the Deeds Registries Act No. 47 of 1937 in respect of the undermentioned land, being portion of the land registered in its name under Deed of Transfer No. T29577/2018



W.O.P

MONTREAL 43		VERBODEN		MORTGAGED	
B 17236		2019			
VER		FOR R		100,000,000.00	
BC					
09 SEP 2022				REGISTRATEUR/REGISTRAR	

For Information Only

NOW THEREFORE in pursuance of the provisions of the said Act, I, the REGISTRAR OF DEEDS CAPE TOWN do hereby certify that -

DB PROPERTY DEVELOPMENT COMPANY PROPRIETARY LIMITED
Registration Number 2011/136509/07

Its successors in title or assigns is the registered owner of:

**Erf 185 (portion of Erf 165) Koelenhof
Municipality and Division Stellenbosch
Province of the Western Cape**

In extent 7706 (seven seven zero six) square metres

As will appear from Diagram S.G. Number 453/2022

And held by Deed of Transfer no. T29577/2018

- A. **SUBJECT** to such conditions as are referred to in Deed of Transfer Number T3248/1908.
- B. **SUBJECT** to the special condition contained in Deed of Transfer Number T7479/1990 that the said land shall not be subject or entitled to any rights under the two orders of court of the Water Court District Number 1, dated 4th April 1922 and 19 February 1923, referred to in two endorsements dated 2 May 1922 and 11 June 1923, respectively on the said Deed of Transfer Number T3248/1908 which rights are reserved to the owner of the remainder of Lot Y of Lot Number 1 Nooitgedacht under Deed of Transfer T3248/1908.
- C. **SUBJECT** to the following endorsement dated 13 November 1979 as contained in Deed of Transfer Number T32707/1971:

"By Notarial Deed K754/1979 dated 15 October 1979 the within property is subject to a right of way servitude 18,89 metres wide running immediately along and parallel to the boundary lettered AE, commencing on the boundary lettered ED, and terminating on the boundary lettered AB as depicted on Diagram SG Number 3505/1969 annexed hereto.

With ancillary rights and subject to conditions as will more fully appear from the said Notarial Deed."

5



AND that by virtue of these presents the said –

DB PROPERTY DEVELOPMENT COMPANY PROPRIETARY LIMITED
Registration Number 2011/136509/07

Its successors in title or assigns, now is and henceforth shall be entitled thereto conformably to local custom, the State however, reserving its rights.

IN WITNESS WHEREOF I, the said REGISTRAR have subscribed to these presents and have caused the Seal of Office to be affixed thereto.

THUS DONE and REGISTERED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 9th September 2022


REGISTRAR OF DEEDS

65



$\frac{1}{D}-3-4$

Prepared by me

CONVEYANCER
Esri Marais (M88108)

**APPLICATION FOR THE ISSUE OF
A CERTIFICATE OF REGISTERED TITLE IN TERMS OF SECTION 43
OF THE DEEDS REGISTRIES ACT, Act 47 of 1937**

I, the undersigned,

PIETER PAUL ADRIAAN VAN DER WESTHUIZEN duly authorised by
resolution dated at Stellenbosch on 1 June 2022 by the Directors of

DB PROPERTY DEVELOPMENT COMPANY PROPRIETARY LIMITED
Registration Number 2011/136509/07

do hereby apply to the Registrar of Deeds Cape Town for the issue to of
DB PROPERTY DEVELOPMENT COMPANY PROPRIETARY LIMITED
a Certificate of Registered Title under section 43 of the Deeds Registries Act, Act
47 of 1937, in respect of the undermentioned property:

Erf 185 (portion of Erf 165) Koelenhof
Municipality and Division Stellenbosch
Province of the Western Cape

In extent: 7706 (seven seven zero six) square metres

As indicated on diagram SG No. 453/2022

being a portion of the land registered in favour of
DB PROPERTY DEVELOPMENT COMPANY PROPRIETARY LIMITED
Registration Number 2011/136509/07

held under Deed of Transfer Number T29577/2018

SIGNED at Koelenhof

on 9 June 2022


**PIETER PAUL ADRIAAN VAN
DER WESTHUIZEN** on behalf
of **DB PROPERTY
DEVELOPMENT COMPANY
PROPRIETARY LIMITED**

2

41

Edward Nathan Sonnenbergs Inc
PO Box 2293
Cape Town
8000

Prepared by me


CONVEYANCER
Safeera Ally
LPCM 95630

CONSENT TO APPLICATION IN TERMS OF SECTION 43 OF ACT 47/1937

I, the undersigned,

FRITZ DIETER SCHULZ

in my capacity as the duly authorized representative of Nedbank Limited, Registration Number 1951/000009/06, its orders, successors or assigns by virtue of a delegation of authority, in terms of a resolution of the Board of Directors of Nedbank Limited, passed at Johannesburg on the 7 August 2020 the legal holder of the undermentioned Mortgage Bond, namely

BOND NUMBER: B17236/2019

DATE: 5 AUGUST 2019

PASSED BY : DB PROPERTY DEVELOPMENT COMPANY PROPRIETARY LIMITED
REGISTRATION NUMBER 2011/136509/07

IN FAVOUR OF : NEDBANK LIMITED
Registration Number 1951/000009/06

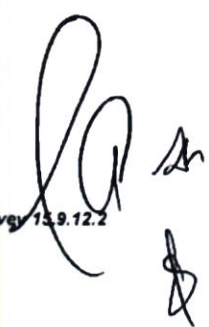
AMOUNT : R 100 000 000.00 (ONE HUNDRED MILLION RAND) Capital
Plus R25 000 000.00 (TWENTY FIVE MILLION RAND) Additional amount

HEREBY CONSENT to the issuing of a Certificate of Registered Title in terms of Section 43 of Act 47 of 1937 in respect of the following, namely:

Erf 185 (portion of Erf 165) Koelenhof
Municipality and Division Stellenbosch
Province of the Western Cape

In extent: 7706 (seven seven zero six) square metres

As indicated on diagram SG No. 453/2022

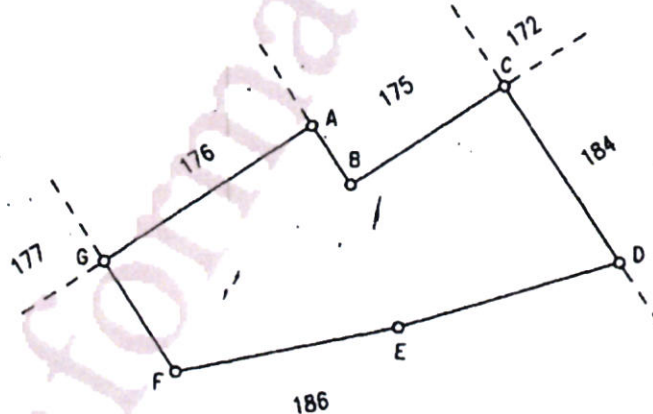

GhostConvey 15.9.12.2

Diesel & Munns, Land Surveyors, Somerset West. (C4362)

SIDES	METRES	DIRECTIONS	CO-ORDINATES Y System : WG 19° X			S.G. No. 453/2022 APPROVED: <i>S. Photo</i> FOR: SURVEYOR GENERAL 13-04-2022
			CONSTANTS	0.00	+3 700 000.00	
A B	22,41	326 57 00	A	+ 18 070,21	+ 50 030,87	
B C	57,04	236 57 00	B	+ 18 057,99	+ 50 049,65	
C D	65,79	326 57 00	C	+ 18 010,18	+ 50 018,55	
D E	71,87	73 27 00	D	+ 17 974,30	+ 50 073,69	
E F	71,37	78 48 50	E	+ 18 043,20	+ 50 094,17	
F G	41,20	146 57 00	F	+ 18 113,21	+ 50 108,01	
G A	78,11	236 57 00	G	+ 18 135,68	+ 50 073,47	
Elsenburg Δ 42				+ 15 762,92	+ 48 020,58	
Nooitgedacht Δ 55				+ 17 491,79	+ 51 736,19	

DESCRIPTION OF BEACONS

A,C,D,E,F,G...12mm IRON PEGS
B...DRILL HOLE IN KERB



SCALE 1:2000

The figure A B C D E F G

represents 7706 square metres of land, being

ERF 185 (portion of Erf 165) KOELENHOF

Situate in the Stellenbosch Municipality
Administrative District of Stellenbosch
Province Western Cape

Surveyed in April 2006 – September 2021
by me,

D.W. Lambert
D.W. Lambert (PLS 0329)
Professional Land Surveyor

This diagram is annexed to

No. 044463/22

d.d.

i.f.o.

G. van der Merwe
Registrar of Deeds

The original diagram is

S.G.No. 3505/1969

Deed of Transfer No.

1971- -32707

File No. STEL. 65 VOL.1

S.R. No: 323/2022

Comp: BH-8DAA(3774)

LPI.C0670035

Erf 185 Koelenhof

THIS PORTION IS SUBJECT TO
ACT 21/1940

APPROVED IN TERMS OF SECT. 4
OF ACT 70/1970

REF: 55510

DATE: 11-12-2022

Approved i.o. Section 60

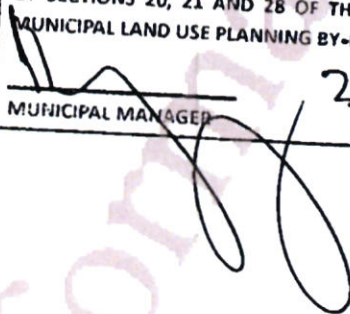
of Municipal Land Use Planning Bylaw

Ref: LU/8989

Date: 24 May 2021

STELLENBOSCH MUNICIPALITY

SUBDIVISION AND/OR CONSOLIDATION HEREIN
REFLECTED, IS IN ORDER FOR REGISTRATION IN TERMS
OF SECTIONS 20, 21 AND 28 OF THE STELLENBOSCH
MUNICIPAL LAND USE PLANNING BY-LAW (2015)


MUNICIPAL MANAGER

22/8/22
DATE

Prepared by me

CONVEYANCER
Esri Marais (M88108)

CERTIFICATE OF REGISTERED TITLE

(Issued under the provisions of Section 43 of the
Deeds Registries Act 1937 (Act No. 47 of 1937))

WHEREAS

DB PROPERTY DEVELOPMENT COMPANY PROPRIETARY LIMITED
Registration Number 2011/136509/07

has applied for the issue to it of a Certificate of Registered Title under the provisions of Section 43 of the Deeds Registries Act No. 47 of 1937 in respect of the undermentioned land, being portion of the land registered in its name under Deed of Transfer No. T29577/2018

STELLENBOSCH MUNICIPALITY

SUBDIVISION AND/OR CONSOLIDATION HEREIN
REFLECTED, IS IN ORDER FOR REGISTRATION IN TERMS
OF SECTIONS 20, 21 AND 28 OF THE STELLENBOSCH
MUNICIPAL LAND USE PLANNING BY-LAW (2015)


MUNICIPAL MANAGER

22/5/22
DATE

NOW THEREFORE in pursuance of the provisions of the said Act, I, the REGISTRAR OF DEEDS CAPE TOWN do hereby certify that -

DB PROPERTY DEVELOPMENT COMPANY PROPRIETARY LIMITED
Registration Number 2011/136509/07

Its successors in title or assigns is the registered owner of:

Erf 185 (portion of Erf 165) Koelenhof
Municipality and Division Stellenbosch
Province of the Western Cape

In extent 7706 (seven seven zero six) square metres

As will appear from Diagram S.G. Number 453/2022

And held by Deed of Transfer no. T29577/2018

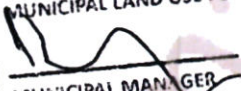
- A. **SUBJECT** to such conditions as are referred to in Deed of Transfer Number T3248/1908.
- B. **SUBJECT** to the special condition contained in Deed of Transfer Number T7479/1990 that the said land shall not be subject or entitled to any rights under the two orders of court of the Water Court District Number 1, dated 4th April 1922 and 19 February 1923, referred to in two endorsements dated 2 May 1922 and 11 June 1923, respectively on the said Deed of Transfer Number T3248/1908 which rights are reserved to the owner of the remainder of Lot Y of Lot Number 1 Nooitgedacht under Deed of Transfer T3248/1908.
- C. **SUBJECT** to the following endorsement dated 13 November 1979 as contained in Deed of Transfer Number T32707/1971:

"By Notarial Deed K754/1979 dated 15 October 1979 the within property is subject to a right of way servitude 18,89 metres wide running immediately along and parallel to the boundary lettered AE, commencing on the boundary lettered ED, and terminating on the boundary lettered AB as depicted on Diagram SG Number 3505/1969 annexed hereto.

With ancillary rights and subject to conditions as will more fully appear from the said Notarial Deed."

STELLENBOSCH MUNICIPALITY

SUBDIVISION AND/OR CONSOLIDATION HEREIN
REFLECTED, IS IN ORDER FOR REGISTRATION IN TERMS
OF SECTIONS 20, 21 AND 28 OF THE STELLENBOSCH
MUNICIPAL LAND USE PLANNING BY-LAW (2015)


MUNICIPAL MANAGER

22/8/22
DATE

AND that by virtue of these presents the said –

DB PROPERTY DEVELOPMENT COMPANY PROPRIETARY LIMITED
Registration Number 2011/136509/07

Its successors in title or assigns, now is and henceforth shall be entitled thereto conformably to local custom, the State however, reserving its rights.

IN WITNESS WHEREOF I, the said REGISTRAR have subscribed to these presents and have caused the Seal of Office to be affixed thereto.

THUS DONE and REGISTERED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on

REGISTRAR OF DEEDS

③41

STELLENBOSCH MUNICIPALITY	
SUBDIVISION AND/OR CONSOLIDATION HEREIN REFLECTED, IS IN ORDER FOR REGISTRATION IN TERMS OF SECTIONS 20, 21 AND 28 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)	
 MUNICIPAL MANAGER	22/6/22 DATE

B

PREPARED BY : DRS08232 - MTYATYAMBA NOLIMUYO

TRACK NUMBER : 88887992911

*** ENQUIRY ON PROPERTY ***

PORTION NUMBER
ERF NUMBER
TOWN NAME

- 0000185
- KOELENHOF

TOWN NAME OR ERF NUMBER OR ERF PORTION DOES NOT EXIST

*** END OF REPORT ***



5

Diesel & Munns, Land Surveyors, Somerset West. (C4362)

CERTIFIED COPY FOR REGISTRATION
FOR SURVEYOR-GENERAL
14 APR 2022
DATE

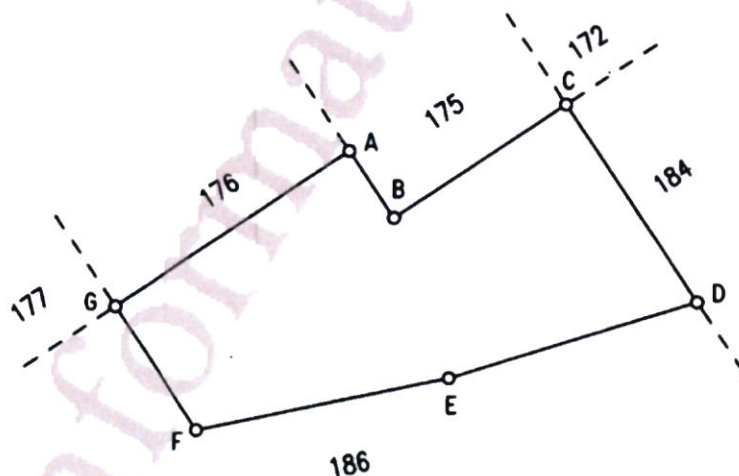
THIS PORTION IS SUBJECT TO
ACT 21/1940

APPROVED IN TERMS OF SECT. 4
OF ACT 70/1970
REF 55510
DATE 11-12-2022

Approved i.t.o. Section 60
of Municipal Land Use Planning Bylaw
Ref: LU/8989
Date: 24 May 2021

SIDES		METRES	DIRECTIONS		CO-ORDINATES Y System : WG 19 ⁰ X			S.G. No.
			CONSTANTS		0.00 +3 700 000.00			453/2022
A B	22,41	326 57 00	A	+ 18 070,21	+ 50 030,87	APPROVED:		
B C	57,04	236 57 00	B	+ 18 057,99	+ 50 049,65			
C D	65,79	326 57 00	C	+ 18 010,18	+ 50 018,55			
D E	71,87	73 27 00	D	+ 17 974,30	+ 50 073,69			
E F	71,37	78 48 50	E	+ 18 043,20	+ 50 094,17			
F G	41,20	146 57 00	F	+ 18 113,21	+ 50 108,01			
G A	78,11	236 57 00	G	+ 18 135,68	+ 50 073,47			
								FOR: SURVEYOR GENERAL
						13-04-2022		
Elsenburg Δ 42				+ 15 762,92	+ 48 020,58			
Nooitgedacht Δ 55				+ 17 491,79	+ 51 736,19			

DESCRIPTION OF BEACONS
A, C, D, E, F, G... 12mm IRON PEGS
B... DRILL HOLE IN KERB



SCALE 1:2000

The figure A B C D E F G
represents 7706 square metres of land, being
ERF 185 (portion of Erf 165) KOELENHOF

Situate in the Stellenbosch Municipality
Administrative District of Stellenbosch
Province Western Cape

Surveyed in April 2006 – September 2021
by me,

D.W. Lambert
D.W. Lambert (PLS 0329)
Professional Land Surveyor

This diagram is annexed to
No. 044463/22
d.d.
i.f.o.
Registrar of Deeds

The original diagram is
S.G.No. 3505/1969
Deed of Transfer No.
1971- -32707

File No. STEL. 65 VOL.1
S.R. No: 323/2022
Comp: BH-8DAA(3774)
LPI.C0670035

Erf 185 Koelenhof

ATTACHED 21-10-1968 NO. 13/2

WITHDRAWN

That

WILLEM HERMANUS DE BEER

appeared before me, Registrar of Deeds, at Cape Town being duly authorised thereto by power of Attorney, dated the 4th December, 1962, and granted to him by JAMES PETER YEATS in his capacity as a Director and as such acting for and on behalf of BLAKE'S BRICK & TILE WORKS (PROPRIETARY) LIMITED, he being duly authorised thereto in pursuance of a Resolution passed at a meeting of Directors thereof held at Stellenbosch on 4th December, 1962.

- WHITE GROUP -

which power, witnessed in accordance with law, was exhibited to me this day;

AND/...

Know all men whom it may concern,

BY VIRTUE OF A POWER OF ATTORNEY.

Deed of Transfer.

Prepared by
Notaries
Conveyancers

14561
27.12.1968
VERSIEGELDE MOEDERAGT (met preferensie)
for the purpose of...
P. H. R. 14561/148
Aktekantoor
Draakstr. 10
Kaapstad

In Release
de Bond

20-5-1968 NO. 245

20-6-1968 NO. 1028
WITHDRAWN

X VL 10(5) 14561/148
Transfereer
to be a private company
and a new company
BLAKE'S BRICKS LIMITED
Vide app. 14561/148
Vide app. 14561/148
A. E. BAKER
8-7-1968

FOR FURTHER ENDORSEMENTS SEE
VIN VERDERE ENDOORSEMENTE SIE
Annexure 1+2

For further endorsements see Annexures 1+2

AND that the said Appraiser declared that the said Company had truly and legally sold on 4th DECEMBER, 1962, and that he, in his capacity as Attorney aforesaid did, by these presents, cede and transfer in full and free Property to and on behalf of

* BLAKE'S BRICKS (PROPRIETARY) LIMITED

- WHITE GROUP -

or its assigns.

1. CERTAIN piece of abolished quitrent land situate in the Division of Stellenbosch, being the remainder of Lot Y of Lot No. 1 of Nooitgedacht, MEASURING as such Twenty decimal Nine Three Five Eight (20.9358) Morgen,

EXTENDING as the Deed of Transfer with diagram annexed made in favour of M.O. Urtel on 21st May 1908 No. 3248, and held by the said Blake's Brick & Tile Works (Pty) Limited under Deed of Transfer No. 19985 dated 30th November, 1955, will more fully point out.

A. SUBJECT to such conditions as are referred to in Deed of Transfer No. 3248 dated 21st May 1908.

B. SUBJECT to the terms of two servitudes referred to in the endorsements dated 2nd May 1922 and 11th June 1923 on said Deed of Transfer No. 3248 dated 21st May 1908, which endorsements read as follows:-

"(1) The property conveyed hereby is subject to an Order of the Water Court District No. 1 dated 4th April 1922.

(2) By Order of the Water Court District No. 1 dated 19th February 1923 the rights to use the water on the Plankenberg River have been defined."

C. ENTITLED to the benefits of:

(a) The servitude referred to in the endorsement dated 7th March 1946 on Deeds of Transfer Nos. 2140 and 4136 dated 8th March 1937 and 3rd May 1940 respectively, which endorsement reads as follows:-

"By/.....

"By D.T. No. 3079 dated 7.3.1946 the owner of remdr. of peres. 1 & 2 held hereunder has been given an 18 ft. right of way over the ppty. thereby conveyed along the boundaries f.e. on diagram of para. 1 thereto annexed & b.c. on diagram of para. 2 thereto annexed and owner of remdr. of para. 2 has a right of way 18 ft. along boundary d.c. in said diagram of para. 1 as will more fully appear on reference to the said Deed of Transfer".

(b) The servitude referred to in the endorsement dated 7th March 1946 on Deeds of Transfer Nos. 2140 and 4136 dated 8th March 1937 and 3rd May 1940 respectively, which endorsement reads as follows:-

"By D.T. 3081 dated 7.3.1946 the owners of remainders held under paras. 1 & 2 hereof have been given an 18 ft. right of way along boundary j.h. on diagram thereto annexed as will more fully appear on reference to said Deed of Transfer".

(c) The servitude referred to in the endorsement dated 3rd October, 1951, on Deeds of Transfer Nos. 2140 and 4136 dated 8th March 1937 and 3rd May 1940 respectively, which endorsement reads as follows:-

"Kragtens Transportakte No. 17109/1951 hede gedateer is die restant van perseel Y - 29.5518 Morge (para. 1) en restant van Perseel 8 - 31.3366 Morge (para. 2) hieronder gehou geregtig op die voordele van 'n voorwaarde waarby dit verbied word om op gedeeltes 21 en 35 daardeur getranspoteer, volkshuise op te rig binne 'n afstand van 200 tree van sekere grenslyne soos meer breedvoerig sal blyk op referte na gesegde Transportakte".

(d) The servitude referred to in the endorsement dated 3rd October, 1951, on Deeds of Transfer Nos. 2140 and 4136 dated 8th March 1937 and 3rd May 1940 respectively, which endorsement reads as follows:-

"Kragtens/.....

1748
5-6-1967
To: Mr. J. H. K. de Vries
From: Mr. J. H. K. de Vries
No. 1748
Date: 5-6-1967

is not

Para 11. By Notarial Deed K 754 1979 S dated 15.10.79

62

0

Asst Registrar

of Deeds.

RECORDS OF THE
CHURCH OF THE
LATTER DAY SAINTS
OF THE WORLD
BY THE
CHURCH OF THE
LATTER DAY SAINTS
OF THE WORLD
PUBLISHED BY THE
CHURCH OF THE
LATTER DAY SAINTS
OF THE WORLD
1880

20

ADSPAGE
AT IT OP
CN 19522162
PROPERTY NF 65801

VEROORDE VAN NAAM
CH/ROE OF NAME
Kroon's Afdel 44 Wei 6 73
In het na van de afdel
Name of the within
has been changed to
Calle 84 n 62/4570
3424/84
C. C. SMIT
1984-09-59

Quest- 89.13 14.15 Ken 16+17
161391:85 R. R. KETZLER
R. R. KETZLER
R. R. KETZLER

87/12-4-

"Kragtens Transportakte No. 17110/1951 hede gedateer is die restant van perseel Y - 49.5518 Morge (para. 1) en restant van perseel B - 20.1738 Morge (para. 2) gereg- tsa op die voordeel van 'n-voorwaarde waerby dit verbied word om op gedeelte 20 ('n gedeelte van perseel B) daardur ge- transporteer, volkshuise op te rig binne 'n afstand van 200 tree van die grenslyn gemerk e.f. op kaart No. 645/1951 van gesegde Ced. 20 dearen gehag soos meer breedvoerig sel blyk op referie na gesegde Transportakte".

2. CERTAIN piece of abolished quitrent land situate as above being the remainder of portion B of the farm Koelenhof.

MEASURING as such Eleven decimal Seven Four Seven Two (11.7472) Morgen,

EXTENDING as the Deed of Transfer with diagram annexed made in favour of W.F. Urtel and M.O. Urtel carrying on business under the style of the firm of Urtel Brothers on 19th July, 1907, No. 5908, and held by the said Blake's Brick & Tile Works (pty) Limited under Deed of Transfer No. 19985 dated 30th November, 1955, will more fully point out.

A. SUBJECT to such conditions as are referred to in Deed of Transfer No. 9608 dated 30th October 1913.

B. SUBJECT to the terms of the two servitudes referred to in the endorsements dated 2nd May 1922 and 11th June 1923 on the said Deed of Transfer No. 9608 dated 30th October 1913, which endorsements read as follows:-

"(1) The properties conveyed hereby are subject to an Order of the Water Court, District No. 1 dated 2nd April 1922.

(2) By Order of the Water Court District No. 1 dated 19th February 1923 the rights to the use of the water of the Plankenberg River have been defined."

C. ENTITLED to the benefits of the servitudes set out in conditional clause C. to paragraph 1 above.

D./.....

- D. SUBJECT to the servitude referred to in the endorsement dated 20th June 1939 on Deed of Transfer No. 2140 dated 8th March 1937, which endorsement reads as follows:-

"Kragtens Akte van Transport No. 6353 gedateer 20-6-39 is die eienaar daarin omskrewe gereg-
tig op die gebruik van 'n pad' gemerk b.c. op
die kaart van die restant hieronder gehou
soos meer breedvoerig sal blyk uit die geeseg-
de Transport."

3. CERTAIN piece of freehold land called "Krommerivier
West", portion of Krome River situate in the
Municipality and Division of Stellenbosch,

MEASURING Thirty Six decimal One Four Three One
(36.1431) Morgen.

EXTENDING as the Deed of Transfer with a diagram
(No. 4104/1937) annexed made in favour of G.P.
Blake on 10th September, 1937 (No. 9611) and held
by the said Blake's Brick & Tile Works (Pty)
Limited by Deed of Transfer No. 14808 dated 3rd
October, 1950, will more fully point out.

- A. SUBJECT to the conditions referred to in the
said Deed of Transfer No. 9611 dated 10th
September, 1937.

- B. WITHOUT RIGHTS to any water in terms of the
servitudes referred to in the endorsements
dated 1st February, 1932 and 5th October,
1932, made on Deed of Transfer No. 149 dated
15th October, 1888, by reason of the follow-
ing condition contained in the said Deed of
Transfer No. 9611 dated 10th September, 1937:-

"The Transferee or his successors in
title is not entitled to any riparian
rights or is not subject to any water
rights in respect of the "Krome River"
which together with the "Plankenburg
Stream" constitutes the lower portion
of the Eastern Boundary."

- C. ENTITLED to rights under the following
special condition contained in the said Deed
of Transfer No. 9611 dated 10th September,
1937:-

"The Transferee and his successors in
title shall be entitled to a right of
way over the remainder of the land
described in paragraph 1 of Transfer
No. 7492 dated 10th December, 1932,

along/.....

along the 30 foot road marked as indicated on Diagram No. 4104/1937 annexed hereto".

4. CERTAIN piece of land situate as above, being Lots Nos. 2, 3, 4, 5 and 6 Block D on the General Plan of du Toit Ville,
MEASURING Two Hundred and Ninety One (291) Square Roads, Ninety Six (96) Square Feet.
EXTENDING as the Deed of Transfer with a diagram annexed made in favour of J.W. van Coppenhagen on the 10th September, 1862 (No. 203) and held by Blake's Brick & Tile Works (Pty) Limited under Deed of Transfer No. 14808 dated 3rd October, 1950, will more fully point out.

SUBJECT to such conditions as are referred to in Deed of Transfer No. 6744 dated 19th August, 1907.

5. CERTAIN piece of freehold land situate as above being Lot 8L a portion of the land known as Kromme Rivier,

MEASURING Fifteen (15) Morgen, Five Hundred and Ninety Nine (599) Square Roads.

EXTENDING as the Deed of Transfer with a diagram (No. A3620/1927) annexed made in favour of G.P. Blake on 27th January, 1928 (No. 571) and held by the said Blake's Brick & Tile Works (Pty) Limited by Deed of Transfer No. 14808 dated 3rd October, 1950, will more fully point out.

A. SUBJECT to such conditions as are referred to in Deed of Transfer No. 149 dated 15th October, 1888.

B. SUBJECT to the terms of the Servitude referred to in the endorsement dated 15th February, 1910 made on the said Deed of Transfer No. 149 dated 15th October, 1888, which reads as follows:-

"By Deed of 2 March 1909 the Municipality of Stellenbosch is granted the right to construct a certain drain over this land with right of access for repairs subject to conditions as will more fully appear on reference to the copy annexed hereto".

C. SUBJECT to the condition contained in the said Deed of Transfer No. 571 dated 27th January, 1928 - that the present or future owner of the above land shall not be entitled to any water out of the Kromriver.

6. CERTAIN/.....

6. CERTAIN piece of freehold land, situate as above, called Lot G B, portion of Krome Rivier, MEASURING One decimal Nine Eight Two Six (1.9826) Morgen.

EXTENDING as the Deed of Transfer with a diagram (No. 5955/1935) annexed, made in favour of G.P. Blake on 25th March, 1936 (No. 2509) and held by the said Blake's Brick & Tile Works (Pty) Limited by Deed of Transfer No. 14808 dated 3rd October, 1950, will more fully point out.

- A. SUBJECT to such conditions as are referred to in the said Deed of Transfer No. 2509 dated 25th March, 1936.

B. SUBJECT FURTHER to the condition contained in the said Deed of Transfer No. 2509 dated 25th March, 1936 "that the transferee or any future owner of the above land shall not be entitled to any water out of the Krome Rivier for domestic or any other purpose; the Appearer's Principal (namely Charlie Gulluame Rocher du Tolt), as riparian owner, having reserved to himself, as owner of the land remaining registered in his name on the 4th March, 1936 under Deed of Transfer No. 7492 dated 10th December, 1932, and his successors in title all his hitherto existing rights to such water as a riparian owner".

7. CERTAIN piece of freehold land situate as above, being Lot P.Z. portion of the land Krome Rivier, MEASURING Seven (7) Morgen, Five Hundred and Ten (510) Square Roods, Sixty Six (66) Square Feet.

EXTENDING as the Deed of Transfer with a diagram annexed made in favour of Nicolaas Petrus Swart on 18th November, 1927 (No. 11603) and held by Blake's Brick & Tile Works (Pty) Limited by Deed of Transfer No. 14808 dated 3rd October, 1950, will more fully point out.

SUBJECT to such conditions as are referred to in Deed of Transfer No. 11603 dated 18th November, 1927.

8. CERTAIN piece of freehold land situate in Du Toitsville at the Stellenbosch Railway Station in the Municipality and Division of Stellenbosch, being Lots Nos. 1, 2, 3, 4, 5 and 6 Block F,

MEASURING Three Hundred and Twenty One (321) Square Roods, Seventy Six (76) Square Feet.

EXTENDING/.....

8 -
EXTENDING as the Deed of Transfer with diagram annexed made in favour of Jan Fredrik Deneys on 10th September, 1862 (No. 198) and held by Blake's Brick & Tile Works (Pty) Limited under Deed of Transfer No. 14808 dated 3rd October, 1950, will more fully point out.

SUBJECT to such conditions as are referred to in Deed of Transfer No. 5765 dated 13th June 1902.

9. CERTAIN piece of land situate in Du Toitsville, in the Municipality and Division of Stellenbosch, being Lot No. 7, Block F,

MEASURING Ninety Five (95) Square Rods, One Hundred (100) Square Feet.

EXTENDING as the Deed of Transfer with a diagram annexed made in favour of F. A. Joerning on 11th December, 1900 (No. 8655) and held by Blake's Brick & Tile Works (Pty) Limited under Deed of Transfer No. 14808 dated 3rd October, 1950, will more fully point out.

SUBJECT to such conditions as are referred to in Deed of Transfer No. 13839 dated 28th September, 1920.

- 10.

CERTAIN piece of abolished quitrent land situate in the Division of Stellenbosch, called Lot 5 portion of Lot 8, being portion of Koelenhof,

MEASURING Fourteen Thousand Five Hundred and Four (14,504) Square Feet.

EXTENDING as the Deed of Transfer with a diagram (No. 5398/1938) annexed made in favour of G. P. Blake on 20th June, 1939 (No. 6353) and held by the said Blake's Brick & Tile Works (Pty) Limited by deed of Transfer No. 14808 dated 3rd October, 1950, will more fully point out.

A. SUBJECT to such conditions as are referred to in Deed of Transfer No. 9608 dated 30th October, 1913.

- B. SUBJECT to the terms of the two servitudes referred to in the endorsements dated 2nd May 1922 and 11th June 1923 on Deed of Transfer No. 9608 dated 30th October, 1913, which endorsements read as follows:-

"(1) The properties conveyed hereby are subject to an Order of the Water Court, District No. 1 dated 4th April, 1922.

(2) By/.....

(2) By Order of the Water Court District No. 1 dated 19th February, 1923, the rights to the use of the water of the Plankenberg River have been defined."

C. ENTITLED to the benefits of the condition contained in the said Deed of Transfer No. 6353 dated 20th June, 1939, that the transferee or his successors in title of the property hereby transferred shall have the right to the use of the road marked b c on the remaining extent of the said property along the North Eastern boundary of the said Lot 5 connecting with the Main Road at the beacon c.

11. CERTAIN piece of abolished quitrent land situate in the Division of Stellenbosch, called Lot C.P. portion of Lot Y of Lot No. 1 of Nooltgedacht,

MEASURING Twenty Four decimal Seven Seven Eight Nought (24.7780) Morgen.

EXTENDING as the Deed of Transfer with a diagram (No. 5397/1938) annexed made in favour of G.P. Blaker on 20th June, 1939 (No. 6353) and held by the said Blaker's Brick & Tile Works (Pty) Limited by Deed of Transfer No. 14808 dated 3rd October, 1950, will more fully point out.

A. SUBJECT to such conditions as are referred to in Deed of Transfer No. 3248 dated 21st May 1908.

B. SUBJECT FURTHER to the terms of the two servitudes referred to in the endorsements dated 2nd May 1922 and 11 June 1923 on Deed of Transfer No. 3248 dated 21st May, 1908, which endorsements read as follows:-

"(1). The Property conveyed hereby is subject to an Order of the Water Court District No. 1 dated 4th April, 1922.

(2) By Order of the Water Court District No. 1 dated 19th February, 1923, the rights to use the water of the Plankenberg River have been defined."

12. CERTAIN piece of abolished quitrent land situate in the Division of Stellenbosch, being Portion 12 (a portion of Portion B) of the farm Welgelingen A, MEASURING Thirty Two decimal Eight One Nine Three (32.8193) Morgen.

EXTENDING/.....

EXTENDING as the Deed of Transfer with a diagram (No. 6061/45) annexed made in favour of G.P. Blake on 14th August, 1946 (No. 13430) and held by the said Blake's Brick & Tile Works (Pty) Limited by Deed of Transfer No. 14808 dated 3rd October, 1950, will more fully point out.

SUBJECT to the conditions referred to in the said Deed of Transfer No. 13430 dated 14th August, 1946.

13. CERTAIN piece of freehold land being part of the farm Kromme Rivier, situate in the Municipality and Division of Stellenbosch,

MEASURING Five Hundred and Twenty One (521) Square Rods, Thirty Nine (39) Square Feet.

EXTENDING as the Deed of Transfer with a diagram annexed made in favour of P.J. Bosman on 19th February, 1891 (No. 570) and held by Blake's Brick & Tile Works (Pty) Limited under Deed of Transfer No. 14808 dated 3rd October, 1950, will more fully point out.

- A. SUBJECT to such conditions as are referred to in the Deed of Transfer No. 11865 dated 3rd December, 1940.

- B. FURTHER SUBJECT to the servitude referred to in the endorsement dated 3rd November, 1948, made on the said Deed of Transfer No. 11865 dated 3rd December, 1940, which endorsement reads as follows:-

"By Notarial Deed No. 446 dated 7 - May 1948 the servitude of right of way herein referred to in favour of the owner of the property held by D/T 215/37 has been cancelled and a new right of way (marked a,b,c,d, on Diagram No. 1047/41) granted over the within property i.f. of the owner of the land held under the said deed of transfer No. 215/1937 subject to certain rights ancillary thereto; as will more fully appear on reference to the said notarial deed a copy whereof is annexed hereto."

14. CERTAIN piece of land situate in Du Toitsville at the Du Toit Railway Station, in the Municipality and Division of Stellenbosch, being the remaining extent of Lots Nos. 8, 9, 10, 11 and 12, Block D,

MEASURING as such Eight Thousand Four Hundred (8,400) Square Feet.

EXTENDING/.....

EXTENDING as the Deed of Transfer with a diagram annexed made in favour of E.T. Tilley on the 18th September, 1862 (No. 366) and held by Blake's Brick & Tile Works (Pty) Limited under Deed of Transfer No. 14808 dated 3rd October, 1950, will more fully point out.

SUBJECT to such conditions as are referred to in Deed of Transfer No. 11289 dated 24th October, 1902.

15. CERTAIN piece of land being Lot A of Lots 8 to 12, Block D, du Toits Vlei, situate in the Municipality and Division of Stellenbosch.

MEASURING Thirty Three Thousand Six Hundred (33,600) Square Feet.

EXTENDING as the Deed of Transfer with a diagram (No. 2336/44) annexed, made in favour of Meyer Margolius on 13th October, 1944 (No. 14407) and held by Blake's Brick & Tile Works (Pty) Limited under Deed of Transfer No. 14808 dated 3rd October, 1950, will more fully point out.

SUBJECT to such conditions as are referred to in Deed of Transfer No. 11289 dated 24th October, 1902.

16. CERTAIN piece of abolished quitrent land situate in the Division of Stellenbosch, being Portion 3 of the farm "Nietvoorbij",

MEASURING Six decimal Two Nought Three One (6.2031) Morgen.

EXTENDING as the Deed of Transfer with a diagram (No. 437/41) annexed made in favour of G.P. Blake on 6th June 1941 (No. 5229) and held by the said Blake's Brick & Tile Works (Pty) Limited by Deed of Transfer No. 14808 dated 3rd October, 1950, will more fully point out.

- A. SUBJECT to such conditions as are referred to in Deed of Transfer No. 2485 dated 1st April, 1914.

- B. SUBJECT and ENTITLED to the servitude, a reference where to is contained in the endorsement dated 1st March, 1933, on Deed of Transfer No. 6053 dated 30th September, 1932, which endorsement reads as follows:-

"By/....."

Remainder para 5.

By D/T No 25886/68 dated this day the Remainder of
 Pt 7 of the Consolidated farm "Kromme River No 175"
 meas. 12.4470 morgen held under para 5 herein, is
 subject to a servitude road 15 feet wide and
 bordered A, X, Y, Z, on diagram No 5563/68 annexed
 to the said Deed of Transfer, i.e. Pt 17 (a pt
 of Pt 7) of the Consolidated farm "Kromme River"
 No 175, meas 3.5513 mgr transferred by the said
 Deed of Transfer.

AKTEKANTOOR,
 KAAPSTAD,
 DEEDS REGISTRY,
 CAPE TOWN.

11-11-1968

H. R. KOCH

ASST. REGISTRAR OF DEEDS

ENDORSEMENT IN TERMS OF SECTION 31 (6) OF ACT No. 47 OF
 1937 (AS AMENDED).

ENDOSSEMENT KRAGTENS ARTIKEL 31 (6) VAN WET NR. 47 VAN
 1937 (SOO GEWYSD)

Die hierin-mentioned property
 Die eiendom hierin vermeld

has been expropriated by
 is onteien deur

In terms of
 Kragsiens

Vide Notice of expropriation No.
 Vide onteieningskennisgewing Nr.

Filed as exprop. caveat
 gelaas as onteieningskaveat

DEEDS OFFICE,
 AKTEKANTOOR,
 CAPE TOWN,
 KAAPSTAD.

REGISTRAR OF DEEDS,
 REGISTRATEUR VAN AKTES

- 4 - 8 - 1971

01

described previously

June 19

Page 21

page 31

15 and

1962

page 7!

Page 10

11

100013

For 16 + 17 -
in preparation

[Handwritten:] 81,500 Dec-67
MORTGAGED 90-3-1972
B. W. WEAVING
Attn: Registrar/Asst. Registrar
Cable Trans.
Guest C. Ross.
Telephone.

1972-3-3

DIE GROOTTE VAN BINNEGEMELDE EINDOM
THE EXTENT OF THE WITHINMENTIONED PROP.
OMSKEP IN METRIEKE MATE IS
ERTY CONVERTED TO METRIC MEASURES IS

Perak 1-17, 9321 HEKTAAR / METERS
2-10, 0619 HECTARES / METRES

3-30, 9578	4-41, 664	5-10, 6613	6-1, 6981	7-4, 4478	8-4, 550	9-1, 366	10-14, 38	11-21, 2232	12-4, 42	13-883	14-3331	15-5, 2132	16-7, 7331	17-1, 7331

R. W. WEAVING

ASST. REGISTRAR OF MEMBERS
ASST. REGISTRAR OF DEEDS

3-D-1972

• BILAP WAAR HODU / BILAP WAAR HODU

THE HOSPITAL TRUSTS
4-8-1974

M. L. BESTER

DEPARTMENT OF LAND
TRADE MARK
No. 132342 / 14
M. L. BESTER

Para 16 of 5183 groot 5606 m²
Para 17 of 5184 groot 8683 m²

"By Transfer No. 940 dated this day certain rights to use of a road, erection of electric light poles, laying of water pipes and use of water in a bore hole on the remainder of the property held under para. 3 hereof have been given to the owner for the time being of the property thereby conveyed, subject to conditions as will more fully appear on reference to the said transfer and relative diagram."

C. FURTHER SUBJECT to the following conditions contained in the said Deed of Transfer No. 5229 dated 6th June, 1941, viz:-

"That the transferee and his successors in title of the above described land shall not, without the consent in writing of Samuel David Secks or his successors in title as owners of the remaining extent of the land at present held by him under Transfer No. 9594 dated 30th October, 1934, be entitled to erect any houses for occupation by coloured people or non-Europeans on any portion of the above described land; nor, without such consent, shall coloured people or non-Europeans be entitled to occupy or reside on the above described land or any portion thereof, save only for such houses, if any, on the above described land which are already occupied by non-Europeans."

17. CERTAIN piece of freehold land situate in the Division of Stellenbosch, being Portion 2 of the farm "Nietvoorbij A",

MEASURING Two decimal Nought Two Three Four (2.0234) Morgen.

EXTENDING as the Deed of Transfer with a diagram (No. 436/41) annexed made in favour of C.P. Blake on 6th June, 1941 (No. 5229) and held by the said Blake's Brick & Tile Works (Pty) Limited by Deed of Transfer No. 14808 dated 3rd October, 1950, will more fully point out.

A. SUBJECT to such conditions as are referred to in Deed of Transfer No. 2485 dated 1st April, 1914.

B. FURTHER SUBJECT to the special condition contained in the said Deed of Transfer No. 5229 dated 6th June, 1941, which reads as set forth at the end of paragraph 16 above.

WHEREFORE/.....

OF ITS OWNING INTERESTS, AND THAT IT IS, BY ASSIGN, now and hereafter shall be entitled thereto conformably to local custom: the State Government hereby recognizes the rights of the Transvaal Company to have been satisfactorily paid the full purchase money amounting to the sum of R200,000-00 (Two HUNDRED THOUSAND RAND).

ASSISTANT,
In testimony whereof, I, the said Registrar, together with the Appearer *q. q.*, have subscribed to these Presents, and have caused the Seal of Office to be affixed thereto.

Quins done and executed at the Office of the Registrar of Deeds, in Cape Town, in the Province of the Cape of Good Hope, ^{Republic of} South Africa, on the 27th day of the month of December.

in the year of Our Lord One Thousand and Nine Hundred and Sixty
 +w. (1962) New York

8
New Prison 175 & (3) 99, his Principal

175-65 (a) para 6
175-65 (a) para 7
8 (a) para 7
9 (a) para 7
In my presence,"

New from 037103 page 47
 21113(1) ~~REGISTER~~ Register of Deeds.
 Registered in the 1 year ~~Register~~ 2 (4) page 15

of *Stellendam* Book *5 (15) Price 10/-*
6 (16) Price 15/-

Officer in Charge
173rd (3) Nov 19

for transfer co.

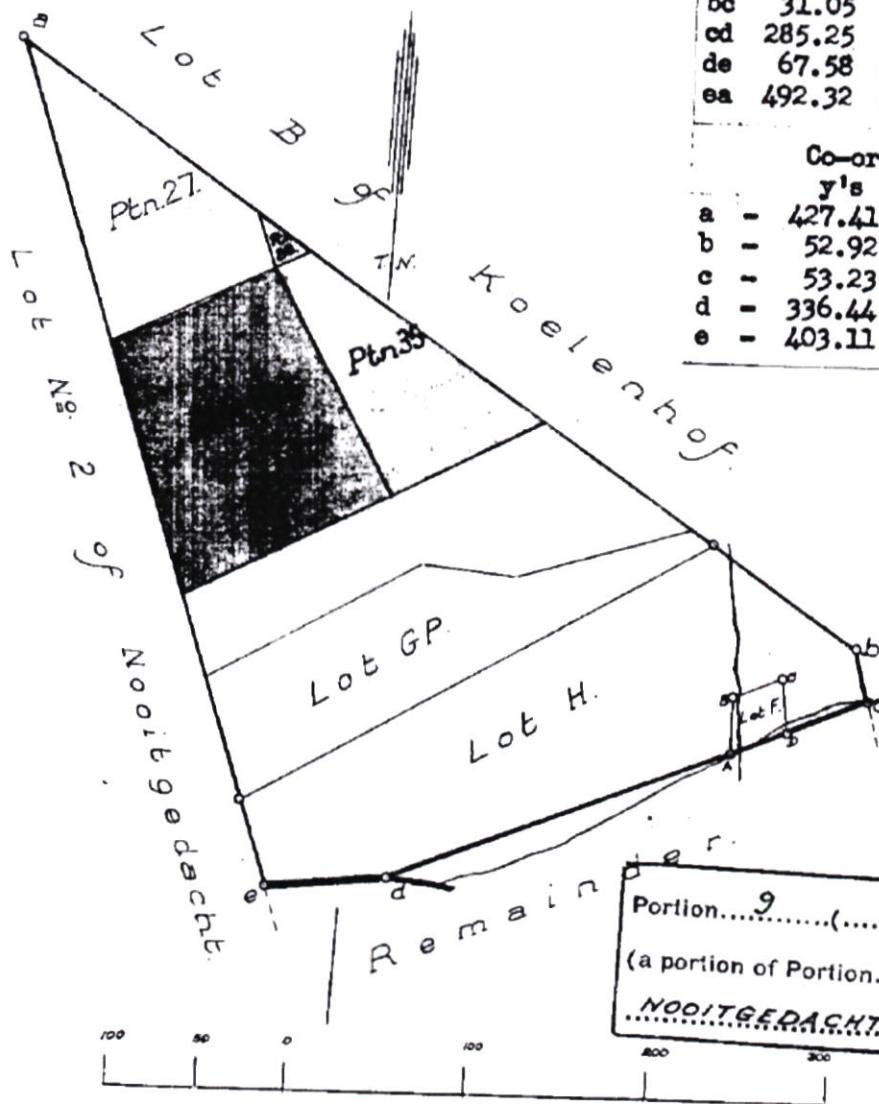
as defined in Section 49
Act 18 of 1926. *See*
13-1812722

Worcester.
C-2000000
A good ball D-1

S.G. Dgm. No. 2993/1907.

Sides	Angles
ab 576.04	a 37.43.10
bc 31.05	b 138.52.30
cd 285.25	c 97.25.40
de 67.58	d 163.43.40
ea 492.32	e 102.15.00

Co-ordinates		
	y's	x's
a -	427.41	+ 531.69
b -	52.92	+ 93.99
c -	53.23	+ 62.94
d -	336.44	+ 28.91
e -	403.11	+ 39.97



Cape Roods.

The above Diagram a.b.c.d.e. represents 158 Morgen 83 Square Roods of Ground, situated in the Division of Stellenbosch being Lot Y of Lot No. 1 of Nooitgedacht, transferred to J.M. Beyers on the 1st November, 1876.

Bounded NE by Lot B of Koelenhof.
S " Remainder.
W " Lot No. 2 of Nooitgedacht.

Surveyed and beacons by me according to regulations.

(Sgd) Martin E. Smuts.
Government Surveyor.
November, 1907.

Transfer — 3248
21st May, 1908
Manuel D. Urtel.

2-9-60
dk

S.R.

	A446/1928	Lot-F Ptn. 18	1	300	-	5:12:1928	12522
E 840/1931	A3598/1931	Lot-H Ptn. 19	48		66889	7:11:1931	8522
E1468/1938	5397/1938	Lot-GP Ptn. 20	24.7780			6353/1939	
E1593/1945	6295/1945	Portion 26			65002	3079/1946	
"	7139/45	Ptn. 27	18.2321			12357/1946	
E183/1951	647/1951	Ptn 35	14.5499			17109/1951	
"	648/1951	" 36	28.6160			17112/1951	

SIDES	ANGLES OF DIRECTION	CO-ORDINATES	Lo 19° X
1384.8	Constant	0.0	11900000.0
1.6	236.53.20	A	+ 7986.6
95.1	347.14.10	B	+ 54570.7
91.7	349.27.30	C	+ 54570.3
96.3	351.35.50	D	+ 54552.9
92.0	353.08.30	E	+ 54539.5
96.3	355.12.00	F	+ 54528.0
93.4	357.08.40	G	+ 54520.1
547.5	358.50.00	H	+ 54515.5
129.4	1.13.30	I	+ 54513.6
102.0	0.42.30	J	+ 54525.2
97.7	358.05.20	K	+ 54526.9
24.0	356.42.50	L	+ 54523.5
561.6	354.13.00	M	+ 54517.9
1177.3	65.07.30	N	+ 54515.5
	143.10.50	P	+ 8692.9
		Q	+ 8725.1

Beacons: A,B,P
D,E,F,G,H,I,J,K,L,M,N
Q
R,S
1" x 3' Round iron peg.
4" x 4' high wooden fence post.
Section standard projecting 1' next Pail
corner fence post.
No beacon.

The figure R B C S representing Portion 26, (a Portion of Portion 19) of the farm Koelenhof No. 65 vide diagram 3501/59 annexed to Certificate of Registered Title.
The figure A R S D E F G H J K L M N P Q representing Portion 44 (a Portion of Portion 19) of the farm Nooitgedacht No. 65 vide diagram 3506/59 annexed to Certificate of Registered Title.

a figure A B C D E F G H J K L M N P Q
represents 14.0986 Morgen of land, being

The Farm Hummelay No. 1059, which comprises the properties listed above, late in near Koelenhof,
Stellenbosch, Administrative District
Province of Cape of Good Hope.
urveyed in March 1969, - April 1969,
me.

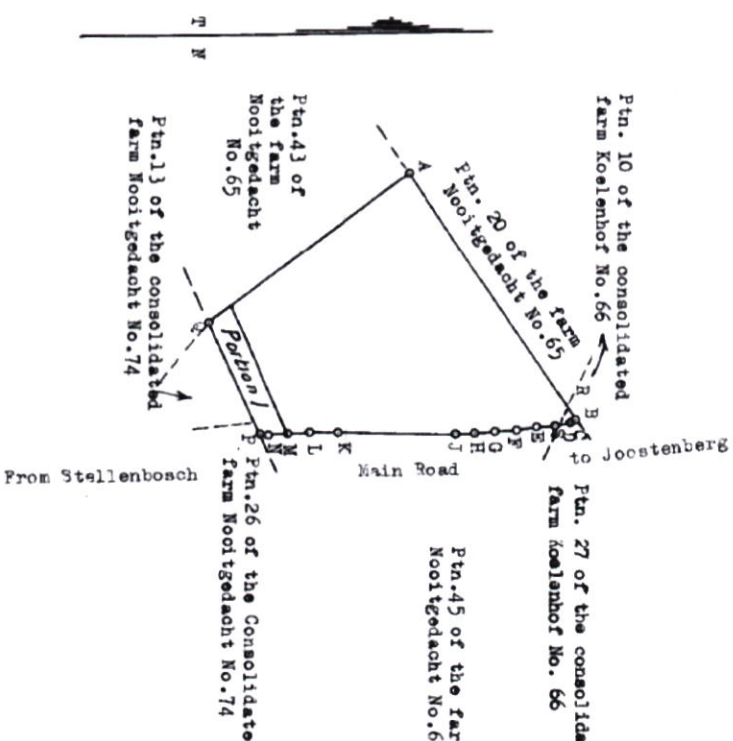
[Signature]
Land Surveyor

The original diagrams are as quoted above. File No. SHEL. C5, SHEL. 66

led
3. The original diagrams are as quoted above. S.R. No. E 9231/69.
The original diagrams are as quoted above. S.R. No. E 9231/69.
The original diagrams are as quoted above. S.R. No. E 9231/69.
The original diagrams are as quoted above. S.R. No. E 9231/69.

Register of Deeds

OFFICE COPY
KANTOOR AFKRIP



S.G. No. 3 511/69
Approved
[Signature]
Surveyor-General
2-9-1969

Scale: 1: 7500

THE FOLLOWING DEDUCTIONS HAVE BEEN MADE FROM THIS DIAGRAM						
SURVEY RECORD	DIAGRAM NO.	SUBDIVISION	AC-3 F.A. C.B. BL.	TRANSFER POL.	INITIALED	REMARKS
E 12307/s	C 762/s	PRV. 1	7060	2077/77	W	

105;

STE Meter		FIGTINGS -HOEKE	COORDINATE Stelsel Lo 19°		X	L.G. NO. 940/95 Goedgekeur <i>HR. Cressen</i> Landmeter-generaal 1995-03-06 VEL 1 VAN 2 VELLE
		Konstantes	Y			
AB	15,28	255 49 30	A	+ 17 396,39	+ 48 177,00	
			B	+ 17 381,58	+ 48 173,26	
AC	11,65	346 33 20	C	+ 17 393,68	+ 48 188,33	
DE	55,77	345 37 50	D	+ 17 248,79	+ 48 580,93	
EF	147,81	346 04 40	E	+ 17 234,94	+ 48 634,95	
			F	+ 17 199,38	+ 48 778,42	
GE	15,48	256 24 30	G	+ 17 249,99	+ 48 638,59	
GH	5,56	236 34 30	H	+ 17 245,35	+ 48 635,53	
		46 Klapmuts	Δ	+ 13 140,42	+ 44 466,71	
		142 Kanonkop	Δ	+ 8 553,69	+ 48 146,27	

Bakenbeskrywings:

A, B, G, H 12mm Ysterpen
C 12mm Ysterpen in teer
D, E, F 20mm Ysterpen

Skaal: 1/2500

Die figuur lyn AB stel voor die suidelike grens, lyn DEF stel voor die westelike
stet-voor grens en lyn EG stel voor die noordelike grens van 'n grond, synde
Waterpyplynserwituut, 3,00m wyd soos aangetoon oor die
Restant van Gedeelte 3 van die plaas Koelenhof No.66

gelee in

Administratiewe Distrik

STELLENBOSCH

Provinsie Kaap die Goeie Hoop.

Opgemeet in Des. 1994

deur my.

N. Loubser
N Loubser 0892

Landmeter

Hierdie kaart is geheg aan

Die oorspronklike kaart is.

Lêer No. *Sta/66*

No.
gedateer

No. 1164/1907 geheg aan

M.S. No. *E.315/95*

t.g.v.

Transport/Grondbrief

Komp. BH-8BCC (3762)

No. 1907-88-5908

BH-8BCD (3763)

Waterpyplynserwituut oor die Restant
van Gedeelte 3 van die plaas Koelenhof No. 66

Adm. Distrik Stellenbosch

L.G. No.

940/95

Goedgekeur

M. J. G. van der Merwe
Landmeter-Generaal

1995. 03 - 06

VEL 2 VAN 2 VELLE

Ged. 25

Ged. 17

Ged. 14

Ged. 22

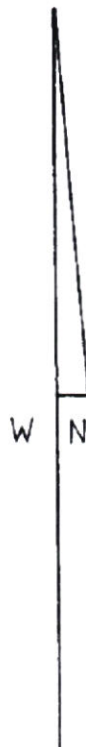
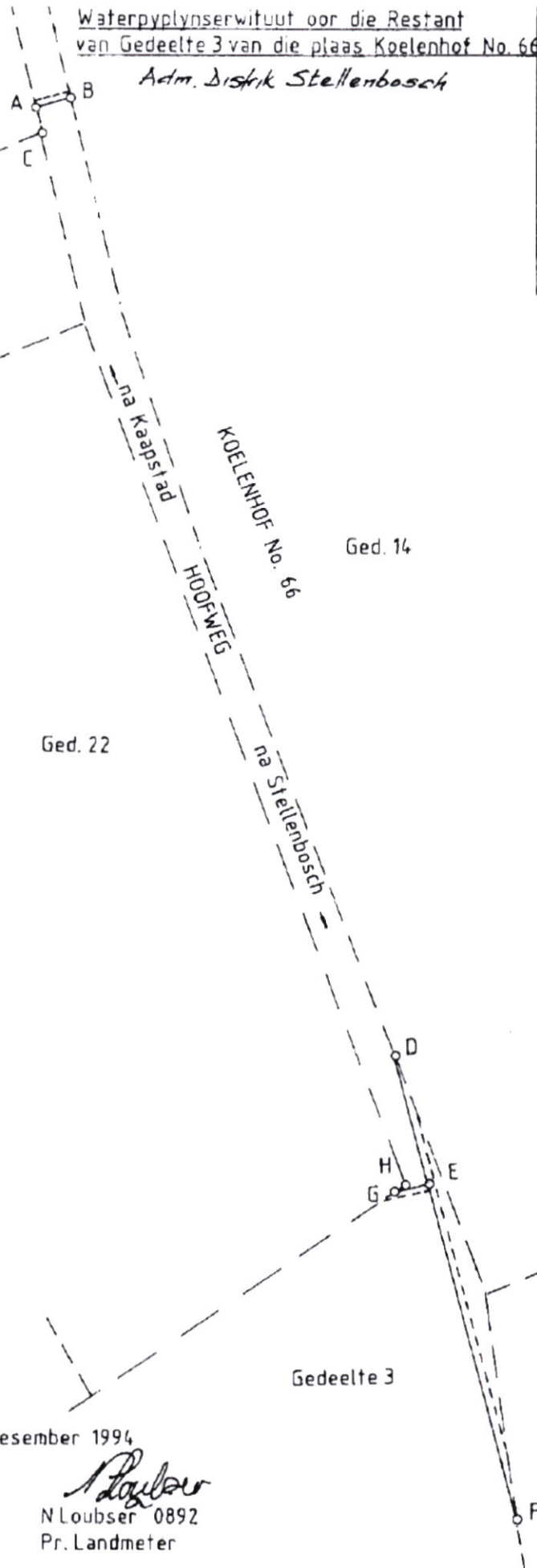
Gedeelte 3

MALANSHOOP
No. 1060

Opgemeet in Desember 1994

deur my

N. Loubser
N Loubser 0892
Pr. Landmeter



REDESIGNATION

DUMMY TRIPLICATE

Designation.....Farm 65 ptn 43

Admin. District.....Stellenbosch

NOW FILED AS

Designation Erf 165 Koelenhof

Diagram No.....3505/1969

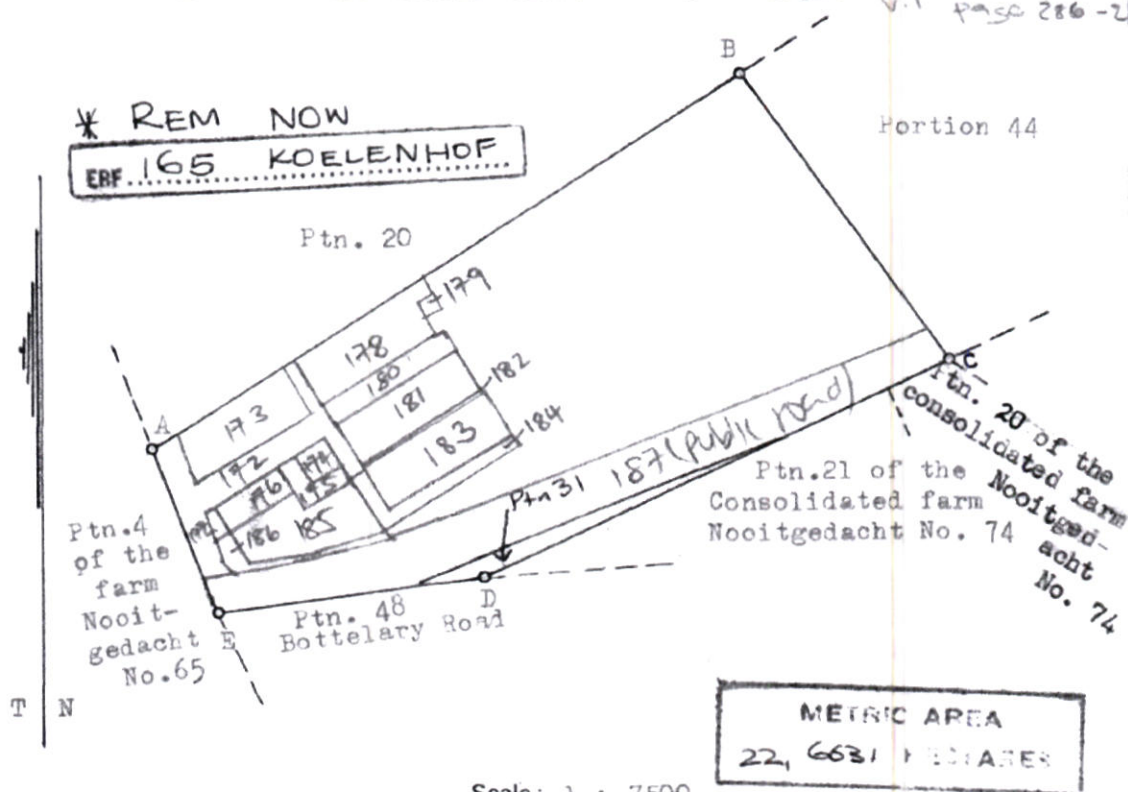
Admin. DistrictStellenbosch

SIDES Cape Feet		ANGLES OF DIRECTION	CO-ORDINATES			S.G. No.	
			Y	System	Lo 19° X		
		<u>Constant</u> +	0.00	+	11900000.00	3505/69	
AB	2280.0	236.53.20	A	+	57640.4	+	9232.1
BC	1177.3	323.10.50	B	+	55730.6	+	7986.6
CD	1696.8	65.07.30	C	+	55025.0	+	8929.1
DE	881.6	81.46.30	D	+	56564.4	+	9642.9
EA	574.2	159.14.30	E	+	57436.9	+	9769.0

Approved

Surveyor-General
8-9-1969

Reasons: A 1" Pipe in 8" x 8" concrete flush next
Rail corner fence post.
B 1" x 3' Round iron peg. Sw
C Section standard projecting 1' next Sw
Rail corner fence post. exe
D Rail corner fence Post 4' high. Ka
E Rail corner fence Post 3'6" high.

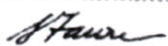


The figure	A	B	C	D	E
------------	---	---	---	---	---

B
C

THE FOLLOWING DEDUCTIONS HAVE BEEN MADE FROM THIS DIAGRAM						
SURVEY RECORD	DIAGRAM NO.	SUBDIVISION	AREA HA./SQ. M.	TRANSFER NO.	INITIALED	REMR.
E 7/10/88	1919/88	PORTION 3/	3'263 sqm	55575/91	RR	22,3428 ha
ER 296/2019	477/2019	Erf 166	5 096 sqm	redundant		
296/2019	478/2019	Erf 167	6340 sqm	redundant		
296/2019	479/2019	Erf 168	5365 sqm	redundant		
296/2019	480/2019	Erf 169	2531 sqm	redundant		
296/2019	481/2019	Erf 170	8357 sqm	redundant		
296/2019	482/2019	Erf 171	3,6977 ha	redundant		15,8756 ha

THE FOLLOWING DEDUCTIONS HAVE BEEN MADE FROM THIS DIAGRAM						
SURVEY RECORD	DIAGRAM NO.	SUBDIVISION	AREA HA./SQ. M.	TRANSFER NO.	INITIALED	
323/2022	440/22	Erf 172	9708 sqm			
"	441/22	" 173	7783 "			
"	442/22	" 174	256 "			
"	443/22	" 175	1699 "			
"	444/22	" 176	2296 "			
"	445/22	" 177	415 "			
"	446/22	" 178	8293 "			
"	447/22	" 179	372 "			
"	448/22	" 180	3522 "			
"	449/22	" 181	7158 "			
"	450/22	" 182	593 "			
"	451/22	" 183	7780 "			
"	452/22	" 184	4209 "			
"	453/22	" 185	7706 "			
"	454/22	" 186	2425 "			
"	455/22	" 187	36977 h.a			

Approved in terms of		Conditions	
Sect. 9 Ord. 33 1934		With	Without
Sect. 100 Ord. 15 1952		-	✓
Sect. 26 Act. 33/1967		-	✓
Ref. A.F. 105/3/210		-	-
Authority			
Date			
 for Surveyor-General			

.G. Dgm. No. 1164/1907

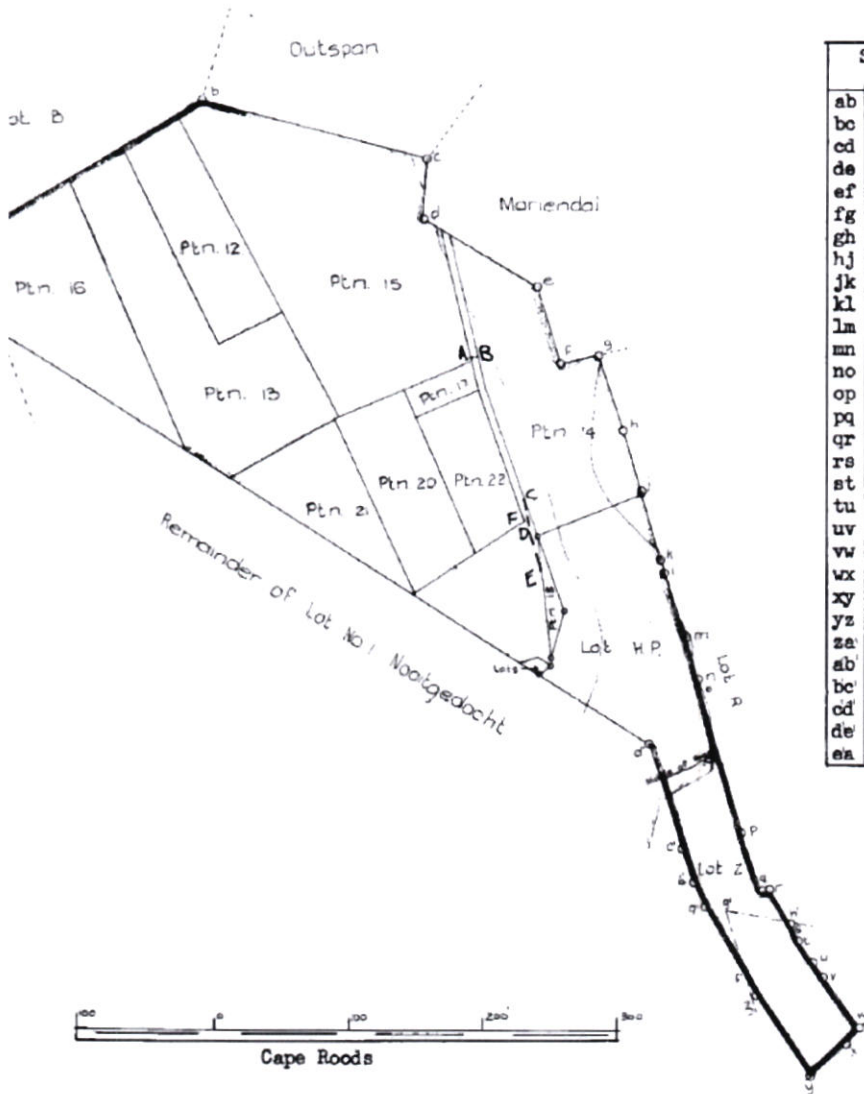
educted No.1714

(Sgd.) W.P.Murray

Registry Surveyor and Examiner

21st May, 1907

1164/19



Sides		Angles		Co-ordinates	
				Y	X
ab	199.85	a	104.21.50	a	-425.56 + 606.93
bc	172.64	b	135.6.50	b	-230.80 + 651.75
cd	44.56	c	104.31.50	c	-84.27 + 560.46
de	99.37	d	239.14.10	d	-97.59 + 517.94
ef	61.39	e	137.29.10	e	-31.30 + 443.91
fg	29.20	f	268.2.40	f	-32.02 + 382.52
gh	58.40	g	92.42.30	g	-2.85 + 381.18
hj	47.74	h	179.8.10	h	-2.77 + 322.78
jk	53.38	j	179.6.10	j	-3.42 + 275.04
kl	9.73	k	180.57.30	k	-4.99 + 221.68
lm	50.44	l	182.49.10	l	-5.11 + 211.96
mn	33.43	m	175.36.20	m	-3.26 + 161.55
no	2.73	n	92.47.50	n	-4.60 + 128.15
op	121.38	o	269.24.30	o	-7.33 + 128.13
pq	44.23	p	183.50.10	p	-7.52 + 6.75
qr	4.98	q	270.44.0	q	-4.63 - 37.38
rs	30.99	r	96.4.0	r	0.33 - 36.99
st	14.20	s	181.35.40	s	6.00 - 67.46
tu	20.82	t	183.8.10	t	8.99 - 81.34
uv	13.58	u	181.50.10	u	14.48 - 101.42
vw	45.74	v	181.48.50	v	18.48 - 114.40
wx	15.61	w	105.33.10	w	33.32 - 157.67
xy	35.19	x	169.20.30	x	20.46 - 166.51
yz	72.23	y	84.31.20	y	11.73 - 180.72
za	77.07	z	173.33.50	z	34.46 - 112.16
ab	19.39	a	174.47.10	a	-50.36 - 36.75
bc	26.64	b	175.47.0	b	-52.62 - 17.49
cd	84.86	c	176.57.0	c	-53.77 + 9.13
de	576.04	d	221.7.30	d	-52.92 + 93.99
ea	75.26	e	138.2.50	e	-427.41 + 531.69

Freehold Portion = s.t.u.v.w.x.y.z.f.g.h. = 9 Mor.
200 Sq.Roods.

Quitrent = 221 Mor. 423 Square Roods.

Portion 3
(a portion of Portion of the farm
..KOELENHOF..... No. 66.....

The above Figure lettered a.b.c.d.e.f.g.h.j.k.l.m.n.o.p.q.r.s.t.u.v.w.x.y.z.a.b.c.d.e. represents 231 Morgen 23 Square Roods of Ground situated in the F.C. Bottelary Stellenbosch Division being Lot B of the farm Koelenhof transferred to "The Koelenhof Brick & Title Company Ltd." on 21st October 1903.

Bounded N by Outspan SW & SE by Remainder of Lot No.1 Nootgedacht
NE " " W " Remainder of Lot No.1 Nootgedacht and Welgalegan
E " " NW " Lot B

Surveyed and besconed by me according to regulations

Transfer — 5908

(Sgd.) Martin E. Smuts

on 19th July, 1907

N/S 3763
3762

Government Surveyor

Willem F. Urtel & Another

April, 1907

FEB 1952

Sheet BH-8B

V.N.Consol. 66/3

		S.R.			
Portion B					
E. 140/1221	ADJ. 1221	Lot H.P.	26	48860	7/11/1931 8522
E. 140/1221	ADJ. 1221	Lot 3 Ptn. 4	19	180	21/5/1908 3247
E. 140/1221	ADJ. 1221	Lot 6 Ptn 10.		14504	6353/1939
E. 140/1221	ADJ. 1221	Portion 12	14	0003	3078/1946
"	"	Portion 13	29	9197	3079/1946
"	"	Portion 14	24	7718	3080/1946
"	"	Portion 15	47	9946	3081/1946
"	"	Portion 16	21	4850	12357/1946
E. 140/1221	ADJ. 1221	Portion 17	2	0007	28926/1948
E. 140/1221	ADJ. 1221	Portion 18	1	1102	13778/1950
"	"	Portion 22	8	4292	17111/1951
"	"	Portion 20	11	1628	17110/1951
"	"	Portion 21	12	3835	17109/1951

SERVITUDES - EASEMENT AREAS				
SURVEY RECORD	DIAGRAM No.	DESCRIPTION	DEED	DATE
E 315/95	940/95	The line AB represents the southern bdy. The line CDE the western bdy and the line DF the northern bdy of a water pipeline serv. 3m wide.	K1083/PS	7/2

Hilda Pomeroy
Surgeon-General.

- vol. 24 (2), Act No. 8 of 1987

Hand-drawn survey map showing a triangular plot of land. The vertices are labeled A, B, and C. The side AB is labeled '107'. The side BC is labeled '107'. The side AC is labeled '107'. The plot is situated between several dashed lines representing boundaries. Labels include 'Remainder of Lot N. 2 of Township 1 N. 2 E. 1/4', 'Remainder of Lot 1 of Township 1 N. 2 E. 1/4', 'Lot 1 of Township 1 N. 2 E. 1/4', and 'Lot 1 of Township 1 N. 2 E. 1/4'. A north arrow is located near vertex B.

✓ 01. 04. 97. Fencing shrublands & above ground, surrounded by shrubs
✓ b. c. - *Coronilla laciniata* 0.1 0.1 - 0.1 above ground

Portion... 20
(A portion of Portion... 9) of the farm
NOOTGEKRACHT... No. 65

Surveyed in	Surveyed by
June 1958	me

Land Surveyor.

The original diagram is No. 2795/1907
 transferred
 Book No. 5248 dated 21.5.1908
 in favour of M. D. Urfal

S.G. File No. 9469
Survey Records No. B/468/1931

1



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/8989

Our File Reference Number: Farm 65/43, Stellenbosch Division

Your Reference Number: FP/1218/934

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: gideon.roos@firstplan.co.za

Sir / Madam

APPLICATION FOR REZONING, CONSENT USE, DEPARTURE, TEMPORARY DEPARTURE, AMENDMENT OF CONDITIONS, AMENDMENT/CANCELLATION OF AN APPROVED SUBDIVISION PLAN, AMENDMENT OF AN APPROVED PHASING PLAN, NAMING OF STREETS AND APPROVAL OF URBAN DESIGN PRINCIPLES AND LANDSCAPING MASTERPLAN: FARM NO. 65/43, STELLENBOSCH DIVISION

1. The above applications refer.
2. The duly authorised decision maker has decided on the above applications as follows:
 - 2.1 That the following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Remainder Farm No. 65/43, Stellenbosch Division, namely:
 - 2.1.1 The **rezoning** of the subject property from Subdivisional Area to Subdivisional Area in terms of Section 15(2)(a) of the said Bylaw to allow for the following uses (and in accordance with the land use framework plan and such phasing as depicted in plan with reference "Subdivision/922/1", dated November 2019, and "Phasing/922/1", dated October 2018 drawn by First Plan Town & Regional Planners:
 - (a) Twenty two (22) **Business Zone I** erven (portions 1, 2, 3, 7, 8, 11, 12, 15, 16, 17, 18, 21, 22, 24, 26, 28, 29, 30, 31, 33, 34, 35) and approximately 103 525m² in extent for purposes of shops and offices;

- (b) Eleven (11) **Open Space Zone II** erven (portions 4, 5, 19, 27, 36, 37, 40, 41, 42, 43, 44) and approximately 38 962m² in extent, for private open space purposes;
- (c) Eight (8) **Transport Zone II** erven (portions 6, 10, 14, 20, 23, 25, 32, 38) and approximately 43, 644m² in extent, for private road purposes;
- (d) One (1) **Authority Zone** erf (portion 39) and approximately 372m² in extent for purposes of a substation;
- (e) Remainder Road for public road purposes; and
- (f) The phasing of the development into fifteen (15) phases.

2.1.2 The **subdivision** in terms of Section 15(2)(d) of the said bylaw in accordance with the subdivision plan "Subdivision/922/1", dated November 2019 and "Phasing/922/1", dated October 2018, and drawn by First Plan Town & Regional Planners, to allow for the development in accordance with the subdivisinal zone above; and inclusive of the **registration of a servitude right of way** over Killarney Drive in favour of Farm No. 65/9; Farm No. 65/20; Farm No. 66/3; Farm No. 66/10 and Farm No. 1059, Stellenbosch Division; and an access servitude registered over portions 7 and 11, in favour of The Devonbosch MPOA, the Local Authority and Eskom. (this plan replaces Plan Revision 2, dated 14 September 2018)

2.1.3 **Consent Use** in terms of Section 15(2)(o) of the said Bylaw to allow for flats in a Business Zone I.

2.1.4 **Departure** in terms of Section 15(2)(b) of the said Bylaw to allow for:

- (a) a height restriction of **22m** in lieu of **2** storeys for blocks of flats;
- (b) coverage of **100%** in lieu of **75%** for blocks of flats;
- (c) a setback from **6,5m** to **0m**; and
- (d) to allow for **3,8** parking bays per 100m² total floor space in lieu of **4** parking bays per 100m² total floor space required for a business premises.

2.1.5 **Temporary Departure** in terms of Section 15(2)(c) to permit showrooms, warehouses and fitment centre in a Business Zone I premises (portions 7 and 11)

BE APPROVED in terms of Section 60 of the said Bylaw.

2.2 Reasons for the above Decision

The application is supported for the following reasons:

- a) The proposed development of Precinct A as well as the wider development of the Devonbosch site will comply with the vision of the Stellenbosch Municipal Spatial Development Framework and the Koelenhof District Plan for the area.
- b) The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape considering that it will in fact upgrade an unattractive industrial area.
- c) The Devonbosch Lifestyle Estate will be developed in accordance with Urban Design Principles and 'form based codes' which will ensure a high quality, functional and sustainable urban environment.
- d) Due to these principles, the proposed development will not have any negative visual impact on the surrounding area or wider cultural landscape of Stellenbosch.
- e) The development will be a mixed-use development, offering a variety of housing opportunities (different sizes flats), offices, retail and warehousing.
- f) The proposal will provide a new approach to form/shape the urban landscape for the benefit of the broader community of Stellenbosch but also stimulate much needed economic growth in the Koelenhof area, provide new employment and housing opportunities, environmental and socio-economic benefits and job opportunities and as such also increases the municipal tax base of the municipality.
- g) The proposal complies mostly with the land use planning principles referred in Section 59 (spatial justice, spatial sustainability, efficiency and good administration) of LUPA.
- h) The design layout and the management proposal submitted for parking provision will promote non-motorised transport.
- i) There will be no impact on heritage or the bio-physical environment.
- j) There will be no negative impact on existing infrastructure and additional traffic can be accommodated on the local road network.

2.3 That such approval BE SUBJECT to the following conditions in terms of Section 66 of the said Bylaw:

2.3.1 The approval only applies to the proposed development in question, as indicated on attached Subdivision Plan (Plan nr Subdivision/922/1 Revision 1 dated November 2019) and the Phasing Plan (Plan nr Phasing/922/1 Revision 1 dated November 2019) and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

2.3.2 The approval will lapse if not implemented within the timeframe stipulated in the subject Bylaw;

2.3.3 New erf diagrams or general plans for the newly created land units be submitted to this municipality for clearance and record purposes;

2.3.4 The applicant submits an electronic copy (shp,dwg,dxf) of the General Plan which was preliminary approved by the SG. The following information must be indicated:

- a) Newly allocated Erf Numbers
- b) Co-ordinates
- c) Survey Dimensions
- d) Street names (if approved by Council)

2.3.5 An owner's association should be established in terms of Section 29(1) of the said bylaw and will take effect on the registration of the first land unit.

2.3.6 That the constitution for the owner's association, which constitution should take into account the requirements as stipulated in terms of Section 29(3) of the said bylaw, be submitted to the Department for approval prior to the transfer of the first land unit;

2.3.7 The common property/s to be formally transferred in favour of the Owner's Association;

2.3.8 All open spaces and road which vest in the Council be transferred to the Council by the developer at his cost, transfer to take place simultaneously with the transfer of the first portion of the portion of the subdivision as per approved phases.

2.3.9 The rates clearances will only be granted once the conditions of approval for the individual phases have been complied with;

2.3.10 A service agreement must be entered into with the municipality prior to the construction of any services or infrastructure in terms of Section 66(3) and Section 82(4) of the said bylaw;

2.3.11 The development contributions are payable before the approval of building plans and which amount will be calculated in accordance with the council tariffs in force at the time of payment;

2.3.12 The extent of the proposed land uses is limited to the following:

Land Use	Extent
Retail	7 089m ² GLA
Office	45 770m ² GLA
Residential	610 units
Warehouses	4 618m ² GLA

2.3.13 The main access off MR187 to the development is only taken via the existing Blumberg Drive roundabout intersection;

2.3.14 No access will be allowed off MR174;

2.3.15 A secondary left-in/left-out access off MR187 is allowed $\pm 500\text{m}$ from the centre line of the MR187/Blumberg Drive roundabout;

2.3.16 The proposed left-in/left-out access may only be constructed in combination with the extension of the partial right turn median on MR187 to the west, of which the length must be agreed during the detail design process;

2.3.17 The following road infrastructure must be place per phase or as a combination of phases with the corresponding bulk releases as indicated below:

Phase	Road Infrastructure	Bulk Release on Award of Contract (GLA/Units)	Bulk Release on Completion of Contract (GLA/Units)
Existing, 1 and 2	Intersection: MR187/MR174 •Left and right lanes to be added to the eastern leg	Retail: 1 700m ² Office: 11 000m ² Industrial: 1 700m ² Residential: 10 units	Retail: 654m ² Office: 3 632m ² Industrial: 631m ² Residential: 5 units

	<ul style="list-style-type: none"> •Add through lane on northern leg •Add receiving lane on southern leg 		
3 and 4	<p>Intersection: MR187/MR174</p> <ul style="list-style-type: none"> •At the western approach, change the left-turn lane to a through and left turn lane •Change the through lane to a right-turn lane, leading to a double right-turn lane at the western approach <p>Construction of public transport embayments downstream of Blumberg Drive intersection and the left-in/left-out access on MR187.</p> <p>Construction of a 2m wide NMT lane along the northern side of MR187 between Blumberg Drive and MR174</p> <p>The extension of the existing partial right turn lane median on MR187 to the west to accommodate the left-in/left-out access to the development</p>	<p>Retail: 2 600m²</p> <p>Office: 11 000m²</p> <p>Industrial: 1 700m²</p> <p>Residential: 70 units</p>	<p>Retail: 902m²</p> <p>Office: 3 572m²</p> <p>Industrial: 587m²</p> <p>Residential: 25 units</p>
5, 6 and 7	<p>Intersection: MR187/MR174</p> <ul style="list-style-type: none"> •Construct a left-turn lane at the western approach •Change the existing left and through lane to a through lane (western approach) 	<p>Retail: 500m²</p> <p>Office: 6 200m²</p> <p>Industrial: 0m²</p> <p>Residential: 160 units</p>	<p>Retail: 214m²</p> <p>Office: 2 128m²</p> <p>Industrial: 0m²</p> <p>Residential: 125 units</p>
8 & 9	<p>Dualling of missing sections of MR187 between the Blumberg Drive intersection and MR174.</p>	<p>Retail: 400m²</p> <p>Office: 6 000m²</p> <p>Industrial: 0m²</p> <p>Residential: 215 units</p>	<p>Retail: 128m²</p> <p>Office: 2 237m²</p> <p>Industrial: 0m²</p> <p>Residential: 71 units</p>

2.3.18 Street lighting must be implemented in accordance with the standards of the Department of Transport and Public Works.

2.3.19 The Municipality must ensure that permanent and unfettered access to all subdivided properties is ensured.

- 2.3.20 The statutory 5m building line in terms of the Roads Ordinance 19 of 1976 must be maintained.
- 2.3.21 The development must be undertaken in accordance with the form based codes as depicted in the Devonbosch Urban Design Principles, Precinct A (November 2018).
- 2.3.22 A formal application be submitted for the erection of advertising signs and that all signage to be in line with the signage policy of the municipality and be approved by the Municipality prior to any signage being erected;
- 2.3.23 All servitudes must be registered and reflect on the title deeds of the affected properties;
- 2.3.24 A Site Development Plan, together with a bulk register and parking plan, be submitted to the Manager: Land Use Management for each of the 15 phases as shown on the Phasing Plan (Plan nr Phasing/922/1 Revision 1 dated November 2019) to initiate the development of each individual phase;
- 2.3.25 Landscaping to be implemented as per the Devonbosch Landscape Masterplan (October 2018-Rev 01);
- 2.3.26 The conditions imposed by the **Director: Engineering Services** as contained in their memo dated 17 February 2020, attached as **ANNEXURE T**, be complied with;
- 2.3.27 No activities may take place within a buffer area of 500m radius of any wetland system without prior authorisation from this department;
- 2.3.28 No permanent structures may be constructed within the 1:100 year flood line of a water course without prior authorisation from the department;
- 2.3.29 Building plans be approved for the residential units when all conditions of subdivision have been complied with and proof of transfer of the subject property is submitted with the building plan;
- 2.3.30 Building plans be substantially in accordance with the approved SDP for each phase as well as the overall Devonbosch Urban Design Principles, Precinct A (November 2018);
- 2.3.31 Inclusionary housing should be created to expand housing opportunity for a broader range of income groups. Particularly in Settlements within Stellenbosch.

2.4 Matters on the application TO BE NOTED:

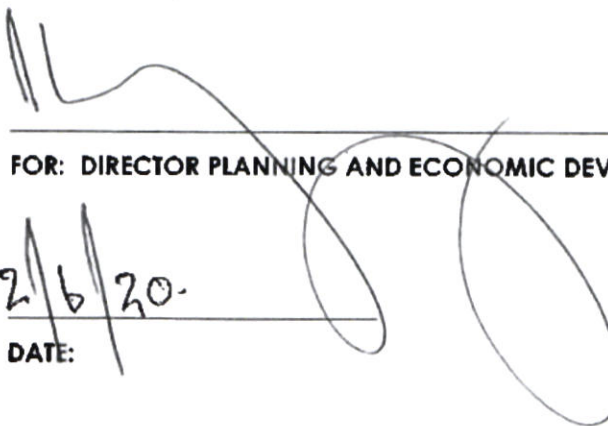
- 2.4.1 That the approval on the name of the development and the naming of streets as per the proposed subdivision plan, with reference to **ANNEXURE B; BE OBTAINED** from the Executive Mayor of Stellenbosch as the duly authorised decision maker on such matters.
- 2.4.2 That conditions stated in letter 16/2/7/G200/A/8 by the Department of Water and Sanitation, dated 15 July 2019, **BE NOTED**. See **ANNEXURE L**.
- 2.4.3 The conditions stated in letter 16/9/6/1-25/243 by the Department of Transport and Public Works, dated 10 February 2020, **BE NOTED**. See **ANNEXURE M**.
- 2.4.4 The conditions stated in letter 16/3/3/5/B4/45/1095/18 by the Department of Environmental Affairs and Development Planning, dated 22 August 2019, **BE NOTED**. See **ANNEXURE J**.
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 of Legal person's name (if applicable)
 - (IV) Physical Address;
 - (V) Contact details, including a Cell number and E-Mail address;
 - (b) Reference to this correspondence and the relevant property details on which the appeal is submitted.
 - (c) The grounds of the appeal which may include the following grounds:

- (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
 - (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.
- (d) whether the appeal is lodged against the whole decision or a part of the decision;
 - (e) if the appeal is lodged against a part of the decision, a description of the part;
 - (f) if the appeal is lodged against a condition of approval, a description of the condition;
 - (g) the factual or legal findings that the appellant relies on;
 - (h) the relief sought by the appellant; and
 - (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;
 - (j) That the appeal includes the following declaration by the Appellant:
 - (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
 - (ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.
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: Lenacia.Kamineth@ Stellenbosch.gov.za.
 6. An applicant who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The LU Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.
 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

2/6/20.
DATE:

COPIES OF LETTER TO OBJECTORS

Belangegroep Stellenbosch Interest Group

info@stellenboschinterestgroup.org

Surveyor-General

sglodgementwc@drdlr.gov.za

ANNEXURE B

**REZONING, CONSENT USE, DEPARTURE, TEMPORARY DEPARTURE, AMENDMENT OF
CONDITIONS, AMENDMENT/CANCELATION OF AN APPROVED SUBDIVISION PLAN,
AMENDMENT OF AN APPROVED PHASING PLAN, NAMING OF STREETS AND APPROVAL
OF URBAN DESIGN PRINCIPLES & LANDSCAPING MASTERPLAN: FARM NO. 65/43,
STELLENBOSCH DIVISION**

SUBDIVISIONAL PLAN & PHASING PLAN

PORTION 43 OF FARM NO 65			
A-B	327,61m		
B-C	43,17m		
C-D	186,97m		
D-E	329,03m		
E-F	21,60m		
F-G	18,86m		
G-H	20,49m		
H-I	30,43m		
I-J	203,43m		
J-K	180,83m		
K-L	712,92m		
L-M			
M-A			

PORTION 43 OF FARM NO 65			
ERF NUMBER	SQUARE METRES	ERF NUMBER	SQUARE METRES
1	7763	19	2034
2	2294	20	4735
3	1899	21	7208
4	1254	22	7184
5	415	23	7104
6	9708	24	7780
7	8294	25	4209
8	7158	26	7704
9	3227	27	3228
10	7434	28	3647
11	6632	29	6042
12	5229	30	4453
13	1284	31	4602
14	1162	32	2922
15	428	33	
16		34	
17			
18			

STELLENBOSCH MUNICIPALITY			
THIS SUBDIVISION / CONSOLIDATION HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE CONDITIONS AS SET FORTH ATTACHED LETTER DATED 26/20/2018			
AUTHORISED EMPLOYEE/MP/RT			
26/20			
1059			

PROPOSED AMENDMENT OF APPROVED PLAN OF SUBDIVISION
Portion 43 of Farm No. 65
STELLENBOSCH
Devonbosch Estate

GENERAL NOTES

- All dimensions are approximate and subject to a detailed site survey and Local Authority input.
- Services servitudes to be registered where necessary and in accordance with approved electrical and/or other service designs and plans to ensure the protection of common property and that a general access and services servitude be registered across all private road reserves and open space in favour of the local authority for the purposes of maintaining any such services and for refuse removal.
- The figure M.A.B.C.D.E.F.G.H.I.J.K.L.M.N.O.P.Q.R.S.T.U.V.W.X.Y.Z represents an access and general services servitude in favour of Plots 9 & 20 of Farm 65, Plots 3 & 10 of Farm 66 and Farm 1059 Stellenbosch.
- The figure H.I.J.K.L.M.N.O.P.Q.R.S.T.U.V.W.X.Y.Z represents an access and services servitude in favour of The Devonbosch MPOA, The Local Authority and Esters.
- The Copyright of this drawing, including the design and details shown herein, is reserved by First Plan.

DIESEL & MUNNIS Inc

PROFESSIONAL LAND SURVEYORS : TOWN AND REGIONAL PLANNERS
 REGISTRAR'S LICENSE NO. 12708 - 01 STREET 105, JARVIS
 7900 ESTER-ESTER, STELLENBOSCH, 7900
 TEL : (021) 882-3002/882-3796 FAX : (021) 882-4888

AMENDMENTS

REV	DESCRIPTION	DATE
1	Remove portions 9 & 13 and add servitude	Nov. 2019
2		

CLIENT:

BLUE DAWN TRADING (PTY) LTD.

PLAN NO	Subdivision 922/1
REFERENCE	FP1018/822
DATE	October 2018

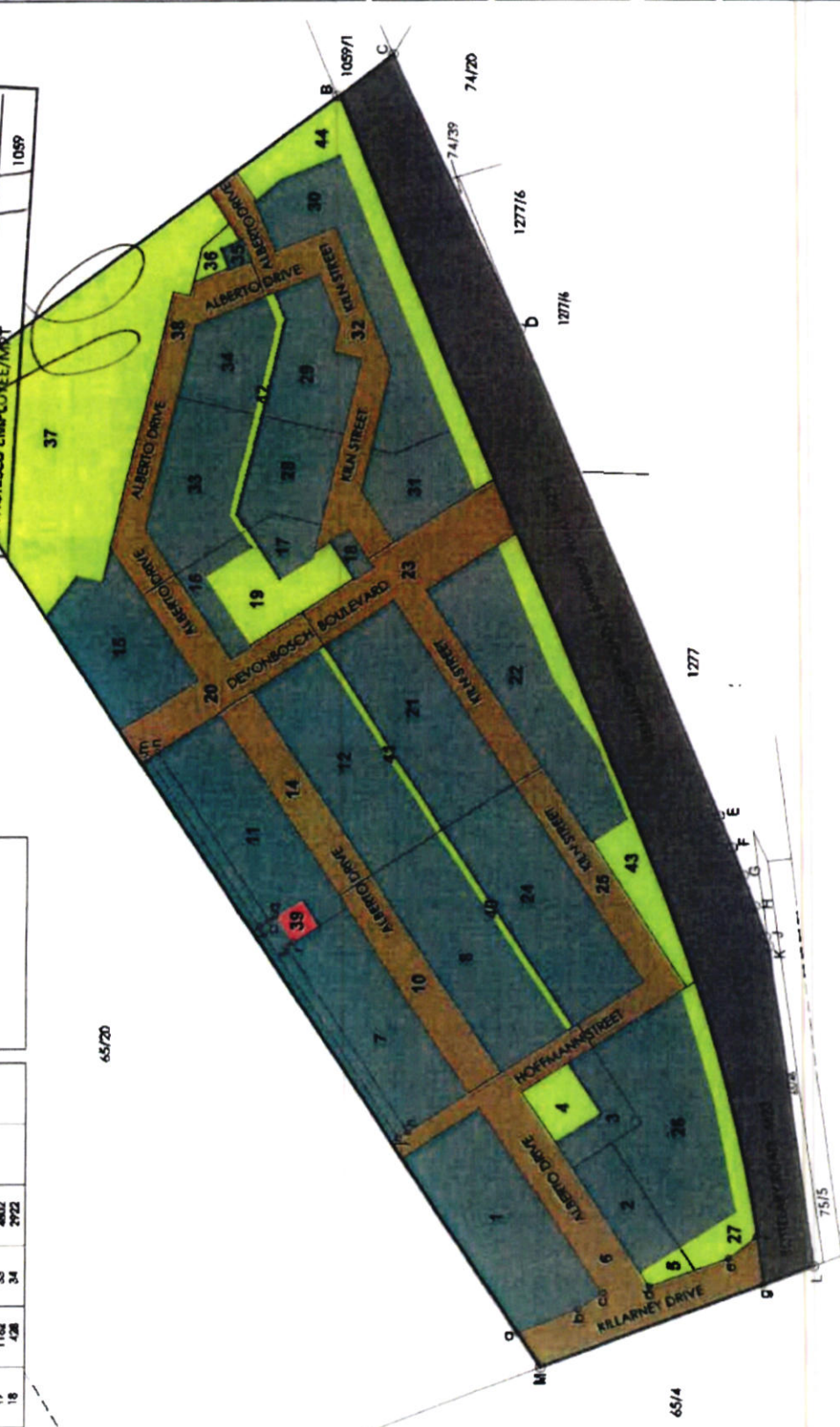


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FIRST PLAN
TOWN & REGIONAL PLANNERS
 8 Essenhorst Crescent, Potchefstroom, 7500
 PO Box 15085, Potchefstroom, 7500
 E-Mail: gideon.rose@firstplan.co.za

SECTION 8 ZONING SCHEME

Zoning	Land Use	Portions
Business Use 1 with a Consent Use for Plots	Shops, Offices, Restaurants and Pubs	1, 2, 3, 7, 8, 11, 12, 15, 16, 17, 18, 21, 22, 24, 25
Transport Zone 2 (Private Road)	Private Roads	26, 29, 30, 31, 32, 34 & 35
Open Space Zone 2	Private Open Space	6, 18, 19, 20, 23, 25, 32, 38
Authority Zone	Blackfoot Subdivision	4, 5, 19, 27, 28, 37, 40, 41, 42, 43 & 44
Transport Zone 2	Public Road	39
	Remainder	



AREAS				AREAS			
BRF NUMBER	SQUARE METRES	BRF NUMBER	SQUARE METRES	BRF NUMBER	SQUARE METRES	BRF NUMBER	SQUARE METRES
1	7783	19	2934	35	35	53	230
2	2294	20	4739	36	36	54	440
3	1449	21	7308	37	37	55	21812
4	1256	22	7154	38	38	56	4438
5	415	23	7106	39	39	57	372
6	9708	24	7786	40	40	58	895
7	2168	25	7757	41	41	59	549
8	3707	26	3228	42	42	60	3853
9	7454	27	3842	43	43	61	4861
10	4432	28	4042	44	44		
11	8229	29	2771				
12	1184	30	4453				
13	428	31	4453				
14		32	4982				
15		33	2972				
16		34					

STELLENBOSCH MUNICIPALITY

THIS SUBDIVISION / CONSOLIDATION HAS BEEN APPROVED IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) SUBJECT TO THE CONDITIONS AS PER ATTACHED LETTER DATED 21/10/20

AUTHORISED EMPLOYEE/ART 21/10/20

PROPOSED AMENDMENT OF PHASING PLAN OF Portion 43 of Farm No. 65 STELLENBOSCH Devonbosch Estate

- GENERAL NOTES**
1. All dimensions are approximate and subject to a detailed site survey and Local Authority input.
 2. Services servitudes to be registered where necessary and in accordance with approved electrical and/or civil services design and plans to ensure the protection of and access to such services existing private or common property and that a general access and services servitude be registered across all private road reserves and open space in favour of the local authority for the purposes of maintaining any such services and for refuse removal.
 3. The figure M.A.B.C.D.A.B.G. represents an access and general services servitude in favour of Pns 9.4.20 of Farm 65, Pns 3 & 10 of Farm 68 and Farm 1059 Stellenbosch.
 4. The figure L.L.K.M.A.B.C.D.A.B.G. represents an access and services servitude in favour of The Devonbosch MP/OK, The Local Authority and Edition.
 5. The Copyright of this design, including the design and details shown herein, is reserved by First Plan

DIESEL & MUNN'S Inc

REGISTERED LAND SURVEYORS & ENGINEERS

101, 1001 WEST STREET, 4th FLOOR, 7508

STELLENBOSCH, 7508

Tel: (021) 852-3400/3401 Fax: (021) 852-3404

AMENDMENTS		
REV.	DESCRIPTION	BY DATE

CLIENT:

BLUE DAWN TRADING (PTY) LTD.

PLAN NO	Phasing/822/1
REFERENCE	FP/1018/822
DATE	October 2018



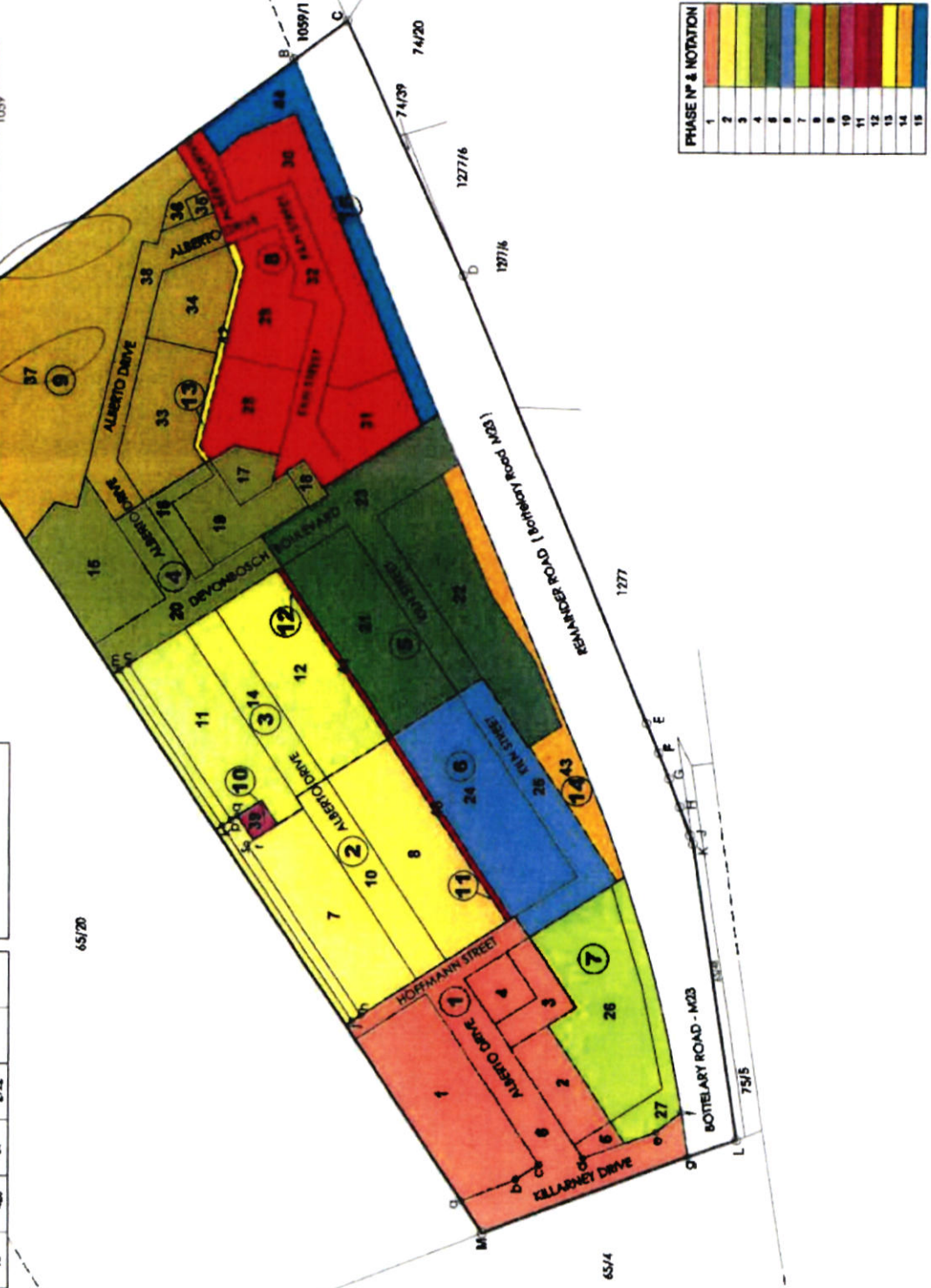
FIRST PLAN

TOWN & REGIONAL PLANNERS

18 Esplanade Crescent, Plettenberg, 7500

PO Box 15803, Plettenberg, 7500

E-Mail: gideon.ross@firstplan.co.za



PHASE N° & NOTATION	
1	B
2	C
3	D
4	E
5	F
6	G
7	H
8	I
9	J
10	K
11	L
12	M
13	N
14	O
15	P

ANNEXURE T

**REZONING, CONSENT USE, DEPARTURE, TEMPORARY DEPARTURE, AMENDMENT OF
CONDITIONS, AMENDMENT/CANCELATION OF AN APPROVED SUBDIVISION PLAN,
AMENDMENT OF AN APPROVED PHASING PLAN, NAMING OF STREETS AND APPROVAL
OF URBAN DESIGN PRINCIPLES & LANDSCAPING MASTERPLAN: FARM NO. 65/43,
STELLENBOSCH DIVISION**

**COMMENT FROM THE DIRECTOR: ENGINEERING
SERVICES**

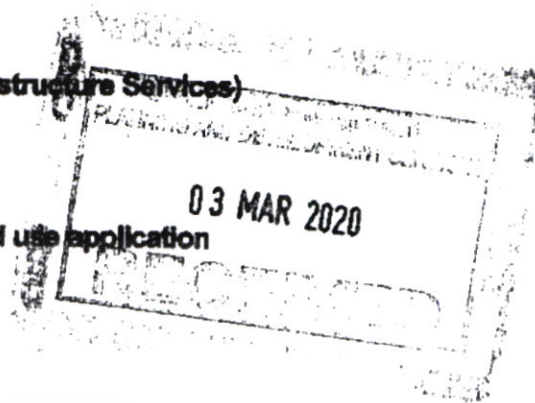


STELLENBOSCH MUNICIPALITY
STELLENBOSCH-PNIEL-FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To • Aan: Director: Infrastructure Services
Att Aandag Deon Louw
From • Van: Manager: Development (Infrastructure Services)
Author • Skrywer: Tyrone King
Date • Datum: 17 February 2020
Our Ref • Ons Verw: Farm 65/43: Devonbosch land use application
Your Ref:
Re • Insake: Land use approval conditions



Enclosed herewith find the Memo to Town Planning containing the engineering land-use approval conditions for your co-signature. Please pay specific attention to the following clauses:

I have incorporated the principle of only 20% of DCs to be spent on provincial road upgrades namely Bottelary road and the R304 – see condition 5 (d) (i), (iii), (v), (vi), and (vii).

Furthermore, I have only granted DC credit for the existing buildings (Annexure DC), and not for the full zoning rights as the Developer is claiming, since they never paid DCs for the full rights and therefore cannot claim a DC credit for the full rights. This stance is also as agreed during the last meeting we had on the topic between yourself, myself, Jeri-Lee Mowers and Annalene de Beer.

If you have any queries, feel free to discuss with me.


TYRONE KING Rr Tech Eng

MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

FILE NR:	
SCAN NR:	F 65/43 S
COLLABORATOR NR:	680983



MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES
DIREKTORAAT: INFRASTRUKTUURDIENSTE

TO : The Director: Planning and Development

FOR ATTENTION : N Katts

FROM : Manager: Development (Infrastructure Services)

ENQUIRIES : Tyrone King (Manager: Development)

DATE : 17 February 2020

RE. : Farm 65/43 : Rezoning, consent use, departures, temporary departures, amendment of conditions of existing approval, amendment of approved subdivision and phasing plans etc for 22 Business Zone I erven; 10 Transport Zone II (private road) erven, 11 Open Space Zone II erven, 1 Authority Zone and 1 Transport Zone II (public road)

YOUR REF : LU/8989

OUR REF : CIVIL 1850

Background: the subject property has approval (dated 21 Nov 2018) for inter alia 28 Industrial Zone 1 erven, 1 Industrial Zone 3 erven and 20 Business Zone 1 erven. The intention of this application is to allow for a mixed use type of development and the current industrial zoned erven need to be rezoned to Business Zone 1 which allows for business uses (office and retail) as a primary land use and "flats" as a consent use. According to par 4 and Appendix A of the TIA (Bulk register - pie chart sheet), the following development parameters are proposed:

Retail:	7 098 m ² GLA
Offices:	45 770 m ² GLA
Flats:	614 units (42 950m ² GLA)
Warehouses:	4 618 m ² GLA

These comments, conditions as well as DC calculations are based on the above parameters and should it be exceeded, additional approval and revised DC calculations will become applicable.

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

FARM 65-43, DEVONBOSCH MIXED USE DEVELOPMENT

- The abovementioned application dated 2019-01-29 and motivation report by First Plan, dated Revision 1 – April 2019;
- Amended Subdivision Plan No. Subdivision/892/1, dated Oct 2018 (Revision 1 – Oct 2019) by First Plan;
- Amended Phasing Plan No Phasing/922/1, Annexure 14, dated Oct 2018, by First Plan
- Report on provision of engineering services, by Bart Senekal Inc, dated 12 Dec 2019;
- Capacity analysis of the bulk water Service letter by GLS, dated 22 February 2016;
- E-mail re bulk sewer system spare capacity by GLS dated 9 Nov 2018 04:15 PM confirming spare capacity in the sewer network for a water demand of 472.9kl/day;
- Transport Impact Statement by ITS, dated December 2018;
- Letter re motivation of parking departures by ITS, dated 11 November 2019 Ref 3978
- E-mail giving a breakdown of the development parameters for DC calculation by First Plan, dated Thu 2019/06/29 16:06 (**Annexure: Development Parameters**).

This document consists of the following sections:

A. Definitions

B. Recommendation to decision making authority

C. Specific conditions of approval: These conditions must be complied with before clearance certificate, building plan or occupation certificate approval; whichever is applicable to the development in question.

D. General conditions of approval: These conditions must be adhered to during implementation of the development to ensure responsible development takes place. If there is a contradiction between the specific and general conditions, the specific conditions will prevail:

A. Definitions

1. that the following words and expressions referred to in the development conditions, shall have the meanings hereby assigned to except where the context otherwise requires:
 - (a) "Municipality" means the STELLENBOSCH MUNICIPALITY, a Local Authority, duly established in terms of section 9 of the Local Government Municipal Structures act, Act 117 of 1998 and Provincial Notice (489/200), establishment of the Stellenbosch Municipality (WC024) promulgated in Provincial Gazette no. 5590 of 22 September 2000, as amended by Provincial Notice 675/2000 promulgated in Provincial Gazette;

FARM 65-43, DEVONBOSCH MIXED USE DEVELOPMENT

- (b) *"Developer"* means the developer and or applicant who applies for certain development rights by means of the above-mentioned land-use application and or his successor-in-title who wish to obtain development rights at any stage of the proposed development;
 - (c) *"Engineer"* means an engineer employed by the *"Municipality"* or any person appointed by the *"Municipality"* from time to time, representing the Directorate: Infrastructure Services, to perform the duties envisaged in terms of this land-use approval;
2. that all previous relevant conditions of approval to this development application remain valid and be complied with in full unless specifically replaced or removed by the *"Engineer"*;

B. Recommendation:

3. Page 35 of the motivation report states that due to the mixed use nature of the development, where work and residential opportunities are created on the same site, the reliance on private motor vehicles will be reduced and user costs will be lowered as travel distances become shorter and cheaper. On page 39, it is stated that the development will offer residential opportunities in different price brackets, however it does not stipulate if such price brackets also include affordable housing (home loans affordable to households earning up to about R25 000 per month). If the intention of the development is to create residential and work opportunities in this mixed use environment, and thereby reduce the reliance on private vehicles which will have a positive impact on traffic, then it is important to quantify which income groups will be catered for. If lower/middle income workers will make up a large component of the workforce employed at the development, then residential opportunities should be created for them as well, otherwise the principles on which the development motivation is based will not be complied with in reality. The application does not specifically indicate how many of the 614 flat units will be earmarked for the affordable housing category or what the balance will be between housing for different income groups. We therefore advise the decision making authority to take cognisance of this and request clarity if deemed necessary before making their final decision and setting the approval conditions.
4. The development is recommended for approval, subject to the conditions as stated below.

C. Specific conditions of approval

5. that the following upgrades are required to accommodate the development:

- a. Stellenbosch WWTW (Waste Water Treatment Works): The proposed development falls within the catchment area of the existing Stellenbosch WWTW (Waste Water Treatment Works). There is sufficient capacity at the WWTW for the proposed development.
- b. Water Network: Supply of potable water to the development will be from the Stellenbosch Municipality's Koelenhof rural water scheme. In summary the Koelenhof water scheme consists of a bulk take-off from the City of Cape Town's Wemmershoek bulk supply line, a pumping system to the Koelenhof area, a reservoir system (the Sonop reservoir zone), and distribution pipelines for supply of water at constant pressure. Bulk water supply to this development will be from the Sonop reservoir zone.

The engineering services report states that the water demand for this development proposal is 472.9kl/day. The following upgrades are required: (See **Annexure A - Figure 2 of GLS attached**): The Phase 1, 2 and 3 items as indicated in the GLS capacity analysis will create the required spare capacity (581 kl/d AADD) to accommodate the proposed development (472.9kl/day AADD).

The Phase 1 upgrades will give no spare capacity based on the existing water allocations;

Phase 2 upgrades will give 106 kl/day spare capacity based on the existing water allocations;

Phase 3 upgrades will give 581 kl/day spare capacity based on the existing water allocations;

- i. Phase 1: RKW2.7: 1490mx200mm dia reinforcement of existing 150mm dia supply pipe R 1 676 000*
- ii. Phase 2: RKW.B6a: 4145m x 315mm dia parallel reinforcement of existing 200mm dia supply pipe R 8 700 000*

FARM 65-43, DEVONBOSCH MIXED USE DEVELOPMENT

iii. Phase 2: RKW.B13 Upgrade capacity of Devon Valley PS	R 464 000*
iv. Phase 3: RKW2.2: 1210m x 315mm dia parallel reinforcement of existing 200mm dia supply pipe	R2 578 000*
v. Phase 3: RKW.B17 Upgrade capacity of existing Koelenhof bulk PS	R441 000*
Total	R13 859 000*
Estimate escalated to 2019/20 @ 8% p.a.	R17 458 349

(* GLS report estimate including P & G, Contingencies and Fees, but excluding VAT - Year 2016/17 Rand Value. This is a rough estimate, which does not include major unforeseen costs).

It has previously been agreed that Phase 1 of the currently approved development (21 Nov 2018 approval) may receive clearance if Phase 1 of the water upgrades have been completed – as per letter from the Municipality to Bart Senekal Engineers dated 4 September 2019. This was based on a theoretical phase 1 water demand of 74 kl/day and the phase 1 water upgrades increasing capacity in the Sonop Reservoir Zone by 90kl/day.

Phase 2 and 3 of the water upgrades must be completed before any clearances more than 90 kl/day will be issued.

Should other developments be approved and the cumulative water demand of all the developments triggers phases 4 and 5 of the water upgrades, such upgrades must be identified and agreed to prior to engineering drawing / building plan approval of the next applicable phase of this development.

- c. **Sewer Network:** the Koelenhof bulk outfall sewer has sufficient capacity for the proposed development. This Koelenhof sewer line connects to the Plankenbrug outfall sewer line at Cloeteville, in the vicinity of the Nuutgevonden Estate. The Plankenbrug outfall sewer does not have spare capacity, and is currently being upgraded by the Municipality. Phase 1 has been completed, and the anticipated

FARM 65-43, DEVONBOSCH MIXED USE DEVELOPMENT

completion date for Phase 2 and 3 is May 2020, dependent on the Contractor's adherence to programme.

- d. **Road Network:** the road upgrades listed below as per the TIA: See **Annexure B: ITS Proposed Upgrades Drawing E1 dated 16 Sept 2019** attached. The phases are as per the Amended Phasing Plan No Phasing/922/1, Annexure 14, dated Oct 2018, by First Plan:

i. To accommodate existing (2018) background traffic:

- a left and right turn lane must be added at the eastern approach at the Bottelary Road/R304 intersection.
- Cost R 1 177 200 ex VAT
- This upgrade must be completed before the clearance of any Phase 1 erven.
- 20% of the cost of this upgrade can be offset against DCs (provincial road intersection)

ii. Upgrades required before clearance of Phase 1 of the Development:

- Northern pedestrian walkway – Bottelary/Kromme Rhee: that as per page 26 of the motivation report, the Developer must construct, a minimum 3m wide public cycle/walkway along the southern edge of the property (northern side of Bottelary Road);
- This upgrade must be completed before the clearance of any Phase 1 erven.
- This upgrade will be for the Developer's cost.

iii. Upgrades required before clearance of Phase 1 of the Development:

- that as per Par 19 of the TIA, public transport facilities, as to be agreed with the Roads department of the Municipality at a later stage, must be constructed along the Bottelary Road with bus and taxi embayments located downstream of the Blumberg Drive and left-in/left-out intersection;
- This upgrade must be completed before the clearance of any Phase 1 erven.
- 20% of the cost of this upgrade can be offset against DCs (provincial road)

iv. Upgrades required before clearance of Phase 1 of the Development:

- For Developers own cost (Par 12 of TIA): access to the property concerned shall be via the Bottelary Road/Blumberg Drive intersection and the left-in-left-out (LILLO) access via Bottelary Road. The existing median for the LILLO to

FARM 65-43, DEVONBOSCH MIXED USE DEVELOPMENT

the south must be extended to accommodate the proposed LILLO to the development;

v. Upgrades required before clearance of Phase 2 of the Development:

- Bottelary Road/R304 intersection:
- Add a through lane at the northern approach.
- Add a receiving lane at the southern approach.
- Cost R 1 883 520 ex VAT
- This upgrade must be completed before the clearance of any Phase 2 erven.
- 20% of the cost of this upgrade can be offset against DCs (provincial road intersection)

vi. Upgrades required before clearance of Phase 4 of the Development:

- Bottelary Road/R304 intersection:
- At the western approach, change the left-turn lane to a through and left turn lane.
- Change the through lane to a right-turn lane, leading to a double right turn lane at the western approach.
- Cost R 109 000 ex VAT
- This upgrade must be completed before the clearance of any Phase 4 erven.
- 20% of the cost of this upgrade can be offset against DCs (provincial road intersection)

vii. Upgrades required before clearance of Phase 7 of the Development:

- Bottelary Road/R304 intersection:
- Construct a left-turn lane at the western approach.
- Change the existing left and through lane to a through lane (western approach)
- Cost R 109 001.09 ex VAT
- This upgrade must be completed before the clearance of any Phase 7 erven.
- 20% of the cost of this upgrade can be offset against DCs (provincial road intersection)

The parking departures as per the letter re motivation of parking departures by ITS, dated 11 November 2019 Ref 3978, has been approved by the Manager: Traffic Engineering. Conditions relating to the parking provision are as follows:

FARM 65-43, DEVONBOSCH MIXED USE DEVELOPMENT

viii. The approved parking ratios are:

3.87 bays per 100m² GLA for business (retail and offices)

1.25 bays per residential unit (no additional allowance for visitors parking)

All other parking ratios will be as prescribed in the Zoning Scheme

ix. Prior to the approval of an SDP for each phase, a parking survey must be conducted and an updated parking schedule must be submitted to identify whether there are sufficient parking bays available for the existing phases plus the new phase/s seeking approval. This will also indicate if there are sufficient parking bays at the end of the development. The Developer's consulting engineer must provide this information.

x. An area of land must be retained for future structured parking should the proposed parking ratios and parking model prove to be insufficient and should the original (zoning scheme) parking ratios need to be implemented due to insufficient parking. Should the parking prove to be insufficient during the implementation of the development, the Municipality reserves the right to require such structure to be constructed prior to any further development approvals.

xi. Minimum parking bay dimensions to be 2.5m wide x 5.0m long with a 7m aisle width. The 2.8m width proposed is supported.

e. Stormwater Network:

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

FARM 65-43, DEVONBOSCH MIXED USE DEVELOPMENT

f. Solid Waste:

- i. The Municipality will provide a solid waste collection service.

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

Phased Implementation

7. A Site development plan (SDP) for each phase must be submitted for approval before the submission of any building plans.
8. The SDP for each phase must be accompanied by an updated engineering services layout for the overall site. The overall engineering layout drawings must indicate inter alia:
 - a. the road reserve widths and road widths,
 - b. status of roads (public/private/servitude),
 - c. NMT routes and widths,
 - d. refuse removal infrastructure (embayments),
 - e. water and sewer networks and connection points for the precincts,
 - f. the stormwater network including ponds,
 - g. and must show that the services for each individual precinct is aligned with the overall engineering services layout.
9. Each Precinct SDP must clearly indicate:
 - a. Stacking distance
 - b. Entrance and exit widths
 - c. Refuse removal arrangements (refuse room and refuse bays)
 - d. Internal road widths
10. The engineering services provision for the individual precincts must be generally in accordance with the engineering services report, GLS report and the TIS included in this application. Further conditions related to engineering services provision will be set at Precinct SDP approval stage.
11. Each SDP application must include an updated traffic impact statement, parking statement, water and sewer capacity analysis report and a civil engineering services report. These reports must clearly indicate which infrastructure upgrades are triggered by any phase.

FARM 65-43, DEVONBOSCH MIXED USE DEVELOPMENT

12. Each Precinct SDP must be accompanied by table indicating the development parameters (GLA/residential units etc) that will be used for the calculation of development charges.
13. Development Charges will be applicable and will be calculated at Precinct SDP approval stage. Payment conditions and/or the utilisation of DCs for bulk upgrades will also be set at Precinct SDP approval stage.

Development Charges

14. that the DC credit can be offset against the first phase/s of the proposed development. The first phase/s DCs may however have to be utilized during the implementation of these phases, in order to provide the infrastructure capacity required to accommodate such phases. The required upgrades applicable to each phase must be determined by means of specialist reports of the Developer's civil and traffic engineering consultants.
15. that the "Developer" hereby acknowledges that Development Charges are payable towards the following bulk civil services: water, sewerage, roads, stormwater, solid waste and community facilities as per Council's Policy;
16. that the "Developer" hereby acknowledges that the development charges levy as determined by the "Municipality" and or the applicable scheme tariffs will be paid by the "Developer" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy, should this land-use application be approved;
17. that the "Developer" accepts that the Development Charges will be subject to annual adjustment up to date of payment. The amount payable will therefore be the amount as calculated according to the applicable tariff structure at the time that payment is made;
18. that the "Developer" may enter into an engineering services agreement with the "Municipality" to install or upgrade bulk municipal services at an agreed cost, to be off-set against Development Charges payable in respect of bulk civil engineering services;
19. that the Development Charges levy to the amount of R 81 708 331, 11 (Excluding VAT) as reflected on the DC calculation sheets, dated 11 February 2020, and attached herewith as a **Annexure DC**, be paid by the "Developer" towards the provision of bulk municipal civil services in accordance with the relevant legislation and as determined by Council's Policy;

FARM 65-43, DEVONBOSCH MIXED USE DEVELOPMENT

20. that the Development Charges levy be paid by the "Developer" per phase –
- prior to the approval of any building- and/or services plans in the case of a Sectional title erf in that phase or where a clearance certificate is not applicable and/or;
 - prior to the approval of Section 28 Certification in terms of the Stellenbosch Municipal Land Use Planning By-law in all cases and or;
21. that the development shall be substantially in conformance with the development parameters and Site Development Plan submitted in terms of this application. Any amendments and/or additions to the parameters and/or Site Development Plan, once approved, which might lead to an increase in the Gross Leasable Area or residential units, will result in the recalculation of the Development Charges;
22. Bulk Infrastructure Development Charges and repayments are subject to VAT and are further subject to the provisions and rates contained in the Act on Value Added Tax of 1991 (Act 89 of 1991) as amended;

Ownership and Responsibility of services

23. that it be noted that as per Subdivision Plan No. Subdivision/992/1, dated Oct 2018 by First Plan, the roads are reflected as private roads. Therefor all internal services on the said erf will be regarded as private services and will be maintained by the "Developer" and or Owner's Association;

Internal- and Link Services

24. that the "Developer", at his/her cost, construct the internal (on-site) municipal civil services for the development, as well as any link (service between internal and available bulk municipal service) municipal services that need to be provided;

Bulk Water Meter

25. 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 each phase and that 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;

FARM 65-43, DEVONBOSCH MIXED USE DEVELOPMENT

Solid Waste

26. For large spoil volumes from excavations, to be generated during the construction of this development, will not be accepted at the Stellenbosch landfill site. The Developer will have to indicate and provide evidence of safe re-use or proper disposal at an alternative, licensed facility. This evidence must be presented to the Senior Manager: Solid Waste, before building plan approval and before implementation of the development. Clean rubble can be utilized by the Municipality and will be accepted free of charge, providing it meets the required specification.

Servitudes

27. that the "Developer" obtains the written approval of all affected owners whose access and future service connections are being affected by the proposed development, in particular the private roads, before any further approval in terms of the development is issued. Any right of way or service servitudes required must be registered by Developer. An access and general services servitude must be registered over Farm 65/43 in favour of Ptns 9 and 20 of Farm 65, Portions 3 and 10 of Farm 66 and Farm 1059, as depicted on the subdivision plan. The Developer's professional Town Planner must provide proof that all necessary servitudes have been registered and that no properties have become land-locked, before any further approvals for this development is issued by this Directorate.

Stormwater Management

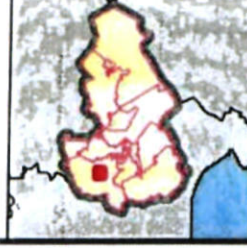
28. that the consulting engineer, appointed by the "Developer", analyses the existing stormwater systems and determine the expected stormwater run-off for the proposed development, for both the minor and the major storm event. Should the existing municipal stormwater system not be able to accommodate the expected stormwater run-off, the difference between the pre- and post-development stormwater run-off must be accommodated on site, or the existing system must be upgraded to the required capacity at the cost of the "Developer" and to the standards and satisfaction of the Directorate: Infrastructure Services. The aforementioned stormwater analysis is to be submitted concurrent with the detail services plans;
29. Taking into account the recent water crisis, and associated increase in borehole usage, it is important that the groundwater be recharged as much as possible. One way of achieving the above is to consider using Sustainable Drainage Systems (SuDS) approach wrt SW

Locality Plan - Farm No. 65/43, Stb

SCAL

1:9 027,98

Legend



Stellenbosch Municipality
Planning & Economic Development
Created by: Corporate GIS

Date: 2018-05-13



Author: Stellenbosch Municipality

Stellenbosch Municipality
Street Address:
71 Plain Street, Stellenbosch, 7600
Tel: 021 800 8668

This is a preliminary map and should not be used for legal purposes. It is intended for informational purposes only. The map is not a guarantee of accuracy and is subject to change without notice. The map is not a substitute for a professional survey or other legal document. The map is not a guarantee of accuracy and is subject to change without notice. The map is not a substitute for a professional survey or other legal document.



Stellenbosch Municipality

ANNEXURE L

**REZONING, CONSENT USE, DEPARTURE, TEMPORARY DEPARTURE, AMENDMENT OF
CONDITIONS, AMENDMENT/CANCELATION OF AN APPROVED SUBDIVISION PLAN,
AMENDMENT OF AN APPROVED PHASING PLAN, NAMING OF STREETS AND APPROVAL
OF URBAN DESIGN PRINCIPLES & LANDSCAPING MASTERPLAN: FARM NO. 65/43,
STELLENBOSCH DIVISION**

**COMMENT FROM THE DEPARTMENT OF WATER
AFFAIRS AND SANITATION**



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

WESTERN CAPE REGION

Private Bag X16, Sanlamhof, 7532
52 Voortrekker Road, Bellville, 7530

Enquiries	: N Mkonto
Tel #	: (021) 941 6039
Email	: nkonto@dws.gov.za
Reference	: 16/2/7/G200/A/8

Attention: Gideon Roos

First Plan Town Planners
P O Box 15
PANORAMA
7506

Dear Sir

APPLICATION FOR AMENDMENT OF CONDITIONS OF APPROVAL, REZONING, AMENDMENT OF A SUBDIVISION PLAN AND SOME PERMANENT DEPARTURES PORTION 43(A PORTION OF PORTION 19) OF THE FARM NOOITGEDACHT NO. 65, DEVONBOSCH LIFESTYLE ESTATE ON, STELLENBOSCH

The Department hereby acknowledges receipt of the application for the above mentioned activity dated December 2018. After evaluating the abovementioned application, you are hereby informed that the Department does not object to the proposed activities from going ahead subject to the following conditions:

1. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use and pollution management must be adhered to.
2. All relevant sections and regulations of the Spatial Planning and Land Use Management Act, 2013(Act 16 of 2013) must be adhered to.
3. No additional use of surface water and/or storage of water is permitted, unless the applicant has formally obtained an authorisation from this Department in terms of Section 22 of the National Water Act (Act 36 of 1998).
4. No activities may take place within a buffer area of 500m radius of any wetland system without prior authorisation from this Department.
5. No permanent structures may be constructed within the 1:100 year flood line of a watercourse without prior authorisation from this Department.
6. If any property that receives water from an Irrigation Board or Water User Association is subdivided, sold or consolidated, the Board or Association and this Department must be notified within sixty (60) days after the said transaction took place.



NATIONAL DEVELOPMENT PLAN
Our Future - make it work

DEPARTMENT OF WATER AND SANITATION

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7. Please note that if the subdivision will affect the allocation of a water use as registered by this Department, the owner(s) of the new property(ies) must enter into a written mutual agreement to determine each property's share in any allocated water or water use and this must be communicated to this Department.
8. If this subdivision (or consolidation) will affect the allocation of a water use as licences by this Department, the Licencee must contact the Department for the amendment of this licence. This will also be necessary if the property description changes. The Licencee must provide full details of all changes with respect to the properties to the Department within 60 days of said change taking place.

The Department reserves the right to revise its initial comments and request additional information that may arise from correspondence and/or upon inspection.

Should you have any queries, please do not hesitate to contact the Department's Mr Nkosinathi Mkonto at the contact details provided above

Yours Faithfully



REGIONAL HEAD: WESTERN CAPE
Letter Signed by: Nelisa Ndobeni
Designation: Control Environmental Officer
Date: 15 JULY 2019



NATIONAL DEVELOPMENT PLAN
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ANNEXURE M

**REZONING, CONSENT USE, DEPARTURE, TEMPORARY DEPARTURE, AMENDMENT OF
CONDITIONS, AMENDMENT/CANCELATION OF AN APPROVED SUBDIVISION PLAN,
AMENDMENT OF AN APPROVED PHASING PLAN, NAMING OF STREETS AND APPROVAL
OF URBAN DESIGN PRINCIPLES & LANDSCAPING MASTERPLAN: FARM NO. 65/43,
STELLENBOSCH DIVISION**

**COMMENT FROM THE DEPARMENT OF
TRANSPORT AND PUBLIC WORKS**

8



Western Cape
Government

Transport and Public Works



ROAD NETWORK MANAGEMENT

Email: Grace.Swanepoel@westerncape.gov.za

tel: +27 21 483 4669

Rm 335, 9 Dorp Street, Cape Town, 8001

PO Box 2603, Cape Town, 8000

REFERENCE: 16/9/6/1-25/243 (Job 17124)

ENQUIRIES: Ms GD Swanepoel

DATE: 10 February 2020

Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

Attention: Mr U von Molenhoff

Dear Sir

FILE NR:	21 FEB 2020
SCAN NR:	F 65/43 S
COLLABORATOR NR:	67 9987

PORTION 43 OF FARM NO 00176 EDACHT 65, STELLENBOSCH: MAIN ROAD 187: APPLICATION FOR REZONING, CONSENT USE, PERMANENT DEPARTURES, TEMPORARY DEPARTURES, AMENDMENT OF CONDITIONS OF APPROVAL, AMENDMENT OF SUBDIVISION PLAN, AMENDMENT OF PHASING PLAN, APPROVAL OF STREET NAMES, APPROVAL OF DESIGN PRINCIPLES AND APPROVAL OF LANDSCAPING PLAN

1. The following refer:
 - 1.1. The letter LU8989 from First Plan Town and Regional Planners dated 30 May 2019;
 - 1.2. This Branch's letter 16/9/6/1-25/243 (Job 17124) to Doug Jeffery Environmental Consultants (Pty) Ltd dated 25 February 2019;
 - 1.3. The Traffic Impact Assessment (TIA) prepared for the Devonbosch Precinct A development by Innovative Transport Solutions (ITS) dated 18 December 2018 and
 - 1.4. This Branch's letter 13/3/5/1-25/87 (Job 17124) dated 7 February 2011.
2. The application entails an amendment of the previously approved Site Development Plan for which AECOM (then BKS (Pty) Ltd) prepared a TIA in 2011.
3. Main Road 187 (MR187) and 174 (MR174) are affected by this application. Both are Class 2 roads and have an important regional role for which their mobility must be protected and preserved.
4. This application consists of 9 Phases and the estimated land use to be developed per phase are listed below:

Phase	Retail (GLA)	Office (GLA)	Industrial (GLA)	Residential (units)
1	1 002	4 743	0	0
2	1 352	9 889	2 331	15
3	1 526	10 151	2 287	14
4	1 976	4 421	0	81
5	457	3 163	0	135
6	257	0	0	79
7	0	5 165	0	0
8	257	7 694	0	161
9	271	543	0	125
Total	7 089	45 770	4 618	610

5. This Branch offers no objection to application subject to the following conditions:

5.1. The extent of proposed land uses is limited to the following:

Land Use	Extent
Retail	7 098m ² GLA
Office	45 770m ² GLA
Residential	610 units
Warehouses	4 618m ² GLA

- 5.2. This Branch has not budgeted for spending any funds on MR187 or MR174 in the immediate future.
- 5.3. Nootgedacht Development must contribute towards the upgrade of the MR187/MR174 intersection in accordance with the conditions listed in their original letter of approval from Stellenbosch Municipality.
- 5.4. The main access off MR187 to the development is only taken via the existing Blumberg Drive roundabout intersection.
- 5.5. No access will be allowed off MR174.
- 5.6. A secondary left-in/left out access off MR 187 is allowed $\pm 500\text{m}$ from the centre line of the MR187/Blumberg Drive roundabout.
- 5.7. The proposed left-in/left out access may only be constructed in combination with the extension of the partial right turn median on MR187 to the west, of which the length must be agreed during the detail design process.
- 5.8. The following road infrastructure must be in place per phase or as a combination of phases with the corresponding bulk releases as indicated below:

Phase	Road Infrastructure	Bulk Release on Award of Contract (GLA/Units)	Bulk Release on Completion of Contract (GLA/Units)
Existing, 1 and 2	<p>Intersection: MR187/MR174</p> <ul style="list-style-type: none"> • Left and right lanes to be added to the eastern leg • Add through lane on northern leg • Add receiving lane on southern leg 	<p>Retail: 1 700m² Office: 11 000m² Industrial: 1 700m² Residential: 10 units</p>	<p>Retail: 654m² Office: 3 632m² Industrial: 631m² Residential: 5 units</p>
3 and 4	<p>Intersection: MR187/MR174</p> <ul style="list-style-type: none"> • At the western approach, change the left-turn lane to a through and left turn lane • Change the through lane to a right-turn lane, leading to a double right-turn lane at the western approach. <p>Construction of public transport embayments downstream of Blumberg Drive intersection and the left-in / left-out access on MR187.</p> <p>Construction of a 2m wide NMT lane along the northern side of MR187 between Blumberg Drive and MR174</p> <p>The extension of the existing partial right turn lane median on MR187 to the west to accommodate the left-in / left-out access to the development.</p>	<p>Retail: 2 600m² Office: 11 000m² Industrial: 1 700m² Residential: 70 units</p>	<p>Retail: 902m² Office: 3 572m² Industrial: 587m² Residential: 25 units</p>
5, 6 and 7	<p>Intersection: MR187/MR174</p> <ul style="list-style-type: none"> • Construct a left-turn lane at the western approach • Change the existing left and through lane to a through lane (western approach) 	<p>Retail: 500m² Office: 6 200m² Industrial: 0m² Residential: 160 units</p>	<p>Retail: 214m² Office: 2 128m² Industrial: 0m² Residential: 125units</p>
8 and 9	<p>Dualling of missing sections of MR187 between the Blumberg Drive intersection and MR174.</p>	<p>Retail: 400m² Office: 6 000m² Industrial: 0m² Residential: 215 units</p>	<p>Retail: 128m² Office: 2 237m² Industrial: 0m² Residential: 71 units</p>

- 5.9. All the design and materials design plans must be submitted to your Roads and Stormwater Department for scrutiny and comment to the Branch before being submitted to the Design Directorate (Ms M Hofmeyr 021 483 3999) of this Branch for approval prior to the commencement of any construction.
- 5.10. The phasing of the transport infrastructure may be changed by mutual agreement between this Branch, Stellenbosch Municipality and the Developer.
- 5.11. Street lighting must be implemented in accordance with the standards of this Branch.
- 5.12. Stellenbosch Municipality must ensure that permanent and unfettered access to all subdivided properties is ensured.
- 5.13. The statutory 5m building line in terms of the Roads Ordinance 19 of 1976, must be maintained.
- 5.14. Construction access approval off any proclaimed road must be obtained from the District Roads Engineer, Paarl (Mr Stewart Bain – 021 863 2020).
6. Herewith this Branch approves the relaxation of the 95m building restriction line in terms of Act 21 of 1940 to accommodate the proposed development along MR187.

Yours faithfully



S CARSTENS

For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT

ANNEXURE J

**REZONING, CONSENT USE, DEPARTURE, TEMPORARY DEPARTURE, AMENDMENT OF
CONDITIONS, AMENDMENT/CANCELATION OF AN APPROVED SUBDIVISION PLAN,
AMENDMENT OF AN APPROVED PHASING PLAN, NAMING OF STREETS AND APPROVAL
OF URBAN DESIGN PRINCIPLES & LANDSCAPING MASTERPLAN: FARM NO. 65/43,
STELLENBOSCH DIVISION**

**COMMENT FROM THE DEPARTMENT OF
TRANSPORT OF ENVIRONMENTAL AFFAIRS**

REFERENCE: 16/3/3/5/B4/45/1095/18
ENQUIRIES: Bernadette Osborne
DATE OF ISSUE: 22 AUG 2019

The Board of Directors
The Property Development Company (Pty) Ltd
PO Box 5976
TYGERVALLEY
7536

Attention: Mr R Delport

Tel: (021) 110 0799
E-mail: Roelof@prodigious.co.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 2 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 5 MAY 2010: THE DEVONBOSCH LIFESTYLE ESTATE ON PORTION 43 OF THE NOOITGEDACHT FARM NO. 65, STELLENBOSCH.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** the amendment of the Environmental Authorisation issued on 5 May 2010 (DEA&DP Ref: E12/2/3/1-B4/37-0560/07), attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014, you are instructed to ensure, within 14 days of the date of this amended Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully



DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: (1) Mr D. Jeffery / Ms S. O'Toole (Doug Jeffery Environmental Consultants)
(2) Mr S. van der Merwe (Stellenbosch Municipality)
(3) Mr R. Smart (CapeNature)
(4) Mr N Mkonte (Department of Water and Sanitation)

Fax: (086) 660 2635
Fax: (021) 886 6899
Fax: (021) 866 1523
e-mail: mkonton@dws.gov.za

REFERENCE: 16/3/3/5/B4/45/1095/18
ENQUIRIES: Bernadette Osborne
DATE OF ISSUE: 22 AUG 2019

ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 2 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 5 MAY 2010: THE DEVONBOSCH LIFESTYLE ESTATE ON PORTION 43 OF NOOITGEDACHT FARM NO. 65, STELLENBOSCH.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

A. DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Department herewith **grants** the amendment of the Environmental Authorisation issued 5 May 2010 (DEA&DP Ref: E12/2/3/1-B4/37-0560/07) (hereinafter referred to as the Environmental Authorisation), in terms of Part 2 of the EIA Regulations, 2014.

The Environmental Authorisation is amended as set out below:

1. The "DESCRIPTION OF ACTIVITY":

The activity entails the establishment of a light industrial/distribution park on Portion 43 of the Farm Nooitgedacht No. 65, Stellenbosch. The light industrial park will consist of:

- 42 industrial erven,
- 20 business erven,
- Public open space,
- Roads,
- An electrical substation, and
- Bulk Services.

is amended to read:

The activity entails the establishment of the Devonbosch Lifestyle Estate, with a development footprint of approximately 109100m² on Portion 43 of Farm Nooitgedacht No. 65, Stellenbosch. The mixed-use development will comprise a mixture of retail (7%), office (43%), residential (43%) and warehousing (5%) areas. Most of the office and retail areas will be located in the western portion of the site (adjacent to the existing offices),

with some office and retail areas distributed throughout the site. The residential areas will largely be located in the central, southern and eastern portions of the site, while the warehousing will be located in the northern portion of the site, close to the brickworks. The development will incorporate 1.3ha of wetlands, 0.3ha of ponds, and a 1.9ha conservation area will be designated along the eastern border of the site, where no development will take place.

3. The "Applicant" as Included in Section C:

Killarney Brickfields (Pty) Ltd

% Mr. C.N Capri

PO Box 172

SOMERSET-WEST

7129

Tel: (021) 853 8537

Fax: (021) 853 2757

is amended to read:

DB Property Development Company (Pty) Ltd

% Mr. R. Delport

PO Box 5976

TYGERVALLEY

7536

Tel: (021) 110 0799

E-mail: Roelof@prodigious.co.za

**4. The following condition as Included in Section E: Conditions of Authorisation:
Condition 7**

The Construction and Operational Environmental Management Plans ("EMPs") submitted as part of the application for authorisation is herewith accepted and must be implemented.

is amended to read:

The amended draft Environmental Management Programme ("EMPr") submitted as part of the application for the amendment of the authorisation, is herewith accepted and must be implemented.

**5. The inclusion of the following conditions under Section E: Conditions of Authorisation:
Condition 22**

The Maintenance Management Plan and Wetland Rehabilitation Plan, dated March 2019 and compiled by BlueScience, submitted as part of the application for the amendment of the authorisation, is herewith adopted and must be implemented and adhered to.

Condition 23

The design of the wetland corridor, as depicted in the landscaping plan for the site and detailed in the Wetland Rehabilitation Plan dated March 2019 and compiled by BlueScience, must be implemented and adhered to.

B. REASONS FOR THE DECISION

In reaching its decision, the Department took, inter alia, the following into consideration:

- (a) The amendment from a light industrial / distribution park to a mixed-use development will be on the existing approved footprint and will not require any additional service infrastructure.
- (b) The mitigation measures proposed by the specialist studies have been efficiently addressed in the Site Development Plan, EMPr, Wetland Rehabilitation Plan and MMP, submitted as part of the amendment application and the additional information received electronically on 13 August 2019.
- (c) As required in terms of Regulation 41 of the NEMA EIA Regulations 2014 a public participation process was conducted for the amendment application which comprised of the following:
 - All previous registered Interested and Affected Parties, including Organs of State, which have jurisdiction in respect of any aspect of the relevant activity, were notified of the amendment application between 26 and 29 November 2018;
 - Notices were placed on site on 28 November 2018;
 - An advertisement was placed in the "Eikestadnuus" newspaper on 29 November 2018;
 - A commenting period on the Draft Amendment Report was allowed from 29 November 2018 until 20 February 2019; and
 - A commenting period on the revised Draft Amendment Report was allowed from 25 January 2019 until 25 February 2019.

At the end of the commenting period comments were received, none of which were objections.

Authority Consultation:

The following authorities were consulted but had no objection to the amendment application:

- Western Cape Department of Agriculture;
- Western Cape Government: Department of Transport and Public Works;
- Department of Water and Sanitation;
- Heritage Western Cape;
- CapeNature; and
- Stellenbosch Municipality.

C. CONDITIONS

1. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision—
 - 1.1 notify all registered I&APs of –
 - 1.1.1 the outcome of the application;
 - 1.1.2 the reasons for the decision as included in Section B;
 - 1.1.3 the date of the decision; and
 - 1.1.4 the date when the decision was issued.

- 1.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of National Appeals Regulations, 2014 detailed in Section D below;
- 1.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
- 1.4 provide the registered I&APs with:
 - 1.4.1 the name of the holder (entity) of this Environmental Authorisation;
 - 1.4.2 name of the responsible person for this Environmental Authorisation;
 - 1.4.3 postal address of the holder;
 - 1.4.4 telephonic and fax details of the holder;
 - 1.4.5 e-mail address, if any, of the holder; and
 - 1.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations.
2. One week's notice must be given to the Directorate: Development Management (Region 1) before commencement of construction activities. The said notice must also include proof of compliance with Condition 1 described in Section C of this Environmental Authorisation.
3. All other conditions contained in the Environmental Authorisation issued on 5 May 2010 (attached as Annexure A) remain unchanged and in force.

D. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014.

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority -
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision. -
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs-
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their

responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs
and Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

E. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully


MR. ZAACHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 22/08/2019

Cc: (1) Mr D. Jeffery / Ms S. O'Toole (Doug Jeffery Environmental Consultants)
(2) Mr S. van der Merwe (Stellenbosch Municipality)
(3) Mr R. Smart (CapeNature)
(4) Mr N Mkonto (Department of Water and Sanitation)

Fax: (086) 660 2635
Fax: (021) 886 6899
Fax: (021) 866 1523
e-mail: mkonton@dws.gov.za

FOR OFFICIAL USE ONLY:
EIA REFERENCE NUMBER:

16/3/3/5/B4/45/1095/18

END

Verwysing
Reference
Iselathiso

E12/2/3/1-B4/37-0560/07



Navse
Enquiries
Imibuzo

Marb  Herbst

Return
Date
Umhla

5 - MAY 2010

Departement van Omgewingsake en Ontwikkelingsbeplanning
Department of Environmental Affairs and Development Planning
ISebe leMimbi yeNdalo esiNgqongileyo noCwangciso lePhuhliso

The Board of Directors
Kilamey Brickfields (Pty) Ltd
P.O. Box 172
SOMERSET WEST
7128

Attention: Mr. CN. Carr

Tel: (021) 853 8537
Fax: (021) 853 2757

Dear Sir

**APPLICATION FOR THE CONSTRUCTION OF THE KOELNHOF LIGHT INDUSTRIAL/
DISTRIBUTION PARK ON PORTION 43 OF THE NOITGEDACHT FARM NO. 65,
STELLENBOSCH.**

With reference to your application, find below the environmental authorisation hereinafter referred to as "the environmental authorisation" in respect of this application.

ENVIRONMENTAL AUTHORISATION

A. DESCRIPTION OF ACTIVITY:

The activity entails the establishment of a light industrial/distribution park on Portion 43 of the Farm Noitgedacht No. 65, Stellenbosch. The light industrial park will consist of:

- 42 industrial erven,
- 20 business erven,
- Public open space,
- Roads,
- An electrical substation, and
- Bulk services.

These are the activities identified in Government Notice ("GN") No. R. 366 of 21 April 2006, being:

Activity 1k: The construction of facilities or infrastructure, including associated structures or infrastructure for the bulk transportation of sewage and water, including storm water, in pipelines or channels with – (a) An internal diameter of 0,36 metres or more; or (b) A peak throughput of 120 litres per second or more,

Activity 1(m): The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line of a river or stream, or within 32 metres from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including – (i) canals; (ii) channels; (iii) bridges; (iv) dams; and (v) weirs,

Utiliteitsgebou, Dorpsstraat 1
Private Bag X9086 Kaapstad 8000

Utiliteits Building, 1 Dorp Street
Private Bag X9086 Cape Town 8000

Tel No.: 021-483 6117/5113
Fax No.: 021-483 3633
E-mail: mherbst@pmrc.gov.za

*Department of Environmental Affairs and Development Planning
Directorate: Integrated Environmental Management (Region A2)*

Activity 4: The dredging, excavation infilling, removal or moving of soil, sand or rock exceeding 5 cubic metres from a river, tidal lagoon, tidal river, lake in-stream dam, floodplain or wetland,

Activity 12: The transformation or removal of indigenous vegetation of 3 hectares or more or of any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004),

Activity 15: The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres,

Activity 16: The transformation of undeveloped, vacant or derelict land to – (b) residential, mixed retail, commercial, industrial or institutional uses where such development does not constitute infill and where the total area to be transformed is bigger than 1 hectare,

Activity 18: The subdivision of portions of land 9 hectares or larger into portions of 5 hectares or less, and

Activity 19: The development of a new facility or the transformation of an existing facility for the conducting of manufacturing processes, warehousing, bottling, packaging, or storage, which, including associated structures or infrastructure, occupies an area of 1 000 square metres or more outside an existing area zoned for industrial purposes,

hereinafter referred to as "the activities".

B. LOCATION:

The development will be located on Portion 43 of the Farm No. 65, Stellenbosch,

Co-ordinates: South 33° 52' 32" Latitude
East 18° 48' 27" Longitude,

hereinafter referred to as "the property/site".

C. APPLICANT:

Killarney Brickfields (Pty) Ltd
% Mr. C.N. Capri
P.O. Box 172
SOMERSET-WEST
7129
Tel: (021) 853 8537
Fax: (021) 853 2757

D. ENVIRONMENTAL ASSESSMENT PRACTITIONER:

Strategic Environmental Focus
% Vici Napier
P.O. Box 1330
DURBANVILLE
7551
Tel: (021) 979 3822
Fax: (021) 979 3830

*Department of Environmental Affairs and Development Planning
Directorate: Integrated Environmental Management (Region A2)*

E. SITE VISIT(S):

No site visit was conducted. The information submitted in the application documentation (i.e. photographs and maps of the site) together with relevant information contained in the Departmental information base, was considered sufficient to provide adequate information on the nature of the receiving environment.

F. DECISION:

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities specified above.

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) and the Environmental Impact Assessment (EIA) Regulations, 2006 the competent authority hereby authorises the activities described above.

The granting of this environmental authorisation is subject to the conditions set out below.

G. CONDITIONS OF AUTHORISATION:

1. The activity, including site preparation, may not commence within 20 ("twenty") days after having received this environmental authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this environmental authorisation will be suspended until such time as the appeal is decided.

2. One week's notice, in writing, must be given to the Directorate: Integrated Environmental Management (Region A), (hereinafter referred to as "this Directorate"), before commencement of construction activities.

2.1 Such notice shall make clear reference to the site location details and reference number given above, and

2.2 The said notice must also include proof of compliance with the following conditions described herein:

Conditions: 1, 6, 9 and 10.

3. Any solid waste shall be disposed of at a landfill licensed in terms of the relevant legislation.

4. No surface or ground water may be polluted due to any activities on the site.

5. Should any heritage remains be exposed during excavations, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape ("HWC") (in terms of the National Heritage Resources Act, 1999 (Act No. 25 of 1999)). Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape.

5.1 If any archaeological remains (including but not limited to fossil bones and fossil shells, coins, Indigenous and/or colonial ceramics, any articles of value or antiquity, marine shell heaps, stone artefacts and bone remains, structures and other built features, rock art and rock engravings) are discovered during construction they must immediately be reported to Heritage Western Cape and must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape, and

*Department of Environmental Affairs and Development Planning
Directorate: Integrated Environmental Management (Region A2)*

- 5.2 If any graves or unmarked human burials are discovered, they must be treated with respect and South African Heritage Resources Association ("SAHRA") must be notified immediately and the burials must not be disturbed further until the necessary approval has been obtained from SAHRA. An archaeologist must be contracted to remove the remains at the expense of the developer.
6. The final layout plans must be approved by the Municipality before the commencement of activities.
7. The requirements of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) must be adhered to.
8. The Construction and Operational Environmental Management Plans ("EMP's") submitted as part of the application for authorisation are accepted and must be implemented.
9. The holder of the authorisation must appoint a suitably experienced Environment Control Officer ("ECO") (or Site Agent where appropriate) for the Construction Phase of the development before commencement of any land clearing or construction activities to ensure compliance with this authorisation and with the provisions of the EMP.
10. The applicant must, in writing, within 10 (ten) calendar days of receiving notice of the Department's decision –
- 10.1 Notify all registered Interested and Affected Parties ("I&AP's") of the decision and the reasons for the decision; and –
- 10.2 Specify the date on which the authorisation was issued;
- 10.3 Inform all registered I&AP's of the appeal procedure provided for in Chapter 7 of the Regulations; and
- 10.4 Advise all registered I&AP's that should they wish to appeal that they must lodge a Notice of Intention to Appeal with the Minister, within 10 days of receiving notice of the Department's decision and, must submit their appeal within 30 days of the lodging of their Notice of Intention to Appeal, by means of one of the following methods:
- By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
Cape Town
8000
- By facsimile: (021) 483 4174; or
- By hand: 9th floor Utilitas Building
For Attention: Mr Jaap de Villiers
1 Dorp Street
Cape Town
8001
- 10.5 Inform all registered I&AP's that a signed Appeal form obtainable from the Minister's office at tel: (021) 483 3721/3195, e-mail jadevill@pgwvc.gov.za or URL <http://www.capegateway.gov.za/esdp> must accompany the appeal.

*Department of Environmental Affairs and Development Planning
Directorate: Integrated Environmental Management (Region A8)*

- 10.6 Inform all registered I&AP's that should they wish to appeal, the appellant must serve on the applicant a copy of the Notice of Intention to Appeal as well as a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
- 10.7 If the applicant should decide to appeal, the applicant must –
- lodge a Notice of Intention to Appeal with the Minister, within 10 days of receiving notice of this decision and,
 - serve a copy of the Notice of Intention to Appeal on all registered I&AP's as well as a notice indicating where and for what period the appeal submission will be available for inspection and,
 - submit the appeal within 30 days of the lodging of the Notice of Intention to Appeal.
11. The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including but not limited to, an agent, sub-contractor, employee or any person rendering a service to the holder of the authorisation.
12. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the Regulations.
13. The holder of the authorisation must notify this Directorate and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.
14. A copy of this authorisation must be kept at the property where the activities will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
15. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
16. Non-compliance with a condition of this authorisation may result in the withdrawal of the authorisation and may render the holder liable for criminal prosecution.
17. This Department must be notified, within 30 days thereof, of any change of ownership and/or project developer. A request for the transfer of the rights and obligations contained in this environmental authorisation must be submitted in the following way:
- (i) The current holder of the environmental authorisation must submit an original signed letter to the Department stating that he/she wishes the rights and obligations contained in this environmental authorisation to be transferred, provide the Department with (a) confirmation that the environmental authorisation is still in force (i.e. validity period have not yet expired or the activities was lawfully commenced with), (b) the contact details of the person to whom the rights and obligations are to be transferred, and (c) the reasons for the requested transfer.

*Department of Environmental Affairs and Development Planning
Directorate: Integrated Environmental Management (Region A2)*

(ii) The person to whom the rights and obligations are to be transferred must also submit an original signed letter to the Department (a) accepting the rights and obligations contained in this environmental authorisation and (b) must indicate that he/she has the ability to implement the mitigation measures and to comply with the conditions of authorisation.

If the transfer is found to be appropriate by the Department, the Department will issue a letter confirming the transfer of the rights and obligations contained in this environmental authorisation.

18. Departmental officials shall be given access to the property referred to in B above for the purpose of assessing and/or monitoring compliance with the conditions contained in this environmental authorisation at all reasonable times.

19. The activities which are authorised may only be carried out at the property indicated above.

20. Notwithstanding this authorisation, the holder of the authorisation must still comply with any other statutory requirements that may be applicable to the undertaking of the activities.

21. The activities must commence within a period of three (3) years from the date of issue. If commencement of the activities does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activities to be undertaken.

H. REASONS FOR THE DECISION:

In reaching its decision, the Department took, *inter alia*, the following into consideration:

- a) The information contained in the Application Form and Basic Assessment Report ("BAR") dated 19 September 2008, as compiled by Vici Napier from SEF and the amended BAR dated 23 February 2010, and
- b) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA.

A summary of the issues which, in the Department's view, were of the most significance is set out below.

Need and Desirability

The property falls within the Koelenhof node that has been identified for further business/industrial development and is within the urban edge of the Stellenbosch Municipality. Furthermore, the study area is located along a major taxi route and within walking distance of the Koelenhof railway station making it accessible to individuals that are not private car owners. The study area thus shows potential for economic growth while promoting densification of urban areas and promoting utilization of the public transportation network. The development will offer new and varied employment opportunities and will also enhance the aesthetic value of the site.

Affected Environment

The site was previously mined for clay for the making of bricks. The site was subsequently rehabilitated and has since only been used for the storage of bricks. The site has been almost entirely transformed and from an ecological perspective there appears to be no ecological issues of regional significance. Thus, no significant biophysical impacts are anticipated.

*Department of Environmental Affairs and Development Planning
Directorate: Integrated Environmental Management (Region A2)*

Alternatives

No-go alternative

The subject property currently forms part of the existing mining operation at Killarney Brick Fields. If the development should not be authorised, the applicant will continue to use the land for the storage of resources, as well as final products. This alternative was not preferred as it will not promote densification of urban areas. Furthermore, this alternative was not preferred as the Koelenhof node has been identified for further business/industrial development.

The following electrical route alternatives have been identified:

Alternative 1 (preferred alternative):

This alternative entails the placement of the cable route mainly within the road reserve of the R304, except for where it crosses over Erf No. 74/13.

This alternative is preferred as it allows for easier access during maintenance and a better control of activities on top of and near to the electrical cable. Furthermore, this alternative decreases the potential for accidents and injuries which may occur if a private landowner conducts activities that are unsuitable in the vicinity of an underground cable.

Alternative 2:

This alternative entails the placement of the cable along the railway line to the Bottelary Road and then along Bottelary Road to the site.

This alternative was not preferred by Eskom as there will be significant vibration impacts as a result of the railway line.

Public Participation

The Public Participation Process ("PPP") undertaken comprised of the following:

- Advertisements were placed in the local "District Mail" newspaper on 18 January 2008 and 12 November 2009,
- On site notices, in English and Afrikaans, were erected on 18 January 2008,
- Registered letters, electronic mail correspondences and hand delivered Background Information Documents were sent to all relevant Organs of State, Non-Governmental Organisations and owners directly adjacent to the site on 18 January 2008,
- Copies of the draft BAR were couriered and hand delivered to key stakeholders on 23 July 2008,
- A copy of the draft BAR was placed at the Stellenbosch library,
- Registered and hand-delivered letters informing registered I&AP's of the availability of the draft BAR and draft EMP were sent on 23 July 2008,
- Copies of the second draft BAR were couriered and hand delivered to key stakeholders on 13 November 2009,
- A copy of the second draft BAR was placed at the Stellenbosch library,
- Registered and hand-delivered letters informing registered I&AP's of the availability of the second draft BAR and draft EMP were sent on 13 November 2009, and
- Letters informing registered I&AP's of the availability of the final BAR were sent on 23 February 2010.

No comments or objections were received at the end of the commenting period for the final BAR.

*Department of Environmental Affairs and Development Planning
Directorate: Integrated Environmental Management (Region A2)*

Authorities Consulted

The following authorities commented and had no objection to the proposed development:

- Heritage Western Cape,
- CapeNature,
- Stellenbosch Municipality,
- Department of Water Affairs and Forestry,
- Department of Transport and Public Works, and
- Directorate: Pollution Management of the Department of Environmental Affairs and Development Planning.

Comments and recommendations provided by the relevant authorities have been considered in the evaluation of this application. Where possible and relevant, the conditions imposed by these authorities have been included in this environmental authorisation insofar as it relates to the environmental aspects of the activities. This authorisation is issued only in terms of the NEMA and the applicant is required to obtain all other necessary approvals before commencing with the activities.

In view of the above, this Directorate is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the proposed activities can be mitigated to acceptable levels. The application is accordingly granted.

J. APPEAL:

Appeals must comply with the provisions as outlined in Chapter 7 of the regulations.

Any person who wishes to appeal against this environmental authorisation, must lodge a Notice of Intention to Appeal with the Minister, within 10 days of receiving notice of this decision and, must submit the appeal within 30 days of the lodging of the Notice of Intention to Appeal, by means of one of the following methods:

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
Cape Town
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Jaap de Villiers
9th floor Utilitas Building
Dorp Street
Cape Town
8001

A signed Appeal form, obtainable from the Minister's office at tel (021) 483 3721/3195, email jedevill@pgwc.gov.za or URL <http://www.capegateway.gov.za/eadp> must accompany the appeal.

All I&AP's that wish to appeal must serve on the applicant a copy of their Notice of Intention to Appeal as well as a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.

*Department of Environmental Affairs and Development Planning
Directorate: Integrated Environmental Management (Region A2)*

If the applicant should decide to appeal, the applicant must serve a copy of the ¹⁵³Notice of Intention to Appeal on all registered I&AP's as well as a notice indicating where and for what period the appeal submission will be available for inspection.

Provincial Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the developer with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully


AYUB MOHAMED

DIRECTOR: INTEGRATED ENVIRONMENTAL MANAGEMENT (REGION A)

DATE OF DECISION: 05/05/2010

CC: (1) Vici Napier (Strategic Environmental Focus)
(2) M. B. Delat (Stellenbosch Municipality)

Fax: (021) 979 3830

Fax: (021) 905 8880

ANNEXURE M

**REZONING, CONSENT USE, DEPARTURE, TEMPORARY DEPARTURE, AMENDMENT OF
CONDITIONS, AMENDMENT/CANCELATION OF AN APPROVED SUBDIVISION PLAN,
AMENDMENT OF AN APPROVED PHASING PLAN, NAMING OF STREETS AND APPROVAL
OF URBAN DESIGN PRINCIPLES & LANDSCAPING MASTERPLAN: FARM NO. 65/43,
STELLENBOSCH DIVISION**

**COMMENT FROM THE DEPARTMENT OF
TRANSPORT AND PUBLIC WORKS**

(8)



Western Cape
Government

Transport and Public Works



ROAD NETWORK MANAGEMENT

Email: Grace.Swanepoel@westerncape.gov.za

tel: +27 21 483 4669

Rm 335, 9 Dorp Street, Cape Town, 8001

PO Box 2603, Cape Town, 8000

REFERENCE: 16/9/6/1-25/243 (Job 17124)

ENQUIRIES: Ms GD Swanepoel

DATE: 10 February 2020

Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599

FILE NR:	21 FEB 2020
SCAN NR:	F 65-43 S
COLLABORATOR NR:	67 9987

Attention: Mr U von Molenhoff

Dear Sir

PORTION 43 OF FARM NOOTGEDACHT 65, STELLENBOSCH: MAIN ROAD 187: APPLICATION FOR REZONING, CONSENT USE, PERMANENT DEPARTURES, TEMPORARY DEPARTURES, AMENDMENT OF CONDITIONS OF APPROVAL, AMENDMENT OF SUBDIVISION PLAN, AMENDMENT OF PHASING PLAN, APPROVAL OF STREET NAMES, APPROVAL OF DESIGN PRINCIPLES AND APPROVAL OF LANDSCAPING PLAN

1. The following refer:
 - 1.1. The letter LU8989 from First Plan Town and Regional Planners dated 30 May 2019;
 - 1.2. This Branch's letter 16/9/6/1-25/243 (Job 17124) to Doug Jeffery Environmental Consultants (Pty) Ltd dated 25 February 2019;
 - 1.3. The Traffic Impact Assessment (TIA) prepared for the Devonbosch Precinct A development by Innovative Transport Solutions (ITS) dated 18 December 2018 and
 - 1.4. This Branch's letter 13/3/5/1-25/87 (Job 17124) dated 7 February 2011.
2. The application entails an amendment of the previously approved Site Development Plan for which AECOM (then BKS (Pty) Ltd) prepared a TIA in 2011.
3. Main Road 187 (MR187) and 174 (MR174) are affected by this application. Both are Class 2 roads and have an important regional role for which their mobility must be protected and preserved.
4. This application consists of 9 Phases and the estimated land use to be developed per phase are listed below:

Phase	Retail (GLA)	Office (GLA)	Industrial (GLA)	Residential (units)
1	1 002	4 743	0	0
2	1 352	9 889	2 331	15
3	1 526	10 151	2 287	14
4	1 976	4 421	0	81
5	457	3 163	0	135
6	257	0	0	79
7	0	5 165	0	0
8	257	7 694	0	161
9	271	543	0	125
Total	7 089	45 770	4 618	610

5. This Branch offers no objection to application subject to the following conditions:

5.1. The extent of proposed land uses is limited to the following:

Land Use	Extent
Retail	7 098m ² GLA
Office	45 770m ² GLA
Residential	610 units
Warehouses	4 618m ² GLA

5.2. This Branch has not budgeted for spending any funds on MR187 or MR174 in the immediate future.

5.3. Nootgedacht Development must contribute towards the upgrade of the MR187/MR174 intersection in accordance with the conditions listed in their original letter of approval from Stellenbosch Municipality.

5.4. The main access off MR187 to the development is only taken via the existing Blumberg Drive roundabout intersection.

5.5. No access will be allowed off MR174.

5.6. A secondary left-in/left out access off MR 187 is allowed $\pm 500\text{m}$ from the centre line of the MR187/Blumberg Drive roundabout.

5.7. The proposed left-in/left out access may only be constructed in combination with the extension of the partial right turn median on MR187 to the west, of which the length must be agreed during the detail design process.

5.8. The following road infrastructure must be in place per phase or as a combination of phases with the corresponding bulk releases as indicated below:

Phase	Road Infrastructure	Bulk Release on Award of Contract (GLA/Units)	Bulk Release on Completion of Contract (GLA/Units)
Existing, 1 and 2	<p>Intersection: MR187/MR174</p> <ul style="list-style-type: none"> Left and right lanes to be added to the eastern leg Add through lane on northern leg Add receiving lane on southern leg 	<p>Retail: 1 700m² Office: 11 000m² Industrial: 1 700m² Residential: 10 units</p>	<p>Retail: 654m² Office: 3 632m² Industrial: 631m² Residential: 5 units</p>
3 and 4	<p>Intersection: MR187/MR174</p> <ul style="list-style-type: none"> At the western approach, change the left-turn lane to a through and left turn lane Change the through lane to a right-turn lane, leading to a double right-turn lane at the western approach. <p>Construction of public transport embayments downstream of Blumberg Drive intersection and the left-in / left-out access on MR187.</p> <p>Construction of a 2m wide NMT lane along the northern side of MR187 between Blumberg Drive and MR174</p> <p>The extension of the existing partial right turn lane median on MR187 to the west to accommodate the left-in / left-out access to the development.</p>	<p>Retail: 2 600m² Office: 11 000m² Industrial: 1 700m² Residential: 70 units</p>	<p>Retail: 902m² Office: 3 572m² Industrial: 587m² Residential: 25 units</p>
5, 6 and 7	<p>Intersection: MR187/MR174</p> <ul style="list-style-type: none"> Construct a left-turn lane at the western approach Change the existing left and through lane to a through lane (western approach) 	<p>Retail: 500m² Office: 6 200m² Industrial: 0m² Residential: 160 units</p>	<p>Retail: 214m² Office: 2 128m² Industrial: 0m² Residential: 125units</p>
8 and 9	<p>Dualling of missing sections of MR187 between the Blumberg Drive intersection and MR174.</p>	<p>Retail: 400m² Office: 6 000m² Industrial: 0m² Residential: 215 units</p>	<p>Retail: 128m² Office: 2 237m² Industrial: 0m² Residential: 71units</p>

- 5.9. All the design and materials design plans must be submitted to your Roads and Stormwater Department for scrutiny and comment to the Branch before being submitted to the Design Directorate (Ms M Hofmeyr 021 483 3999) of this Branch for approval prior to the commencement of any construction.
- 5.10. The phasing of the transport infrastructure may be changed by mutual agreement between this Branch, Stellenbosch Municipality and the Developer.
- 5.11. Street lighting must be implemented in accordance with the standards of this Branch.
- 5.12. Stellenbosch Municipality must ensure that permanent and unfettered access to all subdivided properties is ensured.
- 5.13. The statutory 5m building line in terms of the Roads Ordinance 19 of 1976, must be maintained.
- 5.14. Construction access approval off any proclaimed road must be obtained from the District Roads Engineer, Paarl (Mr Stewart Bain – 021 863 2020).
6. Herewith this Branch approves the relaxation of the 95m building restriction line in terms of Act 21 of 1940 to accommodate the proposed development along MR187.

Yours faithfully



S CARSTENS

For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT





DEVENBOSCH
STELLENBOSCH

REVISION HISTORY:

Rev A: Proposed Devenbosch tourist facilities site plan.

NOTES:

- Site Boundary
- Approved Devenbosch Development Site Area
- Proposed MTB Track
- Dam Outline

TITLE:

PROPOSED TOURIST FACILITIES (MTB TRACK & E-FOILING) SITE PLAN

SCALE: 1:5000 (A3)



PROPERTY DESCRIPTION:

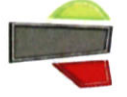
ERF 165, KOELENHOF, PORTIONS 9 & 20 OF
FARM NO. 65, REMAINDER FARM 1059 &
PORTION 3 OF FARM NO. 66, STELLENBOSCH

PROJECT DETAILS:

Project Name: Devenbosch
Project No: DB Property Development Company (Pty) Ltd
Municipality: Stellenbosch Municipality

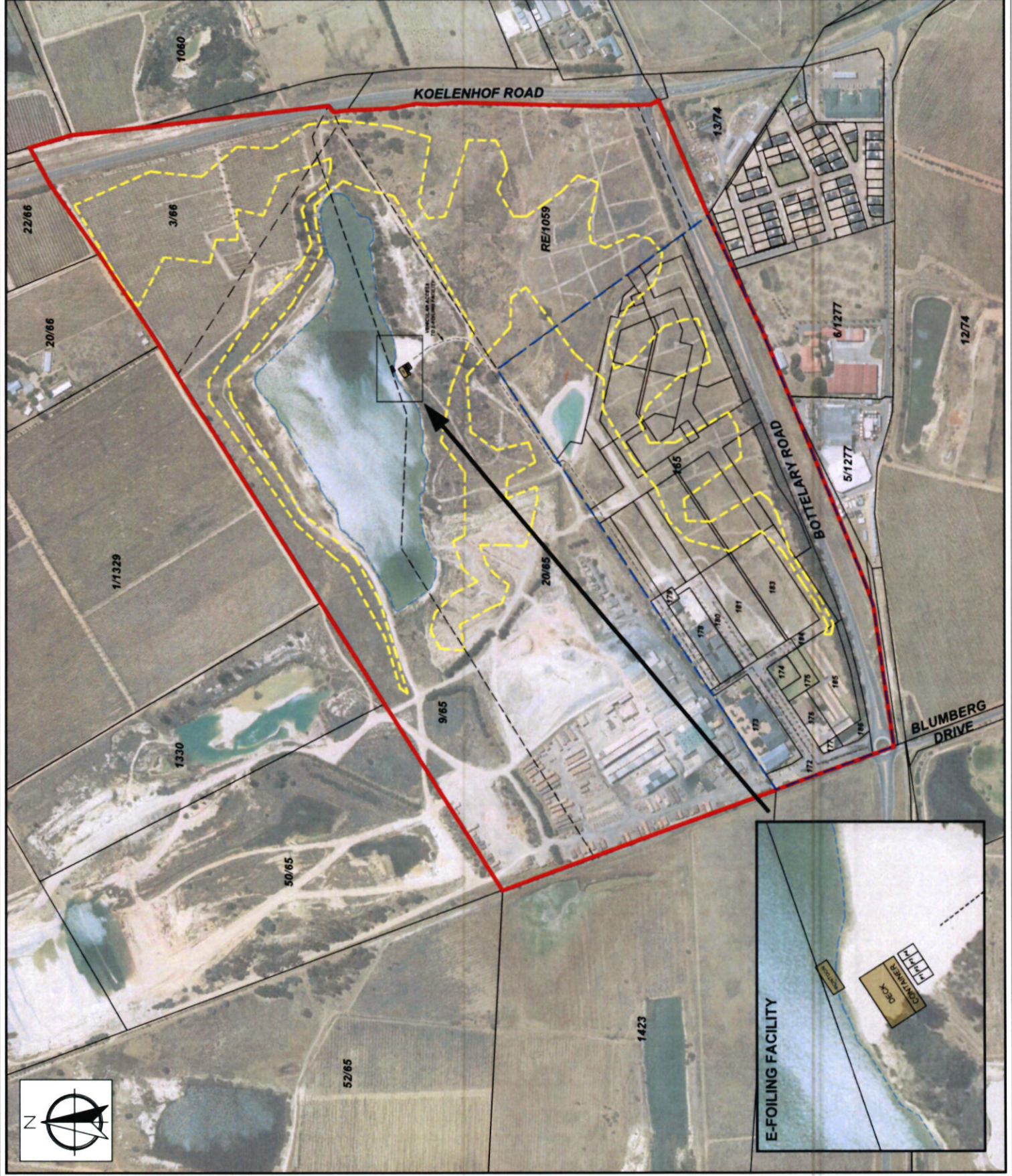
PLAN DETAILS:

Plan No: 23004-001
Revision: 1
Date: 2023-05-17
Drawn by: NC
Checked by: AR



Town & Regional Planners

The copyright in this drawing, including the design and the details shown herein, is reserved by LMV Town & Regional Planners.





STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Consent Form Jan 2022v1

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

www.stellenbosch.gov.za/planning-portal/

FOR ENQUIRIES CONTACT landuse.enquiries@stellenbosch.gov.za

DECLARATION BY AFFECTED PARTY(IES) / PROPERTY OWNER(S)

Dear Sir / Madam

This letter serves to notify potentially affected parties of the application set out hereunder.

APPLICATION DETAILS			
Erf / Farm No.	Erf 165, Koelenhof and Portions 9 and 20 of Farm 65, Stellenbosch	Area	Devonbosch
Applicant / consultant	LMV CAPE Town & Regional Planners	Contact No.	083 448 0376
Application type in terms of applicable planning legislation	☒ Building Line Departure ☒ Consent Use	Other Departures	Amendment of Conditions
Detailed description of application			
Application for Council's Consent / temp. departure for a Tourist Facility to permit the following activities:			
- Mountain Bike(MTB) trial with a start / end point on Erf 165, Koelenhof (or portions thereof) but covering Portions 9 and 20 of Farm 65, Portion 3 of Farm 66 and Remainder Farm 1059, Stellenbosch			
- eFoiling Facility on Portions 9 and 20 of Farm 65, Stellenbosch			

Note to applicant:

Should the affected party / property owner not be prepared to sign this letter of no objection, you are advised to submit the application without their agreement so that the Directorate can formally advertise the matter via email or post.

DECLARATION BY AFFECTED PARTY(IES) / PROPERTY OWNER(S)

1. If signing on behalf of a company / trust, please attach written proof of authorisation to do so. If affected premises owned by more than one person (i.e. both husband and wife), all parties to sign.
2. By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.
3. Ensure the application detail section above is properly completed.
4. Ensure the plan specified below corresponds with the plan shown to and signed by you.

I / We, registered owner(s) of the under-mentioned premises, having been shown the subdivision / layout plan / building plans / proposal in respect of the aforementioned application and having signed, confirm that I / we understand the proposal as set out above and confirm that I / we **(please tick)**

☒ have **no objection** ☐ **object** for the reasons listed hereunder

Reasons for objection

Owner signature		Date	
Full name (capitals)	Carlo Capri		
Company name	Blue Dawn Trading (Rty) Ltd		
Erf / Farm No.	Portions 9 & 20 of Farm 65, Portion 3 of Farm 66 and Remainder Farm 1059, Stellenbosch		
Street address / Postal address		Postal code	
Contact No.	Office / Home	Cell	



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

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Consent Form Jan 2022v1

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

www.stellenbosch.gov.za/planning-portal/

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Applicant / consultant	LMV CAPE Town & Regional Planners	Contact No.	083 448 0376
Application type in terms of applicable planning legislation	☐ Building Line Departure ☒ Consent Use	Other Departures	Amendment of Conditions
Other (please specify)			
Detailed description of application			
Application for Council's Consent / temp. departure for a Tourist Facility to permit the following activities:			
- Mountain Bike (MTB) trial with a start / end point on Erf 165, Koelenhof (or portions thereof) but covering Portions 9 and 20 of Farm 65, Portion 3 of Farm 66 and Remainder Farm 1059, Stellenbosch			
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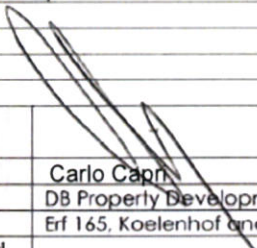
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1. If signing on behalf of a company / trust, please attach written proof of authorisation to do so. If affected premises owned by more than one person (i.e. both husband and wife), all parties to sign.
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☒ have **no objection** ☐ **object** for the reasons listed hereunder

Reasons for objection

Owner signature		Date	
Full name (capitals)	Carlo Caprin		
Company name	DB Property Development Company (Pty) Ltd		
Erf / Farm No.	Erf 165, Koelenhof and portions of this property		
Street address / Postal address		Postal code	
Contact No.	Office / Home	Cell	



7th December 2022

Square Turn Developments
Devonbosch Estate
Bottelary Road
Koelenhof

Attn: Mr Pieter van der Westhuizen
pieter@squareturnsa.co.za

Dear Pieter

NEMA AND NWA APPLICABILITY WRT ACTIVITIES AT DEVONBOSCH

1. Introduction

You have requested that I consider the requirements of the National Environmental Management Act and the National Water Act with respect to proposed activities at Devonbosch.

It is my understanding that you intend to use existing roads from the Devonbosch development area to the old quarry that is presently full of water and to develop a small facility on the shoreline of the quarry. The structure at the dam will be small and is likely to be a converted shipping container placed on a levelled area adjacent to the water. The development will also include a small jetty on the waters edge. The proposed location of these activities is shown in Figure 1. Disturbance resulting from these activities will not exceed 100m² in extent.

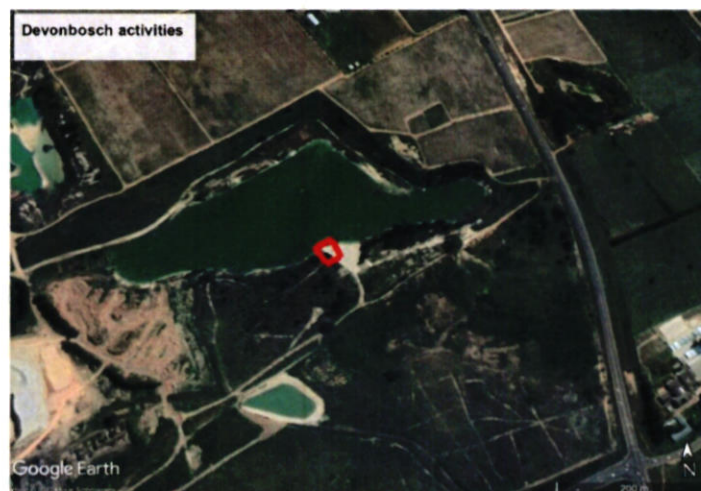


Figure 1: Activity facilities location

The water filled quarry is unlikely to be regarded as a sensitive wetland, and for the purposes of this discussion I am going to assume it is a "wholly artificial" wetland (described by Dr Liz Day 2014).

The vegetation on site would have originally been Swartland Shale Renosterveld (a critically endangered vegetation type) however, although previously disturbed and regenerated renosterveld does occur in the areas surrounding the quarry, the specific site proposed for the infrastructure is largely transformed at present.

2. National Environmental Management Act

The following are potential listed activities in terms of the Environmental Impact Assessment Regulations of the National Environmental Management Act that I proved comment on below each activity.

Listing Notice 1	Activity 12	<p>The development of—</p> <ul style="list-style-type: none"> (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (ii) infrastructure or structures with a physical footprint of 100 square metres or more; <p>where such development occurs-</p> <ul style="list-style-type: none"> (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; - <p>excluding-.....</p>
------------------	-------------	--

The critical issue here is that the development must be less than 100m² if within 32m of the wates edge and if larger than 100m² no more than 100m² must be within the 32m set back.

It is my understanding that the proposed container, deck and pontoon cumulatively will not cover more than 100m² within 32m of the waters edge. This activity is therefore in my opinion not applicable to the proposed developments.

Listing Notice1	Activity 19	<p>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</p> <p>but excluding where</p>
-----------------	-------------	--

This applies to the depositing of more than 10m³ of material into the wetland. I presume that this is clearly in excess of what is planned. This activity is therefore in my opinion not applicable to the proposed developments.

Listing Notice 3	Activity 12	The clearance of an area of 300 square metres or more of indigenous vegetation	i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA
-------------------------	-------------	--	--

This activity applies to the clearance of more than 300m² of critically endangered vegetation. It is my understanding that the area to be cleared will be significantly less than 300m². This activity is therefore in my opinion not applicable to the proposed developments.

Listing Notice 3	Activity 4	The development of a road wider than 4 metres with a reserve less than 13,5 metres.	i. Western Cape i. Areas zoned for use as public open space or equivalent zoning; ii. Areas outside urban areas; (aa) Areas containing indigenous vegetation; (bb)..
-------------------------	------------	---	---

It is my understanding that existing roads will be used to access the quarry and that no new roads will be constructed. This activity is therefore in my opinion not applicable to the proposed developments.

Listing Notice 3	Activity 18	The widening of a road by more than 4 metres , or the lengthening of a road by more than 1 kilometre.	i. ...; ii. All areas outside urban areas: (aa) Areas containing indigenous vegetation; (bb) ...
-------------------------	-------------	--	---

It is my understanding that existing roads will be used to access the quarry and that no roads will require widening. This activity is therefore in my opinion not applicable to the proposed developments.

3. National Water Act

Section 21 (k) of the National Water Act refers to the Using Water for Recreational Purposes.

This section refers to natural systems and watercourses and instream dams only (Personal communication with DWS) and will not apply to wholly artificial systems such as the quarry under discussion.

It is therefore my opinion that Section 21 (k) of the National Water Act is not applicable to recreational activities on the wholly artificial quarry water body.

4. Conclusion

Based on the above it is my opinion that if:

- Development of limited infrastructure at the old quarry is below 100m² in extent;
- Infilling for the construction of the proposed infrastructure is below 10m²;
- Clearing of vegetation is less than 300m²
- No new roads will be constructed
- Existing access roads will not be widened

The proposed activity will not require environmental authorisation in terms of the Environmental Impact Assessment regulations under the National Environmental Management Act.

It is also my opinion that since Section 21 (k) of the National Water Act is not applicable to artificial systems such as the quarry dam this section is not applicable to the proposed activities.

If you require further clarity please let me know.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'Doug Jeffery', written in a cursive style.

Doug Jeffery

ERF 185, KOELNHOF AND PORTIONS 9 AND 20 OF FARM NOOITGEDACHT NO.65, STELLENBOSCH

**APPLICATION FOR COUNCIL'S CONSENT FOR A TOURIST FACILITY
AND OCCASIONAL USE
(TO PERMIT AN MTB TRAIL AND EFOILING FACILITY)**

SUBMITTED ON BEHALF OF

DB PROPERTY DEVELOPMENT COMPANY (PTY) LTD AND BLUE DAWN TRADING (PTY) LTD



MAY 2023

(REVISION 1)



LMV

Cape

Town & Regional Planners

Box 51142 Waterfront 8002
Tel 0215313898 / 0825741038
hennie@lmv.co.za

EXECUTIVE SUMMARY

APPLICATION DETAILS

Application is hereby made for the following:

- Council's Consent for a "tourist facility" to permit an e-Foiling facility on Portions 9 and 20 of Farm Nooitgedacht No.65, Stellenbosch.
- Council's Consent for an "occasional use" to permit a mountain bike (MTB) trail, with the start and end point on Erf 185, Koelenhof.

Table 1 – Application Details	
Applicant	LMV CAPE Town & Regional Planners
Property Description	<ul style="list-style-type: none">• Erf 185, Koelenhof (portion of Erf 165, Koelenhof)• Portion 20 of the Farm Nooitgedacht No.65, Stellenbosch• Portion 9 of the Farm Nooitgedacht No.65, Stellenbosch
Property Address	Devonbosch, Bottelary Rd, Koelenhof
Registered Owner	DB Property Development Company (Pty) Ltd & Blue Dawn Trading (Pty) Ltd
Site Extent	± 83 ha
Municipality	Stellenbosch Municipality
Applicable Zoning Scheme	Stellenbosch Municipality Zoning Scheme By-Law
Current Zoning	<ul style="list-style-type: none">• Erf 185, Koelenhof: Mixed-Use Zone.• Farms 20/65 & 9/65: Agriculture & Rural Zone
Title Deed	<ul style="list-style-type: none">• Erf 185, Koelenhof: T44463/2022• Other land units: T28432/2015
Title Deed Restrictions	None
Proposed Development / Land Use	<ul style="list-style-type: none">• e-Foiling facility – on Farms 20/65 and 9/65.• MTB trail – start / end point on Erf 185, Koelenhof
Subject to NEMA	No
Subject to SAHRA	No
Policy compliant	Yes

BACKGROUND

- Devonbosch is a popular mixed-use development near Stellenbosch, situated at the intersection of the R304 and Bottelary Road. The development was recently initiated after obtaining land use approval from the Stellenbosch Municipality.
- The above-mentioned approval was provided for Erf 165, Koelenhof (previously registered as Portion 43 of the Farm Nooitgedacht No.65, Stellenbosch). However, surrounding farm portions which are owned by the same owners (although different entities) and which are also included within the Koelenhof urban edge, are included in the longer-term plans of the Devonbosch development. These farm portions, which

are zoned Agriculture and Rural Zone, still need to undergo rezoning and subdivision processes, but in the interim it is planned to provide for recreational activities on these properties which contribute to the lifestyle environment of this estate and to ensure that this space is more efficiently utilised. This includes an e-Foiling facility and mountain bike (MTB) trail.

- The proposed ±7,5km MTB trail's start / end point is on Erf 185, Koelenhof and run throughout the undeveloped portion of the greater Devonbosch site. Erf 185 is zoned Mixed-Use Zone. Although the MTB trail is deemed a tourist facility, this zoning does not allow a tourist facility as a primary or consent use. It was resolved with the Municipality that application be made for Council's Consent for an "occasional use".
- The proposed e-Foiling facility will be established at the existing quarry dam, on Portions 9 and 20 of Farm Nooitgedacht No.65, Stellenbosch. These farm portions are zoned Agriculture and Rural Zone. A tourist facility is permitted within this zone with Council's Consent.

MOTIVATION

- The proposal is aligned with the development principles as prescribed by LUPA and SPLUMA, and the Stellenbosch Municipality SDF as it will make efficient use of space within the urban edge which have not yet been developed.
- The proposed activities will support the local tourism industry and contribute to local economic growth. A number of employment opportunities will be created by these facilities.
- The proposed land uses will contribute to the lifestyle environment of the estate and will not impact negatively on the existing and future residential and commercial operations.
- The proposed facilities will not have a negative impact on sensitive environment and heritage resources. The project environmental practitioner has assessed the proposed activities and confirmed that no additional environmental approvals in terms of environmental legislation are required.
- The proposed facilities will not impact negatively on municipal engineering resources. The activities require minimal services and can be accommodated within the existing services capacity.

CONCLUSION

It has been demonstrated that the proposed land uses are desirable and will contribute positively to the existing Devonbosch development. LMV CAPE Town & Regional Planners recommends that this application, for Council's Consent for a 'tourist facility' on Portions 9 and 20 of Farm Nooitgedacht No. 65, Stellenbosch and an 'occasional use' on Erf 185, Koelenhof to permit an e-Foiling facility and MTB trail respectively, be considered for approval based on the above merits.

TABLE OF CONTENTS

EXECUTIVE SUMMARY

1.0	INTRODUCTION.....	1
1.1	Application Details	
1.2	Background	
1.3	Locality and Context	
1.4	Statutory Information of the Properties	
2.0	THE PROPOSAL.....	5
2.1	MTB Trail	
2.2	e-Foiling	
3.0	MOTIVATION.....	7
3.1	Compliance with Zoning Provisions	
3.2	Consistency with Planning Legislation	
3.3	Consistency with Spatial Development Frameworks and Council Policies	
3.4	Desirability of the Proposed Land Uses	
3.5	Impact on Municipal Engineering Services	
4.0	CONCLUSION & RECOMMENDATION.....	10

LIST OF FIGURES AND PLANS

- Figure 1** Locality Map
- Figure 2** The properties included in the greater Devonbosch site area
- Figure 3** The proposed MTB trail
- Figure 4** e-Foiling facilities

LIST OF ANNEXURES

- Annexure A** Application Form
- Annexure B** Powers of Attorney and Resolutions
- Annexure C** Title Deeds
- Annexure D** SG Diagrams
- Annexure E** Copy of previous land use approval for Devonbosch development
- Annexure F** Locality Map
- Annexure G** Site Plan
- Annexure H** Letter of no-objection
- Annexure I** Report from Environmental Practitioner

1.0 INTRODUCTION

1.1 APPLICATION DETAILS

Table 1 below provides a summary of the application and property details. The completed land use application form is attached as **Annexure A**:

Table 1 – Application Details	
Applicant	LMV CAPE Town & Regional Planners
Property Description	<ul style="list-style-type: none"> Erf 185, Koelenhof (portion of Erf 165, Koelenhof) Portion 20 of the Farm Nooitgedacht No. 65, Stellenbosch Portion 9 of the Farm Nooitgedacht No. 65, Stellenbosch
Property Address	Devonbosch, Bottelary Rd, Koelenhof
Registered Owner	DB Property Development Company (Pty) Ltd & Blue Dawn Trading (Pty) Ltd
Site Extent	± 83 ha
Municipality	Stellenbosch Municipality
Applicable Zoning Scheme	Stellenbosch Municipality Zoning Scheme By-Law
Current Zoning	<ul style="list-style-type: none"> Erf 185, Koelenhof: Mixed-Use Zone. Farms 20/65 & 9/65: Agriculture & Rural Zone
Overlay Zone	None
Title Deed	<ul style="list-style-type: none"> Erf 185, Koelenhof: T44463/2022 Other land units: T28432/2015
Title Deed Restrictions	None
Proposed Development / Land Use	<ul style="list-style-type: none"> e-Foiling facility – on Farms 20/65 and 9/65. MTB trail – start / end point on Erf 185, Koelenhof
Application Components	<ul style="list-style-type: none"> Council's consent to permit a tourist facility and occasional use
Subject to NEMA	No
Subject to SAHRA	No
Policy compliant	Yes

The Application

Application is hereby made to the Stellenbosch Municipality for Council's Consent to permit the following in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law, 2015:

- Council's Consent for a "tourist facility" to permit an e-Foiling facility on Portions 9 and 20 of Farm Nooitgedacht No.65, Stellenbosch.
- Council's Consent for an "occasional use" to permit a mountain bike (MTB) trail, with the start and end point on Erf 185, Koelenhof.

1.2 BACKGROUND

Devonbosch is a popular mixed-use development near Stellenbosch, situated at the intersection of the R304 and Bottelary Road. The development was recently initiated after obtaining land use approval from the Stellenbosch Municipality (a copy of this approval is attached as **Annexure E**). The approval allows for a basket of rights with retail (7 089m² GLA), office (47 4770m² GLA), residential (610 units) and warehousing (4 618m² GLA) land use rights.

The above-mentioned approval was provided for Erf 165, Koelenhof (previously registered as Portion 43 of the Farm Nooitgedacht No.65, Stellenbosch). However, surrounding farm portions which are owned by the same owners (although different entities) and which are also included within the Koelenhof urban edge, are included in the longer-term plans of the Devonbosch development. These farm portions, which are zoned Agriculture and Rural Zone, still need to undergo rezoning and subdivision processes, but in the interim it is planned to provide for recreational activities on these properties which contribute to the lifestyle environment of this estate and to ensure that this space is more efficiently utilised.

The above-mentioned recreational facilities include two 'adventure activities' which are being planned, namely an e-Foiling facility proposed to be established at the existing quarry dam, and a mountain bike (MTB) trail which will start and end at the Devonbosch development but traverse over the adjacent farm portions as part of a ±7,5km route.

The proposed adventure activities were discussed with the Stellenbosch Municipality during pre-application consultation, and it was advised by the Development Management Department that these activities are deemed 'tourist facilities' in terms of the Stellenbosch Municipality: Zoning Scheme By-Law. The existing land use rights of the subject properties do not allow tourist facilities as primary rights. It was therefore agreed that application be made for Council's Consent to permit these land uses.

The proposed e-Foiling facility is situated on Portions 9 and 20 of Farm 65, Stellenbosch. Both properties are zoned Agriculture and Rural Zone and permit tourist facilities as a consent use.

It was advised by the Municipality that the application for the MTB trail must be submitted for the property where the route starts and end. The proposed trail's start / end point will be on Erf 185, Koelenhof, which is zoned Mixed-Use Zone. This zone does however not allow a tourist facility as a primary right or consent use. The Municipality therefore advised that application should be made for Council's consent to permit an 'occasional use' for the proposed MTB trail.

LMV CAPE Town & Regional Planners was appointed by the property owners to submit the required land use application to the Stellenbosch Municipality on their behalf. The powers of attorney are attached as **Annexure B**. This report serves as the motivation for the approval of this land use application and, with the attached

annexures, provides all information required for the decision-making authority to make an informed decision.

1.3 LOCALITY AND CONTEXT

The Devonbosch development is located within the Stellenbosch municipal area, approximately 6km north of the Stellenbosch town. The development is situated at the intersection of the R304 (Koelenhof Rd) and Bottelary Rd, and links easily with the N1 highway which is 7km to the north (refer to **Figure 1**). A locality map is attached as **Annexure F**.

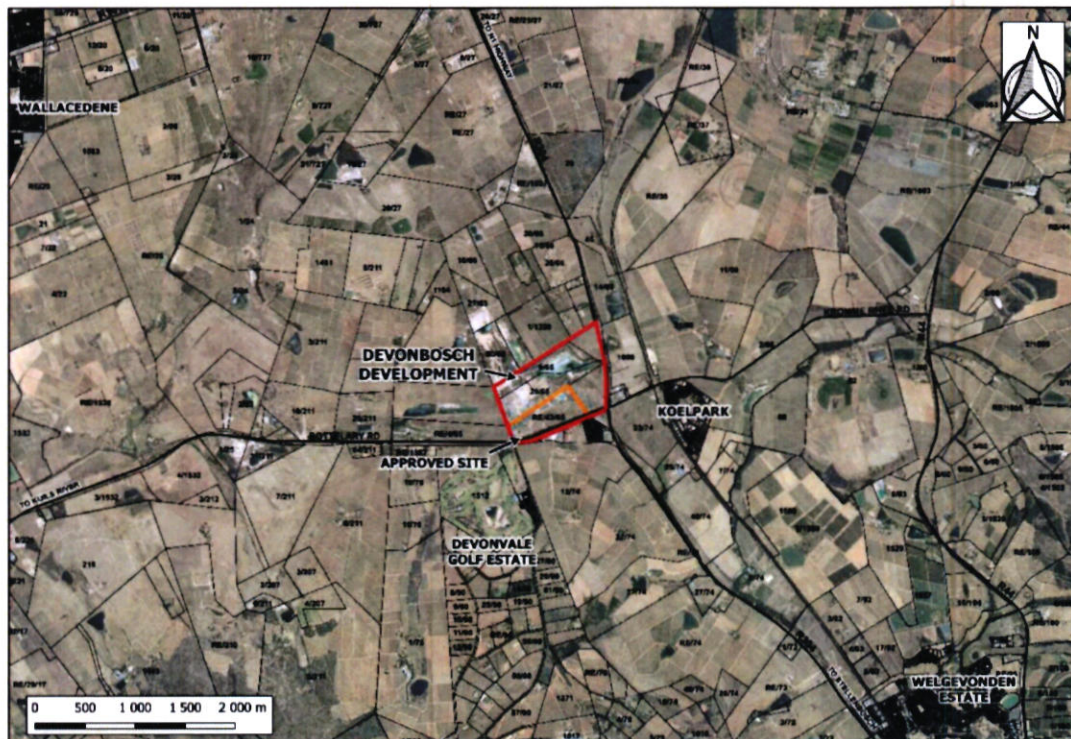


Figure 1 – Locality map

The Devonbosch development provides for a mix of commercial space, residential opportunities (apartments) and recreational activities within a modern lifestyle estate environment. Construction activities for the development commenced in 2020 and since then the first two phases of the development have been initiated with a number of buildings completed and currently being occupied. Further phases are currently being planned to be initiated soon.

The other farm portions forming part of the larger Devonbosch site (namely Portions 9 and 20 of Farm 65, Portions 3 and 10 of Farm 66 and Remainder Farm 1059, Stellenbosch) are mostly still vacant and zoned as Agriculture and Rural Zone. As mentioned, it is planned for these farm portions to accommodate recreational facilities for the larger estate in the medium-term.

The brick factory on Portion 20 of Farm 65, Stellenbosch functions as the main source of clay bricks for the Devonbosch development and forms an integral part of the urban fabric as main the main design material. Operationally, it is envisaged that the factory scales down its activities to be shut down completely over time.

1.4 STATUTORY INFORMATION OF THE PROPERTIES

The e-Foiling facility is proposed to be established on Portions 9 and 20 of Farm Nooitgedacht No. 64, Stellenbosch. Both farms are owned by Blue Dawn Trading (Pty) Ltd and held under the same title deed (T28432/2015), together with Portions 3 and 10 of Farm 66 and Remainder Farm 1059, Stellenbosch which are also included in the greater Devonbosch site. The aforementioned farm portions are all zoned Agriculture & Rural Zone.

Erf 185, Koelenhof, which accommodates the start / end point of the proposed MTB trail, is a portion of Erf 165, Koelenhof which contains the Devonbosch development. The property is zoned Mixed-Use Zone, which was allocated to the property as part of the rezoning and subdivision approval for Devonbosch. The property is owned by DB Property Development Company and held under title deed T44463/2022.

Figure 2 below demonstrates the various properties forming the greater Devonbosch site and which are being referred to above. The title deeds of these properties are attached as **Annexure C**. None of the title deeds contain any restrictive conditions which will prohibit the proposed adventure activities. The SG diagrams are attached as **Annexure D**.

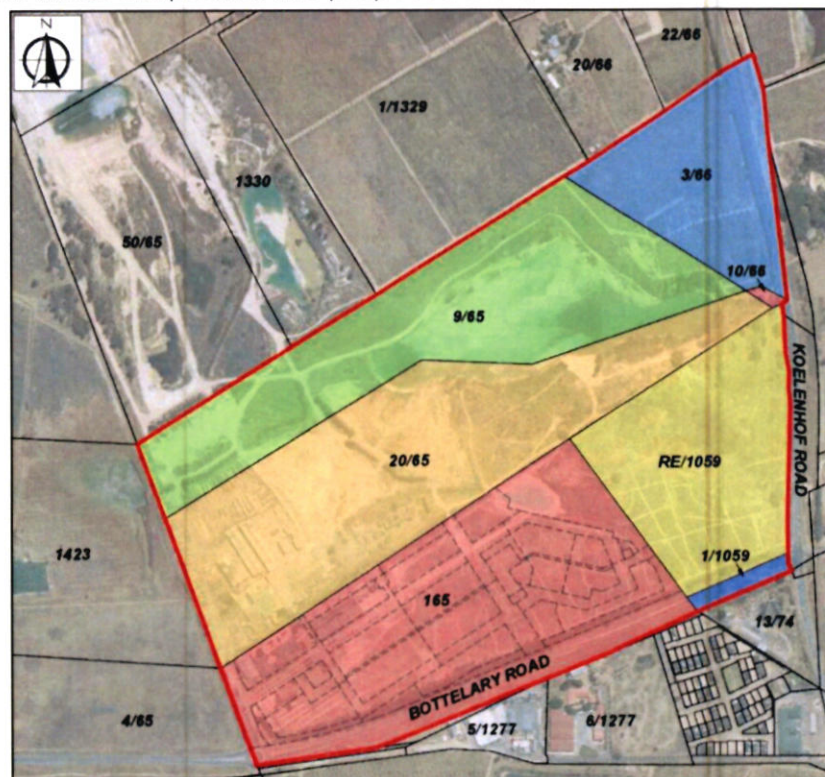


Figure 2 – The properties included in the greater Devonbosch site area.

2.0 THE PROPOSAL

2.1 MTB TRAIL

It is proposed to construct a mountain bike (MTB) trail that will run throughout the undeveloped portion of the greater Devonbosch site. Mountain biking is a popular sport and recreational activity in the Cape Town and Winelands region and due to the beautiful setting and natural terrain, the opportunity was realised to provide for family mountain biking opportunities. The trail will not only be to the benefit of the residents of Devonbosch but will also be available for visitors.

The proposed $\pm 7,5\text{km}$ MTB trail's start and end point will be on Erf 185, Koelenhof, towards the southern boundary of the development. The trail's route will cover the future development area of Devonbosch (which is still vacant) and over the other farm portions included in the greater Devonbosch site, around the existing quarry dam. The proposed MTB route is indicated on the Site Plan attached as **Annexure G** (also refer to **Figure 3**). Note that this trail will be rerouted around the future development phases as these phases are developed.

Parking facilities for the users of the MTB trail is provided for in the existing external parking area on Erf 185.

The MTB trail will be available to any member of the public. A payment system will be implemented for once-off and regular users. The trail will be open during day-time hours on weekdays and weekends.

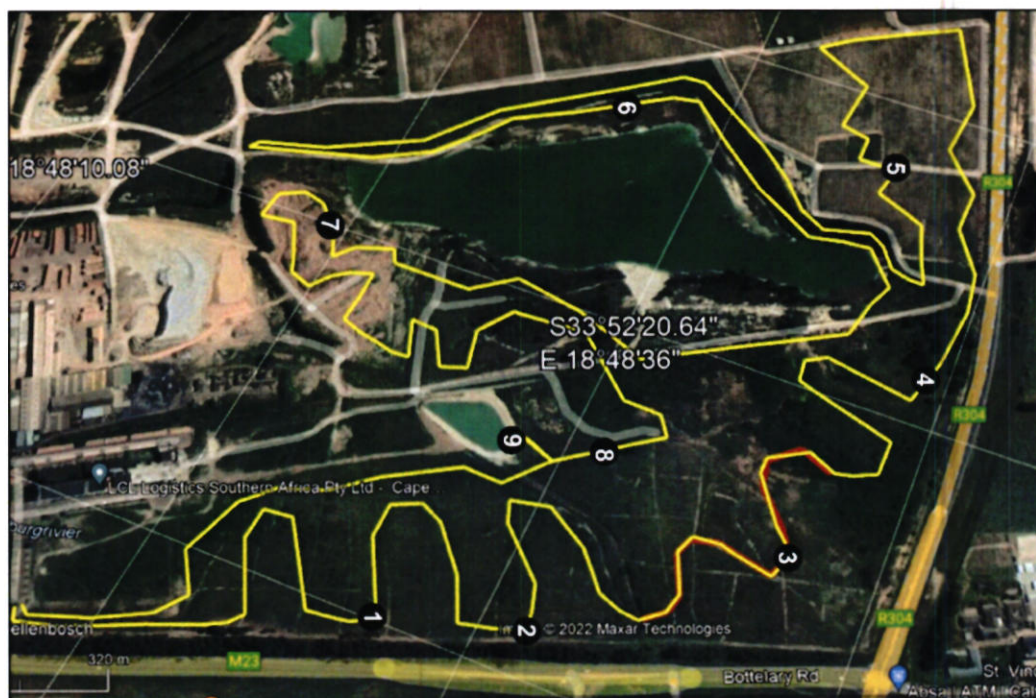


Figure 3 – The proposed MTB trail

2.2 E-FOILING

2.2.1 What is e-Foiling

e-Foiling, also known as electric hydrofoiling or electric foil boarding, is a type of water sport that involves riding an electric-powered board equipped with a hydrofoil. The hydrofoil is a wing-like structure that extends below the board and lifts it out of the water at high speeds, providing a smooth and effortless ride.

e-Foiling is gaining popularity as a thrilling and eco-friendly water activity, as it uses electric motors powered by rechargeable batteries instead of gas-powered engines. Riders control their speed and direction using a handheld remote, and the hydrofoil design allows them to glide over the water's surface with minimal resistance, providing a sensation similar to flying.



Figure 4 – e-Foiling activities

2.2.2 The proposed e-Foiling facility

The proposed e-Foiling facility is proposed to be established at the existing quarry dam to the north of the existing Devonbosch development. The facility will include a pontoon area on the dam, as well as a deck. A temporary container structure will be placed next to the deck and provide for storage space for the equipment and will also accommodate a small shop where certain items such as refreshments will be sold to the visitors of the facility (refer to the Site Plan attached as **Annexure G**).

A maximum of four persons will be accommodated at a time. The facility will be accessed by a vehicular route through the Devonbosch development, with parking facilities provided next to the container. However, this route and parking will mostly be used by the operator. Visitors will be required to park in the Devonbosch parking areas and will be escorted to the dam and e-Foiling facility.

3.0 MOTIVATION

Section 99 of the MPBL stipulates that when deciding whether or not to approve an application, the decision maker must consider a set of relevant considerations. The following sections is an assessment of the application in terms of the criteria listed above as required by the MPBL and serves as the motivation for the approval of this application.

3.1 COMPLIANCE WITH ZONING PROVISIONS

Both proposed land uses comply with the applicable provisions of the Stellenbosch Municipality Zoning Scheme By-Law, should Council's consent for these land uses be provided, as demonstrated below:

3.1.1 MTB Trail

As confirmed by the Stellenbosch Municipality, an MTB trail is deemed a tourist facility in terms of the Stellenbosch Municipality Zoning Scheme By-Law. It was further advised that, although all owners of the properties which are included within the extent of the trail need to provide consent, the application is submitted for the property which accommodates the trail's start and end point.

The proposed trail's start / end point is on Erf 185, Koelenhof. This property is zoned Mixed-Use Zone. This zone does not permit a tourist facility as a primary right or with Council's consent. Following consultation with the Municipality's Development Management department, it was advised that application be made for Council's consent for an "occasional use". Although the proposed land use is not categorically an occasional use, it can fit in within with in the Stellenbosch Municipality's Zoning Scheme by-law's definition of an occasional use.

The proposed MTB trail does not accommodate any buildings or structures and therefore comply with the applicable zoning provisions.

3.1.2 e-Foiling Facility

The proposed e-Foiling facility is situated on Portions 9 and 20 of Farm 65, Stellenbosch. Both land properties are zoned Agriculture & Rural Zone. A tourist facility containing new buildings is permitted with Council's Consent on a property zoned Agriculture & Rural Zone.

The only structures within this facility are the pontoon, deck and container structure. These structures are relatively small, low key and temporary structures and comply with the relevant building development parameters, including the coverage, building line and maximum height provisions. All provisions as contained in Item 209 of the zoning scheme by-law are also complied with.

All properties within the greater Devonbosch estate that accommodate the proposed MTB trail and e-Foiling facility are either owned by DB Property Development Company (Pty) Ltd or Blue Dawn Trading (Pty) Ltd. The owners have provided letters of consent / no-objection for the proposed facilities, which are attached as **Annexure H**. Additional public participation processes should therefore not be required.

3.2 CONSISTENCY WITH PLANNING LEGISLATION

Both the Spatial Planning & Land Use Management Act No.16 of 2013 (SPLUMA) and the Western Cape Land Use Planning Act No.3 of 2014 (LUPA) specify that, in considering and deciding a land use application, decision-making authorities must be guided by a set of development principles.

The proposed land uses adhere to the development principles relevant to this application, as stipulated below:

- **Spatial Justice:** The proposal contributes to the principle of spatial justice and redressing of past spatial and other development imbalances as it ensures improved utilisation of land and contribute to local economic growth, to the benefit of all members of the local community. This includes employment creation.
- **Spatial Sustainability:** The proposed development promotes land development that is spatially compact and therefore supports the principle of spatial sustainability. It does not have any impact on natural habitat, areas with high biodiversity or heritage resources.
- **Efficiency:** The proposal will ensure that existing resources and infrastructure are optimised.
- **Spatial Resilience:** The proposed land uses are aligned with the municipal spatial development frameworks and Council policies as it contributes to the local tourism industry and support local economic growth.

3.3 CONSISTENCY WITH SPATIAL DEVELOPMENT FRAMEWORKS AND COUNCIL POLICIES

The site is situated within the Koelenhof urban edge as identified by the **Stellenbosch Municipality Spatial Development Framework (SDF)**. The site area is delineated for mixed use development, allowing for a range of residential and commercial land uses.

The proposed adventure activities will make use of space within the urban edge which have not yet been developed. These land uses will contribute to tourism and local economic growth, which is supported by the Stellenbosch SDF, and ensures that the future development space is efficiently utilised in the interim,

3.4 DESIRABILITY OF THE PROPOSED LAND USES

The proposed land uses are deemed desirable for the following reasons:

- The proposed adventure activities will ensure that existing vacant space (although forming part of future development areas) is efficiently utilised and allows the optimisation of space and resources.
- The proposed activities will support the local tourism industry and contribute to local economic growth as it will attract visitors from outside the Stellenbosch region. A number of employment opportunities will also be created by these facilities.
- The proposed land uses are compatible with the existing land use in the area and surrounding properties. It will contribute to the lifestyle character of the estate and will not impact negatively on the existing and future residential and commercial operations.
- The proposed facilities will not have a negative impact on sensitive environment and heritage resources. The project environmental practitioner has assessed the proposed activities and confirmed that no additional environmental approvals in terms of environmental legislation are required (refer to **Annexure I**).
- The proposed land uses will not affect the existing rights of any surrounding property owner.

3.5 IMPACT ON MUNICIPAL ENGINEERING SERVICES

Both proposed land uses will make minimal use of municipal resources. The MTB trail requires no municipal services, while the e-Foiling facility will only require minimal water and sewer services for a small toilet. An electrical connection will also be required but should be available.

The proposed facilities will also not affect existing service infrastructure within the existing development or farm units.

The proposal will therefore have no impact on municipal engineering services.

4.0 CONCLUSION & RECOMMENDATION

It has been demonstrated that the proposed land uses are desirable and will contribute positively to the existing Devonbosch development. We highlight the following in conclusion:

- The proposal is aligned with the development principles as prescribed by LUPA and SPLUMA, and the Stellenbosch Municipality SDF as it will make efficient use of space within the urban edge which have not yet been developed.
- The proposed activities will support the local tourism industry and contribute to local economic growth. A number of employment opportunities will be created by these facilities.
- The proposed land uses will contribute to the lifestyle environment of the estate and will not impact negatively on the existing and future residential and commercial operations.
- The proposed facilities will not have a negative impact on sensitive environment and heritage resources. The project environmental practitioner has assessed the proposed activities and confirmed that no additional environmental approvals in terms of environmental legislation are required.
- The proposed facilities will not impact negatively on municipal engineering resources. The activities require minimal services and can be accommodated within the existing services capacity.

LMV CAPE Town & Regional Planners recommends that this application, for Council's Consent for a 'tourist facility' on Portions 9 and 20 of Farm Nooitgedacht No. 65, Stellenbosch and an 'occasional use' on Erf 185, Koelenhof to permit an e-Foiling facility and MTB trail respectively, be considered for approval based on the above merits.