STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/16466
Our File Reference Number: Erf 181, Devonbosch Estate, Koelenhof
Your Reference Number:
Enquiries: Ulrich von Molendorff
Contact No: 021 – 808 8682
Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL [redacted]

Sir

APPLICATION FOR AN AMENDMENT OF A CONDITION OF AN EXISTING APPROVAL IN TERMS OF SECTION 15(2)(h) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2023: ERF 181, DEVONBOSCH ESTATE, KOELENHOF

1. The above application refers.

2. The duly authorised decision maker has decided on the above application as follows.

   2.1 That the application in terms of Section 15(2)(h) of the Stellenbosch Municipal Land Use Planning Bylaw, 2023 for an **amendment of a condition in respect of an existing approval to amend the Site Development Plan** for Erf 181 (Phase 2) in the Devonbosch Lifestyle Estate,

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

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

      2.2.1 The approval only applies to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

      2.2.2 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.

      2.2.3 The development be undertaken generally in accordance with the Site Development Plan as referenced below and attached as **ANNEXURE B**.

2.2.3.1 *220066_AR_SDP-100_Site Plan*

2.2.3.2 *230029_AR_SDP_101_P2 Parking Level 3*

2.2.3.3 *230029_AR_SDP_102_P1 Parking Level 2*

2.2.3.4 *230029_AR_SDP_103_P0 Ground Floor*

2.2.3.5 *230029_AR_SDP_104_P1 First Floor*

2.2.3.6 *230029_AR_SDP_105_P2 Second Floor*

2.2.3.7 *230029_AR_SDP_106_P3 Third Floor*

2.2.3.8 *230029_AR_SDP_107 _P4 Fourth Floor*

2.2.3.9 *230029_AR_SDP_108_P5 Fifth Floor*

2.2.3.10 *230029_AR_SDP_109_P6 Sixth Floor*

2.2.3.11 *230029_AR_SDP_120_Typical Elevation and Sections*

2.2.4 The remaining conditions imposed by council in its approval letter dated 02 June 2020 and 23 March 2022 are still valid.

2.2.5 The conditions imposed by the **Directorate: Infrastructure Services** in their memo dated 15 July 2024, attached as **ANNEXURE E** be adhered to.

2.2.6 The final landscaping plan to be submitted with the building plans for approval by the Department: Community and Protection Services.

2.2.7 Sufficient on-site parking be provided in accordance with the provisions of the Zoning Scheme Bylaw as illustrated on the site development plan to the satisfaction of the Municipality.

2.2.8 Building plans must be submitted to this Municipality for approval.

2.3 **The reasons for the above decision are as follows:**

2.3.1 The Site Development Plan complies with the approved land use rights.

2.3.2 The proposal does not contradict the previous municipal approval and would not affect the development or the surrounding properties negatively.

3. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw 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 by completing the required form 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.

5. **Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of e-mail at the following address: landuse.appeals@stellenbosch.gov.za**

6. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.

7. The appeal form and approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at landuse.appeals@stellenbosch.gov.za or 021 – 808 8684.

8. An applicant who lodges 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 in the case of any approval, is suspended, and may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully

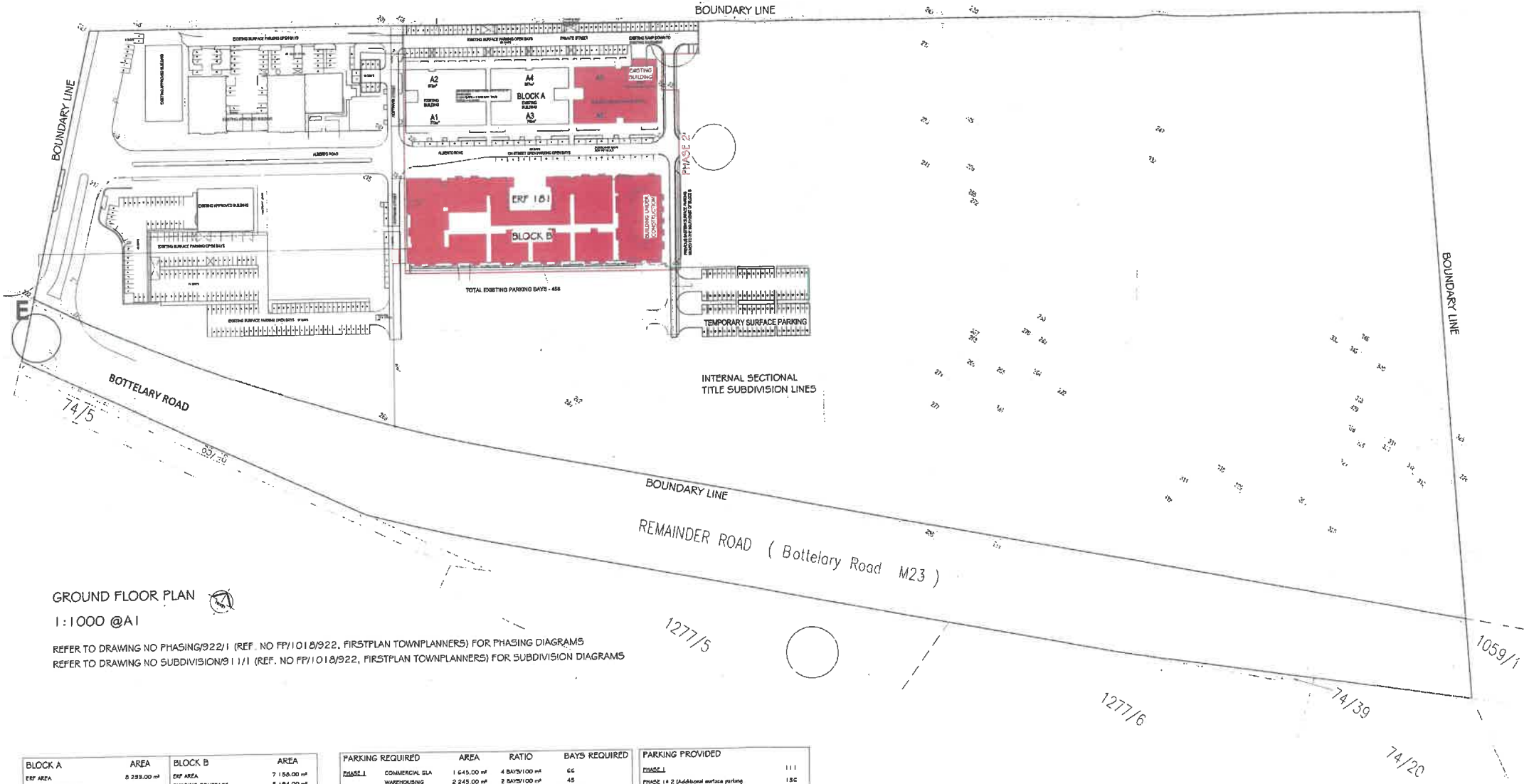
FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

17/9/2024
DATE

ANNEXURE B

APPLICATION FOR PERMISSION REQUIRED IN TERMS OF CONDITION OF APPROVAL IN TERMS OF SECTION 15(2)(I) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2023: ERF 181, DEVONBOSCH ESTATE, KOELENHOF

SITE DEVELOPMENT PLAN



GROUND FLOOR PLAN

1:1000 @A1

REFER TO DRAWING NO PHASING/922/1 (REF. NO FP/1018/922, FIRSTPLAN TOWNPLANNERS) FOR PHASING DIAGRAMS
REFER TO DRAWING NO SUBDIVISION/911/1 (REF. NO FP/1018/922, FIRSTPLAN TOWNPLANNERS) FOR SUBDIVISION DIAGRAMS

BLOCK A	AREA
ERF AREA	8 293.00 m²
BUILDING COVERAGE	
TOTAL BULK (GDA)	
TOTAL COMMERCIAL GLA	6 724.00 m²

BLOCK B	AREA
ERF AREA	7 156.00 m²
BUILDING COVERAGE	5 184.00 m²
TOTAL BULK (GDA)	18 526.55 m²
TOTAL COMMERCIAL GLA	3 013.01 m²
TOTAL RETAIL GLA	2 431.15 m²
NO. OF RESIDENTIAL UNITS	117

PARKING REQUIRED		AREA	RATIO	BAYS REQUIRED
PHASE 1	COMMERCIAL GLA	1 645.00 m²	4 BAYS/100 m²	66
	WAREHOUSING	2 245.00 m²	2 BAYS/100 m²	45
			TOTAL	111
PHASE 2				
BLOCK A	COMMERCIAL GLA	6 724.00 m²	4 BAYS/100 m²	349
BLOCK B	COMMERCIAL GLA	3 013.01 m²	4 BAYS/100 m²	121
	RETAIL GLA	2 431.15 m²	4 BAYS/100 m²	96
	RESIDENTIAL UNITS	117	1,25 BAYS/UNIT	147
			TOTAL	715
			PHASE 1 & 2 GRAND TOTAL	826
			MINUS DISCOUNT (TRAFFIC ENGINEER - ITS REF 3976)	-14
			TOTAL REQUIRED	812

PARKING PROVIDED	
PHASE 1	111
PHASE 1 & 2 (Additional surface parking provided between the phases)	136
PHASE 2	
BLOCK A BASEMENT	61
BLOCK A SURFACE	95
BLOCK A&B ON STREET, PRIVATE INTERNAL ROAD	33
BLOCK B BASEMENT FLOOR P-2	142
BLOCK B BASEMENT FLOOR P-1	142
BLOCK B GROUND FLOOR	56
BLOCK B SURFACE (EAST)	66
TOTAL PROVIDED	664

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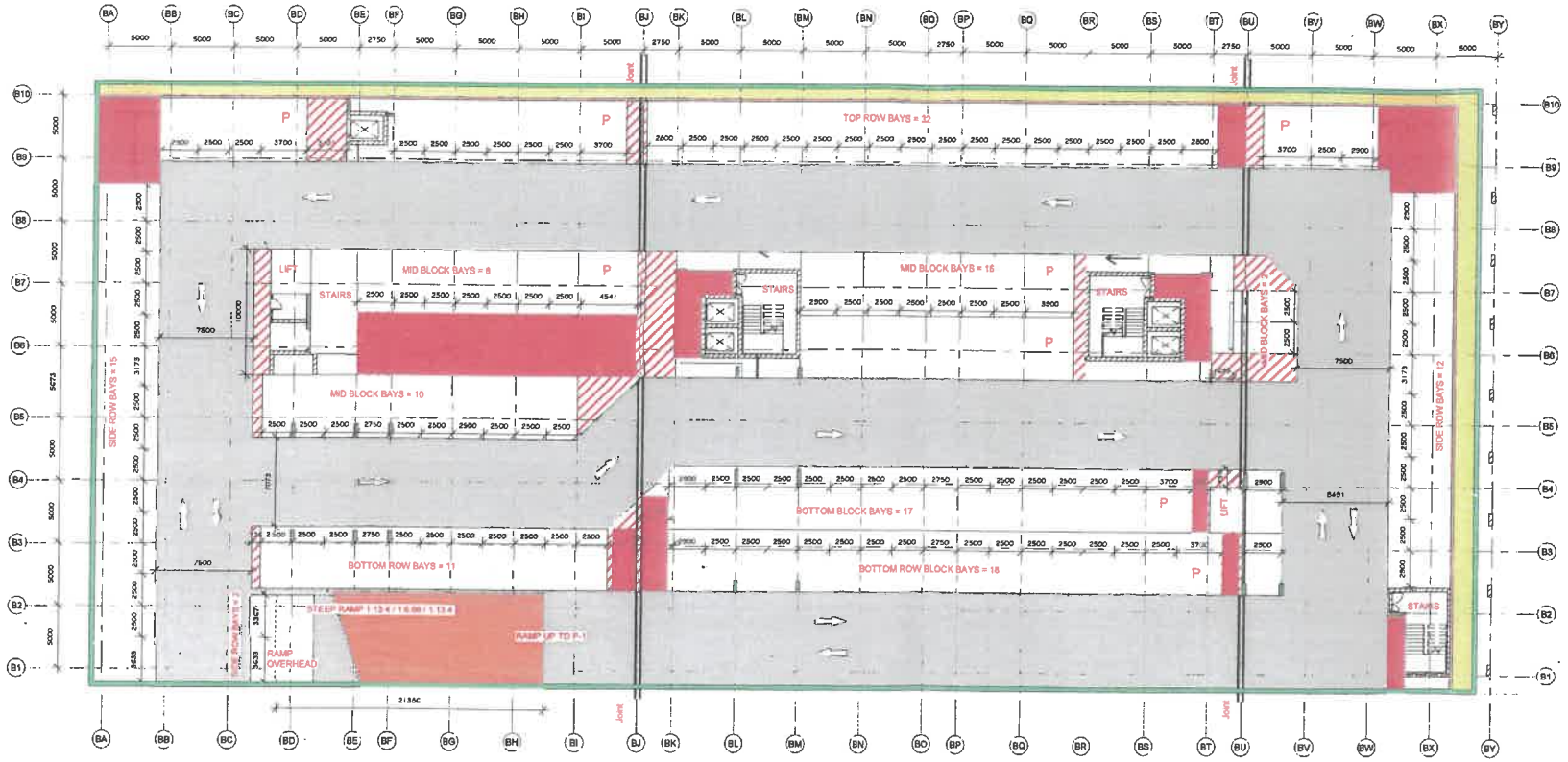
Project: DEVONBOSCH BLOCK B STELLENBOSCH
SITE DEVELOPMENT PLAN

Drawing Title: SITE PLAN
Workstage: SDP. MUN. SUB.
Date: 2023-10-31 | Drawn: SK | Checked: AJ | Approved: AJ
Scale: As indicated
Drawing Number: 220066_AR_SDP-100
Revision:



TOTAL PARKING BAYS ON THIS LEVEL = 142

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Project: DEVONBOSCH BLOCK B

Drawing Title: P-2 PARKING LEVEL 3

Date: 2024.02.14

Drawn: XD

Checked: AJ

Scale: 1:200

Approved: AJ

Workstage: SDP. MUN. SUB

Drawing Number: 230029_AR_SDP_101

Revision:

TOTAL PARKING BAYS ON THIS LEVEL = 142

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Project: DEVONBOSCH BLOCK B

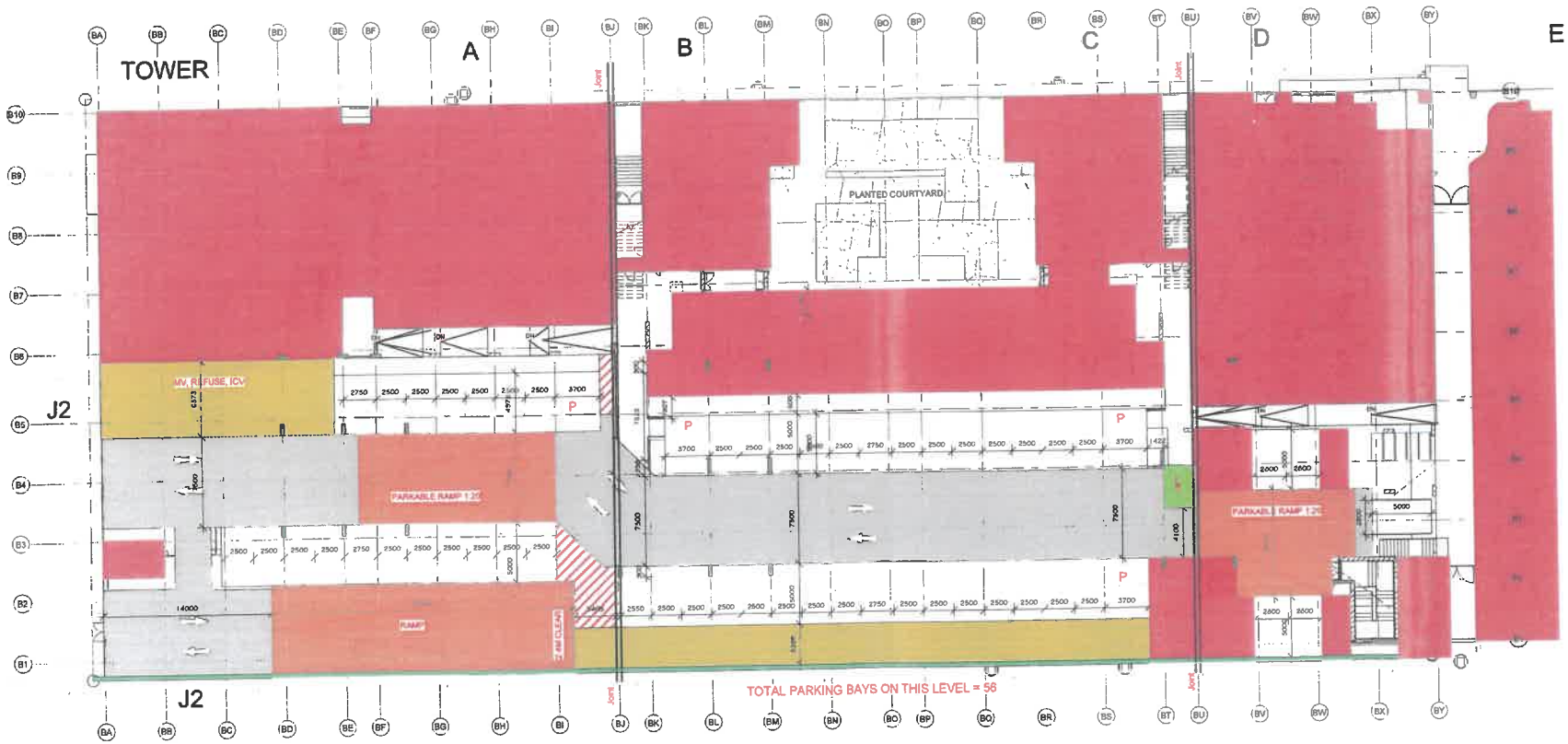
Drawing Title: P-1 PARKING LEVEL 2

Workstage: SDP. MUN. SUB

Date	2024.03.14	Drawn	XD
Scale	1 : 200	Checked	AJ
		Approved	AJ

Drawing Number: 230029_AR_SDP_102

Revision:



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Project: DEVONBOSCH BLOCK B

Drawing Title: P+0 GROUND FLOOR

Date: 2024.02.14

Drawn: XD

Checked: AJ

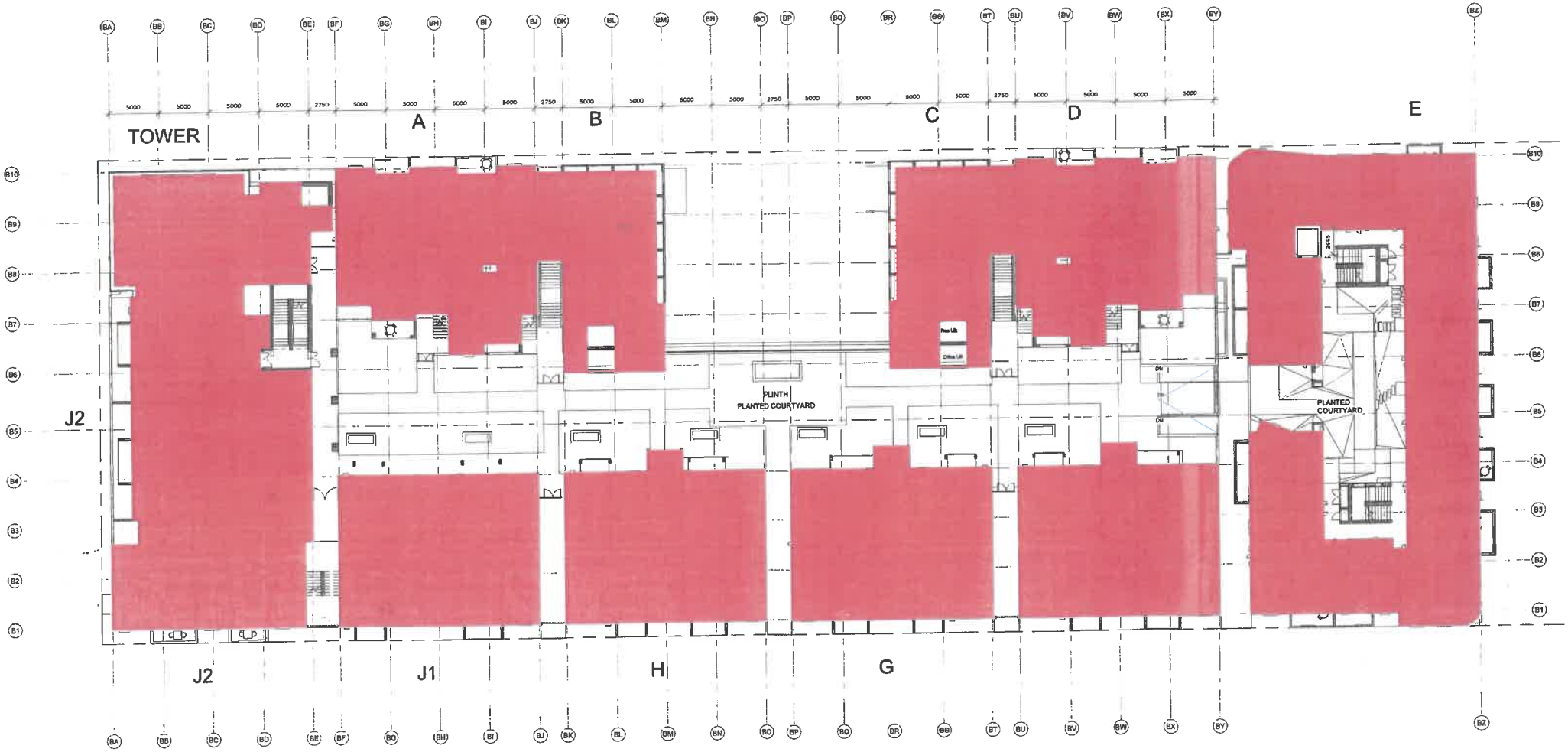
Scale: 1 : 200

Approved: AJ

Workstage: SDP. MUN. SUB

Drawing Number: 230029_AR_SDP_103

Revision:



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Project: DEVONBOSCH BLOCK B

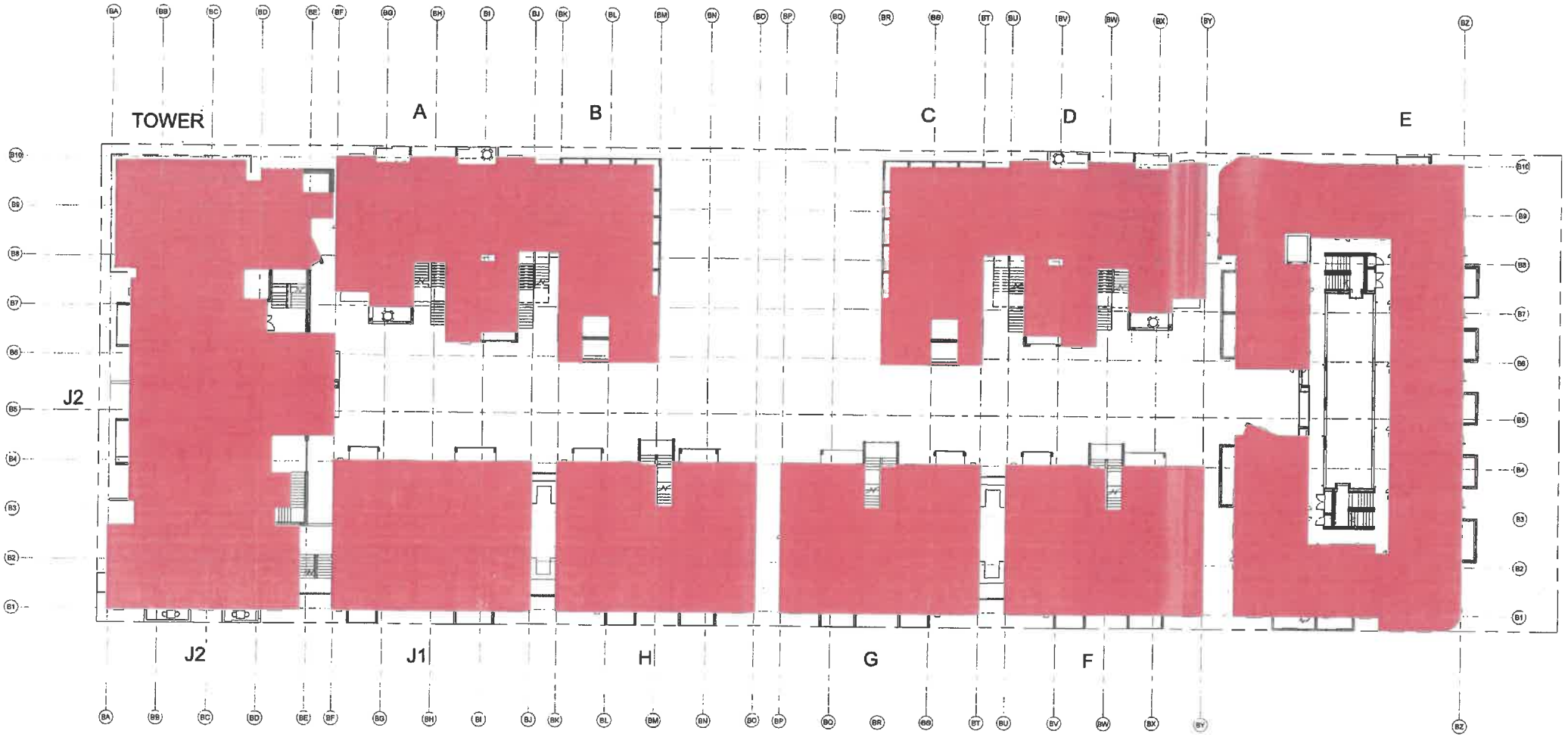
Drawing Title: P+1 PLINTH (FIRST FLOOR)

Workstage: SDP. MUN. SUB

Date: 2023.10.11	Drawn	XD
	Checked	AJ
Scale: 1 : 200	Approved	AJ

Drawing Number: 230029_AR_SDP_104

Revision:



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Project: DEVONBOSCH BLOCK B

Drawing Title: P+2 (SECOND FLOOR)

Workstage: SDP. MUN. SUB

Date	2023.10.11	Drawn	XD
Scale	1:200	Checked	AJ
		Approved	AJ

Drawing Number: 230029_AR_SDP_105

Revision:

2023/10/11 12:28:26

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Project: DEVONBOSCH BLOCK B

Drawing Title: P+3 (THIRD FLOOR)

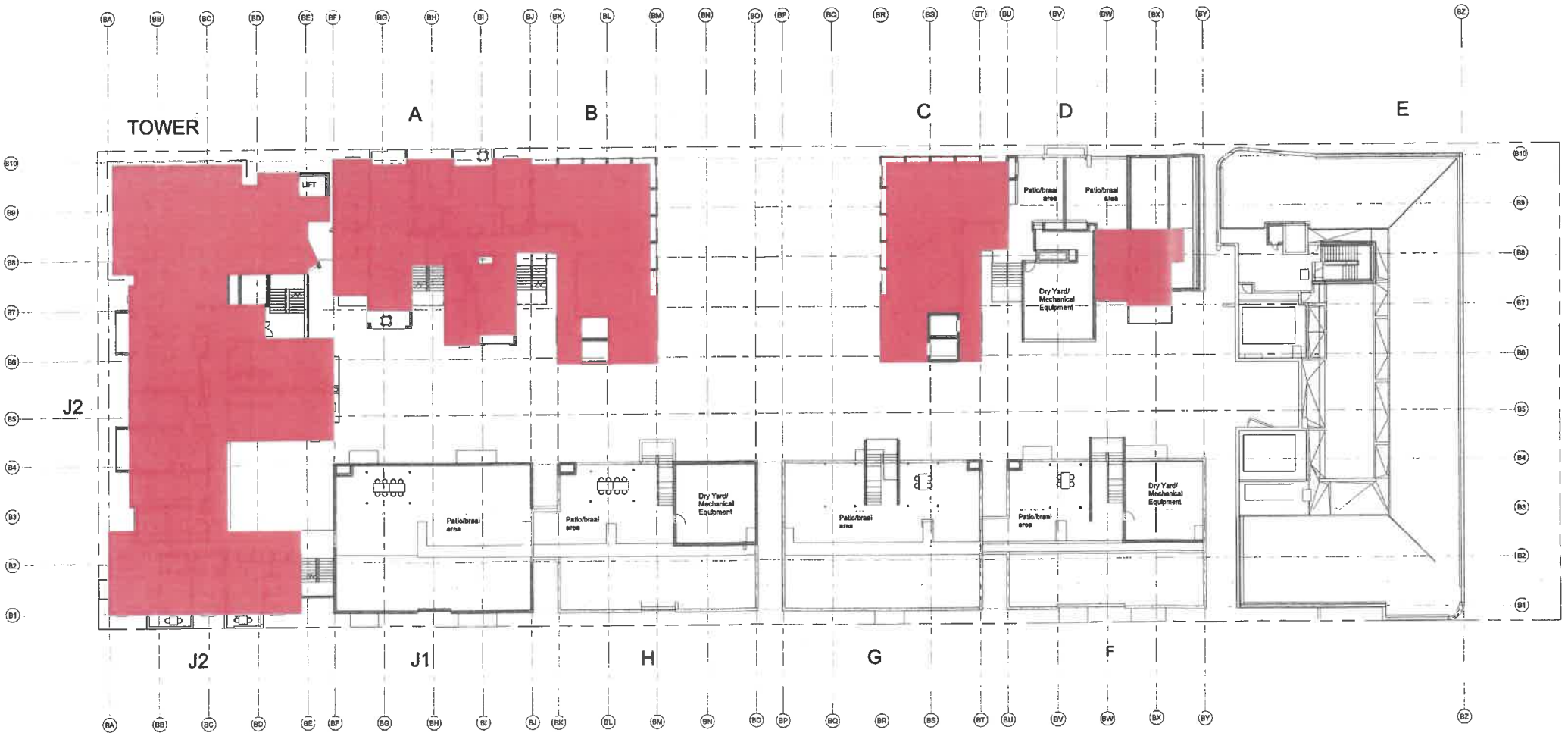
Workstage: SDP. MUN. SUB

Date: 2023.10.11 | Drawn: KD | Checked: AJ | Approved: AJ

Scale: 1:200

Drawing Number: 230029_AR_SDP_106

Revision:



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Project: DEVONBOSCH BLOCK B

Drawing Title: P+4 (FOURTH FLOOR)

Workstage: SDP. MUN. SUB

Date: 2023.10.11
Drawn: XD
Checked: AJ
Scale: 1:200
Approved: AJ

Drawing Number: 230029_AR_SDP_107

Revision:

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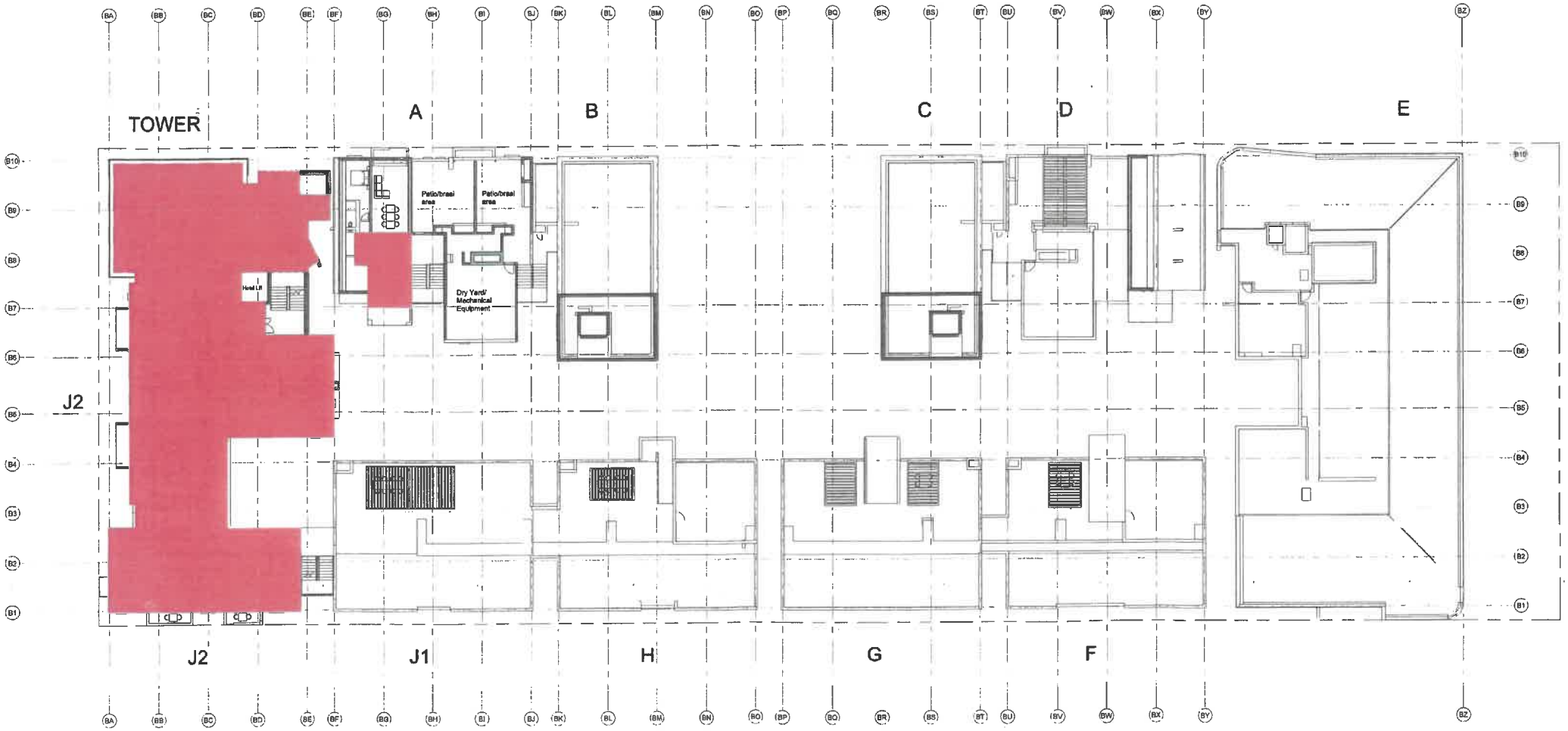

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Project: DEVONBOSCH BLOCK B

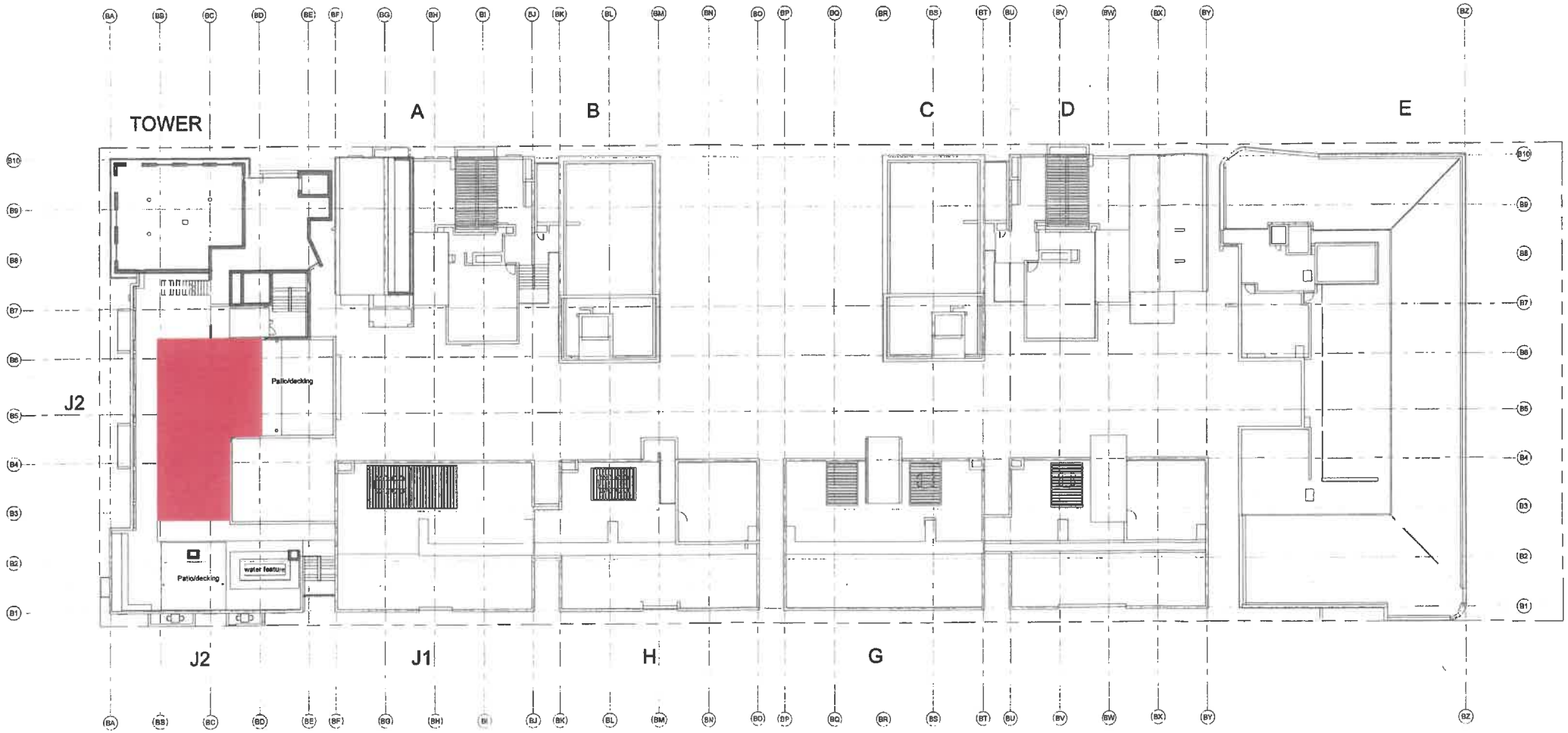
Drawing Title: P+5 (FIFTH FLOOR)

Workstage: SDP. MUN. SUB

Date	2023.10.11	Drawn	XD
		Checked	AJ
Scale	1 : 200	Approved	AJ

Drawing Number: 230029_AR_SDP_108

Revision:



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Project: DEVONBOSCH BLOCK B

Drawing Title: P+6 (SIXTH FLOOR)

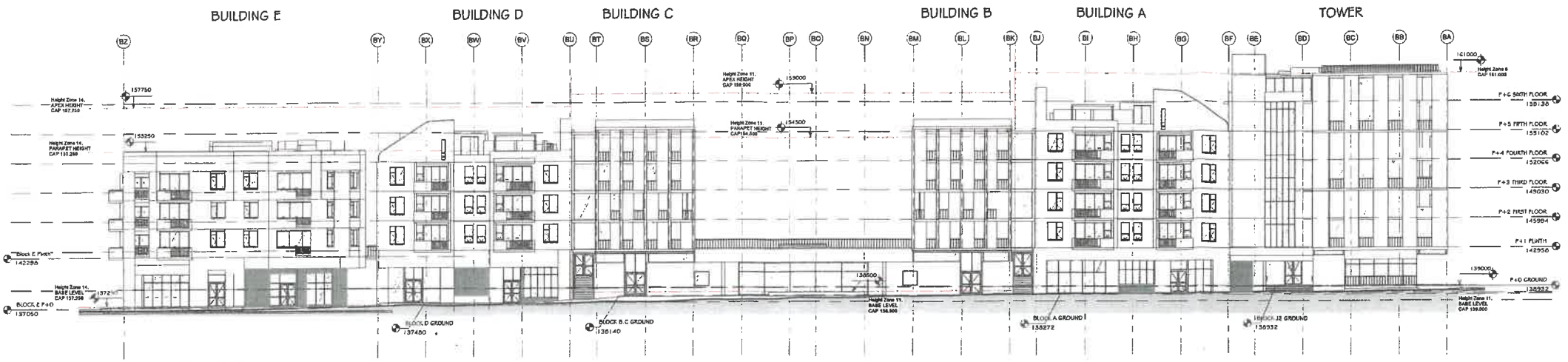
Date: 2023.10.11
Scale: 1:200
Drawn: XD
Checked: AJ
Approved: AJ

Workstage: SDP. MUN. SUB

Drawing Number: 230029_AR_SDP_109

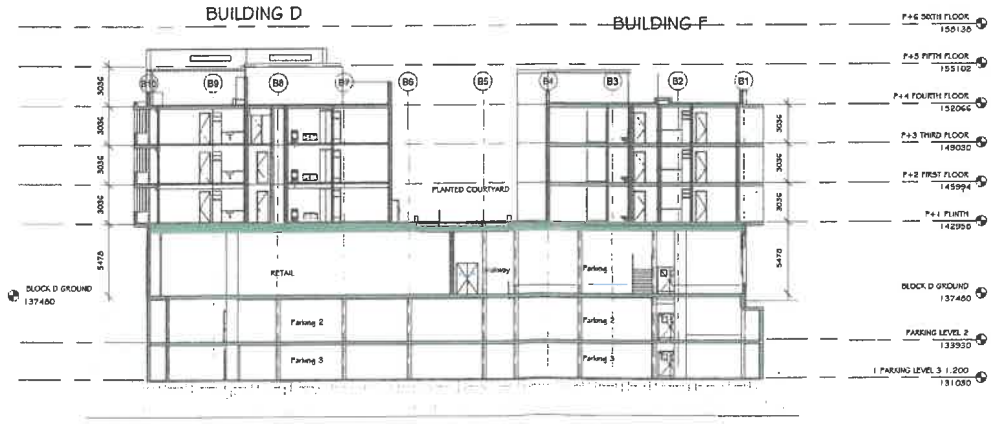
Revision:

2023/10/11 12:32:37



NORTH ELEVATION SDP

1 : 200



TYPICAL SECTION

1 : 200

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Project: DEVONBOSCH BLOCK B

Drawing Title: TYPICAL ELEVATION AND SECTION

Date: 2023.10.11
Scale: 1 : 200
Drawn: KD
Checked: AJ
Approved: AJ

Workstage: SDP. MUN. SUB

Drawing Number: 230029_AR_SDP_120

Revision:

2023/10/11 13:52:48

ANNEXURE E

APPLICATION FOR PERMISSION REQUIRED IN TERMS OF CONDITION OF APPROVAL IN TERMS OF SECTION 15(2)(I) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2023: ERF 181, DEVONBOSCH ESTATE, KOELENHOF

COMMENT FROM THE DIRECTORATE: INFRASTRUCTURE SERVICES

(12)

ERF 181 Koelenhof

MEMO

DIRECTORATE: INFRASTRUCTURE SERVICES
DIREKTORAAT: INFRASTRUKTUURDIENSTE

FILE NR: OUTGOING POST
E4/181 Koelenhof
SCAN NR:
COLLABORATOR NR: 770109

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES
15 JUL 2024
RECEIVED

TO	:	**The Director: Planning and Development**
FOR ATTENTION	:	**Bulelwa Mdoda**
FROM	:	**Manager: Development (Infrastructure Services)**
ENQUIRIES	:	**Tyrone King (Manager: Development)**
DATE	:	**15 July 2024**
RE.	:	**Farm 65/43: Amended SDP for Phase 2 (Block B)**
YOUR REF	:	**LU/16466**
OUR REF	:	**CIVIL 2665**

Background: the overall development has been approved, with Engineering approval conditions as per Memo dated 17 February 2020. This application is for an amended SDP approval of Phase 2 – Block B of the development and these conditions are specifically addressed the SDP layout and the impact of the Phase 2 development on engineering services. The overarching conditions of the overall development remain valid.

The following development parameters for Phase 2 (Block A + B) are proposed by this amendment:

	Original SDP (A)	2024 revised SDP (this application) (B)	Difference (A-B)
Block A			
Commercial (GLA) m²	**8 724**	**8 724**	**0**
Block B			
Residential (Units)	**117**	**117**	**0**
Commercial (GLA) m²	2 554	3 013.01	459.01
Retail (GLA) m²	0	2 431.15	2431.15
Total	**2 554**	**5 444.16**	**2890.16**

FARM 65-43, SDP AMENDMENT FOR PHASE 2 (BLOCK B)

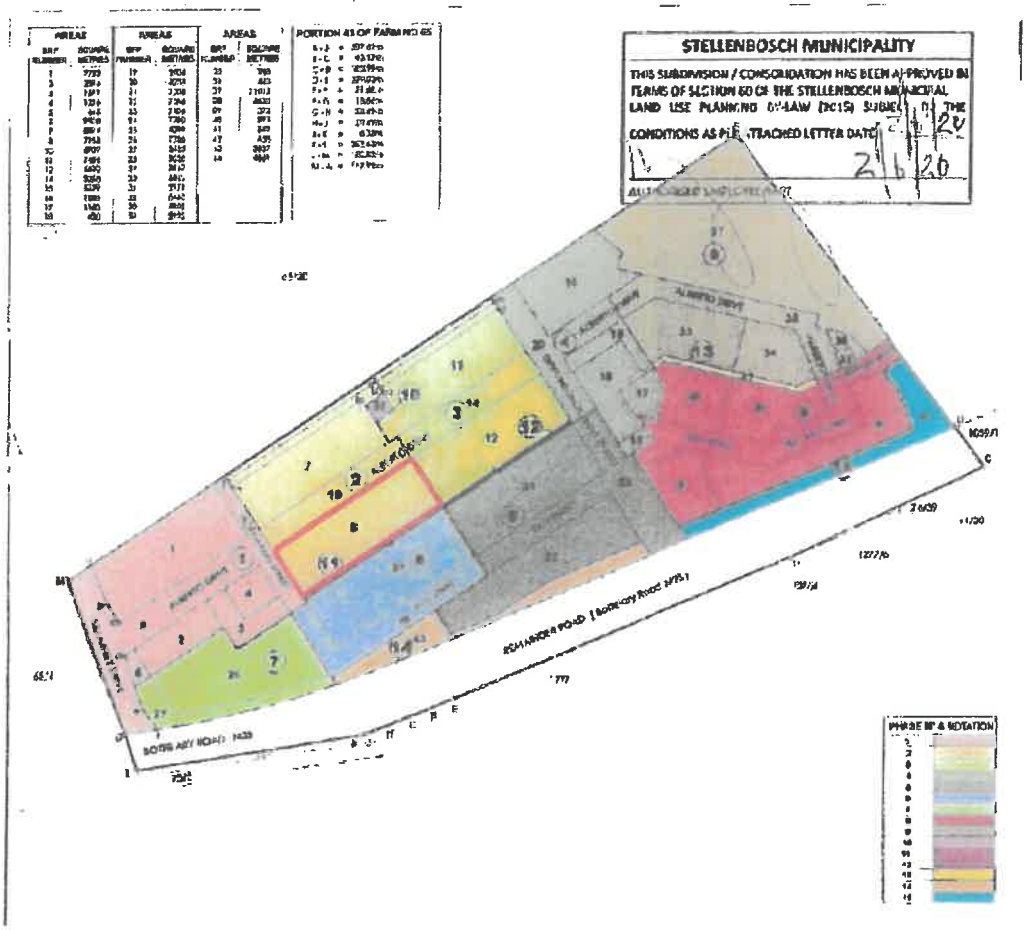

Figure 2 – SDP area on Phasing Plan

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:

- Site Plan 220066_AR_SDP-100 Rev 0, dated 2023-10-11 by Osmond Lange
- Devonbosch Development Bulk Register Phase 2 Water dated 17-May-2024 received from Bart Senekal Inc;
- Devonbosch Development Bulk Register Transport dated July 2024 Revision 5, by ITS;

The development is recommended for approval, subject to the conditions as stated below.

1. **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:** According to the engineering report Devonbosch Development Bulk Register Phase 2 Water dated 14-May-2024, the cumulative water demand to date, including this application, is **108.5 kl/day**. The next water upgrades (Phase 2 upgrades) will be triggered when a demand of **132kl/day** is reached. This application does therefore not trigger any additional water upgrades. The cumulative effect of the development's roll-out will however be monitored as building plans are submitted. If a building plan triggers the water upgrade, then it must be implemented.

TOTAL DEMAND:	458,6	**DEMAND TO DATE:**	108,5	23,5	**Spare capacity before Phase 2 is triggered**

BULK WATER CAPACITIES	17-May-24	Added kl/day	Cumulative kl/day	
Existing Farm 65/43 allocation as per GLS		42	42	
Bulk water upgrade - Phase 1 (implemented		90	132	**Current total capacity**
Bulk water upgrade - Phase 2		425	557	121,5% of Total Demand

Extract from Bulk Register Phase 2 Water dated 17-May-2024

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 Cloetesville, in the vicinity of the Nuutgevonden Estate. The Plankenbrug outfall sewer does have spare capacity for the proposed development.

d. **Road Network**: The Provincial Roads Authority has set specific approval condition for this development. Before subdivision clearance or occupation certificates will be approved by this Directorate, the Developer must furnish proof from the Provincial Roads Authority that all their conditions have been met for this particular phase/application. For information purposes, the triggers for the road upgrades are given below: The intersection is the R304/Bottelary Road intersection, unless otherwise indicated.

Trigger	Upgrade	Cum Trips	To Date
1	LT & RT lanes to E Leg Add Through lane on N leg Add receiving lane to S leg	550	186%
2	Change LT to LT+THU at W leg Change THRU to RT lane PT bay at Blumberg NMT lane: Blumberg to R304 MR87 LILO + median extension	1 051	97%
3	LT lane at W leg Change LT + THU to THU at W leg	1 324	
4	Dualling of MR187	1 631	

According to the Transport Bulk register, the cumulative trip generation to date, including this application, is **1 024 trips**. This application does therefore trigger #1 of the upgrades listed above.

The cumulative effect of the development's roll-out will however be monitored as building plans are submitted. If a building plan triggers the upgrade, then it must be implemented.

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;

f. **Solid Waste:**

i. Solid Waste will be removed by a private contractor. Should this function revert to the municipality in future, the municipality will require that adequate refuse removal infrastructure, according to municipal standards be constructed (if not yet available) i.e. refuse removal bays and refuse rooms. Any alterations or upgrades will be for the Owner's cost.

FARM 65-43, SDP AMENDMENT FOR PHASE 2 (BLOCK B)

Development Charges

2. It is proposed that a DCs will be calculated and managed cumulatively for the entire development of Farm 65/43.

3. To achieve this, a DC register must be kept by the Engineering Consultant and submitted with each building plan.

4. If a project needs to be implemented in lieu of DCs, then an Engineering Services Agreement for DC expenditure must be concluded.

5. If there is a shortfall on the DCs of that particular building/phase to cover the cost of the upgrade, then the Developer must cover the shortfall and it can be credited to the DCs of a future phase. This must be reflected on future DC registers.

The following general conditions will apply to the payment of DCs: If in contradiction with condition 3, condition 3 shall govern.

6. 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;

7. 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;

8. 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;

9. 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 subdivision clearance in terms of the Stellenbosch Municipal Land Use Planning By-law in all cases and or;

10. 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;

11. 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;

TYRONE KING Pr Tech Eng
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

W:\2.0 DEVELOPMENT\01 Land Use applications\2665 (TK) Farm 65-43 Devonbosch\2665 (TK) Erf 181 Koelpark (LU-16466) (Phase 2 SDP amendment)\2665 () Erf 181 Koelpark (LU-16466)_1.doc