

# MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD IN THE COMMITTEE ROOM: CORPORATE SERVICES ON WEDNESDAY, 8 MARCH 2023 AT 14:00

#### **PRESENT**

Internal members:

Municipal Manager, Mr J J Scholtz

Director: Corporate Services, Ms M S Terblanche Director: Protection Services, Mr P A C Humphreys

**External members:** 

Ms C Havenga Mr C Rabie

Other officials:

Senior Manager: Development Manager, Mr A M Zaayman (advisor)

Director: Development Services, Ms J S Krieger Senior Town and Regional Planner, Mr A J Burger Town and Regional Planner and GIS, Mr H Olivier Town and Regional Planner, Ms A de Jager

Manager: Secretariat and Records, Ms N Brand (secretariat)

#### 1. OPENING

The chairperson opened the meeting and welcomed members.

#### 2. APOLOGY

No apology was received.

#### 3. DECLARATION OF INTEREST

**RESOLVED** that cognisance be taken that no declarations of interest were received.

#### 4. MINUTES

# 4.1 MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON 8 FEBRUARY 2022

#### **RESOLUTION**

That the minutes of a Municipal Planning Tribunal Meeting held on 8 February 2023 are approved and signed by the chairperson, subject thereto that the word "removed" be replace with "located" under Item 6.5/B1(f).

#### 5. MATTERS ARISING FROM MINUTES

None.

#### 6. MATTERS FOR CONSIDERATION

# 6.1 PROPOSED DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 3557, DARLING (15/4/2-2) (WARD 6)

Mr A J Burger, as author, tabled the application received on Erf 3557, Darling which is zoned Residential Zone 1 and developed with a dwelling house.

6.1/...

The building plan for the dwelling and swimming pool was approved on 1 February 2021. However, the owner erected a roof over the swimming pool with class panels, sliding windows and sliding doors without building approval.

The application for the departures of the development parameters forms part of a building plan application.

Mr Burger confirmed that the departures of the development parameters cannot be supported as the windows and sliding windows are installed on the erf boundary, resulting in the coverage increasing to 55%.

#### **RESOLUTION**

- A. The application for the departure of the development parameters on Erf 3577, Darling be refused in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020). The departures refused includes the following:
  - (1) Departure of the 2 m rear building line to 0 m;
  - (2) Departure of the 1,5 m side building line (north eastern boundary) to 0 m; and
  - (3) Departure of the permissible coverage of 50% to 55%;

#### B. **GENERAL**

- (a) The illegal building work inside the 2 m rear and 1,5 m side building lines be demolished within 60 days after the decision making process on the application has been finalised:
- (b) The amended building plan be submitted to the Senior Manager: Development Management for consideration and approval within 30 days after the decision making process on the application has been finalised;
- (c) Appeals against the decision of the Municipal Planning Tribunal should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the approval letter. A fee of R4 500,00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed;
- C. The application be refused for the following reasons:
  - (a) There are no similar building line and coverage departures in Fairview Close;
  - (b) Departures from the permissible 50% coverage in this residential area is unprecedented;
  - (c) The departure cannot be recommended as it will influence decision making on future departures of development parameters negatively;
  - (d) The building work does not comply with the National Building Regulations with regards to safety distance of window openings in South East Elevation and North East Elevation and does not meet the requirement of Table 2 of Part T of SANS 10400.

#### 6.2 APPLICATION FOR SUBDIVISION OF ERF 505, KALBASKRAAL (15/3/6-6) (WARD 7)

The item is tabled by the author, Mr H Olivier, and entails the subdivision of Erf 505, Kalbaskraal into Portion A (±1291 m² in extent), Portion B (±1291 m² in extent), Portion C (±1128 m² in extent), as well as a Remainder (±1129 m² in extent).

Mr Olivier confirmed that the application promotes the densification of urban areas and are consistent with the minimum erf sizes determined for the area, namely 1000 m<sup>2</sup>.

#### **RESOLUTION**

A. The application for the subdivision of erf 505, Kalbaskraal, be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);

#### A1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 505, Kalbaskraal (4839 m² in extent), be subdivided into Portion A (±1291 m² in extent), Portion B (±1291 m² in extent), Portion C (±1128 m² in extent), as well as a Remainder (±1129 m² in extent), as indicated on the approved subdivision plan;
- (b) The panhandles giving access to Portions A and B, be at least 4 m wide;
- (c) Building plans for all existing unauthorised building work on the subject property be submitted to the Senior Manager: Development Management for consideration and approval;
- (d) With reference to condition A3(a) below, the necessary building plans be submitted to the Senior Manager: Development Management for consideration and approval for the conservancy tanks at clearance stage;
- (e) The subdivision line maintain a distance of at least 6m between the existing dwelling on the remainder and Portion A given the fact that no application for departure was submitted for consideration;

#### A2 WATER

(a) The subdivided portions be provided with separate water connections at building plan stage;

#### A3 SEWERAGE

(a) The subdivided portions be provided with separate conservancy tanks with minimum capacity of 8000 litres, to the satisfaction of the Director: Civil Engineering Services, at building plan stage;

#### **A4 DEVELOPMENT CHARGES**

- (a) The owner/developer is responsible for a development charge of R7 623,35 (R10 890,50 x 0.7 for Single Res) per newly created portion, towards the bulk supply of regional water, at clearance stage. The amount is payable to Swartland Municipality, is valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA 9/249-176-9210);
- (b) The owner/developer is responsible for the development charge of R7 340,83 per newly created portion, towards bulk water reticulation, at clearance stage. The amount is payable to Swartland Municipality, is valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA: 9/249-174-9210);
- (c) The owner/developer is responsible for the development charge of R3 631,57 per newly created portion, towards sewerage and waste water treatment, at clearance stage. The amount is payable to the Municipality, is valid for the financial year of 2022/2023 and may be revised thereafter. (mSCOA: 9/240-184-9210);
- (d) The owner/developer is responsible for the development charge of R2 489,47 per newly created portion, towards roads and storm water, at clearance stage. The amount is payable to Swartland Municipality, is valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA: 9/247-144-9210);
- (e) The Council resolution of May 2022 makes provision for a 35% discount on development charges to Swartland Municipality, except for condition A4(a), which is payable in full. The discount is valid for the financial year 2022/2023 and can be revised thereafter:

#### B. **GENERAL**

- (a) The approval does not exempt the owner/developer from compliance with any other legislation;
- (b) The legal certificate which authorises transfer of the subdivided portions in terms of Section 38 of the By-Law will not be issued unless all the relevant conditions have been complied with:
- (c) Any existing services connecting the remainder and/or new portions, be disconnected and relocated, in order for each erf to have a separate connection and pipe work;
- (d) Should it be determined necessary to expand or relocate any of the engineering services in order to provide the development with connections, said expansion and/or relocation will be for the cost of the owner/developer;

6.2/B...

- (e) The approval is, in terms of section 76(2) (w) of the By-Law, valid for 5 years. All conditions of approval be implemented before transfer can take place, without which, the approval will lapse. However, should all the conditions of approval be met before the 5 year approval period lapses, the subdivision will be permanent and the approval period will not be applicable anymore;
- (f) Appeals against the decision of the Municipal Planning Tribunal should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the approval letter. A fee of R4 500,00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed;
- C. The application be supported for the following reasons:
  - (a) The proposed subdivision is consistent with local, provincial and national policy, supporting densification of urban areas:
  - (b) The development proposal is considered consistent with the provisions of the SDF:
  - (c) The proposed property sizes are consistent with the minimum erf size determined for the area, namely 1000 m<sup>2</sup>;
  - (d) The development will optimally connect to the existing services network;
  - (e) The proposal will generate new residential opportunities;
  - (f) The development proposal supports the optimal utilisation of the properties;
  - (g) The development proposal will not negatively impact on the character of the specific portion of Kalbaskraal.

#### 6.3 PROPOSED REZONING OF ERF 722, MALMESBURY (15/3/3-8) (WARD 10)

Ms A de Jager, the author of the item, gave background on the application received for the rezoning of Erf 722, Malmesbury from Residential Zone 1 to Business Zone 1 in order to convert the existing dwelling to accommodate offices.

Ms de Jager confirmed that the development proposal adheres to all spatial planning principles. No major structural changes to the house are proposed and thus the existing residential character of the area will be maintained, while promoting the establishment of the Malmesbury CBD.

#### **RESOLUTION**

A. The application for rezoning on Erf 722, Malmesbury be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the conditions that:

#### A1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 722 (862 m² in extent) be rezoned from Residential Zone 1 to Business Zone 1, and that the land use be restricted to said offices as presented in the application and per approved site development plan;
- (b) The sidewalk be maintained and a new site development plan be submitted to the Senior Manager: Development Management to address the layout of the parking area and landscaping of the sidewalk for consideration and approval;
- (c) The parking area and driveway be finished with a permanent, dust free surface, whether it be tar, concrete, paving or any other material pre-approved by the Director: Civil Engineering Services;
- (d) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (e) The operating hours of the offices be restricted to 07:00 am 18:00 pm from Monday to Friday, 08:00 am 17:00 pm on Saturday and closed on Sundays, Good Friday and Christmas Day;
- (f) Application be made to the Senior Manager: Development Management for the right to display the name board/sign of the facility on the site;

6.3/A1...

(g) Application be made to the Senior Manager: Development Management for a business licence;

#### A2 WATER

(a) The property be provided with a single water connection and that no additional connections be provided;

#### A3 SEWERAGE

(a) The property be provided with a single sewerage connection and that no additional connections be provided;

#### B. **GENERAL**

- (a) The approval is, in terms of section 76(2)(w) of the By-Law valid for a period of 5 years. All conditions of approval be complied with before the occupancy certificate be issued. Failure to comply will result in the approval expiring;
- (b) Appeals against the decision of the Municipal Planning Tribunal should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the approval letter. A fee of R4 500,00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.
- C. The application be supported for the following reasons:
  - (a) The application complies with the planning principles of LUPA and SPLUMA;
  - (b) The application is compliant with the spatial planning of Malmesbury, as directed by the SDF;
  - (c) The proposed offices will complement and not have a negative impact on both the earmarked CBD, but also the residential character of the surrounding area;
  - (d) The development proposal supports the optimal utilisation of the property;
  - (e) Sufficient services capacity exists to accommodate the proposed offices;
  - (f) Sufficient on-site parking bays are provided for the proposed offices;
  - (g) Health and safety issues are not concerns, as the proposed offices are considered a low impact, low-risk, low noise activity;
  - (h) The noise impact of the offices on the tranquillity of the neighbourhood is deemed to be negligible;
  - (i) The development is foreseen to create employment opportunities and to subsequently assist in strengthening the local economy.

(SIGNED) J J SCHOLTZ CHAIRPERSON



## Verslag ◆ Ingxelo ◆ Report

Office of the Director: Development Services
Department: Development Management

28 March 2023

15/3/6-14/Erf\_2076

Ward: 5

# ITEM 6.1 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY 12 APRIL 2023

		LAND USE PLANN SUBDIVISION OF		RFONTEIN	
Reference number	15/3/6-14/Erf_2076	Submission date	29 November 2022	Date finalised	30 March 2023

#### PART A: APPLICATION DESCRIPTION

The application for the subdivision of erf 2076, Yzerfontein, in terms of section 25(2)(d) of Swartland Municipality: Municipal Land Use Planning By-law (PG 8226 of 25 March 2020) has been received. It is proposed that Erf 2076 (1152m² in extent) be subdivided into portion A (501m² in extent) and portion B (651m² in extent).

The applicant is C K Rumboll & Partners and the owner is Ms WC Venter

PART B: PROPERTY D	ETAIL	.s									
Property description (in accordance with Title Deed)		076 Y: ern Ca	zerfontein, si ape	tuated in the	: Swa	artland Mun	nicipali	ty; Malmesb	ury Divis	ion, P	rovince
Physical address	5 Mo	5 Mossel Street Town Yzerfontein									
Current zoning	Resid	dential	Zone 1	Extent (m²/l	ha)	1152m²		Are ther buildings on		isting erty?	YN
Applicable zoning scheme	Swar	Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020)						n 2020)			
Current land use	Vaca	nt					Title numl	Deed ber & date	T12319	)/2020	
Any restrictive title conditions applicable	Υ	N	If Yes, list c number(s)	ondition							
Any third party conditions applicable?	Υ	N	If Yes, spec	cify							
Any unauthorised land use/building work	Υ	N	If Yes, expla	ain							

#### PART C: LIST OF APPLICATIONS (TICK APPLICABLE)

Rezoning	Permanent departure	Temporary departure	Subdivision	<b>✓</b>
Extension of the validity period of an approval	Approval of an overlay zone	Consolidation	Removal, suspension or amendment of restrictive conditions	
Permissions in terms of the zoning scheme	Amendment, deletion or imposition of conditions in respect of existing approval	Amendment or cancellation of an approved subdivision plan	Permission in terms of a condition of approval	
Determination of zoning	Closure of public place	Consent use	Occasional use	

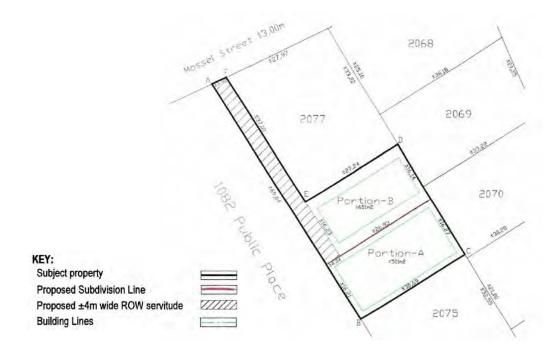
Disestablish a home owner's association	Rectify failure by home owner's association to meet its obligations	Permission for the reconstruction of an existing building that constitutes a non-conforming use
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#### PART D: BACKGROUND

Erf 2076, Yzerfontein is zoned Residential zone 1 and is currently vacant.

The owner intends to subdivide the erf into 2 portions.

Portion A will receive access via a right of way servitude over portion B. Please refer to the proposed subdivision plan below as well as attached as Annexure B.



#### PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?	Y	N	If yes, provide a brief summary of the outcomes below.
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#### PART F: SUMMARY OF APPLICANT'S MOTIVATION

(Please note that this is a summary of the applicant's motivation and it, therefore, does not express the views of the author of this report)

The applicant motivates that the proposed development will not affect the zoning of the property as the current zoning will still be maintained with corresponding land uses.

The proposed development to create smaller plots will not adversely affect the existing residential character, but rather strengthen it by making new residential opportunities available on existing land.

The subdivision of Erf 2076 does not intend on changing the use of the property and will therefore be in accordance with the Swartland Municipal Spatial Development Framework as stated under Yzerfontein Land Use Zone Proposal for Zone B (pg. 162). The proposed subdivision will adhere to the minimum size of 500m² as stipulated for the area. The applicant motivates that the proposed subdivision can therefore be considered desirable with regards to the Swartland SDF, Amendment 2018/2019, as it aims to promote densification within residential areas within Yzerfontein.

The applicant continues that densification doesn't only restrict urban sprawl; it also supports and promotes the optimal use of land, infrastructure and services within the urban context. Infill development and densification of areas to develop undeveloped land, is one of the main effective planning tools to decrease urban sprawl.

The applicant motivates that the proposed development supports the principles of Chapter VI (Article 59) of the Land Use Planning Act, Act 3 of 2014, and Chapter 2 (Article 7) of the Spatial Planning and Land Use Management Act, Act 16 of 2013.

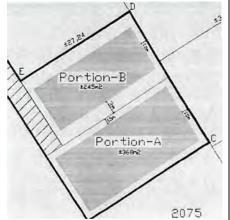
There is a tendency for owners to invest in smaller properties. Smaller erven are easier to maintain and creates new housing opportunities. The proposed subdivision aims at dividing the property into Portion A (±501m²) and Portion B (±651m²). Ownership of land is one of the economic pillars of the South African economy. In most cases the possession of land represents the largest portion of an individual's estate. The free trading of parcels of land is an acknowledged form of accumulation of wealth. The South African landscape offers investors the opportunity to subdivide and consolidate as the market dictates.

With regard to the development space of the portions, the applicant illustrates that the developable space available with a coverage of 50% and the building line restrictions of the rear (3m) and side (1,5m) boundaries respectively:

Portion A: ±368m2Portion B: ±245m2

The subdivided portions will be connected to the existing services network.

Application is also made for the registration of a right of way servitude in terms of section 34(1)(g)(v) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) to provide access to the proposed portion A. The proposed servitude will be 4m wide,  $\pm 69,84m$  in length and connects to Mossel Street. The 4m wide right of way servitude will be sufficient to provide access to the proposed Portion A.



The applicant notes that there are no physical restrictions on the property that will have an impact on the subdivision.

The applicant states that there is a restriction registered against the title deed of the property that was imposed by the developer, Yzerfontein Seaside Estates. Please refer to a copy of the title deed attached as Annexure D attached.

The applicant states that Yzerfontein Seaside Estates was liquidated in 2010 and is now trading as Yzerfontein Property Developers. The applicant provided a copy of the consent to the proposed subdivision as per attached Annexure E. The applicant is therefore of opinion that a formal application for the removal of a restrictive title condition is not needed.

#### PART G: SUMMARY OF PUBLIC PARTICIPATION

Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipal: Bylaw on Municipal Land Use Planning?

Y

Ν

With reference to Section 56(2) of the By-Law, a total of 10 notices were sent via registered post and per e-mail to the owners affected by the application.

Total valid comments	2			Total co	mme	nts a	and	petitions refused	0
Valid petition(s)	Υ	N	If yes, nur signatures	mber of					
Community organisation(s) response	Υ	N	Ward counc	illor respo	nse	Υ	N	The application wa	as forwarded to councillor, but e forthcoming.
Total letters of support	0								

Name Date received		Summary of comments		Recomme	ndation
				Positive	Negative
Department: Civil Engineering Services	1 December 2022	(b) Development charges to the w.r.t. the bulk supply of war.  2. Sewerage  (a) Each subdivided portion be 8000liters. The connection condition is applicable on the below the condition is applicable on the condition i	provided with a separate conservancy tank with a minimum capacity of n be placed as such that it is accessible for the service truck. This	X	
Building control	6 December 2022	No comment		X	
Protection services	29 December 2022	No comment		x	
Department: Electrical Engineering Services	1 December 2022	owner/developer; (b) Any relocation of electrical of (c) Any electrical inter-connection (d) The electrical connections be (e) Additional to the abovement the subdivided erven. Pleas	provided with a separate electrical connection, costs to be borne by the cables will be for the owners / developers account. on be isolated and completely removed. e connected to the existing low-voltage network. ioned the owner/developer must pay for the electrical connections to e contact the Director: Electrical Engineering Services for a quotation; arges to the amount of R 10 419.00 payable on each newly created w.r.t bulk electrical services.	х	

The objection is based on the following reasons:

1. Impact on water supply/demand:

The objectors are concerned about the increase demand for water as well as there being a lack of resources as they are constantly reminded to conserve water.

2. Impact on Electrical supply/demand:

The objectors are concerned that the proposed subdivision will add to the overloading of the existing struggling electrical supply utility (ESKOM).

3. Impact on Sewerage "removal" system:

The objectors state that during the holiday season last year, the municipal sewage truck was unable to meet the demand and a privately owned sewage truck (company) assisted with the overflow! The objectors are of opinion that adding additional dwelling units to properties designed for a single dwelling unit will worsen demand during holiday seasons and raise "overall" costs when the local municipality needs to extend their services (additional sewage truck, personnel etc.)

4. Environmental impact:

HGJ & H van

Schalkwyk as

the registered

owners of Erf

2068

The objectors are of opinion that with the proposed subdivision of the property, there will be additional vehicle movement through the "panhandle" entrance to the properties, which will have a "double" impact on the natural vegetation and wildlife on the adjacent Public Open Space (ERF 1082).

The unspoilt beauty of these public open spaces should be protected as far as possible, as it forms an integral part of the natural habitat of the west coast.

1. The applicant in response to the objections / concerns regarding the possible impact on municipal engineering services state that they contacted the Swartland Municipal Department of Civil Engineering whom confirmed that the proposed subdivision will not have a significant impact on the existing services network.

The applicant also states that it is confirmed that sufficient capacity of services in all three of these departments.

- 2. Please refer to the comments above
- 3. Please refer to the comments above

4. The applicant states that it should be noted that residential development has the lowest impact on traffic of any development and the additional traffic will occur within the existing panhandle of Erf 2076 and not on Erf 1082. The applicant motivates that the additional traffic on Erf 2076, will therefore not have any impact on natural vegetation and wildlife on Erf 1082.

The applicant continue by explaining that the subject property is zoned Residential zone 1 and can therefore be developed within the parameters of the current zoning. The applicant argues that with the 50% split the footprint of the proposed subdivision will not have an adverse impact on the environment.

1. 2. & 3.

The concerns regarding the services network being under strain / experiencing shortages are noted. As confirmed by the relevant department, sufficient capacity exist within the existing services network in order to accommodate the proposed subdivision.

4. The volume of traffic to be generated by the proposed subdivision is insignificant. The impact on the environment will be no more than that which is existing. The proposed subdivision will not have a negative impact on the abutting open space.

5. Impact on the property's "coverage":

The objector states that the allowed coverage, as in accordance with the Swartland Municipality Land Use Planning By-law 2020, on the property will be increased from 500m² (erven with a net area larger than 1000m²) to 576m² (50% coverage - erven with a net area less than 1000m²) - Proposed erf units 1 and 2: 501m² = 250.5m² coverage and 651m² = 325.5m² coverage, respectively.

The increased coverage on the parcel of land (despite being divided into two separate units) will have an impact on the immediate area and surroundings.

6. Visual appearance / impact on the surrounding properties:

By increasing the density on this piece of land (two dwelling units on the sub-divided property) it will have a negative impact on the surrounding properties, as they are all individually designed stand-alone dwelling units, fittingly placed on the original sized properties, with lovely "open" spaces between, respecting each other.

7. The objectors urge the applicant to respect the neighbouring properties and not play a role in establishing a president for other landowners who may follow suit. The west Coast's unique landscape necessitates a cautious approach to development and the prohibition of any decision-making processes that will have a negative long-term impact on the environment.

Development will only take place on erf 2076, having no overflow impact on erf 1082.

5. & 6.

The applicant motivates that, with reference to Chapter 5 of the Spatial Development Framework it is stated that the character and historical context of surrounding environments and densify by means of infill development and willingness of owners to subdivide keeping in mind existing zonings, the character of surrounding environments and the unique sense of place and historical context of specific areas, should be protected.

Densification, according to the applicant is and should be promoted where necessary in all urban areas within the Swartland Municipality.

Even with the subdivision, the newly created properties will still comply with the prescribed building parameters (coverage) for Residential Zone 1 zoned properties.

Considering the proposed building plans, as proposed, the two dwellings will be  $\pm 384 \text{m}^2$  (192m² each) which is less than the permitted 500m².

The applicant is also of opinion that the impact of the development of Erf 2076 on immediate area and surroundings will remain indifferent regardless if there are two smaller dwellings (250,5m<sup>2</sup>+325,5m<sup>2</sup>) or one larger dwelling of (576m<sup>2</sup>).

7. The applicant motivates that the proposal will not establish a president for landowners to subdivide in the surrounding area (although the Swartland SDF promotes densification through subdivision in this area), as most of the surrounding properties are less than 1000m² in size, which is the minimum requirement to subdivided the property. Furthermore, each application should be evaluated on its own merits.

5. The objectors concern regarding the possible increase in coverage is noted. It could however be argued that the two separate units with the applicable building lines between them (4,5m in total) will have a much lesser impact than a dwelling with a 500m² footprint.

6. The proposed subdivision will not have a negative impact on the surrounding properties especially in terms of visual appearance. It could be argued that the applicable building lines will enhance the possible views enjoyed by erf 2070. Creating a fairly wide, 4,5m corridor between the potential structures.

7. The proposed subdivision's impact on neighbouring properties will be minimal to none and as explained above, there will be no further environmental impact than what the existing rights permit. Infill development, as proposed are specifically supported as it limits urban sprawl an associated impacts on the environment.

 The objector is of opinion that the newly created erven will be significant smaller than the average erf size in Pearl Bay, which is generally characterized by large residential properties.

The proposed subdivision will likely have an adverse impact on the natural aesthetics and existing (lower density) character of the area.

The objector states that densification (albeit incremental) should be promoted in areas closer to CBD's (and higher order business nodes) where there is higher number of employment opportunities, easy access to schools, medical services etc. The applicant fails to motivate how the subdivision will benefit area and/or its residents.

8. The applicant states that the Municipal Council has made a decision as of Nov 20th, 2013: that the minimum erf sizes of each urban settlement within the Swartland Municipality should be 500m2 for Residential Zone 1. Therefore, the subdivision of Erf 2076, Yzerfontein with the divided property into Portion A with a size of 501m² and Portion B with a size of 651m², will meet the requirements set out by the Land Use Scheme of the Swartland Municipality and Spatial Development Framework. Furthermore. The applicant motivates that the Swartland Municipal Land Use Planning By-Law categorise erven with an average erf size of 500m² and larger as low density residential development.

The proposal therefore complies with the low density area in which the property is located. Referring to the figure below, erven 2071 and 2072 are similar in size to what is proposed with the development on Erf 2076, Yzerfontein.

The subdivision will therefore not have an adverse impact on the character of the surrounding area.

The applicant motivates further that densification is and should be promoted where necessary in all urban areas within the Swartland Municipality.

Erf 2076 is located in Zone B of the Yzerfontein Spatial Development Land Use Proposals plan, which earmarks the area for; "mainly of low density residential uses along the coastal stretch to the south, with a proposed node along the beach front as well as areas for medium and high density housing opportunities.

The Swartland SDF, 2019, strives to guide current and future development in the region by determining strategic policy directives and proposals to ensure sustainable development. The following are extracts from the Swartland SDF for Yzerfontein:

 Increase density for next 20 years (which ends in 2028) from the current 6.8 units per hectare to 7.8 units per hectare in Yzerfontein. 8. Please refer to Annexure I. Clearly the smallest Residential Zone 1 property, currently in the vicinity of erf 2076, is erf 2978 which was recently subdivided from erf 1042, Yzerfontein. It is also evident that a number of properties exist in the vicinity that is of similar size.

It is agreed that higher density development for example, flats and town housing should be accommodated in or near the CBD as well as along identified activity streets. The proposed subdivision, given the size of the proposed portions, is therefore not seen as objectionable nor will it have a negative impact on the character of the area.

Please refer to the summary of the applicants' motivation as contained in Part F of this report.

Liesel Engelbrecht on behalf of Liewil Trust owners of erf 2075, 6 Kelp Street, Pearl Bay Yzerfontein

- Densify in accordance with zone proposals through: Subdivision (sectional title) Infill development and Renewal and restructuring Sectional title subdivision of existing houses on single residential erven.
- Keep minimum single residential eff size of 500m<sup>2</sup>
- To ensure that each of the urban settlements is developed to their full potential, the following guidelines and strategies are proposed:
  - Urban Area: Planning Guidelines and Directives PG4: Promote densification within urban areas.
  - PG6: Support densification as depicted in the WCPSDF and a compact town form supported in I-UPA and SPLUMA within the spatial sustainable and spatial efficient planning principles LUPA and SPLUMA to ensure sustainable and viable urban areas.
  - D13: Support the following methods to promote densification in the Swartland:
  - Infill of erven; Development of existing vacant ("Brownfield") areas in urban areas; Double storey and semidetached dwelling units; Subdivision of erven, second dwellings and sectional title developments; Renewal of existing areas (demolish buildings for higher density developments or re-develop existing buildings);

Considering the above, the proposed subdivision of Erf 2076 is supported by the Swartland Spatial Development Framework for the area in which Erf 2076 is located. With the proposed development, the creation of a spatially efficient and compact urban form is promoted by applying sustainable infill development in an area consisting over potential for higher density residential development.

9. The objector states that the current application does not indicate the position of the future dwellings on the respective properties. The subdivision creates reduced developable areas, which may result in the future dwelling (on newly created Portion A) being positioned closer to their property than what would ordinarily be the case with a large residential erf.

She is therefore of opinion that the approval of the proposed subdivision will have a significant impact on her constitutional right to privacy.

9. The applicant responds by stating that the Municipal Council can evaluate an application for the subdivision of vacant erven or farms without the procurement of future building plans. Their client, however has engaged the services of an architect to design building plans for both Portion A and Portion B, which can be viewed below as well as attached as an annexure to the comments on the objections.

Notably, the proposed building plans conform to the building parameters prescribed for Residential Zone 1, The Swartland Municipal Land Use Planning By-Law stipulates that a 1.5m side building line is sufficient to ensure the privacy of neighbouring property owners. However, the owner of Erf 2076 has taken extra measures in the planning and positioning of the houses to further enhance the privacy of the surrounding neighbours. For instance, the proposed dwelling on Portion A will be situated approximately 4m from the boundary of Erf 2075 instead of the required 1.5m.

9. The concern of the objector is noted and can be included as a condition of approval that the same distance apply. As it stands, there is a 3m rear building line restriction applicable as contained in the title deed of erf 2076. Once subdivided, portion A does not have a rear boundary and therefore the applicable building line along the communal boundary of erf 2076 and the objectors property, erf 2075 will only be 1,5m. It would therefore be reasonable and fair to impose a condition of approval that the 3m building line on the southern boundary of the proposed portion A be maintained. The best way to do that is to include it on the title deed of the newly created portion A, in favour of the owners of properties directly affected by the said building line, which are erven 2070, 2071 and 2075.



mentioned in the previous response. The proposed subdivision and future placement of units will adhere to the prescribed building lines and no departure are applied for.  The applicant adds that according to the Spatial Planning Land Use Management Act (SPLUMA): "A competent authority contemplated in this Act or other relevant authority considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome."  The outcome of this application can therefore not be adversely affected solely on grounds that it may have an adverse impact on the resale value.  The applicant concludes that the application for the subdivision Erf 2076, Yzerfontein and the registration of servitude right of way, therefore any objection in reference to the potential construction of dwelling units is subject to the owner of the property and thus not applicable to the application.	concerned that the co dwelling 1.5m from the co (i.e. common to my Erf adversely impact the res	has the right to a line, in this partic from the side bo 2075, given the mentioned in proposed subditional units will adhere and no departure.  The applicant and other relevant and before it, may not exercise of its ditthe value of land outcome."  The outcome of be adversely affer have an adverse of dwelling units of dwelling units of dwelling units of the particular of	construct a dwelling on a building ular case, the building line of 1,5m undary between Erf 2076 and Erf ne requirements are met as the previous response. The vision and future placement of to the prescribed building lines are applied for.  Idds that according to the Spatial Use Management Act (SPLUMA): thority contemplated in this Act or athority considering an application of the impeded or restricted in the scretion solely on the ground that or property will be affected by the this application can therefore not ected solely on grounds that it may impact on the resale value.  Includes that the application for the 2076, Yzerfontein and the rvitude right of way, therefore any tence to the potential construction is subject to the owner of the	10. The concern of the objector will be sufficiently addressed with the imposition of the abovementioned condition.

#### PART J: MUNICIPAL PLANNING EVALUATION

#### 1. Type of application and procedures followed in processing the application

The application was submitted in terms of the By-Law on 29<sup>th</sup> of November 2022. The public participation process commenced on 15<sup>th</sup> of December 2022 and ended on 27<sup>th</sup> of January 2023 (affected parties and internal departments). The objections were received and referred to the applicant for comments on 2<sup>nd</sup> of February 2023. The municipality received the comments on the objections on the 28<sup>th</sup> of February 2023. Please refer to the comments attached as Annexure H.

Division: Planning is now in the position to present the application to the Swartland Municipal Planning Tribunal for decision making.

#### 2. Legislation and policy frameworks

- 2.1 Matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA
- a) <u>Spatial Justice:</u> The proposed subdivision supports higher density and enhances the availability of alternative residential opportunities, making the area more accessible to a wider range of society;
- b) <u>Spatial Sustainability:</u> The proposed development promotes the intensive utilisation of engineering services, without additional impact on the natural environment. Urban sprawl is contained through densification;
- c) <u>Efficiency</u>: The development proposal promotes the optimal utilisation of services on the property and enhance the tax base of the Municipality;
- d) <u>Good Administration:</u> The application and public participation was administrated by Swartland Municipality and public and departmental comments obtained;
- e) Spatial Resilience: The proposed subdivision creates more affordable housing typologies in Yzerfontein.

It is subsequently clear that the development proposal adheres to the spatial planning principles and is thus consistent with the abovementioned legislative measures.

#### 2.2 Provincial Spatial Development Framework (PSDF, 2014)

The PSDF describes tourism as one of the underpinning factors within the urban space economy. The development proposal can contribute to providing in the need for tourist accommodation in Yzerfontein, while minimally impacting on the character of its environment. The PSDF, 2014 also supports densification.

The development proposal may therefore be deemed consistent with the PSDF.

#### 2.3 West Coast District SDF (WCDSDF, 2020)

In the WCDSDF, 2020 it is stated that the functional classification for Yzerfontein is tourism and according to the growth potential study Yzerfontein has a Medium growth potential.

The built environment policy of the WCDSDF states local municipalities should plan sustainable human settlements that comply with the objectives of integration, spatial restructuring, residential densification and basic service provision. Priority should also be given to settlement development in towns with the highest economic growth potential and socioeconomic need.

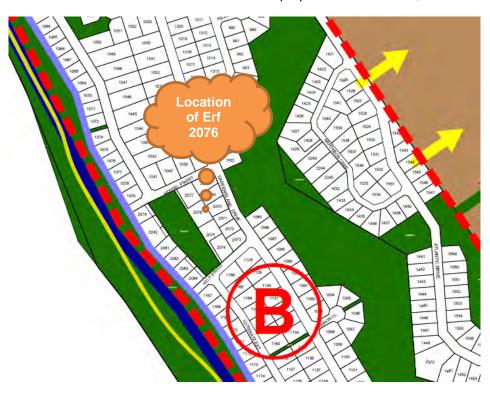
The proposal is thus consistent with the WCDSDF.

#### 2.4 Spatial Development Framework(SDF)

The subject property is situated in an area demarcated as Land use Proposal Area B, as per the spatial proposals for Yzerfontein contained in the SDF, 2019. The Pearl Bay area, as it is also known, consists mainly of low density residential uses along the coastal stretch to the south, with a proposed node along the beach front as well as areas for medium and high density housing opportunities. Low and Medium density residential uses are supported in this area.

Furthermore the proposed erf sizes complies with the minimum erf size of 500m<sup>2</sup> as prescribed by the SDF. The proposed subdivision is seen as densification and the optimal use of land and infrastructure.

The proposal is therefore deemed consistent with the land use proposals of the MSDF, 2019.



It is subsequently clear that the development proposal adheres to the spatial planning principles and is thus consistent with the abovementioned policy and legislative measures.

#### 2.5 Schedule 2 of the By-Law: Zoning Scheme Provisions

Erf 2076, Yzerfontein is zoned Residential Zone 1. The proposed subdivision will not affect the zoning of the property.

#### 2. Desirability of the proposed utilisation

Erf 2076, Yzerfontein is zoned Residential zone 1 and is currently vacant. Erf 2076 does not have any physical restrictions which may negatively affect the application.

The character of the surrounding area includes single residential properties, most of which has already been developed. The proposed erf sizes of >500m² are in keeping with the erf sizes of the surrounding properties and will not affect the character of the area.

The proposed subdivision promotes densification and the optimal use of land and infrastructure, making it in compliance with provincial and municipal planning policy.

Sufficient services capacity exist in order to provide the newly created erf with services.

There are no restrictions in the title deed of erf 2076 which affects this application. The one restriction in the title deed referred to by the applicant states that:

- (c) SUBJECT FURTHER to the following conditions contained in Deed of Transfer T42263/2001 imposed by the Transferor Yzerfontein Seaside Estates (Proprietary) Limited to his advantage as owner of the remainder of Erf 1332 Yzerfontein held by aforementioned Certificate of Registered Title Number T4850/1988:
- 1. Hierdie erf mag nie onderverdeel word nie:
- 2. Hierdie erf sal uitsluitlik gebruik word vir enkel residensiële doeleindes.
- 3. Nog nie oordragnemer of sy opvolgers in titel mag aansoek doen by die Plaaslike oorgangsraad van Yzerfontein of enige ander owerheid om die eiendom te hersoneer nie."

The above mentioned restriction was imposed in favour of the developer as owner of the remainder of erf 1332, Yzerfontein. Erf 1332 was transferred to the Municipality in 2020 and therefore the developer does not have any right to the said advantage imposed by this restriction anymore. The consent from Yzerfontein Property Developers (previously Yzerfontein Seaside Estates) is noted, however it is deemed not relevant.

Surrounding property values are deemed not be affected as the proposed subdivision will not impact negatively on the character of the area. The building lines created will in effect enhance the possible views enjoyed by erven 2069 and 2070.

The development potential of the newly created erven are in keeping with the character of the area.

#### 3. Impact on municipal engineering services

Sufficient services capacity exist in order to provide the newly created erf with services.

#### PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

N/A.

The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal

N/A

The social benefit of the restrictive condition remaining in place, and/or being removed/amended

N/A

Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some rights N/A

#### PART L: RECOMMENDATION WITH CONDITIONS

A. The application for the subdivision of erf 2076, Yzerfontein be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2021), subject to the conditions that:

#### 1. TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 2076, Yzerfontein (1152m² in extent) be subdivided into portion A (501m² in extent) and portion B (±651m² in extent) as presented in the application;
- (b) A restriction be imposed on the title deed of portion A that a 3m building line be maintained on the southern boundary in favour of erven 2070, 2071 & 2075, Yzerfontein;
- (c) The legal certificate which authorises transfer of the subdivided portions in terms of Section 38 of the By-Law will not be issued unless all the relevant conditions have been complied with;

#### 2. WATER

(a) Each subdivided portion be provided with a separate water connection and meter at building plan stage;

#### 3. SEWERAGE

(a) Each erf be provided with a conservancy tank with a minimum capacity of 8000 litres which is accessible for the municipal sewerage truck from the street. This condition is applicable at building plan stage;

#### 4. ELECTRICITY

- (a) Each subdivided portion be provided with a separate electrical connection, costs to be borne by the owner/developer;
- (b) Any relocation of electrical cables will be for the owners / developers account.
- (c) Any electrical inter-connection be isolated and completely removed.
- (d) The electrical connections be connected to the existing low-voltage network.
- (e) Additional to the abovementioned the owner/developer must pay for the electrical connections to the subdivided erven. Please contact the Director: Electrical Engineering Services for a quotation;

#### 5. DEVELOPMENT CHARGES

- (a) The owner/developer is responsible for a development charge of R5 445,25 per newly created erf towards the bulk supply of regional water, at clearance stage. The amount is payable to the Swartland Municipality, valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA 9/249-176-9210);
- (b) The owner/developer is responsible for the development charge of R4 502,25 per newly created erf towards bulk water distribution, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA: 9/249-174-9210);

- (c) The owner/developer is responsible for the development charge of R5 612,00 per newly created erf towards sewerage, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA: 9/240-184-9210).
- (d) The owner/developer is responsible for the development charge of R8 280,00 per newly created erf towards waste water treatment works, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2022/2023 and may be revised thereafter. (mSCOA: 9/240-183-9210);
- (e) The owner/developer is responsible for the development charge of R11 500,00 per newly created erf towards roads, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2022/2023 and may be revised thereafter. (mSCOA: 9/247-188-9210);
- (f) The owner/developer is responsible for the development charge of R3 414,35 per newly created erf towards storm water, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2022/2023 and may be revised thereafter. (mSCOA: 9/247-144-9210);
- (g) The owner/developer is responsible for the development charge of R10 419,00 per newly created erf towards electricity, at clearance sage. The amount is payable to the Municipality, valid for the financial year of 2022/2023 and may be revised thereafter. (mSCOA: 9/253-164-9210);
- (h) The Council resolution of May 2022 makes provision for a 35% discount on capital contributions to Swartland Municipality, except for condition 5.(a), which is payable in full. The discount is valid for the financial year 2022/2023 and can be revised thereafter;

#### 6. GENERAL

- (a) Any existing services connecting the remainder and/or new portions, be disconnected and relocated, in order for each erf to have a separate connection and pipe work;
- (b) Should it be deemed necessary to extend the existing services network in order to provide the subdivided portions with service connections, it will be for the cost of the owner/developer;
- (c) The approval is, in terms of section 76(2)(w) of the By-Law, valid for 5 years. All conditions of approval be implemented within these 5 years, without which, the approval will lapse. Should all the conditions of approval be met before the 5 year approval period lapses, the subdivision will be permanent and the approval period will not be applicable anymore.
- (d) Appeals against the Tribunal decision be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the approval letter. A fee of R4 500, 00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal to be valid. Appeals received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.
- B. The registration of a 4m wide right-of-way servitude over proposed portion B, in favour of the newly created Portion A of Erf 2076, Yzerfontein, complies with the requirements of Section 34 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) and is thus exempted from approval from Swartland Municipality;

Kindly provide Swartland Municipality with copies of the approved Surveyor General diagram for record keeping purposes.

#### PART M: REASONS FOR RECOMMENDATION

- 1. The proposal is consistent with the spatial proposals of the Municipal SDF, 2019.
- 2. The proposal is consistent with the minimum erf size determined by the SDF, namely 500m<sup>2</sup>.
- 3. The development promotes densification in an urban area, consistent with national, provincial and local legislation and policy.
- 4. The proposal complies with the principles of LUPA and SPLUMA.
- 5. The zoning of the properties will remain unchanged and consistent with the character of the area.
- 6. The rights of the surrounding land owners will not be negatively impacted.
- 7. The subdivision promotes the optimal utilisation of land and the existing engineering services.
- 8. There are no physical restrictions that prevent the subdivision from being approved.
- 9. Property values of the surrounding properties will not be affected negatively.
- 10. The concern raised by the objector regarding the applicable rear building line is mitigated with the imposition of a condition of approval to maintain the 3m building line along the communal boundary of erven 2075 & proposed portion A.

#### **PART N: ANNEXURES**

Annexure A: Locality plan

Annexure B: Subdivision plan

Annexure C: Public participation plan

Annexure D: Copy of the Title deed

Annexure E: Consent from Yzerfontein Property Developers

Annexure F: Objection from

Annexure G: Objection from

Annexure H: Comments from the applicant on the objections

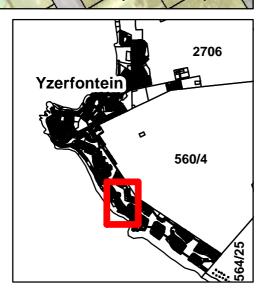
Annexure I: Indication of the extent of properties in the vicinity of erf 2076, Yzerfontein

PART O: APPLICANT DETA	AILS				
First name(s)	C.K. Rumboll and Partners				
Registered owner(s)	Ms Wilhelmina Christina Venter	Is the applicant authorised to sapplication:	ubmit this	Υ	N
PART P: SIGNATURES					
Author details: Herman Olivier Town Planner SACPLAN: A/204/2010		pori	Date: 30 March	2023	
Recommendation: Alwyn Zaayman		Recommended	Not recommended		
Senior Manager Developmer SACPLAN: B/8001/2001	nt Management	Jugayman	Date: 31 March	2023	

### **ANNEXURE A**

# LOCATION PLAN PROPOSED SUBDIVISION OF ERF 2076, YZERFONTEIN





Scale 1: 2000 [A4]

# Subdivision Plan Erf 2076 YZERFONTEIN



KEY:

Subject property

Proposed Subdivision Line

Proposed ±4m wide ROW servitude Building Lines



NOTES:

Figure ABCDEF represents Erf 2076, Yzerfontein, with subdivided portions of the following:

Portion A: ±501m<sup>2</sup> Portion B: ±651m<sup>2</sup>

Total Area of Erf 2076: ± 1152m<sup>2</sup>

PHYSICAL ADDRESS:

MOSSEL STREET, YZERFONTEIN, 2076

NOTE:

ALL AREAS AND DISTANCES ARE SUBJECTED TO SURVEYING

COMPILED BY:



C.K. RUMBOLL & PARTNERS TOWN PLANNERS PROFESSIONAL SURVEYORS 16 RAINIER STREET, MALMESBURY Tel: 022 - 4821845 Fax: 022 - 4871651

Email: planning4@rumboll.co.za

DATE: AUTHORITY:

NOVEMBER 2022

AUTHORITY: SWARTLAND MUNICIPALITY

REF: YZER/12890 No.

Drawing done by Ellenne Malan

Planner for CK Rumboll & Partners

## **ANNEXURE C**

### Liggingsplan

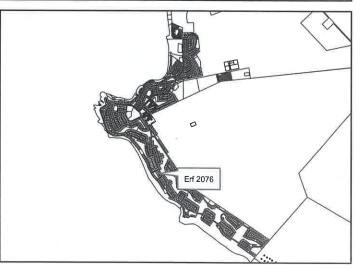


Voorgestelde onderverdeling en vrystelling

Erf 2076, Yzerfontein

Publieke deelname

Skaal: NVT

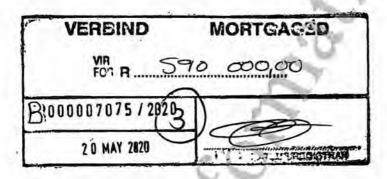


-24-



CONVEYANCER MONICA KORF

	Amount	Office Fee
Purchase Price	1180 and a	R 1220 a
		Exemption it o.



T 000012319/2020

### **DEED OF TRANSFER**

BE IT HEREBY MADE KNOWN THAT

ANTON LUTHER POSTHUMUS

appeared before me, the Registrar of Deeds at Cape Town, the said appearer, being duly authorised thereto by a power of attorney granted to them by

JOHANNES STEPHANUS SPAMER Identity Number 720514 5093 08 2 Unmarried

signed at BRACKENFELL on 26 FEBRUARY 2020

De

CONCALVES

DATA / CAPTURE 1 2 -08- 2020

ELIZABETH VAN TONDER

Page 1 of 4

And the appearer declared that:

Whereas the Transferor had truly and legally sold the undermentioned property on 28 January 2020 by Private Treaty

Now therefore the Appearer on behalf of the Transferor, did by these presents, cede and transfer to and on behalf of

WILHELMINA CHRISTINA VENTER Identity Number 680912 0216 08 8 Married out of Community of Property

her heirs, executors, administrators or assigns, in full and free property

ERF 2076 YZERFONTEIN IN THE SWARTLAND MUNICIPALITY DIVISION MALMESBURY PROVINCE OF THE WESTERN CAPE

IN EXTENT 1152 (ONE THOUSAND ONE HUNDRED AND FIFTY TWO) SQUARE METRES

FIRST TRANSFERRED and STILL HELD by Deed of Transfer Number T42263/2001 with General Plan Number TP11828 relating thereto.

A.B.

SUBJECT to the conditions referred to in Deed Of Transfer No T17863/1945.

SUBJECT FURTHER, to the following conditions contained in aforementioned Consolidated.

Certificate of Uniform Title Number T17863/1945 and imposed by the Administrator of the Province of the Cape of Good Hope in terms of the Ordinance No 33 of 1934, when approving the Yzerfontein Township Extension No 5, namely:

- Any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them by the regulations published under Provincial Administration Notice No 623 dated 14 August 1970.
- In the event of a Town Planning Scheme or any portions thereof applying or being made applicable to this erf, any provisions thereof which are more restrictive than any condition of title applicable to this erf shall take precedence. Furthermore, nothing in these conditions shall be construed as overriding the provisions of Section 17 of Ordinance No 19 of 1976, as amended.
- No building on this erf shall be used or converted to use for any purpose other than that permitted in terms of these conditions.
- 4. The owner of this erf shall, without compensation be obliged to allow gas mains, electricity, telephone and television cables and/or wires and main and/or other waterpipes and the sewage and drainage, including stormwater of any other erf or erven inside or outside this township to be conveyed across this erf and surface installations such as mini-substations, meter kiosks and service pillars to be installed thereon if deemed necessary by the local or any other statutory

atutory

authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any work connected with the above.

- 5. The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.
- This erf shall be used only for such purposes as are permitted by the Town Planning Scheme of the local authority and subject to the conditions and restrictions stipulated by the scheme.
- 7. (a) This erf be used solely for the purpose of erecting thereon one dwelling or other buildings for such purposes as the Administrator may, from time to time after reference to the Township Board and the local authority, approve, provided that if the erf is included within the area of the Town Planning Scheme, the local authority may permit such other buildings as are permitted by the scheme subject to the conditions and restrictions stipulated by the scheme.
  - (b) No building or structure or any portion thereof except boundary walls and fences, shall except with the consent of the Administrator, be erected nearer than 5 metres to the street line which forms a boundary of this erf, nor within 3 metres of the rear or 1.5 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority.
    - (i) An outbuilding used solely for the housing of motor vehicles and not exceeding 3 metres in height, measured from the ground floor of the outbuilding to the wall-plate thereof, may be erected within such side and rear space, and any other outbuildings of the same height may be erected within the rear space and side space for a distance of 12 metres measured from the rear boundary of the erf, provided that in the case of a corner erf the distance of 12 metres shall be measured from the point furthest from the streets abutting the erf.
    - (ii) an outbuilding in terms of subparagraph (i) may only be erected nearer to a lateral or rear boundary of a site than the above prescribed spaces, if no windows or doors are inserted in any wall facing such boundary.
  - (c) On consolidation of this erf or any portion thereof with any abutting erf which is subject, to the same conditions as herein set forth, these conditions shall apply to the consolidated holding as if it was one erf.
  - (d) In the event of this erf being subdivided each subdivided portion, other than any portion deducted for road or similar purposes, shall be subject to the condition herein set forth as if it were the original erf.



Page 3 of 4





- C. SUBJECT FURTHER to the following conditions contained in Deed of Transfer T42263/2001 imposed by the Transferor Yzerfontein Seaside Estates (Proprietary) Limited to his advantage as owner of the remainder of Erf 1332 Yzerfontein held by aforementioned Certificate of Registered Title Number T4850/1988:
  - "1. Hierdie erf mag nie onderverdeel word nie;
  - 2. Hierdie erf sal uitsluitlik gebruik word vir enkel residensiële doeleindes.
  - Nog nie oordragnemer of sy opvolgers in titel mag aansoek doen by die Plaaslike oorgangsraad van Yzerfontein of enige ander owerheid om die eiendom te hersoneer nie."

WHEREFORE the appearer, renouncing all the right and title the said

#### JOHANNES STEPHANUS SPAMER, Unmarried

heretofore had to the premises, did, in consequence also acknowledge him to be entirely dispossessed of, and disentitled to, the same, and that, by virtue of these presents, the said

#### WILHELMINA CHRISTINA VENTER, Married as aforesaid

her heirs, executors, administrators or assigns, now is and henceforth shall be entitled thereto, conformably to local customs; the State, however, reserving its rights, and finally acknowledging that the purchase price is the amount of R1 180 000,00 (One Million One Hundred and Eighty Thousand Rand).

IN WITNESS WHEREOF I, the said Registrar, together with the appearer, have subscribed to these presents, and have caused the seal of office to be affixed thereto.

THUS DONE AND EXECUTED at the Office of the Registrar of Deeds at Cape Town on

2020 - 05- 2 0

In my presence

Registrar of Deeds

Page 4 of 4

ature of appearer q.q.



7 November 2022

We agree to the deletion of this condition and give consent that the subdivision of Erf 2076 may proceed.

Kind regards

Graham Katz



HEAD OFFICE - 206 Stadium on Main, Main Rd, Claremont - Po Box 44211 Claremont 7735 Tel: 021 683 3433 - Fax: 021 683 3199 - Email: yzerfont@mweb.co.za www.oceanvillasyzer.com | www.strandveldvillas.com

### **ANNEXURE F**

The Municipal Manager Private Bag X52 MALMESBURY 7299

E-mail: swartlandmun@swartland.org.za

HGJ & H van Schalkwyk 19 Dias Street WELGEMOED 7530

E-mail: hardie@hhvs.co.za hilda@hhvs.co.za

#### PROPOSED SUBDIVISION AND EXEMPTION ON ERF 2076, YZERFONTEIN

With reference to the correspondence, dated the 15<sup>th</sup> of December 2022 (received via e-mail on the 28<sup>th</sup> of December 2022), Reference: 15/3/6-14/ERF2076 & 15/3/13-14/ERF2076 as well as the attached drawings, kindly consider the following:-

- 1. We, HGJ & H van Schalkwyk, the registered owners of ERF 2068, hereby submit our **OBJECTION** to the proposed application. We oppose this application and would like to express or reservations.
  - o <u>Impact on water supply/demand:</u> The proposed application will increase demand by doubling the number of bathroom/kitchen units in the proposed new dwelling units (2 vs 1 dwelling unit on the same sized property). Because of climate change and irregular rainfall, as well as an overdemand on our limited water resources, we are constantly reminded to conserve our water use.
  - o <u>Impact on Electrical supply/demand:</u> The national electrical supply utility (ESKOM) is currently under tremendous strain, and the additional demand that the second dwelling will necessitate will add to the "overloading" of the struggling supply utility.
  - o <u>Impact on Sewerage "removal" system:</u> During the holiday season last year, the municipal sewage truck was unable to meet the demand; a privately owned sewage truck (company) assisted with the overflow! Adding additional dwelling units to properties designed for a single dwelling unit will worsen demand during holiday seasons and raise "overall" costs when the local municipality needs to extend their services (additional sewage truck, personnel etc)
  - <u>Environmental impact:</u> With the proposed subdivision of the property, there will be additional vehicle movement through the "panhandle" entrance to the properties, which will have a "double" impact on the natural vegetation and wildlife on the adjacent Public Open Space (ERF 1082). The unspoilt beauty of these public open spaces should be protected as far as possible, as it forms an integral part of the natural habitat of the west coast.
  - O <u>Impact on the property's "coverage":</u> The allowed coverage, as in accordance with the Swartland Municipality Land Use Planning By-law 2020, on the property will be increased from 500m<sup>2</sup> (erven with a net area larger than 1000m<sup>2</sup>) to 576m<sup>2</sup> (50% coverage erven with a net area less than 1000m<sup>2</sup>) Proposed erf units 1 and 2: 501m2 = 250.5m2 coverage and 651m2 = 325.5m2 coverage, respectively. The increased coverage on the parcel of land (despite being divided into two separate units) will have an impact on the immediate area and surroundings.
  - <u>Visual appearance / impact on the surrounding properties:</u> By increasing the density on this piece of land (two dwelling units on the sub-divided property) it will have a negative impact on the surrounding properties, as they area all individually designed stand-alone dwelling units, fittingly placed on the <u>original sized properties</u>, with lovely "open" spaces between, respecting each other.
- 2. We urge the applicant to respect the neighbouring properties and not play a role in establishing a president for other landowners who may follow suit. The west coast's unique landscape necessitates a

cautious approach to development and the prohibition of any decision-making processes that will have a negative long-term impact on the environment.

We trust you find our <u>Letter of Objection</u> in order, and we look forward to your feedback in this regard. Please contact us if you need to discuss any of the above-mentioned concerns.

Kind regards

HGJ van Schalkwyk

H van Schalkwyk

Homeline Schalkingk

### **ANNEXURE G**

From: info@inspiraldesign.co.za <info@inspiraldesign.co.za>

Sent: 27 January 2023 11:13 AM

To: Alwyn Burger <alwynburger@swartland.org.za>

Cc: Delmarie Stallenberg <StellenbergD@swartland.org.za>; Alwyn Zaayman <zaaymana@swartland.org.za>; 'Piet Engelbrecht' <Piet@ebesa.co.za>

Subject: RE: Voorgestelde onderverdeling en vrystelling op erf 2076, Yzerfontein

27 January 2023

Goeiedag Alwyn, baie dankie vir julle terugvoering.

Alhoewel van ons vrae nie heeltemal beantwoord is nie, en hiermee wil ek as verteenwoordiger / eienaar en permanente inwoner van 6 Kelp Straat, Pearl Bay Yzerfontein in besit van Liewil Trust, beswaar aanteken teen die voorgestelde onderverdeling van erf 2076, wat grens aan my eiendom, erf 2075. Ek skryf die redes in engels om die terminologie makliker te verduidelik.

1. The newly created erven will be significant smaller than the average erf size in Pearl Bay, which is generally characterized by large residential properties. The proposed subdivision will likely have an adverse impact on the natural aesthetics and existing (lower density) character of the area.

Densification (albeit incremental) should be promoted in areas closer to CBD's (and higher order business nodes) where there is higher number of employment opportunities, easy access to schools, medical services etc. The applicant fails to motivate how the subdivision will benefit area and/or its residents.

- 2. The current application does not indicate the position of the future dwellings on the respective properties. The subdivision creates reduced developable areas, which may result in the future dwelling (on newly created Portion A) being positioned closer to my property than what would ordinarily be the case with a large residential erf. I am therefore of the opinion that the approval of this subdivision application will have a significant adverse impact on my constitutional right to privacy.
- 3. I am also concerned that the construction of a dwelling 1.5m from the common boundary (i.e. common to my Erf 2075) may also adversely impact the resale value of my property.

The applicant is welcome to contact me directly, should they wish to discuss my concerns in further detail.

Regards,

liesel engelbrecht | 082 467 5847

on behalf of

Liewil Trust PO Box 3536 Tygervalley 7536

# CK RUMBOLL & VENNOTE / PARTNERS



PROFESSIONELE LANDMETERS ~ ENGINEERING AND MINE SURVEYORS ~ STADS- EN STREEKSBEPLANNERS ~ SECTIONAL TITLE CONSULTANTS

Date: 27 February 2023

Ref: YZER/12890/JL/EM: Per hand

Attention: Mr A. Zaayman

The Municipal Manager Swartland Municipality

Private Bag X52

MALMESBURY

7300

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# RESPONSE TO OBJECTIONS: PROPOSED SUBDIVISION AND EXEMPTION OF ERF 2076, YZERFONTEIN

Herewith formal response to the objection received from the owner(s) of Erf 2068 and 2076 Yzerfontein, in relation to the application for the subdivision and exemption of Erf 2076, Yzerfontein, to subdivide the property into two portions along with the registration of a right-of-way servitude. The objection was received on 2 February 2023. This response is arranged so that points raised by the objectors are embolden and numbered which is followed by a response.

Comments and objections were received from the following parties:

- HGJ and H van Schalkwyk of Erf 2068, Yzerfontein.
- Liesil Engelbrecht on behalf of Liewil Trust, of Erf 2075, Yzerfontein.

ONTVANG
2023 -02- 28

RECEIVED

VENNOTE / PARTNERS:

IHJ Rumboll PrL (SA), BSc (Surv), M.I.P.L.S., AP SteylPrL (SA),

ADDRESS/ ADRES: leap@rumboll.co.za
MALMESBURY (T) 022 482 1845 (F) 022 487 1661

leap@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299

VREDENBURG (T) 022 719 1014

A copy of the objection is attached as Annexure A

### HGJ & H van Schalkwyk

#### Objection 1:

- 1. We, HGJ & H van Schalkwyk, the registered owners of Erf 2068, hereby submit our OBJECTION to the proposed application. We oppose this application and would like to express or reservations.
  - <u>Impact on water supply/demand</u>: The proposed application will increase demand by doubling the number of bathroom/kitchen unites in the proposed dwelling units (2 vs. 1 dwelling unit on the same sized property). Because of climate change and irregular rainfall, as well as an over-demand on our limited water resources, we are constantly reminded to conserve our water use.
  - Impact on Electrical supply/demand: The national electrical supply utility (ESKOM) is currently
    under tremendous strain, and the additional demand that the second dwelling will necessitate will
    add to the "overloading" of the struggling supply utility.
  - <u>Impact on Sewerage "removal" system</u>: During the holiday season last year, the municipal sewage truck was unable to meet the demand; a privately owned sewage truck (company) assisted with the overflow! Adding additional dwelling units to properties designed for a single dwelling unit will worsen demand during holiday seasons and raise "overall" costs when the local municipality needs to extend their services (additional swage truck, personnel etc).

#### Response 1:

- (i) The Swartland Municipal Department of Civil Engineering was contacted on 3<sup>rd</sup> of Feb 2023 at 10:04 am in requesting commentary on the impact of electrical, water and sewage supply and demand. The department noted that the subdivision of Erf 2076 will have no significant effect as there is sufficient capacity of services in all three of these departments.
  - <u>Environmental impact</u>: With the proposed subdivision of the property, there will be additional vehicle movement through the "panhandle" entrance to the properties, which will have a "double impact" on the natural vegetation and wildlife and the adjacent Public Open Space (Erf 1082). The unspoilt beauty of these public open spaces would be protected as far as possible, as it forms an integral part of the natural habitat of the west coast.
- (ii) Please note that residential development has the lowest impact on traffic of any development. Furthermore, the additional traffic will occur within the existing panhandle of Erf 2076 and not on Erf 1082. Should Erf 1082 have any environmental significance, the additional traffic on Erf 2076, will not have an impact on natural vegetation and

ADDRESS/ ADRES

wildlife on Erf 1082. It should also be noted that even if the owners of Erf 2076 did not propose the subdivision, a second dwelling unit is considered a primary right under the current Residential Zone 1 property if the floor area of the second dwelling does not exceed 60m2. In this case the same amount of traffic would be generated. Should the owners decide to build a second dwelling of which the floor area does exceed 60m<sup>2</sup>, a required consent use, would have been generated the same amount of traffic under the zoning instead of the proposed subdivision.

Erf 2076 is earmarked for Residential Zone 1, therefore any development in relation to the respective land use may be permitted by the Municipality (given the requirements are met). Additionally, as the subdivision aims at a 50% split of usage of Erf 2076, Yzerfontein; the footprint of the proposed subdivision will not have an increase in impact to the

(iii) The spatial proposals for Yzerfontein within the Swartland Municipal Spatial Development Framework, states that Erf 1082 is earmarked as Public Open Space and not as a Conservation area (pg; 196). Please see below an extract from General Plan 3548/87 confirming the status of erf 1082 as Public Place.



The proposed subdivision will ensure that the greenfield development of Erf 2076, Yzerfontein will ensure the continuity of the urban landscape with the connectivity of vegetation green corridors (spatial objective 5, pg; 201). Development will only take place on erf 2076, having no overflow impact on erf 1082.

#### VENNOTE / PARTNERS:

#### Objection 2:

- Impact on the property's "coverage": The allowed coverage, as in accordance with the Swartland Municipality Land Use Planning By-Law 2020, on the property will be increased from 500m2 (erven with a net area larger than 1000m2) to 576m2 (50% coverage- erven with a net area less than 1000m²). Proposed erf units 1 and 2: 501m²= 250,5m² coverage and 651m² =325,5m² coverage, respectively. The increased coverage on the parcel of land (despite being divided into two separate units) will have an impact on the immediate area and surroundings.
- Visual Appearance/impact on the surrounding properties: By increasing the density on this piece of land (two dwellings units on the sub-divided property) it will have a negative impact on the surrounding properties, as they are all individually designed stand-alone dwelling units, fittingly placed on the original sized properties, with lovely "open" spaces between, respecting each other.

#### Response 2:

- (i) Chapter 5 of the Spatial Development Framework in regard to land use proposals per settlements, states the following in relation to Residential areas in Yzerfontein (pg: 157):
  - Protect the character and historical context of surrounding environments and Densify by means of infill development and willingness of owners to subdivide keeping in mind existing zonings, the character of surrounding environments and the unique sense of place and historical context of specific areas.

#### (ii) In regard to coverage;

Densification is and should be promoted where necessary in all urban areas within the Swartland Municipality. Even with the subdivision, the newly created properties will still comply with the prescribed building parameters (coverage) for Residential Zone 1 zoned properties. Considering the building plans2 referred to in Figure 2, the proposed coverage in square meter for the two proposed dwellings will be ±384m² (±192 each), which is less than the 500m² Erf 2076 is allowed to develop at this stage.

The impact of the development of Erf 2076 on immediate area and surroundings will remain indifferent regardless if there are two smaller dwellings (250,5m<sup>2</sup>+325,5m<sup>2</sup>) or one larger dwelling (576m<sup>2</sup>).

3) We urge the applicant to respect the neighbouring properties and not play a role in establishing a president for other landowners to follow suit. The west coasts unique landscape necessitates a unique approach to development and prohibition of any decision making processes that will have a negative longterm impact on the environment

VENNOTE / PARTNERS:

IHJ Rumboll PrL (SA), BSc (Surv), M.I.P.L.S., AP SteylPrL (SA) leap@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299

VREDENBURG (T) 022 719 1014

A copy of the Building Plans are attached as Annexure B

5

Response 3:

The proposal will not establish a president for landowners to subdivide in the surrounding area (although the Swartland SDF promotes densification through subdivision in this area), as most of the surrounding properties are

less than 1000m2 in size, which is the minimum requirement to subdivided the property. Furthermore, each

application should be evaluated on its own merits.

Liewil Trust

Objection 1

1) The newly created erven will be significantly smaller than the average erf size in Pearl Bay, which is

generally characterized by large residential properties. The proposed subdivision will likely have an adverse

impact on the natural aesthetics and existing (lower density) character of the area.

Densification (albeit incremental) should be promoted in areas closer to CBD's (and higher order business

nodes) where there is higher number of employment opportunities, easy access to schools, medical services

etc. The applicant fails to motivate how the subdivision will benefit the area and/or its residents.

Response 1:

The Municipal Council has made a decision as of Nov 20th, 2013: that the minimum erf sizes of each urban

settlement within the Swartland Municipality should be 500m2 for Residential Zone 1. Therefore, the subdivision of Erf

2076, Yzerfontein with the divided property into Portion A with a size of 501m<sup>2</sup> and Portion B with a size of 651 m<sup>2</sup>,

will meet the requirements set out by the Land Use Scheme of the Swartland Municipality Spatial Development

Framework. Furthermore, the Swartland Municipal Land Use Planning By-Law categorise erven with an average erf

size of 500m<sup>2</sup> and larger as low density residential development.

The proposal therefore complies with the low density area in which the property is located. Referring to Figure 1

below, erven 2071 and 2072 are similar in size to what is proposed with the development on Erf 2076, Yzerfontein.

The subdivision will therefore not have an adverse impact on the character of the surrounding area.

**VENNOTE / PARTNERS:** 

IHJ Rumboll PrL (SA), BSc (Surv), M.I.P.L.S., AP SteylPrL (SA)

-37-



Figure 1: Surrounding erf sizes

Densification is and should be promoted where necessary in all urban areas within the Swartland Municipality. Furthermore, According to the Swartland Spatial Development Framework, Erf 2076 is located in Zone B of the Yzerfontein Spatial Development Land Use Proposals plan, which earmarks the area for; "mainly of low density residential uses along the coastal stretch to the south, with a proposed node along the beach front as well as areas for medium and high density housing opportunities."

The Swartland SDF, 2019, strives to guide current and future development in the region by determining strategic policy directives and proposals to ensure sustainable development. The following are extracts from the Swartland SDF for Yzerfontein:

- Increase density for next 20 years (which ends in 2028) from the current 6.8 units per hectare to 7.8 units per hectare in Yzerfontein.
- Densify in accordance with zone proposals through: Subdivision (sectional title) Infill development and Renewal and restructuring Sectional title subdivision of existing houses on single residential erven.
- Keep minimum single residential erf size of 500m<sup>2</sup>.

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To ensure that each of the urban settlements is developed to their full potential, the following guidelines and strategies are proposed:

Urban Area: Planning Guidelines and Directives

PG4: Promote densification within urban areas.

**Densification: Planning Guidelines and Directives** 

PG6: Support densification as depicted in the WCPSDF and a compact town form supported in LUPA and SPLUMA within the spatial sustainable and spatial efficient planning principles LUPA and SPLUMA to ensure sustainable and viable urban areas.

D13: Support the following methods to promote densification in the Swartland:

Infill of erven; Development of existing vacant ("Brownfield") areas in urban areas; Double storey and semidetached dwelling units; Subdivision of erven, second dwellings and sectional title developments; Renewal of existing areas (demolish buildings for higher density developments or re-develop existing buildings); Support integrated.

Considering the above, the proposed subdivision of Erf 2076 is supported by the Swartland Spatial Development Framework for the area in which Erf 2076 is located. With the proposed development, the creation of a spatially efficient and compact urban form is promoted by applying sustainable infill development in an area consisting over potential for higher density residential development. The proposed subdivision also complies with the minimum subdivision size.

The proposed application supports spatial compactness, sustainable use of resources and falls within an area used for residential purposes. The zoning of the property will not change; the owner's right to develop the land for additional residential purposes is in accordance with the current right of use of the property.

#### Objection 2:

2) The current application does not indicate the position of the future dwellings on the respective proprieties. The subdivision creates reduced developable areas, which may result in the future dwelling (on newly created portion A) being positioned closer to my property than what would be ordinarily be the case with a large residential erf. I am therefore of the opinion that the approval of this subdivision will have significant adverse impact on my constitutional right to privacy.

#### Response 2:

The Municipal Council can evaluate an application for the subdivision of vacant erven or farms without the procurement of future building plans. However, in this case, the owner has engaged the services of an architect to design building plans<sup>3</sup> for both Portion A and Portion B, which can be viewed in **Figure 2** below. Notably, the

VENNOTE / PARTNERS:

IHJ Rumboll PrL (SA), BSc (Surv), M.I.P.L.S., AP SteylPrL (SA)

<sup>&</sup>lt;sup>3</sup> A copy of the Building Plans are attached as Annexure B

proposed building plans conform to the building parameters prescribed for residential zone 1. The Swartland Municipal Land Use Planning By-Law stipulates that a 1.5m side building line is sufficient to ensure the privacy of neighboring property owners. However, the owner of Erf 2076 has taken extra measures in the planning and positioning of the houses to further enhance the privacy of the surrounding neighbors. For instance, the proposed dwelling on Portion A will be situated approximately 4m from the boundary of Erf 2075 instead of the required 1.5m.



Figure 2: Proposed dwelling houses on newly created erven

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Objection 3:

3) I am also concerned that the construction of the dwelling 1,5m from the common boundary (i.e. common

to my Erf 2075) may also adversely impact the resale value of my property.

Response 3:

The owner of the property has the right to construct a dwelling on a building line, in this particular case, the building

line of 1,5m from the side boundary between Erf 2076 and Erf 2075, given the requirements are met as mentioned in

the previous response (to objection point 2). The proposed subdivision and future placement of units will adhere to

the prescribed building lines and no departure will be applied for.

Additionally, the Spatial Planning Land Use Management Act (SPLUMA) prescribes the principles for guiding land

use planning. Among other principles, Section 59 (1), which divulges principles of spatial justice, specifies in

subsection (f) that: "A competent authority contemplated in this Act or other relevant authority considering an

application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the

value of land or property will be affected by the outcome." The outcome of this application can therefore not be

adversely affected solely on grounds that it may have an adverse impact on the resale value.

This application includes the subdivision Erf 2076, Yzerfontein and the registration of servitude right of way, therefore

any objection in reference to the potential construction of dwelling units is subject to the owner of the property and

thus not applicable to this application.

It is respectfully requested that Swartland Municipality consider the application favourably and finalize the decision for

the proposed subdivision and exemption of Erf 2076, Yzerfontein.

Regards

Jolandie Linnemann/Etienne Malan

for CK RUMBOLL & PARTNERS

VENNOTE / PARTNERS:

IHJ Rumboll PrL (SA), BSc (Surv), M.I.P.L.S., AP SteylPrL (SA)

## **Annexure A: Letter of Objections**

 VENNOTE / PARTNERS:

 IHJ Rumboll PrL (SA), BSc (Surv), M.I.P.L.S., AP SteylPrL (SA),

 ADDRESS/ ADRES:
 leap@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299

 MALMESBURY (T) 022 482 1845 (F) 022 487 1661
 VREDENBURG (T) 022 719 1014



Umasipala



Ons gee gestalte aan 'n beter toekoms! We shape a better future! Sakha ikusasa elingcono!

File ref: 15/3/6-14/Erf\_2076 15/3/13-14/Erf\_2076

Enquiries: Ms D N Stallenberg

2 February 2023

C K Rumboll & Partners P O Box 211 MALMESBURY 7299

Dear Sir/Madam

#### PROPOSED SUBDIVISION AND EXEMPTION ON ERF 2076, YZERFONTEIN

Your application with reference YZER/12890/JL/EM dated 23 November 2023 refers.

Kindly find attached the objection received by Liewil Trust and H G J & H van Schalkwyk during the commenting period.

Your comment on the objections is requested within 30 days from the date of this letter in order for Swartland Municipality to make a decision.

Yours sincerely

MUNICIPAL MANAGER

per Department Development Services

/ds

From: info@inspiraldesign.co.za <info@inspiraldesign.co.za>

Sent: Friday, 27 January 2023 11:13

To: Alwyn Burger <alwynburger@swartland.org.za>

Cc: Delmarie Stallenberg < <a href="mailto:StellenbergD@swartland.org.za">StellenbergD@swartland.org.za</a>; Alwyn Zaayman

<zaaymana@swartland.org.za>; 'Piet Engelbrecht' < Piet@ebesa.co.za>

Subject: RE: Voorgestelde onderverdeling en vrystelling op erf 2076, Yzerfontein

#### 27 January 2023

Goeiedag Alwyn, baie dankie vir julle terugvoering.

Alhoewel van ons vrae nie heeltemal beantwoord is nie, en hiermee wil ek as verteenwoordiger / eienaar en permanente inwoner van 6 Kelp Straat, Pearl Bay Yzerfontein in besit van Liewil Trust, beswaar aanteken teen die voorgestelde onderverdeling van erf 2076, wat grens aan my eiendom, erf 2075. Ek skryf die redes in engels om die terminologie makliker te verduidelik.

1. The newly created erven will be significant smaller than the average erf size in Pearl Bay, which is generally characterized by large residential properties. The proposed subdivision will likely have an adverse impact on the natural aesthetics and existing (lower density) character of the area.

Densification (albeit incremental) should be promoted in areas closer to CBD's (and higher order business nodes) where there is higher number of employment opportunities, easy access to schools, medical services etc. The applicant fails to motivate how the subdivision will benefit area and/or its residents.

- 2. The current application does not indicate the position of the future dwellings on the respective properties. The subdivision creates reduced developable areas, which may result in the future dwelling (on newly created Portion A) being positioned closer to my property than what would ordinarily be the case with a large residential erf. I am therefore of the opinion that the approval of this subdivision application will have a significant adverse impact on my constitutional right to privacy.
- 3. I am also concerned that the construction of a dwelling 1.5m from the common boundary (i.e. common to my Erf 2075) may also adversely impact the resale value of my property.

The applicant is welcome to contact me directly, should they wish to discuss my concerns in further detail.

regards,

liesel engelbrecht | 082 467 5847

on behalf of Liewil Trust PO Box 3536 Tygervalley 7536 The Municipal Manager Private Bag X52 MALMESBURY 7299

E-mail: swartlandmun@swartland.org.za

HGJ & H van Schalkwyk 19 Dias Street WELGEMOED 7530

E-mail; hardie@hhvs.co.za hilda@hhvs.co.za

#### PROPOSED SUBDIVISION AND EXEMPTION ON ERF 2076, YZERFONTEIN

With reference to the correspondence, dated the 15<sup>th</sup> of December 2022 (received via e-mail on the 28<sup>th</sup> of December 2022), Reference: 15/3/6-14/ERF2076 & 15/3/13-14/ERF2076 as well as the attached drawings, kindly consider the following:-

- We, HGJ & H van Schalkwyk, the registered owners of ERF 2068, hereby submit our OBJECTION to the proposed application. We oppose this application and would like to express or reservations.
  - o <u>Impact on water supply/demand</u>: The proposed application will increase demand by doubling the number of bathroom/kitchen units in the proposed new dwelling units (2 vs 1 dwelling unit on the same sized property). Because of climate change and irregular rainfall, as well as an overdemand on our limited water resources, we are constantly reminded to conserve our water use.
  - o <u>Impact on Electrical supply/demand:</u> The national electrical supply utility (ESKOM) is currently under tremendous strain, and the additional demand that the second dwelling will necessitate will add to the "overloading" of the struggling supply utility.
  - o Impact on Sewerage "removal" system: During the holiday season last year, the municipal sewage truck was unable to meet the demand; a privately owned sewage truck (company) assisted with the overflow! Adding additional dwelling units to properties designed for a single dwelling unit will worsen demand during holiday seasons and raise "overall" costs when the local municipality needs to extend their services (additional sewage truck, personnel etc)
  - <u>Environmental impact</u>: With the proposed subdivision of the property, there will be additional vehicle movement through the "panhandle" entrance to the properties, which will have a "double" impact on the natural vegetation and wildlife on the adjacent Public Open Space (ERF 1082). The unspoilt beauty of these public open spaces should be protected as far as possible, as it forms an integral part of the natural habitat of the west coast.
  - Impact on the property's "coverage": The allowed coverage, as in accordance with the Swartland Municipality Land Use Planning By-law 2020, on the property will be increased from 500m² (erven with a net area larger than 1000m²) to 576m² (50% coverage erven with a net area less than 1000m²) Proposed erf units 1 and 2: 501m² = 250.5m² coverage and 651m² = 325.5m² coverage, respectively. The increased coverage on the parcel of land (despite being divided into two separate units) will have an impact on the immediate area and surroundings.
  - Visual appearance / impact on the surrounding properties: By increasing the density on this piece of land (two dwelling units on the sub-divided property) it will have a negative impact on the surrounding properties, as they area all individually designed stand-alone dwelling units, fittingly placed on the original sized properties, with lovely "open" spaces between, respecting each other.
- 2. We urge the applicant to respect the neighbouring properties and not play a role in establishing a president for other landowners who may follow suit. The west coast's unique landscape necessitates a

cautious approach to development and the prohibition of any decision-making processes that will have a negative long-term impact on the environment.

We trust you find our <u>Letter of Objection</u> in order, and we look forward to your feedback in this regard. Please contact us if you need to discuss any of the above-mentioned concerns.

Kind regards

Homeland

HGJ van Schalkwyk

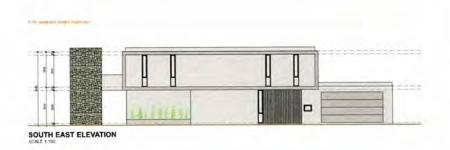
Bhalkuyk H van Schalkwyk **Annexure B: Building Plans** 













### **ANNEXURE I**

# INDICATION OF THE EXTENT OF PROPERTIES IN THE VICINTY OF ERF 2076, YZERFONTEIN



