



**MINUTES OF A MUNICIPAL PLANNING TRIBUNAL MEETING HELD IN THE COMMITTEE ROOM:
CORPORATE SERVICES ON WEDNESDAY, 20 NOVEMBER 2024 AT 14:00**

PRESENT

Internal members:

Municipal Manager, Mr J J Scholtz (chairperson)
Director: Corporate Services, Ms M S Terblanche

External members:

Ms C Havenga
Mr C Rabie

Other officials:

Senior Manager: Development Management, Mr A M Zaayman
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 Record Services (secretary)

1. OPENING

The chairperson opened the meeting and welcomed members.

2. APOLOGY

The apology received from the Director: Protection Services, Mr P A C Humphreys, be noted.

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 9 OCTOBER 2024

RESOLUTION

(proposed by Ms M S Terblanche, seconded by Mr C Rabie)

That the minutes of a Municipal Planning Tribunal Meeting held on 9 October 2024 are approved and signed by the chairperson.

5. MATTERS ARISING FROM MINUTES

None.

6. MATTERS FOR CONSIDERATION

6.1 APPLICATION FOR REZONING, SUBDIVISION AND PHASING OF ERF 2111, RIEBEEK KASTEEL (15/3/3-11, 15/3/6-11)

Mr H Olivier, as author of the item, confirmed that the application was referred back by the Municipal Planning Tribunal in November 2023 for the applicant to address a number of issues with regard to the proposed site development plan.

6.1/...

The amended site development plan is considered in alignment with the Environmental Authorisation and is fully compliant with the definition of Group Housing as well as the development parameters with regards to the provision of communal open space. The amended site development plan also makes provision for the berms as separate properties zoned Open Space Zone 2 and that will be transferred to the Owners Association ensuring ongoing management and maintenance. The applicant stated that the concern regarding the transfer of services as well as the contribution to the upgrading of Kloof Street, will be addressed in the services agreement.

Mr H Olivier confirmed that a proposal regarding street names is also part of the site development plan.

Mr Rabie requested that the construction of the access road and contribution thereto be addressed in the service agreement to determine the responsibility of owners of business zoned erven.

RESOLUTION

- A. The application for the rezoning of erf 2111, Riebeek Kasteel from Agricultural Zone 1 to Sub divisional Area be approved in terms of Section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) to make provision for the following land uses:

Business zone 1, Open Space Zone 2, Transport Zone 2, General Residential Zone 1 as well as Agricultural zone 1.

- B. The application for the subdivision of Erf 2111 (7.6763ha in extent), Riebeek Kasteel, be approved in terms of section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), to create a total of 81 portions, as follows:

- 72 General Residential Zone 1 erven (Total extent of ± 23461m²)
- 4 Open Space zone 2 erven – Private Open Space (Total extent of ±17841m²)
- 2 Business zone 1 erven respectively ± 10553m² (Shopping centre) and ±4351m² (Offices) in extent,
- 2 Transport zone 2 erven respectively ± 1278m² (Public Road) and ±9879m² (Private Road) in extent,
- 1 Agricultural zone 1 erf (Total extent of ±9396m²)

- C. The application for the phasing of the development proposal on Erf 2111, Riebeek Kasteel be approved in terms of section 70 of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), as follows:

- Phase 1: Shopping centre (3 500m² in extent GLA) with a portion public road and private open space;
- Phase 2: Offices (2 000m² in extent GLA) and 72 group housing erven;

- D. The decisions A, B and C above are subject to the following conditions:

D1 TOWN PLANNING AND BUILDING CONTROL

- (a) An owners' association be established with a constitution in terms of section 39 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- (b) The constitution of an owners' association be approved by the municipality before the transfer of the first land unit making provision for—
- (i) the owners' association to formally represent the collective mutual interests of the area, suburb or neighbourhood set out in the constitution in accordance with the conditions of approval;
 - (ii) control over and maintenance of buildings, services or amenities arising from the subdivision;
 - (iii) the regulation of at least one annual meeting with its members;
 - (iv) control over the design guidelines of the buildings and erven arising from the subdivision;
 - (v) the ownership by the owners' association of all common property arising from the subdivision, including—private open spaces, private roads; and land required for services provided by the owners' association;

- (vi) enforcement of conditions of approval or management plans;
- (vii) procedures to obtain the consent of the members of the owners' association to transfer an erf if the owners' association ceases to function; and
- (viii) the implementation and enforcement by the owners' association of the provisions of the constitution.
- (ix) the roles and responsibilities of the owners of the business zoned properties towards the maintenance and management of the open space situated directly next to it;
- (c) The constitution of the owners' association may have other objectives as set by the association but may not contain provisions that conflict with any law;
- (d) The constitution of the owners' association takes effect on the registration of the first land unit;
- (e) Portion 81 forms part of the development and therefore be included as part of the owner's association;
- (f) A detailed Site Development Plan, be submitted to the Senior Manager: Development Management for consideration and approval;
- (g) A Landscape Plan be submitted to the Senior Manager: Development Management for consideration and approval, including:
 - (i) Detailed landscaping proposals for communal open spaces and green strips within the development, specifying planting, materials, street furniture, play structures and any other such detail applicable to landscaping;
 - (ii) Detailed landscaping proposals for the sidewalks outside of the development, for the entire perimeter of the boundary wall;
- (h) The green strips along the internal roads remain unobstructed, unfenced and maintained by the Owners' Association into perpetuity, and that the condition be included in the Owners' Association Constitution;
- (i) The landscaping of the shared internal open spaces be completed before the transfer of the tenth residential property;
- (j) The Transport Zone 2 erven and the Open Space Zone 2 portions be transferred to the Owners Association, simultaneously when transfer of the first residential property is approved;
- (k) The legal certificate which authorises the 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;
- (l) A wooden pedestrian bridge be constructed across the water course along Kloof Street that spans the entire delineated extent of the realigned water course to the satisfaction of the Municipality. The supporting poles be placed outside the delineated extent and the design cater for a 1:100-year flood event;
- (m) A fence be erected around the boundaries of the site to the satisfaction of the Municipality. The fence not be located within the active channel, below the fence crossing, to allow for water to flow and faunal movement;
- (n) A berm be constructed on the western side of the site and adjacent to the 1:100-year flood line along the southern bank of the Krom River to the satisfaction of the Municipality. The berm be transferred to the owner's association to protect and maintain it;
- (o) Tributary 2 (water course along Kloof Street), be realigned by confining the trench / realigned tributary section and the remnant tributary section into a single grass block lined channel to the satisfaction of the Municipality. This newly realigned tributary also hosts a stiling pond as recommended in the Environmental Authorisation. The relevant owner's association be responsible for the maintenance of the said realigned tributary;
- (p) Two storm water retention ponds be constructed that discharge into the newly realigned Tributary 2 to the satisfaction of the Municipality;
- (q) All building infrastructure be located outside the 10m conservation buffer surrounding Tributary 1;
- (r) The following street names is hereby approved:
 - Jakkalskos Street
 - Sneeuwygie Street
 - Skaapertjie Street
 - Gansogjie Street
 - Kaneeltjie Street
 - Kalossie Street

D2 WATER

- (a) The development be provided with an internal water distribution network to provide the subdivided portions with services connections. The internal water distribution network be transferred to the Municipality and be protected by a servitude ensuring free access is continuously available for the Municipality. For this an engineer registered in terms of the requirements of Act 46 of 2000 be appointed by the developer to design the water distribution network. The design be presented to the Director: Civil Engineering Services for approval after which installation be done under the supervision of the Engineer;
- (b) The internal network be connected to the main water system in Kloof Street in accordance with the report of GLS Consulting Engineers of 2 March 2022. For this, an engineer appropriately registered in terms of the provisions of Act 46 of 2000 be appointed by the developer to design the connection to the existing network. The design be submitted to the Director: Civil Engineering Services for approval after which the construction work be carried out under the supervision of the Engineer;

D3 SEWERAGE

- (a) The development be provided with an internal sewer distribution network with individual connections for each subdivided portion. The internal sewer distribution network be transferred to the Municipality and be protected by a servitude ensuring free access is continuously available for the Municipality. For this an engineer registered in terms of the requirements of Act 46 of 2000 be appointed by the developer to design the sewer distribution network. The design be presented to the Director: Civil Engineering Services for approval after which installation be done under the supervision of the Engineer;
- (b) The internal network be connected to the main water system in Kloof Street in accordance with the report of GLS Consulting Engineers of 2 March 2022. For this, an engineer appropriately registered in terms of the provisions of Act 46 of 2000 be appointed by the developer to design the connection to the existing network. The design be submitted to the Director: Civil Engineering Services for approval after which the construction work be carried out under the supervision of the Engineer;

D4 STREETS AND STORMWATER

- (a) The internal streets and facilities for public transport be installed in accordance with the recommendations contained in the Transport Impact Assessment of Sturgeon Consulting Engineers, report STUR0348 of May 2022;
- (b) The internal streets and parking areas including parking areas and facilities for public transport be built to a permanent surface standard. An engineer appropriately registered in terms of the provisions of Act 46 of 2000 be appointed by the developer to design the internal streets and parking areas. The design be submitted to the Director: Civil Engineering Services for approval after which the construction work be carried out under the supervision of the Engineer;
- (c) The internal roads, storm water network and parking areas are not taken over by the Municipality;
- (d) With regards to external streets, the access and junction with Kloof Street be installed in accordance with the recommendations contained in the Transport Impact Assessment of Sturgeon Consulting Engineers, report STUR0348 of May 2022;
- (e) The development is provided with an internal storm water network which ensures that the runoff after the development is completed is the same as before the development. An engineer appropriately registered in terms of the provisions of Act 46 of 2000 be appointed by the developer to design the storm water network. The design be submitted to the Director: Civil Engineering Services for approval after which the construction work be carried out under the supervision of the Engineer;

D5 SOLID WASTE

- (a) That each component (business, offices and residential) be provided with an allocated storage space with a suitable drainage point and running water for the temporary storage of solid waste. The allocated storage space must be freely accessible to the service truck. Only normal solid waste originating from businesses, offices and residences will be removed;
- (b) The allocated storage spaces not be taken over by the Municipality;
- (c)/...

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- (c) An engineer duly registered in terms of the provisions of Act 46 of 2000 is appointed by the developer to design the allocated storage spaces. The design must be submitted to the Director: Civil Engineering Services for approval after which the construction work must be carried out under the supervision of the Engineer;

D6 ELECTRICITY

- (a) The recommendations as set out in the services report for bulk electrical reticulation by De Villiers & Moore dated May 2022, be implemented;

D7 CAPITAL CONTRIBUTIONS

- (a) Fixed development charges need to be paid according to the service/agreement;

E. GENERAL

- (a) All conditions of approval of the Environmental Authorisation from the Department of Environmental Affairs and Development Planning dated 19 July 2023 with reference 16/3/3/1/F5/20/2002/23 & WCP/EIA/0001216/2023;
- (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) It be required of the owner / developer to appoint a legal firm from the Council approved panel of legal representatives or as approved by the Municipality to, in accordance with Section 76(3) and Section 92(4) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), to conclude a service agreement between the Municipality and the owner/developer setting out the responsibilities for the provision of engineering services including the conditions relating to the installation of services as well as the payment of development charges as set out below prior to the construction of any Engineering services or infrastructure. The services agreement be submitted to the Director Civil Engineering Service for consideration and approval;
- (d) Should it be determined necessary to expand or relocate any of the engineering services to provide the development with connections, said expansion and/or relocation will be for the cost of the owner/developer;
- (e) The approval does not exempt the applicant from adherence to any and all other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies;
- (f) The approval is, in terms of section 76(2)(w) of the By-Law, valid for 5 years. All conditions of approval must 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.
- (g) The applicant/objectors be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R5000,00 to be valid. Appeals that are received late and/or do not comply with the requirements, will be considered invalid and will not be processed;

F. The application be supported for the following reasons:

- (a) Erf 2111 is situated inside the urban edge of Riebeek Kasteel as well as located in an area earmarked for mixed density residential and commercial land uses which will integrate with the other developments in the area, making this application in compliance with the provisions of the MSDF, 2023;
- (b) The existing surrounding land uses and proposed development will be mutually complementary in character;
- (c) The development proposal is foreseen to create employment opportunities in the short, as well as the long term;
- (d) The development will make a larger variety of housing typologies available to a broader section of the public, creating greater equity;

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- (e) Several business opportunities form part of the development, thereby impacting positively on the social fabric of the town;
- (f) The phasing of the project minimises the financial risk, while moderating the physical and visual impact on the surrounding area;
- (g) The application complies with the principles of LUPA (Land Use Planning Act) and SPLUMA (Spatial Planning and Land Use Management Act) (Spatial Planning and Land Use Management Act);
- (h) Public interest is deemed to be addressed in a positive manner and the development is foreseen to contribute, rather than detract from the existing development of Riebeek Kasteel;
- (i) Sufficient services capacity exists to accommodate the proposed development.
- (j) An Environmental Authorisation has been issued by the Department of Environmental Affairs and Development Planning;
- (k) The amended site development plan allows for a better public interface along Kloof Street and integrates better with the historical landscape character of Riebeek Kasteel. A 10m conservation buffer will be established between the watercourse and the proposed development. The watercourse in the southeastern corner will aid in storm water management;
- (l) The remainder zoned Agricultural zone 1 as well as the large open space along the river allows for a variable buffer of 60m to 120m between the adjacent agricultural activities and the residential component. In addition, a deviation from the Swartland Spatial Development Framework is no longer required.

6.2 APPLICATION FOR CONSENT USE ON FARM NO. 1247, DIVISION MALMESBURY (15/3/10-15)

The author, Ms A de Jager, tabled the item and mentioned the reasons why the consent use on Farm 1247, Division Malmesbury to accommodate a renewable energy development is not supported.

The application property is zoned Agricultural Zone 1, with a Tourist Facility and a Farm Shop (as consent uses), while the activities on the remainder of the farm primarily relate to agricultural uses. Although renewable energy initiatives are supported, the Spatial Development Framework identifies the R46 as the east-west tourism corridor of the Swartland and proposals for the corridor include the protection of agricultural land. The development proposal encroaches on high potential agricultural land.

Ms de Jager stated that a further consideration, as pointed out by Mr Rabie, is the Western Cape Land Use Planning Guidelines: Rural Areas (2019) that focus on the appropriate and responsible development of rural and agricultural areas.

RESOLUTION

- A. The application for consent uses on Portion 56 of the farm Groene Rivier, no. 821, Division Malmesbury, be refused in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020), due to the following reasons:

A1 TOWN PLANNING AND BUILDING CONTROL

- (a) The addition of the charging station to the tourist facility will create a mixed use development node. Such a node is not supported by the SDF;
- (b) The SDF clearly states that the Swartland region identity is defined by its landscapes, natural environment and agriculture (the foothills of the Kasteelberg, in its current state, is specifically identified by the SDF as scenic and heritage assets that should be protected). All three the characteristics will be negatively impacted on by the proposed development;
- (c) The R46 is identified by the SDF as an agri-tourism corridor and differs vastly in character from that of the N7. The corridor depends on the landscape and agricultural activities as defining characteristics and tourism attractions. No transport/economic nodes are proposed along the R46, as no high-order intersections exist and the character of such economic nodes would be contrary to the character of the agri-tourism corridor;
- (d) The distance between Riebeek Kasteel and other towns is short enough to restrict development to the towns/urban areas, as far as possible and to preserve agricultural, scenic and tourism assets, as promoted by the SDF;

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- (e) The proposed solar array and charging station represent the loss of high potential agricultural land. Not all agricultural land is protected, but in this instance the land potential is high and should be preserved for agricultural use;
- (f) The development is not place-bound, due to scarce resources or the unique characteristics of the site;
- (g) The proposal will not be providing a service to a previously underserved or remote community;
- (h) The bucolic landscape is the one of the most important driving factors for the existing tourist facility and the promotion of tourism is supported by the SDF. The charging station and solar array are foreseen to impact negatively on the landscape, in turn impacting negatively on the tourist facility and per implication on tourism to the area. The negative impact is contrary to the SDF;
- (i) The location of the charging station and solar plant is not logistically optimal, within 7km from Riebeek Kasteel – there is no reason why the development cannot be more effectively accommodated in close proximity to existing services and urban development – and thus not considered necessary, nor orderly planning;
- (j) The impact of the solar array on the landscape is considered severe and negative, as the materials being used are industrial in nature and the panels will be below the road level, rendering the view from above even more visible;
- (k) The financial gain generated by the development is expected to benefit only a few parties and not necessarily the wider community;

B. GENERAL

The applicant/objector be informed of the right to appeal against the decision of the Municipality, in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision for or against the appeal. An appeal is to comply with section 90 of the By-Law and is to be accompanied by a fee of R5 000,00 in order 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) The addition of the charging station to the tourist facility will create a mixed use development node. Such a node is not supported by the SDF;
- (b) The SDF clearly states that the Swartland region identity is defined by its landscapes, natural environment and agriculture (the foothills of the Kasteelberg, in its current state, is specifically identified by the SDF as scenic and heritage assets that should be protected). All three the characteristics will be negatively impacted on by the proposed development;
- (c) The R46 is identified by the SDF as an agri-tourism corridor and differs vastly in character from that of the N7. The corridor depends on the landscape and agricultural activities as defining characteristics and tourism attractions. No transport/economic nodes are proposed along the R46, as no high-order intersections exist and the character of such economic nodes would be contrary to the character of the agri-tourism corridor;
- (d) The distance between Riebeek Kasteel and other towns is short enough to restrict development to the towns/urban areas, as far as possible and to preserve agricultural, scenic and tourism assets, as promoted by the SDF;
- (e) The proposed solar array and charging station represent the loss of high potential agricultural land. Not all agricultural land is protected, but in this instance the land potential is high and should be preserved for agricultural use;
- (f) The development is not place-bound, due to scarce resources or the unique characteristics of the site;
- (g) The proposal will not be providing a service to a previously underserved or remote community;
- (h) The bucolic landscape is the one of the most important driving factors for the existing tourist facility and the promotion of tourism is supported by the SDF. The charging station and solar array are foreseen to impact negatively on the landscape, in turn impacting negatively on the tourist facility and per implication on tourism to the area. The negative impact is contrary to the SDF;

(i)/...

6.2/C...

- (i) The location of the charging station and solar plant is not logistically optimal, within 7km from Riebeek Kasteel – there is no reason why the development cannot be more effectively accommodated in close proximity to existing services and urban development – and thus not considered necessary, nor orderly planning;
- (j) The impact of the solar array on the landscape is considered severe and negative, as the materials being used are industrial in nature and the panels will be below the road level, rendering the view from above even more visible;
- (k) The financial gain generated by the development is expected to benefit only a few parties and not necessarily the wider community.

6.3 PROPOSED REZONING, CONSOLIDATION AND REMOVAL OF RESTRICTIVE CONDITIONS ON ERVEN 744 AND 745, YZERFONTEIN (15/3/3-14, 15/3/5-14, 15/3/12-14) (WARD 5)

Mr A J Burger, as author, tabled the item and discussed the proposed land use applications on Erf 744 and Erf 745, Yzerfontein in order to consolidate the said erven and to rezone the existing buildings to accommodate the development proposal of seven shops, two flats and a pharmacy or optometrist (medical consulting rooms).

RESOLUTION

- A. The application for the removal of restrictive conditions 6(a), 6(b), 6(b)(i), 6(b)(ii) and 7 against Erf 744, Yzerfontein, as contained in Title Deed T26836/2024, is hereby approved in terms of section 70 of the By-Law.

The following process be followed for decisions A:

- (a) The applicant/owner applies to the Deeds Office to amend the title deed in order to reflect the amendment and removal of the restrictive conditions;
 - (b) The following minimum information be provided to the Deeds Office in order to consider the application, namely:
 - (i) Copy of the approval by Swartland Municipality;
 - (ii) Original title deed, and
 - (iii) Copy of the notice which was placed by Swartland Municipality in the Provincial Gazette;
 - (c) A certified copy of the amended title deed be provided to Swartland Municipality for record purposes, prior to final consideration of building plans;
- B. The application for the rezoning of erf 744, Yzerfontein, is hereby approved in terms of section 70 of the By-Law;
 - C. The application for the consolidation of erf 744 and 745, Yzerfontein, is hereby approved in terms of section 70 of the By-Law;
 - D. **B & C are subject to the following conditions:**

D1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 744 be rezoned from Residential zone 1 to Business zone 2, as presented in the application;
- (b) The dwelling on erf 744 be demolished;
- (c) Erf 744 be consolidated with erf 745;
- (d) Building plans be submitted to the Senior Manager: Development Management for the demolition as well as for alterations and new building work for consideration and approval;
- (e) Access to the consolidated erf be restricted from Park Road (restricted to the business uses) and Ibis Close (restricted to the residential uses);
- (f) At least 24 on-site parking bays and 1 loading bay be provided with a permanent dust free surface being tar, concrete or paving or a material pre-approved by the Director Civil Engineering Services and that the parking bays are clearly marked;
- (g) No throughfare of traffic from Park Road to Ibis Close and vice versa on the consolidated erf, be permitted. Physical restrictions be placed on-site to ensure this conditions be complied with to the satisfaction of the Municipality;
- (h) The medical consulting room be restricted to be used for human medical or medically related consultation, examination or treatment, but does not include live-in facilities;

- (i) Business hours for the businesses be restricted from 07h00 to 20h00 each day;
- (j) Application be made to the Senior Manager: Development Management for the erection of advertising signs;
- (k) A landscaping plan be submitted to the Department Civil Engineering Services for approval. The landscaping plan be approved prior to the submissions of building plans;

D2 WATER

- (a) The erf be provided with only one water connection;

D3 SEWERAGE

- (a) The 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 to the satisfaction of the Municipality;

D4 REFUSE REMOVAL

- (a) Medical waste not be removed by Swartland Municipality;

D5 ELECTRICAL

- (a) Both erven 744 and 745 have individual electrical connections and electrical meters. These electrical connections be consolidated to one electrical connection and one metering point to the satisfaction of the Municipality;

E. GENERAL

- (a) The approval does not exempt the applicant from adherence to all other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies;
- (b) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law from date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision against the appeal;
- (c) All conditions of approval be implemented before the new land uses come into operation and failing to do so the approval will lapse. Should all conditions of approval be met within the 5 year period, the land use becomes permanent, and the approval period will no longer be applicable;
- (d) The applicant/objectors be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R5000,00 to be valid. Appeals that are received late and/or do not comply with the requirements, will be considered invalid and will not be processed.

F. The application be supported for the following reasons:

- (a) The consolidated property can easily accommodate the development proposal after the demolition of the dwelling on erf 744;
- (b) The impact of the additional shops and flats on the consolidated erf is deemed minimal giving the existing character of Park Road and the historic use of erf 745.
- (c) The business and residential uses of the consolidated erf are in compliance with the spatial planning of Yzerfontein;
- (d) The proposed development complies with the principles of LUPA and SPLUMA.
- (e) The development proposal complies with all the applicable zoning parameters;
- (f) The removal of the title deed restrictions on erf 744 will enable the development rights for the consolidated property;
- (g) Engineering services are deemed sufficient to accommodate the proposed development;
- (h) The impact of the proposed development on bulk engineering services are deemed low. No development charges need to be paid;
- (i) Property values will not be affected negatively by the proposed development;
- (j) Access to the consolidated property is deemed sufficient;
- (k) The business hours be restricted to mitigate the impact of the proposed development on the surrounding owners.

6.4 PROPOSED DEPARTURE OF DEVELOPMENT PARAMETERS ON ERF 3485, DARLING (BUILDING PLAN APPLICATION) (15/4/2-2) (WARD 6)

Mr A J Burger gave background to the application for the departure of development parameters on Erf 3485, Darling that forms part of a building plan application. The purpose of the departures is to allow for the owner to build a garage for the safely storage of 4 to 5 valuable collectible vehicles.

RESOLUTION

A. The application for the departure of development parameters on Erf 3485 be approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), as follows:

1. Departure of the 1,5m side building line (southern boundary) to 1m.
2. Departure of the 1m height restriction of the FFL of the dwelling in relation to the NGL to 1,2m.

B. GENERAL

- (a) The approval does not exempt the applicant from adherence to all other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies;
- (b) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law from date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision against the appeal;
- (c) All conditions of approval be implemented before the new land uses come into operation and failing to do so the approval will lapse. Should all conditions of approval be met within the 5 year period, the land use becomes permanent, and the approval period will no longer be applicable;
- (d) The applicant/objectors be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R5000,00 to be valid. Appeals that are received late and/or do not comply with the requirements, will be considered invalid and will not be processed;

C. The application be supported for the following reasons:

- (a) Erf 3485 does not consist of any physical restrictions which impacts negatively on the application;
- (b) The relevant portion of Hildebrand Street already contains side building line departures which. This application compliments the existing character of this portion of the street;
- (c) The proposed garages are proposed next to the existing garage and will form an extension of the garage space which is deemed sensible and practical;
- (d) The impact of the FFL of the proposed building work being raised to 1,2m is deemed low and provides sufficient space on one level for the parking of the motor vehicles;
- (e) Permitting a departure to 1m from the erf boundary creates sufficient space for the construction phase and for maintenance;
- (f) The reason at point 5 also eliminates that access to erf 1327 will be required during the construction phase of future maintenance;
- (g) The impact of the building work on erf 1327 is deemed low, regardless if single or double storey as presented in this application;
- (h) The size of the proposed garage is justified by the need to the owner of erf 3485 to park some of his vehicles safely and securely on this property.

**(SIGNED) J J SCHOLTZ
CHAIRPERSON**

28 January 2025

15/3/6-14/Erf 2706
15/3/13-14/Erf 2706

WYK: 5

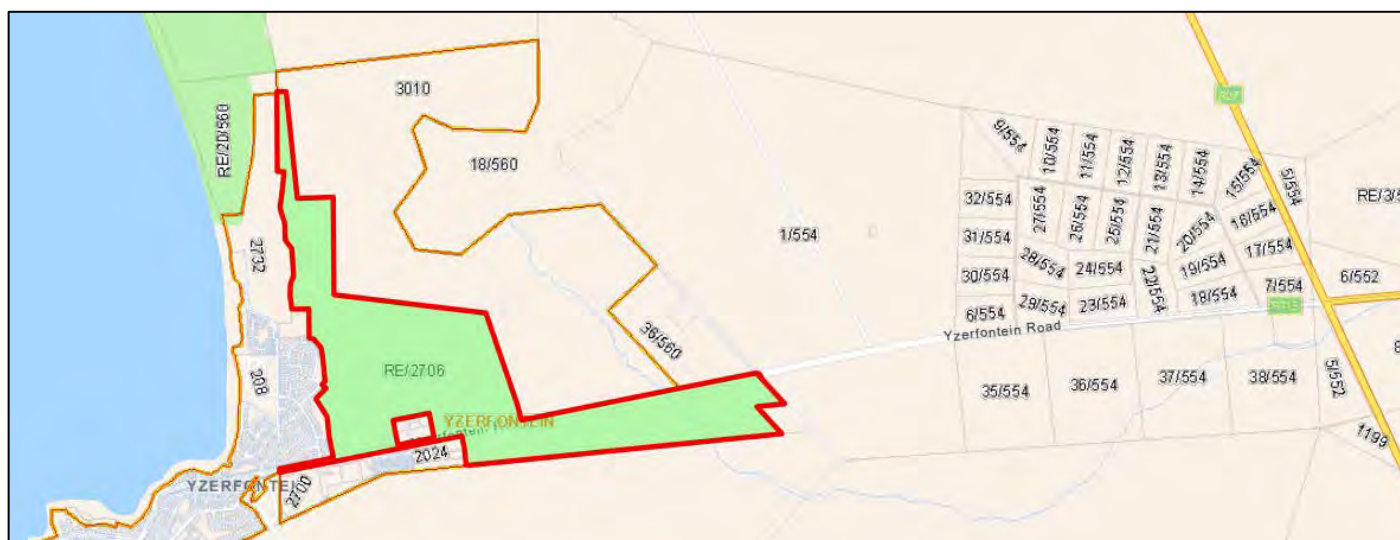
ITEM 6.1 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY, 12 FEBRUARY 2025

LAND USE PLANNING REPORT							
PROPOSED SUBDIVISION OF ERF 2706, YZERFONTEIN AND APPLICATION FOR EXCEMPTION FROM THE REGISTRATION OF A SERVITUDE							
Reference number	15/3/6-14/Erf 2706 15/3/13-14/Erf 2706	Application submission date	22 July 2024	Date report finalised	31 January 2025		
PART A: APPLICATION DESCRIPTION							
<p>a) Application for the subdivision of Erf 2706, Yzerfontein (213,0786ha in extent), in terms of section 25(2)(d) of the Swarthland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020), into six (6) portions was made as follows:</p> <ul style="list-style-type: none"> i. Portion A of 56.6ha in extent; ii. Portion B of 4.3ha in extent; iii. Portion C of 32.7ha in extent; iv. Portion D of 58.1ha in extent; v. Portion E of 60.6ha in extent; and vi. Portion F of 3000m² in extent, leaving no Remainder. <p>b) Application is also made for the exemption from the registration of a right-of-way servitude over Erf 2706, Yzerfontein, in terms of section 34(1)(g)(v)) of the Swarthland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020) to allow for an 8m wide right-of-way servitude over the existing right-of-way servitude on Portion D, in favour of Portion C and Portion E.</p> <p>The applicant is C.K. Rumboll and Partners and the property is owned by Black Ginger (Pty) Ltd.</p>							
PART B: PROPERTY DETAILS							
Property description (as in Title Deed)	REMIANDER OF ERF 2706 YZERFONTEIN, in the Swarthland Municipality, Division Malmesbury, Province Western Cape						
Physical address	East of Yzerfontein, north and south of the R315, towards Yzerfontein	Town	Yzerfontein				
Current zoning	Agricultural Zone 1	Extent (m ² /ha)	213,0786ha	Are there existing buildings on the property?	Y	N	
Applicable zoning scheme	Swarthland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020)						
Current land use	Vacant/Agriculture		Title Deed number & date	T19549/2024			
Any restrictive title conditions applicable	Y	N	If Yes, list condition number(s)				
Any third party conditions applicable?	Y	N	If Yes, specify	Section II.(C)			
Any unauthorised land use/building work	Y	N	If Yes, elaborate				
PART C: LIST OF APPLICATIONS (TICK APPLICABLE)							
Rezoning		Permanent departure		Temporary departure		Subdivision	✓

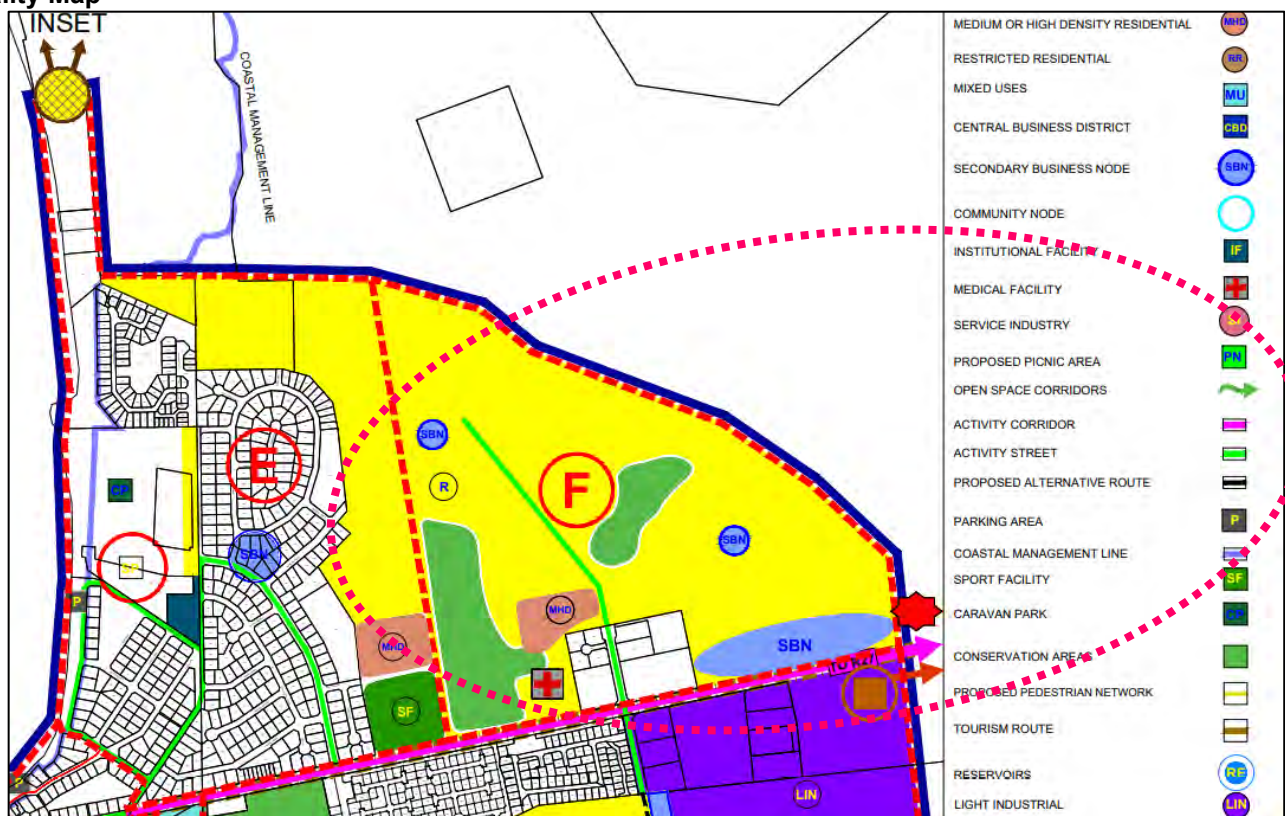
Extension of the validity period of an approval		Approval of an overlay zone		Consolidation		Removal, suspension or amendment of restrictive conditions	
Permissions in terms of the zoning scheme		Amendment, deletion or imposition of conditions in respect of existing approval		Amendment or cancellation 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			

PART D: BACKGROUND

Erf 2706 is a large vacant land portion directly east of Yzerfontein, north and south of the R315. The property is located in Area F, as delineated in the Swartland Municipal Spatial Development Framework (MSDF, 2023). The site is partially located inside the urban edge and the included portion is earmarked for a number of land uses, such as secondary business nodes, various densities residential development, health services, leisure facilities, industrial development, conservation and activity streets and corridors.



Locality Map



Access to the portions of the property is obtained directly from the R315, while right-of-way servitudes are registered over Erf 2706 to provide access to land-locked properties north and south of the application erf.

The proposal entails the subdivision of the property into smaller portions that may be more effectively developed or reserved, depending on applicable policy and legislation, as well as exemption from the registration of a right-of-way servitude.

A portion of the servitude will be re-registered over an existing servitude (delineated on as an activity street on the spatial proposals map) and partially as a new extension towards the northern boundary of the property. The registrations are aimed at providing access to the new, land-locked subdivided portions, as well as abutting properties.

The application does not include the cancellation of any existing right-of-way servitudes in favour of a third party.

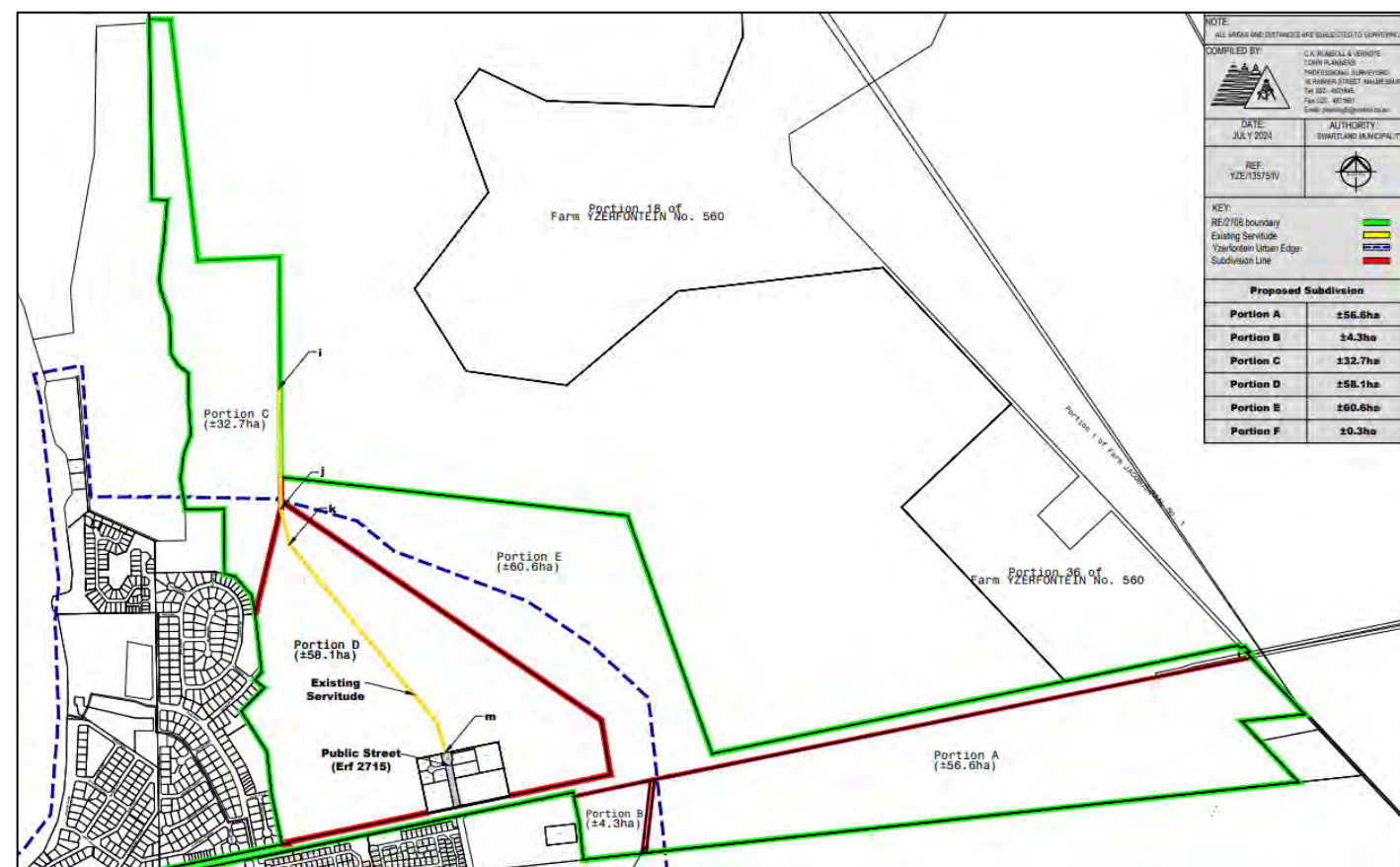
PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken? **Y** **N**

PART F: SUMMARY OF APPLICANT'S MOTIVATION

1. The Proposal

- a) Subdivision of the Remainder of Erf 2706, Yzerfontein (213,0786ha in extent) into:
 - i. Portion A (± 56.6 ha);
 - ii. Portion B (± 4.3 ha);
 - iii. Portion C (± 32.7 ha);
 - iv. Portion D (± 58.1 ha);
 - v. Portion E (± 60.6 ha); and
 - vii. Portion F (± 0.3 ha) leaving no Remainder.
- b) Exemption from registering an 8m wide private right-of-way servitude over Portion D, in favour of Portion C and Portion E on top of the existing right of way servitude over portion D indicated on SG Diagram No. 210/2023 marked i,j,k and curved line k,m which continues from public street (Erf 2715). The site development plan and servitude map are attached as Annexure B and Annexure D.



Site Development Plan

2. Motivation

The proposed subdivision is considered needed and desirable as it:

- a) Enables the owner of Remainder of Erf 2706 to rearrange the company's shareholding and to transfer portions of land for future development;
- b) Simplifies development of the portions of land within the urban edge;
- c) Contributes to economic growth as it unlocks the diversity of land uses proposed in the MSDF;
- d) Contributes to the feasibility of bulk services provision;
- e) Gives effect to consents issued by the Minister Agriculture Land Reform and Rural Development;
- f) Enables portions of land outside the urban edge to serve as agricultural small holdings.
- g) Economic Impact:
 - i. Investment: Four additional owners access developable land, increasing the likelihood of the land units to be developed and increasing land ownership. Enabling portions of land within the urban edge to become developable, potential investment will be attracted;
- h) Economic Development: Future development of the land units enable:
 - i. residential, commercial, sport and service industry use. These land uses will contribute to economic growth and aligns with MSDF goals;
 - ii. an increase in property values and attracting investment;
 - iii. Financial contributions to bulk services making bulk service provision feasible;
 - iv. revenue generation as the municipal tax base increases;
- i) Social Impact
 - i. Residential expansion contributes to growing the settlement population and reaching norms to provide for social infrastructure such as schools, health services, and recreational facilities. The provision of community facilities contributes to the living standards of the population and aligns with the MSDF goal to create a vibrant, diverse community;
 - ii. Future expansion is limited as the land surrounding erf 2607 is earmarked for conservation;
 - iii. No negative social impacts are anticipated in the short term, as the land use does not change and no people are displaced;
- j) Scale of capital investment
 - i. Immediate Capital Investment: Since the subdivision itself does not change the land use but aims to facilitate shareholding rearrangement and future development, the immediate capital investment is low;
 - ii. Future Capital Investment: The proposed subdivision sets the stage for significant future investments to develop and to provide services;
- k) Compatibility with surrounding uses
 - i. Consistent with Planning Framework: The subdivision aligns with the existing urban edge outlined by the Swartland Municipal Spatial Development Framework and is consistent with MSDF;
 - ii. The proposed subdivision does not introduce any new land uses and will maintain its harmony with the agricultural surroundings;
- l) Impact on bulk engineering services
 - i. Future Service Planning: Future development on subdivided land will need to incorporate planning for provision of water, sewage, electricity, stormwater, waste and communication services;
 - ii. No services are required for the current subdivision. However, any transfer or development of the land units to be created by this application hereafter will require development contributions to be paid by the developer;
- m) Traffic impacts, parking, access and other transport related considerations
 - i. Portion B receives access from the existing access south of the R315;
 - ii. Portion F aligns with Minor Road 5313 and the portion is subsequently proposed to be subdivided from Erf 2706 and transferred to the Western Cape Department of Infrastructure: Road Planning, as instructed in paragraph 6.2 of letter 16/9/6/1-26/162, dated 2 September 2024 (attached as Annexure L)
 - iii. Application is made for the registration of a 8m wide right of way servitude in favour of Portion C and Portion E on the existing right of way servitude over portion D indicated on SG Diagram No. 210/2023 marked i,j,k and curved line k,m connecting north of the public street (Erf 2715) ensuring access to the new land portions

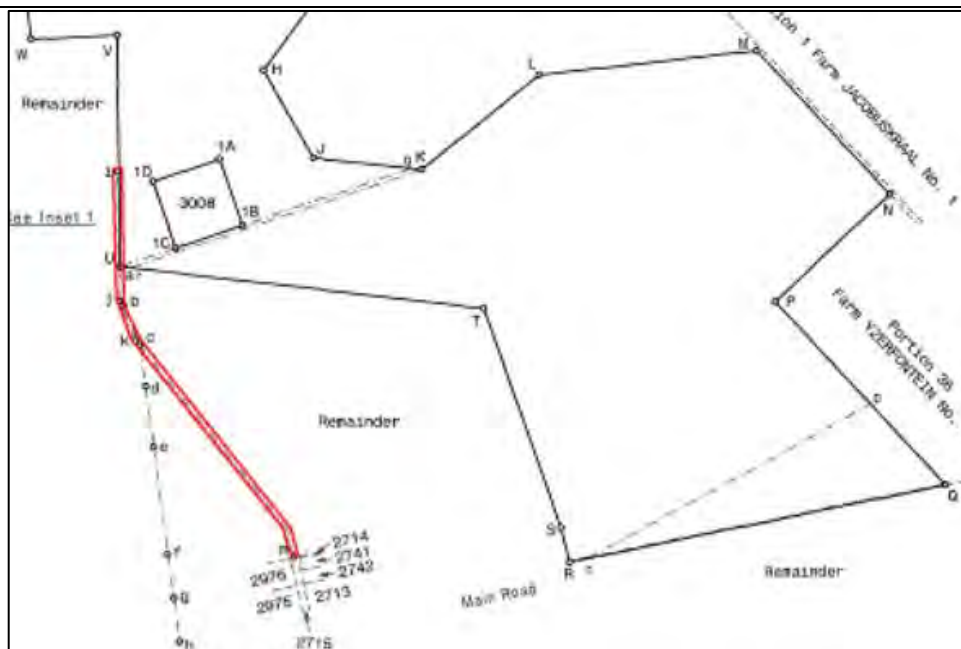


Illustration of Servitudes

- iv. Future development and rezoning may increase traffic volume on R315 and a traffic assessment to manage and mitigate traffic flow;
- v. For future development, parking and access will be provided according to the land-use parameters;
- n) Impact on the biophysical environment
 - i. Minimal Immediate Impact: The subdivision itself does not involve land alteration or environmental degradation;
 - ii. Future development will adhere to environmental regulations, including assessments of impacts on local flora, fauna, water resources, and soil quality;
- o) Impact on safety, health and wellbeing of the surrounding community
 - i. The subdivision will not introduce new safety or health risks;
 - ii. Future development could improve local infrastructure and services, indirectly enhancing community well-being.

3. Matters referred to in Section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA

- a) Spatial Justice: The subdivision provides varied portions of land (A, B, C, D, and E) to be developed for diverse uses and transitional uses and ensure that different segments of the community have equitable access to land including residential and agricultural land.

By developing within the urban edge, the subdivision also helps integrate new developments into the existing development, promoting equitable growth and social integration.

- b) Spatial sustainability: The subdivision aligns with the MSDF, ensuring that development occurs within planned growth boundaries, which helps to protect natural resources and maintain ecological balance.

Portions of the land are earmarked for residential expansion, accommodating growth within the edge without causing sprawl.

- c) Efficiency: The subdivision enables efficient use of the land within the urban edge, aligning with the MSDF. It supports the development of residential areas without expanding beyond planned growth boundaries.

The subdivision does not call for engineering services at present.

The use of existing roads and a servitudes to provide access ensures efficient connectivity, minimising the need for new road construction and leveraging existing infrastructure for effective land use.

- d) Principles of good administration: The proposed subdivision will be forwarded to the relevant departments for comment and be advertised to invite public comment. Comments from different relevant departments and the public will ensure an informed decision.
- e) Spatial Resilience: The subdivision will have no impact on the security, or livelihoods of the community. The community will not experience any socio-economic and environmental shocks i.e. drought and flooding, as the subdivision does not change the use of the land.

4. Conclusion

The proposed subdivision of Remainder of Farm 2706, Yzerfontein, Malmesbury Division may be recommended as it:

- a) supports future economic growth and optimizes land use development;
- b) Is exempted from Act 70 of 1970, which governs the subdivision of agricultural land (refer to Annexure F);
- c) The proposal is a strategic step in supporting the municipality's objectives to grow the economy.

PART G: SUMMARY OF PUBLIC PARTICIPATION

Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipality: Municipal Land Use Planning By-Law.	Y	N
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A total of 11 written notices, as well as e-mails were sent via registered mail to the affected property owners in the area, in terms of Section 56(1) & (2) of the By-Law.

A total of four (4) objections were received against the proposal. The applicant was afforded 30 days, from 11 September 2024 to 13 October 2024, to respond to comments and objections issued by affected parties.

The applicant requested a 14 day extension of the response time, in order to conduct negotiations with the objecting land owners. Extension was granted until 24 October 2024.

The response to comments was received on 24 October 2024. (Annexure K).

Total valid comments	4			Total comments and petitions refused		0	
Valid petition(s)	Y	N	If yes, number of signatures				
Community organisation(s) response	Y	N	Ward councillor response	Y	N	Comments were requested from Councillor Rangisamy, but none were forthcoming.	
Total letters of support	0						
PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS							
Name	Date received		Summary of comments				Recommend
Eskom			No comments received.				✓
Department: Civil Engineering Services	19 Aug 2024		Die aansoek dui aan dat hierdie die onderverdeling van 'n landbou gesoneerde erf is wat tans nie gediens is nie en dat geen dienste met die onderverdeling benodig word nie. Derhalwe sal geen diensaansluitings vir die restant of onderverdeelde gedeeltes voorsien word nie.				
Western Cape Department of Infrastructure: Roads Planning	2 Sep 2024		"6. The proposals as provided can only be supported if one of the following scenarios are included: 6.1. Application is made for the deproclamation of Minor Road 5313 to be replaced with a servitude right of way to the south eastern boundary of Portion 4 of Farm 560, or 6.2. The road reserve of Minor Road 5313 on Portion B is subdivided and included as part of the subdivision plan, and the subdivided portion is transferred to this Branch. This will permit that this Branch can provide access to both Portion A and B from the Minor Road 5313."				✓

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
S. de Villiers Erf 2732 Annexure G	1. Existing Servitude should not be cancelled	1. The application is an administrative process, it does not take away any rights or change any servitudes. The zoning remains the same. Existing servitude won't be cancelled, servitude on map indicates existing relevant servitude to this application.	<p>1. The application at hand deals with the subdivision of the property and an exemption. The role of the municipality, with regard to the servitudes, is to determine whether or not the proposed servitude complies with the conditions of section 34 of the By-Law and if it does, to exempt the applicant from having to apply for servitude registration.</p> <p>The servitude that seems to worry the objectors the most, namely the road colloquially known as the "Strandkombuis Pad", holds no relevance to the application:</p> <ul style="list-style-type: none"> a. The road is situated on right-of-way servitude SG Diagram no. 1223/2014, registered in section II.C of Title Deed 19549/2024 b. Nowhere in the application is it proposed to cancel or close the abovementioned servitude; c. As a registered title condition, servitude 1223/2014 cannot legally be removed or closed, without the relevant application process and public participation requirements; d. The new, proposed servitude follows the alignment of a previously existing servitude and connects at its northern point with 1223/2015. The existing access route will thus remain unobstructed, while additional access is added.
M. de Villiers Farm 560/4 Annexure H	2. Access to property should be maintained in existing format.	2. Subdivision map amended (access road to 4/560 should be subdivided and transferred to Western Cape department of Transport infrastructure to obtain their support) and addendum to land use application was prepared, as instructed in decision letter dated 2 September 2024 with reference: 16/9/6/1- 26/162	<p>2. The applicant submitted and addendum to the application simultaneously to the response to comments on 24 October 2024. As the By-Law states that amendments may be made to an application at any point before the final decision, the addendum was accepted and incorporated as part of the application.</p> <p>Following the comments from the Department of Infrastructure: Road Planning, the proposal was amended for the portion of land aligning with the relevant portion of minor road R5313, to be subdivided (proposed Portion F) and transferred to the Department of Infrastructure, as instructed.</p> <p>The objection is regarded as sufficiently addressed.</p>

<p>E. Bermann Erf 2130 Annexure I</p>	<p>3. Proposed right of way affect main entrance. Proposed changes including the light industry & multi housing will alter the character, negatively effecting wedding venue and restaurant. Noise disturbance (construction & traffic) Environmental impact of development</p>	<p>3. The application is an administrative process. • It does not take away any rights or change any servitudes. The zoning remains the same.</p> <p>The existing servitude will not be cancelled, servitude on map indicates existing relevant servitude.</p>	<p>3. It is foreseen that the character of the area will change over time. However, the proposal is consistent with the proposals of the SDF and therefore not considered detrimental to the future Yzerfontein. Changes that may occur over time will be directed by spatial planning to ensure that the character of the town is preserved.</p> <p>Any environmental impact will be assessed on a case-to-case basis, including biophysical ground-truthing where necessary, as and when more detailed development proposals are submitted.</p>
<p>B. & A. van der Walt Erf 2132 Annexure J</p>	<p>4. Right of way servitude. Neighbourhood a tourism node as indicated on the SDF These owners promote and protect the popularity of the tourism node. The locality and scenery of the tourism node is home to unique bird species. Yzerfontein as a town rely and benefits from tourism. Reference is made to Blouberg insensitive development as an example (smothering tourism. No tourist wants to drive through an industrial area to a tourism node. Have to protect the entrance and the diverse fauna and flora route towards the tourism node.</p>	<p>4. The application is an administrative process. • It does not take away any rights or change any servitudes.</p> <p>Zoning remains the same. Existing servitude won't be cancelled, servitude on map indicates existing relevant servitude. Access servitudes to their properties, created and registered will not be of concern to this application and will be carried forward.</p> <p>The application does not deal with or cause access servitudes not registered or removed or to be registered or be removed, which is the concern of the objector.</p>	<p>4. Refer to assessment 1 and 3.</p>

PART J: MUNICIPAL PLANNING EVALUATION

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

Application for the subdivision of Erf 2706, Yzerfontein (213,0786ha in extent), in terms of section 25(2)(d) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020), into six (6) portions was made as follows:

- i. Portion A of 56.6ha in extent;
- ii. Portion B of 4.3ha in extent;
- iii. Portion C of 32.7ha in extent;
- iv. Portion D of 58.1ha in extent;
- v. Portion E of 60.6ha in extent; and
- vi. Portion F of 3000m² in extent, leaving no Remainder.

Application is also made for the exemption from approval of the registration of a right-of-way servitude over Erf 2706, Yzerfontein, in terms of section 34(1)(g)(v) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020) to allow for an 8m wide right-of-way servitude over the existing right-of-way servitude on Portion D, in favour of Portion C and Portion E.

A total of 11 written notices, as well as e-mails were sent via registered mail to the affected property owners in the area, in terms of Section 56(1) & (2) of the By-Law.

A total of four (4) objections were received against the proposal. The applicant was afforded 30 days, from 11 September 2024 to 13 October 2024, to respond to comments and objections issued by affected parties.

The applicant requested a 14 day extension of the response time, in order to conduct negotiations with the objecting land owners. Extension was granted until 24 October 2024 and the response to comments was received on time.

An addendum to the application, responding to the comments by the Western Cape Department of Infrastructure: Road Planning, was also submitted on 24 October 2024. The addendum was communicated to the relevant departments and no additional comments were received.

The applicant is C.K. Rumboll and Partners and the property is owned by Black Ginger (Pty) Ltd.

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) Spatial Justice: The proposed subdivision will promote access to development and economic opportunity through creating smaller, potentially more affordable property in a historically high income area.

The proposed servitude adheres to the criteria required for exemption from application, in accordance with section 34(1)(g)(v) of the By-Law.

All the relevant facts and considerations surrounding the application have been taken into account during the decision-making process. Therefore, the application may be deemed consistent with spatial justice.

- b) Spatial Sustainability: The proposed subdivision will enable the owner to develop the property to its full potential, while adhering to the character earmarked for the specific area of Yzerfontein. The subdivision will create the spatially more compact and resource efficient utilisation of the property.

The proposal constitutes infill development to a certain extent and will retain development inside the urban edge.

- c) Efficiency: The proposal ensures the optimisation of existing resources, while contributing to the densification target as advocated by local, provincial and national policy. The development proposal is thus deemed efficient.

- d) Good Administration: The application was communicated to the public through sending written notices per registered mail and e-mail to affected land owners. The application was also circulated to the relevant departments for comment. Consideration was given to all correspondence received and the application was dealt with in a timely manner. It is therefore argued that the principles of good administration were complied with by the Municipality.

- e) Spatial Resilience: The proposed development will not limit any future benefits of the application property or those of the surrounding area. Smaller erven support better land management and create more economic units, promoting diversity to better withstand future economic shocks.

2.2 Integrated Development Plan (IDP) and Spatial Development Framework (SDF)

This application contributes to healthy management of the urban and rural area. IDP outcome 5.2.

The proposed subdivision is in compliance with the character and land uses prescribed by the SDF as well as the principle of densification which is supported by the SDF and PSDF. This application affects optimal and more intensive use of land and existing infrastructure.

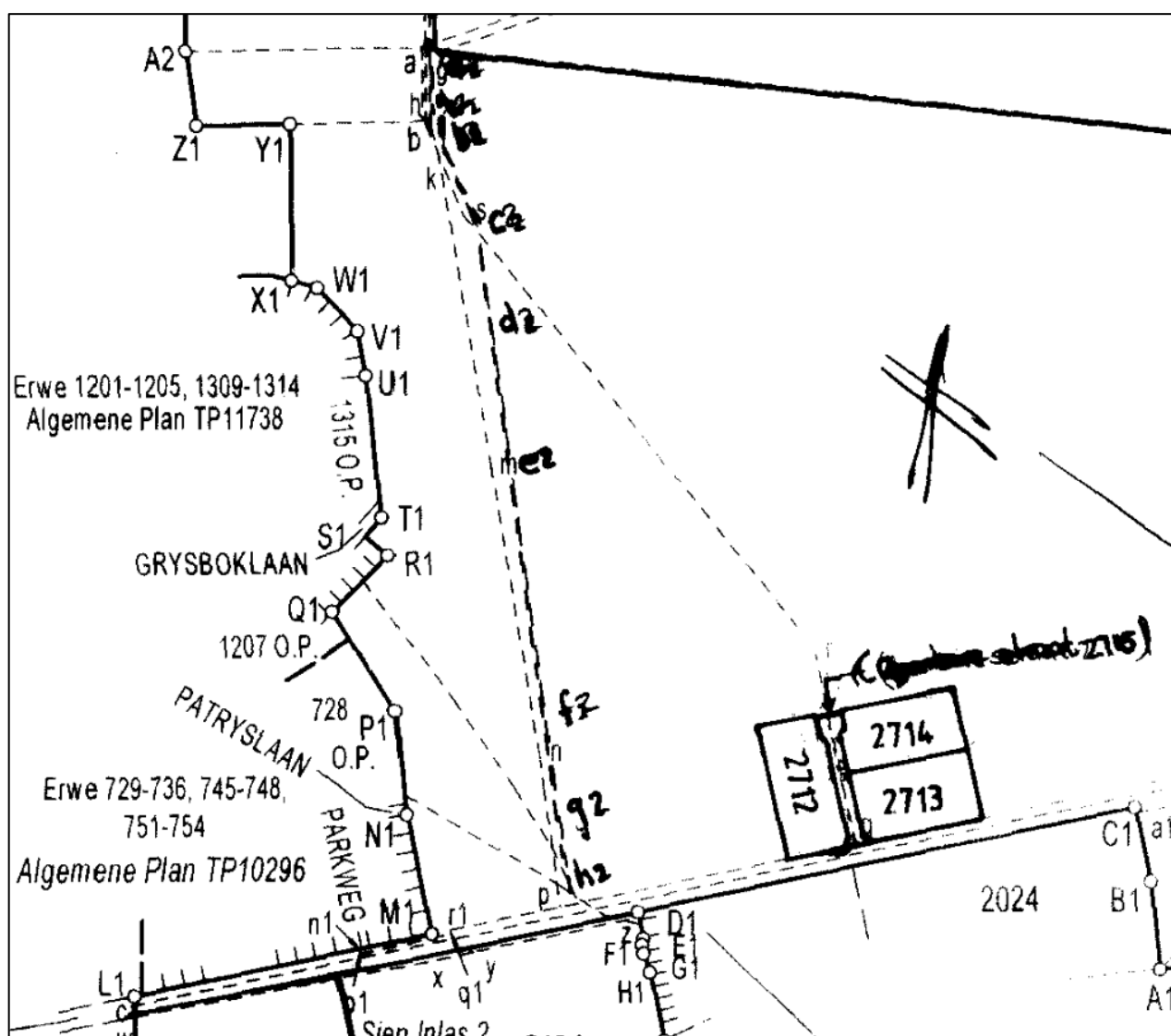
2.3 Zoning Scheme Provisions

All zoning parameters will be adhered to.

3. Desirability of the proposed utilisation

The proposed development is fully consistent with the relevant Swartland Spatial Development Framework, 2023 earmarks and objectives and is considered to be an asset towards the future of Yzerfontein.

There are no physical restrictions on the property that will have a negative impact on the application, as the erf is relatively flat and has been disturbed by agricultural activities.



Excerpt from Title Deed 19549/2024

C. By Notarial Deed of Servitude No K1035/81S dated 11 August 1981 the Remainder of Portion 22 of the Farm Yzerfontein No 560, Division of Malmesbury, measuring 39,2240 hectares, is entitled to a right of way, 12,2 metres wide, over Portion 27 of the Farm Yzerfontein No 560, division of Malmesbury, measuring 593,2883 hectares, held under Deed of Transfer No T52065/81, together with ancillary rights, which right of way is depicted by the letters aBCDEF on Servitude Diagram S.G. No 1259/81 annexed to the aforementioned Notarial Deed, as will appear from the said Notarial Deed and the centre line of which servitude is depicted by the figures hjkmnp extended to the main road on Diagram SG No 1223/2014.

The property is already exempted from the Subdivision of Agricultural Land Act, 1070 (Act 70 of 1970).

The application for exemption from having to apply for servitude registration, is consistent with the requirements of section 34 of the By-Law. In other words, the role of the Municipality is only to evaluate whether or not the servitude is exempted.

Nevertheless, concerns were addressed in the interest of the objectors, to assuage public anxieties.

The new servitude is intended to function in addition to the existing servitudes and the application does not include the cancellation of any of the existing routes. The registration and cancellation of servitudes in Title Deeds are subject to the relevant legislation and processes, as well agreements between the affected parties.

The proposed subdivision may impact positively on the economy of the surrounding neighbourhood, as it will make opportunities available to a wider income group. The construction phase is foreseen to create employment opportunities, while rates and taxes will provide continuous income to the Municipality in future. Other uses, such as secondary business nodes, are also foreseen to provide employment opportunities.

The proposed subdivision promotes densification and infill development, consistent with policies on National, Provincial and Local Government levels. Optimal use of the property will be promoted through creating smaller, more manageable land portions, while also enhancing the efficient use of resources, infrastructure, land and functionality.

The development proposal is wholly consistent with the land use proposals of the SDF.

Erf 2706 is zoned Agricultural Zone 1. The zoning of the land will initially remain unchanged, but development proposals will presumably be submitted at a later stage. The proposals will be directed by the spatial planning for the area, as well as the By-Law, ensuring that the character of the area, though changing, remains consistent with that of the larger town.

In conclusion, the proposal for subdivision and exemption on Erf 2706, Yzerfontein, is deemed desirable in terms of the above-mentioned criteria.

4. Impact on municipal engineering services

The application for subdivision does not include a change in land use and as agricultural land, no additional engineering services will be required. Detailed infrastructure planning will be completed once the new portions are rezoned and detailed development proposals are received.

5. Comments of organs of state

The application was circulated to Eskom, but no comments were forthcoming.

6. Response by applicant

See Annexure K.

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 remove all rights enjoyed by the beneficiary or only some of those rights
N/A

PART L: RECOMMENDATION WITH CONDITIONS

A. The application for the subdivision of Erf 2706, Yzerfontein, 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:

1. TOWN PLANNING AND BUILDING CONTROL

- a) Erf 2706, Yzerfontein (213,0786ha in extent), be subdivided into six (6) portions, as presented in the application and on Subdivision Plan YZE/13559/IV, as follows:
- i. Portion A of 56.6ha in extent;
 - ii. Portion B of 4.3ha in extent;
 - iii. Portion C of 32.7ha in extent;
 - iv. Portion D of 8.1ha in extent;
 - v. Portion E 60.6ha in extent; and
 - vi. Portion F (0.3ha) leaving no Remainder;
- b) The General Plan be submitted to the Surveyor-General for approval, including proof to the satisfaction of the Surveyor-General of—
- i. the municipality's decision to approve the subdivision;
 - ii. the conditions of approval imposed in terms of section 76; and
 - iii. the approved subdivision plan;
- c) Copies of said diagrams be made available to the Municipality for record keeping purposes;
- d) Portion F be transferred by the owner/developer to the Western Cape Department of Infrastructure: Road Planning, in accordance with their letter, Referenced 16/9/6/1-26/162, dated 2 September 2024;
- e) The legal certificate which authorises transfer of the subdivided portions in terms of Section 38 of By-law will not be issued unless all the relevant conditions have been complied with;
- B.** The registration of an 8m wide right-of-way servitude over the newly subdivided portion D of Erf 1706, Yzerfontein, as depicted on Subdivision and Servitude Plan YZE/13575/IV, dated July 2024, 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;

2. GENERAL

- a) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law, from the date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision against the appeal. All conditions of approval be implemented before the new land use comes into operation/or the occupancy certificate be issued and failing to do so will cause the approval to lapse. Should all conditions of approval be met within the 5 year period, the land use becomes permanent and the approval period will no longer be applicable.
- b) The applicant/objector be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of decision. An appeal is to comply with section 90 of the By-Law and is to be accompanied by a fee of R5 000,00 in order 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.

PART M: REASONS FOR RECOMMENDATION

1. The application for subdivision is regarded as densification which is supported by the SDF and PSDF.
2. Future, detailed development plans will be subject to legal processes and public participation and environmental issues will be addressed when applicable.
3. The application complies with section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA.
4. The proposed subdivision will not negatively affect the character of the neighbourhood, as it is directed by the spatial proposals of the SDF.

5. Smaller land portions will be more manageable to develop and a larger variety of opportunities may become available for a wider section of the community.
6. All land portions will be subject to the relevant environmental processes and public participation requirements upon rezoning and detailed development stage.
7. The subdivision is exempted from Act 70 of 1970.
8. The proposed servitude complies with the requirements of section 34 of the By-Law and is exempted from application.
9. The development proposal does not include the cancellation of the existing right-of-way servitude known as the "Strandkombuis Pad" and many of the objections lodged are thus unfounded.
10. The rights, health and safety of surrounding property owners will not be negatively affected by the proposal.


PART N: ANNEXURES

Annexure A	Locality Plan
Annexure B	Site Development Plan
Annexure C	Subdivision Plan
Annexure D	Servitudes Diagram
Annexure E	SG Diagrams
Annexure F	Exemption from Act 70 of 1970
Annexure G	Objection from
Annexure H	Objection from
Annexure I	Objection from
Annexure J	Objection from
Annexure K	Response to Objections
Annexure L	Letter from Western Cape Department Infrastructure
Annexure M	Addendum to Application

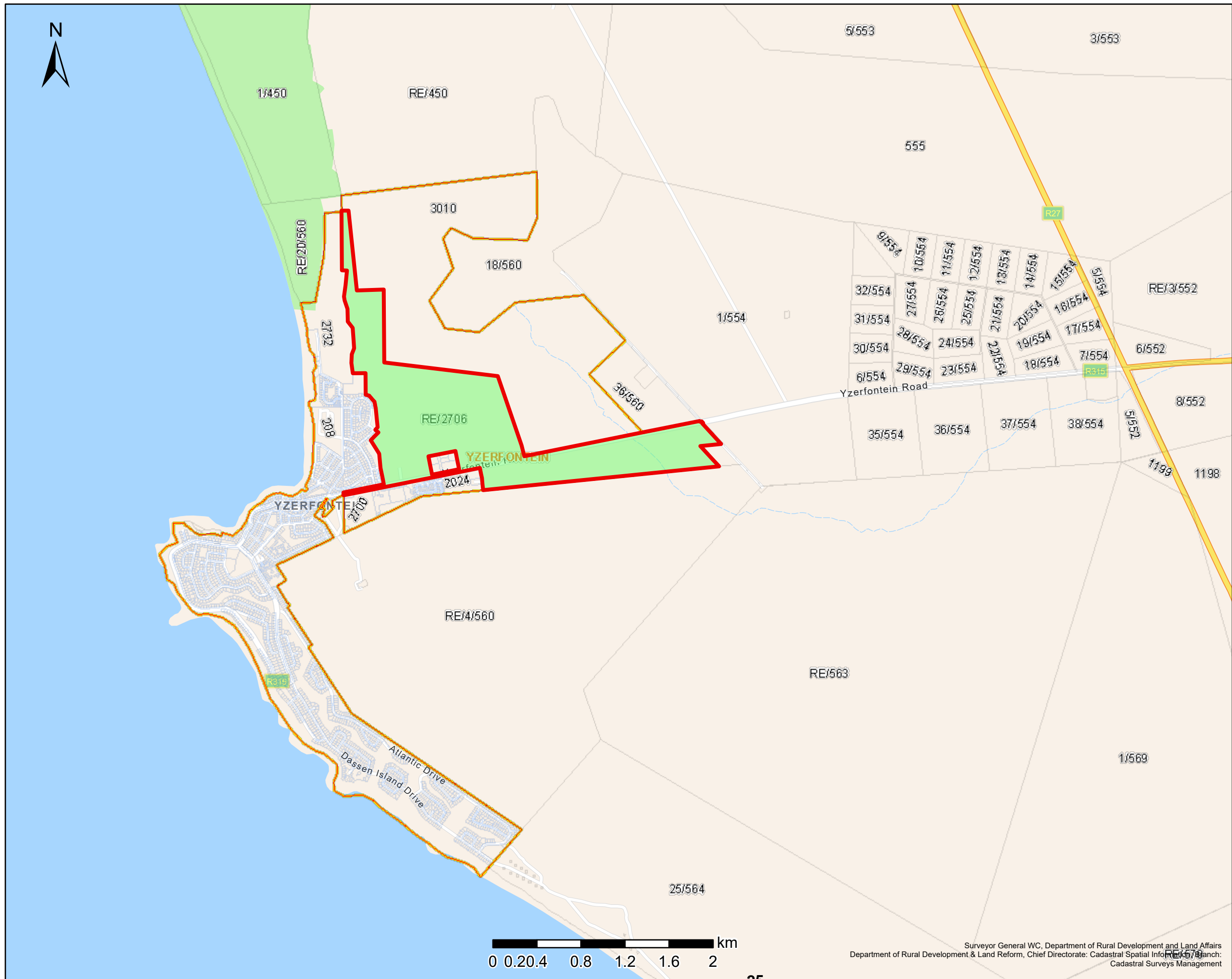
PART O: APPLICANT DETAILS

First name(s)	C.K. Rumboll and Partners			
Registered owner(s)	Black Ginger (Pty) Ltd.	Is the applicant authorised to submit this application:	Y	N

PART P: SIGNATURES

Author details: Annelie de Jager Town Planner SACPLAN: (A/2203/2015)			Date: 31 January 2025	
	Recommended	✓	Not recommended	
Recommendation: Alwyn Zaayman Senior Manager: Development Management SACPLAN: (B/8001/2001)			Date: 31 January 2025	

Locality



Legend

- Farm Portions
- Allotment Township
- Erf

Map Center: Lon: 18° 15' E
Lat: 33° 15' S

Scale: 1:40,000

Date created: 2024/05/18







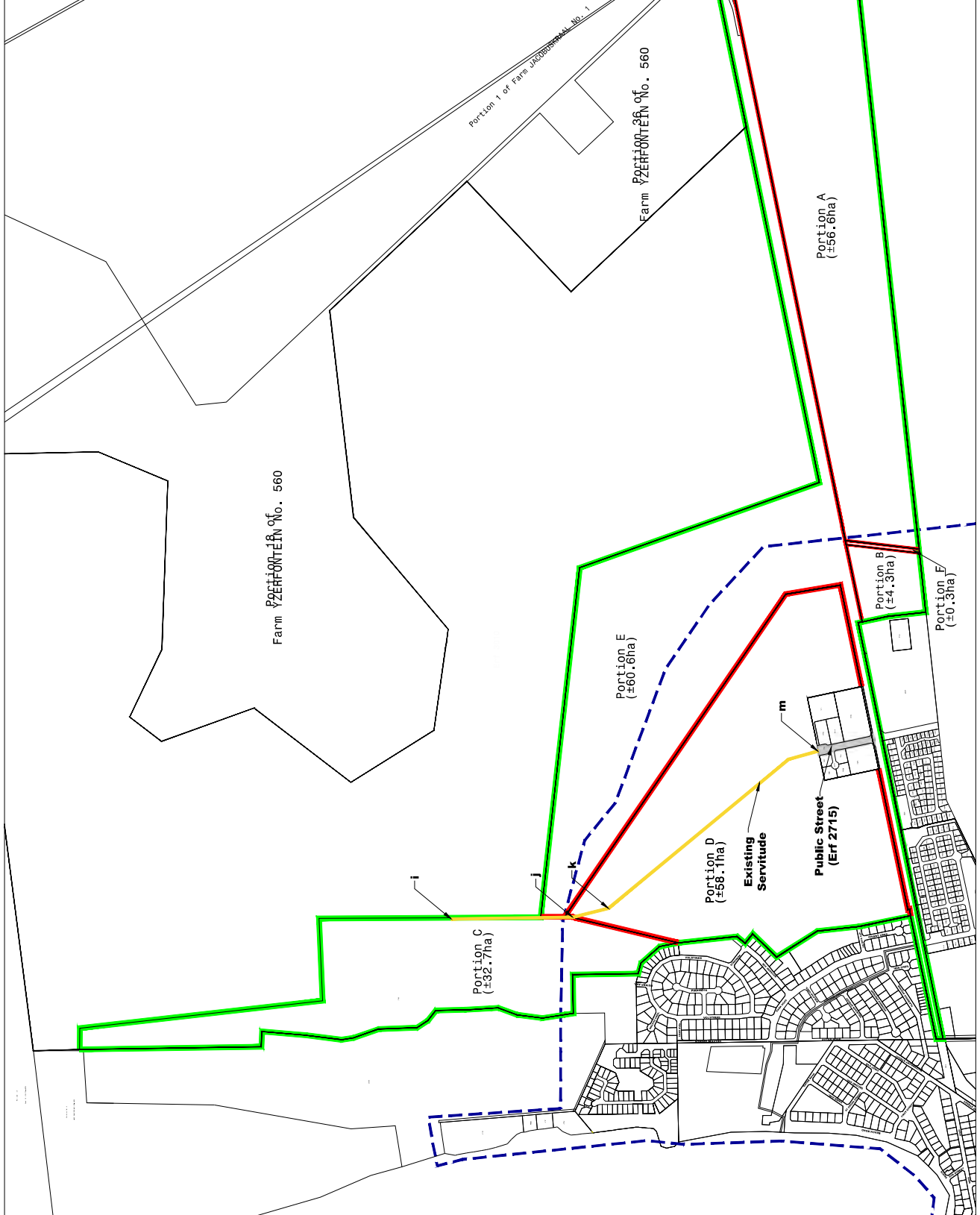
Western Cape Government
FOR YOU

ANNEXURE A

Surveyor General WC, Department of Rural Development and Land Affairs
Department of Rural Development & Land Reform, Chief Directorate: Cadastral Spatial Information Branch: Cadastral Surveys Management

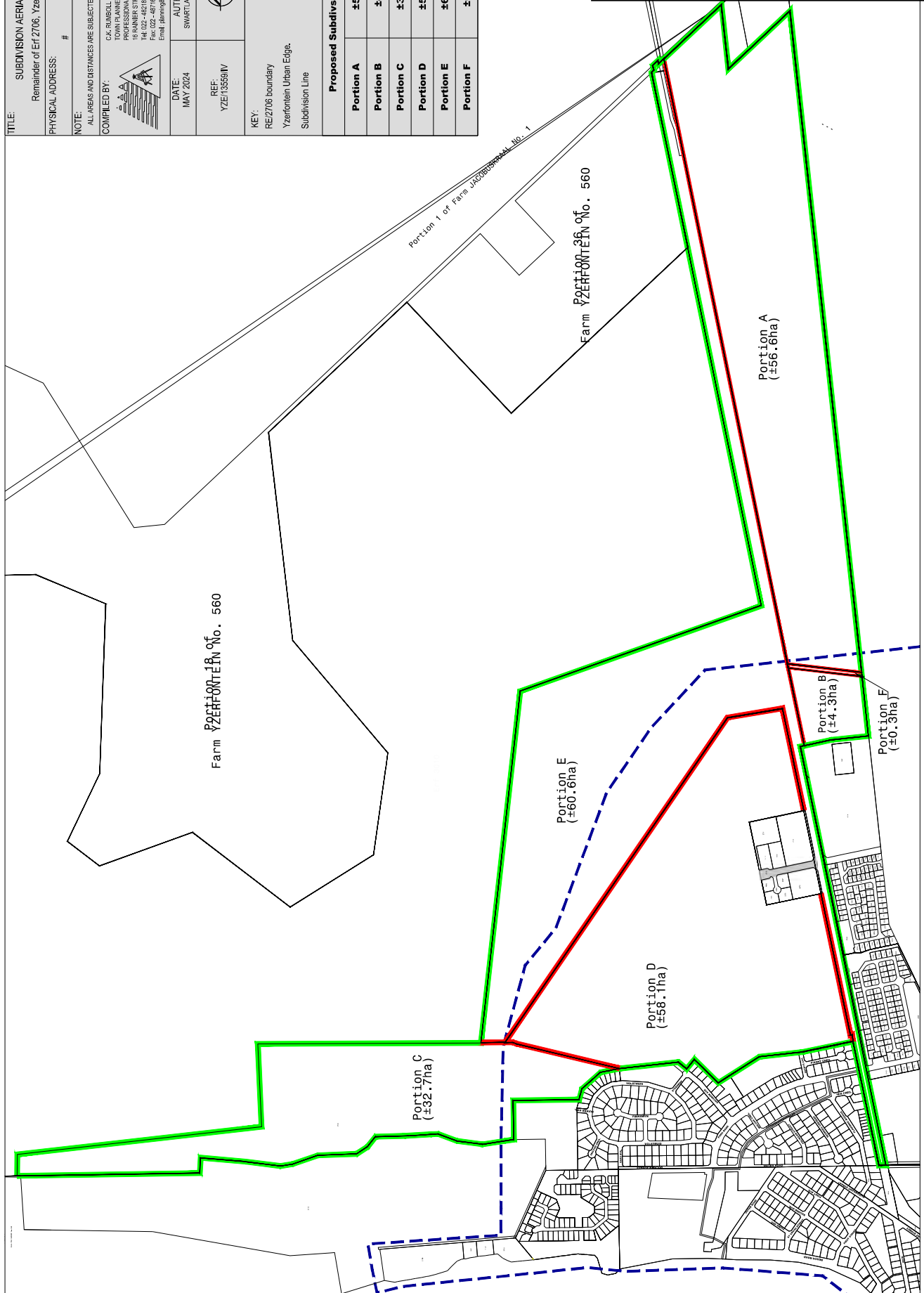
ANNEXURE B

TITLE: SUBDIVISION & SERVITUDE SKETCH Remainder of Erf 2706, Yzerfontein															
PHYSICAL ADDRESS: #															
NOTE: ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING															
COMPILED BY: C.A. RUMBOLD & VENOTE TOWN PLANNERS PROFESSIONAL SURVEYORS 145 MARSHALL STREET, MAJESBURY JANUARY 2024 Tel: 022-4871881 Fax: 022-4871681 Email: athena@umail.co.za															
DATE: JULY 2024	AUTHORITY: SWARTLAND MUNICIPALITY														
REF: YZE/3575/IV															
KEY: RE/2706 boundary Existing Servitude Yzerfontein Urban Edge Subdivision Line															
	   														
	<table border="1"> <thead> <tr> <th colspan="2">Proposed Subdivision</th> </tr> </thead> <tbody> <tr> <td>Portion A</td> <td>±56.6ha</td> </tr> <tr> <td>Portion B</td> <td>±4.3ha</td> </tr> <tr> <td>Portion C</td> <td>±32.7ha</td> </tr> <tr> <td>Portion D</td> <td>±58.1ha</td> </tr> <tr> <td>Portion E</td> <td>±60.6ha</td> </tr> <tr> <td>Portion F</td> <td>±0.3ha</td> </tr> </tbody> </table>	Proposed Subdivision		Portion A	±56.6ha	Portion B	±4.3ha	Portion C	±32.7ha	Portion D	±58.1ha	Portion E	±60.6ha	Portion F	±0.3ha
Proposed Subdivision															
Portion A	±56.6ha														
Portion B	±4.3ha														
Portion C	±32.7ha														
Portion D	±58.1ha														
Portion E	±60.6ha														
Portion F	±0.3ha														



TITLE:	SUBDIVISION AERIAL
PHYSICAL ADDRESS:	Remainder of Erf 2706, Yzerfontein
NOTE:	ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING
COMPILED BY:	C.A. RUMBOLD & VENOTE TOWN PLANNERS PROFESSIONAL SURVEYORS 14 MARSDEN STREET, MAJESBURY JANUARY 2024 Tel: 022-4871881 Fax: 022-4871881 Email: athena@umail.co.za
DATE:	MAY 2024
AUTHORITY:	SWARTLAND MUNICIPALITY
REF:	YZE/13559/IV
KEY:	RE 2706 boundary Yzerfontein Urban Edge. Subdivision Line
Proposed Subdivision	
Portion A	±56.6ha
Portion B	±4.3ha
Portion C	±32.7ha
Portion D	±58.1ha
Portion E	±60.6ha
Portion F	±0.3ha

ANNEXURE C



ANNEXURE D



Legend

- Servitude Area
- Allotment
- Township
- Farm Portions
- Erf

0 0.1 0.2 0.3 0.4 0.5 km
 Map Center: Lon: 18° 10' 2.2" E
 Lat: 33° 19' 58.6" S
 Scale: 1:8,000
 Date created: December 19, 2024



Exempt i.f.o Section 34
of Municipal Land Use Planning Bylaw
Ref: 15/13-14/Erf 2532, 560/22
Date: 12-09-2019

6 Aw Chang
nms
LANDMETER-GENERAAL
2014-07-17

Tranfer No.	Meet-stukke	Kaart No.	Onderverdeling	Grootte Ha/Vk.m	Geteken	Restant
T.19394/2020	SR789/2015	1578/2015	Erf 2798	8.5096 Ha		
T.19388/2020	SR785/2015	1566/2015	Erf 2713	1.3279 Ha		
T.19386/2020	SR785/2015	1567/2015	Erf 2713	1.3200 Ha		
T.19384/2020	SR785/2015	1568/2015	Erf 2713	1.1863 Ha		
T.19547/2021	SR785/2015	1569/2015	Erf 2713	3.741 m²		
T.19392/2020	751/2017	1281/2017	Erf 2126	7.8583 Ha		517,15164
T.19548/2021	SR152/2023	210/2023	Erf 3009	304,0787 H		213,107867

1. Die figuur ABCDEFGHJKLMNPQRSTUVWXYZ A1 B1 C1 D1 E1 F1 G1 H1 J1 K1 L1 M1
N1 P1 Q1 R1 S1 T1 U1 V1 W1 X1 Y1 b a A2 B2 C2 D2 E2 F2 G2 H2 J2 K2 L2 M2 N2
synde Restant Erf 2532 Yzerfontein; Kaart No. 1257/1981; T/A 1981. 1020. 52065

2. Die figuur A2 a b Z1 synde Erf 2705 Yzerfontein; Kaart No. 1222/2014 T/A 2020. 19383

- a. Die lyn cde stel voor 'n pyplynserwituut; Kaart No. 5782/1936; T/A 1919. 188. 11493.
- b. Die figuur aLg stel voor 'n serwituutpad 12,59m wyd; Kaart No. 8763/1961; T/A 1962. 262. 13007.
- c. Die lyn hjkmnp, uitgebrei tot die Hoofpad, stel voor die middellyn van 'n serwituutpad 12,20m wyd; Kaart No. 1259/1981; N/K K1036/1981^s
- d. Die lyn qrs stel voor die middellyn van 'n serwituutpad 8m wyd en die kromlyn stuv stel voor die middellyn van 'n serwituutpad 8m wyd; Kaart No. 3359/2008; A/S K1254/2008^s
- e. Die lyn K1 w stel voor die westelike grens van 'n pyplynserwituut 2,83m wyd; Kaart No. 3680/2009 S/A K436/2018^s
- f. Die lyne wxyz stel voor respektiewelike die suidelike grens van 'n 5,73m wyd en die noordelike grens van 'n 3,72m wyd pyplynserwituut; Kaart No. 3680/2009 S/A K434/2018^s
- g. Die lyn a1 b1 c1 d1 e1 f1 g1 stel voor die middellyn van 'n pyplynserwituut 9,45m wyd; Kaart No. 3680/2009 S/A K436/2018^s
- h. Die lyn Wj1 k1 m1 stel voor die noordelike grens van 'n pyplynserwituut 9,45m wyd; Kaart No. 3680/2009 S/A K436/2018^s
- j. Die lyn n1 p1 stel voor die westelike grens, p1 q1 en r1 R die suidelike grens en q1 r1 die oostelike grens van 'n ondergrondsekabelserwituut 4m wyd; Kaart No. 1445/2011; A/S K1057/2011^s
- k. ~~Die lyn s1 t1 stel voor die westelike grens en t1 u1 die suidelike grens van 'n kraglynkabelserwituut 2m wyd; Kaart No. 498/2014~~
- m. Die lyn a2b2 stel voor die suidelike grens van 'n toegangserwituut 12m wyd; Kaart No. 1217/2014 S/A K383/2020^s

SERWITUTE/HUURKONTRAKGEBIED				
MEET-STUKKE	KAART No.	BESKRYWING	AKTE	GEPARAFEER
963/2022	1632/2022	The Curved line at 40° represents the centre line of a R.O.M. - servitude boundary		
152/2023	210/2023	It is requested that the boundary between the servitude and the boundary of a building 500m	152/2023	210/2023

* The hine jakas and the caused line of a low servitude on world

ANNEXURE

Die figuur ABCDEFGHJKLMNPQRSTUVWXYZA1B1C1D1E1F1G1H1J1
K1L1M1N1P1Q1R1S1T1U1V1W1X1Y1Z1A2B2C2D2E2F2G2H2J2
K2L2M2N2 uitsluitende figuur P2Q2R2S2

stel voor 537,7335 hektaar grond, synde

ERF 2706 YZERFONTEIN en bevat 1 en 2 hierbo

gelee in die Munisipaliteit Swartland
Administratiewe Distrik Malmesbury
Provinsie Wes-Kaap

Saamgestel in Maart 2013 deur my

PLS 1223 W.A. Hoffman
Professionele Landmeter

Hierdie kaart is geheg aan
No. CCT. 19386/2020

ged.
t.g.v.

Registrateur van Aktes

Die oorspronklike diagramme is soos hierbo aangehaal.

Leer No. Malm.560 v.3
M.S. Saamgestel
Komp. BH-3AD(3681)
BHNQ-2442(M2485)
BHNQ-2451(M2486)
BHNQ-2453(M2488)
BHNQ-2472(M2490)
BHNQ-2481(M2497)
BHNQ-2474(M2493)
LPI C0460015

-30-

NOTE

The curved line A B follows an existing gravel road.

SG No.

1632/2022

approved

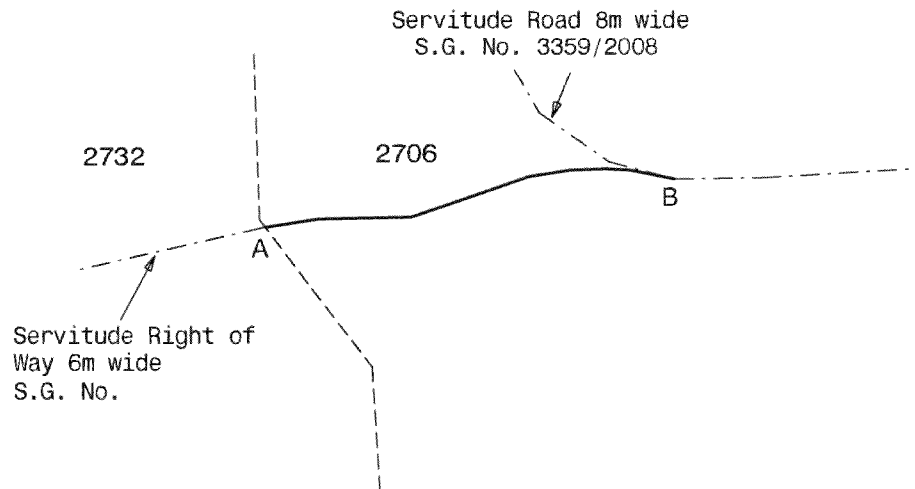


for

SURVEYOR-

GENERAL

07.10.2022




Scale: 1/ 3000

The curved line A B represents the centre line of a Servitude Right of Way 6m wide over

ERF 2706 YZERFONTEIN

Situated in the Swartland Municipality
Administrative District of Malmesbury
Western Cape Province

Surveyed in April and December 2021 by me



W.A. Hoffman PLS 1223

Professional Land Surveyor

This Diagram is annexed to
No. *K1276/2024S*

The original diagram is
S.G. No. 1223/2014

File: Malm.560 V.4

Transfer no.

S.R. No. 963/2022

2020. .19386

Registrar of Deeds

LPI C0460015

(Filed As Plan)

Comp BH-3AD (3681)

EXEMPT FROM PROVISIONS OF ACT

70 OF 1970

6A(1)(a)

SECTION

Exempt i.t.o. Section34.....
of Municipal Land Use Planning Bylaw
Ref: 15/3/13-14/ErF 2706
Date: 6 June 2022

ck rumboll and partners (our ref.: 10253)

SIDES metres			ANGLES OF DIRECTION			CO-ORDINATES Y System: WG 19° X			SIDES metres			ANGLES OF DIRECTION			CO-ORDINATES Y System: WG 19° X		
						Constants 0,00 +3 600 000,00									Constants 0,00 +3 600 000,00		
A B	412,41	358.29.40	A	+76 102,91	+88 312,05	e f	307,96	352.39.50	e	+77 375,70	+90 559,16						
B C	223,08	22.50.10	B	+76 092,07	+88 724,32	f g	124,45	351.30.20	f	+77 336,38	+90 864,60						
C D	495,17	91.25.10	C	+76 178,65	+88 929,91	g h	125,57	352.32.10	g	+77 318,00	+90 987,69						
D E	222,30	114.19.20	D	+76 673,67	+88 917,64				h	+77 301,69	+91 112,19						
E F	118,93	36.25.50	E	+76 876,24	+88 826,09												
F G	286,11	340.59.40	F	+76 946,86	+88 921,78	i j	369,61	359.08.20	i	+77 479,37	+89 773,32						
G H	360,77	36.09.10	G	+76 853,69	+89 192,30	j k	121,77	337.55.20	j	+77 473,82	+90 142,89						
H J	288,01	330.07.40	H	+77 066,52	+89 483,60	k m	764,09	323.48.00	k	+77 428,05	+90 255,73						
J K	309,32	275.57.50	J	+76 923,07	+89 733,34				m	+76 976,79	+90 872,33						
K L	427,09	230.36.20	K	+76 615,43	+89 765,48	CONNECTING DATA											
L M	622,57	263.19.10	L	+76 285,38	+89 494,42	U a	7,84	276.22.20									
M N	559,65	316.45.40	M	+75 667,03	+89 421,99	TRIGONOMETRICAL BEACONS											
N P	450,00	46.46.00	N	+75 283,66	+89 829,71	SLANGKOP	3318-152	Δ	+68 665,24	+87 801,67							
P Q	715,24	316.45.50	P	+75 611,51	+90 137,95	YZERFONTEIN	3318-156	Δ	+77 638,59	+92 108,06							
Q R	1 094,09	78.16.10	Q	+75 121,57	+90 659,03	SERVITUDE NOTES 1.) The line n p represents a pipeline servitude vide Diagram S.G. No. 5782/1936; D/T 1919.188.11493 2.) The figure U q K r represents a servitude road 12,59m wide vide Diagram S.G. No. 8763/1961; D/T 1962.262.13007 3.) The line Q R represents the southern boundary of an underground cable servitude 4m wide vide Diagram S.G. No. 1445/2011; D/S K1057/2011s 4.) The line a b c d e f g h represents the western boundary of a pipeline servitude 2m wide over the Remainder. 5.) The line i j k and the curved line k m represents the centre line of a Right of Way servitude 8m wide over the Remainder.											
R S	99,87	165.33.20	R	+76 192,81	+90 881,46												
S T	662,62	160.27.30	S	+76 217,73	+90 784,75												
T U	1 038,35	96.22.20	T	+76 439,35	+90 160,30												
U V	659,45	179.08.20	U	+77 471,29	+90 045,03												
V W	244,68	87.26.10	V	+77 481,19	+89 385,66												
W X	725,71	173.32.00	W	+77 725,63	+89 396,60												
X Y	63,40	89.08.50	X	+77 807,34	+88 675,50												
Y Z	138,42	179.08.50	Y	+77 870,73	+88 676,44												
Z A	1 784,25	262.43.25	Z	+77 872,79	+88 538,04												
EXCLUDED FIGURE DATA																	
1A 1B	200,00	341.06.40	1A	+77 189,98	+89 737,39												
1B 1C	200,00	71.06.30	1B	+77 125,24	+89 926,61												
1C 1D	200,00	161.06.40	1C	+77 314,46	+89 991,37												
1D 1A	200,00	251.06.30	1D	+77 379,21	+89 802,14												
SERVITUDE DATA																	
a b	110,30	359.08.20	a	+77 463,50	+90 045,90												
b c	122,21	337.55.20	b	+77 461,84	+90 156,19												
c d	118,30	351.44.20	c	+77 415,91	+90 269,43												
d e	174,20	352.20.30	d	+77 398,91	+90 386,51												

THIS PORTION IS SUBJECT TO
ACT 21/1940APPROVED IN TERMS OF SECT. 4
OF ACT 70/1970
REF 56707
DATE 2022-06-14Approved i.t.o. Section 70
of Municipal Land Use Planning Bylaw
Ref: 15/3/12-14/Er 2706
Date: 28-10-2022

The figure A B C D E F G H J K L M N P Q R S T U V W X Y Z excluding the
figure 1A 1B 1C 1D
represents 304,0787 hectares of land being

ERF 3009 (portion of Erf 2706) YZERFONTEIN


Situated in the Swartland Municipality
Administrative District of Malmesbury
Western Cape Province
Surveyed in July to November 2022 by me

A.P. Steyl
A.P. Steyl PLS 0761
Professional Land Surveyor

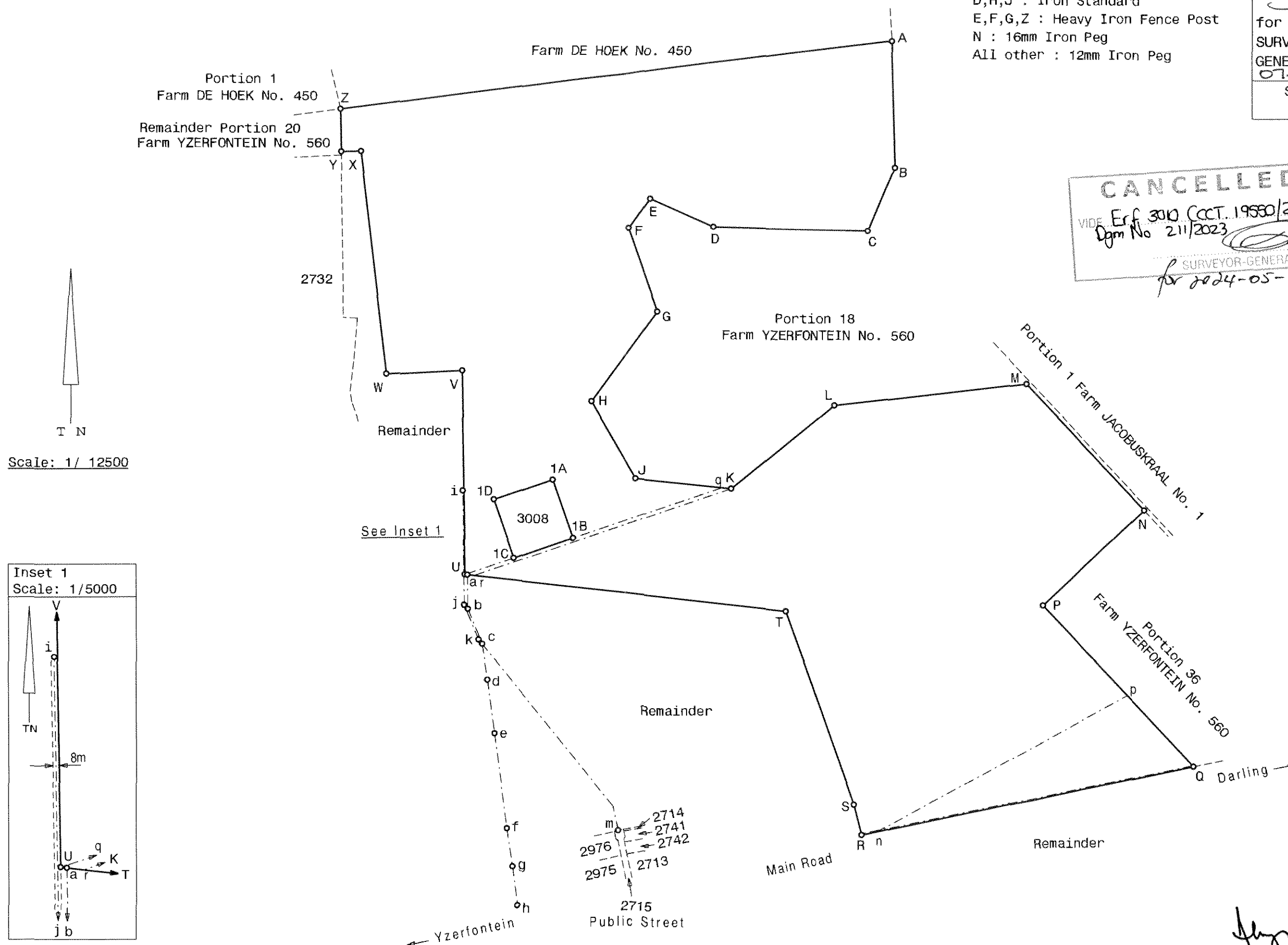
This Diagram is annexed to No. T. 19548/2024	The original diagram is S.G. No. 1223/2014 Transfer no. 2020- 19386 (Filed as Plan 1223/2014)	File: Malm.560 V.4 S.R. No. 152/2023 LPI C0460015 Comp BH-3AD (3681) BHNQ-2451 (M2486)
Registrar of Deeds		

SG No.
210/2023
approved
SP
for
SURVEYOR-
GENERAL
07-02-2023
Sheet 1 of
2 Sheets

BEACON DESCRIPTIONS
 1A,1B,1C,1D : No beacon
 B,P : 20mm Iron Peg
 D,H,J : Iron Standard
 E,F,G,Z : Heavy Iron Fence Post
 N : 16mm Iron Peg
 All other : 12mm Iron Peg

SG No. 210/2023
approved

for
SURVEYOR-
GENERAL
07-08-2023

CANCELLED
VIDE Erf 3010 CCT. 19550/2024
Dgm No 211/2023
SURVEYOR-GENERAL
for 2024-05-23



For servants only
EXEMPT FROM PROVISIONS OF ACT
70 OF 1970
SECTION 1(4)

APPROVED SUBJECT TO SIMUL-
TANEOUS REGISTRATION OF
DIAGRAM 211/2023
BEING Erf 3010

Surveyed in July to November 2022 by me


A.P. Steyl PLS 0761
Professional Land Surveyor

ANNEXURE F



agriculture, land reform & rural development

Department:
Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA

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

From: Directorate Land Use and Soil Management
Tel: 012-319-7678 Fax: 012-329-5938 E-mail: AnnetteS@dlrrd.gov.za/MakhosonkeB@dlrrd.gov.za
Enquiries: Helpdesk Ref: 2021_09_0063

CK Rumboll & Partners
P.O. Box 211
MALMESBURY
7299

E-mail: reception@rumboll.co.za

Attention: Alwyn P. Steyl

**APPLICATION IN TERMS OF THE SUBDIVISION OF AGRICULTURAL LAND ACT, 1970:
APPLICATION FOR SUBDIVISION AND EXCLUSION OF PORTIONS 6, 7, 9, REMAINDER 8,
10-39 OF THE FARM JACOBUS KRAAL NO. 554, SEVERAL ERVEN, PORTION 5 OF THE
FARM SLANGKOP NO. 552, REMAINDER OF PORTION 4 OF THE FARM YZERFONTEIN NO.
560, ERF 2706, ERF 2732, REMAINDER OF PORTION 24 OF THE FARM YZERFONTEIN NO.
560 AND REMAINDER OF PORTION 8 OF THE FARM JACOBUS KRAAL NO. 554, DIVISION
MALMESBURY, WESTERN CAPE PROVINCE**

Your letter dated 02 September 2021 refers.

With reference to the above-mentioned subject I wish to inform you that the application has been granted.

Consent No.**56053** issued in terms of section 4 of the Act, is enclosed in duplicate.

The Conveyancer must lodge the signed copy of the Consent with the Registrar of Deeds together with the documents for registration.

Yours faithfully

MR D SERAGE
ACTING DEPUTY DIRECTOR GENERAL:
AGRICULTURAL PRODUCTION,
BIOSECURITY AND NATURAL RESOURCES MANAGEMENT
DATE: **2022/09/16**

CC: The Surveyor-General Private Bag X 9028 CAPE TOWN 8000
CC: Mr Brandon Layman Landuse Management Department of Agriculture: Western Cape Private Bag x 1 ELSENBURG 7607
CC: Swartland Municipality Private Bag X 52 MALMESBURY 7299 refers

DALRRD/MB/2022/ Jacobus Kraal No. 554



agriculture, land reform & rural development

Department:
Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA

VERW/REF.

2021_09_0063

CONSENT

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

56953

By virtue of the powers delegated to me by the Minister of Agriculture, Land Reform & Rural Development consent is hereby granted in terms of section 4(2) of the Subdivision of Agricultural Land Act, 1970, to utilize the agricultural land described in paragraph 1 to enlarge the development area of a local authority, as indicated in paragraph 2, subject to the conditions set out in paragraph 3.

PARAGRAPH 1: THE AGRICULTURAL LAND TO WHICH THIS CONSENT APPLIES

- 1.1 PORTION 6 (PORTION OF PORTION 3), IN EXTENT 10,2387 HECTARES;
- 1.2 PORTION 7 (PORTION OF PORTION 3), IN EXTENT 10,3690 HECTARES;
- 1.3 PORTION 9, IN EXTENT 11,6645 HECTARES;
- 1.4 REMAINDER OF PORTIONS 8, IN EXTENT 266,7308 HECTARES;
- 1.5 PORTION 10, IN EXTENT 10,2000 HECTARES;
- 1.6 PORTION 11, IN EXTENT 10,2000 HECTARES;
- 1.7 PORTION 12, IN EXTENT 10,1997 HECTARES;
- 1.8 PORTION 13, IN EXTENT 10,2000 HECTARES;
- 1.9 PORTION 14 (PORTION OF PORTION 8), IN EXTENT 10,2000 HECTARES;
- 1.10 PORTION 15 (PORTION OF PORTION 8), IN EXTENT 11,1872 HECTARES;
- 1.11 PORTION 16 (PORTION OF PORTION 8), IN EXTENT 11,1332 HECTARES;
- 1.12 PORTION 17 (PORTION OF PORTION 8), IN EXTENT 10,8080 HECTARES;
- 1.13 PORTION 18 (PORTION OF PORTION 8), IN EXTENT 10,8086 HECTARES;
- 1.14 PORTION 19 (PORTION OF PORTION 8), IN EXTENT 10,1046 HECTARES;
- 1.15 PORTION 20 (PORTION OF PORTION 8), IN EXTENT 10,3270 HECTARES;
- 1.16 PORTION 21 (PORTION OF PORTION 8), IN EXTENT 10,3649 HECTARES;
- 1.17 PORTION 22 (PORTION OF PORTION 8), IN EXTENT 10,1207 HECTARES;
- 1.18 PORTION 23 (PORTION OF PORTION 8), IN EXTENT 10,8761 HECTARES;
- 1.19 REMAINDER OF PORTION 24 (PORTION OF PORTION 7), IN EXTENT 10,2201 HECTARES;
- 1.20 PORTION 25 (PORTION OF PORTION 8), IN EXTENT 10,1158 HECTARES;
- 1.21 PORTION 26 (PORTION OF PORTION 8), IN EXTENT 10,8134 HECTARES;
- 1.22 PORTION 27 (PORTION OF PORTION 8), IN EXTENT 11,7348 HECTARES;
- 1.23 REMAINDER OF PORTION 28 (PORTION OF PORTION 8), IN EXTENT 10,3240 HECTARES;
- 1.24 PORTION 29 (PORTION OF PORTION 8), IN EXTENT 10,5459 HECTARES;
- 1.25 PORTION 30 (PORTION OF PORTION 8), IN EXTENT 10,0655 HECTARES;
- 1.26 PORTION 31 (PORTION OF PORTION 8), IN EXTENT 10,0128 HECTARES;
- 1.27 PORTION 32 (PORTION OF PORTION 8), IN EXTENT 10,0003 HECTARES;
- 1.28 PORTION 33 (PORTION OF PORTION 8), IN EXTENT 10,0022 HECTARES;
- 1.29 PORTION 34 (PORTION OF PORTION 27), IN EXTENT 5,000 HECTARES;
- 1.30 PORTION 35 (PORTION OF PORTION 3), IN EXTENT 46,6319 HECTARES;
- 1.31 PORTION 36 (PORTION OF PORTION 3), IN EXTENT 47,5343 HECTARES;
- 1.32 PORTION 37 (PORTION OF PORTION 3), IN EXTENT 48,4910 HECTARES;

- 1.33 PORTION 38 (PORTION OF PORTION 3), IN EXTENT 46,1664 HECTARES;
1.34 PORTION 39 (PORTION OF PORTION 3), IN EXTENT 6,8862 HECTARES, ALL OF THE FARM JACOBUS KRAAL NO. 554,
1.35 PORTION 5 OF THE FARM SLANGKOP NO. 552, IN EXTENT 16,8085 HECTARES,
1.36 REMAINDER OF PORTION 24 OF THE FARM YZERFONTEIN NO 560, IN EXTENT 4,7724 HECTARES;
1.37 REMAINDER OF PORTION 4 OF THE FARM YZERFONTEIN NO. 560, IN EXTENT 770,9160 HECTARES,
1.38 ERF 2706, IN EXTENT 525,8915 HECTARES,
1.39 ERF 2732, IN EXTENT 42,6426 HECTARES,
ALL DIVISION MALMESBURY, WESTERN CAPE PROVINCE


PARAGRAPH 2: CONSENT GRANTED

- 2.1 The subdivision of the agricultural land mentioned in subparagraph 1.37 above into two portions measuring approximately 237 hectares and 533 hectares respectively, represented by the figures marked Portion 13 and RE/4/560 as shown on the sketchplan attached.
- 2.2 The subdivision of the agricultural land mentioned in subparagraph 1.38 above into two portions measuring approximately 83,1 hectares and 442 hectares respectively, represented by the figures marked Portion 11 and RE/2706 as shown on the sketchplan attached.
- 2.3 The subdivision of the agricultural land mentioned in subparagraph 1.39 above into two portions measuring approximately 5,4 hectares and 37,24 hectares respectively, represented by the figures marked Portion 12 and RE/2732 as shown on the sketchplan attached.
- 2.4 To enlarge the development area of Swartland Municipality by incorporating therein the agricultural land mentioned in subparagraphs 1.1-1.35 above.
- 2.5 To enlarge the development area of Swartland Municipality by incorporating the portions measuring approximately 237 hectares (Ptn 13), 83,1 hectares (Ptn 11) and 5,4 hectares (Ptn 12).

PARAGRAPH 3: CONDITIONS PERTAINING TO THIS CONSENT

- 3.1 Simultaneously with registration of transfer, written proof must be submitted that all the conditions imposed by the Swartland Municipality: Land Use Planning and Surveying have been complied with.
- 3.2 This consent does not imply that the above-mentioned subdivisions are assured of a permanent water supply.
- 3.3 This consent does not exempt the property from the provisions of any other law and does not purport to interfere with the rights of any person who may have an interest in the agricultural land.


DATE


MR D SERAGE
ACTING DEPUTY DIRECTOR GENERAL:
AGRICULTURAL PRODUCTION,
BIOSECURITY AND NATURAL RESOURCES
MANAGEMENT

LEGEND

Proposed areas exempt
from the Subdivision of
Agricultural Land Act (Act
70 of 1970)

Existing areas of jurisdiction
exempt from the Subdivision
of Agricultural Land Act (Act
70 of 1970) current boundary

SKETSKAART WAARNA VER-
SKETCHPLAN TO WHICH IS
MY WORD IN TOESTEMMING
REFERRED IN CONSENT
No. 56053

4
N

SCALE: 1:30 000 (A3)

YZERFONTEIN



Whole land parcels to be excluded:

1. Erf 2024 Yzerfontein
2. Erf 2126 Yzerfontein
3. Erf 2130, 2131 & 2132 Yzerfontein
4. Erf 2534 Yzerfontein
5. Erf 2605 Yzerfontein
6. Erf 2700 Yzerfontein
7. Erf 2715, 2741, 2742, 2975 & 2976 Yzerfontein
8. (Portion 6 of Farm 554 - Portion 39 of Farm 554)
9. Portion 5 of Farm 552
10. Remainder Erf 2716 & Portion 24 of Farm 560

Portions of land parcels to be excluded:

11. Erf 2706 Yzerfontein
12. Erf 2732 Yzerfontein
13. Portion 4 of Farm 560

YZERFONTEIN**DIAGRAM OF AREA EXCLUDED FROM THE PROVISIONS OF THE SUBDIVISION OF
AGRICULTURAL LAND ACT, ACT 70 OF 1970**

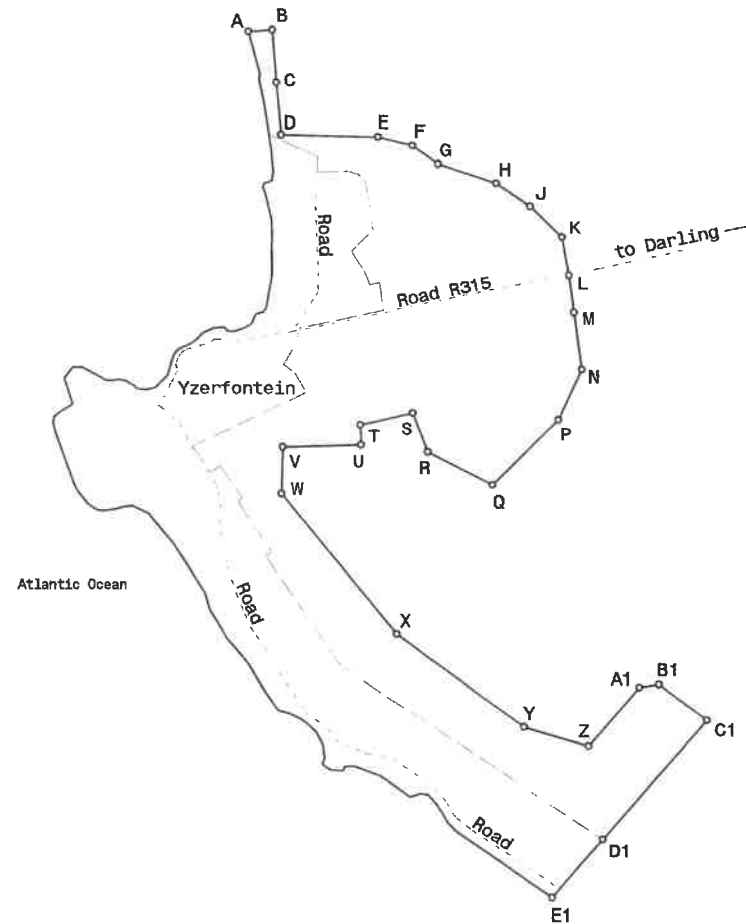
Being the figure A B C D E F G H J K L M N P Q R S T U V W X Y Z A1 B1 C1 D1
E1 High Water Mark and F1 G1 H1 J1 K1 L1 M1 N1 P1 Q1
representing 1 168,2672 hectares of land

SHEET INDEX

Sheet 1 - Figure 1
Sheet 2 - Figure 2
Sheet 3 - Coordinate data

Sheet 1 of
3 Sheets

SKETSKAART WAARNA VER-
SKETCHPLAN TO WHICH IS
REFERRED IN CONSENT
56953
No.



Situated in the Swartland Municipality
Administrative District of Malmesbury
Western Cape Province
Compiled in June 2021 by me

A.P. Steyl PLS 0761
Professional Land Surveyor

File:

S.R. No. Compiled

LPI C0460000

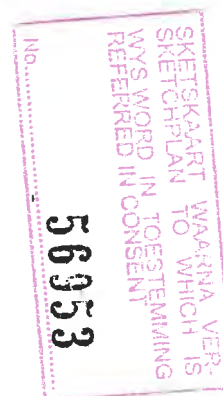
Scale: 1 / 30000

YZERFONTEIN

**DIAGRAM OF AREA EXCLUDED FROM THE PROVISIONS OF THE SUBDIVISION OF
AGRICULTURAL LAND ACT, ACT 70 OF 1970**

Sheet 3 of
3 Sheets

CO-ORDINATES					CO-ORDINATES				
Y System: WG 19° X			Latitude (S)	Longitude (E)	Y System: WG 19° X			Latitude (S)	Longitude (E)
Constants	0,00	+3 600 000,00			Constants	0,00	+3 600 000,00		
A	+78 238,29	+89 516,07	33° 19' 43.23975"	18° 09' 34.88552"	J1	+70 826,39	+90 068,87	33° 20' 03.02790"	18° 14' 21.29073"
B	+78 098,12	+89 503,66	33° 19' 42.87354"	18° 09' 40.30865"	K1	+70 797,81	+90 067,75	33° 20' 02.99832"	18° 14' 22.39609"
C	+78 075,96	+89 811,03	33° 19' 52.85507"	18° 09' 41.06982"	L1	+70 710,58	+90 195,12	33° 20' 07.15286"	18° 14' 25.73260"
D	+78 049,60	+90 117,78	33° 20' 02.81758"	18° 09' 41.99352"	M1	+70 416,37	+90 805,08	33° 20' 27.01913"	18° 14' 36.93742"
E	+77 481,10	+90 130,88	33° 20' 03.39050"	18° 10' 03.97016"	N1	+70 773,45	+90 893,02	33° 20' 29.78904"	18° 14' 23.10514"
F	+77 280,24	+90 181,24	33° 20' 05.07702"	18° 10' 11.72096"	P1	+73 174,37	+91 071,84	33° 20' 35.01480"	18° 12' 50.21391"
G	+77 129,05	+90 286,18	33° 20' 08.52182"	18° 10' 17.53407"	Q1	+73 261,37	+90 324,32	33° 20' 10.73216"	18° 12' 47.06810"
H	+76 790,35	+90 398,48	33° 20' 12.25369"	18° 10' 30.59560"	TRIGONOMETRICAL BEACONS				
J	+76 590,68	+90 534,00	33° 20' 16.70322"	18° 10' 38.27464"	Δ	+68 665,24	+87 801,67	33° 18' 49.94781"	18° 15' 45.47142"
K	+76 405,18	+90 716,53	33° 20' 22.67477"	18° 10' 45.39187"	Δ	+77 638,59	+92 108,06	33° 21' 07.51935"	18° 09' 57.26920"
L	+76 368,49	+90 940,07	33° 20' 29.93909"	18° 10' 46.74252"	SLANGKOP (152)				
M	+76 339,21	+91 161,62	33° 20' 37.13718"	18° 10' 47.80733"	YZERFONTEIN (156)				
N	+76 296,02	+91 499,34	33° 20' 48.10894"	18° 10' 49.37472"					
P	+76 435,96	+91 798,42	33° 20' 57.78006"	18° 10' 43.87186"					
Q	+76 825,81	+92 184,96	33° 21' 10.22510"	18° 10' 28.67752"					
R	+77 202,55	+91 989,49	33° 21' 03.78401"	18° 10' 14.16828"					
S	+77 289,78	+91 759,05	33° 20' 56.28273"	18° 10' 10.86594"					
T	+77 597,85	+91 828,12	33° 20' 58.44441"	18° 09' 58.93119"					
U	+77 593,89	+91 949,37	33° 21' 02.38055"	18° 09' 59.04706"					
V	+78 054,22	+91 961,01	33° 21' 02.63866"	18° 09' 41.24148"					
W	+78 064,99	+92 236,46	33° 21' 11.57546"	18° 09' 40.73937"					
X	+77 393,37	+93 046,17	33° 21' 38.02947"	18° 10' 06.46283"					
Y	+76 652,06	+93 590,93	33° 21' 55.90080"	18° 10' 34.96720"					
Z	+76 273,68	+93 707,22	33° 21' 59.77171"	18° 10' 49.56700"					
A1	+75 974,85	+93 357,00	33° 21' 48.48142"	18° 11' 01.23139"					
B1	+75 861,14	+93 340,20	33° 21' 47.96528"	18° 11' 05.63450"					
C1	+75 580,52	+93 551,75	33° 21' 54.90220"	18° 11' 16.42426"					
D1	+76 189,95	+94 255,22	33° 22' 17.57858"	18° 10' 52.63888"					
E1	+76 487,57	+94 599,62	33° 22' 28.68003"	18° 10' 41.02153"					
F1	+73 213,52	+88 744,87	33° 19' 19.48198"	18° 12' 49.37874"					
G1	+71 204,03	+89 033,87	33° 19' 29.34663"	18° 14' 06.98250"					
H1	+70 844,97	+89 779,64	33° 19' 53.63657"	18° 14' 20.65386"					





**agriculture, land reform
& rural development**

Department:
Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA

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

From: Directorate Land Use and Soil Management
Tel: 012-319-7678 Fax: 012-329-5938 E-mail: AnnetteS@dlrrd.gov.za/MakhosonkeB@dlrrd.gov.za
Enquiries: Helpdesk Ref: 2021_09_0153

CK Rumboll & Partners
P.O. Box 211
MALMESBURY
7299

Attention: A Coetzee

**APPLICATION IN TERMS OF THE SUBDIVISION OF AGRICULTURAL LAND ACT, 1970:
APPLICATION FOR SUBDIVISION AND EXCLUSION OF ERF 2706 YZERFONTEIN, DIVISION
MALMESBURY, WESTERN CAPE PROVINCE**

Your e-mail Anelia dated 17 September 2021 refers.

With reference to the above-mentioned subject I wish to inform you that the application has been granted.

56707

Consent No. issued in terms of section 4 of the Act, is enclosed in duplicate.

The Conveyancer must lodge the signed copy of the Consent with the Registrar of Deeds together with the documents for registration.

Yours faithfully

MR D SERAGE
ACTING DEPUTY DIRECTOR GENERAL:
AGRICULTURAL PRODUCTION,
BIOSECURITY AND RESOURCES MANAGEMENT
DELEGATE OF THE MINISTER
DATE: 20220614

CC: The Surveyor-General Private Bag X 9028 CAPE TOWN 8000
CC: Mr Brandon Layman Landuse Management Department of Agriculture: Western Cape Private Bag x 1 ELSenburg 7607
CC: Swartland Municipality Private Bag X 52 MALMESBURY 7299 refers

DALRRD/MB/2022/Erf 2706



**agriculture, land reform
& rural development**

Department:
Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA

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

From: Directorate Land Use and Soil Management
Tel: 012-319-7678 Fax: 012-329-5938 E-mail: AnnetteS@dlrrd.gov.za/MakhosonkeB@dlrrd.gov.za
Enquiries: Helpdesk Ref: 2021_09_0153

CK Rumboll & Partners
P.O. Box 211
MALMESBURY
7299

Attention: A Coetzee

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APPLICATION FOR SUBDIVISION AND EXCLUSION OF ERF 2706 YZERFONTEIN, DIVISION
MALMESBURY, WESTERN CAPE PROVINCE**


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Yours faithfully


MR D SERAGE
ACTING DEPUTY DIRECTOR GENERAL:
AGRICULTURAL PRODUCTION,
BIOSECURITY AND RESOURCES MANAGEMENT
DELEGATE OF THE MINISTER
DATE: **20220614**

CC: The Surveyor-General Private Bag X 9028 CAPE TOWN 8000
CC: Mr Brandon Layman Landuse Management Department of Agriculture: Western Cape Private Bag x 1 ELSENBURG 7607
CC: Swartland Municipality Private Bag X 52 MALMESBURY 7299 refers

DALRRD/MB/2022/Erf 2706



**agriculture, land reform
& rural development**

Department:
Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA

VERW/REF.

2021_09_0153

CONSENT

*N TERMS OF THE SUBDIVISION OF
AGRICULTURAL LAND ACT, 1970*

56707

By virtue of the powers delegated to me by the Minister of Agriculture, Land Reform & Rural Development consent is hereby granted in terms of section 4(2) of the Subdivision of Agricultural Land Act, 1970, for the actions with the agricultural land described in paragraph 1, as indicated in paragraph 2, subject to the conditions set out in paragraph 3.

PARAGRAPH 1: THE AGRICULTURAL LAND TO WHICH THIS CONSENT APPLIES

ERF 2706 YZERFONTEIN, IN EXTENT 537,7335 HECTARES, (SG DIAGRAM NO. 1223/2014),
DIVISION MALMESBURY, WESTERN CAPE PROVINCE

PARAGRAPH 2: CONSENT GRANTED


- 1.1 The subdivision of the agricultural land mentioned in paragraph 1.1 into two portions measuring approximately 241 hectares and 296 hectares respectively represented by the figures marked Ptn A of Rem Erf 2706 and Rem of Erf 2706 as shown on the sketch plan attached.
- 1.2 To enlarge the development area of Swartland Municipality by incorporating therein the portion measuring approximately 241 hectares (Ptn A of Rem Erf 2706) as shown on the sketch plan attached.

PARAGRAPH 3: CONDITIONS PERTAINING TO THIS CONSENT

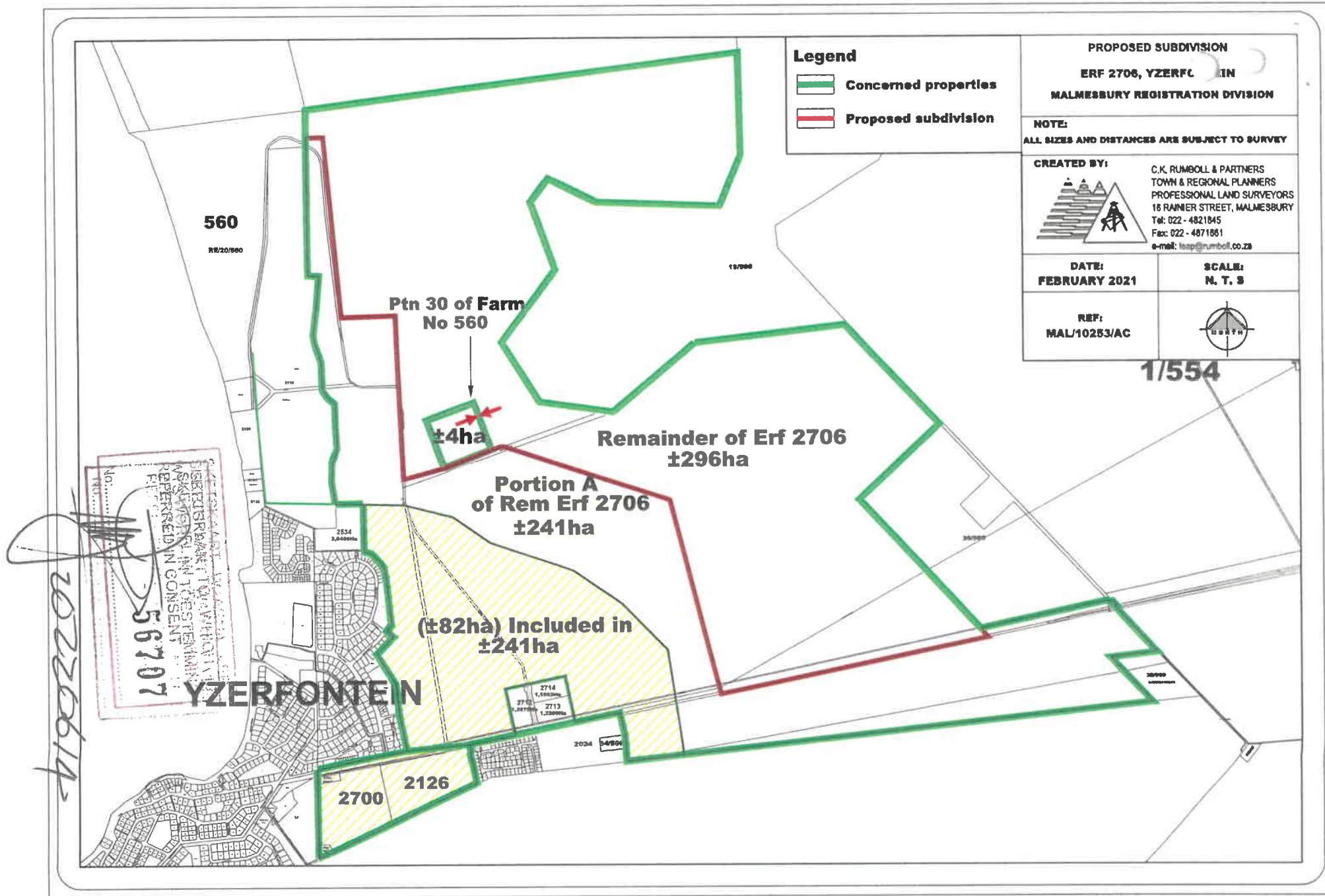
- 3.1 Simultaneously with registration of transfer the portion measuring approximately 296 hectares (Remainder of Erf 2706) must be consolidated with Portion 30 of the Farm Yzerfontein No. 560, in extent 4,0000 hectares, Division Malmesbury, Western Cape Province.
- 3.2 Simultaneously with registration of transfer a condition must be registered against the title deeds of the portion measuring approximately 241 hectares (Ptn A of Rem Erf 2706) to the effect that it may only be used for purposes of Subdivisional Area and related uses.
- 3.3 Simultaneously with registration of transfer, written proof must be submitted that all the conditions imposed by the Swartland Municipality: Land Use Planning and Surveying have been complied with.
- 3.4 This consent does not imply that the above-mentioned subdivisions are assured of a permanent water supply.

3.5 This consent does not exempt the property from the provisions of any other law and does not purport to interfere with the rights of any person who may have an interest in the agricultural land.

20220614
DATE



MR D SERAGE
ACTING DEPUTY DIRECTOR GENERAL:
AGRICULTURAL PRODUCTION,
BIOSECURITY AND RESOURCES MANAGEMENT
DELEGATE OF THE MINISTER



ANNEXURE G

SAKKIE DE VILLIERS

Konsultant Prokureur en Aktebesorger

Rapp en Van Zyl Ing. Kaapstad

Lutie Katz Rylaan 35, Posbus 136, Yzerfontein 7351

Selfoon: 083 261 6415

e.pos: sakkiedev@gmail.com

13 Augustus 2024

PER E POS

Aan:
Die Munisipale Bestuurder
Swartland Munisipaliteit

i/s Voorgestelde Onderverdeling en Vrystelling vir die Registrasie van Reg-van-Weg Serwitude op Erf 2706 Yzerfontein.

Geagte Munisipale Bestuurder/Me Stallenberg,

U e pos en skrywe van 6 deser het betrekking (leerverwysing: 15/3/6-14 en 15/3/13-14/Erf 2706).

Kovacs Investments 172 Pty Ltd ("Kovacs") ondersteun die onderhawige aansoek om onderverdeling en vrystelling in beginsel, onderhewig egter aan sekere voorwaardes.

Die huidige serwituut toegangspad (wat staan gekanselleer te word) bedien Kovacs se eiendom (Rooipan/Erf 2732 Yzerfontein) asook die eiendomme bekend as Rooisee, Captain's Cabin, Strandkombuis, Sieteen Mile Beach en Yzerfontein Plaas (Noord) en bestaan etlike jare lank, weliswaar lank voor die onderverdeling waar Buid-It tans gelee is, wat toegang verkry vanaf die R315 Darling Pad, en waar nuwe serwituutpad toegang nou vir Kovacs e.a. beoog word deur die Aansoeker.

Daar was sover as wat dit vir Kovacs aangaan, geen samesprekings met die serwituut-begunstigdes om die huidige pad te vervang nie; en daar sal ooreengekom moet word tussen al die betrokkenes alvorens dit kan geskied. n Serwituut is n saaklike reg soos eiendomsreg en kan teenoor die hele wereld afgedwing word volgens ons reg, en kan vanselfsprekend nie eensydig deur die aansoeker of met respek, deur die Plaaslike Owerheid gekanselleer of vervang word nie.

Die Aansoeker sal met die serwituut-begunstigdes n ooreenkoms moet aangaan wat die voorwaardes duidelik uitstippel vir die kansellasië en registrasie van die betrokke serwitude; en die huidige toegangspad-serwituut kan onder geen omstandighede gekanselleer word alvorens die nuwe

ANNEXURE G

serwituut-toegangspad behoorlik gemaak is en geregistreer is in die Aktekantoor, Kaapstad nie.

Die Aansoeker of sy verteenwoordigers is welkom om met Kovacs te skakel om die kwessie aan te spreek, en hulle kan verseker wees van vriendelike samewerking.

Die uwe,

(Onderteken: IAJ de Villiers)

Sakkie de Villiers

LPC/WC Praktisyn nr M80213.

Aa:

Rooisee

Captain`s Cabin

Strandkombuis

Yzerfontein Plaas – Noord

Sixteen Mile Beach

Black Ginger

CKRumboll.

ANNEXURE H

From: Manuel de Villiers <manuel@yzerfonteinheights.co.za>

Sent: 20 August 2024 09:33

To: Delmary Stellenberg <StellenbergD@swartland.org.za>

Subject: Re: Onderverdeling en vrystelling vir die registrasie van reg-van-weg serwitude op erf 2706, Yzerfontein

Good morning Delmary

Please note that access to Farm 560 Portion 4 should be maintained in its existing format.

Kind Regards

Manuel de Villiers

Trustee Jos de Villiers Belleggings Trust.

ANNEXURE I

From: Management at Strandkombuis <management@strandkombuis.com>

Sent: 05 September 2024 15:24

To: Delmary Stellenberg <StellenbergD@swartland.org.za>

Subject: Re: FW: Voorgestelde onderverdeling en vrystelling vir die registrasie van reg-van-weg servitude op Erf 2706, Yzerfontein.

Dear Me Stellenberg

I would like to express my very serious concern regarding the potential impact of these changes, not only on my business, Strandkombuis, but on a major attribute to the town.

Regarding my business - The proposed right-of-way servitudes directly affect our main entrance, which has been in use since the establishment of the business. Any alterations to this access point would significantly disrupt our operations and could have a detrimental effect on our customer base.

Furthermore, our business model relies heavily on our unique location in a beautiful natural setting. The proposed changes, now with its light industry and multi-housing components, would drastically alter the character of the area and negatively impact our appeal as a wedding venue and restaurant. Additionally, the noise and disruption from construction activities and increased traffic would be highly detrimental to our business, especially considering our late operating hours (with music playing until 2 am).

We are also deeply concerned about the potential environmental impact of the proposed development, particularly the sensitive nature of the fauna and flora and fynbos and the important element it plays. This could lead to irreversible damage to the natural beauty of the area and further erode our business's and the towns appeal.

We kindly request a meeting to discuss this matter further and explore alternative solutions that would allow for the proposed development while preserving the existing access to our business and mitigating the negative impacts on our operations. Please let us know if you would be available for a meeting at your earliest convenience.

Thank you for your time and consideration.

Sincerely,
Eleanor Berman

Management
Strandkombuis

py
Re

Strandkombuis

B&B | Restaurant | Weddings | Events

+27 (0)22 481 1003

+27 (0)63 849 3675

management@strandkombuis.com

www.strandkombuis.com

ANNEXURE J

From: Amelia van der Walt <stay@rooisee.com>

Sent: 05 September 2024 06:21

To: Delmary Stellenberg <StellenbergD@swartland.org.za>

Subject: Re: Voorgestelde onderverdeling en vrystelling vir die registrasie van reg-van-weg serwitute op Erf 2706, Yzerfontein.

Goeie dag Mev Stellenberg,

Insake: Voorgestelde onderverdeling en vrystelling vir die registrasie van reg-van-weg serwitute op plot 2706, Yzerfontein.

Dankie dat jy hierdie saak onder ons aandag gebring het. Ons het die voorgestelde onderverdeling en vrystelling vir die registrasie van reg-van-weg-serwitute op erf 2706, Yzerfontein hersien en ons wil graag ons belang hierby en perspektief uitspreek oor die potensiele impak wat hierdie veranderinge op ons eiedom en die direkte omgewing uitspreek.

Ons, Barend en Amelia van der Walt, ia die eienaars van erf 2132 langs strandkombuis.

Ons grootse kommer is aangaande die voorgestelde reg-van-weg-serwituut vrystelling wat tans ons enigste ingang is en in gebruik is vir meer as 30jaar deur al die eienaars in hierdie deel van die dorp.

Vir konteks oor waarom hierdie problematies is - verwys ons graag na die ligging van ons eiendom asook ons bure en Die Strandkombuis soos beskryf op die bestaande Ruimte Ontwikkelings Plan van Swartland. Hierna word ons buurt tans verwys na 'n toerisme node. Hierdie beplanning is na aanleiding van en verwysing na die gewildheid van hierdie area vir toerisme. 'n Gewildheid wat deur die grond eienaars hier namens die dorp beskerm en bevorder word. Die spruit uit die unieke ligging, die oorloop van die pragtige oorgrens weskus park, die soutpanne wat hier woning is van vele voelspesies, die "rural" en "park" atmosfeer gee aanleiding tot gewildheid onder toeriste. Let wel - Toerisme waarop die HELE dorp staatmaak en uit munt slaan.

Blouberg strand se onsensitiewe ontwikkeling van die klein kus toerisme node oor die jare is seker die bekendste voorbeeld van hoe toerisme gesmoor kan en natuurlik selfs die einste residensiele ontwikkelings wat die node tans domineer se waardel langtermyn materieel affekteer.

Ons vra asb julle ondersteuning van die eienaars in hierdie node, Die strandkombuis veral, wat die ingangspad se "appeal" vir ons toeriste kan handhaaf. Geen toeris wil na Yzerfontein se toerisme node ry deur 'n industriële gebied soos hier voorgestel nie!

Enige veranderinge aan hierdie toegangspunt kan nie net die node se bedrywighede in die kort toerisme seisoene aan die weskus ontwig nie maar sal op die lange duur 'n blywende nadelige uitwerking op ons kliëntebasis hê, agv die "park" ervaring wat due weskus toeris verwag wat die voorgestelde ingang heeltemal sal verander.

Yzerfontein se toerisme node sal NET bly staan as die ingang en pan van onsensitiewe ontwikkelingsbesluite beskerm word. Hierdie is "klein" versoek met reuse impak!!

Wat behels die toerisme node - soos deur Swartland self beplan - dan anders vir 'n toeris as 'n verwagting van van 'n area waar hulle - ongeag die fenominale residensiele uitbreidings in Yzer, hier kan afdraai en dadelik op roete neem deur die diverse flora en fauna wat bewaar moet word in hierdie gedeelte van ons dorp!

Die dorp bewaar hierdie roete se skilpaaie, en sorg dat geen "off road" roetes geskep word nie - ons vra net dat julle ons daaron sal ondersteun deur hierdie aansoek af te keur en dat daar beter beraadslaging sal wees hieroor met toerime in ag.

Dankie vir jou tyd en oorweging

Barend en Amelia van der Walt

+27 (0) 82 4614211

ameliamail08@gmail.com

Stay at: <https://cas5-0->

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On 06 Aug 2024, at 11:29, Delmary Stellenberg <StellenbergD@swartland.org.za> wrote:

**CK RUMBOLL &
VENNOTE / PARTNERS**

[illegible]

Me

With reference to the above mentioned, find the Application attached as per your requested format with the following annexures:

- Annexure A: Servitude Map
Annexure B: Bornman & Hayward attorneys Letter
Annexure C: 2010 Agreement
Annexure D: Notarial Deed K1276/2024 & K1277/2024
Annexure E: Title deeds
Annexure F: Relevant SG diagrams

Kindly send all comments to:
CK Rumboll & Partners
PO Box 211
Malmesbury
7299

We hope you find the above in order
Yours truly,



Anelia Coetzee / Izak Visser
FOR CK RUMBOLL & PARTNERS



I/H Rumboll PRL (SA), BSc (Sury), M.I.P.L.S. and AP Steyl PRL (SA), BSc (Sury), M.I.P.L.S.

ADDRESS/ ADRES: planning8@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299
MALMESBURY (T) 022 482 1845 (F) 022 487 1661 VREDENBURG (T) 022 719 1014

Response to comments / objections on the subdivision of Remainder of Erf 2706 , Yzerfontein

The following is an addendum to the response to comments on objectors submitted by CK Rumboll and Partners and specifically regarding the objections of owners of Erf 2130 & Erf 2132 on the subdivision of remainder of Erf 2706 Yzerfontein.

Objectors

Erf 2130	Elanor Berman Marine Belle One Proprietary Limited
Erf 2132	Barend & Amelia van der Walt Sixteen Mile Beach Eiendoms Beperk

The table below list those servitudes that have been registered and described in objectors title deeds, and those that are required to be registered to access their properties. The table needs to be read in conjunction with the **servitude map, attached as annexure A, and letter from Bornman & Hayward attorneys dated 5 December 2024, attached as Annexure B** (specifically Section 11-14, & 18) stating there were multiple occasions offered to discuss the terms and registration of servitudes with owners of Erf 2132.

Erf & Title Deed	Servitudes described in Title deed (Dgm No)	Servitudes required to be registered	Over property & Ownership
Erf 2132 (T41250/2013)	3359/2008	1632/2022	Erf 2706 Black Ginger 330 Proprietary Limited
	3671/2010	1634/2022	2732 Kovacs Investment 172 (Pty Ltd)
	3672/2010	1635/2022	2990 (portion of 2131) JCSC Trust
Erf 2130 (T41792/2019)	3359/2008	1632/2022	2706 Black Ginger 330 Proprietary Limited
	3671/2010	1634/2022	2732 Kovacs Investment 172 (Pty Ltd)

Of Note is an agreement made in 2010 between 4 parties located in Yzerfontein, which includes the owner of Erf 2132 (**Sixteen Mile Beach Eiendoms Beperk**), and Erf 2706 (**Black Ginger 330 Proprietary Limited**), Section F of this agreement states that neither of these parties in the future will object to the development of any parties on their own property. Thus, Sixteen Mile Beach Club went against their agreement to object on the proposed development of Remainder of Erf 2706. **Agreement attached as annexure C.**

Parties	Property
Chantilly Trading 30 (Pty) Ltd	Erf 2181
Yzerfontein Sixteen Mile Beach (Pty) Ltd	Erf 2128 & 20/560
Black Ginger 330 (Pty) Ltd	RE27/560
Kovacs Investment 172 (Pty) Ltd	22/560

Further proof that neighbouring owners have registered these servitudes are tabulated below, and described in Notarial Deed K1276/2024 & K1277/2024 attached as annexure D

Notarial Deed	Parties	Property
K1276/2024	Kovacs Investment 172 Pty Ltd	Erf 2732 Servient 1
ROW	De Vallei Wynlandgoed Pty Ltd	RE/2706 Servient 2
1632/2022 & 1634/2022	Jager Family Trust	Erf 2131 Dominant
Notes		
2	Erf 2131 Require ROW servitude over Erf 2732 & RE/2706 (Agreed 6m ROW) Erf 2732 Require ROW Servitude over RE/2706	
3A	Servient (2732 & 2706) provide Dominant (2131) ROW (1632/2022) & (1634/2022)	
B3	Gates & fencing allowed	
B5	Erf 2131 to maintain servitudes	
B6	Erf 2131 responsible for cost of notarial Deed & Registration	

Notarial Deed	Parties	Property
K1277/2024	JCSC Trust	Erf 2990 Servient
ROW	Jager Family Trust	Erf 2131 Dominant
1635/2022		
Notes		
B2	Erf 2131 subdivided & Erf 2990 subject to registration of ROW servitude over 2990 in favour of 2131	
B3	Erf 2131 sold Erf 2990	
B4	No additional compensation for ROW servitude, as it's included in sale price.	
5A	Erf 2990 provide 4m ROW servitude to Erf 2131 (1635/2022)	
B3	Jointly responsible for maintenance	
B5	Erf 2990 be responsible for cost of notarial Deed & Registration	

Dear Ms Elanor Berman

In your letter dated 5 September 2024, you object against the proposed subdivision of Erf 2706 and you wrote:

Regarding my business - The proposed right-of-way servitudes directly affect our main entrance, which has been in use since the establishment of the business. Any alterations to this access point would significantly disrupt our operations and could have a detrimental effect on our customer base.

Firstly, the proposed servitudes to provide access to the proposed portions, is on the same routes as the existing servitude routes.

Secondly, to access your property you are in the beneficial position as the route of the servitudes were agreed to between yourself (dominant property) and the property owner(s) over which the servitude runs (servient property) which have been surveyed and for which diagrams were framed.

However, the route and surveyed diagrams do not provide any security of access over private land.

You are required to register the servitudes against the title deed of both the servient and dominant properties

The servitudes as contained in the survey diagrams listed above have to be registered against the title deed of your property Erf 2132, with the assistance of a conveyancer to lodge the registrations at the deeds office. The servitudes in favour of Erf 2123 include:

- servitude 1632 across Portion C and
- servitude 1634 across Erf 2732
- and servitude 1635 against the title deed of Erf 2990 (portion of Erf 2131).

Note that the applicant is the owner of one of the servient properties. The proposed subdivision, and particular portion C, does not change your access along the servitude route of servitude LG no 3359/2008 and as this servitude is registered in the title deed of your Erf 2132, and the condition in the title deed of the servient property which is now divided will be brought forward as a real right of your property.

Hence from a point of access the servitudes proposed do not affect your property should you proceed to register these servitudes to establish these real rights.

Beste Mnr en Mev van der Walt

In u skrywe gedateer 5 September 2024, teken u beswaar aan teen die voorgestelde onderverdeling van Erf 2706 and u skryf:

Ons grootse kommer is aangaande die voorgestelde reg-van-weg-servituut vrystelling wat tans ons enigste ingang is en in gebruik is vir meeras 30jaar deur al die eienaars in hierdie deel van die dorp.

Verder verwys ons vergadering.

Sou u aandring dat die toegang tussen die mees oostelike besigheidsnodus noord van die R315 en Yzerfontein dorp gebruik word, sal u verjaring (prescription) moet bewys aangesien geen servituut op die roete in u titelakte geregistreer is nie. Dit is 'n Hooggeregshofaangeleentheid.

Die voorgestelde servitude voorsien toegang tot die voorgesteld gedeeltes op dieselfde roete as die bestaande servituut routes.

Om toegang te bekom vir u eiendom is u in die gunstig posisie dat daar ooreengekom is tussen uself (dominate eiendom) en die eenaar(s) van die eiendom waaroor die servituut loop (dienende eiendom) oor die roete wat ook opgemeet is en waarvoor diagramme geskep is.

Die roete en gemete diagramme voorsien nie enige sekuriteit van toegang oor private grond nie. U moet die registrasie van die servitude teen die title akte van beide die dienende en dominante eiendomme bewerkstellig.

Die servitude vervat in die landmetingsdiagramme hierbo gelys, moet in die titelakte van u eiendom, Erf 2130, geregistreer word asook die titelaktes van die dienende eiendomme met die hulp van 'n aktebesorger om die registrasie by die aktes Kantoor te hanteer. Hierdie servitude ten gunste van ten gunste van u Erf 2130 sluit in:

- servituut 1632 moet teen die titelakte van die voorgestelde gedeelte C van Erf 2706 geregistreer word.
- servituut 1634 moet geregistreer word teen die titelakte van Erf 2732.

Neem kennis dat die aansoeker die eenaar is van slegs een van die dienende eiendomme. Die voorgestelde gedeelte C: U toegang op die servituut roete van servituut LG no 3359/2008 verander nie en die servituut is geregistreer in u titelakte en die servituut voorwaarde in die titelakte van die dienende eiendom, sal oorgedra word as 'n afdwingbare reg ten gunste van u eiendom Erf 2123.

Derhalwe, van 'n toegangsoogpunt affekteer die voorgestelde servitude nie u eiendom nie indien U die toegangservitude registreer teen u titelakte sodat dit as 'n afdwingbare reg vestig nie.

Erf/Farm	Objector	Objection	Response
Erf 2732	Sakkie de Villiers Kovacs Investment 172 Cell: 083 261 6415 Mail: sakkiedev@gmail.com	Existing Servitude should not be cancelled	<ul style="list-style-type: none"> • The application is an administrative process. • It does not take away any rights or change any servitudes. • Zoning remains the same. • Existing servitude won't be cancelled, servitude on map indicates existing relevant servitude to this application.
Portion 4 of Farm 560	Manuel de Villiers Mail: manuel@yzerfonteinheights.co.za	Access to property should be maintained in existing format	<ul style="list-style-type: none"> • Subdivision map amended (access road to 4/560 should be subdivided and transferred to Western Cape department of Transport infrastructure to obtain their support) and addendum to land use application was prepared. • As stated in their decision letter dated 2 September 2024 with reference: 16/9/6/1-26/162 (Application No: 2024-07-0175).
Erf 2130	Elanor Berman (Standkombuis) Tell: 022 481 1003 Cell: 063 849 3675 Mail: management@strandkombuis.com	<ul style="list-style-type: none"> • Proposed right of way affect main entrance • Proposed changes including the light industry & multi housing will alter the character, negatively effecting wedding venue and restaurant • Noise disturbance (construction & traffic) • Environmental impact of development 	<ul style="list-style-type: none"> • The application is an administrative process. • It does not take away any rights or change any servitudes. • Zoning remains the same. • Existing servitude won't be cancelled, servitude on map indicates existing relevant servitude.
Erf 2132	Barend & Amelia van der Walt (Rooisee) Cell: 082 461 4211 Mail: ameliamail08@gmail.com	<ul style="list-style-type: none"> • Right of way servitude • Neighbourhood a tourism node as indicated on the SDF • These owners promote and protect 	<ul style="list-style-type: none"> • The application is an administrative process. • It does not take away any rights or change any servitudes. • Zoning remains the same.

		<p>the popularity of the tourism node</p> <ul style="list-style-type: none"> • The locality and scenery of the tourism node is home to unique bird species • Yzerfontein as a town rely and benefits from tourism • Make reference to Blouberg insensitive development as an example (smothering tourism) • (entrance road's appeal) No tourist wants to drive through an industrial area to a tourism node • Have to protect the entrance and the diverse fauna and flora route towards the tourism node. 	<ul style="list-style-type: none"> • Existing servitude won't be cancelled, servitude on map indicates existing relevant servitude. • Access servitudes to their properties, created and registered will not be of concern to this application and will be carried forward. • This application does not deal with or caused access servitudes not registered or removed or to be registered or be removed, which is the concern of the objector.
--	--	---	---

Two letters to follow address the concern of the objectors regarding the servitudes will be sent to the relevant objectors

CK RUMBOLL & VENNOTE / PARTNERS



PROFESIONELE LANDMETERS ~ ENGINEERING AND MINE SURVEYORS ~ STADS- EN STREEKSBEPLANNERS ~ SECTIC

Annexure B **Bornman & Hayward attorneys Letter**

VENNOTE / PARTNERS:

IHJ Rumboll PRL (SA), BSc (Sury), M.I.P.L.S. and AP Steyl PrL (SA), BSc (Sury), M.I.P.L.S.

ADDRESS/ ADRES: planning8@rumboll.co.za / PO Box 211 / Rainierstr 16, **Malmesbury**, 7299
MALMESBURY (T) 022 482 1845 (F) 022 487 1661 **VREDENBURG** (T) 022 719 1014

BORNMAN & HAYWARD

ATTORNEYS | NOTARIES | CONVEYANCERS
PROKUREURS | NOTARISSE | AKTEBESORGER



GLENN ROOSEBOOM INC
CAPE TOWN

U verw | Your ref: YZE1/0016 / SD
Ons verw | Our ref: sd@borhay.co.za
E-pos | E-mail: (021) 943-1600
Direkte lyn | Direct line: 5 December 2024
Datum | Date

By e-mail : glenn@grinc.co.za

Dear Sirs

RE: NOTARIAL ROAD SERVITUDE RIGHT OF WAY : K1254/2008S

Your letter addressed to Mr Riaan De Villiers of Black Ginger 330 (Pty) Ltd dated 2 December 2024 has reference.

1. We confirm that we act on behalf of Black Ginger 330 (Pty) Ltd.
2. Your letter states that your client is entitled to access to her property via servitude K1254/2008S with Servient tenement being Remainder of Portion 27 of the Farm Yzerfontein No.560 and Dominant Tenement being Portion 20 (portion of Portion 19) of the Farm Yzerfontein nr 560 by virtue of it being a subdivision of the Dominant tenement;
3. The factual position regarding the applicable servitudes is that the servitudes were required to grant access for portion 20 over portion 27 of the Farm Yzerfontein No.560;
4. Upon subdivision of portion 20, these servitudes were brought forward in the Title Deeds of the subdivided portions as per conveyancing practice. However, no servitude was registered in favour of the subdivided portions (i.e. your client's property) to have access over portion 20 to their specific properties. Your client as well as the owners of erven 2131 and 2132 Yzerfontein has been allowed to use the shortened road, over portion 22 of the Farm Yzerfontein No.560 to reach their properties;
5. The servitude referred to in K 1254/2008 was canceled in 2023 via Notarial Deeds of Cancellation of Servitude Nos K920/2023 and K921/2023 and as such is also no longer available for any of the subdivisions;

DIRECTORS

A S LOXTON B.JURIS LLB, J FOURIE B COMM LLB PG DIP TAX, JH MEYER LLB

ASSOCIATE:

R MORTA LLB, W M MUNDELL LLB, J THERON LLM Child Law LLB,
C MANDLAKAZI LLB

CONSULTANT: H P VAN DER MERWE BA LLB, A J FREITAS DOS SANTOS LLB
LLM

SUITE 1, 2 REIGERSTRAAT

STELLENBERG

7530

Telefoonnommer | Telephone number (021) 943 1600

Posbus | PO Box 3609 TYGERVALLEI | TYGERVALLEY 7536

Docex 55, TYGERVALLEI | TYGERVALLEY

6. Various subdivisions and consolidations of land around the applicable servitude also happened since the servitudes were initially registered and eventually cancelled;
7. Notwithstanding the fact that your client's property is a subdivision of portion 20, no servitude was ever registered in favour of her property to drive over Remainder portion 20 of the Farm Yzerfontein No.560, to reach her property, thus from point F on Diagram 3359/2008 over portion 20 of the Farm Yzerfontein No.560, to her property. Since transfer of the subdivided erven, new subdivisions were done, having the effect that new owners now own the property between portion 20 and your client's erf, i.e. erf 2732 Yzerfontein is now in between, it being created after various subdivisions had been done. As such your client does not automatically have access to her property over erf 2732 Yzerfontein via portion 20. New access has however been negotiated in her favour and must just be registered.
8. As a result of the various subdivisions and consolidations, adjustment of the servitudes were required to grant access to the subdivided portions, e.g. for your client;
9. An easier and more accessible access route had to be, and could be negotiated, as the registered rights as per the Title Deed could no longer grant her legal access to her property any more, it is now being owned by a different owner;
10. For years, up to today, your client and her guests have indeed been using this specific negotiated route that was (and still is) offered to her, as access to her property, rather than the route your client is now requesting the gate to be opened for;
11. Your client had, as a matter of courtesy, been approached on more than one occasion, to discuss and offer the easier negotiated servitude, together with the offer to pay for the registration thereof, which servitude was negotiated with the to be servient tenement, i.e. erf 2732 Yzerfontein, and to be registered in favour of her erf;
12. Despite all these efforts being made in good faith, your client was not interested in these discussions, nor understanding of the fact that even though a servitude was registered in her Title Deed, the specific servitude never did, nor does it now also granted access to her property, due to a new owner next to her and the fact that no access was granted to these properties from point F as indicated;
13. Your client thus had full knowledge that the existing servitudes would be cancelled, that she did not have registered access from point F (as depicted on diagram 3359/2008) to her property as well; that the developer will in future not extend his offer to assist with the payment of the registration costs again and that should registration of the negotiated servitude be registered she would be liable for any future costs in respect thereof;
14. The same offer was made to the other owners of the subdivided properties and the owner of erf 2131 Yzerfontein, had in fact already proceeded to register the new servitude for access to his property;
15. Neither our client, nor the owner of the "to be servient tenement" as agreed to, (i.e. erf 2732 Yzerfontein), refuses your client or her guests access to her property via the new negotiated access route. She is in fact currently using the same route and is not barred from doing so;

16. We trust you will explain the legal process and effects of the subdivisions and consolidations in the area as well as the cancellation of the applicable servitude to your client and encourage her to register the access negotiated in her favour as soon as possible;
17. As such your client is not barred from accessing her property by the closure of the gate;
18. The next step should be the formalization of the de facto position in her favour by registering the available servitude formally against her Title Deed in favour of her property, the diagram of which already exists. See Notarial Deed K1276/2024 with Diagram 1632/2022 and 1634/2022 and Notarial Deed K1277/2024 attached.

It is also our client's intention to settle the matter amicably. Please do not hesitate to contact writer should you want to discuss and settle the matter.

Yours faithfully

Bornman & Hayward Inc

PER:

J FOURIE

CK RUMBOLL & VENNOTE / PARTNERS



PROFESIONELE LANDMETERS - ENGINEERING AND MINE SURVEYORS - STADS- EN STREEKSBEPLANNERS - SECTO

Annexure C 2010 Agreement

VENNOTE / PARTNERS:

IHJ Rumboll PRL (SA), BSc (Sury), M.I.P.L.S. and AP Steyl PrL (SA), BSc (Sury), M.I.P.L.S.

ADDRESS/ ADRES: planning8@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299
MALMESBURY (T) 022 482 1845 (F) 022 487 1661 VREDENBURG (T) 022 719 1014

" A "

MEMORANDUM OF AGREEMENT

entered into by and between

CHANTILLY TRADING 30 (PTY) LTD
REGISTRATION NUMBER: 2005/041808/07
(hereinafter referred to as "C")

and

YZERFONTEIN SIXTEEN MILE BEACH (PTY) LTD
REGISTRATION NUMBER 2003/019628/07
(hereinafter referred to as "SM")

and

BLACK GINGER 330 (PTY) LTD
REGISTRATION NUMBER 2005/023682/07
(hereinafter referred to as "BG")

and

KOVACS INVESTMENTS 172 (PTY) LTD
REGISTRATION NUMBER 2000/029836/07
(hereinafter referred to as "K")

[Handwritten signatures and initials]

[Handwritten signatures and initials]

WHEREAS

A. **C** is the owner of:

Erf 2181 Yzerfontein in the Municipality of Swartland, Division of Malmesbury,
Western Cape Province

Measuring 7.0634 hectare

Held by Deed of Transfer No T 29397/2007

(hereinafter referred to as "Erf 2181")

B. **SM** is the owner of:

Erf 2128 Yzerfontein in the Municipality of Swartland, Division of Malmesbury,
Western Cape Province

Measuring 3.3053 hectare

Held by Deed of Transfer No T 51474/2009

(hereinafter referred to as "Erf 2128")

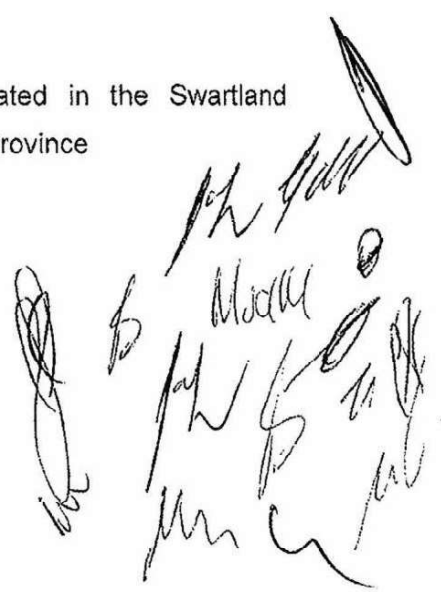
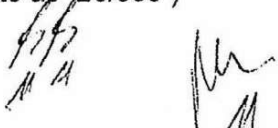
and

Portion 20 of the Farm Yzerfontein No 560 situated in the Swartland
Municipality, Division of Malmesbury, Western Cape Province

Measuring 39.0466 hectare

Held by Deed of Transfer No T 36038/2004

(hereinafter referred to as "20/560")



C. **BG** is the owner of:

the Remainder Portion 27 of the Farm Yzerfontein No 560 situated in the Swartland Municipality, Division of Malmesbury, Western Cape Province

Measuring 538.1520 hectare

Held by Deed of Transfer No T 70727/2008

(hereinafter referred to as "27/560")

D. **K** is the owner of:

Portion 22 of the Farm Yzerfontein No 560 situated in the Swartland Municipality, Division of Malmesbury, Western Cape Province

Measuring 39.2240 hectare

Held by Deed of Transfer No T 90288/2002

(hereinafter referred to as "22/560")

E. **C, SM, BG** and **K** are property owners/developers and the parties envisage to acquire and/or develop, over and above the developments referred to in this agreement, other more extensive developments on their respective properties.

F. The parties, ever conscious of their obligations to protect the natural environment by planning sustainable developments, are desirous to agree amongst one another that they will not in future object to the development of anyone of them on its own property.

G. To reach the goal of sustainable development as aforesaid the parties are desirous to enter into an agreement on certain terms and conditions whereby they regulate their respective rights and obligations for and against one another.

THEREFORE THE PARTIES AGREE AS FOLLOW:

1. **C** will immediately and irrevocably withdraw its objection lodged against the application for approval for rezoning, subdivision and development by **SM** on Erf 2128 Yzerfontein upon the signature of this agreement by all the parties.
2. **SM** and **BG** undertake not to object to any application/approval for rezoning, subdivision and development by **C** and/or **K** on Erf 2181, Portion B and Portion C which portions are indicated on the annexed diagram marked Annexure "X".
3. The development referred to in par. 2 consists of:
 - 3.1 Residential erven zoned Residential 1, 2, 3 and 5.
 - 3.2 Business development zoned Business 1.
 - 3.3 Retirement Village on the south eastern part of Erf 2181.

(or such other zonings as may be approved)

all of which is indicated on the coloured diagram annexed hereto marked "X".
4. **C** and **K** undertake unconditionally and irrevocably not to object to any application/approval for any rezoning, subdivision and development on Portion 27/560, Portion 20/560 and Erf 2128.
5. All the parties to this agreement unconditionally and irrevocably agree not to object to any future applications/approvals for rezoning, subdivision and development by any one of the parties on its own property or property acquired hereby.
6. **K** consents to the notarial cancellation of the two servitudes of right of way to which the Farm 22/560 is entitled and the Farm 27/560 is the servient

property. The servitudes are indicated by the figures AB and CD on the attached Diagram SG No 1257/81 marked "Y". It is recorded that the abovementioned servitude marked CD may be cancelled simultaneously with the transfer of Portion E to K; and the servitude right of way marked AB shall exist as between the parties until the rezoning and subdivision of the erven on Portions B, C and a portion of 22/560 indicated on Annexure "X" is approved. **K** and **C** shall then have the option to realign the servitude on conditions to be agreed upon with **SM** and **BG** so that it will serve the development in the most practical manner but more or less along the line indicated by the figure VRW on Annexure "X". The cost of such re-alignment and the construction of the road will be for the account of **C**.

7. **K** consents to the registration of a right of way and services servitude 14 metres wide over Portions B and C indicated by a blue line marked RWSTU on Annexure "X". The right of way and services servitude will affect **C** in its joint venture with **K** and **C** hereby unconditionally confirms that it will not object to the said portions to be subject to the above servitude(s). The right of way will be a road constructed through Portions B, C and a portion of 22/560 in favour of Erf 2128 and further developments on 20/560 and will comply with all the requirements of the local authority, especially bearing in mind that the said road will service the development on Portion B, C and a portion of 22/560. The construction of the road is subject to the fulfilment of the following conditions:

- 7.1 That the development on Portions B, C and a portion of 22/560 (which portion is depicted in orange on Annexure "X") is approved by the relevant authority.
- 7.2 That the required number of sales in the development on Portions B and C is achieved in order that financial assistance will be provided by a recognised financial institution.

- 7.3 That **SM** shall contribute an amount of R2 000 000.00 (Two Million Rand) for the construction of the said road. All further costs will be for the account of **C**.
- 7.4 That the contribution by **SM** is subject thereto that the proposed resort development of ± 60 units as indicated on Annexure "X" is approved.
- 7.5 That the required number of sales in the development referred to in 7.4 is achieved in order that financial assistance will be provided by a recognised financial institution for its development and the construction of the road.
- 7.6 Irrespective of the contents of 7.1 to 7.5 above, the parties confirm that should the transfer of Portions A and B take place as contemplated herein **SM** or its successors in title shall be entitled to register the right of way and services servitude referred to in this clause 7 and to build the road and install the services referred to above at its own risk and cost. The obligation to contribute as referred to in clause 7.3 above will then lapse. Should **SM** construct the road referred to above, **C** and **K** will be entitled to the use thereof subject to the terms of clauses 18.4 and 18.5 hereunder.
- 7.7 Any of the parties hereto will be entitled to install any services which may be required for the development of the properties referred to herein on or under the servitude area referred to in this clause 7.
8. **K** consents to the construction of a road approximately 14 meters wide over 22/560 more or less as indicated by the blue line (figure M N O) depicted on Annexure "X" in favour of 20/560 on the following conditions:
- 8.1 that **SM** will have the option to re-align the road and route of the servitude area, if required by the Local Authorities on conditions to be agreed upon with **K** and **C**;

- 8.2 Any visual or other environmental impact must be mitigated by **SM** to the satisfaction of the relevant authorities;
- 8.3 that **SM** will be responsible to have the road registered as a servitude in favour of Portion 20/560 and its subdivisions, including Erf 2128 and its subdivisions, and **K** undertakes to sign all the required documentation;
- 8.4 that **SM** shall be responsible for all the costs of whatever nature to have it constructed including the costs of the notarial deed to register the road as a servitude.
9. **BG** and **K** agree that **BG** will transfer Portion B in extent ± 3.1 (three comma one) hectare to **K** in exchange for Portion A in extent ± 2.5 (two comma five) hectare which is to be transferred to **BG**, which portions are indicated on Annexure "X". This exchange transfer will take place irrespective of the fact that the proposed development thereon is approved or not. A separate exchange agreement will be entered into between the parties for the purpose of such transfers on the normal conditions as envisaged in clause 18.2 hereunder. The parties confirm that the respective Portions have the same value and that no further amounts are payable by or to any of the parties as compensation for such exchange to take place. The costs of the exchange transfers, as well as all costs of rezoning and subdivision required to have such exchange transfers effected, will be for the account of **C**.
- 10.1 **SM** and **K** agree that **SM** will transfer Portion E in extent not less than 1.5 (one comma five) hectare to **K** or its nominee in exchange for Portion D in extent $\pm 3000 \text{ m}^2$ (three thousand) square metres. The said Portion D must be 6 (six) metres wide, commencing from the point where the servitude road RWSTU enters Erf 2128 on its south eastern border and running for a distance of ± 500 (five hundred) metres northwards along the western boundary of Portion 22/560 contiguous to the eastern boundary of Erf 2128 and its subdivisions, terminating at the southern point marked M on the south

eastern corner of Portion E. Opposite Portions E and F it will be a right of way and services servitude of the same width (6 (six) metres) along the route marked M N M, and northwards along the aforesaid boundaries up to the north eastern corner of Portion F, as indicated on Annexure "X". The parties unconditionally agree that this Portion E shall not be less than 1.5 (one comma five) hectare as referred to above and shall be surveyed so that the present HWM shall be the western boundary. The parties further confirm their intention that Portion D will be subdivided from Portion 22/560 and be consolidated with Erf 2128 and its subdivisions, and be utilized as a right of way and services servitude area to give effect to the Servitude Agreements referred to herein and which may be required for the future development of the properties. It is further confirmed that the values of the aforesaid respective Portions and servitude areas are the same and that no payments are due or payable by any of the parties to each other in order to have the exchange agreements given effect to. Should the approval for subdivision in respect of Portion E be obtained before that of Portion D, the parties agree that a right of way and services servitude area with similar dimensions and routes as set out above can be registered as an interim measure until Portion D becomes registerable, which servitude is to be registered simultaneously with the registration of Portion E in favour of **K** or its nominee. The said road and servitude area over Portion D referred to above may only be utilized by vehicles not exceeding a maximum weight of 4000kg.

- 10.2 It is recorded that **SM** shall grant **K** a servitude right of way in favour of Portion E over Portion D.
- 10.3 **SM** and **BG** agree that a servitude right of way shall be registered in favour of Portion E over Portion 20/560 and Portion 27/560 as respectively indicated by the figures O"M" and "N"PQZRV on Annexure "X".
- 10.4 The costs for the registration of the exchange transfer and servitudes referred to in clauses 10.1, 10.2 and 10.3 above, including the costs of

rezoning, subdivision and land surveying costs (if applicable) shall be borne by **C** in terms of clause 17 hereunder.

11. **BG** hereby agrees to the registration of a servitude right of way and services servitude approximately 14 metres wide in favour of **SM** over 27/560 as indicated by the figure PO in exchange for Portion F in extent $\pm 1,5$ (one comma five) hectare as depicted on Annexure "X". **SM** will be responsible for the costs of subdivision and the transfer of Portion F to **BG** or its nominee, which nomination, if applicable, will be made in the further agreement contemplated and referred to in clause 18.2 hereunder, and of the registration of the servitudes referred to above. **SM** will have a similar option granted to **K** in clause 6 above to re-align the servitude on conditions to be agreed upon with **BG** or its nominee. The parties confirm that the value of the foresaid servitudes and Portion F are similar in value and that no amounts are due between **BG** and **SM** as compensation for the exchange to take place.
12. **C** hereby agrees that it will allow free access, which shall exclude all motorised vehicles of any nature or form over Erf 2181 to the beach where access is available to the said Erf on the south western portion thereof in favour of Portions B, C and the remaining portion of 22/560 as depicted on Annexure "X" while **K** agrees to similar reciprocal free access over Portion 22/560 in favour of Erf 2181. **C** and **K** agree that a general servitude will be registered in favour of and subject to each property as the case may be which servitude shall follow the natural route over the properties as far as possible in between the proposed erven on Portion C and the erven on Erf 2181 as indicated on "X" as previously agreed to between the parties. The parties record that they will be able to phrase the servitude in such general terms in order to have the servitude registered.
13. The spirit of this agreement is intended that all the land developments of the parties are interlinked and that all the parties will cooperate to secure the joint developments as depicted on Annexure "X". In order to maintain the sustainable development of the properties and to protect the natural

environment **SM**, **K** and **BG** as owners of 20/560, the remaining portion of 22/560 and a portion of the remaining northern portion of 27/560 the exact extent of which is to be agreed upon, respectively shall be obliged to make such portion of its property available to SANParks and/or Cape Nature for the purpose of nature conservation. They shall negotiate with SANParks and/or Cape Nature in good faith in order to establish a so called agreement park integrated into the West Coast National Park/stewardship whereby the owners retain ownership in their respective properties.

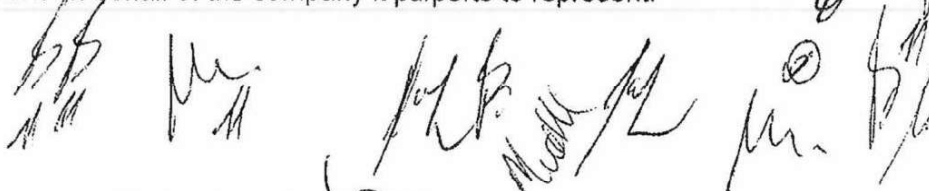
14. The whole agreement is subject thereto that Erf 2128 and its subdivisions are registerable in the Deeds Office Cape Town and may be transferred to any prospective purchaser and that the written consent of ABSA Bank Limited, the present Mortgage Bond holder over Portions 20/560 and remainder Portion 27/560, is obtained for such subdivisions and servitudes.

15. 15.1 It is agreed between all the parties that the provisions referred to in par. 1, 6, 7, 8, 9, 10, 11 and 12 may be carried out immediately independent of any other provisions referred to in this agreement. The relevant parties shall immediately instruct a town planner and surveyor to carry out the terms and conditions referred to in the last mentioned paragraphs. Occupation and possession, together with the passing of risk, shall be upon signature hereof. No structures may, however, be erected on the Portions of which occupation and possession is taken before transfer without the prior consent of the respective Transferor of such Portion as depicted in the said clauses, which consent will not be unreasonably withheld. The parties confirm that occupation of such portions will be returned to its respective Transferor in its present state, unless otherwise agreed to, should this agreement be cancelled or be terminated for any reason before transfer.

- 15.2 Further to 15.1 above, it is recorded that the parties are aware of the pending High Court Application under Case no 3295/2007 between **SM** and The Minister for Environmental Planning and Economical Development, Western Cape brought by **SM** to confirm its rights re the

zoning and subdivision of Portion 20, with regard to which **SM** is presently involved in settlement negotiations. The parties specifically confirm that, although this agreement is not subject to the outcome of the said High Court litigation matter, the parties and specifically **C** and **K** will not have any compensation or damages claims against **SM** or **BG** should any of the approvals to give effect to this agreement, not be obtained.

16. The terms and conditions contained in this agreement shall bind the parties successors in title and assigns.
17. It is hereby recorded that **K** shall not be responsible for any costs of whatever nature which may result from any of the issues that relates to this agreement. **C** hereby confirms that it shall be held responsible for the costs that may come about as a result of any action taken in terms of this agreement for which **K** may become responsible. This clause is not applicable to the obligations of **K** with regard to the maintenance of the roads and servitude areas as set out in clause 18.4 below, insofar as these are not met by C.
- 18.1 Subject to clause 18.2 below, this agreement constitutes the whole of the agreement between the parties relating to the subject matter thereof and no amendment alteration, addition, variation or consensual cancellation will be of any force or effect unless reduced to writing and signed by the parties.
- 18.2 Further to clause 18.1 above, the parties, however, confirm that as far as it may be necessary for practical reasons and for registration and tax clearance purposes, they agree to enter into such further exchange-, notarial servitude- or other agreements to give effect to the various exchange- and servitude agreements as set out herein on conditions re possession, access, construction costs, etc. to be agreed upon between the parties.
- 18.3 The person signing this agreement warrants that he/she is authorised to sign the agreement on behalf of the company it purports to represent.



- 18.4 The maintenance of the various roads and servitude areas referred to herein will after construction thereof be the joint liability of the parties to this agreement and their successors in title. The contribution of each party towards the maintenance will be determined between the parties on a six-monthly basis and will be determined on a pro rata basis according to the use of such road or servitude area by each respective party.
- 18.5 Irrespective of clause 18.4 above, the parties confirm that when development on any of the properties referred to in this agreement commences as a result of which more traffic, including heavy construction vehicles, will make use of the roads and servitude areas referred to herein, then the owner of the property on which such development is taking place will be solely responsible for the maintenance costs of the roads and servitude areas referred to herein for the duration of such development period. Should more than one development take place simultaneously by more than one owner, such owners of the properties being developed will on a pro rata basis be responsible for the maintenance costs as contemplated in clause 18.4 above. Once such development(s) have been completed and such owner(s) has made good any damages to the roads or servitude areas referred to herein to the satisfaction of the remaining owner(s), the provisions of clause 18.4 above between all the owners will further be applicable.
- 18.6 It is further a condition hereof that the purchaser of the Portion of Portion 20 on which the Strandkombuis Restaurant is presently being conducted in its capacity as successor in title of **SM**, also consents in writing to the terms of these clauses 18 and 19 hereunder in order to make such conditions binding on such purchaser and its successors in title.
- 19.1 In the event of any dispute or difference arising between the parties hereto relating to or arising out of this agreement, including the implementation, execution, interpretation, rectification, validity, enforceability, termination or cancellation of this agreement, the parties will forthwith meet to attempt to settle such dispute or difference, and failing such settlement within a period of 14 (fourteen) days, the said dispute or difference will, if demanded by any

party on written notice to the other parties, be submitted for a hearing to a referee in accordance with the provisions set out below.

19.2 The hearing referred to in 19.1 will be held –

19.2.1 at Cape Town;

19.2.2 informally as referred to below;

19.2.3 with a view to its being completed within 20 (twenty) business days after it is demanded, having particular regard to any urgency regarding the matter in issue.

19.3 The referee will be a practising Senior Advocate or attorney of not less than 15 (fifteen) years standing and agreed to between the parties. Failing an agreement between the parties as to the Senior Advocate or attorney within 48 (forty-eight) hours after a hearing of the dispute has been demanded in terms of clause 19.1, such person is to be appointed by the President for the time being of the Cape of Good Hope Bar Association.

19.4 The referee –

19.4.1 will have regard to the desire of the parties to dispose of such dispute expeditiously, economically and confidentially;

19.4.2 need not observe the strict rules of law but may determine the procedure to be followed as he thinks fit.

19.5 The parties irrevocably agree that the decision in any proceedings hereunder-

19.5.1 will be final and binding on all of them;

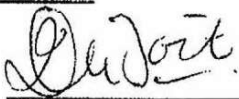
19.5.2 will forthwith be carried into effect;


19.5.3 may be made an order of any court of competent jurisdiction.

- 19.6 The provisions of this clause will continue to be binding on the parties notwithstanding any termination or cancellation of the agreement.
20. The parties shall each pay their own costs i.e. SM shall pay Attorneys Bornman and Hayward and C shall pay CF Haasbroek attorneys, in respect of this agreement.

SIGNED at Bellville on this 9TH day of July **2010** in the presence of the undersigned witnesses:

WITNESSES:

1. 

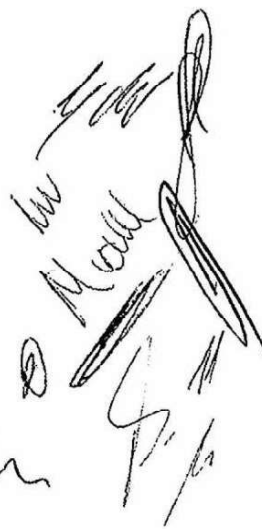

CHANTILLY (PTY) LTD
 herein represented by Christopher
 John Tapsell duly authorised
 thereto by a resolution dated

2. _____





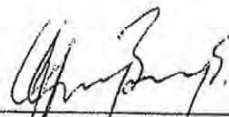




SIGNED at BELLVILLE on this 8TH day of JULY 2010 in the presence of the undersigned witnesses:

WITNESSES:

1. 



**YZERFONTEIN SIXTEEN MILE
 BEACH (PTY) LTD**
 herein represented by Izak
 Johannes Matthys Buys duly
 authorised thereto by a resolution
 dated ..8..JULY..2010..

2. _____

SIGNED at BELLVILLE on this 8TH day of JULY 2010 in the presence of the undersigned witnesses:

WITNESSES:

1. 


BLACK GINGER 330 (PTY) LTD
 herein represented by Izak
 Johannes Matthys Buys duly
 authorised thereto by a resolution
 dated ..8..JULY..2010..

2. _____

SIGNED at Cape Town on this 9th day of July 2010 in the presence of the undersigned witnesses:

WITNESSES:

1. [Signature]

[Signature]
KOVACS INVESTMENTS 172 (PTY) LTD

herein represented by Izak Adriaan Johan de Villiers duly authorised thereto by a resolution dated

2. _____

SIGNED at Bonheeg on this 23rd day of July 2010 in the presence of the undersigned witnesses:

WITNESSES:

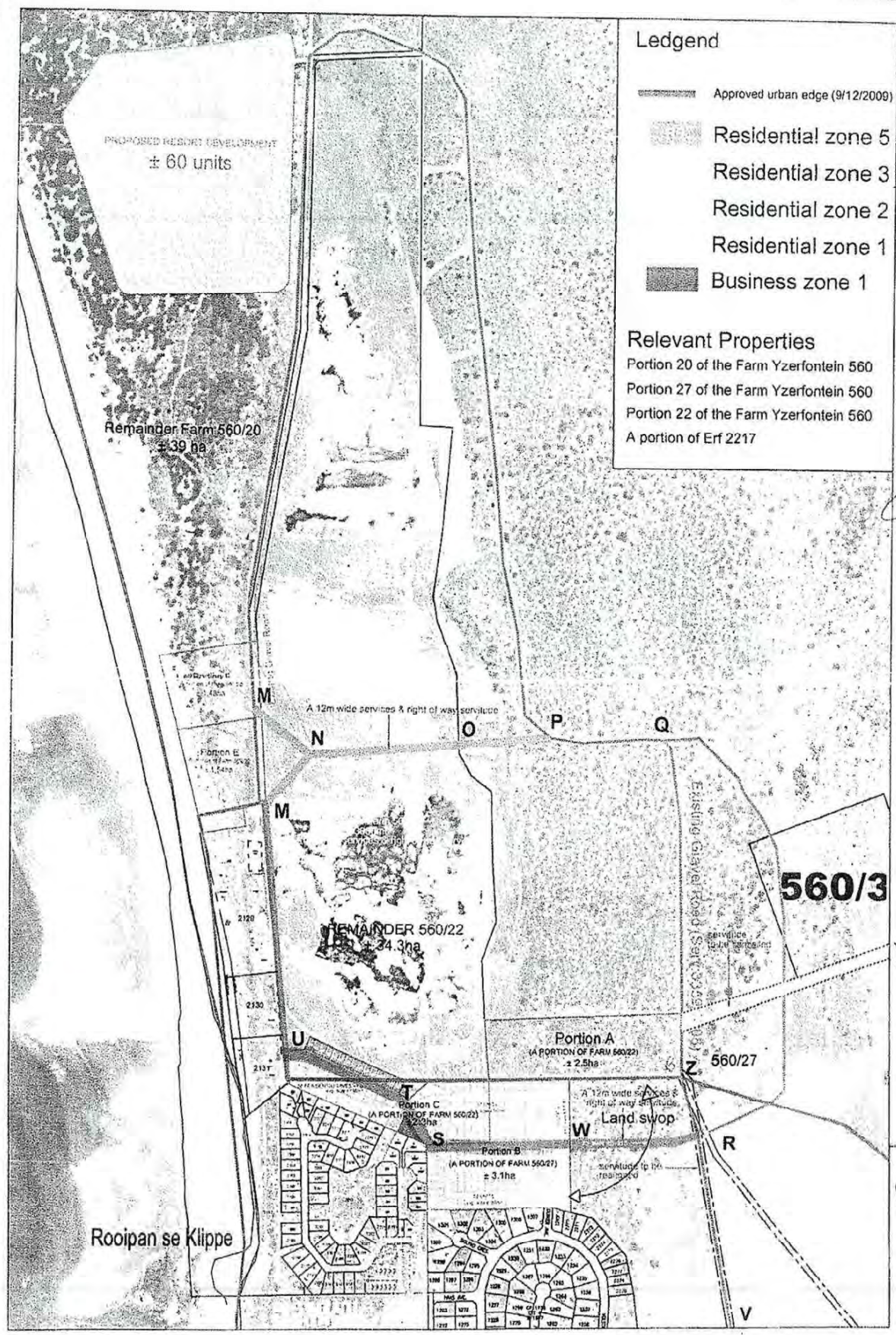
1. [Signature]

[Signature]
The Trustees for the time being of the NATMAR FAMILIE TRUST, registration no TL237/1994, herein represented by Jacobus Adriaan Louw van der Merwe en Maria Magdalena van der Merwe duly authorised thereto by a resolution of Trustees in confirmation of their acceptance to be bound by the terms of clauses 18 and 19 hereof.
.....

2. _____

08/07/2010

ON BEHALF OF
JAGER FAMILY TRUST



-80-

"B"

SYE Meter	RIGTINGS- HOEKE	KOÖRDINATE Y Stelsel: WG19° X		L.G. No.
	Konstante:	0,00	+3600 000,00	1221/2014
AB 115,56	269 08 50	A +77 756,30	+90 144,71	Goedgekeur
BC 194,38	359 18 30	B +77 640,76	+90 142,99	<i>Stenshang</i>
CD 25,95	104 52 20	C +77 638,41	+90 337,36	nms.
DE 182,64	89 08 20	D +77 663,49	+90 330,70	LANDMETER- GENERAAL
EF 94,80	179 09 00	E +77 846,11	+90 333,44	17 JUL 2014
FG 92,61	269 08 50	F +77 847,52	+90 238,65	
GA 92,58	179 08 50	G +77 754,92	+90 237,28	
	152 Slangkop	Δ +68 665,24	+87 801,67	
	156 Yzerfontein	Δ +77 638,59	+92 108,06	

Beskrywing van bakens

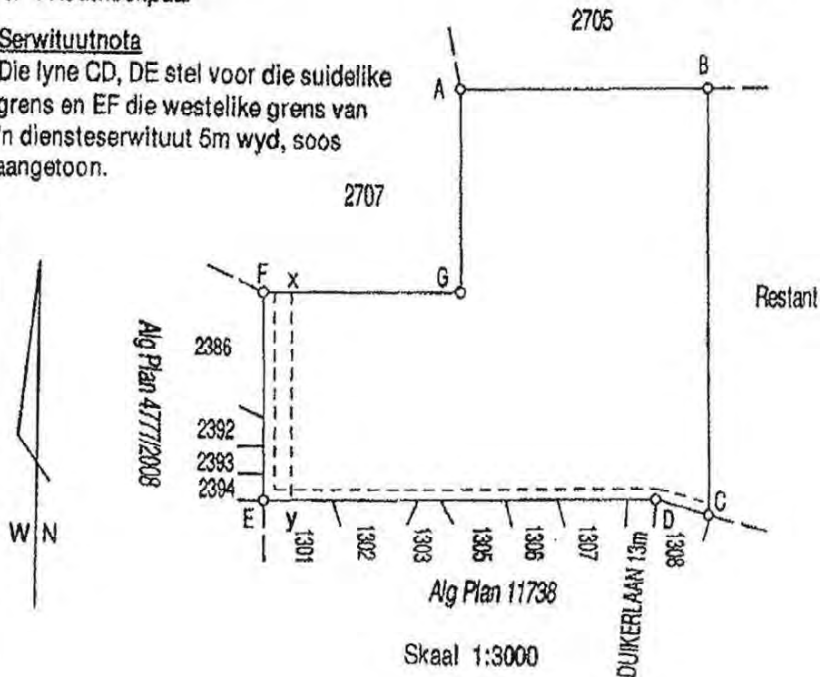
A,B,C,D,E : 12mm ysterpen

F : Seksie ysterstaander

G : Houthoekpaal

Ingesluit in konsol kaart 1224/2014;
Erf 2710Serwituutnota

Die lyne CD, DE stel voor die suidelike
grens en EF die westelike grens van
'n diensteserwituut 5m wyd, soos
aangetoon.



duhuley

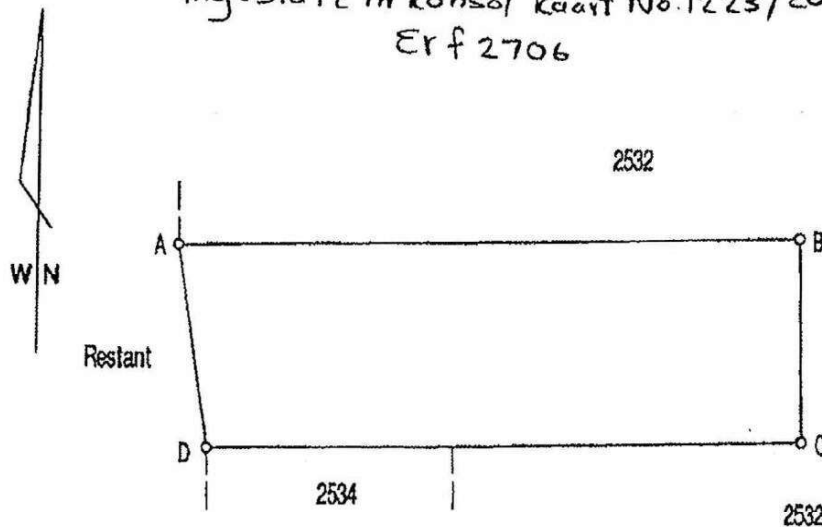
"C"

C.K.Rumboll & Vennote, Pr.Landmeters, Malmesbury

SYE Meter	RIGTINGS- HOEKE	KOÖRDINATE Y Stelsel: WG19° X	L.G. No.
	Konstante:	0,00 +3600 000,00	1222/2014
AB 290,29	269 08 50	A +77 770,31 +90 052,36	Goedgekeur
BC 92,54	359 08 50	B +77 480,05 +90 048,05	<i>Stoukhang</i>
CD 277,67	89 08 50	C +77 478,66 +90 140,58	nms.
DA 93,41	171 22 30	D +77 756,30 +90 144,71	LANDMETER- GENERAAL
	152 Slangkop	Δ +68 665,24 +87 801,67	17 JUL 2014
	156 Yzerfontein	Δ +77 638,59 +92 108,06	

Beskrywing van bakens
A,B,C,D : 12mm ysterpen

Ingesluit in konsol kaart No.1223/2014;
Erf 2706



Skaal 1:3000

Die figuur

ABCD

Stel voor

2,6281 hektaar

grond, synde

ERF 2705, gedeelte van Erf 2707 YZERFONTEIN

gelee in die Munisipaliteit Swartland
Administratiewe Distrik Malmesbury
Provinsie Wes-Kaap

Opgemeet in Julie 2011 - November 2012 deur my

PLB 1223 W.A. Hoffman
Professionele Landmeter

Hierdie diagram is
geheg aan
No.

Die oorspronklike diagram
is
L.G. No. 1883/2013

Lêer Malm.560 v.3

ged.
t.g.v.

Transport

M.S. E 623/2014

Registrateur van Aktes

Komp. BH-3AD(3681)
BHNG-2442(M2485)
BHNG-2451(M2486)

LPI C0460015

GOEDGEKEUR METS REESTRA-
SIE VAN KAART 1223/2014
SYNDE... Erf 2706
SELVETTONS FLAASVIND.

GOEDGEKEUR KRAGTENS ART. 4
VAN WET 70/1970
VERWYSING 1972/66
DATUM 2014-01-02

GOEDGEKEUR KRAGTENS ART. 25
VAN ORD. 1883/2013
VERWYSING 1883/2013
DATUM 2014-01-02

SYE Meter	RIGTINGS- HOEKE	KOÖRDINATE Y Stelsel: WG19° X	L.G. No. 1882/2013
	Konstante:	0,00 +3600 000,00	Goedgekeur
AB 119,78	260 34 40	A +78 208,24	+89 634,85
BC 133,80	355 52 30	B +78 090,07	+89 615,24
CD 92,98	81 40 30	C +78 080,45	+89 748,70
DA 132,24	164 17 50	D +78 172,45	+89 762,16
Aa	80 34 40		
Dd	81 40 30		
	152 Slangkop	Δ +68 665,24	+87 801,67
	156 Yzerfontein	Δ +77 638,59	+92 108,06

Goedgekeur

nms.
LANDMETER-
GENERAAL

2013.08.29

Beskrywing van bakens

A,B,C : 12mm ysterpen

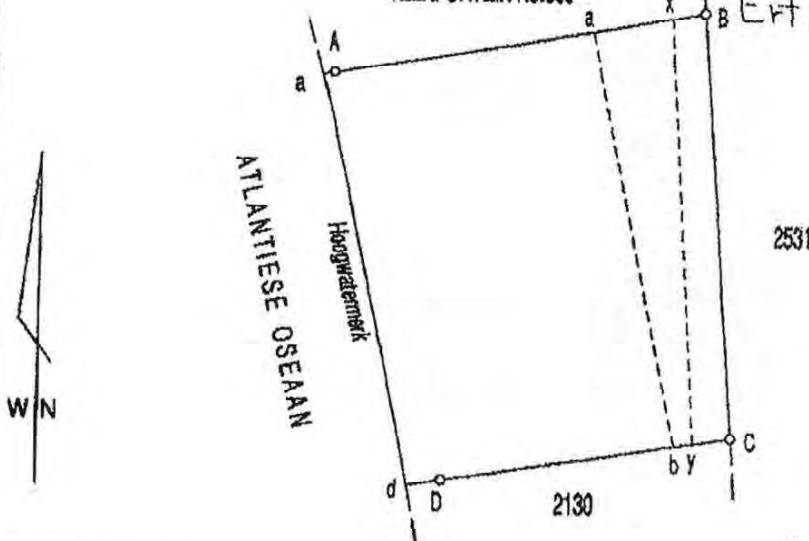
D : 16mm ysterpen

Included in Consol

Vide Dgm 1883/2013

Erf 2707

Rest. GED 20 van die plaas
YZERFONTEIN No.560



Skaal 1:2000

Serwituutnota

Die lyn xy stel voor die middellyn van 'n serwituutpad 8m wyd;
Kaart No.2351/2009;

Die figuur

a B C d hoogwatermerk

Stel voor

1,5001 hektaar

grond, synde

ERF 2533 YZERFONTEIN

gelee in die Munisipaliteit Swartland
Administratiewe Distrik Malmesbury
Provinsie Wes-Kaap

Opgemeet in Julie 2011 - November 2012 deur my

PLS 1223/W.A. Hoffman
Professionele Landmeter

Hierdie diagram is
geheg aan
No.

Die oorspronklike diagram
is

L.G. No. 8947/1965

Transport 1966. 7496

Lêer Malm.560 (v.3)

M.S. E875/2013

Komp. BH-3AD(3681)

LPI C0460015

ged.
t.g.v.

Registrateur van Aktes

(Plaas 560/20 Malmesbury)

Erf 2533 Yzerfontein

GOEDGEKEUR MITS REGISTRASIE
VAN KAART 1883/2013
INDE ERF 2707
DE WET 70/1970

Wet 70/1970
Nie van toepassing nie

GOEDGEKEUR KRAGTENS ART. 25
VAN ORD. 15/1966
VERWYSING: 15/1966-15/1966-560/50
DATUM: 19/11/2013

L.G. No.

1883/2013

Goedgekeur

nms.
LANDMETER-
GENERAAL

2013.08.29

VEL 1 VAN 2
VELLE

Komponente

1. Die figuur ABCDEFGHIJKLMNOPQRSTUVWXYZ C1 D1 synde Restant Erf 2531 Yzerfontein;
Kaart No. 9444/1966; T/A 1967, 223, 11070
2. Die figuur b B1 Y a hoogwatermerk synde Erf 2533 Yzerfontein;
Kaart No. 1882/2013

Serwituutnota

1. Die lyn n1 p1 stel voor die middellyn van 'n serwituutpad 8m wyd;
Kaart No. 2351/2009
2. Die figuur R m1 n1 p1 stel voor 'n serwituutpad 12,59m wyd;
Kaart No. 8763/1961; T/A 1962, 262, 13007.

Die figuur

ABCDEFGHIJKLMNPQRSTUVWXYZ
a hoogwatermerk b B1 C1 D1

Stel voor

40,7241 hektaar

grond, synde

ERF 2707 YZERFONTEIN en bevat 1 en 2 hierbo

gelee in die Munisipaliteit Swartland
Administratiewe Distrik Malmesbury
Provinsie Wes-Kaap

Saamgestel in Maart 2013 deur my

PLS 1223 W.A. Hoffman
Professionele Landmeter

Hierdie diagram is
geheg aan
No.

ged.
t.g.v.

Registrateur van Aktes

Die oorspronklike diagramme
is soos hierbo aangehaal

Lêer Malm. 560 (V.3)

M.S. Saamgestel

Komp. BH-3AD(3681)

BHNO-2442(M2485)

BHNO-2451(M2486)

LPI C0460015

Erf 2707 Yzerfontein

ERF 2707 YZERFONTEIN

L.G. No.

1889/2013

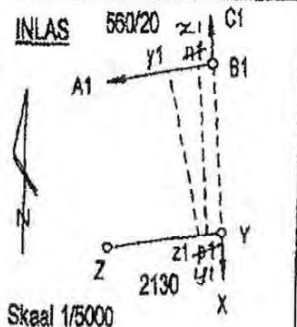
Goedgekeur

Handwritten signature

nms.
LANDMETER-
GENERAAL

2013.06.29

VEL 2 VAN 2
VELLE



Skaal 1/5000

GED 20 van die plaas YZERFONTEIN No.560

ATLANTSE OSEAN

Hoogwatermerk

W N

Erwe 2378, 2381-2386,
2392-2394
Alg Plan 4777/2008

Erwe 1301-1303, 1305-1308
Alg Plan 11738

Skaal 1:10000

Samgestel in Maart 2013 deur my

PLS 1223 W.A.Hoffman
Professionele Landmeter

Erif 2707 Yzerfontein

SERWITUUTKAART

C.K.Rumbold & Vennote, Pr.Landmeters, Malmesbury

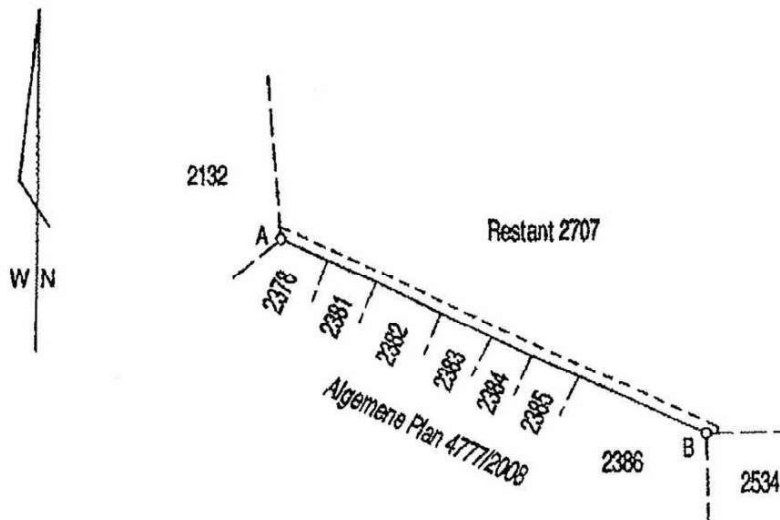
"G"

SYE Meter	RIGTINGS- HOEKE	KOÖRDINATE Y Stelsel: WG19° X	L.G. No. 1220/2014
AB	Konstante: 218,52 294 09 20 152 Slangkop 156 Yzerfontein	0,00 +3600 000,00 A +78 046,90 B +77 847,52 △ +68 665,24 △ +77 638,59 +90 149,23 +90 238,65 +87 801,67 +92 108,06	Goedgekeur nms. LANDMETER- GENERAAL 17 JUL 2014

Beskrywing van bakens

A : Ysterdraad standaard

B : Seksie ysterstaander



Skaal 1:3000

Die lyn AB stel voor die suidelike grens van 'n dienserserwituut 5m wyd, soos aangetoon, oor

Restant ERF 2707 YZERFONTEIN

gelee in die Munisipaliteit Swartland
Administratiewe Distrik Malmesbury
Provinsie Wes-Kaap

Opgemeet in Julie 2011 - November 2012 deur my

PLS 1223 W.A.Hoffman
Professionele Landmeter

Hierdie diagram is
geheg aan
No.

ged.
t.g.v.

Registrateur van Aktes

Die oorspronklike diagram
is
L.G. No. 1883/2013

Transport

Lêer MaIm.560 v.3

M.S. E875/2013
SR 623/2014
Komp. BH-3AD(3681)
BHNQ-2442(M2445)

LPI C0460015

CK RUMBOLL & VENNOTE / PARTNERS



PROFESIONELE LANDMETERS ~ ENGINEERING AND MINE SURVEYORS ~ STADS- EN STREEKSBEPLANNERS ~ SECTIE

Annexure D **Notarial Deed K1276/2024 & K1277/2024**

VENNOTE / PARTNERS:

IHJ Rumboll PRL (SA), BSc (Sury), M.I.P.L.S. and AP Steyl PrL (SA), BSc (Sury), M.I.P.L.S.

ADDRESS/ ADRES: planning8@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299
MALMESBURY (T) 022 482 1845 (F) 022 487 1661 VREDENBURG (T) 022 719 1014

Toubat-Louw
021 4650349

UITVOERING/EXECUTION

Datum van indiening/Date of lodgment



Ref No./Nw. Nr.

AI4/11324

A. VIR AKTEKANTOOR GEBRUIK/FOR DEEDS OFFICE USE

2024-01-24



R. MUSSON

Ondersoekers/Examiners

Junior Examiner

K.P. Phaladi

11-18

C. MOMBERS

1351

3

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

Aard van Akte/Nature of Deed

gegr. op i.o.

Duval

23239/2024

1938/2020

19396/2020

3

1

1

1

1

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BLACKBOOK

24 JAN 2024

Antonie Maniase

B. VIR AKTEKANTOOR GEBRUIK/FOR DEEDS OFFICE USE:

(1) Dors gedagteur (geproklamer)	(2) Begliffingsewew	(3) Begliffingsewew	(4) Voorwaardes	(5) Mikro	(6) Algemene plan	(7) Tielake	(8) Verbonde teen oopstapitel	(9) Datum nagesien	(10) Datum nagesien
Interdike nagesien deur	Interdike nagesien deur	Interdike nagesien deur	Interdike nagesien deur	Interdike nagesien deur	Interdike nagesien deur	Interdike nagesien deur	Interdike nagesien deur	Interdike nagesien deur	Interdike nagesien deur
Interdict checked by	Interdict checked by	Interdict checked by	Interdict checked by	Interdict checked by	Interdict checked by	Interdict checked by	Interdict checked by	Interdict checked by	Interdict checked by
Datum	Datum	Datum	Datum	Datum	Datum	Datum	Datum	Datum	Datum
Date	Date	Date	Date	Date	Date	Date	Date	Date	Date

Kantoor instruksies/Office instructions:

Sekse/Section:

Ref. W736
Waltons Stationery Co.

REGISTRASIE VERSOEK DEUR:
REGISTRATION REQUESTED BY:

ANNEKE LOUW

LPCM 80989

DATUM:
DATE:

25/1/2024



2/10

of the ND

① the holding title as recited on page 2's
inherent, see pencil. I.B. HUSSEY, Done

② 160 paragraph 1 on page 4 of the ND
states that 1st property of Kovars requires
a right which means it is a dominant
tenement over the property of De Valle.
VD identifying it as dominant tenement

2.

③ In pursuance of note 2 if there is a servitude
against this property a defendant
ought to be registered to the effect of legislation
which must be lodged
a notarial deed over the tenement.
C. MONTBERG 351
2003-07-11

④ Dgn's 1634/2002 + 1634/2002 only refers to
Right of way servitude. Delete ref. to
Access at ~~perpetuity~~ notarial deed.

Done

109KA

GEREGISTREER REGISTERED

REGISTRATEUR/REGISTRAR
2024-01-25

FEE
R 2490

DATA / VERIF
30-01-2024
VOLUVO MTVA

DATA / CAPTURE
30 JAN 2024
Anitha Manyisana

K000001276 / 2024

Protocol No. 13/2023

NOTARIAL DEED OF SERVITUDE

BE IT HEREBY MADE KNOWN:

THAT at Ceres on this 30th day of November 2023

before me

ANGELIQUE LE ROUX (LPCM 103895)

Notary Public, in the Province of WESTERN CAPE, by lawful authority duly admitted and sworn and in the presence of the subscribing witnesses personally came and appeared

MICHELLE LOMBARD

the said Appearer in her capacity as agent of, being duly authorised thereto:

alb




1. PARTIES

- A. by a Power of Attorney executed at YZERFONTEIN on the 20th of OCTOBER 2023 and granted to her by

IZAK ADRIAAN JOHAN DE VILLIERS duly authorised hereto by a resolution, dated at Cape Town, Saldanha and Yzerfontein on 19 October 2023 by the Directors of
KOVACS INVESTMENTS 172 (PTY) LTD
Registration Number 2000/029836/07

(hereinafter referred to as "KOVACS")

who is the owner of the following property:

ERF 2732 YZERFONTEIN
IN THE SWARTLAND MUNICIPALITY
DIVISION MALMESBURY
WESTERN CAPE PROVINCE

IN EXTENT 42,6426 (Forty Two Comma Six Four Two Six) hectares

held by Certificate of Consolidated Title Number T19396/2020.

subject
(hereinafter referred to as the "SERVIENT TENEMENT 1") and includes its successors in title;

which Power of Attorney have this day been exhibited to me, the Notary and now remain filed in my Protocol; and

- B. by a Power of Attorney executed at WELLINGTON on the 31st OCTOBER 2023 and granted to her by

NICOLENE LEIDIG duly authorised hereto by a resolution, dated at Riebeeck-Wes on 30 October 2023 by the Directors of
DE VALLEI WYNLANDGOED (PTY) LTD
Registration Number 2007/000026/07

(hereinafter referred to as "DE VALLEI")

aur

SD
W *h*

who is the owner of the following property:

REMAINDER ERF 2706 YZERFONTEIN
IN THE SWARTLAND MUNICIPALITY
DIVISION MALMESBURY
WESTERN CAPE PROVINCE

IN EXTENT 517,5314 (Five Hundred and Seventeen Comma Five Three One Four)
hectares

held by Certificate of Consolidated Number T19386/2020.

(hereinafter referred to as the "SERVIENT TENEMENT 2") and includes its successors
in title;

which Power of Attorney have this day been exhibited to me, the Notary and now
remain filed in my Protocol; and

- C. by a Power of Attorney executed at YZERFONTEIN on the 20th OCTOBER 2023 and
granted to her by

REGINALD LIONEL JAGER duly authorised hereto by a resolution of the
Trustees for the time being of
JAGER FAMILY TRUST
REGISTRATION NUMBER IT4774/08(T)
acting in terms of Letters of Authority issued by the Master of the High Court of
South Africa Gauteng Division, Pretoria at Pretoria on 3 December 2008

(hereinafter referred to as "JF TRUST")

who is the owner of the following property:

ERF 2131 YZERFONTEIN
IN THE SWARTLAND MUNICIPALITY
DIVISION MALMESBURY
WESTERN CAPE PROVINCE

IN EXTENT 6748 (Six Thousand Seven Hundred and Forty Eight) square metres

held by Deed of Transfer Number T23239/2014.

(hereinafter referred to as the "DOMINANT TENEMENT")

which Power of Attorney have this day been exhibited to me, the Notary and now remain filed in my Protocol; and

2. **WHEREAS** JF Trust requires a Right of Way ~~Access~~ Servitude over the properties of KOVACS and DE VALLEI a set out hereunder, the Parties have agreed to a 6-meter-wide Servitude Right of Way in favour of JF Trust as owner of Erf 2131, Yzerfontein, over the property of KOVACS, being the owner of Erf 2732, Yzerfontein and over Erf 2706, Yzerfontein, the property of De Vallel;

AND WHEREAS the SERVIENT TENEMENT 1 being the property of KOVACS requires a Right of Way Servitude over the property of DE VALLEI being SERVIENT TENEMENT 2, the Parties have agreed to a 6-meter-wide Servitude Right of Way in favour of KOVACS as owner of Erf 2732 Yzerfontein, over the property of DE VALLEI being the owner of Remainder Erf 2706 Yzerfontein.

3. **NOW THEREFORE THESE PRESENTS WITNESS:**

- A. The SERVIENT TENEMENTS shall henceforth be SUBJECT to and JF Trust, as the owner of the DOMINANT TENEMENT and its heirs, executors, administrators or assigns, shall henceforth be ENTITLED to a 6-meter-wide Right of Way Servitude in perpetuity, over the area as indicated by the figure AB on diagram S.G. Number 1632/2022 and by the figure AB on diagram S.G. Number 1634/2022 (the "Servitude Area"), with ancillary rights as set out below.

B. **SUBJECT TO** the following terms and conditions:

1. The owner of the DOMINANT TENEMENT, its heirs, executors, administrators or assigns, together with its employees, agents, contractors and/or invitees shall have the right of ^{way} ~~access~~ to and egress from its respective property and for no other purpose over the whole Servitude Area, i.e., SERVIENT TENEMENT 1 and SERVIENT TENEMENT 2.
2. The owner of the SERVIENT TENEMENT 1, being KOVACS its heirs, executors, administrators or assigns, together with its employees, agents

contractors and/or invitees shall have the right of ^{way} ~~access~~ to and egress from its respective property and for no other purpose over SERVIENT TENEMENT 2. *aw*

3. Neither Owner of the SERVIENT TENEMENTS shall restrict, obstruct and/or limit the DOMINANT OWNER or the SERVIENT TENEMENT 1's rights to ~~access to~~ and egress from their respective properties, except for generally accepted norms and practice for example relating to fencing and gates. *aw*
4. Each Party shall be entitled to bring onto the Servitude Area such vehicles, machinery or equipment as may generally considered to be necessary, in exercising the rights and duties conferred upon them or reserved by them in terms of this Notarial Deed.
5. The maintenance of the Servitude Area, as well as the costs in respect thereof, shall be the sole responsibility of the JF Trust, who shall in its own direction decide when, where, how and by whom the maintenance shall be conducted.
6. The JF Trust shall be responsible for the costs of drawing up of this Notarial Deed and all costs relating to and in respect of registration thereof in the Deeds Office.
7. This Servitude shall be binding on the parties hereto and on their heirs, executors, administrators or assigns.
8. No compensation shall be paid for the servitude.

THUS DONE AND SIGNED and executed at CERES on the day, month and year first aforewritten in the presence of the undersigned witnesses and before me the Notary.

AS WITNESSES:

1. *[Signature]*

2. *[Signature]*

[Signature]
q.q.
[Signature]
q.q.

aw

QUOD ATTESTOR

Al Reed

NOTARY PUBLIC
(LPCM 103895)



/// *ED*
h

Ref: 16/9/6/1-26/162 (Application No: 2024-07-0175)

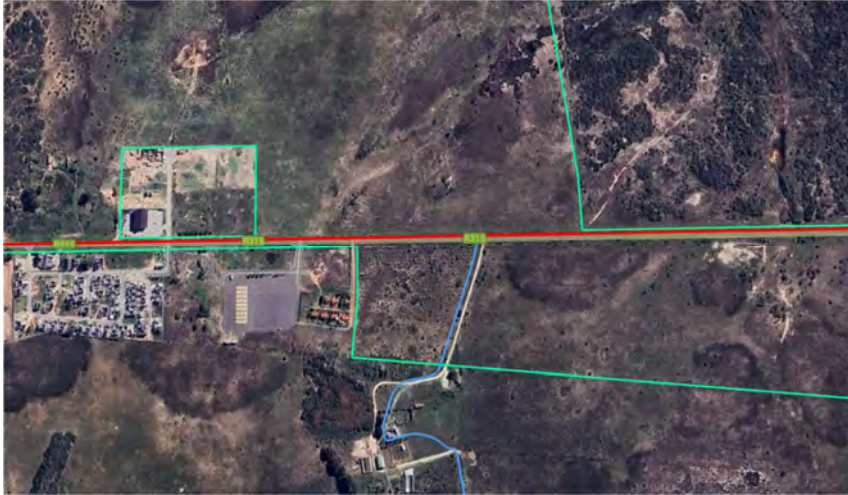
CK Rumboll & Partners
PO Box 211
MALMESBURY
7299

Attention: Mr I Visser

Dear Sir

ERF 2704, YZERFONTEIN: PROPOSED SUBDIVISION

1. Your letter to this Branch referenced YZE/13575/AC/IV dated 25 July 2024 refers.
2. The proposal affects Main Road 215 and Minor Road 5313 for which this Branch is the Road Authority.
3. The application is for the following:
 - 3.1. The subdivision of the subject property into:
 - Portion A (± 56.9 ha)
 - Portion B (± 4.3 ha)
 - Portion C (± 32.7 ha)
 - Portion D (± 58.1 ha)
 - Portion E (± 60.6 ha)
 - 3.2. Servitude right of way over Portion B in favour of Portion A.
 - 3.3. Servitude right of way over Portion D in favour of Portion C and E.
4. Your proposed servitude over Portion B along the eastern boundary is actually the alignment of Minor Road 5313 for which this Branch is the road authority and therefore a servitude cannot be permitted as this is a public road. See image below (Blue line indicating the Minor Road):



5. This Minor Road continues until the south eastern boundary of Portion 4 of Farm 560 providing access to the Remainder of Farm 569.
6. The proposals as provided can only be supported if one of the following scenarios are included:
 - 6.1. Application is made for the deproclamation of Minor Road 5313 to be replaced with a servitude right of way to the south eastern boundary of Portion 4 of Farm 560, or
 - 6.2. The road reserve of Minor Road 5313 on Portion B is subdivided and included as part of the subdivision plan, and the subdivided portion is transferred to this Branch. This will permit that this Branch can provide access to both Portion A and B from the Minor Road 5313.
7. Accordingly, this Branch objects to this proposal in its current form. A revised proposal taking into account the above will be considered.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'SW Carstens'.

SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE BRANCH

DATE: 2 SEPTEMBER 2024

ENDORSEMENTS

1. CK Rumboll & Partners
Attention: Mr I Visser (e-mail: planning8@rumboll.co.za)
2. District Roads Engineer
Paarl
3. Mr E Smith (e-mail)
4. Mr D Fortuin (e-mail)
5. Mr S Carstens (e-mail)

PROPOSED SUBDIVISION: REMAINDER OF FARM 2706, YZERFONTEIN,
MALMESBURY DIVISION

APPLICATION PREPARED BY / Izak Visser

For CK RUMBOLL & PARTNERS

Ref: YZE/13575/IV

October 2024



P.O. Box 211
MALMESBURY
7299

T: (022) 482 1845
F: (022)
E: planning8@rumboll.co.za

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1. Introduction	3
2. Purpose of existing application	3
3. Purpose of addendum	3
4. Amended Proposal	4

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Figure 1: Amended Subdivision (Includes new Portion F)	5
Figure 2: Amended Subdivision and Servitude	5

1. Introduction

This addendum is an addition to the subdivision application. The two sets of documents should be read together and serve as one application.

2. Purpose of existing application

The purpose of the **existing application** was to apply for:

- **Subdivision** in terms of Section 25(2)(d) of the Swartland Municipal Land Use Planning By-law (PG 8226), 2020 of Remainder Erf 2706, Yzerfontein, Malmesbury Registration Division (213,0786ha) in extent into:
 - a) Portion A (± 56.9 ha),
 - b) Portion B (± 4.3 ha),
 - c) Portion C (± 32.7 ha),
 - d) Portion D (± 58.1 ha) and
 - e) Portion E (± 60.6 ha), leaving no Remainder
- **Exemption** in terms of Section 34(1)(g)(v) of the Swartland Municipal Land Use Planning By-law (PG 8226), 2020, for the registration of **private right of way servitudes**;
 - f) Application is made for a **12m wide right of way servitude** on the existing access road on the eastern border of **Portion B in favour of Portion A**.
 - g) Application is made for the registration of a **8m wide right of way servitude in favour of Portion C and Portion E** on the existing **right of way servitude over portion D** indicated on SG Diagram No. 210/2023 marked i,j,k and curved line k,m which is taken north of the public street (Erf 2715) also indicated in the servitude map.

3. Purpose of addendum

The addendum includes changes, deletions and additions.

- a) The subdivision now includes Portion F (existing minor and public road that provides access to Portion 4 of Farm 560. (± 0.3 ha), the ± 0.3 ha is taken from a portion of Portion A leaving portion A ± 56.6 ha in extent.
- b) The removal of the 12m Right of way servitude that was proposed on the southern side of the R315 Yzerfontein Road.

The decision for the amendment has been motivated by the response from the department of Transport Infrastructure Western Cape as stated in their decision letter dated 2 September 2024 with reference: 16/9/6/1-26/162 (Application No: 2024-07-0175) Section 6.2 attached. Stating the following:

"6. The proposals as provided can only be supported if one of the following scenarios are included:

6.1. Application is made for the deproclamation of Minor Road 5313 to be replaced with a servitude right of way to the south eastern boundary of Portion 4 of Farm 560, or

6.2. *The road reserve of Minor Road 5313 on Portion B is subdivided and included as part of the subdivision plan, and the subdivided portion is transferred to this Branch. This will permit that this Branch can provide access to both Portion A and B from the Minor Road 5313.*"

4. Amended Proposal

The new amended proposal reads as follows:

- **Subdivision** in terms of Section 25(2)(d) of the Swartland Municipal Land Use Planning By-law (PG 8226), 2020 of Remainder Erf 2706, Yzerfontein, Malmesbury Registration Division (213,0786ha) in extent into:
 - h) Portion A (±56.6ha),
 - i) Portion B (±4.3ha),
 - j) Portion C (±32.7ha),
 - k) Portion D (±58.1ha) and
 - l) Portion E (±60.6ha),
 - m) Portion F (±0.3ha) leaving no Remainder. (Portion F to be transferred to Western Cape Department of Transport Infrastructure.)
- **Exemption** in terms of Section 34(1)(g)(v) of the Swartland Municipal Land Use Planning By-law (PG 8226), 2020, for the registration of **private right of way servitudes**;
 - n) Application is made for the registration of an **8m wide right of way servitude in favour of Portion C and Portion E** on the existing **right of way servitude over portion D** indicated on SG Diagram No. 210/2023 marked i,j,k and curved line k,m which is taken north of the public street (Erf 2715) also indicated in the servitude map.

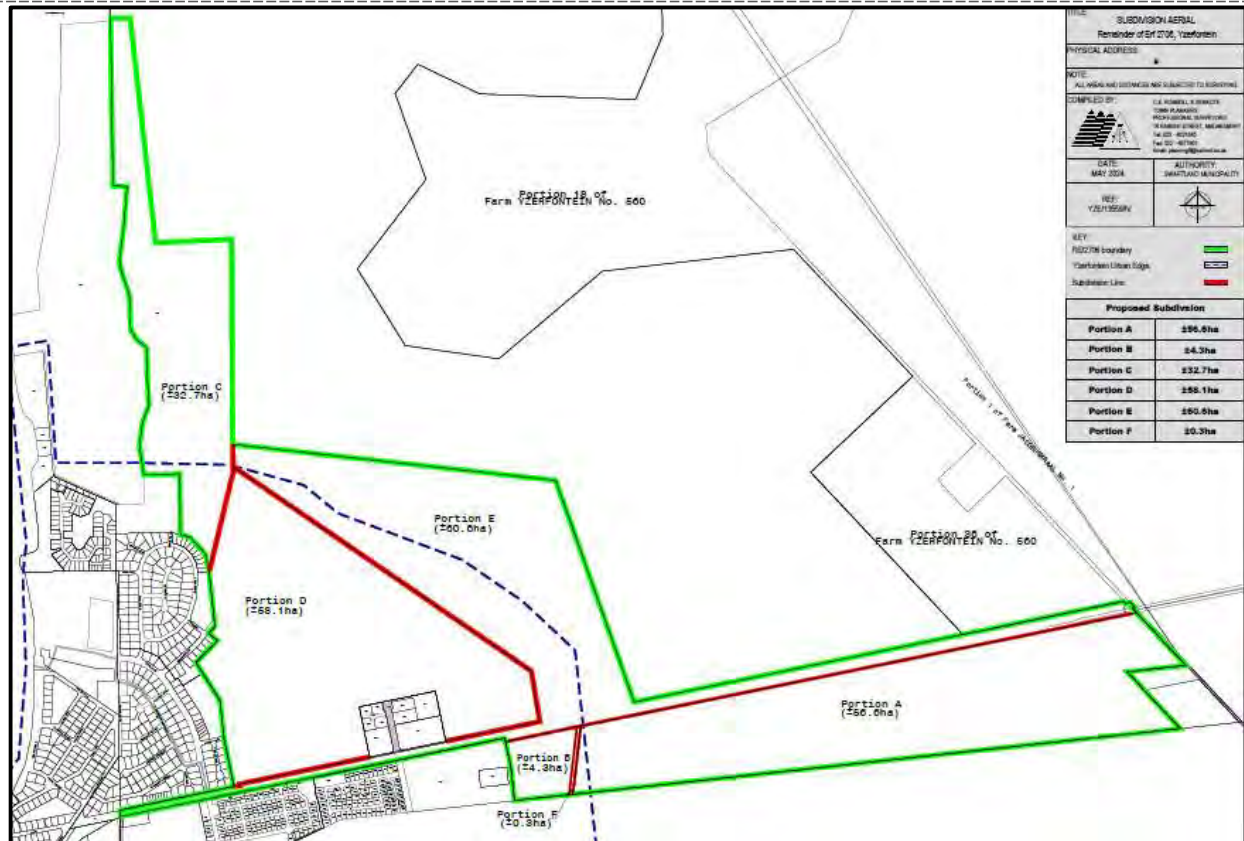


Figure 1: Amended Subdivision (includes F)

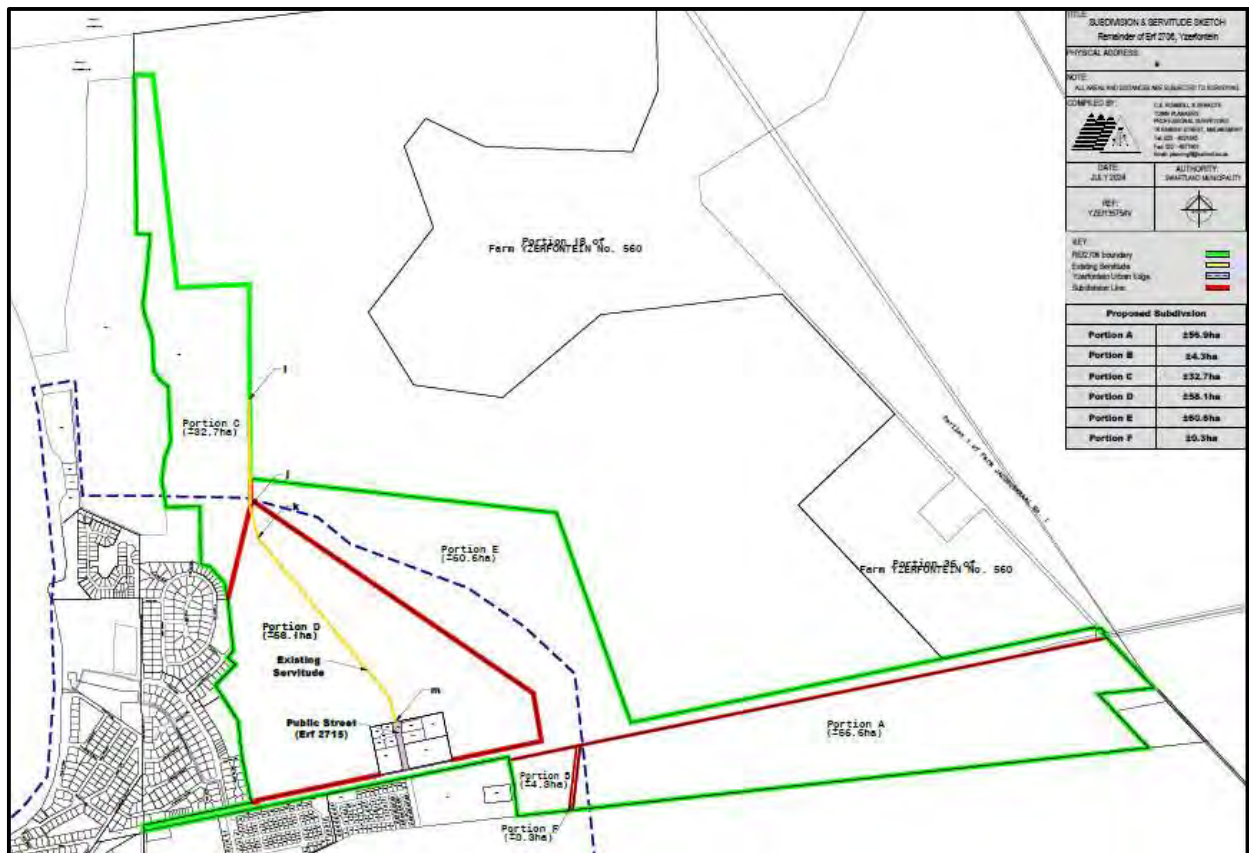


Figure 2: Amended Subdivision and Servitude

YZE/13575/IV

Addendum to Subdivision of the Remainder of Erf 2706, Yzerfontein, Malmesbury Division



Anelia Coetzee (TRP SA A/1369/2010)/ Izak Visser

For **CK Rumboll & Partners**

ITEM 6.2 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP WOENSDAG, 12 FEBRUARIE 2025

LAND USE PLANNING REPORT PROPOSED SUBDIVISION AND DEPARTURE ON ERF 195, KALBASKRAAL					
Reference number	15/3/6-6/Erf_195	Application submission date	28 August 2024	Date report finalised	31 January 2025

PART A: APPLICATION DESCRIPTION

An application for the subdivision of erf 195, Kalbaskraal 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 195 (7920m² in extent) be subdivided into a remainder (1300m² in extent), portion A (1018m² in extent), portion B (1018m² in extent), portion C (1575m² in extent), portion D (1002m² in extent), portion E (1002m² in extent) and portion F (1004m² in extent).

An application for a departure from the development parameters on Erf 195, Kalbaskraal, in terms of section 25(2)(b) of Swartland Municipality : Municipal Land Use Planning By-law (PG 8226 of 25 March 2020) has been received. The departure entails the departure of the 6m building line (northern boundary of the remainder) to 1,5m.

The departure is caused due to the placing of the existing building with regards to the proposed subdivision line.

The applicant is CK Rumboll & Partners and owner is B Solomons.

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Erf 195 Kalbaskraal, in the Swartland Municipality, Division of Malmesbury, Province of the Western Cape				
Physical address	4 Nyl Street		Town	Kalbaskraal	
Current zoning	Residential zone 5	Extent (m ² /ha)	7920m ²	Are there existing buildings on the property?	Y N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020)				
Current land use	Dwelling house		Title Deed number & date	T29322/2023	
Any restrictive title conditions applicable	Y	N	If Yes, list condition number(s)		
Any third party conditions applicable?	Y	N	If Yes, specify		
Any unauthorised land use/building work	Y	N	If Yes, explain		

PART C: LIST OF APPLICATIONS (TICK APPLICABLE)

Rezoning	Permanent departure	✓	Temporary departure		Subdivision	✓
Extension of the validity period of an approval	Approval of an overlay zone		Consolidation		Removal, suspension or amendment of	





The application is therefore presented to the MPT for decision making.

PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?	Y	N
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PART F: SUMMARY OF APPLICANT'S MOTIVATION

The following provides a summary of the motivation as discussed in detail above. In view of the latter, the application for Subdivision and Permanent Departure of Erf 195, Kalbaskraal, is considered desirable on the basis of the following:

1. The low density residential character of the area is maintained by the erven that will be bigger than the permissible minimum size of 1000m², as prescribed by the Swartland SDF (2023-2027).
2. The proposed subdivision is in accordance with the overall planning proposed for Kalbaskraal with reference to the current Swartland Spatial Development Framework (2023-2027).
3. It is important to take note that surrounding properties also have the same subdivision potential as Erf 195, which can further promote densification of the area, and some surrounding properties have already been subdivided.
4. The subdivision will bring about densification within the urban edge area, but not to the extent that there will be an invasion of the privacy of surrounding owners.
5. This subdivision promotes the optimal use of existing space and infrastructure. Densification by means of further subdivision is a way to address the demand for small more affordable erven. Smaller erven are more desirable due to lower maintenance costs, are more affordable for first-time buyers, provide better security and ensure the sensible use of available services in the area.
6. The proposed new portion will be accessible from the current road network in the area.
7. The proposal promotes the more effective use of existing services in the area.
8. The proposal is supported by the Swartland Spatial Development Framework, 2023- 2027 in that this subdivision promotes densification within Zone C in Kalbaskraal.
9. The proposed subdivision is consistent with the sustainable land use planning principles of LUPA and SPLUMA.
10. In conclusion, subdividing the property, more housing and land ownership opportunities within the urban edge of Kalbaskraal will be created.

It is therefore clear that in terms of the above, the proposed application for Subdivision and Departures of Erf 195, Kalbaskraal can be adequately supported. It is therefore requested that the application for Subdivision and Departures of the property concerned be considered favourably.

PART G: SUMMARY OF PUBLIC PARTICIPATION						
Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipal: By-law on Municipal Land Use Planning?						<div>Y</div> <div>N</div>
<p>A total of 10 registered notices which were send to affected parties by means of registered mail as well as by email. A total of 6 registered notices were uncollected.</p> <p>The public participation process started on 13 September 2024 and ended on 14 October 2024.</p> <p>The objections were sent to the applicant for comments on 21 October 2024. The comments from the applicant on the objection was received on 13 November 2024.</p>						
Total valid comments	1			Total comments and petitions refused	0	
Valid petition(s)	Y	N	If yes, number of signatures	N/A		
Community organisation(s) response	Y	N	Ward councillor response	Y	N	Comment was requested but no comment received.
Total letters of support	0					
PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS						
Comments were requested from Eskom which did not provide any feedback.						

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION	SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL COMMENTS ON THE OBJECTIONS
<p>Chantal Swank, owner of erf 749.</p> <p>1. The applicant Mr B Solomons is applying to build 1.5m away from the building line which is not according to the building regulations for our area.</p> <p>According to town planning the perimeter of nothing less than 6m must be adhered to.</p> <p>2. It is also an invasion of my privacy.</p> <p>3. I would also like to oppose this subdivision as these types of subdivisions are generally sold and sub-let which is causing a property value drop in our area.</p> <p>4. The tenants of such houses do not abide by municipal laws, neglect and destroy the buildings causing issues for all surrounding neighbours. The sellers leave the area</p>	<p>1. The application does state that a departure from the prescribed 6m building line to 1,5m has been applied for, however the building line departure will only be applicable to the proposed remainder portion, which is not located near the common boundary between Erf 195 and Erf 749. In fact, the building line departure will be on the northern border of the proposed Remainder portion.</p> <p>2. Except for the northern side building line of the proposed Remainder portion, all other portions will adhere to the 6m building line restriction. The proposed departure is applied for to accommodate the currently under construction residential dwelling house.</p> <p>Since all boundaries of the portion that border erf 749 will adhere to the stipulated 6m building lines, including the 1,8m high vibracrete boundary wall, there will be no invasion of privacy of the owner of erf 749.</p> <p>3. Section 59 (1) (f) of LUPA states: "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 of the application; and". As available land within urban areas become more scarce, newly subdivided land portions will contribute to the over rise in property value within the Kalbaskraal area.</p> <p>4. Noted. The current issues on other, non-surrounding, properties within the area cannot be used as a reason to impede or restrict a property owner to develop their property</p>	<p>1. The new subdivision line between the remainder and portion A results in the existing building not complying with the new position of the building line on the new erf boundary. Your property (erf 749) is not affected by this departure at all as it is not situated adjacent of close to it.</p> <p>2. As explained at point 1, the departure does not affect erf 749. If there is referred to the newly erven created next to erf 749 (portions F & C), the same structures and uses as on the mother erf can be accommodated on these portions. In other words, the possible impact on your privacy is no different from that of development of the mother erf.</p> <p>3. Whether the newly created erven are kept by the developer or sold to new owners or being rented out is not relevant and does not form part of the decision making criteria for the application.</p> <p>It is highly unlikely that property values will be affected negatively. What is being referred to has been happening in Kalbaskraal for some time. Taking the municipal valuation of your property (erf 749) the value increased from 2019 to 2023 from R289 000,00 to R694 000,00. The comment is therefore seen as unfounded and speculative.</p> <p>4. Any owner of land must comply with applicable legislation, being municipal by-laws and other legislation like the National Building Regulations. If there are non-compliance, the relevant authority must take action to</p>

	<p>and the neighbours are forced to then deal with whatever issues these tenants cause.</p> <p>5. We already have an issue with a property in Tortelduif street which was sold and subdivided into a mini town. and a property in Nyl street that has been sold to 4 different families without doing any building plans or subdivisions.</p> <p>These tenants do not adhere to any laws with regards to building and are causing issues for surrounding neighbours. (building without plans) building on neighbours boundaries.</p> <p>6. Most of the residents of Kalbaskraal (smallholding area) bought these large plots so that they would have a country style lifestyle.</p> <p>If these smaller subdivisions are allowed we will no longer have that positive property value.</p>	<p>in accordance with current land use rights.</p> <p>5. Noted. The current issues on other, non-surrounding, properties within the area cannot be used as a reason to impede or restrict a property owner to develop their property in accordance with current land use rights.</p>	<p>enforce compliance. Once again this is not a reason which forms part of the decision making criteria.</p> <p>5. See the comments at point 4.</p> <p>6. The proposed subdivision does not affect the zoning of the property which remains for "country style living" – Residential zone 5.</p> <p>See the comments at point 3.</p>
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PART J: MUNICIPAL PLANNING EVALUATION

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

An application for the subdivision of erf 195, Kalbaskraal 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 195 (7920m² in extent) be subdivided into a remainder (1300m² in extent), portion A (1018m² in extent), portion B (1018m² in extent), portion C (1575m² in extent), portion D (1002m² in extent), portion E (1002m² in extent) and portion F (1004m² in extent).

An application for a departure from the development parameters on Erf 195, Kalbaskraal, in terms of section 25(2)(b) of Swartland Municipality: Municipal Land Use Planning By-law (PG 8226 of 25 March 2020) has been received. The departure entails the departure of the 6m building line (northern boundary of the remainder) to 1,5m.

The departure is caused due to the placing of the existing building with regards to the proposed subdivision line.

A total of 10 registered notices which were sent to affected parties by means of registered mail as well as by email. A total of 6 registered notices were uncollected.

The public participation process started on 13 September 2024 and ended on 14 October 2024.

The objections were sent to the applicant for comments on 21 October 2024. The comments from the applicant on the objection was received on 13 November 2024.

The Division: Land Use & Town 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) Spatial Justice: The proposed subdivision complies with the minimum erf size of 1000m² as prescribed in the SDF, and also promotes the principle of densification and optimal use of existing services. The subdivision is therefore consistent with the principle of spatial justice by creating more residential opportunities within the urban edge of Kalbaskraal.
- b) Spatial Sustainability: The proposed subdivision supports development that promotes spatial compactness and resource savings and protects the environment. The proposal limits urban creep by optimizing the utilization of existing land within the urban periphery.
- c) Efficiency: Existing services are deemed sufficient in order to provide the newly created erven with services connections. The proposed development thus promotes the optimal use of existing services within this area.
- d) Good Administration: The application was communicated to the affected landowners through registered mail. The application was also circulated to the relevant municipal departments for comment. Consideration was given to all correspondence received and the application was dealt with in a timeous manner. It is therefore argued that the principles of good administration were complied with by the Municipality.
- e) Spatial Resilience: The densification of this large erf into smaller erven which remains in character with erven in the surrounding area showcases the tendency of this area to densify.

2.3 Spatial Development Framework(SDF)

Erf 195 is situated in zone C which has a low density residential character along Diep River. The prescribed minimum erf sizes are 1000m². The proposed erf sizes comply with the minimum erf size. The subdivision also promotes densification as well as the optimal use of existing infrastructure.

2.4 Schedule 2 of the By-Law: Zoning Scheme Provisions

The departure of the 6m side building line on the remainder is caused by the placement of the existing building in relation to the proposed subdivision line. The departure has no impact on surrounding properties.

2.5 Desirability of the proposed utilisation

Erf 195, Kalbaskraal is zoned Residential zone 5 and is developed with an incomplete dwelling.

Erf 195 is fairly flat and does not consist of any physical restrictions which may have a negative impact on the application.

The proposed erf sizes comply with the minimum erf size of 1000m² as prescribed by the SDF.

The zoning of the erf is not affected by the subdivision. This implies that the newly created erven have the same development potential as the mother erf. The possible impact of the land use of the property on adjoining erven remains the same.

It is highly unlikely that property values will be affected negatively. As a matter of fact, the property values have increased.

The future development of the newly created erven are subject to compliance with all relevant legislation – for example town planning and building control regulations. Any contradictions of the legislation will be dealt with accordingly in terms of the specific legislation.

There are not title deed restrictions which impacts on the application.

3. Impact on municipal engineering services

Existing services are deemed sufficient in order to provide the newly created erven with services connections.

4. Comments of organs of state

Comments were requested from Eskom. No comments were received.

5. Response by applicant

See Annexure H.

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 195, Kalbaskraal be approved in terms of Section 75 of the By-law, subject to the following conditions:

1. TOWN PLANNING AND BUILDING CONTROL

a) Erf 195, Kalbaskraal (7920m² in extent), be subdivided as follows:

- remainder (1300m² in extent),
- portion A (1018m² in extent),
- portion B (1018m² in extent),
- portion C (1575m² in extent),
- portion D (1002m² in extent),
- portion E (1002m² in extent) and
- portion F (1004m² in extent).

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;

2. WATER

- a) Each subdivided portion be provided with a separate connection. This condition is applicable at building plan stage;
- b) The water network be expanded in order to provide the subdivided portions with water connections. The owner/developer appoints an engineer appropriately registered in terms of the provisions of Act 46 of 2000 to design the water network extension. The design be submitted to the Director: Civil Engineering Services for approval after which the construction be done under the supervision of the engineer.
- c) The costs for the expansion of the water network are deductible from the development charges for water distribution;

3. SEWERAGE

- a) Each subdivided portion be provided with a separate conservancy tank. Each conservancy tank have a minimum capacity of 8,000 liters and be accessible to the service truck from the street. The condition be part of the building plan, submitted for consideration and approval;

4. DEVELOPMENT CHARGES

- a) The owner/developer be responsible for a development charge of R35 984,65 per newly created erf toward the bulk supply of regional water, at clearance stage. The amount is payable to the Swartland Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/249-176-9210);
- b) The owner/developer be responsible for the development charge of R20 213, 55 per newly created erf towards bulk water reticulation, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA: 9/249-174-9210);
- c) The owner/developer be responsible for the development charge of R8 642,25 per newly created erf towards sewerage, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter. (mSCOA: 9/240-184-9210);
- d) The owner/developer is responsible for the development charge of R9 369, 05 per newly created erf towards the wastewater treatment works, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter. (mSCOA: 9/240-183-9210);
- e) The owner/developer is responsible for the development charge of R24 389, 20 per newly created erf towards roads and storm water, at clearance stage. The amount is payable to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA: 9/247-188-9210);
- f) The Council resolution of May 2024 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2024/2025 and can be revised thereafter;

B. The application for the departure of development parameters on the remainder erf 195, be approved in terms of Section 70 of the By-law, as follows:

1. TOWN PLANNING AND BUILDING CONTROL

- a) Departure of the 6m side building line (northern boundary) to 1,5m.

C. GENERAL

- a) The approval does not exempt the applicant from adherence to all other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies;
- b) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law from date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision against the appeal;
- c) All conditions of approval be implemented before the new land uses come into operation and failing to do so the approval will lapse. Should all conditions of approval be met within the 5 year period, the land use becomes permanent, and the approval period will no longer be applicable;

- d) The applicant/objectors be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R5000,00 to be valid. Appeals that are received late and/or do not comply with the requirements, will be considered invalid and will not be processed.

PART M: REASONS FOR RECOMMENDATION

1. The proposed subdivision supports LUPA and SPLUMA.
2. The proposed development effectively caters for future residential needs in new housing opportunities.
3. The optimal use of services leads to more affordable infrastructure provision.
4. The proposed subdivision will limit urban sprawl within the Kalbaskraal area.
5. The development is consistent with the Swartland SDF by promoting residential integration.
6. The development also supports the SDF by promoting densification within the existing urban area.
7. The zoning of the property will remain unchanged.
8. The proposal will not have an adverse impact on the character of the area.
9. There are no physical restrictions on the property that will negatively affect the proposed use.
10. The development also promotes compactness within existing urban areas.



PART N: ANNEXURES

Annexure A	Locality Plan
Annexure B	Subdivision plan
Annexure C	Objection from Chantal Schwenk
Annexure D	Comment from the applicant on the objections

PART O: APPLICANT DETAILS

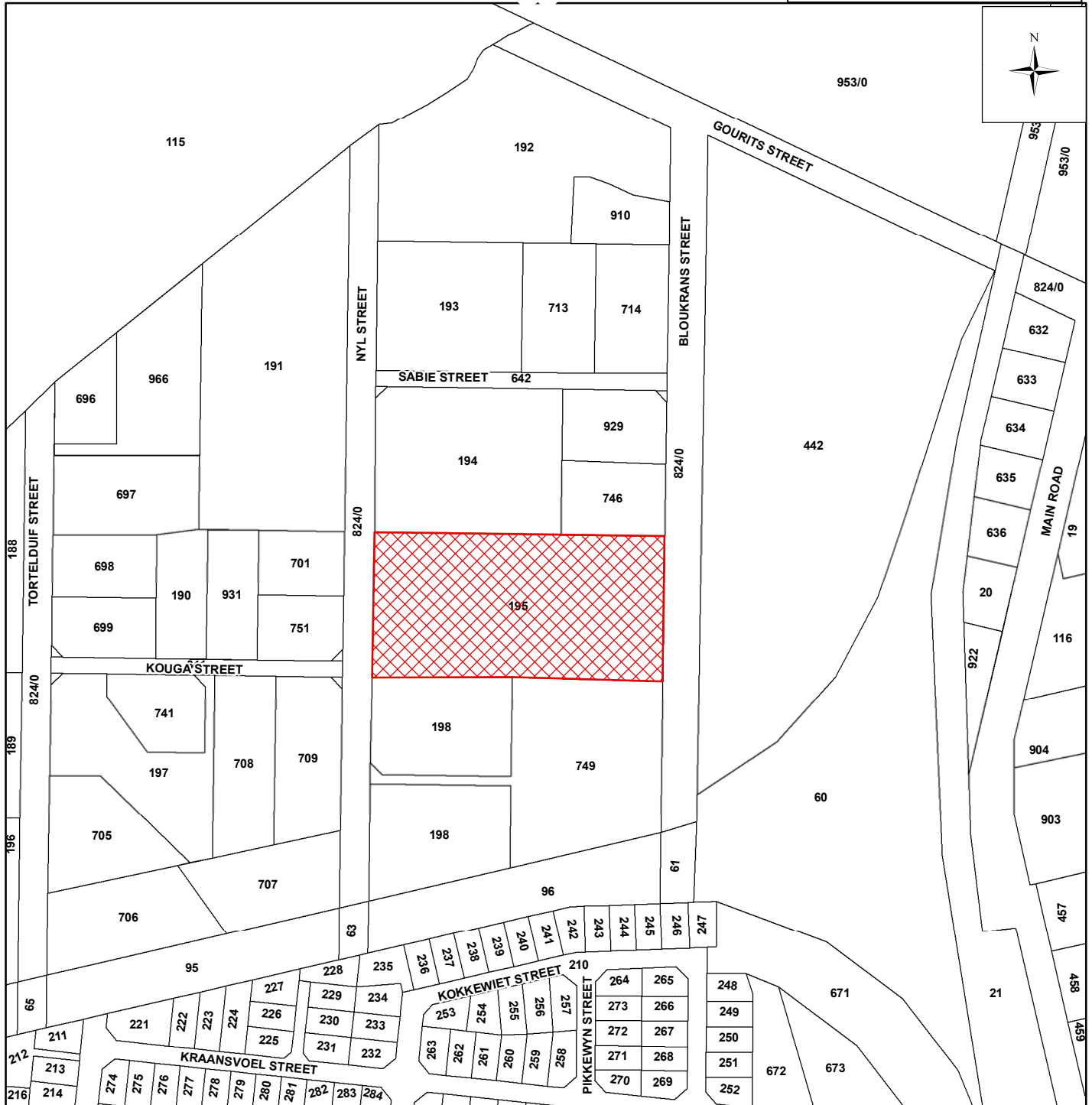
First name(s)	CK Rumboll & Partners			
Registered owner(s)	B Solomons	Is the applicant authorised to submit this application:	Y	N

PART P: SIGNATURES

Author details: AJ Burger Chief Town & Regional Planner SACPLAN: B/8429/2020		Date: 28 January 2025		
Recommendation: Alwyn Zaayman Senior Manager: Development Management SACPLAN: B/8001/2001	Recommended	<input checked="" type="checkbox"/>	Not recommended	
		Date: 31 January 2025		

ANNEXURE A

Locality plan

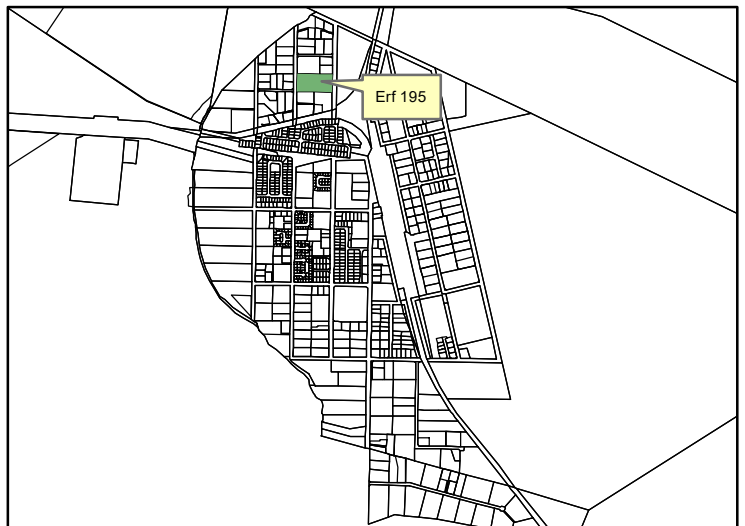


Proposed subdivision and departure

Erf 195, Kalbaskraal

Locality plan

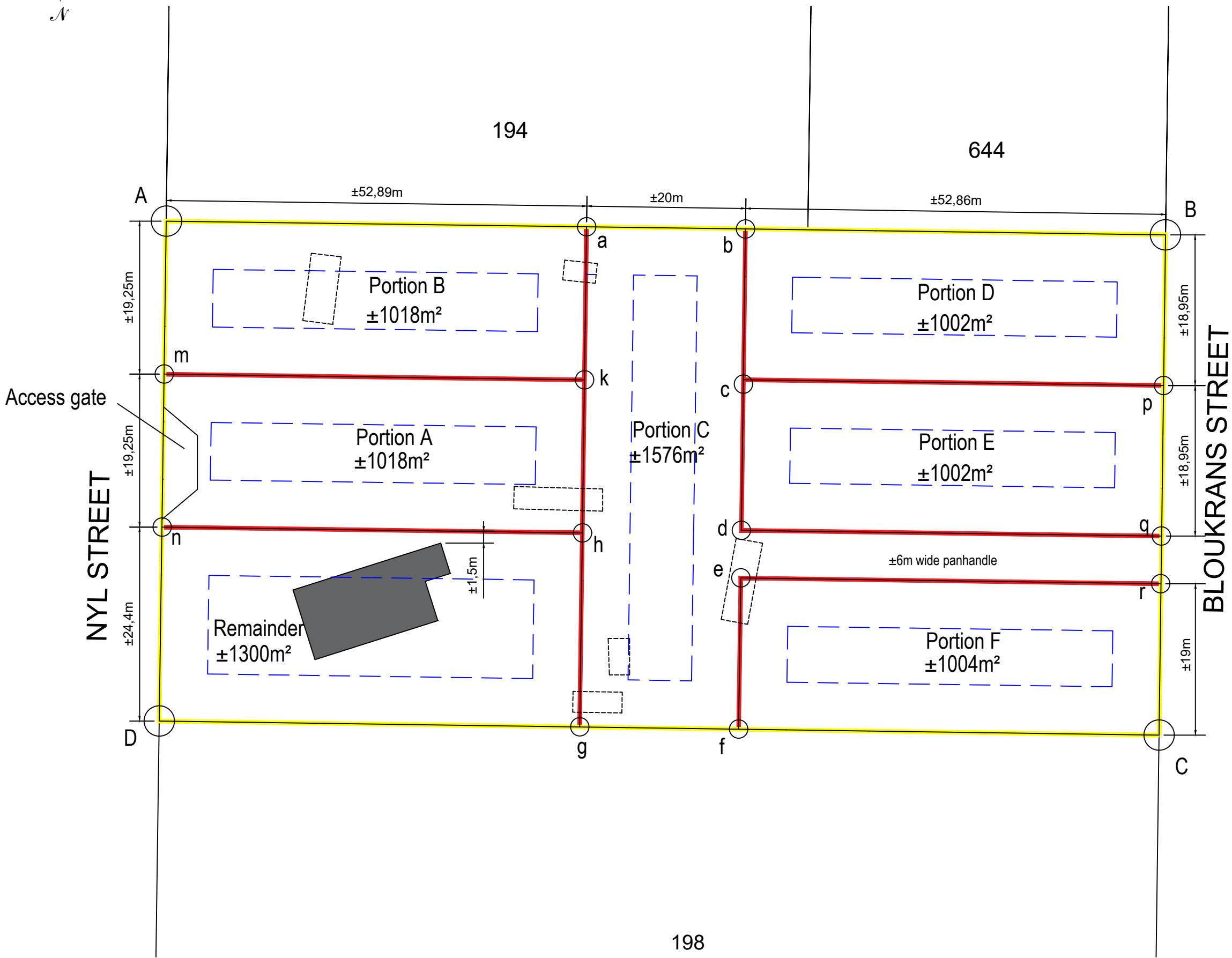
Scale: N/A





PLAN OF SUBDIVISION: ERF 195, KALBASKRAAL

ANNEXURE B



NOTES:

Figure **A B C D** represents Erf 195 Kalbaskraal which measures $\pm 7920\text{m}^2$. Erf 195 is to be subdivided into:

- a) Remainder ($\pm 1300\text{m}^2$) represented by Figure **D n h g**,
- b) Portion A ($\pm 1018\text{m}^2$) represented by Figure **m k h n**,
- c) Portion B ($\pm 1018\text{m}^2$) represented by Figure **A a k m**,
- d) Portion C ($\pm 1576\text{m}^2$) represented by Figure **a b c d q r e f g h k**,
- e) Portion D ($\pm 1002\text{m}^2$) represented by Figure **b B p c**,
- f) Portion E ($\pm 1002\text{m}^2$) represented by Figure **c p q d**,
- g) Portion F ($\pm 1004\text{m}^2$) represented by Figure **e r C f**

- Subdivision Line**
- Erf Boundary**
- Existing building**
- Temporary structures to be moved**
- 6m BUILDING LINES**

TITLE: SUBDIVISION PLAN OF ERF 195 KALBASKRAAL	
ALL AREAS AND DISTANCES ARE SUBJECTED TO SURVEYING	
	C.K. RUMBOLL & VENNOTE TOWN PLANNERS PROFESSIONAL SURVEYORS 16 RAINIER STREET, MALMESBURY Tel: 022 - 4821845 Fax: 022 - 4871661 Email: leap@rumboll.co.za
	DATE: August 2024
REF: KAL/13959/HDT	AUTHORITY: SWARTLAND MUNICIPALITY
SCALE: NTS	

ANNEXURE C

From: Chantal Schwenk <chantalschwenk@gmail.com>
Sent: Monday, 30 September 2024 11:22
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Proposed subdivision & departure parameters on erf 195 Kalbaskraal

To whom it may concern,

I refer to the letter I received dated 13th September 2024, regarding the proposed subdivision and departure parameters on erf 195 Kalbaskraal owned by Mr B Solomons.

I am residing at plot 749 Kalbaskraal and would like to oppose this subdivision proposal on the following grounds.

!. The applicant Mr B Solomons is applying to build 1.5m away from the building line which is not according to the building regulations for our area.

According to town planning the perimeter of nothing less than 6m must be adhered to.

It is also an invasion of my privacy.

I would also like to oppose this subdivision as these types of subdivisions are generally sold and subletted which is causing a property value drop in our area.

The tenants of such houses do not abide by municipal laws, neglect and destroy the buildings causing issues for all surrounding neighbours.

The sellers leave the area and the neighbours are forced to then deal with whatever issues these tenants cause.

We already have an issue with a property in Tortelduif street which was sold and subdivided into a mini town. and a property in Nyl street that has been sold to 4 different families without doing any building plans or subdivisions. These tenants do not adhere to any laws with regards to building and are causing issues for surrounding neighbours. (building without plans) building on neighbours boundaries.

Most of the residents of Kalbaskraal (smallholding area) bought these large plots so that they would have a country style lifestyle.

If these smaller subdivisions are allowed we will no longer have that positive property value.

I therefore oppose the subdivision of erf 195 into 7 smaller properties.

Regards
Chantal Schwenk
0795687667

CK RUMBOLL & VENNOTE / PARTNERS



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

Date: 12 November 2024

Ref: KAL/13959/HDT

ATTENTION: Town Planning Department

Municipal Manager

Swartland Municipality

1 Church Street

MALMESBURY

7299

LEER NO.	Verreks No.	Inligting	Verdrag	Afhandeling	Beoordeling
15/3/6-6 Erf-195	SSSB				
Deel					
Ander Opdrag:					
SPERDADUM:					(get)BK

RESPONSE TO OBJECTIONS:

APPLICATION FOR THE PROPOSED SUBDIVISION OF ERF 195 KALBASKRAAL

Ck Rumboll & Partners was appointed by Mr B Solomons, as the owner of Erf 195 Kalbaskraal, to handle all town planning actions on his behalf. Herewith formal response to the objection(s) received during the public participation process.

Comments and objections were received from the following parties:

- Ms. Chantal Schwenk

Objections attached as **Annexure A**.



VENNOTE / PARTNERS:

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

ADDRESS/ ADRES: planning4@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299

MALMESBURY (T) 022 482 1845 (F) 022 487 1661

VREDENBURG (T) 022 719 1014

Objector:	Objection:	CK Rumboll Response
Ms Chantal Schwenk	"The applicant Mr B Solomons is applying to build 1.5m away from the building line which is not according to the building regulations for our area."	The application does state that a Departure from the prescribed 6m building line to 1,5m has been applied for, however the building line departure will only be applicable to the proposed Remainder portion, which is not located near the common boundary between Er195 and Erf 749. In fact, the building line departure will be on the northern border of the proposed Remainder portion.
	"According to town planning the perimeter of nothing less than 6m must be adhered to" "It is also an invasion of my privacy."	Except for the northern side building line of the proposed Remainder portion, all other portions will adhere to the 6m building line restriction. The proposed departure is applied for to accommodate the currently under construction residential dwelling house. Since all boundaries of the portion that border Erf 749 will adhere to the stipulated 6m building lines, including the 1,8m high vibracrete boundary wall, there will be no invasion of privacy of the owner of erf 749.
	I would like to oppose this subdivision as these types of subdivisions are generally sold and subletted which is causing a property value drop in our area.	Section 59 (1) (f) of LUPA states: "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 of the application; and". As available land within urban areas become more scarce, newly subdivided land portions will contribute to the over rise in property value within the Kalbaskraal area.
	"The tenants of such houses do not abide by municipal laws, neglect and destroy the buildings causing issues for all surrounding neighbours." "The sellers leave the area and the neighbours are forced to then deal with whatever issues these tenants cause."	Noted. The current issues on other, non-surrounding, properties within the area cannot be used as a reason to impede or restrict a property owner to develop their property in accordance with current land use rights.
	We already have an issue with a property in Tortelduif street which was sold and subdivided into a mini town, and a property in Nyl Street that was sold to 4 different	Noted. The current issues on other, non-surrounding, properties within the area cannot be used as a reason to impede or restrict a property owner to

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VREDENBURG (T) 022 719 1014

	families without doing any building plans or subdivisions.	develop their property in accordance with current land use rights.
	These tenants do not adhere to any laws with regards to building and are causing issues for the surrounding neighbours. (building without plans) building on neighbours boundaries.	Noted. The nonadherence of any municipal by-laws should be reported to the Swart Municipality, but cannot be used as a reason to impede or restrict a property owner to develop their property in accordance with current land use rights.
	Most of the residents of Kalbaskraal (smallholding area) bought these large plots so they would have a country style lifestyle. If these smaller subdivisions are allowed we will no longer have that positive property value	The proposed subdivisions' sizes will be in accordance with the Municipal Spatial Development Framework, and thus provide more available land for development within the area. Section 59 (1) (g) of LUPA states that every landowner has the right to develop their property in accordance with the current land use rights. In an effort to conserve the country style lifestyle, the Swartland municipality has imposed a minimum erf size of 1000m ² . All proposed portions are bigger than the stated minimum erf size.

Taking into consideration all the above, it can be summarised as follow:

- The proposed development will not necessarily lead to a scenario where there is a decline in property value. The potential value of a property does not only depend on size of the property or the dwelling house on the property, but also depend on the quality of the house that was constructed. Market research shows that subdivisions within an area does not influence the market value of the surrounding properties. Modern town planning does make provision for different property sizes within urban areas.
- According to Section 59 (1)(f) & (g) of LUPA 2015, the potential effect on property values cannot be the sole determinant of a land use application, and that every landowner has the right to develop their property in accordance with the current land use rights.
- The proposed departure will not impede on or lead to the invasion of privacy of the surrounding properties.
- The proposed subdivisions sizes are in accordance with the Swartland Municipal Spatial Development Framework, and thereby fulfilling the need to densify the urban area of Kalbaskraal.
- The proposed subdivided portions will contribute to the improvement of the municipality's revenue, which can further contribute to the improvement of necessary services within the Kalbaskraal area.

We trust you find the above in order.

VENNOTE / PARTNERS:

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

ADDRESS/ ADRES: planning4@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299

MALMESBURY (T) 022 482 1845 (F) 022 487 1661

VREDENBURG (T) 022 719 1014

Sincerely



.....

Hendri du Toit

Pr. Pln A/3247/2022

CK Rumboll & Partners

VENNOTE / PARTNERS:

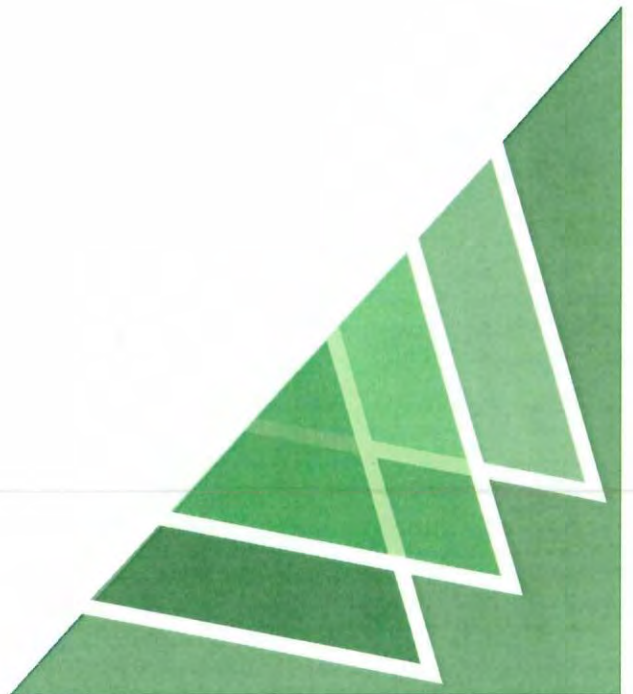
IHJ Rumboll PrL (SA), BSc (Surv), M.I.P.L.S., AP SteylPrL (SA),

ADDRESS/ ADRES: planning4@rumboll.co.za / PO Box 211 / Rainierstr 16, Malmesbury, 7299

MALMESBURY (T) 022 482 1845 (F) 022 487 1661

VREDENBURG (T) 022 719 1014

ANNEXURE A | OBJECTION RECEIVED





File ref: 15/3/6-6/Erf_195
15/3/4-6/Erf_195

Enquiries:
Ms D N Stellenberg

21 October 2024

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

Dear Sir/Madam

OBJECTIONS: PROPOSED SUBDIVISION AND DEPARTURE OF ERF 195, KALBASKRAAL

Your application with reference KAL/13959/HDT dated 28 Augustus 2024 refers.

Kindly find attached the objection received by Chantal Schwenk during the commenting period.

In terms of Section 65 of the Swartland Municipality: Municipal Land Use Planning By Law (PG 8226 of 25 March 2020) you are hereby requested to submit comments on the objections within 30 days from the date of this letter.

Yours sincerely

MUNICIPAL MANAGER
per Department Development Services

/ds

From: Chantal Schwenk <chantalschwenk@gmail.com>
Sent: Monday, 30 September 2024 11:22
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: Proposed subdivision & departure parameters on erf 195 Kalbaskraal

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It is also an invasion of my privacy.

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The tenants of such houses do not abide by municipal laws, neglect and destroy the buildings causing issues for all surrounding neighbours.

The sellers leave the area and the neighbours are forced to then deal with whatever issues these tenants cause.

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If these smaller subdivisions are allowed we will no longer have that positive property value.

I therefore oppose the subdivision of erf 195 into 7 smaller properties.

Regards

Chantal Schwenk

0795687667



Verslag ♦ Ingxelo ♦ Report

Office of the Director: Development Services
Department: Development Management

27 January 2025

15/3/10-8/Erf 10733

WYK: 10

ITEM 6.3 OF THE AGENDA FOR THE MUNICIPAL PLANNING TRIBUNAL THAT WILL TAKE PLACE ON WEDNESDAY, 12 FEBRUARY 2025

LAND USE PLANNING REPORT					
PROPOSED CONSENT USE ON ERF 10733, MALMESBURY					
Reference number	15/3/10-8/Erf 10733	Submission date	17 October 2024	Date finalised	28 January 2025

PART A: APPLICATION DESCRIPTION						
<p>Application is made for a consent use on Erf 10733, Malmesbury, in terms of Section 25(2) (o) of the Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020), to accommodate a double dwelling house on the property.</p> <p>The applicant is Alternplan and the property owners is Noeraan Gabier Abrahams.</p>						
PART B: PROPERTY DETAILS						
Property description (in accordance with Title Deed)	ERF 10733 MALMESBURY, IN THE SWARTLAND MUNICIPALITY, MALMESBURY DIVISION, PROVINCE OF WESTERN CAPE					
Physical address	41 Love Street, Glen Lily		Town	Malmesbury		
Current zoning	Residential Zone 1	Extent (m²/ha)	376m²	Are there existing buildings on the property?	Y	N
Applicable zoning scheme	Swartland Municipality: Municipal Land Use Planning By-Law (PK 8226, dated 25 March 2020)					
Current land use	Vacant property			Title Deed number & date	T40258/2022	
Any restrictive title conditions applicable	Y	N	If yes, list condition number(s)			
Any third-party conditions applicable?	Y	N	If yes, specify			
Any unauthorised land use/building work	Y	N	If yes, explain			
PART C: LIST OF APPLICATIONS (TICK APPLICABLE)						
Rezoning		Permanent departure		Temporary departure		Subdivision
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 homeowner's association		Rectify failure by homeowner's association to meet its obligations		Permission for the reconstruction of an existing building that constitutes a non-conforming use			

PART D: BACKGROUND

Application is made for a consent use on Erf 10733, Malmesbury in terms of section 25(2)(o) of Swartland Municipality: Municipal Land Use Planning By-law (PG 8226 of 25 March 2020) to accommodate a double dwelling house on the subject property.

Erf 10733, Malmesbury is currently zoned Residential Zone 1, and is located within the Glen Lily development.

A second dwelling smaller than 60m² is an additional use right in terms of the development management scheme. A building plan application was consequently approved on the 31st of August 2023 to accommodate a double dwelling with the second dwelling being 50.74m² in extent. The owner has opted not to build the separate garage and to rather include the area as part of the second dwelling. The proposal therefore entails to accommodate a double dwelling house being ±64.03m² in extent.

A double dwelling is permitted as a consent use under the Residential Zone 1 zoning.

It should be noted that, with a previous application for a double dwelling within the Glen Lily development a copy of the resolution was provided from the Glen Lily Owners association where it was confirmed that the owner's association does not object to the proposal to accommodate two units on one erf, it was however acknowledged by the members present at the meeting, that the financial implications require further investigation and agreement among all members. This is seen as an internal issue for the Owners Association to determine and enforce and does not impact on the proposed application.

PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?	Y	N	If yes, provide a summary of the outcomes below.
---	---	---	--

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 proposed consent use for a double dwelling house can be motivated based on the following:

- The proposed development is aligned with the proposals of the Swartland Spatial Development Framework.
- There are no restrictions registered against the title deed of the subject property prohibiting the proposal.
- The applicant motivates that the proposal has no impact on neighbours, however request that the Municipality issue the necessary notices on neighbouring properties deemed affected by the application.
- The application constitutes a building plan application to improve the living conditions of the landowner and his/her family.
- The building plan application is compatible with the medium-density residential character of the area.
- No additional impact on existing engineering services is envisaged as the application constitutes a double dwelling application in an area where there is sufficient service capacity to accommodate the future occupants of the new additional dwelling.
- There are no health or safety concerns, heritage implications or environmental impact.
- Onsite parking requirements are met and lastly,
- The proposal is consistent with the principles of SPLUMA (Spatial Planning Land Use Management Act)

PART G: SUMMARY OF PUBLIC PARTICIPATION						
Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipal: By-law on Municipal Land Use Planning?					Y	N
A total of 10 registered notices were issued to affected parties and the same notices were also sent via e-mail, where possible. Please refer to Annexure D for public participation map.						
Total valid comments	2		Total comments and petitions refused	0		
Valid petition(s)	Y	N	If yes, number of signatures			
Community organisation(s) response	Y	N	Ward councillor response	Y	N	
			The application was forwarded to councillor Van Essen, but no comments were received.			
Total letters of support	0					

PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS																
Name	Date received	Summary of comments	Recommendation													
			Positive	Negative												
Building Control	10 October 2024	Building plans be submitted to the Senior Manager: Development Management for consideration and approval	Comments only													
Protection Services	7 October 2024	No comments	No comment													
Department: Civil Engineering Services	14 October 2024	<div>1. <u>Water</u> The existing water connection be used and that no additional connections be provided;</div> <div>2. <u>Sewerage</u> The existing sewer connection be used and that no additional connections be provided;</div> <div>3. <u>Other</u> Fixed development charges be made as follows:<table><tr><td></td><td>Bulk Contribution</td></tr><tr><td>Bulk Water Distribution</td><td>R5 181,82</td></tr><tr><td>Bulk Water Supply</td><td>R2 910,83</td></tr><tr><td>Sewer</td><td>R1 810,13</td></tr><tr><td>WWTW</td><td>R1 962,32</td></tr><tr><td>Roads</td><td>R5 694,50</td></tr></table></div>		Bulk Contribution	Bulk Water Distribution	R5 181,82	Bulk Water Supply	R2 910,83	Sewer	R1 810,13	WWTW	R1 962,32	Roads	R5 694,50	Comments only	
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Sewer	R1 810,13															
WWTW	R1 962,32															
Roads	R5 694,50															
Department Electrical Engineering Services	2 October 2024	No comment	Comments only													

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
Mr R & M Crafford as neighbouring property owners of erven 10735, Malmesbury	<p>Mr Crafford objects against the approval of the proposed second dwelling for the following reasons.</p> <p>1. The dwelling is already constructed with a second dwelling without the necessary permissions. This was done contrary to the national building regulations as well as inconsistent with the Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020).</p> <p>2. With the information provided no evidence is provided that the Glen Lily Owners' Association gave permission for the second dwelling on the subject property.</p> <p>In addition, the objector states that the owner / applicant, Dr NG Abrahams is the owner, builder of the dwelling and also an important board member on the management of the Owners' Association. Therefore, the objector is of opinion that there is a conflict of interest.</p> <p>3. During the construction of the house, it was clearly stated to the owner of plot 10734 by Dr NG Abrahams that the house would become a single-level house. To our surprise, it then became a double storey building which severely obstructed our view from Erf 10734 and Erf 10735. The obstruction of the view has a very negative impact on the value of their property.</p> <p>4. Should the consent use be approved, it will add ±4 vehicles on the subject property which is a corner plot. Sight distance is</p>	<p>1. The applicant states that council should deal with this.</p> <p>2. The applicant did not respond to this comment.</p> <p>3. The applicant states that they cannot verify the conversation between Dr Abrahams and the tenant at Erf 10734. It is acknowledged that the views are compromised however, double storey buildings are allowed in terms of the guidelines.</p> <p>4. Sufficient on-site parking is provided for the proposal.</p>	<p>1. The property is zoned Residential zone 1, with no restrictions in the title deed nor in the guidelines of the Glen Lily development restricting the number of units. Residential zone 1 allows for a second dwelling smaller than 60m² as an additional use right. Swartland Municipality considered a building plan application where a double dwelling house, with a second dwelling ±50m² in extent, was approved in August 2023.</p> <p>2. The owners' associations stamp of approval was provided on the plan approved in 2023. Attached hereto please find a copy of a resolution of the Glen Lily Owners Association on this matter, as provided on a similar application.</p> <p>3. The owner / developer acted within his rights.</p> <p>4. Sufficient on-site parking is provided for the proposal.</p>

	<p>already a problem due to the slope as well as the lack of space.</p> <p>There are already a large number of vehicles parking on the side of the road in Love Street.</p> <p>5. The objector is concerned about the proposed second dwelling not complying with the fenestration regulations.</p> <p>6. They would like to object to the possible application for consent use on erf 10728 where the same owner/builder also built a double storey house and possibly after completion will submit an application for a second dwelling on that property as well.</p> <p>7. The objectors lastly state that in the Glen Lily guidelines it appears that the owner and the architect may be colluding in possible illegal acts and thereby possibly violating the Glen Lily Guidelines.</p>	<p>5. The applicant did not respond to this comment.</p> <p>6. The applicant did not respond to this comment.</p> <p>7. The applicant strongly objects to this statement referring to it as slandering and malicious gossip requesting that the statement be withdrawn with an apology.</p>	<p>5. Compliance with all applicable regulations will be enforced before an occupation certificate is issued.</p> <p>6. The possible further applications on properties in Glen Lily is noted, however the municipality can only consider what is presented to it and each application is considered on its own merit.</p> <p>7. This statement is speculative and without any evidence in support thereof, is rejected.</p> <p>It is however noted that Mr Kevin Sampson (SACAP Reg. No: D 0736) did draw the building plan which is proposed for consideration. The plan was also checked and approved on behalf of the Glen Lily Owner's Association by Mr Kevin Sampson. In cases where the scrutiny architect / draftsman is also the applicant it is always recommended that the Owners Association appoints a different architect to review the plans and sign of on behalf of the Owners' Association.</p>
Mr C Swart as neighbouring property owner of erf 10732, Malmesbury	<p>Me Swart objected to the application for the following reasons:</p> <p>8. Mr Swart is firstly questioning the process as on both erven 10733 and 10728 the dwellings have already been built with no consent use approval.</p>	<p>8. The applicant did not respond to this comment.</p>	<p>8. A mentioned above, a building plan was approved in 2023, within the legal rights of the property owner. Deviations from the approved plan would need to be rectified. The process followed as well as the public participation process are consistent with the applicable legislation.</p>

	<p>9. Mr Swart secondly questions the compliance of the proposal with the fenestration regulations specifically relating to the bathrooms.</p> <p>10. He objects to the increase in the number of vehicles parking in the road as insufficient space is provided for parking.</p> <p>11. The plan provided with the application departs from the maximum wall height as required in terms of the Guidelines and is not accurate in terms that which is already built on the property. The objector also questions the position of the existing building which is possibly encroaching the building line affecting their property.</p> <p>12. Lastly the objector questions the functioning of the water and electrical bill with two families living on the property.</p>	<p>9. The applicant motivates that they have provided for mechanical extraction and artificial lighting in accordance with SANS 10400 xa Part "O".</p> <p>10. The applicant motivates that on this specific property onsite parking is provided for a total of 6 vehicles.</p> <p>11. The applicant states that there was no drawing attached indicating the alleged high wall exceeding the 1,8m restriction.</p> <p>The applicant also states that they are not aware of any building work departing from the proposed plan.</p> <p>The applicant responds to the alleged departure by stating that they are also not aware of the building being built over the boundary line and surely the building inspector would have corrected it during the foundation inspection.</p> <p>12. Regarding the water and electricity bill the applicant respond that it is of no concern to the objector.</p>	<p>9. Compliance with the relevant regulations will be enforced before an occupancy certificate is issued.</p> <p>10. Sufficient on-site parking is proposed with the subject application. The cars parking in the road potentially blocking traffic or causing frustration to neighbouring property owners should be dealt with by the Owners Association. The application complies with the required on-site parking.</p> <p>11. The objector is referring to building lines and the applicant is referring to boundary lines in their comments. It should be noted that Glen Lily specifically has zero (0m) building lines except for where windows and doors are proposed. In that case a set back of 1m must be observed.</p> <p>The building control officer will ensure that the property is inspected, and that building work does not depart from the approved plans before an occupancy certificate is issued.</p> <p>12. It is agreed that this has nothing to do with the objector.</p>
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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 2nd of October 2024. The public participation process commenced on the 14th of October 2024 and ended on the 15th of November 2024. Objections were received and referred to the applicant for comment on the 20th of November 2024. The municipality received the comments on the objections from the applicant on the 4th of December 2024.

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) Spatial Justice: The proposed double dwelling supports higher density and enhances the availability of alternative residential opportunities, making the area more accessible to a wider range of society;
- b) Spatial Sustainability: The proposed development promotes the intensive utilisation of engineering services, without additional impact on the natural environment. Urban sprawl is contained through densification;
- c) Efficiency: The development proposal promotes the optimal utilisation of services on the property and enhance the tax base of the Municipality;
- d) Good Administration: The application and public participation were administrated by Swartland Municipality and public and departmental comments obtained;
- e) Spatial Resilience: The proposed double dwelling creates more affordable housing typologies in Malmesbury.

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 (2014) indicates the average densities of cities and towns in the Western Cape is low by international standards, despite policies to support mixed-use and integration. There is unmistakable evidence that urban sprawl and low densities contribute to unproductive and inefficient settlements as well as increase the costs of municipal and Provincial service delivery.

The PSDF suggest that by prioritising a more compact urban form through investment and development decisions, settlements in the Western Cape can become more inclusionary, widening the range of opportunities for all.

It is further mentioned in the PSDF that the lack of integration, compaction, and densification in urban areas in the Western Cape has serious negative consequences for municipal finances, for household livelihoods, for the environment, and the economy. Therefore, the PSDF provides principles to guide municipalities towards more efficient and sustainable spatial growth patterns.

One of the policies proposed by the PSDF is the promotion of compact, mixed-use, and integrated settlements. This according to the PSDF can be achieved by doing the following:

- 1) Target existing economic nodes (e.g., CBDs (Central Business District), township centres, modal interchanges, vacant and under-utilised strategically located public land parcels, fishing harbours, public squares, and markets, etc.) as levers for the regeneration and revitalisation of settlements.
- 2) Promote functional integration and mixed-use as a key component of achieving improved levels of settlement liveability and counter apartheid spatial patterns and decentralization through densification and infill development.
- 3) Locate and package integrated land development packages, infrastructure, and services as critical inputs to business establishment and expansion in places that capture efficiencies associated with agglomeration.
- 4) Prioritise rural development investment based on the economic role and function of settlements in rural areas, acknowledging that agriculture, fishing, mining, and tourism remain important economic underpinnings of rural settlements.

- 5) Respond to the logic of formal and informal markets in such a way as to retain the flexibility required by the poor and enable settlement and land use patterns that support informal livelihood opportunities rather than undermine them.
- 6) Delineate Integration Zones within settlements within which there are opportunities for spatially targeting public intervention to promote more inclusive, efficient, and sustainable forms of urban development.
- 7) Continue to deliver public investment to meet basic needs in all settlements, with ward level priorities informed by the Department of Social Development's human development indices.
- 8) Municipal SDFs (Spatial Development Framework) to include growth management tools to achieve SPLUMA's spatial principles. These could include a densification strategy and targets appropriate to the settlement context; an urban edge to protect agricultural land of high potential and contain settlement footprints; and a set of development incentives to promote integration, higher densities, and appropriate development typologies.

The PSDF further states that scenic landscapes, historic settlements, and the sense of place which underpins their quality are being eroded by inappropriate developments that detracts from the unique identity of towns. These are caused by inappropriate development, a lack of adequate information and proactive management systems.

The Provincial settlement policy objectives according to the PSDF are to:

- (a) Protect and enhance the sense of place and settlement patterns
- (b) Improve accessibility at all scales
- (c) Promote an appropriate land use mix and density in settlements
- (d) Ensure effective and equitable social services and facilities
- (e) Support inclusive and sustainable housing

And to secure a more sustainable future for the Province the PSDF propose that settlement planning and infrastructure investment achieves:

- (a) Higher densities
- (b) A shift from a suburban to an urban development model
- (c) More compact settlement footprints to minimise environmental impacts, reduce the costs, time impacts of travel, and enhance provincial and municipal financial sustainability in relation to the provision and maintenance of infrastructure, facilities, and services.
- (d) Address apartheid spatial legacies by targeting investment in areas of high population concentration and socio-economic exclusion.

The development proposal is therefore 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 Malmesbury is a regional centre and according to the growth potential study, only Malmesbury and Vredenburg has been classified as towns with an extremely high growth potential index.

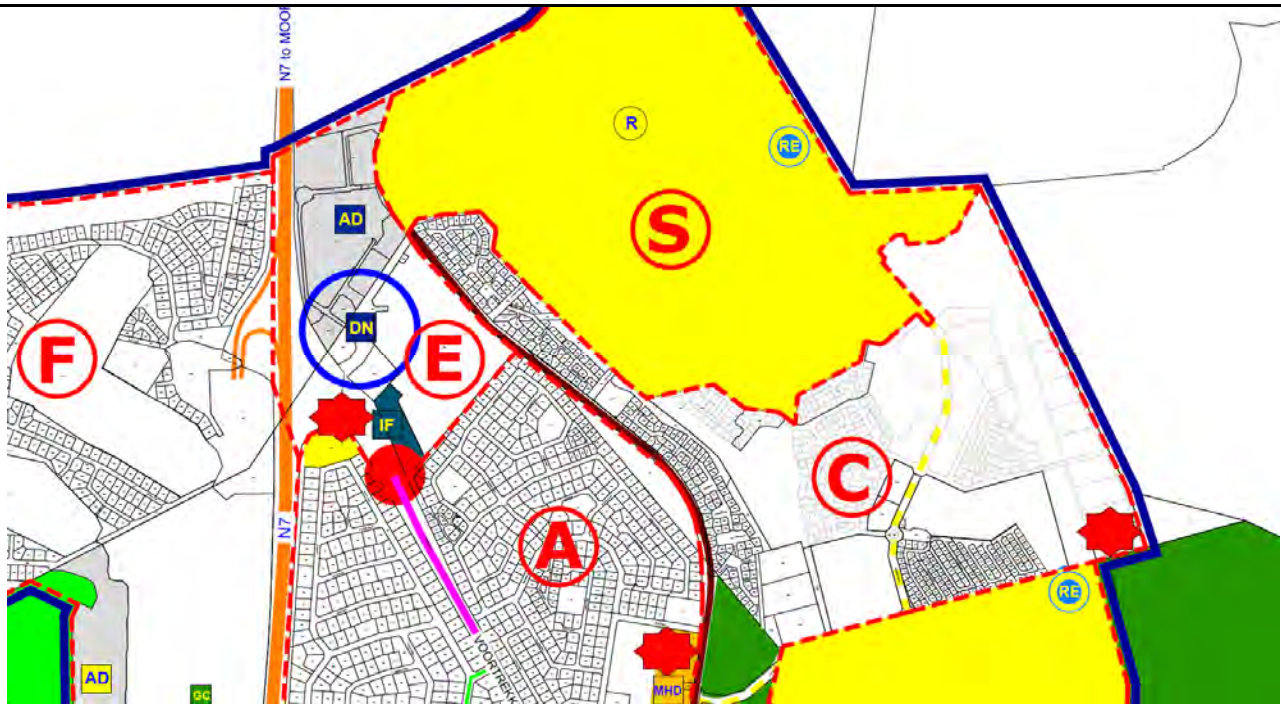
In terms of the built environment policy of the WCDSDF, local municipalities should plan sustainable human settlements that comply with the objectives of integration, spatial restructuring, residential densification, and basic service provision. Priority should also be given to settlement development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

The WCDSDF rightfully looks at spatial development on a district level. However, the WCDM SDF promotes the approach that local municipalities in the WCDM should focus on spatial integration, efficiency, equal access, sustainability, and related planning principles, to inform planning decisions (as required in terms of SPLUMA and recommended in the PSDF, 2014), to improve quality of life and access to amenities and opportunities to all residents in the WCDM.

A second dwelling promotes the principle, optimising the use of resources and limiting urban sprawl. It could therefore be argued that the proposal is consistent with the spatial planning policies of the WCDSDF, 2020.

2.4 Municipal Spatial Development Framework (SDF), 2023

The subject property is situated in land use proposal zone C as indicated on the land use proposal map of Malmesbury. Please refer to the extract below. Zone C is an integrated residential area with supporting social and commercial uses and according to the MSDF, 2023, Low and medium density residential uses are supported within this zone.



Medium density Residential uses are defined as: *Residential densities of up to 20 to 50 units per hectare within the Residential Zones 2 and 3, General Residential Zones 1 and 2* can be accommodated within these zones.*

The proposal is deemed consistent with the MSDF, 2023 as it will result in an increase in density of units per Ha, which is supported. The proposal also provides different housing types to allow for integration and spatial justice. It is also recognised that the proposal supports Objective 1 and 4 of the MSDF.

*Objective 1: Grow economic prosperity and facilitate economic sector growth and
Objective 4: Protect and grow place identity and cultural integrity*

The proposal is therefore deemed consistent with the land use proposals of the MSDF, 2023.

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

The proposal complies with the parameters of the development management scheme.

3. Desirability of the proposed utilisation

There are no physical restrictions on the property that may have a negative impact on the application.

The proposed application is consistent and not in contradiction with the Spatial Development Frameworks adopted on Provincial, District and Municipal levels.

The proposal is spatially resilient, as it proposes housing options that are more affordable.

The Glen Lilly Estate can be medium density, however, through the design guidelines permitting 0m building lines as well as 75% coverage. The character created by these relaxed parameters is that of a higher density. The proposal does not detract from the character of the area, and it may be argued that it will contribute to the overall sense of place.

The proposed second dwelling (double dwelling house) will have a positive economic impact, as it generates income for both the landowner, municipality (through rates and taxes) and tourism, through the spending of the new residents / visitors to the area.

The proposed development is not perceived to have a detrimental impact on the health and safety of surrounding landowners, nor will it negatively impact on environmental assets.

From the proposal access to the property is obtained directly from Love Street. The impact of the proposal on traffic in the area will be minimal and sufficient on-site parking is provided.

The development proposal is considered desirable.

4. Impact on municipal engineering services

The proposed application is intended to optimise the use of existing infrastructure and municipal engineering services. Development charges will be levied in accordance with the applicable tariffs.

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

The application for consent use on Erf 10733, Malmesbury, in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2021), be approved, subject to the conditions:

1. TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use authorises a double dwelling house, as presented in the application;
- (b) The double dwelling adheres to the applicable development parameters;
- (c) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;

2. WATER


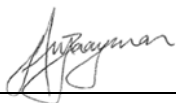
- (a) The existing water connection be used and no additional connections be provided;

3. SEWERAGE

- (b) The existing sewer connection be used and no additional connections be provided;

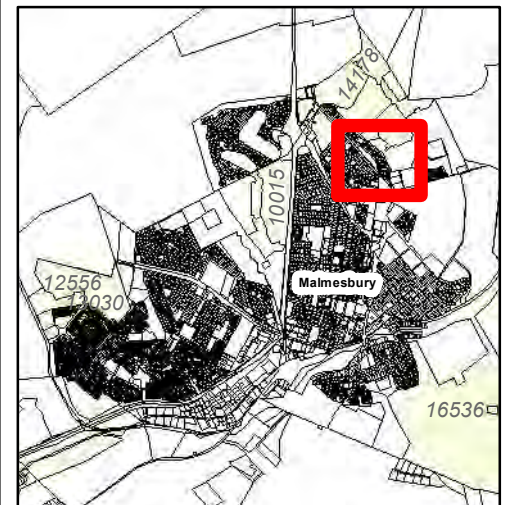
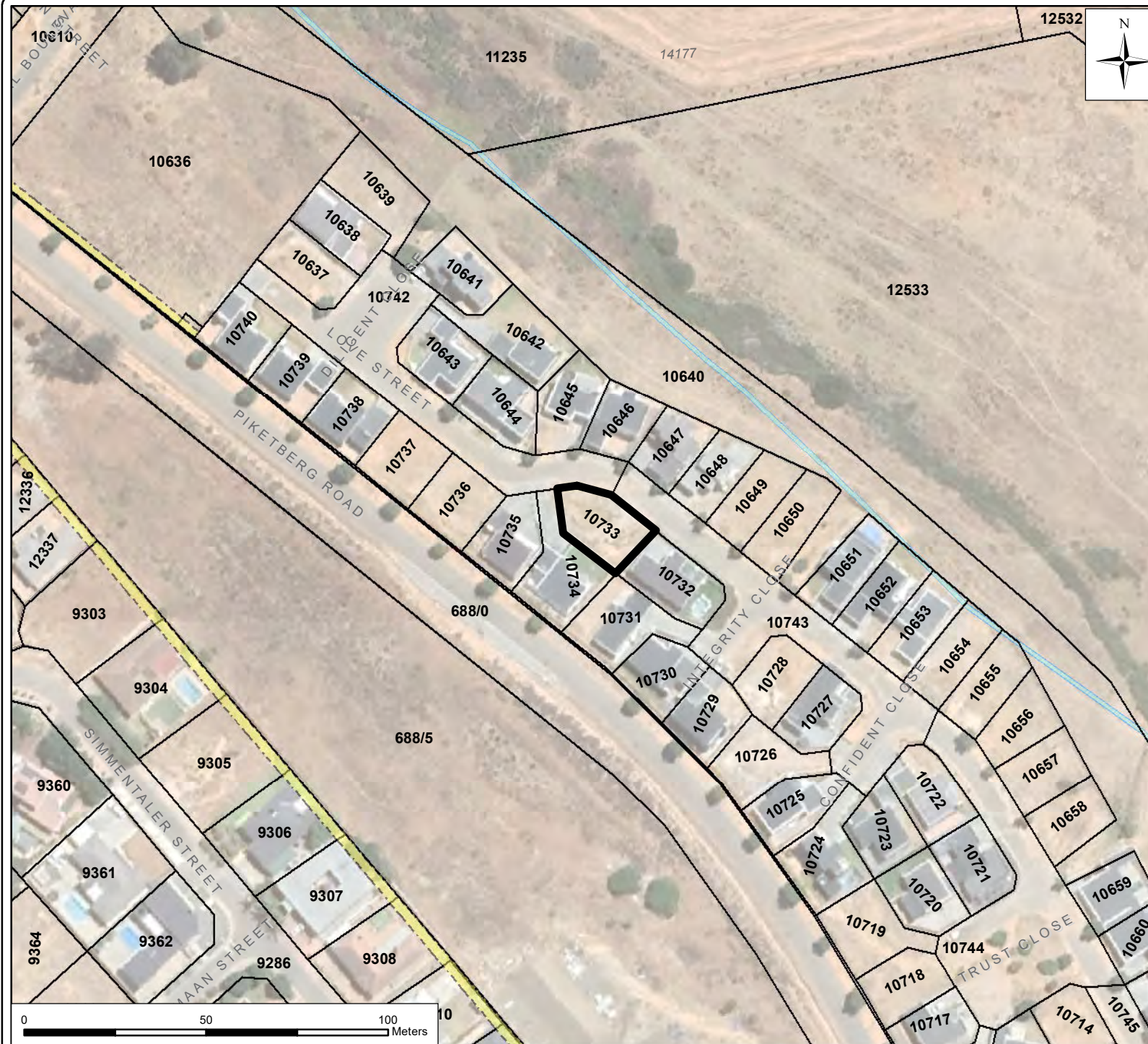
4. DEVELOPMENT CHARGES

- (a) The development charge towards the supply of regional bulk water amounts to R 11 514,95 and is for the account of the owner/developer at building plan stage. The amount is due to the Swartland Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA: 9/249-176-9210);
- (b) The development charge towards bulk water reticulation amounts to R6 468, 75 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/249-174-9210);
- (c) The development charge towards sewerage amounts to R 4 022,70 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/240-184-9210);
- (d) The development charge towards wastewater treatment amounts to R 4 360,80 and is for the account of the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/240-183-9210);
- (e) The development charge towards streets amounts to R 12 654,60 and is payable by the owner/developer at building plan stage. The amount is due to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter. (mSCOA 9/249-188-9210);
- (f) The development charge towards electricity amounts to R 5 658,36 and is payable by the owner/developer at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2024/2025 and may be revised thereafter (mSCOA 9/253-164-9210);
- (g) The Council resolution of May 2024 makes provision for a 55% discount on development charges to Swartland Municipality. The discount is valid for the financial year 2024/2025 and may be revised thereafter.

5. GENERAL				
<p>(a) The approval does not exempt the applicant from adherence to all other legal procedures, applications and/or approvals related to the intended land use, as required by provincial, state, parastatal and other statutory bodies.</p> <p>(b) Should it be determined necessary to expand or relocate any of the engineering services to provide the development with connections, said expansion and/or relocation will be for the cost of the owner/developer;</p> <p>(c) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law from date of decision. Should an appeal be lodged, the 5-year validity period starts from the date of outcome of the decision against the appeal.</p> <p>(d) All conditions of approval be implemented before the new land uses come into operation/or occupancy certificate be issued and failing to do so the approval will lapse. Should all conditions of approval be met within the 5-year period, the land use becomes permanent, and the approval period will no longer be applicable.</p> <p>(e) The applicant/objectors be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R5000-00 to be valid. Appeals that are received late and/or do not comply with the requirements, will be considered invalid and will not be processed.</p>				
PART M: REASONS FOR RECOMMENDATION				
<p>1) The proposed second dwelling is a residential use and is therefore consistent with the proposals of the MSDF.</p> <p>2) A double dwelling is accommodated as a consent use under Residential Zone 1 of the Development management scheme and there are no restrictions registered against the title deed of the property or contained in the design guideline of the Estate prohibiting the proposal.</p> <p>3) The development proposal supports the optimal utilisation of the property.</p> <p>4) The second dwelling provides in a need for a larger variety of housing opportunities to the wider population.</p> <p>5) The development proposal will not negatively impact on the character of the Glen Lily Estate or the larger Malmesbury.</p>				
PART N: ANNEXURES				
<p>Annexure A Locality plan</p> <p>Annexure B Approved building plan</p> <p>Annexure C Proposed building plan</p> <p>Annexure D Public participation plan</p> <p>Annexure E Owners Association's Consent</p> <p>Annexure F Objection from R & M Crafford</p> <p>Annexure G Objection from C Swart</p> <p>Annexure H Applicants comments on the objections</p>				
PART O: APPLICANT DETAILS				
First name(s)		Kevin Sampson		
Registered owner(s)	Noeraan Gabier Abrahams	Is the applicant authorised to submit this application:	Y	N
PART P: SIGNATURES				
Author details: Herman Olivier Town Planner SACPLAN: A/204/2010				Date: 28 January 2025
Recommendation: Alwyn Zaayman Senior Manager: Development management SACPLAN: B/8001/2001		Recommended	<input checked="" type="checkbox"/>	Not recommended
				Date: 31 January 2025

ANNEXURE A

LOCATION PLAN OF ERF 10733, MALMESBURY



ANNEXURE B

drawings are to be verified on site by the contractor prior to commencement of any work.
Use written dimensions in preference to scaling.
Any discrepancies found on this drawing are to be reported to the architect.
All work to be done in accordance with local authority by-laws, DMS, NBR and SANS 10400 XA / 2014 Specifications and Glen Lily estate architectural guidelines.

Please note this drawing is intended as a local authority submission drawing only, and as such does not reflect or constitute a comprehensive specification for the works.
As such the architect's responsibility and liability will terminate on local authority approval of this drawing.

SPECIFICATIONS:

FOUNDATIONS:
700x230mm mass concrete strip footings to external & load bearing walls & 600x200mm m/c slab thickening to int. walls. Foundations to boundary walls as shown on sections. No footings to project over boundary line.

FLOORS:
25mm Thick cement screed on 75mm thick mesh reinforced concrete slab on 250mm DPM on clean well compacted sand fill. Dpc min. 150mm above egl. Provide "soft" expansion joints as specified by engineer. R.C slab to Eng. Spec.

WALLS:
External walls: All brickwork to be 90-90mm cement bricks 230mm thick, internal skin, 50mm clean cavity with 5x butterfly ties per sqm. 250 micron stepped DPC to min. 10mm wide weep holes at max. 600mm c/c. FFL min. 150mm above N.G.L. Windowsills to be benched with 250mic. plastic. P.C.I. pre-stressed lintels laid to manufacturers spec. over brickwork openings, with min. 4 courses gwy, brick-force over. All walls to be plastered and painted to clients spec. In accordance with SANS 10400 part "K".

WINDOWS & GLAZING:
Aluminium windows & doors. Timber doors as shown. Natural light to each habitable room to be min. 10% of floor area, and natural ventilation min 5% of same floor area. Windows Min. 6mm thick throughout, except for: Bathroom windows with obscure glass & Doors & windows larger than 1sqm, or less than 500mm above F.F.L. to be safety glass. In accordance with SANS 10400 part "N".

DWELLING ROOF:
Klip-Lok "Charcoal Colorbond" sheeting at 5° pitch on 50x76mm purlins at max. 1200mm c/c on a layer of reflective foil laminate (RFL) between the purlins and rafters. Mono pitch roof trusses (by specialist) at max. 1200mm c/c. Rafters end built into walls to be wrapped in dpc. Flashing to headwall and side walls by specialist. Provide adequate wind bracing. In accordance with SANS 10400 part "L".

CEILINGS:
6.4mm Skimmed and painted Gypsum Rhino board on 38x38mm bracing @ 450mm c/c with standard covered corners, fixed to manufacturer's spec. all painted. Ceiling cavity to have 135mm thick Aerolite or similar insulation.

RAINWATER GOODS:
100mm dia. Aluminium Gutters. 75mm down pipes, fixed to Nutec 12x225mm fascia boards. All stormwater to discharge in to stormwater channels to boundary.

INTERIOR:
All internal doors to owners choice fixed to hardwood 90x55mm doorframes / no oil - 75mm brass butt hinges with 3 lever locksets and furniture to owners choice.

PAINT:
Colour schemes to be in accordance with the Glen Lily estate architectural guidelines.

OTHER:
All essential trades i.e. Electrical / plumbing / gas / solar etc. are to be carried out by relevant registered installers / contractors who are to provide certificates of compliance on completion of the works. All materials used are to be SABS approved, no inferior materials are to be used.

REVISIONS

Date:	Revision No:	Issued to:	Case No:
04.08.2023	A/08/23	Swartland Mun.	431/23
25.08.2023	B/08/23	Swartland Mun.	1354/22

Checked by: **K. Sampson - SACAP Reg. No: D0736**

Owns: **Daisy - Abrahams**

Copyright of this plan is in terms of the copyright act, 1978 (act no. 98 of 1978 as amended up to copyright amendment act 2002)

Drawn by: **Johannes Smit**
SACAP Reg. No: CAD68913525
Cell: 063 658 0575
alterplansa@gmail.com

Checked by: **Kevin Sampson**
Cell: 083 590 7676
SACAP Reg. No: D0736

Project: **Proposed New Dwelling**

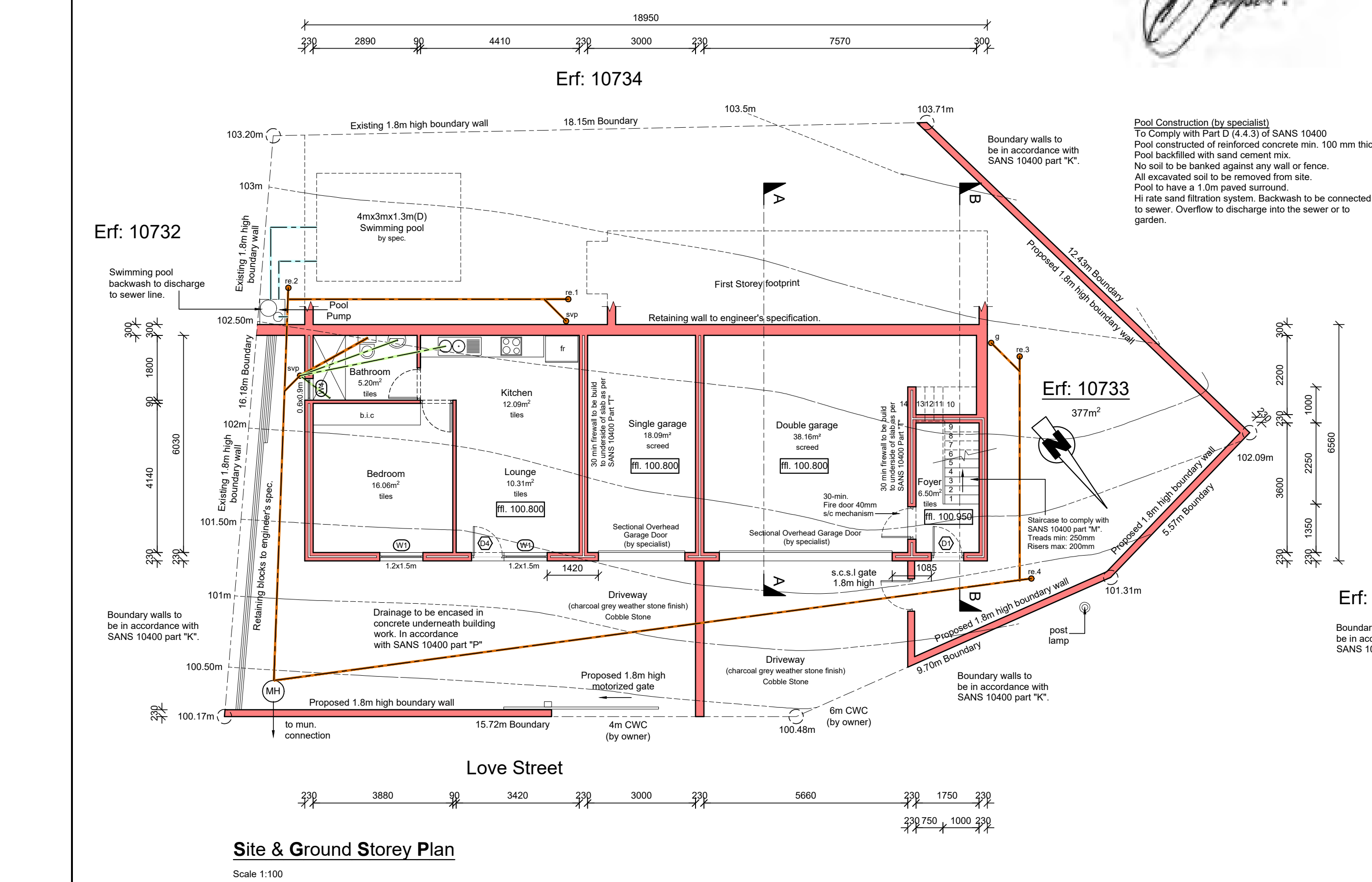
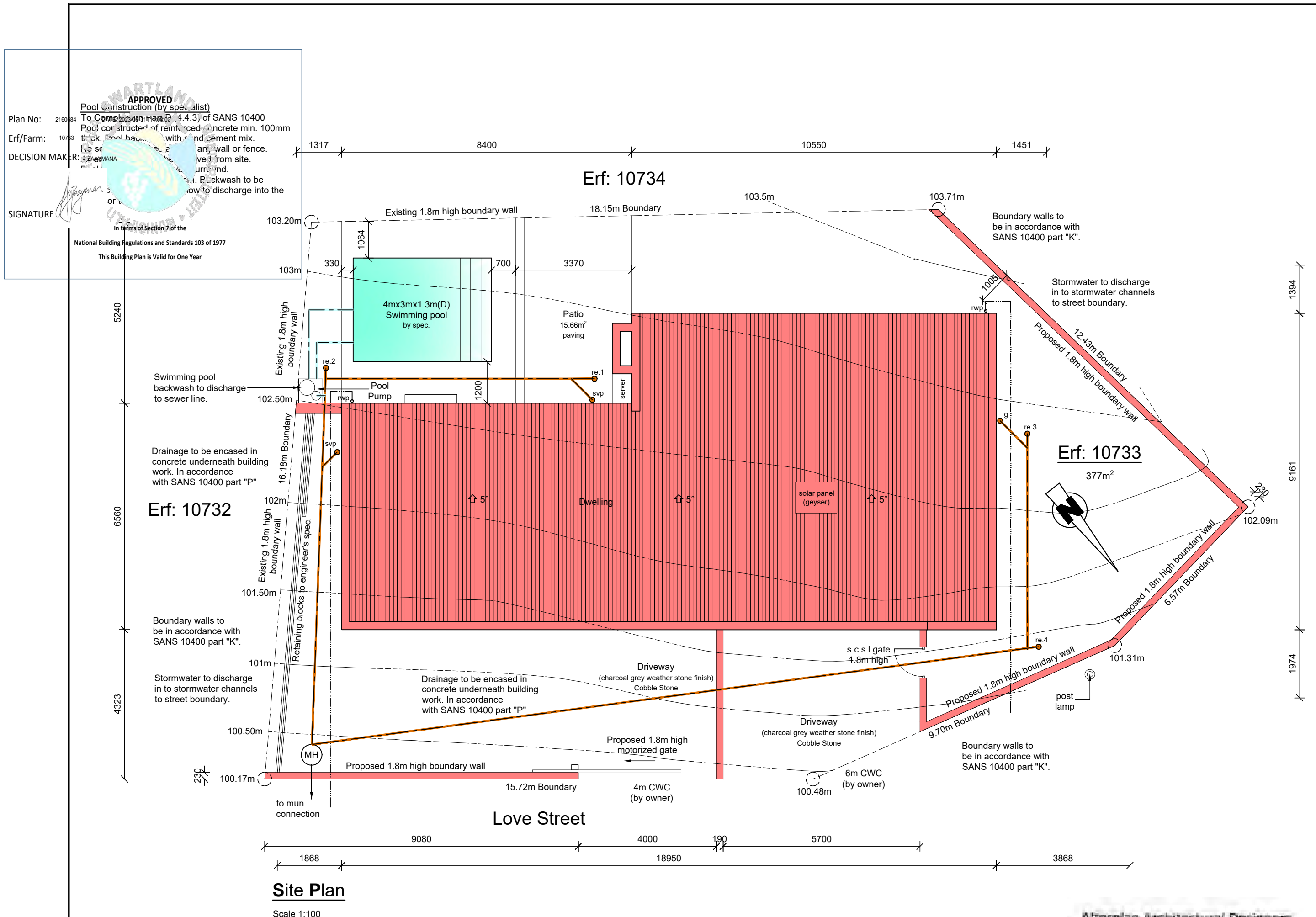
Client: **Noeraan Gabier Abrahams**
Address: **Love Street, Glen Lily Estate, Malmesbury 71733**

Drg. No: **AP 2023 - 1246**

Scale: **1:100 @ A1**

Date: **25.08.2023** Page: **1 of 2** Rev: **B/08/23**

ALTERPLAN



SANS 10400 XA Calculations (Zone 1)

FENESTRATION:

GROUND STOREY: (DWELLING)

Nett floor area (Excludes Garage) = 6.50m²
Total area of glazed element = 1.98m² (29.08%).
Doors: Timber, Tinted - double Low E

Total Fenestration does exceed maximum deemed to satisfy value of 20% of nett floor area.

See separate spreadsheet.

FIRST STOREY: (DWELLING)

Nett floor area = 135.88m²
Total area of glazed element = 25.56m² (18.81%).
Glazed type windows: Aluminium thermal break framing Single - Clear.

Doors: Timber / Aluminium thermal break framing Single - Clear.

Total Fenestration does not exceed maximum deemed to satisfy value of 20% of nett floor area

GROUND STOREY: (FLAT)

Nett floor area (Excludes Garage) = 43.86m²
Total area of glazed element = 6.03m² (13.81%).
Glazed type windows: Aluminium thermal break framing Single - Clear.

Doors: Timber / Aluminium thermal break framing Single - Clear.

Total Fenestration does not exceed maximum deemed to satisfy value of 20% of nett floor area.

ROOF INSULATION:

Typical data & deemed-to-satisfy thicknesses of generic insulation as per Table 10 SANS 204:2011.

Minimum required total R-Value. Target Value: 3.7.

Estimated total R-Value of roof & ceiling materials (Roof coverings & plaster board) R-Value 0.35.

Minimum added R-Value of insulation: R-Value = 3.35.

Therefore a 135mm of Cellulose fibre Loose-fill insulation to be installed into the ceiling space. (Deemed-to-satisfy)

A layer of reflective foil laminate (RFL) between the purlins & rafters.

HOT WATER REQUIREMENTS:

The 150L solar power hot water cylinder is to be wrapped with a 80mm thick suitable insulation blanket. Hot water demand as per SANS 10252-1. All specifications & installations will be done in accordance with SANS 10252-1 & SANS 10106. 50% hot water from alternate source (Solar Geyser).

HOT WATER DEMAND, STORAGE & HEATER POWER ACCORDING TO SANS 10252-1

For dwelling houses with medium to high rental & population of 8 (2 persons per room).
Total hot water demand 115 x 8 = 920 L/d.
Storage volume required 40 litre x 8 = 320 litre.
Heater power to be 2 - 4 kW/Unit.

PIPE INSULATION:

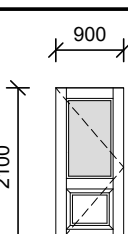
All hot water piping to be insulated with 40mm Neoprene or equal and approved as per SANS 204. Min. R-Values: 1.0 for internal diameter pipes < or = to 80mm & 1.5 for internal diameter pipes > 80mm. Insulated hot water piping to conform to SANS 204.

LIGHTING:

Energy Saving CFL's to be used.
Lighting to be max 5W per sq/m per SANS 204.

SANS 10400 XA Requirements

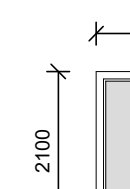
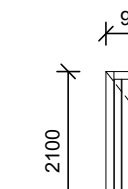
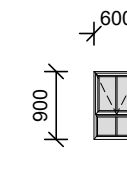
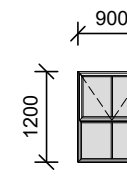
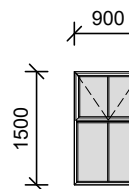
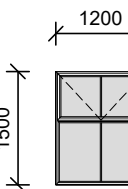
No doors & window specs can be altered in any way without a recalculation.
All insulation to roof, pipework etc. to be strictly adhered to.



0.9 x 2.1
D1 - 1No. Req'd
Timber
Area : Openers 1.89m²
Fixed panel 0.0m²
Total area 1.89m²

Window & Door Schedule Ground Storey (Dwelling)

1:100



1.2 x 1.5
W1 - 5No. Req'd
Aluminium
Area : Openers 0.72m²
Fixed panel 1.08m²
Total area 1.80m²

0.9 x 1.5
W2 - 4No. Req'd
Aluminium
Area : Openers 0.53m²
Fixed panel 0.92m²
Total area 1.35m²

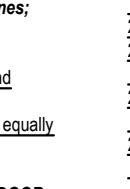
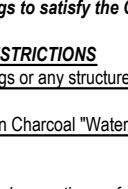
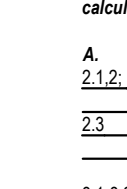
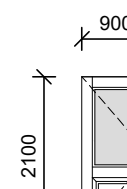
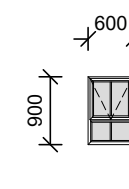
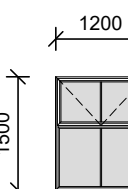
0.9 x 1.2
W3 - 4No. Req'd
Aluminium
Area : Openers 0.53m²
Fixed panel 0.55m²
Total area 1.08m²

0.6 x 0.9
W4 - 1No. Req'd
Aluminium
Area : Openers 0.30m²
Fixed panel 0.24m²
Total area 0.54m²

0.9 x 2.1
D2 - 1No. Req'd
Timber
Area : Openers 1.89m²
Fixed panel 1.57m²
Total area 3.15m²

Window & Door Schedule First Storey (Dwelling)

1:100



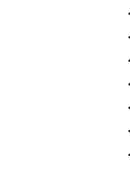
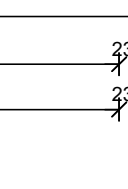
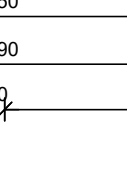
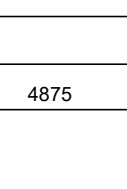
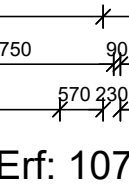
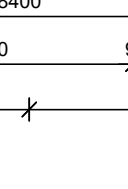
1.2 x 1.5
W1 - 2No. Req'd
Aluminium
Area : Openers 0.72m²
Fixed panel 1.08m²
Total area 1.80m²

0.6 x 0.9
W4 - 1No. Req'd
Aluminium
Area : Openers 0.30m²
Fixed panel 0.24m²
Total area 0.54m²

0.9 x 2.1
D1 - 1No. Req'd
Timber
Area : Openers 1.89m²
Fixed panel 0.0m²
Total area 1.89m²

Window & Door Schedule Ground Storey (Flat)

1:100



1.2 x 1.5
W1 - 2No. Req'd
Aluminium
Area : Openers 0.72m²
Fixed panel 1.08m²
Total area 1.80m²

0.6 x 0.9
W4 - 1No. Req'd
Aluminium
Area : Openers 0.30m²
Fixed panel 0.24m²
Total area 0.54m²

0.9 x 2.1
D1 - 1No. Req'd
Timber
Area : Openers 1.89m²
Fixed panel 0.0m²
Total area 1.89m²

1.2 x 1.5
W1 - 2No. Req'd
Aluminium
Area : Openers 0.72m²
Fixed panel 1.08m²
Total area 1.80m²

0.6 x 0.9
W4 - 1No. Req'd
Aluminium
Area : Openers 0.30m²
Fixed panel 0.24m²
Total area 0.54m²

0.9 x 2.1
D1 - 1No. Req'd
Timber
Area : Openers 1.89m²
Fixed panel 0.0m²
Total area 1.89m²

1.2 x 1.5
W1 - 2No. Req'd
Aluminium
Area : Openers 0.72m²
Fixed panel 1.08m²
Total area 1.80m²

0.6 x 0.9
W4 - 1No. Req'd
Aluminium
Area : Openers 0.30m²
Fixed panel 0.24m²
Total area 0.54m²

0.9 x 2.1
D1 - 1No. Req'd
Timber
Area : Openers 1.89m²
Fixed panel 0.0m²
Total area 1.89m²

1.2 x 1.5
W1 - 2No. Req'd
Aluminium
Area : Openers 0.72m²
Fixed panel 1.08m²
Total area 1.80m²

0.6 x 0.9
W4 - 1No. Req'd
Aluminium
Area : Openers 0.30m²
Fixed panel 0.24m²
Total area 0.54m²

0.9 x 2.1
D1 - 1No. Req'd
Timber
Area : Openers 1.89m²
Fixed panel 0.0m²
Total area 1.89m²

1.2 x 1.5
W1 - 2No. Req'd
Aluminium
Area : Openers 0.72m²
Fixed panel 1.08m²
Total area 1.80m²

0.6 x 0.9
W4 - 1No. Req'd
Aluminium
Area : Openers 0.30m²
Fixed panel 0.24m²
Total area 0.54m²

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D1 - 1No. Req'd
Timber
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Fixed panel 0.0m²
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Aluminium
Area : Openers 0.72m²
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W4 - 1No. Req'd
Aluminium
Area : Openers 0.30m²
Fixed panel 0.24m²
Total area 0.54m²

0.9 x 2.1
D1 - 1No. Req'd
Timber
Area : Openers 1.89m²
Fixed panel 0.0m²
Total area 1.89m²

1.2 x 1.5
W1 - 2No. Req'd
Aluminium
Area : Openers 0.72m²
Fixed panel 1.08m²
Total area 1.80m²

0.6 x 0.9
W4 - 1No. Req'd
Aluminium
Area : Openers 0.30m²
Fixed panel 0.24m²
Total area 0.54m²


0.9 x 2.1
D1 - 1No. Req'd
Timber
Area : Openers 1.89m²
Fixed panel 0.0m²
Total area 1.89m²

1.2 x 1.5
W1 - 2No. Req'd
Aluminium
Area : Openers 0.72m²
Fixed panel 1.08m²
Total area 1.80m²

0.6 x 0.9
W4 - 1No. Req'd
Aluminium
Area : Openers 0.30m²
Fixed panel 0.24m²
Total area 0.54m²

0.9 x 2.1
D1 - 1No. Req'd
Timber
Area : Openers 1.89m²
Fixed panel 0.0m²
Total area 1.89m²

Coverage Calculations	
Erf:	377m²
Ground storey:	124.31m²
First storey:	152.58m²
Swimming pool:	12.00m²
Boundary wall length:	33.24m
Total floor area:	276.89m²
Coverage	152.58m² = 40.47%

Alterplan Architectural Design				
Fenestration calculations			Checked by: Kevin Sampson	
FYI			SACAP Reg. No: D0736	
Insert value			6,5	Signature: 
calculated value			29,08	
Ground Storey				
Nett area of storey			6,5	Noeraan Gabier Abrahams
Constant for conductance climate zone 4 table 5			Y	Proposed new dwelling
Constant for S.V climate zone 4 table 5			Z	Love Street, Glen Lily
Target value (arc x Y)			9,10	Malmesbury
Achieved (arc x Z)			4,55	Erf: 10733
Nett area x Z)			0,85	
ion area			0,83	
Door area			29,08	
In terms of Section 7 of the			Door 01	
National Building Regulations and Standards 103 of 1977			Tinted - Double Low E	
This Building Plan is Valid for One Year			Timber	
width of glazed element			1	0,90
Height of glazed element			2	2,10
area of glazed element (1 x 2)			A	1,89
U value of glazed element glazing type table 6			U	2,41
SHGC value of glazed element glazing type table 6			S	0,51
top of window to underside of shading element			G	0,00
extent of shading element (include 1/2 width wall)			P	0,115
height base of glazing element to shading element (2. + G)			H	2,10
P/H factor			P/H	0,05
Orientation of window (N, NW, W, SW, S, SE, E, NE)			NE	
Solar exposure factor Table C4 (requires P/H)			E	0,97
conductance calc (A x U)			4,55	4,55
SHGC calc (A x S x E)			0,83	0,83

ANNEXURE C

NOTE:

- Building inspector to evaluate boundary pegs before commencement of building work. No building work to encroach any erf boundaries.
- Engineer drawings for all reinforced structural works, structural steel works etc. to be submitted before commencement of such works.

GENERAL NOTE:

All levels, dimensions and drawings are to be verified on site by the contractor prior to commencement of any work. Use written dimensions in preference to scaling. Any discrepancies found on this drawing are to be reported to the architect. All work to be done in accordance with local authority by-laws, DMS, NBR and SANS 10400 XA / 2014 Specifications and Glen Lily estate architectural guidelines.

Please note this drawing is intended as a local authority submission drawing only, and as such does not reflect or constitute a comprehensive specification for the works. As such the architect's responsibility and liability will terminate on local authority approval of this drawing.

SPECIFICATIONS:**FOUNDATIONS:**

700x230mm mass concrete strip footings to external & load bearing walls & 600x200mm m/c slab thickening to int. walls. Foundations to boundary walls as shown on sections. No footings to project over boundary line.

FLOORS:

25mm Thick cement screed on 75mm thick mesh reinforced concrete slab on 250mc DPM on clean well compacted sand fill. Dpc min. 150mm above egl. Provide "soft" expansion joints as specified by engineer. R.C slab to Eng. Spec.

WALLS:

External walls: All brickwork to be 90-90mm cement bricks 230mm thick, internal skin, 50mm clean cavity with 5x butterfly ties per sqm. 250 micron stepped DPC to min. 10mm wide weep holes at max. 600mm c/c. F.F.L. min. 150mm above N.G.L. Windowsills to be benched with 250mc plastic. P.C.I. pre-stressed lintels laid to manufacturers spec. over brickwork openings, with min. 4 courses galv. brick-force over. All walls to be plastered and painted to clients spec. In accordance with SANS 10400 part "K".

WINDOWS & GLAZING:

Aluminium windows & doors. Internal Timber doors as shown. Natural light to each habitable room to be min. 10% of floor area, and natural ventilation min 5% of same floor area. Windows Min. 6mm thick throughout, except for: Bathroom windows with obscure glass & Doors & windows larger than 1sqm, or less than 500mm above F.F.L. to be safety glass. In accordance with SANS 10400 part "N".

DWELLING ROOF:

Klip-Lok 'Charcoal Colorbond' sheeting at 5° pitch on 50x76mm purlins at max. 1200mm c/c on a layer of reflective foil laminate (RFL) between the purlins and rafters. Mono pitch roof trusses (by specialist) at max. 1200mm c/c. Rafters ends built into walls to be wrapped in dpc. Flashing to headwall and sidewalls by specialist. Provide adequate wind bracing. In accordance with SANS 10400 part "L".

CEILING:

6.4mm Skimmed and painted Gypsum Rhino board on 38x38mm branding @ 450mm c/c with standard coved corners, fixed to manufacture's spec. all painted. Ceiling cavity to have 135mm thick Aerolite or similar insulation.

FLATLET:

Off shutter skimmed and painted, allow for electrical cavities for light fittings.

RAINWATER GOODS:

100mm dia. Aluminium Gutters. 75mm down pipes, fixed to Nutec 12x225mm fascia boards. All stormwater to discharge in to stormwater channels to street boundary.

INTERIOR:

All internal doors to owners choice fixed to hardwood 90x55mm doorframes / no sill - 75mm brass butt hinges with 3 lever locksets and furniture to owners choice.

PAINT:

Colour schemes to be in accordance with the Glen Lily estate architectural guidelines.


OTHER:

All essential trades i.e. Electrical / plumbing / gas / solar etc. are to be carried out by relevant registered installers / contractors who are to provide certificates of compliance on completion of the works. All materials used are to be SABS approved, no inferior materials are to be used.

Coverage Calculations

Erf:	377m²
Existing Dwelling - First Storey	152.58m²
Existing Dwelling - Ground Storey	80.60m²
Second Dwelling	110.00m²
Swimming pool:	12.00m²
Boundary wall length:	33.24m
Total floor area:	276.89m²
Coverage	152.58m² = 40.47%

Checked by: 
K. Sampson - SACAP Reg. No: D0736

Owner: 

Copyright of this plan is in terms of the copyright act, 1978 (act no.98 of 1978 as amended up to copyright amendment act 2002)

Drawn by: Kevin Sampson
SACAP Reg. No: D 0736
Cell: 083 590 7676
alterplansa@gmail.com

Checked by: Kevin Sampson
SACAP Reg. No: D0736

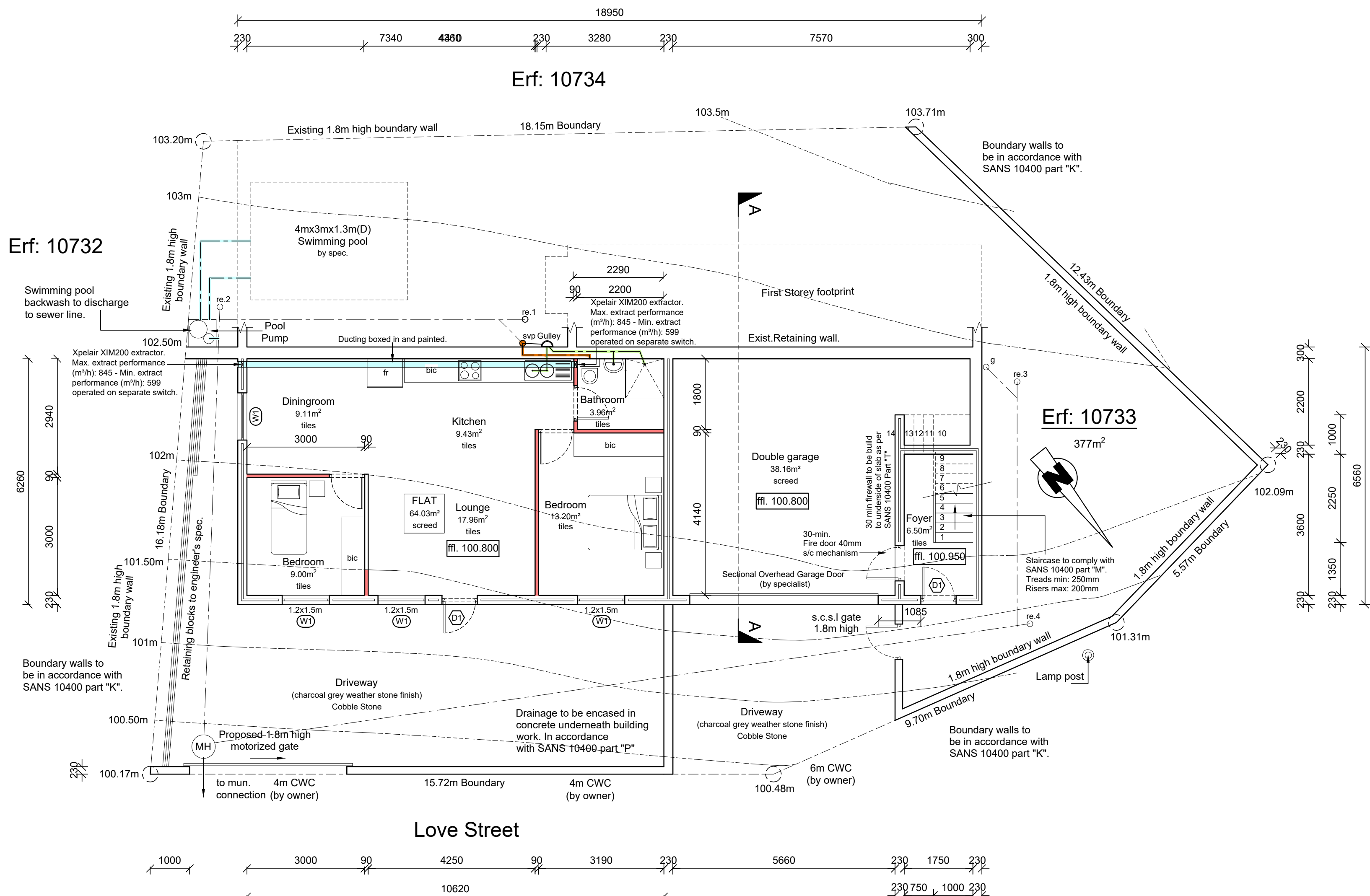
Project: **As Built Ground Storey Flat
Garage omitted**

Client: **Nooraan Gabier Abrahams**
Address: **Love Street, Glen Lily Estate,
Malmesbury**
Erf: **10733**

Drg. No: **AP 2023 - 1246**
Scale: **1:100 @ A1**

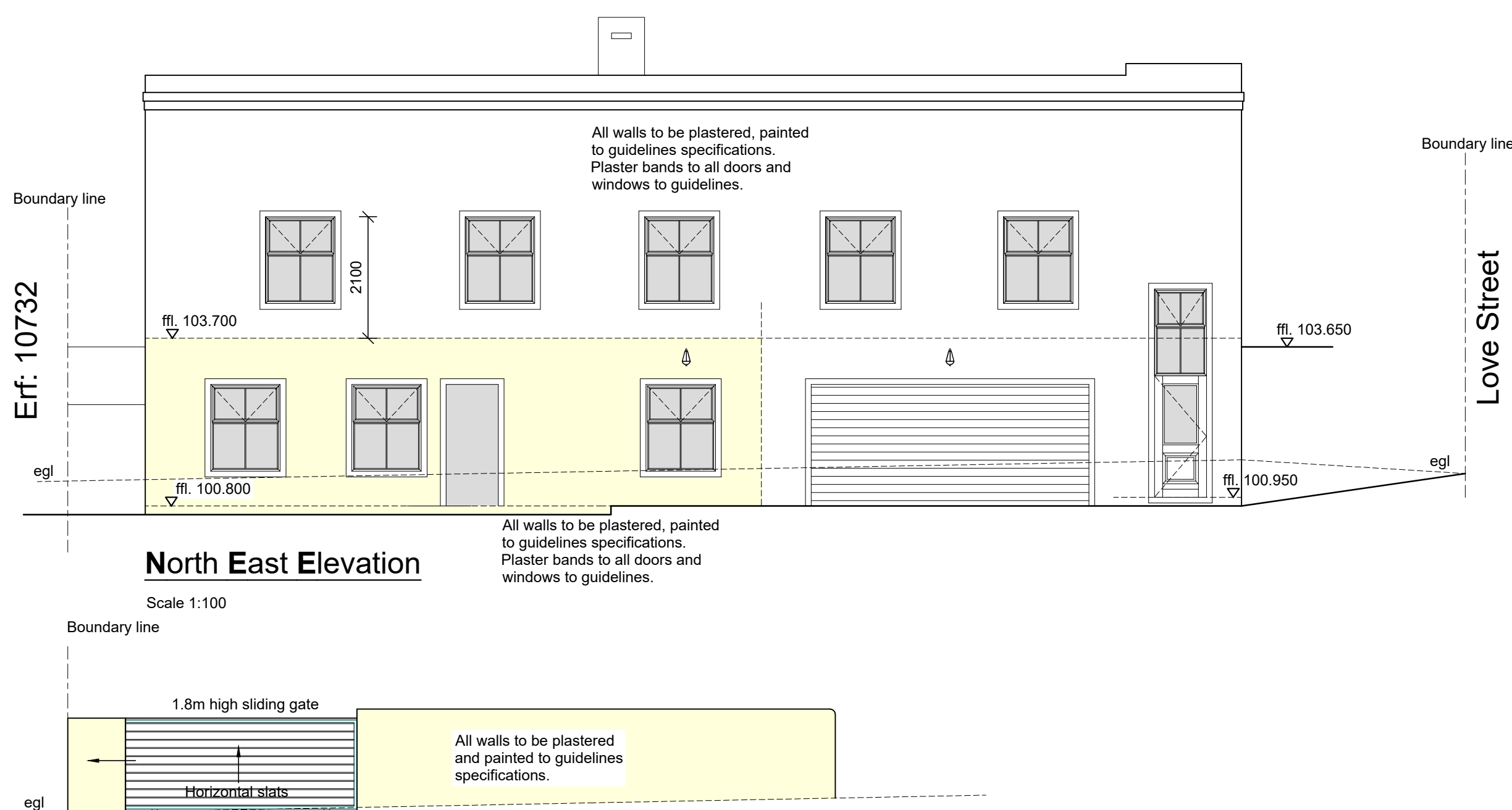
Date: **28.08.2024**
Page: **1 of 1**
Rev:

ALTERPLAN



Site & Ground Storey Plan

Scale 1:100

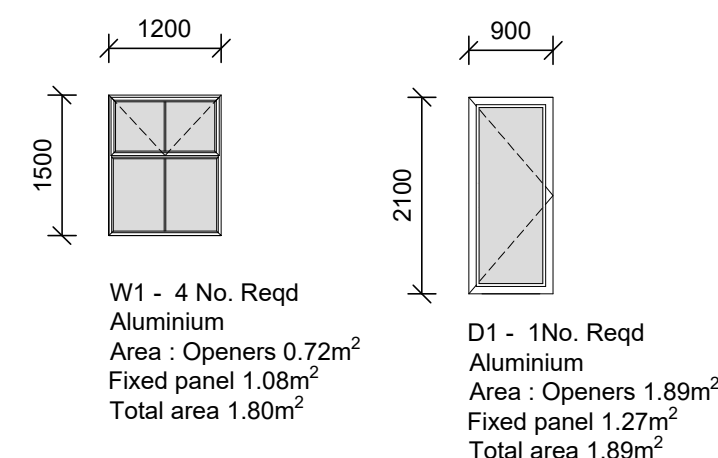


North East Elevation

Scale 1:100

North East Elevation
Boundary Wall

Scale 1:100

Window & Door Schedule
Ground Storey (Flat)

1:100

SANS 10400 XA Calculations (Zone 1)**FENESTRATION:****GROUND STOREY: (DWELLING)**

Nett floor area - 64.03 m²
Total area of glazed element = 7.29 m² (11.38%).
Door and windows : Aluminium thermal break single clear.

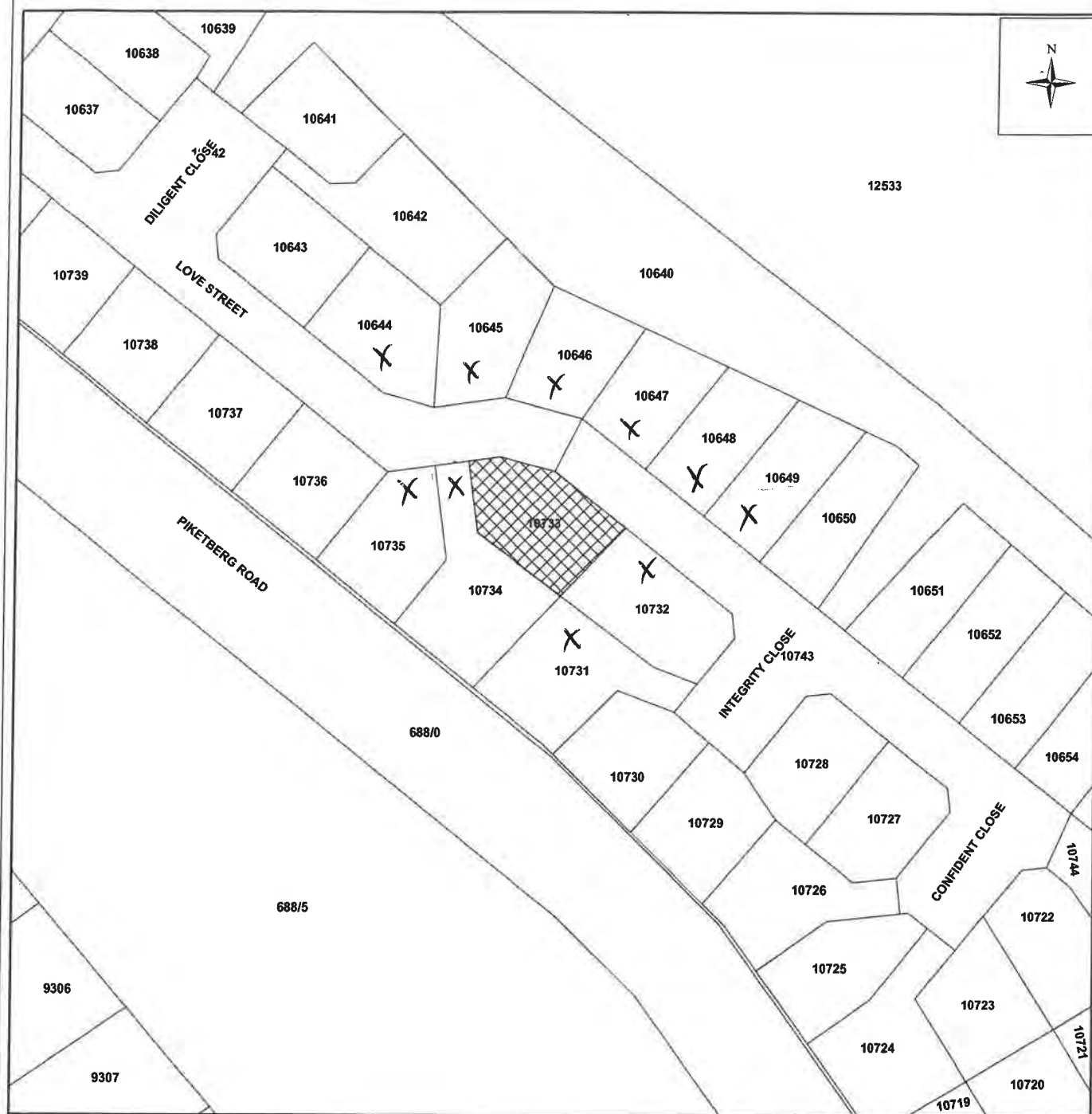
Total Fenestration does not exceed maximum deemed to satisfy value of 20% of nett floor area.

**GLEN LILY SOUTH
HOME OWNERS ASSOCIATION**

28 August 2024
**Tel: 083 590 7676
KEVIN SAMPSON**

Alterplan Architectural Designers
P.O. Box 50656, West Beach, 7441.
Cell: 083 590 7676
Cell: 079 334 2467
Cell: 063 658 0575

Liggingsplan

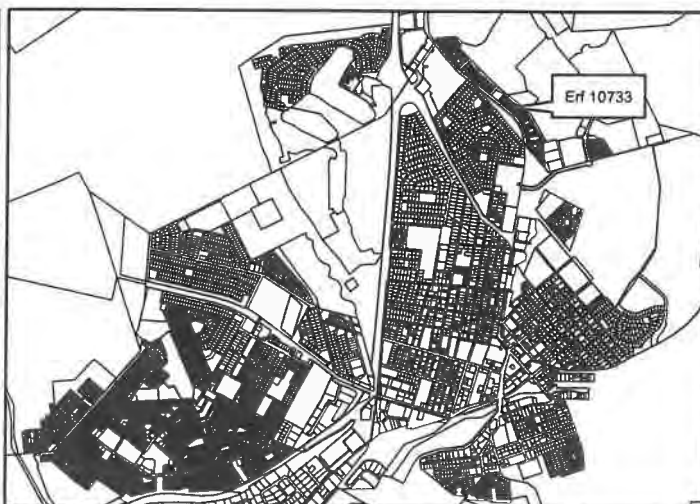


Voorgestelde vergunningsgebruik

Erf 10733, Malmesbury

Publieke deelname

Skaal: NVT





RESOLUTION

As per the Sectional Titles Act of 2011 No.8

IT WAS RESOLVED AS FOLLOWS AT THE FOLLOWING MEETING

Resolution on Development of Two Units on One Erf as Sectional Title

WHEREAS, the homeowners' association (HOA) owners convened at a Special General Meeting (SGM) held on 13 September 2023, where the matter of developing two units on one erf as a sectional title was discussed; and

WHEREAS, the owners present at the SGM recognized the potential benefits of this development, including maximizing the use of available space, increasing property values, and contributing to the overall well-being of the community; and

WHEREAS, the financial implications of this development, including the determination of how each member will contribute to the levies associated with the additional units, require further clarification and agreement among all members; and

WHEREAS, the HOA owners acknowledge the need to amend the constitution to accommodate the proposed development and ensure that it aligns with the association's governance framework;

This resolution is hereby passed by a majority vote at the SGM, and it represents the collective agreement of the HOA owners. The association's board of trustees and relevant committees are authorized to take all necessary actions to implement this resolution in accordance with the agreed-upon conditions.

SIGNED ON THIS 04 DAY OF October 2023.

[Signature]
Trustee Name

[Signature]
Signature

10709
Unit No

DR. Abraham
Trustee Name

[Signature]
Signature

10661
Unit No

Zelda Jordan
Trustee Name

[Signature]
Signature

10715
Unit No

Munisipale Bestuurder
Swartland Munisipaliteit
Privaatsak X52
Malmesbury

Vir aandag: Me D N Stallenberg

(Lêerverw: 15/3/10-8/Erf_10733)

VOORGESTELDE VERGUNNINGSGEBRUIK OP ERF 10733, LOVE STREET 41, GLEN LILY SOUTH, MALMESBURY.

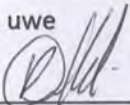
Beswaar teen vergunningsgebruik vir 'n tweede wooneenheid op erf 10733 ingevolge artikel 60.

Ek is die eienaar van erf 10735 en maak ten sterkste beswaar teen die vergunningsgebruik vir 'n tweede wooneenheid op erf 10733 en wel om die volgende redes:

- 1) Die woonhuis is ten volle klaargebou sonder die nodige toestemming vir 'n tweede woonhuis op genoemde erf. Dis teen die normale bou regulasies en teen die verordening insake Munisipale Grondgebruikbeplanning (PK 8226 van 25 Maart 2020).
- 2) Met u skrywe oor die aangeleentheid gedateer 14 Oktober 2024 is daar geen skrywe aangeheg waar die Glen Lily eienaarsvereniging toestemming gegee het vir 'n 2de woonheid op genoemde erf nie. Daarby is die eienaar/aansoeker Dr NG Abrahams die eienaar, die bouer en 'n belangrike bestuurlid op die bestuur van die eienaarsvereniging van Glen Lily. Dus baie belange en moontlike gebruik (of misbruik) van invloed.
- 3) Tydens die bou van die woonhuis was daar aan die eienaar van erf 10734 deur Dr NG Abrahams duidelik gestel dat die woonhuis 'n enkel vlak woonhuis sal word. Tot ons verbasing word dit toe 'n dubbel verdieping wat ons uitsig vanaf Erf 10734 en Erf 10735 erg belemmer.
- 4) Die uitsig belemmering het (en sal) die waarde van my eiendom baie nadelig beïnvloed.
- 5) Indien die raad die vergunningsgebruik goedkeur kom daar minstens ongeveer 4 voertuie by van die aansoeker se erf 10733. Die woonhuis is reeds gebou op 'n onoorsigtige straathoek. Ons is verplig om agteruit van erf 10734 en 10735 te ry omrede die helling en ruimte nie toelaat om die voertuie te draai nie en wat die inry in Love Street baie moeilik maak met nog meer voertuie in die betrokke straat gedeelte.
- 6) Om u 'n idee te gee van die aantal voertuie op 'n betreklike klein gedeelte van Lovestraat met 'n duidelike draai in die smal straat die volgende: Erf 10644 – 2 voertuie, Erf 10645 die eienaar het 2 voertuie en sy minstens 2 huurders het elk ook 'n voertuig en daar is geen motorhuis (Nog 2 voertuie), Erf 10646 minstens 1 Voertuig wat altyd op die sygaardjie staan, Erf 10734 en Erf 10735 het elk 2 Voertuie (4 Voertuie) wat agteruit vanaf die erf moet ry tot in Lovestraat. Dit is totaal 11 voertuie in 'n smal en kort gedeelte met 'n onoorsigtelike draai van Lovestraat. Daar kom moontlik nog eens minstens 3 tot 4 voertuie by indien die vergunningsgebruik goedkeur word. **Dit gee 'n totaal van 14 tot 15 voertuie waarvan minstens die 6 tot 8 op die sygaardjie staan.**
- 7) Met die bestudeer van die aangehegte bouplan van erf 10733 wil dit moontlik voorkom dat die vloeroppervlakte van die voorgestelde woonstel/2de wooneenheid se venster oppervlakte te klein/weinig kan wees vir die woonstel/2de wooneenheid wat moontlik teen die nasionale bouregulasies kan wees.
- 8) Ons wil ook beswaar aanteken teen die moontlike aansoek vergunningsgebruik op Erf 10728 te Lovestraat 37 waar dieselfde eienaar/bouer ook 'n dubbelverdieping huis gebou het en moontlik na die voltooiing van die dubbelverdieping woonhuis 'n aansoek ingedien het vir 'n tweede wooneenheid op daardie genoemde Erf 10728. As dit die geval is, is dit baie duidelik ook 'n oortreding van munisipale wetgewing.
- 9) Met die bestudeer van die Glen Lily "Guidelines" wil dit voorkom dat die eienaar en die argitek moontlik saamspan in moontlike onwettige handelinge en daarby moontlik ook die Glen Lily "Guidelines" oortree.

Met alles hierbo genoem maak ek as eienaar van erf 10735 ten sterkste beswaar teen die betrokke aansoek met verwysingnommer 15/3/10-8/Erf_10733.

Die uwe



Riaan Crafford
Simmentalerstraat 35
Malmesbury 7300
Tel 082 933 6103

From: Christie Swart <christie@koelenhof.co.za>
Sent: Thursday, 17 October 2024 16:26
To: Registrasie Email <RegistrasieEmail@swartland.org.za>
Subject: 15/3/10-8/ERF 10733/10728

Aan wie dit mag aangaan.

Christie Swart 39 Love Street

0845883691

Erf 10732/10728

Kommunikasie kan per epos geskied.

Ek stem teen dat n tweede wooneenheid aangebring word aan erf 10733/10728

Beide die erwe se bou van die woning is reeds voltooi dus verstaan ek nie dat daar nou eers gevra word vir vergunning nie.

Redes hiervoor:

1. Daar is geen venster of ventilasie in badkamer gedeelte op die onderste eenheede. Swartland munisipaliteit dring aan dat ek op my huidige badkamer en kamer n “skyroof” aanbring aangesien daar nie voldoende lig en lug is nie en ek het reeds vensters in beide van die kamers. Op die eenheede is daar geen natuurlike lig of lug nie.
2. Dit verdubbel die hoeveelheid voertuie wat in die hoofstraat van Glen Lilly uit die eiendom moet trek en daar is geen parkering vir gaste nie. Glen Lilly se hoofstraat is reeds beperk met die hoeveelheid voertuie wat snags in die pad staan aangesien daar nie genoegsame voorsiening gemaak is vir parkering nie.
3. By erf nommer 10728 is die parkering vir gaste gebou in die lyn van n ander erf se “driveway” na sy motorhuis. Dus kan die erf se mense nie uit hulle motorhuis as daar iemand parkeer het nie.
4. Aangeheg is n tekening van die eindom waar n muur aangebring is wat hoër is as die 1.8meter toegelate muur hoogte volgens Glen Lilly reels
5. Die plan is nie korrek volgens die geboude eiendom nie.
6. Volgens ek vertaan is daar oor die boulyn gebou na mykant toe maar ek mag verkeerd wees.
7. Hoe gaan die water en kragrekening werk met twee gesinne wat dit moet deel.

Ek sal graag wil anoniem bly aangaande my redes vir die toelating van twee wonings op een erf aangesien ek voel ek sal geteiken word deur sekere lede van die Trustees van Glen Lilly.

Groete

Christie Swart
Logistics Manager
Tel: +27 21 865 2020/1
Cell: +27 84 588 3691

Website: www.koelenhof.co.za

Email: christie@koelenhof.co.za

ALTERPLAN (Pty)Ltd

BUILDING PLANS – LAND USE APPLICATIONS – SUB DIVISIONS
ARCHITECTURAL DESIGNS – RE ZONINGS

1 BICCARD ROAD MALMESBURY 7299 / 3 HARBOUR CLOSE WEST BEACH

Cell : 083 5907676 – Office Cell : 063 658 0575

email:kevin@alterplan.co.za alterplansa@gmail.com website www.alterplan.co.za

Neighbours Christie Swart Erf 10732 and Erf 10735 Riaan Crafford

DATE : 04/12/2024

Swartland Municipality
Kerk Street
Malmesbury
7299

Attention : Case Officer – H.Olivier

RE : Objectors Neighbours : Christie Swart Erf 10732 and Erf 10735 Riaan Crafford

Objections to double storey units on Erf 10728 and Erf 10733 respectively.

Erf 10733

Item 1 : Mr Christie Swart comments

No window or ventilation provided to the bathroom on the ground floor.

We have provided for Mechanical extraction and artificial lighting in accordance with SANS 10400 xa Part “O”.

Item 2 :

Alleged lack of parking.

The property allows for parking 3 vehicles to the main parking area ,there is also a full park bay to the driveway plus a double garage under the 1st storey.

This equates to parking for a total of 6 vehicles which we doubt will ever be utilised to the full.

This address’s the concerns relating to Erf 10733.

Erf 10728

Item 3 :

Parking : There is a park bay for 2 x vehicles on Love street, Integrity close has parking for 2 vehicles in front of the garage as well as a full double garage,this equates to 6 bays.

Item 4 :

No drawing attached of the alleged high wall which exceeds 1.8 m.

Item 5 :

Alleges the plan is incorrect as it is not in accordance with the existing building ,we are not aware of this.

Item 6:

Alleges the build is over the boundary line ,not aware of this,surely the building inspector would have corrected this during the foundation inspection.

Item 7 :

Water and Electricity – this is of no concern to the complainant.

We reject his allegations that he will be targeted by the Trustees and wishes to remain anonymous is absurd.

Erf 10728 & 10733

Mr Riaan Craford – His main objection appears to be against a 2nd dwelling.

He refers to Article 60 and the normal building regulations as per Municipal land usage and planning (PK8226 25March 2020. Council to deal with this.

Parking complaint we have dealt with this as mentioned previously.

We cannot verify the conversation between Dr Abrahams and the tenant at Erf 10734.

The views will be compromised ,due to the fact that double storey units are allowed as per the guidelines. There cannot be any guarantee to any proposed home Owner that there someone may opt to construct such a unit as long as it is within the guidelines and municipal regulations.

We object and strongly reject his allegations, that we as Alterplan , namely myself have conspired with Dr Abrahams and the Trustees to adjust the guidelines to allow for this type of construction.

We would in this case request that Mr Crawford retracts his statement with an apology failing which we will seek a legal action against him for slandering and malicious gossip.

Please do not hesitate contacting this office should you require any further information or assistance.

Yours faithfully

K. O. Sampson

KEVIN SAMPSON

DIRECTOR & FOUNDER

Reg no.D0736 member S.A.C.A.P./ Reg no. 32588 SAIAT

Member South African Council of Architectural Professionals.

Member South African Institute of Architectural Technology.



Verslag ♦ Ingxelo ♦ Report

Kantoor van die Direkteur: Ontwikkelingsdienste
Departement: Ontwikkelingsbestuur

31 Januarie 2025

15/3/5-11/Erf_486

WYK: 12

ITEM 6.4 VAN DIE AGENDA VAN 'N MUNISIPALE BEPLANNINGSTRIBUNAAL WAT GEHOU SAL WORD OP WOENSDAG 12 FEBRUARIE 2025

LAND USE PLANNING REPORT					
APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE CONDITIONS ON ERF 486, RIEBEEK KASTEEL					
Reference number	15/3/5-11/Erf_486	Application submission date	16 October 2024	Date report finalised	31 January 2025

PART A: APPLICATION DESCRIPTION						
<p>Application for the removal of restrictive title conditions 1.B.5, 1.B.6(c), 1.B.6(d), II.(B).5. II.(B)6(c) and II.B.6(d) of Title Deed T35731/2021 on erf 486, Riebeek Kasteel in terms of section 25(2)(f) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) has been received for consideration. The purpose of the removal is to do away with the restriction with regard to the usage of the property, coverage and building lines</p> <p>The applicant is CK Rumboll and Partners and the owner of the subject property is Mr TC Siebert on behalf of ERF 419 HALFWAY HOUSE EXT 48 (PTY) LTD.</p>						
PART B: PROPERTY DETAILS						
Property description (in accordance with Title Deed)	Erf 486, Riebeek Kasteel in the Swartland Municipality, Malmesbury Division, Province of the Western Cape					
Physical address	5 Kasteel Street		Town	Riebeek Kasteel		
Current zoning	Residential Zone 1	Extent (m ² /ha)	1131m ²	Are there existing buildings on the property?	Y	N
Applicable zoning scheme	Swartland Municipal By-Law on Municipal Land Use Planning (PG 8226 of 25 March 2020)					
Current land use	Dwelling house		Title Deed number & date	T35731/2021		
Any restrictive title conditions applicable	Y	N	If Yes, list condition number(s)	1.B.5, 1.B.6.(a)-(d), II.(B)5., II.(B)6.(b)-(d).		
Any third party conditions applicable?	Y	N	If Yes, specify			
Any unauthorised land use/building work	Y	N	If Yes, explain			

PART C: LIST OF APPLICATIONS (TICK APPLICABLE)							
Rezoning		Permanent departure		Temporary departure		Subdivision	
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 an owner's association		Rectify failure by owner's association to meet its obligations		Permission for the reconstruction of an existing building that constitutes a non-conforming use			

PART D: BACKGROUND

The owner / developer has a specific need for certain extensions to the existing dwelling on the property as well as a new carport. The design does not comply with the title deed restrictions and therefore application is made for the removal of restrictive title conditions 1.B.5, 1.B.6(c), 1.B.6(d), II.(B).5. II.(B)6(c) and II.B.6(d) of Title Deed T35731/2021 on erf 486, Riebeek Kasteel in terms of section 25(2)(f) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020).

The restrictions need to be removed / amended to accommodate the development proposal.

PART E: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken?	Y	N	If yes, provide a summary of the outcomes below.
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PART F: SUMMARY OF APPLICANTS 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 application property (Erf 486, Riebeek Kasteel) is located along Kasteel Street, which is situated in a low-density residential area within the town of Riebeek Kasteel. The town of Riebeek Kasteel is one of the oldest towns in South Africa and is situated along the foothills of the Kasteelberg, within the Swartland Local Municipality. Riebeek Kasteel is located approximately 20 kilometres east of the town of Malmesbury and 80 kilometres north-east of the Cape Town Metropolitan area.

Access to Erf 486, Riebeek Kasteel is currently obtained from Kasteel Street, which is located to the south of the application property, and after the proposed development will remain unchanged.

There is currently enough off-street parking on Erf 486, Riebeek Kasteel. Subsequent to when the proposed developed on Erf 486, Riebeek Kasteel has come into fruition, there will still be a sufficient amount of off-street parking available on the property, in terms of the requirements set out in Chapter 13 of the Swartland Municipal Land Use By-Law (PG 8226 of 25 March 2020).

Erf 486, Riebeek Kasteel, is situated in an established urban area which comprises of numerous existing municipal civil service provisions. Once completed, the proposed development will connect directly to the existing municipal civil service provisions. It is not anticipated that the proposal will have an adverse impact on the existing service provisions.

The proposed new structures that are to be developed on Erf 486, Riebeek Kasteel includes the development of an entertainment area (braai patio), deck and swimming pool, covered deck as well as a covered entrance (pergola), new washroom, new bedroom and carport. The proposed entertainment area (braai patio), deck and swimming pool will be situated on the northern section of Erf 486, Riebeek Kasteel, behind the existing dwelling, whilst the proposed covered entrance (pergola), new washroom, new bedroom and carport will be situated on the southern section of Erf 486, Riebeek Kasteel, in front of the existing dwelling.

With the proposed development, the owner of Erf 486, Riebeek Kasteel, intends to incorporate and accommodate various new land uses on the application property, such as a new washroom and a new bedroom, carport, covered entrance (pergola), entertainment area (braai patio), deck and swimming pool.

Restrictive title deed conditions were historically implemented by the Administrators, to control the land use and development of properties, in order to maintain a particular character, density, and overall use within all built up areas, which includes residential areas. These restrictive conditions were often designed to ensure uniformity in building types, as well as to protect property values and regulate the density of dwellings, thereby preventing potential uncontrolled development and overcrowding. In many cases, title deed restrictive conditions were also used to enforce zoning regulations before comprehensive zoning schemes were set in place.

With the commencement of the Swartland Municipal Lands Use Planning By-Law (PG 8226 of 25 March 2020), which came into effect in March 2017, it became no longer necessary for building parameters and development guidelines to be specified within property title deeds.

the relevant restrictive title deed conditions limit the overall development potential of the application property. Thereby, indicating that the above-mentioned restrictive title deed conditions (1.B.5. & II.B.5.) do not provide sufficient land use alternatives in order to maximise the development potential on the application property.

The motivation behind the removal of the above-mentioned restrictive title deed conditions will not only allow for the proposed development on Erf 486, Riebeek Kasteel to be constructed without any unnecessary restrictions and limitations, but will also allow the property to be developed in closer accordance along with also becoming more consistent with the Swartland Municipal Land Use Planning ByLaw (PG 8226 of 25 March 2020), thereby ultimately allowing Erf 486, Riebeek Kasteel to be developed to its full potential.

Additional to the above the applicant motivates that:

1. The proposal complies with the Swartland Spatial Development Framework (2023-2027) as the main forward planning document for Riebeek Kasteel and the Swartland Municipal Area as a whole.
2. The proposal complies with the Swartland Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020).
3. The proposed development enhances the principles of LUPA and SPLUMA.
4. The proposed development on Erf 486, Riebeek Kasteel is well-suited to the area, with no negative impact on surrounding properties, as it does not introduce any visual obstructions or significant alterations to the external character, whilst also being appropriately scaled and harmonized with its surroundings.
5. The proposed development will complement the character of not only the property but also the surrounding residential area and will not adversely affect any natural conservation areas or surrounding agricultural practises.
6. The proposed development promotes further effective and efficient development practices, whilst also promoting compactness within an establishment urban area, with a new bedroom being constructed onto the house, thereby embracing infill development, whilst combating urban sprawl.
7. The proposed development will make optimal use of the land available on Erf 486, Riebeek Kasteel by constructing various new structures (washroom and new bedroom, carport, covered entrance (pergola), entertainment area (braai patio), deck and swimming pool), whilst complying with the Swartland Municipal Spatial Development Framework (2023-2027) and the Swartland Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020).
8. The proposed removal of the restrictive title deed conditions will allow for the previously enforced, outdated restrictions that do not align with the current Swartland MSDf and relevant municipal bylaw, to be removed.
9. The removal of the relevant restrictive title deed conditions will ultimately ensure that Erf 486, Riebeek Kasteel's title deed is updated and thereby in better alignment with the current Swartland Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020).

PART G: SUMMARY OF PUBLIC PARTICIPATION

Was public participation undertaken in accordance with section 55- 59 of the Swartland Municipal: By-law on Municipal Land Use Planning	Y	N
The application was published in local newspapers and the Provincial Gazette on the 25 th of October 2024, in terms of Section 55 of the By-law. The commenting period, for or against the application, closed on 25 th of November 2024.		

In addition to the publication, a total of 17 written notices were sent via registered mail to the owners of affected properties, in term of Section 56(1) & (2) of the By-Law (refer to Annexure C). A total of 4 notices were returned unclaimed.							
Total valid comments	1			Total comments and petitions refused	0		
Valid petition(s)	Y	N	If yes, number of signatures	0			
Community organisation(s) response	Y	N	N/A	Ward councillor response	Y	N	No comments were received.
Total letters of support	None						
PART H: COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS							
Name	Date received		Summary of comments			Recommendation	
Division: Building Control	22 October 2024		No comments			No comments	
Department: Civil Engineering Services	17 October 2024		No comments			No comments	
Department Protection Services	14 October 2024		No comments			No comments	

PART I: COMMENTS RECEIVED DURING PUBLIC PARTICIPATION		SUMMARY OF APPLICANT'S REPLY TO COMMENTS	MUNICIPAL ASSESSMENT OF COMMENTS
Lloyd Associates Architects and Urban Designers on behalf of Me Petro Meyer, Me Adri Walters, Me Jacqueline Lloyd as well as RWT Lloyd as owners of neighbouring properties as well as residents in the area.	The objectors firstly provide a critical review of the motivation report submitted by the applicant thereafter they elaborate on their reasons for objecting to the proposal application.		
	1. The motivation report only focuses on the benefit of the owner and fails to address the negative implications on other affected parties / property owners and the village ambiance in general. In the review document the objectors refer to the design being excessive in respect of coverage, scale, bulk and although being consistent with the town planning regulations, it ignores the interest and rights of the neighbours.	1. The applicant motivates that the proposed development on Erf 486 has been carefully planned and designed in line with responsible urban development and architectural principles, balancing the needs of the owner with the broader interests of the community, whilst complying with the relevant municipal regulations and policies, i.e. the Swartland Municipal By-Law on Land Use Planning (PG 8226 of 25 March 2020), and the Swartland Municipal Spatial Development Framework (2023-2027).	1. Although the applicant is of opinion that neighbouring properties will not be negatively affected, it is agreed that they did not elaborate in the motivation report what the possible negative impacts are and how they can be mitigated. The proposal has not been carefully planned and designed. The proposal entails a one-bedroom dwelling with outbuildings which could be argued as being excessive with an extent of 434m².
	2. The objectors question the justification of the proposal and deem it to be entirely in the self-interest of the owner of erf 486. The large-scale building extending over almost the whole length of the erf is not in keeping with the character of the area. In the review document the objectors refer to the proposal, which in their opinion may result in or add to	2. Coverage Exceeding 33 %. The proposed coverage of 38.37 %, whilst exceeding the prescribed 33.33 % as outlined in the title deed, remains within the permitted 40% coverage, as stipulated within the Swartland Municipal By-Law on Land Use Planning (PG 8226 of 25 March 2020), for Residential Zone 1 zoned properties, which comprise of a total land area of more than 1000m². With the commencement of the Swartland Municipal Land Use Planning By-law, which came into effect in March 2017, it is no longer necessary for building parameters to be specified in the Title Deed. However, by proposing a minor coverage increase (5.37 %) from the title deed coverage restriction, but still adhering to the coverage restriction set out by the Swartland Municipal Land Use Planning By-law, enhances the overall functionality and liveability of the dwelling on Erf 486. These improvements contribute to the overall value of the property and the surrounding area, making it more attractive and suitable for permanent	2. The municipality can only consider what is presented to it and therefore although the departure of the coverage could be argued to be minimal and still consistent with the provisions of the development management scheme, it is still land use rights in favour of affected property owners within the township.

	<p>gentrification, destroying the unique character of the places that seasonal and daily tourist visitors find so attractive.</p>	<p>family living, which benefits the community by encouraging stability and investment in Riebeek Kasteel.</p> <p>It is important to note that all property owners have the right to apply for the removal of restrictive conditions listed in title deeds, if development proposals warrant it. Over the years, urban dynamics have evolved, making it appropriate to adapt to these changes by removing such restrictions. This allows property development to align with the applicable zoning scheme regulations.</p> <p>Reduction of the Building Line on Kasteel Street.</p> <p>The proposed reduction of the current 6.3 meter street building line to 4 meters is required, in order to accommodate the proposed washroom, new bedroom and the carport, which have been designed with careful consideration in terms of spatial integration and proportionality. The proposed additions remain visually unobtrusive, thereby preserving the streetscape, overall aesthetic appeal of the property as well as the surrounding neighbourhood. The proposed 4-meter street building line will continue to provide adequate setback separation in line with the building line restriction, as set out in Schedule 2 of the Swartland Municipal Land Use Planning By-law for Residential Zone 1 properties, thereby ensuring that the development does not overshadow or negatively affect neighbouring properties.</p> <p>Furthermore, as explained in the land use application's motivation report, the current 6.3 meter street building line was imposed by the previous administrator (Ordinance no 15 of 1952), which does not align with the current land use planning by-law of the Swartland Municipality. Therefore, the proposed 4 meter street building line will ensure that the properties street building line complies with, and is more in line with the current Swartland Municipal By-Law on Land Use Planning (PG 8226 of 25 March 2020).</p> <p>Additionally, it is noted that the dwelling and carport on the abutting Erf 335 already extend beyond the 6.3 m street building line (see the following figure for reference). Therefore, by removing the restrictive condition relating to a 6.3 m building line, the property can be developed in harmony with the existing character of the surrounding residential area.</p> <p>Length and Scale of the Development</p> <p>The proposed dwelling's overall length, being approximately 30 meters, is a reflection of the specific design requirements and functional needs of the property owner, whilst remaining fully compliant with municipal standards</p>	
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		<p>regarding building lines and coverage, as stipulated within the Swartland Municipal By-Law on Land Use Planning (PG 8226 of 25 March 2020). Despite its length, the structure remains within the permitted coverage percentage, thereby leaving sufficient open space on the property. Its linear layout optimizes functionality whilst aligning with the dimensions of the erf, creating a balanced and cohesive design. Although its scale has been compared to institutional buildings, the height, architectural design, and intended residential use distinguishes it from such structures, confirming that its overall length is proportionate to the erf size. Similar designs have been approved within the municipality, reflecting alignment with the local spatial development framework and land use planning by-law. Therefore, the dwelling's scale is justified, complying with all relevant standards and harmonizing with its surroundings without constituting overdevelopment.</p> <p>Addressing Community and Town Ambiance</p> <p>The objection's suggestion that the proposed development undermines the street and town ambiance does not reflect the reality of the proposal. The design maintains harmony with the character of Riebeek Kasteel by respecting the neighbourhood's charm and scale. The enhancements will attract long term residents or families who will contribute to the vitality and cohesion of the community, thereby countering concerns of absentee ownership. Furthermore, the improvements to the property will most likely have a positive impact and ripple effect on surrounding property values, ultimately fostering and promoting continued investment in the area.</p> <p>Public and Environmental Benefits</p> <p>The proposal aligns with planning legislation, policies, and principles that advocate for maximizing the use and functionality of residential properties in a way that benefits both the property owner and the broader community. Enhancing the liveability of Erf 486 not only serves the owner's needs, but also contributes to the town's appeal by promoting a well-maintained, aesthetically pleasing property that complements the surrounding environment. Densifying areas within the urban edge through spatial planning tools, such as infill development, is recommended for all towns in the Western Cape, as outlined in the Western Cape Provincial Spatial Development Framework. The application supports densification within Riebeek Kasteel whilst ensuring land development aligns with the prescribed parameters for Residential Zone 1 properties, as outlined in the Swartland Municipal Land Use Planning By-Law.</p> <p>The proposed development on Erf 486 represents a thoughtful, proportional, and contextually appropriate use of the site. It respects the community's character whilst addressing contemporary housing needs, along with the removal of the relevant restrictive title deed conditions being justified considering the benefits to both the property and the</p>	
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		neighbourhood. The objections, whilst acknowledged, does not outweigh the broader merits of the proposed development.	
	<p>3. The objectors argue that the proposed bedroom which is not interleading with the rest of the house is deemed a separate dwelling unit (flatlet). Furthermore, the location of the flat requires that the building line restriction be relaxed from 6m to 4m with no motivation other than it would be convenient. The objectors argue that a commonly accepted criterion for good street design, in Town Planning terms requires setbacks to all contiguous properties to be consistent.</p>	<p>3. The applicant motivates that the proposed washroom and new bedroom on Erf 486 are integral parts of the main dwelling, designed to enhance its functionality and suitability for a single-family living.</p> <p>Whilst physically detached, these structures are seamlessly connected to the existing dwelling via a 3-meter-wide covered pergola, ensuring that they function as part of the primary residence. The bedroom will not function as a separate dwelling, which is clearly proved by the absence of a kitchen.</p> <p>The relaxation of the 6.3 m building line to 4 m is detailed and motivated in the response to objection 1. Please refer to the comments above.</p>	<p>3. The separate bedroom is indeed not a second dwelling as it is not sufficient to accommodate the living accommodation of a single family. It is however deemed an outbuilding to accommodate a domestic worker or possibly a caretaker / butler.</p> <p>The out building therefore does not have to be interleading, however could have easily been designed in compliance with the title deed building line restriction. The addition of the 3m wide covered entrance / pergola is therefore not justified.</p>
	<p>4. The objectors point out that the proposal consist of a one-bedroom dwelling with a very large entertainment room which is disproportionate to a typical family dwelling, suggesting a use other than that of a dwelling.</p>	<p>4. The applicant responds by stating that the proposed extensions to the existing dwelling are designed to complies with the development parameters specified in the Swartland Municipal By-Law on Land Use Planning for Residential Zone 1 properties, which is the property's existing zoning classification.</p> <p>Therefore, no departures from these parameters are being requested. The intent is to develop the property in accordance with the primary use permitted for Residential Zone 1, thereby adhering to all applicable development parameters. The building will serve as a single-family residence, used exclusively for residential purposes. Therefore, this application is expected to have little to no impact on parking and noise.</p> <p>Additionally, the entertainment area is located on the northern side of the erf, behind the dwelling, thereby ensuring privacy and minimizing any potential impact on neighbouring properties.</p> <p>Noise levels will be typical of a residential setting, and the property provides sufficient onsite parking to accommodate residents and their potential</p>	<p>4. Please refer to the comments above.</p>

		<p>guests, without contributing to street congestion, whilst adhering to the Swartland Municipal By-Law on Land Use Planning (PG 8226 of 25 March 2020), in terms of parking requirements.</p> <p>In conclusion, the entertainment area is a well-considered addition that enhances the liveability and value of the property without compromising its residential use or negatively impacting the surrounding neighbourhood. The proposed development remains fully compliant with town planning principles, and its design supports the continued residential character of the area.</p>	
5. The objectors are also concerned about the building mass with relation to floor levels.	<p>They argue that the finished ground floor appears to be >1m above the natural ground level with the northeastern corner of the building being as much as 2,5m above the ground.</p>	<p>5. The proposed development on Erf 486 complies with the municipal height restrictions and has been carefully designed to align with relevant town planning guidelines. The apparent elevation of the finished ground floor is a result of the natural slope of the land, which necessitates adjustments to ensure proper functionality and integration with the existing terrain. Whilst the northeast corner may appear elevated, the overall height of the building remains well within the allowable limits, as defined by the Swartland Municipal By-Law on Land Use Planning (PG 8226 of 25 March 2020).</p>	<p>5. The proposal only entails a single storey building and therefore should the building be raised more than 1m above the NGL the overall impact of the development will be minimal to neighbouring properties.</p>
6. The building exterior and roof present an institutional scale rather than domestic.		<p>6. As mentioned in the response to Objection 1, 2 and 3, the property will be used for residential purposes by the use of a single dwelling in accordance with its current zoning. If any other use is proposed on the property, a land use application for consent use or rezoning is required to be submitted to the Municipality for approval.</p> <p>The design is intended to maintain a domestic scale, with proportions and architectural elements that are consistent with residential properties in Riebeek Kasteel. The roof design and exterior finishes have been carefully planned to blend with the surrounding environment and to avoid any institutional appearances. Any concerns pertaining to building height and mass specifications and standards will further be addressed and evaluated during the building plan stage, where compliance with all municipal building control standards, including height restrictions, will be confirmed.</p>	<p>6. It is agreed that there are no design guidelines for development in Riebeek Kasteel and the buildings in the area have mixed designs. As mentioned above the scale of the proposal is questioned as the clients need could easily be accommodated in compliance with the</p>
7. The objectors are of opinion that the rights and interests of other property owners in Kasteel Street are		<p>7. The concerns raised regarding the rights and interests of neighbouring property owners and the proposed design of the development on Erf 486 have been thoroughly considered in the design process. Below is a detailed response to the key points raised in the objection 5:</p>	<p>7. Please refer to the comments above.</p> <p>Restrictive title deed conditions apply to a particular township and are more specific / unique, regardless of the zoning. The</p>

	<p>negatively affected and suggest that the design of the proposal should be modified and resubmitted to alleviate the negative aspects affecting neighbouring properties.</p> <p>The objectors are of opinion that the general view of the valley and mountains will be restricted by the proposal, to varying degree of all properties to the west and southwest of erf 486.</p> <p>This will result in a material loss in value. The objectors suggest modifications to the design which could easily ameliorate the negative impact.</p>	<p>Views and Property Value:</p> <p>The claim that the proposed development will restrict general views of the valley and mountains for properties to the west and southwest is noted. However, it is important to emphasize that the right to a view is not guaranteed under South African planning law unless explicitly protected by servitudes or legal agreements. Furthermore, the proposed design complies with municipal height restrictions, coverage and building lines, which are set in place in order to balance development rights with neighbourly considerations. Furthermore, the building plan stage will evaluate compliance with the relevant municipal regulations, in order to ensure minimal impact on surrounding properties. Furthermore, the development has been thoughtfully designed to integrate within its local context, and the assertion of a material loss in real value, lacks substantiated evidence.</p> <p>Building Mass and Design:</p> <p>The development has been designed within the permissible building lines, coverage and height parameters. The uninterrupted roofline and building length are consistent with regulations, and the overall design reflects a contemporary interpretation of residential architecture rather than an institutional aesthetic. Suggestions to alter the roof pitch or fragment the building mass are noted, however, the current design ensures functional and aesthetic integration whilst maintaining compliance with municipal requirements. The mono-pitched roof design is a deliberate architectural choice to harmonize with modern residential trends, whilst maximizing usability and environmental considerations, such as accommodating solar energy solutions.</p> <p>Furthermore, the properties situated along Kasteel street, do not form part of any homeowners' associations, and are therefore not subject to any set standards in terms of architectural guidelines. Therefore, the owner of Erf 486 is acting in his right to the design the dwelling as proposed, whilst ensuring adherence to the relevant town planning and architectural guidelines, outlined by the Swartland Municipality.</p> <p>New Bedroom (Not a Flat):</p> <p>As previously mentioned, and addressed, the new bedroom is not a separate flat or dwelling, it is instead an integral part of the main dwelling, connected via a 3-meter-wide covered pergola to ensure functional and aesthetic cohesion. It has been designed to comply with planning requirements, including the proposed building line amendment, which is minimal and justified by the need to create a practical and liveable residential arrangement on Erf 486.</p>	<p>Municipality cannot regard the restrictive conditions in a title deed as outdated / invalid. If the title deed restriction is more restrictive than that of the applicable development management scheme, it has preference. It is agreed that the owner has the right to apply for the removal, but such removal needs to be motivated including the potential negative impact on the affected properties need to be acknowledged and evaluated.</p> <p>The total removal of rights for insufficient reason is equal to the arbitrary removal of such rights which the Swartland Municipal Planning Tribunal already refused in a number of cases. This case is no exception as the applicants need can easily be accommodated consistent with the restrictions if the design is amended.</p>
--	--	---	---

		<p>Off-Street Parking:</p> <p>The development includes provisions for off street parking, with a carport integrated into the design to ensure compliance with parking standards and requirements. The proposed use of the property as a family home aligns with the zoning and intended residential character of the area. There is no indication of any use that would generate excessive parking demands or that would disrupt the neighbourhood.</p> <p>The proposed development adheres to municipal planning regulations, including coverage, height, and building line requirements, as stipulated within the Swartland Municipal By-Law on Land Use Planning (PG 8226 of 25 March 2020). Whilst neighbourly concerns are acknowledged, the design strikes a balance between the owner's right to develop the</p>	
	<p>8. The objectors conclude that the application should not in any account be approved and should be resubmitted within the framework of the street and environment of which it is part.</p>	<p>8. The primary concern raised by the objectors is that the proposed extension of the dwelling will encroach upon the 6.3 m street building line and extend up to the 4 m street building line, which is in accordance with the development parameters for Residential Zone 1 properties. Additionally, the objectors argue that the design and use of the property are not residential in nature and express concern that the proposed changes may negatively impact the existing character of the area.</p> <p>However, it is not anticipated that this application will adversely affect the surrounding character. The property will continue to be used as a single dwelling unit, consistent with its current usage. Furthermore, the proposed 4 m street building line aligns with the building line of the adjacent dwelling on Erf 335, where the dwelling is also built to approximately 4m. In fact, the carport on Erf 335 extends beyond this building line.</p> <p>The proposed development is, therefore, both contextually appropriate and aligned with existing development patterns in the area, ensuring minimal disruption to the neighbourhood's character. This alignment strengthens the argument that the application will integrate seamlessly into the surrounding urban fabric whilst complying with the zoning regulations.</p> <p>The proposed development on Erf 486, Riebeek Kasteel, has been carefully designed to balance modern functionality with the historical and aesthetic character of the area. The responses to the objections raised demonstrate that the development complies fully with the relevant municipal regulations, including height restrictions, building coverage, and building lines, as permitted under the Swartland Municipal By-Law on Land Use Planning (PG 8226 of 25 March 2020). The design considerations have been mindful of neighbouring properties and the broader context of Kasteel Street, ensuring that the development integrates harmoniously with</p>	<p>8. Please refer to the comments above.</p>

		<p>the surrounding environment whilst enhancing the functionality and liveability of the property.</p> <p>The proposed removal of restrictive title deed conditions aligns with the principles of the Land Use Planning Act (LUPA) and the Spatial Planning and Land Use Management Act (SPLUMA), which emphasize equitable development, efficient land use, and the promotion of sustainable growth. The development will modernize the existing dwelling, providing much needed enhancements, including additional living space and amenities, whilst maintaining the overall residential character of the property.</p> <p>It is also clear that the concerns raised regarding building mass, aesthetic integration, and impacts on neighbouring properties have been addressed comprehensively, demonstrating that the proposed development will not result in significant adverse effects. Instead, the project represents an opportunity to contribute positively to the local built environment by modernizing the property in a manner consistent with municipal planning objectives and regulations.</p> <p>This office is of the opinion that the approval of the proposed land use application for the removal of restrictive title deed conditions will enable the property owner of Erf 486, Riebeek Kasteel, to maximize the development potential of their property, in line with municipal guidelines and legal frameworks. We therefore respectfully request that the Swartland Municipality thoroughly evaluate and consider the approval of this land use application, as it reflects a thoughtful, balanced, and beneficial development for both the property owner and the broader community.</p> <p>We trust you will find the above in order when considering the application.</p>	
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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 16th of October 2024. The public participation process commenced on the 25th of October 2024 and ended on the 25th of November 2024. Objections were received and referred to the applicant for comment on the 2nd of December 2024. The municipality received the comments on the objection from the applicant on the 13th of December 2024.

Division: Town 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

The application is evaluated according to the principles of spatial planning, as contained in the abovementioned legislation.

- Spatial Justice: All the relevant facts and considerations surrounding the application is taken into account during the decision-making process. The proposal does not cause any inequality nor exclusion of any groups. Therefore, the application is deemed consistent with the principle of spatial justice.
- Spatial Sustainability: The proposal is to remove conditions registered against the title deed however, the parameters of the development management scheme is still applicable. No new services will need to be provided and the development proposal is not foreseen to put an additional financial burden on the municipality.
- Efficiency: The application intends to make the title deed less restrictive. This will enable the owner of the property to develop the property within the parameters of the applicable development management scheme.
- Good Administration: The application was communicated to the affected landowners through registered mail, email and advertisement in local newspapers and the Gazette. The application was also circulated to the relevant municipal departments for comment. Consideration is given to all correspondence received and the application is dealt with in a timeous manner. It is therefore argued that the principles of good administration were complied with by the Municipality.
- Spatial Resilience: The development proposal will enable the property owner to provide additional amenities on the property, thereby possibly raising the market value of the property. The proposal is thus deemed spatially resilient.

2.2 Integrated Development Plan (IDP) and Spatial Development Framework (SDF)

Considered not relevant to this specific application.

2.3 Schedule 2 of the By-Law (Zoning Scheme Provisions)

All zoning parameters are complied with.

3. The desirability of the proposed utilisation

The purpose of the restrictive conditions, which the applicant intends to remove, have been registered against the title deed of the subject property clearly to preserve the character of the neighbourhood. This was done for the benefit of all owners in the township. Restrictive title deed conditions apply to a particular township and are more specific / unique, regardless of the zoning. The Municipality cannot regard the restrictive conditions in a title deed as outdated / invalid. If the title deed restriction is more restrictive than that of the applicable development management scheme, it has preference. It is agreed

that the owner has the right to apply for the removal, but such removal needs to be motivated including the potential negative impact on the affected properties need to be acknowledged and evaluated.

The total removal of rights for insufficient reason is equal to the arbitrary removal of such rights which the Swartland Municipal Planning Tribunal already refused in a number of cases. This case is no exception as the applicants need can easily be accommodated consistent with the restrictions if the design is amended.

The property is 1131m² in extent, should the design be amended to comply with the coverage restriction, the applicant can still accommodate a dwelling with a footprint of 376m². Swartland Municipality can only evaluate what is presented in the application and the proposal includes a one-bedroom dwelling with outbuildings. A one-bedroom dwelling can surely be accommodated within the 376m² restriction.

The total removal of the restrictions is therefore not deemed desirable.

All costs relating to the application are for the account of the applicant.

4. **Impact on municipal engineering services**

Existing services to erf 486 are not affected.

5. **Response by applicant**

See Part F in terms of the motivation as well as part I in terms of the comments on the objections received.

6. **Comments from other organs of state/departments**

No comments were received.

PART K: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights.

The removal of the restrictive conditions may affect positively on the value of the property in favour of the property owner however, the removal of the rights enjoyed by neighbouring property owners may have a negative impact on the value of their property.

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

The rights do not relate to private rights. The By-Law and title deed does continue to perform its function even after restrictions have been amended, however in this case the restrictions are more restrictive than the parameters of the zoning scheme. The applicants need for a washroom, additional bedroom, braai patio as well as carport can easily be accommodated in compliance with the applicable restrictions.

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

There is no social benefit identified with the specific restriction. It could be argued that the proposal will have a negative impact on the neighbouring properties due to the proposed building work that is encroaching the rear, side and street building line restrictions negatively affecting the views enjoyed by the owner of erf 337, Riebeek Kasteel.

Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some of those rights?

The proposal is to amend a specific condition relating to a side building line, making it less restrictive than it was however still more restrictive than the applicable development management scheme.

PART L: RECOMMENDATION WITH CONDITIONS

The application for the removal of restrictive conditions 1.B.5, 1.B.6(c), 1.B.6(d), II.(B).5. II.(B)6(c) and II.B.6(d) of Title Deed T35731/2021 on erf 486, Riebeek Kasteel be refused in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020).

GENERAL

- (a) The applicant/objectors be informed of the right to appeal against the decision of the Municipal Planning Tribunal in terms of section 89 of the By-Law. Appeals be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, within 21 days of notification of the decision. An appeal is to comply with section 90 of the By-Law and be accompanied by a fee of R5000-00 to be valid. Appeals that are received late and/or do not comply with the requirements, will be considered invalid and will not be processed.

PART M: REASONS FOR RECOMMENDATION

The purpose of the restrictive conditions, which the applicant intends to remove, have been registered against the title deed of the subject property clearly to preserve the character of the neighbourhood. This was done for the benefit of all owners in the township. Restrictive title deed conditions apply to a particular township and are more specific / unique, regardless of the zoning. The Municipality cannot regard the restrictive conditions in a title deed as outdated / invalid. If the title deed restriction is more restrictive than that of the applicable development management scheme, it has preference. It is agreed that the owner has the right to apply for the removal, but such removal needs to be motivated including the potential negative impact on the affected properties need to be acknowledged and evaluated.

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Swartland Municipality can only evaluate what is presented in the application and the proposal includes a one-bedroom dwelling with outbuildings. A one-bedroom dwelling can surely be accommodated within the 376m² restriction.

The total removal of the restrictions is therefore deemed not desirable.


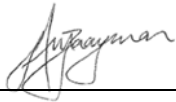
PART N: ANNEXURES

Annexure A	Locality plan
Annexure B	Proposed Building plan
Annexure C	Public Participation Plan
Annexure D	Copy of the title deed
Annexure E	Objection from Lloyd Associates Architects and Urban Designers
Annexure F	Applicants comments on the objections

PART O: APPLICANT DETAILS

Name	CK Rumboll and Partners			
Registered owner(s)	ERF 419 HALFWAY HOUSE EXT 48 (PTY) LTD.	Is the applicant authorised to submit the application?	Yes	N

PART P: SIGNATURES

Author details: Herman Olivier Town Planner SACPLAN: A/204/2010			Date: 31 January 2025	
Recommendation: Alwyn Zaayman Senior Manager: Development management SACPLAN: B/8001/2001	Recommended		Not recommended	✓
			Date: 3 February 2025	

ANNEXURE A



LEG

KEY:

Riebeeck-Kasteel Town

Application Property

TITLE:

LOCALITY MAP

ERF 486

RIEBEEK-KASTEEL

PHYSICAL ADDRESS:

5 KASTEEL STREET, RIEBEEK-KASTEEL, 7307

NOTE:

ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING

C.K. RUMBOLL & VENNOTE
TOWN PLANNERS
PROFESSIONAL SURVEYORS
16 RAINIER STREET, MALMESBURY
Tel: 022 - 4821845
Fax: 022 - 4871661
Email: planning2@rumboll.co.za

DATE:

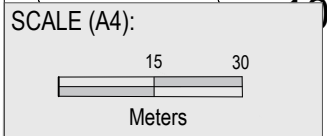
FEBRUARY 2024

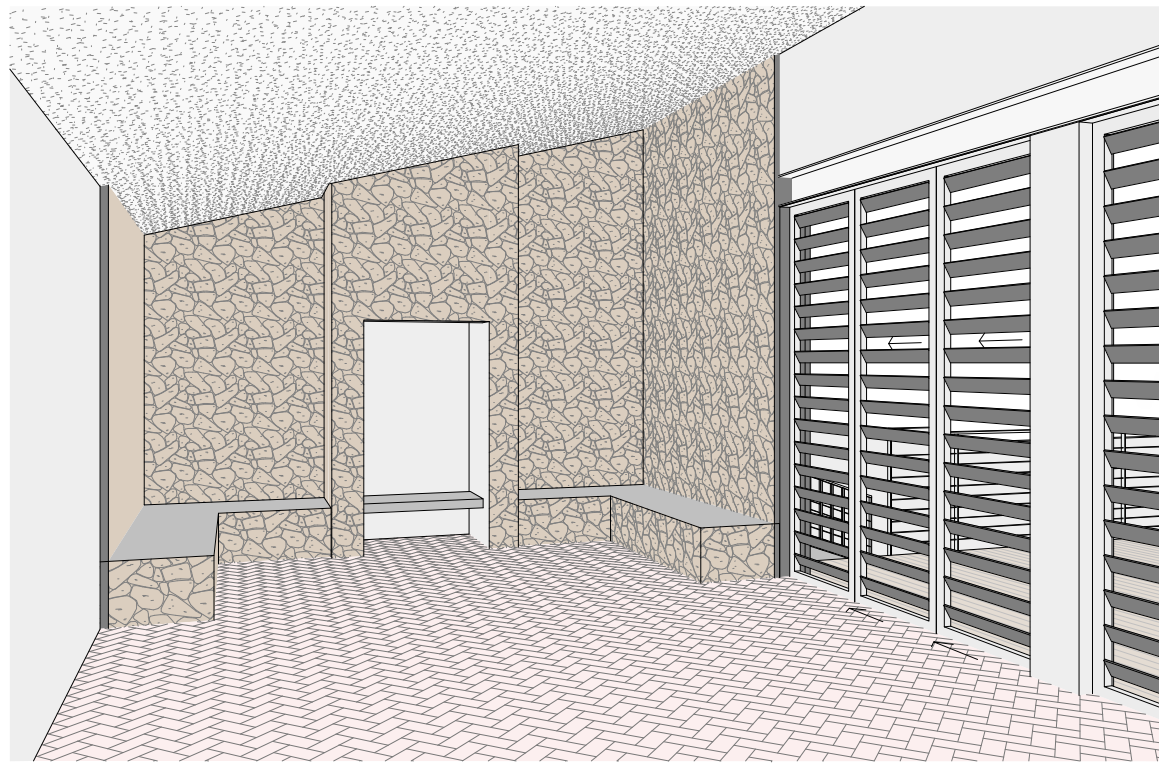
AUTHORITY:

SWARTLAND MUNICIPALITY

REFERENCE:

RK/13482/JL/GB





3D - Fire Place



3D - New addition



3D - South



3D - Entrance Pergola

ANNEXURE B

- DO NOT SCALE THIS DRAWING. FOR DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALING DRAWINGS.
- ALL RELEVANT DETAILS, LEVELS, AND DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF WORK.
 - ANY DISCREPANCIES TO BE BROUGHT TO THE ATTENTION OF THE ARCHITECT BEFORE WORK IS PUT IN HAND.
 - DIMENSIONS ARE INDICATED IN MILLIMETERS.

NOTES

AREA SCHEDULE		BUILDING		COVERED AREA	
		EXISTING	NEW	EXISTING	NEW
ERF SIZE	1131 m ²				
NEW DECK	88 m ²				
MAIN HOUSE					
EXISTING HOUSE GF		109 m ²			
NEW ENTERTAINMENT AREA			82 m ²		
NEW COVERED DECK					30 m ²
NEW COVERED ENTRANCE					45 m ²
		109 m ²	82 m ²		75 m ²
TOTAL HOUSE		191 m²		75 m²	
NEW BUILDING					
NEW WASHROOM			15.29m ²		
NEW BEDROOM			42.71 m ²		
TOTAL NEW BUILDING		58 m²			
OUTBUILDING					
EXISTING OUTBUILDING GF		43 m ²			
EXISTING COVERD PATIO				18 m ²	
TOTAL OUTBUILDING		43 m²		18 m²	
NEW CARPORT					
NEW CARPORT					49 m ²
TOTAL CARPORT				49 m²	
TOTAL		292 m²		142 m²	
GROSS BUILDING AREA		292 m ² + 142 m ² = 434 m ²			
COVERAGE		434 m ² / 1131 m ² * 100 = 38.37 %			
FAR		434 m ² / 1131 m ² = 0.38			

ARCHITECT



ROOS ARCHITECTS AND
PROPERTY MANAGEMENT
Gerhard Roos
gerhard@roos.co.za
+27 (82) 577 2679
SACAP NO: 5016

Braytenbach Centre
14 Burger street
Wellington
7655
SACAP NO: 4974

ENGINEER

CLIENT

ERF 419 HALFWAY HOUSE
EXT. 48 (Pty) Ltd

PROJECT NAME

**ALTERATIONS AND ADDITIONS TO
HOUSE,
ON ERF 486
RIEBEEK KASTEEL**

DRAWING NAME

SITE PLAN + FLOOR PLAN

PROJECT STATUS

COUNCIL SUBMISSION -SDP

SCALE

As indicated

PAPER SIZE

A1

DRAWN

HM

DATE

**2024/10/07
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CHECKED

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PROJECT NUMBER

2019/03

DRAWING NUMBER

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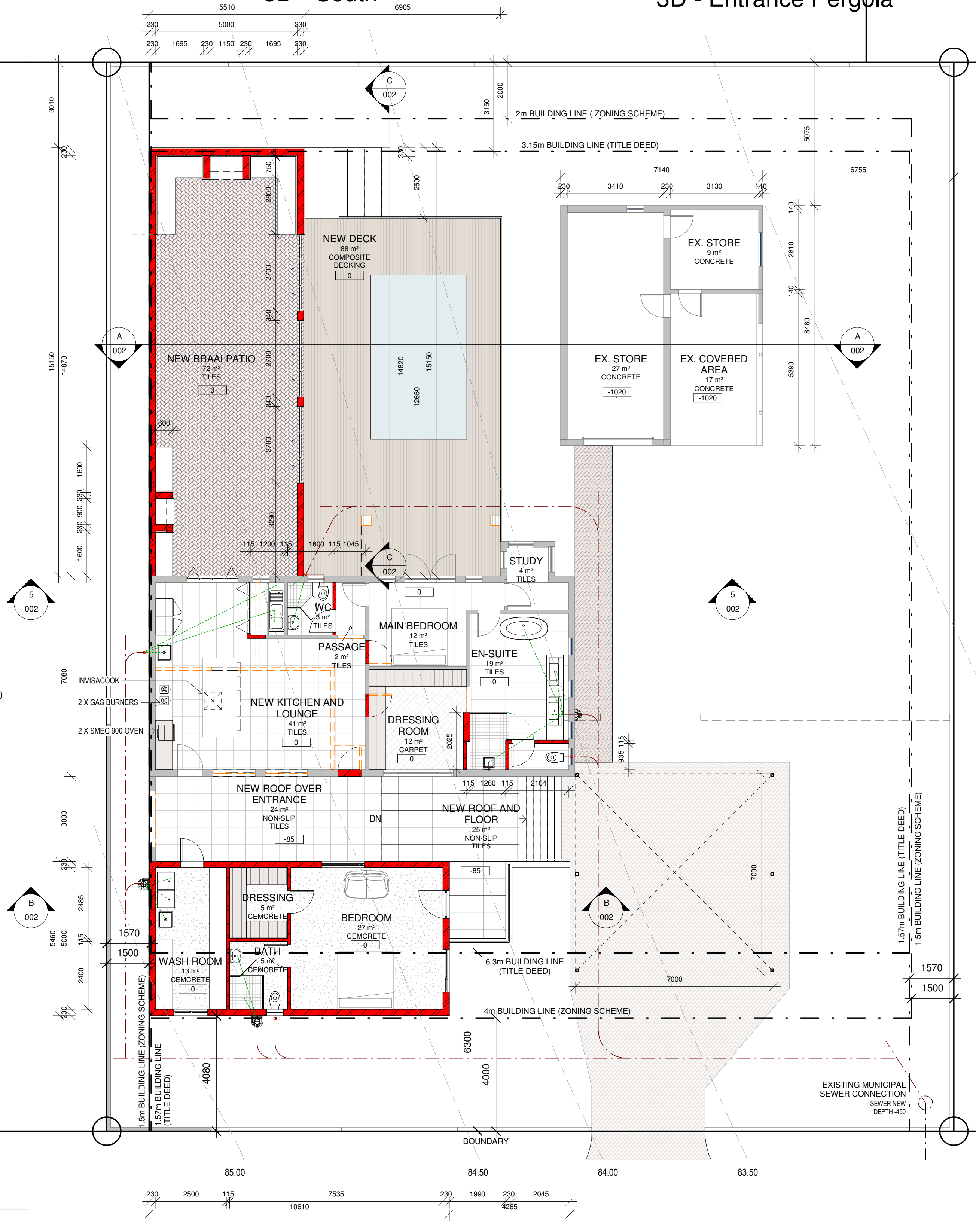
REVISION

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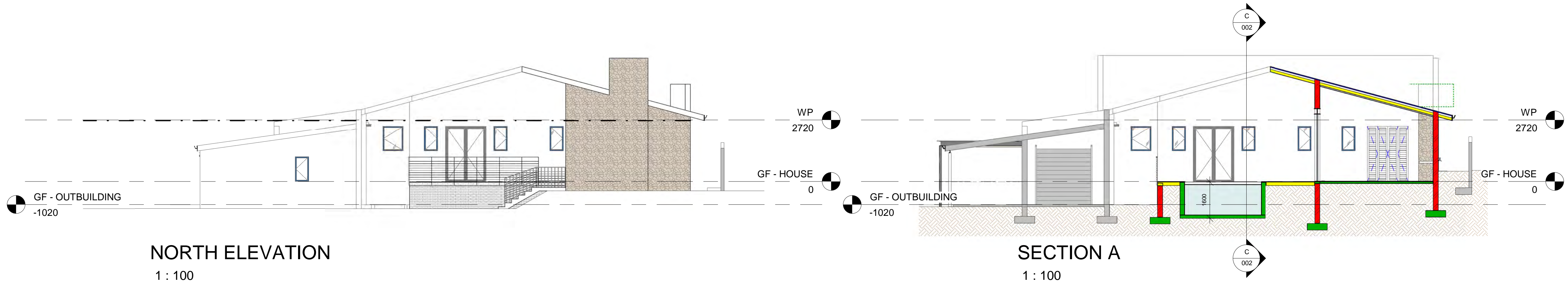
Site Plan

1 : 100



Ground Floor

1 : 100



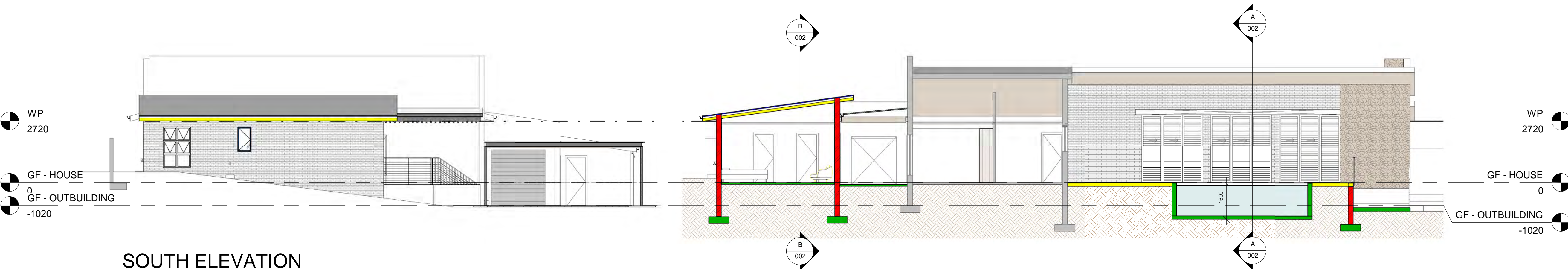
NORTH ELEVATION
1 : 100

SECTION A
1 : 100



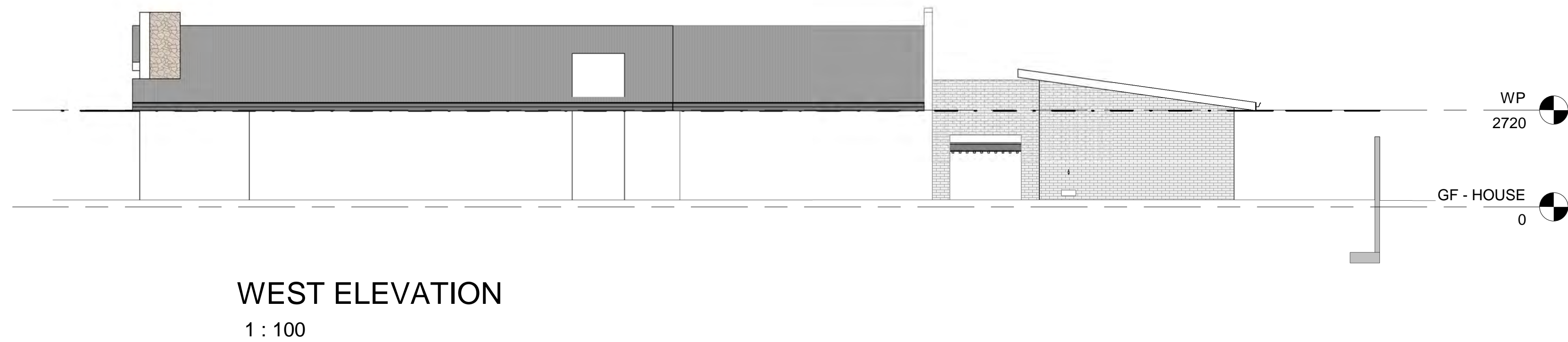
EAST ELEVATION
1 : 100

SECTION B
1 : 100



SOUTH ELEVATION
1 : 100

SECTION C
1 : 100



WEST ELEVATION
1 : 100

- THIS DRAWING IS SUBJECT TO COPYRIGHT AND MAY NOT BE REPRODUCED, IN WHOLE OR IN PART, OR IN ANY MANNER WHATSOEVER WITHOUT WRITTEN PERMISSION FROM THE ARCHITECT.
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NOTES

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ALTERATIONS AND ADDITIONS TO
HOUSE,
ON ERF 486
RIEBEEK KASTEEL

DRAWING NAME

ELEVATIONS + SECTIONS

PROJECT STATUS

COUNCIL SUBMISSION

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Liggingsplan

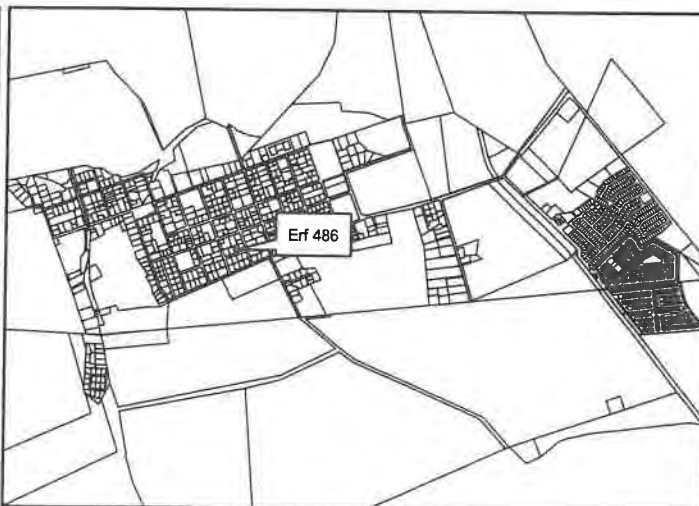


Voorgestelde opheffing van beperkings

Erf 486, Riebeek Kasteel

Publieke deelname

Skaal: NVT



54

MOSTERT & BOSMAN - TYGERVALLEY

REGIST

ANNEXURE D

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

(a) Gelyktydiges met ander registrasiekantore/deeltitels - Simuls with other registries/sectional titles

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

(b) Kliënt afskrifte van aktes permanent in Aktekantoor geliasseer
Client copies of deed filed permanently in Deeds Office

Aard en nommer van akte Nature and number of deed	Omslag no. Cover no.	Parawe van ondersoekers Initials of examiners

(c) Notas / Notes

B. VIR AKTEKANTOOR GEBRUIK / FOR DEEDS OFFICE USE

Opmerkings Remarks	Paraaf Initials

Interdikte nagesien deur / Interdicts checked by: **BLACKBOOK**
03-08-2021
LINDA NCAPAI

Datum / Date:

Interdikte nagesien deur / Interdicts checked by:

Datum / Date:

Kantoor instruksies / Office instructions:

Seksie / Section:

Madison Square
4th Floor
C/o Carl Cronje &
Tygerfalls Boulevard
Tygervalley, 7530
P.O. Box 3355
Tygervalley, 7536
Docex 152,
Cape Town
Tel: (021) 914-3322
Fax: (021) 914-3330
info@mbalaw.co.za
www.mbalaw.co.za

CTN 054

A. VIR AKTEKANTOOR GEBRUIK / FOR DEEDS OFFICE USE
Datum van indiening / Date of lodgement:

END-TR-
08-07-2021
INGEDIEN

Trf: Bothmasloof Trust / Erf 419 Halfway House Ext 482CC

Onsersoekers/Examiners	Kamer/Room	Skakeling/Linking	Verwerp/Reject	Passeer/Pass
1. B.GIJANA	125	1		
2. A. BUYS 1312H		1		
3.				

B. (a) VIR AKTEBESORGER SE GEBRUIK / FOR CONVEYANCER'S USE:

Verwysings No./Reference No.
info@mbalaw.co.za

WI 8344 Yvonne

T 9312 / 2021

T 000035731 / 2021

Skakeling / Linking

GELYKTYDIGES / SIMULS

No. in stel / batch	Kode / Code	Name van Partye / Names of Parties	Naam van Firma/Name of Firm	Firma Firm No.
1	T	Bothmasloof Trust / Erf 419 Halfway House	WGB	54
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				

HANDED IN FOR EXECUTION
03 AUG 2021
CAPE TOWN
HANDED IN FOR EXECUTION

080007612368

Registrasie versoek deur /
Registration requested by:

Datum/
Date:

PETRUS JOHANNES GILLIE

- 4 AUG 2021

(Brief description of property (only par. 1 in Deed)
Kort beskrywing van eiendom (slegs par. 1 in Akte)

Erf 486 Diebeek Kartool

Prepared by me

CONVEYANCER
ELIZABETH MAGDELENA VAN COLLER
(86409)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R 900 000,00	R 1283,00
Reason for Exemption	Category Exemption.....	Exemption i t o. Sec/Reg..... Act/Proc.....

T000035731 / 2021

DEED OF TRANSFER

DATA / VERIFY

12 -08- 2021

VUYELWA LAMANI

BE IT HEREBY MADE KNOWN THAT

PETRUS JOHANNES CILLIE

(LPC No. 81207)

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

The Trustees of BOTHMASKLOOF TRUST
Registration Number IT699/1983(C)

signed at Riebeeck Kasteel on 21 June 2021

DATA / CAPTURE

11 -08- 2021

JENNY VAN WYK

Page 1 of 6

And the appearer declared that:

Whereas the Transferor had truly and legally sold the undermentioned property on **19 April 2021** by Private Treaty

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

ERF 419 HALFWAY HOUSE EXT 48 CC
Registration Number 2010/141732/23

its successors in title or assigns, in full and free property

ERF 486 RIEBEEK KASTEEL
IN THE SWARTLAND MUNICIPALITY, DIVISION MALMESBURY
PROVINCE OF THE WESTERN CAPE

IN EXTENT 1131 (ONE THOUSAND ONE HUNDRED AND THIRTY ONE) SQUARE METRES

FIRST TRANSFERRED by Certificate of Consolidated Title T28782/1975 with Diagram Number 7712/74 annexed, and

HELD by Deed of Transfer T9312/2021

1. **CONCERNING** the figure marked E.B.C.F. on said Diagram No. 7712/74

- A. **SUBJECT** to the conditions referred to in Deed of Transfer No. 127/1867 dated 8 March 1867;
- B. **SUBJECT FURTHER** to the following conditions contained in Deed of Transfer No. T17893/1972, imposed by the Administrator of the Cape of Good Hope when approving the establishment of the said Township, namely:
1. Alle woorde en uitdrukkings wat in die volgende voorwaardes gebesig word, het dieselfde betekenisse as wat daaraan geheg word by die regulasies afgekondig by Provinsiale Kennisgewing Nr. 383 van 13 Junie 1958.
 2. Ingeval van 'n dorpsaanlegskema of enige gedeelte daarvan op hierdie erwe van toepassing gemaak is of daarop van toepassing gemaak word, sal enige bepalings daarvan wat meer beperkend is as enige voorwaardes van eiendoms reg wat op hierdie erwe van toepassing is voorkeur geniet. Enige bepalings van hierdie voorwaardes moet nie opgevat word al sou dit nie die bepalings van Artikel 146 van Ordonnansie Nr. 15 van 1952, soos gewysig, vervang nie.

3. Die eienaar van hierdie erf is verplig om sonder betaling van vergoeding toe te laat dat elektrisiteitskabels, of -drade, hoof-en ander waterpype en rioolvuil en dreinerings, insluitende stormwater van enige ander erf of erwe, binne of buite hierdie onderverdeling, oor hierdie erwe gevoer word indien dit deur die plaaslike owerheid geag word en wel op die wyse en plek wat van tyd tot tyd redelikerwys vereis word. Dit sluit die reg op toegang te alle redelike tye tot die eiendom in met die doel om riele, mangate, vore, waterleidings en ander werke wat daarmee in verband staan, aan te lê, te onderhou, te verander, te verwyder of te ondersoek.
4. Die eienaar van hierdie erwe is verplig om sonder vergoeding op die erwe die materiaal te ontvang of uitgrawings op die erwe toe te laat al na vereis word, sodat die volle breedte van die straat gebruik kan word en die wal veilig en behoorlik skuins gemaak kan word omrede van die verskil tussen die hoogte van die straat soos finaal aangelê en die erwe tensy hy verkies om steunmure te bou tot genoeë van en binne 'n tydperk wat die plaaslike owerheid bepaal.
5. Geen gebou op hierdie erf mag gebruik word of van gebruik verander word vir 'n ander doel as wat in hierdie voorwaardes bepaal word nie.
6. Hierdie erf is onderworpe aan die volgende verdere voorwaardes met dien verstande dat indien die Administrateur, na oorleg met die Dorpskommissie en die plaaslike owerheid, dit raadsaam ag dat die beperking in enige sodanige voorwaarde te enige tyd opgeskort of versag behoort te word, hy die nodige opskorting of versagting kan goedkeur onderworpe aan die voorwaardes wat hy oplê:-
 - (a) dit mag nie onderverdeel word nie;
 - (b) dit mag alleenlik gebruik word vir die doel om een woning tesame met die buitegeboue wat gewoonlik in verband daarmee gebruik word, daarop te rig.
 - (c) nie meer as een-derde van die oppervlakte daarvan mag bebou word nie.
 - (d) geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag nader as 6,30 meter van die straatlyn, wat 'n grens van hierdie erwe uitmaak, opgerig word nie, asook nie binne 3,15 meter van die agtergrens of 1,57 meters van die sygrens gemeen daarvan en aan 'n aangrensende erf nie; met dien verstande dat 'n buitegeboue van nie hoër as 3,05 meters gemeet van die vloer tot by die muurplaat, met die toestemming van die plaaslike owerheid binne die hierbo voorgeskrewe agterruimte en binne die hierbo voorgeskrewe syruimte vir 'n afstand van 9,45 meters gereken van die agtergrens opgerig mag word. Wanneer enige twee of meer erwe gekonsolideer word, is hierdie voorwaarde op die gekonsolideerde oppervlakte as een erf van toepassing.

II. CONCERNING the figure marked AEFD on the said Diagram No. 7712/74;

SUBJECT:

- (A) to the conditions referred to in Deed of Transfer No. 127/1867 dated 8 March 1867.
- (B) to the following conditions contained in Deed of Transfer No. T16760/1969, imposed by the Administrator of the Province of the Cape of Good Hope in terms of the provisions of Ordinance No. 33 of 1934 when approving of the said Township, namely-
1. Alle woorde en uitdrukkings wat in die volgende voorwaardes gebesig word, het dieselfde betekenis as wat daaraan geheg word by die regulasies afgekondig by Provinsiale Kennisgewing Nr. 383 van 13 Junie 1958.
 2. Ingeval van 'n dorpsaanlegskema of enige gedeelte daarvan op hierdie erwe van toepassing gemaak is of daarop van toepassing gemaak word, sal enige bepalinge daarvan wat meer beperkend is as enige voorwaardes van eiendomsreg wat op hierdie erwe van toepassing is voorkeur geniet. Enige bepalinge van hierdie voorwaardes moet nie opgevat word al sou dit nie die bepalinge van Artikel 146 van Ordonnansie Nr. 15 van 1952, soos gewysig, vervang nie.
 3. Die eienaar van hierdie erf is verplig om sonder betaling van vergoeding toe te laat dat elektrisiteitskabels, of -drade, hoof-en ander waterpipe en rioolvuil en dreinerings, insluitende stormwater van enige ander erf of erwe, binne of buite hierdie onderverdeling, oor hierdie erwe gevoer word indien dit deur die plaaslike owerheid geag word en wel op die wyse en plek wat van tyd tot tyd redelikerwys vereis word. Dit sluit die reg op toegang te alle redelike tye tot die eiendom in met die doel om riole, mangate, vore, waterleidings en ander werke wat daarmee in verband staan, aan te lê, te onderhou, te verander, te verwyder of te ondersoek.
 4. Die eienaar van hierdie erwe is verplig om sonder vergoeding op die erwe die materiaal te ontvang of uitgrawings op die erwe toe te laat al na vereis word, sodat die volle breedte van die straat gebruik kan word en die wal veilig en behoorlik skuins gemaak kan word omrede van die verskil tussen die hoogte van die straat soos finaal aangelê en die erwe tensy hy verkies om steunmure te bou tot genoeë van en binne 'n tydperk wat die plaaslike owerheid bepaal.
 5. Geen gebou op hierdie erf mag gebruik word of van gebruik verander word vir 'n ander doel as wat in hierdie voorwaardes bepaal word nie.
 6. Hierdie erf is onderworpe aan die volgende verdere voorwaardes met dien verstande dat indien die Administrateur, na oorleg met die Dorpekommissie en die plaaslike owerheid, dit raadsaam ag dat die beperking in enige sodanige voorwaarde te enige tyd opgeskort of versag behoort te word, hy die nodige opskorting of versagting kan goedkeur onderworpe aan die voorwaardes wat hy opleë:-

(a)

- (b) dit mag alleenlik gebruik word vir die doel om een woning tesame met die buitegeboue wat gewoonlik in verband daarmee gebruik word, daarop te rig.
- (c) nie meer as een-derde van die oppervlakte daarvan mag bebou word nie.
- (d) geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag nader as 6,30 meter van die straatlyn, wat 'n grens van hierdie erwe uitmaak, opgerig word nie, asook nie binne 3,15 meter van die agtergrens of 1,57 meters van die sygrens gemeen daarvan en aan 'n aangrensende erf nie; met dien verstande dat 'n buitegeboue van nie hoër as 3,05 meters gemeet van die vloer tot by die muurplaat, met die toestemming van die plaaslike owerheid binne die hierbo voorgeskrewe agterruimte en binne die hierbo voorgeskrewe syruimte vir 'n afstand van 9,45 meters gereken van die agtergrens opgerig mag word. Wanneer enige twee of meer erwe gekonsolideer word, is hierdie voorwaarde op die gekonsolideerde oppervlakte as een erf van toepassing.

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

The Trustees of BOTHMASKLOOF TRUST

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


ERF 419 HALFWAY HOUSE EXT 48 CC

its successors in title 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 900 000,00 (One Million Nine Hundred 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.

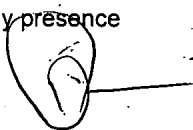
THUS DONE AND EXECUTED at the Office of the Registrar of Deeds at Cape Town on

- 4 AUG 2021



Signature of appearer q.q.

In my presence



Registrar of Deeds

15
① BMJ

Prepared by me

CONVEYANCER
ELIZABETH MAGDELENA VAN COLLER
(86409)

POWER OF ATTORNEY TO PASS TRANSFER

I, the undersigned

PIETER STEPHANUS DU TOIT duly authorised by a resolution of the Trustees of
BOTHMASKLOOF TRUST
Registration Number IT699/1983 (C)
Acting under Letters of Authority issued by the Master of the High Court of South
Africa, Western Cape Division, Cape Town on 3 December 2018

Do hereby nominate, constitute and appoint

CAREL THEO LLOYD (LPCM 93445) or CHARL CLOETE MARAIS (LPCM 84569) or
ELIZABETH PETRONELLA STEGMANN (LPCM 96044) or GABRIEL GIDEON CILLIE
(LPCM 85701) or LEE-ANNE ORPHELIA TRACEY-JILL ELY (LPCM 85154) or
MELISSA COLYN (LPCM 92604) or PETRUS JOHANNES CILLIE (LPCM 81207)

with the power of substitution to be my true and lawful attorney and agent to appear before the
Registrar of Deeds at Cape Town, or any other competent official in the Republic of South
Africa

And then and there to declare that the Transferor did on **19 April 2021** sell by Private Treaty
to

ERF 419 HALFWAY HOUSE EXT 48 CC
Registration Number 2010/141732/23

for the sum of **R1 900 000,00 (One Million Nine Hundred Thousand Rand)**

the following property:

ERF 486 RIEBEEK KASTEEL
IN THE SWARTLAND MUNICIPALITY, DIVISION MALMESBURY
PROVINCE OF THE WESTERN CAPE

IN EXTENT 1131 (ONE THOUSAND ONE HUNDRED AND THIRTY ONE) SQUARE
METRES

HELD BY DEED OF TRANSFER T9312/2021

And further cede and transfer the said property to the said transferee; to renounce all right, title and interest which the Transferor heretofore had in and to the said property, and generally, for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, to all intents and purposes, as Transferor might or could do if personally present and acting therein, hereby ratifying, allowing and confirming all and whatsoever the said agent shall lawfully do or cause to be done in the premises by virtue of these presents.

Signed at RIEBEEK KASTEEL on 21 JUNE 2021 in the presence of the undersigned witnesses.

WITNESSES:

1.


ELIZABETH MAGDALENA VAN COLLER

Commissioner of Oaths

2.


Practising Attorney R.S.A.

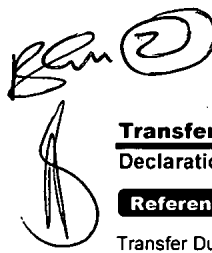
VAN COLLER ATTORNEYS INC

LPC No 86409 / Practice No 63855

60 Hugenote Street Malmesbury 7300

Tel No: 022 448 1445

PIETER STEPHANUS DU TOIT

**TDREP**

Transfer Duty Reference Number: TDE045A2E4

Details of Seller / Transferor / Time Share Company

Full Name

Marital Status

Details of Purchaser / Transferee

Sumame / Registered Name ERF 419 HALFWAY HOUSE EXT 48 CC
Marital Notes If applicable

Details of the Property

Total Consideration R 1900000.00

Calculation of Duty and Penalty / Interest

Transfer Duty Payable on Natural Person	R	1900000.00
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Property Description

1 ERF 488 RIEBEEK KASTEEL, IN THE SWARTLAND MUNICIPALITY DIVISION MALMESBURY, PROVINCE OF THE WESTERN CAPE
IN EXTENT 1131 (ONE THOUSAND ONE HUNDRED AND THIRTY ONE) SQUARE METRES

Receipt

Receipt Details

Transfer Duty Reference Number	TDE045A2E4
Receipt Amount	R 42750.00

Receipt No. 1200851641

Declaration by Conveyancer / Attorney

I certify that this is a true copy of the transfer duty declaration / receipt / exemption certificate drawn from the SARS eFiling site, which will be retained by me for 5 years from the date of registration of transfer.

XXXXXXXXXX/XXX/XXXXXXXXXXXX
XXXXXXXXXX/XXX/XXXXXXXXXXXX

Please ensure you sign over
the 2 lines of "X"s above

Date (CCYYMMDD)

2	0	2	1	0	7	0	6
---	---	---	---	---	---	---	---

For enquiries go to
www.sars.gov.za or call
0800 00 SARS (7277)

ELIZABETH MAGDALENA VAN COLLER

(2)

8

**CERTIFICATE IN TERMS OF SECTION 118 OF THE LOCAL GOVERNMENT:
MUNICIPAL SYSTEMS ACT, 2000 (ACT No. 32 OF 2000)
(AS PRESCRIBED IN TERMS OF SECTION 120 OF ACT No. 32 OF 2000)**

ISSUED BY SWARTLAND MUNICIPALITY MUNICIPALITY

In terms of Section 118 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), it is hereby certified that all amounts that became due to SWARTLAND MUNICIPALITY in connection with the under mentioned property situated within that Municipality for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties during the two years preceding the date of application for this certificate, have been fully paid.

DESCRIPTION OF PROPERTY:

ERF 486 RIEBEEK KASTEEL
IN THE SWARTLAND MUNICIPALITY, DIVISION MALMESBURY
PROVINCE OF WESTERN CAPE

IN EXTENT 1131 (ONE THOUSAND ONE HUNDRED AND THIRTY ONE) Square metres

MUNICIPAL REFERENCE NUMBER: 105004860031
ZONING: RESIDENTIAL
SELLING PRICE: R1 900 000.00
DATE OF SALE: 19 APRIL 2021
TYPE OF TRANSACTION: Private Treaty
DATE OF POSSESSION: Registration
CONVEYANCER: Van Coller Attorneys Inc.
Telephone: 022 100 0105
60 Hugenote Street, Malmesbury

TRANSFEROR: The Trustees of BOTHMASKLOOF TRUST
Registration Number IT699/1983(C)
Address(s): Kloovenburg Farm, Riebeeck Kasteel, 7307
Contact no.: 022-448 1635

TRANSFeree(S): ERF 419 HALFWAY HOUSE EXT 48 CC
Registration Number 2010/141732/23
Address(s): P O BOX 2765, HALFWAYHOUSE, GAUTENG, 1685
Contact no: 0832811493

ADDRESS AFTER POSSESSION: 5 KASTEEL STREET, RIEBEEK KASTEEL, 7307

Signature of Applicant: _____

Date: _____

6 July 2021

This certificate is valid until 4 September 2021

Given under my hand at

Malmesbury

on

6 July 2021

**MUNICIPAL MANAGER
SWARTLAND MUNICIPALITY MUNICIPALITY**

Authorized Official



Blm 4

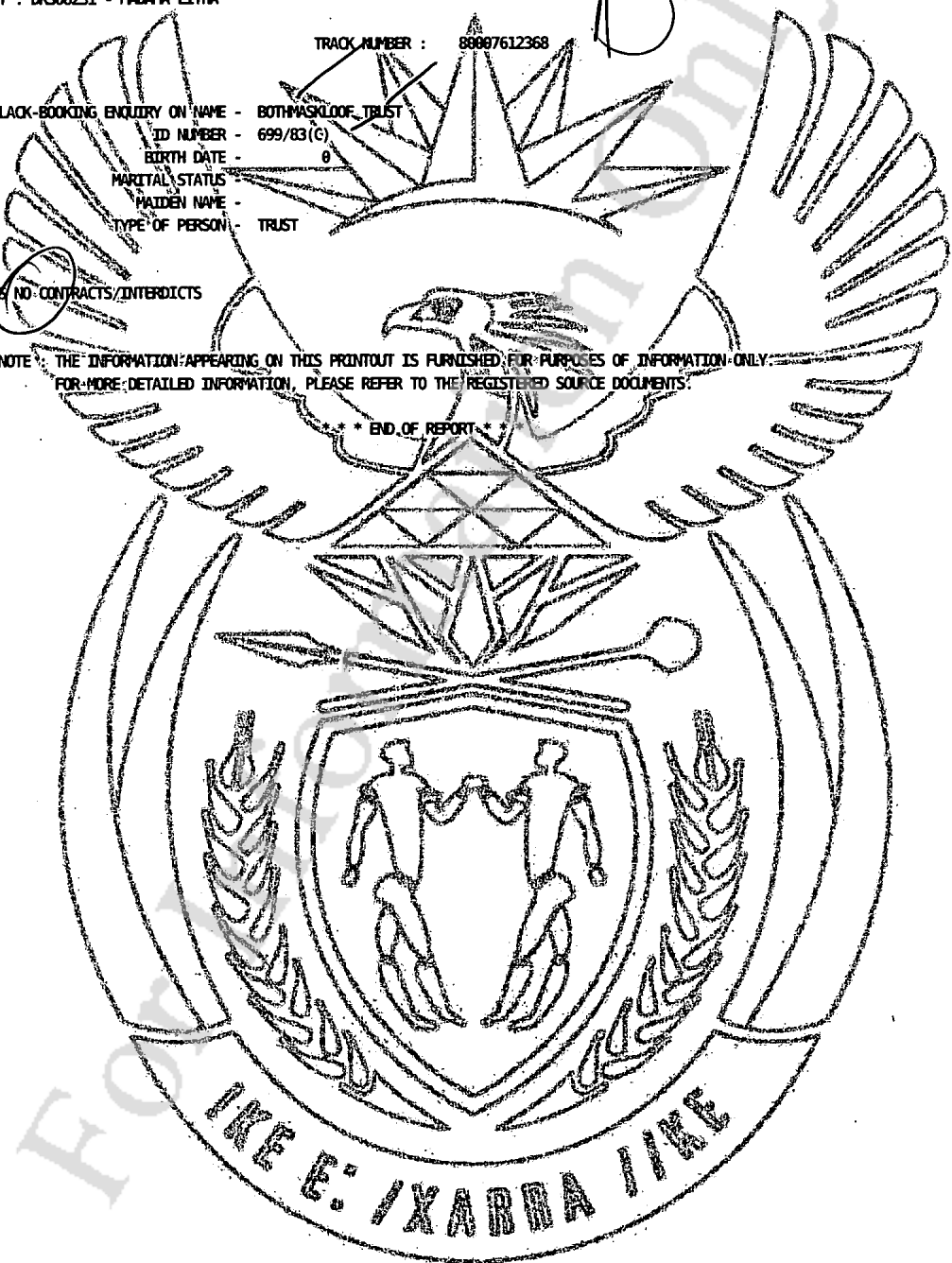
TRACK NUMBER : 88087612368

BLACK-BOOKING ENQUIRY ON NAME - BOTHMASLOOF, TRUST
ID NUMBER - 699/83(G)
BIRTH DATE - 0
MARRITAL STATUS -
MAIDEN NAME -
TYPE OF PERSON - TRUST

PERSON HAS NO CONTRACTS/INTERDICTIONS

** PLEASE NOTE: THE INFORMATION APPEARING ON THIS PRINTOUT IS FURNISHED FOR PURPOSES OF INFORMATION ONLY.
FOR MORE DETAILED INFORMATION, PLEASE REFER TO THE REGISTERED SOURCE DOCUMENTS.

* END OF REPORT *



TRACK NUMBER : 88007612368

PROPERTY DETAILS: PRINT FOR PORTION 0
ERF NO 486
TOWNSHIP RIEBEEK KASTEEL
REG DIV MALMESBURY RD

PROVINCE WESTERN CAPE
PREV DESCRIPTION T28782/1975
DIAGRAM DEED NO 1131-SOM
EXTENT RIEBEEK KASTEEL MUN
CLEARANCE

NO INTERDICTS

DOCUMENTS
ERF-336,485

HOLDER

AMOUNT

O/P/A

SCAN/MICRO REF

MMD

OWNER DETAILS

FULL NAME & SHARE
BOTHMASKLOOF TRUST

PURCH DATE AMOUNT/REASON O/P/A IDENTITY

TITLE DEED

MMD

MICROFILM REF

20201230

R1650000100

699/83(C)

T9312/2021

0226

20210309132405

* O/P/A - 0 - MULTIPLE OWNER P - MULTIPLE PROPERTY A - MULTIPLE OWNER AND PROPERTY

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FOR MORE DETAILED INFORMATION, PLEASE REFER TO THE REGISTERED SOURCE DOCUMENTS.

END OF REPORT

IK E: /XARRA /IK E

Property Report

Erf Enquiry

General Information

Date Requested	2023-11-06
Deed Office	Cape Town
Information Source	Deed Office

Property Details

Deeds registry	CAPE TOWN
Property type	ERF
Township	RIEBEEK KASTEEL
Erf number	486
Portion	0
Province	WESTERN CAPE
Registration division/Administrative district	MALMESBURY RD
Local authority	RIEBEEK KASTEEL MUN
Previous description	-
Diagram deed number	T28782/1975
Extent	11310000 SQM
LPI Code	C04600190000048600000

Deeds Title Details

#	Document	Registration Date	Purchase Date	Amount (R)
1	T35731/2021	20210804	20210419	R1900000.00

Owner Information

#	Document	Full name	Identity Number	Share
1	T35731/2021	ERF 419 HALFWAY HOUSE EXT 48 C C	201014173223	-

Endorsements/Encumbrances

#	Endorsement	Holder	Amount (R)	Microfilm Reference
1	ERF-336,485	-	-	-

Historic Documents

#	Document	Holder	Amount (R)	Image Reference
1	B28475/1990	ALLIED B S	R30000.00	2003 0606 4841
2	T10519/1982	KOTZE JURGENS ALBERTUS	-	20191116 15:44:39
3	T28963/1990	RIX DOUGLAS GERALD	R50000.00	2003 0606 4813
4	T28963/1990	RIX MIRANDA ELIZABETH	R50000.00	2003 0606 4813
5	T50985/2003	MCINTYRE ROBIN LESLIE	R245000.00	20210309 13:24:31
6	T50985/2003	MCINTYRE PATRICIA HELEN	R245000.00	20210309 13:24:31
7	T9312/2021	BOTHMASKLOOF TRUST	R1650000.00	20210824 13:25:25

The Office of the Chief Registrar of Deeds hereby confirms that, on the basis of information at the Deeds Office's disposal that the contents of this report accurately reflects property information held in our records. As per Deeds Registration process, this information is valid for seven (7) days.

Photocopies of this report are not valid.

This report is issued subject to costs as specified in the fee schedule. <http://deeds.dalrdd.gov.za/fees.php>.

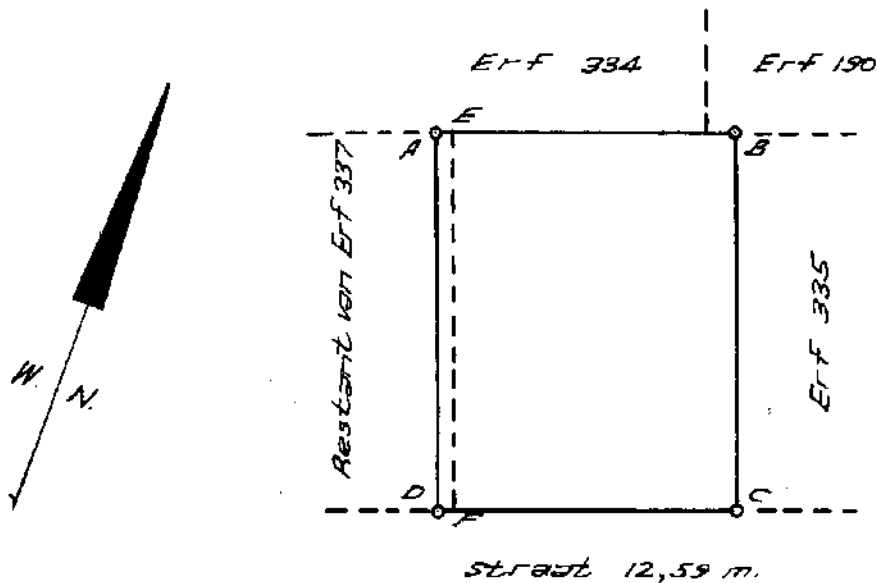
Printed: 2023-11-06



SYE METERS		RIGTINGS-HOEKE		KOÖRDINATE Stelsel		L.G. No.
				Y	X	
AB	29,94	A	90. 0. 0			7712/7A Goedgekeur <i>[Handwritten Signature]</i> Landmeter-generaal 21.1.75
BC	37,78	B	90. 0. 0			
CD	29,94	C	90. 0. 0			
DA	37,78	D	90. 0. 0			

Beskrywing van Bokens

A. B. C. D. 12 mm. ysterpen.



- (1) Figuur A. E. F. D. synde Erf 485 ged. van Erf 337 Riebeeck Kasteel.
Volgens Kaart No. 7711/1974 geheg aan T/A. 1975. 28781
- (2) Figuur E. B. C. F. synde Erf 336 Riebeeck Kasteel.
Volgens Kaart No. 4723/1959 geheg aan T/A. 1972-355-17893.

Skaal 1: 750

Die figuur A. B. C. D.

stel voor 1131 vierkante meter grond, synde
ERF 486 RIEBEEK KASTEEL en bevat (1) en (2) hierbo-
geleë in die Dorp Riebeeck Kasteel Uitbreiding No. 1 Administratiewe Distrik
Dorpsbestuursgebied Riebeeck Kasteel Malmesbury Provinsie Kaap die Goeie Hoop.

Opgemoot in saamgestel September 1974

deur my,

A. Linder

Landmeter

Hierdie kaart is geheg aan
No. SVT 28782/75
gedateer
t.g.v.

Registrateur van Aktes

Die oorspronklike kaarte is.
soos hierbo aangehaal
No. _____ geheg aan
Transport/Grondbrief
No. _____

Lêer No. 5/8186/1
M.S. No. Saamgestel
Komp. BH-4DB/V2 (855)
Alg. Plan TP. 1683.

LLOYD ASSOCIATES ARCHITECTS and URBAN DESIGNERS.

20 Pinewood road Newlands Cape Town 7700.

Tel 083 440 5625. Email rodlloyd@icon.co.za

To : *Department Development Services,*
office of the Senior Manager : Development Management,
Municipal Office, Church Street, Malmesbury
Per e- mail - swartlandmun@swartland.org.za

25 November 2024

Dear Sir

RE :erf 486 RIEBEEK KASTEEL : Ref number 15/3/5-11/Erf_486

OBJECTIONS TO : Application for the removal of restrictive title conditions 1.8.5, 11.8.5, I.B.6(c), II.B.6(c), I.B.6(d) and I1.8.S(d) of Title Deed T35731/2021 on erf 486, Riebeek Kasteel in terms of section 25(2)(f) of Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020)

Please find attached the following two pdf documents, that are the substance of this Objection:

- 1 **COMMENTS** by Lloyd Associates Architects & Urban Designers, on behalf of parties, listed below, who are property owners and Affected Parties.
Comments is a critical review of the MOTIVATIONAL REPORT by CK Rumboll en Vennote / Partners, Professionele as set out above.
- 2 **REVIEW** of the MOTIVATIONAL REPORT. This is by R W T LLOYD. And deals with current threats to the Village of Riebeek Kasteel that this development embodies. This is in my personal capacity as an Interested Party, being a Property Owner in Riebeek Kasteel.

In terms of Document 1, COMMENTS, above, the following neighbouring properties are in support of this document of objection.

- 1 **Name:** Mev. Petro Meyer
Address: 28 Van Riebeeck Straat, Riebeek Kasteel, 7307
Erf Number: **334** Riebeek Kasteel
Contact details: 082 5373909
Preferred method of communication: petromonkey@gmail.com
Reasons for comment: As set out in COMMENTS prepared by Lloyd Architects & Urban Designers.

- 2 Name: Mev. Adri Walters
Address : 1 Kasteel Straat, Riebeek Kasteel, 7307
Erf Number: **336**, Riebeek Kasteel
- Contact details: 084 5492971 , adri@bosplaas.co.za
Preferred method of communication: adri@bosplaas.co.za
- Reason for Comments : As set out in COMMENTS prepared by Lloyd Architects & Urban Designers
- 3 Name: Ms. Jacqueline Lloyd
Address: 3 Kasteel Street, Riebeek Kasteel, 7307
Erf Number: **337**, Riebeek Kasteel
Contact details: 076 5527373, jlstudio@mweb.co.za
Preferred method of communication: jlstudio@mweb.co.za
Reasons for comment: As set out in COMMENTS prepared by Lloyd Architects & Urban Designers.
- 4 R. W. T. LLOYD, As Interested Party, being owner of erf 1941, Riebeek Kasteel.
- Yours faithfully.
- R. W. T. LLOYD
- Architect & Urban Designer, Cape Town.

COMMENTS review of the MOTIVATIONAL REPORT by CK Rumboll en Vennote / Partners, Professionele

For the Removal of Restrictive Conditions on Erf 486, Kasteel street, Riebeek Kasteel.

RE :erf 486 RIEBEEK KASTEEL : Ref number 15/3/5-11/Erf_486

GENERAL INTRODUCTION

This Review has been prepared on behalf of a number of Affected parties objecting to the proposed Development , as described in the Motivational Report, on erf 486 Riebeek Kasteel.

CONTEXT

Kasteel Street is only one block in length. It consists of eight erven, four on each side.

All erven, developed as family dwellings, during much the same period, conform in all respects with previous and the current Swartland Municipal By-Law on Land Use Planning (PG 8226 of 25 March 2020). Most have trees and gardens at a domestic scale.

A feature of the erven, as with much of Riebeek Kasteel is that the street is very quiet with minimal traffic movement. A view of the Valley and mountains is valued.

Zoning is Residential Zone 1, being one dwelling per erf. All erven are of similar size.

THE REPORT

The Report covers, often at excessive length, a number of issues that are to the benefit of the Owner of erf 486's in terms of Town Planning regulation restraints.

By contrast, comments that follow expose the extent to which the Report fails, in every aspect, to address negative implication of the project on other affected parties : property owners, the street. and the village ambience in general.

"Realising the full potential" is a mantra that crops up frequently in the Report to support the Owner's need to changes planning regulations.

It is used to explain the "unique" components of the house: only one Bedroom with very large Entertainment room attached, and a separate, one bedroom "granny" flat.

The term is used in both the general text and in the Scheduled list, (for the Municipality to consider when removing, suspending or amending of restrictive conditions). Thus this entire self-interest of the Owner of erf 486 **would, inter alia** :

- A Justify Coverage in excess of the 33% allowed. But, being less than 40%, (actually 38,5%), can be condoned by the Municipality where beneficial grounds for this can be established.
By “beneficial” is generally meant to other residents, the town and environment.
- B Justify the placing of a small extra dwelling, adjacent but separate from the main dwelling, and requiring the 6 meter building line on Kasteel St to be reduced to 4 meters.
- C Justify the very large mass that the continuous total built structure extends over the whole length of the erf, (less the setbacks), being just over 30 meters. **This is an Institutional scale building.** (note :Average house dimensions vary from 9 to 15m.)
- D Justify the building of a very large structure, as being merely an example of a “trend” for more wealthy property owners in both the whole of Riebeek Kasteel, and even in Kasteel Street, “to realise their full potential”.
No evidence is offered for either supposition.. All urban settlements have upmarket areas where properties reflect this. Kasteel Street and its surrounding streets are generally modest, and all properties meet these requirements.
- E To be “...consistent with the new planning philosophies, such as densification, effectiveness, and resilience”.
None of which are relevant or fully understood.

DETAIL CONSIDERATION

The separate Flat

With regard to the above, (paragraphs A to E), an EXTRACT from the REPORT page 8 illustrates the nature of argument in detail, that, in this case is used to justify the separate Flat as being part of the main dwelling.

“Despite not being physically located within the existing dwelling, the proposed new washroom and new bedroom will still form part of the existing dwelling, Furthermore, despite the proposed detached design of the wash room and new bedroom being somewhat unique, it, along with the entire proposed development on Erf 486, Riebeek Kasteel can be regarded as an effective design and overall layout, which not only enhances the functionality and appeal of the dwelling and overall property, but also ensures that it remains proportional and well integrated with its surrounding environment”.

The Flat is marginally connected to the main Dwelling. But, by any town planning criteria it is **a separate dwelling**, and can be used accordingly.

Location of the FLAT also requires that the **current BUILDING LINE** be relaxed from 6 to 4 meters. No argument is offered for this concession, other that it would be convenient.

A commonly accepted criterion for good street design, in Town Planning terms requires **set-backs to all contiguous properties to be consistent**. This applies to all planning regulations

Entertainment area

With one bedroom only, the large Entertainment room, (nearly half the total useable area), is disproportionate to a typical Family Dwelling. The Plan suggests Uses other than a Home.

Approval needs to include endorsement of intended occupancy and use, especially in relation to excess street parking and noise.

BUILDING MASS: floor levels

The finished Ground Floor appears to be +1 meter above natural ground. The north east corner of the building would be as much as 2,5 meters, a full storey, above ground.

The building exterior and roof present an institution scale rather than domestic.

CONCLUSION

We believe the Rights and Interests of other property owners in Kasteel Street are negatively affected.

The Application by the Owners of 486 should be withdrawn and re-submitted with modified design to alleviate negative aspects affecting neighbouring properties.

A **general view** of the Valley and mountains beyond will be restricted, to varying degree of all properties to the west and south west of erf 486.. **This represents a material loss in real value.**

Modifications to the design can easily ameliorate this:

- 1 **Very large building institutional mass:** presents a non-domestic character, out of scale with Kasteel Street. This is primarily in terms of its excessive, **uninterrupted length of both building and roof designed at one level, from end to end, over 30 meters.**
- 2 **To fragment the mass : In Section :** the **Entertainment room roof** has a mono-pitch that extends, unnecessarily, up to meet the roof of the main house. This provides no protection to glazing (especially in summer from the fierce east sun). The roof should be a conventional pitched roof with central ridge. This will lower the ridge height and fragment the overall mass.
- 3 **The location of the Flat,** (dealt with above in relation to it being a Separate Dwelling' and requiring the extended building line). **This addition extends the built structure mass to the 30 length mentioned above..** This unit could be located above the carports for example.
- 4 **Off-street Parking:** should be assessed in terms of the Owner's endorsement as to Use of the building.

Prepared by Rod Lloyd,

Architect and Urban Designer.

A handwritten signature in black ink, appearing to read 'H. K. S.', written on a light blue rectangular background.

19 November 2024

REVIEW ;

Objections to the Design for erf 486 Riebeek Kasteel, as described in the Report has been dealt with in the Document COMMENTS prepared by Lloyd Associates Architects and Urban Designers on behalf of Objectors who are Affected Parties.

This **REVIEW** deals with aspects of the Report, particularly **the negative implications on the village** if the design were approved. The design is excessive in respect of coverage, scale, bulk, is casual toward the town's planning regulations and ignores neighbour interests and rights.

But, importantly, the design has the potential for wider damage to the widely enjoyed quality of the village of Riebeek Kasteel..

RIEBEEK KASTEEL CHARM

Riebeek Kasteel has a great deal of natural charm. Buried among vineyards and the extraordinary quality of the Valley, it has been for decades a low key rural village that has developed a unique character. This is the result of people of all income levels having access and to afford its housing. Farmers, rural workers, pensioners, teachers and, particularly artists over time added to a unique quality and communal identity.

Unique and affordable housing is a central core of Riebeek Kasteel, mainly south and east of the shopping street. Residents are often of very long standing as owners and there is a pleasant natural quality to the architecture and gardens, built over many decades.

CHANGING CIRCUMSTANCES. CURRENTLY

In response to change, upmarket areas have been developed around the periphery of the old core village.

New dynamics, such as excellent new N7 motorway, give easier commuter access to Cape Town's northern suburbs. Then, prohibitive land costs in traditional villages such as Stellenbosch and Paarl have served to see the appeal of Riebeek's land and house prices.

The Report, however would justify the very big house on 486 on the grounds that it would typify the village in a state of economic change to be taken over by wealthy owners with big houses. (This is dealt with briefly in the COMMENTS document).. Existing low key and affordable housing fabric would, it can be assumed become redundant.

The new wealthy owners would, in all likelihood be non-permanent, (as, apparently is the Owner of 486), using Riebeek Kasteel as a summer playground. Their lack of commitment to the street and the village would reflect in the high walls and electric fencing that surround their property (again a feature of 486) .They form a self serving "bubble" within the street community. .

GENTRIFICATION

A feature of this type of 'change' is that the burden of street surveillance, its security and safety for pedestrian use falls on the permanent residents.

However, as the latter diminish, due to discomfort or 'taking the money', so does the life and safety of the streets. The empty street becomes a dark potential for muggers and casual crime.

Thus, the insertion of one very large development, such as 486, into these old established areas, accelerates the breakdown of cohesive communities and the consequent spread of gentrification over a wider area.

Likewise, the retail trade, particularly restaurants (that in any case mainly flourish in summer), will find fewer all year customers in the cold months. This leads to seasonal opening, or even closure. (as is already happening).

Gentrification is a world-wide problem in so far as it destroys the unique character of the venues that seasonal and daily tourist visitor find so attractive. Residents are increasingly side-lined in access to amenities.

CONCLUSION

This REVIEW is meant to highlight the danger to the unique character of Riebeek Kasteel and the fragile nature of its attraction to visitors. Gentrification will gradually deny the original demographic in favour of temporary wealthy owners whose interest in the street is minimal.

This Application should not, on any account be approved. It must be withdrawn and re-submitted within the framework of the street and environment of which it is a part.

R. W. T. LLOYD

Architect & Urban Designer.

20 Pinewood road Newlands Cape Town 7700. Tel 083 440 5625. rodlloyd@icon.co.za

CK RUMBOLL &
VENNOTE / PARTNERS



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

DATE: 12 December 2024

OUR REF: RK/13482/JL/GB

ATTENTION: Mr Alwyn Zaayman

Municipal Manager

Swartland Municipality

Private Bag X52

Malmesbury

7300

MUNISIPALITEIT SWARTLAND					
LEEF NO.		Inligting		Verreke	Afhouding
15/3/5-11 / Erf_486					
Vernys Na					
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RESPONSE TO OBJECTIONS RECEIVED FROM THE PUBLIC

PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS OF ERF 486, RIEBEEK KASTEEL

1. Introduction

The land use application for the removal of restrictive title deed conditions in respect to Erf 486, Riebeeek Kasteel, dated October 2024, refers. The relevant public participation period for the proposed land use application on Erf 486, Riebeeek Kasteel, concluded on the 25th of November 2024. On the 2nd of December 2024, our office (CK Rumboll and Partners) received formal email correspondence from the Swartland Municipality, notifying us of, as well as also providing us with the objections received from the public during the public participation period.

Subsequent to the commencement of the public participation period, objections were jointly received by Lloyd Associates Architects and Urban Designers, on behalf of the following surrounding neighbours and interested parties:

- 1.) Petro Meyer (Erf 334, Riebeek Kasteel)
- 2.) Adri Walters (Erf 338, Riebeek Kasteel)
- 3.) Jacqueline Lloyd (Erf 377, Riebeek Kasteel)
- 4.) R. W. T. Lloyd (Erf 1941, Riebeek Kasteel)



This document addresses the objections received by Lloyd Associates Architects and Urban Designers during the public participation period.

VENNOTE / PARTNERS:

VENNOTE / PARTNERS:
I/HJ Rumboll PrL (SA), BSc (Surv), M.I.P.L.S., AP SteyPrL (SA), BSc (Surv), M.I.P.L.S.
ADDRESS/ ADRES: planning6@rumboll.co.za | PO Box 211 / Rainierstr 16, **Malmesbury, 7299**
MALMESBURY (T) 022 482 1845 (F) 022 487 1661

The following figures illustrate the locality of the objectors' properties in relation to the application property (Erf 486, Riebeek Kasteel), as well as a street view of the application property, which is situated along Kasteel Street.



Figure 1: Objectors' properties in relation to the application property



Figure 2: Street view of the application property

2. Comments on Objections

Please see CK Rumboll and Partners response to the objections received below in tabular form.

Table 1: Comments on Objections

Objectors	Objections	Comments from CK Rumboll & Partners
Lloyd Associates Architects and Urban Designers	<p>Objection 1:</p> <p>The Report covers, often at excessive length, a number of issues that are to the benefit of the Owner of erf 486's in terms of Town Planning regulation restraints.</p> <p>By contrast, comments that follow expose the extent to which the Report fails, in every aspect, to address negative implication of the project on other affected parties: property owners, the street and the village ambience in general.</p> <p>"Realizing the full potential" is a mantra that crops up frequently in the report to support the owner's need to change planning regulations. It is used to explain the "unique" components of the house: only one bedroom with very large entertainment room attached, and a separate, one bedroom "granny" flat.</p> <p>The term is used in both the general text and in the scheduled list, (for the municipality to consider when removing, suspending or amending of restrictive conditions). Thus this entire self-interest of the owner</p>	<p>The proposed development on Erf 486 has been carefully planned and designed in line with responsible urban development and architectural principles, balancing the needs of the owner with the broader interests of the community, whilst complying with the relevant municipal regulations and policies, i.e. the Swartland Municipal By-Law on Land Use Planning (PG 8226 of 25 March 2020), and the Swartland Municipal Spatial Development Framework (2023-2027). Below is a detailed response to the key points raised in the objection 1:</p> <p>A. Coverage Exceeding 33 %.</p> <p>The proposed coverage of 38.37 %, whilst exceeding the prescribed 33.33 % as outlined in the title deed, remains within the permitted 40 % coverage, as stipulated within the Swartland Municipal By-Law on Land Use Planning (PG 8226 of 25 March 2020), for Residential Zone 1 zoned properties, which comprise of a total land area of more than 1000 m². With the commencement of the Swartland Municipal Land Use Planning By-law, which came into effect in March 2017, it is no longer necessary for building parameters to be specified in the Title Deed.</p> <p>However, by proposing a minor coverage increase (5.37 %) from the title deed coverage restriction, but still adhering to the coverage restriction set out by the Swartland Municipal Land Use Planning By-</p>

VENNOTE / PARTNERS:

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	<p>of erf 486 would, inter alia :</p> <p>A. Justify Coverage in excess of the 33% allowed. But, being less than 40%, (actually 38,5%), can be condoned by the municipality where beneficial grounds for this can be established. By "beneficial" is generally meant to other residents, the town and environment.</p> <p>B. Justify the placing of a small extra dwelling, adjacent but separate from the main dwelling, and requiring the 6 meter building line on Kasteel St to be reduced to 4 meters.</p> <p>C. Justify the very large mass that the continuous total built structure extends over the whole length of the erf, (Jess the setbacks), being just over 30 meters. This is an institutional scale building. (note:Average house dimensions vary from 9 to 15 m).</p> <p>D. Justify the building of a very large structure, as being merely an example of a "trend" for more wealthy property owners in both the whole of Riebeek Kasteel, and even in Kasteel Street, "to realise their full potential". No evidence is offered for either supposition. All urban settlements have upmarket areas where properties reflect this. Kasteel Street and its surrounding streets are generally modest, and all properties meet these requirements.</p> <p>E. To be " ... consistent with the new planning</p>	<p>law, enhances the overall functionality and livability of the dwelling on Erf 486. These improvements contribute to the overall value of the property and the surrounding area, making it more attractive and suitable for permanent family living, which benefits the community by encouraging stability and investment in Riebeek Kasteel.</p> <p>It is important to note that all property owners have the right to apply for the removal of restrictive conditions listed in title deeds, if development proposals warrant it. Over the years, urban dynamics have evolved, making it appropriate to adapt to these changes by removing such restrictions. This allows property development to align with the applicable zoning scheme regulations.</p> <p>B. Reduction of the Building Line on Kasteel Street.</p> <p>The proposed reduction of the current 6.3 meter street building line to 4 meters is required, in order to accommodate the proposed washroom, new bedroom and the carport, which have been designed with careful consideration in terms of spatial integration and proportionality. The proposed additions remain visually unobtrusive, thereby preserving the streetscape, overall aesthetic appeal of the property as well as the surrounding neighborhood. The proposed 4 meter street building line will continue to provide adequate setback separation in line with the building line restriction, as set out in Schedule 2 of the Swartland Municipal Land Use Planning By-law for Residential Zone 1 properties, thereby ensuring that the development does not overshadow or negatively affect neighboring properties.</p> <p>Furthermore, as explained in the land use application's motivation report, the current 6.3 meter street building line was imposed by the previous administrator (Ordinance no 15 of 1952), which does not align with the current land use planning by-law of the Swartland</p>
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philosophies, such as densification, effectiveness, and resilience". None of which are relevant or fully understood.

Municipality. Therefore, the proposed 4 meter street building line will ensure that the properties street building line complies with, and is more in line with the current Swartland Municipal By-Law on Land Use Planning (PG 8226 of 25 March 2020).

Additionally, it is noted that the dwelling and carport on the abutting Erf 335 already extend beyond the 6.3 m street building line (see the following figure for reference). Therefore, by removing the restrictive condition relating to a 6.3 m building line, the property can be developed in harmony with the existing character of the surrounding residential area.



C. Length and Scale of the Development

The proposed dwelling's overall length, being approximately 30 meters, is a reflection of the specific design requirements and functional needs of the property owner, whilst remaining fully compliant with municipal standards regarding building lines and coverage, as stipulated within the Swartland Municipal By-Law on Land Use Planning (PG 8226 of 25 March 2020).

	<p>Despite its length, the structure remains within the permitted coverage percentage, thereby leaving sufficient open space on the property. Its linear layout optimizes functionality whilst aligning with the dimensions of the erf, creating a balanced and cohesive design. Although its scale has been compared to institutional buildings, the height, architectural design, and intended residential use distinguishes it from such structures, confirming that its overall length is proportionate to the erf size. Similar designs have been approved within the municipality, reflecting alignment with the local spatial development framework and land use planning by-law. Therefore, the dwelling's scale is justified, complying with all relevant standards and harmonizing with its surroundings without constituting overdevelopment.</p> <p>D. Addressing Community and Town Ambiance</p> <p>The objection's suggestion that the proposed development undermines the street and town ambiance does not reflect the reality of the proposal. The design maintains harmony with the character of Riebeek Kasteel by respecting the neighborhood's charm and scale. The enhancements will attract long term residents or families who will contribute to the vitality and cohesion of the community, thereby countering concerns of absentee ownership. Furthermore, the improvements to the property will most likely have a positive impact and ripple effect on surrounding property values, ultimately fostering and promoting continued investment in the area.</p> <p>E. Public and Environmental Benefits</p> <p>The proposal aligns with planning legislation, policies, and principles that advocate for maximizing the use and functionality of residential properties in a way that benefits both the property owner and the broader community. Enhancing the livability of Erf 486 not only serves</p>
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		<p>the owner's needs, but also contributes to the town's appeal by promoting a well-maintained, aesthetically pleasing property that complements the surrounding environment. Densifying areas within the urban edge through spatial planning tools, such as infill development, is recommended for all towns in the Western Cape, as outlined in the Western Cape Provincial Spatial Development Framework. The application supports densification within Riebeek Kasteel whilst ensuring land development aligns with the prescribed parameters for Residential Zone 1 properties, as outlined in the Swartland Municipal Land Use Planning By-Law.</p> <p>The proposed development on Erf 486 represents a thoughtful, proportional, and contextually appropriate use of the site. It respects the community's character whilst addressing contemporary housing needs, along with the removal of the relevant restrictive title deed conditions being justified in light of the benefits to both the property and the neighborhood. The objections, whilst acknowledged, does not outweigh the broader merits of the proposed development.</p>
Lloyd Associates Architects and Urban Designers	<p>Objection 2:</p> <p>The separate Flat -</p> <p>With regard to the above, (paragraphs A to E), an extract from the report page 8 illustrates the nature of argument in detail, that, in this case is used to justify the separate Flat as being part of the main dwelling.</p> <p>The Flat is marginally connected to the main Dwelling. But, by any town planning criteria it is a separate dwelling, and can be used accordingly.</p> <p>Location of the flat also requires that the current</p>	<p>The proposed washroom and new bedroom on Erf 486 are integral parts of the main dwelling, designed to enhance its functionality and suitability for a single family living. Whilst physically detached, these structures are seamlessly connected to the existing dwelling via a 3 meter wide covered pergola, ensuring that they function as part of the primary residence. The bedroom will not function as a separate dwelling, which is clearly proved by the absence of a kitchen.</p> <p>The relaxation of the 6.3 m building line to 4 m is detailed and motivated in the response to objection 1.</p>

	<p>building line be relaxed from 6 to 4 meters. No argument is offered for this concession, other than that it would be convenient.</p> <p>A commonly accepted criterion for good street design, in Town Planning terms requires setbacks to all contiguous properties to be consistent. This applies to all planning regulations.</p>	
<p>Lloyd Associates Architects and Urban Designers</p>	<p>Objection 3:</p> <p>Entertainment area -</p> <p>With one bedroom only, the large Entertainment room, (nearly half the total useable area), is disproportionate to a typical Family Dwelling. The Plan suggests Uses other than a Home.</p> <p>Approval needs to include endorsement of intended occupancy and use, especially in relation to excess street parking and noise.</p>	<p>The proposed extensions to the existing dwelling are designed to comply with the development parameters specified in the Swartland Municipal By-Law on Land Use Planning for Residential Zone 1 properties, which is the property's existing zoning classification. No departures from these parameters are being requested. The intent is to develop the property in accordance with the primary use permitted for Residential Zone 1, thereby adhering to all applicable development parameters. The building will serve as a single family residence, used exclusively for residential purposes. Therefore, this application is expected to have little to no impact on parking and noise.</p> <p>Additionally, the entertainment area is located on the northern side of the erf, behind the dwelling, thereby ensuring privacy and minimizing any potential impact on neighbouring properties. Noise levels will be typical of a residential setting, and the property provides sufficient on-site parking to accommodate residents and their potential guests, without contributing to street congestion, whilst adhering to the Swartland Municipal By-Law on Land Use Planning (PG 8226 of 25 March 2020), in terms of parking requirements.</p> <p>In conclusion, the entertainment area is a well considered addition that enhances the liveability and value of the property without compromising its residential use or negatively impacting the</p>

		surrounding neighbourhood. The proposed development remains fully compliant with town planning principles, and its design supports the continued residential character of the area.
Lloyd Associates Architects and Urban Designers	<p>Objection 4:</p> <p>Building mass: floor levels -</p> <p>The finished Ground Floor appears to be +1 meter above natural ground. The north east corner of the building would be as much as 2,5 meters, a full storey, above ground.</p> <p>The building exterior and roof present an institution scale rather than domestic.</p>	<p>The proposed development on Erf 486 complies with the municipal height restrictions and has been carefully designed to align with relevant town planning guidelines. The apparent elevation of the finished ground floor is a result of the natural slope of the land, which necessitates adjustments to ensure proper functionality and integration with the existing terrain. Whilst the northeast corner may appear elevated, the overall height of the building remains well within the allowable limits, as defined by the Swartland Municipal By-Law on Land Use Planning (PG 8226 of 25 March 2020).</p> <p>As mentioned in the response to Objection 1, 2 and 3, the property will be used for residential purposes by the use of a single dwelling in accordance with its current zoning. If any other use is proposed on the property, a land use application for consent use or rezoning is required to be submitted to the Municipality for approval.</p> <p>The design is intended to maintain a domestic scale, with proportions and architectural elements that are consistent with residential properties in Riebeek Kasteel. The roof design and exterior finishes have been carefully planned to blend with the surrounding environment and to avoid any institutional appearances. Any concerns pertaining to building height and mass specifications and standards will further be addressed and evaluated during the building plan stage, where compliance with all municipal building control standards, including height restrictions, will be confirmed.</p>
Lloyd	Objection 5:	The concerns raised regarding the rights and interests of neighbouring

<p>Associates Architects and Urban Designers</p>	<p>We believe the Rights and Interests of other property owners in Kasteel Street are negatively affected.</p> <p>The Application by the Owners of 486 should be withdrawn and re-submitted with modified design to alleviate negative aspects affecting neighbouring properties.</p> <p>A general view of the Valley and mountains beyond will be restricted, to varying degree of all properties to the west and south west of erf 486 .. This represents a material loss in real value.</p> <p>Modifications to the design can easily ameliorate this:</p> <ol style="list-style-type: none"> 1. Very large building institutional mass: presents a non-domestic character, out of scale with Kasteel Street. This is primarily in terms of its excessive, uninterrupted length of both building and roof designed at one level, from end to end, over 30 meters. 2. To fragment the mass : In Section : the Entertainment room roof has a mono-pitch that extends, unnecessarily, up to meet the roof of the main house. This provides no protection to glazing (especially in summer from the fierce east sun). The roof should be a conventional pitched roof with central ridge. This will lower the ridge height and fragment the overall mass. 3. The location of the Flat, (dealt with above in relation to it being a Separate Dwelling' and 	<p>property owners and the proposed design of the development on Erf 486 have been thoroughly considered in the design process. Below is a detailed response to the key points raised in the objection 5:</p> <p>1. Views and Property Value:</p> <p>The claim that the proposed development will restrict general views of the valley and mountains for properties to the west and southwest is noted. However, it is important to emphasize that the right to a view is not guaranteed under South African planning law unless explicitly protected by servitudes or legal agreements. Furthermore, the proposed design complies with municipal height restrictions, coverage and building lines, which are set in place in order to balance development rights with neighbourly considerations. Furthermore, the building plan stage will evaluate compliance with the relevant municipal regulations, in order to ensure minimal impact on surrounding properties. Furthermore, the development has been thoughtfully designed to integrate within its local context, and the assertion of a material loss in real value, lacks substantiated evidence.</p> <p>2. Building Mass and Design:</p> <p>The development has been designed within the permissible building lines, coverage and height parameters. The uninterrupted roofline and building length are consistent with regulations, and the overall design reflects a contemporary interpretation of residential architecture rather than an institutional aesthetic. Suggestions to alter the roof pitch or fragment the building mass are noted, however, the current design ensures functional and aesthetic integration whilst maintaining compliance with municipal requirements. The mono-pitched roof design is a deliberate architectural choice to harmonize with modern residential trends, whilst maximizing usability and environmental</p>
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	<p>requiring the extended building line). This addition extends the built structure mass to the 30 length mentioned above.. This unit could be located above the carports for example.</p> <p>4. Off-street Parking: should be assessed in terms of the Owner's endorsement as to Use of the building.</p>	<p>considerations, such as accommodating solar energy solutions.</p> <p>Furthermore, the properties situated along Kasteel street, do not form part of any home owners associations, and are therefore not subject to any set standards in terms of architectural guidelines. Therefore the owner of Erf 486 is acting in his right to the design the dwelling as proposed, whilst ensuring adherence to the relevant town planning and architectural guidelines, outlined by the Swartland Municipality.</p> <p>3. New Bedroom (Not a Flat):</p> <p>As previously mentioned and addressed, the new bedroom is not a separate flat or dwelling, it is instead an integral part of the main dwelling, connected via a 3 meter wide covered pergola to ensure functional and aesthetic cohesion. It has been designed to comply with planning requirements, including the proposed building line amendment, which is minimal and justified by the need to create a practical and liveable residential arrangement on Erf 486.</p> <p>4. Off-Street Parking:</p> <p>The development includes provisions for off street parking, with a carport integrated into the design to ensure compliance with parking standards and requirements. The proposed use of the property as a family home aligns with the zoning and intended residential character of the area. There is no indication of any use that would generate excessive parking demands or that would disrupt the neighbourhood.</p> <p>The proposed development adheres to municipal planning regulations, including coverage, height, and building line requirements, as stipulated within the Swartland Municipal By-Law on Land Use Planning (PG 8226 of 25 March 2020). Whilst neighbourly concerns are acknowledged, the design strikes a balance between the owner's right to develop the</p>
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		property and the broader community's interests. Any further technical adjustments will be addressed during the building plan stage, which will ensure compliance with all applicable regulations.
Lloyd Associates Architects and Urban Designers	<p>Objection 6:</p> <p>In response to change, upmarket areas have been developed around the periphery of the old core village.</p> <p>New dynamics, such as excellent new N7 motorway, give easier commuter access to Cape Town's northern suburbs. Then, prohibitive land costs in traditional villages such as Stellenbosch and Paarl have served to see the appeal of Riebeeck's land and house prices.</p> <p>The Report, however would justify the very big house on 486 on the grounds that it would typify the village in a state of economic change to be taken over by wealthy owners with big houses. (This is dealt with briefly in the comments document). Existing low key and affordable housing fabric would, it can be assumed become redundant.</p> <p>The new wealthy owners would, in all likelihood be non-permanent, (as, apparently is the Owner of 486), using Riebeeck Kasteel as a summer playground. Their lack of commitment to the street and the village would reflect in the high walls and electric fencing that surround their property (again a feature of 486). They form a self serving "bubble" within the street community.</p>	<p>The proposed removal of restrictive title deed conditions to allow for a larger dwelling on Erf 486, does not inherently diminish the town's unique charm or economic accessibility. Instead, it aligns with the natural evolution of the area, accommodating modern housing demands whilst respecting its historical fabric. The application does not entail subdivision or additional dwelling units. The property will continue functioning the way it is currently is, by only expanding the existing dwelling.</p> <p>Whilst Riebeeck Kasteel has gained appeal due to its proximity to Cape Town and relative affordability in comparison to towns such as Stellenbosch and Paarl, this proposal represents a single, thoughtfully planned residential development. The claim that such homes foster isolation or diminish community commitment is speculative. Larger homes often attract residents or families with resources to invest in not only their properties but also the broader community, thereby contributing to local economic stability and vitality. Furthermore, permanent residency patterns are influenced by various factors, and there is no evidence to suggest that this development will attract predominantly absentee owners.</p> <p>Concerns regarding security measures such as high walls and electric fencing are generalized and not exclusive to larger homes. These measures are often practical responses to broader societal safety concerns and do not necessarily reflect a lack of engagement with the community. In addition the proposed development is consistent with Riebeeck Kasteel's ongoing transformation, ensuring the area remains</p>

		<p>attractive to a diverse group of residents, including long term contributors to the town's vibrant social and economic fabric.</p> <p>Furthermore, the proposed development seeks to balance growth with preservation, supporting Riebeek Kasteel's continued appeal as both a residential haven and a destination for visitors. Therefore, the proposed changes will bring thoughtful improvements to Erf 486 without compromising the town's essence or economic accessibility.</p>
R. W. T. Lloyd	<p>Objection 7:</p> <p>Gentrification -</p> <p>A feature of this type of 'change' is that the burden of street surveillance, its security and safety for pedestrian use falls on the permanent residents. However, as the latter diminish, due to discomfort or 'taking the money', so does the life and safety of the streets. The empty street becomes a dark potential for muggers and casualcrime.</p> <p>Thus, the insertion of one very large development, such as 486, into these old established areas, accelerates the breakdown of cohesive communities and the consequent spread of gentrification over a wider area. Likewise, the retail trade, particularly restaurants (that in any case mainly flourish in summer), will find fewer all year customers in the cold months This leads to seasonal opening, or even closure. (as is already happening).</p> <p>Gentrification is a world-wide problem in so far as it destroys the unique character of thevenues that</p>	<p>The proposed removal of restrictive title deed conditions, in order to allow for a larger residential dwelling on Erf 486, does not inherently contribute to the negative outcomes described. The development is entirely residential in nature and aligns with the existing land uses in the area, thereby ensuring the property remains consistent with the character and heritage of Riebeek Kasteel, along with the Swartland Municipal By-Law on Land Use Planning and the Swartland Municipal Spatial Development Framework. This proposal respects the town's unique charm whilst allowing for responsible and thoughtful progress, which meets evolving housing needs.</p> <p>A modern, larger home has the potential to enhance property values and increase the appeal of the neighborhood, encouraging investment and attracting long term residents who positively contribute to community cohesion. If existing homes in older neighbourhoods are not properly maintained and renovated over time, the area may experience urban decay. This application is, therefore, expected to have a positive impact on the area rather than a negative one.</p> <p>Larger, more modern homes are more likely to attract families or individuals seeking permanent residency, fostering active and engaged neighborhoods. Contrary to concerns about seasonal occupants, this type of development is poised to create a stable residential base that</p>

	<p>seasonal and daily tourist visitor find so attractive. Residents are increasingly side-lined in access to amenities.</p> <p>This Review is meant to highlight the danger to the unique character of Riebeek Kasteel and the fragile nature of its attraction to visitors. Gentrification will gradually deny the original demographic in favour of temporary wealthy owners whose interest in the street is minimal.</p>	<p>supports local businesses year round, thereby reducing the seasonality of demand and instead bolstering the local economy.</p> <p>The objection also raises concerns regarding diminishing street surveillance and safety. However, increasing long term residency, as anticipated with this development, directly contributes to improved street activity and oversight. The enhanced property is likely to encourage a sense of ownership and pride amongst its residents, further promoting community safety and vibrancy. Moreover, gentrification is a broader, global issue influenced by economic trends that extend beyond individual developments. This specific application should be considered within the framework of responsible urban planning and not as a driver of widespread socio-economic change.</p> <p>This proposal respects the delicate balance between preserving Riebeek Kasteel's unique heritage and adapting to contemporary needs. Allowing for this development fosters a positive cycle of investment and growth, which will benefit the broader community, whilst maintaining the town's historical charm. Therefore, the proposed development can be regarded as a balanced and contextually appropriate application, thereby ensuring that Riebeek Kasteel continues to thrive as both a residential and cultural hub.</p>
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3. Conclusion

The primary concern raised by the objectors is that the proposed extension of the dwelling will encroach upon the 6.3 m street building line and extend up to the 4 m street building line, which is in accordance with the development parameters for Residential Zone 1 properties. Additionally, the objectors argue that the design and use of the property are not residential in nature and express concern that the proposed changes may negatively impact the existing character of the area.

However, it is not anticipated that this application will adversely affect the surrounding character. The property will continue to be used as a single dwelling unit, consistent with its current usage. Furthermore, the proposed 4 m street building line aligns with the building line of the adjacent dwelling on Erf 335, where the dwelling is also built to approximately 4m. In fact, the carport on Erf 335 extends beyond this building line.

The proposed development is, therefore, both contextually appropriate and aligned with existing development patterns in the area, ensuring minimal disruption to the neighbourhood's character. This alignment strengthens the argument that the application will integrate seamlessly into the surrounding urban fabric whilst complying with the zoning regulations.

The proposed development on Erf 486, Riebeek Kasteel, has been carefully designed to balance modern functionality with the historical and aesthetic character of the area. The responses to the objections raised demonstrate that the development complies fully with the relevant municipal regulations, including height restrictions, building coverage, and building lines, as permitted under the Swartland Municipal By-Law on Land Use Planning (PG 8226 of 25 March 2020). The design considerations have been mindful of neighbouring properties and the broader context of Kasteel Street, ensuring that the development integrates harmoniously with the surrounding environment whilst enhancing the functionality and liveability of the property.

The proposed removal of restrictive title deed conditions aligns with the principles of the Land Use Planning Act (LUPA) and the Spatial Planning and Land Use Management Act (SPLUMA), which emphasize equitable development, efficient land use, and the promotion of sustainable growth. The development will modernize the existing dwelling, providing much needed enhancements, including additional living space and amenities, whilst maintaining the overall residential character of the property.

It is also clear that the concerns raised regarding building mass, aesthetic integration, and impacts on neighbouring properties have been addressed comprehensively, demonstrating that the proposed development will not result in significant adverse effects. Instead, the project represents an opportunity to contribute positively to the local built environment by modernizing the property in a manner consistent with municipal planning objectives and regulations.

This office is of the opinion that the approval of the proposed land use application for the removal of restrictive title deed conditions will enable the property owner of Erf 486, Riebeek Kasteel, to maximize the development potential of their property, in line with municipal guidelines and legal frameworks. We therefore respectfully request that the Swartland Municipality thoroughly evaluate and consider the

approval of this land use application, as it reflects a thoughtful, balanced, and beneficial development for both the property owner and the broader community.

We trust you will find the above in order when considering the application.

Kind regards



Jolandie Linnemann / Grant Baartman

For CK RUMBOLL AND PARTNERS