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SKOON OUDITS SEDERT 2010/11



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Lêer verw/ 15/3/3-11/Erf_1237
File ref: 15/3/6-11/Erf_1237

Navrae/Enquiries:
Ms D N Stallenberg

21 November 2022

InterActive Town & Regional Planning
PO Box 980
HERMANUS
7200

By Registered Mail

Sir/Madam

PROPOSED REZONING AND SUBDIVISION OF ERF 1237, RIEBEEK KASTEEL

Your application with reference Erf 1237, Riebeek Kasteel dated 9 June 2022 on behalf of Johan Vlok Familie Trust, has reference

- A. The Municipal Planning Tribunal has resolved at a meeting held on 16 November 2022 to approve the application for the rezoning of Erf 1237, Riebeek Kasteel, from Residential Zone 1 to Subdivisional Area, in terms of section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- B. The application for the subdivision of Erf 1237, Riebeek Kasteel, has been approved in terms of section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);
- C. Approvals A and B above are subject to the conditions that:

C1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 1237 (17 697m² in extent) be rezoned from Residential Zone 1 to Subdivisional Area in order to accommodate the following zoning categories, as presented in the application on Site Plan A101, dated 2022/06/09:
- i. 31 x General Residential Zone 1 erven (12 968m² in extent); and
 - ii. 1 x Transport Zone 1: Private Road (2 672m² in extent);
 - iii. 7 x Open Space Zone 2: Private Open Space portions (2 057m² in extent);
- (b) Erf 1237 be subdivided as follows and as presented in the application on Site Plan A101, dated 2022/06/09:
- i. 31 x General Residential Zone 1 erven between 400m² - 507m² in extent;
 - ii. 1 x Transport Zone 1: Private Road of 2 672m² in extent;
 - iii. 7 x Open Space Zone 2: Private Open Space portions between 24m² - 720m² in extent;
- (c) The required on-site parking bays be provided consistent with the requirements of General Residential Zone 1 and as presented on Site Plan A101, dated 2022/06/09;
- (d) A detailed Site Development Plan, be submitted to the Senior Manager: Built Environment for consideration and approval;
- (e) A Landscape Plan be submitted to the Senior Manager: Built Environment for consideration and approval, including:

Rig asseblief alle korrespondensie aan:
Die Munisipale Bestuurder
Privaatsak X52
Malmesbury 7299

Darling Tel: 022 492 2237

Tel: 022 487 9400
Faks/Fax: 022 487 9440
Epos/Email: swartlandmun@swartland.org.za

Moorreesburg Tel: 022 433 2246

Kindly address all correspondence to:
The Municipal Manager
Private Bag X52
Malmesbury 7299

Yzerfontein Tel: 022 451 2366

- 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;
- (f) 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;
- (g) The construction and external landscaping of the boundary wall be completed before the transfer of the first residential property;
- (h) The landscaping of the shared internal open spaces be completed before the transfer of the tenth residential property;
- (i) The boundary wall be constructed with columns and permeable panels, as presented in the application;
- (j) The entrance gate to the development be located at least 10m from the property boundary in order to allow sufficient stacking distance for minimum two vehicles at a time;
- (k) 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;
 and copies of said diagrams be made available to the Municipality;
- (l) An Owners Association be established in terms of section 39 of the By-Law and that a constitution be compiled and submitted to the Senior Manager: Built Environment, for consideration and approval;
- (m) The constitution of an owners association be approved by the municipality before registration of the transfer of the first land unit and make 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:
 - a. private open spaces;
 - b. private roads; and
 - c. 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.
- (n) The Transport Zone 2 erf and the Open Space Zone 2 portions be transferred to the Owners Association, before transfer of the first residential property is approved;
- (o) 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;

C2 WATER

- (a) The development be provided with an internal water network that connects to the municipal water network;
- (b) The internal water network be designed by a professional engineer registered in terms of Act 46 of 2000 and that the design be submitted to the Director: Civil Engineering Services for consideration and approval;
- (c) Construction of the internal network be completed under the supervision of the appointed engineer at subdivision stage;

- (d) An analysis of the network be completed by the appointed engineer to ascertain whether elements of the Water Master Plan need to be implemented in order to accommodate the development, and the results be submitted to the Director: Civil Engineering Services;
- (e) The internal water network not be adopted by the Municipality and remain the responsibility of the Owners Association;

C3 SEWERAGE

- (a) The development be provided with an internal sewerage network that connects to the municipal sewerage network;
- (b) The internal sewerage network be designed by a professional engineer registered in terms of Act 46 of 2000 and that the design be submitted to the Director: Civil Engineering Services for consideration and approval;
- (c) Construction of the internal network be completed under the supervision of the appointed engineer at subdivision stage;
- (d) An analysis of the network be completed by the appointed engineer to determine whether elements of the Sewerage Master Plan need to be implemented in order to accommodate the development, and the results be submitted to the Director: Civil Engineering Services;
- (e) The internal sewerage network not be adopted by the Municipality and remain the responsibility of the Owners Association;

C4 STREETS AND STORMWATER

- (a) Stormwater be directed underground towards a suitable connection with the municipal stormwater system, to ensure that post-development volumes remain the same as pre-development stormwater volumes on the property;
- (b) The internal private road be provided with a permanent, dust free surface, whether it be tar, concrete, paving or any other material previously approved by the Director: Civil Engineering Services;
- (c) Both the internal road network and stormwater network be designed by a professional engineer registered in terms of Act 46 of 2000 and that the design be submitted to the Director: Civil Engineering Services for consideration and approval;
- (d) Construction of the internal road and stormwater networks be completed under the supervision of the appointed, suitably qualified engineer at subdivision stage;
- (e) The internal stormwater and road networks not be adopted by the Municipality and remain the responsibility of the Owners Association;

C5 DEVELOPMENT CONTRIBUTIONS

- (a) The owner/developer is responsible for a development charge of R191 672,80 toward the bulk supply of regional water, at clearance stage. The amount is payable to the Swartland Municipality, valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA 9/249-176-9210);
- (b) The owner/developer is responsible for the development charge of R275 638,90 towards bulk water reticulation, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA: 9/249-174-9210);
- (c) The owner/developer is responsible for the development charge of R384 139,10 towards sewerage, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA: 9/240-184-9210);
- (d) The owner/developer is responsible for the development charge of R273 563,15 towards roads and storm water, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA: 9/247-144-9210).
- (e) The owner/developer is responsible for the development charge of R13 076, 70 towards electricity, at building plan stage. The amount is payable to the Municipality, valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA: 9/253-164-9210);
- (f) The Council resolution of May 2022 makes provision for a 35% discount on development charges to Swartland Municipality, except for condition C5(a), which is payable in full. The discount is valid for the financial year 2022/2023 and may be revised thereafter;

D. GENERAL

- (a) Should the extension of any existing service be needed in order to provide the development with services, said extension be for the account of the owner/developer;
- (b) The approval is, in terms of section 76(2)(w) of the By-Law valid for a period of 5 years. All conditions of approval be complied with before the occupancy certificate be issued. Failure to comply will result in the approval expiring;
- (c) Appeals against the Tribunal decision should be directed, in writing, to the Municipal Manager, Swartland Municipality, Private Bag X52, Malmesbury, 7299 or by e-mail to swartlandmun@swartland.org.za, no later than 21 days after registration of the approval letter. A fee of R4 500,00 is to accompany the appeal and section 90 of the By-Law complied with, for the appeal to be valid. Appeals that are received late and/or do not comply with the aforementioned requirements, will be considered invalid and will not be processed.

E. The application be supported for the following reasons:

- (a) The application is in compliance with the character and erf size for the specific portion of Riebeeck Kasteel, as determined by the SDF;
- (b) The application is seen as densification which is supported by the SDF and PSDF;
- (c) The application complies with section 42 of SPLUMA and Principles referred to in Chapter VI of LUPA;
- (d) The proposed subdivision will not negatively affect the character of the neighbourhood, as it is located outside the boundaries of the historic precinct of Riebeeck Kasteel;
- (e) There is sufficient services capacity to accommodate the newly created erf;
- (f) The increase in traffic load, due to the development, is considered negligible;
- (g) The rights of surrounding property owners will not be negatively affected, as the developable area of the proposed portion will remain extensive;
- (h) All development parameters of the By-Law be adhered to.

Yours faithfully



MUNICIPAL MANAGER

via Department Development Services
/ds

Copies : The Surveyor General, Private Bag X9028, Cape Town, 8000

Director : Civil Engineering Services

Director : Financial Services

Building Control Officer