



Lêer verw/ 15/3/3-15/Farm\_997/03, 997/08  
File ref: 15/3/6-15/Farm\_997/03, 997/08

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Sir/Madam

**PROPOSED AMENDMENT OF CONDITIONS IN RESPECT OF AN EXISTING APPROVAL, AMENDMENT OF THE APPROVED PHASING PLAN AND ADDITIONAL CONSOLIDATION AND SERVITUDE REGISTRATION ON PORTION 3 OF FARM AMOSKUIL, NO. 997 AND PORTION 8 OF FARM AMOSKUIL, NO. 997, DIVISION MALMESBURY**

Your application with reference MAL/15068/MV dated 11 March 2026, on behalf of Desert Star Trading (PTY) Ltd and Cape Drilling and Exploration, has reference.

- A. By virtue of the authority delegated to the Senior Manager: Development Management, in terms of Council Resolution No. 4.1, dated 28 March 2019, as determined by section 79(1) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226, dated 25 March 2020), the application for the amendment of conditions in respect of an existing approval regarding the rezoning, subdivision and registration of a servitude of Portion 3 of the Farm Amoskuil, no. 997, Division Malmesbury, is hereby approved in terms of Section 70 of the By-Law, subject to the conditions that:

**1. TOWN PLANNING AND BUILDING CONTROL**

- a) Conditions B.1.a) and b), contained in approval letter 15/3/6-15/Farm\_997/03, dated 28 October 2022, that read as follows:

*"...B.1.a) Phase 1 – Portion 8  
B.1.b) Phase 2 – Portions 1 to 7 and 9 to 24..."*

be amended to read as follows:

*"...B.1.a) Phase 1 – Portion 8 and 9  
B.1.b) Phase 2 – Portions 1 to 7 and 10 to 24..."*

- b) Conditions B.1.c), B.1.c)(vi), B.1.e), B.1.g), B.4.c) and 1.1., contained in approval letter 15/3/3-15/Farm\_997/03 & 15/3/6-15/Farm\_997/03, dated 14 June 2022, that read as follows:

*"...B1(c) The constitution of the owners' association be approved by the Municipality before the transfer of the first land unit (excluding portion 8) and make provision for -*

- Swartland vooruitdenkend 2040 - waar mense hul drome uitleef!
- Swartland forward thinking 2040 - where people can live their dreams!
- ISwartland ijonge phambili ku2040 -apho abantu beza kufezekisa amaphupho abo!

- B1(c)(vi) *The ownership mentioned in condition 1(c)(v) above should simultaneously take place with the transfer of the first land unit (excluding portion 8).*
- B1(e) *The constitution of the owners' association takes effect on the registration of the first land unit (excluding portion 8);*
- B1(g) *An owners' association that comes into being in terms of condition 1(c) above – (ii) is upon registration of the first land unit (excluding portion 8) automatically established;*
- B4(c) *The internal road and storm water network be transferred to the relevant Owners Association; together with the transfer of the first land unit (excluding portion 8);*
- 1.1 *A condition of sale be imposed on portion 8 to form part of the Owners Association once established..."*

be amended to read as follows:

- B1(c) The constitution of the owners' association be approved by the Municipality before the transfer of the first land unit (excluding portions 8 and 9) and make provision for –
  - B1(c)(vi) The ownership mentioned in condition 1(c)(v) above should simultaneously take place with the transfer of the first land unit (excluding portions 8 and 9);
  - B1(e) The constitution of the owners' association takes effect on the registration of the first land unit (excluding portions 8 and 9);
  - B1(g) An owners' association that comes into being in terms of condition 1(c) above – (ii) is upon registration of the first land unit (excluding portions 8 and 9) automatically established;
  - B4(c) The internal road and storm water network be transferred to the relevant Owners Association; together with the transfer of the first land unit (excluding portions 8 and 9);
  - 1.1 A condition of sale be imposed on portions 8 and 9 to form part of the Owners Association, once established;
- B. By virtue of the authority delegated to the Senior Manager: Development Management, in terms of Council Resolution No. 4.1, dated 28 March 2019, as determined by section 79(1) of the Swartland Municipality: Municipal Land Use Planning By-law (PG 8226, dated 25 March 2020), the registration of a right-of-way servitude over Portion 3 of the Farm Amoskuil, no. 997, Division Malmesbury, is hereby approved in terms of Section 70 of the By-Law;
  - C. By virtue of the authority delegated to the Senior Manager: Development Management, in terms of Council Resolution No. 4.1, dated 28 March 2019, as determined by section 79(1) of the Swartland Municipality: Municipal Land Use Planning By-law (PG 8226, dated 25 March 2020), the application for the consolidation of Portion 8 of the Farm Amoskuil, no. 997, with Portion 9 of the Farm Amoskuil, no. 997, Division Malmesbury, is hereby approved in terms of Section 70 of the By-Law;
  - D. By virtue of the authority delegated to the Senior Manager: Development Management, in terms of Council Resolution No. 4.1, dated 28 March 2019, as determined by section 79(1) of the Swartland Municipality: Municipal Land Use Planning By-law (PG 8226, dated 25 March 2020), the application for the amendment of the subdivision and phasing plan pertaining to Portion 3 of the Farm Amoskuil, no. 997, Division Malmesbury, is hereby approved in terms of Section 70 of the By-Law;

Conditions B, C and D are subject to the conditions that:

**1. TOWN PLANNING AND BUILDING CONTROL**

- a) The approval authorises the registration of a private right-of-way servitude (3 365m<sup>2</sup> in extent) over Portion 3 of the Farm Amoskuil, no. 997, in favour of the newly consolidated property consisting of Portion 8 and Portion 9, in accordance with Servitude Plan MAL/15068/AC, dated February 2026, as presented in the application;
- b) The approval authorises the consolidation of Portion 8 (2.2571 ha in extent) with Portion 9 (2.04 ha in extent) of the Farm Amoskuil, no. 997, to form a new land unit of 4.2971 ha in extent, in accordance with Consolidation Plan MAL/15068/AC, dated February 2026, as presented in the application;
- c) Phasing Plan MAL/6353/AC, approved 28 October 2022, be amended and replaced by Phasing Plan MAL/15068/AC, dated February 2026, as presented in the application;
- d) The amended plans 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 servitude and consolidation;
  - ii. the conditions of approval imposed in terms of section 76; and
  - iii. the approved servitude and consolidation plan;

**2. GENERAL**

- a) The remaining conditions in approval letter 15/3/3-15/Farm\_997/03 & 15/3/6-15/Farm\_997/03, dated 14 June 2022 and approval letter 15/3/6-15/Farm\_997/03, dated 28 October 2022, remain unchanged and applicable;
- b) 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;
- a) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law from date of decision. All conditions of approval be implemented before the new land use comes into operation 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.

Yours faithfully



**MUNICIPAL MANAGER**  
via Department Development Services

AJB/ds

Copies:            *Director: Civil Engineering Services*  
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