



CLEAN AUDITS SINCE 2010/11  
SKOON OUDITS SEDERT 2010/11



Swartland forward-thinking 2040 -  
where people can live their dreams!

Swartland vooruitdenkend 2040 -  
waar mense hul drome kan uitleef!

Lêer verw/ 15/3/3-3/Erf\_2226  
File ref: 15/3/6-3/Erf\_2226

Navrae/Enquiries:  
Ms D N Stellenberg

27 November 2023

C K Rumboll & Partners  
P O Box 211  
MALMESBURY  
7299

By Registered Mail

Sir/Madam

### PROPOSED REZONING AND SUBDIVISION OF ERF 2226, DARLING

Your application with reference DAR/12796/ZN/GT dated 8 February 2023, on behalf of J P G Gremels has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 15 November 2023 to approve the application for the subdivision of Erf 2226, Darling, in terms of section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), subject to the following conditions:

#### A1 TOWN PLANNING AND BUILDING CONTROL

- (a) Erf 2226, Darling ( $\pm 4141\text{m}^2$  in extent) be subdivided into a Portion A ( $3317\text{m}^2$  in extent) and a remainder ( $824\text{m}^2$  in extent), as presented in the application;
- (b) The registration of the remainder in the name of Swartland Municipality be for the owner / developer's account;
- (c) The registration of the remainder be done simultaneously with the registration of portion A;

- B. The application for the rezoning of a portion ( $3317\text{m}^2$  in extent) of Erf 2226, Darling, from Residential Zone 1 to Subdivisional Area, is approved in terms of section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);

- C. The application for the subdivision of portion A (Portion of erf 2226, Darling), is approved in terms of section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);

- D. Decisions B and C above are subject to the following conditions:

#### D1 TOWN PLANNING AND BUILDING CONTROL

- (a) Portion A ( $3317\text{m}^2$  in extent) be rezoned from Residential Zone 1 to Subdivisional Area in order to accommodate the following zoning categories, as presented in the application:
  - (i) 8 General Residential Zone 1 erven ( $2589\text{m}^2$  in total)
  - (ii) 1 Open Space Zone 2 erf ( $\pm 405\text{m}^2$  in extent) [=
  - (iii) 1 Transport Zone 2: private road including service yard ( $\pm 599\text{m}^2$  in extent)
- (b) Portion A ( $3317\text{m}^2$  in extent) be subdivided as follows:
  - (i) Portion 1 ( $\pm 296\text{m}^2$  in extent)
  - (ii) Portion 2 ( $\pm 285\text{m}^2$  in extent)
  - (iii) Portion 3 ( $\pm 285\text{m}^2$  in extent)

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

- (iv) Portion 4 ( $\pm 285\text{m}^2$  in extent)
  - (v) Portion 5 ( $\pm 285\text{m}^2$  in extent)
  - (vi) Portion 6 ( $\pm 285\text{m}^2$  in extent)
  - (vii) Portion 7 ( $\pm 285\text{m}^2$  in extent)
  - (viii) Portion 8 ( $\pm 308\text{m}^2$  in extent)
  - (ix) Portion 9 ( $\pm 405\text{m}^2$  in extent)
  - (x) Remainder Road ( $\pm 598\text{m}^2$ )
- (c) 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 on the outside of the private road;
- (d) The green strips along the internal roads remain unobstructed, unfenced, and maintained by the Owners' Association into perpetuity, and the condition be included in the constitution of the Owners' Association;
- (e) The landscaping of the communal open space be completed before the transfer of the fourth residential property;
- (f) The entrance gate to the development be located at least 10m from the property boundary to allow sufficient stacking distance for minimum two vehicles at a time;
- (g) 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;
  - (iv) and copies of said diagrams be made available to the Municipality;
- (h) 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;
- (i) The constitution of an owner's association be approved by the municipality before registration of the transfer of the first land unit and make provision for—
- (i) The owner's 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;
- (j) The Transport Zone 2 erf and the Open Space Zone 2 portion be transferred to the Owners Association, before transfer of the first residential property is approved;
- (k) 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;
- (l) The owner/developer appoints 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), 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.

**D2 WATER**

- (a) The development be provided with a single bulk water connection and an internal water distribution network with connections to each sub-divided portion;
- (b) The maintenance and operation of the internal water network is the responsibility of the Owners' Association;
- (c) The developer appoints an Engineer appropriately registered in terms of the provisions of Act 46 of 2000 to design the internal water network and the connection to the external network;
- (d) 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. The construction work be undertaken by a recognized civil construction firm;

**D3 SEWERAGE**

- (a) The development be provided with a single bulk sewer connection and an internal sewer distribution network with connections to each subdivided portion;
- (b) The maintenance and operation of the internal sewerage network is the responsibility of the Owners' Association;
- (c) The developer appoints an Engineer appropriately registered in terms of the provisions of Act 46 of 2000 to design the internal sewer network and the connection to the external network;
- (d) 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. The construction work be undertaken by a recognized civil construction firm;

**D4 STREETS AND STORMWATER**

- (a) The internal road including the intersection with Tuin Street be provided with a permanent surface;
- (b) Stormwater originating from the development be conveyed underground to the nearest suitable municipal collection point;
- (c) The developer appoints an Engineer appropriately registered in terms of the provisions of Act 46 of 2000 to design the internal street and stormwater drainage;
- (d) 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;
- (e) The construction work be undertaken by a recognized civil construction firm;
- (f) The maintenance and operation of the internal road and stormwater network is the responsibility of the Owners' Association;

**D5 CLEANING SERVICES**

- (a) A common refuse area be provided which is properly secured, provided with a water connection and a drainage system which is connected to the sewerage network. The common refuse area be accessible to the service truck from Tuin Street;

**D6 DEVELOPMENT CHARGES**

- (a) The owner/developer is responsible for a development charge of R16 295.50 toward the bulk supply of regional water, at clearance stage. The amount is payable per newly created portion to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA 9/249-176-9210);
- (b) The owner/developer is responsible for the development charge of R10 938.00 towards bulk water reticulation, at clearance stage. The amount is payable per newly created portion to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/249-174-9210);
- (c) The owner/developer is responsible for the development charge of R6 580.30 towards sewage at clearance stage. The amount is payable per newly created portion to Swartland Municipality,

valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/240-184-9210);

- (d) The owner/developer is responsible for the development charge of R14 271.50 towards wastewater treatment at clearance stage. The amount is payable per newly created portion to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/240-184-9210);
- (e) The owner/developer is responsible for the development charge of R 12 926.00 towards roads and storm water, at clearance stage. The amount is payable to Swartland Municipality, valid for the financial year of 2022/2023 and may be revised thereafter (mSCOA: 9/247-144-9210);
- (f) The owner/developer is responsible for the development charge of R4 620.01 towards electricity, at clearance stage. The amount is payable per newly created portion to Swartland Municipality, valid for the financial year of 2023/2024 and may be revised thereafter (mSCOA: 9/253-164-9210);
- (g) The Council resolution of May 2023 makes provision for a 60% rebate on development charges to Swartland Municipality. The discount is valid for the financial year 2023/2024 and may be revised thereafter;

#### **D7 ELECTRICAL ENGINEERING SERVICES**

- (a) Each subdivided portion be provided with a separate electrical connection at the expense of the owner/developer.;
- (b) Should it be necessary to relocate any electrical cables across the relevant subdivided property, it be moved at the expense of the owner / developer.
- (c) Any electrical interconnect be isolated and fully removed;
- (d) The electricity connection be connected to the existing low-voltage network.
- (e) In addition to the above, the developer or owner pays for the electricity connections to subdivided property;
- (f) A low voltage electrical design be submitted to the Director of Electrical Engineering Services for approval before construction may begin;

#### **E. GENERAL**

- (a) Any existing services connecting the remainder and subdivided portion be moved and/or disconnected so that each erf's piping is located on the relevant erf;
- (b) 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;
- (c) 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;
- (d) 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;
- (e) 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;
- (f) 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) There are no physical restrictions on the property that will have a negative impact on the proposed application;
- (b) There are no restrictions registered against the title deed of the property that prohibits the proposed subdivision or land use;

- (c) The proposed application is consistent with and not in contradiction to the Spatial Development Frameworks adopted on Provincial, District and Municipal levels;
- (d) The proposed application will not have a negative impact on the character of the area;
- (e) 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/heritage assets;
- (f) The development proposal supports the optimal utilisation of the property;
- (g) Erf 2226 is situated inside the urban edge of Darling as well as located in an area earmarked for medium density residential land uses, making this application in compliance with the provisions of the MSDP, 2023;
- (h) The development proposal is foreseen to create employment opportunities in the short, as well as the long term;
- (i) The development will make a larger variety of housing typologies available to a broader section of the public, creating greater equity;
- (j) 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);
- (k) Sufficient services capacity exists to accommodate the proposed development.
- (l) The proposal is consistent with the applicable development parameters as contained in the development management scheme.

Yours faithfully



**MUNICIPAL MANAGER**

via Department Development Services

/ds

*Copies : Building Control Officer*

*Department : Infrastructure and Civil Engineering Services*

*Department: Electrical Engineering Services*

*Department : Financial Services*

*J P G Gremels, Unit 9, Unyawo Business Park, c/o Koeberg & Conway Road, Brooklyn, Cape Town,  
7405. gremels@telkomsa.net/zelrhesea@gmail.com*

# PROPOSED SUBDIVISION OF RE/2226



KEY:
Relevant boundary
Subdivision Line

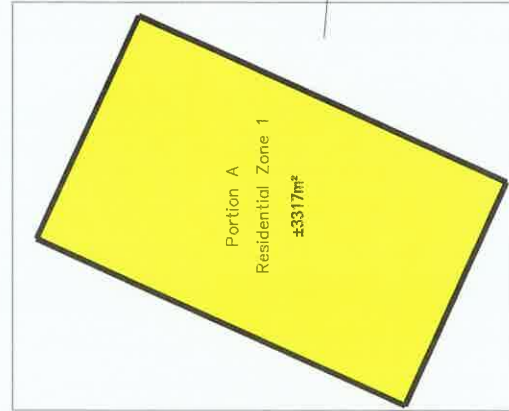
Site Plan for Proposed Subdivision

NOTES:  
Property Zoning: Residential Zone 1  
and Transport Zone 2  
Figure A B C D E F G, represents RE/2226, Darling

TITLE:	SUBDIVISION PLAN RE/2226, DARLING
PHYSICAL ADDRESS:	
NOTE:	ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING
COMPILED BY:	C.K. RUMBOLD & VENOTE TOWN PLANNERS PROFESSIONAL SURVEYORS 16 RAINIER STREET, MALMESBURY Tel: 022 - 482 1845 Fax: 022 - 487 1851 Email: zanele@rumbold.co.za
DATE:	JANUARY 2023
DATE:	JANUARY 2023
REF:	DAR/12796/ZN-GT
AUTHORITY:	SWARTLAND MUNICIPALITY

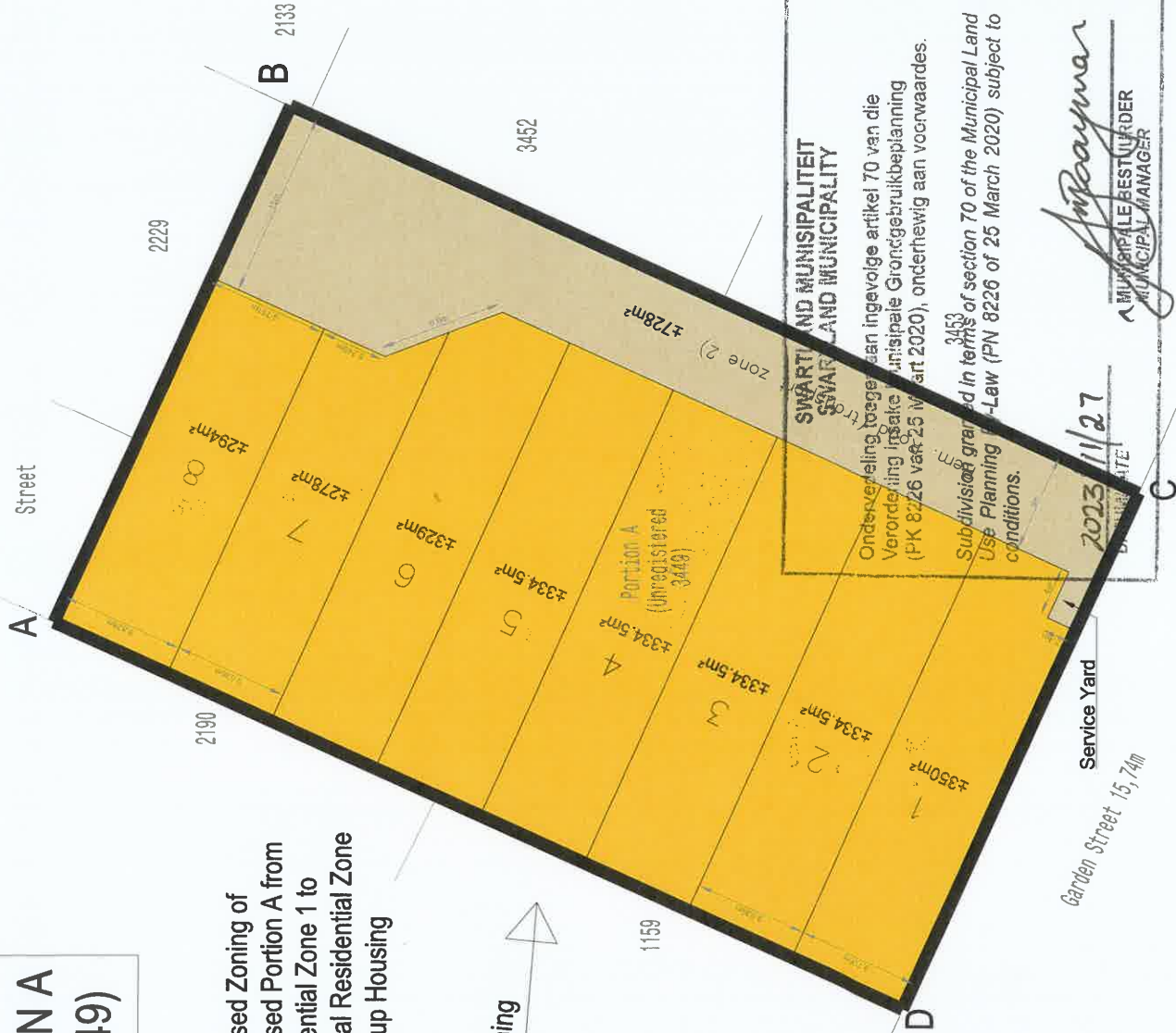


PROPOSED REZONING & SUBDIVISION OF PORTION A (UNREGISTERED ERF 3449)



Proposed Zoning of  
Proposed Portion A from  
Residential Zone 1 to  
General Residential Zone  
1: Group Housing

Rezoning



Land Unit	Proposed Zoning
1	Gen. Res. 1: Group Housing
2	Gen. Res. 1: Group Housing
3	Gen. Res. 1: Group Housing
4	Gen. Res. 1: Group Housing
5	Gen. Res. 1: Group Housing
6	Gen. Res. 1: Group Housing
7	Gen. Res. 1: Group Housing
8	Gen. Res. 1: Group Housing
Rem.	Transport Zone 2

KEY:  
Relevant boundary  
Subdivision Line

Proposed Subdivision for Group House Development

NOTES:

Figure A B C D, represents Portion A (Unregistered Erf 3449), Darling

Total erf size: ±3317m²

Current Zoning: Residential Zone 1

Proposed Zoning: General Residential Zone 1

Application is made for:

The rezoning of Portion A (unregistered Erf 3449) from Residential Zone 1 to Sub-divisional Area with the means of establishing a group housing development of 8 land units and Remainder Street under General Residential 1: Group Housing.

TITLE:

SUBDIVISION PLAN  
Erf 3449, DARLING

PHYSICAL ADDRESS: GARDEN STREET, DARLING

NOTE:

ALL AREAS AND DISTANCES ARE SUBJECTED TO SURVEYING

COMPILED BY:

C.K. RUMBOLD & VENOTE  
TOWN PLANNERS  
PROFESSIONAL SURVEYORS  
16 KANIER STREET, MALMESBURY  
Tel: 022-462 1845  
Fax: 022-462 1851  
Email: zandee@rumbold.co.za

DATE:

JANUARY 2023

AUTHORITY:

SWARTLAND MUNICIPALITY

REF:

DAR/12796ZN-GT



SWARTLAND MUNISIPALITEIT  
SWARTLAND MUNICIPALITY

Ondersteuning totgevoegde aan ingevolge artikel 70 van die  
Verordening insake munisipale Grondgebruikbeplanning  
(PN 8226 van 25 Maart 2020), onderhewig aan voorwaardes.

Subdivision granted in terms of section 70 of the Municipal Land  
Use Planning Law (PN 8226 of 25 March 2020) subject to  
conditions.

2023/11/27

MUNICIPAL BESTUURDER  
MUNICIPAL MANAGER

Service Yard

Garden Street 15,74m