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File ref: 15/3/8-14/Erf\_2706

Enquiries:  
Mr HL Olivier

1 December 2023

C K Rumboll & Partners  
P.O. Box 211  
MALMESBURY  
7299

**Per Registered Post**

Dear Sir/Madam

#### **PROPOSED REGISTRATION OF LIMITED DEVELOPMENT SERVITUDE ON ERF 2706, YZERFONTEIN**

Your application, with reference YZE/10253/AC/EM, dated 1 November 2023, on behalf of De Vallei Wynlandgoed Pty Ltd, regarding the subject refers.

**A** By virtue of the authority delegated to the Senior Manager: Development Management in terms of Council Decision 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 of 25 March 2020), the application for the registration of a limited development servitude 50m wide as proposed in the application is, in terms of Section 70 of the By-Law, refused for the following reasons;

1. The power of attorney is insufficient as the applicant does not indicate that the person who signed the document, may sign on behalf of the owner of the property which is De Vallei Wynlandgoed (Pty) Ltd. No company resolution was provided to this effect.
2. The use of a servitude, as proposed in this application, for the purpose of managing and controlling urban growth is not supported and can be seen as an insult to the existing land use management principles and development control measures enacted by SPLUMA (Spatial Planning and Land Use Management Act, Act 16 of 2013) for the Town and Regional Planning Regime in South Africa.
  - a. Planning principles and tools governing urban expansion including the development management scheme as well as the Municipal Spatial Development Framework is deemed effective in combatting urban sprawl or any undesirable development, the registration of a servitude to this effect is therefore un-warranted.
  - b. As stated in the application, the detail of the proposed servitude will only be established through agreements between the two property owners at a later stage. The applicant therefore failed to indicate to the municipality, the deciding authority, the nature and purpose of the servitude being considered for approval.
  - c. The proposed 50m limited development servitude may have a negative impact on the existing use of the property as an agricultural land unit.
  - d. Given the site specific circumstances the applicable building lines as development control measure are deemed sufficient. Should the owner of the remainder of erf 2706 wish to construct any structure within the 30m building line, the future owner of unregistered erf 3009 will be provided with the opportunity to object to the proposed application for departure.

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**

- e. The same principle applies to the urban edge. The process for the delineation of the urban edge is done with the land use proposals as well as spatial planning principles taken into account with the consideration and approval of the Municipal Spatial Development Framework (MSDF). Public participation is extensively followed with these processes including advertising, publishing as well as community consultation. The owner of erf 2706 as well as the future owners of erf 3009 will effectively be provided with an opportunity to object and or provide input into the amendment / revision of the MSDF in the future.
- f. The applicant does not provide any proof to why the specific area should be protected. There are more effective land use management / planning measures including the urban edge, Municipal Spatial Development Framework, Provincial Spatial Development Framework, Provincial Rural Development guidelines and the applicable development management scheme to regulate the threat or pressure of urban expansion on neighbouring agricultural properties. For example the rezoning of a portion of the property to Open Space Zone 3 (Nature reserve / Conservation usage) to protect possible scenic landscapes, view sheds, the environment or areas identified as critical biodiversity areas or protected areas.

B. You are hereby informed of the right to appeal against the decision of the authorised official 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](mailto: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 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

Yours sincerely

  
^ **MUNICIPAL MANAGER**  
per Department Development Services

HLO/ds

Copies: *De Vallei Wynlandgoed Pty Ltd, 8 Barlinka Street, Sonstraal, Durbanville, 7550*  
[mbuys@absamail.co.za](mailto:mbuys@absamail.co.za)