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Lêer verw/ 15/3/3-11/Erf_2111
15/3/6-11/Erf_2111

Navrae/Enquiries:
Ms D N Stallenberg

28 November 2024

C K Rumboll & Partners
P O Box 211
MALMESBURY
7299

By Registered Mail

Sir/Madam

PROPOSED REZONING, SUBDIVISION AND PHASING OF ERF 2111, RIEBEEK KASTEEL

Your application with reference RK/12156/NG dated 24 June 2022 has reference.

- A. The Municipal Planning Tribunal has resolved at a meeting held on 20 November 2024 to approve the application for the rezoning of erf 2111, Riebeek Kasteel from Agricultural Zone 1 to Subdivisional 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 $\pm 23461\text{m}^2$)
- 4 Open Space zone 2 erven – Private Open Space (Total extent of $\pm 17841\text{m}^2$)
- 2 Business zone 1 erven respectively $\pm 10553\text{m}^2$ (Shopping centre) and $\pm 4351\text{m}^2$ (Offices) in extent,
- 2 Transport zone 2 erven respectively $\pm 1278\text{m}^2$ (Public Road) and $\pm 9879\text{m}^2$ (Private Road) in extent,
- 1 Agricultural zone 1 erf (Total extent of $\pm 9396\text{m}^2$)

- 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 ($3\,500\text{m}^2$ in extent GLA) with a portion public road and private open space;
- Phase 2: Offices ($2\,000\text{m}^2$ 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—

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- (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) All Transport Zone 2 and Open Space Zone 2 portions be transferred to the respective Owner's Associations with the transfer of the first residential property;
- (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 stilting 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
 - Gansogje 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) 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 DEVELOPMENT CHARGES

- (a) Fixed development charges needs 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;
- (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 in no longer required.

Yours faithfully


MUNICIPAL MANAGER

via Department Development Services

/ds

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

The Manager, Eskom, P O Box 222, Brackenfell, 7560, FortuiRo@eskom.co.za

Director: Civil Engineering Services

Director: Financial Services

Building Control Officer

Lone Star Group (Pty) Ltd., 12 Lavender Lane, Hampton Gate, Vierlanden, Western Cape, 7550, walter@lonestargroup.co.za

SUBDIVISION PLAN: ERF 2111, RIEBEEK KASTEEL

LEGEND:

Subject property	
Urban Edge	
River and 10m offset buffer	
Berm	
Phase 1	
Phase 2	

UNITS	SUBDIVISIONAL AREA - ZONING	LAND USE	COLOUR	TOTAL AREA	% OF AREA
72	General Residential Zone 1	Group Housing		±2.3461 ha	30,56 %
4	Open Space Zone 2: Private	Open Space		±1.7841 ha	23,25 %
1	Agricultural Zone 1	Agriculture		±0.9396 ha	12,25 %
2	Business Zone 1	Business		±1.4904 ha	19,41 %
2	Transport Zone 2	Private road		±1.1157 ha	14,53 %
	TOTAL			±7.6763 ha	100 %



SWARTLAND MUNISIPALITEIT
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Ondervinding toegestaan in tevens artikel 70 van die
Verordening in tevens Municipale Grondgebruikbeplanning
(PK 8226 van 25 Maart 2020), onderhewig aan voorwaardes.

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

2024/11/28
DATUM/DATE

MUNISIPALE BESTUURDER
MUNICIPAL MANAGER

SUBDIVISION AND REZONING: ERF 2111, MALMESBURY

1.

Drawing:

SUBDIVISION PLAN and REZONING

ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING

C.K. RUMBOLD & VENNOTE
TOWN PLANNERS
PROFESSIONAL SURVEYORS



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DATE:
SEPTEMBER 2024

AUTHORITY:
SWARTLAND MUNICIPALITY

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