



File ref: 15/3/6-14/Erf_2714
15/3/13-14/Erf_2714

Enquiries:
Mr AJ Burger

19 February 2025

C K Rumboll & Partners
P.O. Box 211
MALMESBURY
7300

Per registered post

Dear Sir/Madam

PROPOSED SUBDIVISION AND EXEMPTION FOR THE REGISTRATION OF A SERVITUDE ON ERF 2714, YZERFONTEIN

Your application, with reference YZE/13501/MH, dated 30 January 2024, on behalf of Jelani Investments 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 82145 of 25 March 2020), the application for subdivision of Erf 2714, Yzerfontein, is refused in terms of Section 70 of the By-Law, for the following reasons:

1. Access to the subdivided portions are not supported by the Department Civil Engineering Services.

The development must be provided with proper access. Industrial premises/business premises with higher volumes of traffic cannot be served with this type of access. The traffic cannot wait in the public street for the "proceed when clear" either. The following can be deemed as an acceptable access:

"...The road can be classified as a class 5a (local Street: Commercial), TRH 26 requires a minimum road reserve width of 10m, given a road of this classification will at times need to cater for refuse removal and sewerage trucks. To this end, a road reserve of 6m will not suffice. In order to maintain adequate spacing between lanes, assuming truck to car, the minimum lane width would need to be 3.0m, resulting in no sidewalks on either side or adequate spacing for services..."

2. According to Section 67(1)(c) "Decision-making period", the Authorised Official must decide on the application within 60 days reckoned from the last day for the submission of additional information.

The last correspondence from your office was received on 16 September 2024. The application was followed up with your office by the municipality on 30 September 2024 and 3 February 2025 with no response to date.

Your office was unsuccessful to provide a workable solution for access to the subdivided portions.

- B. The application for exemption for the registration of a right of way servitude is refused due to the subdivision not supported.

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C. GENERAL

1. The applicant/objectors be 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, 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.

Yours sincerely


MUNICIPAL MANAGER
per Department Development Services
AJB/ds

Copies: *Director: Civil Engineering Services*
 Director: Electrical Engineering Services
 Building Control Officer
 Jelani Investments Pty Ltd, PO Box 268, Florida Hills, Johannesburg, 1709.
 Email: bakari@netdirectcpt.co.za