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Lêer verw/ 15/3/3-15/Farm_997/03
File ref: 15/3/6-15/Farm_997/03

Navrae/Enquiries:
Mnr H L Olivier

11 March 2022

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

By Registered Mail

Sir/Madam

PROPOSED REZONING, SUBDIVISION AND REGISTRATION OF SERVITUDE: PORTION 3 OF FARM AMOSKUIL NO 997, DIVISION MALMESBURY

Your application with reference MAL/6353/AC dated 29 April 2016 as well as the amended application dated 16 April 2021 on behalf of Desert Star Trading (PTY) Ltd, has reference.

- A. By virtue of the authority delegated to the Senior Manager: Built Environment 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 rezoning of portion 3 of the Farm Amoskuil 997, Division Malmesbury from Agricultural Zone 1 to Sub-divisional area is hereby approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) in order to make provision for the following zoning categories;

Agricultural Zone 3 & Transport Zone 2

- B. By virtue of the authority delegated to the Senior Manager: Built Environment 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 subdivision of portion 3 of the Farm Amoskuil No. 997 is hereby approved in terms of Section 70 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020);

The approvals in paragraph A and B above are subject to the following conditions that:

1 TOWN PLANNING AND BUILDING CONTROL

- (a) Portion 3 of the Farm Amoskuil (51,4873ha in extent) be subdivided into 26 portions as presented in the amended application, to accommodate:
- (i) 23 Agricultural Zone 3 erven – with a minimum extent of 2ha.
 - (ii) 3 Transport zone 2 erven – Public road, Private road and Pedestrian walkway

- (b) The owner / developer establish an owners association with a constitution in terms of section 39 of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020;
- (c) The constitution of the owners' association be approved by the Municipality before the transfer of the first land unit and make provision for-
 - (i) the owners' association to formally represent the collective mutual interests of the development, 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) The ownership mentioned in condition 1(c)(v) above should simultaneously take place with the transfer of the first land unit.
 - (vii) enforcement of conditions of approval or management plans;
 - (viii) procedures to obtain the consent from members of the owners' association to transfer an erf in the event that the owners association ceases to function; and
 - (ix) the implementation and enforcement by the owners' association of the provisions of the constitution;
- (d) The constitution of the owners' association may have other objectives as set by the association but may not contain provisions that are in conflict with any law;
- (e) The constitution of the owners' association takes effect on the registration of the first land unit.
- (f) An owners' association may amend its constitution when necessary, but if an amendment affects the Municipality or a condition referred to in 1(d) above, the amendment must also be approved by the Municipality.
- (g) An owners' association that comes into being in terms of condition 1(c) above –
 - (i) has as its members, all the owners of the land units arising from the subdivision and their successors in title, who are jointly liable for expenditure incurred in connection with the association; and
 - (ii) is upon registration of the first land unit automatically established.
- (h) The design guidelines contemplated in condition (1)(c)(iv) may introduce more restrictive development rules than the rules provided for in the development management scheme.
- (i) A public right of way servitude be registered in order to accommodate the newly built public access road on the title deeds of portions 11 – 13 as well as 15, 17 – 20;
- (j) A public right of way servitude be registered on the title deeds of portions 1, 20 and 21 in order to accommodate the existing pedestrian walk way;

2 WATER

- (a) Water services be provided for domestic use only;
- (b) An internal water distribution network be installed for the development in order to provide each of the subdivided portions with its own water connection.
- (c) Sufficient storage capacity be provided on-site through the provision of a purpose built reservoir;
- (d) The internal water distribution network and reservoir be transferred to the relevant Owners Association;
- (e) The developer appoints an Engineer registered in terms of the requirements of Act 46 of 2000 to design the internal water distribution network and reservoir. The design be submitted to the

Director: Civil Engineering Services for approval after which installation be done under the supervision of the Engineer;

- (f) The development be provided with a single metered water connection;
- (g) The position of the metered water connection mentioned in condition 2(f) above be approved by the Director: Civil Engineering Services;
- (h) Provision be made for a services servitude to accommodate the water pipe and connection in favour of Swartland Municipality;
- (i) The developer appoints an Engineer registered in terms of the requirements of Act 46 of 2000 to design the external water distribution network. The design be submitted to the Director: Civil Engineering Services for approval after which installation be done under the supervision of the Engineer;
- (j) The conditions mentioned in 2(a)-(i) above are applicable on subdivision stage;

3 SEWERAGE

- (a) Sewerage services can only be provided for domestic runoff;
- (b) An internal sewer distribution network be installed for the development in order to provide each of the subdivided portions with its own sewer connection.
- (c) The sewer reticulation network for the development be transferred to the relevant Owners Association;
- (d) The developer appoints an Engineer registered in terms of the requirements of Act 46 of 2000 to design the sewer reticulation network. The design be submitted to the Director: Civil Engineering Services for approval after which installation be done under the supervision of the Engineer;
- (e) The development be provided with a single sewer connection;
- (f) The position of the sewer connection mentioned in condition 3(e) above be approved by the Director Civil Engineering services;
- (g) Provision be made for a services servitude to accommodate the sewer pipe and connection in favour of Swartland Municipality;
- (h) The developer appoints an Engineer registered in terms of the requirements of Act 46 of 2000 to design the external sewer connection to the existing sewer network. The design be submitted to the Director: Civil Engineering Services for approval after which installation be done under the supervision of the Engineer;
- (i) The conditions mentioned in 3(a)-(h) above is applicable on subdivision stage;

4 STREETS AND STORMWATER

- (a) An internal road network and storm water system be provided;
- (b) The storm water system be designed as such that the runoff be the same after the development as it was before the development;
- (c) The internal road and storm water network be transferred to the relevant Owners Association; together with the transfer of the first land unit.
- (d) The internal streets and storm water network be designed by an Engineer registered in terms of the requirements of Act 46 of 2000. The design be submitted to the Director: Civil Engineering Services for approval after which the construction be done under the supervision of the Engineer;
- (e) The conditions mentioned in 4(a)-(d) above is applicable on subdivision stage;

5 SOLID WASTE

- (a) It be noted that as the municipality will not render a solid waste removal service to the development;
- (b) The homeowners are therefore required to transport their waste to the Highlands Landfill on their own private initiative and undertaking;
- (c) It be noted that sufficient capacity exists at the Highlands Landfill to receive waste of a general and household nature. Waste accepted at the landfill is subject to the regulations pertaining types of waste allowed on the landfill as well as relevant fees payable;

6 DEVELOPMENT CHARGES

- (a) The fixed cost development charges be calculated according to the Greenfields Development Charge Policy for Malmesbury;
- (b) The applicable charges be recalculated after the designs have been scrutinised;
- (c) A fixed development charge to the amount of R45 467,55 for sewerage distribution be made at clearance stage.
- (d) A fixed development charge to the amount of R231 649,10 for waste water treatment be made at clearance stage;
- (e) A fixed development charge to the amount of R145 501,45 for water distribution be made at clearance stage;
- (f) A fixed development charge to the amount of R250 481,50 for the bulk provision of water be made at clearance stage;
- (g) A fixed development charge to the amount of R151 558,50 for social infrastructure be made at clearance stage;
- (h) No development charge is applicable in terms of streets, storm water or electricity seeing that the proposed development will not have an impact on the municipal roads and storm water infrastructure or the municipal electrical infrastructure network;

7 ESKOM

- (a) Eskom services are affected by your proposed works and the following must be noted;
 - (i) Underground services indicated are only approximate and the onus is on the applicant to verify its location;
 - (ii) The successful contractor apply for the necessary agreement forms and additional cable information not indicated on included drawing, in order to start construction;
 - (iii) Application for Working Permit be made to, Customer Network Centre Malmesbury
 - (iv) Eskom Wayleave as-built drawings and all documentation be included, when applying for Working Permit;
 - (v) Should it be necessary to move, relocate or support any existing services for possible future needs, it will be at the developer's cost. Application for relocating services must be made to Customer Services on 08600 37566 or customerservices@eskom.co.za;
- (b) The following conditions pertaining to Underground Services be adhered to at all times;
 - (i) Works be carried out as indicated on plans;
 - (ii) No mechanical plant to be used within 3.0m of Eskom underground cables;
 - (iii) All services to be verified on site;
 - (iv) Cross trenches to be dug by hand to locate all underground services before construction work commences;
 - (v) Should Eskom underground services not be located or is grossly misplaced from where the wayleave plan indicates, then all work is to be stopped and the Land Development Office to be contacted on 021 980 3551, to arrange the capturing of such service;
 - (vi) In cases where proposed services run parallel with existing underground power cables the greatest separation as possible be maintained with a minimum of 1000mm.
 - (vii) Where proposed services cross underground power cables the separation should be a minimum of 300mm with protection between services and power cables. (Preferably a concrete slab);
 - (viii) No manholes; catch- pits or any structure be built on top of existing underground services;

- (ix) Only walk-behind (2 ton Bomac type) compactors be used when compacting on top of and 1metre either side of underground cables;
- (x) If underground services cannot be located then the Customer Network Centre (CNC) should be consulted before commencement of any work;
- (xi) No work can take place within the servitude of a 66kV Cable or 13kV Cable if indicated;
- (xii) If any work is proposed to be undertaken within the proximity of our 66kV or 132kV Cables please contact the Land Development Office;
- (c) The following building and tree restriction on either side of a centre line of overhead power lines be observed:

Voltage	Building restriction on either side of the centre line
11kV & 22kV	9m
66kV & 22kV	11m
132kV	15,5m

- (d) No construction work be executed closer than 6m from any Eskom structure or structure supporting mechanism;
- (e) No work or machinery is permitted nearer than the following distances from conductors:

Voltage	No closer than:
11kV & 22kV	3m
66kV & 22kV	3,2m
132kV	3,8m

- (f) The natural ground level be maintained within the Eskom reserve areas and servitudes;
- (g) The minimum ground clearance of the overhead power line be maintained to the following clearance distance:

Voltage	Safety clearance above road
11kV & 22kV	6,3m
66kV & 22kV	6,9m
132kV	7,5m

- (h) Existing Eskom power lines and infrastructure be acknowledged as established infrastructure on the properties and any rerouting or relocation be for the cost of the applicant/developer;
- (i) A 10m obstruction free zone to be maintained around all pylons;

8 DEPARTMENT OF WATER AND SANITATION

- (a) No abstraction or any use of surface or groundwater be done without the prior authorisation from the Department of Water and Sanitation, unless it is a schedule 1 use or an existing lawful use.
- (b) All requirements of the National Water Act, 1998 (Act 36 of 1998) regarding water use and pollution management be adhered to at all times;
- (c) The owner developer ensure that no pollution of surface or ground water resources occur due to activities on the property;

9 SANRAL

- (a) With the exception of existing structures, no structure or anything whatsoever be erected, constructed, or established within a distance of 20meters measured from the national road reserve boundary, without the written approval of SANRAL;
- (b) Unless SANRAL granted written approval to the contrary, the land only be used for bona fide farming activities;
- (c) In the event of any of this land being consolidated with any other land, the title of consolidated land be subject to the above mentioned condition;
- (d) The owner / developer, at his / her own cost and in accordance with the provisions of Section 49(5)(a) and (b) of the Act, insert the foregoing conditions in the title deeds in respect of the properties adjacent to the national road.

- (e) The owner / developer provide SANRAL with proof that the aforementioned insertions have been done on the Title Deeds of the relevant properties;
- (f) No direct access to or egress form the national road be permitted;

C It is hereby confirmed that the registration of a private right of way servitude in favour of Portion 1 of the Farm Amoskuil no 997 over proposed Portion 11, is consistent with Section 34(1)(g)(v) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) and is therefore exempt from the provisions of the By-Law.

10 GENERAL

- (a) The approval is, in terms of section 76(2)(w) of the By-Law, only valid for a period of 5 years. All conditions of approval be complied with within the 5 year period and failing to do so will result in the approval expiring;
- (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.
- (c) 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;

Yours faithfully



MUNICIPAL MANAGER
via Department Development Services

/ds

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

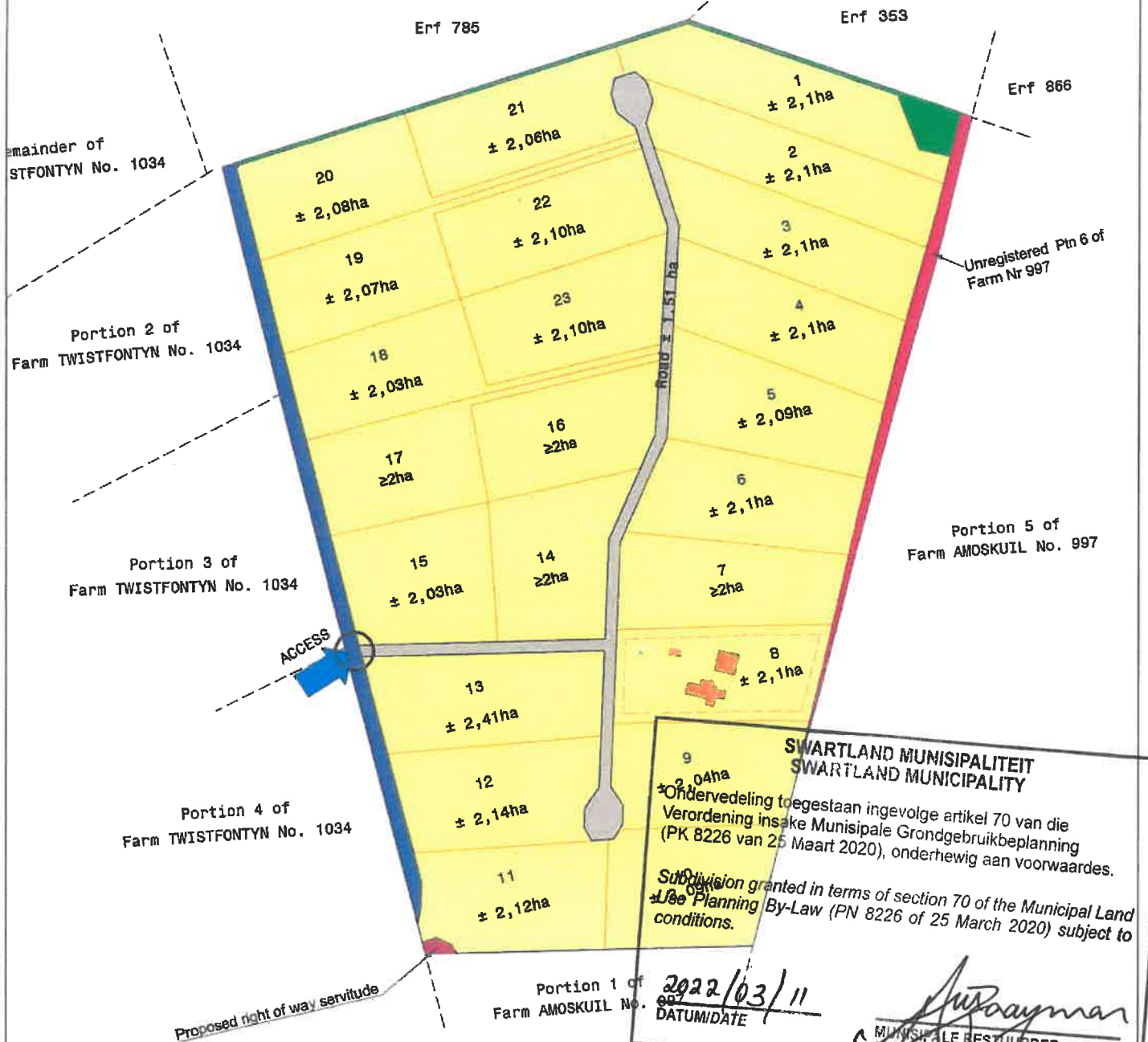
Director: Civil Engineering Services

Director: Financial Services

Building Control Officer

Desert Star Trading 281 PTY LTD, PO Box 4227, DURBANVILLE, 7530

SUBDIVISION PLAN: PORTION 3 OF FARM AMOSKUIL NO. 997, DIVISION MALMESBURY



BEFORE SUBDIVISION		
PROPERTY DESCRIPTION	ZONING	EXTENT (ha)
Farm Amoskuil No. 997	Agricultural Zone 1	
AFTER SUBDIVISION		
PORTION	ZONING	EXTENT
1	Agricultural Zone 3	±2.1 hectares
2	Agricultural Zone 3	±2.1 hectares
3	Agricultural Zone 3	±2.1 hectares
4	Agricultural Zone 3	±2.1 hectares
5	Agricultural Zone 3	±2.08 hectares
6	Agricultural Zone 3	±2.1 hectares
7	Agricultural Zone 3	2 hectares
8	Agricultural Zone 3	±2.1 hectares
9	Agricultural Zone 3	±2.04 hectares
10	Agricultural Zone 3	±2.09 hectares
11	Agricultural Zone 3	±2.12 hectares
12	Agricultural Zone 3	±2.14 hectares
13	Agricultural Zone 3	±2.41 hectares
14	Agricultural Zone 3	2 hectares
15	Agricultural Zone 3	±2.03 hectares
16	Agricultural Zone 3	2 hectares
17	Agricultural Zone 3	2 hectares
18	Agricultural Zone 3	±2.03 hectares

19	Agricultural Zone 3	±2.07 hectares
20	Agricultural Zone 3	±2.08 hectares
21	Agricultural Zone 3	±2.08 hectares
22	Agricultural Zone 3	±2.1 hectares
23	Agricultural Zone 3	±2.1 hectares
24	Transport Zone 2	±0.5 hectares

- LEGEND:**
- Proposed small building
 - Existing buildings
 - Building lines
 - Subdivision
 - Public right of way servitude
 - Public right of way servitude
 - Portion 24
 - Private right of way servitude

Vrygestel ingevolge artikel 34 van die Verordening in die Munisipale Grondgebruikbeplanning (PK 8226 van 25 Maart 2020).

Exempted in terms of section 34 of the Municipal Land Use Planning By-Law (PN 8226 of 25 March 2020).

2022/03/11
DATE

MUNISIPALE BESTUURDER
MUNICIPAL MANAGER

DRAWING BY:

NOTE:

ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING

COMPILED BY:

C.K. RUMBOLD & VENNOTE
TOWN PLANNERS
PROFESSIONAL SURVEYORS
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DATE:
APRIL 2021

AUTHORITY:
Swartland Municipality

REP:
MALR353/AC

