File ref: 15/3/3-3/Erf_4401
15/3/6-3/Erf_4401
15/3/10-3/Erf_4401

Enquiries:
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26 October 2026

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Sir/ Madam

AMENDMENT OF THE CONSTITUTION OF THE DARLING GREEN ESTATE MASTER OWNERS ASSOCIATION : ERF 4401, DARLING

Your application dated 27 July 2026, 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 amendment of clauses 4.9.5 and 29 of the constitution of the Darling Green Estate Owners Association, is approved in terms of Section 39 of the By-Law as follows:

1. *Clause 4.9.5*

   A capital transfer levy equal to 1% (one percent) of the gross selling price of the property (excluding VAT, if applicable) shall be payable by the seller to the Association prior to the date of registration of transfer. Proof of such payment, or a satisfactory undertaking for payment thereof, must be submitted to the Association prior to the issuing of the clearance certificate contemplated in clause 4.9.2.

   The obligation to pay this levy shall not apply to:
   - *first transfers from the developer to a purchaser;*
   - *transfers resulting from inheritance or deceased estates;*
   - *transfers between spouses or life partners;*
   - *transfers arising from divorce settlements or court orders.*

   Applicable supporting documentation shall be required for all exemptions.

2. *Clause 29*

   A quorum for meetings of the Trustee Committee shall be at least 51% of the total number of serving trustees present in person.

Reasons for approval:

1. The introduction of a capital transfer levy, payable on the resale of properties within the Estate, will strengthen the Association's financial sustainability and provide funding for long term capital projects and reserves.
2. An amendment to the quorum requirements for Trustee Committee meetings, reducing the requirement from all serving Trustees to a simple majority (51%) of the serving Trustees, thereby improving the practical administration of the Association while maintaining sound governance.

B. 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 amendment of clause 17.2 of the constitution of the Darling Green Estate Owners Association, is refused in terms of Section 39 of the By-Law.

Reason for refusal:

1. A quorum of 10% of the voting rights of members are not seen as a transparent process and is deemed not in the best interest of the members.

Yours sincerely

MUNICIPAL MANAGER
per Department Development Services
AJB/ds